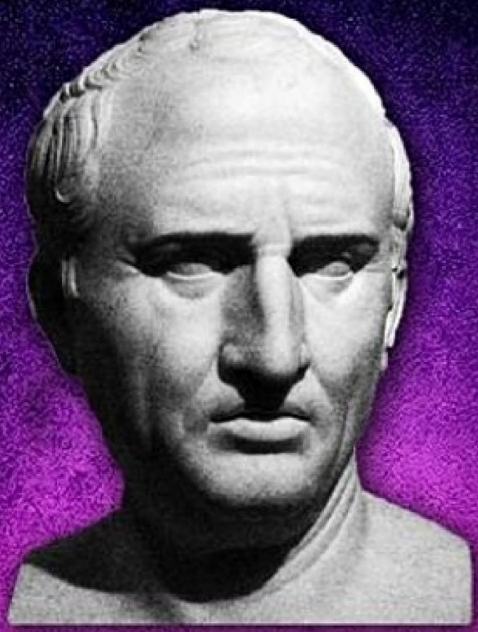

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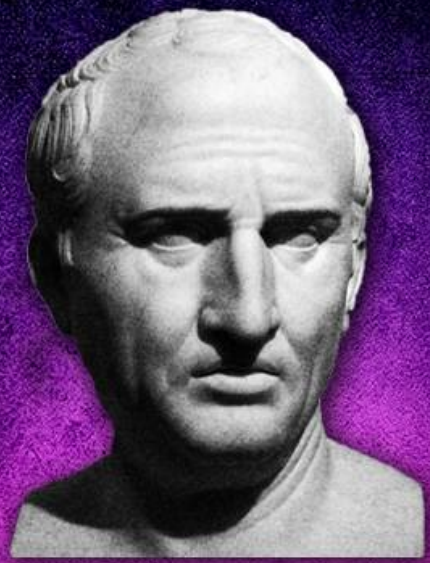

Cicero

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CICERO

(106 BC–43 BC)

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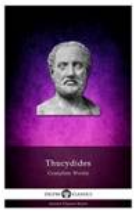

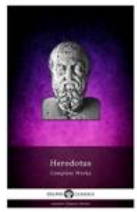

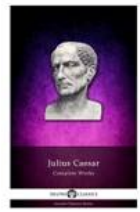

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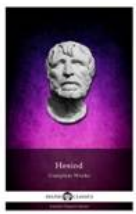

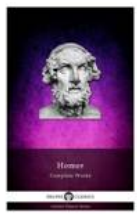

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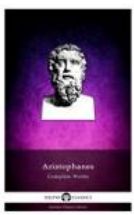

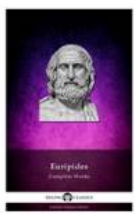

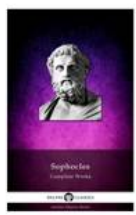

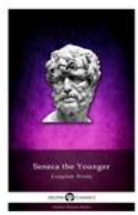

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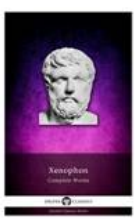

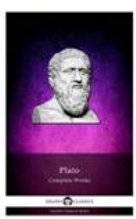

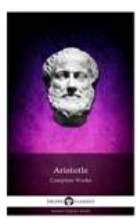

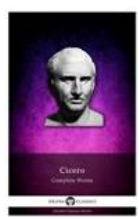

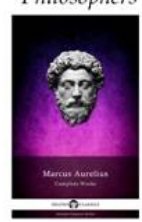

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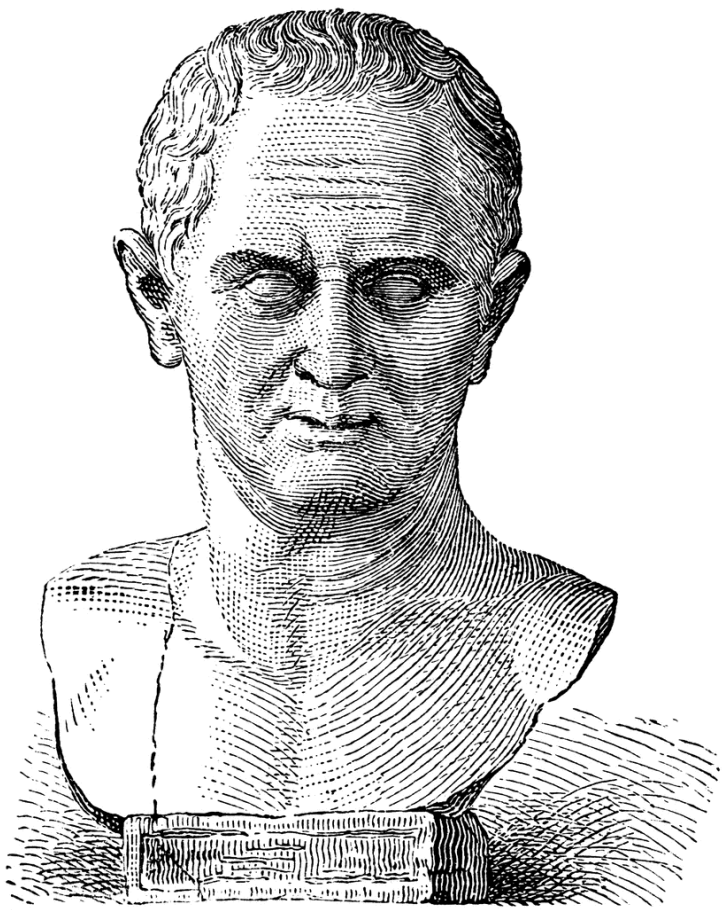

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Orations

Cicero was born in Arpinum, a hill town 60 miles southeast of Rome in 106 BC. His father was a well-to-do member of the equestrian order and had good connections in Rome.

PRO QUINCTIO (On Behalf of Publius Quinctius)

Translated by C. D. Yonge

Composed in 81 BC, the *Pro Quinctio* is one of Cicero's very first orations, which he delivered when he was twenty-five years, on behalf of Publius Quintius. The speech concerns Caius Quintius and Sextus Naevius, one of the public criers, who had been partners, co-owning their chief business in Gallia Narbonensis. When Caius died and left his brother Publius his heir, disputes arose between this relative and Naevius, concerning the division of the property of the partnership.

'The Young Cicero Reading' by Vincenzo Foppa, 1464

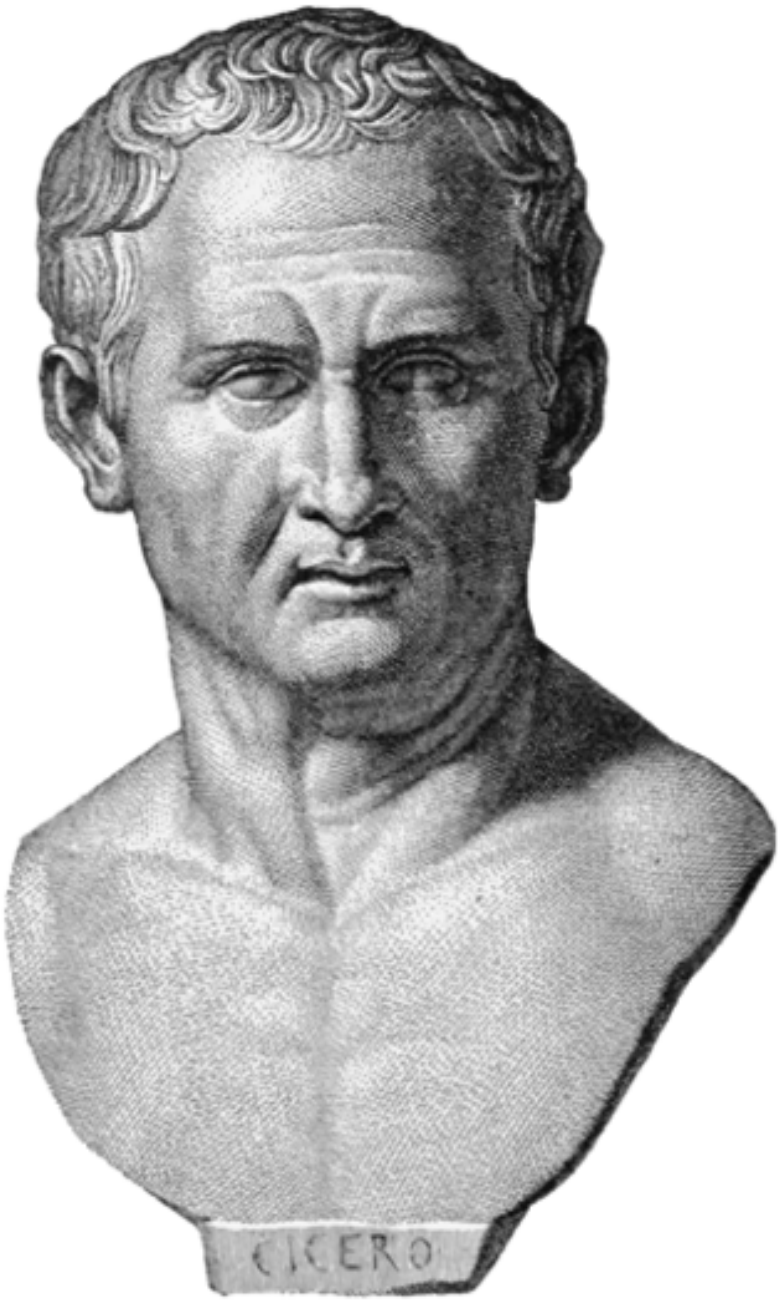
CICERO

Victorian etching of a bust of Cicero

The speech of M. T. Cicero as the advocate of P. Quinctius.

The Argument

Caius Quinctius and Sextus Naevius, one of the public criers, had been partners, having their chief business in Gallia Narbonensis — Caius died, and left his brother Publius his heir, between whom and Naevius there arose disputes concerning the division of the property of the partnership. Caius had left some debts, and Publius proposed to sell some lands which his brother had acquired as private property near Narbonne, for the purpose of liquidating them. Naevius interposed difficulties in the way of his doing so, and by various artifices tried to make it appear that Quinctius had forfeited his recognizances; which would have given a different complexion to the whole case, as to forfeit one's recognizances was a crime liable to the punishment of infamia at Rome. Cicero undertook the defence of Quinctius at the request of Roscius the actor — Naevius's cause was conducted by Hortensius, the greatest advocate at Rome. It is doubtful whether this really was the first cause in which Cicero was engaged, as many think that he himself speaks in this oration of having been concerned in other trials previously, and that the speech for Sextus Roscius was his first. Quinctius gained the verdict.

1. The two things which have the greatest influence in a state, — namely, the greatest interest, and eloquence, are both making against us at the present moment; and while I am awed by the one, O Caius Aquillius, I am in fear of the other: — I am somewhat awed, apprehending that the eloquence of Quinctius Hortensius may embarrass me in speaking; but I am in no slight fear lest the interest of Sextus Naevius may injure Publius Quinctius. [2] And yet it would not seem so disastrous for us that these things should exist in the highest degree in the other party, if they existed also to a moderate extent in us; but the fact is, that I, who have neither sufficient experience nor much ability, am brought into comparison with a most eloquent advocate; and that Publius Quinctius, who has but

small influence, no riches, and few friends, is contending with a most influential adversary. [3] And, moreover, we have this additional disadvantage, that Marcus Junius, who has several times pleaded this cause before you, O Aquillius, a man practised in the conduct of other causes also, and much and frequently concerned in this particular one, is at this moment absent, being engaged on his new commission; and so they have had recourse to me, who, even if I had all other requisite qualifications in ever so high a degree, have certainly scarcely had time enough to be able to understand so important a business, having so many points of dispute involved in it [4] so that also, which has been used to be an assistance to me in other causes, is wanting to me in this one; for in proportion to my want of ability, have I endeavoured to make amends for that want by industry, and unless time and space be given to one, it cannot be seen how great his industry is. But the greater our disadvantages, O Caius Aquillius, are, with so much the more favourable a disposition ought you, and those who are your colleagues in this trial, to listen to our words, that the truth, though weakened by many disadvantages, may be at last reestablished by the equity of such men as you. [5] But if you, being the judge, shall appear to be no protection to a desolate and helpless condition against power and influence; if before this tribunal the cause is found to depend on interest, not on truth; then indeed there is nothing any longer holy and uncontaminated in the state — no hope that the firmness and virtue of the judge may counterbalance the lowly condition of any one. But undoubtedly before you and your colleagues truth will prevail, or else, if it be driven from this place by power and influence, it will not be able to find any place where it can stand. 2.

I do not say this, O Caius Aquillius, because I have any doubt of your own good faith and constancy, or because Publius Quinctius ought not to have the greatest hopes from those whom you have called in as your assessors, being, as they are, among the most eminent men in the state. [6] What then? In the first place, the magnitude of the danger causes a man the greatest fear, because he is staking all his fortunes on one trial; and while he is thinking of this, the recollection of your power does not occur to his mind less frequently than that of your justice; because all men whose lives are

in another's hand more frequently think of what he, in whose power and under whose dominion they are, can do, than of what he ought to do, — [7] Secondly, Publius Quinctius has for his adversary, in name indeed, Sextus Naevius, but in reality, the most eloquent, the most gallant, the most accomplished men of our state, who are defending Sextus Naevius with one common zeal, and with all their power: if, indeed, defending means so to comply with the desire of another, that he may the more easily be able to overwhelm whomsoever he chooses by an unjust trial; [8] for what, O Caius Aquillius, can be mentioned or spoken of more unjust or more unworthy than this, that I who am defending the liberties, the fame, and fortunes of another should be compelled to open the cause, especially when Quintus Hortensius, who in this trial fills the part of the accuser, is to speak against me; a man to whom nature has given the greatest possible fluency and energy in speaking? Matters are so managed, that I, who ought rather to ward off the darts of our adversary and to heal the wounds he has inflicted, am compelled to do so now, even when the adversary has cast no dart; and that that time is given to them to attack us when the power of avoiding their attacks is to be taken from us; and if in any particular they should (as they are well prepared to do) cast any false accusation like a poisoned arrow at us, there will be no opportunity for applying a remedy. [9] That has happened through the injustice and wrong-doing of the praetor; first, because, contrary to universal custom, he has chosen that the trial as to honour or infamy should take place before the one concerning the fact; secondly, because he has so arranged this very trial, that the defendant is compelled to plead his cause before he has heard a word of the accuser's; and this has been done because of the influence and power of those men who indulge the violence and covetousness of Sextus Naevius as eagerly as if their own property or honour were at stake, and who make experiment of their influence in such matters as this, in which the more weight they have through their virtue and nobility, the less they ought to make a parade of what influence they have. [10] Since Publius Quinctius, involved in and overwhelmed by such numerous and great difficulties, has taken refuge, O Caius Aquillius, in your good faith, in your truth, in your compassion; when, up to this time , owing to the might of his adversaries, no

equal law could be found for him, no equal liberty of pleading, no just magistrate, when, through the greatest injustice, everything was unfavourable and hostile to him; he now prays and entreats you, O Caius Aquillius, and all of you who are present as assessors, to allow justice, which has been tossed about and agitated by many injuries, at length to find rest and a firm footing in this place. 3. [11]

And that you may the more easily do this, I will endeavour to make you understand how this matter has been managed and carried out. Caius Quinctius was the brother of this Publius Quinctius; in other respects a sufficiently prudent and attentive head of a family, but in one matter a little less wise, inasmuch as he formed a partnership with Sextus Naevius, a respectable man, but one who had not been brought up so as to be acquainted with the rights of partnership, or with the duties of a head of an established family. Not that he was wanting in abilities; for Sextus Naevius as a buffoon was never considered without wit, nor as a crier was he reckoned unmannerly. What followed? As nature had given him nothing better than a voice, and his father had left him nothing besides his freedom, he made gain of his voice, and used his freedom for the object of being loquacious with impunity. [12] So there was no reason in the world for your taking him as a partner, except that he might learn with your money what a harvest money can produce. Nevertheless, induced by acquaintance and intimacy with the man, Quinctius, as I have said, entered into a partnership with him as to those articles which were procured in Gaul. He had considerable property in cattle, and a well-cultivated and productive farm. Naevius is carried off from the halls of Licinius, and from the gang of criers, into Gaul and across the Alps; there is a great change in his situation, none in his disposition; for he who from his boyhood had been proposing to himself gain without any outlay, as soon as he spent anything himself and brought it to the common stock, could not be content with a moderate profit. [13] Nor is it any wonder if he, who had his voice for sale, thought that those things which he had acquired by his voice would be a great profit to him; so that without much moderation, he carried off whatever he could from the common stock to his private house for himself. And in this he was as industrious as if all who behaved in a partnership with exact good faith, were usually

condemned in a trial before an arbitrator. But concerning these matters I do not consider it necessary to say what Publius Quinctius wishes me to mention; although the cause calls for it: yet as it only calls for it, and does not absolutely require it, I will pass it over. 4. [14]

When this partnership had now subsisted many years, and when Naevius had often been suspected by Quinctius, and was not able conveniently to give an account of the transactions which he had carried on according to his caprice, and not on any system, Quinctius dies in Gaul, when Naevius was there too, and dies suddenly. By his will he left this Publius Quinctius his heir, in order that, as great grief would come to him by his death, great honour should also accrue to him. [15] When he was dead, Publius Quinctius soon after goes into Gaul. There he lives on terms of intimacy with that fellow Naevius. There they are together nearly a year, during which they had many communications with one another about their partnership, and about the whole of their accounts and their estate in Gaul; nor during that time did Naevius utter one single word about either the partnership owing him anything, or about Quinctius having owed him anything on his private account. As there was some little debt left behind, the payment of which was to be provided for at Rome, this Publius Quinctius issues notices that he shall put up to auction in Gaul, at Narbonne, those things which were his own private property. [16] On this, this excellent man, Sextus Naevius, dissuades the man by many speeches from putting the things up to auction, saying that he would not be able at that time to sell so conveniently what he had advertised. That he had a sum of money at Rome, which if Quinctius were wise he would consider their common property, from their brotherly intimacy, and also from his relationship with himself; for Naevius has married the cousin of Publius Quinctius, and has children by her. Because Naevius was saying just what a good man ought, Quinctius believed that he who imitated the language of good men, would imitate also their actions. He gives up the idea of having an auction; he goes to Rome; at the same time Naevius also leaves Gaul for Rome. [17] As Caius Quinctius had owed money to Publius Scapula, Publius Quinctius referred it to you, O Caius Aquillius, to decide what he should pay his children. He preferred submitting to your decision in this matter, because, on account of the difference in

the exchange, it was not sufficient to look in his books and see how much was owed, unless he had inquired at the temple of Castor how much was to be paid in Roman money. You decide and determine, on account of the friendship existing between you and the family of the Scapulae, what was to be paid to them to a penny. 5. [18]

All these things Quinctius did by the advice and at the instigation of Naevius: nor is there anything strange in his adopting the advice of the man whose assistance he thought at his service. For not only had he promised it in Gaul, but every day he kept on saying at Rome that he would pay the money as soon as he gave him a hint to do so. Quinctius moreover saw that he was able to do so. He knew that he ought; he did not think that he was telling lies, because there was no reason why he should tell lies. He arranged, therefore, that he would pay the Scapulae as if he had the money at home. He gives Naevius notice of it, and asks him to provide for the payment as he had said he would. [19] Then that worthy man — I hope he will not think I am laughing at him if I call him again a most worthy man — as he thought that he was brought into a great strait, hoping to pin him down to his own terms at the very nick of time, says that he will not pay a penny, unless a decision is first come to about all the affairs and accounts of the partnership, and unless he knew that there would be no dispute between him and Quinctius. We will look into these matters at a future time, says Quinctius, but at present I wish you to provide, if you please, what you said you would. He says that he will not do so on any other condition; and that what he had promised no more concerned him, than it would if when he was holding a sale by auction, he had made any bidding at the command of the owner. [20] Quinctius being perplexed at this desertion, obtains a few days' delay from the Scapulae; he sends into Gaul to have those things sold which he had advertised; being absent, he sells them at a less favourable time than before; he pays the Scapulae with more disadvantage to himself than he would have done. Then of his own accord he calls Naevius to account, in order, since he suspected that there would be a dispute about something, to provide for the termination of the business as soon as possible, and with the smallest possible trouble. [21] He appoints as his umpire his friend Marcus Trebellius; we name a common friend, a relation of our own, Sextus

Alphenus, who had been brought up in his house, and with whom he was exceedingly intimate. No agreement could be come to; because the one was willing to put up with a slight loss, but the other was not content with a moderate booty. [22] So from that time the matter was referred to legal decision. After many delays, and when much time had been wasted in that business, and nothing had been done, Naevius appeared before the judge. 6.

I beseech you, O Caius Aquillius, and you the assessors in this suit, to observe carefully, in order that you may be able to understand the singular nature of this fraud, and the new method of trickery employed. [23] He says that he had had a sale by auction in Gaul; that he had sold what he thought fit; that he had taken care that the partnership should owe him nothing; that he would have no more to do with summoning any one, or with giving security; if Quinctius had any business to transact with him, he had no objection. He, as he was desirous to revisit his farm in Gaul, does not summon the man at present; so he departs without giving security. After that, Quinctius remains at Rome about thirty days. He gets any securities which he had given other people respited, so as to be able to go without hindrance into Gaul. [24] He goes; he leaves Rome on the twenty-ninth of January, in the Consulship of Scipio and Norbanus; — I beg of you to remember the day. Lucius Albius the son of Sextus of the Quirine tribe, a good man and of the highest reputation for honour, set out with him. When they had come to the place called the fords of Volaterra, they see a great friend of Naevius, who was bringing him some slaves from Gaul to be sold, Lucius Publicius by name, who when he arrived in Rome told Naevius in what place he had seen Quinctius; and unless this had been told Naevius by Publicius, the matter would not so soon have come to trial. [25] Then Naevius sends his slaves round to his friends; he summons himself all his associates from the halls of Licinius and from the jaws of the shambles, and entreats them to come to the booth of Sextus by the second hour of the next day. They come in crowds; he makes oath that Publius Quinctius has not appeared to his bail, and that he has appeared to his. A long protest to this effect is sealed with the seals of noble men. They depart: Naevius demands of Burrienus the praetor, that by his edict he may take possession of Quinctius's goods. He urged the

confiscation of the property of that man with whom he had had intimacy, with whom he actually was in partnership, between whom and himself there was a relationship, which while his children lived could not possibly be annulled. [26] From which act it could easily be perceived that there is no bond so holy and solemn, that avarice is not in the habit of weakening and violating it. In truth, if friendship is kept up by truth, society by good faith, relationship by affection, it is inevitable that he who has endeavoured to despoil his friend, his partner, and his relation of fame and fortune, should confess himself worthless and perfidious and impious. [27] Sextus Alphenus, the agent of Publius Quinctius, the intimate friend and relation of Sextus Naevius, tears down the bills; carries off one little slave whom Naevius had laid hold of; gives notice that he is the agent, and that it is only fair that that fellow should consult the fame and fortunes of Publius Quinctius, and await his arrival. But if he would not do so, and believed that by such methods he could bring him into the conditions which he proposed, then he asked nothing as a favour, and if Naevius chose to go to law, he would defend him at the trial. [28] While this is being done at Rome, meantime Quinctius, contrary to law and to custom, and to the edicts of the praetors, is driven by force by the slaves which belonged to both him and Naevius, as partners, from their common lands and estates. 7.

Think, O Caius Aquillius, that Naevius did everything at Rome with moderation and good sense, if this which was done in Gaul in obedience to his letters was done rightly and legally. Quinctius being expelled and turned out of his farm, having received a most notorious injury, flies to Caius Flaccus the general, who was at that time in the province; whom I name to do him honour as his dignity demands. How strongly he was of opinion that that action called for punishment you will be able to learn from his decrees. [29] Meantime Alphenus was fighting every day at Rome with that old gladiator. He had the people indeed on his side, because that fellow never ceased to aim at the head. Naevius demanded that the agent should give security for payment on judgment being given. Alphenus says that it is not reasonable for an agent to give security, because the defendant would not be bound to give security if he were present himself. The tribunes are appealed to, and as a positive decision was demanded

from them, the matter is terminated on the footing of Sextus Alphenus undertaking that Publius Quinctius should answer to his bail by the thirteenth of September. 8.

[30] Quinctius comes to Rome; he answers to his bail. That fellow, that most energetic man, the seizer of other men's goods, that invader, that robber, for a year and a half asks for nothing, keeps quiet, amuses Quinctius by proposals as long as he can, and at last demands of Cnaeus Dolabella, the praetor, that Quinctius should give security for payment on judgment being given, according to the formula, "Because he demands it of him whose goods he has taken possession of for thirty days, according to the edict of the praetor." Quinctius made no objection to his ordering him to give security, if his goods had been possessed, in accordance with the praetor's edict. He makes the order; how just a one I do not say — this alone I do say, it was unprecedented: and I would rather not have said even this, since any one could have understood both its characters. He orders Publius Quinctius to give security to Sextus Naevius, to try the point whether his goods had been taken possession of for thirty days, in accordance with the edict of the praetor. The friends who were then with Quinctius objected to this: they showed that a decision ought to be come to as to the fact, so that either each should give security to the other, or else that neither should; that there was no necessity for the character of either being involved in the trial. [31] Moreover, Quinctius himself cried out that he was unwilling to give security, lest by so doing he should seem to admit that his goods had been taken possession of in accordance with the edict: besides, if he gave a bond in that manner, he should be forced (as has now happened) to speak first in a trial affecting himself capitally. Dolabella (as high-born men are wont to do, who, whether they have begun to act rightly or wrongly, carry either conduct to such a height that no one born in our rank of life can overtake them) perseveres most bravely in committing injustice: he bids him either give security or give a bond; and meantime he orders our advocates, who objected to this, to be removed with great roughness. 9. [32]

Quinctius departs much embarrassed; and no wonder, when so miserable a choice was offered him, and one so unjust, that he must either himself convict himself of a capital offence if he gave security,

or open the cause himself in a capital trial if he gave a bond. As in the one case there was no reason why he should pass an unfavourable sentence on himself (for sentence passed by oneself is the hardest sentence of all), but in the other case there was hope of coming before such a man as a judge, as would show him the more favour the more without interest he was, he preferred to give a bond. He did so. He had you, O Caius Aquillius, for the judge; he pleaded according to his bond; in what I have now mid consists the sum and the whole of the present trial.

[33] You see, O Caius Aquillius, that it is a trial touching not the property of Publius Quinctius, but his fame and fortunes. Though our ancestors have determined that he who is pleading for his life should speak last, you see that we, owing to this unprecedented accusation of the prosecutor's, are pleading our cause first. Moreover, you see that those who are more accustomed to defend people are today acting as accusers; and that those talents are turned to do people injury, which have hitherto been employed in ministering to men's safety, and in assisting them. There remained but one thing more, which they put in execution yesterday, — namely, to proceed against you for the purpose of compelling you to limit the time allowed us for making our defence; and this they would easily have obtained from the praetor if you had not taught him what your rights and duties and business were. [34] Nor was there any longer any assistant left to us but yourself by whose means we could obtain our rights against them. Nor was it even enough for them to obtain that which might be justified to everybody; so trifling and insignificant a thing do they think power to be which is not exercised with injustice. 10.

But since Hortensius urges you to come to a decision, and requires of use that I should not waste time in speaking, and complains that when the former advocate was defending this action it never could be brought to a conclusion, I will not allow that suspicion to continue to exist, that we are unwilling for the matter to be decided, nor will I arrogate to myself a power of proving the case better than it has been proved before; nor yet will I make a long speech, because the cause has already been explained by him who has spoken before, and brevity, which is exceedingly agreeable to me, is required of me, who am neither able to devise nor to utter

many arguments. [35] I will do what I have often observed you do, O Hortensius; I will distribute my argument on the entire cause into certain divisions. You always do so, because you are always able. I will do so in this cause, because in this cause I think I can. That power which nature gives you of being always able to do so, this cause gives me, so that I am able to do so today. I will appoint myself certain bounds and limits, out of which I cannot stray if I ever so much wish; so that both I may have a subject on which I may speak, and Hortensius may have allegations which he may answer, and you, O Caius Aquillius, may be able to perceive beforehand what topics you are going to hear discussed. We say, O Sextus Naevius, that you did not take possession of the goods of Publius Quinctius in accordance with the edict of the praetor. [36] On that point the security was given. I will show first, that there was no cause why you should require of the praetor power to take possession of the goods of Publius Quinctius; in the second place, that you could not have taken possession of them according to the edict; lastly, that you did not take possession of them. I entreat you, O Caius Aquillius, and you too the assessors, to preserve carefully in your recollections what I have undertaken. You will more easily comprehend the whole business if you recollect this; and you will easily recall me by the expression of your opinion if I attempt to overstep those barriers to which I have confined myself. I say that there was no reason why he should make the demand; I say that he could not have taken possession according to the edict; I say that he did not take possession. When I have proved thee three things, I will sum up the whole. 11. [37]

There was no reason why you should make the demand, How can this be proved? Because Quinctius owed nothing whatever to Sextus Naevius, neither on account of the partnership, nor from any private debt. Who is a witness of this? Why, the same man who is our most bitter enemy. In this matter I will cite you — you, I say, O Naevius, as our witness Quinctius was with you in Gaul a year, and more than that, after the death of Caius Quinctius. Prove that you ever demanded of him this vast sum of money, I know not how much; prove that you ever mentioned it, ever said it was owing, and I will admit that he owed it. [38] Caius Quinctius dies; who, as you say,

owed you a large sum for some particular articles. His heir, Publius Quinctius, comes into Gaul to you, to your joint estate — comes to that place where not only the property was, but also all the accounts and all the books. Who would have been so careless in his private affairs, who so negligent, who so unlike you, O Sextus, us not, when the effects were gone from his hands who had contracted the debt, and had become the property of his heir, to inform the heir of it as soon as he saw him? to apply for the money? to give in his account? and if anything were disputed, to arrange it either in a friendly manner, or by the intervention of strict law? Is it not so? that which the best men do, those who wish their relations and friends to be affectionate towards them and honourable, would Sextus Naevius not do that, he who so burns, who is so hurried away by avarice, that he is unwilling to give up any part of his own property, lest he should leave some fraction to be any credit or advantage to this his near relation. [39] And would he not demand the money, if any were owing, who , because that was not paid which was never owed, seeks to take away not the money only, but even the life of his relation? You were unwilling, I suppose, to be troublesome to him whom you will not allow even to live as a free man! You were unwilling at that time modestly to ask that man for money, whom you now will nefariously to murder! I suppose so. You were unwilling, or you did not dare, to ask a man who was your relation, who had a regard for you, a good man, a temperate man, a man older than yourself. Often (as sometimes happens with men), when you had fortified yourself, when you had determined to mention the money, when you had come ready prepared and having considered the matter, you being a nervous man, of virgin modesty, on a sudden checked yourself, your voice failed you, you did not dare to ask him for money whom you wished to ask, lest he should be unwilling to hear you. No doubt that was it. 12. [40]

Let us believe this, that Sextus Naevius spared the ears of the man whose life he is attacking! If he had owed you money, O Sextus, you would have asked for it at once; if not at once, at all events soon after; if not soon after, at least after a time; in six months I should think; beyond all doubt at the close of the year: but for a year and a half, when you had every day an opportunity of reminding the man

of the debt, you say not one word about it; but now, when nearly two years have passed, you ask for the money. What profligate and extravagant spendthrift, even before his property is diminished, but while it is still abundant, would have been so reckless as Sextus Naevius was? When I name the man, I seem to myself to have said enough. [41] Caius Quinctius owed you money; you never asked for it: he died; his property came to his heir; though you saw him every day, you did not ask for it for two years; will any one doubt which is the more probable, that Sextus Naevius would instantly have asked for what was owed to him, or that be would not have asked for two years? Had he no opportunity of asking? Why, he lived with you more than a year: could no measures be taken in Gaul? But there was law administered in the province, and trials were taking place at Rome. The only alternative remaining is, either extreme carelessness prevented you, or extraordinary liberality. If you call it carelessness, we shall wonder; if you call it kindness, we shall laugh; and what else you can call it I know not; it is proof enough that nothing was owing to Naevius, that for such a length of time he asked for nothing. 13. [42]

What if I show that this very thing which he is now doing is a proof that nothing is due? For what is Sextus Naevius doing now? About what is there a dispute? What is this trial on which we have now been occupied two years? What is the important business with which he is wearying so many eminent men? He is asking for his money. What now, at last? But let him ask; let us hear what he has to say. [43] He wishes a decision to be come to concerning the accounts and disputes of the partnership. It is very late. However, better late than never; let us grant it. Oh, says be, I do not want that now, O Caius Aquillius; and I am not troubling myself about that now: Publius Quinctius has had the use of my money for so many years; let him use it, I do not ask anything. What then are you contending for? is it with that object that you have often announced in many places — that he may no longer be a citizen? that he may not keep that rank which hitherto he has most honourably preserved? that be may not be counted among the living? that he may be in peril of his life and all his honours? that he may have to plead his cause before the plaintiff speaks, and that when he has ended his speech he may

then hear the voice of his accuser? What? What is the object of this? That you may the quicker arrive at your rights? But if you wished that might be already done. That you may contend according to a more respectable form of procedure? [44] But you cannot murder Publius Quinctius your own relation, without the greatest wickedness. That the trial may be facilitated I But neither does Caius Aquillius willingly decide on the life of another, nor has Quintus Hortensius been in the habit of pleading against a man's life. But what reply is made by us, O Caius Aquillius? He asks for his money: we deny that it is due. Let a trial take place instantly; we make no objection; is there anything more? If he is afraid that the money will not be forth coming when the decision is given let him take security that it shall be; and let him give security for what I demand in the very same terms in which we give security. [45] The matter can be terminated at once, O Caius Aquillius You can at once depart, being delivered from an annoyance, I had almost said, no less than that Quinctius is exposed to. What are we doing, Hortensius? what are we to say of this condition? Can we, some time or other, laying aside our weapons, discuss the money matter without hazard of any one's fortunes? Can we so prosecute our business, as to leave the life of our relation in safety? Can we adopt the character of a plaintiff, and lay aside that of an accuser? Yes, says he, I will take security from you, but I will not give you security. 14.

But who is it that lays down for us these very reasonable conditions? who determines this — that what is just towards Quinctius is unjust towards Naevius? The goods of Quinctius, says he, were taken possession of in accordance with the edict of the praetor. You demand then, that I should admit that; that we should establish by our own sentence, as having taken place, that which we go to trial expressly to prove never did take place. [46] Can no means be found, O Caius Aquillius, for a man's arriving at his rights as expeditiously as maybe without the disgrace and infamy and ruin of any one else? Forsooth, if anything were owed, he would ask for it: he would not prefer that all sorts of trials should take place, rather than that one from which all these arise. He, who for so many years never even asked Quinctius for the money, when he had an opportunity of transacting business with him every day; he who,

from the time when he first began to behave ill, has wasted all the time in adjournments and respiting the recognizances; he who, after he had withdrawn his recognizance drove Quinctius by treachery and violence from their joint estate; who, when he had ample opportunity, without any one's making objection, to try a civil action, chose rather a charge that involved infamy; who, when he is brought back to this tribunal, whence all these proceedings arise, repudiates the most reasonable proposals; confesses that he is aiming, not at the money, but at the life and heart's blood of his adversary; — does he not openly say, "if anything were owing to me, I should demand it, and I should long ago have obtained it; [47] I would not employ so much trouble, so unpopular a course of legal proceeding, and such a band of favourers of my cause, if I had to make a just demand; I have got to extort money from one unwilling, and in spite of him; I have got to tear and squeeze out of a man what he does not owe; Publius Quinctius is to be cast down from all his fortune; every one who is powerful, or eloquent, or noble, must be brought into court with me; a force must be put upon truth, threats must be bandied about, dangers must be threatened; terrors must be brandished before his eyes, that being cowed and overcome by these things, he may at last yield of his own accord." And, in truth, all these things, when I see who are striving against us, and when I consider the party sitting opposite to me, seem to be impending over, and to be present to us, and to be impossible to be avoided by any means. But when, O Caius Aquillius, I bring my eyes and my mind back to you, the greater the labour and zeal with which all these things are done, the more trifling and powerless do I think them. Quinctius then owed nothing, as you prove yourself. [48] But what if he had owed you anything? would that have at once been a reason for your requiring leave from the praetor to take possession of his goods? I think that was neither according to law, nor expedient for any one. What then does he prove? He says that he had forfeited his recognizances. 15.

Before I prove that he had not done so, I choose, O Caius Aquillius, to consider both the fact itself and the conduct of Sextus Naevius, with reference to the principles of plain duty, and the common usages of men. He, as you say, had not appeared to his

recognizances; he with whom you were connected by relationship, by partnership, by every sort of bond and ancient intimacy. Was it decent for you to go at once to the praetor? was it fair for you at once to demand to be allowed to take possession of his goods according to the edict? Did you betake yourself to these extreme measures and to these most hostile laws with such eagerness as to leave yourself nothing behind which you might be able to do still more bitter and cruel? [49] For, what could happen more shameful to any human being, what more miserable or more bitter to a man; what disgrace could happen so heavy, what disaster can be imagined so intolerable? If fortune deprived any one of money, or if the injustice of another took it from him, still while his reputation is unimpeached, honour easily makes amends for poverty. And some men, though stained with ignominy, or convicted in discreditable trials, still enjoy their wealth; are not forced to dance attendance (which is the most wretched of all states) on the power of another; and in their distresses they are relieved by this support and comfort; but he whose goods have been sold, who has seen not merely his ample estates, but even his necessary food and clothing put up under the hammer, with great disgrace to himself; he is not only erased from the list of men, but he is removed out of sight, if possible, even beneath the dead. An honourable death forsooth often sets off even a base life, but a dishonoured life leaves no room to hope for even an honourable death. [50] Therefore, in truth, when a man's goods are taken possession of according to the praetor's edict, all his fame and reputation is seized at the same time with his goods. A man about whom placards are posted in the most frequented places, is not allowed even to perish in silence and obscurity; a man who has assignees and trustees appointed to pronounce to him on what terms and conditions he is to be ruined; a man about whom the voice of the crier makes proclamation and proclaims his price, — he has a most bitter funeral procession while he is alive, if that may be considered a funeral in which men meet not as friends to do honour to his obsequies, but purchasers of his goods as executioners, to tear to pieces and divide the relics of his existence. 16. [51]

Therefore our ancestors determined that such a thing should seldom happen; the praetors have taken care that it should only

happen after deliberation; good men, even when fraud is openly committed, when there is no opportunity of trying the case at law, still have recourse to this measure timidly and hesitatingly; not till they are compelled by force and necessity, unwillingly, when the recognizances have often been forfeited, when they have been often deceived and outwitted. For they consider how serious a matter it is to confiscate the property of another. A good man is unwilling to slay another, even according to law; for he would rather say that he had saved when he might have destroyed, than that he had destroyed when he could have saved. Good men behave so to the most perfect strangers, aye, even to their greatest enemies, for the sake both of their reputation among men, and of the common rights of humanity; in order that, as they have not knowingly caused inconvenience to another, no inconvenience may lawfully befall them. He did not appear to his recognizances. Who? Your own relation. If that matter appeared of the greatest importance in itself, yet its magnitude would be lessened by the consideration of your relationship. He did not appear to his recognizances. Who? Your partner. You might forgive even a greater thing than this, to a man with whom either your inclination had connected you, or fortune had associated you. [52] He did not appear to his recognizances. Who? He who was always in your company. You therefore have hurled upon him, who allowed it to happen once that he was not in your company, all those weapons which have been forged against those who have done many things for the sake of malversation and fraud. [53] If your poundage was called in question, if in any trifling matter you were afraid of some trick, would you not have at once run off to Caius Aquillius, or to some other counsel? When the rights of friendship, of partnership, of relationship are at stake, when regard should have been had to your duty and your character, at that time you not only did not refer it to Caius Aquillius or to Lucius Lucilius, but you did not even consult yourself; you did not even say this to yourself—"The two hours are passed; Quinctius has not appeared to his recognizances; what shall I do?" If, in truth, you had said but these four words to yourself "What shall I do?" your covetousness and avarice would have had breathing time; you would have given some room for reason and prudence; you would have recollected yourself; you would not have come to such

baseness as to be forced to confess before such men that in the same hour in which he did not appear to his recognizances you took counsel how utterly to ruin the fortunes of your relation. 17. [54]

I now on your behalf consult these men, after the time has passed, and in an affair which is not mine, since you forgot to consult them in your own affair, and when it was the proper time. I ask of you, Caius Aquillius, Lucius Lucilius, Publius Quintilius, and Marcus Marcellus; — A certain partner and relation of mine has not appeared to his recognizances; a man with whom I have a long standing intimacy, but a recent dispute about money matters. Can I demand of the praetor to be allowed to take possession of his goods? Or must I, as he has a house, a wife, and children at Rome, not rather give notice at his house? What is your opinion in this matter? If, in truth, I have rightly understood your kindness and prudence, I am not much mistaken what you will answer if you are consulted. You will say at first that I must wait; then, if he seems to be shirking the business and to be trifling with it too long, that I must have a meeting of our friends; must ask who his agent is; must give notice at his house. It can hardly be told how many steps there are which you would make answer ought to be taken before having recourse to this extreme and unnecessary course. [55] What does Naevius say to all this? Forsooth, he laughs at our madness in expecting a consideration of the highest duty, or looking for the practices of good men in his conduct. What have I to do, says he, with all this sanctimoniousness and punctiliousness? Let good men, says he, look to these duties, but let them think of me thus; let them ask not what I have, but by what means I have acquired it, and in what rank I was born, and in what manner I was brought up. I remember, there is an old proverb about a buffoon; “that it is a much easier thing for him to become rich than to become the head of a family.” [56] This is what he says openly by his actions, if he does not dare to say it in words. If in truth he wishes to live according to the practices of good men, he has many things to learn and to unlearn, both which things are difficult to a man of his age. 18.

I did not hesitate, says he, when the recognizances were forfeited, to claim the confiscation of his goods. It was wickedly done; but since you claim this for yourself; and demand that it be granted to you, let us grant it. What if he has not forfeited his recognizances? if the whole of that plea has been invented by you with the most extreme dishonesty and wickedness? if there had actually been no securities given in any cause between you and Publius Quinctius? What shall we call you? Wicked? why, even if the recognizances had been forfeited, yet in making such a demand and confiscation of his goods, you were proved to be most wicked. Malignant? you do not deny it. Dishonest? you have already claimed that as your character, and you think it a fine thing. Audacious? covetous? perfidious? those are vulgar and worn-out imputations, but this conduct is novel and unheard-of. [57] What then are we to say? I fear forsooth lest I should either use language severer than men's nature is inclined to bear, or else more gentle than the cause requires. You say that the recognizances were forfeited. Quinctius the moment he returned to Rome asked you on what day the recognizances were drawn. You answered at once, on the fifth of February. Quinctius, when departing, began to recollect on what day he left Rome for Gaul: he goes to his journal, he finds the day of his departure set down, the thirty-first of January. If he was at Rome on the fifth of February we have nothing to say against his having entered into recognizances with you. [58] What then? how can this be found out? Lucius Albius went with him, a man of the highest honour; he shall give his evidence. Some friends accompanied both Albius and Quinctius; they also shall give their evidence. Shall the letters of Publius Quinctius, shall so many witnesses, all having the most undeniable reason for being able to know the truth, and no reason for speaking falsely, be compared with your witness to the recognizance? [59] And shall Publius Quinctius be harassed in a cause like this? and shall he any longer be subjected to the misery of such fear and danger? and shall the influence of an adversary alarm him more than the integrity of the judge comforts him? For he always lived in an unpolished and uncompanionable manner; he was of a melancholy and unsociable disposition; he has not frequented the Forum, or the Campus, or

banquets. He so lived as to retain his friends by attention, and his property by economy; he loved the ancient system of duty, all the splendour of which has grown obsolete according to present fashions. But if, in a cause where the merits were equal, he seemed to come off the worse, that would be in no small degree to be complained of; but now, when he is in the right, he does not even demand to come off best; he submits to be worsted, only with these limitations, that he is not to be given up with his goods, his character, and all his fortunes, to the covetousness and cruelty of Sextus Naevius. 19. [60]

I have proved what I first promised to prove, O Caius Aquillius, that there was absolutely no cause why he should make this demand; that neither was any money owed, and that if it were owed ever so much, nothing had been done to excuse recourse being had to such measures as these. Remark now, that the goods of Publius Quinctius could not possibly have been taken possession of in accordance with the praetor's edict. Recite the edict. "He who for the sake of fraud has lain hid." That is not Quinctius, unless they be hid who depart on their own business, leaving an agent behind them. "The man who has no heir." Even that is not he. "The man who leaves the country in exile." At what time, O Naevius, do you think Quinctius ought to have been defended in his absence, or how? Then, when you were demanding leave to take possession of his goods? No one was present, for no one could guess that you were going to make such a demand; nor did it concern any one to object to that which the praetor ordered not to be done absolutely, but to be done according to his edict. [61] What was the first opportunity, then, which was given to the agent of defending this absent man? When you were putting up the placards. Then Sextus Alphenus was present: he did not permit it; he tore down the notices. That which was the first step of duty was observed by the agent with the greatest diligence. Let us see what followed on this. You arrest the servant of Publius Quinctius in public: you attempt to take him away. Alphenus does not permit it; he takes him from you by force; he takes care that he is led home to Quinctius. Here too is seen in a high degree the attention of an illustrious agent. You say that Quinctius is in your debt; his agent denies it. You wish security to he given; he promises it. You call him

into court; he follows you. You demand a trial; he does not object. What other could be the conduct of one defending a man in his absence I do not understand. [62] But who was the agent? I suppose it was some insignificant man, poor, litigious, worthless, who might be able to endure the daily abuse of a wealthy buffoon. Nothing of the sort: he was a wealthy Roman knight; a man managing his own affairs well: he was, in short, the man whom Naevius himself as often as he went into Gaul, left as his agent at Rome. 20.

And do you dare, O Sextus Naevius, to deny that Quinctius was defended in his absence, when the same man defended him who used to defend you? and when he accepted the trial on behalf of Quinctius, to whom when departing you used to recommend and entrust your own property and character? Do you attempt to say that there was no one who defended Quinctius at the trial? [63] "I demanded," says he, "that security should be given." You demanded it unjustly. "The order was made." Alphenus objected. "He did, but the praetor made the decree." Therefore the tribunes were appealed to. "Here," said he, "I have you: that is not allowing a trial, nor defending a man at a trial, when you ask assistance from the tribunes." When I consider how prudent Hortensius is, I do not think that he will say this; but when I hear that he has said so before, and when I consider the cause itself I do not see what else he can say; for he admits that Alphenus tore down the bills, undertook to give security, did not object to go to trial in the very terms which Naevius proposed; but on this condition, that according to custom and prescription, it should be before that magistrate who was appointed in order to give assistance. [64] You must either say that these things are not so; or that Caius Aquillius, being such a man as he is, on his oath, is to establish this law in the state: that he whose agent does not object to every trial which any one demands against him, whose agent dares to appeal from the praetor to the tribunes, is not defended at all, and may rightly have his goods taken possession of; may properly, while miserable, absent, and ignorant of it, have all the embellishments of his fortunes, all the ornaments of his life, taken from him with the greatest disgrace and ignominy. And this seems reasonable to no one. [65] This certainly must be proved to the satisfaction of every one, that Quinctius while absent was defended at the trial. And as that is

the ease, his goods were not taken possession of in accordance with the edict. But then, the tribunes of the people did not even hear his cause. I admit, if that be the case, that the agent ought to have obeyed the decree of the praetor. What; if Marcus Brutus openly said that he would intercede unless some agreement was come to between Alphenus himself and Naevius; does not the appeal to the tribunes seem to have been interposed not for the sake of delay but of assistance? 21. [66]

What is done next? Alphenus, in order that all men might see that Quinctius was defended at the trial, that no suspicion might exist unfavourable either to his own duty, or to his principal's character, summons many excellent men, And, in the hearing of that fellow, calls them to witness that he begs this of him, in the first place, out of regard to their common intimacy, that he would not attempt to take any severe steps against Quinctius in his absence without cause; but if lie persevered in carrying on the contest in a most spiteful and hostile manner, that he is prepared by every upright and honourable method to defend him, and to prove that what he demanded was not owed, and that he accepted the trial which Naevius proposed. [67] Many excellent men signed the document setting forth this fact and these conditions. While all matters are still unaltered, while the goods are neither advertised nor taken possession of, Alphenus promises Naevius that Quinctius should appear to his recognizances. Quinctius does appear to his recognizances. The matter lies in dispute while that fellow is spreading his calumnies for two years, until he could find out by what means the affair might be diverted out of the common course of proceeding, and the whole cause he confined to this single point to which it is now limited. [68] What duty of an agent can possibly be mentioned, O Caius Aquillius, which seems to have been overlooked by Alphenus? What reason is alleged why it should be denied that Publius Quinctius was defended in his absence? Is it that which I suppose Hortensius will allege, because he has lately mentioned it, and because Naevius is always harping on it, that Naevius was not contending on equal terms with Alphenus, at such a time, and with such magistrates? And if I were willing to admit that, they will, I suppose, grant this, that it is not the case that no one was the agent of Publius Quinctius, but that he had one who

was popular. But it is quite sufficient for me to prove that there was an agent, with whom he could have tried the matter. What sort of man he was, as long as he defended the man in his absence, according to law and before the proper magistrate, I think has nothing to do with the matter. [69] "For he was," says he, "a man of the opposite party." No doubt; a man who had been brought up in your house, whom you from a youth had so trained up as not to favour any one of eminence, not even a gladiator. If Alphenus had the same wish as you always especially entertained, was not the contest between you on equal terms in that matter? "Oh," says he, "he was an intimate friend of Brutus, and therefore he interposed." You on the other hand were an intimate friend of Burrienus, who gave an unjust decision; and, in short, of all those men who at that time were both very powerful with violence and wickedness, and who dared do all that they could. Did you wish to overcome those men, who now are labouring with such zeal that you may be victorious? Dare to say that, not openly, but to these very men whom you have brought with you. [70] Although I am unwilling to bring that matter up again by mentioning it, every recollection of which I think ought to be entirely effaced and destroyed. 22.

This one thing I say, if Alphenus was an influential man because of his party zeal, Naevius was most influential; if Alphenus, relying on his personal interest, made any rather unjust demand; Naevius demanded, and obtained too, things much more unjust. Nor was there, as I think, any difference between your zeal. In ability, in experience, in cunning, you easily surpassed him. To say nothing of other things, this is sufficient: Alphenus was ruined with those men, and for the sake of those men to whom he was attached; you, after those men who were your friends could not get the better, took care that those who did get the better should be your friends. [71] But if you think you had not then the same justice as Alphenus, because it was in his power to appeal to some one against you; because a magistrate was found before whom the cause of Alphenus could be fairly heard; what is Quinctius to determine on at this time I — a man who has not as yet found any just magistrate, nor been able to procure the customary trial; in whose case no condition, no security, no petition has been interposed, — I do not say a just one, but none

at all that had ever been heard of before that time. I wish to try an action about money. You cannot. But that is the point in dispute. It does not concern me; you must plead to a capital charges. Accuse me then, if it must be so. No says be, not unless you, in an unprecedented manner, first make your defence. You must plead; the time must be fixed at our pleasure; the judge himself shall be removed. [72] What then? Shall you be able to find any advocate, a man of such ancient principles of duty as to despise our splendour and influence? Lucius Philippus will be my advocate; in eloquence, in dignity, and in honour, the most flourishing man in the states. Hortensius will speak for me; a man eminent for his genius, and nobility, and reputation; and other most noble and powerful men will accompany me into court, the number and appearance of whom may alarm not only Publius Quinctius, who is defending himself on a capital charge, but even any one who is out of danger. [73] This really is what an unequal contest is; not that one in which you were skirmishing against Alphenus. You did not leave him any place where he could make a stand against you. You must therefore either prove that Alphenus denied he was his agent, did not tear down the bills, and refused to go to trial; or, if all this was done, you must admit that you did not take possession of the goods of Publius Quinctius in accordance with the edict. 23.

If, indeed, you did take possession of the things according to the edict, I ask you why they were not sold — why the others who were his securities and creditors did not meet together? Was there no one to whom Quinctius owed money? There were some, there were many such; because Caius, his brother, had left some amount of debt behind him. What then was the reason? They were all men entirely strangers to him, and he owed them money, and yet not one was found so notoriously infamous as to dare to attack the character of Publius Quinctius in his absences. [74] There was one man, his relation, his partner, his intimate friend, Sextus Naevius, who, though he himself was in reality in debt to him, as if some extraordinary prize of wickedness was proposed to him, strove with the greatest eagerness to deprive his own relation, oppressed and ruined by his means, not only of property which he had honestly acquired, but even of that light which is common to all men. Where were the rest

of the creditors? Even now at this very time where are they? Who is there who says he kept out of the way for the sake of fraud? Who is there who denies that Quinctius was defended in his absence? [75] Not one is found But, on the other hand, all men who either have or have had any transactions with him are present on his behalf and are defending him; they are labouring that his good faith, known in many places, may not now be disparaged by the perfidy of Sextus Naevius. In a trial of this nature Naevius ought to have brought some witnesses out of that body, who could say; "He forfeited his recognizances in my case; he cheated me, he begged a day of me for the payment of a debt which he had denied; could not get him to trial; he kept out of the way; he left no agent:" none of all these things is said. Witnesses are being got ready to say it But we shall examine into that, I suppose, when they have said it: but let them consider this one thing, that they are of weight only so far, that they can preserve that weight, if they also preserve the truth; if they neglect that, they are so insignificant that all men may see that influence is of avail not to support a lie, but only to prove the truth. 24. [76]

I ask these two questions. First of all, on what account Naevius did not complete the business he had undertaken; that is, why he did not sell the goods which he had taken possession of in accordance with the edict: Secondly, why out of so many other creditors no one reinforced his demand; so that you must of necessity confess that neither was any one of them so rash, and that you yourself were unable to persevere in and accomplish that which you had most infamously begun. What if you yourself, O Sextus Naevius, decided that the goods of Publius Quinctius had not been taken possession of according to the edict? I conceive that your evidence, which in a matter which did not concern yourself would be very worthless, ought to be of the greatest weight in an affair of your own when it makes against you. You bought the goods of Sextus Alphenus when Lucius Sulla, the dictator, sold them. You entered Quinctius in your books as the partner in the purchase of these goods. I say no more. Did you enter into a voluntary partnership with that man who had cheated in a partnership to which he had succeeded by inheritance; [77] and did you by your own sentence approve of the man who you

thought was stripped of his character and of all his fortunes? I had fears indeed, O Caius Aquillius, that I could not stand my ground in this cause with a mind sufficiently fortified and resolute. I thought thus, that, as Hortensius was going to speak against me, and as Philip was going to listen to me carefully, I should through fear stumble in many particulars. I said to Quintus Roscius here, whose sister is the wife of Publius Quinctius, when he asked of me, and, with the greatest earnestness, entreated me to defend his relation, that it was very difficult for me, not only to sum up a cause against such orators, but even to attempt to speak at all. When he pressed it more eagerly, I said to the man very familiarly, as our friendship justified, that a man appeared to me to have a very brazen face, who, while he was present, could attempt to use action in speaking, but those who contended with him himself, even though before that they seemed to have any skill or elegance, lost it, and that I was afraid lest something of the same sort would happen to me when I was going to speak against so great an artist. 25. [78]

Then Roscius said many other things with a view to encourage me, and in truth, if he were to say nothing he would still move any one by the very silent affection and zeal which he felt for his relation. In truth, as he is an artist of that sort that he alone seems worthy of being looked at when he is on the stage, so he is also a man of such a sort that he alone seems to deserve never to go thither. “But what,” says he, “if you have such a cause as this, that you have only to make this plain, that there is no one in two or three days at most can walk seven hundred miles? Will you still fear that you will not be able to argue this point against Hortensius?” [79] “No,” said I. “But what is that to the purpose?” “In truth,” said he, “that is what the cause turns upon.” “How so?” He then explains to me an affair of that sort, and at the same time an action of Sextus Naevius, which, if that alone were alleged, ought to be sufficient. And I beg of you, O Caius Aquillius, and of you the assessors, that you will attend to it carefully. You will see, in truth, that on the one side there were engaged from the very beginning covetousness and audacity, that on the other side truth and modesty resisted as long as they could. You demand to be allowed to take possession of his goods according to the edict. On what day I wish to hear you yourself, O Naevius. I want

this unheard-of action to be proved by the voice of the very man who has committed it. Mention the day, Naevius. The twentieth of February. Right, how far is it from hence to your estate in Gaul? I ask you, Naevius. Seven hundred miles. Very well: Quinctius is driven off the estate. On what day? May we hear this also from you? Why are you silent? Tell me the day, I say. — He is ashamed to speak it. I understand; but he is ashamed too late, and to no purpose. He is driven off the estate on the twenty-third of February, O Caius Aquillius. Two days afterwards, or, even if any one had set off and run the moment he left the court, in under three days, he accomplishes seven hundred miles. [80] O incredible thing! O inconsiderate covetousness! O winged messenger! The agents and satellites of Sextus Naevius come from Rome, across the Alps, among the Segusiani in two days. O happy man who has such messengers, or rather Pegasi. 26.

Here I, even if all the Crassi were to stand forth with all the Antonies, if you, O Lucius Philippus, who flourished among those men, choose to plead this cause, with Hortensius for your colleague, yet I must get the best of it. For everything does not depend, as you two think it does, on eloquence. There is still some truth so manifest that nothing can weaken it. [81] Did you, before you made the demand to be allowed to take possession of his goods, send any one to take care that the master should be driven by force off the estate by his own slaves? Choose whichever you like; the one is incredible; the other abominable; and both are unheard-of before this time. Do you mean that any one ran over seven hundred miles in two days? Tell me. Do you deny it? Then you sent some one beforehand. I had rather you did. For if you were to say that, you would be seen to tell an impudent lie: when you confess this, you admit that you did a thing which you cannot conceal even by a lies. Will such a design, so covetous, so audacious, so precipitate, be approved of by Aquillius and by such men as he is? [82] What does this madness, what does this baste, what does this precipitation intimate? Does it not prove violence? does it not prove wickedness? does it not prove robbery? does it not, in short, prove everything rather than right, than duty, or than modesty? You send some one without the command of the praetor. With what intention? You knew he would order it. What

then? When he had ordered it, could you not have sent then? You were about to ask him. When? Thirty days after. Yes, if nothing hindered you; if the same intention existed; if you were well; in short, if you were alive. The praetor would have made the order, I suppose, if he chose, if he was well, if he was in court, if no one objected, by giving security according to his decree, and by being willing to stand a trial. [83] For, by the immortal gods, if Alphenus, the agent of Publius Quinctius, were then willing to give security and to stand a trial, and in short to do everything which you chose, what would you do? Would you recall him whom you had sent into Gaul? But this man would have been already expelled from his farm, already driven headlong from his home, already (the most unworthy thing of all) assaulted by the hands of his own slaves, in obedience to your messenger and command. You would, forsooth, make amends for these things afterwards. Do you dare to speak of the life of any man, you who must admit this, — that you were so blinded by covetousness and avarice, that, though you did not know what would happen afterwards, but many things might happen, you placed your hope from a present crime in the uncertain event of the future? And I say this, just as if, at that very time when the praetor had ordered you to take possession according to his edict, you had sent any one to take possession, you either ought to, or could have ejected Publius Quinctius from possession. 27. [84]

Everything, O Caius Aquillius, is of such a nature that any one may be able to perceive that in this cause dishonesty and interest are contending with poverty and truth. How did the praetor order you to take possession? I suppose, in accordance with his edict. In what words was the recognizance drawn up? “If the goods of Publius Quinctius have been taken possession of in accordance with the praetor’s edict.” Let us return to the edict. How does that enjoin you to take possession? Is there any pretence, O Caius Aquillius, if he took possession in quite a different way from that which the praetor enjoined, for denying that then he did not take possession according to the edict, but that I have beaten him in the trial? None, I imagine. Let us refer to the edict.—”They who in accordance with my edict have come into possession.” He is speaking of you, Naevius, as you think; for you say that you came into possession according to the

edict. He defines for you what you are to do; he instructs you; he gives you precepts. “It seems that those ought to be in possession.” How? “That which they can rightly secure in the place where they now are, let them secure there; that which they cannot, they may carry or lead away.” What then? “It is not right,” says he, “to drive away the owner against his will.” The very man who with the object of cheating is keeping out of the way, the very man who deals dishonestly with all his creditors, he forbids to be driven off his farm against his will. [85] As you are on your way to take possession, O Sextus Naevius, the praetor himself openly says to you—”Take possession in such manner that Naevius may have possession at the same time with you; take possession in such a manner that no violence may be offered to Quinctius.” What? how do you observe that? I say nothing of his not having been a man who was keeping out of the way, of his being a man who had a house, a wife, children, and an agent at Rome; I say nothing of all this: I say this, that the owner was expelled from his farm; that hands were laid on their master by his own slaves, before his own household gods; I say

* * * * * 28.

I say too that Naevius never even asked Quinctius for the money, when he was with him, and might have sued him every day; because he preferred that all the most perplexing modes of legal proceedings should take place, to his own great discredit, and to the greatest danger of Publius Quinctius, rather than allow of the simple trial about money matters which could have been got through in one day; from which one trial he admits that all these arose and proceeded. On which occasion I offered a condition, if he was determined to demand the money, that Publius Quinctius should give security to submit to the decision, if he also, if Quinctius had any demands upon him, would submit to the like conditions. [86] I showed how many things ought to be done before a demand was made that the goods of a relation should be taken possession of; especially when he had at Rome his house, his wife, his children, and an agent who was equally an intimate friend of both. I proved that when he said the recognizances were forfeited, there were actually no recognizances at all; that on the day on which he says he gave him the promise, he was not even at Rome. I promised that I would make that plain by

witnesses, who both must know the truth, and who had no reason for speaking falsely. I proved also that it was not possible that the goods should have been taken possession of according to the edict; because he was neither said to have kept out of the way for the purpose of fraud, nor to have left the country in banishment. [87] The charge remains, that no one defended him at the trial. In opposition to which I argued that he was most abundantly defended, and that not by a man unconnected with him, nor by any slanderous or worthless person, but by a Roman knight, his own relation and intimate friend, whom Sextus Naevius himself had been accustomed previously to leave as his own agent. And that even if he did appeal to the tribunes, he was not on that account the less prepared to submit to a trial; and that Naevius had not had his rights wrested from him by the powerful interest of the agent; that on the other hand he was so much superior to us in interest that he now scarcely gives us the liberty of breathing. 29. [88]

I asked what the reason was why the goods had not been sold, since they had been taken possession of according to the edict. Secondly, I asked this also, on what account not one of so many creditors either did the same thing then, why not one speaks against him now, but why they are all striving for Publius Quinctius? Especially when in such a trial the testimonies of creditors are thought exceedingly material. After that, I employed the testimony of the adversary, who lately entered as his partner the man who, according to the language of his present claim, he demonstrates was at that time not even in the number of living men. Then I mentioned that incredible rapidity, or rather audacity of his. I showed that it was inevitable, either that seven hundred miles had been run over in two days, or that Sextus Naevius had sent men to take possession many days before he demanded leave so to seize his goods. [89] After that I recited the edict, which expressly forbade the owner to be driven off his by which it was plain that Naevius had not taken possession according to the edict, as he confessed that Quinctius had been driven off his farm by force. But I thoroughly proved that the goods had actually not been taken possession of, because such a seizure of goods is looked at not as to part but with respect to everything which can be seized or taken possession of. I said that he had a house at

Rome which that fellow never even made an attempt on; that he had many slaves, of which he neither took possession of any, and did not even touch any; that there was one whom he attempted to touch; that he was forbidden to, and that he remained quiet. [90] You know also that Sextus Naevius never came on to the private farms of Quinctius even in Gaul. Lastly I proved that the private servants of Quinctius were not all driven away from that very estate which he took possession of, having expelled his partner by force. From which, and from all the other sayings, and actions, and thoughts of Sextus Naevius, any one can understand that that fellow did nothing else, and is now doing nothing, but endeavouring by violence, by injustice, and by unfair means at this trial, to make the whole farm his own which belongs to both partners in common. 30. [91]

Now that I have summed up the whole cause the affair itself and the magnitude of the danger, O Caius Aquillius, seem to make it necessary for Publius Quinctius to solicit and entreat you and your colleagues, by his old age and his desolate condition, merely to follow the dictates or your own nature and goodness; so that as the truth is on his side, his necessitous state may move you to pity rather than the influence of the other party to cruelty. [92] From the self same day when we came before you as judges, we began to disregard all the threats of those men which before we were alarmed at. If cause was to contend with cause we are sure that we could easily prove ours to any one but as the course of life of the one was to be contested with the course of life of the other, we thought we had on that account even more need of you as our judge. For this is the very point now in question, whether the rustic and unpolished economy of my client can defend itself against the luxury and licentiousness of the other or whether, homely as it is, and stripped of all ornaments, it is to lie handed over naked to covetousness and wantonness. [93] Publius Naevius does not compare himself with you, O Sextus Naevius, he does not vie with you in riches or power. He gives up to you all the arts by which you are great; he confesses that he does not speak elegantly; that he is not able to say pleasant things to people; that he does not abandon a friendship when his friend is in distress, and fly off to another which is in flourishing circumstances; that he does not give magnificent and splendid banquets; that he has not a

house closed against modesty and holiness, but open and as it were exposed to cupidity and debauchery; on the other hand he says that duty, good faith, industry and a life which has been always austere and void of pleasure has been his choice; he knows that the opposite course is more fashionable, and that by such habits people have more influence. What then shall be done? [94] They have not so much more influence, that those who, having abandoned the strict discipline of virtuous men, have chosen rather to follow the gains and extravagance of Gallonius, and have even spent their liven in audacity and perfidy which were no part of his character, should have absolute dominion over the lives and fortunes of honourable men. If he may be allowed to live where Sextus Naevius does not wish to, if there is room in the city for an honest man against the will of Naevius; if Publius Quinctius may be allowed to breathe in opposition to the nod and sovereign power of Naevius; if under your protection, he can preserve in opposition to the insolence of his enemy the ornaments which he has acquired by virtue, there is hope that this unfortunate and wretched man may at last be able to rest in peace. But if Naevius is to have power to do everything he chooses, and if he chooses what is unlawful, what is to be done? What God is to be appealed to? The faith of what man can we invoke? What complaints, what lamentations can be devised adequate to so great a calamity. 31. [95]

It is a miserable thing to be despoiled of all one's fortunes; it is more miserable still to be so unjustly. It is a bitter thing to be circumvented by any one, more bitter still to be so by a relation. It is a calamitous thing to be stripped of one's goods, more calamitous still if accompanied by disgrace. It is an intolerable injury to be slain by a brave and honourable man, more intolerable still to be slain by one whose voice has been prostituted to the trade of a crier. It is an unworthy thing to be conquered by one's equal or one's superior, more unworthy still by one's inferior, by one lower than oneself. It is a grievous thing to be handed over with one's goods to another, more grievous still to be handed over to an enemy. It is a horrible thing to have to plead to a capital charge, more horrible still to have to speak in one's own defence before one's accuser speaks. [96] Quinctius has looked round on all sides, has encountered every danger. He was not

only unable to find a praetor from whom he could obtain a trial, much less one from whom he could obtain one on his own terms, but he could not even move the friends of Sextus Naevius, at whose feet he often lay, and that for a long time, entreating them by the immortal Gods either to contest the point with him according to law, or at least, if they must do him injustice, to do it without ignominy. [97] Last of all he approached the haughty countenance of his very enemy; weeping he took the hand of Sextus Naevius, well practised in advertising the goods of his relations. He entreated him by the ashes of his dead brother by the name of their relationship, by his own wife and children to whom no one is a nearer relation than Publius Quinctius, at length to take pity on him, to have some regard, if not for their relationship, at least for his age, if not for a man, at least for humanity, to terminate the matter on any conditions as long as they were only endurable, leaving his character unimpeached. [98] Being rejected by him, getting no assistance from his friends being passed and frightened by every magistrate he has no one but you whom he can appeal to you he commends himself to you he commends all his property and fortunes to you he commends his character and his hopes for the remainder of his life. Harassed by much contumely suffered in under many injuries he flies to you not unworthy but unfortunate; driven out of a beautiful farm with his enemies attempting to fix every possible mark of ignominy on him, seeing his adversary the owner of his paternal property, while he himself is unable to make up a dowry for his marriageable daughter, he has still done nothing inconsistent with his former life. [99] Therefore be begs this of you, O Caius Aquillius, that he may be allowed to carry with him out of this place the character and the probity which, now that his life is nearly come to an end, he brought with him before your tribunal. That he, of whose virtue no one ever doubted, may not in his sixtieth year be branded with disgrace, with stigma, and with the most shameful ignominy; that Sextus Naevius may not array himself in all his ornaments as spoils of victory; that it may not be owing to you that the character, which has accompanied Publius Quinctius to his old age, does not attend him to the tomb.

PRO ROSCIO AMERINO (In Defense of Sextus Roscius of Ameria)

Translated by C. D. Yonge

This early oration was given in 80 BC on behalf of Roscius of America, who was accused of murdering his father. The events that led to the accusation of the younger Roscius of Ameria began long before the murder of the elder Sextus Roscius of Ameria. Beginning in 97 BC, Rome began to see the rise of Lucius Cornelius Sulla, who was known for his brutality and cunning. Following the Social War (91-88 BC) Sulla ascended to the position of consul in 88 BC. During this time, acting as Consul Sulla managed to lose his authority and to be exiled. However, this was merely a small interruption in his rise to power. Following the siege of Athens in 87 BC, he again prepared to take control of Rome. In 82 BC he successfully became dictator. He immediately set out to ensure that his power would not slip from his grasp again. Beginning with a large-scale execution of his enemies, Sulla soon adopted a more systematic approach. With the adoption of the proscriptions, Sulla made those who had displeased him "enemies of the state." The consequences of being "proscribed" were a death sentence and the seizure of all property that had belonged to anyone that had been placed on the list. Furthermore, Sulla made it known that the penalty for aiding any person who had been proscribed was proscription. It was in this way that Sulla dealt with all current and potential threats to his power. Neither senators nor merchants were immune. Following his year as dictator, Sulla chose to step down and to "return" the power to the Senate. He was again elected to the consulship of Rome and served his post throughout 80 BC. As the consul, it can readily be deduced that nearly all still feared the power of Sulla and his keen eye for "threats."

It was in this context that the *Pro Roscio Amerino* case began. In 81 BC, Sextus Roscius of Ameria, a wealthy landowner, was murdered while returning from a party in Rome. Immediately following, word of his death was sent by Roscius Magnus, who was in Rome, to Roscius Capito who was in Ameria. Both men were relations of Sextus Roscius and rumoured to have been on bad terms with the late Sextus Roscius because of a dispute over land. The two men, Magnus and Capito, then sent word of the murder to Cornelius Chrysogonus, who was a favourite of Sulla. Chrysogonus was also a freedman and entered into a plot with Magnus and Capito, agreeing to have the elder Sextus Roscius of Ameria proscribed and all of his assets taken by the state. Knowing full well that Sulla rewarded those who helped him to eliminate his enemies, the three conspirators expected to receive large amounts of compensation in the form of the elder Sextus Roscius' estate. As a result of their "loyalty" the men were able to purchase the estate for 2000 sesterces, which was well under the estimated value of the property. However, the eldest son of Sextus Roscius, Roscius of Ameria, still had a rightful claim to his late father's property, if he and the people of Ameria could somehow have the elder Sextus Roscius' name removed from the proscription list. Sensing this threat, the three conspirators accused Roscius of Ameria of parricide and the murder of his own father in order to gain more property for himself in 80 BC. A virtual unknown within the city of Rome, Roscius of Ameria had little power to deny this charge. Furthermore, despite the noble contacts that his father had made, many feared to help him to clear his family's name because their help may have been construed by Sulla as a threat or insult. In short, most feared that by helping Roscius of Ameria, that they would themselves be proscribed, executed, and have their assets taken away from their families. This seems to be one of the reasons that his case was given over to the young Cicero.

The outcome of the trial was that Sextus Roscius of Ameria was fully acquitted. As his first major case, the trial was of great benefit to Cicero's reputation, especially given that he was opposing powerful political interests. Indeed, his success may well have incurred the wrath of Sulla and perhaps influenced Cicero's decision to travel to Athens the following year. Cicero's oration in this case is

notable for its intense and exhaustive style, which he would later learn to develop and improve as he learnt new styles of oratory in Greece.

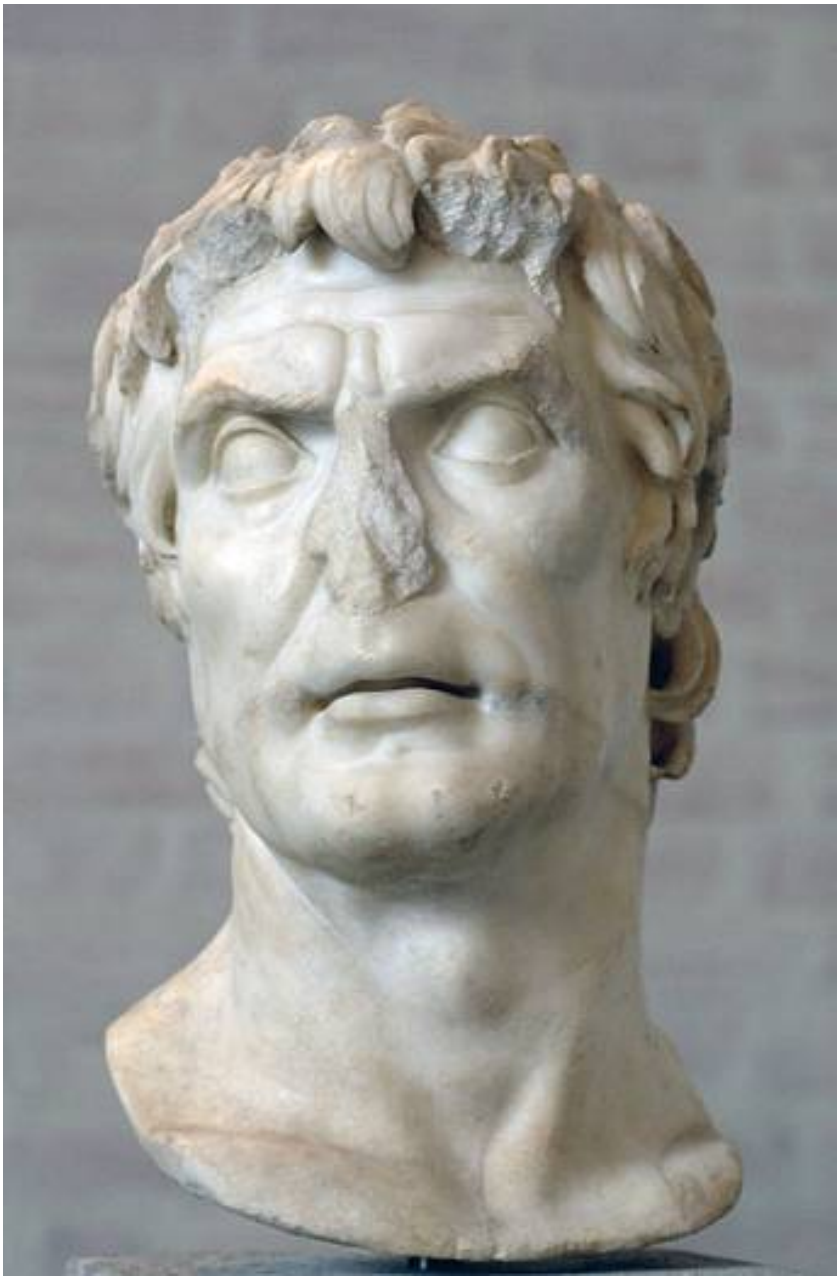

Lucius Cornelius Sulla Felix (c. 138 BC – 78 BC), known commonly as Sulla, was a Roman general and statesman. He had the distinction of holding the office of

consul twice, as well as reviving the dictatorship.

THE ORATION FOR SEXTUS ROSCIUS OF AMERIA.

THE ARGUMENT

Cicero himself in this speech calls this trial the first public, that is criminal cause in which he was engaged; and many critics consider it an earlier speech than the preceding one for Quinctius. The case was this: The father of Sextus Roscius had been slain during the proscriptions of Sulla, and his estate, which was very large, had been sold for a very trifling sum to Lucius Cornelius Chrysogonus, a favourite slave to whom Sulla had given his freedom; and Chrysogonus, to secure possession of it, persuaded a man named Caius Erucius to accuse Roscius of having killed his father himself. Many lawyers refused to defend him, being afraid of Sulla, whose influence was openly used for his freedman. Roscius was acquitted. Cicero often refers with great complacency to his conduct in this suit, as a proof of his intrepidity, and of his resolute honesty in discharging the duties of an advocate without being dismayed at the opposition of the greatest men in Rome.

1. I imagine that you, O judges, are marvelling why it is that when so many most eminent orators and most noble men are sitting still, I above all others should get up, who neither for age, nor for ability, nor for influence, am to be compared to those who are sitting still. For all these men whom you see present at this trial think that a man ought to be defended against all injury contrived against him by unrivalled wickedness; but through the sad state of the times they do not dare to defend him themselves. So it comes to pass that they are present here because they are attending to their business, but they are silent because they are afraid of danger. [2] What then? Am I the boldest of all these men? By no means. Am I then so much more attentive to my duties than the rest? I am not so covetous of even that praise, as to wish to rob others of it. What is it then which has impelled me beyond all the rest to undertake the cause of Sextus Roscius? Because, if any one of those men, men of the greatest weight and dignity, whom you see present, had spoken, had said one

word about public affairs, as must be done in this case, he would be thought to have said much more than he really had said. [3] But if I should say all the things which must be said with ever so much freedom, yet my speech will never go forth or be diffused among the people in the same manner. Secondly, because anything said by the others cannot be obscure, because of their nobility and dignity, and cannot be excused as being spoken carelessly, on account of their age and prudence; but if I say anything with too much freedom, it may either be altogether concealed, because I have not yet mixed in public affairs, or pardoned on account of my youth; although not only the method of pardoning, but even the habit of examining into the truth is now eradicated from the State. [4] There is this reason, also, that perhaps the request to undertake this cause was made to the others so that they thought they could comply or refuse without prejudice to their duty; but those men applied to me who have the greatest weight with me by reason of their friendship with me, of the kindnesses they have done me, and of their own dignity; whose kindness to me I could not be ignorant of whose authority I could not despise, whose desires I could not neglect. 2. [5]

On these accounts I have stood forward as the advocate in this cause, not as being the one selected who could plead with the greatest ability, but as the one left of the whole body who could do so with the least danger; and not in order that Sextus Roscius might he defended by a sufficiently able advocacy, but that he might not be wholly abandoned. Perhaps you may ask, What is that dread, and what is that alarm which hinders so many, and such eminent men, from being willing, as they usually are, to plead on behalf of the life and fortunes of another? And it is not strange that you are as yet ignorant of this, because all mention of the matter which has given rise to this trial has been designedly omitted by the accusers. [6] What is that matter? The property of the father of this Sextus Roscius, which is six millions of sesterces, which one of the most powerful young men of our city at this present time, Lucius Cornelius Chrysogonus, says he bought of that most gallant and most illustrious man Lucius Sulla, whom I only name to do him honour, for two thousand sesterces. He, O judges, demands of you that, since he, without any right, has taken possession of the property of

another, so abundant and so splendid, and as the life of Sextus Roscius appears to him to stand in the way of and to hinder his possession of that property, you will efface from his mind every suspicion, and remove all his fear. He does not think that, while this man is safe, he himself can keep possession of the ample and splendid patrimony of this innocent man; but if he be convicted and got rid of, he hopes he may be able to waste and squander in luxury what he has acquired by wickedness. He begs that you will take from his mind this uneasiness which day and night is pricking and harassing him, so as to profess yourselves his assistants in enjoying this his nefariously acquired booty. [7] If his demand seems to you just and honourable, O judges, I, on the other hand, proffer this brief request, and one, as I persuade myself, somewhat more reasonable still. 3.

First of all, I ask of Chrysogonus to be content with our money and our fortunes, and not to seek our blood and our lives. In the second place, I beg you, O judges, to resist the wickedness of audacious men; to relieve the calamities of the innocent, and in the cause of Sextus Roscius to repel the danger which is being aimed at every one. [8] But if any pretence for the accusation — if any suspicion of this act — if, in short, any, the least thing be found, — so that in bringing forward this accusation they shall seem to have had some real object, — if you find any cause whatever for it, except that plunder which I have mentioned, I will not object to the life of Sextus Roscius being abandoned to their pleasure. But if there is no other object in it, except to prevent anything being wanting to those men, whom nothing can satisfy, if this alone is contended for at this moment, that the condemnation of Sextus Roscius may be added as a sort of crown, as it were, to this rich and splendid booty, — though many things be infamous, still is not this the most infamous of all things, that you should be thought fitting men for these fellows now to expect to obtain by means of your sentences and your oaths, what they have hitherto been in the habit of obtaining by wickedness and by the sword; that though you have been chosen out of the state into the senate because of your dignity, and out of the senate into this body because of your inflexible love of justice — still assassins and gladiators should ask of you, not only to allow them to escape the

punishment which they ought to fear and dread at your hands for their crimes, but also that they may depart from this court adorned and enriched with the spoils of Sextus Roscius? 4. [9]

Of such important and such atrocious actions, I am aware that I can neither speak with sufficient propriety, nor complain with sufficient dignity, nor cry out against with sufficient freedom. For my want of capacity is a hindrance to my speaking with propriety; my age, to my speaking with dignity; the times themselves are an obstacle to my speaking with freedom. To this is added great fear, which both nature and my modesty cause me, and your dignity, and the violence of our adversaries, and the danger of Sextus Roscius. On which account, I beg and entreat of you, O judges, to hear what I have to say with attention, and with your favourable construction. [10] Relying on your integrity and wisdom, I have undertaken a greater burden than, I am well aware, I am able to bear. If you, in some degree, lighten this burden, O judges, I will bear it as well as I can with zeal and industry. But if, as I do not expect, I am abandoned by you, still I will not fail in courage, and I will bear what I have undertaken as well as I can. But if I cannot support it, I had rather be overwhelmed by the weight of my duty, than either through treachery betray, or through weakness of mind desert, that which has been once honestly entrusted to me. [11] I also, above all things, entreat you, O Marcus Fannius, to show yourself at this present time both to us and to the Roman people the same man that you formerly showed yourself to the Roman people when you before presided at the trial in this same cause. 5.

You see how great a crowd of men has come to this trial. You are aware how great is the expectation of men, and how great their desire that the decisions of the courts of law should be severe and impartial. After a long interval, this is the first cause about matters of bloodshed which has been brought into court, though most shameful and important murders have been committed in that interval. All men hope that while you are praetor, these trials concerning manifest crimes, and the daily murders which take place, will be conducted with no less severity than this one. [12] We who are pleading this cause adopt the exclamations which in other trials the accusers are in the habit of using. We entreat of you, O Marcus Fannius, and of you,

O judges, to punish crimes with the greatest energy; to resist audacious men with the greatest boldness; to consider that unless you show in this cause what your disposition is, the covetousness and wickedness, and audacity of men will increase to such a pitch that murders will take place not only secretly, but even here in the forum, before your tribunal, O Marcus Fannius; before your feet, O judges, among the very benches of the court. [13] In truth, what else is aimed at by this trial, except that it may be lawful to commit such acts? They are the accusers who have invaded this man's fortunes. He is pleading his cause as defendant, to whom these men have left nothing except misfortune. They are the accusers, to whom it was an advantage that the father of Sextus Roscius should be put to death. He is the defendant, to whom the death of his father has brought not only grief, but also poverty. They are the accusers, who have exceedingly desired to put this man himself to death. He is the defendant who has come even to this very trial with a guard, lest he should be slain here in this very place, before your eyes. Lastly, they are the accusers whom the people demand punishment on, as the guilty parties. [14] He is the defendant, who remains as the only one left after the impious slaughter committed by them. And that you may be the more easily able to understand, O judges, that what has been done is still more infamous than what we mention, we will explain to you from the beginning how the matter was managed, so that you may the more easily be able to perceive both the misery of this most innocent man, and their audacity, and the calamity of the republic. 6. [15]

Sextus Roscius, the father of this man, was a citizen of Ameria, by far the first man not only of his municipality, but also of his neighbourhood, in birth, and nobility and wealth, and also of great influence, from the affection and the ties of hospitality by which he was connected with the most noble men of Rome. For he had not only connections of hospitality with the Metelli, the Servilii, and the Scipios, but he had also actual acquaintance and intimacy with them; families which I name, as it is right I should, only to express my sense of their honour and dignity. And of all his property he has left this alone to his son, — for domestic robbers have possession of his patrimony, which they have seized by force the fame and life of this

innocent man is defended by his paternal connections and friends. [16] As he had at all times been a favourer of the side of the nobility, so, too, in this last disturbance, when the dignity and safety of all the nobles was in danger, he, beyond all others in that neighbourhood, defended that party and that cause with all his might, and zeal, and influence. He thought it right, in truth, that he should fight in defence of their honour, on account of whom he himself was reckoned most honourable among his fellow-citizens. After the victory was declared, and we had given up arms, when men were being proscribed, and when they who were supposed to be enemies were being taken in every district, he was constantly at Rome, and in the Forum, and was daily in the sight of every one; so that he seemed rather to exult in the victory of the nobility, than to be afraid lest any disaster should result to him from it. [17] He had an ancient quarrel with two Roscii of Ameria, one of whom I see sitting in the seats of the accusers, the other I hear is in possession of three of this man's farms; and if he had been as well able to guard against their enmity as he was in the habit of fearing it, he would be alive now. And, O judges, he was not afraid without reason. In these two Roscii, (one of whom is surnamed Capito; the one who is present here is called Magnus,) are men of this sort. One of them is an old and experienced gladiator, who has gained many victories, but this one here has lately betaken himself to him as his tutor: and though, before this contest, he was a mere tyro in knowledge, he easily surpassed his tutor himself in wickedness and audacity. 7. [18]

For when this Sextus Roscius was at Ameria, but that Titus Roscius at Rome; while the former, the son, was diligently attending to the farm, and in obedience to his father's desire had given himself up entirely to his domestic affairs and to a rustic life, but the other man was constantly at Rome, Sextus Roscius, returning home after supper, is slain near the Palatine baths. I hope from this very fact, that it is not obscure on whom the suspicion of the crime falls; but if the whole affair does not itself make plain that which as yet is only to be suspected, I give you leave to say my client is implicated in the guilt. [19] When Sextus Roscius was slain, the first person who brings the news to Ameria, is a certain Mallius Glaucia, a man of no consideration, a freedman, the client and intimate friend of that Titus

Roscius; and he brings the news to the house, not of the son, but of Titus Capito, his enemy, and though he had been slain about the first hour of the night, this messenger arrives at Ameria by the first dawn of day. In ten hours of the night he travelled fifty-six miles in a gig; not only to be the first to bring his enemy the wished-for news, but to show him the blood of his enemy still quite fresh, and the weapon only lately extracted from his body. [20] Four days after this happened, news of the deed is brought to Chrysogonus to the camp of Lucius Sulla at Volaterra. The greatness of his fortune is pointed out to him, the excellence of his farms, — for he left behind him thirteen farms, which nearly all border on the Tiber — the poverty and desolate condition of his son is mentioned they point out that, as the father of this, man, Sextus Roscius a man so magnificent and so popular, was slain without any trouble this man, imprudent and unpolished as he was and unknown at Rome, might easily be removed. They promise their assistance for this business; not to detain you longer, O judges, a conspiracy is formed. 8. [21]

As at this time there was no mention of a proscription, and as even those who had been afraid of it before, were returning and thinking themselves now delivered from their dangers, the name of Sextus Roscius, a man most zealous for the nobility, is proscribed and his goods sold; Chrysogonus is the purchaser; three of his finest farms, are given to Capito for his own, and he possesses them to this day; all the rest of his property that fellow Titus Roscius seizes in the name of Chrysogonus, as he says himself. This property, worth six millions of sesterces, is bought for two thousand. I well know, O judges, that all this was done without the knowledge of Lucius Sulla; [22] and it is not strange that while he is surveying at the same time both the things which are past, and those which seem to be impending; when he alone has, the authority to establish peace, and the power of carrying on war; when all are looking to him alone, and he alone is directing all things; when he is occupied incessantly by such numerous and such important affairs that he cannot breathe freely, it is not strange, I say, if he fails to notice some things; especially when so many men are watching his, busy condition, and catch their opportunity of doing something of this sort the moment he looks away. To this is added, that although he is fortunate, as

indeed he is, yet no man can have such good fortune, as in a vast household to have no one, whether slave or freedman, of worthless character. [23] In the meantime Titus Roscius, excellent man, the agent of Chrysogonus, comes to Ameria; he enters on this man's farm; turns this miserable man, overwhelmed with grief, who had not yet performed all the ceremonies of his father's funeral, naked out of his house, and drives him headlong from his paternal hearth and household gods; he himself becomes the owner of abundant wealth. He who had been in great poverty when he had only his own property, became, as is usual, insolent when in possession of the property of another; he carried many things openly off to his own house; he removed still more privily; he gave no little abundantly and extravagantly to his assistants; the rest he sold at a regular auction. 9. [24]

Which appeared to the citizens of Ameria so scandalous, that there was weeping and lamentation over the whole city. In truth, many things calculated to cause grief were brought at once before their eyes; the most cruel death of a most prosperous man, Sextus Roscius, and the most scandalous distress of his son; to whom that infamous robber had not left out of so rich a patrimony even enough for a road to his father's tomb; the flagitious purchase of his property, the flagitious possession of it; thefts, plunders, largesses. There was no one who would not rather have had it all burnt, than see Titus Roscius acting as owner of and glorying in the property of Sextus Roscius, a most virtuous and honourable man. [25] Therefore a decree of their senate is, immediately passed, that the ten chief men should go to Lucius Sulla, and explain to him what a man Sextus Roscius had been; should complain of the wickedness and outrages of those fellows, should entreat him to see to the preservation both of the character of the dead man, and of the fortunes of his innocent son, And observe, I entreat you, this decree — [here the decree is read] — The deputies come to the camp. It is now seen, O judges, as I said before, that these crimes and atrocities were committed without the knowledge of Lucius Sulla. For immediately Chrysogonus himself comes to them, and sends some men of noble birth to them too, to beg them not to go to Sulla, and to promise them that Chrysogonus, will do everything which they wish. [26] But to such a

degree was he alarmed, that he would rather have died than have let Sulla be informed of these things. These old-fashioned men, who judged of others by their own nature, when he pledged himself to have the name of Sextus Roscius removed from the lists of proscription, and to give up the farms unoccupied to his son, and when Titus Roscius Capito, who was one of the ten deputies, added his promise that it should be so, believed him; they returned to Ameria without presenting their petition. And at first those fellows began every day to put the matter off and to procrastinate; then they began to be more indifferent; to do nothing and to trifle with them; at last, as was easily perceived, they began to contrive plots against the life of this Sextus Roscius, and to think that they could no longer keep possession of another man's property while the owner was alive. 10. [27]

As soon as he perceived this, by the advice of his friends and relations he fled to Rome, and betook himself to Caecilia, the daughter of Nepos, (whom I name to do her honour,) with whom his father had been exceedingly intimate; a woman in whom, O judges, even now, as all men are of opinion, as if it were to serve as a model, traces of the old-fashioned virtue remain. She received into her house Sextus Roscius, helpless, turned and driven out of his home and property, flying from the weapons and threats of robbers, and she assisted her guest now that he was overwhelmed and now that his safety was despaired of by every one. By her virtue and good faith and diligence it has been caused that he now is rather classed as a living man among the accused, than as a dead man among the proscribed. [28] For after they perceived that the life of Sextus Roscius was protected with the greatest care, and that there was no possibility of their murdering him, they adopted a counsel full of wickedness and audacity, namely, that of accusing him of parricide; of procuring some veteran accuser to support the charge, who could say something even in a case in which there was no suspicion whatever; and lastly, as they could not have any chance against him by the accusation, to prevail against him on account of the time; for men began to say, that no trial had taken place for such a length of time, that the first man who was brought to trial ought to be condemned; and they thought that he would have no advocates because of the

influence of Chrysogonus; that no one would say a word about the sale of the property and about that conspiracy; that because of the mere name of parricide and the atrocity of the crime he would be put out of the way, without any trouble, as he was defended by no one. [29] With this plan, and urged on to such a degree by this madness, they have handed the man over to you to be put to death, whom they themselves, when they wished, were unable to murder. 11.

What shall I complain of first? or from what point had I best begin, O judges? or what assistance shall I seek, or from whom? Shall I implore at this time the aid of the immortal gods, or that of the Roman people, or of your integrity, you who have the supreme power? [30] The father infamously murdered; the house besieged; the property taken away, seized and plundered by enemies; the life of the son, hostile to their purposes, attacked over and over again by sword and treachery. What wickedness does there seem to be wanting in these numberless atrocities? And yet they crown and add to them by other nefarious deeds, they invent an incredible accusation; they procure witnesses against him and accusers of him by bribery; they offer the wretched man this alternative, whether he would prefer to expose his neck to Roscius to be assassinated by him, or, being sewn in a sack, to lose his life with the greatest infamy. They thought advocates would be wanting to him; they are wanting. There is not wanting in truth, O judges, one who will speak with freedom, and who will defend him with integrity, which is quite sufficient in this cause, (since I have undertaken it). [31] And perhaps in undertaking this cause I may have acted rashly, in obedience to the impulses of youth; but since I have once undertaken it, although forsooth every sort of terror and every possible danger were to threaten me on all sides, yet I will support and encounter them. I have deliberately resolved not only to say everything which I think is material to the cause, but to say it also willingly, boldly, and freely. Nothing can ever be of such importance in my mind that fear should be able to put a greater constraint on me than a regard to good faith. [32] Who, indeed, is of so profligate a disposition, as, when he sees these things, to be able to be silent and to disregard them? You have murdered my father when he had not been proscribed; you have classed him when murdered in the number of proscribed persons; you have driven me

by force from my house; you are in possession of my patrimony. What would you more? have you not come even before the bench with sword and arms, that you may either convict Sextus Roscius or murder him in this presence? 12. [33]

We lately had a most audacious man in this city, Caius Fimbria, a man, as is well known among all except among those who are mad themselves, utterly insane. He, when at the funeral of Caius Marius, had contrived that Quintus Scaevola, the most venerable and accomplished man in our city, should be wounded; — (a man in whose praise there is neither room to say much here, nor indeed is it possible to say more than the Roman people preserves in its recollection) — he, I say, brought an accusation against Scaevola, when he found that he might possibly live. When the question was asked him, what he was going to accuse that man of, whom no one could praise in a manner sufficiently suitable to his worth, they say that the man, like a madman as he was, answered, for not having received the whole weapon in his body. A more lamentable thing was never seen by the Roman people, unless it were the death of that same man, which was so important that it crushed and broke the hearts of all his fellow-citizens; for endeavouring to save whom by an arrangement, he was destroyed by them. [34] Is not this case very like that speech and action of Fimbria? You are accusing Sextus Roscius. Why so? Because he escaped out of your hands; because he did not allow himself to be murdered. The one action, because it was done against Scaevola, appears scandalous; this one, because it is done by Chrysogonus, is intolerable. For, in the name of the immortal gods, what is there in this cause that requires a defence? What topic is there requiring the ability of an advocate, or even very much needing eloquence of speech? Let us, O judges, unfold the whole case, and when it is set before our eyes, let us consider it; by this means you will easily understand on what the whole case turns, and on what matters I ought to dwell, and what decision you ought to come to. 13. [35]

There are three things, as I think, which are at the present time hindrances to Sextus Roscius: — the charge brought by his adversaries, their audacity, and their power. Erucius has taken on himself the pressing of this false charge as accuser; the Roscii have

claimed for themselves that part which is to be executed by audacity; but Chrysogonus, as being the person of the greatest influence, employs his influence in the contest. On all these points I am aware that I must speak. [36] What then am I to say? I must not speak in the same manner on them all; because the first topic indeed belongs to my duty, but the two others the Roman people have imposed on you. I must efface the accusations; you ought both to resist the audacity, and at the earliest possible opportunity to extinguish and put down the pernicious and intolerable influence of men of that sort. [37] Sextus Roscius is accused of having murdered his father. O ye immortal gods! a wicked and nefarious action, in which one crime every sort of wickedness appears to be contained. In truth, if, as is well said by wise men, affection is often injured by a look, what sufficiently severe punishment can be devised against him who has inflicted death on his parent, for whom all divine and human laws bound him to be willing to die himself, if occasion required? [38] In the case of so enormous, so atrocious, so singular a crime, as this one which has been committed so rarely, that, if it is ever heard of, it is accounted like a portent and prodigy — what arguments do you think, O Caius Erucius, you as the accuser ought to use? Ought you not to prove the singular audacity of him who is accused of it? and his savage manners, and brutal nature, and his life devoted to every sort of vice and crime, his whole character, in short, given up to profligacy and abandoned? None of which things have you alleged against Sextus Roscius, not even for the sake of making the imputation. 14. [39]

Sextus Roscius has murdered his father. What sort of man is he? is he a young man, corrupted, and led on by worthless men? He is more than forty years old. Is he forsooth an old assassin, a bold man, and one well practised in murder? You have not heard this so much as mentioned by the accuser. To be sure; then, luxury, and the magnitude of his debts, and the ungovernable desires of his disposition, have urged the man to this wickedness? Erucius acquitted him of luxury, when he said that he was scarcely ever present at any banquet. But he never owed anything Further what evil desires could exist in that man who as his accuser himself objected to him has always lived in the country and spent his time in

cultivating his land, a mode of life which is utterly removed from covetousness, and inseparably allied to virtue? [40] What was it then which inspired Sextus Roscius with such madness as that? Oh, says he, he did not please his father. He did not please his father? For what reason? for it must have been both a just and an important and a notorious reason. For as this is incredible, that death should be inflicted on a father by a son, without many and most weighty reasons; so this, too, is not probable, that a son should be hated by his father, without many and important and necessary causes. [41] Let us return again to the same point, and ask what vices existed in this his only son of such importance as to make him incur the displeasure of his father. But it is notorious he had no vices. His father then was mad to bate him whom he had begotten, without any cause. But he was the most reasonable and sensible of men. This, then, is evident, that, if the father was not crazy, nor his son profligate, the father had no cause for displeasure, nor the son for crime. 15. [42]

I know not, says he, what cause for displeasure there was; but I know that displeasure existed; because formerly, when he had two sons, he chose that other one, who is dead; to be at all times with himself, but sent this other one to his farms in the country. The same thing which happened to Erucius in supporting this wicked and trifling charge, has happened to me in advocating a most righteous cause. He could find no means of supporting this trumped-up charge; I can hardly find out by what arguments I am to invalidate and get rid of such trifling circumstances. [43] What do you say, Erucius? Did Sextus Roscius entrust so many farms, and such fine and productive ones to his son to cultivate and manage, for the sake of getting rid of and punishing him? What can this mean? Do not fathers of families who have children, particularly men of that class of municipalities in the country, do they not think it a most desirable thing for them that their sons should attend in a great degree to their domestic affairs, and should devote much of their labour and attention to cultivating their farms? [44] Did he send him off to those farms that he might remain on the land and merely have life kept in him at this country seat? that he might be deprived of all conveniences? What? if it is proved that he not only managed the cultivation of the farms, but was accustomed himself to have certain of the farms for his own, even

during the lifetime of his father? Will his industrious and rural life still be called removal and banishment? You see, O Erucius, how far removed your line of argument is from the fact itself, and from truth. That which fathers usually do, you find fault with as an unprecedented thing; that which is done out of kindness, that you accuse as having been done from dislike; that which a father granted his son as an honour, that you say he did with the object of punishing him. [45] Not that you are not aware of all this, but you are so wholly without any arguments to bring forward, that you think it necessary to plead not only against us, but even against the very nature of things, and against the customs of men, and the opinion of every one. 16.

Oh but, when he had two sons, he never let one be away from him, and he allowed the other to remain in the country. I beg you, O Erucius, to take what I am going to say in good part; for I am going to say it, not for the sake of finding fault, but to warn you. [46] If fortune did not give to you to know the father whose son you are, so that you could understand what was the affection of fathers towards their children; still, at all events, nature has given you no small share of human feeling. To this is added a zeal for learning, so that you are not unversed in literature. Does that old man in Caecilius, (to quote a play,) appear to have less affection for Eutychus, his son, who lives in the country, than for his other one Chaerestratus? for that, I think, is his name; do you think that he keeps one with him in the city do him honour, and sends the other into the country in order to punish him? [47] Why do you have recourse to such trifling? you will say. As if it were a hard matter for me to bring forward ever so many by name, of my own tribe, or my own neighbours, (not to wander too far off,) who wish those sons for whom they have the greatest regard, to be diligent farmers. But it is an odious step to quote known men, when it is uncertain whether they would like their names to be used; and no one is likely to be better known to you than this same Eutychus; and certainly it has nothing to do with the argument, whether I name this youth in a play, or some one of the country about Veii. In truth, I think that these things are invented by poets in order that we may see our manners sketched under the character of strangers, and the image of our daily life represented under the guise

of fiction. [48] Come now; turn your thoughts, if you please, to reality, and consider not only in Umbria and that neighbourhood, but in these old municipal towns, what pursuits are most praised by fathers of families. You will at once see that, from want of real grounds of accusation, you have imputed that which is his greatest praise to Sextus Roscius as a fault and a crime. 17.

But not only do children do this by the wish of their fathers, but I have myself known many men (and so, unless I am deceived, has every one of you) who are inflamed of their own accord with a fondness for what relates to the cultivation of land, and who think this rural life, which you think ought to be a disgrace to and a charge against a man, the most honourable and the most delightful. [49] What do you think of this very Sextus Roscius? How great is his fondness for, and shrewdness in rural affairs! As I hear from his relations, most honourable men, you are not more skillful in this your business of an accuser, than he is in his. But, as I think, since it seems good to Chrysogonus, who has left him no farm, he will be able now to forget this skill of his, and to give up this taste. And although that is a sad and a scandalous thing, yet he will bear it, O judges, with equanimity, if, by your verdict, he can preserve his life and his character; but this is intolerable, if he is both to have this calamity brought upon him on account of the goodness and number of his farms, and if that is especially to be imputed to him as a crime that he cultivated them with great care; so that it is not to be misery enough to have cultivated them for others not for himself, unless it is also to be accounted a crime that he cultivated them at all. 18. [50]

In truth, O Erucius, you would have been a ridiculous accuser, if you had been born in those times when men were sent for from the plough to be made consuls. Certainly you, who think it a crime to have superintended the cultivation of a farm, would consider that Atilius, whom those who were sent to him found sowing seed with his own hand, a most base and dishonourable man. But, forsooth, our ancestors judged very differently both of him and of all other such men. And therefore from a very small and powerless state they left us one very great and very prosperous. For they diligently cultivated their own lands, they did not graspingly desire those of others; by which conduct they enlarged the republic, and this dominion, and the

name of the Roman people, with lands and conquered cities, and subjected nations. [51] Nor do I bring forward these instances in order to compare them with these matters which we are now investigating; but in order that that may be understood: that, as in the times of our ancestors, the highest and most illustrious men, who ought at all times to have been sitting at the helm of the republic, yet devoted much of their attention and time to the cultivation of their lands; that man ought to be pardoned, who avows himself a rustic, for having lived constantly in the country, especially when be could do nothing which was either more pleasing to his father, or more delightful to himself, or in reality more honourable. [52] The bitter dislike of the father to the son, then, is proved by this, O Erucius, that he allowed him to remain in the country. Is there anything else? Certainly, says he, there is. For he was thinking of disinheriting him. I hear you. Now you are saying something which may have a bearing on the business, for you will grant, I think, that those other arguments are trifling and childish. He never went to any feasts with his father. Of course not, as he very seldom came to town at all. People very seldom asked him to their houses. No wonder, for a man who did not live in the city, and was not likely to ask them in return. 19. [53]

But you are aware that these things too are trifling. Let us consider that which we began with, than which no more certain argument of dislike can possibly be found. The father was thinking of disinheriting his son. I do not ask on what account. I ask how you know it? Although you ought to mention and enumerate all the reasons. And it was the duty of a regular accuser, who was accusing a man of such wickedness, to unfold all the vice and sins of a son had exasperated the father so as to enable him to bring his mind to subdue nature herself — to banish from his mind that affection so deeply implanted in it — to forget in short that he was a father; and all this I do not think could have happened without great errors on the part of the son. [54] But I give you leave to pass over those things, which, as you are silent, you admit have no existence. At all events you ought to make it evident that he did intend to disinherit him. What then do you allege to make us think that that was the case? You can say nothing with truth. Invent something at least with probability in it; that you may not manifestly be convicted of doing what you are

openly doing — insulting the fortunes of this unhappy man, and the dignity of these noble judges. He meant to disinherit his son. On what account? I don't know. Did he disinherit him? No. Who hindered him? He was thinking of it. He was thinking of it? Who did he tell? No one. What is abusing the court of justice, and the laws, and your majesty, O judges, for the purposes of gain and lust, but accusing men in this manner, and bringing imputations against them which you not only are not able to prove, but which you do not even attempt to? [55] There is not one of us, O Erucius, who does not know that you have no enmity against Sextus Roscius. All men see on what account you come here as his adversary. They know that you are induced to do so by this man's money. What then? Still you ought to have been desirous of gain with such limitations as to think that the opinion of all these men, and the Remmian law ought to nave some weight. 20. [56]

It is a useful thing for there to be many accusers in the city, in order that audacity may be kept in check by fear; but it is only useful with this limitation, that we are not to be manifestly mocked by accusers. A man is innocent. But although he is free from guilt he is not free from suspicion. Although it is a lamentable thing, still I can, to some extent, pardon a man who accuses him. For when be has anything which he can say, imputing a crime, or fixing a suspicion, he does not appear knowingly to be openly mocking and calumniating. On which account we all easily allow that there should be as many accusers as possible; because an innocent man, if he be accused, can be acquitted; a guilty man, unless or he be accused cannot be convicted. But it is more desirable that an innocent man should be acquitted, than that a guilty man should not be brought to trial. Food for the geese is contracted for at the public expense, and dogs are maintained in the Capitol, to give notice if thieves come. But they cannot distinguish thieves. Accordingly they give notice if any one comes by night to the Capitol; and because that is a suspicious thing, although they are but beasts, yet they oftenest err on that side which is the more prudent one. But if the dogs barked by day also, when any one came to pay honour to the gods, I imagine their legs would be broken for being active then also, when there was no suspicion. The notion of accusers is very much the same. [57]

Some of you are geese, who only cry out, and have no power to hurt, some are dogs who can both bark and bite. We see that food is provided for you; but you ought chiefly to attack those who deserve it. This is most pleasing to the people; then if you will, then you may bark on suspicion when it seems probable that some one has committed a crime. That may be allowed. But if you act in such a way as to accuse a man of having murdered his father, without being able to say why or how; and if you are only barking without any ground for suspicion, no one, indeed, will break your legs; but if I know these judges well, they will so firmly affix to your heads that letter to which you are so hostile that you hate all the Calends too, that you shall hereafter be able to accuse no one but your own fortunes. 21. [58]

What have you given me to defend my client against, my good accuser? And what ground have you given these judges for any suspicion? He was afraid of being disinherited. I hear you. But no one says what ground he had for fear. His father had it in contemplation. Prove it. There is no proof; there is no mention of any one with whom he deliberated about it — whom he told of it; there is no circumstance from which it could occur to your minds to suspect it. When you bring accusations in this manner, O Erucius, do you not plainly say this? "I know what I have received, but I do not know what to say. I have had regard to that alone which Chrysogonus said, that no one would be his advocate; that there was no one who would dare at this time to say a word about the purchase of the property, and about that conspiracy." This false opinion prompted you to this dishonesty. You would not in truth have said a word if you had thought that any one would answer you. [59] It were worth while, if you have noticed it, O judges, to consider this man's carelessness in bringing forward his accusations. I imagine, when he saw what men were sitting on those benches, that he inquired whether this man or that man was going to defend him; that he never even dreamt of me, because I have never pleaded any public cause before. After he found that no one was going to defend him of those men who have the ability and are in the habit of so doing, he began to be so careless that, when it suited his fancy he sat down, then he walked about, sometimes he even called his boy, I suppose to give him orders for

supper, and utterly overlooked your assembly and all this court as if it had been a complete desert. 22. [60]

At length he summed up. He sat down. I got up. He seemed to breathe again because no one else rose to speak other than I. I began to speak. I noticed, O judges, that he was joking and doing other things, up to the time when I named Chrysogonus; but as soon as I touched him, my man at once raised himself up. He seemed to be astonished. I knew what had pinched him. I named him a second time, and a third. After, men began to run hither arid thither, I suppose to tell Chrysogonus that there was some one who dared to speak contrary to his will, that the cause was going on differently from what he expected, that the purchase of the goods was being ripped up; that the conspiracy was being severely handled; that his influence and power was being disregarded; that the judges were attending diligently; that the matter appeared scandalous to the people. [61] And since you were deceived in all this, O Erucius, and since you see that everything is altered; that the cause on behalf of Sextus Roscius is argued, if not as it should be, at all events with freedom, since you see that be is defended whom you thought was abandoned, that those who you expected would deliver him up to you are judging impartially, give us again, at last, some of your old skill and prudence; confess that you came hither with the hope that there would he a robbery here, not a trial. A trial is held on a charge of parricide, and no reason is alleged by the accuser why the son has slain his father. [62] That which, in even the least offences and in the more trifling crimes, which are more frequent and of almost daily occurrence, is asked most earnestly and as the very first question, namely what motive there was for the offence; that Erucius does not think necessary to be asked in a case of parricide. A charge which, O judges, even when many motives appear to concur, and to be connected with one another, is still not rashly believed, nor is such a case allowed to depend on slight conjecture, nor is any uncertain witness listened to, nor is the matter decided by the ability of the accuser. Many crimes previously committed must be proved, and a most profligate life on the part of the prisoner, and singular audacity, and not only audacity, but the most extreme frenzy and madness. When all these things are proved, still there must exist express traces of the crime: where, in what manner, by whose means, and at what

time the crime was committed. And unless these proofs are numerous and evident — so wicked, so atrocious, so nefarious a deed cannot be believed. [63] For the power of human feeling is great; the connection of blood is of mighty power; nature herself cries out against suspicions of this sort; it is a most undeniable portent and prodigy, for any one to exist in human shape, who so far outruns the beasts in savageness, as in a most scandalous manner to deprive those of life by whose means he has himself beheld this most delicious light of life; when birth, and bringing up, and nature herself make even beasts friendly to each other. 23. [64]

Not many years ago they say that Titius Cloelius, a citizen of Terracina, a well-known man, when, having supped, he had retired to rest in the same room with his two youthful sons, was found in the morning with his throat cut: when no servant could be found nor any free man, on whom suspicion of the deed could be fixed, and his two sons of that age lying near him said that they did not even know what had been done; the sons were accused of the parricide. What followed? it was, indeed, a suspicious business; that neither of them were aware of it, and that some one had ventured to introduce himself into that chamber, especially at that time when two young men were in the same place, who might easily have heard the noise and defended him. Moreover, there was no one on whom suspicion of the deed could fall. [65] Still as it was plain to the judges that they were found sleeping with the door open, the young men were acquitted and released from all suspicion. For no one thought that there was any one who, when he had violated all divine and human laws by a nefarious crime, could immediately go to sleep; because they who have committed such a crime not only cannot rest free from care, but cannot even breathe without fear. 24. [66]

Do you not see in the case of those whom the poets have handed down to us, as having, for the sake of avenging their father, inflicted punishment on their mother, especially when they were said to have done so at the command and in obedience to the oracles of the immortal gods, how the furies nevertheless haunt them, and never suffer them to rest, because they could not be pious without wickedness. And this is the truth, O judges. The blood of one's father and mother has great power, great obligation, is a most holy thing,

and if any stain of that falls on one, it not only cannot be washed out, but it drips down into the very soul, so that extreme frenzy and madness follow it. [67] For do not believe, as you often see it written in fables, that they who have done anything impiously and wickedly are really driven about and frightened by the furies with burning torches. It is his own dishonesty and the terrors of his own conscience that especially harassed each individual; his own wickedness drives each criminal about and affects him with madness; his own evil thoughts, his own evil conscience terrifies him. These are to the wicked their incessant and domestic furies which night and day exact from wicked sons punishment for the crimes committed against their parents. [68] This enormity of the crime is the cause why, unless a parricide is proved in a manner almost visible, it is not credible, unless a man's youth has been base, unless his life has been stained with every sort of wickedness, unless his extravagance has been prodigal and accompanied with shame and disgrace, unless his audacity has been violent, unless his rashness has been such as to be not far removed from insanity. There must be, besides a hatred of his father, a fear of his father's reproof — worthless friends, slaves privy to the deed, a convenient opportunity, a place fitly selected for the business. I had almost said the judges must see his hands stained with his father's blood, if they are to believe so monstrous, so barbarous, so terrible a crime. [69] On which account, the less credible it is unless it be proved, the more terribly is it to be punished if it be proved. 25.

Therefore, it may be understood by many circumstances that our ancestors surpassed other nations not only in arms, but also in wisdom and prudence; and also most especially by this, that they devise a singular punishment for the impious. And in this matter consider how far they surpassed in prudence those who are said to have been the wisest of all nations. [70] The state of the Athenians is said to have been the wisest while it enjoyed the supremacy. Moreover of that state they say that Solon was the wisest man, he who made the laws which they use even to this day. When he was asked why he had appointed no punishment for him who killed his father, he answered that he had not supposed that any one would do so. He is said to have done wisely in establishing nothing about a

crime which had up to that time never been committed, lest he should seem not so much to forbid it as to put people in mind of it. How much more wisely did our ancestors act! for as they understood that there was nothing so holy that audacity did not sometimes violate it, they devised a singular punishment for parricides in order that they whom nature herself had not been able to retain in their duty, might be kept from crime by the enormity of the punishment. They ordered them to be sown alive in a sack, and in that condition to be thrown into the river. 26. [71]

O singular wisdom, O judges! Do they not seem to have cut this man off and separated him from nature; from whom they took away at once the heaven, the sun, water and earth, so that he who had slain him, from whom he himself was horn, might be deprived of all those things from which everything is said to derive its birth. They would not throw his body to wild beasts, lest we should find the very beasts who had touched such wickedness, more savage; they would not throw them naked into the river, lest when they were carried down into the sea, they should pollute that also, by which all other things which have been polluted are believed to be purified. There is nothing in short so vile or so common that they left them any share in it. [72] Indeed what is so common as breath to the living, earth to the dead, the sea to those who float, the shore to those who are cast up by the sea? These men so live, while they are able to live at all, that they are unable to draw breath from heaven; they so die that earth does not touch their bones; they are tossed about by the waves so that they are never washed; lastly, they are cast up by the sea so, that when dead they do not even rest on the rocks. Do you think, O Erucius, that you can prove to such men as these your charge of so enormous a crime, a crime to which so remarkable a punishment is affixed, if you do not allege any motive for the crime? If you were accusing him before the very purchasers of his property, and if Chrysogonus were presiding at that trial, still you would have come more carefully and with more preparation. [73] Is it that you do not see what the cause really is, or before whom it is being pleaded? The cause in question is parricide; which cannot be undertaken without many motives; and it is being tried before very wise men, who are aware that no one commits the very slightest crime without any motive whatever. 27.

Be it so; you are unable to allege any motive. Although I ought at once to gain my cause, yet I will not insist on this, and I will concede to you in this cause what I would not concede in another, relying on this man's innocence. I do not ask you why Sextus Roscius killed his father; I ask you how he killed him? So I ask of you, O Caius Erucius, how, and I will so deal with you, that I will on this topic give you leave to answer me or to interrupt me, or even, if you wish to at all, to ask me questions. [74] How did he kill him? Did he strike him himself, or did he commit him to others to be murdered? If you say he did it himself, he was not at Rome; if you say he did it by the instrumentality of others, I ask you were they slaves or free men? who were they? Did they come from the same place, from Ameria, or were they assassins of this city? If they came from Ameria, who are they, why are they not named? If they are of Rome, how did Roscius make acquaintance with them? who for many years had not come to Rome, and who never was there more than three days. Where did he meet them? with whom did he speak? how did he persuade them? Did he give them a bribe? to whom did he give it? by whose agency did he give it? whence did he get it, and how much did he giver? Are not these the steps by which one generally arrives at the main fact of guilt? And let it occur to you at the same time how you have painted this man's life; that you have described him as an unpolished and country-mannered man; that he never held conversation with any one, that he had never dwelt in the city. [75] And in this I pass over that thing which might be a strong argument for me to prove his innocence, that atrocities of this sort are not usually produced among country manners, in a sober course of life, in an unpolished and rough sort of existence. As you cannot find every sort of crop, nor every tree, in every field, so every sort of crime is not engendered in every sort of life. In a city, luxury is engendered; avarice is inevitably produced by luxury; audacity must spring from avarice, and out of audacity arises every wickedness and every crime. But a country life, which you call a clownish one, is the teacher of economy, of industry, and of justice. 28. [76]

But I will say no more of this. I ask then by whose instrumentality did this man, who, as you yourself say, never mixed with men, contrive to accomplish this terrible crime with such secrecy,

especially while absent? There are many things, O judges, which are false, and which can still be argued so as to cause suspicion. But in this matter, if any grounds for suspicion can be discovered, I will admit that there is guilt. Sextus Roscius is murdered at Rome, while his son is at his farm at Ameria. He sent letters, I suppose, to some assassin, he who knew no one at Rome. He sent for some one — but when? He sent a messenger — whom? or to whom? Did he persuade any one by bribes, by influence, by hope, by promises? None of these things can even be invented against him, and yet a trial for parricide is going on. [77] The only remaining alternative is that he managed it by means of slaves. Oh ye immortal gods, how miserable and disastrous is our lot. That which under such an accusation is usually a protection to the innocent, to offer his slaves to the question, that it is not allowed to Sextus Roscius to do. You, who accuse him, have all his slaves. There is not one boy to bring him his daily food left to Sextus Roscius out of so large a household. I appeal to you now, Publius Scipio, to you Metellus, while you were acting as his advocates, while you were pleading his cause, did not Sextus Roscius often demand of his adversaries that two of his father's slaves should be put to the question? Do you remember that you, O Titus Roscius, refused it? What? Where are those slaves? They are waiting on Chrysogonus, O judges; they are honoured and valued by him. Even now I demand that they be put to the question; he begs and entreats it. [78] What are you doing? Why do you refuse? Doubt now, O judges, if you can, by whom Sextus Roscius was murdered; whether by him, who, on account of his death, is exposed to poverty and treachery, who has not even opportunity allowed him of making inquiry into his father's death; or by those who shun investigation, who are in possession of his property, who live amid murder, and by murder. Everything in this cause, O judges, is lamentable and scandalous; but there is nothing which can be mentioned more bitter or more iniquitous than this. The son is not allowed to put his father's slaves to the question concerning his father's death. He is not to be master of his own slaves so long as to put them to the question concerning his father's death. I will come again, and that speedily, to this topic. For all this relates to the Roscii; and I have promised that I will speak of their audacity when I have effaced the accusations of

Erucius. 29. [79]

Now, Erucius, I come to you. You must inevitably agree with me, if he is really implicated in this crime, that he either committed it with his own hand, which you deny, or by means of some other men, either freemen or slaves. Were they freemen? You can neither show that he had any opportunity of meeting them, nor by what means he could persuade them, nor where he saw them, nor by what agency he trafficked with them, nor by what hope, or what bribe he persuaded them. I show, on the other hand, not only that Sextus Roscius did nothing of all this, but that he was not even able to do anything, because he had neither been at Rome for many years, nor did he ever leave his farm without some object. The name of slaves appeared to remain to you, to which, when driven from your other suspicions, you might fly as to a harbour, when you strike upon such a rock that you not only see the accusation rebound back from it, but perceive that every suspicion falls upon you yourselves. [80] What is it, then? Whither has the accuser betaken himself in his dearth of arguments? The time, says he, was such that men were constantly being killed with impunity; so that you, from the great number of assassins, could effect this without any trouble. Meantime you seem to me, O Erucius, to be wishing to obtain two articles for one payment; to blacken our characters in this trial, and to accuse those very men from whom you have received payment. What do you say? Men were constantly being killed? By whose agency? and by whom? Do you not perceive that you have been brought here by brokers? What next? Are we ignorant that in these times the same men were brokers of men's lives as well as of their possessions? [81] Shall those men then, who at that time used to run about armed night and day, who spent all their time in rapine and murder, object to Sextus Roscius the bitterness and iniquity of that time? and will they think that troops of assassins, among whom they themselves were leaders and chiefs, can be made a ground of accusation against him? who not only was not at Rome, but who was utterly ignorant of everything that was being done at Rome, because he was continually in the country, as you yourself admit. [82] I fear that I may be wearisome to you, O judges, or that I may seem to distrust your capacity, if I dwell longer on matters which are so evident. The whole accusation of

Erucius, as I think, is at an end; unless perhaps you expect me to refute the charges which he has brought against us of peculation and of other imaginary crimes of that sort; charges unheard of by us before this time, and quite novel; which he appeared to me to be spouting out of some other speech which he was composing against some other criminal; so wholly were they unconnected with either the crime of parricide, or the man who is now on his trial. But as he accuses us of these things with his bare word, it is sufficient to deny them with our bare word. If there is any point which he is keeping back to prove by witnesses, there also, as in this cause, he shall find us more ready than he expected. 30. [83]

I come now to that point to which my desire does not lead me, but good faith towards my client. For if I wished to accuse men, I should accuse those men rather by accusing whom I might become more important, which I have determined not to do, as long as the alternatives of accusing and defending are both open to me. For that man appears to me the most honourable who arrives at a higher rank by his own virtue, not he who rises by the distress and misfortunes of another. Let us cease for awhile to examine into these matters which are unimportant; let us inquire where the guilt is, and where it can be detected. By this time you will understand, O Erucius, by how many suspicious circumstances a real crime must be proved, although I shall not mention every thing, and shall touch on every thing slightly. And I would not do even that if it were not necessary, and it shall be a sign that I am doing it against my will, that I will not pursue the point further than the safety of Roscius and my own good faith requires. [84] You found no motive in Sextus Roscius; but I do find one in Titus Roscius For I have to do with you now, O Titus Roscius, since you are sitting there and openly professing yourself an enemy. We shall see about Capito afterwards, if he comes forward as a witness as I hear he is ready to do then he shall hear of other victories of his, which he does not suspect that I ever even heard. That Lucius Cassius, whom the Roman people used to consider a most impartial and able judge, used constantly to ask at trials, “to whom it had been any advantage?” The life of men is so directed that no one attempts to proceed to crime without some hope of advantage. [85] Those who were about to be tried avoided and dreaded him as an investigator

and a judge; because, although he was afraid of truth, he yet seemed not so much inclined by nature to mercy, as drawn by circumstances to severity. I, although a man is presiding at this trial who is both brave against audacity, and very merciful to innocence, would yet willingly suffer myself to speak in behalf of Sextus Roscius either before that very acute judge himself, or before other judges like him, whose very name those who have to stand a trial shudder at even now. 31. [86]

For when those judges saw in this cause that those men are in possession of abundant wealth, and that he is in the greatest beggary, they would not ask who had got advantage from the deed, but they would connect the manifest crime and suspicion of guilt rather with the plunder than with the poverty. What if this be added to that consideration that you were previously poor? what if it be added that you are avaricious? what if it be added that you are audacious? what if it be added that you were the greatest enemy of the man who has been murdered? need any further motive be sought for, which may have impelled you to such a crime? But which of all these particulars can be denied? [87] The poverty of the man is such that it cannot be concealed, and it is only the more conspicuous the more it is kept out of sight. Your avarice you make a parade of when you form an alliance with an utter stranger against the fortunes of a fellow-citizen and a relation. How audacious you are (to pass over other points), all men may understand from this, that out of the whole troop, that is to say, out of so many assassins, you alone were found to sit with the accusers, and not only to show them your countenance, but even to volunteer it. You must admit that you had enmity against Sextus Roscius, and great disputes about family affairs. [88] It remains, O judges, that we must now consider which of the two rather killed Sextus Roscius; did he to whom riches accrued by his death, or did he to whom beggary was the result? Did he who, before that, was poor, or he, who after that became most indigent? Did he, who burning with avarice rushes in like an enemy against his own relations, or he who has always lived in such a manner as to have no acquaintance with exorbitant gains, or with any profit beyond that which he procured with toil? Did he who, of all the brokers is the most audacious, or he who, because of the insolence of the forum

and of the public courts, dreads not only the bench, but even the city itself? Lastly, O judges, what is most material of all to the argument in my opinion did his enemy do it or his son? 32. [89]

If you, O Erucius, had so many and such strong arguments against a criminal, how long you would speak; how you would plume yourself, — time indeed would fail you before words did. In truth, on each of these topics the materials are such that you might spend a whole day on each. And I could do the same; for I will not derogate so much from my own claims, though I arrogate nothing, as to believe that you can speak with more fluency than I can. But I, perhaps, owing to the number of advocates, may be classed in the common body; the battle of Cannae has made you a sufficiently respectable accuser. We have seen many men slain, not at Thrasymenus, but at Servilius. [90] " "Who was not wounded there with Phrygian steel?"
" I need not enumerate all, — the Curtii, the Marii, the Mamerci, whom age now exempted from battles; and, lastly, the aged Priam himself, Antistius, whom not only his age, but even the laws excused from going to battle. There are now six hundred men, whom nobody even mentions by name because of their meanness, who are accusers of men on charges of murdering and poisoning; all of whom, as far as I am concerned, I hope may find a livelihood. For there is no harm in there being as many dogs as possible, where there are many men to be watched, and many things to be guarded. [91] But, as is often the case, the violence and tumultuous nature of war brings many things to pass without the knowledge of the generals. While he who was administering the main government was occupied in other matters, there were men who in the meantime were curing their own wounds; who rushed about in the darkness and threw everything into confusion as if eternal night had enveloped the whole Republic. And by such men as these I wonder that the courts of justice were not burnt, that there might be no trace left of any judicial proceedings; for they did destroy both judges and accusers. There is this advantage, that they lived in such a manner that even if they wished it, they could not put to death all the witnesses; for as long as the race of men exists, there will not be wanting men to accuse them: as long

as the state lasts, trials will take place. But as I began to say, both Erucius, if he had these arguments to use which I have mentioned, in any cause Of his, would be able to speak on them as long as he pleased, and I can do the same. But I choose, as I said before, to pass by them lightly, and only just to touch on each particular, so that all men may perceive that I am not accusing men of my own inclination, but only defending my own client from a sense of duty. 33. [92]

I see therefore that there were many causes which urged that man to this crime. Let us now see whether he had any opportunity of committing it. Where was Sextus Roscius slain? — at Rome. What of you, O Roscius? Where were you at that time? — at Rome. But what is that to the purpose? many other men were there too. As if the point now were, who of so vast a crowd slew him, and as if this were not rather the question, whether it is more probable that he who was slain at Rome was slain by that man who was constantly at Rome at that time, or by him who for many years had never come to Rome at all? [93] Come, let us consider now the other circumstances which might make it easy for him. There was at that time a multitude of assassins, as Erucius has stated, and men were being killed with impunity. What! — what was that multitude? A multitude, I imagine, either of those who were occupied in getting possession of men's property, or of those who were hired by them to murder some one. If you think it was composed of those who coveted other men's property, you are one of that number, — you who are enriched by our wealth; if of those whom they who call them by the lightest name call slayers, inquire to whom they are bound, and whose dependents they are, believe me you will find it is some one of your own confederacy, whatever you say to the contrary, compare it with our defence, and by this means the cause of Sextus Roscius will be most easily contrasted with yours. [94] You will say, "what follows if I was constantly at Rome?" I shall answer, "But I was never there at all." "I confess that I am a broker, but so are many other men also." "But I, as you yourself accuse me of being, am a countryman and a rustic." "It does not follow at once, because I have been present with a troop of assassins, that I am an assassin myself." "But at all events I, who never had even the acquaintance of assassins, am far removed from

such a crime." There are many things which may be mentioned, by which it may be understood that you had the greatest facilities for committing this crime, which I pass over, not only because I do not desire to accuse, but still more on this account, — because if I were to wish to enumerate all the murders which were then committed on the same account as that on which Sextus Roscius was slain, I fear lest my speech would seem to refer to others also. 34. [95]

Let us examine now briefly, as we have done in the other particulars, what was done by you, O Titus Roscius, after the death of Sextus Roscius; and these things are so open and notorious, that by the gods, O judges, I am unwilling to mention them. For whatever your conduct may be, O Titus Roscius, I am afraid of appearing to be so eager to save my client, as to be quite regardless whether I spare you or not. And as I am afraid of this, and as I wish to spare you in some degree, as far as I can, saving my duty to my client, I will again change my purpose. For the thoughts on your countenance present here occur to my mind, that you when all the rest of your companions were flying and hiding themselves in order that this trial might appear to be not concerning their plunder, not concerning this man's crime, should select this part above all others for yourself, to appear at the trial and sit with the accuser, by which action you gain nothing beyond causing your impudence and audacity to be known to all mortals. [96] After Sextus Roscius is slain, who is the first to take the news to Ameria? Mallius Glaneia, whom I have named before, your own client and intimate friend. What did it concern him above all men to bring the news of what, if you had not previously formed some plan with reference to his death and property, and had formed no conspiracy with any one else, having either the crime or its reward for its object, concerned you least of all men? Oh, Mallius brought the news of his own accord! What did it concern him, I beg? or, as he did not come to Ameria on account of this business, did it happen by chance that he was the first to tell the news which he had heard at Rome? On what account did he come to Ameria? I cannot conjecture, says he. I will bring the matter to such a point that there shall be no need of conjecture. On what account did he announce it first to Roscius Capito? When the house, and wife, and children of Sextus Roscius were at Ameria; when he had so many kinsmen and

relations on the best possible terms with himself, on what account did it happen that that client of yours, the reporter of your wickedness, did it to Titus Roscius Capito above all men? [97] He was slain returning home from supper. It was not yet dawn when it was known at Ameria. Why was this incredible speed? What does this extraordinary haste and expedition intimate? I do not ask who struck the blow; you have nothing to fear, O Glaucia. I do not shake you to see if you have any weapon about you. I am not examining that point; I do not think I am at all concerned with that. Since I have found out by whose design he was murdered, by whose hand he was murdered I do not care. I assume one point, which your open wickedness and the evident state of the case gives me. Where, or from whom, did Glaucia hear of it? Who knew it so immediately? Suppose he did hear of it immediately; what was the affair which compelled to take so long a journey in one night? What was the great necessity which pressed upon him, so as to make him, if he was going to Ameria of his own accord, set out from Rome at that time of night, and devote no part of the night to sleep? 35. [98]

In a case so evident as this must we seek for arguments, or hunt for conjectures? Do you not seem, O judges, actually to behold with your own eyes what you have been hearing? Do you not see that unhappy man, ignorant of his fate, returning from supper? Do you not see the ambush that is laid? the sudden attack? Is not Glaucia before your eyes, present at the murder? Is not that Titus Roscius present? Is he not with his own hands placing that Automedon in the chariot, the messenger of his most horrible wickedness and nefarious victory? Is he not entreating him to keep awake that night? to labour for his honour? to take the news to Capito as speedily as possible? [99] Why was it that be wished Capito to be the first to know it? I do not know, only I see this, that Capito is a partner in this property. I see that, of thirteen farms, he is in possession of three of the finest. [100] I hear besides, that this suspicion is not fixed upon Capito for the first time now; that he has gained many infamous victories; but that this is the first very splendid one which he has gained at Rome; that there is no manner of committing murder in which he has not murdered many men; many by the sword, many by poison. I can even tell you of one man whom, contrary to the custom of our ancestors, he threw

from the bridge into the Tiber, when he was not sixty years of age; and if he comes forward, or when he comes forward, for I know that he will come forward, he shall hear of him. [101] Only let him come; let him unfold that volume of his which I can prove that Erucius wrote for him, which they say that he displayed to Sextus Roscius, and threatened that he would mention everything contained in it in his evidence. O the excellent witness, O judges; O gravity worthy of being attended to; O honourable course of life! such that you may with willing minds make your oaths depend upon his testimony! In truth we should not see the crimes of these men so clearly if cupidity, and avarice, and audacity, did not render them blind. 36. [102]

One of them sent a swift messenger from the very scene of murder to Ameria, to his partner and his tutor; so that if every one wished to conceal his knowledge of whom the guilt belonged to, yet he himself placed his wickedness visibly before the eyes of all men. The other (if the immortal gods will only let him) is going to give evidence also against Sextus Roscius. As if the matter now in question were, whether what he said is to be believed, or whether what he did is to be punished. Therefore it was established by the custom of our ancestors, that even in the most insignificant matters, the most honourable men should not be allowed to give evidence in their own cause. [103] Africanus, who declares by his surname that he subdued a third part of the whole world, still, if a case of his own were being tried, would not give evidence. For I do not venture to say with respect to such a man as that, if he did give evidence he would not be believed. See now everything is altered and changed for the worse. When there is a trial about property and about murder, a man is going to give evidence, who is both a broker and an assassin; that is, he who is himself the purchaser and possessor of that very property about which the trial is taking place, and who contrived the murder of the man whose death is being inquired into. [104] What do you want, O most excellent man? Have you anything to say? Listen to me. Take care not to be wanting to yourself; your own interest to a great extent is at stake. You have done many things wickedly, many things audaciously, many things scandalously; one thing foolishly, and that of your own accord, not by the advice of Erucius. There was no need for you to sit there. For no man employs

a dumb accuser, or calls him as a witness, who rises from the accuser's bench. There must be added to this, that that cupidity of yours should have been a little more kept back and concealed. Now what is there that any one of you desire to hear, when what you do is such that you seem to have done them expressly for our advantage against your own interest? [105] Come now, let us see, O judges, what followed immediately after. 37.

The news of the death of Sextus Roscius is carried to Volaterra, to the camp of Lucius Sulla, to Chrysogonus, four days after he is murdered. I now again ask who sent that messenger. Is it not evident that it was the same man who sent the news to Ameria? Chrysogonus takes care that his goods shall be immediately sold; he who had neither his own the man nor his estate. But how did it occur to him to wish for the farms of a man who was unknown to him, whom he had never seen in his life? You are accustomed, O judges, when you hear anything of this sort to say at once, some fellow-citizen or neighbour must have told him; they generally tell these things; most men are betrayed by such. Here there is no ground for your entertaining this suspicion. [106] I will not argue thus. It is probable that the Roscii gave information of that matter to Chrysogonus, for there was of old, friendship between them and Chrysogonus; for though the Roscii had many ancient patrons and friends hereditarily connected with them, they ceased to pay any attention and respect to them, and betook themselves to the protection and support of Chrysogonus. [107] I can say all this with truth; for in this case I have no need to rely on conjecture. I know to a certainty that they themselves do not deny that Chrysogonus made the attack on this property at their instigation. If you see with your own eyes who has received a part of the reward for the information, can you possibly doubt, O judges, who gave the information? Who then are in possession of that property; and to whom did Chrysogonus give a share in it? The two Roscii! — Any one else? No one else, O judges. Is there then any doubt that they put this plunder in Chrysogonus's way, who have received from him a share of the plunder? [108] Come now let us consider the action of the Roscii by the judgment of Chrysogonus himself. If in that contest the Roscii had done nothing which was worth speaking of, on what account were they presented with such

rewards by Chrysogonus? If they did nothing more than inform him of the fact, was it not enough for him to thank them? Why are these farms of such value immediately given to Capito? Why does that fellow Roscius possess all the rest in common property with Chrysogonus? Is it not evident, O judges, that Chrysogonus, understanding the whole business, gave them as spoils to the Roscii? 38. [109]

Capito came as a deputy to the camp, as one of the ten chief men of Ameria. Learn from his behaviour on this deputation the whole life and nature and manners of the man. Unless you are of opinion, O judges, that there is no duty and no right so holy and solemn that his wickedness and perfidy has not tampered with and violated it, then judge him to be a very excellent man. [110] He is the hindrance to Sulla's being informed of this affair; he betrays the plans and intentions of the other deputies to Chrysogonus; he gives him warning to take care that the affair be not conducted openly; he points out to him, that if the sale of the property be prevented, he will lose a large sum of money, and that he himself will be in danger of his life. He proceeds to spur him on, to deceive those who were joined in the commission with him; to warn him continually to take care; to hold out treacherously false hopes to the others; in concert with him to devise plans against them, to betray their counsels to him; with him to bargain for his share in the plunder, and, relying constantly on some delay or other, to cut off from his colleagues all access to Sulla. Lastly, owing to his being the prompter, the adviser, the go-between, the deputies did not see Sulla; deceived by his faith, or rather by his perfidy, as you may know from themselves, if the accuser is willing to produce them as witnesses, they brought back home with a false hope instead of a reality. [111] In private affairs if any one had managed a business entrusted to him, I will not say maliciously for the sake of his own gain and advantage, but even carelessly, our ancestors thought that he had incurred the greatest disgrace. Therefore, legal proceedings for betrayal of a commission are established, involving penalties no less disgraceful than those for theft. I suppose because, in cases where we ourselves cannot be present, the vicarious faith of friends is substituted; and he who impairs that confidence, attacks the common bulwark of all men, and

as far as depends on him, disturbs the bonds of society. For we cannot do everything ourselves; different people are more capable in different matters. On that account friendships are formed, that the common advantage of all may be secured by mutual good offices. [112] Why do you undertake a commission, if you are either going to neglect it or to turn it to your own advantage? Why do you offer yourself to me, and by feigned service hinder and prevent my advantage? Get out of the way, I will do my business by means of some one else. You undertake the burden of a duty which you think you are able to support; a duty which does not appear very heavy to those who are not very worthless themselves. 39.

This fault therefore is very base, because it violates two most holy things, friendship and confidence; for men commonly do not entrust anything except to a friend, and do not trust any one except one whom they think faithful. It is therefore the part of a most abandoned man, at the same time to dissolve friendship and to deceive him who would not have been injured unless he had trusted him. [113] Is it not so? In the most trifling affairs be who neglects a commission, must be condemned by a most dishonouring sentence; in a matter of this importance, when he to whom the character of the dead, the fortunes of the living have been recommended and entrusted, loads the dead with ignominy and the living with poverty, shall he be reckoned among honourable men, shall he even be reckoned a man at all? In trifling affairs, in affairs of a private nature, even carelessness is accounted a crime, and is liable to a sentence branding a man with infamy; because, if the commission be properly executed, the man who has given the commission may feel at his ease and be careless about it: he who has undertaken the commission may not. In so important an affair as this, which was done by public order and so entrusted to him, what punishment ought to be inflicted on that man who has not hindered some private advantage by his carelessness, but has polluted and stained by his treachery the solemnity of the very commission itself? or by what sentence shall he be condemned? [114] If Sextus Roscius had entrusted this matter to him privately to transact and determine upon with Chrysogonus, and to involve his credit in the matter if it seemed to him to be necessary — if he who had undertaken the affair had turned ever so minute a point of the

business to his own advantage, would he not, if convicted by the judge, have been compelled to make restitution, and would he not have lost all credit? [115] Now it is not Sextus Roscius who gave him this commission, but what is a much more serious thing, Sextus Roscius himself, with his character, his life, and all his property, is publicly entrusted by the senators to Roscius; and, of this trust, Titus Roscius has converted not some small portion to his own advantage, but has turned him entirely out of his property; he has bargained for three farms for himself; he has considered the intention of the senators and of all his fellow-citizens of just as much value as his own integrity. 40. [116]

Moreover, consider now, O judges, the other matters, that you may see that no crime can be imagined with which that fellow has not disgraced himself. In less important matters, to deceive one's partner is a most shameful thing, and equally base with that which I have mentioned before. And rightly; because he who has communicated an affair to another thinks that he has procured assistance for himself. To whose good faith, then, shall a man have recourse who is injured by the want of faith in the man whom he has trusted? But these offences are to be punished with the greatest severity which are guarded against with the greatest difficulty. We can be reserved towards strangers; intimate friends must see many things more openly; but how can we guard against a companion? for even to be afraid of him is to do violence to the rights of duty. Our ancestors therefore rightly thought that he who had deceived his companion ought not to be considered in the number of good men. [117] But Titus Roscius did not deceive one friend alone in a money matter, (which, although it be a grave offence, still appears possible in some degree to be borne) but he led on, cajoled, and deserted nine most honourable men, betrayed them to their adversaries, and deceived them with every circumstance of fraud and perfidy. They who could suspect nothing of his wickedness, ought not to have been afraid of the partner of their duties; they did not see his malice, they trusted his false speech. Therefore these most honourable men are now, on account of his treachery, thought to have been incautious and improvident He who was at the beginning a traitor, then a deserter — who at first reported the counsels of his companions to

their adversaries, and then entered into a confederacy with the adversaries themselves, even now terrifies us, and threatens us, adorned with his three farms, that is, with the prizes of his wickedness. In such a life as his, O judges, amid such numerous and enormous crimes, you will find this crime too, with which the present trial is concerned. [118] In truth you ought to make investigation on this principle; where you see that many things have been done avariciously, many audaciously, many wickedly, many perfidiously, there you ought to think that wickedness also lies hid among so many crimes; although this indeed does not lie hid at all, which is so manifest and exposed to view, that it may be perceived, not by those vices which it is evident exist in him, but even if any one of those vices be doubted of, he may be convicted of it by the evidence of this crime. What then, I ask, shall we say, O judges? Does this gladiator seem entirely to have thrown off his former character? or does that pupil of his seem to yield but little to his master in skill? Their avarice is equal, their dishonesty similar, their impudence is the same; the audacity of the one is twin-sister to the audacity of the other. 41. [119]

Now forsooth, since you have seen the good faith of the master, listen to the justice of the pupil. I have already said before, that two slaves have been continually begged of them to be put to the question. You have always refused it, O Titus Roscius. I ask of you whether they who asked it were unworthy to obtain it? or had he, on whose behalf they asked it, no influence with you? or did the matter itself appear unjust? The most noble and respectable men of our state, whom I have named before, made the request, who have lived in such a manner, and are so esteemed by the Roman people, that there is no one who would not think whatever they said reasonable. And they made the request on behalf of a most miserable and unfortunate man, who would wish even himself to be submitted to the torture, provided the inquiry into his father's death might go on. [120] Moreover, the thing demanded of you was such that it made no difference whether you refused it or confessed yourself guilty of the crime. And as this is the case, I ask of you why you refused it? When Sextus Roscius was murdered they were there. The slaves themselves, as far as I am concerned, I neither accuse nor acquit; but the point which I see you contending for, namely, that they be not submitted to the question, is full of suspicion. But the reason of their being held in such horror by you, must be that they know something, which, if they were to tell, will be pernicious to you. Oh, say you, it is unjust to put questions to slaves against their masters. Is any such question meant to be put? For Sextus Roscius is the defendant, and when inquiry is being made into his conduct, you do not say that you are their masters. Oh, they are with Chrysogonus. I suppose so; Chrysogonus is so taken with their learning and accomplishments, that be wishes these men — men little better than labourers from the training of a rustic master of a family at Ameria, to mingle with his elegant youths, masters of every art and every refinement — youths picked out of many of the politest households. [121] That cannot be the truth, O judges; it is not probable that Chrysogonus has taken a fancy to their learning or their politeness, or that he should be acquainted with their industry and fidelity in the business of a household. There is something which is hidden; and the more studiously it is bidden and kept back by them, so much the more is it visible and

conspicuous. 42. [122]

What, then, are we to think? Is Chrysogonus unwilling that these men shall be put to the question for the sake of concealing his own crime? Not so, O judges; I do not think that the same arguments apply to every one. As far as I am concerned, I have no suspicion of the sort respecting Chrysogonus, and this is not the first time that it has occurred to me to say so. You recollect that I so divided the cause at the beginning; into the accusation, the whole arguing of which was entrusted to Erucius; and into audacity, the business of which was assigned to the Roscii; — whatever crime, whatever wickedness, whatever bloodshed there is, all that is the business of the Roscii. We say that the excessive interest and power of Chrysogonus is a hindrance to us, and can by no means be endured; and that it ought not only to be weakened, but even to be punished by you, since you have the power given to you. [123] I think as follows; that he who wishes these men to be put to the question, whom it is evident were present when the murder was committed, is desirous to find out the truth; that he who refuses it, though he does not dare admit it in words, yet does in truth by his actions, confesses himself guilty of the crime. I said at the beginning, O judges, that I was unwilling to say more of the wickedness of those men than the cause required, and than necessity itself compelled me to say. For many circumstances can be alleged, and every one of them can be discussed with many arguments. But I cannot do for any length of time, nor diligently, what I do against my will, and by compulsion. Those things which could by no means be passed over, I have lightly touched upon, O judges; those things which depend upon suspicion, and which, if I begin to speak of them, will require a copious discussion, I commit to your capacities and to your conjectures. 43. [124]

I come now to that golden name of Chrysogonus, under which name the whole confederacy is set up, concerning whom, O judges, I am at a loss both how to speak and how to hold my tongue; for if I say nothing, I leave out a great part of my argument, and if I speak, I fear that not he alone (about whom I am not concerned), but others also may think themselves injured; although the case is such that it does not appear necessary to say much against the common cause of

the brokers. For this cause is, in truth, a novel and an extraordinary cause. Chrysogonus is the purchaser of the property of Sextus Roscius. [125] Let us see this first, on what pretence the property of that man was sold, or how they could be sold. And I will not put this question, O judges, so as to imply that it is a scandalous thing for the property of an innocent man to be sold at all. For if these things are to be freely listened to and freely spoken, Sextus Roscius was not a man of such importance in the state as to make us complain of his fortune more than of that of others. But I ask this, how could they be sold even by that very law which is enacted about prescriptions, whether it be the Valerian or Cornelian law, — for neither know nor understand which it is — but by that very law itself how could the property of Sextus Roscius be sold? [126] For they say it is written in it, "that the property of those men who have been proscribed is to be sold"; in which number Sextus Roscius is not one: "or of those who have been slain in the garrisons of the opposite party." While there, were any garrisons, he was in the garrisons of Sulla; after they laid down their arms, returning from supper, he was slain at Rome in a time of perfect peace. If he was slain by law, I admit that his property was sold by law too; but if it is evident that he was slain contrary to all laws, not merely to old laws, but to the new ones also, then I ask by what right, or in what manner, or by what law they were sold? 44. [127]

You ask, against whom do I say this, O Erucius. Not against him whom you are meaning and thinking of; for both my speech from the very beginning, and also I is own eminent virtue, at all times has acquitted Sulla. I say that Chrysogonus did all this in order to tell lies; in order to make out Roscius to have been a bad citizen; in order to represent him as slain among the opposite party; in order to prevent Lucius Sulla from being rightly informed of these matters by the deputies from Ameria. Last of all, I suspect that this property was never sold at all; and this matter I will open presently, O judges, if you will give me leave. [128] For I think it is set down in the law on what day these proscriptions and sales shall take place, forsooth on the first of January. Some months afterwards the man was slain, and his property is said to have been sold. Now, either this property has never been returned in the public accounts, and we are cheated by

this scoundrel more cleverly than we think, or, if they were returned, then the public accounts have some way or other been tampered with, for it is quite evident that the property could not have been sold according to law. I am aware, O judges, that I am investigating this point prematurely, and that I am erring as greatly as if, while I ought to be curing a mortal sickness of Sextus Roscius, I were mending a whitlow; for he is not anxious about his money; he has no regard to any pecuniary advantage; he thinks he can easily endure his poverty, if he is released from this unworthy suspicion, from this false accusation. [129] But I entreat you, O judges, to listen to the few things I have still to say, under the idea that I am speaking partly for myself, and party for Sextus Roscius. For the things which appear to me unworthy and intolerable, and which I think concern all men unless we are prudent, those things I now mention to you for my own sake, from the real feelings and indignation of my mind. What relates to the misfortunes of the life, and to the cause of my client, and what he wishes to be said for him, and with what condition he will be content, you shall hear, O judges, immediately at the end of my speech. I ask this of Chrysogonus of my own accord, leaving Sextus Roscius out of the question. 45. [130]

First of all, why the property of a virtuous citizen was sold? Next, why the property of a man who was neither proscribed, nor slain in the garrisons of the opposite party, were sold; when the law was made against them alone? Next, why were they sold long after the day which is appointed by the law? Next, why were they sold for go little! And if he shall choose, as worthless and wicked freedmen are accustomed to do, to refer all this to his patrons, he will do himself no good by that For there is no one who does not know that on account of the immensity of his business, many men did many things of which Lucius Sulla knew very little. [131] Is it right, then, that in these matters anything should be passed over without the ruler knowing it? It is not right, O judges, but it is inevitable. In truth, if the great and kind Jupiter, by whose will and command the heaven, the earth, and the seas are governed, has often by too violent winds, or by immoderate tempests, or by too much heat, or by intolerable cold, injured men, destroyed cities, or ruined the crops; nothing of which do we suppose to have taken place, for the sake of causing

injury, by the divine intention, but owing to the power and magnitude of the affairs of the world; but on the other hand we see that the advantages which we have the benefit of, and the light which we enjoy, and the air which we breathe, are all given to and bestowed upon us by him; how can we wonder that Lucius Sulla, when he alone was governing the whole republic, and administering the affairs of the whole world, and strengthening by his laws the majesty of the empire, which he had recovered by arms, should have been forced to leave some things unnoticed? Unless this is strange that human faculties have not a power which divine might is unable to attain to. [132] But to say no more about what has happened already, cannot any one thoroughly understand from what is happening now, that Chrysogonus alone is the author and contriver of all this, and that it is he who caused Sextus Roscius to be accused? this trial in which Erucius says that he is the accuser out of regard for honour

* * * 46.

They think they are leading a convenient life, and one arranged rationally, who have a house among the Salentii or Brutii, from which they can scarcely receive news three times a year. [133] Another comes down to you from his palace on the Palatine; he has for the purposes of relaxation to his mind a pleasant suburban villa, and many farms besides, and not one which is not beautiful and contiguous; a house filled with Corinthian and Delian vessels, among which is that celebrated stove which he has lately bought at so great a price, that passers by, who heard the money being counted out, thought that a farm was being sold. What quantities besides of embossed plate, of embroidered quilts; of paintings, of statues, and of marble, do you think he has in his house? All, forsooth, that in a time of disturbance and rapine can be crammed into one house from the plunder of many magnificent families. But why should I mention how vast a household too was his, and in what various trades was it instructed? [134] I say nothing of those ordinary arts, cooks, bakers, and litter-bearers; he has so many slaves to gratify his mind and ears, that the whole neighbourhood resounds with the daily music of voices, and stringed instruments, and flutes. In such a life as this, O judges, how great a daily expense, and what extravagance do you think there must be? And what banquets? Honourable no doubt in

such a house; if that is to be called a house rather than a workshop of wickedness, and a lodging for every sort of iniquity. [135] In what a style he himself flutters through the forum, with his hair curled and perfumed, and with a great retinue of citizens, you yourselves behold, O judges; in truth you see how he despises every one, how he thinks no one a human being but himself, how he thinks himself the only happy, the only powerful man. But if I were to wish too mention what he does and what he attempts, O judges, I am afraid that some ignorant people would think that I wish to injure the cause of the nobility, and to detract from their victory; although I have a right to find fault if anything in that party displeases me. For I am not afraid that any one will suppose that I have a disposition disaffected to the cause of the nobility. 47. [136]

They who know me, know that I, to the extent of my small and insignificant power, (when that which I was most eager for could not be brought about, I mean an accommodation between the parties) laboured to ensure the victory of that party which got it. For who was there who did not see that meanness was disputing with dignity for the highest honours? a contest in which it was the part of an abandoned citizen not to unite himself to those, by whose safety dignity at home and authority abroad would be preserved. And that all this was done, and that his proper honour and rank was restored to every one, I rejoice, O judges, and am exceedingly delighted; and I know that it was all done by the kindness of the gods, by the zeal of the Roman people, by the wisdom and government, and good fortune of Lucius Sulla. [137] I have no business to find fault with punishment having been inflicted on those who laboured with all their energies on the other side; and I approve of honours having been paid to the brave men whose assistance was eminent in the transaction of all these matters. And I consider that the struggle was to a great extent with this object, and I confess that I shared in that desire in the part I took. But if the object was, and if arms were taken with the view of causing the lowest of the people to be enriched with the property of others, and of enabling them to make attacks on the fortunes of every one, and if it is unlawful not only to hinder that by deed, but even to blame it in words, then the Roman people seems to me not to have been strengthened and restored by that war, but to have been subdued

and crushed. [138] But the ease is totally different: nothing of this, O judges, is the truth: the cause of the nobility will not only not be injured if you resist these men, but it will even be embellished. 48.

In truth, they who are inclined to find fault with this complain that Chrysogonus has so much influence; they who praise it, declare that he has not so much allowed him. And now it is impossible for any one to be either so foolish or so worthless as to say: “I wish it were allowed me, I would have said...” You may say... “I would have done...” You may do... No one hinders you. “I would have decreed...” “Decree, only decree rightly, every one will approve.” “I should have judged...” All will praise you if you judge rightly and properly. [139] While it was necessary and while the ease made it inevitable, one man had all the power, and after he created magistrates and established laws, his own proper office and authority was restored to every one. And if those who recovered it wish to retain it, they will be able to retain it for ever. But if they either participate in or approve of these acts of murder and rapine, these enormous and prodigal expenses — I do not wish to say anything too severe against them; not even as an omen; but this one thing I do say; unless those nobles of ours are vigilant, and virtuous, and brave, and merciful, they must abandon their honours to those men in whom these qualities do exist. [140] Let them, therefore, cease at least to say that a man speaks badly, if he speaks truly and with freedom; let them cease to make common cause with Chrysogonus; let them cease to think, if he be injured, that any injury has been done to them; let them see how shameful and miserable a thing it is that they, who could not tolerate the splendour of the knights, should be able to endure the domination of a most worthless slave — a domination, which, O judges, was formerly exerted in other matters, but now you see what a road it is making for itself, what a course it is aiming at, against your good faith, against your oaths, against your decisions, against almost the only thing which remains uncorrupted and holy in the state. [141] Does Chrysogonus think that in this particular too he has some influence? Does her even wish to be powerful in this? O miserable and bitter circumstance! Nor, in truth, am I indignant at this, because I am afraid that he may have some influence; but I complain of the mere fact of his having dared this, of his having

hoped that with such men as these he could have any influence to the injury of an innocent man. 49.

Is it for this that the nobility has roused itself, that it has recovered the republic by arms and the sword — in order that freedmen and slaves might be able to maltreat the property of the nobles, and all your fortunes and ours, at their pleasure? [142] If that was the object, I confess that I erred in being anxious for their success. I admit that I was mad in espousing their party, although I espoused it, O judges, without taking up arms. But if the victory of the nobles ought to be an ornament and an advantage to the republic and the Roman people, then, too, my speech ought to be very acceptable to every virtuous and noble man. But if there be any one who thinks that he and his cause is injured when Chrysogonus is found fault with, he does not understand his cause, I may almost say he does not know himself. For the cause will be rendered more splendid by resisting every worthless man. The worthless favourers of Chrysogonus, who think that his cause and theirs are identical, are injured themselves by separating themselves from such splendour. [143] But all this that I have been now saying, as I mentioned before, is said on my own account, though the republic, and my own indignation, and the injuries done by these fellows, have compelled me to say it. But Roscius is indignant at none of these things; he accuses no one; he does not complain of the loss of his patrimony; he, ignorant of the world, rustic and down that he is, thinks that all those things which you say were done by Sulla were done regularly, legally and according to the law of nations. If he is only exempted from blame and acquitted of this nefarious accusation, he will be glad to leave the court. [144] If he is freed from this unworthy suspicion, he says that he can give up all his property with equanimity. He begs and entreats you, O Chrysogonus, if he has converted no part of his father's most ample possessions to his own use; if he has defrauded you in no particular; if he has given up to you and paid over and weighed out to you all his possessions with the most scrupulous faith; if he has given up to you the very garment with which he was clothed, and the ring off his finger; if he has stripped himself bare of everything, and has excepted nothing — he entreats you, I say, that he may be allowed to pass his life in innocence and indigence, supported by the assistance

of his friends. 50. [145]

"You are in possession of my farms," says he; "I am living on the charity of others; I do not object to that, both because I have a calm mind, and because it is inevitable. My own house is open to you, and is closed against myself. I endure that. You are master of my numerous household; I have not one slave. I submit to that, and think it is to be borne." What would you have more? What are you aiming at? Why are you attacking me now? In what point do you think your desires injured by me? In what point do I stand in the way of your advantage? In what do I hinder you? If you wish to slay the man for the sake of his spoils, you have despoiled him. What do you want more? If you want to slay him out of enmity, what enmity have you against him whose farms you took possession of before you knew himself? If you fear him, can you fear anything from him who you see is unable to ward off so atrocious an injury from himself? If, because the possessions which belonged to Roscius have become yours, on that account you seek to destroy his son, do you not show that you are afraid of that which you above all other men ought not to be afraid of; namely, that sometime or other their father's property may be restored to the children of proscribed persons? [146] You do wrong, O Chrysogonus, if you place greater hope of being able to preserve your purchase, than in those exploits which Lucius Sulla has performed But if you have no cause for wishing this unhappy man to be afflicted with such a grievous calamity; if he has given up to you everything but his life, and has reserved to himself nothing of his paternal property, not even as a memorial of his father — then, in the name of the gods, what is the meaning of this cruelty, of this savage and inhuman disposition? What bandit was ever so wicked, what pirate was ever so barbarous, as to prefer stripping off his spoils from his victim stained with his blood, which he might possess his plunder unstained, without blood? [147] You know that the man has nothing, dares do nothing, has no power, has never harboured a thought against your estate; and yet you attack him whom you cannot fear, and ought not to hate; and when you see he has nothing left which you can take away from him — unless you are indignant at this, that you see him sitting with his clothes on in this court whom you turned naked out of his patrimony, as if off a wreck; as if you did

not know that be is both fed and clothed by Caecilia, the daughter of Balearicus, the sister of Nepos, a most incomparable woman, who, though she had a most illustrious father, most honourable uncles, a most accomplished brother, yet, though she was a woman, carried her virtue so far, as to confer on them no less honour by her character than she herself received from their dignity. 51. [148]

Does it appear to you a shameful thing that he is defended with earnestness? Believe me, if, in return for the hospitality and kindness of his father, all his hereditary friends were to choose to be present and dared to speak with freedom, he would be defended numerously enough; and if because of the greatness of the injury, and because the interests of the whole republic are imperilled by his danger, they all were to punish this conduct, you would not in truth be able to sit in that place. Now he is defended so that his adversaries ought not to be indignant at it, and ought not to think that they are surpassed in power. [149] What is done at home is done by means of Caecilia; the management of what takes place in the forum and court of justice, Messala, as you, O judges, see, has undertaken. And if he were of an age and strength equal to it, he would speak himself for Sextus Roscius. But since his age is an obstacle to his speaking, and also his modesty which sets off his age, he has entrusted the cause to me, who he knew was desirous of it for his sake, and who ought to be so, He himself, by his assiduity, by his wisdom, by his influence, and by his industry, has taken care that the life of Sextus Roscius, having been saved out of the bands of assassins, should be committed to the decisions of the judges. Of a truth, O judges, it was for this nobility that the greatest part of the city was in arms; this was all done that the nobles might be restored to the state, who would act as you see Messala acting; who would defend the life of an innocent man; who would resist injury; who would rather show what power they had in procuring the safety than the destruction of another. And if all who were born in the same rank did the same, the republic would be less harassed by them, and they themselves would be less harassed by envy. 52. [150]

But if, O judges, we cannot prevail with Chrysogonus to be content with our money, and not to aim at our life; if he cannot be induced, when he has taken from us everything which was our

private property, not to wish to take away this light of life also which we have in common with all the world; if he does not consider it sufficient to glut his avarice with money, if he be not also dyed with blood cruelly shed — there is one refuge, O judges; there is one hope left to Sextus Roscius, the same which is left to the republic — your ancient kindness and mercy; and if that remain, we can even yet be saved. But if that cruelty which at present stalks abroad in the republic has made your dispositions also more harsh and cruel, (but that can never be the case,) then there is an end of everything, O judges; it is better to live among brute beasts than in such a savage state of things as this. [151] Are you reserved for this? Are you chosen for this? to condemn those whom cut-throats and assassins have not been able to murder? Good generals are accustomed to do this when they engage in battle — to place soldiers in that spot where they think the enemy will retreat, and then if any escape from the battle they make an onset on them unexpectedly. I suppose in the same way those purchasers of property think that you, that such men as you, are sitting here to catch those who have escaped out of their hands. God forbid, O judges, that this which our ancestors thought fit to style the public council should now be considered a guard to brokers! [152] Do not you perceive, O judges, that the sole object of all this is to get rid of the children of proscribed persons by any means; and that the first step to such a proceeding is sought for in your oaths and in the danger of Sextus Roscius? Is there any doubt to whom the guilt belongs, when you see on one side a broker, an enemy, an assassin, the same being also now our accuser, and on the other side a needy man, the son of the murdered man, highly thought of by his friends, on whom not only no crime but no suspicion even can be fixed? Do you see anything else whatever against Roscius except that his father's property has been sold? 53.

[153] And if you also undertake that cause; if you offer your aid in that business; if you sit there in order that the children of those men whose goods have been sold may be brought before you; beware, in God's name, O judges, lest a new and much more cruel proscription shall seem to have been commenced by you. Though the former one was directed against those who could take arms, yet the Senate would not adopt it lest anything should appear to be done by the

public authority more severe than had been established by the usages of our ancestors. And unless you by your sentence reject and spurn from yourselves this one which concerns their children and the cradles of their infant babes, consider, in God's name, O judges, to what a state you think the republic will arrive. [154]

It behoves wise men, and men endowed with the authority and power with which you are endowed, to remedy especially those evils by which the republic is especially injured. There is not one of you who does not understand that the Roman people, who used formerly to be thought extremely merciful towards its enemies, is at present suffering from cruelty exercised towards its fellow-citizens. Remove this disease out of the state, O judges! Do not allow it to remain any longer in the republic; having not only this evil in itself, that it has destroyed so many citizens in a most atrocious manner, but that through habituating them to sights of distress, it has even taken away clemency from the hearts of most merciful men. For when every hour we see or hear of something very cruel being done, even we who are by nature most merciful, through the constant repetition of miseries, lose from our minds every feeling of humanity.

PRO Q. ROSCIO COMOEDO (In Defense of Quintus Roscius Gallus the Comic actor)

Translated by C. D. Yonge

THE ARGUMENT

After the last speech which was delivered A. U. C. 674, Cicero went to Athens, where he remained eighteen months, and after his return he did not employ himself at first as an advocate but devoted himself rather to philosophical studies. But in the third year, A. U. C. 677, when his friend Roscius, the comic actor, was interested in a cause, he returned to the bar. The subject of the action in which this speech was this: A man of the name of Fannius Chaerea had articled a young slave to Roscius on condition that Roscius was to teach him the art of acting, and that he and Fannius were afterwards to share his earnings. The slave was afterwards killed and Roscius brought an action against the man who had killed him, Quintus Flavius by name and received as damages a farm worth 100,000 sesterces — for his half share in the slave, according to his own account, but as the full value of the slave according to Fannius but the fact was that Fannius also had brought an action against Flavius and had recovered similar damages. Fannius sued Roscius for 50,000 sesterces, as his share of the damages which he (Roscius) had received from Flavius, suppressing the fact of his having obtained a similar sum himself. The beginning of this speech is lost, and also a considerable portion at the end.

THE SPEECH FOR Q. ROSCIUS THE ACTOR

1. ... He, forsooth, excellent man, and of singular integrity, endeavours in his own cause to bring forward his account-books as witnesses. Men are accustomed to say.... Did I endeavour to corrupt

such a man as that, so as to induce him to make a false entrance for my sake? I am waiting till Chaerea uses this argument. Was I able to induce this hand to be full of falsehood, and these fingers to make a false entry? But if he produces his accounts, Roscius will also produce his. [2] These words will appear in the books of the one, but not in those of the other. Why should you trust one rather than the other? Oh, would he ever have written it if he had not borne this expense by his authority? No, says the other, would he not have written it if he had given the authority? For just as it is discreditable to put down what is not owed, so it is dishonest not to put down what you do owe. For his accounts are just as much condemned who omits to make an entry of the truth, as his who puts down what is false. But see now to what, relying on the abundance and cogency of my arguments, I am now coming. If Caius Fannius produces in his own behalf his accounts of money received and paid, written at his own pleasure, I do not object to your giving your decision in his favour. [3] What brother would show so much indulgence to a brother, what father to a son, as to consider whatever he entered in this manner proof of a fact? Oh, Roscius will ratify it. Produce your books; what you were convinced of, he will be convinced of; what was approved of by you, will be approved of by him. A little while ago we demanded the accounts of Marcus Perperna, and of Publius Saturius. Now, O Caius Fannius Chaerea, we demand your accounts alone, and we do not object to the action being decided by them — Why then do you not produce them? [4] Does he not keep accounts? Indeed he does most carefully. Does he not enter small matters in his books? Indeed be does everything. Is this a small and trifling sum? It is 100,000 sesterces. How is it that such an extraordinary sum us omitted? — how is it that a hundred thousand sesterces, received and expended, are not down in the books? Oh, ye immortal gods that there should be any one endued with such audacity, as to dare to demand a sum which he is afraid to enter in his account-books; not to hesitate to swear before the court to what, when not on his oath, he scrupled to put on paper; to endeavour to persuade another of what he is unable to make out to his own satisfaction. 2. [5]

He says that I am indignant, and sent the accounts too soon; he confesses that he has not this sum entered in his book of money

received and expended; but he asserts that it does occur in his memoranda. Are you then so fond of yourself, have you such a magnificent opinion of yourself, as to ask for money from us on the strength, not of your account-books, but of your memoranda? To read one's account-books instead of producing witnesses, is a piece of arrogance; but is it not insanity to produce mere notes of writings and scraps of paper? [6] If memoranda have the same force and authority, and are arranged with the same care as accounts, where is the need of making an account-book? of making out careful lists? of keeping a regular order? of making a permanent record of old writings? But if we have adopted the custom of making account-books, because we put no trust in flying memoranda, shall that which, by all individuals, is considered unimportant and not to be relied on, be considered important and holy before a judge? [7] Why is it that we write down memoranda carelessly, that we make up account-books carefully? For what reason? Because the one is to last a month, the other for ever; these are immediately expunged those are religiously preserved; these embrace the recollection of a short time, those pledge the good faith and honesty of a man for ever; these are thrown away, those are arranged in order. Therefore, no one ever produced memoranda at a trial; men do produce accounts, and read entries in books. 3.

You, O Caius Piso, a man of the greatest good faith, and virtue, and dignity, and authority, would not venture to demand money on the strength of memoranda. [8] I need not say any more about matters in which the custom is so notorious; but I ask you this, which is very material to the question, How long ago is it, O Fannius, that you made this entry in your memoranda? He blushes; he does not know what to answer; he is at a loss for anything to invent off-hand. "It is two months ago," you will say; yet it ought to have been copied into the account-book of money received and paid. "It is more than six months." Why then is it left so long in the memorandum-book? What if it is more than three years ago? How is it that, when every one else who makes up account-books transfers his accounts every month almost into his books you allow this sum to remain among your memoranda more than three years? [9] Have you all other sums of money received and expended regularly entered, or not? If not, how

is it that you make up your books? If you have, how is it that, when you were entering all other items in regular order, you leave this sum, which was one of the greatest of all in amount, for more than three years in your memoranda? "You did not like it to be known that Roscius was in your debt." Why did you put it down at all? "You were asked not to enter it." Why did you put it down in your memoranda? But, although I think this is strong enough, yet I cannot satisfy myself unless I get evidence from Caius Fannius himself that this money is not owed to him. It is a great thing which I am attempting; it is a difficult thing which I am undertaking; yet I will agree that Roscius shall not gain the verdict unless he has the same man both for his adversary and for his witness. 4. [10]

A definite sum of money was owed to you, which is now sought to be recovered at law; and security for a legitimate portion of it has been given. In this case, if you have demanded one sesterce more than is owed to you, you have lost your cause; because trial before a judge is one thing, arbitration is another. Trial before a judge is about a definite sum of money; arbitration about one which is not determined. We come before a judge so as either to gain the whole suit or to lose it; we go before an arbiter on the understanding that we may not get all we asked, and on the other hand may not get nothing. [11] Of that the very words of the formula are a proof. What is the formula in a trial before a judge? Direct severe, and simple; "if it be plain that fifty thousand sesterces ought to be paid." Unless he makes it plain that fifty thousand sesterces to a single farthing are due to him, he loses his cause. What is the formula in a cause brought before an arbiter? "That whatever is just and right shall be given." But that man confesses that he is asking more than is owed to him, but that he will be satisfied and more than satisfied with what is given him by the arbiter. Therefore the one has confidence in his case, the other distrusts his. [12] And as this is the case, I ask you why you made an agreement to abide by arbitration in a matter involving this sum, this very fifty thousand sesterces, and the credit of your own account-books? why you admitted an arbitrator in such a case to decide what it was right and proper should be paid to you; or secured to you by bond, if it so seemed good to him? Who was the arbitrator in this matter? I wish he were at Rome. He is at Rome. I wish he

were in court. He is. I wish he were sitting as assessor to Caius Piso. He is Caius Piso himself. Did you take the same man for both arbitrator, and judge? Did you permit to the same man unlimited liberty of varying his decision, and also limit him to the strictest formula of the bond? Who ever went before an arbitrator and got all that he demanded? No one; for he only got all that it was just should be given him. You have come before a judge for the very same sum for which you had recourse to an arbiter. [13] Other men, when they see that their cause is failing before a judge, fly to an arbitrator. This man has dared to come from an arbiter to a judge, who when he admitted an arbitrator about this money, and about the credit due to his account-books, gave a plain indication that no money was owing to him. Already two-thirds of the cause are over. He admits that he has not set down the sum as due, and he does not venture to say that he has entered it as paid, since he does not produce his books. The only alternative remaining, is for him to assert that he had received a promise of it; for otherwise I do not see how he can possibly demand a definite sum of money. 5.

Did you receive a promise of it? When? On what day? At what time? In whose presence? [14] Who says that I made such a promise? No one. If I were to make an end of speaking here, I appear to have said enough to acquit myself as far as my good faith and diligence are at stake — to have said enough for the cause and dispute, enough for the formula and bond; I seem to have said enough to satisfy the judge why judgment ought to pass for Roscius. A definite sum of money has been demanded; security is given for a third part of it; this money must either have been given, or set down as paid, or promised. Fannius admits it was not given; the books of Fannius prove that it has not been set down as paid; the silence of witnesses proves that it was never promised. [15] What do we want more? Because the defendant is a man to whom money has always seemed of no value, but character of the very highest, and the judge is a man whom we are no less anxious to have think well of us than to decide favourably for us, and the bar present is such, that on account of its extraordinary brilliancy we ought to feel almost as much respect for it as for another judge, we will speak as if every regular trial, every honorary arbitration, every domestic duty were included and

comprehended in the present formula. That former oration was necessary, this shall be a voluntary one; the other was addressed to the judge, this is addressed to Caius Piso; that was on behalf of a defendant, this is on behalf of Roscius; the one was prepared to gain a victory, this one to preserve a good character. 6. [16]

You demand, O Fannius, a sum of money from Roscius. What sum? Is it money which is owed to you from the partnership? or money which has been promised and assured to you by his liberality? One demand is important and odious, the other is more trifling and easy to be got rid of. Is it a sum which is owing from the partnership? What are you saying? This is neither to be borne lightly nor to be defended carelessly. For if there are any private actions of the greatest, I may almost say, of capital importance, they are these three — the actions about trust, about guardianship, and about partnership. For it is equally perfidious and wicked to break faith, which is the bond of life, and to defraud one's ward who has come under one's guardianship, and to deceive a partner who has connected himself with on. in business. [17] And as this is the case, let us consider who. it is who in this instance has deceived and cheated his partner. For his past life shall silently give us a trustworthy and important testimony one way or other. Is it Quintus Roscius? What do you say? Does not, as fire dropped upon water is immediately extinguished and cooled, so, does not, I say, a false accusation, when brought in contact with a most pure and holy life, instantly fall and become extinguished? Has Roscius cheated his partner? Can this guilt belong to this man? who, in truth, (I say it boldly,) has more honesty than skill, more truth than learning; whom the Roman people think even a better man than he is an actor; who is as worthy of the stage because of his skill, as he is wholly of the senate on account of his moderation. [18] But why am I so foolish as to say anything about Roscius to Piso? I suppose I am recommending an unknown man in many words. Is there any man in the whole world of whom you have a better opinion? Is there any man who appears to you more pure, more modest, more humane, more regardful of his duty, more liberal? Have even you, O Saturius, who appear against him, have you a different opinion? Is it not true that as often as you have mentioned his name in the cause, you have said that he was a good

man, and have spoken of him with expressions of respect? which no one is in the habit of doing except in the case of either a most honorable man, or of a most dear friend. [19] While doing so, in truth, you appeared to me ridiculously inconstant in both injuring and praising the same man; in calling him at the same time a most excellent man and a most dishonest man. You were speaking of the man with respect, and calling him a most exemplary man, and at the same time you were accusing him of having cheated his partner. But I imagine the truth is, your praise was prompted by truth; the accusation by your duty to your client. You were speaking of Roscius as you really thought; you were conducting the cause according to the will of Chaerea. Roscius cheated him. 7.

This, in truth, seems absurd to the ears and minds of men. What? If he had got hold of some man, rich, timid, foolish and indolent, who was unable to go to law with him, still it would Be incredible. [20] But let us see whom he has cheated. Roscius has cheated Caius Fannius Chaerea. I beg and entreat you, who know them both, compare the lives of the two men together; you who do not know them, compare the countenance of both. Does not his very head, and those eye-brows entirely shaved off, seem to smell of wickedness, and to proclaim cunning? Does he not from his toe-nails to his head, if the voiceless figure of a man's person can enable men to conjecture his character, seem wholly made up of fraud, and cheating, and lies? He who has his head and eyebrows always shaved that he may not be said to have one hair of an honest man about him. And Roscius has been accustomed to represent his figure admirably on the stage, and yet he does no meet with the gratitude due to such kindness. For when he acts Ballio, that most worthless and perjured pimp, he represents Chaerea. That foul, and impure, and detestable character is represented in this man's manners, and nature, and life. And why he should have thought Roscius like himself in dishonesty and wickedness, I do not know; unless, perhaps, because he observed that he imitated himself admirably in the character of the pimp. [21] Wherefore consider over and over again, O Caius Piso, who is said to have cheated, and who to have been cheated. Roscius is said to have cheated Fannius? What is that? The honest man is said to have cheated the rogue; the modest man, the shameless one; the chaste

man, the perjurer; the unpractised man, the cunning one; the liberal man is said to have cheated the covetous one. It is incredible how, if Fannius were said to have cheated Roscius, each fact would appear probable from the character of each man; both that Fannius had acted wickedly, and that Roscius had been cheated by his imprudence. So when Roscius is accused of having cheated Fannius, both parts of the story are incredible, both that Roscius should have sought anything covetously, and that Fannius should have lost anything by his good-nature. 8. [22]

Such is the beginning. Let us see what follows. Quintus Roscius has cheated Fannius of 50,000 sesterces. On what account? Saturius smiles; a cunning fellow, as he seems to himself. He says, for the sake of the fifty thousand sesterces. I see; but yet I ask why he was so exceedingly desirous of this particular fifty thousand sesterces? For certainly, O Marcus Perperna and Caius Piso, they would not have been of such consequence to either of you, as to make you cheat your partner. I ask, then, why they were of such consequence to Roscius! Was he in want of money? No, he was even a rich man. Was he in debt? On the contrary, he was living within his income. Was he avaricious? far from it; even before he was a rich man he was always most liberal and munificent. [23] Oh, in the name of good faith, of gods, and men! he who once refused to make a gain of three hundred thousand sesterces — for he certainly both could and would have earned three hundred thousand sesterces if Dionysia can earn two hundred thousand, — did he seek to acquire fifty thousand by the greatest dishonesty, and wickedness and treachery? And that sum was immense, this trifling; that was honourable, this sordid; that was pleasant, this bitter; that would have been his own, this must have been stated on an action and a trial. In these last ten years he might have earned six millions of sesterces most honourably. He would not; he undertook the labour entitled to gain, but refused the gain of his labour. He did not yet desist from serving the Roman people; he has long since ceased to benefit himself. [24] Would you even do this, O Fannius? And if you were able to receive such profits, would you not act with all your gestures, and even at the risk of your life? Say now that you have been cheated of fifty thousand sesterces by Roscius, who has refused such enormous sums, not because he was

too indolent to labour for them, but out of a magnificence of liberality. What now shall I say of these things which I know to a certainty occur to your minds, O judges? Roscius cheated you in a partnership. There are laws, there are formularies established for every case, that no one may make a blunder, either as to the legal description of injury which he has suffered, or as to the sort of action he should bring; for public formulae have been given by the praetor to suit every evil, or vexation, or inconvenience, or calamity, or injury which any one can suffer and to them each private action is adapted. 9. [25]

And as this is the case, I ask why you have not Roscius as your partner before an arbitrator? Did you not know the formula? It was most notorious. Were you unwilling to adopt severe proceedings? Why so? On account of your ancient intimacy? Why then do you injure him now? On account of the integrity of the man? Why then do you accuse him now? On account of the magnitude of the crime? Is it so? The man whom you could not circumvent before an arbitrator, to whose decision such a matter properly belonged, will you seek to convict before a judge, who has no power of arbitrating in it? Either, then, bring this charge where it may be discussed, or do not bring it where it may not: although the charge is already done away with by your own evidence; for when you declined to adopt that formula, you showed that he had committed no fraud against the partnership. Oh, he made a covenant. Has he account-books, or not? If he has not, how is the covenant shown? If he has, why do you not tell us? [26] Say now, if you dare, that Roscius begged of you to appoint his own intimate friend arbitrator. He did not beg you to. Say that he made a covenant in order to procure his acquittal. He made no covenant. Ask why then he was acquitted? Because he was a man of the most perfect innocence and integrity. For what happened? You came of your own accord to the house of Roscius; you apologised to him; you begged him to announce to the judge that you had acted hastily, and to pardon you; you said that you would not appear against him; you said loudly that he owed you nothing on account of the partnership. He gave notice to the judge; he was acquitted. And still do you dare to mention dishonesty and theft? He persists in his impudence. I did all this, says he, for he had made a covenant with

me. Yes, I suppose to procure his acquittal. What reason had he to fear that he would be condemned? [27] Oh, the matter was evident, the theft was undeniable. A theft of what? He begins, in a manner to create great expectations, to relate his partnership with the old actor. 10.

Panurgus, says he, was a slave of Fannius. He had an equal share in him with Roscius. Here in the first place Saturius began to complain bitterly that Roscius had had a in him given to him for nothing, when he had become the property of Fannius by purchase. That liberal man, forsooth, that extravagant man, that man overflowing with kindness, made a present of his share to Roscius? No doubt of it. [28] Since he rested on this point for a while, it is necessary for me also to dwell a little on it. You say, O Saturius, that Panurgus was the private property of Fannius. But I say that the whole of him belonged to Roscius, for how much of him belonged to Fannius? His body. How much to Roscius? His education. His person was of no value; his skill was valuable. As far as he belonged to Fannius, he was not worth fifty thousand sesterces; as far as he belonged to Roscius, he was worth more than a hundred thousand. For no one looked at him because of his person; but people estimated him by his skill as a comic actor. For those limbs could not earn by themselves more than twelve sesterces; owing to the education which was given him by Roscius, he let himself out for not less than a hundred thousand. [29] Oh, tricky and scandalous partnership, when the one brings what is worth fifty thousand sesterces into the partnership, the other what is worth a hundred thousand; unless you are indignant at this, that you took the fifty thousand out of your strong box, and Roscius got his hundred thousand out of his learning and skill. For what was it that Panurgus brought with him on the stage? What was the expectation formed of him why was there such zeal for him, such partiality to him? Because he was the pupil of Roscius. They who loved the one, favoured the other; they who admired the one, approved of the other; lastly, all who had heard the name of the one, thought the other well-trained and accomplished. And this is the way with the common people; they estimate few things by the real truth, many things by prejudice. [30] Very few observed what he knew, but every one asked where he had been

taught; they thought that nothing poor or had could be produced by him. If he had come from Statilius, even if he had surpassed Roscius in skill, no one would have been able to see it. For just as no one supposes that a good son can be born to a worthless father, so no one would suppose that a good Comedian could be formed by a very bad actor; but because he came from Roscius, he appeared to know more than he really did know. 11.

And this lately did actually happen in the case of Eros the comedian, for he, after he was driven off the stage, not merely by hisses, but even by reproaches, took refuge, as at an altar, in the house, and instruction, and patronage, and name of Roscius. Therefore, in a very short time he who had not been even one of the lowest class of actors, came to be reckoned among the very first comedians. [31] What was it that raised him? This man's commendation alone who not only took this Panurgus home that he might have the name of a pupil of Roscius, but who also instructed him with the greatest pains and energy and patience. For the more skillful and ingenious any one is, the more vehement and laborious is he in teaching his art; for that which he himself caught quickly, he is tortured by seeing slowly comprehended by another. My speech has extended itself to some length, in order that you may thoroughly understand the conditions of this partnership. [32] What then followed? A man of Tarquinii, Quintus Flavius by name, knew this Panurgus, the common slave of Roscius and Fannius, and you appointed me as the advocate to conduct the action about that business. The cause having been commenced, and an action being appointed according to the formula, "for injury and loss inflicted," you brought it to a conclusion with Flavius, without my knowledge. Was it for the half share, or for the entire partnership? I will speak plainly. Was it for myself, or for myself and for yourself? Was it for myself alone? I could do so according to the precedent set by many people; it is lawful to do so; many men have legally done so; I have done you no injury in that matter. Do you demand what is due to you? Exact it, and carry it off. Let every one have and follow up his portion of his right. "But you managed your affair very well." "Do you too manage yours well" "You get your half share valued at a high price." "Do you too get yours valued at a high price." "You get

a hundred thousand sesterces," — if indeed that be true. "Then do you also get a hundred thousand sesterces." 12. [33]

But you may easily, both in belief and in speaking of it, have exaggerated the terms on which Roscius concluded his business; in fact and reality you will find them moderate and unimportant. For he got a farm at a time when the prices of farms were very low, — a farm which had not a house on it, and was not well cultivated in any respect, which is worth much more now than it was. And no wonder, for at that time, on account of the calamities of the republic, every one's possessions were uncertain; now, by the kindness of the immortal gods, the fortunes of every one are well assured: then it was an uncultivated farm, without a house; now it is beautifully cultivated, with an excellent villa on it. [34] But since by nature you are so malevolent, I will never relieve you from that vexation and that anxiety. Roscius managed his business well; he got a most fertile farm. What is that to you? Do you settle your half of the matter anyhow you please. He then changes his plan of attack, and endeavours to invent a story which he cannot prove. "You," says he, "arranged the whole matter, and not your share of it only." The whole cause then is brought to this point, — whether Roscius came to a settlement with Flavius for his own share, or for the whole partnership. [35] For I confess that, if Roscius touched anything on their joint account, he ought to pay it to the partnership. Did he settle the quarrel of the partnership, and not merely his own, when he received this farm from Flavius? If so, why did he not give security to Flavius, that no one else should make any demand on him? He who settles his own demand only, leaves to the rest their right of action unimpaired; he who acts for his partners, gives security that none of them shall afterwards make any demand. Why did it not occur to Flavius to take this precaution for himself? Was he, forsooth, not aware that Panurgus belonged to a partnership. He knew that. Was he not aware that Fannius was Roscius' partner? Thoroughly; for he himself had a law-suit commenced with him. [36] Why then does he settle this action, and not exact an agreement that no one shall make any further demand on him? Why does he lose the farm, and yet get no release from this action? Why does he act in so inexperienced a manner, as neither to bind Roscius by any

stipulation, nor on the other hand to get a release from Fannius' action? [37] This first argument, drawn both from the rules of civil rights, and from the customs prevailing with respect to such security, is a most important and powerful one, which I would press at greater length, if I had not other more undeniable and manifest proofs in the cause. 13.

And that you may not say I have promised this on insufficient grounds, I will call you — you, I say, Fannius — from your seat as a witness against yourself. — What is your charge? That Roscius settled with Flavius on behalf of the partnership. — When? Four years ago. — What is my defence? That Roscius settled with Flavius for his share in the property. You yourself, three years ago, made a new engagement with Roscius. — What? Recite that stipulation plainly. — Attend, I beg you, O Piso — I am compelling Fannius against his will, and though he is shuffling off in every direction, to give evidence against himself. For what are the words of this new agreement? "Whatever I receive from Flavius, I undertake to pay one half of to Roscius." These are your words, O Fannius. [38] What can you get from Flavius, if Flavius owes you nothing? Moreover, why does he now enter into a mutual engagement about a sum which he has already exacted some time ago? But what can Flavius be going to give you, if he has already paid Roscius everything that he owed? Why is this new mutual arrangement interposed in so old an affair, in a matter so entirely settled, in a partnership which has been dissolved? Who is the drawer up of this agreement? who is the witness? who is the arbitrator? who? You, O Piso: for you begged Quintus Roscius to give Fannius fifteen thousand sesterces, for his care, for his labour, for having been his agent, and for having given security, on this condition, that, if he get anything from Flavius, he should give half of that sum to Roscius. Does not that agreement seem to show you with sufficient clearness that Roscius settled the affair on his own behalf alone? [39] But perhaps this also may occur to you, that Fannius did in requital promise Roscius half of whatever he might get from Flavius, but that be got nothing at all. What has that to do with it? You ought to regard not the result of the demand, but the beginning of the mutual agreement. And it does not follow, if he did not choose to prosecute his demand, that he did not for all that, as

far as it depended on him, show his opinion that Roscius had only settled his own claim, and not the claim of the partnership. What more? Suppose I make it evident, that after the whole settlement come to by Roscius, after this fresh mutual agreement entered into by Fannius, Fannius also recovered a hundred thousand sesterces from Flavius, for the loss of Panurgus? Will he after that still dare to sport with the character of that most excellent man, Quintus Roscius? 14. [40]

I asked a little before — what was very material to the business, on what account Flavius, when (as they say) he was settling the whole claim, did neither take security from Roscius, nor obtain a release from all demands from Fannius? But now I ask how it was that, when he had settled the whole affair with Roscius, he paid also a hundred thousand sesterces to Fannius on his separate account? (a thing still more strange and incredible.) I should like to know, O Saturius, what answer are you preparing to give to this? Whether you are going to say that Fannius never got a hundred thousand sesterces from Flavius at all, or that he got them for some other claim, and on some other account? [41] If you say it was on some other account, what dealings had you ever had with him? None. Had you obtained any verdict against him? No. I am wasting time to no purpose. He never, he says, got a hundred thousand sesterces from Flavius at all, neither on account of Panurgus, nor of any one else. If I prove that, after this recent agreement with Roscius, you did get a hundred thousand sesterces from Flavius, what have you to allege why you should not leave the court defeated with disgrace? By what witness then shall I make this plain? [42] This affair, as I imagine, came to trial. Certainly. Who was the plaintiff? Fannius. Who the defendant? Flavius. Who was the judge? Cluvius. Of all these men I must produce one as witness who can say that the money was paid. Who of these is the most authoritative witness? Beyond all controversy, he who was approved of as judge by the sentence of every one. Which of the three then will you look to me for as a witness? The plaintiff? That is Fannius; he will never give evidence against himself. The defendant? That is Flavius. He has been dead some time. The judge? That is Cluvius. What does he say? That Flavius did pay a hundred thousand sesterces to Fannius on account of Panurgus. And if you look at the rank of Cluvius, he is a Roman knight; if at his life, he is

a most illustrious man; if at your own opinion of him, you chose him as judge; if to his truth, he has said what he both could know, and ought to know. [43] Deny now, deny, if you can, that credit ought to be given to a Roman knight, to an honest man, to your own judge. He looks round; he fumes; he denies that we are going to recite the testimony of Cluvius. We will recite it; you are mistaken, you are consoling yourself with a slight and empty hope. Recite the testimony of Titus Manilius and Caius Luscius Ocrea, two senators, most accomplished men, who heard it from Cluvius.

(The secretary reads the evidence of Manilius and Luscius.) What do you say now — that we are not to believe Luscius and Manilius, or that we are not to believe Cluvius? I will speak more plainly and openly. 15.

Did Luscius and Manilius hear nothing from Cluvius about the hundred thousand sesterces? or did Cluvius say what was false to Luscius and Manilius? On this point I am of a calm and easy mind, and I am not particularly anxious as to which way you answer. For the cause of Roscius is fortified by the strongest and most solemn evidence of most excellent men. If you have taken time enough to consider to which you will refuse belief on their oath, answer me. [44] Do you say that one must not believe Manilius and Luscius? Say it. Dare to say it. Such a saying suits your obstinacy, your arrogance, your whole life. What! Are you waiting till I say presently of Luscius and Manilius that they are as to rank senators; as to age, old; as to their nature, pious and religious; as to their property, rich and wealthy I will not do so; I will not, on pretence of giving these men the credit due to a life passed with the greatest strictness, put myself in so bad a light as to venture to panegyrize men so much older and nobler than myself, whose characters stand in no need of my praise. My youth is in more need of their favourable opinion than their strict old age is of my commendation. But you, O Piso, must deliberate and consider for a long time whether you will rather believe Chaerea, though not on his oath, and in his own cause, or Manilius and Luscius on their oaths, in a cause in which they have no interest. [45] The remaining alternative is for him to contend that Cluvius told a falsehood to Luscius and Manilius. And, if he does that, how great is his impudence! Will he throw discredit on that man as a witness

whom he approved of as a judge? Will he say that you ought not to trust that man whom he has trusted himself? Will he disparage the credit of that man as a witness to the judge, when on account of his opinion of his good faith and scrupulousness as a judge, he brought witnesses before him? When I produce that man as a witness, will he dare to find fault with him, when if I were to bring him as a judge even, he would be bound not to decline him? Oh, but says he, he was not on his oath when he said that to Luscius and Manilius. Would you believe him, if he said it on his oath? 16. [46]

But what is the difference between a perjurer and a liar? He who is in the habit of lying, is in the habit of perjuring himself. The man whom I can induce to tell a lie, I shall easily be able to prevail on to take a false oath. For he who has once departed from truth, is easily led on, with no greater scruples to perjury than to a lie. For who is influenced by just a mention of the gods in the way of deprecating their anger, and not by the influence of conscience? Because the same punishment which is appointed by the immortal gods for a perjurer is appointed also for a liar. For the immortal gods are accustomed to be indignant and angry, not on account of the form of words in which an oath is contained, but on account of the treachery and malice by which a plot is laid to deceive any one. [47] But I, on the contrary, argue in this way. The authority of Cluvius would be less if be were speaking on his oath, than it is now when he is not speaking on his oath. For then, perhaps, he might seem to bad men over eager in being a witness in a cause in which he had been judge. But now he must appear to all his enemies most upright and most wise, inasmuch as he only tells his intimate friends what he knows. [48] Say now, if you can, if the business, if the cause permits you to, that Cluvius has spoken falsely. Has Cluvius spoken falsely? Truth itself lays its hand upon me, and compels me to stop, and dwell on this point for a short time. Whence was all this lie drawn, and where was it forged? Roscius, forsooth, is a deep and crafty man. He began to think of this from the first. Since, said he to himself, Fannius claims fifty thousand sesterces from me, I will ask Caius Cluvius, a Roman knight, a most accomplished man, to tell a lie for my sake; to say that a settlement was made which was not made; that a hundred thousand sesterces were given by Flavius to Fannius, which were not

given. This is the first idea of a wicked mind, of a miserable disposition, of a man of no sense. What came next? [49] After he had thoroughly made up his mind, he came to Cluvius. What sort of a man was he? an insignificant man? No, a most influential one. A fickle man? A most consistent one. An intimate friend of his? A perfect stranger. After he had saluted him, he began to ask him, in gentle and elegant language to be sure,—"Tell a lie for my sake, tell some excellent men, your own intimate friends who are here with you, that Flavius settled with Fannius about Panurgus, though in truth he did not; tell them that he paid a hundred thousand sesterces, though in reality he did not pay a penny." What answer did he give? "Oh, indeed, I will willingly and eagerly tell lies for your sake; and if at any time you wish me to perjure myself in order to make a little profit, know that I am quite ready; you need not have taken so much trouble as to come to me yourself; you could have arranged such a trifle as this by a messenger." 17. [50]

Oh, the faith of gods and men! Would Roscius ever have asked this of Cluvius, even if he had had a hundred millions of sesterces at stake on the issue of the trial? Or would Cluvius have granted it to Roscius at his request, even if he had been to be a sharer in the whole booty? I scarcely, by the gods, think that you, O Fannius, would dare to make this request to Ballio, or to any one like him; and that you would be able to succeed in a matter not only false, but in its nature incredible. For I say nothing about Roscius and Cluvius being excellent men. I imagine them for this occasion to be worthless. [51] Roscius, then, suborned Cluvius as a false witness. Why did he do it so late? Why did he do so when the second payment was to be made, not when the first was? for already he had paid fifty thousand sesterce. Secondly; if Cluvius was, by this time, persuaded to tell lies, why did he say that a hundred thousand sesterces had been given to Fannius by Flavius, rather than three hundred thousand; when, according to the mutual agreement, a half-share of it belonged to Roscius. By this time you see, O Caius Piso, that Roscius had made his demand for himself alone, and had made no demand for the partnership. When Saturius perceives that this is proved, he does not dare to resist and struggle against the truth. He finds another subterfuge of dishonesty and treachery in the same track. [52] "I

admit," says he, "that Roscius demanded his own share from Flavius; I admit that he left Fannius's right to make a similar demand entire and unimpaired; but I contend that what he got for himself became the common property of the partnership" than which nothing more tricky or more scandalous can be said. For I ask whether Roscius had the power to demand his share from the partnership, or not? If he could not, how did he get it? If he could, how was it that he did not demand it for himself? For that which is demanded for one's self, is certainly not exacted for another. [53] Is it so? If he had made a demand of what belonged to the entire partnership, all would equally have shared what then came in. Now, when he demanded what was a part of his own share, did he not demand for himself alone what he got? 18.

What is the difference between him who goes to law for himself, and him who is assigned as agent for another? He who commences an action for himself, makes his demand for himself alone. No one can prefer a claim for another except him who is constituted his agent. Is it not so? If her had been your agent, you would get your own, because he had gained the action. But he preferred this claim in his own name; so what he got he got for himself, and not for you. [54] But if any one can make a claim on behalf of another, who is not appointed his agent, I ask why then, when Panurgus was slain, and an action was commenced against Fannius on the plea of injury sustained by the loss, you were made the agent of Roscius for that action? especially when, according to what you now say, whatever claim you made for yourself you made for him; whatever recompense you exacted for yourself, would belong to the partnership. But if nothing would have come to Roscius which you had got from Flavius, unless he had appointed you agent for his action, so nothing ought to come to you which Roscius has exacted for his share, since he was not appointed your agent. [55] For what answer can you make to this case, O Fannius? When Roscius settled with Flavius for his own share, did he leave you your right of action, or not? If he did not leave it you, how was it that you afterwards exacted a hundred thousand sesterces from him? If he did leave it, why do you claim from him what you ought to demand and follow up yourself? For partnership is very like inheritance, and, as it were,

its twin sister. As a partner has a share in a partnership, so an heir has a share in an inheritance. As an heir prefers a claim for himself alone, and not for his co-heirs, so a partner prefers a claim for himself alone, and not for his partners. And as each prefers a claim for his own share, so he makes payments for his share alone; the heir, out of the share which he has received of the inheritance the partner, out of that property with which he entered into the partnership. [56] As Roscius could have executed a release to Flavius in his own name, so as to prevent you from preferring any claim; so, as he only exacted his own share, and left you your right to prefer a claim unimpaired, he ought not to share what he got with you — unless, indeed, you, by a perversion of all justice, are able to rob him of what is his, though you are not able to extort your own rights from another. Saturius persists in his opinion, that whatever a partner claims for himself becomes the property of the partnership. But if that be true, how great (plague take it!) was the folly of Roscius, who, by the advice and influence of lawyers, made a mutual agreement with Fannius, very carefully, that he should pay him half of whatever he got from Flavius; if indeed, without any security or mutual agreement, nevertheless, Fannius owed it to the partnership; that is to say, to Roscius [The rest of this speech is lost.]

PRO TULLIO (On Behalf of Tullius)

Translated by C. D. Yonge

This partially preserved speech was delivered by Cicero in 72 or 71 BC and made on behalf of his client, Marcus Tullius, who claimed legal damages from his neighbour, Publius Fabius, on the basis that Fabius had murdered several of Tullius' slaves in a property dispute.

THE FRAGMENTS WHICH REMAIN OF THE SPEECH OF M. T. CICERO ON BEHALF OF MARCUS TULLIUS.

THE ARGUMENT.

Marcus Tullius had a farm, and a man of the name of Publius Fabius had bought another farm bordering on it. On the farm of Tullius there was a large field which Fabius coveted greatly, and as he could not obtain it by bargain, or by any legal process, (though he does seem to have tried this latter expedient,) he arms a gang of slaves, and sends them to take possession of the land, they murder Tullius's slaves, and demolish and burn the villa which he had there. After all this, Tullius prosecutes Fabius for the damage done. So that, as it seems, this speech ought rather to be called a speech against Publius Fabius than a speech on behalf of Marcus Tullius.

1. Formerly, O judges, I had determined to conduct this cause in a different manner, thinking that our adversaries would deny that their household was implicated in such a violent and atrocious murder. Accordingly, I came with a mind free from care and anxiety, because I was aware that I could easily prove that by witnesses. But now, when it has been confessed, not only by that most honourable man, Lucius Quinctius, but when Publius Fabius himself has not hesitated to admit the facts which are the subject of this trial, I come forward to plead this cause in quite a different manner from that in which I was originally prepared to argue it. For then my anxiety was to be able to prove what I asserted had been done. Now all my speech is to be directed to this point, to prevent our adversaries from being in a better position, merely because they have admitted what they could not possibly deny though they greatly wished to do so. [2] Therefore, as matters stood at first your decision was more difficult, but my defence was easy. For I originally rested my whole case on the evidence; now I rest it on the confession of my adversary; and to oppose his audacity in acts of violence, his impudence in a court of justice, may fairly be considered as the task of your power, not of my abilities. — For what is easier than to decide on the case of a man

who confesses the fact? But it is difficult for me to speak with sufficient force of that which cannot be by language made out worse than it is in reality, and cannot be made more plain by my speech than it is by the confession of the parties actually concerned. [3]

As, therefore, on account of the reasons which I have stated, my system of defence must be changed, I must also forget for a little time, in the case of Publius Fabius, that lenity of mine which I practiced at the previous trial, when I restrained myself from using any arguments which might have the appearance of attacking him, so much that I seemed to be defending his reputation with no less care than the cause of Marcus Tullius. Now, since Quinctius has thought it not foreign to the subject to introduce so many statements, false for the most part and most wickedly invented, concerning the life and habits and character of Marcus Tullius, Fabius must pardon me for many reasons, if I do not now appear to spare his character so much, or to show the same regard for it now as I did previously. 2.

[4] At the former trial I kept all my stings sheathed; but since, in that same previous trial, he thought it a part of his duty to show no forbearance whatever to his adversary, how ought I to act, I, a Tullius for another Tullius, a man kindred to me in disposition not less than in name? And it seems to me, O judges, that I have more need to feel anxious as to whether my conduct will be approved in having said nothing against him before, than blamed for the reply I now make to him. [5] But I both did at that time what I ought to have done, and I shall do now what I am forced to do. For when it was a dispute about money matters, because we said that Marcus Tullius had sustained damage, it appeared foreign to my character to say anything of the reputation of Quintus Fabius; not because the case did not open the door to such statements. What is my conduct then? Although the cause does require it, still, unless when he absolutely compels me against my will, I am not inclined to condescend to speak ill of him. Now that I am speaking under compulsion, if I say anything strong, still I will do even that with decency and moderation, and only in such a way that, as he could not consider me hostile to him at the former trial, so he may now know that I am a faithful and trustworthy friend to Marcus Tullius. 3.

[6]

One thing, O Lucius Quinctius, I should wish to obtain from you, which, although I desire because it is useful for me, still I request of you because it is reasonable and just, — that you would regulate the time that you take to yourself for speaking, so as to leave the judges some time for coming to a decision. For the time before, there was no end to your speech in his defence; night alone set bounds to your oration. Now, if you please, do not do the same; this I beg of you. Nor do I beg it on this account, because I think it desirable for me that you should pass over some topics, or that you should fail to state them with sufficient elegance, and at sufficient length; but because I do think it enough for you to state each fact only once. And if you do that, I have no fear that the whole day will be taken up in talking. [7]

The subject of this trial which comes before you, O judges, is, What is the pecuniary amount of the damage inflicted on Marcus Tullius by the malice of the household of Quintus Fabius, by men armed and banded together in a violent manner. Those damages we have taxed; the valuation is yours; the decision given is that the amends shall be fourfold. 4.

[8]

As all laws and all legal proceedings which seem at all harsh and severe have originated in the dishonesty and injustice of wicked men, so this form of procedure also has been established within these few years on account of the evil habits and excessive licentiousness of men. For when many families were said to be wandering armed about the distant fields and pasture lands, and to be committing murders, and as that fact appeared to concern not merely the estates of individuals, but the main interests of the republic, Marcus Lucullus, who often presided as judge with the greatest equity and wisdom, first planned this tribunal, and had regard to this object, that all men should so restrain their households that they should not only not go about armed to inflict damage on any one, but, even if they were attacked, should defend themselves by law, rather than by arms; [9] and though he knew that the Aquilian law about damage existed, still he thought, that, as in the time of our ancestors both men's estates and their desires were less, and as their families, not being very numerous, were restrained by fear of important consequences, it very seldom happened that a man would be killed, and it was thought

a nefarious and unprecedented atrocity; and therefore, that there was at that time no need of a system of judicial procedure with reference to bodies of men collected in a violent manner and armed; (for he thought that if any one established a law or a tribunal for matters which were not usual, he seemed not so much to forbid them as to put people in mind of them.) 5.

[11] In these times, when after a long civil war our manners had so far degenerated that men used arms with less scruple, he thought it necessary to establish a system of judicial procedure, with reference to the whole of a man's household, in the formula, "Which was said to have been done by the household," and to assign judges, in order that the matter might be decided as speedily as possible; and to affix a severe punishment, in order that audacity might be repressed by fear, and to take away that outlet, "Damage unjustly caused."

That which in other causes ought to have weight, and which has weight by the Aquilian law, namely, that damage had been caused by armed slaves in a violent manner,

* * * * * Men must decide themselves when they could lawfully take arms, collect a band, and put men to death. When an action was assigned, this alone was to be the point at issue, "whether it appeared that damage had been inflicted by the malice of the household, by men collected and armed acting in a violent manner," and the word "unjustly" was not to be added; he thought that he had put an end to the audacity of wicked men when he had left them no hope of being able to make any defence. 6.

[13]

Since, then, you have now heard what this judicial procedure is, and with what intention it was established, now listen, while I briefly explain to you the case itself, and its attendant circumstances. [14]

Marcus Tullius had a farm, inherited from his father, in the territory of Thurium, O judges, which he was never sorry to have, till he got a neighbor who preferred extending the boundaries of his estate by arms, to defending them by law. For Publius Fabius lately purchased a farm of Caius Claudius, a senator, — a farm bordering on that of Marcus Tullius, — dear enough, for nearly half as much again (though in a wretched state of cultivation, and with all the buildings burnt down) as Claudius himself had given for it when it

was in a good and highly ornamented condition, though he had paid an extravagant price for it.

* * * * * [15] I will add this also, which is very important to the matter. When the commander-in-chief died, though he wished to invest a sum of money, got I know not how, in a farm, he did not so invest it, but he squandered it. I do not very greatly wonder that, hampered as he was by his own folly, he wished to extricate himself how he could. But this I cannot marvel at sufficiently, this I am indignant at, that he strives to remedy his own folly at the expense of his neighbours, and that he endeavoured to pacify his own ill-temper by the injury of Tullius.

There is in that farm a field of two hundred acres, which is called the Popilian field, O judges, which had always belonged to Marcus Tullius, and which even his father had possessed. That new neighbour of his, full of wicked hope, and the more confident because Marcus Tullius was away, began to wish for this field, as it appeared to him to lie very conveniently for him, and to be a convenient addition to his own farm. And at first, because he repented of the whole business and of his purchase, he advertised the farm for sale. But he had had a partner in the purchase, Cnaeus Acerronius a most excellent man. He was at Rome, when on a sudden messengers came to Marcus Tullius from his villa, to say that Publius Fabius had advertised that neighbouring farm of his for sale, offering a much larger quantity of land than he and Cnaeus Acerronius had lately purchased. [17] He applies to the man. He, arrogantly enough, answers just what he chooses. And he had not yet pointed out the boundaries. Tullius sends letters to his agent and to his bailiff, to go to the procurator of Caius Claudius, in order that he might point out the boundaries to purchasers in their presence. But he

* * * * * refused to do this. He pointed out the boundaries to Acerronius while they were absent; but still he did not give them up this Popilian field. Acerronius excused himself from the whole business as well as he could, and as soon as he could; and he immediately revoked any agreement which he had with Fabius, (for he preferred losing his money to losing his character,) 8.

[18] and dissolved partnership with such a man, being only slightly scorched. Fabius in the meantime brings on the farm picked men of

great courage and strength, and prepares arms such as were suitable and fit for each of them; so that any one might see that those men were equipped, not for any farming work, but for battle and murder. [19] In a short time they murdered two men of Quintus Catius Aemilianus, an honourable man, whom you all are acquainted with. They did many other things; they wandered about everywhere armed; they occupied all the fields and roads in an hostile manner, so that they seemed not obscurely but evidently to be aware of what business they were equipped for. In the meantime Tullius came to Thurium. Then that worthy father of a family, that noble Asiaticus, that new farmer and grazier, while he was walking in the farm, notices in this very Popilian field a moderate-sized building, and a slave of Marcus Tullius, named Philinus. [20] "What business have you," says he, "in my field?" The slave answered modestly and sensibly, that his master was at the villa; that he could talk to him if he wanted anything. Fabius asks Acerronius (for he happened to be there at the time) to go with him to Tullius. They go. Tullius was at the villa. Fabius says that either he will bring an action against Tullius, or that Tullius must bring one against him. Tullius answers that he will bring one, and that he will exchange securities with Fabius at Rome. Fabius agrees to this condition. Presently he departs.

9.

[21]

The next night, when it was near day-break, the slaves of Publius Fabius come armed and in crowds to that house which I have already mentioned, which was in the Popilian field. They make themselves an entrance by force. They attack the slaves of Marcus Tullius, men of great value, unawares, which was very easy to do; and as these were few in number and offered no resistance, they, being a numerous body well armed and prepared, murdered them. And they behaved with such rancour and cruelty that they left them all with their throats cut, lest, if they left any one only half dead and still breathing, they should get the less credit. And besides this, they demolish the house and villa. [22] Philinus, whom I have already mentioned, and who had himself escaped from the massacre severely wounded, immediately reports this atrocious, this infamous, this unexpected attack to Marcus Tullius. Tullius immediately sends

round to his friends, of whom in that neighbourhood he had a numerous and honourable body. [23] The matter appears scandalous and infamous to them all.

* * * * * 10.

[24]

Listen, I entreat you, to the evidence of honest men touching those affairs which I am speaking of those things which my witnesses state, our adversary confesses that they state truly. Those things which my witnesses do not state, because they have not seen them and do not know them, those things our adversary himself states. Our witnesses say that they saw the men lying dead; that they saw blood in many places; that they saw the building demolished. They say nothing further. What says Fabius? He denies none of these things. What then further does he add? [25] He says that his own household of slaves did it. How? By men armed, with violence. With what intention? That that might be done which was done. What is that? That the men of Marcus Tullius might be slain. If, then, they contrived all these circumstances with this intention, so that men assembled in one place, and armed themselves, and then marched with fixed resolution to an appointed place, chose a suitable time, and committed a massacre, — if they intended all this and planned it, and effected it, — can you separate that intention, that design, and that act from malice? [26] But those words "with malice" are added in this form of procedure with reference to the man who does the deed, not to him to whom it is done. And that you may understand this, O judges, attend, I beg of you, carefully. And, in truth, you will not doubt that this is the case. 11.

[27]

If the trial were assigned to proceed on this ground, that the fact to be proved was, "That it had been done by the household," then if any household itself had been unwilling to appear personally in the slaughter, and had either compelled or hired the assistance of other men, whether slaves or free men, all this trial, and the severe justice of the praetor, would be at an end. For no one can decide that, if the household were not present at a transaction, in that transaction the household itself committed damage with men armed, in a violent manner. Therefore, because that could be done, and done easily too,

on that account it was not thought sufficient for investigation to be made as to what the household itself had done, but as to this point also, "What had been done by the malice of the household." [28] For when the household itself does anything, men being collected together and armed, in a violent manner, and inflicts damage on any one, that must be done by malice. But when it forms a plan to procure such a thing to be done, the household itself does not do it, but it is done by its malice. And so by the addition of the words "by malice" the cause of both plaintiff and defendant is made more comprehensive. For whichever point he can prove, whether that the household itself did him the damage, or that it was done by the contrivance and assistance of that household, he must gain his cause. 12.

[29]

You see that the praetors in these last years have interposed between me and Marcus Claudius with the insertion of this clause, —"From which, O Marcus Tullius, Marcus Claudius, or his household, or his agent, was driven by violence." find what follows is according to the formula in the terms in which the praetor's interdict ran, and in which the securities were drawn up. If I were to defend myself before a judge in this way, — to confess that I had driven men out by violence — to deny that there was malice in it, — who would listen to me? No one, I suppose; because, if I drove out Marcus Claudius by violence, I drove him out by malice; for malice is a necessary ingredient in violence; and it is sufficient for Claudius to prove either point, — either that he was driven out with violence by me myself, or that I contrived a plan to have him driven out with violence. [30] More, therefore, is granted to Claudius when the interdict runs thus, "from which he was driven by violence, by my malice," than if it had merely said, "whence he was driven by me by violence." For, in this latter case, unless I had myself driven him out, I should gain my cause. In the former case, when the word "malice" is added, whether I had merely originated the design, or had myself driven him out, it is inevitable that it should be decided that he had been violently driven out by me with malice. 13.

[31]

The case in this trial, O judges, is exactly like this, and, indeed, identical with it. For I ask of you, O Quinctius, if the point in

question were, “What appeared to be the pecuniary amount of the damage done by the household of Publius Fabius, by armed men, to Marcus Tullius,” what would you have to say? Nothing, I suppose; for you confess everything, both that the household of Publius Fabius did this, and that they did it violently with armed men. As to the addition, “with malice,” do you think that that avails you, that by which all your defence is cut off and excluded? [32] for, if that addition had not been made, and if you had chosen to urge, in your defence, that your household had not done this, you would have gained your cause if you had been able to prove this. Now, whether you had chosen to use that defence, or this one which you are using, you must inevitably be convicted; unless we think that a man is brought before the court who has formed a plan, but that one who has actually done an action is not; since a design may be supposed to exist without any act being done, but an act cannot exist without a design. Or, because the act is such that it could not be done without a secret design, without the aid of the darkness of night, without violence, without injury to another, without arms, without murder, without wickedness, is it on that account to be decided to have been done without malice? Or, will you suppose that the pleading has been rendered more difficult for me in the very case in which the praetor intended that a scandalous plea in defence should be taken from him? [33] Here, now, they do seem to me to be men of very extraordinary talent, when they seize themselves on the very thing which was granted to me to be used against them; when they use rocks and reefs as a harbour and an anchorage. For they wish the word “malice” to be kept in the shade; by which they would be caught and detected, not only since they have done the things themselves which they admit having done, but even if they had done them by the agency of others. [34]

I say that malice exists not in one action alone, (which would be enough for me,) nor in the whole case, only, (which would also be enough for me,) but separately in every single item of the whole business. They form a plan for coming, upon the slaves of Marcus Tullius: they do that with malice. They take arms: they do that with malice. They choose a time suitable for laying an ambush and for concealing their design: they do that with malice. They break open

the house with violence: in the violence itself there is malice. They murder men, they demolish buildings: it is not possible for a man to be murdered intentionally, or for damage to be done to another intentionally, without malice. Therefore, if every part of the business is such that the malice is inherent in each separate part, will you decide that the entire business and the whole transaction is untainted with malice? 15.

[35]

What will Quinctius say to this? Surely he has nothing to say, no one point, I will not say on which he is able to stand, but on which he even imagines that he is able. For, first of all, he advanced this argument, that nothing can be done by the malice of a household. By this topic he was tending not merely to defend Fabius, but to put an end utterly to all judicial proceedings of this sort. For if that is brought before the court with reference to a household, which a household is absolutely incapacitated from doing, there is evidently no trial at all; all must inevitably be acquitted for the same reason. [36] If this were the only case, (it would be well, indeed, if it were,) but if it were, the only case, still you, O judges, being such as you are, ought to be unwilling that an affair of the greatest importance, affecting not only the welfare of the entire republic but also the fortunes of individuals — that a most dignified tribunal, one established with the greatest deliberation, and for the weightiest reasons, should appear to be put an end to by you. But this is not the only thing at stake.

* * * * * the decision in this case is waited for with so much anxiety as shows that it is expected to rule not one case only, but all cases.

* * * * * Shall I say that violence was done by the household of Publius Fabius? Our adversaries do not deny it. That damage was done to Marcus Tullius? You grant that — I have carried one point. That this violence was done by armed men? You do not deny that — I have carried a second point. You deny that it was done with malice; on this point we join issue.

* * * * * Nor, indeed, do I see any need of looking for arguments by which that trivial and insignificant defence of his may be refuted and done away with.

[37] And yet I must speak to the statements which Quinctius has made; not that they have anything to do with the matter, but that it may not be thought that anything has been granted by me, merely because it has been overlooked. 16.

[38]

You say that inquiry ought to be instituted whether the men of Marcus Tullius were slain wrongfully or no. This is the first inquiry that I make about the matter, — whether that matter has come before the court or not. If it has not come, why then need we say anything about it, or why need they ask any questions about it? But if it has, what was your object in making such a long speech to the praetor, to beg him to add to the formula the word "wrongfully," and because you had not succeeded, to appeal to the tribunes of the people, and here before the court to complain of the injustice of the praetor because he did not add the word "wrongfully." [39] When you were requesting this of the praetor, — when you were appealing to the tribunes, you said that you ought to have an opportunity given to you of persuading the judges, if you could, that damage had not been done to Marcus Tullius wrongfully. Though, therefore, you wish that to be added to the formula of the trial, in order to be allowed to speak to that point before the judges; though it was not added, do you nevertheless speak to it as if you had gained the very thing which was refused to you? 17.

But the same words which Metellus used in making his decree, the others, whom you appealed to, likewise used. Was not this the language of them all, — that although that which a household was said to have done by means of men armed and collected in a violent manner, could not possibly be done rightly, still they would add nothing, And they ware right, O judges. For if, when there is a refuge open to them, still slaves commit these wickednesses with the greatest audacity, and masters avow them with the greatest shamelessness, what do you think would be the case if the praetor were to decide that it is possible that such murders should be committed lawfully? Does it make any difference whether the magistrates establish a defence for a crime, or give people power and liberty to commit crime? [41] In truth, O judges, the magistrates are not influenced by the extent or the damage, to assign a trial in this

formula. For if it were the case, the magistrates would not give recuperators rather than a judex, — not an action against the whole family, but against the one who was proceeded against by name; nor would the damages be estimated at fourfold, but at double; and to the word “damage” would be added the word “wrongfully.” Nor, indeed, does the magistrate who has assigned this trial depart from the provisions of the Aquilian law about other damage, in cases in which nothing is at issue except the damage. And to this point the praetor ought to turn his attention. 18.

[42]

In this trial, you see the question is about violence; you see the question is about armed men; you see that the demolition of houses, the ravaging of lands, the murders of men, fire, plunder, and massacre are brought before the court. And do you wonder that those who assigned this trial thought it sufficient that it should be inquired whether these cruel, and scandalous, and atrocious actions had been done or not; not whether they had been done rightly or wrongfully? The praetors, then, have not departed from the Aquilian law which was passed about damage; but they appointed a very severe course of proceeding in the case of armed men acting with violence. Not that they thought that no inquiry was ever to be made as to the right or the wrong; but they did not think it fit that they who preferred to manage their business by arms rather than by law should argue the question of right and wrong. [43] Nor did they refuse to add the word “wrongfully” because they would not add it in other cases; but they did not think that it was possible for slaves to take arms and collect a band rightfully. Nor did they refuse because they thought, that if this addition were made, it would be possible to persuade such men as these judges that it had not been wrongfully done, but because they would not appear to put a shield in the hands of those men in a court of justice, whom they had summoned before the court for talking those arms which they did take. 19.

[44]

The same prohibitory law about violence existed in the time of our ancestors which exists now. “From which you, or your household, or your agent have this year driven him, or his household, or his agent, by violence.” Then there is added, with reference to the

man who is being proceeded against, “When he was the owner;” and this further addition also, “Of what he possessed, having acquired it neither by violence, nor secretly, nor as a present.” [45] The man who is said to have driven another away by violence has many pleas of defence allowed him, (and if he can prove any one of them to the satisfaction of the judge, then, even if he confesses that he drove him out by violence, he must gain his cause,) either that he who has been driven out was not the owner, or that he had got possession from him himself by violence, or by stealth, or as a present. Our ancestors left so many pleas of defence, by which he might gain his cause, even to the man who confessed himself guilty of violence. 20.

[46]

Come, now, let us consider another prohibitory law, which has also been now established on account of the iniquity of the times, and the excessive licentiousness of men.

* * * * * [47]

And he read me the law out of the Twelve Tables, which permits a man to kill a thief by night, and even by day if he defends himself with a weapon; and an ancient law out of the sacred laws, which allows any one to be put to death with impunity who has assaulted a tribune of the people. I imagine I need say no more about the laws. [48] And now I, for the first time in this affair, ask this question: — What connection the reading of these laws had with this trial? Had the slaves of Marcus Tullius assaulted any tribune of the people? I think not. Had they come by night to the house of Publius Fabius to steal? Not even that. Had they come by day to steal, and then had they defended themselves with a weapon? It cannot be affirmed. Therefore, according to those laws which you have read, certainly that man’s household had no right to slay the slaves of Marcus Tullius. 21.

[49]

“Oh,” says he, “I did not read it because of its bearing on that subject, but that you might understand this, that it did not appear to our ancestors to be anything so utterly intolerable for a man to be slain.” But, in the first place those very laws which you read, (to say nothing of other points,) prove how utterly our ancestors disapproved of any man being slain unless it was absolutely unavoidable. First of

all, there is that holy law which armed men petitioned for, that unarmed men might be free from danger. Wherefore it was only reasonable for them to wish the person of that magistrate to be hedged round with the protection of the laws, by whom the laws themselves are protected. [50] The Twelve Tables forbid a thief — that is to say, a plunderer and a robber — to be slain by day, even when you catch him, a self-evident enemy, within your walls. "Unless he defends himself with a weapon," says the law; not even if he has come with a weapon; unless he uses it, and resists; "you shall not kill him. If he resists, endoplorato," that is to say, raise an outcry, that people may hear you and come to your aid. What can be added more to this merciful view of the case, when they did not allow that it might be lawful for a man to defend his own life in his own house without witnesses and umpires? 22.

[51]

Who is there who ought more to be pardoned, (since you bring me back to the Twelve Tables,) than a man who without being aware of it kills another? No one, I think. For this is a silent law of humanity, that punishment for intentions, but not for fortune, may be exacted of a man. Still our ancestors did not pardon even this. For there is a law in the Twelve Tables, "If a weapon escapes from the hand"

* *

If any one slays a thief, he slays him wrongfully. Why? Because there is no law established by which he may do so. What? suppose he defended himself with a weapon? Then he did not slay him wrongfully. Why so? Because there is a law

* * * * * 23.

[53] Still it would have been done by violence.

* * Still in that very spot which belonged to you, you not only could not lawfully slay the slaves of Marcus Tullius, but even if you had demolished the house without his knowledge, or by violence, because he had built it in your land and defended his act on the ground of its being his, it would be decided to have been done by violence, or secretly. Now, do you yourself decide how true it is, that, when your household had no power to throw down a few tiles with impunity, he had power to commit an extensive massacre without violating the law. If, now that that building has been

demolished, I myself were this day to prosecute him on the ground "that it was done by violence, or secretly," you must inevitably either make restitution according to the sentence of an arbitrator, or you must be condemned in the amount of your security. Now, will you be able to make it seem reasonable to such men as these judges, that, though you had no power of your own right to demolish the building, because it was, as you maintain, on your land, you had power of your own right to slay the men who were in that edifice? 24.

[54]

"But my slave is not to be found, who was seen with your slaves. But my cottage was burnt by your slaves." What reply am I to make to this? I have proved that it was false. Still I will admit it. What comes next? Does it follow from this that the household of Marcus Tullius ought to be murdered? Scarcely, in truth, that they ought to be flogged, scarcely, that they ought to be severely reprimanded. But granting that you were ever so severe; the matter could be tried in the usual course of law, by an everyday sort of trial. What was the need of violence? what was the need of armed men, of slaughter, and of bloodshed? [55]

"But perhaps they would have proceeded to attack me." This, in their desperate case, is neither a speech nor a defence, but a mere guess, a sort of divination. Were they coming to attack him? Whom? Fabius. With what intention? To kill him. Why? to gain what? how did you find it out? And that I may set forth a plain case as briefly as possible, is it possible to doubt, O judges, which side seems to have been the attacking party? — [56] Those who came to the house, or those who remained in the house? Those who were slain, or those, of whose number not one man was wounded? Those who had no imaginable reason for acting so, or those who confess that they did act so? But suppose I were to believe that you were afraid of being attacked, who ever laid down such a principle as this, or who could have this granted him without extreme danger to the whole body of citizens, that he might lawfully kill a man, if he only said that he was afraid of being hereafter killed by him? [The rest of this oration is lost.]

DIVINATIO IN CAECILIUM (Against Quintus Caecilius)

Translated by C. D. Yonge

This oration was given against Quintus Caecilius in the process for selecting a prosecutor of Gaius Verres in 70 BC. In the speech, Cicero argues that he, rather than Q. Caecilius, will make the better prosecutor of Verres, the Roman magistrate notorious for his misgovernment of Sicily. The oration is the only remaining text of a rhetorical genre, the divinatio, that has survived antiquity. The advocate for Verres, against whom the chosen orator must bend his rhetorical skills, was Quintus Hortensius Hortalus, the ally of the optimates and principal orator of the day.

THE SPEECH AGAINST QUINTUS CAECILIUS.

The Argument.

The provinces of the quaestors being distributed to them by lot, the province of Sicily fell to Cicero; Sextus Peducaeus being the praetor. In his discharge of the duties of his office he very much ingratiated himself with the Sicilians, and at his departure he assured them of his assistance in whatever business they might have at Rome. Three years after his return from Sicily he was elected to the aedileship, being now in his thirty-seventh year the earliest age at which a man could be aedile. Before his entrance into this office he undertook the prosecution of Caius Verres, late praetor of Sicily, who was accused of having treated the Sicilians with the greatest rapacity and tyranny. All the cities of Sicily concurred in this prosecution except Syracuse and Messana, as Verres had kept on good terms with them through fear of their riches and influence. The other towns all by a joint petition to Cicero entreated him to take the management of the prosecution, and he consented; Verres was supported by the Scipios, by the Metelli, and Hortensius. As soon as Cicero had agreed to undertake the management of the business, Quintus Caecilius Niger came forth, a Sicilian by birth, who had been quaestor to Verres, and (being in reality the tool of Verres, and making this demand in order to stifle the prosecution) demanded that the management of it should be entrusted to him; partly on the ground that he was a Sicilian, partly because he was, as he stated, a personal enemy of Verres, also he alleged, that having been his quaestor in Sicily, he knew better than Cicero could know the crimes which Verres really had committed. Cicero replies to this with many reasons why the conduct of the prosecution should be committed to him, especially because he did not volunteer to take it up, but is urged by a sense of duty, being begged to do so by all the Sicilians; and also because he is in ever, respect well able to conduct it, from his acquaintance with the count and with the Sicilians.

There is some question why this speech is called Divinatio, and different reasons have been alleged for it; some saying that it is

because it refers to what is to be done, not to what has been done: others, that it is so called because no witnesses and no documents are produced, and the judges, having to decide on the arguments of the speakers alone, are forced to guess their way. Cicero carried his point, and the prosecution was entrusted to him.

1. If any one of you, O judges, or of these who are present here, marvels perhaps at me, that I, who have for so many years been occupied in public causes and trials in such a manner that I have defended many men but have prosecuted no one could now on a sudden change my usual purpose, and descend to act as accuser; — he, if he becomes acquainted with the cause and reason of my present intention, will both approve of what I am doing, and will think, I am sure, that no one ought to be preferred to me as manager of this cause. [2] As I had been quaestor in Sicily, O judges, and had departed for that province so as to leave among all the Sicilians a pleasing and lasting recollection of my quaestorship and of my name, it happened, that while they thought their chief protection lay in many of their ancient patrons, they thought there was also some support for their fortunes secured in me, who, being now plundered and harassed, have all frequently come to me by the public authority, entreating me to undertake the cause and the defence of all their fortunes. They say that I repeatedly promised and repeatedly assured them, that, if any time should arrive when they wanted anything of me, I would not be wanting to their service. [3] They said that the time had come for me to defend not only the advantages they enjoyed, but even the life and safety of the whole province, that they had now not even any gods in their cities to whom they could flee, because Caius Verres had carried off their most sacred images from the very holiest temples. That whatever luxury could accomplish in the way of vice, cruelty in the way of punishment, avarice in the way of plunder, or arrogance in the way of insult, had all been borne by them for the last three years, while this one man was praetor. That they begged and entreated that I would not reject them as suppliants, who, while I was in safety, ought to be suppliants to no one. 2. [4]

I was vexed and distressed, O judges, at being brought into such a strait, as to be forced either to let those men's hopes deceive them

who had entreated succour and assistance of me, or else, when I had from my very earliest youth devoted myself entirely to defending men, to be now, under the compulsion of the occasion and of my duty, transferred to the part of an accuser. I told them that they had an advocate in Quintus Caecilius, who had been quaestor in the same province after I was quaestor there. But the very thing which I thought would have been an assistance to me in getting rid of this difficulty, was above all things a hindrance to me; for they would have much more easily excused me if they had not known him, or if he had never been among them as quaestor. [5] I was induced, O judges, by the considerations of duty, good faith, and pity; by the example of many good men; by the ancient customs and habits of our ancestors, to think that I ought to take upon myself this burden of labour and duty, not for any purpose of my own, but in the time of need to my friends. In which business, however, this fact consoles me, O judges, that this pleading of mine which seems to be an accusation is not to be considered an accusation, but rather a defence. For I am defending many men, many cities, the whole province of Sicily. So that, if one person is to be accused by me, I still almost appear to remain firm in my original purpose, and not entirely to have given up defending and assisting men. [6] But if I had this cause so deserving, so illustrious, and so important; if either the Sicilians had not demanded this of me, or I had not had such an intimate connection with the Sicilians; and if I were to profess that what I am doing I am doing for the sake of the republic, in order that a man endowed with unprecedented covetousness, audacity, and wickedness, — whose thefts and crimes we have known to be most enormous and most infamous, not in Sicily alone, but in Achaia, in Asia, in Cilicia, in Pamphylia, and even at Rome, before the eyes of all men, — should be brought to trial by my instrumentality, still, who would there be who could find fault with my act or my intention? 3. [7]

What is there, in the name of gods and men! by which I can at the present moment confer a greater benefit on the republic? What is there which either ought to be more pleasing to the Roman people, or which can be more desirable in the eves of the allies and of foreign nations, or more adapted to secure the safety and fortunes of all men?

The provinces depopulated, harassed, and utterly overturned; the allies and tributaries of the Roman people afflicted and miserable, are seeking now not for any hope of safety, but for comfort in their destruction. [8] They who wish the administration of justice still to remain in the hands of the senatorial body, complain that they cannot procure proper accusers; those who are able to act as accusers, complain of the want of impartiality in the decisions. In the meantime the Roman people, although it suffers under many disadvantages and difficulties, yet desires nothing in the republic so much as the restoration of the ancient authority and importance to the courts of law. It is from a regret at the state of our courts of law that the restoration of the power of the tribunes is so eagerly demanded again. It is in consequence of the uncertainty of the courts of law, that another class is demanded to determine law-suits; owing to the crimes and infamy of the judges, even the office of censor, which formerly was used to be accounted too severe by the people, is now again demanded, and has become popular and praiseworthy. [9] In a time of such licentiousness on the part of the wicked, of daily complaint on the part of the Roman people, of dishonour in the courts of law, of unpopularity of the whole senate, as I thought that this was the only remedy for these numerous evils, for men who were both capable and upright to undertake the cause of the republic and the laws, I confess that I, for the sake of promoting the universal safety, devoted myself to upholding that part of the republic which was in the greatest danger. [10] Now that I have shown the motives by which I was influenced to undertake the cause, I must necessarily speak of our contention, that, in appointing an accuser, you may have some certain line of conduct to follow. I understand the matter thus, O judges: — when any man is accused of extortion, if there be a contest between any parties as to who may best be entrusted with the prosecution, these two points ought to be regarded most especially; first, whom they, to whom the injury is said to have been done, wish most to be their counsel; and secondly, whom he, who is accused of having done those injuries, would least wish to be so. 4. [11]

In this cause, O judges, although I think both these points plain, yet I will dilate upon each, and first on that which ought to have the greatest influence with you, that is to say, on the inclination of those

to whom the injuries have been done; of those for whose sake this trial for extortion has been instituted. Caius Verres is said for three years to have depopulated the province of Sicily, to have desolated the cities of the Sicilians, to have made the houses empty, to have plundered the temples. The whole nation of the Sicilians is present, and complains of this. They fly for protection to my good faith, which they have proved and long known; they entreat assistance for themselves from you and from the laws of the Roman people through my instrumentality; they desire me to be their defender in these their calamities; they desire me to be the avenger of their injuries, the advocate of their rights, and the pleader of their whole cause. [12] Will you, O Quintus Caecilius, say this, that I have not approached the cause at the request of the Sicilians? or that the desire of those most excellent and most faithful allies ought not to be of great influence with these judges? If you dare to say that which Caius Verres, whose enemy you are pretending to be, wishes especially to be believed, — that the Sicilians did not make this request to me, — you will in the first place be supporting the cause of your enemy, against whom it is considered that no vague presumption, but that an actual decision has been come to, in the fact that has become notorious, that all the Sicilians have begged for me as their advocate against his injuries. [13] If you, his enemy, deny that this is the case, which he himself to whom the fact is most injurious does not dare to deny, take care lest you seem to carry on your enmity in too friendly a manner. In the second place, there are witnesses, the most illustrious men of our state, all of whom it is not necessary that I should name, those who are present I will appeal to; while, if I were speaking falsely, they are the men whom I should least wish to be witnesses of my impudence. He, who is one of the assessors on this bid, Caius Marcellus, knows it; he, whom I see here present, Cnaeus Lentulus Marcellinus, knows it; on whose good faith and protection the Sicilians principally depend, because the whole of that province is inalienably connected with the name of the Marcelli. [14] These men know that this request was not only made to me, but that it was made so frequently and with such earnestness, that I had no alternative except either to undertake the cause, or to repudiate the duty of friendship. But why do I cite these men as witnesses, as if the matter were doubtful or unknown?

Most noble men are present here from the whole province, who being present, beg and entreat you, O judges, not to let your judgment differ from their judgment in selecting an advocate for their cause. Deputations from every city in the whole of Sicily, except two, are present; and if deputations from those two were present also, two of the very most serious of the crimes would be lessened in which these cities are implicated with Caius Verres. [15] But why have they entreated this protection from me above all men? If it were doubtful whether they had entreated it from me or not, I could tell why they had entreated it; but now, when it is so evident that you can see it with your eyes, I know not why it should be any injury to me to have it imputed to me that I was selected above all men. [16] But I do not arrogate any such thing to myself, and I not only do not say it, but I do not wish even to leave any one to believe that I have been preferred to every possible advocate. That is not the fact but a consideration of the opportunities of each individual and of his health, and of his aptitude for conducting this cause, has been taken into account. My desire and sentiments on this matter have always been these, that I would rather that any one of those who are fit for it should undertake it than I; but I had rather that I should undertake it myself than that no one should. 5. [17]

The next thing is, since it is evident that the Sicilians have demanded this of me, for us to inquire whether it is right that this fact should have any influence on you and on your judgments; whether the allies of the Roman people, your suppliants, ought to have any weight with you in a matter of extortion committed on themselves. And why need I say much on such a point as this? as if there were any doubt that the whole law about extortion was established for the sake of the allies. [18] For when citizens have been robbed of their money, it is usually sought to be recovered by civil action and by a private suit. This is a law affecting the allies, — this is a right of foreign nations. They have this fortress somewhat less strongly fortified now than it was formerly, but still if there be any hope left which can console the minds of the allies, it is all placed in this law. And strict guardians of this law have long since been required, not only by the Roman people, but by the most distant nations. [19] Who then is there who can deny that it is right that the trial should be

conducted according to the wish of those men for whose sake the law has been established? All Sicily, if it could speak with one voice, would say this:—"All the gold, all the silver, all the ornaments which were in my cities, in my private houses, or in my temples, — all the rights which I had in any single thing by the kindness of the senate and Roman people, — all that you, O Caius Verres, have taken away and robbed me of, on which account I demand of you a hundred million of sesterces according to the law." If the whole province, as I have said, could speak, it would say this, and as it could not speak, it has of its own accord chosen an advocate to urge these points, whom it has thought suitable. [20] In a matter of this sort, will any one be found so impudent as to dare to approach or to aspire to the conduct of the cause of others against the will of those very people whose affairs are involved in it? 6.

If, O Quintus Caecilius, the Sicilians were to say this to you, — we do not know you — we know not who you are, we never saw you before; allow us to defend our fortunes through the instrumentality of that man whose good faith is known to us; would they not be saying what would appear reasonable to every one? But now they say this — that they know both the men, that they wish one of them to be the defender of their cause, that they are wholly unwilling that the other should be. [21] Even if they were silent they would say plainly enough why they are unwilling. But they are not silent; and yet will you offer yourself, when they are most unwilling to accept you! Will you still persist in speaking in the cause of others? Will you still defend those men who would rather be deserted by every one than defended by you? Will you still promise your assistance to those men who do neither believe that you wish to give it for their sake, nor that, if you did wish it, you could do it? Why do you endeavour to take away from them by force the little hope for the remainder of their fortunes which they still retain, built upon the impartiality of the law and of this tribunal? Why do you interpose yourself expressly against the will of those whom the law directs to be especially consulted? Why do you now openly attempt to ruin the whole fortunes of those of whom you did not deserve very well when in the province? Why do you take away from them, not only the power of prosecuting their rights, but even of bewailing their calamities? [22] If you are their

counsel, whom do you expect to come forward of those men who are now striving, not to punish some one else by your means, but to avenge themselves on you yourself, through the instrumentality of some one or other? 7.

But this is a well established fact, that the Sicilians especially desire to have me for their counsel; the other point, no doubt, is less clear, — namely, by whom Verres would least like to be prosecuted! Did any one ever strive so openly for any honour, or so earnestly for his own safety, as that man and his friends have striven to prevent this prosecution from being entrusted to me? There are many qualities which Verres believes to be in me, and which he knows, O Quintus Caecilius, do not exist in you: and what qualities each of us have I will mention presently; [23] at this moment I will only say this, which you must silently agree to, that there is no quality in me which he can despise, and none in you which he can fear. Therefore, that great defender and friend of his votes for you and opposes me; he openly solicits the judges to have you preferred to me; and he says that he does this honestly, without any envy of me, and without any dislike to me. "For," says he, "I am now asking for that which I usually obtain when I strive for it earnestly. I am not asking to have the defendant acquitted; but I am asking this, that he may be accused by the one man rather than by the other. Grant me this; grant that which is easy to grant, and honourable, and by no means invidious; and when you have granted that, you will, without any risk to yourself, and without any discredit, have granted that he shall be acquitted in whose cause I am labouring." [24] He says also, in order that some alarm may be mingled with the exertion of his influence, that there are certain men on the bench to whom he wishes their tablets to be shown, and that that is very easy, for that they do not give their votes separately, but that all vote together; and that a tablet, covered with the proper wax, and not with that illegal wax which has given so much scandal, is given to every one. And he does not give himself all this trouble so much for the sake of Verres, as because he disapproves of the whole affair. For he sees that, if the power of prosecuting is taken away from the high-born boys whom he has hitherto played with, and from the public informers, whom he has always despised and thought insignificant (not without good

reason), and to be transferred to fearless men of well-proved constancy, he will no longer be able to domineer over the courts of law as he pleases. 8. [25]

I now beforehand give this man notice, that if you determine that this cause shall be conducted by me, his whole plan of defence must be altered, and must be altered in such a manner as to be carried on in a more honest and honourable way than he likes; that he must imitate those most illustrious men whom he himself has seen, Lucius Crassus and Marcus Antonius; who thought that they had no right to bring anything to the trials and causes in which their friends were concerned, except good faith and ability. He shall have no room for thinking, if I conduct the case, that the tribunal can be corrupted without great danger to many. [26] In this trial I think that the cause of the Sicilian nation, — that the cause of the whole Roman people, is undertaken by me; so that I have not to crush one worthless man alone, which is what the Sicilians have requested, but to extinguish and extirpate every sort of iniquity, which is what the Roman people has been long demanding. And how far I labour in this cause, or what I may be able to effect, I would rather leave to the expectations of others, than set forth in my own oration. [27] But as for you, O Caecilius, what can you do? On what occasion, or in what affair, have you, I will not say given proof to others of your powers! but even made trial of yourself to yourself? Has it never occurred to you how important a business it is to uphold a public cause? to lay bare the whole life of another? and to bring it palpably before, not only the minds of the judges, but before the very eyes and sight of all men; to defend the safety of the allies, the interests of the provinces, the authority of the laws, and the dignity of the judgment-seat? 9.

Judge by me, since this is the first opportunity of learning it that you have ever had, how many qualities must meet in that man who is the accuser of another: and if you recognise any one of these in yourself, I will, of my own accord, yield up to you that which you are desirous of. First of all, he must have a singular integrity and innocence. For there is nothing which is less tolerable than for him to demand an account of his life from another who cannot give an account of his own. Here I will not say any more of yourself. [28] This one thing, I think, all may observe, that up to this time you had no

opportunity of becoming known to any people except to the Sicilians; and that the Sicilians say this, that even though they are exasperated against the same man, whose enemy you say that you are, still, if you are the advocate, they will not appear on the trial. Why they refuse to, you will not hear from me. Allow these judges to suspect what it is inevitable that they must. The Sicilians, indeed, being a race of men over-acute, and too much inclined to suspiciousness, suspect that you do not wish to bring documents from Sicily against Verres; but, as both his praetorship and your quaestorship are recorded in the same documents, they suspect that you wish to remove them out of Sicily. [29] In the second place, an accuser must be trustworthy and veracious. Even if I were to think that you were desirous of being so, I easily see that you are not able to be so. Nor do I speak of these things, which, if I were to mention, you would not be able to invalidate, namely that you, before you departed from Sicily, had become reconciled to Verres; that Potamo, your secretary and intimate friend, was retained by Verres in the province when you left it; that Marcus Caecilius, your brother, a most exemplary and accomplished young man, is not only not present here and does not stand by you while prosecuting your alleged injuries, but that he is with Verres, and is living on terms of the closest friendship and intimacy with him. These, and other things belonging to you, are many signs of a false accuser; but these I do not now avail myself of. I say this, that you, if you were to wish it ever so much, still cannot be a faithful accuser. [30] For I see that there are many charges in which you are so implicated with Verres, that in accusing him, you would not dare to touch upon them. 10.

All Sicily complains that Caius Verres, when he had ordered corn to be brought into his granary for him, and when a bushel of wheat was two sesterces, demanded of the farmers twelve sesterces a bushel for wheat. It was a great crime, an immense sum, an impudent theft, an intolerable injustice. I must inevitably convict him of this charge; what will you do, O Caecilius? [31] Will you pass over this serious accusation, or will you bring it forward? If you bring it forward, will you charge that as a crime against another, which you did yourself at the same time in the same province? Will you dare so to accuse another, that you cannot avoid at the same time condemning

yourself? If you omit the charge, what sort of a prosecution will yours be, which from fear of danger to yourself, is afraid not only to create a suspicion of a most certain and enormous crime, but even to make the least mention of it? Corn was bought, on the authority of a decree of the senate, of the Sicilians while Verres was praetor; [32] for which corn all the money was not paid. This is a grave charge against Verres; a grave one if I plead the cause, but, if you are the prosecutor, no charge at all. For you were the quaestor, you had the handling of the public money; and, even if the praetor desired it ever so much, yet it was to a great extent in your power to prevent anything being taken from it. Of this crime, therefore, if you are the prosecutor, no mention will be made. And so during the whole trial nothing will be said of his most enormous and most notorious thefts and injuries. Believe me, O Caecilius, he who is connected with the criminal in a partnership of iniquity, cannot really defend his associates while accusing him. [33] The contractors exacted money from the cities instead of corn. Well! was this never done except in the praetorship of Verres? I do not say that, but it was done while Caecilius was quaestor. What then will you do? Will you urge against this man as a charge, what you both could and ought to have prevented from being done? or will you leave out the whole of it? Verres, then, at his trial will absolutely never hear at all of those things, which, when he was doing them, he did not know how he should be able to defend. 11.

And I am mentioning those matters which lie on the surface. There are other acts of plunder more secret, which he, in order, I suppose, to check the courage and delay the attack of Caecilius, has very kindly participated in with his quaestor. [34] You know that information of these matters has been given to me; and if I were to choose to mention them, all men would easily perceive that there was not only a perfect harmony of will subsisting between you both, but that you did not pursue even your plunder separately. So that if you demand to be allowed to give information of the crimes which Verres has committed in conjunction with you, I have no objection, if it is allowed by the law. But if we are speaking of conducting the prosecution, that you must yield to those who are hindered by no crimes of their own from being able to prove the offences of another.

[35] And see how much difference there will be between my accusation and yours. I intend to charge Verres with all the crimes that you committed, though he had no share in them, because he did not prevent you from committing them, though he had the supreme power; you, on the other hand, will not allege against him even the crimes which he committed himself, lest you should be found to be in any particular connected with him. What shall I say of these other points, O Caecilius? Do these things appear contemptible to you, without which no cause, especially no cause of such importance, can by any means be supported? Have you any talent for pleading? any practice in speaking? Have you paid any attention or acquired any acquaintance with the forum, the courts, and the laws? [36] I know in what a rocky and difficult path I am now treading; for as all arrogance is odious, so a conceit of one's abilities and eloquence is by far the most disagreeable of all. On which account I say nothing of my own abilities; for I have none worth speaking of, and if I had I would not speak of them. For either the opinion formed of me is quite sufficient for me, such as it is; or if it be too low an opinion to please me, still I cannot make it higher by talking about them. 12. [37]

I will just, O Caecilius, say this much familiarly to you about yourself, forgetting for a moment this rivalry and contest of ours. Consider again and again what your own sentiments are, and recollect yourself; and consider who you are, and what you are able to effect. Do you think that, when you have taken upon yourself the cause of the allies, and the fortunes of the province, and the rights of the Roman people, and the dignity of the judgment-seat and of the law, in a discussion of the most important and serious matters, you are able to support so many affairs and those so weighty and so various with your voice, your memory, your counsel, and your ability? [38] Do you think that you are able to distinguish in separate charges, and in a well-arranged speech, all that Caius Verres has done in his quaestorship, and in his lieutenancy, and in his praetorship, at Rome, or in Italy, or in Achaia, or in Asia Minor, or in Pamphylia, as the actions themselves are divided by place and time? Do you think that you are able (and this is especially necessary against a defendant of this sort) to cause the things which he has done licentiously, or wickedly, or tyrannically, to appear just as bitter

and scandalous to those who hear of them, as they did appear to those who felt them? [39] Those things which I am speaking of are very important, believe me. Do not you despise this either; everything must be related, and demonstrated, and explained; the cause must be not merely stated, but it must also be gravely and copiously dilated on. You must cause, if you wish really to do and to effect anything, men not only to hear you, but also to hear you willingly and eagerly. And if nature kind been bountiful to you in such qualities, and if from your childhood you had studied the best arts and systems, and worked hard at them; — if you had learnt Greek literature at Athens, not at Lilybaeum, and Latin literature at Rome, and not in Sicily; still it would be a great undertaking to approach so important a cause, and one about which there is such great expectation, and having approached it, to follow it up with the requisite diligence; to have all the particulars always fresh in your memory; to discuss it properly in your speech, and to support it adequately with your voice and your faculties. [40] Perhaps you may say, What then? Are you then endowed with all these qualifications? — I wish indeed that I were; but at all events I have laboured with great industry from my very childhood to attain them. And if I, on account of the importance and difficulty of such a study have not been able to attain them, who have done nothing else all my life, how far do you think that you must be distant from these qualities, which you have not only never thought of before, but which even now, when you are entering on a stage that requires them all, you can form no proper idea of, either as for their nature or as to their importance? 13. [41]

I, who as all men know, am so much concerned in the forum and the courts of justice, that there is no one of the same age, or very few, who have defended more causes, and who spend all my time which can be spared from the business of my friends in these studies and labours, in order that I may be more prepared for forensic practice and more ready at it, yet, (may the gods be favourable to me as I am saying what is true!) whenever the thought occurs to me of the day when the defendant having been summoned, I have to speak, I am not only agitated in my mind, but a shudder runs over my whole body. [42] Even now I am surveying in my mind and thoughts what

party spirit will be shown by men; what throngs of men will meet; how great an expectation the importance of the trial will excite; how great a multitude of hearers the infamy of Caius Verres will collect; how great an audience for my speech his wickedness will draw together And when I think of these things, even now I am afraid as to what I shall be able to say suitable to the hatred men bear him who are inimical and hostile to him, and worthy of the expectation which all men will form, and of the importance of the case. [43] Do you fear nothing, do you think of nothing are you anxious about nothing of all this? Or if from some old speech you have been able to learn, "I entreat the mighty and beneficent Jupiter," or, "I wish it were possible, O judges," or something of the sort, do you think that you shall come before the court in an admirable state of preparation? [44] And, even if no one were to answer you, yet you would not, as I think, be able to state and prove even the cause itself. Do you now never give it a thought, that you will have a contest with a most eloquent man, and one in a perfect state of preparation for speaking, with whom you will at one time have to argue, and at another time to strive and contend against him with all your might? Whose abilities indeed I praise greatly, but not so as to be afraid of them, and think highly of, thinking however at the same time that I am more easily to be pleased by them than cajoled by them. 14.

He will never put me down by his acuteness; he will never put me out of countenance by any artifice; he will never attempt to upset and dispirit me by displays of his genius. I know all the modes of attack and every system of speaking the man has. We have often been employed on the same, often on opposite sides. Ingenious as he is, he will plead against me as if he were aware that his own ability is to same extent put on its trial. [45] But as for you, O Caecilius, I think that I see already how he will play with you, how he will bandy you about; how often he will give you power and option of choosing which alternative you please, — whether a thing were done or not, whether a thing be true or false; and whichever side you take will be contrary to your interest. What a heat you will be in, what bewilderment! what darkness, O ye immortal gods! will overwhelm the man, free from malice as he is. What will you do when he begins to divide the different counts of your accusation, and to arrange on

his fingers each separate division of the cause? What will you do when he begins to deal with each argument, to disentangle it, to get rid of it? You yourself in truth will begin to be afraid lest you have brought an innocent man into danger. [46] What will you do when he begins to pity his client, to complain, and to take off some of his unpopularity from him and transfer it to you? to speak of the close connection necessarily subsisting between the quaestor and the praetor? of the custom of the ancients? of the holy nature of the connection between those to whom the same province was by lot appointed? Will you be able to encounter the odium such a speech will excite against you? Think a moment; consider again and again. For there seems to me to be danger of his overwhelming you not with words only, but of his blunting the edge of your genius by the mere gestures and motions of his body, and so distracting you and leading you away from every previous thought and purpose. [47] And I see that the trial of this will be immediate; for if you are able today to answer me and these things which I am saying; if you even depart one word from that book which some elocution-master or other has given you, made up of other men's speeches; I shall think that you are able to speak, and that you are not unequal to that trial also, and that you will be able to do justice to the cause and to the duty you undertake. But if in this preliminary skirmish with me you turn out nothing, what can we suppose you will be in the contest itself against a most active adversary? 15.

Be it so; he is nothing himself, he has no ability; but he comes prepared with well-trained and eloquent supporters. And this too is something, though it is not enough; for in all things he who is the chief person to act, ought to be the most accomplished and the best prepared. But I see that Lucius Appuleius is the next counsel on the list, a mere beginner, not as to his age indeed, but as to his practice and training in forensic contests. [48] Next to him he has, as I think, Allienus; he indeed does belong to the bar, but however, I never took any particular notice of what he could do in speaking; in raising an outcry, indeed, I see that he is very vigorous and practiced. In this man all your hopes are placed; he, if you are appointed prosecutor, will sustain the whole trial. But even he will not put forth his whole strength in speaking, but will consult your credit and reputation; and

will abstain from putting forth the whole power of eloquence which he himself possesses, in order that you may still appear of some importance As we see is done by the Greek pleaders; that he to whom the second or third part belongs, though he may be able to speak somewhat better than his leader, often restrains himself a good deal, in order that the chief may appear to the greatest possible advantage, so will Allienus act; he will be subservient to you, he will pander to your interest, he will put forth somewhat less strength than he might. [49] Now consider this, O judges, what sort of accusers we shall have in this most important trial; when Allienus himself will somewhat abstain from displaying all his abilities, if he has any, and Caecilius will only be able to think himself of any use, because Allienus is not so vigorous as he might be, and voluntarily allows him the chief share in the display. What fourth counsel he is to have with him I do not know, unless it be one of that crowd of losers of time who have entreated to be allowed an inferior part in this prosecution, whoever he might be to whom you gave the lead. [50] And you are to appear in just this state of preparation, that you have to make friends of those men who are utter strangers to you, for the purpose of obtaining their assistance. But I will not do these men so much honour as to answer what they have said in any regular order, or to give a separate answer to each; but since I have come to mention them not intentionally, but by chance, I will briefly, as I pass, satisfy them all in a few words. 16.

Do I seem to you to be in such exceeding want of friends that I must have an assistant given me, chosen not out of the men whom I have brought down to court with me, but out of the people at large? And are you suffering under such a dearth of defendants, that you endeavour to filch this cause from me rather than look for some defendants of your own class at the pillar of Maenius? [51] Appoint me, says he, to watch Tullius. What? How many watchers shall I have need of, if I once allow you to meddle with my bag? as you will have to be watched not only to prevent your betraying anything, but to prevent your removing anything. But for the whole matter of that watchman I will answer you thus in the briefest manner possible; that these honest judges will never permit any assistant to force himself against my consent into so important a cause, when it has been

undertaken by me, and is entrusted to me. [52] In truth, my integrity rejects an overlooker; my diligence is afraid of a spy. But to return to you, O Caecilius, you see how many qualities are wanting to you; how many belong to you which a guilty defendant would wish to belong to his prosecutor, you are well aware. What can be said to this? For I do not ask what you will say yourself, I see that it is not you who will answer me, but this book which your prompter has in his hand; who, if he be inclined to prompt you rightly, will advise you to depart from this place and not to answer me one word. For what can you say? That which you are constantly repeating, that Verres has done you an injury? I have no doubt he has, for it would not be probable, when he was doing injuries to all the Sicilians, that you alone should be so important in his eyes that he should take care of your interests. [53] But the rest of the Sicilians have found an avenger of their injuries; you, while you are endeavouring to exact vengeance for your injuries by your own means, (which you will not be able to effect,) are acting in a way to leave the injuries of all the rest unpunished and unavenged. And you do not see that it ought not alone to be considered who is a proper person to exact vengeance, but also who is a person capable of doing so, — that if there be a man in whom both these qualifications exist, he is the best man. [54] But if a man has only one of them, then the question usually asked is, not what he is inclined to do, but what he is able to do. And if you think that the office of prosecutor ought to be entrusted to him above all other men, to whom Caius Verres has done the greatest injury, which do you think the judges ought to be most indignant at, — at your having been injured by him, or at the whole province of Sicily having been harassed and ruined by him? I think you must grant that this both is the worst thing of the two, and that it ought to be considered the worst by every one. A flow, therefore, that the province ought to be preferred to you as the prosecutor. For the province is prosecuting when he is pleading the cause whom the province has adopted as the defender of her rights, the avenger of her injuries, and the pleader of the whole cause. 17. [55]

Oh, but Caius Verres has done you such an injury as might afflict the minds of all the rest of the Sicilians also, though the grievance was felt only by another. Nothing of the sort. For I think it is material

also to this argument to consider what sort of injury is alleged and brought forward as the cause of your enmity. Allow me to relate it. For he indeed, unless he is wholly destitute of sense, will never say what it is. There is a woman of the name of Agonis, a Lilybaean, a freedwoman of Venus Erycina; a woman who before this man was quaestor was notoriously well off and rich. From her some prefect of Antonius's carried off some musical slaves whom he said he wished to use in his fleet. Then she, as is the custom in Sicily for all the slaves of Venus, and all those who have procured their emancipation from her, in order to hinder the designs of the prefect, by the scruples which the name of Venus would raise, said that she and all her property belonged to Venus. [56] When this was reported to Caecilius, that most excellent and upright man, he ordered Agonis to be summoned before him; he immediately orders a trial to ascertain "if it appeared that she had said that she and all her property belonged to Venus." The recuperators decide all that was necessary, and indeed there was no doubt at all that she had said so. He sends men to take possession of the woman's property. He adjudges her herself to be again a slave of Venus; then he sells her property and confiscates the money. So while Agonis wishes to keep a few slaves under the name and religious protection of Venus, she loses all her fortunes and her own liberty by the wrong doing of that man. After that, Verres comes to Lilybaeum; he takes cognisance of the affair; he disapproves of the act; he compels his quaestor to pay back and restore to its owner all the money which he had confiscated, having been received for the property of Agonis. [57] He is here, and you may well admire it, no longer Verres, but Quintus Mucius. For what could he do more delicate to obtain a high character among men? what more just to relieve the distress of the women? what more severe to repress the licentiousness of his quaestor? All this appears to me most exceedingly praiseworthy. But at the very next step, in a moment, as if he had drank of some Circaean cup, having been a man, he becomes Verres again; he returns to himself and to his old habits. For of that money he appropriated a great share to himself, and restored to the woman only as much as he chose. 18. [58]

Here now if you say that you were offended with Verres, I will grant you that and allow it; if you complain that he did you any

injury, I will defend him and deny it. Secondly, I say that of the injury which was done to you no one of us ought to be a more severe avenger than you yourself, to whom it is said to have been done. If you afterwards became reconciled to him, if you were often at his house, if he after that supped with you, do you prefer to be considered as acting with treachery or by collusion with him? I see that one of these alternatives is inevitable, but in this matter I will have no contention with you to prevent your adopting which you please. [59] What shall I say if even the pretext of that injury which was done to you by him no longer remains? What have you then to say why you should be preferred, I will not say to me, but to any one? except that which I hear you intend to say, that you were his quaestor: which indeed would be an important allegation if you were contending with me as to which of us ought to be the most friendly to him; but in a contention as to which is to take up a quarrel against him, it is ridiculous to suppose that an intimate connection with him can be a just reason for bringing him into danger. [60] In truth, if you had received ever so many injuries from your praetor, still you would deserve greater credit by bearing them than by revenging them; but when nothing in his life was ever done more rightly than that which you call an injury, shall these judges determine that this cause, which they would not even tolerate in any one else, shall appear in your case to be a reasonable one to justify the violation of your ancient connection? When even if you had received the greatest injury from him, still, since you have been his quaestor, you cannot accuse him and remain blameless yourself. But if no injury has been done you at all, you cannot accuse him without wickedness; and as it is very uncertain whether any injury has been done you, do you think that there is any one of these men who would not prefer that you should depart without incurring blame rather than after having committed wickedness? 19. [61]

And just think how great is the difference between my opinion and yours. You, though you are in every respect inferior to me, still think that you ought to be preferred to me for this one reason, because you were his quaestor. I think, that if you were my superior in every other qualification, still that for this one cause alone you ought to be rejected as the prosecutor. For this is the principle which has been handed down to us from our ancestors, that a praetor ought to be in the place of a parent to his quaestor; that no more reasonable nor more important cause of intimate friendship can be imagined than a connection arising from drawing the same lot, having the same province, and being associated in the discharge of the same public duty and office. [62] Wherefore, even if you could accuse him without violating strict right, still, as he had been in the place of a parent to you, you could not do so without violating every principle of piety. But as you have not received any injury, and would yet be creating danger for your praetor, you must admit that you are endeavouring to wage an unjust and impious war against him. In truth, your quaestorship is an argument of so strong a nature, that you would have to take a great deal of pains to find an excuse for accusing him to whom you had acted as quaestor, and can never be a reason why you should claim on that account to have the office of prosecuting him entrusted to you above all men. Nor indeed, did any one who had acted as quaestor to another, ever contest the point of being allowed to accuse him without being rejected. [63] And therefore, neither was permission given to Lucius Philo to bring forward an accusation against Caius Servilius, nor to Marcus Aurelius Scaurus to prosecute Lucius Flaccus, nor to Cnaeus Pompeius to accuse Titus Albucius; not one of whom was refused this, permission because of any personal unworthiness, but in order that the desire to violate such an intimate connection might not be sanctioned by the authority of the judges. And that great man Cnaeus Pompeius contended about that matter with Caius Julius, just as you are contending with me. For he had been the quaestor of Albucius, just as you were of Verres: Julius had on his side this reason for conducting the prosecution, that, just as we have now been entreated by the Sicilians, so he had then been entreated by the Sardinians, to espouse their cause. And

this argument has always had the greatest influence; this has always been the most honourable cause for acting as accuser, that by so doing one is bringing enmity on oneself in behalf of allies, for the sake of the safety of a province, for the advantage of foreign nations — that one is for their sakes incurring danger, and spending much care and anxiety and labour. 20. [64]

Even if the cause of those men who wish to revenge their own injuries be ever so strong, in which matter they are only obeying their own feelings of indignation, not consulting the advantage of the republic: how much more honourable is that cause, which is not only reasonable, but which ought to be acceptable to all, — that a man, without having received any private injury to himself, should be influenced by the sufferings and injuries of the allies and friends of the Roman people! When lately that most brave and upright man Lucius Piso demanded to be allowed to prefer an accusation against Publius Gabinius, and when Quintus Caecilius claimed the same permission in opposition to Piso, and said that in so doing he was following up an old quarrel which he had long had with Gabinius; it was not only the authority and dignity of Piso which had great weight, but also the superior justice of his cause, because the Achaeans had adopted him as their patron. [65] In truth, when the very law itself about extortion is the protectress of the allies and friends of the Roman people, it is an iniquitous thing that he should not, above all others, he thought the fittest advocate of the law and conductor of the trial, whom the allies wish, above all men, to be the pleader of their cause, and the defender of their fortunes. Or ought not that which is the more honourable to mention, to appear also far the most reasonable to approve of? Which then is the more splendid, which is the more honourable allegation—"I have prosecuted this man to whom I had acted as quaestor, with whom the lot cast for the provinces, and the custom of our ancestors, and the judgment of gods and men had connected me," or, "I have prosecuted this man at the request of the allies and friends of the Roman people, I have been selected by the whole province to defend its rights and fortunes?" Can any one doubt that it is more honourable to act as prosecutor in behalf of those men among whom you have been quaestor, than as prosecutor of him whose quaestor you have been? [66] The most

illustrious men of our state, in the best of times, used to think this most honourable and glorious for them to ward off injuries from their hereditary friends, and from their clients, and from foreign nations which were either friends or subjects of the Roman people, and to defend their fortunes. We learn from tradition that Marcus Cato, that wise man, that most illustrious and most prudent man, brought upon himself great enmity from many men, on account of the injuries of the Spaniards among whom he had been when consul. We know that lately Cnaeus Domitius prosecuted Marcus Silanus on account of the injuries of one man, Egritomarus, his father's friend and comrade. 21.

Nor indeed has anything ever had more influence over the minds of guilty men than this principle of our ancestors, now re-adopted and brought back among us after a long interval, namely, that the complaints of the allies should be brought to a man who is not very inactive, and their advocacy undertaken by him who appeared able to defend their fortunes with integrity and diligence. [68] Men are afraid of this; they endeavour to prevent this; they are disquieted at such a principle having ever been adopted, and after it has been adopted at its now being resuscitated and brought into play again. They think that, if this custom begins gradually to creep on and advance, the laws will be put in execution, and actions will be conducted by honourable and fearless men, and not by unskillful youths, or informers of this sort. [69] Of which custom and principle our fathers and ancestors did not repent when Publius Lentulus, he who was chief of the Senate, prosecuted Marcus Aquillius, having Caius Rutilius Rufus backing the accusation; or when Publius Africanus, a man most eminent for valour, for good fortune, for renown, and for exploits, after he had been twice consul and had been censor brought Lucius Cotta to trial Then the name of the Roman people was rightly held in high honour; rightly was the authority of this empire and the majesty of the state considered illustrious. Nobody marveled in the case of that great man Africanus, as they now pretend to marvel with respect to me, a man endowed with but moderate influence and moderate talents, just because they are annoyed at me; [70] "What can he be meaning? does he want to be considered a prosecutor who hitherto has been accustomed to defend people? and especially now at the age when he is seeking the aedileship?" But I think it becomes

not my age only, but even a much greater age, and I think it an action consistent with the highest dignity to accuse the wicked, and to defend the miserable and distressed. And in truth, either this is a remedy for a republic diseased and in an almost desperate condition, and for tribunals corrupted and contaminated by the vices and baseness of a few, for men of the greatest possible honour and uprightness and modesty to undertake to uphold the stability of the laws, and the authority of the courts of justice; or else, if this is of no advantage, no medicine whatever will ever be found for such terrible and numerous evils as these. [71] There is no greater safety for a republic, than for those who accuse another to be no less alarmed for their own credit, and honour, and reputation, than they who are accused are for their lives and fortunes. And therefore, those men have always conducted prosecutions with the greatest care and with the greatest pains, who have considered that they themselves had their reputations at stake. 22.

You, therefore, O judges ought to come to this decision, that Quintus Caecilius of whom no one has ever had any opinion, and from whom even in this very trial nothing could be expected — who takes no trouble either to preserve a reputation previously acquired, or to give grounds for hope of himself in future times — will not be likely to conduct this cause with too much severity, with too much accuracy, or with too much diligence. For he has nothing which he can lose by disappointing public expectation; even if he were to come off ever so shamefully, or ever so infamously, he will lose no credit which he at present enjoys. [72] From us the Roman people has many hostages which we must labour with all our might and by every possible means to preserve uninjured, to defend, to keep in safety, and to redeem; it has honour which we are desirous of; it has hope, which we constantly keep before our eyes; it has reputation, acquired with much sweat and labour day and night; so that if we prove our duty and industry in this cause, we may be able to preserve all those things which I have mentioned safe and unimpaired by the favour of the Roman people; but if we trip and stumble ever so little, we may at one moment lose the whole of those things which have been collected one by one and by slow degrees. [73] On which account it is your business, O judges, to select him who you think can most

easily sustain this great cause and trial with integrity, with diligence, with wisdom, and with authority. If you prefer Quintus Caecilius to me, I shall not think that I am surpassed in dignity; but take you care that the Roman people do not think that a prosecution as honest, as severe, as diligent as this would have been in my hands, was neither pleasing to yourselves nor to your body.

IN VERREM (Against Gaius Verres)

Translated by C. D. Yonge

This series of speeches was delivered by Cicero in 70 BC, during the corruption trial of Gaius Verres, the former governor of Sicily. During the Civil War between Marius and Sulla (88–87 BC), Verres had been a junior officer in a Marian legion under Gaius Papirius Carbo. He perceived the shifting of power to Sulla, and so, Cicero alleged, went over to Sulla's lines bearing his legion's paychest. Afterwards, he was protected to a degree by Sulla, and allowed to indulge a skill for extortion in Cilicia under the province's governor, Gnaeus Cornelius Dolabella. By 73 BC he had been placed as governor of Sicily, one of the key grain-producing provinces of the Republic. In Sicily, Verres was alleged to have despoiled temples and used a number of national emergencies, including the Third Servile War, as cover for elaborate extortion plots.

At this time, Marcus Tullius Cicero was a rising political figure. After defending Sextus Roscius of Ameria in 80 BC on a highly politically charged case of parricide, Cicero had left for a voyage to Greece and Rhodes. There, he learned a new and less-strenuous form of oratory from Molon of Rhodes before returning to the political arena following Sulla's death. Cicero would serve in Sicily in 75 BC as a quaestor, and made influential contacts in a number of Sicilian towns. In fact, a large amount of his clientele at the time came from Sicily, a link that would prove invaluable in 70 BC, when a deputation of Sicilians asked Cicero to level a prosecution against Verres for his alleged crimes on the island.

Cicero touched very little on Verres' extortion crimes in Sicily in the first speech. Instead, he took a two-pronged approach, by both flattering the vanity of the senatorial jury and making the most of the weaknesses of Verres' early character. The second approach

concerned Verres' defence's attempts to keep the case from proceeding on technicalities.

Verres had secured the services of the finest orator of his day, Quintus Hortensius Hortalus for his defence. Immediately, both Verres and Hortensius realised that the court, as composed under Glabrio, was inhospitable to the defence, and began to try to derail the prosecution by procedural tricks that had the effect of prolonging the trial. This was done by first trying to place a similar prosecution on the docket before Verres' trial, one concerning a Bythnian governor also on trial for extortion.

The point of the attempted derailment of the case hinged on Roman custom. At the time the case was being argued, the year was coming to a close and soon a number of public festivals (including one in honour of Pompey the Great) would commence. All work ceased on festival days, according to Roman customs, including any ongoing trials. Cicero alleged that Hortensius was hoping to draw the trial out long enough to run into the festival period before Cicero would have an opportunity to conclude his case, thereby making it a statistical impossibility that Glabrio and the jury would deliver a verdict before the new year, when the magistrates were replaced with their newly elected successors.

Hortensius and Verres both knew, Cicero argued, that Quintus Metellus, a friend and ally would be in charge of the extortion court in the new year, and so saw a benefit to such a movement of the system. Cicero remarked that one of his friends had heard Hortensius congratulate Verres in the Forum soon after Metellus' election, announcing that this meant that Verres was as good as acquitted.

Cicero, too, had a unique strategy in mind for his prosecution. In 81 BC, the Dictator Lucius Cornelius Sulla Felix had changed the composition of criminal courts, allowing only Senators to serve as jurymen. This had, apparently, caused friction and at least the appearance of "bought" justice, particularly when Senators were the accused, or the interests of a popular or powerful Senator were threatened. There had also been, concurrent with this, an almost perpetual scandal of wealthy senators and knights bribing juries to gain verdicts favourable to them. By 70 BC, as the trial against Verres was proceeding, Lucius Aurelius Cotta had introduced a law

that would reverse Sulla's restrictions on jury composition, once again opening the juries up to Senators, Equites and tribuni aerarii as a check on such over-lenient juries. Cicero devoted a significant amount of time in his oration to the perception of Senatorial juries, arguing that not only was Verres on trial for his malfeasance in Sicily, but the Senate was on trial as well for charges of impropriety, and that whatever verdict they handed down to Verres would reflect on them to either their credit or shame. The surest way, Cicero argued, to get the Lex Aurelia passed and take the juries away from the Senate was to acquit Verres on all charges.

Of the planned orators, only Cicero had an opportunity to speak. Cicero detailed Verres' early crimes and Verres' attempts to derail the trial. Soon after the court heard Cicero's speech, Hortensius advised Verres that it would be hard for him to win at this point, and further advised that the best course of action was for Verres to essentially plead no contest by going into voluntary exile, which was an option open to higher-ranking Romans in his situation. By the end of 70 BC, Verres was living in exile in Massilia, modern-day Marseilles, where he would live the rest of his life. History records that he was killed during the proscriptions of the Second Triumvirate over a sculpture desired by Mark Antony. Cicero collected the remaining material, including what was to be his second speech dealing with Verres' actions in Sicily, and published it as if it had actually been delivered in court. Further, due to the legal system in Rome, Senators who won prosecutions were entitled to the accused's position in the Senate. This gave Cicero's career a boost, in a large part because this allowed him a freedom to speak not usually granted to a newly enrolled member of the Senate.

Eighteenth century depiction of "Cicero against Verres"

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THE FIRST ORATION AGAINST VERRES.

THE ARGUMENT

After the last oration it was decided that Cicero was to conduct the prosecution against Verres; accordingly, a hundred and ten days were allowed to him to prepare the evidence, with which object he went himself to Sicily to examine witnesses, and to collect facts in support of his charges, taking with him his cousin Lucius Cicero as an assistant, and in this journey, contrary to all precedent, he bore his own expenses, resolving to put the island to no charge on his account. At Syracuse the praetor, Metellus, endeavoured to obstruct him in his inquiries, but the magistrates received him with great respect, and, declaring to him that all that they had previously done in favour of Verres (for they had erected a gilt statue of him, and had sent a testimonial of his good conduct and kind government of them to Rome) had been extorted from them by intrigue and terror, they delivered into his hands authentic accounts of many injuries their city had received from Verres, and they revoked by a formal decree the public praises which they had given him. Messana, however, continued firm in its engagements to Verres, and denied Cicero all the honours to which he was entitled. When he finished his investigations, apprehending that he might be waylaid by the contrivance of Verres, he returned by sea to Rome, where he found intrigues carrying on to protract the affair as much as possible, in order to delay the decision of it till the year following, when Hortensius and Metellus were to be the consuls, and the brother of Metellus was to be praetor, by whose united authority the prosecution might be stifled: and it was now so late in the year that there was not time to bring the trial to an end, if the ordinary couse of proceeding was to be adhered to. But Cicero, determined to bring on the decision while Glabrio continued to be praetor, abandoned his idea of making a long speech, and of taking up time in dilating on and enforcing the different counts of the indictment, and resolved to do nothing more than produce his witnesses, and offer them to examination; and this novel method of conducting the case, together

with the powerful evidence produced, which he could not invalidate, so confounded Hortensius, that he could find nothing to say in his client's defence, who in despair went of his own accord into banishment.

The object of Cicero in this oration is to show that it is out of sheer necessity that he does this, and that he is driven to such a proceeding by the intrigues of the opposite party. He therefore exhorts the judges not to be intimidated or cajoled into a dishonest decision, and threatens the opposite party with punishmet for endeavouring to corrupt the judges.

1. That which was above all things to be desired, O judges, and which above all things was calculated to have the greatest influence towards allaying the unpopularity of your order, and putting an end to the discredit into which your judicial decisions have fallen, appears to have been thrown in your way, and given to you not by any human contrivance, but almost by the interposition of the gods, at a most important crisis of the republic. For an opinion has now become established, pernicious to us, and pernicious to the republic, which has been the common talk of every one, not only at Rome, but among foreign nations also, — that in the courts of law as they exist at present, no wealthy man, however guilty he may be, can possibly be convicted. [2] Now at this time of peril to your order and to your tribunals, when men are ready to attempt by harangues, and by the proposal of new laws, to increase the existing unpopularity of the senate, Caius Verres is brought to trial as a criminal, a man condemned in the opinion of every one by his life and actions, but acquitted by the enormousness of his wealth according to his own hope and boast. I, O judges, have undertaken this cause as prosecutor with the greatest good wishes and expectation on the part of the Roman people, not in order to increase the unpopularity of the senate, but to relieve it from the discredit which I share with it. For I have brought before you a man, by acting justly in whose case you have an opportunity of retrieving the lost credit of your judicial proceedings, of regaining your credit with the Roman people, and of giving satisfaction to foreign nations; a man, the embezzler of the public funds, the petty tyrant of Asia and Pamphylia, the robber who

deprived the city of its rights, the disgrace and ruin of the province of Sicily. [3] And if you come to a decision about this man with severity and a due regard to your oaths, that authority which ought to remain in you will cling to you still; but if that man's vast riches shall break down the sanctity and honesty of the courts of justice, at least I shall achieve this, that it shall be plain that it was rather honest judgment that was wanting to the republic, than a criminal to the judges, or an accuser to the criminal. 2.

I, indeed, that I may confess to you the truth about myself, O judges, though many snares were laid for me by Caius Verres, both by land and sea, which I partly avoided by my own vigilance, and partly warded off by the zeal and kindness of my friends, yet I never seemed to be incurring so much danger, and I never was in such a state of great apprehension, as I am now in this very court of law. [4] Nor does the expectation which people have formed of my conduct of this prosecution, nor this concourse of so vast a multitude as is here assembled, influence me (though indeed I am greatly agitated by these circumstances) so much as his nefarious plots which he is endeavouring to lay at one and the same time against me, against you, against Marcus Gabrio the praetor, and against the allies, against foreign nations, against the senate, and even against the very name of senator; whose favourite saying it is that they have got to fear who have stolen only as much as is enough for themselves, but that he has stolen so much that it may easily be plenty for many; that nothing is so holy that it cannot be corrupted, or so strongly fortified that it cannot be stormed by money. [5] But if he were as secret in acting as he is audacious in attempting, perhaps in some particular he might some time or other have escaped our notice. But it happens very fortunately that to his incredible audacity there is joined a most unexampled folly. For as he was unconcealed in committing his robberies of money, so in his hope of corrupting the judges he has made his intentions and endeavours visible to every one. He says that once only in his life has he felt fear: at the time when he was first impeached as a criminal by me; because he was only lately arrived from his province, and was branded with unpopularity and infamy, not modern but ancient and of long standing; and, besides that, the time was unlucky, being very ill-suited for corrupting the judges. [6]

Therefore, when I had demanded a very short time to prosecute my inquiries in Sicily, he found a man to ask for two days less to make investigations in Achaia; not with any real intention of doing the same with his diligence and industry, that I have accomplished by my labour, and daily and nightly investigations. For the Achaean inquisitor never even arrived at Brundusium. I in fifty days so traveled over the whole of Sicily that I examined into the records and injuries of all the tribes and of all private individuals, so that it was easily visible to every one, that he had been seeking out a man not really for the purpose of bringing the defendant whom he accused to trial, but merely to occupy the time which ought to belong to me. 3. [7]

Now that most audacious and most senseless man thinks this. He is aware that I am come into court so thoroughly prepared and armed, that I shall fix all his thefts and crimes not only in your ears, but in the very eyes of all men. He sees that many senators are witnesses of his audacity, he sees that many Roman knights are so too, and many citizens, and many of the allies besides to whom he has done unmistakable injuries. He sees also that very numerous and very important deputations have come here at the same time from most friendly cities, armed with the public authority and evidence collected by their states. [8] And though this is the case, still he thinks so ill of all virtuous men, to such an extent does he believe the decisions of the senators to be corrupt and profligate, that he makes a custom of openly boasting that it was not without reason that he was greedy of money, since he now finds that there is such protection in money, and that he has bought (what was the hardest thing of all) the very time of his trial, in order to be able to buy everything else more easily; so that, as he could not by any possibility shirk the force of the accusations altogether, he might avoid the most violent gusts of the storm. [9] But if he had placed any hope at all, not only in his cause, but in any honourable defence, or in the eloquence or in the influence of any one, he would not be so eager in collecting and catching at all these things; he would not scorn and despise the senatorial body to such a degree, as to procure a man to be selected out of the senate at his will to be made a criminal of, who should plead his cause before him, while he in the meantime was preparing whatever he had need of. [10] And what the circumstances are on

which he founds his hopes, and what hopes he builds on them, and what he is fixing his mind on. I see clearly. But how he can have the confidence to think that he can effect anything with the present praetor, and the present bench of Judges, I cannot conceive. This one thing I know, which the Roman people perceived too when he rejected the judges, that his hopes were of that nature that he placed all his expectations of safety in his money; and that if this protection were taken from him, he thought nothing would be any help to him. 4.

In truth, what genius is there so powerful, what faculty of speaking, what eloquence so mighty, as to be in any particular able to defend the life of that man, convicted as it is of so many vices and crimes, and long since condemned by the inclinations and private sentiments of every one? [11] And, to say nothing of the stains and disgraces of his youth, what other remarkable event is there in his quaestorship, that first step to honour, except that Cnaeus Carbo was robbed by his quaestor of the public money? that the consul was plundered and betrayed? his army deserted? his province abandoned? the holy nature and obligations imposed on him by lot violated? — whose lieutenancy was the ruin of all Asia and Pamphylia, in which provinces he plundered many houses, very many cities, all the shrines and temples; when he renewed and repeated against Cnaeus Dolabella his ancient wicked tricks when he had been quaestor, and did not only in his danger desert, but even attack and betray the man to whom he had been lieutenant, and proquaestor, and whom he had brought into odium by his crimes; [12] — whose only praetorship was the destruction of the sacred temples and the public works, and, as to his legal decisions, was the adjudging and awarding of property contrary to all established rules and precedents. But now he has established great and numerous monuments and proofs of all his vices in the province of Sicily, which he for three years so harassed and ruined that it can by no possibility be restored to its former condition, and appears scarcely able to be at all recovered after a long series of years, and a long succession of virtuous praetors. [13] While this man was praetor the Sicilians enjoyed neither their own laws, nor the degrees of our senate, nor the common rights of every nation. Every one in Sicily has only so much left as either escaped the notice or was disregarded by the satiety of that most avaricious

and licentious man. 5.

No legal decision for three years was given on any other ground but his will; no property was so secure to any man, even if it had descended to him from his father and grandfather, but he was deprived of it at his command; enormous sums of money were exacted from the property of the cultivators of the soil by a new and nefarious system. The most faithful of the allies were classed in the number of enemies. Roman citizens were tortured and put to death like slaves; the greatest criminals were acquitted in the courts of justice through bribery; the most upright and honourable men, being prosecuted while absent, were condemned and banished without being heard in their own defence; the most fortified harbours, the greatest and strongest cities, were laid open to pirates and robbers; the sailors and soldiers of the Sicilians, our own allies and friends, died of hunger; the best built fleets on the most important stations were lost and destroyed, to the great disgrace of the Roman people. [14] This same man while praetor plundered and stripped those most ancient monuments, some erected by wealthy monarchs and intended by them as ornaments for their cities; some, too, the work of our own generals, which they either gave or restored as conquerors to the different states in Sicily. And he did this not only in the case of public statues and ornaments, but he also plundered all the temples consecrated in the deepest religious feelings of the people. He did not leave, in short, one god to the Sicilians which appeared to him to be made in a tolerably workmanlike manner, and with any of the skill of the ancients. I am prevented by actual shame from speaking of his nefarious licentiousness as shown in rapes and other such enormities; and I am unwilling also to increase the distress of those men who have been unable to preserve their children and their wives unpolluted by his wanton lust. [15] But, you will say, these things were done by him in such a manner as not to be notorious to all men. I think there is no man who has heard his name who cannot also relate wicked actions of his; so that I ought rather to be afraid of being thought to omit many of his crimes, than to invent any charges against him. And indeed I do not think that this multitude which has collected to listen to me wishes so much to learn of me what the facts of the case are, as to go over it with me, refreshing its recollection of

what it knows already. 6.

And as this is the case, that senseless and profligate man attempts to combat me in another manner. He does not seek to oppose the eloquence of any one also to me, he does not rely on the popularity, or influence, or authority of any one. He pretends that he trusts to these things; but I see what he is really aiming at; (and indeed he is not acting with any concealment.) He sets before me empty titles of nobility, that is to say the names of arrogant men, who do not hinder me so much by being noble, as assist me by being notorious, — he pretends to rely on their protection; when he has in reality been contriving something else this long time. [16] What hope he now has, and what he is endeavouring to do, I will now briefly explain to you, O judges. But first of all, remark, I beg you, how the matter has been arranged by him from the beginning. When he first returned from the province, he endeavoured to get rid of this prosecution by corrupting the judges at a great expense; and this object he continued to keep in view till the conclusion of the appointment of the judges. After the judges were appointed — because in drawing lots for them the fortune of the Roman people had defeated his hopes, and because in rejecting some, my diligence had defeated his impudence — the whole attempt at bribery was abandoned. [17] The affair was going on admirably; lists of your names and of the whole tribunal were in every one's hands. It did not seem possible to mark the votes of these men with any distinguishing mark or colour or spot of dirt; and that fellow, from having been brisk and in high spirits, became on a sudden so downcast and humbled, that he seemed to be condemned not only by the Roman people but even by himself. But lo! all of a sudden, within these few days, since the consular comitia have taken place, he has gone back to his original plan with more money, and the same plots are now laid against your reputation and against the fortunes of every one, by the instrumentality of the same people; which fact at first, O judges, was pointed out to me by a very slight hint and indication; but afterwards, when my suspicions were once aroused, I arrived at the knowledge of all the most secret counsels of that party without any mistake. 7. [18]

For as Hortensius the consul elect was being attended home again from the Campus by a great concourse and multitude of people,

Caius Curio fell in with that multitude by chance, — a man whom I wish to name by way of honour rather than of disparagement. I will tell you what, if he had been unwilling to have it mentioned, he would not have spoken of in so large an assembly so openly and undisguisedly; which, however, shall be mentioned by me deliberately and cautiously, that it may be seen that I pay due regard to our friendship and to his dignity. [19] He sees Verres in the crowd by the arch of Fabius; he speaks to the man, and with a loud voice congratulates him on his victory. He does not say a word to Hortensius himself, who had been made consul, or to his friends and relations who were present attending on him; but he stops to speak to this man, embraces him, and bids him cast off all anxiety. "I give you notice," said he, "that you have been acquitted by this day's comitia." And as many most honourable men heard this, it is immediately reported to me; indeed, every one who saw me mentioned it to me the first thing. To some it appeared scandalous, to others ridiculous; ridiculous to those who thought that this cause depended on the credibility of the witnesses, on the importance of the charges, and on the power of the judges, and not on the consular comitia; scandalous to those who looked deeper, and who thought that this congratulation had reference to the corruption of the judge. [20] In truth, they argued in this manner — the most honourable men spoke to one another and to me in this manner — that there were now manifestly and undeniably no courts of justice at all. The very criminal who the day before thought that he was already condemned, is acquitted now that his defender has been made consul. What are we to think then? Will it avail nothing that all Sicily, all the Sicilians, that all the merchants who have business in that country, that all public and private documents are now at Rome? Nothing, if the consul elect wills it otherwise. What! will not the judges be influenced by the accusation, by the evidence, by the universal opinion of the Roman people? No. Everything will be governed by the power and authority of one man. 8.

I will speak the truth, O judges. This thing agitated me greatly; for every good man was speaking in this way—"That fellow will be taken out of your hands; but we shall not preserve our judicial authority much longer; for who, when Verres is acquitted, will be

able to make any objection to transferring it from us?" [21] It was a grievous thing to every one, and the sudden elation of that profligate man did not weigh with them as much as that fresh congratulation of a very honourable one. I wished to dissemble my own vexation at it; I wished to conceal my own grief of mind under a cheerful countenance, and to bury it in silence. But lo! on the very days when the praetors elected were dividing their duties by lot, and when it fell to the share of Marcus Metellus to hold trials concerning extortion, information is given me that that fellow was receiving such congratulations, that he also sent men home to announce it to his wife. [22] And this too in truth displeased me; and yet I was not quite aware what I had so much to fear from this allotment of the praetor's duties. But I ascertained this one thing from trustworthy men from whom I received all my intelligence; that many chests full of Sicilian money had been sent by some senator to a Roman knight, and that of these about ten chests had been left at that senator's house, with the statement that they were left to be used in the comitia when I expected to be elected aedile, and that men to distribute this money among all the tribes had been summoned to attend him by night. [23] Of whom one, who thought himself under the greatest obligations to me, came to me that same night; reports to me the speech which that fellow had addressed to them; that he had reminded them how liberally he had treated them formerly when he was candidate for the praetorship, and at the last consular and praetorian comitia; and in the second place that he had promised them immediately whatever money they required, if they could procure my rejection from the aedileship. That on this some of them said that they did not dare attempt it; that others answered that they did not think it could be managed; but that one bold friend was found, a man of the same family as himself, Quintus Verres, of the Romilian tribe, of the most perfect school of bribers, the pupil and friend of Verres' father, who promised that, if five hundred thousand sesterces were provided, he would manage it; and that there were some others who said that they would cooperate with him. And as this was the case, he warned me beforehand with a friendly disposition, to take great care. 9. [24]

I was disquieted about many most important matters at one and the same moment, and with very little time to deliberate. The comitia

were at hand; and at them I was to be opposed at immense expenditure of money. This trial was at hand; the Sicilian treasurers menaced that matter also. I was afraid, from apprehension about the comitia, to conduct the matters relating to the trial with freedom; and because of the trial, I was unable to attend with all my heart to my canvass. Threatening the agents of bribery was out of the question, because I saw that they were aware that I was hampered and fettered by this trial. [25] And at this same moment I hear that notice has been given to the Sicilians by Hortensius to come to speak to him at his house; that the Sicilians behaved in that matter with a proper sense of their own liberty, and, when they understood on what account they were sent for, they would not go. In the meantime my comitia began to be held; of which that fellow thought himself the master, as he had been of all the other comitia this year. He began to run about, that influential man, with his son, a youth of engaging and popular manners, among the tribes. The son began to address and to call on all the friends of his father, that is to say, all his agents for bribery; and when this was noticed and perceived, the Roman people took care with the most earnest goodwill that I should not be deprived of my honour through the money of that man, whose riches had not been able to make me violate my good faith. [26] After that I was released from that great anxiety about my canvass, I began, with a mind much more unoccupied and much more at ease, to think of nothing and to do nothing except what related to this trial. I find, O judges, these plans formed and begun to be put in execution by them, to protract the matter, whatever steps it might be necessary to take in order to do so, so that the cause might be pleaded before Marcus Metellus as praetor. That by doing so they would have these advantages; firstly, that Marcus Metellus was most friendly to them; secondly, that not only would Hortensius be consul, but Quintus Metellus also: and listen while I show you how great a friend he is to them. For he gave him a token of his goodwill of such a sort, that he seemed to be giving it as a return for the suffrages of the tribes which he had scoured to him. [27] Did you think that I would say nothing of such serious matters as these? and that, at a crisis of such danger to the republic and my own character, I would consult anything rather than my duty and my dignity? The other consul elect

sent for the Sicilians; some came, because Lucius Metellus was praetor in Sicily. To them he speaks in this manner: that he is the consul; that one of his brothers has Sicily for his province; that the other is to be judge in all prosecutions for extortion; and that care had been taken in many ways that there should be no possibility of Verres being injured. 10. [28]

I ask you, Metellus, what is corrupting the course of justice, if this is not, — to seek to frighten witnesses, and especially Sicilians, timid and oppressed men, not only by your own private influence, but by their fear of the consul, and by the power of two praetors? What would you do for an innocent man or for a relation, when for the sake of a most guilty man, entirely unconnected with you, you depart from your duty and your dignity, and allow what he is constantly saying to appear true to any one who is not acquainted with you? [29] For they said that Verres said, that you had not been made consul by destiny, as the rest of your family had been, but by his assistance. Two consuls, therefore, and the judge are to be such because of his will. We shall not only, says he, avoid having a man too scrupulous in investigating, too subservient to the opinion of the people, Marcus Glabrio, but we shall have this advantage also: — Marcus Caesonius is the judge, the colleague of our accuser a man of tried and proved experience in the decision of actions. It will never do for us to have such a man as that on the bench, which we are endeavouring to corrupt by some means or other; for before, when he was one of the Judges on the tribunal of which Junius was president, he was not only very indignant at that shameful transaction, but he even betrayed and denounced it. After the first of January we shall not have this man for our judge, — [30] we shall not have Quintus Manlius and Quintus Cornificius, two most severe and upright judges, for judges, because they will then be tribunes of the people. Publius Sulpicius, a solemn and upright judge, must enter on his magistracy on the fifth of November. Marcus Crepereius, of that renowned equestrian family and of that incorruptible character; Lucius Cassius, of a family renowned for its severity in all things, and especially as judges; Cnaeus Tremellius, a man of the greatest scrupulousness and diligence; — these three men of ancient strictness of principle are all military tribunes elect. After the first of

January they will not be able to act as judges. And besides this, we elect by lot a successor in the room of Marcus Metellus, since he is to preside over this very trial. And so after the first of January, the praetor, and almost the whole bench of judges being changed, we shall elude the terrible threats of the prosecutor, and the great expectations entertained of this trial, and manage it according to our own will and pleasure. [31] Today is the fifth of August. You began to assemble at the ninth hour. This day they do not even count. There are ten days between this and the votive games which Cnaeus Pompeius is going to celebrate. These games will take up fifteen days; then immediately the Roman games will follow. And so, when nearly forty days have intervened, then at length they think they shall have to answer what has been said by us; and they think that, what with speeches, and what with excuses, they will easily be able to protract the cause till the period of the games of Victory. With these the plebeian games are connected, after which there will be either no day at all, or very few for pleading in. And so, when the accusation has got stale and cold, the matter will come all fresh before Marcus Metellus as praetor. And if I had distrusted his good faith, I should not have retained him as a judge. [32] But now I have such an opinion of him, that I would rather this matter was brought to a close while he is judge than while he is praetor; and I would rather entrust to him his own tablet while he is on his oath, than the tablets of others when he is restrained by no such obligation. 11.

Now, O judges, I consult you as to what you think I ought to do. For you will, in truth, without speaking, give me that advice which I understand that I must inevitably adopt. If I occupy the time which I legitimately might in speaking, I shall reap the fruit of my labour, industry, and diligence; and by this prosecution I shall make it manifest that no one in the memory of man appears ever to have come before a court of justice better prepared, more vigilant, or with his cause better got up. But while I am getting this credit for my industry, there is great danger lest the criminal may escape. What, then, is there which can be done? I think it is neither obscure nor hidden. [33] I will reserve for another time that fruit of praise which may be derived from a long uninterrupted speech. At present I must support this accusation by documentary evidence, by witnesses, by

letters of private individuals and of public bodies, and by various other kinds of proof. The whole of this contest is between you and me, O Hortensius. I will speak openly. If I thought that you were contending with me in the matter of speaking, and of getting rid of the charges I bring against your client in this cause, I, too, would devote much pains to mounting an elaborate accusation, and to dilating on my charges. Now, since you have determined to contend against me with artifice, not so much in obedience to the promptings of your own nature, as from consulting his occasions and his cause, it is necessary for me to oppose conduct of that sort with prudence. [34] Your plan is, to begin to answer me after two sets of games have been celebrated; mine is to have the adjournment over before the first series. And the result will be, that that plan of yours will be thought crafty, but this determination of mine necessary. 12.

But as for what I had begun to say, — namely, that the contest is between you and me, this is it, — I, when I had undertaken this cause at the request of the Sicilians, and had thought it a very honourable and glorious thing for me that they were willing to make experiment of my integrity and diligence, who already knew by experience my innocence and temperance: then, when I had undertaken this business, I proposed to myself some greater action also by which the Roman people should be able to see my goodwill towards the republic. [35] For that seemed to me to be by no means worthy of my industry and efforts, for that man to be brought to trial by me who had been already condemned by the judgment of all men, unless that intolerable influence of yours, and that grasping nature which you have displayed for some years in many trials, was interposed also in the case of that desperate man. But no, since all this dominion and sovereignty of yours over the courts of justice delights you so much, and since there are some men who are neither ashamed of their licentiousness and their infamy, nor weary of it, and who, as if on purpose, seem to wish to encounter hatred and unpopularity from the Roman people, I profess that I have undertaken this, — a great burden perhaps, and one dangerous to myself, but still worthy of my applying myself to it with all the vigour of my age, and all diligence. [36] And since the whole order of the senate is weighed down by the discredit brought on it by the wickedness and audacity of a few, and

is overwhelmed by the infamy of the tribunals, I profess myself an enemy to this race of men, an accuser worthy of their hatred, a persevering, a bitter adversary. I arrogate this to myself, I claim this for myself, and I will carry out this enmity in my magistracy, and from that post in which the Roman people has willed that from the next first of January I shall act in concert with it in matters concerning the republic, and concerning wicked men. I promise the Roman people that this shall be the most honourable and the fairest employment of my aedileship. I warn, I forewarn, I give notice beforehand to those men who are wont either to put money down, to undertake for others, to receive money, or to promise money, or to act as agents in bribery, or as go-betweens in corrupting the seat of judgment, and who have promised their influence or their impudence in aid of such a business, in this trial to keep their hands and inclinations from this nefarious wickedness. 13. [37]

Hortensius will then be consul with the chief command and authority, but I shall be aedile — that is, I shall be a little more than a private individual; and yet this business, which I promise that I am going to advocate, is of such a nature, so pleasing and agreeable to the Roman people, that the consul himself will appear in this cause, if that be possible, even less than a private individual in comparison of me. All those things shall not only be mentioned, but even, where certain matters have been explained, shall be fully discussed, which for the last ten years, ever since the office of the judge has been transferred to the senate, has been nefariously and wickedly done in the decision of judicial matters. [38] The Roman people shall know from me why it is that when the equestrian body supplied the judges for nearly fifty years together, not even the slightest suspicion ever arose of bribes having been accepted for the purpose of influencing a decision; why it is, I say, when the judicial authority was transferred to the senatorial body, and the power of the Roman people over every one of us was taken away, Quintus Calidius, when he was condemned, said that a man of praetorian rank could not honestly be condemned at a less price than three hundred thousand sesterces; why it is that when Publius Septimius, a senator, was condemned for extortion, when Quintus Hortensius was praetor, damages were assessed against him, including money which he had received as

judge to decide causes which came before him; [39] why it is, that in the case of Caius Herennius, and in that of Caius Popillius, senators, both of whom were convicted of peculation — why it is, that in the case of Marcus Atilius, who was convicted of treason — this was made plain, — that they had all received money for the purpose of influencing their judicial decisions; why it is, that senators have been found who, when Caius Verres, as praetor of the city, gave out the lots, voted against the criminal whom they were condemning without having inquired into his case; why it is, that a senator was found who, when he was judge, took money in one and the same trial both from the defendant to distribute among the judges, and from the accuser to condemn the defendant. [40] But how shall I adequately complain of that stain, that disgrace, that calamity of the whole senatorial order, — that this thing actually happened in the city while the senatorial order furnished the judges, that the votes of men on their oaths were marked by coloured tablets? I pledge myself that I will urge all these things with diligence and with strictness. 14.

And what do you suppose will be my thoughts, if I find in this very trial any violation of the laws committed in any similar manner? especially when I can prove by many witnesses that Caius Verres often said in Sicily, in the hearing of many persons, "that he had a powerful friend, in confidence in whom he was plundering the province; and that he was not seeking money for himself alone, but that he had so distributed the three years of his Sicilian praetorship, that he should say he did exceedingly well, if he appropriated the gains of one year to the augmentation of his own property, those of the second year to his patrons and defenders, and reserved the whole of the third year, the most productive and gainful of all, for the judges." [41] From which it came into my mind to say that which, when I had said lately before Marcus Glabrio at the time of striking the list of judges, I perceived the Roman people greatly moved by; that I thought that foreign nations would send ambassadors to the Roman people to procure the abrogation of the law, and of all trials, about extortion; for if there were no trials, they think that each man would only plunder them of as much as he would think sufficient for himself and his children; but now, because there are trials of that sort, every one carries off as much as it will take to satisfy himself,

his patrons, his advocates, the praetor, and the judges; and that this is an enormous sum; that they may be able to satisfy the cupidity of one most avaricious man, but are quite unable to incur the expense of his most guilty victory over the laws. [42] O trials worthy of being recorded! O splendid reputation of our order! when the allies of the Roman people are unwilling that trials for extortion should take place, which were instituted by our ancestors for the sake of the allies. Would that man ever have had a favourable hope of his own safety, if he had not conceived in his mind a bad opinion of you? on which account, he ought, if possible, to be still more hated by you than he is by the Roman people, because he considers you like himself in avarice and wickedness and perjury. 15. [43]

And I beg you, in the name of the immortal gods, O judges, think of and guard against this; I warn you, I give notice to you, of what I am well assured, that this most seasonable opportunity has been given to you by the favour of the gods, for the purpose of delivering your whole order from hatred, from unpopularity, from infamy, and from disgrace. There is no severity believed to exist ill the tribunals, nor any scruples with regard to religion; in short, there are not believed to be any tribunals at all. Therefore we are despised and scorned by the Roman people; we are branded with a heavy and now a long standing infamy. [44] Nor, in fact, is there any other reason for which the Roman people has with so much earnestness sought the restoration of the tribunician power: but when it was demanding that in words, it seemed to be asking for that, but in reality it was asking for tribunes which it could trust. And this did not escape the notice of Quintus Catulus, a most sagacious and honourable man, who, when Cnaeus Pompeius, a most gallant and illustrious man, made a motion about the tribunitian power, and when he was asked his opinion, begin his speech in this manner, speaking with the greatest authority, “that the conscript fathers presided over the courts of justice badly and wickedly; but if in deciding judicial trials they had been willing to satisfy the expectations of the Roman people, men would not so greatly regret the tribunitian power?” [45] Lastly, when Cnaeus Pompeius himself, when first he delivered an address to the people as consul elect, mentioned (what seemed above all things to be watched for) that he would restore the power of the tribunes, a great shout was

raised at his words, and a grateful murmur pervaded the assembly. And when he had said also in the same assembly "that the provinces were depopulated and tyrannised over, that the courts of justice were become base and wicked, and that he desired to provide for and to remedy that evil," the Roman people then signified their good will, not with a shout, but with a universal uproar. 16. [46]

But now men are on the watch towers; they observe how every one of you behaves himself in respecting religion and in preserving the laws. They see that, ever since the passing of the law for restoring the power of the tribunes, only one senator, and he too a very insignificant one, has been condemned. And though they do nor blame this, yet they have nothing which they can very much commend. For there is no credit in being upright in a case where there is no one who is either able or who endeavours to corrupt one. [47] This is a trial in which you will be deciding about the defendant, the Roman people about you; — by the example of what happens to this man it will be determined whether, when senators are the judges, a very guilty and a very rich man can be condemned. Moreover, he is a criminal of such a sort, that there is absolutely nothing whatever in him except the greatest crimes, and excessive riches; so that if he be acquitted, no other opinion can be formed of the matter except that which is the most discreditable possible. Such numerous and enormous vices as his will not be considered to have been canceled by influence, by family connection, by some things which may have been done well, or even by the minor vices of flattery and subservience. [48] In short, I will conduct the cause in this manner; I will bring forward things of such a sort, so well known, so proved by evidence, so important, and so undeniable, that no one shall venture to use his influence to obtain from you the acquittal of that man; for I have a sure path and method by which I can investigate and become acquainted with all their endeavours. The matter will be so managed by me that not only the ears but even the eyes of the Roman people shall seem to be present at all their counsels. [49] You have in your power to remove and to eradicate the disgrace and infamy which has now for many years attached to your order. It is evident to all men, that since these tribunals have been established which we now have, there has never been a bench of judges of the same splendour and

dignity as this. If anything is done wrongly in this case, all men will think not that other more capable judges should be appointed of the same order of men, which is not possible; but that another order must be sought for, from which to select the judges for the future. 17. [50]

On which account, in the first place, I beg this of the immortal gods, which I seem to myself to have hopes of too, that in this trial no one may be found to be wicked except him who has long since been found to be such; secondly, if there are many wicked men, I promise this to you, O judges, I promise this to the Roman people, that my life shall fail rather than my vigour and perseverance in prosecuting their iniquity. [51] But that iniquity, which, if it should be committed, I promise to prosecute severely, with however much trouble and danger to myself, and whatever enmities I may bring on myself by so doing, you, O Marcus Glabrio, can guard against ever taking place by your wisdom, and authority, and diligence. Do you undertake the cause of the tribunals. Do you undertake the cause of impartiality, of integrity, of good faith and of religion. Do you undertake the cause of the senate; that, being proved worthy by its conduct in this trial, it may come into favour and popularity with the Roman people. Think who you are, and in what a situation you are placed; what you ought to give to the Roman people, what you ought to repay to your ancestors. Let the recollection of the Acilian law passed by your father occur to your mind, owing to which law the Roman people has had this advantage of most admirable decisions and very strict judges in cases of extortion. [52] High authorities surround you which will not suffer you to forget your family credit; which will remind you day and night that your father was a most brave man, your grandfather a most wise one, and your father-in-law a most worthy man. Wherefore, if you have inherited the vigour and energy of your father Glabrio in resisting audacious men; if you have inherited the prudence of your grandfather Scaevola in foreseeing intrigues which are prepared against your fame and that of your fellow-judges; if you have any share of the constancy of your father-in-law Scaurus, so that no one can move you from your genuine and deliberate opinion, the Roman people will understand that with an upright and honourable praetor, and a carefully selected bench of judges, abundance of wealth has more influence in bringing a

criminal into suspicion, than in contributing to his safety. 18. [53]

I am resolved not to permit the praetor or the judges to be hanged in this cause. I will not permit the matter to be delayed till the lictors of the consuls can go and summon the Sicilians, whom the servants of the consuls elect did not influence before, when by an unprecedented course of proceeding they sent for them all; I will not permit those miserable men, formerly the allies and friends of the Roman people, now their slaves and suppliants, to lose not only their rights and fortunes by their tyranny, but to be deprived of even the power of bewailing their condition; [54] I will not, I say, when the cause has been summed up by me, permit them after a delay of forty days has intervened, then at last to reply to me when my accusation has already fallen into oblivion through lapse of time; I will not permit the decision to be given when this crowd collected from all Italy has departed from Rome, which has assembled from all quarters at the same time on account of the comitia, of the games, and of the census. The reward of the credit gained by your decision, or the danger arising from the unpopularity which will accrue to you if you decide unjustly, I think ought to belong to you; the labour and anxiety to me; the knowledge of what is done and the recollection of what has been said by every one, to all. [55] I will adopt this course, not an unprecedented one, but one that has been adopted before, by those who are now the chief men of our state, — the course, I mean, of at once producing the witnesses. What you will find novel, O judges, is this, that I will so marshal my witnesses as to unfold the whole of my accusation; that when I have established it by examining my witnesses, by arguments, and by my speech, then I shall show the agreement of the evidence with my accusation: so that there shall be no difference between the established mode of prosecuting, and this new one, except that, according to the established mode, when everything has been said which is to be said, then the witnesses are produced; here they shall be produced as each count is brought forward; so that the other side shall have the same opportunity of examining them, of arguing and making speeches or their evidence. If there be any one who prefers an uninterrupted speech and the old mode of conducting a prosecution without any break, he shall have it in some other trial. But for this time let him

understand that what we do is done by us on compulsion, (for we only do it with the design of opposing the artifice of the opposite party by our prudence.) [56] This will be the first part of the prosecution. We say that Caius Verres has not only done many licentious acts, many cruel ones, towards Roman citizens, and towards some of the allies, many wicked acts against both gods and men; but especially that he has taken away four hundred thousand sesterces out of Sicily contrary to the laws. We will make this so plain to you by witnesses, by private documents, and by public records that you shall decide that, even if we had abundant space and leisure days for making a long speech without any inconvenience, still there was no need at all of a long speech in this matter.

THE FIRST BOOK OF THE SECOND PLEADING AGAINST CAIUS VERRES.

RESPECTING HIS CONDUCT IN THE CITY PRAETORSHIP.

THE ARGUMENT

The following five orations were never spoken: they were published afterwards as they had been prepared and intended to be spoken if Verres had made a regular defence; for as this was the only cause in which Cicero had been engaged as accuser, he was willing to leave these orations as a specimen of his abilities that way, and as a pattern of a just and diligent impeachment of a corrupt magistrate. But Hortensius had been so confounded by the novelty of Cicero's mode of conducting the prosecution, and by the strength of the case brought against his client, that he was quite unable to make any defence, and Verres went into voluntary exile.

In the beginning of this oration Cicero imagines Verres to be present, and to be prepared to make his defence, but before he proceeds to the main subjects of the prosecution, which occupy the last four orations he devotes this one to an examination of his previous character and conduct as a public man, as quaestor, as legatus, as praetor urbanus, and as praetor in Sicily; in order to show that his previous conduct had been such as to warrant any one in believing the charges he was now bringing against him.

1. I think that no one of you, O judges, is ignorant that for these many days the discourse of the populace, and the opinion of the Roman people, has been that Caius Verres would not appear a second time before the bench to reply to my charges, and would not again present himself in court; And this idea had not got about merely because he had deliberately determined and resolved not to appear, but because no one believed that any one would be so audacious, so frantic, and so impudent, as, after having been convicted of such nefarious crimes, and by so many witnesses, to venture to present himself to the eyes of the judges, or to show his

face to the Roman people. [2] But he is the same Verres that he always was; as he was abandoned enough to dare, so he is hardened enough to listen to anything. He is present; he replies to us; he makes his defence. He does not even leave himself this much of character, to be supposed, by being silent and keeping out of the way when he is so visibly convicted of the most infamous conduct, to have sought for a modest escape for his impudence. I can endure this, O judges, and I am not vexed that I am to receive the reward of my labours, and you the reward of your virtue. For if he had done what he at first determined to, that is, had not appeared, it would have been somewhat less known than is desirable for me what pains I had taken in preparing and arranging this prosecution: and your praise, O judges, would have been exceedingly slight and little heard of. [3] For this is not what the Roman people is expecting from you, nor what it can be contented with, — namely, for a man to be condemned who refuses to appear, and for you to act with resolution in the case of a man whom nobody has dared to defend. Aye, let him appear, let him reply; let him be defended with the utmost influence and the utmost zeal of the most powerful men, let my diligence have to contend with the covetousness of all of them, your integrity with his riches, the consistency of the witnesses with the threats and power of his patrons. Then indeed those things will be seen to be overcome when they have come to the contest and to the struggle. But if he had been condemned in his absence, he would have appeared not so much to have consulted his own advantage as to have grudged you your credit. 2. [4]

For neither can there be any greater safety for the republic imagined at this time, than for the Roman people to understand that, if all unworthy judges are carefully rejected by the accusers, the allies, the laws, and the republic can be thoroughly defended by a bench of judges chosen from the senators; nor can any such injury to the fortunes of all happen, as for all regard for truth, for integrity, for good faith, and for religion to be, in the opinion of the Roman people, cast aside by the senatorial body. [5] And therefore, I seem to myself, O judges, to have undertaken to uphold an important, and very failing, and almost neglected part of the republic, and by so doing to be acting not more for the benefit of my own reputation than

of yours. For I have come forward to diminish the unpopularity of the courts of justice, and to remove the reproaches which are levelled at them; in order that, when this cause has been decided according to the wish of the Roman people, the authority of the courts of justice may appear to have been re-established in some degree by my diligence; and in order that this matter may be so decided that an end may be put at length to the controversy about the tribunals; [6] and, indeed, beyond all question, O judges, that matter depends on your decision in this cause. For the criminal is most guilty. And if he be condemned, men will cease to say that money is all powerful with the present tribunal; but if he be acquitted we shall cease to be able to make any objection to transferring the tribunal to another body. Although that fellow has not in reality any hope, nor the Roman people any fear of his acquittal, there are some men who do marvel at his singular impudence in being present, in replying to the accusations brought against him; but to me even this does not appear marvellous in comparison with his other actions of audacity and madness. For he has done many impious and nefarious actions both against gods and men; by the punishment for which crimes he is now disquieted and driven out of his mind and out of his senses. 3. [7]

The punishments of Roman citizens are driving him mad, some of whom he has delivered to the executioner, others he has put to death in prison, others he has crucified while demanding their rights as freemen and as Roman citizens. The gods of his fathers are hurrying him away to punishment, because he alone has been found to lead to execution sons torn from the embraces of their fathers, and to demand of parents payment for leave to bury their sons. The reverence due to, and the holy ceremonies practiced in, every shrine and every temple — but all violated by him; and the images of the gods, which have not only been taken away from their temples, but which are even lying in darkness, having been cast aside and thrown away by him — do not allow his mind to rest free from frenzy and madness. [8] Nor does he appear to me merely to offer himself to condemnation, nor to be content with the common punishment of avarice, when he has involved himself in so many atrocities; his savage and monstrous nature wishes for some extraordinary punishment. It is not alone demanded that, by his condemnation,

their property may be restored to those from whom it has been taken away; but the insults offered to the religion of the immortal gods must be expiated, and the tortures of Roman citizens, and the blood of many innocent men, must be atoned for by that man's punishment. [9] For we have brought before your tribunal not only a thief, but a wholesale robber; not only an adulterer, but a ravisher of chastity; not only a sacrilegious man, but an open enemy to all sacred things and all religion; not only an assassin, but a most barbarous murderer of both citizens and allies; so that I think him the only criminal in the memory of man so atrocious, that it is even for his own good to be condemned. 4.

For who is there who does not see this, that though he be acquitted, against the will of gods and men, yet that he cannot possibly be taken out of the hands of the Roman people? Who does not see that it would be an excellent thing for us in that case, if the Roman people were content with the punishment of that one criminal alone, and did not decide that he had not committed any greater wickedness against them when he plundered temples, when he murdered so many innocent men, when he destroyed Roman citizens by execution, by torture, by the cross, — when he released leaders of banditti for bribes, — than they, who, when on their oaths, acquitted a man covered with so many, with such enormous, with such unspeakable wickednesses? [10] There is, there is, O judges, no room for any one to err in respect of this man. He is not such a criminal, this is not such a time, this is not such a tribunal, (I fear to seem to say anything too arrogant before such men,) even the advocate is not such a man, that a criminal so guilty, so abandoned, so plainly convicted, can be either stealthily or openly snatched out of his hands with impunity. When such men as these are judges, shall I not be able to prove that Caius Verres has taken bribes contrary to the laws? Will such men venture to assert that they have not believed so many senators, so many Roman knights, so many cities, so many men of the highest honour from so illustrious a province, so many letters of whole nations and of private individuals? that they have resisted so general a wish of the Roman people? [11] Let them venture. We will find, if we are able to bring that fellow alive before another tribunal, men to whom we can prove that he in his quaestorship embezzled the

public money which was given to Cnaeus Carbo the consul; men whom we can persuade that he got money under false pretences from the quaestors of the city, as you have learnt in my former pleadings. There will be some men, too, who will blame his boldness in having released some of the contractors from supplying the corn due to the public, when they could make it for his own interest. There will even, perhaps, be some men who will think that robbery of his most especially to be punished, when he did not hesitate to carry off out of the most holy temples and out of the cities of our allies and friends, the monuments of Marcus Marcellus and of Publius Africanus, which in name indeed belonged to them, but in reality both belonged and were always considered to belong to the Roman people. 5. [12]

Suppose he has escaped from the court about peculation. Let him think of the generals of the enemy, for whose release he has accepted bribes; let him consider what answer he can make about those men whom he has left in his own house to substitute in their places; let him consider not only how he can get over our accusation, but also how he can remedy his own confession. Let him recollect that, in the former pleadings, being excited by the adverse and hostile shouts of the Roman people, he confessed that he had not caused the leaders of the pirates to be executed; and that he was afraid even then that it would be imputed to him that he had released them for money. Let him confess that, which cannot be denied, that he, as a private individual, kept the leaders of the pirates alive and unhurt in his own house, after he had returned to Rome, as long as he could do so for me. If in the case of such a prosecution for treason it was lawful for him to do so, I will admit that it was proper. Suppose he escapes from this accusation also; I will proceed to that point to which the Roman people has long been inviting me. [13] For it thinks that the decision concerning the rights to freedom and to citizenship belong to itself; and it thinks rightly. Let that fellow, forsooth, break down with his evidence the intentions of the senators — let him force his way through the questions of all men — let him make his escape from your severity; believe me, he will be held by much tighter chains in the hands of the Roman people. The Roman people will give credit to those Roman knights who, when they were produced as witnesses before you originally, said that a Roman citizen, one who

was offering honourable men as his bail, was crucified by him in their sight. [14] The whole of the thirty-five tribes will believe a most honourable and accomplished man, Marcus Annius, who said, that when he was present, a Roman citizen perished by the hand of the executioner. That most admirable man Lucius Flavius, a Roman knight, will be listened to by the Roman people, who gave in evidence that his intimate friend Herennius, a merchant from Africa, though more than a hundred Roman citizens at Syracuse knew him, and defended him in tears, was put to death by the executioner. Lucius Suetius, a man endowed with every accomplishment, speaks to them with an honesty and authority and conscientious veracity which they must trust; and he said on his oath before you that many Roman citizens had been most cruelly put to death, with every circumstance of violence, in his stone-quarries. When I am conducting this cause for the sake of the Roman people from this rostrum, I have no fear that either any violence can be able to save him from the votes of the Roman people, or that any labour undertaken by me in my aedileship can be considered more honourable or more acceptable by the Roman people. 6. [15]

Let, therefore, every one at this trial attempt everything. There is no mistake now which any one can make in this cause, O judges, which will not be made at your risk. My own line of conduct, as it is already known to you in what is past, is also provided for, and resolved on, in what is to come. I displayed my zeal for the republic at that time, when, after a long interval, I reintroduced the old custom, and at the request of the allies and friends of the Roman people, who were, however, my own most intimate connections, prosecuted a most audacious man. And this action of mine most virtuous and accomplished men (in which number many of you were) approved of to such a degree, that they refused the man who had been his quaestor, and who, having been offended by him, wished to prosecute his own quarrel against him, leave not only to prosecute the man himself, but even back the accusation against him, when he himself begged to do so. [16] I went into Sicily for the sake of inquiring into the business, in which occupation the celerity of my return showed my industry; the multitude of documents and witnesses which I brought with me declared my diligence; and I

further showed my moderation and scrupulousness, in that when I had arrived as a senator among the allies of the Roman people, having been quaestor in that province, I, though the defender of the common cause of them all, lodged rather with my own hereditary friends and connections, than those who had sought that assistance from me. My arrival was no trouble nor expense to any one, either publicly or privately. I used in the inquiry just as much power as the law gave me, not as much as I might have had through the zeal of those men whom that fellow had oppressed. [17] When I returned to Rome from Sicily, when he and his friends, luxurious and polite men, had disseminated reports of this sort, in order to blunt the inclinations of the witnesses, — such as that I had been seduced by a great bribe from proceeding with a genuine prosecution; although it did not seem probable to any one, because the witnesses from Sicily were men who had known me as a quaestor in the province; and as the witnesses from Rome were men of the highest character, who knew every one of us thoroughly, just as they themselves are known; still I had some apprehension lest any one should have a doubt of my good faith and integrity, till we came to striking out the objectionable judges. 7.

I knew that in selecting the judges, some men, even within my own recollection, had not avoided the suspicion of a good understanding with the opposite party, though their industry and diligence was being proved actually in the prosecution of them. [18] I objected to objectionable judges in such a way that this is plain, — that since the republic has had that constitution which we now enjoy, no tribunal has ever existed of similar renown and dignity. And this credit that fellow says that he shares in common with me; since when he rejected Publius Galba as judge, he retained Marcus Lucretius; and when, upon this, his patron asked him why he had allowed his most intimate friends Sextus Paeduceus, Quintus Considius, and Quintus Junius, to be objected to, he answered, because he knew them to be too much attached to their own ideas and opinions in coming to a decision. [19] And so when the business of objecting to the judges was over, I hoped that you and I had now one common task before us. I thought that my good faith and diligence was approved of, not only by those to whom I was known, but even by

strangers. And I was not mistaken: for in the comitia for my election, when that man was employing boundless bribery against me, the Roman people decided that his money, which had no influence with me when put in opposition to my own good faith, ought to have no influence with them to rob me of my honour. On the day when you first, O judges, were summoned to this place, and sat in judgment on this criminal, who was so hostile to your order, who was so desirous of a new constitution, of a new tribunal and new judges, as not to be moved at the sight of you and of your assembled body? [20] When on the trial your dignity procured me the fruit of my diligence, I gained thus much, — that in the same hour that I began to speak, I cut off from that audacious, wealthy, extravagant, and abandoned criminal, all hope of corrupting the judges; that on the very first day, when such a number of witnesses had been brought forward, the Roman people determined that If he were acquitted, the republic would no longer exist; that the second day took away from his friends, not only all hope of victory, but even all inclination to make any defence; that the third day prostrated the man so entirely, that, pretending to be sick, he took counsel, not what reply he could make, but how he could avoid making any; and after that, on the subsequent days, he was so oppressed and overwhelmed by these accusations, by these witnesses, both from the city and from the provinces, that when these days of the games intervened, no one thought that he had procured an adjournment, but they thought that he was condemned. 8. [21]

So that, as far as I am concerned, O judges, I gained the day; for I did not desire the spoils of Caius Verres, but the good opinion of the Roman people. It was my business to act as accuser only if I had a good cause. What cause was ever juster than the being appointed and selected by as illustrious a province as its defender? To consult the welfare of the republic; — what could be more honourable for the republic, than while the tribunals were in such general discredit, to bring before them a man by whose condemnation the whole order of the senate might be restored to credit and favour with the Roman people? — to prove and convince men that it was a guilty man who was brought to trial? Who is there of the Roman people who did not carry away this conviction from the previous pleading, that if all the wickednesses, thefts, and enormities of all who have ever been

condemned before were brought together into one place, they could scarcely be likened or compared to but a small part of this man's crimes? [22] Judges, consider and deliberate what becomes your fame, your reputation, and the common safety? Your eminence prevents your being able to make any mistake without the greatest injury and danger to the republic. For the Roman people cannot hope that there are any other men in the senate who can judge uprightly, if you cannot. It is inevitable that, when it has learnt to despair of the whole order, it should look for another class of men and another system of judicial proceedings. If this seems to you at all a trifling matter, because you think the being judges a grave and inconvenient burden, you ought to be aware, in the first place, that it makes a difference whether you throw off that burden yourselves, of your own accord, or whether the power of sitting as judges is taken away from you because you have been unable to convince the Roman people of your good faith and scrupulous honesty. In the second place, consider this also, with what great danger we shall come before those judges whom the Roman people, by reason of its hatred to you, has willed shall judge concerning you. [23] But I will tell you, O judges, what I am sure of. Know, then, that there are some men who are possessed with such a hatred or your order, that they now make a practice of openly saying that they are willing for that man, whom they know to be a most infamous one, to be acquitted for this one reason, — that then the honour or the judgment-seat may be taken from the senate with ignominy and disgrace. It is not my fear for your good faith, O judges, which has urged me to lay these considerations before you at some length, but the new hopes which those men are entertaining; for when those hopes had brought Verres suddenly back from the gates of the city to this court, some men suspected that his intention had not been changed so suddenly without a cause. 9. [24]

Now, in order that Hortensius may not be able to employ any new sort of complaint, and to say that a defendant is oppressed if the accuser says nothing about him; that nothing is so dangerous to the fortunes of an innocent man as for his adversaries to keep silence; and in order that he may not praise my abilities in a way which I do not like, when he says that, if I had said much, I should have relieved him against whom I was speaking, and that I have undone him

because I said nothing, — I will comply with his wishes, I shall employ one long unbroken speech: not because it is necessary, but that I may try whether he will be most vexed at my having been silent then or at my speaking now. [25] Here you, perhaps, will take care that I do not remit one hour of the time allowed me by law. If I do not employ the whole time which is allowed me by law, you will complain; you will invoke the faith of gods and men, calling them to witness how Caius Verres is circumvented because the prosecutor will not speak as long as he is allowed to speak by the law. What the law gives me for my own sake, may I not be allowed to forbear using? For the time for stating the accusation is given me for my own sake, that I may be able to unfold my charges and the whole cause in my speech. If I do not use it all, I do you no injury, but I give up something of my own right and advantage. You injure me, says he, for the cause ought to be thoroughly investigated. Certainly, for otherwise a defendant cannot be condemned, however guilty he may be. Were you, then, indignant that anything should be done by me to make it less easy for him to be condemned? For if the cause be understood, many men may be acquitted; if it be not understood, no one can be condemned. [26] I injure him, it seems, for I take away the right of adjournment. The most vexatious thing that the law has in it, the allowing a cause to be twice pleaded, has either been instituted for my sake rather than for yours, or, at all events, not more for your sake than for mine. For if to speak twice be an advantage, certainly it is an advantage which is common to both If there is a necessity that he who has spoken last should be refuted, then it is for the sake of the prosecutor that the he has been established that there should be a second discussion. But, as I imagine, Glaucia first proposed the law that the defendant might have an adjournment; before that time the decision might either be given at once, or the judges might take time to consider. Which law, then, do you think the mildest? I think that ancient one, by which a man might either be acquitted quickly, or condemned after deliberation. I restore you that law of Acilius, according to which many men who have only been accused once, whose cause has only been pleaded once, in whose case witnesses have only been heard once, have been condemned on charges by no means so clearly proved, nor so flagitious as those on which you are

convicted. Think that you are pleading your cause, not according to that severe law, but according to that most merciful one. I will accuse you; you shall reply. Having produced my witnesses, I will lay the whole matter before the bench in such a way, that even if the law gave them a power of adjournment, yet they shall think it discreditable to themselves not to decide at the first hearing. 10. [27]

But if it be necessary for the cause to be thoroughly investigated, has this one been investigated but superficially? Are we keeping back anything, O Hortensius, a trick which we have often seen practiced in pleading? Who ever attends much to the advocate in this sort of action, in which anything is said to have been carried off and stolen by any one? Is not all the expectation of the judges fixed on the documents or on the witnesses? I said in the first pleading that I would make it plain that Caius Verres had carried off four hundred thousand sesterces contrary to the law. What ought I to have said? Should I have pleaded more plainly if I had related the whole affair thus? — There was a certain man of Halesa, named Dio, who, when a great inheritance had come to his son from a relation while Sacerdos was praetor, had at the time no trouble nor dispute about it. Verres, as soon as he arrived in the province, immediately wrote letters from Messana; he summoned Dio before him, he procured false witnesses from among his own friends to say that that inheritance had been forfeited to Venus Erycina. He announced that he himself would take cognisance of that matter. [28] I can detail to you the whole affair in regular order, and at last tell you what the result was, namely, that Dio paid a million of sesterces, in order to prevail in a cause of most undeniable justice, besides that Verres had his herds of mares driven away, and all his plate and embroidered vestments carried off. But neither while I was so relating these things, nor while you were denying them, would our speeches be of any great importance. At what time then would the judge prick up his ears and begin to strain his attention? When Dio himself came forward, and the others who had at that time been engaged in Sicily on Dio's business, when, at the very time when Dio was pleading his cause, he was proved to have borrowed money, to have galled in all that was owing to him, to have sold farms; when the accounts of respectable men were produced, when they who had supplied Dio

with money said that they had heard at the time that the money was taken on purpose to be given to Verres; when the friends, and connections, and patrons of Dio, most honourable men, said that they had heard the same thing. [29] Then, when this was going on, you would, I suppose, attend as you did attend. Then the cause would seem to be going on. Everything was managed by me in the former pleading so that among all the charges there was not one in which any one of you desired an uninterrupted statement of the case. I deny that anything was said by the witnesses which was either obscure to any one of you, or which required the eloquence of any orator to set it off. 11.

In truth, you must recollect that I conducted the case in this way; I set forth and detailed the whole charge at the time of the examination of witnesses, so that as soon as I had explained the whole affair, I then immediately examined the witnesses. And by that means, not only you, who have to judge, are in possession of our charges, but also the Roman people became acquainted with the whole accusation and the whole cause: although I am speaking of my own conduct as if I had done so of my own will rather than because I was induced to do so by any injustice of yours. [30] But you interposed another accuser, who, when I had only demanded a hundred and ten days to prosecute my inquiries in Sicily, demanded a hundred and eight for himself to go for a similar purpose into Achaia. When you had deprived me of the three months most suitable for conducting my cause, you thought that I would give you up the remainder of the year, so that, when he had employed the time allowed to me, you, O Hortensius, after the interruption of two festivals, might make your reply forty days afterwards; and then, that the time might be so spun out, that we might come from Marius Glabrio, the praetor, and from the greater part of these judges, to another praetor, and other judges. [31] If I had not seen this — if every one, both acquaintances and strangers, had not warned me that the object which they were driving at, which they were contriving, for which they were striving, was to cause the matter to be delayed to that time — I suppose, if I had chosen to spend all the time allowed me in stating the accusation, I should be under apprehensions that I should not have charges enough to bring, that subjects for a speech would be wanting to me, that my

voice and strength would fail me, that I should not be able to accuse twice a man whom no one had dared to defend at the first pleading of the cause. I made my conduct appear reasonable both to the judges and also to the Roman people. There is no one who thinks that their injustice and impudence could have been opposed by any other means. Indeed, how great would have been my folly, if, though I might have avoided it, I had allowed matters to come on on the day which they who had undertaken to deliver him from justice provided for in their undertaking, when they gave their undertaking to deliver him in these words—"If the trial took place on or after the first of January?" [32] Now I must provide for the careful management of the time which is allowed me for making a speech, since I am determined to state the whole case most fully. 12.

Therefore I will pass by that first act of his life, most infamous and most wicked as it was. He shall hear nothing from me of the vices and offences of his childhood, nothing about his most dissolute youth: how that youth was spent, you either remember, or else you can recognise it in the son whom he has brought up to be so like himself: I will pass over everything which appears shameful to be mentioned; and I will consider not only what that fellow ought to have said of himself, but also what it becomes me to say. Do you, I entreat you, permit this, and grant to my modesty, that it may be allowed to pass over in silence some portion of his shamelessness. [33] At that time which passed before he came into office and became a public character, he may have free and untouched as far as I am concerned. Nothing shall be said of his drunken nocturnal revels; no mention shall be made of his pimps, and dicers, and panders; his losses at play, and the licentious transactions which the estate of his father and his own age prompted him to shall be passed over in silence. He may have lived in all infamy at that time with impunity, as far as I am concerned; the rest of his life has been such that I can well afford to put up with the loss of not mentioning those enormities. [34] You were quaestors to Cnaeus Papirius the consul fourteen years ago. All that you have done from that day to this day I bring before the court. Not one hour will be found free from theft, from wickedness, from cruelty, from atrocity. These years have been passed by you in the quaestorship, and in the lieutenancy in Asia, and

in the city praetorship, and in the Sicilian praetorship. On which account a division of my whole action will also be made into four parts. 13.

As quaestor you received our province by lot, according to the decree of the senate. A consular province fell to your lot, so that you were with Cnaeus Carbo, the consul, and had that province. There was at that time dissension among the citizens: and in that I am not going to say anything as to what part you ought to have taken. This only do I say, that at such a time as that you ought to have made up your mind which side you would take and which party you would espouse. Carbo was very indignant that there had fallen to his lot as his quaestor a man of such notorious luxury and indolence. But he loaded him with all sorts of kindnesses. Not to dwell too long on this; money was voted, was paid; he went as quaestor to the province; he came into Gaul, where he had been for some time expected, to the army of the consul with the money. At the very first opportunity that offered, (take notice of the principle on which the man discharged the duties of his offices, and administered the affairs of the republic,) the quaestor, having embezzled the public money, deserted the consul, the army, and his allotted province. [35] I see what I have done; he rouses himself up; he hopes that, in the instance of this charge, some breeze may be wafted this way of good will and approbation for those men to him the name of Cnaeus Carbo, though dead, is unwelcome, and to whom he hopes that that desertion and betrayal of his consul will prove acceptable. As if he had done it from any desire to take the part of the nobility, or from any party zeal, and had not rather openly pillaged the consul, the army and the province, and then, because of this most impudent theft, had run away. For such an action as that is obscure, and such that one may suspect that Caius Verres, because he could not bear new men, passed over to the nobility, that is, to his own party, and that he did nothing from consideration of money. [36] Let us see how he gave in his accounts; now he himself will show why he left Cnaeus Carbo; now he himself will show what he is. 14.

First of all take notice of their brevity—"I received," says he, "two million two hundred and thirty-five thousand four hundred and seventeen sesterces; I spent, for pay to the soldiers, for corn, for the

lieutenants, for the pro-quaestor, for the praetorian cohort, sixteen hundred and thirty-five thousand four hundred and seventeen sesterces; I left at Ariminum six hundred thousand sesterces." Is this giving in accounts? Did either I, or you, O Hortensius, or any man ever give in his accounts in this manner? What does this mean? what impudence it is! what audacity! What precedent is there of any such in all the number of accounts that have ever been rendered by public officers? And yet these six hundred thousand sesterces, as to which he could not even devise a false account of whom he had paid them to, and which he said he had left at Ariminum, — these six hundred thousand sesterces which he had in hand, Carbo never touched, Sulla never saved them, nor were these ever brought into the treasury. He selected Ariminum as the town, because at the time when he was giving in his accounts, it had been taken and plundered. He did not suspect, what he shall now find out, that plenty of the Ariminians were left to us after that disaster as witnesses to that point. Read now — [37] "Accounts rendered to Publius Lentulus, and Lucius Triarius, quaestors of the city." Read on—"According to the decree of the senate." In order to be allowed to give in accounts in such a manner as this, he became one of Sulla's party in an instant, and not for the sake of contributing to the restoration of honour and dignity to the nobility. Even if you had deserted empty-handed, still your desertion would be decided to be wicked, your betrayal of your consul, infamous. Oh, Cnaeus Carbo was a bad citizen, a scandalous consul, a seditious man. He may have been so to others: when did he begin to be so to you? After he entrusted to you the money, the supplying of corn, all his accounts, and his army; for if he had displeased you before that, you would have done the same as Marcus Piso did the year after. When he had fallen by lot to Lucius Scipio, as consul, he never touched the money, he never joined the army at all. The opinions he embraced concerning the republic he embraced so as to do no violence to his own good faith, to the customs of our ancestors, nor to the obligations imposed on him by the lot which he had drawn.

15. [38]

In truth, if we wish to disturb all these things, and to throw them into confusion, we shall render life full of danger, intrigue, and enmity; if such allurements are to have no scruples to protect them; if

the connection between men in prosperous and doubtful fortunes is to cause no friendship; if the customs and principles of our ancestors are to have no authority. He is the common enemy of all men who has once been the enemy of his own connections. No wise man ever thought that a traitor was to be trusted; Sulla himself, to whom the arrival of the fellow ought to have been most acceptable, removed him from himself and from his army: he ordered him to remain at Beneventum, among those men whom he believed to be exceedingly friendly to his party, where he could do no harm to his cause and could have no influence on the termination of the war. Afterwards, indeed, he rewarded him liberally; he allowed him to seize some estates of men who had been proscribed lying in the territory of Beneventum; he loaded him with honour as a traitor; he put no confidence in him as a friend. [39] Now, although there are men who hate Cnaeus Carbo, though dead, yet they ought to think, not what they were glad to have happen, but what they themselves would have to fear in a similar case. This is a misfortune common to many a cause for alarm, and a danger common to many. There are no intrigues more difficult to guard against than those which are concealed under a pretence of duty, or under the name of some intimate connection. For you can easily avoid one who is openly an adversary, by guarding against him; but this secret, internal, and domestic evil not only exists, but even overwhelms you before you can foresee it or examine into it. Is it not so? [40] When you were sent as quaestor to the army, not only as guardian of the money, but also of the consul; when you were the sharer in all his business and of all his counsels, when you were considered by him as one of his own children, according to the tenor of the principles of our ancestors; could you on a sudden leave him? desert him? pass over to the enemy? O wickedness! O monster to be banished to the very end of the world! For that nature which has committed such an atrocity as this cannot be contented with this one crime alone. It must be always contriving something of this sort; it must be occupied in similar audacity and perfidy. [41] Therefore, that same fellow whom Cnaeus Dolabella afterwards, when Caius Malleolus had been slain, had for his quaestor, (I know not whether this connection was not even a closer one than the connection with Carbo, and whether the

consideration of his having been voluntarily chosen is not stronger than that of his having been chosen by lot,) behaved to Cnaeus Dolabella in the same manner as he had behaved in to Cnaeus Carbo. For, the charges which properly touched himself, he transferred to his shoulders; and gave information of everything connected with his cause to his enemies and accusers. He himself gave most hostile and most infamous evidence against the man to whom he had been lieutenant and pro-quaestor. Dolabella, unfortunate as he was, through his abominable betrayal, through his infamous and false testimony, was injured far more than by either, by the odium created by that fellow's own thefts and atrocities 16. [42]

What can you do with such a man? or what hope can you allow so perfidious, so ill-omened an animal to entertain? One who despised and trampled on the lot which bound him to Cnaeus Carbo, the choice which connected him with Cnaeus Dolabella, and not only deserted them both, but also betrayed and attacked them. Do not, I beg of you, O judges, judge of his crimes by the brevity of my speech rather than by the magnitude of the actions themselves. For I am forced to make haste in order to have time to set before you all the things which I have resolved to relate to you. Wherefore, now that his quaestorship has been put before you, saw that the dishonesty and wickedness of his first conduct in his first office has been thoroughly seen, listen, I pray you, to the remainder. [43] And in this I will pass over that period of proscription and rapine which took place under Sulla; nor will I allow him to derive any argument for his own defence from that time of common calamity to all men. I will accuse him of nothing but his own peculiar and well-proved crimes. Therefore, omitting all mention of the time of Sulla from the accusation, consider that splendid lieutenancy of his. After Cilicia was appointed to Cnaeus Dolabella as his province, O ye immortal gods! with what covetousness, with what incessant applications, did he force from him that lieutenancy for himself, which was indeed the beginning of the greatest calamity to Dolabella. For as he proceeded on his journey to the province, wherever he went his conduct was such, that it was not some lieutenant of the Roman people, but rather some calamity that seemed to be going through the country. 17. [44]

In Achaia, (I will omit all minor things, to some of which perhaps

some one else may some time or other have done something like; I will mention nothing except what is unprecedented, nothing except what would appear incredible, if it were alleged against any other criminal,) he demanded money from a Sicyonian magistrate. Do not let this be considered a crime in Verres; others have done the tame. When he could not give it, he punished him; a scandalous, but still not an unheard-of act. Listen to the sort of punishment; you will ask, of what race of men you are to think him a specimen. He ordered a fire to be made of green and damp wood in a narrow place. There he left a free man, a noble in his own country, an ally and friend of the Roman people, tortured with smoke, half dead. [45] After that, what statues, what paintings he carried off from Achaia, I will not mention at present. There is another part of my speech which I have reserved for speaking of this covetousness of the man. You have heard that at Athens a great sum of money was taken out of the temple of Minerva. This was mentioned in the trial of Cnaeus Dolabella. Mentioned? the amount too was stated. Of this design you will find that Caius Verres was not only a partaker, but was even the chief instigator. [46] He came to Delos. There from that most holy temple of Apollo he privately took away by night the most beautiful and ancient statues, and took care that they were all placed on board his own transport. The next day, when the inhabitants of Delos saw their temple plundered, they were very indignant. For the holiness and antiquity of that temple is so great in their eyes, that they believe that Apollo himself was born in that place. However, they did not dare to say one word about it, lest haply Dolabella himself might be concerned in the business. 18.

Then on a sudden a very great tempest arose, O judges; so that Dolabella could not only not depart, when he wished, but could scarcely stand in the city, such vast waves were dashed on shore. Here that ship of that pirate loaded with the consecrated statues, being cast up and driven ashore by the waves, is broken to pieces. Those statues of Apollo were found on the shore; by command of Dolabella they are restored; the tempest is lulled; Dolabella departs from Delos. [47] I do not doubt, though there was no feeling of humanity ever in you, no regard for holiness, still that now in your fear and danger thoughts of your wicked actions occurred to you.

Can there be any comfortable hope of safety cherished by you, when you recollect how impious, how wicked, how blasphemous has been your conduct towards the immortal gods? Did you dare to plunder the Delian Apollo? Did you dare to lay impious and sacrilegious hands on that temple, so ancient, so venerated, so holy? If you were not in your childhood taught and framed to learn and know what has been committed to writing, still would you not afterwards, when you came into the very places themselves, learn and believe what is handed down both by tradition and by documents: [48] That Latona, after a long wandering and persecution, pregnant, and now near bringing forth, when her time was come, fled to Delos, and there brought forth Apollo and Diana; from which belief of men that island is considered sacred to those gods; and such is and always has been the influence of that religious belief, that not even the Persians, when they waged war on all Greece, on gods and men, and when they had put in with a fleet of a thousand ships at Delos, attempted to violate, or even to touch anything. Did you, O most wicked, O most insane of men, attempt to plunder this temple? Was any covetousness of such power as to extinguish such solemn religious belief? And if you did not think of this at that time, do you not recollect even now that there is no evil so great as not to have been long since due to you for your wicked actions? 19. [49]

But after he arrived in Asia, — why should I enumerate the dinners, the suppers, the horses, and the presents which marked that progress? I am not going to say anything against Verres for everyday crimes. I say that he carried off by force some most beautiful statues from Chios; also from Erythrae; also from Halicarnassus. From Tenedos (I pass over the money which he seized) he carried off Tenes himself, who among the Tenedians is considered a most holy god, who is said to have founded that city, after whose name it is called Tenedos. This very Tenes, I say, most admirably wrought, which you have seen before now in the assembly, he carried off amid the great lamentations of the city. [50] But that storming of that most ancient and most noble temple of the Samian Juno, how grievous was it to the Samians! how bitter to all Asia! how notorious to all men! how notorious to every one of you! And when ambassadors had come from Samos into Asia to Caius Nero, to complain of this attack on that temple, they received for answer, that complaints of that sort, which concerned a lieutenant of the Roman people, ought not to be brought before the praetor, but must be carried to Rome. What pictures did he carry off from thence; what statues! which I saw lately in his house, when I went thither for the sake of sealing it up. [51] And where are those statues now, O Verres? I mean those which I lately saw in your house against every pillar, and also in every space between two pillars, and actually arranged in the grove in the open air? Why were those things left at your house, as long as you thought that another praetor, with the other judges whom you expected to have substituted in the room of these, was to sit in judgment upon your? But when you saw that we preferred suiting the convenience of our own witnesses rather than your convenience as to time, you left not one statue in your house except two which were in the middle of it, and which were themselves stolen from Samos. Did you not think that I would summon your most intimate friends to give evidence of this matter, who had often been at your house, and ask of them whether they knew that statues were there which were not? 20. [52]

What did you think that these men would think of you then, when they saw that you were no longer contending against your accuser,

but against the quaestor and the brokers? On which matter you heard Charidemus of Chios give his evidence at the former pleadings, that he, when he was captain of a trireme, and was attending Verres on his departure from Asia, was with him at Samos, by command of Dolabella and that he then knew that the temple of Juno had been plundered, and the town of Samos; that afterwards he had been put on his trial before the Chians, his fellow citizens, on the accusation of the Samians; and that he had been acquitted because he had made it plain that the allegations of the Samians concerned Verres, and not him. [53] You know that Aspendus is an ancient and noble town in Pamphylia, full of very fine statues. I do not say that one statue or another was taken away from thence: this I say, that you, O Verres, left not one statue at Aspendus; that everything from the temples and from all public places was openly seized and carried away on wagons, the citizens all looking on. And he even carried off that harp-player of Aspendus, of whom you have often heard the saying, which is a proverb among the Greeks, who used to say that he could sing everything within himself, and put him in the inmost part of his own house, so as to appear to have surpassed the statue itself in trickery. [54] At Perga we are aware that there is a very ancient and very holy temple of Diana. That too, I say, was stripped and plundered by you; and all the gold which there was on Diana herself was taken off and carried away. What, in the name of mischief, can such audacity and inanity mean? In the very cities of our friends and allies, which you visited under the pretext of your office as lieutenant, if you had stormed them by force with an army, and had exercised military rule there; still, I think, the statues and ornaments which you took away, you would have carried, not to your own house, nor to the suburban villas of your friends, but to Rome for the public use. 21. [55]

Why should I speak of Marcus Marcellus, who took Syracuse, that most beautiful city? why of Lucius Scipio, who waged war in Asia, and conquered Antiochus, a most powerful monarch? why of Flaminius, who subdued Philip the king, and Macedonia? why of Lucius Paullus, who with his might and valour conquered king Perses? why of Lucius Mummius, who overthrew that most beautiful and elegant city Corinth, full of all sorts of riches, and brought many

cities of Achaia and Boeotia under the empire and dominion of the Roman people? — their houses, though they were rich in virtue and honour, were empty of statues and paintings. But we see the whole city, the temples of the gods, and all parts of Italy, adorned with their gifts, and with memorials of them. [56] I am afraid all this may seem to some people too ancient, and long ago obsolete. For at that time all men were so uniformly disposed in the same manner, that this credit of eminent virtue and incorruptibility appears to belong, not only to those men, but also to those times. Publius Servilius, a most illustrious man, who has performed the noblest exploits, is present. He will deliver his opinion on your conduct. He, by his power, had forces; his wisdom and his valour took Olympus, an ancient city, and one strengthened and embellished in every possible manner. I am bringing forward recent example of a most distinguished man. For Servilius, as a general of the Roman people, took Olympus after you, as lieutenant of the quaestor in the same district, had taken care to harass and plunder all the cities of our friends and allies even when they were at peace. [57] The things which you carried off from the holiest temples with wickedness, and like a robber, we cannot see, except in your own houses, or in those of your friends. The statues and decorations which Publius Servilius brought away from the cities of our enemies, taken by his courage and valour, according to the laws of war and his own rights as commander-in-chief, he brought home for the Roman people; he carried them in his triumph, and took care that a description of them should be engraved on public tablets and hid up in the treasury. You may learn from public documents the industry of that most honourable man. Read—"The accounts delivered by Publius Servilius." You see not only the number of the statues, but the size, the figure, and the condition of each one among them accurately described in writing. Certainly, the delight arising from virtue and from victory is much greater than that pleasure which is derived from licentiousness and covetousness. I say that Servilius took much more care to have the booty of the Roman people noted and described, than you took to have your plunder catalogued. 22. [58]

You will say that your statues and paintings were also an ornament to the city and forum of the Roman people. I recollect: I,

together with the Roman people, saw the forum and place for holding the assemblies adorned with embellishments, in appearance indeed magnificent, but to one's senses and thoughts bitter and melancholy. I saw everything glittering with your thefts, with the plunder of the provinces, with the spoils of our allies and friends. At which time, O judges, that fellow conceived the hope of committing his other crimes. For he saw that these men, who wished to be called the masters of the courts of law, were slaves to these desires. [59] But the allies and foreign nations then first abandoned the hope of saving any of their property and fortunes, because, as it happened, there were at that time very many ambassadors from Asia and Achaia at Rome, who worshipped in the forum the images of the gods which had been taken from their temples. And so also, when they recognised the other statues and ornaments, they wept, as they beheld the different pieces of their property in different place. And from all those men we then used to hear discourses of this sort:—"That it was impossible for any one to doubt of the ruin of our allies and friends, when men saw in the forum of the Roman people, in which formerly those men used to be accused and condemned who had done any injury to the allies, those things now openly placed which had been wickedly seized and taken away from the allies." [60] Here I do not expect that he will deny that he has many statues, and countless paintings. But, as I fancy, he is accustomed at times to say that he purchased these things which he seized and stole; since indeed he was sent at the public expense, and with the title of ambassador, into Achaia, Asia, and Pamphylia as a purchaser of statues and paintings. 23.

I have all the accounts both of that fellow and of his father, of money received, which I have most carefully read and arranged; those of your father, as long as he lived, you own, as far as you say that you have made them up. For in that man, O judges, you will find this new thing. We hear that some men have never kept accounts; which is a mistaken opinion of men with respect to Antonius; for he kept them most carefully. But there may be men of that sort, but they are by no means to be approved of. We hear that some men have not kept them from the beginning, but after some time have made them up; there is a way of accounting for this too. But this is unprecedented and absurd which this man gave us for an answer,

when we demanded his account of him: “That he kept them up to the consulship of Marcus Terentius and Caius Cassius; but that, after that, he gave up keeping them.” [61] In another place we will consider what sort of a reply this is; at present I am not concerned with it; for of the times about which I am at present occupied I have the accounts, both yours and those of your father. You cannot deny that you carried off very many most beautiful statues, very many admirable paintings. I wish you would deny it. Show in your accounts or in those of your father that any one of them was purchased, and you have gained your cause. There is not even any possibility of your having bought those two most beautiful statues which are now standing in your court, and which stood for many years by the folding doors of the Samian Juno; these two, I say, which are now the only statues left in your house, which are waiting for the broker, left alone and deserted by the other statues. 24. [62]

But, I suppose in these matters alone had he this irrepressible and unbridled covetousness; his other desires were restrained by some reason and moderation. To how many noble virgins, to how many matrons do you think he offered violence in that foul and obscene lieutenancy? In what town did he set his foot that he did not leave more traces of his rapes and atrocities than he did of his arrival? But I will pass over everything which can be denied; even those things which are most certain and most evident I will omit; I will select one of his abominable deeds, in order that I may the more easily at last arrive at Sicily, which has imposed the burden of this business on me. [63] There is a town on the Hellespont, O judges, called Lampsacus, among the first in the province of Asia for renown and for nobleness. And the citizens themselves of Lampsacus are most especially kind to all Roman citizens, and also are an especially quiet and orderly race; almost beyond all the rest of the Greeks inclined to the most perfect ease, rather than to any disorder or tumult. It happened, when he had prevailed on Cnaeus Dolabella to send him to king Nicomedes and to king Sadala, and when he had begged this expedition, more with a view to his own gain than to any advantage for the republic, that in that journey he came to Lampsacus, to the great misfortune and almost ruin of the city. He is conducted to the house of a man named Janitor as his host; and his companions also,

are billeted on other entertainers. As was the fellow's custom, and as his lusts always instigating him to commit some wickedness prompted him, he immediately gives a commission to his companions, the most worthless and infamous of men, to inquire and find out whether there is any virgin woman worthy of his staying longer at Lampsacus for her sake. 25. [64]

He had a companion of the name of Rubrius, a man made for such vices as his, who used to find out all these things for him wherever he went, with wonderful address. He brings him the following news, — that there was a man of the name of Philodamus, in birth, in rank, in wealth, and in reputation by far the first man among the citizens of Lampsacus; that his daughter, who was living with her father because she had not yet got a husband, was a woman of extraordinary beauty, but was also considered exceedingly modest and virtuous. The fellow, when he heard this, was so inflamed with desire for that which he had not only not seen himself, but which even he from whom he heard of it had not seen himself, that he said he should like to go to Philodamus immediately. Janitor, his host, who suspected nothing, being afraid that he must have given him some offence himself, endeavoured with all his might to detain him. Verres, as he could not find any pretext for leaving his host's house began to pave his way for his meditated violence by other steps. He says that Rubrius, his most loved friend, his assistant in all such matters, and the partner of his counsels, is lodged with but little comfort. He orders him to be conducted to the house of Philodamus. [65] But when this is reported to Philodamus, although he was ignorant what great misfortune was at that moment being contrived for him and for his children, still he comes to him, — represents to him that that is not his office, — that when it was his turn to receive guests, he was accustomed to receive the praetors and consuls themselves, and not the attendants of lieutenants. Verres, as he was hurried on by that one desire alone, disregarded all his demands and allegations, and ordered Rubrius to be introduced by force into the house of a man who had a right to refuse him admittance. 26.

On this, Philodamus, when he could not preserve his rights, studied at least to preserve his courtesy and affability. He who had always been considered most hospitable and most friendly towards

our people, did not like to appear to have received even this fellow Rubrius into his house unwillingly; he prepares a banquet magnificently and luxuriously, being, as he was, among the richest of all his fellow citizens; he begs Rubrius to invite whoever were agreeable to himself; to leave, if he pleased, just room for himself alone. He even sends his own son, a most excellent youth, out to one of his relations to supper. [66] Rubrius invites Verres's companions; Verres informs them all what there was to be done. They come early. They sit down to supper. Conversation takes place among them, and an invitation is given to drink in the Greek fashion. The host encourages them; they demand wine in larger goblets; the banquet proceeds with the conversation and joy of every one. When the business appeared to Rubrius to have got warm enough, "I would know of you, O Philodamus," says he, "why you do not bid your daughter to be invited in hither to us?" The man, who was both a most dignified man, and of mature age, and a parent, was amazed at the speech of the rascal. Rubrius began to urge it. Then he, in order to give some answer, said that it was not the custom of the Greeks for women to sit down at the banquets of men. On this some one else from some other part of the room cried out, "But this is not to be borne; let the women be summoned." And immediately Rubrius orders his slaves to shut the door, and to stand at the doors themselves. [67] But when Philodamus perceived that what was intended and being prepared was, that violence should be offered to his daughter, he calls his servants to him, he bids them disregard him and defend his daughter, and orders some one to run out and bear the news to his son of this overpowering domestic misfortune. Meantime an uproar arises throughout the whole house; a fight takes place between the slaves of Rubrius and his host. That noble and most honourable man is buffeted about in his own house; every one fights for his own safety. At last Philodamus has a quantity of boiling water thrown over him by Rubrius himself. When the news of this is brought to the son, half dead with alarm he instantly hastens home to bring aid to save the life of his father and the modesty of his sister. All the citizens of Lampsacus, with the same spirit, the moment they heard of it, because both the worth of Philodamus and the enormity of the injury excited them, assembled by night at his house. At this

time Cornelius, the lictor of Verres, who had been placed with his slaves by Rubrius, as if on guard, for the purpose of carrying off the woman, is slain; some of the slaves are wounded; Rubrius himself is wounded in the crowd. Verres, when he saw such an uproar excited by his own cupidity, began to wish to escape some way or other if he could. 27. [68]

The next morning men come early to the public assembly; they ask what is best to be done; every one delivered his own opinions to the people according as each individual had the most weight. No one was found whose opinion and speech was not to this purpose: —"That it need not be feared, if the Lampsacenes had avenged that man's atrocious wickedness by force and by the sword, that the senate and Roman people would have thought they ought to chastise their city. And if the lieutenants of the Roman people were to establish this law with respect to the allies, and to foreign nations, — that they were not to be allowed to preserve the chastity of their children unpolluted by their lusts, it was better to endure anything rather than to live in a state of such violence and bitterness." [69] As all were of this opinion, and as every one spoke in this tenor, as his own feelings and indignation prompted each individual, all immediately proceeded towards the house where Verres was staying. They began to beat the door with stones, to attack it with weapons, to surround it with wood and faggots, and to apply fire to it. Then the Roman citizens who were dwelling as traders at Lampsacus run together to the spot; they entreat the citizens of Lampsacus to allow the name of the lieutenancy to have more weight with them than the insult of the lieutenant; they say that they were well aware that he was an infamous and wicked man, but as he had not accomplished what he had attempted, and as he was not going to be at Lampsacus any longer, their error in sparing a wicked man would be less than that of not sparing a lieutenant. [70] And so that fellow, far more wicked and infamous than even the notorious Hadrian, was a good deal more fortunate. He, because Roman citizens could not tolerate his avarice, was burnt alive at Utica in his own house; and that was thought to have happened to him so deservedly, that all men rejoiced, and no punishment was inflicted for the deed. This man, scorched indeed though he was by the fire made by our allies, yet escaped

from those flames and that danger; and has not even yet been able to imagine what he had done, or what had happened to bring him into such great danger. For he cannot say:—"When I was trying to put down a sedition, when I was ordering corn, when I was collecting money for the soldiers, when in short I was doing something or other for the sake of the republic, because I gave some strict order, because I punished some one, because I threatened some one, all this happened." Even if he were to say so, still he ought not to be pardoned, if he seemed to have been brought into such great danger through issuing too savage commands to our allies. 28. [71]

Now when he neither dares himself to allege any such cause for the tumult as being true, nor even to invent such a falsehood, but when a most temperate man of his own order, who at that time was in attendance on Caius Nero, Publius Tettius, says that he too heard this same account at Lampsacus, (a man most accomplished in everything, Caius Varro, who was at that time in Asia as military tribune, says that be heard this very same story from Philodamus,) can you doubt that fortune was willing, not so much to save him from that danger, as to reserve him for your judgment! Unless, indeed, he will say, as indeed Hortensius did say, interrupting Tettius while he was giving his evidence in the former pleading (at which time indeed he gave plenty of proof that, if there were anything which he could say, he could not keep silence; so that we may all feel sure that, while he was silent in the other matters that were alleged, he was so because he had nothing to say); he at that time said this, that Philodamus and his son had been condemned by Caius Nero. [72] About which, not to make a long speech, I will merely say that Nero and his bench of judges came to that decision on the ground that it was plain that Cornelius, his lictor, had been slain, and that they thought it was not right that any one, even while avenging his own injuries, should have the power to kill a man. And as to this I see that you were not by Nero's sentence acquitted of atrocity, but that they were convicted of murder. And yet what sort of a conviction was that? Listen, I entreat you, O judges, and do sometimes pity our allies, and show that they ought to have, and that they have, some protection in your integrity. 29.

Because the man appeared to all Asia to have been lawfully slain,

being in name indeed his lictor, but in reality the minister of his most profligate desires, Verres feared that Philodamus would be acquitted by the sentence of Nero. He begs and entreats Dolabella to leave his own province, to go to Nero; he shows that he himself cannot be safe if Philodamus be allowed to live and at any time to come to Rome. [73] Dolabella was moved; he did what many blamed, in leaving his army, his province, and the war, and in going into Asia, into the province of another magistrate, for the sake of a most worthless man. After he came to Nero, he urged him to take cognisance of the cause of Philodamus. He came himself to sit on the bench, and to be the first to deliver his opinion. He had brought with him also his prefects, and his military tribunes, all of whom Nero invited to take their places on the bench On that bench also was that most just judge Verres himself. There were some Romans also, creditors of some of the Greeks, to whom the favour of any lieutenant, be he ever so infamous, is of the greatest influence in enabling them to get in their money. [74] The unhappy prisoner could find no one to defend him; for what citizen was there who was not under the influence of Dolabella? what Greek who was not afraid of his power and authority? And then is assigned as the accuser a Roman citizen, one of the creditors of the Lampsacenes; and if he would only say what that fellow ordered him to say, he was to be enabled to compel payment of his money from the people, by the aid of that same Verres's lictors. When all these thing; were conducted with such zeal, and with such resources; when many were accusing that unhappy man, and no one was defending him; and when Dolabella, with his prefects, was taking an eager part on the bench; when Verres kept saying that his fortunes were at stake — when he also gave his evidence — when he also was sitting on the bench — when he also had provided the accuser; when all this was done, and when it was clear that the man had been slain, still, so great was the weight which the consideration of bat fellow's injury had, so great was his iniquity thought, that the case of Philodamus was adjourned for further inquiry. 30. [75]

Why need I now speak of the energy of Cnaeus Dolabella at the second hearing of the cause, — of his tears of his agitation of body and minds? Why need I describe the mind of Caius Nero, — a most

virtuous and innocent man, but still on some occasions too timid and low spirited? — who in that emergency had no idea what to do, unless, perchance (as every one wished him to do), to settle the matter without the intervention of Verres and Dolabella. Whatever had been done without their intervention all men would approve; but, as it was, the sentence which was given was thought not to have been pronounced judicially by Nero, but to have been extorted by Dolabella. For Philodamus and his son are convicted by a few votes: Dolabella is present; urges and presses Nero to have them executed as speedily as possible, in order that as few as may be may bear of that man's nefarious wickedness. [76] There is exhibited in the market-place of Laodicea a spectacle bitter, and miserable, and grievous to the whole province of Asia — an aged parent led forth to punishment, and on the other side a son; the one because he had defended the chastity of his children, the other because he had defended the life of his father and the fair fame of his sister. Each was weeping, — the father, not for his own execution, but for that of his son; the son for that of his father. How many tears do you think that Nero himself sheds? How great do you think was the weeping of all Asia? How great the groans and lamentations of the citizens of Lampsacus, that innocent men, nobles, allies and friends of the Roman people, should be put to death by public execution, on account of the unprecedented wickedness and impious desires of one most profligate man? [77] After this, O Dolabella, no one can pity either you or your children, whom you have left miserable, in beggary and solitude. Was Verres so dear to you, that you should wish the disappointment of his lust to be expiated by the blood of innocent men? Did you leave your army and the enemy, in order by your own power and cruelty to diminish the dangers of that most wicked man? For, had you expected him to be an everlasting friend to you, because you had appointed him to act as your quaestor? Did you not know, that Cnaeus Carbo, the consul whose real quaestor he had been, had not only been deserted by him, but had also been deprived of his resources and his money, and nefariously attacked and betrayed by him? Therefore, you too experienced his perfidy when he joined your enemies, — when he, himself a most guilty man, gave most damaging evidence against you — when he refused

to give in his accounts to the treasury unless you were condemned.
31. [78]

Are your lusts, O Verres, to be so atrocious, that the provinces of the Roman people, that foreign nations, cannot limit and cannot endure them? Unless whatever you see, whatever you hear, whatever you desire, whatever you think of, is in a moment to be subservient to your nod, is at once to obey your lust and desire, are men to be sent into people's houses? are the houses to be stormed? Are cities — not only the cities of enemies now reduced to peace — but are the cities of our allies and friends to be forced to have recourse to violence and to arms, in order to be able to repel from themselves and from their children the wickedness and lust of a lieutenant of the Roman people? For I ask of you, were you besieged at Lampsacus? Did that multitude begin to burn the house in which you were staying? Did the citizens of Lampsacus wish to burn a lieutenant of the Roman people alive? You cannot deny it; for I have your own evidence which you gave before Nero, — I have the letters which you sent to him. Recite the passage from his evidence. [79] [The evidence of Caius Verres against Artemidorus is read.] Recite the passages out of Verres's letters to Nero. [Passages from the letters of Verres to Nero are read.] "Not long afterwards, they came into the house." Was the city of Lampsacus endeavouring to make war on the Roman people? Did it wish to revolt from our dominion — to cast off the name of allies of Rome? For I see, and, from those things which I have read and heard, I am sure, that, if in any city a lieutenant of the Roman people has been, not only besieged, not only attacked with fire and sword, by violence, and by armed forces, but even to some extent actually injured, unless satisfaction be publicly made for the insult, war is invariably declared and waged against that city. [80] What, then, was the cause why the whole city of the Lampsacenes ran, as you write yourself, from the assembly to your house? For neither in the letters which you sent to Nero, nor in your evidence, do you mention any reason for so important a disturbance. You say that you were besieged, that fire was applied to your house, that faggots were put round it; you say that your lictor was slain; you say that you did not dare appear in the public streets; but the cause of all this alarm you conceal. For if Rubrius had done any injury to any one on

his own account, and not at your instigation and for the gratification of your desires, they would rather have come to you to complain of the injury done by your companion, than have come to besiege you. As, therefore, he himself has concealed what the cause of that disturbance was, and as the witnesses produced by us have related it, do not both their evidence and his own continued silence prove the reason to be that which we have alleged? 32. [81]

Will you then spare this man, O judges? whose offences are so great that they whom he injured could neither wait for the legitimate time to take their revenge, nor restrain to a future time the violence of their indignation. You were besieged? By whom? By the citizens of Lampsacus — barbarous men, I suppose, or, at all events, men who despised the name of the Roman people. Say rather, men, by nature, by custom, and by education most gentle; moreover, by condition, allies of the Roman people, by fortune our subjects, by inclination our suppliants — so that it is evident to all men, that unless the bitterness of the injury and the enormity of the wickedness had been such that the Lampsacenes thought it better to die than to endure it, they never would have advanced to such a pitch as to be more influenced by hatred of your lust — than by fear of your office as lieutenant. [82] Do not, in the name of the immortal gods, I entreat you — do not compel the allies and foreign nations to have recourse to such a refuge as that; and they must of necessity have recourse to it, unless you chastise such crimes. Nothing would ever have softened the citizens of Lampsacus towards him, except their believing that he would be punished at Rome. Although they had sustained such an injury that they could not sufficiently avenge it by any law in the world, yet they would have preferred to submit their griefs to our laws and tribunals, rather than to give way to their own feelings of indignation. You, when you have been besieged by so illustrious a city on account of your own wickedness and crime — when you have compelled men, miserable and maddened by calamity, as if in despair of our laws and tribunals, to fly to violence, to combat, and to arms — when you have shown yourself in the towns and cities of our friends, not as a lieutenant of the Roman people, but as a lustful and inhuman tyrant — when among foreign nations you have injured the reputation of our dominion and our

name by your infamy and your crimes — when you have with difficulty saved yourself from the sword of the friends of the Roman people, and escaped from the fire of its allies, do you think you will find an asylum here? You are mistaken — they allowed you to escape alive that you might fall into our power here, not that you might find rest here. 33. [83]

And you say that a judicial decision was come to that you were injuriously besieged for no reason at Lampsacus, because Philodamus and his son were condemned. What if I show, if I make it evident, by the evidence of a worthless man indeed, but still a competent witness in this matter, — by the evidence of you yourself, — that you yourself transferred the reason of this siege laid to you, and the blame of it, to others? and that those whom you had accused were not punished? Then the decision of Nero will do you but little good. Recite the letters which he sent to Nero. [The letter of Caius Verres to Nero is read.] "Themistagoras and Thessalus." ... You write that Themistagoras and Thessalus stirred up the people. What people? They who besieged you; who endeavoured to burn you alive. Where do you prosecute them? Where do you accuse them? Where do you defend the name and rights of a lieutenant? Will you say that that was settled by the trial of Philodamus? Let me have the evidence of Verres himself. [84] Let us see what that fellow said on his oath. Recite it. "Being asked by the accuser, he answered that he was not prosecuting for that in this trial, that he intended to prosecute for that another time." How, then, does Nero's decision profit you? — how does the conviction of Philodamus? Though you, a lieutenant, had been besieged, and when, as you yourself write to Nero, a notorious injury had been done to the Roman people, and to the common cause of all lieutenants, you did not prosecute. You said that you intended to prosecute at some other time When was that time? When have you prosecuted? Why have you taken so much from the rights of a lieutenant's rank? Why have you abandoned and betrayed the cause of the Roman people? Why have you passed over your own injuries, involved as they were in the public injury? Ought you not to have brought the cause before the senate? to have complained of such atrocious injuries? to have taken care that those men who had excited the populace should be summoned by the letters of the consuls? [85]

Lately, when Marcus Aurelius Scaurus made the demand, because he said that he as quaestor had been prevented by force at Ephesus from taking his servant out of the temple of Diana, who had taken refuge in that asylum, Pericles, an Ephesian, a most noble man, was summoned to Rome, because he was accused of having been the author of that wrong. If you had stated to the senate that you, a lieutenant, had been so treated at Lampsacus, that your companions were wounded, your lictor slain, you yourself surrounded and nearly burnt, and that the ringleaders and principal actors and chiefs in that transaction were Themistagoras and Thessalus, who, you write, were so, who would not have been moved? Who would not have thought that he was taking care of himself in chastising the injury which had been done to you? Who would not have thought that not only your cause but that the common safety was at stake in that matter? In truth the name of lieutenant ought to be such as to pass in safety not only among the laws of allies, but even amid the arms of enemies. 34. [86]

This crime committed at Lampsacus is very great; a crime of lust and of the most infamous desires. Listen now to a tale of avarice, but little less iniquitous of its sort. He demanded of the Milesians a ship to attend him to Myndus as a guard. They immediately gave him a light vessel, a beautiful one of its class, splendidly adorned and armed. With this guard he went to Myndus. For, as to the wool being public property which he carried off from the Milesians, — as for his extravagance on his arrival, — as for his insults and injuries offered to the Milesian magistrates, although they might be stated not only truly, but also with vehemence and with indignation, still I shall pass them all over, and reserve them for another time to be proved by evidence. At present listen to this which cannot possibly be suppressed, and at the same time cannot be mentioned with proper dignity. [87] He orders the soldiers and the crew to return from Myndus to Miletus on foot; he himself sold that beautiful light vessel, picked out of the ten ships of the Milesians, to Lucius Magius and Lucius Rabius, who were living at Myndus. These are the men whom the senate lately voted should be considered in the number of enemies. In this vessel they sailed to all the enemies of the Roman people, from Dianium, which is in Spain, to Senope, which is in Pontus. O ye immortal gods! the incredible avarice, the unheard-of

audacity of such a proceeding! Did you dare to sell a ship of the Roman fleet, which the city of Miletus had assigned to you to attend upon you? If the magnitude of the crime, if the opinion of men, had no influence on you, did this, too, never occur to you, — that so illustrious and so noble a city would he a witness against you of this most wicked theft, or rather of this most abominable robbery? [88] Or because at that time Cnaeus Dolabella attempted, at your request, to punish the man who had been in command of that vessel, and who had reported to the Milesians what had been done, and had ordered his report, which according to their laws had been inserted in the public registers, to be erased, did you, on that account, fancy that you had escaped from that accusation? 35.

That opinion of yours has much deceived you, and on many occasions. For you have always fancied, and especially in Sicily, that you had taken sufficient precautions for your defence, when you had either forbidden anything to be mentioned in the public records, or had compelled that which had been so mentioned to be erased. How vain that step is, although in the former pleading you learnt it in the instance of many cities of Sicily, yet you may learn it again in the case of this city. The citizens are, indeed, obedient to the command, as long as they are present who give the command. As soon as they are gone, they not only set down that which they have been forbidden to set down, but they also write down the reason why it was not entered in the public records at the time. [89] Those documents remain at Miletus, and will remain as long as that city lasts. For the Milesian people had built ten ships by command of Lucius Marcus out of the taxes imposed by the Roman people, as the other cities of Asia had done, each in proportion to its amount of taxation Wherefore they entered on their public records, that one of the ten had been lost, not by the sudden attack of pirates, but by the robbery of a lieutenant, — not by the violence of a storm, but by this horrible tempest which fell upon the allies. [90] There are at Rome Milesian ambassadors, most noble men and the chief men of the city, who, although they are waiting with apprehension for the month of February and the time of the consuls elect, yet they not only do not dare to deny such an atrocious action when they are asked about it, but they cannot forbear speaking of it unasked if they are present. They will tell you, I say,

being induced by regard to religion, and by their fear of their laws at home, what has become of that vessel. They will declare to you that Caius Verres has behaved himself like a most infamous pirate in regard to that fleet which was built against pirates. 36.

When Caius Malleolus, the quaestor of Dolabella, had been slain, he thought that two inheritances had come to him; one, that of his quaestorian office, for he was immediately desired by Dolabella to be his proquaestor; the other, of a guardianship, for as he was appointed guardian of the young Malleolus, he immediately invaded his property. [91] For Malleolus had started for his province so splendidly equipped that he left actually nothing behind him at home. Besides, he had put out a great deal of money among the provincials, and had taken bills from them. He had taken with him a great quantity of admirably embossed silver plate. For he, too, was a companion of that fellow Verres in that disease and in that covetousness; and so he left behind him at his death a great quantity of silver plate, a great household of slaves, many workmen, many beautiful youths. That fellow seized all the plate that took his fancy; carried off all the slaves he chose; carried off the wines and all the other things which are procured most easily in Asia, which he had left behind: the rest he sold, and took the money himself. [92] Though it was plain that he had received two million, five hundred thousand sesterces, when he returned to Rome, he rendered no account to his ward, none to his ward's mother, none to his fellow-guardians; though he had the servants of his ward, who were workmen, at home, and beautiful and accomplished slaves about him, he said that they were his own, — that he had bought them. When the mother and grandmother of the boy repeatedly asked him if he would neither restore the mosey nor render an account, at least to say how much money of Malleolus's he had received, being wearied with their importunities, at last he said, a million of sesterces. Then on the last line of his accounts, he put in a name at the bottom by a most shameless erasure; he put down that he had paid to Chrysogonus, a slave, six hundred thousand sesterces which he had received for his ward Malleolus. How out of a million they became six hundred thousand; how the six hundred thousand tallied so exactly with other accounts, — that of the money belonging to Cnaeus Carbo there was also a remainder of six hundred

thousand sesterces; and how it was that they were put down as paid to Chrysogonus; why that name occurred on the bottom line of the page, and after an erasure, you will judge. [93] Yet, though he had entered in his accounts six hundred thousand sesterces as having been received, he has never paid over fifty thousand. Of the slaves, since he has been prosecuted in this manner, some have been restored, some are detained even now. All the gains which they had made, and all their substitutes are detained. 37.

This is that fellow's splendid guardianship. See to whom you are entrusting your children! Behold how great is the recollection of a dead companion! Behold how great is the fear of the opinion of the living! When all Asia had given herself up to you to be harassed and plundered, when all Pamphylia was placed at your mercy to be pillaged, were you not content with this rich booty? Could you not keep your hands off your guardianship, off your ward, off the son of your comrade? It is not now the Sicilians; they are now a set of ploughmen, as you are constantly saying, who are hemming you in. It is not the men who have been excited against you and rendered hostile to you by your own decrees and edicts. Malleolus is brought forward by me and his mother and his grandmother, who, unfortunate, and weeping, say that their boy has been stripped by you of his father's property. [94] What are you waiting for? till poor Malleolus rises from the shades below, and demands of you an account of your discharge of the duties of a guardian, of a comrade, of an intimate friend? Fancy that he is present himself, O most avaricious and most licentious man, restore the property of your comrade to his son; if not all you have robbed him of, at least that which you have confessed that you received. Why do you compel the son of your comrade to utter his first words in the forum with the voice of indignation and complaint? Why do you compel the wife of your comrade, the mother-in-law of your comrade, in short, the whole family of your dead comrade, to hear evidence against you? Why do you compel most modest and admirable women to come against their wont and against their will into so great an assembly of men? Recite the evidence of them all. [The evidence of the mother and grandmother is read.] 38. [95]

But how he as proquaestor harassed the republic of the Milyades,

how he oppressed Lycia, Pamphylia, Piscidia, and all Phrygia, in his levying corn from them, and valuing it according to that valuation of his which he then devised for the first time, it is not necessary for me now to relate, know this much, that these articles (and all such matters were transacted through his instrumentality, while he levied on the cities corn, hides, hair-cloth, sacks, but did not receive the goods but exacted money instead of them), — for these articles alone damages were laid in the action against Dolabella, at three millions of sesterces. And all these things even if they were done with the consent of Dolabella, were yet all accomplished through the instrumentality of that man. [96] I will pause on one article, for many are of the same sort. Recite. "Money received from the actions against Cnaeus Dolabella, praetor of the Roman people, that which was received from the State of the Milyades..." I say that you collected this money, that you made this valuation, that the money was paid to you; and I prove that you went through every part of the province with the same violence and injustice, when you were collecting most enormous sums, like some disastrous tempest or pestilence. [97] Therefore Marcus Scaurus, who accused Cnaeus Dolabella, held him under his power and in subjection. Being a young man, when in prosecuting his inquiries he ascertained the numerous robberies and iniquities of that man, he acted skillfully and warily. He showed him a huge volume full of his exploits; he got from the fellow all he wanted against Dolabella. He brought him forward as a witness; the fellow said everything which he thought the accuser wished him to say. [98] And of that class of witnesses, men who were accomplices in his robberies, I might have had a great plenty if I had chosen to employ them; who offered of their own accord to go wherever I chose, in order to deliver themselves from the danger of actions, and from a connection with his crimes. I rejected the voluntary offers of all of them. There was not only no room for a traitor, there was none even for a deserter in my camp. Perhaps they are to be considered better accusers than I, who do all these things; but I wish the defender of others to be praised in my person, not the accuser. He does not dare bring in his accounts to the treasury before Dolabella is condemned. He prevails on the senate to grant him an adjournment; because he said that his account-books

had been sealed up by the accusers of Dolabella; just as if he had not the power of copying them. This man is the only man who never renders accounts to the treasury. 39.

You have heard the accounts of his quaestorship rendered in three lines; but no accounts of his lieutenancy, till he was condemned and banished who alone could detect any error in them. The accounts of his praetorship, which, according to the decree of the senate, he ought to have rendered immediately on leaving office, he has not rendered to this very day. [99] He said that he was waiting for the quaestors to appear in the senate; just as if a praetor could not give in his accounts without the quaestor, in the same way as the quaestor does without the praetor, (as you did, Hortensius, and as all have done.) He said that Dolabella obtained the same permission. The omen pleased the conscript fathers rather than the excuse; they admitted it. But now the quaestors have arrived some time. Why have you not rendered them now? Among the accounts of that infamous lieutenancy and pro-quaestorship of yours, those items occur which are necessarily set down also in the accounts of Dolabella. (An extract is read of the account of the damages assessed against Dolabella, praetor of the Roman people, for money received.) [100] The sum which Dolabella entered to Verres as having been received from him, is less than the sum which Verres has entered as having been paid to him by four hundred and thirty-five thousand sesterces. The sum which Dolabella made out that Verres received less than he has put down in his account-books, is two hundred and thirty-two thousand sesterces. Dolabella also made out that on account of corn he had received one million and eight hundred thousand sesterces; as to which you, O most incorruptible man, had quite a different entry in your account-books. Hence it is that those extraordinary gains of yours have accumulated, which we are examining into without any guide, article by article as we can; — hence the account with Quintus and Cnaeus Postumus Curtius, made up of many items; of which that fellow has not one in his account-books; — hence the fourteen hundred thousand sesterces paid to Publius Tadius at Athens, as I will prove by witnesses; — hence the praetorship, openly purchased; unless indeed that also is doubtful, how that man became praetor. [101] Oh, he was a man, indeed, of tried industry and energy, or else of a splendid reputation for economy, or perhaps, which is however of the least importance, for his constant

attendance at our assemblies; — a man who had lived before his quaestorship with prostitutes and pimps; who had passed his quaestorship you yourselves know how; — who, since that infamous quaestorship, has scarcely been three days in Rome: who, while absent, has not been out of sight, but has been the common topic of conversation for every one on account of his countless iniquities. He, on a sudden, the moment he came to Rome, is made praetor for nothing! Besides that, other money was paid to buy off accusations. To whom it was paid is, I think, nothing to me; nothing to the matter in hand. That it was paid was at the time notorious to every one while the occurrence was recent. [102] O you most foolish, most senseless man, when you were making up your accounts, and when you wanted to shirk out of the charge of having made extraordinary gains, did you think that you would escape sufficiently from all suspicion, if when you lent men money you did not enter any sums as given to them, and put down no such item at all in your account-books, while the Curtii were giving you credit in their books for all that had been received? What good did it do you that you had not put down what was paid to them? Did you think you were going to try your cause by the production of no other account-books than your own? 40. [103]

However, let us now come to that splendid praetorship and to those crimes which are better known to those who are here present, than even to us who come prepared to speak after long consideration. In dealing with which, I do not doubt that I may not be able to avoid and escape from some blame on the ground of negligence. For many will say, "He said nothing of the transaction at which I was present; he never touched upon that injury which was done to me, or to my friend, transactions at which I was present." To all those who are acquainted with the wrongs this man has done — that is, to the whole Roman people — I earnestly wish to make this excuse, that it will not be out of carelessness that I shall pass over many things, but because I wish to reserve some points till I produce the witnesses, and because I think it necessary to omit some altogether with a view to brevity, and to the time my speech must take. I will confess too, though against my will, that, as he never allowed any moment of time to pass free from crime, I have not been able to ascertain fully

every iniquity which has been committed by him. Therefore I beg you to listen to me with respect to the crimes of his praetorship, expecting only to hear those mentioned, both in the matters of deciding law-suits and of insisting on the repair of public buildings, which are thoroughly worthy of a criminal whom it is not worth while to accuse of any small or ordinary offences. [104] For when he was made praetor, leaving the house of Chelidon after having taken the auspices, he drew the lot of the city province, more in accordance with his own inclination and that of Chelidon, than with the wish of the Roman people. And observe how he behaved at the very outset, — what his intentions were as shown in his first edict. 41.

Publius Annius Asellus died while Caius Sacerdos was praetor. As he had an only daughter, and as he was not included in the census, he did what nature prompted, and what no law forbade, — he appointed his daughter heiress of all his property. His daughter was his heiress. Everything made for the orphan; the equity of the law, the wish of the father, the edicts of the praetors, the usage of the law which existed at the time that Asellus died. [105] That fellow, being praetor elect, (whether being instigated by others, or being tempted by circumstances, or whether, from the instinctive sagacity which he has in such matters, he came of his own accord to this rascality, without any prompter, without any informer, I know not; you only know the audacity and insanity of the man,) appeals to Lucius Annius as the heir, (who indeed was appointed heir after the daughter,) for I cannot be persuaded that Verres was appealed to by him; he says that he can give him the inheritance by an edict; he instructs the man in what can be done. To the one the property appeared desirable, the other thought that he could sell it. Verres, although he is of singular audacity, still sent privately to the young girl's mother; he preferred taking money for not issuing any new edict, to interposing so shameful and inhuman a decree. [106] Her guardians, if they gave money to the praetor in the name of their ward, especially if it were a huge sum, did not see how they could enter it in their accounts; did not see how they could give it except at their own risk; and at the same time they did not believe that he would be so wicked. Being often applied to, they refused. I pray you, take notice, how equitable a decree he issued at the will of the man to

whom he was giving the inheritance of which the children were robbed. “As I understand that the Lex Voconia ... “ Who would ever believe that Verres would be an adversary of women? or did he do something contrary to the interests of women, in order that the whole edict might not appear to have been drawn up at the will of Chelidon. He wishes, he says, to oppose the covetousness of men. Oh, certainly. Who, not only in the present age, but even in the times of our ancestors, was ever so far removed from covetousness? Recite what comes next, I beg; for the gravity of the man, his knowledge of the law, and his authority delight me. “Who, since the censorship of Aulus Postumius and Quintus Fulvius, has made, or shall have made....” Has made, or shall have made! who ever issued an edict in such a manner? [107] Who ever proposed by an edict any penalty or danger for an act which could not be provided for otherwise either before the edict or after the edict? 42.

Publius Annius had made his will in accordance with law, with the statutes, with the authority of all who were consulted; a will neither improper, nor made in disregard of any duty, nor contrary to human nature. But even if he had made such a will as that, still, after his death no new law ought to have been enacted which should have any effect on his will. I suppose the Voconian law pleased you greatly? You should have imitated Quintus Voconius himself, who did not by his law take away her inheritance from any female whether virgin or matron, but established a law for the future, that no one who after the year of the existing censors should be enrolled in the census, should make either virgin or matron his heir. [108] In the Voconian law, there is no “has made or shall have made.” Nor in any law is time past ever implicated in blame, except in cases which are of their own nature wicked and nefarious, so that, even if there were no law, they would be strenuously to be avoided. And in these cases we see that many things are established by law in such a way that things done previously cannot be called in question — the Cornelian law the law about testaments, the law about money, and many others, in which no new law is established in the nation, but it is established that what has always been an evil action shall be liable to public prosecution up to a certain time. [109] But if any one establishes any new regulation on any points of civil law, does he allow everything

which has been previously done to remain unaltered? Look at the Atinian law, at the Furian law, at the Voconian law itself, as I said before; in short, at every law on the subject of civil rights; you will find in all of them that regulations are established which are only to come into operation after the passing of the law. Those who attribute the greatest importance to the edict, say that the edict of the praetor is an annual law. You embrace more in an edict than you can in a law. If the first of January puts an end to the edict of the praetor, why does not the edict have its birth also on the first of January? Or, is it the case that no one can advance forward by his edict into the year when another man is to be praetor, but that he may retire back into the year when another man has been praetor? And if you had published this edict for the sake of right, and not for the sake of one man, you would have composed it more carefully. 43. [110]

You write, "If any one has made, or shall have made his heir....." What are we to think? Suppose a man has bequeathed in legacies more than comes to his heir or heirs, as by the Voconian law a man may do who is not included in the census? Why do you not guard against this, as it comes under the same class? Because in your expressions you are not thinking of the interests of a class, but of an individual; so that it is perfectly evident that you were influenced by a desire for money. And if you had issued this edict with only a prospective operation, it would have been less iniquitous; still it would have been scandalous: but in that case, though it might have been blamed, it could not have been doubted about, for no one would have broken it. Now it is an edict of such a sort, that any one can see that it was written, not for the people, but for the second heir of Publius Annius. [111] Therefore, though that heading had been embellished by you with so many words, and with that mercenary preamble, was any praetor found afterwards to draw up an edict in similar style? Not only no one ever did publish such an edict, but no one was ever apprehensive even of any one publishing such an edict. For after your praetorship many people made wills in the same manner, and among them Annia did so lately. She, by the advice of many of her relations, being a wealthy woman, because she was not included in the census, by her will made her daughter her heiress. This, now, is great proof of men's opinion of the singular wickedness

of that fellow, that, though Verres had established this of his own accord, yet no one was apprehensive that any one could be found to adopt the rule which he had laid down. For you alone were found to be a man who could not be satisfied with correcting the wills of the living, unless you also rescinded those of the dead. [112] You yourself removed this clause from your Sicilian edict. You wished, if any matters arose unexpectedly, to decide them according to your edict as praetor of the city. The defence which you left yourself afterwards you yourself greatly injured, when you yourself, in your provincial edict, repudiated your own authority. 44.

And I do not doubt that as this action appears bitter and unworthy to me, to whom my daughter is very dear, it appears so also to each one of you who is influenced by a similar feeling and love for his daughters. For what has nature ordained to be more agreeable and more dear to us? What is more worthy to have all our affections and all our indulgence expended upon it? [113] O most infamous of men, why did you do so great an injury to Publius Annius after death? Why did you cause such indelible grief to his ashes and bones, as to take from his children the property of their father given to then? by the will of their father in accordance with the law and with the statutes, and to give them to whomsoever you pleased? Shall the praetor be able, when we are dead, to take away our property and our fortunes from those to whom we give them while alive? He says, "I will neither give any right of petition, nor possession." Will you, then, take away from a young girl her purple-bordered robe? Will you take away, not only the ornaments of her fortune, but those also denoting her noble birth? Do we marvel that the citizens of Lampsacus flew to arms against that man? Do we marvel that when he was leaving his province, he fled secretly from Syracuse as if we were as indignant at what happens to others as at our own injury there would not be a relic of that man left to appear in the forum. [114] The father gives to his daughter: you forbid it. The laws allow it: yet you interpose your authority. He gives to her of his own property in such a manner as not to infringe any law. What do you find to blame in that? Nothing, I think. But I allow you to do so. Forbid it if you can; if you can find any one to listen to you; if any one can possibly obey your order. Will you take away their will from the dead, —

their property from the living, — their rights from all men? Would not the Roman people have avenged itself by force if it had not reserved you for this occasion and for this trial? Since the establishment of the praetorian power, we have always adopted this principle, — that if no will was produced, then possession was given to that person who would have had the best right to be the heir, if the deceased had died intestate. Why this is the most righteous principle it is easy to show; but in a matter so established by precedent it is sufficient to point out that all men had previously laid down the law in this way, and that this was the ancient and customary edict. 45. [115]

Listen to another new edict of the fellow in a case of frequent occurrence; and then, while there is any place where civil law can be learnt, pray send all the youths of Rome to his lectures. The genius of the man is marvellous; his prudence is marvellous. A man of the name of Minucius died while he was praetor. He left no will. By law his inheritance passed to the Minucian family. If Verres had issued the edict which all praetors both before and after him did issue, possession would have been given to the Minucian family. If any thought himself heir by will, though no will was known, he might proceed by law to put forward his claim to the inheritance; or if he had taken security for the claim, and given security, he then proceeded to try an action for his inheritance. This is the law which, as I imagine, both our ancestors and we ourselves have always been accustomed to. See, now, how that fellow amended it. [116] He composes an edict; — such language that any one can perceive that it was written for the sake of one individual. He all but names the man; he details his whole cause; he disregards right, custom, equity, the edicts of all his predecessors. "According to the edict of the city praetor, — if any doubt arises about an inheritance, if the possessor does not give security...." What is it to the praetor which is the possessor? Is not this the point which ought to be inquired into, who ought to be the possessor? Therefore, because he is in possession, you do not remove him from the possession. If he were not in possession, you would not give him possession. For you nowhere say so; nor do you embrace anything else in your edict except that cause for which you had received money. What follows is ridiculous. [117] "If any doubt arises about an inheritance, and if testamentary papers

are produced before me, sealed with not fewer seals than are required by law, I shall adjudge the inheritance as far as possible according to the testamentary papers." So far is usual. This ought to follow next: "If testamentary papers are not produced...." What says he? That he will adjudge it to him who says he is the heir. What, then, is the difference whether testamentary papers are produced or not? If he produces them, though they may have only one seal less than is required by law, you will not give him possession; but if he produces no such papers at all, you will. What shall I say now? That no one else ever issued a similar edict afterwards? A very marvellous thing, truly, that there should have been no one who chose to be considered like that fellow! He himself, in his Sicilian edict, has not this passage. No; for he had received his payment for it. And so in the edict which I have mentioned before, which he issued in Sicily, about giving possession of inheritances, he laid down the same rules which all the praetors at Rome had laid down besides himself. From the Sicilian edict,—"If any doubt arise about an inheritance..." 46. [118]

But, in the name of the immortal gods, what can possibly be said of this business? For I ask of you now a second time, as I did just now, with reference to the affair of Annia, about the inheritance of females, — I ask you now, I say, about the possession of inheritances, — why you were unwilling to transfer those paragraphs into your provincial edict? Did you think those men who were living in the province more worthy to enjoy just laws than we were? Or is one thing just in Rome and another in Sicily? For you cannot say in this place that there are many things in the province which require to be regulated differently from what they would if they existed at Rome; at all events not in the case of taking possession of inheritances, or of the inheritances of women. For in both these cases I see that nor only all other magistrates, but that you yourself, have issued edicts word for word the same as those which are accustomed to be issued at Rome. The clauses which, with great disgrace and for a great bribe, you had inserted in your edict at Rome, those alone, I see, you omitted in your Sicilian edict, in order not to incur odium in the province for nothing. [119] And as, while he was praetor elect, he composed his whole edict at the pleasure of those who bought law of him to secure their own advantage; so also, when he had entered on

his office, he used to make decrees contrary to his edict without the slightest scruple. Therefore, Lucius Piso filled many books with the affairs in which he had interposed his authority, because Verres had decreed in a manner contrary to his edict. And I think that you have not forgotten what a multitude and what respectable citizens used to assemble before Piso's seat while that man was praetor, and unless he had had him for a colleague, he would have been stoned in the very forum. But his injuries at that time appeared of less importance, because there was a refuge always ready in the justice and prudence of Piso, whom men could apply to without any labour, or any trouble, or any expense, and even without a patron to recommend them. [120] For, I entreat you, recall to your recollection, O judges, what licence that fellow took in determining the law; how great a variation there was in his decrees, what open buying and selling of justice; how empty the houses of all those men who were accustomed to be consulted on points of civil law, how full and crammed was the house of Chelidon. And when men had come from that woman to him, and had whispered in his ear, at one time he would recall those between whom he had just decided, and alter his decree; at another time he, without the least scruple, gave a decision between other parties quite contrary to the last decision which he had given only a little while before. [121] Hence it was that men were found who were even ridiculous in their indignation; some of whom, as you have heard, said that it was not strange that such piggish justice should be worthless. Others were colder; but still, because they were angry they seemed ridiculous, while they execrated Sacerdos who had spared so worthless a boar. And I should hardly mention these things, for they were not extraordinarily witty, nor are they worthy of the gravity of the present subject, if I did not wish you to recollect that his worthlessness and iniquity were constantly in the mouths of the populace, and had become a common proverb. 47. [122]

But shall I first speak of his arrogance towards the Roman people, or his cruelty? Beyond all question, cruelty is the graver and more atrocious crime. Do you think then that these men have forgotten how that fellow was accustomed to beat the common people of Rome with rods? And indeed a tribune of the people touched on that

matter in the public assembly, when he produced in the sight of the Roman people the man whom he had beaten with rods. And I will give you the opportunity of taking cognisance of that business at its proper time. [123] But who is ignorant with what arrogance he behaved? how he disregarded every one of a low condition, how he despised them, how he did not account the poor to be free men at all? Publius Trebonius made many virtuous and honourable men his heirs; and among them his own freedman. He had had a brother, Aulus Trebonius, a proscribed man. As he wished to make provision for him, he put down in his will, that his heirs should take an oath to manage that not less than half of each man's share should come to Aulus Trebonius, that proscribed brother of his. The freedman takes the oath; the other heirs go to Verres, and point out to him that they ought not to take such an oath; that they should be doing what was contrary to the Cornelian law, which forbids a proscribed man to be assisted. They obtain from him authority to refuse the oath. He gives them possession; that I do not find fault with. Certainly it was a scandalous thing for any part of his brother's property to be given to a man who was proscribed and in want. But that freedman thought that he should be committing a wickedness if he did not take the oath in obedience to the will of his patron. [124] Therefore Verres declares that he will not give him possession of his inheritance, in order that he may not be able to assist his proscribed patron; and also in order that that might serve as a punishment for having obeyed the will of his other patron. You give possession to him who did not take the oath. I admit your right to do so; it is a privilege of the praetor. You take it from him who has taken the oath. According to what precedent? He is aiding a proscribed man. There is a law; there is a punishment established in such a case. What is that to him who is determining the law? Do you blame him because he assisted his patron, who was in distress at the time, or because he attended to the wishes of his other patron, who was dead, from whom he had received the greatest of all benefits? Which of these actions are you blaming? And then that most admirable man, sitting on his curule chair, said this: "Can a freedman be heir to a Roman knight of such great wealth?" O how modest must the class of freedmen be, since he departed from that place alive! [125] I can produce six hundred decrees

in which, even if I were not to allege that money had interrupted justice, still the unprecedented and iniquitous nature of the decrees themselves would prove it. But that by one example you may be able to form your conjectures as to the rest, listen to what you have already heard in the previous pleading. 48.

There was a man called Caius Sulpicius Olympus. He died while Caius Sacerdos was praetor. I don't know whether it was not before Verres had begun to announce himself as a candidate for the praetorship. He made Marcus Octavius Ligur his heir. Ligur thus entered upon his inheritance; he took possession while Sacerdos was praetor, without any dispute. After Verres entered on his office, in accordance with his edict, an edict such as Sacerdos had not issued, the daughter of the patron of Sulpicius began to claim from Ligur a sixth part of the inheritance. Ligur was absent. His brother Lucius conducted his cause; his friends and relations were present. That fellow Verres said that, unless the business was settled with the woman, he should order her to take possession. Lucius Gellius defended the cause of Ligur. He showed that his edict ought not to prevail with respect to those inheritances which had accrued to the heirs before his praetorship; that, if this edict had existed at that time, perhaps Ligur would not have entered upon the inheritance at all. This just demand, and the highest authority of influential men, was beaten down by money. [126] Ligur came to Rome; he did not doubt that, if he himself had seen Verres, he should have been able to move the man by the justice of his cause and by his own influence. He went to him to his house; he explains the whole business; he points out to him how long ago it was that the inheritance had come to him and, as it was easy for an able man to do in a most just cause, he said many things which might have influenced any one. At last he began to entreat him not to despise his influence and scorn his authority to such an extent as to inflict such an injury upon him. The fellow began to accuse Ligur of being so assiduous and so attentive in a business which was adventitious, and only belonging to him by way of inheritance. He said that he ought to have a regard for him also; that he required a great deal himself; that the dogs whom he kept about him required a great deal. I cannot recount those things to you more plainly than you have heard Ligur himself relate them in his

evidence. [127] What are we to say, then, O Verres? Are we not to give credence to even these men as witnesses? Are these things not material to the question before us? Are we not to believe Marcus Octavius? Are we not to believe Lucius Ligur? Who will believe us? Who shall we believe? What is there, O Verres which can ever be made plain by witnesses, if this is not made so? Or is that which they relate a small thing? It is nothing less than the praetor of the city establishing this law as long as he remains in office, — that the praetor ought to be co-heir with all those to whom an inheritance comes. And can we doubt with what language that fellow was accustomed to address the rest of the citizens of an inferior rank, of inferior authority, and of inferior fortune; with what language he was accustomed to address country people from the municipal towns; with what language he was accustomed to address those whom he never thought free men, — I mean, the freedmen; when he did not hesitate to ask Marcus Octavius Ligur, a man of the highest consideration as to position, rank, name, virtue, ability, and influence, for money for deciding in favour of his undoubted lights? 49.

And as to how he behaved in the matter of putting the public buildings in proper repair, what shall I say? They have said, who felt it. There are others, too, who are speaking of this. [128] Notorious and manifest facts have been brought forward, and shall be brought forward again. Caius Fannius, a Roman knight, the brother of Quintus Titinius, one of your judges, has said that he gave you money. Recite the evidence of Caius Fannius. [Read.] Pray do not believe Caius Fannius when he says this; do not believe — you I mean, O Quintus Titinius — do not believe Caius Fannius, your own brother. For he is saying what is incredible. He is accusing Caius Verres of avarice and audacity; vices which appear to meet in any one else rather than in him. Quintus Tadius has said something of the same sort, a most intimate friend of the father of Verres, and not unconnected with his mother, either in family or in name. He has produced his account-books, by which he proves that he had given him money. Recite the particulars of the accounts of Quintus Tadius. [Read.] Recite the evidence of Quintus Tadius. [Read.] Shall we not believe either the account-books of Quintus Tadius, or his evidence?

What then shall we follow in coming to our decision? What else is giving all men free licence for every possible sin and crime, if it is not the disbelieving the evidence of the most honourable men, and the account books of honest ones? [129] For why should I mention the daily conversation and daily complaints of the Roman people? — why that fellow's most impudent theft, I should rather say, his new and unexampled robber? how he dared in the temple of Castor, in that most illustrious and renowned monument, a temple which is placed before the eyes and in the daily view of the Roman people, to which the senate is often summoned, where crowded deliberations on the most momentous affairs take place every day, why should I mention his having dared to leave in that place, in contempt of anything any one can say, an eternal monument of his audacity? 50. [130]

Publius Junius, O judges, had the guardianship, of the temple of Castor. He died in the consulship of Lucius Sulla and Quintus Metellus. He left behind him a young son under age. When Lucius Octavius and Caius Aurelius the consuls had let out contracts for the holy temple, and were not able to examine all the public buildings to see in what repair they were; nor could the praetors to whom that business had been assigned, namely, Caius Sacerdos and Marcus Caesius; a decree of the senate was passed that Caius Verres and Publius Caelius, the praetors should examine into and decide about those public buildings as to which no examination or decision had yet taken place. And after this power was conferred on him, that man, as you have learnt from Caius Fannius and from Quintus Tadius, as he had committed his robberies in every sort of affair without the least disguise and with the greatest effrontery, wished to leave this as a most visible record of his robberies, which we might, not occasionally hear of, but see every day of our lives. [131] He inquired who was bound to deliver up the temple of Castor in good repair. He knew that Junius himself was dead; he desired to know to whom his property belonged. He hears that his son is under age. The fellow, who had been in the habit of saying openly that boys and girls who were minors were the surest prey for the praetors, said that the thing he had so long wished for had been brought into his bosom. He thought that, in the care of a monument of such vast size, of such

laborious finish, however sound and in however thorough a state of repair it might be, he should certainly find something to do, and some excuse for plunder. [132] The temple of Castor ought to have been entrusted to Lucius Rabonius. He by chance was the guardian of the young Junius by his father's will. An agreement had been made between him and his ward, without any injury to either, in what state it should be given up to him. Verres summons Rabonius to appear before him he asks him whether there is anything which has not been handed over to him by his ward, which might be exacted from him. When he said, as was the case, that the delivery of the temple had been very easy for his ward; that all the statues and presents were in their places, that the temple itself was sound in every part; that fellow began to think it a shameful thing if he was to give up so large a temple and so extensive a work without enriching himself by booty, and especially by booty to be got from a minor. 51. [133]

He comes himself into the temple of Castor; he looks all over the temple; he sees the roof adorned all over with a most splendid ceiling, and all the rest of the building as good as new and quite sound. He ponders; he considers what he can do. Some one of those dogs, of whom he himself had said to Ligur that there were a great number about him, said to him—"You, O Verres, have nothing which you can do here, unless you like to try the pillars by a plumb-line." The man, utterly ignorant of everything, asks what is the meaning of the expression, "by a plumb-line." They tell him that there is hardly any pillar which is exactly perpendicular when tried by a plumb-line. "By my truth," says he, "that is what we must do; let the pillars be tested by a plumb-line." [134] Rabonius, like a man who knew the law, in which law the number of the pillars only is set down, but no mention made of a plumb-line, and who did not think it desirable for himself to receive the temple on such terms, lest he should be hereafter expected to hand it over under similar conditions, says that he is not to be treated in that way, and that such an examination has no right to be made. Verres orders Rabonius to be quiet, and at the same time holds out to him some hopes of a partnership with himself in the business. He easily overpowers him, a moderate man, and not at all obstinate in his opinions; and so he adheres to his determination of having the pillars examined. [135] This

unprecedented resolve, and the unexpected calamity of the minor, is immediately reported to Caius Mustius, the step-father of the youth, who is lately dead; to Marcus John Adams, his uncle, and to Publius Potitius, his guardian, a most frugal man. They report the business to a man of the greatest consideration, of the greatest benevolence and virtue, Marcus Marcellus, who was also a guardian of the minor. Marcus Marcellus comes to Verres; he begs of him with many arguments, in the name of his own good faith and diligence in his office, not to endeavour to deprive Junius his ward of his father's fortune by the greatest injustice. Verres, who had already in hope and belief devoured that booty, was neither influenced by the justice of Marcus Marcellus's argument, nor by his authority. And therefore he answered that he should proceed with the examination, according to the orders which he had given. [136] As they found that or all applications to this man were ineffectual, all access to him difficult, and almost impossible, being, as he was, a man with whom neither right, nor equity, nor mercy, nor the arguments of a relation, nor the wishes of a friend, nor the influence of any one had any weight, they resolve that the best thing which they could do, as indeed might have occurred to any one, was to beg Chelidon for her aid, who, while Verres was praetor, was not only the real judge in all civil law, and in the disputes of all private individuals, but who was supreme also in this affair of the repairs of the public buildings. 52. [137]

Caius Mustius, a Roman knight, a farmer of the revenues, a man of the very highest honour, came to Chelidon. Marcus Junius, the uncle of the youth, a most frugal and temperate man, came to her; a man who shows his regard for his high rank by the greatest honour, and modesty, and attention to his duties. Publius Potitius, his guardian, came to her. Oh that praetorship of yours, bitter to many, miserable, scandalous? To say nothing of other points, with what shame, with what indignation, do you think that such men as these went to the house of a prostitute? men who would have encountered such disgrace on no account, unless the urgency of their duty and of their relationship to the injured youth had compelled them to do so. They came, as I say, to Chelidon. The house was full; new laws, new decrees, new decisions were being solicited: "Let him give me possession." ... "Do not let him take away from me."... "Do not let

him give sentence against me.”.... “Let him adjudge the property to me.” Some were paying money, some were signing documents. The house was full, not with a prostitute’s train, but rather with a crowd seeking audience of the praetor. [138] As soon as they can get access to her, the men whom I have mentioned go to her. Mustius speaks, he explains the whole affair, he begs for her assistance, he promises money. She answers, considering she was a prostitute, not unreasonably: she says that she will gladly do what they wish, and that she will talk the matter over with Verres carefully; and desires Mustius to come again. Then they depart. The next day they go again. She says that the man cannot be prevailed on, that he says that a vast sum can be made of the business. 53.

I am afraid that perhaps some of the people, who were not present at the former pleading, (because these things seem incredible on account of their consummate baseness,) may think that they are invented by me. You, O judges, have known them before. [139] Publius Potitius, the guardian of the minor Junius, stated them on his oath. So did Marcus Junius, his uncle and guardian. So would Mustius have stated them if he had been alive; but as Mustius cannot, Lucius Domitius stated that while the affair was recent, he heard these things stated by Mustius; and though he knew that I had had the account from Mustius while he was alive, for I was very intimate with him; (and indeed I defended Caius Mustius when he gained that trial which he had about almost the whole of his property ;) though, I say, Lucius Domitius knew that I was aware that Mustius was accustomed to tell him all his affairs, yet he said nothing about Chelidon as long as he could help it; he directed his replies to other points. So great was the modesty of that most eminent young man, of that pattern for the youth of the city, that for some time, though he was pressed by me on that point, he would rather give any answer than mention the name of Chelidon. At first, he said that the friends of Verres had been deputed to mention the subject to him; at last, after a time, being absolutely compelled to do so, he named Chelidon. [140] Are you not ashamed, O Verres, to have carried on your praetorship according to the will of that woman, whom Lucius Domitius scarcely thought it creditable to him even to mention the name of? 54.

Being rejected by Chelidon, they adopt the necessary resolution of undertaking the business themselves. They settle the business, which ought to have come to scarcely forty thousand sesterces, with Rabonius the other guardian, for two hundred thousand. Rabonius reports the fact to Verres; as it seems to him the exaction has been sufficiently enormous and sufficiently shameless. He, who had expected a good deal more, receives Rabonius with harsh language, and says that he cannot satisfy him with such a settlement as that. To cut the matter short, he says that he shall issue contracts for the job. [141] The guardians are ignorant of this; they think that what has been settled with Rabonius is definitely arranged — they fear no further misfortune for their ward. But Verres does not procrastinate; he begins to let out his contracts, (without issuing any advertisement or notice of the day,) at a most unfavourable time — at the very time of the Roman games, and while the forum is decorated for them. Therefore Rabonius gives notice to the guardians that he renounces the settlement to which he had come. However, the guardians come at the appointed time; Junius, the uncle of the youth, bids. Verres began to change colour: his countenance, his speech, his resolution failed him. He begins to consider what he was to do. If the contract was taken by the minor, if the affair slipped through the fingers of the purchaser whom he himself had provided, he would get no plunder. Therefore He contrives — what? Nothing very cleverly, nothing of which any one could say, "it was a rascally trick, but still a deep one." Do not expect any disguised roguery from him, any underhand trick; you will find everything open, undisguised, shameless, senseless, audacious. [142] "If the contract be taken by the minor, all the plunder is snatched out of my hands; what then is the remedy? What? The minor must not be allowed to have the contract." Where is the usage in the case of selling property, securities, or lands adopted by every consul, and censor, and praetor, and quaestor, that that bidder shall have the preference to whom the property belongs, and at whose risk the property is sold? He excludes that bidder alone to whom alone, I was nearly saying, the power of taking the contract ought to have been offered. "For why," — so the youth might say —"should any one aspire to my money against my will! What does he come forward for? The contract is let out for a work which is to be

done and paid for out of my money. I say that it is I who am going to put the place in repair, the inspection of it afterwards will belong to you who let out the contract. You have taken sufficient security for the interests of the people with bonds and sureties; and if you do not think sufficient security has been taken, will you as praetor send whomsoever you please to take possession of my property, and not permit me to come forward in defence of my own fortune?" 55. [143]

It is worth while to consider the words of the contract itself. You will say that the same man drew it up who drew up that edict about inheritance. "The contract for work to be done, which the minor Junius's...." Speak, I pray you, a little more plainly. "Caius Verres, the praetor of the city, has added...." The contracts of the censors are being amended. For what do they say? I see in many old documents, "Cnaeus Domitius, Lucius Metellus, Lucius Cassius, Cnaeus Servilius have added...." Caius Verres wants something of the same sort. Read. What has he added? "Admit not as a partner in this work any one who has taken a contract from Lucius Marcius and Marcus Perperna the censors; give him no snare in it; and let him not contract for it." Why so? Is it that the work may not be faulty? But the inspection afterwards belonged to you. Lest he should not have capital enough? But sufficient security had been taken for the people's interest in bonds and sureties, and more security still might have been had. [144] If in this case the business itself, if the scandalous nature of your injustice had no weight with you; — if the misfortune of this minor, the tears of his relations, the peril of Decimus Brutus, whose lands were pledged as security for him, and the authority of Marcus Marcellus his guardian had no influence with you, did you not even consider this, that your crime would be such that you would neither be able to deny it, (for you had entered it in your account-books,) nor, if you confessed it, to make any excuse for it? The contract is knocked down at five hundred and fifty thousand sesterces, while the guardians kept crying out that they could do it even to the satisfaction of the most unjust of men, for eighty thousand. In truth, what was the job? [145] That which you saw. All those pillars which you see whitewashed, had a crane put against them, were taken down at a very little expense, and put up again of the same stone as before. And you let this work out for five hundred

and sixty thousand sesterces. And among those pillars I say that there are some which have never been moved at all by your contractor. I say that there are some which only had the outer coat scraped off, and a fresh coat put on. But, if I had thought that it cost so much to whitewash pillars, I should certainly never have stood for the aedileship. Still, in order that something might appear to be really being done, and that it might not seem to be a mere robbery of a minor—"If in the course of the work you injure anything, you must repair it." 56. [146]

What was there that he could injure, when he was only putting back every stone in its place? “He who takes the contract must give security to bear the man harmless who has taken the work from the former contractor.” He is joking when he orders Rabonius to give himself security. “Ready money is to be paid.” Out of what funds? From his funds who cried out that he would do for eighty thousand sesterces what you let out at five hundred and sixty thousand. Out of what funds? out of the funds of a minor, whose tender age and desolate condition, even if he had no guardians, the praetor himself ought to protect. But as his guardians did protect him, you took away not only his paternal fortune, but the property of the guardians also. [147] “Execute the work in the best materials of every sort.” Was any stone to be cut and brought to the place? Nothing was to be brought but the crane. For no stone, no materials at all were brought; there was just as much to be done in that contract as took a little labour of artisans at low wages, and there was the hire of the crane. Do you think it was less work to make one entirely new pillar without any old stone, which could be worked up again, or to put back those four in their places? No one doubts that it is a much a better job to make one new one. I will prove that in private houses, where there has been a great deal of expensive carriage, pillars no smaller than these are contracted for to be placed in an open court for forty thousand sesterces apiece. [148] But it is folly to argue about such manifest shamelessness of that man at any greater length, especially when in the whole contract he has openly disregarded the language and opinion of every one, inasmuch as he has added at the bottom of it, “Let him have the old materials for himself.” As if any old materials were taken from that work, and as if the whole work were not done with old materials. But still, if the minor was not allowed to take the contract, it was not necessary for it to come to Verres himself: some other of the citizens might have undertaken the work. Every one else was excluded no less openly than the minor. He appointed a day by which the work must be completed — the first of December. He gives out the contract about the thirteenth of September: every one is excluded by the shortness of the time. What happens then? How does Rabonius contrive to have his work done by that day? 57. [149]

No one troubles Rabonius, neither on the first of December, nor on the fifth, nor on the thirteenth. At last Verres himself goes away to his province some time before the work is completed. After he was prosecuted, at first he said that he could not enter the work in his accounts; when Rabonius pressed it, he attributed the cause of it to me, because I had sealed up his books. Rabonius applies to me, and sends his friends to apply to me; he easily gets what he wishes for; Verres did not know what he was to do. By not having entered it in his accounts, he thought he should be able to make some defence; but he felt sure that Rabonius would reveal the whole of the transaction. Although, what could be more plain than it now is, even without the evidence of any witness whatever. At last he enters the work in Rabonius's name as undertaken by him, four years after the day which he had fixed for its completion. [150] He would never have allowed such terms as those if any other citizen had been the contractor; when he had shut out all the other contractors by the early day which he had fixed, and also because men did not choose to put themselves in the power of a man who, if they took the contract, thought that his plunder was torn from his hands. For why need we discuss the point where the money went to? He himself has showed us. First of all, when Decimus Brutus contended eagerly against him, who paid five hundred and sixty thousand sesterces of his own money; and as he could not resist him, though he had given out the job, and taken securities for its execution, he returned him a hundred and ten thousand. Now if this had been another man's money, he clearly could not have done so. In the second place, the money was paid to Cornificius, whom he cannot deny to have been his secretary. Lastly, the accounts of Rabonius himself cry out loudly that the plunder was Verres's own. Read "The items of the accounts of Rabonius." 58. [151]

Even in this place in the former pleadings Quintus Hortensius complained that the young Junius came clad in his praetexta into your presence, and stood with his uncle while he was giving his evidence; and said that I was seeking to rouse the popular feeling, and to excite odium against him, by producing the boy. What then was there, O Hortensius, to rouse the popular feeling? what was there to excite odium in that boy, I suppose, forsooth, I had brought

forward the son of Gracchus, or of Saturninus, or of some man of that sort, to excite the feelings of an ignorant multitude by the mere name and recollection of his father. He was the son of Publius Junius, one of the common people of Rome; whom his dying father thought he ought to recommend to the protection of guardians and relations, and of the laws, and of the equity of the magistrates, and of your administration of justice. [152] He, through the wicked letting out of contracts by that man, and through his nefarious robbery, being deprived of all his paternal property and fortune, came before your tribunal, if for nothing else, at least to see him through whose conduct he himself has passed many years in mourning, a little less gaily dressed than he was used to be. Therefore, O Hortensius, it was not his age but his cause, not his dress but his fortune, that seemed to you calculated to rouse the popular feeling. Nor did it move you so much that he had come with the praetexta, as that he had come without the bulla. For no one was influenced by that dress which custom and the right of his free birth allowed him to wear. Men were indignant, and very indignant, that the ornament of childhood which his father had given him, the proof and sign of his good fortune, had been taken from him by that robber. [153] Nor were the tears which were shed for him shed more by the people than by us, and by yourself, O Hortensius, and by those who are to pronounce sentence in this cause. For because it is the common cause of all men, the common danger of all men, such wickedness like a conflagration must be put out by the common endeavours of all men. For we have little children; it is uncertain how long the life of each individual among us may last. We, while alive, ought to take care and provide that their desolate condition and childhood may be secured by the strongest possible protection. For who is there who can defend the childhood of our children against the dishonesty of magistrates? Their mother, I suppose. No doubt, the mother of Annia, though a most noble woman, was a great protection to her when she was left a minor. No doubt she, by imploring the aid of gods and men, prevented him from robbing her infant ward of her father's fortunes. Can their guardians defend them? Very easily, no doubt, with a praetor of that sort by whom both the arguments, and the earnestness, and the authority of Marcus Marcellus in the cause

of his ward Junius were disregarded. 59. [154]

Do we ask what he did in the distant province of Phrygia? what in the most remote parts of Pamphylia? What a robber of pirates he proved himself in war, who had been found to be a nefarious plunderer of the Roman people in the forum? Do we doubt what that man would do with respect to spoils taken from the enemy, who appropriated to himself so much plunder from the spoils of Lucius Metellus? who let out a contract for whitewashing four pillars at a greater price than Metellus paid for erecting the whole of them? Must we wait to hear what the witnesses from Sicily say? Who has ever seen that temple who is not a witness of your avarice, of your injustice, of your audacity? Who has ever come from the statue of Vertumnus into the Circus Maximus, without being reminded at every step of your avarice? for that road, the road of the sacred cars and of such solemn processions, you have had repaired in such a way that you yourself do not dare go by it. Can any one think that when you were separated from Italy by the sea you spared the allies? You who chose the temple of Castor to be the witness of your thefts which the Roman people saw every day, and even the judges at the very moment that they were giving their decision concerning you. 60. [155]

And he, even during his praetorship, exercised the office of judge in public cases. For even that must not be passed over. A fine was sought to be recovered from Quintus Opimius before him while praetor; who was brought to trial, as it was alleged, indeed, because while tribune of the people he had interposed his veto in a manner contrary to the Cornelian law, but, in reality, because while tribune of the people he had said something which gave offence to some one of the nobles. And if I were to wish to say anything of that decision, I should have to call in question and to attack many people, which it is not necessary for me to do. I will only say that a few arrogant men, to say the least of them, with his assistance, ruined all the fortunes of Quintus Opimius in fun and joke. [156] Again; does he complain of me, because the first pleading of his cause was brought to an end by me in nine days only; when before himself as judge. Quintus Opimius, a senator of the Roman people, in three hours lost his property, his position, and all his titles of honour? On account of the

scandalous nature of which decision, the question has often been mooted in the senate of taking away the whole class of fines and sentences of that sort. But what plunder he amassed in selling the property of Quintus Opimius, and how openly, how scandalously he amassed it, it would take too long to relate now. This I say, — unless I make it plain to you by the account-books of most honourable men, believe that I have invented it all for the present occasion. [157] Now the man who profiting by the disaster of a Roman senator, at whose trial he had presided while praetor, endeavoured to strip him of his spoils and carry them to his own house, has he a right to deprecate any calamity to himself? 61.

For as for the choosing of other judges by Junius, of that I say nothing. For why should I? Should I venture to speak against the lists which you produced? It is difficult to do so; for not only does your own influence and that of the judges deter me, but also the golden ring of your secretary. I will not say that which it is difficult to prove; I will say this — which I will prove, — that many men of the first consequence heard you say that you ought to be pardoned for having produced a false list, for that, unless you had guarded against it, you yourself would also have been ruined by the same storm of unpopularity as that under which Caius Junius fell. [158] In this way has that fellow learnt to take care of himself and of his own safety, by entering both in his own private registers and in the public documents what had never happened; by effacing all mention of what had; and by continually taking away something, changing something (taking care that no erasure was visible), interpolating something. For he has come to such a pitch, that he cannot even find a defence for his crimes without committing other grimes. That most senseless man thought that such a substitution of his own judges also could be effected by the instrumentality of his comrade, Quintus Curtius, who was to be principal judge; and unless I had prevented that by the power of the people, and the outcries and reproaches of all men, the advantage of having judges taken from this decuria of our body, whose influence it was desirable for me should be rendered as extensive an possible, while he was substituting others for them without any reason, and placing on the bench those whom Verres had

approved.
[The rest of this oration is lost.]

THE SECOND BOOK OF THE SECOND PLEADING AGAINST CAIUS VERRES.

CONCERNING HIS MANNER OF DECIDING CAUSES AS JUDGE WHILE IN SICILY.

The Argument.

Cicero divides his accusation of Verres, on account of his conduct in Sicily, under four heads, of which the first is judicial corruption and extortion. And in this branch of the accusation he does not attend to the chronological order of his offences, but takes the instances according to the different classes under which they seem to fall, and according to their importance.

1. Many things, O judges, must be necessarily passed over by me, in order that I may be able at last to speak in some manner of those matters which have been entrusted to my good faith. For I have undertaken the cause of Sicily; that is the province which has tempted me to this business. But when I took upon myself this burden, and undertook the cause of Sicily, in my mind I embraced a wider range, for I took upon myself also the cause of my whole order — I took upon myself the cause of the Roman people; because I thought that in that case alone could a just decision be come to, if not only a wicked criminal was brought up, but if at the same time a diligent and firm accuser came before the court. [2] On which account I must the sooner come to the cause of Sicily omitting all mention of his other thefts and iniquities, in order that I may be able to handle it while my strength is yet unimpaired, and that I may have time enough to dilate fully on the business. And before I begin to speak of the distresses of Sicily, it seems to me that I ought to say a little of the dignity and antiquity of that province, and of the advantage which it is to us. For as you ought to have a careful regard for all the allies and provinces, so especially ought you to have a regard for Sicily, O judges, for many, and those the greatest, reasons: — First, because of all foreign nations Sicily was the first who joined herself

to the friendship and alliance of the Roman people. She was the first to be called a province; and the provinces are a great ornament to the empire. She was the first who taught our ancestors how glorious a thing it was to rule over foreign nations. She alone has displayed such good faith and such good will towards the Roman people, that the states of that island which have once come into our alliance have never revolted afterwards, but many of them, and those the most illustrious of them, have remained firm to our friendship for ever. [3] Therefore our ancestors made their first strides to dominion over Africa from this province. Nor would the mighty power of Carthage so soon have fallen, if Sicily had not been open to us, both as a granary to supply us with corn, and as a harbour for our fleets. 2.

Wherefore, Publius Africanus, when he had destroyed Carthage, adorned the cities of the Sicilians with most beautiful statues and monuments, in order to place the greatest number of monuments of his victory among those whom he thought were especially delighted at the victory of the Roman people. [4] Afterwards that illustrious man, Marcus Marcellus himself, whose valour in Sicily was felt by his enemies, his mercy by the conquered, and his good faith by all the Sicilians, not only provided in that war for the advantage of his allies, but spared even his conquered enemies. When by valour and skill he had taken Syracuse, that most beautiful city, which was not only strongly fortified by art, but was protected also by its natural advantages — by the character of the ground about it, and by the sea — he not only allowed it to remain without any diminution of its strength, but he left it so highly adorned, as to be at the same time a monument of his victory, of his clemency, and of his moderation; when men saw both what he had subdued, and whom he had spared, and what he had left behind him. He thought that Sicily was entitled to have so much honour paid to her, that he did not think that he ought to destroy even an enemy's city in an island of such allies. [5] And therefore we have always so esteemed the island of Sicily for every purpose, as to think that whatever she could produce was not so much raised among the Sicilians as stored up in our own homes. When did she not deliver the corn which she was bound to deliver, by the proper day? When did she fail to promise us, of her own accord, whatever she thought we stood in need of? When did she

ever refuse anything which was exacted of her? Therefore that illustrious Marcus Cato the wise called Sicily a storehouse of provisions for our republic — the nurse of the Roman people. But we experienced, in that long and difficult Italian war which we encountered, that Sicily was not only a storehouse of provisions to us, but was also an old and well-filled treasury left us by our ancestors; for, supplying us with hides, with tunics, and with corn, it clothed, armed, and fed our most numerous armies, without any expense at all to us. 3. [6]

What more need I say? How great are these services, O judges, which perhaps we are hardly aware we are receiving, — that we have many wealthy citizens, that they have a province with which they are connected, faithful and productive to which they may easily make excursions, where they may be welcome to engage in traffic; citizens, some of whom she dismisses with gain and profit by supplying them with merchandise, some she retains, as they take a fancy to turn farmers, or graziers, or traders in her land, or even to pitch in it their habitations and their homes. And this is no trifling advantage to the Roman people, that so vast a number of Roman citizens should be detained so near home by such a respectable and profitable business. [7] And since our tributary nations and our provinces are, as it were, farms belonging to the Roman people; just as one is most pleased with those farms which are nearest to one, so too the suburban character of this province is very acceptable to the Roman people. And as to the inhabitants themselves, O judges, such is their patience their virtue, and their frugality, that they appear to come very nearly up to the old-fashioned manners of our country, and not to those which now prevail. There is nothing then like the rest of the Greeks; no sloth, no luxury; on the contrary there is the greatest diligence in all public and private affairs, the greatest economy, and the greatest vigilance. Moreover, they are so fond of our nation that they are the only people where neither a publican nor a money-changer is unpopular. [8] And they have born the injuries of many of our magistrates with such a disposition, that they have never till this time fled by any public resolution to the altar of our laws and to your protection; although they endured the misery of that year which so prostrated them that they could not have been preserved through it, if

Caius Marcellus had not come among them, by some special providence, as it were, in order that the safety of Sicily might be twice secured by the same family. Afterwards, too, they experienced that terrible government of Marcus Antonius. For they had had these principles handed down to them from their ancestors, that the kindnesses of the Roman people to the Sicilians had been so great, that they ought to think even the injustice of some of our men endurable. [9] The states have never before this man's time given any public evidence against any one. And they would have borne even this man himself, if he had sinned against them like a man, in any ordinary manner; or in short, in any one single kind of tyranny. But as they were unable to endure luxury, cruelty, avarice, and pride, when they had lost by the wickedness and lust of one man all their own advantages, all their own rights, and all fruits of the kindness of the senate and the Roman people, they determined either to avenge themselves for the injuries they had suffered from that man by your instrumentality or if they seemed to you unworthy of receiving aid and assistance at your hands, then to leave their cities and their homes, since they had already left their fields, having been driven out of them by his injuries. 4. [10]

With this design all the deputations begged of Lucius Metellus that he would come as his successor as early as possible; with these feelings, they so often bewailed their miseries to their patrons; agitated by this indignation, they addressed the consuls with demands, which seemed to be not demands, but charges against that tyrant. They contrived also, by their indignation and their tears, to draw me, whose good faith and moderation they had experienced, almost from the employment of my life, in order to become his accuser; an action with which both the settled plan of my life and my inclination are utterly inconsistent (although in this business I appear to have undertaken a cause which has more parts of defence than of accusation in it). [11] Lastly, the most noble men and the chief men of the whole province have come forward both publicly and privately; every city of the greatest authority — every city of the highest reputation — have come forward with the greatest earnestness to prosecute its oppressor for its injuries.

But how, O judges, have they come? It seems to me that I ought

to speak before you now on behalf of the Sicilians with more freedom than perhaps they themselves wish. For I shall consult their safety rather than their inclination. Do you think that there was ever any criminal in any province defended in his absence against the inquiry into his conduct urged by his accuser, with such influence, and with such zeal? The quaestors of both provinces, who were so while he was praetor, stood close to me with their forces. [12] Those also who succeeded them, very zealous for his interests, liberally fed from his stores, were no less vehement against me. See how great was his influence who had four quaestors in one province, most zealous defenders and bulwarks of his cause; and the praetor and all his train so zealous in his interest, that it was quite plain, that it was not Sicily, which they had come upon when stripped bare, so much as Verres himself, who had left it loaded, which they looked upon as their province. They began to threaten the Sicilians, if they decreed any deputations to make statements against him; to threaten any one who had gone on any such deputation, to make most liberal promises to others, if they spoke well of him; to detain by force and under guard the most damaging witnesses of his private transactions, whom we had summoned by word of mouth to give evidence. 5. [13]

And though all this was done, yet know ye, that there was but one single city, that, namely, of the Mamertines, which by public resolution sent ambassadors to speak in his favour. But you heard the chief man of that embassy, the most noble man of that state, Caius Eleius, speak on his oath, and say, that Verres had had a transport of the largest size built at Messana, the work being contracted for at the expense of the city. And that same ambassador of the Mamertines, his panegyrist, said that he had not only robbed him of his private property, but had also carried away his sacred vessels, and the images of the Di Penates, which he had received from his ancestors, out of his house. A noble panegyric; when the one business of the ambassadors is discharged by two operations, praising the man and demanding back what has been stolen by him. And on what account that very city is friendly to him, shall be told in its proper place. For you will find that those very things which are the causes of the Mamertines bearing him good-will, are themselves sufficiently just causes for his condemnation. No other city, O judges, praises him by

public resolution. [14] The power of supreme authority has had so much influence with a very few men, not in the cities, that either some most insignificant people of the most miserable and deserted towns were found who would go to Rome without the command of their people or their senate, or on the other hand, those who had been voted as ambassadors against him, and who had received the public evidence to deliver, and the public commission, were detained by force or by fear. And I am not vexed at this having happened in a few instances, in order that the rest of the cities, so numerous, so powerful, and so wise, — that all Sicily, in short, should have all the more influence with you when you see that they could be restrained by no force, could be hindered by no danger, from making experiment whether the complaints of your oldest and most faithful allies had any weight with you. [15] For as to what some of you may, perhaps, have heard, that he had a public encomium passed upon him by the Syracusans, although in the former pleading you learnt from the evidence of Heraclius the Syracusan what sort of encomium it was, still it shall be proved to you in another place how the whole matter really stands as far as that city is concerned For you shall see clearly that no man has ever been so hated by any people as that man both is and has been by the Syracusans. 6.

But perhaps it is only the native Sicilians who are persecuting him: the Roman citizens who are trading in Sicily defend him, love him, desire his safety. First of all, if that were the case, still in this trial for extortion, which has been established for the sake of the allies, according to that law and forms of proceeding which the allies are entitled to, you ought to listen to the complaints of the allies. [16] But you were able to see clearly in the former pleading, that many Roman citizens from Sicily, most honourable men, gave evidence about most important transactions, both as to injuries which they had received themselves, and injuries which they knew had been inflicted on others. I, O judges, affirm in this way what I know. I seem to myself to have done an action acceptable to the Sicilians in seeking to avenge their injuries with my own labour, at my own peril, and at the risk of incurring enmity in some quarters; and I am sure that this which I am doing is not less acceptable to our own citizens, who think that the safety of their rights, of their liberty, of their properties

and fortunes, consists in tho condemnation of that man. [17] On which account, while speaking of his Sicilian praetorship, I will not object to your listening to me on this condition, that if he has been approved of by any description of men whatever; whether of Sicilians or of our own citizens; if he has been approved of by any class of men, whether agriculturists, or graziers, or merchants; if he has not been the common enemy and plunderer of all these men, — if, in short, he has ever spared any man in any thing, then you, too, shall spare him.

Now, as soon as Sicily fell to him by lot as his province, immediately at Rome, while he was yet in the city, before he departed, he began to consider within himself and to deliberate with his friends, by what means he might make the greatest sum of money in that province in one year. He did not like to learn while he was acting, (though he was not entirely ignorant and inexperienced in the oppression of a province,) but he wished to arrive in Sicily with all his plans for plunder carefully thought of and prepared. [18] Oh how correct was the augury diffused by common report and common conversation among the people in that province! when from his very name men augured in a jesting way what he would do in the province. Indeed, who could doubt, when they recollected his flight and robbery in his quaestorship — when they considered his spoliation of temples and shrines in his lieutenancy — when they saw in the forum the plunder of his praetorship — what sort of man he was likely to prove in the fourth act of his villainy? 7.

And that you may be aware that he inquired at Rome not only into the different kinds of robbery which he might be able to execute, but into the very names of his victims, listen to this most certain proof, by which you will be able more easily to form an opinion of his unexampled impudence. [19] The very day on which he reached Sicily, (see now whether he was not come, according to that omen bruited about the city,) prepared to sweep the province pretty clean, he immediately sends letters from Messana to Halesa, which I suppose he had written in Italy. For, as soon as he disembarked from the ship, he gave orders that Dio of Halesa should come to him instantly; saying that he wished to make inquiry about an inheritance which had come to his son from a relation, Apollodorus Laphiro. [20] It was, O judges, a very large sum of money. This Dio, O judges, is

now, by the kindness of Quintus Metellus, become a Roman citizen; and in his case it was proved to your satisfaction at the former pleading, by the evidence of many men of the highest consideration, and by the account-books of many men, that a million of sesterces had been paid in order that, after Verres had inquired into the cause, in which there could no possible doubt exist, he might have a decision in his favour; — that, besides that all herds of the highest-bred mares were driven away, that all the plate and embroidered robes which he had in his home were carried off; so that Quintus Dio lost eleven hundred thousand sesterces because an inheritance had come to him, and for no other reason. [21] What are we to say? Who was praetor when this inheritance came to the son of Dio? The same man who was so when hers came to Annia the daughter of Publius Annius the senator, — the same who was so when his was left to Marcus Ligur the senator, namely Caius Sacerdos. What are we to say? Had no one been troublesome to Dio on the subject at the time?, No more than they had to Ligur, while Sacerdos was praetor. What then? :Did any one make any complaint to Verres? Nobody, unless perhaps you suppose that the informers were ready for him at the strait. 8.

When he was still at Rome, he heard that a very great inheritance had come to a certain Sicilian named Dio; that the heir had been enjoined by the terms of the will to erect statues in the forum; that, unless he erected them, he was to be liable to forfeiture to Venus Erycina. Although they had been erected in compliance with the will, still he; Verres, thought, since the name of Venus was mentioned, that he could find some pretext for making money of it. [22] Therefore he sets up a man to claim that inheritance for Venus Erycina. For it was not (as would have been usual) the quaestor in whose province Mount Eryx was, who made the demand. A fellow of the name of Naevius Turpo is the claimant, a spy and emissary of Verres, the most infamous of all that band of informers of his, who had been condemned in the praetorship of Caius Sacerdos for many wickednesses. For the cause was such that the very praetor himself when he was seeking for an accuser, could not find one a little more respectable than this fellow. Verres acquits his man of any forfeiture to Venus, but condemns him to pay forfeit to himself. He preferred,

forsooth, to have men do wrong rather than gods; — he preferred himself to extort from Dio what was contrary to law, rather than to let Venus take anything that was not due to her. [23] Why need I now in this place recite the evidence of Sextus Pompeius Chlorus, who pleaded Dio's cause? who was concerned in the whole business? A most honourable man, and, although he has long ago been made a Roman citizen in reward for his virtues, still the very chief man and the most noble of all the Sicilians. Why need I recite the evidence of Quintus Caecilius Dio himself, a most admirable and moderate man? Why need I recite that of Lucius Vetecilius Ligur, of Titus Manlius, of Lucius Calenus? by the evidence of all of whom this case about Dio's money was fully established. Marcus Lucullus said the same thing that he had long ago known all the facts of the tyranny practised on Dio, through the connection of hospitality which existed between them. [24] What? Did Lucullus, who was at that time in Macedonia, know all these things better than you, O Hortensius, who were at Rome? you to whom Dio fled for aid? you who expostulated with Verres by letter in very severe terms about the injuries done to Dio? Is an this new to you now, and unexpected? is this the first time your ears have heard of this crime?, Did you hear nothing of it from Dio, nothing from your own mother-in-law, that most admirable woman, Servilia, an ancient friend and connection of Dio's? Are not my witnesses ignorant of many circumstances which you are acquainted with? Is it not owing, not to the innocence of your client, but to the exception made by the law, that I am prevented from summoning you as a witness on my side on this charge? [The evidence of Marcus Lucullus, of Chlorus, of Dio is read.] 9.

Does not this Venereal man, who went forth from the bosom of Chelidon to his province, appear to you to have got a sufficiently large sum by means of the name of Verres? [25] Listen now to a no less shamelessly false accusation in a case where a smaller sum was involved. Sosippus and Epicrates were brothers of the town of Agyrium; their father died twenty-two years ago, by whose will, if anything were done wrongly in any point, there was to be a forfeiture of his property to Venus. In the twentieth year after his death, though there had been in the interim so many praetors, so many quaestors, and so many false accusers in the province, the inheritance was

claimed from the brothers in the name of Venus. Verres takes cognisance of the cause; by the agency of Volcatius he receives money from the two brothers, about four hundred thousand sesterces. You have heard the evidence of many people already; the brothers of Agyrium gained their cause, but on such terms that they left the court stripped and beggared. 10. [26]

Oh, but that money never came to Verres. What does that defence mean? is that asserted in this case, or only put out as a feeler? For to me it is quite a new light. Verres set up the accusers; Verres summoned the brother to appear before him; Verres heard the cause; Verres gave sentence. A vast sum was paid; they who paid it gained the cause; and you argue in defence "that money was not paid to Verres." I can help you; my witnesses too say the same thing; they say they paid it to Volcatius. How did Volcatius acquire so much power as to get four hundred thousand sesterces from two men? Would any one have given Volcatius, if he had come on his own account, one half-farthing? Let him come now, let him try; no one will receive him in his house. But I say more; I accuse you of having received forty millions of sesterces contrary to law; and I deny that you have ever accounted for one farthing of that money; but when money was paid for your decrees, for your orders, for your decisions, the point to be inquired into was not into whose hand it was paid, but by whose oppression it was extorted. [27] Those chosen companions of yours were your hands; the prefects, the secretaries, the surgeons, the attendants the soothsayers, the criers, were your hands. The more each individual was connected with you by any relationship, or affinity, or intimacy, the more he was considered one of your bands. The whole of that retinue of yours, which caused more evil to Sicily than a hundred troops of fugitive slaves would have caused, was beyond all question your hand. Whatever was taken by any one of these men, that must be considered not only as having been given to you, but as having been paid into your own hand. For if you, O judges, admit this defence, "He did not receive it himself," you will put an end to all judicial proceedings for extortion. For no criminal will be brought before you so guilty as not to be able to avail himself of that plea? Indeed, since Verres uses it, what criminal will ever henceforward be found so abandoned as not to be thought equal to

Quintus Lucius in innocence by comparison with that man? And even now those who say this do not appear to me to be defending Verres so much as trying, in the instance of Verres, what license of defence will be admitted in other cases. [28] And with reference to this matter, you, O judges, ought to take great care what you do. It concerns the chief interests of the republic, and the reputation of our order, and the safety of the allies. For if we wish to be thought innocent, we must not only show that we ourselves are moderate, but that our companions are so too. 11.

First of all, we must take care to take those men with us who with regard our credit and our safety. Secondly, if in the selection of men our hopes have deceived us through friendship for the persons, we must take care to punish them, to dismiss them. We must always live as if we expected to have to give an account of what we have been doing. This is what was said by Africanus, a most kind-hearted man, (but that kind-heartedness alone is really admirable which is exercised without any risk to a man's reputation, as it was by him,) [29] when an old follower of his, who reckoned himself one of his friends, could not prevail on him to take him with him into Africa as his prefect, and was much annoyed at it. "Do not marvel," said he, "that you do not obtain this from me, for I have been a long time begging a man to whom I believe my reputation to be dear, to go with me as my prefect, and as yet I cannot prevail upon him." And in truth there is much more reason to beg men to go with us as our officers into a province, if we wish to preserve our safety and our honour, than to give men office as a favour to them; but as for you, when you were inviting your friends into the province, as to a place for plunder, and were robbing in company with them, and by means of them, and were presenting them in the public assembly with golden rings, did it never occur to you that you should have to give an account, not only of yourself, but of their actions also? [30] When he had acquired for himself these great and abundant gains from these causes which he had determined to examine into himself with his council — that is, with this retinue of his — then he invented an infinite number of expedients for getting bold of a countless amount of money. 12.

No one doubts that all the wealth of every man is placed in the

power of those men who allow trials to proceed, and of those who sit as judges at the trials, no one doubts that none of us can retain possession of his house, of his farm, or of his paternal property, if, when these are claimed by any one of you, a rascally praetor, whose judgments no one has the power of arresting, can assign any judge whom he chooses, and if the worthless and corrupt judge gives any sentence which the praetor bids him give. [31] But if this also be added, that the praetor assigns the trial to take place according to such a formula, that even Lucius Octavius Balbus, if he were judge, (a man of the greatest experience in all that belongs to the law and to the duties of a judge,) could not decide otherwise: suppose it ran in this way:—"Let Lucius Octavius be the judge; if it appears that the farm at Capena, which is in dispute, belongs, according to the law of the Roman people, to Publius Servilius, that farm must be restored to Quintus Catulus," will not Lucius Octavius be bound, as judge, to compel Publius Servilius to restore the farm to Quintus Catulus, or to condemn him whom he ought not to condemn? The whole praetorian law was like that; the whole course of judicial proceedings in Sicily was like that for three years, while Verres was praetor. His decrees were like this:—"If he does not accept what you say that you owe, accuse him; if he claims anything, take him to prison."

He ordered Caius Fuficius, who claimed something, to be taken to prison; so he did Lucius Suetius and Lucius Rucilius. His tribunals he formed in this way: — those who were Roman citizens were to be judges, when Sicilians ought to have been, according to their laws, those who were Sicilians were to be judges, when Romans should have been. [32] But that you may understand his whole system of judicial proceedings, listen first to the laws of the Sicilians in such uses, and then to the practices this man established. 13.

The Sicilians have this law, — that if a citizen of any town has a dispute with a fellow-citizen, he is to decide it in his own town, according to the laws there existing; if a Sicilian has a dispute with a Sicilian of a different city, in that case the praetor is to assign judges of that dispute, according to the law of Publius Rupilius, which be enacted by the advice of ten commissioners appointed to consider the subject, and which the Sicilians call the Rupilian law. If an individual makes a claim in a community, or a community on an

individual, the senate of some third city is assigned to furnish the judges, as the citizens of the cities interested in the litigation are rejected as judges in such a case. If a Roman citizen makes a claim on a Sicilian, a Sicilian judge is assigned; if a Sicilian makes a claim on a Roman citizen, a Roman citizen is assigned as judge: in all other matters judges are appointed selected from the body of Roman citizens dwelling in the place. In law-suits between the farmers and the tax collectors, trials are regulated by the law about corn, which they call Lex Hieronica. [33] All these rights were not only thrown into disorder while that man was praetor, but indeed were openly taken away from both the Sicilians and from the Roman citizens. First of all, their own laws with reference to one another were disregarded. If a citizen had a dispute with another citizen, he either assigned any one as judge whom it was convenient to himself to assign, crier, soothsayer, or his own physician; or if a tribunal was established by the laws, and the parties had come before one of their fellow-citizens as the judge, that citizen was not allowed to decide without control. For, listen to the edict issued by this man, by which edict he brought every tribunal under his own authority: "If any one had given a wrong decision, he would examine into the matter himself; when he had examined, he would punish." And when he did that, no one doubted that when the judge thought that some one else was doing to sit in judgment on his decision, and that he should be at the risk of his life in the matter, he would consider the inclination of the man who he expected would presently be judging in a matter affecting his down existence as a citizen. [34] Judges selected from the Roman settlers there were none; none even of the traders in the cities were proposed as judges. The crowd of judges which I am speaking of was the retinue, not of Quintus Scaevola, (who, however, did not make practice of appointing judges from among his own followers,) but of Caius Verres. And what sort of a retinue do you suppose it was when such a man as he was its chief? You see announced in the edict, "If the senate gives an erroneous decision...." I will prove that, if at any time a bench of judges was taken from the senate, that also gave its decisions, through compulsion, on his part, contrary to their own opinions. There never was any selection of the judges by lot, according to the Rupilian law, except when he had no interest

whatever in the case. The tribunals established in the case of many disputes by the Lex Hieronica were all abolished by a single edict; no judges were appointed selected from the settlers or from the traders. What great power he had you see; now learn how he exercised it. 14. [35]

Heraclius is the son of Hiero, a Syracusan; a man among the very first for nobility of family, and, before Verres came as praetor, one of the most wealthy of the Syracusans; now a very poor man, owing to no other calamity but the avarice and injustice of that man. An inheritance of at least three millions of sesterces came to him by the will of his relation Heraclius; the house was full of silver plate exquisitely carved, of abundance of embroidered robes, and of most valuable slaves; things in which who is ignorant of the insane cupidity of that man? The fact was a subject of common conversation, that a great fortune had come to Heraclius that Heraclius would not only be rich, but that he would be amply supplied with furniture, plate, robes and slaves. [36] Verres, too, hears this; and at first he tries by the tricks and maneuvers which he is so fond of, to get him to lend things to him to look at, which he means never to return. Afterwards he takes counsel from some Syracusans; and they were relations of his, whose wives too were not believed to be entirely strangers to him, by name Cleomenes and Aeschrio. What influence they had with him, and on what disgraceful reasons it was founded, you may understand from the rest of the accusation. These men, as I say, give Verres advice. They tell him that the property is a fine one, which in every sort of wealth; and that Heraclius himself is a man advancing in years, and not very active; and that he has no patron on whom he has any claim, or to whom he has any access except the Marcelli; that a condition was contained in the will in which he was mentioned as heir, that he was to erect some statues in the palaestra. We will contrive to produce people from the palaestra to assert that they have not been erected according to the terms of the will, and to claim the inheritance, because they say that it is forfeited to the palaestra. The idea pleased Verres. [37] For he foresaw that, when such an inheritance became disputed, and was claimed by process of law, it was quite impossible for him not to get some plunder out of it before it was done with. He approves of the plan; he

advises them to begin to act as speedily as possible, and to attack a man of that age, and disinclined to law-suits, with as much bluster as possible. 15.

An action is brought in due form against Heraclius. At first all marvel at the roguery of the accusation. After a little, of those who knew Verres, some suspected, and some clearly saw that he had cast his eyes on the inheritance. In the mean time the day had arrived, on which he had announced in his edict that, according to established usage, and to the Rupilian law, he would assign judges at Syracuse. He had come prepared to assign judges in this cause. Then Heraclius points out to him that he cannot assign judges in his cause that day, because the Rupilian law said that they were not to be assigned till thirty days after the action was commenced. The thirty days had not yet elapsed; Heraclius hoped that, if he could avoid having them appointed that day, Quintus Arrius, whom the province was eagerly expecting, would arrive as successor to Verres before another appointment could take place. [38] He postponed appointing judges in all suits, and fixed the first day for appointing them that he legally could after the thirty days claimed by Heraclius in his action had elapsed. When the day arrived, he began to pretend that he was desirous to appoint the judges. Heraclius comes with his advocates, and claims to be allowed to have the cause between him and the men of the palaestra, that is to say, with the Syracusan people, tried by strict law. His adversaries demand that judges be appointed to decide on that matter of those cities which were in the habit of frequenting the Syracusan courts. Judges were appointed, whomsoever Verres chose. Heraclius demanded, on the other hand, that judges should be appointed according to the provisions of the Rupilian law; and that no departure should be made from the established usage of their ancestors, from the authority of the senate, and from the rights of all the Sicilians. 16. [39]

Why need I demonstrate the licentious wickedness of that Verres, in the administration of justice? Who of you is not aware of it, from his administration in this city? Who ever, while he was praetor, could obtain anything by law against the will of Chelidon? The province did not corrupt that man, as it has corrupted some; he was the same man that he had been at Rome. When Heraclius said, what all men

well knew, that there was an established form of law among the Sicilians by which causes between them were to be tried; that there was the Rupilian law, which Publius Rupilius, the consul, had enacted, with the advice of ten chosen commissioners; that every praetor and consul in Sicily had always observed this law. He said that he should not appoint judges according to the provisions of the Rupilian law. He appointed five judges who were most agreeable to himself. [40] What can you do with such a man as this? What punishment can you find worthy of such licentiousness? Then it was prescribed to you by law, O most wicked and most shameless man, in what way you were to appoint judges among the Sicilians; when the authority of a general of the Roman people, when the dignity of ten commissioners, men of the highest rank, when a positive resolution of the senate was against you, in obedience to which resolution Publius Rupilius had established laws in Sicily by the advice of ten commissioners; when, before you came as praetor every one had most strictly observed the Rupilian laws in all points, and especially in judicial matters; did you dare to consider so many solemn circumstances as nothing in comparison with your own plunder? Did you acknowledge no law? Had you no scruple? no regard for your reputation? no fear of any judgment yourself? Has the authority of no one of any weight with you? Was there no example which you chose to follow? [41] But, I was going to say, when these five judges had been appointed, by no law, according to no use, with none of the proper ceremonies, with no drawing of lots, according to his mere will, not to examine into the cause, but to give whatever decision they were commanded, on that day nothing more was done; the parties are ordered to appear on the day following. 17.

In the meantime Heraclius, as he sees that it is all a plot laid by the praetor against his fortune, resolves, by the advice of his friends and relations, not to appear before the court. Accordingly he flies from Syracuse that night. Verres the next day, early in the morning, — for he had got up much earlier than he ever did before, — orders the judges to be summoned. When he finds that Heraclius does not appear, he begins to insist on their condemning Heraclius in his absence. They expostulate with him, and beg him, if he pleases, to adhere to the rule he had himself laid down, and not to compel them

to decide against the absent party in favour of the party who was present, before the tenth hour. He agrees. [42] In the meantime both Verres himself began to be uneasy, and his friends and counselors began also to be a good deal vexed at Heraclius' having fled. They thought that the condemnation of an absent man, especially in a matter involving so large a sum of money, would be a far more odious measure than if he had appeared in court, and had there been condemned. To this consideration was added the fact, that because the judges had not been appointed in accordance with the provisions of the Rupilian law, they saw that the affair would appear much more base and more iniquitous. And so, while he endeavours to correct this error, his covetousness and dishonesty are made more evident. For he declares that he will not use those five judges; he orders (as ought to have been done at first, according to the Rupilian law) Heraclius to be summoned, and those who had brought the action against him; he says that he is going to appoint the judges by lot, according to the Rupilian law. That which Heraclius the day before could not obtain from him, though he begged and entreated it of him with many tears, occurred to him the next day of his own accord, and he recollected that he ought to appoint judges according to the Rupilian law. He draws the names of three out of the urn: he commands them to condemn Heraclius in his absence. So they condemn him. [43] What was the meaning of that madness? Did you think that you would never have to give an account of your actions? Did you think that such men as these would never hear of these transactions? Is such an inheritance to be claimed without the slightest grounds for such a claim, in order to become the plunder of the praetor? is the name of the city to be introduced? is the base character of a false accuser to be fixed upon an honourable state? And not this only, but is the whole business to be conducted in such a matter that there is to be not even the least appearance of justice kept up? For, in the name of the immortal gods, what difference does it make whether the praetor commands and by force compels any one to abandon all his property, or passed a sentence by which, without any trial, he must lose all his fortune? 18. [44]

In truth you cannot deny that you ought to have appointed judges according to the provisions of the Rupilian law, especially when

Heraclius demanded it. If you say that you departed from the law with the consent of Heraclius, you will entangle yourself, you will be hampered by the statement you make in your own defence. For if that was the case, why, in the first place, did he refuse to appear, when he might have had the judges chosen from the proper body which he demanded? Secondly, why, after his flight, did you appoint other judges by drawing lots, if you had appointed those who had been before appointed, with the consent of each party? Thirdly, Marcus Postumius, the quaestor, appointed as the other judges in the market-place; you appointed the judges in this case alone. [45] However, by these means, some one will say, he gave that inheritance to the Syracusan people. In the first place, even if I were disposed to grant that, still you must condemn him; for it is not permitted to us with impunity to rob one man for the purpose of giving to another. But you will find that he despoiled that inheritance himself without making much secret of his proceedings; that the Syracusan people, indeed, had a great deal of the odium, a great deal of the infamy, but that another had the profit; that a few Syracusans, those who now say that they have come in obedience to the public command of their city, to bear testimony in his favour, were then sharers in the plunder, and are come hither now, not for the purpose of speaking in his favour, but to assist in the valuation of the damages which they claim from him. After he was condemned in his absence, possession is given to the palaestra of the Syracusans, — that is, to the Syracusan people, — not only of that inheritance which was in question, and which was of the value of three millions of sesterces, but also of all Heraclius's own paternal property, which was of equal amount. [46] What sort of a partnership in that of yours? You take away a man's inheritance, which had come to him from a relation, had come by will, had come in accordance with the laws; all which property, he, who made the will, had made over to this Heraclius to have and to use as he would, some time before he died, — of which inheritance, as he had died some time before you became praetor, there had been no dispute, nor had any one made any mention of it. 19.

However, be it so; take away inheritances from relations, give them to people at the palaestra; plunder other people's property in the name of the state; overturn laws, wills, the wishes of the dead, the

rights of the living: had you any right to deprive Heraclius of his paternal property also? And yet as soon as he fled, how shamelessly, how undisguisedly, how cruelly, O ye immortal gods, was his property seized! How disastrous did that business seem to Heraclius, how profitable to Verres, how disgraceful to the Syracusans, how miserable to everybody! For the first measures which are taken are to carry whatever chased plate there was among that property to Verres: as for all Corinthian vessels, all embroidered robes, no one doubted that they would be taken and seized, and carried inevitably to his house, not only out of that house, but out of every house in the whole province. He took away whatever slaves he pleased, others he distributed to his friends: an auction was held, in which his invincible train was supreme everywhere. [47] But this is remarkable. The Syracusans who presided over what was called the collection of this property of Heraclius, but what was in reality the division of it, gave in to the senate their accounts of the whole business; they said that many pairs of goblets many silver water-ewers, much valuable embroidered cloth, and many valuable slaves, had been presented to Verres; they stated how much money had been given to each person by his order. The Syracusans groaned, but still they bore it. Suddenly this item is read, — that two hundred and fifty thousand sesterces were given to one person by command of the praetor. A great outcry arises from every one, not only from every virtuous man, nor from those to whom it had always seemed scandalous that the goods of a private individual should be taken from him, by the greatest injustice, under the name of being claimed by the people, but even the very chief instigators of the wrong; and in some degree the partner in the rapine and plunder, began to cry out that the man ought to have his inheritance for himself. So great an uproar arise in the senate-house, that the people ran to see what had happened. 20. [48]

The matter being known to the whole assembly, is soon reported at Verres's house. The man was in a rage with those who had read out the accounts, — an enemy to all who had raised the outcry; he was in fury with rage and passion. But he was at that moment unlike himself. You know the appearance of the man, you know his audacity; yet at that moment he was much disquieted by the reports circulated among the people, by their outcry, and by the impossibility of concealing the robbery of so large a sum of money. When he came to himself, he summoned the Syracusans to him, because he could not deny that money had been given him by them; he did not go to a distance to look for some one, (in which case he would not have been able to prove it,) but he took one of his nearest relations, a sort of second son, and accused him of having stolen the money. He declared that he would make him refund it; and he, after he heard that, had a proper regard for his dignity, for his age, and for his noble birth. He addressed the senate on the subject; he declared to them that he had nothing to do with the business Of Verres he said what all saw to be true, and he said it plainly enough. Therefore, the Syracusans afterwards erected him a statue; and he himself, as soon as he could, left Verres, and departed from the province. [49] And yet they say that this man complains sometimes of his misery in being weighed down, not by his own offences and crimes, but by those of his friends. You had the province for three years; your son-in-law elect, a young man, was with you one year. Your companions, gallant men, who were your lieutenants, left you the first year. One lieutenant, Publius Tadius, who remained, was not much with you; but if he had been always with you, he would with the greatest care have spared your reputation, and still more would he have spared his own. What presence have you for accusing others? What reason have you for thinking that you can, I will not say, shift the blame of your actions on another, but that you can divide it with another? [50] That two hundred and fifty thousand sesterces are refunded to the Syracusans, and how they afterwards returned to him by the backdoor, I will make evident to you, O judges, by documents and by witnesses. 21.

And akin to this iniquity and rascality of that fellow, by which

plunder, consisting of a part of that property, came to many of the Syracusans against the will of the people and senate of Syracuse, are those crimes which were committed by the instrumentality of Theomnastus, and Aeschrio, and Dionysodorus, and Cleomenes, utterly against the wish of the city; first of all in plundering the whole city, of which matter I have arranged to speak in another part of my accusation, so that, by the assistance of those men whom I have named, he carried off all the statues, all the works in ivory out of the sacred temples, all the paintings from every place, and even whatever images of the gods he fancied; secondly, that in the senate-house of the Syracusans, which they call βουλευτήριον, a most honourable place, and of the highest reputation in the eyes of the citizens, where there is a brazen statue of Marcus Marcellus himself, (who preserved and restored that place to the Syracusans, though by the laws of war and victory he might have taken it away,) those men erected a gilt statue to him and another to his son; in order that, as long as the recollection of that man remained, the Syracusan senate might never be in the senate-house without lamentation and groaning. [51] By means of the same partners in his injuries, and thefts, and bribes, during his command the festival of Marcellus at Syracuse is abolished, to the great grief of the city; — a festival which they both gladly paid as due to the recent services done them by Caius Marcellus, and also most gladly gave to the family and name and race of the Marcelli. Mithridates in Asia, when he had occupied the whole of that province, did not abolish the festival of Mucius. An enemy, and he too an enemy in other respects, only too savage and barbarous, still would not violate the honour of a name which had been consecrated by holy ceremonies. You forbade the Syracusans to grant one day of festival to the Marcelli, to whom they owed the being able to celebrate other days of festival. [52] Oh, but you gave them a splendid day instead of it; you allowed them to celebrate a festival in honour of Verres, and issued contracts for providing all that would be necessary for sacrifices and banquets on that day for many years. But in such an enormous superfluity of impudence as that man's, it seems better to pass over some things, that we may not appear to strain every point, — that we may not appear to have no feelings but those of indignation. For time, voice, lungs, would fail

me, if I wished now to cry out how miserable and scandalous it is, that there should be a festive day in his name among those people, who think themselves utterly ruined by that man's conduct. O splendid Verrine festival! whither have you gone that you have not brought the people cause to remember that day? In truth, what house, what city, what temple even have you ever approached without leaving it emptied and ruined. Let the festival, then, be fitly called Verrine, and appear to be established, not from recollection of your name, but of your covetousness and your natural disposition. 22. [53]

See, O judges, how easily injustice, and the habit of doing wrong creeps on; see how difficult it is to check. There is a town called Bidis, an insignificant one indeed, not far from Syracuse. By far the first man of that city is a man of the name of Epicrates. An inheritance of five hundred thousand sesterces had come to him from some woman who was a relation of his, and so near a relation, that even if she had died intestate, Epicrates must have been her heir according to the laws of Bidis. The transaction at Syracuse which I have just mentioned was fresh in men's memories, — the affair I mean of Heraclius the Syracusan, who would not have lost his property if an inheritance had not come to him. To this Epicrates too an inheritance had come, as I have said. [54] His enemies began to consider that he too might be easily turned out of his property by the same praetor as Heraclius had been stripped of his by; they plan the affair secretly; they suggest it to Verres by his emissaries. The cause is arranged, so that the people belonging to the palaestra at Bidis are to claim his inheritance from Epicrates, just as the men of the Syracusan palaestra had claimed his from Heraclius. You never saw a praetor so devoted to the interests of the palaestra. But he defended the men of the palaestra in such a way that he himself came off with his wheels all the better greased. In this instance Verres, as soon as he foresaw what would happen, ordered eighty thousand sesterces to be paid to one of his friends. [55] The matter could not be kept entirely secret. Epicrates is informed of it by one of those who were concerned in it. At first he began to disregard and despise it, because the claim made against him had actually nothing in it about which a doubt could be raised. Afterwards when he thought of Heraclius, and recollected the licentiousness of Verres, he thought it better to depart

secretly from the province. He did so; he went to Rhegium. 23.

And when this was known, they began to fret who had paid the money. They thought that nothing could be done in the absence of Epicrates. For Heraclius indeed had been present when the judges were appointed; but in the case of this man, who had departed before any steps had been taken in the action, before indeed there had been any open mention made of the dispute, they thought that nothing could be done. The men go to Rhegium; they go to Epicrates; they point out to him, what indeed he knew, that they had paid eighty thousand sesterces; they beg him to make up to them the money they themselves were out of pocket; they tell him he may take any security from them that he likes, that none of them will go to law with Epicrates about that inheritance. [56] Epicrates reproaches the men at great length and with great severity, and dismisses them. They return from Rhegium to Syracuse; they complain to many people, as men in such a case are apt to do, that they have paid eighty thousand sesterces for nothing. The affair got abroad; it began to be the topic of every one's conversation. Verres repeats his old Syracusan trick. He says he wants to examine into that affair of the eighty thousand sesterces. He summons many people before him. The men of Bidis say that they gave it to Volcatius; they do not add that they had done so by his command. He summons Volcatius; he orders the money to be refunded. Volcatius with great equanimity brings the money, like a man who was sure to lose nothing by it; he returns it to them in the sight of many people; the men of Bidis carry the money away. [57] Some one will say, "What fault then do you find with Verres in this, who not only is not a thief himself, but who did not even allow any one else to be one?" Listen a moment. Now you shall see that this money which was just now seen to leave his house by the main road returned back again by a by-path. What came next? Ought not the praetor, having inquired into the case with the bench of judges, when he had found out that a companion of his own, with the object of corruptly swaying the law, the sentence, and the bench, (a matter in which the reputation of the praetor and even his condition as a free citizen were at stake,) had received money, and that the men of Bidis had given it, doing injury to the fair fame and fortune of the praetor, — ought he not, I say, to have punished both

him who had taken the money, and those who had given it? You who had determined to punish those who had given an erroneous decision, which is often done out of ignorance, do you permit men to escape with impunity who thought that money might be received or be paid for the purpose of influencing your decree, your judicial decision? And yet that same Volcatius remained with you, although he was a Roman knight, after he had such disgrace put upon him. 24. [58]

For what is more disgraceful for a well-born man — what more unworthy of a free man, than to be compelled by the magistrate before a numerous assembly to restore what has been stolen; and if he had been of the disposition of which not only a Roman knight, but every free man ought to be, he would not have been able after that to look you in the face. He would have been a foe, an enemy, after he had been subjected to such an insult; unless, indeed, it had been done through collusion with you, and he had been serving your reputation rather than his own. And how great a friend he not only was to you then as long as he was with you in the province, but how great a friend he is even now, when you have long since been deserted by all the rest, you know yourself, and we can conceive. But is this the only argument that nothing was done without his knowledge, that Volcatius was not offended with him? that he punished neither Volcatius nor the men of Bidis? [59] It is a great proof, but this is the greatest proof of all, that to those very men of Bidis, with whom he ought to have been angry, as being the men by whom he found out that his decree had been attempted to be influenced by bribes, because they could do nothing against Epicrates according to law, even if he were present, — to these very men, I say, he not only gave that inheritance which had come to Epicrates, but, as in the case of Heraclius of Syracuse, so too in this case, (which was even rather more atrocious than the other, because Epicrates had actually never had any action brought against him at all,) he gave them all his paternal property and fortune. For he showed that if any one made a demand of any thing from an absent person, he would hear the cause, though without any precedent for so doing. The men of Bidis appear — they claim the inheritance. The agents of Epicrates demand that he would either refer them to their own laws, or else appoint judges,

in accordance with the provisions of the Rupilian law. The adversaries did not dare to say anything against this; no escape from it could be devised. They accuse the man of having fled for the purpose of cheating them. They demand to be allowed to take possession of his property. [60] Epicrates did not owe a farthing to any one. His friends said that, if any one claimed anything from him, they would stand the trial themselves, and that they would give security to satisfy the judgment. 25.

When the whole business was getting cool, by Verres's instigation they began to accuse Epicrates of having tampered with the public documents; a suspicion from which he was far removed. They demand a trial on that charge. His friends began to object that no new proceeding, that no trial affecting his rank and reputation, ought to be instituted while he was absent; and at the same time they did not cease to reiterate their demands that Verres should refer them to their own laws. [61] He, having now got ample room for false accusation, when he sees that there is any point on which his friends refused to appear for Epicrates in his absence, declares that he will appoint a trial on that charge before any other. When all saw plainly that not only that money which had (to make a presence) been sent from his house, had returned back to it, but that he had afterwards received much more money, the friends of Epicrates ceased to argue in his defence. Verres ordered the men of Bidis to take possession of all his property, and to keep it for themselves. Besides the five hundred thousand sesterces which the inheritance amounted to, his own previous fortune amounted to fifteen hundred thousand. Was the affair planned out in this way from the beginning? Was it completed in this way? Is it a very trifling sum of money? Is Verres such a man as to be likely to have done all this which I have related for nothing? [62] Now, O judges, hear a little about the misery of the Sicilians. Both Heraclius the Syracusan, and Epicrates of Bidis, being stripped of all their property, came to Rome. They lived at Rome nearly two years in mourning attire, with unshaven beard and hair. When Lucius Metellus went to the province, then they also go back with Metellus, bearing with them letters of high recommendation. As soon as Metellus came to Syracuse he rescinded both the sentences — the sentence in the case of Epicrates, and that against Heraclius. In the

property of both of them there was nothing which could be restored, except what was not able to be moved from its place. 26. [63]

Metellus had acted admirably on his first arrival, in rescinding and making of no effect all the unjust acts of that man which he could rescind. He had ordered Heraclius to be restored to his property; he was not restored. Every Syracusan senator who was accused by Heraclius he ordered to be imprisoned. And on this ground many were imprisoned. Epicrates was restored at once. Other sentences which had been pronounced at Lilybaeum, at Agrigentum, and at Panormus, were reviewed and reformed. Metellus showed that he did not mean to attend to the returns which had been made while Verres was praetor. The tithes which he had sold in a manner contrary to the Lex Hieronica, he said that he would sell according to that law. All the actions of Metellus went to the same point, so that he seemed to be remodeling the whole of Verres's praetorship. As soon as I arrived in Sicily, he changed his conduct. [64] A man of the name of Letilius had come to him two days before, a man not unversed in literature, so he constantly used him as his secretary. He had brought him many letters, and, among them, one from home which had changed the whole man. On a sudden he began to say that he wished to do everything to please Verres; that he was connected with him by the ties of both friendship and relationship. All men wondered that this should now at last have occurred to him, after he had injured him by so many actions and so many decisions. Some thought that Letilius had come as an ambassador from Verres, to put him in mind of their mutual interests, their friendship, and their relationship. From that time he began to solicit the cities for testimony in favour of Verres, and not only to try to deter the witnesses against him by threats, but even to detain them by force. And if I had not by my arrival checked his endeavours in some degree, and striven among the Sicilians, by the help of Glabrio's letters and of the law, I should not have been able to bring so many witnesses into this court. 27. [65]

But, as I began to say, remark the miseries of the Sicilians. Heraclius, whom I have mentioned, and Epicrates came forward a great distance to meet me, with all their friends. When I came to Syracuse, they thanked me with tears; they wished to leave Syracuse, and go to Rome in my company: because I had many other towns left

which I wanted to go to, I arranged with the men on what day they were to meet me at Messana. They sent a messenger to me there, that they were detained by the praetor. And though I summoned them formally to attend and give evidence, — though I gave in their names to Metellus, — though they were very eager to come, having been treated with the most enormous injustice, they have not arrived yet. These are the rights which the allies enjoy now, not to be allowed even to complain of their distresses.

[66] You have already heard the evidence of Heraclius of Centuripa, a most virtuous and noble young man, from whom a hundred thousand sesterces were claimed by a fraudulent and false accusation. Verres, by means of penalties and securities exacted, contrived to extort three hundred thousand; and the sentence which had been given in favour of Heraclius, in the affairs about which security had been given) he set aside, because a citizen of Centuripa had acted as judge between two of his fellow-citizens, and he said that he had given a false decision; he forbade him to appear in the senate, and deprived him by an interdict of all the privileges of citizens and of access to all public places. If any one struck him, he announced that he would take no cognisance of the injury; that if any claim were made on him, he would appoint a judge from his own retinue, but that he would not allow him an action on any ground whatever. [67] And his authority in the province had just this weight, that no one did strike him, though the praetor in his province gave every one leave by word, and in reality incited them to do so; nor did any one claim anything of him, though he had given licence to false accusation by his authority; yet that heavy mark of ignominy was attached to the man as long as Verres remained in the province. After this fear had been impressed on the judges, in a manner unexampled and wholly without precedent, do you suppose that any matter was decided in Sicily except according to his will and pleasure? Does this appear to have been the only effect of it, (which effect, however, it had,) to take his money from Heraclius? or was not this also the object, as the means by which the greatest plunder was to be got, — to bring, under presence of judicial decision, the property and fortune of every one into the power of that one man? 28. [68]

But why should I seek out every separate transaction and cause in

the trials which took place on capital charges? Out of many, which are all nearly alike, I will select those which seem to go beyond all the others in rascality. There was a man of Halicya, named Sopater, among the first men of his state for riches and high character. He, having been accused by his enemies before Caius Sacerdos the praetor, on a capital charge, was easily acquitted. The same enemies again accused this same Sopater on the same charge before Caius Verres when he had come as successor to Sacerdos. The matter appeared trifling to Sopater, both because he was innocent, and because he thought that Verres would never dare to overturn the decision of Sacerdos. The defendant is cited to appear. The cause is heard at Syracuse. Those changes are brought forward by the accusers which had been already previously extinguished, not only by the defence, but also by the decision. [69] Quintus Minucius, a Roman knight, among the first for a high and honourable reputation, and not unknown to you, O judges, defended the cause of Sopater. There was nothing in the cause which seemed possible to be feared, or even to be doubted about at all. In the meantime that same Timarchides, that fellow's attendant and freedman, who is, as you have learnt by many witnesses at the former hearing, his agent and manager in all affairs of this sort, comes to Sopater, and advised him not to trust too much to the decision of Sacerdos and the justice of his cause; he tells him that his accusers and enemies have thoughts of giving money to the praetor, but that the praetor would rather take it to acquit; and at the same time, that he had rather, if it were possible, not rescind a decision of his predecessor. Sopater, as this happened to him quite suddenly and unexpectedly, was greatly perplexed, and had no answer ready to make to Timarchides, except that he would consider what he had best do in such a case; and at the same time he told him that he was in great difficulties respecting money matters. Afterwards he consulted with his friends; and as they advised him to purchase an acquittal, he came to Timarchides. Having explained his difficulties to him, he brings the man down to eighty thousand sesterces, and pays him that money. 29. [70]

When the cause came to be heard, all who were defending Sopater were without any fear or any anxiety. No crime had been committed; the matter had been decided; Verres had received the money. Who

could doubt how it would turn out? The matter is not summed up that day; the court breaks up; Timarchides comes a second time to Sopater. He says that his accusers were promising a much larger sum to the praetor than what he had given, and that if he were wise he would consider what he had best do. The man, though he was a Sicilian, and a defendant — that is to say, though he had little chance of obtaining justice — and was in an unfortunate position, still would not bear with or listen to Timarchides any longer. Do, said he, whatever you please; I will not give any more And this, too, was the advice of his friends and defenders; and so much the more, because Verres, however he might conduct himself on the trial, still had with him on the bench some honourable men of the Syracusan community, who had also been on the bench with Sacerdos when this same Sopater had been acquitted. They considered that it was absolutely impossible for the same men, who had formerly acquitted Sopater, to condemn him now on the same charge, supported by the same witnesses. And so with this one hope they came before the court. [71] And when they came thither, when the same men came in numbers on the bench who were used to sit there, and when the whole defence of Sopater rested on this hope, namely, on the number and dignity of the bench of judges, and on the fact of their being, as I have said before, the same men who had before acquitted Sopater of the same charge, mark the open rascality and audacity of the man, not attempted to be disguised, I will not say under any reason, but with even the least dissimulation. He orders Marcus Petilius, a Roman knight, whom he had with him on the bench, to attend to a private cause in which he was judge. Petilius refused, because Verres himself was detaining his friends whom he had wished to have with him on the bench. He, liberal man, said that he did not wish to detain any of the men who preferred being with Petilius. And so they all go; for the rest also prevail upon him not to detain them, saying that they wished to appear in favour of one or other of the parties who were concerned in that trial. And so he is left alone with his most worthless retinue. [72] Minucius, who was defending Sopater, did not doubt that Verres, since he had dismissed the whole bench, would not proceed with the investigation of his cause that day; when all of a sudden he is ordered to state his case. He answers, “To whom?” “To

me," says Verres, "if I appear to you of sufficient dignity to try the cause of a Sicilian, a Greek." "Certainly," says he, "you are of sufficient dignity, but I wish for the presence of those men who were present before, and were acquainted with the case." "State your case," says he; "they cannot be present." "For in truth," says Quintus Minucius, "Petilius begged me also to be with him on the bench;" and at the same time he began to leave his seat as counsel. [73] Verres, in a rage, attacks him with pretty violent language, and even began to threaten him severely, for bringing such a charge, and trying to excite such odium against him. 30.

Minucius, who lived as a merchant at Syracuse, in such a way as always to bear in mind his rights and his dignity and who knew that it became him not to increase his property in the province at the expense of any portion of his liberty, gave the man such answer as seemed good to him, and as the occasion and the cause required. He said that he would not speak in defence of his client when the bench of judges was sent away and dismissed. And so he left the bar. And all the other friends and advocates of Sopater, except the Sicilians, did the same. [74] Verres, though he is a man of incredible effrontery and audacity, yet when he was thus suddenly left alone got frightened and agitated. He did not know what to do, or which way to turn. If he adjourned the investigation at that time, he knew that when those men were present, whom he had got rid of for the time, Sopater would be acquitted; but if he condemned an unfortunate and innocent man, (while he himself, the praetor, was without any colleagues, and the defendant without any counsel or patron,) and rescinded the decision of Caius Sacerdos, he thought that he should not be able to withstand the unpopularity of such an act. So he was quite in a fever with perplexity. He turned himself every way, not only as to his mind, but also as to his body; so that all who were present could plainly see that fear and covetousness were contending together in his heart. There was a great crowd of people present, there was profound silence, and eager expectation which way his covetousness was going to find vent. His attendant Timarchides was constantly stooping down to his ear. [75] Then at last he said, "Come, state your case." Sopater began to implore him by the good faith of gods and man, to hear the cause in company with the rest of the

bench. He orders the witnesses to be summoned instantly. One or two of them give their evidence briefly. No questions are asked. The crier proclaims that the case is closed. Verres, as if he were afraid that Petilius, having either finished or adjourned the private cause on which he was engaged, might return to the bench with the rest, jumps down in haste from his seat; he condemned an innocent man, one who had been acquitted by Caius Sacerdos, without hearing him in his defence, by the joint sentence of a secretary, a physician, and a soothsayer. 31. [76]

Keep, pray keep that man in the city, O judges. Spare him and preserve him, that you may have a man to assist you in judging causes; to declare his opinion in the senate on questions of war and peace, without any covetous desires. Although, indeed, we and the Roman people have less cause to be anxious as to what his opinion in the senate is likely to be: for what will be his authority? When will he have either the daring or the power to deliver his opinion? When will a man of such luxury and such indolence ever attempt to mount up to the senate-house except in the month of February? However, let him come; let him vote war against the Cretans, liberty to the Byzantines; let him call Ptolemy king; let him say and think everything which Hortensius wishes him. These things do not so immediately concern us — have not such immediate reference to the risk of our lives, or to the peril of our fortunes. [77]

What really is of vital importance, what is formidable, what is to be dreaded by every virtuous man, is, that if through any influence this man escapes from this trial, he must be among the judges; he must give his decision on the lives of Roman citizens; he must be standard-bearer in the army of that man who wishes to possess undisputed sway over our courts of justice. This the Roman people refuses; this it will never endure; the whole people raises an outcry, and gives you leave, if you are delighted with these men, if you wish from such a set to add splendour to your order, and an ornament to the senate-house, to have that fellow among you as a senator, to have him even as a judge in your own cases, if you choose; but men who are not of your body, men to whom the admirable Cornelian laws do not give the power of objecting to more than three judges, do not choose that this man, so cruel, so wicked, so infamous should sit as

judge in matters in which they are concerned. 32. [78]

In truth, if that is a wicked action, (which appears to me to be of all actions the most base, and the most wicked,) to take money to influence a decision in a court of law, to put up one's good faith and religion to auction; how much love wicked, flagitious, and scandalous is it, to condemn a man from whom you have taken money to acquit him? — so that the praetor does not even act up to the customs of robbers, for there is honour among thieves. It is a sin to take money from a defendant; how much more to take it from an accuser! how much more wicked still to take it from both parties! When you had put up your good faith to auction in the province, he had the most weight with you who gave you the most money. — That was natural: perhaps some time or other some one else may have done something of the same sort. But when you had already disposed of your good faith and of your scruples to the one party, and had received the money, and had afterwards sold the very same articles to his adversary for a still higher price, are you going to cheat both, and to decide as you please? and not even to give back the money to the party whom you have deceived? [79] What is the use of speaking to me of Bulbus, of Stalenus? What monster of this sort, what prodigy of wickedness have we ever heard of or seen, who would first sell his decision to the defendant, and afterwards decide in favour of the accuser? who would get rid of, and dismiss from the bench honourable men who were acquainted with the cause; would by himself alone condemn a defendant, who had been acquitted once from whom he had taken money, and would not restore: him his money? — Shall we have this man on the list of judges Shall he be named as judge in the second senatorial decury? Shall he be the Judge of the lives of free men? Shall a judicial tablet be entrusted to him, which he will mark not only with wax, but with blood too if it be made worth his while? 33. [80]

For what of all these things does he deny having done? That, perhaps, which he must deny or else be silent, — the having taken the money? Why should he not deny it? But the Roman knight who defended Sopater, who was present at all his deliberations and at every transaction, Quintus Minucius, says on his oath that the money was paid; he says on his oath that Timarchides said that a greater

sum was being offered by the accusers. All the Sicilians will say the same; all the citizens of Halicya will say the same; even the young son of Sopater will say the same, who by that most cruel man has been deprived of his innocent father and of his father's property. [81] But if I cannot make the case plain, as far as the money is concerned, by evidence, can you deny this, or will you now deny, that after you had dismissed the rest of the judges, after those excellent men who had sat on the bench with Caius Sacerdos, and who were used to sit there with you, had been got rid of, you by yourself decided a matter which had been decided before? — that the man, whom Caius Sacerdos, assisted by a bench of colleagues, after an investigation of the case, acquitted, you, without any bench of colleagues, without investigating the case, condemned? When you have confessed this, which was done openly in the forum at Syracuse, before the eyes of the whole province; then deny, if you like, that you received money. You will be very likely to find a man, when he sees these things which were done openly, to ask what you did secretly; or to doubt whether he had better believe my witnesses or your defenders. [82] I have already said, O judges, that I shall not enumerate all that fellow's actions which are of this sort; but that I shall select those which are the most remarkable. 34.

Listen now to another remarkable exploit of his, one that has already been mentioned in many places, and one of such a sort that every possible crime seems to be comprehended in that one. Listen carefully, for you will find that this deed had its origin in covetousness, its growth in lust, its consummation and completeness in cruelty. [83] Sthenius, the man who is sitting by us, is a citizen of Thermae, long since known to many by his eminent virtue and his illustrious birth, and now known to all men by his own misfortune and the unexampled injuries he has received from that man. Verres having often enjoyed his hospitality, and having not only stayed often with him at Thermae, but having almost dwelt with him there, took away from him out of his house everything which could in any uncommon degree delight the mind or eyes of any one. In truth, Sthenius from his youth had collected such things as these with more than ordinary diligence; elegant furniture of brass, made at Delos and at Corinth, paintings, and even a good deal of elegantly wrought

silver, as far as the wealth of a citizen of Thermae could afford. And these things, when he was in Asia as a young man, he had collected diligently, as I said, not so much for any pleasure to himself, as for ornaments against the visits of Roman citizens, his own friends and connections, whenever he invited them. [84] But after Verres got them all, some by begging for then, some by demanding them, and some by boldly taking them, Sthenius bore it as well as he could, but he was affected with unavoidable indignation in his mind, at that fellow having rendered his house, which had been so beautifully furnished and decorated, naked and empty; still he told his indignation to no one. He thought he must bear the injuries of the praetor in silence — those of his guest with calmness. [85] Meantime that man, with that covetousness of his which was now notorious and the common talk of every one, as he took a violent fancy to some exceedingly beautiful and very ancient statues at Thermae placed in the public place, began to beg of Sthenius to promise him his countenance and to aid him in taking them away. But Sthenius not only refused, but declared to him that it was utterly impossible that most ancient statues, memorials of Publius Africanus, should ever be taken away out of the town of the Thermitani, as long as that city and the empire of the Roman people remained uninjured. 35. [86]

Indeed, (that you may learn at the same time both the humanity and the justice of Publius Africanus,) the Carthaginians had formerly taken the town of Himera, one of the first towns in Sicily for renown and for beauty. Scipio as he thought it a thing worthy of the Roman people, that, after the war was over, our allies should recover their property in consequence of our victory, took care, after Carthage had been taken, that everything which he could manage should be restored to all the Sicilians. As Himera had been destroyed, those citizens whom the disasters of the war had spared had settled at Thermae, on the border of the same district, and not far from their ancient town. They thought that they were recovering the fortune and dignity of their fathers, when those ornaments of their ancestors were being placed in the town of Thermae. [87] There were many statues of brass; among them a statue of Himera herself, of marvellous beauty, made in the shape and dress of a woman, after the name of the town and of the river. There was also a statue of the poet Stesichorus,

aged, stooping, — made, as men think, with the most exceeding skill, — who was, indeed, a citizen of Himera, but who both was and is in the highest renown and estimation over all Greece for his genius. These things he coveted to a degree of madness. There is also, which I had almost passed over, a certain she-goat made, as even we who are skilled in these matters can judge, with wonderful skill and beauty. These, and other works of art, Scipio had not thrown away like a fool, in order that an intelligent man like Verres might have an opportunity of carrying them away, but he had restored them to the people of Thermae; not that he himself had not gardens, or a suburban villa, or some place or other where he could put them; but, if he had taken them home, they would not long have been called Scipio's, but theirs to whom they had come by his death. Now they are placed in such places that it seems to me they will always seem to be Scipio's, and so they are called. 36. [88]

When that fellow claimed those things, and the subject was mooted in the senate, Sthenius resisted his claim most earnestly, and urged many arguments, for he is among the first men in all Sicily for fluency of speech. He said that it was more honourable for the men of Thermae to abandon their city than to allow the memorials of their ancestors, the spoils of their enemies, the gifts of a most illustrious man, the proofs of the alliance and friendship with the Roman people, to be taken away out of their city. The minds of all were moved. No one was found who did not agree that it was better to die. And so Verres found this town almost the only one in the whole world from which he could not carry off anything of that sort belonging to the community, either by violence, or by stealth, or by his own absolute power, or by his interest, or by bribery. But, however, all this covetousness of his I will expose another time; at present I must return to Sthenius. [89] Verres being furiously enraged against Sthenius, renounces the connection of hospitality with him, leaves his house, and departs; for, indeed, he had moved his quarters before. The greatest enemies of Sthenius immediately invite him to their houses, in order to inflame his mind against Sthenius by inventing lies and accusing him. And these enemies were, Agathinus, a man of noble birth, and Dorotheus, who had married Callidama, the daughter of that same Agathinus, of whom Verres had heard. So he

preferred migrating to the son-in-law of Agathinus. Only one night elapsed before he became so intimate with Dorotheus, that, as one might say, they had everything in common. He paid as great attention to Agathinus as if he had been some connection or relation of his own. He appeared even to despise that statue of Himera, because the figure and features of his hostess delighted him much more. 37. [90]

Therefore he began to instigate the men to create some danger for Sthenius, and to invent some accusation against him. They said they had nothing to allege against him. On this he openly declared to them, and promised to them that they might prove whatever they pleased against Sthenius if they only laid the information before him. So they do not delay. They immediately bring Sthenius before him; they say that the public documents have been tampered with by him. Sthenius demands, that as his own fellow-citizens are prosecuting him on a charge of tampering with the public documents, and as there is a right of action on such a charge according to the laws of the Thermitani since the senate and people of Rome had restored to the Thermitani their city, and their territory and their laws, because they had always remained faithful and friendly; and since Publius Rupilius had afterwards, in obedience to a degree of the senate, given laws to the Sicilinus, acting with the advice of ten commissioners, according to which the citizens were to use their own laws in their actions with one another; and singe Verres himself had the same regulation contained in his edict; — on all these accounts, I say, he claims of Verres to refer the matter to their own laws. [91] That man, the justest of all men, and the most remote from covetousness, declares that he will investigate the affair himself, and bids him come prepared to plead his cause at the eighth hour. It was not difficult to see what that dishonest and wicked man was designing. And, indeed, he did not himself very much disguise it, and the woman could not hold her tongue. It was understood that his intention was, that, after he, without any pleading taking place, and without any witnesses being called, had condemned Sthenius, then, infamous that he was, he should cause the man, a man of noble birth, of mature age, and his own host, to be cruelly punished by scourging. And as this was notorious, by the advice of his friends and connections, Sthenius fled

from there to Rome. He preferred trusting himself to the winter and to the waves, rather than not escape that common tempest and calamity of all the Sicilians. 38. [92]

That punctual and diligent man is ready at the eighth hour. He orders Sthenius to be summoned; and, when he sees that he does not appear, he begins to burn with indignation, and to go mad with rage; to despatch officers to his house; to send horsemen in every direction about his farms and country houses, — and as he kept waiting there till some certain news could be brought to him, he did not leave the court till the third hour of the night. The next day he came down again the first thing in the morning; he calls Agathinus, he bids him make his statement about the public documents against Sthenius in his absence. It was a cause of such a character, that, even though he had no adversary in court, and a judge unfriendly to the defendant, still he could not find anything to say. [93] So that he confined himself to the mere statement that, when Sacerdos was praetor, Sthenius had tampered with the public documents. He had scarcely said this when Verres gives sentence "that Sthenius seems to have tampered with the public documents," and, moreover, this man so devoted to Venus, added this besides, with no precedent for, no example of, such an addition, "For that action he should adjudge five hundred thousand sesterces to Venus Erycina out of the property of Sthenius." And immediately he began to sell his property; and he would have sold it, if there had been ever so little delay in paying him the money. [94] After it was paid, he was not content with this iniquity; he gave notice openly from the seat of justice, and from the tribunal, "That if any one wished to accuse Sthenius in his absence of a capital charge, he was ready to take the charge." And immediately he began to instigate Agathinus, his new relation and host, to apply himself to such a cause, and to accuse him. But he said loudly, in the hearing of every one, that he would not do so, and that he was not so far an enemy to Sthenius as to say that he was implicated in any capital crime. Just at this moment a man of the name of Pacilius, a needy and worthless man, arrives on a sudden. He says, that he is willing to accuse the man in his absence if he may. And Verres tells him that he may, that it is a thing often done, and that he will receive the accusation. So the charge is made. Verres immediately issues an

edict that Sthenius is to appear at Syracuse on the first of December. [95] He, when he had reached Rome, and had a sufficiently prosperous voyage for so unfavourable a time of year, and had found everything more just and gentle than the disposition of the praetor, his own guest, related the whole matter to his friends, and it appeared to them all cruel and scandalous, as indeed it was. 39.

Therefore Cnaeus Lentulus and Lucius Gellius the consuls immediately propose in the senate that it be established as a law, if it so seem good to the conscript fathers, "That men be not proceeded against on capital charges in the provinces while they are absent." They relate to the senate the whole case of Sthenius, and the cruelty and injustice of Verres. Verres, the father of the praetor, was present in the senate, and with tears begged all the senators to spare his son, but he had not much success. For the inclination of the senate for the proposal of the consuls was extreme. Therefore opinions were delivered to this effect; "that as Sthenius had been proceeded against in his absence, it seemed good to the senate that no trial should take place in the case of an absent man; and if anything had been done, it seemed good that it should not be ratified." [96] On that day nothing could be done, because it was so late, and because his father had found men to waste the time in speaking. Afterwards the elder Verres goes to all the defenders and connections of Sthenius; he begs and entreats them not to attack his son, not to be anxious about Sthenius; he assures them that he will take care that he suffers no injury by means of his son; that with that object he will send trustworthy men into Sicily both by sea and land. And it wanted now about thirty days of the first of December, on which day he had ordered Sthenius to appear at Syracuse. [97] The friends of Sthenius are moved; they hope that by the letters and messengers of the father the Bon may be called off from his insane attempt. The cause is not agitated any more in the senate. Family messengers come to Verres, and bring him letters from his father before the first of December, before any steps whatever had been taken by him in Sthenius's affair; and at the same time many letters about the same business are brought to him from many of his friends and intimates. 40.

On this he, who had never any regard either for his duty or his danger, or for affection, or for humanity, when put in competition with his covetousness, did not think, as far as he was advised, that the authority of his father, nor, as far as he was entreated, that his inclination was to be preferred to the gratification of his own evil passions. On the morning of the first of December, according to his edict, he orders Sthenius to be summoned. [98] If your father, at the request of any friend, whether influenced by kindness or wishing to curry favour with him, had made that petition to you, still the inclination of your father ought to have had the greatest weight with you; but when he begged it of you for the sake of your own safety from a capital charge, and when he had sent trustworthy men from home, and when they had come to you at a time when the whole affair was still intact, could not even then a regard, if not for affection, at least for your own safety, bring you back to duty and to common sense? He summons the defendant. He does not answer. He summons the accuser. (Mark, I pray you, O judges; see how greatly fortune herself opposed that man's insanity, and see at the same time what chance aided the cause of Sthenius;) the accuser, Marcus Pacilius, being summoned, (I know not how it came about,) did not answer, did not appear. [99] If Sthenius had been accused while present, if he had been detected in a manifest crime, still, as his accuser did not appear, Sthenius ought not to have been condemned. In truth, if a defendant could be condemned though his accuser did not appear, I should not have come from Vibo to Velia in a little boat through the weapons of fugitive slaves, and pirates, and through yours, at a time when all that haste of mine at the peril of my life was to prevent your being taken out of the list of defendants if I did not appear on the appointed day. If then in this trial of yours that was the most desirable thing by you, — namely, for me not to appear when I was summoned, why did you not think that it ought also to serve Sthenius that his accuser had not appeared? He so managed the matter that the end entirely corresponded to the beginning; the same man against whom he had received an accusation while he was absent, he condemns now when the accuser is absent. 41. [100]

At the very outset news was brought to him that the matter had

been agitated in the senate, (which his father also had written him word of at great length,) that also in the public assembly Marcus Palicanus, a tribune of the people, had made a complaint to their of the treatment of Sthenius; lastly, that I myself had pleaded the cause of Sthenius before this college of the tribunes of the people, as by their edict no one was allowed to remain in Rome who had been condemned on a capital charge; and that when I had explained the business as I have now done to you, and had proved that this had no right to be considered a condemnation, the tribunes of the people passed this resolution, and that it was unanimously decreed by them, "That Sthenius did not appear to be prohibited by their edict from remaining in Rome." [101] When this news was brought to him, he for a while was alarmed and agitated; he turned the blunt end of his pen on to his tablets, and by so doing he overturned the whole of his cause. For he left himself nothing which could be defended by any means whatever. For if he were to urge in his defence, "It is lawful to take a charge against an absent man, no law forbids this being done in a province," he would seem to be putting forth a faulty and worthless defence, but still it would be some sort of a defence. Lastly, he might employ that most desperate refuge, of saying, that he had acted ignorantly; that he had thought that it was lawful. And although this is the worst defence of all, still he would seem to have said something. He erases that from his tablets which he had put down, and enters "that the charge was brought against Sthenius while he was present." 42. [102]

Here consider in how many toils he involved himself; from which he could never disentangle himself. In the first place, he had often and openly declared himself in Sicily from his tribunal, and had asserted to many people in private conversation, that it was lawful to take a charge against an absent man; that he, for example, had done so himself — which he had. That he was in the habit of constantly saying this, was stated at the former pleading by Sextus Pompeius Chlorus, a man of whose virtue I have before spoken highly; and by Cnaeus Pompeius Theodorus, a man approved of by the judgment of that most illustrious man Cnaeus Pompeius in many most important affairs, and, by universal consent, a most accomplished person; and by Posides Matro of Solentum, a man of the highest rank, of the

greatest reputation and virtue. And as many as you please will tell you the same thing at this present trial, both men who have heard it from his own mouth, — some of the leading men of our order, — and others too who were present when the accusation was taken against Sthenius in his absence. Moreover at Rome, when the matter was discussed in the senate, all his friends, and among them his own father, defended him on the ground of its being lawful so to act; — of its having been done constantly; — of his having done what he had done according to the example and established precedent of others. [103] Besides, all Sicily gives evidence of the fact which in the common petitions of all the states has prescribed this request to the consuls, "to beg and entreat of the conscript fathers, not to allow charges to be received against the absent." Concerning which matter you heard Cnaeus Lentulus, the advocate of Sicily, and a most admirable young man, say, that the Sicilians, when they were instructing him in their case, and pointing out to him what matters were to be urged in their behalf before the senate, complained much of this misfortune of Sthenius, and on account of this injustice which had been done to Sthenius, resolved to make this demand which I have mentioned. [104] And as this is the ease, were you endued with such insanity and audacity, as, in a matter so clear, so thoroughly proved, — made so notorious even by you yourself, to dare to corrupt the public records? But how did you corrupt them? Did you not do it in such a way that, even if we all kept silence, still your own handwriting would be sufficient to condemn you? Give me, it you please, the document. Take it round to the judges; show it to them. Do you not see that the whole of this entry, where he states that the charge was made against Sthenius in his presence, is a correction? What was written there before? What blunder did he correct when he made that erasure? Why, O judges, do you wait for proofs of this charge from us? We say nothing; the books are before you, which cry out themselves that they have been tampered with and amended. [105] Do you think you can possibly escape out of this business, when we are following you up, not by any uncertain opinion, but by your own traces, which you have left deeply printed and fresh in the public documents? Has he decided, (I should like to know,) without hearing the cause, that Sthenius has tampered with the public documents,

who cannot possibly defend himself from the charge of having tampered with the public documents in the case of that very Sthenius? 43. [106]

See now another instance of madness; see how, in trying to acquit himself; he entangles himself still more. He assigns an advocate to Sthenius. — Whom? Any relation or intimate friend? No. — Any citizen, any honourable and noble man of Florence? Not even that. — At least it was some Sicilian, in whom there was some credit and dignity? Far from it. — Whom then did he assign to him? A Roman citizen. Who can approve of this? When Sthenius was the man of the highest rank in his city, a man of most extensive connections, with numberless friends; when, besides, he was of the greatest influence all over Sicily, by his own personal character and popularity; could he find no Sicilian who was willing to be appointed his advocate? Will you approve of this? Did he himself prefer a Roman citizen? Tell me what Sicilian, when he was defendant in any action, ever had a Roman citizen assigned to him as his advocate? Produce the records of all the praetors who preceded Verres; open them. If you find one such instance, I will then admit to you that this was done as you have entered it in your public documents. [107] Oh but, I suppose, Sthenius thought it honourable to himself for Verres to choose a man for his advocate out of the number of Roman citizens who were his own friends and connections! Whom did he choose? Whose name is written in the records? Caius Claudius, the son of Caius, of the Palatine tribe. I do not ask who this Claudius is; how illustrious, how honourable, how well suited to the business, and deserving that, because of his influence and dignity, Sthenius should abandon the custom of all the Sicilians, and have a Roman citizen for his advocate. I do not ask any of these questions; — for perhaps Sthenius was influenced not by the high position of the man, but by his intimacy with him. — What? What shall we say if there was in the whole world a greater enemy to Sthenius than this very Caius Claudius, both constantly in old times, and especially at this time and in this affair? — if he appeared against him on the charge of tampering with the public documents? — if he opposed him by every means in his power? Which shall we believe, — that an enemy of Sthenius was actually appointed his advocate, or that you, at a time

of the greatest danger to Sthenius, made free with the name of his enemy, to ensure his ruin? 44. [108]

And that no one may have any doubt as to the real nature of the whole transaction, although I feel sure that by this time that man's rascality is pretty evident to you all, still listen yet a little longer. Do you see that man with curly hair, of a dark complexion, who is looking at us with such a countenance as shows that he seems to himself a very clever fellow? him, I mean, who has the papers in his hand — who is writing — who is prompting him — who is next to him. That is Caius Claudius, who in Sicily was considered Verres's agent and interpreter, the manager of all his dirty work, a sort of colleague to Timarchides. Now he is promoted so high that he scarcely seems to yield to Apronius in intimacy with him; indeed he called himself the colleague and ally not of Timarchides, but of Verres himself. [109] Now doubt, if you can, that he chose that man of all the world to impose the worthless character of a false advocate on, whom he knew to be most hostile to Sthenius, and most friendly to himself. And will you hesitate in this case, O judges, to punish such enormous audacity and cruelty and injustice as that of this man? Will you hesitate to follow the example of those judges, who, when they had condemned Cnaeus Dolabella, rescinded the condemnation of Philodamus of Opus, because a charge had been received against him not in his absence, which is of all things the most unjust and the most intolerable, but after a commission had been given him by his fellow-citizens to proceed to Rome as their ambassador? That precedent which the judges, in obedience to the principles of equity, established in a less important cause, will you hesitate to adopt in a cause of the greatest consequence, especially now that it has been established by the authority of others? 45. [110]

But who was it, O Verres, whom you treated with such great, with such unexampled injustice? Against whom did you receive a charge in his absence? Whom did you condemn in his absence; not only without any crime, and without any witness, but even without any accuser? Who was it? O ye immortal gods! I will not say your own friend, — that which is the dearest title among men. I will not say your host, — which is the most holy name. There is nothing in Sthenius's case which I speak of less willingly. The only thing which

I find it possible to blame him in is, — that he, a most moderate and upright man, invited you, a man full of adultery, and crime, and wickedness, to his house; that he, who had been and was connected by ties of hospitality with Caius Marius, with Cnaeus Pompeius, with Caius Marcellus, with Lucius Sisenna, your defender, and with other excellent citizens, added your name also to that of those unimpeachable men. [111] On which account I make no complaint of violated hospitality, and of your abominable wickedness in violating it; I say this not to those who know Sthenius, — that is to say, not to any one of those who have been in Sicily; (for no one who has is ignorant in how great authority he lived in his own city, in what great honour and consideration among all the Sicilians;) but I say it that those, too, who have not been in the province, may be able to understand who he was in whose case you established such a precedent, that both on account of the iniquity of the deed, as well as on account of the rank of the man, it appeared scandalous and intolerable to every one. 46. [112]

Is not Sthenius the man, he who when he had very easily obtained all the honourable offices in his city, executed them with the greatest splendor, and magnificence? — who decorated a town, not itself of the first rank, with most spacious places of public resort, and most splendid monuments, at his own expense? — on account of whose good services towards the state of Thermae, and towards all the Sicilians, a brazen tablet was set up in the senate-house at Thermae; in which mention was made of his services, and engraved at the public expense? — which tablet was torn down under your government, and is now brought hither by me, that all may know the honour in which he was held among his countrymen, and his preeminent dignity. [113] Is this the man, who when he was accused before that most illustrious man, Cnaeus Pompeius, and when his enemies and accusers charged him, in terms calculated to excite odium against him, rather than true, of having been ill affected to the republic on account of his intimacy and his connections of hospitality with Caius Marius, was acquitted by Cnaeus Pompeius with such language as showed that, from what had come out at that very trial, Cnaeus Pompeius judged him most worthy of his own intimacy? and moreover was defended and extolled by all the Sicilians in such a

manner, that Pompeius thought that by his acquittal he had earned, not only the gratitude of the man himself, but that of the whole province? Lastly, is not he the man who had such affection towards the republic, and also such great authority among his fellow-citizens, that he alone in all Sicily, while you were praetor, did what not only no other Sicilian, but what all Sicily even could not do, — namely, prevented you from taking away any statue, any ornament, any sacred vessel, or any public property from Thermae; and that too when there were many remarkable beautiful things there, and though you coveted everything? [114] See now, what a difference there is between you, in whose name days of festival are kept among the Sicilians, and those splendid Verrean games, are celebrated; to whom gilt statues are erected at Rome, presented by the commonwealth of Sicily, as we see inscribed upon them; — see, I say, what a difference there is between you and this Sicilian, who was condemned by you, the patron of Sicily. Him very many cities of Sicily praise by public resolutions in his favour, by their own evidence, by deputations went hither with that object. You, the patron of all the Sicilians, the solitary state of the Mamertini, the partner of your thefts and crimes, praises publicly; and yet in such a way that, by a new process, the deputies themselves injure your cause, though the deputation praises you. These other states all publicly accuse you, complain of you, impeach you by letters, by deputations, by evidence; and, if you are acquitted, think themselves utterly ruined. 47. [115]

It is in the case of this man and of his property that you have erected a monument of your crimes and cruelty even on Mount Eryx itself; on which is inscribed the name Sthenius of Thermae. I saw a Cupid made of silver, with a torch. What object had you, — what reason was there for employing the plunder of Sthenius on that subject rather than on any other? Did you wish it to be a token of your own cupidity, or a trophy of your friendship and connection of hospitality with him, or a proof of your love towards him? Men, who in their excelling wickedness are pleased not only with their lust and pleasure itself, but also with the fame of their wickedness, do wish to leave in many places the marks and traces of their crimes. [116] He was burning with love of that hostess for whose sake he had violated

the laws of hospitality. He wished that not only to be known, but also to be recorded for ever. And therefore, out of the proceeds of that very action which he had performed, Agathinus being the accuser, he thought that a reward was especially due to Venus, who had caused the prosecution and the whole proceeding. I should think you grateful to the Gods if you had given this gift to Venus, not out of the property of Sthenius, but out of your own, as you ought to have done, especially as an inheritance had come to you from Chelidon that very same year. [117] On these grounds now, even if I had not undertaken this cause at the request of all the Sicilians; if the whole province had not requested this favour of me; if my affection and love for the republic, and the injury done to the credit of our order and of the courts of justice, had not compelled me to do so; and if this had been my only reason, that you had so cruelly, and wickedly, and abominably treated my friend and connection Sthenius, to whom I had formed an extraordinary attachment in my quaestorship, of whom I had the highest possible opinion, whom while I was in the province I knew to be most zealous and earnest for my reputation, — I should still think I had plenty of reason to incur the enmity of a most worthless man, in order to defend the safety and fortunes of my friend. [118] Many men have done the same in the times of our ancestors. Lately, too, that most eminent man Cnaeus Domitius did so, who accused Marcus Silanus, a man of consular rank, on account of the injuries done by him to Egritomarus of the Transalpine country, his friend. I should think it became me to follow the example of their good feeling and regard for their duty; and I should hold out hope to my friends and connections to think that they would live a safer life owing to my protection. But when the cause of Sthenius draws along with it the common calamity of the whole province, and when many of my friends and connections are being defended by me at the same time, both in their public and private interests, I ought not in truth to fear that any one can suppose that I have done what I have in undertaking this cause under the pressure and compulsion of any motive except that of the strictest duty. 48.

And that we may at last give up speaking of the investigations made, and the judicial proceedings conducted, and of the decisions given by that man; and as his exploits of that class are countless, let

us put some bounds and limits to our speech and accusation. We will take a few cases of another sort.

[119] You have heard Quintus Varius say, that his agents paid that man a hundred and thirty thousand sesterces for a decision in his cause. You recollect that the evidence of Quintus Varius was corroborated, and that this whole affair was proved by the testimony of Caius Sacerdos, a most excellent man. You know that Cnaeus Sertius and Marcus Modius, Roman knights, and that six hundred Roman citizens besides, and many Sicilians, said that they had given that money for decisions in their causes. And why need I dilate upon this accusation when the whole matter is set plainly forth in the evidence? Why should I argue about what no one can doubt? Or will any man in the world doubt that he set up his judicial decisions for sale in Sicily, when at Rome he sold his very edict and all his decrees? and that he received money from the Sicilians in issuing extraordinary decrees, when he actually made a demand on Marcus Octavius Ligur for giving a decision on his cause? [120] For what method of extorting money did he ever omit? What method did he fail to devise, even if it had escaped the notice of every one else? Was anything in the Sicilian states ever sought to be obtained in which there is any honour, any power, or any authority, that you did not make it a source of your own gain, and sell it to the best bidder? 49.

At the former pleading evidence was given of both a public and a private nature; deputies from Centuripa, from Halesa, from Catina, and from Panormus, and from many other cities gave evidence; but now, also, a great many private individuals have been examined, by whose testimony you have ascertained that no one in all Sicily for the space of three years was ever made senator in any city for nothing, — no one by vote, as their laws prescribe, — no one except by his command, or by his letters; and that in the appointment of all these senators, not only were no votes given, but there was not even any consideration of those families from which it was lawful to select men for that body, nor of their income, nor of their age; nor were any other of the Sicilian laws of the slightest influence. [121] Whoever wished to be made a senator, though he was a boy, though he was unworthy, though he was of a class from which it was not lawful to

take senators; still, if he paid money enough to appear in his eyes a fit man to gain his object, so it always was. Not only the laws of the Sicilians had no influence in this matter, but even those which had been given to them by the senate and people of Rome had none either. For the laws which he makes who has the supreme command given to him by the Roman people, and authority to make laws conferred on him by the senate, ought to be considered the laws of the senate and people of Rome. [122] The citizens of Halesa, who were till lately in the enjoyment of their own laws, in return for the numerous and great services and good deeds done both by themselves and by their ancestors to our republic, lately in the consulship of Lucius Licinius and Quintus Mucius, requested laws from our senate, as they had disputes among themselves about the elections into their senate. The senate, by a very honourable decree, voted that Caius Claudius Pulcher, the son of Appius the praetor, should give them laws to regulate their elections into their senate. Caius Claudius, taking as his counselors all the Marcelli who were then alive, with their advice gave laws to the men of Halesa in which he laid down many rules about the age of the men who might be elected; that no one might be under thirty years of age; about trade, — that no one engaged in it might be elected; about their income, and about all other matters; all which regulations prevailed till that man became praetor by the authority of our magistrates, and with the cordial good-will of the men of Halesa. But from him even a crier who was desirous of it, bought that rank for a sum of money, and boys sixteen and seventeen years old purchased the title of senator; and that which the men of Halesa, our most ancient and faithful allies and friends, had petitioned, and that successfully, at Rome, to have put on such a footing that it might not be lawful for men to be elected even by vote, he now made easy to be obtained by bribery. 50. [123]

The people of Agrigentum have old laws about appointing their senate, given them by Scipio, in which the same principles are laid down, and this one besides, — as there are two classes of Agrigentines, one of the old inhabitants, and the other of the new, — settlers whom Titus Manlius, when praetor, had led from other towns of the Sicilians to Agrigentum, in obedience to a resolution of the senate; — it was provided in the laws of Scipio, that there should not

be a greater number of members of the senate taken from the class of settlers than from the old inhabitants of Agrigentum. That man, who had levelled all laws by bribery, and who had taken away all distinction between things for money, not only disturbed all those regulations which related to age, rank, and traffic, but even with respect to these two classes of old and new inhabitants, he disturbed the proportion of their selection. [124] For when a senator died of the old inhabitants, and when the remaining number of each class was equal, it was necessary, according to the laws, that one of the original inhabitants should be elected in order that there might be the larger number. And though this was the case, still, not only some of the original inhabitants, but also some of the new settlers, came to him to purchase the rank of senator. The result is, that through bribery, one of the new men carries the day, and gets letters of appointment from the praetor. The Agrigentines send deputies to him to inform him of their laws, and to explain to him the invariable usage of past years, in order that he might be aware that he had sold that rank to one with whom he had no right even to treat on the subject. By whose speech, as he had already received the money, he was not in the least influenced. [125] He did the same thing at Heraclea. For thither also Publius Rupilius led settlers and gave them similar laws about the appointment of the senate, and about the number of the old and new senators. There he did not only receive money, as he did in the other cities, but he even confused the class of the original inhabitants and of the new settlers. 51.

Do not wait for me to go through all the cities of Sicily in my speech. In this one statement I comprehend everything, — that no one could be made a senator while he was praetor except those who had given him money. [126] And I carry on the same charge to all magistracies, agencies, and priesthoods; by which acts he has not only trampled on the laws of men, but on all the religious reverence due to the immortal gods. There is at Syracuse a law respecting their religion, which enjoins a priest of Jupiter to be taken by lot every year; and that priesthood is considered among the Syracusans as the most honourable. [127] When three men have been selected by vote out of the three classes of citizens, the matter is decided by lot. He by his absolute command had contrived to have his intimate friend

Theomnastus returned among the three by vote. When it came to the decision by lot, which he could not command, men were waiting to see what he would do. The fellow at first forbade them to elect by lot, as that seemed the easiest way, and ordered Theomnastus to be appointed without casting lots. The Syracusans say that cannot possibly be done, according to the reverence due to their sacred laws; they say it would be impious. He orders the law to be read to him. It is read. In it was written, "that as many lots were to be thrown into the urn as there were names returned; that he whose name was drawn was to have the priesthood." He then, ingenious and clever man! said, "Capital! it is written, 'As many lots as there are names returned;' how many names then were returned?" It is answered, "Three." "Is there then anything necessary except that three lots should be put in, and one drawn out?" "Nothing." He orders three lots to be put in, on all of which was written the name of Theomnastus. A great outcry arises as it seemed to every one a scandalous and infamous proceeding. And so by these means that most honourable priesthood is given to Theomnastus. 52. [128]

At Cephalaedium there is a regular month, in which the pontifex is bound to be appointed. A man of the name of Artemo, surnamed Climachias, was desirous of that honour a man of sufficient riches to be sure, and of noble family; but he could not possibly have been appointed if a man of the name of Herodotus had been present. For that place and rank was thought to be so decidedly due to him for that year, that even Climachias could say nothing against him. The matter is referred to Verres, and is decided according to his usual fashion. Some beautiful and valuable specimens of carving are removed from Artemo's. Herodotus was at Rome; he thought that he should arrive in time enough for the comitia if he came the day before. Verres, in order that the comitia might not be held in any other month than the regular one, and that the honour might not be refused to Herodotus when he was present, (a thing which he was not anxious for, and which Climachias was very eager to avoid,) contrives, (I have said before, there is no one cleverer, and never was, in his way,) — he contrives, I say, how the comitia may be held in the regular month for them, and yet Herodotus may not be able to be present. [129] It is a custom of the Sicilians, and of the rest of the

Greeks, because they wish their days and months to agree with the calculations as to the sun and moon, if there be any difference sometimes to take out a day, or, at most, two days from a month, which they call ἐξαιρέσιμοι. And so also they sometimes make a month longer by a day or by two days. And when he heard of that, he, this new astronomer, who was thinking not so much of the heavens as of the heavy plate, he orders (not a day to be taken out of the month, but) a month and a half to be taken out of the year; so that the day which, as one may say, ought to have been the thirteenth of January, became the first of March. And that is done in spite of the remonstrances and indignation of every one. That was the legitimate day for holding the comitia. On that day Climachias is declared to have been elected priest. [130] When Herodotus returns from Rome, fifteen days, as he supposed, before the comitia, he comes on the month of the comitia, when the comitia have been held thirty days before. Then the people of Cephalaedium voted an intercalary month of forty-five days, in order that the rest of the months might fall again into their proper season. If these things could be done at Rome, no doubt he would somehow or other have contrived to have the forty-five days between the two sets of games taken away, during which days alone this trial could take place. 53. [131]

But now it is worth while to see how the censors were appointed in Sicily while that man was praetor. For that is the magistracy among the Sicilians, the appointments to which are made by the people with the greatest care, because all the Sicilians pay a yearly tax in proportion to their incomes; and, in making the census, the power is entrusted to the censor of making every sort of valuation, and of determining the total amount of every man's contribution. Therefore the people choose with the greatest care the man in whom they can place the greatest confidence in a matter affecting their own property; and on account of the greatness of the power, this magistracy is an object of the greatest ambition. [132] In such a matter, Verres did not choose to do any thing obscurely, nor to play tricks in the drawing of lots, nor to take days out of the calendar. He did not choose to do anything in an underhand manner, or by means of artifice; but in order to take away the fondness and desire for honours and ambition out of every city, feelings which usually tend to the

ruin of a state, he declared that he should appoint the censors in every city. [133] When the praetor announced so vast a scene of bargaining and trafficking as that, people came to Syracuse to see him, from all quarters. The whole of the praetor's house was on fire with the eagerness and cupidity of men; and no wonder, when all the comitia of so many cities were packed together into one house, and when all the ambition of an entire province was confined in one chamber. Bribes being openly asked for, and biddings being openly made, Timarchides appointed two censors for every city. He, by his own labour, and by his own visits to every one, by all the trouble which he took in this employment, achieved this, that all the money came to Verres without his having any anxiety on his part. How much money this Timarchides made, you cannot as yet know; for a certainty; but in what a variety of manners, and how shamefully, he plundered people, you heard at the former pleading, by the evidence of many witnesses. 54. [134]

But that you may not wonder how that freedman obtained so much influence with him, I will tell you briefly what the man is; so that you may both see the worthlessness of the man who kept such a fellow about him, especially in that employment and position, and that you may also see the misery of the province. In the seduction of women, and in all licentiousness and wickedness of that character, I found this Timarchides wonderfully fitted by nature to be subservient to his infamous lusts, and unexampled profligacy. In finding out who people were, in calling on them, in addressing them, in bribing them, in doing anything in matters of that sort, however cunningly, however audaciously, however shamelessly it might be necessary to go to work, I heard that this man could contrive admirable schemes for ensuring success. For, as for Verres himself, he was only a man of a covetousness ever open-mouthed, and ever threatening, but he had no ingenuity, no resources; so that, in whatever he did of his own accord, (just as you know was the case with him at Rome,) he seemed to rob openly rather than to cheat. [135] But the other fellow's skill and artifice were marvellous, so that he could hunt out and scent out with the greatest acuteness, all over the province, whatever had happened to any one, whatever any one stood in need of. He was able to find out, to converse with, to tamper with every one's foes, and

every one's enemies; to know the circumstances of every trial on both sides; to ascertain men's inclinations, and power, and resources; where it was necessary to strike terror; where it was desirable to hold out hope. Every accuser, every informer, he had in his power, if he wished to cause trouble to any one, he did it without any difficulty. All Verres's decrees, and commands, and letters, he sold in the most skillful and cunning manner. [136] And he was not only the minister of Verres's pleasures, he also took equally good care of himself. He not only picked up whatever money had slipped through his principal's fingers, by which he amassed great riches, but he also picked up the relics of his pleasures and of his profligacy. Therefore do not fancy that Athenio reigned in Sicily, for he took no city; but know ye that the runaway slave Timarchides reigned in every city of Sicily for three years; that the children, the matrons, the property, and all the fortunes of the most ancient and most devoted allies of the Roman people were all that time in the power of Timarchides. He therefore, as I say, he, Timarchides, sent censors into every city, having taken bribes for their appointment. Comitia for the election of censors, while Verres was praetor, were never held not even for the purpose of making a presence of legality. 55. [137]

This was the most shameless business of all. Three hundred denarii were openly exacted (for this, forsooth, was permitted by the laws) from each censor, to be paid down for the praetors statue. There were appointed a hundred and thirty censors. They gave one sum of money for the censorship contrary to the law; these thirty-nine thousand denarii they openly paid down for the statue, in compliance with the laws. First of all, what was all that money for? Secondly, why did the censors pay it to you for your statue? I suppose there is a regular order of censors, a college of them. They are a distinct class of men! Why, it is either cities in their capacity of communities, that confer these honours, or men according to their classes, as cultivators, as merchants, as shipowners. But why to censors rather than to aediles? Is it for any service that they have done? Therefore, will you confess that these things were begged of you, — for you will not dare to say they were purchased of you; — that you granted those magistracies to men out of favour, and not with a new to the interests of the republic? And when you confess

this, will any one doubt that you incurred that unpopularity held hatred among the different tribes of that province, not out of ambition, nor for the sake of doing a kindness to any one, but with the object of procuring money? [138] Therefore those censors did the same thing that those do in our republic, who have got offices by bribery; they took care to use their power so as to fill up again that gap in their property. The census was so taken, when you were praetor, that the affairs of no state whatever could be administered according to such a census. For they made a low return of the incomes of all the richest men, and exaggerated that of each poor man. And so in levying the taxes so heavy a burden was laid upon the common people, that even if the men themselves said nothing, the facts alone would discredit that census, as may easily be understood from the circumstances themselves. 56.

For Lucius Metellus who, after I came into Sicily for the sake of prosecuting my injuries, became on a sudden after the arrival of Letilius not only the friend of Verres, but even his relative; because he saw that that census could not possibly stand, ordered that former one to be attended to which had been when that most gallant and upright man, Sextus Peducaeus, was praetor. For at that time there were censors made according to the laws, elected by their cities, in whose case, if they did anything wrong, punishments were appointed by the law. [139] But when you were praetor, how could the censor either fear the law, by which he was not bound, since he had not been created by the law; or fear your reproof for having sold what he had bought of you? Let Metellus now detain my witnesses — let him compel others to praise him, as he has attempted in many instances; only let him do what he is doing. For whoever was treated by any one with such insult, with so much ignominy? Every fifth year a census is taken of all Sicily. A census was taken when Peducaeus was praetor. When the five years had elapsed in your praetorship, a census was taken again. The next year Lucius Metellus forbids any mention to be made of your census; he says that censors must be created afresh; and in the meantime he orders the census of Peducaeus to be attended to. If an enemy of yours had done this to you, although the province would have borne it with great equanimity, still it would have seemed the severe decision of an

enemy. A new friend, a voluntary relation did it. For he could not do otherwise, if he wished to retain the province in its allegiance, if he wished to live himself in safety in the province 57. [140]

Are you waiting to see what these men also will decide? If he had deprived you of your office, he would have treated you with less insult, than when he abrogated and annulled the things which you had done in your office. Nor did he behave in this way in that matter alone, but he had done the same in many other matters of the greatest importance, before I arrived in Sicily. For he ordered your friends, the palaestra people, to restore his property to Heraclius the Syracusan, and the people of Bidis to restore his property to Epicrates, and Appius Claudius his to his ward at Drepanum; and, if Letilius had not arrived in Sicily with letters a little too soon, in less than thirty days Metellus would have annulled your whole three years' praetorship. [141]

And, since I have spoken of that money which the censors paid to you for your statue, it seems to me that I ought not to pass over that method of raising money, which you exacted from the cities on presence of erecting statues. For I see that the sum total of that money is very large, amounting to a hundred and twenty thousand sesterces. This much is proved by the evidence and letters of the cities. And he admits that, and indeed he cannot say otherwise. What sort of conduct then are we to think that which he denies, when these actions which he confesses are so infamous? For what do you wish to be believed? That all that money was spent in statues? — Suppose it was. Still this is by no means to be endured, that the allies should be robbed of so much money, in order that statues of a most infamous robber may be placed in every alley, where it appears scarcely possible to pass in safety. 58. [142]

But where in the world, or on what statues, was that enormous sum of money spent? It will be spent, you will say. Let us, forsooth, wait for the recurrence of that regular five years. If in this interval he has not spent it then at last we will impeach him for embezzlement in the article of statues. He is brought before the court as a criminal on many most important charges. We see that a hundred and twenty thousand sesterces have been taken on this one account. If you are condemned, you will not, I presume, trouble yourself about having

that money spent on statues within five years. If you are acquitted, who will be so insane as to attack you in five years' time on the subject of the statues, after you have escaped from so many and such grave charges? If, therefore, this money has not been spent as yet, and if it is evident that it will not be spent, we may understand that a plan has been found out by which he may take and appropriate to himself a hundred and twenty thousand sesterces at one swoop, and by which others too, if this is sanctioned by you, may take as large sums as ever they please on similar grounds; so that we shall appear not to deter men from taking money, but, as we approve of some methods of taking money, we shall seem rather to be giving decent names to the basest actions. [143] In truth, suppose, for example, that Caius Verres had demanded a hundred and twenty thousand sesterces from the people of Centuripa, and had taken this money from them; there would have been no doubt, I conceive, that, if that were proved, he must have been condemned. — What then? Suppose he demanded three hundred thousand sesterces of the same people; and compelled them to give them, and carried them off? Shall he be acquitted because it was entered in the accounts that that money was given for statues? I think not; unless, indeed, our object is to create, not an unwillingness to take money on the part of our magistrates, but a cause for giving it on the part of our allies. But if statues are a great delight to any one, and if any one is greatly attracted by the honour and glory of having them raised to him, still he must lay down these rules; first of all, that he must not take to his own house the money given for those purposes; secondly, that there must be some limit to those statues; and lastly, that at all events they must not be exacted from unwilling people. 59. [144]

And concerning the embezzlement of the money, I ask of you whether the cities themselves were accustomed to let out contracts for erecting statues to the man who would take the contract on the best terms, or to appoint some surveyor to superintend the erection of the statues, or to pay the money to you, or to any one whom you appointed? For the statues were erected under the superintendence of those men by whom that honour was paid to you — I am glad to hear it; but, if that money was paid to Timarchides, cease I beg of you, to pretend that you were desirous of glory and of monuments when you

are detected is so evident a robbery. What then? Is there to be no limit to statues? But there must be. Indeed, consider the matter in this way. [145] The city of Syracuse (to speak of that city in preference to others) gave him a statue; — it is an honour: and gave his father one; — a pretty and profitable picture of affection: and gave his son one; — this may be endured, for they did not hate the boy: still how often, and for how many individuals will you take statues from the Syracusans? You accepted one to be placed in the forum. You compelled them to place one in the senate-house. You ordered them to contribute money for those statues which were to be erected at Rome. You ordered that the same men should also contribute as agriculturists, they did so. You ordered the same men also to pay their contribution to the common revenue of Sicily; even that they did also. When one city contributed money on so many different presences, and when the other cities did the same, does not the fact itself warn you to think that some bounds must be put to this covetousness? But if no city did this of its own accord; if all of them only paid you this money for statues because they were induced to do so by your command, by fear, by force, by injury; then, O ye immortal gods, can it be doubtful to any one, that, even if any one were to establish a law, that it was allowable to accept money for statues, still he would also establish one, that at all events it was not allowable to extort it? [146] First, therefore, I will cite the whole of Sicily as a witness on this point; and Sicily declares to me with one voice that an immense sum of money was extorted from her by force under the name of providing statues. For the deputations of all the cities, in their common petitions — nearly all of which have arisen from your injuries, — have inserted this demand also; "that they might not for the future promise statues to any one till he had left the province." 60.

There have been many praetors in Sicily. Often, in the times of our ancestors, the Sicilians have approached the senate; often in the memory of the present generation; but it is your praetorship that has introduced and originated a new kind of petition. [147] For what else is so strange, not only in the matter but in the very form of the petition? For other points which occur in the same petitions with reference to your injuries, are indeed novel, but still they are not urged in a novel manner. The Sicilians beg and entreat of the conscript fathers that our magistrates may henceforth sell the tenths according to the law of Hiero. You were the first who had sold them in a way contrary to that law. — That they may not put a money value on the corn which is ordered for the public granary. This, too, is now requested for the first time on account of your three denarii: but that kind of petition is not unprecedented. — That a charge be not taken against any one in his absence. This has arisen from the misfortune of Sthenius, and your tyranny. — I will not enumerate the other points. All the demands of the Sicilians are of such a nature that they look like charges collected against you alone as a criminal. Still all these, though they refer to new injuries, preserve the ordinary form of requests. [148] But this request about the statues must seem ridiculous to the man who is not acquainted with the facts and with the meaning of it; for they entreat that they may not be compelled to erect statues; — what then? That they may not be allowed to do so; — what does this mean? Do you request of me not to be allowed to do what it depends on yourself to do or not? Ask rather that no one may compel you to promise a statue, or to erect one against your will. I shall do no good, says he; for they will all deny that they compelled me to do so: if you wish for my preservation, put this violence on me, — that it may be utterly illegal for me to make such a promise. It is from your praetorship that such a request as this has taken its rise; and those who employ it, intimate and openly declare that they, entirely against their will, contributed money for your statues, being compelled by fear and violence. [149] Even suppose they did not say this, still, would it not be impossible for you to avoid confessing it? See and consider what defence you are going to adopt; for then you will understand that you must confess this about the statues. 61.

For I am informed that your cause is planned out in this way by your advocates, men of great ingenuity, and that you are instructed and trained by them in this way; that, as each influential and honourable man from the province of Sicily gives an energetic testimony against you, as many of the lending Sicilians have already done to a great extent, you are immediately to say to your defenders, "That man is an enemy of mine because he is an agriculturist. And so, I suppose, you have it in your mind to set aside the class of agriculturists, saving that they have come with a hostile and inimical disposition towards Verres because he was a little strict in collecting the tenths. The agriculturists, then, are all your enemies, all your adversaries. There is not one of them who does not wish you dead. Altogether you are admirably well off, when that order and class of men which is the most virtuous and honourable, by which both the republic in general, and most especially that province upheld, as fixedly hostile to you. [150] However, be it so; another time we will consider of the disposition of the agriculturists and of their injuries. For the present I assume, what you grant me, that they are most hostile to you. You say, forsooth, on account of the tenths. I grant that; I do not inquire whether they are enemies with or without reason. What then is the meaning of those gilt equestrian statues which greatly offend the feelings and eyes of the Roman people, near the temple of Vulcan? For I see an inscription on them stating that the agriculturists had presented one of them. If they gave this statue to do you honour, they are not your enemies. Let us believe the witnesses; for then they were consulting your honour, now they are regarding their own consciences. But if they presented the statues under the compulsion of fear, you must confess that you exacted money in the province on account of statues by violence and fear. Choose whichever alternative you like. 62. [151]

In truth I would willingly now abandon this charge about the statues, to have you admit to me, what would be most honourable to you, that the agriculturists contributed this money for a statue to do you honour, of their own free will. Grant me this. In a moment you cut from under your feet the principal part of your defence. For then you will not be able to say that the agriculturists were angry with and enemies to you. O singular cause; O miserable and ruinous defence;

for the defendant, and he too a defendant who has been praetor in Sicily, to be unwilling to receive an admission from his accuser that the agriculturists erected him a statue of their own free will, that they have a good opinion of him, that they are his friends, that they desire his safety! He is afraid of your believing this, for he is overwhelmed with the evidence given against him by the agriculturists. [152] I will avail myself of what is granted to me; at all events you must judge that those men, who, as he himself wishes it to be believed, are most hostile to him, did not contribute money for his honour and for his monuments of their own free will. And that this may be most easily understood, ask any one you please of the witnesses whom I shall produce, who are witnesses from Sicily, whether a Roman citizen or a Sicilian, and one too who appears most hostile to you, who says that he has been plundered by you, whether he contributed anything in his own name to the statue? You will not find one man to deny it In truth they all contributed. [153] Do you think then that any one will doubt that he who ought to be most hostile to you, who has received the severest injuries from you, paid money on account of a statue to you because he was compelled by violence and authoritative command, not out of kindness and by his own free will? And I have neither counted up, nor been able to count, O judges, the amount of this money, which is very large, and which has been most shamelessly extorted from unwilling men, so as to estimate how much was extorted from agriculturists, how much from traders who trade at Syracuse, at Agrigentum, at Panormus, at Lilybaeum; since you see by even his own confession that it was extorted from most unwilling contributors. 63. [154]

I come now to the cities of Sicily, in which case it is exceedingly easy to form an opinion of their inclination. Did the Sicilians also contribute against their will? It is not probable. In truth it is evident that Caius Verres so conducted himself during his praetorship in Sicily, that, as he could not satisfy both parties, both the Sicilians and the Romans, he considered rather his duty to our allies, than his ambition, which might have prompted him to gratify the citizens. And therefore I saw him called in an inscription at Syracuse, not only the patron of that island, but also the saviour of it. What a great expression is this! so great that it cannot be expressed by any single

Latin word. He in truth is a saviour, who has given salvation. In his name days of festival are kept — that fine Verrean festival — not as if it was the festival of Marcellus, but instead of the Marcellean festival, which they abolished at his command. His triumphal arch is in the forum at Syracuse, on which his son stands, naked; and he himself from horseback looks down on the province which has been stripped bare by himself. His statues are in every place; which seem to show this, that he very nearly erected as many statues at Syracuse as he had taken away from it. And even at Rome we see an inscription in his honour carved at the foot of the statues, in letters of the largest size, "that that were given by the community of Sicily." Why were they given? How can any one be induced to believe that such great honours were paid to him by people against their will? 64. [155]

Here, too, you must deliberate and consider even much more than you did in the case of the agriculturists, what you intend. It is an important matter. Do you wish the Sicilians, both in their public and private capacity, to be considered friends to you, or enemies? If enemies, what is to become of you? Whither will you free for refuge? On what will you depend? Just now you repudiated the greater part of the agriculturists, most honourable and wealthy men, both Sicilians and Roman citizens. Now, what will you do about the Sicilian cities? Will you say that the Sicilians are friendly to you? How can you say so? They who (though they have never done such a thing in the instance of any one else before, as to give public evidence against him, even though many men who have been praetors in that province have been condemned, and only two, who have been prosecuted, have been acquitted) — they, I say, who now come with letters, with commissions, with public testimonies against you, while, if they were to utter a panegyric on you in behalf of their state, they would appear to do so according to their usual custom, rather than because of your deserts. When these men make a public complaint of your actions, do they not show this that your injuries have been so great that they preferred to depart from their ancient habit, rather than not speak of your habits? [156] You must, therefore, inevitably confess that the Sicilians are hostile to you; since they have addressed to the consuls petitions of the gravest moment

directed against you, and have entreated me to undertake this cause, and the advocacy of their safety; since, though they were forbidden to come by the praetor, and hindered by four quaestors, they still have thought every one's threats and every danger insignificant, in comparison with their safety; since at the former pleading they gave their evidence so earnestly and so bitterly, that Hortensius said that Artemo, the deputy of Centuripa, end the witness authorized by the public council there, was an accuser, not a witness. In truth he, together with Andron, a most honourable and trustworthy man, both on account of his virtue and integrity, and also on account of his eloquence, was appointed by his fellow-citizens as their deputy in order that he might be able to explain in the most intelligible and clear manner the numerous and various injuries which they have sustained from Verres. 65.

The people of Halesa, of Catana, of Tyndaris, of Enna, of Herbita, of Agyrium, of Netum, of Segesta, gave evidence also. It is needless to enumerate them all. You know how many gave evidence, and how many things they proved at the former pleading. Now both they and the rest shall give their evidence. [157] Every one, in short, shall be made aware of this fact in this cause, — that the feelings of the Sicilians are such, that if that man be not punished, they think that they must leave their habitations and their homes and depart from Sicily, and flee to some distant land. Will you persuade us that these men contributed large sums of money to confer honour and dignity on you of their own free will? I suppose, forsooth, they who did not like you to remain in safety in your own city, wished to have memorials of your person and name in their own cities! The facts show that they wished it. For I have been for some time thinking that I was handling the argument about the inclination of the Sicilians towards you too tenderly, as to whether they were desirous to erect statues to you, or were compelled to do so. [158] What man ever lived of whom such a thing was heard as has happened to you, that his statues in his province, erected in the public places, and some of them even in the holy temples, were thrown down by force by the whole population? There have been many guilty magistrates in Asia, many in Africa, many in Spain, in Gaul, in Sardinia, many in Sicily itself, but did we ever hear such a thing as this of any of them? It is

an unexampled thing, O judges, a sort of prodigy amazing the Sicilians, and among all the Greeks. I would not have believed that story about the statues, if I had not seen them myself uprooted and lying on the ground; because it is a custom among all the Greeks to think that honours paid to men by monuments of that sort, are, to some extent, consecrated, and under the protection of the gods. [159] Therefore, when the Rhodians, almost single-handed, carried on the first war against Mithridates, and withstood all his power and his most vigorous attacks on their walls, and shores, and fleets, — when they, beyond all other nations, were enemies to the king; still, even then, at the time of imminent danger to their city, they did not touch his statue which was among them in the most frequented place in their city. Perhaps there might seem some inconsistency in preserving the effigy and image of the man, when they were striving to overthrow the man himself: but still I saw, when I was among them, that they had a religious feeling in those matters handed down to them from their ancestors, and that they argued in this way; — that as to the statue, they regarded the period when it had been erected; but as to the man, they regarded the fact of his waging war against them, and being an enemy. 66.

You see, therefore, that the custom and religious feeling of the Greeks, which is accustomed to defend the monuments of enemies, even at a time of actual war, could not, even in a time of profound peace, protect the statues of a praetor of the Roman people. [160] The men of Tauromenium which is a city in alliance with us, most quiet men, who were formerly as far removed as possible from the injuries of our magistrates, owing to the protection the treaty was to them; yet even they did not hesitate to overturn that man's statue. But when that was removed, they allowed the pedestal to remain in the forum, because they thought it would tell more strongly against him, if men knew that his statue had been thrown down by the Tauromenians, than if they thought that none had ever been erected. The men of Tyndarus threw down his statue in the forum; and for the same reason left the horse without a rider. At Leontini, even in that miserable and desolate city, his statue in the gymnasium was thrown down. For why should I speak of the Syracusans, when that act was not a private act of the Syracusans, but was done by them in common

with all their neighbouring allies, and withal most the whole province? How great a multitude, how vast a concourse of men is said to have been present when his statues were pulled down and overturned! But where was this done? In the most frequented and sacred place of the whole city; before Serapis himself, in the very entrance and vestibule of the temple. And if Metellus had not acted with great vigour, and by his authority, and by a positive edict forbidden it, there would not have been a trace of a statue of that man left in all Sicily. [161]

And I am not afraid of any of these things seeming to have been done in consequence of my arrival, much less in consequence of my instigation. All those things were done, not only before I arrived in Sicily, but before he reached Italy. While I was in Sicily, no statue was thrown down. Hear now what was done after I departed from thence. 67.

The senate of Centuripa decreed, and the people ordered, that the quaestors should issue a contract for taking down whatever statues there were of Caius Verres himself, of his father, and of his son; and that while such demolition was being executed, there should be not less than thirty senators present. Remark the soberness and dignity of that city. They neither chose that those statues should remain in their city which they themselves had given against their will, under the pressure of authority and violence; nor the statues of that man, against whom they themselves (a thing which they never did before) had sent by a public vote commissions and deputies, with the most weighty testimony, to Rome. And they thought that it would be a more important thing if it seemed to have been done by public authority, than by the violence of the multitude. [162] When, in pursuance of this design, the people of Centuripa had publicly destroyed his statues, Metellus hears of it. He is very indignant; he summons before him the magistrates of Centuripa and the ten principal citizens. He threatens them with measures of great severity, if they do not replace the statues. They report the matter to the senate. The statues, which could do no good to his cause, are replaced; the decrees of the people of Centuripa, which had been passed concerning the statues, are not taken away. Here I can excuse some of the actors. I cannot at all excuse Metellus, a wise man, if he

acts foolishly. What? did he think it would look like a crime in Verres, if his statues were thrown down, a thing which is often done by the wind, or by some accident? There could be in such a fact as that no charge against the man, no reproof of him Whence, then, does the charge and accusation arise? From the intention and will of the people by whom it was caused. 68. [163]

I, if Metellus had not compelled the men of Centuripa to replace the statues, should say, "See, O judges, what exceeding and bitter indignation the injuries of that man have implanted in the minds of our allies and friends; when that most friendly and faithful city of Centuripa, which is, connected with the Roman people by so many reciprocal good offices, that it has not only always loved our republic, but has also shown its attachment to the very name of Roman in the person of every private individual, has decided by public resolution and by the public authority that the statues of Caius Verres ought not to exist in it." I should recite the decrees of the people of Centuripa; I should extol that city, as with the greatest truth I might; I should relate that ten thousand of those citizens, the bravest and most faithful of our allies, — that every one of the whole people resolved, that there ought to be no monument of that man in their city. I should say this if Metellus had not replaced the statues. [164] I should now wish to ask of Metellus himself, whether by his power and authority he has at all weakened my speech? I think the very same language is still appropriate. For, even if the statues were ever so much thrown down, I could not show them to you on the ground. This only statement could I use, that so wise a city had decided that the statues of Caius Verres ought to be demolished. And this argument Metellus has not taken from me. He has even given me this additional one; he has enabled me to complain, if I thought fit, that authority is exercised over our friends and allies with so much injustice, that, even in the services they do people, they are not allowed to use their own unbiased judgment; he has enabled me to entreat you to form your conjectures, how you suppose Lucius Metellus behaved to me in those matters in which he was able to injure me, when he behaved with such palpable partiality in this one in which he could be no hindrance to me. But I am not angry with Metellus, nor do I wish to rob him of his excuse which he puts forth

to every one, that he did nothing spitefully nor with any especial design. 69. [165]

Now, therefore, it is so evident that you cannot deny it, that no statue was given to you with the good will of any one; no money on account of statues, that was not squeezed out and extorted by force. And, in making that charge, I do not wish that alone to be understood, that you get money to the amount of a hundred and twenty thousand sesterces; but much more do I wish to have this point seen clearly, which was proved at the same time, namely, how great both is and was the hatred borne to you by the agriculturists, and by all the Sicilians. And as to this point, what your defence is to be I cannot guess. — [166] "Yes, the Sicilians hate me, because I did a great deal for the sake of the Roman citizens." But they too are most bitter against you, and most hostile. "I have the Roman citizens for my enemies, because I defended the interests and rights of the allies." But the allies complain that they were considered and treated by you as enemies. "The agriculturists are hostile to me on account of the tenths." Well; they who cultivate land untaxed and free from this impost; why do they hate you? why do the men of Halesa, of Centuripa, of Segesta, of Halicya hate you? What race of men, what number of men, what rank of men can you name that does not hate you, whether they be Roman citizens or Sicilians? So that even if I could not give a reason for their hating you, still I should think that the fact ought to be mentioned and that you also O judges, ought to hate the man whom all men hate. [167] Will you dare to say, either that the agriculturists, that all the Sicilians, in short, think well of you, or that it has nothing to do with the subject what they think? You will not dare to say this, nor if you were to wish to do so would you be allowed. For those equestrian statues erected by the Sicilians, whom you affect to despise, and by the agriculturists, deprive you of the power of saying that; the statues, I mean, which a little while before you came to the city you ordered to be erected and to have inscriptions put upon them, to serve as a check to the inclinations of all your enemies and accusers. [168] For who would be troublesome to you, or who would dare to bring an action against you, when he saw statues erected to you by traders, by agriculturists, by the common voice of all Sicily? What other class of men is there in that province?

— None. Therefore he is not only loved, but even honored by the whole province, and also by each separate portion of it, according to their class. Who will dare to touch this man? Can you then say that the evidence of agriculturists, of traders, and of all the Sicilians against you, ought to be no objection to you, when you hoped to be able to extinguish all your unpopularity and infamy by placing their names in an inscription on your statues? Or, if you attempted to add honour to your statues by their authority, shall I not be able to corroborate my argument by the dignity of those same men? [169] Unless, perchance, in that matter, some little hope still consoles you, because you were popular among the farmers of the revenues: but I have taken care, through my diligence, that that popularity should not serve, — you have contrived, by your own wisdom, to show that it ought to be, an injury to you. Listen, O judges, to the whole affair in a few words. 70.

In the collecting the tax on pasture lands in Sicily there is a sub-collector of the name of Lucius Carpinatius, who both for the sake of his own profit, and perhaps because he thought it for the interest of his partners, cultivated the favour of Verres to the neglect of everything else. He, while he was attending the praetor about all the markets, and never leaving him, had got into such familiarity with, and aptitude at the practice of selling Verres's decrees and decisions, and managing his other concerns, that he was considered almost a second Timarchides. [170] He was in one respect still more important; because he also lent money at usury to those who were purchasing anything of the praetor. And this usury, O judges, was such that even the profit from the other transactions was inferior to the gain obtained by it. For the money which he entered as paid to those with whom he was dealing, he entered also under the name of Verres's secretary, or of Timarchides, or even under Verres's own name, as received from them. And besides that, he lent other large sums belonging to Verres, of which he made no entry at all, in his own name. [171] Originally this Carpinatius, before he had become so intimate with Verres, had often written letters to the shareholders about his unjust actions. But Canuleius, who had an agency at Syracuse, in the harbour, had also written accounts to his shareholders of many of Verres's robberies, giving instances,

especially, concerning things which had been exported from Syracuse without paying the harbour dues. But the same company was farming both the harbour dues and the taxes on pasture land. And thus it happened that there were many things which we could state and produce against Verres from the letters of that company. [172] But it happened that Carpinatius, who had by this time become connected with him by the greatest intimacy, and also by community of interests, afterwards sent frequent letters to his partners, speaking of his exceeding kindness, and of his services to their common property. And in truth, as he was used to do and to decree everything which Carpinatius requested him, Carpinatius also began to write still more flaming accounts to his shareholders, in order, if possible, utterly to efface the recollection of all that he had written before. But at last, when Verres was departing, he sent letters to them, to beg them to go out in crowds to meet him and to give him thanks; and to promise zealously that they would do whatever he desired them. And the shareholders did so, according to the old custom of farmers; not because they thought him deserving of any honour, but because they thought it was for their own interest to be thought to remember kindness, and to be grateful for it. They expressed their thanks to him, and said that Carpinatius had often sent letters to them mentioning his good offices. 71. [173]

When he had made answer that he had done those things gladly, and had greatly extolled the services of Carpinatius, he charges a friend of his, who at that time was the chief collector of that company, to take care diligently, and to make sure that there was nothing in any of the letters of any of the partners which could tell against his safety and reputation. Accordingly he, having got rid of the main body of the shareholders, summons the collectors of the tenths, and communicates the business to them. They resolve and determine that those letters in which any attack was made on the character of Caius Verres shall be removed, and that care he taken that that business shall not by any possibility be any injury to Caius Verres. [174] If I prove that the collectors of the truths passed this resolution, — if I make it evident that, according to this decree, the letters were removed, what more would you wait for? Can I produce to you any affair more absolutely decided? Can I bring before your

tribunal any criminal more fully condemned? But condemned by whose judgment? By that, forsooth, of those men whom they who wish for severe tribunals think ought to decide on causes, — by the judgment of the farmers, whom the people is now demanding to have for judges, and concerning whom, that we may have them for judges, we at this moment see a law proposed, not by a man of our body, not by a man born of the equestrian order, not by a man of the noblest birth: [175] the collectors of the tenths, that is to say, the chiefs, and, as it were, the senators of the farmers, voted that these letters should be removed out of sight. I have men, who were present, whom I can produce, to whom I will entrust this proof, most honourable and wealthy men, the very chief of the equestrian order, on whose high credit the very speech and cause of the man who has proposed this law mainly relies. They shall come before you; they shall say what they deter mined. Indeed, if I know the men properly, they will not speak falsely For they were able, indeed, to put letters to their community out of sight; they have not been able to put out of sight their own good faith and conscientiousness. Therefore the Roman knights, who condemned you by their judgment, have not been willing to be condemned in the judgment of those judges. Do you now consider whether you prefer to follow their decision or their inclination. 72. [176]

But see now, how far the zeal of your friends, your own devices, and the inclination of those partners aid you. I will speak a little more openly; for I am not afraid of any one thinking that I am saying this in the spirit of an accuser rather than with proper freedom. If the collectors had not removed those letters according to the resolution of the farmers of the tenths, I could only say against you what I had found in those letters; but now that the resolution has been passed, and the letters have been removed, I may say whatever I can, and the judge may suspect whatever he chooses. I say that you exported from Syracuse an immense weight of gold, of silver, of ivory, of purple; much cloth from Melita, much embroidered stuff, much furniture of Delos, many Corinthian vessels, a great quantity of corn, an immense load of honey; and that on account of these things, because no port dues were paid on them, Lucius Canuleius, who was the agent in the harbour, sent letters to his partners.

Does this appear a sufficiently grave charge? [177] None, I think, can be graver. What will Hortensius say in defence? Will he demand that I produce the letters of Canuleius? Will he say that a charge of this sort is worthless unless it be supported by letters? I shall cry out that the letters have been put out of the way; that by a resolution of the shareholders the proofs and evidences of his thefts have been taken from me. He must either contend that this has not been done, or he must bear the brunt of all my weapons. Do you deny that this was done? I am glad to hear that defence. I descend into the arena; for equal terms and an equal contest are before us. I will produce witnesses, and I will produce many at the same time; since they were together when this took place, they shall be together now also. When they are examined, let them be bound not only by the obligation of their oath and regard for their character, but also by a common consciousness of the truth. [178] If it be proved that this did take place as I say it did, will you be able to say, O Hortensius, that there was nothing in those letters to hurt Verres? You not only will not say so, but you will not even be able to say this, — that there was not as much in them as I say there was. This then is what you have brought about by your wisdom and by your interest; that, as I said a little while ago, you have given me the greatest licence for accusing, and he judges the most ample liberty to believe anything. 73. [179]

But though this be the case, still I will invent nothing. I will recollect that I have not taken a criminal to accuse, but that I have received clients to defend; and that you ought to hear the cause not as it might be produced by me, but as it has been brought to me; that I shall satisfy the Sicilians, if I diligently set forth what I have known myself in Sicily, and what I have heard from them; that I shall satisfy the Roman people, if I fear neither the violence nor the influence of any one; that I shall satisfy you, if by my good faith and diligence I give you an opportunity of deciding correctly and honestly; that I shall satisfy myself, if I do not depart a hair's breadth from that course of life which I have proposed to myself. [180] Wherefore, you have no ground to fear that I will invent anything against you. You have cause even to be glad; for I shall pass over many things which I know to have been done by you, because they are either too infamous, or scarcely credible. I will only discuss this whole affair of

this society. That you may now hear the truth, I will ask, Was such a resolution passed? When I have ascertained that, I will ask, Have the letters been removed? When that too, is proved , you will understand the matter, even if I say nothing. If they who passed this resolution for his sake — namely, the Roman knights — were now also judges in his case, they would beyond all question condemn that man, concerning whom they knew that letters which laid bare his robberies had been sent to themselves, and had been removed by their own resolution. He, therefore, who must have been condemned by those Roman knights who desire everything to turn out for his interest, and who have been most kindly treated by him, can he, O judges, by any possible means or contrivance be acquitted by you? [181] And that you may not suppose that those things which have been removed out of the way, and taken from you, were all so carefully hidden, and kept so secretly, that with all the diligence which I am aware is universally expected of me nothing concerning them has been able to be arrived at or discovered, I must tell you that, whatever could by any means or contrivance be found out, has been found out, O judges. You shall see in a moment the man detected in the very act; for as I have spent a great part of my life in attending to the causes of farmers, and have paid great attention to that body, I think that I am sufficiently acquainted with their customs by experience and by intercourse with them. 74. [182]

Therefore, when I ascertained that the letters of the company were removed out of the way, I made a calculation of the years that that man had been in Sicily; then I inquired (what was exceedingly easy to discover) who during those years had been the collectors of that company, — in whose care the records had been. For I was aware that it was the custom of the collectors who kept the records, when they gave them up to the new collector, to retain copies of the documents themselves. And therefore I went in the first place to Lucius Vibius, a Roman knight, a man of the highest consideration, who, I ascertained, had been collector that very year about which I particularly had to inquire. I came upon the man unexpectedly when he was thinking of other things. I investigated what I could, and inquired into everything. I found only two small books, which had been sent by Lucius Canuleius to the shareholders from the harbour

at Syracuse; in which there was entered an account of many months, and of things exported in Verres's name without having paid harbour dues. These I sealed up immediately. [183] These were documents of that sort which of all the papers of the company I was most anxious to find; but still I only found enough, O judges, to produce to you as a sample, as it were. But still, whatever is in these books, however unimportant it may seem to be, will at all events be undeniable; and by this you will be able to form your conjectures as to the rest. Read for me, I beg, this first book, and then the other. [The books of Canuleius are read.] I do not ask now whence you got those four hundred jars of honey, or such quantities of Maltese cloth, or fifty cushions for sofas or so many candelabra; — I do not, I say, inquire at present where you got these things; but, how you could want such a quantity of them, that I do ask. I say nothing about the honey; but what could you want with so many Maltese garments? as if you were going to dress all your friends' wives; — or with so many sofa cushions? as if you were going to furnish all their villas. 75. [184]

As in these little books there are only the accounts of a few months, conjecture in your minds what they must have been for the whole three years. This is what I contend for. From these small books found in the house of one collector of the company, you can form some conjecture how great a robber that man was in that province; what a number of desires, what different ones, what countless ones he indulged; what immense sums he made not only in money, but invested also in articles of this sort; which shall be detailed to you more fully another time. At present listen to this. [185] By these exportations, of which the list was read to you, he writes that the shareholders had lost sixty thousand sesterces by the five per cent due on them as harbour dues at Syracuse. In a few months, therefore, as these little insignificant books show, things were stolen by the praetor and exported from one single town of the value of twelve hundred thousand sesterces. Think now, as the island is one which is accessible by sea on all sides, what you can suppose was exported from other places? from Agrigentum, from Lilybaeum, from Panormus, from Thermae, from Halesa, from Catina, from the other towns? And what from Messana? the place which he thought safe for his purpose above all others, — where he was always easy

and comfortable in his mind, because he had selected the Mamertines as men to whom he could send everything which was either to be preserved carefully, or exported secretly. After these books had been found, the rest were removed and concealed more carefully; but we, that all men may see that we are acting without any ulterior motive, are content with these books which we have produced. 76. [186]

Now we will return to the accounts of the society of money received and paid, which they could not possibly remove honestly, and to your friend Carpinatius. We inspected at Syracuse accounts of the company made up by Carpinatius, which showed by many items that many of the men who had paid money to Verres, had borrowed it of Carpinatius. That will be clearer than daylight to you, O judges, when I produce the very men who paid the money; for you will see that the times at which, as they were in danger, they bought themselves off, agree with the records of the company not only as to the years, but even as to the months.

[187] While we were examining this matter thoroughly, and holding the documents actually in our hands, we see on a sudden erasures of such a sort as to appear to be fresh wounds inflicted on papers. Immediately, having a suspicion of something wrong, we bent our eyes and attention on the names themselves. Money was entered as having been received from Caius Verrutius the son of Caius, in such a way that the letters had been let stand down to the second R, all the rest was an erasure. A second, a third, a fourth — there were a great many names in the same state. As the matter was plain, so also was the abominable and scandalous worthlessness of the accounts. We began to inquire of Carpinatius who that Verrutius was, with whom he had such extensive pecuniary dealings. The man began to hesitate, to look away, to colour. Because there is a provision made by law with respect to the accounts of the farmers, forbidding their being taken to Rome; in order that the matter might be as clear and as completely proved as possible, I summon Carpinatius before the tribunal of Metellus and produce the accounts of the company in the forum. There is a great rush of people to the place; and as the partnership existing between Carpinatius and that praetor, and his usury, were well known, all people were watching with the most eager expectation to see what was contained in the accounts 77. [188]

I bring the matter before Metellus; I state to him that I have seen the accounts of the shareholders, that in these there is a long account of one Caius Verrutius made up of many items, and that I saw, by a computation of the years and months, that this Verrutius had had no account at all with Carpinatius, either before the arrival of Caius Verres, or after his departure. I demand that Carpinatius shall give me an answer who that Verrutius is; whether he is a merchant, or a broker, or an agriculturist, or a grazier; whether he is in Sicily, or whether he has now left it. All who were in the court cried out at once that there had never been any one in Sicily of the name of Verrutius. I began to press the man to answer me who he was, where he was, whence he came; why the servant of the company who made up the accounts always made a blunder in the name of Verrutius at the same place? [189] And I made this demand, not because I thought it of any consequence that he should be compelled to answer me these things against his will, but that the robberies of one, the dishonesty of the other, and the audacity of both might be made evident to all the world. And so I leave him in the court, dumb from fear and the consciousness of his crimes, terrified out of his wits, and almost frightened to death; I take a copy of the accounts in the forum, with a great crowd of men standing round me; the most eminent men in the assembly are employed in making the copy; the letters and the erasures are faithfully copied and imitated, and transferred from the accounts into books. [190]

The copy was examined and compared with the original with the greatest care and diligence, and then sealed up by most honourable men. If Carpinatius would not answer me then, do you, O Verres, answer me now, who you imagine this Verrutius, who must almost be one of your own family, to be. It is quite impossible that you should not have known a man in your own province, who, I see, was in Sicily while you were praetor, and who, I perceive from the accounts themselves, was a very wealthy man. And now, that this may not be longer in obscurity, advance into the middle, open the volume, the copy of the accounts, so that every one may be able to see now, not the traces only of that man's avarice, but the very bed in which it lay. 78. [191]

You see the word Verrutius? — You see the first letters

untouched? you see the last part of the name, the tail of Verres, smothered in the erasure, as in the mud. The original accounts, O judges, are in exactly the same state as this copy. — What are you waiting for? What more do you want? You, Verres, why are you sitting there? Why do you delay? for either you must show us Verrutius, or confess that you yourself are Verrutius. The ancient orators are extolled, the Crassi and Antonii, because they had the skill to efface the impression made by an accusation with great clearness, and to defend the causes of accused persons with eloquence. It was not, forsooth, in ability only that they surpassed those who are now employed here as counsel, but also in good fortune. No one, in those times, committed such crimes as to leave no room for any defence; no one lived in such a manner that no part of his life was free from the most extreme infamy; no one was detected in such manifest guilt, that, shameless as he had been in the action, he seemed still more shameless if he denied it. [192]

But now what can Hortensius do? Can he argue against the charges of avarice by panegyrics on his client's economy? He is defending a man thoroughly profligate, thoroughly licentious, thoroughly wicked. Can he lead your attention away from this infamy and profligacy of his, and turn them into some other direction by a mention of his bravery? But a man more inactive, more lazy, one who is more a man among women, a debauched woman among men, cannot be found. — But his manners are affable. Who is more obstinate more rude? more arrogant? — But still all this is without any injury to any one. Who has ever been more furious, more treacherous, and more cruel? With such a defendant and such a cause, what could all the Crassus's and Antonius's in the world do? This is all they would do, as I think, O Hortensius; they would have nothing to do with the cause at all, lest by contact with the impudence of another they might lose their own characters for virtue. For they come to plead causes free and unshackled, so as not, if they did not choose to act shamelessly in defending people, to be thought ungrateful for abandoning them.

THE THIRD BOOK OF THE SECOND PLEADING IN THE ACCUSATION AGAINST CAIUS VERRES.

ON THE COURT RELATING TO CORN.

The Argument.

A great part of this speech is occupied with charges against Verres of extortion committed with respect to the decuriae or tenths. “The decuriae formed a part of the vectigalia of the Romans, and were paid by subjects whose territory, either by conquest, or by deditio, had become the property of the state. They consisted as the name denotes, of a tithe or tenth of the produce of the soil levied upon the cultivators (aratores) or occupiers (possessores) of the lands, which from being subject to this payment were called agri decumani . . . It appears from Cicero (**c. Verr. act. ii. lib. iii.**.) that Romans, on reducing Sicily to a province, allowed to the old inhabitants a continuance of their ancient rights, and that, with some few exceptions, the territory of all the states was subjected, as formerly, to the payment of a tithe on corn, wine, oil, and the fruges minutae.It was further determined that place and time of paying these tithes to the decumani should ‘be and continue’ as settled by the law of king Hiero (Lex Hieronica), which enacted severe penalties against any arator who did not pay his due, as well as against the decumani who exacted more than their tenth . . . The name of decumani was also applied to the farmers of these tributes, who purchased them from the state, and then collected them on their own account.” In fact “the revenues which Rome derived from conquered countries, consisting chiefly of tolls, tithes, harbour duties, &c.... were chiefly let out, or, as the Romans expressed it, sold by the censors in Rome itself to the highest bidders, (**Cic. c. Verr. ii. iii.** 7.)... The tithes raised in the province of Sicily alone, with the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the district of Sicily itself, according to a practice established by Hiero (**Cic. c. Verr. ii. iii. 64**, **33**). The persons who undertook the farming of the public revenue, of course, belonged to the wealthiest Romans. and down to

the end of the republic, as well as during the earlier part of the empire, the farming of the public revenues was almost exclusively in the hands of the equites, whence the words equites and publicani are sometimes used as synonymous, (**Cic. c. Verr. i. 51, 52**, 71.) . . . The publicani had to give security to the state for the sum at which they bought one or more branches of revenue in a province; and as no one person was rich enough to give sufficient security, a number of equites generally united together and formed a company (socii, societas, or corpus) which was recognised by the state, and by which they were enabled to carry on their undertakings on a large scale. The shares which each partner in such a company took in the business were called partes, and if they were small particulae. The responsible person in each company, and the one who contracted with the state, was called manceps, but there was also a magister to manage the business of each company, who resided at Rome, and kept up an extensive correspondence with the agents in the provinces, (**Cic. c. Verr. ii. 74**.) He seems to have held his office only for one year; his representative in the province was called submagister, who had to travel about and superintend the actual business of collecting the revenues . . . Nobody but a Roman citizen was allowed to become a member of a company of publicani; freedmen and slaves were excluded, (**Cic. c. Verr. ii. iii. 39**) No Roman magistrate, however, or governor of a province, was allowed to take any share whatever in a company of publicani, (**Cic. c. Verr. ii. iii. 57**), a regulation which was chiefly intended as a protection against the oppression of the provincials. . . The actual levying or collecting of the taxes in the provinces was performed by an inferior class of men, who were said operas publicanis dare, or esse in operis societatis, (**Cic. c. Verr. ii. iii.** 41..) They were engaged by the publicani, and consisted of freemen as well as slaves, Romans as well as provincials." (**Cic. c. Verr. ii. iii. 77)** — Smith, Dict. Ant. p, 806, vv. Decumae, Publicani.

Verres had broken the law which forbade a governor of a province to hold shares in a company which farmed the revenue; and as he had therefore a personal interest in increasing the taxes, he committed unexampled acts of extortion himself, and protected those who committed similar act. And in many other respects he had plundered

the cultivators of the public domain, whom I have called in this translation “agriculturists,” not using the word “farmers,” by which word I have rendered “publicani.”

The medimnus, as we see, (**ch. 45, 46**), was equal to six modii, and contained within a fraction of twelve English gallons, or a bushel and a half.

1. Every man, O judges, who, without being prompted by any enmity, or stung by any private injury, or tempted by any reward, prosecutes another for the good of the republic, ought to consider, not only how great a burden he is liking upon himself at the time, but also how much trouble he is courting for the remainder of **his** life. For he imposes on himself a law of innocence, of moderation, and of all virtues, who demands from another an account of his life; and he does so the more if, as I said before, he does this being urges by no other motive except a desire for the common good. [2] For if any one assumes to himself to correct the manners of others, and to reprove their faults, who will pardon him, if he himself turn aside in any particular from the strict line of duty? Wherefore, a citizen of this sort is the more to he praised and beloved by all men for this reason also, — that he does not only remove a worthless citizen from the republic, but he also promises and binds himself to be such a man as to be compelled, not only by an ordinary inclination to virtue and duty, but by even some more unavoidable principle, to live virtuously and honourably. [3] And, therefore, O judges, that most illustrious and most eloquent man, Lucius Crassus, was often heard to say that he did not repent of anything so much as having ever proceeded against Caius Carbo: for by so doing he had his inclination as to everything less uncontrolled, and he thought, too, that his way of life was remarked by more people than he liked. And he, fortified as he was by the protection of his own genius and fortune, was yet hampered by this anxiety which he had brought upon himself, before his judgment was fully formed, at his entrance into life; on which account virtue and integrity is less, looked for from those who undertake this business as young men, than from those who do so at a riper age; for they, for the sake of credit and ostentation, become accusers of others before they have had time to

take notice how much more free the life of those who have accused no one is. We who have already shown both what we could do, and what judgment we had, unless we could easily restrain our desires, should never, of our own accord, deprive ourselves of all liberty and freedom in our way of life. 2. [4]

And I have a greater burden on me than those who have accused other men, (if that deserve to be called a burden which you bear with pleasure and delight,) — but still I have in one respect undertaken a greater burden than others who have done the same thing, because all men are required to abstain most especially from those vices for which they have reproved another. Have you accused any thief or rapacious man? You must for ever avoid all suspicion of avarice. Have you prosecuted any spiteful or cruel man? You must for ever take care not to appear in any matter the least harsh or severe. A seducer? an adulterer? You must, take care most diligently that no trace of licentiousness be ever seen in your conduct. In short, everything which you have impeached in another must be earnestly avoided by you your self. In truth, not only no accuser, but no reprover even can be endured, who is himself detected in the vice which he reproves in another. [5] I, in the case of one man, am finding fault with every vice which can exist in a wicked and abandoned man. I say that there is no indication of lust, of wickedness, of audacity, which you cannot see clearly in the life of that one man. In the case of this criminal, I, O judges, establish this law against myself; that I must so live as to appear to be, and always to have been, utterly unlike that man, not only in all my actions and words, but even in that arrogance and haughtiness of countenance and eyes which you see before you. I will bear without uneasiness, O judges, that that course of life which was previously agreeable to me of my own accord, shall now, by the law and conditions I hare laid down for myself, become necessary for me. 3. [6]

And in the case of this man you often, O Hortensius, are asking me, under the pressure of what enmity or what injury I have come forward to accuse him. I omit all mention of my duty, and of my connection with the Sicilians; I answer you as to the point of enmity. Do you think there is any greater enmity than that arising from the opposite opinions of men, and the contrariety of their wishes and

inclinations? Can he who thinks good faith the holiest thing in life avoid being an enemy to that man who, as quaestor, dared to despoil, to desert, to betray, and to attack his consul, whose counsels he had shared, whose money he had received, with all whose business affairs he had been entrusted? Can he who reverences modesty and chastity behold with equanimity the daily adulteries, the dissolute manners of that man, the domestic pandering to his passions? Can he who wishes to pay due honours to the immortal gods, by any means avoid being an enemy to that man who has plundered all the temples, who has dared to commit his robberies even on the track of the wheels of the sacred car? Must not he who thinks that all men ought to live under equal laws, be very hostile to you, when he considers the variety and caprice of your decrees? Must not he who grieves at the injuries of the allies and the distresses of the provinces be excited against you by the plundering of Asia, the harassing of Pamphylia, the miserable state and the agony of Sicily? Ought not he who desires the rights and the liberty of the Roman citizens to be held sacred among all men, — to be even more than an enemy to you, when here collects your scourgings, your executions, your crosses erected for the punishment of Roman citizens? [7] Or if he had in any particular made a decree contrary to my interest unjustly, would you then think that I was fairly an enemy to him; but now that he has acted contrary to the interests, and property, and advantage, and inclination, and welfare of all good men, do you ask why I am an enemy to a man towards whom the whole Roman people is hostile? I, who above all other men ought to undertake, to gratify the desires of the Roman people, even a greater burden and duty than my strength perhaps is equal to. 4.

What? cannot even those matters, which seem more trifling, move any one's mind, — that the worthlessness and audacity of that man should have a more easy access to your own friendship, O Hortensius, and to that of other great and noble men, than the virtue and integrity of any one of us? You hate the industry of new men; you despise their economy; you scorn their modesty; you wish their talents and virtues to be depressed and extinguished. [8] You are fond of Verres: I suppose so. If you are not gratified with his virtue, and his innocence, and his industry, and his modesty, and his chastity, at

least you are transported at his conversation, his accomplishments, and his high breeding. He has no such gifts; but, on the contrary, all his qualities are stained with the most extreme disgrace and infamy, with most extraordinary stupidity and boorishness. If any man's house is open to this man, do you think it is open, or rather that it is yawning and begging something? He is a favourite of your factors, of your valets. Your freedmen, your slaves, your housemaids, are in love with him. He, when he calls, is introduced out of his turn; he alone is admitted, while others, often most virtuous men, are excluded. From which it is very easily understood that those people are the most dear to you who have lived in such a manner that without your protection they cannot be safe. [9] What? do you think this can be endurable to any one, — that we should live on slender incomes in such a way as not even to wish to acquire anything more; that we should be content with maintaining our dignity, and the goodwill of the Roman people, not by wealth, but by virtue; but that that man having robbed every one on all sides, and having escaped with impunity, should live, in prosperity and abundance? that all your banquets should be decorated with his plate, your forum and hall of assembly with his statues and pictures? especially when, through your own valour, you are rich in all such trophies? That it should be Verres who adorns your villas with his spoils? That it should be Verres who is vying with Lucius Mummius: so that the one appears to have laid waste more cities of the allies, than the other overthrew belonging to the enemy? That the one, unassisted, seems to have adorned more villas with the decorations of temples, than the other decorated-temples with the spoils of the enemy? And shall he be dearer to you, in order that others may more willingly become subservient to your covetousness at their own risk? 5. [10]

But these topics shall be mentioned at another time, and they have already been mentioned elsewhere. Let us proceed to the other matters, after we have in a few words, O judges, begged your favourable construction. All through our former speech we had your attention very carefully given to us. It was very pleasing to us; but it will be far more pleasing, if you will be so kind as to attend to what follows; because in all the things which were said before, there was some pleasure arising from the very variety and novelty of the

subjects and of the charges. Now we are going to discuss the affair of corn; which indeed in the greatness of the iniquity exceeds nearly all the other charges, but will have far less variety and agreeableness in the discussion. But it is quite worthy of your authority and wisdom, O judges, in the matter of careful hearing, to give no less weight to conscientiousness in the discharge of your duties, than to pleasure. [11] I, inquiring into this charge respecting the corn, keep this in view, O judges, that you are going to inquire into the estates and fortunes of all the Sicilians — into the property of all the Roman citizens who cultivate land in Sicily — into the revenues handed down to you by your ancestors — into the life and sustenance of the Roman people. And if these matters appear to you important — yes, and most important, — do not be weary if they are pressed upon you from various points of view, and at some length. It cannot escape the notice of any one of you, O judges, that all the advantage and desirableness of Sicily, which is in any way connected with the convenience of the Roman people, consists mainly in its corn; for in other respects we are indeed assisted by that province, but as to this article, we are fed and supported by it. [12] The case, O judges, will be divided under three heads in my accusation: for, first, I shall speak of the collectors of the tenths; secondly, of the corn which has been bought; thirdly, of that which has been valued. 6.

There is, O judges, this difference between Sicily and other provinces, in the matter of tribute derived from the lands; that in the other provinces, either the tribute imposed is of a fixed amount, which is called stipendiarium, as in the case of the Spaniards and most of the Carthaginian provinces, being a sort of reward of victory, and penalty for war; or else a contract exists between the state and the farmers, settled by the censor, as is the case in Asia, by the Sempronian law. But the cities in Sicily were received into our friendship and alliance, retaining the same laws which they had before, and that being subject to the Roman people on the same conditions as they had formerly been subject to their own princes. [13] Very few cities of Sicily were subdued in war by our ancestors, and even in the case of those which were, though their land was made the public domain of the Roman people, still it was afterwards restored to them. That domain is regularly let out to farmers by the censors.

There are two federate cities, whose tenths are not put up to auction; the city of the Mamertines and Taurominium. Besides these, there are five cities without any treaty, free and enfranchised; Centuripa, Halesa, Segesta, Halicya, and Panormus. All the land of the other states of Sicily is subject to the payment of tenths; and was so, before the sovereignty of the Roman people, by the will and laws of the Sicilians themselves. [14] See now the wisdom of our ancestors, who, when they had added Sicily, so valuable an assistant both in war and peace, to the republic, were so careful to defend the Sicilians and to retain them in their allegiance, that they not only imposed no new tax upon their lands, but did not even alter the law of putting up for sale the contracts of the farmers of the tenths, or the time or place of selling them; so that they were to put them up for sale at the regular time of year, at the same place, in Sicily, — in short, in every respect as the law of Hiero directed; they permitted them still to manage their own affairs, and were not willing that their minds should be disturbed even by a new name to a law, much less by an actual new law. [15] And so that resolved that the farming of the tenth should always be put up to auction according to the law of Hiero, in order that the discharge of that office might be the more agreeable if, though the supreme power was changed, still, not only the laws of that king who was very dear to the Sicilians, but his name also remained in force among them. This law the Sicilians always used before Verres was praetor. He first dared to root up and alter the established usages of them all, their customs which had been handed down to them from their ancestors, the conditions of their friendship with us, and the rights secured to them by our alliance. 7. [16]

And in this, this is the first thing I object to and accuse you for, that in a custom of such long standing, and so thoroughly established, you made any innovation at all. Have you ever gained anything by this genius of yours? Were you superior in prudence and wisdom to so many wise and illustrious men who governed that province before you? That is your renown; this praise is due to your genius and diligence. I admit and grant this to you. I do know that, at Rome, when you were praetor, you did transfer by your edict the possession of inheritance from the children to strangers, from the first heirs to the second, from the laws to your own licentious

covetousness. I do know that you corrected the edicts of all your predecessors, and gave possession of inheritance not according to the evidence of those who produced the will, but according to theirs who said that a will had been made. And I do know too that those new practices, first brought forward and invented by you, were a very great profit to you. I recollect, moreover, that you also abrogated and altered the laws of the censors about the keeping the public buildings in repair; so that he might not take the contract to whom the care of the building belonged; so that his guardians and relations might not consult the advantage, of their ward so as to prevent his being stripped of all his property; that you appointed a very limited time for the work, in order to exclude others from the business; but that with respect to the contractor you favoured, you did not observe any fixed time at all. [17] So that I do not marvel at your having established a new law in the matter of the tenths you, a man so wise, so thoroughly practiced in praetorian edicts and censorian laws. I do not wonder, I say, at your having invented something; but I do blame you, I do impeach you, for having of your own accord, without any command from the people, without the authority of the senate, changed the laws of the province of Sicily. [18] The senate permitted Lucius Octavius and Caius Cotta, the consuls, to put up to auction at Rome the tenths of wine, and oil, and of pulse, which before your time the quaestors had been in the habit of putting up in Sicily; and to establish any law with respect to those articles which they might think fit. When the contract was offered for sale, the farmers begged them to add some clauses to the law, and yet not to depart from the other laws of the censors. A man opposed this, who by accident was at Rome at that time; your host, — your host, and intimate friend, I say, O Verres, — Sthenius, of Thermae, who is here present The consuls examined into the matter. When they had summoned many of the principal and most honourable men of the state to form a council on the subject; according to the opinion of that council they gave notice that they should put the tenths up to auction according to the law of Hiero. 8. [19]

Was it not so? Men of the greatest wisdom, invested with the supreme authority, to whom the senate had given the whole power of making laws respecting the letting out the farming of the tributes,

(and this power had been ratified by the people, while only one Sicilian objected to it,) would not alter the name of the law of Hiero, even when the measure would have been accompanied by an augmentation of the revenue; but you, a man of no wisdom, of no authority, without any order from people or senate, while all Sicily objected, abrogated the whole law of Hiero, to the greatest injury and even destruction of the revenue. [20] But what law is this, O judges, which he amends, or rather totally abrogates? A law framed with the greatest acuteness and the greatest diligence, which gives up the cultivator of the land to the collector of the tenths, guarded by so many securities, that neither in the corn fields, nor on the threshing floors, nor in the barns, nor while removing his corn privately, nor while carrying it away openly, can the cultivator defraud the collector of one single grain without the severest punishment. The law has been framed with such care, that it is plain that a man framed it who had no other revenues; with such acuteness that it was plain that he was a Sicilian; with such severity, that he was evidently a tyrant: by this law, however, cultivating the land was an advantageous trade for the Sicilian; for the laws for the collectors of the tenths were also drawn up so carefully that it is not possible for more than the tenth to be extorted from the cultivator against his will. [21] And though all these things were settled in this way, after so many years and even ages, Verres was found not only to change, but entirely to overturn them, and to convert to purposes of his own most infamous profit those regulations which had long ago been instituted and established for the safety of the allies and the benefit of the republic. In the first instance he appointed certain men, collectors of the tenths in name, in reality the ministers and satellites of his desires; by whom I will show that the province was for three years so harassed and plundered, O judges, that it will take many years and a long series of wise and incorruptible governors to recover it. 9. [22]

The chief of all those who were called collectors, was Quintus Apronius, that man whom you see in court, concerning whose extraordinary wickedness you have heard the complaints of most influential deputations. Look, O judges, at the face and countenance of the man; and from that obstinacy which he retains now in the most desperate circumstances, you may imagine and recollect what his

arrogance must have been in Sicily. This Apronius is the man whom Verres (though he had collected together the most infamous men from all quarters, and though he had taken with him no small number of men like himself in worthlessness, licentiousness, and audacity,) still considered most like himself of any man in the whole province. And so in a very short time they became intimate, not because of interest, nor of reason, nor of any introduction from mutual friends, but from the baseness and similarity of their pursuits. [23] You know the depraved and licentious habits of Verres. Imagine to yourselves, if you can, any one who can be in every respect equal to him in the wicked and dissolute commission of every crimes that man will be Apronius; who, as he shows not only by his life, but by his person and countenance, is a vast gulf and whirlpool of every sort of vice and infamy. Him did Verres employ as his chief agent in all his adulteries, in all his plundering of temples, in all his debauched banquets; and the similarity of their manners caused such a friendship and unanimity between them, that Apronius, whom every one else thought a boor and a barbarian, appeared to him alone an agreeable and an accomplished man; that, though every one else hated him, and could not bear the sight of him, Verres could not bear to be away from him; that, though others shunned even the banquets at which Apronius was to be presents Verres used the same cup with him; lastly, that, though the odour of Apronius's breath and person is such that even, as one may say, the beasts cannot endure him, he appeared to Verres alone sweet and pleasant. He sat next to him on the judgment-seat; he was alone with him in his chamber; he was at the head of his table at his banquets; and especially then, when he began to dance at the feast naked, while the young son of the praetor was sitting by. 10. [24]

This man, as I began to say, Verres selected for his principal agent in distressing and plundering the fortunes of the cultivators of the land. To this man's audacity, and wickedness, and cruelty, our most faithful allies and most virtuous citizens were given up, O judges, by this praetor, and were placed at his mercy by new regulations and new edicts, the entire law of Hiero, as I said before, having been rejected and repudiated.

[25] First of all, listen, O judges, to his splendid edict. "Whatever

amount of tithe the collector declared that the cultivator ought to pay, that amount the cultivator should be compelled to pay to the collector." — How? Let him pay as much as Apronius demands? What is this? is the regulation of a praetor for allies, or the edict and command of an insane tyrant to conquered enemies? Am I to give as much as he demands? He will demand every grain that I can get out of my land. Am I to give all? Yes, and more too, if he chooses. What, then, am I to do? What do you think? You must either pay, or you will be convicted of having disobeyed the edict. O ye immortal gods, what a state of things is this For it is hardly credible. And indeed. [26] I am persuaded, O judges, that, though you should think that all other vices are met in this man, still this must seem false to you. For I myself, though all Sicily told me of it, still should not dare to affirm this to you, if I was not able to recite to you these edicts from his own documents in those very words — as I will do. Give this, I pray you, to the clerk; he shall read from the register. Read the edict about the returns of property. [The edict about the returns of property is read.] He says I am not reading the whole. For that is what he seems to intimate by shaking his head. What am I passing over? is it that part where you take care of the interests of the Sicilians, and show regard for the miserable cultivators? For you announce in your edict, that you will condemn the collector in eightfold damages, if he has taken more than was due to him. I do not wish anything to be passed over. Read this also which he requires; read every word. [The edict about the eightfold damages is read.] Does this mean that the cultivator is to prosecute the collector at law? It is a miserable and unjust thing for men to be brought from the country into the forum, from the plough to the courts of justice; from habits of rustic life to actions and trials to which they are wholly unaccustomed. 11. [27]

When in all the other countries liable to tribute, of Asia, of Macedonia, of Spain, of Gaul, of Africa, of Sicily, and in those parts of Italy also which are so liable; when in all these, I say, the farmer in every case has a right to claim and a power to distrain, but not to seize and take possession without the interference of the law, you established regulations respecting the most virtuous and honest and honourable class of men, — that is, respecting the cultivators of the soil, — which are contrary to all other laws. Which is the most just,

for the collector to have to make his claim, or for the cultivator to have to recover what has been unlawfully seized? for them to go to trial when things are in their original state, or when one side is ruined? for him to be in possession of the property who has acquired it by hard labour, or him who has obtained it by bidding for it at an auction? What more? They who cultivate single acres, who never cease from personal labour, of which class there were a great number, and a vast multitude among the Sicilians before you came as praetor, — what are they to do? When they have given to Apronius all he has demanded, are they to leave their allotments? to leave their own household gods? to come to Syracuse, in order while you, forsooth, are praetor, to prosecute, by the equal law which they will find there, Apronius, the delight and joy of your life, in a suit for recovery of their property? [28] But so be it. Some fearless and experienced cultivator will be found, who, when he has paid the collector as much as he says is due, will seek to recover it by course of law, and will sue for the eightfold penalty. I look for the vigour of the edict, for the impartiality of the praetor; I espouse the cause of the cultivator; I wish to see Apronius condemned in the eightfold penalty. What now does the cultivator demand? Nothing but sentence for an eightfold penalty, according to the edict. What says Apronius? He is unable to object. What says the praetor? He bids him challenge the judges. Let us, says he, make out the decuries. What decuries? Those from my retinue; you will challenge the others. What? of what men is that retinue composed? Of Volusius the soothsayer, and Cornelius the physician, and the other dogs whom you see licking up the crumbs about my judgment-seat. For he never appointed any judge or recuperator from the proper body. He said all men who possessed one clod of earth were unfairly prejudiced against the collectors. People had to sue Apronius before these men who had not yet got rid of the surfeit from his last banquet. 12.

What a splendid and memorable court! what an impartial decision! what a safe resource for the cultivators of the soil! [29] And that you may understand what sort of decisions are obtained in actions for the eightfold penalty, and what sort of judges those selected from that man's retinue are considered to be, listen to this. Do you think that any collector, when this licence was allowed him

of taking from the cultivator whatever he claimed, ever did demand more than was due? Consider yourselves in your own minds, whether you think any one ever did so, especially when it might have happened, not solely through covetousness, but even though ignorance. Many must have done so. But I say that all extorted more, and a great deal more, than the proper tenths. Tell me of one man, in the whole three years of your praetorship, who was condemned in the eightfold penalty. Condemned, indeed! Tell me of one man who was ever prosecuted according to your edict. There was not, in fact, one cultivator who was able to complain that injustice had been done to him; not one collector who claimed one grain more as due to him than really was due. Far from that. Apronius seized and carried off whatever he chose from every one. In every district the cultivators, harassed and plundered as they were, were complaining, and yet no instance of a trial can be found. [30] Why is this? Why did so many bold, honourable, and highly esteemed men — so many Sicilians, so many Roman knights — when injured by one most worthless and infamous man, not seek to recover the eightfold penalty, which had most unquestionably been incurred? What is the cause, what is the reason? That reason alone, O judges, which you see, — because they knew they should come off at the trial defrauded and ridiculed. In truth, what sort of triad must that be, when three of the profligate and abandoned retinue of Verres sat on the tribunal under the name of judges? — slaves of Verres, not inherited by him from his father, but recommended to him by his mistress. [31] The cultivator, forsooth, might plead his cause; he might show that no corn was left him by Apronius, — that even his other property was seized; that he himself had been driven away with blows. Those admirable men would lay their heads together, they would chat to one another about revels and harlots, if they could catch any when leaving the praetor. The cause would seem to be properly heard: Apronius would have risen, full of his new dignity as a knight; not like a collector all over dirt and dust, but reeking with perfumes, languid with the lateness of the last night's drinking party, with his first motion, and with his breath he would have filled the whole place with the odour of wine, of perfume, and of his person. He would have said, what he repeatedly has said, that he had bought, not the tenths, but the property and

fortunes of the cultivators; that he, Apronius, was not a collector, but a second Verres, — the absolute lord and master of those men. And when he had said this, those admirable men of Verres's train, the judges, would deliberate, not about acquitting Apronius, but they would inquire how they could condemn the cultivator himself to pay damages to Apronius. 13. [32]

When you had granted this licence for plundering the cultivators to the collectors of the tenths, — that is, to Apronius, — by allowing him to demand as much as he chose, and to carry off as much as he demanded, were you preparing this defence for your trial, — that you had promised by edict that you would assign judges in a trial for an eightfold penalty? Even if in truth you were to give power to the cultivator, not only to challenge his judges, but even to pick them out of the whole body of the Syracusan assembly, (a body of most eminent and honourable men,) still no one could bear this new sort of injustice, — that, when one has given up the whole of one's produce to the farmer, and had one's property taken out of one's hands, then one is to endeavour to recover one's property and to seek its restitution by legal proceedings. [33] But when what is granted by the edict is, in name indeed, a trial, but in reality a collusion of your attendants, most worthless men, with the collectors, who are your partners, and besides that, with the judges, do you still dare to mention that trial, especially when what you say is refuted, not merely by my speech, but by the facts themselves? when in all the distresses of the cultivators of the soil, and all the injustice of the collectors, not only has no trial ever taken place according to that splendid edict, but none has ever been so much as demanded? [34] However, he will be more favourable to the cultivators than he appears; for the same man who has announced in his edict that he will allow a trial against the collectors, in which they shall be liable to an eightfold penalty, had it also set down in his edict, that he would grant a similar trial against the cultivators, in which they should be liable to a fourfold penalty. Who now dares to say that this man was unfavourably disposed or hostile to the cultivators? How much more lenient is he to them than to the collectors? He has ordered in his edict that the Sicilian magistrate should exact from the cultivator whatever the collector declared ought to be paid to him.

What sentence has he left behind, which can be pronounced against a cultivator of the soil It is not a bad thing, says he, for that fear to exist; so that, when the money has been exacted from the cultivator, still there will be behind a fear of the court of justice, to prevent him from stirring himself. If you wish to exact money from me by process of law, remove the Sicilian magistrate. If you employ this violence, what need is there of a process of law? Moreover, who will there be who would not prefer paying to your collectors what they demand, to being condemned in four times the amount by your attendants. 14. [35]

But that is a splendid clause in the edict, that gives notice that in all disputes which arise between the cultivator and the collector, he will assign judges, if either party wishes it. In the first place, what dispute can there be when he who ought to make a claim, makes a seizure instead? and when he seizes, not as much as is due, but as much as he chooses? and when he, whose property is seized, cannot possibly recover his own by a suit at law? In the second place, this dirty fellow wants even in this to seem cunning and wily; for he frames his edict in these words—"If either wishes it, I will assign judges." How neatly does he think he is robbing him! He gives each party the power of choice; but it makes no difference whether he wrote—"If either wishes it," or "If the collector wishes it." For the cultivator will never wish for those judges of yours. [36] What next? What sort of edicts are those which he issued to meet particular occasions, at the suggestion of Apronius? When Quintus Septitius, a most honourable man, and a Roman knight, resisted Apronius, and declared that he would not pay more than a tenth, a sudden special edict makes its appearance, that no one is to remove his corn from the threshing-floor before he has settled the demands of the collector. Septitius put up with this injustice also, and allowed his corn to be damaged by the rain, while remaining on the threshing-floor, when on a sudden that most fruitful and profitable edict comes out, that every one was to have his tenths delivered at the water-side before the first of August. [37] By this edict, it was not the Sicilians, (for he had already sufficiently crushed and ruined them by his previous edicts,) but all those Roman knights who had fancied that they could preserve their rights against Apronius, excellent men, and highly

esteemed by other praetors, who were delivered bound hand and foot into the power of Apronius. For just listen and see what sort of edicts these are. “A man,” says he, “is not to remove his corn from the threshing-floor, unless he has settled all demands.” This is a sufficiently strong inducement to making unfair demands; for I had rather give too much, than not remove my corn from the threshing-floor at the proper time. But that violence does not affect Septitius, and some others like Septitius, who say, “I will rather not remove my corn, than submit to an extortionate demand.” To these then the second edict is opposed. “You must have delivered it by the first of August.” I will deliver it then.—”Unless you have settled the demands, you shall not remove it.” So the fixing of the day for delivering it at the waterside, compelled the man to remove his corn from the threshing floor. And the prohibition to remove, unless the demand were settled, made the settlement compulsory and not voluntary. 15. [38]

But what follows is not only contrary to the law of Hiero, not only contrary to the customs of all former praetors, but even contrary to all the rights of the Sicilians, which they have as granted them by the senate and people of Rome, — that they shall not be forced to give security to appear in any courts of justice but their own. Verres made a regulation that the cultivator should appear to an action brought by a collector in any court which the collector might choose. So that in this way also gain might accrue to Apronius, when he dragged a defendant all the way from Leontini to Lilybaeum to appear before the court there, by making false accusations against the wretched cultivators. Although that device for false accusation was also contrived with singular cunning, when he ordered that the cultivators should make a return of their acres, as to what they were sown with. And this had not only great power in causing most iniquitous claims to be submitted to, as we shall show hereafter, and that too without any advantage to the republic, but at the same time it gave a great handle to false accusations, which all men were liable to if Apronius chose. [39] For, as any one said anything contrary to his inclination, immediately he was summoned before the court on some charge relative to the returns made of his lands. Through fear of which action a great quantity of corn was extorted from many, and vast

sums were collected; not that it was really difficult to male a correct return of a man's acres, or even to make an extravagantly liberal one, (for what danger could there be in doing that?) but still it opened a pretext for demanding a trial because the cultivator had not made his return in the terms of the edict. And you must feel sure what sort of trial that would be while that man was praetor, if you recollect what sort of a train and retinue he had about him. What is it, then, which I wish you to understand, O judges, from the iniquity of these new edicts? That any injury has been done to our allies? That you see. That the authority of his predecessors has been overruled by him? He will not dare to deny it. 16. [40]

That Apronius had such great influence while he was praetor? That he must unavoidably confess. But perhaps you will inquire in this place, as the law reminds you to do, whether he himself has made any money by this conduct. I will show you that he has made vast sums, and I will prove that he established all those iniquitous rules which I have mentioned before, with no object but his own profit, when I have first removed out of his line of defence that rampart which he thinks he shall be able to employ against all my attacks.

I sold, says he, the tenths at a high price. What are you saying? Did you, O most audacious and senseless of men, sell the tenths? Did you sell those portions which the senate and people of Rome allowed you to sell, or the whole produce; and in that the whole property and fortunes of the cultivators? If the crier had openly given notice by your order, that there was being sold, not a tenth, but half the corn, and if purchasers had come with the idea of buying half the corn — if then you had sold the half for more than the other praetors had sold the tenth part of it, would that seem strange to any one? But what shall we say if the crier gave notice of a sale of the tenths, but if, in fact, by your regulation, — by your edict, — by the terms of the sale which you offered, more than a half portion Was sold? Will you still think that creditable to yourself, to have sold what you had no right to sell for more than others sold what they fairly could? [41] Oh, you sold the tenths for more than others had sold them. By what means did you manage that? by innocent means? Look at the temple of Castor, and then, if you dare, talk of your innocent means. By your diligence? Look at the erasures in your registers at the name of Sthenius of Thermae, and then have the face to call yourself diligent. By your ability? You who refused at the former pleadings to put questions to the witnesses, and preferred presenting yourself dumb before them, pray call yourself and your advocates able men as much as you please. By what means, then, did you manage what you say you did? For it is a great credit to you if you have surpassed your predecessors in ability, and left to your successors your example and your authority. Perhaps you had no one before you fit to imitate. But, no doubt, all men will imitate you, the investor and first parent of such excellent methods. [42] What cultivator of the soil, when you were praetor, paid a tenth? Who paid two-tenths only? Who was there who did not think himself treated with the greatest lenity if he paid three tenths instead of one, except a few men, who, on account of a partnership with you in your robberies, paid nothing at all? See how great a difference there is between your harshness and the kindness of the senate. The senate, when owing to any necessity of the republic it is compelled to decree that a second tenth shall be exacted, decrees that for that second tenth money be paid to the

cultivators, so that the quantity which is taken beyond what is strictly due may be considered to be purchased, not to be taken away. You, when you were exacting and seizing so many tenths, not by a decree of the senate, but by your own edicts and nefarious regulations, shall you think that you have done a great deed if you sell them for more than Lucius Hortensius, the father of this Quintus Hortensius, did, — than Cnaeus Pompeius or Caius Marcellus sold them for; men who did not violate justice, or law, or established rules? [43] Were you to consider what might be got in one year, or in two years, and to neglect the safety of the province, the well-doing of the corn interest, and the interests of the republic in future times, though you came to the administration of affairs when matters were so managed that sufficient corn was supplied to the Roman people from Sicily, and still it was a profitable thing for the cultivators to plough and till their land? What have you brought about? What have you gained? In order that, while you were praetor, some addition might be made to the revenue derived from the tenths, you have caused the allotments of land to be deserted and abandoned. Lucius Metellus succeeded you. Were you more innocent than Metellus? Were you more desirous of credit and honour? For you were seeking the consulship, but Metellus neglected the renown which he had inherited from his father and his grandfather. He sold the tenths for much less, not only than you had done, but even than those had who had sold them before you. 17.

I ask, if he himself could not contrive any means for selling them at the best possible price, could he not follow in the fresh steps of you the very last praetor, so as to use your admirable edicts and regulations, invented and devised by you their author? [44] But he thought that he should not at all be a Metellus if he imitated you in anything; he who when he thought that he was to go to that province sent letters to the cities of Sicily from Rome, a thing which no one in the memory of man ever did before, in which he exhorts and entreats the Sicilians to plough and sow their land for the service of the Roman people. He begs this some time before his arrival, and at the same time declares that he will sell the tenths according to the law of Hiero; that is to say, that in the whole business of the tenths he will do nothing like that man. And he writes this, not from being impelled

by any covetousness to send letters into the province before his time, but out of prudence, lest, if the seed-time passed, we should have not a single grain of corn in the province of Sicily. See Metellus's letters. [45] Read the letter of Lucius Metellus. [The letters of Lucius Metellus are read.] 18.

It is these letters, O judges, of Lucius Metellus, which you have heard, that have raised all the corn that there in this year in Sicily. No one would have broken one clod of earth in all the land of Sicily subject to the payment of tenths, if Metellus had not sent this letter. What? Did this idea occur to Metellus by inspiration, or had he his information from the Sicilians who had come to Rome in great numbers, and from the traders of Sicily? And who is ignorant what great crowds of them assembled at the door of the Marcelli, the most ancient patrons of Sicily? what crowds of them thronged to Cnaeus Pompeius, the consul elect, and to the rest of the men connected with the province? And such a thing never yet took place in the instance of any one, as for a man to be openly accused by those people over whose property and families he had supreme dominion and power. So great was the effect of his injuries, that men preferred to suffer anything, rather than not to bewail themselves and complain of his wickedness and injuries. [46] And when Metellus had sent these letters couched in almost a supplicating tone to all the cities, still he was far from prevailing with them to sow the land as they formerly had. For many had fled, as I shall presently show, and had left not only their allotments of land, but even their paternal homes, being driven away by the injuries of that man. I will not indeed, O judges, say anything for the sake of unduly exaggerating my charges. But the sentiments which I have imbibed through my eyes and in my mind, those I will state to you truly, and, as far as I can, plainly. [47] For when four years afterwards I came into Sicily, it appeared to me in such a condition as those countries are apt to be in, in which a bitter and long war has been carried on. Those plains and fields which I had formerly seen beautiful and verdant, I now saw so laid waste and desolate that the very land itself seemed to feel the want of its cultivators, and to be mourning for its master. The land of Herbita, of Enna, of Morgantia, of Assoria, of Imachara, and of Agyrium, was so deserted as to its principal part, that we had to look not only for the allotments of land,

but also for the body of owners. But the district of Aetna, which used to be most highly cultivated, and that which was the very head of the corn country, the district of Leontini, the character of which was formerly such that when you had once seen that sown, you did not fear any dearness of provisions, was so rough and unsightly, that in the most fruitful part of Sicily we were asking where Sicily could be gone? The previous year had, indeed, greatly shaken the cultivators, but the last one had utterly ruined them. 19. [48]

Will you dare also to make mention to me of the tenths? Do you, after such wickedness, after such cruelty, after such numerous and serious injuries done to people, when the whole province of Sicily entirely depends on its arable land, and on its rights connected with that land; after the cultivators have been entirely ruined, the fields deserted — after you have left no one in so wealthy and populous a province — not only no property, but no hope even remaining; do you, I say, think that you can acquire any popularity by saying that you have sold the tenths at a better price than the other praetors? As if the Roman people had formed this wish, or the senate had given you this commission, by seizing all the fortunes of the cultivators under the name of tenths, to deprive the Roman people for all future time of that revenue, and of their supply of corn; and, as if after that, by adding some part of your own plunder to the total amount got from the tenths, you could appear to have deserved well of the Roman people. And I say this, as if his injustice was to be reproved in this particular, that, out of a desire for credit to be got by surpassing others in the sum derived from tenths, he had put forth a law rather too severe, and edicts rather too stringent, and rejected the examples of all his predecessors. [49] You sold the tenths at a high price. What will be said, if I prove that you appropriated and took to your own house no less a sum than you had sent to Rome under the name of tenths? What is there to obtain popularity for you in that plan of yours, when you took for yourself from a province of the Roman people a share equal to that which you sent to the Roman people? What will be said if I prove that you took twice as much corn yourself as you sent to the Roman people? Shall we still expect to see your advocate toss his head at this accusation, and throw himself on the people, and on the assembly here present? These

things you have heard before, O judges; but perhaps you have heard it on no other authority than report, and the common conversation of men. Know now that an enormous sum was taken by him on pretences connected with corn; and consider at the same time the profligacy of that saying of his, when he said that by the profit made on the tenths alone, he could buy himself off from all his dangers. 20. [50]

We have heard this for a long time, O judges. I say that there is not one of you who has not often heard that the collectors of the tenths were that mans partners. I do not think that anything else has been said against him falsely by those who think ill of him but this. For they are to be considered partners of a man, with whom the gains of a business are shared. But I say that the whole of these gains, and the whole of the fortunes of the cultivators, went to Verres alone. I say that Apronius, and those slaves of Venus, who were quite a new class of farmers first heard of in his praetorship! and the other collectors, were only agents of that one man's gains, and ministers of his plunder. How do you prove that? [51] How did I prove that he had committed robbery in the contract for those pillars? Chiefly, I think, by this fact, that he had put forth an unjust and unprecedented law. For who ever attempted to change all the rights of people, and the customs of all men, getting great blame for so doing, except for some gain? I will proceed and carry this matter further. You sold the tenths according to an unjust law, in order to sell them for more money. Why, when the tenths were now knocked down and sold, — when nothing could now be added to their sum total, but much might be to your own gains, — why did new edicts appear, made on a sudden and to meet an emergency? For I say, that in your third year you issued edicts, that a collector might summon a man before the court anywhere he liked; that the cultivator might not remove his corn from the threshing-floor, before he had settled the claims of the collector; that they should have the tenths delivered at the water-side before the first of August. All these edicts, I say, you issued after the tenths had been sold. But if you had issued them for the sake of the republic, notice would have been given of them at the time of selling; because you were acting with a view to your own interest, you, being prompted by your love of gain and by the emergency, repaired the

omission which had unintentionally occurred. [52] But who can be induced to believe this — that you, without any profit, or even without the greatest profit to yourself, disregarded the great disgrace, the great danger to your position as a free man, and to your fortunes, which you were incurring, so far as, though you were daily hearing the groans and complaints of all Sicily, — though, as you yourself have said, you expected to be brought to trial for this, — though the hazard of this present trial is not at all inconsistent with the opinion you yourself had formed, — still to allow the cultivators of the soil to be harassed and plundered with circumstances of the most scandalous injustice? In truth, though you are a man of singular cruelty and audacity, still you would be unwilling for a whole province to be alienated from you, — for so many most honourable men to be made your greatest enemies, if your desire for money and present booty had not overcome all reason and all consideration of safety. [53] But, O judges, since it is not possible for me to detail to you the sum total and the whole number of his acts of injustice, — since it would be an endless task to speak separately of the injuries done to each individual, — I beg you, listen to the different kinds of injustice. 21.

There is a man of Centuripa, named Nympho, a clever and industrious man, a most experienced and diligent cultivator. He, though he rented very large allotments, (as other rich men like him have been in the habit of doing in Sicily,) and though he cultivated them at great expense, keeping a great deal of stock, was treated by that man with such excessive injustice, that he not only abandoned his allotments, but even fled from Sicily, and came to Rome with many others who had been driven away by that man. He then contrived that the collector should assert that Nympho had not made a proper return of his number of acres, according to that notable edict, which had no other object except making profit of this sort. [54] As Nympho wished to defend himself in a regular action, he appoints some excellent judges, that same physician Cornelius, (his real name is Artemidorus, a citizen of Perga, under which name he had formerly in his own country acted as guide to Verres, and as prompter in his exploit of plundering the temple of Diana,) and Volusius the soothsayer, and Valerius the crier. Nympho was

condemned before he had fairly got into court. In what penalty? perhaps you will ask, for there was no fixed sum mentioned in the edict In the penalty of all the corn which was on his threshing-floors. So Apronius the collector takes, by a penalty for violating an edict, and not by any rights connected with his farming the revenue — not the tenth that was due, not corn that had been removed and concealed, but seven thousand medimni of wheat — from the allotments of Nympho. 22. [55]

A farm belonging to the wife of Xeno Menenius, a most noble man, had been let to a settler. The settler, because he could not bear the oppressive conduct of the collectors, had fled from his land. Verres gave his favourite sentence of condemnation against Xeno for not having made a return of his acres. Xeno said that it was no business of his; that the farm was let. Verres ordered a trial to take place according to this formula,—"If it should appear" that there were more acres in the farm than the settler had returned, then Xeno was to be condemned. He said not only that he had not been the cultivator of the land, which was quite sufficient, but also that he was neither the owner of that farm, nor the lessor of it; that it belonged to his wife; that she herself transacted her own affairs; that she had let the land. A man of the very highest reputation, and of the greatest authority, defended Xeno, Marcus Cossetius. Nevertheless Verres ordered a trial, in which the penalty was fixed at eighty thousand sesterces. Xeno, although he saw that judges were provided for him out of that band of robbers, still said that he would stand the trial. Then that fellow, with a loud voice, so that Xeno might hear it, orders his slaves of Venus to take care the man does not escape while the trial is proceeding, and as soon as it is over to bring him before him. And at the same time he said also, that he did not think that, if from his riches he disregarded the penalty of a conviction, he would also disregard the scourge. He, under the compulsion of this violence and this fear, paid the collectors all that Verres commanded. 23. [56]

There is a citizen of Morgentia, named Polemarchus, a virtuous and honourable man. He, when seven hundred medimni were demanded as the tenths due on fifty acres, because he refused to pay them, was summoned before the praetor at his own house; and, as he was still in bed, he was introduced into his bed-chamber, into which

no one else was admitted, except his woman and the collector. There he was beaten and kicked about till, though he had refused before to pay seven hundred medimni, he now promised a thousand. Eubulides Grosphus is a man of Centuripa, a man above all others of his city, both for virtue and high birth, and also for wealth. They left this man, O judges, the most honourable man of a most honourable city, not merely only so much corn, but only so much life as pleased Apronius. For by force, by violence, and by blows, he was induced to give corn, not as much as he had, but as much as was demanded of him, which was even more. [57] Sostratus, and Numenius, and Nymphodorus, of the same city, three brothers of kindred sentiments, when they had fled from their lands because more corn was demanded of them than their lands had produced, were treated thus, — Apronius collected a band of men, came into their allotments, took away all their tools, carried off their slaves, and drove off their live stock. Afterwards, when Nymphodorus came to Aetna to him, and begged to have his property restored to him, he ordered the man to be seized and hung up on a wild olive, a tree which is the forum there; and an ally and friend of the Roman people, a settler and cultivator of your domain, hung suspended from a tree in a city of our allies, and in the very forum, for as long a period as Apronius chose. [58] I have now been recounting to you, O judges, the species of countless injuries which he has wrought, — one of each sort. An infinite host of evil actions I pass over. Place before your own eyes, keep in your minds, these invasions by collectors of the whole of Sicily, their plunderings of the cultivators of the soil, the harshness of this man, the absolute reign of Apronius. He despised the Sicilians; he did not consider them as men, he thought that they would not be vigorous in avenging themselves, and that you would treat their oppression lightly. 24. [59]

Be it so. He adopted a false opinion about them, and a very injurious one about you. But while he deserved so ill of the Sicilians, at least, I suppose, he was attentive to the Roman citizens; he favoured them; he was wholly devoted to securing their good-will and favour? He attentive to the Roman citizens? There were no men to whom he was more severe or more hostile. I say nothing of chains, of imprisonment, of scourgings, of executions. I say nothing even of

that cross which he wished to be a witness to the Roman citizens of his humanity and benevolence to them. I say nothing, I say, of all this, and I put all this off to another opportunity. I am speaking about the tenths, — about the condition of the Roman citizens in their allotments; and how they were treated you heard from themselves. They have told you that their property was taken from them. [60] But since there was such a cause for it as there was, these things are to he endured, — I mean, the absence of all influence in justice, of all influence in established customs. There are, in short, no evils, O judges, of such magnitude that bravo men, of great and free spirit, think them intolerable. What shall we say if, while that man was praetor, violent hands were, without any hesitation, laid by Apronius on Roman knights, who were not obscure, nor unknown, but honourable, and even illustrious? What more do you expect? What more do you think I can say? Must I pass as quickly as possible from that man and from his actions, in order to come to Apronius, as, when I was in Sicily, I promised him that I would do? — who detained for two days in the public place at Leontini, Caius Matrinius, a man, O judges, of the greatest virtue, the greatest industry, the highest popularity. Know, O judges, that a Roman knight was kept two days without food, without a roof over his head, by a man born in disgrace, trained in infamy, practiced in accommodating himself to all Verres's vices and lusts; that he was kept and detained by the guards of Apronius two days in the forum at Leontini, and not released till he had agreed to submit to his terms. 25. [61]

For why, O judges, should I speak of Quintus Lollius, a Roman knight of tried probity and honour? (the matter which I am going to mention is clear, notorious, and undoubted throughout all Sicily;) — who, as he was a cultivator of the domain in the district of Aetna, and as his farm belonged to Apronius's district as well as the rest, relying on the ancient authority and influence of the equestrian order, declared that he would not pay the collectors more than was due from him to them. His words are reported to Apronius. He laughed, and marveled that Lollius had heard nothing of Matrinius or of his other actions. He sends his slaves of Venus to the man. Remark this also, that a collector had officers appointed to attend him by the

praetor; and see if this is a slight argument that he abused the name of the collectors to purposes of his own gain. Lollius is brought before Apronius by the slaves of Venus, and dragged along, at a convenient moment, when Apronius had just returned from the palaestra, and was lying on a couch which he had spread in the forum of Aetna Lollius is placed in the middle of that seemly banquet of gladiators. [62] I would not, in truth, O judges, believe the things which I am now saying although I heard them commonly talked about, if the old man had not himself told them to me in the most solemn manner, when he was with tears expressing his thanks to me and to the willingness with which I had undertaken this accusation. A Roman knight, I say, nearly ninety years old, is placed in the middle of Apronius's banquet, while Apronius in the meantime was rubbing his head and face with ointment. "What is this, Lollius," says he; "cannot you behave properly, unless you are compelled by severe measures?" What was the man to do? should he hold his tongue, or answer him? In truth he, a man of that bright character, and that age, did not know what to do. Meantime Apronius called for supper and wine; and his slaves, who were of no better manners than their master, and were born of the same class and in the same rank of life, brought these things before the eyes of Lollius. The guests began to laugh, Apronius himself roared; unless, perchance, you suppose that he did not laugh in the midst of wine and feasting, who even now at the time of his danger and ruin cannot suppress his laughter. Not to detain you too long; know, O judges, that Quintus Lollius, under the compulsion of these insults, came into the terms and conditions of Apronius. [63] Lollius, enfeebled by old age and disease, could not come to give his evidence. What need have we of Lollius? There is no one who is ignorant of this, no one of your own friends, no one who is brought forward by you, no one at all who, if he is asked, will say that he now hears this for the first time. Marcus Lollius, his son, a most excellent young man, is present; you shall hear what he says — For Quintus Lollius, his son, who was the accuser of Calidius, a young man both virtuous and bold, and of the highest reputation for eloquence, when being excited by these injuries and insults he had set out for Sicily, was murdered on the way; and the crime of his death is imputed indeed to fugitive slaves; but, in reality, no one in

Sicily doubts that he must be murdered because he could not keep to himself his intentions respecting Verres. He, in truth, had no doubt that the man who, under the prompting of a mere love of justice, had already accused another, would be ready as an accuser for him on his arrival, when he was stimulated by the injuries of his father, and indignation at the treatment received by his family. 26. [64]

Do you now thoroughly understand, O judges, what a pest, what a barbarian has been let loose in your most ancient, most loyal, and nearest province? Do you see now on what account Sicily, which has before this endured the thefts, and rapine, and iniquities, and insults of so many men, has not been able to submit to this unprecedented, and extraordinary, and incredible series of injuries and insults? All men are now aware why the whole province sought out that man as a defender of its safety, from the effects of whose good faith, and diligence, and perseverance Verres could not possibly be saved. You have been present at many trials, you know that many guilty and wicked men have been impeached within your own recollection, and that of your ancestors. Have you ever seen any one, have you ever heard of any one, who has lived in the practice of such great, such open robberies, of such audacity, of such shameless impudence? [65] Apronius had his attendants of Venus about him; he took them with him about the different cities; he ordered banquets to be prepared and couches to be spread for him at the public expense, and to be spread for him in the forum. Thither he ordered most honourable men to be summoned, not only Sicilians, but even Roman knights, so that men of the most thoroughly proved honour were detained at his banquet, when none but the most impure and profligate men would join him in a banquet. Would you, O most profligate and abandoned of all mortals, when you knew these things, when you were hearing of them every day, when you were seeing them, would you ever have allowed or endured that such things should have taken place, to your own great danger, if they had taken place without enormous profit to yourself? Was it the profit made by Apronius, and his most beastly conversation, and his flagitious caresses, that had such influence with you, that no care for or thought of your own fortunes ever touched your mind? [66] You see, O judges, what sort of conflagration, and how vast a torrent of collectors spread itself with violence, not only

over the fields but also over all the other property of the cultivators; not only over the property, but also over the rights of liberty and of the state. You see some men suspended from trees; others beaten and scourged; others kept as prisoners in the public place; others left standing alone at a feast; others condemned by the physician and crier of the praetor; and nevertheless the property of all of them is carried off from the fields and plundered at the same time. What is all this? Is this the rule of the Roman people? Are these the laws of the Roman people? are these their tribunals? are these their faithful allies? is this their suburban province? Are not rather all these things such that even Athenio would not have done them if he had been victorious in Sicily? I say, O judges, that the evidence of fugitive slaves would not have equalled one quarter of the wickedness of that man. 27.

In this manner did he behave to individuals. What more shall I say? How were cities treated in their public capacity? You have heard many statements and testimonies from some cities, and you shall hear them from the rest. [67] And first of all, listen to a brief tale concerning the people of Agyrium, a loyal and illustrious people. The state of Agyrium is among the first in all Sicily for honour; — a state of men wealthy before this man came as praetor, and of excellent cultivators of the soil. When this same Apronius had purchased the tenths of that district, he came to Agyrium; and when he had come thither with his regular attendants — that is to say, with threats and violence, — he began to ask an immense sum, so that when he had got his profit, he might depart. He said that he did not wish to have any trouble, nut that, when he had got his money, he would depart as soon as possible to some other city. All the Sicilians are not contemptible men, if only our magistrates leave them alone; but they are many, of sufficient courage, and very economical and temperate, and among the very first is this city of which I am now speaking, O judges. [68] Therefore the men of Agyrium make answer to this most worthless man, that they will give him the tenths which are due from them, that they will not add to them any profit for himself, especially since he had bought them an excellent bargain. Apronius informs Verres, whose business it ready was, what was going on. 28.

Immediately, as if there had been some conspiracy at Agyrium formed against the republic, or as if the lieutenant of the praetor had been assaulted, the magistrates and five principal citizens are summoned from Agyrium at his command. They went to Syracuse. Apronius is there. He says that those very men who had come had acted contrary to the praetor's edict. They asked, in what? He answered, that he would say in what before the judges. He, that most just man, tried to strike his old terror into the wretched Agyrians; he threatened that he would appoint their judges out of his own retinue. The Agyrians, being very intrepid men, said that they would stand the trial. [69] That fellow put on the tribunal Artemidorus Cornelius, the physician, Valerius, the crier, Tlepolemus, the painter, and judges of that sort; not one of whom was a Roman citizen, but Greek robbers of temples, long since infamous, and now all Corneliuses. The Agyrians saw that whatever charge Apronius brought before whose judges, he would very easily prove; but they preferred to be convicted, and so add to his unpopularity and infamy, rather than accede to his conditions and terms. They asked what formula would be given to the judges on which to try them? He answered, "If it appeared that they had acted contrary to the edict," on which formula he said that he should pronounce judgment. They preferred trying the question according to a most unjust formula, and with most profligate judges, rather than come to any settlement with him of their own accord. He sent Timarchides privately to them, to warn them, if they were wise, to settle the matter. They refused. "What, then, will you do? Do you prefer to be convicted each of you in a penalty of fifty thousand sesterces?" They said they did. Then he said out loud, in the hearing of every one, "Whoever is condemned, shall be beaten to death with rods." On this they began with tears to beg and entreat him to be allowed to give up their cornfields, and all their produce, and their allotments, when stripped of everything, to Apronius, and to depart themselves without insult and annoyance. [70] These were the terms, O judges, on which Verres sold the tenths. Hortensius may say, if he pleases, that Verres sold them at a high price. 29.

This was the condition of the cultivators of the soil while that man was praetor; that they thought themselves exceedingly well off, if

they might give up their fields when stripped of everything to Apronius, for they wished to escaped the many crosses which were set before their eyes. Whatever Apronius had declared to be due, that they were forced to give, according to the edict. Suppose he declared more was due than the land produced? Just so. How could that be? The magistrates were bound, according to his own edict, to compel the payment. Well, but the cultivators could recover. Yes, but Artemidorus was the judge. What next? What happened if the cultivator had given less than Apronius had demanded? A prosecution of the cultivator to recover a fourfold penalty. Before judges taken from what body? From that admirable retinue of most honourable men in attendance on the praetor. What more? I say that you returned less than the proper number of acres: select judges for the matter which is to be tried, namely, your violation of the edict. Out of what class? Out of the same retinue. What will be the end of it? If you are convicted, (and what doubt can there be about a conviction with those judges?) you must be beaten to death with rods. When these are the rules, these the conditions, will there be any one so foolish as to think that what was sold were the tenths? Who believes that nine parts were left to the cultivator? Who does not perceive that that fellow considered as his own gain and plunder the property and possessions and fortunes of the cultivators? From fear of the gods the Agyrians said that they would do what they were commanded to. 30. [71]

Listen now to what his orders were; and conceal, if you can, that you are aware of what all Sicily well knew, that the praetor himself was the farmer of the tenths, or rather the lord and sovereign of all the allotments in the province. He orders the Agyrians to take the tenths themselves in the name of their city, and to give a compliment to Apronius. If he had bought them at a high price, since you are a man who inquired into the proper price with great diligence, who, as you say, sold them at a high price, why do you think that a compliment ought to be added as a present to the purchaser? Be it so; you did think so. Why did you order them to add it? What is the meaning; of taking and appropriating money, for which the law has a hold on you, if this is not it, — I mean the compelling men by force and despotic power against their will to give a compliment to

another, that is to say, to give him money? [72] Well, what comes next? If they were ordered to give some small compliment to Apronius, the delight of the praetor's life, suppose that it was given to Apronius, if it seems to you the compliment to Apronius, and not the plunder of the praetor. You order them to take the tenths; to give Apronius a compliment, — thirty-three thousand medimni of wheat. What is this? One city is compelled by the command of the praetor to give to the Roman people out of one district almost food enough to support it for a month. Did you sell the tenths at a high price, when such a compliment was given to the collector? In truth, if you had inquired carefully into the proper price, then when you were selling them, they would rather have given ten thousand medimni more then, than six hundred thousand sesterces afterwards. It seems a great booty. Listen to what follows, and remark it carefully, so as to be the less surprised that the Sicilians, being compelled by their necessity, entreated aid from their patrons, from the consuls, from the senate, from the laws, from the tribunals. [73] To pay Apronius for testing the wheat which was given to him, Verres orders the Agyrians to pay Apronius three sesterces for every medimnus. 31.

What is this? When such a quantity of corn has been extorted and exacted under the name of a compliment, is money to be exacted besides for testing the corn? Or could, not only Apronius, but any one, if corn was to be served out to the army, disapprove of the Sicilian corn, which Verres might have measured on the threshing-floor, if he had liked? That vast quantity of corn is given and extorted at your command. That is not enough. Money is demanded besides. It is paid. That is too little. For the tenths of barley more money is extorted. You order thirty thousand sesterces to be paid. And so from one city there are extorted by force, by threats, by the despotic power and injustice of the praetor thirty-three thousand medimni of wheat, and besides that, sixty thousand sesterces! Are these things obscure? Or, even if all the world wished it, can those things be obscure which you did openly, which you ordered in open court, which you extorted when every one was looking on? concerning which matters the magistrates and five chief men of Agyrium, whom you summoned from their homes for the sake of your own gain, reported your acts and commands to their own senate at home; and that report,

according to their laws, was recorded in the public registers, and the ambassadors of the Agyrians, most noble men, are at Rome, and have deposed to these facts in evidence. [74] Examine the public letters of the Agyrians; after that the public testimony of the city. Read the public letters. [The public letters are read.] Read the public evidence. [The public evidence is read.] You have remarked in this evidence, O judges, that Apollodorus, whose surname is Pyragrus, the chief man of his city, have his evidence with tears, and said that since the name of the Roman people had been heard by and known to the Sicilians, the Agyrians had never either said or done anything contrary to the interests of even the meanest of the Roman citizens; but that now they are compelled by great injuries, and great suffering to give evidence in a public manner against a praetor of the Roman people. You cannot, in truth. O Verres, invalidate the evidence of this one city by your defence; so great a weight is there in the fidelity of these men, such great indignation is there at their injuries, such great conscientiousness is there in the way in which they gave their evidence. But it is not one city alone, but every city, that now being crushed by similar distresses pursues you with deputations and public evidence. 32. [75]

Let us now, in regular order, proceed to see in what way the city of Herbita, an honourable and formerly a wealthy city, was harassed and plundered by him. A city of what sort of men? Of excellent agriculturists, men most remote from courts of law, from tribunals, and from disputes; whom you, O most profligate of men, ought to have spared, whose interests you ought to have consulted, the whole race of whom you ought most carefully to have preserved. In the first year of your praetorship the tenths of that district were sold for eighteen thousand medimni of wheat. When Atidius, who was also his servant in the matter of tenths, had purchased them, and when he had come to Herbita with the title of' prefect, attended by the slaves of Verres, and when a place where he might lodge had been assigned him by the public act of the city, the people of Herbita are compelled to give him as a profit thirty-seven thousand modii of wheat, when the tenths of the wheat had been sold at eighteen thousand. And they are compelled to give this vast quantity of wheat in the name of their city, since the private cultivators of the soil had already fled from

their lands, having been plundered and driven away by the injuries of the collectors. [76] In the second year, when Apronius had bought the tenths of wheat for twenty-five thousand modii, and when he himself had come to Herbita with his whole force and his whole band of robbers, the people was compelled to give him in the name of the city a present of twenty-six thousand modii of wheat, and a further gift of two thousand sesterces. I am not quite sure about this further gift, whether it was not given to Apronius himself as wages for his trouble, and a reward for his impudence. But concerning such an immense quantity of wheat, who can doubt that it came to that robber of corn, Verres, just as the corn of Agyrium did? But in the third year he adopted in this district the custom of sovereigns. 33.

They say that the barbarian kings of the Persians and Syrians are accustomed to have several wives, and to give to these wives cities in this fashion: — that this city is to dress the woman's waist, that one to dress her neck, that to dress her hair; and so they have whole nations not only privy to their lusts, but also assistants in it. [77] Learn that the licentiousness and lust of that man who thought himself king of the Sicilians, was much the same. The name of the wife of Aeschrio, a Syracusan, is Pippa, whose name has been made notorious over all Sicily by that man's profligacy, and many verses were inscribed on the praetor's tribunal, and over the praetor's head, about that woman. This Aeschrio, the imaginary husband of Pippa, is appointed as a new farmer of the tenths of Herbita. When the men of Herbita saw that if the business got into Aeschrio's hands they should be plundered at the will of a most dissolute woman, they did against him as far as they thought that they could go. Aeschrio bid on, for he was not afraid that, while Verres was praetor, the woman, who would be really the farmer, would ever be allowed to lose by it. The tenths are knocked down to him at thirty-five thousand medimni, nearly half as much again as they had fetched the preceding year. The cultivators were utterly destroyed, and so much the more because in the preceding year they had been drained dry, and almost ruined. He was aware that they had been sold at so high a price, that more could not be squeezed out of the people; so he deducts from the sum total three thousand six hundred medimni, and enters on the registers thirty-one thousand four hundred. 34. [78]

Docimus had bought the tenths of barley belonging to the same district. This Docimus is the man who had brought to Verres Tertia, the daughter of Isidorus the actor, having taken her from a Rhodian flute-player. The influence of this woman Tertia was greater with him than that of Pippa, or of all the other women, and I had almost said, was as great in his Sicilian praetorship as that of Chelidon had been in his city praetorship. There come to Herbita the two rivals of the praetor, not likely to be troublesome to him, infamous agents of most abandoned women. They begin to demand, to beg, to threaten; but though they wished it, they were not able to imitate Apronius. The Sicilians were not so much afraid of Sicilians; still, as they put forth false accusations in every possible way, the Herbitenses undertake to appear in court at Syracuse. When they had arrived there, they are compelled to give to Aeschrio — that is, to Pippa — as much as had been deducted from the original purchase-money, three thousand six hundred modii of wheat. He was not willing to give to the woman who was really the farmer too much profits out of the tenths, lest in that case she should transfer her attention from her nocturnal gains to the farming of the tributes. [79] The people of Herbita thought the matter was settled, when that man added,—"And what are you going to give out of the barley to my little friend Docimus? What are your intentions?" He transacted all this business, O judges, in his chamber, and in his bed. They said that they had no commission to give anything: "I do not hear you; pay him fifteen thousand sesterces." What were the wretched men to do I or how could they refuse? especially when they saw the traces of the woman who was the collector fresh in the bed, by which they understood that he had been inflamed to persevere in his demand. And so one city of our allies and friends was made tributary of two most debauched women while Verres was praetor. And I now assert that that quantity of corn and those sums of money were given by the people of Herbita to the collectors in the name of the city. And yet by all that corn and all that money they could not deliver their fellow citizens from the injuries of the collectors. For after the property of the cultivators was destroyed and carried off, bribes were still to be given to the collectors to induce them to depart at length from their lands and from their cities. [80] And so when Philinus of Herbita, a man

eloquent and prudent, and noble in his own city, spoke in public of the distress of the cultivators, and of their flight, and of the scanty numbers that were left behind, you remarked, O judges, the groans of the Roman people, a great crowd of whom has always been present at this cause. And concerning the scanty number of the cultivators I will speak at another time. 35.

But at this moment a topic, which I had almost passed over, must not be altogether forgotten. For, in the name of the immortal gods! how will you, I will not say tolerate, but how will you bear even to hear of the sums which Verres subtracted from the sum total? [81] Up to this time there has been one man only since the first foundation of Rome, (and may the immortal gods grant that there may never be another,) to whom the republic wholly committed herself, being compelled by the necessities of the times and domestic misfortunes. He had such power, that without his consent no one could preserve either his property, or his liberty, or his life. He had such courage in his audacity, that he was not afraid to say in the public assembly, when he was selling the property of Roman citizens, that he was selling his own booty. All his actions we not only still maintain, but out of fear of greater inconveniences and calamities, we defend them by the public authority. One decree alone of his has been remodeled by a resolution of the senate, and a decree has been passed, that these men, from the sum total of whose debts he had made a deduction, should pay the money into the treasury. The senate laid down this principle, — that even he to whom they had entrusted everything had not power to diminish the total amount of revenue acquired and procured by the valour of the Roman people. [82] The conscript fathers decided that he had no power to remit even to the bravest men any portion of their debts to the state. And shall the senators decide that you have lawfully remitted any to a most profligate woman? The man, concerning whom the Roman people had established a law that his absolute will should be the law to the Roman people, still is found fault with in this one particular, out of reverence for their ancient laws. Did you, who were liable to almost every law, think that your lust and caprice was to be a law to you? He is blamed for remitting a part of that money which he himself had acquired. Shall you be pardoned who have remitted part of the revenue due to the Roman people? 36. [83]

And in this description of boldness he proceeded even much more shamelessly with respect to the tenths of the district of Segesta; for when he had knocked them down to this same Docimus, for five thousand modii of wheat, and had added as an extra present fifteen

thousand sesterces, he compelled the people of Segesta to take them of Docimus at the same price in the name of their city; and you shall have this proved by the public testimony of the Segestans. Read the public testimony [The public testimony is read.] You have heard at what price the city took the tenths from Docimus, — at five thousand modii of wheat, and an extra gift. Learn now at what price he entered them in his accounts as having been sold. [The law respecting the sale of tithes, Caius Verres being the praetor, is read.] You see that in this item three thousand bushels of wheat are deducted from the sum total, and when he had taken all this from the food of the Roman people, from the sinews of the revenue, from the blood of the treasury, he gave it to Tertia the actress? Shall I call it rather an impudent action, to extort from allies of the state, or an infamous one to give it to a prostitute? or a wicked one to take it away from the Roman people, or an audacious one to make false entries in the public accounts? Can any influence or any bribery deliver you from the severity of these judges? And if it should deliver you, do you not still see that the things which I am mentioning belong to another count of the prosecution, and to the action for peculation? [84] Therefore I will reserve the whole of that class of offences, and return to the charge respecting the corn and the tenths which I had begun to speak of.

While this man was laying waste the largest and most fertile districts by his own agency, that is to say by Apronius, that second Verres, he had others whom he could send, like hounds, among the lesser cities, worthless and infamous men, to whom he compelled the citizens to give either corn or money in the name of their city. 37.

There is a man called Aulus Valentius in Sicily, an interpreter, whom Verres used to employ not only as an interpreter of the Greek language, but also in his robberies and other crimes. This interpreter, an insignificant and needy man, becomes on a sudden a farmer of tenths. He purchases the tenths of the territory of Lipara, a poor and barren district, for six hundred medimni of wheat. The people of Lipara are convoked: they are compelled to take the tenths, and to pay Valentius thirty thousand sesterces as profit. O ye immortal gods! which argument will you take for your defence; that you sold the tenths for so much less than you might have done, — that the city

immediately, of its own accord, added to the six hundred medimni thirty thousand sesterces as a compliment, that is to say, two thousand medimni of wheat? or that, after you had sold the tenths at a high price, you still extorted this money from the people of Lipara against their will? [85] But why do I ask of you what defence you are going to employ, instead of rather asking the city itself what you have done. Read the public testimony of the Liparans, and after that read how the money was given to Valentius. [The public testimony is read.] [The statement how the money was paid, extracted out of the public accounts, is read.] Was even this little state, so far removed out of your reach and out of your sight, separated from Sicily, placed on a barren and uncultivated island, turned as a sort of crown to all your other iniquities, into a source of plunder and profit to you in this matter of corn? You had given the whole island to one of your companions as a trifling present, and still were these profits from corn exacted from it as from the inland states? And therefore the men who for so many years, before you came as praetor, were in the habit of ransoming their lands from the pirates, now had a price set on themselves, and were compelled to ransom themselves from you. 38. [86]

What more need I say? Was not more extorted, under the name of a compliment, from the people of Tissa, a very small and poor city, but inhabited by very hard-working agriculturists and most frugal men, than the whole crop of corn which they had extracted from their land? Among them you sent as farmer Diognotus, a slave of Venus, a new class of collector altogether. Why, with such a precedent as this, are not the public slaves at Rome also entrusted with the revenues? In the second year of your praetorship the Tissans are compelled against their will to give twenty-one thousand sesterces as a compliment. In the third year they were compelled to give thirty thousand medimni of wheat to Diognotus, a slave of Venus, as a compliment! This Diognotus, who is making such vast profits out of the public revenues, has no deputy, no peculium at all. Doubt now, if you can, whether this Venereal officer of Verres received such an immense quantity of corn for himself, or exacted it for his master. [87] And learn this also from the public testimony of the Tissans. [The public testimony of the Tissans is read.] Is it only obscurely, O

judges, that the praetor himself is the farmer, when his officers exact corn from the cities, levy money on them, take something more as a compliment for themselves than they are to pay over to the Roman people under the name of tenths? This was your idea of equity in your command — this was your idea of the dignity of the praetor, to make the slaves of Venus the lords of the Sicilian people. This was the line drawn, these were the distinctions of rank, while you were the praetor, that the cultivators of the soil were to be considered in the class of slaves, the slaves in the light of farmers of the revenue. 39. [88]

What more shall I say? Were not the wretched people of Amestratus, after such vast tenths had been imposed upon them, that they had nothing left for themselves, still compelled to pay money besides? The tenths are knocked down to Marcus Caesius in the presence of deputies from Amestratus and Heraclius, one of their deputies, is compelled at once to pay twenty-two thousand sesterces. What is the meaning of this? What is the meaning of this booty? of this violence? of this plundering of the allies? If Heraclius had been commissioned by his senate to purchase the tenths, he would have purchased them; if he was not, how could he pay money of his own accord? He reports to his fellow citizens that he has paid Caesius this money. Learn his report from his letters. [89] Read extracts from the public letters. [The public letters are read.] By what decree of the senate was this permission given to the deputy? By none. Why did he do so? He was compelled. Who says this? The whole city. Read the public testimony. [The public testimony is read.] By the same evidence you see that there was extorted from the same city in the second year a sum of money in a similar manner, and given to Sextus Vennonius. But you compel the Amestratines, needy men, after you have sold their tenths for eight hundred medimni to Banobalis, a slave of Venus, (just notice the names of the farmers,) to add more still as a compliment, than they had been sold for, though they had been sold at a high price. They gave Banobalis eight hundred medimni of wheat, and fifteen hundred sesterces. Surely that man would never have been so senseless, as to allow more corn to be given out of the domain of the Roman people to a slave of Venus than to the Roman people itself, unless all that plunder had, under the

name of the slave, come in reality to himself. [90] The people of Petra, though their tenths had been sold at a high price, were, very much against their will, compelled to give thirty-seven thousand sesterces to Publius Naevius Turpio, a most infamous man, who was convicted of assault while Sacerdos was praetor. Did you sell the tenths so carelessly, that, when a medimnus cost fifteen sesterces, and when the tenths were sold for three thousand medimni, that is, for forty-five thousand sesterces, still three thousand sesterces could be given to the farmer as a compliment? "Oh, but I sold the tenths of that district at a high price" he boasts, forsooth, not that a compliment was given to Turpio, but that money was taken from the Petrans. 40. [91]

What shall I say next? The Halicyans, the settlers among whom pay tenths, themselves have their lauds free from taxes. Were not they also compelled to give to the same Turpio fifteen thousand sesterces, when their tenths had been sold for a hundred medimni? If, as you are especially anxious to do, you could prove that these compliments all went to the farmers, and that none of them reached you, still these sums, taken and extorted as they were by your violence and injustice, ought to ensure your conviction; but, as you cannot persuade any one that you were so foolish as to wish Apronius and Turpio, two slaves, to become rich at your own risk and that of your children, do you think that any one will doubt that through the instrumentality of those emissaries all this money was really procured for you? [92] Again, Symmachus, a slave of Venus, is sent as farmer to Segesta, a city exempt from such taxes; he brings letters from Verres, to order the cultivators to appear in a court of some other city than their own, contrary to every resolution of the senate, to all their rights and privileges, and to the Rupilian law. Hear the letters which he sent to the Segestans. [The letters of Caius Verres are read.] Now learn by one bargain made with an honourable and respected man, how this slave of Venus insulted the cultivators of the soil; for there are other instances of this sort. [93] There is a man of the name of Diocles, a citizen of Panormus, surnamed Phimes, an illustrious man, and of high reputation as an agriculturist, he rented a farm in the Segestan district, (for there are no traders in that place,) for six thousand sesterces; after having been assaulted by

this slave of Venus, he settled with him to give him sixteen thousand, six hundred, and sixty-four sesterces. You may learn this from Verres's own accounts. [The items entered under the name of Diocles of Panormus are read.] Anneius Brocchus also, a senator, a man of a reputation, and of a virtue with which you are all acquainted, was compelled to give money also besides corn to this same Symmachus. Was such a man, a senator of the Roman people, a subject of profit to a slave of Venus, while you were praetor? 41. [94]

Even if you were not aware that this body excelled all others in dignity, were you not at least aware of this, that it furnished the judges? Previously, when the equestrian order furnished the judges, infamous and rapacious magistrates in the provinces were subservient to the farmers; they honoured all who were in their employ; every Roman knight whom they saw in the province they pursued with attentions and courtesies; and that conduct was not so advantageous to the guilty, as it was a hindrance to many if they had acted in any respect contrary to the advantage or inclination of that body. This sort of principle was somehow or other diligently reserved among them as if by common consent, that whoever had thought any Roman knight deserving of any affront, was to be considered by their whole order as deserving of every possible misfortune. [95] Did you so despise the order of senators, did you so reduce everything to the standard of your own insults and caprices, had you so deliberated and fixed it in your own mind as an invariable rule, to reject as judges every one who dwelt in Sicily, or who had been in Sicily while you were praetor, that it never occurred to you that still you must come before judges of the same order? in whose minds, even if there were no indignation from any personal injury done to themselves, still there would be this thought, that they were affronted in the affront offered to another, and that the dignity of their order was contemptuously treated and trampled on, which, O judges, appears to me not to be endured with patience, for insult has in it a sting which modest and virtuous men can with difficulty put up with. [96] You have plundered the Sicilians, for indeed the provincials are accustomed to obtain no revenge amid their wrongs. You have harassed the brokers, for they seldom come to Rome, and never of their own accord. You gave up a Roman knight to the ill-treatment of

Apronius. To be sure; for what harm can they do you now, when they cannot be judges? What will you say when you treat senators also with the greatest violence? what else can you say but this, "Give me up that senator also, in order that the most honourable name of senator may appear to exist not only to excite the envy of the ignorant, but also to attract the insults of the worthless." [97] Nor did he do this in the case of Anneius alone, but in the instance of every senator, so that the name of that order had not so much influence in procuring honour as insult for its members. In the case of Caius Cassius, a most illustrious and most gallant man, though he was consul at that very time, in the first year of his praetorship, he behaved with such injustice, that, as his wife, a woman of the highest respectability, had lands in Leontini, inherited from her father, he ordered all her crops to be taken away for tenths. You shall have him as a witness in this cause, O Verres, since you have taken care not to have him as a judge. [98] But you, O judges, ought to think that there is some community of interests, some close connection existing between the members of our body; many offices are imposed on this our order, many toils, many dangers, not only from the laws and courts of justice, but also from vague reports, and from the critical character of the times; so that this order is, as it were, exposed to view, and set on an eminence, in order, as it seems, to be the more easily caught by every blast of envy. In so miserable and unfair a condition of life, shall we not retain even the honour of not appearing vile and contemptible in the eyes of our own magistrates, when we appear before them to obtain our rights? 42. [99]

The men of Thermae sent agents to purchase the tenths of their district. They thought it was much better for them, that they should be purchased by their own state at ever so high a price, than that they should get into the hands of some emissary of his. A man of the name of Venuleius had been put up to buy them. He did not cease from bidding. They went on competing with him, as long as the price appeared such as could by any possibility be borne. At last they gave up bidding. They are knocked down to Venuleius at eight thousand modii of wheat. Possidorus, the deputy of Thermae, sends notice home. Although it appeared to every one a most intolerable hardship, still there were given to Venuleius eight thousand modii of wheat,

and two thousand sesterces besides, not to come near them. From which it is very evident which part was the wages of the farmer, and which the booty of the praetor. Give me the letters and testimony of the people of Thermae. [The accounts of the people of Thermae, and their evidence, are read.] [100] You compelled the Imacharans after you had taken away all their corn, after they had been impoverished by your incessant injuries, miserable and ruined as they were, to pay tribute so as to give Apronius twenty thousand sesterces. Read the decree about the tributes, and the public testimony. [The Resolution of the Senate about the tribute to be paid, is read. [The testimony of the Imacharans is read.] The people of Enna, though the tenths of the territory of Enna had been sold for three thousand two hundred medimni, were compelled to give Apronius eighteen thousand modii of wheat, and three thousand sesterces. I entreat you to remark what an enormous quantity of corn is extorted from every district liable to the payment of tenths; for my speech extends over every city which is so liable. And I am at present engaged about this class of injuries, O judges, in which it is not a case of single cultivators being stripped of all their property, but of compliments being exacted from the public treasury of each city, for the farmers, in order that at last they may depart from the lands and cities glutted and satiated with this immense heap of gain. 43. [101]

Why in the third year of your praetorship did you order the Calactans to carry the tenths of their land, which they had been accustomed to pay at Calacta, to Marcus Caesius the farmer of Amestratus, a thing which they had never done before you were praetor, and which you yourself had never ordered in the two years preceding? Why was Theomnastus the Syracusan sent by you into the district of Mutyca, where he so harassed the cultivators, that for their second teethe they were unavoidably forced to buy wheat, because they had actually none of their own, (a thing which I shall prove happened also in the case of other cities.) [102] But now, from the agreements made with the people of Hybla, which were made with the farmer Cnaeus Sergius, you will perceive that six times as much corn as was sown was exacted of the cultivators Read the accounts of the sowings and the agreements, extracted from the public registers. Read. [The agreements of the people of Hybla with

Cnaeus Sergius, extracted out of the public registers, are read.] Listen also to the returns of the sowings, and the agreements of the men of Mena with that slave of Venus. Read them out of the public registers. [The returns of the Sowings, arid the agreements of the Menans with the servant of Venus, extracted from the public registers, are read.] Will you, O judges, endure that a great deal more than has been produced should be exacted from our allies, from the cultivators of the domain of the Roman people, from those who are labouring for you, are in your service, who are so eager that the Roman people should be fed by them, that they only retain for themselves and their children enough for their actual subsistence, and should be exacted too with the greatest violence, and the most bitter insults? [103] I feel, O judges, that I must now set some bounds to the length of my speech, and that I must avoid wearying you. I will no longer dwell on one kind of injury alone, and I will leave the other instances out of my speech, though they will still make a part of my accusation. You shall hear the complaints of the Agregentines, most gallant, and most industrious men; you shall become acquainted, O judges, with the sufferings and the injuries of the Entellans, a people of the greatest perseverance and the greatest industry; the wrongs of the men of Heraclea, and Gela, and Solentum shall be mentioned: you shall be told of the fields of the Catanians, a most wealthy people and most friendly to us, ravaged by Apronius: you shall be made aware that the cities of Tyndaris, that most noble city, of Cephalaedis, of Halentia, of Apollonia, of Enguina, of Capitia, have been ruined by the iniquity of these farmers; that actually nothing is left to the citizens of Ina, of Murgentia, of Assoria, of Elorum, of Enna, and of Ietum; that the people of Cetaria and Acheria, small cities, are wholly crushed and destroyed; in short, that all the lands liable to the payment of tenths have been for three years tributary to the Roman people, to the extent of one tenth of their produce, and to Caius Verres to the extent of all the rest; that to most of the cultivators nothing at all is left, that if anything was either remitted to or left to any one, it was only just so much as remained of that property by which the avarice of that man had bees satiated. 44. [104]

I have reserved the territories of two cities, O judges, to speak of last, the best and noblest of all, the territory of Aetna and that of

Leontini: I will say nothing of the gains made out of these districts in his three years; I will select one year in order that I more easily may be able to explain what I have settled to mention. I will take the third year, because it is both the most recent, and because it has been managed by him in such a way that, since he knew that he was certainly going to depart, he evidently did not care if he left behind him not one cultivator of the soil in all Sicily. We will speak of the tenths of the territory of Aetna and Leontini. Give heed, O judges, carefully. The lands are fertile; it is the third year; [105] Apronius is the farmer. I will speak a little of the people of Aetna; for they themselves at the former pleading spoke in the name of their city. You recollect that Artemidorus of Aetna, the chief of that deputation, said, in the name of his city, that Apronius had come to Aetna with the slaves of Venus; that he had summoned the magistrates before him; that he had ordered a couch to be spread for him in the middle of the forum; that he was accustomed every day to feast not only in public, but at the public expense; that, when at those feasts the concert began to sound, and slaves began to serve him with wine in large goblets, then he used to detain the cultivators of the soil, and not only with injustice, but even with insolence, to extort, from them whatever quantity of corn he had ordered them to supply. [106] You heard all these things, O judges, all which I now pass by and leave unnoticed. I say nothing of the luxury of Apronius, nothing of his insolence, nothing of his unexampled profligacy and wickedness; I will only speak of the gain and profit made out of one district in one year, so that you may the more easily be able to form your conjectures of the whole three years and of the whole of Sicily; but I do not mean to say much about the people of Aetna, for they have come hither themselves, they have brought with them their public documents; they have proved to you what gains were made by that honest man, the intimate friend of the praetor, Apronius. I pray of you learn this from their own testimony. Read the testimony of the people of Aetna. [The testimony of the people of Aetna is read.] 45.

What are you saying? Speak, speak, I pray you, louder, that the Roman people may hear about its revenues, its cultivators of the soil, its allies, and its friends. “Three hundred thousand medimni; and fifty thousand sesterces.” Oh, the immortal gods! Does one district in one

year years three hundred thousand modii of wheat, and fifty thousand sesterces besides, as a compliment to Apronius? Did the tenths sell for so much less than they were really worth? or, though they had been sold at a sufficiently high price, was such a quantity of corn and money nevertheless exacted by main force from the cultivators? For whichever of these you say was the truth, blame and criminality will attach to it. [107] For you certainly will not say (what I wish you would say) that this quantity never came to Apronius. So I will hold you here, not only by the public covenants and letters, but also from the private ones of the cultivators, so as to let you understand that you were not mere diligent in executing robberies, than I have been in detecting them. Will you be able to bear this? Will any one defend you? Will these men be able to endure this, if they are inclined to pronounce a sentence favourable to you, — that Quintus Apronius, at one visit, out of one district, (besides all the money which was paid him, and which I have mentioned,) should have taken three hundred thousand modii of wheat, under the name of a compliment? [108] What! are they the men of Aetna alone who say this? Yes, the Centuripans also, who are in occupation of far the largest part of the Aetnaean district, to whose ambassadors, most noble men, Andron and Artemon, their senate gave commissions which had reference to their city in his public capacity, concerning those injuries which the citizens of Centuripa sustained not in their own territories, but in those of others. The senate and people of Centuripa did not choose to send ambassadors; but the Centuripan cultivators of the soil, which is the greatest body of such men in Sicily, a body of most honourable and most wealthy men, themselves selected three ambassadors, fellow citizens of their own, in order that by their evidence you might be made aware of the calamities, not of one district only, but of almost all Sicily. For the Centuripans are engaged as cultivators of the soil in almost every part of Sicily. And they are the more important and the more trustworthy witnesses against you, because, the other cities ore influenced by their own distresses alone, the Centuripans as they occupy land in almost every district, have felt the injuries and wrongs of the other cities also. 46. [109]

But as I have said, the case of the men of Aetna is clear enough, and established both by public and by private documents. The task

allotted to my diligence is to be required of me rather in the district of Leontini, for this reason, because the Leontini themselves have not assisted me much by their public authority. Nor, in truth, while that fellow was praetor, did these injuries of the farmers very greatly affect them, or rather, I might say, they did them good. This may, perhaps, appear a marvellous or even an incredible thing to you, that in such general distress of the cultivators of the soil, the Leontini, who were the heads of the corn interest, should have been free from injury and calamity. This is the reason, O judges, that in the territory of Leontini, no one of the Leontini, with the exception of the single family of Mnasistratus, occupies any land. And so, O judges, you shall hear the evidence of Mnasistratus, a most honest and virtuous man. Do not expect to hear any others of the Leontini, whom not only Apronius, but whom even a tempest in their fields could not injure. They in truth not only suffered no inconvenience, but even in the rapine of Apronius they found gain and advantage. [110] Wherefore, since the city and embassy of the Leontini has failed me on account of the cause which I have mentioned, I must devise a plan and contrive a way for myself by which I may get at the gain of Apronius, or even at his enormous and wicked booty. The tenths of the Leontini territory were sold in the third year of Verres's praetorship for thirty-six thousand medimni of wheat; that is, for two hundred and twenty-six thousand modii of wheat. A great price, O judges, a great price; and I cannot deny it. Therefore it is certain that there must have been a loss, or at all events not a great gain to the farmers. For this very often happens to men who have taken a contract at a high rate. [111] What will you think if I prove to you that, by this one purchase, there were made a hundred thousand modii of profit? what if it was two hundred thousand? what if three? what if four hundred thousand was the sum? Will you still doubt for whom that immense booty was acquired? Will any one say that I am unfair if from the mere magnitude of the gain made I form a conjecture as to the direction of the stolen goods and plunder? What if I prove to you, O judges, that those men who are making four hundred thousand modii of profit would have suffered a loss if your iniquity, O Verres, if judges of your retinue had not stepped in? Can any one doubt, in a case of so much gain and so much iniquity, that you made

such immense profit by dishonest means? that for such immense gains you were willing to be dishonest? 47. [112]

How then, O judges, am I to arrive at this knowledge of how much profit was made? Not from the accounts of Apronius, for when I sought for them, I could not find them, and when I brought him into court, I made him deny that he kept any accounts at all. If he was telling lies, why did he remove them out of the way, if they were likely to do you no harm? If he really had kept any accounts at all, does not that alone prove plainly enough, that it was not his own business that he was conducting? For it is a quality of tenths, that they cannot be managed without many papers; for it is necessary to keep an account of, and to set down in books the names of all the cultivators, and with each name the amount of their tenth. All the cultivators made returns of their acres according to your command and regulation; I do not believe that any one made a return of a smaller quantity than he had in cultivation, when there were so many crosses, so many penalties, so many judges of that retinue before his eyes. On an acre of Leontini ground about a medimnus of wheat is usually sown, according to the regular and constant allowance of seed. The land returns about eightfold on a fair average, but in an extraordinarily favourable season, about tenfold. And whenever that is the case, it then happens that the tenth is just the same quantity as was sown; that is to say, as many acres as are sown, so many medimni are due. [113] As this was the case, I say first of all, that the tenths of the territory of Leontini were sold for many more thousand medimni than there were thousands of acres sown in the district of Leontini. But if it was impossible for them to produce more than ten medimni on an acre, and if it was fair that a medimnus should be paid out of each acre liable to the payment of tenths, when the land produced a tenfold crop, which however very seldom happened, what was the calculation of the farmer if indeed it was the tenths of the cultivator that were being sold, and no his whole property, when he bought the tenths for many more medimni than there had been acres sown? In the Lecutini district the list and return made of acres is not more than thirty thousand. 48.

The tenths were sold for thirty-six thousand medimni. Did Apronius make a blunder, or rather was he mad? Yes, he would

indeed have been mad if it had been lawful for the cultivators to give only what was due from them, and had not rather been compulsory on them to give whatever Apronius commanded. [114] If I prove that no man gave less for his tenths than three medimni to the acre, you will admit, I suppose, that, even supposing the produce amounted to a tenfold crop, no one paid less than three tenths. And indeed this was begged as a favour from Apronius, that they might be allowed to compound at three medimni an acre. For, as four and even five were exacted from many people, and as many had not only not a grain of corn, but not even a wisp of straw left out of all their crop and after all their year's labour; then the cultivators of Centuripa, which are the main body of agriculturists in the Leontini district, assembled in one place. They sent as a delegate to Apronius, Andron of Centuripa, a man among the first of his state for honour and nobility, (the same man whom now the city of Centuripa has sent to this trial as a deputy and as a witness,) in order that he might plead with him the cause of the cultivators of the soil, and beg of him not to exact of the Centuripan cultivators more than three medimni for each acre. [115] This request was with difficulty obtained from Apronius, as a most excessive kindness to those men who were even then safe. And when this was obtained, this is what was obtained, forsooth, that they might be allowed to pay three tenths instead of one. But if your own interest had not been at stake in the matter, O Verres, they would rather have entreated you not to be made to pay more than one tenth, than have begged of a promise not to be made to pay more than three. Now, that at the present time I may pass over those rules which Apronius, in a kingly, or rather in a tyrannical spirit, made with respect to the cultivators, and that I may not at present call those men from whom he took all their corn, and to whom he left nothing not only of their corn, but nothing even of their property; just see how much gain is made of these three medimni, which he considered as a great favour and indulgence. 49. [116]

The return of acres in the district of Leontini is thirty thousand. This amounts to ninety thousand medimni of wheat that is to say, to five hundred and forty thousand modii of wheat. Deduct two hundred and sixteen thousand modii of wheat, being what the tenths were sold for, and there remain three hundred and twenty-four thousand modii

of wheat; add to the sum total of five hundred and forty thousand modii three fiftieths, that is to say, thirty-two thousand four hundred modii of wheat, (for three fiftieths besides were exacted from every one;) this now amounts to three hundred and fifty-six thousand four hundred modii of wheat. But I said that four hundred thousand sesterces of profit had been made. For I do not include in this calculation those who were not allowed to compound at three medimni an acre. But that by this present calculation I may make out the sum which I promised to do, many were compelled besides to pay two sesterces, and many even five, with each medimnus, and those who had to pay least paid a sesterce with every medimnus. To take the least of these sums, as we calculated there were ninety thousand medimni, we must add to that, according to this new and infamous example here given, ninety thousand sesterces. [117] Will he now dare to tell me, that he sold the tenths at a high price, when he took for himself more than twice as much as he sent to the Roman people out of the same district? You sold the tenths of the Leontine district for two hundred and sixteen thousand modii of wheat? If you did so according to law, it was a fine price; if your caprice was the law, it was a low price; if you sold them so that those were called tenths which were in reality a half, you sold them at a very low price. For the yearly produce of all Sicily might be sold for much more, if that was what the senate or people of Rome had desired you to do. Indeed, the tenths were often sold for as much, when they were sold according to the law of Hiero, as they have been sold for now under the law of Verres. Let me have the accounts of the sale of tenths under Caius Norbanus. [The account of the sale of the tenths in the Leontine district under Caius Norbanus is read.] And yet, then, there were no trials about the return of acres; nor was Artemidorus Cornelius a judge, nor did a Sicilian magistrate exact from a cultivator whatever the farmer demanded; nor was it entreated as a favour from the farmer to be allowed to compound at three medimni an acre; nor was a cultivator obliged to give an additional present of money, nor to add three-fiftieths of corn. And yet a area, quantity of corn was sent to the Roman people. 50. [118]

But what is the meaning of these fiftieths? what is the meaning of these additional presents of money? By what right, and, what is

more, in what manner did you do this The cultivator gave the money. How or whence did he get it? If he had wished to be very liberal, he would have used a more heaped up measure, as men formerly used to do in the matter of the tenths, when they were sold by fair laws, and on fair terms. He gave the money. Where did he get it? from his corn? As if, while you were praetor, he had anything to sell. Something, then, must be taken from his principal, in order to add this pecuniary gratuity for Apronius to all the profit which he derived from the lands. The next thing is, Did they give it willingly or unwillingly? Willingly? They were very fond, I suppose, of Apronius. Unwillingly? How, then, were they compelled to do so, except by violence and ill-treatment? Again; that man, that most senseless man, in the selling of the tenths, caused additional sums to be added to every tenth. It was not much; he added two or three thousand sesterces. In the three years he made about five hundred thousand sesterces. He did this neither according to any precedent, nor by any right; nor did he make any return of that money; nor can any man ever imagine how he is going to defend himself against this petty charge.

[119] And, as this is the case, do you dare to say that you sold the tenths at a high price, when it is evident that you sold the property and fortunes of the cultivators, not for the cake of the Roman people, but with a view to your own gain. As if any steward, from a farm which had been used to produce ten thousand sesterces, having cut down and sold the trees, having taken away the buildings and the stock, and having driven off all the cattle, sent his master twenty thousand sesterces instead of ten, and made a hundred thousand more for himself. At first the master, not knowing the injury that had been done to him, would be glad, and be delighted with his steward, because he had got so much more profit out of the farm; but afterwards, when he heard that all those things on which the profit and cultivation of his farm depends have been removed and sold, he would punish his steward with the greatest severity, and think himself very ill used. So also, the Roman people, when it hears that Caius Verres has sold the tenths for more than that most innocent man, Caius Sacerdos, whom he succeeded, thinks that it has got a good steward and guardian over its lands and crops; but when it finds

out that he has sold all the stock of the cultivators, all the resources of the revenue, and has destroyed all the hopes of their posterity by his avarice, — that he has devastated and drained the allotments and the Lands subject to tribute, — that he has made himself most enormous gain and booty, — it will perceive that it has been shamefully treated, and will think that man worthy of the severest punishment. 51. [120]

By what, then, can this be made evident? Chiefly by this fact, that the land of the province of Sicily liable to the payment of tenths is deserted through the avarice of that man. Nor does it happen only that those who have remained on their lands are now cultivating a smaller number of acres, but also very many rich men, farmers on a large scale, and skillful men, have deserted large and productive farms, and abandoned their whole allotments. That may be very easily ascertained from the public documents of the states; because according to the law of Hiero the number of cultivators is every year entered in the books by public authority before the magistrates. Read now how many cultivators of the Leontine district there were when Verres took the government. Eighty-three. And how many made returns in his third year? Thirty-two. I see that there were fifty-one cultivators so entirely got rid of that they had no successors. How many cultivators were there of the district of Mutyca, when you arrived? Let us see from the public documents. A hundred and eighty-eight. How many in your third year? A hundred and one. That one district has to regret eighty-seven cultivators, owing to that man's ill-treatment, and to that extent our republic has to regret the loss of so many heads of families, and demands them back at his hand, since they are the real revenues of the Roman people. The district of Herbita had in his first year two hundred and fifty-seven cultivators; in his third, a hundred and twenty. From this region a hundred and thirty-seven heads of families have fled like banished men. The district of Agyrium — what men lived in that land! how honourable, how wealthy they were? — had two hundred and fifty cultivators in the first year of your praetorship. What had it in the third year? Eighty, — as you have heard the Agyrian deputies read from their public documents. 52. [121]

O ye immortal gods! If you had driven away out of the whole of

Sicily a hundred and seventy cultivators of the soil, could you, with impartial judges, escape condemnation? When the one district of Agyrium is less populous by a hundred and seventy cultivators, will not you, O judges, form your conjectures of the state of the whole province? And you will find nearly the same state of things in every district liable to the payment of tenths, and that those to whom anything has been left out of a large patrimony, have remained behind with a much smaller stock, and cultivating a much smaller number of acres, because they were afraid, if they departed, that they should lose all the rest of their fortunes; but as for those to whom he had left nothing remaining which they could lose, they have fled not only from their farms, but from their cities. The very men who have remained — scarcely a tenth part of the old cultivators of the soil — were about to leave all their lands too, if Metellus had not sent letters to them from Rome, saying that he would sell the tenths according to the law of Hiero; and if he had not entreated them to sow as much land as they could, which they had always done for their own sakes, when no one entreated them, as long as they understood that they were sowing, and labouring, and going to expense for themselves and for the Roman people, — not for Verres and Apronius. [122] But now, O judges, if you neglect the fortunes of the Sicilians, — if you show no anxiety about the treatment the allies of the Roman people receive from our magistrates, — at all events undertake and defend the common cause of the Roman people. I say that the cultivators have been driven out, — that the lands subject to tribute have been devastated and drained by Verres — that the whole province has been depopulated and tyrannised over. All these things I prove by the public documents of the cities, and by the private evidence of most unimpeachable men. 53.

What would you have more? Do you wait till Lucius Metellus, who by his commands and by his power has deterred many witnesses from appearing against Verres shall himself, though absent, bear testimony to his wickedness, and dishonesty, and audacity? I think not. But he, who was his successor, has had the best opportunity of knowing the truth. That is true, but he is hindered by his friendship for him. Still, he ought to inform us accurately in what state the province is. He ought, still he is not forced to do so. [123] Does any

one require the evidence of Lucius Metellus against Verres? No one. Does any one demand it? I think not What, however, if I prove by the evidence and letters of Lucius Metellus that all these things are true? What will you say then? That Metellus writes falsely? or that he is desirous of injuring his friend? or that he, though he is praetor, does not know in what state the province is? Read the letters of Lucius Metellus, which he sent to Cnaeus Pompeius and Marcus Crassus, the consuls, those which he sent to Marcus Mummius, the praetor, those which he sent to the quaestors of the city. [The letter of Lucius Metellus is read.] "I sold the tenths according to the law of Hiero." When he writes that he had sold them according to the law of Hiero, what is he writing? Why, that he had sold them as all others had done, except Verres. When he writes that he had sold them according to the law of Hiero, what is he writing? Why, that he had restored the privileges granted to the Sicilians by the kindness of our ancestors and taken away by Verres, and their rights, and the terms on which they became our allies and friends. He mentions at what price he sold the tenths of each district. After that what does he write? [124] Read the rest of the letter.—"The greatest pains has been taken by me to sell the tenths for as good a price as possible." Why then, O Metellus, did you not sell them for as much as Verres? "Because I found the allotments deserted, the fields empty, the province in a wretched and ruined condition." What? And as for the land that was sown, how was any one found to sow it? Read the letters. [The letters are read.] He says that he had sent letters, and that, when he arrived, he had given a positive promise; he had interposed his authority to prevail on them, and had all but given hostages to the cultivators that he would be in no respect like Verres But what is this about which he says that he took so much pains? Read—"To prevail on the cultivators of the soil, who were left, to sow as largely as they could." Who were left? What does this mean — left? After what war? after what devastation? What mighty slaughter was there in Sicily, or what was there of such duration and such disaster while you were praetor, that your successor had to collect and recover the cultivators who were left? 54. [125]

When Sicily was harassed in the Carthaginian wars, and afterwards, in our fathers' and our own recollection, when great bands of fugitive slaves twice occupied the province, still there was no destruction of the cultivators of the soil; then, if the sowing was hindered, or the crop lost, the yearly revenue was lost too, but the number of owners and cultivators of the land remained undiminished. Then those officers who succeeded the praetors Marcus Laevinus, or Publius Rupilius, or Marcus Aquillius in that province, had not to collect the cultivators who were left. Did Verres and Apronius bring so much more distress on the province of Sicily than either Hasdrubal with his army of Carthaginians, or Athenio with his numerous bands of runaway slaves, that in those times, as soon as the enemy was subdued, all the land was ploughed, and the praetor had not to send letters to beg the cultivator to come to him, and entreat him to sow as much land as he could; but now, even after the departure of this most ill-omened pestilence, no one could be found who would till his land of his own free-will; and very few were left to return to their farms and their own familiar household gods, even when urged by the authority of Lucius Metellus? [126] Do not you feel, O most audacious and most senseless of omen, that you are destroyed by these letters? Do you not see that, when your successor addresses those agriculturists who are left, he writes this in express words, that they are left, not after war or after any calamity of that sort, but after your wickedness, and tyranny, and avarice, and cruelty? Read the rest—"But still in such quantities as the difficulty of the times and the poverty of the cultivators permitted." The poverty of the cultivators, he says. If I, as the accuser, were to dwell so repeatedly on the same subject, I should be afraid of wearying your attention, O judges; but Metellus cries out, "If I had not written letters." That is not enough—"If I had not, when on the spot, assured them." Even that is not enough—"The cultivators who were left," he says. Left? In that mournful word he intimates the condition of nearly the whole province of Sicily. He adds, "the poverty of the cultivators." 55. [127]

Wait a little, O judges, wait a little, if you can, for confirmation of my speech. I say that the cultivators have been driven away by that

man's avarice: Metellus writes word that those who were left have been reassured by him. I say that the fields have been abandoned, and the allotments deserted: Metellus writes word that there is great penury among the cultivators. When he writes this, he shows that the allies and friends of the Roman people have been cast down, and driven off, and stripped of all their fortunes; and yet if any calamity had happened to these men by his means, even without any injury to our revenues, you ought to punish him, especially while judging according to that law which was established for the sake of the allies. But when our allies are oppressed and ruined, and the revenues of the Roman people diminished at the same time, — when our supplies of corn and provisions, our wealth, and the safety of the city and of our armies for the future is destroyed by his avarice, at least have a regard to the advantage of the Roman people, if you have no anxiety to show your regard for our most faithful allies. [128] And that you may be aware that man had no consideration for either the revenue or for our posterity, in comparison with present gain and booty, see what Metellus writes at the end:—"I have taken care of the revenues for the future." He says that he has taken care of the revenues for the future. He would not write that he had taken care of the revenues, if he had not meant to show this, that you had ruined the revenues. For what reason was there for Metellus taking care for the future of the revenues in respect of the tenths, and of the whole corn interest, if that man had not diverted the revenues of the Roman people to his own profit And Metellus himself, who is taking care of the revenues for the future, who is reassembling the cultivators of the soil who are left, what does he effect but this, to make those men plough, if they can, to whom Verres's satellite Apronius has hardly left one plough remaining, but who yet remained on their land in the hope and expectation of Metellus? What more? What became of the rest of the Sicilians? What became of that numerous body of cultivators who were not only driven away from their farms, but who even fled from their cities, from the province, having had all their property and all their fortunes taken from them? By what means can they be recalled? How many praetors of incorruptible wisdom will be required to re-establish, in process of time, that multitude of cultivators in their farms and their habitations? 56. [129]

And that you may not marvel that so great a multitude has fled, as you find, from the public documents and from the returns of the cultivators, has fled, know that his cruelty and wickedness towards the cultivators was so excessive, (it is an incredible statement to make, O judges, but it is both a fact, and one that is notorious over all Sicily,) that men, on account of the insults and licentiousness of the collectors, actually killed themselves. It is proved that Diocles of Centuripa, a wealthy man, hung himself the very day that it was announced that Apronius had purchased the tenths. A man of high birth, Archonidas of Elorum, said that Dyrrachinus, the first man of his city, slew himself in the same way, when he heard that the collector had made a return, that, according to Verres's edict, he owed him a sum that he could not make good at the expense of all his property.

Now you, though you always were the most dissolute and cruel of all mortals, still you never would have allowed, (because the groanings and lamentations of the province brought danger on your own head,) — you would never, I say, have allowed men to seek refuge from your injustice in hanging and death, if the matter had not tended to your profit and to your own acquisition of booty. [130] What! would you have suffered it? Listen, O judges; for I must strive with all my sinews, and labour earnestly to make all men perceive how infamous, how evident, how undeniable a crime they are seeking to efface by means of money. This is a grave charge, a serious charge, — it is the most serious one which has been made in the memory of man, ever since trials for peculation and extortion were first instituted, — that a praetor of the Roman people has had collectors of the tenths for his partners. 57.

It is not the case that a private individual is now for the first time having this charge brought against him by an enemy, or a defendant by his accuser. Long ago, while sitting on his seat of justice as praetor, while he had the province of Sicily, when he was not only feared (as is common) on account of his absolute power, but also on account of its cruelty, (which is his especial characteristic,) he heard this charge urged against him a thousand times, when it was not carelessness which delayed him from avenging it, but the consciousness of his wickedness and avarice that kept him in check.

For the collectors used to say openly, and, above all the rest, that one who had the greatest influence with him, and who was laying waste the most extensive districts, Apronius, that very little of these immense gains came to them, that the praetor was their partner. [131] When the collectors were in the habit of saying this all over the province, and mixing up your name with so base and infamous a business, did it never come into your mind to take care of your own character? Did it never occur to you to look to your liberty and fortunes? When the terror of your name was constantly present to the ears and minds of the cultivators, — when the collectors made use, not of their own power, but of your wickedness and your name to compel the cultivators to come to terms with them, — Did you think that there would be any tribunal at Rome so profligate, so abandoned, so mercenary that any protection from its judgment would be found for you? — when it was notorious that, when the tenths had been sold contrary to the regulations, the laws, and the customs of all men, the collectors, while employed in seizing the property and fortunes of the cultivators, were used to say that the shares were yours, the affair yours, the plunder yours; and that you said nothing, and though you could not conceal that you were aware of it, were still able to bear and endure it, because the magnitude of the gain obscured the magnitude of the danger, and because the desire of money had a good deal more influence over you than the fear of judgment. [132] Be it so; you cannot deny the rest. You have not even left yourself this resource, to be able to say that you heard nothing of this, — that no mention of your infamy ever came to your ears; for the cultivators were complaining with groans and tears. Did you not know it? The whole province was loud in its indignation. Did no one tell you of it? Complaints were being made of your injuries, and meetings held on the subject at Home, — were you ignorant of this? Were you ignorant of all these facts? What? when Publius Rubrius summoned Quintus Apronius openly at Syracuse in your hearing, at a great assembly of the people, to be bound over to stand a trial, offering to prove, “that Apronius had frequently said that you were his partner in the affair of the tenths.” Did not these words strike you? did they not agitate you? did they not arouse you to take care of your own liberty and fortunes? You were silent; you even pacified their quarrel; you

took pains to prevent the trial from coming on. 58.

O ye immortal gods! could either an innocent man have endured this? or would not even a man ever so guilty, if it were only because he thought that there might be a trial at Rome hereafter, have endeavoured by some dissimulation to study his character in the eyes of men? [133] What is the case? A wager is offered about a matter affecting your position as a free citizen, and your fortunes. Do you sit still and say nothing? do not you follow up the matter? do not you persevere? do not you ask to whom Apronius said it? who heard him? whence it arose? how it was stated to have happened If any one had whispered in your ear, and told you that Apronius was in the habit of saying that you were his partner, you ought to have been roused, to have summoned Apronius, and not to have been satisfied yourself with him, till you had satisfied the opinion of others with respect to yourself. But when in the crowded forum, in a great concourse of people, this charge was urged, in word and presence indeed, against Apronius, but in reality against you, could you ever have received such a blow in silence, unless you had decided that, say what you would in so evident a case, you would only make the matter worse? [134] Many men have dismissed quaestors, lieutenants, prefects, and tribunes, and ordered them to leave the province, because they thought that their own reputation was being injured through their misconduct, or because they considered that they were behaving ill in some particular. Would you never have addressed Apronius, a man scarcely a free man, profligate, abandoned, infamous, who could not preserve, I will not say an honest mind, but not even a pure soul, with even one harsh word, and that too when smarting under disgrace and insult yourself? And moreover, the respect due to a partnership would not have been so sacred in your eyes as to make you indifferent to the danger you were in, if you had not seen the matter was so well known and so notorious to every one. [135] Publius Scandilius, a Roman knight, whom you are all acquainted with, did afterwards adopt the same legal proceedings against this same Apronius respecting that partnership, which Rubrius had wished to adopt. He urged them on; he pressed it, he gave him no respite; security was given to the amount of five thousand sesterces; Scandilius began to demand recuperators or a

judge. 59.

Does not this wicked praetor seem to be hemmed in now within sufficiently narrow bounds in his own province, yes, and even on his own throne and tribunal; so that he must either while present and sitting on the bench allow a trial to proceed affecting his own liberty, or else confess that he must be convicted by every tribunal in the world? The trial is on this formula, "that Apronius says that you are his partner in the matter of the tenths." The province is yours; you are present, judgment is demanded from you yourself. What do you do? What do you decree? You say that you will assign judges. You do well; though where will there be found judges of such courage as to dare, in his province, when the praetor himself is present, to decide in a manner not only contrary to his with, but adverse even to his fortunes? [136] However, be it so; the case is evident; there was no one who did not say that he had heard this distinctly; all the most respectable men were most undoubted witnesses of it; there was no one in all Sicily who did not know that the tenths belonged to the praetor, no one who had not heard Apronius frequently say so; moreover, there was a fine body of settlers at Syracuse, many Roman knights, men of the highest consideration, out of which number the judges must be selected, who could not possibly decide in any other manner. Scandilius does not cease to demand judges; then that innocent man, who was so eager to efface that suspicion, and to remove it from himself, says that he will assign judges from his own retinue. 60. [137]

In the name of the good faith of gods and men, who is it that I am accusing? in whose case am I not desirous that my industry and diligence should be proved? What is it that I sought to effect and obtain by speaking and meditating on this matter? I have hold, I have hold I say, in the middle of the revenues of the Roman people, in the very crops of the province of Sicily, of a thief, manifestly embezzling the whole revenue derived from the corn, an immense sum: I have hold of him; so I say that he cannot deny it. For what will he say? Security has been entered into for a prosecution against your agent Apronius, in a matter in which all your fortunes are at stake — on the charge of having been in the habit of saying that you were his partner in the tenths. All men are waiting to see how anxious you will be

about this, how you will endeavour to give men a favourable opinion of you and of your innocence. Will you here appoint as judges your physician, and your soothsayer, and your crier, or even that man whom you had in your train, in case there was any affair of importance, a judge like Cassius, Papirius Potamo, a severe man of the old equestrian school? Scandilius began to demand judges from the body of settlers; then Verres says that he will not entrust a trial in which his own character is at stake, to any one except his own people. The brokers think it a scandalous thing for a man to protest against, as unjust to himself, that form in which they transact their business. The praetor protests against the whole province as unjust to him. [138] Oh, unexampled impudence! Does he demand to be acquitted at Rome, who has decided in his own province that it is impossible that he should be acquitted? who thinks that money will have a greater influence over senators most carefully chosen, than fear will over three judges? But Scandilius says that he will not say a word before a judge like Artemidorus, and still he presses the matter on, and loads you with favourable conditions, if you choose to avail yourself of them. If you decide that, in the whole province of Sicily, no capable judge or recuperator can be found, he requires of you to refer the matter to Rome; and on this you exclaim that the man is a dishonest man, for demanding a trial in which your character is at stake to take place in a place where he knows that you are unpopular. [139] You say you will not send the case to Rome. You say that you will not appoint judges out of the body of settlers; you put forward your own retinue. Scandilius says that he shall abandon the whole affair for the present, and return at his own time. What do you say to that? what do you do? you compel Scandilius to do what? to prosecute the matter regularly? In a shameless manner you put an end to the long-expected trial of your character; you do not do that — what do you do, then? [140] Do you permit Apronius to select what judges he chooses out of your retinue? It is a scandalous thing that you should give one of the parties a power of selecting judges from that worthless crew, rather than give both a power of rejecting judges from a respectable class. You do neither of those things — what then? Is there anything more abominable that can be done? Yes; for he compels Scandilius to give and pay over that five thousand

sesterces to Apronius. What neater thing could be done by a praetor desirous of a fair reputation, — one who was anxious to repel from himself all suspicion, and to deliver himself from infamy? 61.

He had been a common topic of conversation, of reproach, of abuse. A worthless and debauched man had been in the habit of saying that the praetor was his partner. The master had come before the courts, had come to trial; he, upright and innocent man that he was, had an opportunity, by punishing Apronius, of relieving himself from the most serious disgrace. What punishment does he devise? what penalty for Apronius? He compels Scandilius to pay to Apronius five thousand sesterces, as reward and wages for his unprecedented rascality, his audacity, and his proclamation of this wicked partnership. [141] What difference did it make, O most audacious man, whether you made this decree, or whether you yourself made that profession and declaration concerning yourself which Apronius was in the habit of making? The man whom, if there had been shame, yes, if there had even been any fear in you, you ought not to have let go without punishment, you could not allow to come off without a reward. You might see the truth in every case, O judges, from this single affair of Scandilius. First of all, that this charge about the partnership in the tenths was not cooked up at Rome, was not invented by the accuser; it was not (as we are accustomed sometimes to say in making a defence for a man) a domestic or back-stairs accusation; it was not originated in a time of your danger, but it was an old charge, bruited about long ago, when you were praetor, not made up at Rome by your enemies, but brought to Rome from the province. [142] At the same time his great favour to Apronius may be clearly seen; also the, I will not say confession, but the boast of Apronius, about him. Besides all this, you can rake as clearly proved this first, that, in his own province, he would not entrust a trim in which his reputation was at stake, to any one out of his own retinue. 62.

Is there any judge who has not been convinced, from the very beginning of my accusation respecting the collection of tenths, that he had made an attack on the property and fortunes of the cultivators of the soil? Who is there who did not at once decide, from what I then proved, that he had sold the tenths under a law quite novel, and,

therefore, no law at all, contrary to the usage and established regulations of all his predecessors? [143] But even if I had not such judges as I have, such impartial, such careful, such conscientious judges, is there any one whatever who has not long ago formed his opinion and his judgment from the magnitude of the injuries done, the dishonesty of the decrees, the iniquity of the tribunals? Even although a man may be somewhat careless in judging, — somewhat indifferent to the laws, to his duty to the republic, to our allies and friends, what then? Can even such a man doubt of the dishonesty of that man, when he is aware that such vast gains were made, — such iniquitous compromises extorted by violence and terror? — when he knows that cities were compelled by violence and imperious commands, by the fear of scourges and death, to give such great rewards, not only to Apronius and to men like him, but even to the slaves of Venus? [144] But if any one is but little influenced by the injuries done to our allies, — if there be any one who is not moved by the flight, the calamities, the banishment, and the suicides of the cultivators of the soil; still I cannot doubt that the man who knows, both from the documents of the cities and the letter of Lucius Metellus, that Sicily has been laid waste and the farms deserted, must decide that it is quite impossible that any other than the severest judgment should be passed on that man. Will there be any one who can conceal from himself, or be indifferent to these facts? I have brought before you trials commenced respecting the partnership in the tenths, but prevented by that man from being brought to a decision. What is there that any one can possibly desire plainer than this? I have no doubt that I have satisfied you, O judges. But I will go further; not, indeed, in order that this may be proved more completely to your satisfaction than I feel sure that it already is, but that he may at last give over his impudence, — may cease at Last to believe that he can purchase these things which he himself was always ready to sell his good faith, his oath, truth, duty, and religion; — that his friends may cease to keep continually saying things which may be injury, a stain, and odium, and infamy to all of us. [145] But what friends are they? Alas, the order of senators! wretched, and unpopular, and detested through the fault and unworthiness of a few! That Alba Aemilius, sitting at the entrance of the market, should say

openly that Verres had gained his cause, — that he had bought the judges, one for four hundred thousand sesterces, another for five, the one who who went cheapest, for three! And when he was answered that that was impossible; that many witnesses would give evidence, and besides, that I should not desert the cause,—"Though," said he, "every one were to make every possible statement against him, still, unless the matter be brought home to him so evidently that no answer can be given, we have gained the cause." [146] You say well, Alba. I will agree to your conditions. You think that conjecture avails nothing at a trial, — that suspicion avails nothing, — that the character of one's previous life avails nothing, — nor the evidence of virtuous men, — nor the authority or letters of cities. You demand evident proof I do not ask for judges like Cassius. I do not ask for the ancient impartiality of courts of justice. I do not, O judges, implore your good faith, your self-respect, your conscientiousness in giving judgment. I will take Alba for my judge; that man who is himself desirous of being considered an unprincipled buffoon: who by the buffoons has always been considered as a gladiator, rather than as a buffoon. I will bring forward such a case about the tenths that Alba shall confess that Verres, in the case of the corn, and in that of the property of the cultivators of the soil has been an open and undisguised robber. 63. [147]

He says that he sold the tenths of the Leontine district at a high price. I showed at the beginning that he ought not to be considered to have sold them at a high price' who in name indeed sold the tenths, but who in reality and by the terms of the sale, and through his law, and through his edict, and through the licentiousness of the collectors, left no tenths at all to the cultivators of the soil. I proved that also, that others had sold the tenths of the Leontine district and of other districts also, for a high price; and that they had sold them according to the law of Hiero; and that they sold them for even more than you had, and that then no cultivator had complained. Nor indeed was there anything of which any one could complain, when they were sold according to a law most equitably framed; nor did it ever make any difference to the cultivator at what price the tenths were sold. For it is not the case that, if they be sold at a high price, the cultivator owes more, if at a low price, less. As the crops are

produced, so are the tenths sold. But it is for the interest of the cultivator, that his crops should be such that the tenths may be able to be sold at as high a price as possible. As long as the cultivator does not give more than a tenth, it is for his interest that the tenth should be as large as possible. [148] But, I imagine, you mean this to be the chief article of your defence, that you sold all the tenths at a high price, but the tenths of the Leontine district, which produces the most, for two hundred and sixteen thousand modii of wheat. If I prove that you could have sold them for a good deal more, but that you would not knock them down to those who were bidding against Apronius, and that you adjudged them to Apronius for much less than you might have adjudged them to others; — if I prove this, will even Alba, not only your oldest friend, out even your lover, be able to acquit you? 64.

I assert that a Roman knight, a man of the highest honour, Quintus Minucius, with others like himself, was willing to add to the tenths of the Leontine district not one thousand, not two thousand, not three thousand modii of wheat, but thirty thousand modii of wheat to the tenths of one single district, and that he was not allowed to become the purchaser, that the matter might not escape the grasp of Apronius. [149] You cannot by any means deny this, unless you are determined to deny everything. The business was transacted openly, in a full assembly, at Syracuse. The whole province is the witness, because men are accustomed to flock together thither from all parts at the sale or the tenths. And whether you confess this, or whether it be proved against you, do you not see in what important and what evident acts you are detected. First of all, it is proved that that business and that booty was yours. For unless it was, why did you prefer that Acronius (who every one was saying was only managing your affairs in the matter of the tenths as your agent) should get the tenths of the Leontine district rather than Quintus Minucius? Secondly, that an enormous and immense profit was made by you. For if you would not have been influenced by thirty thousand modii of wheat, at all events Minucius would willingly have given thus much as a compliment to Apronius, if he had been willing to accept it. [150] How great then must we suppose the expectation of booty which he entertained to have been, when he despised and scorned such vast

present profit: acquired without the slightest trouble. Thirdly, Minucius himself would never have wished to have them at such a price, if you had been selling the tenths according to the Law of Hiero; but because he saw that by your new edicts and most iniquitous resolutions he should get a good deal more than tenths, on that account he advanced higher. But Apronius had always even a good deal more permitted to him than you had announced in your edict. How much gain then can we suppose was made by him to whom everything was permitted; when that man was so willing to add so large a compliment, who would not have had the same licence if he had bought the tenths? [151] Lastly, unquestionably that defence, under which you have constantly thought that all your thefts and iniquities could be concealed, is cut from under your feet; that you sold the tenths at a high price — that you consulted the interest of the Roman people — that you provided for plenty of provisions. He cannot say this, who cannot deny that he sold the tenths of one district for thirty thousand modii less than he might have done; even if I were to grant you this, that you did not grant them to Minucius because you had already adjudged them to Apronius; for they say that that is what you are in the habit of saying, and I am expecting to hear it, and I wish you would make that defence. But, even if it were so, still you cannot boast of this as a great thing, that you sold the tenths at a high price, when you admit that there were people who were willing to buy them at a much higher price. 65. [152]

The avarice, then, and covetousness of this man, his wickedness, and dishonesty, and audacity, are proved, O judges, are proved most incontestably. What more shall I say What if his own friends and defenders have formed the same opinion that I have? What can you have more? On the arrival of Lucius Metellus the praetor, when Verres had made all his retinue friends of this also by that sovereign medicine of his, money, men applied to Metellus; Apronius was brought before him; his accuser was a man of the highest consideration, Caius Gallius, a senator. He demanded of Metellus to give him a right of action according to the terms of his edict against Apronius, “for having taken away property by force or by fear,” which formula of Octavius, Metellus had both adopted at Rome, and now imported into the province. He does not succeed; as Metellus

said that he did not wish by means of such a trial to prejudge the case of Verres himself in a matter affecting his condition as a free citizen. The whole retinue of Metellus, grateful men, stood by Apronius. Caius Gallius, a man of our order, cannot obtain from Lucius Metellus, his most intimate friend, a trial in accordance with his own edict. [153] I do not blame Metellus; he spared a friend of his — a connection, indeed, as I have heard him say himself. I do not, I say, blame Metellus; but I do marvel how he not only prejudged the case of a man concerning whom he was unwilling that any previous decision should take place by means of judges, but even judged most severely and harshly respecting him. For, in the first place, if he thought that Apronius would be acquitted, there was no reason for his fearing any previous decision. In the second place, if Apronius were condemned, all men were likely to think that the cause of Verres was involved in his; this at all events Metellus did now decide, and he determined that their affairs and their causes were identical, since he determined that, if Apronius were condemned, it would be a prejudging of the case of Verres. And one fact is at the same time a proof of two things; both that the cultivators gave much more than they owed to Apronius because they were constrained by violence and fear; and also, that Apronius was transacting Verres's business in his own name, since Lucius Metellus determined that Apronius could not be condemned without giving a decision at the same time respecting the wickedness and dishonesty of Verres. 66. [154]

I come now to the letter of Timarchides, his freedman and attendant; and when I have spoken of that, I shall have finished the whole of my charge respecting the truth This is the letter, O judges, which we found at Syracuse, in the house of Apronius, where we were looking for letters. It was sent, as it proves itself, on the journey, when Verres had already departed from the province; written by the hand of Timarchides Read the letter of Timarchides: "Timarchides, the officer of Verres, wishes health to Apronius." Now I do not blame this which he has written, "The officer." For why should clerks alone assume to themselves this privilege? "Lucius Papirius the clerk," I should like this signature to be common to all attendants, lictors, and messengers. "Be sure and be very diligent in

everything which concerns the praetor's character." He recommends Verres to Apronius, and exhorts him to resist his enemies; Your reputation is protected by a very efficient guard, if indeed it depends on the diligence and authority of Apronius. "You have virtue and eloquence." [155] How abundantly Apronius is praised by Timarchides! How splendidly! Whom ought I to expect to be otherwise than pleased with that man who is so highly approved by Timarchides? "You have ample funds." It is quite inevitable that what there was superfluous of the gain you both made by the corn, must have gone chiefly to the man by whose intervention you transacted that business. "Get hold of the new clerks and officers. — Use every means that offer, in concert with Lucius Vulteius, who has the greatest influence." See now, what an opinion Timarchides has of his own dishonest cunning, when he gives precepts of dishonesty to Apronius! Now these words, "Use every means in your power " — Does not he seem to be drawing words out of his master's house, suited to every sort of iniquity? "I beg, my brother, that you will trust your own little brother," your comrade, indeed, in gain and robbery, your twin-brother and image in worthlessness, dishonesty, and audacity. 67.

"You will be considered dear to the retinue." What does this mean, "to the retinue?" What has that to do with it? Are you teaching Apronius? What? had he come into this retinue at your prompting, or of his own accord? "Whatever is needful for each man, that employ." How great, do you suppose, must have been the impudence of that man when in power, who even after his departure is so shameless? He says that everything can be done by money: you must give, waste, and spend, if you wish to gain your cause. Even this, that Timarchides should give this advice to Apronius, is not so offensive to me, as the fact of his also giving it to his patron: "When you press a request, all men gain their objects." [156] Yes, while Verres was praetor, not while Sacerdos was, or Peducaeus, or this very Lucius Metellus. "You know that Metellus is a wise man." But this is really intolerable, that the abilities of that most excellent man, Lucius Metellus, should be laughed at, and despised and scorned by that runaway slave Timarchides. "If you have Vulteius with you, everything will be mere child's play to you." Here Timarchides is

greatly mistaken, in thinking either that Vulteius can be corrupted by money, or that Metellus is going to discharge the duties of his praetorship according to the will of any one man; but he is mistaken by forming his conjectures from his own experience. Because he saw that, through his own intervention and that of others, many men had been able to do whatever they pleased with Verres, without meeting with any difficulty, he thought that there were the same means of access to every one. You did very easily whatever you wanted with Verres, and found it as easy as child's play to do so, because you knew many of the kinds of play in which he indulged.

"Metellus and Vulteius have been impressed with the idea that you have ruined the cultivators of the soil." Who attributed the action to Apronius, when he had ruined any cultivator? or to Timarchides when he had taken money for assigning a trial, or making a decree, or giving any order, or remitting any thing? or to Sextus the lictor, when he, as executioner, had put an innocent man to death? No one. Every body at the time attributed these things to Verres; whom they desire now to see condemned. [157] "People have dinned into their ears, that you were a partner of the praetor's." Do you not see how clear the matter both is and was when even Timarchides is afraid of this? Will you not admit that we are not inventing this charge against you, but that your freedman has been this long time seeking some defence against this charge? Your freedman and officer, one most intimate, and indeed connected with you and your children in everything, writes to Apronius, that it is universally pointed out to Metellus that Apronius had been your partner in the tenths. "Make him see the dishonesty of the cultivators: they shall suffer for it, if the gods will." What, in the name of the immortal gods, is the meaning of that? or on what account can we say that such great and bitter hatred is excited against the cultivators? What injury have the cultivators of the soil done to Verres, that even his freedman and officer should attack them with so inimical a disposition in these letters? 68.

And I would not, O judges, have read to you the letter of this runaway slave, if I had not wished you to see from it the precepts, and customs, and system of the whole household. Do you see how he advises Apronius? by what means and by what presents he may

insinuate himself into the intimacy of Metellus? how he may corrupt Vulteius? how he may win over with bribes the clerks and the chief officer? He teaches him what he has himself seen done. He teaches a stranger the lessons which he has learnt at home himself. But in this one thing he makes a mistake, that he thinks there is the same road to every one's intimacy. [158] Although I am deservedly angry with Metellus, still I will say this which is true. Apronius could not corrupt Metellus with bribes, as he had corrupted Verres, nor with banquets, nor with women, nor with debauched and profligate conversation, by which means he had, I will not say crept into that man's friendship slowly and gradually, but had in a very short time got possession of the whole man and his whole retinue. But as for the retinue of Metellus, which he speaks of, what was the use of his corrupting that, when no judges were appointed out of it to judge the causes of the cultivators? [159] For as for what he writes, that the son of Metellus was a mere boy, he is greatly mistaken. For there is not the same access to the son of every praetor. O Timarchides, the son of Metellus is in the province, not a boy, but a virtuous and modest youth, worthy of his rank and name. How that boy of yours had behaved in the province, I would not say if I thought it the fault of the boy, and not the fault of his father. Did not you, though you knew yourself and your own habits of life, O Verres, take with you your son, still clad in the robes of a boy, into Sicily, so that even if nature had separated the boy from his father's vices and from every resemblance to his family, still habit and training might prevent his degenerating from them? [160] Suppose there had been in him the disposition of Caius Laelius, of Marcus Cato, still what good could be expected or extracted out of one who has lived in the licentious school of his father in such a way that he has never seen one modest or sober banquet? who since he has grown up has lived in daily revels for three years among immodest women and intemperate men? who has never heard a word from his father by which he might become more modest or more virtuous? who has never seen his father do anything, which, if he had imitated, would not have laid him under the most disgraceful imputation of all, that of being considered like his father? 69. [161]

By which conduct you have done an injury, not only to your son,

but also to the republic. For you had begotten children, not for yourself alone, but also for your country; who might not only be a pleasure to you, but who might some day or other be able to be of use to the republic. You ought to have trained and educated them according to the customs of your ancestors, and the established system of the state; not in your crimes, in your infamy. Were he the able, and modest, and upright son of a lazy, and debauched, and worthless father then the republic would have had a valuable present from you. Now you have given to the state another Verres instead of yourself, if, indeed, he is not worse (If that be possible) in this respect, — that you have turned out such as you are without being bred up in the school of a dissolute man, but only under a thief, and a go-between. [162] What can we expect likely to turn out more complete than a person who is by nature your son, by education your pupil, by inclination your copyist? Whom, however, I, O judges, would gladly see turn out a virtuous and gallant man. For I am not influenced by his enmity, if, indeed, there is to be enmity between him and me; for if I am innocent and like myself in everything, how will his enmity hurt me? And if, in any respect, I am like Verres, an enemy will no more be wanting to me than he has been wanting to him. In truth, O judges, the republic ought to be such, and shall be such, being established by the impartiality of the tribunals, that an enemy shall never be wanting to the guilty, and shall never be able to injure the innocent. There is, therefore, no cause why I should not be glad for that son of his to emerge out of his father's vices and infamy. And although it may be difficult, yet I do not know whether it be impossible; especially if (as is at present the case) the guardians placed over him by his friends continue to watch him, since his father is so indifferent to him, and so dissolute. [163] But my speech has now digressed more than I had intended from the letter of Timarchides: and I said, that when that had been read, I would end all I had to say on the charge connected with the tenths; from which you have clearly seen that an incalculable amount of corn has been for these three years diverted from the republic, and taken illegally from the cultivators. 70.

The next thing is, O judges, for me to explain to you the charge about the purchase of corn, a theft very large in amount, and

exceedingly shameless. And I entreat you to listen while I briefly lay before you my statements, being both certain, few in number, and important. It was Verres's duty according to a decree of the senate, and according to the law of Terentius and to the law of Cassius about corn, to purchase corn in Sicily. There were two descriptions of purchase, — the one the purchase of the second tenths, the other the purchase of what was furnished in fair proportions by the different cities. Of corn derived from the second tenths the quantity would be as much as had been derived from the first tenths; of corn levied on the cities in this way there would be eight hundred thousand modii. The price fixed for the corn collected as the second tenths was three sesterces a modius; for that furnished in compliance with the levy, four sesterces. Accordingly, for the corn furnished in compliance with the levy, there was paid to Verres each year three million two hundred thousand sesterces, which he was to pay to the cultivators of the soil; and for the second tenths, about nine millions of sesterces. And so, during the three years, there was nearly thirty-six million six hundred thousand sesterces paid to him for this purchase of corn in Sicily. [164] This enormous sum of money, given to you out of a poor and exhausted treasury; given to you for corn, — that is to say, for what was necessary for the safety and life of the citizens; given to you to be paid to the Sicilian cultivators of the soil, on whom the republic was imposing such great burdens; — this great sum, I say, was so handled by you, that I can prove, if I choose, that you appropriated the whole of this money, and that it all went to your own house. In fact, you managed the whole affair in such a way that this which I say can be proved to the most impartial judge. But I will have a regard for my own authority, I will recollect with what feelings, with what intentions I have undertaken the advocacy of this public cause. I will not deal with you in the spirit of an accuser; I will invent nothing; I do not wish any one to take for proved, while I am speaking, anything of which I myself do not already feel thoroughly convinced. [165] In the ease of this public money, O judges, there are three kinds of thefts. In the first place, he put it out among the companies from which it had been drawn at twenty-four per cent interest; in the second place, he paid actually nothing at all for corn to very many of the cities; lastly, if he did pay any city, he deducted

as large a sum as ever he chose. He paid no one whatever as much as was due to him. 71.

And first I ask you this — you, to whom the farmers of the revenue, according to the letters of Carpinatius, gave thanks. Was the public money, drawn from the treasury, given out of the revenues of the Roman people to purchase corn, was it a source of profit to you? Did it bring you in twenty-four per cent interest? I dare say you will deny it. For it is a disgraceful and dangerous confession to make. [166] And it is a thing very difficult for me to prove, for by what witnesses am I to prove it? By the farmers of the revenue? They have been treated by him with great honour they will keep silence. By their letters? They have been put out of the way by a resolution of the collectors. Which way then shall I turn? Shall I leave unmentioned so infamous a business, a crime of such audacity and such shamelessness, on account of a dearth of witnesses or of documentary proofs? I will not do so, O judges, I will call a witness. Whom? Lucius Vettius Chilo, a most honourable and accomplished man of the equestrian order, who is such a friend of and so closely connected with Verres, that, even if he were not an excellent man, still whatever he said against him would seem to have great weight; but who is so good a man that, even if he were ever so great an enemy to him, yet his testimony ought to be believed. [167] He is annoyed and waiting to see what Vettius will say. He will say nothing because of this present occasion; nothing of his free will, nothing of which we can think that he might have spoken either way. He sent letters into Sicily to Carpinatius, when he was superintendent of the tax derived from the pasture lands, and manager of that company of farmers, which letters I found at Syracuse, in Carpinatius's house, among the portfolios of letters which had been brought to him; and at Rome in the house of Lucius Tullius, an intimate friend of yours, and another manager of the company, in portfolios of letters which had been received by him. And from these letters observe, I pray you, the impudence of this man's usury. [The letters of Lucius Vettius to Publius Servilius, and to Caius Antistius, managers of the company, are read.]

Vettius says that he will be with you, and will take notice how you make up your accounts for the treasury; so that, if you do not restore to the people this money which has been put out at interest, you shall restore it to the company. [168] Can we not establish what we assert by this witness, can we not establish it by the letters of Publius Servilius and Caius Antistius, managers of the company, men of the highest reputation and of the highest honour, and by the authority of the company whose letters we are using? or must we seek for something on which we can rely more, for something more important? 72.

Vettius, your most intimate friend, — Vettius, your connection, to whose sister you are married, — Vettius, the brother of your wife, the brother of your quaestor, bears witness to your most infamous theft, to your most evident embezzlement; for by what other name is a lending of the public money at usury to be called? Read what follows. He says that your clerk, O Verres, was the drawer up of the bond for this usury: the managers threaten him also in their letters; in fact, it happened by chance that two managers were with Vettius. They think it intolerable that twenty-four per cent should be taken from them, and they are right to think so. For whoever did such a thing before? who ever attempted to do such a thing, — who ever thought that such a thing could be done, as for a magistrate to venture to take money as interest from the farmers, though the senate had often assisted the farmers by remitting the interests due from them? Certainly that man could have no hope of safety, if the farmers — that is, the Roman knights, were the judges. [169] He ought to have less hope now, O judges, now that you have to decide; and so much the less, in proportion as it is more honourable to be roused by the injuries of others than by one's own. What reply do you think of making to all this? Will you deny that you did it? Will you defend yourself on the ground that it was lawful for you to do it? How can you deny it? Can you deny it, to be convicted by the authority of such important letters, by so many farmers appearing as witnesses? But how can you say it was lawful? In truth, if I were to prove that you, in your own province, had lent on usury your own money, and not the money of the Roman people, still you could not escape; but

when I prove that you lent the public money, the money decreed to you to buy corn with, and that you received interest from the farmers, will you make any one believe that this was lawful? a deed than which not only others have never, but you yourself have never done a more audacious or more infamous one. I cannot, in truth, O judges, say that even that which appears to me to be perfectly unprecedented, and about which I am going to speak next — I mean, the fact of his having actually paid very many cities nothing at all for their corn — was either more audacious or more impudent; the booty derived from this act was perhaps greater, but the impudence of the other was certainly not less. [170] And since I have said enough about this lending at interest, now, I pray you, give your attention to the question of the embezzlement of the whole sum in many instances. 73.

There are many cities in Sicily, O judges, of great splendour and of high reputation, and among the very first of these is the city of Halesa. You will find no city more faithful to its duties, more rich in wealth, more influential in its authority. After that man had ordered it to furnish every year sixty thousand modii of wheat, he took money for the wheat, at the price which wheat bore in Sicily at the time; all the money which he thus received from the public treasury, he kept for himself. I was amazed, O judges, when a man of the greatest ability, of the highest wisdom, and of the greatest influence, Aeneas of Halesa, first stated this to me at Halesa in the senate of Halesa; a man to whom the senate by public resolution had given a charge to return me and my brother thanks, and at the same time to explain to us the matters which concerned this trial. [171] He proves to me that this was his constant custom and system; that, when the entire quantity of corn had been brought to him under the name of tenths, then he was accustomed to exact money from the cities, to object to the corn delivered, and as for all the corn which he was forced to send to Rome, he sent that quantity from his own profits and from his own store of corn. I demand the accounts, I inspect the documents, I see that the people of Halesa, from whom sixty thousand modii had bees levied, had given none, that they had paid money to Volcatus, and to Timarchides the clerk. I find a case of plunder of this kind, O judges, that the praetor, whose duty it was to buy corn, did not buy it, but sell it; and that he embezzles and appropriates the money which

he ought to have divided among the cities. It did not appear to me any longer to be a theft, but a monster and a prodigy; to reject the corn of the cities, and to approve of his own; when he had approved of his own, then to put a price on that corn, to take from the cities what he had fixed, and to retain what he had received from the Roman people. 74. [172]

How many degrees of offence in one single act of fraud do you think will be enough, if I insist on them severally, to bring the matter to a point where he can go no further? You reject the Sicilian corn; why? because you are sending some yourself. Have you any Sicily of your own, which can supply you corn of another sort? When the senate decrees that corn he bought in Sicily, or when the people order this, this, as I imagine, is what they mean, that Sicilian corn is to be brought from Sicily. When you reject all the corn of Sicily, do you send corn to Rome from Egypt or from Syria? You reject the corn of Halesa, of Cephalaedis, of Thermae, of Amestras, of Tyndaris, of Herbita, and of many other cities. What has happened then to cause the lands of these people to bear corn of such a sort while you were praetor, as they never bore before, so that it can neither be approved of by you, nor by the Roman people; especially when the managers of the different companies had taken corn, being the tenths, from the same land, and of the same year, to Rome? What has happened that the corn which made part of the tenths was approved, and that that which was bought, though out of the same barn, was not approved of? Is there any doubt that all that rejection of corn was contrived with the object of raising money? [173] Be it so. You reject the corn of Halesa, you have corn from another tribe which you approve of. Buy that which pleases you; dismiss those whose corn you have rejected. But from those whom you reject you exact such sum of money as may be equivalent to the quantity of corn which you require of their city. Is there any doubt what your object has been? I see from the public documents that the people of Halesa gave you fifteen sesterces for every medimnus — I will prove from the accounts of the wealthiest of the cultivators, that at the same time no one in Sicily sold corn at a higher price. 75.

What, then, is the reason for your rejecting, or rather what madness is it to reject corn which comes from that place from which

the senate and the people of Rome ordered it to be brought? which comes from that very heap, a part of which, under the name of tenths, you had actually approved of? and besides, to exact money from the cities for the purchase of cow, when you had already received it from the treasury? Did the Terentian law enjoin you to buy corn from the Sicilians with the money of the Sicilians, or to buy corn from the Sicilians with the money of the Roman people? [174] But now you see that all that money out of the treasury, which ought to have been given to these cities for corn, has been made profit of by that man. For you take fifteen sesterces for a medimus of wheat; for that is the value of a medimus at that time. You keep eighteen sesterces; for that is the price of Sicilian corn, estimated according to law. What difference does it make whether you did this, or whether you did not reject the corn, but, after the corn was approved and accepted, detained all the public money, and paid none to any city whatever? when the valuation of the law is such that while it is tolerable to the Sicilians at other times, it ought also to be pleasant to them during your praetorship. For a modius is valued by law at three sesterces. But, while you were praetor, it was, as you boast in many letters to your friends, valued at two sesterces. But suppose it was three sesterces, since you exacted that price from the cities for every modius. When, if you had paid the Sicilians as much as the Roman people had ordered you to pay, it might have been most pleasing to the cultivators, you not only did not choose them to receive what they ought, but you even compelled them to pay what was not due from them. [175] And that these things were done in this manner, you may know, O judges, both from the public documents of the cities, and from their public testimonies; in all which you will find nothing false, nothing invented as suited to the times. Everything which we speak of is entered in the returns and made up in a regular manner, without any interpolations or irregularities being foisted into the people's accounts, but while they are all made up with deliberation and accuracy. Read the accounts of the people of Halesa. To whom does he say that money was paid? Speak, speak, I say, a little louder. "To Volcatius, to Timarchides, to Maevius." 76.

What is all this, O Verres? have you not left yourself even this argument in your defence, that they are the managers of the

companies who have been concerned in those matters? that they are the managers who have rejected the corn? that they are the managers who have settled the affair with the cities for money? and that it is they also who have taken money from you in the name of those cities? and, moreover, that they have bought corn for themselves; and that all these things do not at all concern you? It would, in truth, be an insufficient and a wretched defence for a praetor to say this, "I never touched the corn, I never saw it, I gave the managers of the companies the power of approving of rejecting it; the managers extorted money from the cities but I paid to the managers the money which I ought to have paid to the people." [176] This is, as I have said, an insufficient, or rather, a profligate defence against an accusation. But still, even this one, if you were to wish to use it, you cannot use. Volcatius, the delight of yourself and your friends, forbids you to make mention of the manager; and Timarchides, the prop of your household, stops the mouth of your defence; who, as well as Volcatius, had money paid to him from the cities. But now your clerk, with that golden ring of his, which he procured out of these matters, will not allow you to avail yourself of that argument. What then remains for you, except to confess that you sent to Rome corn which had been bought with the money of the Sicilians? that you appropriated the public money to your own purposes? O you habit of sinning, what delight you afford to the wicked and the audacious, when chastisement is afar off, and when impunity attends you! [177] This is not the first time that that man has been guilty of that sort of peculation, but now for the first time is he convicted. We have seen money paid to him from the treasury, while he was quaestor, for the expense of a consular army; we saw, a few months afterwards, both army and consul stripped of everything All that money lay hid in that obscurity and darkness which at that time had seized upon the whole republic. After that, he discharged the duties of the quaestorship to which he succeeded under Dolabella. He embezzled a vast sum of money; but he mixed up his accounts of that money with the confusion consequent on the conviction of Dolabella. Immense sums of money were entrusted to him when praetor. You will not find him a man to lick up these most infamous profits nervously and gently; he did not hesitate to swallow up at a gulp the whole of the public

money. That wicked covetousness, when it is implanted in a man's nature, creeps on in such a way, when the habit of sinning has emancipated itself from restraint, that it is not able to put any limits to its audacity. [178] At length it is detected, and it is detected in affairs of great importance, and of undoubted certainty. And it seems to me that, by the interposition of the gods, this man too has become involved in such dishonesty, as not only to suffer punishment for the crimes which he has lately committed, but also to be overwhelmed with the vengeance due to the sins which he committed against Carbo and against Dolabella. 77.

There is in truth also another new feature in this crime, O judges, which will remove all doubts as to his criminality on the former charge respecting the tenths. For, to say nothing of this fact, that very many of the cultivators of the soil had not corn enough for the second tenths, and for those eight thousand modii which they were bound to sell to the Roman people, but that they bought them of your agent, that is, of Apronius; which is a clear proof that you had left the cultivators actually nothing: to pass over this, which teas been clearly set forth in many men's evidence, can anything be more certain than this, — that all the corn of Sicily, and all the crops of the land liable to the payment of tenths, were for three years in your power and in your barns? [179] for when you were demanding of the cities money for corn, whence was the corn to be procured for you to send to Rome, if you had it not all collected and locked up? Therefore, in the affair of that corn, the first profit of all was that of the corn itself, which had been taken by violence from the cultivators; the next profit was because that very corn which had been procured by you during your three years, you sold not once, but twice; not for one payment, but for two, though it was one and the same lot of corn; once to the cities, for fifteen sesterces a medimnus, a second time to the Roman people, from whom you got eighteen sesterces a medimus for the very same corn. [180] But perhaps you approved besides of the corn of the Centuripans, of the Agrigentines, and of some others, and paid money to these nations. There may be some cities in that number whose corn you were unwilling to object to. What then? Was all the money that was owed for corn paid to these cities? Find me one — not one people, but one cultivator. See, seek, look around, if

perchance there is any single man in that province in which you were governor for three years, who does not wish you to be ruined. Produce me one, I say, out of all those cultivators who contributed money even to raise a statue to you, who will say that everything that was due for corn was paid. I pledge myself, O judges, that none will say so. 78. [181]

Out of all the money which it was your duty to pay to the cultivators, you were in the habit of making deductions on certain pretexts; first of all for the examination, and for the difference in the exchanges; secondly, for some stealing money or other. All these names, O judges, do not belong to any legal demand, but to the most infamous robberies. For what difference of exchange can there be when all use one kind of money? And what is sealing money How has this name got introduced into the accounts of a magistrate? how came it to be connected with the public money? For the third description of deduction was such as if it were not only lawful, but even proper; and not only proper, but absolutely necessary. Two fiftieths were deducted from the entire sum in the name of the clerk. Who gave you leave to do this? — what law? what authority of the senate? Moreover where was the justice of your clerk taking such a sum, whether it was taken from the property of the cultivators, or from the revenues of the Roman people? [182] For if that sum can he deducted without injury to the cultivators of the soil, let the Roman people have it, especially in the existing difficulties of the treasury; but if the Roman people intended it to be paid to the cultivators, and if it is just that it should be, then shall your officer, hired at small wages paid by the people, plunder the property of the cultivators? And shall Hortensius excite against me in this cause the whole body of clerks? and shall he say that their interests are undermined by me, and their lights opposed? as if this were allowed to the clerks by any precedent or by any right. Why should I go back to old times? or why should I make mention of those clerks, who, it is evident, were most upright and conscientious men? It does not escape my observation, O judges, that old examples are now listened to and considered as imaginary fables I will go only to the present wretched and profligate time. You, O Hortensius, have lately been quaestor. You can say what your clerks did; I say this of mine; when, in that

same Sicily, I was paying the cities money for their corn, and had with me two most economical men as clerks, Lucius Manilius and Lucius Sergius, then I say that not only these two fiftieths were not deducted, but that not one single coin was deducted from any one. 79.

I would say that all the credit of this was to be attributed to me, O judges, if they had ever asked this of me, if they had ever thought of it. [183] For why should a clerk make this deduction, and not rather the muleteer who brought the corn down? or the courier, by whose arrival they heard of its coming and made the demand? or the crier, who ordered them to appear? or the lictor and the slave of Venus, who carried the money? What part of the business or what seasonable assistance can a scrivener pretend to, that, I will not say such high wages should be given him, but, that a division of such a large sum should take place with him? Oh they are a very honourable body of men; — who denies it? or what has that to do with this business? But they are an honourable body, because to their integrity are entrusted the public accounts and the safety of the magistrates. Ask, therefore, of those scriveners who are worthy of their body, masters of households, virtuous and honourable men, what is the meaning of those fiftieths? In a moment you will all clearly see that the whole affair is unprecedented and scandalous. [184] Bring me back to those scriveners, if you please; do not get together those men who when with a little money scraped together from the presents of spendthrifts and the gratuities to actors, they have bought themselves a place in some decury, think that they have mounted from the first class of hissed buffoons into the second class of the citizens. Those scriveners I will have as arbitrators in this business between you and me, men who are indignant that those other fellows should be scriveners at ale Although, when we see that there are many unfit men in that order, an order which is held out as a reward for industry and good conduct, are we to wonder that there are some base men in that order also, a place in which any one can purchase for money? 80.

When you confess that your clerk, with your leave, took thirteen hundred thousand sesterces of the public money, do you think that you have any defence left? that any one can endure this? Do you think that even any one of those who are at this moment your own advocates can listen to this with equanimity? Do you think that, in

the same city in which an action was brought against Caius Cato, a most illustrious man, a man of consular rank, to recover a sum of eighteen thousand sesterces; in that same city it could be permitted to your clerk to carry off at one swoop thirteen hundred thousand sesterces? [185] Here is where that golden ring came from, with which you presented him in the public assembly; a gift which was an act of such extraordinary impudence that it seemed novel to all the Sicilians, and to me incredible. For our generals, after a defeat of the enemy, after some splendid success, have often presented their secretaries with golden rings in a public assembly; but you, for what exploit, for the defeat of what enemy did you dare to summon an assembly for the purpose of making this present? Nor did you only present your clerk with a ring, but you also presented a man of great bravery, a man very unlike yourself, Quintus Rubrius, a man of eminent virtue, and dignity, and riches, with a crown, with horse trappings, and a chain; and also Marcus Cossutius, a most conscientious and honourable man, and Marcus Castritius, a man of the greatest wealth, and ability, and influence. [186] What was the meaning of these presents made to these three Roman citizens? Besides that, you gave presents also to some of the most powerful and noble of the Sicilians, who have not, as you hoped, been the more slow to come forward, but have only come with more dignity to give their evidence in this trial of yours. Where did all these presents come from? from the spoils of what enemy? gained in what victory? Of what booty or trophies do they make a part? Is it because while you were praetor, a most beautiful fleet, the bulwark of Sicily, the defence of the province, was burnt by the hands of pirates arriving in a few light galleys? or because the territory of Syracuse was laid waste by the conflagrations of the banditti while you were praetor? or because the forum of the Syracuse overflowed with the blood of the captains? or because a piratical galley sailed about in the harbour of Syracuse? I can find no reason which I can imagine for your having fallen into such madness, unless indeed your object was to prevent men from ever forgetting the disasters of your administration. [187] A clerk was presented with a golden ring, and an assembly was convoked to witness that presentation. What must have been your face when you saw in the assembly those men out of

whose property that golden ring was provided for the present; who themselves had laid aside their golden rings, and had taken them off from their children, in order that your clerk might have the means to support your liberality and kindness? Moreover, what was the preface to this present? Was it the old one used by the generals? —"Since in battle, in war, in military affairs, you...." There never was even any mention of such matters while you were praetor. Was it this, "Since you have never failed me in any act of covetousness, or in any baseness, and since you have been concerned with me in all my wicked actions, both during my lieutenancy, and my praetorship, and here in Sicily; on account of all these things, since I have already made you rich, I now present you with this golden ring?" This would have been the truth. For that golden ring given by you does not prove he was a brave man, but only a rich one. As we should judge that same ring, if given by some one else, to have evidence of virtue when given by you, we consider it only an accompaniment to money.

81. [188]

I have spoken, O judges, of the corn collected as tenths; I have spoken of that which was purchased; the last, the only remaining topic, is the valuation of the corn, which ought to have weight with every one, both from the vastness of the sum involved, and from the description of the injustice done; and more than either, because against this charge he is provided, not with some ingenious defence, but with a most scandalous confession of it. For though it was lawful for him, both by a decree of the senate, and also by the laws, to take corn and lay it up in the granaries, and though the senate had valued that corn at four sesterces for a modius of wheat, two for one of barley, Verres, having first added to the quantity of wheat, valued each modius of wheat with the cultivators at three denarii. My charge is not this, O Hortensius; do not you think about this; I know that many virtuous, and brave, and incorruptible men, have often valued, both with the cultivators of the soil and with cities, the corn which ought to have been taken and laid up in the granary, and have taken money instead of corn; I know what is accustomed to be done; I know what is lawful to be done; nothing which has been previously the custom of virtuous men is found fault with ill the conduct of Verres. [189] This is what I find fault with, that, when a modius of

wheat in Sicily cost two sesterces, as his letter which was sent to you declares, or at most, three, as has also already been made clear from all the evidence and all the accounts of the cultivators, he exacted from the cultivators three denarii for every modius of wheat. 82.

This is the charge; I wish you to understand, that my accusation turns not on the fact of his having valued the corn, nor even of his having valued it at three denarii but on that of his having increased the quantity of corn, and consequently the amount of the valuation. In truth this valuation originated, O judges, at first not in the convenience of the praetors or consuls, but in the advantage to the cultivators and the cities. For originally, no one was so impudent as to demand money when it was corn that was due; certainly this proceeded in the first instance from the cultivator or from the city which was required to furnish corn; when they had either sold the corn, or wished to keep it, or were not willing to carry it to that place where it was required to be delivered, they begged as a kindness and a favour, that they might be allowed, instead of the corn, to give the value of the corn. From such a commencement as this, and from the liberality and accommodating spirit of the magistrates the custom of valuations was introduced. [190] More covetous, magistrates succeeded; who, in their avarice, devised not only a plan for their own gain, but also a way of escape, and a plea for their defence. They adopted a custom of always requiring corn to be delivered at the most remote and inconvenient places, in order that, through the difficulty of carriage, the cultivators might be more easily brought to the valuation which they wished. In a case of this kind it is easier to form one's opinion, than to make out a case for blame; because we can think the man who does this avaricious, but we cannot easily make out a charge against him; because it appears that we must grant this to our magistrates, that they may have power to receive the corn in any place they choose; therefore this is what many perhaps have done, not, however, so many out that those whom we recollect, or whom we have heard of as the most upright magistrates, have declined to do it. 83. [191]

I ask of you now, O Hortensius, with which of these classes you are going to compare the conduct of Verres? With those, I suppose, who, influenced by their own kindness, have granted, as a favour and

as a convenience to the cities, permission to give money instead of corn. And so I suppose the cultivators begged of him, that, as they could not sell a modius of wheat for three sesterces, they may be allowed to pay three denarii instead of each modius. Or, since you do not dare to say this, will you take refuge in that assertion, that, being influenced by the difficulty of carriage, they preferred to give three denarii? Of what carriage? Wishing not to have to carry it from what place to what place? from Philomelium to Ephesus? I see what is the difference between the price of corn at different places; I see too how many days' journey it is; I see that it is for the advantage of the Philomelians rather to pay in Phrygia the price which corn bears in Ephesus, than to carry it to Ephesus, or to send both money and agents to Ephesus to buy corn. [192] But what can there be like that in Sicily? Enna is a completely inland town. Compel (that is the utmost stretch of your authority) the people of Enna to deliver their corn at the waterside; they will take it to Phintia, or to Halesa, or to Catina, places all very distant from one another, the same day that you issue the order; though there is not even need of any carriage at all; for all this profit of the valuation, O judges, arises from the variety in the price of corn. For a magistrate in a province can manage this, — namely, to receive it where it is dearest. And therefore that is the way valuations are managed in Asia and in Spain, and in those provinces in which corn is not everywhere the same price. But in Sicily what difference did it make to any one in what place he delivered it? for he had not to carry it; and wherever he was ordered to carry it, there he might buy the same quantity of corn which he sold at home. [193] Wherefore, if, O Hortensius, you wish to show that anything, in the matter of the valuation, was done by him like what has been done by others, you must show that at any place in Sicily, while Verres was praetor, a modius of wheat ever cost three denarii. 84.

See what a defence I have opened to you; how unjust to our allies, how far removed from the good of the republic, how utterly foreign to the intention and meaning of the law. Do you, when I am prepared to deliver you corn on my own farm, in my own city, — in the very place, in short, in which you are, in which you live, in which you manage all your business and conduct the affairs of the province, — do you, I say, select for me some remote and desert corner of the

island? Do you bid me deliver it there, whither it is very inconvenient to carry it? where I cannot purchase it? [194] It is a shameful action, O judges, intolerable, permitted to no one by law, but perhaps not yet punished in any instance. Still this very thing, which I say ought not to be endured, I grant to you, O Verres; I make you a present of it. If in any place of that province corn was at the price at which he valued it, then I think that this charge ought not to have any weight against him. But when it was fetching two sesterces, or even three at the outside, in any district of the province which you choose to name, you exacted twelve. If there cannot be any dispute between you and me either about the price of corn, or about your valuation, why are you sitting there? What are you waiting for? What will you say in your defence? Does money appear to have been appropriated by you contrary to the laws, contrary to the interests of the republic, to the great injury of our allies? Or will you say in your defence, that all this has been done lawfully, regularly, in a manner advantageous to the republic, without injury to any one? [195] When the senate had given you money out of the treasury, and had paid you money which you were to pay the cultivators, a denarius for every modius, what was it your duty to do? If you had wished to do what Lucius Piso, surnamed Thrifty, who first made the law about extortion, would have done, when you had bought the corn at the regular price, you would have returned whatever money there was over. If you wished to act as men desirous of gaining popularity, or as kind-hearted men would, as the senate had valued the corn at more than the regular price, you would have paid for it according to the valuation of the senate, and not according to the market price. Or if, as many do, a conduct which produces some profit indeed, but still an honest and allowable one, you would not have bought corn, since it was cheaper than they expected, but you would have retained the money which the senate had granted you for furnishing the granary. 85.

But what is it that you have done? What presence has it, I will not say of justice, but even of any ordinary roguery or impudence? For, indeed, there is not usually anything which men, however dishonest, dare to do openly in their magistracy, for which they cannot give, if not a good excuse, still some excuse or other. [196] But what sort of

conduct is this? The praetor came. Says he, I must buy some corn of you. Very well. At a denarius for a modius I am much obliged to you; you are very liberal, for I cannot get three sesterces for it. But I don't want the corn, I will take the money. I had hoped, says the cultivator, that I should have touched the denarii; but if you must have money, consider what is the price of corn now. I see it costs two sesterces. What money, then, can be required of me for you, when the senate has allowed you four sesterces? Listen, now, to what he demands And I entreat you, O judges, remark at the same time the equity of the praetor: [197] "The four sesterces which the senate has voted me, and has paid me out of the treasury, those I shall keep, and shall transfer out of the public chest into my strong box." What comes next? What? "For each modius which I require of you, do you give me eight sesterces." On what account? "What do you ask me on what account for? It is not so much on what account that we need think, as of how advantageous it will be, — how great a booty I shall get." Speak, speak, says the cultivator, a little plainer. The senate desires that you should pay me money, — that I should deliver corn to you. Will you retain that money which the senate intended should be paid to me, and take two sesterces a-modius from me, to whom you ought to pay a denarius for each modius? And then will you call this plunder and robbery granary-money? [198] This one injury, — this single distress, was wanting to the cultivators under your praetorship, to complete the ruin of the remainder of their fortunes. For what remaining injury could be done to the man who, owing to this injury, was forced not only to dose all his corn, but even to sell all his tools and stock? He had no way to turn. From what produce could he find the money to pay you? Under the name of tenths, as much had been taken from him as the caprice of Apronius chose; for the second tenths and for the corn that had been purchased either nothing had been paid, or only so much as the clerk had left behind, or perhaps it was even taken for nothing, as you have had proved to you. 86.

Is money also to be extorted from the cultivators? How? By what right? by what precedent? For when the crops of the cultivator were carried off and plundered with every kind of injustice, the cultivator appeared to lose what he had himself raised with his plough, for which he had toiled, what his land and his cornfields had produced.

[199] But amid this terrible ill-treatment, there was still this wretched consolation, — that he seemed only to be losing what, under another praetor, he could get again out of the same land. But now it is necessary for the cultivator — to give money, which he does not get out of the land — to sell his oxen, and his plough itself, and all his tools For you are not to think this. “The man has also possessions in ready money; he has also possessions inland, near the city.” For when a burden is imposed on a cultivator of the soil, it is not the mean and ability of the man that is to be considered, whether he has any property besides; but the quality and description of his land, what that can endure, what that can suffer, what that can and ought to produce. Although those men have been drained and ruined by Verres in every possible manner, still you ought to decide what contribution you consider the cultivator ought to render to the republic on account of his land, and what charges he can support. You impose the payment of tenths on them. They endure that. A second tenth. You think they must be subservient to your necessities, — that they must, besides that, supply you with more if you choose to purchase it They will so supply you if you choose. [200] How severe all this is, and how little, after all these deductions are made, can be left of clear profit for the owners, I think you, from your own farming experience, can guess. Add, now, to all this, the edicts, the regulations, the injuries of Verres, — add the reign and the rapine of Apronius, and the slaves of Apronius, in the land subject to the payment of tenths. Although I pass over all this; I am speaking of the granary. Is it your intention that the Sicilians should give corn to our magistrates for their granaries for nothing? What can be more scandalous, what can be more iniquitous than that? And yet, know you that this would have seemed to the cultivators a thing to be wished for, to be begged for, while that man was praetor. 87.

Sositenus is a citizen of Entella; a man of the greatest prudence, and of the noblest birth in his city. You have heard what he said when he was sent by the public authority to this trial as a deputy, together with Artemon and Meniscus, men of the highest character. He, when in the senate at Entella he was discussing with me the injustice of Verres, said this: that, if the question of the granaries and of the valuation were conceded, the Sicilians were willing to promise

the senate corn for the granary without payment, so that we need not for the future vote such large sums to our magistrates. [201] I am sure that you clearly perceive how advantageous this would be for the Sicilians not because of the justice of such a condition, but in the way of choosing the least of two evils; for the man who had given Verres a thousand modii for the granary as his share of the contribution required, would have given two, or, at most, three thousand sesterces, but the same man has now been compelled for the same quantity of corn to give eight thousand sesterces. A cultivator could not stand this for three years, at least not out of his own produce. He must inevitably have sold his stock. But if the land can endure this contribution and this tribute, — that is to say, if Sicily can bear and support it, let it pay it to the Roman people rather than to our magistrates. It is a great sum, a great and splendid revenue. If you can obtain it without damage to the province, without injury to our allies, I do not object at all. Let as much be given to the magistrates for their granary as has always been given. What Verres demands besides, that, if they cannot provide it, let them refuse. If they can provide it, let it be the revenue of the Roman people rather than the plunder of the praetor. [202] In the next place, why is that valuation established for only one description of corn? If it is just and endurable, then Sicily owes the Roman people tenths; let it give three denarii for each single modius of wheat; let it keep the corn itself. Money has been paid to you, O Verres, — one sum with which you were to buy corn for the granary, the other with which you were to buy corn from the cities to send to Rome. You keep at your own house the money which has been given to you; and besides that, you receive a vast sum in your own name. Do the same with respect to that corn which belongs to the Roman people; exact money from the cities according to the same valuation, and give back what you have received, — then the treasury of the Roman people will be better filled than it ever has been. [203] But Sicily could not endure that in the case of the public corn; she did indeed bear it in the case of my own. Just as if that valuation was more just when your advantage was concerned, than when that of the Roman people was; or, as if the conduct which I speak of and that which you adopted, differed only in the description of the injury, and not in the magnitude of the sum

involved. But that granary they can by no means bear, not even if everything else be remitted; not even if they were for ever hereafter delivered from all the injuries and distresses which they have suffered while you were praetor, still they say that they could not by any possibility support that granary and that valuation. 88. [204]

Sophocles of Agrigentum, a most eloquent man, adorned with every sort of learning and with every virtue, is said to have spoken lately before Cnaeus Pompeius, when he was consul, on behalf of all Sicily, concerning the miseries of the cultivators, with great earnestness and great variety of arguments, and to have lamented their condition to him. And of all the things which he mentioned, this appeared the most scandalous to those who were present, (for the matter was discussed in the presence of a numerous assembly,) that, in the very matter in which the senate had dealt most honestly and most kindly with the cultivators, in that the praetor should plunder, and the cultivators be ruined and that should not only be done, but done in such a manner as if it were lawful and permitted.

[205] What says Hortensius to this? that the charge is false? He will never say this. — That no great sum was gained by this method? He will not even say that. — That no injury was done to Sicilians and the cultivators? How can he say that? — What then, will he say, — That it was done by other men. What is the meaning of this? Is it a defence against the charge, or company in banishment that he is seeking for? Will you in this republic, in this time of unchecked caprice, and (as up to this time the course of judicial proceedings has proved) licentiousness on the part of men, will you defend that which is found fault with, and affirm that it has been done properly; not by reference to right, nor to equity, nor to law, nor because it was expedient, nor because it was allowed, but because it was some one else who did it? [206] Other men, too, hare done other things, and plenty of them; why in this charge alone do you use this sort of defence? There are some things in you so extraordinary, that they cannot be said of, or meet in the character of, any other man; there are some things which you have in common with many men. Therefore, to say nothing of your acts of peculation, or of your taking money for the appointment of judges, and other things of that sort which, perhaps, other men also may have committed; will you

defend yourself, also, from the charge which I bring against you as the most serious one of all — the charge, namely, of having taken money to influence your legal decisions, by the same argument, that others have done so too? Even if I were to admit the assertion, still I should not admit it as any defence. For it would be better that by your condemnation there should be more limited room for defending dishonesty left to others, than that, owing to your acquittal, others should be thought to have legitimately done what they have done with the greatest audacity. 89. [207]

All the provinces are mourning; all the nations that are free are complaining; every kingdom is expostulating with us about our covetousness and our injustice; there is now no place on this side of the ocean, none so distant, none so out of the way, that, in these latter times, the lust and iniquity of our citizens has not reached it. The Roman people is now no longer able to bear (I have not to say the violence, the arms, and the war, but) the mourning, the tears, and the complaints, of all foreign nations. In a case of this sort, in speaking of customs of this sort, if he who is brought before the tribunal, when he is detected in evident crimes, says that others have also done the same, he will not want examples; but the republic will want safety, if, by the precedents of wicked men, wicked men are to be delivered from trial and from danger. [208] Do you approve of the manners of men at present? Do you approve of men's behaving themselves in magistracies as they do? Do you approve, finally, of our allies being treated as you see that they have been treated all this time? Why am I forced to take all this trouble? Why are you all sitting here? Why do you not rise up and depart before I have got halfway through my speech? Do you wish to lay open at all the audacity and licentiousness of these men? Give up doubting whether it is more useful, because there are so many wicked men, to spare one, or by the punishment of one wicked man, to check the wickedness of many. [209] Although, what are those numerous instances of wicked men? For when in a cause of such importance, when in the case of a charge of such gravity, the defendant has begun to say that anything has frequently been done, those who hear him are expecting precedents drawn from ancient tradition; from old records and old documents, full of dignity, full of antiquity. 90.

For such instances usually have both a great deal of authority in proving any point, and are very pleasant to hear cited. Will you speak to me of the Africani, and the Catos and the Laelii, and will you say that they have done the same thing? Then, even though the act might not please me, still I should not be able to fight against the authority of those men. But, since you will not be able to produce them, will you bring forward these moderns, Quintus Catulus the father, Caius Marcius, Quintus Scaevola, Marcus Scaurus, Quintus Metellus? who have all governed provinces, and who have all levied corn on the ground of filling the granary. The authority of the men is great, so great as to be able to remove all suspicion of wrong-doing. [210] But you have not, even out of these men who have lived more recently, one precedent of that authority. Whither, then, or to what examples will you bring me back? Will you lead me away from those men who have spent their lives in the service of the republic at a time when manners were very strict, and when the opinion of men was considered of great weight, and when the courts of justice were severe, to the existing caprice and licentiousness of men of the present age? And do you seek precedents for your defence among those men, as a warning to whom the Roman people have decided that they are in need of some severe examples? I do not, indeed, altogether condemn the manners of the present time, as long as we follow those examples which the Roman people approves of; not those which it condemns. I will not look around me, I will not go out of doors to seek for any one, while we have as judges those chiefs of the city, Publius Servilius and Quintus Catulus, who are men of such authority, and distinguished for such exploits, that they may be classed in that number of ancient and most illustrious men of whom I have previously spoken. [211] We are seeking examples, and those not ancient ones. Very lately each of them had an army. Ask, O Hortensius, since you are fond of modern instances, what they did. Will you not? Quintus Catulus used corn, but he exacted no money. Publius Servilius, though he commanded an army for five years, and by that means might have made an incalculable sum of money, thought that nothing was lawful for himself which he had not seen his father and his grandfather, Quintus Metellus, do. Shall Caius

Verres be found, who will say that everything is lawful for him which is profitable? Will he allege in his defence that he has done in accordance with the example set by others, what none, except wicked men, ever have done? Oh, but it has been often done in Sicily. 91.

What is that condition in which Sicily is? Why is the law of injustice, especially defined by a reference to the usages prevalent in that land which, on account of its antiquity as our ally, its fidelity, and its nearness to us, ought to enjoy the best laws of all? [212] However, in Sicily itself, (I will not go abroad to look for examples,) I will take examples out of the very bench of judges before me. Caius Marcellus, I call you as a witness. You governed the province of Sicily when you were proconsul. Under your command were any sums of money extorted, under the name of money for the granary? I do not give you any credit for this. There are other exploits, other designs of yours worthy of the highest praise, measures by which you recovered and set up again an afflicted and ruined province. For even Lepidus whom you succeeded had not committed this fraud about the granary. What precedents then have you in Sicily affecting this charge about the granary, if you cannot defend yourself from the accusation by quoting any action even of Lepidus, much less any action of Marcellus? [213] Are you going to bring me back to the valuation of the corn, and the exaction of money by Marcus Antonius? Just so, says he; to the valuation of Marcus Antonius. For this is what he seemed to mean by his signs and nods. Out of all the praetors of the Roman people then, and consuls, and generals, have you selected Marcus Antonius, and even the most infamous action done by him, for your imitation? And here is it difficult for me to say, or for the judges to think, that in that unlimited authority Marcus Antonius behaved himself in such a manner, that it is by far more injurious to Verres to say that as he, in a most infamous transaction, wished to imitate Antonius, than if he were able to allege in his defence, that he had never in his whole life done anything like Marcus Antonius? Men in trials are accustomed to allege, in making a defence against an accusation, not what any one did, but what he did that was good. In the middle of his course of injustice and covetousness death overtook Antony, while he was still both doing and planning many things contrary to the safety of the allies many

things contrary to the advantage of our provinces. Will you defend the audacity of Verres by the example of Antonius, as if the senate and people of Rome approved of all his actions and designs? 92. [214]

But Sacerdos did the same. You name an upright man, and one endued with the greatest wisdom; but he can only be thought to have done the same thing, if he did it with the same intention. For the mere fact of the valuation has never been found fault with by me; but the equity of it depends on the advantage to, and willingness of the cultivator. No valuation can be found fault with, which is not only not disadvantageous, but which is even pleasing to the cultivator. Sacerdos, when he came into the province, commanded corn to be provided for the granary. As before the new harvest came in a modius of wheat was five denarii, the cities begged of him to have a valuation. The valuation wee somewhat lower than the actual market price, for he valued it at three denarii. You see that the same fact of a valuation, through the dissimilarity of the occasion, was a cause of praise in his instance, of accusation in yours. In his instance it was a kindness, in yours an injury. [215] The same year Antonius valued corn at three denarii, after the harvest, in a season of exceeding cheapness, when the cultivators would rather give the corn for nothing, and he said that he had valued it at the same price as Sacerdos; and he spoke truly, but yet' by the same valuation the one had relieved the cultivators, the other had ruined them. And if it were not the case that the whole value of corn must be estimated by the season, and the market price, not by the abundance, nor by the total amount, these modii and a half of yours, O Hortensius, would never have been so agreeable; in distributing which to the Roman people, for every head, small as the quantity was, you did an action which was most agreeable to all men; for the dearness of corn caused that, which seemed a small thing in reality, to appear at that time a great one. If you had given such a largess to the Roman people in a time of cheapness, your kindness would have been derided and despised. 93. [216]

Do not, therefore, say that Verres did the same as Sacerdos had done, since he did not do it on the same occasion, nor when wheat was at a similar price; say rather, since you have a competent authority to quote, that he did for three years what Antonius did on

his arrival, and with reference to scarcely a month's provisions, and defend his innocence by the act and authority of Marcus Antonius. For what will you say of Sextus Peducaeus, a most brave and honest man? What cultivator ever complained of him? or who did not think that his praetorship was the most impartial and the most active one that has ever been known up to this time? He governed the province for two years, when one year wee a year of cheapness, the other a year of the greatest dearness. Did any cultivator either give him money in the cheap season, or in the dear season complain of the valuation of his corn? Oh, but provisions were very abundant that dear season. [217] I believe they were; that is not a new thing nor a blamable one. We very lately saw Caius Sentius, a man of old-fashioned and extraordinary incorruptibility, on account of the dearness of food which existed in Macedonia, make a great deal of money by furnishing provisions. So that I do not grudge you your profits, if any have come to you legally; I complain of your injustice; I impeach your dishonesty; I cat your avarice into court, and arraign it before this tribunal.

But if you wish to excite a suspicion that this charge belongs to more men and more provinces than one, I will not be afraid of that defence of yours, but I will profess myself the defender of all the provinces. In truth I say this, and I say it with a loud voice, "Wherever this has been done, it has been done wickedly; whoever has done it is deserving of punishment." 94. [218]

For, in the name of the immortal gods, see, O judges, look forward with your mind's eye at what will be the result. Many men have exacted large sums from unwilling cities, and from unwilling cultivators, in this way, under pretence of filling the granary. (I have no idea of any one person having done so except him, but I grant you this, and I admit that many have.) In the case of this man you see the matter brought before a court of justice; what can you do? can you, when you are judges in a case of embezzlement which is brought before you, overlook the misappropriation of so large a sum? or can you, though the law was made for the sake of the allies, turn a deaf ear to the complaints of the allies? [219] However, I give up this point too to you. Disregard what is past, if you please; but do not destroy their hopes for the future, and ruin all the provinces; guard against

this, — against opening, by your authority, a visible and broad way for avarice, which up to this time has been in the habit of advancing by secret and narrow paths; for if you approve of this, and if you decide that it is lawful for money to be taken on that pretext, at all events there is no one except the most foolish of men who will not for the future do what as yet no one except the most dishonest of men ever has done; they are dishonest men who exact money contrary to the laws, they are fools who omit to do what it has been decided that they may do. [220] In the next place, see, O judges, what a boundless licence for plundering people of money you will he giving to men. If the man who exacts three denarii is acquitted, some one else will exact four, five, presently ten, or even twenty. What reproof will he meet with? At what degree of injury will the severity of the judge first begin to make a stand? How many denarii will it be that will be quite intolerable? and at what point will the iniquity and dishonesty of the valuation be first arraigned? For it is not the amount, but the description of valuation that will be approved of by you. Nor can you decide in this manner, that it is lawful for a valuation to be made when the price fixed is three denarii, but not lawful when the price fixed is ten; for when a departure is once made from the standard of the market price, and when the affair is once so changed that it is not the advantage of the cultivators which is the rule, but the will of the praetor, then the manner of valuing no longer depends on law and duty, but on the caprice and avarice of men. 95.

Wherefore, if in giving your decisions you once pass over the boundary of equity and law, know that you impose on those who come after no limit to dishonesty and avarice in valuing. [221] See, therefore, how many things are required of you at once. Acquit the man who confesses that he has taken immense sums, doing at the same time the greatest injury to our allies. That is not enough. There are also many others who have done the same thing. Acquit them also, if there are any; so as to release as many rogues as possible by one decision. Even that is not enough. Cause that it may be lawful to those who come after them to do the same thing. It shall be lawful. Even this is too little. Allow it to be lawful for every one to value corn at whatever price he pleases. He may so value it. You see now, in truth, O judges, that if this valuation be approved of by you, there

will be no limit hereafter to any man's avarice, nor any punishment for dishonesty. [222] What, therefore, O Hortensius, are you about? You are the consul elect, you have had a province allotted to you. When you speak on the subject of the valuation of corn, we shall listen to you as if you were avowing that you will do what you defend as having been legitimately done by Verres; and as if you were very eager that that should be lawful for you which you say was lawful for him. But if that is to be lawful, there is nothing which you can imagine any one likely to do hereafter, in consequence of which he can possibly be condemned for extortion. For whatever sum of money any one covets, that amount it will be lawful for him to acquire, under the plea of the granary, and by means of the highness of the valuation. 96. [223]

But there is a thing, which, even if Hortensius does not say it openly in defending Verres, he still does say in such a manner that you may suspect and think that this matter concerns the advantage of the senators; that it concerns the advantage of those who are judges, and who think that they will some day or other be in the provinces themselves as governors or as lieutenants. But you must think that we have splendid judges, if you think them likely to show indulgence to the faults of others, in order the more easily to be allowed to commit faults themselves. Do we then wish the Roman people, do we wish the provinces, and our allies, and foreign nations to think that, if senators are the judges, this particular manner of extorting immense sums of money with the greatest injustice will never be in any way chastised? But if that be the case, what can we say against that praetor who every day occupies the senate, who insists upon it that the republic can not prosper, if the office of judge is not restored to the equestrian order? [224] But if he begins to agitate this one point, that there is one description of extortion, common to all the senators, and now almost legalized in the case of that order, by which immense sums are taken from the allies with the greatest injustice; and that this cannot possibly be repressed by tribunals of senators, but that, while the equestrian order furnished the senators, it never was committed; who, then, can resist him? Who will be so desirous of gratifying you, who will be such a partisan of your order, as to be able to oppose the transference of the appointment of judges to that

body? 97.

And I wish he were able to make a defence to this charge by any argument, however false, as long as it is natural and customary. You could then decide with less danger to yourselves, with less danger to all the provinces. Did he deny that he had adopted this valuation? You would appear to have believed the man in that statement, not to have approved of his action. He cannot possibly deny it. It is proved by all Sicily. Out of all that numerous band of cultivators, there is not one from whom money has not been exacted on the plea of the granary. [225] I wish he were able to say even this, that that affair does not concern him; that the whole business relating to corn was managed by the quaestors. Even that he cannot say, because his own letters are read which were sent to the cities, written on the subject of the three denarii. What then is his defence? "I have done what you accuse me of; I have extorted immense sums on the plea of the granary; but it was lawful for me to do so, and it will be lawful for you if you take care." A dangerous thing for the provinces for any classes of injury to be established by judicial decision to a dangerous thing for our order, for the Roman people to think that these men, who themselves are subject to the laws, cannot defend the laws with strictness when they are judges. And while that man was praetor, O judges, there was not only no limit to his valuing corn, but there was none either to his demands of corn. Nor did he command that only to be supplied that was due, but as much as was advantageous for himself. I will put before you the sum total of all the corn commanded to be furnished for the granary, as collected out of the public documents, and the testimonies of the cities You will find, O judges, that man commanded the cities to supply five times as much as it was lawful for him to take for the granary. What can be added to this impudence, if he both valued it at such a price that men could not endure it, and also commanded so much more to be supplied than was permitted to him by the laws to require? [226]

Wherefore, now that you have heard the whole business of the corn, O judges, you can easily see that Sicily, that most productive and most desirable province, has been lost to the Roman people, unless you recover it by your condemnation of that man. For what is Sicily, if you take away the cultivation of its land, and if you

extinguish the multitude and the very name of the cultivators of the soil? For what can there be left of disaster which has not come to those unhappy cultivators, with every circumstance of injury and insult? They were liable, indeed, to pay tenths, but they have scarcely had a tenth left for themselves. When money has been due to them, it has not been paid; though the senate intended them to supply corn for the granary according to a very equitable valuation, they have been compelled to sell even the tools with which they cultivate their lands. 98. [227]

I have already said, O judges, that even if you remove all these injuries, still that the occupation of cultivating land is maintained owing to the hopes and a certain sort of pleasure which it gives, rather than because of the profit and emolument arising from it. In truth every year constant labour and constant expense is incurred in the hope of a result which is casual and uncertain. Moreover, the crop does not command a high price, except in a disastrous harvest. But if there has been a great abundance of crops gathered, then there is cheapness in selling them. So that you may see that the corn must be badly sold if it is got in well, or else that the crop must be bad if you get a good price for it. And the whole business of agriculture is such, that it is regulated not by reason or by industry, but by those most uncertain things, — the weather and the winds. When from agriculture one tenth is extracted by law and on fair terms, — when a second is levied by a new regulation, on account of the necessity of procuring a sufficient supply for ourselves, — when, besides, corn is purchased every year by public authority, — and when, after all that, more still is ordered by magistrates and lieutenants to be supplied for the granary, — what, or how much is there after all this of his own crop which the cultivator or owner can have at his own disposal, for his own profit? [228] And if all this is endured, — if by their care, and expense, and labour, they consult your advantage and that of the Roman people rather than themselves and their own profit, — still, ought they also to bear these new edicts and commands of the praetors, and the imperiousness of Apronius, and the robberies and rapine of the slaves of Venus? Ought they also to supply corn which ought to be purchased of them without getting any payment for it? Ought they also, though they are willing to supply corn for the

granary without payment, to be forced to pay large sums too? Ought they also to endure all these injures and all these losses accompanied with the greatest insult and contumely? Therefore, O judges, those things which they have not at all been able to bear, they have not borne. You know that over the whole of Sicily the allotments of land are deserted and abandoned by their owners. Nor is there anything else to be gained by this trial, except that our most ancient and faithful allies, the Sicilians, Roman settlers, and the cultivators of the soil, owing to your strictness and your care, may return to their farms and to their homes under my guidance and through my instrumentality.

THE FOURTH BOOK OF THE SECOND PLEADING IN THE PROSECUTION OF VERRES.

ABOUT THE STATUES

THE ARGUMENT

The subject of this oration is the manner in which Verres had plundered not only private individuals, but even some temples, of valuable statues, and other works of art. Among the instances given some of the most prominent are the plunder of Heius, a Messanian, of Philarchus, of Centuripa, of several other private citizens, of Antiochus, the king; and of the temples of Diana, Mercury, and Ceres. A French translator in commenting on this oration says, with reference to the slighting way in which Cicero speaks of the works of art thus stolen,—"The Romans struggled for some time against the seductive power of the arts of Greece, to which for many ages they were strangers. At first they really did despise them, afterwards they affected to despise them, but at last they were forced to bow the head beneath the brilliant yoke of luxury; and Greece, industrious, learned, and polite, subdued by the admiration which it extorted, the ignorant, unlettered, and rude barbarians who had conquered her by force. Faithful to the ancient maxims of the republic, Cicero in this oration speaks only with a sort of disdain of the arts and works of the most famous artists. He even pretends sometimes not to be too well acquainted with the names of the most celebrated statuaries; he often repeats, and with a kind of affectation, that he knows very little of painting or sculpture; and rather prides himself, as one may say, on his ignorance. He seems to regard a taste for art as unworthy of the Romans, and the finest chefs d' oeuvre as children's toys, fit to amuse the trifling and frivolous minds of the Greeks, whose name he usually expresses by a contemptuous diminutive, (Graeculi,) but little calculated to fix the attention, or attract the esteem or wishes of a Roman mind.

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In general there runs through these orations a tone more calculated to render Verres ridiculous, than to make one feel how much there was in all his attempts which was odious and horrible. The orator even permitted himself some pleasantries, for which his taste has been, perhaps too severely, called in question. Cicero had no dislike to puns, and has played a good deal on the name of Verres, which means a boar. He was too eager to acquire the reputation of a wit. It is true that the person of Verres was sufficiently inviting as a subject for ridicule. He was one of those gross men overloaded with fat in whom the bulk of body appears to stifle all delicacy of moral feeling. As he had tried to carry off a statue of Hercules which his people could with difficulty move upon its pedestal, Cicero calls this the thirteenth of the labours of Hercules. And playing continually on the name of Verres, he compares him to the boar of Erymanthus. At another time he calls him the dragnet of Sicily, because the name Verres has some resemblance to the word everriculum, which signifies a dragnet."

Hortensius endeavoured to defend Verres from the charge of having stolen these statues, &c. of which he admits that he had become the possessor, by contending that he had bought them. But it was contrary to the laws for a magistrate to purchase any such articles in his province; and Cicero shows also that the prices alleged to have been given are so wholly disproportionate to their value, that it is ridiculous to assert that the things had been purchased and not taken by force.

1. I come now to what Verres himself calls his passion what his friends call his disease, his madness; what the Sicilians call his rapine; what I am to call it, I know not. I will state the whole affair to you, and do you consider it according to its own importance and not by the importance of its name. First of all, O judges, suffer me to make you acquainted with the description of this conduct of his; and then, perhaps, you will not be very much puzzled to know by what name to call it. I say that in all Sicily, in all that wealthy and ancient province, that in that number of towns and families of such exceeding riches, there was no silver vessel, no Corinthian or Delian

plate, no jewel or pearl, nothing made of gold or ivory, no statue of marble or brass or ivory, no picture whether painted or embroidered, that he did not seek out, that he did not inspect, that, if he liked it, he did not take away. [2] I seem to be making a very extensive charge; listen now to the manner in which I make it. For I am not embracing everything in one charge for the sake of making an impression, or of exaggerating his guilt. When I say that he left nothing whatever of the sort in the whole province, know that I am speaking according to the strict meaning of the words, and not in the spirit of an accuser. I will speak even more plainly; I will say that he has left nothing in any one's house, nothing even in the towns, nothing in public places, not even in the temples, nothing in the possession of any Sicilian, nothing in the possession of any Roman citizen; that he has left nothing, in short, which either came before his eyes or was suggested to his mind, whether private property or public, or profane or sacred, in all Sicily. [3]

Where then shall I begin rather than with that city which was above all others in your affection, and which was your chosen place of enjoyment? or with what class of men rather than with your flatterers? For by that means it will be the more easily seen how you behaved among those men who hate you, who accuse you, who will not let you rest, when you are proved to have plundered among the Mamertines, who are your friends, in the most infamous manner. 2.

Caius Heius is a Mamertine — all men will easily grant me this who have ever been to Messana; the most accomplished man in every point of view in all that city. His house is the very best in all Messana, — most thoroughly known, most constantly open, most especially hospitable to all our fellow-citizens. That house before the arrival of Verres was so splendidly adorned, as to be an ornament even to the city. For Messana itself, which is admirable on account of its situation, its fortifications, and its harbour, is very empty and bare of those things in which Verres delights. [4] There was in the house of Heius a private chapel of great sacredness, handed down to him from his ancestors, very ancient; in which he had four very beautiful statues, made with the greatest skill, and of very high character; calculated not only to delight Verres, that clever and accomplished man, but even any one of us whom he calls the mob: — one, a statue

of Cupid, in marble, a work of Praxiteles; for in truth, while I have been inquiring into that man's conduct, I have learnt the names of the workmen; it was the same workman, as I imagine, who made that celebrated Cupid of the same figure as this which is at Thespiae, on account of which people go to see Thespiae, for there is no other reason for going to see it; and therefore that great man Lucius Mummius, when he carried away from that town the statues of the Muses which are now before the temple of Good Fortune, and the other statues which were not consecrated, did not touch this marble Cupid, because it had been consecrated. 3. [5]

But to return to that private chapel; there was this statue, which I am speaking of, of Cupid, made of marble. On the other side there was a Hercules, beautifully made of brass; that was said to be the work of Myron, as I believe, and it undoubtedly was so. Also before those gods there were little altars, which might indicate to any one the holiness of the chapel. There were besides two brazen statues, of no very great size, but of marvellous beauty, in the dress and robes of virgins, which with uplifted hands were supporting some sacred vessels which were placed on their heads, after the fashion of the Athenian virgins. They were called the Canephorae, but their maker was.... (who? who was he? thank you, you are quite right,) they called him Polycletus. Whenever any one of our citizens went to Messana, he used to go and see these statues. They were open every day for people to go to see them. The house was not more an ornament to its master, than it was to the city.

[6] Caius Claudius, whose aedileship we know to have been a most splendid affair, used this statue of Cupid, as long as he kept the forum decorated in honour of the immortal gods and the Roman people. And as he was connected by ties of hospitality with the Heii, and was the patron of the Mamertine people, — as he availed himself of their kindness to lend him this, so he was careful to restore it There have lately been noble men of the same kind, O judges; — why do I say lately, Yes, we have seen some very lately, a very little while ago indeed, who have adorned the forum and the public buildings, not with the spoils of the provinces, but with ornaments belonging to their friends, — with splendid things lent by their own connections, not with the produce of the thefts of guilty men, — and

who afterwards have restored the statues and decorations, each to its proper owner; men who have not taken things away out of the cities of our allies for the sake of a four-day festival, under presence of the shows to be exhibited in their aedileship, and after that carried them off to their own homes, and their own villas. [7] All these statues which I have mentioned, O judges, Verres took away from Heius, out of his private chapel. Be left, I say, not one of those things, nor anything else, except one old wooden figure. — Good Fortune, as I believe; that, forsooth, he did not choose to have in his house! 4.

Oh! for the good faith of gods and men! What is the meaning of all this? What a cause is this? What impudence is this! The statues which I am speaking of, before they were taken away by you, no commander ever came to Messana without seeing So many praetors, so many consuls as there have been in Sicily, in time of peace, and in time of war; so many men of every sort as there have been — I do not speak of upright, innocent, conscientious men, but so many covetous, so many audacious, so many infamous men as there have been, not one of them all was violent enough, or seemed to himself powerful enough or noble enough, to venture to ask for, or to take away, or even to touch anything in that chapel. Shall Verres take away everything which is most beautiful everywhere? Shall it not be allowed to any one besides to have anything? Shall that one house of his contain so many wealthy houses? Was it for this reason that none of his predecessors ever touched these things, that he might be able to carry them off? Was this the reason why Caius Claudius Pulcher restored them, that Caius Verres might be able to steal them? But that Cupid had no wish for the house of a pimp and the establishment of a harlot; he was quite content to stay in that chapel where he was hereditary; he knew that he had been left to Heius by his ancestors, with the rest of the sacred things which he inherited; he did not require the heir of a prostitute. [8] But why am I borne on so impetuously? I shall in a moment be refuted by one word. “I bought it,” says he. O ye immortal gods, what a splendid defence! we sent a broker into the province with military command and with the forces, to buy up all the statues, all the paintings, all the silver plate and gold plate, and ivory, and jewels, and to leave nothing to any body. For this defence seems to me to be got ready for everything; that he

bought them. In the first place, if I should grant to you that which you wish, namely, that you bought them, since against all this class of accusations you are going to use this defence alone, I ask what sort of tribunals you thought that there would be at Rome, if you thought that any one would grant you this, that you in your praetorship and in your command bought up so many and such valuable things, — everything, in short, which was of any value in the whole province. 5. [9]

Remark the care of our ancestors, who as yet suspected no such conduct as this, but yet provided against the things which might happen in affairs of small importance. They thought that no one who had gone as governor or as lieutenant into a province would be so insane as to buy silver, for that was given him out of the public fends; or raiment, for that was afforded him by the laws; they thought he might buy a slave, a thing which we all use, and which is not provided by the laws. They made a law, therefore, "that no one should buy a slave except in the room of a slave who was dead." If any slave had died at Rome? No, if any one had died in the place where his master was. For they did not mean you to furnish your house in the province, but to be of use to the province in its necessities. [10] What was the reason why they so carefully kept us from making purchases in the provinces? This was it, O judges, because they thought it a robbery, not a purchase, when the seller was not allowed to sell on his own terms. And they were aware that, in the provinces, if he who was there with the command and power of a governor wished to purchase what was in any one's possession, and was allowed to do so, it would come to pass that he would get whatever he chose, whether it was to be sold or not, at whatever price he pleased. Some one will say, "Do not deal with Verres in that manner; do not try and examine his actions by the standard of old-fashioned conscientiousness; allow him to have bought them without being punished for it, provided he bought them in a fair way, not through any arbitrary exercise of power, nor from any one against his will, or by violence." I will so deal with him. If Heius had anything for sale, if he sold it for the price at which he valued it, I give up inquiring why you bought it. 6. [11]

What then are we to do? Are we to use arguments in a case of this

sort? We must ask, I suppose, whether Heius was in debt, whether he had an auction, — if he had, whether he was in such difficulties about money matters, whether he was oppressed by such want, by such necessity, as to strip his private chapel, to sell his paternal gods. But I see that the man had no auction; that he never sold anything except the produce of his land; that he not only had no debts, but that he had always abundance of ready money. Even if all these things were contrary to what I say they were, still I say that he would not have sold things which had been so many years in the household and chapel of his ancestors. "What will you say if he was persuaded by the greatness of the sum given him for them?" It is not probable that a man, rich as he was, honourable as he was, should have preferred money to his own religious feelings and to the memorials of his ancestors. [12] "That may be, yet men are sometimes led away from their habits and principles by large sums of money." Let us see, then, how great a sum this was which could turn Heius, a man of exceeding riches, by no means covetous, away from decency, from affection, and from religion. You ordered him, I suppose, to enter in his account books, "All these statues of Praxiteles, of Myron, of Polycletus, were sold to Verres for six thousand five hundred sesterces." Read the extracts from his accounts — [The accounts of Heius are read.] I am delighted that the illustrious names of these workmen, whom those men extol to the skies, have fallen so low in the estimation of Verres — the Cupid of Praxiteles for sixteen hundred sesterces. From that forsooth has come the proverb "I had rather buy it than ask for it." 7. [13]

Some one will say, "What! do you value those things at a very high price?" But I am not valuing them according to any calculation of my own, or any need which I have for them; but I think that the matter ought to be looked at by you in this light, — what is the value of these things in the opinion of those men who are judges of these things; at what price they are accustomed to be sold; at what price these very things could be sold, if they were sold openly and freely; lastly, at what price Verres himself values them. For he would never have been so foolish, if he had thought that Cupid worth only four hundred denarii, as to allow himself to be made a subject for the common conversation and general reproach of men. [14] Who then of

you all is ignorant at how great a price these things are valued? Have we not seen at an auction a brazen statue of no great size sold for a hundred and twenty thousand sesterces? What if I were to choose to name men who have bought similar things for no less a price, or even for a higher one? Can I not do so? In truth, the only limit to the valuation of such things is the desire which any one has for them, for it is difficult to set bounds to the price unless you first set bounds to the wish. I see then that Heius was neither led by his inclination, nor by any temporary difficulties, nor by the greatness of the sum given, to sell these statues; and that you, under the presence of purchase which you put forward, in reality seized and took away these things by force, through fear, by your power and authority, from that man, whom, along with the rest of our allies in that country, the Roman people had entrusted not only to your power, but also to your upright exercise of it. [15] What can there be, judges, so desirable for me in making this charge, as that Heius should say this same thing? Nothing certainly; but let us not wish for what is difficult to be obtained. Heius is a Mamertine. The state of the Mamertines alone, by a common resolution, praises that man in the name of the city. To all the rest of the Sicilians he is an object of hatred; by the Mamertines alone is he liked. But of that deputation which has been sent to utter his praises, Heius is the chief man; in truth, he is the chief man of his city, and too much occupied in discharging the public duties imposed upon him to speak of his private injuries. [16] Though I was aware of and had given weight to these considerations, still, O judges, I trusted myself to Heius. I produced him at the first pleading; and indeed I did it without any danger, for what answer could Heius give even if he turned out a dishonest man, and unlike himself? Could he say that these statues were at his house, and not with Verres? How could he say anything of that sort? If he were the basest of men, and were inclined to lie most shamelessly, he would say this; that he had had them for sale, and that he had sold them at the price he wanted for them. The man the most noble in all his city, who was especially anxious that you should have a high opinion of his conscientiousness and of his worth, says first, that he spoke in Verres's praise by the public authority of his city, because that commission had been given to him; secondly; that he had not had

these things for sale, and that, if he had been allowed to do what he wished, he could never have been induced by any terms to sell those things which were in his private chapel, having been left to him and handed down to him from his ancestors. 8. [17]

Why are you sitting there, O Verres? What are you waiting for? Why do you say that you are hemmed in and overwhelmed by the cities of Centuripa, of Catina, of Halesa, of Tyndaris, of Enna, of Agyrium, and by all the other cities of Sicily? Your second country, as you used to call it, Messana herself attacks you; your own Messana I say; the assistant in your crimes, the witness of your lusts, the receiver of your booty and your thefts. For the most honourable man of that city is present, a deputy sent from his home on account of this very trial, the chief actor in the panegyric on you; who praises you by the public order of his city, for so he has been charged and commanded to do. Although you recollect, O judges, what he answered when he was asked about the ship; that it had been built by public labour, at the public expense, and that a Mamertine senator had been appointed by the public authority to superintend its building. Heius in his private capacity flees to you for aid, O judges; he avails himself of this law, the common fortress of our allies, by which this tribunal is established. Although there is a law for recovering money which has been unjustly extorted, he says that he does not seem to recover any money; which though it has been taken from him, he does not so much care about: but he says he does demand back from you the sacred images belonging to his ancestors, he does demand back from you his hereditary household god? [18] Have you any shame, O Verres? have you any religion? have you any fear, You have lived in Heius's house at Messana; you saw him almost daily performing sacred rites in his private chapel before those gods. He is not influenced by money; he does not even ask to have those things restored which were merely ornaments. Keep the Canephorae; restore the images of the gods. And because he said this, because after a given time he, an ally and friend of the Roman people, addressed his complaints to you in a moderate tone, because he was very attentive to religious obligation not only while demanding back his paternal gods, but also in giving his evidence on oath; know that one of the deputies has been sent back to Messana,

that very man who superintended the building of that ship at the public expense, to demand from the senate that Heius should be condemned to an ignominious punishment. 9. [19]

O most insane of men, what did you think? that you should obtain what you requested? Did you not know how greatly he was esteemed by his fellow-citizens; how great his influence was considered? But suppose you had obtained your request; suppose that the Mamertines had passed any severe vote against Heius, what do you think would have been the authority of their panegyric, if they had decreed punishment to the man who it was notorious had given true evidence? Although, what sort of praise is that, when he who utters it, being questioned, is compelled to give answers injurious to him whom he is praising? What! are not those who are praising you, my witnesses? Heius is an encomiast of yours; he has done you the most serious injury. I will bring forward the rest; they will gladly be silent about all that they are allowed to suppress; they will say what they cannot help saying, unwillingly. Can they deny that a transport of the largest size was built for that man at Messana? Let them deny it if they can. Can they deny that a Mamertine senator was appointed by the public authority to superintend the building of that ship? I wish they would deny it. There are other points also which I prefer reserving unmentioned at present, in order to give as little time as possible to them for planning and arranging their perjury. [20] Let this praise, then, be placed to your account; let these men come to your relief with their authority, who neither ought to help you if they were able, nor could do so if they wished; on whom in their private capacity you have inflicted many injuries, and put many affronts, while in their city you have dishonoured many families for ever by your adulteries and crimes "But you have been of public service to their city." Not without great injury to the republic and to the province of Sicily. They were bound to supply and they used to supply sixty thousand modii of wheat to the Roman people for payment; that was remitted by you of your own sole authority. The republic was injured because by your means its right of dominion over one city was disparaged; the Sicilians were injured, because this quantity was not deducted from the total amount of the corn to be provided by the island, but was only transferred to the cities of

Centuripa and Halesa, whose inhabitants were exempt from that tax; and on them a greater burden was imposed than they were able to bear. [21] It was your duty to require them to furnish a ship, in compliance with the treaty. You remitted it for three years. During all those years you never demanded one soldier. You acted as pirates are accustomed to act, who, though they are the common enemies of all men, still select some friends, whom they not only spare, but even enrich with their booty; and especially such as have a town in a convenient situation, where they often, and sometimes even necessarily, put in with their vessels. 10.

The town of Phaselis, which Publius Servilius took, had not been in former times a city of Cilicians and pirates. The Lycians, a Greek tribe, inhabited it; but because it was in such a situation as it was, and because it projected into the sea, so that pirates from Cilicia often necessarily touched at it when departing on an expedition, and were also often borne thither on their retreats, the pirates connected that city with themselves; at first by commercial intercourse, and afterwards by a regular alliance. [22] The city of the Mamertines was not formerly of bad character; it was even a city hostile to dishonest men, and detained the luggage of Caius Cato, the one who was consul But then what sort of a man was he? a most eminent and most influential man; who however, though he had been consul, was convicted. So Caius Cato, the grandson of two most illustrious men, Lucius Paullus and Marcus Cato, and the son of the sister of Publius Africanus; who, even when convicted, at a time when severe judgments were in the habit of being passed, found the damages to which he was liable only estimated at eighteen thousand sesterces; with this man, I say, the Mamertines were angry, who have often expended a greater sum than the damages in the action against Cato were laid at, in one banquet for Timarchides. [23] But this city was the Phaselis for that robber and pirate of Sicily. Hither everything was brought from all quarters; with them it was left; whatever required to be concealed, they kept separate and stored away. By their agency he contrived everything which he wished put on board ship privately, and exported secretly; and in their harbour he contrived to have a vessel of the largest size built for him to send to Italy loaded with plunder. In return for these services, he gave them immunity from all

expense, all labour, all military service, in short, from everything. For three years they were the only people, not only in Sicily, but, according to my opinion, in the whole world at such a time, who enjoyed excuse, relief, freedom, and immunity from every sort of expense, and trouble, and office. [24] Hence arose that Verrean festival; hence it was that he ventured to order Sextus Cominius to be dragged before him at a banquet, at whom he attempted to throw a goblet, whom he ordered to be seized by the throat, and to be hurried from the banquet and thrown into a dark prison; hence came that cross, on which, in the sight of many men, he suspended a Roman citizen; that cross which he never ventured to erect anywhere except among that people, whom he had made sharers in all his crimes and robberies. 11.

Do you, O Mamertines, dare to come to praise any one? By what authority? by that which you ought to have with the Senatorial order? by that which you ought to have with the Roman people? [25] Is there any city, not only in our provinces, but in the most distant nations, either so powerful, or so free, or so savage and uncivilized? is there any king, who would not invite a Senator of the Roman people to his house and to his home? An honour which is paid not only to the man, but in the first place to the Roman people, by whose indulgence we have risen to this order, and secondly to the authority of this order; and unless that is respected among our allies, where will be the name and dignity of the empire among foreign nations? The Mamertines did not give me any public invitation — when I say me, that is a trifle, but when they did not invite a Senator of the Roman people, they withheld an honour due not to the man but to his order. For to Tullius himself, the most splendid and magnificent house of Cnaeus Pompeius Basilicus was opened; with whom he would have lodged even if he had been invited by you. There was also the most honourable house of the Percennii, who are now also called Pompeius; where Lucius my brother lodged and was received by them with the greatest eagerness. A Senator of the Roman people, as far as depended on you as a body, lay in your town, and passed the night in the public streets. No other city ever did such a thing. “Yes,” say you, “for you were instituting a prosecution against our friend.” Will you put your own interpretation on what private business I have

of my own, by diminishing the honour due to the Senate? [26] But I will make my complaint of this conduct, if ever the time comes that there is any discussion concerning you among that body, which, up to this time, has been affronted by no one but you. With what face have you presented yourself before the eyes of the Roman people? when you have not yet pulled down that cross, which is even now stained with the blood of a Roman citizen, which is fixed up in your city by the harbour, and have not thrown it into the sea and purified all that place, before you came to Rome, and before this tribunal. On the territory of the Mamertines, connected with us by treaty, at peace with us, is that monument of your cruelty raised. Is not your city the only one where, when any one arrives at it from Italy, he sees the cross of a Roman citizen before he sees any friend of the Roman people? which you are in the habit of displaying to the people of Rhegium, whose city you envy, and to your inhabitants, Roman citizens as they are, to make them think less of themselves, and be less inclined to despise you, when they see the privileges of our citizenship extinguished by such a punishment. 12. [27]

But you say you bought these things? What? did you forget to purchase of the same Heius that Attalic tapestry, celebrated over the whole of Sicily? You might have bought them in the same way as you did the statues. For what did you do? Did you wish to spare the account books? This escaped the notice of that stupid man; he thought that what he stole from the wardrobe would be less notorious than what he had stolen from the private chapel. But how did he get it? I cannot relate it more plainly than Heius himself related it before you. When I asked, whether any other part of his property had come to Verres, he answered that he had sent him orders to send the tapestry to Agrigentum to him. I asked whether he had sent it. He replied as he must, that is, that he had been obedient to the praetor; that he had sent it. — I asked whether it had arrived at Agrigentum; he said it had arrived. — I asked in what condition it had returned; he said it had not returned yet. — There was a laugh and a murmur from all the people. [28] Did it never occur to you in this instance to order him to make an entry in his books, that he had sold you this tapestry too, for six thousand five hundred sesterces? Did you fear that your debts would increase, if these things were to cost you six thousand

five hundred sesterces, which you could easily sell for two hundred thousand? It was worth that, believe me. You would have been able to defend yourself if you had given that sum for it. No one would then have asked how much it was worth. If you could only prove that you had bought it, you could easily make your cause and your conduct appear reasonable to any one. But as it is, you have no way of getting out of your difficulty about the tapestry. What shall I say next? [29] Did you take away by force some splendid harness, which is said to have belonged to King Hiero, from Philarchus of Centuripa, a wealthy and high-born man, or did you buy it of him? When I was in Sicily, this is what I heard from the Centuripans and from everybody else, for the case was very notorious; people said that you had taken away this harness from Philarchus of Centuripa, and other very beautiful harness from Aristus of Panormus, and a third set from Gratippus of Tyndarus. Indeed, if Philarchus had sold it to you, you would not, after the prosecution was instituted against you, have promised to restore it. But because you saw that many people knew of it, you thought that if you restored it to him, you would only have so much the less, but the original transaction would be proved against you nevertheless; and so you did not restore it. Philarchus said in his evidence, that when he became acquainted with this disease of yours, as your friends call it, he wished to conceal from you the knowledge of the existence of this harness; that when he was summoned by you, he said that he had not got any; and indeed, that he had removed them to another person's house, that they might not be found; but that your instinct was so great, that you saw them by the assistance of the very man in whose custody they were deposited; that then he could not deny that you had found him out, and so that the harness was taken from him against his will, and without any payment. 13. [30]

Now, O judges, it is worth your while to know how he was accustomed to find and trace out all these things. There are two brothers, citizens of Cibyra, Tlepolemus and Hiero, one of whom, I believe, was accustomed to model in wax, the other was a painter. I fancy these men, as they had become suspected by their fellow-citizens of having plundered the temple of Apollo at Cibyra, fearing a trial and the punishment of the law, had fled from their homes. As

they had known that Verres was a great connoisseur of such works as theirs, at the time that he, as you learnt from the witnesses, came to Cibyra with fictitious bills of exchange, they, when flying from their homes as exiles, came to him when he was in Asia. He has kept them with him ever since that time; and in the robberies he committed, and in the booty he acquired during his lieutenancy, he greatly availed himself of their assistance and their advice. [31] These are the men who were meant when Quintus Tadius made an entry in his books that he had given things by Verres's order to some Greek painters. They were already well known to, and had been thoroughly tried by him, when he took them with him into Sicily. And when they arrived there, they scented cut and tracked everything in so marvellous a manner, (you might have thought they were bloodhounds,) that, wherever anything was they found it out by some means or other. Some things they found out by threatening, some by promising; this by means of slaves, that through freemen; one thing by a friend, another by an enemy. Whatever pleased them was sure to be lost. They whose plate was demanded had nothing else to hope, than that Tlepolemus and Hiero might not approve of it. 14. [32]

I will relate to you this fact, O judges, most truly. I recollect that Pamphilus of Lilybaeum, a connection of mine by ties of hospitality, and a personal friend of mine, a man of the highest birth, told me, that when that man had taken from him, by his absolute power, an ewer made by the hand of Boethus, of exquisite workmanship and great weight, he went home very sad in truth, and greatly agitated, because a vessel of that sort, which had been left to him by his father and his forefathers, and which he was accustomed to use on days of festival, and on the arrival of ancient friends, had been taken from him. While I was sitting at home, said he, in great indignation, up comes one of the slaves of Venus; he orders me immediately to bring to the praetor some embossed goblets. I was greatly vexed, said he; I had two; I order them both to be taken out of the closet, lest any worse thing should happen, and to be brought after me to the praetor's house. When I got there the praetor was asleep; the Cibyratic brothers were walking about, and when they saw me, they said, Pamphilus, where are the cups? I show them with great grief; — they praise them. — I begin to complain that I shall have nothing

left of any value at all, if my cups too were taken away. Then they, when they see me vexed, say, What are you willing to give us to prevent these from being taken from you? To make my story short, I said that I would give six hundred sesterces. Meantime the praetor summons us; he asks for the cups. Then they began to say to the praetor, that they had thought from what they had heard, that Pamphilus's cups were of some value, but that they were miserable things, quite unworthy of Verres's having them among his plate. He said, he thought so too. [33] So Pamphilus saved his exquisite goblets. And indeed, before I heard this, though I knew that it was a very trifling sort of accomplishment to understand things of that sort, yet I used to wonder that he had any knowledge of them at all, as I knew that in nothing whatever had he any qualities like a man. 15.

But when I heard this, I then for the first time understood that that was the use of these two Cibyratic brothers; that in his robberies he used his own hands, but their eyes. But he was so covetous of that splendid reputation of being thought to be a judge of such matters, that lately, (just observe the man's madness,) after his case was adjourned, when he was already as good as condemned, and civilly dead, at the time of the games of the circus, when early in the morning the couches were spread in preparation for a banquet at the house of Lucius Sisenna, a man of the first consideration, and when the plate was all set out, and when, as was suited to the dignity of Lucius Sisenna, the house was full of honourable men, he came to the plate, and began in a leisurely way to examine and consider every separate piece. Some marveled at the folly of the man, who, while his trial was actually going on, was increasing the suspicion of that covetousness of which he was accused; others marveled at his insensibility, that any such things could come into his head, when the time for judgment in his cause was so near at hand, and when so many witnesses had spoken against him. But Sisenna's servants, who, I suppose, had heard the evidence which had been given against him, never took their eyes off him, and never departed out of reach of the plate. [34] It is the part of a sagacious judge, from small circumstances to form his opinion of every man's covetousness or incontinence. And will any one believe that this man when praetor, was able to keep either his covetousness or his hands from the plate

of the Sicilians, when, though a defendant, and a defendant within two days of judgment, a man in reality, and in the opinion of all men as good as already condemned, he could not in a large assembly restrain himself from handling and examining the plate of Lucius Sisenna? 16. [35]

But that my discourse may return to Lilybaeum, from which I have made this digression, there is a man named Diocles, the son-in-law of Pamphilus, of that Pamphilus from whom the ewer was taken away, whose surname is Popillius. From this man he took away every article on his sideboard where his plate was set out. He may say, if he pleases, that he had bought them. In fact, in this case, by reason of the magnitude of the robbery, an entry of it, I imagine, has been made in the account-books. He ordered Timarchides to value the plate. How did he do it? At as low a price as any one ever valued any thing presented to an actor. Although I have been for some time acting foolishly in saying as much about your purchases, and in asking whether you bought the things, and how, and at what price you bought them, when I can settle all that by one word. Produce me a written list of what plate you acquired in the province of Sicily, from whom, and at what price you bought each article. [36] What will you do? Though I ought not to ask you for these accounts, for I ought to have your account-books and to produce them. But you say that you never kept any accounts of your expenses in these years. Make me out at least this one which I am asking for, the account of the plate, and I will not mind the rest at present. "I have no writings of the sort; I cannot produce any accounts." What then is to be done? What do you think that these judges can do? Your house was full of most beautiful statues already, before your praetorship; many were placed in your villas, many were deposited with your friends; many were given and presented to other people; yet you have no accounts speaking of any single one having been bought. All the plate in Sicily has been taken away. There is nothing left to any one that can be called his own. A scandalous defence is invented, that the praetor bought all that plate; and yet that cannot be proved by any accounts. If you do produce any accounts, still there is no entry in them how you have acquired what you have got. But of these years during which you say that you bought the greatest number of things, you

produce no accounts at all. Must you not inevitably be, condemned, both by the accounts which you do, and by those which you do not produce? 17. [37]

You also took away at Lilybaeum whatever silver vessels you chose from Marcus Caelius, a Roman knight, a most excellent young man. You did not hesitate to take away the whole furniture, of Caius Cacurius, a most active and accomplished man, and of the greatest influence in his city. You took away, with the knowledge of every body, a very large and very beautiful table of citron-wood from Quintus Lutatius Diodorus, who, owing to the kind exertion of his interest by Quintus Catulus, was made a Roman citizen by Lucius Sulla. I do not object to you that you stripped and plundered a most worthy imitator of yours in his whole character, Apollonius, the son of Nico, a citizen of Drepanum, who is now called Aulus Clodius, of all his exquisitely wrought silver plate; — I say nothing of that. For he does not think that any injury has been done to him, because you came to his assistance when he was a ruined man, with the rope round his neck, and shared with him the property belonging to their father, of which he had plundered his wards at Drepanum. I am even very glad if you took anything from him, and I say that nothing was ever better done by you. But it certainly was not right that the statue of Apollo should have been taken away from Lyso of Lilybaeum, I a most eminent man, with whom you had been staying as a guest. But you will say that you bought it — I know that — for six hundred sesterces. So I suppose: I know it, I say; I will produce the accounts; and yet that ought not to have been done. Will you say that the drinking vessels with emblems of Lilybaeum on them were, bought from Heius, the minor to whom Marcellus is guardian, whom you had plundered of a large sum of money, or will you confess that they were taken by force? [38]

But why do I enumerate all his ordinary iniquities in affairs of this sort, which appear to consist only in robberies committed by him, and in losses borne by those whom he plundered? Listen, if you please, O judges, to an action of such a sort as will prove to you clearly his extraordinary madness and frenzy, rather than any ordinary covetousness. 18.

There is a man of Melita, called Diodorus, who has already given

evidence before you. He has been now living at Lilybaeum many years; a man of great nobility at home, and of great credit and popularity with the people among whom he has settled, on account of his virtue. It is reported to Verres of this man that he has some exceedingly fine specimens of chased work; and among them two goblets called Thericlean, made by the hand of mentor with the most exquisite skill. And when Verres heard of this, he was inflamed with such a desire, not only of beholding, but also of appropriating them, that he summoned Diodorus, and demanded them. He replied, as was natural for a man who took great pride in them, that he had not got them at Lilybaeum; that he had left them at Melita, in the house of a relation of his. [39] On this he immediately sends men on whom he can rely to Melita; he writes to certain inhabitants of Melita to search out those vessels for him; he desires Diodorus to give them letters to that relation of his — the time appeared to him endless till he could see those pieces of plate. Diodorus, a prudent and careful man, who wished to keep his own property, writes to his relation to make answer to those men who came from Verres, that he had sent the cups to Lilybaeum a few days before. In the meantime he himself leaves the place. He preferred leaving his home, to staying in it and losing that exquisitely wrought silver work. But when Verres heard of this, he was so agitated that he seemed to every one to be raving, and to be beyond all question mad. Because he could not steal the plate himself, he said that he had been robbed by Diodorus of some exquisitely wrought vessels; he poured out threats against the absent Diodorus; he used to roar out before people; sometimes he could not restrain his tears. We have heard in the mythology of Eriphyla being so covetous that when she had seen a necklace, made, I suppose, of gold and jewels, she was so excited by its beauty, that she betrayed her husband for the sake of it. His covetousness was similar; but in one respect more violent and more senseless, because she was desiring a thing which she had seen, while his wishes were excited not only by his eyes, but even by his ears. 19. [40]

He orders Diodorus to be sought for over the whole province. He had by this time struck his camp, packed up his baggage, and left Sicily. Verres, in order by some means or other to bring the man back to the province, devises this plan, if it is to be called a plan, and not rather a piece of madness. He sets up one of the men he calls his hounds, to say that he wishes to institute a prosecution against Diodorus of Melita for a capital offence. At first all men wondered at such a thing being imputed to Diodorus, a most quiet man, and as far removed as any man from all suspicion, not only of crime, but of even the slightest irregularity. But it soon became evident, that all this was done for the sake of his silver. Verres does not hesitate to order the prosecution to be instituted; and that, I imagine, was the first instance of his allowing an accusation to be made against an absent man. [41] The matter was notorious over all Sicily, that men were prosecuted for capital offences because the praetor coveted their chased silver plate; and that prosecutions were instituted against them not only when they were present, but even in their absence. Diodorus goes to Rome, and putting on mourning, calls on all his patrons and friends; relates the affair to every one. Earnest letters are written to Verres by his father, and by his friends, warning him to take care what he did, and what steps he took respecting Diodorus; that the matter was notorious and very unpopular; that he must be out of his senses; that this one charge would ruin him if he did not take care. At that time he considered his father, if not in the light of a parent, at least in that of a man. He had not yet sufficiently prepared himself for a trial; it was his first year in the province; he was not, as he was by the time of the affair of Sthenius, loaded with money. And so his frenzy was checked a little, not by shame, but by fear and alarm. He does not dare to condemn Diodorus; he takes his name out of the list of defendants while he is absent. In the meantime Diodorus, for nearly three years, as long as that man was praetor, was banished from the province and from his home. [42] Every one else, not only Sicilians, but Roman citizens too, settled this in their minds, that, since he had carried his covetousness to such an extent, there was nothing which any one could expect to preserve or retain in his own possession if it was admired ever so little by Verres. 20.

But after they understood that that brave man, Quintus Arrius, whom the province was eagerly looking for, was not his successor, they then settled that they could keep nothing so carefully shut up or hidden away, as not to be most open and visible to his covetousness. After that, he took away from an honourable and highly esteemed Roman knight, named Cnaeus Salidius, whose son he knew to be a senator of the Roman people and a judge, some beautiful silver horses which had belonged to Quintus Maximus. I did not mean to say this, O judges, for he bought those, he did not steal them; [43] I wish I had not mentioned them. Now he will boast, and have a fine ride on these horses. "I bought them, I have paid the money for them." I have no doubt account books also will be produced. It is well worth while. Give me then the account-books. You are at liberty to get rid of this charge respecting Calidius, as long as I can get a sight of these accounts; still, if you had bought them, what ground had Calidius for complaining at Rome, that, though he had been living so many years in Sicily as a trader, you were the only person who had so despised and so insulted him, as to plunder him in common with all the rest of the Sicilians? what ground had he for declaring that he would demand his plate back again from you, if he had sold it to you of his own free will? Moreover, how could you avoid restoring it to Cnaeus Calidius; especially when he was such an intimate friend of Lucius Sisenna, your defender, and as you had restored their property to the other friends of Sisenna? [44] Lastly, I do not suppose you will deny that by the intervention of Potamo, a friend of yours, you restored his plate to Lucius Cordius, an honourable man, but not more highly esteemed than Cnaeus Calidius; and it was he who made the cause of the rest more difficult to plead before you; for though you had promised many men to restore them their property, yet, after Cordius had stated in his evidence that you had restored him his, you desisted from making any more restorations, because you saw that you lost your plunder, and yet could not escape the evidence against you. Under all other praetors Cnaeus Calidius, a Roman knight, was allowed to have plate finely wrought; he was permitted to be able from his own stores to adorn and furnish a banquet handsomely, when he had invited a magistrate or any superior officer. Many men in power and authority

have been with Cnaeus Calidius at his house; no one was ever found so mad as to take from him that admirable and splendid plate; no one was found bold enough to ask for it; no one impudent enough to beg him to sell it. [45] For it is an arrogant thing, an intolerable thing, O judges, for a praetor to say to an honourable, and rich, and well-appointed man in his province, "Sell me those chased goblets." For it is saying, "You do not deserve to have things which are so beautifully made; they are better suited to a man of my stamp." Are you, O Verres, more worthy than Calidius? whom (not to compare your way of life with his, for they are not to be compared, but) I will compare you with in respect of this very dignity owing to which you make yourself out his superior. You gave eighty thousand sesterces to canvassing agents to procure your election as praetor; you gave three hundred thousand to an accuser not to press hardly upon you: do you, on that account, look down upon and despise the equestrian order? Is it on that account that it seemed to you a scandalous thing that Calidius should have anything that you admired rather than that you should? 21. [46]

He has been long boasting of this transaction with Calidius, and telling every one that he bought the things. Did you also buy that censer of Lucius Papilius, a man of the highest reputation, wealth, and honour, and a Roman knight? who stated in his evidence that, when you had begged for it to look at, you returned it with the emblems torn off; so that you may understand that it is all taste in that man, not avarice; that it is the fine work that he covets, not the silver. Nor was this abstinence exercised only in the case of Papirius; he practiced exactly the same conduct with respect to every censer in Sicily; and it is quite incredible how many beautifully wrought censers there were. I imagine that, when Sicily was at the height of its power and opulence, there were extensive workshops in that island; for before that man went thither as praetor there was no house tolerably rich, in which there were not these things, even if there was no other silver plate besides; namely, a large dish with figures and images of the gods embossed on it, a goblet which the women used for sacred purposes, and a censer. And all these were antique, and executed with the most admirable skill, so that one may suspect everything else in Sicily was on a similar scale of magnificence; but

that though fortune had deprived them of much, those things were still preserved among them which were retained for purposes of religion. [47] I said just now, O judges, that there were many censers, in almost every house in fact; I assert also, that now there is not even one left. What is the meaning of this? what monster, what prodigy did we send into the province? Does it not appear to you that he desired, when he returned to Rome, to satisfy not the covetousness of one man, not his own eyes only, but the insane passion of every covetous man, for as soon as he ever came into any city, immediately the Cibyratic hounds of his were slipped, to search and find cut everything. If they found any large vessel, any considerable work, they brought it to him with joy; if they could hunt out any smaller vessel of the same sort, they looked on those as a sort of lesser game, whether they were dishes, cups, censers, or anything else. What weepings of women, what lamentations do you suppose took place over these things? things which may perhaps seem insignificant to you, but which excite great and bitter indignation, especially among women, who grieve when those things are torn from their hands which they have been accustomed to use in religious ceremonies, which they have received from their ancestors, and which have always been in their family. 22. [48]

Do not now wait while I follow up this charge from door to door, and show you that he stole a goblet from Aeschylus, the Tyndaritan; a dish from another citizen of Tyndaris named Thraso; a censer from Nymphodorus of Agrigentum. When I produce my witnesses from Sicily he may select whom he pleases for me to examine about dishes, goblets, and censers. Not only no town, no single house that is tolerably well off will be found to have been free from the injurious treatment of this man; who, even if he had come to a banquet, if he saw any finely wrought plate, could not, O judges, keep his hands from it. There is a man named Cnaeus Pompeius Philo, who was a native of Tyndaris; he gave Verres a supper at his visa in the country near Tyndaris; he did what Sicilians did not dare to do, but what, because he was a citizen of Rome, he thought he could do with impunity, he put before him a dish on which were some exceedingly beautiful figures. Verres, the moment he saw it, determined to rob his host's table of that memorial of the Penates and

of the gods of hospitality. But yet, in accordance with what I have said before of his great moderation, he restored the rest of the silver after he had torn off the figures; so free was he from all avarice! [49] What want you more? Did he not do the same thing to Eupolemus of Calacta, a noble man, connected with, and an intimate friend of the Luculli; a man who is now serving in the army under Lucius Lucullus? He was supping with him; the rest of the silver which he had set before him had no ornament on it, lest he himself should also be left without any ornament; but there were also two goblets, of no large size, but with figures on them. He, as if he had been a professional diner-out, who was not to go away without a present, on the spot, in the sight of all the other guests, tore off the figures. I do not attempt to enumerate all his exploits of this sort; it is neither necessary nor possible. I only produce to you tokens and samples of each description of his varied and universal rascality. Nor did he behave in these affairs as if he would some day or other be called to account for them, but altogether as if he was either never likely to be prosecuted, or else as if the more he stole, the less would be his danger when he was brought before the court; inasmuch as he did these things which I am speaking of not secretly, not by the instrumentality of friends or agents, but openly, from his high position, by his own power and authority. 23. [50]

When he had come to Catina, a wealthy, honourable, influential city, he ordered Dionysiarchus the proagorus, that is to say, the chief magistrate, to be summoned before him; he openly orders him to take care that all the silver plate which was in anybody's house at Catina, was collected together and brought to him. Did you not hear Philarchus of Centuripa, a man of the highest position as to noble birth, and virtue, and riches, say the same thing on his oath; namely, that Verres had charged and commanded him to collect together, and order to be conveyed to him, all the silver plate at Centuripa, by far the largest and wealthiest city in all Sicily? In the same manner at Agyrium, all the Corinthian vessels there were there, in accordance with his command, were transported to Syracuse by the agency of Apollodorus, whom you have heard as a witness. [51] But the most extraordinary conduct of all was this; when that painstaking and industrious praetor had arrived at Haluntium, he would not himself

go up into the town, because the ascent was steep and difficult; but he ordered Archagathus of Haluntium, one of the noblest men, not merely in his own city, but in all Sicily, to be summoned before him, and gave him a chance to take care that all the chased silver that there was at Haluntium, and every specimen of Corinthian work too, should be at once taken down from the town to the seaside. Archagathus went up into the town. That noble man, as one who wished to be loved and esteemed by his fellow citizens, was very indignant at having such an office imposed upon him, and did not know what to do. He announces the commands he has received. He orders every one to produce what they had. There was great consternation, for the tyrant himself had not gone away to any distance; lying on a litter by the sea-side below the town, he was waiting for Archagathus and the silver plate. What a gathering of people do you suppose took place in the sown? what an uproar? what weeping of women? they who saw it would have said that the Trojan horse had been introduced, and that the city was taken. [52] Vessels were brought out without their cases; others were wrenched out of the hands of women; many people's doors were broken open, and their locks forced. For what else can you suppose? Even if ever, at a time of war and tumult, arms are demanded of private citizens, still men give them unwillingly, though they know that they are giving them for the common safety. Do not suppose then that any one produced his carved plate out of his house for another man to steal, without the greatest distress. Everything is brought down to the shore. The Cibyratic brothers are summoned; they condemn some articles; whatever they approve of has its figures in relief or its embossed emblems torn off. And so the Haluntines, having had all their ornaments wrenched off, returned home with the plain silver. 24. [53]

Was there ever, O judges, a dragnet of such a sort as this in that province? People have sometimes during their year of office diverted some part of the public property to their own use, in the most secret manner; sometimes they even secretly plundered some private citizen of something; and still they were condemned. And if you ask me, though I am detracting somewhat from my own credit by saying so, I think those were the real accusers, who traced the robberies of such

men as this by scent, or by some lightly imprinted footsteps; for what is it that we are doing in respect of Verres, who has wallowed in the mud till we can find him out by the traces of his whole body? Is it a great undertaking to say anything against a man, who while he was passing by a place, having his litter put down to rest for a little time, plundered a whole city, house by house; without condescending to any pretences, openly, by his own authority, and by an absolute command? But still, that he might be able to say that he had bought them, he orders Archagathus to give those men, to whom the plate had belonged, some little money, just for form's sake. Archagathus found a few who would accept the money, and those he paid. And still Verres never paid Archagathus that money. Archagathus intended to claim it at Rome; but Cnaeus Lentulus Marcellinus demanded him, as you heard him state himself. Read the evidence of Archagathus, and of Lentulus, — [54] and that you may not imagine that the man wished to heap up such a mass of figures without any reason, just see at what rate he valued you, and the opinion of the Roman people, and the laws, and the courts of justice, and the Sicilian witnesses and traders. After he had collected such a vast number of figures that he had not left one single figure to anybody, he established an immense shop in the palace at Syracuse; he openly orders all the manufacturers, and carvers, and goldsmiths to be summoned — and he himself had many in his own employ; he collects a great multitude of men; he kept them employed uninterruptedly for eight months, though all that time no vessels were made of anything but gold. In that time he had so skillfully wrought the figures which he had torn off the goblets and censers, into golden goblets, or had so ingeniously joined them into golden cups, that you would say that they had been made for that very purpose; and he, the praetor, who says that it was owing to his vigilance that peace was maintained in Sicily, was accustomed to sit in his tunic and dark cloak the greater part of the day in this worksho. [55]

I would not venture, O judges, to mention these things, if I were not afraid that you might perhaps say that you had heard more about that man from others in common conversation, than you had heard from me in this trial; for who is there who has not heard of this

workshop, of the golden vessels, of Verres's tunic and dark cloak? Name any respectable man you please out of the whole body of settlers at Syracuse, I will produce ham; there will not be one person who will not say that he has either seen this or heard of it. [56] Alas for the age! alas for the degeneracy of our manners! I will not mention anything of any great antiquity; there are many of you, O judges, who knew Lucius Piso, the father of this Lucius Piso, who was praetor. When he was praetor in Spain, in which province he was slain, somehow or other, while he was practicing his exercises in arms, the golden ring which he had was broken and crushed. As he wanted to get himself another ring, he ordered a goldsmith to be summoned into the forum before his throne of office, at Corduba, and openly weighed him out the gold. He ordered the man to set up his bench in the forum, and to make him a ring in the presence of every one. Perhaps in truth some may say that he was too exact, and to this extent any one who chooses may blame him, but no further. Still such conduct was allowable for him, for he was the son of Lucius Piso, of that man who first made the law about extortion and embezzlement. [57] It is quite ridiculous for me to speak of Verres now, when I have just been speaking of Piso the Thrifty; still, see what a difference there is between the men: that man, while he was making some sideboards full of golden vessels, did not care what his reputation was, not only in Sicily, but also at Rome in the court of justice; the other wished all Spain to know to half an ounce how much gold it took to make a praetor's ring. Forsooth, as the one proved his right to his name, so did the other to his surname. 26.

It is utterly impossible for me either to retain in my memory, or to embrace in my speech, all his exploits. I wish just to touch briefly on the different kinds of deeds, done by him, just as here the ring of Piso reminded me of what had otherwise entirely escaped my recollection. From how many honourable men do you imagine that that man tore the golden rings from off their fingers? He never hesitated to do so whenever he was pleased with either the jewels or the fashion of the ring belonging to any one. I am going to mention an incredible fact, but still one so notorious that I do not think that he himself will deny it. [58] When a letter had been brought to Valentius his interpreter from Agrigentum, by chance Verres himself noticed the impression

on the seal; he was pleased with it, he asked where the letter came from; he was told, from Agrigentum. He sent letters to the men with whom he was accustomed to communicate, ordering that ring to be brought to him as soon as possible. And accordingly, in compliance with his letter, it was torn off the finger of a master of a family, a certain Lucius Titius, a Roman citizen. But that covetousness of his is quite beyond belief. For as he wished to provide three hundred couches beautifully covered, with all other decorations for a banquet, for the different rooms which he has, not only at Rome, but in his different villas, he collected such a number, that there was no wealthy house in all Sicily where he did not set up an embroiderer's shop. [59]

There is a woman, a citizen of Segesta, very rich, and nobly born, by name Lamia. She, having her house full of spinning jennies, for three years was making him robes and coverlets, all dyed with purple; Attalus, a rich man at Netum; Lyso at Lilybaeum; Critolaus at Enna; at Syracuse Aeschrio, Cleomenes, and Theomnastus; at Elorum Archonides and Megistus. My voice will fail me before the names of the men whom he employed in this way will; he himself supplied the purple — his friends supplied only the work, I dare say; for I have no wish to accuse him in every particular, as if it were not enough for me, with a view to accuse him, that he should have had so much to give, that he should have wished to carry away so many things; and, besides all that, this thing which he admits, namely, that he should have employed the work of his friends in affairs of this sort. [60] But now do you suppose that brazen couches and brazen candelabra were made at Syracuse for any one but for him the whole of that three years? He bought them, I suppose; but I am informing you so fully, O judges, of what that man did in his province as praetor, that he may not by chance appear to any one to have been careless, and not to have provided and adorned himself sufficiently when he had absolute power. 27.

I come now, not to a theft, not to avarice, not to covetousness, but to an action of that sort that every kind of wickedness seems to be contained in it, and to be in it; by which the immortal gods were insulted, the reputation and authority of the name of the Roman people was impaired, hospitality was betrayed and plundered, all the

kings who were most friendly to us, and the nations which are under their rule and dominion, were alienated from us by his wickedness. [61] For you know that the kings of Syria, the boyish sons of King Antiochus, have lately been at Rome. And they came not on account of the kingdom of Syria; for that they had obtained possession of without dispute, as they had received it from their father and their ancestors; but they thought that the kingdom of Egypt belonged to them and to Selene their mother. When they, being hindered by the critical state of the republic at that time, were not able to obtain the discussion of the subject as they wished before the senate, they departed for Syria, their paternal kingdom. One of them — the one whose name is Antiochus — wished to make his journey through Sicily. And so, while Verres was praetor, he came to Syracuse. [62] On this Verres thought that an inheritance had come to him, because a man whom he had heard, and on other accounts suspected had many splendid things with him, had come into his kingdom and into his power. He sends him presents — liberal enough — for all domestic uses; as much wine and oil as he thought fit; and as much wheat as he could want, out of his tenths. After that he invites the king himself to supper. He decorates a couch abundantly and magnificently. He sets out the numerous, and beautiful silver vessels, in which he was so rich; for he had not yet made all those golden ones. He takes care that the banquet shall be splendidly appointed and provided in every particular. Why need I make a long story of it? The king departed thinking that Verres was superbly provided with everything, and that he himself had been magnificently treated. After that, he himself invites the praetor to supper. He displays all his treasures; much silver, also not a few goblets of gold, which, as is the custom of kings, and especially in Syria, were studded all over with most splendid jewels. There was also a vessel for wine, a ladle hollowed out of one single large precious stone, with a golden handle, concerning which, I think, you heard Quintus Minutius speak, a sufficiently capable judge, and sufficiently credible witness. [63] Verres took each separate piece of plate into his hands, praised it — admired it. The king was delighted that that banquet was tolerably pleasant and agreeable to a praetor of the Roman people. After the banquet was over, Verres thought of nothing else, as the facts

themselves showed, than how he might plunder and strip the king of everything before he departed from the province. He sends to ask for the most exquisite of the vessels which he had seen at Antiochus's lodgings. He said that he wished to show them to his engravers. The king, who did not know the man, most willingly sent them, without any suspicion of his intention. He sends also to borrow the jeweled ladle. He said that he wished to examine it more attentively; that also is sent to him. 28. [64]

Now, O judges, mark what followed; things which you have already heard, and which the Roman people will not hear now for the first time, and which have been reported abroad among foreign nations to the furthest corners of the earth. The kings, whom I have spoken of, had brought to Rome a candelabrum of the finest jewels, made with most extraordinary skill, in order to place it in the Capitol; but as they found that temple not yet finished, they could not place it there. Nor were they willing to display it and produce it in common, in order that it might seem more splendid when it was placed at its proper time in the shrine of the great and good Jupiter; and brighter; also, as its beauty would come fresh and untarnished before the eyes of men. They determined, therefore, to take it back with them into Syria, with the intention, when they should hear that the image of the great and good Jupiter was dedicated, of sending ambassadors who should bring that exquisite and most beautiful present, with other offerings, to the Capitol. [65] The matter, I know not how, got to his ears. For the king had wished it kept entirely concealed; not because he feared or suspected anything, but because he did not wish many to feast their eyes on it before the Roman people. He begs the king, and entreats him most earnestly to send it to him; he says that he longs to look at it himself, and that he will not allow any one else to see it. Antiochus, being both of a childlike and royal disposition, suspected nothing of that man's dishonesty, and orders his servants to take it as secretly as possible, and well wrapped up, to the praetor's house. And when they brought it there, and placed it on a table, having taken off the coverings, Verres began to exclaim that it was a thing worthy of the kingdom of Syria, worthy of being a royal present, worthy of the Capitol. In truth, it was of such splendour as a thing must be which is made of the most brilliant and beautiful jewels; of

such variety of pattern that the skill of the workmanship seemed to vie with the richness of the materials; and of such a size that it might easily be seen that it had been made not for the furniture of men, but for the decoration of a most noble temple. And when he appeared to have examined it sufficiently, the servants begin to take it up to carry it back again. He says that he wishes to examine it over and over again; that he is not half satiated with the sight of it; he orders them to depart and to leave the candelabrum. So they then return to Antiochus empty-handed. 29. [66]

The king at first feared nothing, suspected nothing. One day passed — two days — many days. It was not brought back. Then the king sends to Verres to beg him to return it, if he will be so good. He bids the slaves come again. The king begins to think it strange. He sends a second time. It is not returned. He himself calls on the man; he begs him to restore it to him. Think of the face and marvellous impudence of the man. That thing which he knew, and which he had heard from the king himself was to be placed in the Capitol, which he knew was being kept for the great and good Jupiter, and for the Roman people, that he began to ask and entreat earnestly to have given to him. When the king said that he was prevented from complying by the reverence due to Jupiter Capitolinus, and by his regard for the opinion of men, because many nations were witnesses to the fact of the candelabrum having been made for a present to the god, the fellow began to threaten him most violently. When he sees that he is no more influenced by threats than he had been by prayers, on a sadden he orders him to leave his province before night. He says, that he has found out that pirates from his kingdom were coming against Sicily. [67] The king, in the most frequented place in Syracuse, in the forum, — in the forum at Syracuse, I say, (that no man may suppose I am bringing forward a charge about which there is any obscurity, or imagining anything which rests on mere suspicion,) weeping, and calling gods and men to witness, began to cry out that Caius Verres had taken from him a candelabrum made of jewels, which he was about to send to the Capitol, and which he wished to be in that most splendid temple as a memorial to the Roman people of his alliance with and friendship for them. He said that he did not care about the other works made of gold and jewels

belonging to him which were in Verres's hands, but that it was a miserable and scandalous thing for this to be taken from him. And that, although it had long ago been consecrated in the minds and intentions of himself and his brother, still, that he then, before that assembled body of Roman citizens, offered, and gave, and dedicated, and consecrated it to the great and good Jupiter, and that he invoked Jupiter himself as a witness of his intention and of his piety. 30.

What voice, what lungs, what power of mine can adequately express the indignation due to this atrocity? The King Antiochus, who had lived for two years at Rome in the sight of all of us, with an almost royal retinue and establishment, — though he had been the friend and ally of the Roman people; though his father, and his grandfather, and his ancestors, most ancient and honourable sovereigns, had been our firmest friends; though he himself is monarch of a most opulent and extensive kingdom, is turned headlong out of a province of the Roman people. [68] How do you suppose that foreign nations will take this? How do you suppose the news of this exploit of yours will be received in the dominions of other kings, and in the most distant countries of the world, when they hear that a king has been insulted by a praetor of the Roman people in his province? that a guest of the Roman people has been plundered? a friend and ally of the Roman people insultingly driven out? Know that your name and that of the Roman people will be an object of hatred and detestation to foreign nations. If this unheard-of insolence of Verres is to pass unpunished, all men will think, especially as the reputation of our men for avarice and covetousness has been very extensively spread, that this is not his crime only, but that of those who have approved of it. Many kings, many free cities, many opulent and powerful private men, cherish intentions of ornamenting the Capitol in such a way as the dignity of the temple and the reputation of our empire requires. And if they understand that you show a proper indignation at this kingly present being intercepted, they will then think that their zeal and their presents will be acceptable to you and to the Roman people. But if they hear that you have been indifferent to the complaint of so great a king, in so remarkable a case, in one of such bitter injustice, they will not be so crazy as to spend their time, and labour, and expense on things which

they do not think will be acceptable to you. 31. [69]

And in this place I appeal to you, O Quintus Catulus; for I am speaking of your most honourable and most splendid monument. You ought to take upon yourself not only the severity of a judge with respect to this crime, but something like the vehemence of an enemy and an accuser. For, through the kindness of the senate and people of Rome, your honour is connected with that temple. Your name is consecrated at the same time as that temple in the everlasting recollection of men. It is by you that this case is to be encountered; by you, that this labour is to be undergone, in order that the Capitol, as it has been restored more magnificently, may also be adorned more splendidly than it was originally; that then that fire may seem to have been sent from heaven, not to destroy the temple of the great and good Jupiter, but to demand one for him more noble and more magnificent. [70] You have heard Quintus Minucius Rufus say, that King Antiochus stayed at his house while at Syracuse; that he knew that this candelabrum had been taken to Verres's house; that he knew that it had not been returned. You heard, and you shall hear from the whole body of Roman settlers at Syracuse, that they will state to you that in their hearing it was dedicated and consecrated to the good and great Jupiter by King Antiochus. If you were not a judge, and this affair were reported to you, it would be your especial duty to follow it up; to reclaim the candelabrum, and to prosecute this cause. So that I do not doubt what ought to be your feelings as judge in this prosecution, when before any one else as judge you ought to be a much more vehement advocate and accuser than I am. 32. [71]

And to you, O judges, what can appear more scandalous or more intolerable than this? Shall Verres have at his own house a candelabrum, made of jewels and gold, belonging to the great and good Jupiter? Shall that ornament be set out in his house at banquets which will be one scene of adultery and debauchery, with the brilliancy of which the temple of the great and good Jupiter ought to glow and to be lighted up? Shall the decorations of the Capitol be placed in the house of that most infamous debauchee with the other ornaments which he has inherited from Chelidon? What do you suppose will ever be considered sacred or holy by him, when he does not now think himself liable to punishment for such enormous

wickedness? who dares to come into this court of justice, where he cannot, like all others who are arraigned, pray to the great and good Jupiter, and entreat help from him? from whom even the immortal gods are reclaiming their property, before that tribunal which was appointed for the benefit of men, that they might recover what had been extorted unjustly from them? Do we marvel that Minerva at Athens, Apollo at Delos, Juno at Samos, Diana at Perga, and that many other gods besides all over Asia and Greece, were plundered by him, when he could not keep his hands off the Capitol? That temple which private men are decorating and are intending to decorate out of their own riches, that Caius Verres would not suffer to be decorated by a king. [72] And, accordingly, after he had once conceived this nefarious wickedness, he considered nothing in all Sicily afterwards sacred or hallowed; and he behaved himself in his province for three years in such a manner that war was thought to have been declared by him, not only against men, but also against the immortal gods. 33.

Segesta is a very ancient town in Sicily, O judges, which its inhabitants assert was founded by Aeneas when he was flying from Troy and coming to this country. And accordingly the Segestans think that they are connected with the Roman people, not only by a perpetual alliance and friendship, but even by some relationship. This town, as the state of the Segestans was at war with the Carthaginians on its own account and of its own accord, was formerly stormed and destroyed by the Carthaginians; and everything which could be any ornament to the city was transported from thence to Carthage. There was among the Segestans a statue of Diana, of brass, not only invested with the most sacred character, but also wrought with the most exquisite skill and beauty. When transferred to Carthage, it only changed its situation and its worshippers; it retained its former sanctity. For on account of its eminent beauty it seemed, even to their enemies, worthy of being most religiously worshipped. [73] Some ages afterwards, Publius Scipio took Carthage, in the third Punic war; after which victory, (remark the virtue and carefulness of the man, so that you may both rejoice at your national examples of most eminent virtue, and may also judge tire incredible audacity of Verres worthy of the greater hatred by contrasting it with

that virtue,) he summoned all the Sicilians, because he knew that during a long period of time Sicily had repeatedly been ravaged by the Carthaginians, and bids them seek for all they had lost, and promises them to take the greatest pains to ensure the restoration to the different cities of everything which had belonged to them. Then those things which had formerly been removed from Himera, and which I have mentioned before, were restored to the people of Thermae; some things were restored to the Gelans, some to the Agrigentines; among which was that noble bull, which that most cruel of all tyrants, Phalaris, is said to have had, into which he was accustomed to put men for punishment, and to put fire under. And when Scipio restored that bull to the Agrigentines, he is reported to have said, that he thought it reasonable for them to consider whether it was more advantageous to the Sicilians to be subject to their own princes, or to be under the dominion of the Roman people, when they had the same thing as a monument of the cruelty of their domestic masters, and of our liberality. 34. [74]

At that time the same Diana of which I am speaking is restored with the greatest care to the Segestans. It is taken back to Segesta; it is replaced in its ancient situation, to the greatest joy and delight of all the citizens. It was placed at Segesta on a very lofty pedestal, on which was cut in large letters the name of Publius Africanus; and a statement was also engraved that "he had restored it after having taken Carthage." It was worshipped by the citizens; it was visited by all strangers; when I was quaestor it was the very first thing, they showed me. It was a very large and tall statue with a flowing robe, but in spite of its large size it gave the idea of the age and dress of a virgin; her arrows hung from her shoulder, in her left hand she carried her bow, her right hand held a burning torch. [75] When that enemy of all sacred things, that violator of all religious scruples saw it, he began to burn with covetousness and insanity, as if he himself had been struck with that torch. He commands the magistrates to take the statue down and give it to him; and declares to them that nothing can be more agreeable to him. But they said that it was impossible for them to do so; that they were prevented from doing so, not only by the most extreme religious reverence, but also by the greatest respect for their own laws and courts of justice. Then he began to

entreat this favour of them, then to threaten them, then to try and excite their hopes, then to arouse their fears. They opposed to his demands the name of Africanus; they said that it was the gift of the Roman people; that they themselves had no right over a thing which a most illustrious general, having taken a city of the enemy, had chosen to stand there as a monument of the victory of the Roman people. [76] As he did not relax in his demand, but urged it every day with daily increasing earnestness, the matter was brought before their senate. His demand raises a violent outcry on all sides. And so at that time, and at his first arrival at Segesta, it is refused. Afterwards, whatever burdens could be imposed on any city in respect of exacting sailors and rowers, or in levying corn, he imposed on the Segestans beyond all other cities, and a good deal more than they could bear. Besides that, he used to summon their magistrates before him; he used to send for all the most noble and most virtuous of the citizens, to hurry them about with him to all the courts of justice in the province, to threaten every one of them separately to be the ruin of him, and to announce to them all in a body that he would utterly destroy their city. Therefore, at last, the Segestans, subdued by much ill-treatment and by great fear, resolved to obey the command of the praetor. With great grief and lamentation on the part of the whole city, with many tears and wailings on the part of all the men and women, a contract is advertised for taking down the statue of Diana. 35. [77]

See now with what religious reverence it is regarded. Know, O judges, that among all the Segestans none was found, whether free man or slave, whether citizen or foreigner, to dare to touch that statue. Know that some barbarian workmen were brought from Lilybaeum; they at length, ignorant of the whole business, and of the religious character of the image, agreed to take it down for a sum of money, and took it down. And when it was being taken out of the city, how great was the concourse of women! how great was the weeping of the old men! some of whom even recollected that day when that same Diana being brought back to Segesta from Carthage, had announced to them, by its return, the victory of the Roman people. How different from that time did this day seem! then the general of the Roman people, a most illustrious man, was bringing

back to the Segestans the gods of their fathers, recovered from an enemy's city; now a most base and profligate praetor of the same Roman people, was taking away, with the most nefarious wickedness, those very same gods from a city of his allies. What is more notorious throughout all Sicily than that all the matrons and virgins of Segesta came together when Diana was being taken out of their city? that they anointed her with precious unguents? that they crowned her with chaplets and flowers? that they attended her to the borders of their territory with frankincense and burning perfumes? [78] If at the time you, by reason of your covetousness and audacity, did not, while in command, fear these religious feelings of the population, do you not fear them now, at a time of such peril to yourself and to your children? What man, against the will of the immortal gods, or what god, when you so trample on all the religious reverence due to them, do you think will come to your assistance? Has that Diana inspired you, while in quiet and at leisure, with no religious awe; — she, who though she had seen two cities, in which she was placed stormed and burnt, was yet twice preserved from the flames and weapons of two wars; she who, though she changed her situation owing to the victory of the Carthaginians, yet did not lose her holy character; and who, by the valour of Publius Africanus afterwards recovered her old worship, together with her old situation? And when this crime had been executed, as the pedestal was empty, and the name of Publius Africanus carved on it, the affair appeared scandalous and intolerable to every one, that not only was religion trampled on, but also that Caius Verres had taken away the glory of the exploits, the memorial of the virtues, the monument of the victory of Publius Africanus, that most gallant of men. [79] But when he was told afterwards of the pedestal and the inscription, he thought that men would forget the whole affair, if he took away the pedestal to which was serving as a sort of signpost to point out his crime. And so, by his command, the Segestans contracted to take away the pedestal too; and the terms of that contract were read to you from the public registers of the Segestans, at the former pleading. 36.

Now, O Publius Scipio, I appeal to you; to you, I say, a most virtuous and accomplished youth; from you I request and demand that assistance which is due to your family and to your name. Why

do you take the part of that man who has embezzled the credit and honour of your family? Why do you wish him to be defended? Why am I undertaking what is properly your business? Why am I supporting a burden which ought to fall on you? — Marcus Tullius is reclaiming the monuments of Publius Africanus; Publius Scipio is defending the man who took them away. Though it is a principle handed down to us from our ancestors, for every one to defend the monuments of his ancestors, in such a way as not even to allow them to be decorated by one of another name, will you take the part of that man who is not charged merely with having in some degree spoilt the view of the monuments of Publius Scipio, but who has entirely removed and destroyed them? [80] Who then, in the name of the immortal gods, will defend the memory of Publius Scipio now that he is dead? who will defend the memorials and evidences of his valour, if you desert and abandon them; and not only allow them to be plundered and taken away, but even defend their plunderer and destroyer? The Segestans are present, your clients, the allies and friends of the Roman people. They inform you that Publius Africanus, when he had destroyed Carthage, restored the image of Diana to their ancestors; and that was set up among the Segestans arid dedicated in the name of that general; — that Verres has had it taken down and carried away, and as far as that is concerned, has utterly effaced and extinguished the name of Publius Scipio. They entreat and pray you to restore the object of their worship to them, its proper credit and glory to your own family, so enabling them by your assistance to recover from the house of a robber, what they recovered from the city of their enemies by the beneficence of Publius Africanus. 37.

What can you reply to them with honour, or what can they do but implore the aid of you and your good faith? They are present, they do implore it. You, O Publius, can protect the honour of your family renown; you can, you have every advantage which either fortune or nature ever gives to men. I do not wish to anticipate you in gathering the fruit that belongs to you; I am not covetous of the glory which ought to belong to another. It does not correspond to the modesty of my disposition, while Publius Scipio, a most promising young man, is alive and well, to put myself forward as the defender and advocate of the memorials of Publius Scipio. [81] Wherefore, if you will undertake the advocacy of your family renown, it will behoove me not only to be silent about your monuments, but even to be glad that the fortune of Publius Africanus, though dead, is such, that his honour is defended by those who are of the same family as himself, and that it requires no adventitious assistance. But if your friendship with that man is an obstacle to you, — if you think that this thing which I demand of you is not so intimately connected with your duty, — then I, as your locum tenens, will succeed to your office, I will undertake that business which I have thought not to belong to me. Let that proud aristocracy give up complaining that the Roman people willingly gives, and at all times has given, honours to new and diligent men. It is a foolish complaint that virtue should be of the greatest influence in that city which by its virtue governs all nations. Let the image of Publius Africanus be in the houses of other men; let heroes now dead be adorned with virtue and glory. He was such a man, he deserved so well of the Roman people, that he deserves to be recommended to the affection, not of one single family, but of the whole state. And so it partly does belong to me also to defend his honours with all my power, because I belong to that city which he rendered great, and illustrious, and renowned; and especially, because I practice, to the utmost of my power, those virtues in which he was preeminent, — equity, industry, temperance, the protection of the unhappy, and hatred of the dishonest; a relationship in pursuits and habits which is almost as important as that of which you boast, the relationship of name and family. 38. [82]

I reclaim from you, O Verres, the monument of Publius

Africanus; I abandon the cause of the Sicilians, which I undertook; let there be no trial of you for extortion at present; never mind the injuries of the Segestans; let the pedestal of Publius Africanus be restored; let the name of that invincible commander be engraved on it anew; let that most beautiful statue, which was recovered when Carthage was taken, be replaced. It is not I, the defender of the Sicilians, — it is not I, your prosecutor, — they are not the Segestans who demand this of you; but he who has taken on himself the defence and the preservation of the renown and glory of Publius Africanus. I am not afraid of not being able to give a good account of my performance of this duty to Publius Servilius the judge; who, as he has performed great exploits, and raised very many monuments of his good deeds, and has a natural anxiety about them, will be glad, forsooth, to leave them an object of care and protection not only to his own posterity, but to all brave men and good citizens; and not as a mark for the plunder of rogues. I am not afraid of its displeasing you, O Quintus Catulus, to whom the most superb and splendid monument in the whole world belongs, that there should be as many guardians of such monuments as possible, or that all good men should think it was a part of their duty to defend the glory of another. [83] And indeed I am so far moved by the other robberies and atrocities of that fellow, as to think them worthy of great reproof; but that might be sufficient for them. But in this instance I am roused to such indignation, that nothing appears to me possible to be more scandalous or more intolerable. Shall Verres adorn his house, full of adultery, full of debauchery, full of infamy, with the monuments of Africanus? Shall Verres face the memorial of that most temperate and religious man, the image of the ever virgin Diana, in that house in which the iniquities of harlots and pimps are incessantly being practised? 39. [84]

But is this the only monument of Africanus which you have violated? What! did you take away from the people of Tyndaris an image of Mercury most beautifully made, and placed there by the beneficence of the same Scipio? And how? O ye immortal gods! How audaciously, how infamously, how shamelessly did you do so! You have lately, judges, heard the deputies from Tyndaris, most honourable men, and the chief men of that city, say that the Mercury,

which in their sacred anniversaries was worshipped among them with the extremest religious reverence, which Publius Africanus, after he had taken Carthage, had given to the Tyndaritans, not only as a monument of his victory, but as a memorial and evidence of their loyalty to and alliance with the Roman people, had been taken away by the violence, and wickedness, and arbitrary power of this man; who, when he first came to their city, in a moment, as if it were not only a becoming, but an indispensable thing to be done? — as if the senate had ordered it and the Roman people had sanctioned it, — in a moment, I say, ordered them to take the statue down and to transport it to Messana. [85] And as this appeared a scandalous thing to those who were present and who heard it, it was not persevered in by him during the first period of his visit; but when he departed, he ordered Sopater, their chief magistrate, whose statement you have heard, to take it down. When he refused, he threatened him violently; and then he left the city. The magistrate refers the matter to the senate; there is a violent outcry on all sides. To make my story short, some time afterwards he comes to that city again. Immediately he asks about the statue. He is answered that the senate will not allow it to be removed; that capital punishment is threatened to any one who should touch it without the orders of the senate: the impiety of removing is also urged. Then says he, "What do you mean by talking to me of impiety? or about punishment? or about the senate? I will not leave you alive; you shall be scourged to death if the statue is not given up." Sopater with tears reports the matter to the senate a second time, and relates to them the covetousness and the threats of Verres. The senate gives Sopater no answer, but breaks up in agitation and perplexity. Sopater, being summoned by the praetor's messenger, informs him of the state of the case, and says that it is absolutely impossible. 40. [86]

And all these things (for I do not think that I ought to omit any particular of his impudence) were done openly in the middle of the assembly, while Verres was sitting on his chair of office, in a lofty situation. It was the depth of winter; the weather, as you heard Sopater himself state, was bitterly cold; heavy rain was falling; when that fellow orders the lictors to throw Sopater headlong down from the portico on which he himself was sitting, and to strip him naked.

The command was scarcely, out of his mouth, before you might have seen him stripped and surrounded by the lictors. All thought that the unhappy and innocent man was going to be scourged. They were mistaken. Do you think that Verres would scourge without any reason an ally and friend of the Roman people? He is not so wicked. All vices are not to be found in that man; he was never cruel. He treated the man with great gentleness and clemency. In the middle of the forum there are some statues of the Marcelli, as there are in most of the other towns of Sicily; out of these he selected the statue of Caius Marcellus, whose services to that city and to the whole province were most recent and most important. On that statue he orders Sopater, a man of noble birth in his city, and at that very time invested with the chief magistracy, to be placed astride and bound to it. [87] What torture he suffered when he was bound naked in the open air, in the rain and in the cold, must be manifest to every body. Nor did he put an end to this insult and barbarity, till the people and the whole multitude, moved by the atrocity of his conduct and by pity for his victim, compelled the senate by their outcries to promise him that statue of Mercury. They cried out that the immortal gods themselves would avenge the act, and that in the meantime it was not fit that an innocent man should be murdered. Then the senate comes to him in a body, and promises him the statue. And so Sopater is taken down scarcely alive from the statue of Marcellus, to which he had almost become frozen. I cannot adequately accuse that man if I were to wish to do so; it requires not only genius, but an extraordinary amount of skill. 41. [88]

This appears to be a single crime, this of the Tyndaritan Mercury, and it is brought forward by me as a single one; but there are many crimes contained in it — only I do not know how to separate and distinguish them. It is a case of money extorted, for he took away from the allies a statue worth a large sum of money. It is a case of embezzlement, because he did not hesitate to appropriate a public statue belonging to the Roman people, taken from the spoils of the enemy, placed where it was in the name of our general. It is a case of treason, because he dared to overturn and to carry away monuments of our empire, of our glory, and of our exploits. It is a case of impiety, because he violated the most solemn principles of religion.

It is a case of inhumanity, because he invented a new and extraordinary description of punishment for an innocent man, an ally and friend of our nation. [89] But what the other crime is, that I am unable to say; I know not by what name to call the crime which he committed with respect to the statue of Caius Marcellus. What is the meaning of it? Is it because he was the patron of the Sicilians? What then? What has that to do with it? Ought that fact to have had influence to procure assistance, or to bring disaster on his clients and friends? Was it your object to show that patrons were no protection against your violence? Who is there who would not be aware that there is greater power in the authority of a bad man who is present, than in the protection of good men who are absent? Or do you merely wish to prove by this conduct, your unprecedented insolence, and pride, and obstinacy? You thought, I imagine, that you were taking something from the dignity of the Marcelli? And therefore now the Marcelli are not the patrons of the Sicilians. Verres has been substituted in their place. [90] What virtue or what dignity did you think existed in you, that you should attempt to transfer to yourself, and to take away from these most trusty and most ancient patrons, so illustrious a body of clients as that splendid province? Can you with your stupidity, and worthlessness, and laziness defend the cause, I will not say of all Sicily, but even of one, the very meanest of the Sicilians? Was the statue of Marcellus to serve you for a pillory for the clients of the Marcelli? Did you out of his honour seek for punishments for those very men who had held him in honour? What followed? What did you think would happen to your statues? was it that which did happen? For the people of Tyndaris threw down the statue of Verres, which he had ordered to be erected in his own honour near the Marcelli, and even on a higher pedestal, the very moment that they heard that a successor had been appointed to him. 42.

The fortune of the Sicilians has then given you Caius Marcellus for a judge, so that we may now surrender you, fettered and bound, to appease the injured sanctity of him to whose statue Sicilians were bound while you were praetor. [91] And in the first place, O judges, that man said that the people of Tyndaris had sold this statue to Caius Marcellus Aeserninus, who is here present. And he hoped that Caius

Marcellus himself would assert thus much for his sake though it never seemed to me to be very likely that a young man born in that rank, the patron of Sicily, would lend his name to that fellow to enable him to transfer his guilt to another. But still I made such provision, and took such precaution against every possible bearing of the case, that if ally one had been found who was ever so anxious to take the guilt and crime of Verres upon himself, still he would not have taken anything by his motion, for I brought down to court such witnesses, and I had with me such written documents, that it could not have been possible to have entertained a doubt about that man's actions. [92] There are public documents to prove that that Mercury was transported to Messana at the expense of the state. They state at what expense; and that a man named Poleas was ordered by the public authority to superintend the business — what more would you have? Where is he? He is close at hand, he is a witness, by the command of Sopater the Proagorus. — Who is he? The man who was bound to the statue. What? where is he? He is a witness — you have seen the man, and you have heard his statement. Demetrius, the master of the gymnastic school, superintended the pulling down of the statue, because he was appointed to manage that business; What? is it we who say this? No, he is present himself; moreover, that Verres himself lately promised at Rome, that he would restore that statue to the deputies, if the evidence already given in the affair were removed, and if security were given that the Tyndaritans would not give evidence against him, has been stated before you by Zosippus and Hismenias, most noble men, and the chief men of the city of Tyndaris. 43. [93]

What? did you not also at Agrigentum take away a monument of the same Publius Scipio, a most beautiful statue of Apollo, on whose thigh there was the name of Myron, inscribed in diminutive silver letters, out of that most holy temple of Aesculapius? And when, O judges, he had privately committed that atrocity, and when in that most nefarious crime and robbery he had employed some of the most worthless men of the city as his guides and assistants, the whole city was greatly excited. For the Agrigentines were regretting at the same time the kindness of Africanus, and a national object of their worship, and an ornament of their city, and a record of their victory,

and an evidence of their alliance with us. And therefore a command is imposed on those men who were the chief men of the city, and a charge is given to the quaestors and aediles to keep watch by night over the sacred edifices. And, indeed, at Agrigentum, (I imagine, on account of the great number and virtue of these men, and because great numbers of Roman citizens, gallant and intrepid and honourable men, live and trade in that town among the Agrigentines in the greatest harmony,) he did not dare openly to carry off, or even to beg for the things that took his fancy. [94] There is a temple of Hercules at Agrigentum, not far from the forum, considered very holy and greatly reverenced among the citizens. In it there is a brazen image of Hercules himself, than which I cannot easily tell where I have seen anything finer; (although I am not very much of a judge of those matters, though I have seen plenty of specimens;) so greatly venerated among them, O judges, that his mouth and his chin are a little worn away, because men in addressing their prayers and congratulations to him, are accustomed not only to worship the statue, but even to kiss it. While Verres was at Agrigentum, on a sudden, one stormy night, a great assemblage of armed slaves, and a great attack on this temple by them, takes place, under the leading of Timarchides. A cry is raised by the watchmen and guardians of the temple. And, at first, when they attempted to resist them and to defend the temple, they are driven back much injured with sticks and bludgeons. Afterwards, when the bolts were forced open, and the doors dashed in, they endeavour to pull down the statue and to overthrow it with levers; meantime, from the outcries of the keepers, a report got abroad over the whole city, that the national gods were being stormed, not by the unexpected invasion of enemies, or by the sudden irruption of pirates, but that a well armed and fully equipped band of fugitive slaves from the house and retinue of the praetor had attacked them. [95] No one in Agrigentum was either so advanced in age, or so infirm in strength, as not to rise up on that night, awakened by that news, and to seize whatever weapon chance put into his hands. So in a very short time men are assembled at the temple from every part of the city. Already, for more than an hour, numbers of men had been labouring at pulling down that statue; and all that time it gave no sign of being shaken in any part; while some, putting

levers under it, were endeavouring to throw it down, and others, having bound cords to all its limbs, were trying to pull it towards them. On a sudden all the Agrigentines collect together at the place; stones are thrown in numbers; the nocturnal soldiers of that illustrious commander run away — but they take with them two very small statues, in order not to return to that robber of all holy things entirely empty-handed. The Sicilians are never in such distress as not to be able to say something facetious and neat; as they did on this occasion. And so they said that this enormous boar had a right to be accounted one of the labours of Hercules, no less than the other boar of Erymanthus. 44. [96]

The people of Assorum, gallant and loyal men, afterwards imitated this brave conduct of the Agrigentines, though they did not come of so powerful or so distinguished a city. There is a river called Chrysas, which flows through the territories of Assorum. Chrysas, among that people, is considered a god, and is worshipped with the greatest reverence. His temple is in the fields, near the road which goes from Assorum to Enna. In it there is an image of Chrysas, exquisitely made of marble. He did not dare to beg that of the Assorians on account of the extraordinary sanctity of that temple; so he entrusts the business to Tlepolemus and Hiero. They, having prepared and armed a body of men, come by night; they break in the doors of the temple; the keepers of the temple and the guardians hear them in time. A trumpet the signal of alarm well known to all the neighbourhood, is sounded; men come in from the country, Tlepolemus is turned out and put to fight; nor was anything missed out of the temple of Chrysas except one very diminutive image of brass. [97] There is a temple of the mighty mother Cybele at Enguinum, for I must new not only mention each instance with the greatest brevity, but I must even pass over a great many, in order to come to the greater and more remarkable thefts and atrocities of this sort which this man has committed. In this temple that same Publius Scipio, a man excelling in every possible good quality, had placed breastplates and helmets of brass of Corinthian workmanship, and some huge ewers of a similar description, and wrought with the same exquisite skill, and had inscribed his own name upon them. Why should I make any more statements or utter any further complaints

about that man's conduct? He took away, O judges, every one of those things. He left nothing in that most holy temple except the traces of the religion he had trampled on, and the name of Publius Scipio. The spoils won from the enemy, the memorials of our commanders, the ornaments and decorations of our temples, will hereafter, when these illustrious names are lost, be reckoned in the furniture and appointments of Caius Verres. [98] Are you, forsooth, the only man who delights in Corinthian vases? Are you the best judge in the world of the mixture of that celebrated bronze, and of the delicate tracery of that work? Did not the great Scipio, that most learned and accomplished mall, under stand it too? But do you, a man without one single virtue, without education, without natural ability, and without any information, understand them and value them? Beware lest he be seen to have surpassed you and those other men who wished to be thought so elegant, not only in temperance, but in judgment and taste; for it was because he thoroughly understood how beautiful they were, that he thought that they were made, not for the luxury of men, but for the ornamenting of temples and cities, in order that they might appear to our posterity to be holy and sacred monuments. 45. [99]

Listen also, O judges, to the man's singular covetousness, audacity and madness, especially in polluting those sacred things, which not only may not be touched with the hands, but which may not be violated even in thought. There is a shrine of Ceres among the Catenans of the same holy nature as the one at home, and worshipped as the goddess is worshipped among foreign nations, and in almost every country in the world. In the inmost part of that shrine there was an extremely ancient statue of Ceres, as to which men were not only ignorant of what sort it was, but even of its existence. For the entrance into that shrine does not belong to men, the sacred ceremonies are accustomed to be performed by women and virgins. Verres's slaves stole this statue by night out of that most holy and most ancient temple. The next day the priestesses of Ceres, and the female attendants of that temple, women of great age, noble and of proved virtue, report the affair to their magistrates. It appeared to all a most bitter, and scandalous, and miserable business. [100] Then that man, influenced by the atrocity of the action, in order that all

suspicion of that crime might be removed from himself, employs some one connected with him by ties of hospitality to find a man whom he might accuse of having done it, and bids him take care that he be convicted of the accusation, so that he himself might not be subject to the charge. The matter is not delayed. For when he had departed from Catina, an information is laid against a certain slave. He is accused; false witnesses are suborned against him; the whole senate sits in judgment on the affair, according to the laws of the Catenans. The priestesses are summoned; they are examined secretly in the senate-house, and asked what had been done, and how they thought that the statue had been carried off. They answer that the servants of the praetor had been seen in the temple. The matter, which previously had not been very obscure, began to be clear enough by the evidence of the priestesses. The judges deliberate; the innocent slave is acquitted by every vote, in order that you may the more easily be able to condemn this man by all your votes. [101] For what is it that you ask, O Verres? What do you hope for? What do you expect? What god or man do you think will come to your assistance? Did you send slaves to that place to plunder a temple, where it was not lawful for free citizens to go, not even for the purpose of praying? Did you not hesitate to lay violent hands on those things from which the laws of religion enjoined you to keep even your eyes? Although it was not even because you were charmed by the eye that you were led into this wicked and nefarious conduct; for you coveted what you had never seen. You took a violent fancy, I say, to that which you had not previously beheld. From your ears did you conceive this covetousness, so violent that no fear, no religious scruple, no power of the gods, no regard for the opinion of men could restrain it. [102] Oh! but you had heard of it, I suppose, from some good man, from some good authority. How could you have done that, when you could never have heard of it from any man at all? You heard of it, therefore, from a woman; since men could not have seen it nor known of it. What sort of woman do you think that she must have been, O judges? What a modest woman must she have been to converse with Verres! What a pious woman, to show him a plan for robbing a temple! But it is no great wonder if those sacred ceremonies which are performed by the most extreme chastity of

virgins and matrons were violated by his adultery and profligacy. 46.

What, then, are we to think? Is this the only thing that he began to desire from mere hearing, when he had never seen it himself? No, there were many other things besides; of which I will select the plundering of that most noble and ancient temple, concerning which you heard witnesses give their evidence at the former pleading. Now, I beseech you, listen to the same story once more, and attend carefully as you hitherto have done. [103] There is an island called Melita, O judges, separated from Sicily by a sufficiently wide and perilous navigation, in which there is a town of the same name, to which Verres never went, though it was for three years a manufactory to him for weaving women's garments. Not far from that town, on a promontory, is an ancient temple of Juno, which was always considered so holy, that it was not only always kept inviolate and sacred in those Punic wars, which in those regions were carried on almost wholly by the naval forces, but even by the bands of pirates which ravage those seas. Moreover, it has been handed down to us by tradition, that once, when the fleet of King Masinissa was forced to put into these ports, the king's lieutenant took away some ivory teeth of an incredible size out of the temple, and carried them into Africa, and gave them to Masinissa; that at first the king was delighted with the present, but afterwards, when he heard where they had come from, he immediately sent trustworthy men in a quinquereme to take those teeth back; and that there was engraved on them in Punic characters, "that Masinissa the king had accepted them ignorantly; but that, when he knew the truth, he had taken care that they should be replaced and restored." There was besides an immense quantity of ivory, and many ornaments, among which were some ivory victories of ancient workmanship, and wrought with exquisite skill. [104] Not to dwell too long on this, he took care to have all these things taken down and carried off at one swoop by means of the slaves of the Venus whom he had sent thither for that purpose. 47.

O ye immortal gods! what sort of man is it that I am accusing? Who is it that I am prosecuting according to our laws, and by this regular process? Concerning whom is it that you are going to give your judicial decision? The deputies from Melita sent by the public authority of their state, say that the shrine of Juno was plundered;

that that man left nothing in that most holy temple; that that place, to which the fleets of enemies often came, where pirates are accustomed to winter almost every year, and which no pirate ever violated, no enemy ever attacked before, was so plundered by that single man, that nothing whatever was left in it. What, then, now are we to say of him as a defendant, of me as an accuser, of this tribunal? Is he proved guilty of grave crimes, or is he brought into this court on mere suspicion? Gods are proved to have been carried off, temples to have been plundered, cities to have been stripped of everything. And of those actions he has left himself no power of denying one, no plea for defending one. In every particular he is convicted by me; he is detected by the witnesses; he is overwhelmed by his own admissions; he is caught in the evident commission of guilt; and even now he remains here, and in silence recognises his own crimes as I enumerate them.

[105] I seem to myself to have been too long occupied with one class of crime. I am aware, O judges, that I have to encounter the weariness of your ears and eyes at such a repetition of similar cases; I will, therefore, pass over many instances. But I entreat you, O judges, in the name of the immortal gods, in the name of these very gods of whose honour and worship we have been so long speaking, refresh your minds so as to attend to what I am about to mention, while I bring forward and detail to you that crime of his by which the whole province was roused, and in speaking of which you will pardon me if I appear to go back rather far, and trace the earliest recollections of the religious observances in question. The importance of the affair will not allow me to pass over the atrocity of his guilt with brevity. 48. [106]

It is an old opinion, O judges, which can be proved from the most ancient records and monuments of the Greeks, that the whole island of Sicily was consecrated to Ceres and Libera. Not only did all other nations think so but the Sicilians themselves were so convinced of it, that it appeared a deeply rooted and innate belief in their minds. For they believe that these goddesses were born in these districts, and that corn was first discovered in this land, and that Libera was carried off, the same goddess whom they call Proserpina, from a grove in the territory of Enna, a place which, because it is situated in the centre of

the island, is called the navel of Sicily. And when Ceres wished to seek her and trace her out, she is said to have lit her torches at those flames which burst out at the summit of Aetna, and carrying these torches before her, to have wandered over the whole earth. [107] But Enna, where those things which I am speaking of are said to have been done, is in a high and lofty situation, on the top of which is a large level plain, and springs of water which are never dry. And the whole of the plain is cut off and separated, so as to be difficult of approach. Around it are many lakes and groves, and beautiful flowers at every season of the year; so that the place itself appears to testify to that abduction of the virgin which we have heard of from our boyhood. Near it is a cave turned towards the north, of unfathomable depth, where they say that Father Pluto suddenly rose out of the earth in his chariot, and carried the virgin off from that spot, and that on a sudden, at no great distance from Syracuse, he went down beneath the earth, and that immediately a lake sprang up in that place; and there to this day the Syracusans celebrate anniversary festivals with a most numerous assemblage of both sexes 49.

On account of the antiquity of this belief, because in those places the traces and almost the cradles of those gods are found, the worship of Ceres of Enna prevails to a wonderful extent, both in private and in public over all Sicily. In truth, many prodigies often attest her influence and divine powers. Her present help is often brought to many in critical circumstances, so that this island appears not only to be loved, but also to be watched over and protected by her. [108] Nor is it the Sicilians only, but even all other tribes and nations greatly worship Ceres of Enna. In truth, if initiation into those sacred mysteries of the Athenians sought for with the greatest avidity, to which people Ceres is said to have come in that long wandering of hers, and then she brought them corn. How much greater reverence ought to be paid to her by those people among whom it is certain that she was born, and first discovered corn. And, therefore, in the time of our fathers, at a most disastrous and critical time to the republic, when, after the death of Tiberius Gracchus, there was a fear that great dangers were portended to the state by various prodigies, in the consulship of Publius Mucius and Lucius Calpurnius, recourse was had to the Sibylline books, in which it was found set down, “that the

most ancient Ceres ought to be appeased." Then, priests of the Roman people, selected from the most honourable college of decemvirs, although there was in our own city a most beautiful and magnificent temple of Ceres, nevertheless went as far as Enna. For such was the authority and antiquity of the reputation for holiness of that place, that when they went thither, they seemed to be going not to a temple of Ceres, but to Ceres herself. [109] I will not din this into your ears any longer. I have been some time afraid that my speech may appear unlike the usual fashion of speeches at trials unlike the daily method of speaking. This I say, that this very Ceres, the most ancient, the most holy, the very chief of all sacred things which are honoured by every people, and in every nation, was carried off by Caius Verres from her temple and her home. Ye who have been to Enna, have seen a statue of Ceres made of marble, and in the other temple a statue of Libera. They are very colossal and very beautiful, but not exceedingly ancient. There was one of brass, of moderate size, but extraordinary workmanship, with the torches in its hands, very ancient, by far the most ancient of all those statues which are in that temple; that he carried off, and yet he was not content with that. [110] Before the temple of Ceres, in an open and an uncovered place, there are two statues, one of Ceres, the other of Triptolemus, very beautiful, and of colossal size. Their beauty was their danger, but their size their safety, because the taking of them down and carrying them off appeared very difficult. But in the right hand of Ceres there stood a beautifully wrought image of Victory, and this he had wrenched out of the hand of Ceres and carried off. 50.

What now must be his feelings at the recollection of his crimes, when I, at the mere enumeration of them, am not only roused to indignation in my mind, but even shudder over my whole body? For thoughts of that temple, of that place, of that holy religion come into my mind. Everything seems present before my eyes, — the day on which, when I had arrived at Enna, the priests of Ceres came to meet me with garlands of vervain, and with fillets; the concourse of citizens, among whom, while I was addressing them, there was such weeping and groaning that the most bitter grief seemed to have taken possession of the whole. [111] They did not complain of the absolute way in which the tenths were levied, nor of the plunder of property,

nor of the iniquity of tribunals, nor of that man's unhallowed lusts, nor of his violence, nor of the insults by which they had been oppressed and overwhelmed. It was the divinity of Ceres, the antiquity of their sacred observances, the holy veneration due to their temple, which they wished should have atonement made to them by the punishment of that most atrocious and audacious man. They said that they could endure everything else, that to everything else they were indifferent. This indignation of theirs was so great, that you might suppose that Verres, like another king of hell, had come to Enna and had carried off, not Proserpina, but Ceres herself. And, in truth, that city does not appear to be a city, but a shrine of Ceres. The people of Enna think that Ceres dwells among them; so that they appear to me not to be citizens of that city, but to be all priests, to be all ministers and officers of Ceres. [112] Did you dare to take away out of Enna the statue of Ceres? Did you attempt at Enna to wrench Victory out of the hand of Ceres? to tear one goddess from the other? — nothing of which those men dared to violate, or even to touch, whose qualities were all more akin to wickedness than to religion. For while Publius Popillius and Publius Rupilius were consuls, slaves, runaway slaves, and barbarians, and enemies, were in possession of that place; but yet the slaves ware not so much slaves to their own masters, as you are to your passions; nor did the runaways flee from their masters as far as you flee from all laws and from all right; nor were the barbarians as barbarous in language and in race as you were in your nature and your habits; nor were the enemies as much enemies to men as you are to the immortal gods. How, then, can a man beg for any mercy who has surpassed slaves in baseness, runaway slaves in rashness, barbarians in wickedness, and enemies in inhumanity? 51. [113]

You heard Theodorus and Numinius and Nicasio, deputies from Enna, say, in the name of their state, that they had this commission from their fellow-citizens, to go to Verres, and to demand from him the restoration of the statues of Ceres and of Victory. And if they obtained it then they were to adhere to the ancient customs of the state of Enna, not to give any public testimony against him although he had oppressed Sicily, since these were the principles which they had received from their ancestors. But if he did not restore them, then

they were to go before the tribunal, to inform the judges of the injuries they had received, but, far above all things, to complain of the insults to their religion. And, in the name of the immortal gods I entreat you, O judges, do not you despise, do not you scorn or think lightly of their complaints. The injuries done to our allies are the present question; the authority of the laws is at stake; the reputation and the honesty of our courts of justice is at stake. And though all these are great considerations, yet this is the greatest of all, — the whole province is so imbued with religious feeling, such a superstitious dread arising out of that man's conduct has seized upon the minds of all the Sicilians, that whatever public or private misfortunes happen, appear to befall them because of that man's wickedness. [114] You have heard the Centuripans, the Agyrians, the Catenans, the Herbitans, the Ennans, and many other deputies say, in the name of their states, how great was the solitude in their districts, how great the devastation, how universal the flight of the cultivators of the soil how deserted, how uncultivated, how desolate every place was. And although there are many and various injuries done by that man to which these things are owing, still this one cause, in the opinion of the Sicilians, is the most weighty of all; for, because of the insults offered to Ceres, they believe that all the crops and gifts of Ceres have perished in these districts. Bring remedies, O judges, to the insulted religion of the allies; preserve your own, for this is not a foreign religion, nor one with which you have no concern. But even if it were, if you were unwilling to adopt it yourselves, still you ought to be willing to inflict heavy punishment on the man who had violated it. [115] But now that the common religion of all nations is attacked in this way, now that these sacred observances are violated which our ancestors adopted and imported from foreign countries, and have honoured ever since, — sacred observances, which they called Greek observances, as in truth they were, — even if we were to wish to be indifferent and cold about these matters, how could we be so? 52.

I will mention the sacking of one city, also, and that the most beautiful and highly decorated of all, the city of Syracuse. And I will produce my proofs of that, O judges, in order at length to conclude and bring to an end the whole history of offences of this sort. There is

scarcely any one of you who has not often heard how Syracuse was taken by Marcus Marcellus, and who has not sometimes also read the account in our annals. Compare this peace with that war; the visit of this praetor with the victory of that general; the debauched retinue of the one with the invincible army of the other; the lust of Verres with the continence of Marcellus; — and you will say that Syracuse was built by the man who took it; was taken by the man who received it well established and flourishing. [116] And for the present I omit those things which will be mentioned, and have been already mentioned by me in an irregular manner in different parts of my speech — what the market-place of the Syracusans, which at the entrance of Marcellus was preserved unpolluted by slaughter, on the arrival of Verres overflowed with the blood of innocent Sicilians; that the harbour of the Syracusans, which at that time was shut against both our fleets and those of the Carthaginians, was, while Verres was praetor, open to Cilician pirates, or even to a single piratical galley. I say nothing of the violence offered to people of noble birth, of the ravishment of matrons, atrocities which then, when the city was taken, were not committed, neither through the hatred of enemies, nor through military licence, nor through the customs of war or the rights of victory. I pass over, I say, all these things which were done by that man for three whole years. Listen rather to acts which are connected with those matters of which I have hitherto been speaking. [117] You have often heard that the city of Syracuse is the greatest of the Greek cities, and the most beautiful of all. It is so, O judges, as it is said to be; for it is so by its situation, which is strongly fortified, and which is on every side by which you can approach it, whether by sea or land, very beautiful to behold. And it has harbours almost enclosed within the walls, and in the sight of the whole city, harbours which have different entrances, but which meet together, and are connected at the other end. By their union a part of the town, which is called the island, being separated from the rest by a narrow arm of the sea, is again joined to and connected with the other by a bridge. 53. [118]

That city is so great that it may be said to consist of four cities of the largest size; one of which, as I have said, is that "Island," which, surrounded by two harbours, projects out towards the mouth and entrance of each. In it there is a palace which did belong to king

Hiero, which our praetors are in the habit of using; in it are many sacred buildings, but two, which have a great pre-eminence over all the others, — one a temple of Diana, and the other one, which before the arrival of that man was the most ornamented of all, sacred to Minerva. At the end of this island is a fountain of sweet water, the name of which is Arethusa, of incredible size, very full of fish, which would be entirely overwhelmed by the waves of the sea, if it were not protected from the sea by a rampart and dam of stone. [119] There is also another city at Syracuse, the name of which is Achradina, in which there is a very large forum, most beautiful porticoes, a highly decorated town-hall, a most spacious senate-house, and a superb temple of Jupiter Olympius; and the other districts of the city are joined together by one broad unbroken street, and divided by many cross streets, and by private houses. There is a third city, which because in that district there is an ancient temple of Fortune, is called Tyche, in which there is a spacious gymnasium, and many sacred buildings, and that district is the most frequented and the most populous. There is also a fourth city, which, because it is the last built, is called Neapolis, in the highest part of which there is a very large theatre, and, besides that there are two temples of great beauty, one of Ceres, the other of Libera, and a statue of Apollo, which is called Temenites, very beautiful and of colossal size; which, if he could have moved them, he would not have hesitated to carry off. 54. [120]

Now I will return to Marcellus, that I may not appear to have entered into this statement without any reason. He, when with his powerful army he had taken this splendid city, did not think it for the credit of the Roman people to destroy and extinguish this splendour, especially as no danger could possibly arise from it, and therefore he spared all the buildings, public as well as private, sacred as well as ordinary, as if he had come with his army for the purpose of defending them, not of taking them by storm. With respect to the decorations of the city, he had a regard to his own victory, and a regard to humanity, he thought it was due to his victory to transport man, things to Rome which might be an ornament to this city, and due to humanity not utterly to strip the city, especially as it was one which he was anxious to preserve. [121] In this division of the

ornaments, the victory of Marcellus did not covet more for the Roman people than his humanity reserved to the Syracusans. The things which were transported to Rome we see before the temples of Honour and of Virtue, and also in other places. He put nothing in his own house, nothing in his gardens, nothing in his suburban villa; he thought that his house could only be an ornament to the city if he abstained from carrying the ornaments which belonged to the city to his own house. But he left many things of extraordinary beauty at Syracuse; he violated not the respect due to any god; he laid hands on none. Compare Verres with him; not to compare the man with the man, — no such injury must be done to such a man as that, dead though he be; but to compare a state of peace with one of war, a state of law and order, and regular jurisdiction, with one of violence and martial law, and the supremacy of arms; to compare the arrival and retinue of the one with the victory and army of the other. 55. [122]

There is a temple of Minerva in the island, of which I have already spoken, which Marcellus did not touch, which he left full of its treasures and ornaments, but which was so stripped and plundered by Verres, that it seems to have been in the hands, not of any enemy, — for enemies, even in war, respect the rites of religion, and the customs of the country, — but of some barbarian pirates. There was a cavalry battle of their king Agathocles, exquisitely painted in a series of pictures, and with these pictures the inside walls of the temple were covered. Nothing could be more noble than those paintings; there was nothing at Syracuse that was thought more worthy going to see. These pictures, Marcus Marcellus, though by that victory of his he had divested everything of its sacred inviolability of character, still, out of respect for religion, never touched; Verres, though, in consequence of the long peace, and the loyalty of the Syracusan people, he had received them as sacred and under the protection of religion, took away all those pictures, and left naked and unsightly those walls whose decorations had remained inviolate for so many ages, and had escaped so many wars: [123] Marcellus, who had vowed that if he took Syracuse he would erect two temples at Rome, was unwilling to adorn the temple which he was going to build with these treasures which were his by right of capture; Verres, who was bound by no vows to Honour or Virtue, as Marcellus was, but only to Venus and to Cupid, attempted to plunder the temple of Minerva. The one was unwilling to adorn gods in the spoil taken from gods, the other transferred the decorations of the virgin Minerva to the house of a prostitute. Besides this, he took away out of the same temple twenty-seven more pictures beautifully painted; among which were likenesses of the kings and tyrants of Sicily, which delighted one, not only by the skill of the painter, but also by reminding us of the men, and by enabling us to recognise their persons. And see now, how much worse a tyrant this man proved to the Syracusans than any of the old ones, as they, cruel as they were, still adorned the temples of the immortal gods, while this man took away the monuments and ornaments from the gods. 56. [124]

But now what shall I say of the folding-doors of that temple? I am afraid that those who have not seen these things may think that I am

speaking too highly of, and exaggerating everything, though no one ought to suspect that I should be so inconsiderate as to be selling that so many men of the highest reputation, especially when they are judges in this cause, who have been at Syracuse, and who have seen all these things themselves, should be witnesses to my rashness and falsehood. I am able to prove this distinctly, O judges, that no more magnificent doors, none more beautifully wrought of gold and ivory, ever existed in an, temple. It is incredible how many Greeks have left written accounts of the beauty of these doors: they, perhaps, may admire and extol them too much; be it so, still it is more honourable for our republic, O judges, that our general, in a time of war, should have left those things which appeared to them so beautiful, than that our praetor should have carried them off in a time of peace. On the folding-doors were some subjects most minutely executed in ivory; all these he caused to be taken out; he tore off and took away a very tine head of the Gorgon with snakes for hair; and he showed, too, that he was influenced not only by admiration for the workmanship, but by a desire of money and gain; for he did not hesitate to take away also all the golden knobs from these folding-doors, which were numerous and heavy; and it was not the workmanship of these, but the weight which pleased him. And so he left the folding-doors in such state, that, though they had formerly contributed greatly to the ornament of the temple, they now seemed to have been made only for the purpose of shutting it up. [125] Am I to speak also of the spears made of grass? for I saw that you were excited at the name of them when the witnesses mentioned them. They were such that it was sufficient to have seen them once, as there was neither any manual labour in them, nor any beauty, but simply an incredible size, which it would be quite sufficient even to hear of, and too much to see them more than once. Did you covet even those? 57. [126]

For the Sappho which was taken away out of the town-hall affords you so reasonable an excuse, that it may seem almost allowable and pardonable. That work of Silanion, so perfect, so elegant, so elaborate, (I will not say what private man, but) what nation could be so worthy to possess, as the most elegant and learned Verres? Certainly, nothing will be said against it. If any one of us, who are not as happy, who cannot be as refined as that man, should wish to

behold anything of the sort, let him go to the temple of Good Fortune, to the monument of Catulus, to the portico of Metellus; let him take pains to get admittance into the Tusculan villa of any one of those men; let him see the forum when decorated, if Verres is ever so kind as to lend any of his treasures to the aediles. Shall Verres have all these things at home? shall Verres have his house full of his villas crammed with, the ornaments of temples and cities? Will you still, O judges, bear with the hobby, as he calls it, and pleasures of this vile artisan? a man who was born in such a rank, educated in such a way, and who is so formed both in mind and body, that he appears a much fitter person to take down statues than to appropriate them. [127] And how great a regret this Sappho which he carried off left behind her, can scarcely be told; for in the first place it was admirably made, and, besides, it had a very noble Greek epigram engraved upon the pedestal; and would not that learned man, that Grecian, who is such an acute judge of these matters, who is the only man who understands them, if he had understood one letter of Greek, have taken that away too? for now, because it is engraved on an empty pedestal, it both declares what was once, on the pedestal, and proves that it has been taken away. What shall I say more? Did you not take away the statue of Paean from out of the temple of Aesculapius, beautifully made, sacred, and holy as it was? a statue which all men went to see for its beauty, and worshipped for its sacred character. What more? was not the statue of Aristaeus openly taken away by your command out of the temple of Bacchus? [128] What more? did you not take away out of the temple of Jupiter that most holy statue of Jupiter Imperator, which the Greeks call Ὄυριος, most beautifully made? What next? did you hesitate to take away out of the temple of Libera, that most exquisite bust of Parian marble, which we used to go to see? And that Paean used to be worshipped among that people together with Aesculapius, with anniversary sacrifices. Aristaeus, who being, as the Greeks report, the son of Bacchus, is said to have been the inventor of oil, was consecrated among them together with his father Bacchus, in the same temple. 58. [129]

But how great do you suppose was the honour paid to Jupiter Imperator in his own temple? You may collect it from this consideration, if you recollect how great was the religious reverence

attached to that statue of the same appearance and form which Flaminius brought out of Macedonia, and placed in the Capitol. In truth, there were said to be in the whole world three statues of Jupiter Imperator, of the same class, all beautifully made: one was that one from Macedonia, which we have seen in the Capitol; a second was the one at the narrow straits, which are the mouth of the Euxine Sea; the third was that which was at Syracuse, till Verres came as praetor. Flaminius removed the first from its habitation, but only to place it in the Capitol, that is to say, in the house of Jupiter upon earth. [130] But as to the one that is at the entrance of the Euxine, that, though so many wars have proceeded from the shores of that sea, and though so many have been poured into Pontus, has still remained inviolate and untouched to this day. This third one, which was at Syracuse, which Marcus Marcellus, when in arms and victorious, had seen, which he had spared to the religion of the place, which both the citizens of, and settlers in Syracuse were used to worship, and strangers not only visited, but often venerated, Caius Verres took away from the temple of Jupiter. [131] To return again to Marcellus. Judge of the case, O judges, in this way; think that more gods were lost to the Syracusans owing to the arrival of Verres, than even were owing to the victory of Marcellus. In truth, he is said to have sought diligently for the great Archimedes, a man of the highest genius and skill, and to have been greatly concerned when he heard that he had been killed; but that other man sought for everything which he did seek for, not for the purpose of preserving it, but of carrying it away. 59.

At present, then, all those things which might appear more insignificant, I will on that account pass over — how he took away Delphic tables made of marble, beautiful goblets of brass, an immense number of Corinthian vases, out of every saved temple at Syracuse; [132] and therefore, O judges, those men who are accustomed to take strangers about to all those things which are worth going to see, and to show them every separate thing, whom they call mystagogi, (or cicerones,) now have their description of things reversed; for as they formerly used to show what there was in every place, so now they show what has been taken from every place.

What do you think, then? Do you think that those men are affected

with but a moderate indignation? Not so, O judges: in the first place, because all men are influenced by religious feeling, and think that their paternal gods, whom they have received from their ancestors, are to be carefully worshipped and retained by themselves; and secondly, because this sort of ornament, these works and specimens of art, these statues and paintings, delight men of Greek extraction to an excessive degree; therefore by their complaints we can understand that these things appear most bitter to those men, which perhaps may seem trifling and contemptible to us. Believe me, O judges, although I am aware to a certainty that you yourselves hear the same things, that though both our allies and foreign nations have during these past years sustained many calamities and injuries, yet men of Greek extraction have not been, and are not, more indignant at any than at this ruthless plundering of their temples and altars. [133] Although that man may say that he bought these things, as he is accustomed to say, yet, believe me in this, O judges, — no city in all Asia or in all Greece has ever sold one statue, one picture, or one decoration of the city, of its own free will to anybody. Unless, perchance, you suppose that, after strict judicial decisions had ceased to take place at Rome, the Greeks then began to sell these things, which they not only did not sell when there were courts of justice open, but which they even used to buy up; or unless you think that Lucius Crassus, Quintus Scaevola, Caius Claudius, most, powerful men, whose most splendid aedileships we have seen had no dealings in those sort of matters with the Greeks, but that those men had such dealings who became aediles after the destruction of the courts of justice. 60. [134]

Know also that that false presence of purchase was more bitter to the cities than if any one were privately to filch things, or boldly to steal them and carry them off. For they think it the most excessive baseness, that it should be entered on the public records that the city was induced by a price, and by a small price too, to sell and alienate those things which it had received from men of old. In truth, the Greeks delight to a marvellous degree in those things, which we despise. And therefore our ancestors willingly allowed those things to remain in numbers among the allies, in order that they might be as splendid and as flourishing as possible under our dominion; and among those nations whom they rendered taxable or tributary, still

they left these things, in order that they who take delight in those things which to us seem insignificant, might have them as pleasures and consolations in slavery. [135] What do you think that the Rhegians, who now are Roman citizens, would take to allow that marble Venus to be taken from them? What would the Tarentines take to lose the Europa sitting on the Bull? or the Satyr which they have in the temple of Vesta? or their other monuments? What would the Thespians take to lose the statue of Cupid, the only object for which any one ever goes to see Thespiae? What would the men of Cnidos take for their marble Venus? or the Coans for their picture of her? or the Ephesians for Alexander? the men of Cyzicus for their Ajax or Medea? What would the Rhodians take for Ialysus? the Athenians for their marble Bacchus, or their picture of Paralus, or their brazen Heifer, the work of Myron? It would be a long business and an unnecessary one, to mention what is worth going to see among all the different nations in all Asia and Greece; but that is the reason why I am enumerating these things, because I wish you to consider that an incredible indignation must be the feeling of those men from whose cities these things are carried away. 61. [136]

And to say nothing of other nations, judge of the Syracusans themselves. For when I went to Syracuse, I originally believed what I had heard at Rome from that man's friends, that the city of Syracuse, on account of the inheritance of Heraclius, was no less friendly to him than the city of the Mamertines, because of their participation in all his booty and robberies. And at the same time I was afraid that, owing to the influence of the high-born and beautiful women at whose will he had directed all the measures of his praetorship for three years, and of the men to whom they were married, I should be opposed not only by an excessive lenity, but even by a feeling of liberality towards that man, if I were to seek for any evidence out of the public records of the Syracusans. [137] Therefore when at Syracuse I was chiefly with Roman citizens; I copied out their papers; I inquired into their injuries. As I was a long time occupied by that business, in order to rest a little and to give my mind a respite from care, I returned to those fine documents of Carpinatius; in which, in company with some of the most honourable knights of the body of Roman settlers, I unraveled the case of those Verrutii, whom I have

mentioned before, but I expected no aid at all, either publicly or privately, from the Syracusans, nor had I any idea of asking for any. While I was doing this, on a sudden Heraclius came to me, who was in office at Syracuse, a man of high birth, who had been priest of Jupiter, which is the highest honour among the Syracusans; he requests of me and of my brother, if we have no objection, to go to their senate; that they were at that moment assembled in full numbers in the senate-house, and he said that he made this request to us to attend by command of the senate. [138] At first we were in doubt what to do; but afterwards it soon occurred to us that we ought not to shun that assembly or that place. 62.

Therefore we came to the senate-house; they all rise at our entry to do us honour. We sat down at the request of the magistrates. Diodorus the son of Timarchides, who was the first man in that body both in influence and in age, and also as it seemed to me in experience and knowledge of business, began to speak; and the first sentence of his speech was to this effect — That the senate and people of Syracuse were grieved and indignant, that, though in all the other cities of Sicily I had informed the senate and people of what I proposed for their advantage or for their safety, and though I had received from them all commissions, deputies, letters and evidence, yet in that city I had done nothing of that sort. I answered, that deputies from the Syracusans had not been present at Rome in that assembly of the Sicilians when my assistance was entreated by the common resolution of all the deputations, and when the cause of the whole of Sicily was entrusted to me; and that I could not ask that any decree should be passed against Caius Verres in that senate-house in which I saw a gilt statue of Caius Verres. [139] And after I said that, such a groaning ensued at the sight and mention of the statue, that it appeared to have been placed in the senate-house as a monument of his wickednesses and not of his services. Then every one for himself, as fast as each could manage to speak, began to give me information of those things which I have just now mentioned; to tell me that the city was plundered — the temples stripped of their treasures — that of the inheritance of Heraclius, which he had adjudged to the men of the palaestra, he had taken by far the greatest share himself; and indeed, that they could not expect that he should care for the men of

the palaestra, when he had taken away even the god who was the inventor of oil; that that statue had neither been made at the public expense, nor erected by public authority, but that those men who had been the sharers in the plunder of the inheritance of Heraclius, had had it made and placed where it was; and that those same men had been the deputies at Rome, who had been his assistants in dishonesty, his partners in his thefts and the witnesses of his debaucheries; and that therefore I ought the less to wonder if they were wanting to the unanimity of the deputies and to the safety of Sicily. 63. [140]

When I perceived that their indignation at that man's injuries was not only not less, but almost greater than that of the rest of the Sicilians, then I explained my own intentions to them, and my whole plan and system with reference to the whole of the business which I had undertaken; then I exhorted them not to be wanting to the common cause and the common safety, and to rescind that panegyric which they had voted a few days before, being compelled, a, they said, by violence and fear. Accordingly, O judges, the Syracusans, that man's clients and friends, do this. First of all, they produce to me the public documents which they had carefully stored up in the most sacred part of the treasury; in which they show me that everything, which I have said had been taken away, was entered, and even more things than I was able to mention. And they were entered in this way. "What had been taken out of the temple of Minerva .. This,... and that." "What was missing out of the temple of Jupiter." "What was missing out of the temple of Bacchus." As each individual had had the charge of protecting and preserving those things, so it was entered; that each, when according to law he gave in his accounts, being bound to give up what he had received, had begged that he might be pardoned for the absence of these things and that all had accordingly been released from liability on that account, and that it was kept secret; all which documents I took care to have sealed up with the public seal and brought away. [141] But concerning the public panegyric on him this explanation was given: that at first, when the letters arrived from Verres about the panegyric, a little while before my arrival, nothing had been decreed; and after that, when some of his friends urged them that it ought to be decreed, they were rejected

with the greatest outcry and the bitterest reproaches; but when I was on the point of arriving, then he who at that time was the chief governor had commanded them to decree it, and that it had been decreed in such a manner that the panegyric did him more damage than it could have done him good. So now, judges, do you receive the truth of that matter from me just as it was shown to me by them. 64. [142]

It is a custom at Syracuse, that, if a motion on any subject is brought before the senate, whoever wishes, gives his opinion on it. No one is asked by name for his sentiments; nevertheless, those are accustomed to speak first of their own accord, and naturally, according as they are superior in honour or in age; and that precedence is yielded to them by the rest; but, if at any time all are silent, then they are compelled to speak by lot. This was the custom when the motion was made respecting the panegyric of Verres. On which subject at first great numbers speak, in order to delay coming to any vote, and interpose this objection, that formerly, when they had heard that there was a prosecution instituted against Sextus Peducaeus, who had deserved admirably well of that city and of the whole province, and when, in return for his numerous and important services, they wished to vote a panegyric on him, they had been prohibited from doing so by Caius Verres; and that it would be an unjust thing, although Peducaeus had now no need of their praise, still not to vote that which at one time they had been eager to vote, before decreeing what they would only decree from compulsion. [143] All shout in assent, and say approvingly that that is what ought to be done. So the question about Peducaeus is put to the senate. Each man gave his opinion in order, according as he had precedence in age and honour. You may learn this from the resolution itself; for the opinions delivered by the chief men are generally recorded. Read — [The list of speeches made on the subject of Sextus Peducaeus is read.] It says who were the chief supporters of the motion. The vote is carried. Then the question about Verres is put. Tell me, I pray, what happened. [The list of speeches made on the subject of Caius Verres....] Well what comes next? [As no one rose, and no one delivered his opinion....] What is this? [They proceed by lot.] Why was this? Was no one a willing praiser of your praetorship, or a

willing defender of you from danger, especially when by being so he might have gained favour with the praetor? No one. Those very men who used to feast with you, your advisers and accomplices, did not venture to utter a word. In that very senate-house in which a statue of yourself and a naked statue of your son were standing, was there no one whom even your naked son in a province stripped naked could move to compassion? [144] Moreover they inform me also of this, that they had passed the vote of panegyric in such a form that all men might see that it was not a panegyric, but rather a satire, to remind every one of his shameful and disastrous praetorship. For in truth it was drawn up in these words. "Because he had scourged no one." From which you are to understand, that he had caused most noble and innocent men to be executed. "Because he had administered the affairs of the province with vigilance," when all his vigils were well known to have been devoted to debauchery and adultery; moreover, there was this clause added, which the defendant could never venture to produce, and the accuser would never cease to dwell upon; "Because Verres had kept all pirates at a distance from the island of Sicily;" men who in his time had entered even into the "island" of Syracuse. [145] And after I had received this information from them, I departed from the senate-house with my brother, in order that they might decree what they chose. 65.

Immediately they pass a decree. First, "That my brother Lucius should be connected with the city by ties of hospitably;" because he had shown the same goodwill to the Syracusans that I had always felt myself. That they not only wrote at that time, but also had engraved on brazen tablets and presented to us. Truly very fond of you are your Syracusans whom you are always talking of, who think it quite a sufficient reason for forming an intimate connection with your accuser, that he is going to be your accuser, and that he has come among them for the purpose of prosecuting inquiries against you. After that, a decree is passed, not with any difference of opinion, but almost unanimously, "That the panegyric which had been decreed to Caius Verres, be rescinded." [146] But, when not only the vote had been come to, but when it had even been drawn up in due form and entered in the records, an appeal is made to the praetor. But who makes this appeal? Any magistrate? No. Any senator? Not even that.

Any Syracusan? Far from it. Who, then, appeals to the praetor? The man who had been Verres's quaestor, Caesetius. Oh, the ridiculous business! Oh, the deserted man! O man despaired of and abandoned by the Sicilian magistracy! In order to prevent the Sicilians passing a resolution of the senate, or from obtaining their rights according to their own customs and their own laws, an appeal is made to the praetor, not by any friend of his, not by any connection, not, in short, by any Sicilian, but by his own quaestor. Who saw this? Who heard it? That just and wise praetor orders the senate to be adjourned. A great multitude flocks to me. First of all, the senators cry out that their rights are being taken away; that their liberty is being taken away. The people praise the senate and thank them. The Roman citizens do not leave me. And on that day I had no harder task, than with all my exertions to prevent violent hands being laid on the man who made that appeal. [147] When we had gone before the praetor's tribunal, he deliberates, forsooth, diligently and carefully what decision he shall give; for, before I say one word, he rises from his seat and departs. And so we departed from the forum when it was now nearly evening. 66.

The next day, the first thing in the morning, I beg of him to allow the Syracusans to give me a copy of the resolution which they had passed the day before. But he refuses, and says that it is a great shame for me to have made a speech in a Greek senate; and that, as for my having spoken in the Greek language to Greeks, that was a thing which could not be endured at all. I answered the man as I could, as I chose, and as I ought. Among other things, I recollect that I said that it was easy to be seen how great was the difference between him and the great Numidicus, the real and genuine Metellus. That that Metellus had refused to assist with his panegyric Lucius Lucullus, his sister's husband, with whom he was on the very best terms, but that he was procuring panegyrics from cities for a man totally unconnected with himself, by violence and compulsion. [148] But when I understood that it was many recent messengers, and many letters, not of introduction but of credit, that had had so much influence over him, at the suggestion of the Syracusans themselves I make a seizure of those documents in which the resolutions of the senate were recorded. And now behold a fresh confusion and strife.

That, however, you may not suppose that he was without any friends or connections at Syracuse, that he was entirely desolate and forsaken, a man of the name of Theomnastus, a man ridiculously crazy, whom the Syracusans call Theoractus. attempted to detain those documents; a man in such a condition, that the boys follow him, and that every one laughs at him every time he opens his mouth. But his craziness, which is ridiculous to others, was then in truth very troublesome to me. For while he was foaming at the mouth, his eyes glaring, and he crying out as loud as he could that I was attacking him with violence, we came together before the tribunal. [149] Then I began to beg to be allowed to seal up and carry away the records. He spoke against me; he denied that there had been any regular resolution of the senate passed, since an appeal had been made to the praetor. He said that a copy of it ought not to be given to me. I read the act, that I was to be allowed all documents and records. He, like a crazy man as he was, urged that our laws had nothing to do with him. That intelligent praetor decided that he did not choose, as the resolution of the senate had no business ever to be ratified, to allow me to take a copy of it to Rome. Not to make a long story of it, if I had not threatened the man vigorously, if I had not read to him the provisions of the act passed in this case, and the penalties enacted by it, I should not have been allowed to have the documents. But that crazy fellow, who had declaimed against me most violently on behalf of Verres, when he found he did not succeed, in order I suppose to recover my favour, gives me a book in which all Verres's Syracusan thefts were set down, which I had already been informed of by, and had a list of from them. 67. [150]

Now, then, let the Mamertines praise you, who are the only men of all that large province who wish you to get off, but let them praise you on condition that Heius, who is the chief man of that deputation, is present; let them praise you on condition that they are here, ready to reply to me on those points concerning which they are questioned. And that they may not be taken by surprise on a sudden, this is what I shall ask them: — Are they bound to furnish a ship to the Roman people? They will admit it. Have they supplied it while Verres was praetor? They will say, No. Have they built an enormous transport at the public expense which they have given to Verres? They will not

be able to deny it. Has Verres taken corn from them to send to the Roman people, as his predecessor did? They will say, No. What soldiers or sailors have they furnished during those three years? They will say they furnished none at all. They will not be able to deny that Messana has been the receiver of all his plunder and all his robberies. They will confess that an immense quantity of things were exported from that city; and besides that, that this large vessel given to him by the Mamertines, departed loaded when the praetor left Sicily. [151] You are welcome, then, to that panegyric of the Mamertines. As for the city of Syracuse, we see that that feels towards you as it has been treated by you; and among them that infamous Verrean festival, instituted by you, has been abolished. In truth, it was a most unseemly thing for honours such as belong to the gods to be paid to the man who had carried off the images of the gods. In truth, that conduct of the Syracusans would be deservedly reproached, If, when they had struck a most celebrated and solemn day of festival games out of their annals, because on that day Syracuse was said to have been taken by Marcellus, they should, notwithstanding, celebrate a day of festival in the name of Verres; though he had plundered the Syracusans of all which that day of disaster had left them. But observe the shamelessness and arrogance of the man, O judges, who not only instituted this disgraceful and ridiculous Verrean festival out of the money of Heraclius, but who also ordered the Marcellean festival to be abolished, in order that they might every year offer sacrifices to the man by whose means they had lost the sacred festivals which they had ever observed, and had lost their national deities, and that they might take away the festival days in honour of that family by whose means they had recovered all their other festivals.

THE FIFTH BOOK OF THE SECOND PLEADING IN THE PROSECUTION AGAINST VERRES.

The Speech on the Punishments.

The Argument.

This speech is divided into three divisions. First of all Cicero speaks of the conduct of Verres with respect to the war of the runaway slaves, which arose out of the relics of the war of Spartacus, which was brought to a termination just before the end of Verres's praetorship. In the second place he speaks of his conduct with respect to the pirates and banditti, who at that time infested the sea and the coasts of Sicily. And in the third place he impeaches him on account of the punishments he had inflicted on Roman citizens. But this last topic takes up, comparatively speaking, but a small part of the oration, though it has given the title to the whole oration. In the first two divisions of the speech Cicero is mainly occupied in replying to Hortensius, who had highly extolled Verres's military conduct and valour.

1. I see, O judges, that it is not doubtful to any one of you that Caius Verres most openly plundered everything in Sicily, whether sacred or profane, whether private or public property; and that, not only without the slightest scruple, but without even the very least disguise, he practiced every possible description of robbery and plunder. But a very heightened and pompous defence of him is put forward in reply to me, which I must consider very carefully beforehand, O judges, how I am to resist. For his cause is stated in this way; that by his valour, and by his singular vigilance exerted at a critical and perilous time, the province of Sicily was preserved in safety from fugitive slaves, and from the dangers of war. [2] What am I to do, O judges? In what way am I to shape my accusation? which way am I to turn? For to all my attacks the appellation of a gallant general is opposed, as a wall of defence. I am acquainted with the topic; — I see how

Hortensius is going to boast himself. He will dilate upon the dangers of the war, the critical time of the republic, the scarcity of able generals; and that he will entreat of you, he will even claim as a right belonging to himself, that you do not suffer so great a general to be taken from the Roman people through the evidence of the Sicilians; that you do not allow his glory as a general to be overclouded by accusations of avarice. [3] I cannot dissemble my alarm, O judges; I am afraid that Caius Verres, on account of this amazing warlike valour of his, may escape with impunity from the consequences of all his actions. For it occurs to me, what great influence, what exceeding authority, the oration of Marcus Antonius was supposed to have had at the trial of Marcus Aquillius; who, as he was not only skillful as an orator, but bold also, when he had nearly finished his speech, took hold of Marcus Aquillius and placed him in the sight of every one, and tore his robe away from his chest, in order that the Roman people and the judges might see his scars, all received in front; and at the same time he enlarged a good deal on that wound which he had received on his head from the general of the enemy; and worked up the men who were to judge in the cause to such a pitch, that they were greatly afraid lest the man whom fortune had saved from the weapons of the enemy, and who had not spared himself, should appear to have been saved not to receive praise from the Roman people, but to endure the cruelty of the judges. Now again this same plan and method of defence is to be tried by the opposite party. [4] The same object is aimed at. He may be a thief, he may be a robber of temples, he may he the very chief man in every sort of vice and criminality; but he is a gallant general and a fortunate one, and he must be preserved for the critical emergencies of the republic. 2.

I will not plead against you according to strict law; I will not urge that point, which perhaps I ought to carry if I did, that as this trial is appointed to take place according to a particular formula, the point that required to be proved by you, is not what gallant exploits you may have performed in war, but how you have kept your hands from other people's money, — I will not, I say, urge this; but I will ask, as I perceive you are desirous that I should, what has been your conduct and what have been your great exploits in war. [5]

What will you say? That in the war of the runaway slaves Sicily

was delivered by your valour? It is a great praise; a very honourable boast. But in what war? For we have understood that after that war which Marcus Aquillius finished, there has been no war of fugitive slaves in Sicily. Oh! but there was in Italy. I admit that; a great and formidable war. Do you then attempt to claim for yourself any part of the credit arising from that war? Do you think that you are to share any of the glory of that victory with Marcus Crassus or Cnaeus Pompeius? I do not suppose that even this will be too great a stretch for your impudence, to venture to say something of that sort. You, forsooth, hindered any part of the forces of these slaves from passing over from Italy into Sicily? Where? When? From what part of Italy, as they never attempted to approach Sicily in any ships or vessels of any sort? For we never heard anything whatever of such an attempt; but we have heard that care was taken, by the courage and prudence of Marcus Crassus, that most valiant man, that the runaways should not make boats so as to be able to cross the strait to Messana; an attempt from which it would not have been so important to have cut them off, if there were supposed to have been any forces in Sicily able to oppose their invasion. [6] But though there was war in Italy so close to Sicily, still it never came into Sicily. Where is the wonder? for when it existed in Sicily, at exactly the same distance from Italy, no part of it reached Italy. 3.

What has the proximity of the countries to do with either side of the argument in discussing this topic? Will you say that access was very easy to the enemy, or that the contagion and temptation of imitating that war was a dangerous one? Every access to the island was not only difficult to, but was entirely cut off from men who had no ships; so that it was more easy for those men, to whom you say that Sicily was so near, to go to the shore of the ocean than to Cape Pelorus. [7] But as for the contagious nature to that servile war, why is it spoken of by you more than by all the rest of the officers who were governors of the other provinces? Is it because before that time there had been wars of runaway slaves in Sicily? But that is the very cause why that province is now and has been in the least danger. For ever since Marcus Aquillius left it all the regulations and edicts of the praetors have been to this effect, that no slave should ever be seen with a weapon. What I am going to mention is an old story, and one,

probably, owing to the severity of the example, not unknown to any one of you. They tell a story that Lucius Domitius was praetor in Sicily, and that an immense boar was brought to him; that he, marveling at the size of the beast, asked who had killed it. When he was told that it was such-an-one's shepherd, he ordered him to be summoned before him; that the shepherd came eagerly to the praetor, expecting praise and reward; that Domitius asked him how he had slain so huge a beast; that he answered "With a hunting spear;" and that he was instantly crucified by order of the praetor. This may, perhaps, appear harsh: I say nothing either way; all that I understand from the story is, that Domitius preferred to appear cruel in punishing, to seeming negligent in overlooking offences. 4. [8]

Therefore, while these were the established regulations of the province, Caius Norbanus, a man neither very active nor very valiant, was at perfect ease, at the very moment that all Italy was raging with the servile war. For at that time Sicily easily took care of itself, so that no war could possibly arise there. In truth, as no two things are so closely united as the traders are with the Sicilians, by habit, by interest, by reason, and by community of sentiment; and as the Sicilians have all their affairs in such a state that it is most desirable for them to be at peace; and as they are so attached to the sway of the Roman people that they would be very sorry that its power should be diminished or altered; and as ever since the servile war all such dangers as these have been provided for, both by the regulations of the praetors, and by the discipline of the masters; there is no conceivable domestic evil which can arise out of the province itself. [9] What then do you say? Were there no disturbances of slaves in Sicily while Verres was praetor? Are no conspiracies said to have taken place? None at all that have ever come to the knowledge of the senate and people of Rome; none which that man has thought worth writing public despatches to Rome about; and yet I do suspect that the body of slaves had begun to be less orderly in some parts of Sicily; and I infer that, not so much from any overt act, as from the actions and decrees of Verres. And see with how little of a hostile feeling I am going to conduct this case. I myself will mention and bring forward the things which he wishes to have mentioned, and which as yet you have never heard of. [10] In the district of Triocala, a

place which the fugitive slaves had occupied before, the family of a certain Sicilian called Leonidas was implicated in suspicion of a conspiracy. Information of the matter was laid before Verres. Immediately, as was natural, by his command, the men who had been named were arrested and taken to Lilybaeum. Their master was summoned to appear, and after the case had been heard they were condemned. 5.

What happened afterwards? What do you suppose? Perhaps you expect to hear of some robbery or plunder; — do not look on all occasions for the same things — when a man is in fear of war, what room is there for petty thefts? However, even if there was any opportunity for such a thing in this matter, it was overlooked. Perhaps he could have got some money out of Leonidas when he summoned him to appear. There was besides room for bargaining, (and that was an opportunity that he was not new to,) to get the cause adjourned; and a second chance, to get the slaves acquitted. But when the slaves had been condemned, what opportunity of plundering could there be? They must be brought up for punishment. For there were the witnesses who were sitting on the bench; the public records were witnesses; that most splendid city of Lilybaeum was a witness; that most honourable and numerous assembly of Roman citizens was a witness. Nothing can be done; they must be brought up. Accordingly, they are brought up, and fastened to the stake. [11] Even now, O judges, you seem to me to be waiting to see what happened next; because that man never did anything without some gain and some booty. What could be done in such a case? What is profitable? Expect then to hear of some crime as infamous as you please; but I will outdo all your expectation. The men who had been convicted of wickedness and conspiracy, who had been delivered up for punishment, who had been bound to the stake, on a sudden, in the sight of many thousands of men, are unbound and restored to Leonidas their master. What can you say on this topic, O most insane of men? except, indeed, that which I do not ask you; what, in short, in so nefarious a business, although there can be no doubt about it, still, even if there were a doubt, ought not to be asked; namely, what or how much money you took to release them, and how you managed it. I give up the whole of this to you; and I release you from

this anxiety; for I am not afraid of any one believing that you, without any payment, undertook an action which no man in the world except you could have been induced to undertake by any sum of money whatever. But about that system of thieving and plundering of yours I say nothing; — what I am now discussing is your renown as a general. 6. [12]

What do you say, O you admirable guardian and defender of the province? Did you dare to snatch from the very jaws of death and to release slaves whom you had decided were eager to take arms and to make war in Sicily, and whom in accordance with the opinion of your colleagues on the bench you had sentenced, after they had been already delivered up to punishment after the manner of our ancestors and had been bound to the stake, in order to reserve for Roman citizens the cross which you had erected for condemned slaves? Ruined cities, when their affairs are all desperate, are often accustomed to these disastrous scenes, to have those who have been condemned restored to their original position; those who have been bound, released; those who have been banished, restored; decisions which have been given, rescinded. And when such events take place, there is no one who is not aware that that state is hastening to its fall. When such things take place, there is no one who thinks that there is any hope of safety left. [13] And whenever these things do take place, their effect has been to cause popular or high-born men to be relieved from punishment or exile; still, not by the very men who have passed the sentences; still, not instantly; still, not if they have been convicted of those crimes which affected the lives and property of all the citizens. Still this is an utterly unprecedented step, and of such a character as to appear credible rather from consideration of who the criminal is, than from consideration of the case itself That a man should have released slaves; that that very man who had sentenced them should release them; that he should release them, in a moment, out of the very jaws of death, that he should release slaves convicted of a crime which affected the life and existence of every free man — [14] O splendid general, not to be compared now to Marcus Aquillius, a most valiant man, but to the Paulli, the Scipios, and the Marii! That a man should have had such foresight at a time of such alarm and danger to the province! As he saw that the minds of all the slaves in

Sicily were in an unsettled state on account of the war of the runaway slaves in Italy, what was the great terror he struck into them to prevent any one's daring to stir? He ordered them to be arrested — who would not he alarmed? He ordered their masters to plead their cause — what could be so terrible to slaves? He pronounced "That they appeared to have done...." He seems to have extinguished the rising flame by the pain and death of a few. What follows next? Scourgings, and burnings, and all those extreme agonies which are part of the punishment of condemned criminals, and which strike terror into the rest, torture and the cross? From all these punishments they are released. Who can doubt that he must have overwhelmed the minds of the slaves with the most abject fear, when they saw a praetor so good-natured as to allow the lives of men condemned of wickedness and conspiracy to be redeemed from punishment, the very executioner acting as the go-between to negotiate the terms? 7. [15]

What more? Did you not act in the same manner in the case of Aristodemus of Apollonia, and in that of Leon of Megara? What more? Did that unquiet state of the slaves, and that sudden suspicion of war, inspire you with any additional diligence in guarding the province, or with a new plan for acquiring most scandalous gain? When at your instigation the steward of Eumenides of Halicya, a highborn and honourable man of great wealth, was accused of some crime, you got sixty thousand sesterces from his master, and he lately explained to us, as a witness on his oath, how you managed it. From Caius Matrinius, a Roman knight, you took in his absence, while he was at Rome, a hundred thousand sesterces, because you said that his stewards and shepherds had fallen under suspicion. Lucius Flavius, the agent of Caius Matrinius, who paid you that money, deposed to this fact; Caius Matrinius himself made the same statement, and that most illustrious man, Cnaeus Lentulus the censor, who quite recently has both sent letters to you himself, and has procured others to be sent to you for the purpose of doing honour to Caius Matrinius, will prove the same thing. [16] What more? Is it possible to pass over the case of Apollonius, the son of Diocles, a Panormitan, whose surname is Geminus? Can anything be mentioned which is more notorious in the whole of Sicily? anything which is more scandalous? anything

which is more fully proved? This man Verres, as soon as he came to Panormus, ordered to be summoned before him, and to be cited before his tribunal, in the presence of a great number of the Roman settlers in that city. Men immediately began to talk; to wonder how it was that Apollonius, a wealthy man, had so long remained free from his attacks. “He has devised some plan; he has brought some charge against him; a rich man is not summoned in a hurry by Verres without some object.” All are in the greatest state of anxiety to see what is to happen, when on a sudden Apollonius himself runs up, out of breath, with his young son; for his father, a very old man, had been for some time confined to his bed. [17] Verres names one of his slaves, who he said was the manager of his flocks; says that he has formed a conspiracy, and excited slaves in other households. He had actually no such slave in his family at all. He orders him to be produced instantly. Apollonius asserts that he has no slave whatever of that name. Verres orders the man to be hurried from the tribunal, and to be cast into prison. He began to cry out, while he was being hurried off, that the, unhappy man that he was, had done nothing; had committed no offence; that his money was all out at loan, that ready money he had none. While he kept making these declarations in a very numerous assembly of people, so that every one could understand that he was treated with this bitter injustice and violence because he had not given Verres money, — while, I say, he kept making these statements about his money at the top of his voice, he was thrown into prison. 8. [18]

See now the consistency of the praetor, and of that praetor who, now being on his trial, is not defended as a tolerable praetor, but is extolled as an admirable general. While a war of slaves was dreaded, he released condemned slaves from the same punishment which he inflicted on their masters who were not condemned. He threw into prison, under pretence of a servile war, without a trial, Apollonius, a most wealthy man, who if the runaway slaves had kindled a war in Sicily would have lost a most magnificent fortune: the slaves whom he himself, with the agreement of his assessors, decided had conspired together for the purpose of war, those, without the consent of his assessors, of his own accord, he released from all punishment. [19] What more shall I say? If anything was done by Apollonius to

justify his being punished, shall we conduct this affair in such a manner as to impute it as a crime to the defendant, as to seek to excite ill-feeling against him, if he has judged a man rather too harshly? I will not act in so bitter a spirit. I will not adopt the usual method of accusers, so as to disparage anything which may have been done mercifully, as having been so done out of indifference; or, if anything has been punished with severity, so as to pervert that into a charge of cruelty — I will not act on that system. I will follow your decisions; I will defend your authority as long as you choose; when you yourself begin to rescind your own decrees, then cease to be angry with me, for I will contend, as I have a right to do, that he who has been condemned by his own decision ought to be condemned by the decisions of judges on their oaths. [20] I will not defend the cause of Apollonius, my own friend and connection, lest I should seem to be rescinding, our decision; I will say nothing of the economy, of the virtue, of the industry of the man; I will even pass over that which I have mentioned before, that his fortune was invested in such a manner, in slaves, in cattle, in country houses, in money out at loan, that there was no man to whom it would be more injurious for there to be any disturbance or war in Sicily; I will not even say this, that if Apollonius were ever so much in fault, still an honourable man of a most honourable city ought not to have been so severely punished without a trial. [21] I will not seek to excite any odium against you, not even out of the circumstances that, while such a man was lying in prison, in darkness, in dirt and filth, all permission to visit him was refuted by your tyrannical prohibition to his aged father, and to his youthful son. I will even pass over this, that every time that you came to Panormus during that eighteen months, (for all that time was Apollonius kept in prison,) the senate of Panormus came to you as suppliants, with the public magistrates and priests, praying and entreating you to release some time or other that miserable and innocent man from that cruel treatment. I will omit all these statements; though, were I to choose to follow them up, I could easily show by your cruelty towards others, that every channel of mercy from the judges to yourself has been long since blocked u. [22]

All those topics I will abandon, I will spare you them. For I know beforehand what Hortensius will say in your defence. He will confess

that with Verres neither the old age of Apollonius's father, nor the youth of his son, nor the tears of both, had more influence than the advantage and safety of the republic. He will say that the affairs of the republic cannot be administered without terror and severity; he will ask why the fasces are borne before the praetors, why the axes are given to them, why prisons have been built, why so many punishments have been established against the wicked by the usage of our ancestors. And when he has said all this with becoming gravity and sternness, I will ask him why Verres all of a sudden ordered this same Apollonius to be released from prison, without any fresh circumstances having been brought to light, without any defence having been made, or any trial having taken place? And I will affirm that there is so much suspicion attached to this charge, that, without any arguments of mine, I will allow the judges to form their own opinion as to what a system of plundering this was, how infamous, how scandalous, and what an immense and boundless field it opens for inordinate gain. [23] For first of all consider for a moment how many and how grievous were the evils which that man inflicted on Apollonius; and then calculate them and estimate them by money. You will find that they were all so continued in the case of this one wealthy man, as by their example to cause a fear of similar suffering and danger to all others. In the first place, there was a sudden accusation of a capital and detestable crime; judge what you think this worth, and how many have bought themselves off from such charges. In the next place, there is an accusation without an accuser, a sentence without any bench of judges, a condemnation without any defence having been made. Estimate the money to be got by all these transactions, and then suppose that Apollonius alone was an actual victim to these atrocities, but that all the rest, as many as they were, delivered themselves from these sufferings by money. Lastly, there were darkness, chains, imprisonment, punishment within the prison, seclusion from the sight of his parents and of his children, a denial of the free air and common light of heaven; but these things, which a man might freely give his life to escape, I am unable to estimate by the standard of money. [24] From all these things did Apollonius after a long time ransom himself, when he was worn out with suffering and misery; but still he taught the rest to meet that man's wickedness

and avarice beforehand. Unless you think that a wealthy man was selected for so incredible an accusation without any object of gain; or that, again, he was on a sudden released from prison without any corresponding reason; or that this method of plundering was used and tried in the case of that man alone, and that terror was not, by means of his example, held out to and struck into every rich man in Sicily. 10. [25]

I wish, O judges, to be prompted by him, since I am speaking of his military renown, if by accident I pass over anything. For I seem to myself to have spoken of all his exploits which are connected with his suspicion of a servile war; at all events I have not omitted anything intentionally. You are in possession of the man's wisdom, and diligence, and vigilance; and of his guardianship and defence of the province. The main thing is, as there are many classes of generals, for you to know to what class he belongs. But that, in the present dearth of brave men, you may not be ignorant of such a commander as he is, know, — I beg you, O judges, to be aware, that his is not the wisdom of Quintus Maximus, nor the promptness of action belonging to that great man the elder Africanus, nor the singular prudence of the Africanus of later times, nor the method and discipline of Paulus Aemilius, nor the vigour and courage of Caius Marcus; but that he is to be esteemed and taken care of as belonging to quite a different class of generals. [26] In the first place, see how easy and pleasant to himself Verres by his own ingenuity and wisdom made the labour of marches, which is a labour of the greatest importance in all military affairs, and most especially necessary in Sicily. First, in the winter season he devises for himself this admirable remedy against the severity of the cold and the violence of storms and floods; he selected the city of Syracuse, the situation of which and the nature of its soil and atmosphere are said to be such that there never yet was a day of such violent and turbulent storms, that men could not see the sun at some time or other in the day. Here that gallant general was quartered in the winter months, so securely that it was not easy to see him, I will not say out of the house, but even out of bed. So the shortness of the day was consumed in banquets, the length of the night in adulteries and debaucheries. [27] But when it began to be spring, the beginning of which he was not

used to date from the west wind, or from any star, but he thought that spring was beginning when he had seen the rose, then he devoted himself to labour and to marches; and in these he proved himself so patient and active that no one ever once saw him sitting on a horse. 11.

For, as was the custom of the kings of Bithynia, he was borne on a litter carried by eight men, in which was a cushion, very beautiful, of Melitan manufacture, stuffed with roses. And he himself had one chaplet on his head, another on his neck, and kept putting a network bag to his nose, made of the finest thread, with minute interstices, full of roses. Having performed his march in this manner, when he came to any town he was carried in the same litter up to his chamber. Thither came the magistrates of the Sicilians, thither came the Roman knights, as you have heard many of them state on their oaths; there disputes were secretly communicated to him; and from thence, a little while afterwards, decrees were openly brought down. Then, when for a while he had dispensed the laws for bribery, and not out of considerations of justice, he thought that now the rest of his time was due to Venus and to Bacchus. [28] And when speaking of this, I must not omit the admirable and singular diligence of this great general. For know that there is no town in all Sicily of those in which the praetors are accustomed to stay and hold their court, in which there was not some woman selected for him out of some respectable family, to gratify his lust. Some of them were even openly present at his banquets. If there were some a little modest, they used to come at the proper time, and avoided the light of day, and the crowd. And these banquets were celebrated, not with the orderly silence of the banquets of praetors and generals of the Roman people, nor with that modesty which is usually found at the entertainments of magistrates, but with the most excessive noise and licence of conversation sometimes even affairs proceeded to blows and fighting. For that strict and diligent praetor, who had never obeyed the laws of the Roman people, observed most carefully those rules which are laid down for drinking parties. And accordingly the ends of these banquets were such that men were often carried out from the feast as from a battle; others were left on the ground as dead; numbers lay prostrate without sense or feeling, so that any one who beheld the scene would have supposed that he was looking not on a banquet of a

praetor, but on the battle of Cannae. 12. [29]

But when the middle of summer began to be felt, the time that all the praetors in Sicily have been accustomed to devote to their journeys, because they think that the best time for travelling over the province where the corn is on the threshing-floor, because at that time all the members of a household are collected together, and the number of a person's slaves is seen, and the work that is done is most easily observed; the abundance of the harvest invites travel and the season of the year is no obstacle to it; then, I say, when all other praetors are used to travel about, that general of a new sort pitched himself a permanent camp in the most beautiful spot in Syracuse. [30] For at the very entrance and mouth of the harbour, where first the bay begins to curve from the shore of the open sea towards the city, he pitched tents of fine linen curtains; thither he migrated from the praetorian palace which had belonged to king Hiero, and lived here so that during the whole summer no one ever saw him out of his tent. And to that tent no one had access unless he was either a boon companion, or a minister of his lust. Hither came all the women with whom he had any intrigue, and of these it is incredible how great a number there was at Syracuse. Hither came men worthy of that man's friendship, worthy associates in that course of life also those banquets. Among such men and such women as these, his son, now grown up, spent his time; in order that if nature removed him at all from the likeness to his father, still use and constant training might make him resemble him. [31] That Tertia whom I have spoken of before, having been tempted by trick and artifice to leave her Rhodian flute-player and to come hither, is reported to have caused great disturbance in that camp; as the wife of Cleomenes the Syracusan, a woman of noble birth, and the wife of Aeschrio, a woman of very respectable patronage, were very indignant that the daughter of Isidorus the buffoon should be admitted into their company. But that Hannibal, who thought that in his army there ought to be no rivalry of birth, but only of merit, was so much in love with this Tertia, that he carried her with him out of the province. 13.

And all that time, while that man, clad in a purple cloak and a tunic reaching to his ankles, was reveling in banquets with women, men were not offended, nor in the least vexed that the magistrate was

absent from the forum that the laws were not administered, that the courts of justice were not held; that all that shore resounded with women's vices, and music and songs. They were not, I say, at all vexed at there being a total silence in the forum, no pleading, and no law. For it was not law or the court of justice that seemed to be absent from the forum, but violence and cruelty, and the bitter and shameful robbery of good men. [32] Do you then, O Hortensius, defend this man on the ground of his having been a general? Do you endeavour to conceal his thefts, his rapine, his cupidity, his cruelty, his pride, his wickedness, his audacity, by dwelling on the greatness of his exploits and his renown as a commander? No doubt I have cause to fear here, that at the end of your defence you may have recourse to the old conduct of Antonius, and to his mode of ending a speech; that Verres may be brought forward, his breast bared, that the Roman people may see his scars, inflicted by the bites of women, traces of lust and profligacy. [33] May the gods grant that you may venture to make mention of military affairs and of war. For all his ancient military service shall be made known, in order that you may be aware, not only what he has been as a commander, but also how he behaved as a soldier in his campaigns. That first campaign of his shall be brought up again, in which he was, as he says himself, subservient to others, not their master. The camp of that gambler of Placentia shall be brought: up again, where, though he were assiduous in his attendance, he still lost his pay. Many of his losses in his campaigns shall be recounted, which were made up for and retrieved by the most infamous expedients. [34] But afterwards, when he had become hardened by a long course of such infamy, — when he had sated others, not himself, — why need I relate what sort of man he turned out? what carefully guarded defences of modesty and chastity he broke down by violence and audacity? or why should I connect the disgrace of an, one else with his profligacy? I will not do so, O judges. I will pass over all old stories; I will only mention two recent achievements of his, without fixing infamy on any one else; and by those you will be able to conjecture the rest. One of them is, that it was so notorious to every one, that during the consulship of Lucius Lucullus and Marcus Cotta, no one ever came up from any municipal town to Rome on any law business, who was so ill-

informed of what was going on as not to know that all the laws of the Roman people were regulated by the will and pleasure of Chelidon the prostitute. The other is that, after he had left the city in the robe of war, — after he had pronounced the solemn vows for the success of his administration, and for the common welfare of the republic, he was accustomed, for the sake of committing adultery, to be brought back into the city, at night, in a litter, to a woman who, though the wife of one man, was common to all men, contrary to law, contrary to what was required by the auspices, contrary to everything which is held sacred among gods and men. 14. [35]

O ye immortal gods! what a difference is there between the minds and ideas of men! So may your good opinion and that of the Roman people approve of my intentions, and sanction my hopes for the rest of my life, as I have received those offices with which the Roman people has as yet entrusted me with the feeling that I was bound to a conscientious discharge of every possible duty. I was appointed quaestor with the feeling that that honour was not given to me so much as lent and entrusted to me. I obtained the quaestorship in the province of Sicily, and considered that every man's eyes were turned upon me alone. So that I thought that I and my quaestorship were being exhibited on some theatre open to the whole world; so that I denied myself all those things which seem to be indulgences, not merely to those irregular passions, but even those which are coveted by nature itself and by necessity. [36] Now I am aedile elect, I consider what it is that I have received from the Roman people; I consider that I am bound to celebrate holy games with the most solemn ceremonies to Ceres, to Bacchus, and to Libera; that I am bound to render Flora propitious to the Roman nation and people by the splendour of her games; that it is my office to celebrate those most ancient games, which were the first that were ever called Roman games, with the greatest dignity and with all possible religious observance, in honour of Juno, Jupiter, and Minerva; that the charge of protecting all the sacred buildings and the whole city is entrusted to me; that as a recompense for all that labour and anxiety these honours are granted to me, — an honourable precedence in delivering my opinion in the senate; a toga praetexta; a curule chair; a right of transmitting my image to the recollection of my posterity.

[37] I wish, O judges, that all the gods may be propitious to me, as I do not receive by any means so much pleasure from all these things, (though the honours conferred on me by the people are most acceptable to me,) as I feel anxiety, and as I will take pains, that this aedileship may not seem to have been given to some one of the candidates, because it could not be helped, but to have been conferred on me because it was proper that it should be, and to have been conferred by the deliberate judgment of the people. 15. [38]

You, when you were appointed praetor, by whatever means it was brought about, — for I leave out and pass over everything that was done at that time, — but when you were appointed, as I have said, were you not roused by the very voice of the crier, who made such frequent announcements that you had been invested with that honour by the centimes of the seniors and juniors, to think that some part of the republic had been entrusted to you? that for that one year you must do without the house of a prostitute? When it fell to you by lot to preside in the court of justice, did you never consider what an important affair, what a burden you had imposed on you? Did it never once occur to you, if by any chance you were able to awaken yourself, that that province, which it was difficult for a man to administer properly even if endowed with the greatest wisdom and the greatest integrity, had fallen to the lot of the greatest stupidity and worthlessness? Therefore, you were not only unwilling to drive Chelidon from your house during your praetorship, but you even transported your whole praetorship to Chelidon's house. [39] The province followed; in which it never occurred to you that the fasces and axes, and such absolute authority, and such dignity, and every sort of decoration, was not given to you in order, by the power and authority derived from these things, to break down all the barriers of law and modesty and duty, and to consider every man's property as your own booty; so that no man's estate could be safe, no man's house closed; no man's life protected, no woman's chastity fortified, against your cupidity and audacity; in which you behaved yourself in such a way that, being detected in everything, you take refuge in an imaginary war of runaway slaves; by which you now perceive, that not only no defence is procured for you, but that an immense body of accusations is raised up against you; unless, indeed, you are going to

speak of the relics of the war in Italy, and the disaster of Temsa. But when your fortune recently conducted you to that place, at a most seasonable time, if you had any courage, or any energy, you were found to be the same man that you had ever been. 16. [40]

When the men of Valentia had come to you, and when a noble and an eloquent man, Marcus Marius, was addressing you on their behalf, begging you to undertake the business, and, as the power and the name of praetor belonged to you, to act as their chief and leader in extinguishing that small band that was at Temsa, you not only shunned that task, but at that very time, while you were on the shore, that dear Tertia of yours, whom you were carrying with you, was there in the sight of all men. And to the deputies from Valentia, such an illustrious and noble municipality, you gave no answer at all in matters of such moment, while you were still in your dark-coloured tunic and cloak. What can you, O judges, suppose that this man did while on his journey? what can you suppose he did in the province itself who, when he was on his way from his province, not to celebrate a triumph, but to be put on his trial, did not avoid a scandal which could not have been accompanied by any pleasure. [41] Oh! the noble murmur of the crowd in the temple of Bellona! You recollect, O judges, when it was getting towards evening, and when mention had been made a short time before of this disaster at Temsa, when no one was found who could be sent into those districts with a military command, that some one said that Verres was not far from Temsa. You recollect how universally every one murmured; how openly the chief men repudiated the suggestion. And does the man who has been convicted of so many accusations by so many witnesses, now place any hope in the votes of those judges, who have already openly condemned him, even before his cause was heard? 17. [42]

Be it so. He has gained no credit either from any war of the runaway slaves, or from the suspicion of such a war; because there has neither been any such war, nor danger of any such war in Sicily; nor were any precautions taken by him to prevent such a war. But, at all events, against any war of pirates he had a fleet well equipped, and he exhibited extraordinary energy in that matter. And therefore, while he was praetor, the province was admirably defended. I will speak of the war with the pirates, and of the Sicilian fleet, when I

have first of all solemnly stated, that with respect to this matter alone, he committed all his most enormous crimes, — crimes of avarice, of treason, of insanity, of lust and of cruelty. I beg of you to give your most diligent attention, as you have hitherto given it, while I briefly detail the events that took place. [43]

In the first place, I say, that the naval affairs were managed, not with the view of defending the province, but of acquiring money under presence of providing a fleet. Though this had been the custom of former praetors, to impose a contribution of ships and of a fixed number of sailors and soldiers on each city, yet you imposed no contribution on the very important and wealthy city of the Mamertines. What money the Mamertines gave you secretly for that indulgence, will be seen hereafter; we will ascertain that from their own letters and witnesses. [44] But I assert, that a merchant vessel of the largest size, like a trireme, very beautiful, and highly ornamented, was openly built at the public expense, with the knowledge of all Sicily, and given and presented to you by the magistrates and senate of the Mamertines. This ship, laden with Sicilian booty, itself being also a part of that booty, put into Velia, at the same time that he himself left the province laden with many articles, and especially with such as he did not like to send to Rome along with the rest of the fruits of his robberies before he arrived himself, because they were the most valuable, and those which he was most fond of. I myself have lately seen that vessel at Velia, O judges, and many other men have seen it too; a very beautiful and highly ornamented ship, which, indeed, seemed to all who beheld her, to be now looking for the banishment, and to be waiting for the departure of her owner. 18. [45]

What answer will you make to me now? Unless, perhaps, you say what, although it cannot possibly be admitted as an excuse, yet must be urged in a trial for extortion, that that ship was built with your own money. Dare, at least, to say this which is necessary. Do not be afraid, O Hortensius, of my asking how it became lawful for a senator to build a ship? Those are old and dead laws, as you are accustomed to call them, which forbid it. There was such a republic here, once, O judges; there was such strictness in the tribunals, that an accuser would have thought such a transaction worthy to be

classed among the most serious crimes. For what did you want of a ship? when, if you were going anywhere on account of the state, ships were provided for you at the public expense, both to convey you, and to guard you? But it is not possible for you to go anywhere on your own private account, nor to send for articles across the sea from those countries in which it is not lawful for you to have any possessions, or any dealings. [46] Then, why have you prepared anything contrary to the laws? This charge would have had weight in the ancient severity and dignity of the republic. Now, I not only do not accuse you on account of this offence, but I do not even reprove you with an ordinary reprimand. Lastly, did you never think that this would be discreditable to you? did you never think it would be ground for an accusation, or cause for unpopularity, to have a transport openly built for you, in a most frequented place in that province in which you had the supreme command? What did you suppose that they said who saw it? What did you suppose that they thought who heard of it? Did they think that you were going to take that vessel to Italy, empty? that you were going to let it out as a sailing boat, when you got to Rome? No one would even believe that you had in Italy any farm on the coast, and that you were preparing a merchant vessel for the purpose of moving your crops. Did you wish every man's conversation to be such as for men to say openly that you were preparing that ship to carry all your plunder from Sicily, and to go to and fro for the booty which you had left behind? [47] But, however, I give up and grant the whole of this, if you say that the vessel was built with your money. But, O most demented of men, are you not aware that this ground was cut from under your feet by those very friends of yours, the Mamertines themselves, in the previous pleading? For Heius, the chief man of the city, — the chief man of that deputation which was sent to utter a panegyric on you, said that the ship had been built for you by the public labour of the Mamertines, and that a Mamertine Senator had been appointed by public authority to superintend the building of it. The only thing that remains is the materials. And this you yourself compelled the Rhegians to furnish at the public expense, as they say themselves (not that you can deny it), because the Mamertines have no proper materials. 19.

If both the materials of which the vessel is built, and if those who built it, were provided by your authority, not at your expense, what, then, is the secret thing which you say was paid for with your money? Oh! but the Mamertines have no enemies respecting it in their public accounts. [48] In the first place, I can understand that it may be possible that they did not disburse any money out of the treasury. In fact, even the Capitol, as it was built in the time of our ancestors, was able to be built and completed by public authority, but without any public payment, workmen being pressed into the service, and a fair quota of work being exacted from each person respectively. In the next place, I see this also, (which I will prove when I produce my witnesses, from the accounts of the Mamertines themselves,) that a great deal of money was spent by that man which was entered as paid for imaginary contracts for works that never existed. For it is not at all strange that the Mamertines should in their accounts have shown a regard for that man's safety, from whom they had received the greatest benefits, and whom they had known to be much more friendly to them than he was to the Roman people. But if it is any argument that the Mamertines did not give you money, because they have not got it down in their accounts, let it be an argument also that the ship cost you nothing, because you have no entry to produce of having bought it, or having made a contract with any one to build it for you.

[49] Oh! but you did not command the Mamertines to furnish a ship, because they are one of the confederate cities. Thank God, we have a man trained by the hands of the Fetiales; a man above all others pious and careful in all that belongs to public religion. Let all the men who have been praetors before you be given up to the Mamertines, because they have commanded them to furnish ships contrary to the provisions of the treaty. But still you, O you pious and scrupulous man, how was it that you commanded the people of Tauromenium, which is also a confederate city, to furnish a ship? Will you make any one believe that, while the case of both the states was exactly the same, the law that you administered, and the condition in which you left each, was so different, without money being the cause of the difference? [50] What, if I prove, O judges, that

these two treaties with the two states were of such a nature, that in the case of the people of Tauromenium it was expressly provided for and guarded against in the treaty, “that they were not bound to furnish a vessel;” but that in the case of the Mamertines it was set down and written in the treaty itself, “that they were bound to furnish a vessel;” but that Verres, in opposition to both treaties, compelled the Tauromenians to furnish one, and excused the Mamertines? Can it, then, be doubtful to any one that, while Verres was praetor, that merchant-vessel was a greater assistance to the Mamertines than the treaty was to the Tauromenians? Let the treaties be read. [The treaties of the Mamertines and the Tauromenians with the Roman people are read.] 20.

By that act therefore, of kindness, as you call it — of corruption and dishonesty, as the case itself proves, — you detracted from the majesty of the republic, you diminished the reinforcements of the Roman people — you diminished their resources, acquired by the valour and wisdom of their ancestors; you destroyed their imperial rights, and the terms on which the allies became such, and all recollection of the treaty. They who by the express words of the treaty were bound to send at their own expense and risk a ship properly armed and equipped with everything necessary, even as far as the ocean if we ordered them to do so, those men bought from you for money a release from the terms of the treaty, and a release from the lights of sovereignty which we had over them, so as to be excused from even sailing in that narrow sea before their own houses and homes, from defending their own walls and harbours. [51] How much labour, and trouble, and money, do you suppose the Mamertines at the time of making this treaty would willingly have devoted to the object of preventing this bireme from being mentioned in it, if they could by any possibility have obtained such a favour from our ancestors? For when this heavy burden was imposed on the city, there was contained somehow or other in that treaty of alliance some badge, as it were, of slavery. That which then, when their services were recent, before the matter was finally determined, when the Roman people were in no difficulties, they could not obtain by treaty from our ancestors; that now, when they have done us no new service, after so many years, — now that it has been enforced every

year by our right of sovereignty, and has been invariably observed — now, I say, when we are in great want of vessels, they have obtained from Caius Verres by bribery.

Oh! but this is all that they have gained, exemption from furnishing a ship! Have the Mamertines for the last three years furnished one sailor, one soldier, to serve either in fleet or in garrison, all the time you have been praetor? 21. [52]

Lastly, when according to the resolution of the senate, and also according to the Terentian and Cassian law, corn was to be bought in equal proportions from all the cities of Sicily, from that light burden also, which they shared too with all the other cities, you relieved the Mamertines. — You will say that the Mamertines do not owe corn. How do not owe corn? Do you mean to say they were not bound to sell us corn? For this corn was not a contribution to be exacted, but a supply to be purchased. By your permission, then, by your interpretation of the treaty, the Mamertines were not bound to assist the Roman people, even by supplying their markets, and furnishing them with provisions. [53] And what city, then, was bound to supply these things? As for those who cultivate the public domains, it is settled what they are bound to furnish by the Censorian Law. Why did you exact from them anything besides that in another class of contribution? What? Do those who are liable to the payment of tenths owe anything more than a single tenth, according to the Law of Hiero? Why have you fixed in their case also how much corn they were to be bound to sell to us, that being another description of contribution? Those who are exempt undoubtedly owe nothing. But you not only exacted this from them, but even by way of making them give more than they possibly could, you added to their burden those sixty thousand modii from which you excused the Mamertines. And this is not what I say, that this was not rightly exacted from the others; what I say is, that it was a scandalous thing to excuse the Mamertines, whose case was exactly the same, and from whom all previous praetors had exacted the same contribution that they did from the rest, and had paid them for it according to the resolution of the senate, and the law. And in order to drive in this indulgence with a big nail, as one may say, he takes cognisance of the cause of the Mamertines while sitting on the bench with his assessors, and

pronounces judgment, that he, according to the decision of the bench, does not demand any corn from the Mamertines. [54] Listen to the decree of the mercenary praetor from his own note-book; and take notice how great his gravity is in framing a degree, how great his dignity is in pronouncing it. Read the next memorandum of his decrees. [The decree, extracted from Verres's note-book, is read.]

He says, "what he does this willingly," and therefore he makes the entry in his book. What then? suppose you had not used this word "**willingly**," should we, forsooth, have supposed that you made this profit unwillingly? "And by the advice of the bench;" you have heard a fair list of the assessors read to you, O judges Did it seem to you, when you heard their names, that a list of assessors to a praetor was being read, or a roll of the troop and company of a most infamous bandit? [55] Here are interpreters of treaties, settlers of the terms of alliances, authorities as to religious obligations! Corn was never bought in Sicily by public order, without the Mamertines being ordered to furnish their just proportion, till that fellow appointed this select and admirable bench of his, in order to get money from them, and to act up to his invariable character. Therefore, that decree had just the weight that the authority of that man ought to have, who sold a decree to those men from whom it had been his duty to buy corn. For Lucius Metellus, the moment he arrived as his successor, required corn of the Mamertines, according to the regulations and appointment of Caius Sacerdos and Sextus Peducaeus. 22. [56]

Then the Mamertines perceived that they could not longer retain the privilege which they had bought from its unprincipled author. Come now, you, who were desirous to be thought such a scrupulous interpreter of treaties, tell us why you compelled the Tauromenians and the Netians to furnish corn; for both of those are confederate cities. And the Netians were not wanting to themselves, for as soon as you pronounced your decision that you willingly excused the Mamertines, they came before you, and proved to you that their case under the treaty was exactly the same. You could not make a different decree in a case which was identical with the other. You pronounce that the Netians are not bound to furnish corn, and still you exact it from them. Give me the papers of this same praetor referring to his decrees, and to the corn that was ordered to be

supplied, and to the wheat that was bought. [The papers of the praetor referring to the decrees, to the corn ordered to be supplied, and to the wheat purchased, are read.]

In a case of such enormous and shameful inconsistency, what can we suspect, O judges, rather than that which is inevitable; either that money was not given to him by the Netians when he demanded it, or else that the Mamertines were given to understand that they had disposed of all their bribes and presents very advantageously, when others, whose case was identical with theirs, could not obtain the same privileges? [57]

Will he here again venture to make mention to me of the panegyric of the Mamertines? for who is there of you, O judges, who is not aware how many weapons that furnishes against him? In the first place, as in courts of justice it is more respectable for a man who cannot produce ten witnesses to speak to his character, to produce none at all, than not to complete the number made as it were legitimate by usage; so there are a great many cities in Sicily over which you were governor for three years; almost all the rest accuse you; a few insignificant ones, kept back by fear, say nothing; one speaks in your favour. What does all this show except that you are aware how advantageous genuine evidence to a person's character is; but that, nevertheless, your administration of the province was such that you are forced of necessity to do without that advantage? [58]

In the next place, as I said before on another occasion, what sort of a panegyric is that, when the chief men of the deputation commissioned to utter it, stated, both that a ship had been built for you at the public expense, and also that they themselves had been plundered and pillaged by you in respect of their private property? Lastly, what else is it that these people do, when they are the only people in all Sicily who praise you, beyond proving to us that you gave them everything of which you robbed our republic? What colony is there in Italy in possession of such privileges, what municipality is there enjoying such immunities, as to have had for all these years such a profitable exemption from all burdens, as the city of the Mamertines has had for three years? They alone have not given what they were bound to give according to the treaties; they alone, as long as that man was praetor, enjoyed immunity from all

burdens; they alone under that man's authority lived in such a condition that they gave nothing to the Roman people, and refused nothing to Verres. 23. [59]

But to return to the fleet, from which topic I have been digressing; you accepted a ship from the Mamertines contrary to the laws; you granted them relaxation contrary to the treaties; so that you behaved like a rogue twice in the case of one city, as you both granted indulgences which you had no right to grant, and accepted what it was not lawful for you to accept. You ought to have exacted a ship from them fit to sail against robbers, not to carry off the produce of your robberies; one which might have defended the province from being despoiled, not one that was to bear away the fresh spoils of the province. The Mamertines gave you both a city to which you might carry all the plunder you amassed from all quarters, and also a ship, in which you might take it away. That town was a receptacle for your plunder, those men were the witnesses to and guardians of your plunder; they supplied to you both a repository for your thefts, and a conveyance for them. In consequence, even when you had lost a fleet by your own avarice and worthlessness, you did not venture to require a ship of the Mamertines, at a time when our want of ships was so excessive, and the distress of the province so great, that, even if it had been necessary to beg as supplicants for a ship, they would have granted it. But all your power either of commanding a vessel to be furnished, or of begging for one, was crippled, not by the bireme supplied to the Roman people, but by that splendid merchant vessel given to the praetor. That was the price of your authority, of the reinforcement they were bound to supply, of exemption from the requirements of law, and usage, and of the treaty. [60]

You have now the case of the trusty assistance of one city lost to us and sold. Now listen to a new system of robbery first invented by Verres. 24.

Each city was always accustomed to give to its admiral the money necessary for the expense of the fleet, for provisions, for pay, and for all such things. The admiral did not dare to give the sailors any ground for accusing him, and was, besides, bound to render an account of the money to his fellow-citizens. In the whole business all the trouble and all the risk was his. This, I say, was the regular course

not only in Sicily, but in every province, even in the case of the pay and expense of the Latin allies, at the time when we were accustomed to employ their assistance. Verres was the first man, ever since our dominion was established, who ordered that all that money should be paid to him by the cities, in order that whoever he chose to appoint might have the handling of that money. [61] Who can doubt why you were the first man to change the ancient custom of all your predecessors, to disregard the great advantage of having the money pass through the hands of others, and to undertake a work of such difficulty, so liable to accusation, — a task of such delicacy, inseparable from suspicion? After that, other sources of gain are established arising from this one article of the navy; just listen to their number, O judges; — he receives money from the cities to excuse them from furnishing sailors; the sailors that are furnished he releases for a bribe; he makes a profit of the whole of thee pay of those who are thus released; he does not pay the rest all that he ought to pay. All this you shall have proved to you by the evidence of the cities. Read the evidence of the cities. [The evidence of the cities is read.] 25. [62]

Did you ever hear of such a man? Did you ever hear, O judges, of such impudence? of such audacity? to impose on the cities the payment of a sum of money in proportion to the number of soldiers, and to fix a regular price, six hundred sesterces, for the discharge of each sailor! and as those who paid that sum were released from service for the whole summer, Verres pocketed all that he received both for their pay and for their maintenance. And by this means he made a double profit of the discharge of one person. And this most insane of men, at a time of frequent invasion of pirates, and of imminent danger to the province, did this so openly, that the pirates themselves were aware of it, and the whole province was a witness to it.

[63] When, owing to this man's inordinate avarice, there was a fleet indeed in name in Sicily, but in reality empty ships, fit only to carry plunder for the praetor, not to strike terror into pirates; nevertheless, while Publius Caesetius and Publius Tadius were sailing about with these ten half-manned ships, they, I will not say took, but led away with them one ship, laden with the spoils of the pirates, evidently

overwhelmed and sinking with the burden of its freight. That vessel was full of a number of most beautiful quilts, full of quantities of well-wrought plate, and of coined money; full of embroidered robes. This one vessel was not taken by our fleet, but was found at Megaris, a place not far from Syracuse. And when the news was brought to him, although he was lying in his tent on the shore, with a lot of women, drunk, still he roused himself, and immediately sent to the quaestor and to his own lieutenant many men to act as guards, in order that everything might be brought to him to see in an uninjured state, as soon as possible. [64] The vessel is brought to Syracuse. All expect that the pirates will be punished. He, as if it was not a case of pirates being taken, but of a booty being brought to him, considers all the prisoners who were old or ugly as enemies; those who had any beauty, or youth, or skill in anything, he takes away: some he distributed among his clerks, his retinue, and his son; six skillful musicians he sends to Rome as a present to some friend of his. All that night he spent in unloading the ship. No one sees the captain of the pirate vessel, who ought to have been executed. And to this very day every one believes, (how much truth there is in the belief, you also may be able to conjecture,) that Verres secretly took money of the pirates for the release of the captain of the pirates. 26. [65]

It is only a conjecture; but no one can be a good judge who is not influenced by such certain grounds of suspicion. You know the man, you know the custom of all men, — how gladly any one who has taken a chief of pirates or of the enemy, allows him to be seen openly by all men. But of all the body of citizens and settlers at Syracuse, I never saw one man, O judges, who said that he had seen that captain of the pirates who had been taken; though all men, as is the regular custom, flocked to the prison, asked for him, and were anxious to see him. What happened to make that man be kept so carefully out of sight, that no one was ever able to get a glimpse of him, even by accident? Though all the seafaring men at Syracuse, who had often heard of the name of that captain, who had often been alarmed by him, wished to feed their eyes on, and to gratify their minds with his torture and execution, yet no one was allowed even to see him. [66] One man, Publius Servilius, took more captains of pirates alive than all our commanders put together had done before. Was any one at

any time denied the enjoyment of being allowed to see a captive pirate? On the contrary: wherever Servilius went he afforded every one that most delightful spectacle, of pirates taken prisoners and in chains. Therefore, people everywhere ran to meet him, so that the, assembled not only in the towns through which the pirates were led, but from all neighbouring towns also, for the purpose of seeing them. And why was it that that triumph was of all triumphs the most acceptable and the most delightful to the Roman people? Because nothing is sweeter than victory. But there is no more certain evidence of victory than to set those whom you have often been afraid of, led in chains to execution. [67] Why did you not act in this manner? Why was that pirate so concealed as if it were impiety to behold him? Why did you not execute him? For what object did you reserve him? Have you ever heard of any captain of pirates having been taken prisoner before, who was not executed? Tell me one original whose conduct you imitated; tell me one precedent. You kept the captain of the pirates alive in order, I suppose, to lead him in your triumph in front of your chariot. For, indeed, there was nothing wanting but for the naval triumph to be decreed to you on the occasion of a most beautiful fleet of the Roman people having been lost, and the province plundered. 27. [68]

Come now — you thought it better that the captain of the pirates should be kept in custody, according to a novel practice, than that he should be put to death according to universal precedent. What then is that custody? Among what people? Where is he kept? You have all heard of the Syracusan stone-quarries. Many of you are acquainted with them. It is a vast work and splendid; the work of the old kings and tyrants. The whole of it is cut out of rock excavated to a marvellous depth, and carved out by the labour of great multitudes of men. Nothing can either be made or imagined so closed against all escape, so hedged in on all sides, so safe for keeping prisoners in. Into these quarries men are commanded to be brought even from other cities in Sicily, if they are commanded by the public authorities to be kept in custody. [69] Because he had imprisoned there many Roman citizens who were his prisoners, and because he ordered the other pirates to be put there too, he was aware that if he committed this counterfeit captain of the pirates to the same custody, a great

many men in those quarries would inquire for the real captain. And therefore he does not venture to commit the man to this best of all and safest of all places of confinement. In fact he is afraid of the whole of Syracuse. He sends the man away. Where to? Perhaps to Lilybaeum. I see; he was not then so entirely afraid of the seafaring men? By no means, O judges. To Panormus then? I understand; although indeed, since he was taken within the Syracusan district, he ought, at all events, to have been kept in prison at Syracuse, if he was not to be executed there. [70] Not at Panormus even. What then? where do you suppose it was? He sends him away to men the furthest removed from all fear or suspicion of pirates, as unconnected as possible with, all navigation or maritime affairs — to the Centuripans, a thoroughly inland people, complete farmers, who would never have been alarmed at the name of a naval pirate, but who, while you were praetor, had lived in dread of that chief of all land pirates, Apronius. And, that every one might easily see that Verres's object was, that that counterfeit might easily and cheerfully pretend to be what he was not, he enjoins the Centuripans to take case that he is supplied as comfortably and liberally as possible with food and with all things. 28. [71]

In the meantime, the Syracusans, acute and humane men, who were capable not only of seeing what was evident, but also of conjecturing what was hidden, kept an account every day of the pirates who were put to death; how many there ought to be they calculated from the size of the vessel itself which had been taken, and from the number of oars. He, because he had removed and taken away all who had any skill in anything, or any beauty, suspected that there would be an outcry if he had all the pirates fastened to the stake at once, as is the usual custom, because so many more had been taken away than were left: although on this account he had determined to bring them out in different parties, at different times, still in the whole city there was no one who did not keep a strict account and list of them; and they did not only wish to see the rest, but they openly demanded and claimed it. [72] As there was a great number wanting, that most infamous man began to substitute, in the room of those of the pirates whom he had taken into his own house, the Roman citizens whom he had previously thrown into prison;

some of whom he accused of having been soldiers of Sertorius, and said that they had been driven on shore in Sicily, while flying from Spain; others, who had been taken by pirates, while they were engaged in commerce, or else sailing with some other object, he accused of having been with the pirates of their own free will: and therefore some Roman citizens, with their heads muffled up; that they might not be recognised, were taken from prison to the fatal stake and to execution; others, though they were recognised by many Roman citizens, and though all attempted to defend them, were put to death. But of their most shameful death did most cruel tortures I will speak when I begin to discuss this topic; and I will speak with such feelings, that, if in the course of that complaint which I shall make of that man's cruelty, and of the most scandalous execution of Roman citizens, not only my strength, but even my life should fail me, I should think it delightful and honourable. [73] These then are his exploits, this is his splendid victory; a piratical galley was captured, the captain was released, the musicians were sent to Rome; those with any good looks, any youth, or ally skill, were taken home by him; Roman citizens were tortured and executed in their room, and to make up their number; all the store of robes was taken away, all the silver and gold was taken by him and appropriated to his own use. 29.

But how did he defend himself at the former pleading? He who had been silent for so many days, on a sudden sprang up at the evidence of Marcus Annius, a most illustrious man, when he said that a Roman citizen had been executed, and that the captain of the pirates had not. Being roused by the consciousness of his wickedness, and by the frenzy which was inspired by his crimes, he said that, because be knew that he should be accused of having taken money, and of not having executed the real captain of the pirates, he had on that account not executed him, and he said that two captains of pirates were now in confinement in his house. [74] See the clemency, or rather the marvellous and unexampled patience of the Roman people! Annius, a Roman knight, says that a Roman citizen was put to death by the hand of the executioner. You say nothing. He says that the captain of the pirates was not executed. You admit it. At that a groan and outcry arises from all the assembly; though nevertheless the Roman people checked themselves, and forbore to

inflict present punishment on you, and left you in safety for the present, being reserved for the severity of the judges. You, who knew that you should be accused, how did you know it? how came you ever to suspect it? You had no enemy. Even if you had, still you had not lived in such a way as to have any fear of a court of justice before yourselves. Did conscience, as often happens, make you timid and suspicious? Can you, then, who, when you were in command, were even then in fear of tribunals and accusations, now that you are on your trial as a criminal, and that the case is proved against you by so many witnesses, can you, I say, doubt of your condemnation? [75] But if you were afraid of this accusation, — that some one might say that you had substituted some one else, whom you had caused to be executed for the captain of the pirates, did you think that it would be a stronger argument in your defence, to produce among strangers a long time after, (because I required and compelled you to do so,) a man who you said was the captain of the pirates; or to execute him, while the affair was still of recent date, at Syracuse, among people who knew him well, in the sight of almost all Sicily? See how great a difference it makes which was done. In the one case there could have been no blame attached to you; in the other you have no defence. And accordingly, all men have always done the one thing; but I can find no one before you yourself, who has ever done the other. You detained the pirate alive. Till when? As long as you were in command. Why did you do so? On what account? According to what precedent? Why did you detain him so long? Why, I say, while the Roman citizens who were taken in the pirate's company were immediately put to death, did you give the pirates themselves so long a lease of life? [76] However, so be it. Let your conduct be responsible all the time that you were praetor. Did you still, when you became a private man, and when you became defendant — yes, and when you were all but condemned, — did you still, I say, detain the captain of our enemies in your private house? One month, a second month, almost a year, in fact, after they were taken, were the pirates in your house; where they would be still, if it had not been for me, that is to say, if it had not been for Marcus Acilius Glabrio, the praetor, who, at my demand, ordered them to be brought up and to be committed to prison. 30.

What is the law in such a case? What is the general custom? What are the precedents? Can any private man in the whole world detain within the walls of his own house the most bitter and unceasing enemy of the Roman people or, I should rather say, the common enemy of every race and nation? [77] What more shall I say? What would you say, if the very day before you were compelled by me to confess that, though you had put Roman citizens to death, the pirate captain was alive and in your house — if, I say, the very day before, he had escaped from your house, and had been able to collect an army against the Roman people? Would you say, "He dwelt with me, he was in my house; in order the more easily to refute the accusations of my enemies, I reserved this man alive and in safety for my trial?" Is it so? Will you defend yourself from danger, at the risk of the whole community? Will you regulate the time of the punishments which are due to conquered enemies, by what is convenient for yourself, not by what is expedient for the Roman people? Shall an enemy of the Roman people be kept in private custody? But even those who have triumphs, and who on that account keep the generals of the enemy alive a longer time, in order that, while they are led in triumph, the Roman people may enjoy an ennobling spectacle, and a splendid fruit of victory; nevertheless, when they begin to turn their chariot from the forum towards the Capitol, order them to be taken back to prison, and the same day brings to the conquerors the end of their authority, and to the conquered the end of their lives. [78] And now, can I suppose that any one doubts that you would never have allowed (especially as you made sure, as you say, that a prosecution would be instituted against you) that pirate to escape execution, and to live to increase your danger which was ever before your eyes? For indeed, suppose he had died, whom could you (who say that you were afraid of a prosecution) have convinced of it? When it was notorious that the captain of the pirates had been seen by no one at Syracuse, and that all desired to see him; when no one had any doubt that he had been released by you for a sum of money; when it was a common topic of conversation that some one had been substituted in his place, who you wished to make believe was the man; when you yourself had confessed that you had, for so long a time before, been afraid of that accusation; if you had said that he had died, who would

have believed you? [79] Now, when you produce this man of yours, whoever he may be, still you see that you are laughed at. What would you have done if he had escaped? if he had broken his bonds, as Nico, that most celebrated pirate did, who was afterwards retaken by Publius Servilius, with the same good fortune as he had originally taken him with; what would you have said then? But the case was this. — If once that real captain of the pirates was put to death, you would not get that money. If this counterfeit one had died or had escaped, it would not have been difficult to substitute another in the room of one who was himself only a substitute. I have said more than I intended of that pirate captain; and yet I have passed over those things which are the most certain proofs of this crime. For I wish the whole of this accusation to remain untouched for the present. There is a certain place for its discussion, a certain law to be mentioned in connection with it, a certain tribunal for whose judgment it is reserved. 31. [80]

Though enriched with all this booty, with these slaves, with this silver plate, and these robes, he was still no more diligent than before in equipping the fleet, in recalling and provisioning the troops; though that would not only have tended to the safety of the province, but might have been even profitable to himself. For in the height of summer, when all other praetors have been accustomed to visit all the province, and to travel about, or to sail about, — at a time when there was such fear of and such danger from the pirates; at that time he was not content, for the purpose of his luxury and lust, with his own kingly palace which had belonged to king Hiero, and which the praetors are in the habit of using. He ordered, as I have stated already, tents, such as he was wont to use at the summer season, erected of fine linen curtains, to be pitched on the seashore; on that part of the shore which is within the island of Syracuse, behind the fountain of Arethusa; close to the entrance and mouth of the harbour, in a very pleasant situation, and one far enough removed from overlookers. [81] Here the praetor of the Roman people, the guardian and defender of the province, lived for sixty days of the summer in such a style that he had banquets of women every day, while no man was admitted except himself and his youthful son. Although, indeed, I might have made no exception, but might have said that there was

no man there at all, as there were only these two. Sometimes also his freedman Timarchides was admitted. But the women were all wives of citizens, of noble birth, except one the daughter of an actor named Isidorus, whom he, out of love, had seduced away from a Rhodian flute player. There was a woman called Pippa, the wife of Aeschrio the Syracusan, concerning which woman many verses, which were made on Verres's fondness for her, are quoted over all Sicily. [82] There was a woman too, called Nice, with a very beautiful face, as it is said, the wife of Cleomenes the Syracusan. Cleomenes, her husband, was greatly attached to her, but still he had neither the power nor the courage to oppose the lust of the praetor; and at the same time he was bound to him by many presents and many good offices. But at that time Verres, though you well know how great his impudence is, still could not, as her husband was at Syracuse, be quite easy in his mind at keeping her with him so many days on the seashore. Accordingly, he contrives a very singular plan. He gives the command of the fleet, which his lieutenant had had, to Cleomenes. He orders Cleomenes, a Syracusan, to command a fleet of the Roman people. He does this, in order that he might not only be absent from home all the time that he was at sea, but that he might be so willingly, being placed in a post of great honour and profit; and that he himself in the meantime, the husband being sent away to a distance, might have her with him, — I will not say more easily than before, for who ever opposed his lust? but with a rather more tranquil mind, as he had got rid of him, not as a husband but as a rival. — Cleomenes, a Syracusan, takes the command of a fleet of our allies and friends. 32. [83]

What topic of accusation or complaint shall I urge first, O judges? That the power, and honour, and authority of a lieutenant, of a quaestor, yes, even of a praetor, was given to a Sicilian? If you were so occupied with feasts and women as to be prevented from taking the command yourself, where were your quaestors? where were your lieutenants? where was the corn valued at three denarii? where were the mules? where were the tents? where were all the numerous and splendid badges of honour conferred and bestowed by the senate and people of Rome on their magistrates and lieutenants? Lastly, where were your prefects and tribunes? If there was no Roman citizen

worthy of that employment, what had become of the cities which had always remained true to the alliance and friendship of the Roman people? What had become of the city of Segesta? of the city of Centuripa? which both by old services, by good faith, by antiquity of alliance, and even by relationship, are connected with the name of the Roman people. [84] O ye immortal gods! What shall we say, when Cleomenes, a Syracusan, is ordered to command the soldiers, and the ships, and the officers of these very cities? Has not Verres by such an action taken away all the honour due to worth, to justice, and to old services? Have we ever once waged war in Sicily, that we have not had the Centuripans for our friends, and the Syracusans for our enemies? And I am speaking now only by way of recollection of past time, not as meaning insult to that city. And therefore that most illustrious man and consummate general, Marcus Marcellus, by whose valour Syracuse was taken, by whose clemency it was preserved, forbade any Syracusan to dwell in that part of the city which is called the Island. To this day, I say, it is contrary to law for any Syracusan to dwell in that part of the city. For it is a place which even a very few men can defend. And therefore he would not entrust it to any but the most faithful men; and he had another reason too, because in that part of the city there is access to ships from the open sea. Therefore he did not think fit to entrust the keys of the place to those who had often excluded our armies. [85] See now how great is the difference between your lust and the authority of our ancestors; between your love and frenzy, and their wisdom and prudence. They took away from the Syracusans all access to the shore; you have given them the command of the sea. They would not allow a Syracusans to dwell in that part of the city which ships could approach; you appointed a Syracusan to command the fleet and the ships. You gave those men a part of our sovereignty, from whom they took a part of their own city; and you ordered those allies of ours to be obedient to the Syracusans, to whose aid it is owing that the Syracusans are obedient to us. 33. [86]

Cleomenes leaves the harbour in a Centuripan trireme. A Segestan vessel comes next; then a Tyndaritan ship; then one from Herbita, one from Heraclia, one from Apollonia, one from Haluntium; a fine fleet to look at, but helpless and useless because of the discharge of

its fighting men, and of its rowers. That diligent praetor surveyed the fleet under his orders, as long as it was passing by his scene of profligate revelry. And he too, who for many days had not been seen, then for a short time afforded the sailors a sight of himself. The praetor of the Roman people stood in his slippers, clad in a purple cloak, and a tunic reaching down to his ankles, leaning on a prostitute on the shore. And since that time, many Sicilians and Roman citizens have often seen him in this very dress. [87] After the fleet had proceeded a little way, and had arrived, after five days' sailing, at Pachynum, the sailors, being compelled by hunger, gather the roots of the wild palm, of which there was a great quantity in that neighbourhood, as there is in most parts of Sicily, and support themselves in a miserable and wretched way on these. But Cleomenes, who considered himself another Verres, not only in luxury and worthlessness, but in power also, spent, like him, all his days in drinking in a tent which he had pitched on the seashore. 34.

But all of a sudden, while Cleomenes was drunk, and all his crews famishing, news is brought that a fleet of pirates is in the harbour of Odyssea; for that is the name of the place. But our fleet was in the harbour of Pachynum. But Cleomenes, because there was a garrison of troops (in name, if not in reality) in that place, fancied that, with the soldiers he drew from thence, he might make up his proper complement of sailors and rowers. The same system was found to nave been put in practice by that most covetous man with respect to the troops, that had been adopted towards the fleet, for only a few remained, and the rest had been discharged. [88] Cleomenes, as commander-in-chief, in a Centuripan quadrireme ordered the mast to be erected, the sails to be set, the anchor to be weighed, and made signal for the rest of the ships to follow him. This Centuripan vessel was an extraordinarily fast sailer; for, while Verres was praetor, no one had any opportunity of knowing what each ship could do with oars; although in order to do honour and to show favour to Cleomenes, there was a much smaller deficiency of rowers and soldiers in that quadrireme. The quadrireme, almost flying, had already got out of sight, while the other ships were still hard at work in their original station. [89] However those who were left behind displayed a good deal of courage. Although they were few in

numbers, still they cried out, that whatever might be the event, they were willing to fight; and they preferred losing by the sword the little life and strength that hunger had left them. And if Cleomenes had not run away so long before, there would have been some means of making resistance, for that ship was the only one with a deck, and was large enough to have been a bulwark to the rest, and if it had been engaged in battle with the pirates, it would have looked like a city among those piratical galleys; but at that time the sailors being helpless, and deserted by their commander and prefect of the fleet, began of necessity to hold the same course that he had held. [90] Accordingly they all sailed towards Elorum, as Cleomenes had done; but they indeed were not so much flying from the attack of the pirates as following their commander. Then as each was last in flight, he was first in danger, for the pirates came upon the last ships first, and so the Haluntian vessel is taken first, which was commanded by an Haluntian of noble birth, Philarchus by name, whom the Locrians afterwards ransomed at the public expense from those pirates, and from whom, on his oath, you at the former pleading learnt the whole of the circumstances and their cause. The Apollonian vessel is taken next, and Anthropinus, its captain, is slain. 35. [91]

While all this was going on, in the meantime Cleomenes had already arrived at Elorum, already he had hastened on land from the ship, and had left the quadrireme tossing about in the surf. The rest of the captains of ships, when the commander-in-chief had landed, as they had no possible means either of resisting or of escaping by sea, ran their ships ashore at Elorum, and followed Cleomenes. Then Heracleo, the captain of the pirates, being suddenly victorious, beyond all his hopes, not through any valour of his own, but owing to the avarice and worthlessness of Verres, as soon as evening came on, ordered a most beautiful fleet belonging to the Roman people, having been driven on shore and abandoned, to be set fire to and burnt. [92] O what a miserable and bitter time for the province of Sicily! O what an event, calamitous and fatal to many innocent people! O what unexampled worthlessness and infamy of that man! On one and the same night, the praetor was burning with the flame of the most disgraceful love, a fleet of the Roman people with the fire of pirates. It was a stormy night when the news of this terrible disaster

was brought to Syracuse — men run to the praetor's house, to which his women had conducted him back a little while before from his splendid banquet, with songs and music. Cleomenes, although it was night, still does not dare to show himself in public. He shuts himself up in his house, but his wife was not there to console her husband in his misfortunes. [93] But the discipline of this noble commander-in-chief was so strict in his own house, that though the event was so important, the news so serious, still no one could be admitted; no one dared either to wake him if asleep, or to address him if awake. But now, when the affair had become known to everybody, a vast multitude was collecting in every part of the city; for the arrival of the pirates was not given notice of, as had formerly been the custom, by a fire raised on a watchtower, or a hill, but both the disaster that had already been sustained, and the danger that was impending, were notified by the conflagration of the fleet itself. 36.

When the praetor was inquired for, and when it was plain that no one had told him the news, a rush of people towards his house takes place with great impetuosity and loud cries. [94] Then, he himself, being roused, comes forth; he hears the whole news from Timarchides; he takes his military cloak. It was now nearly dawn. He comes forth into the middle of the crowd, bewildered with wine, and sleep, and debauchery. He is received by all with such a shout that it seemed to bring before his eyes a resemblance to the dangers of Lampsacus. But this present appeared greater than that, because, though both the mobs hated him equally, the numbers here were much greater. People began to talk to one another of his tent on the shore, of his flagitious banquets; the names of his women were called out by the crowd; men asked him openly where he had been, and what he had been doing for so many days together, during which no one had seen him. Then they demanded Cleomenes, who had been appointed commander-in-chief by him; and nothing was ever nearer happening than the transference of the precedent of Utica in the case of Hadrian to Syracuse; so that two graves of two most infamous governors would have been contained in two provinces. However, regard was had by the multitude to the time, regard was had to the impending danger, regard was had, too, to their common dignity and character, because the body of settlers of Roman citizens at Syracuse is such as to be considered the most dignified body, not only in that province, but even in this republic. [95] They all encourage one another, while he is still half asleep and stupefied; they take arms; they fill the whole forum and the island, which is a considerable portion of the whole city. The pirates having remained at Elorum that single night, left our ships still smoking, and began to sail to Syracuse; for as they, forsooth, had often heard that nothing could be finer than the fortifications and harbour of Syracuse, they had made up their minds that if they did not see them while Verres was praetor, they should never see them at all. 37. [96]

And first of all they came to those summer quarters of the praetor, landing at that very part of the shore where he, having pitched his tents, had set up his camp of luxury while all this was going on. But when they found the place empty, and understood that the praetor

had removed his quarters from that place, they immediately, without any fear, began to penetrate to the harbour itself. When I say into the harbour, O judges, (for I must explain myself carefully for the sake of those who are unacquainted with the place,) I mean that the pirates came into the city, and into the most central parts of the city; for that town is not closed in by the harbour, but the harbour itself is surrounded and closed in by the town; so that it is not only the innermost walls that are washed by the sea, but the harbour, if I may so say, flows into the very bosom of the city. [97] Here, while you were praetor, Heracleo, the captain of the pirates, with four small galleys, sailed about at his pleasure. O ye immortal gods! a piratical galley, while the representative of the Roman people, its name and its forces were all in Syracuse, came up to the very forum, and to all the quays of the city. Those most glorious fleets of the Carthaginians, when they were at the very height of their naval power, though they often made the attempt in many wars, were never able to advance so far. Even the naval glory of the Roman people, invincible as it was till your praetorship, in all the Punic and Sicilian wars never penetrated so far. The situation of the place is such that the Syracusans usually saw their enemies armed and victorious within their walls, in the city, and in the forum, before they saw any enemy's ship in their harbour. [98] Here, while you were praetor, galleys of pirates sailed about, where previously the only fleet that had ever entered in the history of the world, was the Athenian fleet of three hundred ships, which forced its way in by its weight and its numbers; and that fleet was in that very harbour defeated and destroyed, owing to the natural character of the place and harbour. Here first was the power of that splendid city defeated, weakened, and impaired. In this harbour, shipwreck was made of the nobleness and dominion and glory of Athens. 38.

Did a pirate penetrate to that part of the city which he could not approach without leaving a great part of the city not only on his flanks but in his rear? He passed by the whole island, which is at Syracuse a very considerable part of the city, having its own distinct name, and separate walls; in which part, as I said before, our ancestors forbade any Syracusan to dwell, because they knew that the harbour would be in the power of whatever people were occupying

that district of the city. [99] And how did he wander through it? He threw down around him the roots of the wild palms which he had found in our ships, in order that all men might become acquainted with the dishonesty of Verres, and the disaster of Sicily. O that Sicilian soldiers, children of those cultivators of the soil whose fathers produced such crops of corn by their labour that they were able to supply the Roman people and the whole of Italy, — that they, born in the island of Ceres, where corn is said to have been first discovered, should have been driven to use such food as their ancestors, by the discovery of corn, had delivered all other nations from! While you were praetor the Sicilian soldiers were fed on the roots of wild palms, pirates on Sicilian corn. [100] O miserable and bitter spectacle! that the glory of the city and the name of the Roman people should be a laughingstock; that in the face of all that body of inhabitants and all that multitude of people, a pirate in a piratical galley should celebrate a triumph in the harbour of Syracuse over a fleet of the Roman people, while the oars of the pirates were actually besprinkling the eyes of that most worthless and cowardly praetor.

After the pirates had left the harbour, not because of any alarm, but because they were weary of staying there, these men began to inquire the cause of so great a disaster. All began to say, and to argue openly, that it was by no means strange, that when the soldiers and the crews had been dismissed, and the rest had been destroyed by want and famine, while the praetor was spending all his time in drinking with his women, such a disgrace and calamity should have fallen upon them. [101] And all the reproaches which they heaped upon him, all the infamy that they attributed to him, was confirmed by the statements of those men who had been appointed by their own cities to command their ships; the rest of whom had fled to Syracuse after the loss of the fleet. Each of them stated how many men they knew had been discharged out of their respective ships. The matter was clear, and his avarice was proved not only by arguments, but also by undeniable witnesses. 39.

The man is informed that nothing is done in the forum and in the assembly all that day, except putting questions to the naval captains how the fleet was lost. That they made answer, and informed every one that it was owing to the discharge of the rowers, the want of food

of the rest, the cowardice and desertion of Cleomenes. And when he heard this, he began to form this design. He had long since made up his mind that a prosecution would be instituted against him, long before this happened, as you have heard him say himself at the former pleading. He saw that if those naval captains were produced as witnesses against him, he should not be able to stand against so serious an accusation. He forms at first a plan, foolish indeed, but still merciful. [102] He orders Cleomenes and the naval captains to be summoned before him. They come. He accuses them of having held this language about himself; he begs them to cease from holding it; and begs every one there to say that he had had in his ship as large a crew as he ought to have had, and that none had been discharged. They promise him to do whatever he wished. He does not delay. He immediately summons his friends. He then asks of all the captains separately how many sailors each had had on board his ship. Each of them answers as he had been enjoined to. He makes an entry of their answers in his journal. He seals it up, prudent man that he is, with the seals of his friends; in order forsooth, to use this evidence against this charge, if ever it should be necessary. [103] I imagine that senseless man must have been laughed at by his own counselors, and warned that these documents would do him no good; that if the charge were made, there would be even more suspicion owing to these extraordinary precautions of the praetor. He had already behaved with such folly in many cases, as even publicly to order whatever he pleased to be expunged out of, or entered in the records of different cities. All which things he now finds out are of no use to him, since he is convicted by documents, and witnesses, and authorities which are all undeniable. 40.

When he sees that their confession, and all the evidence which he has manufactured, and his journals, will be of no use to him, he then adopts the design, not of a worthless praetor, (for even that might have been endured,) but an inhuman and senseless tyrant. He determines, that if he wishes to palliate that accusation, (for he did not suppose that he could get rid of it altogether,) all the naval captains, the witnesses of his wickedness, must be put to death. [104] The next consideration was,—"What am I to do with Cleomenes? Can I put those men to death whom I placed under his command, and

spare him whom I placed in command and authority over them? Can I punish those men who followed Cleomenes, and pardon Cleomenes who bade them fly with him, and follow him? Can I be severe to those men who had vessels not only devoid of crews, but devoid of decks, and be merciful to him who was the only man who had a decked ship, and whose ship, too, was not stripped bare like those of the others?" Cleomenes must die too. What signify his promises? what do the curses that he will heap on him? what do the pledges of friendship and mutual embraces? what does that comradeship in the service, of a woman on that most luxurious sea-shore signify? It was utterly impossible that Cleomenes could be spared. He summons Cleomenes. [105] He tells him that he has made up his mind to execute all the naval captains; that considerations of his own personal danger required such a step. "I will spare you alone, and I will endure the blame of all that disaster myself, and all possible reproaches for my inconsistency, rather than act cruelly to you on the one hand, or, on the other hand, leave so many and such important witnesses against me in safety and in life." Cleomenes thanks him: approves of his intention; and says that that is what must be done. But he reminds him, of what he had forgotten, that it will not he possible for him to put Phalargus the Centuripan, one of the naval captains, to death, because he had been with him himself in the Centuripan quadrireme. What, then, is he to do? Shall that man, of such a city as that, a most noble youth, be left to be a witness? At present, says Cleomenes, for it must be so; but afterwards we will take care that it shall be put out of his power to injure us. 41. [106]

After all this was settled and determined, Verres immediately advances from his praetorian house, inflamed with wickedness, frenzy, and cruelty. He comes into the forum. He orders the naval captains to be summoned. They immediately come with all speed, as men who were afraid of nothing, and suspected nothing. He orders those unhappy and innocent men to be loaded with chains. They began to invoke the good faith of the praetor, and to ask why he did so? Then he says that this is the reason, — because they had betrayed the fleet to the pirates. There is a great outcry, and great astonishment on the part of the people, that there should be so much impudence and audacity in the man as to attribute to others the origin of a

calamity which had happened entirely owing to his own avarice; or to bring against others a charge of treason, when he himself was thought to be a partner of the pirates; and lastly, they marveled at this charge not being originated till fifteen days after the fleet had been lost. [107] While these things were happening, inquiry was made where Cleomenes was: not that any one thought him, such as he was, worthy of any punishment for that disaster; for what could Cleomenes have done, (for it is not in my nature to accuse any one falsely,) — what, I say, could Cleomenes have done of any consequence, when his ships had been dismantled by the avarice of Verres? And they see him sitting by the side of the praetor, and whispering familiarly in his ear, as he was accustomed to do. But then it did seem a most scandalous thing to every one, that most honourable men, chosen by their own cities, should be put in chains and in prison, but that Cleomenes, on account of his partnership with him in debauchery and infamy, should be the praetor's most familiar friend. [108] However, an accuser is produced against them, a certain Naevius Turpio, who, when Caius Sacerdos was praetor, had been convicted of an assault; a very suitable tool for the audacity of Verres; a man whom he had frequently employed in matters connected with the tenths, in capital prosecutions, and in every sort of false accusation, as a scout and emissary. 42.

The parents and relations of these unfortunate young men came to Syracuse, being aroused by the sudden news of this misfortune. They see their children loaded with chains, bearing on their necks and shoulders the punishment due to the avarice of Verres. They come forward, they defend them, they raise an outcry; they implore your good faith which at no time and no place had ever any existence. The father of one came forward, Dexis the Tyndaritan; a man of the noblest family, connected by ties of hospitality with you yourself, at whose house you had been, whom you had called your friend. When you saw him, a man of such high rank in such distress could not his tears, could not his old age could not the claims of hospitality and the name of friend recall you back from your wickedness to some degree of humanity? [109] But why do I speak of the claims of hospitality with reference to so inhuman a monster? He who entered Sthenius of Thermae, his own connection, whose house, while received in it in

hospitality, he had plundered and stripped, in the list of criminals in his defence, and who, without allowing him to make any defence, condemned him to death; are we now to expect the claims and duties of hospitality from him? Are we dealing with a cruel man or with a savage and inhuman monster? Could not the tears of a father for the danger of his innocent son move you? As you had left your father at home, and kept your son with you, did neither your son who was present remind you of the affection of children, nor your father who was absent call to your recollection the indulgence of a father? [110] Your friend Aristeus, the son of Dexion, was in chains. Why was this? He had betrayed the fleet. For what bribe? He had deserted the army. What had Cleomenes done? He had done nothing at all. Yet you had presented him with a golden crown for his valour. He had discharged the sailors. But you had received from them all the price of their discharge. Another father, from another district, was Eubulida of Herlita: a man of great reputation in his city, and of high birth; who, because he had injured Cleomenes in defending his son, had been left nearly destitute. But what was there which any one could say or allege in his defence? They are not allowed to name Cleomenes. But the cause compels them to do so. You shall die if you do name him, (for he never threatened any one with trifling punishment.) But there were no rowers. What! are you accusing the praetor? Break his neck. If one is not allowed to name either the praetor, or the rival of the praetor, when the whole case turns on the conduct of these two men, what is to be done? 43. [111]

Heraclius of Segesta also pleads his cause; a man of the very noblest descent in his own city. Listen, O judges, as your humanity requires of you, for you will hear of great cruelties and injuries inflicted on the allies. Know then that the case of Heraclius was this: — that on account of a severe complaint in his eyes he had not gone to sea at all; but by his order who had the command, he had remained in his quarters at Syracuse. He certainly never betrayed the fleet; he did not run away in a fright; he did not desert the army; if he had, he might have been punished when the fleet was setting out from Syracuse. But he was in just the same condition as if he had been detected in some manifest crime; though no charge at all could be brought against him, not ever so falsely. [112] Among these naval

captains was a citizen of Heraclia, of the name of Junius, (for they have some Latin names of that sort,) a man, as long as he lived, illustrious in his own city, and after his death celebrated over all Sicily. In that man there was courage enough, not only to attack Verres, for that indeed, as he saw that he was sure to die, he was aware that he could do without any danger; but when his death was settled, while his mother was sitting in his prison, night and day weeping, he wrote out the defence which his cause required; and now there is no one in all Sicily who is not in possession of that defence, who does not read it, who is not constantly reminded by that oration, of your wickedness and cruelty. In it he states how many sailors he received from his city; how many Verres discharged, and for how much he discharged each of them; how many he had left. He makes similar statements with respect to the other ships and when he uttered these statements before you, he was scourged on the eyes. But when death was staring him in the face, he could easily endure pain of body; he cried out, what he has left also in writing, "That it was an infamous thing that the tears of an unchaste woman on behalf of the safety of Cleomenes should have more influence with you, than those of his mother for his life." [113] Afterwards I see that this also is stated, which, if the Roman people has formed a correct estimate of your characters, O judges, he, at the very hour of death, truly prophesied of you,—"That it was not possible for Verres to efface his own crimes by murdering the witnesses; that he, in the shades below, should be a still more serious witness against him, in the opinion of sensible judges, than if he were produced alive in a court of justice; for that then, if he were alive he would only be a witness to prove his avarice; but now, when he had been, put to death, he should be a witness of his wickedness, and audacity, and cruelty." What follows is very fine,—"That, when your cause came to be tried, it would not be only the bands of witnesses, but the punishments inflicted on the innocent, and the furies that haunt the wicked, that would attend your trial; that he thought his own misfortune the lighter, because he had seen before now the edge of your axes, and the countenance and hand of Sextus your executioner, when in an assembly of Roman citizens, Roman citizens were publicly executed by your command." [114] Not to dwell too long on this, Junius used most freely that liberty

which you have given the allies, even at the moment of bitter punishment, such as was only fit for slaves. 44.

He condemns them all, with the approval of his assessors. And yet, in so important an affair, in a cause in which so many men and so many citizens were concerned, he neither sent for Publius Vettius, his quaestor, to take his advice; nor for Publius Cervius, an admirable man, his lieutenant, who, because he had been lieutenant in Sicily, while he was praetor was the first man rejected by him as a judge; but he condemns them all in conformity with the opinion expressed by a lot of robbers, that is, by his own retinue. [115] On this all the Sicilians, our most faithful and most ancient allies, who have had the greatest kindnesses conferred on them by our ancestors, were greatly agitated, and alarmed at their own danger, and at the peril of all their fortunes. That that noted clemency and mildness of our dominion should have been changed into such cruelty and inhumanity! That so many men should be condemned at one time for no crime! That that infamous praetor should seek for a defence for his own robberies by the most shameful murder of innocent men! Nothing, O judges, appears possible to be added to such wickedness, insanity, and barbarity — and it is true that nothing can; for if it be compared with the iniquity of other men it will greatly surpass it all. [116] But he is his own rival; his object is always to outdo his last crime by some new wickedness. I had said that Phalargus the Centuripan was made an exception by Cleomenes, because he had sailed in his quadrireme. Still because that young man was alarmed, as he saw that his case was identical with that of those men who had been put to death, though perfectly innocent; Timarchides came to him, and tells him that he is in no danger at all of being put to death, but warns him to take care lest he should be sentenced to be scourged. To make my story short, you heard the young man himself say, that because of his fear of being scourged he paid money to Timarchides. [117] These are but light crimes in such a criminal as this. A naval captain of a most noble city ransoms himself from the danger of being scourged with a bribe — it was a human weakness. Another gave money to save himself from being condemned — it is a common thing. The Roman people does not wish Verres to be prosecuted on obsolete accusations; it demands new charges against

him; it requires something which it has not heard before; it thinks that it is not a praetor of Sicily, but some most cruel tyrant that is being brought before the court. 45.

The condemned men are consigned to prison. They are sentenced to execution. Even the wretched parents of the naval captains are punished; they are prevented from visiting their sons; they are prevented from supplying their down children with food and raiment. [118] These very fathers, whom you see here, lay on the threshold, and the wretched mothers spent their nights at the door of the prison, denied the parting embrace of their children, though they prayed for nothing but to be allowed to receive their son's dying breath. The porter of the prison, the executioner of the praetor, was there; the death and terror of both allies and citizens; the lictor Sextius, to whom every groan and every agony of every one was a certain gain —"To visit him, you must give so much; to be allowed to take him food into the prison, so much." No one refused. "What now, what will you give me to put your son to death at one blow of my axe? to save him from longer torture? to spare him repeated blows? to take care that he shall give up the ghost without any sense of pain or torture?" Even for this object money was given to the lictor. [119] Oh great and intolerable agony! oh terrible and bitter ill-fortune! Parents were compelled to purchase, not the life of their children, but a swiftness of execution for them. And the young men themselves also negotiated with Sextius about the same execution, and about that one blow; and at last, children entreated their parents to give money to the lictor for the sake of shortening their sufferings. Many and terrible sufferings have been invented for parents and relations; many — still death is the last of all. It shall not be. Is there any further advance that cruelty can make? One stall be found — for, when their children have been executed and slain, their bodies shall be exposed to wild beasts. If this is a miserable thing for a parent to endure, let him pay money for leave to bury him. You heard Onasus the Segestan, a man of noble birth, say that he had paid money to Timarchides for leave to bury the naval captain, Heraclius. And this (that you may not be able to say, "Yes, the fathers come, angry at the loss of their sons,") is stated by a man of the highest consideration, a man of the noblest birth; and he does not state it with respect to any

son of his own. And as to this, who was there at Syracuse at that time, who did not hear, and who does not know that these bargains for permission to bury were made with Timarchides by the living relations of those who had been put to death? Did they not speak openly with Timarchides? Were not all the relations of all the men present? Were not the funerals of living men openly bargained for? And then, when all those matters were settled and arranged, the men are brought out of prison and tied to the stake. 46. [121]

Who at that time was so cruel and hard-hearted, who was so inhuman, except you alone, as not to be moved by their youth, their high birth, and their misfortunes? Who was there who did not weep? who did not feel their calamity, as if he thought that it weep; not the fortune of others alone, but the common safety of all that was at stake? They are executed. You rejoice and triumph at the universal misery; you are delighted that the witnesses of your avarice are put out of the way: you were mistaken, O Verres, you were greatly mistaken, when you thought that you could wash out the stains of your thefts and iniquities in the blood of our innocent allies. You were borne on headlong in your frenzy, when you thought that you could heal the wounds of your avarice by applying remedies of inhumanity. In truth, although those who were the witnesses of your wickedness are dead, yet their relations are wanting neither to you nor to them; yet, out of this very body of naval captains some are alive, and are present here; whom, as it seems to me, fortune saved out of that punishment of innocent men. [122] For this trial Philarchus the Haluntian is present, who, because be did not flee with Cleomenes, was overwhelmed by the pirates, and taken prisoner; whose misfortune was his safety, who, if he had not been taken prisoner by the pirates, would have fallen into to power of this partner of pirates. He will give his evidence, concerning the discharge of the sailors, the want of provisions, and the flight of Cleomenes. Phalargus the Centuripan is present, born in a most honourable city, and in a most honourable rank. He tells you the same thing; he differs from the other in no particular. [123]

In the name of the immortal gods, O judges, with what feelings are you sitting them? or with what feelings are you hearing these things? Am I out of my mind, and now I grieving more than I ought

amid such disasters and distresses of our allies? or does this most bitter torture and agony of innocent man affect you also with an equal sense of pain? For when I say that a Herbitan, that a Heraclean was put to death, I see before my eyes all the indignity of that misfortune. 47.

That the citizens of those states, that the population of those lands, by whom and by whose care and labour an immense quantity of corn is procured every year for the Roman people, who were brought up and educated by their parents in the hope of our paternal rule, and of justice, should have been reserved for the nefarious inhumanity of Caius Verres, and for his fatal axe! [124] When the thought of that unhappy Tyndaritan, and of that Segestan, comes across me, then I consider at the same time the rights of the cities, and their duties. Those cities which Publius Africanus thought fit to be adorned with the spoils of the enemy, those Caius Verres has stripped, not only of those ornaments, but even of their noblest citizens, by the most abominable wickedness. See what the people of Tyndaris will willingly state. "We were not among the seventeen tribes of Sicily. We, in all the Punic and Sicilian wars, always adhered to the friendship and alliance of the Roman people; all possible aid in war, all attention and service in peace, has been at all times rendered by us to the Roman people." Much, however, did their rights avail them, under that man's authority and government! [125] Scipio once led your sailors against Carthage; but now Cleomenes leads ships that are almost dismantled against pirates. "Africanus," says he, "shared with you the spoils of the enemy, and the reward of glory; but now, you, having been plundered by me, having had your vessel taken away by the pirates, are considered in the number and class of enemies." What more shall I say? what advantages did that relationship of the Segestans to us, not only stated in old papers, and commemorated by words, but adopted and proved by many good offices of theirs towards us, bring to them under the government of that man? Just this much, O judges, that a young man of the highest rank was torn from his father's bosom, an innocent son from his mother's embrace, and given to that man's executioner, Sextius. That city to which our ancestors gave most extensive and valuable lands, which they exempted from tribute; the city, with all the weight of its relationship

to us, of its loyalty, and of its ancient alliance with us, could not obtain even this privilege, of being allowed to avert by its prayers the death and execution of one most honourable and most innocent citizen. 48. [126]

Whither shall the allies flee for refuge? Whose help shall they implore? by what hope shall they still be retained in the desire to live, if you abandon them? Shall they come to the senate and beg them to punish Verres? That is not a usual course; it is not in accordance with the duty of the senate. Shall they betake themselves to the Roman people? The people will easily find all excuse; for they will say that they have established a law for the sake of the allies, and that they have appointed you as guardians and vindicators of that law. This then is the only place to which they can flee; this is the harbour, this is the citadel, this is the altar of the allies; to which indeed they do not at present betake themselves with the same views as they formerly used to entertain in seeking to recover their property. They are not seeking to recover silver, nor gold, nor robes, nor slaves, nor ornaments which have been carried off from their cities and their temples; — they fear, like ignorant men, that the Roman people now allows such things and permits them to be done. For we have now for many years been suffering; and we are silent when we see that all the money of all the nations has come into the hands of a few men; which we seem to tolerate and to permit with the more equanimity, because none of these robbers conceals what he is doing; none of them take the least trouble to keep their covetousness in any obscurity. [127] In our most beautiful and highly decorated city what statue, or what painting is there, which has not been taken and brought away from conquered enemies? But the villas of those men are adorned and filled with numerous and most beautiful spoils of our most faithful allies. Where do you think is the wealth of foreign nations, which they are all now deprived of, when you see Athens, Pergamos, Cyzicus, Miletus, Chios, Samos, all Asia in short, and Achaia, and Greece, and Sicily, now all contained in a few villas? But all these things, as I was saying, your allies abandon and are indifferent to now. They took care by their own services and loyalty not to be deprived of their property by the public authority of the Roman people; though they were unable to resist the

covetousness of a few individuals, yet they could in some degree satiate it; but now not only as all their power of resisting taken away, but also all their means also of supplying such demands. Therefore they do not care about their property; they do not seek to recover their money, though that is nominally the subject of this prosecution; that they abandon and are indifferent to; — in this dress in which you see them they now fly to you. 49. [128]

Behold, behold, O judges, the miserable and squalid condition of our allies. Sthenius, the Thermitan, whom you see here, with this uncombed hair and mourning robe, though his whole house has been stripped of everything, makes no mention of your robberies, O Verres; he claims to recover his own safety from you, nothing more. For you, by your lust and wickedness, have removed him entirely from his country, in which he flourished as a leading man, illustrious for his many virtues and distinguished services. This man Dexio, whom you see now present, demands of you, not the public treasures of which you stripped Tyndaris, nor the wealth of which you robbed him as a private individual, but, wretched that he is, he demands of you his most virtuous, his most innocent, his only son. He does not want to carry back home a sum of money obtained from you as damages, but he seeks out of your calamity some consolation for the ashes and bones of his son. This other man here, the aged Eubulida, has not, at the close of life, undertaken such fatigue and so long a journey, to recover any of his property, but to see you condemned with the same eyes that beheld the bleeding neck of his own son. [129] If it had not been for Lucius Metellus, O judges, the mothers of those men, their wives and sisters, were on their way hither; and one of them, when I arrived at Heraclea late at night, came to meet me with all the matrons of that city, and with many torches; and so, styling me her saviour, calling you her executioner, uttering in an imploring manner the name of her son, she fell down, wretched as she was, at my feet, as if I were able to raise her son from the shades below. In the other cities also the aged mothers, and even the little children of those miserable men did the same thing; while the helpless age of each class appeared especially to stand in need of my labour and diligence, of your good faith and pity. [130] Therefore, O judges, this complaint was brought to me by Sicily most especially and beyond

all other complaints. I have undertaken this task, induced by the tears of others, not by any desire of my own for glory; in order that false condemnation, and imprisonment, and chains, and axes, and the torture of our allies, and the execution of innocent men, and last of all, that the bodies of the lifeless dead, and the agony of living parents and relations, may not he a source of profit to our magistrates. If, by that man's condemnation obtained through your good faith and strict justice, O judges, I remove this fear from Sicily, I shall think enough has been done in discharge of my duty, and enough to satisfy their wishes who have entreated this assistance from me. 50. [131]

Wherefore, if by any chance you find one who attempts to defend him from this accusation in the matter of the fleet, let him defend him thus; let him leave out those common topics which have nothing to do with the business — that I am attributing to him blame which belongs to fortune; that I am imputing to him disaster as a crime; that I am accusing him of the loss of a fleet, when, in the uncertain risks of war which are common to both sides, many gallant men have often met with disasters both by land and sea. I am imputing to you nothing in which fortune was concerned; you have no pretext for bringing up the disasters of others; you have nothing to do with collecting instances of the misfortunes of many others. I say the ships were dismantled; I say the rowers and sailors were discharged; I say the rest had been living on the roots of wild palms; that a Sicilian was appointed to command a fleet of the Roman people; a Syracusan to command our allies and friends; I say that, all that time, and for many preceding days, you were spending your time in drunken revels on the sea-shore with your concubines; and I produce my informants and witnesses, who prove all these charges. [132] Do I seem to be insulting you in your calamity; to be cutting you off from your legitimate excuse of blaming fortune? Do I appear to be attacking and reproaching you for the ordinary chances of war? Although the men who are indeed accustomed to object to the results of fortune being made a charge against them, are those who have committed themselves to her, and have encountered her perils and vicissitudes. But in that disaster of yours, fortune had no share at all. For men are accustomed to try the fortune of war, and to encounter danger in

battles, not in banquets. But in that disaster of yours we cannot say that Mars had any share; we may say that Venus had. But if it is not right that the disasters of fortune should be imputed to you, why did you not allow her some weight in furnishing excuses and defence for those innocent men? [133] You must also deprive yourself of the argument, that you are now accused and held up to odium by me, for having punished and executed men according to the custom of our ancestors by accusation does not turn on any one's punishment. I do not say that no one ought to have been put to death; I do not say that all fear is to be removed from military service, severity from command, or punishment from guilt. I confess that there are many precedents for severe and terrible punishments inflicted not only on our allies, but even on our citizens and soldiers. 51.

You may therefore omit all such topics as these. I prove that the fault was not in the naval captains, but in you. I accuse you of having discharged the soldiers and rowers for a bribe. The rest of the naval captains say the came. The confederate city of the Netians bears public testimony to the truth of this charge. The cities of Herbita, of Amestras, of Enna, of Agyrium, of Tyndaris, and the Ionians, all give their public testimony to the same effect. Last of all, your own witness, your own commander, your own host, Cleomenes, says this, — that he had landed on the coast in order to collect soldiers from Pachynum, where there was a garrison of troops, in order to put them on board the fleet; which he certainly would not have done if the ships had had their complement. For the system of ships when fully equipped and fully manned is such that you have no room, I will not say for many more, but for even one single man more. [134] I say, moreover, that those very sailors who were left, were worn out and disabled by famine, and by a want of every necessary. I say, that either all were free from blame, or that if blame must be attributable to some one, the greatest blame must be due to him who had the best ship, the largest crew, and the chief command; or, that if all were to blame, Cleomenes ought not to have been a spectator of the death and torture of those men. I say, besides, that in those executions, to allow of that traffic in tears, of that bargaining for an effective wound and a deadly blow, of that bargaining for the funeral and sepulture of the victims, was impiety. [135] Wherefore, if you will make me any

answer at all, say this, — that the fleet was properly equipped and fully manned; that no fighting-men were absent, that no bench was without its rower; that ample corn was supplied to the rowers; that the naval captains are liars; that all those honourable cities are liars; that all Sicily is a liar; — that you were betrayed by Cleomenes, when he said that he had landed on the coast to get soldiers from Pachynum; that it was courage, and not troops that he needed; — that Cleomenes, while fighting most gallantly, was abandoned and deserted by these men, and that no money was paid to any one for leave to bury the dead. — If you say this, you shall be convicted of falsehood; if you say anything else, you will not be refuting what has been stated by me. 52. [136]

Here will you dare to say also, "Among my judges that one is my intimate friend, that one is a friend of my father?" Is it not the case that the more acquainted or connected with you any one is, the more he is ashamed at the charges brought against you? He is your father's friend — If your father himself were your judge, what, in the name of the immortal gods, could you do when he said this to you? ldquo;You, being in a province as praetor of the Roman people, when you had to carry on a naval war, three years excused the Mamertines from supplying the ship, which by treaty they were bound to supply; by those same Mamertines a transport of the largest size was built for you at the public expense; you exacted money from the cities on the pretest of the fleet; you discharged the rowers for a bribe; when a pirate vessel had been taken by your quaestor, and by your lieutenant, you removed the captain of the pirates from every one's sight; you ventured to put to death men who were called Roman citizens, who were recognised as such by many; you dared to take to your own house pirates, and to bring the captain of the pirates into the court of justice from your own house. [137] You, in that splendid province, in the sight of our most faithful allies, and of most honourable Roman citizens, lay for many days together on the sea-shore in revelry and debauchery, and that at a time of the greatest alarm and danger to the province. All those days no one could find you at your own house, no one could see you in the forum; you entertained the mothers of families of our allies and friends at those banquets; among women of that sort you placed your youthful son,

my grandson, in order that his father's life might furnish examples of iniquity to a time of life which is particularly unsteady and open to temptation; you, while praetor in your province, were seen in a tunic and purple cloak; you, to gratify your passion and lust, took away the command of the fleet from a lieutenant of the Roman people, and gave it to a Syracusan; your soldiers in the province of Sicily were in want of provisions and of corn; owing to your luxury and avarice, a fleet belonging to the Roman people was taken and burnt by pirates; [138] in your praetorship, for the first time since Syracuse was a city, did pirates sail about in that harbour, which no enemy had ever entered; moreover, you did not seek to cover these numerous and terrible disgraces of yours by any concealment on your part, nor did you seek to make men forget them by keeping silence respecting them, but you even without any cause tore the captains of the ships from the embrace of their parents, who were your own friends and connections, and hurried them to death and torture; nor, in witnessing the grief and tears of those parents, did any recollection of my name soften your heart; the blood of innocent men was not only a pleasure but also a profit to you." 53.

If your own father were to say this to you, could you entreat pardon from him? could you dare to beg even him to forgive you? [139] Enough has been done by me, O judges, to satisfy the Sicilians, enough to discharge my duty and obligation to them, enough to acquit me of my promise and of the labour which I have undertaken. The remainder of the accusation, O judges, is one which I have not received from any one, but which is, if I may so say, innate in me; it is one which has not been brought to me, but which is deeply fixed and implanted in all my feelings; it is one which concerns not the safety of the allies, but the life and existence of Roman citizens, that is to say, of every one of us. And in urging this, do not, O judges, expect to hear any arguments from me, as if the matter were doubtful. Everything which I am going to say about the punishment of Roman citizens, will be so evident and notorious, that I could produce all Sicily as witnesses to prove it. For some insanity, the frequent companion of wickedness and audacity, urged on that man's unrestrained ferocity of disposition and inhuman nature to such frenzy, that he never hesitated, openly, in the presence of the whole

body of citizens and settlers, to employ against Roman citizens those punishments which have been instituted only for slaves convicted of crime. [140] Why need I tell you how many men he has scourged? I will only say that, most briefly, O judges, while that man was praetor there was no discrimination whatever in the infliction of that sort of punishment; and, accordingly, the hands of the lictor were habitually laid on the persons of the Roman citizens, even without any actual order from Verres. 54.

Can you deny this, O Verres, that in the forum, at Lilybaeum, in the presence of a numerous body of inhabitants, Caius Servilius, a Roman citizen, an old trader of the body of settlers at Panormus, was beaten to the ground by rods and scourges before your tribunal, before your very feet? Dare first to deny this, if you can. No one was at Lilybaeum who did not see it. No one was in Sicily who did not hear of it. I assert that a Roman citizen fell down before your eyes, exhausted by the scourging of your lictors. [141] For what reason? O ye immortal gods! — though in asking that I am doing injury to the common cause of all the citizens, and to the privilege of citizenship, for I am asking what reason there was in the case of Servilius for this treatment, as if there could be any reason for its being legally inflicted on any Roman citizen. Pardon me this one error, O judges, for I will not in the rest of the cases ask for any reason. He had spoken rather freely of the dishonesty and worthlessness of Verres. And as soon as he was informed of this, he orders the man to Lilybaeum to give security in a prosecution instituted against him by one of the slaves of Verres. He gives security. He comes to Lilybaeum. Verres begins to compel him, though no one proceeded with any action against him, though no one made any claim on him, to be bound over in the sum of two thousand sesterces, to appear to a charge brought against him by his own lictor, in the formula,—"If he had made any profit by robbery." — He says that he will appoint judges out of his own retinue. Servilius demurs, and entreats that he may not be proceeded against by a capital prosecution before unjust judges, and where there is no prosecutor. [142] While he is urging this with a loud voice, six of the most vigorous lictors surround him, men in full practice in beating and scourging men; they beat him most furiously with rods; then the lictor who was nearest to him, the man whom I have already often mentioned, Sextus, turning his stick round, began to beat the wretched man violently on the eyes. Therefore, when blood had filled his mouth and eyes, he fell down, and they, nevertheless, continued to beat him on the sides while lying on the ground, till he said at last he would give security. He, having been treated in this manner, was taken away from the place as dead, and, in a short time afterwards, he died. But that devoted servant of

Venus, that man so rich in wit and politeness, erected a silver Cupid out of his property in the temple of Venus. And in this way he misused the fortunes of men to fulfil the nightly vows made by him for the accomplishment of his desires. 55. [143]

For why should I speak separately of all the other punishments inflicted on Roman citizens, rather than generally, and in the lump? That prison which was built at Syracuse, by that most cruel tyrant Dionysius, which is called the stone-quarries, was, under his government, the home of Roman citizens. As any one of them offended his eyes or his mind, he was instantly thrown into the stone-quarries. I see that this appears a scandalous thing to you, O judges; and I had observed that, at the former pleading, when the witnesses stated these things; for you thought that the privileges of freedom ought to be maintained, not only here, where there are tribunes of the people, where there are other magistrates, where there is a forum with many courts of justice, where there is the authority of the senate, where there is the opinion of the Roman people to hold a man in check, where the Roman people itself is present in great numbers; but, in whatever country or nation the privileges of Roman citizens are violated, you, O judges, decide that that violation concerns the common cause of freedom, and of your dignity. [144] Did you, O Verres, dare to confine such a number of Roman citizens in a prison built for foreigners, for wicked men, for pirates, and for enemies? Did no thoughts of this tribunal, or of the public assembly, or of this numerous multitude which I see around me, and which is now regarding you with a most hostile and inimical disposition, occur to your mind? Did not the dignity of the Roman people, though absent, did not the appearance of such a concourse as this ever present itself to your eyes or to your thoughts? Did you never think that you should have to return home to the sight of these men, that you should have to come into the forum of the Roman people, that you should have to submit yourself to the power of the laws and courts of justice? 56. [145]

But what, O Verres, was that passion of yours for practicing cruelty? what was your reason for undertaking so many wicked actions? It was nothing, O judges, except a new and unprecedented system of plundering. For like those men whose histories we have

learnt from the poets, who are said to have occupied some bays on the sea-coast, or some promontories, or some precipitous rocks, in order to be able to murder those who had been driven to such places in their vessels, this man also looked down as an enemy over every sea, from every part of Sicily. Every ship that came from Asia, from Syria, from Tyre, from Alexandria, was immediately seized by informers and guards that he could rely upon; their crews were all thrown into the stone-quarries; their freights and merchandise carried up into the praetor's house. After a long interval there was seen to range through Sicily, not another Dionysius, not another Phalaris, (for their island has at one time or another produced many inhuman tyrants,) but a new sort of monster, endowed with all the ancient savage barbarity which is said to have formerly existed in those same districts; [146] for I do not think that either Scylla or Charybdis was such an enemy to sailors, as that man has been in the same waters. And in one respect he is far more to be dreaded than they, because he is girdled with more numerous and more powerful hounds than they were. He is a second Cyclops, far more savage than the first; for Verres had possession of the whole island; Polyphemus is said to have occupied only Aetna and that part of Sicily. But what pretext was alleged at the time by that man for this outrageous cruelty? The same which is now going to be stated in his defence. He used to say whenever any one came to Sicily a little better off than usual, that they were soldiers of Sertorius, and that they were flying from Dianium. They brought him presents to gain his protection from danger; some brought him Tyrian purple, others brought frankincense, perfumes, and linen robes; others gave jewels and pearls; some offered great bribes and Asiatic slaves, so that it was seen by their very goods from what place they came. They were not aware that those very things which they thought that they were employing as aids to ensure their safety, were the causes of their danger. For he would say that they had acquired those things by partnership with pirates, he would order the men themselves to be led away to the stone-quarries, he would see that their ships and their freights were diligently taken care of. 57. [147]

When by these practices his prison had become full of merchants, then those scenes took place which you have heard related by Lucius

Suetius, a Roman knight, and a most virtuous man, and by others. The necks of Roman citizens were broken in a most infamous manner in the prison; so that very expression and form of entreaty, "I am a Roman citizen," which has often brought to many, in the most distant countries, succour and assistance, even among the barbarians, only brought to these men a more bitter death and a more immediate execution. What is this, O Verres? What reply are you thinking of making to this? That I am telling lies? that I am inventing things? that I am exaggerating this accusation? Will you dare to say any one of these things to those men who are defending you? Give me, I pray you, the documents of the Syracusans taken from his own bosom, which, methinks, were drawn up according to his will; give me the register of the prison, which is most carefully made up, stating in what day each individual was committed to prison, when he died, how he was executed. [The documents of the Syracusans are read.] [148] You see that Roman citizens were thrown in crowds into the stone quarries; you see a multitude of your fellow-citizens heaped together in a most unworthy place. Look now for all the traces of their departure from that place, which are to be seen. There are none. Are they all dead of disease? If he were able to urge this in his defence, still such a defence would find credit with no one. But there is a word written in those documents, which that ignorant and profligate man never noticed, and would not have understood if he had. Ἐκδικαιώθησαν, it says that is, according to the Sicilian language, they were punished and put to death. 58. [149]

If any king, if any city among foreign nations, in any nation had done anything of this sort to a Roman citizen, should we not avenge that act by a public resolution? should we not prosecute our revenge by war? Could we leave such injury and insult offered the Roman name unavenged and unpunished? How many wars, and what serious ones do you think that our ancestors undertook, because Roman citizens were said to have been ill-treated, or Roman vessels detained, or Roman merchants plundered? But I am not complaining that men have been detained; I think one might endure their having been plundered; I am impeaching Verres because after their ships, their slaves, and their merchandise had been taken from them, the merchants themselves were thrown into prison — because Roman

citizens were imprisoned and executed. [150] If I were saying this among Scythians, not before such a multitude of Roman citizens, not before the most select senators of the city, not in the forum of the Roman people, — if I were relating such numerous and bitter punishments inflicted on Roman citizens, I should move the pity of even those barbarous men. For so great is the dignity of this empire, so great is the honour in which the Roman name is held among all nations, that the exercise of such cruelty towards our citizens seems to be permitted to no one. Can I think that there is any safety or any refuge for you, when I see you hemmed in by the severity of the judges, and entangled as it were in the meshes of a net by the concourse of the Roman people here present? [151] If, indeed, (though I have no idea that that is possible,) you were to escape from these toils, and effect your escape by any way or any method, you will then fall into that still greater net, in which you must be caught and destroyed by me from the elevation in which I stand. For even if I were to grant to him all that he urges in his defence, yet that very defence must turn out not less injurious to him than my true accusation.

For what does he urge in his defence? He says that he arrested men flying from Spain, and put them to death. Who gave you leave to do so? By what right did you do so? Who else did the same thing? How was it lawful for you to do so? [152] We see the forum and the porticoes full of those men, and we are contented to see them there. For the end of civil dissensions, and of the (shall I say) insanity, or destiny, or calamity in which they take their rise, is not so grievous as to make it unlawful for us to preserve the rest of our citizens in safety. That Verres there, that ancient betrayer of his consul, that transferrer of the quaestorship, that embezzler of the public money, has taken upon himself so much authority in the republic, that he would have inflicted a bitter and cruel death on all those men whom the senate, and the Roman people, and the magistrates allowed to remain in the forum, in the exercise of their rights as voters' in the city and in the republic, if fortune had brought them to any part of Sicily. [153] After Perperna was slain, many of the number of Sertorius's soldiers fled to Cnaeus Pompeius, that most illustrious and gallant man. Was there one of them whom he did not preserve

safe and unhurt with the greatest kindness? was there one suppliant citizen to whom that invincible right hand was not stretched out as a pledge of his faith, and as a sure token of safety? Was it then so? Was death and torture appointed by you, who had never done one important service to the republic, for those who found a harbour of refuge in that man against whom they had borne arms? See what an admirable defence you have imagined for yourself. 59.

I had rather, I had rather in truth, that the truth of this defence of yours were proved to these judges and to the Roman people, than the truth of my accusation. I had rather, I say, that you were thought a foe and an enemy to that class of men than to merchants and seafaring men. For the accusation I bring against you impeaches you of excessive avarice: the defence that you make for yourself accuses you of a sort of frenzy, of savage ferocity, of unheard-of cruelty, and of almost a new proscription. [154] But I may not avail myself of such an advantage as that, O judges; I may not; for all Puteoli is here; merchants in crowds have come to this trial, wealthy and honourable men, who will tell you, some that their partners, some that their freedmen were plundered by that man, were thrown into prison, that some were privately murdered in prison, some publicly executed. See now how impartially I will behave to you. When I produce Publius Granius as a witness to state that his freedmen were publicly executed by you, to demand back his ship and his merchandise from you, refute him if you can; I will abandon my own witness and will take your part; I will assist you, I say, prove that those men have been with Sertorius, and that, when flying from Dianium, they were driven to Sicily. There is nothing which I would rather have you prove. For no crime can be imagined or produced against you which is worthy of a greater punishment. [155] I will call back the Roman knight, Lucius Flavius, if you wish; since at the previous pleading, being influenced, as your advocates are in the habit of saying, by some unusual prudence, but, (as all men are aware,) being overpowered by your own conscience, and by the authority of my witnesses, you did not put a question to any single witness. Let Flavius be asked, if you like, who Lucius Herennius was, the man who, he says, was a money-changer at Leptis; who, though he had more than a hundred Roman citizens in the body of settlers at

Syracuse, who not only knew him, but defended him with their tears and with entreaties to you, was still publicly executed by you in the sight of all the Syracusans. I am very willing that this witness of mine should also be refuted, and that it should be demonstrated end proved by you that that Herennius had been one of Sertorius's soldiers. 60. [156]

What shall we say of that multitude of those men who were produced with veiled heads among the pirates and prisoners in order to be executed? What was that new diligence of yours, and on what account was it put in operation? Did the loud outcries of Lucius Flavius and the rest about Lucius Herennius influence you? Had the excessive influence of Marcus Annius, a most influential and most honourable man, made you a little more careful and more fearful? who lately stated in his evidence that it was not some stranger, no one knows who, nor any foreigner, but a Roman citizen who was well known to the whole body of inhabitants, who had been born at Syracuse, who had been publicly executed by you. [157] After this loud statement of theirs, — after this had become known by the common conversation and common complaints of all men, he began to be, I will not say more merciful in his punishments, but mere careful. He established the rule of bringing out Roman citizens for punishment with their heads muffled up, whom, however, he put to death in the sight of all men, because the citizens (as we have said before) were calculating the number of pirates with too much accuracy. Was this the condition that was established for the Roman people while you were praetor? were these the hopes under which they were to transact their business? was this the danger in which their lives and condition as freemen were placed? are there not risks enough at the hands of fortune to be encountered of necessity by merchants, unless they are threatened also with these terrors by our magistrates, and in our provinces? Was this the state to which it was decent to reduce that suburban and loyal province of Sicily, full of most valued allies, and of most honourable Roman citizens, which has at all times received with the greatest willingness all Roman citizens within its territories, that those who were sailing from the most distant parts of Syria or Egypt, who had been held in some honour, even among barbarians, on account of their name as Roman

citizens, who had escaped from the ambushes of pirates, from the dangers of tempests, should be publicly executed in Sicily when they thought that they had now reached their home? 61. [158]

For why should I speak of Publius Gavius, a citizen of the municipality of Cosa, O judges? or with what vigour of language, with what gravity of expression, with what grief of mind shall I mention him? But, indeed, that indignation fails me. I must take more care than usual that what I am going to say be worthy of my subject, — worthy of the indignation which I feel. For the charge is of such a nature, that when I was first informed of it I thought I should not avail myself of it. For although I knew that it was entirely true, still I thought that it would not appear credible. Being compelled by the tears of all the Roman citizens who are living as traders in Sicily, being influenced by the testimonies of the men of Valentia, most honourable men, and by those of all the Rhegians, and of many Roman knights who happened at that time to be at Messana, I produced at the previous pleading only just that amount of evidence which might prevent the matter from appearing doubtful to any one. [159] What shall I do now? When I have been speaking for so many hours of one class of offences, and of that man's nefarious cruelty, — when I have now expended nearly all my treasures of words of such a sort as are worthy of that man's wickedness on other matters, and have omitted to take precautions to keep your attention on the stretch by diversifying my accusations, how am I to deal with an affair of the importance that this is? There is, I think, but one method, but one line open to me. I will place the matter plainly before you, which is of itself of such importance that there is no need of my eloquence and eloquence, indeed, I have none, but there is no need of any one's eloquence to excite your feelings. [160] This Gavius whom I am speaking of, a citizens of Cosa, when he (among that vast number of Roman citizens who had been treated in the same way) had been thrown by Verres into prison, and somehow or other had escaped secretly out of the stone-quarries, and had come to Messana, being now almost within sight of Italy and of the walls of Rhegium, and being revived, after that fear of death and that darkness, by the light, as it were, of liberty and of the fragrance of the laws, began to talk at Messana, and to complain that he, a Roman citizen, had been thrown

into prison. He said that he was now going straight to Rome, and that he would meet Verres on his arrival there. 62.

The miserable man was not aware that it made no difference e whether he said this at Messana, or before the man's face in his own praetorian palace. For, as I have shown you before, that man had selected this city as the assistant in his crimes, the receiver of his thefts, the partner in all his wickedness. Accordingly, Gavius is at once brought before the Mamertine magistrates; and, as it happened, Verres came on that very day to Messana. The matter is brought before him. He is told that the man was a Roman citizen, who was complaining that at Syracuse he had been confined in the stone-quarries, and who, when he was actually embarking on board ship, and uttering violent threats against Verres, had been brought back by them, and reserved in order that he himself might decide what should be done with him. [161] He thanks the men and praises their good-will and diligence in his behalf. He himself, inflamed with wickedness and frenzy, comes into the forum. His eyes glared; cruelty was visible in his whole countenance. All men waited to see what does he was going to take, — what he was going to do; when all of a sudden he orders the man to be seized, and to be stripped and bound in the middle of the forum, and the rods to be got ready. The miserable man cried out that he was a Roman citizen, a citizen, also, of the municipal town of Cosa, — that he had served with Lucius Pretius a most illustrious Roman knight, who was living as a trader at Panormus, and from whom Verres might know that he was speaking the truth. Then Verres says that he has ascertained that he had been sent into Sicily by the leaders of the runaway slaves, in order to act as a spy; a matter as to which there was no witness, no trace, nor even the slightest suspicion in the mind of any one. [162] Then he orders the man to be most violently scourged on all sides. In the middle of the forum of Messana a Roman citizen, O judges, was beaten with rods; while in the mean time no groan was heard, no other expression was heard from that wretched man, amid all his pain, and between the sound of the blows, except these words, "I am a citizen of Rome." He fancied that by this one statement of his citizenship he could ward off all blows, and remove all torture from his person. He not only did not succeed in averting by his entreaties

the violence of the rods, but as he kept on repeating his entreaties and the assertion of his citizenship, a cross — a cross I say — was got ready for that miserable man, who had never witnessed such a stretch of power. 63. [163]

O the sweet name of liberty! O the admirable privileges of our citizenship! O Porcian law! O Sempronian laws! O power of the tribunes, bitterly regretted by, and at last restored to the Roman people! Have all our rights fallen so far, that in a province of the Roman people, — in a town of our confederate allies, — a Roman citizen should be bound in the forum, and beaten with rods by a man who only had the fasces and the axes through the kindness of the Roman people? What shall I say? When fire, and red-hot plates and other instruments of torture were employed? It the bitter entreaties and the miserable cries of that man had no power to restrain you, were you not moved even by the weeping and loud groans of the Roman citizens who were present at that time? Did you dare to drag any one to the cross who said that he was a Roman citizen? I was unwilling, O judges, to press this point so strongly at the former pleading; I was unwilling to do so. For you saw how the feelings of the multitude were excited against him with indignation, and hatred, and fear of their common danger. I, at that time, fixed a limit to my oration, and checked the eagerness of Caius Numitorius a Roman knight, a man of the highest character, one of my witnesses. And I rejoiced that Glabrio had acted (and he had acted most wisely) as he did in dismissing that witness immediately, in the middle of the discussion. In fact he was afraid that the Roman people might seem to have inflicted that punishment on Verres by tumultuary violence, which he was anxious he should only suffer according to the laws and by your judicial sentence. [164] Now since it is made clear beyond a doubt to every one, in what state your case is, and what will become of you, I will deal thus with you: I will prove that that Gavius whom you all of a sudden assert to have been a spy, had been confined by you in the stone-quarries at Syracuse; and I will prove that, not only by the registers of the Syracusans, — lest you should be able to say that, because there is a man named Gavius mentioned in those documents, I have invented this charge, and picked out this name so as to be able to say that this is the man, — but in accordance

with your own choice I will produce witnesses, who will state that that identical man was thrown by you into the stone-quarries at Syracuse. I will produce, also, citizens of Cosa, his fellow citizens and relations,, who shall teach you, though it is too late, and who shall also teach the judges, (for it is not too late for them to know them,) that that Publius Gavius whom you crucified was a Roman citizen, and a citizen of the municipality of Cosa, not a spy of runaway slaves. 64. [165]

When I have made all these points, which I undertake to prove, abundantly plain to your most intimate friends, then I will also turn my attention to that which is granted me by you. I will say that I am content with that. For what — what, I say — did you yourself lately say, when in an agitated state you escaped from the outcry and violence of the Roman people? Why, that he had only cried out that he was a Roman citizen because he was seeking some respite, but that he was a spy. My witnesses are unimpeachable. For what else does Caius Numitorius say? what else do Marcus and Publius Cottius say, most noble men of the district of Tauromenium? what else does Marcus Lucceius say, who had a great business as a money-changer at Rhegium? what else do all the others ray? For as yet witnesses have only been produced by me of this class, not men who say that they were acquainted with Gavius, but men who say that they saw him at the time that he was being dragged to the cross, while crying out that he was a Roman citizen. And you, O Verres, say the same thing. You confess that he did cry out that he was a Roman citizen; but that the name of citizenship did not avail with you even as much as to cause the least hesitation in your mind, or even any brief respite from a most cruel and ignominious punishment. [166] This is the point I press, this is what I dwell upon, O judges; with this single fact I am content. I give up, I am indifferent to all the rest. By his own confession he must be entangled and destroyed. You did not know who he was; you suspected that he was a spy. I do not ask you what were your grounds for that suspicion, I impeach you by your own words. He said that he was a Roman citizen. If you, O Verres, being taken among the Persians or in the remotest parts of India, were being led to execution, what else would you cry out but that you were a Roman citizen? And if that name of your city, honoured and

renowned as it is among all men, would have availed you, a stranger among strangers, among barbarians, among men placed in the most remote and distant corners of the earth, ought not he, whoever he was, whom you were hurrying to the cross, who was a stranger to you, to have been able, when he said that he was a Roman citizen, to obtain from you, the praetor, if not an escape, at least a respite from death by his mention of and claims to citizenship? 65. [167]

Men of no importance, born in an obscure rank, go to sea; they go to places which they have never seen before; where they can neither be known to the men among whom they have arrived, nor always find people to vouch for them. But still, owing to this confidence in the mere fact of their citizenship, they think that they shall be safe, not only among our own magistrates, who are restrained by fear of the laws and of public opinion, nor among our fellow citizens only, who are limited with them by community of language, of rights, and of many other things; but wherever they come they think that this will be a protection to them. [168] Take away this hope, take away this protection from Roman citizens, establish the fact that there is no assistance to be found in the words "I am a Roman citizen;" that a praetor, or any other officer, may with impunity order any punishment he pleases to be inflicted on a man who says that he is a Roman citizen, though no one knows that it is not true; and at one blow, by admitting that defence; you cut off from the Roman citizens all the provinces, all the kingdoms, all free cities, and indeed the whole world, which has hitherto been open most especially to our countrymen. But what shall be said if he named Lucius Pretius, a Roman knight, who was at that time living in Sicily as a trader, as a man who would vouch for him? Was it a very great undertaking to send letters to Panormus? to keep the man? to detain him in prison, confined in the custody of your dear friends the Mamertines, till Pretius came from Panormus? Did he know the man? Then you might remit some part of the extreme punishment. Did he not know him? Then, if you thought fit, you might establish this law for all people, that whoever was not known to you, and could not produce a rich man to vouch for him, even though he were a Roman citizen, was still to be crucified. 66. [169]

But why need I say more about Gavius? as if you were hostile to

Gavius, and not rather an enemy to the name and class of citizens, and to all their rights. You were not, I say, an enemy to the individual, but to the common cause of liberty. For what was your object in ordering the Mamertines, when, according to their regular custom and usage, they had erected the cross behind the city in the Pompeian road, to place it where it looked towards the strait; and in adding, what you can by no means deny, what you said openly in the hearing of every one, that you chose that place in order that the man who said that he was a Roman citizen, might be able from his cross to behold Italy and to look towards his own home? And accordingly, O judges, that cross, for the first time since the foundation of Messana, was erected in that place. A spot commanding a view of Italy was picked out by that man, for the express purpose that the wretched man who was dying in agony and torture might see that the rights of liberty and of slavery were only separated by a very narrow strait, and that Italy might behold her son murdered by the most miserable and most painful punishment appropriate to slaves alone. [170]

It is a crime to bind a Roman citizen; to scourge him is a wickedness; to put him to death is almost parricide. What shall I say of crucifying him? So guilty an action cannot by any possibility be adequately expressed by any name bad enough for it. Yet with all this that man was not content. “Let him behold his country,” said he; “let him die within sight of laws and liberty.” It was not Gavius, it was not one individual, I know not whom, — it was not one Roman citizen, — it was the common cause of freedom and citizenship that you exposed to that torture and nailed on that cross. But now consider the audacity of the man. Do not you think that he was indignant that be could not erect that cross for Roman citizens in the forum, in the comitium, in the very rostra? For the place in his province which was the most like those places in celebrity, and the nearest to them in point of distance, he did select. He chose that monument of his wickedness and audacity to be in the sight of Italy, in the very vestibule of Sicily, within sight of all passers-by as they sailed to and fro. 67. [171]

If I were to choose to make these complaints and to utter these lamentations, not to Roman citizens, not to any friends of our city,

not to men who had heard of the name of the Roman people, — if I uttered them not to men, but to beasts, — or even, to go further, if I uttered them in some most desolate wilderness to the stones and rocks, still all things, mute and inanimate as they might be, would be moved by such excessive, by such scandalous atrocity of conduct. But now, when I am speaking before senators of the Roman people, the authors of the laws, of the courts of justice, and of all right, I ought not to fear that that man will not be judged to be the only Roman citizen deserving of that cross of his, and that all others will not be judged most undeserving of such a danger. [172] A little while ago, O judges, we did not restrain our tears at the miserable and most unworthy death of the naval captains; and it was right for us to be moved at the misery of our innocent allies; what now ought we to do when the lives of our relations are concerned? For the blood of all Roman citizens ought to be accounted kindred blood; since the consideration of the common safety, and truth requires it. All the Roman citizens in this place, both those who are present, and those who are absent in distant lands, require your severity, implore the aid of your good faith, look anxiously for your assistance. They think that all their privileges, all their advantages, all their defences, in short their whole liberty, depends on your sentence. [173] From me, although they have already had aid enough, still, if the affair should turn out ill, they will perhaps have more than the venture to ask for. For even though any violence should snatch that man from your severity, which I do not fear, a judges, nor do I think it by any means possible; still, if my expectations should in this deceive me, the Sicilians will complain that their cause is lost, and they will be as indignant as I shall myself; yet the Roman people, in a short time, since it has given me the power of pleading before them, shall through my exertions recover its rights by its own votes before the beginning of February. And if you have any anxiety, O judges, for my honour and for my renown, it is not unfavourable for my interests, that that man, having been saved from me at this trial, should be reserved for that decision of the Roman people. The cause is a splendid one, one easily to be proved by me, very acceptable and agreeable to the Roman people. Lastly, if I see where to have wished to rise at the expense of that one man, which I have not wished, — if

he should be acquitted, (a thing which cannot happen without the wickedness of many men,) I shall be enabled to rise at the expense of many. 68.

But in truth, for your sake, O judges, and for the sake of the republic, I should grieve that such a crime was committed by this select bench of judges. I should grieve that those judges, whom I have myself approved of and joined in selecting, should walk about in this city branded with such disgrace by that man being acquitted, as to seem smeared not with wax, but with mud. [174] Wherefore, from this place I warn you also, O Hortensius, if there is any room for giving a warning, to take care again and again, and to consider what you are doing, and whither you are proceeding; what man it is whom you are defending, and by what means you are doing so. Nor in this manner do I seek at all to limit you, so as to prevent your contending against me with all your genius, and all your ability in speaking. As to other things, if you think that you can secretly manage, out of court, some of the things which belong to this judicial trial; if you think that you can effect anything by artifice, by cunning, by influence, by your own popularity, by that man's wealth; then I am strongly of opinion you had better abandon that idea. And I warn you rather to put down, I warn you not to suffer to proceed any further the attempts which have already been commenced by that man, but which have been thoroughly detected by, and are thoroughly known to me. It will be at a great risk to yourself that any error is committed in this trial; at a greater risk than you think. [175] For as for your thinking yourself now relieved from all fear for your reputation, and at the summit of all honour as consul elect, believe me, it is no less laborious a task to preserve those honours and kindnesses, conferred on you by the Roman people, than to acquire them. This city has borne as long as it could, as long as there was no help for it, that kingly sort of sway of yours which you have exercised in the courts of justice, and in every part of the republic. It has borne it, I say. But on the day when the tribunes of the people were restored to the Roman people, all those privileges (if you are not yourself already aware of it) were taken away from you. At this very time the eyes of all men are directed on each individual among us, to see with what good faith I prosecute him, with what scrupulous

justice these men judge him, in what manner you defend him. [176] And in the case of all of us, if any one of us turns aside ever so little from the right path, there will follow, not that silent opinion of men which you were formerly accustomed to despise, but a severe and fearless judgment of the Roman people. You have, O Quintus, no relationship, no connection with that man. In the case of this man you can have none of those excuses with which you formerly used to defend your excessive zeal in any trial. You are bound to take care above all things, that the things which that fellow used to say in the province, when he said that he did all that he was doing out of his confidence in you, shall not be thought to be true. 69. [177]

I feel sure now that I have discharged my duty to the satisfaction of all those who are most unfavourable to me. For I convicted him, in the few hours which the first pleading occupied, in the opinion of every man. The remainder of the trial is not now about my good faith, which has been amply proved, nor about that fellow's way of life, which has bean fully condemned; but it is the judges, and if I am to tell the truth, it is yourself, who will now be passed sentence on. But when will that sentence be passed? For that is a point that must be much looked to, since in all things, and especially in state affairs, the consideration of time and circumstance is of the greatest importance. Why, at that time when the Roman people shall demand another class of men, another order of citizens to act as judges. Sentence will be pronounced in deciding on that law about new judges and fresh tribunals which has been proposed in reality not by the man whose name you see on the back of it, but by this defendant. Verres, I say, has contrived to have this law drawn up and proposed from the hope and opinion which he entertains of you. [178] Therefore, when this cause was first commenced, that law had not been proposed; when Verres, alarmed at your impartiality, had given many indications that he was not likely to make any reply at all, still no mention was made of that law; when he seemed to pick up a little courage and to fortify himself with some little hope, immediately this law was proposed. And as your dignity is exceedingly inconsistent with this law, so his false hopes and preeminent impudence are strongly in favour of it. In this case, if anything blameworthy be done by any of you, either the Roman people itself will judge that man

whom it has already pronounced unworthy of any trial at all; or else those men will judge, who, because of the unpopularity of the existing tribunals, will be appointed as new judges by a new law made respecting the old judges. 70. [179]

For myself, even though I were not to say it myself, who is there who is not aware how far it is necessary for me to proceed? Will it be possible for me to be silent, O Hortensius? Will it be possible for me to dissemble, when the republic has received so severe a wound, that, though I pleaded the cause, our provinces will appear to have been pillaged, our allies oppressed, the immortal gods plundered, Roman citizens tortured and murdered with impunity? Will it be possible for me either to lay this burden on the shoulders of this tribunal, or any longer to endure it in silence? Must not the matter be agitated? must it not be brought publicly forward? Must not the good faith of the Roman people be implored? Must not all who have implicated themselves in such wickedness as to allow their good faith to be tampered with, or to give a corrupt decision, be summoned before the court, and made to encounter a public trial? [180] Perhaps some one will ask, Are you then going to take upon yourself such a labour, and such violent enmity from so many quarters? Not, of a truth, from any desire of mine, or of my own free will. But I have not the same liberty allowed me that they have who are born of noble family; on whom even when they are asleep all the honours of the Roman people are showered. I must live in this city on far other terms and other conditions. For the case of Marcus Cato, a most wise and active man, occurs to me; who, as he thought that it was better to be recommended to the Roman people by virtue than by high birth, and as he wished that the foundation of his race and name should be hid and extended by himself, voluntarily encountered the enmity of most influential men, and lived in the discharge of the greatest labours to an extreme old age with great credit. [181] After that, did not Quintus Pompeius, a man born in a low and obscure rank of life, gain the very highest honours by encountering the enmity of many, and great personal danger, and by undertaking great labour? And lately we have seen Caius Fimbria, Caius Marcius, and Caius Caelius, striving with no slight toil, and in spite of no insignificant opposition, to arrive at those honours which you nobles arrive at while devoted to

amusement or absorbed in indifference. This is the system, this is the path for our adoption. These are the men whose conduct and principles we follow. 71.

We see how unpopular with, and how hateful to some men of noble birth, is the virtue and industry of new men; that, if we only turn our eyes away for a moment, snares are laid for us; that, if we give the least room for suspicion or for accusation, an attack is immediately made on us; that we must be always vigilant, always labouring. Are there any enmities? — let them be encountered; any toils? — Let them be undertaken. [182] In truth, silent and secret enmities are more to be dreaded than war openly declared and waged against us. There's scarcely one man of noble birth who looks favourably on our industry; there are no services of ours by which we can secure their good-will; they differ from us in disposition and inclination, as if they were of a different race and a different nature. What danger then is there to us in their enmity, when their dispositions are already averse and inimical to us before we have at all provoked their enmity? [183] Wherefore, O judges, I earnestly wish that I may appear for the last time in the character of an accuser, in the case of this criminal, when I shall have given satisfaction to the Roman people, and discharged the duty due to the Sicilians my client, and which I have voluntarily undertaken. But it is my deliberate resolution, if the event should deceive the expectation which I cherish of you, to prosecute not only those who are particularly implicated in the guilt of corrupting the tribunal, but those also who have in any way been accomplices in it. Moreover, if there be any persons, who in the case of the criminal have any inclination to show themselves powerful, or audacious, or ingenious in corrupting the tribunal, let them hold themselves ready, seeing that they will have to fight a battle with us, while the Roman people will be the judges of the contest. And if they know that, in the case of this criminal, whom the Sicilian nation has given me for my enemy, I have been sufficiently energetic, sufficiently persevering, and sufficiently vigilant, they may conceive that I shall be a much more formidable and active enemy to those men whose enmity I have encountered of my own accord, for the sake of the Roman people. 72. [184]

Now, O good and great Jupiter, you, whose royal present, worthy of your most splendid temple, worthy of the Capitol and of that citadel of all nations, worthy of being the gift of a king, made for you by a king, dedicated and promised to you, that man by his nefarious wickedness wrested from the hands of a monarch; you whose most holy and most beautiful image he carried away from Syracuse; — And you, O royal Juno, whose two temples, situated in two islands of our allies — at Melita and Samos — temples of the greatest sanctity and the greatest antiquity, that same man, with similar wickedness, stripped of all their presents and ornaments; — And you, O Minerva, whom he also pillaged in two of your most renowned and most venerated temples — at Athens, when he took away a great quantity of gold, and at Syracuse, when he took away everything except the roof and walls; — [185] And you, O Latona, O Apollo, O Diana, whose (I will not say temples, but, as the universal opinion and religious belief agrees,) ancient birthplace and divine home at Delos he plundered by a nocturnal robbery and attack; — You, also, O Apollo, whose image he carried away from Chios; — You, again and again, O Diana, whom he plundered at Perga; whose most holy image at Segesta, where it had been twice consecrated — once by their own religious gift, and a second time by the victory of Publius Africanus — he dared to take away and remove; — And you, O Mercury, whom Verres had placed in his villa, and in some private palaestra, but whom Publius Africanus had placed in a city of the allies. and in the gymnasium of the Tyndaritans, as a guardian and protector of the youth of the city; — [186] And you, O Hercules, whom that man endeavoured, on a stormy night, with a band of slaves properly equipped and armed, to tear down from your situation, and to carry off; — And you, O most holy mother Cybele, whom he left among the Enguini, in your most august and venerated temple, plundered to such an extent, that the name only of Africanus, and some traces of your worship thus violated, remain, but the monuments of victory and all the ornaments of the temple are no longer visible, — You, also, O you judges and witnesses of all forensic matters, and of the most important tribunals, and of the laws, and of the courts of justice, — you, placed in the most frequented

place belonging to the Roman people, O Castor and Pollux, from whose temple that man, in a most wicked manner, procured gain to himself, and enormous booty; — And, O all ye gods, who, borne on sacred cars, visit the solemn assemblies of our games, whose road that fellow contrived should be adapted, not to the dignity of your religious ceremonies, but to his own profit; [187] — And you, O Ceres and Libera, whose sacred worship, as the opinions and religious belief of all men agree, is contained in the most important and most abstruse mysteries; you, by whom the principles of life and food, the examples of laws, customs, humanity, and refinement are said to have been given and distributed to nations and to cities; you, whose sacred rites the Roman people has received from the Greeks and adopted, and now preserves with such religious awe, both publicly and privately, that they seem not to have been introduced from other nations, but rather to nave been transmitted from hence to other nations, but which nave been polluted and violated by that man alone, in such a manner, that he had one image of Ceres (which it was impious for a man not only to touch, but even to look upon) pulled down from its place in the temple at Catina, and taken away; and another image of whom he carried away from its proper seat and home at Enna; which was a work of such beauty, that men, when they saw it, thought either that they saw Ceres herself, or an image of Ceres not wrought by human hand, but one that had fallen from heaven; — [188] You, again and again I implore and appeal to, most holy goddesses, who dwell around those lakes and groves of Enna, and who preside over all Sicily, which is entrusted to me to be defended; you whose invention and gift of corn, which you have distributed over the whole earth, inspires all nations and all races of men with reverence for your divine power; — And all the other gods, and all the goddesses, do I implore and entreat, against whose temples and religious worship that man, inspired by some wicked frenzy and audacity, has always waged a sacrilegious and impious war, that, if in dealing with this criminal and this cause my counsels have always tended to the safety of the allies, the dignity of the Roman people, and the maintenance of my own character for good faith; if all my cares, and vigilance, and thoughts have been directed to nothing but the discharge of my duty, and the establishment of

truth, I implore them, O judges, so to influence you, that the thoughts which were mine when I undertook this cause, the good faith which has been mine in pleading it, may be yours also in deciding it. [189] Lastly, that, if all the actions of Caius Verres are unexampled and unheard of instances of wickedness, of audacity, of perfidy, of lust, of avarice, and of cruelty, an end worthy of such a life and such actions may, by your sentence, overtake him; and that the republic, and my own duty to it, may be content with my undertaking this one prosecution, and that I may be allowed for the future to defend the good, instead of being compelled to prosecute the infamous.

PRO FONTEIO (On Behalf of Marcus Fonteius)

Translated by C. D. Yonge

THE FRAGMENTS WHICH REMAIN OF THE SPEECH OF M. T. CICERO ON BEHALF OF MARCUS FONTEIUS.

The Argument.

Fonteius had been praetor of Gallia Narbonensis for three years, and was accused now by the people of the province, and by Induciomarus, one of their princes, of great oppression and exaction in his government, and especially of imposing an arbitrary tax upon their wines. There were two hearings of this cause, but we have only this one speech of Cicero's with reference to it remaining; and this is in a very mutilated state.

1.

.. .. For I defend Marcus Fonteius, O judges, on this ground, and I assert that after the passing of the Valerian law, from the time that Marcus Fonteius was quaestor till the time when Titus Crispinus was quaestor, no one paid it otherwise. I say that he followed the example of all his predecessors, and that all those who came after him, followed his. What, then, do you accuse? [2] what do you find fault with? For because in these accounts, which he says were begun by Hirtuleius, he misses the assistance of Hirtuleius, I cannot think that he either does wrong himself, or wishes you to do wrong. For I ask you, O Marcus Plaetorius, whether you will consider our case established, if Marcus Fonteius, in the matter respecting which he is now accused by you, has the man whom you praise above all others, namely Hirtuleius, for his example; and if Fonteius is found to have done exactly the same as Hirtuleius in the matters in which you commend Hirtuleius? You find fault with the description of payment.

The public registers prove that Hirtuleius paid in the same manner. You praise him for having established these peculiar accounts. Fonteius established the same, with reference to the same kind of money. For, that you may not ignorantly imagine that these accounts refer to some different description of debt, know that they were established for one and the same reason, and with reference to one and the same sort of money. For when

.. .. 2. [3]

.. ..No one — no one, I say, O judges — will be found, to say that he gave Marcus Fonteius one sesterce during his praetorship, or that he appropriated one out of that money which was paid to him on account of the treasury. In no account-books is there any hint of such a robbery among all the items contained in them there will not be found one trace of any loss or diminution of such monies. But all those men whom we ever see accused and found fault with by this sort of inquiry, are overwhelmed with witnesses; for it is difficult for him who has given money to a magistrate to avoid being either induced by dislike of him, or compelled by scrupulousness, to mention it; and in the next place, if the witnesses are deterred from appearing by any influence, at all events the account-books remain uncorrupted and honest. Suppose that every one was ever so friendly to Fonteius; that such a number of men to whom he was perfectly unknown, and with whom he was utterly unconnected, spared his life, and consulted his character; still, the facts of the case itself, the consideration of the documents, and the composition of the account-books, have this force, that from them, when they are once given in and received, everything that is forged, or stolen, or that has disappeared, is detected. All those men made entries of sums of money having been received for the use of the Roman people; if they immediately either paid or gave to others equally large sums, so that what was received for the Roman people was paid to some one or other, at all events nothing can have been embezzled. If any of them took any money home

.. .. .. 3. [4]

Oh, the good faith of gods and men! no witness is found in a case involving a sum of three million two hundred thousand sesterces! Among how many men? Among more than six hundred. In what

countries did this transaction take place? In this place, in this very place which you see. Was the money given irregularly? No money at all was touched without many memoranda. What, then, is the meaning of this accusation, which finds it easier to ascend the Alps than a few steps of the treasury; which defends the treasury of the Ruteni with more anxiety than that of the Roman people; which prefers using unknown witnesses to known ones, foreign witnesses to citizens; which thinks that it is establishing a charge more plainly by the capricious evidence of barbarians than by documents written by our fellow citizens? [5] Of two magistracies, each of which is occupied in handling and dealing with large sums of money, the triumvirate and the quaestorship, such accurate accounts have been rendered, that in those things which were done in the sight of men, which affected many men's interests, and which were set forth both in public and private registers, no hint of robbery, no suspicion of any offence can possibly arise. [6] The embassy to Spain followed, in a most disturbed time of the republic; when, on the arrival of Lucius Sulla in Italy, great armies quarrelled about the tribunals and the laws; and in this desperate state of the republic

.. .. ..

4. [7] If no money was paid, of what sum is that fiftieth a part?

.. ..

Since his cause is not the same as that of Verres

.. .. [8]

a great quantity of corn from Gaul; infantry, and a most numerous army from Gaul, a great number of cavalry from Gaul

.. .. .. [9]

That after this the Gauls would drink their wine more diluted, because they thought that there was poison in it

.. ..

[10]

.. .. 5. [11]

.. ..that in the time of this praetor Gaul was overwhelmed with debt. From whom do they say that loans of such sums were procured? From the Gauls? By no means. From whom then? From Roman citizens who are trading in Gaul. Why do we not hear what they have got to say? Why are no accounts of theirs produced? I

myself pursue and press the prosecutor, O judges; I pursue him I say, and I demand witnesses. In this cause I am taking more pains and trouble to get them to produce their witnesses, than other advocates for the defence usually take to refute them. I say this boldly, O judges, but I do not assert it rashly. All Gaul is filled with traders, — is full of Roman citizens. No Gaul does any business without the aid of a Roman citizen; not a single sesterce in Gaul ever changes hands without being entered in the account-books of Roman citizens. [12] See how I am descending, O judges, how far I seem to be departing from my ordinary habits, from my usual caution and diligence. Let one set of accounts be produced, in which there is any trace whatever which gives the least hint of money having been given to Fonteius; let them produce out of the whole body of traders, of colonists, of publicans, of agriculturists, of graziers, but one witness, and I will allow that this accusation is true. O ye immortal gods! what sort of a cause is this? what sort of a defence? Marcus Fonteius was governor of the province of Gaul, which consists of those tribes of men and of cities, some of whom (to say nothing of old times) have in the memory of the present generation carried on bitter and protracted wars with the Roman people; some have been lately subdued by our generals, lately conquered in war, lately made remarkable by the triumphs which we have celebrated over them, and the monuments which we have erected, and lately mulcted, by the senate, of their lands and cities: some, too, who have fought in battle against Marcus Fonteius himself, have by his toil and labour been reduced under the power and dominion of the Roman people. [13] There is in the same province Narbo Martius, a colony of our citizens, set up as a watch-tower of the Roman people, and opposed as a bulwark to the attacks of those very natives. There is also the city of Massilia, which I have already mentioned, a city of most gallant and faithful allies, who have made amends to the Roman people for the dangers to which they have been exposed in the Gallic wars, by their service and assistance; there is, besides, a large number of Roman citizens, and most honourable men. 6.

Of this province, consisting of this variety of people, Marcus Fonteius, as I have said, was governor. Those who were enemies, he subdued; those who had lately been so, he compelled to depart from

the lands of which they had been deprived by the senate. From the rest, who had been often conquered in great wars, on purpose that they might be rendered obedient for ever to the Roman people, he exacted large troops of cavalry to serve in those wars which at that time were being carried on all over the world by the Roman people, and large sums of money for their pay, and a great quantity of corn to support our armies in the Spanish war. [14] The man who has done all these things is now brought before a court of law. You who were not present at the transactions are, with the Roman people, taking cognisance of the cause; those men are our adversaries who were compelled to leave their lands by the command of Cnaeus Pompeius; those men are our adversaries who having escaped from the war, and the slaughter which was made of them, for the first time dare to stand against Marcus Fonteius, now that he is unarmed. What of the colonists of Narbo? what do they wish? what do they think? They wish this man's safety to be ensured by you, they think that theirs has been ensured by him. What of the state of the Massilians? They distinguished him while he was among them by the greatest honours which they had to bestow; and now, though absent from this place, they pray and entreat you that their blameless character, their panegyric, and their authority may appear to have some weight with you in forming your opinions. [15] What more shall I say? What is the inclination of the Roman citizens? There is no one of that immense body who does not consider this man to have deserved well of the province, of the empire, of our allies, and of the citizens. 7.

Since, therefore, you now know who wish Marcus Fonteius to be attacked, and who wish him to be defended, decide now what your own regard for equity, and what the dignity of the Roman people requires; whether you prefer trusting your colonists, your traders, your most friendly and ancient allies, and consulting their interests, or the interests of those men, whom, on account of their passionate disposition, you ought not to trust; on account of their disloyalty you ought not to honour. [16] What, if I produce also a still greater number of most honourable men to bear testimony to this man's virtue and innocence? Will the unanimity of the Gauls still be of more weight than that of men of such great authority? When Fonteius was governor of Gaul, you know, O judges, that there were very large

armies of the Roman people in the two Spains, and very illustrious generals. How many Roman knights were there, how many military tribunes, how many ambassadors came to them! what eminent men they were, and how frequently did they come! Besides that, a very large and admirably appointed army of Cnaeus Pompeius wintered in Gaul while Marcus Fonteius was governor. Does not Fortune herself appear to have intended that they should be a sufficient number of sufficiently competent witnesses of those things which were done in Gaul while Marcus Fonteius was praetor? Out of all that number of men what witness can you produce in this cause? Who is there of all that body of men whose authority you are willing to cite? We will use that very man as our panegyrist and our witness. [17] Will you doubt any longer, O judges, that that which I stated to you at the beginning is most true, that there is another object in this prosecution, beyond causing others, after Marcus Fonteius has been overwhelmed by the testimonies of these men, from whom many contributions have been exacted, greatly against their will, for the sake of the republic, to be for the future more lax in governing, when they see these men attacked, who are such men that, if they are crushed, the empire of the Roman people cannot be maintained in safety 8.

A charge has also been advanced that Marcus Fonteius has made a profit from the making of roads; taking money either for not compelling people to make roads, or for not disapproving of roads which had been made. If all the cities have been compelled to make roads, and if the works of many of them have not been passed, then certainly both charges are false, — the charge that money has been given for exemption, when no one was exempted; and for approval, when many were disapproved of. [18] What if we can shift this charge on other most unimpeachable names? not so as to transfer any blame to others, but to show that these men were appointed to superintend that road-making, who are easily able to show that their duty was performed, and performed well. Will you still urge all these charges against Marcus Fonteius, relying on angry witnesses? When Marcus Fonteius was hindered by more important affairs of the republic, and when it concerned the republic that the Domitian road should be made, he entrusted the business to his lieutenants, men of the highest

characters, Caius Annius, Bellienus, and Caius Fonteius. So they superintended it; they ordered what seemed necessary, as became their dignity, and they sanctioned what seemed well done. And you have at all events had opportunities of knowing these things, both from our documents, from documents which you yourselves have written, and from others which have been sent to you, and produced before you; and if you have not already read them, now hear us read what Fonteius wrote about those matters to his lieutenants, and what they wrote to him in answer. [The letters sent to Caius Annius the Lieutenant, and to Caius Fonteius the Lieutenant; also, the letters received from Caius Annius the Lieutenant, and from Caius Fonteius the Lieutenant, are read.] [19] I think it is plain enough, O judges, that this question about the road-making does not concern Marcus Fonteius, and that the business was managed by these men, with whom no one can find fault. 9.

Listen now to the facts relating to the charge about wine, which they meant to be the most odious, and the most important charge. The charge, O judges, has been thus stated by Plaetorius: that it had not occurred to Fonteius for the first time when he was in Gaul to establish a transit duty on wine, but that he had thought of the plan in Italy, before he departed from Rome. Accordingly, that Titurius had exacted at Tolosa fourteen denarii for every amphora of wine, under the name of transit duty; that Portius and Numius at Crodunum had exacted three victoriati; that Serveus at Vulchalo had exacted two victoriati; and in those districts they believe that transit duty was exacted by these men at Vulchalo, in case of any one turning aside to Cobiamachus, which is a small town between Tolosa and Narbo, and not wishing to proceed so far as Tolosa. Elesiodulus exacted only six denarii from those who were taking wine to the enemy. [20] I see, O judges, that this is a charge, important both from the sort of crime imputed, (for a tax is said to have been imposed on our produce, and I confess that a very large sum of money might have been amassed by that means,) and from its unpopular nature; for our adversaries have endeavoured to make this charge as widely known as possible, by making it the subject of their conversation. But I think that the more serious a charge is, which is proved to be false, the greater is the wickedness of that man who invented it; for he wishes by the

magnitude of the accusation to prejudice the minds of those who hear it, so that the truth may afterwards find a difficult entrance into them. .. ..

[Everything relating to the charge about the wine, to the war with the Vocontii, and the arrangement of winter quarters, is wanting.] 10. [21]

.. .. ..But the Gauls deny this. But the circumstances of the case and the force of arguments prove it. Can then a judge refuse belief to witnesses? He not only can, but he ought, if they are covetous men, or angry men, or conspirators, or men utterly void of religion and conscience. In fact, if Marcus Fonteius is to be considered guilty just because the Gauls say so, what need have I of a wise judge? what need have I of an impartial judge? what need is there of an intelligent advocate? For the Gauls say so. We cannot deny it. If you think this is the duty of an able and experienced and impartial judge, that he must without the slightest hesitation believe a thing because the witnesses say it; then the Goddess of Safety herself cannot protect the innocence of brave men. But if, in coming to a decision on such matters, the wisdom of the judge has a wide field for its exercise in considering every circumstance, and in weighing each according to its importance, then in truth your part in considering the case is a more important and serious one than mine is in stating it. [22] For I have only to question the witness as to each circumstance once, and that, too, briefly, and often indeed I have not to question him at all; lest I should seem to be giving an angry man an opportunity of making a speech, or to be attributing an undue weight to a covetous man. You can revolve the same matter over and over again in your minds, you can give a long consideration to the evidence of one witness; and, if we have shown an unwillingness to examine any witness, you are bound to consider what has been our reason for keeping silence. Wherefore; if you think that to believe the witnesses implicitly is enjoined to a judge, either by the law or by his duty, there is no reason at all why one man should be thought a better or a wiser judge than another. For judgment formed by the mere ears is single and simple enough; it is a power given promiscuously to all in common, whether they are fools or wise men. [23] What, then, are the opportunities which wisdom has of distinguishing itself? When can a

foolish and credulous auditor be distinguished from a scrupulous and discerning judge? When, forsooth, the statements which are made by the witnesses are committed to his conjectures, to his opinion, as to the authority, the impartiality of mind, the modesty; the good faith, the scrupulousness, the regard for a fair reputation, the care, and the fear with which they are made. 11.

Or will you, in the case of the testimonies of barbarians, hesitate to do what very often within our recollection and that of our fathers, the wisest judges have not thought that they ought to hesitate to do with respect to the most illustrious men of our state? For they refused belief to the evidence of Cnaeus and Quintus Caepio, and to Lucius and Quintus Metellus, when they were witnesses against Quintus Pompeius, a new man; for virtuous, and noble, and valiant as they were, still the suspicion of some private object to be gamed, and some private grudge to be gratified, detracted from their credibility and authority as witnesses. [24] Have we seen any man, can we with truth speak of any man, as having been equal in wisdom, in dignity, in consistency, in all other virtues, in all the distinguishing qualities of honour, and genius, and splendid achievements, to Marcus Aemilius Scaurus? And yet, though, when he was not on his oath, almost the whole world was governed by his nod, yet, when he was on his oath, his evidence was not believed against Caius Fimbria, nor against Caius Memmius. They, who were the judges, were unwilling that such a road should be opened to enmities, as for every man to be able to destroy by his evidence who ever he hated. Who is there who does not know how great was the modesty, how great the abilities, how great the influence of Lucius Crassus? And yet he, whose mere conversation had the authority of evidence, could not, by his actual evidence, establish the things which he had stated against Marcus Marcellus with hostile feelings. [25] There was — there was in the judges of those times, O judges, a divinely-inspired and singular acuteness, as they thought that they were judges, not only of the defendant, but also of the accuser and of the witness, as to what was invented, what was brought into the case by chance or by the opportunity, what was imported into it through corruption, what was distorted by hope or by fear, what appeared to proceed from any private desire, or any private enmity. And if the judge does not

embrace all these considerations in his deliberation, if he does not survey and comprehend them all in his mind, — if he thinks that whatever is said from that witness-box, proceeds from some oracle, then in truth it will be sufficient, as I have said before, for any judge to preside over this court, and to discharge this duty, who is not deaf. There will be no reason in the world for requiring any one, whoever he may be, to be either able or experienced, to qualify him for judging causes. 12. [26]

Had then those Roman knights, whom we ourselves have seen who have lately flourished in the republic, and in the courts, so much courage and so much vigour as to refuse belief to Marcus Scaurus when a witness; and are you afraid to disbelieve the evidence of the Volcae and of the Allobroges? If it was not right to give credence to a hostile witness, was Crassus more hostile to Marcellus, or Scaurus to Fimbria, on account of any political differences, or any domestic quarrels, than the Gauls are to Fonteius? For of the Gauls, those even who stand on the best ground have been compelled once and again, and sorely against their will, to furnish cavalry, money, and corn; and of the rest, some have been deprived of their land in ancient wars, some have been overwhelmed and subdued in war by this very man. [27] If those men ought not to be believed who appear to say anything covetously with a view to some private gain, I think that the Caepios and Metelli proposed to themselves a greater gain from the condemnation of Quintus Pompeius, as by that they would have got rid of a formidable adversary to all their views, than all the Gauls hoped for from the disaster of Marcus Fonteius, in which that province believed that all its safety and liberty consisted.

If it is proper to have a regard to the men themselves, (a thing which in truth in the case of witnesses ought to be of the greatest weight,) is any one, the most honourable man in all Gaul to be compared, I will not say with the most honourable men of our city, but even with the meanest of Roman citizens? Does Induciomarus know what is the meaning of giving evidence? Is he affected with that awe which moves every individual among us when he is brought into that box? 13. [28]

Recollect, O judges, with how much pains you are accustomed to labour, considering not only what you are going to state in your

evidence, but even what words you shall use, lest any word should appear to be used too moderately, or lest on the other hand any expression should appear to have escaped you from any private motive. You take pains even so to mould your countenances, that no suspicion of any private motive may be excited; that when you come forward there may be a sort of silent opinion of your modesty and scrupulousness, and that, when you leave the box, that reputation may appear to have been carefully preserved and retained. [29] I suppose Induciomarus, when he gave his evidence, had all these fears and all these thoughts; he, who left out of his whole evidence that most considerate word, to which we are all habituated, "I think," a word which we use even when we are relating on our oath what we know of our own knowledge, what we ourselves have seen; and said that he knew everything he was stating. He feared, forsooth, lest he should lose any of his reputation in your eyes and in those of the Roman people; lest any such report should get abroad that Induciomarus, a man of such rank, had spoken with such partiality, with such rashness. The truth was, he did not understand that in giving his evidence there was anything which he was bound to display either to his own countrymen or to our accusers, except his voice, his countenance, and his audacity. [30] Do you think that those nations are influenced in giving their evidence by the sanctity of an oath, and by the fear of the immortal gods, which are so widely different from other nations in their habits and natural disposition? For other nations undertake wars in defence of their religious feelings; they wage war against the religion of every people; other nations when waging war beg for sanction and pardon from the immortal gods; they have waged war with the immortal gods themselves. 14.

These are the nations which formerly marched to such a distance from their settlements, as far as Delphi, to attack and pillage the Pythian Apollo, and the oracle of the whole world. By these same nations, so pious, so scrupulous in giving their evidence, was the Capitol besieged, and that Jupiter, under the obligations of whose name our ancestors decided that the good faith of all witnesses should be pledged. [31] Lastly, can anything appear holy or solemn in the eyes of those men, who, if ever they are so much influenced by

any fear as to think it necessary to propitiate the immortal gods, defile their altars and temples with human victims? So that they cannot pay proper honour to religion itself without first violating it with wickedness. For who is ignorant that, to this very day, they retain that savage and barbarous custom of sacrificing men? What, therefore, do you suppose is the good faith, what the piety of those men, who think that even the immortal gods can be most easily propitiated by the wickedness and murder of men? Will you connect your own religious ideas with these witnesses? Will you think that anything is said holily or moderately by these men? [32] Will your minds, pure and upright as they are, bring themselves into such a state that, when all our ambassadors who for the last three years have arrived in Gaul, when all the Roman knights who have been in that province, when all the traders of that province, when, in short, all the allies and friends of the Roman people who are in Gaul, wish Marcus Fonteius to be safe, and extol him on their oaths both in public and in private, you should still prefer to give your decision in unison with the Gauls? Appealing to comply with what? With the wishes of men? Is then the wish of our enemies to have more authority in your eyes than that of our countrymen? With the dignity of the witnesses? Can you then possibly prefer strangers to people whom you know, unjust men to just ones, foreigners to countrymen, covetous men to moderate ones, mercenary men to disinterested ones, impious men to conscientious ones, men who are the greatest enemies to our dominions and to our name, to good and loyal allies and citizens? 15. [33]

Are you then hesitating, O judges, when all these nations have an innate hatred to and wage incessant war with the name of the Roman people? Do you think that, with their military cloaks and their breeches, they come to us in a lowly and submissive spirit, as these do, who having suffered injuries fly to us as suppliants and inferiors to beg the aid of the judges? Nothing is further from the truth. On the contrary, they are strolling in high spirits and with their heads up, all over the forum, uttering threatening expressions, and terrifying men with barbarous and ferocious language; which, in truth, I should not believe, O judges, if I had not repeatedly heard such things from the mouths of the accusers themselves in your presence, — when they

warned you to take care, lest, by acquitting this man, you should excite some new Gallic war. [34] If, O judges, everything was wanting to Marcus Fonteius in this cause; if he appeared before the court, having passed a disgraceful youth and an infamous life, having been convicted by the evidence of virtuous men of having discharged his duties as a magistrate (in which his conduct has been under your own eye) and as a lieutenant, in a most scandalous manner, and being hated by all his acquaintances; if in his trial he were overwhelmed with the oral and documentary evidence of the Narbonnese colonists of the Roman people, of our most faithful allies the Massilians, and of all the citizens of Rome; still it would be your duty to take the greatest care, lest you should appear to be afraid of those men, and to be influenced by their threats and menaced terrors, who were so prostrate and subdued in the times of your fathers and forefathers, as to be contemptible. [35] But now, when no good man says a word against him, but all your citizens and allies extol him; when those men attack him who have repeatedly attacked this city and this empire; and when the enemies of Marcus Fonteius threaten you and the Roman people; when his friends and relations come to you as suppliants, will you hesitate to show not only to your own citizens, who are mainly influenced by glory and praise; but also to foreign tribes and nations, that you, in giving your votes, prefer sparing a citizen to yielding to an enemy? 16. [36]

Among other reasons, this, O judges, is a very great reason for his acquittal, to prevent any notable stain and disgrace from falling on our dominion, by news going to Gaul that the senate and knights of the Roman people gave their decisions in a criminal trial just as the Gauls pleased; being influenced not by their evidence, but by their threats. But in that case, if they attempt to make war upon us, we must summon up Caius Marius from the shades below, in order that he may be equal in war to that great man, that threatening and arrogant Induciomarus. Cnaeus Domitius and Quintus Maximus must be raised from the dead, that they may again subdue and crush the nation of the Allobroges and the other tribes by their arms; or, since that indeed is impossible, we must beg my friend Marcus Plaetorius to deter his new clients from making war, and to oppose by his entreaties their angry feelings and formidable violence; or, if he be

not able to do so, we will ask Marcus Fabius, his junior counsel, to pacify the Allobroges, since among their tribe the name of Fabius is held in the highest honour, and induce them either to be willing to remain quiet, as defeated and conquered nations usually are, or else to make them understand that they are holding out to the Roman people not a terror of war, but a hope of triumph.

[37] And if, even in the case of an ignoble defendant, it would not be endurable that those men should think they had effected anything by their threats, what do you think you ought to do in the case of Marcus Fonteius? concerning whom, O judges, (for I think that I am entitled to say this now, when I have almost come to the termination of two trials,) concerning whom, I say, you have not only not heard any disgraceful charge invented by his enemies, but you have not even heard any really serious reproach. Was ever any defendant, especially when he had moved in such a sphere as this man, as a candidate for honours, as an officer in command, and as a governor, accused in such a way, that no disgraceful act, no deed of violence, no baseness originating either in lust or insolence or audacity, was attributed to him, if not with truth, at least with some suspicious circumstances giving a reasonable colouring to the invention? 17. [38]

We know that Marcus Aemilius Scaurus, the most eminent man of our city, was accused by Marcus Brutus. The orations are extant by which it can be seen that many things are alleged against Scaurus himself, no doubt falsely; but still they were alleged against him and urged against him by an enemy. How many things were said against Manius Aquilius on his trial? How many against Lucius Cotta? and, lastly, against Publius Rutilius? who, although he was condemned, still appears to me to deserve to be reckoned among the most virtuous and innocent men. Yet that most upright and temperate man had many things attributed to him on his trial, which involved suspicion of adultery, and great licentiousness. [39] There is an oration extant of a man, by far (in my opinion, that is,) the ablest and most eloquent of all our countrymen, Caius Gracchus; in which oration Lucius Piso is accused of many base and wicked actions. What a man to be so accused! A man who was of such virtue and integrity, that even in those most admirable: times, when it was not possible to find a thoroughly worthless man, still he alone was called Thrifty. And

when Gracchus was ordering him to be summoned before the assembly, and his lictor asked him which Piso, because there were many of the name, "You are compelling me," says he, "to call my enemy, Thrifty." That very man then, whom even his enemy could not point out with sufficient clearness without first praising him; whose one surname pointed not only who he was, but what sort of man he was; that very man was, nevertheless, exposed to a false and unjust accusation of disgraceful conduct. [40] Marcus Fonteius has been accused in two trials, in such a way, that nothing has been alleged against him from which the slightest taint of lust, or caprice, or cruelty, or audacity can be inferred. They not only have not mentioned any atrocious deed of his, but they have not even found fault with any expression used by him. 18.

But if they had either had as much courage to tell a lie, or as much ingenuity to invent one, as they feel eagerness to oppress Fonteius, or as they have displayed licence in abusing him; then he would have had no better fortune, as far as relates to not having disgraceful acts alleged against him, than those men whom I have just mentioned.

You see then another Thrifty, — a thrifty man, I say, O judges, and a man moderate and temperate in every particular of his life; a man full of modesty, full of a sense of duty, full of religion, depending on your good faith and power, and placed in your power in such a way as to be committed wholly to the protection of your good faith.

[41] Consider, therefore, whether it is more just that a most honourable and brave man, that a most virtuous citizen, should be given up to the most hostile and ferocious nations, or restored to his freedom, especially when there are so many circumstances which cooperate in entreating your favourable disposition in aid of this man's safety. First of all, there is the antiquity of his family, which we are aware proceeds from Tusculum, a most illustrious municipality, and whose fame is engraved and handed down on monuments of the exploits of its members; secondly, there have been continual praetorships in that family, which have been distinguished by every sort of honour, and especially by the credit of unimpeachable innocence; besides that, there is the recent memory of his father, by whose blood, not only the troop of Asculum, by whom

he was slain, but the whole of that social war has been stained with the deep dye of wickedness; lastly, there is the man himself, honourable and upright in every particular of his life, and in military affairs not only endued with the greatest wisdom, and the most brilliant courage, but also skillful through personal experience in carrying on war, beyond almost any man of the present age. 19. [42]

Wherefore, if you do require to be reminded at all by me, O judges, (which, in truth, you do not,) it seems to me I may, without presuming too much on my authority, give you this gentle hint, — that you ought to consider that those men are carefully to be preserved by you, whose valour, and energy, and good fortune in military affairs have been tried and ascertained. There has been a greater abundance of such men in the republic than there is now; and when there was, people consulted not only their safety, but their honour also. What, then, ought you to do now, when military studies have become obsolete among our youth, and when our best men and our greatest generals have been taken from us, partly by age, and partly by the dissensions of the state and the ill fortune of the republic? When so many wars are necessarily undertaken by us, when so many arise suddenly and unexpectedly, do you not think that you ought to preserve this man for the critical occasions of the republic, and to excite others by his example to the pursuit of honour and virtue? [43] Recollect what lieutenants Lucius Julius, and Publius Rutilius, and Lucius Cato, and Cnaeus Pompeius have lately had in war. You will see that at that time there existed also Marcus Cornutus, Lucius Cinna, and Lucius Sulla, men of praetorian rank, and of the greatest skill in war; and, besides them, Caius Marius, Publius Didius, Quintus Catulus, and Publius Crassus, men not learned in the science of war through books, but accomplished and renowned by their achievements and their victories. Come now, cast your eyes over the senate house, look thoroughly into every part of the republic; do you see no possible event in which you may require men like those? or, if any such event should arise, do you think that the Roman people is at this moment rich in such men? And if you carefully consider all these circumstances, you will rather, O judges, retain at home, for yourselves and for your children, a man energetic in undertaking the toils of war, gallant in encountering its dangers,

skillful in its practice and its discipline, prudent in his designs, fortunate and successful in their accomplishment, than deliver him over to nations most hostile to the Roman people, and most cruel, by condemning him. 20. [44]

But the Gauls are attacking Fonteius with hostile standards as it were; they pursue him, and press upon him with the most extreme eagerness, with the most extreme audacity. I see it. But we, O judges, you being our helpers, with many and strong defences, will resist that savage and intolerable band of barbarians. Our first bulwark against their attacks is Macedonia, a province loyal and well affected to the Roman people, which says, that itself and its cities were preserved, not only by the wisdom, but even by the hand of Fonteius, and which now repels the attacks and dangers of the Gauls from his head, as it was defended itself from the invasion and desolation of the Thracians. [45] On the opposite side stands the further Spain, which is able in this case not only to withstand the eagerness of the accusers by its own honest disposition, but which can even refute the perjuries of wicked men by its testimonies and by its panegyrics. And even from Gaul itself most faithful and most important assistance is derived. As an assistance to this unhappy and innocent man, the city of the Massilians has come forward, which is labouring now, not only in order to appear to requite with proper gratitude the exertions of the man by whom it has been preserved, but which also believes that it has been placed in those districts for that very object, and with that express destiny, to prevent those nations from being able to injure our countrymen. [46] The colony of Narbonne fights equally on behalf of the safety of Marcus Fonteius, which, having been lately delivered from the blockade of the enemy by this man, is now moved at his misery and danger. Lastly, as is right in a Gallic war — as the principles and customs of our ancestors enjoin — there is not one Roman citizen who thinks he requires any excuse for being eager in this man's behalf. All the publicans of that province, all the farmers, all the graziers, all the traders, with one heart and one voice, defended Marcus Fonteius. 21.

But if Induciomarus himself, the leader of the Allobroges, and of all the rest of the Gauls, despise such powerful aid as this which we have, shall he still tear and drag away this man from the embrace of

his mother, a most admirable and most miserable woman, and that, too, while you are looking on? especially when a vestal virgin on the other side is folding her own brother in her embraces, and imploring, O judges, your good faith, and that of the Roman people; she who has been, on behalf of you and of your children, occupied for so many years in propitiating the immortal gods, in order now to be able to propitiate you when supplicating for her own safety and that of her brother. [47] What protection, what comfort, will that unhappy maiden have left, if she loses this her brother? For other women can bring forth protectors for themselves — can have in their homes a companion and a partner in all their fortunes; but to this maiden, what is there that can be agreeable or dear, except her brother? Do not, O judges, allow the altars of the immortal gods, and of our mother Vesta, to be reminded of your tribunal by the daily lamentations of a holy virgin. Beware lest that eternal flame, which is now preserved by the nightly toils and vigils of Fonteia, should be said to have been extinguished by the tears of your priestess. [48] A vestal virgin is stretching out towards you her suppliant hands, those same hands which she is accustomed to stretch out, on your behalf, to the immortal gods. Consider how dangerous, how arrogant a deed it would be for you to reject her entreaties, when, if the immortal gods were to despise her prayers, all these things which we see around us could not be preserved. Do not you see, O judges, that all of a sudden, Marcus Fonteius himself, brave as he is, is moved to shed tears at the mention of his parent and his sister? — he who never has known fear in battle, he who in arms has often thrown himself on the ranks and numbers of the enemy, thinking, while he was facing such dangers, that he left behind him the same consolation to his relatives that his own father had left to him; yet now, for all that, is agitated and alarmed, lest he should not only cease to be an ornament and an assistant to his family, but lest he should even leave them eternal disgrace and ignominy, together with the bitterest grief. [49] Oh how unequal is thy fortune, O Marcus Fonteius! If you could have chosen, how much would you have preferred perishing by the weapons of the Gauls rather than by their perjuries! For then virtue would have been the companion of your life, glory your comrade in death; but now, what agony is it for you

to endure the sufferings caused by their power and victory over you, at their pleasure, who have before now been either conquered by your arms, or forced to submit against their will to your authority. From this danger, O judges, defend a brave and innocent citizen: take care to be seen to place more confidence in our own witnesses than in foreigners; to have more regard for the: safety of our citizens than for the pleasure of our enemies; to think the entreaties of her who presides over your sacrifices of more importance than the audacity of those men who have waged war against the sacrifices and temples of all nations. Lastly, take care, O judges, (the dignity of the Roman people is especially concerned in this,) to show that the prayers of a vestal virgin have more influence over you than the threats of Gaul.

PRO CAECINA (On Behalf of Aulus Caecina)

Translated by C. D. Yonge

The *Pro Caecina* was delivered in 69 BC in support of Aulus Caecina, who took the side of Pompey in the civil wars and published a violent tirade against Caesar, for which he was banished. Caecina recanted in his work called *Querelae*, by the intercession of his friends, particularly aided by Cicero, obtaining a pardon from Caesar. Caecina was regarded as an important authority on the Etruscan system of divination (Etrusca Disciplina), which he endeavoured to place on a scientific footing by harmonising its theories with the doctrines of the Stoics. Interestingly, Caecina was on intimate terms with Cicero, who speaks of him as a gifted and eloquent man and was no doubt considerably indebted to him in his own treatise *De Divinatione*.

THE ORATION OF M. T. CICERO IN BEHALF OF AULUS CAECINA.

THE ARGUMENT.

Marcus Fulcinius, of Tarquinii, who had lived as a banker at Rome, had died, leaving his property to his wife Caesennia and his son, the son also died, and divided his property between his wife and his mother. The property was sold, and Caesennia employed Sextus Aebutius, her agent, to buy one of the farms for her. She afterwards married Caecina, and died, bequeathing her property to him. When Caesennia was dead, Aebutius pretended that he had bought the farm in question for himself. Caecina endeavours to enter on the land, but is driven off by Aebutius at the head of a band of armed slaves. He applies to the praetor, and obtains an interdict; Aebutius defends himself on many pleas, and especially on the ground that Caecina being a municeps of Volaterra, a town which had been disfranchised by Sulla, could not become the heir of Caesennia. This trial took place A. U. C. 689.

1. If shameless impudence had as much power in the forum and in the courts of law, as audacity has in the country and in desolate places, then Aulus Caecina would now, in this trial, yield to the impudence of Sextus Aebutius as much as he has already yielded to his audacity in committing deeds of violence. But he thought that it became a considerate man not to contend in arms about a matter which ought to be decided by law; and he thought that it became an honest man, to defeat by law and judicial proceedings the man with whom he had declined contending in arms and violence. [2] And Aebutius appears to me to have been most especially audacious in assembling and arming men, and most especially impudent in his legal measures. Not only in that he has dared to come before the court, (for that, although it is a scandalous thing to do in a clear case, still is an ordinary course for wicked and artful men to adopt,) but because he has not hesitated to avow the very act which he is accused of; unless,

perhaps, his idea was this, — if ordinary violence according to precedent had been used, he would not have had any superior right of possession; but as the violence was committed in a way contrary to all law and precedent, Aulus Caecina fled in alarm with his friends. And so in this count, if he defends his cause according to the custom and established principles of all men, he thinks that we shall not be his inferiors in managing our case; but if he departs from all usage, the more impudently he conducts himself, the more likely to succeed shall he be: as if dishonesty had as much influence in a court of justice as confidence in a scene of violence, or as if we had not yielded at that time the more willingly to his audacity, in order now with the greater ease to resist his impudence. [3] Therefore, O judges, I come now to plead the cause in this trial on a very different plan from the one I adopted at first. For then the hope of our cause depended on the arguments I could use in our defence; now it rests on the confession of our adversary; — then I relied on our witnesses; now I rely on theirs. And about them I was formerly anxious, lest, if they were wicked men, they should speak falsely, — lest, if they were thought honest men, they should establish their case; now I am very much at ease on the subject. For, if they are good men, they assist me by saying that on their oaths, which I, not being on my oath, am urging in accusation. But if they are not so respectable, they do me no injury, since, if they are believed, then the very facts which we urge in accusation are believed; and if credit be not given to them, then credit is refused to the witnesses of our adversary. 2. [4]

But when I consider the way in which they are conducting their case, I do not see what more impudent thing can be said; when I consider your hesitation in airing your decision, I am afraid that what they seem to have been doing shamelessly, may have been done cunningly and wisely; for if they had denied that violence had been committed by armed men, they would easily have been convicted in a plain case by most unimpeachable witnesses: if they had confessed it, and defended a deed which can never be rightfully done, as having been done by them at that time legally, they hoped — what, indeed, they gained — that they should give you cause to deliberate, and inspire you with proper hesitation and scrupulousness in deciding: and also, though that is a most scandalous thing, they thought that the

trial in this case would appear to be not about the dishonesty of Sextus Aebutius, but about the civil law. [5] And in this case, if I had to plead the cause of Aulus Caecina alone, I should profess myself a sufficiently capable defender of it, because I had behaved with the greatest good faith and diligence; and when these qualities are found in an advocate, there is no reason, especially in a plain and simple matter, for requiring any extraordinary ability. But as I have now to speak of those rights which concern all men, — which were established by our ancestors, and have been preserved to this time; while, if they were taken away, not only would some part of our rights be diminished, but also that violence, which is the greatest enemy to law, would seem to be strengthened by that decision, — I see that the cause is one requiring the greatest abilities, not in order to demonstrate what is before men's eyes, but to prevent (if any mistake is made by you in so important a matter) every one from thinking that I have been wanting to the cause, rather than that you have to your religious obligations. [6]

Although I am persuaded, O judges, that you have not now doubted about the same cause twice, on account of the obscure and uncertain state of the law, so much as because this trial appears to affect that man's personal character; and on that account you have delayed condemning him, and have also given him time to recollect himself. And since that custom has now become a usual one, and since good men, — men like yourselves. — do the same when sitting as judges, it is, perhaps, less blamable. But still it appears a thing to be complained of, because all judicial proceedings have been devised either for the sake of putting an end to disputes, or of punishing crimes, of which the first is the least important object, because it is less severe on individuals, and because it is often terminated by some friendly mediator. The other is most formidable, because it relates to more important matters, and requires not the honorary assistance of some friend, but the severity and vigour of a judge. [7] That which was the more important, and on account of which judicial proceedings were most especially instituted, has been long abolished by evil customs. For the more disgraceful a thing is, the more severely and the more promptly ought it to be punished; and yet those things which involve danger to a man's character are the

slowest to be punished. 3.

How, then, can it be right that the same cause which prompted the institution of legal proceedings, should also cause the delay that exists in coming to a decision? If any one, when he has given security, — when he has bound himself by one word, does not do what he has rendered himself liable to do, then he is condemned by the natural course of justice without any appeal to the severity of the judge. If a man, as a guardian, or as a partner, or as a person in a place of trust, or as any one's agent, has cheated any one, the greater his offence is, the slower is his punishment. [8] "Yes, for the sentence is a sentence of infamy." "Yes, if it arises from an infamous action." See, then, how iniquitously it happens, that because an action is infamous, therefore a discreditable reputation should attach to it, but that a scandalous action is not to be punished, because, if it were, it would involve a loss of reputation. It is just as if any judex or recuperator were to say to me, "Why, you might have tried it in an inferior court, — you might have obtained your rights by an easier and more convenient process; therefore, either change your form of action, or else do not press me to give my decision." And yet he would appear more timid than a bold judge ought to appear, or more covetous than it is right for a wise judge to be, if he were either to prescribe to me how I should follow up my own rights, or if he were to be afraid himself to give his decision in a matter which was brought before him. In truth, if the praetor, who allows the trials to proceed, never prescribes to a claimant what form of action he wishes him to adopt, consider how scandalous a thing it must be, when the matter is so far settled, for a judge to ask what might have been done, or what can be done now, and not what has been done. [9] However, in this case we should be complying too much with your good nature if we were willing to recover our rights by any process different from that which we are adopting. For now, what man is there who thinks that violence offered by armed men ought to be passed over; or who can show us a more moderate way of proceeding in so atrocious a case? In the case, of offences of such a nature, that, as they keep crying out, criminal trials and capital trials have been established on their account, can you find fault with our severity when you see that we have done nothing more than claim possession

of our property by virtue of the praetor's interdict. 4.

But whether you have as yet had your reputation endangered, or whether the doubts about the law have hitherto made the judges slow in giving their decision; the former reason you yourselves have already removed, by the frequent adjournments of the trial; the other I will myself this day take away, that you may not hesitate any longer about our disputing about the common law. [10] And if I shall appear to go rather further back in tracing the origin of the business than either the state of the law which is involved in this trial, or the nature of the case compels me to, I beseech you to pardon me; for Aulus Caecina is not less anxious to appear to have acted according to the strictest law, than he is to obtain what by strict law is his due.

There was a man named Marcus Fulcinius, O judges, of the municipality of Tarquinii; who, in his own city, was reckoned one of the most honourable men, and also had a splendid business at Rome as a banker. He was married to Caesennia, a woman of the same municipality, a woman of the highest rank and most unimpeachable character, as he both showed while he was alive by many circumstances, and declared also by his will at his death. [11] To this Caesennia he had sold a farm in the district of Tarquinii, at a time of great commercial embarrassment; for as he was employing the dowry of his wife, which he had received in ready money, he took care, in order that she, being a woman, might have abundant security, to charge her dowry on that farm. Some time afterwards, having given up his banking business, Fulcinius buys some lands which are contiguous, and adjacent to this farm of his wife's. Fulcinius dies; (for I will pass over many circumstances of the case, because they are unconnected with the subject of this action;) in his will he makes his son, whom he had by Caesennia, his heir; he bequeaths Caesennia a life interest in all his property, which she is to enjoy with his son. The great honour paid her by her husband would have been very agreeable to the woman, if she had been allowed to enjoy it long; [12] for she would have been enjoying her property in common with him whom she wished to be the heir of her property, and from whom she herself was receiving the greatest enjoyment of which she was capable. But or this enjoyment she was prematurely deprived by the act of God; for in a short time the young man,

Marcus Fulcinius, died; he left Publius Caesennius his heir; he bequeathed to his wife an immense sum of money, and to his mother the greater part of his landed property; and, accordingly, the women divided the inheritance. 5. [13]

When the auction of the inheritance was appointed to take place, Aebutius, who had long been supported by Caesennia though a widowed and solitary woman, and who had insinuated himself into her confidence by the system of undertaking (not without some profit to himself) all the business which the woman had to transact, and all her disputes — was employed at that time also in this transaction of selling and dividing the property. And he always pushed and thrust himself in in such a way as to make Caesennia of opinion, that she, being a woman unskilled in business, could not get on well in any matter in which Aebutius was not concerned. [14] The character that you know, from daily experience, O judges, belongs to a flatterer of women, all agent of widows, an over-litigious defender, eager for strife, ignorant and stupid among men, but a shrewd and clever lawyer among women; this was the character of Aebutius. For all this was Aebutius to Caesennia. In case you should ask, is he any relation? no one could be more entirely unconnected with her — Was he a friend, recommended to her by her father or her husband? Nothing of the sort. Who then was he? He was such a man as I have just been depicting — a voluntary friend of the woman, united with her, not by any relationship, but by a pretended officiousness, and a deceitful eagerness in her behalf; by an occasional assistance, seasonable rather than faithful. [15] When, as I had begun to say, the auction was fixed to take place at Rome, the friends and relations of Caesennia advised her — as, indeed, had occurred to her of her own accord, — that, since she had an opportunity of buying that farm of Fulcinius's which was contiguous to her own ancient property, there would be no wisdom in letting such an opportunity slip, especially as money was owing to her from the division of the inheritance, which could never be invested better. Therefore the woman determines to do so; she gives a commission to buy the farm — to whom? to whom do you suppose? Does it not at once occur to every one that this was the natural business of the man who was ready to transact all the woman's business, of the man without whom nothing could be done

with proper skill and wisdom? You are quite right — the business is entrusted to Aebutius. 6. [16]

Aebutius is present at the sale — he bids — many purchasers are deterred, some from goodwill to Caesennia, some by the price — the farm is knocked down to Aebutius; Aebutius promises the money to the banker, which piece of evidence that excellent man is using now to prove that the purchase was made for himself. As if we either denied that it had been knocked down to him, or as if there were at the time any one who doubted that it had been bought for Caesennia, when most men actually knew, nearly all had heard, and when even these judges might conjecture, that, as money was due to Caesennia from that inheritance, it was exceedingly advantageous for her that it should be invested in farms; and since those farms which were especially desirable for the woman were being sold, and since he was bidding whom no one wondered to see acting for Caesennia, no one could possibly suspect was buying them for himself. [17] When this purchase had been made, the money was paid by Caesennia; and of this that man thinks that no account can be produced, because he himself has detained her account-books, and because he has the account-books of the banker in which the money is entered as having been paid by him, and credit is given to him for it, as having been received from him; as if it could have been properly done in any other manner. When everything had been settled in thus way, as we are now stating in this defence of ours, Caesennia took possession of the farm and let it; and not long afterwards she married Aulus Caecina. To cut the matter short, the woman died having made a will. She makes Caecina her heir to the extent of twenty-three twenty-fourths of her fortune; of the remaining twenty-fourth she leaves two-thirds to Marcus Fulcinius, a freedman of her first husband, and one-third she leaves to Aebutius. This seventy-second part of her property she meant to be a reward to him for the interest he had taken in her affairs, and for any trouble that they might have caused him. But he thinks that he can make this small fraction a handle for disputing the whole. 7. [18]

In the first place he ventured to say that Caecina could not be the heir of Caesennia, because he had not the same rights as the rest of the citizens, on account of the disasters and civil calamities of the

Volaterrans. Did he, therefore, like a timid and ignorant man, who had neither courage enough, nor wisdom enough, not think it worth while to enter on a doubtful contest about his rights as a citizen? did he yield to Aebutius, and allow him to retain as much as he pleased of the property of Caesennia? No; he, as became a brave and wise man, put down and crushed the folly and calumny of his adversary. [19] As he was in possession of the estate, and as Aebutius was exaggerating his seventy-second share unduly, Caecina, as heir, demanded an arbitrator, for the purpose of dividing the inheritance. And in a few days, when Aebutius saw that he could not pare anything off from Caecina's property by the terror of a law-suit, he gives him notice, in the forum at Rome, that that farm which I have already mentioned, and of which I have shown that he had become the purchaser on Caesennia's commission, was his own, and that he had bought it for himself What are you saying? you will say to me; — does that farm belong to Aebutius which Caesennia had possession of without the least dispute for four years, that is to say, ever since the farm was sold, as long as she lived? Yes, for the life-interest in that farm, and its produce, belonged to Caesennia, by the will of her husband. [20] As he was thus artfully planning this singular kind of action, Caecina determined, by the advice of his friends, to fix a day on which he would go to offer to take possession, and be formally driven off the farm. They confer on the subject; a day is agreed on to suit the convenience of both parties; Caecina, with his friends, comes on the appointed day to the castle of Axia, from which place the farm which is now in question is not far distant. There he is informed by many people that Aebutius has collected and armed a great number of men, both free-men and slaves. While some marvelled at this, and some did not believe it, lo! Aebutius himself comes to the castle. He gives notice to Caecina that he has armed men with him, and that, if he comes on the property, he shall never go away again. Caecina and his friends agreed that it was best to try how far they could proceed without personal danger. [21] Then they descend from the castle — they go to the farm. It seems to some to have been done rashly; but, as I think, this was the reason, — no one supposed that Aebutius would really behave as rashly as he had threatened. 8.

Accordingly Aebutius places armed men at every entrance by which people could pass, not only to that farm about which there was the dispute, but also to the next farm, about which there was no dispute at all. And therefore, at the first step, when he was about to enter on his ancient farm, because from that one he could come very near to the other, armed men in crowds opposed him. [22] Caecina being repulsed from that spot, still went as he could towards that farm, from which, according to their agreement, he was to be formally ejected by force. A row of olive-trees in a straight line marks the extreme boundary of that farm. When they came near them, Aebutius was there with all his forces, and he summoned his slave, by name Antiochus, to him, and with a loud voice ordered him to kill any one who entered within that line of olives. Caecina, a most prudent man in my opinion, appears nevertheless to have shown in this affair more courage than wisdom. For though he saw that multitude of armed men, and though he had heard that expression of Aebutius which I have mentioned, still he came nearer, and was entering, within the boundaries of that section which the olive-trees marked out, when he was put to flight by the assault of Antiochus in arms, and by the darts and onset of the rest. At the same time his friends and assistants all take to flight with him; being greatly alarmed, as you heard one of them state in his evidence. [23] When these things had been done in this manner, Publius Dolabella the praetor issued his interdict, as is the custom, "concerning violence, and armed men," ordering, without any exception, that he should restore the property from which he had ejected Caecina. He said, that he had restored it. Securities were entered into to stand a trial. The cause is now before you for your decision. 9.

It was most especially desirable for Caecina, O judges, to have no dispute at all; and, in the next place, not to have one with so wicked a man; and, in the third place, if he had a dispute at all, not to have it with so foolish a man as this. For, in truth, his folly assists us almost as much as his wickedness injures us. He was wicked, inasmuch as he collected men, armed them, and, with them collected and armed, committed deeds of violence. In that he injured Caecina; but by the same conduct also he benefited him. For he took with him evidence of the very deeds which he did so wickedly, and that very evidence

he brings forward in this case. [24] Therefore I have made up my mind, O judges, before I come to make my defence, and to summon my own witnesses, to make use of his confession and his witnesses. What is it that he confesses, and confesses so willingly, that he seems not only to admit it, but even to boast of it, O judges? "I summoned men; I collected them; I armed them; I prevented you from entering on the farm by fear of death, by threatening you with personal danger; by the sword," says he, "by the sword." (And he says this in open court.) "I drove you away and routed you." What more? What say the witnesses? Publius Vetilius, a relation of Aebutius, says that he was with Aebutius as his assistant, with several armed slaves. What more does he say? — That there were many armed men there. What more? — That Aebutius threatened Caecina. What shall I say of this witness, O judges, except this, that you must not believe him the less because he does not seem to be a thoroughly respectable man, but that you must believe him, because his evidence goes to establish the very facts that are most unfavourable to his cause? [25] Aulus Terentius, a second witness, convicts not only Aebutius, but himself also. He says this against Aebutius, that there were armed men; but concerning himself he makes this statement, that he ordered Antiochus, the slave of Aebutius, to attack Caecina with the sword if he came on the land. What more shall I say of this man? against whom, indeed, I did not wish to say anything, though I was begged by Caecina to do so, that I might not seem to accuse him of a capital crime; but now I am in doubt how to speak of him, or how to be silent about him; since he, on his oath, makes this statement about himself. [26] After them, Lucius Caelius not only stated that Aebutius was there with a large force of armed men, but also that Caecina had come thither with a very limited train. 10.

Shall I at all disparage this witness? I beg you to believe him as much as you believe my witnesses. Publius Memmius followed; who mentioned his having done a great kindness to the friends of Caecina, in giving them a passage through his brother's farm, by which they could escape, when they were all in a state of great alarm and consternation. I will here give my public thanks to this witness for having shown himself merciful in his conduct, and conscientious in giving his evidence. [27] Aulus Atilius and his son Lucius Atilius

stated that there were armed men there, and that they also brought their slaves armed. They said this also; that when Aebutius was threatening Caecina, Caecina then and there required of him to let his ejection be accomplished in the regular form. Publius Rutilius stated the same thing, and he stated it the more willingly, in order to have credit attached to his evidence in a court of justice. Besides these, two more witnesses gave evidence, saying nothing about the violence, but speaking only of the original business and of the purchase of the farm. There was Publius Caesennius, the seller of the farm, a man with a body of greater weight than his character; and Sextus Clodius, a banker, whose surname is Phormio, a man no less black and no less presuming than that Phormio in Terence: neither of these said anything about violence, nor about anything else which had any reference to this trial. [28] But the tenth witness, the one who had been reserved for the last, a senator of the Roman people, the pride of his order, the flower and ornament of the courts of justice the model of ancient piety, Fidiculanius Falcula; gave his evidence also. But though he came forward so eagerly and violently that he not only attacked Caecina with his perjuries, but seemed to be angry with me also, I made him so tranquil and gentle that he did not dare, as you recollect, to say a second time even how many miles his farm was distant from the city. For when he had said that it was fifty-three miles off, the people cried out with a laugh, that that was exactly the distance. For all men recollected how much he had received on the trial of Albius. [29] What shall I say against him except that which he cannot deny? — that he came on the bench during a criminal trial, though he was not a member of that tribunal; and that, while sitting on that bench, though he had not heard a word of the cause, and though there was an opportunity of adjourning the decision, he still gave his sentence, " that the case was proved;" that as he chose to decide without having inquired into the matter, he preferred condemning to acquitting; and that, inasmuch as, if there had been one damnatory vote fewer, the defendant could not have been condemned, he came forward, not so much for the purpose of investigating the case, as of insuring a conviction. Can anything worse be said against any man, than that he was induced by a bribe to condemn a man whom he had never seen nor even heard of? Or, can

any allegation be made against a man on more certain grounds than one which even he, against whom it is made, cannot attempt to invalidate, not even by signs? [30] However that witness, (in order that you might easily understand that he was not present in mind while their case was being stated by that party, and while their witnesses were giving their evidence, but that he was thinking of some criminal,) though every witness before him had stated that there were many armed men with Aebutius, said, (though he stood alone in his statement,) that there were no armed men at all. At first, I thought that the cunning fellow was well aware of what the cause was in need of, and only made a mistake because he was contradicting all the witnesses who had spoken before him; when all of a sudden, according to his usual custom, he forgets his previous statement, and says that his slaves were the only armed men there. 11.

What can you do with such a man as this? Must you not grant to him sometimes to escape from the odium due to his excessive wickedness by the excuse of his prodigious stupidity? [31] Did you not, O judges, believe these witnesses when you considered the case not proved? But there was no question that they were speaking the truth. When there was a multitude collected together, and arms, and weapons, and instant fear of death, and visible danger of murder, was it doubtful to you whether there seemed to have been any violence committed, or not? In what circumstances can violence be possibly understood to exist, if it does not exist in these? Or did that defence of his seem to you a very sufficient one, "I did not drive you out, I opposed your entrance; I did not suffer you to come on the farm at all, but I opposed armed men to you, in order that you might understand that, if you set your foot on the farm, you would immediately perish?" What do you say? Does not the man who was terrified and put to flight, and driven away by force of arms, appear to have been turned out? [32] We will examine hereafter into the appropriate expression; at present let us prove the fact, which they do not deny, and let us inquire into the law of the case, and the proper method of proceeding by law under such circumstances.

This fact is proved, which is not denied by the opposite party, — that Caecina, when he had come on the appointed day, and at the appointed time, in order that a formal and regular ejectment might

take place, was driven away and prevented from entering by open violence, by men collected: together in arms. As this is proved, I, a man unskilled in law, ignorant of matters of business and of law-suits, think that I can proceed in this way, that I can obtain my rights and prosecute you for the injury I have sustained, by means of the interdict which I have obtained. Suppose that I am mistaken in this, and that I cannot possibly obtain what I wish by means of this interdict. In this affair I wish to take you for my master. [33] I ask whether there is any legal proceeding open to me in this ease, or whether there is not. It is not right for men to be summoned together on account of a dispute about possession; it is not right for a multitude to be armed for the sake of preserving a right; nor is there anything so contrary to law as violence; nor is there anything so irreconcilable with justice as men collected together and armed. 12.

And as the law is such, and the circumstances of the case such, that it appears above all others worthy of being brought under the notice of the magistrates, I ask again whether there is any legal proceeding open to me in this case, or whether there is not. Will you say that there is not? I wish to hear. Is a man, who in time of peace and tranquillity has collected a band, prepared his forces, got together a great number of men, armed them, equipped them, — who has repelled, put to flight and driven off, by arms, and armed men, and terror, and danger of death, unarmed men who had come at a time agreed upon to go through an ordinary legal form; — is such a man to say: [34] "Yes, indeed, I have done everything which you say; and my conduct was turbulent, and rash, and hazardous. What then; I did it all with impunity; for you have no means of proceeding against me by civil action before the praetor?" Is it so, O judges? Will you listen to this? and will you permit such a thing to be said before you more than once? When our ancestors were men of such diligence and prudence as to establish every requisite law, not only for such important cases as this, but for even the most trivial matters, and to prosecute all offences against them, will you allow that they overlooked this class of cases, the most important of all; so that, if people had compelled me to depart from my home by force of arms, I should have had a right of action, but as they only prevented me from entering my home, I have none? I am not yet arguing the

particular case of Caecina, I am not yet speaking of our own particular right of possession. I am resting my complaint wholly on your defence, O Caius Piso. [35] Since you make this statement, and lay down this principle, "that, if Caecina, when he was actually in his farm, had been driven from it, then it would have been right for him to be restored by means of this interdict; but now he can by no means be said to have been from a place where he has not been; and, therefore, we have gained nothing by this interdict;" I ask you, if, this day, when you are returning home, men collected in a body, and armed, not only prevent you from crossing the threshold and from coming under the roof of your own house, but keep you off from approaching it — from even entering the court yard, — what will you do? My friend Lucius Calpurnius reminds you to say the same thing that he said before, namely that you would bring an action for the injury. But what has this to do with possession? What has this to do with restoring a man who ought to be restored? or with the civil law?

* * * * I will grant you even more. I will allow you not only to bring your action, but also to succeed in it. Will you be any the more in possession of your property for that? For an action for injury done does not carry with it, even if successful, any right of possession; but merely makes up to a man for the loss he sustains through the diminution of his liberty, by the trial and penalty imposed upon the offender. 13. [36]

In the mean time, shall the praetor, O Piso, be silent in so important a matter? Shall he have no power to restore you to the possession of your own house? He who is occupied for whole days in repressing deeds of violence, and in ordering the restitution of what has been obtained by such deeds; he who issues interdicts about ditches, about sewers, in the most trifling disputes about water or roads, shall he on a sudden be struck dumb? Shall he in a most atrocious case have nothing which he can do? And when Caius Piso is prevented from entering his own house, from coming under his own roof — prevented, I say, by men collected in a body and armed, — shall the praetor have no power of assisting him according to established regulations and precedents? For what will he say? or what will you demand after having sustained such a notable injury?

No one ever issued an interdict in the terms, “whether you were prevented by violence from coming.” That is a new form; I will not say an unusual one, but a form absolutely unheard of. “Whence you were driven.” What will you gain by this, when they make you the same answer that they now make me; that armed men opposed you and prevented you from entering your house; moreover, that a man cannot possibly be driven out of a place, who has not entered into it? [37] I am driven out, say you, if any one of my slaves is driven out. Now you are right, for you are altering your language, and appealing, to justice. For if we choose to adhere to the words themselves, how are you driven out when your servant is driven out? But it is as you say — I ought to consider you yourself as driven out, even if you were never touched. Is it not so? Come now, suppose not even one of your slaves was driven from his place, if they were all kept and retained in the house; if you alone were prevented from entering, and frightened away from your house by violence and arms; will you in that case have this right of action which we have adopted, or some other form, or will you have no action at all? It neither becomes your prudence nor your character to say that, in so notable and so atrocious a case, there is no right of action. If there be any other kind of action which has escaped our notice, tell us what it is. I wish to learn. [38] If this be the proper form, which we have employed, then, if you are the judge, we must gain our cause. For I have no fear of your saying in the same cause, and with the same interdict, that you ought to be restored, but that Caecina ought not. In truth, who is there to whom it is not clear, that the property, and possessions, and fortunes of all men will be again brought back into a state of uncertainty if the effect of this interdict is made in any particular more obscure, or less vigorous? if, under the authority of such men as these judges, the violence of armed men should appear to be approved by a judicial decision? in a trial in which it can be said that there was no question at issue about arms, but that inquiry was only made into the language of the interdict. Shall that man gain his cause before your tribunal, who defends himself in this manner, “I drove you away with armed men, I did not drive you out,” so that the fact is not to depend on the equity of the defence, but on the correctness of a single expression? [39] Will you lay it down that there is no right of

action in such a case as this? that there is no method established for inquiring who has opposed a person with armed men, who has collected a multitude, and so prevented a man not only from effecting an entrance, but even from all access to a property? 14.

What, then, shall we say? What force is there in this, or what difference is there between the cases? — whether, when I have got my foot within the boundaries, and taken possession as it were by planting a footstep on the ground, I am then expelled and driven out; or whether I am met with the same violence, and the same weapons, not only before I can enter on the land, but before I can see it, or breathe its atmosphere? What is the difference between one case and the other? Can there be such a difference, that he, who has expelled a man who has once entered, can be compelled to make restitution, but that he who has driven a person back when seeking to enter, cannot be compelled? [40] See, I entreat you in the name of the immortal gods, what a law you are proceeding to establish for us, — what a condition for yourselves, and what a code for the whole state. In injuries of this kind there is one form of proceeding established, the one which we have adopted, that by interdict. If that is of no avail, or has no reference to this matter, what can be imagined more careless or more stupid than our ancestors, who either omitted to institute any form of proceeding, in so atrocious a business, or else did institute one which fails to embrace in proper language either the fact, or the principle of law applicable to the case. It is a dangerous thing for this interdict to be dissolved. It is a perilous thing for all men, that there should be any case of such a nature that, when deeds of violence have been committed in it, the injustice should not be able to be repaired by law. But this is the most disgraceful thing of all, that most prudent men should be convicted of such egregious folly, as they would be if you were to decide that such a case as this, and such a form of legal proceeding as is requisite, never once occurred to the minds of our ancestors. [41]

We may complain then, he says. Still Aebutius is not touched by this interdict. How so? Because violence was not offered to Caecina. Can it be said in this cause, where there were arms, where there was a multitude of men collected, where there were men carefully equipped and placed in appointed places with swords, where there

were threats, dangers, and terrors of death, that there was no violence?

"No one," says he, "was slain, or even wounded." What are you saying? When we are speaking of a dispute about a right of possession, and about an action at law between private individuals, will you say that no violence was done, if actual murder and slaughter did not take place? I say that mighty armies have often been put to flight and routed by the mere terror and charge of the enemy, not only without the death of any one, but even without one single person being wounded 15. [42]

In truth, O judges, that is not the only violence which reaches our persons and our lives, but that is even a much greater one, which, by threatening us with the danger of death, often drives our minds, agitated by fear as they are, from their steady position and condition. Therefore, wounded men often, when they are enfeebled in body, still do not succumb as to their courage, and do not leave the place which they have determined to defend; but others, though unwounded, are driven away: so that there is no doubt but that the violence which is done to a man whose mind is frightened, is much greater than that which is done to him whose body is wounded. [43] And if we say that those armies have been routed by force, which have fled through fear, and often from only some slight suspicion of danger; and if we have both seen and heard of troops being put to flight, not only by the dash of shield against shield, nor by bodily conflict, nor by blows interchanged hand to hand, nor by the showering of missile weapons from a distance, but often by the mere shout of the soldiers, by their warlike array, and the sight of the hostile standards; shall that, which is called violence in war, not be called violence in peace? And shall that which is thought vigorous conduct in military affairs, be considered gentle in transactions of civil law? And shall that which has its influence on armed battalions, not appear to move a body of men in the garb of peace? And shall a wound of the body be a greater proof of that violence which we complain of, than alarm of mind? And shall we inquire strictly what wounds were inflicted, when it is notorious that people were put to the rout? [44] For your own witness stated this, that when our party were flying through fear, he had pointed them out the way by which

they might escape. Does no violence appear to have been offered to men who not only fled, but who even asked of a stranger which way they could flee with safety? Why, then, did they flee? Out of fear. What did they fear? Violence, of course. Can you then deny the first facts when you admit the last? You confess, that they fled because they were frightened; you say the cause of their flight was that which we all understand, — namely, arms, a multitude of men, an attack and onset of armed men. When all this is admitted to have taken place, shall violence be denied to have been offered? 16. [45]

But all this is common enough, and there is plenty of precedent for it in transactions of our ancestors' time; that, when people came to assert their rights by force, if either party beheld armed men ever so far off, they should at once depart, having called on their companions to bear witness to the fact; and then they had a right to proceed to trial, and to require the securities to be given according to the following formula:—"If no violence had been offered contrary to the edict of the praetor." Is it so? Is it enough for proving violence to have been offered, to know that there are armed men; but not enough for proof, to fall into their hands? Shall the sight of armed men avail to prove violence, and shall their onset and attack not avail? Shall a man who departs quietly find it more easy to prove that violence has been offered to him, than a man who has fled from it? [46] But I say this. If, when first Aebutius told Caecina, when in the castle, that he had collected men and armed them, and that, if he came thither, he would never go away again, Caecina had at once departed, you ought not to have doubted whether violence had been offered to Caecina. But if, as soon as he had beheld the armed men, he had then departed, you would have doubted still less. For everything is violence, which, by means of danger, either compels us to depart from any place, or prevents our approaching any place. But if you determine otherwise, take care lest what you determine amounts to this, that no violence has been offered to a man who goes away alive, — take care lest you prescribe this to all men, in all disputes about possession, to think that they have a right to do battle, and to engage in actual combat, lest, just as in battle punishments are appointed for cowards by the generals, so, in courts of justice, the cause of those men who have fled may have a worse appearance than that of those

men who have striven on to the last. [47] As we are speaking of law and of legal disputes between men, when in these matters we speak of violence, a very little violence must be considered enough. I have seen armed men — as few as you please — that is great violence. I departed, being alarmed at the weapon of one individual; I was driven away and put to flight. If you establish this rule, there will not only be no instance here after of any one wishing to have a battle for the sake of possession, but there will be no instance even of any one resisting. But if you refuse to think anything violence where there has been no slaughter, no wounding, no bloodshed, then it will follow that men ought to be more anxious about establishing their ownership, than about saving their lives. 17. [48]

Come now, in the matter of violence I will make you yourself the judge, O Aebutius. Answer, if you please. Was Caecina unwilling to come on his farm, or was he unable? As you say that you opposed and repelled him, surely you will admit that he wished to do so. Can you then say that it was not violence which hindered him, when, by reason of armed men, he was unable to come to a place, when he wished to come there, and had gone out with that intention? For, if he was by no means able to do what he was exceedingly desirous to do, beyond all question some violence or other hindered him, or else tell me why, when he wished to come on the land, he did not come. [49] Now, then, you cannot deny that violence was offered. The question now is, how he was driven away who was prevented from approaching. For a man who is driven away must manifestly be removed and thrust down from the place which he is occupying. And how can that happen to a man who absolutely never was in the place at all from which he says that he was driven? What shall we say? If he had been there, and if under the influence of fear, he had fled from the place when he saw the armed men, would you then say that he had been driven away? I think so. Will you then, who decide disputes with such care and such subtlety, by expressions and not by equity, — you who interpret laws, not by the common advantage of the citizen, but by their letter, — will you be able to say that a man has been driven away who has never been touched? What! Will you say that he has been thrust down from his place? For that was the word which the praetors used formerly to use in their interdicts. What do you say? Can any one be thrust down who is not touched? Must we not, if we will stick to the strict letter, understand that that man only is thrust down on whom hands are laid? It is quite inevitable, I say, if we wish to make words and facts tally exactly with each other, that no one should be decided to have been thrust down, unless he be understood to have had hands laid on him, and so to have been removed and pushed headlong down by personal violence. But how can any one have been treated so, unless he has been removed from a higher place to a lower one? [50] A man may have been driven away, he may have been put to flight, he may have been cast out; but it is absolutely impossible for any one to have been pushed down, not

only who has never been touched, but who, if he has been touched, has been touched on even and level ground. What then? Are we to think that this interdict was framed for the sake of those men alone, who could say that they had been precipitated from high ground? for those are the only people who can properly be said to have been driven down. 18.

Shall we not, when the intention, and design, and meaning of the interdict is thoroughly understood, think it the most excessive impudence, or the most extraordinary folly, to haggle about a verbal mistake? and not only to pass over, but even to desert and betray the real merits of the case, and the common advantage of all the citizens? [51] Is this doubtful, that there is not such an abundance of words, — I will not say in our language, which is confessedly poor, but not in any other language either, — as to enable every imaginable thing and circumstance to be expressed by its own fixed end appropriate name? Is it doubtful that we have no need of words when the matter, for the sake of which words were first invented, is thoroughly understood? What law, what resolution of the senate, what edict of a magistrate, what treaty, or covenant, (to return to men's private affairs,) what will, what judicial decision, what bond, what formula of bargain or agreement cannot be invalidated and torn to pieces, if we choose to bend facts to words, and leave out of the question the intention, and design, and authority of those who wrote them? [52] In truth, even our familiar and daily discourse will cease to have any coherence, if we are to spend all our time in word catching. Lastly, there will be no such thing at all as any domestic rule, if we grant this to our slaves, that they are to obey the letter of our commands, and not attend to what may be gathered from the spirit of our expressions. Must I produce instances of all these things? Do not different examples in each separate glass occur to every one of you, which may be a proof that right does not depend only on the strict words of the law, but that words are meant to be subservient to the intentions and purposes of men? [53] In a most elegant and fluent manner did Lucius Crassus, by far the most eloquent of all men, a little before we came into the forum, defend this opinion in a trial before the centumviri; and with great ease, too, though that very sagacious man, Quintus Mucius, was arguing against him, did he prove to every one that Marcus

Curius, who had been left a certain person's heir in the case of the death of a posthumous son who was expected, ought to be the heir, though the son was not dead, never, in fact, having been born. What? was this case sufficiently provided for by the terms of the will? Certainly not. What was the thing, then, that influenced the judges? The intention; and if it could be understood though we were silent, we should not employ words at all: because it could not, words have been invented, not to hinder people's intentions, but to point them out. 19. [54]

The law commands the property in land to be determined by two years' possession. But we adopt the same principle also in the case of houses, which are not mentioned at all in the law. If a road is not properly made, the law allows a man to drive a beast of burden wherever he likes. Can it be understood from this, that if a road in the Bruttii be out of repair, a man may, if he pleases, drive his beast through the Tusculan farm of Marcus Scaurus? There is a right of action against a vendor who is present, according to this formula, "Since I behold you before the court." . . . Now the blind Appius could never have availed himself of this form of action, if men adhered to words with such strictness as not to consider the matter for the sake of which the words are used. If a person's heir had been stated in his will to be the minor Cornelius, and if Cornelius were twenty years old, according to your interpretation he would lose his inheritance. [55] Many such cases occur to me at present, and still more to you, I am quite sure. But not to dwell on too many such points, and not to wander too far from where we set out, let us consider this very interdict which is now before the court; for by that very document you will understand, that if we determine that the law depends on its precise words, we shall lose all the advantage of this interdict, while we wish to be very acute and clever. "Whence you, or your household, or your agent . . . " Suppose your steward by himself had driven me away, your household would not, as I suppose, have driven me away, but only a member of your household. Would you then have a right to say that you had made the necessary restitution? No doubt; for what can be more easy than to prove to all those who understood the Latin language, that the name of a household does not apply to one single slave? But suppose you

have not even one slave besides the one who drove me away; then you would cry out, "If I have a household, I will admit that you were driven away by my household." Nor is there any doubt, that, if we are influenced in our decisions by the mere letter of the law, and not by the facts, we must understand a household to consist of many slaves, and we must admit that one slave is not a household. [56] The expression certainly does not only require this, but even compels it. But let all consideration of law, and the effect of the interdict, and the intention of the praetor, and the wisdom and authority of prudent men, reject this defence and treat it as worthless. 20.

What, then, are we to think? Cannot those men speak Latin? Yes, they speak it sufficiently to make their intentions understood. As their object was that you should replace me in my property, whether it was you yourself who drove me away, or any one of your relations, or of your servants, or of your friends, they did not specify the number of servants, but classed them all under one name as your household. [57] But if it were any one of your children who did it, he is called your agent; not that every one is, or is called our agent, who is employed in the transaction of some of our business, but because in this matter, where the intention of the interdict was clearly ascertained, they did not think it worth while to examine too curiously into the exact applicability of every word. For the principles of equity are not different in the case of one servant from what they are in the case of many; there is no different law for this single case, according to whether it was your agent who drove me away, — such a man as is legitimately considered the agent of one who is not in Italy, who is absent on business of the state, being for the time a sort of matter, that is, a deputy possessing the rights of another, or whether it was one of your labourers, or neighbours, or clients, or freedmen, — or any one else who committed that violence and wrought that expulsion at your request, or in your name. [58] Wherefore, if the same principles of law prevail with respect to replacing a man in his property who has been driven from it by violence, when that is once understood, it certainly has nothing to do with the matter, what is the exact force of each word and name. You must replace me just as much if your freedman drove me away, though he was not appointed to manage any of your business, as if

your agent did it; not that every one is an agent who transacts any of our business, but because it is of no importance to the matter to inquire into that point. You must replace me just as much if one slave of yours drove me away, as if your whole household did it; not that one slave is the same as a household, but because the question is, what action has been done, not, in what language every point is expressed. Even (to depart still further from the exact wording of the law, though there is not the least atom of departure from equity,) if it was no slave of yours at all who did it, but if they were all strangers or hired people, still they will be comprehended under the description and name of your household. 21. [59]

Continue, now, to follow up the examination of this interdict. "With men collected together." Suppose you collected none, but they all came together of their own accord. Certainly he does collect men together who assembles men and invites them. Those men are collected who are brought together by any one into one place; if they not only were never invited, but if they did not even assemble on purpose at all; if there was no one there who was not there previously, not for the purpose of committing violence? but because they were used to be there for the sake of tilling the ground or tending the flocks. You will urge in your defence that men were not collected; and, as far as mere words go, you will gain your cause, even if I myself am the judge; but as to facts, you will have no ground to stand on before any judge whatever. For the intention of our legislators was, that restitution should he made in cases where violence had been committed by a multitude, and not by a multitude only if expressly collected for the purpose; but because generally, if there is need of a multitude, men are used to be collected, therefore, the interdict has been framed so as expressly to mention men when collected. And even if there does seem to be any verbal difference, the fact is the same, and the same rule will apply in all cases in which the principle of justice is seen to be one and the same. "Or armed." [60] What shall we say? Whom, if we wish to speak good Latin, can we properly call armed? Those, I imagine, who are prepared and equipped with shields and swords. What then? Suppose you drive any one headlong from his farm with clods of earth, and stones, and sticks; and if you are ordered to replace a man whom you have

driven away with armed men, will you say that you have complied with the terms of the interdict? If words are to govern everything, — if causes are to be settled not by reason but by accidental expressions, then you may say that you have done so, and I will agree. You will establish the point, no doubt, that those were not armed men who only threw stones which they took up from the ground; that lumps of turf and clods of earth were not arms; that those men were not armed, who, as they passed by, had broken off a bough of a tree; that arms have their appropriate classification, some for defending, others for wounding; and all who have not those arms, you will prove to have been unarmed. [61] Yes, and when there is a trial about arms, then urge all these arguments; but when there is a trial about law and justice, do not take shelter in such tame and meager evasions. For you will not find any judge or recuperator who will decide on a man's being armed as if it were his duty to inspect the arms of a trooper; but it will have just the same weight in his mind as if they were most completely armed, if they are found to have been equipped in such a manner as to be able to do violence to life or limb. 22. [62]

And, that you may more clearly understand of how small value words are, — if you by yourself, or if any one person had made an onset on me with shield and sword, and I had been driven away by these means, would you venture to say that the interdict spoke of armed men, but that in this case there had only been one armed man? I do not believe you would be so impudent. And yet see if you are not far more impudent now. For then, indeed, you might implore the assistance of all men, because men, in deciding on your case, were forgetting the native language; because unarmed men were being decided to be armed; because though an interdict had been framed expressly about many men, the deed had been done by one man only — one man was being decided to be many men. [63] But in causes like this words are not brought before the court, but that fact on account of which these words have been introduced into the interdict. Our legislators intended that restitution should be made, without exception, in every case in which violence had been offered, threatening life or limb. That generally takes place by the agency of men collected together and armed; but though the operation be

different, still, if the danger is the same, the case is the same; and then they intended that the law should be the same. For the injury is not greater if inflicted by your household than if inflicted by your steward; nor if it was your own slaves who wrought it, is it greater than if the slaves of others, or people hired on purpose, had done so. It is no worse if your agent did it, than if your neighbor or your freedman was the person; nor if it was the work of men collected together on purpose, than if it was the deed of men who offered themselves voluntarily, or of your regular day-labourers. It is not a more serious injury if inflicted by armed men, than by unarmed men who had as much power to injure as if they had been armed; nor if it were caused by many, than if it were the work of one single armed man. For the facts are in an interdict expressed by the circumstances under which violence usually takes place. If the same violence has been committed under other circumstances, although it may not be comprehended in the strict language of the interdict, it still comes under the meaning and intention, and authority of the law. 23. [64]

I now come to that argument of yours, "I did not drive him away, if I never allowed him to approach." I think that you yourself, O Piso, perceive how much narrower and how much more unreasonable that defence is, than if you were even to employ that other one, "They were not armed, — they had only bludgeons and stones." If, in truth, the option were given to me, who do not profess to be a very fluent speaker, which argument I would prefer advancing in defence, either that a man had not been driven away who had been met on his entrance with violence and arms, or, that those men were not armed, who had neither swords nor shields; as far as proving my case goes, I should consider both the positions equally trifling and worthless; but as for making a speech about them, I think that I might find some arguments to make it appear that those men were not armed who had no shield nor any description of iron weapon; but I should be wholly at a loss if I had to maintain that a man who had been repulsed and put to flight had not been driven away. [65] And in the whole of your defence, that appeared to me the most marvellous thing, that you said there was no necessity for being guided by the authority of lawyers. And although this is not the first time that, nor this the only cause in which, I have heard it, still, I did wonder

exceedingly why it was said by you. For other men have recourse to this sort of exhortation when they think they have in their case some reasonable and good point which they are defending. If people are arguing against them relying on the letter and exact words, and (as people say) on the strict law, they are in the habit of opposing to injustice of that sort the name and dignity of virtue and justice. Then they laugh at that expression,—"if, or if not." Then they seek to bring all word-catching, all traps and snares made up of the strict letter of the law, into odium. Then they say loudly that the case ought to be decided by considerations of what is honest and just, and not of cunning and tricky law; that to adhere to the mere text is the part of a false accuser, but that it is the duty of a good judge to uphold the intention and authority of him who framed the law. [66] But in this cause, when you are defending yourself by the wording and letter of the law, — when this is your argument, "Where were you driven from? Do you mean to say that you were driven from a place which you were prevented from approaching? You were kept off, not driven away;" — when this is what you say, "I confess that I collected men, — I confess that I armed them, — I confess that I threatened you with death, — I confess that this conduct is punishable by the praetor's interdict, if his intention and if equity is to prevail; but I find in the interdict one word under which I can shelter myself. I did not drive you from that place when I only prevented you from coming to it." 24. [67]

Are you, in making this defence, accusing those who are sitting on the bench, because they think it right to regard justice rather than the letter of the law? And, while speaking on this point, you mid that Scaevola had not succeeded in his case before the centumviri, whom I mentioned before on the occasion of his doing the same thing which you are doing now, (though he had some reason for what he was doing, while you have none,) still he did not succeed in any one's opinion in proving the point that be was maintaining, because he appeared by his language to be opposing justice. I marvel that you should have made this statement in this case, at an unfavourable time, and having an effect exactly contrary to what your cause required; and it also appears strange to me that a statement should often be advanced in courts of justice, and should be sometimes even

defended by able men, that one ought not to be always guided by lawyers, and that the civil law ought not always to prevail in the decision of causes. [68] For those who argue in this way, if they mean that those who sit on the bench have given some wrong decisions, should not say that we ought not to be guided by the civil law, but by stupid men. If they admit that the lawyers give proper answers, and still say that different decisions ought to be given, that is saying that wrong decisions ought to be given; for it is quite impossible that a decision of the judge on a point of law should be correct when given one way, and an answer of a counsel should be right too when given the other way. It is quite clear that no one has any right to be accounted learned in the law, who decides that an incorrect decision is conformable to law. But sometimes contrary decisions have been given. [69] In the first place, have they been given rightly, or wrongly? If they were given rightly, that was the law which was decided to be so. If they were wrong, then it cannot be doubtful which are to be blamed, the judges or the lawyers. Besides, if any decision has been given on a disputed point, they are not deciding against the opinion of the lawyers, if they give sentence contrary to the decision of Mucius, any more than they would be deciding in compliance with their authority, if sentence were given according to the precedent of Manilius. Forsooth, Crassus himself did not plead his cause before the centumviri in such a way as to speak against the lawyers; but he urged that the arguments which Scaevola brought forward in his defence were not law; and he not only brought forward good arguments to that point, but he also quoted Quintus Mucius, his father-in-law, and many other most learned men, as precedents. 25. [70]

For he who thinks the civil law is to be despised, he is tearing asunder the bonds, not only of all courts of justice, but of all usefulness and of our common life; but he who finds fault with the interpreters of the law, if he says that they are ignorant of the law, is only disparaging the men, and not the civil law itself. If he thinks we ought not to be guided by learned men, then he is not injuring the men, but he is undermining the laws and justice. So that you must feel that nothing is to be maintained in a state with such care as the civil law. In truth, if this is taken away, there is no possibility of any one feeling certain what is his own property or what belongs to

another; there is nothing which can be equal to all men, or is the same in every case. [71] Therefore in other disputes and trials, when the question at issue is, whether a thing has been done or not, whether what is alleged be true or false; and when false witnesses are sometimes suborned, and false documents foisted in; it is possible that sometimes a virtuous judge may be led into error by a seemingly honourable and probable pretence; or that an opportunity may be given to a dishonest judge, of appearing to be guided by the witnesses, or by the documents produced, though in reality he has knowingly given a wrong decision. For questions of law there is nothing of this sort, O judges: there are no forged documents, no dishonest witnesses; even that overgrown power, which has sway in this state, is dormant with respect to cases of this sort; it has no means of attacking the judge, or of moving a finger. For this can be said to a judge by some man who is not so scrupulous as he is influential; "Decide, I pray you, that this has been done or planned; give credit to this witness; establish the genuineness of these documents;" — [72] but this cannot be said, "Decide that if a man has a posthumous son born to him, his will is not thereby invalidated; decide that a thing is due which a woman had promised without the sanction of her trustee." There is no opening for transactions of this sort, nor for any one's power or influence; in fact, — and this gives questions of law a more important and a more holy character, — a judge cannot be corrupted even by a bribe in cases of this sort. [73] That very witness of yours who dared to say "that he had been seen to do . . ." in a case where he could by no possibility know even of what the man was accused — even he would not venture to decide that a dowry was due to a husband which the woman had promised without the consent of her trustee. Oh admirable principle, and worthy of being maintained by you on this account, O judges! 26.

For, indeed, what is the civil law? A thing which can neither be bent by influence, nor broken down by power, nor adulterated by corruption; which, if it be, I will not say overwhelmed, but even neglected or carelessly upheld, there will then be no ground for any one feeling sure either that he possesses anything, or that he shall leave anything to his children. [74] For what is the advantage of having a house or a farm left one by one's father, or in any way

legitimately acquired, if it be uncertain whether you will be able to retain those things which are yours by every right of property? if law be but little fortified? if nothing can be upheld by public and civil law, in opposition to the influence of any powerful man? What is the advantage, I say, of having a farm, if all the laws which have been most properly laid down by our ancestors about boundaries, about possession, and water, and roads, may all be disturbed and changed in any manner? Believe me, every one of you has received a greater inheritance in respect of his property, from justice and from the laws than from those from whom he received the property itself. For it can happen, in consequence of anybody's will, that a farm may come to me; but it cannot be ensured to me, except by the civil law, that I shall be able to retain what has become my own. A farm can be left me by my father, but the enjoyment of the farm — that is to say, freedom from all anxiety and danger of law-suits — is not left to me by my father, but by the laws. Aqueducts, supply of water, roads, a right of way, comes from my father, but the ratified possession of all these things is derived from the civil law. [75] Wherefore you ought to maintain and preserve that public inheritance of law which you have received from your ancestors with no less care than your private patrimony and property, not only because this last is fenced round and protected by the civil law, but also because if a man loses his patrimony, it is only an individual who suffers, but if the law be lost, the disaster affects the whole state. 27.

In this very cause, O judges, if we do not succeed in establishing this point, that a man is driven away, — if it is evident that he has been repelled and put to flight with violence by armed Caecina will not lose his property, which, however, he would bear the loss of with a brave spirit, if the occasion required it; he will only not be restored to the possession of it immediately; nothing more. [76] But the cause of the Roman people, the laws of the state, all the property, fortune, and possessions of every one will again become uncertain and doubtful. This will be established, this will be settled by your authority; that, if you hereafter have a dispute with any one about ownership, if you drive him away when he has once entered on his property, you must make restitution; but if, as he is coming to enter, you meet him with an armed multitude and repel him, put him to

flight, and heat him off while still only on his road, then you shall not make restitution. Then you will establish this principle as law and justice, that violence can only exist where there is murder, that it has nothing to do with the intention or the will; that, unless blood be spilt, there has been no violence offered; that it is wrong to say that a man has been driven away, who has been prevented from entering; that no man can be driven away except from a place where he has planted his footsteps. [77] Decide therefore now, whether it is of the greatest importance for the spirit of the law to be adhered to, and for equity to prevail, or for all laws to be twisted according to their literal expressions. Do you, I say, O judges, now decide which of these things appears to you the most desirable. While speaking of this, it happens very conveniently that Caius Aquillius, that most accomplished man, is not here now, who was here a little while ago, and who has frequently been present during this trial; (for if he were present, I should be more afraid to speak of his virtue and prudence; because he himself would feel a degree of modesty at hearing his own praises, and a similar kind of modesty would cramp me while praising a man to his face;) and whose authority, it has been said, ought not to be too much deferred to in this cause. [78] I am not afraid of saying more in praise of such a man than you yourselves either feel, or are willing to hear expressed before you. Wherefore I will say this, that too much weight cannot be given to the authority of that man whose prudence the Roman people has seen proved in taking precautions, not in deceiving men; who has never made a distinction between the principles of civil law and equity; who for so many years has given the Roman people the benefit of his abilities, his industry, and his good faith, which have been always ready and at their service; who is so just and virtuous a man, that he appears to be a lawyer by nature, not by education; so skillful and prudent a man, that not only some learning, but that even goodness appears to be the offspring of civil law; whose abilities are so great, whose good faith is so pure, that, whatever you draw from thence, you feel you are drawing in a pure and clear state. [79] So that you are entitled to great gratitude from us when you say that that man is the author of our defence. But I marvel why you, when you say that any one has formed an opinion unfavourable to me, produce the man who is my

authority for my arguments, but say nothing of him who is yours. But, however, what does the man on whom you rely say? “In whatever terms a law is framed and drawn up

* * *” 28.

I met a man of that body of lawyers; as I believe, the very same man by whose advice you say that you are conducting this cause, and arranging your arguments in defence. And when he began that discussion with me, saying that it could not be admitted that a man had been driven from any place unless he had previously been in it, he confessed that the facts and the intention of the interdict were on my side; but he said that I was cut off by its terms, and he did not think it possible to depart from its precise language. [80] When I produced many instances, and alleged even the very grounds of all justice, to prove that in many cases all right and the principles of justice and reason were at variance with the words of the written law; and that that had always prevailed most, which had most authority and justice in it; he comforted me, and showed me that in this cause I had no reason for anxiety, for that the actual words in which the securities were drawn up were on my side, if I considered them carefully. “How so?” said I.—”Because,” said he, “undoubtedly Caecina was driven away by armed men with violence from some place or other; if not from the place to which he desired to come, at all events from that place from which he fled.” What then?—”The praetor,” says he, “has enjoined in his interdict that he shall be replaced in that place from which he was driven away, whatever that place may be from which he was driven away. But Aebutius, who confesses that Caecina was driven away from some place or other, must clearly have forfeited his security, since he falsely says that he has replaced him.”

[81] What is the matter, Piso? do you choose to fight about words? Do you think it fit to make the cause of justice and equity, the cause not of our property only, but of every man’s property, to depend on a word? I showed what my opinion was; what had been the course pursued by our ancestors; what was worthy of the authority of those men by whom the cause was to be decided; that that was honest, and just, and expedient for all men, that it should be considered with what design and with what intention a law had been established, not

in what words it was framed. You pin me to the words. I will not be so pinned without objecting. I say that it is not right, I say that this point cannot be maintained, I say that there is no single thing which can be included in a law with sufficient accuracy, or guarded against, or excepted against, if through some word being overlooked or placed in an ambiguous position, though the intention and the truth is completely ascertained, that which is intended is not to prevail, but that which is expressed, is. 29. [82]

And since I have now stated my objection plainly enough, I will follow you where you invite me. I ask of you, Was I driven away? not from the farm of Fulcinius, for the praetor has not commanded me to be replaced only in the case of my having been driven away from that particular farm, but he has ordered me to be replaced in the place from which I was driven away. I was driven away from the adjoining farm belonging to my neighbours, across which I was going to that farm; I was driven away from the road; I was certainly driven away from some place or other, from some ground, either private or public. I am ordered to be replaced there. You have said that you have replaced me; I say that I have not been replaced in compliance with the terms of the praetor's decree. What do we say to this! Your defence must be destroyed either by your own sword (all men say) or by mine. [83] If you take refuge in the intention of the interdict, and say that inquiry must be made into what farm was meant when Aebutius was ordered to replace me, and if you think it not right for the justice of the case to be caught in a trap made of words, then you come into my camp, you are fighting under my standard. That is my defence; mine. I assert this loudly; I call all the gods and men to witness, that, as our ancestors would allow no legal defence to be pleaded for armed violence, the question before the court is not, where were the footsteps of the man who was driven away, but what was the act of the man who drove him away; I say loudly, that the man who was put to flight was driven away, that violence was offered to the man who was put in danger of his life. [84] That topic you avoid and dread; and you try to call me back from the wide field, if I may so say, of justice, to these narrow passes of words, and to all the corners of letters. You shall yourself be hemmed in and caught in those very toils which you try to oppose to

me. “I did not drive him away; I drove him off.” This seems to you a very clever idea. This is the edge of your defence. On that edge your own cause must inevitably fall. For I reply to you in this way: — If I was not driven away from the place which I was prevented from approaching, at all events I was driven away from the place which I did approach, and from which I fled. If the praetor did not clearly define the place in which he ordered me to be replaced, and merely ordered me to be replaced, I have not been replaced according to his decree. [85] I wish, O judges, if all this appears to you to be a more cunning system of defence than I usually adopt, that you would consider, first of all, that another originally devised it, and not I; in the next place, that not only I was not the originator of the system, but that I do not even approve of it, and that I did not bring it forward for the purposes of my own defence, but that I used it as a reply to their defence; that I can speak in behalf of my own rights, and that in this matter which I have brought forward, what ought to be inquired into is not, in what terms the praetor framed his interdict, but what was the place intended when he framed it, and that in a case of violence offered by armed: men, the thing to he inquired into is not, where the violence was offered, but whether it was offered or not; and that you cannot possibly urge in your defence, that where you wish it to be done, the words of the interdict ought to be regarded but that where you do not wish it, they ought not to be considered. 30. [86]

But is any answer given to me with reference to that which I have already mentioned, that this interdict was so framed, not only as to facts, and as to its meaning, but also as to its expressions, that nothing appeared to require any alteration? Listen carefully, O judges, I beseech you, for it becomes your wisdom to recognise, not my prudence, but that of our ancestors; for I am not going to mention what I myself have discovered, but a thing which did not escape their notice. When an interdict is issued respecting acts of violence, they were aware that there are two descriptions of causes to which the interdict had reference: one, if a man had been driven by violence from the place in which he was; the other, if he was driven from the place to which he was coming; and either of these may take place, and nothing else can, O judges. [87] Consider this then, if you please. If any one has driven my household away from my farm, he has

driven me too from that place. If any one came up to me with armed men, outside my farm, and prevented me from entering, then he has driven me, not out of that place, but from that place. For these two classes of actions they invented one phrase which sufficiently expressed them both; so that, whether I had been driven out of my farm, or from my farm, still I should be replaced by one and the same interdict, containing the words "from which you . . . " these words "from which" comprehend either case: both out of which place, and from which place. Whence was Cinna driven? Out of the city. Whence was Carbo driven? From the city. Whence were the Gauls driven? [88] From the Capitol. Whence were they driven who were with Gracchus? Out of the Capitol. You see, therefore, that by this one phrase two things are signified, both out of what place, and from what place; and when the praetor orders me to be replaced in that place, he orders me to be so on this understanding, just as if the Gauls had demanded of our ancestors to be replaced in the situation from which they had been driven, and if by any force they had been able to obtain it, it would not, I imagine, have been right for them to be replaced in the mine, by which they had attacked the Capitol, but in the Capitol itself. For this is understood—"Replace him in the place from which you drove him away," whether you drove him out of the place, or from the place. This now is plain enough; replace him in that place; if you drove him out of this place, replace him in it; if you drove him from this place, replace him in that place, not out of which, but from which he was driven. Just as if a person at sea, when he had come near to his own country, were on a sudden driven off by a storm, and were to wish, as he had been driven off from his country, to be restored to his former position. What he would wish, I imagine, would be this, — that fortune would restore him to the place from which he had been driven; not so as to replace him in the sea, but in the city which he was on his way to. So too, (since now we are necessarily hunting out the meaning of words from the similarity of the circumstances,) he who demands to be restored to the place from which he was driven, — that is to say, whence he was driven, — demands to be restored to that very place itself. 31. [89]

As the words lead us to this conclusion, so too the case itself forces us to think and understand the same thing. In truth, Piso, (I am

returning now back to the first points of my defence,) if any one drives you out of your own house with violence, by means of armed men, what will you do? I suppose you will prosecute him by means of this same interdict which we have been employing. What now, if, when you are returning home from the forum, any one shall with armed men prevent you from entering your own house, what will you do? You will avail yourself of the same interdict. When, therefore, the praetor has issued his interdict commanding you to be replaced in the place from which you were driven, you will interpret that interdict just as I do now, and as it is plain it should be interpreted. As that phrase "from which place" is of equal power in both cases, and as you are ordered to be replaced in that place, you will interpret it that you are just as much entitled to be replaced in your own house if you have been driven out of the courtyard, as if you have been driven out from the inmost chambers of the house. [90]

But in order, O judges, that there should be no doubt on your part, whether you choose to regard the fact, or the words, that you ought to decide in our favour, there arises now, when every one of their expedients has been defeated and rendered useless, another argument in defence, that a man can be driven away, who is at the time in possession, but that a man who is not in possession cannot possibly be. Therefore, if I have been driven away from your house, I ought not to be replaced there; but, if you yourself have, you ought. Just count up how many false arguments there are in that defence, O Piso. And first of all, notice this, that you are by this driven from that assertion which you made, that no one could be driven away from a place, unless he was in the place previously; now you allow that a man who is the owner of a place can be driven away from it, even if he is not actually in it at the moment, but you say that a man who is not the owner cannot be driven away. [91] Why, then, in that interdict which is of almost daily occurrence, "whence he drove me by violence," is this added, "when I was in possession," if no one can be driven away who is not in possession; or why is not the same addition made to the interdict "about armed men," if inquiry ought to be made whether a man was the owner or no? You say that no man can be driven away, but one who is the owner. I assert that, if any one be driven away without men being collected and armed, then he

who confesses that he has driven him away must gain his cause, if he can show that he was not the owner. You say that a man cannot be driven away unless he is the owner. I prove from this interdict "about armed men," that he, who can prove that the man who has been driven away was not the owner, still must inevitably lose his cause, if he confesses that he was driven away at all. 32. [92]

Men are driven away in two ways, either without the employment of men collected together and armed, or by means of them, and by violence. There are two separate interdicts for two dissimilar cases. In the first and formal kind of violence, it is not enough for a man to be able to prove that he was driven away, unless he is also able to show that he was driven away when he was in possession. And even that is not enough, unless he can show that he was in possession, having become so neither by violence, nor by underhand practices, nor by having begged the property. Therefore, he who said that he had replaced him is often accustomed to avow loudly that he drove him away by violence; but he adds this, "He was not in possession." Or again, when he has admitted even this, still he gains his cause if he can prove that the man had obtained possession from him either by violence, or by underhand practices, or by begging for it. [93] Do you not perceive how many defensive pleas our ancestors allowed a man to be able to employ who had done this violence without arms and without a multitude? But as for the man who, neglecting right, and duty, and proper customs, has betaken himself to the sword, to arms, and to murder, him you see naked and defenceless in the cause; so that the man who has contended in arms for the possession, must clearly contend unarmed in the court of justice. Is there, then, any real difference, O Piso, between these interdicts? Does it make any difference whether the words "As Aulus Caecina was in possession" be added, or not? Does the consideration of right, — does the dissimilarity of the interdicts, — does the authority of your ancestors, at all influence you? If the addition had been made, inquiry must have been made as to this point. The addition has not been made. Must that inquiry still be instituted? [94] And in this particular I do not defend Caecina. For, O judges, Caecina was in possession; and although it is foreign to this cause, still I will briefly touch upon this point, to make you as desirous to protect the man himself, as the

common rights of all men. You do not deny that Caesennia had a life interest in the farm. As the same farmer who rented it of Caesennia continued to hold it on the same tenure, is there any doubt, that if Caesennia was the owner while the farmer was tenant of the farm, so after her death her heir was the owner by the same right? Afterwards Caecina, when he was going the round of his estates, came to that farm. He received his accounts from the farmer. There is evidence to that point. [95] After that, why, O. Aebutius, did you give notice to Caecina to give up that farm, rather than some others, if you could find any other, unless Caecina was in possession of it? Moreover, why did Caecina consent to be ejected in a regular and formal manner? and why did he make you the answer he did by the advice of his friends, and of Caius Aquillius himself? 33.

Oh, but Sulla passed a law. Without wasting time in making any complaints about that time, and about the disasters of the republic, I make you this answer, — that Sulla also added to that same law, "that if anything were enacted in this statute contrary to law, to that extent this statute was to have no validity." What is there which is contrary to law which the Roman people is unable to command or to prohibit? Not to digress too far, this very additional clause proves that there is something. For unless there were, this would not be appended to all statutes. [96] But I ask of you whether you think, if the people ordered me to be your slave, or, on the other hand, you to be mine, that that order would be authoritative and valid? You see that such an order is worthless.

* * * * First of all, you allow this, — that it does not follow that whatever the people orders ought to be ratified. In the next place, you allege no reason why, if liberty cannot possibly be taken away, citizenship may. For we have received our traditions about each in the same way; and if citizenship can once be taken away, liberty cannot be preserved. For how can a man be free by the rights of the Quirites, who is not included in the number of the Quirites? [97] And I, when quite a young man, established this principle when I was pleading against Cotta, the most eloquent man of our city. When I was defending the liberty of a woman of Arretium, and when Cotta had suggested a scruple to the decemvirs that our action was not a regular one, because the rights of citizenship had been taken from the Arretines, and when I argued rather vehemently that rights of citizenship could not be taken away, at the first hearing the decemvirs gave no decision; afterwards, when they had inquired into, and deliberated on, the subject, they decided that our action was quite regular. And this was decided, though Cotta spoke in opposition to it, and while Sulla was alive. But now on the other cities, why need I tell you how all men who are in the same circumstances proceed by law, and prosecute their rights, and all avail themselves of the civil law without the slightest hesitation on the part of any one, whether magistrate or judge, learned man or ignorant one? There is not one of you who doubts this. [98] At all events, I am well aware that this is frequently asked, (as I must remind you of those things which do not occur to yourself,) how it is, if the right of citizenship cannot be taken away, that our citizens have often gone to the Latin colonies. They have gone either of their own accord, or in consequence of some penalty inflicted by the law; though if they would have submitted to the penalty, they might have remained in the city. 34.

What more need I urge? What shall I say of a man whom the chief of the fetiales has given up, or whom his own father or his people have sold? By what law does he lose his right of citizenship? In order that the city may be released from some religious obligation, a Roman citizen is surrendered; and when he is accepted, he then belongs to those men to whom he has been surrendered. If they refuse to receive him, as the people of Numantia refused to receive

Mancinus, he then retains his original rights of citizenship unimpaired. If his father has sold him, he discharges him from all subjection to his power, whom, when he was born, he had had absolute power over. [99] When the people sell a man who has not become a soldier, it does not take his liberty from him, but decides that he is not a free man who is afraid to encounter danger in order to be free; but when it sells a man whose name is not on the register, it judges in this way, — that as a man who is in just slavery is not on the register, a man who, though a free man, is unwilling to be on the register, has, of his own accord, repudiated his freedom. But if it is chiefly in those ways that freedom, or the rights of citizenship, can be taken from a man, do not they who mention these things understand that if our ancestors chose that those rights should be taken away for these reasons, they chose also that they should not be taken away in any other manner? [100] For, as they have produced these arguments from the civil law, I wish they would also produce any case of men having had either their rights of citizenship or their freedom taken away by law. For as to banishment, it is very easy to be understood what sort of thing that is. For banishment is not a punishment, but is a refuge and harbour of safety from punishment. For those who are desirous to avoid some punishment or some calamity, turn to banishment alone, — that is to say, they change their residence and their situation, and, therefore, there will not be found in any law of ours, as there is in the laws of other states, any mention of any crime being punished with banishment. But as men wished to avoid imprisonment, execution, or infamy, which are penalties ,appointed by the laws, they flee to banishment as to an altar, though, if they chose to remain in the city and to submit to the rigour of the law, they would not lose their rights of citizenship sooner than they lost their lives; but because they do not so choose, their rights of citizenship are not taken from them, but are abandoned and laid aside by them. For as, according to our law, no one can be a citizen of two cities, the rights of citizenship here are lost when he who has fled is received into banishment, — that is to say, into another city. 35. [101]

I am not unaware, O judges, although I pass over many things bearing on this right, that still I have dwelt on it at greater length than the plan of your tribunal requires. But I did so, not because I thought

that there was any need of urging this defence to you, but in order that all men might understand that the rights of citizenship never had been taken away from any one, and could not be taken away. As I wished those men, whom Sulla desired to injure, to know this, so I wished, also, all the other citizens, both new and old, to be acquainted with it. For no reason can be produced why, if the rights of citizenship could be taken from any new citizen, they cannot also be taken away from all the patricians, from all the very oldest citizens. [102] For that, with respect to this cause, I had no alarm, may be understood in the first place from this consideration, — that you have no business to decide on that matter; and in the second place, that Sulla himself passed a law respecting the rights of citizenship, avoiding any taking away of the legal obligations and lights of inheritance of these men. For he orders the people of Ariminum to be under the same law that they have been. And who is there who does not know that they were one of the eighteen colonies and that they were able to receive inheritances from Roman citizens? But if the rights of citizenship could by law be taken from Aulus Caecina, still it would be more natural for us and all good men now to inquire by what means we could relieve from injustice, and retain as a citizen, a most well-tried and most virtuous man, a man of the greatest wisdom, of the greatest virtue, of the greatest authority at home, than now, when he could not lose any particle of his right of citizenship, for any man to be found, except one like to you, O Sextus, in folly and impudence, who should venture to say that his rights of citizenship have been taken from him. [103] And since, O judges, he has never abandoned his full rights, and has never yielded any point to their audacity and insolence, I will say nothing more about the common cause, and I leave the rights of the Roman people to the protection of your good faith and conscientious decision. 36.

That man has always desired the good opinion of you and of men like you so much that that is one of the points about which he has been most anxious in this cause; nor has he been struggling for anything else than not to seem to abandon his right in an indifferent manner; he has not been more afraid of being thought to despise Aebutius than of being supposed to be despised by him. [104]

Wherefore, if, without entering on the merits of the case for a

moment, I may speak of the man; you have a man before you of eminent modesty, of tried virtue, of well-proved loyalty, known both in good and bad fortune to the most honourable men of all Etruria by many proofs of virtue and humanity. If we must find fault with the opposite side, you have a man before you, to say no more, who admits that he collected armed men together. If, without reference to the individuals, you inquire into the case; as this is a trial about violence, — as he who is accused admits that he committed violence with the aid of armed men, as he endeavours to defend himself by the letter of the law, not by the justice of his cause, as you see that even the letter of the law is against him, and that the authority of the wisest men is on our side; that the question before the court is not whether Caecina was in possession or not, and yet that it can be proved that he was in possession; that still less is it the question whether the farm belonged to Aulus Caecina or net, and yet that I myself have proved that it did belong to him; — as all this is the case, decide what the interests of the republic with reference to armed men, what his own confession of violence, what our decision with respect to justice, and what the terms of the interdict respecting right, admonish you to decide.

PRO LEGE MANILIA (In Favour of the Manilian Law)

Translated by C. D. Yonge

This oration was delivered by Cicero in 66 BC in support of the proposal made by Gaius Manilius, a tribune of the people, that Pompey the Great be given sole command against Mithridates in the Third Mithridatic War. In the speech, Cicero proclaims Pompey as the only man with the skills for the campaign, but also attempts to avoid offending the senatorial aristocracy unnecessarily.

Gnaeus Pompeius Magnus (106 BC–48 BC), usually known as Pompey the Great, was a military and political leader of the late Roman Republic. Pompey's immense success as a general, while still very young, enabled him to advance directly to his first consulship without meeting the normal requirements for office. Military success in Sulla's Second Civil War led him to adopt the nickname Magnus, "the Great".

THE SPEECH OF M. T. CICERO IN DEFENCE OF THE PROPOSED MANILIAN LAW.

THE ARGUMENT.

In the year B.C. 67, Aulus Gabinius had obtained the passing of a decree by which Pompey was invested for three years with the supreme command over all the Mediterranean, and over all the coasts of that sea, to a distance of four hundred furlongs from the sea. And in this command he had acted with great vigour and with complete success; destroying all the pirates' strongholds, and distributing the men themselves as colonists among the inland towns of Asia Minor and Greece. After this achievement he did not return to Rome, but remained in Asia, making various regulations for the towns which he had conquered.

During this period Lucullus had been prosecuting the war against Mithridates, and proceeding gradually in the reduction of Pontus; he had penetrated also into Mesopotamia, but had subsequently been distressed by seditions in his army, excited by Clodius, his brother-in-law; and these seditions had given fresh courage to Mithridates who had fallen on Caius Triarius, one of his lieutenants, and routed his army with great slaughter. At the time that Pompey commenced his campaign against the pirates, the consul Marcus Aquillius Glabrio was sent to supersede Lucullus in his command, but he was perfectly incompetent to oppose Mithridates, who seemed likely with such an enemy to recover all the power of which Lucullus had deprived him. So in the year B.C. 66, while Glabrio was still in Bithynia, and Pompey in Asia Minor, Caius Manilius, a tribune of the people, brought forward a proposition, that, in addition to the command which Pompey already possessed, he should be invested with unlimited power in Bithynia, Pontus, and Armenia, for the purpose of conducting the war against Mithridates. The measure was strongly opposed by Catulus and by Hortensius, but it was supported by Caesar, and by Cicero in the following speech, which is the first which he ever addressed to the people; and the proposition was carried.

1. Although, O Romans, your numerous assembly has always seemed to me the most agreeable body that any one can address, and this place, which is most honourable to plead in, has also seemed always the most distinguished place for delivering an oration in, still I have been prevented from trying this road to glory, which has at all times been entirely open to every virtuous man, not indeed by my own will, but by the system of life which I have adopted from my earliest years. For as hitherto I have not dared, on account of my youth, to intrude upon the authority of this place, and as I considered that no arguments ought to be brought to this place except such as were the fruit of great ability, and worked up with the greatest industry, I have thought it fit to devote all my time to the necessities of my friends. [2] And accordingly, this place has never been unoccupied by men who were defending your cause, and my industry, which has been virtuously and honestly employed about the dangers of private individuals, has received its most honourable reward in your approbation. For when, on account of the adjournment of the comitia, I was three times elected the first praetor by all the centuries, I easily perceived, O Romans, what your opinion of me was, and what conduct you enjoined to others. Now, when there is that authority in me which you, by conferring honours on me, have chosen that there should be, and all that facility in pleading which almost daily practice in speaking can give a vigilant man who has habituated himself to the forum, at all events, if I have any authority, I will employ it before those who have given it to me; and if I can accomplish anything by speaking, I will display it to those men above all others, who have thought fit, by their decision, to confer honours on that qualification. [3] And, above all things, I see that I have reason to rejoice on this account, that, since I am speaking in this place, to which I am so entirely unaccustomed, I have a cause to advocate in which eloquence can hardly fail any one; for I have to speak of the eminent and extraordinary virtue of Cnaeus Pompey; and it is harder for me to find out how to end a discourse on such a subject, than how to begin one. So that what I have to seek for is not so much a variety of arguments, as moderation in employing them. 2.

[4]

And, that my oration may take its origin from the same source from which all this cause is to be maintained; an important war, and one perilous to your revenues and to your allies, is being waged against you by two most powerful kings, Mithridates and Tigranes. One of these having been left to himself, and the other having been attacked, thinks that an opportunity offers itself to him to occupy all Asia. Letters are brought from Asia every day to Roman knights, most honourable men, who have great property at stake, which is all employed in the collection of your revenues; and they, in consequence of the intimate connection which I have with their order, have come to me and entrusted me with the task of pleading the cause of the republic, and warding off danger from their private fortunes. [5] They say that many of the villages of Bithynia, which is at present a province belonging to you, have been burnt; that the kingdom of Ariobarzanes, which borders on those districts from which you derive a revenue, is wholly in the power of the enemy; that Lucullus, after having performed great exploits, is departing from that war; that it is not enough that whoever succeeds him should be prepared for the conduct of so important a war; that one general is demanded and required by all men, both allies and citizens, for that war; that he alone is feared by the enemy, and that no one else is. [6]

You see what the case is; now consider what you ought to do. It seems to me that I ought to speak in the first place of the sort of war that exists; in the second place, of its importance; and lastly, of the selection of a general. The kind of war is such as ought above all others to excite and inflame your minds to a determination to persevere in it. It is a war in which the glory of the Roman people is at stake; that glory which has been handed down to you from your ancestors, great indeed in everything, but most especially in military affairs. The safety of our friends and allies is at stake, in behalf of which your ancestors have waged many most important wars. The most certain and the largest revenues of the Roman people are at stake; and if they be lost, you will be at a loss for the luxuries of peace, and the sinews of war. The property of many citizens is at stake, which you ought greatly to regard, both for your own sake, and

for that of the republic. 3. [7]

And since you have at all times been covetous of glory and greedy of praise beyond all other nations, you have to wipe out that stain, received in the former Mithridates War, which has now fixed itself deeply and eaten its way into the Roman name, the stain arising from the fact that he, who in one day marked down by one order, and one single letter, all the Roman citizens in all Asia, scattered as they were over so many cities, for slaughter and butchery, has not only never yet suffered any chastisement worthy of his wickedness, but now, twenty-three years after that time, is still a king, and a king in such a way that he is not content to hide himself in Pontus, or in the recesses of Cappadocia, but he seeks to emerge from his hereditary kingdom, and to range among your revenues, in the broad light of Asia. [8] Indeed up to this time your generals have been, contending with the king so as to carry off tokens of victory rather than actual victory. Lucius Sulla has triumphed, Lucius Murena has triumphed over Mithridates, two most gallant men, and most consummate generals; but yet they have triumphed in such a way that he, though routed and defeated, was still king. Not but what praise is to be given to those generals for what they did. Pardon must be conceded to them for what they left undone; because the republic recalled Sulla from that war into Italy, and Sulla recalled Murena. 4. [9]

But Mithridates employed all the time which he had left to him, not in forgetting the old war, but in preparing for a new one; and, after he had built and equipped very large fleets, and had got together mighty armies from every nation he could, and had pretended to be preparing war against the tribes of the Bosphorus, his neighbours, sent ambassadors and letters as far as Spain to those chiefs with whom we were at war at the time, in order that, as you would by that means have war waged against you in the two parts of the world the furthest separated and most remote of all from one another, by two separate enemies warring against you with one uniform plan, you, hampered by the double enmity, might find that you were fighting for the empire itself. However; [10] the danger on one side, the danger from Sertorius and from Spain, which had much the most solid foundation and the most formidable strength, was warded off by the divine wisdom and extraordinary valour of Cnaeus Pompeius. And

on the other side of the empire, affairs were so managed by Lucilius Lucullus, that most illustrious of men, that the beginning, of all those achievements in those countries, great and eminent as they were, deserve to be attributed not to his good fortune but to his valour; but the latter events which have taken place lately, ought to be imputed not to his fault, but to his ill-fortune. However, of Lucullus I will speak hereafter, and I will speak, O Romans, in such a manner, that his true glory shall not appear to be at all disparaged by my pleading, nor, on the other hand, shall any undeserved credit seem to be given to him. [11] At present, when we are speaking of the dignity and glory of your empire, since that is the beginning of my oration, consider what feelings you think you ought to entertain. 5.

Your ancestors have often waged war on account of their merchants and seafaring men having been injuriously treated. What ought to be your feelings when so many thousand Roman citizens have been put to death by one order and at one time? Because their ambassadors had been spoken to with insolence, your ancestors determined that Corinth, the light of all Greece, should be destroyed. Will you allow that king to remain unpunished, who has murdered a lieutenant of the Roman people of consular rank, having tortured him with chains and scourging, and every sort of punishment? They would not allow the freedom of Roman citizens to be diminished; will you be indifferent to their lives being taken? They avenged the privileges of our embassy when they were violated by a word; will you abandon an ambassador who has been put to death with every sort of cruelty? [12] Take care lest, as it was a most glorious thing for them, to leave you such wide renown and such a powerful empire, it should be a most discreditable thing for you, not to be able to defend and preserve that which you have received. What more shall I say? Shall I say, that the safety of our allies is involved in the greatest hazard and danger? King Ariobarzanes has been driven from his kingdom, an ally and friend of the Roman people; two kings are threatening all Asia, who are not only most hostile to you, but also to your friends and allies. And every city throughout all Asia, and throughout all Greece, is compelled by the magnitude of the danger to put its whole trust in the expectation of your assistance. They do not dare to beg of you any particular general, especially since you

have sent them another, nor do they think that they can do this without extreme danger. [13] They see and feel this, the same thing which you too see and feel, — that there is one man in whom all qualities are in the highest perfection, and that he is near, (which circumstance makes it seem harder to be deprived of him,) by whose mere arrival and name, although it was a maritime war for which he came, they are nevertheless aware that the attacks of the enemy were retarded and repressed. They then, since they cannot speak freely, silently entreat you to think them (as you have thought your allies in the other provinces) worthy of having their safety recommended to such a man; and to think them worthy even more than others, because we often send men with absolute authority into such a province as theirs, of such character, that, even if they protect them from the enemy, still their arrival among the cities of the allies is not very different from an invasion of the enemy. They used to hear of him before, now they see him among them; a man of such moderation, such mildness, such humanity, that those seem to be the happiest people among whom he remains for the longest time. 6. [14]

Wherefore, if on account of their allies, though they themselves had not been roused by any injuries, your ancestors waged war against Antiochus, against Philip, against the Aetolians, and against the Carthaginians; with how much earnestness ought you, when you yourselves have been provoked by injurious treatment, to defend the safety of the allies, and at the same time, the dignity of your empire? especially when your greatest revenues are at stake. For the revenues of the other provinces, O Romans, are such that we can scarcely derive enough from them for the protection of the provinces themselves. But Asia is so rich and so productive, that in the fertility of its soil, and in the variety of its fruits, and in the vastness of its pasture lands, and in the multitude of all those things which are matters of exportation, it is greatly superior to all other countries. Therefore, O Romans, this province, if you have any regard for what tends to your advantage in time of war, and to your dignity in time of peace, must be defended by you, not only from all calamity, but from all fear of calamity. [15] For in other matters when calamity comes on one, then damage is sustained; but in the case of revenues, not only the arrival of evil, but the bare dread of it, brings disaster. For when

the troops of the enemy are not far off, even though no actual irruption takes place, still the flocks are abandoned, agriculture is relinquished, the sailing of merchants is at an end. And accordingly, neither from harbour dues, nor from tenths, nor from the tax on pasture lands, can any revenue be maintained. And therefore it often happens that the produce of an entire year is lost by one rumour of danger, and by one alarm of war. [16] What do you think ought to be the feelings of those who pay us tribute, or of those who get it in, and exact it, when two kings with very numerous armies are all but on the spot? when one inroad of cavalry may in a very short time carry off the revenue of a whole year? when the publicans think that they retain the large households of slaves which they have in the salt-works, in the fields, in the harbours, and custom-houses, at the greatest risk? Do you think that you can enjoy these advantages unless you preserve those men who are productive to you, free not only, as I said before, from calamity, but even from the dread of calamity? 7. [17]

And even this must not be neglected by you, which I had proposed to myself as the last thing to be mentioned, when I was to speak of the kind of war, for it concerns the property of many Roman citizens; whom you, as becomes your wisdom, O Romans, must regard with the most careful solicitude. The publicans, most honourable and accomplished men, have taken all their resources and all their wealth into that province; and their property and fortunes ought, by themselves, to be an object of your special care. In truth, if we have always considered the revenues as the sinews of the republic, certainly we shall be right if we call that order of men which collects them, the prop and support of all the other orders. [18] In the next place, clever and industrious men, of all the other orders of the state, are some of them actually trading themselves in Asia, and you ought to show a regard for their interests in their absence; and others of them have large sums invested in that province. It will, therefore become your humanity to protect a large number of those citizens from misfortune; it will become your wisdom to perceive that the misfortune of many citizens cannot be separated from the misfortune of the republic. In truth, firstly, it is of but little consequence for you afterwards to recover for the publicans revenues

which have been once lost; for the same men have not afterwards the same power of contracting for them, and others have not the inclination, through fear. [19] In the next place, that which the same Asia, and that same Mithridates taught us, at the beginning of the Asiatic war that, at all events, we, having learnt by disaster, ought to keep in our recollection. For we know that then, when many had lost large fortunes in Asia, all credit failed at Rome, from payments being hindered. For it is not possible for many men to lose their property and fortunes in one city, without drawing many along with them into the same vortex of disaster. But do you now preserve the republic from this misfortune; and believe me, (you yourselves see that it is the case,) this credit, and this state of the money-market which exists at Rome and in the forum, is bound up with, and is inseparable from, those fortunes which are invested in Asia. Those fortunes cannot fall without credit here being undermined by the came blow, and perishing along with them. Consider, then, whether you ought to hesitate to apply yourselves with all zeal to that war, in which the glory of your name, the safety of your allies, your greatest revenues, and the fortunes of numbers of your citizens, will be protected at the same time as the republic. 8. [20]

Since I have spoken of the description of war, I will now say a few words about its magnitude. For this may be said of it, — that it is a kind of war so necessary, that it must absolutely be waged, and yet not one of such magnitude as to be formidable. And in this we must take the greatest care that those things do not appear to you contemptible which require to be most diligently guarded against. And that all men may understand that I give Lucius Lucullus all the praise that is due to a gallant man, and most wise man, and to a most consummate general, I say that when he first arrived in Asia, the forces of Mithridates were most numerous, well appointed, and provided with every requisite; and that the finest city in Asia, and the one, too, that was most friendly to us, the city of Cyzicus, was besieged by the king in person, with an enormous army, and that the siege had been pressed most vigorously, when Lucius Lucullus, by his valour, and perseverance, and wisdom, relieved it from the most extreme danger. [21] I say that he also, when general, defeated and destroyed that great and well-appointed fleet, which the chiefs of

Sertorius's party were leading against Italy with furious zeal; I say besides, that by him numerous armies of the enemy were destroyed in several battles, and that Pontus was opened to our legions, which before his time had been closed against the Roman people on every side; and that Sinope and Amisus, towns in which the king had palaces, adorned and furnished with every kind of magnificence, and many other cities of Pontus and Cappadocia, were taken by his mere approach and arrival near them; that the king himself was stripped of the kingdom possessed by his father and his grandfather, and forced to betake himself as a suppliant to other kings and other nations; and that all these great deeds were achieved without any injury to the allies of the Roman people, or any diminution of its revenues. I think that this is praise enough; — such praise that you must see, O Romans, that Lucius Lucullus has not been praised as much from this rostrum by any one of these men who are objecting to this law and arguing against our cause. 9. [22]

Perhaps now it will be asked, how, when all this has been already done, there can be any great war left behind. I will explain this, O Romans; for this does not seem an unreasonable question. At first Mithridates fled from his kingdom, as Medea is formerly said to have fled from the same region of Pontus; for they say that she, in her flight, strewed about the limbs of her brother in those places along which her father was likely to pursue her, in order that the collection of them, dispersed as they were, and the grief which would afflict his father, might delay the rapidity of his pursuit. Mithridates, flying in the same manner, left in Pontus the whole of the vast quantity of gold and silver, and of beautiful things which he had inherited from his ancestors, and which he himself had collected and brought into his own kingdom, having obtained them by plunder in the former war from all Asia. While our men were diligently occupied in collecting all this, the king himself escaped out of their hands. [23] And so grief retarded the father of Medea in his pursuit, but delight delayed our men. In this alarm and flight of his, Tigranes, the king of Armenia, received him, encouraged him while despairing of his fortunes, gave him new spirit in his depression, and recruited with new strength his powerless condition. And after Lucius Lucullus arrived in his kingdom, very many tribes were excited to hostilities against our

general. For those nations which the Roman people never had thought either of attacking in war or tampering with, had been inspired with fear. There was, besides, a general opinion which had taken deep root, and had spread over all the barbarian tribes in those districts, that our army had been led into those countries with the object of plundering a very wealthy and most religiously worshipped temple. And so, many powerful nations were roused against us by a fresh dread and alarm. But our army although it had taken a city of Tigranes's kingdom, and had fought some successful battles, still was out of spirits at its immense distance from Rome, and its separation from its friends. [24] At present I will not say more; for the result of these feelings of theirs was, that they were more anxious for a speedy return home than for any further advance into the enemies' country. But Mithridates had by this time strengthened his army by reinforcements of those men belonging to his own dominions who had assembled together, and by large promiscuous forces belonging to many other kings and tribes. And we see that this is almost invariably the case, that kings when in misfortune easily induce many to pity and assist them, especially such as are either kings themselves, or who live under kingly power, because to them the name of king appears something great and sacred. [25] And accordingly he, when conquered, was able to accomplish what, when he was in the full enjoyment of his powers, he never dared even to wish for. For when he had returned to his kingdom, he was not content (though that had happened to him beyond all his hopes) with again setting his foot on that land after he had been expelled from it; but he even volunteered an attack on your army, flushed as it was with glory and victory. Allow me, in this place, O Romans, (just as poets do who write of Roman affairs,) to pass over our disaster, which was so great that it came to Lucius Lucullus's ears, not by means of a messenger despatched from the scene of action, but through the report of common conversation. [26] At the very time of this misfortune, — of this most terrible disaster in the whole war, Lucius Lucullus, who might have been able, to a great extent, to remedy the calamity, being compelled by your orders, because you thought, according to the old principle of your ancestors, that limits ought to be put to length of command, discharged a part of his

soldiers who had served their appointed time, and delivered over part to Glabrio. I pass over many things designedly; but you yourselves can easily conjecture how important you ought to consider that war which most powerful kings are uniting in, — which disturbed nations are renewing, — which nations, whose strength is unimpaired, are undertaking, and which anew general of yours has to encounter after a veteran army has been defeated. 10. [27]

I appear to have said enough to make you see why this war is in its very nature unavoidable, in its magnitude dangerous. It remains for me to speak of the general who ought to be selected for that war, and appointed to the management of such important affairs.

I wish, O Romans, that you had such an abundance of brave and honest men, that it was a difficult subject for your deliberations, whom you thought most desirable to be appointed to the conduct of such important affairs, and so vast a war. But now, when there is Cnaeus Pompeius alone, who has exceeded in valour, not only the glory of these men who are now alive, but even all recollections of antiquity, what is there that, in this case, can raise a doubt in the mind of any one? [28] For I think that these four qualities are indispensable in a great general, — knowledge of military affairs, valour, authority and good fortune. Who, then, ever was, or ought to have been, better acquainted with military affairs than this man? who, the moment that he left school and finished his education as a boy, at a time when there was a most important war going on, and most active enemies were banded against us, went to his father's army and to the discipline of the camp; who, when scarcely out of his boyhood, became a soldier of a consummate general, — when entering on manhood, became himself the general of a mighty army; who has been more frequently engaged with the enemy, than any one else has ever disputed with an adversary; who has himself, as general, conducted more wars than other men have read of; who has subdued more provinces than other men have wished for; whose youth was trained to the knowledge of military affairs, not by the precepts of others, but by commanding himself, — not by the disasters of war, but by victories, — not by campaigns, but by triumphs. In short, what description of war can there be in which the fortune of the republic has not given him practice? Civil war, African

war, Transalpine war, Spanish war, promiscuous war of the most warlike cities and nations, servile war, naval war, every variety and diversity of wars and of enemies, has not only been encountered by this one man, but encountered victoriously; and these exploits show plainly that there is no circumstance, in military practice which can elude the knowledge of this man. 11. [29]

But now, what language can be found equal to the valour of Cnaeus Pompeius? What statement can any one make which shall be either worthy of him, or new to you, or unknown to any one? For those are not the only virtuous of a general which are usually thought so, — namely, industry in business, fortitude amid dangers, energy in acting, rapidity in executing, wisdom in foreseeing; which all exist in as great perfection in that one man as in all the other generals put together whom we have either seen or heard of. [30] Italy is my witness, which that illustrious conqueror himself, Lucius Sulla, confessed had been delivered by this man's valour and ready assistance. Sicily is my witness, which he released when it was surrounded on all sides by many dangers, not by the dread of his power, but by the promptitude of his wisdom. Africa is my witness, which, having been overwhelmed by numerous armies of enemies, overflowed with the blood of those same enemies. Gaul is my witness, through which a road into Spain was laid open to our legions by the destruction of the Gauls. Spain is my witness, which has repeatedly seen our many enemies there defeated and subdued by this man. Again and again, Italy is my witness, which, when it was weighed down by the disgraceful and perilous servile war, entreated aid from this man, though he, was at a distance; and that war, having dwindled down and wasted away at the expectation of Pompeius, was destroyed and buried by his arrival. [31] But now, also every coast, all foreign nations and countries, all seas, both in their open waters and in every bay, and creek, and harbour, are my witnesses. For during these last years, what place in any part of the sea had so strong a garrison as to be safe from him? what place was so much hidden as to escape his notice? Whoever put to sea without being aware that he was committing himself to the hazard of death or slavery, either from storms or from the sea being crowded with pirates? Who would ever have supposed that a war of such extent, so

mean, so old a war, a war so extensive in its theatre and so widely scattered, could have been terminated by all our generals put together in one year, or by one general in all the years of his life? [32] In all these later years what province have you had free from pirates? what revenue has been safe? what ally have you been able to protect? to whom have your fleets been any defence? How many islands do you suppose have been deserted? how many cities of the allies do you think have been either abandoned out of fear of the pirates, or have been taken by them? 12.

But why do I speak of distant events? It was — it was, indeed, formerly — a characteristic of the Roman people to carry on its wars at a distance from home, and to defend by the bulwarks of its power not its own homes, but the fortunes of its allies. Need I say, that the sea has during all these latter years been closed against your allies, when even our own armies never ventured to cross over from Brundusium, except in the depth of winter? Need I complain that men who were coming to you from foreign nations were taken prisoners, when even the ambassadors of the Roman people were forced to be ransomed? Need I say, that the sea was not safe for merchants, when twelve axes came into the power of the pirates? [33] Need I mention, how Cnidus, and Colophon, and Samos, most noble cities, and others too in countless numbers, were taken by them, when you know that your own harbours, and those harbours too from which you derive, as it were, your very life and breath, were in the power of the pirates? Are you ignorant that the harbour of Caieta, that illustrious harbour, when full of ships, was plundered by the pirates under the very eyes of the praetor? and that from Misenum, the children of the very man who had before that waged war against the pirates in that place, were carried off by the pirates? For why should I complain of the disaster of Ostia, and of that stain and blot on the republic, when almost under your very eyes, that fleet which was under the command of a Roman consul was taken and destroyed by the pirates? O ye immortal gods! could the incredible and godlike virtue of one man in so short a time bring so much light to the republic, that you who had lately been used to see a fleet of the enemy before the mouth of the Tiber, should now hear that there is not one ship belonging to the pirates on this side of the Atlantic? [34]

And although you have seen with what rapidity these things were done, still that rapidity ought not to be passed over by me in speaking of them. — For who ever, even if he were only going for the purpose of transacting business or making profit, contrived in so short a time to visit so many places, and to perform such long journeys, with as great celerity as Cnaeus Pompeius has performed his voyage, bearing with him the terrors of war as our general? He, when the weather could hardly be called open for sailing, went to Sicily, explored the coasts of Africa; from thence he came with his fleet to Sardinia, and these three great granaries of the republic he fortified with powerful garrisons and fleets; [35] when, leaving Sardinia, he came to Italy, having secured the two Spains and Cisalpine Gaul with garrisons and ships. Having sent vessels also to the coast of Illyricum, and to every part of Achaia and Greece, he also adorned the two seas of Italy with very large fleets, and very sufficient garrisons; and he himself going in person, added all Cilicia to the dominions of the Roman people, on the forty-ninth day after he set out from Brundusium. Will the pirates who were anywhere to be found, were either taken prisoners and put to death, or else had surrendered themselves voluntarily to the power and authority of this one man. Also, when the Cretans had sent ambassadors to implore his mercy even into Pamphylia to him, he did not deny them hopes of being allowed to surrender, and he exacted hostages from them. And thus Cnaeus Pompeius at the end of winter prepared, at the beginning of spring undertook, and by the middle of summer terminated, this most important war, which had lasted so long, which was scattered in such distant and such various places, and by which every nation and country was incessantly distressed. 13. [36]

This is the godlike and incredible virtue of that general. What more shall I say? How many and how great are his other exploits which I began to mention a short time back; for we are not only to seek for skill in war in a consummate and perfect general, but there are many other eminent qualities which are the satellites and companions of this virtue. And first of all, how great should be the incorruptibility of generals! How great should be their moderation in everything! How perfect their good faith! How universal should be their affability! how brilliant their genius! how tender their humanity!

And let us briefly consider to what extent these qualities exist in Cnaeus Pompeius. For they are all of the highest importance, O Romans, but yet they are to be seen and ascertained more by comparison with the conduct of others than by any display which they make of themselves. [37] For how can we rank a man among generals of any class at all, if centurionships are sold, and have been constantly sold in his army? What great or honourable thoughts can we suppose that that man cherishes concerning the republic, who has either distributed the money which was taken from the treasury for the conduct of the war among the magistrates, out of ambition to keep his province, or, out of avarice, has left it behind him at Rome, invested for his own advantage? Your murmurs show, O Romans, that you recognise, in my description, men who have done these things. But I name no one, so that no one can be angry with me, without making confession beforehand of his own malpractices. But who is there who is ignorant what terrible distresses our armies suffer wherever they go, through this covetousness of our generals? [38] Recollect the marches which, during these latter years, our generals have made in Italy, through the lands and towns of the Roman citizens; then you will more easily imagine what is the course pursued among foreign nations. Do you think that of late years more cities of the enemy have been destroyed by the arms of your soldiers, or more cities of your own allies by their winter campaigns? For that general who does not restrain himself can never restrain his army; nor can he be strict in judging others who is unwilling for others to be strict in judging him. [39] Do we wonder now that this man should be so far superior to all others, when his legions arrived in Asia in such order that not only no man's hand in so numerous an army, but not even any man's footstep was said to have done the least injury to any peaceful inhabitant? But now we have daily rumours — yes, and letters too — brought to Rome about the way in which the soldiers are behaving in their winter quarters; not only is no one compelled to spend money on the entertainment of the troops, but he is not permitted to do so, even if he wish. For our ancestors thought fit that the houses of our allies and friends should be a shelter to our soldiers from the winter, not a theatre for the exercise of their avarice. 14. [40]

Come now, consider also what moderation he has displayed in

other matters also. How was it, do you suppose, that he was able to display that excessive rapidity, and to perform that incredible voyage? For it was no unexampled number of rowers, no hitherto unknown skill in navigation, no new winds, which bore him so swiftly to the most distant lands; but those circumstances which are wont to delay other men did not delay him. No avarice turned him aside from his intended route in pursuit of some plunder or other; no lust led him away in pursuit of pleasure; no luxury allured him to seek its delights; the illustrious reputation of no city tempted him to make its acquaintance; even labour did not turn him aside to seek rest. Lastly, as for the statues, and pictures, and other embellishments of Greek cities, which other men think worth carrying away, he did not think them worthy even of a visit from him. And, therefore, every one in those countries looks upon Cnaeus Pompeius as some one descended from heaven, not as some one sent out from this city. [41] Now they begin to believe that there really were formerly Romans of the same moderation; which hitherto has seemed to foreign nations a thing incredible, a false and ridiculous tradition. Now the splendour of your dominion is really brilliant in the eyes of those nations. Now they understand that it was not without reason that, when we had magistrates of the same moderation, their ancestors preferred being subject to the Roman people to being themselves lords of other nations. But now the access of all private individuals to him is so easy, their complaints of the injuries received from others are so little checked, that he who in dignity is superior to the noblest men, in affability seems to be on a par with the meanest. [42] How great his wisdom is, how great his authority and fluency in speaking, — and that too is a quality in which the dignity of a general is greatly concerned, — you, O Romans, have often experienced yourselves in this very place. But how great do you think his good faith must have been towards your allies, when the enemies of all nations have placed implicit confidence in it? His humanity is such that it is difficult to say, whether the enemy feared his valour more when fighting against him, or loved his mildness more when they had been conquered by him. And will any one doubt, that this important war ought to be entrusted to him, who seems to have been born by some especial design and favour of the

gods for the express purpose of finishing all the wars which have existed in their own recollection? 15.

[43] And since authority has great weight in conducting wars, and in discharging the duties of military command, it certainly is not doubtful to any one that in that point this same general is especially preeminent. And who is ignorant that it is of great importance in the conduct of wars, what opinion the enemy, and what opinion the allies have of your generals, when we know that men are not less influenced in such serious affairs, to despise, or fear, or hate, or love a man by common opinion and common report, than by sure grounds and principles? What name, then, in the whole world has ever been more illustrious than his? whose achievements have ever been equal to his? And, what gives authority in the highest degree, concerning whom have you ever passed such numerous and such honourable resolutions? [44] Do you believe that there is anywhere in the whole world any place so desert that the renown of that day has not reached it, when the whole Roman people, the forum being crowded, and all the adjacent temples from which this place can be seen being completely filled, — the whole Roman people, I say, demanded Cnaeus Pompeius alone as their general in the war in which the common interests of all nations were at stake? Therefore, not to say more on the subject, nor to confirm what I say by instances of others as to the influence which authority has in war, all our instances of splendid exploits in war must be taken from this same Cnaeus Pompeius. The very day that he was appointed by you commander-in-chief of the maritime war, in a moment such a cheapness of provisions ensued, (though previously there had been a great scarcity of corn, and the price had been exceedingly high,) owing to the hope conceived of one single man, and his high reputation, as could scarcely have been produced by a most productive harvest after a long period of peace. [45] Now, too, after the disaster which befell us in Pontus, from the result of that battle, of which, sorely against my will, I just now reminded you, when our allies were in a state of alarm, when the power and spirits of our enemies had risen, and the province was in a very insufficient state of defence, you would have entirely lost Asia, O Romans, if the fortune of the Roman people had not, by some divine interposition, brought Cnaeus Pompeius at that

particular moment into those regions. His arrival both checked Mithridates, elated with his unusual victory, and delayed Tigranes, who was threatening Asia with a formidable army. And can any one doubt what he will accomplish by his valour, when he did so much by his authority and reputation? or how easily he will preserve our allies and our revenues by his power and his army, when he defended them by the mere, terror of his name? 16. [46]

Come, now; what a great proof does this circumstance afford us of the influence of the same man on the enemies of the Roman people, that all of them, living in countries so far distant from us and from each other, surrendered themselves to him alone in so short a time? that the ambassadors of the Cretans, though there was at the time a general and an army of ours in their island came almost to the end of the world to Cnaeus Pompeius, and said, all the cities of the Cretans were willing to surrender themselves to him? What did Mithridates himself do? Did he not send an ambassador into Spain to the same Cnaeus Pompeius? a man whom Pompeius has always considered an ambassador, but who that party, to whom it has always been a source of annoyance that he was sent to him particularly, have contended was sent as a spy rather than as an ambassador. You can now, then, O Romans, form an accurate judgment how much weight you must suppose that this authority of his — now, too, that it has been further increased by many subsequent exploits, and by many commendatory resolutions of your own — will have with those kings and among foreign nations. [47]

It remains for me timidly and briefly to speak of his good fortune, a quality which no man ought to boast of in his own case, but which we may remember and commemorate an happening to another, just as a man may extol the power of the gods. For my judgment is this, that very often commands have been conferred upon, and armies have been entrusted to Maximus, to Marcellus, to Scipio, to Marius, and to other great generals, not only on account of their valour, but also on account of their good fortune. For there has been, in truth, in the case of some most illustrious men, good fortune added as some contribution of the gods to their honour and glory, and as a means of performing mighty achievements. But concerning the good fortune of this man of whom we are now speaking, I will use so much

moderation as not to say that good fortune was actually placed in his power, but I will so speak as to appear to remember what is past, to have good hope of what is to come; so that my speech may, on the one hand, not appear to the immortal gods to be arrogant, nor, on the other hand, to be ungrateful. [48] Accordingly, I do not intend to mention, O Romans, what great exploits he has achieved both at home and in war, by land and by sea, and with what invariable felicity he has achieved them; how, not only the citizens have always consented to his wishes, — the allies complied with them, — the enemy obeyed them, but how even the winds and weather have seconded them. I will only say this, most briefly, — that no one has ever been so impudent as to dare in silence to wish for so many and such great favours as the immortal gods have showered upon Cnaeus Pompeius. And that this favour may continue his, and be perpetual, you, O Romans, ought to wish and pray (as, indeed, you do), both for the sake of the common safety and prosperity, and for the sake of the man himself

[49] Wherefore, as the war is at the same time so necessary that it cannot be neglected, so important that it must be conducted with the greatest care; and since you have it in your power to appoint a general to conduct it, in whom there is the most perfect knowledge of war, the most extraordinary valour, the most splendid personal influence, and the most eminent good fortune, can you hesitate, O Romans, to apply this wonderful advantage which is offered you and given you by the immortal gods, to the preservation and increase of the power of the republic? 17.

[50] But, if Cnaeus Pompeius were a private individual at Rome at this present time, still he would be the man who ought to be selected and sent out to so great a war. But now, when to all the other exceeding advantages of the appointment, this opportunity is also added, — that he is in those very countries already, — that he has an army with him, — that there is another army there which can at once be made over to him by those who are in command of it, — why do we delay? or why do we not, under the guidance of the immortal gods themselves, commit this royal war also to him to whom all the other wars in those parts have been already entrusted to the greatest advantage, to the very safety of the republic? [51]

But, to be sure, that most illustrious man, Quintus Catulus, a man most honestly attached to the republic, and loaded with your kindness in a way most honourable to him; and also Quintus Hortensius, a man endowed with the highest qualities of honour, and fortune, and virtue, and genius, disagree to this proposal. And I admit that their authority has in many instances had the greatest weight with you, and that it ought to have the greatest weight; but in this cause, although you are aware that the opinions of many very brave and illustrious men are unfavourable to us, still it is possible for us, disregarding those authorities, to arrive at the truth by the circumstances of the case and by reason. And so much the more easily, because those very men admit that everything which has been said by me up to this time is true, — that the war is necessary, that it is an important war, and that all the requisite qualifications are in the highest perfection in Cnaeus Pompeius. [52] What, then, does Hortensius say? "That if the whole power must be given to one man, Pompeius alone is most worthy to have it, but that, nevertheless, the power ought not to be entrusted to one individual." That argument, however, has now become obsolete, having been refuted much more by facts than by words. For you, also, Quintus Hortensius, said many things with great force and fluency (as might be expected from your exceeding ability, and eminent facility as an orator) in the senate against that brave man, Aulus Gabinius, when he had brought forward the law about appointing one commander-in-chief against the pirates; and also from this place where I now stand, you made a long speech against that law. [53] What then? By the immortal gods, if your authority had had greater weight with the Roman people than the safety and real interests of the Roman people itself, should we have been this day in possession of our present glory, and of the empire of the whole earth? Did this, then, appear to you to be dominion, when it was a common thing for the ambassadors, and praetors, and quaestors of the Roman people to be taken prisoners? when we were cut off from all supplies, both public and private, from all our provinces? when all the seas were so closed against us, that we could neither visit any private estate of our own, nor any public domain beyond the sea? 18. [54]

What city ever was there before this time, — I speak not of the city of the Athenians, which is said formerly to have had a sufficiently extensive naval dominion; nor of that of the Carthaginians, who had great power with their fleet and maritime resources; nor of those of the Rhodians, whose naval discipline and naval renown has lasted even to our recollection, — but was there ever any city before this time so insignificant, if it was only a small island, as not to be able by its own power to defend its harbours, and its lands, and some part of its country and maritime coast? But, forsooth, for many years before the Gabinian law was passed, the Roman people, whose name, till within our own memory remained invincible in naval battles, was deprived not only of a great, aye, of much the greatest part of its usefulness, but also of its dignity and dominion. [55] We, whose ancestors conquered with our fleets Antiochus the king, and Perses, and in every naval engagement defeated the Carthaginians, the best practiced and best equipped of all men in maritime affairs; we could now in no place prove ourselves equal to the pirates. We, who formerly had not only all Italy in safety, but who were able by the authority of our empire to secure the safety of all our allies in the most distant countries, so that even the island of Delos, situated so far from us in the Aegean sea, at which all men were in the habit of touching with their merchandise and their freights, full of riches as it was, little and unwalled as it was, still was in no alarm; we, I say, were cut off, not only from our provinces, and from the sea-coast of Italy, and from our harbours, but even from the Appian road; and at this time, the magistrates of the Roman people were not ashamed to come up into this very rostrum where I am standing, which your ancestors had bequeathed to you adorned with nautical trophies, and the spoils of the enemy's fleet. 19. [56]

When you opposed that law, the Roman people, O Quintus Hortensius, thought that you, and the others who held the same opinion with you, delivered your sentiments in a bold and gallant spirit. But still, in a matter affecting the safety of the commonwealth, the Roman people preferred consulting its own feelings of indignation to your authority. Accordingly, one law, one man, and one year, delivered us not only from that misery and disgrace, but

also caused us again at length to appear really to be the masters of all nations and countries by land and sea. [57] And on this account the endeavour to detract, shall I say from Gabinius, or from Pompeius, or (what would be truer still) from both? appears to me particularly unworthy; being done in order that Aulus Gabinius might not be appointed lieutenant to Cnaeus Pompeius, though he requested and begged it. Is he who begs for a particular lieutenant in so important a war unworthy to obtain any one whom he desires, when all other generals have taken whatever lieutenants they chose, to assist them in pillaging the allies and plundering the provinces? or ought he, by whose law safety and dignity has been given to the Roman people, and to all nations, to be prevented from sharing in the glory of that commander and that army, which exists through his wisdom and was appointed at his risk? [58] Was it allowed to Caius Falcidius, to Quintus Metellus, to Quintus Caelius Laterensis, and to Cnaeus Lentulus, all of whom I name to do them honour, to be lieutenants the year after they had been tribunes of the people; and shall men be so exact in the case of Gabinius alone, who, in this war which is carried on under the provisions of the Gabinian law, and in the case of this commander and this army which he himself appointed with your assistance, ought to have the first right of any one? And concerning whose appointment as lieutenant I hope that the consuls will bring forward a motion in the senate; and if they hesitate, or are unwilling to do so, I undertake to bring it forward myself; nor, O Romans, shall the hostile edict of any one deter me from relying on you and defending your privileges and your kindness. Nor will I listen to anything except the interposition of the tribunes; and as to that, those very men who threaten it, will, I apprehend, consider over and over again what they have a right to do. In my own opinion, O Romans, Aulus Gabinius alone has a right to be put by the side of Cnaeus Pompeius as a partner of the glory of his exploits in the maritime war; because the one, with the assistance of your votes, gave to that man alone the task of undertaking that war, and the other, when it entrusted to him, undertook it and terminated it. 20. [59]

It remains for me to speak of the authority and opinion of Quintus Catulus; who, when he asked of you, if you thus placed all your dependence on Cnaeus Pompeius, in whom you would have any

hope, if anything were to happen to him, received a splendid reward for his own virtue and worth, when you all, with almost one voice, cried out that you would, in that case, put your trust in him. In truth he is such a man, that no affair can be so important, or so difficult, that, he cannot manage it by his wisdom, or defend it by his integrity, or terminate it by his valour. But, in this case, I entirely differ from him; because, the less certain and the less lasting the life of man is, the more ought the republic to avail itself of the life and valour of any admirable man, as long as the immortal gods allow it to do so. [60] But let no innovation be established contrary to the precedents and principles of our ancestors. — I will not say, at this moment, that our ancestors in peace always obeyed usage, but in war were always guided by expediency, and always accommodated themselves with new plans to the new emergencies of the times. I will not say that two most important wars, the Punic war and the Spanish war, were put an end to by one general; that two most powerful cities, which threatened the greatest danger to this empire — Carthage and Numantia, were destroyed by the same Scipio. I will not remind you that it was but lately determined by you and by your ancestors, to rest all the hopes of the empire on Caius Marius, so that the same man conducted the war against Jugurtha, and against the Cimbri, and against the Teutones. But recollect, in the case of Cnaeus Pompeius himself, with reference to whom Catulus objects to having any new regulations introduced, how many new laws have been made with the most willing consent of Quintus Catulus. 21. [61]

For what can be so unprecedented as for a young man in a private capacity to levy an army at a most critical time of the republic? He levied one. — To command it? He did command it. — To succeed gloriously in his undertaking? He did succeed. What can be so entirely contrary to usage, as for a very young man, whose age fell far short of that required for the rank of a senator, to have a command and an army entrusted to him? to have Sicily committed to his care, and Africa, and the war which was to be carried on there? He conducted himself in these provinces with singular blamelessness, dignity, and valour; he terminated a most serious war in Africa, and brought away his army victorious. But what was ever so unheard of as for a Roman knight to have a triumph? But even

that circumstance the Roman people not only say, but they thought that it deserved to be thronged to and honoured with all possible zeal. [62] What was ever so unusual, as, when there were two most gallant and most illustrious consuls, for a Roman knight to be sent as proconsul to a most important and formidable war? He was so sent — on which occasion, indeed, when some one in the senate said that a private individual ought not to be sent as proconsul, Lucius Philippus is reported to have answered, that if he had his will he should be sent not for one consul, but for both the consuls. Such great hope was entertained that the affairs of the republic would be prosperously managed by him, that the charge which properly belonged to the two consuls was entrusted to the valour of one young man. What was ever so extraordinary as for a man to be released from all laws by a formal resolution of the senate, and made consul before he was of an age to undertake any other magistracy according to the laws? What could be so incredible, as for a Roman knight to celebrate a second triumph in pursuance of a resolution of the senate? All the unusual circumstances which in the memory of man have ever happened to all other men put together, are not so many as these which we see have occurred in the history of this one man. [63] And all these instances, numerous, important and novel as they are, have all occurred in the case of the same man, taking their rise in the authority of Quintus Catulus himself and by that of other most honourable men of the same rank. 22.

Wherefore, let them take care that it is not considered a most unjust and intolerable thing, that their authority in matters affecting the dignity of Cnaeus Pompeius should hitherto have been constantly approved of by you, but that your judgment, and the authority of the Roman people in the case of the same man, should be disregarded by them. Especially when the Roman people can now, of its own right, defend its own authority with respect to this man against all who dispute it, — because, when those very same men objected, you chose him alone of all men to appoint to the management of the war against the pirates. [64] If you did this at random, and had but little regard for the interests of the republic, then they are right to endeavour to guide your party spirit by their wisdom; but if you at that time showed more foresight in the affairs of the state than they

did; if you, in spite of their resistance, by yourselves conferred dignity on the empire, safety on the whole world; then at last let those noble men confess that both they and all other men must obey the authority of the universal Roman people. And in this Asiatic and royal war, not only is that military valour required, which exists in a singular degree in Cnaeus Pompeius, but many other great virtues of mind are also demanded. It is difficult for your commander-in-chief in Asia, Cilicia, Syria, and all the kingdoms of the inland nations, to behave in such a manner as to think of nothing else but the enemy and glory. Then, even if there be some men moderate and addicted to the practice of modesty and self-government, still, such is the multitude of covetous and licentious men, that no one thinks that these are such men. It is difficult to tell you, O Romans, how great our unpopularity is among foreign nations, on account of the injurious and licentious behaviour of those whom we have of late years sent among them with military command. [65] For, in all those countries which are now under our dominion, what temple do you think has had a sufficiently holy reputation, what city has been sufficiently sacred, what private house has been sufficiently closed and fortified, to be safe from them? They seek out wealthy and splendid cities to find presence for making war on them for the sake of plundering them. [66] I would willingly argue this with those most eminent and illustrious men, Quintus Catulus and Quintus Hortensius; for they know the distresses of the allies, they see their calamities, they hear their complaints. Do you think that you are sending an army in defence of your allies against their enemies, or rather, under presence of the existence of enemies, against your allies and friends themselves? What city is there in Asia which can stand the ferocity and arrogance, I will not say of the, army, of a commander-in-chief, or of a lieutenant, but of even the brigade of one single military tribune? 23.

So that even if you have any one who may appear able to cope in terms of advantage with the king's armies, still, unless he be also a man who can keep his hands, and eyes, and desires from the treasures of the allies, from their wives and children, from the ornaments of their temples and cities, from the gold and jewels of the king, he will not be a fit person to be sent to this Asiatic and royal

war. Do you think that there is any city there peacefully inclined towards us which is rich? [67] Do you think that there is any rich city there, which will appear to those men to be peacefully inclined towards us? The sea-coast, O Romans, begged for Cnaeus Pompeius, not only on account of his renown for military achievements, but also because of the moderation of his disposition. For it saw that it was not the Roman people that was enriched every year by the public money, but only a few individuals, and that we did nothing more by the name of our fleets beyond sustaining losses, and so covering ourselves with additional disgrace. But now, are these men, who think that all these honours and offices are not to be conferred on one person, ignorant with what desires, with what hope of retrieving past losses, and on what conditions, these men go to the provinces? As if Cnaeus Pompeius did not appear great in our eyes, not only on account of his own positive virtues, but by a comparison with the vices of others. [68] And, therefore, do not you doubt to entrust everything to him alone, when he has been found to be the only man for many years whom the allies are glad to see come to their cities with an army. And if you think that our side of the argument, O Romans, should be confirmed by authorities, you have the authority of Publius Servilius, a man of the greatest skill in all wars, and in affairs of the greatest importance, who has performed such mighty achievements by land and sea, that, when you are deliberating about war, no one's authority ought to have more weight with you. You have the authority of Caius Curio, a man who has received great kindnesses from you, who has performed great exploits, who is endued with the highest abilities and wisdom; and of Cnaeus Lentulus, in whom all of you know there is (as, indeed, there ought to be from the ample honours which you have heaped upon him) the most eminent wisdom, and the greatest dignity of character; and of Caius Cassius, a man of extraordinary integrity, and valour, and virtue. Consider, therefore, whether we do not seem by the authority of these men to give a sufficient answer to the speeches of those men who differ from us. 24. [69]

And as this is the case, O Caius Manilius, in the first place, I exceedingly praise and approve of that law of yours, and of your purpose, and of your sentiments. And in the second place, I exhort

you, having the approbation of the Roman people, to persevere in those sentiments, and not to fear the violence or threats of any one. And, first of all, I think you have the requisite courage and perseverance; and, secondly, when we see such a multitude present displaying such zeal in our cause as we now see displayed for the second time, in appointing the same man to the supreme command how can we doubt in the matter, or question our power of carrying our point? As for me, all the zeal, and wisdom, and industry, and ability of which I am possessed, all the influence which I have through the kindness shown for me by the Roman people, and through my power as praetor, as also, through my reputation for authority, good faith, and virtue, all of it I pledge to you and the Roman people, and devote to the object of carrying this resolution. [70] And I call all the gods, to witness, and especially those who preside over this place and temple, who see into the minds of all those who apply themselves to affairs of state, that I am not doing this at the request of any one, nor because I think to conciliate the favour of Cnaeus Pompeius by taking this side, nor in order, through the greatness of any one else, to seek for myself protection against dangers, or aids in the acquirement of honours; because, as for dangers, we shall easily repel them, as a man ought to do, protected by our own innocence; and as for honours, we shall not gain them by the favour of any men, nor by anything that happens in this place, but by the same laborious course of life which I have hitherto adopted, if your favourable inclination assists me. [71] Wherefore, whatever I have undertaken in this cause, O Romans, I assure you that I have undertaken wholly for the sake of the republic; and I am so far from thinking that I have gained by it the favour of any influential man, that I know, on the other hand, that I have brought on myself many enmities, some secret, some undisguised, which I never need have incurred, and which get will not be mischievous to you. But I have considered that I, invested with my present honours, and loaded with so many kindnesses from you, ought to prefer your inclination, and the dignity of the republic, and the safety of our provinces and allies, to all considerations of my own private interest.

PRO CLUENTIO (On Behalf of Aulus Cluentius)

Translated by C. D. Yonge

The *Pro Cluentio* was given in defence of a man named Aulus Cluentius Habitus Minor in 66 BC. Cluentius, from Larinum in Molise, was accused by his mother of having poisoned his stepfather, Oppianicus the Elder. At that time Cluentius was unpopular in Rome due to rumours that he had corrupted the judges in a process against Oppianicus. Cicero was successful and the young Cluentius was absolved of all charges. In the process the reputation of Sassia was completely destroyed.

THE SPEECH OF M. T. CICERO IN DEFENCE OF AULUS CLUENTIUS HABITUS.

THE ARGUMENT.

Aulus Cluentius, a Roman knight of great riches, was accused before the praetor of having poisoned his father-in-law, Oppianicus, who a few years previously had been tried and banished for an attempt to poison Cluentius. For Oppianicus had murdered Melinus, the former husband of Sassia, the mother of Cluentius, and married her, and finding that if Cluentius were dead his property would all come to his mother, endeavoured to poison him, but was detected and convicted. After his conviction, Lucius Quinctius, a tribune of the people, who had defended him on his trial, endeavoured at all times to excite odium against Cluentius, saying that he had procured the conviction of Oppianicus by bribery, though in point of fact Oppianicus himself had employed large sums in endeavours to bribe his judges, and Stalenus and others had been convicted of being parties to the corruption. In the fifth year of his exile Oppianicus died, and a prosecution was instituted against Cluentius by Sassia, his own mother; saying that he had poisoned Oppianicus by the agency of a man of the name of Marcus Asellius. Cluentius was acquitted. This happened three years before this present trial. But now Sassia, having married her daughter to the young Oppianicus, urged him to institute fresh proceedings against Cluentius. So he prosecuted him afresh. His counsel was Lucius Attius, and the cause was tried before Quintus Vocontius Naso in the consulship of Marcus Aemilius Lepidus and Lucius Volcatius Tullus, A.U.C. 688. Cluentius was acquitted.

1. I have observed, O judges, that the whole speech of the accuser is divided into two parts, one of which appeared to me to rely upon, and to put its main trust in, the inveterate unpopularity of the trial before Junius; the other, just for the sake of usage, to touch very lightly and diffidently On the method pursued in cases of accusations

of poisoning; concerning which matter this form of trial is appointed by law. And, therefore, I have determined to preserve the same division of the subject in my defence, speaking separately to the question of unpopularity and to that of the accusation, in order that every one may understand that I neither wish to evade any point by being silent with respect to it, nor to make anything obscure by speaking of it. [2] But when I consider how much pains I must take with each branch of the question, one division — that, namely, which is the proper subject of your inquiry, the question of the fact of the poisoning — appears to me a very short one, and one which is not likely to give occasion to any great dispute. But with the other division, which, properly, is almost entirely unconnected with the case, and which is better adapted to assemblies in a state of seditious excitement, than to tranquil and orderly courts of justice, I shall, I can easily see, have a great deal of difficulty in dealing, and a great deal of trouble. [3] But in all this embarrassment, O judges, this thing still consoles me, — that you have been accustomed to hear accusations under the idea that you will afterwards hear their refutation from the advocate; that you are bound not to give the defendant more advantages towards ensuring his acquittal, than his counsel can procure for him by clearing him of the charges brought against him, and by proving his innocence in his speech. But as regards the odium into which they seek to bring him, you ought to deliberate together, considering not what is said by us, but what ought to be said. For while we are dealing with the accusations, it is only the safety of Aulus Cluentius that is at stake; but by the odium sought to be excited against him, the common safety of all men is imperilled. Accordingly, we will treat one division of the case as men who are giving you information, and the other division, as men who are addressing entreaties to you. In the first division we must beg of you to give us your diligent attention; in the second, we must implore the protection of your good faith. There is no one who can withstand the popular feeling when excited against him without the assistance of you and of men like you. [4] As far as I myself am concerned. I hardly know which way to turn. Shall I deny that there is any ground for the disgraceful accusation, — that the judges were corrupted at the previous trial? Shall I deny that that matter has been

agitated at assemblies of the people? that it has been brought before the courts of justice? that it has been mentioned in the senate? Can I eradicate that belief from men's minds? a belief so deeply implanted in them — so long established. It is out of the power of my abilities to do so. It is a matter requiring your aid, O judges; it becomes you to come to the assistance of the innocence of this man attacked by such a ruinous calumny, as you would in the case of a destructive fire or of a general conflagration. 2. [5]

Indeed, as in some places truth appears to have but little foundation to rest upon, and but little vigour, so in this place unpopularity arising on false grounds ought to be powerless. Let it have sway in assemblies, but let it be overthrown in courts of justice; let it influence the opinions and conversation of ignorant men, but let it be rejected by the dispositions of the wise; let it make sudden and violent attacks, but when time for examination is given, and when the facts are ascertained, let it die away. Lastly, let that definition of impartial tribunals which has been handed down to us from our ancestors be still retained; that in them crimes are punished without any regard being had to the popularity or unpopularity of the accused party; and unpopularity is got rid of without any crime being supposed to have been ever attached to it. [6] And, therefore, O judges, I beg this of you before I begin to speak of the cause itself; in the first place, as is most reasonable, that you will bring no prejudice into court with you. In truth, we shall lose not only the authority, but even the name of judges, unless we judge from the facts which appear in the actual trials, and if we bring into court with us minds already made up on the subject at home. In the second place, I beg of you, if you have already adopted any opinion in your minds, that if reason shall eradicate it, — if my speech shall shake it, — if, in short, truth shall wrest it from you, you will not resist, but will dismiss it from your minds, if not willingly, at all events, impartially. I beg you, also, when I am speaking to each particular point, and effacing any impression my adversary may have made, not silently to let your thoughts dwell on the contrary statement to mine, but to wait to the end, and allow me to maintain the order of my arguments which I propose to myself; and when I have summed up, then to consider in your minds whether I have passed over anything. 3. [7]

I, O judges, am thoroughly aware that I am under taking a cause which has now for eight years together been constantly discussed in a spirit opposed to the interests of my client, and which has been almost convicted and condemned by the silent opinion of men; but if any god will only incline your good-will to listen to me patiently, I will show you that there is nothing which a man has so much reason to dread as envy, — that when he has incurred envy, there is nothing so much to be desired by an innocent man as an impartial tribunal, because in this alone can any end and termination be found at last to undeserved disgrace. Wherefore, I am in very great hope, if I am able fully to unravel all the circumstances of this case, and to effect all that I wish by my speech, that this place, and this bench of judges before whom I am pleading, which the other side has expected to be most terrible and formidable to Aulus Cluentius, will be to him a harbour at last, and a refuge for the hitherto miserable and tempest-tossed bark of his fortunes. [8] Although there are many things which seem to me necessary to be mentioned respecting the common dangers to which all men are exposed by unpopularity, before I speak about the cause itself; still, that I may not keep your expectations too long in suspense by my speech, I will come to the charge itself, only begging you, O judges, as I am aware I must frequently do in the course of this trial, to listen to me, as if this cause were now being this day pleaded for the first time, — as, in fact, it is; and not as if it had already been often discussed and proved. For on this day opportunity is given us for the first time of effacing that old accusation; up to this time mistake and odium have had the principal influence in the whole cause. Wherefore, while I reply with brevity and clearness to the accusation of many years standing, I entreat you, O judges, to listen to me, as I know that you are predetermined to do, with kindness and attention. 4. [9]

Aulus Cluentius is said to have corrupted a tribunal with money, in order to procure the condemnation of his innocent enemy, Statius Albius. I will prove, O judges, in the first place, (since that is the principal wickedness charged against him, and the chief pretext for casting odium upon him, that an innocent man was condemned through the influence of in your minds whether I have money,) that no one was ever brought before a court on heavier charges, or with

more unimpeachable witnesses against him to prove them. In the second place, that a previous examination into the matter had been made by the very same judges who afterwards condemned him, with such a result that he could not possibly have been acquitted, not only by them, but by any other imaginable tribunal. When I have demonstrated this, then I will prove that point which I am aware is particularly indispensable, that that tribunal was indeed tampered with, not by Cluentius, but by the party hostile to Cluentius; and I will enable you to see clearly in the whole of that cause what the facts really were — what mistake gave rise to — and what had its origin in the unpopularity undeservedly stirred up against Cluentius. [10] The first point is this, from which it may be clearly seen that Cluentius had the greatest reason to confide in the justice of his cause, because he came down to accuse Albius relying on the most certain facts and unimpeachable witnesses. While on this topic, it is necessary for me, O judges,: briefly to explain the accusations of which Albius was convicted. I demand of you, O Oppianicus, to believe that I speak unwillingly of the affair in which your father was implicated, because I am compelled by considerations of good faith, and of my duty as counsel for the defence. And, if I am unable at the present moment to satisfy you of this, yet I shall have many other opportunities of satisfying you at some future time; but unless I do justice to Cluentius now, I shall have no subsequent opportunity of doing justice to him. At the same time who is there who can possibly hesitate to speak against a man who has been condemned and is dead, on behalf of one unconvicted and living, when in the case of him who is being so spoken against conviction has taken away all danger of further disgrace, and death all fear of any further pain? and when, on the other hand, no disaster can happen to that man on behalf of whom one is speaking, without causing him the most acute feeling and pain of mind, and without branding his future life with the greatest disgrace and ignominy? [11] And that you may understand that Cluentius was not induced to prosecute Oppianicus by a disposition fond of bringing accusations, or by any fondness for display or covetousness of glory, but by nefarious injuries, by daily plots against him, by hazard of his life, which has been every day set before his eyes, I must go back a little further to the very beginning

of the business; and I entreat you, O judges, not to be weary or indignant at my doing so — for when you know the beginning, you will much more easily understand the end. 5.

Aulus Cluentius Habitus, this man's father, O judges, was a man by far the most distinguished for valour, for reputation and for nobleness of birth, not only of the municipality of Larinum, of which he was a native, but also of all that district and neighbourhood. When he died, in the consulship of Sulla and Pompeius, he left this son, a boy fifteen years old, and a daughter grown up and of marriageable age, who a short time after her father's death married Aulus Aurius Melinus, her own cousin, a youth of the fairest possible reputation, as was then supposed, among his countrymen, for honour and nobleness. [12] This marriage subsisted with all respectability and all concord; when on a sudden there arose the nefarious lust of an abandoned woman, united not only with infamy but even with impiety. For Sassia, the mother of this Habitus, (for she shall be called his mother by me, just for the name's sake, although she behaves towards him with the hatred and cruelty of an enemy,) — she shall, I say, be called his mother; nor will I even so speak of her wickedness and barbarity as to forget the name to which nature entitles her; (for the more lovable and amiable the name of mother is, the more will you think the extraordinary wickedness of that mother, who for these many years has been wishing her son dead, and who wishes it now more than ever, worthy of all possible hatred.) She, then, the mother of Habitus, being charmed in a most impious matter with love for that young man, Melinus, her own son-in-law, at first restrained her desires as she could, but she did not do that long. Presently, she began to get so furious in her insane passion, she began to be so hurried away by her lust, that neither modesty, nor chastity, nor piety, nor the disgrace to her family, nor the opinion of men, nor the indignation of her son, nor the grief of her daughter, could recall her from her desires. [13] She seduced the mind of the young man, not yet matured by wisdom and reason, with all those temptations with which that early age can be charmed and allured. Her daughter, who was tormented not only with the common indignation which all women feel at injuries of that sort from their husbands, but who also was unable to endure the infamous

prostitution of her mother, of which she did not think that she could even complain to any one without committing a sin herself, wished the rest of the world to remain in ignorance of this her terrible misfortune, and wasted away in grief and tears in the arms and on the bosom of Cluentius, her most affectionate brother. [14] However, there is a sudden divorce, which appeared likely to be a consolation for all her misfortunes. Cluentia departs from Melinus; not unwilling to be released from the infliction of such injuries, yet not willing to lose her husband. But then that admirable and illustrious mother of hers began openly to exult with joy, to triumph in her delight, victorious over her daughter, not over her lust. Therefore she did not choose her reputation to be attacked any longer by uncertain suspicions; she orders that genial bed, which two years before she had decked for her daughter on her marriage, to be decked and prepared for herself in the very same house, having driven and forced her daughter out of it. The mother-in-law marries the son-in-law, no one looking favourably on the deed, no one approving it, all foreboding a dismal end to it. 6. [15]

Oh, the incredible wickedness of the woman, and, with the exception of this one single instance, unheard of since the world began! Oh, the unbridled and unrestrained lust! Oh, the extraordinary audacity of her conduct! To think that she did not fear (even if she disregarded the anger of the gods and the scorn of men) that nuptial night and those bridal torches! that she did not dread the threshold of that chamber! nor the bed of her daughter! nor those very walls, the witnesses of the former wedding! She broke down and overthrew everything in her passion and her madness; lust got the better of shame, audacity subdued fear, mad passion conquered reason. [16] Her son was indignant at this common disgrace of his family, of his blood, and of his name. His misery was increased by the daily complaints and incessant weeping of his sister; still he resolved that he ought to do nothing more himself with reference to his grievous injuries and the terrible wickedness of his mother, beyond ceasing to consider her as his mother; lest, if he did continue to behave to her as if she were his mother, he might be thought not only to see, but in his heart to approve of, those things which he could not behold without the greatest anguish of mind.

[17] You have heard what was the origin of the bad feeling between him and his mother; when you know the rest, you will perceive that I feared this with reference to our care; for, I am not ignorant that, whatever sort of woman a mother may be, still in a trial in which her son is concerned, it is scarcely fitting that any mention should be made of the infamy of his mother. I should not, O judges, be fit to con duct any cause, if, when I was employed in warding off danger from a friend, I were to fail to see this which is implanted and deeply rooted in the common feelings of all men, and in their very nature. I am quite aware, that it is right for men not only to be silent about the injuries which they suffer from their parents, but even to bear them with equanimity; but I think that those things which can be borne ought to be borne, that those things which can be buried in silence ought to be buried in silence. [18] Aulus Cluentius has seen no calamity in his whole life, has encountered no peril of death, has feared no evil, which has not been contrived against, and brought to bear upon him, from beginning to end, by his mother. But all these things he would say nothing of at the present moment, and would allow them to be buried, if possible, in oblivion, and if not, at all events in silence as far as he is concerned, but she does these things in such a manner that he is totally unable to be silent about them; for this very trial, this danger in which he now is, this accusation which is brought against him, all the multitude of witnesses which is to appear, has all been provided originally by his mother; is marshalled by his mother at this present time; and is furthered with all her wealth and all her influence. She herself has lately hastened from Larinum to Rome for the sake of destroying this her son. The woman' is at hand, bold, wealthy and cruel. She has provided accusers; she has trained witnesses; she rejoices in the mourning garments and miserable appearance of Cluentius; she longs for his destruction; she would be willing to shed her own blood to the last drop, if she can only see his blood shed first. Unless you have all these circumstances proved to you in the course of this trial, I give you leave to think that she is unjustly brought before the court by me now; but if all these things are made as plain as they are abominable, then you ought to pardon Cluentius for allowing these things to be said by me; and you ought not to pardon me if I were silent under

such circumstances 7. [19]

Now I will just briefly relate to you on what charges Oppianicus was convicted; that you may be able to see clearly both the constancy of Aulus Cluentius and the cause of this accusation. And first of all I will show you what was the cause of the prosecution of Oppianicus; so that you may see that, Aulus Cluentius only instituted it because he was compelled by force and absolute necessity. [20]

When he had evidently taken poison, which Oppianicus, the husband of his mother, had prepared for him; and as this fact was proved, not by conjecture, but by eyesight, — by his being caught in the fact; and as there could be no possible doubt in the case, he prosecuted Oppianicus. With what constancy, with what diligence he did so, I will state hereafter; at present I wish you to be aware that he had no other reason for accusing him, except that this was the only method by which he could escape the danger manifestly intended to his life, and the daily plots laid against his existence. And that you may understand that Oppianicus was accused of charges from which a prosecutor had nothing to fear, and a defendant nothing to hope, I will relate to you a few of the items of accusation which were brought forward at that trial; [21] and when you have heard them, none of you will wonder that he should have distrusted his case, and betaken himself to Stalenus and to bribery?

There was a woman of Larinum, named Dinea, the mother-in-law of Oppianicus, who had three sons, Marcus Aurius, Numerius Aurius, and Cnaeus Magius, and one daughter, Magia, who was married to Oppianicus. Marcus Aurius, quite a young man, having been taken prisoner in the social war at Asculum, fell into the hands of Quintus Sergius, a senator, who was convicted of assassination, and was put by him in his slaves' prison. But Numerius Aurius, his brother, died, and left Cnaeus Magius, his brother, his heir. Afterwards, Magia, the wife of Oppianicus, died; and last of all, that one who was the last of the sons of Dinea, Cnaeus Magius, also died. He left as his heir that young Oppianicus, the son of his sister, and enjoined that he should share the inheritance with his mother Dinea. In the meantime an informant comes to Dinea, (a man neither of obscure rank, nor uncertain as to the truth of his news,) to tell her that her son Marcus Aurius is alive, and is in the territory of Gaul, in

slavery. [22] The woman having lost her children, when the hope of recovering one of her sons was held out to her, summoned all her relations, and all the intimate friends of her son, and with tears entreated them to undertake the business to seek out the youth, and to restore to her that son whom fortune had willed should be the only one remaining to her out of many. Just when she had begun to adopt these measures, she was taken ill. Therefore she made a will in these terms: she left to that son four hundred thousand sesterces; and she made that Oppianicus who has been already mentioned, her grandson, her heir. And a few days after, she died. However, these relations, as they had undertaken to do while Dinea was alive, when she was dead, went into the Gallic territory to search out Aurius, with the same man who had brought Dinea the information. 8. [23]

In the meantime, Oppianicus being, as you will have proved to you by many circumstances, a man of singular wickedness and audacity, by means of some Gaul, his intimate friend, first of all corrupted that informer with a bribe, and after that, at no great expense, managed to have Aurius himself got out of the way and murdered. But they who had gone to seek out and recover their relation, send letters to Larinum, to the Aurii the relations of that young man, and their own intimate friends, to say that the investigation was very difficult for them, because they understood that the man who had given the information had been since bribed by Oppianicus. And these letters Aulus Aurius, a brave and experienced man, and one of high rank in his own city, the near relation of the missing Marcus Aurius, read openly in the forum, in the hearing of plenty of people, in the presence of Oppianicus himself, and with a loud voice declared that he would prosecute Oppianicus if he found that Marcus Aurius had been murdered. [24] The feelings, not only of his relations, but also of all the citizens of Larinum, are moved by hatred of Oppianicus, and pity for that young man. Therefore, when Aulus Aurius, he who had previously made this declaration, began to follow the man with loud cries and with threats, he fled from Larinum, and betook himself to the camp of that most illustrious man, Quintus Metellus. [25] After that flight, the witness of his crime, and of his consciousness of it, he never ventured to commit himself to the protection of a court of justice, or of the laws, — he never

dared to trust himself unarmed among his enemies; but at the time when violence was stalking abroad, after the victory of Lucius Sulla, he came to Larinum with a body of armed men, to the great alarm of all the citizens; he carried off the quatuorviri, whom the citizens of that municipality had elected; he said that he and three others had been appointed by Sulla; and he said that he received orders from him to take care that that Aurius who had threatened him with prosecution and with danger to his life, and the other Aurius, and Caius Aurius his son, and Sextus Vibius, whom he was said to have employed as his agent in corrupting the man who had given the information, were proscribed and put to death. Accordingly, when they had been most cruelly murdered, the rest were ale thrown into no slight fear of proscription and death by that circumstance. When these things had been made manifest at the trial, who is there who can think it possible that he should have been acquitted? 9.

And these things are trifles. Listen to what follows, and you will wonder, not that Oppianicus was at last condemned, but that he remained for some time in safety. [26]

In the first place, remark the audacity of the man. He was anxious to marry Sassia, the mother of Habitus, her whose husband, Aulus Aurius, he had murdered. It is hard to say whether he who wished such a thing was the more impudent, or she who consented was the more heartless. However, remark the humanity and virtue of both of them. [27] Oppianicus asks, and most earnestly entreats Sassia to marry him. But she does not marvel at his audacity, — does not scorn and reject his impudence, she is not even alarmed at the idea of the house of Oppianicus, red with her husband's blood; but she says that she has a repugnance to this marriage, because he has three sons. Oppianicus, who coveted Sassia's money, thought that he must seek at home for a remedy for that obstacle which was opposed to his marriage. For as he had an infant son by Novia, and as a second son of his, whom he had had by Papia, was being brought up under his mother's eye at Teanum in Apulia, which is about eighteen miles from Larinum, on a sudden, without alleging any reason, he sends for the boy from Teanum, which he had previously never been accustomed to do, except at the time of the public games, or on days of festival. His miserable mother, suspecting no evil, sends him. He

pretended to set out himself to Tarentum; and on that very day the boy, though at the eleventh hour he had been seen in public in good health, died before night, and the next day was burnt before daybreak. [28] And common report brought this miserable news to his mother before any one of Oppianicus's household brought her news of it. She, when she had heard at one and the same time, that she was deprived not only of her son, but even of the sad office of celebrating his funeral rites, came instantly, half dead with grief, to Larinum, and there performs funeral obsequies over again for her already buried son. Ten days had not elapsed when his other infant son is also murdered; and then Sassia immediately marries Oppianicus, rejoicing in his mind, and feeling confident of the attainment of his hopes. No wonder she married him, when she saw him so eager to propitiate her, not with ordinary nuptial gifts, but with the deaths of his sons. So that other men are often covetous of money for the sake of their children, but that man thought it more agreeable to lose his children for the sake of money. 10. [29]

I see, O judges, that you, as becomes your feelings of humanity, are violently moved at these enormous crimes now briefly related by me. What do you think must have been their feelings who had not only to hear of these wicked deeds, but also to sit in judgment on them? You are hearing of a man, in whose case you are not the judges, — of a man whom you do not see, — of a man whom you now can no longer hate, — of a man who has made atonement to nature and to the laws, whom the laws have punished with banishment, nature with death. You are hearing of these actions, not from any enemy, you are hearing of them without any witnesses being produced; you are hearing of them when those things which might be enlarged upon at the greatest length are stated by me in a brief and summary manner. They were hearing of the actions of a man with reference to whom they were bound to deliver their judgment on oath, — of a man who was present, whose infamous and hardened countenance they were looking upon, — of a man whom they hated on account of his audacity, — of him whom they thought worthy of every possible punishment. They were hearing the relation of these crimes from his accusers; they were hearing the statements of many witnesses; they were hearing a serious and long

oration on each separate particular from Publius Canutius, a most eloquent man. [30] And is there any man who, when he has become acquainted with these things, can suspect that Oppianicus was taken unfair advantage of, and crushed at his trial, though he was innocent? I will now mention all the other things in a lump, O judges, in order to come to those things which are nearer to, and more immediately connected with, this cause.

I entreat you to recollect that it was no part of my original intention to bring any accusation against Oppianicus, now that he is dead; but that as I wish to persuade you that the tribunal was not bribed by my client, I use this as the beginning and foundation of my defence, — that Oppianicus was condemned, being a most guilty and wicked man. He himself gave a cup to his own wife Cluentia, who was the aunt of that man Habitus, and she while drinking it cried out that she was dying in the greatest agony; and she lived no longer than she was speaking, for she died in the middle of this speech and exclamation. And besides the suddenness of this death, and the exclamation of the dying woman, everything which is considered a sign and proof of poison was discovered in her body after she was dead. 11. [31]

And by the same poison he killed Caius Oppianicus his brother, — and even this was not enough. Although in the murder of his brother no wickedness seems to have been omitted, still he prepared beforehand the road by which he was to arrive at his abominable crime by other acts of wickedness. For, as Auria, his brother's wife, was in the family way, and appeared to be near the time of her confinement, he murdered her also with poison, so that she and his own brother's child, whom she bore within her, perished at the same time. After that he attacked his brother; who, when it was too late, after he had drank that cup of death, and when he was uttering loud exclamations about his own and his wife's death, and was desirous to alter his will, died during the actual expression of this intention. So he murdered the woman, that he might not be cut off from his brother's inheritance by her confinement; and he deprived his brother's children of life before they were able to receive from nature the light which was intended for them; so as to give every one to understand that nothing could be protected against him, that nothing

was too holy for him, from whose audacity even the protection of their mother's body had been unable to preserve his own brother's children. [32]

I recollect that a certain Milesian woman, when I was in Asia, because she had by medicines brought on abortion, having been bribed to do so by the heirs in reversion, was convicted of a capital crime; and rightly, inasmuch as she had destroyed the hope of the father, the memory of his name, the supply of his race, the heir of his family, a citizen intended for the use of the republic. How much severer punishment does Oppianicus deserve for the same crime? For she, by doing this violence to her person, tortured her own body; but he effected this same crime through the torture and death of another. Other men do not appear to be able to commit many atrocious murders on one individual, but Oppianicus has been found clever enough to destroy many lives in one body. 12. [33]

Therefore when Cnaeus Magius, the uncle of that young Oppianicus, had become acquainted with the habits and audacity of this man, and, being stricken with a sore disease, had made him, his sister's son, his heir, summoning his friends, in the presence of his mother Dinea, he asked his wife whether she was in the family way; and when she said that she was, he begged of her after his death to live with Dinea who was her mother-in-law, till she was confined, and to take great care to preserve and to bring forth alive the child that she had conceived. Accordingly, he leaves her in his will a large sum, which she was to receive from his child if a child was born, but leaves her nothing from the reversionary heir. [34] You see what he suspected of Oppianicus; what his opinion of him was is plain enough. For though he left his son his heir, he did not leave him guardian to his children. Now, learn what Oppianicus did; and you will see that Magius, when dying, had an accurate foresight of what was to happen. The money which had been left to her from her child if any was born, that Oppianicus paid to her at once, though it was not due; if, indeed, it is to be called a payment of a legacy, and not wages for procuring abortion; and she, having received that sum, and many other presents besides, which were read out of the codicils of Oppianicus's will, being subdued by avarice, sold to the wickedness of Oppianicus that hope which she had in her womb, and which had

been so commended to her care by her husband. It would seem now that nothing could possibly be added to this wickedness: listen to the end. [35] — The woman who, according to the solemn request of her husband, ought not for ten months to have ever entered any house but that of her mother-in-law; five months after her husband's death married Oppianicus himself. But that marriage did not last long, for it was entered into, not with any regard to the dignity of wedlock, but from a partnership in wickedness. 13. [36]

What more shall I say? How notorious, while the fact was recent, was the murder of Asinius of Larinum, a wealthy young man! how much talked about in every one's conversation! There was a man of Larinum of the name of Avilius, a man of abandoned character and great poverty, but exceedingly skillful in rousing and gratifying the passions of young men; and as by his attentions and obsequiousness he had wormed himself into the acquaintance of Asinius, Oppianicus began forthwith to hope, that by means of this Avilius, as if he were an instrument applied for the purpose! he might catch the youth of Asinius, and take his father's wealth from him by storm. The plan was devised at Larinum; the accomplishment of it was transferred to Rome. For they thought that they could lay the foundations of that design more easily in solitude, but that they could accomplish a deed of the sort more conveniently in a crowd. Asinius went to Rome with Avilius; Oppianicus followed on their footsteps. How they spent their time at Rome, in what revels, in what scenes of debauchery, in what immense and extravagant expenses, not only with the knowledge, but even with the company and assistance of Oppianicus, would take me a long while to tell, especially as I am hurrying on to other topics. Listen to the end of this pretended friendship. [37] When the young man was in some woman's house, and passing the night there, and staying there also the next day, Avilius, as had been arranged, pretends that he is taken ill, and wishes to make his will — Oppianicus brings witnesses to sign it, who knew neither Asinius nor Avilius, and calls him Asinius; and he himself departs, after the will has been signed and sealed in the name of Asinius. Avilius gets well immediately. But Asinius in a very short time is slain, being tempted out to some sand-pits outside the Esquiline gate, by the idea that he was being taken to some villa. [38] And after he had been missed a

day or two, and could not be found in those places in which he was usually to be sought for, and as Oppianicus was constantly saying in the forum at Larinum that he and his friends had lately witnessed his will, the freedmen of Asinius and some of his friends, because it was notorious that on the last day that Asinius had been seen, Avilius had been with him, and had been seen with him by many people, proceed against him, and bring him before Quintus Manilius, who at that time was a triumvir. And Avilius at once, without any witness or any informer appearing against him, being agitated by the consciousness of his recent wickedness, relates everything as I have now stated it, and confesses that Asinius had been murdered by him according to the plan of Oppianicus. [39] Oppianicus, while lying concealed in his own house, is dragged out by Manilius; Avilius the informer is produced on the other side to face him. Why need you inquire what followed? Most of you are acquainted with Manilius; he had never from the time he was a child, had any thoughts of honour, or of the pursuit of virtue, or even of the advantage of a good character; but from having been a wanton and profligate buffoon, he had, in the dissensions of the state, arrived through the suffrages of the people at that office, to the seat of which he had often been conducted by the reproaches of the bystanders. Accordingly he arranges the business with Oppianicus; he receives a bribe from him; he abandons the cause after it was commended, and when it was fully proved. And in this trial of Oppianicus the crime committed on Asinius was proved by many witnesses, and also by the information of Avilius; in which, it was notorious that Oppianicus's name was mentioned first among the agents; and yet you say that he was an unfortunate and an innocent man, convicted by a corrupt tribunal. 14. [40]

What more? Did not your father, O Oppianicus, beyond all question, murder your grandmother Dinea, whose heir you are? who, when he had brought to her his own physician, a well-tried man and often victorious, (by whose means indeed he had slain many of his enemies,) exclaimed that she positively would not be attended by that man, through whose attention she had lost all her friends. Then immediately he goes to a man of Ancona, Lucius Clodius, a travelling quack, who had come by accident at that time to Larinum, and arranges with him for four hundred sesterces, as was shown at

the time by his account-books. Lucius Clodius, being a man in a hurry, as he had many more market towns to visit, did the business off-hand, as soon as he was introduced; he took the woman off with the first draught he gave her, and did not stay at Larinum a moment afterwards. [41] When this Dinea was making her will, Oppianicus, who was her son-in-law, having taken the papers, effaced the legacies she bequeathed in it with his finger; and as he had done this in many places, after her death, being afraid of being detected by all those erasures, he had the will copied over again, and had it signed and sealed with forged seals. I pass over many things on purpose. And indeed I fear lest I may appear to have said too much as it is. But you must suppose that he has been consistent with himself in every other transaction of his life. All the senators of Larinum decided that he had tampered with the public registers of the censors of that city. No one would have any account with him; no one would transact any business with him. Of all the connections and relations that he had, no one ever left him guardian to his children. No one thought him fit to call on, or to meet in the street, or to talk to, or to dine with. [42] All men shunned him with contempt and hatred, — all men avoided him as some inhuman and mischievous beast or pestilence. Still, audacious, infamous, guilty as he was, Habitus, O judges, would never have accused him, if he had been able to avoid doing so without danger to his own life. Oppianicus was his enemy; still he was his step-father: his mother was cruel to him and hated him; still she was his mother. Lastly, no one was ever so disinclined to prosecutions as Cluentius was by nature, by disposition, and by the constant habits of his life. But as he had this alternative set before him, either to accuse hint, as he was bound to do by justice and piety, or else to be miserably and wickedly murdered himself, he preferred accusing him any way he could, to dying in that miserable manner. [43]

And that you may have this thoroughly proved to you, I will relate to you the crime of Oppianicus, as it was clearly detected and proved, from which you will see both things, both that my client could not avoid prosecuting him, and that he could not possibly escape being convicted. 15.

There were some officers at Larinum called Martiales, the public

ministers of Mars, and consecrated to that god by the old institutions and religious ceremonies of the people of Larinum. And as there was a great number of them, and as, just as there were many slaves of Venus in Sicily, these also at Larinum were reckoned part of the household of Mars, on a sudden Oppianicus began to urge on their behalf, that they were all free men, and Roman citizens. The senators of Larinum and all the citizens of that municipality were very indignant at this. Accordingly they requested Habitus to undertake the cause and to maintain the public rights of the city. Habitus, although he had entirely retired from public life, still, out of regard to the place and the antiquity of his family, and because he thought that he was born not for his own advantage only, but also for that of his fellow-citizens, and of his other friends, he was unwilling to refuse the eager importunity of all the Larinatians. [44] Having undertaken the business, when the cause had been transferred to Rome, great contentions arose every day between Habitus and Oppianicus from the zeal of each for the side which he espoused. Oppianicus himself was a man of a bitter and savage disposition; and Habitus's own mother, being hostile to and furious against her son, inflamed his insane hatred. But they thought it exceedingly desirable for them to get rid of him, and to disconnect him from the cause of the Martiales. There was also another more influential reason which had great weight with Oppianicus, being a most avaricious and audacious man. [45] For, up to the time of that trial, Habitus had never made any will. For he could not make up his mind to bequeath anything to such a mother as his, nor, on the other hand, to leave his parent's name entirely out of his will. And as Oppianicus was aware of that, for it was no secret, he plainly saw, that, if Habitus were dead, all his property would come to his mother; and she might afterwards, when she had become richer, and had lost her son, be put out of the way by him, with more profit, and with less danger. So now see in what manner he, being urged on by these desires, endeavoured to take off Habitus by poison. 16. [46]

There were two twin brothers of the municipality of Aletrinum, by name Caius and Lucius Fabricius, men very like one another in appearance and disposition, but very unlike the rest of their fellow-citizens; among whom what uniform respectability of character, and

what consistent and moderate habits of life prevail, there is not one of you, I imagine, who is ignorant. Oppianicus was always exceedingly intimate with these Fabricii. You are all pretty well aware what great power in causing friendship a similarity of pursuits and disposition has. As these two men lived in such a way as to think no gain discreditable; as every sort of fraud, and treachery, and cheating of young men was practiced by them; as they were notorious for every sort of vice and dishonesty, Oppianicus, as I have said, had cultivated their intimacy for many years. [47] And accordingly he now resolved to prepare destruction for Habitus by the agency of Caius Fabricius, for Lucius had died. Habitus was at that time in delicate health; and he was employing a physician of no great reputation, but a man of tried skill and honesty, by name Cleophantus, whose slave, Diogenes, Fabricius began to tamper with, and to induce by promises and bribes to give poison to Habitus. The slave, being a cunning fellow, but, as the affair proved, a virtuous and upright man, did not refuse to listen to Fabricius' discourse; he reported the matter to his master, and Cleophantus had a conference with Habitus. Habitus immediately communicated the business to Marcus Bebrius, a senator, his most intimate friend; and I imagine you all recollect what a loyal, and prudent, and worthy man he was. His advice was that Habitus should buy Diogenes of Cleophantus, in order that the matter might be more easily proved by his information, or else be discovered to be false. Not to make a long story of it, Diogenes is bought in a few days, (when many virtuous men had secretly been made aware of it,) the poison, and the money sealed up, which was given for that purpose, is seized in the hands of Scamander, a freedman of the Fabricii. [48] O ye immortal gods! will any one, when he has heard all these facts, say that Oppianicus was falsely convicted? 17.

Who was ever more audacious? who was ever more guilty? who was ever brought before a court more manifestly detected in his guilt? What genius, what eloquence could there be, what plea in defence could possibly be devised, which could stand against this single accusation? And at the same time, who is there that can doubt that, in such a case as this so clearly detected and proved, Cluentius was forced either to die himself, or to undertake the prosecution? [49]

I think, O judges, that it is proved plainly enough, that Oppianicus was prosecuted on such accusations that it was absolutely impossible for him to be honestly acquitted. Now I will show you that he was brought before the courts as a criminal, in such a way that he came before them already condemned, as there had been more than one or even two previous investigations of his case. For Cluentius, O judges, in the first instance, accused that man in whose hands he had seized the poison. That was Scamander, the freedman of the Fabricii. The Bench was honest. There was no suspicion of the judges having been bribed. A plain case, a well-proved fact, an undeniable charge was brought before the court. So then this Fabricius, the man whom I have mentioned already seeing that, if his freedman were condemned, he himself would be in danger, because he knew that I lived in the neighbourhood of Aletrinum, and was very intimate with many of the citizens of that place, brought a number of them to me: who, although they had that opinion of the man which they could not help having, still, because he was of the same municipality as themselves, thought it concerned their dignity to defend him by what means they could; and they begged of me that I would do so, and that I would undertake the cause of Scamander; and on his cause all the safety of his master depended. [50] I, as I was unable to refuse anything to men who were so respectable, and so much attached to me, — and as I was not aware that the accusation was one involving crimes of such enormity and so undeniably proved — as indeed they too, who were then recommending the cause to me, were not aware either, — promised to do all that they asked of me. 18.

The cause began to be pleaded; Scamander the defendant was cited before the court. Publius Canutius was the counsel for the prosecution, a man of the greatest ability, and a very accomplished speaker; and he accused Scamander in plain words, saying “that the poison had been discovered on him.” All the force of his accusation was directed against Oppianicus. The cause of his designs against Cluentius was revealed; his intimacy with the Fabricii was mentioned; the way of life and audacity of the man was revealed; in short, the whole accusation was stated with great firmness and with varied eloquence, and at last was summed up by the proved

discovery of the poison. Then I rose to reply, [51] with what anxiety, O ye immortal gods! with what solicitude of mind! with what fear! Indeed, I am always very nervous when I begin to speak. As often as I rise to speak, so often do I think that I am myself on my trial, not only as to my ability, but also as to my virtue and as to the discharge of my duty; lest I should either seem to have undertaken what I am incapable of performing, which is an impudent act, or not to perform it as well as I can, which is either a perfidious action or a careless one. But that time I was so agitated, that I was afraid of everything. I was afraid, if I said nothing, of being thought utterly devoid of eloquence, and, if I said much in such a case, of being considered the most shameless of men. 19.

I recollected myself after a time, and adopted this resolution, that I must needs act boldly; that the age which I was of at that time generally had much allowance made for it, even if I were to stand by men in danger, though their cause had but little justice in it. And so I acted. I strove and contended by every possible means, I had recourse to every possible expedient, to every imaginable excuse in the case, which I could think of; so as, at all events, (though I am almost ashamed to say it,) no one could think that the cause had been left without an advocate. [52] But, whatever excuse I tried to put forth, the prosecutor immediately wrested out of my hands. If I asked what enmity there was between Scamander and Habitus, he admitted that there was none. But he said that Oppianicus, whose agent he had been, had always been and still was most hostile to Habitus. If again I urged that no advantage would accrue to Scamander by the death of Habitus; he admitted that, but he said that all the property of Habitus would come to the wife of Oppianicus, a man who had had plenty of practice in killing his wives. When I employed this argument in the defence, which has always been considered a most honourable one to use in the causes of freedmen, that Scamander was highly esteemed by his patron; he admitted that, but asked, Who had any opinion of that patron himself? [53] When I urged at some length the argument, that plot might have been laid against Scamander by Diogenes, and that it might have been arranged between them on some other account that Diogenes should bring him medicine, not poison that this might happen to any one; he asked why he came into such a

place as that, into so secret a place, why he came by himself, why he came with a sum of money sealed up. And lastly, at this point, our cause was weighed down by witnesses, most honourable men. Marcus Bebrius said that Diogenes had been bought by his advice, and that he was present when Scamander was seized with the poison and the money in his possession. Publius Quintilius Varus a man of the most scrupulous honour, and of the greatest authority, said that Cleophantus had conversed with him about the plots which were being laid against Habitus, and about the tampering with Diogenes, while the matter was fresh. [54] And all through that trial, though we appeared to be defending Scamander, he was the defendant only in name, but in reality, it was Oppianicus who was in peril, and who was the object of the whole prosecution. Nor, indeed, was there any doubt about it, nor could he disguise that that was the case. He was constantly present in court, constantly interfering in the case; he was exerting all his zeal and all his influence. And lastly, which was of great injury to our cause, he was sitting in that very place as if he were the defendant. The eyes of all the judges were directed, not towards Scamander, but towards Oppianicus; his fear, his agitation, his countenance betraying suspense and uncertainty, his constant change of colour, made all those things, which were previously very suspicious, palpable and evident. 20. [55]

When the judges were about to come to their decision, Caius Junius, the president, asked the defendant, according to the provisions of the Cornelian law which then existed, whether he wished the decision to be come to in his case secretly or openly. He replied by the advice of Oppianicus, because he said that Junius was an intimate friend of Habitus, that he wished the decision to be come to secretly. The judges deliberate. Scamander on the first trial was convicted by every vote except one, which Stalenus said was his. Who in the whole city was there at that time, who when Scamander was condemned, did not think that sentence had been passed on Oppianicus? What point was decided by that conviction except that that poison had been procured for the purpose of being given to Habitus? However, what suspicion of the very slightest nature attached, or could attach to Scamander, so that he should be thought to have desired of his own accord to kill Habitus?

[56] And, now that this trial had taken place, now that Oppianicus was convicted in fact, and in the general opinion of every one, though he was not yet condemned by any sentence having been legally passed upon him, still Habitus did not at once proceed criminally against Oppianicus. He wished to know whether the judges were severe against those men only whom they had ascertained to have poison in their own possession, or whether they judged the intention and complicity of others in such crimes worthy of the same punishment. Therefore, he immediately proceeded against Caius Fabricius, who, on account of his intimacy with Oppianicus, he thought must have been privy to that crime; and, on account of the connection of the two causes, he obtained leave to have that cause taken first. Then this Fabricius not only did not bring to me my neighbours and friends the citizens of Aletrinum, but he was not able himself any longer to employ them as men eager in his defence, or as witnesses to his character. [57] For they and I thought it suitable to our humanity to uphold the cause of a man not entirely a stranger to us, while it was undecided, though suspicious; but to endeavour to upset the decision which had been come to, we should have thought a deed of great impudence. Accordingly he, being compelled by his desolate condition and necessity, fled for aid to the brothers Cepasii, industrious men, and of such a disposition as to think it an honour and a kindness to have any opportunity of speaking afforded them. 21.

Now this is a very shameful thing, that in diseases of the body, the more serious the complaint is, the more carefully is a physician of great eminence and skill sought for; but in capital trials, the worse the case is, the more obscure and unprincipled is the practitioner to whom men have recourse. The defendant is brought before the court; the cause is pleaded; Canutius says but little in support of the accusation, it being a case, in fact, already decided. [58] The elder Cepasius begins to reply, in a long exordium, tracing the facts a long way back. At first his speech is listened to with attention. Oppianicus began to recover his spirits, having been before downcast and dejected. Fabricius himself was delighted. He was not aware that the attention of the judges was awakened, not by the eloquence of the man, but by the impudence of the defence. After he began to discuss

the immediate facts of the case, he himself aggravated considerably the unfavourable circumstances that already existed. Although he pleaded with great diligence, yet at times he seemed not to be defending the man, but only quibbling with the accusation. And while he was thinking that he was speaking with great art, and when he had made up this form of words with his utmost skill, "Look, O judges, at the fortunes of the men, look at the uncertainty and variety of the events that have befallen them, look at the old age of Fabricius;" — when he had frequently repeated this "Look," for the sake of adorning his speech, he himself did look, but Caius Fabricius had slunk away from his seat with his head down. [59] On this the judges began to laugh; the counsel began to get in a rage, and to be very indignant that his cause was taken out of his mouth, and that he could not go on saying "Look, O judges," from that place; nor was anything nearer happening, than his pursuing him and seizing him by the throat, and bringing him back to his seat, in order that he might be able to finish his summing up. And so Fabricius was condemned, in the first place by his own judgment, which is the severest condemnation of all, and in the second place by the authority of the law, and by the sentences of the judges. 22.

Why, now, need we say any more of this cause of Oppianicus? He was brought as a defendant before those very judges by whom he had already been condemned in ten previous examinations. By the same judges, who, by the condemnation of Fabricius, had in reality passed sentence on Oppianicus, his trial was appointed to come on first. He was accused of the gravest crimes, both of those which have already been briefly mentioned by me, and of many others besides, all of which I now pass over. He was accused before those men who had already condemned both Scamander the agent of Oppianicus, and Fabricius his accomplice in crime. [60] Which, O ye immortal gods! is most to be wondered at, that he was condemned, or that he dared to make any reply? For what could those judges do? If they had condemned the Fabricii when innocent, still in the case of Oppianicus they ought to have been consistent with themselves, and to have made their present decision harmonize with their previous ones. Could they themselves of their own accord rescind their own judgments, when other men, when giving judgment, are accustomed

most especially to take care that their decisions be not at variance with those of other judges? And could those who had condemned the freedman of Fabricius, because he had been an agent in the crime, and his patron, because he had been privy to it, acquit the principal and original contriver of the whole wickedness? Could those who, without any previous examination, had condemned the other men from what appeared in the cause itself, acquit this man whom they knew to have been already convicted twice over? [61] Then indeed those decisions of the senatorial body, branded with no imaginary odium, but with real and conspicuous infamy, covered with disgrace and ignominy, would have left no room for any defence of them. For what answer could these judges make if any one asked of them, "You have condemned Scamander; of what crime? Because, forsooth, he attempted to murder Habitus by poison, by the agency of the slave of the doctor. What was Scamander to gain by the death of Habitus? Nothing; but he was the agent of Oppianicus. You have condemned Caius Fabricius; why so? Because, as he himself was exceedingly intimate with Oppianicus, and as his freedman had been detected in the very act, it was not proved that he was entirely ignorant of his design." If, then, they had acquitted Oppianicus himself, after he had been twice condemned by their own decisions, who could have endured such infamy on the part of the tribunals, such inconsistency in judicial decisions, and such caprice on the part of the judges?

[62] But if you now clearly see this, which has been long ago proved by the whole of my speech, that the defendant must inevitably be condemned by that decision, especially when brought before the same judges who had made two previous investigations into the matter, you must at the same time see this, that the accuser could have had no imaginable reason for wishing to bribe the bench of judges. 23.

For I ask you, O Titus Altius, leaving out of the question all other arguments, whether you think that the Fabricii who were condemned were innocent? whether you say that those decisions also were corruptly procured by bribes? though in one of those decisions one of the defendants was acquitted by Stalenus alone; in the other, the defendant, of his own accord, condemned himself. Come, now, if they were guilty, of what crime were they guilty? Was there any

crime imputed to them except the seeking for poison with which to murder Habitus? Was there any other point mooted at those trials, except these plots which were laid against Habitus by Oppianicus, through the instrumentality of the Fabricii? Nothing else, you will find; I say, O judges, nothing else. It is fresh in people's memories There are public records of the trial. Correct me if I am speaking falsely. Read the statements of the witnesses. Tell me, in those trials, what was objected to them, I will not say as an accusation, but even as a reproach, except this poison of Oppianicus. [63] Many reasons can be alleged why it was necessary that this decision should be given; but I will meet your expectation half-way, O judges. For although I am listened to by you in such a way, that I am persuaded no one was ever listened to more kindly or more attentively, still your silent expectation has been for some time calling me in another direction, and seeming to chide me thus:—"What then? Do you deny that that sentence was procured by corruption?" I do not deny that, but I say that the corruption was not practiced by my client. By whom, then, was it practiced? I think, in the first place, if it had been uncertain what was likely to be the result of that trial, that still it would have been more probable that he would have recourse to corruption, who was afraid of being himself convicted, than he who was only afraid of another man being acquitted. In the second place, as it was doubtful to no one what decision must inevitably be given, that he would employ such means, who for any reason distrusted his case, rather than he who had every possible reason to feel confidence in his. Lastly, that at all events, he who had twice failed before those judges must have been the corrupter, rather than he who had twice established his case to their satisfaction. [64] One thing is quite certain. No one will be so unjust to Cluentius, as not to grant to me, if it be proved that that tribunal was bribed, that it was bribed either by Habitus or by Oppianicus. If I prove that it was not bribed by Habitus, I prove that it was by Oppianicus, — I clear Habitus. Wherefore, although I have already established plainly enough that the one had no reason whatever for having recourse to bribery, (and from this alone it follows that the bribery must have been committed by Oppianicus,) still you shall have separate proofs of this particular point. 24.

And I will adduce those facts as arguments which, however, are very weighty ones — namely, that he was the briber, who was in danger, — that he was the briber, who was afraid, — that he was the briber, who had no hope of safety by any other means; he who was always a man of extraordinary audacity. There are many such arguments. But when I have a case which is not doubtful, bull open and evident, the enumeration of every separate argument is superfluous. [65] I say that Statius Albius gave Caius Attius Stalenus the judge a large sum of money to influence his decision. Does any one deny it? I appeal to you, O Oppianicus; to you, O Titus Attius; the one of whom deplores that conviction with his eloquence, the other with silent piety. Dare to deny it, if you can, that money was given by Oppianicus to Stalenus the judge. Deny it — deny it, I say, where you stand. Why are you silent? But you cannot deny it, for you sought to recover what had been paid. You have admitted it, — you have recovered it. With what face now do you dare to mention a decision given through corruption, when you confess that money was given by the opposite side to the judge before trial, and recovered from him after the trial? [66] How, then, were all these things managed? I will go back a little way, O judges, and I will explain everything which has lain hid in long obscurity, so that you shall appear almost to see it with your eyes. I entreat you, as you have listened to me attentively up to this time, so to listen to what is to come. In truth, nothing shall be said by me which shall not seem to be worthy of this assembly and this silence which is maintained in the court, — worthy of your attention and of your ears.

For when first Oppianicus began to suspect, from the fact of a prosecution having been instituted against Scamander, what danger he himself was threatened with, he immediately set himself to work to become intimate with a man, needy, audacious, a practiced agent in the corruption of tribunals but at that time himself a judge, Stalenus. And first of all, when Scamander was the defendant, he made such an impression on him by his gifts, and presents, and liberality; that he showed himself a more eager assistant than the credit of a judge could stand. [67] But afterwards, when Scamander had been acquitted by the single vote of Stalenus, but when the patron of Scamander had not been acquitted even by his own

judgment, he found that he must provide for his safety by stronger measures. Then he began to request of Stalenus as from a man most acute in contriving, most impudent in daring, and most intrepid in executing, (for all these qualities he had in a great degree, and he pretended to have them in a still greater degree,) assistance to save his credit and his fortunes. 25.

You are not ignorant, O judges, that even beasts, when warned by hunger, usually return to that place where they have once been fed. [68] That Stalenus, two years before, when he had undertaken the cause of the property of Safinius at Atella, had said that he would bribe the tribunal with six hundred thousand sesterces. But when he had received this sum from the youth, he embezzled it, and when the trial was over, he did not restore it either to Safinius or to the purchasers of the property. But when he had spent all that money, and had nothing left, not only nothing to gratify his desires, but nothing even to supply his necessities, he made up his mind that he must return to the same system of plunder and judicial embezzlement. And, therefore, as he saw that Oppianicus was in a desperate way, and overwhelmed by two previous investigations adverse to him, he raised him up from his depression with his promises, and bade him not despair of safety. [69] Oppianicus began to entreat the man to show him some method of corrupting the tribunal But he, as was afterwards heard from Oppianicus himself, said that there was no one in the city except himself who could do this. But at first he began to make objections, because he said that he was a candidate for the aedileship with men of the highest rank, and that he was afraid of incurring unpopularity and of giving offence. Afterwards, being prevailed on, he required at first a large sum of money. At last, he came down to what could be managed, and desired six hundred and forty thousand sesterces to be sent to his house. And as soon as this money was brought to him, that most worthless man immediately began to form and adopt the following idea, — that nothing could be more advantageous for his interests than for Oppianicus to be condemned; because, if he were acquitted, he must either distribute the money among the judges, or else restore it to him: but if he were condemned, there would be no one to reclaim it. [70] Therefore, he contrives a singular plan. And you will

the more easily, O judges, believe the things which are said by us, if you will direct your minds back a considerable space, so as to recollect the way of life and disposition of Caius Stalenus. For according to the opinion that is formed of a man's habits do people conjecture what has or has not been done by him. 26.

As he was a man needy, expensive, audacious, cunning, perfidious, and as he saw so vast a sum of money laid up in his house, a most miserable and unfurnished receptacle for it, he began to revolve in his mind every sort of cunning and fraud. "Must I give it to the judges? In that case, what shall I get myself, except danger and infamy? Can I contrive no means by which Oppianicus must be condemned? Why not? There is nothing in the world that cannot be managed somehow. If any chance delivers him from danger, must I not return the money? Let us, then, drive him on headlong, and crush him in utter ruin." [71] He adopts this plan, — he promises some of the most insignificant of the judges some money; then he keeps it back, hoping by this means (as he thought that the respectable men would, of their own accord, judge with impartiality) to make those who were less esteemed furious against Oppianicus on account of their disappointment. Therefore, as he had always been a blundering and a perverse fellow, he begins with Bulbus, and finding him sulky and yawning because he had got nothing for a long time, he gives him a gentle spur. "What will you do," says he, "will you help me, O Bulbus, so that we need not serve the republic for nothing?" But he, as soon as he heard this—"For nothing," said he, "I will follow whenever you like. But what have you got?" Then he promises him forty thousand sesterces if Oppianicus is acquitted. And he begs him to summon the rest of those with whom he is accustomed to converse, and he, the contriver of the whole business, adds Gutta to Bulbus. [72] Therefore, he did not seem at all bitter after the taste he had had of his discourse. One or two days passed, when the matter appeared somewhat doubtful. He wanted the agent and some security for the money. Then Bulbus addresses the man with a cheerful countenance, as caressingly as he can "What will you do," says he, "O Paetus?" (For Stalenus had chosen this surname for himself from the images of the Aelii, lest if he called himself Ligur, he should seem to be using the name of his nation rather than that of his

family.) “Men are asking me where the money is about which you talked to me.” On this that most manifest rogue, fed on gains acquired by tampering with the courts of justice, as he had now all his hopes and all his heart set upon that sum of money which he had got in his house, begins to frown. (Recollect his face, and the expression that you have seen him put on.) He complains that he has been thrown out by Oppianicus; and he, a man wholly made up of fraud and lies, and who had even improved those vices which he had by nature, by careful study, and by a regular sort of system of wickedness, declares positively that he has been cheated by Oppianicus; and he adds this assertion, — that he will be condemned by the vote which in his case every one was to give openly. 27. [73]

The report had reached the bench, that there was mention made of corruption being practiced among the judges; — the matter had not been kept as secret as it ought to have been, and yet was not so thoroughly detected as it was desirable that it should be for the sake of the republic. While the matter was so obscure, and every one in such doubt, on a sudden Canutius, a very clever man, and who had got some suspicion that Stalenus had been tampered with, but who thought that the business was not definitively settled, determined to set sentence pronounced. The judges said that they were willing. And at that time Oppianicus himself was in no great alarm. He thought that the whole business had been settled by Stalenus. [74] The judges who were to deliberate on the case were thirty-two in number: an acquittal would be obtained by the votes of sixteen of them. Forty thousand sesterces given to each judge ought to make up that number of votes, and then the vote of Stalenus himself, who would be induced by the hope of a greater reward still, would crown the whole, making the seventeenth. And it happened by chance, because the matter was concluded in this way on a sudden, that Stalenus himself was not present. He was acting as counsel for the defence in some cause or other before a judge. Habitus did not mind that, nor did Canutius. But Oppianicus and his patron Lucius Quinctius were not so well pleased; and as Lucius Quinctius was at that time a tribune of the people, he reproached Caius Junius the judge most bitterly, and insisted upon it that they should not deliberate on their decision without the presence of Stalenus, and as they appeared to be

purposely rather careless in communicating with him on the subject by means of the lictors, he himself went out of the criminal court into the civil court, where Stalenus was engaged, and, as he had the power to do, adjourned that court, and himself brought Stalenus back to the bench. [75] The judges rise to give decisions, when Oppianicus said, as he had at that time a right to do, that he wished the votes to be given openly; his object being that Stalenus might know what was to be paid to each judge. There were different kinds of judges, a few were bribed, but all were unfavorable. As men who are accustomed to receive bribes in the Campus Martius are usually exceedingly hostile to those candidates whose money they think is kept back, so the judges of the same sort were then very indignant against this defendant. The others considered him very guilty, but they waited for the votes of those who they thought had been bribed, that by seeing their votes they might judge who it was that they had been bribed by. 28.

Behold now — the lots were drawn with such a result that Bulbus, Stalenus, and Gutta were the first who were, to deliver their opinions. There was the greatest anxiety on the part of every one to see what vote would be given by these worthless and corrupt judges. And they all condemn him without the slightest hesitation. [76] On this, great scruples arose in men's minds, and some doubt as to what had really been done. Then some of the judges, wise men, trained in the old-fashioned principles of the ancient tribunals, as they could: not acquit a most guilty man, and yet, as they did not like at once to condemn a man, in whose case there appeared reason to suspect that bribery had been employed against him, before they were able to ascertain the truth of this suspicion, gave as their decision, "Not proven." But some severe men, who made up their minds that regard ought to be had to the intention with which a thing was done by any one, although they believed that others had only given a correct decision through the influence of bribery, nevertheless thought that it behoved them to decide consistently with their previous decisions. Accordingly, they condemned him. There were five in all, who, whether they did so out of ignorance, or out of pity, or from being influenced by some secret suspicion, or by some latent ambition, acquitted that innocent Oppianicus of yours altogether. [77]

After Oppianicus had been condemned, immediately Lucius Quinctius, an excessive seeker after popularity, who was accustomed to catch at every wind of report, and at every word uttered in the assemblies, thought that he had an opportunity of rising himself, by exciting odium against the senators; because he thought that the decisions of that body were already falling into disfavour in the eyes of the people. One or two assemblies are held, very violent and stormy: a tribune of the people kept loudly asserting that the judges had taken money to condemn an innocent prisoner: he kept saying, that the fortunes of all men were at stake; that there were no courts of justice; that no one could be safe who had a wealthy enemy. Men ignorant of the whole business, who had never even seen Oppianicus, and who thought that a most virtuous citizen, that a most modest man had been crushed by money, being exasperated by this suspicion, began to demand that the whole matter should be brought forward and inquired into, and in fact, to require an investigation of the whole business; and at that very time Stalenus, having been sent for by Oppianicus, came by night to the house of Titus Annius, a most honourable man, and a most intimate friend of my own. [78] By this time the whole business is known to every one; — what Oppianicus said to him about the money; how he said that he would restore the money; how respectable men heard the whole of their conversation, having been placed in a secret place with that view; how the whole matter was laid open, and mentioned publicly in the forum, and how all the money was extorted from and compelled to be restored by Stalenus. 29.

The character of this Stalenus, already known to and thoroughly ascertained by the people, was such as to make no suspicion unnatural; still, those who were present in the assembly did not understand that the money which he had promised to pay on behalf of the defendant, had been kept back by him. — For this they were not told. They were aware that reports of bribery had been at work in the court of justice; they heard that a defendant had been condemned who was innocent; they saw that he had been condemned by Stalenus's vote. They judged, because they knew the man that it had not been done for nothing. A similar suspicion existed with respect to Bulbus, and Gutta, and some others. [79] Therefore, I confess, (for I

may now make the confession with impunity, especially in this place,) that not only the habits of life of Oppianicus, but that even his name was unknown to the people before that trial. Moreover that, as it did seem a most scandalous thing for an innocent man to have been crushed by the influence of money; and as the general profligacy of Stalenus, and the baseness of some others of the judges who resembled him, increased this suspicion; and as Lucius Quinctius pleaded his cause, a man not only of the greatest influence, but also of exceeding skill in arousing the feelings of the multitude; by these circumstances a very great degree of suspicion was excited against, and a very great degree of odium attached to that tribunal. And I recollect, that Caius Junius who had presided over that trial, was thrown, as it were, into the fresh fire; and that he, a man of aedilitian rank, who was already praetor in the universal opinion of all men, was driven out of the forum and even out of the city, not by any regular discussion, but by the outcry raised against him by all men.

[80] And I am not sorry that I am defending the cause of Aulus Cluentius at this time rather than at that time. For the cause remains the same, and cannot by any means be altered; the violence of the times, and the unpopularity then stirred up, has passed away; so that the evil that existed in the time is now no injury to us, the good which there was in the cause is still advantageous to us. And, therefore, I perceive now how attentively I am listened to, not only by those to whom the judgment and the power of deciding belongs, but even by those whose influence is confined to their mere opinion. But if at that time I had been speaking, I should not have been listened to: not that the circumstances were different; they are exactly the same; but because the time was different — and of that you may feel quite sure. 30.

Who at that time could have dared to say? Oppianicus had been condemned because he was guilty? who now ventures to deny it? Who at that time could have ventured to assert that Oppianicus had endeavoured to corrupt the bench of judges with money? at the present time who is there who can deny it? Who, at that time, would have been suffered to mention that Oppianicus was prosecuted, after having been already condemned by two previous investigations? who is there at the present time who can attempt to invalidate this

statement? [81] Wherefore, all party feeling being now out of the question, for time has removed that, my oration has begged you to dismiss it from your minds, and your good faith and justice has discarded it from an inquiry into truth; it is there besides in the cause that remains in doubt?

It is perfectly notorious that bribery was practiced or attempted at that trial. The question is, By whom was it practiced; by the prosecutor, or by the defendant? The prosecutor says, "In the first place, I was prosecuting him on the most serious charges, so that I had no need of bribery; in the second place, I was prosecuting a man who was already condemned, so that he could not have been saved even by bribery; and lastly, even if he had been acquitted, my position and my fortune would have been uninjured by his acquittal." What does the defendant say, on the other hand? "In the first place, I was alarmed at the very number and atrocity of the charges; in the second place, I felt that, after the Fabricii had been condemned on account of their being privy to my wickedness, I was condemned myself; lastly, I was in such a condition that my whole position and all my fortunes depended entirely on that one trial, from which I was in danger." [82]

Come now, since the one had many and grave reasons for bribing the judges, and the other had none, let us try to trace the course of the money itself. Cluentius has kept his accounts with the greatest accuracy; and this system has this in it, that by that means nothing can possibly be added to or taken from the income without its being known. It is eight years after that cause occupied men's attention that you are now handling, stirring up, and inquiring into everything which relates to it, both in his accounts and in the papers of others; and in the meantime you find no trace of any money of Cluentius's in the whole business. What then? Can we trace the money of Albius by the scent, or can you guide us, so that we may be able to enter into his very chamber, and find it there? There are in one place six hundred and forty thousand sesterces; they are in the possession of one most audacious man; they are in the possession of a judge. What would you have more? [83] Oh, but Stalenus was not commissioned to corrupt the judges by Oppianicus, but by Cluentius. Why, when the judges were retiring to deliberate, did Cluentius and Canutius allow

him to go away? Why, when they were going to give their votes, did they not require the presence of Stalenus the judge, to whom they had given the money Oppianicus did not for him; Quinctius did demand his presence. The tribunitian power was interposed to prevent a decision being come to without Stalenus. But he condemned him. To be sure, for he had given this condemnatory vote as a sort of pledge to Bulbus and the rest to prove that he had been cheated by Oppianicus. If, therefore, on one side, there is a reason for corrupting the tribunal; on one side, money; on one side, Stalenus; on one side, every description of fraud and audacity: and on the other side, modesty, an honourable life, and no suspicion of corruption, and no object in corrupting the tribunal; allow, now that the truth is made clear and all error dispelled, the discredit of that baseness to adhere to that side to which all the other wickednesses are attached; and allow the odium of it to depart at last from that man, whom you do not perceive to have ever been connected with any fault. 31. [84]

Oh, but Oppianicus gave Stalenus money, not to corrupt the judges, but to conciliate their favour. Can you, O Attius, can a man endued with your prudence, to say nothing of your knowledge of the world, and practice in pleading, say such a thing as this? For they say that he is the wisest man; to whom everything which is necessary is sure to occur of his own accord; and that he is next best to him, who is guided by the clever experience of another. But in folly it is just the contrary; for he is less foolish to whom no folly occurs spontaneously, than he who approves of the folly which occurs to another. That idea of conciliating favour Stalenus thought of, while the case was fresh, when he was held by the throat as it were; or rather, as people said at the time, he took the hint from Publius Cethegus, when he published that fable about conciliation and favour. [85] For you can recollect that this was what men said at the time; that Cethegus, because he hated the man and because he wished to get rid of such rascality out of the republic, and because he saw that he who had confessed that, while a judge, he had secretly and irregularly taken money from a defendant, could not possibly get off, had given him treacherous advice. If Cethegus behaved dishonestly in this matter, he appears to me to have wished to get rid of an adversary; but if the case was such that Stalenus could not

possibly deny that he had received the money, (and nothing could be more dangerous or more disgraceful than to confess for what purpose he had received it,) the advice of Cethegus is not to be blamed. [86] But the case of Stalenus then was very different from what your case is now, O Attius. He, being pressed by the facts, could not possibly say anything which was not more creditable than confessing what had really happened. But I do marvel that you should have now brought up again the very same plea which was then hooted out of court and rejected; [86] for how could Cluentius possibly become friends with Oppianicus, when he was at enmity with his mother? The names of the defendant and prosecutor were recorded in the public documents; the Fabricii had been condemned; Albius could not possibly escape if there were any other prosecutor, nor could Cluentius abandon the prosecution without rendering himself liable to the imputation of having trumped up a false accusation. 32. [87]

Was the money given to procure any collusion? That, too, has a direct reference to corrupting the judges. But what was the necessity for employing a judge as an agent in such a business? And above all things, what need was there for transacting the whole business through the agency of Stalenus, a man perfectly unconnected with either party, — a most sordid and infamous man — rather than through the intervention of some respectable person, some common friend or connection of both parties? But why need I discuss this matter at length, as if there were any obscurity in the business, when the very money which was given to Stalenus, proves by its amount and by its sum total, not only how much it was, but for what purpose it was given? I say that it was necessary to bribe sixteen judges, in order to procure the acquittal of Oppianicus; I say that six hundred and forty thousand sesterces were taken to Stalenus's house. If, as you say, this was for the purpose of conciliating good-will, what is the meaning of that addition of forty thousand sesterces? but if, as we say, it was in order that forty thousand sesterces might be given to each judge, then Archimedes himself could not calculate more accurately. [88]

But a great many decisions have been come to, tending to prove that the tribunal was corrupted by Cluentius. I say, on the other hand, that before this time, that matter has never been brought before the

court at all on its own merits. The matter has been so very much canvassed, and has been so long the subject of discussion, that this is the very first day that a word has been said in defence of Cluentius; this is the very first day that truth, relying on these judges, he ventured to lift up her voice against the popular feeling. However, what are all those numerous decisions? for I have prepared myself to encounter everything, and I am ready to show that the decisions which were said to have been come to afterwards, bearing on that decision, were, as to some of them, more like an earthquake or a tempest, than an orderly judgment or a regular decision; that, as to some of them they had no weight against Habitus at all; that some of them even told in his favour; and that some were such that they were never called judicial decisions at all, and never even thought so. [89] Here I, rather for the sake of adhering to the usual custom, than from any fear that you would not do so of your own accord, will beg of you to listen to me with attention, while I discuss each of these decisions. 33.

Caius Junius, who presided over that trial, has been condemned; add that also, if you please, — he was condemned at the time that he was a criminal judge. No relaxation of the prosecution or mitigation of the law was procured by the means of any one of the tribunes of the people. At a time that it was contrary to law for him to be taken away from the investigation of the case before him to discharge any duty to the republic whatever; — at that very time, I say, he was hurried off to the investigation. But to what investigation? For the expression of your countenances, O judges, invites me to say freely what I had thought I must have suppressed. [90] What shall I say? Was that then an investigation, or a discussion, or a decision? I will suppose it was. Let him, who wishes today to speak on the subject of the people having been excited, say whose wishes were at that time complied with; let him say on what account Junius gave his decision. Whomsoever you ask, you will get this answer; — Because he received money, because he unfairly crushed an innocent man. This is the common opinion. But if that were the truth, he ought to have been prosecuted under the same law as Habitus is impeached under. But he himself was carrying on an investigation according to that law. Quinctius would have waited a few days. But he was unwilling

to accuse him as a private man, and when the odium of the business had been allayed. You see then that all the hope of the accuser was not in the cause itself, but in the time and in the influence of individuals. [91] He sought a fine. According to what law? Because he had not taken the oath to observe the law: a thing which never yet was brought against any man as a crime: and because Caius Verres, the city praetor, a very conscientious and careful man, had not the list out of which judges were to be chosen in the place of those who had been rejected, in that book which was then produced full of erasures. On all these accounts Caius Junius was condemned, O judges, for these trivial and unproved reasons, which had no business to have been ever brought before the court at all. And therefore he was defeated, not on the merits of his case, but by the time. 34. [92]

Do you think that this decision ought to be any hindrance to Cluentius? On what account? If Junius had not appointed the judges in the place of those who had been objected to according to law — if he had omitted to take the oath to obey the law — does it follow that any decision bearing on Cluentius's case was pronounced or implied in his condemnation? "No," says he; "but he was condemned by these laws, because he had committed an offence against another law." Can those who admit this urge also in defence that that was a regular decision? "Therefore," says he, "the praetor was hostile to Junius on this account, because the tribunal was thought to have been bribed by his means." Was then the whole cause changed at this time? Is the case different, is the principle of that decision different, is the nature of the whole business different now from what it was then? I do not think that of all the things that were done then anything can be altered. [93] What, then, is the reason why our defence is listened to with such silence now, but that all opportunity of defending himself was refused to Junius then? Because at that time there was nothing in the cause but envy, mistake, suspicion, daily assemblies, seditiously stirred up by appeals to popular feeling. The same tribune of the people was the accuser before the assemblies, and the prosecutor in the courts of law. Be came into the court of justice not from the, assembly, but bringing the whole assembly with him. Those steps of Aurelius, which were new at that time, appeared as if they had been built on purpose for a theatre for the display of that tribunal. And when the prosecutor had filled them with men in a state of great excitement, there was not only no opportunity of speaking in favour of the defendant, but none of even rising up to speak. [94] It happened lately, before Caius Orchinius, my colleague, that the judges refused to sanction a prosecution against Faustus Sulla, in a cause concerning some money which remained unpaid. Not because they considered that Sulla was an outlaw, or because they thought the cause of the public money insignificant or contemptible; but because, when a tribune of the people was the accuser, they did not think that there could be a fair trial. What? Shall I compare Sulla with Junius? or this tribune of the people with Quinctius? or one time with the other time? Sulla, with his great

wealth, his numerous relations, connections, friends, and clients; but in the case of Junius all these things were small, and insignificant, and collected and acquired by his own exertions. The one a tribune of the people, moderate, modest, not only not seditious himself, but an enemy to seditious men; the other bitter, fond of raking up accusations, a hunter after popularity, and a turbulent man. The present a tranquil and a peaceable time; the former time one ruffled with every imaginable storm of ill-will. And as all this was the case, still in the case of Faustus those judges decided that a defendant was brought before the court on very unfair terms, when his adversary was in possession of the greatest power known to the state, which he could avail himself of to add force to his accusations. 35. [95]

And this principle you, O judges, ought, as your wisdom and humanity prompts and enables you to do, to consider over in your mind carefully; and to be thoroughly aware what disaster and what danger the tribunitian power can bring upon every one individual among us, especially when it is egged on by party spirit, and by assemblies of the people, stirred up in a seditious manner. In the very best times, forsooth, when men defended themselves, not by boastings addressed to the populace, but by their own worth and innocence, still neither Publius Popillius, nor Quintus Metellus, most illustrious and most honourable men, could withstand the power of the tribunes; much less at the present time, with such manners as we now have, and such magistrates, can we possibly be saved without the aid of your wisdom, and without the relief which is afforded by the courts of justice. [96] That court of justice then, O judges, was not like a court of justice; for in it there was no moderation preserved, no regard was had to custom and usage, nor was the cause of the defendant properly advocated. It was all violence, and, as I have said before, a sort of earthquake or tempest, — it was anything rather than a court of justice, or a legal discussion, or a judicial investigation. But if there be any one who thinks that that was a regular proceeding, and who thinks it right to adhere to the decision that was then delivered; still he ought to separate this cause from that one. For it is said that a great many things were demanded of him either because he had not taken the oath to observe the law, or because he had not cast lots for electing judges in the room of those to whom objection

had been made in a legal manner. But the case of Cluentius can in no particular be connected with these, laws, in accordance with which a penalty was sought to be recovered from Junius. [97] Oh, but Bulbus also was condemned. Add that he was condemned of treason, in order that you may understand that this trial has no connection with that one. But this charge was brought against him. I confess it; but it was also made evident by the letters of Caius Cosconius and by the evidence of many witnesses, that a legion in Illyricum had been tampered with by him; and that charge was one peculiarly belonging to that sort of investigation, and was one which was comprehended under the law of treason. But this was an exceedingly great disadvantage to him. That is mere guess work; and if we may have recourse to that, take care, I beg you, that my conjecture be not far the more accurate of the two. For my opinion is, that Bulbus, because he was a worthless, base, dishonest man, and because he came before the court contaminated with many crimes of the deepest dye, was on that account the more easily condemned. But you, out of Bulbus's whole case, select that which seems to suit your own purpose, in order that you may say that it was that which influenced the judges. 36. [98]

Therefore, this decision in the case of Bulbus ought not to be any greater injury to this cause, than those two which were mentioned by the prosecutor in the case of Publius Popillius and Titus Gutta, who were prosecuted for corruption, — who were accused by men who had themselves been convicted of bribery, and whom I do not imagine to have been restored to their original position merely because they had proved that these other men also had taken money for the purpose of influencing their decision, or because they proved to the judges that they had detected others in the same sort of offence of which they had themselves been guilty; and that, therefore, they were entitled to the rewards offered by the law. Therefore, I think that no one can doubt that that conviction for bribery can in no possible way be connected with the cause of Cluentius and with your decision. [99] What! not if Stalenus was condemned? I do not say at this present moment, O judges, that which I am not sure ought to be said at all, that he was convicted of treason, — I do not read over to you the testimonies of most honourable men, which were given

against Stalenus by men who were lieutenants, and prefects, and military tribunes, under Mamercus Aemilius, that most illustrious man, by whose evidence it was made quite plain that it was chiefly through his instrumentality, when he was quaestor, that a seditious spirit was stirred up in the army. I do not even read to you that evidence which was given concerning these six hundred thousand sesterces, which when he had received on presences connected with the trial of Safinius, he retained and embezzled as he did afterwards in the case of the trial of Oppianicus. [100] I say nothing of all these things, and of many others which were stated against Stalenus at that trial. This I do say, — that Publius and Lucius Cominius, Roman knights, most honourable and eloquent men, had the same dispute with Stalenus then, whom they were accusing, that I now have with Attius. The Cominii said the same thing that I say now, — that Stalenus received money from Oppianicus to induce him to corrupt the tribunal, and Stalenus said that he had received it to conciliate good-will towards him. [101] This conciliation of good-will was laughed at, and so was this assumption of the character of a good man, as in the gilded statues which he erected in front of the temple of Juturna, at the bottom of which he had the following inscription engraved,—"that the kings had been restored by him to the favour of the people." All his frauds and dishonest tricks were brought under discussion; his whole life, which has been spent in such a way as that, was laid open; his domestic poverty, the profits which he made in the courts of law, were all brought to light: an interpreter of peace and concord who regulated everything by the bribes which he received was not approved of. Therefore, Stalenus was condemned at that time, while he urged the same defence as Attius did. [102] When the Cominii did the same thing that I have done throughout the whole of this cause, people approved of them. Wherefore, if by the condemnation of Stalenus it was decided that Oppianicus had desired to corrupt the judges, — that Oppianicus had given one of the judges money to purchase the votes of the other judges, (since it has been already settled that either Cluentius is guilty of that offence, or else Oppianicus, but that no trace whatever is found of any money belonging to Cluentius having been ever given to any judge, while money belonging to Oppianicus was taken away, after the trial was

over, from a judge,) — can it be doubtful that that conviction of Stalenus does not only not make against Cluentius, but is the greatest possible confirmation of our cause and of our defence? 37. [103]

Therefore, I see now that the case respecting the decision of Junius is of this nature, that I think it ought to be called an inroad of sedition, an instance of the violence of the multitude, an outrage on the part of a tribune, any thing rather than a judicial proceeding. But if any one calls that a regular trial, still he must inevitably admit this, — that that penalty which was sought to be recovered from Junius cannot by any means be connected with the cause of Cluentius. That decision of the tribunal over which Junius presided, was brought about by evidence. The cases of Bulbus, of Popillius, and of Gutta, do not make against Cluentius. That of Stalenus is actually in favour of Cluentius. Let us now see if there is any other decision which we can produce which is favourable to Cluentius.

Was not Caius Fidiculanius Falcula, who had condemned Oppianicus, prosecuted especially because — and that was the point which in that trial was the hardest to excuse — he had sat as judge a few days after the appointment of a substitute? He was, indeed, prosecuted, and that twice. For Lucius Quinctius had brought him into extreme unpopularity by means of daily seditious and turbulent assemblies. On one trial a penalty was sought to be recovered from him, as from Junius, because he had sat as judge, not in his own decury, nor according to the law. He was prosecuted at a rather more peaceable time than Junius, but under almost the same law, and on very nearly the same indictment. But because at the trial shore was no sedition, no violence, and no crowd, he was easily acquitted at the first hearing. I do not count this acquittal.

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[104] What was Fidiculanius said to have done? To have received from Cluentius four hundred sesterces. Of what rank was he? A senator. He was accused according to that law by which an account is properly demanded of a senator in a prosecution for peculation, and he was most honourably acquitted. For the cause was pleaded according to the custom of our ancestors, without violence, without

fear, without danger. Everything was fairly stated, and explained, and proved. The judges were taught that not only could a defendant be honestly condemned by a man who had not sat as a judge uninterruptedly, but that if that judge had known nothing else except what previous investigations it was clear had taken place in the case, he ought to have heard nothing else. 38. [105]

Then, also, those five judges, who, hunting for the vague rumours of ignorant men, acquitted him at the time, were unwilling that their clemency should be extravagantly praised; and if any one asked them whether they had sat as judges on Caius Fabricius, they said that they had, if they were asked whether he had been accused of any crime except of that poison which was said to have been endeavoured to be administered to Habitus, they said no; if, after that, they were asked what their decision had been, they said that they had condemned him. For no one acquitted him. In the same manner, if any question had been asked about Scamander, they would certainly have given the same answer, although he was acquitted by one vote; but at that time no one of those men would have liked that one vote to be called his. [106] Which, then, could more easily give an account of his vote, — he who said that he had been consistent with himself and with the previous decision, or he who said that he had been lenient to the principal offender, and very severe against his assistants and accomplices? But concerning their decision I have no occasion to say anything; for I have no doubt, that such men as they, being influenced by some sudden suspicion, avoided the point at issue. On which account I find no fault with the mercy of those who acquitted him. I approve of the firmness of those men who, in giving their judgment, followed the precedent of the previous decisions of their own accord, and not in consequence of the fraudulent trick of Stalenus; but I praise the wisdom of those men who said that to their minds it was not proved, who could by no means acquit a man whom they knew to be very guilty, and whom they themselves had already condemned twice before, but who, as such a disgraceful plan, and as a suspicion of such an atrocious act had been suggested to them, preferred condemning him a little later, when the facts were clearly ascertained. [107] And, that you may not judge them to have been exceedingly wise men merely by their actions, but that you may also

feel sure, from their very names, that what they did was most honestly and wisely done; who can be mentioned superior to Publius Octavius Balbus, as to ability more prudent, — in knowledge of law more skillful, — in good faith, in religion, in the performance of his duty, more scrupulous or more careful? He did not acquit him. Who is a better man than Quintus Considius? who is better acquainted with the practice of courts of justice, and with that sense of right which ought always to exist in the public courts? who is his superior in virtue, in wisdom, or in authority? Even he did not acquit him. It would take me too long to cite the virtue of each separate individual in the same manner; and in truth, their good qualities are so will known to every one, that they do not need the ornaments of language to set them off. What a man was Marcus Juventius Pedo, a man formed on the principles and system of the judges of old! What a man was Lucius Caulius Mergus! and Marcus Basilus! and Caius Caudinus! all of whom flourished in the public courts of justice at that time when the republic also was flourishing. Of the same body were Lucius Cassius and Cnaeus Heius, men of equal integrity and wisdom. And by the vote of none of those men was Oppianicus acquitted. And the youngest of all but one, who in ability, and in diligence, and in conscientiousness was equal to those men whom I have already mentioned, Publius Saturius, delivered the same opinion. [108] O, the singular innocence of Oppianicus! when in the case in which he was defendant, those who acquitted him are supposed to have had some ulterior end, — those who postponed their decision, to have been cautious; but every one who condemned him is esteemed virtuous and firm. 39.

These things, though Quinctius agitated them, were not proved at that time either in the assembly or in a court of justice. For he himself would not allow them to be stated, nor indeed, by reason of the excited state of the multitude, could any one stand up to speak. Therefore he himself, after he had overthrown Junius, abandoned the whole cause. For in a very few days' time he became a private individual, and he perceived too that the violence of men's feelings had cooled down. But if at the time that he accused Junius he had also chosen to accuse Fidiculanius, Fidiculanius would have had no opportunity of making any reply. And at first, indeed, he threatened

all those judges who had voted against Oppianicus. [109] By this time you know the insolence of the man. You know what a tribune-like pride and arrogance he has. How great was the animosity which he displayed! O ye immortal gods! how great was his pride! how great his ignorance of himself! how preposterous and intolerable was his arrogance! when he was indignant even at this, (from which all those proceedings of his took their rise,) that Oppianicus was not pardoned at his entreaty and owing to his defence; just as if it ought not to have been proof enough that he was deserted by every one, that he had recourse to such an advocate as him. For there was at Rome a great abundance of advocates, most eloquent and most honourable men, of whom certainly any one would have defended a Roman knight, of noble birth in his municipality, if he had thought that such a cause could be defended with honour. 40. [110]

For, as for Quinctius, indeed, what cause had he ever pleaded before, though he was now nearly fifty years old? Who had ever seen him not only in the position of a counsel for the defence, but even as a witness to character, or as employed in any way in any cause? who, because he had seized on the rostrum which had been for some time empty, and the place which had been deserted by the voice of the tribunes ever since the arrival of Lucius Sulla, and had recalled the multitude, which had now been for some time unused to assemblies, to the likeness of the old custom, was on that account for a short time rather popular with a certain set of men. But yet afterwards how hated he became by those very men by whose means he had mounted into a higher position! — and very deservedly. [111] For just take the trouble to recollect not only his manners and his arrogance, but also his countenance, and his dress, and his purple robe reaching down as far as his ankles. He, as if it were a thing quite impossible to be borne that he should have been defeated in this trial, transferred the case from the court of justice to the public assembly. And do we still reiterate our complaints, that new men have not sufficient encouragement in this city? I say, that there never was a time or place where they had more; for here, if a man, though born in a low rank of life, lives so as to seem able to uphold by his virtue the dignity of nobility, he meets with no obstacle to his arriving at that eminence to which his industry and innocence conduct him. [112] But

if any one depends on the fact of his being meanly born as his chief claim, he often goes greater lengths than if he was a man of the highest birth devoted to the same vices. As, in the case of Quinctius, (for I will say nothing of the others,) if he had been a man of noble birth, who could have endured him with his pride and intolerance? But because he was of the rank of which he was, people put up with it, as if they thought that if he had any good quality by nature, it ought to be allowed to save him and as if, owing to the meanness of his birth, they thought his pride and arrogance matters to be laughed at rather than feared. 41.

However, to return to my original subject: What decision did you — you, I say, who mention those trials — think ought to have bean come to at the time that Fidiculanius was acquitted? [113] At least you think that the decision was not a corrupt one. But he had condemned him; but he had not heard the entire case; but he had been greatly and repeatedly annoyed at every assembly of the people, by Lucius Quinctius. Then the whole of Quinctius's judicial conduct was unjust, deceitful, fraudulent, turbulent, dictated by a wish for popularity, seditious. Be it so; Falcula may have been innocent. Well then, some one condemned Oppianicus without being paid for it; Junius did not appoint men as judges in the place of the others, to condemn him for a bribe. It is possible that there may have been some one who did not sit as judge from the beginning, and who, nevertheless, condemned Oppianicus without having been bribed to do so. But if Falcula was innocent, I wish to know who was guilty? If he condemned him without being bribed to do so, who was bribed? I say that there has been nothing imputed to any one of these men which was not imputed to Fidiculanius; I say that there was nothing in the case of Fidiculanius which did not also exist in the case of the rest. [114] You must either find fault with this trial, the prosecution in which appeared to rely on previous decisions, or else, if you admit that this was an honest one, you must allow that Oppianicus was condemned without money having been paid to procure his condemnation. Although it ought to be proof enough for any one, that no one out of so many judges was proceeded against after Falcula had been acquitted. — For why do you bring up men convicted of bribery under a different law, the charges being well

proved, the witnesses being numerous? when, in the first place, these very men ought to be accused of peculation rather than of bribery. For if, in trials for bribery, this was an hindrance to them, that they were being prosecuted under a different law, at all events it would have been a much greater injury to them to be brought before the court according to the law properly belonging to this offence. [115] In the second place, if the weight attached to this accusation was so great, that, under whatever law any one of those judges was prosecuted, he must be utterly ruined; then why, when there: are such crowds of accusers, and when the reward is so great, were not the others prosecuted too? On this, that case is mentioned, (which, however, has no right to be called a trial,) that an action for damages was brought against Publius Septimius Scaevola on that account; and what the practice is in cases of that sort, as I am speaking before men of the greatest learning, I have no need to occupy much time in explaining. For the diligence which is usually displayed in other trials, is never exercised after the defendant has been convicted. [116] In actions for damages, the judges usually, either because they think that a man whom they have once convicted is hostile to them, if any mention of a capital charge against him is made, do not allow it; or else, because they think that their duties are over when they have given their decision respecting the defendant, they attend more carelessly to the other points. Therefore, very many men are acquitted of treason, when, if they were condemned, actions would be brought to recover damages on charges of peculation. And we see this happen every day, — that when a defendant has been convicted of peculation, the judges acquit those men to whom, in fixing the damages, it has been settled that the money has come; and when this is the case, the decisions are not rescinded, but this principle is laid down, that the assessment of damages is not a judicial trial. Scaevola was convicted of other charges, by a great number of witnesses from Apulia. The greatest possible eagerness was shown in endeavoring to have that action considered as a capital prosecution. And if it had had the weight of a case already decided, he afterwards, according to this identical law, would have been prosecuted either by the same enemies, or by others. 42. [117]

That follows, which they call a trial, but which our ancestors

never called a trial, and never paid any attention to as if it had been a formal judicial decision, the animadversion and authority of the censors. But before I begin to speak on that subject, I must say a few words about my own duty, in order that it may be clearly seen that I have paid proper attention to this danger, and also to all other considerations of duty and friendship.

For I have a friendship with both those brave men who were the last censors; and with one of them, (as most of you are aware,) I have the greatest intimacy, and the closest connection cemented by mutual good offices. [118] So that, if I am forced to say anything of the reasons which they have given for their sentences, I shall say it with these feelings, that I shall wish everything that I say considered as having reference not to their individual conduct in particular, but to the whole principle of the censorial animadversion. But from Lentulus, my intimate friend, who out of regard for his eminent virtue and for the high honours which he has received from the Roman people, is named by me to do him honour, I shall easily obtain this indulgence, that, as he himself is always accustomed to employ the greatest good faith and diligence in matters affecting the safety of his friends, and also the greatest vigour of mind and freedom of speech, so, in this instance, he will not be offended with me for taking as much freedom my self, as I cannot forbear to take without danger to my client. But, everything shall be said by me carefully and deliberately, as indeed it ought to be, so that I shall not appear to have betrayed the cause entrusted to my good faith for its defence, nor to have injured the dignity of any one, nor to have disregarded any of the claims of friendship.

[119] I see then, O judges, that the censors passed animadversion on some of the judges who sat on that trial which Junius presided over, and added to their sentence that that very trial was the cause of it. Now, first I will lay down this general principle, that this city has never been so content with censorial animadversions as with judicial decisions. Nor in so notorious a case need I waste time by citing instances. I will just adduce this one fact, — that Caius Geta, after he had been expelled the senate by Lucius Metellus and Cnaeus Domitius when they were censors, was himself appointed censor afterwards; and that he whose morals had met with this reproof from

the censors, was afterwards appointed to judge of the morals of the whole Roman people, and of those very men who had thus punished him. But if that had been thought a final judicial decision, (as other men when they have been condemned by a sentence involving infamy are deprived for ever of all honour and all dignity, so) a man branded with this ignominy would never have had any subsequent access to honour, or any possibility of return to the senate. [120] Now, if the freedman of Cnaeus Lentulus or of Lucius Gellius should convict any man of theft, he, being deprived of all his credit, will never recover any portion of his honourable position in the city; but those men, whom Lucius Gellius himself and Cnaeus Lentulus, the two censors, most illustrious citizens and most wise men, have animadverted on, and, in their reasons for their sentences, have imputed to them theft and peculation, have not only returned to the senate, but have been acquitted of those very charges by judicial sentence. 43.

Our ancestors did not think it fit for any one to be a judge, not only of any one's character, but not even of the most insignificant money matter, if he had not been agreed to by both the contending parties. Wherefore, in every law in which exception has been made of causes for which a magistrate may not be taken, or a judge elected, or another man accused, this cause of ignominy is passed over. For their intention was that the power of the censors should strike the profligate with terror, but not that it should have power over their lives. [121] Therefore, O judges, I will not only prove what you are already aware of, that the censorial animadversions, and the reasons given for them too, have often been overturned by the votes of the Roman people, but that they have also been upset by the judicial sentences of those men who, being on their oaths, were bound to give their decisions with more scrupulousness and care. In the first place, O judges, in the case of many defendants, whom the censors in their notes accused of having taken money contrary to the laws, they were guided by their own conscientious judgment, rather than by the opinion expressed by the censors. In the second place, the city praetors, who are bound by their oaths to select only the most virtuous men to be judges, have never thought that the fact of a man's having been branded with ignominy by the censors was any

impediment to their making him a judge. [122] And lastly, the censors themselves have very often not adhered to the decisions, if you insist on their being called decisions, of former censors. And even the censors themselves consider their own decisions to be of only so much weight, that one is not afraid to find fault with, or even to rescind the sentence of the other; so that one decides on removing a man from the senate, the other wishes to have him retained in it, and thinks him worthy of the highest rank. The one orders him to be degraded to the rank of an aerarian or to be entirely disfranchised; the other forbids it. So that how can it occur to you to call those judicial decisions which you see constantly rescinded by the Roman people, repudiated by judges on their oaths, disregarded by the magistrates, altered by those who have the same power subsequently conferred on them, and in which you see that the colleagues themselves repeatedly disagree? 44. [123]

And as all this is the case, let us see what the censors are said to have decided respecting that corrupt tribunal. And first of all let us lay down this principle; whether a thing is so because the censors have stated it in their notes, or whether they made such a statement in their notes because it was the fact. If it is the case because they have so stated it, take care what you are doing; beware lest you are establishing for the future a king by power in the person of every one of our censors, — beware lest the note of a censor may hereafter be able to cause as much distress to the citizens as that terrible proscription did, — beware lest we have reason to dread for the future that pen of the censor, whose point our ancestors blunted by many remedies, as much as that sword of the dictator. [124] But if the statement which has been made in their notes ought to carry weight with it because it is true, then let us inquire whether it be true or false; let the authority of the censor be put out of the question — let that consideration be taken out of the cause which has no connection with it. Tell me what money Cluentius gave, where he got it, how he gave it; show me, in short, one trace of any money having proceeded from Cluentius. After that, prove that Oppianicus was a virtuous citizen, or an honest man; that no one had ever had a bad opinion of him; that no unfavourable decision had ever been come to respecting him. Then take in the authority of the censors; then argue that their

decision has any connection whatever with this case. [125] But as long as it is plain that Oppianicus was a man who was convicted of having tampered with the public registers of his own municipality, of having made erasures in a will, of having substituted another person in order to accomplish the forgery of a will, of having murdered the man whose name he had put to the will, of having thrown into slavery and into prison the uncle of his own son and then murdered him, of having contrived to get his own fellow-citizens proscribed and murdered, of having married the wife of the man whom he had murdered, of having given money for poisoning, of having murdered his mother-in-law and his wife, of having murdered at one time his brother's wife, the children who were expected, and his own brother himself, — lastly, of having murdered his own children; as he was a man who was manifestly detected in procuring poison for his son-in-law, — who, when his assistants and accomplices had been condemned, and when he himself was prosecuted, gave money to one of the judges to influence by bribes the votes of the other judges; — while, I say, all this is notorious about Oppianicus, and while the accusation of bribery against Cluentius is not sustained by any one single proof, what reason is there that that sentence of the censors, whether it is to be called their wish or their opinion, should either seem to be any assistance to you, or to be able to overwhelm my innocent client? 45. [126]

What was it, then, that influenced the censors? Even they themselves, if they were to allege the most serious reason that they could, would not say it was anything else beyond common conversation and report. They will say that they found out nothing by witnesses, nothing by documents, nothing by any important evidence, nothing, in short, from any investigation of the cause. If they had investigated it, still their sentence ought not to have been so fixed as to be impossible to be altered. I will not quote precedents, of which, however, there is an infinite number; I will not mention any old instance, or any powerful or influential man. Very lately, when I had defended an insignificant man, clerk to the aediles, Decius Matrinius, before Marcus Junius and Quintus Publicius, the praetors, and before Marcus Platorius and Caius Flaminius, the curule aediles, I persuaded them, — men sworn to do their duty, — to choose him

for their secretary whom those same censors had made an aerarian; for as there was no fault found in the man, they thought that they ought to inquire what he deserved, and not what resolution had been come to respecting him. [127] For as for these things which they have stated in their notes, about corrupting the judges, who is there who believes that they were sufficiently ascertained or carefully inquired into by them? I see that a note was made by the censors respecting Marcus Aquillius and Titus Gutta; — what does this mean? Were those two the only men corrupted with bribes? What became of the rest? Did they, forsooth, condemn him for nothing? He, then, was not unfairly dealt with; he was not overwhelmed by means of bribes; it is not the case, as all these assemblies stirred up by Quinctius would have it, that all the men who voted against Oppianicus are to be imagined criminal, or at all events suspected. I see that two men alone are judged by the authority of the censors to have been implicated in that infamy; or else they must allege that there is something which they have found out concerning those two men which they have not found out respecting the others. 46. [128]

For that indeed can never be allowed, that they should transfer the usage of military discipline to the animadversions and authority of the censors; for our ancestors established a rule, that if in military affairs a crime had been committed by a number of soldiers, a few should be punished by lot, that so fear might have its influence on all, while the punishment reached only a few. But how can it be fitting for the censors to act on this principle in the distribution of dignities, in their judgment on the character of citizens, and in their punishment of their vices? For a soldier who has not maintained his post, who has been afraid of the vigorous attack of the enemy, may still hereafter become a better soldier, and a virtuous man, and a useful citizen. Wherefore, to prevent his committing offences in time of war through fear of the enemy, the great fear of death and execution was established by our ancestors; but yet, that the number of those who underwent capital punishment might not be too great, that plan of drawing lots was invented. [129] But will you, O censor, act in this way when choosing the senate? Supposing there are many who have taken bribes to condemn an innocent man, will you not punish all of them, but will you pick as you choose, and select a few

out of the many to brand with ignominy? Shall the senate then, while you see and know it to be the case, have a senator — shall the Roman people have a judge — shall the republic have a citizen, unmarked by any ignominy, who, to cause the ruin of an innocent man, has sold his good faith and religion for a bribe? And shall a man, who, being induced by a bribe, has deprived an innocent citizen of his country, his fortune, and his children, not be branded by the stigma of the censor's severity? Are you the prefect appointed to supervise our manners — are you a teacher of the ancient discipline and severity, if you either knowingly retain any one in the senate who is tainted with such wickedness, or if you decide that it is not right to inflict the same punishment on every one who is guilty of the same fault, or wild you establish the same principle of punishment with respect to the dishonesty of a senator in his peaceful capacity, which our ancestors chose to establish with respect to the cowardice of a soldier in time of war? Moreover, if this precedent ought to have been transferred from military affairs to the animadversion of the censors, at all events the system of drawing lots should have been retained. But if it is not consistent with the dignity of a censor to draw lots for punish meet, and to commit the guilt of men to the decision of fortune, it certainly cannot be right in the case of an offence committed by many, that a few should be selected for ignominy and disgrace. 47. [130]

But we all understand that in these notes of the censors the real object was to catch at some breeze of popular favour. The matter had been brought forward in the assembly by a factious tribune; without any investigation into the business, his conduct was approved by the multitude; no one was allowed to say a word on the other side; indeed, no one showed the least anxiety to espouse the other side of the question. Moreover, those judges had already become exceedingly unpopular. A few months afterwards there was a fresh and very great odium excited with respect to the courts of justice, arising out of the affair of marking the balloting balls. The disgrace into which the courts were fallen appeared quite impossible to be overlooked or treated with indifference by the censors. So they chose to brand those men whom they saw were infamous for other vices, and for generally disgraceful lives, with their animadversion and

special note also; and so much the more, because at that very time, during their censorship, the right of sitting as judges was divided with the equestrian body, in order that they might seem to have reproved those tribunals by their authority, through the ignominy inflicted on deserving men. [131] But if I or any one else had been allowed to plead this cause before those censors, I would certainly have proved to the satisfaction of men endowed with such prudence, (for the facts of the case prove it,) that they themselves had ascertained nothing, had discovered nothing; but that in all those notes appended to their animadversions nothing had guided them but rumour, and nothing had been sought but popular applause. For to the name of Publius Popillius, who had condemned Oppianicus. Lucius Gellius had appended a note, "because he had taken money to condemn an innocent man." Now what a real conjurer that man must be, O judges, to know that a man was innocent, whom, very likely, he had never seen, when the very wisest men, to say nothing of those who actually condemned him, after investigation of the case, said that they, were not without doubt in the matter? [132]

However, be it so. Gellius condemns Popillius. He decides that he had accepted money from Cluentius. Lentulus says that he had not. For he did not elect Popillius into the senate, because he was the son of a freedman; but he left him his place as a senator at the games, and the other ornaments of that rank, and released him from all ignominy. And by doing so, he declares his opinion, that he had voted against Oppianicus without having been bribed to do so. And afterwards Lentulus, on a trial for bribery, gave his evidence most zealously in favour of this same Popillius. Wherefore, if Lentulus did not agree with the decision of Lucius Gellius, and if Gellius was not contented with the opinion delivered by Lentulus, and if each censor thought himself not bound at all by the opinion of the other censor, what reason is there why any one of us should think that the notes of the censors ought to be all fixed and ratified so as to be unalterable for ever? 48. [133]

Oh, but they visited Habitus himself with their censure. Not for any baseness, nor for any, I will not say vice, but not even for any fault of his own in his whole life. For no one can possibly be a more religious man, or a more honourable one, or more scrupulous in

fulfilling all his duties. Nor indeed does the opposite party say anything to the contrary, but they adopt the same report of the judges having been bribed. Nor indeed have they any contrary opinion to that which we wish to be entertained about his modesty, integrity, and virtue; but they thought it quite impossible for the accuser to be passed over after the judges had been punished. And with respect to this whole business, if I produce one precedent from the whole of our ancient history, I will say no more. [134] For I think that I ought not to pass over the instance of that most eminent and most illustrious man, Publius Africanus; who, when he was censor, and when Caius Licinius Sacerdos had appeared on the register of the knights, said with a loud voice, so that the whole assembly could hear him, that he knew that he had committed deliberate perjury and that if any one denied it, he would give him his own evidence in support of this assertion. But when no one ventured to deny it, he ordered him to give up his horse. So that he, with whose decision the Roman people and foreign nations had been accustomed to content themselves, was not content with his own private knowledge as justifying him in branding another with ignominy. But if Habitus had been allowed to do this, he would have found it an easy matter to have resisted those very judges themselves, and the false suspicion, and the odium excited in the breasts of the people against him. [135] There is still one thing which especially perplexes me, and a topic to which I appear to have scarcely made any sufficient reply, — namely, the eulogy which you read, extracted from the will of Caius Egnatius, the father, a most honourable man, and a most wise one; saying that he had disinherited his son, because he had taken a bribe to vote for the condemnation of Oppianicus. Of that man's inconstancy and feebleness I will not say another word. This very will which you are reading is such, that he, when he was disinheriting that son whom he hated, was joining with his other son whom he loved, the most perfect strangers as his coheirs. But I think that you, O Attius, should consider carefully, whether you wish the decision of the censors, or that of Egnatius, to carry most weight with it. If that of Egnatius, that is a trifling thing which the censors have expressed in their notes about the others; for they expelled Egnatius himself from the senate, whom you wish to be considered an authority. If that of the censors

is to preponderate, then the censors when they expelled his father, retained this Egnatius in the senate, whom his father disinherited on account of the note which the censors had written respecting him. 49. [136]

Oh, but the whole senate judged that that tribunal had been bribed. How so? It undertook the cause. Could it pass over with indifference a matter of that sort when reported to it? When a tribune of the people, having stirred up the multitude, had almost brought the matter to a trial of strength; when a most virtuous citizen and most innocent man was said to have been unjustly condemned through the influence of money; when the whole body of senators was exceedingly unpopular, was it possible for no edict to be issued? Was it possible for all that excitement of the multitude to be disregarded without extreme danger to the republic? But what was decreed? How justly, how wisely, how diligently was it decreed? "If there are any men by whose agency the public court of justice was corrupted." Does the senate appear here to decide that any such thing was really done? or rather to be exceedingly angry and indignant if such a thing was done? If Aulus Cluentius himself were asked his opinion about the courts of justice he would express no other sentiments than those which they expressed, by whose sentences you say that Aulus Cluentius was condemned. [137] But I ask of you whether Lucius Lucullus, the consul, a very wise man, passed that law according to that resolution of the senate? I ask whether Marcus Lucullus and Caius Cassius passed that law, against whom, when they were the consuls elect, the senate passed the very same resolution? They did not pass it. And that which you assert to have been brought about by Habitus's money, though you do not confirm your assertion by even the very slightest circumstances of suspicion, was done in the first instance by the justice and wisdom of those consuls, in order that men might not think that what the senate had decreed for the purpose of extinguishing the flames of present unpopularity, might afterwards be referred to the people. The Roman people itself afterwards, which formerly when excited by the fictitious complaints of Lucius Quinctius, a tribune of the people, had demanded that thing and the proposal of that law, now being influenced by the tears of the son of Caius Junius, a little boy, rejected the whole law and the whole proposition with the greatest outcry and with the greatest eagerness. [138] From which that was easy to be understood which has been often said, — that as the sea, which by its own nature is tranquil, is often

agitated and disturbed by the violence of the winds, so, too, the Roman people is, when left to itself, placable, but is easily roused by the language of seditious men, as by the most violent storm. 50.

There is also one other very great authority besides, which I had almost passed over in a shameful manner; for it is said to be my own. Attius read out of some oration or other, which he said was mine, a certain exhortation to the judges to judge honestly, and a certain mention of judicial decisions in other cases, which had not been approved of, and also of that very trial before Junius; just as if I had not said at the beginning of this defence, that had been a trial which had incurred great unpopularity; or as if, when I was discussing the discredit into which the courts of justice had fallen in some instances, I could possibly at that time pass over that one which was so notorious. [139] But I, if I said anything of that sort, did not mention it as a thing within my own knowledge, nor did I state it in evidence; and that speech was prompted rather by the occasion, than by my judgment and deliberate intention. For when I was acting as accuser, and had proposed to myself at the beginning to rouse the feelings of the Roman people and of the judges; and as I was mentioning all the errors of the courts of justice, relying not on my own opinion, but on the common report of men; I could not pass over that matter which had been so universally discussed. But whoever thinks that he has my positive opinions recorded indelibly in those orations which we have delivered in the courts of justice, is greatly mistaken. For all those speeches are speeches of the cause, and of the occasion, and are not the speeches of the men or of the advocates themselves. For if the causes themselves could speak for themselves, no one would employ an orator. But, as it is, we are employed, in order to say, not things which are to be considered as asserted on our own authority, but things which are derived from the circumstances of the cause itself. [140] They say that that able man, Marcus Antonius, was accustomed to say, “that he had never written a speech, in order that, if at any time he had said anything which was not desirable, he might be able to deny that he had said it.” Just as if whatever were said or pleaded by us was not retained in men’s memories, if we did not ourselves commit it to writing. 51.

But I, with respect to speeches of that sort, am guided by the

authority of many men, and especially of that most eloquent and most wise man, Lucius Crassus; who — when he was defending Lucius Plancius, whom Marcus Brutus, a man both vehement and able as a speaker, was prosecuting; when Brutus, having set two men to read, made them read alternate chapters out of two speeches of his, entirely contrary to one another, because when he was arguing against that motion which was introduced against the colony of Narbo, he disparaged the authority of the senate as much as he could, but when he was urging the adoption of the Servilian law, he extolled the senate with the most excessive praises; and when he had read out of that oration many things which had been spoken with some harshness against the Roman knights, in order to inflame the minds of those judges against Crassus — is said to have been a good deal agitated. [141] And so, in making his reply, he first of all explained the difference between the two times, so that the speech might appear to have arisen from the case and from its circumstances; after that, in order that Brutus might learn what a man, not only eloquent but endued with the greatest wit and facetiousness, he had provoked, he himself in his turn brought up three readers with a book a piece, all which books Marcus Brutus, the father of the prosecutor, had left, on the civil law. When the first lines of them were read, those which I take to be known to all of you, "It happened by chance that I and Brutus my son were in the country near Privernum," he asked what had become of his farm at Privernum. "I and Brutus my son were in the district of Alba." He begged to know where his Alban farm was. "Once, when I and Brutus my son had sat down in the fields near Tibur." Where was his farm near Tibur? And he said that "Brutus, a wise man, seeing the profligacy of his son, evidently wished to leave a record behind him of what farms he left him. And if he could with any decency have written that he had been in the bath with a son of that age, he would not have passed it over; and still that he preferred inquiring about those baths, not from the books of his father, but from the registers and the census." Crassus then chastised Brutus in this manner, and made him repent of his readings. For perhaps he had been annoyed at being reproved for those speeches which he had delivered in the affairs of the republic; in which perhaps deliberate wisdom is more required than in those in court. [142] But I am not at

all vexed at those things having been read. For they were not unsuited to the state of the times which then existed, nor to the cause in which they were spoken. Nor did I take any obligation on myself when I spoke them, to prevent my defending this cause with honour and freedom. But suppose I were now to confess, that I had now become acquainted with the real merits of Cluentius's case, but that I was previously influenced by popular opinion concerning it, who could blame me especially when, O judges, it is most reasonable that this also should be granted me by you, which I begged at the beginning, and which I request now, that if you have brought with you into court a somewhat unfavourable opinion of this cause, you will lay it aside now that you have thoroughly investigated the case and learnt the whole truth. 52. [143]

Now since, O Titus Attius, I replied to everything which was said by you concerning the condemnation of Oppianicus, you must inevitably confess that you were very much deceived when you thought that I would defend the cause of Aulus Cluentius, not by arguing on his own actions, but on the law. For you very often said that you had been informed that I intended to defend this action, relying on the protection of the law. Is it so? Are we, then, without knowing it, betrayed by our friends? and is there some one among those whom we think our friends, who carries intelligence of our plans to our adversaries? Who reported this to you? Who was so dishonest? But to whom did I tell it? No one I imagine, is in fault; but in truth it was the law itself which suggested this to you. But do I appear to have defended it in such a way as to have made throughout the whole case the least mention of the law? Do I appear to have defended this cause differently from the way in which I should have defended it if Habitus had been guilty by law, supposing the facts to be proved? Certainly, as far as a man may assert a thing positively, I have omitted no opportunity of clearing him from the odious imputation sought to be cast on him. [144] What do I mean, then? Some one will ask, perhaps, whether I have any objection to ward off danger from a client's life by the protection with which the law supplies me? I have no objection at all, O judges; but I adhere to my own plan of action. In a trial in which all honourable and a wise man is concerned, I have been accustomed, not only to consult my own

judgment, but very much also to be guided by the judgment and inclination of him whom I am defending. For when this cause was brought to me, as to a person who ought to know the laws on which we are employed, and to which we devote ourselves, I said at once to Habitus that he was perfectly safe from the law about "those who conspired together to procure a man's condemnation;" but that our order was liable to be impeached under that law. And he began to beg and entreat me not to defend him by urging points of law. And when I said what I thought, he brought me over to his opinion; for he affirmed with tears that he was not more desirous of retaining his freedom as a citizen, than of preserving his character. [145] I complied with his wishes, and yet I did it (for it is not a thing which we ought to do at all times) because I saw that the cause itself could be amply defended on its own merits, without any reference to law at all. I saw that in this defence, which I now have employed, there was more dignity, but that in that one which he begged me not to use, there would be less trouble. But if I had no other object in view beyond merely gaining this cause, I should have read the laws to you, and then have summed u**.**

Nor am I moved by that argument which Attius uses when he says that it is a scandalous thing that, if a senator should procure a wrongful conviction of any one, he should be made liable to the laws, but that if a Roman knight does the same, he should not. [146] Although I should grant to you that it would be a scandalous thing, (and the fact I will examine into presently,) still you must inevitably grant to me that it is a much more scandalous thing that the laws should be departed from in that state which is entirely held together by the laws; for this is the bond of this dignity which we enjoy in the republic, this is the foundation of our liberty, this is the source of justice. The mind, and spirit, and wisdom, and intentions of the city are all situated in the laws. As our bodies cannot, if deprived of the mind, so the state, if deprived of law, cannot use its separate parts, which are to it as its sinews, its blood, and its limbs. The ministers of the law are the magistrates; the interpreters of the law are the judges; lastly, we are all servants of the laws, for the very purpose of being able to be freemen. What is the reason, O Naso, why you sit in that place? [147] What is the power by which those judges, invested with

such dignity, are separated from you? And you too, O judges, how is it that out of such a multitude of citizens, you with your small numbers decide on the fortunes of man? By what right is it that Attius said whatever he chose? Why have I had an opportunity of speaking at such length? What is the meaning of all these secretaries and lictors, and all the rest of those whom I see assisting at this investigation? I think that all these things take place according to law, and that the whole of this trial is conducted and governed (as I said before) by the mind, as it were, of the law. What, then, shall we say? Is this the only investigation that is so conducted? What became of the question of classing Marcus Plaetorius and Caius Flaminius as assassins? What became of the charge of peculation brought against Caius Orchinius? or of my oration, when prosecuting a charge of embezzlement? or of the speech of Caius Aquillius, before whom a case of bribery is at this moment being tried? or of all the other investigations that are habitually taking place? Survey all the different parts of the republic; you will see that everything takes place under the general dominion, and according to the special enactment of the laws. [148] If anyone, O Titus Attius, were to wish to prosecute you before me as judge, you would cry out that you were not liable under the law about extortion. Nor would this demurrer of yours be any confession that you had appropriated the money illegally; but it would be merely a refusal to encounter a labour and a danger which you were not obliged to encounter by the law. 54.

Now see what is being done, and what law is laid down by you. The law, according to the provisions of which this investigation has been instituted, orders the judge who presides over the investigation, that is to say, Quintus Voconius, with the other judges, who are his colleagues, (it means you, O judges,) to make inquiry concerning the fact of poisoning. To make inquiry with respect to whom? The subject is interminable. “Whoever has made it, or sold it, or bought it, or had it in his possession, or administered it.” What does the same law subjoin immediately afterwards? Read—”And bring him to a capital trial.” Whom? He who has conspired? he who has agreed? Not so. What, then, is meant? Tell me. “Whoever is a military tribune of the four first legions, or a quaestor, or a tribune of the people.” Then all the magistrates are named. “Or who has delivered

or shall deliver his opinion in the senate?" What then? "If any one of them has agreed, or shall agree, has conspired, or shall conspire, to get any one condemned in a criminal trial." "Any one of them:" Of whom? Of those, forsooth, who have been enumerated above. What does it signify in which way the law was framed? Although it is plain enough, yet the law itself shows its own meaning; for when it binds all the world, it uses this expression: "Whoever has committed or shall commit an act of poisoning." All men and women, freemen and slaves, are brought under the power of the court. If, again, it had wished to include conspiracy, it would have added, "or who has conspired." Now it runs, "And let any one who has conspired, or shall conspire, be brought to a capital trial, before one who has filled any magistracy, or who has delivered his opinion in the senate." [149] Does that apply to Cluentius? Certainly not. Who, then, is Cluentius? He is a man who still does not wish to get off on a trial by any quibble of law. Well, then, I discard the law. I comply with Cluentius's wishes; still I will say a few things which are not connected with my client's case, by way of reply to you, O Attius. For there is something in this cause which Cluentius thinks concerns him; there is also something which I think concerns me. He thinks it is for his interest that his defence should rest on the facts and merits of the case, not on the letter of the law; but I think that it concerns me not to appear defeated by Attius in any discussion. For this is not the only cause that I have to plead; my labour is at the service of every one who can be content with my ability as their advocate. I do not wish any one of those who are present to think, if I remain silent, that I approve of what has been said by Attius respecting the law. Wherefore, O Cluentius, I am complying with your wishes in this your cause; and I do not read any law in this court, nor do I allege any law in your favour. But I will not omit those things which I think are expected from me. 55. [150]

It seems to you, O Attius, to be a scandalous thing that every one should not be bound by the same laws. In the first place, (suppose I do grant to you that it is a most scandalous thing,) it is an evil of this sort, that it is a proof that we have need to have the laws altered, not that we are not to obey the laws while they are in existence. In the next place, what senator has ever made this complaint, that when, by

the kindness of the Roman people, he had attained a higher rank, he did not think he ought by that promotion to be put under more severe conditions of law? How many advantages are there, which we are without; how many troubles and annoyances are there which we undergo. — And all these things are compensated by the advantages of honour and dignity. Now apply these same conditions of life to the equestrian order, and to the other ranks of the state. They will not endure them; for they think that fewer inconveniences of the laws, and of the courts of justice, ought to be allotted to them, who have either never been able to mount to the higher ranks of the state, or have never tried. [151] And, to say nothing of all other laws, by which we are bound, and from which all the other ranks are released, Caius Gracchus passed this law, "That no one should be circumvented." And he passed, it for the sake of the common people, not against the common people. Afterwards Lucius Sulla, a man who had not the slightest connection with the common people, still, when he was appointing a trial concerning a case of this sort to take place according to the provisions of this very law, by which you are sitting as judges at the present moment, did not dare to bind the Roman people with this new sort of proceeding, whom he had received free from any such obligation. But if he had thought it practicable to do so, from the hatred which he bore the equestrian order, he would not have been more glad to do anything than to turn the whole fury of that proscription of his which he let loose upon the old judges, on this single tribunal. [152] Nor is there any other object aimed at now, (believe me, O judges, and provide for what you must provide for,) except the bringing the whole equestrian body within the danger of this law. Not that this is the object of every one, but of a few. For those senators who easily keep themselves in integrity and innocence, such as (I will speak the truth,) you yourselves are, and those others who have lived free from covetousness are anxious that the knights, as they are next to the senatorial body in rank, should also be most closely united to them by community of feeling. But those who wish to engross all power to themselves, and to prevent any from existing in any other man, or in any other rank, think that by holding this single fear over them, they will be able to bring the Roman knights under their power, if it is once established that

investigations of this sort can be held upon those men who have acted as judges. For they see that the authority of this order is strengthened, they see that its judicial decisions are approved; but if this fear be suspended over you they feel confident that they shall be able to pluck the sting out of your severity. [153] For, who would dare to decide with truth and firmness in the case of a man possessed of at all greater power or riches than the generality, when he sees that he himself may be afterwards prosecuted with reference to that case, for having been guilty of some agreement or conspiracy? 56.

O the gallant men, the Roman knights! who resisted that most eminent and most powerful man, Marcus Drusus, when tribune of the people, when he was aiming at nothing with respect to the whole body of nobility which existed at that time, except contriving that they, who had sat as judges, might be themselves brought before the court by proceedings of this sort. Then Caius Flavius Pusio, Cnaeus Titinnius, Caius Maecenas, those props of the Roman people, and the other men of this order, did not do the same thing that Cluentius does now, in refusing, because they thought that they should by that means incur some blame; but they most openly resisted, when they demurred to these proceedings, and said openly, with the greatest courage and honesty, that they might have arrived by the decision of the Roman people at the highest rank, if they had chosen to set their hearts on seeking honours; that they were aware how much splendour, how much honour, and how much dignity there was in that sort of life; and that they had not despised these things, but had been content with their own order, which had been the rank of their fathers before them; and that they had preferred following that tranquil course of life, removed from the storms of unpopularity, and from the intricacies of these judicial proceedings. [154] They said, that either the proper age for offering themselves as candidates for honours ought to be restored to them, or, since that was impossible, that that condition of life had better remain which they had followed when they abstained from being candidates; that it was unjust that they, who had avoided all the decorations of those honours, on account of the multitude of their dangers, should be deprived of the kindness of the people, and yet not be free from the dangers of these new tribunals; that a senator could not make this complaint, because

he had originally offered himself as a candidate for them, knowing all the conditions, and because he had a great many honourable circumstances which in his case might lessen the inconvenience, — the place, the authority, the dignity it gave him at home, the name and influence it conferred on him among foreign nations, the toga praetexta, the curule chair, the ensigns of the rank, the forces, the armies, the military command, the provinces, all which things our ancestors wished to be the greatest rewards for virtuous actions, and by them they wished, also, that there should be the greatest dangers held out, as a terror to offences. They did not refuse to be prosecuted under this law, under which Habitus is now prosecuted, which was then called the Sempronian law, and now is called the Cornelian law. For they were aware that the equestrian order is not bound by that law; but they were anxious not to be bound by any new law. [155] Habitus has never demurred even to this, not to giving an account of his course of life according to the provisions of a law by which he was not at all bound. And if this condition pleases you, let us all strive to have this investigation extended to all ranks and orders in the city. 57.

But in the mean time, in the name of the immortal gods! since we have all our advantages, our laws, our liberty, and our safety by means of the laws, let us not depart from the laws. And at the same time let us consider what a scandalous thing it is for the Roman people to be now pursuing another object; for them to have entrusted to you the republic and their own fortunes; to be themselves without any care; to have no fear of being bound by the decision of a few judges, by a law which they have never sanctioned, and by a form of judicial investigation of which they think themselves independent. [156] For Titus Attius, a virtuous and eloquent young man, conducts this case in such a manner; saying that all the citizens are bound by all the laws; and you attend and listen in silence, as you ought to do.

Aulus Cluentius, a Roman knight, is prosecuted according to that law by which the senators, and those who have served magistracies, alone are bound. I, by his desire, am prevented from demurring to this and from establishing the main bulwark of my defence on the citadel of the law. If Cluentius gains his cause, as we, relying on your equity, feel sure that he will, all will believe, what indeed will be the

truth, that he has gained it because of his innocence, since he has been defended in such a manner as this; but in the law, all appeal to which he discarded, he found no protection at all. [157] Here now is something which concerns me, as I said before, and which I ought to make good to the satisfaction of the Roman people, since my condition of life is such that the whole of my care and labour is devoted to defending every one from danger. I see how great, and how dangerous, and how bound less a field of investigation is attempted to be opened by the prosecutors, when they endeavour to transfer that law, which was framed with reference to our order alone, to the whole Roman people. And in that law are the words —"Who has conspired." You see how wide an application that may have. "Or agreed." That is just as vague and indefinite. "Or consented." But this is not only vague and indefinite, but is also obscure and unintelligible. "Or given any false evidence." Who is there of the common people at Rome, who has ever given any evidence at all, who is not, as you see, exposed to this danger, if Titus Attius is to have his own way? At all events I assert this positively, that no one will ever give evidence for the future, if this tribunal is held over the common people of Rome. [158] But I make this promise to every one, if by chance any one is brought into trouble by this law, who is not properly liable to this law, that if he will employ me to defend him, I will defend his cause by the protection that the law affords, and that I will prove my ease easily to these judges, or to any others who resemble them, and that I will use every means of defence with which the law provides me, which I am now not permitted to use, by the man with whose wishes I am bound to comply. 58.

For I ought not to doubt, O judges, that, if a cause of this sort be brought before you, of a man who does not come under the provisions of that law, even if he be unpopular, or if he seem to be disliked by many, or even if you hate him yourselves, and are unwilling to acquit him, still you will acquit him; and you will be guided rather by your sense of duty than by your personal hatred. [159] For it is the part of a wise judge, to think that he has just that power permitted to hum by the Roman people, which is committed and entrusted to him; and to remember that not only is power given to

him, but also that confidence is placed in him: that he is a man capable of acquitting a man whom he hates, of condemning one whom he does not hate; and of always thinking not what he himself wishes, but what the law and the obligation of his oath requires of him — of considering according to what law the defendant is brought before him, who the defendant is into whose conduct he is inquiring, and what are the facts which are being investigated. All these things require to be looked at, and also it is the part of a great and wise man, O judges, when he has taken in his hand his judicial tablet, to think that he is not alone, and that it is not lawful for him to do whatever he wishes; but that he must employ in his deliberations law, equity, religion, and good faith; that he must discard lust, hatred, envy, fear, and all evil passions, and must think that consciousness implanted in one's mind, which we have received from the immortal gods, and which cannot be taken from us, to be the most powerful motive of all. And if that is a witness of virtuous counsels and virtuous actions throughout our whole lives, we shall live without any fear, and in the greatest honour.

[160] If Titus Attius had known these things, or thought of them, certainly he would not have ventured to say what he did assert at great length, that a judge decides whatever he chooses, and ought not to be bound by the laws. But now concerning all these topics I think I have said too much, if judged by the inclination of Cluentius; little enough, if we love to the dignity of the republic; but quite enough with reference to your wisdom. There are a few topics remaining, which because they belonged to your investigation they thought ought to be considered and urged by them, that they might not be considered the most worthless of all men, as they would deserve to be if they brought nothing into the court but their own personal ill-feeling. 59.

And that you may see that it is of necessity that I have urged the topics which I have now been mentioning, at considerable length, listen to what remains. You will then understand that all those points of the defence which could be stated in a few words, have been stated with the greatest brevity possible. [161]

You have said that an injury was done by the family of my client to Cnaeus Decius, a Samnite; him I mean who was proscribed, in his

calamity. He was never treated by any one more liberally than by Cluentius. It was the riches of Cluentius that relieved him in his distresses; and he himself, and all his friends and relations, know it well. You have said "that his stewards offered violence to and assaulted the shepherds of Ancarius and Pacenus." When some dispute (as is often the case) had arisen in the hills between the shepherds, the stewards of Habitus defended the property and private possessions of their master. The parties expostulated with one another, the cause was proved to the satisfaction of the others, and the matter was settled without any trial or any recourse to law. [162] You have said, "when a relation of Publius Aelius had been disinherited by his will, this man, who was no relation of his, was declared his heir." Publius Aelius acted so from his knowledge of Habitus's merit. He was not present at the making of the will, and that will was signed by Oppianicus as a witness. You have said, "that he refused to pay Florius a legacy bequeathed to him in the will." That is not the case; but as thirty sesterces had been written instead of three hundred, and as it did not appear to him to have been very carefully worded, he only wished him to consider what he received as due to his liberality. He first denied that the money was legally due, but, having done so, he then paid it without any dispute. You have said, "that the wife of a certain Samnite named Caelius was, after the war, recovered from Cluentius." He had bought the woman as a slave from the brokers; but the moment that he heard that she was a free woman he restored her to Caelius without any action. [163] You have said, "that there is a man named Ennius, whose property Habitus is in possession of." This Ennius is a needy man, a bumper-up of false accusations, a hired tool of Oppianicus; who for many years remained quiet; then at last he accused a slave of Habitus of theft; lately, he began to claim things from Habitus himself. By that private proceeding, he will not (believe me), though we may perhaps be his advocates, escape calumny. And also, as it is reported to us, you suborn an entertainer of many guests, a certain Aulus Binnius, an innkeeper on the Latin road, to say that violence was offered to him in his own tavern by Aulus Cluentius and his slaves. But about that man I have no need at present to say anything. If he invited them, as is commonly the case, we will treat the man so as to make

him sorry for having gone out of his way.

[164] You have now, O judges, everything which the prosecutors, after eight years' meditation, have been able to collect against the morals of Aulus Cluentius during his whole life, the man whom they state to be so hated and unpopular. Charges how insignificant in their kind! how false in their facts! how briefly replied to! 60.

Learn now this, which has a reference to your oath, which belongs to your tribunal, which is a burden the law has imposed on you, in accordance with which you have assembled here, — the law, I mean, about accusations of poison; so that all may understand in how few words this cause may be summed up, and how many things have been said by me which had a great deal to do with the inclination of my client, but very little with your decision.

[165] It has been urged in the case for the prosecution, that Caius Vibius Capax was taken off by poison by this Aulus Cluentius. It happens very seasonably that a man is present, endowed with the greatest good faith, and with every virtue, Lucius Plaetorius, a senator, who was connected by ties of hospitality with, and was an intimate friend of that man Capax. He used to live with him at Rome; it was in his house that he was taken in, in his house that he died. "But Cluentius is his heir." I say that he died without a will, and that the possession of his property was given by the praetor's edict to this man, his sister's son, a most virtuous young man, and one held in the highest esteem for honourable conduct, Numerius Cluentius, who is present in court. [166]

There is another poisoning charge. They say that poison was, by the contrivance of Habitus, prepared for this young Oppianicus, when, according to the custom of the citizens of Larinum, a large party was dining at his wedding feast; that, as it was being administered in mead, a man of the name of Balbutius, his intimate friend, intercepted it on its way, drank it, and died immediately. If I were to deal with this charge as one that required to be refuted, I should treat those matters at great length, which, as it is, my speech will pass over in a few words. [167] What has Habitus ever done that he is not to be thought a man incapable of such an atrocity as this? And what reason had he for being so exceedingly afraid of Oppianicus, when he could not possibly say a word in this case, and

while accusers could not possibly be wanting, as long as his mother was alive? which you will soon have proved to you. Was it his object to have no sort of danger wanting to his cause, that this new crime was added to it? But what opportunity had he of giving him poison on that day, and in so large a company? Moreover, by whom was it given? Whence was it got? How, too, was the cup allowed to be intercepted? Why was not another given to him over again? There are many arguments which may be urged; but I still not appear to wish to urge them, and still not to do so. For the facts of the case shall speak for themselves. [168] I say that that young man, whom you say died the moment that he had drank that cup, did not die at all on that day. O great and impudent lie! Now see the rest of the truth. I say that he, having come to the dinner while labouring under an indigestion, and still, as people of that age often do, had not spared himself, was taken ill, continued ill some days, and so died. Who is my witness for this fact? The man who is a witness also of his own grief — his own father. The father, I say, of the young man himself: he, who, from his grief of mind, would have been easily inclined by even the slightest suspicion to appear as a witness against Aulus Cluentius, gives evidence in his favour. Read his evidence. But do you, unless it is too grievous for you, rise for a moment, and endure the pain which this necessary recollection of your trouble causes you; on which I will not dwell too long, since, as became a virtuous citizen, you have not allowed your own grief to be the cause of distress or of a false accusation to an innocent man. [The testimony of Balbutius the father is read.] 61. [169]

There is one charge remaining, O judges; a charge of such a nature, that you may see from it the truth of what I said at the beginning of my speech, — that whatever misfortune has happened to Aulus Cluentius of late years, whatever anxiety or trouble he has at the present time, has all been contrived by his mother. You say that Oppianicus was killed by poison, which was administered to him in bread by some one of the name of Marcus Asellius, an intimate friend of his own; and that that was done by the contrivance of Habitus. Now, in this matter, I ask first of all what reason Habitus had for wishing to kill Oppianicus. For I admit that ill-will did exist between them; but men only wish their enemies to be slain, either

because they fear them, or because they hate them. [170] Now, by fear of what could Habitus have been influenced, that he should have endeavoured to commit so great a crime? What reason could any one have had for fearing Oppianicus, already condemned to punishment for his crimes, and banished from the city? What did Cluentius fear? Did he fear being attacked by a ruined man? or being accused by a convict? or being injured by the evidence of an exile? But if, because Habitus hated him, he, on that account, did not wish him to live, was he such a fool, as to think that a life which he was then living, the existence of a convict, of an exile, of a man abandoned by every one? whom, on account of his odious disposition, no one was willing to admit into his house, or to visit, or to speak to, or even to look at? [171] Did Habitus, then, envy the life of this men? If he had hated him bitterly and utterly, ought he not to have wished him to live as long as possible? Would an enemy have hastened his death, when death was the only refuge which he had left from his calamity? If the man had had any virtue or any courage, he would have killed himself, (as many brave men have done in many instances, when in similar misfortunes.) How is it possible for an enemy to have wished to offer to him what he must himself have wished for eagerly For now indeed, what evil has death brought him? Unless, perchance, we are influenced by fables and nonsense, to think that he is enduring in the shades below the punishments of' the wicked, and that he has met with more enemies there than he left behind here; and that he has been driven headlong into the district and habitation of wicked spirits by the avenging furies of his mother-in-law, of his wife, of his brother, and of his children. But if these stories are false, as all men are well aware that they are, what else has death taken from him except the sense of his misery? Come now, by whose instrumentality was the poison administered? By that of Marcus Asellius. 62. [172]

What connection had he with Habitus? None — nay rather, as he was a very intimate friend of Oppianicus, he was rather an enemy to Habitus. Did he then pick out that man whom he knew to be rather unfriendly to himself, and to be exceedingly intimate with Oppianicus, to be above all others the instrument of his own wickedness, and of the other's danger, In the next place, why do you, who have been prompted by pity to undertake this prosecution, leave

this Asellius so long unpunished? Why did not you follow the precedent of Habitus, and have a previous examination, which should affect him, by means of an investigation into his conduct who had administered the poison? [173] But now, as for that circumstance of poison being administered in bread, how improbable, how unusual, how strange a thing it is. Was it easier than administering it in a cup? Could it be hid more secretly in some part of the bread than if it had been all liquefied and amalgamated with a potion? Could it pass more rapidly into the veins and into every separate part of the body if it were eaten than if it were drunk? Could it escape notice (if that was thought of) more easily in bread, than in a cup, when it might then have been so mixed up as to be wholly impossible to be separated? [174] "But he died by a sudden death." But if that was the case, still that circumstance, from the number of men who die in that way, would not give rise to any well-grounded suspicion of poison. If it were a suspicious circumstance, still the suspicion would apply to others rather than to Habitus. But as to that fact itself, men tell most impudent lies. And that you may see this, listen to this statement of the truth respecting his death, and how after his death an accusation was sought for out of it against Habitus, by his mother. [175]

When Oppianicus was wandering about as a vagabond and an exile, excluded from every quarter, he went into the Falernian district of Caius Quintilius; there he first fell sick, and had a very violent illness. As Sassia was with him, and as she was more intimate with a man of the name of Statius Albius, a citizen of that colony, a man in good health, who was constantly with her, than that most dissolute husband could endure, while his fortune was unimpaired, and as she thought that that chaste and legitimate bond of wedlock was dissolved by the condemnation of her husband, a man of the name of Nicostratus, a faithful slave of Oppianicus's, a man who was very curious and very truth-telling, is said to have been accustomed to carry a good many tales to his master. In the meantime, when Oppianicus was becoming convalescent, and could not endure any longer the profligacy of this Falernian, and after he had come nearer the city, — for he had some sort of hired house outside the gates, — he is said to have fallen from his horse, and, being a man in delicate health before, to have hurt his side very badly, and having come to

the city in a state of fever, to have died in a few days. This is the manner of his death, O judges, such as to have no suspicious circumstance at ale attached to it, or if it has any, they must apply to some domestic wickedness carried on within his own walls. 63. [176]

After his death Sassia, that abandoned woman, immediately began to devise plots against her son. She determined to have an investigation made into the death of her husband. She bought of Aulus Rupilius, whom Habitus had employed as his physician, a slave of the name of Strato, as if she were following the example of Habitus in purchasing Diogenes. She said that she was going to investigate the conduct of this Strato, and of some servant of her own. Besides that, she begged of that young Oppianicus that slave Nicostratus, whom she thought to be too talkative, and too faithful to his master, for judicial examination. As Oppianicus was at that time quite a boy, and as that investigation was being instituted about the death of his own father, although he thought that that slave was a well-wisher both to himself and to his father, still he did not venture to refuse anything. The friends and connections of Oppianicus, and many also of the friends of Sassia herself, honourable men, and accomplished in every sense of the word, are invited to attend. The investigation is carried on by means of the severest tortures. When the minds of the slaves had been tried both with hope and fear, to induce them to say something in the examination, still, compelled (as I imagine) by the authority of those who were present, and by the power of the tortures, they adhered to the truth, and said that they knew nothing of the matter. [177] The examination was adjourned on that day, by the advice of the friends who were present. After a sufficient interval of time, they are summoned a second time. The examination is repeated all over again. No degree of the most terrible torture is emitted. The witnesses who had been summoned turned away, and could scarcely bear to witness it. The cruel and barbarous woman began to storm, and to be furious that her plans were not proceeding as she had hoped that they would. When the torturer and the very tortures themselves were worn out, and still she would not desist, one of the men who had been summoned as witnesses, a man distinguished by honours conferred on him by the people, and endued with the highest virtue, said that he plainly saw that the

object was not to find out the truth, but to compel them to give some false evidence. After the rest had shown their approbation of these words, it was resolved by the unanimous opinion of them all, that the examination had been carried far enough. [178] Nicostratus is restored to Oppianicus; Sassia goes to Larinum with her friends, grieving, because she thought that her son would certainly be safe; since not only no true accusation could be proved against him, but there could not be even any false suspicion made to attach to him, and since not only the open attacks of his enemies were unable to injure him, but even the secret plots of his mother against him proved harmless to him. After she came to Larinum, she, who had pretended to be persuaded that poison had been previously given to her husband by that man Strato, immediately gave him a shop at Larinum, properly furnished and provided for carrying on the business of an apothecary. 64.

One, two, three years did Sassia remain quiet, so that she seemed rather to be wishing and hoping for some misfortune to her son, than to be planning and contriving any such thing against him. [179] Then in the meantime, in the consulship of Hortensius and Metellus, in order that she might persuade Oppianicus, who was occupied about other matters, and thinking of nothing of the sort, to this accusation, she betroths to him against his will her own daughter, her whom she had borne to his father-in-law, in order that she might have him in her power, now that he was bound to her by this marriage, and also by the hope of her will. Nearly about the same time, Strato, that great physician, committed a theft and murder in his own house in the following manner: — As there was in his house a chest, in which he knew there was a good deal of money and gold, he murdered by night two slaves, while they were asleep, and threw their bodies into a fishpond. Then he cut out the bottom of the chest, and took out . . . . sesterces, and five pounds' weight of gold, with the knowledge of one of his slaves, a boy not grown up. [180] The theft being discovered the next day, all the suspicion attached to those slaves who did not appear. When the cutting out of the bottom of the chest was noticed, men asked how that could have been done? One of the friends of Sassia recollected that he had lately seen at an auction, among a lot of very small things, a crooked and twisted saw sold, with teeth in every direction; and by such an instrument as this it seemed that the bottom of the chest might have been cut round in the manner in which it was. To make my story short, inquiry is made of the auctioneer. That saw is found to have become the property of Strato. When suspicion was excited in this manner, andStrato was openly accused, the boy who had been privy to the deed got alarmed; he gave information of the whole business to his mistress; the men were found in the fishpond; Strato was thrown into prison; and the money, though not all of it, was found in his shop. [181] A prosecution for theft is commenced against him. For what else can any one suspect? Do you say this, that when a chest had been pillaged, money taken away, only some of it recovered, and when men had been murdered, that then an investigation into the death of Oppianicus was instituted? Who will you get to believe that? What is that you could

possibly allege, that would be less possible? In the next place, to pass over the other points, was an investigator made into the death of Oppianicus three years after that death? — Yes, and being exasperated against him on account of her former grudge, she then, without the slightest reason, demanded that same Nicostratus, in order to submit him to the question. Oppianicus at first refused. After she threatened that she would take her daughter away from him, and alter her will, he, I will not say brought his most faithful servant to that most cruel woman, for her to subject him to the question, but he clearly gave him up to her for punishment. 65. [182]

After three years had elapsed, then, the long projected investigation into the death of her husband was made; and what slaves were especially pointed at in the investigation ? I suppose some new circumstances were alleged in the accusation; some new men were involved in the suspicion. Strato and Nicostratus were those mentioned. What? had not an ample investigation into their conduct taken place at Rome? Was it not so? The woman, now mad, not by disease, but with wickedness, though she had conducted an investigation at Rome, though it had been resolved, in accordance with the opinion of Titus Annius, Lucius Rutilius, Publius Saturius, and other most honourable men, that the investigation had been carried far enough, still, three years afterwards she attempted to institute an investigation into the conduct of the same men, allowing, I will not say no man, (lest you should say by chance that some one of the inhabitants of the colony was present,) but no respectable man to be present; and this investigation was in reality directed against the life of her son. [183] Can you say, (for it occurs to me to think what possibly can be said, even if it has not been said as yet,) that when the investigation about the robbery was proceeding, Strato made some confession respecting the poisoning? By this single means, O judges, truth, though kept under by the wickedness of many, often raises its head, and the defence which has been cut away from innocence gets breathing time; either because they who are cunning in devising fraud, do not dare to execute all that they devise, or because they whose audacity is conspicuous and prominent, are destitute of the craftiness of malice. But if cunning were bold, or audacity crafty, it would scarcely be possible to resist them. Was

there no robbery committed? Nothing was more notorious at Larinum. Did no suspicion attach to Strato? On the contrary, he was accused on account of the circumstance of the saw, and he was also informed against by the boy who was his accomplice. Was that not stated in the investigation? Why, what other reason was there for making the investigation at all? Did Strato then, (this is what you are bound to say, and what Sassia was constantly saying at that time,) while the investigation was going on about the robbery, while under the torture, make any confession about the poisoning! [184] Behold now, here is the case which I have just mentioned. The woman abounds in audacity, she is deficient in contrivance and in ability. For many documents of what came out in the investigation are preserved, which have been read to you, and made public, those very documents which he said were then sealed up; and in all these documents there is not one letter about theft. It never once occurred to her to write out the first speech of Strato about the robbery, and after that, to add to it some expression about poisoning, which might seem not to have been extracted by any interrogatory, but to have been wrung from him by pain. The investigation into the robbery was superseded by the suspicion of the poisoning, which was a previous subject for investigation, which this very woman herself had pointed out; who, after she had come to the resolution (being compelled thereto by the opinion of her friends,) that the examination had been pushed far enough, for three years afterwards loved that man Strato above all the other slaves, and held him in the greatest honour, and loaded him with all sorts of kindnesses. When, therefore, the investigation into a robbery was going on, and that robbery too which he, beyond dispute, had committed, did he then abstain from saying a word about that which was the subject of the investigation, but at once say something about the poisoning? [185] And did he never say one word at all about the robbery, (even if not at the time when he ought to have said it, still) either at the end, or middle, at any part whatever of his examination? 66.

You see now, O judges, that that wicked woman, with the same hand with which she would murder her son, if it were in her power, has made up this false report of the examination. And who, I should like to know, has signed this report of the examination? Name any

one person. You will find no one except perhaps a man of that sort, whom I would rather mention than have no one named. [186] What do you say, O Titus Attius? will you bring before the court matter involving danger to a man's life, will you bring forward the information laid with respect to this wickedness, and the fortunes of another, all written down in this document, and yet refuse to name the author of this document, or the witness, or any one who will in any respect confirm it? And will such men as these judges, before whom we stand, approve of this destruction which you have drawn forth out of the mother's bosom against her most innocent son? Be it so then; these documents have no author. What next? Why is not the investigation itself reserved for the judges; for the friends and connections of Oppianicus, whom she had invited to be present before, and for this identical time? What was done to these men, Strato and Nicostratus? [187] I ask of you, O Oppianicus, what you say was done to your slave Nicostratus? whom you, as you were shortly about to accuse this man, ought to have taken to Rome, to have given him an opportunity of giving information; lastly, to have preserved him unhurt for examination, to have preserved him for these judges, and to have preserved him for this time. For, O judges, know that Strato was crucified, having had his tongue cut out; for there is no one of all the citizens of Larinum who does not know this. That frantic woman was afraid, not of her own conscience, not of the hatred of her fellow-citizens, not of the reports flying about among everybody; but, as if every one was not likely to be hereafter the witness of her wickedness, she was afraid of being convicted by the last words of a dying slave.

[188] What a prodigy is this, O ye immortal gods! What shall we say of this enormity? What shall we call this enormous and inhuman wickedness, or where shall we say it has its birth? For now, in truth, you see, O judges, that I did not, at the beginning of my oration, say what I did about his mother without the strongest and most unavoidable necessity; for there is no evil, no wickedness, which she has not from the very beginning wished, and prayed for, and planned and wrought against her son. I say nothing of that first jury which she did him through her lust — I say nothing of her nefarious marriage with her son-in-law — I say nothing of her daughter driven from her

husband by the profligate desires of her mother, — because they have relation, not to the existing danger of his life to my client, but to the common disgrace of the family. I say nothing of the second marriage with Oppianicus, to ensure which she first received from him his dead sons as hostages, and then married, to the grief of the family, and the destruction of her stepsons. I pass over how, when she knew that Aurius Melinus, whose mother-in-law she had formerly been, and whose wife she had been a little before that, had been proscribed and murdered by the contrivance of Oppianicus, she chose for herself that place as the abode and home of her married state, in which she might every day behold the proofs of the death of her former husband, and the spoils of his fortune. [189] This is what I complain of first of all, — that wickedness which is now at length thoroughly revealed, of the poisoning of Fabricius; which, being then recent, was suspicious to others, incredible to him, but which now appears plain and evident to everybody. In fact, his mother is hardly concealed in that act of poisoning; nothing was devised by Oppianicus without the counsel of that woman; and unless that had been the case, certainly she would not afterwards, when the affair was detected, have departed from him as from a wicked husband, but she would have fled from him as from a most pitiless enemy, and she would have for ever left that house overflowing with every imaginable wickedness. [190] She not only did not do that, but from that time forth she omitted no opportunity of planning some treachery or other, but day and night, she, a mother, directed all her thoughts to compassing the destruction of her son. But first, in order to confirm Oppianicus in his resolution of becoming the accuser of her son, she bound him to her by gifts and presents, by giving him her daughter in marriage, and by the hope of her inheritance. 67.

Therefore, among other people too, when sudden enmities have arisen between relations, we often see divorces and ruptures of connections take place; but this woman thought that no one could be sufficiently reined upon as the prosecutor of her son, unless he first married his sister. Other men, induced by new connections, often lay aside their ancient enmities; she thought that a connection with the family would be a pledge to ensure the strengthening of enmity. [191] And she was not only diligent in providing an accuser for her son,

but she also planned how to furnish him with the requisite weapons. Hence were all those tamperings with the slaves, both by means of threats and of promises; hence those repeated and cruel investigations into the death of Oppianicus; to which at last it was not the moderation of the woman, but the authority of her friends that put a limit. From the same wickedness proceeded that investigation conducted at Larinum three years afterwards. The false reports of the investigation were fabricated by the same frantic criminality. From that same frenzy proceeded also that abominable cutting out of her victim's tongue; and lastly, the whole contrivance of this accusation has been managed and carried out by her. [192] And when she had herself sent the accuser armed with all these weapons against her son to Rome, she remained herself a little while at Larinum, for the sake of seeking out and hiring witnesses. But afterwards, when news was brought to her that this man's trial was coming on, she immediately flew hither, to prevent any diligence being wanting on the part of the accusers, or any money to the witnesses; or perhaps lest she, as his mother, should lose this sight which she had so eagerly desired, of this man's mourning habit, and grief, and melancholy condition. 68.

But now, what sort of journey do you think that woman had to Rome? which I, by means of the neighbourhood of the people of Aquinum and Venafrum, heard and ascertained from many people. What throngings of the people were there in these cities! what groanings of men and women! that a woman should go from Larinum, should go all the way from the Adriatic to Rome, with a large retinue, and great sums of money, in order to be the more easily able to convict and oppress by a capital charge, falsely trumped up, her own son!

[193] There was not one of all those people (I may almost say) who did not think that every place required purifying, by which she had passed on her journey; no one who did not think the very earth itself, the common mother of us all, polluted by the footsteps of that wicked mother. Accordingly, she could not stay long in any city; of all that number of people, who might have been her entertainers, not one was found who did not flee from the contagion of her sight. She trusted herself to night and solitude, rather than to any city or to any host. [194] But now, which of us does she think is ignorant of what she

is doing, of what she is contriving, of what she is thinking? We know whom she has addressed herself to, whom she has promised money to, whose good faith she has endeavoured to undermine by means of bribes. Moreover, we are acquainted with her nocturnal sacrifices, which she thinks are secret, and her wicked prayers, and her abominable vows; in which she makes even the immortal gods to be witnesses of her wickedness, and does not perceive that the minds of the gods are propitiated by piety, by religion, and holy prayers, not by a polluted superstition, nor by victims slain to conciliate their sanction for acts of wickedness. This insanity and barbarity of hers I may well feel sure that the immortal gods have rejected with disgust from their altars and temples. 69. [195]

Do you now, O judges, whom fortune has appointed to be a sort of other gods, as it were, to Aulus Cluentius, my client, throughout his whole life, ward off this savage attack of his mother from her son's head. Many men, while sitting as judges, have pardoned the sins of the children out of pity for the parents; — we now entreat you, hot to give up the most virtuously spent life of this man to the inhumanity of his mother, especially when you may see all his fellow-citizens in his municipality on the other side of the question. Know all of you, O judges, (it is a most incredible statement, but still a perfectly true one,) that all the men of Larinum, who have been able to do so, have come to Rome, in order by their zeal, and by the display of their numbers, to comfort this man as far as they could, in this his great danger; know that that town is at the present moment delivered to the keeping of children and women, and that it is now, at this time of common peace over Italy, defended by its domestic forces only. But even those who are left behind are equally eager with those whom you see present here, and are harassed day and night by anxiety about the result of this trial. [196] They think that you are going to deliver a decision, not about the fortunes of one of their citizens, but about the condition, and the dignity, and all the advantages of the whole municipality. For the industry of that man in the common service of the municipality is extreme, O judges; his kindness to each individual citizen, and his justice and good faith towards all men, are of the highest order. Besides, he so preserves his high rank among his countrymen, and the position which he has

inherited from his ancestors, that he equals the gravity, and wisdom, and popularity, and character for liberality of his ancestors. Therefore they give their public testimony in his favour, in words which signify not only their opinion of, and their esteem for him, but also their own anxiety of mind and grief. And while their panegyric is being read, I beg of you, who have brought it hither, to rise up. [The panegyric on Cluentius, in pursuance of the resolution of the senators of Larinum, is read.] [197] From the tears of these men, you, O judges, may easily imagine that the senators did not pass these resolutions without tears. Come now, how great is the zeal of his neighbours in his behalf, how incredible their good-will towards him, how great their anxiety for him. They have not, indeed, sent resolutions drawn up in papers of panegyric, but they have chosen their most honourable men, whom we are all acquainted with, to come hither in numbers, and to give their personal evidence in his favour. The Frentani are present, most noble men. The Marrucini a tribe of equal dignity, are present too. You see Roman knights, most honourable men, come to praise him from Teanum in Apulia, and from Luceria. Most honourable panegyrics have been sent from Bovianum, and from the whole of Samnium, and also the most honourable and noble men of these states have come too. [198] As for those men who have farms in the district of Larinum, or business as merchants, or flocks and herds, honourable men and of the highest character, it is impossible to say how eager and anxious they are. It seems to me that there are not many men so beloved by a single individual as he is by all these nations. 70.

How I wish that Lucius Volusienus were not absent from my client's trial, a man of the greatest virtue and most exalted character! How I wish that I could say that Publius Helvidius Rufus was present, the most accomplished of all the Roman knights! who, while, in this man's cause, he was kept awake night and day, and while he was instructing me in many of the facts of this case, has been stricken with a severe and dangerous illness; but even while in this state of suffering, he is not less anxious for the acquittal of Cluentius than for his own recovery. You shall witness the equal zeal of Cnaeus Tudicius, a senator, a most virtuous and honour able man, shown both in giving evidence and in uttering an encomium on him.

We speak with the same hope, but with more diffidence, of you, O Publius Volumnius, since you are one of the judges of Aulus Cluentius. [199] In short, we assert to you that the good-will of all his neighbours towards this man is unequalled. His mother alone opposes the zeal of all these men, and their anxiety and diligence in his behalf, and my labour, who, according to the rules of old times, have pleaded the whole of this cause by myself, and also your equity, O judges, and your merciful dispositions. But what a mother! One whom you see hurried on, blinded by cruelty and wickedness, — whose desires no amount of infamy has ever restrained, — who, by the vices of her mind, has perverted all the laws of men to the foulest purposes, — whose folly is such, that no one can call her a human being, — whose violence is such, that no one can call her a woman, — whose barbarity is such, that no one can call her a mother. And she has changed even the names of relationships, and not only the name and laws of nature: the wife of her son-in-law, the mother-in-law of her son, the invader of her daughter's bed! she has come to such a pitch, that she has no resemblance, except in form, to a human creature.

[200] Wherefore, O judges, if you hate wickedness, prevent the approach of a mother to a son's blood; inflict on the parent this incredible misery, of the victory and safety of her children; allow the mother (that she may not rejoice at being deprived of her son) to depart defeated rather by your equity. But if, as your nature requires, you love modesty, and beneficence, and virtue, then at last raise up this your suppliant, O judges, who has been exposed for so many years to undeserved odium and danger, — who now for the first time, since the beginning of that fire kindled by the actions and fanned by the desires of others, has begun to raise his spirits from the hope of your equity, and to breathe awhile after the alarms he has suffered, — all whose hopes depend on you, — whom many, indeed, wish to be saved, but whom you alone have the power to save. [201] Habitus prays to you, O judges, and with tears implores you, not to abandon him to odium, which ought to have no power in courts of justice; nor to his mother, whose vows and prayers you are bound to reject from your minds; nor to Oppianicus, that infamous man, already condemned and dead. 81.

But if any misfortune in this trial should overthrow this innocent man, verily, that miserable man, O judges, if indeed (which will be hard for him) he remains alive at all, will complain frequently and bitterly that that poison of Fabricius was ever detected. But if at that time that information had not been given, it would have been to that most unhappy man not poison, but a medicine to relieve him from many distresses; and, lastly, perhaps even his mother would have attended his funeral, and would have feigned to mourn for the death of her son. But now, what will have been gained by his escape then, beyond making his life appear to have been preserved from the snares of death which then surrounded him for greater grief, and beyond depriving him when dead of a place in his father's tomb? [202] He has been long enough, O judges, in misery. He has been years enough struggling with odium. No one has been so hostile to him, except his parent, that we may not think his ill-will satisfied by this time. You who are just to all men, who, the more cruelly any one is attacked, do the more kindly protect him, preserve Aulus Cluentius, restore him uninjured to his municipality. Restore him to his friends, and neighbours, and connections, whose eagerness in his behalf you see. Bind all those men for ever to you and to your children. This business, O judges, is yours; it is worthy of your dignity, it is worthy of your clemency. This is rightly expected of you, to release a most virtuous and innocent man, one dear and beloved by many men, at last from these his misfortunes; so that all men may see that odium and faction may be excited in popular assemblies, but that in courts of justice there is room only for truth.

IN TOGA CANDIDA (Denouncing Candidates for the Consulship of 63 BC)

Translated by C. D. Yonge

This speech was given by Cicero during his election campaign in 64 BC for the consulship of 63 BC. It was directed at his competitors, Catiline and Antonius, who were also running for consulship. The actual speech no longer survives, though a commentary by Asconius still survives, with fragments from the speech. The title of the oration alludes to the specially whitened (Latin candida) togas worn by candidates. Cicero used his election campaign speech to denounce his rivals and hint at secret powers behind Catiline. The tactics were successful and he secured the consulship.

THE FRAGMENTS OF THE SPEECH OF M. T. CICERO IN HIS WHITE GOWN, AGAINST C. ANTONIUS AND L. CATILINA, HIS COMPETITORS FOR THE CONSULSHIP. DELIVERED IN THE SENATE.

THE ARGUMENT

This oration was delivered the year after the speech for Cornelius had been spoken. Cicero being now in his forty-third year, and of the proper legal age, declared himself a candidate for the consulship the ensuing year. He had six competitors, Publius Sulpicius Galba, Lucius Sergius Catilina, Caius Antonius, Lucius Cassius Longinus, Quintus Cornificius, and Caius Licinius Sacerdos. Cicero was the only *novus homo* among them. Antonius and Catilina were the most formidable of his rivals, having coalesced together against him, and being both supported by the joint influence of Crassus and Caesar. They practised such open bribery, that the senate thought it necessary to check the practice by a new and rigorous law. But this law was vetoed by Quintus Mucius Orestinus, one of the tribunes of the people, in spite of his great obligations to Cicero, who had defended him on a criminal trial. In a debate which arose in the senate about the power of this veto of Orestinus, Cicero rose, and after some expostulation with Orestinus, broke into a severe invective against Antonius and Catilina, in this oration, of which only a few fragments remain. It is called the oration "in a white gown," because a "white gown" was the proper habit of all candidates, from which indeed their name was derived.

I say, O Conscript Fathers, that on the night before Catiline and Antony with their agents met at the house of some man of noble birth, one very well known from, and habituated to, gains derived from this sort of liberality,

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[He means either the house of Caesar, or of Crassus; for they were

the most eager adversaries of Cicero, out of jealousy at the influence which he was acquiring among the citizens. And Cicero accused Crassus of having been the original instigator of that conspiracy which, in the consulship of Cotta and Torquatus, the year before this speech was delivered, had been formed by Catiline and Piso.]

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For what friend or client can that man have, who has murdered so many citizens? and who said that he would not try a cause against a foreigner on fair terms in his own city?

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[Cicero afterwards charges Catiline with having behaved with great personal cruelty in the civil wars between Sulla and Marius, in which he had been a partisan of Sulla. He had murdered Quintus Caecilius, Marcus Volumnius, and Lucius Tantasius; and had cut off the head of Marcus Marius Gratidianus, a man who had been twice praetor, and had carried it through the streets of the city in his own hand; which is a deed which Cicero often reproached him with throughout this speech. And Antonius had plundered numbers of people in Achaia; so that the Greeks whom he had plundered prosecuted him before Marcus Lucullus the praetor. He had been expelled from the senate by the censors Lucius Gellius Poplicola and Cnaeus Cornelius Lentulus Clodianus, six years before; who had stated as their reason, that he had plundered the allies, evaded a trial, and that he was so much in debt that he had mortgaged the whole of his property.]

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Nor did he even then look to himself, when he was censured by every weighty resolution of yours.

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[Catiline had been praetor, and after his praetorship had had

Africa for his province, which he had oppressed so severely, that ambassadors were sent by the Africans to complain to the senate of his conduct.]

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He learnt how great is the power of the courts of justice when he was acquitted; if indeed his was to be called a trial, or his escape an acquittal.

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[The year before, Catiline, on his return from Africa, had been prosecuted for extortion by Clodius, then a young man. He had been defended by Cicero, according to Fenestella, which I doubt, because Cicero makes no mention of it, though it would have been a good subject for him to reproach Catiline with; and as he does reproach his competitor Antonius with ingratitude.]

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[What follows next is addressed to Antonius.]

Do you not know that I was elected the first praetor? but that you were only raised from your position of lowest on the list to that of third, by the concession of your competitors, by the union of the centuries, and especially by my kindness?

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[Quintus Mucius, who is addressed in the next paragraph, was a tribune of the people, and he had interposed top prevent the law against bribery from being carried, which he was supposed to have done to gratify Catiline.]

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But I am indignant, O Quintus Mucius, that you should have so

bad an opinion of the republic as to deny yesterday that I was worthy of the consulship. What? Is the Roman people less competent to exert due diligence in choosing a defender for itself than you are for yourself? For you, when Lucius Calenus was prosecuting you for robbery, you preferred having me above all men as the advocate of your fortunes. And can the Roman people be guided by your advice to reject the man as its defender in the most honourable causes, whose advice you had recourse to in the most infamous one? Unless, perhaps, you will say this, that at the time that you were prosecuted for robbery by Lucius Calenus you saw that I was able to be of very little use to you.

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He disgraced himself by every sort of lewdness and profligacy; he dyed his hands in impious murder, he plundered the allies, he violated the laws, the courts of justice.

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Why should I say how you polluted the province?

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For how you behaved there I do not dare to say, since you have been acquitted. I imagine that Roman knights must have been liars; that the documentary evidence of a most honourable city was false; that Quintus Metellus Pius told lies; that Africa told lies. I suppose that those judges who decided that you were innocent saw something or other. O wretched man, not to see that you were not acquitted by that decision, but only reserved for some more severe tribunal, and some more fearful punishment!

[Is it possible that Cicero should say this if he had been Catiline's advocate when he was acquitted?]

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But he showed how greatly he reverenced the people, when he

beheaded an exceedingly popular man in the sight of the people.

[This refers to Catiline having carried the head of Marius in triumph through the city.]

By what insanity he has been induced to despise me, I have no idea. Did he think that I should endure it with equanimity? or did he not see by the case of his own most intimate friend, that I could not endure even injuries done to others with any patience?

[He refers here to Caius Verres.]

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The other having sold all the cattle, and having assigned over nearly all the pasture land, still retains the shepherds, with whom he says that he can, whenever he pleases, immediately stir up a war of runaway slaves.

[He means Caius Antonius.]

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The other induced one over whom he had influence, immediately to promise the Roman people gladiators, whom he was not bound to provide; whom he himself, when a candidate for the consulship, had surveyed, and picked out, and purchased; and it was done in the presence of the Roman people. []

[He appears to mean Quintus Gallius, whom he afterwards defended when prosecuted for bribery. For when he was a candidate for the praetorship, because he had not given any showing of wild beasts in his aedileship, he gave a show of gladiators on the pretence of exhibiting them in honour of his father.]

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Wherefore, if you wish to increase your wages,

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I am content with that law by which we have seen two consuls elect convicted at one time.

[He refers to the Calpurnian law, which Caius Calpurnius Piso had passed three years before, about bribery. The consuls he alludes to were Publius Sulla and Publius Antonius.]

And to say nothing of that man, a robber when in Sulla's army, a gladiator on his entrance into the city, a coachman on his victory,

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[It is evident he is speaking of Antonius. He says, "that he was a robber in Sulla's" army, on account of the squadrons of cavalry with which he ravaged Achaia. The words "a gladiator on his entrance into the city," refer to the proscription that ensued; "a coachman on his victory," to the fact that Sulla, after his victory, exhibited games in the circus, in which men of honourable birth exhibited themselves as charioteers, and among them, Caius Antonius.]

But is it not a prodigy and a miracle, that you, O Catilina, should hope for, or even think of, the consulship? For from whom do you ask it? From the chiefs of the state, who, when Lucius Volcatius held a council, did not choose you to be even allowed to stand for it?

[It has been said already, that when Catilina was governor in Africa, the Africans sent ambassadors to complain to the senate of his conduct there, and many of the senators reflected on him very severely. In consequence, when he announced that he was standing for the consulship, Lucius Volcatius Tullus, the consul, convened a council to decide whether any notice ought to be taken at all of Catiline if he did offer himself. For he was at the moment under prosecution for extortion. On this, Catiline for the time withdrew from that competition.]

Do you ask it from the senators? who by their own authority had almost stripped you of all your honours, and surrendered you in chains to the Africans.

[For when Catiline was tried for extortion, the majority of the votes in the ballot-box in which the senators voted was for his conviction; but he was acquitted by the votes of the knights and tribunes.]

Do you ask it from the order of knights, which you have slaughtered?

[The equestrian order had taken the part of Cinna against Sulla, and had, on that account, been put to death in great numbers after the final victory of Sulla.] or from the people? to whom your cruelty afforded; such a spectacle that no one could behold it without grief, or can now recollect it without groaning.

[He is again referring to his having carried the head of Marius Gratidianus through the streets.]

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which head, while still full of life and breath, he himself carried to Sulla in his own hands from the Janiculan Hill to the temple of Apollo.

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[Notice must be taken that this was not the temple of Apollo on the Palatine Hill, for that was erected by Augustus, after his victory at Actium. This temple was that one outside the Carmental Gate, between the vegetable market and the Flaminian Circus.]

What can you say in your defence?

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Which you will not be allowed to say.

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[A little after he adds,]

Lastly, they could deny it, and they have denied it. You have not left your impudence room to deny it. They, therefore, will be said to have been fine judges, if, after having condemned Luscius while he denied it, they acquitted Catiline though he confessed it.

[This Lucius Luscius, a noted centurion of Sulla's party, and one who had acquired great riches by his victory, had [] been condemned a little while before Cicero made this speech. Lucius Bellienus, too, had been condemned, whom Cicero calls the uncle of Catiline They had both committed murders during the proscription.]

He then says that he was not ignorant; since even they said that

they had acted ignorantly, and that if they had slain any one, they had only obeyed the general and dictator, said that they could deny it, but that Catiline could not deny it.

[In fact, Catiline was prosecuted a few months after for the very crimes with which Cicero is reproaching him. For after the elections were over, and Catiline had been rejected, Lucius Lucullus prosecuted him as an assassin.]

Have you this dignity which you rely on, and, therefore, despise and scorn me? or that other dignity, which you have acquired by all the rest of your life? when you have lived in such a manner that there was no place so holy, that your presence did not bring suspicion of criminality into it, even when there was no guilt.

[For Fabia, a vestal virgin, had been prosecuted for adultery with Catiline, and had been acquitted. And she was the sister of Terentia, Cicero's wife, on which account Cicero had exerted his influence in her behalf.] When you were detected in acts of adultery; when you yourself detected adulterers; when you out of the same adultery found yourself both a wife and a daughter.

[It is said that Catiline had committed adultery with a woman who was afterwards his mother-in-law; and that, after that adultery with her, he married her daughter. Lucceius also reproached him with this in the orations which he wrote against him.]

Why need I say how you plundered the province? though all the Roman people raised an outcry against you, and resisted you. For how you behaved there I do not venture to say, as you have been acquitted.

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I pass over this nefarious attempt of yours, that day so bitter and grievous to the Roman people, when, with Cnaeus Piso for your accomplice, and no one else, you intended to make a general slaughter of the nobles

[There was a general belief that Catiline and Cnaeus Piso, a profligate young man, had formed a conspiracy to murder the senate the year before, in the consulship of Cotta and Torquatus; and that slaughter had only been prevented from taking place because Catiline

did not give the signal agreed upon. Piso was afterwards assassinated in Spain, some say by the dependents, and with the connivance of Pompey.]

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Did you forget that, when we were both standing for the praetorship, you begged me to concede the first rank to you? and do you recollect that, as you were frequently begging this of me with great earnestness, I answered you when Boculus had not been able to obtain the same favour that it was an impudent thing of you to make such a request from you?

[Boculus was a noted character in the circus]

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[He is speaking now of some profligate citizens] Who, after they found themselves unable to cut the sinews of the Roman citizens with that Spanish poniard of theirs, attempted to draw two daggers against the republic at once.

[By the Spanish poniard he means Cnaeus Piso. The two daggers evidently mean Catiline and Antonius.]

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You know that this man had already instigated Licinius the gladiator, a partisan of Catiline's, and Quintus Curius, a man of quaestorian rank.

[This Curius was a noted gambler.]

[Both Catiline and Antonius made insulting replies to this speech of Cicero; inveighing chiefly against its novelty. However, Cicero was elected consul unanimously; and Antonius beat Catiline by the votes of a few centuries.] []

PRO RABIRIO PERDUELLIONIS REO (On Behalf of Gaius Rabirius charged of treason)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF CAIUS RABIRIUS, ACCUSED OF TREASON.

THE ARGUMENT.

In the year A. U. C, 654, Lucius Saturninus, a tribune of the people, had been slain, in obedience to a decree of the senate, entrusting the safety of the republic to the consuls Caius Marius and Lucius Valerius Flaccus. Julius Caesar now suborned Titus Labienus, one of the present tribunes, to prosecute Rabirius, as being the person who had slain him, (the object of Caesar and his party being to put an end to, or at least a check upon, that prerogative of the senate by which, in a case of tumult, they could arm the city at once, by the customary vote, "Videant consules nequid respublica detrimenti capiat"; in obedience to which vote many seditious citizens had at different times been put to death without any trial, and this privilege of the senate had been a constant subject of complaint to the tribunes.) Julius Caesar procured himself to be appointed one of the duumviri, or two judges, who were to try the cause. Hortensius defended Rabirius, and proved that, though it would have been perfectly legal for Rabirius to slay Saturninus, still in point of fact he had nothing to do with his death, as he had been slain by a slave, who for the action had been emancipated by the people. Caesar, however, condemned Rabirius, who appealed to the people. And it was on the trial of this appeal that the following oration was delivered. Labienus would not allow Cicero to exceed half-an-hour in his defence; and, to raise the greater indignation against Rabirius, he exposed the picture of Saturninus in the rostra, as of one who had fallen a martyr to the

liberties of the people.

When, after the defence was over, the people were proceeding to vote, there was reason to apprehend some violence or foul play from the intrigues of the tribune. Accordingly Metellus, who was augur and also praetor that year, contrived to dissolve the assembly before they came to a vote; and the troubles that ensued in the latter part of the year prevented any farther attention being paid to the matter.

1. Although, O Romans, it is not my custom at the beginning of a speech to give any reason why I am defending each particular defendant, because I have always considered that the mere fact of the danger of any citizen was quite sufficient reason for my considering myself connected with him, still, in this instance, when I come forward to defend the life, and character, and all the fortunes of Caius Rabirius, I think I ought to give a reason for my undertaking this duty; because the very same reason which has appeared to me a most adequate one to prompt me to undertake his defence, ought also to appear to you sufficient to induce you to acquit him. [2] For the ancientness of my friendship with him, and the dignity of the man, and a regard for humanity, and the uninterrupted practice of my life, have instigated me to defend Caius Rabirius; and also the safety of the republic, my duty as consul, the very fact of my being consul since when I was made consul, the safety of the republic, and also that of each individual citizen in it was entrusted to me, compel me to do so with the greatest zeal. For it is not the actual offence, nor any desire to deprive Caius Rabirius in particular of life, nor is it any old, well grounded, serious enmity on the part of any citizen, which has brought him into this peril of his life. But the true design of this prosecution is, that that great aid which the majesty of the state and our dominion enjoys, and which has been handed down to us from our ancestors, may be banished from the republic; that the authority of the senate, and the absolute power of the consul, and the unanimity of all good men, may henceforth be of no avail against any mischief or ruin designed to the state; and therefore, as a handle for the destruction of all these weighty obstacles, the old age, and infirmity, and solitary condition of one man is attacked. [3]

Wherefore, if it is the part of a virtuous consul when he sees all the bulwarks of the republic undermined and weakened, to come to the assistance of his country; to bring succour to the safety and fortunes of all men; to implore the good faith of the citizens; to think his own safety of secondary consideration when put in competition with the common safety of all; it is the part also of virtuous and fearless citizens, such as you have shown yourself in all the emergencies of the republic, to block up all the avenues or sedition, to fortify the bulwarks of the state, to think that the supreme power is vested in the consuls, the supreme wisdom in the senate; and to judge the man who acts in obedience to them, worthy of praise and honour, rather than of condemnation and punishment. [4] Wherefore the labour in defending this man falls principally to my share; but the zeal for his preservation ought to be equally felt by me and by you. 2.

For you ought to think, O Romans, that, in the memory of man, no affair more important, more full of peril to you, more necessary to be carefully watched by you, has ever been undertaken by a tribune of the people, nor opposed by a consul, nor brought before the Roman people. For there is nothing less at stake, O Romans, in this that there is no other object aimed at, than the preventing any public council from being active for the future in the republic, any union from being formed of good men against the frenzy and insanity of wicked citizens; any refuge, any protection, any safety from existing at the most critical extremity of the republic.

[5] And, as this is the case, in the first place, (as is most necessary to be done, in such a contest for a man's life and reputation, and all his fortunes,) I entreat pardon and indulgence from the excellent and mighty Jupiter, and from all the other immortal gods and goddesses; by whose aid and protection this republic is governed much more than by any reason or wisdom of man. And I pray of them to grant that this day may have dawned for the salvation of this man, and for the welfare of the republic. And, in the second place, I beg and entreat you, O Romans, — you whose power comes nearest to the divine authority of the immortal gods, — that since at one and the same time the life of Caius Rabirius, a most unhappy and most innocent man, and the safety of the republic is entrusted to your hands and to your votes, you will display that mercy, as far as

regards the fortunes of the individual, and that wisdom in what concerns the safety of the republic, which you are accustomed to exercise.

[6] Now, since, O Titus Labienus, you have sought to cramp my industry by a narrow space of time, and have denied the usual length of a defence which I was prepared to use, confining me to a single half-hour; I will comply with the conditions laid down by the accuser, (which is a most scandalous thing to have to do,) and yield to the power of our enemy, (which is a most miserable fate for a man to be compelled to,) although in prescribing to me this half-hour you have left me only the part of an advocate, and have ignored my right as consul; because, though this time will be nearly sufficient for me to make our defence in, it will not allow time enough for preferring the complaints which we are entitled to prefer. [7] Unless, perhaps, you think it necessary for me to reply to you at some length about the sacred places and groves which you have said were violated by my client; though in making this accusation you never said anything more than that this charge had been made against Caius Rabirius by Caius Macer. And with respect to this matter I marvel that you recollect what his enemy Macer accused Caius Rabirius of, and forget what impartial judges decided on their oaths. 3. [8]

Must I needs make a long speech on the topics of peculation, or of burning the registers? of which charge Caius Curtius, a relation of Caius Rabirius, was most honourably acquitted, as was due to his virtue, by a most illustrious bench of judges. But Rabirius himself not only was never prosecuted on either of these charges, but never fell under any the very slightest suspicion of them; nor was any such idea ever breathed by any one. Or must I be careful to reply to what has been said touching his sister's son? who, you said, had been murdered by him, as he sought an excuse for putting off the trial on the pretext of a domestic calamity. For what is more natural than that his sister's husband should be dearer to him than his sister's son? and so much dearer; that he would deprive the one of life in a most cruel manner, in order to gain a two days' adjournment of his trial for the other? Or need I say much respecting the detention of another man's slaves contrary to the Fabian law, or of the scourging and putting to death of Roman citizens, contrary to the Porcian law, when Caius

Rabirius is honoured with the zeal displayed in his behalf by all Apulia, and by the eminent good-will of the state of Campania; and when not only individuals, but I may almost say whole nations, have flocked hither to deliver him from danger, brought up from a greater distance than his name as a neighbour of theirs on their borders required? For why need I prepare a long speech on that point when it is set down in the count which assesses the damages, that he had regard to neither his own chastity nor to that of others? [9] Moreover, I suspect that it was on that account that I was limited by Labienus to half an hour, in order that I might not be able to say much on this question of chastity. Therefore, you perceive that this half-hour is too long for me to discuss those charges which especially require the care of an advocate.

That other part about the death of Saturninus, you wished to be too short and narrow for my requirements; and it is one which requires and stands in need, not so much of the ingenuity of an orator, as of the authority of a consul. [10] For as for the trial for treason, which, when you accuse me, you say has been put an end to by me, that is a charge against me; and not against Rabirius. And I wish, O Romans, that I was the first or the only person, who had abolished that in this republic. I wish that that, which he brings forward as a charge against me, might be an evidence of my peculiar glory. For what can be desired by any one which I should prefer to being said in my consulship to have banished the executioner from the forum, and the gallows from the Campus? But that credit belongs, in the first instance, O Romans, to our ancestors, who, after the kings had been expelled, did not choose to retain any vestige of kingly cruelty among a free people; and in the second instance, to many gallant men, who thought it fit that your liberty should not be an unpopular thing from the severity of the punishments with which it was protected but that it should be defended by the lenity of the laws. 4. [11]

Which, then, of us, O Labienus, is attached to the best interests of the people? you who think that an executioner and chains ought to be put in operation against Roman citizens in the very assembly of the people; who order a gallows to be planted and erected for the execution of citizens in the Campus Martius, in the comitia

centuriata in a place hallowed by the auspices, or I, who forbid the assembly to be polluted by the contagion of an executioner who think that the forum of the Roman people ought to be purified from all such traces of nefarious wickedness who urge that the assembly ought to be kept pure, the campus holy, the person of every Roman citizen inviolate, and the rights of liberty unimpaired? [12] Of a truth, the tribune of the people is very much devoted to the interests of the people, — is a guardian and defender of its privileges and liberties! The Porcian law forbade a rod to be laid on the person of any Roman citizen. This merciful man has brought back the scourge. The Porcian law protected the freedom of the citizens against the lictor. Labienus, that friend of the people, has handed them over to the executioner. Caius Gracchus passed a law that no trial should take place affecting the life of a Roman citizen without your orders. This friend of the people has compelled the duumvirs (without any order of yours being issued on the subject) not only to try a Roman citizen, but to condemn a Roman citizen to death without hearing him in his own defence. [13] Do you dare to make mention to me of the Porcian law, or of Caius Gracchus, or of the liberty of these men, or of any single man who has really been a friend of the people, after having attempted to violate the liberty of this people, to tempt their merciful disposition, and to change the customs, not only with unusual punishments, but with a perfectly unheard-of cruelty of language? For these expressions of yours, which you, O merciful and people-loving man, are so fond of; "Go, lictor, bind his hands," are not only not quite in character with this liberty and this merciful disposition, but they are not suited to the times even of Romulus or of Numa Pompilius. Those are the songs suited to the torments in use in the time of Tarquin, that most haughty and in human monarch; but you, O merciful man, O friend of the people, delight to rehearse, "Cover his head — hang him to the ill-omened tree," — words, O Romans, which in this republic have long since been buried in the darkness of antiquity, and have been overwhelmed by the light of liberty 5. [14]

If, then, this had been a popular sort of proceeding, if it had had the least particle of equity or justice in it, would Caius Gracchus have passed it over? Forsooth, I suppose, the death of your uncle was a greater affliction to you, than the loss of his brother was to Caius

Gracchus. And the death of that uncle whom you never saw is more painful to you, than the death of that brother, with whom he lived on the terms of the most cordial affection, was to him.

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And you avenge the death of your uncle just as he would have wished to avenge the death of his brother, if he had been inclined to act on your principles. And that great Labienus, your illustrious uncle, whoever he was, left quite as great a regret behind him in the bosoms of the Roman people, as Tiberius Gracchus left? Was your piety greater than that of Gracchus? or your courage? or your wisdom? or your wealth? or your influence? or your eloquence? And yet all those qualities, if he had had ever so little of them, would have been thought great in him in comparison of your qualifications. [15] But as Caius Gracchus surpassed every one in all these particulars, how great do you suppose must be the distance which is interposed between him and you? But Gracchus would rather have died a thousand times by the most painful of deaths, than have allowed the executioner to stand in that assembly — a man whom the laws of the censors considered ought not only to be ejected out of the forum, but even to be deprived of the sight of the sky, of the breath of the atmosphere, and of a home in the city. This man dares to call himself a friend of the people, and me an enemy to your interests; when he has hunted out all the cruelties of punishments and of harsh language, not only as supplied by your recollection, and by that of your fathers, but from all the records of our annals, and all the histories of the kings; and I, with all my power, and all my ingenuity, and all my eloquence, and all my energy, have opposed and resisted his cruelty. Unless, perhaps, you are fond of such a condition of existence as even slaves would not be able by any possibility to bear, if they had not the hope of liberty held out to them. [16] The ignominy of a public trial is a miserable thing, — the deprivation of a man's property by way of penalty is a miserable thing, — exile is a miserable thing; but still, in all these disasters some trace of liberty remains to one. Even if death be threatened, we may die free men; but the executioner, and the veiling of the head, and the mere name of the gibbet, should be far removed, not only from the persons of

Roman citizens — from their thoughts, and eyes, and ears. For not only the actual fact and endurance of all these things, but the bare possibility of being exposed to them, — the expectation, the mere mention of them even, — is unworthy of a Roman citizen and of a free man. Does not the kindness of their masters at one touch deliver our slaves from the fear of all these punishments; and shall neither our exploits, nor the purity of our past life, nor the honours which you have conferred on us, save us from the scourge, from the hangman's hook, and even from the dread of the gibbet? [17] Wherefore I confess, and even, O Titus Labienus, I avow and openly allege that you have been driven from that cruel, unreasonable, (I will not say tribunitian, but) tyrannical persecution, by my counsel, by my virtue, and by my influence. And although in that prosecution you neglected all the precedents of our ancestors, all the laws, all the authority of the senate, all religious feeling, and even the public observance due to the auspices, still you shall hear nothing of all this from me, now that I have so little time to speak in. We shall have abundant opportunity hereafter for a discussion on those points. 6. [18]

At present we will speak of the accusation touching the death of Saturninus, and of the death of your most illustrious uncle. You say in impeachment of my client, that Lucius Saturninus was slain by Caius Rabirius. And Rabirius has already proved that to be false by the evidence of many men, when Quintus Hortensius defended him at great length. But I, if I had to begin the defence anew, would brave this charge, would acknowledge its truth, would avow it. I only wish that the state of my client's cause would give me the opportunity of making this statement, that Lucius Saturninus, the enemy of the Roman people, was slain by the hand of Caius Rabirius. That outcry has no effect on me, but it rather consoles me, as it shows that there are some citizens ignorant of the facts of the case, but not many. Never, believe me, never would the Roman people which is silent around me, have made me consul if it had supposed that I was going to be disturbed by your clamour. How much less is your noise now! Repress your murmurs, the evidence of your folly, and the proof of the scantiness of your numbers. [19] I would, I say, willingly confess, if I could with truth, or even if the cause were not already discussed, that Lucius Saturninus was shun by the band of Caius Rabirius; and I

should think it a most glorious deed. But since I cannot do that, I will confess this, which will have less weight with regard to our credit, but not less with regard to the accusation — I confess that Caius Rabirius took up arms for the purpose of slaying Saturninus. What is the matter, Labienus? What more weighty confession do you expect from me; or what greater charge did you expect me to furnish against him? Unless you think that there is any difference between him who slew the man, and him who was in arms for the purpose of slaying him. If it was wrong for Saturninus to be slain, then arms cannot have been taken up against Saturninus without guilt; — if you admit that arms were lawfully taken up, — then you must inevitably confess that he was rightly slain.

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7. [20]

A resolution of the senate is passed, that Caius Marius and Lucius Valerius, the consuls, shall employ the tribunes of the people and the praetors as they think fit; and shall take care that the empire and majesty of the Roman people be preserved. They do employ all the tribunes of the people except Saturninus, and all the praetors except Glaucia; they bid every one who desires the safety of the republic to take arms and to follow them. Every one obeys. Arms are distributed from the sacred buildings and from the public armouries to the Roman people, Caius Marius the consul distributing them. Here now, to say nothing of other points, I ask you yourself; O Labienus, when Saturninus in arms was in possession of the Capitol; when Glaucia, and Caius Saufeius, and even that Gracchus just escaped from chains and the jail, were with him; I will add, too, since you wish me to do so, Quintus Labienus, your own uncle; but in the forum were Caius Marius and Lucius Valerius Flaccus the consuls, behind them all the senate, and that senate, too, whom even you yourselves (who try to render the conscript fathers of the present day unpopular, in order the more easily to diminish the power of the senate) are accustomed to extol; when the equestrian order — what men the Roman knights, O ye immortal gods, then were! — when they supported, as they did in the time of our fathers, a great portion of the republic, and the whole dignity of the courts of justice; when all men, of all ranks, who

thought their own safety involved in the safety of the republic, had taken arms; — what, then, was Caius Rabirius to do? [21] I ask you yourself; I say, O Labienus, — when the consuls, in pursuance of the resolution of the senate, had summoned the citizens to arms; when Marcus Aemilius, the chief of the senate, stood in arms in the assembly; who, though he could scarcely walk, thought the lameness of his feet not an impediment to his pursuit of enemies, but only to his flight from them; when, lastly, Quintus Scaevola, worn out as he was with old age, enfeebled by disease, lame, and crippled, and powerless in all his limbs, leaning on his spear, displayed at the same time the vigour of his mind and the weakness of his body; when Lucius Metellus, Sergius Galba, Caius Serranus, Publius Rutilius, Caius Fimbria, Quintus Catulus, and all the men of consular rank who were then in existence, had taken arms in defence of the common safety; when all the praetors, all the nobles and youth of the city, united together, Cnaeus and Lucius Domitius, Lucius Crassus, Quintus Mucius, Caius Claudius, Marcus Drusus; when all the Octavii, Metelli, Julii, Cassii, Catos and Pompeii; when Lucius Philippus, Lucius Scipio, when Marcus Lepidus, when Decimus Brutus, when this very man himself; Servilius, under whom you, O Labienus, have served as your general; when this Quintus Catulus, whom we see here, then a very young man; when this Caius Curio; when, in short, every illustrious man in the city was with the consuls; — what then did it become Caius Rabirius to do? Was he to lie hid, shut up, and concealed in some dark place, and to hide his cowardice under the protection of darkness and walls? Or was he to go into the Capitol, and there join himself to your uncle, and with the rest of those who were fleeing to death, on account of the infamy of their lives? Or was he to unite with Marius, Scarius, Catulus, Metellus, Scaevola, — in short, with all virtuous men, in a community not only of safety, but also of danger? 8. [22]

Even you yourself; O Labienus, what would you do in such a crisis? When your general system of indolence was compelling you to flight and lurking-places, while the villainy and frenzy of Lucius Saturninus was inviting you to the Capitol, while the consuls were summoning you to uphold the safety and liberty of your country; which authority, which invitation, which party would you prefer to

follow, whose command would you select to obey? My uncle says he was with Saturninus. What if he was? Whom was your father with? — What if he was? Where were your relations, Roman knights? — What if he was? What was the conduct of all your prefecture, and district, and neighbourhood? — What if he was? What was the conduct of the whole Picene district; did they follow the frenzy of the tribune, or the authority of the consul? [23] In truth, I affirm this; that that which you confess of your uncle, no man has ever yet confessed with respect to himself. No one, I say, has been found so profligate, so abandoned, so entirely destitute, not only of all honesty, but of every resemblance of and pretence to honesty, as to confess that he was in the Capitol with Saturninus. But your uncle was. Let him have been; and let him have been, though not compelled by the desperate condition of his own affairs, or by airy domestic distresses and embarrassments. Suppose it was his intimacy with Lucius Saturninus that induced him to prefer his friendship to his country, — was that a reason for Caius Rabirius also deserting the republic? for his not appearing in that armed multitude of good men? for his refusing obedience to the invitation and command of the consul? [24] But we see that in the nature of things he must have adopted one of these three lines of conduct: he must either have been with Saturninus, or with the good men, or he must have been lying in bed — to lie hid was a state equal to the most infamous death; to be with Saturninus was the act of insanity and wickedness. Virtue, and honour, and shame, compelled him to range himself on the side of the consuls. Do you, therefore, accuse Caius Rabirius on this account, that he was with those men whom he would have been utterly mad to have opposed, utterly infamous if he had deserted them? 9.

But Caius Decianus, whom you often mention, was condemned, because, when he was accusing, with the earnest approval of all good men, a man notorious for every description of infamy, Publius Furius, he dared to complain in the assembly of the death of Saturninus. And Sextus Titius was condemned for having an image of Lucius Saturninus in his house. The Roman knights laid it down by that decision that that man was a worthless citizen, and one who ought not to be allowed to remain in the state, who either by keeping his image sought, to do credit to the death of a man who was

seditious to such a degree as to become an enemy to the republic, or who sought by pity to excite the regrets of ignorant men, or who showed his own inclination to imitate such villainy. [25] Therefore it does seem a marvellous thing to me, where you, O Labienus, found thus image which you have. For after Sextus Titius was condemned, no one could be found who would dare to have it in his possession. But if you had heard of that, or if, from your age, you could have known it, you certainly would never have brought that image, which, even when concealed in his house, had brought ruin and exile on Sextus Titius, into the rostrum, and into the assembly of the people; nor would you ever have driven your designs on those rocks on which you had seen the ship of Sextus Titius dashed to pieces, and the fortunes of Caius Decianus hopelessly wrecked. But in all these matters you are erring out of ignorance. For you have undertaken the advocacy of a cause which is older than your own recollections; a cause which was dead before you were born; that cause in which you yourself would have been, if your age had allowed you to be so, you are bringing before this court. [26] Do you not understand, in the first place, what sort of men, what sort of citizens they were whom, now that they are dead, you are accusing of the greatest wickedness? Are you not aware, how many of those who are still alive, you, by the same accusation, are bringing into peril of their lives? For if Caius Rabirius committed a capital crime in having borne arms against Lucius Saturninus, yet the age which he was then of might furnish him with some excuse by which to secure himself from danger. But how are we to defend Quintus Catulus, the father of this Catulus, a man in whom the very highest wisdom, eminent virtue, and singular humanity were combined? and Marcus Scaurus, a man of great gravity, wisdom, and prudence? or the two Mucii, or Lucius Crassus, or Marcus Antonius, who was at that time outside the city with a guard? all men than whom there was no one of greater wisdom or ability in the whole city; or how are we to defend the other men of equal dignity, the guardians and counselors of the republic, who behaved in the same way, now that they are dead? [27] What are we to say about those most honourable men and most excellent citizens, the Roman knights, who then combined with the senate in defence of the safety of the republic? What are we to say of the aerarian

tribunes, and of the men of all the other orders in the state, who then took up arms in defence of the common liberties of all? 10.

But why do I speak of all those men who obeyed the command of the consuls? What is to become of the reputation of the consuls themselves? Are we to condemn Lucius Flaccus, a man always most diligent in the service of the republic, and in the discharge of his duty as a magistrate, and in his priesthood, and in the religious ceremonies over which he presided, as guilty of nefarious wickedness and parricide, now that he is dead? And are we to mute with hum in this stigma and infamy, after death, the name of even Caius Marius? Are we, I say, to condemn Caius Marius now that he is dead, as guilty of nefarious wickedness, and parricide, whom we may rightly entitle the father of his country, the parent of your liberties, and of this republic? [28] In truth, if Titus Labienus thought himself entitled to erect a gibbet in the Campus Martius for Caius Rabirius, because he took up arms, what punishment ought to be devised for the man who invited him to do so? And if a promise was given to Saturninus, as is constantly asserted by you, it was not Caius Rabirius, but Caius Marius who gave it; and it was he too who violated it, if indeed it was broken at all. But what promise, O Labienus, could be given except by a resolution of the senate? Are you so complete a stranger in this city, are you so ignorant of our constitution and of our customs, as to be ignorant of this? Are we to think that you are living as a foreigner in a strange town, not bearing office in your own native city? — [29] "Well," says he, "but what harm can all this now do Caius Marius, since he has no longer any feeling or any life?" Is it so? Would Caius Marius have spent his life in such labours and such dangers, if he had no hopes and no ideas of any glory which was to extend beyond the limits of his own life? No doubt, when he had routed the countless armies of the enemy in Italy, and when he had delivered the city from siege, he thought that all his achievements would perish with himself. [30] Such is not the truth, O Romans. Nor is there any one among us who exerts himself amid the dangers of the republic with virtue and glory, who is not induced to do so by the hope he entertains of receiving his reward from posterity — therefore, while there are many reasons why I think that the souls of good men are divine and undying, this is the greatest argument of all

to my mind, that the more virtuous and wise each individual is, the more thoroughly does his mind look forward to the future, so as to seem, in fact, to regard nothing except what is eternal. Wherefore, I call to witness the souls of Caius Marius and of the other wise men and gallant citizens which seem to me to have emigrated from life among men to the holy habitations and sacred character of the gods, that I think it my duty to contend for their fame, and glory, and memory, no less than for the shrines and temples of my native land; and that if I had to take up arms in defence of their credit, I should take them up no less zealously than they took them up in defence of the common safety. In truth, O Romans, nature has given us but a limited space to live in, but an endless period of glory. 11.

Wherefore, if we pay due honour to those who have already died, we shall leave to ourselves a more favourable condition after death. But it O Labienus, you neglect those whom we are unable any longer to behold, do not you think that at least you ought to consult the interests of these men whom you see before you? [31] I say that there is no one of all those men who were at Rome on that day, which day you are now bringing as it were before the court, — that there was no one of the youth of Rome, who did not take arms and follow the consuls; all those men, whose conduct you can form a conjecture about from their age, are now impeached by you of a capital crime, by your attack upon Caius Rabirius. But it was Rabirius who slew Saturninus. I wish that he had done so. I should not be deprecating punishment for him; I should demand a reward for him. In truth, if his freedom was given to Scaeva, a slave of Quintus Croto, who did slay Lucius Saturninus, what reward ought to have been given to a Roman knight in a similar case? And if Caius Marius, because he had caused drains to be cut, by which water was supplied to the temple of the excellent and mighty Jupiter, and because on the Capitoline Hill

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12. [32]

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Therefore the senate, in its investigation into that cause, when I

was pleading before it, was neither more diligent nor more severe than all of you were, when you by your dispositions, by your hands, and by your voices, declared your rejection of that distribution of the whole world, and of that very district of Campania.

[33] I also proclaim, and assert, and denounce the same things which he does who is the originator of this trial. There is no king remaining, no nation, no people, whom you can fear. There is no foreign or external evil which can insinuate itself into this republic. If you wish this state to be immortal, if you wish your empire to be eternal, if you wish your glory to continue everlasting, then it is our own passions, it is the turbulence and desire of revolution engendered among our own citizens, it is intestine evil, it is domestic treason that must be guarded against. [34] And your ancestors have left you a great protection against these evils in these words of the consul, "Whoever wishes the republic to be safe." Protect the legitimate use of these words, O Romans. Do not by your decision take the republic out of my hands; and do not take from the republic its hope of liberty, its hope of safety, its hope of dignity. [35] What should I do, if Titus Labienus were to make a slaughter of the citizens, like Lucius Saturninus? if he were to break open the prison? if he had occupied the Capitol with armed men? I should do what Caius Marius did. I should refer the matter to the senate; I should exhort you to defend the republic. I myself in arms should, with your aid, resist the armed enemy. Now, when there is no suspicion of arms, when I see no weapons, when there is no violence, or slaughter, or occupation of the Capitol and citadel, but only a mischievous prosecution, a cruel trial, a business undertaken by a tribune of the people contrary to the interests of the republic, I have not thought that I ought to summon you to arms, but that it was sufficient to exhort you to give your votes against those who are attacking your majesty. Therefore now I entreat, and beg, and implore all of you, not, as is the old custom,

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13. [36]

is afraid. — He who has received on his front all these scars, marks of his valour, in the cause of the republic, fears to receive any wound on his reputation. He, whom no attack of an enemy could ever move from his post, now is frightened at this onset of his fellow-citizens, to which he must necessarily yield. [37] Nor does he now ask of you an opportunity of living happily, but only one of dying honourably. He is anxious now, not to enjoy his own home, but not to be deprived of his family tomb. He now begs and prays for nothing else at your hands, beyond your abstaining from depriving him of his legitimate funeral rites, and of the privilege of dying at home. He entreats you to allow him who has never feared any danger of death in his country's cause, in that country to die. [38]

I have spoken now to the extent of the time allowed me by the tribune of the people. I beg and entreat of you to think this defence which I have made faithful as far as the danger of my friend is concerned, and as far as the safety of the republic is at stake, suited to the dignity, and to the duty of the consul.

PRO MURENA (In Defense of Lucius Licinius Murena prosecuted for bribery)

Translated by C. D. Yonge

THE ORATION OF M. T. CICERO IN DEFENCE OF L. MURENA, PROSECUTED FOR BRIBERY.

THE ARGUMENT.

Lucius Murena was one of the consuls elect; the other being Silanus, the brother-in-law of Cato. Cato, however, instigated Sulpicius, one of the most eminent lawyers in Rome, and a defeated competitor for the consulship, to prosecute Murena for bribery, under the new law passed by Cicero, (mentioned in the argument to the first oration against Catiline,) though he brought no charge against Silanus, who was as guilty as Murena, if there was any guilt at all. Murena had served as lieutenant to Lucullus in the Mithridatic war. Murena was defended by Crassus, Hortensius, and Cicero. We have neither of the speeches of his other advocates; and even the speech of Cicero is not in a perfect state. Murena was unanimously acquitted, partly perhaps from consideration of the argument which Cicero dwelt upon very earnestly, of what great importance it was, at such a perilous time, (for this oration was spoken in the interval between the flight of Catiline to the camp of Manlius, and the final detection and condemnation of the conspirators who remained behind,) to have a consul of tried bravery and military experience. It is remarkable that Sulpicius, the prosecutor, was a most intimate friend of Cicero, who had exerted all his influence to procure his election in this very contest for the consulship; and so also was Cato; nor did the opposition which Cicero made to them in this case cause any interruption to their intimacy, and we shall find, in the Philippics, Cicero exerting himself to procure public funeral honours for

Sulpicius.

1. What I entreated of the immortal gods, O judges, according to the manners and institutions of our ancestors, on that day when, after taking the auspices in the comitia centuriata, I declared Lucius Murena to have been elected consul, — namely, that that fact might turn out gloriously and happily for me and for my office, and for the Roman nation and people, — that same thing do I now pray for from the same immortal gods, that the consulship may be obtained by that same man with safety, and that your inclinations and opinions may agree with the wishes and suffrages of the Roman people, and that that fact may bring to you and to the Roman people peace, tranquillity, ease, and unanimity. And if that solemn prayer of the comitia, consecrated under the auspices of the consul, has as much power and holy influence as the dignity of the republic requires, I pray also that the matter may turn out happily, fortunately, and prosperously to those men to whom the consulship was given when I presided over the election. [2]

And as this is the case, O judges, and as all the power of the immortal gods is either transferred to, or at all events is shared with you, the same consul recommends him now to your good faith who before recommended him to the immortal gods; so that he being both declared consul and being defended by the voice of the same man, may uphold the kindness of the Roman people to your safety and that of all the citizens. And since in this duty which I have undertaken the zeal of my defence has been found fault with by the accusers, and even the very fact of my having undertaken the cause at all, before I begin to say anything of Lucius Murena, I will say a few words on behalf of myself; not because at this time the defence of my duty seems to me more important than that of his safety, but in order that, when what I have done is approved of by you, I may be able with the greater authority to repel the attacks of his enemies upon his honour, his reputation, and all his fortunes. 2. [3]

And first of all I will answer Marcus Cato a man who directs his life by a certain rule and system and who most carefully weighs the motives of every duty about my own duty. Cato says it is not right

that I who have been consul and the very passer of the law of bribery and corruption and who behaved so rigorously in my own consulship should take up the cause of Lucius Murena and his reproach has great weight with me and makes me desirous to make not only you, O judges, whom I am especially bound to satisfy, but also Cato himself, a most worthy and upright man, approve the reasons of my action. By whom then, O Marcus Cato, is it more just that a consul should be defended than by a consul? Who can there be, who ought there to be, dearer to me in the republic, than he to whom the republic which has been supported by my great labours and dangers is delivered by me alone to be supported for the future? For if, in the demanding back things which may be alienated, he ought to incur the hazard of the trial who has bound himself by a legal obligation, surely still more rightly in the trial of a consul elect, that consul who has declared him consul ought most especially to be the first mover of the kindness of the Roman people, and his defender from danger.

[4] And if, as is accustomed to be done in some states, an advocate were appointed to this cause by the public, that man would above all others be assigned to one invested with honours as his defender, who having himself enjoyed the same honour, brought to his advocacy no less authority than ability. But if those who are being wafted from the main into harbour are wont with the greatest care to inform those who are sailing out of harbour, of the character of storms, and pirates, and of places, because nature prompts us to favour those who are entering on the same dangers which we have passed through, of what disposition ought I to be, who after having been much tossed about am now almost in sight of land, towards him by whom I see the greatest tempests of the republic about to be encountered? Wherefore, if it is the part of a virtuous consul not only to see what is being done, but to foresee what is likely to happen, I will show in another place how much it is for the interest of the common safety that there should be two consuls in the republic on the first of January. [5] And if that be the case, then it is not so much my duty which ought to summon me to defend the fortunes of a man who is my friend, as the republic which ought to invite the consul to the defence of the common safety. 3.

For as to my having passed a law concerning bribery and

corruption, certainly I passed it so as not to abrogate that law which I have long since made for myself concerning defending my fellow-citizens from dangers. If, indeed, I confessed that a largess had been distributed, and were to defend it as having been rightly done, I should be acting wrongly, even if another had passed the law; but when I am saving in defence that nothing has been done contrary to law; then what reason is there that my having passed the law should he an obstacle to my undertaking the defence? [6]

He says that it does not belong to the same severity of character, to have banished from the city by words, and almost by express command, Catiline, when planning the destruction of the republic within its very walls, and now to speak on behalf of Lucius Murena. But I have always willingly acted the part of lenity and clemency which nature itself has taught me but I have not sought the character of severity and rigour, but I have supported it when imposed upon me by the republic as the dignity of this empire required at the time of the greatest peril to the citizens. But if then, when the public required vigour and severity, I overcame my nature, and was as severe as I was forced to be not as I wished to be; now, when all causes invite me to mercy and humanity, with what great zeal ought I to obey my nature and my usual habits? and concerning my duty of defending, and your method of prosecuting, perhaps I shall have again to speak in another part of my speech. [7]

But, O judges, the complaint of Servius Sulpicius, a most wise and accomplished man, moved me no less than the accusation of Cato; for he said that he was exceedingly and most bitterly vexed that I had forgotten my friendship and intimacy with him, and was defending the cause of Lucius Murena against him. I wish, O judges, to satisfy him, and to make you arbitrators between us. For as it is a sad thing to be accused with truth in a case of friendship, so, even if you be falsely accused, it is not to be neglected. I, O Servius Sulpicius, both allow that according to my intimacy with you I did owe you all my zeal and activity to assist you in your canvass, and I think I displayed it when you stood for the consulship, nothing on my part was wanting to you which could have been expected either from a friend, or from an obliging person, or from a consul. That time has gone by, — the case is changed. I think, and am persuaded,

that I owed you as much aid as ever you have ventured to require of me against the advancement of Lucius Murena but no aid at all against his safety. [8] Nor does it follow, because I stood by you when you were a candidate for the consulship, that on that account I ought now to be an assistant to you in the same way, when you are attacking Murena himself. And this it not only not praiseworthy, — it is not even allowable, that we may not defend even those who are most entirely strangers to us when our friends accuse them. 4.

But in truth, there is, O judges, between Murena and myself an ancient and great friendship, which shall not be overwhelmed in a capital trial by Servius Sulpicius, merely because it was overcome by superior considerations when he was contesting an honorable office with that same person. And if this cause had not existed, yet the dignity of the man, and the honourable nature of that office which he has obtained, would have branded me with the deepest reproach of pride and cruelty, if in so great a danger I had repudiated the cause of a man so distinguished by his own virtues and by the honours paid him by the Roman people. For it is not now in my power, — it is not possible, for me to shrink from devoting my labour to alleviate the dangers of others. For when such rewards have been given me for this diligence of mine, such as before now have never been given to any one, to abandon those labours by which I have earned them, as soon as I have received them, would be the act of a crafty and ungrateful man. [9]

If, indeed, I may rest from my labours, — if you advise me that I can do so, — if no reproach of indolence, none of unworthy arrogance, none of inhumanity is incurred by so doing, in good truth I will willingly rest. But if flying from toil convicts me of laziness, — if rejection of suppliants convicts me of arrogance, — if neglect of my friends is a proof of worthlessness, then, above all others, this cause is such an one as no industrious, or merciful, or obliging man can abandon. And you may easily form your opinion of this matter, O Servius, from your own pursuits. For if you think it necessary to give answers to even the adversaries of your friends when they consult you about law, and if you think it shameful, when you have been retained as an advocate for him in whose cause you have come forward, to fail; be not so unjust; as, when your springs are open

even to your enemies, to think it right that our small streams should be closed even against our friends. [10]

Indeed, if my intimacy with you had prevented my appearing in this cause, and if the same thing had happened to Quintus Hortensius and Marcus Crassus, most honourable men, and to others also by whom I know that your affection is greatly esteemed, the consul elect would have had no defender in that city in which our ancestors intended that even the lowest of the people should never want an advocate. But I, O judges, should think myself wicked if I had failed my friend, — cruel if I had failed one in distress, — arrogant if I had failed the consul. So that what ought to be given to friendship shall be abundantly given by me, so that I will deal with you, O Servius, as if my brother, who is the dearest of all men to me, stood in your place. What ought to be given to duty, to good faith, to religion, that I will so regulate as to recollect that I am speaking contrary to the wish of one friend to defend another friend from danger. 5. [11]

I understand, O judges, that this whole accusation is divided into three parts, and that one of them refers to find my fault with Murena's habits of life, another to his contest for the dignity, and a third to charges of bribery and corruption. And of these three divisions, that first which ought to have been the weightiest of all, was so weak and trifling, that it was rather some general rule of accusing, than any real occasion for finding fault, which prompted them to say anything about the way of life of Lucius Murena. For Asia has been mentioned as a reproach to him, which was not sought by him for the sake of pleasure and luxury, but was traversed by him in the performance of military labours; but if he while a young man had not served under his father when general, he would have seemed either to have been afraid of the enemy, or of the command of his father, or else to have been repudiated by his father. Shall we say that, when all the sons who wear the praetexta are accustomed to sit on the chariot of those who are celebrating a triumph, this man ought to have shunned adorning the triumph of his father with military gifts, so as almost to share his fathers triumph for exploits which they had performed in common? [12]

But this man, O judges, both was in Asia and was a great assistance to that bravest of men his own father in his dangers, a

comfort to him in his labours a source of congratulation to him in his victory. And if Asia does carry with it a suspicion of luxury, surely it is a praiseworthy thing, not never to have seen Asia, but to have lived temperately in Asia. So that the name of Asia should not have been objected to Lucius Murena, a country whence renown was derived for his family, lasting recollection for his race, honour and glory for his name, but some crime or disgrace, either incurred in Asia, or brought home from Asia. But to have served campaigns in that war which was not only the greatest, but the only war which the Roman people was waging at that time, is a proof of valour; to have served most willingly under his father, who was commander-in-chief, is a proof of piety; that the end of his campaign was the victory and triumph of his father, is a proof of good fortune. There is, therefore, no room in these matters for speaking ill of him, because praise takes up the whole room. 6. [13]

Cato calls Lucius Murena a dancer. If this be imputed to him truly, it is the reproach of a violent accuser; but if falsely, it is the abuse of a scurrilous railer. Wherefore, as you are a person of such influence, you ought not, O Marcus Cato, to pick up abusive expressions out of the streets, or out of some quarrel of buffoons; you ought not rashly to call a consul of the Roman people a dancer; but to consider with what other vices besides that man must be tainted to whom that can with truth be imputed. For no man, one may almost say, ever dances when sober, unless perhaps he be a madman, nor in solitude, nor in a moderate and sober party; dancing is the last companion of prolonged feasting, of luxurious situation, and of many refinements. You charge me with that which must necessarily be the last of all vices, you say nothing of those things without which this vice absolutely cannot exist: no shameless feasting, no improper love, no carousing, no lust no extravagance is alleged; and when those things which have the name of pleasure, and which are vicious, are not found, do you think that you will find the shadow of luxury in that man in whom you cannot find the luxury itself? [14]

Can nothing, therefore, be said against the life of Lucius Murena? Absolutely nothing, I say, O judges. The consul elect is defended by me on this ground, that no fraud of his, no avarice, no perfidy, no cruelty, no wanton word can be alleged against him in his whole life.

It is well. The foundations of the defence are laid; for we are not as yet defending this virtuous and upright man with my own panegyric, which I will employ presently, but almost by the confession of his adversaries. 7. [15]

And now that this is settled, the approach to the contest for this dignity, which was the second part of the accusation, is more easy to me. I see that there is in you, O Servius Sulpicius, the greatest dignity of birth, of integrity, of industry, and of all the other accomplishments which a man ought to rely on when he offers himself as a candidate for the consulship. I know that all those qualities are equal in Lucius Murena, and so equal that he can neither be surpassed in worth by you, nor can himself surpass you in worth. You have spoken slightingly of the family of Lucius Murena, you have extolled your own; but if you dwell on this topic so as to allow no one to be considered as born of a good family, unless he be a patrician, you will compel the common people again to secede to the Aventine Hill. But if there are honourable and considerable families among the plebeians, — both the great-grandfather of Lucius Murena, and his grand-father, were praetors; and his father, when he had triumphed most splendidly and honourably for exploits performed in his praetorship, left the steps towards the acquisition of the consulship more easy, because that honour which was due to the father was demanded by the son. [16]

But your nobility, O Servius Sulpicius, although it is most eminent yet it is known rather to men versed in literature and history, but not much so to the people and to the voters. For your father was in the rank of the knights, your grandfather was renowned for no conspicuous action. So that the recollection of your nobility is to be extracted not from the modern conversation of men, but from the antiquity of annals. So that I also am accustomed to class you in our number, because you by your own virtue and industry, though you are the son of a Roman knight, have yet earned the being considered worthy of the very highest advancement. Nor did it ever seem to me that there was less virtue in Quintus Pompeius, a new man and a most brave man, than in that most high-born man, Marcus Aemilius. Indeed, it is a proof of the same spirit and genius, to hand down to his posterity, as Pompeius did, an honourable name, which he had

not received from his ancestors; and, as Scaurus did, to renew the recollection of his family which was almost extinct. 8. [17]

Although I now thought, O judges, that it had been brought about by my labours, that a want of nobleness of birth should not be objected to many brave men, who were neglected, though men were praising not only the Curii, the Catos, the Pompeii, those ancient new but most distinguished men, but also, these more modern new men, the Marii, and Didii, and Coelii. But when I, after so great an interval, had broken down those barriers of nobility, so that entrance to the consulship should hereafter be opened, as it was in the time of I our ancestors, not more to high birth than to virtue, I did not think when a consul-elect of an ancient and illustrious family was being defended by the son of a Roman knight himself a consul, that the accusers would say anything about newness of family. In truth it happened to me myself to stand against two patricians, one a most worthless and audacious man, the other a most modest and virtuous one; yet I surpassed Catiline in worth, Galba in popularity. But if that ought to have been imputed as a crime to a new man, forsooth, I should have wanted neither enemies nor detractors. [18]

Let us, therefore, give up saying anything about birth, the dignity of which is great in both the candidates; let us look at the other points. He stood for the quaestorship at the same time with me, and I was appointed first. We need not answer every point; for it cannot escape the observation of any one of you, when many men are appointed equal in dignity, but only one can obtain the first place, that the order of the dignity and of the declaration of it are not the same, because the declaration has degrees, but the dignity of all is usually the same. But the quaestorship of each was, given them by almost an equal decision of the lots: the one had by the Titian law a quiet and orderly province; you had that, one of Ostia, at the name of which, when the quaestors distribute the provinces by lot, a shout, is raised, — a province not so much pleasant and illustrious as troublesome and vexatious. The name of each was together in the quaestorship. For the drawing of the lots gave you no field on which your virtue could display itself and make itself known. [19] The remaining space of time is dedicated to the contest. It was employed by each in a very dissimilar fashion. 9.

Servius adopted the civil service, full of anxiety and annoyance, of answering, writing, cautioning; he learned the civil law; he worked early and late, he toiled, he was visible to every one, he endured the folly of crowds, he tolerated their arrogance, he bore all sorts of difficulties, he lived at the will of others, not at his own. It is a great credit a thing pleasing to men, for one man to labour hard in that science which will profit many. [20]

What has Murena been doing in the meantime? He was lieutenant to Lucius Lucullus, a very brave and wise man, and a consummate general; and in this post he commanded an army, he fought a battle, he engaged the enemy, he routed numerous forces of the enemy, he took several cities, some by storm, some by blockade. He traversed that populous and luxurious Asia you speak of; in such a manner as to leave in it no trace either of his avarice or of his luxury; in a most important war he so behaved himself that he performed many glorious exploits without the commander-in-chief; but the commander-in-chief did nothing without him. And all these things, although I am speaking in the presence of Lucius Lucullus, yet that we may not appear to have a licence of invention granted us by him on account of the danger we are in, we are borne witness to in the public despatches; in which Lucius Lucullus gives him such praise as no ambitious nor envious commander-in-chief could have given another while dividing with him the credit of his exploits. [21]

There is in each of the rivals the greatest honesty, the greatest worth; which I, if Servius will allow me, will place in equal and in the same panegyric. But he will not let me; he discusses the military question; he attacks the whole of his services as lieutenant; he thinks the consulship is an office requiring diligence and all this daily labour. “Have you been,” says he, “so many years with the army? you can never have been near the forum. Have you been away so long? and then, when after a long interval you arrive, will you contend in dignity with those who have made their abode in the forum?” First of all, as to that assiduity of ours, O Servius, you know not what disgust, what satiety, it sometimes causes men; it was, indeed, exceedingly advantageous for me myself that my influence was in the sight of all men; but I overcame the weariness of me by my own great labour; and you, perhaps, have done the same thing,

but yet a regret at our absence would have been no injury to either of us. [22]

But to say no more of this, and to return to the contest of studies and pursuits; how can it be doubted that the glory of military exploits contributes more dignity to aid in the acquisition of the consulship, than renown for skill in civil law? Do you wake before the night is over in order to give answers to those who consult you? He has done so in order to arrive betimes with his army at the place to which he is marching. The cook-crow wakens you, but the sound of the trumpet rouses him: you conduct an action; he is marshaling an army: you take care lest your clients should be convicted; he lest his cities or camp be taken. He occupies posts, and exercises skill to repel the troops of the enemy, you to keep out the rain; he is practised in extending the boundaries of the empire, you in governing the present territories; and in short, for I must say what I think, preeminence in military skill excels all other virtues. 10.

It is this which has procured its name for the Roman people; it is this which has procured eternal glory for this city; it is this which has compelled the whole world to submit to our dominion; all domestic affairs, all these illustrious pursuits of ours, and our forensic renown, and our industry, are safe under the guardianship and protection of military valour. As soon as the first suspicion of disturbance is heard of, in a moment our arts have not a word to say for themselves.

[23] And since you seem to me to embrace that knowledge of the law which you have, as if it were a darling daughter, I will not permit you to lie, under such a mistake as to think that whatever it may be, which you have so thoroughly learnt anything very preeminent. For your other virtues of continence, of gravity, of justice, of good faith, and all other good qualities, I have always considered you very worthy of the consulship and of all honour; but as for your having learnt civil law, I will not say you have wasted your pains, but I will say that there is no way made to lead to the consulship by that profession; for all arts which can conciliate for us the good-will of the Roman people ought to possess both an admirable dignity, and a very delightful utility. 11. [24]

The highest dignity is in those men who excel in military glory. For all things which are in the empire and in the constitution of the

state, are supposed to be defended and strengthened by them. There is also the greatest usefulness in them, since it is by their wisdom and their danger that we can enjoy both the republic and also our own private possessions. The power of eloquence also is no doubt valuable and full of dignity, and it has often been of influence in the election of a consul to be able by wisdom and oratory to sway the minds of the senate and the people, and those who decide on affair. A consul is required who may be able sometimes to repress the madness of the tribunes, who may be able to bend the excited populace, who may resist corruption. It is not strange, if, on account of this faculty, even men who were not nobly born have often obtained the consulship; especially when this same quality procures a man great gratitude, and the firmest friendship, and the greatest zeal in his behalf; but! of all this there is nothing, O Sulpicius, in your profession. [25]

First of all, what dignity can there be in so limited a science? For they are but small matters, conversant chiefly about single letters and punctuation between words. Secondly, if in the time of our ancestors there was any inclination to marvel at that study of yours, now that all your mysteries are revealed, it is wholly despised and disregarded. At one time few men knew whether a thing might be lawfully done or not; for men ordinarily had no records; those were possessed of great power who were consulted, so that even days for consultation were begged of them beforehand, as from the Chaldean astrologers. A certain notary was found, by name Cnaeus Flavius, who could deceive the most wary, and who set the people records to be learnt by heart each day, and who pilfered their own learning from the profoundest lawyers. So they, being angry because they were afraid, lest, when their daily course of action was divulged and understood, people would be able to proceed by law without their assistance, adopted a sort of cipher, in order to make their presence necessary in every cause. 12. [26]

When this might have been well transacted thus—"The Sabine farm is mine." "No; it is mine:" — then a trial; they would not have it so. "The farm," says he, "which is in the territory which is called Sabine:" — verbose enough — well, what next? "That farm, I say, is mine according to the rights of Roman citizens." What then?—"and

therefore I summon you according to law, seizing you by the hand."

The man of whom the field was demanded did not know how to answer one who was so talkatively litigious. The same lawyer goes across, like a Latin flute-player, — says he, "In the place from whence you summoned me having seized me by the hand, from thence I recall you there." In the meantime, as to the praetor, lest he should think himself a fine fellow and a fortunate one, and himself say something of his own accord, a form of words is composed for him also, absurd in other points, and especially in this: "Each of them being alive and being present I say that that is the way." "Enter on the way." That wise man was at hand who was to show them the way. "Return on your path." They returned with the same guide. These things, I may well suppose, appeared ridiculous to full-grown men; that men when they have stood rightly and in their proper place should be ordered to depart, in order that they might immediately return again to the place they had left. Everything was tainted with the same childish folly. "When I behold you in the power of the law." And this—"But do you say this who claim the right?" And while all this was made a mystery of, they who had the key to the mystery were necessarily sought after by men; but as soon as these things were revealed, and were bandied about and sifted in men's hands, they were found to be thoroughly destitute of wisdom, but very full of fraud and folly. [27]

For though many things have been excellently settled by the laws, yet most of them have been depraved and corrupted by the genius of the lawyers. Our ancestors determined that all women, on account of the inferiority of their understanding, should be under the protection of trustees. These men have found out classes of trustees, whose power is subordinate to that of the women. The one party did not wish the domestic sacrifices to be abolished in families; by the ingenuity of the others old men were found to marry by the form called coemptio, for the sake of' getting rid of these sacred ceremonies. Lastly, in every part of the civil law they neglected equity itself, but adhered to the letter of the law; as for instance, because in somebody's books they found the name of Caia, they thought that all the women who had married by coemptio were called Caias. And that often appears marvellous to me, that so many men of

such ability should now for so many years have been unable to decide whether the proper expressions to use be the day after tomorrow or the third day, a judge or an arbiter, a cause or a proceeding. 13. [28]

Therefore, as I said before, the dignity of a consul has never been consistent with that science; being one consisting wholly of fictitious and imaginary formulas. And its right to public gratitude was even much smaller. For that which is open to every one, and which is equally accessible to me and to my adversary, cannot be considered as entitled to any gratitude. And therefore you have now, not only lost the hope of conferring a favour, but even the compliment that used to be paid to you by men asking your permission to consult you. No one can be considered wise on account of his proficiency in that knowledge which is neither of any use at all out of Rome, nor at Rome either during the vacations. Nor has any one any right to be considered skillful in law, because there cannot be any difference between men in a branch of knowledge with which they are all acquainted. And a matter is not thought the more difficult for being contained in a very small number of very intelligible documents. Therefore, if you excite my anger, though I am excessively busy, in three days I will profess myself a lawyer. In truth, all that need be said about the written law is contained in written books; nor is there anything written with such precise accuracy, that I cannot add to the formula, "which is the matter at present in dispute." If you answer what you ought, you will seem to have made the same answer as Servius; if you make any other reply, you will seem to be acquainted with and to know how to handle disputed points. [29]

Wherefore, not only is the military glory which you slight to be preferred to your formulas and legal pleas; but even the habit of speaking is far superior, as regards the attainment of honours, to the profession to the practice of which you devote yourself. And therefore many men appear to me to have preferred this at first; but afterwards, being unable to attain eminence in this profession, they have descended to the other. Just as men say, when talking of Greek practitioners, that those men are flute-players who cannot become harp-players, so we see some men, who have not been able to make orators, turn to the study of the law. There is great labour in the

practice of oratory. It is an important business, one of great dignity, and of most exceeding influence. In truth, from you lawyers men seek some degree or advantage; but from those who are orators they seek actual safety. In the next place, your replies and your decisions are constantly overturned by eloquence, and cannot be made firm except by the advocacy of the orator; in which if I had made any great proficiency myself; I should be more sparing while speaking in its praise; but at present I am saying nothing about myself; but only about those men who either are or have been great in oratory. 14. [30]

There are two occupations which can place men in the highest rank of dignity; one, that of a general the other, that of an accomplished orator. For by the latter the ornaments of peace are preserved, by the former the dangers of war are repelled. But the other virtues are of great importance from their own intrinsic excellence, such as justice, good faith, modesty, temperance; and in these, O Servius, all men know that you are very eminent. But at present I am speaking of those pursuits calculated to aid men in the attainment of honours, and not about the intrinsic excellency of each pursuit. For all those occupations are dashed out of our hands at once, the moment the slightest new commotion begins to have a warlike sound. In truth, as an ingenious poet and a very admirable author says, the moment there is a mention of battle, "away is driven" not only your grandiloquent pretences to prudence, but even that mistress of all things, "wisdom. Everything is done by violence. The orator," not only he who is troublesome in speaking, and garrulous, but even "the good orator is despised; the horrid soldier is loved." But as for your profession, that is trampled under foot; "men seek their rights not by law, but hand to hand by the sword," says he.

And if that be the case, then I think, O Sulpicius, the forum must yield to the camp; peace must yield to war, the pen to the sword, and the shade to the sun. That in fact must be the first thing in the city, by means of which the city itself is the first of all cities. [31] But Cato is busy proving that we are making too much of all these things in our speech; and that we have forgotten that that Mithridatic war was carried on against nothing better than women. However, my opinion is very different, O judges; and I will say a little on that subject; for my cause does not depend on that.

For if all the wars which we have carried on against the Greeks are to be despised, then let the triumph of Marcus Curius over king Pyrrhus be derided; and that of Titus Flamininus over Philip; and that of Marcus Fulvius over the Aetolians; and that of Lucius Paullus over king Perses; and that of Quintus Metellus over the false Philip; and that of Lucius Mummius over the Corinthians. But, if all these wars were of the greatest importance, and if our victories in them were most acceptable, then why are the Asiatic nations and that Asiatic enemy despised by you? But, from our records of ancient deeds; I see that the Roman people carried on a most important war with Antiochus; the conqueror in which war, Lucius Scipio, who had already gained great glory when acting in conjunction with his brother Publius, assumed the same honour himself by taking a surname from Asia, as his brother did, who, having subdued Africa, paraded his conquest by the assumption of the name of Africanus. [32] And in that war the renown of your ancestor Marcus Cato was very conspicuous; but he, if he was, as I make no doubt that he was, a man of the same character as I see that you are, would never have gone to that war, if he had thought that it was only going to be a war against women. Nor would the senate have prevailed on Publius Africanus to go as lieutenant to his brother, when he himself; a little while before, having forced Hannibal out of Italy, having driven him out of Africa, and having crushed the power of Carthage, had delivered the republic from the greatest dangers, if that war had not been considered an important and formidable war. 15.

But if you diligently consider what the power of Mithridates was, and what his exploits were, and what sort or a man he was himself; you will in truth prefer this king to all the kings with whom the Roman people has ever waged war; — a man whom Lucius Sulla, — not a very inexperienced general, to say the least of it — at the head of a numerous and powerful army, after a severe battle, allowed to depart having made peace with him, though he had overrun all Asia with war: whom Lucius Murena, my client's father, after having warred against him with the greatest vigour and vigilance, left greatly checked indeed, but not overwhelmed: a king, who, having taken several years to perfect his system and to strengthen his warlike resources, became so powerful and enterprising that he thought

himself able to unite the Atlantic to the Black Sea, and to combine the forces of Sertorius with his own. [33] And when two consuls had been sent to that war, with the view of one pursuing Mithridates, and the other protecting Bithynia, the disasters which befell one of them by land and sea greatly increased the power and reputation of the king. But the exploits of Lucius Lucullus were such that it is impossible to mention any war which was more important, or in which greater abilities and valour were displayed. For when the violence of the entire war had broken against the walls of Cyzicus, and as Mithridates thought that he should find that city the door of Asia, and that if that were once broken down and forced, the whole province would be open to him, everything was so managed by Lucullus that the city of our most faithful allies was defended, and all the forces of the king were wasted away by the length of the siege, what more need I say? Do you think that that naval battle at Tenedos, when the enemy's fleet were hastening on with rapid course and under most eager admirals towards Italy, full of hope and courage, was a trifling engagement — an insignificant contest? I will say nothing of battles; I pass over the sieges of towns. Being at length expelled from his kingdom, still his wisdom and his influence were so great that combining his forces with those of the king of Armenia, he reappeared with new armies and new resources of every kind. 16.

And if it wore my business now to speak of the achievements of our army and of our general, I might mention many most important battles. But that is not the present question. [34] This I do say: — If this war, and this enemy, — if that king was a proper object for contempt the senate and Roman people would not have thought it one to be undertaken with such care, nor would they have carried it on for so many years, nor would the glory of Lucullus be as great as it is. Nor would the Roman people have entrusted the care of putting a finishing stroke to it to Cnaeus Pompeius; though of all his battles, numberless as they are, that appears to me to have been the most desperate and to have been maintained on both sides with the greatest vigour, which he fought against the king. And when Mithridates had escaped from that battle, and had fled to the Bosphorus, a place which no army could approach, still, even in the extremity of his fortunes, and as a fugitive, he retained the name of a king. Therefore,

Pompeius himself; having taken possession of his kingdom, having driven the enemy away from all his coasts, and from all his usual places of resort still thought that so much depended on his single life, that though, by his victory, he had got possession of everything which he had possessed, or had approached, or even had hoped for, still he did not think the war entirely over till he drove him from life also. And do you, O Cato, think lightly of this man as an enemy, when so many generals warred against him for so many years, with so long a series of battles? when, though driven out and expelled from his kingdom, his life was still thought of such importance, that it was not till the news arrived of his death, that we thought the war over? We then say in defence of Lucius Murena, that as a lieutenant in this war he approved himself a man of the greatest courage, of singular military skill, and of the greatest perseverance; and that all his conduct at that time gave him no less a title to obtain the consulship than this forensic industry of ours gave us. 17. [35]

"But in the standing for the praetorship, Servius was elected first." Are you going (as if you were arguing on some written bond) to contend with the people that whatever place of honour they have once given any one, that same rank they are bound to give him in all other honours? For what sea, what Euripus do you think exists, which is liable to such commotions, — to such great and various agitations of waves, as the storms and tides by which the comitia are influenced? The interval of one day, — the lapse of one night — often throws everything into confusion. The slightest breeze of rumour sometimes changes the entire opinions of people. Often, even, everything is done without any apparent cause, in a manner entirely at variance with the opinions that have been expressed, or that indeed, are really entertained; so that sometimes the people marvels that that has been done which has been done, as if it were not itself that has done it. [36] Nothing is more uncertain than the common people, — nothing more obscure than men's wishes, — nothing more treacherous than the whole nature of the comitia. Who expected that Lucius Philippus, a man of the greatest abilities, and industry, and popularity, and nobleness of birth, could be beaten by Marcus Herennius? who dreamt of Quintus Catulus, a man eminent for all the politer virtues, for wisdom and for integrity, being beaten

by Cnaeus Mallius? or Marcus Scaurus, a man of the highest character, an illustrious citizen, a most intrepid senator, by Quintus Maximus? Not only none of all these things were expected to happen, but not even when they had happened could anyone possibly make out why they had happened. For as storms arise, often being heralded by some well-known token in the heavens, but often also quite unexpectedly from no imaginable reason, but from some unintelligible cause; so in the popular tempests of the comitia you may often understand by what signs a storm was first raised, but often, too, the cause is so obscure, that the tempest appears to have been raised by chance. 18. [37]

But yet if an account of them must be given, two qualities were particularly missed in the praetorship, the existence of which in Murena now was of the greatest use to him in standing for the consulship: one was the expectation of a largess, which had got abroad through some rumour, and owing to the zeal and conversation of some of his competitors; the other, that those men who had been witnesses of all his liberality and virtue in the province and in the discharge of his office as lieutenant, had not yet left Rome. Fortune reserved each of these advantages for him, to aid him in his application for the consulship. For the army of Lucius Lucullus, which had come hither for his triumph, was also present at the comitia in aid of Lucius Murena, and his praetorship afforded a most splendid proof of his liberality, of which there was no mention when he was standing for the praetorship. [38] Do these things appear to you trifling supports and aids towards obtaining the consulship? Is the good-will of the soldiery a trifle? who are both intrinsically powerful through their own numbers, and also by their influence among their connections, and who in declaring a consul have great weight among the entire Roman people. Are the votes of the army a trifle? No; for it is generals, and not interpreters of words, who are elected at the consular comitia. Most influential, then, is such a speech as this —"He refreshed me when I was wounded. He gave me a share of the plunder. He was the general when we took that camp — when we fought that battle. He never imposed harder work on the soldier than he underwent himself. He was as fortunate as he is brave." What weight do you not suppose this must have to gaining a reputation and

good-will among men? Indeed, if there is a sort of superstition in the comitia, that up to this time the omen to be drawn from the vote of the prerogative tribe has always proved true, what wonder is there that in such a meeting the reputation of good fortune and such discourse as this has had the greatest weight? 19.

But if you think these things trifling, though they are most important; and if you prefer the votes of these quiet citizens to those of the soldiers; at all events, you cannot think lightly of the beauty of the games exhibited by this man, and the magnificence of his theatrical spectacles; and these things were of great use to him in this last contest. For why need I tell you that the people and the great mass of ignorant men are exceedingly taken with games? It is not very strange. And that is a sufficient reason in this case; for the comitia are the comitia of the people and the multitude. If, then, the magnificence of games is a pleasure, to the people, it is no wonder that it was of great service to Lucius Murena with the people. [39] But if we ourselves, who, from our constant business, have but little time for amusement, and who are able to derive many pleasures of another sort from our business itself; are still pleased and interested by exhibitions of games, why should you marvel at the ignorant multitude being so? [40] Lucius Otho, a brave man, and an intimate friend of mine, restored not only its dignity, but also its pleasure to the equestrian order; and, therefore, this law which relates to the games is the most acceptable of all laws, because by it that most honourable order of men is restored not only to its honours, but also to the enjoyment of its amusements. Games, then, believe me, are a great delight to men, even to those who are ashamed to own it, and not to those only who confess it as I found to be the case in my contest for the consulship; for we also had a theatrical representation as our competitor. But if I who, as aedile, had exhibited those shows of games, was yet influenced by the games exhibited by Antonius, do you not suppose that that very silver stage exhibited by this man, which you laugh at was a serious rival to you, who, as it happened, had never given any games at all? [41] But in truth, let us allow that these advantages are all equal, — let exertions displayed in the forum be allowed to be equal to military achievements, — let the votes of the quiet citizens be granted to be of equal weight with those of the I soldiers, — let it be of equal assistance to a man to have I exhibited the most magnificent games, and never to have exhibited any at all; what then? Do you think that in the praetorship itself there was no difference between your lot and that of my client Murena? 20.

His department was that which we and all your friends desired for you; that namely, of deciding the law; a business in which the importance of the business transacted procures great credit for a man, and the administration of justice earns him popularity; for which department a wise praetor, such as Murena was, avoids giving offence by impartiality in his decisions, and conciliates good-will by his good temper in hearing the cases brought before him. It is a very creditable employment and very well adapted to gain a man the consulship, being one in which the praise of justice, integrity and affability is crowned at the last by the pleasure of the games which he exhibits. [42] What department was it that your lot gave you? A disagreeable and odious one. That of inquiry into peculation, pregnant on the one side with the tears and mourning apparel of the accused, full on the other side of imprisonment and informers. In that department of justice judges are forced to act against their will, are retained by force contrary to their inclination. The clerk is hated, the whole body is unpopular. The gratifications given by Sulla are found fault with. Many brave men, — indeed, a considerable portion of the city is offended; damages are assigned with severity. The man who is pleased with the decision soon forgets it; he who loses his cause is sure to remember it. Lastly, you would not go to your province. I cannot find fault with that resolution in you, which, both as praetor and consul, I have adopted in my own case. But still Lucius Murena's conduct in his province procured him the affection of many influential men, and a great accession of reputation. On his road he held a levy of troops in Umbria. The republic enabled him to display his liberality, which he did so effectually as to engage in his interest many tribes which are connected with the municipalities of that district. And in Gaul itself, he contrived by his equity and diligence to enable many of our citizens to recover debts which they had entirely despaired of. In the meantime you were living at Rome, ready to help your friends. I confess that — but still recollect this, that the inclinations of some friends are often cooled towards those men by whom they see that provinces are despised. 21. [43]

And since I have proved, O judges, that in this con-test for the consulship Murena had the same claims of worth that Sulpicius had, accompanied with a very different fortune as respects the business of

their respective provinces, I will say more plainly in what particular my friend Servius was inferior; and I will say those things while you are now hearing me, — now that the time of the elections is over — which I have often said to him by himself before the affair was settled. I often told you, O Servius, that you did not know how to stand for the consulship; and, in respect to those very matters which I saw you conducting and advocating in a brave and magnanimous spirit, I often said to you that you appeared to me to be a brave senator rather than a wise candidate. For, in the first place, the terrors and threats of accusations which you were in the habit of employing every day, are rather the part of a fearless man; but they have an unfavourable effect on the opinion of the people as regards a man's hopes of getting anything from them, and they even disarm the zeal of his friends. Somehow or other, this is always the case; and it has been noticed, not in one or two instances only, but in many; so that the moment a candidate is seen to turn his attention to provocations, he is supposed to have given up all hopes of his election. [44]

What, then, am I saying? Do I mean that a man is not to prosecute another for any injury which he may have received? Certainly I mean nothing of the sort. But the times for prosecuting and for standing for the consulship are different. I consider that a candidate for any office, especially for the consulship, ought to come down into the forum and into the Campus Martius with great hopes, with great courage, and with great resources. But I do not like a candidate to be looking about for evidence — conduct which is a sure forerunner of a repulse. I do not like his being anxious to marshal witnesses rather than voters. I do not fancy threats instead of caresses, — declamation where there should be salutation; especially as, according to the new fashion now existing, all candidates visit the houses of nearly all the citizens, and from their countenances men form their conjectures as to what spirits and what probabilities of success each candidate has. [45] "Do you see how gloomy that man looks? how dejected? He is out of spirits; he thinks he has no chance; he has laid down his arms." Then a report gets abroad—"Do you know that he is thinking of a prosecution? He is seeking for evidence against his competitors; he is hunting for witnesses. I shall vote for some one else, as he knows that he has no chance." The most intimate friends of such

candidates as that are dispirited and disarmed, they abandon all anxiety in the matter, — they give up a business which is so manifestly hopeless, or else they reserve all their labour and influence to countenance their friend in the trial and prosecution which he is meditating. 22.

And, besides all this, the candidate himself cannot devote his whole thoughts, and care, and attention, and diligence to his own election; for he has also in his mind the thoughts of his prosecution — a matter of no small importance, but in truth of the very greatest. For it is a very serious business to be preparing measures by which to deprive a man, especially one who is not powerless or without resources — of his rights as a citizen; one who is defended both by himself and by his friend, — yes, and perhaps also by strangers. For we all of us naturally hasten to save any one from danger; and, if we are not notoriously enemies to them, we tender, even to utter strangers, when menaced by danger affecting their station as citizens, the services and zeal which are strictly speaking due only to the causes of our friends. On which account I, who know by experience the troubles attending on standing for office, on defending and accusing prisoners, consider that the truth in respect of each business stands thus, — that in standing for an office, eagerness is the chief thing; in defending a man, a regard for one's duty is the principal thing shown; in accusing a man, the labour is greatest. [46] And therefore I say decidedly that it is quite impossible for the same man to do justice properly to the part of an accuser and a candidate for the consulship. Few can play either part well; no one can do justice to both. Did you, when you turned aside out of the course prescribed for you as a candidate, and when you had transferred your attention to the task of prosecuting, think that you could fulfil all the requirements of both? You were greatly mistaken if you did; for what day was there after you once entered on that prosecution, that you did not devote the whole of it to that occupation? 23.

You demanded a law about bribery, though there was no deficiency of laws on that matter, for there was the Calpurnian law, framed with the greatest severity. Your inclinations and your wish procured compliance with your demand; but the whole of that law might perhaps have armed your accusation, if you had had a guilty

defendant to prosecute; but it has been of great injury to you as a candidate. [47] A more severe punishment for the common people was demanded by your voice. The minds of the lower orders were agitated. The punishment of an exile was demanded in the case of any one of our order being convicted. The senate granted it to your request; but still it was with no good will that they established a more severe condition for our common fortunes at your instigation. Punishment was imposed on any one who made the excuse of illness. The inclinations of many men were alienated by this step, as by it they were forced either to labour to the prejudice of their health, or else through the distress of illness they were compelled to abandon the other enjoyments of life. What then, are we to say of this? Who passed this law? He, who, in so doing, acted in obedience to the senate, and to your wish. He, in short, passed it to whom it was not of the slightest personal advantage. Do you think that those proposals which, with my most willing consent, the senate rejected in a very full house, were but a slight hindrance to you? You demanded the confusion of the votes of all the centuries, the extension of the Manilian law, the equalization or all interest and dignity, and of all the suffrages. Honourable men, men of influence in their neighbourhoods and municipalities, were indignant that such a man should contend for the abolition of all degrees in dignity and popularity. You also wished to have judges selected by the accuser at his pleasure, the effect of which would have been, that the secret dislikes of the citizens, which are at present confined to silent grumblings, would have broken out in attacks on the fortunes of every eminent man. [48]

All these measures were strengthening your hands as a prosecutor, but weakening your chance as a candidate. And by them all a violent blow was struck at your hopes of success, as I warned you; and many very severe things were said about it by that most able and most eloquent man, Hortensius, owing to which my task of speaking now is the more difficult; as, after both he had spoken before me, and also Marcus Crassus, a man of the greatest dignity, and industry, and skill as an orator, I, coming in at the end, was not to plead some part of the cause, but to say with respect to the whole matter whatever I thought advisable. Therefore I am forced to recur to the same ideas,

and to a great extent, O judges, I have to contend with a feeling of satiety on your part. 24.

But still, O Servius, do you not see that you completely lay the axe to the root of your chance as a candidate, when you give the Roman people cause for apprehension that Catiline might be made consul through your neglect and, I may almost say, abandonment of your canvass, while you were intent on your prosecution? [49] In truth, men saw that you were hunting about for evidence; that you yourself looked gloomy, your friends out of spirits; they noticed your visits, your inquiries after proofs, your privy meetings with your witnesses, your conferences with your junior counsel; all which matters are certainly apt to make the countenance of a candidate look darker. Meantime they saw Catiline cheerful and joyous, accompanied by a band of youths, with a bodyguard of informers and assassins, elated by the hopes which he placed in the soldiers, and, as he himself said, by the promises of my colleagues; surrounded, too, with a numerous body of colonists from Arretium and Faesulae — a crowd made conspicuous by the presence of men of a very different sort in it, men who had been ruined by the disasters in the time of Sulla. His own countenance was full of fury; his eyes glared with wickedness; his discourse breathed nothing but arrogance. You might have thought that he had assured himself of the consulship, and that he had got it locked up at home. Murena he despised. Sulpicius he considered as his prosecutor, not as a competitor. He threatened him with violence; he threatened the republic. 25. [50]

And I need not remind you with what terror all good men were seized in consequence of these occurrences, and how entirely they would all have despaired of the republic if he had been made consul. All this you yourselves recollect; for you remember, when the expressions of that wicked gladiator got abroad, which he was said to have used at a meeting at his own house, when he said that it was impossible for any faithful defender of the miserable citizens to be found, except a man who was himself miserable; that men in an embarrassed and desperate condition ought not to trust the promises of men of a flourishing and fortunate estate; and therefore that those who were desirous to replace what they had spent, and to recover what they had lost, had better consider what he himself owed, what

he possessed, and what he would dare to do; that that man ought to be very fearless and thoroughly overwhelmed by misfortune, who was to be the leader and standard-bearer of unfortunate men. [51] Then, therefore, when these things had been heard, you recollect that a resolution of the senate was passed, on my motion, that the comitia should not be held the next day, in order that we might be able to discuss these matters in the senate. Accordingly, the next day, in a full meeting of the senate, I addressed Catiline himself; and desired him, if he could, to some explanation of these reports which had been brought to me. And he — for he was not much addicted to disguising his intentions — did not attempt to clear himself; but openly avowed and adopted the statements. For he said then, that there were two bodies of the republic, — the one weak with a weak head, the other powerful without a head, — and that, as this last had deserved well of him, it should never want a head as long as he lived. The whole senate groaned at hearing itself addressed in such language, and passed a resolution not severe enough for such unworthy conduct; for some of them were against too rigorous a resolution, because they had no fear; and some, because they had a great deal. Then he rushed forth from the senate, triumphing and exulting, — a man who never ought to have been allowed to leave it alive, especially as that very same man in the same place had made answer to Cato, that gallant man who was threatening him with a prosecution, a few days before, that if any fire were kindled against his own fortunes, he would put it out not with water, but by the general ruin. 26. [52]

Being influenced then by these facts, and knowing that men who were already associated in a conspiracy were being brought down by Catiline into the Campus Martius, armed with swords, I myself descended into the campus with a guard of brave men, and with that broad and shining breastplate, not in order to protect me, (for I knew that Catiline would aim at my head and neck, not at my chest or body,) but in order that all good men might observe it, and, when they saw their consul in fear and in danger, might as they did, throng together for my assistance and protection. Therefore, as, O Servius, men thought you very remiss in prosecuting the contest, and saw Catiline inflamed with hope and desire, all who wished to repel that pest from the republic immediately joined the party of Murena. [53]

And in the consular comitia the sudden inclination of men's feelings is often of great weight, especially as, in this case, it took the direction of a very gallant man, who was assisted by many other concurrent aids in his application for the office. He was born or a most honourable father and ancestors; he had passed his youth in a most modest manner; he had discharged the office of a lieutenant with great credit; he had been praetor, as such he had been approved as a judge; he had been popular through his liberality; be had been highly honoured in his province; he had been very diligent in his canvass, and had carried it on so as neither to give way if any one threatened him, nor to threaten any one himself. Can we wonder that the sudden hope which Catiline now entertained of obtaining the consulship was a great assistance to this man? [54]

The third topic which I have got to speak about refers to the charge of bribery; which has been already entirely refuted by those who have spoken before me, but which must still be discussed by me, since such is the will of Murena. And while speaking on this point, I will reply to what Postumius, my own intimate friend, a most accomplished man, has said about the trials of agents, and about sums of money which he asserts have been found; and to what Servius Sulpicius, that able and virtuous young man, has said about the centuries of the knights; and to what Marcus Cato, a man eminent in every kind of virtue, has said about his own accusation, about the resolution of the senate, and about the republic in general. 27. [55]

But first of all I will say a little, which has just occurred to me, about the hard fortune of Lucius Murena. For I have often before now, O judges, judging both by the miseries of others, and by my own daily cares and labours, considered those men fortunate, who, being at a distance from the pursuits of ambition, have addicted themselves to ease and tranquillity of life; and now especially I am so affected by these serious and unexpected dangers of Lucius Murena, that I am unable adequately to express my pity for the common condition of all of us, or for his particular state and fortune; who while, after an uninterrupted series of honours attained by his family and his ancestors, he was endeavouring to mount one step higher in dignity, has incurred the danger of losing both the honours bequeathed to him by his forefathers, and those too which have been

acquired by himself, and now, on account of his pursuit of this new honour, is brought into the danger of losing his ancient fortune also. [56] And as these are weighty considerations, O judges, so is this the most serious matter of all, that he has men for accusers who, instead of proceeding to accuse him on account of their private enmity against him, have become his personal enemies, being carried away by their zeal for their accusation. For, to say nothing of Servius Sulpicius, who, I am aware, is influenced not by any wrong done by Lucius Murena, but only by the party spirit engendered by the contest for honour, his father's friend, Cnaeus Postumius, is his accuser, an old neighbour and intimate friend of his own, as he says himself; who has mentioned many reasons for his intimacy with him, while he has not been able to mention one for any enmity towards him. Servius Sulpicius accuses him, the companion of his son, — he, by whose genius all the friends of his father ought to be only the more defended. Marcus Cato accuses him, who, though he has never been in any matter whatever at variance with Murena, yet was born in this city under such circumstances that his power and genius ought to be a protection to many who were even entire strangers to him, and ought to be the ruin of hardly any personal enemy. [57]

In the first instance then I will reply to Cnaeus Postumius, who, somehow or other, I know not how, while a candidate for the praetorship, appears to me to be a straggler into the course marked out for the candidates for the consulship, as the horse of a vaulter might escape into the course marked out for the chariot races. And if there is no fault whatever to be found with his competitors, then he has made a great concession to their worth in desisting from his canvass. But if any one of them has committed bribery, then he must look for some friend who will be more inclined to prosecute an injury done to another than one done to himself.

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[On the Charges of Postumius and of Servius.] 28. [58]

I come now to Marcus Cato, who is the mainstay and prop of the whole prosecution; who is, however, so zealous and vehement a prosecutor, that I am much more afraid of the weight of his name, than of his accusation. And with respect to this accuser, O judges,

first of all I will entreat you not to let Cato's dignity, nor your expectation of his tribuneship, nor the high reputation and virtue of his whole life, be any injury to Lucius Murena. Let not all the honours of Marcus Cato, which he has acquired in order to be able to assist many men, be an injury to my client alone. Publius Africanus had been twice consul, and had destroyed those two terrors of this empire, Carthage and Numantia, when he prosecuted Lucius Cotta. He was a man of the most splendid eloquence, of the greatest good faith, of the purest integrity; his authority was as great almost as that of the Roman people itself, in that empire which had been mainly saved by his means. I have often heard old men say that this very extraordinarily high character of the accuser was of the greatest service to Lucius Cotta. Those wise men who then were the judges in that cause, did not like any one to be defeated in a trial, if he was to appear overwhelmed only by the excessive influence of his adversary. [59] What more shall I say? Did not the Roman people deliver Sergius Galba (the fact is preserved in the recollection of every one) from your grandfather, that most intrepid and prosperous man, Marcus Cato, who was zealously seeking his ruin? At all times in this city the whole people, and also the judges, wise men, looking far into futurity, have resisted the overweening power of prosecutors. I do not like an accuser bringing his personal power, or any predominant influence, or his own eminent authority, or his own excessive popularity, into a court of justice. Let all these things have weight to ensure the safety of the innocent, to aid the weak, to succour the unfortunate. But in a case where the danger and ruin of citizens may ensue, let them be rejected. [60] For if perchance any one should say that Cato would not have come forward as an accuser if he had not previously made up his mind about the justice of the cause, he will then be laying down a most unjust law, O judges, and establishing a miserable condition for men in their danger, if he thinks that the opinion of an accuser is to have against a defendant the weight of a previous investigation legally conducted. 29.

I, O Cato, do not venture to find fault with your intentions, by reason of my extraordinarily high opinion of your virtue; but in some particulars I may perhaps be able slightly to amend and reform them. "You are not very wrong," said an aged tutor to a very brave man;

“but if you are wrong, I can set you right.” But I can say with the greatest truth that you never do wrong, and that your conduct is never such in any point as to need correction, but only such as occasionally to require being guided a little. For nature has herself formed you for honesty, and gravity, and moderation, and magnanimity, and justice; and for all the virtues required to make a great and noble man. To all these qualities are added an education not moderate, nor mild, but as it seems to me, a little harsh and severe, more so than either truth or nature would permit. [61] And since we are not to address this speech either to an ignorant multitude, or to any assembly of rustics, I will speak a little boldly about the pursuits of educated men, which are both well known and agreeable to you, O judges, and to me. Learn then, O judges, that all these good qualities, divine and splendid as they are, which we behold in Marcus Cato, are his own peculiar attributes. The qualities which we sometimes wish for in him, are not all those which are implanted in a man by nature, but some of them are such as are derived from education. For there was once a man of the greatest genius, whose name was Zeno, the imitators of whose example are called Stoics. His opinions and precepts are of this sort: that a wise man is never influenced by interest; never pardons any man’s fault; that no one is merciful except a fool and a trifler; that it is not the part of a man to be moved or pacified by entreaties; that wise men, let them be ever so deformed, are the only beautiful men; if they be ever such beggars, they are the only rich men; if they be in slavery, they are kings. And as for all of us who are not wise men, they call away slaves, exiles, enemies, lunatics. They say that all offenses are equal; that every sin is an unpardonable crime; and that he does not commit a less crime who kills a cock if there was no need to do so, than the man who strangles his father. They say that a wise man never feels uncertain on any point never repents of anything, is never deceived in anything, and never alters his opinion. 30. [62]

All these opinions that most acute man, Marcus Cato, having been induced by learned advocates of them has embraced; and that, not for the sake of arguing about them as is the case with most men, but of living by them. Do the Publicans ask for anything? “Take care that their influence has no weight.” Do any suppliants, miserable and

unhappy men, come to us? “You will be a wicked and infamous man if you do anything from being influenced by mercy.” Does any one confess that he has done wrong, and beg pardon for his wrong doing? “To pardon is a crime of the deepest dye.”—”But it is a trifling offence.” “All offences are equal.” You say something. “That is a fixed and unalterable principle.” “You are influenced not by the facts, but by your opinion.” “A wise man never forms mere opinions.” “You have made a mistake in some point.” He thinks that you are abusing him. — And in accordance with these principles of his are the following assertions: “I said in the senate, that I would prosecute one of the candidates for the consulship.” “You said that when you were angry.” “A wise man never is angry.” “But you said it for some temporary purpose.” “It is the act,” says he, “of a worthless man to deceive by a lie; it is a disgraceful act to alter one’s opinion; to be moved by entreaties is wickedness; to pity any one is an enormity.” [63] But our philosophers, (for I confess, O Cato, that I too, in my youth, distrusting my own abilities, sought assistance from learning,) our philosophers, I say, men of the school of Plato and Aristotle, men of soberness and moderation, say that private interest does sometimes have weight even with a wise man. They say that it does become a virtuous man to feel pity; that there are different gradations of offences, and different degrees of punishment appropriate to each; that a man with every proper regard for firmness may pardon offences; that even the wise man himself has sometimes nothing more than opinion to go upon, without absolute certainty, that he is sometimes angry, that he is sometimes influenced and pacified by entreaty that he sometimes does change an opinion which he may have expressed when it is better to do so, that he sometimes abandons his previous opinions altogether, and that all his virtues are tempered by a certain moderation 31. [64]

If any chance, O Cato, had conducted endowed with your existing natural disposition to those tutors, you would not indeed have been a better man than you are, not a braver one, nor more temperate, nor more just than you are, (for that is not possible,) but you would have been a little more inclined to lenity; you would not when you were not induced by any enmity, or provoked by any personal injury, accuse a most virtuous man, a man of the highest rank and the

greatest integrity; you would consider that as fortune had entrusted the guardianship of the same year to you and to Murena, that you were connected with him by some certain political union; and the severe things which you have said in the senate you would either not have said, or you would have guarded against their being applied to him, or you would have interpreted them in the mildest sense. [65] And even you yourself, (at least that is my opinion and expectation,) excited as you are at present by the impetuosity of your disposition and elated as you are both by the vigour of our natural character and by your confidence in your own ability, and inflamed as you are by your recent study of all these precepts, will find practice modify them and time and increasing years soften and humanise you. In truth, those tutors and teachers of virtue, whom you think so much of appear to me themselves to have carried their definitions of duties somewhat further than is agreeable to nature, and it would be better if, when we had in theory pushed our principles to extremities, yet in practice we stopped at what was expedient. "Forgive nothing." Say rather, forgive some things, but not everything. "Do nothing for the sake of private influence." Certainly resist private influence when virtue and good faith require you to do so. "Do not be moved by pity." Certainly if it is to extinguish all impartiality; nevertheless, there is some credit due to humanity. "Abide by your own opinion." [66] Very true, unless some other sounder opinion convinces you. That great Scipio was a man of this sort, who had no objection to do the same thing that you do; to keep a most learned man, a man of almost divine wisdom, in his house; by whose conversation and precepts, although they were the very same that you are so fond of; he was nevertheless not made more severe, but (as I have heard said by old men) he was rendered most merciful. And who was more mild in his manners than Caius Lucius? who was more agreeable than he? (devoted to the same studies as you;) who was more virtuous or more wise than he? I might say the same of Lucius Philus, and of Caius Gallus; but I will conduct you now into your own house. Do you think that there was any man more courteous, more agreeable; any one whose conduct was more completely regulated by every principle of virtue and politeness, than Cato, your great-grandfather? And when you were speaking with truth and dignity of his virtue,

you said that you had a domestic example to imitate. That indeed is an example set up for your imitation in your own family; and the similarity of nature ought rather to influence you who are descended from him than any one of us; but still that example is as much an object for my imitation as for yours. But if you were to add his courtesy and affability to your own wisdom and impartiality, I will not say that those qualities which are now most excellent will be made intrinsically better, but they will certainly be more agreeably seasoned. 32. [67]

Wherefore, to return to the subject which I began to speak of; take away the name of Cato out of the cause; remove and leave out of the question all mention of authority, which in courts of justice ought either to have no influence at all, or only influence to contribute to someone's safety; and discuss with me the charges themselves. What do you accuse him of, Cato? What action of his is it that you bring before the court? What is your charge? Do you accuse him of bribery? I do not defend bribery. You blame me because you say I am defending the very conduct which I brought in a law to punish. I punished bribery, not innocence. And any real ease of bribery I will join you in prosecuting if you please. You have said that a resolution of the senate was passed, on my motion, "that if any men who had been bribed had gone to meet the candidates, if any hired men followed them, if places were given men to see the shows of gladiators according to their tribes, and also, if dinners were given to the common people, that appeared to be a violation of the Calpurnian law." Therefore the senate decides that these things were done in violation of the Calpurnian law if they were done at all it decides what there is not the least occasion for out of complaisance for the candidates. For there is a great question whether such things have been done or not. That if they have been done, they were done in violation of the law, no one can doubt. [68] It is, therefore ridiculous to leave that uncertain which was doubtful but to give a positive decision on that point which can be doubtful to no one. And that decree is passed at the request of all the candidates; in order that it might be quite impossible to make out from the resolution of the senate whose interests were consulted, or against whose interests it was passed. Prove, then, that these actions have been done by Lucius

Murena and then I will grant to you that they have been done in violation of the law. 33.

"Many men went to meet him as he was departing from his province, when he was a candidate for the consulship." That is a very usual thing to do. Who is there whom people do not go out to meet on his return home? "What a number of people they were." In the first place, if I am not able to give you any exact account of it what wonder is it if many men did go out to meet such a man on his arrival, being a candidate for the consulship? If they had not done so, it would have appeared much more strange. [69] What then? Suppose I were even to add, what there would be nothing unusual in, that many had been asked to go? Would that be matter of accusation, or at all strange, that in a city in which we, when we are asked, often come to escort the sons of even the lowest rank, almost before the night is over, from the furthest part of the city, men should not mind going at the third hour into the Campus Martius, especially when they have been invited in the name of such a man as Murena? What then? What if all the societies had come to meet him, of which bodies many are sitting here as judges? What if many men of our own most honourable order had come? What then? What if the whole of that most officious body of candidates, which will not suffer any man to enter the city except in an honourable manner, had come, or even our prosecutor himself — if Postumius had come to meet him with a numerous crowd of his dependents? What is there strange in such a multitude? I say nothing of his clients, his neighbours, his tribesmen, or the whole army of Lucullus, which, just at that time, had come to Rome to his triumph; I say this, that that crowd, paying that gratuitous mark or respect was never backward in paying respect not only to the merit of any one, but even to his wishes. [70]

"But a great many people followed him." Prove that it was for hire, and I will admit that that was a crime: but if the fact of hire be absent, what is there that you object to? 34.

"What need is there," says he, "of an escort?" Are you asking me what is the need of that which we have always availed ourselves of? Men of the lower orders have only one opportunity of deserving kindness at the hands of our order, or of requiting services, — namely, this one attention of escorting us when we are candidates for

offices. For it is neither possible, nor ought we or the Roman knights to require them to escort the candidates to whom they are attached for whole days together; but if our house is frequented by them, if we are sometimes escorted to the forum, if we are honoured by their attendance for the distance of one piazza, we then appear to be treated with all due observance and respect; and those are the attentions of our poorer friends who are not hindered by business, of whom numbers are not wont to desert virtuous and beneficent men. [71] Do not then, O Cato, deprive the lower class of men of this power of showing their dutiful feelings; allow these men, who hope for everything from us, to have something also themselves, which they may be able to give us. If they have nothing beyond their own vote, that is but little; since they have no interest which they can exert in the votes of others. They themselves, as they are accustomed to say, cannot plead for us, cannot go bail for us, cannot invite us to their houses; but they ask all these things of us, and do not think that they can requite the services which they receive from us by anything but by their attentions of this sort. Therefore they resisted the Fabian law, which regulated the number of an escort and the resolution of the senate, which was passed in the consulship of Lucius Caesar. For there is no punishment which can prevent the regard shown by the poorer classes for this description of attention. [72] "But spectacles were exhibited to the people by their tribes, and crowds of the common people were invited to dinner." Although this, O judges, was not done by Murena at all, but done in accordance with all usage and precedent by his friends, still, being reminded of the fact, I recollect how many votes these investigations held in the senate have lost us, O Servius. For what time was there ever, either within our own recollection or that of our fathers, in which this, whether you call it ambition or liberality, did not exist to the extent of giving a place in the circus and in the forum to one's friends, and to the men of one's own tribe? The men of the poorer classes first, who had not yet obtained from those of their own tribe

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[A considerable break in the text.] 35. [73]

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that the prefect of the carpenters once gave a place to the men of his own tribe. What will they decide with respect to the eminent men who have erected regular stalls in the circus for the sake of their own tribesmen? All these charges of escort of spectacles of dinners, are brought forward by the multitude, O Servius, as proofs of your over-scrupulous diligence but still as to those counts of the indictment Murena is defended by the authority of the senate. And why not? Does the senate think it a crime to go to meet a man? No but it does, if it be done for a bribe. Prove that it was so. Does the senate think it a crime for many men to follow him? No, but it does, if they were hired. Prove it. Or to give a man a place to see the spectacles? or to ask a man to dinner? Not by any means; but to give every one a seat to ask everyone one meets to dinner. "What is every one?" Why, the whole body of citizens. It then, Lucius Natta, a young man of the highest rank, as to whom we see already of what sort of disposition he is, and what sort of man he is likely to turn out wished to be popular among the centuries of the knights, both because of his natural connection with them, and because of his intentions as to the future, that will not be a crime in, or matter of accusation against his stepfather; nor, if a vestal virgin, my client's near relation, gave up her place to see the spectacle in his favour, was that any other than a pious action nor is he liable to any charge on that ground. All these are the kind offices of intimate friends the services done to the poorer classes, the regular privileges of candidates. [74]

But I must change my tone for Cato argues with me on rigid and stoic principles. He says that it is not true that good-will is conciliated by food. He says that men's judgments, in the important business of electing to magistracies, ought not to be corrupted by pleasures. Therefore, if any one, to promote his canvass, invites another to supper, he must be condemned. "Shall you," says he, "seek to obtain supreme power, supreme authority, and the helm of the republic, by encouraging men's sensual appetites, by soothing their minds, by tendering luxuries to them? Are you asking employment as a pimp from a band of luxurious youths, or the sovereignty of the world from the Roman people?" An extraordinary

sort of speech! but our usages, our way of living, our manners, and the constitution itself rejects it. For the Lacedaemonians, the original authors of that way of living and of that sort of language, men who lie at their daily meals on hard oak benches, and the Cretans, of whom no one ever lies down to eat at all, have neither of them preserved their political constitutions or their power better than the Romans, who set apart times for pleasure as well as times for labour; for one of those nations was destroyed by a single invasion of our army, the other only preserves its discipline and its laws by means of the protection afforded to it by our supremacy. 36. [75]

Do not, then, O Cato, blame with too great severity of language the principles of our ancestors, which facts, and the length of time that our power has flourished under them, justify. There was, in the time of our ancestors, a learned man of the same sect an honourable citizen, and one of high rank, Quintus Tubero. He, when Quintus Maximus was giving a feast to the Roman people, in the name of his uncle Africanus, was asked by Maximus to prepare a couch for the banquet as Tubero was a son of the sister of the same Africanus. And he, a most learned man and a Stoic, covered for that occasion some couches made in the Carthaginian fashion, with skins of kids, and exhibited some Samian vessels, as if Diogenes the Cynic had been dead, and not as if he were paying respect to the obsequies of that godlike Africanus; a man with respect to whom Maximus, when he was pronouncing his funeral panegyric on the day of his death, expressed his gratitude to the immortal gods for having caused that man to be born in this republic above all others, for that it was quite inevitable that the sovereignty of the world must belong to that state of which be was a citizen. At the celebration of the obsequies of such a man the Roman people was very indignant at the perverse wisdom of Tubero, [76] and therefore he, a most upright man, a most virtuous citizen, though he was the grandson of Lucius Paullus, the sister's son, as I have said before, of Publius Africanus, lost the praetorship by his kid skins.

The Roman people disapproves of private luxury, but admires public magnificence. It does not love profuse banquets, still less does it love sordid and uncivilized behaviour. It makes a proper distinction between different duties and different seasons; and allows

of vicissitudes of labour and pleasure. For as to what you say, that it is not right for men's minds to be influenced, in appointing magistrates, by any other consideration than that of the worth of the candidates, this principle even you yourself — you, a man of the greatest worth — do not in every case adhere to. For why do you ark any one to take pains for you, to assist you? You ask me to make you governor over myself to entrust myself to you. What is the meaning of this? Ought I to be asked this by you, or should not you rather be asked by me to undertake labour and danger for the sake of my safety? [77] Nay more, why is it that you have a nomenclator with you? for in so doing, you are practicing a trick and a deceit. For if it be an honourable thing for your fellow-citizens to be addressed by name by you, it is a shameful thing for them to be better known to your servant than to yourself. If though you know them yourself it seems better to use a prompter, why do you sometimes address them before he has whispered their names in your ear? Why, again, when he has reminded you of them, do you salute them as if you knew them yourself? And why, after you are once elected, are you more careless about saluting them at all? If you regulate all these things by the usages of the city, it is all right; but if you choose to weigh them by the precepts of your sect they will be found to be entirely wrong. Those enjoyments, then, of games, and gladiators, and banquets, all which things our ancestors desired, are not to be taken away from the Roman people, nor ought candidates to be forbidden the exercise of that kindness which is liberality rather than bribery. 37. [78]

Oh, but it is the interest of the republic that has induced you to become a prosecutor. I do believe, O Cato, that you have come forward under the influence of those feelings and of that opinion. But you err out of ignorance. That which I am doing, O judges, I am doing out of regard to my friendship for Lucius Murena and to his own worth, and I also do assert and call you all to witness that I am doing it for the sake of peace, of tranquillity, of concord, of liberty, of safety, — yes, even for the sake of the lives of us all. Listen, O judges, listen to the consul, — I will not speak with undue arrogance, I will only say, who devotes all his thoughts day and night to the republic. Lucius Catiline did not despise and scorn the republic to such a degree as to think that with the forces which he took away with him he could subdue this city. The contagion of that wickedness spreads more widely than any one believes: more men are implicated in it than people are aware of. It is within the city, — the Trojan horse, I say, is within the city; but you shall never be surprised sleeping by that while I am consul. [79] You ask of me why I am afraid of Catiline? I am not; and I have taken care that no one should have any reason to be afraid of him; but I do say that those soldiers of his, whom I see present here, are objects of fear: nor is the army which Lucius Catiline now has with him as formidable as those men are who are said to have deserted that army; for they have not deserted it but they have been left by him as spies, as men placed in ambuscade, to threaten our lives and liberties. Those men are very anxious that an upright consul and an able general — a man connected both by nature and by fortune with the safety of the republic, should by your decision be removed from the office of protecting the city, from the guardianship of the state. Their swords and their audacity I have procured the rejection of in the campus, I have disarmed them in the forum, I have often checked them at my own house; but if you now give them up one of the consuls, they will have gained much more by your votes than by their own swords. That which I, in spite of the resistance of many, have managed and carried through, namely, that on the first of January there should be two consuls in the republic, is of great consequence, O judges. [80] Do not think that they should exploit ordinary counsels or the ordinary

modes of proceeding

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It is not some unjust law, some mischievous bribery, or some improprieties in the republic that have just been heard of; that are the real objects for your inquiry now. Plans have been formed in this state, O judges, for destroying the city, for massacring the citizens, for extinguishing the Roman name. They are citizens, — citizens, I say, (if indeed it is lawful to call them by this name,) who are forming and have formed these plans respecting their own country. Every day I am counteracting their designs, disarming their audacity, resisting their wickedness. But I warn you, O judges; my consulship is now just at an end. Do not refuse me a successor in my diligence; do not refuse me him, to whom I am anxious to deliver over the republic in a sound condition, that he may defend it from these great dangers. 38. [81]

And do you not see, O judges, what other evil there is added to these evils? I am addressing you, — you, O Cato. Do you not foresee a storm in your year of office? for in yesterday's assembly there thundered out the mischievous voice of a tribune elect one of your own colleagues; against whom your own mind took many precautions, and so too did all good men, when they invited you to stand for the tribuneship. Everything which has been plotted for the last three years, from the time when you know that the design of massacring the senate was first formed by Lucius Catiline and by Cnaeus Piso, is now breaking out on these days, in these months, at this time. [82] What place is there, O judges, what time, what day, what night is there, that I have not been delivered and escaped from their plots and attacks, not only by my own prudence, but much more by the providence of the gods? It was not that they wished to slay me as an individual, but that they wished to get rid of a vigilant consul, and to remove him from the guardianship of the republic; and they would be just as glad, O Cato, to remove you too, if they could by any means contrive to do so; and believe me, that is what they are wishing and planning to do. They see how much courage, how much ability, how much authority, how much protection for the republic there is in you; but they think that, when they have once seen the

power of the tribunes stripped of the support which it derives from the authority and assistance of the consuls, they will then find it easier to crush you when you are deprived of your arms and vigour. For they have no fear of another consul being elected in the place of this one; they see that that will depend upon your colleagues; they hope that Silanus, any colleague; and that so will you without any consul; and that so will the republic without any protector. [83] When such an illustrious man, will be exposed to their attacks without are our circumstances, and such our perils, it becomes you, O Marcus Cato, who have been born, not for my good, nor for your own good, but for that of your country, to perceive what are their real objects; to retain as your assistant and defender, and partner in the republic, a consul who has no private desires to gratify, a consul (as this season particularly requires) formed by fortune to court ease, but by knowledge to carry on war, and by courage and practice to discharge in a proper manner whatever business you can impose upon him. 39.

Although the whole power of providing for this rests with you, O judges, — you, in this cause, are the masters and directors of the whole republic, — if Lucius Catiline, with his council of infamous men whom he took out with him, could give his decision in this case, he would condemn Lucius Murena; if he could put him to death, he would. For his plans require the republic to be deprived of every sort of aid; they require the number of generals who may be opposed to his frenzy to be diminished; they require that greater power should be given to the tribunes of the people, when they have driven away their adversary, to raise sedition and discord. Will, then, thoroughly honourable and wise men, chosen out of the most dignified orders of the state, give the same decision that most profligate gladiator, the enemy of the republic, would give? [84] Believe me, O judges, in this case you are deciding not only about the safety of Lucius Murena, but also on your own. We are in a situation of extreme danger; there is no means now of repairing the losses which we have already, sustained, or of recovering the ground which we have lost. We must take care not only not to diminish the resources which we still have, but to provide ourselves with additional ones if that be possible. For the enemy is not on the Anio, which in the time of the Punic war appeared a most terrible thing, but he is in the city, in the forum; (O

ye immortal gods! this cannot be said without a groan;) there are even some enemies in this sacred temple of the republic, in the very senate-house itself. May the gods grant that my colleague, that most gallant man, may be able in arms to overtake and crush this impious piratical war of Catiline's. I, in the garb of peace, with you and all virtuous men for my assistants, will endeavour by my prudence to divide and destroy the dangers which the republic is pregnant with and about to bring forth. [85] But still, what will be the consequences if these things slip through our hands and remain in vigour till the ensuing year? There will be but one consul; and he will have sufficient occupation, not in conducting a war, but in managing the election of a colleague. Those who will hinder him

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That intolerable pest,

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will break forth wherever it can find room; and even now it is threatening the Roman people; soon it will descend upon the suburban districts; frenzy will range at large among the camp, fear in the senate-house, conspiracy in the forum, an army in the Campus Martius, and devastation all over the country. In every habitation, and in every place, we shall live in fear of fire and sword. And yet all these evils, which have been so long making ready against us, if the republic is fortified by its natural means of protection, will be easily put down by the counsels of the magistrates and the diligence of private individuals. 40. [86]

And as this is the case, O judges, in the first place for the sake of the republic, than which nothing ought to be of more importance in the eyes of every one, I do warn you, as I am entitled to do by my extreme diligence in the cause of the republic, which is well known to all of you, — I do exhort you, as my consular authority gives me a right to do, — I do entreat you, as the magnitude of the danger justifies me in dying, to provide for the tranquillity, for the peace, for the safety, for the lives of yourselves and of all the rest of your fellow-citizens. In the next place I do appeal to your good faith, O

judges, (whether you may think that I do so in the spirit of an advocate or a friend signifies but little,) and beg of you, not to overwhelm the recent exaltation of Lucius Murena, an unfortunate man, of one oppressed both by bodily disease and by vexation of mind, by a fresh cause for morning. He has been lately distinguished by the greatest kindness of the Roman people, and has seemed fortunate in being the first man to bring the honours of the consulship into an old family, and a most ancient municipality. Now, in a mourning and unbecoming gait, debilitated by sickness, worn out with tears and grief, he is a suppliant to you, O judges, invoking your good faith, imploring your pity, fixing all his hopes on your power and your assistance. [87] Do not, in the name of the immortal gods, O judges, deprive him not only of that office which he thought conferred additional honour on him, and at the same time of all the honours which he had gained before, and of all his dignity and fortune. And, O judges, what Lucius Murena is begging and entreating of you is no more than this; that if he has done no injury unjustly to any one, if he has offended no man's ears or inclination, if he has never (to say the least) given any one reason to hate him either at home or when engaged in war, he may in that case find among you moderation in judging, and a refuge for men in dejection, and assistance for modest merit. The deprivation of the consulship is a measure calculated to excite great feelings of pity, O judges. For with the consulship everything else is taken away too. And at such times as these the consulship itself is hardly a thing to envy a man. For it is exposed to the harangues of seditious men, to the plots of conspirators, to the attacks of Catiline. It is opposed single-handed to every danger, and to every sort of unpopularity. [88] So that, O judges, I do not see what there is in this beautiful consulship which need be grudged to Murena, or to any other man among us. But those things in it which are calculated to make a man an object of pity, are visible to my eyes, and you too can clearly see and comprehend them. 41.

If (may Jupiter avert the omen) you condemn this man by your decision, where is the unhappy man to turn? Home? What that he may see that image of that most illustrious man his father, which a few days ago he beheld crowned with laurel when men were congratulating him on his election, now in mourning and lamentation

at his disgrace? [89] Or to his mother, who, wretched woman, having lately embraced her son as consul, is now in all the torments or anxiety, lest she should but a short time afterwards behold that same son stripped of all his dignity? But why do I speak of his home or of his mother, when the new punishment of the law deprives him of home, and parent, and of the intercourse with and sight of all his relations? Shall the wretched man then go into banishment? Whither shall he go? Shall he go to the east, where he was for many years lieutenant, where he commanded armies, and performed many great exploits? But it is a most painful thing to return to a place in disgrace, from which you have departed in honour. Shall he hide himself in the opposite regions of the earth, so as to let Transalpine Gaul see the same man grieving and mourning, whom it lately saw with the greatest joy, exercising the highest authority? In that same province, moreover, with what feelings will he behold Caius Murena, his own brother? What will be the grief of the one what will be the agony of the other? What will be the lamentations of both? How great will the vicissitudes of fortune appear and what a change will there be in every one's conversation when in the very places in which a few days before messengers and letters had repeated, with every indication of joy that Murena had been made consul in the very places from which his own friends and his hereditary connections flocked to Rome for the purpose of congratulating him he himself arrives on a sudden as the messenger of his own misfortune. [90] And if these things seem bitter and miserable and grievous if they are most foreign to your general clemency and merciful disposition, O judges, then maintain the kindness done to him by the Roman people restore the consul to the republic grant this to his own modesty, grant it to his dead father, grant it to his race and family, grant it also to Lanuvium, that most honourable municipality, the whole population of which you have seen watching this cause with tears and mourning. Do not tear from his ancestral sacrifices to Juno Sospita, to whom all consuls are hound to offer sacrifice, a consul who is so peculiarly her own. Him, if my recommendation has any weight if my solemn assertion has any authority, I now recommend to you, O judges — I the consul recommend him to you as consul, promising and undertaking that he will prove most desirous of tranquillity, most

anxious to consult the interests of virtuous men, very active against sedition, very brave in war, and an irreconcilable enemy to this conspiracy, which is at this moment seeking to undermine the republic.

IN CATILINAM I-IV (The Catiline Orations)

Translated by C. D. Yonge

The *Catiline Orations* were given in 63 BC, exposing to the Senate the plot of Lucius Sergius Catilina and his allies to overthrow the Roman government. Catiline, who was running for the consulship a second time, after having lost the first time, had tried to ensure his victory by resorting to outright bribery. Cicero, in indignation, issued a law prohibiting machinations of this kind. It was obvious to all that the law was directed specifically at Catiline. In turn, Catiline conspired with some of his followers to murder Cicero and the key men of the Senate on the day of the election. Cicero discovered the plan and postponed the election to give the Senate time to discuss the attempted plot.

The day after the election was supposed to be held, Cicero addressed the Senate on the matter and Catiline's reaction was immediate and violent. In response to his behaviour, the Senate issued a *senatus consultum ultimum*, a declaration of martial law invoked whenever the Senate and the Republic were considered to be in imminent danger from treason or sedition. Ordinary law was suspended and Cicero, as consul, was invested with absolute power.

When the election was finally held, Catiline lost again. Anticipating this outcome, the conspirators had already begun to assemble an army, consisting mostly of Sulla's veteran soldiers. The nucleus of conspirators was also joined by senators whose profligate tastes left them entirely without funds. The plan was to initiate an insurrection in all of Italy, put Rome to the torch and to kill as many senators as they could.

Through his own investigations, Cicero knew exactly what was being planned. On November 8, he called for a meeting of the Senate in the Temple of Jupiter Stator, which was used for this purpose only

when great danger was imminent. Catiline attended as well. It was in this context that Cicero delivered one of his most famous orations.

The opening remarks are still widely remembered and used after 2,000 years: “How long, O Catiline, will you abuse our patience? And for how long will that madness of yours mock us? To what end will your unbridled audacity hurl itself?” The oration is also well-remembered for the famous exclamation, “O tempora, O mores!” (Oh the times! Oh the customs!) When Catiline had arrived at the Temple of Jupiter Stator and taken his seat, the other senators moved away, leaving him alone on the bench. He tried to reply after the speech, but the senators repeatedly interrupted him, calling him a traitor. He ran from the temple, hurling threats at the Senate. Later he left the city and, though he claimed that he was placing himself in self-imposed exile at Marseilles, he in fact went to the camp of Manlius, who was in charge of the army of rebels. The next morning Cicero assembled the people and gave a further oration.

'Cicero Denounces Catiline' by Cesare Maccari, 1882-1888

THE ORATIONS OF M. T. CICERO AGAINST LUCIUS CATILINA. DELIVERED IN THE SENATE.

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THE FIRST ORATION.

THE ARGUMENT.

Lucius Catiline, a man of noble extraction, and who had already been praetor, had been a competitor of Cicero's for the consulship; the next year he again offered himself for the office, practicing such excessive and open bribery, that Cicero published a new law against it, with the additional penalty of ten years' exile; prohibiting likewise all shows of gladiators from being exhibited by a candidate within two years of the time of his suing for any magistracy, unless they were ordered by the will of a person deceased. Catiline, who knew this law to be aimed chiefly at him, formed a design to murder Cicero and some others of the chief men of the senate, on the day of election, which was fixed for the twentieth of October. But Cicero had information of his plans, and laid them before the senate, on which the election was deferred, that they might have time to deliberate on an affair of so much importance. The day following, when the senate met, he charged Catiline with having entertained this design, and Catiline's behaviour had been so violent, that the senate passed the decree to which they had occasionally recourse in times of imminent danger from treason or sedition, "Let the consuls take care that the republic suffers no harm." This decree invested the consuls with absolute power, and suspended all the ordinary forms of law, till the danger was over. On this Cicero doubled his guards, introduced some additional troops into the city, and when the elections came on, he wore a breastplate under his robe for his protection; by which precaution he prevented Catiline from executing his design of murdering him and his competitors for the consulship, of whom Decius Junius Silanus and Lucius Licinius Murena were elected.

Catiline was rendered desperate by this his second defeat, and resolved without further delay to attempt the execution of all his schemes. His greatest hopes lay in Sulla's veteran soldiers, whose cause he had always espoused. They were scattered about in the different districts and colonies of Italy; but he had actually enlisted a considerable body of them in Etruria, and formed them into a little

army under the command of Manlius, a centurion of considerable military experience, who was only waiting for his orders. He was joined in his conspiracy by several senators of profligate lives and desperate fortunes, of whom the chiefs were Publius Cornelius Lentulus, Caius Cethegus, Publius Autronius, Lucius Cassius Longinus, Marcus Porcius Lecca, Publius Sulla, Servilius Sulla, Quintus Curius, Lucius Vargunteius, Quintus Annius, and Lucius Bestia. These men resolved that a general insurrection should be raised throughout all Italy; that Catiline should put himself at the head of the troops in Etruria; that Rome should be set on fire in many places at once and that a general massacre should be made of all the senate, and of all their enemies, of whom none were to be spared but the sons of Pompey, who were to be kept as hostages, and as a check upon their father, who was in command in the east. Lentulus was to be president of their councils, Cassius was to manage the firing of the city, and Cethegus the massacre. But, as the vigilance of Cicero was the greatest obstacle to their success, Catiline desired to see him slain before he left Rome; and two knights, parties to the conspiracy, undertook to visit him early on pretence of business, and to kill him in his bed. The name of one of them was Caius Cornelius.

Cicero, however, had information of all the designs of the conspirators, as by the intrigues of a woman called Fulvia, the mistress of Curius, he had gained him over, and received regularly from him an account of all their operations. He sent for some of the chief men of the city and informed them of the plot against himself; and even of the names of the knights who were to come to his house, and of the hour at which they were to come. When they did come they found the house carefully guarded, and all admission refused to them. He was enabled also to disappoint an attempt made by Catiline to seize on the town of Praeneste, which was a very strong fortress, and would have been of great use to him. The meeting of the conspirators had taken place on the evening of the sixth of November. On the eighth Cicero summoned the senate to meet in the temple of Jupiter in the Capitol, a place which was only used for this purpose on occasions of great danger. (There had been previously several debates on the subject of Catiline's treasons and design of murdering Cicero, and a public reward had actually been offered to

the first discoverer of the plot. But Catiline had nevertheless continued to dissemble; had offered to give security for his behaviour, and to deliver himself to the custody of any one whom the senate chose to name, even to that of Cicero himself.). Catiline had the boldness to attend this meeting, and all the senate, even his own most particular acquaintance, were so astonished at his impudence that none of them would salute him; the consular senators quitted that part of the house in which he sat, and left the bench empty; and Cicero himself was so provoked at his audacity, that, instead of entering on any formal business, he addressed himself directly to Catiline in the following invective.

1. When, O Catiline, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end of that unbridled audacity of yours, swaggering about as it does now? Do not the nightly guards placed on the Palatine Hill — do not the watches posted throughout the city — does not the alarm of the people, and the union of all good men — does not the precaution taken of assembling the senate in this most defensible place — do not the looks and countenances of this venerable body here present, have any effect upon you? Do you not feel that your plans are detected? Do you not see that your conspiracy is already arrested and rendered powerless by the knowledge which every one here possesses of it? What is there that you did last night, what the night before — where is it that you were — who was there that you summoned to meet you — what design was there which was adopted by you, with which you think that any one of us is unacquainted? [2]

Shame on the age and on its principles! The senate is aware of these things; the consul sees them; and yet this man lives. Lives! aye, he comes even into the senate. He takes a part in the public deliberations; he is watching and marking down and checking off for slaughter every individual among us. And we, gallant men that we are, think that we are doing our duty to the republic if we keep out of the way of his frenzied attacks.

You ought, O Catiline, long ago to have been led to execution by

command of the consul. That destruction which you have been long plotting against us ought to have already fallen on your own head. [3]

What? Did not that most illustrious man, Publius Scipio, the Pontifex Maximus, in his capacity of a private citizen, put to death Tiberius Gracchus, though but slightly undermining the constitution? And shall we, who are the consuls, tolerate Catiline, openly desirous to destroy the whole world with fire and slaughter? For I pass over older instances, such as how Caius Servilius Ahala with his own hand slew Spurius Maelius when plotting a revolution in the state. There was — there was once such virtue in this republic, that brave men would repress mischievous citizens with severer chastisement than the most bitter enemy. For we have a resolution of the senate, a formidable and authoritative decree against you, O Catiline; the wisdom of the republic is not at fault, nor the dignity of this senatorial body. We, we alone, — I say it openly, — we, the consuls, are waiting in our duty. 2. [4]

The senate once passed a decree that Lucius Opimius, the consul, should take care that the republic suffered no injury. Not one night elapsed. There was put to death, on some mere suspicion of disaffection, Caius Gracchus, a man whose family had borne the most unblemished reputation for many generations. There was slain Marcus Fulvius, a man of consular rank, and all his children. By a like decree of the senate the safety of the republic was entrusted to Caius Marius and Lucius Valerius, the consuls. Did not the vengeance of the republic, did not execution overtake Lucius Saturninus, a tribune of the people, and Caius Servilius, the praetor, without the delay of one single day? But we, for these twenty days have been allowing the edge of the senate's authority to grow blunt, as it were. For we are in possession of a similar decree of the senate, but we keep it locked up in its parchment — buried, I may say, in the sheath; and according to this decree you ought, O Catiline, to be put to death this instant. You live, — and you live, not to lay aside, but to persist in your audacity.

I wish, O conscript fathers, to be merciful; I wish not to appear negligent amid such danger to the state; but I do now accuse myself of remissness and culpable inactivity. [5] A camp is pitched in Italy, at the entrance of Etruria, in hostility to the republic; the number of the

enemy increases every day; and yet the general of that camp, the leader of those enemies, we see within the walls — yes, and even in the senate, — planning every day some internal injury to the republic. If, O Catiline, I should now order you to be arrested, to be put to death, I should, I suppose, have to fear lest all good men should say that I had acted tardily, rather than that any one should affirm that I acted cruelly. But yet this, which ought to have been done long since, I have good reason for not doing as yet; I will put you to death, then, when there shall be not one person possible to be found so wicked, so abandoned, so like yourself, as not to allow that it has been rightly done. [6] As long as one person exists who can dare to defend you, yet shall live; but you shall live as you do now, surrounded by my many and trusty guards, so that you shall not be able to stir one finger against the republic: many eyes and ears shall still observe and watch you, as they have hitherto done, though you shall not perceive them. 3.

For what is there, O Catiline, that you can still expect, if night is not able to veil your nefarious meetings in darkness, and if private houses cannot conceal the voice of your conspiracy within their walls; — if everything is seen and displayed? Change your mind: trust me: forget the slaughter and conflagration you are meditating. You are hemmed in on all sides; all your plans are clearer than the day to us; let me remind you of them. [7] Do you recollect that on the 21st of October I said in the senate, that on a certain day, which was to be the 27th of October, C. Manlius, the satellite and servant of your audacity, would be in arms? Was I mistaken, Catiline, not only in so important, so atrocious, so incredible a fact, but, what is much more remarkable, in the very day? I said also in the senate that you had fixed the massacre of the nobles for the 28th of October, when many chief men of the senate had left Rome, not so much for the sake of saving themselves as of checking your designs. Can you deny that on that very day you were so hemmed in by my guards and my vigilance, that you were unable to stir one finger against the republic; when you said that you would be content with the flight of the rest, and the slaughter of us who remained? [8] What? when you made sure that you would be able to seize Praeneste on the first of November by a nocturnal attack, did you not find that that colony was fortified by

my order, by my garrison, by my watchfulness and care? You do nothing, you plan nothing, you think of nothing which I not only do not hear, but which I do not see and know every particular of. 4.

Listen while I speak of the night before. You shall now see that I watch far more actively for the safety than you do for the destruction of the republic. I say that you came the night before (I will say nothing obscurely) into the Scythe-dealers' street, to the house of Marcus Lecca; that many of your accomplices in the same insanity and wickedness came here too. Do you dare to deny it? Why are silent? I will prove it if you do deny it; for I see here in the senate some men who were there with you. [9]

O ye immortal gods, where on earth are we? in what city are we living? what constitution is ours? There are here, — here in our body, O conscript fathers, in this the most holy and dignified assembly of the whole world, men who meditate my death, and the death of all of us, and the destruction of this city, and of the whole world. I, the consul see them; I ask them their opinion about the republic, and I do not yet attack, even by words, those who ought to be put to death by the sword. You were, then, O Catiline, at Lecca's that night; you divided Italy into sections; you settled where every one was to go; you fixed whom you were to leave at Rome, whom you were to take with you; you portioned out the divisions of the city for conflagration; you undertook that you yourself would at once leave the city, and said that there was then only this to delay you, that I was still alive. Two Roman knights were found to deliver you from this anxiety, and to promise that very night, before daybreak, to slay me in my bed. [10] All this I knew almost before your meeting had broken up. I strengthened and fortified my house with a stronger guard; I refused admittance, when they came, to those whom you sent in the morning to salute me, and of whom I had foretold to many eminent men that they would come to me at that time. 5.

As, then, this is the case, O Catiline, continue as you have begun. Leave the city at last the gates are open; depart. That Manlian camp of yours has been waiting too long for you as its general. And lead forth with you all your friends, or at least as many as you can; purge the city of your presence; you will deliver me from a great fear, when there is a wall between me and you. Among us you can dwell no

longer — I will not bear it, I will not permit it, I will not tolerate it.. [11] Great thanks are due to the immortal gods, and to this very Jupiter Stator, in whose temple we are, the most ancient protector of thus city, that we have already so often escaped so foul, so horrible, and so deadly an enemy to the republic. But the safety of the commonwealth must not be too often allowed to be risked on one man. As long as you, O Catiline, plotted against me while I was the consul elect, I defended myself not with a public guard, but by my own private diligence. When, in the next consular comitia, you wished to slay me when I was actually consul, and your competitors also, in the Campus Martius, I checked your nefarious attempt by the assistance and resources of my own friends, without exciting any disturbance publicly. In short, as often as you attacked me, I by myself opposed you, and that, too, though I saw that my ruin was connected with great disaster to the republic. [12] But now you are openly attacking the entire republic.

You are summoning to destruction and devastation the temples of the immortal gods, the houses of the city, the lives of all the citizens; in short, all Italy. Wherefore, since I do not yet venture to do that which is the best thing, and which belongs to my office and to the discipline of our ancestors, I will do that which is more merciful if we regard its rigour, and more expedient for the state. For if I order you to be put to death, the rest of the conspirators will still remain in the republic; if as I have long been exhorting you, you depart, your companions, those worthless dregs of the republic, will be drawn off from the city too. [13] What is the matter, Catiline? Do you hesitate to do that which I order you which you were already doing of your own accord? The consul orders an enemy to depart from the city. Do you ask me, Are you to go into banishment? I do not order it; but, if you consult me, I advise it. 6.

For what is there, O Catiline, that can now afford you any pleasure in this city? for there is no one in it, except that band of profligate conspirators of yours, who does not fear you, — no one who does not hate you. What brand of domestic baseness is not stamped upon your life? What disgraceful circumstance is wanting to your infamy in your private affairs? From what licentiousness have your eyes, from what atrocity have your hands, from what iniquity has your

whole body ever abstained? Is there one youth, when you have once entangled him in the temptations of your corruption, to whom you have not held out a sword for audacious crime, or a torch for licentious wickedness? [14]

What? when lately by the death of your former wife you had made your house empty and ready for a new bridal, did you not even add another incredible wickedness to this wickedness? But I pass that over, and willingly allow it to be buried in silence, that so horrible a crime may not be seen to have existed in this city, and not to have been chastised. I pass over the ruin of your fortune, which you know is hanging over you against the ides of the very next month; I come to those things which relate not to the infamy of your private vices, not to your domestic difficulties and baseness, but to the welfare of the republic and to the lives and safety of us all.

[15] Can the limit of this life, O Catiline, can the breath of this atmosphere be pleasant to you, when you know that there is not one man of those here present who is ignorant that you, on the last day of the year, when Lepidus and Tullus were consuls, stood in the assembly armed; that you had prepared your hand for the slaughter of the consuls and chief men of the state, and that no reason or fear of yours hindered your crime and madness, but the fortune of the republic? And I say no more of these things, for they are not unknown to every one. How often have you endeavoured to slay me, both as consul elect and as actual consul? how many shots of yours, so aimed that they seemed impossible to be escaped, have I avoided by some slight stooping aside, and some dodging, as it were, of my body? You attempt nothing, you execute nothing, you devise nothing that call be kept hid from me at the proper time; and yet you do not cease to attempt and to contrive. [16] How often already has that dagger of yours been wrested from your hands? how often has it slipped through them by some chance, and dropped down? and yet you cannot any longer do without it; and to what sacred mysteries it is consecrated and devoted by you I know not, that you think it necessary to plunge it in the body of the consul. 7.

But now, what is that life of yours that you are leading? For I will speak to you not so as to seem influenced by the hatred I ought to feel, but by pity, nothing of which is due to you. You came a little

while ago into the senate in so numerous an assembly, who of so many friends and connections of yours saluted you? If this in the memory of man never happened to any one else, are you waiting for insults by word of mouth, when you are overwhelmed by the most irresistible condemnation of silence? Is it nothing that at your arrival all those seats were vacated? that all the men of consular rank, who had often been marked out by you for slaughter, the very moment you sat down, left that part of the benches bare and vacant? With what feelings do you think you ought to bear this? [17] On my honour, if my slaves feared me as all your fellow-citizens fear you, I should think I must leave my house. Do not you think you should leave the city? If I saw that I was even undeservedly so suspected and bated by my fellow-citizens, I would rather flee from their sight than be gazed at by the hostile eyes of every one. And do you, who, from the consciousness of your wickedness, know that the hatred of all men is just and has been long due to you, hesitate to avoid the sight and presence of those men whose minds and senses you offend? If your parents feared and hated you, and if you could by no means pacify them, you would, I think, depart somewhere out of their sight. Now, your country, which is the common parent of all of us, hates and fears you, and has no other opinion of you, than that you are meditating parricide in her case; and will you neither feel awe of her authority, nor deference for her judgment, nor fear of her power?

[18] And she, O Catiline, thus pleads with you, and after a manner silently speaks to you: — There has now for many years been no crime committed but by you; no atrocity has taken place without you; you alone unpunished and unquestioned have murdered the citizens, have harassed and plundered the allies; you alone have had power not only to neglect all laws and investigations, but to overthrow and break through them. Your former actions, though they ought not to have been borne, yet I did bear as well as I could; but now that I should be wholly occupied with fear of you alone, that at every sound I should dread Catiline, that no design should seem possible to be entertained against me which does not proceed from your wickedness, this is no longer endurable. Depart, then, and deliver me from this fear; that, if it be a just one, I may not be destroyed; if an imaginary one, that at least I may at last cease to

fear. 8. [19]

If, as I have said, your country were thus to address you, ought she not to obtain her request, even if she were not able to enforce it? What shall I say of your having given yourself into custody? what of your having said, for the sake of avoiding suspicion, that you were willing to dwell in the house of Marcus Lepidus? And when you were not received by him, you dared even to come to me, and begged me to keep you in my house; and when you had received answer from me that I could not possibly be safe in the same house with you, when I considered myself in great danger as long as we were in the same city, you came to Quintus Metellus, the praetor, and being rejected by him, you passed on to your associate, that most excellent man, Marcus Marcellus, who would be, I suppose you thought, most diligent in guarding you, most sagacious hi suspecting you, and most bold in punishing you; but how far can we think that man ought to be from bonds and imprisonment who has already judged himself deserving of being given into custody? [20]

Since, then, this is the case, do you hesitate, O Catiline, if you cannot remain here with tranquillity, to depart to some distant laud, and to trust your life, saved from just and deserved punishment, to flight and solitude? Make a motion, say you, to the senate, (for that is what you demand) and if thus body votes that you ought to go into banishment, you say that you will obey. I will not make such a motion, it is contrary to my principles, and yet I will let you see what these men think of you. Be gone from the city, O Catiline, deliver the republic from fear; depart into banishment, if that is the word you are waiting for. What now, O Catiline? Do you not perceive, do you not see the silence of these men; they permit it, they say nothing; why wait you for the authority of their words when you see their wishes in their silence?

[21] But had I said the same to this excellent young man, Publius Sextius, or to that brave man, Marcus Marcellus, before this time the senate would deservedly have laid violent hands on me, consul though I be, in this very temple. But to you, Catiline, while they are quiet they approve, while they permit me to speak they vote, while they are silent they are loud and eloquent. And not they alone, whose authority forsooth is dear to you, though their lives are unimportant,

but the Roman knights too, those most honourable and excellent men, and the other virtuous citizens who are now surrounding the senate, whose numbers you could see, whose desires you could know, and whose voices you a few minutes ago could hear, — yes, whose very hands and weapons I have for some time been scarcely able to keep off from you; but those, too, I will easily bring to attend you to the gates if you leave these places you have been long desiring to lay waste. 9. [22]

And yet, why am I speaking? that anything may change your purpose? that you may ever amend your life? that you may meditate flight or think of voluntary banishment? I wish the gods may give you such a mind; though I see, if alarmed at my words you bring your mind to go into banishment, what a storm of unpopularity hangs over me, if not at present, while the memory of your wickedness is fresh, at all events hereafter. But it is worthwhile to incur that, as long as that is but a private misfortune of my own, and is unconnected with the dangers of the republic. But we cannot expect that you should be concerned at your own vices, that you should fear the penalties of the laws, or that you should yield to the necessities of the republic, for you are not, O Catiline, one whom either shame can recall from infamy, or fear from danger, or reason from madness.

[23] Wherefore, as I have said before, go forth, and if you to make me, your enemy as you call me, unpopular, go straight into banishment. I shall scarcely be able to endue all that will be said if you do so; I shall scarcely be able to support my load of unpopularity if you do go into banishment at the command of the consul; but if you wish serve my credit and reputation, go forth with your ill-omened band of profligates; betake yourself to Manilius, rouse up the abandoned citizens, separate yourself from the good ones, wage war against your country, exult in your impious banditti, so that you may not seem to have been driven out by me and gone to strangers, but to have gone invited to your own friends. [24]

Though why should I invite you, by whom I know men have been already sent on to wait in arms for you at the forum Aurelium; who I know has fixed and agreed with Manlius upon a settled day; by whom I know that that silver eagle, which I trust will be ruinous and fatal to you and to all your friends, and to which there was set up in

your house a shrine as it were of your crimes, has been already sent forward. Need I fear that you can long do without that which you used to worship when going out to do murder, and from whose altars you have often transferred your impious hand to the slaughter of citizens? 10. [25]

You will go at last where your unbridled and mad desire has been long hurrying you. And this causes you no grief; but an incredible pleasure. Nature has formed you, desire has trained you, fortune has preserved you for this insanity. Not only did you never desire quiet, but you never even desired any war but a criminal one; you have collected a baud of profligates and worthless men, abandoned not only by all fortune but even by hope.

[26] Then what happiness will you enjoy with what delight will you exult in what pleasure will you revel! when in so numerous a body of friends, you neither hear nor see one good man. All the toils you have gone through have always pointed to this sort of life; your lying on the ground not merely to lie in wait to gratify your unclean desires, but even to accomplish crimes; your vigilance, not only when plotting against the sleep of husbands, but also against the goods of your murdered victims, have all been preparations for this. Now you have an opportunity of displaying your splendid endurance of hunger, of cold, of want of everything; by which in a short time you will find yourself worn out. [27] All this I effected when I procured your rejection from the consulship, that you should be reduced to make attempts on your country as an exile, instead of being able to distress it as consul, and that that which had been wickedly undertaken by you should be called piracy rather than war. 11.

Know that I may remove and avert, O conscript fathers, any in the least reasonable complaint from myself; listen, I beseech you, carefully to what I say, and lay it up in your inmost hearts and minds. In truth, if my country, which is far dearer to me than my life, — if all Italy, — if the whole republic were to address me, “Marcus Tullius, what are you doing? will you permit that man to depart whom you have ascertained to be an enemy? whom you see ready to become the general of the war? whom you know to be expected in the camp of the enemy as their chief; the author of all this

wickedness, the head of the conspiracy, the instigator of the slaves and abandoned citizens, so that he shall seem not driven out of the city by you, but let loose by you against the city? Will you not order him to be thrown into prison, to be hurried off to execution, to be put to death with the most prompt severity? What hinders you? is it the customs of our ancestors? [28] But even private men have often in this republic slain mischievous citizens. — Is it the laws which have been passed about the punishment of Roman citizens? But in this city those who have rebelled against the republic have never had the rights of citizens. — Do you fear odium with posterity? You are showing fine gratitude to the Roman people which has raised you, a man known only by your own actions, of no ancestral renown, through all the degrees of honour at so early an age to the very highest office, if from fear of unpopularity or of any danger you neglect the safety of your fellow-citizens. [29] But if you have a fear of unpopularity, is that arising from the imputation of vigour and boldness, or that arising from that of inactivity and indecision most to be feared? When Italy is laid waste by war, when cities are attacked and houses in flames, do you not think that you will be then consumed by a perfect conflagration of hatred?" 12.

To this holy address of the republic, and to the feelings of those men who entertain the same opinion, I will make this short answer: — If, O conscript fathers, I thought it best that Catiline should be punished with death, I would not have given the space of one hour to this gladiator to live in. If, forsooth, those excellent men and most illustrious cities not only did not pollute themselves, but even glorified themselves by the blood of Saturninus, and the Gracchi, and Flaccus, and many others of old time, surely I had no cause to fear lest for slaying this parricidal murderer of the citizens any unpopularity should accrue to me with posterity. And if it did threaten me to ever so great a degree, yet I have always been of the disposition to think unpopularity earned by virtue and glory, not unpopularity. [30]

Though there are some men in this body who either do not see what threatens, or dissemble what they do see; who have fed the hope of Catiline by mild sentiments, and have strengthened the rising conspiracy by not believing it; influenced by whose authority many,

and they not wicked, but only ignorant, if I punished him would say that I had acted cruelly and tyranically. But I know that if he arrives at the camp of Manlius to which he is going, there will be no one so stupid as not to see that there has been a conspiracy; no one so hardened as not to confess it. But if this man alone were put to death, I know that this disease of the republic would be only checked for awhile, not eradicated for ever. But if he banishes himself; and takes with him all his friends, and collects at one point all the ruined men from every quarter, then not only will this full-grown plague of the republic be extinguished and eradicated, but also the root and seed of all future evils 13. [31]

We have now for a long time, O conscript fathers, lived among these dangers and machinations of conspiracy; but somehow or other, the ripeness of all wickedness, and of this long-standing madness and audacity, has come to a head at the time of my consulship. But if this man alone is removed from this piratical crew, we may appear, perhaps, for a short time relieved from fear and anxiety, but the danger will settle down and lie hid in the veins and bowels of the republic. As it often happens that men afflicted with a severe disease, when they are tortured with heat and fever, if they drink cold water, seem at first to be relieved, but afterwards stiffer more and more severely; so this disease which is in the republic, if relieved by the punishment of this man, will only get worse and worse, as the rest will be still alive. [32]

Wherefore, O conscript fathers, let the worthless be gone, — let them separate themselves from the good, — let them collect in one place, — let them, as I have often said before, be separated from us by a wall; let them cease to plot against the consul in his own house, — to surround the tribunal of the city praetor, — to besiege the senate-house with swords, — to prepare brands and torches to burn the city; let it, in short, be written on the brow of every citizen, what are his sentiments about the republic. I promise you this, O conscript fathers, that there shall be so much diligence in us the consuls, much authority in you, so much virtue in the Roman knights, so much unanimity in all good men, that you shall see everything made plain and manifest by the departure of Catiline, — everything checked and punished. [33]

With these omens, O Catiline, be gone to your impious and nefarious war, to the great safety of the republic, to your own misfortune and injury, and to the destruction of those who have joined themselves to you in every wickedness and atrocity. Then do you, O Jupiter, who were consecrated by Romulus with the same auspices as this city, whom we rightly call the stay of this city and empire, repel this man and his companions from your altars and from the other temples, — from the houses and walls of the city, — from the lives and fortunes of all the citizens; and overwhelm all the enemies of good men, the foes of the republic, the robbers of Italy, men bound together by a treaty and infamous alliance of crimes, dead and alive, with eternal punishments.

THE SECOND ORATION.

THE ARGUMENT.

Catiline did not venture to make any reply to the former speech, but he begged the senate not to be too hasty in believing everything which was said to his prejudice by one who had always been his enemy, as Cicero had; and alleged his high birth, and the stake which he had in the prosperity of the commonwealth, as arguments to make it appear improbable that he should seek to injure it; and called Cicero a stranger, and a new inhabitant of Rome. But the senate interrupted him with a general outcry, calling him traitor and parricide. Upon which, being rendered furious and desperate, he declared aloud what he had before said to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which his enemies were kindling around him in the common ruin. And so he rushed out of the temple. On his arrival at his own house he held a brief conference with the other conspirators, in which it was resolved that he should go at once to the camp of Manlius, and return as speedily as he could at the head of the army which was there awaiting him. Accordingly, that night he left Rome with a small retinue, and made the best of his way towards Etruria. His friends gave out that he had gone into voluntary banishment at Marseilles; and spread that report through the city the next morning, in order to excite odium against Cicero, as having driven him out without any trial or proof of his guilt. But Cicero was aware of his motions, and knew that he had previously sent a quantity of arms, and military ensigns, and especially a silver eagle which he had been used to keep in his own house with a superstitious reverence, because it had been used by the great Marius in his expedition against the Cimbri. However, he thought it desirable to counteract the story of his having gone into exile, and therefore summoned the people into the forum, and made them the following speech.

1. At length, O Romans, we have dismissed from the city, or driven

out, or, when he was departing of his own accord, we have pursued with words, Lucius Catiline, mad with audacity, breathing wickedness, impiously planning mischief to his country, threatening fire and sword to you and to this city. He is gone, he has departed, he has disappeared, he has rushed out. No injury will now be prepared against these walls within the walls themselves by that monster and prodigy of wickedness. And we have, without controversy, defeated him, the sole general of this domestic war. For now that dagger will no longer hover about our sides; we shall not be afraid in the campus, in the forum, in the senate-house, — yes, and within our own private walls, he was moved from his place when he was driven from the city. Now we shall openly carry on a regular war with an enemy without hindrance. Beyond all question we ruin the man; we have defeated him splendidly when we have driven him from secret treachery into open warfare. [2] But that he has not taken with him his sword red with blood as he intruded — that he has left us alive, — that we wrested the weapon from his hands, — that he has left the citizens safe and the city standing, what great and overwhelming grief must you think that this is to him. Now he lies prostrate, O Romans, and feels himself stricken down and abject, and often casts back his eyes towards this city, which he mourns over as snatched from his jaws, but which seems to me to rejoice at having vomited forth such a pest, and cast it out of doors. 2. [3]

But if there be any one of that disposition which all men should have, who yet blames me greatly for the very thing in which my speech exults and triumphs, — namely, that I did not arrest so capital mortal an enemy rather than let him go, — that is not my fault, O citizens, but the fault of the times. Lucius Catiline ought to have been visited with the severest punishment, and to have been put to death long since; and both the customs of our ancestors, and the rigour of my office, and the republic, demanded this of me; but how many, think you, were there who did not believe what I reported? how many who out of stupidity did not think so? how many who even defended him, — how many who, out of their own depravity, favoured him? If, in truth, I had thought that, if he were removed, all danger would he removed from you, I would long since have cut off Lucius Catiline, had it been at the risk, not only of my popularity, but

even of my life.

[4] But as I saw that, since the matter was not even then proved to all of you, if I had punished him with death, as he had deserved, I should be borne down by unpopularity, and so be unable to follow up his accomplices, I brought the business on to this point that you might be able to combat openly when you saw the enemy without disguise. But how exceedingly I think this enemy to be feared now that he is out of doors, you may see from this — that I am vexed even that be has gone from the city with but a small retinue. I wish he had taken with him all his forces. He has taken with him Tongillus, with whom he had been said to have a criminal intimacy, and Publicius, and Munatius, whose debts contracted in taverns could cause no great disquietude to the republic. He has left behind him others — you all know what men they are, how overwhelmed with debt, how powerful, how noble. 3. [5]

Therefore, with our Gallic legions, and with the levies which Quintus Metellus has raised in the Picenian and Gallic territory, and with these troops which are every day being got ready by us, I thoroughly despise that army composed of desperate old men, of clownish profligates, and uneducated spendthrifts; of those who have preferred to desert their bail rather than that army, and which will fall to pieces if I show them not the battle array of our army, but an edict of the praetor. I wish he had taken with him those soldiers of his, whom I see hovering about the forum, standing about the senate-house, even coming into the senate, who shine with ointment, who glitter in purple; and if they remain here, remember that that army is not so much to be feared by us as these men who have deserted the army. And they are the more to be feared, because they are aware that I know what they are thinking of and yet they are not influenced by it.

[6] I know to whom Apulia has been allotted, who has Etruria, who the Picenian territory, who the Gallic district, who has begged for himself the office of spreading fire and sword by night through the city. They know that all the plans of the preceding night are brought to me. I laid them before the senate yesterday. Catiline himself was alarmed, and fled. Why do these men wait? Verily, they are greatly mistaken if they think that former lenity of mine will last forever. 4.

What I have been waiting for, that I have gained, — namely, that you should all see that a conspiracy has been openly formed against the republic; unless, indeed, there be any one who thinks that those who are like Catiline do not agree with Catiline. There is not any longer room for lenity; the business itself demands severity. One thing, even now, I will grant, — let them depart, let them be gone. Let them not suffer the unhappy Catiline to pine away for want of them. I will tell them the road. He went by the Aurelian road. If they make haste, they will catch him by the evening. [7] O happy republic, if it can cast forth these dregs of the republic! Even now, when Catiline alone is got rid of; the republic seems to me relieved and refreshed; for what evil or wickedness can be devised or imagined which he did not conceive? What prisoner, what gladiator, what thief; what assassin, what parricide, what forger of wills, what cheat, what debauchee, what spendthrift, what adulterer, what abandoned woman, what corrupter of youth, what profligate, what scoundrel can be found in all Italy, who does not avow that he has been on terms of intimacy with Catiline? What murder has been committed for years without him? What nefarious act of infamy that has not been done by him? [8]

But in what other man were there ever so many allurements for youth as in him, who both indulged in infamous love for others, and encouraged their infamous affections for himself, promising to some enjoyment of their lust, to others the death of their parents, and not only instigating them to iniquity, but even assisting them in it. But now, how suddenly had he collected, not only out of the city, but even out of the country, a number of abandoned men? No one, not only at Rome, but in every corner of Italy, was overwhelmed with debt whom he did not enlist in this incredible association of wickedness. 5. [9]

And, that you may understand the diversity of his pursuits and the variety of his designs, there was no one in any school of gladiators, at all inclined to audacity, who does not avow himself to be an intimate friend of Catiline, — no one on the stage, at all of a fickle and worthless disposition, who does not profess himself his companion. And he, trained in the practice of insult and wickedness, in enduring cold, and hunger, and thirst, and watching, was called a

brave man by those fellows, while all the appliances of industry and instruments of virtue were devoted to lust and atrocity. [10]

But if his companions follow him, — if the infamous herd of desperate men depart from the city, O happy shall we be, fortunate will be the republic, illustrious will be the renown of my consulship. For theirs is no ordinary insolence, — no common and endurable audacity. They think of nothing but slaughter, conflagration, and rapine. They have dissipated their patrimonies, they have squandered their fortunes. Money has long failed them, and now credit begins to fail; but the same desires remain which they had in their time of abundance. But if in their drinking and gambling parties they were content with feasts and harlots, they would be in a hopeless state indeed; but yet they might be endured. But who can bear this, — that indolent men should plot against the bravest, — drunkards against the sober, — men asleep against men awake, — men lying at feasts, embracing abandoned women, languid with wine, crammed with food, crowned with chaplets, reeking with ointments, worn out with lust, belch out in their discourse the murder of all good men, and the conflagration of the city?

[11] But I am confident that some fate is hanging over these men; and that the punishment long since due to their iniquity, and worthlessness, and wickedness, and lust, is either visibly at hand or at least rapidly approaching. And if my consulship shall have removed, since it cannot cure them, it will have added, not some brief span, but many ages of existence to the republic. For there is no nation for us to fear, — no king who can make war on the Roman people. All foreign affairs are tranquilized, both by land and sea, by the valour of one man. Domestic war alone remains. The only plots against us are within our own walls, — the danger is within, — the enemy is within. We must war with luxury, with madness, with wickedness. For this war, O citizens, I offer myself as the general. I take on myself the enmity of profligate men. What can be cured, I will cure, by whatever means it may be possible. What must be cut away, I will not suffer to spread, to the ruin of the republic. Let them depart, or let them stay quiet; or if they remain in the city and in the same disposition as at present, let them expect what they deserve. 6. [12]

But there are men, O Romans, who say that Catiline has been driven by me into banishment. But if I could do so by a word, I would drive out those also who say so. Forsooth, that timid, that excessively bashful man could not bear the voice of the consul; as soon as he was ordered to go into banishment, he obeyed, he was quiet. Yesterday, when I had been all but murdered at my own house, I convoked the senate in the temple of Jupiter Stator; I related the whole affair to the conscript fathers; and when Catiline came thither, what senator addressed him? who saluted him? who looked upon him not so much even as an abandoned citizen, as an implacable enemy? Nay the chiefs of that body left that part of the benches to which he came naked and empty.

[13] On this I, that violent consul, who drive citizens into exile by a word, asked of Catiline whether he had been at the nocturnal meeting at Marcus Lecca's, or not; when that most audacious man, convicted by his own conscience, was at first silent. I related all the other circumstances; I described what he had done that night, where he had been, what he had arranged for the next night, how the plan of the whole war had been laid down by him. When he hesitated, when he was convicted, I asked why he hesitated to go whither he had been long been preparing to go; when I knew that arms, that the axes, the fasces, and trumpets, and military standards, and that silver eagle to which he had made a shrine in his own house, had been sent on? [14] Did I drive him into exile who I knew had already entered upon war? I suppose Manlius, that centurion who has pitched his camp in the Faesulan district, has proclaimed war against the Roman people in his own name; and that camp is not now waiting for Catiline as its general, and he, driven indeed into exile, will go to Marseilles, as they say, and not to that cam**.**

O the hard lot of those, not only of those who govern, but even of those who save the republic. Now, if Lucius Catiline, hemmed in and rendered powerless by my counsels, by my toils, by my dangers, should on a sudden become alarmed, should change his designs, should desert his friends, should abandon his design of making war, should change his path from this course of wickedness and war, and betake himself to flight and exile, he will not be said to have been deprived by me of the arms of his audacity, to have been astounded

and terrified by my diligence, to have been driven from his hope and from his enterprise, but, uncondemned and innocent, to have been driven into banishment by the consul by threats and violence; and there will be some who will seek to have him thought not worthless but unfortunate, and be considered not a most active consul, but a most cruel tyrant. [15] I am not unwilling, O Romans, to endure this storm of false and unjust unpopularity as long as the danger of this horrible and nefarious war is warded off from you. Let him be said to be banished by me as long as he goes into banishment; but, believe me, he will not go. I will never ask of the immortal gods, O Romans, for the sake of lightening my own unpopularity, for you to hear that Lucius Catiline is leading an army of enemies, and is hovering about in arms; but yet in three days you will hear it. And I much more fear that it will be objected to me some day or other, that I have let him escape, rather than that I have banished him. But when there are men who say he has been banished because he has gone away, what would these men say if he had been put to death? [16]

Although those men who keep saying that Catiline is going to Marseilles do not complain of this so much as they fear it; for there is not one of them so inclined to pity, as not to prefer that he should go to Manlius rather than to Marseilles. But he, if he had never before planned what he is now doing, yet would rather be slain while living as a bandit, than live as an exile; but now, when nothing has happened to him contrary to his own wish and design, — except, indeed, that he has left Rome while we are alive, — let us wish rather that he may go into exile than complain of it. 8. [17]

But why are we speaking so long about one enemy; and about that enemy who now avows that he is one; and whom I now do not fear, because, as I have always wished, a wall is between us; and are saying nothing about those who dissemble, who remain at Rome, who are among us? Whom, indeed, if it were by any means possible, I should be anxious not so much to chastise as to cure, and to make friendly to the republic; nor, if they will listen to me, do I quite know why that may not be. For I will tell you, O Romans, of what classes of men those forces are made up, and then, if I can, I will apply to each the medicine of my advice and persuasion.

[18] There is one class of them, who, with enormous debts, have

still greater possessions, and who can by no means be detached from their affection to them. Of these men the appearance is most respectable, for they are wealthy, but their intention and their cause are most shameless. Will you be rich in lands, in houses, in money, in slaves, in all things, and yet hesitate to diminish your possessions to add to your credit? What are you expecting? War? What! in the devastation of all things, do you believe that your own possessions will be held sacred? do you expect an abolition of debts? They are mistaken who expect that from Catiline. There may be schedules made out, owing to my exertions, but they will be only catalogues of sale. Nor can those who have possessions be safe by any other means; and if they had been willing to adopt this plan earlier, and not, as is very foolish, to struggle on against usury with the profits of their farms, we should have them now richer and better citizens. But I think these men are the least of all to be dreaded, because they can either be persuaded to abandon their opinions, or if they cling to them, they seem to me more likely to form wishes against the republic than to bear arms against it. 9. [19]

There is another class of them, who, although they are harassed by debt, yet are expecting supreme power; they wish to become masters. They think that when the republic is in confusion they may gain those honours which they despair of when it is in tranquillity. And they must, I think, be told the same as every one else, — to despair of obtaining what they are aiming at; that in the first place, I myself am watchful for, am present to, am providing for the republic. Besides that, there is a high spirit in the virtuous citizens, great unanimity, great numbers, and also a great body of troops. Above all that, the immortal gods will stand by and bring aid to this invincible nation, this most illustrious empire, this most beautiful city, against such wicked violence. And if they had already got that which they with the greatest madness wish for, do they think that in the ashes of the city and blood of the citizens, which in their wicked and infamous hearts they desire, they will become consuls and dictators and even kings? Do they not see that they are wishing for that which, if they were to obtain it, must be given up to some fugitive slave, or to some gladiator? [20]

There is a third class, already touched by age, but still vigorous

from constant exercise; of which class is Manlius himself; whom Catiline is now succeeding. These are men of those colonies which Sulla established at Faesulae, which I know to be composed, on the whole, of excellent citizens and brave men; but yet these are colonists, who, from becoming possessed of unexpected and sudden wealth, boast themselves extravagantly and insolently; these men, while they build like rich men, while they delight in farms, in litters, in vast families of slaves, in luxurious banquets, have incurred such great debts, that, if they would be saved, they must raise Sulla from the dead; and they have even excited some countrymen, poor and needy men, to entertain the same hopes of plunder as themselves. And all these men, O Romans, I place in the same class of robbers and banditti. But, I warn them, let them cease to be mad, and to think of proscriptions and dictatorships; for such a horror of these times is ingrained into the city, that not even men, but it seems to me that even the very cattle would refuse to bear them again. 10. [21]

There is a fourth class, various, promiscuous and turbulent; who indeed are now overwhelmed; who will never recover themselves; who, partly from indolence, partly from managing their affairs badly, partly from extravagance, are embarrassed by old debts; and worn out with bail bonds, and judgments, and seizures of their goods, are said to be betaking themselves in numbers to that camp both from the city and the country. These men I think not so much active soldiers as lazy insolvents; who, if they cannot stand at first, may fall, but fall so, that not only the city but even their nearest neighbours know nothing of it. For I do not understand why, if they cannot live with honour, they should wish to die shamefully; or wily they think they shall perish with less pain in a crowd, than if they perish by themselves. [22]

There is a fifth class, of parricides, assassins, in short of all infamous characters, whom I do not wish to recall from Catiline, and indeed they cannot be separated from him. Let them perish in their wicked war, since they are so numerous that a prison cannot contain them.

There is a last class, last not only in number but in the sort of men and in their way of life; the especial body-guard of Catiline, of his levying; yes, the friends of his embraces and of his bosom; whom

you see with carefully combed hair, glossy, beardless, or with well-trimmed beards; with tunics with sleeves, or reaching to the ankles; clothed with veils, not with robes; all the industry of whose life, all the labour of whose watchfulness, is expended in suppers lasting till daybreak. [23]

In these bands are all the gamblers, all the adulterers, all the unclean and shameless citizens. These boys, so witty and delicate, have learnt not only to love and to be loved, not only to sing and to dance, but also to brandish daggers and to administer poisons; and unless they are driven out, unless they die, even should Catiline die, I warn you that the school of Catiline would exist in the republic. But what do those wretches want? Are they going to take their wives with them to the camp? how can they do without them, especially in these nights? and how will they endure the Apennines, and these frosts, and this snow? unless they think that they will bear the winter more easily because they have been in the habit of dancing naked at their feasts. O war much to be dreaded, when Catiline is going to have his bodyguard of prostitutes! 11. [24]

Array now, O Romans, against these splendid troops of Catiline, your guards and your armies; and first of all oppose to that worn-out and wounded gladiator your consuls and generals; then against that banished and enfeebled troop of ruined men lead out the flower and strength of all Italy instantly the cities of the colonies and municipalities will match the rustic mounds of Catiline; and I will not condescend to compare the rest of your troops and equipments and guards with the want and destitution of that highwayman. [25] But if, omitting all these things in which we are rich and of which he is destitute, — the senate, the Roman knights, the people, the city, the treasury, the revenues, all Italy, all the provinces, foreign nations, — if I say, omitting all these things, we choose to compare the causes themselves which are opposed to one another, we may understand from that alone how thoroughly prostrate they are. For on the one side are fighting modesty, on the other wantonness; on the one chastity, on the other uncleanness; on the one honesty, on the other fraud; on the one piety, on the other wickedness; on the one consistency, on the other insanity; on the one honour, on the other baseness; on the one continence, on the other lust; in short, equity,

temperance, fortitude, prudence, all the virtues contend against iniquity with luxury, against indolence, against rashness, against all the vices; lastly, abundance contends against destitution, good plans against baffled designs, wisdom against madness, well-founded hope against universal despair. In a contest and war of this sort, even if the zeal of men were to fail, will not the immortal gods compel such numerous and excessive vices to be defeated by these most eminent virtues? 12. [26]

And as this is the case, O Romans, as I have said before, defend your house with guards and vigilance. I have taken care and made arrangements that there shall be sufficient protection for the city without distressing you and without any tumult. All the colonists and citizens of your municipal towns, being informed by me of this nocturnal sally of Catiline, will easily defend their cities and territories; the gladiators which he thought would be his most numerous and most trusty band, although they are better disposed than part of the patricians, will be held in cheek by our power. Quintus Metellus, whom I, making provision for this, sent on to the Gallic and Picenian territory, will either overwhelm the man, or will prevent all his motions and attempts; but with respect to the arrangement of all other matters, and maturing and acting on our plans, we shall consult the senate, which, as you are aware, is convened. [27]

Now once more I wish those who have remained in the city, and who, contrary to the safety of the city and of all of you, have been left in the city by Catiline, although they are enemies, yet because they were born citizens, to be warned again and again by me. If my lenity has appeared to any one too remiss, it has been only waiting that that might break out which was lying hid. As to the future, I cannot now forget that this is my country, that I am the consul of these citizens; that I must either live with them, or die for them. There is no guard at the gate, no one plotting against their path; if any one wishes to go, he can provide for himself; but if any one stirs in the city, and if I detect not only any action, but any attempt or design against the country, he shall feel that there are in this city vigilant consuls, eminent magistrates, a brave senate, arms, and prisons; which our ancestors appointed as the avengers of nefarious

and convicted crimes. 13. [28]

And all this shall be so done, O Romans, that affairs of the greatest importance shall be transacted with the least possible disturbance; the greatest dangers shall be avoided without any tumult; an internal civil war the most cruel and terrible in the memory of man, shall be put an end to by me alone in the robe of peace acting as general and commander-in-chief. And this I will so arrange, O Romans, that if it can be by any means managed, even the most worthless man shall not suffer the punishment of his crimes in this city. But if the violence of open audacity, if danger impending over the republic drives me of necessity from this merciful disposition, at all events I will manage this, which seems scarcely even to be hoped for in so great and so treacherous a war, that no good man shall fall, and that you may all be saved by the punishment of a few. [29]

And I promise you this, O Romans, relying neither on my own prudence, nor on human counsels, but on many and manifest intimations of the will of the immortal gods; under whose guidance I first entertained this hope and this opinion; who are now defending their temples and the houses of the city, not afar off, as they were used to, from a foreign and distant enemy, but here on the spot, by their own divinity and present help. And you, O Romans, ought to pray to and implore them to defend from the nefarious wickedness of abandoned citizens, now that all the forces of all enemies are defeated by land and sea, this city which they have ordained to be the most beautiful and flourishing of all cities.

THE THIRD ORATION.

THE ARGUMENT.

While Cicero was addressing the preceding speech to the people, a debate was going on in the senate of which we have no account. In the meanwhile Catiline, after staying a few days on the road to raise the country as he passed along, where his agents had been previously busy among the people, proceeded to Manlius's army with the fasces and all the ensigns of military command displayed before him. Upon this news the senate immediately declared him and Manlius public enemies; they offered pardon to all his followers who should return to their duty by a certain day and ordered the consuls to make new levies, and that Antonius should follow Catiline with his army, and Cicero remain behind to protect the city.

In the meantime Lentulus, and the other conspirators who remained behind, were proceeding with their designs. And among other steps, they decided on endeavouring to tamper with some ambassadors from the Allobroges, who were at that moment within the city, as the Allobroges were supposed not to be very well affected to the Roman power. At first these ambassadors appear to have willingly given ear to their proposals; but after a while they began to consider the difficulty of the business proposed to them, and the danger which would ensue to their state if it failed after they had become implicated in it and accordingly they revealed the business to Quintus Fabius Sanga, the patron of their city, who communicated it to Cicero.

Cicero desired the ambassadors to continue to listen to the proposals of the conspirators, till they had become fully acquainted with the extent of the plot, and till they were able to furnish him with full evidence against the actors in it; and by his suggestion they required the conspirators to furnish them with credentials to show to their countrymen. This was thought reasonable by Lentulus and his party, and they accordingly appointed a man named Vulturcius to accompany them, who was to introduce them to Catiline on their road, in order to confirm the agreement, and to exchange pledges

with him, and Lentulus also furnished them with a letter to Catiline under his own hand and seal, though not signed. Cicero being privately informed of all these particulars, concerted with the ambassadors the time and manner of their leaving Rome by night, and had them arrested on the Mulvian bridge, about a mile from the city, with these letters and papers in their possession. This was all done, and they brought as prisoners to Cicero's house early in the morning.

Cicero immediately summoned the senate and at the same time he sent for Lentulus, Cethegus, and others of the conspirators who were more especially implicated, such as Gabinius and Statilius, who all came immediately to his house, being ignorant of the discovery that had taken place. Being informed also that a quantity of arms had been provided by Cethegus for the purpose of the conspiracy, he orders Caius Sulpicius, one of the praetors, to search his house, and he did so, and found a great number of swords and daggers ready cleaned and fit for use.

He then proceeds to meet the senate in the Temple of Concord, with the ambassadors and conspirators in custody. He relates the whole affair to them, and introduces Vulturcius to be examined before them. Cicero, by the order of the senate, promises him pardon and reward if he reveals what he knew. On which he confesses everything; tells them that he had letters from Lentulus to Catiline to urge him to avail himself of the assistance of the slaves, and to lead his army with all exposition against Rome in order, when the city had been set on fire, and the massacre commenced, that he might be able to intercept and destroy those who fled.

Then the ambassadors were examined, who declared that they had received letters to the chief men of their nation from Lentulus, Cethegus, and Statilius; and that they, and Lucius Cassius also, begged them to send a body of cavalry into Italy, and that Lentulus assured them, from the Sibylline books, that he was the third Cornelius who was destined to reign at Rome. The letters were produced and opened. On the sight of them the conspirators respectively acknowledged them to be theirs, and Lentulus was even so conscience-stricken that he confessed his whole crime.

The senate passed a vote acknowledging the services of Cicero in

the most ample terms, and voted that Lentulus should he deposed from his office of praetor, and, with all the other conspirators, committed to safe custody. Cicero, after the senate adjourned, proceeded to the forum and gave an account to the people of everything which had passed, both in regard to the steps that he had taken to detect the whole conspiracy, and to convict the conspirators and also of what had taken place in the senate, and of the votes and resolutions which that body had just passed.

While the prisoners were before the senate he had copies of their examinations and confessions taken down, and dispersed through Italy and all the provinces. This happened on the third of December.

1. You see this day, O Romans, the republic, and all your lives, your goods, your fortunes, your wives and children, this home of most illustrious empire, thus most fortunate and beautiful city, by the great love of the immortal gods for you, by my labours and counsels and dangers, snatched from fire and sword, and almost from the very jaws of fate, and preserved and restored to you.

[2] And if those days on which we are preserved are not less pleasant to us, or less illustrious, than those on which we are born, because the joy of being saved is certain, the good fortune of being born uncertain, and because we are born without feeling it, but we are preserved with great delight; yes; since we have, by our affection and by our good report, raised to the immortal gods that Romulus who built this city, he, too, who has preserved this city, built by him, and embellished as you see it, ought to be held in terror by you and your posterity; for we have extinguished flames which were almost laid under and placed around the temples and shrines, and houses and walls of the whole city; we have turned the edge of swords drawn against the republic, and have turned aside their points from your throats. [3] And since all this has been displayed in the senate, and made manifest, and detected by me, I will now explain it briefly, that you, O citizens, that are as yet ignorant of it, and are in suspense, may be able to see how great the danger was, how evident and by what means it was detected and arrested. First of all, since Catiline, a few days ago, burst out of the city, when he had left behind the

companions of his wickedness, the active leaders of this infamous war, I have continually watched and taken care, O Romans, of the means by which we might be safe amid such great and such carefully concealed treachery. 2.

Further, when I drove Catiline out of the city, (for I do not fear the unpopularity of this expression, when that is more to be feared that I should be blamed because he has departed alive,) but then when I wished him to be removed, I thought either that the rest of the band of conspirators would depart with him, or that they who remained would be weak and powerless without him. [4]

And I, as I saw that those whom I knew to be inflamed with the greatest madness and wickedness were among us, and had remained at Rome, spent ail my nights and days in taking care to know and see what they were doing, and what they were contriving that, since what I said would, from the incredible enormity of the wickedness, make less impression on your ears, I might so detect the whole business that you might with all your hearts provide for your safety, when you saw the crime with your own eyes. Therefore, when I found that the ambassadors of the Allobroges had been tampered with by Publius Lentulus, for the sake of exciting a Transalpine war and commotion in Gaul, and that they, on their return to Gaul, had been sent with letters and messages to Catiline on the same road, and that Vulturcius had been added to them as a companion, and that he too had had letters given him for Catiline, I thought that an opportunity wits given me of contriving what was most difficult, and which I was always wishing the immortal gods might grant, that the whole business might be manifestly detected not by me alone, but by the senate also, and by you. [5]

Therefore, yesterday I summoned Lucius Flaccus and C. Pomtinus, the praetors, brave men and well-affected to the republic. I explained to them the whole matter, and showed them what I wished to have done. But they, full of noble and worthy sentiments towards the republic, without hesitation, and without any delay, undertook the business, and when it was evening, went secretly to the Mulvian bridge, and there so distributed themselves in the nearest villas, that the Tiber and the bridge was between them. And they took to the same place, without any one having the least suspicion of it, many

brave men, and I had sent many picked young men of the prefecture of Reate, whose assistance I constantly employ in the protection of the republic, armed with swords. [6] In the meantime, about the end of the third watch, when the ambassadors of the Allobroges, with a great retinue and Vulturcius with them, began to come upon the Mulvian bridge, an attack is made upon them; swords are drawn both by them and by our people; the matter was understood by the praetors alone, but was unknown to the rest. 3.

Then, by the intervention of Pomtinus and Flaccus, the fight which had begun was put an end to; all the letters which were in the hands of the whole company are delivered to the praetors with time seals unbroken; the men themselves are arrested and brought to me at daybreak. And I immediately summoned that most worthless contriver of all this wickedness, Gabinius, as yet suspecting nothing; after him, P. Statilius is sent for, and after him Cethegus; but Lentulus was a long time in coming, — I suppose, because, contrary to his custom, he had been up a long time the night before, writing letters. [7]

But when those most noble and excellent men of the whole city, who, hearing of the matter, came in crowds to me in the morning, thought it best for me to open the letters before I related the matter to the senate, lest, if nothing were found in them, so great a disturbance might seem to have been caused to the state for nothing, I said I would never so act as shrink from referring matter of public danger to the public council. In truth if, O Romans, these things which had been reported to me had not been found in them, yet I did not think I ought, in such a crisis of the republic, to be afraid of the imputation of over-diligence. [8] I quickly summoned a full senate, as you saw; and meantime, without any delay, by the advice of the Allobroges, I sent Caius Sulpicius the praetor, a brave man, to bring whatever arms he could find in the house of Cethegus, whence he did bring a great number of swords and daggers. 4.

I introduced Vulturcius without the Gauls. By the command of the senate, I pledged him the public faith for his safety. I exhorted him fearlessly to tell all he knew. Then, when he had scarcely recovered himself from his great alarm, he said: that he had messages and letters for Catiline, from Publius Lentulus, to avail himself of the

guard of the slaves, and to come towards the city with his army as quickly as possible; and that was to be done with the intention that, when they had set fire to the city on all sides as it had been arranged and distributed, and had made a great massacre of the citizens, he might be at hand to catch those who fled, and to join himself to the leaders within the city. [9] But the Gauls being introduced, said that an oath had been administered to them, and letters given them by Publius Lentulus, Cethegus, and Statilius, for their nation; and that they had been enjoined by them, and by Lucius Cassius, to send cavalry into Italy as early as possible; that infantry should not be wanting; and that Lentulus had assured him, from the Sibylline oracles and the answers of soothsayers, that he was that third Cornelius to whom the kingdom and sovereignty over this city was fated to come; that Cinna and Sulla had been before him; and that he had also said that was the year destined to the destruction of this city and empire, being the tenth year after the acquittal of the virgins, and the twentieth after the burning of the Capitol. [10] But they said there had been this dispute between Cethegus and the rest, — that Lentulus and others thought it best that the massacre should take place and the city be burnt at the Saturnalia, but that Cethegus thought it too long to wait. 5.

And, not to detain you, O Romans, we ordered the letters to be brought forward which were said to have been given them by each of the men. First I showed his seal to Cethegus; he recognised it: we cut the thread; we read the letter. It was written with his own hand: that he would do for the senate and people of the Allobroges what he had promised their ambassadors; and that he begged them also to do what their ambassadors had arranged. Then Cethegus, who a little before had made answer about the swords and daggers which had been found in his house, and had said that he had always been fond of fine arms, being stricken down and dejected at the reading of his letters, convicted by his own conscience, became suddenly silent. Statilius, being introduced, owned his handwriting and his seal. His letters were read, of nearly the same tenor: he confessed it. Then I showed Lentulus his letters, and asked him whether he recognised the seal? He nodded assent. But it is, said I, a well-known seal; — the likeness of your grandfather, a most illustrious man, who greatly loved his

country and his fellow-citizens; and it even though silent, ought to have called you back from such wickedness. [11]

Letters are read of the same tenor to the senate and people of the Allobroges. I offered him leave, if he wished to say anything of these matters: and at first he declined to speak; but a little afterwards, when the whole examination had been gone through and concluded, he rose. He asked the Gauls what he had had to do with them? why they had come to his house? and he asked Vulturcius too. And when they had answered him briefly and steadily, under whose guidance they had come to him, and how often; and when they asked him whether he had said nothing to them about the Sibylline oracles, then he on a sudden, mad with wickedness, showed how great was the power of conscience; for though he might have denied it, he suddenly, contrary to every one's expectation confessed it: so not only did his genius and skill in oratory, for which he was always eminent, but even through the power of his manifest and detected wickedness, that impudence in which he surpassed all men, and audacity deserted him.

[12] But Vulturcius on a sudden ordered the letters to be produced and opened which he said had been given to him for Catiline, by Lentulus. And though Lentulus was greatly agitated at that, yet he acknowledged his seal and his handwriting; but the letter was anonymous, and ran thus:—"Who I am you will know from him whom I have sent to you: take care to behave like a man, and consider to what place you have proceeded, and provide for what is now necessary for you: take care to associate to yourself the assistance of every one, even of the powerless." Then Gabinius being introduced, when at first he had begun to answer impudently, at last denied nothing of those things which the Gauls alleged against him. [13] And to me, indeed, O Romans, though the letters, the seals, the handwriting, and the confession of each individual seemed most certain indications and proofs of wickedness, yet their colour, their eyes, their countenance, their silence, appeared more certain still; for they stood so stupefied, they kept their eyes so fixed on the ground, at times looking stealthily at one another, that they appeared now not so much to be informed against by others as to be informing against themselves. 6.

Having produced and divulged these proofs, O Romans, I consulted the senate what ought to be done for the interests of the republic. Vigorous and fearless opinions were delivered by the chief men, which the senate adopted without any variety; and since the decree of the senate is not yet written out, I will relate to you from memory, O citizens, what the senate has decreed. [14] First of all, a vote of thanks to me is passed in the most honourable words, because the republic has been delivered from the greatest dangers by my valour and wisdom, and prudence. Then Lucius Flaccus and Caius Pomtinus, the praetors, are deservedly and rightly praised, because I had availed myself of their brave and loyal assistance. And also, praise is given to that brave man, my colleague, because he had removed from his counsels, and from the counsels of the republic, these who had been accomplices in this conspiracy. And they voted that Publius Lentulus, when he had abdicated the praetorship, should be given into custody; and also, that Caius Cethegus, Lucius Statilius, Publius Gabinius, who were all present, should be given into custody: and the same decree was passed against Lucius Cassius, who had begged for himself the office of burning the city; against Marcus Caparius, to whom it had been proved that Apulia had been allotted for the purpose of exciting disaffection among the shepherds; against Publius Furius, who belongs to the colonies which Lucius Sulla led to Faesulae; against Quintus Manlius Chilo, who was always associated with this man Furius in his tampering with the Allobroges; against Publius Umbrenus, a freedman, by whom it was proved that the Gauls were originally brought to Gabinius.

And the senate, O citizens, acted with such lenity, that, out of so great a conspiracy, and such a number and multitude of domestic enemies, it thought that since the republic was saved, the minds of the rest might be restored to a healthy state by the punishment of nine most abandoned men. [15] And also a supplication was decreed in my name, (which is the first time since the building of the city that such an honour has ever been paid to a man in a civil capacity,) to the immortal gods, for their singular kindness. And it was decreed in these words, “because I had delivered the city from conflagrations, the citizens from massacre, and Italy from war.” And if this supplication be compared with others, O citizens, there is this

difference between them, — that all others have been appointed because of the successes of the republic; this one alone for its preservation. And that which was the first thing to be done, has been done and executed; for Publius Lentulus, though, being convicted by proofs and, by his own confession, by the judgment of the senate he had lost not only the rights of a praetor but also those of a citizen, still resigned his office; so that though Caius Marcius, that most illustrious of men, had no scruples about putting to death Caius Glaucius the praetor against whom nothing had been decreed by name, still we are relieved from that scruple in the case of Publius Lentulus, who is now a private individual. 7. [16]

Now, since, O citizens you have the nefarious leaders of this most wicked and dangerous war taken prisoners and in your grasp, you ought to think that all the resources of Catiline, — all his hopes and all his power, now that these dangers of the city are warded off, have fallen to pieces. And, indeed, when I drove him from the city I foresaw in my mind, O citizens, that if Catiline were removed, I had no cause to fear either the drowsiness of Publius Lentulus, or the fat of Lucius Cassius, or the mad rashness of Cassius Cethegus. He alone was to be feared of all these men, and that, only as long as he was within the walls of the city. He knew everything, he had access to everybody. He had the skill and the audacity to address, to tempt and to tamper with every one. He had acuteness suited to crime; and neither tongue nor hand ever failed to support that acuteness. Already he had men he could rely on chosen and distributed for the execution of all other business and when he had ordered anything to be done he did not think it was done on that account. There was nothing to which he did not personally attend and see to, — for which he did not watch and toil. He was able to endure cold, thirst, and hunger. [17]

Unless I had driven this man, so active, so ready, so audacious, so crafty, so vigilant in wickedness, so industrious in criminal exploits, from his plots within the city to the open warfare of the camp, (I will express my honest opinion, O citizens,) I should not easily have removed from your necks so vast a weight of evil. He would not have determined on the Saturnalia to massacre you he would not have announced the destruction of the republic, and even the day of its doom so long beforehand, — he would never have allowed his

seal and his letters, the undeniable witnesses of his guilt, to be taken, which now, since he is absent, has been so done that no larceny in a private house has ever been so thoroughly and clearly detected as this vast conspiracy against the republic. But if Catiline had remained in the city to this day, although, as long as he was so, I met all his designs and withstood them; yet, to say the least, we should have had to fight with him, and should never, while he remained as an enemy in the city, have delivered the republic from such dangers, with such ease, such tranquillity, and such silence. 8. [18]

Although all these things, O Romans, have been so managed by men that they appear to have been done and provided for by the order and design of the immortal gods; and as we may conjecture this because the direction of such weighty affairs scarcely appears capable of having been carried out by human wisdom; so, too, they have at this time so brought us present aid and assistance, that we could almost behold them without eyes. For to say nothing of those things, namely, the firebrands seen in the west in the night time, and the heat of the atmosphere, — to pass over the falling of thunderbolts and the earthquakes, — to say nothing of all the other portents which have taken place in such number during my consulship, that the immortal gods themselves have been seeming to predict what is now taking place; yet, at all events, this which I am about to mention, O Romans, must be neither passed over nor omitted. [19]

For you recollect, I suppose, when Cotta and Torquatus were consuls, that many towers in the Capitol were struck with lightning, when both the images of the immortal gods were moved, and the statues of many ancient men were thrown down, and the brazen tablets on which the laws were written were melted. Even Romulus, who built this city, was struck, which, you recollect, stood in the Capitol, a gilt statue, little and sucking, and clinging to the teats of the wolf. And when at this time the soothsayers were assembled out of all Etruria, they said that slaughter, and conflagration, and the overthrow of the laws, and civil and domestic war, and the fall of the whole city and empire was at hand, unless the immortal gods, being appeased in every possible manner, by their own power turned aside, as I may say, the very fates themselves. [20]

Therefore, according to their answers, games were celebrated for

ten days, nor was anything omitted which might tend to the appeasing of the gods. And they enjoined also that we should make a greater statue of Jupiter, and place it in a lofty situation, and (contrary to what had been done before) turn it towards the east. And they said that they hoped that if that statue which you now behold looked upon the rising of the sun, and the forum, and the senate-house, that those designs which were secretly formed against the safety of the city and empire would be brought to light so as to be able to be thoroughly seen by the senate and by the Roman people. And the consuls ordered it to be so placed; but so great was the delay in the work, that it was never set up by the former consuls nor by us before this day. 9.

[21] Here who, O Romans can there be so obstinate against the truth, so headstrong, so void of sense, as to deny that all these things which we see, and especially this city, is governed by the divine authority and power of the immortal gods? Forsooth, when this answer had been given, that massacre, and conflagration, and ruin was prepared for the republic; and that, too, by profligate citizens, which, from the enormity of the wickedness, appeared incredible to some people, you found that it had not only been planned by wicked citizens, but had even been undertaken and commenced. And is not this fact so present that it appears to have taken place by the express will of the good and mighty Jupiter, that, when this day, early in the morning, both the conspirators and their accusers were being led by my command through the forum to the Temple of Concord, at that very time the statue was being erected? And when it was set up and turned towards you and towards the senate the senate and you yourselves saw everything which had been planned against the universal safety brought to light and made manifest.

[22] And on this account they deserve even greater hatred and greater punishment, for having attempted to apply their fatal and wicked fire, not only to your houses and homes, but even to the shrines and temples of the Gods. And if I were to say that it was I who resisted them, I should take too much to myself and ought not to be borne. He — he, Jupiter, resisted them, He determined that the Capitol should be safe, he saved these temples, he saved this city, he saved all of you. It is under the guidance of the immortal gods, O

Romans, that I have cherished the intention and desires which I have, and have arrived at such undeniable proofs. Surely, that tampering with the Allobroges would never have taken place, so important a matter would never have been so madly entrusted, by Lentulus and the rest of our internal enemies, to strangers and foreigners, such letters would never have been written, unless all prudence had been taken by the immortal gods from such terrible audacity. What shall I say? That Gauls, men from a state scarcely at peace with us, the only nation existing which seems both to be able to make war on the Roman people, and not to be unwilling to do so, — that they should disregard the hope of empire and of the greatest success voluntarily offered to them by patricians; and should prefer your safety to their own power — do you not think that that was caused by divine interposition? especially when they could have destroyed us, not by fighting, but by keeping silence. 10. [23]

Wherefore, O citizens, since a supplication has been decreed at all the altars, celebrate those days with your wives and children; for many just and deserved honours have been often paid to the immortal gods, but juster ones never. For you have been snatched from a most cruel and miserable destruction, and you have been snatched from it without slaughter, without bloodshed, without an army, without a battle. You have conquered in the garb of peace, with me in the garb of peace for your only general and commander.

[24] Remember, O citizens, all civil dissensions, and not only those which you have heard of but these also which you yourselves remember and have seen. Lucius Sulla crushed Publius Sulpicius; he drove from the city Caius Marius the guardian of this city; and of many other brave men some he drove from the city, and some he murdered. Cnaeus Octavius the consul drove his colleague by force of arms out of the city; all this place was crowded with heaps of carcasses and flowed with the blood of citizens; afterwards Cinna and Marius got the upper hand; and then most illustrious men were put to death, and the spirits of the state were extinguished. Afterwards Sulla avenged the cruelty of this victory; it is needless to say with what a diminution of the citizens and with what disasters to the republic Marcus Lepidus disagreed with that most eminent and brave man Quintus, Catulus. His death did not cause as much grief to

the republic as that of the others.

[25] And these dissensions, O Romans, were such as concerned not the destruction of the republic, but only a change in the constitution. They did not wish that there should be no republic, but that they themselves should be the chief men in that which existed; nor did they desire that the city should be burnt, but that they themselves should flourish in it. And yet all those dissensions, none of which aimed at the destruction of the republic, were such that they were to be terminated not by a reconciliation and concord, but only by internecine war among the citizens. But in this war alone, the greatest and most cruel in the memory of man, — a war such as even the countries of the barbarians have never waged with their own tribes, — a war in which this law was laid down by Lentulus, and Catiline, and Cassius and Cethegus that every one, who could live in safety as long as the city remained in safety, should be considered as an enemy, in this war I have so managed matters, O Romans that you should all be preserved in safety; and though your enemies had thought that only such a number of the citizens would be left as had held out against an interminable massacre and only so much of the city as the flames could not devour, I have preserved both the city and the citizens unhurt and undiminished. 11.

[26] And for these exploits, important as they are, O Romans, I ask from you no reward of virtue, no badge of honour, no monument of my glory, beyond the everlasting recollection of this day. In your minds I wish all my triumphs, all my decorations of honour; the monuments of my glory, the badges of my renown, to be stored and laid up. Nothing voiceless can delight me, nothing silent, — nothing, in short, such as even those who are less worthy can obtain. In your memory, O Romans, my name shall be cherished, in your discourses it shall grow, in the monuments of your letters it shall grow old and strengthen; and I feel assured that the same day which I hope will be for everlasting; will be remembered for ever, so as to tend both to the safety of the city and the recollection of my consulship; and that it will be remembered that there existed in this city at the same time two citizens, one of whom limited the boundaries of your empire only by the regions of heaven, not by those of the earth, while the other preserved the abode and home of that same empire. 12. [27]

But since the fortune and condition of those exploits which I have performed is not the same with that of those men who have directed foreign wars — because I must live among those whom I have defeated and subdued, they have left their enemies either slain or crushed, — it is your business, O Romans, to take care, if their good deeds are a benefit to others, that mine shall never be an injury to me. For that the wicked and profligate designs of audacious men shall not be able to injure you, I have taken care; it is your business to take care that they do not injure me. Although, O Romans, no injury can be done to me by them, — for there is a great protection in the affection of all good men, which is procured for me for ever; there is great dignity in the republic, which will always silently defend me; there is great power in conscience, and those who neglect it when they desire to attack me will destroy themselves. [28]

There is moreover that disposition in me, O Romans, that I not only will yield to the audacity of no one, but that I always voluntarily attack the worthless. And if all the violence of domestic enemies being warded off from you turns itself upon me alone, you will have to take care, O Roman; in what condition you wish those men to be for the future, who for your safety have exposed themselves to unpopularity and to all sorts of dangers. As for me, myself; what is there which now can be gained by me for the enjoyment of life, especially when neither in credit among you, nor in the glory of virtue, do I see any higher point to which I can be desirous to climb? [29]

That indeed I will take care of; O Romans, as a private man to uphold and embellish the exploits which I have performed in my consulship: so that if there has been any unpopularity incurred in preserving the republic, it may injure those who envy me, and may tend to my glory. Lastly, I will so behave myself in the republic as always to remember what I have done, and to take care that they shall appear to have been done through virtue, and not by chance. Do you, O Romans, since it is now night ,worship that Jupiter, the guardian of this city and of yourselves, and depart to your homes; and defend those homes, though the danger is now removed, with guard and watch as you did last night, That you shall not have to do so long, and that you shall enjoy perpetual tranquillity, shall, O

Romans, be my care.

THE FOURTH ORATION.

THE ARGUMENT.

The night after the events mentioned in the argument to the preceding oration, Cicero's wife Terentia, with the vestal virgins was performing at home the mystic rites of the Bona Dea while Cicero was deliberating with his friends on the best mode of punishing the conspirators. Terentia interrupted their deliberations by coming in to inform them of a prodigy which had just happened that after the sacrifice in which she had been engaged was over the fire revived spontaneously; on which the vestal virgins had sent her to him to inform him of it, and to bid him pursue what he was then thinking of and intending for the good of his country, since the goddess had given this sign that she was watching over his safety and glory.

The next day the senate ordered public rewards to the ambassadors and to Vulturcius; and showed signs of intending to proceed with extreme rigour against the conspirators when on a sudden rumours arose of plots having been formed by the slaves of Lentulus and Cethegus for their masters' rescue; which obliged Cicero to double all the guards, and determined him to prevent any repetition of such attempts by bringing before the senate without delay the question of the punishment of the prisoners. On which account he summoned the senate to meet the next morning.

There were many difficulties in the matter. Capital punishments were unusual and very unpopular at Rome. And there was an old law of Porcius Lecca, a tribune of the people, which granted to all criminals who were capitally condemned an appeal to the people; and also a law had been passed, since his time, by Caius Gracchus, to prohibit the taking away the life of any citizen without a formal hearing before the people. And these considerations had so much weight with some of the senators, that they absented themselves from the senate during this debate, in order to have no share in sentencing prisoners of such high rank to death. The debate was opened by Silanus, the consul elect, who declared his opinion that those in custody, and those also who should be taken subsequently, should all

be put to death. Everyone who followed him agreed with him, till Julius Caesar, the praetor elect, (who has been often suspected of having at least to some extent, privy to the conspiracy,) rose, and in an elaborate speech proposed that they should not be put to death, but that their estates should be confiscated, and they themselves kept in perpetual confinement. Cato opposed him with great earnestness. But some of Cicero's friends appeared inclined to Caesar's motion, thinking it a safer measure for Cicero himself; but when Cicero perceived this, he rose himself; and discussed the opinions both of Silanus and Caesar in the following speech, which decided the senate to vote for their condemnation. And as soon as the vote had passed, Cicero went immediately from the senate house, took Lentulus from the custody of his kinsman Lentulus Spinther, and delivered him to the executioner. The other conspirators, Cethegus, Statilius, Gabinius, were in like manner conducted to execution by the praetors; and Cicero was conducted home to his house in triumph by the whole body of the senate and by the knights, the whole multitude following him, and saluting him as their deliverer.

1. I see, O conscript fathers, that the looks and eyes of you all are turned towards me; I see that you are anxious not only for your own danger and that of the republic, but even, if that be removed, for mine. Your good-will is delightful to one amid evils, and pleasing amid grief; but I entreat you, in the name of the immortal gods, lay it aside now, and, forgetting my safety, think of yourselves and of your children. If indeed, this condition of the consulship has been allotted to me, that I should bear all bitterness, all pains and tortures, I will bear them not only bravely but even cheerfully, provided that by my toils dignity and safety are procured for you and for the Roman people.

[2] I am that consul, O conscript fathers, to whom neither the forum in which all justice is contained, nor the Campus Martius, consecrated to the consular assemblies, nor the senate house, the chief assistance of all nations, nor my own home, the common refuge of all men, nor my bed devoted to rest, in short, not even this seat of honour, this curule chair has ever been free from the danger of death,

or from plots and treachery. I have been silent about many things, I have borne much, I have conceded much, I have remedied many things with some pain to myself amid the alarm of you all. Now if the immortal gods have determined that there shall be this end to my consulship that I should snatch you, O conscript fathers, and the Roman people from miserable slaughter, your wives and children and the vestal virgins from most bitter distress, the temples and shrines of the gods and this most lovely country of all of us, from impious flames, all Italy from war and devastation, then whatever fortune is laid up for me by myself it shall be borne. If, indeed, Publius Lentulus, being led on by soothsayers believed that his name was connected by destiny with the destruction of the republic, why should not I rejoice that my consulship has taken place almost by the express appointment of fate for the preservation of the republic? 2. [3]

Wherefore, O conscript fathers, consult the welfare of yourselves, provide for that of the republic; preserve yourselves, your wives, your children, and your fortunes; defend the name and safety of the Roman people; cease to spare me, and to think of me. For, in the first place, I ought to hope that all the gods who preside over this city will show me gratitude in proportion as I deserve it; and in the second place, if anything does happen to me, I shall fall with a contented and prepared mind; and, indeed, death cannot be disgraceful to a brave man, nor premature to one of consular rank, nor miserable to a wise man. Not that I am a man of so iron a disposition as not to be moved by the grief of a most dear and affectionate brother now present, and by the tears of all these men by whom you now see me surrounded. Nor does my fainting wife, my daughter prostrate with fear, and my little son whom the republic seems to me to embrace as a sort of hostage for my consulship, the son-in-law who, awaiting the end of that day, is now standing in my sight, fail often to recall my mind to my home. I am moved by all these circumstances, but in such a direction as to wish that they all may be safe together with you, even if some violence overwhelms me, rather than that both they and are should perish together with the republic.

[4] Wherefore, O conscript fathers, attend to the safety of the republic; look round upon all the storms which are impending, unless you guard against them. It is not Tiberius Gracchus, who wished to

be made a second time a tribune of the people; it is not Caius Gracchus, who endeavoured to excite the partisans of the agrarian law; it is not Lucius Saturninus, who slew Memmius, who is now in some danger, who is now brought before the tribunal of your severity. They are now in your hands who withstood all Rome, with the object of bringing conflagration on the whole city, massacre on all of you, and of receiving Catiline; their letters are in your possession, their seals, their handwriting, and the confession of each individual of them; the Allobroges are tampered with, the slaves are excited, Catiline is sent for; the design is actually begun to be put in execution, that all should be put to death, so that no one should be left even to mourn the name of the republic, and to lament over the downfall of so mighty a dominion. 3. [5]

All these things the witnesses have informed you of; the prisoners have confessed, you by many judgments have already decided; first, because you have thanked me in unprecedented language, and have passed a vote that the conspiracy of abandoned men has been laid open by my virtue and diligence; secondly, because you have compelled Publius Lentulus to abdicate the praetorship; again, because you have voted that he and the others about whom you have decided should be given into custody; and above all because you have decreed a supplication in my name, an honour which has never been paid to any one before acting in a civil capacity; last of all because yesterday you gave most ample rewards to the ambassadors of the Allobroges and to Titus Vulturcius; all which acts are such that they, who have been given into custody by name, without any doubt seem already condemned by you. [6]

But I have determined to refer the business to you as a fresh matter, O conscript fathers, both as to the fact, what you think of it and as to the punishment, what you vote. I will state what it behoves the consul to state. I have seen for a long time great madness existing in the republic, and new designs being formed, and evil passions being stirred up; but I never thought that so great, so destructive a conspiracy as this was being meditated by citizens. Now to whatever point your minds and opinions incline, you must decide before night. You see how great a crime has been made known to you; if you think that but few are implicated in it you are greatly mistaken; this evil

has spread wider than you think; it has spread not only throughout Italy, but it has even crossed the Alps, and creeping stealthily on, it has already occupied many of the provinces; it can by no means be crushed by tolerating it, and by temporising with it; however you determine on chastising it, you must act with promptitude. 4. [7]

I see that as yet there are two opinions. One that of Decius Silanus, who thinks that those who have endeavoured to destroy all these things should be punished with death the other, that of Caius Caesar, who objects to the punishment of death, but adopts the most extreme severity of all other punishment. Each acts in a manner suitable to his own dignity and to the magnitude of the business with the greatest severity. The one thinks that it is not right that those, who have attempted to deprive all or us and the while Roman people of life, to destroy the empire, to extinguish the name of the Roman people, should enjoy life and the breath of heaven common to us all, for one moment; and he remembers that this sort of punishment has often been employed against worthless citizens in this republic. The other feels that death was not appointed by the immortal gods for the sake of punishment, but that it is either a necessity of nature, or a rest from toils and miseries; therefore wise men have never met it unwillingly, brave men have often encountered it even voluntarily. But imprisonment and that too perpetual, was certainly invented for the extraordinary punishment of nefarious wickedness; therefore he proposes that they should be distributed among the municipal towns. This proposition seems to have in it injustice if you command; it difficulty if you request it. [8]

Let it, however, be so decreed if you like. For I will undertake, and, as I hope, I shall find one who will not think it suitable to his dignity to refuse what you decide on for the sake of the universal safety. He imposes besides a severe punishment on the burgesses of the municipal town if any of the prisoners escape; he surrounds them with the most terrible guard, and with everything worthy of the wickedness of abandoned men. And he proposes to establish a decree that no one shall be able to alleviate the punishment of those whom he is condemning by a vote of either the senate or the people. He takes away even hope, which alone can comfort men in their miseries; besides this, he votes that their goods should be

confiscated; he leaves life alone to these infamous men, and if he had taken that away; he would have relieved them by one pang of many tortures of mind and body, and of all the punishment of their crimes. Therefore, that there might be some dread in life to the wicked, men of old have believed that there were some punishments of that sort appointed for the wicked in the shades below; because in truth they perceived that if this were taken away death itself would not be terrible. 5. [9]

Now, O conscript fathers, I see what is my interest; if you follow the opinion of Caius Caesar, (since he has adopted this path in the republic which is accounted the popular one,) perhaps since he is the author and promoter of this opinion, the popular violence will be less to be dreaded by me; if you adopt the other opinion, I know not whether I am not likely to have more trouble; but still let the advantage of the republic outweigh the consideration of my danger. For we have from Caius Caesar, as his own dignity and as the illustrious character of his ancestors demanded, a vote as a hostage of his lasting good-will to the republic; it has been clearly seen how great is the difference between the lenity of demagogues, and a disposition really attached to the interests of the people. [10] I see that of those men who wish to be considered attached to the people one man is absent, that they may not seem forsooth to give a vote about the lives of Roman citizens. He only three days ago gave Roman citizens into custody, and decreed me a supplication, and voted most magnificent rewards to the witnesses only yesterday. It is not now doubtful to any one what he, who voted for the imprisonment of the criminals, congratulation to him who had detected them, and rewards to those who had proved the crime, thinks of the whole matter, and of the cause. But Caius Caesar considers that the Sempronian law was passed about Roman citizens, but that he who is an enemy of the republic can by no means be a citizen; and moreover that the very proposer of the Sempronian law suffered punishment by the command of the people. He also denies that Lentulus, a briber and a spendthrift, after he has formed such cruel and bitter plans about the destruction of the Roman people and the ruin of this city, can be called a friend of the people. Therefore this most gentle and merciful man does not hesitate to commit Publius Lentulus to eternal darkness

and imprisonment, and establishes a law to all posterity that no one shall be able to boast of alleviating his punishment or hereafter to appear a friend of the people to the destruction of the Roman people. He adds also the confiscation of their goods, so that want also and beggary may be added to all the torments of mind and body. 6. [11]

Wherefore, if you decide on this you give me a companion in my address, dear and acceptable to the Roman people; or if you prefer to adopt the opinion of Silanus, you will easily defend me and yourselves from the reproach of cruelty, and I will prevail that it shall be much lighter. Although, O conscript fathers, what cruelty can there be in chastising the enormity of such excessive wickedness? For I decide from my own feeling. For so may I be allowed; to enjoy the republic in safety in your company, as I am not moved to be somewhat vehement in this cause by any severity of disposition, (for who is more merciful than I am?) but rather by a singular humanity and mercifulness. For I seem to myself to see this city, the light of the world and the citadel of all nations, falling on a sudden by one conflagration. I see in my mind's eye miserable and unburied heaps of cities in my buried country; the sight of Cethegus and his madness raging amid your slaughter is ever present to my sight. [12] But when I have set before myself Lentulus reigning, as he himself confesses that he had hoped was his destiny, and this Gabinius arrayed in the purple and Catiline arrived with his army, then I shudder at the lamentation of matrons, and the flight of virgins and of boys and the insults of the vestal virgins; and because these things appear to me exceedingly miserable and pitiable, therefore I show myself severe and rigorous to those who have wished to bring about this state of things. I ask, forsooth, if any father of a family, supposing his children had been slain by a slave, his wife murdered, his house burnt, were not to inflict on his slaves the severest possible punishment would he appear clement and merciful or most inhuman and cruel? To me he would seem unnatural and hard-hearted who did not soothe his own pain and anguish by the pain and torture of the criminal. And so we, in the case of these men who desired to murder us, and our wives, and our children, — who endeavoured to destroy the houses of every individual among us, and also the republic, the home of all, — who designed to place the nation of the Allobroges

on the relics of this city, and on the ashes of the empire destroyed by fire; — if we are very rigorous, we shall be considered merciful; if we choose to be lax, we must endure the character of the greatest cruelty, to the damage of our country and our fellow-citizens.

[13] Unless, indeed, Lucius Caesar, a thoroughly brave man and of the best disposition towards the republic, seemed to any one to be too cruel three, days ago, when he said that the husband of his own sister, a most excellent woman, (in his presence and in his hearing,) ought to be deprived of life, — when he said that his grandfather had been put to death by command of the consul and his youthful son, sent as an ambassador by his father, had been put to death in prison. And what deed had they done like these men? had they formed any plan for destroying the republic? At that time great corruption was rife in the republic, and there was the greatest strife between parties. And, at that time, the grandfather of this Lentulus, a most illustrious man, put on his armour and pursued Gracchus; he even received a severe wound that there might be no diminution of the great dignity of the republic. But this man, his grandson, invited the Gauls to overthrow the foundations of the republic; he stirred up the slaves, he summoned Catiline, he distributed us to Cethegus to be massacred, and the rest of the citizens to Gabinius to be assassinated, the city he allotted to Cassius to burn, and the plundering and devastating of all Italy he assigned to Catiline. You fear, I think, lest in the case of such unheard of and abominable wickedness you should seem to decide anything with too great severity; when we ought much more to fear lest by being remiss in punishing we should appear cruel to our country, rather than appear by the severity of our irritation too rigorous to its most bitter enemies. 7. [14]

But O conscript fathers, I cannot conceal what I hear; for sayings are bruited about, which come to my ears, of those men who seem to fear that I may not have force enough to put in execution the things which you determine on this day. Everything is provided for, and prepared, and arranged, O conscript fathers, both by my exceeding care and diligence, and also by the still greater zeal of the Roman people for the retaining of their supreme dominion, and for the preserving of the fortunes of all. All men of all ranks are present, and of all ages; the forum is full, the temples around the forum are full,

all the approaches to this place and to this temple are full. For this is the only cause that has ever been known since the first foundation of the city, in which all men were of one and the same opinion — except those, who, as they saw they must be ruined, preferred to perish in company with all the world rather than by themselves.

[15] These men I except, and I willingly set apart from the rest; for I do not think that they should be classed in the number of worthless citizens, but in that of the most bitter enemies. But, as for the rest, O ye immortal gods! in what crowds, with what zeal, with what virtue do they agree in defence of the common dignity and safety. Why should I here speak of the Roman knights? who yield to you the supremacy in rank and wisdom, in order to vie with you in love for the republic, — whom this day and this cause now reunite with you in alliance and unanimity with your body reconciled after a disagreement of many years. And if we can preserve for ever in the republic this union now established in nay consulship, I pledge myself to you that no civil and domestic calamity can hereafter reach any part of the republic. I see that the tribunes of the treasury — excellent men — have united with similar zeal in defence of the republic, and all the notaries. For as this day had by chance brought them in crowds to the treasury, I see that they were diverted from an anxiety for the money due to them, from an expectation of their capital, to a regard for the common safety. [16] The entire multitude of honest men, even the poorest is present; for who is there to whom these temples, the sight of the city, the possession of liberty, — in short; this light and this soil of his, common to us all, is not both dear and pleasant and delightful? 8.

It is worth while, O conscript fathers, to know the inclinations of the freedmen; who, having by their good fortune obtained the rights of citizens, consider this to be really their country, which some who have been born here, and born in the highest rank, have considered to be not their own country, but a city of enemies. But why should I speak of men of this body whom their private fortunes, whom their common republic, whom, in short, that liberty which is most delightful has called forth to defend the safety of their country? There is no slave who is only in an endurable condition of slavery who does not shudder at the audacity of citizens, who does not desire

that these things may stand, who does not contribute all the good-will that he can, and all that he dares, to the common safety.

[17] Wherefore, if this consideration moves any one, that it has been heard that some tool of Lentulus is running about the shops, — is hoping that the minds of some poor and ignorant men may be corrupted by bribery; that, indeed, has been attempted and begun, but no one has been found either so wretched in their fortune or so abandoned in their inclination as not to wish the place of their seat and work and daily gain, their chamber and their bed, and, in short, the tranquil course of their lives, to be still preserved to them. And far the greater part of those who are in the shops, — yes, indeed, (for that is the more correct way of speaking,) the whole of this class is of all the most attached to tranquillity; their whole stock, indeed, their whole employment and livelihood, exists by the peaceful intercourse of the citizens, and is wholly supported by peace. And if their gains are diminished whenever their shops are shut, what will they be when they are burnt? [18] And, as this is the case, O conscript fathers, the protection of the Roman people is not wanting to you; do you take care that you do not seem to be wanting to the Roman people. 9.

You have a consul preserved out of many dangers and plots, and from death itself not for his own life, but for your safety. All ranks agree for the preservation of the republic with heart and will, with zeal, with virtue, with their voice. Your common country, besieged by the hands and weapons of an impious conspiracy, stretches forth her hands to you as a suppliant; to you she recommends herself to you she recommends the lives of all the citizens, and the citadel, and the Capitol, and the altars of the household gods, and the eternal inextinguishable fire of Vesta, and all the temples of all the gods, and the altars and the walls and the houses of the city. Moreover, your own lives, those of your wives and children, the fortunes of all men, your homes, your hearth; are this day interested in your decision.

[19] You have a leader mindful of you, forgetful of himself — an opportunity which is not always given to men; you have all ranks, all individuals, the whole Roman people, (a thing which in civil transactions we see this day for the first time,) full of one and the same feeling. Think with what great labour this our dominion was founded, by what virtue this our liberty was established, by what

kind favour of the gods our fortunes were aggrandized and ennobled, and how nearly one night destroyed them all. That this may never hereafter be able not only to be done, but not even to be thought of you must this day take care. And I have spoken thus, not in order to stir you up who almost outrun me myself but that my voice, which ought to be the chief voice in the republic, may appear to have fulfilled the duty which belongs to me as consul. 10. [20]

Now, before I return to the decision, I will say a few words concerning myself. As numerous as is the band of conspirators — and you see that it is very great, — so numerous a multitude of enemies do I see that I have brought upon myself. But I consider them base and powerless and despicable and abject. But if at any time that band shall be excited by the wickedness and madness of any one, and shall show itself more powerful than your dignity and that of the republic, yet. O conscript fathers, I shall never repent of my actions and of my advice. Death, indeed, which they perhaps threaten me with, is prepared for all men; such glory during life as you have honoured me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the republic successfully, but to me alone for having saved it

[21] Let Scipio be thought illustrious, he by whose wisdom and valour Hannibal was compelled to return into Africa, and to depart from Italy. Let the second Africanus be extolled with conspicuous praise, who destroyed two cities most hostile to this empire, Carthage and Numantia. Let Lucius Paullus be thought a great man, he whose triumphal car was graced by Perses, previously a most powerful and noble monarch. Let Marius be held in eternal honour, who twice delivered Italy from siege, and from the fear of slavery. Let Pompey be preferred to them all — Pompey, whose exploits and whose virtues are bounded by the same districts and limits as the course of the sun. There will be, forsooth, among the praises of these men, some room for my glory, unless haply it be a greater deed to open to us provinces whither we may fly, than to take care that those who are at a distance may, when conquerors; have a home to return to. [22]

Although in one point the circumstances of foreign triumph are better than those of domestic victory; because foreign enemies, either

if they be crushed become one's servants, or if they be received into the state, think themselves bound to us by obligations; but those of the number of citizens who become depraved by madness and once begin to be enemies to their country, — those men, when you have defeated their attempts to injure the republic, you can neither restrain by force nor conciliate by kindness. So that I see that an eternal war with all wicked citizens has been undertaken by me; which, however, I am confident can easily be driven back from me and mine by your aid, and by that of all good men, and by the memory of such great dangers, which will remain, not only among this people which has been saved, but in the discourse and minds of all nations forever. Nor, in truth, can any power be found which will be able to undermine and destroy your union with the Roman knights, and such unanimity as exists among all good men. 11. [23]

As, then, this is the case, O conscript fathers, instead of my military command — instead of the army, —— instead of the province which I have neglected, and the other badges of honour which have been rejected by me for the sake of protecting the city and your safety, — in place of the ties of clientship and hospitality with citizens in the provinces, which, however, by my influence in the city, I study to preserve with as much toil as I labour to acquire them, — in place of all these things, and in reward for my singular zeal in your behalf, and for this diligence in saving the republic which you behold, I ask nothing of you but the recollection of this time and of my whole consulship. And as long as that is fixed in your minds, I still think I am fenced round by the strongest wall. But if the violence of wicked men shall deceive and overpower my expectations, I recommend to you my little son, to whom, in truth, it will be protection enough, not only for his safety, but even for his dignity if you recollect that he is the son of him who has saved all these things at his own single risk. [24]

Wherefore, O conscript fathers, determine with care, as you have begun, and boldly, concerning your own safety, and that of the Roman people, and concerning your wives and children; concerning your altars and your hearths your shrines and temples; concerning the houses and homes of the whole city; concerning your dominion, your liberty and the safety of Italy and the whole republic. For you have a

consul who will not hesitate to obey your decrees, and who will be able as long as he lives, to defend what you decide on and of his own power to execute it.

DE LEGE AGRARIA CONTRA RULLUM

(Opposing the Agrarian Law)

Translated by C. D. Yonge

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THE FIRST SPEECH.

THE ARGUMENT.

A short time before Cicero's inauguration as consul, which took place on the first of January, Publius Servilius Rullus, one of the new tribunes, (who entered on their office on the tenth of December,) had been alarming the senate with the proposal of a new agrarian law, the purport of which was to appoint ten commissioners, (decemviri) with absolute power for five years over all the revenues of the republic; to distribute them at pleasure to the citizens; to sell and buy what lands they thought fit; to determine the rights of the present possessors; to require an account from all the generals abroad, except, Pompey, of the spoils taken in their wars; to settle colonies wherever they judged it proper, and especially at Capua; and, in short, the entire command of the money and forces of the empire. (Middleton, ch. iii.)

This oration (of which some of the beginning is lost), was addressed to the senate on the first of January, to relieve them of their apprehensions respecting this law, by assuring them that he would oppose the law and all its promoters to the uttermost of his power; and that he would not suffer the state to be injured or its liberties to be impaired, while the administration remained in his hands.

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[fr1]

In beardless youth

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[fr3]

[The whole of the Propontis and of the Hellespont will therefore come under the power of the praetor; the whole coast of the Lycians and Cilicians will be advertised for sale; Mysia and Phrygia will be subjected to the same conditions] [fr4]

The decemviri will sell the booty, the spoils, the division of the plunder, the very camp of Cnaeus Pompeius, while the general is

forced to sit still. 1.

. . . . That which was then openly sought, is now endeavoured to be effected secretly by mines. For the decemvirs will say, what indeed is said by many, and has often been said, — that after the consulship of those men, all that kingdom became the property of the Roman people, by the bequest of the king Alexander. Will you then give Alexandria to those men when they ask for it in an underhand way, whom you resisted when they openly fought against you? Which, in the name of the immortal gods, do these things seem to you, — the designs of sober men, or the dreams of drunken ones? the serious thoughts of wise men, or the frantic wishes of madmen? [2] See, now, in the second chapter of this law, how that profligate debauchee is disturbing the republic, — how he is ruining and dissipating the possessions left us by our ancestors; so as to be not less a spendthrift in the patrimony of the Roman people than in his own. He is advertising for sale by his law all the revenues, for the decemvirs to sell them; that is to say, he is advertising an auction of the property of the state. He wants lands to be bought, in order to be distributed; he is seeking money. No doubt he will devise something, and bring it forward; for in the preceding chapters the dignity of the Roman people was attacked; the name of our dominion was held up as an object of common hatred to all the nations of the earth; cities which were at peace with us, lands belonging to the allies, the ranks of kings in alliance with us, were all made a present of to the decemvirs; and now they want actual ready money paid down to them. [3] I am waiting to see what this vigilant and clever tribune is contriving. Let the Scantian wood, says he, be sold. Did you then find this wood mentioned among the possessions that were left, or in the pasture lands of the lessors? If there is anything which you have hunted out, and discovered, brought to light out of darkness, although it is not just, still use that, since it is convenient, and since you yourself were the person to bring it forward. But shall you sell the Scantian wood while we are consuls, and while this senate is in existence? Shall you touch any of the revenues? Shall you take away from the Roman people that which is their strength in time of war, their ornament in time of peace? But then indeed, I shall think myself a lazier consul than those fearless men who filled this office in the

times of our ancestors; because the revenues which were acquired by the Roman people when they were consuls, will be considered not able to be preserved when I am consul. 2. [4]

He is selling all the possessions in Italy, in regular order. Forsooth, he is very busy in that occupation. For does not omit one. He goes through the whole of Sicily in the account-books of the censors. He does not omit one single house, or one single field. You have heard an auction of the property of the Roman people given notice of by tribune of the people, and fixed for the month of January and I suppose you do not doubt, that they who procured these things by their arms and their valour, did not sell the for the sake of the treasury, on purpose that we might have something to sell for the sake of bribery. [5]

See, now, how much more undisguisedly than before he proceeds on his course. For it has been already shown by how they attacked Pompeius in the earlier part of the law; and now they shall show it also themselves. He orders the lands belonging to the men of Attalia and Olympus to be sold. These lands the victory of Publius Servilius, that most gallant general, had made the property of the Roman people. After that, the royal domains in Macedonia, which were acquired partly by the valour of Titus Flamininus, and part by that of Lucius Paullus, who conquered Perses. After that, that most excellent and productive land which belongs Corinth, which was added to the revenues of the Roman people by the campaigns and successes of Lucius Mummius. After that, they sell the lands in Spain near Carthagena, acquired by the distinguished valour of the two Scipios. Then Carthagena itself, which Publius Scipio, having stripped it of all its fortifications, consecrated to the eternal recollection of men, whether his purpose was to keep up the memory of the disaster of the Carthaginians, or to bear witness to our victory, or to fulfill some religious obligation. [6] Having sold all these ensigns and crowns, as it were, of the empire, with which the republic was adorned, and handed down to you by your ancestors, they then order the lands to be sold which the king Mithridates possessed in Paphlagonia, and Pontus, and Cappadocia. Do they not seem to be pursuing without much disguise, and almost with the crier's spear, the army of Cnaeus Pompeius, when they order those lands to be sold in which he is now

engaged and carrying on war? 3. [7]

But what is the meaning of this, that they fix no place for this auction which they are establishing? For power is given to the decemvirs by this law, of holding their sales in any places which seem convenient to them. The censors are not allowed to let the contracts for farming the revenues, except in the sight of the Roman people. Shall these men be allowed to sell them in the most distant countries? But even the most profligate men, when they have squandered their patrimony, prefer selling their property in the auctioneer's rooms, rather than in the roads, or in the streets. This man, by his law, gives leave to the decemvirs to sell the property of the Roman people in whatever darkness and whatever solitude they find it convenient. [8] Do you not, moreover, see how grievous, how formidable, and how pregnant with extortion that invasion of the decemvirs and of the multitude that will follow in their train will be to all the provinces, and kingdoms, and free nations? In the case of those men on whom you have conferred lieutenancies for the sake of entering on inheritances, though they went as private men, on private business, invested with no excessive power and no supreme authority, you have still heard how burdensome their arrival has proved to your allies. [9] What alarm and what misfortune, then must you think all nations are threatened with by this law, when decemvirs are sent all over the world with supreme power, — men of the greatest avarice, and with an insatiable desire for every sort of property? whose arrival will be grievous, whose forces will be formidable, whose judicial and arbitrary power will be absolutely intolerable. For they will have the power of deciding whatever they please to be public property, and of selling whatever they decide to be such. Even that very thing which conscientious men will not do, namely, taking money to abstain from selling, is to be made lawful for them to do by the express provisions of the law. From this provision what plunderings, what bargainings, what a regular auction of all law and of every one's fortunes must inevitably arise! [10] Even that which in the former pert of the law made in the consulship of Sulla and Pompeius was strictly defined, that they have now left at the discretion of these men, without any restriction or limitation. 4.

He orders these same decemvirs to impose an exceedingly heavy

tax on all the public domains, in order that they might be able both to release what lands they choose and to confiscate what they choose. And in this proceeding it is hard to see whether their severity will be more cruel or their kindness more gainful.

However, there are in the whole law two exceptions, not so much unjust as suspicious. In imposing the tax it makes an exception with respect to the Recentoric district in Sicily; and in selling the land, he excepts those with respect to which there was an express provision in the treaty. These lands are in Africa, in the occupation of Hiempsal. [11] Here I ask, if sufficient protection is afforded to Hiempsal by the treaty and if the Recentoric district is private property, what was use of excepting these lands by name in the law? If that treaty itself has some obscurity in it, and if the Recentoric is sometimes said to be public property, who do you suppose will believe that there have been two interests found in the world, and only two, which he spared for nothing? Does there appear to have been any coin in the world so carefully hidden that the architects of this law have failed to scent it out? They are draining the provinces, the free cities, our allies, our friends, and even the kings who are confederate with us. They are laying bands on the revenue of the Roman people. [12]

That is not enough. Listen — listen, you who, by the most honourable vote of the people and senate, have commanded armies and carried on wars:—"Whatever has come or shall come to anyone, of booty, of spoils, of money given for gold crowns, which has neither been spent on a monument, nor paid into the treasury, is all to be paid over to the decemvirs." From this chapter they expect a great deal. The propose by their resolution an investigation into the affairs of all our generals and all their heirs. But they expect to go the greatest quantity of money from Faustus. That cause which the judges upon their oath would not undertake, these decemvirs have undertaken. They think, perhaps, that it was declined by the judges, on purpose to be reserved to them. [13] After that, the law most carefully provides for the future, that, whatever money any general receives, he is at once to pay over to the decemvirs. But here he excepts Pompeius, very much as, as it seems to me, in that law by which aliens are sent away from Rome an exception is made in favour of Glaucippus. For the effect of this exception is not to confer

a kindness on one man, but merely to save one man from injustice. But the man whose spoils the law thus spares, has his revenues invaded by the same law. For it orders all the money which is received after our consulship from the new revenues, to be placed to the use of the decemvirs. As if we did not see that they were thinking of selling the revenues which Cnaeus Pompeius has added to the wealth of the Roman people. 5. [14]

You see now, O conscript fathers, that the money which is to belong to the decemvirs is collected and heaped together from every possible source, and by every imaginable expedient. The unpopularity arising from their possession of this large sum is to be diminished, for it shall be spent in the purchase of lands. Exceedingly well. Who then is to buy those lands? These same decemvirs. You, O Rullus — for I say nothing of the rest of them, — are to buy whatever you like; to sell whatever you like, to buy or sell at whatever price you please. For that admirable man takes care not to buy of any one against his will. As if we did not understand that to buy of a man against his will is an injurious thing to do; but to buy of one who has no objection, is profitable. How much land (to say nothing of other people) will your father-in-law sell you? and, if I have formed a proper estimate of the fairness of his disposition, will have no objection to sell you? The rest will do the same willingly; they will be glad to exchange the unpopularity attaching to the possession of land for money; to receive whatever they demand, and to part with what they can scarcely retain. [15] Now just see the boundless and intolerable licentiousness of all these measures. Money has been collected for the purchase of lands. More-over, the lands are not to be bought of people against their will. Suppose all the owners agree not to sell, what is to happen then? Is the money to be refunded? That cannot be. Is it to be collected? The law forbids that. However, let that pass. There is nothing which cannot be bought, if you will only give as much as the seller asks. Let us plunder the whole world, let us sell our revenues, let us exhaust the treasury, in order that, whether men be owners of wealth, or of odium, or even of a pestilence, still their lands may be bought.

[16] What is to happen then? what sort of men are to be established as settlers in those lands? what is to be the system and plan adopted

in the whole business? Colonies, say the law, shall be led thither, and settled there. How many? Of what class of men? Where are they to be established? For who is there who does not see that all these things have got to be considered when we are talking of colonies? Did you think, O Rullus, that we would give up the whole of Italy to you and to those contrivers of everything whom you have set up, in an unarmed and defenceless state, for you to strengthen it with garrisons afterwards? for you to occupy it with colonies? to hold it bound and fettered by every sort of chain? For where is there any clause to prevent your establishing a colony on the Janiculan Hill? or from oppressing and overwhelming this city with some other city? We will not do so, says he. In the first place, I don't know that; in the next place, I am afraid of you; lastly, I will never permit our safety to depend on your kindness rather than on our own prudence. 6. [17]

But as you wanted to fill all Italy with your colonies, did you think that not one of us would understand what sort of a measure that was? For it is written, "The decemvirs may lead whatever settlers they choose into whatever municipalities and colonies they like; and they may assign them lands in whatever places they please;" so that, when they have occupied all Italy with their soldiers, you may have no hope left you, I will not say of retaining your dignity, but none even of recovering your liberty. And these things, indeed, I object to on suspicion and from conjecture. [18] But now all mistake on any side shall be removed; now they shall show openly that the very name of this republic, and the situation of this city and empire, that even this very temple of the good and great Jupiter, and this citadel of all nations, is odious to them. They wish settlers to be conducted to Capua. They wish again to oppose that city to this city. They think of removing all their riches thither of transferring thither the name of the empire. That place which, because of the fertility of its lands and its abundance of every sort of production, is said to be the parent of pride and cruelty — in that our colonists, men selected as fit for every imaginable purpose, will be settled by the decemvirs. No doubt, in that city, in which men, though born to the enjoyment of ancient dignities and hereditary fortunes, were still unable to bear with moderation the luxuriance of their fortunes, your satellites will be able to restrain their insolence and to behave with modesty. [19]

Our ancestors removed from Capua the magistrates, the senate, the general council, and all the ensigns of the republic, and left nothing there except the bare name of Capua; not out of cruelty, (for what was ever more merciful than they were? for they often restored their property even to foreign enemies when they had been subdued;) but out of wisdom; because they saw that if any trace of the republic remained within those walls, the city itself might be able to afford a home to supreme power. And would not you too see how mischievous these things were, if you were not desirous of overturning the republic, and of procuring a new sort of power for your own selves? 7. [20]

For what is there that is especially to be guarded against in the establishment of colonies? If it be luxury — Capua corrupted Hannibal himself. If it be pride — that appears from the general arrogance of the Campanians to be innate there. If we want a bulwark for the state — then I say, that Capua is not placed in front of this city as an outwork, but is opposed to it as an enemy. But how is it armed? O ye immortal gods! For in the Punic war all the power that Capua had, it had from its unassisted resources; but now, all the cities which are around Capua will be occupied by colonists, by the order of these same decemvirs. For, for this reason, the law itself allows, "that the decemvirs may lead whoever they please as settlers to every town which they choose." And it orders the Campanian district, and that of Stella, to be divided among these colonists.

[21] I do not complain of the diminution of the revenues; nor of the wickedness of this loss and injury. I pass over those things which there is no one who cannot complain of with the greatest weight and the greatest truth; that we have not been able to preserve the most important part of the public patrimony of the state, that which has been to us the source of our supply of corn, our granary in time of war, our revenue placed under custody of the seals and bolts of the republic; that we, in short, have abandoned that district to Publius Rullus, which itself by its own resources had resisted both the absolute power of Sulla, and the corrupting liberality of the Gracchi. I do not say that, now that so much has been lost, this is the only revenue which remains in the republic; the only one which, while other sources of income are interrupted, does not fail us; the only one

which is splendid in peace, is; not worn out in war; which supports our soldiery, and is not afraid of our enemies. I pass over all this which I might say; I reserve that for the assembly of the people. I am speaking now of the danger to our safety and to our liberty. [22] For what do you think will remain to you unimpaired in the whole republic, or in your liberty, or in your dignity, when Rullus, and those whom you are much more afraid of than you are of Rullus, with his whole band of needy and unprincipled men, with all his forces, with all his silver and gold, shall have occupied Capua and the cities around Capua? These things, O conscript fathers, I will resist eagerly and vigorously; and I will not permit men, while I am consul, to bring forth those plans against the republic which they have long been meditating.

[23] You made a great mistake, O Rullus, you and some of your colleagues, when you hoped that, in being in opposition to a consul who studied the interests of the people in reality, not by making a vain parade of so doing, you would be able to gain popularity while overturning the republic. I challenge you; I invite you to the assembly; I will accept the Roman people as an umpire between us 8.

In fact, if we look round to survey everything which is; pleasant and acceptable to the people, we shall find that nothing is so popular as peace, and concord, and ease. You have given up to me a city made anxious with suspicion, in suspense from fear, harassed to death by your proposed laws, and assemblies, and seditions. You have inflamed the hopes of the wicked; you have filled the virtuous with alarms; you have banished good faith from the forum, and dignity from the republic. [24] Amid all this commotion and agitation of minds and circumstances, when the voice and authority of the consul has suddenly, from amid such great darkness, dawned on the Roman people; when it has shown that nothing need be feared; that no regular army, no band of extempore ruffians, no colony, no sale of the revenues, no new of command, no reign of decemvirs, no new Rome or opposition seat of empire, will be allowed to exist while we are consuls; that the greatest tranquillity of peace and ease will be secured; then, no doubt, we shall have much reason to ear that this beautiful agrarian law of yours will appear popular. [25] But when I have displayed the wickedness of your counsels, the dishonesty of

your law, and the treachery which is planned by those popular tribunes of the people against the Roman people; then, I suppose, I shall have reason to fear that I shall not be allowed to appear in the assembly, for the purpose of opposing you; especially when I have determined and resolved so to conduct myself in my consulship, (and the duties of the consulship cannot be discharged with dignity and freedom, in any other manner,) as neither to desire any province, nor honour, nor dignity nor advantage nor anything whatever which can have any hindrance thrown in its way by any tribune of the people. [26] The consul states, in full senate, on the calends of January, that if the present condition of the republic continues, and if no new event arises, on account of which he cannot with honour avoid it, he will not go to any province. By that means I shall be able, O conscript fathers, so to behave myself in this magistracy, as to be able to restrain any tribune of the people who is hostile to the republic, — to despise any one who is hostile to myself. 9.

Wherefore, in the name of the immortal gods! I entreat you, recollect yourselves, O tribunes of the people; desert those men by whom, in a short time, unless you take great care, you will yourselves be deserted. Conspire with us; agree with all virtuous men defend our common republic with one common zeal and affection. There are many secret wounds sustained by the republic. There are many mischievous counsels of abandoned citizens designed against her. There is no external danger. There is no king no nation, no people in the world whom we need fear. The evil is confined within our own walls internal and domestic very one of us to the best of his power ought to resist and to remedy this. [27] You mistake if you think that the senate approves of what is said by me, but that the inclinations of the people are different. All men, who wish to be safe themselves, will follow the authority of the consul, a man uninfluenced by evil passion; free from all suspicion of guilt; cautious in danger; not fearful in contest. But if any one of you cherishes a hope that he may be able in a turbulent state of affairs to promote his own interests, first of all, let him give up hoping any such thing as long as I am consul. In the next place, let him take me myself as a proof — (me whom he sees now consul, though born only in the equestrian rank) — of what course of life most easily

conducts virtuous men to honour and dignity. But if you, O conscript father, assist me with your zeal and energy in defending our common dignity, then, in truth, I shall accomplish that of which our republic is at present in the greatest possible need. I shall make the authority of this order, which existed so long among our ancestors, appear after a long interval to be again restored to the republic.

THE SECOND SPEECH.

THE ARGUMENT.

A few days after the preceding speech in the senate, Cicero came into the assembly of the people, and made the following speech to them; dilating on the different particulars of the proposed law, and on its evils, at much greater length than he had done when he addressed the senate. And he succeeded so much, that, as he says himself, no one had ever had more success in arguing in favour of an agrarian law, (which was always likely to be a popular proposal,) than he had in haranguing the people against this one.

1. [2] It is in accordance with the customs and established usages of our ancestors, O Romans, that those who, by your kindness, have overtaken the images of their family, should, the first time that they hold an assembly of the people, take an opportunity of uniting thanks to you for your kindness with a panegyric on their ancestors, and in the speech then made, some men are, on some occasions, found worthy of the rank of their ancestors. But most men only accomplish this, — namely, to make it seem that so vast a debt is due to their ancestors, that there is something still left to be paid to their posterity. [3] I, indeed, have no opportunity of speaking before you of my ancestors, not because they were not such men as you see me also to be, who am born of their blood, and educated in their principles, but because they had never any share of popular praise, or of the light of honours conferred by you. And of myself I fear lest it may look like arrogance to speak, and yet like ingratitude to be silent. [2] For it is a very troublesome thing for me myself to enumerate to you the pursuits by which I have earned this dignity; and, on the other hand, I cannot possibly be silent about your great kindnesses to me. Wherefore I will employ a reasonable moderation in speaking, so as to mention the kindness which I have received from you. I will speak slightly of the reasons why I am thought to have deserved the greatest honour you can confer, and your singularly favourable judgment of me.

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[3] After a very long interval, almost beyond the memory of our times, you have for the first time made me, a new man, consul; and you have opened that rank which the nobles have held strengthened by guards, and fenced round in every possible manner, in my instance first, and have resolved that it should in future be open to virtue. Nor have you only made me consul, though that is of itself a most honourable thing, but you have made me so in such a way as very few nobles in this city have ever been made consuls before in, and no new man whatever before me. 2.

For, in truth, if you please to recollect, you will find that those new men who have at any time been made consuls without a repulse, have been elected after long toil, and on some critical emergency, having stood for it many years after they had been praetors, and a good deal later than they might have done according to the laws regulating the age of candidates for the office; but that those who stood for it in their regular year were not elected without a repulse; that I am the only one of all the new men whom we can remember who have stood for the consulship the first moment that by law I could, — who have been elected consul the first time that I have stood; so that this honour which you have conferred on me, having been sought by me at the proper time, appears not to have been filched by me on the occasion of some unpopular candidate offering himself, — not to have been gained by long perseverance in asking for it, but to have been fairly earned by my worth and dignity. [4] This, also, is a most honorable thing for me, O Romans, which I mentioned a few minutes ago, — that I am the first new man for many years on whom you have conferred this honour, — that you have conferred it on my first application, in my proper year. But yet nothing can be more splendid or more honourable for me than this circumstance, — that at the comitia at which I was elected you delivered not your ballot, the vindication of your silent liberty, but your eager voices as the witnesses of your good-will towards, and zeal for me. And so it was not the last tribe of the votes, but the very first moment of your meeting, — it was not the single voices of the

criers, but the whole Roman people with one voice that declared me consul. [5]

I think this eminent and unprecedented kindness of yours, O Romans, of great weight as a reward for my courage, and as a source of joy to me, but still more calculated to impress me with care and anxiety. For, O Romans, many and grave thoughts occupy my mind, which allow me but little rest day or night. First, there is anxiety about discharging the duties of the consulship which is a difficult and important business to all men, and especially to me above all other men; for if I err, I shall obtain no pardon — if I do well, I shall get but little praise, and that, too, extorted from unwilling people — if I am in doubt, I have no faithful counselors to whom I can apply — if I am in difficulty, I have no sure assistance from the nobles on which I can depend. 3. [6]

But, if I alone were in danger, I would bear it, O Romans, with more equanimity; but there appears to me to be some men determined, if they think that I have done anything wrongly not only intentionally, but even by chance, to blame all of you for having preferred me to the nobles. But I think, O Romans that I ought to endure everything rather than not discharge the duties of my consulship in such a manner, as by all my actions and counsels to compel men to praise your action and counsel with respect to me. There is also this added to the great labour and difficulty which I see before me in discharging the duties of my office, that I have made up my mind that I ought not to adopt the same rule and principle of conduct which former consuls have; some of whom have carefully avoided all approach to this place, and the sight of you, and others have at all events not been very fond of it. But I not only declare in this place where it is exceedingly easy to do it, but I said in my very first speech on the first of January, in the senate itself, which did not seem likely to be so favourable a place for the expression, that I would be a consul in the interests of the people. [7] Nor is it possible for me, knowing, as I do, that I have been made consul, not by the zeal of the powerful citizens, nor by the preponderating influence of a few men, but by the deliberate judgment of the Roman people, and that, too, in such a way as to be preferred to men of the very highest rank, to avoid, both in this magistracy and throughout my whole life,

devoting myself to the interests of the people.

When, however, I speak of the interests of the people, I have great need of your wisdom in giving the proper meaning and interpretation to this expression. For there is a great error abroad, by reason of the treacherous pretences made by some people, who, though they oppose and hinder not only the advantage but even the safety of the people, still endeavour by their speeches to make men believe them zealous for the interests of the people. [8] I, O Romans, know in what condition I received the republic on the first of January: full of anxiety, full of fear. There was no evil, no misfortune which the good were not dreading and the bad looking out for. Every sort of seditious design against the existing constitution of the republic, and against your tranquillity, was said to be in contemplation, — some such to have been actually set on foot the moment we were elected consuls. All confidence was banished from the forum, not by the stroke of any new calamity, but by the general suspicion entertained of the courts of justice, and by the disorder into which they had fallen, and by the constant reversal of previous decisions. New authority, extraordinary powers, suited not to commanders, but to kings, were supposed to be aimed at. 4. [9]

And as I did not only suspect these things, but clearly saw them, (for indeed there was no secret made of what was being done,) I said in the senate that I would in this magistracy prove a consul devoted to the interests of the people. For what is there so advantageous to the people as peace? in which not only the animals to whom nature has given sense, but even the houses and fields appear to me to rejoice. What is so advantageous to the people as liberty? which is sought out and preferred to everything, not only by men, but even by the beasts. What is so advantageous to the people as tranquillity? which is so delightful a thing, that both you and your ancestors, and every brave man, thinks it worth his while to encounter the greatest labours, in order at length to enjoy tranquillity, particularly if he be a man in command, or a man of high rank. And we, therefore, are bound to give great praise and to show great gratitude to our ancestors, because it is owing to their labours that we are able to enjoy tranquillity without risk. How then can I avoid being devoted to the interests of the people, O Romans, when I see all these things,

— our peace abroad, and the liberty which belongs to the Roman race and Roman name, and our domestic tranquillity, and everything, in short, which is considered by you as valuable or honourable, entrusted to the good faith, and, as it were, to the protection of my consulship? [10] And, O Romans, a promised liberality which, however you may be encouraged by words to expect it, cannot be performed by any possible means without exhausting the treasury, ought not to appear to you an agreeable measure, or one calculated to promote your real interests. Nor are the disturbances of the courts of justice, and the reversals of judicial decisions, and the restoration of convicted persons to be considered as measures advantageous to the people; for they are rather the preludes to the total ruin of cities whose affairs are already in a falling and almost desperate state. Nor, if any men promise lands to the Roman people, or if they hold out to you, under false pretences, hopes of such things, while in secret they are keeping entirely different objects in view, are they to be thought devoted to the true interests of the people. 5.

For I will speak the truth, O Romans; I cannot find fault with the general principle of an agrarian law, for it occurs to my mind that two most illustrious men, two most able men, two men most thoroughly attached to the Roman people, Tiberius and Caius Gracchus, established the people on public domains which had previously been occupied by private individuals. Nor am I a consul of such opinions as to think it wrong, as most men do, to praise the Gracchi; by whose counsels, and wisdom, and laws, I see that many parts of the republic have been greatly strengthened. [11] Therefore, when at the very beginning, I, being the consul elect, was informed that the tribunes elect of the people were drawing up an agrarian law, I wished to ascertain what their plans were. In truth, I thought that, since we were both to act as magistrates in the same year, it was right that there should be some union between us, for the purpose of governing the republic wisely and successfully. [12] When I wished to join them familiarly in conversation, I was shut out; their projects were concealed from me: and when I assured them that, if the law appeared to me to be advantageous to the Roman people, I would assist them in it and promote it, still they rejected this liberality of mine with scorn, and said that I could not possibly be induced to

approve of any liberal measures. I ceased to offer myself to them, lest perchance my importunity should seem to them treacherous or impudent. In the meantime they did not cease to have secret meetings among themselves, to invite some private individuals to them, and to choose night and darkness for their clandestine deliberations. And what great alarm this conduct of theirs caused us, you may easily divine by your own conjectures founded on the anxiety which you yourselves experienced at that time. [13]

At last the tribunes of the people enter on their office. The assembly to be convened by Publius Rullus was anxiously looked for, both because he was the chief mover of the agrarian law, and because he behaved with more violence than his colleagues. From the moment that he was elected tribune, he put on another expression of countenance, another tone of voice, a different gait; he went about in an old-fashioned dress, without any regard to neatness in his person, with longer hair and a more abundant beard than before; so that he seemed by his eyes and by his whole aspect to be threatening every one with the power of the tribunes, and to be meditating evil to the republic. I was waiting in expectation of his law and of the assembly. At first no law at all is proposed. He orders an assembly to be summoned as his first measure. Men flock to it with the most eager expectation. He makes a long enough speech, expressed in very good language. There was one thing which seemed to me bad, and that was, that out of all the crowd there present, not one man could be found who was able to understand what he meant. Whether he did this with any insidious design, or whether that is the sort of eloquence in which he takes pleasure, I do not know. Still, if there was any one in the assembly cleverer than another, he suspected that he was intending to say something or other about an agrarian law. At last, after I had been elected consul, the law is proposed publicly. By my order several clerks meet at one time, and bring me an accurate copy of the law. 6. [14]

I assure you with the most real sincerity, O Romans, that I applied myself to the reading and understanding of this law with these feelings, that if I had thought it well adapted to your interests, and advantageous to them, I would have been a chief mover in and promoter of it. For the consulship has not, either by nature, or by any

inherent difference of object, or by any instinctive hatred, any enmity against the tribuneship, though good and fearless consuls have often opposed seditious and worthless tribunes of the people, and though the power of the tribunes has sometimes opposed the capricious licentiousness of the consuls. It is not the dissimilarity of their powers, but the disunion of their minds, that creates dissension between them. [15] Therefore, I applied myself to the consideration of the law with these feelings, that I wished to find it calculated to promote your interests, and such an one as a consul who was really, not in word only, devoted to the people; might honestly and cheerfully advocate. And from the first clause of the proposed law to the last, O Romans, I find nothing else thought of, nothing else intended, nothing else aimed at, but to appoint ten kings of the treasury, of the revenues, of all the provinces, of the whole of the republic, of the kingdoms allied with us, of the free nations confederate with us — ten lords of the whole world, under the pretence and name of an agrarian law.

[16] I do assert to you, O Romans, that by this beautiful agrarian law, by this law calculated solely for the good of the people, nothing whatever is given to you, everything is sacrificed to a few particular men; that lands are displayed before the eyes of the Roman people, liberty is taken away from them; that the fortunes of some private individuals are increased, the public wealth is exhausted; and lastly, which is the most scandalous thing of all, that by means of a tribune of the people, whom our ancestors designed to be the protector and guardian of liberty, kings are being established in the city. And when I have shown to you all the grounds for this statement, if they appear to you to be erroneous, I will yield to your authority, I will abandon my own opinion, but if you become aware that plots are laid against your liberty, under a pretence of liberality, then do not hesitate, now that you have a consul to assist you, to defend that liberty which was earned by the sweat and blood of your ancestors, and handed down to you, without any trouble on your part. 7.

The first clause in this agrarian law is one by which, as they think, you are a little proved, to see with what feelings you can bear a diminution of your liberty. For it orders “the tribune of the people who has passed this law to create ten decemvirs by the votes of

seventeen tribes, so that whomsoever a majority consisting of nine tribes elects, shall be a decemvir." [17] On this I ask, on what account the framer of this law has commenced his law and his measures in such a manner, as to deprive the Roman people of its right of voting? As often as agrarian laws have been passed, commissioners, and triumvirs, and quinquevirs, and decemvirs have been appointed. I ask this tribune of the people, who is so attached to the people, whether they were ever created except by the whole thirty-five tribes? In truth, as it is proper for every power, and every command, and every charge which is committed to any one, to proceed from the entire Roman people, so especially ought those to do so, which are established for any use and advantage of the Roman people; as that is a case in which they all together choose the man who they think will most study the advantage of the Roman people, and in which also each individual among them by his own zeal and his own vote assists to make a road by which he may obtain some individual benefit for himself. This is the tribune to whom it has occurred above all others to deprive the Roman people of their suffrages, and to invite a few tribes not by any fixed condition of law, but by the kindness of lots drawn, and by chance, to usurp the liberties belonging to all. [18] "Also in the same manner," it says in the second clause, "as in the comitia for the election of a Pontifex Maximus." He did not perceive even this, that our ancestors did really study the good of the people so much, that, though it was not lawful for that office to be conferred by the people, on account of the religious ceremonies then used, still, they chose, in order to do additional honour to the priesthood, that the sanction of the people should be asked for it. And Cnaeus Domitius, a tribune of the people, and a most eminent man, passed the same law with respect to the other priesthoods; enacting, because the people, on account of the requirements of religion, could not confer the priesthoods, that a small half of the people should be invited; and that whoever was selected by that half should be chosen into their body by the sacred college. [19] See now how great a difference there is between Cnaeus Domitius, a tribune of the people, a man of the highest rank, and Publius Rullus, who tried your patience, as I imagine, when he said that he was a noble. Domitius contrived a way by which, as far as he was able, as far as was

consistent with the laws of men and of gods, he might confer on a portion of the people what could not be done by any regular proceeding on the part of the entire people. But this man, when there was a thing which had always belonged to the people, which no one had ever impaired, and which no one had ever altered, — the principle, namely, that those who were to assign lands to the people, should receive a kindness from the Roman people before they conferred one on it; that this man has endeavoured entirely to take away from you, and to wrest out of your hands. The one contrived somehow or other to give that which could not really be given formally to the people; the other endeavours somehow or other to take away from them by manoeuvre, what could not possibly be taken from them by direct power. 8. [20]

Some one will ask what was his purpose in such injustice and such impudence. He was not without an object. But good faith towards the Roman people, just feelings towards you and your liberty, he was utterly without. For he orders the man who has passed the law to hold the comitia for the creation of the decemvirs. I will state the case more plainly. Rullus, as a man far from being covetous or ambitious, orders Rullus to hold the comitia. I do not find fault yet. I see that others have done the same thing. Now see what is the object of this, which no one else ever did, with respect to the smaller half of the people. He will hold the comitia; he wishes to have the appointment of those officers for whom kingly power is sought to be procured by this law. He himself will not entrust it to the entire people, nor do those who were the original instigators of these designs think it ought to be entrusted to them. [21] The same Rullus will cast lots between the tribes. He, happy man, will pick out the tribes which he prefers. Those decemvirs whom the nine tribes selected by this same Rullus may choose to appoint, we shall have, as I shall presently show, for our absolute masters in everything. And they, that they may appear to be grateful men, and to be mindful of kindness, will confess that they are indebted to the leading men of these nine tribes. But as for the other six-and-twenty tribes, there will be nothing which they will not think that they have a right to refuse them. Who are they, then, whom he means to have elected tribunes? In the first place, himself. How can that be lawful? For there are old

laws, and those too not laws made by consuls, if you think that that makes any difference, but made by tribunes, very pleasing and agreeable to you and to your ancestors. There is the Licinian law, and the second Aebutian law; which excepts not only the man who has caused a law to be passed concerning any commission or power, but also all his colleagues and all his connections, and incapacitates them from being appointed to any power or commission so established. [22] In truth, if you consult the interests of the people, remove yourself from all suspicion of any advantage to yourself; allow the power to accrue to others, gratitude for the good you have done must be enough for yourself. For such conduct as this is scarcely becoming in a free people, it is scarcely consistent with your spirit and dignity. 9.

Who passed the law? Rullus. Who prevented the greater portion of the people from having a vote? Rullus. Who presided over the comitia? Who summoned to the election whatever tribes he pleased, having drawn the lots for them without any witness being present to see fair play? Who appointed whatever decemvirs he chose? This same Rullus. Whom did he appoint chief of the decemvirs? Rullus. I hardly believe that he could induce his own slaves to approve of this; much less you, who are the masters of all nations. Therefore, the most excellent laws will be repealed by this law without the least suspicion of the fact. He will seek for a commission for himself by virtue of his own law; he will hold comitia, though the greater portion of the people is stripped of their votes; he will appoint whomsoever he pleases, and himself among them; and forsooth he will not reject his own colleagues, the backers of this agrarian law by whom the first place in the unpopularity which may possibly arise from drawing the law, and from having his name at the head of it, has indeed been conceded to him, but the profit from the whole business, they, who in the hope of it are placed in this position, reserve to themselves in equal shares with him.

[23] But now take notice of the diligence of the man, if indeed you think that Rullus contrived this, or that it is a thing which could possibly have occurred to Rullus. Those men who first projected these measures saw, that, if you had the power of making your selection out of the whole people, whatever the matter might be in which good faith, integrity, virtue, and authority were required, you

would beyond all question entrust it to Cnaeus Pompeius as the chief manager. In truth, after you had chosen one man out of all the citizens, and appointed him to conduct all your wars against all nations by land and sea, they saw plainly that it was most natural that, when you were appointing decemvirs, whether it was to be looked on as committing a trust to, or conferring an honour on a man, you would commit the business to him, and most reasonable that he should have this compliment paid him. [24] Therefore, an exception is made by this law, mentioning not youth, nor any legal impediment, nor any command or magistracy, which might be encumbered with obstacles arising either from the business with which it was already loaded, or from the laws. There is not even an exception made in the case of any convicted person, to prevent his being made a decemvir. Cnaeus Pompeius is excepted and disabled from being elected a colleague of Publius Rullus (for I say nothing of the rest). For he has worded the law so that only those who are present can stand for the office; a clause which was never yet found in any other law, not even in the laws concerning those magistrates who are periodically elected. But this clause was inserted, in order that if the law passed you might not be able to give him a colleague who would be a guardian over him, and a check upon his covetousness. 10.

Here, since I see that you are moved by the dignity of the man, and by the insult put upon him by this law, I will return to the assertion that I made at the beginning, that a kingly power is being erected, and your liberties entirely taken away by this law. [25] Did you think, otherwise, that when a few men had cast the eyes of covetousness on all your possessions, they would not in the very first place take care that Cnaeus Pompeius should be removed from all power of protecting your liberty, from all power to promote, from all commission to watch over, and from all means of protecting your interests? They saw, and they see still, that if, through your own imprudence and my negligence, you adopt this law, without understanding its effect, you would afterwards, when you were creating decemvirs, think it expedient to oppose Cnaeus Pompeius as your defence against all defects and wickednesses in the law. And is this a slight argument to you, that these are men by whom dominion

and power over everything is sought, when you see that he, whom they see will surely be the protector of your liberty, is the only one to whom that dignity is denied?

[26] Now consider what a power is given to the decemvirs, and how great is its extent. In the first place be gives the decemvirs the honour of a lex curiata. But this is unheard-of and absolutely without precedent, that a magistracy should be conferred by a lex curiata on a man who has not previously received it in some comitia. He orders the law to be brought in by that praetor who is appointed first praetor. But how? In order that these men may receive the decemvirate whom the people has elected. He has forgotten that none have been elected by the common people. Here is a pretty fellow to bind the whole world with laws, who does not recollect in the third clause what is set down in the second! This, too, is quite plain; both what privileges you have received from your ancestors, and what is left to you by this tribune of the people. 11.

Our ancestors chose that you should give your votes twice about every magistrate. For as a centuriata lex was passed for the censors, and a curiata lex for the other patrician magistrates, by this means a decision was come to a second time about the same men, in order that the people might have an opportunity of correcting what they had done, if they repented of the honour they had conferred on any one. [27] Now, because you have preserved the comitia centuriata and tributa, the curiata have remained only for the sake of the auspices. But this tribune of the people, because he saw that no man could possibly have any authority conferred on him without the authority of the burghers or of the commonalty, confirmed that authority which he proposed to give by the curiata comitia, with which you have nothing to do, and took away the comitia tributa which belonged to you. So, though your ancestors intended you to decide at two comitia about each magistrate, this man, so attached to the interests of the people, did not leave the people the power of even one comitia. [28] But just note the scrupulousness and the diligence of the man. He saw, and was thoroughly aware, that without a lex curiata the decemvirs could not have authority, since they were elected by only nine tribes. So he directs that there should be a lex curiata passed about them, and orders the praetor to propose it. How ridiculous such

a contrivance was, it is no business of mine to say. For he orders that "he who has been elected first praetor, shall propose a lex curiata; but if he be able to propose it, then the last praetor shall do it." So that he seems either to have been playing the fool in this business, or else to have been aiming at something I know not what. But, however, let us pass over this, which is either so perverse, or so ridiculous, or so malicious and cunning, as to be unintelligible, and return to the scrupulousness of the man. [29] He sees that nothing can be done by the decemvirs except by a lex curiata. What was to happen afterwards, if a lex curiata were not passed? Remark the ingenuity of the man. "Then," says he, "the decemvirs shall be in the same condition as those who are appointed in the strictest accordance with the law." If this can be brought about, that, in this city which is far superior to all other states in its rights of liberty, any one may be able to obtain either military command or civil authority without the sanction of any comitia, then what is the necessity for ordering in the third chapter that some one shall propose a lex curiata, when in the fourth chapter you permit men to have the same rights without a lex curiata, which they would have if they were elected by the burghers according to the strictest form of law? Kings are being appointed, O Romans, not decemvirs; and they are starting with such beginnings and on such foundations, that the whole of your rights, and powers, and liberties are destroyed not only from the moment that they begin to act, but from the moment that they are appointed. 12. [30]

But remark how carefully he preserves the rights of the tribunitian power. The consuls are often interrupted in proposing a lex curiata, by the intercession of the tribunes of the people. Not that we complain that the tribunes should have this power; only, if any one uses it in a random and inconsiderate manner, we form our own opinion. But this tribune of the people, by his lex curiata, which the praetor is to bring forward, takes away the power of intercession. And while he is made to be blamed for causing the tribunitian power to be diminished by his instrumentality, he is also to be laughed at, because a consul, if he be not invested with the authority by a lex curiata, has no power to interfere in military affairs; and yet he gives this man whom he prohibits from interceding, the very same power, even if the veto be interposed, as if a lex curiata had been passed. So

that I am at a loss to understand either why he prohibits the intercession, or why he thinks that any one will intercede; as the intercession will only prove the folly of the intercessor, and will not hinder the business. [31]

Let there then be decemvirs, appointed neither by the genuine comitia, — that is to say, by the votes of the people, — nor by that comitia convened in appearance, to keep up an ancient custom, by the thirty lictors for the sake of the auspices. See now, also, how much greater honours he confers on these men who have received no authority from you, than we have received, to whom you have given the most ample authority, He orders the decemvirs, who have the care of the auspices, to take auspices for the sake of conducting the colonies. "According," says he, "to the same right which the triumvirs had by the Sempronian law." Do you venture, O Rullus, even to make mention of the Sempronian law? and does not that law itself remind you that these triumvirs have been created by the suffrages of the tribes? And while you are 228. very far removed from the justice and modesty of Tiberius Gracchus, do you think that a law made on so different a principle ought to have the same authority? 13. [32]

Besides all this, he gives them authority praetorian in name, but kingly in reality. He describes their power, as a power for five years; but he makes it perpetual. For he strengthens it with such bulwarks and defences that it will be quite impossible to deprive them of it against their own consent. Then he adorns them with apparitors, and secretaries, and clerks, and criers, and architects; besides that, with mules, and tents, and centuries, and all sorts of furniture; he draws money for their expenses from the treasury; he supplies them with more money from the allies; he appoints them two hundred surveyors from the equestrian body every year as their personal attendants, and also as ministers and satellites of their power. You have now, O Romans, the form and very appearance of tyrants; you see all the ensigns of power, but not yet the power itself. For, perhaps, some one may say, "Well, what harm do all those men, secretary, lictor, crier, and chicken-feeder do me?" I will tell you. These things are of such a nature that the man who has them without their being conferred by your vote, must seem either a monarch with intolerable

power, or if he assumes them as a private individual, a madman.

[33] Just see what great authority they are invested with, and you will say that it is not the insanity of private individuals, but the immoderate arrogance of kings. First of all, they are entrusted with boundless power of acquiring enormous sums of money out of your revenues, not by farming them but by alienating them. In the next place, they are allowed to pursue an inquiry into the conduct of every country and of every nation, without any bench of judges; to punish without any right of appeal being allowed; and to condemn without there being any means of procuring a reversal of their sentence. [34] They will be able for five years to sit in judgment on the consuls, or even on the tribunes of the people themselves; but all that time no one will be able to sit in judgment on them. They will be allowed to fill magisterial offices; but they will not be allowed to be prosecuted. They will have power to purchase lands, from whomsoever they choose, whatever they choose, and at whatever price they choose. They are allowed to establish new colonies, to recruit old ones, to fill all Italy with their colonists; they have absolute authority for visiting every province, for depriving free people of their lands, for giving or taking away kingdoms, whenever they please. They may be at Rome when it is convenient to them; but they have a right also to wander about wherever they like with supreme command, and with a power of sitting in judgment on everything. They are allowed to put an end to all criminal trials; to remove from the tribunals whoever they think fit; to decide by themselves on the most important matters; to delegate their power to a quaestor; to send about surveyors; and to ratify whatever the surveyor has reported to that single decemvir by whom he has been sent. 14. [35]

It is a defect in my language, O Romans, when I call this power a kingly power. For in truth, it is something much more considerable; for there never was any kingly power that, if it was not defined by some express law, was not at least understood to be subject to certain limitations. But this power is absolutely unbounded; it is one within which all kingly powers, and your own imperial authority, which is of such wide extent, and all other powers, whether freely exercised by your permission, or existing only by your tacit countenance, are, by express permission of the law, comprehended.

The first thing which is given to them is, a liberty of selling everything concerning the sale of which resolutions of the senate were passed in the consulship of Marcus Tullius and Cnaeus Cornelius or afterwards. [36] Why is this so obscure and so concealed? What is the meaning of it? Could not those matters concerning which the senate passed resolutions, be mentioned in the law by name? There are two reasons for this obscurity, O Romans; one, a reason of modesty, if there can be any modesty in such inordinate impudence; the other, a reason of wickedness. For it does not dare to name those things which the senate resolved were to he sold, mentioning them by name; for they are public places in the city, they are shrines, which since the restoration of the tribunitian power no one has touched, and which our ancestors partly intended to be refuges in times of danger in the heart of the city. But all these things the decemvirs will sell by this law of this tribune of the people. Besides them, there will be Mount Gaurus; besides that, there will be the osier-beds at Minturnae; besides them, that very salable road to Herculaneum, a road of many delights and of considerable value; and many other things which the senate considered it advisable to sell on account of the straits to which the treasury was reduced, but which the consuls did not sell on account of the unpopularity which would have attended such a measure. [37] However, perhaps it is owing to shame that there is no mention of all these things in the law.

What is much more to be guarded against, what is a much more real object of fear, is, that great power is permitted to the boldness of these decemvirs of tampering with the public documents, and forging decrees of the Senate, which have never been made; as a great many of those men who have been consuls of late years are dead. Unless, perhaps, I may be told, that it is not reasonable for you to entertain any suspicions of their audacity, for whose cupidity the whole world appears too narrow. 15. [38]

You see now one kind of sale, which I am aware appears very important to you; but pray give your attention to what follows, and you will see that this is only a kind of step and road to other measures. “Whatever lands, whatever places, whatever buildings.” What is there besides? There is much property in slaves, in cattle, in bullion, in money, in ivory, in robes, in furniture, in all sorts of other

things. What shall that say? Did he think it would cause unpopularity to name all these things? He was not afraid of unpopularity. What then was his motive? He thought the catalogue a long one, and he was afraid of passing over anything; so he wrote in addition, "or anything else;" by which brief formula you see that nothing can be omitted. Whatever, therefore, there is out of Italy, that has been made the property of the Roman people by Lucius Sulla and Quintus Pompeius in their consulships, or afterwards, that he orders the decemvirs to sell. [39] By this clause, I say, O Romans, that all nations, and people, and provinces, and kingdoms, are given up and handed over to the dominion, and judgment, and power of the decemvirs. This is the first thing; for I ask what place there is anywhere in the world which the decemvirs may not be able to say has been made the property of the Roman people? For, when the same person who has made the assertion is also to judge of the truth of it, what is there which he may not say, when he is also the person to decide in the question? It will be very convenient to say, that Pergamus, and Smyrna, and Tralles, and Ephesus, and Miletus, and Cyzicus, and, in short, all Asia, which has been recovered since the consulship of Lucius Sulla and Quintus Pompeius, has become the property of the Roman people. Will language fail him in which to assert such a doctrine? or, when the same person makes the statement and judges of the truth of it, will it be impossible to induce him to give a false decision? or, if he is unwilling to pass sentence on Asia, will he not estimate at his own price its release from the dread of condemnation? [40] What will he say — (and it is quite impossible for any one to argue against this, since it has been already settled and decided by you, and since we have already voted it to be our inheritance,) — what will he say to the kingdom of Bithynia? which has undoubtedly become the public property of the Roman people. Is there any reason why the decemvirs should not sell all the lands, and cities, and military stations and harbours, and in short all Bithynia? 16.

What will they do at Mitylene? which has undoubtedly become yours, O Romans, by the laws of war and by the rights of victory; a city both by nature and situation, and by the description of its houses, and by its general beauty, most eminently remarkable; and its lands are pleasant and productive. That city, forsooth, comes under the

same head. [41] What will become of Alexandria, and of all Egypt? How much it is out of sight! how completely is it hidden! how stealthily is it abandoned entirely to the decemvirs! For who is there among you who is ignorant that that kingdom has become the property of the Roman people by the will of king Alexander? Here now I, the consul of the Roman people, not only give no decision, but I do not even express my opinion. For it appears to me a most important matter not merely to decide oil, but even to speak of. I see a man who assures me that the will was certainly made; I know that there is a resolution of the senate extant to the effect that it accepted the inheritance; which was passed when, after the death of Alexander, we sent ambassadors to Tyre, to recover for the people money which had been deposited there by him. [42] I recollect that Lucius Philippus has often stated these things positively in the senate. I see that is agreed upon by all men, that he, who is at this present moment in possession of the kingdom, is neither of the royal family nor of any royal disposition.

It is said, on the other hand, that there is no will; that the Roman people ought not to seem to covet every kingdom under the sun; that our citizens will emigrate to those regions, on account of the fertility of the soil and the abundance of everything which exists there. [43] Will Publius Rullus, with the rest of the decemvirs, his colleagues, decide upon so important an affair as this? And which way will he decide? For each alternative is so important that it is quite impossible for you to entrust the decision to him, or to put up with his sentence. Will he desire to be popular? He will adjudge the kingdom to the Roman people. In consequence, he will also, in accordance with his own law, sell Alexandria, and sell Egypt. He will be found to be the judge, the arbiter, the master, of a most wealthy city, and of a most beautiful country; yes, he will be found to be the king of a most opulent kingdom. Will he abstain from taking all this? from desiring all this? He will decide that Alexandria belongs to the king; he will by his sentence deprive the Roman people of it. 17. [44]

Now, in the first place, shall decemvirs give a decision about the inheritance of the Roman people, when you require centumvirs to judge in the case of private inheritances? In the next place, who is to plead the cause of the Roman people? Where is the cause to be tried?

Who are those decemvirs whom we think likely to adjudge the kingdom of Alexandria to Ptolemy for nothing? But, if Alexandria was the object, why did not they at this time proceed by the same course which they adopted in the consulship of Lucius Cotta and Lucius Torquatus? Why did they not proceed openly, as they did before? Why did they not act as they did when they before sought that country, in a straightforward and open manner? Did they, who, when they had a fair wind, could not hold their course straight on to the kingdom they coveted, think that they could reach Alexandria amid foul mists and darkness? [45] Just revolve these things in your minds. . . . . Foreign nations can scarcely endure our lieutenants, though they are men of but slight authority, when they go on free lieutenancies, on account of some private business. For the name of power is a hard one to bear, and is dreaded even in ever so inconsiderable a person; because, when they have once left Rome they conduct their proceedings not in their own name, but in yours. What do you suppose will happen, when those decemvirs wander all over the world with their supreme power, and their faces, and their chosen band of surveyors? What do you suppose will be the feelings, what the alarm, what the actual danger of those unhappy nations? [46] Is there any terror in absolute power? they will endure it; — is there any expense entailed by the arrival of such men? they will bear it; — are any presents exacted from them? they will not refuse them. But what a business is that, O Romans, when a decemvir, who either has come to some city after being expected, as a guest, or unexpectedly, as a master, pronounces that very place to which he has come, that identical hospitable house in which he is received, to be the public property of the Roman people? How great will be the misery of the people if he says that it is so! How great will be his own private gain, if he says that it is not! And the same men who desire all this, are accustomed sometimes to complain that every land and every sea has been put under the power of Cnaeus Pompeius. But are these two cases, the one, of many things being entrusted to a man, the other, of everything being sacrificed to him, at all similar? Is there any resemblance between a man's being appointed as chief manager of a business requiring toil and labour, and a man's having the chief share in booty and gain allotted to him? in a man's being sent to deliver

allies, and a man's being sent to oppress them? Lastly, if there be airy extraordinary honour in question, does it make no difference whether the Roman people confers that honour on any one it chooses, or whether he impudently filches it from the Roman people by an underhand trick of law? 18. [47]

You have now seen how many things and what valuable things the decemvirs are likely to sell with the sanction of the law. That is not enough. When they have sated themselves with the blood of the allies, and of foreign nations, and of kings, they will then cut the sinews of the Roman people; they will lay hands on your revenues; they will break into your treasury. For a clause follows, in which he is not content with permitting, if by chance any money should be wanting, (which, however, can be amassed in such quantities from the effect of the previous clauses, that it ought not to be wanting,) but which actually (as if that was likely to be the salvation of you all) orders and compels the decemvirs to sell all your revenues, naming each item separately. [48] And do you now read to me in regular order, the catalogue of the property of the Roman people which is for sale according to the written provisions of this law. A catalogue which I think, in truth, will be miserable and grievous to the very crier himself. He is as prodigal a spendthrift with regard to the property of the republic, as a private individual is with regard to his own estate, who sells his woods, before he sells his vineyards. You hare gone all through Italy, now go on into Sicily. There is nothing in that province which your ancestors have left to you as your own property, either in the towns, or in the fields, which he does not order to be sold. [49] All that property, which, having been gained by their recent victory, your ancestors left to you in the cities and territories of the allies, as both a bond of peace and a monument of war, will you now, though you received it from them, sell it at this man's instigation? Here for a moment I seem, O Romans, to move your feelings, while I make plain to you the plots when they think have escaped every one's notice, as having been laid by them against the dignity of Cnaeus Pompeius. And, I beseech you, pardon me if I am forced to make frequent mention of that man's name. You, O Romans, imposed this character on me, two years ago, in this very same place, and bound me to share with you in the protection of his dignity during his absence, in whatever manner I could. I have hitherto done all that I could, not because I was persuaded to it by my intimacy with him, nor from any hope of honour; or of any most honourable dignity; which I have gained by your means, in his absence, though

no doubt with his perfect goodwill. [50] Wherefore, when I perceive that nearly the whole of this law is made ready, as if it were an engine, for the object of overthrowing his power, I will both resist the designs of the men who have contrived it, and I will enable you not only to perceive, but to be entire masters of the whole plot which I now see in preparation. 19.

He orders everything to be sold which belonged to the people of Attalia, and of Phaselus, and of Olympus, and the land of Agera, of Orindia, and of Gedusa. All this became your property owing to the campaigns and victory of that most illustrious man, Publius Servilius. He adds the royal domain of Bithynia, which is at present farmed by the public contractors; after that, he adds the lands belonging to Attalus in the Chersonesus; and those in Macedonia, which belonged to king Philip or king Perses; which also were let out to contractors by the censors, and which are a most certain revenue. [51] He also puts up to auction the lands of the Corinthians, rich and fertile lands; and those of the Cyrenaeans, which did belong to Apion; and the lands in Spain near Carthagena; and those in Africa near the old Carthage itself — a place which Publius Africanus consecrated, not on account of any religious feeling for the place itself and for its antiquity, but in accordance with the advice of his counselors, in order that the place itself might bear record of the disasters of that people which had contended with us for the empire of the world. But Scipio was not as diligent as Rullus is; or else, perhaps, he could not find a purchaser for that place. However, among these royal districts, taken in our ancient wars by the consummate valour of our generals, he adds the royal lands of Mithridates, which were in Paphlagonia, and in Pontus, and in Cappadocia, and orders the decemvirs to sell them. [52] Is it so indeed? when no law has been passed to that effect, when the words of our commander-in-chief have not yet been heard, when the war is not yet over, when king Mithridates, having lost his army, having been driven from his kingdom, is even now planning something against us in the most distant corners of the earth, and while he is still defended by the Maeotis, and by those marshes, and by the narrow defiles through which the only passes lie in those countries, and by the height of the mountains, from the invincible band of

Cnaeus Pompeius; when our general is actually engaged in the war against him; and while the name of war still lingers in those districts; shall the decemvirs sell those lands over which the military command and civil authority of Cnaeus Pompeius still extends and ought to extend, according to the principles and usages of our ancestors? [53] And, I make no doubt, Publius Rullus (for he now conducts himself in such a manner as shows that he already fancies himself a decemvir elect) will hasten to attend that auction in preference to every other. 20.

He, forsooth, before he arrives in Pontus, will send letters to Cnaeus Pompeius, of which I suppose a copy has already been composed in these terms:—"Publius Servilius Rullus, tribune of the people, decemvir, to Cnaeus Pompeius, the son of Cnaeus, greeting." I do not suppose that he will add "Magnus;" for it is not likely that he will grant him by a word that dignity which he is endeavouring to diminish. "I wish you to take care to meet me at Sinope, and to bring me assistance, while I am selling, in accordance with the provisions of my law, those lands which you acquired by your labour." Or will he not invite Pompeius? Will he sell the spoils of the general in his own province? Just place before your eyes Rullus, in Pontus, holding his auction between your camp and that of the enemy, and knocking down lands surrounded by his beautiful band of surveyors. [54] Nor does the insult consist solely in this, though this is very preposterous, and very unprecedented, that anything which has been acquired in war, while the general is still carrying on the war, should be sold, or even let. But these men have something more in view than mere insult. They hope, if it is allowed to the enemies of Cnaeus Pompeius, not only to stroll about other countries, but even to come to his very army with absolute authority, with a power of sitting as judges in every case, with boundless power, and with countless sums of money, that some plot may be laid against him himself; and that something may be taken from his army, or power, or renown. They think that, if the army reposes any hope in Cnaeus Pompeius with respect to either lands, or any other advantages, it will do so no longer when it sees that the supreme power in all those matters is transferred to the decemvirs. [55] I am not concerned at those men being so foolish, as to hope for these things; and so impudent, as to

attempt to cause them. What I do complain of is, that I am so much despised by them, that they should select the period of my consulship, of all times in the world, for seeking to bring about such prodigious absurdities.

And in the sale of all these lands and houses leave is given to the decemvirs "to hold their sales in whatever places they think fit." Oh their perverted senses! Oh their licentiousness, so necessary to be checked! Oh their profligate and wicked intentions! 21.

It is not lawful to let the revenues anywhere except in this city, in this very spot, in the presence of this assembly here present. Shall it be lawful for your own property to be sold and alienated from you for ever in the darkness or Paphlagonia, or in the deserts of Cappadocia? [56] When Lucius Sulla was selling at that fatal auction of his the property of citizens who had not been condemned, and when he said that he was selling his plunder, still he sold it on this spot where I am standing now; nor did he venture to avoid the sight of those men to whose eyes he was so hateful. Shall the decemvirs sell your revenues, not only where you yourselves are not witnesses of the sale, but where there is not even a public crier present as a spectator?

Then follows—"All the lands out of Italy," without any limit as to time, not (as was enacted before) those acquired by Sulla and Pompeius when they were consuls. There is an inquiry to be made by the decemvirs, whether the land be private or public property; and by this means a heavy tax is laid on the laud. [57] Who is there who does not see how great a judicial power this is, how intolerable, how tyrannical? for them to be able, in whatever places they please, without any discussion or formal decision, without any assessors, to confiscate private property, and to release public property? In this clause the Recentoric district in Sicily is excepted; which I am exceedingly delighted is excepted, O Romans, both on account of my connection with the people of that district, and because of the justice of the exception. But what impudence it is! Those who are the occupiers of the Recentoric district, defend themselves on the ground of length of occupation, not of right; they rely on the pity of the senate, not on the conditions on which they hold their lands. For they confess that it is part of the public domain; but still they say that they

ought not to be removed from their possessions, and their much-loved homes, and their household gods. But if the Recentoric district be private property, why do you except it? But if it be public, where then is the justice of allowing other lands, even if they are private lands, to be adjudged to be public, and to except this district by name which confesses that it is public property? Therefore the land of those men is excepted who have had any means of influencing Rullus; all otter lands, wherever they are — without any selection being made, without any examination being instituted by the people, without any decision being come to by the senate, are to be sold by the decemvirs. 22. [58]

There is also another profitable exception made in the former chapter according to which everything is to be sold. An exception which comprehends those lands which are protected by treaty. He heard that this matter was often agitated in the senate, not by me, but by others, and sometimes also in this place; that king Hiempsal was in possession of lands on the sea coast, which Publius Africanus adjudged to the Roman people; and yet afterwards express provision was made respecting them in a treaty, by Caius Cotta, when consul. But, because you did not order this treaty to be made, Hiempsal is in fear lest it may not be considered firm and properly ratified. What? What sort of proceeding is this? Your decision is not waited for; the whole treaty is excepted. It is approved by Rullus. As it limits the power of sale to be given to the decemvirs, I am glad of it; as it protects the interests of a king who is our friend, I find no fault with it; but my opinion is that the exception was not made for nothing; [59] for there is constantly fluttering before those men's eyes Juba, the king's son, whose purse is every bit as long as his hair.

Even now there scarcely appears to be any place capable of containing such vast heaps of money. He increases the sums, he adds to them, he keeps on accumulating. "To whomsoever gold or silver comes, from spoils, from money given for crowns, if it has neither been paid into the public treasury, nor spent in any monument." Of that treasure he orders a return to be made to the decemvirs, and the treasure is to be paid over to them. By this case you see that an investigation even into the conduct of the most illustrious men, who have carried on the wars of the Roman people, and that judicial

examinations into charges of peculation or extortion, are transferred to the decemvirs. They will have a power of deciding what is the value of the spoils which have been gained by each individual, what return he has made, and what he has left. But this law is laid down for all your generals for the future, that, whoever leaves his province, must make a return to these same decemvirs, of how much booty, and spoils, and gold given for the purpose of crowns he has. [60] But here this admirable man excepts Cnaeus Pompeius, whom he is so fond of. Whence does this affection so sudden and previously unknown originate? for he is excluded from the honour of the decemvirate almost by name; his power of deciding judicially, of giving laws, or of making any formal inquiry respecting the lands which have been taken by his your, is taken from him; decemvirs are sent not only into his province but into his very camp, with military authority, with immense sums of money, with unlimited power, and with a right of deciding on everything. His rights as a general, which have hitherto always been most jealously preserved to every general are for the first time taken from him. But he is excepted as the only one who is not bound to make a return of his booty. Does it seem that the real object of this clause is to do honour to the man, or to excite a feeling of unpopularity against him? 23. [61]

Cnaeus Pompeius will make a present of this to Rullus. He has no desire to avail himself of that kindness of the law, and of the good-nature of the decemvirs. For if it be just for generals not to devote their spoils and booty either to monuments of the immortal gods, or to the decorations of the city, — but if they are to carry it all to the decemvirs as their masters, — then Pompeius wishes for nothing particular for himself; nothing. He wishes to live under the common law, under the same law as the rest. If it be unjust, O Romans — if it be shameful, if it be intolerable for these decemvirs to be appointed as comptrollers of all the money collected by every body, and as plunderers not only of foreign kings and citizens of foreign nations, but of even our own generals, then they do not seem to me to have excepted Pompeius for the sake of doing him honour, but to be afraid that he may not be able to put up with the same insult as the rest. [62] But as Pompeius's feelings will be these, that he will think it becomes him to bear whatever seems fitting to you; on the other

hand, if there be anything which you cannot bear, he will take care that you are not long compelled to bear it against your will. But the law makes a provision that, “if any money is received from any new source of revenue after our consulship, the decemvirs are to be allowed to use it.” Moreover, he sees that the new sources of revenue will be those which Pompeius has added to the republic. And so, he lets off his spoils, but thinks that it is right for him to reap the benefit of all the revenues acquired by his valour. Let then, O Romans, all the money which there is in the world conic into the hands of the dictators; let nothing be omitted; let every city, every district, every kingdom, and lastly even your own revenues be sold by them; let the spoils won by your generals be added to the heap. You see now what enormous, what incredible riches are sought to be acquired by your decemvirs by such extensive sales, by so many decisions which they have the power to make, and by such unlimited authority over everything. 24. [63]

Now remark their other immense and intolerable gains, in order to understand that this popular name of an agrarian law has only been hunted out as a means of gratifying the unreasonable avarice of particular men. He orders lands to be bought with this money, to which you are to be conducted as colonists. I am not accustomed, O Romans, to speak or men with unnecessary harshness unless I am provoked. I wish it were possible for those men to be named by me without speaking ill of them, who hope to be themselves appointed decemvirs; and you should quickly see what sort of men they are to whom you have committed the power of selling and buying everything. [64] But, that which I have made up my mind that I ought not to say, yet you can still form an idea of in your minds. This one thing at all events I appear to myself to be able to say with the greatest truth, — that in former times when this republic had the Luscini, the Calatini, the Acidini, men adorned not only with the honours conferred on them by the people, and by their own great exploits, but also by the patience with which they endured poverty; and then also when the Catos, and the Phili, and Laelii lived, men whose wisdom and moderation you had obtained a thorough knowledge of in public, and private, and forensic, and domestic affairs; still such a charge as this was entrusted to no one, so as to

allow the same man to be both judge and seller, and to be so for five years over the whole world, and also to have power to alienate the lands of the Roman people from which their revenues are derived; and when by these means he had amassed a vast sum of money according to his own pleasure, without any witness, then he was to buy whatever he pleased from any one he pleased. [65] Now then do you, O Romans, commit all these things to these men whom you suspect of aiming at this decemvirate; you will find some of them to whom nothing appears sufficient to possess, some to whom nothing seems sufficient to squander. 25.

Here I will not discuss what is sufficiently notorious, O Romans, or argue that it is not a custom handed down to you from your ancestors, that lands may be bought from private individuals for the purpose of settling portions of the common people in them by the public authority; or that there are not many laws by which private individuals have been established in the public domains. I will admit that I expected something of this sort from this illiterate and ill-mannered tribune of the people; but this most profitable and at the same time most discreditable traffic in buying and selling, I have always thought wholly inconsistent with the duty of a tribune, wholly inconsistent with the dignity of the Roman people. [66] He orders that lands be sold. First of all I ask, What lands? in what situations? I do not wish the Roman people to be kept in suspense and uncertainty with obscure hopes and ignorant expectation. There is the Alban, and the Setino, and the Privernate, and the Fundan, and the Vescine, and the Falernian district; there is the district of Linternum, and Cuma, and Casinum. I hear. Going out at the other gate there is the Capenate, and Faliscan, and Sabine territory; there are the lands of Reati, and Venafrum, and Allifae, and Trebula. You have money enough to be able not only to buy all these lands and others like them, but even to surround them with a ring fence. [67] Why do you not define them, nor name them, so that at least the Roman people may be able to consider what its own interests are-what is desirable for it — how much trust it thinks it desirable to repose in you in the matter of buying and selling things ? I do define Italy, says he. It is a district sufficiently marked out. Indeed, how little difference does it make whether you are led down to the roots of the Massic Hill, or

into some other part of Italy, or somewhere else! Come, you do not define the exact spot. What do you mean? Do you mean the nature of the land? But, says he, the law does say, “which can be ploughed or cultivated.” Which can be ploughed or cultivated, he says; not, which has been ploughed or cultivated. Is this now a law, or is it an advertisement of some sale of Neratius ; in whose descriptions people used to find such sentences as these:—”Two hundred acres in which an olive garden may be made. Three hundred acres where vines can be planted.” Is this what you are going to buy with all your countless sums of money, — something which can be ploughed up or cultivated? Why, what soil is there so thin and miserable that it cannot be broken up by a plough? or what is there which is such a complete bed of stones that the skill of an agriculturist cannot get something out of it? Oh but, says he, I cannot name any lands positively, because I touch none against the will of the owner. This also is much more profitable than if one took land from a man against his will. For a calculation of gain will be entered into with reference to your money, and then only will land be sold when the sale is advantageous to both buyer and seller. 26. [68]

But now see the force of this agrarian law. Even those men who are in occupation of the public domains will not quit possession, unless they are tempted by favourable conditions and by a large sum of money. Matters are changed. Formerly when mention of an agrarian law was made by a tribune of the people, immediately every one who was in occupation of any public lands, or who had any possessions the tenure of which was in the least unpopular, began to be alarmed. But this law enriches those men with fortunes, and relieves them from unpopularity. For how many men, O Romans, do you suppose there are, who are unable to stand under the extent of their possessions, who are unable to bear the unpopularity incurred by the ownership of lands granted by Sulla? who wish to sell them, but cannot find a purchaser? who, in fact, would be glad to get rid of those lands by any means whatever? They who, a little while ago, were in constant dread, day and night, of the name of a tribune; who feared your power, dreaded every mention of an agrarian law; they now will be begged and entreated to he so good as to give up to the decemvirs those lands which are partly public property, the

possession of which is full of unpopularity and danger, at their own price. And this song this tribune of the people is singing now, not to yell, but in his own heart to himself. [69] He has a father-in-law, a most excellent man, who in those dark times of the republic got as much land as he wanted. He now seeing him yielding, oppressed weighed down with the burdens which Sulla put upon him, wishes to come to his assistance with this law of his, so as to enable him to get rid of the odium attached to him, and to get a sum of money too. And will not you hesitate to sell your revenues, acquired by the profuse expenditure of labour and blood on the part of your ancestors, for the purpose of heaping more riches on the landowners who have become so through Sulla, and of releasing them from danger? [70] For there are two kinds of lands concerned, O Romans, in this purchase of the decemvirs. One of them the owners avoid on account of its unpopularity; the other on account of its miserable condition. The land seized and distributed by Sulla, and extended as far as possible by particular individuals, has so much unpopularity attached to it, that it cannot bear the rustle of a genuine fearless tribune of the people. All this land, at whatever price it is purchased, will be returned to you at a great price. There is another sort of lands — uncultivated on account of their barrenness, desolate and deserted on account of the unhealthiness of the situation — which will be bought of those men, who see that they must abandon them if they do not sell them. And in truth, that is what was said by this tribune of the people in the senate, — that the common people of the city had too much influence in the republic; that it must be drained off. For this is the expression which he used; as if he were speaking of some sewer, and not of a class of excellent citizens. 27. [71]

But do you, O Romans, if you will be guided by me, preserve your present possession of popularity, of liberty, of your votes, of your dignity, of the city, of the forum, of the games, of the days of festivals, and of all your other enjoyments. Unless, by chance, you prefer leaving all these things and this light of the republic, to be settled in the midst of the droughts of Sipontum, or in the pestilential districts of Salapia, under the leadership of Rullus. But let him tell us what lands he is going to buy; let him show what he is going to give, and to whom he is going to give it. But can you possibly, tell me,

allow him the power of selling any imaginable city, or land, or revenue, or kingdom that he likes, and then buying some tract of sand or some swamp? Although this is a very remarkable point, that according to this law everything is to be sold, all the money is to be collected and amassed together, before one perch of ground is bought. Then the law orders him to proceed to buy; but forbids any purchases to be made against the inclination or the owner.

[72] I ask now, suppose there is no one who is willing to sell, what is to become of the money? The law says it is not to be brought into the treasury. It forbids its being refunded. The decemvirs, then, will keep all that money. Land will not be bought for you. After having alienated your revenues, harassed your allies, drained the confederate kings and all nations of their whole property, they will have the money, and you will not have the lands. Oh, says he, they will easily be induced by the magnitude of the sums offered to sell the lands. Then the effect of the law is to be thus: that we are to sell our property at whatever price we can get for it; and that we are to buy other men's property at whatever price they choose to put upon it. [73] And does the law order men to be conducted as settlers by those decemvirs, into those lands which have been bought in accordance with the provisions of this law?

What? Is not the whole plan of such a nature that it does not make any difference to the republic whether a colony is led into that place or not? Is it a place which requires a colony? [a place which refuses one?]

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And in this class of places, as in the other parts of the republic, it is worthwhile to recollect the diligence exhibited by our ancestors; who established colonies in such suitable places to guard against all suspicion of danger, that they appeared to be not so much towns of Italy as bulwarks of the empire. These men are going to lead colonies into those lands which they have bought. Will they do so, even if it be not for the interests of the republic to do so? [74] "And into whatever places besides they shall think fit." What is the reason, therefore, that they may not be able to settle a colony on the Janiculan Hill; and to place a garrison of their own for their own

protection on your heads and necks? Will you not define how many colonies you choose to have led forth, into what districts they are to be led, and of what number of colonists they are to consist? Will you occupy a place which you consider suitable for the violence which perhaps you are meditating? Will you complete the number of the colony, and will you strengthen it by whatever garrison you may think advisable? Will you employ the revenues and all the resources of the Roman people to coerce and oppress the Roman people itself, and to bring it under the dominion and power of those intolerable decemvirs? 28. [75]

But I beg you now, O Romans, to take notice how he is planning to besiege and occupy all Italy with his garrison. He permits the decemvirs to lead colonists, whomsoever he may choose to select, into every municipality and into every colony in all Italy; and he orders lands to be assigned to those colonists. Is there any obscurity here in the way in which greater powers and greater defences than your liberty can tolerate are sought after? Is there any obscurity here in the manner in which kingly power is established? Is there any disguise about your liberty being wholly destroyed? For when it is one and the same body of men who with their resources lay siege, as it were, to all the riches and all the population, — that is to say, to all Italy, — and who propose to hold all your liberties in blockade by their garrisons and colonies, — what hope, yes, what possibility even is left to you of ever recovering your liberty? [76] But the Campanian district, the most fertile section of the whole world, is to be divided in accordance with the provisions of this law; and a colony is to be led to Capua, a most honourable and beautiful city. But what can we say to this? I will speak first of your advantage, O Romans. Then I will recur to the question of honour and dignity; so that, if any one takes particular pleasure in the excellence of any town or any district, he may not expect anything; and if any one is influenced by the idea of the dignity of the business, he may resist this fictitious liberality. And first of all I will speak of the town, in case there is any one whose fancy is more taken with Capua than with Rome. He orders five thousand colonists to be enrolled for the purpose of being settled at Capua; and to make up this number, each of the decemvirs is to choose five hundred men. I entreat you, do not deceive yourselves

about this matter. [77] Consider it in its true light, and with due care. Do you think that in this number there will be room for you yourselves, or for any men like you — quiet, easy men? If there be room for all of you, or even for the greater part of you — although my regard for your honour compels me to keep awake day and night, and to watch with eager eyes every part of the republic — still I will close my eyes for a time, if your advantage will be at all promoted by my doing so. But, if a place and a city is being looked out for five thousand men, picked out as fit instruments for violence, and atrocity, and slaughter, from which they may be able to make war, and which may be able to equip them properly for war, — will you still suffer a power to be raised and garrisons to be armed in your own name against yourselves? Will you allow cities and lands and forces to be arrayed against your interest? [78] For they themselves have desired the Campanian district which they hold out a hope of to you. They will lead thither their own friends, in whose name they themselves may occupy it and enjoy it. Besides all this, they will make purchases; they will add the other ten acres to their present estate. For if they say that that is not lawful by the law; by the Cornelian law it certainly is not. But we see (to say nothing about lands at a distance) that the district of Praeneste is occupied by a few people. And I do not see that anything is wanting to their fortunes, except farms of such a description that they may be able by the supplies which they derive from them to support their very large households, and the expense of their farms near Cumae and Puteoli. But if he be thinking of what is for your advantage, then let him come, and let him discuss with me, face to face, the decision of the Campanian district. 29. [79]

I asked him on the first of January, to what men he was going to distribute that land, and on what principles. He answered that he should begin with the Romilian tribe. In the first place now, what is the object of such pride and arrogance as to cut off one portion of the people, and to neglect the order of the tribes? to contrive to give land to the country people who have it already, before any is given to the city people, to whom the hope of land and the pleasure they are to derive from it is held out as an inducement ? Or if he says that this is not what he said, and if he has some plan in his head to satisfy all of

you, let him produce it; let him allot it in divisions of ten acres; let him put forth your names in a regular arrangement from the district of the Subura to that of the Arnus. If you perceive not only that ten acres are not given to you, but that it is actually impossible for such a body of men to be collected together in the district of Campania, will you nevertheless allow the republic to be harassed, the majesty of the Roman people to be despised, and you yourselves to be deluded any longer by the tribune of the people? [80]

But if that land could possibly come to you, would you not rather that it remained as part of your patrimony? Will you allow the most beautiful estate belonging to the Roman people — the main source of your riches, your chief ornament in time of peace, your chief source of supply in time of war, the foundation of your revenues, the granary from which your legions are fed, your consolation in time of scarcity — to be ruined? Have you forgotten what great armies you supported by means of the produce of Campania, in the Italian war, when you had lost all your ordinary sources of revenue? Are you ignorant that all those magnificent revenues of the Roman people are often dependent on a very slight impulse of fortune-on a critical moment? What will all the harbours of Asia, what will the plains of Syria, what will all our transmarine revenues avail us, if the very slightest alarm of pirates or enemies be once given? [81] But as our revenues derived from the territory of Campania are of such a nature that they are always at home, and that they are protected by the bulwark of all our Italian towns, so they are neither hostile to us in time of war, nor variable in their productiveness, nor unfortunate from any accidents of climate or soil.

Our ancestors were so far from diminishing what they had taken from the Campanians, that they even bought additional lands to be added to it, from those from whom they could not reasonably take it without purchase. For which reason, neither the two Gracchi, who thought a great deal of what was advantageous for the Roman people, nor Lucius Sulla, who gave away everything without the slightest scruple to any one he pleased, ever ventured to touch the Campanian territory. Rullus was the first man to venture to remove the republic from that property, of which neither the liberality of the Gracchi nor the uncontrolled power of Sulla had deprived it. 30.

That land which now, as you pass by it, you say is yours, and which foreigners whose road lies through it hear is yours, when it is divided will neither be nor be said to be yours. [82] And who are the men who will possess it? In the first place they are active men, prepared for deeds of violence, willing for sedition, who, the very moment the decemvirs clap their hands, may be armed against the citizens and ready for slaughter. In the next place, you will see the whole district of Campania distributed among a few men already rich in wealth and power. Meanwhile you, who have received from your ancestors those most beautiful homes, if I may so say, of your revenues, which they won by their arms, will not have left to you one single clod of earth of all your paternal hereditary possessions. And there will be this difference between your diligence and that or private individuals, that when Publius Lentulus, while he was chief of the senate, had been sent into those parts by our ancestors, in order to purchase at the public expense those lands, being private property, which projected into the public domain in Campania, he is said to have reported that he had not been able to purchase a certain man's estate for money; and that he who had refused to sell it, had given this reason why he could not possibly be induced to sell it, that, though he had many farms, this was the only farm from which he never had had any bad news. [83] Is it so? Did this reason weigh with a private individual and shall it not weigh with the Roman people to prevent their giving up the district of Campania to private individuals for nothing, at the request of Rullus? And the Roman people may say the very same thing about this revenue, that he is said to have said about his farm. Asia for many years during the Mithridatic war produced you no revenue. There was no revenue from the Spains in the time of Sertorius. Manius Aquilius even lent corn to the Sicilian cities at the time of the Servile war. But from this tributary land no bad news was ever heard. Other of our revenues are at times weighed down by the distresses of war; but the sinews of war are even supplied to us by this tributary land. [84] Besides, in this allotment of lands which is to take place, even that, which is said in other cases, cannot be said here, namely, that lands ought not to be left deserted by the people, and without the cultivation of free men. 31.

For this is what I say, — if the Campanian land be divided, the

common people is driven out of and banished from the lands, not settled and established in them. For the whole of the Campanian district is cultivated and occupied by the common people, and by a most virtuous and moderate common people. And that race of men of most virtuous habits, that race of excellent farmers and excellent soldiers, is wholly driven out by this tribune who is so devoted to the people. And these miserable men, born and brought up on those lands, practised in tilling the ground, will have no place to which, when so suddenly driven out, they can betake themselves. The entire possession of the Campanian district will be given over to these robust, vigorous, and audacious satellites of the decemvirs. And, as you now say of your ancestors, "Our ancestors left us these lands," so your posterity will say of you, "Our ancestors received these lands from their ancestors, but lost them." [85] I think, indeed, that if the Campus Martius were to be divided, and if every one of you had two feet of standing ground allotted to him in it, still you would prefer to enjoy the whole of it together, than for each individual to have a small portion for his own private property. Wherefore, even if some portion of these lands were to come to every individual among you. — which is now indeed held out to you as a lure, but is in reality destined for others, — still they would be a more honourable possession to you when possessed by the whole body, than if distributed in bits to each citizen. But now when you are not to have any share in them, but when they are being prepared for others and taken from you, will you not most vigorously resist this law as you would an armed enemy, fighting in defence of your lands. He adds the Stellate plain to the Campanian district, and in the two together he allots twelve acres to each settler. As if the difference was slight between the Stellate and Campanian districts! [86] And now a multitude is sought out, by which those towns are to be peopled. For I have said before that leave is given by the law for them to occupy with their settlers whatever municipalities and whatever old colonies they choose. They will fill the municipality of Cales; they will overwhelm Teanum; they will extend a chain of garrisons through Atella, and Cumae, and Naples, and Pompeii, and Nuceria; and the whole of Puteoli, which is at present a free city, in the full enjoyment of its ancient rights and liberties, they will occupy with a new people,

and with a foreign body of men. 32.

Then that standard of a Campanian colony, greatly to be dreaded by this empire, will be erected at Capua by the decemvirs. Then that other Rome, which has been heard of before, will be sought in opposition to this Rome, the common country of all of us. [87] Impious men are endeavouring to transfer our republic to that town in which our ancestors decided that there should be no republic at all, when they resolved that there were but three cities in the whole earth, Carthage, Corinth, and Capua, which could aspire to the power and name of the imperial city. Carthage has been destroyed, because, both from its vast population, and from the natural advantages of its situation, being surrounded with harbours, and fortified with walls, it appeared to project out of Africa, and to threaten the most productive islands of the Roman people. Of Corinth there is scarcely a vestige left. For it was situated on the straits and in the very jaws of Greece, in such a way that by land it held the keys of many countries, and that it almost connected two seas, equally desirable for purposes of navigation, which were separated by the smallest possible distance. These towns, though they were out of the sight of the empire, our ancestors not only crushed, but, as I have said before, utterly destroyed, that they might never be able to recover and rise again and flourish. [88] Concerning Capua they deliberated much and long. Public documents are extant, O Romans; many resolutions of the senate are extant. Those wise men decided that, if they took away from the Campanians their lands, their magistrates, their senate, and the public council of that city, they would leave no image whatever of the republic; there would be no reason whatever for their fearing Capua. Therefore you will find this written in ancient records, that there should be a city which might be able to supply the means for the cultivation of the Campanian district, that there should be a place for collecting the crops in, and storing them, in order that the farmers, when wearied with the cultivation of the lands, might avail themselves of the homes afforded them by the city; and that on that account the buildings of the city were not destroyed. 33. [89]

See, now, how wide is the distance between the counsels of our ancestors and the insane projects of these men. They chose Capua to be a refuge for our farmers, — a market for the country people, — a

barn and granary for the Campanian district. These men, having expelled the farmers, have wasted and squandered your revenues, are raising this same Capua into the seat of a new republic, are preparing a vast mass to be an enemy to the old republic. But if our ancestors had thought that any one in such an illustrious empire, in such an admirable constitution as that of the Roman people, would have been like Marcus Brutus or Publius Rullus, (for these are the only two men whom we have hitherto seen, who have wished to transfer all this republic to Capua,) they would not, in truth, have left even the name of that city in existence. [90] But they thought, that in the case of Corinth and Carthage, even if they had taken away their senates and their magistrates, and deprived the citizens of the lands, still men would not be wanting who would restore those cities, and change the existing state of things in them before we could hear of it. But here, under the very eyes of the senate and Roman people, they thought that nothing could take place which might not be put down and extinguished before it had got to any head, or had assumed any definite shape. Nor did that matter deceive those men, endued as they were with divine wisdom and prudence. For after the consulship of Quintus Fulvius and Quintus Fabius, by whom, when they were consuls, Capua was defeated and taken, I will not say there has been nothing done, but nothing has been even imagined in that city against this republic.

Many wars have been waged since that time with kings, — with Philip, and Antiochus, and Perses, and Pseudophilippus, and Aristonicus, and Mithridates, and others. Many terrible wars have existed beside — the Carthaginian, the Corinthian, and the Numantian wars. There have been also many domestic seditions, which I pass over. There have been wars with our allies, — the Fregellan war, the Marsic war; in all which domestic and foreign wars Capua has not only not been any hindrance to us, but has afforded us most seasonable assistance, in providing the means of war, in equipping our armies, and receiving them in their houses and homes. There were no men in the city, who, by evil-disposed assemblies, by turbulent resolutions of the senate, or by unjust exertions of authority, threw the republic into confusion, and sought pretexts for revolution. [91] For no one had any power of summoning

an assembly, or of convening any public council. Men were not carried away by any desire for renown, because where there are no honours publicly conferred, there there can be no covetous desire of reputation. They were not quarreling with one another out of rivalry or out of ambition; for they had nothing left to quarrel about, — they had nothing which they could seek for in opposition to one another, — they had no room for dissensions. Therefore, it was in accordance with a deliberate system, and with real wisdom, that our ancestors changed the natural arrogance and intolerable ferocity of the Campanians into a thoroughly inactive and lazy tranquillity. And by this means they avoided the reproach of cruelty, because they did not destroy from off the face of Italy a most beautiful city; and they provided well for the future, in that, having cut out all the sinews of the city, they left the city itself enfeebled and disabled. 34. [92]

These designs of our ancestors seemed, as I have said before, blamable in the eyes of Marcus Brutus and Publius Rullus. Nor, O Publius Rullus, do those omens and auspices encountered by Marcus Brutus deter you from similar madness. For both he who led a colony to Capua

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and they who took upon themselves the magistracy there, and who had any share in the conducting a colony to that spot, and in the honours to be had there, or in the offices to be enjoyed there, have all suffered the most terrible punishments allotted to the wicked. And since I have made mention of Brutus and that time, I will also relate what I saw myself when I had arrived at Capua, — when the colony had been just established there by Lucius Considius and Sextus Saltius the praetors, (as they called themselves,) that you may understand how much pride the situation itself inspires its inhabitants with; so great that it was very intelligible and visible when the colony had only been settled there a few days. [93] For in the first place, as I said, though similar officers in the other colonies are called duumvirs, these men chose to call themselves praetors. But if their first year of office inspired them with such desires as that, do not you suppose that in a few years they would be likely to take a fancy to the name of consuls? In the next place, they were preceded by lictors, not with staves, but with two faces, just as lictors go before the praetors here. The greater victims were placed in the forum, which, after they had been approved by the college of priests, were sacrificed at the voice of the crier, and the music of a flute-player, by the praetors from their tribunal, as they are at Rome by us who are consuls. After that, the conscript fathers were summoned. But after this, it was almost more than one could endure, to see the countenance of Considius. The man whom we had seen at Rome shriveled and wasted away, in a contemptible and abject condition, when we saw him at Capua with Campanian haughtiness and royal pride, we seemed to be looking at the Magii, and Blossii and Jubelii. [94] And now, in what alarm all the common people were! In the Alban and Seplasian road, what crowds assembled, of men inquiring what edict the praetor had issued? where he was supping? what he had said? And we who had come to Capua from Rome, were not called guests, but foreigners and strangers. 35. [95]

Ought we not to think that those men who foresaw all these things, O Romans, ought to be venerated and worshipped by us, and classed almost in the number of the immortal gods? For what was it which they saw? They saw this, which I entreat you now to remark

and take notice of. Manners are not implanted in men so much by the blood and family, as by those things which are supplied by the nature of the plan towards forming habits of life, by which we are nourished, and by which we live. The Carthaginians, a fraudulent and lying nation, were tempted to a fondness for deceiving by a desire of gain, not by their blood, but by the character of their situation because, owing to the number of their harbours, they had frequent intercourse with merchants and foreigners. The Ligurians, being mountaineers, are a hardy and rustic tribe. The land itself taught them to be so by producing nothing which was not extracted from it by skillful cultivation, and by great labour. The Campanians were always proud from the excellence of their soil, and the magnitude of their crops, and the healthiness, and position, and beauty of their city. From that abundance, and from this affluence in all things, in the first place, originated those qualities; arrogance, which demanded of our ancestors that one of the consuls should be chosen from Capua: and in the second place, that luxury which conquered Hannibal himself by pleasure, who up to that time had proved invincible in arms. [96] When those decemvirs shall, in accordance with the law of Rullus, have led six hundred colonists to that place; when they shall have established there a hundred decurions, ten augurs, and six priests, what do you suppose their courage, and violence, and ferocity will be then? They will laugh at and despise Rome, situated among mountains and valleys, stuck up, as it were, and raised aloft, amid garrets, with not very good roads, and with very narrow streets, in comparison with their own Capua, stretched out along a most open plain, and in comparison of their own beautiful thoroughfares. And as for the lands, they will not think the Vatican or Pupinian district fit to be compared at all to their fertile and luxuriant plains. And all the abundance of neigbouring towns which surround us they will compare in laughter and scorn with their neighbours. They will compare Labici, Fidenae, Collatia, — even Lanuvium itself, and Aricia, and Tusculum, with Cales, and Teanum, and Naples, and Puteoli, and Cumae, and Pompeii, and Nuceria. [97] By all these things they will be elated and puffed up, perhaps not at once, but certainly when they have got a little more age and vigour they will not be able to restrain themselves; they will go on further and further.

A single individual, unless he be a man of great wisdom, can scarcely, when placed in situations of great wealth or power, contain himself within the limits of propriety; much less will those colonists, sought out and selected by Rullus, and others like Rullus, when established at Capua, in that abode of pride, and in the very home of luxury, refrain from immediately contracting some wickedness and iniquity. Yes, and it will be much more the case with them, than with the old genuine Campanians, because they were born and trained up in a fortune which was theirs of old, but were depraved by a too great abundance of everything; but these men, being transferred from the most extreme indigence to a corresponding affluence, will be affected, not only by the extent of their riches, but also by the strangeness of them. 36. [98]

You, O Publius Rullus, have chosen to follow in the footsteps of Marcus Brutus's wickedness, rather than to be guided by the monuments of the wisdom of our ancestors. You have flavoured all this with these advices of yours — to sell the old revenues, and to waste the new ones, — to oppose Capua to this city in a rivalry of dignity — to subject all cities, nations and provinces, all free peoples, and kings, and the whole world in short, to your laws, and jurisdiction, and power, in order that, when you have drained all the money out of the treasury, and exacted all that may be due from the taxes, and extorted all that you can from kings, and nations, and even from our own generals, all men may still be forced to pay money to you at your nod; that you, also, or your friends, may buy up from those who have become possessed of them, as members of Sulla's party, their lands — some of which produce too much unpopularity to their owners to be worth keeping; some of which are unhealthy, and deserted on that account and charge them to the Roman people at whatever price you please; that you may occupy all the municipalities and colonies of Italy with new settlers; that you may establish colonies in whatever places you think fit, and in as many places as seems desirable to you, [99] that you may surround, and hold in subjection, the whole republic with your soldiers, and your cities and your garrisons , that you may be able to proscribe and to deprive of the sight of these men Cnaeus Pompeius himself by whose protection and assistance the Roman people has repeatedly been

triumphant over its most active enemies and its most worthless citizens that there may be nothing, which is either capable of being tampered with by means of gold and silver, or carried by numbers and votes, or accomplished by force and violence, which you do not hold in your own power, and under your dominion; that meanwhile you may go at full speed through every nation and every kingdom with the most absolute power, — with unrestricted authority as judges, and with immense sums of money; that you may come into the camp of Cnaeus Pompeius, and sell his very camp itself, if it be desirable for you to do so; that in the meantime, you, being freed from every restraint of law, and from all fear of the courts of justice, and from all danger, may be able to stand for all the other magistracies; so that no one may be able to bring you before the Roman people, or summon you before any court, — so that the senate may not be able to compel you, nor the consul to restrain you, nor the tribune of the people to offer any impediment to you. [100]

I do not wonder that you, men of such folly and intemperance as you are, should have desired these things — I do marvel that you should have hoped that you could obtain them while I am consul. For as all consuls ought to exercise the greatest care and diligence in the protection of the republic, so, above all others, ought they to do so who have not been made consuls in their cradles, but in the Campus. No ancestors of mine went bail to the Roman people for me; you gave credit to me; it is from me that you must claim what I am bound to pay; all your demands must be made on me. As, when I stood for the consulship, no authors of my family recommended me to you; so, if. I commit any fault, there are no images of my ancestors which can beg me off from you. 37.

Wherefore, if only life be granted me, as far as I can I will defend the state from the wickedness and insidious designs of those men. I promise you this, O Romans, with good faith; you have entrusted the republic to a vigilant man, not to a timid one; to a diligent man, not to an idle one. [101] I am consul; how should I fear an assembly of the people? How should I be afraid of the tribunes of the people? How should I be frequently or causelessly agitated? How should I fear lest I may have to dwell in a prison, if a tribune of the people orders me to be led thither? for I, armed with your arms, adorned with your

most honourable ensigns, and with command and authority conferred by you, have not been afraid to advance into this place, and, with you for my backers, to resist the wickedness of man; nor do I fear lest the republic, being fortified with such strong protection, may be conquered or overwhelmed by those men. If I had been afraid before, still now, with this assembly, and this people, I should not fear. For who ever had an assembly so well inclined to hear him while advocating an agrarian law, as I have had while arguing against one? if, indeed, I can be said to be arguing against one, and not rather upsetting and destroying one. [102] From which, O Romans, it may be easily understood that there is nothing so popular, as that which I, the consul of the people, am this year bringing to you; namely, peace, tranquillity and ease. All the things which when we were elected you were afraid might happen, have been guarded against by my prudence and caution. You not only will enjoy ease, — you who have always wished for it; but I will even make those men quiet, to whom our quiet has been a source of annoyance.

In truth, however, power, riches, are accustomed to be acquired by them out of the tumults and dissensions of the citizens. You, whose interest consists in the votes of the people, whose liberty is based on the laws, whose honours depend on the courts of justice and on the equity of the magistrates, and whose enjoyment of your properties depends on peace, ought to preserve tranquillity by every means. [103] For if those men who, on account of indolence, are living in tranquillity, still take pleasure in their own base indolence; you, if in the calm quiet with which you govern fortune, you think such a condition as you enjoy better, should maintain it diligently; not as one that has been acquired by laziness, but as one that has been earned by virtue. And I, by the unanimity which I have established between myself and my colleague, have provided against those men whom I knew to be hostile to my consulship both in their dispositions and actions. I have provided against everything; and I have sought to recall those men to their loyalty. I have also given notice to the tribunes of the people, to try no disorderly conduct while I am consul. My greatest and firmest support in our common fortunes, O Romans, will be, if you for the future behave, for the sake of it, to the republic in the same manner as you have this day

behaved to me in this most numerous assembly, for the sake of your own safety. I promise you most certainly, and pledge myself to manage matters so that they who have envied the honours which I have gained, shall at last confess, that in selecting a consul you all showed the greatest possible foresight.

THE THIRD SPEECH.

THE ARGUMENT.

The tribunes had declined debating the subject of the Agrarian law with Cicero before the people, but attacked him with calumnies behind his back; saying that his opposition to the law proceeded from his affection to Sulla's party, and from a desire to secure to the members of it the properties which Sulla had granted to them, and that he was only making this opposition to this law out of a desire to pay court to those whom they called the seven tyrants, the two Luculli, Crassus, Catulus, Hortensius, Metellus, and Philippus, who were known to be the greatest favourers of Sulla's cause, and to have been the chief gainers by it. And as these insinuations were making a great impression on the city, he thought it necessary to make this third speech to defend himself against them. And after this speech the tribunes let the whole matter drop.

1. The tribunes of the people, O Romans, would have pursued a more convenient course, if they had said to my face, in my presence, the things which they allege to you concerning me. For then, they would have given you an opportunity for a more just decision in the matter, and they would have followed the usages of their predecessors, and have maintained their own privileges and power. But, since they have shunned any open contest and debate with me at present, now, if they please, let them come forth into the assembly which I have convened, and though they would not come forward willingly when challenged by me, let them at least return to it now that I openly invite them back. [2]

I see, O Romans, that some men are making a noise to imply something or other, and that they no longer show me the same countenance in this present assembly which they showed me at the last assembly in which I addressed you. Wherefore, I entreat you, who have believed none of my enemies' stories about me, to retain the same favourable disposition towards me that you always had; but

from you, whom I perceive to be a little changed towards me, I beg the loan of your good opinion of me for a short time, on condition of your retaining it forever, if I prove to you what I am going to say, but abandoning it and trampling it under foot in this very place if I fail to establish it. [3]

Your minds and ears, O Romans, are blocked up with the assertion that I am opposing the agrarian law and your interest, out of a desire to gratify the seven tyrants, and the other possessors of Sulla's allotments. If there be any men who have believed these things, they must inevitably first have believed this, that by this agrarian law which has been proposed, the lands allotted by Sulla are taken away from their present possessors and divided among you, or else, that the possessions of private individuals are diminished, in order that you may be settled on their lands. If I show you, not only that not an atom of laud of Sulla's allotments is taken from any one, but even that that description of property is ensured to its possessors, and confirmed in a most impudent manner; if I prove, that Rullus, by his law, provides so carefully for the case of those lands which have been allotted by Sulla, that it is perfectly plain that that law was drawn up, not by any protector of your interests, but by the twin law of Valgius; is there then any reason at all, why he should disparage not only my diligence and prudence, but yours also, by the accusations which he has employed against me in my absence? 2. [4]

The fortieth clause of the law is one, O Romans, the mention of which I have hitherto purposely avoided, lest I should seem to be reopening a wound of the republic which was now scarred over, or to be renewing, at a most unseasonable time, some of our old dissensions. And now too I will argue that point, not because I do not think that this present condition of the republic deserving of being most zealously maintained, especially after I have professed myself to be for this year at least the patron of all tranquillity and unanimity in the republic; but in order to teach Rullus for the future to be silent at least in those matters with respect to which he wishes silence to be observed as to himself and his actions. [5] Of all laws I think that one is the most unjust and the most unlike a law, which Lucius Flaccus, the interrex, passed respecting Sulla—"That everything which he has done should be ratified." For, as in other states, when tyrants are

established, all laws are extinguished and destroyed this man established a tyrant of the republic by law. It is an invidious law, as I said before; but still it has some excuse. For it appears to be a law not urged by the man but by the time. What shall we say if this law is a far more impudent one? [6] For by the Valerian and Cornelian law this power is taken away at the same time that it is given. An impudent courting of the people is joined with a bitter injury done to them. But still a man from whom any property is taken always has some hope arising from those laws; and he, to whom any is given, has some scruples. The provision in Rullus's law is, "Whatever has been done since the consulship of Caius Marius and Cnaeus Papirius." How carefully does he avoid suspicion, when he names those consuls most especially who were the greatest adversaries of Sulla. For, if he had named Sulla, he thought that that would have been a palpable and also an invidious measure. And yet, which of you did he expect to be so stupid, as not to be able to recollect that immediately after the consulship of those men Sulla became dictator? [7] What then does this Marian tribune of the people say, when he is trying to make us, who are Sulla's friends, unpopular? "Whatever has been given, or assigned, or sold, or granted by public authority, whether lands, or houses, or lakes, or marshes, or sites, or properties," (he has omitted to mention the sky and sea, but he has omitted nothing else,) "since the consulship of Marius and Carbo." By whom, O Rullus? Who has allotted anything whatever since the Consulship of Marius and Carbo? Who has given anything, who has granted anything, except Sulla? "Let all those things remain in the same condition." In what condition? He is undermining something or other. This over active and too energetic tribune of the people is rescinding the acts of Sulla. "As those things which have become private property according to the most regular possible course of law." Are they then to be held on a surer tenure than a man's paternal and hereditary property? [8] Just so. But the Valerian law does not say this; the Cornelian laws do not sanction this; Sulla himself does not demand this. If those lands have any connection with legal right, if they have any resemblance to private property, if they have the least hope of becoming permanent property, then there is not one of those men so impudent as not to think that he is excellently well treated.

But you, O Rullus, what is your object? That they may retain what they have got? Who hinders them? That they may retain it as private property? But the law is framed in such a way that the farm of your father-in-law in the Hirpine district, or the whole Hirpine district, for he is in possession of all of it, is held by him on a surer tenure than my paternal hereditary estate at Arpinum. For that is the effect of the provision of your law. [9] For those farms in truth are held by the best right, which are held on the best conditions. Free tenures are held by a better tenure than servile ones. By this clause all tenures which have hitherto been servile tenures will be so no longer. Enfranchised estates are in a better condition than those which are liable to no obligations; by the same clause all lands subject to the payment of any fine, if only they were assigned by Sulla, are released from such payments. Lands which are exempt from payment are in a better condition than those which pay a fine. I, in my Tusculan villa, must pay a tax for the Crabran water, because I received my estate subject to this liability; but, if I had only had the land given me by Sulla, I should not pay it, according to the law of Rullus. 3. [10]

I see you, O Romans, moved either by the impudence of the law or of the speech, as indeed you must be from the nature of the case; by the impudence of the law, which gives a better title to estates possessed by virtue of Sulla's donation than to hereditary property; by the impudence of the speech which, in such a cause is that, dares to accuse any one, and yet vehemently, too vehemently, to defend the principles of Sulla. But if the law only ratified all the allotments which had been given by Sulla, I should not say a word, provided he would confess himself to be a partisan of Sulla's. But he does not only protect their existing interests, but he even adds to their present possessions some sort of gift. And he, who accuses me, saying that the possessions resting on Sulla's title are defended by me, not only con firms them him sell, but even institutes fresh allotments, and rises up among us a new Sulla. [11] For just take notice what great grants of lands this reprover of ours endeavours to make by one single word. "Whatever has been given, or presented, or granted, or sold" — I can bear it; I hear it; what comes next?—"shall be held as absolute property." has a tribune of the people ventured to propose that whatever any one has become possessed of' since the consulship

of Marius and Carbo, he shall hold by the firmest right that any one can hold private property? Suppose he drove out the former proprietors by violence? Suppose he became possessed of it in some underhand manner, or only by some one's permission for a time? By this law then all civil rights, all legitimate titles, all interdicts of the praetors will be put an end to. [12] It is no unimportant case, it is no insignificant injury that is concealed under this expression, O Romans. For there were many estates confiscated by the Cornelian law, which were never assigned or sold to any one, but which are occupied in the most impudent manner by a few men, These are the men for whom he provides, these are the men whom he defends, whom he makes private proprietors. These lands, I say, which Sulla gave to no one, Rullus does not choose to assign to you, but to sacrifice to the men who are in occupation of them. I ask the reason why you should allow those lands in Italy, in Sicily, in the two Spains, in Macedonia, and Asia, which your ancestors acquired for you, to be sold, when you see those lands which are your own sacrificed by the same law to their existing occupiers? [13] Now you will understand the whole law, and perceive, that it is framed to secure the power of a few individuals, and admirably adapted to the circumstances of Sulla's allotments. For this man's father-in-law is a most excellent man, nor am I saying a word against his character; but I am discussing the impudence of his son-in-law. For he wishes to keep what he has got possession of, and does not conceal that he is one of Sulla's party. 4.

He now, by your instrumentality, in order that he may himself have what be has not got wishes to establish those titles which at present are doubtful. And as he is more covetous than Sulla himself, I am accused of defending the actions of Sulla which I am resisting. [14] My father-in-law, says he, has some hitherto deserted and distant fields. By my law he will be able to sell them at his own price. He holds them at present by an uncertain title; in fact he has no right at all to them: they will be confirmed to him by the best possible title. He has them as public property; I will make them private property. Lastly, he shall possess, without having the slightest anxiety about them for the future, those farms which be has procured (by the proscription of their former owners) to be joined to the admirable and

productive estate which be had in the district of Casinum, being contiguous to it before; so as to make all the different farms into one uninterrupted estate as far as the eye can reach; and respecting which at present he is not without apprehension. [15]

And since I have shown for what reason and for whose sake be has proposed this, let him show whether I am defending any particular proprietor, while I resist this agrarian law. You are selling the Scantian wood. The Roman people is in possession of it. I am defending the Roman people. You are dividing the district of Campania It is you, O Romans, who are now its proprietors. I will not give it up. In the next place, I see possessions in Italy and in Sicily, and in the other provinces, put up for sale and advertised. The farms are yours, the possessions are yours, O Romans. I will resist and oppose such a measure; and I will not permit the Roman people to be ousted from its possessions by any one, while I am consul. Especially when no advantage is sought for you by the proceeding. [16] For you ought no longer to lie under this mistake. Is any one of you a man inclined to violence, or atrocity, or murder? Not one. And, believe me, it is for such a race of men as that that the district of Campania and that beautiful Capua is reserved. It is against you, against your liberty, against Cnaeus Pompeius that an army is being raised. Capua is being got ready in opposition to this city; bands of audacious men are being equipped against you; ten generals are being appointed to counterbalance Cnaeus Pompeius. Let them meet me face to face, and since they have summoned me to this assembly of yours, at your request let them here argue the case with me.

PRO SULLA (In Defense of Publius Cornelius Sulla)

Translated by C. D. Yonge

THE ORATION OF M. T. CICERO IN DEFENCE OF PUBLIUS SULLA.

THE ARGUMENT.

Publius Sulla, having been elected consul with Publius Autronius four years before, had been impeached for bribery, convicted, and deprived of his consulship. He had then been prosecuted by Torquatus. He was now impeached by the younger Torquatus, the son of his former prosecutor, as having been implicated in both of Catiline's conspiracies. (Autronius was accused also, and he also applied to Cicero to defend him, but Cicero, being convinced that he was guilty, not only refused to defend him, but appeared as a witness against him.) Torquatus's real motive appears to have been jealousy of the fame which Cicero had obtained in his consulship; and, in his speech for the prosecution, when he found that Cicero had undertaken Sulla's cause, he had attacked Cicero himself and tried to bring him into unpopularity, calling him a king who assumed a power to save or to destroy just as he thought fit; and saying that he was the third foreign king that had reigned in Rome; Numa and Tarquin being the two former. Sulla was acquitted.

1. I should have been very glad, O judges, if Publius Sulla had been able formerly to retain the honour of the dignity to which he was appointed, and had been allowed, after the misfortune which befell him, to derive some reward from his moderation in adversity. But since his unfriendly fortune has brought it about that he has been damaged, even at a time of his greatest honour, by the unpopularity

ensuing not only from the common envy which pursues ambitious men, but also by the singular hatred in which Autronius is held, and that even in this sad and deplorable wreck of his former fortunes, he has still some enemies whose hostility he is unable to appease by the punishment which has fallen upon him; although I am very greatly concerned at his distresses, yet in his other misfortunes I can easily endure that an opportunity should be offered to me of causing virtuous men to recognise my lenity and merciful disposition, which was formerly known to every one, but which has of late been interrupted as it were; and of forcing wicked and profligate citizens, being again defeated and vanquished, to confess that, when the republic was in danger, I was energetic and fearless; now that it is said, I am lenient and merciful. [2] And since Lucius Torquatus, O judges, my own most intimate friend, O judges, has thought that if he violated our friendship and intimacy somewhat in his speech for the prosecution, he could by that means detract a little from the authority of my defence, I will unite with my endeavours to ward off danger from my client a defence of my own conduct in the discharge of my duty. Not that I would employ that sort of speech at present, O judges, if my own interest alone were concerned, for on many occasions and in many places I have had, and I often shall have, opportunities of speaking of my own credit. But as he, O judges, has thought that the more he could take away from my authority, the more also he would be diminishing my client's means of protection; I also think, that if I can induce you to approve of the principles of my conduct and my wisdom in this discharge of my duty and in undertaking this defence, I shall also induce you to look favourably on the cause of Publius Sulla. [3] And in the first place, O Torquatus, I ask you this why you should separate me from the other illustrious and chief men of this city, in regard to this duty, and to the right of defending clients? For what is the reason why the act of Quintus Hortensius a most illustrious man and a most accomplished citizen, is not blamed by you, and mine is blamed? For if a design of firing the city, and of extinguishing this empire, and of destroying this city, was entertained by Publius Sulla ought not such projects to raise greater indignation and greater hatred against their authors in me than in Quintus Hortensius? Ought not my opinion to be more severe

in such a matter, as to whom I should think fit to assist in these causes, whom to oppose, whom to defend, and whom to abandon? No doubt, says he, for it was you who investigated, you who laid open the whole conspiracy. 2. [4]

And when he says this, he does not perceive that the man who laid it open took care that all men should see that which had previously been hidden. Wherefore that conspiracy, if it was laid open by me, is now as evident in all its particulars to Hortensius as it is to me. And when you see that he, a man of such rank, and authority, and virtue, and wisdom, has not hesitated to defend this innocent Publius Sulla, I ask why the access to the cause which was open to Hortensius, ought to be closed against me? I ask this also, — if you think that I, who defend him, am to he blamed, what do you think of those excellent men and most illustrious citizens, by whose zeal and dignified presence you perceive that this trial is attended, by whom the cause of my client is honoured, by whom his innocence is upheld? For that is not the only method of defending a man's cause which consists in speaking for him. All who countenance him with their presence, who show anxiety in his behalf, who desire his safety, all, as far as their opportunities allow or their authority extends, are defending him. [5] Ought I to be unwilling to appear on these benches on which I see these lights and ornaments of the republic, when it is only by my own numerous and great labours and dangers that I have mounted into their rank, and into this lofty position and dignity which I now enjoy? And that you may understand, O Torquatus, whom you are accusing, if you are offended that I, who have defended no one on inquiries of this sort do not abandon Publius Sulla, remember also the other men, whom you see countenancing this man by their presence. You will see that their opinion and mine has been one and the same about this man's case, and about that of the others. Who of us stood by Varguntius? No one. Not even this Quintus Hortensius, the very man who had formerly been his only defender when prosecuted for corruption. For he did not think himself connected by any bond of duty with that man, when he, by the commission of such enormous wickedness, had broken asunder the ties of all duties whatever. Who of us countenanced Servius Sulla? who ***? who of us thought Marcus Laeca or Caius Cornelius fit to be defended? who

of all the men whom you see here gave the countenance of his presence to any one of those criminals? [6] No one. Why was that? Because in other causes good men think that they ought not to refuse to defend even guilty men, if they are their own intimate personal friends; but in this prosecution, there would not only be the fault of acting lightly, but there would be even some infection of wickedness which would taint one who defended that man whom he suspected of being involved in the guilt of planning the parricide of his country. [7] What was the case of Autronius? did not his companions, did not his own colleagues, did not his former friends, of whom he had at one time an ample number, did not all these men, who are the chief men in the republic, abandon him? Yes, and many of them even damaged him with their evidence. They made up their minds that it was an offence of such enormity, that they not only were bound to abstain from doing anything to conceal it, but that it was their duty to reveal it, and throw all the light that they were able upon it. 3.

What reason is there then for your wondering, if you see me countenancing this cause in company with those men, whom you know that I also joined in discountenancing the other causes by absenting myself from them. Unless you wish me to be considered a man of eminent ferocity before all other men, a man savage, inhuman, and endowed with an extraordinary cruelty and barbarity of disposition. [8] If this be the character which, on account of all my exploits, you wish now to fix upon my whole life, O Torquatus, you are greatly mistaken. Nature made me merciful, my country made me severe; but neither my country nor nature has ever required me to be cruel. Lastly, that same vehement and fierce character which at that time the occasion and the republic imposed upon me, my own inclination and nature itself has now relieved me of; for my country required severity for a short time, my nature requires clemency and lenity during my whole life. [9] There is, therefore, no pretence for your separating me from so numerous a company of most honourable men. Duty is a plain thing, and the cause of all men is one and the same. You will have no reason to marvel hereafter, whenever you see me on the same side as you observe these men. For there is no side in the republic in which I have a peculiar and exclusive property. The time for acting did belong more peculiarly to me than to the others

but the cause of indignation, and fear, and danger was common to us all. Nor, indeed, could I have been at that time as I was the chief man in providing for the safety of the state if others had been unwilling to be my companions. Wherefore it is inevitable that that which, when I was consul, belonged to me especially above all other men, should, now that I am a private individual, belong to me in common with the rest. Nor do I say this for the sake of sharing my unpopularity with others, but rather with the object of allowing them to partake of my praises. I will give a share of my burden to no one; but a share of my glory to all good men. [10] "You gave evidence against Autronius," says he, "and you are defending Sulla." All this, O judges, has this object to prove that if I am an inconstant and fickle-minded man, my evidence ought not to be credited, and my defence ought not to carry any authority with it. But if there is found in me a proper consideration for the republic, a scrupulous regard to my duty, and a constant desire to retain the good-will of virtuous men, then there is nothing which an accuser ought less to say than that Sulla is defended by me, but that Autronius was injured by my evidence against him. For I think that I not only carry with me zeal in defending causes, but also that my deliberate opinion has some weight; which, however, I will use with moderation, O judges, and I would not have used it at all if he had not compelled me. 4. [11]

Two conspiracies are spoken of by you, O Torquatus; one, which is said to have been formed in the consulship of Lepidus and Volcatius, when your own father was consul elect; the other, that which broke out in my consulship. In each of these you say that Sulla was implicated. You know that I was not acquainted with the counsels of your father, a most brave man, and a most excellent consul. You know, as there was the greatest intimacy between you and me, that I knew nothing of what happened, or of what was said in those times; I imagine, because I had not yet become a thoroughly public character, because I had not yet arrived at the goal of honour which I proposed to myself; and because my ambition and my forensic labours separated me from all political deliberations. [12] Who, then, was present at your counsels? All these men whom you see here, giving Sulla the countenance of their presence; and among the first was Quintus Hortensius — who, by reason of his honour and

worth, and his admirable disposition towards the republic, and because of his exceeding intimacy with and excessive attachment to your father, was greatly moved by the thoughts of the common danger, and most especially by the personal peril of your father. Therefore, he was defended from the charge of being implicated in that conspiracy by that man who was present at and acquainted with all your deliberations, who was a partner in all your thoughts and in all your fears; and, elegant and argumentative as his speech in repelling this accusation was, it carried with it as much authority as it displayed of ability. Of that conspiracy, therefore, which is said to have been formed against you, to have been reported to you, and to have been revealed by you, I was unable to say anything as a witness. For I not only found out nothing, but scarcely did any report or suspicion of that matter reach my ears. [13] They who were your counselors, who became acquainted with these things in your company, — they who were supposed to be themselves menaced with that danger, who gave no countenance to Autronius, who gave most important evidence against him, — are now defending Publius Sulla, are countenancing him by their presence here; now that he is in danger they declare that they were not deterred by the accusation of conspiracy from countenancing the others, but by the guilt of the men. But for the time of my consulship, and with respect to the charge of the greatest conspiracy, Sulla shall be defended by me. And this partition of the cause between Hortensius and me has not been made by chance, or at random, O judges, but as we saw that we were employed as defenders of a man against those accusations in which we might have been witnesses, each of us thought that it would be best for him to undertake that part of the case, concerning which he himself had been able to acquire some knowledge, and to form some opinions with certainty. 5. [14]

And since you have listened attentively to Hortensius, while speaking on the charge respecting the former conspiracy, now, I beg you, listen to this first statement of mine respecting the conspiracy which was formed in my consulship.

When I was consul I heard many reports, I made many inquiries, I learnt a great many circumstances concerning the extreme peril of the republic. No messenger, no information, no letters, no suspicion

ever reached me at any time in the least affecting Sulla. Perhaps this assertion ought to have great weight when coming from a man who as consul had investigated the plots laid against the republic with prudence, had revealed them with sincerity had chastised them with magnanimity and who says that he himself never heard a word against Publius Sulla and never entertained a suspicion of him. But I do not as yet employ this assertion for the purpose of defending him I rather use it with a view to clear myself in order that Torquatus may cease to wonder that I, who would not appear by the side of Autronius, am now defending Sulla. [15] For what was the cause of Autronius? and what is the cause of Sulla? The former tried to disturb and get rid of a prosecution for bribery by raising in the first instance a sedition among gladiators and runaway slaves, and after that as we all saw, by stoning people, and collecting a violent mob. Sulla, if his own modesty and worth could not avail him, sought no other assistance. The former, when he had been convicted, behaved in such a manner, not only in his secret designs and conversation, but in every look and in his whole countenance, as to appear an enemy to the most honourable orders in the state, hostile to every virtuous man, and a foe to his country. The latter considered himself so bowed down, so broken down by that misfortune, that he thought that none of his former dignity was left to him, except what he could retain by his present moderation. [16] And in this conspiracy, what union was ever so close as that between Autronius and Catiline, between Autronius and Lentulus? What combination was there ever between any men for the most virtuous purposes, so intimate as his connection with them for deeds of wickedness, lust and audacity? — what crime is there which Lentulus did not plot with Autronius? — what atrocity did Catiline ever commit without his assistance? while, in the meantime, Sulla not only abstained from seeking the concealment of night and solitude in their company, but he had never the very slightest intercourse with them, either in conversation or in casual meetings. [17] The Allobroges, those who gave us the truest information on the most important matters, accused Autronius, and so did the letters of many men, and many private witnesses. All that time no one ever accused Sulla; no one ever mentioned his name. Lastly, after Catiline had been driven out or allowed to depart out of

the city, Autronius sent him arms, trumpets, bugles, scythes, standards, legions. He who was left in the city, but expected out of it though checked by the punishment of Lentulus, gave way at times to feelings of fear, but never to any right feelings or good sense. Sulla, on the other hand, was so quiet, that all that time he was at Naples, where it is not supposed that there were any men who were implicated in or suspected of this crime; and the place itself is one not so well calculated to excite the feelings of men in distress, as to console them. 6. [18]

On account, therefore, of this great dissimilarity between the men and the cases, I also behaved in a different manner to them both. For Autronius came to me, and he was constantly coming to me, with many tears, as a suppliant, to beg me to defend him, and he used to remind me that he had been my school-fellow in my childhood, my friend in my youth, and my colleague in the quaestorship. He used to enumerate many services which I had done him, and some also which he had done me. By all which circumstances, O judges, I was so much swayed and influenced, that I banished from my recollection all the plots which he had laid against me myself; that I forgot that Caius Cornelius had been lately sent by him for the purpose of killing me in my own house, in the sight of my wife and children. And if he had formed these designs against me alone, such is my softness and lenity of disposition, that I should never have been able to resist his tears and entreaties; [19] but when the thoughts of my country, of your dangers, of this city, of all those shrines and temples which we see around us, of the infant children, and matrons, and virgins of the city occurred to me, and when those hostile and fatal torches destined for the entire conflagration of the whole city, when the arms which had been collected, when the slaughter and blood of the citizens, when the ashes of my country began to present themselves to my eyes, and to excite my feelings by the recollection, then I resisted him, then I resisted not only that enemy of his country, that parricide himself, but I withstood also his relations the Marcelli, father and son, one of whom was regarded by me with the respect due to a parent, and the other with the affection which one feels towards a son. And I thought that I could not, without being guilty of the very greatest wickedness, defend in their companion the same

crimes which I had chastised in the case of others, when I knew him to be guilty. [20] And, on the same principle, I could not endure to see Publius Sulla coming to me as a suppliant, or these same Marcelli in tears at his danger nor could I resist the entreaties of Marcus Messala, whom you see in court, a most intimate friend of my own. For neither was his cause disagreeable to my natural disposition nor had the man or the facts anything in them at variance with my feelings of clemency his name had never been mentioned, there was no trace whatever of him in the conspiracy; no information had touched him, no suspicion had been breathed of him. I undertook his cause, O Torquatus; I undertook it, and I did so willingly, in order that, while good men had always, as I hope, thought me virtuous and firm, not even bad men might he able to call me cruel. 7. [21]

This Torquatus then, O judges, says that he cannot endure my kingly power. What is the meaning of my kingly power, O Torquatus? I suppose you mean the power I exerted in my consulship; in which I did not command at all, but on the contrary, I obeyed the conscript fathers, and all good men. In my discharge of that office, O judges, kingly power was not established by me, but put down. Will you say that then, when I had such absolute power and authority over all the military and civil affairs of the state, I was not a king, but that now, when I am only a private individual, I have the power of a king? Under what title? "Why, because," says he, "those against whom you gave evidence were convicted, and the man whom you defend hopes that he shall be acquitted." Here I make you this reply, as to what concerns my evidence: that if I gave false evidence, you also gave evidence against the same man; if my testimony was true, then I say, that persuading the judges to believe a true statement, which one has made on oath, is a very different thing from being a king. And of the hopes of my client, I only say, that Publius Sulla does not expect from me any exertion of my influence or interest, or, in short, anything except to defend him with good faith. [22] "But unless you," says he, "had undertaken his cause, he would never have resisted me, but would have fled without saying a word in his defence." Even if I were to grant to you that Quintus Hortensius, being a man of such wisdom as he is, and that all these men of high character, rely not on their own judgment but on mine; if

I were to grant to you, what no one can believe, that these men would not have countenanced Publius Sulla if I had not done so too; still, which is the king, he whom men, though perfectly innocent, cannot resist, or he who does not abandon men in misfortune? But here too, though you had not the least occasion for it, you took a fancy to be witty, when you called me Tarquin, and Numa, and the third foreign king of Rome. I won't say any more about the word king; but I should like to know why you called me a foreigner. For, if I am such, then it is not so marvellous that I should be a king, — because, as you say yourself, foreigners have before now been kings at Rome, — as that a foreigner should be a consul at Rome. "This is what I mean," says he, "that you come from a municipal town." [23] I confess that I do, and I add, that I come from that municipal town from which salvation to this city and empire has more than once proceeded. But I should like exceedingly to know from you, how it is that those men who come from the municipal towns appear to you to be foreigners. For no one ever made that objection to that great man, Marcus Cato the elder, though he had many enemies, or to Titus Coruncanius, or to Marcus Curius, or even to that great hero of our own times, Caius Marius, through many men envied him. In truth, I am exceedingly delighted that I am a man of such a character that, when you were anxious to find fault with me, you could still find nothing to reproach me with which did not apply also to the greater part of the citizens. 8.

But still, on account of your great friendship and intimacy, I think it well to remind you of this more than once — all men cannot be patricians. If you would know the truth, they do not all even wish to be so; nor do those of your own age think that you ought on that account to have precedence over them. [24] And if we seem to you to be foreigners, we whose name and honours have now become familiar topics of conversation and panegyric throughout the city and among all men, how greatly must those competitors of yours seem to be foreigners, who now, having been picked out of all Italy, are contending with you for honour and for every dignity! And yet take care that you do not call one of these a foreigner, lest you should be overwhelmed by the votes of the foreigners. For if they once bring their activity and perseverance into action, believe me they will

shake those arrogant expressions out of you, and they will frequently wake you from sleep, and will not endure to be surpassed by you in honours, unless they are also excelled by you in virtue. [25] And if, O judges, it is fit for me and you to be considered foreigners by the rest of the patricians, still nothing ought to be said about this blot by Torquatus. For he himself is on his mother's side, a citizen of a municipal town; a man of a most honourable and noble family, but still he comes from Asculum. Either let him, then, show that the Picentians alone are not foreigners, or else let him congratulate himself that I do not put my family before his. So do not for the future call me a foreigner, lest you meet with a sterner refutation; and do not call me a king, lest you be laughed at. Unless, indeed, it appears to be the conduct of a king to live in such a manner as not to be slave not only to any man, but not even to any passion; to despise all capricious desires; to covet neither gold nor silver, nor anything else; to form one's opinions in the senate with freedom; to consider the real interests of the people, rather than their inclinations; to yield to no one, to oppose many men. If you think that this is the conduct of a king, then I confess that I am a king. If my power, if my sway, it lastly, any arrogant or haughty expression of mine moves your indignation, then you should rather allege that, than stoop to raise odium against me by a name, and to employ mere abuse and insult. 9. [26]

If, after having done so many services to the republic, I were to ask for myself no other reward from the senate and people of Rome beyond honourable ease, who is there who would not grant it to me? If I were to ask, that they would keep all honours, and commands, and provinces, and triumphs, and all the other insignia of eminent renown to themselves, and that they would allow me to enjoy the sight of the city which I had saved, and a tranquil and quiet mind? — What, however, if I do not ask this? what, if my former industry, my anxiety, my assistance, my labour, my vigilance is still at the service of my friends, and ready at the call of every one? If my friends never seek in vain for my zeal on their behalf in the forum, nor the republic in the senate house; if neither the holiday earned by my previous achievements, nor the excuse — which my past honours or my present age might supply me with, is employed to save me from

trouble; if my good-will — my industry, my house, my attention, and my ears are always open to all men; if I have not even any time left to recollect and think over those things which I have done for the safety of the whole body of citizens; shall this still be called kingly power, when no one can possibly be found who would act as my substitute in it? [27] All suspicion of aiming at kingly power is very far removed from me. If you ask who they are who have endeavoured to assume kingly power in Rome, without unfolding the records of the public annals, you may find them among the images in your own house. I suppose it is my achievements which have unduly elated me, and have inspired me with I know not how much pride. Concerning which deeds of mine, illustrious and immortal as they are, O judges, I can say thus much — that I, who have saved this city, and the lives of all the citizens, from the most extreme dangers, shall have gained quite reward enough, if no danger arises to myself out of the great service which I have done to all men. [28]

In truth, I recollect in what state it is that I have done such great exploits, and in what city I am living. The forum is full of those men whom I, O judges, have taken off from your necks, but have not removed from my own. Unless you think that they were only a few men, who were able to attempt or to hope that they might be able to destroy so vast an empire. I was able to take away their firebrands, to wrest their torches from their hands, as I did; but their wicked and impious inclinations I could neither cure nor eradicate. Therefore I am not ignorant in what danger I am living among such a multitude of wicked men, since I see that I have undertaken single-handed an eternal war against all wicked men. 10. [29]

But if perchance, you envy that means of protection which I have, and if it seems to you to be of a kingly sort, — namely, the fact that all good men of all ranks and classes consider their safety as bound up with mine, — comfort yourself with the reflection that the dispositions of all wicked men are especially hostile to and furious against me alone; and they hate me, not only because I repressed their profligate attempts and impious madness, but still more because they think, that, as long as I am alive, they can attempt nothing more of the same sort. [30] But why do I wonder if any wicked thing is said of me by wicked men, where Lucius Torquatus himself, after having

in the first place laid such a foundation of virtue as he did in his youth, after having proposed to himself the hope of the most honourable dignity in the state, and, in the second place, being the son of Lucius Torquatus, a most intrepid consul a most virtuous senator, and at all times a most admirable citizen, is sometimes run away with by impetuosity of language? For when he had spoken in a low voice of the wickedness of Publius Lentulus, and of the audacity of all the conspirators, so that only you, who approve of those things, could hear what he said, he spoke with a loud querulous voice of the execution of Publius Lentulus and of the prison; [31] in which there was, first of all, this absurdity, that when he wished to gain your approval of the inconsiderate things which he had said, but did not wish those men, who were standing around the tribunal, to hear them, he did not perceive that, while he was speaking so loudly, those men whose favour he was seeking to gain could not hear him, without your hearing him too, who did not approve of what he was saying; and, in the second place, it is a great defect in an orator not to see what each cause requires. For nothing is so inconsistent as for a man who is accusing another of conspiracy, to appear to lament the punishment and death of conspirators; which is not, indeed, strange to any one, when it is done by that tribune of the people who appears to be the only man left to bewail those conspirators; for it is difficult to be silent when you are really grieved. But, if you do anything of that sort, I do greatly marvel at you, not only because you are such a young man as you are, but because you do it in the very cause in which you wish to appear as a punisher of conspiracy. [32] However, what I find fault with most of all, is this: that you, with your abilities and your prudence, do not maintain the true interest of the republic, but believe, on the contrary, that those actions are not approved of by the Roman people, which, when I was consul, were done by all virtuous men, for the preservation of the common safety of all. 11.

Do you believe that any one of those men who are here present, into whose favour you were seeking to insinuate yourself against their will, was either so wicked as to wish all these things to be destroyed, or so miserable as to wish to perish himself; and to have nothing which he wished to preserve? Is there any one who blames the most illustrious man of your family and name, who deprived his

own son of life in order to strengthen his power over the rest of his army; and do you blame the republic, for destroying domestic enemies in order to avoid being herself destroyed by them? [33] Take notice then, O Torquatus, to what extent I shirk the avowal of the actions of my consulship. I speak, and I always will speak, with my loudest voice, in order that all men may be able to hear me: be present all of you with your minds, ye who are present with your bodies, ye in whose numerous attendance I take great pleasure; give me your attention and all your ears, and listen to me while I speak of what he believes to be unpopular topics. I, as consul, when an army of abandoned citizens, got together by clandestine wickedness, had prepared a most cruel and miserable destruction for my country; when Catiline had been appointed to manage the fall and ruin of the republic in the camp, and when Lentulus was the leader among these very temples and houses around us; I, I say, by my labours, at the risk of my own life, by my prudence, without any tumult, without making any extraordinary levies, without arms, without an army, having arrested and executed five men delivered the city from conflagration, the citizens from massacre Italy from devastation, the republic from destruction. I at the price of the punishment of five frantic and ruined men ransomed the lives of all the citizens, the constitution of the whole world, this city the home of all of us, the citadel of foreign kings and foreign nations the light of all people the abode of empire. [34] Did you think that I would not say this in a court of justice when I was not on my oath, which I had said before now in a most numerous assembly when speaking on oath? 12.

And I will say this further, O Torquatus, to prevent any wicked man from conceiving any sudden attachment to, or any sudden hopes of you; and, in order that every one may hear it, I will say it as loudly as I can: — Of all those things which I undertook and did during my consulship in defence of the common safety, that Lucius Torquatus, being my constant comrade in my consulship, and having been so also in my praetorship, was my defender; and assistant, and partner in my actions; being also the chief; and the leader, and the standard-bearer of the Roman youth; and his father, a man most devoted to his country, a man of the greatest courage, of the most consummate political wisdom, and of singular firmness, though he was sick still

was constantly present at all my actions he never left my side: he by his zeal and wisdom and authority was of the very greatest assistance to me, overcoming the infirmity of his body by the vigour of his mind. [35] Do you not see now, how I deliver you from the danger of any sudden popularity among the wicked, and reconcile you to all good men? who love you, and cherish you, and who always will cherish you; nor, if perchance you for a while abandon me, will they on that account allow you to abandon them and the republic and your own dignity.

But now I return to the cause; and I call you, O judges, to hear witness to this; — that this necessity of speaking of myself was imposed on me by him. For if Torquatus had been content with accusing Sulla, I too at the present time should have done nothing beyond defending him who had been accused; but when he, in his whole speech, inveighed against me, and when, in the very beginning, as I said, he sought to deprive my defence of all authority, even if my indignation had not compelled me to speak, still the necessity of doing justice to my cause would have demanded this speech from me. 13. [36]

You say that Sulla was named by the Allobroges. — Who denies it? but read the information, and see how he was named. They said that Lucius Cassius had said that, among other men, Autronius was favourable to their designs. I ask, did Cassius say that Sulla was? Never. They say that they themselves inquired of Cassius what Sulla's opinions were. Observe the diligence of the Gauls. They, knowing nothing of the life or character of the man, but only having heard that he and Autronius had met with one common disaster, asked whether his inclinations were the same? what then? Even if Cassius had made answer that Sulla was of the same opinion, and was favourable to their views, still it would not seem to me that that reply ought to be made matter of accusation against him. How so? Because, as it was his object to instigate the barbarians to war, it was no business of his to weaken their expectations, or to acquit those men of whom they did entertain some suspicions. [37] But yet he did not reply, that Sulla was favourable to their designs. And, in truth, it would have been an absurdity, after he had named every one else of his own accord, to make no mention of Sulla till he was reminded of

him and asked about him. Unless you think this probable, that Lucius Cassius had quite forgotten the name of Publius Sulla. Even if the high rank of the man, and his unfortunate condition, and the relics of his ancient dignity had not made him notorious, still the mention of Autronius must have recalled Sulla to his recollection. In truth, it is my opinion that when Cassius was enumerating the authority of the chief men of the conspiracy for the purpose of exciting the minds of the Allobroges as he knew that the foreign nations are especially moved by an illustrious name he could not have named Autronius before Sulla, if he had been able to name Sulla at all. [38] But no one can be induced to believe this, — that the Gauls, the moment that Autronius was named, should have thought, on account of the similarity of their misfortunes, that it was worth their while to make inquiries about Sulla, but that Cassius, if he really was implicated in this wickedness, should never have once recollected Sulla, even after he had named Autronius. However, what was the reply which Cassius made about Sulla? He said that he was not sure. "He does not acquit him," says Torquatus. I have said before, that, even if he had accused him, when he was interrogated in this manner, his reply ought not to have been made matter of accusation against Sulla. [39] But I think that, in judicial proceedings and examinations, the thing to be inquired is, not whether any one is exculpated, but whether any one is inculpated. And in truth, when Cassius says that he does not know, is he seeking to exculpate Sulla, or proving clearly enough that he really does not know? He is unwilling to compromise him with the Gauls. Why so? That they may not mention him in their information? what? If he had supposed that there was any danger of their ever giving any information at all, would he have made that confession respecting himself? He did not know it. I suppose, O judges, Sulla was the only person about whom Cassius was kept in the dark. For he certainly was well informed about every one else; and it was thoroughly proved that a great deal of the conspiracy was hatched at his house. As he did not like to deny that Sulla made one of the conspirators, his object being to give the Gauls as much hope as possible, and as he did not venture to assert what was absolutely false, he said that he did not know. But this is quite evident, that as he, who knew the truth about every one, said that he did not know

about Sulla, the same weight is due to this denial of his as if he had said that be did know that he had nothing to do with the conspiracy. For when it is perfectly certain that a man is acquainted with all the conspirators, his ignorance of any one ought to be considered an acquittal of him. But I am not asking now whether Cassius acquits Sulla; this is quite sufficient for me, that there is not one word to implicate Sulla in the whole information of the Allobroges. 14. [40]

Torquatus being cut off from this article of his accusation, again turns against me, and accuses me. He says that I have made an entry in the public registers of a different statement from that which was really made. O ye immortal gods! (for I will give you what belongs to you; nor can I attribute so much to my own ability, as to think that I was able, in that most turbulent tempest which was afflicting the republic, to manage, of my own power, so many and such important affairs, — affairs arising so unexpectedly, and of such various characters,) it was you, in truth, who then inflamed my mind with the desire of saving my country; it was you who turned me from all other thoughts to the one idea of preserving the republic; it was you who, amid all that darkness of error and ignorance, held a bright light before my mind! [41] I saw this, O judges, that unless, while the recollection of the senate on the subject was still fresh, I bore evidence to the authority and to the particulars of this information by public records, hereafter some one, not Torquatus, nor any one like Torquatus, (for in that indeed I have been much deceived,) but some one who had lost his patrimony, some enemy of tranquillity, some foe to all good men, would say that the information given had been different; in order the more easily, when some gale of odium had been stirred up against all virtuous men, to be able, amid the misfortunes of the republic, to discover some harbour for his own broken vessel. Therefore, having introduced the informers into the Senate, I appointed senators to take down every statement made by the informers, every question that was asked, and every answer that was given. [42] And what men they were! Not only men of the greatest virtue and good faith, of which sort of men there are plenty in the senate, but men, also, who I knew from their memory, from their knowledge, from their habit and rapidity of writing, could most easily follow everything that was said. I selected Caius Cosconius,

who was praetor at the time; Marcus Messala, who was at the time standing for the praetorship; Publius Nigidius, and Appius Claudius. I believe that there is no one who thinks that these men were deficient either in the good faith or in the ability requisite to enable them to give an accurate report. 15.

What followed? What did I do next? As I knew that the information was by these means entered among the public documents, but yet that those records would be kept in the custody of private individuals, according to the customs of our ancestors, I did not conceal it; I did not keep it at my own house; but I caused it at once to be copied out by several clerks, and to be distributed everywhere, and published and made known to the Roman people. I distributed it all over Italy, I sent copies of it into every province; I wish no one to be ignorant of that information, by means of which safety was procured for all. [43] And I took this precaution, though at so disturbed a time, and when all opportunities of acting were so sudden and so brief at the suggestion of some divine providence, as I said before, and not of my own accord, or of my own wisdom; taking care, in the first instance, that no one should be able to recollect of the danger to the republic, or to any individual, only as much as he pleased; and in the second place, that no one should be able at any time to find fault with that information, or to accuse us of having given credit to it rashly; and lastly, that no one should ever put any questions to me, or seek to learn anything from my private journals, lest I might be accused of either forgetting or remembering too much, and lest any negligence of mine should be thought discreditable, or lest any eagerness on my part might seem cruel. [44]

But still, O Torquatus, I ask you, as your enemy was mentioned in the information, and as a full senate and the memory of all men as to so recent an affair was a witness of that fact; as my clerks would have communicated the information to you, my intimate friend and companion, if you had wished for it, even before they had taken a copy of it; when you saw that there were any incorrectnesses in it, why were you silent, why did you permit them? Why did you not make a complaint to me or to some friend of mine? or why did you not at least, since you are so well inclined to inveigh against your friends, expostulate passionately and earnestly with me? Do you,

when your voice was never once heard at the time, when, though the information was read, and copied out, and published, you kept silence then, — do you, I say, now on a sudden dare to bring forward a statement of such importance? and to place yourself in such a position that before you can convict me of having tampered with the information, you must confess that you are convicted yourself of the grossest negligence, on your own information bid against yourself? 16. [45]

Was the safety of any one of such consequence to me as to induce me to forget my own? or to make me contaminate the truth, which I had laid open, by any lie? Or do you suppose that I would assist any one by whom I thought that a cruel plot had been laid against the republic, and most especially against me the consul? But if I had been forgetful of my own severity and of my own virtue, was I so mad, as, when letters are things which have been devised for the sake of posterity, in order to be a protection against forgetfulness, to think that the fresh recollection of the whole senate could be beaten down by my journal? [46] I have been bearing with you, O Torquatus, for a long time. I have been bearing with you; and sometimes I, of my own accord, call back and check my inclination, when it has been provoked to chastise your speech. I make some allowance for your violent temper; I have some indulgence for your youth, I yield somewhat to our own friendship, I have some regard to your father. But unless you put some restraint upon yourself you will compel me to forget our friendship, in order to pay due regard to my own dignity. No one ever attempted to attach the slightest suspicion to me, that I did not defeat him; but I wish you to believe me in this; — those whom I think that I can defeat most easily, are not those whom I take the greatest pleasure in answering. [47] Do you, since you are not at all ignorant of my ordinary way of speaking, forbear to abuse my lenity. Do not think that the stings of my eloquence are taken away, because they are sheathed. Do not think that that power has been entirely lost, because I show some consideration for; and indulgence towards you. In the first place, the excuses which I make to myself for your injurious conduct, your violent temper; your age, and our friendship, have much weight with me; and, in the next place, I do not yet consider you a person of sufficient power to make

it worth my while to contend and argue with you. But if you were more capable through age and experience, I should pursue the conduct which is habitual to me when I have been provoked; at present I will deal with you in such away that I shall seem to have received an injury rather than to have requited one. 17. [48]

Nor, indeed, can I make out why you are angry with me. If it is because I am defending a man whom you accusing, why should not I also be angry with you, who are accusing a man whom I am defending? “I,” say you, “am accusing my enemy.” And I am defending my friend. “But you ought not to defend any one who is being tried for conspiracy.” On the contrary, no one ought to be more prompt to defend a man of whom he has never suspected any ill, than he who has had many reasons for forming opinions about other men. “Why did you give evidence against others?” Because I was compelled. “Why were they convicted?” Because my evidence was believed. “It is behaving like a king to speak against whomsoever you please and to defend whomsoever you please.” Say, rather, that it is slavery not to be able to speak against any one you choose and to defend any one you choose. And if you begin to consider whether it was more necessary for me to do this or for you to do that, you will perceive that you could with more credit fix a limit to your enmities than I could to my humanity. [49]

But when the greatest honours of your family were at stake, that is to say, the consulship of your father that wise man your father was not angry with his most intimate friends for defending and praising Sulla. He was aware that this was a principle handed down to us from our ancestors that we were not to be hindered by our friendship for any one from warding off dangers from others. And yet that contest was far from resembling this trial. Then, if Publius Sulla could he put down, the consulship would be procured for your father as it was procured, it was a contest of honour you were crying out, that you were seeking to recover what had been taken from you, in order that, having been defeated in the Campus Martius, you might succeed in the forum. Then those who were contending against you for Sulla’s safety your greatest friends, with whom you were not angry. On, that account, deprived you of the consulship, resisted your acquisition of honour; and yet they did so without any rupture of your mutual friendship, without violating any duty according to ancient precedent and the established principles of every good man. 18. [50]

But now what promotion of yours am I opposing? or what dignity

of yours am I throwing obstacles in the way of? what is there which you can at present seek from this proceeding? Honour has been conferred on your father; the insignia of honour have descended to you. You, adorned with his spoils, come to tear the body of him whom you have slain; I am defending and protecting him who is lying prostrate and stripped of his arms. And on this you find fault with me, and are angry because I defend him. But I not only am not angry with you, but I do not even find fault with your proceeding. For I imagine that you have laid down a rule for yourself as to what you thought that you ought to do, and that you have appointed a very capable judge of your duty. [51] "Oh, but the son of Caius Cornelius accuses him, and that ought to have the same weight as if his father had given information against him." O wise Cornelius, — the father; I mean — who left all the reward which is usually given for information, but has got all the discredit which a confession can involve, through the accusation brought by his son! However; what is it that Cornelius gives information of by the mouth of that boy? If it is a part of the business which is unknown to me, but which has been communicated to Hortensius, let Hortensius reply. If as you say, his statement concerns that crew of Autronius and Catiline, when they intended to commit a massacre in the Campus Martius, at the consular comitia, which were held by me; we saw Autronius that day in the Campus. And why do I say we saw? I myself saw him (for you at that time, O judges, had no anxiety, no suspicions; I, protected by a firm guard of friends at that time, checked the forces and the endeavours of Catiline and Autronius). [52] Is there, then, any one who says that Sulla at that time had any idea of coming into the Campus? And yet, if at that time he had united himself with Catiline in that society of wickedness, why did he leave him? why was not he with Autronius? why, when their cases were similar, are not similar proofs of criminality found? But since Cornelius himself even now hesitates about giving information against him, he, as you say, contents himself with filling up the outline of his son's information what then does he say about that night, when, according to the orders of Catiline, he came into the Scythemakers' street, to the house of Marcus Lecca, that night which followed the sixth of November; in my consulship? that night which of all the moments of the

conspiracy was the most terrible and the most miserable. Then the day in which Catiline should leave the city, then the terms on which the rest should remain behind, then the arrangement and division of the whole city, with regard to the conflagration and the massacre, was settled. Then your father, O Cornelius, as he afterwards confessed, begged for himself that especial employment of going the first in the morning to salute me as consul, in order that, laving been admitted, according to my usual custom and to the privilege which his friendship with me gave him, he might slay me in my bed. 19. [53]

At this time, when the conspiracy was at its height; when Catiline was starting for the army, and Lentulus was being left in the city; when Cassius was being appointed to superintend the burning of the city, and Cethegus the massacre; when Autronius had the part allotted to him of occupying Italy; when, in short, everything was being arranged, and settled, and prepared; where, O Cornelius, was Sulla? Was he at Rome? No, he was very far away. Was he in those districts to which Catiline was betaking himself? He was still further from them. Was he in the Camertine, Picenian, or Gallic district? lands which the disease, as it were, of that frenzy had infected most particularly. Nothing is further from the truth; for he was, as I have said already, at Naples. He was in that part of Italy which above all others was free from all suspicion of being implicated in that business. [54] What then does he state in his information, or what does he allege — I mean Cornelius, or you who bring these messages from him? He says that gladiators were bought, under pretence of some games to be exhibited by Faustus, for the purposes of slaughter and tumult. — Just so; — the gladiators are mentioned whom we know that he was bound to provide according to his father's will. "But he seized on a whole household of gladiators; and if he had left that alone, some other troop might have discharged the duty to which Faustus was bound." I wish this troop could satisfy not only the envy of parties unfavourable to him, but even the expectations of reasonable men. "He was in a desperate hurry, when the time for the exhibition was still far off." As if in reality, the time for the exhibition was not drawing very near. This household of slaves was got without Faustus having any idea of such a step; for he neither knew of it nor wished it. [55] But there are letters of Faustus's extant,

in which he begs and prays Publius Sulla to buy gladiators, and to buy this very troop: and not only were such letters sent to Publius Sulla, but they were sent also to Lucius Caesar, to Quintus Pompeius, and to Gains Memmius, by whose advice the whole business was managed. But Cornelius was appointed to manage the troop. If in the respect of the purchase of this household of gladiators no suspicion attaches to the circumstances, it certainly can make no difference that he was appointed to manage them afterwards. But still, he in reality only discharged the servile duty of providing them with arms; but he never did superintend the men themselves; that duty was always discharged by Balbus, a freedman of Faustus. 20. [56]

But Sittius was sent by him into further Spain; in order to excite sedition in that province. In the first place, O judges, Sittius departed, in the consulship of Lucius Julius and Caius Figulus, some time before this mad business of Catiline's, and before there was any suspicion of this conspiracy. In the second place, he did not go there for the first time, but he had already been there several years before, for the same purpose that he went now. And he went not only with an object but with a necessary object having some important accounts to settle with the king of Mauritania. But then, after he was gone, as Sulla managed his affairs as his agent he sold many of the most beautiful farms of Publius Sittius, and by this means paid his debts; so that the motive which drove the rest to this wickedness, the desire, namely, of retaining their possessions, did not exist in the case of Sittius, who had diminished his landed property to pay his debts. [57] But now, how incredible, how absurd is the idea that a man who wished to make a massacre at Rome, and to burn down this city, should let his most intimate friend depart, should send him away into the most distant countries! Did he so in order the more easily to effect what he was endeavoring to do at Rome, if there were seditions in Spain?—"But these things were done independently, and had no connection with one another." Is it possible, then, that he should have thought it desirable, when engaged in such important affairs, in such novel and dangerous, and seditious designs, to send away a man thoroughly attached to himself, his most intimate friend, one connected with himself by reciprocal good offices and by constant intercourse? It is not probable that he should send a way, when in

difficulty, and in the midst of troubles of his own raising, the man whom he had always kept with him in times of prosperity and tranquillity. [58]

But is Sittius himself (for I must not desert the cause of my old friend and host) a man of such a character, or of such a family and such a school as to allow us to believe that he wished to make war on the republic? Can we believe that he, whose father when all our other neighbours and borderers revolted from us behaved with singular duty and loyalty to our republic, should think it possible himself to undertake a nefarious war against his country? A man whose debts we see were contracted not out of luxury but from a desire to increase his property which led him to involve himself in business and who, though he owed debts at Rome, had very large debts owing to him in the provinces and in the confederate kingdoms and when he was applying for them he would not allow his agents to be put in any difficulty by his absence but preferred having all his property sold and being stripped himself of a most beautiful patrimony, to allowing any delay to take place in satisfying his creditors. And of men of that sort I never, O judges, had any fear when I was in the middle of that tempest which afflicted the republic. The sort of men who were formidable and terrible were those who clung to their property with such affection that you would say it was easier to tear their limbs from them than their lands but Sittius never thought that there was such a relationship between him and his estates, and therefore he cleared himself, not only from all suspicion of such wickedness as theirs, but even from being talked about not by arms, but at the expense of his patrimony. 21. [60]

But now, as to what he adds, that the inhabitants of Pompeii were excited by Sulla to join that conspiracy and that abominable wickedness, what sort of statement that I am quite unable to understand. Do the people of Pompeii appear to have joined the conspiracy? Who has ever said so? or when was there the slightest suspicion of this fact? “He separated then,” says he, “from the settlers, in order that when he had excited dissensions and divisions within, he might be able to have the town and nation of Pompeii in his power.” In the first place, every circumstance of the dissension between the natives of Pompeii and the settlers was referred to the

patrons of the town, being a matter of long standing, and having been going on many years. In the second place, the matter was investigated by the patrons in such a way, that Sulla did not in any particular disagree with the opinions of the others. And lastly, the settlers themselves understand that the natives of Pompeii were not more denuded by Sulla than they themselves were. [61] And this, O judges, you may ascertain from the number of settlers, most honourable men, here present; who are here now, and are anxious and above all things desirous that the man, the patron, the defender, the guardian of that colony, (if they have not been able to see him in the safe enjoyment of every sort of good fortune and every honour,) may at all events, in the present misfortune by which he is attacked, be defended and preserved by your means. The natives of Pompeii are here also with equal eagerness, who are accused as well as he is by the prosecutors; men whose differences with the settlers about walks and about votes have not gone to such lengths as to make them differ also about their common safety. [62] And even this virtue of Publius Sulla appears to me to be one which ought not to be passed over in silence; — that though that colony was originally settled by him, and though the fortune of the Roman people has separated the interests of the settlers from the fortunes of the native citizens of Pompeii, he is still so popular among, and so much beloved by both parties, that he seems not so much to have dispossessed the one party of their lands as to have settled both of them in that country. 22.

"But the gladiators, and all those preparations for violence, were got together because of the motion of Caecilius." And then he inveighed bitterly against Caecilius, a most virtuous and most accomplished man, of whose virtue and constancy, O judges, I will only say thus much, — that he behaved in such a manner with respect to that motion which he brought forward, not for the purpose of doing away with, but only of relieving his brother's misfortune, that though he wished to consult his brother's welfare, he was unwilling to oppose the interests of the republic; he proposed his law the impulse of brotherly affection, and he abandoned it because he was dissuaded from it by his brother's authority. [63] And Sulla is accused by Lucius Caecilius, in that business in which both of them deserve praise. In the first place Caecilius, for having proposed a law

in which he appeared to wish to rescind an unjust decision; and Sulla, who reproved him, and chose to abide by the decision. For the constitution of the republic derives its principal consistency from formal legal decisions. Nor do I think that any one ought to yield so much to his love for his brother as to think only of the welfare of his own relations, and to neglect the common safety of all. He did not touch the decision already given, but he took away the punishment for bribery which had been lately established by recent laws. And, therefore, by this motion he was seeking, not to rescind a decision, but to correct a defect in the law. When a man is complaining of a penalty, it is not the decision with which he is finding fault but the law. For the conviction is the act of judges, and that is let stand; the penalty is the act of the law, and that may be lightened. [64] Do not therefore, alienate from your cause the inclinations of those orders of men which preside over the courts of justice with the greatest authority and dignity. No one, has attempted to annul the decision which has been given; nothing of that sort has been proposed. What Caecilius always thought while grieved at the calamity which had befallen his brother, was, that the power of the judges ought to be preserved unimpaired, but that the severity of the law required to be mitigated. 23.

But why need I say more on this topic? I might speak perhaps, and I would speak willingly and gladly, if affection and fraternal love had impelled Lucius Caecilius a little beyond the limits which regular and strict duty requires of a man; I would appeal to your feelings, I would invoke the affection which every one feels for his own relations; I would solicit pardon for the error of Lucius Caecilius, from your own inmost thoughts and from the common humanity of all men. [65] The law was proposed only a few days; it was never begun to be put in train to be carried; it was laid on the table in the senate. On the first of January, when we had summoned the senate to meet in the Capitol, nothing took precedence of it; and Quintus Metellus the praetor said, that what he was saying was by the command of Sulla; that Sulla did not wish such a motion to be brought forward respecting his case. From that time forward Caecilius applied himself to many measures for the advantage of the republic; he declared that he by his intercession would stop the

agrarian law, which was in every part of it denounced and defeated by me. He resisted infamous attempts at corruption; he never threw any obstacles in the way of the authority of the senate. He behaved himself in his tribuneship in such a manner, that, laying aside all regard for his own domestic concerns, he thought of nothing for the future but the welfare of the republic. [66] And even in regard to this very motion, who was there of us who had any fears of Sulla or Caecilius attempting to carry any point by violence? Did not all the alarm that existed at that time, all the fear and expectation of sedition, arise from the villainy of Autronius? It was his expressions and his threats which were bruited abroad; it was the sight of him, the multitudes that thronged to him, the crowd that escorted him, and the bands of his abandoned followers, that caused all the fear of sedition which agitated us. Therefore, Publius Sulla, as this most odious man was then his comrade and partner, not only in honour but also in misfortune, was compelled to lose his own good fortune, and to remain under a cloud without any remedy or alleviation. 24. [67]

At this point you are constantly reading passages from my letter, which I sent to Cnaeus Pompeius about my own achievements, and about the general state of the republic; and out of it you seek to extract some charge against Publius Sulla. And because I wrote that an attempt of incredible madness, conceived two years before, had broken out in my consulship, you say that I, by this expression, have proved that Sulla was in the former conspiracy. I suppose I think that Cnaeus Piso, and Catiline, and Vargunteius were not able to do any wicked or audacious act by themselves, without the aid of Publius Sulla! [68] But even if any one had had a doubt on that subject before, would he have thought (as you accuse him of having done) of descending, after the murder of your father, who was then consul, into the Campus on the first of January with the lictors? This suspicion, in fact you removed yourself, when you said that he had prepared an armed band and cherished violent designs against your father, in order to make Catiline consul. And if I grant you this, then you must grant to me that Sulla, when he was voting for Catiline, had no thoughts of recovering by violence his own consulship, which he had lost by a judicial decision. For his character is not one, O judges, which is at all liable to the imputation of such enormous, of such

atrocious crimes. [69]

For I will now proceed, after I have refuted all the charges against him, by an arrangement contrary to that which is usually adopted, to speak of the general course of life and habits of my client. In truth, at the beginning I was eager to encounter the greatness of the accusation, to satisfy the expectations of men, and to say something also of myself, since I too had been accused. But now I mast call you back to that point to which the cause itself, even if I said nothing, would compel you to direct all your attention. 25.

In every case, O judges, which is of more serious importance than usual, we must judge a good deal as to what every one has wished, or intended, or done, not from the counts of the indictment but from the habits of the person who is accused. For no one of us can have his character modeled in a moment, nor can any one's course of life be altered, or his natural disposition changed on a sudden. [70] Survey for a moment in your mind's eye, O judges, (to say nothing of other instances,) these very men who were implicated in this wickedness. Catiline conspired against the republic. Whose ears were ever unwilling to believe in this attempt on the part of a man who had spent his whole life, from his boyhood upwards, not only in intemperance and debauchery, but who had devoted all his energies and all his zeal to every sort of enormity, and lust, and bloodshed? Who marveled that that man died fighting against his country, whom all men had always thought born for civil war? Who is there that recollects the way in which Lentulus was a partner it of informers or the insanity of his caprices or his perverse and impious superstition, who can wonder that he cherished either wicked designs, or insane hopes? Who even thinks of Caius Cethegus and his expedition into Spain and the wound inflicted on Quintus Metellus Pius without seeing that a prison was built on purpose to be the scene of his punishment? [71] I say nothing of the rest that there may be some end to my instances. I only ask you silently to recollect all those men who are proved to have been in this conspiracy. You will see that every one of those men was convicted by his own manner of life, before be was condemned by our suspicion. And as for Autronius himself, (since his name is the most nearly connected with the danger in which my client is, and with the accusation which is brought

against him,) did not the manner in which he had spent all his early life convict him? He had always been audacious, violent profligate. We know that in defending himself in charges of adultery, he was accustomed to use not only the most infamous language, but even his fists and his feet. We know that he had been accustomed to drive men from their estates, to murder his neighbors, to plunder the temples of the allies, to disturb the courts of justice by violence and arms; in prosperity to despise every body, in adversity to fight against all good men; never to regard the interests of the republic, and not to yield even to fortune herself. Even if he were not convicted by the most irresistible evidence, still his own habits and his past life would convict him. 26. [72]

Come now, compare with those men the life of Publius Sulla, well known as it is to you and to all the Roman people; and place it, O judges, as it were before your eyes. Has there ever been any act or exploit of his which has seemed to any one, I will not say audacious, but even rather inconsiderate? Do I say any act? Has any word ever fallen from his lips by which any one could be offended? Yes, even in that terrible and disorderly victory of Lucius Sulla, who was found more gentle or more merciful than Publius Sulla? How many men's wives did he not save by begging them of Lucius Sulla! How many men are there of the highest rank and of the greatest accomplishments, both of our order and of the equestrian body, for whose safety he laid himself under obligations to Lucius Sulla! whom I might name, for they have no objection; indeed they are here to countenance him now, with the most grateful feelings towards him. But because that service is a greater one than one citizen ought to be able to do to another, I entreat of you to impute to the times the fact of his having such power, but to give him himself the credit due to his having exerted it in such a manner. [73] Why need I speak of the other virtues of his life? of his dignity? of his liberality? of his moderation in his own private affairs? of his splendour on public occasions? For, though in these points he has been crippled by fortune, yet the good foundations laid by nature are visible. What a house was his! what crowds frequented it daily! How great was the dignity of his behaviour to his friends! How great was their attachment to him! What a multitude of friends had he of every order

of the people! These things which had been built up by long time and much labour, one single hour deprived him of; Publius Sulla, O judges, received a terrible and a mortal wound; but still it was an injury of such a sort as his way of life and his natural disposition might seem liable to be exposed to. He was judged to have too great a desire for honour and dignity. If no one else was supposed to have such desires in standing for the consulship, then he was judged to be more covetous than the rest. But if this desire for the consulship has existed in some other men also, then, perhaps, fortune was a little more unfavourable to him than to others. [74] But, after this misfortune, who ever saw Publius Sulla otherwise than grieving, dejected, and out of spirits? Who ever suspected that he was avoiding the sight of men and the light of day, out of hatred, and not rather out of shame? For though he had many temptations to frequent this city and the forum, by reason of the great attachment of his friends to him, the only consolation which remained to him in his misfortunes, still he kept out of your sight; and though he might have remained here as far as the law went he almost condemned himself to banishment. 27.

In such modest conduct as this, O judges, and in such a life as this, will you believe that there was any room left for such enormous wickedness? Look at the man himself; behold his countenance. Compare the accusation with his course of life. Compare his life, which has been laid open before you from his birth up to this day, with this accusation. [75] I say nothing of the republic, to which Sulla has always been most devoted. Did he wish these friends of his, being such men as they are, so attached to him, by whom his prosperity had been formerly adorned, by whom his adversity is now comforted and relieved, to perish miserably, in order that he himself might be at liberty to pass a most miserable and infamous existence in company with Lentulus, and Catiline, and Cethegus, with no other prospect for the future but a disgraceful death? That suspicion is not consistent, — it is, I say, utterly at variance with such habits, with such modesty, with such a life as his, with the man himself. That sprang up, a perfectly unexampled sort of barbarity; it was an incredible and amazing insanity. The foulness of that unheard of wickedness broke out on a sudden, taking its rise from the countless

vices of profligate men accumulated ever since their youth. [76]

Think not, O judges, that that violence and that attempt was the work of human beings; for no nation ever was so barbarous or so savage, as to have (I will not say so many, but even) one implacable enemy to his country. They were some savage and ferocious beasts, born of monsters, and clothed in human form. Look again and again, O judges; for there is nothing too violent to be said in such a cause as this. Look deeply and thoroughly into the minds of Catiline, Autronius, Cethegus, Lentulus, and the rest. What lusts you will find in these men, what crimes, what baseness, what audacity, what incredible insanity, what marks of wickedness, what traces of parricide, what heaps of enormous guilt! Out of the great diseases of the republic, diseases of long standing, which had been given over as hopeless, suddenly that violence broke out in such a way, that when it was put down and got rid of, the state might again be able to become convalescent and to be cured; for there is no one who thinks that if those pests remained in the republic, the Constitution could continue to exist any longer. Therefore they were some Furies who urged them on, not to complete their wickedness, but to atone to the republic for their guilt by their punishment. 28. [77]

Will you then, O judges, now turn back Publius Sulla into this band of rascals, out of that band of honourable men who are living and have lived as his associates? Will you transfer him from this body of citizens, and from the familiar dignity in which he lives with them, to the party of impious men, to that crew and company of parricides? What then will become of that most impregnable defence of modesty? in what respect will the purity of our past lives be of any use to us? For what time is the reward of the character which a man has gained to be reserved, if it is to desert him at his utmost need, and when he is engaged in a contest in which all his fortunes are at stake — if it is not to stand by him and help him at such a crisis as this? [78] Our prosecutor threatens us with the examinations and torture of our slaves; and though we do not suspect that any danger can arise to us from them, yet pain reigns in those tortures; much depends on the nature of every one's mind, and the fortitude of a person's body. The inquisitor manages everything; caprice regulates much, hope corrupts them, fear disables them, so that, in the straits in

which they are placed, there is but little room left for truth.

Is the life of Publius Sulla, then, to be put to the torture? is it to be examined to see what lust is concealed beneath it? whether any crime is lurking under it, or any cruelty, or any audacity? There will be no mistake in our cause, O judges, no obscurity, if the voice of his whole life, which ought to be of the very greatest weight, is listened to by you. [79] In this cause we fear no witness; we feel sure that no one knows, or has ever seen, or has ever heard anything against us. But still, if the consideration of the fortune of Publius Sulla has no effect on you, O judges, let a regard for your own fortune weigh with you. For this is of the greatest importance to you who have lived in the greatest elegance and safety, that the causes of honourable men should not be judged of according to the caprice, or enmity, or worthlessness of the witnesses; but that in important investigations and sudden dangers, the life of every man should be the most credible witness. And do not you, O judges, abandon and expose it, stripped of its arms, and defenceless, to envy and suspicion. Fortify the common citadel of all good men, block up the ways of escape resorted to by the wicked. Let that witness be of the greatest weight in procuring either safety or punishment for a man, which is the only one that, from its own intrinsic nature, can with ease be thoroughly examined, and which cannot be suddenly altered and remodelled. 29. [80]

What? Shall this authority, (for I must continually speak of that though I will speak of it with timidity and moderation,) — shall, I say, this authority of mine, when I have kept aloof from the cause of every one else accused of this conspiracy, and have defended Sulla alone, be of no service to my client? This is perhaps a bold thing to say, O judges; a bold thing, if we are asking for anything; a bold thing, if, when every one else is silent about us, we will not be silent ourselves. But if we are attacked, if we are accused, if we are sought to be rendered unpopular, then surely, O judges, you will allow us to retain our liberty, even if we cannot quite retain all our dignity. [81] All the men of consular rank are accused at one swoop; so that the name of the most honourable office in the state appears now to carry with it more unpopularity than dignity. “They stood by Catiline,” says he, “and praised him.” At that time there was no conspiracy

known of or discovered. They were defending a friend. They were giving their suppliant the countenance of their presence. They did not think the moment of his most imminent danger a fit time to reproach him with the infamy of his life. Moreover, even your own father, O Torquatus, when consul, was the advocate of Catiline when he was prosecuted on a charge of extortion: he knew he was a bad man, but he was a suppliant; perhaps he was an audacious man, but he had once been his friend. And, as he stood by him after information of that first conspiracy had been laid before him, he showed that he had heard something about him, but that he had not believed it. [82] "But he did not countenance him by his presence at the other trial, when the rest did." If he himself had afterwards learnt something, of which he had been ignorant when consul, still we must pardon those men who had heard nothing since that time. But if the first accusation had weight, it ought not to have had more weight when it was old than when it was fresh. But if your parent, even when he was not without suspicion of danger to himself, was still induced by pity to do honour to the defence of a most worthless man by his curule chair, by his own private dignity, and by that of his office as consul, then what reason is there for reproaching the men of consular rank who gave Catiline the countenance of their presence? "But the same men did not countenance those who were tried for their accession to this conspiracy before Sulla." Certainly not; they resolved that no aid, no assistance, no support ought to be given by them to men implicated in such wickedness. And that I may speak for a moment of their constancy and attachment to the republic, whose silent virtue and loyalty bears witness in behalf of every one of them, and needs no ornaments of language from any one, — can any one say that any time there were men of consular rank more virtuous, more fearless, or more firm, than those who lived in these critical and perilous times, in which the republic was nearly overwhelmed? Who of them did not, with the greatest openness, and bravery, and earnestness, give his whole thoughts to the common safety? Nor need I confine what I say to the men of consular rank. For this credit is due to all those accomplished men who have been praetors, and indeed to the whole senate in common; so that it is plain that never, in the memory of man, was there more virtue in that order, greater attachment to the

republic, or more consummate wisdom, But because the men of consular rank were especially mentioned, I thought I ought to say thus much in their behalf; and that that would be enough, as the recollection of all men would join me in bearing witness, that there was not one man of that rank who did not labour with all his virtue, and energy, and influence, to preserve the republic. 30. [83]

But what comes next? Do I, who never praised Catiline, who never as consul countenanced Catiline when he was on his trial, who have given evidence respecting the conspiracy against others, — do I seem to you so far removed from sanity, so forgetful of my own consistency, so forgetful of all the exploits which I have performed, as, though as consul I waged war against the conspirators, now to wish to preserve their leader, and to bring my mind now to defend the cause and the life of that same man whose weapon I lately blunted, and whose flames I have but just extinguished? If, O judges, the republic itself, which has been preserved by my labours and dangers, did not by its dignity recall me to wisdom and consistency, still it is an instinct implanted by nature, to hate for ever the man whom you have once feared, with whom you have contended for life and fortune, and from whose plots you have escaped. But when my chief honours and the great glory of all my exploits are at stake; when, as often as any one is convicted of any participation in this wickedness, the recollection of the safety of the city having been secured by me is renewed, shall I be so mad as to allow those things which I did in behalf of the common safety to appear now to have been done by me more by chance and by good fortune than by virtue and wisdom? [84] "What, then, do you mean? Do you," some one will say, perhaps, "claim that a man shall be judged innocent, just because you have defended him?" But I, O judges, not only claim nothing for myself to which any one can object, but I even give up and abandon pretensions which are granted and allowed me by every one. I am not living in such a republic — I have not exposed my life to all sorts of dangers for the sake of my country at such a time, — they whom I have defeated are not so utterly extinct, — nor are those whom I have preserved so grateful, that I should think it safe to attempt to assume more than all my enemies and enviers may endure. [85] It would appear an offensive thing for him who investigated the

conspiracy, who laid it open, who crushed it, whom the senate thanked in unprecedented language, to whom the senate decreed a supplication, which they had never decreed to any one before for civil services, to say in a court of justice, “I would not have defended him if he had been a conspirator.” I do not say that, because it might be offensive; I say this, which in these trials relating to the conspiracy I may claim a right to say, speaking not with authority but with modesty, “I who investigated and chastised that conspiracy would certainly not defend Sulla, if I thought that he had been a conspirator.” I, O judges, say this, which I said at the beginning, that when I was making a thorough inquiry into those great dangers which were threatening everybody, when I was hearing many thing; not believing everything, but guarding against everything, not one word was said to me by any one who gave information, nor did any one hint any suspicion, nor was there the slightest mention in any one’s letters, of Publius Sulla. 31. [86]

Wherefore I call you, O gods of my country and of my household, to witness, — you who preside over this city and this empire, — you who have preserved this empire, and these our liberties, and the Roman people, — you who by your divine assistance protected these houses and temples when I was consul, — that I with a free and honest heart am defending the cause of Publius Sulla; that no crime has been concealed by me knowingly, that no wickedness undertaken against the general safety has been kept back or defended by me. I, when consul, found out nothing about this man, I suspected nothing, I heard of nothing. [87] Therefore I, the same person who have seemed to be vehement against some men, inexorable towards the rest of the conspirators, (I paid my country what I owed seemed to be vehement against some men, inexorable towards I heard of nothing. Therefore I, the same person who have seemed to be vehement against some men, inexorable towards the rest of the conspirators, (I paid my country what I owed her; what I am now doing is due to my own invariable habits and natural disposition,) am as merciful, O judges, as you yourselves. I am as gentle as the most soft-hearted among you. As far as I was vehement in union with you, I did nothing except what I was compelled to do: I came to the assistance of the republic when in great danger; I raised my sinking country;

influenced by pity for the whole body of citizens, we were then as severe as was necessary. The safety of all men would have been lost for ever in one night, if that severity had not been exercised; but as I was led on to the punishment of wicked men by my attachment to the republic, so now I am led to secure the safety of the innocent by my own inclination. [88]

I see, O judges, that in this Publius Sulla there is nothing worthy of hatred, and many circumstances deserving our pity. For he does not now, O judges, flee to you as a suppliant for the sake of warding off calamity from himself, but to prevent his whole family and name from being branded with the stigma of nefarious baseness. For as for himself, even if he be acquitted by your decision, what honours has he, what comfort has he for the rest of his life, in which he can find delight or enjoyment? His house, I suppose, will be adorned; the images of his ancestors will be displayed; he himself will resume his ornaments and his usual dress. All these things, O judges, are lost to him; all the insignia and ornaments of his family, and his name, and his honour, were lost by the calamity of that one decision. But he is anxious not to be called the destroyer, the betrayer, the enemy of his country; he is fearful of leaving such disgrace to a family of such renown; he is anxious that this unhappy child may not be called the son of a conspirator, a criminal and a traitor. He fears for this boy, who is much dearer to him than his own life, anxious, though he cannot leave him the undiminished inheritance of his honours, at all events not to leave him the undying recollection of his infamy. [89] This little child entreats you, O judges, to allow him occasionally to congratulate his father, if not with his fortunes unimpaired, at least to congratulate him in his affliction. The roads to the courts of justice and to the forum are better known to that unhappy boy, than the roads to his playground or to his school. I am contending now, O judges, not for the life of Publius Sulla, but for his burial. His life was taken from him at the former trial; we are now striving to prevent his body from being cast out. For what has he left which need detain him in this life? or what is there to make any one think such an existence life at all? 32.

Lately, Publius Sulla was a man of such consideration in the state, that no one thought himself superior to him either in honour, or in

influence, or in good fortune. Now, stripped of all his dignity, he does not seek to recover what has been taken away from him; but he does entreat you, O judge; not to take from him the little which fortune has left him in his disasters, — namely, the permission to bewail his calamities in company with his parent, with his children, with his brother; and with his friends. [90] It would be becoming for even you yourself, O Torquatus, to be by this time satisfied with the miseries of my client. Although you had taken nothing from Sulla except the consulship, yet you ought to be content with that for it was a contest for honour, and not enmity, which originally induced you to take up this cause. But now that, together with his honour, everything else has been taken from him, — now that he is desolate, crushed by this miserable and grievous fortune, what is there which you can wish for more? Do you wish to deprive him of the enjoyment of the light of day, full as it is to him of tears and grief, in which he now lives amid the greatest grief and torment? He would gladly give it up, if you would release him from the foul imputation of this most odious crime. Do you seek to banish him as an enemy, when, if you were really hard-hearted, you would derive greater enjoyment from seeing his miseries than from hearing of them? [91] Oh, wretched and unhappy was that day on which Publius Sulla was declared consul by all the centuries! O how false were the hopes! how fleeting the good fortune! how blind the desire! how unreasonable the congratulations! How soon was all that scene changed from joy and pleasure to mourning and tears, when he, who but a short time before had been consul elect, had on a sudden no trace left of his previous dignity. For what evil was there which seemed then to be wanting to him when he was thus stripped of honour, and fame, and fortune? or what room could there be left for any new calamity? The same fortune continues to pursue him which followed him from the first; she finds a new source of grief for him; she will not allow an unfortunate man to perish when he has been afflicted in only one way, and by only one disaster. 33. [92]

But now, O judges, I am hindered by my own grief of mind from saying any more about the misery of my client. That consideration belongs to you, O judges, I rest the whole cause on your mercy and your humanity. You, after a rejection of several judges, of which we

had no suspicion, have sat as judges suddenly appointed to hear our cause, having been chosen by our accusers from their hopes of your severity, but having been also given to us by fortune as the protectors of our innocence. As I have been anxious as to what the Roman people thought of me, because I had been severe towards wicked men, and so have undertaken the first defence of an innocent man that was offered to me, so do you also mitigate that severity of the courts of justice which has been exerted now for some months against the most audacious of men, by your lenity and mercy. [93] The cause itself ought to obtain this from you; and besides, it is due to your virtue and courage to show that you are not the men to whom it is most advisable for an accuser to apply after having rejected other judges. And in leaving the matter to your decision, O judges, I exhort you, with all the earnestness that my affection for you warrants me in using, so to act that we, by our common zeal, (since we are united in the service of the republic,) and you, by your humanity and mercy, may repel from us both the false charge of cruelty.

PRO ARCHIA POETA (In Defense of Aulus Licinius Archias the Poet)

Translated by C. D. Yonge

The *Pro Archia Poeta* is Cicero's defence of Aulus Licinius Archias, a poet accused of not being a Roman citizen. This accusation is believed to have been a political move against Lucullus through Archias. The poet was originally Greek, but had been living in Rome for an extended period of time. A letter from Cicero to Atticus in the year following the trial refers to Archias, but there is no conclusive evidence about the outcome of the trial. The oration was first discovered by Petrarch, most likely in 1333.

Licinius Archias was born in Antioch around 120 BC and arrived in Rome in 102 BC. It was here that he earned a living as a poet and gained the patronage of the general and politician L. Lucullus. Archias wrote poems of the general's military exploits, and in 93 BC, Lucullus helped him gain citizenship of the municipium of Heraclea. Thereafter, Archias was set up with a permanent residence in Rome in preparation for achieving full Roman citizenship. It was in Rome where Archias became a mentor and teacher of Cicero in his early education in rhetoric.

THE SPEECH OF M. T. CICERO FOR AULUS LICINIUS ARCHIAS, THE POET

THE ARGUMENT.

Archias was a Greek poet, a native of Antioch, who came to Rome in the train of Lucullus, when Cicero was a child. He assumed the names of Aulus and Licinius, the last out of compliment to the Luculli, and Cicero had been for some time a pupil of his, and had retained a great regard for him. A man of the name of Gracchus now prosecuted him as a false pretender to the rights of a Roman citizen, according to the provisions of the lex Papiria. But Cicero contends that he is justified by that very law, for Archias before coming to Rome had stayed at Heraclea, a confederate city, and had been enrolled as a Heraclean citizen; and in the lex Papiria it was expressly provided that those who were on the register of any confederate city as its citizens, if they were residing in Italy at the time the law was passed, and if they made a return of themselves to the praetor within sixty days, were to be exempt from its operation. However, the greatest part of this oration is occupied, not in legal arguments, but in a panegyric on Archias, who is believed to have died soon afterwards; and he must have been a very old man at the time that it was spoken, as it was neatly forty years previously that he had first come to Rome.

1. If there is any natural ability in me, O judges, — and I know how slight that is; or if I have any practice as a speaker, — and in that line I do not deny that I have some experience; or if I have any method in my oratory, drawn from my study of the liberal sciences, and from that careful training to which I admit that at no part of my life have I ever been disinclined; certainly, of all those qualities, this Aulus Licinius is entitled to be among the first to claim the benefit from me as his peculiar right. For as far as ever my mind can look back upon the space of time that is past, and recall the memory of its earliest youth, tracing my life from that starting-point, I see that Archias was

the principal cause of my undertaking, and the principal means of my mastering, those studies. And if this voice of mine, formed by his encouragement and his precepts, has at times been the instrument of safety to others, undoubtedly we ought, as far as lies in our power, to help and save the very man from whom we have received that gift which has enabled us to bring help to many and salvation to some. [2] And lest any one should, perchance, marvel at this being said by me, as the chief of his ability consists in something else, and not in this system and practice of eloquence, he must be told that even we ourselves have never been wholly devoted to this study. In truth, all the arts which concern the civilising and humanising of men, have some link which binds them together, and are, as it were, connected by some relationship to one another. 2. [3]

And, that it may not appear marvellous to any one of you, that I, in a formal proceeding like this, and in a regular court of justice, when an action is being tried before a praetor of the Roman people, a most eminent man, and before most impartial judges, before such an assembly and multitude of people as I see around me, employ this style of speaking, which is at variance, not only with the ordinary usages of courts of justice, but with the general style of forensic pleading; I entreat you in this cause to grant me this indulgence, suitable to this defendant, and as I trust not disagreeable to you, — the indulgence, namely, of allowing me, when speaking in defence of a most sublime poet and most learned man, before this concourse of highly-educated citizens, before this most polite and accomplished assembly, and before such a praetor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts, and, speaking in the character of such a man as that, who, owing to the tranquillity of his life and the studies to which he has devoted himself, has but little experience of the dangers of a court of justice, to employ a new and unusual style of oratory. [4] And if I feel that that indulgence is given and allowed me by you, I will soon cause you to think that this Aulus Licinius is a man who not only, now that he is a citizen, does not deserve to be expunged from the list of citizens, but that he is worthy, even if he were not one, of being now made a citizen. 3.

For when first Archias grew out of childhood, and out of the

studies of those arts by which young boys are gradually trained and refined, he devoted himself to the study of writing. First of all at Antioch, (for he was born there, and was of high rank there,) formerly an illustrious and wealthy city, and the seat of learned men and of liberal sciences; and there it was his lot speedily to show himself superior to all in ability and credit. Afterwards, in the other parts of Asia, and over all Greece, his arrival was so talked of wherever he came, that the anxiety with which he was expected was even greater than the fame of his genius; — but the admiration which he excited when he had arrived, exceeded even the anxiety with which he was expected. [5] Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns; and here too at Rome, on account of the tranquil state of the republic at that time, they were far from neglected. Therefore, the people of Tarentum, and Rhegium, and Neapolis, presented him with the freedom of the city and with other gifts; and all men who were capable of judging of genius thought him deserving of their acquaintance and hospitality. When, from this great celebrity of his, he had become known to us though absent, he came to Rome, in the consulship of Marius and Catulus. It was his lot to have those men as his first consuls, the one of whom could supply him with the most illustrious achievements to write about, the other could give him, not only exploits to celebrate, but his ears and judicious attention. Immediately the Luculli, though Archias was as yet but a youth, received him in their house. But it was not only to his genius and his learning, but also to his natural disposition and virtue, that it must be attributed that the house which was the first to be opened to him in his youth, is also the one in which he lives most familiarly in his old age. [6] He at that time gained the affection of Quintus Metellus, that great man who was the conqueror of Numidia, and his son Pius. He was eagerly listened to by Marcus Aemilius; he associated with Quintus Catulus, — both with the father and the sons. He was highly respected by Lucius Crassus; and as for the Luculli, and Drusus, and the Octavii, and Cato, and the whole family of the Hortensii, he was on terms of the greatest possible intimacy with all of them, and was held by them in the greatest honour. For, not only did every one

cultivate his acquaintance who wished to learn or to hear anything, but even every one pretended to have such a desire. 4.

In the meantime, after a sufficiently long interval, having gone with Lucius Lucullus into Sicily, and having afterwards departed from that province in the company of the same Lucullus, he came to Heraclea. And as that city was one which enjoyed all the rights of a confederate city to their full extent, he became desirous of being enrolled as a citizen of it. And, being thought deserving of such a favour for his own sake, when aided by the influence and authority of Lucullus, he easily obtained it from the Heracleans. [7] The freedom of the city was given him in accordance with the provisions of the law of Silvanus and Carbo: "If any men had been enrolled as citizens of the confederate cities, and if, at the time that the law was passed, they had a residence in Italy, and if within sixty days they had made a return or themselves to the praetor." As he had now had a residence at Rome for many years, he returned himself as a citizen to the praetor, Quintus Metellus, his most intimate friend. [8] If we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, O Gratius, can be invalidated? Will you deny that he was enrolled, at the time I speak of, as a citizen of Heraclea? There is a man present of the very highest authority, a most scrupulous and truthful man, Lucius Lucullus, who will tell you not that he thinks it, but that he knows it; not that he has heard of it, but that he saw it; not even that he was present when it was done, but that he actually did it himself. Deputies from Heraclea are present, men of the highest rank; they have come expressly on account of this trial, with a commission from their city, and to give evidence on the part of their city; and they say that he was enrolled as a Heraclean. On this you ask for the public registers of the Heracleans, which we all know were destroyed in the Italian war, when the register office was burnt. It is ridiculous to say nothing to the proofs which we have, but to ask for proofs which it is impossible for us to have; to disregard the recollection of men, and to appeal to the memory of documents; and when you have the conscientious evidence of a most honourable man, the oath and good faith of a most respectable municipality, to reject those things which cannot by any possibility be tampered with,

and to demand documentary evidence, though you say at the same moment that that is constantly played tricks with. [9] "But he had no residence at Rome." What, not he who for so many years before the freedom of the city was given to him, had established the abode of all his property and fortunes at Rome? "But he did not return himself." Indeed he did, and in that return which alone obtains with the college of praetors the authority of a public document. 5.

For as the returns of Appius were said to have been kept carelessly, and as the trifling conduct of Gabinius, before he was convicted, and his misfortune after his condemnation, had taken away all credit from the public registers, Metellus, the most scrupulous and moderate of all men, was so careful, that he came to Lucius Lentulus, the praetor, and to the judges, and said that he was greatly vexed at an erasure which appeared in one name. In these documents, therefore, you will see no erasure affecting the name of Aulus Licinius. [10] And as this is the case, what reason have you for doubting about his citizenship, especially as he was enrolled as a citizen of other cities also? In truth, as men in Greece were in the habit of giving rights of citizenship to many men of very ordinary qualifications, and endowed with no talents at all, or with very moderate ones, without any payment, it is likely, I suppose, that the Rhegians, and Locrians, and Neapolitans, and Tarentines should have been unwilling to give to this man, enjoying the highest possible reputation for genius, what they were in the habit of giving even to theatrical artists. What, when other men, who not only after the freedom of the city had been given, but even after the passing of the Papian law, crept somehow or other into the registers of those municipalities, shall he be rejected who does not avail himself of those other lists in which he is enrolled, because he always wished to be considered a Heraclean? [11] You demand to see our own censor's returns. I suppose no one knows that at the time of the last census he was with that most illustrious general, Lucius Lucullus, with the army; that at the time of the preceding one he was with the same man when he was in Asia as quaestor; and that in the census before that, when Julius and Crassus were censors, no regular account of the people was taken. But, since the census does not confirm the right of citizenship, but only indicates that he, who is returned in the census,

did at that time claim to be considered as a citizen, I say that, at that time, when you say, in your speech for the prosecution, that he did not even himself consider that he had any claim to the privileges of a Roman citizen, he more than once made a will according to our laws, and he entered upon inheritances left him by Roman citizens; and he was made honourable mention of by Lucius Lucullus, both as praetor and as consul, in the archives kept in the treasury. 6.

You must rely wholly on what arguments you can find. For he will never be convicted either by his own opinion or his case, or by that which is formed of it by his friends. [12]

You ask us, O Gratius, why we are so exceedingly attached to this man. Because he supplies us with food whereby our mind is refreshed after this noise in the forum, and with rest for our ears after they have been wearied with bad language. Do you think it possible that we could find a supply for our daily speeches, when discussing such a variety of matters, unless we were to cultivate our minds by the study of literature; or that our minds could bear being kept so constantly on the stretch if we did not relax them by that same study? But I confess that I am devoted to those studies, let others be ashamed of them if they have buried themselves in books without being able to produce anything out of them for the common advantage or anything which may bear the eyes of men and the light. But why need I be ashamed, who for many years have lived in such a manner as never to allow my own love of tranquillity to deny me to the necessity or advantage of another or my fondness for pleasure to distract, or even sleep to delay my attention to such claims? [13] Who then can reproach me or who has any right to be angry with me, if I allow myself as much time for the cultivation of these studies as some take for the performance of their own business, or for celebrating days of festival and games, or for other pleasures, or even for the rest and refreshment of mind and body, or as others devote to early banquets, to playing at dice, or at ball? And this ought to be permitted to me, because by these studies my power of speaking and those faculties are improved, which, as far as they do exist in me, have never been denied to my friends when they have been in peril. And if that ability appears to any one to be but moderate, at all events I know whence I derive those principles which are of the

greatest value. [14] For if I had not persuaded myself from my youth upwards, both by the precepts of many masters and by much reading, that there is nothing in life greatly to be desired, except praise and honour, and that while pursuing those things all tortures of the body, all dangers of death and banishment are to be considered but of small importance, I should never have exposed myself, in defence of your safety, to such numerous and arduous contests, and to these daily attacks of profligate men. But all books are full of such precepts, and all the sayings of philosophers, and all antiquity is full of precedents teaching the same lesson; but all these things would lie buried in darkness, if the light of literature and learning were not applied to them. How many images of the bravest men, carefully elaborated, have both the Greek and Latin writers bequeathed to us, not merely for us to look at and gaze upon, but also for our imitation! And I, always keeping them before my eyes as examples for my own public conduct, have endeavoured to model my mind and views by continually thinking of those excellent men. 7. [15]

Some one will ask, "What? were those identical great men, whose virtues have been recorded in books, accomplished in all that learning which you are extolling so highly?" It is difficult to assert this of all of them; but still I know what answer I can make to that question: I admit that many men have existed of admirable disposition and virtue, who, without learning, by the almost divine instinct of their own mere nature, have been, of their own accord, as it were, moderate and wise men. I even add this, that very often nature without learning has had more to do with leading men to credit and to virtue, than learning when not assisted by a good natural disposition. And I also contend, that when to an excellent and admirable natural disposition there is added a certain system and training of education, then from that combination arises an extraordinary perfection of character; [16] such as is seen in that god-like man, whom our fathers saw in their time, Africanus; and in Caius Laelius and Lucius Furius, most virtuous and moderate men; and in that most excellent man, the most learned man of his time, Marcus Cato the elder; and all these men, if they had been to derive no assistance from literature in the cultivation and practice of virtue, would never have applied themselves to the study of it. Though, even

if there were no such great advantage to be reaped from it, and if it were only pleasure that is sought from these studies, still I imagine you would consider it a most reasonable and liberal employment of the mind: for other occupations are not suited to every time, nor to every age or place; but these studies are the food of youth, the delight of old age; the ornament of prosperity, the refuge and comfort of adversity; a delight at home, and no hindrance abroad; they are companions by night, and in travel, and in the country. 8. [17]

And if we ourselves were not able to arrive at these advantages, nor even taste them with our senses, still we ought to admire them, even when we saw them in others. Who of us was of so ignorant and brutal a disposition as not lately to be grieved at the death of Roscius? who, though he was an old man when he died, yet on account of the excellence and beauty of his art, appeared to be one who on every account ought not to have died. Therefore, had he by the gestures of his body gained so much of our affections, and shall we disregard the incredible movements of the mind, and the rapid operations of genius? How often have I seen this man. Archias, O judges, — (for I will take advantage of your kindness, since you listen to me so attentively while speaking in this unusual manner,) — how often have I seen him, when he had not written a single word, repeat extempore a great number of admirable verses on the very events which were passing at the moment! [18] How often have I seen him go back, and describe the same thing over again with an entire change of language and ideas! And what he wrote with care and with much thought that I have seen admired to such a degree, as to equal the credit of even the writings of the ancients. Should not I, then, love this man? should I not admire him? should not I think it my duty to defend him in every possible way? And, indeed, we have constantly heard from men of the greatest eminence and learning, that the study of other sciences was made up of learning, and rules, and regular method; but that a poet was such by the unassisted work of nature, and was moved by the vigour of his own mind, and was inspired, as it were, by some divine wrath. Wherefore rightly does our own great Ennius call poets holy; because they seem to be recommended to us by some especial gift, as it were, and liberality of the gods. [19] Let then, judges, this name of poet, this name which no

barbarians even have ever disregarded, be holy in your eyes, men of cultivated minds as you all are. Rocks and deserts reply to the poet's voice; savage beasts are often moved and arrested by song; and shall we, who have been trained in the pursuit of the most virtuous acts, refuse to be swayed by the voice of poets? The Colophonians say that Homer was their citizen; the Chians claim him as theirs; the Salaminians assert their right to him; but the men of Smyrna loudly assert him to be a citizen of Smyrna, and they have even raised a temple to him in their city. Many other places also fight with one another for the honour of being his birth-place. 9.

They, then, claim a stranger, even after his death, because he was a poet; shall we reject this man while he is alive, a man who by his own inclination and by our laws does actually belong to us? especially when Archias has employed all his genius with the utmost zeal in celebrating the glory and renown of the Roman people? For when a young man, he touched on our wars against the Cimbri, and gained the favour even of Caius Marius himself, a man who was tolerably proof against this sort of study. [20] For there was no one so disinclined to the Muses as not willingly to endure that the praise of his labours should be made immortal by means of verse. They say that the great Themistocles, the greatest man that Athens produced, said, when some one asked him what sound or whose voice he took the greatest delight in hearing, "The voice of that by whom his own exploits were best celebrated." Therefore, the great Marius was also exceedingly attached to Lucius Plotius, because he thought that the achievement which he had performed could be celebrated by his genius. [21] And the whole Mithridatic war, great and difficult as it was, and carried on with so much diversity of fortune by land and sea, has been related at length by him; and the books in which that is sung of, not only make illustrious Lucius Lucullus, that most gallant and celebrated man, but they do honour also to the Roman people. For, while Lucullus was general, the Roman people opened Pontus, though it was defended both by the resources of the king and by the character of the country itself. Under the same general the army of the Roman people, with no very great numbers, routed the countless hosts of the Armenians. It is the glory of the Roman people that, by the wisdom of that same general, the city of the Cyzicenes, most

friendly to us, was delivered and preserved from all the attacks of the kind, and from the very jaws as it were of the whole war. Ours is the glory which will be for ever celebrated, which is derived from the fleet of the enemy which was sunk after its admirals had been slain, and from the marvellous naval battle off Tenedos: those trophies belong to us, those monuments are ours, those triumphs are ours. Therefore, I say that the men by whose genius these exploits are celebrated, make illustrious at the same time the glory of the Roman people. [22] Our countryman, Ennius, was dear to the elder Africanus; and even on the tomb of the Scipios his effigy is believed to be visible, carved in the marble. But undoubtedly it is not only the men who are themselves praised who are done honour to by those praises, but the name of the Roman people also is adorned by them. Cato, the ancestor of this Cato, is extolled to the skies. Great honour is paid to the exploits of the Roman people. Lastly, all those great men, the Maximi, the Marcelli, and the Fulvii, are done honour to, not without all of us having also a share in the panegyric. 10.

Therefore our ancestors received the man who was the cause of all this, a man of Rudiae, into their city as a citizen; and shall we reject from our city a man of Heraclea, a man sought by many cities, and made a citizen of ours by these very laws?

[23] For if any one thinks that there is a smaller gain of glory derived from Greek verses than from Latin ones, he is greatly mistaken, because Greek poetry is read among all nations, Latin is confined to its own natural limits, which are narrow enough. Wherefore, if those achievements which we have performed are limited only by the bounds of the whole world, we ought to desire that, wherever our vigour and our arms have penetrated, our glory and our fame should likewise extend. Because, as this is always an ample reward for those people whose achievements are the subject of writings, so especially is it the greatest inducement to encounter labours and dangers to all men who fight for themselves for the sake of glory. [24] How many historians of his exploits is Alexander the Great said to have had with him; and he, when standing on Cape Sigeum at the grave of Achilles, said—”O happy youth, to find Homer as the panegyrist of your glory!” And he said the truth; for, if the Iliad had not existed, the same tomb which covered his body

would have also buried his renown. What, did not our own Magnus, whose valour has been equal to his fortune, present Theophanes the Mitylenaean, a relater of his actions, with the freedom of the city in an assembly of the soldiers? [25] And those brave men, our countrymen, soldiers and country bred men as they were, still being moved by the sweetness of glory, as if they were to some extent partakers of the same renown, showed their approbation of that action with a great shout. Therefore, I suppose, if Archias were not a Roman citizen according to the laws, he could not have contrived to get presented with the freedom of the city by some general! Sulla, when he was giving it to the Spaniards and Gauls, would, I suppose, have refused him if he had asked for it! a man whom we ourselves saw in the public assembly, when a bad poet of the common people had put a book in his hand, because he had made an epigram on him with every other verse too long, immediately ordered some of the things which he was selling at the moment to be given him as a reward, on condition of not writing anything more about him for the future. Would not he who thought the industry of a bad poet still worthy of some reward, have sought out the genius, and excellence, and copiousness in writing of this man? [26] What more need I say? Could he not have obtained the freedom of the city from Quintus Metellus Pius, his own most intimate friend, who gave it to many men, either by his own request, or by the intervention of the Luculli? especially when Metellus was so anxious to have his own deeds celebrated in writing, that he gave his attention willingly to poets born even at Cordova, whose poetry had a very heavy and foreign flavour. 11.

For this should not be concerned, which cannot possibly be kept in the dark, but it might be avowed openly: we are all influenced by a desire of praise, and the best men are the most especially attracted by glory. Those very philosophers even in the books which they write about despising glory, put their own names on the title-page. In the very act of recording their contempt for renown and notoriety, they desire to have their own names known and talked of. [27] Decimus Brutus, that most excellent citizen and consummate general, adorned the approaches to his temples and monuments with the verses of Attius. And lately that great man Fulvius, who fought with the

Aetolians, having Ennius for his companion, did not hesitate to devote the spoils of Mars to the Muses. Wherefore, in a city in which generals, almost in arms, have paid respect to the name of poets and to the temples of the Muses, these judges in the garb of peace ought not to act in a manner inconsistent with the honour of the Muses and the safety of poets. [28]

And that you may do that the more willingly, I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory, — too eager perhaps, but still honourable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you, for the safety of this city and empire, and in defence of the life of the citizens and of the whole republic. And when I had heard his commencement because it appeared to me to be a great subject and at the same time an agreeable one, I encouraged him to complete his work. For virtue seeks no other reward for its labours and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should impose such labours on ourselves? [29] Certainly, if the mind had no anticipations of posterity, and if it were to confine all its thoughts within the same limits as those by which the space of our lives is bounded, it would neither break itself with such severe labours, nor would it be tormented with such cares and sleepless anxiety, nor would it so often have to fight for its very life. At present there is a certain virtue in every good man, which night and day stirs up the mind with the stimulus of glory, and reminds it that all mention of our name will not cease at the same time with our lives, but that our fame will endure to all posterity. 12. [30]

Do we all who are occupied in the affairs of the state, and who are surrounded by such perils and dangers in life, appear to be so narrow-minded, as, though to the last moment of our lives we have never passed one tranquil or easy moment, to think that everything will perish at the same time as ourselves? Ought we not, when many most illustrious men have with great care collected and left behind them statues and images, representations not of their minds but of their bodies, much more to desire to leave behind us a copy of our

counsels and of our virtues, wrought and elaborated by the greatest genius? I thought, at the very moment of performing them, that I was scattering and disseminating all the deeds which I was performing, all over the world for the eternal recollection of nations. And whether that delight is to be denied to my soul after death, or whether, as the wisest men have thought, it will affect some portion of my spirit, at all events, I am at present delighted with some such idea and hope. [31]

Preserve then, O judges, a man of such virtue as that of Archias, which you see testified to you not only by the worth of his friends, but by the length of time during which they have been such to him, and of such genius as you ought to think is his, when you see that it as been sought by most illustrious men. And his cause is one which is approved of by the benevolence of the law by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honour to your generals and to the exploits of the Roman people, — who even in these recent perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favour, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity. [32]

The things which, according to my custom, I have said briefly and simply, O judges, I trust have been approved by all of you. Those things which I have spoken, without regarding the habits of the forum or judicial usage, both concerning the genius of the man and my own zeal in his behalf, I trust have been received by you in good part. That they have been so by him who presides at this trial, I am quite certain.

PRO FLACCO (In Defense of Lucius Valerius Flaccus for extortion)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF LUCIUS FLACCUS.

THE ARGUMENT.

Lucius Valerius Flaccus had been praetor in Cicero's consulship, and had received the thanks of the senate for his zeal and vigour in the arrest of Catiline's accomplices; but he was now accused by Publius Lucius of rapine and oppression in the province of Asia, which had fallen to his lot after his praetorship. Part of the charge was on the ground that he had prohibited the Jews from carrying out of his province the gold which they used to collect annually throughout the empire for the temple at Jerusalem, and that he had seized it all, and remitted it to Rome. Hortensius was joined with Cicero in the defence; as is mentioned by Cicero in the last epistle of the second book of the Letters to Atticus; where he says, "With how much copiousness, with how much nobleness, with how much elegance, did your friend Hortensius extol me to the skies, both when he was speaking of the praetorship of Flaccus, and of the times of the Allobroges."

We may observe, since there has been some dispute as to the order in which this oration should be printed, that it cannot have been spoken before the year 695, A. U. C., in the consulship of Caius Julius Caesar and Marcus Calpurnius Bibulus, for Cicero's consulship took place A. U. C. 691, and after that Flaccus was occupied as propraetor for three years in Asia, and it could not have been before the expiration of his praetorship, and his return from it, that this prosecution was instituted. Flaccus was acquitted.

This oration is imperfect and mutilated in some places.

1. When in the greatest perils of this city and empire, in the most important and terrible disasters of the republic, I was repelling slaughter from you, your wives, and your children, devastation from your temples, your altars, from the city and from Italy, with Lucius Flaccus, the companion and assistant of my counsels and my dangers, I used to hope, O judges, that I should some time or other be an assistant of Lucius Flaccus towards obtaining honour, rather than an advocate to defend him from calamity. For what reward of dignity could there be which the Roman people would deny to him, when it had always given them to his ancestors; when Lucius Flaccus had imitated the ancient glory of the Valerian family in delivering his country, nearly five hundred years after the existence of the republic? [2]

But if by chance there had existed at any time any detractor from this service, any enemy of this virtue, and envier of this renown, still I thought that Lucius Flaccus would have to encounter the judgment of an ignorant mob, (with no real danger, indeed,) rather than that of most wise and carefully chosen men. I never, indeed, imagined that any one would bring danger upon, or devise plots against, his fortunes, by means of those very men, by whose influence, and under whose protection, the safety, not only of all the citizens, but even of all nations, was at that time defended and preserved. And if it was fated ever to happen that any one should devise mischief to Lucius Flaccus, still I never thought, O judges, that Decimus Laelius, the son of a most virtuous man, himself a man of the fairest expectations and of the highest dignity, would adopt an accusation which is more suitable to the hatred and madness of wicked citizens than to his virtue and to the training of his early years. Indeed, as I had often seen well-founded enmities with citizens who had deserved well of their country, laid aside by the most illustrious men, I did not think that any friend of the republic, after the affection of Lucius Flaccus had been thoroughly tried, would take up a fresh quarrel against him without having received any injury.

[3] But since, O judges, many things have deceived us, both in our

own affairs and in those of the republic, those things which must be borne, we bear. This only we ask of you, — that you will consider that the whole strength of the republic, — the whole constitution of the state, — all the memory of past, and the safety of present and the hope of future time, hangs and depends upon your power, upon your votes, upon this single trial. If ever the republic has had need to implore the wisdom, the gravity, the prudence and the foresight of her judges, she implores it now, — she implores it, I say, at this present time. 2.

You are not now about to decide on the constitution of Lydians, or Mysians, or Phrygians, who, under the influence of some compulsion or excitement have come before you; but on your own republic, — on the constitution of your own state, — on the common safety, — on the hope of all good men, if there is any such still remaining to support the minds and thoughts of brave citizens. Every other refuge of good men, — every other protection of innocent men, — every bulwark of the republic, wisdom, assistance, and laws, has failed. [4] For whom else can I appeal to? whom can I cite? whom can I entreat? The senate? Nay; the senate itself implores assistance from you, and feels that the confirmation of its authority is submitted to your decision. The Roman knights? You yourselves, the fifty chief men of that body, will declare how far your sentiments are in unison with those of the rest. Shall I appeal to the Roman people? That body has delivered over to you all its power over us in our case. Wherefore, unless we can maintain in this place, and before you, and by your means, O judges, I will not say our authority, for that is lost but our safety, which hangs on a slender hope, and that hope our last, we have no place of refuge beyond to which we can betake ourselves. Unless perchance, O judges, you fail to see, as yet, what is the real object of this proceeding, what is really at stake, and what is the cause, the foundations of which are being now laid. [5] The man has been condemned who slew Catiline when he was bearing his hostile standards against his country. What reason is there why he who drove Catiline from the city should be exempt from fear? That man is demanded for punishment who discovered the proofs of the common destruction of all which was then being planned. Why should he feel safe who took care to produce and divulge those

proofs? The partners of his counsels, his ministers and comrades are harassed. What are the leaders, and chiefs, and principal men of his party to expect? We should then see whether at that time all good men were my guides or my companions in preserving the common safety of

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[frBob1]

He preferred saying they were strangled. [frBob2]

What did my friend Caetra wish? [frBob3]

And what did Decianus? [frBob4]

And I wish that my enemies, and those of all good men, would rather attack me; I wish it really was mine. The senate to a great extent

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[frBob5]

O ye immortal gods! that Lentulus

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[frMed]

[What was the use of bringing forward foreign evidence,] when his domestic life and his natural disposition was notorious? Therefore, I will not, O Decimus Laelius, allow you to assume this law and this condition as applicable to yourself and to the rest for the future, and to us at present; [so as to lay down a rule that we are to accommodate our defences to the will of the prosecutors, and not come to those assertions to which our cause of itself leads us.]

When you have branded his youth, when you have stigmatized the rest of his life with stains of infamy, when you have brought forward the ruin of his private affairs and his disgrace in the city, and his vices and crimes in Spain and Gaul and Cilicia, and Crete, in which provinces he lived in no great obscurity, then we shall hear what the people of Tmolus and the Lorymeni think of Lucius Flaccus. But the man whom so many and such influential provinces wish to be saved, — whom many citizens from all parts of Italy defended, being bound to him by intimate connection and old friendship, — whom this the

common country of us all holds fast in her embrace, on account of her fresh recollection of his great services, — him, even if all Asia demands him for punishment, I will defend, — his enemies I will resist. What if it is not all Asia that demands him, nor the best part of it nor even any part without bribery, nor of its own accord, nor rightly, nor in a manner according to custom, nor with truth, nor with any conscientious regard to justice or honesty? If it duly demands him because it has been persuaded, and tampered with, and excited, and compelled to do so, — if it has backed this prosecution with its name impiously, and rashly, and covetously, and with great inconsistency, speaking only by the mouth of the most needy witnesses, and if the province itself has no grounds to complain with truth of any injuries done by him; still, O judges, will these statements, heard with reference to a very brief epoch diminish the credit due to actions which we really know, extending over a long period of time?

I, therefore, as his defender, will preserve this order which his enemy avoids; and I will pursue and follow up the prosecutor, and of my own accord I will demand the accusation from our adversary. What is it, O Laelius? Have you at any time been able to stigmatize the youth of Lucius Flaccus, who has passed his time, not in the shade, nor in the common pursuits and training of those his age? In truth, even as a boy he went with his father, the consul, to the wars; and yet, even as to this very fact you accused him of something because [something appeared able to be said so as to excite suspicion.] 3. [6]

With what charges, then, O Laelius, do you attack my client being such a man as he is? He was in Cilicia a military tribune when Publius Servilius was the general; not a word is said about that. He was quaestor to Marcus Piso in Spain; not a word has been uttered about his quaestorship. He was present at the greater part of the Cretan war, and went through all its hardships in the company of that consummate general. The accusation is dumb with regard to this period. His discharge of his duties as judge during his praetorship, — a business of great intricacy, and affording numberless causes for suspicion and enmities, is not touched. Nay more, though it fell in a most critical and perilous time of the republic, it is praised even by

his enemies. “Oh, but damaging evidence has been given against him.” Before I say by whom it was given, by what hopes, by what violence, by what means the witnesses were urged on, and what insignificant, needy, treacherous, audacious men they were, I will speak of their whole class, and of the condition in which all of us are placed. In the name of the immortal gods, O judges, will you ask of unknown witnesses in what way the man decided trials in Asia, who the year before had sat as judge at Rome? And will you yourselves form no conjectures on the subject? In a jurisdiction so various, many decrees were issued, — many desires of influential men were set at nought; and yet, what words, (I will not say of suspicion, for that is often false, but) of anger or indignation were ever once uttered against him? And is that man to be put on his trial for covetousness, who, when employed on a business affording numerous opportunities for such conduct, shunned all base gain, — who, in a city much given to evil speaking, and in an office surrounded with suspicion avoided, not only all accusation, but even a single hard name? I pass over points which I ought not to pass over that in his private affairs no covetous action, no eagerness about money matters, no sordid conduct in the management of his estate can be alleged against him. By what witnesses, then, can I refute these men except by you? [8] Shall that villager from near Tmolus, — a man not only a stranger to us, but not even known among his own neighbours, — teach you what sort of a man Lucius Flaccus is, whom you yourselves have known to be most modest as a youth, whom our most extensive provinces have found to be a most conscientious man and whom our armies know by experience to be a thoroughly brave soldier and vigilant general, and of a lieutenant and quaestor most moderate; whom you yourselves, being witnesses on the spot of his conduct, have judged to be a thoroughly wise and consistent senator, a most upright praetor, and a citizen wholly devoted to the republic. 4. [9]

Will you then listen to others as witnesses on those points, respecting which you yourselves ought rather to bear witness to others? And what witnesses are they? In the first place, I will say that they are Greeks, (that is the case of them all.) Not that I, for my own part, would be more inclined than others to refuse credit to that nation; for if ever there was any one of our countrymen not averse to

that race of men, and proving himself so by zeal and good-will, I think that I am that man, and that I was so even more when I had more leisure; but there are in that body many virtuous, many learned, many modest men, and they have not been brought hither to this trial. There are also many impudent, illiterate, worthless persons, and those I see here, impelled by various motives. But I say this of the whole race of Greeks; I allow them learning, I allow them a knowledge of many arts; I do not deny them wit in conversation, acuteness of talents, and fluency in speaking; even if they claim praise for other sorts of ability, I will not make any objection; but a scrupulous regard to truth in giving their evidence is not a virtue that that nation has ever cultivated; they are utterly ignorant what is the meaning of that quality, they know nothing of its authority or of its weight. [10] Where does that expression, "Give evidence for me, and I will give evidence for you," come from? is it supposed to be a phrase of the Gauls, or of the Spaniards? It belongs wholly to the Greeks; so that even those who do not understand Greek know what form of expression is used by the Greeks for this. Therefore, when they give their evidence, remark with what a countenance, with what confidence they give it; and then you will become aware how scrupulous they are as to what evidence they give. They never reply precisely to a question. They always answer an accuser more than he asks them. They never feel any anxiety to make what they say seem probable to any one; but are solicitous only how to get out what they have got to say. Marcus Lurco gave evidence against Flaccus, being angry (as he said himself) because his freedman had been condemned by a decision of his involving infamy. He said nothing which could injure him, though he was eager to do so; for his conscientious regard to his oath prevented him. [11] And yet with what modesty, with what trembling and paleness did he say what he did! How ready to give evidence was Publius Septimius; how angry was he about some former trial, and about his steward: yet he hesitated; yet his scrupulousness was at times at variance with his anger. Marcus Caelius was an enemy to Flaccus, because, as Flaccus had thought it wrong for one publican to decide on the case of another publican, though the case was ever so evident he had been removed from the list of judges. And yet he restrained himself; and

brought nothing into the court which could injure Flaccus except his own inclination to do so. 5.

If these men had been Greeks, and if our habits and principles had not had more influence than indignation and hostility, they all would have said that they had been plundered, and harassed, and stripped of their fortunes. When a Greek witness comes forward with a desire to injure a man, he does not think of the words of his oath, but of what he can say to injure him. He thinks it a most shameful thing to be defeated, to be detected, to allow his enemy's innocence to be proved. That is the contest for which he prepares himself; he cares for nothing beyond. Therefore, it is not the best men, nor the wisest, but the most impudent and talkative men who are selected as witnesses. [12] But you, even in private trials about the most trifling matters, carefully weigh the character of a witness; even if you know the person of the man, and his name and his tribe, still you think it right to inquire into his habits. And when a man of our citizens gives his evidence, how carefully does he restrain himself, how scrupulously does he regulate all his expressions, how fearful is he, and anxious not to say anything covetously or angrily, — not to say one word more or less than necessary! Do you think that those Greeks are so too? men to whom an oath is a joke, evidence a plaything, your opinion of them a shadow, men who place all their credit and profit and reputation, and triumph telling the most impudent lies. But I will not spin out what I have got to say. Indeed, my speech would be interminable if I were to take it into my head to unfold the faithlessness of the whole nation in giving evidence. But I will come nearer home; I will speak of these witnesses whom you have brought forward. [13]

We have got a most zealous prosecutor, O judges, and an enemy in every respect violent and furious against us. I trust that he may be of great use to his friends and to the republic; but at all events, he has undertaken this case and this prosecution, as if he were impelled by some most extraordinary eagerness. What a company attended him while pursuing his investigations! company, do I say? rather, what an army! what profusion! what expense! what prodigality was there! And though these statements are of service to my case, still I do not make them without apprehension lest Laelius should think that I am

seeking by my oration to make him talked about, or to excite odium against him, in a business which he has undertaken for the sole object of acquiring credit. 6.

Therefore, I will pass over all this part of the subject. I will only beg of you, O judges, if you have heard anything yourselves by common report and in ordinary conversation about force, and violence, and arms, and troops, to recollect it and to remember, because of the unpopularity of such conduct, that by this recent law, a certain number of companions has been fixed as the greatest number that ought to attend a man while prosecuting such an inquiry. [14] However, to say nothing of violence, what conduct is this? which, since it was adopted according to the privileges and customs of prosecutors we cannot impeach, but still we are compelled to complain if it. I mean, first of all, the making a statement which has been bruited abroad over all Asia, (different people having had regular districts assigned to them, in which they were to spread the report,) that Cnaeus Pompeius, because he is a most zealous enemy to Lucius Flaccus, had begged of Decimus Laelius, his father's and his own most intimate friend, to prosecute him on this charge, and that he placed at his disposal for the furtherance of this business, all his own authority, and influence, and resources, and riches. And this appeared all the more probable to the Greeks, because a little before they had seen Laelius in the same province with Flaccus, and on terms of great intimacy with him. And as the authority of Pompeius is great with every one, as indeed it ought to be, so especially is it predominant in that province which he has lately delivered from the war which pirates and kings were waging against it. He did this besides: those who did not wish to leave their homes he terrified with a summons to give their evidence; those who could not remain at home, he provided with a large and liberal sum for travelling expenses. [15] And thus this young man, full of ability, worked on the wealthy by fear, on the poor by bribes, on the stupid by leading them into mistakes; and by these means he extorted those beautiful decrees which have been read to you, — decrees which were not passed by any formal vote or regular authority, nor under the sanction of an oath, but carried by holding up the hand, and by the loud shouts of an excited multitude. 7.

O for the admirable customs and principles which we received from our ancestors, if we could but keep them! but somehow or other they have slipped through our fingers. For our ancestors, those wise and upright men, would not permit the public assembly to have any authority to make laws; they chose that whatever the common people decided, or whatever the burgesses wished to enact should be ordered or forbidden, after the assembly was adjourned, and after all the parts had been properly arranged, by the different ranks, classes, and ages, distributed in their tribes and centuries, after having listened to the advocates of the proposal on which the vote was to be taken, and after the proposal itself had been for many days before the people, and had had its merits inquired into. [16] But all the republics of the Greeks are governed by the rashness of the assembly while sitting. Therefore, to say no more of this Greece, which has long since been overthrown and crushed through the folly of its own counsels; that ancient country, which once flourished with riches, and rower, and glory, fell owing to that one evil, the immoderate liberty and licentiousness of the popular assemblies. When inexperienced men, ignorant and uninstructed in any description of business whatever, took their seats in the theatre, then they undertook inexpedient wars; then they appointed seditious men to the government of the republic; then they banished from the city the citizens who had deserved best of the state. [17] But if these things were constantly taking place at Athens, when that was the first city, not only in Greece, but in almost all the world, what moderation do you suppose there was in the assemblies in Phrygia and Mysia? It is usually men of those nations who throw our own assemblies into confusion; what do you suppose is the case when they are by themselves? Athenagoras, that celebrated man of Cyme, was beaten with rods, because, at a time of famine, he had ventured to export corn. An assembly was summoned at the request of Laelius. Athenagoras came forward, and, being a Greek among Greeks, he said a good deal, not about his fault, but in the way of complaining of his punishment. They voted by holding up their hands. A decree was passed. Is this evidence? The men of Pergamus, having been lately feasted, having been a little while before glutted with every sort of present, — I mean, all the cobblers and girdle-makers in Pergamus, — cried out whatever Mithridates

(who governed that multitude, not by his authority, but by fattening them up) chose. Is this the testimony of that city? I brought witnesses from Sicily in pursuance of the public resolution of the island. But the evidence that I brought was the evidence not of an excited assembly, but of a senate on its oath. [18] So that I am not now arguing against the reception of evidence; but you are to decide whether these statements are to be considered evidence. 8.

A virtuous young man, born in an honourable rank, and eloquent, comes with a most numerous and splendidly appointed train into a town of the Greeks. He demands an assembly. He frightens wealthy men and men of authority from opposing him by summoning them to give evidence; he tempts the needy and worthless by the hope of being employed on the commission, and by a public grant for the expenses of their journey, and also by his own private liberality. What trouble is it to excite artisans, and shopkeepers, and all such dregs of a city, against any man, and especially against one who has lately had the supreme authority there, and could not possibly be very popular, on account of the odium attached to the very name of supreme power? [19] And is it strange that those men who abominate the sight of our faces, who detest our name, who hate our tax on pastures, and our tenths, and our harbour dues, more than death itself, should gladly seize on every opportunity of injuring us that presents itself? Remember, therefore, that when you hear decrees you are not hearing evidence; that you are listening to the rashness of the common people; that you are listening to the assertions of all the most worthless men; that you are listening to the murmurs of the ignorant, to the voice of an inflamed assembly of a most worthless nation. Therefore examine closely into the nature and motive of all their accusations, and you will find no reason for them except the hopes by which they have been led on, or the terrors and threats by which they have been driven

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9. [20]

The cities have nothing in the treasury, nothing in their revenues. There are two ways of raising money, — by tribute, or by loan. No lists of creditors are brought forward; no exaction of tribute is

accounted for. But I pray you to remark how cheerfully they are in the habit of producing false accounts, and of entering in their accounts whatever suits them, forming your opinions by the letters of Cnaeus Pompeius to Hypsaeus, and of Hypsaeus to Pompeius. [The letters of Pompeius and of Hypsaeus are read.] Do not we appear to prove to you clearly enough, by the authority of these men, the profligate habits and impudent licentiousness of the Greeks? Unless, perchance, we suppose that those men who deceived Cnaeus Pompeius, and that too, when he was on the spot and when there was no one tempting them to do so, were likely now to be either timid or scrupulous, when Laelius urged them to bear witness against Lucius Flaccus in his absence. [21] But even suppose those documents were not tampered with in their own city, still what authority or what credit can they now have here? The law orders them to be brought to the praetor within three days, and to be sealed up with the seals of the judges; they are scarcely brought within thirty days. In order that the writings may not be easily tampered with, therefore the law orders that after they have been sealed up they shall be kept in a public office; but these are sealed up after they have been tampered with. What difference, then, does it make, whether they are brought to the judges so long after the proper time, or whether they are not brought at all? 10.

What shall we say if the zeal of the witnesses is in partnership, as it were, with the prosecutor? shall they still be considered witnesses? What then, is become of that expectation which ought to have a place in courts of justice? For formerly, when a prosecutor had said anything with bitterness and vehemence, and when the counsel for the defence had made a supplicatory and submissive reply, the third step expected was the appearance of the witnesses who either spoke without any partisanship at all, or else they in some degree concealed their desires. But what is the case here? [22] They are sitting with the prosecutor; they rise up from the prosecutor's bench; they use no concealment; they feel no apprehension. Do I complain of where they sit? They come with him from his house, if they trip at one word, they will have no place to return to. Can any one be a witness, when the prosecutor can examine him without any anxiety and have not the slightest fear of his giving him any answer which he is

unwilling to hear? Where, then, is the oratorical skill, which formerly used to be looked for either in the prosecutor or in the counsel for the defence? “He examined the witness cleverly; he came up to him cunningly; he scolded him; he led him where he pleased; he convicted him and made him dumb.” [23] Why need you ask a man questions, Laelius, who, even before you have pronounced the words “I ask you,” will pour out more assertions than you enjoined him before you left home? And why should I, the counsel for the defence, ask him questions, since the course to be taken with respect to witnesses is either to invalidate their testimony or to impeach their characters? But by what discussion can I refute the evidence of men who say “We gave,” and no more? Am I then to make a speech against the man, when my speech can find no room for argument? What can I say against an utter stranger? I must then be content with complaining and lamenting, as I have been some time doing, the general iniquity of the whole prosecution, and, in the first place, the whole class of witnesses; for that nation is the witness which is the least scrupulous of all in giving evidence. I come nearer; — I say that that is not evidence which you yourself call decrees; but that it is only the grumbling of needy men, and a sort of random movement of a miserable Greek assembly. I will come in still further, — he who has done it is not present; he who is said to have paid the money is not brought hither; no private letters are produced; the public documents have been retained in the power of the prosecutors. The main point of my argument concerns the witnesses. These men are living with our enemies, they come into court with our adversaries, they are dwelling in the same house with our prosecutors. [24] Do you think that this is an examination and an inquiry into the truth, or an endeavour to fix a stain, and bring ruin upon innocence? for there are many things of such a sort, O judges, that even if they deserve to be neglected, as far as the individual whom they more immediately affect is concerned, are still to be dreaded, because of the state of facts of which they betoken the existence, and because of the precedents which they afford. 11.

If I were defending a man of the lowest rank, of no splendour of reputation, and recommended by no innocence of character, still, relying on the rights of common humanity and mercy, I should beg

from citizens, on behalf of another citizen, that you would not give up your fellow-citizen and your suppliant to witnesses who are strangers to you; who are urged on to give their evidence; who are the companions, and messmates, and comrades of the prosecutor; to men who from their fickleness are Greeks, but who, as far as cruelty goes, are barbarians: I should entreat you not to leave posterity so dangerous a precedent for their imitation. [25] But when the interests of Lucius Flaccus are at stake, a man of whom I may say that the first man who was made consul of his family was the first man that was ever consul in this city; a man by whose valour the kings were banished, and liberty was established in this republic; a family which has endured to this time with a continued series of honours and commands, and of glorious achievements; and when Lucius Flaccus has not only not degenerated from this everlasting and well-attested virtue of his ancestors, but as praetor has especially devoted himself to the glory of asserting the liberty of his country, seeing that that was the especial glory and characteristic of his family, — can I fear lest any mischievous precedent be established in the case of this defendant when, even if he had committed any slight fault, all good men would think that they ought rather to connive at it? [26] That, however, I not only do not request, but I beg and entreat you, O judges, to scrutinise the whole case most vigilantly, with all your eyes, as they say. None of the charges will be found borne witness to with conscientiousness, or founded in truth, or extorted by indignation; but, on the contrary, you will see that it is all redolent of lust, passion, party spirit, bribery, and perjury. 12. [27]

Now that the universal cupidity of those men is ascertained, I will proceed to the separate complaints and charges of the Greeks. They complain that money was levied from the cities under the name of money for a fleet. And we admit, O judges, that that was done. But if this be a crime, the guilt must consist either in the fact that it was not lawful so to levy money; or in the fact that the ships were not wanted; or in the third alternative, that no fleet put to sea while he was praetor. That you may see that this levy was lawful, listen, I pray you, to what the senate decreed, when I was consul, in which it did not depart at all from the former decrees of many years running. [The resolution of the senate is read.] The next thing is for us to inquire

whether there was need of the fleet or not. Is it then the Greeks or any foreign nations who are to be judges of this, or your praetors, your generals, your commanders-in-chief? I indeed think that in a district and province of that sort which is surrounded by the sea, dotted all over with harbours, and girt with islands, a fleet is requisite not only for the sake of protection, but as an ornament of the empire. [28] For there were these principles and there was this greatness of mind in our ancestors, that while in their private affairs, and as to their own personal expenses, they lived contented with a little, and without the smallest approach to luxury; where the empire and the dignity of the state was concerned, they brought everything up to a high pitch of splendour and magnificence. For in a man's private affairs he desires the credit of moderation, but in public affairs dignity is the object aimed at. But even if he had a fleet for the sake of protection, who will be so unjust as to blame it?—"There were no pirates." What? who could certify beforehand that there would be none? "You are taking away," said he, "from the glory of Pompeius." [29] Say, rather, that you yourself are increasing his difficulties. For he destroyed the fleets of the pirates, their cities, and harbours, and places of refuge. By his surpassing valour and incredible rapidity of motion he established a maritime peace; but this he neither undertook nor ought to have undertaken, — namely, to submit to appear worthy of prosecution if a single pirate's boat was anywhere seen. Therefore he himself in Asia, when he had terminated every war, both by land and sea, nevertheless levied a fleet on those self-same cities. And if he then thought that step was necessary, when everything might have been safe and tranquil through fear of his name, while he was still in those countries, what do you think that Flaccus ought to have decided on and to have done after he had departed? 13. [30]

What? did not we decree, by the advice of Pompeius himself, in the consulship of Silanus and Murena, that a fleet should put to sea to sail round Italy? Did not we, at the very same time that Lucius Flaccus was levying sailors in Asia, exact four millions three hundred thousand sesterces for fleets to defend the Mediterranean and Adriatic? What did we do the year after? was not money exacted for the use of the fleet when Marcus Curius and Publius Sextilius were quaestors? What? were there not all this time cavalry on the

sea-coast? for that is the surpassing glory of Pompeius, — first of all, that those pirates who, when the conduct of the maritime war was first entrusted to him, wandered about straggling over the whole sea, were soon reduced under our power; in the next place, that Syria is ours, that Cilicia is occupied by us, that Cyprus, through the instrumentality of king Ptolemaeus, is reduced to a state in which it can venture to do nothing; moreover, that Crete, owing to the valour of Metellus, is ours; that the pirates have now no ports from which they can set out none to which they can return; that all the bays, and promontories, and shores, and islands, and maritime cities, are now contained within the barriers of our empire.

[31] But if, when Flaccus was praetor, there had been not one pirate at sea, still his diligence would not have deserved to be blamed. For I should think that the reason of there being no pirates at sea was, because he had a fleet. What will you say if I prove by the evidence of Lucius Oppius, of Lucius Agrius, of Caius Cestius, Roman knights, and also of this most industrious man here present, Cnaeus Domitius, who was an ambassador in Asia at the time, that at that very time in which you yourself affirm that there was no need of a fleet, numbers of men were taken prisoners by the pirates? Still, will the wisdom of Flaccus, as shown in raising crews for the fleet, be found fault with? What if a man of high rank, a citizen of Adramyttium, was even slain by the pirates, — a man whose name is known to nearly all of us, Atyanas the boxer, a victor at Olympia? and this victory is considered among the Greeks (since we are speaking of their wisdom) a greater and more glorious thing than to have had a triumph is reckoned at Rome. “But you took no prisoners.” How many most illustrious men have had the command of the sea-coast, who, though they had taken no pirate prisoner, still made the sea safe? For taking prisoners depends on chance, on place, on accident, on opportunity. And the caution which shows itself in defence has an easy task; being aided not only by lurking places in concealed spots, but by the sudden fall or change of winds and weather. 14. [32]

The last thing that we have to inquire into is, whether that fleet really sailed with oars and sails, or only on paper, and as far as the expense went. Can that then be denied, of which all Asia is witness,

that the fleet was distributed into two divisions, so that one division should sail above Ephesus, the other below Ephesus? in the one fleet Marcus Crassus, that most noble man, sailed from Aenas to Asia, with the other division Flaccus sailed from Asia to Macedonia. In what then is it that we look in vain for the diligence of the praetor? Is it in the number of the ships or in the equal division of the expense? He demanded just one half the fleet which Pompeius required. Could he be more economical? And he divided the expense according to the proportions settled by Pompeius, which was adapted to the division made by Sulla, who, when he had arranged all the cities in Asia according to the proportion that they were to bear of the expense imposed on the whole provinces, adopted a rule which Pompeius and Flaccus followed in raising the necessary sums, and even to this day the whole sum is not collected. But he makes no return of it. [33] What does he gain by that? for when he takes on himself the burden of having levied the money, he avows what you wish to have considered as a crime. How then can any one be induced to believe that by not returning an account of that money, he deserves to bring an accusation on himself, when there would be no crime at all in the business if he made the return? But you deny that my brother, who succeeded Lucius Flaccus, levied any money for the purpose of crews for the fleet. Indeed, I am delighted to hear this praise of my brother Quintus, but I am still more pleased at other and more important reasons for praise of him. He decided on a different course; he saw a different state of things. He thought that whenever any intelligence of pirates was received, he could get together a fleet as suddenly as he could wish. And lastly, my brother was the very first man in Asia who ventured to relieve the cities from this expense of furnishing crews. But it is usual to think that a crime, when any one establishes charges which had not been established before; not when a successor merely changes some of the charges established by his predecessors. Flaccus could not know what others would do after his time; he only saw what others had done. 15. [34]

But some mention has been made of charges brought by the common consent of all Asia; I will now touch on the cases of individual cities — and of them, the first that I will speak of shall be the city of Aemon. The crier with a loud voice calls for the deputies

from Aemon; one comes forward, Asclepiades. Let them come forward. Have you compelled even the crier to proclaim a lie? I suppose this one deputy is a man who can support the dignity of his city by his sole authority; — a man condemned by decisions involving the greatest infamy in his own city; stigmatised in the public records; of whose disgraceful acts, and adulteries, and licentiousness there are letters of the people of Aemon in existence; which I think it better to pass over, not only on account of their length, but on account of the scandalous obscenity of the language. He said that two hundred and six thousand drachmas had been given to Flaccus at the public expense. He only said so — he produced no confirmation of his statement, no proof; but he added this, — which most certainly he ought to have proved, for it was a personal affair of his own, — that he, as a private individual, had paid two hundred and six thousand drachmas. The quantity that that most impudent man says was taken from him was a sum that he never even ventured to wish to be the possessor of. [35] He says that he gave it as a contribution from Aulus Sextilius, and from his own brothers. Sextilius was able to give such a sum; as for his own brothers, they are partners in his beggary. Let us then hear what Sextilius says; then let his brothers themselves come forward; let them lie as shamelessly as they please, and let them say that they gave what they never possessed; still, perhaps, when they are produced face to face with us, they will say something in which they may be detected. “I have not brought Sextilius with me as a witness,” says he. Give me the accounts then. “I have not brought them down.” At least produce your brothers. “I never summoned them.” Are we then to fear as an accusation or as a piece of evidence, what Asclepiades by himself affirms, a man needy as to fortune, infamous as to character, condemned by every one’s opinion, relying on his own impudence and audacity, without any account-books or any one to support his evidence? [36] He also said that the panegyric which we mentioned as having been given by the men of Aemon to Flaccus, is false; a panegyric, says he, which we ought to be glad to be without. For when that admirable representative of his city beheld the public seal, he said that his own fellow-citizens and all the rest of the Greeks were accustomed to seal at the moment whatever required it. Then

take that panegyric to yourself. For the life and character of Flaccus do not depend on the evidence of the citizens of Aemon. For you grant to me, (an admission which this cause especially requires,) that there is no authority, no consistency, no firm wisdom in the Greeks, and, above all, no proper regard to truth in giving their evidence; unless, indeed, henceforward there is to be this distinction made between the evidence and your speech, that the cities are to be said to have allowed something to Flaccus when absent but are to appear to have neither written nor sealed anything suited to the occasion, so as to save Laelius, though he was present, though he himself undertook the management of the business himself, and though he alarmed them and threatened them, availing himself of the power of the law, of the privileges of a prosecutor, and of all his own private resources.

16. [37]

In truth, O judges, I have often seen important facts detected and discovered through mere trifles, as in the case of this Asclepiades. This panegyric, which has been produced by us, had been sealed with that Asiatic chalk which is known to nearly all of us; which all men use not only on public but also on their private letters, and which we every day see used in letters sent by publicans, and in letters addressed to each individual among us. Nor indeed did the witness himself, when he saw the seal, say that we were producing a forged document, but he alleged the worthless character of all Asiatics, — a matter which we willingly and easily grant to him. Our panegyric then, — which he says was given to us because of that particular occasion, and by so saying in fact allows was given to us, — was sealed with chalk. But on that evidence, which is said to have been given to the prosecutor, we saw the seal was wax. [38] Here, O judges, if I thought that you were influenced by the decrees of the Aemonensians, and by the letters of the rest of the Phrygians, I should cry out, and argue with all the vigour of which I was master. I should call to witness the publicans; I should invoke the traders; I should implore the aid of your own consciences: the wax being seen, I should feel sure that the audacious forgery of the whole evidence was evidently detected and discovered, and laid bare to you. But at present I will not triumph too violently, nor be too much elated at this, nor will I inveigh against that trifler as if he were a witness, nor

will I allow myself to be moved at all with respect to any part of this testimony of the Aemonensians, whether it has been forged here, as appears likely on the face of it, or whether it can really been sent from Aemon, as it is said to have been. In truth, I will not fear the evidence of the men to whom I make over that panegyric, since, as Asclepiades says, they are utterly insignificant. 17. [39]

I come now to the evidence of the people of Dorylaeum, who, when they were brought into court said that they had lost their public documents near some caverns. O the shepherds (I know not who they were), the literary shepherds! if they took nothing from those men except the letters! But we suspect that there is some other reason, and that we should not think those men quite destitute of all cunning. There is, I imagine, a heavier penalty at Dorylaeum than among other people, for forging or tampering with written documents. If they had produced the genuine letters, there was no accusation in them; if they produced forged ones, there was a penalty for such an act. They thought the finest thing they could do was to say that they were lost. [40] Let them be quiet then, and allow me to set this down as so much gain, said to turn to something else. They will not allow me to do so. For some one or other gives them a lift, and says that he, as a private person, had given him money. But this cannot possibly be endured. He who reads things from those public documents which have been in the power of the prosecutor, ought not to carry any weight with him; but, nevertheless, a formal trial appears to take place when the documents themselves, of whatever character they may be, are produced. But when a man, whom not one of you has ever seen, whom no living mortal has ever heard of only says, "I gave," will you hesitate, O judges, to save a most noble citizen from this most unknown of Phrygians? And this very man was lately disbelieved by three honourable and worthy Roman knights, when in a case in which a man's liberty was at stake, he said that the man who was claimed was his own kinsman. How has it come about that the man who was not considered a trustworthy witness as to his own blood and family is a credible authority concerning a public injury? [41] And when this Dorylaean was lately carried out to burial in the presence of a great multitude and numerous assembly of you, Laelius tried to excite odium against Lucius Flaccus by imputing his death to him. You are acting unjustly, O Laelius, if you think that it is our risk whether your comrades live or die; especially as I think that this instance proceeded from your own carelessness. For you gave a Phrygian, a man who had never seen a fig-tree, a whole basket of figs; and his death was to some extent a relief to you, for you lost a

very voracious guest. But what good did it to Flaccus, as he was well enough till he came forward here, and who died after he had put out his sting and delivered his evidence? But that prop of your cause, Mithridates, was retained as a witness by us and examined two whole days; and, after he had said all that he wished, departed reproved, convicted, and broken down, and now walks about in a breastplate. That learned and sagacious man is afraid that Lucius Flaccus may burden himself with a crime, now that he cannot escape him as a witness; so that he, who, before the evidence was given, restrained himself when he might have got something by the deed, is likely now to add the guilt of an enormous crime to the charge of covetousness, which is only supported by false evidence. But since Quintus Hortensius has spoken at great length and with great acuteness concerning this witness, and respecting the whole charge which has reference to Mithridates, we, as we originally intended, will proceed to the other points. 18. [42]

The principal man in stirring up all the Greeks, — he who is sitting with the prosecutors, — Heraclides of Temnos, a silly chattering fellow, but (in his own opinion) so learned, that he calls himself even their tutor, and so ambitious, that he salutes all of you and of us every day. Old as he is, he has not yet been able to get admission into the senate of Temnos; and he, the man who professes himself able to teach the art of speaking to others, has himself been convicted in some very discreditable trials. [43] Of similar good fortune was Nicomedes, who came with him as a deputy, who was not allowed to enter the senate on any terms, but had been convicted of theft, and of defrauding his partner. For Lysanias, the chief man of the deputation, obtained the rank of senator; but as he showed himself rather too much devoted to the riches of the republic, he was convicted of peculation, and lost his property and his title of senator. These three men tried to render the accounts of even our own treasury false. For they returned themselves as having nine slaves, when they had in reality come without one single companion. I see at the first framing of the decree Lysanias was present, he, whose brother's property was sold by public order during the praetorship of Flaccus, because he did not pay what he owed to the people. Besides him there is Philippus, the son-in-law of Lysanias; and Hermobius,

whose brother also, by name Poles, was convicted of embezzling the public money. 19. [44]

These men say that they gave Flaccus and those who were with him fifteen thousand drachmas. I have to do with a most active city, and one which is an admirable hand at keeping its accounts; a city in which not a farthing can be disposed of without the intervention of five praetors, three quaestors, and four bankers, who are elected in that city by the burgesses. Of all that number not one has been brought hither as a witness; and when they return that money as having been given to Flaccus by name, they say that they gave him also a still larger sum, entered as having been given for the repair of a temple. But this is not a very consistent story; for either everything ought to have been kept secret or else everything ought to have been returned without any disguise. When they enter the money as having been given to Flaccus, naming him expressly, they fear nothing, they apprehend nothing. When they return the money as having been given for a public work, then all of a sudden those same men begin to be afraid of the very man whom they had despised before. If the praetor gave the money, as it is set down, he drew it from the quaestor, the quaestor from the public bank, the public bank derived it either from revenue or from tribute. All this will never be like a crime, unless you explain to me the whole business both with respect to the persons and to the accounts. [45] Or, as it is written in this same decree, that the most illustrious men of the city, — men who had had the highest honours of the state conferred on them, — were circumvented by him while he was praetor, why are they not present in court or why, at all events, are they not named in the decree? For I do not suppose that Heraclides, who is pricking up his head, is the person here intended. For is he one of the most eminent of the citizens, when Hermippus brought him here for trial? a man who did not even receive his present commission to come on this deputation from his fellow-citizens by their voluntary choice, but who went all the way from Tmolus to solicit it? a man on whom no honour was ever conferred in his own city; and the only business which ever has been entrusted to him, is one which is usually entrusted to the most insignificant people. He, in the praetorship of Titus Autidius, was appointed guardian of the public corn. And when he had received

money from Publius Varinius the praetor for this purpose, he concealed it from his fellow-citizens, and charged the whole of the expense to them. And after this was made known and revealed at Temnos, by letters which were sent thither by Publius Varinius, and when Cnaeus Lentulus, he who was the censor, the patron of the people of Temnos, had sent letters on the same subject, no one ever afterwards saw that man Heraclides at Temnos. [46] And that you may be thoroughly aware of his impudence, listen, I entreat you, to the cause which excited the animosity of this most worthless man against Flaccus. 20.

He bought at Rome a farm in the district of Cyme, from a minor whose name was Meculonius. Having made himself out in words to be a rich man, — though he had in reality nothing beyond the stock of impudence which you see, — he borrowed the money from Sextus Stola, one of our judges now present a man of the highest consideration, who is acquainted with the circumstances, and not unacquainted with the man; but who trusted him on the security of Publius Fulvius Veratius, a most unexceptionable man. And to pay this loan he borrowed money of Caius and Marcus Fufius, Roman knights, men of the highest character. Here, in truth, he caught a weasel asleep, as people say; for he cheated Hermippus, a learned man, his own fellow-citizen, who ought to have known him well enough; for on his security he borrowed money of the Fufii. Hermippus, without feeling any anxiety, goes away to Temnos, as he said that he would pay the Fufii the money which he had borrowed on his security, out of what he received from his pupils. [47] For he, as a rhetorician, had some rich men for pupils whom he was going to make as foolish again as they were when they came to him, (for they could acquire nothing from him, except an ignorance of every sort of learning;) but he could not infatuate any one to such an extent as to get him to lend him a single farthing. Therefore, having left Rome secretly, and cheated numbers of people by trifling loans, he came into Asia; and when Hermippus asked him what he had done about the bond given to the Fufii, he said that he paid the entire sum to the Fufii. In the mean time, not long afterwards, a freedman comes to Hermippus with letters from the Fufii. The money is demanded of Hermippus. Hermippus demands it of Heraclides; however, he

himself satisfies the claim of the Fufii who are at a distance, and discharges the security which he had given. He then prosecutes Heraclides, in spite of all his fuming and shuffling, in a formal manner: the cause is tried before judges. [48]

Do not fancy, O judges, that the impudence of cheats and repudiators is not one and the same in all places. This man did the very same things which debtors here are in the habit of doing. He denied that he had ever borrowed any money at all at Rome. He asserted that he had actually never heard the name of the Fufii; and he attacked Hermippus himself, a most modest and virtuous man, an ancient friend and hereditary connection of my own, the most eminent and accomplished man in his city, with every sort of reproach and abuse. But after this voluble gentleman had delivered himself in that fashion with a prodigious rapidity of eloquence for some time, all of a sudden, when the evidence of the Fufii and the items of their claim were read, though a most audacious man, he got alarmed; through a most talkative one, he became dumb. Therefore, the judges at the first trial gave a decision against him, in a matter which certainly did not admit of much doubt. As he did not comply with their decision, he was given up to Hermippus and put in prison by him. 21. [49]

Now you know the honesty of the man and the value of his evidence, and the whole reason of his enmity to Flaccus. Having been released by Hermippus after having sold him a few slaves, he came to Rome from thence he returned into Asia, when my brother Quintus had succeeded Flaccus in that government and went to him and related his story in this manner, saying that the judges being compelled and put in fear by the violence of Flaccus had given a false decision against their will. My brother as became his impartiality and prudence, decreed that if he demurred to the previous decision, he was to give security to double the amount; and that if he said that they were compelled by fear at the first trial, he should have the same judges again. He refused this, and as if there had been no trial and no decision, he began on the spot to demand back from Hermippus the slaves which he himself had sold him. Marcus Gratidius, the lieutenant, before whom he went refused to give him leave to proceed with the action, but declared that he should

adhere to the decision already given. [50] A second time, as he had no place anywhere where he could remain, he betook himself to Rome. Hermippus, who never yields to his impudence, follows him hither. Heraclides demands from Caius Plotius, a senator, a man of the highest character, who had served in Asia as lieutenant some slaves, which he said he had sold under compulsion, at a time when an unjust decision had been given against him. Quintus Naso, a most accomplished man, who had been praetor, is appointed judge; and when he showed that he was going to give sentence in favour of Plotius, Heraclides left the judge, and abandoned the whole cause as if he had not had a fair and legal trial. Do I appear to you, O judges, to be dwelling too much on each individual witness, and not to be discussing the whole class of witnesses, as I originally intended? [51] I come now to Lysanias, of the same city, — your own especial witness, Decianus, — a man whom you, as you had known him at Temnos when a youth, since he had pleased you when naked, wished to be always naked. You took him from Temnos to Apollonia. You lent money to him while quite a youth, at great interest, having taken good security for the loan. You say that the securities have been forfeited to you, and to this day you detain them and keep them in your possession. And you have compelled this man to come forward to give evidence as a witness by the hope of recovering his paternal estate. And as he has not yet given his evidence, I am waiting to see what it is that he will state. For I know the sort of men that they are, — I know their habits, I know their licentious ways. Therefore, although I am certain what he is prepared to state, still I will not argue against it before he has stated it; for if I do, he will alter it all and invent something else. Let him, then, keep what he has prepared; and I will keep myself fresh for whatever statements he makes. 22. [52]

I come now to that state to which I myself have shown great kindness and done many great services, and which my brother has shown the greatest attachment to and fondness for. And if that city had brought its complaints before you by the month of creditable and respectable men, I should be a little more concerned about it; but now what am I to think? Am I to think that the Trallians entrusted their cause to Maeandrius, a needy, sordid man, without honour, without character, without income? Where were the Pythodori, the

Aetideni, the Lepisos, and the other men who are well known among us, and who are of high rank among their own people? where is their splendid and high-spirited display of the respectability of their city? Would they not have been ashamed, if they had been serious about this business, that Maeandrius should be called, I will not say their deputy, but even a Trallian at all? Would they ever have entrusted to this man as their deputy, — to this man as their public witness, Lucius Flaccus the hereditary patron of their city, whose father and ancestors had been so before him, to be ruined by the evidence of their city? This cannot be the fact, O judges; it never can be. [53]

I myself lately saw in some trial a Trallian witness of the name of Philodorus, I saw Parrhasius, I saw Archidemus, when this identical man Maeandrius came to me as a sort of attorney, suggesting to me what I might say, if I pleased, against his own fellow-citizens and his own city. For there is nothing more worthless than that fellow, — nothing more needy, nothing more infamous. Wherefore, if the Trallians employ him as the relater of their indignation, and the keeper of their letters, and the witness of their injuries, and the utterer of their complaints, let them lower their high tone for the future, let them restrain their high spirit, let them bridle their arrogance, let them confess that the best representative of their city is to be found in the person of Maeandrius. But if they themselves have always thought this man a man to be buffeted and trampled upon at home, let them cease to think that there is any authority in that evidence which there is no respectable person to father. 23.

But I will explain what the facts of the case really are, that you may know why that city was neither severe in attacking Flaccus, nor very anxious to defend him. [54] The city was offended with him on account of the affair of Castricius; concerning the whole of which Hortensius has made a sufficient reply. Very much against its will, it had paid Castricius some money which had long been due to him. Hence comes all its hatred to Flaccus, and this is his whole offence. And when Laelius had arrived in that city among a set of angry men, and had re-opened their indignation with respect to Castricius by mentioning the subject, the chief men jumped up and left the place, and refused to be present in that assembly, and would not assist in carrying the decree, or in framing the deposition. And to such an

extent was that assembly deprived of the presence of the nobles of the city, that Maeandrius was the chief of the chief men present; and it was by his tongue, acting like a sort of fan of sedition, that assembly of needy men was ventilated. [55] Therefore, now learn the justice of the grief and complaints of a city, a moderate city, as I have always considered it, and a worthy one, as the citizens themselves wish it to be thought. They complain that the money which was deposited amongst them, in the name of Flaccus's father, — money which had been collected from different cities, — has been taken away from them. At another time I will inquire of them what power Flaccus had in the matter. At present I only ask the Trallians, whether they say the money, which they complain has been taken from them, was their own, — was a contribution from the other cities for their use. I wish to hear this. We do not say so, says he. What then? We say that it was brought to us — entrusted to us in the name of Lucius Flaccus, the father of this man, for the days of festival and the games which were to be celebrated in his honour. [56] What then? "This you had no right to touch." Presently I will see to that; but first of all I will deal with this. A dignified, a wealthy, a noble city complains that it is not allowed to retain what does not belong to it. It says that it has been plundered, because it has not in its possession what never was its own. What can be said or imagined more shameless than this? A town was selected in which, above all others, the money contributed by all Asia for the honours of Lucius Flaccus should be deposited. All this money was transferred from the purpose of doing him honour, and employed in gainful traffic and usury. Many years afterwards it was recovered. 24. [57]

What injury was done to the city? "But the city is very indignant at it." I dare say. For the profit is wrenched from it contrary to its hopes, which had already been devoured in expectation. "But it complains;" and a most impudent complaint it is. For we cannot reasonably complain of everything at which we are annoyed. "But it accuses him in the severest language." Not the city, but ignorant men do so, who have been stirred up by Maeandrius. And while on this topic I beg you over and over again to recollect how great is the rashness of a multitude, — how great the peculiar levity of Greeks, — and how great is the influence of a seditious speech in a public

assembly. Even here, in this most dignified and well-regulated of cities, when the forum is full of courts of justice, full of magistrates, full of most excellent men and citizens, — when the senate-house, the chastiser of rashness, the directress in the path of duty, commands and surveys the rostra, still what storms do we see excited in the public assemblies? What do you think is the case at Tralles? is it the same as is the case at Pergamus? Unless, perchance, these cities wish it to be believed that they could more easily be influenced by one letter of Mithridates, and impelled to violate the claims of their friendship with the Roman people, and their own plighted faith, and all the rights and duties of humanity, than to injure by their evidence the son of a man whom they had thought it necessary to drive from their walls by force of arms. [58] Do not, then, oppose to me the names of those noble cities, for those whom this family has scorned as enemies, it will never be afraid of as witnesses. But you must confess, if your cities are governed by the counsels of your chief men, that it was not by the rashness of the multitude, but by the deliberate counsel of the nobles, that war was undertaken by those cities against the Roman people; or if that disturbance was at that time caused by the rashness of the ignorant mob, then permit me to separate the errors of the Roman people from the general cause. 25. [59]

"But he had no right to lay hands on that money." Had his father Flaccus a right to touch it or not? If he had a right, as he undoubtedly had, to take money which had been contributed for the purposes of his honours, then the son did right in taking away the money belonging to his father from those men from whom he on his own account took nothing; but if the father Flaccus had not a right to take it, still after his death, not only his son, but any heir, must have had a perfect right to take it. And at that time, indeed, the Trallians, as they themselves had been for many years putting out that money at high interest nevertheless obtained from Flaccus all that they desired; nor were they so shameless as to venture to say what Laelius said, — namely, that Mithridates had taken this money from them. For who was there who did not know that Mithridates was more anxious about adorning Tralles than plundering it? [60] And if I were to speak of these matters as they ought to be spoken of, I should, O judges, press more strongly than I have as yet done, the point of how much

credit it was reasonable for you to give Asiatic witnesses. I should recall your recollections to the time of the Mithridatic war, to that miserable and inhuman massacre of all the Roman citizens, in so many cities, at one and the same moment. I should remind you of our praetors who were surrendered, of our ambassadors who were thrown into prison, of almost all memory of the Roman name and every trace of its empire effaced, not only from the habitations of the Greeks, but even from their writings. They called Mithridates a god, they called him their father and the preserver of Asia, they called him Evius, Nysius, Bacchus, Liber. [61] It was the same time, when all Asia shut its gates against Lucius Flaccus, the consul, and not only received that Cappadocian into their cities, but even spontaneously invited him. Let us be allowed, if not to forget these things, at least to be silent respecting them. Let me be allowed rather to complain of the inconstancy of the Greeks than of their cruelty. Are these two men to have influence with a people which they wished utterly to destroy? For whomsoever they could they slew while in the garb of peace; as far as depended on them they annihilated the name of Roman citizens. 26.

Shall they then give themselves airs in a city which they hate? among those people whom, if they had their will, they would not look upon? in that republic to the destruction of which it was their power that was unequal, and not their inclination? Let them behold this noble body of ambassadors and panegyrists of Flaccus who have come from the real honest Greece. Then let them weigh themselves in the balance, let them compare themselves with these men; [62] then, if they dare, let them compare their dignity with that of these men.

Athenians are here, citizens of that city from which civilization, learning, religion, corn, laws, and institutions are supposed to have arisen, and to have been disseminated over the whole earth — that city, for the possession of which there is said to have been, by reason of its beauty, a contest even among the gods: a city which is of that antiquity that she is said to have produced her citizens from her own womb, so that the same land is called the parent, and nurse, and country of her people. And she is of such authority that the name of Greece, now enfeebled and almost broken, rests upon the glory of this city. [63]

Lacedaemonians are here; men of that city, whose tried and glorious virtue is considered not only to be implanted in them by nature, but also to be fortified by discipline. The only men in the whole world who have been living for now seven hundred years and more under one system, and under laws which have never been altered.

Many deputies are here from all Achaia, Boeotia, and Thessaly, places in which Lucius Flaccus has lately been in command as lieutenant under Metellus as commander-in-chief. Nor do I pass you over, O Marseilles, you who have known Lucius Flaccus as soldier and as quaestor, — a city, the strict discipline and wisdom of which I do not know whether I might not say was superior, not only to that of Greece, but to that of any nation whatever; a city which, though so far separated from the districts of all the Greeks, and from their fashions and language, and though placed in the extremity of the world and surrounded by tribes of Gauls, and washed with the waves of barbarism, is so regulated and governed by the counsels of its chief men, that there is no nation which does not find it easier to praise its institutions than to imitate them. [64] Flaccus has these states as his panegyrists and as witnesses of his innocence, so that we may resist the covetousness of some Greeks by the assistance of others. 27.

Although, who is there who is ignorant, provided he has only taken the most ordinary trouble to make himself acquainted with these matters, that there are in reality three different races of Greeks; of which the Athenians are one, being considered an Ionic nation; the Aeolians are another; the third were called Dorians. And the whole of this land of Greece, which flourished so greatly with fame, with glory, with learning, and many arts, and even with wide dominion and military renown, occupies as you know, and always has occupied, but a small part of Europe. It surrounded the seacoast of Asia with cities after it had subdued it in war; not in order to increase the prosperity of Asia by fortifying it with colonies, but in order to keep its hold upon it by placing it in a state of siege. [65] Wherefore I beseech you, O you Asiatic witnesses, that, when you wish to recollect with accuracy what amount of authority you bring into a court of justice, you would yourselves describe Asia, and remember, not what foreigners are accustomed to say of you, but what you

yourselves affirm of your own races. For, as I think, the Asia that you talk of consists of Phrygia, Mysia, Caria, and Lydia. Is it then a proverb of ours or of yours that a Phrygian is usually made better by beating? What more? Is not this a common saying of you all with respect to the whole of Caria, if you wish to make any experiment accompanied with danger, that you had better try it on a Carian? Moreover what saying is there in Greek conversation more ordinary and well known, than, when any one is spoken of contemptuously, to say that he is the very lowest of the Mysians? For why should I speak of Lydia? What Greek ever wrote a comedy in which the principal slave was not a Lydian? What injury, then, is done to you, if we decide that we are to adhere to the judgment which you have formed of yourselves? [66] In truth, I think that I have said enough and more than enough of the whole race of witnesses from Asia. But still it is your duty, O judges, to weigh in your minds and thoughts everything which can be said against the insignificance, the inconstancy, and the covetousness of the men, even if these points are not sufficiently enlarged upon by me. 28.

The next thing is that charge about the Jewish gold. And this, forsooth, is the reason why this cause is pleaded near the steps of Aurelius. It is on account of this charge, O Laelius, that this place and that mob has been selected by you. You know how numerous that crowd is, how great is its unanimity, and of what weight it is in the popular assemblies. I will speak in a low voice, just so as to let the judges hear me. For men are not wanting who would be glad to excite that people against me and against every eminent man; and I will not assist them and enable them to do so more easily. [67] As gold, under pretence of being given to the Jews, was accustomed every year to be exported out of Italy and all the provinces to Jerusalem, Flaccus issued an edict establishing a law that it should not be lawful for gold to be exported out of Asia. And who is there, O judges, who cannot honestly praise this measure? The senate had often decided, and when I was consul it came to a most solemn resolution that gold ought not to be exported. But to resist this barbarous superstition were an act of dignity, to despise the multitude of Jews, which at times was most unruly in the assemblies in defence of the interests of the republic, was an act of the greatest

wisdom. “But Cnaeus Pompeius, after he had taken Jerusalem, though he was a conqueror, touched nothing which was in that temple.” [68] In the first place, he acted wisely, as he did in many other instances, in leaving no room for his detractors to say anything against him, in a city so prone to suspicion and to evil speaking. For I do not suppose that the religion of the Jews, our enemies, was any obstacle to that most illustrious general, but that he was hindered by his own modesty. Where then is the guilt? Since you nowhere impute any theft to us, since you approve of the edict, and confess that it was passed in due form, and did not deny that the gold was openly sought for and produced the facts of the case themselves show that the business was executed by the instrumentality of men of the highest character. There was a hundredweight of gold, more or less openly seized at Apamea, and weighed out in the forum at the feet of the praetor, by Sextus Caesius, a Roman knight, a most excellent and upright man; twenty pounds weight or a little more were seized at Laodicea, by Lucius Peducaeus, who is here in court, one of our judges; some was seized also at Adramyttium, by Cnaeus Domitius, the lieutenant, and a small quantity at Pergamus. [69] The amount of the gold is known; the gold is in the treasury; no theft is imputed to him; but it is attempted to render him unpopular. The speaker turns away from the judges, and addresses himself to the surrounding multitude. Each city, O Laelius, has its own peculiar religion we have ours. While Jerusalem was flourishing, and while the Jews were in a peaceful state, still the religious ceremonies and observances of that people were very much at variance with the splendour of this empire and the dignity of our name and the institutions of our ancestors. And they are the more odious to us now because that nation has shown by arms what were its feelings towards our supremacy. How dear it was to the immortal gods is proved by its having been defeated, by its revenues having been farmed out to our contractors, by its being reduced to a state of subjection. 29. [70]

Wherefore, since you see that all that which you wished to impute to him as a crime is turned to his credit, let us now come to the complaints of the Roman citizens. And let the first be that of Decianus. What injury, then, O Decianus, has been done to you? You are trading in a free city. First of all, allow me to be a little curious.

How long shall you continue to live there as a trader, especially since you are born of such a rank as you are? You have now for thirty years been frequenting the forum, — the forum, I mean, of Pergamus. After a very long interval, if at any time is convenient to you to travel, you come to Rome. You bring a new face, an old name; Tyrian garments, in which respect I envy you, that with only one cloak you look so smart for such a length of time. [71] However, be it so. You like to practise commerce. Why not at Pergamus? at Smyrna? at Tralles? where there are many Roman citizens, and where magistrates of our own preside in the courts of justice. You are fond of ease: lawsuits, crowds, and praetors are odious to you. You delight in the freedom of the Greeks. Why, then, do you alone treat the people of Apollonides, the allies who of all others are the most attached to the Roman people and the most faithful, in a more miserable manner than either Mithridates, or than your own father ever treated them? Why do you prevent them from enjoying their own liberty? why do you prevent them from being free? They are of all Asia the most frugal, the most conscientious men, the most remote from the luxury and inconstancy of the Greeks; they are fathers of families, are content with their own, farmers, country-people. They have lands excellent by nature, and improved by diligence and cultivation. In this district you wished to have some farms. I should greatly prefer, (and it would have been more for your interest too, if you wanted some fertile lands,) that you should have got some here somewhere in the district of Crustumii, or in the Capenate country. [72] However, be it so. It is an old saying of Cato's, —"that money is balanced by distance." It is a very long way from the Tiber to the Caicus, — a place in which Agamemnon himself would have lost his way, if he had not found Telephus for his guide. However, I give up all that. You took a fancy to the town. The country delighted you. You might have bought it. 30.

Amyntas is by birth, by rank, by universal opinion, and by his riches, the first man of that state. Decianus brought his mother-in-law, a woman of weak mind, and tolerably rich, over to his side, and, while she was ignorant of what his object was, he established his household in the possession of her estates. He took away from Amyntas his wife, then in a state of pregnancy, who was confined

with a daughter in Decianus's house, and to this very day both the wife and daughter of Amyntas are in Decianus's house. [73] Is there any one of all these circumstances invented by me, O Decianus? — All the nobles know these facts — virtuous men are acquainted with them — our own citizens are acquainted with them — all the merchants of ordinary consequence are acquainted with them. Rise, Amyntas: demand back from Decianus, not your money, not your estates; let him even keep your mother-in-law for himself; but let him restore your wife, let him restore the daughter to her miserable father: for the limbs which he has weakened with stones, with sticks, with weapons, the hands which he has crushed, the fingers which he has broken, the sinews which he has cut through, those he cannot restore. The daughter, — restore the daughter, I say, O Decianus, to her unhappy father. [74] Do you wonder that you could not get Flaccus to approve of this conduct? I should like to know who you did persuade to approve of it? You contrived fictitious purchases, you put up advertisements of estates in concert with some wretched women, — open frauds. According to the laws of the Greeks it was necessary to name a guardian to look after these matters. You named Polemocrates a hired slave and minister of your designs. Polemocrates was prosecuted by Dion for treachery and fraud on account of this very guardianship. What a crowd was there from all the neighbouring towns on every side! What was their indignation! How universal were their complaints! Polemocrates was convicted by every single vote; the sales were annulled, the advertisements were canceled. Do you restore the property? You bring to the men of Pergamus, and beg them to enter in their public registers, those beautiful advertisements and purchases of yours. They refuse, they reject them. And yet who were the men who did so? The men of Pergamus, your own panegyrists. For you appear to me to boast as much of the panegyric of the citizens of Pergamus, as if you had arrived at all the honours which had been attained by your ancestors. And you thought yourself in this respect better off than Laelius, that the city of Pergamus praised you. Is the city of Pergamus more honourable than that of Smyrna? Even the men of Pergamus themselves do not assert that. 31. [75]

I wish that I had leisure enough to read the decree of the

Smyrnaeans, which they made respecting the dead Castricius. In the first place, that he was to be brought into the city, which is an honour not granted to others; in the next place, that young men should bear his coffin; and lastly, that a golden crown should be put upon the dead body. These honours were not paid to that most illustrious man, Publius Scipio, when he had died at Pergamus. But what language, O ye immortal gods, do they use concerning him, calling him "the glory of his country, the ornament of the Roman people, the flower of the youth." Wherefore, O Decianus, if you are desirous of glory, I advise you to seek other distinctions. The men of Pergamus laughed at you. [76] What? Did you not understand that you were being made sport of, when they read those words to you, "most illustrious man, of most extraordinary wisdom, of singular ability." I assure you they were joking with you. But when they put a golden crown at the head of their letters, in reality they did not entrust you with more gold than they would trust to a jackdaw; could you not even perceive the neatness and facetiousness of the men? They, then, — those men of Pergamus, — repudiated the advertisements which you produced. Publius Orbius, a man both prudent and incorruptible, gave every decision that he did give against you. 32.

You received more favour from Publius Globulus, an intimate friend of mine. I wish that neither he nor I may repent it?

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[77] You add real causes of the enmity between you, that your father as tribune of the people prosecuted the father of Lucius Flaccus when he was curule aedile. But that ought not to have been very annoying even to Flaccus's father himself; especially as he, who was prosecuted, was afterwards made praetor and consul, and the man who prosecuted him could not even remain in the city as a private individual. But if you thought that a reasonable ground for enmity, why, when Flaccus was military tribune, did you serve as a soldier in his legion, when by the military law you might have avoided the injustice of the tribune? And why did the praetor summon you, his hereditary enemy, to his counsels? And how sacredly such obligations are accustomed to be observed, you all know. [78] At present we are prosecuted by men who were our

counselors. “Flaccus issued a decree.” Did he issue a different decree from what he ought? “against freemen.” Was it contrary to the resolution to which the senate had come? “He issued this decree against an absent man.” When you were in the same race, and when you refused to come forward, that is a different thing from being absent. [The resolution of the senate and the decree of Flaccus are read.] What next? suppose he had not made a decree, but had only issued an edict, who could have found fault with him with truth? Are you going to find fault with the letters of my brother, full of humanity and equity. The same letters which, having been given by me

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Read the letters of Quintus Cicero. [The letters of Quintus Cicero are read.] What? did the people of Apollonides, when they had an opportunity, report these things to Flaccus? [79] Were they not argued in court before Orbius? Were they not reported to Orbius? Did not the deputies of Apollonia report to our senate in my consulship all the demands which they had to make respecting the injuries which they had received from this one man, Decianus?

“Oh, but you gave in an estimate of these farms also at the census.” I say nothing of their being other people’s property; I say nothing of their having been got possession of by violence; I say nothing of the conviction by the Apollonidians that ensued; I say nothing of the business having been repudiated by the people of Pergamus; I say nothing of the fact that restitution of the whole was compelled by our magistrates; I say nothing of the fact that neither by law, nor in fact, nor even by the right of occupation, did they belong to you. [80] I only ask this; whether those farms can be bought and sold by the civil law; whether they come under the provisions of the civil law, whether or no they are freehold, whether they can be registered at the treasury and before the censor? Lastly, in what tribe did you register those farms? You managed it so, that if any serious emergency had arisen, tribute might have been levied on the same farms both at Apollonides and at Rome. However, be it so; you were in a boastful humour. You wanted a great amount of land to be registered as yours, and of that land too, which cannot be distributed

among the Roman people. Besides that, you were registered as possessed of' money in hand, cash to the amount of a hundred and thirty thousand sesterces. I do not suppose that you counted that money; but I pass over all these things. You registered the slaves of Amyntas; and, in that respect you did not wrong; for Amyntas is the owner of those slaves. And at first indeed he was alarmed when he heard that you had registered his slaves. He consulted lawyers. It was decreed by all of them that if Decianus could make other people's property his by registering it as such, he would have very great

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33. [81]

You now know the cause of the enmity by which Decianus was excited to communicate to Laelius this grand accusation against Flaccus. For Laelius framed his complaint in this way, when he was speaking of the perfidy of Decianus: "He, who was my original informant; who communicated the facts of the case; whom I have followed, he has been bribed by Flaccus, he has deserted and abandoned me." Have you, then, been the prime mover in bringing that man into peril of all his; fortunes, whose counselor you had been, with whom you had preserved all the privileges of your rank, a most virtuous man, a man born of a most noble family, a man who had done great services to the republic? Forsooth, I will defend Decianus, who has become suspected by you through no fault of his own. [82] Believe me, he was not bribed; for what was there which could have been got by bribing him? Could he have contrived for the trial to last longer? Why, the law only allows six hours altogether. How much would Decianus rather have taken away from those six hours, if he had wished to serve you. In truth, that is what he himself suspects, — you envied the ingenuity of your junior counsel. Because he discharged the part which he had undertaken with wit, and examined the witnesses cleverly,

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But if this be probable, at all events it is not very probable that Decianus was bribed by Flaccus. [83] And the rest of the case is just as improbable, as is what Lucceius says, that Lucius Flaccus had

wished to give him two millions of sesterces to induce him to break his word. And do you accuse that man of avarice who you say was willing to abstain from taking two millions of sesterces? For when he was buying you, what was it that he was buying? Was it your desertion to his side? If you did come over to us, what share in the cause were we to give you? were we to allot to you the part of explaining the designs of Laelius? of saying what witnesses proceeded from his house? What? did not we ourselves see that they were living together? Who is there who does not know that? Is there the slightest doubt that the documents were in Laelius's power? or, was he bribing you not to accuse him with vigour and with eloquence? Now you give cause for suspicion; for you spoke in such a manner that some point or other does seem to have been carried with you. 34. [84]

"But a great and intolerable injury was done to Andrus Sextilius." As, when his wife Valeria had died without a will, Flaccus managed the business in such a way as if the inheritance belonged to himself. And in that I should be glad to know what you find fault with, — is it, that he asserted anything which was false? How do you prove it? "She was," says he, "a person of good family." O man, learned in the law! What? cannot inheritances legally come from women of good family? "She was," says he, "under the power of her husband." Now I understand you; but was she so by use or by purchase? It could not be by use for legitimate guardianship cannot be annulled except by the consent of all the guardians. By purchase? Then it must have been with the consent of all of them; and certainly you will not say that that of Flaccus was obtained. [85] That alternative remains which he did not cease asserting loudly; "that Flaccus ought not, when he was praetor, to have attended to his own private concerns, or to have made any mention of the inheritance." I hear, O Lucius Lucullus, that very great inheritances came to you, to you who are about to decide as judge on the case of Lucius Flaccus, on account of your exceeding liberality and of the great services which you had done your friends, during the time that you were governing the province of Asia with consular power. If any one had said that those inheritances belonged to him, would you have given them up? You, O Titus Vettius, if any inheritance in Africa comes to you, will you abandon it? or, will you

retain it as your own, without being liable to the imputation of avarice, without any sacrifice of your dignity? “But the possession of the inheritance of which we are speaking was demanded in the name of Flaccus, when Globulus was praetor.” Well then, it was not any sudden violence, nor the idea of any favourable opportunity, nor force, nor any peculiarity of time, nor the possession of command and of the forces which induced Flaccus to commit this injury. [86]

And, therefore, it is to this point that Marcus Lurco also, a most excellent man, and a great friend of mine, has especially addressed the sting of his evidence. He said, that it was not becoming for a praetor in his province to claim money from a private individual. Why, I should like to know, O Lurco, is it not becoming? It is not becoming to force or extort money, or to receive money contrary to the laws; but you will never convince me that it is not becoming to claim it, unless you can show that it is not lawful to do so. Is it right to accept of honorary lieutenancies for the sake of exacting what is one's due, as you yourselves have done lately, and as many good men have often done, (and I, indeed, find no fault with such conduct; I see that our allies complain of it;) and, do you think a praetor, if he, being in his province, does not abandon an inheritance which comes to him, is not only to be blamed but even to be condemned? 34. "But Valeria," says he, "had given up all her money as dower to her husband." None of those assertions can be admitted, unless you prove that she was not under the guardianship of Flaccus. If she was, whatever money on her marriage was assigned to her husband without his consent, the assignment is null. [87] But still you saw that Lurco was angry with Flaccus, although out of regard to his own dignity he was guided by some moderation in giving his evidence. For he did not conceal, or think it at all necessary to be silent about the cause of his anger. He complained that his freedman had been condemned by Flaccus when he was praetor. O how miserable is the condition of those who have the government of provinces! in which diligence is sure to bring enmity; carelessness is sure to incur reproach; severity is dangerous; liberality meets only with ingratitude. The conversation addressed to one is insidious; the flattery with which one is courted is mischievous; the countenance which every one wears towards you is friendly; the disposition of numbers is hostile; dislikes are secret; caresses are open; they wait with eagerness for the coming praetors, they fawn on those who are present, they abandon and betray those who are departing. But let us give over complaining, lest we should seem to be extolling our own wisdom in declining all provinces. [88]

He sent letters about the steward of Publius Septimius, a man of

great accomplishments, which steward had committed murder. You might have seen Septimius burning with anger. He allowed (in accordance with his edict) an action against a freedman of Lurco to proceed. Lurco is his enemy. What then? Was Asia to be abandoned to the freedmen of influential and powerful men? or has Flaccus any personal hostility of any sort with your freedmen? or do you hate his severity when displayed in your own causes, and in those of your freedmen, though you praise impartiality when it is we who are on our trial? 36.

But that man Andro, who was stripped of all his property, as you say, has not come forward to give his evidence. What if he had? Suppose he had come. [89] Caius Caecilius was the arbitrator of the settlement come to in that case. How noble, how upright, how conscientious a man! Caius Sextilius was a witness to it, the son of Lurco's sister — a modest, and consistent, and sensible man. If there was any violence employed in the business, any fraud, any fear, any trickery, still who compelled any arrangement to be made at all? who compelled the parties to have recourse to an arbitrator? What will you say, if all that money was restored to this young man by Lucius Flaccus? if it was claimed by him? if it was collected for him? and if this was done through the agency of this Antiochus who is here in court the freedman of this youth's father, and a man most highly esteemed by the elder Flaccus? Do we not then seem not only to escape from the charge of covetousness, but even to deserve the credit of very extraordinary liberality? For he gave up to the young man his relation the whole of their joint inheritance, which by law ought to have belonged to both of them in equal shares; and he himself touched none of Valeria's property. What he had resolved to do, being influenced by the young man's amiable character, and not by the great amount of his patrimony, that he not only did, but did most liberally and courteously. From which it ought to be understood that he had not taken the money in violation of the laws, when he was so very liberal in abandoning the inheritance. [90]

But the charge respecting Falcidius is a serious one. He says that he gave fifty talents to Flaccus. Let us hear the man himself. He is not here. How then does he say it? His mother produces one letter, and his sister produces a second; and they say that he had written to

them to say that he had given this large sum to Flaccus. Therefore he, whom, if he were to swear while holding by the altar, no one would believe, is to be allowed to prove whatever he pleases by a letter without being put on his oath at all! And what a man he is! how unfriendly to his fellow-citizens; a man who preferred squandering a sufficiently ample patrimony, which he might have spent among us here, in Grecian banquets! [91] What was his object in leaving this city? in depriving himself of the glorious liberty existing here? in undergoing all the danger of a voyage? just as if he might not have devoured his property here at Rome. Now at last this jolly son writes to his mother, an old woman not very likely to suspect him, and clears himself by a letter, in order to appear not to have spent all that money with which he had crossed the sea, but to have given it to Flaccus. 37.

But those crops of the Trallians had been sold when Globulus was praetor. Falcidius had bought them for nine hundred thousand sesterces. If he gives so much money to Flaccus, he assuredly gives it to secure the ratification of that purchase. He then buys something which certainly was worth a great deal more than he gave for it; he pays for it out of his profit; he never touches his capital. Therefore he makes the less profit. [92] Why does he order his Alban farm to be sold? Why, besides, does he caress his mother in this way? Why does he try to overreach the imbecility of his sister and mother by letters? Lastly, why do we not hear the man's own statement? He is detained, I suppose, in the province. His mother says he is not. "He would have come," says the prosecutor, "if he had been summoned." You certainly would have compelled him to come, if you had thought your statement would receive any real confirmation from his appearing as a witness. But you were unwilling to take the man away from his business. There was an arduous contest before him; a very severe battle with the Greeks; who, however, as I think, are defeated and overthrown. For he by himself beat all Asia in the size of his cups, and in his power of drinking. But still, who was it, O Laelius, who gave you information about those letters? The women say that they do not know. Who is it then? Did the man himself tell you that he had written to his sister and mother? [93] or did he write at your entreaty? But do you put no questions to Marcus Aebutius, a most

sensible and virtuous man, a relation of Falcidius? Do you decline to examine Caius Manilius his son-in-law, a man of equal integrity? men who certainly must have heard something of so large a sum of money, if it had been given. Did you, O Decianus, think that you were going to prove so heavy a charge, by reading these letters, and bringing forward these women, while the author whom you were quoting was kept at a distance? Especially when you yourself, by not producing Falcidius, declared your own opinion that a forged letter would have more weight than the feigned voice and simulated indignation of the man himself if present. [94]

But why keep on so long discussing and expostulating about the letters of Falcidius, or about Andron Sextilius, or about the income of Decianus, and say nothing about the safety of fortunes of the state, and the general interests of the republic? the whole of which are at stake in this trial, and are resting on your shoulders, — on yours, I say, you who are our judges. You see in what critical times, in what uncertain and variable circumstances, we are all at present placed. 38.

There are certain men who are planning many other things, and who are labouring most especially to cause your inclinations, your formal decisions and sentences to appear in a most unfavourable and odious light to all the most respectable citizen. You have given many important decisions in a manner suited to the dignity of the republic and particularly you have given many respecting the guilt of the conspirators. They do not think that the republic has been turned upside down enough unless they can overwhelm citizens who have deserved well of the republic with the same punishment as that with which this impious man Caius Antonius has been crushed. [95] Be it so. He had some particular misdeeds of his own to bear up against. And yet even he (I say this on my own responsibility) would never have been condemned if you had been his judges, he, a man by whose condemnation the tomb of Catiline was decked with flowers and the sepulchres of all those most audacious men and domestic enemies were honoured with assemblies and banquets, and by which the shade of Catiline was appeased. Now an expiation for the death of Lentulus is sought to be obtained at Flaccus's expense, and by your instrumentality. What victim can you offer more acceptable to the manes of Publius Lentulus, — who intended, after you had been

all murdered amid the embraces of your children and your wives, to bury you beneath the burning ruins of your country, — than you will offer, if you satiate his impious hatred towards all of us in the blood of Lucius Flaccus? [96] Let us then offer a sacrifice to Lentulus, let us make atonement to Cethegus, let us recall the exiles, let us in our turn, if you, O judges, think fit, suffer the punishment due to too great piety, and to the greatest possible affection towards our country. At this moment we are being mentioned by name by the informers; accusations are being invented against us; dangers are being prepared for us. And if they did these things by the instrumentality of others, — if, in short, by using the name of the people, they had excited a mob of ignorant citizens, we could bear it with more equanimity.

But this can never be borne, that they should think that, by means of senators and knights of Rome, who have done all these things with a view to the safety of all the citizens, by their common decision, animated with one idea, and inspired with one and the same virtue, the prime movers, and leaders, and chief actors in these transactions, can be deprived of all their fortunes, and be expelled from the city. In truth, they are acquainted with the feelings and inclinations of the Roman people; by every means which it is master of, the Roman people indicates what are its opinions and feelings; there is no diversity of opinion, or of inclination, or of language. [97] Wherefore, if any one summons me, I come. I not only do not object to the Roman people as arbitrators in my cause, but I even demand them. Let there be no violence; let weapons and stones be kept at a distance let the artisans depart; let the slaves be silent. No one who hears me will be so unjust, if he be only a free man and a citizen, as not to think that he ought rather to think of rewards for me than of punishment. 39.

O ye immortal got! what can be more miserable than this? We who wrested fire and sword out of the hands of Publius Lentulus, are trusting now to the judgment of an ignorant multitude, and are in dread of the sentence of chosen men and most honourable citizens. [98] Our fathers by their decision delivered Marcus Aquillius, who had been convicted of many charges of avarice, proved by abundant evidence, because he had behaved gallantly in the Servile war. I, when consul, lately defended Cnaeus Piso; who, because he had been

a gallant and fearless consul, was preserved to the republic uninjured. I, when consul, defended also Lucius Murena, the consul elect. Not one of the judges in that case — though they were most eminent men who were the prosecutors — thought that they ought to entertain for one moment the accusation of bribery, because, while Catiline was still waging war against the republic, they agreed with me that it was necessary for them to have two consuls on the first of January. Aulus Thermius, an innocent and virtuous man, and one adorned with every sort of distinction, has been twice acquitted this year, when I have defended him. How great was the joy, how great were the congratulations of the Roman people at that event, for the sake of the republic! Wise and grave judges have always, when deciding in criminal trials, considered what the interests of the state, and the general safety, and the present necessities of the republic required. [99] When the voting tablets are given to you, O judges, it will not be Flaccus alone who will be interested in their verdict; the generals and all those who are leaders in the preservation of the city will all be interested; all good men will be interested; you yourselves will be interested; your children, your own lives, your country, the general safety, will all be interested in your vote. In this cause you are not determining about foreign nations, or about the allies; you are deciding on the welfare of your own selves and your own republic. 40. [100]

And if the consideration of the provinces has more weight with you than that of your own interests, I not only do not object, but I even demand that you should be influenced by the authority of the provinces. In truth, we will oppose to the province of Asia first of all a great part of the same province, which has sent deputies and panegyrists to stand up and defend this man from danger; in the next place we will set against it the province of Gaul, the province of Cilicia, the province of Spain, and the province of Crete; and against Greeks, whether they be Lydians, Mysians, or Phrygians, shall be set the men of Massilia, the Rhodians, the Lacedaemonians, the Athenians, and all Achaia, Thessaly, and Boeotia. Septimius and Caelius, the witnesses for them, shall be balanced by Publius Servilius and Quintus Metellus, as witnesses of this man's moderation and integrity. The Asiatic jurisdiction shall be replied to

by the jurisdiction of the city; and the whole conduct and entire life of Lucius Flaccus shall defend him from accusations brought against him, all relying on the transactions of a single year.

[101] And if, O judges, it ought to avail Lucius Flaccus that, as tribune of the soldiers, as quaestor, as lieutenant to the most illustrious generals, he has behaved among the most distinguished armies, and in the most important provinces, in a manner worthy of his ancestors; let it also avail him, that before your own eyes, at a time of general danger to you all, he united his fate to mine, and shared my danger; let the panegyrics of most honourable municipalities and colonies avail him; let the most glorious and genuine praise of the Roman senate and Roman people avail him. [102]

Oh that night, that night which nearly brought eternal darkness on this city, when the Gauls were invited to war, when Catiline was invited into the city, when the conspirators were invited to bring fire and sword upon us all; when I, O Flaccus, invoking heaven and night, was with tears entreating your aid, and you in tears were listening to me; when I commended to your honest and well-proved loyalty the safety of the city and of the citizens. You, O Flaccus, being at that time praetor, took the messengers of the general destruction; it was you who arrested that plague

POST REDITUM IN SENATU (To the Senate after his recall from exile)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO AFTER HIS RETURN. ADDRESSED TO THE SENATE.

THE ARGUMENT.

Cicero by his conduct in the conspiracy of Catiline had made many enemies, as there were many citizens of high rank and great influence more or less implicated in that treason. And besides those men, he had mortally offended a profligate senator, named Clodius, against whom he had appeared as a witness on a trial for impiety. Clodius, (by the assistance of Julius Caesar, who was offended with Cicero for refusing to support the measures of the triumvirate,) got adopted as a plebeian, in order to be made tribune of the people, so as to have the greater power to annoy Cicero. He was elected tribune A. U. C. 696. And the consuls, Lucius Calpurnius Piso Caesoninus and Aulus Gabinius, were also enemies to Cicero. After some preliminary laws, mostly aimed, in Cicero's opinion, at him, Clodius proposed a special law, "that whoever had taken away the life of a citizen uncondemned and without a trial, should be prohibited from fire and water." This alluded especially to Cicero's having executed the accomplices of Catiline; and he accordingly changed his dress, as it was usual for people to do in the case of a public impeachment, and appeared in the streets in a mourning robe, and the whole body of the knights and the young nobility, to the number of twenty thousand, as he says himself in his speech to the people after his return, also changed their dress, and accompanied him about the city to protect him from the insults of Clodius's partisans, and to implore the assistance of the people. And all this body went to the consuls to

implore their favour for Cicero; but Piso refused to see them, and Gabinius treated them with the greatest insolence, which caused such indignation in the assembly that Ninnius the tribune made a motion (which was carried unanimously) that the senate also should put on mourning robes. The consuls issued an edict forbidding them to do so. On one occasion Clodius with his slaves fell on Cicero's partisans and attacked them so violently that Hortensius was nearly killed and Vibienus, a senator, died of the wounds he received. Caesar openly espoused the cause of Clodius, declaring that he had always thought the proceedings against Lentulus and the rest irregular and illegal. And Pompey, who had at first espoused Cicero's cause began to be alarmed, and to avoid giving him any effectual assistance. And the disturbances in Rome rose to such a height, that Cicero, by the advice of his friends, and especially of Cato, Hortensius, and Atticus, went into voluntary exile.

As soon as he had departed, Clodius filled the forum with his own partisans and his slaves, and proposed a law in the following terms: "Whereas Marcus Tullius Cicero has put Roman citizens to death unheard and uncondemned; and for that end forged the authority and decree of the senate; may it please you to ordain that he be interdicted from fire and water; that nobody presume to harbour or receive him, on pain of death; and that whoever shall move, speak, vote, or take any step towards recalling him, shall be treated as a public enemy, unless those should first be recalled to life whom Cicero unlawfully put to death." The name of Sedulius, one of the meanest of the people, was affixed to the law as if he had been its proposer, who afterwards declared that he was not in Rome at the time, and that he had known nothing about it.

Cicero went to Thessalonica. He had not been gone more than two months when Ninnius made a motion in the senate to recall him and to repeal the law which Clodius had enacted against him, and it would have been carried had not Aelius Ligur, one of the tribunes, interposed his veto. The senate, however, passed a resolution that no business should be proceeded with till the consuls had prepared a new law respecting Cicero's affairs. Pompey, too, began to feel the want of Cicero's assistance, and consulted Caesar as to the expediency of promoting his recall.

The new consuls were Publius Cornelius Lentulus, a warm friend of Cicero, and Quintus Metellus Nepos, who had been his enemy but who now, out of complaisance to the triumvirate, promised to assist in his restoration. One of the tribunes elect, whose name was Sextus, was also very eager in his cause; but Clodius bribed two of those who were coming into office, Servius Atilius Serranus and Numerius Quinctius Gracchus, to oppose all measures for his restoration. On the first of January the moment that the new consuls entered on their office, Lentulus made a motion in the senate for Cicero's recall; Metellus also spoke in favour of it, and Cotta, whose opinion was first asked declared that as Cicero had not been banished legally but had only retired from the city of his own accord for the sake of peace, there was no law requisite for his recall; but that a vote of the senate would be sufficient. The motion would have passed at once had not Serranus interposed his veto. Great disturbances ensued in Rome; Fabricius, one of the tribunes favourable to Cicero, was attacked with a party of his friends by Clodius at the head of a band of gladiators, whom he had purchased; and great numbers of citizens were slain, so that Cicero says, (**Pro Sestio, 35-38**,) that there had never been such bloodshed in Rome except in the time of Cinna. The senate passed a resolution that no business should be done till the vote for Cicero's recall was carried, and ordered the consuls to summon all the people of Italy who wished well to the state to come to the assistance and defence of Cicero. Pompey was at this time at Capua acting as chief magistrate of his new colony, where he presided in person at their making a decree in Cicero's honour, and took the trouble likewise of visiting all the other colonies and chief towns in those parts, to appoint them a day of general rendezvous at Rome to assist at the promulgation of the desired law. At last a decree to recall Cicero was carried, to the great joy of all the people; but for some time Clodius was enabled to prevent any regular law being passed to that effect, till at last all his partisans were afraid to stand by him any longer, and it was not until the fourth of August that the law was finally carried.

Cicero, in anticipation of it, had already embarked for Italy, and on the fifth of August he landed at Brundusium. He was received with the greatest honours by every town through which he passed on

his way to Rome, and multitudes came from all quarters to see him and to escort him; and on his arrival in the city he was received with universal acclamations.

He arrived in the city on the fourth of September, and the next day the consuls summoned the senate to give him an opportunity of addressing that body, when he made the following speech.

1. If, O conscript fathers, I return you thanks in a very inadequate manner for your kindness to me, and to my brother, and to my children, (which shall never be forgotten by us,) I beg and entreat you not to attribute it so much to any coldness of my disposition, as to the magnitude of the service which you have done me. For what fertility of genius, what copiousness of eloquence can be so great, what language can be found of such divine and extraordinary power, as to enable any one, I will not say to do due honour to the universal kindness of you all towards us, but even to count up and enumerate all the separate acts of kindness which we have received from you? You have restored to me my brother; whom I have wished for above all things; you have restored me to my most affectionate brother; you have restored us parents to our children, and our children to us; you have restored to us our dignity, our rank, our fortunes, the republic, which we reverence above all things, and our country, than which nothing can be dearer to us; you have restored us, in short, to ourselves.

[2] And if we ought to consider our parents most dear to us, because by them our life, our property, our freedom, and our rights as citizens have been given to us; if we love the immortal gods, by whose kindness we have preserved all those things, and have also had other benefits added to them; if we are most deeply attached to the Roman people owing to the honours paid to us by whom we have been placed in this most noble council, and in the very highest rank and dignity and in this citadel of the whole earth, if we are devoted to this order of the senate by which we have been frequently distinguished by most honourable decrees in our favour, surely it is a boundless and infinite obligation which we are under to you, who, by your singular zeal and unanimity an my behalf, have combined at

one time the benefits done us by our parents, the bounty of the immortal gods, the honours conferred on us by the Roman people, and your own frequent decisions in my case; in such a manner that, owing, as we do, much to you, and great gratitude to the Roman people, and innumerable thanks to our parents, and everything to the immortal gods, the honours and enjoyments which we had separately before by their instrumentality, we have now recovered all together by your kindness. 2. [3]

Therefore, O conscript fathers, we seem by your agency to have obtained a species of immortality, a thing too great to be even wished for by men. For what time will there ever be in which the memory and fame of your kindnesses to me will perish? The memory of your kindness, who, at the very time that you were besieged by violence and arms and terror and threats, not long after my departure all agreed in recalling me, at the motion of Lucius Ninnius, a most fearless and virtuous man, the most faithful and (if it had come to a battle) the least timid defender of my safety that that fatal year could produce. After the honour of making a formal decree to that effect was refused to you by the means of that tribune of the people, who as he was unable of himself to injure the republic, destroyed it as far as he could by the wickedness of another, you never kept silence concerning me, you never ceased to demand my safety from those consuls who had sold it. [4] Therefore, at last it was owing to your authority and your zeal that that very year which I had preferred to have fatal to myself rather than to my country, elected these men as tribunes, who proposed a law concerning my safety, and constantly brought it under your notice. For the consuls being modest men, and having a regard for the laws, were hindered by a law, not by the one which had been passed concerning me, but by one respecting themselves, when my enemy had carried a clause, that when those men had come to life again who nearly destroyed the state, then I might return to the city. By which action he confessed two things — both that he longed for them to be living, and also that the republic would be in great peril, if either the enemies and murderers of the republic came to life again, or if I did not return.

Therefore, in that very year when I had departed, and when the chief man of the state was forced to defend his own life, not by the

protection of the laws, but by that of his own walls, — when the republic was without consuls, and bereft, like an orphan, not only of its regular parents, but even of its annual guardians, — when you were forbidden to deliver your opinions, — when the chief clause of my proscription was repeatedly read, — still you never hesitated to consider my safety as united with the general welfare. 3. [5]

But when, by the singular and admirable virtue of Publius Lentulus the consul, you began on the first of January to see light arising in the republic out of the clouds and darkness of the preceding year, — when the great reputation of Quintus Metellus, that most noble and excellent man, and the virtue and loyalty of the praetors, and of nearly all the tribunes of the people, had likewise come to the aid of the republic, — when Cnaeus Pompeius, the greatest man for virtue, and glory, and achievements that any nation or any age has ever produced, the most illustrious man that memory can suggest thought that he could again come with safety into the senate, — then your unanimity with respect to my safety was so great that my body only was absent, my dignity had already returned to this country. [6] And that month you were able to form an opinion as to what was the difference between me and my enemies. I abandoned my own safety, in order to save the republic from being (for my sake) stained with the blood of the citizens; they thought fit to hinder my return, not by the votes of the Roman people, but by a river of blood. Therefore, after those events, you gave no answers to the citizens, or the allies, or to kings; the judges gave no decisions; the people came to no vote on any matter; this body issued no declarations by its authority; you saw the forum silent the senate-house mute, the city dumb and dispirited. [7] And then, too, when he had gone away, who, being authorized by you, had resisted murder and conflagration, you saw men rushing all over the city with sword and firebrand; you saw the houses of the magistrates attacked, the temples of the gods burnt, the faces of a most admirable man and illustrious consul burnt, the holy person of a most fearless and virtuous officer, a tribune of the people, not only laid hands on and insulted, but wounded with the sword and killed. And by that murder some magistrates were so alarmed, that partly out of fear of death, partly out of despair for the republic, they in some degree forsook my

cause; but others remained behind, whom neither terror, nor violence, nor hope, nor fear, nor promises, nor threats, nor arms, nor firebrands, could influence so as to make them cease to stand by your authority, and the dignity of the Roman people, and my safety. 4. [8]

The chief of those men was Publius Lentulus, the parent and god of my life, and fortune, and memory, and name. He thought that the best proof that he could give of his virtue, the best indication that he could afford of his disposition, the greatest ornament with which he could embellish his consulship would be the restoration of me to myself, to my friends, to you, and to the republic. And as soon as ever he was appointed consul elect he never hesitated to express an opinion concerning my safety worthy both of himself and of the republic. When the veto was interposed by the tribune of the people, — when that admirable clause was read: "That no one should make any motion before you that no one should propose any decree to you that no one should raise any discussion, or make any speech or take any vote or frame any law;" he thought all that as I have said before, a proscription and not a law, by which a citizen who had deserved well of the republic was by name and without any trial, taken from the senate and the republic at the same time. But as soon as he entered on his office, I will not say what did he do before, but what else did he do at all, except labour by my preservation to establish your authority and dignity on a firm basis for the future? [9] O ye immortal gods! what great kindness do you appear to have shown me, in making Publius Lentulus consul this year. How much greater still would your bounty bare been, had he been so the preceding year; for I should not have been in want of such medicine as a consul could give, unless I had fallen by a wound inflicted by a consul. I had been often told by one of the wisest of men and one of the most virtuous of citizens, Quintus Catulus, that it was not often that there was one wicked consul, but that there had never been two at the same time since the foundation of Rome, except in that terrible time of Cinna. Wherefore, he used to say that my interest would always be firmly secured, as long as there was even one virtuous consul in the republic. And he would have spoken the truth, if that state of things with respect to consuls could have remained lasting and perpetual, that, as there never had been two bad ones in the republic, so there

never should be. But if Quintus Metellus had been at that time consul, who was then my enemy, do you doubt what would have been his feelings with regard to my preservation, when you see that he was a mover and seconder of the measure proposed for my restoration? [10] But at that time there were two consuls, whose minds, narrow, contemptible, mean, groveling, dark, and dirty, were unable to look properly at, or to uphold, or to support the mere name of the consulship, much less the splendour of that honour, and the importance of that authority. They were not consuls, but dealers in provinces, and sellers of your dignity. One of whom demanded back from me, in the hearing of many, Catiline, his lover; the other reclaimed Cethegus, his cousin; — the two most wicked men in the memory of man, who (I will not call them consuls, but robbers) not only deserted, in a cause in which, above all others, the welfare of the republic and the dignity of the consulship was concerned, but betrayed me, and opposed me, and wished to see me stripped of all aid, not only from themselves, but also from you and from the other orders of the state. One of them, however, deceived neither me nor any one else. 5. [11]

For who ever could have any hope of any good existing in that man, the earliest period of whose life was made openly subservient to everyone's lusts; who had not the heart to repel the obscene impurity of men from the holiest portion of his person? who, after he had ruined his own estate with no less activity than he afterwards displayed in his endeavours to ruin the republic, supported his indigence and his luxury by every sort of pandering and infamy; who, if he had not taken refuge at the altar of the tribuneship, would not have been able to escape from the authority of the praetor, nor the multitude of his creditors, nor the seizure of his goods. And if he had not while in discharge of that office, passed that law about the piratical war, he, in truth, would have yielded to his own poverty and wickedness, and had recourse to piracy himself; and who would have done so with less injury to the republic than he did by remaining within our walls as an impious enemy and robber. It was he who was inspecting victims, and sitting in the discharge of that duty, when a tribune of the people procured a law to be passed that no regard should be had to the auspices, — that no one should on that account

be allowed to interrupt the assembly or the comitia, or to put his veto on the passing of a law; and that the Aelian and Fufian laws should have no validity, which our ancestors had enacted, intending them to be the firmest protection of the republic against the insanity of the tribunes. [12] And he also afterwards, when a countless multitude of virtuous men had come to him from the Capitol as suppliants, and in morning garments, and when all the most noble young men of Rome, and all the Roman knights, had thrown themselves at the feet of that most profligate pander, with what an expression of countenance did that curled and perfumed debauchee reject, not only the tears of the citizens, but even the prayers of his country! Nor was he content with that but he even went up to the assembly, and there said what even if his man Catiline had come to life again he would not have dared to say, — that he would make the Roman knights pay for the nones of December of my consulship, and for the Capitoline Hill; and he not only said this, but he even summoned those before him that suited him. And this imperious consul actually banished from the city Lucius Lamia, a Roman knight, a man of the highest character, and a very eager advocate of my safety, because of his intimacy with me, and very much attached to the state, as it was likely that a man of his fortune would be. And when you had passed a resolution to change your garments, and had changed them, and though, indeed, all virtuous men had already done the same thing, he, reeking with perfumes, clad in his toga praetexta, which all the praetors and aediles had at that time laid aside, derided your mourning garb, and the grief of a most grateful city, and did what no tyrant ever did, — he issued an edict that you should lament your disasters in secret and not presume openly to bewail the miseries of your country. 6. [13]

And when in the Circus Flaminius (I will not say the consul had been conducted into the assembly by a tribune of the people, but) the archpirate had been brought in by another robber, he came first a man of what exceeding dignity, full of wine, sleep, and debauchery! with hair dripping with ointments, with carefully arranged locks, with heavy eyes, moist cheeks, a husky and drunken voice; and he, a grave authority, said that he was greatly displeased at citizens having been executed without having been formally condemned. Where is it that this great authority has lain hid so long out of our sight? Why

has the extraordinary virtue of this ringletted dunce been wasted so long in scenes of debauchery and gluttony? For that other man, Caesoninus Calventius, from his youth up has been habituated to the forum, though, except his assumed and crafty melancholy, there was no single thing to recommend him, — no knowledge of the law, no skill in speaking, no knowledge of military affairs or of men, no liberality. And if, while passing him, you noticed how ungentlemanlike, and rough, and sulky he looked, though you might think him a barbarian and a boor, still you would not suppose him to be lascivious and profligate. [14] You would think it made no difference whether you were standing in the forum with this man, or with a barbarian from Aethiopia; there he was, in that sense, without flavour, a mute, slow, uncivilized piece of goods. You would be apt to suppose him a Cappadocian just escaped out of a lot of slaves for sale. Then, again, how lustful was he at home, — how impure, how intemperate. He was not like a front-door, open for the reception of legitimate pleasures, but when he began to devote himself to literature, and, beastly rather a postern for all sorts of secret gratification. And glutton that he was, to learn philosophy with the Greeks, then he became an Epicurean, not because he was really much devoted to that sect such as it is, but because he was caught by that one expression about pleasure. And he has masters, none of those foolish fellows who go on for whole days discussing duty and virtue, — who exhort men to labour, to industry, to encounter dangers for the sake of their country, but men who argue that no hour ought to be unoccupied by pleasure; that in every part of the body there ought always to be some joy and delight to be perceived. [15] He uses his masters as a sort of superintendents of his lusts; they seek out and scent out all sorts of pleasures; they are the seasoners and furnishers of his banquets they appraise and value the different pleasures, they give a formal decision and judgment as to how much indulgence ought to be allowed to each separate pleasure. He, becoming accomplished in all these arts, despised this most prudent city to such a degree that he thought that all his lusts and all his atrocities could be concealed, if he only thrust his ill-omened face into the forum. 7.

He deceived me, though I will not so much say me (for I know,

from my connection with the Pisos how much the Transalpine blood on his mother's side had removed him from the qualities of that family) but he deceived you and the Roman people, not by his wisdom or his eloquence, as is often the case with many men, but by his wrinkled brow and solemn look. [16] Lucius Piso, did you dare at that time with that eye (I will not say with that mind) with that forehead (I will not say with what character,) and with that arrogance (for I cannot say, after such achievements,) to unite with Aulus Gabinius in forming plans for my ruin? Did not the odour of that man's perfumes, or his breath reeking with wine, or his forehead marked with the traces of the curling-iron, lead you to think that as you were like him in reality, you were no longer able to use the impenetrability of your countenance to conceal such enormous atrocities? Did you dare to continue with that man to abandon the consular dignity, — the existing condition of the republic, — the authority of the senate, — the fortunes of a citizen who had above all others deserved well of the republic, to the provinces? While you were consul, according to your edicts and commands, it was not allowed to the Roman senate or people to come to the assistance of the republic, I will not say by their votes and their authority, but even by their grief and their mourning garb. [17]

Did you think that you were consul at Capua, a city where there was once the abode of arrogance, or at Rome, where all the consuls that ever existed before you were obedient to the senate? Did you dare, when you were brought forward in the Flaminian Circus, with your colleague, to say that you had always been merciful? by which expression you declared that the senate and all virtuous men were cruel at the time that I warded off ruin from the republic. You were a merciful man when you handed me over, — me, your own relation, — me, whom at your comitia you had appointed as chief guardian of the prerogative tribe, whose opinions on the calends of January you had asked then, bound and helpless to the enemies of the republic! You repelled my son-in-law, your own kinsman; you repelled your own near relation, my daughter, with most haughty and inhuman language, from your knees; and you, also, O man of singular mercy and clemency, when I, together with the republic, had fallen, not by a blow aimed by a tribune, but by a wound inflicted by a consul,

behaved with such wickedness and such intemperance, that you did not allow one single hour to elapse between the time of my disaster and your plunder; you did not allow even time for the lamentations and groans of the city to die away. [18] It was not yet openly known that the republic had fallen, when you thought fit to arrange its interment. At one and the same moment my house was plundered and set on fire, my property from my house on the Palatine Hill was taken to the house of the consul who was my neighbour, the goods from my Tusculan villa were also taken to the house of my neighbour there, the other consul; when, while the same mob of artisans were giving their votes, the same gladiator proposing and passing laws, the forum being unoccupied, not only by virtuous men, but even by free citizens, and being entirely empty, the Roman people being utterly ignorant what was going on, the senate being beaten down and crushed, there being two wicked and impious consuls, the treasury, the prisoners, the legions, allies and military commands, were given away as they pleased. 8.

But the ruin wrought by these consuls you, O consuls, have prevented from spreading further by your virtue, being assisted as you have been by the admirable loyalty and diligence of the tribunes of the people and the praetors. [19] What shall I say of that most illustrious man, Titus Annius? or, who can ever speak of such a citizen in an adequate or worthy manner? For when he saw that a wicked citizen, or, it would be more correct to say, a domestic enemy, required (if it were only possible to employ the laws) to be crushed by judicial proceedings, or that if violence hindered and put an end to the courts of justice, in that case audacity must be put down by virtue, madness by courage, rashness by wisdom, hand by hand, violence by violence, he first of all prosecuted him for violence; when he saw that the very man whom he was prosecuting had destroyed the courts of justice, he took care that he should not be able to carry everything by violence. He taught us that neither private houses, nor temples, nor the forum, nor the senate-house could be defended from the bands of domestic robbers without the greatest gallantry, and large resources and numerous forces. He was the first man after my departure who relieved the virtuous from fear, and deprived the audacious of hope; who delivered this august body from

alarm, and the city from slavery. [20] And Publius Sextius following the same line of conduct with equal virtue, courage, and loyalty, thought that there were no enmities, no efforts of violence, no attacks, no dangers even to his life, which it became him to shun, in defence of my safety, of your authority, and of the constitution of the state. He, by his diligence, so recommended the cause of the senate, thrown into disorder as it was by the harangues of wicked men, to the multitude, that your name soon became the most popular of all names, your authority the object of the greatest affection to all men. He defended me by every means that a tribune of the people could employ; and supported me by every sort of kind attention, just as if he had been my own brother; by his clients, and freedmen, and household, and resources, and letters, I was so much supported, that he seemed to be not only my assistant under, but my partner in calamity. [21] Now you have seen the kindness and zeal of the others; how devoted to me was Caius Cestilius, how attached to you, how uniformly faithful to our cause. What did Marcus Cispius do? I know how much I owe to him and to his father and brother; and they, though they had some personal grudge against me on their own private account, still disregarded their private dislike out of recollection of my services to the state. Also, Titus Fadius, who was my quaestor, and Marcus Curtius, to whose father I was quaestor, cherished the memory of our connection with all zeal, and affection, and courage. Caius Messius made many speeches in my behalf, for the sake both of our friendship and of the republic. And he at the beginning proposed a special law respecting my safety. [22] If Quintus Fabricius could only have effected, in spite of violence and arms, what he endeavoured to do in my behalf, we should have recovered our position in the month of January. His own inclination prompted him to labour for my safety, violence checked him, your authority recalled him. 9.

Of what disposition towards me the praetors were, you were able to form an opinion when Lucius Caecilius, in his private character, laboured to support me from his own resources, and in his public capacity proposed a law respecting my safety, in concert with all his colleagues, and refused the plunderers of my property permission to support their actions by legal proceedings. But Marcus Calidius, the

moment he was elected, showed by his vote how dear my safety was to him. [23] Caius Septimius, Quintus Valerius, Publius Crassus, Sextus Quintilius, and Caius Cornutus, all devoted all their energies to the promotion of my interests and those of the republic.

And while I gladly make mention of these things, I am not unwilling to pass over the wicked actions done by some people with a view to injure me. It is not suited to my fortunes at present to remember injuries, which, even if I were able to revenge them, I still would rather forget. All my life is to be devoted to a different object: to that of showing my gratitude to those who have deserved well of me; to preserving those friendships which have been tried in the fire; to waging war against my open enemies; to pardoning my timid friends; to avoiding the showing those who deserted me any indignation at having been forced to leave the city; to console those who promoted my return by a proper display of my dignity. [24] And if I had no other duty before me for all the rest of my life, except to appear sufficiently grateful to the very originators and prime movers and authors of my safety, still I should think the period that remains to me of life too brief; I will not say for requiting, but even for enumerating the kindnesses which have been shown to me. For, when shall I, or when will all my relations, be able to show proper gratitude to this man and to his children? What memory, what force of genius, what amount of deference and respect will be a fit return for such numerous and immense services? He was the first man who held out to me the promise and faith of a consul when I was overwhelmed and miserable; he it was who recalled me from death to life, from despair to hope, from destruction to safety. His affection for me, his zeal for the republic, was so great, that he kept thinking how he might not only relieve my calamity, but how he might even make it honourable. For what could be more honourable, what could happen to me more creditable, than that which you decreed on his motion, that all people from all Italy, who desired the safety of the republic, should come forward for the sole purpose of supporting and defending me, a ruined and almost broken-hearted man? So that the senate summoned the citizens and the whole of Italy to come from all their lands and from every town to the defence of one man, with the very same force of expression which had never been used but three

times before since the foundation of Rome, and at those times it was the consul who used it in behalf of the entire republic, addressing himself to those only who could hear his voice. 10. [25]

What could I leave to my posterity more glorious than the fact, that the senate had declared its judgment that any citizen who did not defend me, did not desire the safety of the republic? Therefore your authority, and the preeminent dignity of the consul, had this great effect, that every one thought that he was committing a shameful crime if he did not come to that summons. And this same consul, when that incredible multitude, when Italy itself I might almost say, had come to Rome, summoned you repeatedly to the Capitol; and at that time you had an opportunity of seeing what great power excellence of natural disposition and true nobleness have. For Quintus Metellus, himself an enemy of mine, and a brother of an enemy of mine, as soon as he was assured of your inclinations, laid aside his own private dislike to me and allowed Publius Servilius, a most illustrious man, and also a most virtuous one, and a most intimate friend of my own, to recall him, by what I may call the divine influence of his authority and eloquence, to the exploits and virtues of his race and of their common family, so as to take to his counsels his brother, in the shades below, the companion of my fortunes, and all the Metelli, those most admirable citizens, summoning them as it were from Acheron; and among them the great conqueror of Numidia, whose departure from his country formerly seemed grievous to all the citizens, but scarcely even vexatious to himself. [26] He, therefore, turns out now, not only a defender of my safety, having been previously to this one kindness of his always my enemy, but even the seconder of my restoration to my dignity. And on that day when you met in the senate to the number of four hundred and seventeen, and when all these magistrates were present one alone dissented; he who thought that the conspirators could by his law be awakened from the shades below. And on that day when in most weighty and copious language you delivered your decision, that the republic had been preserved by my counsels, he as consul again took care that the same things should be said by the chief men of the state in the assembly the next day; and he then spoke on my behalf with the greatest eloquence, and brought the

assembly into such a state, all Italy standing by and listening, that no one would listen to the hateful and detested voice of any of my hired or profligate enemies. 11. [27]

To these acts of his, being not only aids to my safety, but even ornaments of my dignity, you yourselves added the rest that was wanting. You decreed that no one should by any means whatever hinder that matter from proceeding; that if any one did try to interpose any obstacle, you would be very angry and indignant; that he would be acting in a manner contrary to the interests of the republic, and the safety of good men, and the unanimous wish of the citizens; and that such a man was instantly to be reported to you. And you passed a vote that if they persisted in interposing obstacles, I was to return in spite of them. Why need I tell how thanks were given to all those who had come up from the municipal towns; or that they were entreated to be present with equal eagerness on that day when the whole affair was consummated? Lastly, why need I tell what you did on that day which Publius Lentulus has made as a birthday to me, and to my brother, and to our children, to be recollected not only by us, who are now alive, but by all our race for ever? On which day, in the comitia centuriata, which our ancestors rightly called and considered the real comitia, he summoned us back to our country, so that the same centuries which had made me consul should declare their approval of my consulship. [28] On that day what citizen was there who thought it right, whatever his age or state of health might be, to deny himself the opportunity of giving his vote for my safety? When did you ever see such a multitude assembled in the Campus, such a splendid show of all Italy and of all orders of men? when did you ever see movers, and tellers, and keepers of the votes all of such high rank? Therefore, through the active, and admirable, and godlike kindness of Publius Lentulus, we were not allowed to return to our country, as some most eminent citizens have been, but we were brought back in triumph, borne by white horses in a gilded car. [29]

Can I ever appear grateful enough to Cnaeus Pompeius, who said, not only among you who all were of the same opinion, but also before the whole Roman people, that the safety of the republic had been preserved by me, and was inseparably connected with mine? who recommended my cause to the wise, and taught the ignorant,

and at the same time checked the wicked by his authority, and encouraged the good; who not only exhorted the Roman people to espouse my cause, but even entreated them to do so, as if he were speaking for a brother or a parent; who, at a time when he was forced to keep within his house from fear of contests and bloodshed, begged even of the preceding tribunes to propose and carry a law respecting my safety; who in a colony lately erected, where he himself was discharging the duties of a magistrate in it, where there was no bribed interrupter, declared that the privilegium passed against me was violent and cruel, confirming that declaration by the authority of most honourable men, and by public letters, and, being the chief man there, gave his opinion that it was becoming to implore the protection of all Italy for my safety; who, when he himself had always been a most firm friend to me, laboured also to make all his own friends also to me. 12. [30]

And by what services can I requite the kindness of Titus Annius to me? all whose actions, the whole of whose conduct and thoughts, the whole of whose tribuneship, in short, was nothing else except a consistent, continual, gallant, unwearied advocacy of my safety.

Why need I speak of Publius Sextius? who showed his good-will and faithful attachment to me, not only by his grief of mind, but even by the wounds which he received on his person.

But to you, O conscript fathers, and to each individual of you, I have both declared, and I will continue to declare my gratitude. I declared it at the beginning to your whole body, as well as I could; to declare it with sufficient eloquence is what I am totally unable to do. And although I have received special favours from many persons, about which it is impossible for me to keep silence, still it is impossible at the present time, and with the apprehensions which I feel, to endeavour to enumerate the kindnesses which I have received from individuals. For it is difficult to avoid passing over some, and yet it would be impious to forget any one. I, O conscript fathers, ought to reverence every one of you as I do the immortal gods. But as, even in the case of the immortal gods themselves, we are wont not always to pay worship and to offer prayers to the same deities, but sometimes we pray to one and sometimes to another; so in the case of the men who have behaved to me with such godlike service,

my whole life shall be devoted to celebrating their kindness towards me, and showing my reverent sense of it. [31] But on this day I have thought that it became me to return thanks especially to the different magistrates by name, and also to one private individual, who for the sake of my safety, had visited all the municipal towns and colonies, had as a suppliant addressed his entreaties to the Roman people, and had declared that opinion which you followed when you restored me to my dignities. You always distinguished me when I was prosperous; when I was in distress you defended me to the extent of your power, by the change of your garments, and your general mourning, There have been times within our own recollection when senators did not dare to change their robes even in their own personal dangers; but in my danger the whole senate changed its garments as far as it was allowed to do without interruption from the edicts of those men who wished to deprive me in my peril not only of all protection from them, but of even the benefit of your prayers in my behalf. [32]

And when I was in such circumstances as these, when I saw that I as a private individual had to contend with the same array which as consul I had defeated, using not arms but your authority, I deliberated much with myself. 13.

The consul had said that he would make the Roman knights pay for the scenes on the Capitoline Hill. Some were summoned by name, others were prosecuted, some were banished. All access to the temples was prevented, not merely by their being garrisoned or occupied with a strong force, but by their being demolished. The other consul, not content with only abandoning me and the republic, unless he could also betray us to the enemies of the republic, had bound those enemies to him by promising them the rewards which they coveted. There was another man at the gates with a command given to him for many years, and with a large army. I do not say that he was an enemy of mine, but I do know that he did nothing when he was stated to be my enemy. [33] As there were thought to be two parties in the republic, the one was supposed, out of its enmity to me, to demand that I should be given up to it; the other, to defend me, but timidly out of fear of bloodshed. But those who seemed to require me to be given up to them increased the fear of a contest by their

conduct as they never diminished the suspicions and anxieties of men by denying what they were suspected of. Wherefore, when I saw the senate deprived of leaders, and myself attacked by some of the magistrates, betrayed by some, and abandoned by others; when I saw that slaves were being enlisted by name under some pretence of forming guilds; that all the troops of Catiline were recalled to their original hopes of massacre and conflagration under almost the same leaders as before; that the Roman knights were under the same fear of proscription as before; that the municipal towns were in dread of being pillaged, and every one in fear of his life; I might — I might, I say, O conscript fathers, still have been able to defend myself by force of arms, and many wise and brave men advised me to do so; nor was I wanting in the same courage which I had shown before, and which was not unknown to you. But I saw that if I defeated my present enemy, I had still too many others behind who must also be defeated; that if I were beaten myself; many virtuous men would fall for my sake, and with me, and even after me; and that the avengers of the blood of the tribunes were present, but that all satisfaction for my death must he exacted by the slow progress of the law, and reserved for posterity. 14. [34]

I did not choose, after I had as consul maintained the general safety of the state without having recourse to arms, to take arms as a private individual in my own cause; I preferred that virtuous men should grieve for my fortune rather than despair of their own; and if I were slain by myself; that I thought would be a shameful end for me; but if I were slain with many others, that I thought would be fatal to the republic. If I had supposed that eternal misery was before me, I would rather have endured death than everlasting agony. But I felt sure that I should not be absent from this city any longer than the constitution itself was, and, while that was banished, I thought it no longer desirable for myself that I should remain in it; and in accordance with my expectation, as soon as ever the constitution was restored, it brought me back in triumph as its companion. The laws were all banished as well as I, the courts of justice were banished as well as I; the prerogatives of the magistrates, the authority of the senate, the liberty of the citizens, even the fruitfulness of the land, all piety and all religion, whether it was with respect to men or gods,

were all banished from the state when I was banished. And if they had been lost to you for ever, I should mourn over your fortunes rather than regret the loss of my home amongst you; but if they were ever restored, I was quite sure that I should be enabled to return with them. [35]

And of these feelings of mine, he who was the protector of my life is also my most indisputable witness, namely Cnaeus Plancius, who, disregarding all the distinctions and emoluments which might have been derived from a province, devoted his whole quaestorship to supporting and preserving me. If he had been my quaestor when I was commander-in-chief; he would have stood in the relation of a son to me; now he surely shall be looked upon by me as a parent, since he has been my quaestor, not while in authority, but in grief. [36]

Wherefore, O conscript fathers, since I have been restored to the republic at the same time with the constitution of the republic, in whatever I do for the defence of it, I will not only not in the slightest degree abridge my former liberty, but I will even increase it. 15.

In truth, if I defended the republic at a time when it was under some obligations to me, what ought I to do now when I owe everything to it? For what is there that can crush or even weaken my spirit, when you see that calamity itself is in my case not a witness of any error; but of most extraordinary services rendered to the republic? For these disasters were brought on me by my defence of the state; they were undergone by me of my own free will, in order that the republic which had been defended by me should not be brought into the very extremity of peril. [37] It was not in my case, as in that of Publius Popillius, a most noble man, my young sons, or a multitude of my relations that entreated the Roman people in my behalf; it was not in my case, as in the case of Quintus Metellus, a most admirable and most illustrious man, a youthful son of proved virtue who strove for me; it was not Lucius and Caius Metellus, men of consular rank, nor their sons; nor Quintus Metellus Nepos, who was at that very moment a candidate for the consulship, nor the Luculli or Servilii, or Scipios, sons of the Metelli, who with tears and in mourning garments addressed their supplications to the Roman people; but one single brother, who behaved to me with the dutiful affection of a son, who fortified me like a parent with his counsels, and loved me like a brother (as indeed he was), by his mourning robe and his tears and daily prayers kept alive the regret of me which existed, and the recollection of my name and services; and while he had made up his mind, that unless by your votes he could recover me here, he would encounter the same fortune himself, and choose the same abode both in life and death, still he never was alarmed either at the greatness of the business, or at his own solitary and unassisted condition, nor at the violence and warlike measures of my adversaries. [38]

There was another upholder and assiduous defender of my fortunes, Caius Piso, my son-in-law, a man of the greatest virtue and piety, who disregarded the threats of my enemies, the hostility of my connection, and his own near relation, the consul; who, as quaestor, passed over Pontus and Bithynia for the sake of ensuring my safety. The senate never decreed anything respecting Publius Popillius; no mention was ever made in this assembly of Quintus Metellus. They

were restored by motions made by the tribunes, after their enemies had been slain, and, above all, they were not restored by the interposition of any authority on the part of the senate, though one of them had done what he did in obedience to the senate, the other had fled from violence and bloodshed. For Caius Marius, the only man of consular dignity in the memory of man who was ever driven from the city in times of civil discord before me, was not only not restored by the senate, but by his return almost destroyed the senate. There was no unanimity of magistrates in their cases, — no summoning of the Roman people to come to the defence of the republic, — no commotion throughout Italy, — no decrees of municipalities and colonies in their favour. [39]

Wherefore, since your authority has summoned me, — since the Roman people his recalled me, — since the republic has begged me to return, — since almost all Italy has brought me back in triumph on its shoulders, I will take care, O conscript fathers, now that those things have been restored to me, the restoration of which did not depend on myself, not to appear wanting in those qualities with which I can provide myself; I will take care, now that I have recovered those things which I had lost, never to lose my virtue and loyal attachment to you.

POST REDITUM IN QUIRITES (To the Citizens after his recall from exile)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO AFTER HIS RETURN. ADDRESSED TO THE PEOPLE.

THE ARGUMENT.

The day after Cicero had addressed the preceding speech to the assembly, he returned thanks to the people also from the rostra for the zeal which they had displayed in his behalf, in the following speech; in which he dwells on very nearly the same topics as those which had been the groundwork of his oration to the senate.

1. That which I requested in my prayers of the all-good and all-powerful Jupiter, and the rest of the immortal gods, O Romans, at the time when I devoted myself and my fortunes in defence of your safety, and tranquillity, and concord, — namely, that if I had at any time preferred my own interests to your safety, I might find that punishment, which I was then encountering of my own accord, everlasting; but that if I had done those things which I had done out of an honest desire to preserve the state, and if I had undertaken that miserable journey on which I was then setting out for the sake of ensuring your safety, in order that the hatred which wicked and audacious men had long since conceived and entertained against the republic and against all good men, might break upon me alone, rather than on every virtuous man, and on the entire republic — if I say these were my feelings towards you and towards your children, that in that case, a recollection of me, a pity and regret for me should, at some time or other come upon you and the conscript fathers, and all

Italy, I now rejoice above all things that that request is heard that I am bound to perform all that I then vowed, by the judgment of the immortal gods, — by the testimony of the senate by the unanimous consent of all Italy, — by the confession of my enemies, — by your godlike and never-to-be-forgotten kindness, O citizens of Rome. [2] For although there is nothing more to be wished for by man than prosperous, equal, continual good-fortune in life, flowing on in a prosperous course, without any misadventure; still, if all my life had been tranquil and peaceful, I should have been deprived of the incredible and almost heavenly delight and happiness which I now enjoy through your kindness. What sweeter thing has been given to the race of man, or to each individual, by nature, than his own children? To me especially, mine, on account of my affectionate nature, and on account of their own excellent qualities, are dearer to me than my life. And yet I did not feel that pleasure when they were born, that I feel now when they are restored to me. [3] Nothing was ever more acceptable to any one, than my brother is to me. I was not so aware of this when I enjoyed his society, as I became when I was deprived of it, and after you again restored me to him and him to me. His own private estate is a pleasure to every one. The relics of my fortune, which I have recovered, give me now greater delight than they used to give when they were unimpaired. Friendship, familiar intercourse, acquaintance with my neighbours, the dependence of one's clients on one, even games and days of festival, are things the delights of which I have learnt to appreciate better by being deprived of them than I did while I was enjoying them. [4] And honour, dignity, my rank and order, and, above all, your kindness, although they at all times appeared to me most splendid possessions, yet, now that they are recovered, after having been lost, they appear more bright than if they had never been hidden from my sight. And as for my country, O ye immortal gods, it is scarcely possible to express how dear, how delightful it is to me. How great is the beauty of Italy! how renowned are its cities! how varied are the enchantments of its scenery! What lands, what crops are here! How noble is the splendour of this city, and the civilization of its citizens, and the dignity of the republic, and your majesty, O people of Rome! Even of old, no one took greater delight in all those things than I did. But

as good health is more welcome to those who are just recovered from a severe illness than to those who have never been sick, so all those things, now that they have been once missed, delight me more than they did when enjoyed without interruption. 2. [5]

Why, then, am I making all those statements? To what purpose are they? I wish to make you understand that no man ever existed of such eloquence, or of such a god-like and incredible genius in oratory, as to be able (I will not say to exaggerate or embellish by his language, but even) to count up and describe the importance and number of the kindnesses which I, and my brother, and my children, have received from you. I (as was necessarily the case) was born of my parents but a little child; it is of you that I am born a man of consular dignity. They gave me a brother, without knowing how he would turn out; you have restored him to me after he has been tried and proved to be a man of incredible piety. I received the republic from them, when it was almost lost; I have recovered it by your means, after every one had acknowledged that it had been saved by the labours of one man. The immortal gods gave me children; you restored them to me. Besides these things, I have received many things which I wished for from the immortal gods; but if it had not been for your good-will, I should have lost all those divine gifts. Last of all, those honours which I obtained separately and step by step, I now receive again from you all together. So that all that we owed of old to our parents, all that we owed to the immortal gods, and all that we owed to you, — all that put together we now owe at this time to the entire Roman people.

[6] For as, in the case of your very kindness itself, its magnitude is so great that I cannot do adequate justice to it in my speech; so also in your zeal such great good-will and inclination towards me was displayed, that you seem not only to have taken my misfortune off from me, but even to have increased my dignity. 3.

For it was not my youthful sons and many other relations and kinsmen who offered up their prayers for my return, as they did for that of Publius Popillius, a most noble man. It was not, as it was in the case of Quintus Metellus, that most illustrious man, a son of an age fully proved by this time; or Lucius Diadematus, a man of consular rank and of the greatest authority; or Caius Metellus, a man

of censorian rank; or their children; or Quintus Metellus Nepos, who at that time was standing for the consulship; or the sons of his sisters, the Luculli, the Servilii, and the Scipios; — for at that time there were many Metelli, or sons of the Metelli, who addressed supplications to you and to your fathers for the return of Quintus Metellus. And if my own preeminent dignity and most glorious achievements were not of sufficient influence, still the piety of my son, the prayers of my relations, the mourning garb of all the young men, the tears of all the old, had power to move the Roman people to pity. [7]

For the case of Caius Marius, who, after those two most illustrious men of consular rank, is in the recollection of you and of your ancestors the third man of the same rank who, though a man of the most excessive renown, met with the same most unworthy fortune, was very dissimilar to mine. For he did not return because of the prayers that were offered for his return; but he recalled himself amid the discords of the citizens with an army and by force of arms. But it was the godlike and unheard-of authority and virtue of Caius Piso, my son-in-law, and of my most unhappy and admirable brother, and their daily tears and mournful appearance, which obtained my safety from you, though I was destitute of all other relations, fortified by no extensive connections, and by no fear of war or of disturbance. [8] I had but one brother to move your eyes by his mournful appearance, to renew your recollection of and your regret for me by his tears, and he had determined, O Romans, if you did not restore me to him to share my fortunes in exile. So great was his love towards me, that he thought it would be impious for him to be separated from me, not only in our abode in this life, but also in our tombs. In my behalf, while I was still present, the senate and twenty thousand men besides changed their apparel; for my sake, after I had departed, you saw only the mourning garb and misery of one man. He was the one individual who in the forum conducted himself towards me with the dutiful affection of a son; who, by his active kindness, might have been taken for my parent; who in love was, as he always has been, a real brother. For the mourning and grief of my unhappy wife, and the unceasing sorrow of my admirable daughter, and the regret and childish tears of my little son, were at times hidden from view by

their necessary journeys, and to a great extent were confined in the obscurity of their dwelling. 4.

Wherefore your kindness towards us is so much the greater, in that you restored us not to a multitude of relations, but to ourselves.

[9] But, as I had no relations, since I could not make them for myself, to stand forward and avert my misfortune by their entreaties, on the other hand, (and that was no more than my virtue was entitled to procure for me,) I had so many men to urge and promote my restoration, that in the number of them and in the credit derivable from their numbers I far exceeded all those who had previously had a similar fate. Never was there any mention made in the senate of Publius Popillius, a most illustrious and gallant citizen; nor of Quintus Metellus, a most noble, wise, and consistent man; nor even of Caius Marius, the guardian of your state and of your empire. [10] Those, my predecessors in this fortune, were recalled by motions proceeding from the tribunes, and by no authority of the senate. But Marius was not only not restored by the senate, but through the ruin of the senate; nor was it the recollection of his mighty deeds that availed to further the return of Caius Marius, but his own arms and his warlike preparations. But in my case the senate always requested that its authority might prevail; and it brought about my effectual recall the very first moment that it was practicable, by the numbers in which it assembled, and by its legitimate authority. There were no commotions of municipal cities or colonies on their return. But as for me, all Italy three times recalled me by its decrees back to my country. They were restored after their enemies had been slain, and after a great slaughter of the citizens had taken place; I was brought back when those men by whom I had been driven out had obtained provinces, having as one of my enemies a most excellent and humane man, who, as one of the consuls, himself seconded the motion for my recall; and after my chief enemy, who had lent his voice to the common enemies of the country in order to injure me, was alive only as far as breathing went, but in reality was thrust down below even the dead. 5. [11]

Lucius Opimius, that most gallant consul never addressed either the senate or the people concerning Publius Popillius. Not only did Caius Marius, who was his enemy, never say a word to them about

Quintus Metellus, but even the man who succeeded Marius, Marcus Antonius, a most eloquent man, and his colleague Aulus Albinus, both abstained from all mention of him. But the consuls of last year were continually urged to bring forward a motion in my case; but they, unwilling to appear to be doing so out of interested motives, (because the one was my kinsman, and I had defended the other on a trial for his life,) and fettered by the agreement which they had made about the provinces, endured for the whole of that year the complaints of the senate, the grief of all good men, and the groans of Italy. But on the first of January, after the orphaned republic had implored the good faith of the consul as her legitimate guardian, Publius Lentulus, the consul, the parent and god of our safety, and life, and fortune, and memory, and name, as soon as he had discharged the solemn duties of religion, thought that there was no human business which ought to occupy him before mine. [12] And the affair would have been brought to its completion that very day, if that tribune of the people on whom, when I was consul and he quaestor, I had heaped the greatest possible kindnesses, though the whole senatorial body, and Caius Oppius, his father-in-law, a most virtuous man, threw themselves in tears at his feet, had not required a night to consider of it; and that consideration was devoted, not to giving back the bribe which he had received, as some fancied, but as was afterwards discovered, to getting a larger one. After that, no other business was transacted in the senate, and as my recall was hindered by various maneuvers, still, as their inclination was plainly shown, the cause of the senate was brought before you in the course of the month of January. There was this difference between me and my enemies. [13] I, after I had seen men openly enrolled and registered in the centuries at the tribunal of Aurelius; when I understood that the ancient troops of Catiline had been recalled to hopes of massacre; when I saw that men of that party, of which I myself was accounted one of the chiefs, because some of them envied me, and some feared for themselves, were either betrayers or at least deserters of the cause of my safety; when two consuls, bought by an agreement respecting their provinces, had given themselves up to be leaders to the enemies of the republic, when they saw that their indigence, and their avarice, and their lusts could not be satisfied unless they gave me up bound

hand and foot to the enemies of my country; when by edicts and positive commands they forbade the senate and the Roman knights to weep for me, and to change their garments, and address supplications to you; when the bargains made respecting all the provinces, when every sort of covenant made with every sort, of person, and the reconciliation of all quarrels and the treaties between all sorts of jarring interests, were being ratified in my blood; when all virtuous men were willing to die either for me or with me; — I was unwilling to take arms and fight for my own safety (as it was quite in my power to do,) since I thought that, whether I conquered or was defeated, it would be a grievous thing for the republic.

[14] But my enemies, when my case was discussed in the month of January, having murdered many citizens, thought it worth while to prevent my return, even at the expense of causing rivers of blood to flow. 6.

Therefore, when I was absent, the republic was in such a state, that you thought that I and it were equally necessary to be restored. But I thought that there was no republic at all in a city in which the senate had no influence, — in which there was impunity for every crime, — where there were no courts of justice, but violence and arms bore sway in the forum, — where private men were forced to rely on the protection of the walls of their houses, and not on that of the laws, where tribunes of the people were wounded while you were looking on, — where men attacked the houses of magistrates with arms and firebrands, while the fasces of the consuls are broken and the temples of the immortal gods attacked by the incendiary. Therefore, after the republic was banished, I thought that there was no room for me in this city, and if the republic were restored, I had no doubt that it would bring me back in its company. [15] Could I doubt when I was perfectly certain that Publius Lentulus would be consul the next year, who in the most dangerous crisis of the republic had been curule aedile when I was consul, and had been, as such, the partner of all my counsels and the sharer of all my dangers, that he would use the medicine which was within reach of a consul to restore me to safety who was suffering under wounds inflicted by a consul? Under his guidance, and while his colleague, a most merciful and excellent man, at first abstained from opposing him, and afterwards

cordially cooperated with him, nearly all the rest of the magistrates were advocates of my safety and among them were those men of indomitable courage, of the most eminent virtue, authority, vigour, and resources, Titus Annius and Publius Sextus, who showed the greatest good-will and the most energetic zeal in my behalf; and when the same Publius Lentulus came forward as the prime mover of the bill, and his colleague agreed in the measure proposed, a most numerous senate, with only one dissenting voice, no one daring to intercede with his veto, did honour to my dignity in the most flattering language which it could find, and recommended my safety to you and to all the municipalities and colonies. [16] And so the consuls, the praetors, the tribunes of the people, the senate, and all Italy continually begged my safety from you, though I was destitute of relations, and not fortified by any extensive connections. Lastly, every one who was distinguished by any great kindnesses and honours from you, when they were brought before you by Italy, not only expected you to preserve me, but were the asserters, and witnesses, and panegyrists of all my exploits. 7.

The chief of these men who came forward to exhort and to entreat you in my behalf was Cnaeus Pompeius, the greatest man of all who live, or who ever have lived, or who ever shall live, for virtue, and wisdom, and true glory; who, as a single man, has conferred on me, a single private individual, all the same benefits which he has conferred on the entire republic, — namely, safety, ease, and dignity. And what he said was, as I have understood, divided under three heads. In the first place, he told you that the republic had been saved by my counsels; and he connected my cause with the general safety; and he encouraged you to defend the authority of the senate, the constitution of the state, and the fortunes of a deserving citizen: and, in summing up, he laid it down that you were entreated by the senate, entreated by the Roman knights, entreated by all Italy: and, lastly, he himself did not only entreat you for my safety, but prayed to you in a most suppliant manner. [17] I owe this man, O Romans, such a debt as it is hardly right for one man to owe to another. You, following the counsels of this man, and the opinion of Publius Lentulus, and the authority of the senate, have replaced me in that position in which I had been through your kindness, and that by the votes of the same

centuries by which you originally placed me there. At the same time you heard from the same place men of the greatest eminence — most accomplished and honourable citizens, the chief men of the city, all the men of consular rank, all the men of praetorian rank, say the same thing — that it was clear by the testimony of everybody, that the republic had been preserved by me alone. Therefore, when Publius Servilius, a man of the greatest dignity, and a most accomplished citizen, had said that it was through my labours that the republic had been handed over to the magistrates in a sound condition, all the rest declared their assent to that statement. But you heard at that time not only the authoritative declaration, but the sworn evidence of a most illustrious man, Lucius Gellius, who, because he was aware that his fleet had been tampered with, and that he himself had been in great danger, said in your assembly that if I had not been consul when I was, the republic would have been utterly destroyed. 8. [18]

I now, O Romans, having been restored to myself, to my friends, and to the republic, owing to the evidence of so many men, by this authority of the senate — by such great unanimity of all Italy — by such great zeal on the part of all good men — by the particular agency of Publius Lentulus, with the cooperation of all the other magistrates — while Cnaeus Pompeius was begging for my recall, and while all men favoured it and even the immortal gods showed their approbation of it by the fertility and abundance and cheapness of the crops, — promise you, O Romans, all that I can do. In the first place, I promise that I will always feel that reverential attachment to the Roman people which the most religious men are accustomed to feel for the immortal gods, and that your deity shall for the whole of my life be considered by me equally important and holy with that of the immortal gods. In the second place, since it is the republic herself that has brought me back into the city, I promise that I will on no occasion fail the republic. [19] But if any one thinks that either my inclinations are changed, or my courage weakened, or my spirit broken, he is greatly mistaken. All that the violence, and injustice, and the frenzy of wicked men could take from me, it has taken away, stripped me of, and destroyed; that which cannot be taken away from a brave man remains and shall remain. I saw that most brave man, a

fellow-citizen of my own municipal town, Caius Marius, since, as if by some fatal necessity, we both had not only to contend with those who wished to destroy all these things, but with fortune also — still I saw him, when he was in extreme old age, with a spirit not only not broken on account of the greatness of his misfortunes, but even strengthened and refreshed by it. [20] And I heard him say that he had been miserable when he was deprived of his country which he had delivered from siege; when he heard that his property was taken possession of and plundered by his enemies; when he saw his young son a sharer of the same calamity; when, up to his neck in the marshes, he only preserved his body and his life by the aid of the Minturnensians, who thronged to the place and pitied him; when, having crossed over to Africa in a little boat, he had arrived as a beggar and a suppliant among those people to whom he himself had given kingdoms; but that now that he had recovered his dignity he would take care, as all those things which he had lost had been restored to him, still to preserve that fortitude of mind which he never had lost. But there is this difference between myself and him, that he used those means in which he was most powerful, namely his arms, in order to revenge himself on his enemies. I, too, will use the instrument to which I am accustomed; since it is in war and sedition that there is room for his qualities, but in peace and tranquillity that there is scope for mine. [21] And although he, in his angry mind, laboured for nothing but avenging himself on his enemies, I will only think of my enemies as much as the republic herself allows me. 9.

Lastly, O Romans, since they are altogether four classes of men who injured me, — one of them, those who were most hostile to me out of hatred to the republic, because I had preserved it against their will; another, those who most wickedly betrayed me under pretence of friendship; a third, those who envied my credit and dignity, because they, from their laziness, could not obtain the same honours; the fourth was composed of those men who, while they ought to have been guardians of the republic, sold (as far as was in their power) my safety, the constitution of the state, and the dignity of its empire; I will revenge myself on each class in proportion as I have been challenged by each — on wicked citizens, by conducting the republic successfully; on my perfidious friends, by trusting them in nothing,

and taking every sort of precaution against them; on the envious, by obeying virtue and glory; on the buyers of provinces, by recalling them home, and by exacting from them an account of their conduct in those provinces. [22]

Although I feel greater anxiety as to how I am to show my gratitude to you who have deserved excellently well of me than how I am to chastise the injustice and cruelty of my enemies. In truth the means of revenging an injury are easier than those of requiting a kindness; because there is less trouble in being superior to the wicked than in being equal to the good; and also because it is not so necessary to requite bad men as good men for what you are indebted to them. [23] Hatred may either be appeased by entreaties, or may be laid aside out of consideration for the emergencies of the republic and the general advantage, or it may be restrained by the difficulty of avenging oneself, or it may be worn out by the antiquity of the injury which gave rise to it; but a man ought not to require to be entreated to show attention to virtuous men,

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Nor is the excuse of difficulty to be admitted; nor is it just to limit the recollection of a kindness to a certain time or to a fixed day. Lastly, he who is somewhat indifferent about seeking revenge is soon openly praised; but he is most exceedingly blamed who is in the least slow in requiting such benefits as you have showered on me; and he must inevitably be called, not only ungrateful, which itself is serious enough, but impious also. And the principle of requiting a kindness is different from that of repaying money; because he who keeps the money does not pay it, he who has repaid it has not get it; but in the case of gratitude, he who repays it still keeps it and he who keeps it pays it. 10. [24]

Wherefore, I will cherish the memory of your kindness with undying affection, not only as long as I live and breathe, but even after I am dead, the memorials of your kindness to me shall still endure. And in showing my gratitude, this I do promise you, (and this I will always perform,) that diligence shall never be wanting to me in deliberating on the affairs of the republic, nor courage in repelling dangers from the republic, nor loyalty and honesty in

plainly declaring my opinions, nor freedom in opposing men's inclinations when it is for the interests of the republic to do so, nor industry in enduring labour, nor the grateful zeal of my heart in promoting everything which may be advantageous to you. [25] And this care, O Romans, shall be fixed in my mind for ever, in order that I may appear, not only to you, who hold in my heart the power and divine character of the immortal gods, but also to your posterity and to all nations, to be entirely worthy of that state which, by the unanimous suffrages of its citizens, decided that it could not maintain its own dignity, unless it recovered me.

DE HARUSPICUM RESPONSIS (On the Responses of the Auspices)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO RESPECTING THE ANSWERS OF THE SOOTHSAYERS. ADDRESSED TO THE SENATE.

THE ARGUMENT.

This speech was spoken towards the close of the year after the last speech, but it follows it in nearly all editions, as it relates in some degree to the same subject. In the early part of the summer many prodigies were reported to have happened in the neighborhood of Rome. And the senate consulted the soothsayers as to the cause of them, and as to the means of averting their consequences. The soothsayers made answer, that the solemn shows and plays had been negligently exhibited; that sacred places had been treated as profane; that ambassadors had been ill-treated and slain; that good faith and oaths had been disregarded, and ancient and secret sacrifices neglected and profaned. That these prodigies had been sent as warnings by the gods, lest the Romans should bring evil on themselves and on their country by continuing their disorderly conduct and dissensions. That therefore the evils must be amended, or removed as far as possible, and supplications made to Jupiter, Saturn, Neptune, and the other gods.

After this answer had been received, Clodius, who was now aedile, called the people together, and made them a speech to prove that the evils which had especially offended the gods were the tyrannical conduct of Cicero, and the restoration of his house, after it had been consecrated to the service of religion. Cicero replied to this harangue the next day in the senate, arguing that all the offenses

which could have excited the displeasure of the gods were much more fairly imputable to Clodius than to him; and after exculpating himself, and dwelling on the outrages of which Clodius had notoriously been guilty, he exhorted all citizens of all classes to lay aside their mutual animosities, as the only way of regaining the favour of the gods and their former prosperity.

1. Yesterday, O conscript fathers, when I was greatly moved by the thoughts of your dignity, and of the great attendance of the Roman knights to whom a senate was given, I thought myself bound to check the shameless impudence of Publius Clodius, when he was hindering the cause of the publicans from being proceeded with by the most foolish possible questions, and was studying to save Publius Tullio the Syrian and was, even before your eyes selling himself to him to whom, indeed, he had already been entirely sold. Therefore I checked the man in his frenzy and exultation, the very moment that I gave him a hint of the danger of a public trial; and by two half-uttered words I bridled all the violence and ferocity of that gladiator. [2]

But he, ignorant what sort of men the consuls were, pale and fuming with me burst on a sudden out of the senate house, with some broken and empty threats and with those denunciations with which he used to terrify us in the time of Piso and Gabinius. And when I began to press upon him, as he was departing, I received the greatest reward of my exertions by all of you rising up at the same time with me, and by all the publicans thronging round me to escort me. But that senseless man stopped on a sudden out of countenance, colourless, and voiceless; then he looked back; and, as soon as he beheld Cnaeus Lentulus the consul, he fell down almost on the threshold of the senate house from the recollection, I imagine, of his dear friend Gabinius and from regret for Piso. And why need I speak at all of his unbridled and headlong fury? He cannot be wounded by me with more severe language than he was on the instant being crushed and overwhelmed at the very moment of his acting in that manner by Publius Servilius. And even if I were able to equal the extraordinary and almost divine energy and dignity of that man, still

I cannot doubt that those weapons which out enemy hurled at him would appear less powerful and less sharp than those which the colleague of his father aimed at him. 2. [3]

But still I wish to explain the principles of my conduct to those men who thought that I was carried away yesterday by my indignation, and that, out of passion, I made a wider digression than the deliberate calmness of a philosopher allowed. I did nothing in anger nothing from not being able to restrain my temper nothing which I had not maturely considered and determined on a long time before. For I, O conscript fathers, have always professed myself an enemy to those two men who were bound to have defended and were able to have preserved both me and the republic; and who though they were called to the performance of their duty as consuls by the very ensigns of their office, and to the preservation of my safety, not only by your authority but even by your prayers, first of all deserted, then betrayed, and last of all opposed me; and, having received the rewards of their nefarious covenant, wished utterly to overwhelm and destroy me together with the republic; and who, during the time of their magistracy and command, bloody and fatal that it was, were neither able to defend the walls of our allies from chastisement, nor to inflict chastisement on the cities of the enemy; but who bore along into all my houses and lands, razing, and conflagration, and destruction, and depopulation, and devastation, to the great enriching of themselves with my plunder. [4]

Against these furies and firebrands, with these destructive monsters and pests, which have been (I may almost say) desolating this empire, I do say that I have undertaken inexpiable war; and yet, even that is not as great as my sufferings and those of my relations require, though it may be enough to satisfy your indignation and that of all virtuous men. 3.

But my hatred towards Clodius is not greater this day than it was then, when I knew that he was scorched, as it were, by those most holy fires, and that he had escaped in female attire from the house of the Pontifex Maximus, after attempting an act of most atrocious licentiousness. Then, I say, then I perceived, and foresaw long beforehand, how great a tempest was being raised, how great a storm was threatening the republic. I saw that that ill-omened wickedness,

that that intolerable audacity of a young man, mad, nobly born, and disgraced as he was, could not be hindered from breaking through the bounds of tranquillity; that that evil would certainly break out some day or other to the destruction of the state, if it were allowed to remain unpunished. There has not been much since to add to my detestation of that man. [5] For he has not done anything against me out of hatred to me, but out of hatred to strictness, out of hatred to dignity, out of hatred to the republic. He has not insulted me more than he has the senate, or the Roman knights, or all good men, or the whole of Italy. Lastly, he has not behaved more wickedly towards me than he has towards the immortal gods. In truth, he has polluted those gods with his impiety whom no one before ever did. Towards me his disposition has been the same as that of his dear friend Catiline would have been, if he had been victorious. Therefore, I never thought it necessary for me to prosecute him, any more than that blockhead, whose very nation we should be ignorant of if he did not himself say that he was a Ligurian. For why should I pursue this animal, this beast, bribed by the food and acorns thrown him by my enemy? a fellow, who, if he had only sense to know to what wickedness he has bound himself, would be, I doubt not, most wretched; but if he is not aware of it there is some danger lest he may save himself by the excuse of stupidity.

[6] There is also this consideration which weighs with me that, according to universal expectation, that man seems devoted and marked out as the victim of that most gallant and most illustrious man Titus Annius; from whom it would be a scandalous thing for me to snatch the credit which is destined for, and already openly promised to him, when it is owing to his exertions that I myself have recovered my own dignity and safety. 4.

In truth, as that great man, Publius Scipio, appears to me to have been born for the overthrow and destruction of Carthage, he being the only man who, at last, as it were, by a special decree of destiny, did overthrow it after it had been besieged, attacked, undermined, and almost taken by many generals; so Titus Annius appears to have been born, and to have been given to the republic, by a sort of divine munificence as it were for the express purpose of repressing and extinguishing and utterly destroying that pest of the state. He alone

has discovered the way not only of defeating but also of fettering an armed citizen who was driving the citizens away, some by the sword, some by stones, was confining others to their houses and alarming the whole city, the senate house, the forum, and all the temples with bloodshed and conflagration. [7] I will never, with my own free will, take out of the hands of this man, being so good a man as one who has deserved so well of me and of his country, that criminal of all men in the world, whose enmity be has not only encountered, but has even sought for out of a regard for my safety. But if, even now that he is entangled in all the dangers of the laws, surrounded by the hatred of all virtuous men, and hemmed in on all sides by the expectation or punishment which cannot be long delayed, still, hesitating and hampered as he is, he persists in rushing on, and making attacks upon me, I will resist him, and gaining the consent, or, perhaps, the assistance of Milo, I will frustrate his endeavours; as I did yesterday, when, while he was threatening me in dumb show, as I was standing near him, I just said one word about the beginning of legal proceedings and a trial. He sat down. He did not say a word. Suppose he had brought a charge against me, as he had threatened, I should have instantly taken steps to have him summoned to appear before the praetor in three days. And let him restrain himself with the idea that if he is content with those acts of wickedness which he has already committed, he is already dedicated to Milo; but if he aims any dart against me, that then I shall immediately employ all the weapons of the courts of justice and of the laws.

[8] And a little time ago, O conscript fathers, he held an assembly, and made a speech which was directed wholly against me. And I will tell you the argument and sentiment which ran through the whole of his speech. And when you have been sufficiently amused at the fellow's impudence, I will give you the details of everything that then took place. 5.

Publius Clodius, O conscript fathers, made a long speech about religious observances, and sacrifices, and ceremonies. Publius Clodius, I say, complained that the sacrifices and religious rites were neglected, profaned, and polluted. It is no wonder if this seems to you an absurdity. Indeed the very assembly which he himself had convened laughed at the idea of a man, who has been pierced, as be

himself is in the habit of boasting, with two hundred resolutions of the senate against him, every one of which was passed against him because of matters connected with religion, — of that fellow who carried his adulteries to the shrine of the Good Goddess herself; and who profaned those sacred rites which may not be seen without impiety by the eyes of a man even unintentionally, not only by the view of a man, but by lust and wickedness, complaining in a public assembly about the neglect of religion. Therefore they are now expecting another speech from him on the subject of chastity. [9] For what difference does it make whether, when just driven from the most holy of altars, he makes complaints of the state of the sacrifices and religious observances; or whether, having just left his sister's bed-chamber, he speaks in defence of modesty and chastity? In his harangue he recited the lately received answer of the soothsayers about the noises which have been heard; in which among many other things it is stated, (as you have heard yourselves,) that holy and sacred places had been treated as common. Under that head he said that my house was intended, which had been consecrated by that holiest of pontiffs, Publius Clodius. [10] I am delighted at not only having a reasonable pretext for, but being even under an absolute necessity of speaking about this prodigy, which I am not sure that I may not call the most important one that has for many years been reported to this body. For you find that by every part of this prodigy and of this answer, we have been warned, I may almost say by the voice of the all-good and all-powerful Jupiter himself, of the wickedness and frenzy of that man, and of the immense dangers which are impending over the state. [11] But first of all I will clear up the objections made on the score of religion in the case of my own house, if I am able to do so truly, and without leaving the least doubt in any one's mind; but if the very slightest scruple on the subject exists in any one's mind, I will obey the prodigies sent by the immortal gods, and comply with what is required by the reverence due to them not only with a patient but even with a willing mind. 6.

But what house is there in the whole city so clear and free from all suspicion of being a consecrated building as this? Although your houses, O conscript fathers, and those of all the other citizens, are, for much the greater part of them, free from all religious obligation,

yet my house is the only one in the whole city which has been pronounced to be so by the decision of all the tribunals. For I appeal to you, O Lentulus and to you, O Philippus. After this reply was received from the soothsayers, the senate decreed that you should refer the question of hallowed and consecrated spots to this order of the senate. Can you put any question to them concerning my house? which (as I have said) is the only one in the whole of the city which has been pronounced by every tribunal in it to be free from every sort of religious obligation; which at first my enemy himself; even in the time of that storm and nocturnal darkness which was overwhelming the republic, when he had set down all his other wicked actions with that foul pen of his dipped in the mouth of Sextus Clodius, did not mark with one single letter indicating any religions liability. And in the second place, the Roman people, whose power is supreme in all matters in the comitia centuriata, and by the suffrage of every age and every rank of men, ordered it to remain in the same condition in which it had previously been.

[12] Afterwards, O conscript fathers, not because the matter was doubtful, but in order to cut off every argument from this furious man, if he chose to remain any longer in this city which he was anxious to destroy, you passed a decree that a reference should be made to the college of pontiffs as to the religious liability of my house. What obligation can there possibly be from our greatest doubts and most serious religious apprehensions, as to which we may not be relieved by the answer and dictum of Publius Servilius or Marcus Lucullus alone? In all matters concerning the public sacrifices, or the great games, or the ceremonies of the household gods, and of Vesta, the mother of the city, or even concerning that great sacrifice itself which is performed for the safety of the Roman people, and which since the first foundation of Rome has never been profaned except by the wickedness of this single holy guardian of religion, whatever three pontiffs have decided, has at all times appeared to the Roman people, and to the senate, and to the immortal gods themselves, sufficiently holy, sufficiently august, sufficiently religious. But Publius Lentulus being both consul and pontiff, and Publius Servilius, and Marcus Lucullus, and Quintus Metellus, and Marcus Glabrio, and Marcus Messala, and Lucius Lentulus, the

priest of Mars, and Publius Galba, and Quintus Metellus Scipio, and Caius Fannius, and Marcus Lepidus, and Lucius Claudius, the king of the sacrifices, and Marcus Scaurus, and Marcus Crassus, and Caius Curio, and Sextus Caesar, the priest of Jupiter, and Quintus Cornelius, and Publius Albinovanus, and Quintus Terentius, the lesser pontiffs, having investigated the case after it had been argued before them on two separate occasions, in the presence of a great number of the noblest and wisest of the citizens, all unanimously pronounced my house free from all religious obligation. 7. [13]

I say that so numerous a meeting of the college has never decided on any subject, not even concerning the rights or life of a vestal virgin, ever since the establishment of sacred ceremonies, though their antiquity is the same as that of the city itself; although when an investigation into any crime is taking place it is of consequence that as many as possible should be present. For the interpretation of a law given by the priests is on such a footing that it has the same force as a decision of the judges. An explanation of what is required by religion can be properly given by one single experienced priest; but in a case of a trial for life, such a proceeding would be harsh and unjust. Nevertheless, you will find this to be the case, that a greater number of pontiffs were assembled when they decided on the question concerning my house, than had ever met on any question concerning the ceremonies of the vestal virgins. The next day the senate in a very full house, when you, O Lentulus, being the consul elect, made the motion, and Publius Lentulus and Quintus Metellus, the consuls, put it to the senate, when all the pontiffs who belonged to this order were present and when those who had precedence, from the distinctions which had been conferred on them by the Roman people, had made many speeches concerning the decision of the college, and when all of them had assisted in drawing up the decree, — the senate, I say, voted that my house appeared, according to the decision of the pontiffs, to be free from all religious liability. [14] Is this then the place which of all others the soothsayers appear to intend to speak of as sacred, which is the only one of all private buildings in the whole city which has this argument to advance in support of its rights, that it has been adjudged not to be sacred by those very men who preside over all sacred things?

However, refer the matter to them, as you are bound to do according to the resolution of the senate. Either the investigation will be allotted to you who were the first to pronounce an opinion respecting this house, and who have pronounced it free from all religious liability; or the senate itself will decide, which has already decided in the fullest possible house, that one single priest alone dissenting; or else, what will certainly be done, it will be referred back to the pontiffs, to whose authority, integrity, and prudence our ancestors entrusted all sacred and religious observances, whether private or public. What then can these men decide different from what they have already decided? There are many houses in this city, O conscript fathers; I do not know whether they are not nearly all held by thoroughly good titles, but still they are only private titles, titles derived from inheritance, from prescription, from purchase, or from mortgage. But I assert that there is no other house whatever equally fenced round by private title and incontestable rights, and at the same time by every sort of public law of the highest authority, both human and divine. [15] For in the first place it was built by the authority of the senate, with the public money; and in the second place it has been fenced round and fortified against the impious violence of this gladiator by numerous resolutions of the senate. 8.

At first a commission was given to those same magistrates in the preceding year, to whom at times of the greatest peril the whole republic is usually recommended, to take care that I was to be allowed to proceed in building without any hindrance from violence. Afterwards, when that fellow had brought devastation on my estate with stones, and fire, and sword, the senate voted that those who had acted in that manner were liable to be proceeded against by the laws concerning violence which are in force against those who have attacked the whole republic. But when you put the question, O you best and bravest of consuls within the memory of man, the same senate in a very full house decreed, that whoever injured my house would be acting against the interests of the republic. [16] I say that there never were so many resolutions of the senate passed about any public work, monument or temple, as about my house, the only house since the first foundation of the city which the senate has thought ought to be built at the public expense, released from all

religious obligation by the pontiffs, defended by the magistrates, and put under the protection of the judges who were to punish all who injured it. On account of his immense services to the republic, a house at Velia was given by a public vote to Publius Valerius. But my house was restored to me on the Palatine Hill. He had a spot of ground given him. I had walls also and a roof. He had a house given to him which he was to defend by his rights as a private citizen; but I had one which all the magistrates were ordered to protect with the public force of the city. And if I had all this owing to my own exertions, or if I had received it from any other persons except you, I would not mention it before you, lest I might appear to be boasting too much. But as all these things have been given me by you, and as they are now being attacked by the tongue of that man by whose hand they were formerly overthrown, when you restored them with your own hands to me and to my children, I am not speaking of my own actions but of yours; nor am I afraid lest this public mention of all your kindness to me should appear to be not so much grateful as arrogant. [17]

Although, if indeed a certain indignation which I cannot help feeling were to lead me who have exerted myself so much in the cause of the public safety at times to speaking some what boastfully when refuting the aspersions of wicked men who would not excuse me for so doing? For I did see yesterday someone murmuring: and people said that he declared that he could not endure me because when I was asked by that foul traitor to his country to what city I belonged, I answered, with the approval of you and of the Roman knights also, that I belonged to a city which could not do without me. He, I imagine, groaned at this. What then was I to answer? (I ask that very man who cannot endure me.) That I was a Roman citizen? It would have been a truly learned answer. Should I have held my tongue? That would have been a betrayal of my own cause. Can any man when it is attempted to excite odium against him with respect to important affairs, reply with sufficient dignity to the abuse of his enemy without some praise of himself? But no doubt he himself, when he is attacked, not only answers as well as he can, but is even glad to be prompted by his friends and to have an answer suggested to him. 9. [18]

But since I have now said enough respecting my own case, let us see now what it is that the soothsayers say. For I confess that I have been greatly moved both by the magnitude of the prodigies, and by the solemnity of the answer, and by the unanimous and consistent language of the soothsayers. Nor am I a man who, — though I may perhaps appear to some men to be more addicted to the study of literature than the rest of those are who are occupied about state affairs as much as myself — at all incline to derive delight from or to pursue those branches of learning which have a tendency to divert and deter our minds from the study of religion. But in the first place, I have our ancestors as my leaders and tutors in paying proper respect to religion, — men whose wisdom appears to me to have been so great, that those men are sufficiently, and more than sufficiently prudent, who are able — I will not say to equal their prudence, but to be thoroughly aware how great it was; who thought that the stated and regular ceremonies were provided for by the establishment of the Pontificate, that due authority for the performance of all actions was to he derived from the auspices, that the ancient prophecies of our destinies were contained in the books of the prophets of Apollo, and the explanations of prodigies in the system of the Etrurians; and this last is of such weight that within our own recollection they have predicted to us in no obscure language, first of all those fatal beginnings of the Italian war, and after that the imminent danger and almost destruction of the time of Sulla and Cinna, and very lately this recent conspiracy for burning the city and destroying the empire. [19] In the next place, I knew that the most learned and the wisest men have both said many things and have left behind them many written books concerning the divine power of the immortal gods. And although I see that those books are written with a godlike eloquence, still they are such that our ancestors appear to have taught those things to the writers, and not to have learnt of them. In truth, who is there so senseless as either, when he looks up to heaven, not to feel that there are gods, or to think that those things are done by chance which are done with such wisdom, that scarcely any one by any amount of skill can comprehend their order and necessary dependence on each other? or, when he has arrived at the knowledge that there are gods, not to understand that all this mighty

empire has been originated, and increased, and preserved by their divine authority? Let us, O conscript fathers, think as highly of ourselves as we please; and yet it is not in numbers that we are superior to the Spaniards, nor in personal strength to the Gauls, nor in cunning to the Carthaginians, nor in arts to the Greeks, nor in the natural acuteness which seems to be implanted in the people of this land and country, to the Italian and Latin tribes; but it is in and by means of piety and religion, and this especial wisdom of perceiving that all things are governed and managed by the divine power of the immortal gods, that we have been and are superior to all other countries and nations. 10. [20]

Wherefore, not to say any more about a doubtful matter, give, I pray you, your thoughts and attention, and do not lend your ears alone to the language of the soothsayers: "Because a noise and roaring has been heard in the Latin district." I say nothing of the soothsayers, I say nothing of that ancient system, given, as men report, to Etruria by the immortal gods themselves; but cannot we ourselves be soothsayers here? "A certain obscure noise, and a horrible rattling of arms, has been heard in a neighbouring and suburban district." Who is there of all those giants, whom the poets relate to have waged war against the immortal gods, so impious as not to confess that by this novel and mighty commotion the gods are foreshowing and predicting something important to the Roman people? Concerning that matter it is written down that entreaties are to be addressed to Jupiter, Saturn, Neptune, Tellus, and the gods of heaven. [21] Well, I hear what gods have been offended and to whom atonement is due; but I want to know on account of what offences committed by men they have been offended. "On account of the games having been carelessly exhibited and polluted." What games? I appeal to you, O Lentulus; for the sacred cars and chariots, the singing, the sports, the libations, and feasts of the public games belong to your priesthood; and I appeal to you, O pontiffs, to whom those who prepare the banquet for the all-good and all-powerful Jupiter report it if anything has been neglected or done improperly, and if you give sentence that it shall be so, those ceremonies are celebrated anew and repeated over again. What games are they which have been exhibited without due diligence? By what wickedness, by

what sort of crime have they been polluted? You will answer on behalf of yourself; and of your colleagues, and of the college of pontiffs, that none of these things have been treated contemptuously through the carelessness of anyone, or polluted by any wickedness, but that all the solemnities and practices of the games have been attended to with a proper observance of all necessary things, and with the strictest performance of all the usual ceremonies. 11. [22]

What games, then, are they which the soothsayers say have not been performed with due diligence, and have been polluted? Those of which the immortal gods themselves and the blessed mother Cybele chose you — you, O Cnaeus Lentulus, by the hands of whose ancestor she was originally received — to be a spectator. And unless you had chosen to be a spectator of the Megalesia on that day, I do not know whether we should have been allowed to be give and to complain of these things. For an enormous multitude of slaves in a state of great excitement, collected out of all the streets by this religious aedile, burst in on a sudden upon the stage from all the arch-ways and doors at a given signal. Your virtue, — yours, I say, O Cnaeus Lentulus, — was at that crisis shown to be equal to that formerly displayed by your ancestor as a private individual. The senate standing up, and the Roman knights and all virtuous men, followed you, and your name and your command, and your voice, aspect, and authority, when he had handed over the senate and people of Rome, hampered by the dense body in which they were sitting, chained as it were to the spectacle, and hindered by the crowd and narrow space, to a multitude of slaves and buffoons.

[23] Shall we say that, if a sacred dancer stops, or a flute-player has on a sudden ceased to play, or if a boy with both father and mother alive has ceased to touch the ground, or has lost his hold of the sacred car, or of the reins, or if an aedile has used a wrong word or made the slightest mistake, then the games have not been duly celebrated, and those mistakes are forced to be expiated and the minds of the immortal gods are appeased by their repetition; and yet if the games are suddenly changed from a scene of joy to one of terror, — if they have been, not interrupted, but broken up and put an end to, — if those days of festival turned out nearly fatal to the through the wickedness of that man who wished to turn the games

into a time of grief, — shall we doubt what games that noise warns us have been polluted? [24] And if we wish to recollect those things which have been handed down to us traditionally about each of the gods, we have heard that this mighty Mother; whose games were thus violated and polluted, and turned almost to a massacre and to the destruction of the city, does roam over the fields and through the groves with a certain degree of noise and roaring. 12.

She, then, she it is, who has displayed to the Roman people these tokens of wickedness, and revealed to them these indications of danger. For why should I speak of those games which our ancestors ordered to be performed and celebrated on the Palatine Hill, in front of the temple, in the very sight of the mighty Mother, on the day of the Megalesia? which are in their institution and in the manner in which they are celebrated, above all other games chaste, solemn, and holy; in which games that great man Publius Africanus the elder, in his second consulship, gave for the first time the senate a place in front of the seats belonging to the people. Why need I tell how that foul pestilence polluted these games when if any freeman came near them either as a spectator or from some motive of religion, he was driven back by force and no matron approached them because of the number and violence of the slaves? And so these games — the reverence paid to which is so great that the goddess did not come to this city without having been sent for from the most distant countries, — which are the only games which have not even a Latin name, so that by their very name the religion is declared to have been a foreign one and imported hither and to have been undertaken in the name of the mighty Mother, — these games, I say, were celebrated by slaves, and had slaves alone for the spectators, and in every part, in this man's aedileship, were the Megalesia of slaves. [25] O ye immortal gods! How could you speak more plainly to us if you were living among and associating with us? You show us and plainly tell us that those games were profaned. What can be mentioned more deformed, polluted, altered and perverted, than for the whole body of slaves, as if they had been liberated by the permission of the magistrates, to be turned loose into one theatre, and set as guards over another, so that one body of spectators might be exposed to the power of slaves, and that the other might consist entirely of slaves? If during the games a

swarm of bees had come on the stage, we should think it necessary to send for the soothsayers out of Etruria; and shall we all see on a sudden such vast swarms of slaves let loose upon the Roman people, blocked up and shut in, and not be moved by that? And perhaps, in the case of a swarm of bees, the soothsayers would warn us from the written books of the Etruscans to guard against the slaves. [26] That then which we should guard against, if indicated by some disjointed prodigy admitting of divers interpretations, shall we not be afraid of when it is its own prodigy, and when the danger is in that very thing from which danger is dreaded? Were such the Megalesia which your father celebrated? Did your uncle celebrate them in such a manner as this? And then he makes mention to me of his family, when he would rather celebrate the games after the fashion of Athenio or Spartacus, than like Caius or Appius Claudius. When these great men were celebrating games, they ordered all the slaves to depart from the theatre. But you turned slaves into one, and turned free men out of the other. Therefore they, who formerly used to be separated from free men by the voice of the herald, now, at your games, separated free men from themselves not by their voice, but by force. 13.

Did not even this occur to you, being a priest so well acquainted with the Sibylline oracles, that our ancestors derived these games from the Sibylline books? if those books are yours, which you consult with imperious intentions, and read with profane eyes, and handle with polluted hands. [27] Formerly, then, by the advice of this prophetess, when Italy was wearied by the Punic war and harassed by Hannibal, our ancestors imported that sacred image and those sacred rites from Phrygia, and established them at Rome, where they were received by that man who was adjudged to be the most virtuous of all the Roman people, Publius Scipio Nasica, and by the woman who was considered the chastest of the matrons, Quinta Claudia; the old-fashioned strictness of whose sacrifice on that occasion your sister is considered to have imitated in a wonderful manner. Did, then, neither your ancestors, connected as they were with these religious ceremonies, nor the priesthood itself, by which all these religious observances were established, nor the curule aedileship, which above all things is accustomed to uphold this worship, influence you to abstain from polluting those most holy games with

every sort of crime, and polluting them with infamy, and involving them in guilt? [28]

But why do I wonder? when, having taken a bribe, you ravaged Pessinus itself, the habitation and home of the mother of the gods, and sold to Brogitarus — a fellow half Gaul, half Greek, a profligate and impious man, whose agents, while you were tribune, used to pay you the money for your share of the work in the temple of Castor — the whole of that place and the temple; when you dragged the priest from the very altar and cushion of the goddess; when you perverted those omens which all antiquity, which Persians, and Syrians, and all kings who have ever reigned in Europe and Asia have always venerated with the greatest piety; which, last of all; our own ancestors considered so sacred, that though we had the city and all Italy crowded with temples, still our generals in our most important and most perilous wars used to offer their vows to this goddess, and to pay them in Pessinus itself, at that identical principal altar and on that spot and in that temple.

[29] And when Deiotarus was protecting this temple in the most holy manner with the deepest feelings of religion — Deiotarus, of all allies the most faithful to this empire and the most devoted to our name — you gave it to Brogitarus as I have said before, having sold it to him for a sum of money. And yet you order this Deiotarus who has been repeatedly declared by the senate worthy of the name of king and adorned with the testimony of many most illustrious generals in his favour, to be styled king together with Brogitarus. But one of them has been called king by the decision of the senate through my instrumentality. Brogitarus has been called king by you for money. And I will think him a king, indeed, if he has any means of paying you what you have trusted him with on his note of hand. For there are many royal qualities in Deiotarus; this was the most royal of all, that he gave you no money; that he did not repudiate that portion of your law which agreed with the decision of the senate, namely that he was a king; that he recovered Pessinus, which had been impiously violated by you and stripped of its priest and its sacrifices, in order to maintain it in its accustomed religion; that he does not suffer the ceremonies which have been received as handed down from the most remote antiquity, to be polluted by Brogitarus;

and that he prefers to let his son-in-law be deprived of your liberality, rather than to allow that temple to lose the ancient reverence due to its religious character.

But to return to these answers of the soothsayers, the first of which is that respecting these games; who is there who does not confess that the whole of that answer and prophecy was delivered with reference to that fellow's games? 14. [30]

The answer about sacred and holy places comes next. Oh, the marvellous impudence of the man! do you dare to make mention of my house? Entrust your own to the consuls, or the senate, or the college of pontiffs; and mine, as I have said before, has been declared by all these three decisions to be free from all religions liability. But in that house which you keep possession of after having slain Quintus Seius, a Roman knight and most excellent man, in the most open manner, I say that there was a shrine and altars. I will prove and establish this fact by the registers of the censors, and by the recollection of many individuals. Only let this question be discussed, (and it must be referred to you by virtue of that resolution of the senate which has lately been passed,) and I have plenty to say on the subject of religious places. [31] When I have spoken of your house, — in which, however, a chapel has been put up in such a way that another built it, and you have only got to pull it down, — then I will see whether it is necessary for me to speak also of other places. For some people think that it belongs to me to open the armoury of the temple of Tellus. They say that it is not long ago that it was open, and I recollect it myself. Now they say that the most holy part of it, and the place entitled to the greatest reverence, is occupied by a private vestibule. There are many considerations which influence me, — namely, this, that the temple of Tellus is put particularly under my care; and that he who took away that armoury said that my house, which was declared free by the decision of the pontiffs, had been adjudged to his brother. I am influenced also at this time of dearness of provisions, of barrenness of the lands, and of scarcity of the crops, by the reverence due to Tellus; and all the more, because, on account of this same prodigy, an atonement is said to be due to Tellus. [32] Perhaps we are speaking of old stones; although, if this is not laid down in the civil law, still by the law of nature and the common

rights of nations the principle has been established, that mortals cannot acquire a prescriptive right to anything as against the immortal gods. 15.

But we will pass over all things of old date. Shall we also pass over those things which are done at the present time; which we see ourselves? Who knows not that Lucius Piso at this very time has been removing a great and most holy chapel of Diana on the Coeliculan hill? Men who live close to that spot are in court. There are many even belonging to this body who once a year have regularly performed the sacrifices of their family in that very chapel in their appointed place. And do we ask what places the immortal gods are regretting, what it is they are meaning, of what it is that they are speaking? Are we ignorant that some most holy chapels were undermined, blocked up, knocked down, and defiled in the most unseemly possible manner? [33] Were you able to render my house the property of the gods? With what feelings? You have lost all feeling. With what hand? With that with which you pulled it down. With what voice? With that with which you ordered it to be set on fire. By what law? By one which you did not venture to propose even at the time when you were doing everything with impunity. With what cushion? That which you polluted with your adulteries. With what image? That which you took off from a harlot's tomb and placed on the monument of a general. What has my house which is connected with anything religious except that it touches the wall of an impious and sacrilegious man? Therefore that none of my people may be able unintentionally to look into your house I will raise the roof higher not in order that I may look down upon you, but that you may not be able to see that city which you were desirous to destroy. 16. [34]

But let us now examine the rest of the clauses of the answers of the soothsayers.—"That ambassadors have been slain contrary to all divine and human law." What is this? I see here a mention of the deputies from Alexandria; and I cannot refute it. For my feelings are, that the privileges of ambassadors are not only fenced round by human protection, but are also guarded by divine laws. But I ask of that man, who, as tribune, filled the forum with judges whom he took out of the prisons, — by whose will every dagger is now guided and every cup of poison dispensed, — who has made a regular bargain

with Hermarchus of Chios, — whether he is at all aware that one most active adversary of Hermarchus, of the name of Theodosius, having been sent as ambassador to the senate from a free city, was assassinated with a dagger? and I know to a certainty that that cannot have appeared less scandalous to the immortal gods than the case of the Alexandrians. [35] Nor am I now attributing every action of this sort to you alone. There would be greater hope of safety if there were no other wicked man but you; but there are more, and on this account you feel more confidence, and we almost distrust the protection of the law. Who is there who is not aware that Plato, a man of high character and high rank in his own country, came from Orestis, which is a free part of Macedonia, to Thessalonica, as an ambassador to our general, as he called himself? and this great general of ours, being angry at not being able to extort money from him, threw him into prison, and sent his own physician to him, who in a most infamous and barbarous manner cut the veins of an ambassador, an ally, a friend, and a freeman. He did not wish his own forces to be made bloody by crime; but he polluted the name of the Roman people with such guilt that it cannot be expiated by any means but his own punishment. What sort of executioner must we think that this man has in his train, when he uses even his physicians not to procure health but to inflict death? 17. [36]

But let us read what follows. "That good faith and oaths have been disregarded." What this means by itself, I cannot easily explain; but from that which follows, I suspect that it refers to the manifest perjury of your judges, from whom, some time ago, the money which they had received would have been taken away, if they had not entreated the protection of the senate. And this is the reason why I imagine that they are the persons alluded to, because I lay it down as a fact that that is the most remarkable and notorious perjury ever committed in this city and yet that you yourself are not threatened with the punishment of perjury by those men with whom you conspired. [37]

And I see that in the answers of the soothsayers this is added: “But the ancient and secret sacrifices have been performed with less than due diligence and have been polluted.” Are they the soothsayers who say this or the gods of our country and our household gods? I suppose there are many persons to whom a suspicion of this guilt attaches; — who but this one man? Is it mentioned obscurely what sacrifices have been polluted? What can be expressed in a plainer, more dignified or more solemn manner? “Ancient and secret.” I say that Lentulus, a dignified and eloquent orator, did not when he was accusing you, make use of any expressions more frequently than these which now are extracted from the Etruscan books and turned against and applied to you. In truth what sacrifice is there so ancient as this, which we have received from the kings and which is contemporary with the city itself? But what is so secret as that which excludes not only all curious eyes but even all accidental ones? Which not only no wickedness, but which even no unintentional chance can penetrate? That sacrifice no one, ever since the world began, has ever profaned, no one has ever approached no one has ever disregarded no man has ever thought of beholding without horror before Publius Clodius. It is performed by the vestal virgins; it is performed on behalf of the Roman people; it is performed in the house of a supreme magistrate; it is performed with incredible solemnity; it is performed to that goddess whose very name it is not lawful for men to know, and whom that fellow calls Good, because she has pardoned him such enormous wickedness 18.

She has not pardoned you, believe me. No; unless, perchance, you think yourself pardoned because the judges dismissed you after they had squeezed and drained everything out of you, acquitted by their decision, condemned by all the rest of the citizens; or because you have not been deprived of your eyes, as is, according to the common belief the consequence of such impiety. [38] For what man ever intentionally beheld those sacred rites before you, so as to enable any one to know what punishment followed that guilt? Could the blindness of your eyes be a greater injury to you than that blindness of your lust? Do not even you feel that those winking eyes of your ancestor were more desirable for you than these glowing eyes of your

sister? But, if you observe carefully, you will see that though you have as yet escaped the punishment of men, you have not escaped that of the gods. Men have defended you in a most shameful affair; men have praised you though most infamous and most guilty; men, for a bribe, have acquitted you by their decision, though you all but confessed your guilt; men have felt no indignation at the injuries inflicted on themselves by your lust; men have supplied you with arms, some wishing them to be used against me, and others afterwards intending them to he employed against that invincible citizen. I will quite admit all the kindnesses which men have shown you, and that you need not wish for greater. [39] But what greater punishment can be inflicted on man by the immortal gods than frenzy and madness? unless, perhaps, you think that those persons, whom in tragedies you see tortured and destroyed by wounds and agony of body, are enduring a more terrible form of the wrath of the immortal gods than those who are brought on the stage in a state of insanity. Those howlings and groans of Philoctetes are not so pitiable (sad though they be) as that exultation of Athamas, or that dream of those who have slain their mother. You, when you are uttering your frantic speeches to the assembly — when you are destroying the houses of the citizens — when you are driving virtuous men from the forum with stones — when you are hurling burning firebrands at your neighbours' houses — when you are setting fire to holy temples — when you are stirring up the slaves — when you are throwing the sacred rites and games into confusion — when you see no difference between your wife and your sister — when you do not perceive whose bed it is that you enter — when you go ranting and raging about — you are then suffering that punishment which is the only one appointed by the immortal gods for the wickedness of men. For the infirmity of our bodies is of itself liable to many accidents; moreover, the body itself is often destroyed by some very trivial cause; and the darts of the gods are fixed in the minds of impious men. Wherefore you are more miserable while you are hurried into every sort of wickedness by your eyes, than you would be if you had no eyes at all. 19. [40]

But since enough has been said of all these offences which the soothsayers say have been committed, let us see now what these

same soothsayers say that we are being warned of at this time by the immortal gods. They warn us “to take care that bloodshed and danger be not brought upon the senators and chief men of the state, through the discord and dissension of the nobles; and that our senators do not become disheartened from being deprived of support by which the provinces may fall under the power of a single master, and our armies be defeated, and a great loss of power ensue.” All these are the words of the soothsayers, I am not adding any thing of my own. Who then of the nobles is it who is causing this discord? The same man and that not by any force of his own genius or wisdom but by some blundering of ours which he — for it was not very much concealed — easily perceived. For this consideration makes the present distress of the republic the more shameful, that even by him it is not afflicted in such a way that it may seem to fall like a brave man in battle, having received honourable wounds in front from a gallant foe.

[41] Tiberius Gracchus overturned the constitution of the state, a man of such great force of character, and eloquence, and dignity, that he fell short in no respect of the surpassing and eminent virtue of his father, and of his grandfather, Africanus, except in the fact of his revolting from the senate. Caius Gracchus followed in his steps. How great was his genius! how great his energy! how impetuous his eloquence! so that all men grieved that all those good qualities and accomplishments were not joined to a better disposition and to better intentions. Lucius Saturninus himself was so furious and almost insane a man, that he was an admirable leader, — perfect in exciting and inflaming the minds of the ignorant. For why should I speak of Publius Sulpicius? whose dignity, and sweetness, and emphatic conciseness in speaking was so great that he was able by his oratory to lead even wise men into error, and virtuous men into pernicious sentiments. To be battling with these men, and to be duly struggling with them for the safety of the country, was a very annoying thing to those men who were at that time the governors of the republic, but still that annoyance had a certain sort of dignity in it. 20. [42]

But as for this man, about whom I am now saying so much, O ye immortal gods! what is he? what is his influence? what is there about him to give so great a city, if it does fall, (may the gods avert the

omen!) the comfort of at least seeming to have been overthrown by a man? a fellow who, from the moment of his father's death, made his tender age subservient to the lusts of wealthy buffoons; when he had satiated their licentiousness, then he turned to the domestic seduction of his own sister; then, when he had become a man, he devoted himself to the concerns of a province, and to military affairs, and suffered insults from the pirates; he satisfied the lusts even of Cilicians and barbarians: afterwards, having in a most wicked manner tampered with the army of Lucius Lucullus, he fled from thence, and at Rome, the moment of his arrival there, he began to compound with his own relations not to prosecute them, and received money from Catiline to prevaricate in the most shameless manner. From thence he went into Gaul with Murena; in which province he forged wills of dead people, murdered wards, and made bargains and partnerships or wickedness with many. When he returned from Gaul, he appropriated to himself all that most fruitful and abundant source of gain which is derived from the Campus Martius, in such a manner that he (a man wholly devoted to the people!) cheated the people in a most scandalous manner, and also (merciful man that he is!) put the canvassers of the different tribes to death at his own house in the most cruel manner. Then came his quaestorship, so fatal to the republic, to our sacrifices, to our religions observances, to your authority, and to the public courts of justice; in which he insulted gods and men, virtue, modesty, the authority of the senate, every right both human and divine, and the laws and the tribunals of the country. [43] And this was his first step; this (alas for the miserable times and for our senseless discords!) was the first step of Publius Clodius towards the conduct of the affairs of the republic; this was the path by which he first began to approach and mount up to his present boast of being a friend of the people. For the unpopularity arising from the treaty at Numantia, at the making of which he had been present as quaestor to Caius Mancinus the consul, and the severity displayed by the senate in repudiating that treaty, were a constant source of grief and fear to Tiberius Gracchus; and that circumstance alienated him, a brave and illustrious man, from the wisdom of the senators. And Caius Gracchus was excited by the death of his brother, by affection for him, by indignation, and by the

greatness of his own mind, to seek to exact vengeance for the slaughter of a member of his family. We know that Saturninus was led to confess himself a friend of the people out of indignation, because at a time of great dearness of provisions, the senate removed him while he was quaestor from the superintendence of the corn market which belonged to him by virtue of his office, and appointed Marcus Scaurus to manage that business. And it was the breeze of popularity which carried Sulpicius further than he intended, after he had set out in a good cause, and had resisted Caius Julius when seeking to obtain the consulship contrary to the laws. 21. [44]

All these men had a reason, — not an adequate one, indeed, (for no one can have an adequate reason for proving a bad citizen to the republic,) but still they had a serious reason, and one connected with some indignation of mind not unbecoming to a man. Publius Clodius came out as a popular character from saffron gowns and turbans, and woman's slippers, and purple bands, and stomachers, and singing, and iniquity, and adultery. If the women had not caught him in this dress, if he had not been allowed to escape by the indulgence of the maid servants, from a place which it was impious for him to enter, the Roman people would have lost their devoted friend, the republic would have been deprived of so energetic a citizen. It is in consequence of this insane conduct, amid our dissensions, for which we are by these recent prodigies admonished by the immortal gods, that one of the patricians has been taken from their number to be made a tribune of the people, in direct violation of the laws. [45] That which, the year before, his brother Metellus and the senate, which even then was unanimous, had refused, and in the most rigorous manner rejected with one voice and one mind, Cnaeus Pompeius being the first to declare his opinion; (so greatly, after the dissensions of the nobles of which we are now reminded, were circumstances disturbed and altered;) that which his brother when consul opposed being done, — which his kinsman and companion, a most illustrious man, who had refused to speak in his favour when he was accused, had utterly prevented, — was now effected for him, owing to the dissensions of the nobles, by that man as consul, who, of all others, was bound to be his greatest enemy; and he said that he had done it by the advice of that man whose authority no one could repent

having followed. A most shameful and grievous firebrand was thrown into the republic. Your authority was aimed at; and the dignity of the most honourable orders in the city, and the unanimity of all virtuous men, and in short, the entire constitution of the state. For these things were certainly attacked when that flame kindled at that time was directed against me, who had been the principal investigator of these matters. I bore the brunt of the attack, and I alone suffered on behalf of my country; but still I bore it so that you, while you were surrounded by the same flames, saw me wounded first and burning, as it were, in your defence. 22. [46]

The dissensions were not appeased; but the unpopularity of those men, by whom we thought that our cause was espoused, even increased. So, after a time, the very same men being the movers, and Pompeius the chief man, who roused Italy willing to be roused, and the Roman people which regretted me, and you who demanded me back, to take measures for my safety, employing not only his authority but even his prayers, I was restored. Let there be an end of discord, let us at last find rest from our long dissensions. No, that pest will not allow it; he summons these assemblies, he throws everything into confusion and disorder, selling himself sometimes to one party, sometimes to another; and yet not in such a manner that any one thinks himself the more praiseworthy for being praised by him; though at the same time they are glad that those whom they do not like, are abused by him. And I do not marvel at this fellow; for what else can he do? I do marvel at those wise and respectable men; in the first place, that they so easily allow any illustrious man who has deserved well of the republic to be attacked by the voice of a most profligate man; in the second place, that they think, (it would be a most disastrous thing for themselves if the fact were so,) that the real glory and dignity of any one can be impaired by the abuse of an abandoned and worthless man; and lastly, that they do not see, what however, they do seem to me to have some suspicion of, that those frantic and desultory attacks of his may some day or other be turned against themselves. [47] And it is owing to this undue alienation of some persons from others that those arrows now stick in the republic which, as long as they stuck in me alone, I bore, — with pain, indeed, but still not as thinking them of any great importance. Could

that fellow, if he had not first given himself up to those men whose minds he thought were alienated from your authority, — if he had not, admirable authority that he is! extolled them to the skies with his panegyric, — if he had not threatened that he would let loose the army of Caius Caesar (though in that he spoke falsely, but no one contradicted him,) that he would, I say set on that army with hostile standards against the senate-house if he had not cried out that he was doing what he was by the assistance of Cnaeus Pompeius, and at the instigation of Marcus Crassus, — if he had not declared (the only word of truth that he spoke) that the consuls had united their cause with him; — could he, I say, ever have been so cruel an enemy to me or so wicked a disturber of the republic? 23. [48]

After that, when he saw you recovering your breath after your fear of bloodshed, when he saw your authority rising again above the waves of that slavery, and the recollection of, and regret for me, getting more vivid, then he began on a sudden to sell himself to you, though with the most treacherous design. Then he began to say, both here in this house and in the assemblies of the people, that the Sullan laws had been passed in opposition to the auspices; among which laws was that lex curiata on which the whole of his tribuneship depended, though he was too frantic to see that. He brought forward that most fearless man Marcus Bibulus. He asked him whether he had not always been observing the heavens when Caius Caesar was carrying those laws? He replied, that he always had been observing them at that time. He asked the augurs whether laws which had been passed under these circumstances had been duly passed? They said, such a proceeding was irregular. Some people, virtuous men, and men who had done great service to me, began to extol him; utterly ignorant I imagine, of the lengths to which his madness could carry him. He proceeded further. He began to inveigh against Cnaeus Pompeius, the originator, as he was accustomed to boast, of all his designs. He gained great popularity in the people's eyes. [49] But then, when he had become elated by the hope that he might be able — as he had by his abominable wickedness crushed, as he fancied him who, though in the garb of peace, had proved the suppressor of domestic war — to put down also that great man who had been the conqueror of our foreign wars and foreign enemies, then was seized

in the temple of Castor that wicked dagger which was nearly the destroyer of this empire. Then he, against whom no enemy's city had ever long continued shut — he, who had always broken through all straits, trampled on all heights, crushed, by his energy and valour, the opposing weapons of every foe, was himself besieged at home; and, by the counsels which he adopted, relieved me from the reproaches cast on my timidity by some ignorant people. For if it was miserable rather than disgraceful to Cnaeus Pompeius, that bravest of all men who have ever been born, not to be able to go abroad in the sight of men, and to be secluded from all public places, as long as that fellow was tribune of the people, and to put up with his threats, when he said in the public assembly that he wished to build a second piazza in Carinae, to correspond to the one on the Palatine Hill; certainly, for me to leave my house was grievous as far as my own private grief was concerned, but glorious if you look only at the interests of the republic. 24. [50]

You see, then, that this fellow, when, as far as his own efforts went, he had been long since overthrown and crushed, was aroused again by the mischievous discords of the nobles; and the first beginnings of his fury were upheld by those who at that time appeared alienated from you. It is by these detractors and enemies that the remainder of the acts of his tribuneship have been defended, even since that tribuneship was over. They are the men who resisted that pest being removed from the republic; they prevented his being prosecuted; they resisted his being reduced to the condition of a private citizen. Is it possible that any virtuous men could have cherished in their bosom and have taken pleasure in, that poisonous and deadly viper? By what bribe were they cajoled? I wish, say they, that there should be some one in the assembly to disparage Pompeius. Can he disparage him by his abuse? I wish that that great man, who has contributed so greatly to my safety, may receive what I say in the same spirit as I say it. At all events, I will say what I feel. I declare to God, that there was no time that fellow appeared to be detracting so much from his exceeding dignity as when he was extolling him with the most extravagant praises. [51] Was Caius Marius, I pray you, more illustrious when Caius Glaucia was praising him, or when he became angry afterwards and abused him? Or, was

this madman, who has been so long rushing headlong on punishment and destruction, more foul-mouthed and shameless when accusing Pompeius than he had been when reviling the whole senate? But I do marvel that though the former conduct may have been pleasing to angry men, the other course should not have been odious to such good citizens. But, lest this should any longer please excellent men, let them just read this harangue of his, of which I speak: in which, shall I say, he extols, or rather debases Pompeius? Undoubtedly he extols him, and says, that he is the only man in the city worthy of the glory of this empire; and hints that he is an exceedingly great friend of his, and that they are entirely reconciled. [52] And although I do not exactly know what he means yet I am sure that, if he were a friend to Pompeius, he would not praise him. For, if he were his greatest enemy, what could he do more to diminish his credit? Let those, who were glad that he was an enemy to Cnaeus Pompeius, and who, on that account winked at his numerous and enormous crimes, and who sometimes even accompanied his unbridled and furious acts of frenzy with their applause, observe how quickly he has turned round. For now he is praising him; he is inveighing against those men to whom he previously sold himself. What do you suppose he will do if a door to reconciliation with him should become really open to him, when he is so eager to spread a belief in such a reconciliation? 25. [53]

What other dissensions among the nobles can I suppose are pointed out by the immortal gods? For by this expression Publius Clodius is surely not meant nor any one of his gang or of his counselors. The Etruscan books have certain names which may fit some of that class of citizens. “Worthless men, rejected candidates,” as you shall presently hear, they call them, whose minds and estates are ruined, and utterly alienated from the general welfare. Wherefore when the immortal gods warn us of the discords of the nobles, they speak of the dissensions between illustrious citizens who have deserved well of the republic. When they predict danger and slaughter to the chief men, they leave Clodius safe enough, a man who is as far from the chief men as he is from virtuous or holy men. It is for you and for your safety, O most illustrious and most virtuous citizens, that they see that it behoves them to consult and to provide. [54] Slaughter of the chief men is indicated; that is added which must

inevitably follow the death of the nobles. We are warned to take care that the republic does not fall under the absolute dominion of a single individual. And even if we were not led to this fear by the warning of the gods, still we ourselves, of our own accord, by our own senses and conjectures, should he forced to entertain it. For there is not usually any other termination to dissensions between eminent and powerful men, except either universal destruction, or the domination of the victorious party, or regal power. Lucius Sulla, a most noble and gallant consul, quarreled with Caius Marius, a most illustrious citizen. Each of these men, when defeated, fell so completely that the conqueror became a king. Cinna quarreled with his colleague Octavius. To each of these men prosperity gave kingly power, and adversity brought death. The same Sulla became victorious a second time. [55] And that time, beyond all question, he exercised regal power, though he re-established the republic. There is at this moment a hatred not concealed but implanted deeply, and burnt as it were into their minds, subsisting between men of the very highest rank. The chief men of the state are at variance. Every occasion is eagerly caught at. That party which is not so powerful as the other is nevertheless waiting for some change of fortune and for some favourable opportunity. That party which without dispute is the more powerful, is still perhaps at times afraid of the designs and opinions of its enemies. Let this discord be which are foreshown by these prodigies will be banished from the state. In a moment that serpent which is at present lurking about here will emerge and be brought to light, and will be strangled, and crushed, and die. 26.

For the soothsayers warn us to take care that the republic is not injured by secret designs. What designs are more secret than those of that man who dared to say in the public assembly that a suspension of the courts of justice ought to be proclaimed; that the jurisdiction of the judges ought to be interrupted, and the treasury shut and all trials put an end to? Unless perhaps you think that all this confusion and overthrow of the constitution could occur to him all on a sudden, while in the rostrum, and that he was not speaking after mature deliberation. The man is full of wine, lust, and sleep, full of the most inconsiderate and insane rashness; but still it was in his nocturnal vigils, and in a numerous company, that that suspension of justice

was planned and concocted. Remember, O conscript fathers, that your ears were being experimented on by that expression, and that a most mischievous road was being made to them by accustoming you to hear it. [56]

These words follow: "That more honour must not he given to worthless citizens and rejected candidates." Let us see who are the rejected candidates; for I will show you afterwards who are the worthless citizens. But still all men must allow that this expression suits that man above all other who is beyond all question the most worthless of all mortals. Who then, are the rejected candidates? Not, I imagine, they who some time or other have failed to attain some honour more by the fault of the city than by their own. For that is a thing which has frequently happened to many most excellent citizens and most honourable men. Those are the rejected candidates meant, whom, when they were proceeding to the most violent measures, when they were preparing exhibitions of gladiators contrary to the laws, when they were bribing in the most open manner, not only strangers, but even their own relations, their neighbours, the men of their own tribe, towns-people and countrymen, all rejected. We are warned not to confer any additional honours on these men. It ought to be a very acceptable admonition that they give us; but still the Roman people itself, of its own accord, without any warning on the part of the soothsayers, has provided against this evil. [57] O you worthless men, beware; and there is a great multitude of you; but still this man is the leader and chief of the whole band. In truth, if any poet of splendid genius were to wish to bring on the stage one most worthless man, deformed with all sorts of imaginary vices collected from all quarters, he would not, I pledge myself, be able to discover one disgraceful quality which did not exist in this man, and he would pass over many which are deeply implanted and firmly rooted in him. 27.

In the first place nature attaches us to our parents, and to the immortal gods, and to our country. For at one and the same time we are brought forth to the light, and we are strengthened so as to grow by the breath of heaven which we feel around us, and we are established in a certain abode as citizens and free men. That fellow has jumbled in confusion the name of his parents, and his family

sacrifices, and the memory of his family, and his family itself, by the assumption of the name of Fonteius. He has with unpardonable wickedness thrown into confusion the fires of the gods, their thrones, and tables, their secret hearths in the inmost recesses of the house, and sacrifices which were previously secret, and not only unseen by men, but even unheard-of by them; and besides all this he has set fire to the temple of those goddesses by whose aid people come to bring assistance in the case of other fires. [58]

Why should I mention his country? when in the first place by violence and arms, and dread of personal danger, he drove away from the city and from all the protection afforded him by his country that citizen whom you had decided over and over again to have been the saviour of his country. In the second place, having overthrown the companion of the senate, as I have always said, but its leader as he used to call him, he by violence, bloodshed, and conflagration, threw into confusion the senate itself, the mainstay of the general safety and of the public good sense; he abolished two laws, the Aelian and Fufian laws, which were of especial advantage to the state; he extinguished the censorship; he took away the power of intercession; he abolished the auspices; he armed the consuls, the companions of his wickedness, with the treasury, and provinces, and an army; he sold the kings who were in existence, and he called men kings who were not so; he drove Cnaeus Pompeius to his house with violence and arms; he overthrew the monuments of our generals; he threw down the houses of his enemies; he inscribed his own name on your monuments. The wicked deeds which have been done by him to the injury of his country are innumerable. Why need I tell what he has done to individual citizens, whom he has slain? Why need I count up the allies whom he has plundered? or the generals whom he has betrayed? or the armies with which he has tampered? [59] Why need I mention what enormous wickednesses they are which he has been guilty of towards himself, and towards his own relations? Who ever showed less mercy to the camp of an enemy than he has shown to every part of his own person? What ship in a public river was ever so open to all men as his youth was? What spendthrifts ever lived in so unrestrained a manner with prostitutes as he did with his own sisters? In short what enormous Charybdis could the poets ever

describe or ever imagine, capable of swallowing down such whirlpools as the plunder of the Byzantines and Brogitari which that fellow has sucked down? or what Scylla with such conspicuous and hungry hounds as the Gellii, and Clodii, and Titii with which you see that fellow devouring the rostrum itself? [60]

Wherefore, and that is the last sentence in the answers of the soothsayers, "Beware that the constitution of the republic be not changed." In truth it is only with difficulty, even if we prop it up on all sides, that the constitution, already undermined and resting on all our shoulders, will be able to be kept together. 28.

This state was once so firm and so vigorous that it could withstand the indifference of the senate, or even the assaults of the citizens. Now it cannot. There is no treasury. Those who have contracted for the revenues do not enjoy them; the authority of the chief men has fallen; the agreement between the different orders of the state is torn asunder; the courts of justice are destroyed; the votes are all arranged and divided so as to be under the power of a few; the courage of the virtuous citizens, formerly ready at a nod from our order, exists no longer. [61] Henceforth in vain will you look for a citizen who will expose himself to unpopularity for the welfare of his country. We can then preserve even this state of things which now exists, such as it is, by no other means than by unanimity; for although we may become better off, that cannot even be hoped for as long as he is unpunished. And if we are to be worse off than we are, there is but one step slower, that of death or slavery. And the immortal gods themselves warn us against allowing ourselves to be thrust down into that abyss, since all human counsels have long since failed.

And I, O conscript fathers, should not have undertaken this speech, so melancholy and so serious; not but that owing to the honours conferred on me by the Roman people, and to the numberless distinctions which you have heaped upon me, I am both bound and able to support this character and to play this part; but still, when every one else was silent, I should willingly have remained silent too. All this speech which I have made has not proceeded from my authority, but from my regard for the general religion. My words have, perhaps, been too many, but the whole sentiment has proceeded from the soothsayers. And either you ought

never to have referred the prodigies which have been reported to you to them at all, or else you must be influenced by their answers. [62]

But if other more ordinary and more trifling occurrences have often influenced us, shall not the express voice of the immortal gods influence every one's mind? Do not think that really possible, which you often see in plays, that some god descending from heaven can approach the assemblies of men, and abide on earth, and converse with men. Consider the description of noise which the Latins have reported. Remember that prodigy also, which has not as yet been formally reported, that at almost the same time a terrible earthquake is said to have taken place in the Picenian district, at Potentia, with many other terrible circumstances; — these things which we foresee you will fear as impending over the city. [63] In truth, this ought almost to be considered as the voice and speech of the immortal gods, when the world itself and the air and the earth tremble with a certain unusual agitation, and prophecy to us with an unprecedented and incredible sound. On this emergency we must appoint atonements and prayers as we are ordered; but it is easy to address prayers to those beings who of their own accord point out to us the path of safety. Our own internal quarrels and dissensions must be terminated by ourselves.

DE DOMO SUA (On his House)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO FOR HIS HOUSE. ADDRESSED TO THE PRIESTS

THE ARGUMENT.

Cicero soon after his consulship, had purchased the house of Marcus Crassus on the Palatine Hill, which adjoined that in which he had always lived with his father; it was one of the finest houses in Rome, and cost him nearly thirty thousand pounds, and was joined to the colonnade or portico called by the name of Catulus, who had built it out of the Cimbric spoils on that area where Flaccus formerly lived, whose house had been demolished by public authority for his seditious union with Caius Gracchus.

As soon as Clodius had carried his decree against Cicero after his flight, he immediately began plundering and destroying all his houses; the consuls, Piso and Gabinius, divided the greater part of his furniture and of the ornaments of his house and villa between them; and, in the hope of making the loss of his house at Rome irretrievable, Clodius consecrated the area on which it stood to the service of religion, building on it a temple to Liberty, and he pulled down the adjoining portico of Catulus in order to rebuild it of the same order as the temple. The law being that a consecration, legally performed, made the thing consecrated inapplicable ever after to any private use.

The affair was to be determined by the college of priests, who were the judges in all cases relating to religion; since the senate could only make a provisional decree, that, if the priests discharged the ground from the service of religion, then in that case the consuls should rebuild the house at the public charge. The cause now came

before the priests on the last day of September. Cicero endeavoured, in the first place, to disabuse their minds of any enmity to him which might have been instilled into their minds by Clodius on account of his late conduct with respect to Pompey. (For there had been a great scarcity at Rome, partly occasioned by the great multitudes that had come from all parts of Italy on Cicero's account; and Cicero had supported a resolution of the senate by which Pompey was entreated to undertake the province of restoring plenty to the city, and to this end the consuls had been ordered to draw up a law by which the whole administration of the corn and provisions of the republic was granted to Pompey for five years. And in consequence of Cicero's advocacy of the measure Clodius endeavoured to excite odium against him, as having deserted the cause of the senate to pay court to Pompey; though the measure had been very successful, as the credit of Pompey's name immediately reduced the price of provisions in the markets.)

As, however, the main question turned upon the legality of the consecration, Cicero applies to establish the fact of its illegality by proving that Clodius could not legally consecrate anything, as his election to the tribunate was illegal; since his adoption into a plebeian family, or at least into that particular family into which he had been adopted, was in violation and defiance of all the laws made for such cases; if his adoption was illegal, clearly he could not have legally been elected tribune, nor have legally done any action as tribune.

The priests decided that if he who performed the office of consecration had not been legally authorized to do so, then the area in question might without any scruple of religion be restored to Cicero. The point of law they left to the senate, who, after many interruptions from Clodius and Serranus, passed a decree that Cicero's damage should be made good to him, and his houses rebuilt at the public charge.

Cicero himself thought very highly of this speech, and published it immediately; and says, in one of his **letters to Atticus, (iv. 2)** that "if ever he was great in speaking, he was so especially now, as his indignation and the greatness of the injury done to him gave him especial energy and force of oratory." Some critics, but apparently

without any good reason, have doubted the genuineness of this oration.

1. Many things, O priests, have been devised and established with divine wisdom by our ancestors; but no action of theirs was ever more wise than their determination that the same men should superintend both what relates to the religious worship due to the immortal gods, and also what concerns the highest interests of the state, so that they might preserve the republic as the most honourable and eminent of the citizens, by governing it well, and as priests by wisely interpreting the requirements of religion. But if there has ever been a time when an important cause has depended on the decision and power of the priests of the Roman people, this indeed is that cause; being such that the dignity of the whole republic, the safety of all the citizens, their lives, their liberties, their altars, their hearths, their household gods, their properties and condition as citizens, and their homes, all appear to be committed and entrusted to your wisdom integrity, and power. [2] You have got to decide this day whether you prefer for the future to deprive frantic and profligate magistrates of the protection of wicked and unprincipled citizens, or even to arm them with the cloak of religion and of the respect due to the immortal gods. For if that pest and conflagration of the republic succeeds in defending his own mischievous and fatal tribunate by appeals to divine religion, when he cannot maintain it by any considerations of human equity, then we must seek for other ceremonies, for other ministers of the immortal gods, for other interpreters of the requirements of religion. But if those things which were done by the madness of wicked men in the republic at a time when it was oppressed by one party, deserted by another, and betrayed by a third, are annulled by your authority and your wisdom, O priests, then we shall have cause rightly and deservedly to praise the wisdom of our ancestors in selecting the most honourable men of the state for the priesthood.

[3] But since that madman has thought that he should find a ready road to your attention by blaming the sentiments that I in the last few days have expressed in the senate concerning the republic, I will

deviate from the natural arrangement of my speech, and I will make a reply to what I will not call the speech of that furious fellow, (for that is more than he is capable of,) but to his abuse, that being an employment which he has fortified himself in the practice of by his own intolerable bad temper, and by the length of time that he has been allowed to indulge it with impunity. 2.

And in the first place, I ask you this, O you insane and frantic man, what excessive punishment for your wickednesses and crimes is it that distracts you so as to make you think that these men — men of their high character, who support the dignity of the republic, not only by their wisdom, but also by their dignified appearance — are angry with me, because in delivering my opinion I connected the safety of the citizens with the honour of Cnaeus Pompeius, and that they are likely at this present time to have different feelings with respect to the general interests of religion from those which they entertained when I was absent? [4] "Oh," says he, "you had the advantage before the priests, but now you must inevitably get worst off since you have had recourse to the people." Is it so? Will you transfer that which is the greatest defect in the ignorant multitude, — namely, its fickleness and inconstancy, and change of opinion, as frequent as the changes of the weather, to these men, whose gravity protects them from inconsistency, while their fixed and definite principles of religion and the antiquity of precedents, and the authority of written records and monuments, effectually deters them from all capricious change of sentiment? "Are you," says he, "the man whom the senate was unable to do without? whom the good lamented? whom the republic regretted? by whose restoration we expected that the authority of the senate was restored? and who destroyed that authority the very first thing you did?" I am not at present speaking of my own matters; I will first of all reply to your impudence. 3. [5]

Did you then, O you deadly pest of the republic, by means of the sword and arms, by the terror of an armed force, by the wickedness of the consuls, and the threats of most audacious men, — by enlisting slaves, by besieging the temples, by occupying the forum, by oppressing the senate, contrive to compel the departure of that citizen from his home and from his country, in order to prevent actual

battles between the virtuous and wicked citizens, — though you now confess that he was regretted and sent for back and recalled by the senate, by all good men, and by the whole of Italy, as the only means of preserving the republic? “But on that day of disturbance you ought not,” says he, “to have come into the senate, you ought not to have entered the Capitol.” [6] But I did not come, and I kept in my own house as long as that disturbance lasted; while it was notorious that your slaves had come with you armed into the Capitol, ready for plunder and for the massacre of all good men, with all that band of wicked and profligate partisans of yours. And when this was reported to me, I know that I remained at home, and would not give you and your gladiators power of renewing the massacre. After news was brought to me that the Roman people had assembled at the Capitol, because of their fear for, and difficulty of procuring corn, and that the ministers of your crimes had been frightened and had fled, some having dropped their swords, and some having had them taken from them, I came forward not only without any armed band, but with only a very few friends. [7] Should I, when Publius Lentulus the consul, who had conferred the greatest benefits on me and on the republic, — when Quintus Metellus, your brother, O Metellus, who, though he had been my enemy, had still preferred my safety and dignity to any desire to keep alive our quarrel, and to your entreaties that he would do so, sent for me to the senate, — when that great multitude of citizens, who had lately shown such zeal in my behalf, entreated me by name to show my gratitude to them, — should I, I say, have declined to come forward, especially when it was notorious that you with your band of runaway slaves had already left the place? Have you dared to call me — me, the guardian and defender of the Capitol and of every temple — the enemy of the Capitol, because, when the two consuls were holding the senate in the Capitol, I came thither? Is there any time at which it can be discreditable to have attended the senate? or was that business which was then being transacted of such a nature that I was bound to repudiate the affair itself, and to condemn those who were promoting it? 4. [8]

First, I say that it is the duty of a virtuous senator at all times to attend the senate; and I do not agree with those who determine that they themselves will not come to the senate at unfavourable seasons,

and who do not understand that this excessive obstinacy of theirs is exceedingly pleasant and acceptable to those men whose wishes they intend to counteract. “But some departed out of fear, because they thought that they could not remain with safety in the senate.” I do not name them, nor do I ask whether they had any real reason for fearing anything. I imagine that every one had a right to form his own opinion as to what grounds he had for fear. Do you ask why I was not afraid? Why, because it was known that you had gone away. Do you ask why, when some good men thought that they could not remain with safety in the senate, I did not think so too? or why, when I thought that it was impossible for me to remain in the city at all with safety, they did not think so too? Are then others to be allowed, and rightly enough, to have no fear for themselves at a time when I am in danger; and yet am I bound to be afraid not only when I am myself in peril, but when others are also?

[9] Or am I to be blamed because I did not express an opinion condemnatory of both the consuls? Ought I then to condemn those men, of all men in the world, by whose law it was brought about that I, who had never been condemned and who had deserved well of the republic, should be saved from enduring the punishment of condemned criminals? Was I, of all men in the world, I who had been restored to my former dignity by their means, to denounce by my expressed opinion the admirable sentiments of those men, who, even if they had been in error, ought to have been borne with by me and by all good men, on account of their exceeding good-will displayed in ensuring my preservation? And what were the opinions which I delivered? In the first place, that one which the common conversation of the people had already previously fixed in our minds; in the second place, that one which had been discussed in the senate on the preceding days; and thirdly, that which the senate in a very full house adopted, expressing its agreement with me; so that so sudden or novel proposition was brought forward by me, and moreover, if there be any fault in the opinion, it is sot more the fault of the individual who advanced it than of all those men who approved of it. [10] “But the decision of the senate was not free, because of the fear in which they were.” If you make out that they who left it were in fear, at least grant that they who remained were

not alarmed. But if no free decision could be come to without the presence of those men who were absent at that time, I say that the motion about framing a resolution of the senate began to be made when every one was present; it was carried by acclamation by the entire senate. 5.

But I ask, since I am the prime mover in and the chief cause of this vote, what fault is found with the vote itself? Was there not good reason for adopting an unprecedented plan? Was not I as much concerned as any one in that matter? or, had we any other resource? What circumstances, what reasons could there be of greater consequence than famine? than sedition? than the designs of you and your partisans? who thought that, if an opportunity was given them of inflaming the minds of the ignorant, you, under the pretence afforded by the scarcity of provisions, would be able to renew your wicked and fatal practices.

[11] As for corn, some of the countries which usually supply it had not got it; some had sent it into other countries, I imagine because of the great variety of sellers; and some were keeping it back, shut up in their stores, in order suddenly to send it, so that the supply might be more acceptable if they seemed to come to our aid when we were in a state of actual famine. The matter was not one of uncertain opinions, it was a case of actually existing danger, present to our eyes; it was not one which we were looking forward to in conjecture, but one which we were actually beholding by present experience. For when the scarcity was getting more severe, so that it was actually want and famine that was dreaded, and not mere dearness of price, there was a rush towards the Temple of Concord, when the consul Metellus summoned the senate to meet in that place. And if that was the genuine effect of the grief of men suffering under famine, certainly the consuls had good reason to undertake the affair, certainly the senate had good reason to adopt some determination or other.

But if the scarcity was the pretext, and if you in reality were the exciter and kindler of sedition, ought we not all to have striven to take away all shadow of pretext for your madness? [12] What, if both these causes existed, — if there was both famine to excite men, and you too like a nail working into this ulcer? was there not all the more

need to apply some remedy, which might put an end to both the evil caused by nature, and to the other mischief imported into the case? There was then both present dearness and impending famine; that is not enough; men were attacked with stones. If that arose from the indignation of the common people, without any one having stirred them up, it is a great misfortune; but if, it was caused by the instigation of Publius Clodius, it is only the habitual wickedness of a wicked man: if both these causes existed, — if there was both a fact sufficient of itself to excite the feelings of the multitude, and if there were leaders of sedition ready and forearmed; then, does it not seem natural for the republic to have had recourse to the protection of the consul and the loyalty of the senate? But it is quite plain that one of these causes did exist; that there was a difficulty of obtaining provisions, and an extreme scarcity of corn, so that men were afraid not only of a continuance of high prices, but of actual famine. No one denies it. But I do not wish you, O priests, to suspect that that enemy of all tranquillity and peace was likely to seize on this as a pretext for conflagration, and massacre, and rapine, unless you see it proved. [13]

Who are the men who were openly named in the senate by Quintus Metellus, — your brother, O Metellus, — the consul, by whom he said that he had been attacked with stones and actually hit? He named Lucius Sergius and Marcus Lollius. Who is that Lollius? A man who is not even at this moment by your side without his sword; who, while you were tribune of the people, demanded (I will say nothing of his designs against myself) to have the murder of Cnaeus Pompeius entrusted to him. Who is Sergius? The armour-bearer of Catiline, your own body-guard, the standard-bearer of sedition, the exciter of the shopkeepers, a man who has been convicted of assault, an assassin, a stoner of men, a man who has depopulated the forum, and blockaded the senate-house. With these leaders and others like them, when you, at the time when provisions were dear, under pretence of espousing the cause of the poor and ignorant, were preparing for sudden attacks on the consuls, on the senate, on the property and fortunes of the, rich; when it was impossible for you to find safety if affairs remained in a tranquil state; when, the leaders being all desperate men, you had your bands of profligates regularly enrolled and distributed into decuries, — did

it not behoove the senate to take good care that that fatal firebrand did not fall upon these vast materials for sedition? 6. [14]

There was, therefore, good cause for adopting an unusual determination. See now whether or not I was the person who had the principal share in it. Who was it whom that friend of yours, Sergius, whom Lollius, whom the other rascals named when they were throwing the stones? who was it that they said ought to provide them with corn? was it not I? What was it that that nocturnal mob of boys which had been trained by you kept demanding? They were demanding corn of me; as if I superintended the corn-market; or as if I were keeping back any corn in store; or as if, in fact, I had any management of, or influence whatever in, any affairs of that class at all. But the fellow who was thirsting for slaughter had published my name to the artisans, and to the ignorant mob. When the senate, in a very full house assembled in the temple of the all-good and all-powerful Jupiter, had passed a decree touching my dignity with only one dissenting voice, on a sudden, on that very day, a most unexpected cheapness followed a time when corn had been excessively dear. [15] Some said, (and I myself am of that opinion,) that the immortal gods had shown their approbation of my return by this exercise of their power. But some traced that fact back, connecting it with this argument and opinion, — that, as all hopes of tranquillity and concord appeared to depend on my return, and as there was an incessant dread of sedition connected with my absence, so now that all fear of contest was almost at an end, they thought that the state of the corn-market was altered; and, because it again had become more unmanageable after my return, then corn was demanded of me, on whose arrival virtuous men were in the habit of saying that there would be cheapness. 7.

Lastly, my name was pronounced not only by your band of partisans at your instigation, but even after your forces had been routed and scattered, I was summoned by name to the senate by the whole Roman people, who at that time were assembled around the Capitol, though on that day I was far from well. [16] Being expected, I came. After many opinions had been already pronounced, I was asked mine. I delivered one very advantageous to the republic, and at the same time necessary for my own interests. Abundance of corn

and cheapness of price was demanded of me; as if I had any influence in producing such a state of things as that. Things were in a very different condition. I was pressed by eager expostulation from many good men. I was unable to support the abuse of the wicked. I proposed to entrust the business to an influential friend, not in order to impose a burden on one to whom I was under such heavy obligations, (for I would rather have sunk under it myself, than done that,) but because I saw, what every one else saw, that, whatever we promised in behalf of Cnaeus Pompeius, he would most easily accomplish by his integrity, wisdom, virtue, and authority, and by his invariable good-fortune. [17] Therefore, whether the immortal gods give this to the Roman people as the fruit of my return, that, as on my departure there ensued a want of corn, and famine, and devastation, and bloodshed, and conflagration, and pillage, and impunity for all crimes, and flight, and terror, and discord, so my return is followed by fertility of the lands, by abundant harvests, by hopes of tranquillity, by peaceful dispositions on the part of the citizens, by a restoration of the courts of justice and of the laws, while unanimity on the part of the people and the authority of the senate seem to have been brought back in my company; or, if the fact is that I, on my arrival, was bound, in return for such kindness, to do something for the Roman people by my prudence, authority and diligence; then I do promise, and undertake, and pledge myself to do it. I say no more. This, I say, which is sufficient for the present occasion, that the republic shall not, on any pretence connected with the price of corn, fall into that danger into which some people endeavoured to bring it. 8. [18]

Are then my sentiments found fault with in this business which fell especially to my share? I rescued affairs of the greatest consequence from the mischief of the most imminent danger; and I saved not only it, but you also, from massacre, and conflagration, and devastation. No one denies this; as to the pretext of dearness there was added that spy of the general misery, who always lit the firebrand of his guilt in the misfortunes of the republic.

He says that nothing ought to have been decreed irregularly to any one. I do not at present make the same reply to you that I make to the rest, — That many wars, and these wars of the greatest danger and of

the greatest importance, both by land and sea, have been entrusted to Cnaeus Pompeius out of the regular order. And if any one repents of those measures, he must also repent of the victory of the Roman people. [19] I do not deal with you in this manner. I can address this argument to those men, who state that if any matter must be entrusted to one individual, then they would rather entrust it to Cnaeus Pompeius than to any one, but that they make a rule of never entrusting anything to any one in an irregular manner; still, after it has been entrusted to Pompeius, that they then vindicate and uphold the measure, as is due to the dignity of the man. From praising the statements of these men I am hindered by the triumphs of Cnaeus Pompeius, by which he (though it was quite out of the regular order of things that he was summoned to defend his country) increased the reputation of the Roman people, and crowned their empire with honour. At the same time I praise their firmness, which is a virtue which I have need to avail myself of, since it was on my proposition that he was appointed, quite out of the regular routine, to conduct the war against Mithridates and Tigranes. [20] But still there are some points which I can argue with them; but still, how great is your impudence, when you dare to say that nothing ought to be given to any one out of the regular routine! You who, when, by an iniquitous law, for some unknown cause you had confiscated the property of Ptolemy, King of Cyprus, the brother of the King of Alexandria, who was reigning by the same right as he was, and had involved the Roman people in the crime, — when you had sent a band of robbers from this empire to ravage his kingdom, and goods, and property, though there had been a long alliance and friendship between us and his father, and grandfather, and still more remote ancestors, — appointed Marcus Cato to superintend the carrying away of his money, and the managing the war if any individual was found hardy enough to defend his own property. [21] Will you say, "Yes, but what a man Cato was! A most religious, most prudent, most gallant man; the firmest friend to the republic, a citizen of a most marvellous and almost unique virtue, and wisdom, and purity of life." Very fine, but what is all that to you, when you say that it is untrue that any one ought to be appointed to any public duty out of the regular course? 9.

And in this matter I am only convicting you of inconsistency; who

in the case of this very Cato, whom you did not so much promote out of regard for his dignity, as get out of the way lest he might hinder your wickedness, — whom you had exposed to your Sergii, and Lollii, and Titii, and your other leaders in massacre and conflagration, whom you yourself had called the executioner of the citizens, the chief murderer of men who had never been condemned, the very fountain of cruelty, — you still by your motion conferred this honour and command on him out of the regular course, and behaved with such violence, that you were wholly unable to disguise your object and, the system of wickedness which you had laid down for yourself. [22]

You read letters in the assembly which you said had been sent to you by Caius Caesar. "Caesar to Pulcher." And when you proceeded to argue that this was a proof of intimacy, because he only used the names of himself and you, and did not add "proconsul," or "tribune of the people," and then began to congratulate you that you had got Marcus Cato out of the way of your tribuneship for the remainder of the time, and that you had also taken away for the future the power of giving extraordinary commissions; — letters which he never sent to you at all, or which, if he did send them, he certainly never meant to be read in the public assembly; — at all events, whether he sent them or whether you forged them, your intention with respect to the honours conferred upon Cato was revealed by the reading of those letters. [23] But, however, I will say no more about Cato, whose eminent virtue, and dignity, and integrity, and moderation in that business which he executed, appear like a screen to veil the iniquity of your law and of your argument. What more need I say? Who was it who gave to the most infamous man that has ever existed, to the most wicked and polluted of all men, that rich and fertile Syria? Who gave him a war to carry on against nations who were in a state of profound peace? Who gave him the money which was destined for the purchase of lands and which had been taken by violence out of the fruits of the achievements of Caesar? Who gave him an unlimited command? And, indeed, when you had given him Cilicia, you altered the terms of your bargain with him, and you transferred Cilicia to the praetor, again quite out of the regular course. And then, when the bribe had been increased, you gave Syria to Gabinius — expressly

naming him. What more? Did you not, naming him expressly, deliver over, bound and fettered, to Lucius Piso, the foulest, the most cruel, the most treacherous of men, the most infamous of all men, as stigmatised for every sort of wickedness and lust, free nations, who had been declared free by numerous resolutions of the senate, and even by a recent law of your own son-in-law? Did not you, after the recompense for your service and the bribe of a province had been paid by him at my expense, still divide the treasury with him? [24] Is it so? Did you annul the arrangement of the consular provinces, which Caius Gracchus, than whom there hardly ever lived a man more devoted to the people, not only abstained from taking from the senate, but even passed a solemn law to establish the principle that they were to be settled every year by the senate; — did you, I say, disturb that arrangement, and that too after it had been formally settled according to the Sempronian law? You gave the provinces, in an irregular manner, without casting lots, not to the consuls, but to the pests of the republic, expressly naming them. And shall we be found fault with, because we have appointed a most illustrious man, who has often been selected before on occasions of the greatest danger to the republic, (expressly naming him,) to superintend a matter of the most urgent importance, and which was previously in an almost desperate condition? 10.

What more shall I say? If, then, amid the darkness and impenetrable clouds and storms which were then lowering above the republic, when you had driven the senate from the helm and turned the people out of the ship, and while you yourself, like a captain of pirates, were hastening on with all your sails set, with your most infamous band of robbers; if at that time you had been able to carry the resolutions which you proposed, and punished, and brought forward, and sold, what place in the whole world would have been free from the extraordinary magistrates and commanders invested with their power by the great Clodius? [25]

But at last the indignation of Cnaeus Pompeius, (I will say, even in his hearing, what I have felt, and still do feel what ever may be the way in which he takes it,) — the indignation I say, of Cnaeus Pompeius, which had been too long concealed and slumbering, being at last aroused, came on a sudden to the aid of the republic, and

raised the city crushed with misfortunes, dumb, weakened, and broken spirited through fear to some hope of recovering its liberty and former dignity. And was this man not to be appointed to superintend the providing the city with corn? You, forsooth, by your law abandoned all the corn, whether belonging to private individuals or to the state, all the provinces which supply corn, and all the contractors, and all the keys of the granaries, to that most impure of gluttons, the taster of your lusts, to that most needy and most impious man, Sextus Clodius, the companion of your family, who by his tongue alienated even your sister from you. And it was by this action of yours that dearness was first produced, and afterwards scarcity. Famine, conflagration, bloodshed, and pillage were impending. Your insane frenzy was threatening the fortunes and property of every man. [26] That ill-omened pest of the state even complains that the corn should have been taken out of the impure mouth of Sextus Clodius, and that the republic in its extremest peril should have implored the aid of that man by whom it recollected that it had often been preserved, and had its power extended. Clodius thinks that nothing ought to be done out of the regular course. What! what sort of law is it that you say that you passed about me, you parricide, you fratricide, you murderer of your sister; did you not pass that out of the regular course? Was it lawful for you to pass, I will not say a law, but a wicked private bill, concerning the ruin of a citizen, the preserver of the republic, as all gods and men have long since agreed to call him, and, as you yourself confess, when he was not only uncondemned but even unimpeached, amid the mourning of the senate and the lamentation of all good men, rejecting the prayers of all Italy, while the republic lay oppressed and captive at your feet? And was it not lawful for me, when the Roman people implored me, when the senate requested me, when the critical state of the republic demanded it of me, to deliver an opinion concerning the safety of the Roman people? [27] And if that opinion the dignity of Cnaeus Pompeius was increased, in connection with the common advantage, certainly I ought to be praised if I seemed to have given my vote for honour of that than who had brought his influence to aid in the ensuring of my safety. 11.

Let men cease — cease, I say, from hoping that now that I have

been restored, I can be undermined by the same contrivances by which they formerly smote me when I was flourishing. For what pair of men of consular dignity were ever more united in friendship in this state than Cnaeus Pompeius and I? Who has ever spoken more honourably or more repeatedly of his dignity before the Roman people or to the senate than I have? What labour was there so great, or what enmity so formidable, or what contest so arduous, that I was unwilling to encounter it for the sake of his dignity? and what honour that could be paid me by him, what panegyric of my glory, what recompense for my goodwill was ever omitted by him? [28] This union of ours, this unanimity and concert in managing the affairs of the republic successfully, this most delightful agreement in life and all its duties, certain men, by false reports of conversations and false accusations, broke, interrupted; going to him, and warning him to be afraid of me, to guard against me, and at the same time telling me that he was hostile to me above all men: so that I had net sufficient confidence to ask of him what it was desirable for me to ask, nor did he, having been made sore by the jealousies and wickedness of certain individuals, promise me with sufficient freedom what my necessities required. [29] A great price has been paid for my error, O priests, so that I am not only grieved for my folly, but ashamed of it too; since, though it was not some sudden and accidental occasion, but many labors of long standing, encountered and undertaken long before, which had united me with a most gallant and most illustrious man, I still suffered myself to be led away to abandon such a friendship, and did not perceive who they were whom it became me either to oppose as open enemies, or to distrust as treacherous friends. Let them now at length cease to try and excite me with the same language as before: "What is that man about? Does not he know how great his influence is, what great achievements be has performed with what great honour he has been restored? Why does he do honour to the man by whom he was deserted?" [30] But I neither think that I was deserted at that time, but rather surrendered; nor do I think it needful for me to explain what at the time of that unhappiness to the republic was done against me nor how, nor by whose instrumentality it was done. If it was beneficial to the republic that that alone, as the victim offered for the general safety, should

quaff that most unworthy cup of calamity, it may be useful also for me to conceal and be silent respecting the men by whose wickedness it was brought about. But yet it is the part of an ungrateful man to be silent. Therefore I will most willingly proclaim that Cnaeus Pompeius laboured with all his zeal and influence as much as any one of you, and with all his means, and labour, and by entreaty, and even at his own personal risk, to promote my safety. 12.

This man, O Publius Lentulus, was present at all your counsels, while you were thinking of nothing day and night except my safety. He cooperated with you as a most influential adviser in planning the conduct to be pursued, as a most faithful ally in preparing for it, and as a most fearless assistant in executing it. It was he who visited all the municipalities and colonies; it was he who implored the assistance of all Italy, which was eager to afford it; it was he who in the senate was the first person to deliver his opinion, and when he had delivered it there, he then also entreated the Roman people to preserve me. [31] Wherefore, you may desist from that language which you have been using, namely, that the dispositions of the priests were changed after my delivering the opinion which I did about the corn. As if they had any different opinion from what I myself had about Cnaeus Pompeius, or as if they were ignorant what I ought to do either with regard to the expectation of the Roman people, or to the services which I have received from Cnaeus Pompeius, or to my own circumstances and condition; or as if even, if my sentiments had perchance been offensive to any one of the priests, though I know for a certainty that the contrary was the case, any priest was on that account going to decide about religion, or any citizen about the republic, in any other manner than the laws respecting religious ceremonies compelled the one, or the interests and safety of the republic compelled the other.

[32] I am aware, O priests, that I have said more things which are foreign to this cause, than either your opinion is likely to approve of, or than my own inclination prompted. But I was anxious to be acquitted in your eyes; and, further, your kindness in listening to me with attention carried me on to say more than I had intended. But I will make amends for this by the brevity of that part of the speech which relates to the actual matter now brought under your

examination; and as the affair is divided into two heads, — one relating to the laws of religion, and the other to the laws of the state, — I will pass over the question of religion, which would take a longer time to discuss, and speak to the point of what is the law of the state. [33] For what can be so arrogant as for a layman to endeavour to lecture the college of priests about religion, about divine affairs, and ceremonies, and sacrifices; or so foolish as for a man, if he has found anything of consequence in your books, to take up time in detailing it to you; or so superfluous, as to seek to acquire learning on those points concerning which our ancestors have laid down the principle that you alone have knowledge, and that you alone ought to be consulted? 13.

I say that it was not possible, according to our common rights, and according to those laws which are in force in this city, for any citizen to be exposed to such disaster as mine without a formal trial. I say that this was the law in this state even at the time when the kings existed; I say that this was the principle handed down to us from our ancestors; I say, moreover, that this is the inalienable characteristic of a free state, — that no infringement on the liberties or property of a citizen can take place without the formal decision of the senate, or of the people, or of those persons who have been appointed as judges in each separate matter. [34] Do you not see that I am destroying all your proceedings by the roots? that I am arguing, what is manifest, that you did nothing whatever according to law, — that you were not a tribune of the people at all? I say this, that you are a patrician. I say so before the priests; the augurs are present. I take my stand on the common public law. What, O priests is the law concerning adoption? Why that he may adopt children who is no longer able to have children himself, and who failed in having them when he was of an age to expect it. What reason, then, any one has for adopting children, what considerations of family or dignity are involved what principles of religion are concerned, are questions which are accustomed to be put to the college of priests. What if all these circumstances are found to exist in that adoption? The person who adopts him is twenty years old; a minor adopts a senator. Does he do so for the sake of having children? He is of an age to have them of his own. He has a wife; he has actually got children of his own. The

father, then, will be disinheriting his own son. [35] What? why should all the sacred rites of the Clodian family perish, as far as it depends on you? And that must have been the idea of all the priests when you were adopted. Unless, perchance, the question was put to you in this way, — whether you were intending to disturb the republic by seditions, and whether you wished to be adopted with that object, not in order to become that man's son, but only in order to be made a tribune of the people, and by that means utterly to overthrow the state? You answered, I presume, that your object was only to be made a tribune. That appeared to the priests to be a sufficient reason. They approved of it. No questions were asked about the age of the man who was adopting you; as was done in the case of Cnaeus Aufidius and Marcus Pupius, each of whom, within our recollection, when extremely old, adopted as sons, the one Orestes, and the other Piso. And these adoptions, like others, more than I can count, were followed by the inheritance of the name and property and sacred rites of the family. You are not Fonteius, as you ought to be, nor the heir of your new father; nor, though you have lost your right to the sacred ceremonies of your own family, have you availed yourself of those which belong to you by adoption. And so, having thrown the ceremonies of religion into confusion, — having polluted both families, both the one which you have abandoned and the one which you have entered, — having violated the legitimate practices of the Romans with respect to guardianships and inheritances, you have been made, contrary to all the requirements of religion, the son of that man of whom you were old enough to be the father. 14. [36]

I am speaking before the priests; I say that that adoption did not take place according to the sacerdotal law. In the first place, because your respective ages are such that the man who has adopted you as your father might, as far as his age went, have been your son; in the second place, because a question is usually put as to the reason for the adoption, in order that the adopter may be a person who is seeking by regular and sacerdotal law that which by the ordinary process of nature he is no longer able to obtain; and that he may adopt a son in such a manner, as to in nowise impair the dignity of the families or the reverence belonging to their sacred ceremonies; and, above all things, that no false pretence, or fraud, or trickery,

may creep in; so that this fictitious adoption of a son may appear to imitate as far as possible the real case of children being born to a man. [37] But what greater false pretence can there be than for a beardless young man, a vigorous man and a husband, to come forward, and to say that he wishes to adopt as his own son a senator of the Roman people, and for all men to know and see that this senator is adopted, not in order to become really the son of the plebeian, but merely in order that he may quit the patrician body, and be made a tribune of the people? And all that without any disguise. For in this case the adopted son was immediately emancipated, lest he should really have become the son of him who adopted him. Why then is he adopted at all? Only approve of this sort of adoption, and in a moment the sacred ceremonies of every family, of which you ought to be the guardians, will be abolished, and not one patrician will be left. For why should any one be willing to be incapable of being made a tribune of the people? to have his power of standing for the consulship narrowed? and, while he might arrive at the priesthood, not to arrive at it because there is not a vacancy at the moment for a patrician? Whenever anything happens to any one to make it more convenient for him to be a plebeian, he will be adopted in the same manner as Clodius. [38] And so in a short time the Roman people will neither have a king of the sacrifices, nor flamines, nor Salii, nor one half of the rest of the priests, nor any one who has a right to open the comitia centuriata, or curiata; and the auspices of the Roman people must come to an end if no patrician magistrates are created, as there will be no interrex, for he must be a patrician, and must be nominated by a patrician. I said before the priests, that that adoption had not been approved by any decree of this college; that it had been executed contrary to every provision of the sacerdotal law; that it ought to be considered as no adoption at all; and if there is an end to that, you see at once that there is an end likewise of the whole of your tribuneshi. [39]

I come now to the augurs and if they have any secret books I do not inquire into them; I am not very curious about inquiring into the principles of the augurs. I know, what I have learnt in common with all the people, what answers they have frequently given in the public assemblies. They say that it is contrary to divine law for any public business to be brought before the people when any proper officers observing the heavens. Will you venture to deny that, on the day when the Lex curiata concerning you is said to have been passed, the magistrates were observing the heavens? A man is here present in court, of the most eminent wisdom, and dignity, and authority, Marcus Bibulus. I assert that on that very day he, as consul, was observing the heavens. "What then," you will say, "are then the acts of Caius Caesar, that most admirable citizen, invalid in your opinion?" By no means; for there is not one of them which concerns me in the least, nor anything else except these weapons which by that man's proceedings are hurled at me. [40] But the matter of the auspices, which I am now touching on with extreme brevity, has been handled in this manner by you. You, when your tribuneship was in danger and was falling to pieces as it were, all of a sudden came forward as a patron of the auspices; you brought forward Marcus Bibulus and the augurs into the assembly; you questioned the augurs, and they replied that when any magistrates was observing the heavens, no business could be transacted in the assembly of the people. You questioned Marcus Bibulus, and he told you in reply that he had been observing the heavens; and he also said in the public assembly, when he was brought forward there by your brother Appius, that you were no tribune of the people at all, because you had been adopted contrary to the auspices. In the succeeding months your language constantly was, that everything which Caius Caesar had done ought to be rescinded by the senate, because they had been done in disregard of the auspices; and if they were rescinded, you said that you would bring me back on your own shoulders into the city as the guardian of the city. See now, O priests, the insanity of the man when by means of his tribuneship he was connected to such an extent with the acts of Caesar. [41] If the priests deciding according to the law relating to sacrifices, and the augurs according to the

religious observance due to the auspices, upset your whole tribuneship, what more do you ask? do you want some still more evident argument drawn from the rights of the people and the laws? 16.

It was perhaps about the sixth hour when I complained in the court of justice (when I was defending Caius Antonius, my colleague,) of some things in the republic which appeared to me to relate to the cause of that unhappy man. What I said was reported by some wicked men to some very eminent citizens in language very different from that which I had employed. At the ninth hour on that very same day you were adopted. If, while in all other laws there ought to be an interval of three days, it is sufficient in a law respecting an adoption that there should be one of three hours, I have nothing to object to. But if the same forms are to be observed, — if the senate decreed that the people was not bound by the laws of Marcus Drusus, which had been passed contrary to the provisions of the Caecilian and Didian laws you must see that by every description of right which prevails with regard to sacred things, to the auspices, or to the laws, you were not elected tribune of the people. [42] And it is not without reason that I say no more on this point, for I see that some most eminent men, the chief men of the city, have given their decision on different occasions, that you could legally proceed with matters which came before the common people; who said too, with reference to my own case, though they said that the republic was murdered and buried by your motion, still that that burial, miserable and bitter as it was, was all according to law: they said that in carrying such a motion as you had carried concerning me a citizen, and one who had deserved well of the republic, you had inflicted a deadly wound on the republic; but, inasmuch as you had carried it with all due reverence for the auspices, they said that you had acted legally. Wherefore we, I imagine, may be allowed to abstain from attacking those actions by which they were induced to approve of the establishment of your tribuneship. [43]

Suppose, however, that you were as rightly and legally tribune as Rullus himself, who is here present, a man most illustrious and honourable on every account; still, by what law, or in accordance with what precedent or what custom, did you pass a law affecting, by

name, the civil rights of a citizen who had not been condemned? 17.

The sacred laws, — the laws of the Twelve Tables, forbid bills to be brought in affecting individuals only; for such a bill is a privilegium. No one has ever carried such a bill. There is nothing more cruel, nothing more mischievous, nothing which this city can less tolerate. What was it in that miserable proscription, and all the other miseries of Sulla's time, which was the most remarkable thing which will prevent the cruelties then practised from being ever forgotten? I imagine it was the fact that punishments were at that time proclaimed on Roman citizens by name without any trial. [44] Will you, then, O priests, by this decision, and by your authority, give a tribune of the people power to proscribe whomsoever he chooses? For I ask what else proscribing is, excepting proposing such a law as this, "That you will decide and order that Marcus Tullius shall no longer be in the city, and that his property may become mine?" For this is the effect of what he carried, though the language is somewhat different. Is this a resolution of the people? Is this a law? Is this a motion? Can you endure this? Can the city endure that a single citizen should be removed out of the city by a single line? I, indeed, have now endured my share. I have no more violence to fear. I am in dread of no further attacks. I have satisfied the hostility of those who envied me; I have appeased the hatred of wicked men; I have satiated even the treachery and wickedness of traitors; and, what is more, by this time every city, all ranks of men, all gods and men have expressed their opinion on my case, which appeared to those profligate men to be exposed above all others as a mark for unpopularity. [45] You now, O priests, are bound; as becomes your authority and your wisdom, to have regard in your decision to your own interests, and to those of your children, and to the welfare of the rest of the citizens.

For as the forms of proceeding before the people have been appointed by our ancestors to be so moderate, — so that in the first place no punishment affecting a man's status as a citizen can be joined to any pecuniary fine in the next place, that no one can be accused except on a day previously appointed; again, that the prosecutor must accuse him before the magistrate three times, a day being allowed to intervene between each hearing, before the

magistrate can inflict any fine or give any decision; and when there is a fourth hearing for the accusation appointed after seventeen days, on a day appointed on which the judge shall give his decision; and when many other concessions have been granted to the defendants to give them an opportunity of appeasing the prosecutor, or of exciting pity; and besides this the people is a people inclined to listen to entreaties, and very apt to give their votes for a defendant's safety; and, beyond all this, if anything prevents the cause from being proceeded with on that day, either because of the auspices, or on any other plea or excuse, then there is an end to the whole cause and to the whole business. 18. [46]

As these things then are so where is the accusation, where is the prosecutor? where are the witnesses? What is more scandalous, than when a man has neither been ordered to appear, nor summoned, nor accused, for hired men, assassins, needy and profligate citizens, to give a vote touching his status as a citizen, his children and all his fortune, and then to think that vote a law? But, if he was able to do this in my case, I being a man protected by the honours which I had attained, by the justice of my cause, and by the republic; and being not so rich as to make my money an object to my enemies, and he had nothing which could be injurious to me, except the great chances which were taking place in the affairs of the state, and the critical condition of the times; what is likely to happen to those men whose way of life is removed from popular honours and from all that renown which gives influence, and whose riches are so great that too many men, needy, extravagant, and even of noble birth, covet them? [47] Grant this licence to a tribune of the people, and then for a moment contemplate in your minds the youth of the city, and especially those men who seem now to be anxiously coveting the tribunitian power. There will be found, by Jove! whole colleges of tribunes of the people, if this law is once established, and they will all conspire against the property of all the richest men, when a booty so especially popular and the hope of great acquisitions is thus held out to them.

But what vote is it that this skillful and experienced law-giver has carried? "May you be willing and may you command that Marcus Tullius be interdicted from water and fire." A cruel vote, a nefarious

vote, one not to be endured even in the case of the very wickedest citizen, without a trial. He did not propose a vote, “That he be interdicted.” What then? “That he has been interdicted.” O horrible, O prodigious, O what wickedness! Did Clodius frame this law, more infamous than even his own tongue? — that it has been interdicted to a person to whom it has not been interdicted? My good friend Sextus, by your leave, tell me now, since you are a logician and are devoted to this science, is it possible for a proposition to be made to the people, or to be established by any form of words, or to be confirmed by any votes, making that to have been done which has not been done? [48] And have you ruined the public, with the man who drew this law for your adviser, and counselor, and minister, a fellow more impure, not only than any biped, but even than any quadruped? And you were not so foolish or so mad as to be ignorant that this man who violated the laws was Clodius; but that there were other men who were accustomed to frame laws: but you had not the least power over any one of them, or over any one else who had any character to lose; nor could you employ the same framers of laws, or the same architect for your works, as the others; nor could you obtain the aid of any priest you chose. Lastly, you were not able to discover, not even when you were dividing your plunder, any purchaser, or any one to share your plunder with you, out of your own band of gladiators, nor any one to support that proscription of yours with his vote except some thief or assassin. 19. [49]

Therefore, when you, flourishing and powerful, were triumphing in the middle of your mob, those friends of yours, safe and happy in having you for their only friend, who had entrusted their fate to the people, were repelled in such a way that they lost the support of even that Palatine tribe of yours. They who came before a court of justice, whether as prosecutors or as defendants, were condemned, though you endeavoured to beg them off. Lastly, even that new recruit, Ligur, your venal backer and seconder, when he had been disgraced by being passed over in the will of Marcus Papirius his brother, who expressed his opinion of him by that action, said that he desired to have a legal investigation into the circumstances of his death, and accused Sextus Propertius as accessory to it. He did not venture to accuse his partners of a crime in which they had no concern, and to

endeavour to procure their condemnation, lest he himself should have been convicted of bringing false accusations. [50]

We are speaking, then, of this law which appears to have been legally brought forward, while yet every one that has had anything to do with any part of it, either by hand, voice, vote, or by sharing in the plunder, wherever he has been, has come off rejected and convicted.

What shall we say if the proscription is framed in such terms that it repels itself? For it is, "Because Marcus Tullius has forged a decree of the senate." If, then, he did forge a decree of the senate, the law was proposed; but if he did not forge one, no proposition has been made at all. Does it or does it not appear sufficiently decided by the senate that I did not falsely allege the authority of that order, but that I, of all the men that have ever lived since the foundation of the city, have been the most diligent in my obedience to the senate? In how many ways do I not prove that that which you call a law is no law at all? What shall we say if you brought many different matters before the people at one and the same time? Do you still think that what Marcus Drusus, that admirable man, could not obtain in most of his laws, — that what Marcus Scaurus and Lucius Crassus, men of consular rank, could not obtain, you can obtain through the agency of the Decurii and Clodii, the ministers of all your debaucheries and crimes? [51] You carried a proposition respecting me, that I should not be received anywhere, — not that I should depart, when you yourself were not able to say that it was unlawful for me to remain in Rome. 20.

For what could you say? That I had been condemned?, Certainly not. That I had been expelled. How could you say that? And yet even that was not stated in your bill that I was to depart; there is a penalty for any one who received me, which every one disregarded; but there is no mention anywhere of driving me out. However, suppose there were, — what are we to say about the collecting of all the common artisans to pull down my house? what shall we say about your having your name cut on it? does that seem to you to be anything except a plundering of all my property? except that you could not by the Licinian law undertake the commission yourself. What are we to say about this very matter which you are now arguing before the priests; namely, that you consecrated my house, that you erected a memorial,

that you dedicated a statue in my house, and that you did all these things by one little bit of a bill? Do all these things appear to be only one and the same business with the bill which you carried against me expressly by name? [52] It is just the same thing that you did when you also carried these different enactments in one law, — one, that the king of Cyprus, whose ancestors had always been allies and friends to this nation, should have all his goods sold by the public crier, and the other, that the exiles should be brought back to Byzantium. "Oh," says he, "I employed the same person on both those matters." What? Suppose you had given the same man a commission to get you an Asiatic coin in Asia, and from thence to proceed into Spain; and given him leave, after he had departed from Rome, to stand for the consulship, and, after he was made consul, to obtain Syria for his province; would that be all one measure, because you were mentioning only one man? [53] And if now the Roman people had been consulted about that business, and if you had not done everything by the instrumentality of slaves and robbers, was it impossible for the Roman people to approve of the part of the measure relating to the king of Cyprus, and to approve of that part which affected Byzantine exiles? What other force, what other meaning, I should like to know, has the Caecilian and Didian law, except this; that the people are not to be forced in consequence of many different things being joined in one complicated bill, either to accept what it disapproves of; or reject what it approves?

What shall we say if you carried the bill by violence? is it, nevertheless, a law? Or can anything appear to have been done rightfully which was notoriously done by violence? And if, at the very time of your getting this law passed, when the city was stormed, stones were not thrown, and men did not actually come to blows hand to hand, is that any proof that you were able to contrive that disgrace and ruin to the city without extreme violence? 21. [54]

When in the Aurelian tribunal you were openly enrolling not only freemen but slaves also, got together out of all the streets in the city, were you not at that time preparing for violence? When by your edicts, you ordered all the shops to be shut, were you aiming not at the violence of the mob, but at a modest and prudent gathering of honourable men? When you were having arms collected and carried

to the temple of Castor, had you no other object beyond preventing others from being able to effect anything by violence? But when you tore up and removed the steps of the temple of Castor, did you then, in order to be able to act in a moderate manner, repel audacious men from the approaches and ascents leading to the temple? When you ordered those persons who, in an assembly of virtuous men, had spoken in defence of, my safety, to come forward, and had driven away their companions and seconders by blows and arms and stones; then, no doubt, you showed that violence was excessively disagreeable to you. [55] Oh, but this frantic violence of a demented tribune of the people could easily be crushed and put down by the virtue and superior numbers of the good citizens. What? when Syria was given to Gabinius, Macedonia to Piso, boundless authority and vast sums of money to both of them, to induce them to place everything in your power, to assist you, to supply you which followers, and troops, and their own prepared centurions, and money, and bands of slaves; to all you with their infamous assemblies, to deride the authority of the senate, to threaten the Roman knights with death and proscription, to terrify me with threats, to threaten me with contests and murder, to fill my house with their friends, which had heretofore been full of virtuous men; through fear of proscription; to deprive me of the crowds of good men who used to associate with me, to strip me of their protection; to forbid the senate, that most illustrious body, not only to fight for me, but even to implore men, and to entreat them in my behalf, and, changing their garments, to lament my danger, — was not even this violence? 22. [56]

Why then did I depart, or what fear was there? I will not say in me. Allow that I am timid by nature; what are we to say of so many thousands of the bravest men? what did our Roman knights think? what did the senate? what, in short, did all good men think? If there was no violence, why did they escort me out of the city with tears, instead of reproving and detaining me, or being indignant with me and leaving me? Or was I afraid that I could not, while present, resist their accusations if they proceeded against me according to the usages and principles of our ancestors? [57] If a day had been appointed for my trial, must I have dreaded the investigation? or must I have feared a private bill being introduced against me without

any trial? A trial in so shameful a cause I suppose I am a man who, if the cause were not understood, could not speak so as to explain it at all, or could I not make people approve of my cause, when its excellence is such that of its own merits it made people approve not only of itself while it was before them, but of me also though I was absent? Was the senate, were all ranks of the people, were those men who flew hither from all Italy to cooperate in my recall, likely to be more indifferent, while I was present, about retaining and preserving me, in that cause which even that parricide says was such, that he complains that I was sought out and recalled to my previous honours by the whole people? [58] Was there then no danger to me whatever in a court of justice; but was I to fear a private bill, and that if a penalty were sought to be recovered from me while I was present, no one would interpose a veto? Was I so destitute of friends, or was the republic so entirely without magistrates? What? supposing the tribes had been convoked, would they have approved of a proscription, I will not say against me who had deserved so well of them by my efforts for their safety, but would they have approved of it in the case of any citizen whatever? Or, if I had been present, would those veteran troops of conspirators, and those profligate and needy soldiers of yours, and that new force of two most impious consuls, have spared my person, when, after that I had, by departing, succumbed to their inhumanity and wickedness, I could not though absent satisfy their hostility to me by my misfortunes? 23. [59]

For what injury had my unhappy wife done to you? whom you harassed and plundered and ill-treated with every description of cruelty. What harm had my daughter done to you? whose incessant weeping and mourning and misery were so agreeable to you, though they moved the eyes and feelings of every one else. What had my little son done? whom no one ever saw all the time that I was away, that he was not weeping and lamenting; what, I say, had he done that you should so often try to murder him by stratagem? What had my brother done? who, when, some time after my departure, he arrived from his province and thought that it was not worth his while to live unless I were restored to him, when his chief and excessive and unprecedented mourning seemed to render him an object of pity to every one, was constantly attacked by you with arms and violence,

he escaped with difficulty out of your hands. [60] But why need I dilate upon your cruelty which you have displayed towards me and mine? when you have waged a horrible and nefarious war, dyed with every description of hatred against my walls, my roofs, my pillars and door-posts. For I do not think that you, when, after my departure, you in the covetousness of your hopes had devoured the fortunes of all the rich men, the produce of all the provinces, the property of tetrarchs and of kings, were blinded by the desire of my plate and furniture. I do not think that that Campanian consul with his dancing colleague, after you had sacrificed to the one all Achaia, Thessaly, Boeotia, Greece, Macedonia and all the countries of the barbarians, and the property of the Roman citizens in those countries, and when you had delivered up to the other Sulla, Babylon, and the Persians those hitherto uninjured and peaceful nations, to plunder, I do not think, I say, that they were covetous of my thresholds and pillars and folding doors. [61] Nor, indeed, did the bands and forces of Catiline think that they could appease their hunger with the tiles and mortar of my roofs. But as, without being influenced by the idea of booty, still out of hatred we are accustomed to destroy the cities of enemies; — not of all enemies indeed, but of those with whom we have waged any bitter and intestine war; because when our minds have been inflamed against any people by reason of their cruelty, there always appears to be some war still lingering in their abodes and habitations,

* * * 24. [62]

No law had been passed respecting me. I had not been ordered to appear in court; I had not been summoned. I was absent. I was even in your own opinion a citizen with all my rights as such unimpaired, when my house on the Palatine hill, and my villa in the district of Tusculum, were transferred one a-piece to each of the consuls; decrees of the senate were flying about; marble columns from my house were carried off to the father-in-law of the consul in the sight of the Roman people; and the consul who was my neighbour at my villa had not only my stock and the decorations of my villa, but even my trees transferred to his farm; while the villa itself was utterly destroyed, not from a desire of plunder, (for what plunder could there be there?) but out of hatred and cruelty. My house on the Palatine hill was burnt, not by accident, but having been set on fire on purpose.

The consuls were feasting and reveling amid the congratulations of the conspirators, while the one boasted that he had been the favourite of Catiline, and the other that he was the cousin of Cethegus. [63] This violence, O priests, this wickedness, this frenzy, I, opposing my single person to the storm, warded off from the necks of all good men, and I received on my body all the attacks of disaffection, all the long-collected violence of the wicked, which, having been long coming to a head, with silent and repressed hatred, was at last breaking out now that it had got such audacious leaders. Against me alone were directed the consular firebrands hurled from the hands of the tribunes; all the impious arrows of the conspiracy, which I had once before blunted, now stuck in me. But if, as was the advice of many most gallant men, I had determined to contend with violence and arms against violence, I should either have gained the day with a great slaughter of wicked men, who notwithstanding were citizens, or else all the good men would have been slain, to the great joy of the wicked, and I too should have perished together with the republic. [64] I saw, that if the senate and people of Rome existed, I should have a speedy return with the greatest dignity, and I did not think it possible that such a state of affairs should longer continue to exist, as for me not to be allowed to live in that republic which I myself had saved. And if I were not allowed to live there, I had heard and read that some of the most illustrious men of our country had rushed into the middle of the enemy to manifest death for the sake of the safety of their army. And could I doubt that if I were to sacrifice myself for the safety of the entire republic, I should in this point be better off than the Decii, because they could not even hear of their glory, while I should be able to be even a spectator of my own renown? 25.

Therefore your frenzy, being disconcerted, kept making vain attacks. For the bitterness of my fortune had exhausted all the violence of all the wicked citizens. In such terrible disaster and such wide-spread ruin, there was no room for any new cruelty. [65] Cato was next to me. Was there nothing which you could do beyond making him who had been my leader and guide in all my conduct a partner also in my misfortune? What? Could you banish him? What then? You could send him away for the money of Cyprus. One booty may have been lost; another will be sure to be found; only let this

man be got out of the way. Accordingly, the hated Marcus Cato is commissioned to go to Cyprus, as if it was a kindness that was being conferred on him. Two men are removed, whom the wicked men could not bear the sight of; one by the most discreditable sort of honour, the other by the most honourable possible calamity. [66] And that you may be aware that that man had been an enemy not to their persons, but to their virtues, after I was driven out, and Cato despatched on his commission, he turns himself against that very man by whose advice and by whose assistance he was in the habit of saying in the assemblies that he had done and continued to do what he was then doing and everything which he had hitherto done. He thought that Cnaeus Pompeius, who he saw was in every one's opinion by far the first man in the city, would not much longer tolerate his frenzy. After he had filched out of his custody by treachery the son of a king who was our friend, — himself being an enemy and a prisoner, — and having provoked that most gallant man by this injury, he thought that he could contend with him by the aid of those troops against whom I had been willing to struggle at the risk of the destruction of all virtuous citizens, especially as at first he had the consuls to help him. But after a time Gabinius broke his agreement with him; but Piso continued faithful to him. [67] You saw what massacres that man then committed, what men he stoned, what numbers he made to flee; how easily by means of his armed bands and his daily plots did he compel Cnaeus Pompeius to absent himself from the forum and the senate-house, and to confine himself to his own house, even after he had been already deserted by the best part of his forces. And from this you may judge how great that violence was at its first rise, and when first collected together, when even after it was scattered and almost extinct it alarmed Cnaeus Pompeius in this way. 26. [68]

That most prudent man, Lucius Cotta, a man most deeply attached to the republic and to me, and above all to truth, saw this when he delivered his opinion on the first of January. He then considered it unnecessary that any law should be passed for my return. He said that I had consulted the interests of the republic; that I had yielded to the tempest; that I had been more friendly to you and to the rest of the citizens than to myself and to my own relations; that I had been

driven away by the disturbances of a body of men banded together for purposes of bloodshed, and by an unprecedented exercise of power; that no law could possibly have been passed affecting my status as a citizen; that no law had been drawn up in writing, that none could have any validity; that everything had been done in disregard of the laws and of the usages of our ancestors, in a rash and turbulent manner, by violence and frenzy. But if that were a law, then it was not lawful for the consuls to refer the matter to the senate, nor for him himself to express his opinion upon it in the senate. And as both these things were being done, it was not right that it should be decreed that a law should be passed concerning me, lest that which was no law at all, should be in consequence decided to be a law. No opinion could be truer, sounder, more expedient, or better for the republic. For the wickedness and frenzy of the man being stigmatized by it, all danger of similar disgrace to the republic for the future was removed. [69] Nor did Cnaeus Pompeius, who delivered a most elaborate opinion and most honourable to me, nor did you, O priests, who defended me by your decision and authority, fail to see that that was no law at all, and that it was rather the heat of the times, an interdict of wickedness, a voice of frenzy. But you were anxious to guard against any popular odium being excited against you; if we appeared to have been restored without any decision of the people. And with the same idea the senate adopted the opinion of Marcus Bibulus, a most fearless man, that you should decide the question relating to my house: not that he doubted that nothing had been done by Clodius with due regard either to the laws, or to the requirements of religion, or to the rights of the citizens; but that, as wicked men were so numerous, no one should at any time arise and say that there was anything holy about my house. For as often as the senate has expressed any opinion at all in my case, so often has it decided that that was no law at all, since indeed, according to that writing which that fellow drew up, it was forbidden to express any opinion at all. [70] And that kindred pair, Piso and Gabinius, saw this. Those men, so obedient to the laws and courts of justice, when the senate in very full houses kept constantly entreating them to make a motion respecting me, — said that they did not disapprove of the object, but that they were hindered by that fellow's law. And this was true; but it

was law which he had passed about giving them Macedonia and Syria. 27.

But you, O Publius Lentulus, neither as a private individual nor as consul ever thought that it was a law. For when the tribunes of the people made a motion, you as consul elect often delivered your opinion concerning my affairs; and from the first of January to the time that the whole affair was completed, you persevered in making motions respecting me, you proposed a law, you passed it; none of which things could legally have been done by you if that thing of Clodius's had been a law. But Quintus Metellus your colleague, a most illustrious man, even though he was a brother of Clodius, when he joined you in making a motion in the senate respecting my affairs, expressed his opinion that that was no law at all which men utterly unconnected with Clodius, — namely Piso and Gabinius, considered was a law. [71] But how did those men who had such respect for Clodius's laws observe the rest of the laws? The senate indeed, whose authority is of the very greatest weight on all questions affecting the power of the laws, as often as it has been consulted in my case, has decided that that was no law at all. And you, O Lentulus, showed that you were aware of its not being one in that law which you carried concerning me. For that law was not framed in such terms as that I might be allowed to come to Rome, but that I should come to Rome. For you did not wish to propose to make that lawful for me to do, which was lawful already; but you wished me to be in the republic, appearing to have been sent for by the command of the Roman people, rather than to have been restored for the purpose of aiding in the management of the republic. [72]

Did you then, O you most monstrous pest, dare to call that man an exile, when you yourself were branded with such wickedness and such crimes that you made every place which you approached very like a place of banishment? For what is an exile? The name itself is an indication of misfortune, not of disgrace. When, then, is it disgraceful? In reality when it is the punishment of guilt; but in the opinion of men, when it is the punishment of a condemned person. Is it then owing to any crime of mine that I hear the name of an exile, or owing to any judicial sentence? Owing to any crime? Even you, whom those satellites of yours call the prosperous Catiline, do not

dare to affirm that, nor do any one of those men who used to say so, venture to say so now. There is not only no one so ignorant now as to say that those actions which I did in my consulship were errors; but no one is such an enemy to his country as not to confess that the country was preserved by my counsels. 28. [73]

For what deliberative assembly is there in the whole earth, whether great or little, which has not expressed that opinion of my exploits which is most desirable and most honourable for me? The greatest council of the Roman people, and of all peoples, and nations, and kings, is the senate. That decreed that all men who desired the safety of the republic should come forward to defend me alone, and showed its opinion that the republic could not have been saved if I had not existed, and could not last if I did not return. [74] The next in rank to this dignified body is the equestrian order. All the companies of public contractors passed most favourable and honourable decrees respecting my consulship and my actions. The scriveners, who are much connected with us in matters relating to public registers and monuments, took good care that their sentiments and resolutions respecting my services to the republic should not be left in doubt. There is no corporation in all this city, no body of men either from the higher or lower parts of the city, (since our ancestors thought fit that the common people of the city should also have places of meeting and some sort of deliberative assemblies,) which has not passed most honourable resolutions, not merely respecting my safety, but relating also to my dignity. [75] For why need I mention those divine and immortal decrees of the municipal towns, and of the colonies, and of all Italy, by which, as by a flight of steps, I seem not only to have returned to my country, but to have mounted up to heaven? And what a day was that when the Roman people beheld you, O Publius Lentulus, passing a law respecting me, and felt how great a man and how worthy a citizen you were. For it is well known that the Campus Martius had never on any comitia seen so vast a crowd, or such a splendid assembly of men of every class, age, and order. I say nothing of the unanimous judgment and unanimous agreement of the cities, nations, provinces, kings, — of the whole world, in short, — as to the services which I had done to the whole human race. But what an arrival at and entry into the city was mine!

Did my country receive me as it ought to receive light and safety when brought back and restored to it, or as a cruel tyrant, as you, you herd of Catiline, were accustomed to call me? [76] Therefore that one day on which the Roman people honoured me by escorting me with immense numbers and loud demonstrations of joy from the gate to the Capitol, and from the Capitol home, was so delightful to me, that that wicked violence of yours which had driven me away appeared not to be a thing from which I ought to have been defended, but one which it was worth my while even to purchase. Wherefore that calamity, if it deserves to be called a calamity, has put an end to the whole previous system of abuse, and has prevented any one for the future from daring to find fault with my consulship, which has now been approved of by such numerous, and such important, and such dignified decisions, and testimonies, and authorities. 29.

And if, in all that abuse of yours, you not only impute no disgraceful conduct to me, but even add more lustre on my credit, what can exist or be imagined more senseless than you? For by one piece of abuse you admit that my country was twice saved by me; once when I performed that action which every one avows ought to be remembered for ever if it be possible, you thought that I ought to be punished and put to death; a second time, when I bore in my own person your own violence and that of the numbers who through your agency were inflamed against all virtuous men, in order to avoid taking arms, and in that condition bringing into danger that state which I had saved when without arms.

Be it so then. [77] There was not in my case any punishment imposed for any offence. Still there was punishment imposed on me by a judicial decision. By what decision? Who ever examined me as a defendant under any law whatever? Who ever accused me? Who ever prosecuted me? Can then a man who is uncondemned be made to bear the punishment of a condemned man? Is this the act of a tribune of the people? Is this the act of a friend of the people? Although, when is it that a man can call himself a friend of the people, except when he has done something for the advantage of the people? Forsooth, has not this principle been handed down to us from our ancestors, that no Roman citizen can be deprived of his liberty, or of his status as a citizen, unless he himself consents to

such a thing, as you yourself might learn in your own case? For, although in that adoption of yours nothing was done in a legal manner, still I suppose that you were asked, whether it was your object that Publius Fonteius should have the same power of life and death over you that be would have over an actual son. I ask, if you had either silenced it or had been silent, if, nevertheless, the thirty curies had passed a vote to this effect would that vote have had the force off law? Certainly not. Why? Because the law was established by our ancestors, who were not fictitiously and pretendedly attached to the people, but were so in truth and wisdom, in such a manner that no Roman citizen could be deprived of his liberty against his consent. [78] Moreover, if the decemvirs had given an unjust decision to the prejudice of any one's liberty, they established a law that any one who chose might on this subject alone, make a motion affecting a formal decision already pronounced. But no one will ever lose his status as a citizen against his will by any vote of the people. 30.

The Roman citizens who left Rome and went to the Latin colonies could not be made Latins, unless they themselves promoted such a change, and gave in their names themselves. Those men who had been condemned on a capital charge, did not lose their rights as citizens of this city before they were received as citizens of that other city to which they had gone for the sake of changing their abode. Our ancestors took care that they should do so, not by taking away their rights of citizenship, but only their house, and by interdicting them from fire and water within the city. [79] The Roman people on the motion of Lucius Sulla, the dictator, in the comitia centuriata, took away the rights of citizenship from the municipal towns, and at the same time took away their lands. The decree about the lands was ratified, for that the people had power to pass; but their decree concerning the rights of citizenship did not last even as long as the disturbances of the time of Sulla. Shall we then say that Lucius Sulla, victorious as he was, after he had been restored to the republic, could not in the comitia centuriata take away the rights of citizenship from the people of Volaterra, even though they were in arms at the time; — and the Volaterrans to this day enjoy the rights of citizenship in common with ourselves, being not only citizens, but most excellent citizens too; — and allow that Publius Clodius, at a time when the

republic was utterly overturned, could take away his rights as a citizen from a man of consular rank, by summoning an assembly, and hiring bands not only of needy citizens, but even of slaves, with Sedulius as their imputed leader, though he declares that on that day he was not in Rome at all? [80] And, if he was not, what could be a more audacious thing than your putting his name to that bill? What could be more desperate than your condition, when, even if you told a lie about it you could not get up any more respectable authority? But if he was the first person who voted for it as he easily might have been, as he was a man who, for want of a house, slept all night in the forum, why should he not swear that he was at Cadiz, when you have proved so very distinctly that you were at Interamna? Do you, then, — you, a man devoted to the people, — think that our rights as citizens, and our freedom, ought to he established on this principle; so that when a tribune of the people brings forward a motion, "Do you approve and determine"

* * * *if a hundred Sedulii should say that they do approve and determine, any one of us may lose our privileges? Our ancestors, then, were not attached to the interests of the people, who with respect to the rights of citizenship and liberty established those principles which neither the power of time, nor the authority of magistrates, nor the decisions of judges, nor the sovereign power of the whole people of Rome, which in all other affairs is most absolute, can undermine. [81] But you, also, you who take men's rights as citizens from them, have also passed a law with respect to public injuries in favour of some fellow of Anagnia, of the name of Maerula, and he on account of that law has erected a statue to you in my house; so that the place itself, in hearing witness to your prodigious injustice, might refute the law and inscription on your statue. And that law was a much greater cause of grief to the citizens of Anagnia than the crimes which that gladiator had committed in that municipal town. 31. [82]

What shall I say, if there is nothing said about the rights of citizenship even in that very form of motion which Sedulius declares he never voted for? Do you still cling to his authority in order to throw a lustre on the exploits of your splendid tribuneship by the dignity of that man?

But although you passed no law respecting me, to prevent my continuing not only in the number of Roman citizens, but even in that rank in which the honours conferred on me by the Roman people had placed me; will you still raise your voice to attack him whom after the abominable wickedness of the preceding consuls you see honoured by the decisions of the senate, of the Roman people, and of all Italy? whom even at the time when I was departing you could not deny, even by your own law, to be a senator. For, where was it that you passed the law that I should be interdicted from fire and water? When Gracchus passed such a decree respecting Publius Popillius, and Saturninus respecting Metellus, and other most seditious men respecting other most virtuous and gallant citizens, they did not pass a decree that they had been interdicted, which could have been quite intolerable but that they should be interdicted. When did you insert a clause that the censor should not enter me on the rolls of the senate in my proper place? which is a clause in the law concerning every one who has been condemned when the interdict is being framed. [83] Ask this of Sextus Clodius the framer of your laws. Bid him come forward; he is keeping out of the way; but if you order him to be looked for they will find the man in your sister's house hiding himself with his head down. But if no one in his senses ever called your father a citizen — yes, by Jove, a good citizen, and one very unlike you, if no one I say, ever called him an exile, who, when a tribune of the people had proposed a bill against him, would not appear on account of the iniquity of that period of Cinna's triumph, and who, on that account had his command taken from him; if, I say, in his case, a punishment inflicted by law carried no disgrace with it, on account of the violent character of those times, could there, in my ease, be any penalty against me as if I had been condemned when I never was tried when I never was accused when I never was summoned by any tribune of the people, and, especially, a penalty which was not mentioned not even in the proposed bill itself? 32. [84]

But just remark what the difference is between that most iniquitous misfortune inflicted on your father and between my fortune and condition which I am now discussing Lucius Philippus the censor, in reading the roll of the senate, passed over his own uncle, your father, a most excellent citizen; the son of a most illustrious man, himself a man of such severity of character that if he were alive you would not have been suffered to live. For he had no reason to allege why those acts should not be ratified which had been done in that republic in which, at that very time, he had been willing to take upon himself the office of censor. But as for me, Lucius Cotta, a man of censorian rank, said in the senate, on his oath, that if he had been censor at the time that I left the city, he should have retained me on the list as a senator in my proper place. [85] Who appointed any judge in my place? who of my friends made a will at the time that I was absent, and did not give me the same that he would have given me if I had been in the city? who was there, I will not say only among the citizens, but even among the allies, who hesitated to receive and assist me in defiance of your law? Lastly, the whole senate, long before the law was passed respecting me, "Voted, that thanks should be given to all those cities by which Marcus Tullius..." Was that all? No — it went, "a citizen who had done the greatest services to the republic, had been received:" and do you, one single pernicious citizen, deny that that citizen has been legally restored, whom the whole senate, even while he was absent, considered not only a citizen, but has at all times considered a most illustrious one? [86] But as the annals of the Roman people and the records of antiquity relate, that great man Caeso Quintius, and Marcus Furius Camillus, and Marcus Servilius Ahala, though they had deserved exceedingly well of the republic, still had to endure the violence and passion of an excited people; and after they had been condemned by the comitia centuriata and had gone into banishment, were again restored to their former dignity by the same people in a more placable humour. But if, in the case of those men who were thus condemned, their calamity not only did not diminish the glory of their most illustrious names, but even added fresh lustre to it; (for, although it is more desirable to finish the course of one's life without

pain and without injury, still it contributes more to the immortality of a man's glory to have been universally regretted by his fellow-citizens: than never to have been injured;) shall a similar misfortune have in my case the force of a reproach or of an accusation, when I left the city without any sentence of the people, and have been restored by most honourable resolutions of every order of society? [87] Publius Popillius was always a brave and wise citizen in every point of view; yet in the whole of his life there is nothing which sheds a greater lustre on his character than this very calamity. For who would have recollected now that he conferred great benefits on the republic, if he had not been expelled by the wicked and restored by the good? The conduct of Quintus Metellus as a military commander was admirable, his censorship was splendid, his whole life was full of wisdom and dignity; and yet it is his calamity which has handed down his praises to everlasting recollection. 33.

But if the injury inflicted on them by their enemies was not any disgrace to those men who were expelled unjustly, but still who were restored according to law, after their enemies had been slain, after the tribunes had brought forward motions respecting them; not by the authority of the senate, not by the comitia centuriata, not by the decrees of all Italy, not by the universal regret of the state; do you think that in my case, who departed uncondemned, who departed at the same time as the republic, and returned with the greatest dignity, while you were still alive, while one of your brothers was one of the consuls who brought me back, and the other was the praetor who demanded my recall, your wickedness ought to be any discredit to me? And if the Roman people, being inflamed with passion or envy, had driven me out of the city, and afterwards, remembering my services to the republic, had recollected itself; and shown its repentance for its rashness and injustice by restoring me; yet, in truth, no one would have been so senseless, as to think that such conduct on the part of the people ought not rather to be considered an honour to me than a disgrace. [88] But now, when of all the people no one has accused me, when it is impossible for me to have been condemned, seeing that I have never been accused, since I was not even expelled in such a way that I could not have got the better of my adversaries if I had contested the point with them by force; and

when, on the other hand, I have at all times been defrauded and praised and honoured by the Roman people; what pretence has any one for thinking himself better off than I am, at all events as far as the people are concerned? [89]

Do you think that the Roman people consists of these men who can be hired for any purpose? who are easily instigated to offer violence to magistrates? to besiege the senate? to wish every day for bloodshed, conflagration and plunder? people, indeed, whom you could not possibly collect together unless you shut up all the taverns; a people to whom you gave the Lentidii, and Lollii, and Plaguleii, and Sergii, for leaders. Oh for the splendour and dignity of the Roman people, for kings, for foreign nations, for the most distant lands to fear; a multitude collected of slaves, of hirelings, of, criminals, and beggars! [90] That was the real beauty and splendour of the Roman people, which you beheld in the Campus Martius at that time, when even you were allowed to speak in opposition to the authority and wishes of the senate and of all Italy. That is the people — that, I say, is the people which is the lord of kings, the conqueror and commander-in-chief of all nations, which you, O wicked man, beheld in that most illustrious day when all the chief men of the city, when all men of all ranks and ages considered themselves as giving their votes, not about the safety of a citizen, but about that of the state; when men arrive into the Campus, the municipal towns having been all emptied, not the taverns. 34. [91]

By the aid of this people, if there had then been real consuls in the republic, or if there had been no consuls at all, I should without any difficulty have resisted your headlong frenzy and impious wickedness. But I was unwilling to take up the public cause against armed violence, without the protection of the people. Not that I disapproved of the late rigour of Publius Scipio, that bravest of men, when he was only a private individual; but Publius Mucius the consul, who was considered somewhat remiss in defending the republic, immediately defended, and, more than that, extolled the action of Scipio in many resolutions passed by the senate. But, in my case, I, if you were slain, would have had to contend by force of arms against the consuls, or if you were alive, against both you and them together. [92] There were many other circumstances also to be feared

at that time. The contest, would, in truth, have reached the slaves. So great a hatred of all good men had still got possession of the minds of impious citizens, being burnt as it were into their wicked minds by that ancient conspiracy.

Here, too, you warn me not to boast. You say that those things are intolerable which I am accustomed to assert concerning myself; and being a witty man, you put on quite a polite and elegant sort of language. You say that I am accustomed to say that I am Jupiter; and also to make a frequent boast that Minerva is my sister. I will not so much defend myself from the charge of insolence in calling myself Jupiter, as from that of ignorance in thinking Minerva the sister of Jupiter. But even if I do say so, I at all events claim a virgin for my sister; but you would not allow your sister to remain a virgin. Consider rather whether you have not a right to call yourself Jupiter, because you have established a right to call the same woman both sister and wife. 35. [93]

And since you find fault with me for this, that you assert that I am accustomed to speak too boastfully of myself; I ask, who ever heard me speak in this way, or speak of myself at all, except when I was compelled, and was doing so of necessity? For if, when robberies, and bribery, and lust are imputed to me, I am accustomed to reply that the country was saved by my prudence, and labour, and personal danger, I ought not to be considered as boasting of my own exploits, so much as refusing to confess what is imputed to me. But if, before these most miserable periods of the republic, nothing else was ever imputed to me, except the cruelty of my conduct at that time when I warded off destruction from the republic, what will you say? Ought I when accused in this manner, not to have replied at all, or to have replied in an abject tone? [94] But I have always thought it for the interest of even the republic itself, that I should uphold by my language the propriety and glory of that most noble exploit which I performed by the authority of the senate, with the consent of all virtuous men, for the safety of my country; especially when I am the only person in this republic who have been able to say on oath, in the hearing of the Roman people, that this city and this republic had been saved by my exertions. That accusation of cruelty has long since been extinguished, because men see that I was regretted, and

demanded and sent for back by the wishes of all the citizens, not as a cruel tyrant, but as a most merciful parent. Another charge has risen up. [95] That departure of mine from the city is attacked, which accusation I cannot reply to without the greatest credit to myself. For what, O priests, ought I to say? That I lied from a consciousness of guilt? But that which was imputed to me as a crime, not only was not a crime, but was the most glorious action ever performed since the birth of man. That I feared the sentence of the people? But not only was there no trial at any time before the people, but if there had been, I should have departed with redoubled glory. That the protection of the good was wanting to me? It is false. That I was afraid of death? That is an assertion disgraceful to those who make it. 36. [96]

I am therefore compelled to say that which I would not say if I were not compelled. (For I have never said anything at all in the way of extolling myself for the sake of gaining praise, but only with a view to repel an accusation.) I say, therefore, and I say it with the loudest voice I can command, when the inflamed violence of all the profligate citizens and conspirators, a tribune of the people being the leader, the consuls being their instigators, the senate being beaten down, the Roman knights being terrified, the whole city being in suspense and anxiety, was making an attack, not so much on me as, through me, on all good men — I say that I then saw that if I conquered, there would be but little of the republic left, and if I were conquered, none at all. And when I had decided that this would be the case, I lamented indeed my separation from my unhappy wife, the desolate state of my most beloved children, the distress of my most affectionate and excellent brother, who was away, and the sudden ruin of a family which had seemed so thoroughly established; but still I preferred to all these considerations the safety of my fellow-citizens, and I preferred that the republic should rather fall, if fall it must through the departure of one man, than through the slaughter of every one. I hoped (as indeed happened) that I, though overthrown, might be raised again by gallant men who were still alive; but I expected that if I perished, involving all virtuous men in my fall, I could not by any possibility be recovered. [97] I felt indeed, O priests, a great and incredible pain; I do not deny it; nor do I pretend to that wisdom which some expected of me, who said that I

was too much dispirited and cast down. Could I, when I was torn from such a number and variety of enjoyments, (which I pass over, because even now I cannot speak of them without tears,) deny that I was a human being, and repudiate the common feelings of our nature? But in that case I should neither call that action of mine praise-worthy, nor should I say that any service had been done to the republic by me, if I had only given up, for the sake of the republic, those things which I could bear the loss of with calmness; and that firmness of the mind, resembling that hardness of body, which, even when it is burnt, does not feel it, I should consider insensibility rather than virtue. 37. [98]

To encounter voluntarily such great grief of mind, and by oneself to endure, while the city is standing, those things which, when a city is taken, befall the conquered citizens; to see oneself torn from the embrace of one's friends, one's houses destroyed, one's property plundered; above all for the sake of one's country, to lose one's country itself to be stripped of the most honourable favours of the Roman people, to be precipitated from the highest rank of dignity, to see one's enemies in their robes of office demanding to conduct one's funeral before one's death has been properly mourned; — to undergo all these troubles for the sake of saving one's fellow-citizens, and this with such feelings that you are miserable while absent, not being as wise as those philosophers who care for nothing, but being as attached to one's relations and to oneself as the common feelings and rights of men require, — that is illustrious and godlike glory. For he who with a calm spirit for the sake of the republic abandons those things which he has never considered dear or delightful is not showing any remarkable good will towards the republic but he who abandons those things for the sake of the republic from which he is not torn without the greatest agony, his country is dear to that man and he prefers her safety to his affection for his own relations. [99] Wherefore that fury may burst itself; and it must hear me say these things since it has provoked me — I have twice saved the republic both when as consul in the garb of peace I subdued armed enemies, and when as a private individual I yielded to the consuls in arms. Of each piece of conduct I have reaped the greatest reward — I reaped the reward of my first achievement when

I saw the senate and all virtuous men, in pursuance of a resolution of the senate, change their garments for the sake of my safety; and that of my subsequent conduct, when the senate, and the Roman people, and all men, whether in a public or a private capacity, decided that without my return the republic would not be safe. [100]

But this return of mine, O priests, depends now on your decision. For if you place me in my house, then I do plainly see and feel that I am restored, which is what all through my cause you have been always labouring to effect by your displays of zeal, by your counsels, and influence, and resolutions; but if, my house is not only not restored to me, but is even allowed to continue to furnish my enemy with a memorial of my distress, of his own wicked triumph, of the public calamity, who is there who will consider this a restoration, and not rather an eternal punishment? Moreover, my house, O priests, is in the sight of the whole city; and if there remains in it that (I will not call it monument of the city, but that) tomb inscribed with the name of my enemy, I had better migrate to some other spot, rather than dwell in that city in which I am to see trophies erected as tokens of victory over me and over the republic. 38. [101]

Could I have such hardness of mind or such shamelessness of eye, as to be able in that city, the preserver of which the senate has so often unanimously decided that I am, to behold my house thrown down, not by my own private enemy, but by the common foe, and then again built up and placed in the sight of the whole city, that the weeping of the virtuous citizens might know no cessation? The house of Spurius Maelius, who aimed at the kingdom, was razed. What else ensued? The Roman people by the very name of Aequimaelium, which they gave the place, decided that what had happened to Maelius was deserved; the punishment inflicted on his folly was approved. The house of Spurius Cassius was destroyed for the same reason; and on the same spot was built the temple of Tellus. The house of Marcus Vaccus was in Vaccus's meadows, which was confiscated and destroyed in order that his crime might be kept alive in people's recollection by the name of the place. Marcus Manlius, when he had beaten back the attack of the Gauls from the Capitoline steep, was not content with the renown of his good deed; he was adjudged to have aimed at regal power, and on that account you see

that his house was pulled down and the place covered with two groves. That therefore which our ancestors considered the greatest penalty which could be inflicted on wicked and infamous citizens, am I to undergo and to endure, so as to appear to posterity not to have been the extinguisher of conspiracy and wickedness, but its author and leader? [102] And will the dignity of the Roman people, O priests, be able to support this stain of infamy and inconsistency, while the senate live, while you are the chief man of the public council, if the house of Marcus Tullius Cicero appears joined with the house of Fulvius Flaccus by the memory of a punishment publicly inflicted? Marcus Flaccus because he had acted with Caius Gracchus in a manner opposed to the safety of the republic, was put to death by the sentence of the senate, and his house was destroyed and confiscated, and on the spot Quintus Catulus some time after erected a portico out of the spoils of the Cimbri. But that firebrand and fury of his country, when, under those great generals Piso and Gabinius, he had taken the city, and occupied, and was in entire possession of it, destroyed the memorials of a most illustrious man who was dead, and united my house with the house of Marcus Flaccus, in order that he, after he had crushed the senate, might inflict on him whom the conscript fathers had pronounced to be the saviour of his country, the same punishment which the senate had inflicted on the destroyer of the constitution. 39. [103]

But will you allow this portico to stand on the Palatine Hill, and on the most beautiful spot in the whole city, erected as an everlasting token to keep alive the recollection of all nations and of all foes of the frenzy of the tribunes, of the wickedness of the consuls of the cruelty of the conspirators, of the calamity of the republic, and of my sufferings? A portico which, out of the affection which you have and always have had for the republic, you ought to wish to pull down, not only by your votes, but, if it were necessary, even by your hands. Unless, perchance, the religious consecration of it by that chastest of pontiffs deters any one. [104]

O that action, which careless men laugh at, but which graver citizens cannot hear of without the greatest indignation; has Publius Clodius, who removed religion even out of the house of the Pontifex Maximus, introduced it into mine? Do you, you who are the

ministers of the religious ceremonies and sacrifices, admit this man to be an originator and regulator of public religion? O ye immortal gods! (for I wish you to hear these things), does Publius Clodius have the management of your sacred rites? Does he feel a reverent awe of your divine power? Is he a man who thinks that all human affairs are regulated by your providence? Is he not mocking the authority of all those eminent men who are here present? Is he not abusing your authority, O priests? Can any expression of religion escape or fall from that mouth? of religion, which with that same mouth you have most foully and shamefully violated, by accusing the senate of passing severe degrees about religion. 40. [105]

Behold, behold, O priests, this religious man, and if it seems good to you, (and it is only the duty of virtuous priests,) warn him that there are some fixed limits to religion that a man ought not to be too superstitious. Why was it necessary for you, O fanatical man, with an old woman's superstition, to go to see a sacred ceremony which was being performed at another person's house? And how was it that you were possessed with such weakness of mind as to think it not possible for the gods to be sufficiently propitiated, unless you intruded yourself into the religious ceremonies of women? Whom of your ancestors did you ever hear of, of those men who were attentive to their private religious duties, and who presided over the public priesthoods, who were present when a sacrifice was being offered to the Bona Dea? No one; not even that great man who became blind: from which it may be easily seen that in this life men form many erroneous opinions; when he, who had not knowingly seen anything which it was impious to see, lost his eye-sight; but in the case of that fellow, who has polluted the ceremonies, not only by his presence, but also by his incestuous guilt and, adultery, all the punishment due to his eyes has fallen on the blindness of his mind. Can you, O priests, avoid being influenced by the authority of this man, so chaste, so religious, so holy, so pious a man, when he says that he, with his own hands, pulled down the house of a most virtuous citizen, and with the same hands consecrated it to the gods? [106]

What was that consecration of yours? "I had carried a bill," says he, "to make it lawful for me to act." What? had you not inserted this clause in it, that if there was anything contrary to what was right in

the bill, it should be invalid? Will you then, O priests, by your decision, establish the point that it is right that the home of every one of you, and your altars, and your hearths, and your household gods, should be at the mercy of the caprice of the tribunes? that it is right for any one, not only to throw down the house of that man whom he may have chosen to attack with a body of excited men, and may have driven away by violence, — which is an act of present insanity, like the effect of a sudden terror, — but for him to bind that man and property for all future time by the everlasting obligation of religion? 41. [107]

I indeed, O priests, have always understood that in undertaking religious obligations the main thing is to interpret what the intention of the immortal gods appears to be. Nor is piety towards the gods anything but an honourable opinion of their divine power and intentions, while you suppose that nothing is required by them which is unjust or dishonourable. That disgrace to the city could not find one single man, not even when he had everything in his power, to whom he could adjudge, or deliver, or make a present of my house; though he himself was inflamed with a great desire for that spot and for the house, and though, on that account alone, that excellent man had brought in that exceedingly just bill of his to make himself master of my property, yet even in the height of his madness he did not dare to take possession of my house, with the desire of which he had been so excited. Do you think that the immortal gods were willing to remove into the house of that man to whose labour and prudence it was owing that they still retained possession of their own temples, dismantled and ruined as it was by the nefarious robbery of a most worthless man? [108] There is not one citizen in this numerous people, out of that polluted and blood-thirsty band of Publius Clodius, who laid hands on a single article of my property, or who did not in that storm defend it as if it had been his own. But they who caught the infection and polluted themselves with any partnership in the plunder, or in the purchase of anything, were not able to escape every sort of condemnation, whether public or private. Of this property then, of which no one touched a single thing without being accounted in every one's opinion one of the wickedest of men, did the immortal gods covet my house? Did that beautiful Liberty of

yours turn out my household gods and the eternal divinities of my hearth, in order to be established there herself by you, as if in a conquered country? [109] What is there more holy, what is there more carefully fenced round with every description of religious respect, than the house of every individual citizen? here are his altars, here are his hearths, here are his household gods: here all his sacred rites, all his religious ceremonies are preserved. This is the asylum of every one, so holy a spot that it is impious to drag any one from it. 42.

And on this account that man's madness is the more to be rejected by your ears who has not only attacked in a manner contrary to all religion those things which our ancestors intended to be safe and hallowed among us, as guarded by the sanction of religion, but has even made use of the name of religion to overturn them.

[110] And what goddess is she whom you have established there? She ought indeed to be the good goddess; since she has been consecrated by you. "She is Liberty," says he. Have you then established her in my house whom you have driven out of the whole city? Did you, after you had denied that your colleagues, — men invested with the highest power, — were free; after you had closed all access to the temple of Castor against every one; after you had ordered in the hearing of the Roman people, this most illustrious man, of a most noble family, who has received the greatest honours from the Roman people, a priest, and a man of consular rank, a citizen of singular gentleness and modesty of character, (a man of whom I cannot sufficiently wonder how you can dare to look him in the face,) to be kicked and trampled on by your attendants; after you had driven him out of the city without being condemned, having proposed a most tyrannical privilegium against him; after you had confined the first man in the whole earth to his house; after you had occupied the forum with armed bands of profligate men; — did you then place the image of Liberty in that house, which was of itself a proof of your most cruel tyranny and of the miserable slavery of the Roman people? Was he the man whom Liberty ought, of all men in the world, to have driven from his house, whose existence was the only thing that prevented the whole city from coming under the power of slaves? 43. [111]

But from whence was that Liberty brought? for I sought for her

diligently. She is said to have been a prostitute at Tanagra. At no great distance from Tanagra a marble image of her was placed on her tomb. A certain man of noble birth, not altogether unconnected with this holy priest of Liberty, carried off this statue to decorate his aedileship. He had in truth cherished the idea of surpassing all his predecessors in the splendour of his appointments. Therefore he brought away to his own house, like a prudent man as he was, all the statues and pictures, all the decorations of any sort, that remained in the temples and public places, out of Greece and out of all the islands, for the sake of doing honour to the Roman people. [112] After he understood that he might give up the aedileship, and still be appointed praetor by Lucius Piso the consul, provided he had any competitor whose name began with the same letter as his own, he stowed away what he had prepared for his aedileship in two places, partly in his strong-box, and partly in his gardens. He gave the statue which he had taken from the prostitute's tomb to that fellow, because it was much more suited to such people as he is than to Public Liberty. Can any one dare to profane this goddess, the statue of a harlot, the ornament of a tomb, carried off by a thief; and consecrated by a sacrilegious infidel? Is it she who is to drive me from my house? Is she the avenger of this afflicted city? Is she to be adorned with the spoils of the republic? Is she to be a part of that monument which has been erected so as to be a token of the oppression of the senate, and to keep alive for ever the recollection of this man's infamy? [113]

O Quintus Catulus! (Shall I appeal rather to the father, or to the son? The memory of the son is fresher, and more closely connected with my exploits.) How greatly were you mistaken when you thought that I should find the greatest possible reward — a reward, too, becoming every day greater in this republic when you said that it was impossible for there to be at the same time in this city two consuls hostile to the republic. Two have been found who gave over the senate bound hand and foot to a frantic tribune; who, by edicts and positive commands, prohibited the conscript fathers from entreating the people and coming to it as suppliants on my behalf; who looked on while my house was being sacked and plundered; who ordered the damaged relics of my property to be carried off to their own houses. [114] I come now to the father. You, O Quintus Catulus, chose the

house of Marcus Fulvius, though he was the father-in-law of your own brother, to be the monument of your victories, in order that every recollection of that man who had embraced designs destructive of the republic should be entirely removed from the eyes and eradicated from the minds of men if, when you were building that portico, any one had said to you that the time would come when that tribune of the people, who had despised the authority of the senate and the opinion of all virtuous men, should injure and overthrow your monument, while the consuls were not looking on only, but even assisting in the work, and should join it to the house of that citizen who as consul had defended the republic in obedience to the authority of the senate; would you not have answered that that could not possibly happen, unless the republic itself was previously overthrown? 44. [115]

But remark the intolerable audacity of the man, and at the same time his headlong and unbridled covetousness. That fellow never thought of any monument, or any religion; he wished to dwell splendidly and magnificently, and to unite two large and noble houses. At the same moment that my departure deprived him of all pretence for bloodshed, he was begging Quintus Seius to sell him his house; and when he refused to do so, he threatened that he would block up all his lights. Postumus declared that as long as he was alive that house should never belong to Clodius. That acute young man took the hint from his own mouth, as to what was best for him to do; and in the most open manner he took the man off by poison. He bought the house, after wearying out all the other bidders, for almost half as much again as he thought it really worth. What is my object in making this statement. [116] That house of mine is almost entirely empty; scarcely one-tenth part of my house has been added to Catulus's portico. The pretence was a promenade, and a monument, and that Tanagran lady Liberty, (all Roman liberty having been entirely put down). He had set his heart upon a portico with private chambers, paved to the distance of three hundred feet, with a fine court surrounded by a colonnade, on the Palatine Hill, commanding a superb view, and everything else in character, so as far to surpass all other houses in luxury and splendour. And that scrupulous man, while he was both buying and selling my house at the same moment,

still, even in a time of such darkness as that, did not venture to give in his own name as the purchaser. He put up that fellow Scato, a man whose virtue it was, no doubt, that had made him poor; so poor that among the Marsi, where he was born, he had no house in which he could take refuge from the rain and yet he said now that he had purchased the finest house on the Palatine hill. The lower part of the house he assigned not to his own Fonteian family, but to the Clodian family which he had quitted; but of all the numerous family of Clodius, no one applied for any share in his liberality except those who were utterly destitute from indigence and wickedness. 45. [117]

Will you, O priests, sanction this universal and unprecedented tyranny of every sort, this impudence and audacity and covetousness? "Oh," says he, "a priest was present." Are you not ashamed, when the matter is being discussed before the priests, to say that a priest was present, not the college of priests? especially when, as tribune of the people, you had power to summon them and even to compel their attendance. Be it so. You did not call in the whole college. Well. Which of the college was it who was present? For he had vested that authority in one individual which belongs to all of them; however, the age and rank of the man invest him with additional dignity. There was need also of knowledge and although they were all of them learned men, still no doubt age gives them still more experience. [118] Who then was it who was present? "The brother," says he, "of my wife." If we ask what was his authority, although he is of such an age that he cannot as yet have much, still even such authority as a young man can have is to be considered as diminished in his case, by reason of his near connection with and relationship to you. But if we ask what knowledge he has, who could have less than he who had only come into the college a few days before? And he was the more bound to you by your recent kindness to him, inasmuch as he had seen himself, the brother of your wife, preferred by you to your own brother. Although in that matter you took care that your brother should not be able to accuse you.

Do you then call that a dedication, to which you were not able to invite the college of pontiffs, or any single priest distinguished by honours conferred on him by the Roman people nor even any other young man, though you had some most intimate friends in the

college? He only was present, if indeed he was present, whom you yourself instigated, whom his sister entreated, and whom his mother compelled to be so. [119]

Take care now, O priests, what decision you give in this cause of mine, concerning the fortunes of all the citizens. Do you think that the house of every single citizen can be consecrated by the word of a priest, if he takes hold of a door-post and says something or other? But those dedications, and those religious ceremonies respecting temples and shrines, were instituted by our ancestors to do honour to the immortal gods, without inflicting any misfortune on their fellow-citizens. A tribune of the people has been found, who, assisted by the forces of the consuls, has rushed with all the violence of insanity on that citizen, whom, after he had been beaten down, the republic itself raised up again with its own hands. 46. [120]

What next? Suppose any one like that fellow, — for there will not be wanting men who will be willing to imitate him, — should by violence oppress some one who does not resemble me, to whom the republic does not owe as much as it does to me, and should dedicate his house by the agency of one priest; will you determine by your authority that a deed done in that manner ought to stand? Will you say, "What priest will such a man be able to find?" What? Cannot a tribune of the people be himself a priest also at the same time? Marcus Drusus, that most illustrious tribune of the people, was a priest also. Therefore, if he had taken hold of a door-post of the house of Quintus Caepio his enemy, and had uttered a few words, would the house of Caepio have been dedicated to the gods? I say nothing here about the privileges of the priesthood, nor about the language of the dedication itself; [121] I say nothing about religion, or religious ceremonies; I do not deny that I am ignorant of those matters, of which I should conceal my knowledge, even if I were acquainted with them, that I might not appear troublesome to others, and over curious to you; although many particulars of your usages do escape, and often reach the ears of the laity. I think, for instance, that I have heard that at the dedication of a temple, a door-post must be taken hold of. For the door-post is there where the entrance to the temple and its folding-door are. But no one ever took hold of the posts of a promenade in dedicating that; but if you have dedicated a

statue or an altar, that cannot be moved from its place afterwards without impiety. But you will not be able now to allege this, since you have said that the priest did lay hands on the post.

Although, why do I say anything about the dedication? or why do I discuss your right and the religious features of the case, contrary to my original intention? 47. [122]

But, even if I were to allow that everything had been done with the regularities of expression, according to ancient and established usages, I should still defend myself by the common law of the republic. When, after the departure of that citizen, to whose single exertions the senate and all good men had so often decided that the safety of the state was owing, you, with the aid of two most wicked consuls, were keeping down the republic which was groaning under the oppression of your most shameful robberies; when you had dedicated, with the countenance of some obscure priest, the house of that man who was unwilling that the country which had been preserved by him should perish on any pretence connected with him; could the republic when it had recovered itself endure that? [123] Once, O priests, give an opening for such religious acts as this, and you will very soon find no escape at all for any one's property. If a priest has laid his hand on a door-post, and has transferred expressions intended for the honour of the immortal gods to the injury of the citizens, will the holy name of religion avail to procure the ratification of such an injury, and yet will it not avail if a tribune of the people consecrates the goods of any citizen with a form of words no less ancient and almost equally solemn? But Caius Atinius, within the recollection of our fathers, consecrated the property of Quintus Metellus, who, as censor, had expelled him from the senate (your grandfather, O Quintus Metellus, and yours, O Publius Servilius, and your great-grandfather, O Publius Scipio;) placing a little brazier on the rostra and summoning a flute-player to assist him. What then? Did that frenzy of a tribune of the people, derived from some precedents of extreme antiquity, do any injury to Quintus Metellus, that great and most illustrious man? [124] Certainly not. We have seen a tribune of the people do the same thing to Cnaeus Lentulus the censor. Did he then at all bind the property of Lentulus to any peculiar sanctity?

But why should I speak of other men? You yourself; I say, with your head veiled, having summoned an assembly, having placed a brazier on the spot, consecrated the property of your dear friend Gabinius, to whom you had given all the kingdoms of the Syrians, and Arabians, and Persians. But if nothing was really effected at that time, why should my property be affected by the same measures? if, on the other hand, that consecration was valid, why did that abyss of a man, who had swallowed up with you all the blood of the republic, raise a villa as high as the heavens on my Tusculan estate, out of the funds of the public treasury? And why have I not been allowed to look upon the ruins of my property, — I, who am the only person who prevented the whole city from being in a similar condition? 48. [125]

I say nothing about Gabinius. Why? Did not Lucius Munius, the most fearless and most excellent of all men, consecrate your property by your own precedent? And if, because you yourself are concerned, you say that that action ought not to be ratified, did you in that splendid tribuneship of yours establish laws which, the moment that they were turned against yourself, you repudiated, though you made use of them to ruin other people? If that consecration be legal, then what is there in your property which can be applied to other than holy uses? Or has a consecration no power, while a dedication draws with it the sanctions of religion? What then was the meaning of your summoning that flute-player to be a witness? What was the object of your brazier? What became of your prayers? What was the meaning of all your old-fashioned expressions? Did you wish to lie, to deceive, to abuse the divine reverence due to the immortal gods, in order to strike terror into men? For if that act is once ratified — I say nothing about Gabinius, — most certainly your house and whatever else you have is consecrated to Ceres. But if that was a joke of yours, what can be more impure than you who have polluted every sort of religion by lies and adulteries? [126] “Well, I confess,” says he, “that in the case of Gabinius I did behave wickedly.” You see now that the punishment which was established by you with reference to another has been turned against yourself. But, O man, O you who are the very model of every possible crime and wickedness, do you deny with respect to me that which you admit in the case of Gabinius, — a

man the immodesty of whose childhood, the lust of whose youth, the disgrace and indigence of whose subsequent life, the open robberies of whose consulship, we have seen, — a man to whom even calamity itself could not happen undeservedly? Did do you? that that was a more solemn act which you performed with one young man alone for your witness, than it would have been if you had had the whole assembly in that character? "Oh," says he, "a dedication is an act which carries the greatest possible quantity of sanctity with it." 49. [127]

Does not Numa Pompilius appear to be speaking to you? Learn his speech by heart, O priests, and flamens. Do you too, O king of the sacrifices, learn of the man of your own family; although, indeed, he has quitted that family; but still learn from a man entirely devoted to religious observances, and just, and deeply skilled in all questions of religion. What? in the case of a dedication do not people inquire who says such and such a thing, and what he says, and how? Do you so confuse and mix up these matters, that whoever chooses can dedicate whatever he chooses, and in whatever manner he chooses? Who were you who performed the dedication? By what right did you do so? By what law? According to what precedent? By what power? When and where had the Roman people appointed you to manage that business? For I see that there is an old tribunitian law, which forbids any one to consecrate any house, land, or altar, without the order of the Roman people. Quintus Papirius, who proposed this law, did not perceive nor suspect that there would be danger lest hereafter the houses or possessions of citizens who had not been condemned might be consecrated. For that could not lawfully be done; nor had any one ever done such a thing; nor was there any reason why a prohibition should be issued, the effect of which appeared likely to be not so much to deter people from an action as to remind them of it. [128] But because buildings were consecrated, — I do not mean the licenses of private persons, but those which are called sacred buildings, — and because lands were consecrated, not in such a way that any one who chose might consecrate our farms, but that a general might consecrate lands taken from the enemy; and because altars were erected, which carried with them a degree of sanctity to the place in which they were consecrated; he forbade all these things to be done unless the people ordered them. And if your interpretation of these

edicts be that they were framed with reference to our houses and lands, I make no objection. But I ask, what law was passed that you should consecrate my house? where this power was given to you? and by what right you did it? And I am not now arguing about religion, but about the property of all of us; nor about the sacerdotal law, but about the common law. 50.

The Papirian law forbids any building to be consecrated without the command of the people. Grant that that law refers to our houses, and not to the public temples. Show me one word of consecration in that law of yours — if it is a law, and not merely an expression of your wickedness and cruelty. [129] But if then, at the time of that shipwreck of the republic, everything necessary had occurred to you, or if the man who drew that law for you at the time of that general conflagration of the state had not been making contracts with the Byzantine exiles and with the royal ambassadors, but had his mind at leisure to attend to (what I will not call the ordinances, but) the monstrous papers which he was drawing, then you would have done what you wanted, if not in fact at all events as far as regular legal language went. But at one and the same time bonds for money were being drawn, treaties with provinces were being entered into, titles of kings were being put up for sale, the numbering of all the slaves was going on over the whole city street by street enemies were being reconciled, new commands were being given to the Roman youth, poison was being prepared for that unhappy Quintus Seius, designs were being formed for assassinating Cnaeus Pompeius, the bulwark and protector of the empire, and to prevent the senate from having any power, and to cause the good to mourn for ever, and to reduce the captive republic, by the treachery of the consuls, to a state of subjection to the violence of the tribunes. When such numerous and such important designs were all on foot, it is no wonder, especially while you were both in such a state of frenzy and blindness, that many things escaped both his notice and yours. [130]

But take notice now, what the effect of this Papirian law is in such a case as this; not such a case as you bring forward, full of wickedness and frenzy. Quintus Marcius the censor had made a statue of Concord, and had erected it in a public place. When Caius Cassius the censor had transported it into the senate-house, he consulted your college, and asked whether there was any reason why he should not dedicate that statue and the senate-house to Concord. 51.

I beseech you, O priests, compare man with man, the one time with the other, this case with that case. The one man was a censor of the greatest moderation and of the highest character; the other was a tribune of the people, of preeminent wickedness and audacity. That period was one of tranquillity, when the people enjoyed a full measure of liberty, and the senate all its legitimate authority; but your time was a time when the liberty of the Roman people was oppressed, and when the authority of the senate was destroyed. [131] The proposed measure was one full of justice, wisdom, and dignity. For the censor, to whose power (though you have abolished that) our ancestors chose to commit the decision respecting the dignity of each member of the senate, wished the statue of Concord to be in the senate-house, and wished also to dedicate the senate-house to that goddess. It was a noble intention, and one worthy of all praise. For he thought that by that measure he was enjoining that opinions should be delivered without party spirit or dissension, if he bound the place itself and the temple of public counsel by the religions reverence due to the goddess Concord. You, when you were keeping down the enslaved and oppressed city by the sword, by fear, by edicts, by privileges, by bands of abandoned men constantly present, and by the fear of the army which was absent and by threats of bringing it up, and by the assistance of the consuls, and by your nefarious agreement with them, erected a statue of Liberty in a mocking and shameless spirit, rather than with even any pretence to religion. He was dedicating a thing in the senate-house, which he was able to dedicate without any inconvenience to any one. You have erected an image not of public Liberty, but of licentiousness, on what I may call the blood and bones of that citizen who of all others has

deserved best of the republic. [132] And moreover he referred his design to the sacred college: to whom did you refer yours? If you deliberated at all, if you had anything which you wished to expiate, or any domestic sacrifice which you desired to institute, still according to the ancient practice of other men you should have referred the matter to the priests. When you were beginning a new temple in the most beautiful spot in the city, with some wicked and unheard of object, did you not think that you ought to refer the matter to the public priests? But if you did not think it desirable to consult the whole college of priests, was there no single one of them who seemed to you a suitable man (of those who are eminent among all the citizens for age and honour and authority) for you to communicate your intention about the dedication to him? The truth was, not that you despised, but that you were afraid of their dignity. 52.

Could you have dared to ask Publius Servilius or Marcus Lucullus, (men by the assistance of whose wisdom and authority I as consul snatched the republic out of your hands, out of your jaws,) with what words or with what ceremony you could consecrate the house of a citizen? (that is my first point;) and in the next place, of that citizen, to whom the chief of the senate, to whom all ranks of men, to whom all Italy, to whom every nation upon earth, bore testimony that he had saved this city and empire? What would you say, O you most wicked and mischievous disgrace to the city? [133] "Come forward, come forward, Lucullus, Servilius, while I dedicate the house of Cicero. Come, stand before me, and take hold of the door-post." You are, in truth, a man of extraordinary audacity and impudence, but still your eyes, and countenance, and voice would have failed you while those men who, by their dignity, upheld the character of the Roman people and the authority of the empire, were striking terror into you by their dignified language, and saying that it would be impious for them to be present at your frantic deeds, and at such wicked and parricidal attacks on the country. [134] And when you saw this, then you betook yourself to your kinsman, — not that he was selected by you, but that he was left you by the rest. And yet I believe that he, — if he is really descended from those men who, it is traditionally reported, learnt their sacred ceremonies from Hercules

himself; after he had completed his labours, — would not have been so cruel with respect to the distress of a brave man, as with his own hands to place a tomb on the head of a man still living and breathing; as he either actually said and did nothing at all, and bore this as a punishment for the rashness of his mother, that he lent his presence though mute, and his name to this sin; or, if he did say anything in a few faltering words, and if he did touch the door-post with trembling hand, at all events he did nothing regularly or solemnly, nothing according to proper usages or established forms. He had seen Murena, his stepfather, the consul elect in company with the Allobroges, bring to me when I was consul the proofs of the conspiracy for the general destruction. He had heard from him that he had twice received safety from me, once as an individual, and a second time in common with the whole body of citizens. [135] Who is there, then, who can think that this new priest, performing this his first religious ceremony, and uttering these his first official words since his admission to the priesthood, would not have felt his tongue grow mute, and his hand grow torpid, and his mind become weakened and fail through fear; especially when out of all that numerous college he saw neither king, nor flamen, nor priest and was compelled against his will to become a partner in another's wickedness, and was enduring the most terrible punishment of his most disgraceful relationship? 53. [136]

But to return to the question of the vindication of the public rights, which the priests themselves have always adapted not only to their own ceremonies, but also to the commands of the people. You have a statement in your records, that Caius Cassius the censor consulted the pontifical college about dedicating the statue of Concord, and that Marcus Aemilius, the Pontifex Maximus, answered him on behalf of the college, that unless the Roman people had appointed him by name to superintend that business, it did not appear to them that the statue could properly be consecrated. What more? When Licinia, — a vestal virgin, a woman of the highest rank, and invested with the most holy of all priesthoods, — in the consulship of Titus Flamininus and Quintus Metellus, had dedicated an altar, and a little chapel, and a cushion at the foot of the sacred rock; did not Sextus Julius the praetor refer that matter to this college, in obedience to the authority

of the senate? when Publius Scaevola, the Pontifex Maximus, answered on behalf of the college, “that what Licinia, the daughter of Caius, had dedicated in a public place without the authority of the people, did not appear to be holy.” And with what impartiality and with what diligence the senate annulled that act, you will easily see from the words of the resolution of the senate. Read the resolution of the senate. [The resolution of the senate is read.] [137] Do not you see that a commission is given to the praetor of the city, to take care that that which she had consecrated should not be accounted holy? and that, if any letters had been engraved or inscribed upon it, they should be removed? Shame on the times, and on their principles! Then the priests forbade the censor, a most holy man, to dedicate it statue to Concord in a temple which had not been duly consecrated. And after that the senate voted that that altar, which had been consecrated on a most venerable spot, should be taken down in obedience to the authority of the priests, and did not permit any memorial of writing to exist as a relic of that dedication. You, O storm ravaging your country, — you whirlwind and tempest dispelling peace and tranquillity, — did you hope that the republic would endure what you (in the shipwreck of the state, when darkness was spread over the republic, when the Roman people was overwhelmed, when the senate was overturned and expelled,) pulled down and built up? what you, after having violated every feeling of religion, still polluted under the name of religion? that it would endure the monument of the destruction of the republic which you erected in the house of this citizen who is now speaking, and in the city which he had preserved by his own exertions and dangers, to the disgrace of the knights and the grief of all virtuous men; that it would endure the inscription which you had placed there after having erased the name of Quintus Catulus, one moment longer than the time that it was absent from these walls, from which it had been driven at the same time that I myself was?

But if, O priests, you decide that no man who had a right to do so by law performed this dedication, and that nothing was dedicated which lawfully might be; then why need I prove that third point which I originally proposed to establish; namely, that he did not dedicate it with those forms and words which such ceremonies

require? 54. [138]

I said at the beginning, that I was not going to say anything about your peculiar science; nor about the sacrifices, nor about the recondite laws of the priests. The arguments which I have hitherto advanced about the right of dedication, have not been drawn from any secret description of books, but are taken from common sources, from things openly done by the magistrates and referred to the sacred college, from resolutions of the senate, and from the law. Those inner mysteries, what ought to be said, or enjoined, or touched, or taken hold of are still your own. [139] But if it were proved that all these things had been done in a manner equal to the knowledge of Coruncanius, who is said to have been the most experienced of priests; or if that great man Marcus Horatius Pulvillus, who when many men out of envy endeavoured to hinder his dedication by false pretences about religion, resisted them, and with the greatest firmness dedicated the Capitol, had himself presided at such a dedication as this, still I say that accuracy of religious observance would not hallow a wicked act; much less can that act have any validity which an unskillful young man, a new priest, influenced by the prayers of his sister and the threats of his mother, ignorant and unwilling, without colleagues, without books, without any adviser or assistant, is said to have performed by stealth, with trembling heart and faltering tongue; especially when that impure and impious enemy of all religion, who in defiance of all that is right or holy had often been as a woman among men, and a man among women, completed the business in so hurried and disorderly a manner, that neither his senses, nor his voice, nor his language, had any consistency in them. 55. [140]

It was then reported to you, O priests, and after that it became a common topic of conversation, how he, with preposterous language with ill-omened auspices, at times interrupting himself, doubting, fearing, hesitating, pronounced and did everything in a manner wholly different from that which you have recorded as proper in your books. It is, indeed, not very strange that in doing an act of such wickedness and such insanity, even his audacity could not wholly repress his fear. In truth, if no robber was ever so savage and inhuman, as, when he had plundered temples, and then, having been

excited by dreams or some superstitious feelings, consecrated some altar on a desert shore, not to shudder in his mind when compelled to propitiate with his prayers the deity whom he has insulted by his wickedness; what do you suppose must have been the agitation of mind of that plunderer of every temple, and of every house, and of the whole city, when he was consecrating one single altar to avert the vengeance due to his numberless acts of wickedness? [141] He could not possibly (although the insolence of power had elated his mind, and although he was armed by nature with incredible audacity) fail to blunder in his proceedings, or to keep constantly making mistakes, especially when he had a priest and teacher who was compelled to teach before he had learnt himself. There is great power, not only in the divinity of the immortal gods, but also in the republic itself. When the immortal gods saw the guardian and protector of their temples driven away in a most wicked manner, they were unwilling to quit their temples and to remove into his house. Therefore they alarmed the mind of that most insensible man with fear and anxiety. But the republic, although that was banished at the same time with myself, was still constantly present to the eyes of its destroyer, and from his excited and kindled frenzy was constantly demanding my restoration and its own. What marvel then is it, if he, urged on by the insanity of fear and drawn on headlong by wickedness, was neither able properly to perform the ceremonies which he had begun, nor to utter one single word in due order with proper solemnity? 56. [142]

And as this is the case, O priests, recall now your attention from this subtle argument of ours to the general state and interests of the republic, which you have before now had many gallant men to assist you in supporting, but which in this cause you are upholding on your own shoulders alone. To you the whole future authority of the senate, which you yourselves always led in a most admirable manner during the discussion of my case; to you that most glorious agitation of Italy, and that thronging hither of all the municipal towns; to you the Campus Martius, and the unanimous voice of all the centuries, of which you were the chiefs and leaders; to you every company in the city every rank of men all men who have any property or any hopes, think that all their zeal for my dignity, all their decisions in my favour are not only entrusted, but put wholly under your protection.

[143] Lastly the immortal gods themselves, who protect this city and empire, appear to me to have claimed the credit of my return and of the happiness which it has diffused as due to the power and judicial sentence of their priests in order to make it evident to all nations and to all posterity that I had been restored to the republic by divine agency. For this return of mine, O priests and this restoration consists in recovering my house, my possessions, my altars, my hearths, and my household gods. And if that fellow with his most wicked hands tears up their dwellings and abodes and with the consuls for his leaders, as if the city were taken, has thought it becoming to destroy this house alone, as if it were the house of its most active defender, still those household gods, those deities of my family, will be by you replaced in my house at the same time as myself. 57. [144]

Wherefore, O I pray and entreat you, O thou great God of the Capitol, thee whom the Roman people has styled, on account of your kindnesses to us, All Good, and, on account of your might All Powerful; and you, O royal Juno; and you, O guardian of the city, O Minerva, you who have at all times been my assistant in my counsels, and the witness of my exertions; and you too, you who above all others have claimed me back and recalled me, you, for the sake of whose habitations most especially it is that I am engaged in this contest, O household gods of my fathers, and of my family; and you too, who preside over this city and this republic, you do I entreat, from whose spires and temples I once repelled that fatal and impious flame, you too do I supplicate, O Vesta, whose chaste priestesses I have defended from the rage and frenzy and wickedness of men whose renowned and eternal fire I could not suffer either to be extinguished in the blood of the citizens or to be confused with the conflagration of the whole city, I entreat you all that, — [145] if at that almost fatal crisis of the republic I exposed my life, in defence of your ceremonies and temples, to the rage and arms of abandoned citizens; and it at a subsequent time, when the destruction of all good men was aimed at through my ruin, I invoked your aid, I recommended myself and my family to your protection, I devoted myself and my life, on condition that it both at that moment, and previously, and in my consulship, disregarding all my own advantage, all my own interests, and all reward for my exertions, I

strove with all my anxiety and thoughts and vigilance for nothing but the safety of my fellow-citizens, I might be allowed some day or other to enjoy my country restored to me; but if my counsels had been of no service to my country, then, that I might endure everlasting misery, separated from all my friends; — I may be allowed to think this devotion of my life accepted and approved by the gods, when I am by your favour restored to my home. [146] For at present, O priests, I am not only deprived of my house, which you are at present inquiring into, but of the whole city, to which I appear to be restored. In the most frequented and finest part of the city, look to that (I will not say monument, but) wound of the country. And as you must see that that sight is to me one which is more to be detested and avoided than death itself; do not, I entreat you, allow that man by whose return you have thought that the republic too would be restored, to be deprived not only of the ornaments suited to his dignity, but even of his part in the city. 58.

I am not moved by the plundering of my property, nor by the razing of my houses, nor by the devastation of my farms, nor by the booty most cruelly taken by the consuls out of my possessions. I have always considered these as perishable and fleeting gifts of fortune and of the times, and not as proofs of virtue or genius; and they are things, too, of which I have never thought it becoming to wish for plenty and abundance, so much as for moderation in enjoying them, and patience if deprived of them. [147] In truth, the moderate amount of my family property very nearly corresponds to my necessities; and I shall leave a sufficiently ample patrimony to my children in the name and memory of their father. But I cannot without great discredit to the republic, and great shame and misery to myself, continue deprived of my house, which has been taken from me by wickedness, and, under pretence of religion, built up again with even more impiety than it was pulled down.

Wherefore, if you consider that my return is pleasing and acceptable to the immortal gods, to the senate, to the Roman people, to all Italy, to the provinces, to foreign nations, and to yourselves who have always taken the lead in and exercised a principal influence over all measures connected with my safety, I beg and entreat you, O priests, now, since it is the will of the senate that you should do so, to

place me, whom you have restored by your authority and zeal and votes to my country, with your own hands in my house.

PRO SESTIO (In Defense of Publius Sestius)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF PUBLIUS SESTIUS.

THE ARGUMENT.

Publius Sestius, when tribune of the people, had been one of those who had exerted themselves most strenuously to promote Cicero's recall, and had shown himself most devoted to his interest, though some coolness had sprung up between them afterwards owing to Sestius's thinking that Cicero was not sufficiently sensible of his obligations to him. Having, however, become very obnoxious to all the friends of Catiline's party, Clodius instigated Marcus Tullius Albonovanus to prosecute him on an accusation of having been guilty of violence and breaches of the peace during his tribunate and they both expected that Cicero would be neutral in the cause, but he went of his own accord to Sestius, and offered to undertake his defence. Pompeius attended this trial as a friend to Sestius, but Caesar sent his friend Vatinius to give evidence against him. (See the next speech.)

This speech was delivered A. U. C. 698.

Sestius was unanimously acquitted.

1. If any one in times past, O judges, was used to wonder what was the reason why in a republic of such power, and in an empire of such dignity, there were not found any great number of citizens endowed with so fearless and magnanimous a spirit as to dare to expose themselves and their personal safety to danger on behalf of the constitution of the state and of the general liberty; from

henceforward he must wonder if he ever sees any virtuous or intrepid citizens, rather than if he occasionally finds one timid, and caring more for his own interests than for those of the republic. For without calling to mind and considering the case of each separate individual, you can see at one survey those men who joined the senate and all virtuous citizens in raising up our afflicted country, and delivering it from a horde of domestic robbers, now with sad countenances and mourning garments struggling as defendants for their freedom, for their characters, for their rights as citizens, for their fortunes, and for their children; and those who have polluted, and attacked, and thrown into confusion, and overturned all divine and human laws, going about the city merry and joyful, and, while they are without any provocation, contriving danger for the bravest and best of the citizens, in no fear whatever for themselves.

[2] And though there is much that is scandalous in such a state of things, yet is there nothing more intolerable than that they now seek to employ not their bands of robbers, not men desperate through want and wickedness, but you yourselves, the best men in the city, for the purpose of bringing us and other most virtuous men into danger. And they now think that, as they were unable to destroy them by stones, and swords, and firebrands, by violence, and personal force, and armed bands, they will be able to effect their purpose through the instrumentality of your authority, your integrity, and your judicial decisions.

But, O judges, since I am compelled now to exert that voice in order to ward off danger from them, which I had hoped to be able to devote to returning thanks to, and to commemorating the kindness of those men who have conferred the greatest services on me, I entreat you to allow that voice to be useful to them to whose exertions it is owing that it has been restored at all to myself, and to you and to the Roman people. 2. [3]

And although the case of Publius Sestius has been summed up by Quintus Hortensius, that most illustrious and most eloquent man; and though nothing has been omitted by him which he could possibly urge either in the way of complaint over the condition of the republic, or of argument for the defendant; still I will come forward also to speak for him, lest my exertions in defence should appear to

be wanting to that man to whom it is owing that they are not wanting to every one of the citizens. And I consider, O judges, that in this case, and now speaking as I am at the close of it, the part which belongs to me is to argue the matter on grounds of affection, rather than to defend my client by an appeal to the strict law; to employ complaints rather than eloquence, and to display my grief rather than my ability. [4] And, therefore, if I plead with more vehemence or more freedom than those who have spoken before me, I beg of you to listen to my speech with much indulgence, and to make all the allowance for it that you think is due to pious grief and just indignation. For no man's grief can be more intimately connected with his duty than this present grief of mine, being caused as it is by the peril of a man who has done me the greatest possible services. Nor is any indignation more praiseworthy than that with which I am inflamed by the wickedness of those men, who have thought it their business to declare war against all the defenders of my safety. [5] But since his other counsel have spoken of each separate charge, I will speak of the entire state of the case as affecting Publius Sestius of his conduct throughout his life of his natural disposition, of his habits, of his incredible affection for all good men, of his zeal for the preservation of the general safety and tranquillity; and I will endeavour — if it be only possible for me to succeed — to prevent anything, in all this miscellaneous and general defence, from appearing omitted by me which has any connection either with this investigation before you, or with the defendant, or with the republic.

And since the tribuneship of Publius Sestius was placed by fortune itself in the most critical period of the state, and amid the ruins of the overthrown and prostrate republic, I will not approach those most important and serious topics before I have first shown you by what beginnings, and on what foundations, the great glory was built up which he gained under the most trying circumstances. 3. [6]

Publius Sestius, O judges, was born (as most of you know) of a wise and conscientious and strict father, who, after he had been appointed as the first tribune of the people among a number of most noble men and in a prosperous time of the republic, was not so eager to obtain the other honours of the state as to seem worthy of them. By the advice of that father, he married the daughter of a most

honourable and thoroughly tried man Caius Albinus by whom he had this boy whom you see here, and a daughter who is now married. My client was so highly esteemed by these two men of the highest class of old-fashioned virtue, that he was beyond all things beloved by and agreeable to both of them. The death of his daughter took away from Albinus the name of his father-in-law, but it did not take away the affection and good-will engendered by that connection. And to this very day he is very fond of him, as you may judge by his constant attendance here, and by his anxiety for him, and by his frequent solicitations to you on his behalf. [7] He married a second wife, while his father was still alive, the daughter of a most virtuous but most unfortunate man, Caius Scipio. And with respect to this man, the piety of Publius was shown in a most remarkable way, and one acceptable to all men, for he immediately went to Massilia to see and comfort his father-in-law, cast out as he was by the waves of the republic, lying in a foreign land, a man who ought to have stood in the footsteps of his ancestors. And he conducted his daughter to him, in order to induce him, by that unexpected sight and embrace, to lay aside, if not all, at least some part of his sorrow; and as long as he lived he supported with the most unceasing attentions the sorrow of the father and the desolate condition of his daughter.

I might here say a great deal about his liberality, his attention to his domestic duties, his conduct as military tribune, and his great moderation in his province in the discharge of the duty of that magistracy; but I keep always in my view the dignity of the republic, which summons me to the consideration of herself, and exhorts me to pass over these minor points.

[8] My client, O judges, was indeed, by lot the quaestor of Caius Antonius, my colleague, but by his sharing in all my counsels he was in effect mine. I am prevented by scruples concerning the pledge of confidence, as I interpret it, under which such duties are performed, from explaining to you how much information he brought to me, and what great foresight he displayed. And of Antonius I will only say this one thing; that in that time of exceeding fear and danger to the state, he never once attempted either to remove by any denial or to allay by any concealment the general apprehensions of all men, or the especial suspicion conceived by some persons with respect to

himself. And if you were accustomed with truth, while I was occupied in supporting and restraining that colleague of mine, to praise my indulgence to him, united as it was with the greatest watchfulness over the interests of the republic, almost equal praise ought to be given to Publius Sestius, who kept such a watch on his own consul that he seemed to him to be a good quaestor, and to all of you to be a most excellent citizen. 4. [9]

Moreover, when that conspiracy had burst forth from its hiding place and from darkness, and stalked about in arms through the city, he came with the army to Capua; which city we suspected, on account of its exceeding resources and advantages in time of war, was likely to have attempts made on it by that impious and wicked band. And he drove Marcus Aulanus, a military tribune devoted to Antonius, headlong out of Capua; a profligate man, and one who without much disguise had mixed in the intrigues of the conspiracy at Pisaurum, and in other parts of the Gallic territory. He also took care to get rid of Caius Marcellus out of that city, after he had not only come to Capua, but, as if from a fondness for warlike arms, had frequently visited a very numerous troop of gladiators. On which account that illustrious body of Roman settlers which is at Capua, which, on account of the way in which I preserved the safety of that city during my consulship, has adopted me as their only patron, returned the greatest thanks to this Publius Sestius, when he was at my house; and at this very time those same men, changing only their name, and appearing as colonists, and decurions, — most gallant and virtuous men that they are! — come forward to give evidence, and to declare the services done to them by Publius Sestius, and to inform you of their public vote according to which they entreat you to protect him from danger. [10]

Read, I beg, O Publius Sestius, what the decurions of Capua decreed, in order that your childish voice may be able to give some hint to our adversaries what it appears likely to be able to do when it has acquired strength. [The decree of the decurions is read.] I am not having a decree read which has been dictated by any obligations of neighbourhood, or clientship, or relation of public hospitality, or which was passed because of a canvass for it, or because of the recommendation of some powerful man. I am reciting to you the

expression of a recollection of dangers which have been passed through, the declaration of a most honourable service done to a people, a present return of kindness, and a testimony of past events. [11] And at that very time when Sestius had released Capua from fear, and the senate and all good men, by the detection and crushing of all domestic enemies, had, under my guidance, delivered the city from the greatest dangers, I sent letters to summon him from Capua with that army which he had at that time with him. And the moment he had read the letters, he flew to the city with inconceivable rapidity. And in order that you may thoroughly call to mind the atrocity of those times, listen to the letters, and stir up your memories to a contemplation of the time that is gone by. [The letters of Cicero, the consul, are read.] 5.

By this arrival of Publius Sestius, the attacks and attempts of the new tribunes of the people, who then, in the last days of my consulship, were endeavouring to give me trouble on account of the deeds which I had performed, and all the over violent designs of the conspiracy, were checked. [12] And after it was perceived that while Cato, as tribune of the people, a most fearless and excellent citizen, defended the republic, the senate and the Roman people by themselves, without any assistance from the military, could easily uphold both their own majesty and the dignity of those men who had defended the general safety at their own personal risk, Sestius with that army of his followed Antonius with the greatest possible rapidity. Here why need I mention by what conduct he stirred up the consul to act with energy? or how many motives for exertion he suggested to that man, desirous, perhaps, of victory, but still too much afraid of the common dangers and chances of warfare and of battle? That would be a very long story; but thus much I will say briefly. If the courage of Marcus Petreius had not been most admirable; if his virtue in state affairs had not been faultless; if his influence among the soldiers had not been overpowering; if his experience in military affairs had not been most surprising; and if, above all, Publius Sestius had not cooperated with him in exciting, encouraging, reproving, and spurring on Antonius, — winter would have overtaken them before the end of that war, and Catiline, when he had emerged from those frosts and snows of the Apennines, and,

having the whole summer before him, had begun to plunder the roads of Italy and the folds of the shepherds, would never have been destroyed without enormous bloodshed, and most miserable devastation extending over the whole of Italy. [13]

These then were the feelings which Publius Sestius brought to his tribuneship that I may forbear to speak of his quaestorship, — and come at last to things nearer to ourselves. Although I must not omit to speak of that singular integrity of his in the province of which I lately saw traces in Macedonia, not lightly imprinted to celebrate something for a short time, but fixed in the everlasting recollection of that province. But, however, we will pass over all these things, though not with out turning back and fixing one last look upon them. 6.

Let us come with eager zeal and rapid course to his tribuneship, since that has been for some time inviting us to contemplate it, and since it occupies a large portion of my speech. [14] And that tribuneship has already been spoken of by Quintus Hortensius in such a way that his speech not only appears to contain a complete defence to every count of the accusation, but would even be worth recollecting as laying down admirable rules for the principles and system on which a man ought to proceed in discharging the duties of a public office. But still since the entire tribuneship of Publius Sestius did nothing but uphold my name and my cause, I think it necessary for me, O judges, if not to discuss the whole matter with precision at all events to speak of it in a tone of lamentation.

PRO CAELIO (In Defense of Marcus Caelius Rufus)

Translated by C. D. Yonge

The *Pro Caelio* was given on April 4, 56 BC in defence of Marcus Caelius Rufus, who had once been Cicero's student, but had become more recently a political rival. Cicero's reasons for defending Caelius are uncertain though various theories have been made. The speech is regarded as one of the best examples of Roman oratory known and has been so regarded throughout history, being noteworthy as a prime example of Ciceronian technique.

Caelius was charged with *vis* (political violence), one of the most serious crimes in Republican Rome. Caelius' prosecutors, Lucius Sempronius Atratinus, Publius Clodius (though it has been suggested that this is Publius Clodius Pulcher, it was more likely a freedman or relative) and Lucius Herennius Balbus, charged him with the following

- Inciting civil disturbances at Naples;
- assault on the Alexandrian at Puteoli;
- damage to the property of Palla;
- taking gold for the attempted murder of Dio of Alexandria, then attempted poisoning of Clodia; and
- the murder of Dio.

The charges made against Caelius were all connected to the attempt of King Ptolemy Auletes of Egypt to recover his throne after being deposed in 59 BC. After he was deposed, Ptolemy fled to Rome, where he pleaded with the Senate to give him an army so that he might reclaim his throne. However, the Alexandrians were not interested in giving Ptolemy back the throne of Egypt and sent a deputation of one hundred citizens, led by the philosopher Dio, to the Roman Senate to hear their case. Ptolemy reacted by bribing, intimidating, and even murdering members of the deputation, which

angered Roman citizens. Despite Ptolemy's efforts, Dio successfully made it to Rome and stayed in the house of Titus Coponius, a member of the senate. In 57 BC, the consul Publius Cornelius Lentulus Spinther decreed that Ptolemy should be restored to the throne of Egypt. However, an oracle was found in the Sibylline Books that forbade Ptolemy's restoration and the senate was forced to rescind its decree. Exhausted from his attempts to reclaim his throne, Ptolemy retired to Ephesus. In Rome, Pompey waited for the command to claim the throne of Egypt.

In 56 BC, Dio was murdered. The public directed most of their anger toward Pompey, whom they believed responsible for the murder. At first, Publius Asicius, who was supposedly an agent of Pompey, was prosecuted for the murder of Dio. However, after Cicero successfully defended him, Asicius was acquitted and Caelius was prosecuted for the murder.

THE SPEECH OF M. T. CICERO IN DEFENCE OF MARCUS CAELIUS.

THE ARGUMENT.

Marcus Caelius was a young man of the equestrian order, and had been a sort of pupil of Cicero himself; and was a man of very considerable abilities. When a very young man, he had distinguished himself by prosecuting Caius Antonius, who had been Cicero's colleague in his consulship; and after that, by prosecuting Lucius Atratinus for bribery and corruption. Out of revenge for this last prosecution, he was now impeached by the son of that Lucius Atratinus for public violence, in having been concerned in the murder of Dio, the chief of the Alexandrian embassy, and in an attempt to poison Clodia, the sister of Clodius. The real truth is said to have been that this prosecution was mainly instigated by Clodia, who considered herself slighted by Caelius, who had been a lover of hers. Caelius was a tenant of Clodius for a house on the Palatine Hill. He was acquitted, and was at all times very grateful to Cicero for his exertions. Some years afterwards he was praetor, in which capacity he recalled Milo from his banishment at Marseilles, and with Milo was murdered by the soldiery, with whom he was tampering in the hopes of being able to effect some diversion in favour of Pompey, a short time before the battle of Pharsalia.

1. If any one, O judges, were now present by any chance, ignorant of our laws, and of our judicial proceedings, and of our customs, he would in truth wonder what great atrocity there is in this particular cause of so serious a nature, as to cause this trial alone to be proceeded with during these days of festival and public games, when all other forensic business is interrupted; and he would not doubt that a criminal was being prosecuted for a crime of such enormity, that, if it were neglected, though but for a moment, the state could no longer stand upright. If the same man were to hear that there is a law which orders daily investigations to take place about seditious and wicked

citizens, who may have taken arms and besieged the senate or offered violence to the magistrates, or attacked the constitution, he would find no fault with the law, but he would inquire what is the crime which is now before the court; and when he heard that there was no crime at all, no audacity, no deed of violence which was the subject of this present action, but that a young man of eminent abilities, and industry, and popularity is impeached by the son of that man whom he himself prosecutes and has prosecuted and that he is attacked owing to the influence of a prostitute, he would not find fault with the filial affection of Atratinus, but he would think it right to curb the lust of the woman, and he would think you the judges a really laborious race, when you are not allowed to be at rest at a time of universal rest to every one else.

[2] In truth, if you are willing to attend diligently, and to form a correct opinion of the whole of this cause, O judges, you will make up your minds that no one would ever have come down to the court, to prefer this accusation who had the power of doing so or not, just as he pleased; and that, when he had come down, he would not have had the slightest hope of succeeding if he had not relied on the intolerable licentiousness and exaggerated hatred of some one else. But, for my part, I can make allowance for Atratinus, a most humane and virtuous young man, and a great friend of my own; who has the excuse of filial affection, and necessity, and of youth. If he wished to accuse my client I attribute it to his filial affection; if he was ordered to do so, I lay the blame on the necessity; if he had any hope of succeeding, I impute that to the inexperience of his boyhood. But as for the other partners in this impeachment, those I have not only no allowance to make for, but I must resist them most vigorously. 2. [3]

And, O judges, this beginning of my defence appears to me to suit most especially with the youth of Marcus Caelius so that I should reply first to those things which the accusers have advanced with the general view of disparaging him and for the sake of detracting from his honour and despoiling him of his dignity. His father was cast in his teeth on various accounts, — at one time as having been a man of no great respectability himself; at another, he was said to have been treated with but little respect by his son. On the score of dignity, Marcus Caelius, to those who know him and to the older men among

us, is of himself, without speaking, himself able easily to make a very sufficient reply, and without my having any occasion to make any statement for him; but as for those to whom he is not equally well known, on account of his great age, which has now for some time hindered his mixing much with us in the forum, let them think this: that whatever dignity can exist in a Roman knight, — and certainly the very greatest may be found in that body, — has always been considered, and is to this day considered, to shine out in great lustre in the case of Marcus Caelius; and moreover it is so considered, not only by his own relations and friends, but by every one to whom he can possibly be known on any account whatever. [4]

And to be the son of a Roman knight ought neither to be attributed to any one as a crime, either by the present prosecutor, or before those men who are the judges, or while I am the counsel for the defence. For as to what you have said about his filial affection, or the want of it, that can only be a vague opinion of ours, but the decision as to the truth of it must certainly rest with his parent. What our opinion is, you shall hear from witnesses on their oath: what his parents feel to be the truth, the tears of his mother and her incredible sorrow, the mourning appearance of his father and his distress which you now behold, and his agony, sufficiently declare. [5] For as to the attack made upon him, that as a young man he was not well thought of by his fellow-citizens of the same municipal town, I say that the people of Puteoli never paid greater honours to any one when he was among them than they did to Marcus Caelius while he was absent; for though he was absent they elected him a member of their most honourable body; and they conferred those distinctions on him without his asking for them, which they have refused to numbers when they solicited them; and they have, moreover, now sent their most chosen men, and men of our order, and Roman knights, with a deputation to attend this trial, and to bear most honourable and authoritative testimony in his favour.

I seem to myself now to have laid the foundations of my defence; and they are the firmest possible, if they rest on the judgment of his own relations and fellow-citizens. For his life could not be sufficiently recommended to you to meet with your approbation, if it displeased not only his parent, who is so excellent a man, but also so

illustrious and dignified a municipality. 3. [6]

In truth, to return to myself, it is from such beginnings as his that I myself have risen to credit among men; and this forensic labour of mine, and the system of conduct which I have adopted, has made its way to the favourable opinion of men, by means of the extended commendation and favourable opinion of my own relations and friends. For as to the attacks which have been made on him on the score of chastity, which has been harped upon by all the accusers, not by regular charges, but by outcry and abuse; Marcus Caelius will never be indignant at that, so far as to repent of not being ugly. For those sort of reproaches are habitually heaped upon every one, whose person and appearance in youth is at all gentlemanly. But to vituperate is one thing, and to accuse is another. An accusation requires a crime in order to define the matter, to bind the man, to prove its charges by argument, and to confirm them by witnesses. But vituperation has no settled object except insult and if any one is attacked in that way with ill-temper it is called abuse; but if it is done with some sort of wit and mirth, it is then styled bantering. [7] And I wondered and was indignant at that department of the accusation being given to Atratinus above all men; for it did not become him, nor did his age justify it, nor (as indeed you might have observed yourself) did the modesty of that excellent young man allow him to show to advantage in a speech on that subject. I should have preferred having one of you who are older and more robust, to undertake this part of vituperation; and we should then have been able with more freedom of speech and more vigour, and in a manner more in accordance with our usual habits, to refute the licentiousness of that vituperation. With you, O Atratinus, I will deal more gently, both because your own modesty is a check on my language, and because I am bound to have a regard to the good-will which I entertain towards you and your parent. [8]

I wish, however, that you would keep one thing in mind; first of all, to form a correct estimate of yourself, and to learn to think yourself such a man as in truth you are; in order to keep yourself as clear of licentiousness of language as you are free from all impropriety of conduct; and secondly, to avoid alleging those things against another, which would make you blush if in reply they were

falsely imputed to you. For who is there to whom such a path as that is not open? who is there who is not able to attack a man of Caelius's age and of Caelius's rank as petulantly as he pleases on that subject, even if without any real grounds for suspicion, at all events not without some apparent argument? But the people who are to blame for your undertaking that part, are they who compelled you to make these allegations. This praise belongs to your own modesty, of being, as we saw that you were, unwilling to make them; and to your genius, of making them in a courteous and polite manner. 4. [9]

But however, with respect to all that part of your speech, my reply in defence may be very brief. For, as far as the age of Marcus Caelius might give room for any such suspicion, in the first place it was fortified against it by his own modesty, and in the second place by his father's attentive care of him and rigid discipline; for, as soon as he had given him the robe of a man, — (I will say nothing here of myself; you yourselves are competent judges of what credit is due to me, — I only say that he was immediately brought by his father to me as a pupil,) — after that time no one ever saw Marcus Caelius in that the flower of his age, that he was not either with his father, or with me, or else in that most virtuous house of Marcus Crassus, and being instructed in the most honourable branches of learning. [10]

For as for the imputation which has been levelled against Caelius, of having been intimate with Catiline, he ought to be wholly exempt from any such suspicion. For you all know that he was a very young man when Catiline stood for the consulship the same year that I did; and if he ever joined his party, or ever departed from mine, (though many virtuous young men did espouse the cause of that worthless and abandoned man,) then, indeed, I will allow it to be thought that Caelius was too intimate with Catiline. But we know, and we ourselves saw after that, that he was one of his friends. Well, who denies it? But I am at this moment engaged in defending his conduct at that period of life, which is of itself unsteady and very liable to be at the mercy of the passions of others. He was continually with me while I was praetor; he knew nothing of Catiline. After that Catiline being praetor had Africa for his province. Another year ensued in which Catiline was prosecuted for extortions and peculation. Caelius was still with me and never went to him not even as an advocate of

his cause. The next year was the one in which I was a candidate for the consulship; Catiline was also a candidate. He never went over to him; he never departed from me. 5. [11]

Having then been so many years about the forum without any suspicion, and without any slur on his character, he espoused the cause of Catiline when he offered himself for the consulship a second time. How long then do you think that men of his age are to be kept in a state of pupilage? Formerly, we had one year established by custom during which the arm was restrained by our robe and during which we practised our exercises and sports in the Campus Martius in our tunics. And the very same practice prevailed in the camps and in the army, if we began to serve in campaigns at once. And at that age, unless a man protected himself by great gravity and chastity on his own part and not only by rigid domestic discipline, but by an extraordinary degree of natural virtue, however he was looked after by his relations, he still could not escape some slur on his character. But any one who passed that beginning of his life in perfect purity, and free from all stain, never was liable to have any one speak against his fair fame and his chastity when his principles had gained strength, and when he was a man and among men. [12] Caelius espoused the cause of Catiline, when he had been for several years mixing in the forum; and many of every rank and of every age did the very same thing. For that man, as I should think many of you must remember, had very many marks — not indeed fully brought out, but only in outline as it were of the most eminent virtues. He was intimate with many thoroughly wicked men; but he pretended to be entirely devoted to the most virtuous of the citizens. He had many things about him which served to allure men to the gratification of their passions; he had also many things which acted as incentives to industry and toil. The vices of lust raged in him; but at the same time he was conspicuous for great energy and military skill. Nor do I believe that there ever existed so strange a prodigy upon the earth, made up in such a manner of the most various, and different and inconsistent studies and desires. 6. [13]

Who was ever more acceptable at one time to most illustrious men? who was more intimate with the very basest? What citizen was there at times who took a better part than he did? who was there at

other times a fouler enemy to this state? Who was more debased in his pleasures? who was more patient in undergoing labours? who was more covetous as regards his rapacity? who more prodigal in squandering? And besides all this, there were, O judges, these marvellous qualities in that man, that he was able to embrace many men in his friendship, to preserve their regard by attention, to share with every one what he had, to assist all his friends in their necessities with money, with influence, with his personal toil, even with his own crimes and audacity, if need were; to keep his nature under restraint and to guide it according to the requirements of the time, and to turn and twist it hither and thither; to live strictly when in company with the morose, merrily with the cheerful, seriously with the old, courteously with the young, audaciously with the criminal, and luxuriously with the profligate. [14] When — by giving full swing to this various and multiform natural disposition of his — he had collected together every wicked and audacious man from every country, so also he retained the friendship of many gallant and virtuous men, by a certain appearance of pretended virtue. Nor would that infamous attempt to destroy this empire have ever proceeded from him, if the ferocity of so many vices had not been based on the deep-rooted foundations of affability and patience.

Let that allegation then, O judges, be disregarded by you, and let not the charge of intimacy with Catiline make any impression upon you. For it is one which only applies to him in common with many other men, and even with some very good men. Even me myself — yes, even me, I say — he once almost deceived, as he seemed to me a virtuous citizen, and desirous of the regard of every good man, and a firm and trustworthy friend; so that in truth, I detected his wickedness with my eyes, before I did so by my opinion; I was aroused to the necessity of acting against him by force, before my suspicions were awakened. So that if Caelius also was one of the great number of friends whom he had to boast of, there is more reason for his being vexed at having fallen into such a mistake, just as sometimes I myself repent also of having been deceived by the same person, than for his having any reason to fear the accusation of having been a friend of his. 7. [15]

Accordingly, your speech descended from vituperations of him on

the score of chastity, to endeavours to excite odium against him on account of that conspiracy. For you laid it down, — though with hesitating steps and without dwelling on it, — that he must have been an accomplice in the conspiracy, on account of his friendship with Catiline; in advancing which charge, not only the accusation itself failed to wound, but the speech of that eloquent young man lost its usual coherency. For how could Caelius have been capable of such frenzy? What enormous depravity was there in his natural disposition, or in his habits, or what deficiency in his fortunes or prospects, to dispose him to such a crime? And lastly, when was the name of Caelius ever heard of in connection with any suspicion of the sort? I am saying too much about a matter about which there is not the least doubt; but I say this, — that if he had not, not merely been guiltless of any participation in the conspiracy, but been a most decided and avowed enemy of that wickedness, he would never have gone so far as to seek for an especial commendation of his youth by a prosecution of men implicated in that conspiracy. [16]

And I know not whether I need think it equally necessary to make a reply to the charges of corruption, and to the accusations about clubs and agents (since I have lighted on these topics). For Caelius would never have been so insane as to accuse another man of bribery, if he had stained himself with that mean practice of corruption, nor would he seek to fix a suspicion of such conduct on another, when he wished to obtain for himself perpetual licence to commit it. Nor if he thought there was a chance of his being put in peril but once on an accusation of corruption would he twice over prosecute another man on the same charge. And although his doing so is not wise, and is against my will, still it is an action of such a sort, that it is plain that a man who conducts himself so, rather thinks it open to him to attack the innocence of another, than that he has any reason to be afraid of anything on his own account. [17]

For, as respects the charges that have been brought against him of being in debt, as regards the reproaches which have been levelled at him on the score of prodigality, and of the demands that have been made to see his accounts, just see how briefly I will reply to them. In the first place, he, who is still under the power of his father, keeps no accounts. He has never any transactions connected with borrowing or

lending. As to his extravagance, there is one particular item of expense objected to him, that for his house. You say that he dwells in a house which he rents for thirty thousand sesterces. Now, I see by this, that Publius Clodius wants to sell his house; for it is his house that Caelius lives in, at a rent, I suppose, of ten thousand sesterces. And you, O prosecutors, out of your anxiety to please him, have permitted yourselves this enormous lie to suit his purposes. [18]

You have blamed him for dwelling in a house apart from his father, a thing which is not at all to be blamed in a man of his age. For as, labouring in the cause of the republic, he had achieved a victory which was, indeed, annoying to me, but glorious to himself; and as he was now of sufficiently mature age to stand for a magistracy, not only with the permission, but in consequence of even the advice of his father, he left his house, and as his father's house was a long way from the forum, he hired a house on the Palatine Hill, at no very high rent, in order the more easily to be able to visit us at our houses, and to receive visits from his friends. 8.

And while speaking on this topic, I may say what that most illustrious man, Marcus Crassus, said a little time before, when he was making a complaint of the arrival of king Ptolemaeus:—" "I wish that in the Pelian grove."

"

* * * And I might go on much farther in applying this poem, "

"For my wandering mistress would never"

"

* * * have given us all this trouble. " "Medea, sick at heart, wounded in the fierce love."

"

For in like manner, O judges, you will find, when I come to discuss this point, that it was this Medea of the Palatine Hill, and this migration, which has been the cause of all his misfortunes to this young man, or rather of all the things that have been said about him. [19]

Wherefore I, relying on your wisdom, O judges, am not afraid of those assertions which I perceived were some time back being invented, and fortified by the oration of the accusers. For they said that a senator would come forward as a witness, who would say that

he had been driven away by the comitia for the election of a pontiff by Caelius. And if he does come forward, I will ask, in the first place, why he did not at once take proceedings against him for such conduct? Secondly, if he preferred complaining of it in this way to bringing an action, why he is brought forward by you instead of coming forward by himself of his own accord? and why he has chosen to complain so long after the time, instead of immediately? If he gives me clear and shrewd answers to these questions, then I shall ask from what source this senator has burst forth? For if he has his origin and first springs, as it were, in himself, probably I shall be moved by him, as I usually am; but if he is only a little gutter drained and drawn off from the fountain head of your accusation, then I shall rejoice that, while your accusation relies on so much interest and such mighty influence, there has still been but one senator who could be found willing to gratify you. [20]

Nor am I afraid of that other class of night witnesses. For they have asserted that there would be men who would say that their wives, when returning from supper parties have been roughly handled by Caelius. They will be men of importance who will venture to say this on their oaths as they will be forced to confess that they have never commenced taking any steps for redress for such great injuries not even by a friendly arbitration. 9.

By this time, O judges, you are able to understand the whole nature of the attack which is made on my client and when it is urged against him it is your duty to repel it. For Marcus Caelius is not accused by the same people as those by whom he is attacked. Weapons are shot at him openly but they are supplied secretly. [21] Nor do I say this with the object of exciting odium against those men to whom it ought even to be a subject of boasting. They are discharging their duty, they are defending their friends, they are doing what the bravest men are accustomed to do. When injured they feel pain, when angry they are carried away, when provoked they fight. But nevertheless, it belongs to your wisdom, O judges, if brave men have a reasonable ground for attacking Marcus Caelius, not on that account to think that you also have a reasonable ground for consulting the indignation of others rather than your own good faith. You see how vast a concourse of men is assembled in the forum, of

what different classes it is composed, what different objects they have in view, and how great is the difference between them in every respect. Of all this multitude, how many do you think that there are who are in the habit of offering their services of their own accord to influential, and popular, and eloquent men, when they think they are eager about anything; and to use their exertions and to promise their evidence to oblige them? [22] If any of this class of men have by chance thrust themselves into this trial, shut out, O judges, their covetous zeal from the consideration of your wisdom, so as to appear to provide at the same time for this man's safety and for the religious discharge of your own obligations, and for the general welfare of all the citizens against the perilous influence of unscrupulous men.

In truth, I will lead you away from the witnesses. I will not permit the truth of this trial, which cannot by any means be altered, to depend on the inclination of the witnesses, which may so easily be modeled any way, and be bent and twisted in every direction without the slightest trouble. We will conduct our case by arguments. We will refute the charges brought against us by proofs clearer than daylight. Facts shall combat with facts, cause with cause, reason with reason. 10. [23]

Therefore, I willingly allow that part of the cause to be concluded, summed up, as it has been, with dignity and elegance by Marcus Crassus; the part, I mean, which relates to the seditions at Naples, to the expulsion of the Alexandrians from Puteoli, and to the property of Palla. I wish he had also discussed the transaction respecting Dio. And yet on that subject what is there that you can expect me to say, when the man who committed the murder is not afraid, but even confesses it? For he is a king. But the man who is said to have been the assistant and accomplice in the murder, has been acquitted by a regular trial. What sort of crime, then, is this, that the man who has committed it does not deny it — that he who has denied it has been acquitted, and yet that a man is to be afraid of the accusation who was not only at a distance from the deed, but who has never been suspected of being even privy to it? And if the merits of his case availed Asicius more than the odium engendered by the fact of such a crime injured him, is your abuse to injure this man, who has never once had a suspicion of the crime breathed against him, not even by

the vaguest report? [24] Oh, but Asicius was acquitted by the prevarication of the judges. It is very easy to reply to such an assertion as that especially for me, by whom that action is defended. But Caelius thinks that the cause of Asicius is a just one; at all events, whatever may be its merits, he thinks it is quite unconnected with his own. And not only Caelius but even other most accomplished and learned young men, devoted to the most instructive studies and to the most virtuous pursuits, Titus and Caius Coponius, who grieved above all other men for the death of Dio, being bound to him as they were by a common attachment to the pursuit of learning and science and being also connected with him by ties of hospitality, think so too. He was living in the house of Lucius Lucceius, as you have heard; they had become mutually acquainted at Alexandria. What Caius Coponius, and what his brother, a man of the very highest respectability, think of Marcus Caelius, you shall hear from themselves if they are produced as witnesses. [25] So let all these topics be put aside, in order that we may at last come to those facts and charges on which the cause really depends. 11.

For I noticed, O judges, that my intimate friend, Lucius Herennius, was listened to by you most attentively. And though you were induced to pay him that attention to a great extent by his own ability and by a sort of eloquence which pervaded his oration, still I was sometimes apprehensive lest that speech of his which was contrived with such subtlety for the purpose of giving weight to his accusation should slowly and imperceptibly inflame your minds. For he said a great deal about luxury, a great deal about justice, a great deal about the vices of youth, a great deal about morals. And he, who in every other action of his life had been gentle, and who has accustomed himself to behave at all times with that humane courtesy with which nearly every one is charmed, acted in this cause like a morose uncle, or censor, or lecturer. He reproached Marcus Caelius in such a manner as no man's father ever abused him. He delivered a long harangue about incontinence and intemperance. What are you expecting me to say, O judges, I exercised you for listening to him with attention, because I myself could not avoid shuddering at so morose and savage an oration. [26] And the first allegation was one which affected me least, namely, — that Caius had been intimate

with my own intimate friend Bestia; that he had supped with him, had been in the habit of visiting him, had aided him when he was a candidate for the praetorship. These things do not move me at all, for they are notoriously false. In fact he is stating that those men supped together who are either in different places, or

* * *

Nor am I moved by that assertion either, that he said that Caelius had been a comrade of his own in the Lupercal games. No doubt, it is a savage and purely pastoral and uncivilized sort of companionship, that of the Lupercal comrades, whose sylvan companies were established before the institution of civilization and of laws. Since these companions not only prosecute one another, but even in the accusation speak of the companionship as a crime,

* * * so that they seem to be afraid, lest any one should be ignorant of it. [27] But I will pass over these things, and reply to those which I thought of more consequence.

There was a very long reproach addressed to my client on the score of luxury; it was, however, a gentle one, and had more argument than ferocity in it; on which account it was listened to with the more attention. For while Publius Clodius, my friend, was allowing himself to be carried away by the greatest violence and impetuosity, and, being in a great state of excitement, was using the most severe language, and speaking at the top of his voice, though I had a high opinion of his eloquence, still I was not at all alarmed. For I had seen him conducting several trials without success. But I will reply to you first of all, O Balbus, with an entreaty to be allowed, without blame and without a charge of impiety to defend a man who never refuses an invitation to supper, who uses perfumes, and who often goes to Baiae. 12. [28]

In truth, I have seen and heard of many men in this city, not only men who had just tasted this kind of life with the edge of their lips, and touched it, as people say, with the tips of their fingers, but men who had devoted the whole of their youth to pleasures, who have at last emerged from them, and have be taken themselves to prudent courses, and have become sensible and eminent citizens. For by the common consent of all men, some indulgence is given to this age, and nature itself suggests desires to youth; and if they break out

without injuring any one else a life, or overturning any one else's house, they are generally accounted endurable and pardonable.

[29] But you seemed to me to wish to bring Caelius into some sort of odium by means of the common irregularities into which youth is apt to fall. And, therefore, all that silence with which your speech was received was produced by the fact that, though we had but one criminal before us, we were thinking of the vices of many. It is an easy matter to declaim against luxury. The day would fail me if I were to attempt to enumerate everything that may be said on that subject. The field of seductions, and adulteries and wantonness, and extravagance is boundless. Even though you do not fix your eyes on any particular criminal, but only on the vices themselves, still they are capable of being made the objects of very eloquent and fluent vituperation. But it becomes your wisdom, O judges, not to be diverted from the case of the man who is on his trial before you; nor to let loose against an individual, and him too on his trial, the stings with which your severity and dignity is armed when the accuser has sought to rouse them against the general fact of luxury, against vices in general and the present state of morals, and the present times while by this means the defendant is not being impeached for any crime of his own, but is having unjust odium excited against him on account of the vices of many others. [30]

Therefore I do not venture to make the reply to your severe judgment which I ought to make. For it was my duty to plead for some sort of exemption from several rules for youth, to claim some indulgence. I do not venture, I say, to do this. I will not have recourse to any door of escape which my client's age might open to me; I will not mention the privileges which are allowed to all other men; I only ask that if at this time there is a general feeling of discontent at the debts, and wantonness, and licentious conduct of the youth of the city, — and I see that such a feeling does exist to a great extent — the offences of others, and the vices of the youth of others and of the times, may not prejudice my client. And while I ask this, I do at the same time offer no objection to being called on to reply most carefully to all the charges which are directed against him in consequence of any conduct of his own. 13.

But there are two especial counts in the indictment. There is a

charge respecting gold, and one respecting poison. And in both of them one person is concerned. Gold is said to have been taken from Clodia; poison is said to have been sought for, for the purpose of being given to Clodia. All the other statements are not charges, but are rather pieces of abuse prompted by a petulant quarrel, than adduced as a part of a criminal investigation. To call a man an adulterer, an immodest man, a pimp, is abuse, not accusation. For there is no foundation for such charges; they have nothing to rest upon; they are mere abusive expressions poured forth by an accuser in a passion, without any authority. [31] Of these two charges I see the source, I see the author, I see the certain originator and mainspring. Gold was wanted; he received it from Clodia; he received it without any witness; he had it as long as he wanted it. I see here a great proof of some very extraordinary intimacy. Again, he wanted to kill her; he sought for poison; he tampered with every one with whom he could; he prepared it; he arranged a place; he brought it. Again, I see that a violent quarrel has sprung up between them, and engendered a furious hatred. Our whole business in this part of the case, O judges, is with Clodia, a woman not only of high rank, but also notorious; of whom I will say nothing except for the sake of repelling some accusation. [32] But you are aware, O Cnaeus Domitius, as a man of your eminent wisdom must be, that we have in this matter to deal with no one but her; for if she does not say that she lent the money to Caelius, if she does not accuse him and say that poison was prepared by him for her, then we are acting wantonly and groundlessly, in mentioning the name of a mother of a family in a way so different from what is due to a Roman matron. But if, if you only take away that woman, there is no longer any charge against Caelius, nor have the accusers any longer any resources by which to attack him, then what is our duty as the advocates of his cause, except to repel those who pursue him? And, indeed, I would do so still more vigorously, if I had not a quarrel with that woman's husband — brother, I meant to say; I am always making this mistake. At present I will proceed with moderation, and go no further than my own duty to my client and the nature of the cause which I am pleading compels me. For I have never thought it my duty to engage in quarrels with any woman, especially with one whom all men have always considered

everybody's friend rather than any one's enemy. 14. [33]

But still I will first put this question to her herself, whether she wishes me to deal with her strictly, and gravely, and according to old-fashioned notions of right and wrong; or indulgently, mercifully, and courteously? If I am to proceed in the old-fashioned way and manner of pleading, then I must summon up from the shades below one of those bearded old men, — not men with those little bits of imperials which she takes such a fancy to, but a man with that long shaggy beard which we see on the ancient statues and images, — to reproach the woman, and to speak in my stead, lest she by any chance should get angry with me. Let, then, some one of her own family rise up, and above all others that great blind Claudius of old time. For he will feel the least grief, inasmuch as he will not see her. And, in truth, if he can come forth from the dead, he will deal thus with her; he will say,—"Woman, what have you to do with Caelius? What have you to do with a very young man? What have you to do with one who does not belong to you? Why have you been so intimate with him as to lend him gold, or so much an enemy of his as to fear his poison? Had you never seen that your father, had you never heard that your uncle, your grand-father, your great-grandfather, your great-great-grand-father, were all consuls? [34] Did you not know, moreover, that you were bound in wedlock to Quintus Metellus, a most illustrious and gallant man, and most devoted to his country? who from the first moment that he put his foot over his threshold, showed himself superior to almost all citizens in virtue, and glory, and dignity. When you had become his wife, and, being previously of a most illustrious race yourself, had married into a most renowned family, why was Caelius so intimate with you? Was he a relation? a connection? Was he a friend of your husband? Nothing of the sort. What then was the reason, except it was some folly or lust?

* * * Even if the images of us, the men of your family, had no influence over you, did not even my own daughter, that celebrated Quinta Claudia, admonish you to emulate the praise belonging to our house from the glory of its women? Did not that vestal virgin Claudia recur to your mind, who embraced her father while celebrating his triumph, and prevented his being dragged from his

chariot by a hostile tribune of the people? Why had the vices of your brother more weight with you than the virtues of your father, of your grandfather, and others in regular descent ever since my own time; virtues exemplified not only in the men, but also in the women? Was it for this that I broke the treaty which was concluded with Pyrrhus, that you should every day make new treaties of most disgraceful love? Was it for this that I brought water into the city, that you should use it for your impious purposes? Was it for this that I made the Appian road, that you should travel along it escorted by other men besides your husband?"

15. [35] But why, O judges, have I brought a person on the scene, of such gravity as to make me fear that this same Appius may on a sudden turn round and begin also to accuse Caelius with the severity which belongs to the censor? But I will look to this presently, and I will discuss it, O judges, so that I feel sure that I shall show even the most rigid scrutineers reason to approve of the habits of life of Marcus Caelius. But you, O woman, (for now I speak to you myself, without the intervention of any imaginary character) if you are thinking of making us approve of what you are doing, and what you are saying, and what you are charging us with, and what you are intending, and what you are seeking to achieve by this prosecution, you must give an intelligible and satisfactory account of your great familiarity, your intimate connection, your extraordinary union with him. The accusers talk to us about lusts, and loves, and adulteries, and Baiae, and doings on the sea-shore, and banquets, and revels, and songs, and music parties, and water parties; and intimate also that they do not mention all these things without your consent. And as for you, since, through some unbridled and headlong fury which I cannot comprehend, you have chosen these things to be brought into court, and dilated on at this trial, you must either efface the charges yourself, and show that they are without foundation, or else you must confess that no credit is to be given to any accusations which you may make, or to any evidence which you may give. [36]

But if you wish me to deal more courteously with you, I will argue the matter thus with you. I will put away that harsh and almost boorish old man; and out of these kinsmen of yours here present I

will take some one, and before all I will select your youngest brother, who is one of the best-bred men of his class, who is exceedingly fond of you, and who, on account of some childish timidity, I suppose and some groundless fears of what may happen by night, has always, when he was but a little boy, slept with you his eldest sister. Suppose, then, that he speaks to you in this way. “What are you making this disturbance about, my sister? why are you so mad? “
‘Why thus with outcry loud do you exalt
Such trifles into things of consequence?’
“ You saw a young man become your neighbour; his fair complexion, his height and his countenance and eyes made an impression on you, you wished to see him oftener; you were sometimes seen in the same gardens with him; being a woman of high rank you are unable with all your riches to detain him, the son of a thrifty and parsimonious father: he kicks, he rejects you, he does not think your presents worth so much as you require of him. Try some one else. You have gardens on the Tiber, and you carefully made them in that particular spot to which all the youth of the city comes to bathe. From that spot you may every day pick out people to suit you. Why do you annoy this one man who scorns you?” 16. [37]

I come now again to you, O Caelius, in your turn; and I take upon myself the authority and strictness of a father; but I doubt which father’s character I shall select to assume. Shall I not the part of some one of Caecilius’s fathers, harsh and vehement? “ “For now, in truth, at length my bosom glows,
My heart with passion rages;”
“ or that other father?—” “Oh thou unhappy, worthless son.”
“ Those are very hard-hearted fathers; “ “What shall I say, what wishes dare I form,
When your base actions frustrate all my prayers;”
“ Such a father as that would say things which you would find it difficult to bear. He would say, “Why did you betake yourself to the neighbourhood of a harlot? Why did you not shun her notorious blandishments? Why did you form a connection with a woman who was nothing to you? Squander your money, throw it away; I give you leave. If you come to want, it is you yourself who will suffer for it. I

shall be satisfied if I am able to spend pleasantly the small portion of my life that remains to me." [38] To this morose and severe old man Caelius would reply, that he had not departed from the right path from being led away by any passion. What proof could he give? That he had been at no expense, at no loss; that he had not borrowed any money. But it was said that he had. How few people are there who can avoid such a report, in a city so prone to evil speaking! Do you wonder that the neighbour of that woman was spoken of unfavourably, when her own brother could not escape being made the subject of conversation by profligate men? But to a gentle and considerate father such as his is, whose language would be, "Has he broken the doors? they shall be mended; has he torn his garments? they shall be repaired;"the cause of his son is easily explained. For what circumstances could there be in which he would not be able easily to defend himself? I am not saying anything now against that woman: but if there were a woman totally unlike her, who made herself common to everybody; who had always some one or other openly avowed as her lover; to whose gardens, to whose house, to whose baths the lusts of every one had free access as of their own right; a woman who even kept young men, and made up for the parsimony of their fathers by her liberality; if she lived, being a widow, with freedom, being a lascivious woman, with wantonness, being a rich woman, extravagantly, and being a lustful woman, after the fashion of prostitutes; am I to think any one an adulterer who might happen to salute her with a little too much freedom? 17. [39]

Some one will say, "Is this then the discipline which you enforce? Is this the way you train up young men? Was this the object with which a parent recommended his son to you and delivered him to you, that he might devote his youth to love and pleasure, and that you might defend this manner of life and these pursuits?"

If, O judges, any one was of such vigour of mind, and of a natural disposition so formed for virtue and continence as to reject all pleasures, and to dedicate the whole course of his life to labour of body and to wholesome training of his mind, a man who took no delight in rest or relaxation, or the pursuits of those of his own age, or games, or banquets, who thought nothing in life worth wishing

for, except what was connected with glory and with dignity, that man I consider furnished and endowed with good qualities which may be called godlike. Of this class I consider were those great men, the Camilli, the Fabricii, the Curii and all those men who have achieved such mighty exploits with inadequate means. But these examples of virtue are not only not found in our practice, but they occur but rarely, even in books. [40] The very records which used to contain accounts of that old fashioned strictness of morals, are worn out and that not only among us, who have adopted this school and system of life in reality more than in words, but also among the Greeks most learned men, who, though they could not act in such a manner were nevertheless at liberty to speak and write honourably and magnificently; when the habits of Greece became changed other precepts arose and prevailed.

Therefore some of their wise men said that they did everything for the sake of pleasure; and even learned men were not ashamed of the degradation of uttering such a sentiment. [41] Others thought that dignity ought to be united with pleasure, so as by their neatness of expression to unite things as inconsistent with one another as possible. Those who still think that the only direct road to glory is combined with toil, are left now almost solitary in their schools. For nature herself has supplied us with numerous allurements, by which virtue may be lulled asleep, and at which, she may be induced to connive; nature herself has at times pointed out to youth many slippery ways, on which it is hardly possible for it to stand, or along which it can hardly advance without some slip or downfall, and has supplied also an infinite variety of exquisite delights, by which not only that tender age, but even one which is more strongly fortified, may be caught.

[42] Wherefore, if by chance you find any one whose eyes are so well tutored as to look with scorn on the outward beauty of things; who is not captivated by any fragrance, or touch, or flavour, and who stops his ears against all the allurements of sound; I, and perhaps a few others, may think that the gods have been propitious to this man, but most people will consider that he has been treated by them as an object of their anger. 18.

Let this path be abandoned, deserted and uncultivated as it is, and hemmed in with hedges and brambles. Let some allowance be made for age; let youth be allowed some little freedom; let not everything be refused to pleasure; let us not require that true and proper system of life to be always predominant; let us allow desire and pleasure at times to get the upper hand of reason, as long as some sort of rule and moderation is observed in that kind of licence. Let youth have a due regard for its own chastity; let it not deprive others of theirs; let it not squander its patrimony; let it not be swallowed up by usury; let it not attack the house or the fair fame of another; let it not bring shame on the chaste, or disgrace on the upright, or infamy on the virtuous; let it abstain from alarming people by violence; from mixing in plots against people; let it keep itself from wickedness; lastly, when it has yielded for awhile to pleasures, and given up some

time to the sports of its age, and to these frivolous and passing passions of youth, let it in due time recall itself to attention to its domestic affairs, to forensic employment and to the business of the state; so that it may appear from satiety to have thrown away, and from experience to have learnt to despise, those things which it had not been able properly to estimate by its unassisted reason, [43]

And, O judges, both within, our own recollection and in the time of our fathers and ancestors, there have been many most excellent men and most illustrious citizens, who, after their youthful passions had cooled down, displayed, when they became of more mature and vigorous age, the most exalted virtues; of whom there is no need for me to name to you any particular instance; you yourselves can recollect plenty. For I should not wish to connect even the slightest error on the part of any brave and illustrious man with his greatest glory. But if I did choose to do so, then I could name many most eminent and most distinguished men, some of whom were notorious for excessive licentiousness in their early days, some for their profuse luxury, their enormous debts, their extravagance, and their debaucheries, but whose early errors were afterwards so veiled over by their numerous virtues, that every one felt at liberty to make excuses for and to defend their youth. 19. [44]

But in Marcus Caelius (for I will speak with the greater confidence of his honourable pursuits, because, relying on your good sense, O judges, I am not afraid freely to confess some things respecting him) no luxury will be found; no extravagance; no debt; no lasciviousness; no devotion to banquets or to gluttony. Those vices, forsooth, of the belly and the throat, age is so far from diminishing in men, that it even increases them. And loves, and those things which are called delights, and which, when men have any strength of mind, are not usually troublesome to them for any length of time, (for they wear off early and very rapidly,) never had any firm hold on this man so as to entangle or embarrass him. You have heard him, when he was speaking in his own defence. [45] You have heard him before now, when he was acting as prosecutor; (I say this for the sake of defending him, not by way of boasting;) you have seen, your sagacity could not help seeing, his style of eloquence, his facility, his richness of ideas and language; and in that branch of study you saw

not only his genius shine forth, which frequently, even when it is not nourished by industry, still produces great effects by its own natural vigour; but there was in him (unless I am greatly deceived by reason of my favourable inclination towards him) a degree of method implanted in him by liberal tastes, and worked up by care and hard labour. And know, O judges, that those passions which are now brought up against Caelius as an objection to him, and these studies on which I am now enlarging, cannot easily exist in the same man; for it is impossible that a mind which is devoted to lust which is hampered by love, by desire, by passion, often with overindulgence, sometimes too by embarrassment in pecuniary matters, can support the labour; such as they are, which we go through in speaking; not merely when actually pleading, but even in thinking. [46] Do you suppose that there is any other reason, why, when the prizes of eloquence are so great when the pleasure of speaking is so great, when the glory is so high, the influence derived from it so extensive, and the honour so pure, there are and always have been so few men who devote themselves to this study? All pleasures must be trampled underfoot, all pursuit of amusement must be abandoned, O judges; sports and jesting and feasting; yes, I may almost say, the conversation of one's friends, must be shunned. And this is what deters men of this class from the labours and studies of oratory; not that their abilities are deficient, or that their early training has been neglected. [47] Would Caelius, if he had given himself up to a life of pleasure, while still a very young man, have instituted a prosecution against a man of consular rank? would he, if he shunned this labour, if he were captivated by and entangled in the pursuit of pleasure, take his place daily among this array of orators? would he court enmities? would he undertake prosecutions? would he incur danger to his life? would he, in the sight of all the Roman people, struggle for so many months for safety or for glory? 20.

Does, then, that neighbourhood of his intimate nothing? nor the common report of men? Does not even Baiae itself speak pretty plainly? Indeed, they not only speak, but cry aloud; they proclaim that the lust of that one woman is so headlong, that she not only does not seek solitude, and darkness, and the usual concealments of wickedness, but even while behaving in the most shameless manner,

exults in the presence of the most numerous crowd, and in the broadest daylight.

[48] But if there be any one who thinks that youth is to be wholly interdicted from amours with courtesans, he certainly is very strict indeed. I cannot deny what he says; but still he is at variance not only with the licence of the present age, but even with the habits of our ancestors, and with what they used to consider allowable. For when was the time that men were not used to act in this manner? when was such conduct found fault with? when was it not permitted? when, in short, was the time when that which is lawful was not lawful? Here, now, I will lay down what I consider a general rule: I will name no woman in particular; I will leave the matter open for each of you to apply what I say as he pleases.

[49] If any woman, not being married, has opened her house to the passions of everybody, and has openly established herself in the way of life of a harlot, and has been accustomed to frequent the banquets of men with whom she has no relationship; if she does so in the city in country houses and in that most frequented place, Baiae, if in short she behaves in such a manner, not only by her gait, but by her style of dress, and by the people who are seen attending her, and not only by the eager glances of her eyes and the freedom of her conversation, but also by embracing men, by kissing them at water parties and sailing parties and banquets so as not only to seem a harlot, but a very wanton and lascivious harlot, I ask you, O Lucius Herennius, if a young man should happen to have been with her, is he to be called an adulterer or a lover? does he seem to have been attacking chastity or merely to have aimed at satisfying his desires? [50] I forget for the present all the injuries which you have done me, O Clodia; I banish all recollection of my own distress; I put out of consideration your cruel conduct to my relations when I was absent. You are at liberty to suppose that what I have just said was not said about you. But I ask you yourself, since the accusers say that they derived the idea of this charge from you, and that they have you yourself as a witness of its truth; I ask you, I say, if there be any woman of the sort that I have just described, a woman unlike you, a woman of the habits and profession of a harlot, does it appear an act of extraordinary baseness, or extraordinary wickedness, for a young man to have had

some connection with her? If you are not such a woman, — and I would much rather believe that you are not — then, what is it that they impute to Caelius? If they try to make you out to be such a woman, then why need we fear such an accusation for ourselves, if you confess that it applies to you, and despise it? Give us then a path to and a plan for our defence. For either your modesty will supply us with the defence, that nothing has been done by Marcus Caelius with any undue wantonness; or else your impudence will give both him and every one else very great facilities for defending themselves. 21. [51]

But since my speech appears at last to have raised itself out of the shallows, and to have passed by the rocks, the rest of my course is made plain and easy to me. For there are two charges, both relating to one woman, — both imputing enormous wickedness; one respecting the gold which is said to have been received from Clodia, the other respecting the poison which the prosecutors accuse Caelius of having prepared with the view of assassinating Clodia. He took gold, as you say, to give to the slaves of Lucius Lucceius, by whom Dio of Alexandria was slain, who at that time was living in Lucceius's house. It is a great crime to intrigue against ambassadors, or to tamper with slaves to induce them to murder their master's guest; it is a design full of wickedness, full of audacity. [52] But with respect to that charge, I will first of all ask this — whether he told Clodia for what purpose he was then taking the gold, or whether he did not tell her? If he did not tell her, why was it that she gave it? If he did tell her, then she has implicated herself as an accomplice in the same wickedness. Did you dare to take gold out of your strong-box? Did you dare to strip that statue of yours of Venus the Plunderer of men of her ornaments? But when you knew for what an enormous crime this gold was required, — for the murder of an ambassador, — for the staining of Lucius Lucceius, a most pious and upright man, with the blot of everlasting impiety — then your well-educated mind ought not to have been privy to so horrible an atrocity; your house, so open to all people, ought not to have been made an instrument in it. Above all, that most hospitable Venus of yours ought not to have been an assistant in it. [53]

Balbus saw that. He said that Clodia was kept in the dark, and that

Caelius alleged to her as his reason for wanting the gold, that he wanted it for the ornamenting of his arms if he was as intimate with Clodia as you make him out when you say so much about his amorous propensities, he, no doubt, told her what he wanted the gold for. If he was not so intimate with her, then, no doubt, she never gave it. Therefore, if Caelius told you the truth, O you most ill-regulated woman, you knowingly gave gold to promote a crime; if he did not venture to tell you, you never gave it at all. 22.

Why need I now bring forward arguments, of which I have a great number, to repel this accusation? I might say that the habits of Marcus Caelius are wholly foreign to such atrocious wickedness; that it is absolutely incredible that it should never have occurred to so able and prudent a man, that a deed of such guilt was not to be entrusted to the slaves of another man, slaves of whom he had himself no knowledge. I might put these questions also to the prosecutor, in accordance with the custom of other pleaders in defence of accused persons and with my own, — where Caelius met with the slaves of Lucceius? how he got access to them? If he negotiated with them by himself, what rashness it was! if he employed the agency of another, who was that other? I might, in the course of my speech, go through every circumstance beneath which suspicion could be supposed to lurk. No cause, no opportunity, no facility, no accomplice, no hope either of effecting or of concealing the crime, no means whatever of executing it; in short, no trace of such enormous guilt can be found connected with Caelius. [54] But all these topics, which belong peculiarly to the orator, and which might do some service in my hands if I were to work them up and dilate upon them in this presence, not because of any natural ability that I possess, but because of my constant practice in, and habit of, speaking, I, from a view to brevity, forbear to urge. For I have, O judges, a man whom you will willingly allow to be connected with you by the religious obligation of taking a similar oath with yourselves, Lucius Lucceius, a most religious man, and a most conscientious witness; who if such guilt so calculated to compromise his credit and his fortunes had been brought into his household by Caelius, could not have failed to hear of it, and would never have been indifferent to it and would never have borne it. Could such a

man as he, a man of such humanity, a man devoted to such pursuits as his, and embued with all his learning and accomplishments, have been indifferent to the imminent danger of that man to whom he had become attached on account of these very studies and pursuits? And when he would have been most indignant at hearing of such a crime if it had been committed against a stranger, would he have omitted taking any notice of it when it affected his own guest? When he would have grieved if he had found out that such a deed had been perpetrated by strangers, would he have thought nothing of it when attempted by his own household? An action which he would blame if done in the fields or in public places, was he likely to think lightly of when it was begun in his own city and in his own house? What he would not have concealed if it threatened any country person with danger, can he, a learned man himself, be supposed to have kept secret when a plot was laid against a most learned man? [55] But why, O judges, do I detain you so long? You shall have the authority and scrupulous faith of the man himself on his oath before you, and listen carefully to every word of his evidence. Read the evidence of Lucius Lucceius. [The evidence of Lucceius is read.] What more do you wait for? Do you think that the case itself, or even that truth of itself can utter any actual words in its own defence? This is the defence made by innocence, — this is the language of the cause itself, — this is the single, unassisted voice of truth.

In the circumstances of the crime itself there is no suspicion; in the facts of the case there is no argument. In the negotiation which is said to have been carried on, there is no trace of any conversation, of any opportunity, of either time or place. No one is named as having been a witness of it. No one is accused of having been privy to it. The whole accusation proceeds from a house that is hostile to him, — that is of infamous character, cruel, criminal, and lascivious. And that house, on the other hand, which is said to have been tampered with, with a view to this nefarious wickedness, is one full of integrity, dignity, kindness and piety. And from this last you have had read to you a most authoritative declaration under the sanction of an oath. So that the matter which you have to decide upon is one on which very little doubt can arise, — namely, whether a rash, libidinous, furious woman appears to have invented an accusation, or

a dignified, and wise, and virtuous man is to be believed to have given his evidence with a scrupulous regard to truth. 23. [56]

There remains the charge respecting the poison for me to consider; a charge of which I can neither discover the origin nor guess the object. For what reason was there for Caelius desiring to give poison to that woman? Was it in order to save himself from being forced to repay the gold? Did she demand it back? Was it to save himself from being accused? Did any one impute anything to him? In short, would any one ever have mentioned him if he had not himself instituted a prosecution against somebody? Moreover you heard Lucius Herennius say that he would never have caused annoyance to Caelius by a single word, if he had not prosecuted his intimate friend a second time on the same charge, after he had been already acquitted once. Is it credible then, that so enormous a crime was committed without any object? And do you not see that an accusation of the most enormous wickedness is invented against him in order that it may appear to have been committed for the sake of facilitating the other wickedness? [57] To whom, then, did he entrust its execution? Whom did he employ as an assistant? Who was his companion? Who was his accomplice? To whom did he entrust so foul a crime; to whom did he entrust himself and his own safety? Was it to the slaves of that woman? For that is what is imputed to him. Was he, then; so insane, — he to whom at least you allow the credit of good abilities, even if you refuse him all other praise in that hostile speech of yours, — as to trust his whole safety to another man's slaves? And to what slaves? For even that makes a considerable difference? Was it to slaves whose slavery as he was aware was one of no ordinary condition, but who were in the habit of being treated with indulgence and freedom and every familiarity, by their mistress? For who is there, O judges, who does not see, who is there who does not know, that in such a house as that in which the mistress of the house lives after the fashion of a prostitute, — in which nothing is done which is fit to be mentioned out of doors, — in which debauchery, and lust, and luxury and, in short all sorts of unheard of vices and wickednesses are carried on, the slaves are not slaves at all? men to whom everything is confided by, whose agency everything is done; who are occupied in the same pleasures as their

mistress; who have secrets entrusted to them, and who get even some, and that no inconsiderable, share of the daily extravagance and luxury. Was Caelius, then, not aware of this? [58] For if he was as intimate with the woman as you try to make him out, be certainly knew that those slaves also were intimate with her. But if no such intimacy existed between him and her as is alleged by you, then how could he have arrived at such familiarity with her slaves? 24.

But, however, of the poison itself what account is invented? where was it got? how was it prepared? by what means? to whom was it delivered, and where? They say that he kept it at home, and that he made trial of its strength on one of his slaves whom he provided with that express object, and that his rapid death led him to think highly of the poison. [59] O ye immortal gods! why do you at times appear to wink at the greatest crimes of men, or why do you reserve the punishment of present wickedness to a future day? For I saw, I saw, and I myself experienced that grief, the bitterest grief that I ever felt in my life, when Quintus Metellus was torn from the heart and bosom of his country, and when that man who considered himself born only for this empire, but three days after he had been in good health, flourishing in the senate-house, in the rostrum, and in the republic; while in the flower of his age, of an excellent constitution, and in the full vigour of manhood, was torn in a most unworthy manner from all good men, and from the entire state; at which time he, though dying, when on other points his senses appeared to be bewildered, retained his senses to the last as far as his recollection of the republic was concerned; and beholding me in tears, he intimated with broken and failing voice, how great a storm he saw was impending over the city, — how great a tempest was threatening the state; and frequently striking that wall which separated his house from that of Catulus, he kept on mentioning Catulus by name, and me myself, and the republic, so as to show that he was grieving, not so much because he was dying, as because both his country and I were about to be deprived of his aid and protection.

[60] But, if no violence of sudden wickedness had carried off that great man, with what vigour would he, as a man of consular rank, have resisted that frantic cousin of his, — he, who as consul said in the hearing of the senate, at a time when he was beginning and

endeavouring to give reins to his fury, that he would slay him with his own hand! And shall that woman, proceeding from this house, dare to speak of the rapidity of the operation of poison? Is she not afraid of the very house itself, lest she should make it utter some sound? Does she not dread the very walls, which are privy to her wickedness? does she not shudder at the recollection of that fatal and melancholy night?

But I will return to the accusation: but this mention of that most illustrious and most gallant man has both weakened my voice with weeping, and overcome my mind with sorrow. 25. [61]

But still there is no mention made of whence the poison came from, or how it was prepared. They say that it was given to Publius Licinius, a modest and virtuous young man, and an intimate friend of Caelius. They say that an arrangement was entered into with the slaves, that they should come to the strangers' baths; and that Licinius should come thither also, and should give them the box containing the poison. Now, here first of all I ask this question, What was the object of all this being done in that previously arranged place? Why did not the slaves come to Caelius's house? If that great intimacy and that excessive familiarity between Caelius and Clodia still subsisted, what suspicion would have been excited by one of the slaves of that woman having been seen at Caelius's house? But if a quarrel had already sprung up between them, if the intimacy was over, and enmity had taken its place, " Hence arose those tears. " This is the cause of all that wickedness and of all those crimes. [62] Very true, says he, and when the slaves had reported to their mistress the whole transaction and the guilty designs of Caelius, that crafty woman enjoined her slaves to promise Caelius everything; but in order that the poison when it was being delivered to them by Licinius, might be clearly detected, she commanded them to appoint the strangers' baths as the place where it was to he delivered in order to send thither friends to lie in ambush there and then on a sudden, when Licinius had arrived and was delivering the poison, to jump out, and arrest the man. 26.

But all these circumstances, O judges, furnish me with a very easy

method of refuting them. For why had she appointed the public baths, of all places in the world? where I cannot find any spot which may serve as an ambush for men in their gowns. For if they were in the vestibule of the baths, they would not be lying hid at all; if, they wished to enter into the inner parts of the baths, they could not conveniently do it with their shoes and garments on, and perhaps they would not be admitted; unless, perchance, by a species of barter, — instead of the proper piece of money paid for ad-mission into the baths, — that vigorous woman had made a friend of the bathing-man. [63] And, in truth, I was waiting eagerly to see who those virtuous men were, who would be stated to have been witnesses of this poison having been so clearly detected. For none have been named as yet. But I have no doubt that they are men of very high authority indeed, as, in the first place, they are the intimate friends of such a woman; and, in the second place, they took upon themselves that share of the business, — that, namely, of being thrust down into the baths; which she, even were she as powerful as she could possibly wish to be, could never have prevailed on any men to do, except such as were most honourable men, and men of the very greatest natural dignity. But why do I speak of the dignity of those witnesses? Learn yourselves how virtuous and how scrupulous they are. They lay in ambush in the baths. Splendid witnesses, indeed! Then they sprung out precipitately. O men entirely devoted to their dignity! For this is the story that they make up: that when Licinius had arrived, and was holding the box of poison in his hand, and was endeavouring to deliver it to them, but had not yet delivered it, then all on a sudden those splendid nameless witnesses sprung out; and that Licinius, when he had already put out his hand to give them over the box of poison, drew it back again, and, alarmed at that an expected onset of men, took to his heels. O how great is the power of truth! which of its own power can easily defend itself against all the ingenuity, and cunning, and wisdom of men, and against the treacherous plots of all the world. 27. [64]

But how destitute of all proof is the whole of the story of this poetess and inventress of many fables! How totally without any conceivable object or result is it! For what does she say? Why did so numerous a body of men, (for it is clear enough it was not a small

number, as it was requisite that Licinius should be arrested with ease, and that the transaction should be more completely proved by the eyewitness of many witnesses,) why, I say, did so numerous a body of men let Licinius escape from their hands? For why was Licinius less liable to be apprehended when he had drawn back in order not to deliver up the box than he would have been if he had delivered it up? For those men had been placed on purpose to arrest Licinius in order that Licinius might be caught in the very fact either of having just delivered up the poison, or of still having it in his possession. This was the whole plan of the woman. This was the part allotted to those men who were asked to undertake it but why it is that they sprung forth so precipitately and prematurely as you say, I do not find stated.

They had been invited for this express purpose they had been placed with this especial object in order to effect the undeniable detection of the poison, of the plot, and of every particular of the crime. [65] Could they spring forward at a better time than when Licinius had arrived? when he was holding in his hand the box of poison? and if after that box had been delivered to the slaves the friends of the woman had on a sudden emerged from the baths and seized Licinius, he would have implored the protection of their good faith and have denied that that box had been delivered to them by him. And how would they have reproved him? Would they have said that they had seen it? First of all that would have been to bring the imputation of a most atrocious crime on themselves besides, they would be saying that they had seen what from the spot in which they had been placed they could not possibly have seen. Therefore they showed themselves at the very nick of time when Licinius had arrived and was getting out the box, and was stretching out his hand, and delivering the poison. This is rather the end of a farce than a regular comedy; in which, when a regular end cannot be invented for it some one escapes out of some one else's hands, the whistle sounds, and the curtain drops. 28. [66]

For I ask why that army under the command of the woman allowed Licinius, when embarrassed, hesitating, receding, and endeavouring to fly, to slip through their fingers? why they did not seize him? why they did not prove beyond all denial a crime of such enormous wickedness by his own confession, by the eye-witness of

many people, by even the voice of the crime itself if I may say so? Were they afraid that so many men would not be able to get the better of one, that strong men would not be able to beat a weak man, or active men to surprise one in such a fright?

No corroborative proof is to be found in the circumstances; no ground for suspicion in any part of the case, no object for or result of the crime, can be imagined. Therefore, this cause, instead of being supported by arguments, by conjecture, and by those tokens by which the truth generally has a light thrown upon it rests wholly on the witnesses. And those witnesses, O judges, I long to see, not only without the least apprehension, but with a soft of hope of great enjoyment. [67] My mind is exceedingly eager to behold them, first, because they are luxurious youths, the intimate friends of a rich and high-born woman; secondly, because they are gallant men, placed by their Amazonian general in ambush, and as a sort of garrison to the baths. And, when I see them, I will ask them how they lay hid, and where; whether it was a canal, or a second Trojan horse, which bore and concealed so many invincible men waging war for the sake of a woman? And this I will compel them to tell me, why so many gallant men did not either at once seize this man, who was but a single individual, and as slight and weak a man as you see, while he was standing there; or, at all events, why they did not pursue him when he fled.

And, in truth, they will never be able to get out of their perplexity, if they ever do go into that witness-box; not though they may be ever so witty and talkative at banquets, and sometimes, over their wine, even eloquent. For the forum is one thing, and the banqueting couch another. The benches of counselors are very different from the sofas of revelers. A tribunal of judges is not particularly like a row of hard-drinkers. In short, the radiance of the sun is a very different thing from the light of lamps. So that we will soon scatter all those gentlemen's delicate airs, all their absurdities, if they do appear. But if they will be guided by me; let them apply themselves to some other task; let them curry the favour of some one else by some other means; let them display their capacity in other employments; let them flourish in that woman's house in beauty; let them regulate her expenses let them cling to her, sup with her, serve her in every

possible way, but let them spare the lives and fortunes of innocent men. 29. [68]

But those slaves have been emancipated by the advice of her relations, — most highly born and illustrious men. At last then we have found something which that woman is said to have done by the advice and authority of her own relations, — men of the highest respectability of character. But I wish to know what proof there is in that emancipation of slaves, so that either any charge against Caelius can be made out of that, or any examination of the slaves themselves by means of torture prevented, or any pretext found for giving rewards to slaves who were privy to too many transactions which it is desired to keep secret? But her relations advised it. Why should not they advise it, when you yourself stated that you were reporting to them a matter which you had not received information of from others, but which had been discovered by yourself? [69]

Here also we wonder whether any most obscene story followed the tale of that imaginary box. There is nothing which may not seem applicable to such a woman as that. The matter has been heard of, and has been the subject of universal conversation. You have long ago perceived, O judges, what I wish to say, or rather what I wish not to say. For even if such a crime was committed, it certainly was not committed by Caelius; for what concern was it of his? It may perhaps have been committed by some young man, not so much foolish as destitute of modesty. But if it be a mere fiction, it is not indeed a very modest invention, but still it is not destitute of wit; — one which in truth the common conversation and common opinion of men would never have sealed with their approbation, if every sort of story which involved any kind of infamy did not appear consistent with and suited to that woman's character. [70]

The cause has now been fully stated by me, O judges, and summed up. You now understand how important an action this is which has been submitted to your decision; how serious a charge is confided to you. You are presiding over an investigation into a charge of violence; — into a law which concerns the empire, the majesty of the state, the condition of the country, and the safety of all the citizens; — a law which Quintus Catulus passed at a time when armed dissensions were dividing the people, and when the republic

was almost at its last gasp; — a law which, after the flame which raged so fiercely in my consulship had been allayed, extinguished the smoking relics of the conspiracy. Under this law the youth of Marcus Caelius is demanded, not for the sake of enduring any punishment called for by the republic, but in order to be sacrificed to the lust and profligate pleasures of a woman. 30. [71]

And even in this place the condemnation of Marcus Camurtius and Caius Caesernius is brought up again! Oh the folly, or shall I rather say, oh the extraordinary impudence! Do you dare, — you prosecutors, — when you come from that woman's house, to make mention of those men? Do you dare to reawaken the recollection of so enormous a crime, which is not even now dead, but is only smothered by its antiquity? For on account of what charge, or what fault did those men fall? Forsooth, because they endeavoured to avenge the grief and suffering of that same woman caused by the injury which they believed she had received from Vettius. Was, then, the cause of Camurtius and Caesernius brought up again in order that the name of Vettius might be heard of in connection with this cause, and that that farcical old story, suited to the pen of Afranius, might be rubbed up again? For though they were certainly not liable under the law concerning violence, they were still so implicated in that crime, that they deemed men who ought never to be released from the shackles of the law. [72]

But why is Marcus Caelius brought before this court? when no charge properly belonging to this mode of investigation is imputed to him, nor indeed anything else of such a nature that, though it may not exactly come under the provisions of my law, still calls for the exercise of your severity. His early youth was devoted to strict discipline; and to those pursuits by which we are prepared for these forensic labours, — for taking part in the administration of the republic, — for honour, and glory, and dignity

* * * * and to those friendships with his elders, whose industry and temperance he might most desire to imitate; and to those studies of the youths of his own age: so that he appeared to be pursuing the same course of glory as the most virtuous and most highly-born of the citizens. [73] Afterwards, when he had advanced somewhat in age and strength, he went into Africa, as a comrade of Quintus Pompeius

the proconsul, one of the most temperate of men, and one of the strictest in the performance of every duty. And as his paternal property and estate lay in that province, he thought that some knowledge of its habits and feelings would be usefully acquired by him, now that he was of an age which our ancestors thought adapted for gaining that sort of information. He departed from Africa, having gained the most favourable opinion of Pompeius, as you shall learn from Pompeius's own evidence.

He then wished, according to the old-fashioned custom, and following the example of those young men who afterwards turned out most eminent men and most illustrious citizens in the state, to signalise his industry in the eyes of the Roman people, by some very conspicuous prosecution. 31. [74]

I wish indeed that his desire for glory had led him in some other direction; but the time for this complaint has passed by. He prosecuted Caius Antonius, my colleague; an unhappy man, to whom the recollection of the great service which he did the republic was no benefit, but to whom the belief of the evil which he had designed was the greatest prejudice. After that he never was behind any of his fellows in his constant appearance in the forum, in his incessant application to business and to the causes of his friends, and in the great influence which he acquired over his relations. He achieved by his labour and diligence all those objects which they cannot attain who are other than vigilant, and sober, and industrious men. [75] At this turning-point of his life, (for I place too much reliance on your humanity and on your good sense to conceal anything,) the fame of the young man stood trembling in the balance, owing to his new acquaintance with this woman, and his unfortunate neighbourhood to her, and his want of habituation to pleasure; for the desire of pleasure when it has been too long pent up, and repressed, and chained down in early youth, sometimes bursts forth on a sudden, and throws down every barrier. But from this course of life, and from being in this way the subject of common conversation, (though his excesses were not by any means as great as report made them out to be;) — however, from this course of life, I say, whatever it was, he soon emerged, and delivered himself wholly from it and raised himself out of it, and he is now so far removed from the discredit of any familiarity with that

woman, that he is occupied in warding off the attacks which are instigated against him by her enmity and hatred.

[76] And in order to put a violent end to the reports which had arisen of his luxury and inactivity, — (what he did, he did in fact greatly against my will, and in spite of my strongest remonstrances, but still he did it,) — he instituted a prosecution against a friend of mine for bribery and corruption. And after he is acquitted he pursues him still, drags him back before the court, refuses to be guided by any one of us, and is far more violent than I approve of. But I am not speaking of wisdom, — which indeed does not belong to men of his age, — I am speaking of his ardent spirit, of his desire for victory, of the eagerness of his soul in the pursuit of glory. Those desires indeed in men of our age ought to have become more limited and moderate, but in young men, as in herbs, they show what ripeness of virtue and what great crops are likely to reward our industry. In truth, youths of great ability have always required rather to be restrained from the pursuit of glory, than to be spurred on to it: more things required to be pruned away from that age, — if indeed, it deserves distinction for ability and genius, — than to be implanted in it. [77] If, therefore, the energy, and fierceness, and pertinacity of Caelius appear to any one to have boiled over too much, either in respect of his voluntary incurring, or of his mode of carrying on enmities; if even any of the most trifling particulars of his conduct in this respect seem offensive to any one; or if any one feels displeased at the magnificence of his purple robe, or at the troops of friends who escort him, or at the general splendour and brilliancy of his appearance, let him recollect that all these things will soon pass away, — that a riper age, and circumstances, and the progress of time, will soon have softened down all of them. 32.

Preserve, therefore, to the republic, O judges, a citizen devoted to liberal studies, and to the most virtuous party in the state, and to all good men. I promise you this, — and I give this undertaking to the republic provided we ourselves have by our own conduct given satisfaction to the republic, — that Caelius's conduct will never be at variance with our own. And I promise not only because I rely on the intimacy that subsists between him and me, but also because he has taken upon himself already the obligation of the most stringent

engagements. [78] For a man who has ventured on such a step as that of prosecuting a man of consular rank because he says that the republic has been injured by his violence, cannot possibly behave as a turbulent citizen in the republic himself: a man who will not allow another to be at peace, even after he his been acquitted of bribery and corruption, can never himself become a briber of others with impunity.

The republic, O judges, has two prosecutions, which have been carried on by Marcus Caelius, as pledges to secure it from any danger from him and guarantees of his good-will and devotion. Wherefore I do pray and entreat you, O judges, after Sextus Clodius has been acquitted within these few days in this very city; — a man whom you have seen for the last two years acting on all occasions as the minister or leader of sedition; — a man who has burnt sacred temples and even the census of the Roman people and all the public records and registers with his own hands; — a man without property, without honesty, without hope, without a home, without any character or position, polluted in face, and tongue, and hand, and in every particular of his life; — a man who has degraded the monument of Catulus, who has pulled down my house, and burnt that belonging to my brother; — who on the Palatine Hill, and in the sight of all the city, stirred up the slaves to massacre and to the conflagration of the city; — I entreat you, I say, not to suffer that man to have been acquitted in this city by the influence of a woman, and at the same time to allow Marcus Caelius to be sacrificed, in the same city, to a woman's lusts. I entreat you never to permit the same woman, in conjunction with a man who is at the same time her brother and her husband, to save a most infamous robber, and to overwhelm a most honourable and virtuous young man. [79] And when you have given due consideration to the fact of his youth, then place also before your eyes, I entreat you, the old age of his miserable father whom you see before you; whose whole dependence is on this his only son; who reposes on the hopes which he has formed of him; who fears nothing but the disasters which may befall him. Support, I pray you, that old man, now a suppliant for your mercy, the slave of your power, who while he throws himself at your feet, so appeals more strongly still to your virtuous habits, and to

your kind and right feelings; support him, I say, moved either by the recollection of your own parents, or by the affection with which you regard your own children, so as, while relieving the misery of another, to yield to your own pious or indulgent dispositions. Do not, O judges, cause this old man, who is already, by the silent progress of nature, declining and hastening to his end, to fail prematurely through a wound inflicted by you, before the day which his natural destiny has appointed for him. [80] Do not overthrow this other man, now flourishing in the prime of life, now that his virtue has just taken firm root, as it were by some whirlwind or sudden tempest. Preserve the son for the father, the father for the son, lest you should appear either to have despised the old age of a man almost in despair, or on the other hand not only to have abstained from cherishing, but even to have struck down and crushed, a youth pregnant with the greatest promise. And if you do preserve him to yourselves, to his own relations, and to the republic, you will have him dedicated, devoted, and wholly bound to you and to your children, and you will enjoy, O judges, in the greatest possible degree, the abundant and lasting fruits of all his exertions and labours.

PRO BALBO (In Defense of Lucius Cornelius Balbus)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF LUCIUS CORNELIUS BALBUS.

THE ARGUMENT.

Lucius Cornelius Balbus was a native of Gades in Spain, and of an illustrious family in that city. He had been of great service to the Roman generals in Spain, both generally, and also especially at the time of the war with Sertorius, and, as a reward for his fidelity, he had had the freedom of the city given to him by Pompeius, by virtue of a law which authorized him to grant it to as many people as he chose. But the validity of this act of Pompeius was now disputed, on the ground that Gades was not one of the cities whose inhabitants were capable of receiving such a privilege, and that the law of Lucius Gellius Publicola and of Cnaeus Cornelius Lentulus Clodianus did not apply to them; the prosecution against Balbus being instigated in reality out of hatred to Pompeius and Caesar, in whose army he had at this moment an important command, and by whom he was highly trusted in many most important affairs.

He was defended by Pompeius and Crassus, and at their request by Cicero also, to whom they gave the post of honour. He was confirmed by the judges in his privileges as a citizen, and was afterwards (A. U. C. 714) made consul, being the first foreigner and adopted citizen who had ever attained that honour in Rome.

1. If the authority of those who are advocates in a person's defence be of any weight, the cause of Lucius Cornelius has been defended by the most honourable men; if their experience is to be regarded, it has

been defended by the most skillful lawyers; if we look to their ability, by the most eloquent of orators; or if it is their sincerity and zeal that we should regard, it has been upheld by those who are his greatest friends, and who are united to Lucius Cornelius not merely by mutual services, but by the greatest intimacy. What part, then, have I in this defence? That which is given to me by such influence as you have been pleased to allow me; by moderate experience; and by an ability which is by no means equal to my inclination to serve him. For as to the other men by whom he has been defended, I see that to them he is under great obligations; but how much I am under obligations to him I will explain to you at another time. This I assert at the beginning of my speech, — that if I cannot by my exertions properly requite all those men who have been friendly to my safety and to my dignity, I will at all events recompense them as far as in my power by at all times both feeling and declaring my obligations and my gratitude. [2] How great was the energy displayed by Cnaeus Pompeius in speaking yesterday, O judges, how great his fluency, how great the riches of his eloquence, was shown plainly enough, not only by the secret feelings of your minds, but by your evident and unconcealed admiration. For I never heard anything which appeared to me more acute as regards the state of the law,

* * * I never heard a more copious recollection of precedents; I never heard a more skillful argument concerning treaties, nor any statements of more illustrious authority concerning our wars, or of more weight and dignity with reference to the general interests of the republic; I never heard any one speak more modestly concerning himself, or more eloquently concerning the cause and the charge. [3] So that that saying appeared to me to be a true one, which though some men devoted to literature and to learned studies were said to have given utterance to it, appeared nevertheless to be something incredible; namely, that the man whose soul contained every virtue, could with the most perfect ease do everything which he might wish to do. For how could there have been a greater fertility and variety and richness of eloquence in Lucius Crassus, a man born to a most singular gift of oratory if even he had pleaded this cause than was displayed by that man who was able to devote just so much time to this study as he spared from the uninterrupted succession of wars and

victories in which his life has been passed from childhood up to this time? [4]

And all this makes my task of summing up the more difficult. For, in truth, I am coming after an oration which has not just passed by your ears, but has sunk deep into the minds of all of you, so that you may very probably derive more pleasure from the recollection of that speech, than you can from the hearing not only of mine, but of any one else's speech whatever. 2.

But in this I am forced to comply with the wishes not only of Cornelius, whose desires I cannot possibly thwart in this his hour of danger, but also with those of Cnaeus Pompeius, who has wished me the panegyrist of and the assistant in this action, and this determination, and this kindness of his, as I lately was in another cause which was pleaded before you, O judges.

[5] And it appears to me that this is what the defendant himself deserves, that this is what the unexampled renown of this excellent man deserves, that this is what essentially belongs to the discharge of your duty, and that this is due to the cause itself, that, what it is quite notorious that Cnaeus Pompeius did, all men should allow he had a lawful right to do. For there is nothing more true than that which he himself said yesterday, that Lucius Cornelius had now all his fortunes at stake, without being accused of any single crime of any description. For he is not said to have stolen the rights of a citizen, nor to have given any false account of his family, nor to have proceeded in an underhand manner by any shameless falsehood, nor to have crept fraudulently into the register. One thing alone is imputed to him, that he was born at Gades; a fact which no one denies. All the rest the prosecutor admits. He admits that he served in Spain, in a most severe war, with Quintus Metellus, with Caius Memmius; that he served both in the fleet and in the army; and, when Pompeius came into Spain and began to have Memmius for his quaestor, that he never left Memmius; that he went to take possession of Carthage; that he was present at those two hardly contested and most important battles of Sucro and the Durius; that he remained with Pompeius to the end of the war. [6] These are the battles of Cornelius. Such were his exertions; such was his industry; such were his dangers encountered on behalf of our republic; such was his

valour, worthy of a general; while his hopes were hopes of a reward in proportion to his dangers. The rewards themselves are not the actions of him who obtained them, but of him who conferred them. 3.

Therefore on account of this conduct he was presented by Cnaeus Pompeius with the freedom of the city. That the prosecutor does not deny; but he finds fault with it, in such a manner that, as far as Balbus himself is concerned, his cause is approved of even at the moment that it is sought to punish him; in the case of Pompeius, his conduct is disapproved of, but no punishment is designed for him. And this is the way in which they wish to condemn the fame and fortune of a most innocent man and the conduct of a most admirable commander. Therefore it is the status of Cornelius as a citizen, and the action of Pompeius that are now on their trial before this court. For you admit that this man was born of a most honourable rank in that state to which he belongs, and that from his earliest manhood disregarding all his private affairs, he has passed his whole time in our wars in the company of our own generals, and that he has been absent from no labour, from no siege, and from no battle. All these things are full of glory, and are the peculiar glory of Cornelius; nor is there any crime in any part of such conduct.

[7] Where then is his crime? Is it because Pompeius presented him with the freedom of the city? Is that a crime of Balbus's? By no means, unless honour is to be accounted ignominy. Whose crime is it then? In reality nobody's at all; but if we look at the pleading of the prosecutor, it is clearly the crime of that man alone who gave him the freedom of the city. But if he had been influenced by interest, he would probably have selected some less worthy man for that reward. Even had he selected a good man, he would not have chosen one who had deserved as well of the state as Balbus; even if his action had been one of which it could not have been said that it was contrary to what was lawful, it would have been said that it was contrary to what was becoming. But all such vituperation would have deserved to be rejected by you, O judges. [8] But at present what is it that is said? What does the prosecutor say? That Pompeius did what it was not lawful for him to do; which is a more serious charge than if he were to say that that had been done by him which was not expedient. For there are things which are not expedient even if they

are lawful. But whatever is not lawful is most certainly not expedient. 4.

Am I now, O judges, to hesitate to urge that it is impossible to doubt that we ought to confess that what it is notorious that Cnaeus Pompeius did was not only lawful, but also expedient for him to do? [9] For what qualification is wanting in this man, that, if he had it, we should consider that this liberty might lawfully be given and allowed to him? Is it experience in affairs? a man who during even the latter days of his childhood was beginning his course of the most important wars and commands? most of whose equals in age have seen a camp less frequently than he has celebrated a triumph? who has celebrated as many triumphs as there are countries and parts of the world? who has won as many victories in war as there are kinds of war in the nature of things? Is it ability? when even the very results and terminations of transactions have been, not the guides, but the companions of his counsels? a man in whom the most extraordinary good fortune has so kept pace with extraordinary valour, that, in the opinion of all men, more credit was due to the man than to the goddess; Have modesty, or integrity, or religion, or diligence ever been wanting in that man? a man than whom our provinces, and all free nations, and all kings, and the very most distant people of the earth have not only never seen one more chaste, more moderate, and more religious, but have never in their hopes or wishes even imagined one. [10] Why need I speak of his authority, which is as great as it ought to be, springing from such great virtue and glory?

Is it not then, O judges, a shameful thing for the Roman people, that after the senate and people of Rome have conferred on that man the rewards of the most honourable dignity; when he not only did not ask for commands, but when he even refused them, an inquiry into his conduct should be now taking place, in such terms that there should be a discussion as to whether it was lawful for him to do what he has done; or whether, I will not say, it was lawful, but whether it was impious for him to do so? (for he is said to have done it in contravention of a treaty, — that is to say, in contradiction to the religion and good faith of the Roman people.) Is it not disgraceful to you yourselves? 5. [11]

I, when a boy, have heard my father say this. When Quintus

Metellus, the son of Lucius, was prosecuted for extortion and peculation, he, that man to whom the safety of his country was dearer than the sight of it, who had rather abandon his city than his opinion; when he, I say, was before the court, and when his account-books were being carried round to the judges that they might see the entry of one item, I have heard that there was not one judge among them Roman knights, most excellent men as they were, who did not avert his eyes, and turn himself altogether away, lest any one of them should appear for a moment to have doubted whether what such a man had entered in his public accounts was true or false. And shall we open the question of the legality of a decree of Cnaeus Pompeius, pronounced in accordance with the vote of the senate? Shall we compare it with the words of the laws? with the treaties? Shall we scrutinise everything with the most unfriendly minuteness? [12] They say that at Athens, when some man, who had lived among the Athenians with a high character for piety and wisdom, had given his evidence in public, and (as is the custom of the Greeks) was approaching the altar for the purpose of taking an oath in confirmation of it, all the judges cried out that he need not take the oath. When Greeks were unwilling to appear to imagine that the good faith of a well-proved man felt itself more bound by the formality of an oath than by the simple obligation of truth, shall we have a doubt as to what sort of man Cnaeus Pompeius has been in respect of his regard for the religious observance of laws and treaties? [13] For do you mean that he acted in violation of the treaties ignorantly, or knowingly? If you say that he did so knowingly, O, for the name of our empire! O, for the preeminent dignity of the Roman people! O, for the glory of Cnaeus Pompeius, so widely and universally diffused, in such a manner that the home of his renown has but the same boundaries and limits as our common empire! O you nations and cities; and peoples, and kings, and tetrarchs, and tyrants, you witnesses not only of the valour of Cnaeus Pompeius in war, but also of his conscientiousness in peace! You too I implore, you, O voiceless lands, and you, O soil of the most remote districts; you, O seas, O harbours, O islands, O shores! For what land is there what place of habitation what spot in which there are not the deeply imprinted traces of this man's courage, and humanity, and spirit and

wisdom? Will any one venture to say that this man endued with such incredible and unheard of dignity and wisdom and virtue and consistency, has knowingly neglected and violated and broken treaties! 6. [14]

The prosecutor indulges me with a gesture. He intimates that Cnaeus Pompeius acted ignorantly. As if it were a lighter charge, when one has been occupied in affairs of state in so important a republic, and been presiding over the most serious transactions, to do anything which you know not to be legal, or to be utterly ignorant what is legal. Do you really mean that he did not know, he who had waged a most formidable and important war in Spain, what were the rights of the city of Gades? or that he did not catch the correct interpretation of a treaty made with the people, as not understanding their language? Will any one then dare to say that Cnaeus Pompeius is ignorant of that which the most ordinary men, men of no knowledge of the world, of no military experience, which every common amanuensis professes to be acquainted with? [15] I, indeed, think on the contrary, O judges, that while Cnaeus Pompeius excels in every kind and variety of accomplishment, even of those which are not easily learnt without the most perfect leisure for their study, his most extraordinary credit and his most admirable knowledge consists in his thorough acquaintance with the treaties, and agreements, and conditions of other peoples, kings, and foreign nations, in short, with the entire laws of war and peace; unless, indeed, you mean to make out that the things which our books teach us while in the shade and at our leisure, Cnaeus Pompeius was incapable of learning, either from books, when he was in the enjoyment of peace, or from the actual transactions, when he was engaged in the business of the state.

It is my opinion, O judges, this action is more to be attributed to the fault of the times than of the individual. Nor will I say any more about a trial of so scandalous a description. For it is the stain and disgrace of this age to envy virtue, and to seek to crush the budding flower of worth and dignity. In truth, if Cnaeus Pompeius had lived five hundred years ago, [16] that man from whom, while a young man and a Roman knight, the senate had often sought aid for the general safety; whose exploits had had all nations for their stage, being

crowned everywhere by the most illustrious victories, both by land and sea; of which three triumphs had been the witnesses, proving that the whole world was made subject to our empire; whom the Roman people had distinguished with unexampled honours, in that case if it were now said among you that anything that he had done had been done in contravention of a treaty, who would listen to such a statement? No one. For his death would have put an end to the envy of him, his achievements would rest in the glory of his undying name. As then his virtue, if it were only heard of by us, would leave no room for doubt or question, shall it when present among us, when it has been experienced and beheld by ourselves, be injured by the voice of detractors? 7. [17]

I will, therefore, say nothing about Pompeius in the rest of my speech; but I entreat you, O judges, to retain in your minds and memories what I have said. On the subject of the law, of the treaty, of precedents and of the uninterrupted usage of our state, I shall repeat those things which have been said already. For neither has Marcus Crassus who, as was natural to expect from his eloquence and from his honesty, has in the most careful manner explained the whole bearings of the case to you nor has Cnaeus Pompeius whose speech abounded in every possible ornament of oratory, left me anything new, anything untouched by them to dilate upon: but since, though I drew back, they both wished that this last labour of putting, as it were, a finishing stroke to their work, should be undertaken by me, I beg of you that you will consider that I have undertaken this office and employment more out of regard for what I thought my duty, than from any desire of making a display as an orator. [18]

And, before I approach the law of the case and the cause of Cornelius, it seems to me desirable to say a little about the common condition of all of us, for the sake of deprecating the malevolence of any one. If, O judges, whatever may be the rank in which any one is born or whatever the station in which he is placed by birth in respect of fortune that same station he ought to maintain to his old age, and if all men whom either fortune has raised or whom their own labour or industry has ennobled, are to be visited with punishment, then there does not appear to have been a more severe law or condition of life imposed on Lucius Cornelius than on many other virtuous and

gallant men. But if the virtue and genius and humanity of many men, though born in the meanest class of life, and in the lowest degree of fortune, has not only obtained them friendship and a plentiful estate, but has gained them also the greatest praise and honour and glory and dignity, then I cannot understand why envy should be more prompt to attack Lucius Cornelius, than your justice should to come to the assistance of his modesty. [19] And therefore I do not ask of you what it is very important to ask, in order that I may not seem to throw any doubts on your wisdom or your humanity; but I must beg of you not to feel any hatred towards genius, not to be enemies of industry, not to think that humanity deserves to be oppressed, or virtue to be punished. This I beg also; that if you see that my client's cause is of itself a sound and just one, you will allow his personal good qualities and accomplishments to be an assistance to him now that he is on his trial, rather than a hindrance. 8.

The cause of Cornelius, O judges, arises from the law which Lucius Gellius and Cnaeus Cornelius passed in accordance with the resolution of the senate. By that law we see that it is provided that those men shall be Roman citizens whom Cnaeus Pompeius shall separately present with the freedom of the city in accordance with the opinion of his council. Pompeius here in court asserts that Lucius Cornelius was so presented with it. The public records prove this to be the fact: the prosecutor admits it. But he says that no man of a people joined to us by treaty was capable by law of becoming one of our citizens, unless his own people ratified the measure. [20] Oh what a splendid interpreter of the law! what a fine authority on points of antiquity! what an admirable corrector and reformer of our state, to imagine that treaties impose such a penalty on those who are bound by them, as to make them all incapable of receiving our rewards and kindnesses! For what can possibly be said more ignorant than that it is requisite for the federate cities to ratify such a transaction? For that is not a right peculiar to federate cities, but to all free nations. But the whole of this, O judges, has at all times depended on this consideration, and on this intention, — that when the Roman people had ordered anything, if the allied peoples and the Latins had adopted and ratified it, and if the law which we had among ourselves was in this manner established among some people on a firm footing,

then that people should be bound by the obligations of that law; not in such a manner as to detract in the least from our privileges, but that those nations might enjoy either that law which was established among us, or some other advantage and benefit.

[21] Caius Furius, in the time of our ancestors, passed a law concerning wills Quintus Voconius passed another concerning the inheritances of women; innumerable other laws have been passed about civil law; the Latins have adopted whatever of them they have chosen; even by the Julian law itself, by which the rights of citizenship were given to the allies and to the Latins, it was decreed that those people who did not ratify the law should not have the freedom of the city, which circumstance gave rise to a great contention among the people of Heraclea, and among the people of Neapolis, as a great part of the population in those states preferred the liberty which they enjoyed by virtue of their treaty with us to the rights of citizenship.

Lastly, this is the meaning both of that law and of that expression, that the peoples who do ratify it enjoy its advantages owing to our kindness, and not owing to any right of their own.

[22] When the Roman people has enacted anything, if it be a matter of that sort, that it appears it may be granted also to some other nations, whether joined to us by a treaty, or free to decide themselves which law they prefer using, not about our affairs, but about their own; then it seems necessary to inquire whether they have adopted and ratified our law, or not; but the senate never intended that those peoples should have the power of ratifying or declining to ratify measures which concern our republic, our empire our wars, our victory, and our safety. 9.

But if it is not to be lawful for our generals, and for the senate, and for the Roman people, by holding out rewards to them, to tempt all the bravest and most virtuous men out of the cities of our allies and friends to encounter dangers in behalf of our safety, then we shall be deprived of what is a most exceeding advantage to us, and of what has often been a very great protection and support to us in dangerous and critical times. [23] But, in the name of the immortal gods! what sort of alliance, what sort of friendship, what sort of treaty is that by virtue of which our city in its time of danger is to

have no defender from Massilia, or from Gades, or from Saguntum; or, if there should arise an assistant to us from those cities, any one who may have aided our generals with the help afforded by his labour, or by his riches, or by his personal danger, — any one who may have often fought hand to hand in our ranks against our enemies, who may have repeatedly exposed himself to the weapons of the enemy, to battle for his life, to imminent death, — that such a one can by no possible means be rewarded with the honours contained in our rights of citizenship? [24] For it is a very serious consideration for the Roman people, if they are not to be able to avail themselves of the help of allies who are endued with any extraordinary virtue, and who may be willing to join themselves to us, and to consider our danger their own; and it is also an injurious and insulting thing towards the allies, and for those federate states that we are now discussing, that our most faithful and united allies should be shut out from these rewards and from these honours, which are open to our mercenary troops, which are open to our enemies, which are open often even to our slaves. For we see that mercenary troops in numbers from Africa, Sicily, Sardinia and other provinces have had the freedom of the city conferred on them, and we know that those enemies who have come over to our commanders and have been of great use to our republic have been made citizens and lastly that slaves, — beings whose rights, and fortune, and condition are the lowest of all, — who have deserved well of the republic we see constantly presented publicly with liberty, that is to say, with the rights of citizenshi. [25]

Do you then, O you patron of all treaties and federate states, lay down this as the condition of the people of Gades, your fellow-citizens, that what is lawful for those nations which we have subdued with our arms, and reduced under our dominion, having the people of Gades for our assistants while doing so, namely, that if the Roman people shall permit it, they may have the rights of citizenship conferred on them by the senate or by our generals, — is not to be lawful for the men of Gades themselves?

Suppose they had determined by their own decrees or laws that no one of their fellow citizens should enter the camp of a general of the Roman people, that no one should incur any personal risk or danger

of his life in defence of our empire, that we should not be allowed to avail ourselves of the assistance of the people of Gades whenever we chose, and that in his private capacity no individual, being eminent for courage and valour, should dare to struggle to his own personal danger, in defence of our empire; we should naturally be very indignant at that, at the resources of the Roman people being diminished, at the courage of brave men being damped, and at our being deprived of the aid afforded us by the zeal of nations unconnected with us in our behalf, and by the valour of foreign peoples.

[26] But it makes no difference, O judges, whether the federate states enact these laws that no one shall be permitted to leave those states for the purpose of sharing in the dangers of our wars, or that those things cannot possibly be ratified which we have given to their citizens on account of their virtue. For we should not any the more have the advantage of these men for our assistants if we once take away all the rewards of virtue, than we should if we were to make it absolutely unlawful for them to meddle at all in our laws. In truth, as, ever since the original birth of man, there have been but few men found, who, without any hope of reward, have been willing to expose their lives to the weapons of the enemy even for the sake of their own country, do you suppose that there will be any one who will expose himself to dangers in the defence of a republic with which he has not any connection, when not only no reward is held out to him, but when all reward for such conduct is prohibited from being bestowed? 11. [27]

But not only was that a most ignorant thing to say, which was said, about states ratifying and accepting our laws, as that is a privilege common to all free peoples, and not peculiar to federate cities; from which it must inevitably be understood, either that no one of the allies can be made a Roman citizen, or else that an inhabitant of the federate states may likewise be made one; but this great teacher of ours is ignorant also of the whole bearings of the law respecting a man's change of citizenship; which, O judges, is a thing which is not only clearly laid down in the public laws, but which depends also on the inclination of individuals. For, according to our law, no one can change his city against his will, nor can he be

prevented from changing it, if he pleases, provided only that he be adopted by that state of which he wishes to become a citizen. As, for instance, if the people of Gades passed a bill concerning any Roman citizen by name, that he should become a citizen of Gades, our citizen would in consequence of that bill acquire a complete power of changing his city, and would not be hindered by any treaty from becoming a citizen of Gades after having been a citizen of Rome. [28]

According to our civil law, no one can be a citizen of two cities at the same time; a man cannot be a citizen of this city, who has dedicated himself to another city. And he may do so not only by dedication, which is a thing which we have seen happen in their misfortunes to most illustrious men, to Quintus Maximus, and Caius Laenas, and Quintus Philippus at Nuceria, and to Caius Cato at Tarraco, to Quintus Caepio and Publius Rutilius at Smyrna, who all became citizens of those cities. (They could not lose their rights of citizenship here, before they had as it were changed their country by their change of citizenship.)

But a change of citizenship can also take place by a man's returning to his original city. Nor was it without reason that a motion was submitted to the people concerning Cnaeus Publicius Menander, a freedman, whom in the time of our ancestors some ambassadors of ours when going into Greece wished to take with them as an interpreter, that that Publicius if he returned to his home, and after that again came back to Rome, should still be a Roman citizen. For, in the recollection of earlier times, many Roman citizens of their own free will, not having been condemned by any process of law, nor having been in danger, have left our state and joined themselves as citizens to other cities. 12. [29]

But if it is lawful for a Roman citizen to become a citizen of Gades, either by exile, or by a return to his original city, or by a discarding of his rights of citizenship here, (to come now to the treaty, which, however, in fact has nothing to do with the cause in hand; for what we are discussing is the right of citizenship, and not the treaties,) what reason is there why a citizen of Gades may not be allowed to become a citizen of this city? My opinion, indeed, goes quite the other way. For as there is a path from all cities to our city, and as the road to all other cities is open to our citizens, so also, in

proportion as each city is more closely united with us in alliance and friendship, by agreement, and covenant, and treaty, the more does that state appear to me to be entitled to a participation in our kindness and in our rewards.

* * *

But all other cities would without any hesitation receive our men into the rights of citizenship with them if we also had the same laws that other nations have. But we cannot he citizens of this city and of any other city at the same time though in all other cities this is allowed. [30] Therefore in the Greek cities we see that Rhodians and Lacedaemonians and men from all quarters are enrolled among the citizens of Athens, and that the same individuals are citizens of many cities at the same time. And I have seen some ignorant men, citizens of ours, led by this mistake, sitting at Athens among the judges and members of the Areopagus, in a regular tribe and class of Athenian citizens, being ignorant that it they acquired the rights of citizenship there they lost their rights here, unless they recovered them by a subsequent return to their rights here, and a renunciation of the others. But no one who had any acquaintance with our laws or our customs, who wished to retain his rights as a citizen of Rome, ever dedicated himself to another city. 13.

But the whole of this topic of my speech, and the whole of this discussion, O judges, has reference to the common right of changing one's city; it has nothing in it which is peculiar to the religious observance of treaties. For I am defending the universal principle, that there is no nation on the whole face of the earth, — whether at variance with the Roman people through some quarrel and hatred, or, on the other hand, united with us by the closest loyalty and mutual good-will, — as to which we are forbidden to adopt any one of its citizens as our own, or to present any one of them with the freedom of our city. [31] Oh how admirable are our laws, and with what god-like wisdom were they established by our ancestors from the very first beginning of the Roman name, especially the law that no one of our people can be a citizen of more than one city, (for it is inevitable that dissimilar states must have a great variety in their laws,) and that no one can be compelled against his will to change his city, nor against his will to remain a citizen of any city. For these are the

firmest foundations of our liberty, that every individual should have it in his own power to retain or abandon his privileges.

And without any dispute, that has been the most solid foundation of our empire, and the thing which has above all others increased the renown of the Roman name, that that first man, the creator of this city, Romulus, taught by the treaty which he made with the Sabines, that it was expedient to increase the population of this city by the adoption of even enemies as citizens. And in compliance with his authority and with the precedent which he established, the presentation of the freedom of our city to others has never been interrupted by our ancestors. Therefore, many tribes from Latium, the people of Tusculum, the people of Lanuvium, and all other peoples of all other races, have been received into the privileges of our city; — as, for instance, the Sabines, the Hernici, and the Volsci; the citizens of which cities were not compelled to change the city to which they belonged, if they were unwilling to do so; nor if any of them had acquired the privileges of our citizens by the kindness of the Roman people, would the treaty made with them appear to have been violated. 14. [32]

But some treaties are in existence, as for instance those with the Germans, the Insubres, the Helvetians, and the Iapidae, and with some of the barbarian tribes in Gaul in which there is a special exception made that no one of them is to be received by us as a citizen of Rome. And if the exception prevents such a step from being lawful, it is quite evident that it is lawful where there is no such exception made. Where, then, is the exception made in the treaty between us and the city of Gades, that the Roman people is not to receive any one of the citizens of Gades into their citizenship? Nowhere. And if there were any such clause, the Gellian and Cornelian law would have annulled it which expressly gave to Pompeius a power of giving the freedom of the city to anybody whatever. “The whole treaty,” says the prosecutor, “is such an exception, because it was ratified with solemn oaths.” I can excuse you if you do not know much about the laws of the Carthaginians, for you had left your own city; and you were not able to examine our laws very strictly; for they prevented your having any opportunity of instituting such an examination by a public sentence.

[33] What was there in that enactment which was passed concerning Pompeius by Gellius and Lentulus in their consulship in which any exception appears to have been made of treaties which had been ratified by an oath? For first of all, nothing can be ratified in such a manner except what the burgesses or the common people have so ratified. In the second place, such ratifications are to be accounted sacred, either because of the form of ratification itself, or because the invocation of the gods and dedication of the law,

* * * or else, because of some punishment to which the life of that man is devoted who acts in contravention of it. What argument, then, of this sort can you allege with respect to our treaty with the city of Gades? Do you assert that that treaty was solemnly ratified by the devotion of the life of any offender against it, or by any invocation of the gods to uphold the law? I assert that nothing was ever submitted to the burgesses or to the common people with respect to that treaty [I assert that no law was enacted, and no punishment appointed.]

When, therefore even if it had been enacted that we were not to receive any man as a citizen, still that would have been ratified which the people enacted subsequently, nor would any exception have appeared to have been made by that expression, "If anything had been formally ratified by an oath," do you venture to say that anything is formally ratified in this way, with respect to which the Roman people has never come to any decision at all? 15. [34]

Nor, O judges, has this argument of mine any tendency to invalidate our treaty with the city of Gades. For it would not become me to say anything against the rights of a city which has deserved very well at our hands, against the invariable opinion of antiquity, and against the authority of the senate. For once, at a very critical period of this republic, when Carthage, being exceedingly powerful by sea and land, relying on the two Spains, was threatening this empire, and when those two thunderbolts of our empire, Cnaeus and Publius Scipio, had suddenly perished in Spain, Lucius Marcius, a centurion of the first division, is said to have made a treaty with the people of Gades. And as this treaty was maintained more in consequence of the loyalty of that people, of our justice, and, indeed, of its own antiquity, than because it was ratified by any public bond of religion, the people of Gades, being wise men and well instructed

in public law, when Marcus Lepidus and Quintus Catulus were consuls, made a request to the senate for a more regular treaty; and then the treaty was renewed or made (whichever you please to call it) with the men of Gades. And concerning that treaty the Roman people never recorded any vote; and they cannot possibly be bound by any religious obligation which has been contracted without their orders.

[35] And so the city of Gades obtained what it was well entitled to obtain by its services done to our republic, by the testimony borne in its favour by our commanders by the antiquity of its alliance with us, by the authority of Quintus Catulus, a most illustrious man by the formal decision of the senate, and by a regular treaty; but it has not received any additional sanction from any public religious ceremonies of ratification. For the people has in no respect whatever bound itself, nor is the cause of the men of Gades any the worse for that; for it is upheld by many and those the very wealthiest of circumstances. But however there is at present no room for that discussion; for nothing can be so ratified as to be sacred unless it be something that has been adopted by the burgesses or by the common people. 16.

But if this treaty, which the Roman people, with the authority of the senate with the recommendation and decision of antiquity in its favour approves not only by its tacit inclination, but also by its open expression of opinion, had been also sanctioned by its votes, what reason was there, from the words of the treaty itself, why it should not have been lawful to receive a citizen of Gades into our city? For there is nothing else provided for in the treaty except that there be a pious and everlasting peace. What has that to do with the rights of citizenship? That also is added which does not occur in every treaty: “Preserve, with all courtesy and respect, the majesty of the Roman people.” And that expression carries this force with it, that it shows that the people of Gades is the inferior party in the treaty. [36] First of all, the very description of word used “Preserve” which is a form that we are more accustomed to use in laws than in treaties is an expression of one giving a command, not of one addressing an entreaty. In the next place, as the majesty of the one people is ordered to be preserved and no mention is made of the other, most

certainly that people is placed on the higher footing and in the superior condition whose majesty is defended by the sanction of the treaty. And in respect of this the interpretation of the prosecutor is quite undeserving of any reply, who said that the expression “with courtesy and respect,” meant the same as “respectively” just as if he were explaining some ancient and nearly obsolete word. Men are called courteous, kind, affable, pleasant. “ A man who courteously points out the way to a wanderer:
“ — good-naturedly, not sulkily;—”respectively” has surely no connection with the rest of the sentence, or with the subject. [37]

And, at the same time, it is a perfect absurdity for a provision to be made in the treaty that they should “respectively” preserve the majesty of the Roman people; that is to say, that the Roman people is to wish its own majesty to be uninjured. And if it were so now, as it cannot be, still the fact would remain, that provision had been made for our majesty, but none at all for theirs. Can our majesty then be preserved with good feeling by the people of Gades, if we are not able to tempt the men of Gades by rewards to be anxious for its preservation? Can there, in fact be any majesty at all, if we are prevented from availing ourselves of the consent of the Roman people to confer on our commander-in-chief the power of distributing honours and kindnesses as a reward of virtue? 17. [38]

But why am I arguing against statements which it would seem to me might be uttered with truth, if the people of Gades were speaking against me? for, if they were to demand back Lucius Cornelius, I should reply, that the Roman people had enacted a law with respect to giving the freedom of the city; and that there was no occasion, nor was it usual for the entire people to ratify laws of this sort; that Cnaeus Pompeius, in accordance with the advice of his council, had given the freedom of the city to this man, and that the people of Gades had no single law whatever of the Roman people in their favour. Therefore, that nothing had been sanctified by any peculiar solemnity, which appeared to be excepted against by the law; that if there were, still there had been no provision made in the treaty respecting anything but peace. That this clause also was added, that they were bound to preserve our majesty unimpaired; which certainly

would be diminished, if it was unlawful either for us to avail ourselves of the citizens of those nations as assistants in our wars, or if we were to have no power whatever of rewarding them. [39]

But, now, why should I speak against the people of Gades, when the very thing which I am defending is sanctioned by their desire, by their authority, and by a deputation which they have sent hither on purpose? For they, from the very first beginning of their existence as a separate people, and of their republic, have turned all their affections from zeal for the Carthaginians and eagerness in their cause, to the upholding of our empire and name. And accordingly, when the Carthaginians were waging most tremendous wars against us, they excluded them from their city, they pursued them with their fleets, they repelled them with their personal exertions, and with all their resources and power. They have at all times considered that phantom of a treaty made by Marcius as more inviolable than any citadel; and by this treaty and by that of Catulus, and by the authority of the senate, they have considered themselves as most intimately connected with us. Their ambition, and our ancestors' wish, has been, that their walls, their temples, their lands, should be the boundaries of the Roman name and Roman empire, as Hercules wished them to be of his journeys and of his labours. [40]

They invoke as witnesses our deceased generals, whose memory and glory survive for everlasting, — the Scipios, the Bruti, the Horatii, the Cassii, the Metelli, and this man also, Cnaeus Pompeius whom you see before you; whom when he was carrying on a great and formidable war far from their walls, they assisted with supplies and money and at this very time they invoke as witnesses the Roman people whom now, at a time of great dearness of provisions they have relieved with a large supply of corn as they had often done before. They call them, I say, to witness that they wish this to be their privilege, — to have a place permitted to them and to their children, whenever there are any of distinguished virtue in our camps and in the tent of the general and among our standards; and in our line of battle; and that by these steps they should have a power of rising up to the freedom of the city. 18. [41]

And if it be lawful to Africans, to Sardinians, to Spaniards, — men who have been punished by the deprivation of their lands and by the imposition of tribute, — to acquire the rights of citizenship among us by their virtue, but if it be not allowed to the men of Gades, who are united to us by duty, and by the antiquity of their alliance with us, and by their loyalty, and by our mutual dangers, and by an express treaty, to acquire the same rights, then they will think that they have not a treaty with us, but that most iniquitous laws have been imposed on them by us. And, O judges, the very circumstances of this case show that this assertion is not one just invented by me for the purpose, but that I am saying what the men of Gades have instructed me to say. I say that the men of Gades publicly entered into a connection of mutual hospitality many years before this time with Lucius Cornelius. I will produce witnesses, I will produce ambassadors who will prove this; I will bring forward panegyrists, whom you see here, having been sent expressly to this trial, — men of the highest character and of the most noble birth, — to seek to avert the danger of my client by their prayers. Lastly, by an act perfectly unheard-of among the people of Gades before this time, the moment that it was known that the prosecutor was preparing to bring Balbus before this court, the men of Gades passed most solemn resolutions of their senate respecting their own fellow-citizen. [42] Could the people of Gades have ratified this act of Pompeius more decidedly, (since I have taken a great fancy to the expression,) — if what is meant by ratifying is, to approve of our decrees and commands by its decision, — than when it enters into connections of hospitality for the express purpose of admitting, by so doing, that Balbus had changed his city, and of showing that it considered him entirely worthy of the honour of this city? Was it possible for it to exhibit its own opinion and inclination more undeniably, than when it imposed a fine and a penalty on my client's prosecutor? Was it possible for it to give its decision on the subject more plainly, than when it sent its most honourable citizens as deputies to this trial which is now taking place before you, to be the witnesses of Balbus's rights, and the panegyrists of his conduct through life, and his saviours from danger by their prayers? [43]

In truth, who is there so insane as not to perceive that it is an object with the men of Gades to retain this right, and to prevent the road to this the most honourable reward which the city can confer from being closed against them for ever? and that they have cause to rejoice exceedingly that this goodwill of Lucius Cornelius towards his friends is still in existence at Gades, and that his interest and power of serving his friends is now settled in this city? For who is there of us to whom that city of Gades is not the more recommended owing to his zeal and care and diligence? 19.

I say nothing of the great distinction with which Caius Caesar, when he was praetor in Spain, loaded that people; — how he put an end to their disputes, how he established laws among them with their own permission, how he eradicated from the manners and customs of the citizens of Gades a sort of barbarism that had become almost inveterate among them; and how, at the request of this my client, he displayed the greatest zeal for and conferred the greatest services on that city. I pass over many things which they obtain every day in consequence of this man's exertions and zeal either wholly, or at all events with more facility than they otherwise would have done. Therefore the chief men of the city are here to stand by him and to defend him: with affection, as being their fellow citizen with their evidence as a citizen of ours; with kindness, as one who is now their most religiously-connected friend, from having been one of their noblest citizens; and with earnestness as a most diligent advocate of all their interests. [44]

And that the people of Gades may not think, — although they suffer no actual personal inconvenience, — if it is lawful for their citizens to acquire the freedom of our city as a reward for their virtue, that still in this respect their treaty is a more unfavourable one than that which has been made with the other states, I will console those who are present here, — most excellent men, — and also that city which has ever been most faithful and most friendly to us, and at the same time I will put you in mind, O judges, though you are not ignorant of the truth, that there has never hitherto been the slightest doubt expressed about that privilege concerning which this trial has been appointed. [45]

Who, then are the men whom we consider the wisest interpreters

of treaties and the men of the greatest experience in military law, and the most diligent authorities in examining into the different conditions and states of towns? Surely those men who have already been placed in command and have had the conduct of wars. 20.

In truth if that celebrated augur Quintus Scaevola, when he was consulted about the laws relating to mortgages; — a man most skillful in law, — occasionally referred those who consulted him to Furius and Cascellius as men who had invested their money in such securities and if we in the transaction referring to our aqueduct consulted Marcus Tugio, rather than Caius Aquillius, because constant practice devoted to one particular line of business often proves superior to ability and to general information, who can hesitate to prefer our generals to all the most experienced lawyers on earth in any case respecting treaties, and the whole state of the law of peace and war? [46] May I not therefore, mention, with your approbation, Caius Marius, the original author of that conduct and of that precedent which is found so much fault with by you? Do you require any more weighty example? any one of more consistent wisdom? any one more eminent for virtue and prudence, and conscientiousness and equity? Did he, then, confer the freedom of the city on Marcus Annius Appius, a most gallant man, and one endued with the most admirable virtue, when he knew that the treaty made with Camertum had been most solemnly ratified, and was in all respects a most equitable one? Is it possible, then, O judges, that Lucius Cornelius should be condemned, without condemning also the conduct of Caius Marius? [47]

Let then, that great man be present for a while to your thoughts, as he cannot appear before you in reality, so that you may behold him with your minds whom you cannot behold with your eyes. Let him state to you that he has not been altogether unversed in treaties, nor wholly inexperienced in the nature of precedents, nor entirely ignorant of war; that he was the pupil and soldier of Publius Africanus; that he was trained in campaigns and in many warlike lieutenancies; that if he had read of as many wars as he has served in and conducted, and brought to a termination, — that if he had served under consuls as often as he himself was consul, he might have learnt and become thoroughly acquainted with all the laws of war; that he

never doubted for a moment that no treaty could hinder him from doing anything which was for the advantage of the republic; that he carefully selected all the bravest men out of every city which was closely connected with and friendly to us; that none of the people of Iguvium or of Camertum were excepted by treaty, so that their citizens were incapable of receiving from the Roman people the rewards of their virtue. 21. [48]

Therefore, when, a few years after this present of the freedom of the city, a very important and strenuously-contested question arose concerning the rights of citizenship according to the previsions of the Licinian and Mucian law, was any prosecution instituted against any one of those men of the federate states who had had the freedom of the city conferred on him? For Titus Matrinius, of Spoletum, one of those men whom Caius Marius had presented with the freedom of the city, was indeed prosecuted, being a man of a Latin colony, which was among the first for vigour and high character. And when Lucius Antistius, a very eloquent man, prosecuted him, he never said that the people of Spoletum had not ratified the deed of Marius; for he saw that states were accustomed to ratify laws which concerned their own rights, not those which affected ours. But as colonies had not been established by the law of Appuleius, by which law Saturninus had carried, in favour of Marius, a proposition that he should have authority to make three Roman citizens in every colony, he said that this power which was so granted could have no validity, since the case for which it had been intended to provide did not exist.

[49] There is no resemblance to this case in the present prosecution. But still so great was the authority of Caius Marius, that he did not employ true oratory of Lucius Crassus his own relation, a man of extraordinary eloquence, but himself in a few words defended his conduct with the weight and wisdom which belonged to him, and proved his case to everybody's satisfaction. For who could there be, O judges who would wish that the power of selecting men for distinction on account of their valour in war, in the line of battle, and in the army, should be taken from our generals; or that all hope of rewards for the energy shown in defending the republic should be taken from our allies, and from the federate states? But if the countenance of Caius Marius, and his voice, — if that quickness of

eye so advantageous to a general, — if his recent triumphs, and the authority of his presence, had such influence, then let his authority, and his exploits, and his memory, and the undying name of that most illustrious man, prevail still. Let there be this difference between agreeable citizens and brave ones, — that the former, while living, may have all the enjoyment of their influence, but that the authority of the latter may flourish without decay even after they are dead themselves, (if indeed any defender of this empire can be properly said to die at all.) 22. [50]

What? Did not Cnaeus Pompeius, the father of this man, after he had performed mighty achievements in the Italian war, present Publius Caesius, a Roman knight and a virtuous man, who is still alive, a native of Ravenna, a city of a federate state, with the freedom of the city of Rome? What? did he not give the same gift also to two entire troops of the Camertines? What? Did not Publius Crassus, that most distinguished man, give the same gift to Alexas, the Heraclean, a man of that city with which there was a treaty, such as I may almost say there is no other instance of, made in the time of Pyrrhus, by Caius Fabricius, the consul? What? did not Sulla do the same to Aristo of Massilia? What? Since we are speaking of the people of Gades, did not that same man make nine men of the citizens of Gades, citizens of Rome at the same time? What? Did not that most scrupulously correct man, that most conscientious and modest man, Quintus Metellus Pius, give the freedom of the city to Quintus Fabius, of Saguntum? What? Did not this very man who is here in court, by whom all these cases, which I am now lightly running over, were all most carefully wrought up and set before you; did not Marcus Crassus give the freedom of the city to a man of Aletrium, which is a federate town, — Marcus Crassus, I say, a man not only eminent for wisdom and sobriety of conduct but also one who is usually even too sparing in admitting men as citizens of Rome? [51] And do you now attempt to disparage Cnaeus Pompeius's kindness, or I should rather say, his discretion and conduct, in doing what he had heard that Caius Marius had done; and what he had actually seen done in his own town by Publius Crassus, by Lucius Sulla, by Quintus Metellus; and, though last not least, what he had a family precedent for in his own father? Nor was Cornelius the only instance

of his doing this. For he also presented Hasdrubal, of Saguntum, after that important war in Africa, and several of the Mamertines who came across him, and some of the inhabitants of Utica, and the Fabii from Saguntum, with the freedom of the city.

In truth, as those men are worthy of all other rewards too who defend our republic with their personal exertions and at the expense of their own personal danger, so certainly those men are of all others the most worthy of being presented with the freedom of the city in defence of which they have encountered dangers and wounds. And I wish that those men in all quarters of the world who are the defenders of this empire, could all enter this city as citizens, and, on the other hand, that all the enemies of the republic could be got rid or out of it. Nor, indeed did that great poet of our country intend that exhortation which he put into the mouth of Hannibal to be peculiarly his language, but rather the common address of all generals " The man who slays a foe, whate'er his race,
Come whence he will, I call my countryman.
" And from what country an ally comes, all men consider and always have considered unimportant. Therefore, they have at all times adopted brave men as citizens from all quarters, and have often preferred the valour of men who may have been meanly born to the inactivity of the nobility. 23. [52]

You have before you the interpretation put upon the law and upon treaties by the most consummate generals, by the wisest men and the most illustrious citizens. I will add now that given by the judges who presided at this investigation; I will add that of the whole Roman people; I will add the most conscientious and sensible decision of the senate. When the judges were stating openly and were explaining without any disguise what they intended to decide with respect to the Papian law in the case of Marcus Crassus, when the Mamertines claimed him back as a citizen of theirs, the Mamertines, though they had commenced the cause under the sanction of the public authority of their state abandoned it. [53] Many men who had been admitted to the freedom of this city from the free states, or the federate cities, were released from all apprehension on the subject. No one was ever

prosecuted on account of his rights as a citizen, either because his own state had not ratified his admission, or because his right to change his city was hindered by any treaty. I will venture also to assert even this, that no one ever lost his action who was proved to have been presented with the freedom of the city by any one of our generals.

Listen now to the decision of the Roman people given on many different occasions, and approved of in the most important causes, in consequence both of the facts of the case, and of precedent. Who is there that does not know that a treaty was made with all the Latins in the consulship of Spurius Cassius and Postumus Cominius? [54] Which, indeed, we recollect to have been in existence till quite lately, engraved and written on a brazen column at the back of the rostra. How then was Lucius Cossinius, a man of Tibur, the father of our present Roman knight of the same name, a most excellent and most accomplished man, after Titus Caelius had been condemned; and how was Titus Coponius, of the same city, he also being a citizen of the very greatest virtue and dignity, (his grandsons Titus and Caius Coponius you are all acquainted with,) after Caius Masso had been condemned, made a Roman citizen? Are we going to affirm that the path to the freedom of the city is open to eloquence and genius, but shall not be open to courage and virtue? Was it lawful for the federate states to acquire spoils from us, and shall it not be lawful for them to carry them off from the enemy? Or shall it be impossible for them to acquire by fighting what they are enabled to acquire by speaking? Or did our ancestors intend that the rewards of a prosecutor should be greater than those of a warrior? 24.

But if by that most severe Servilian law, the chief men of the city, men of the greatest dignity, citizens of the most profound wisdom, allowed this road to the freedom of the city to be opened, in accordance with the resolution of the people, to the Latins, that is to say to the federate states, and if this was found no fault with by the Licinian and Mucian law, especially when the very nature and name of a prosecution, and the reward which no one could obtain except through the misfortune of some senator, could not be over pleasant either to a senator or to any virtuous man; was it possible to doubt that the decisions of our generals were to be of force with respect to

that kind of reward in which the decisions of the judges had already been ratified? Do we suppose, then, that the sanction of the Latin tribes was given to the Servilian law, or to the other laws in which the reward of the freedom of the city was held out to men of the Latin towns, as an encouragement to such and such conduct? [55]

Listen now to the decision of the senate, which has at all times been approved of by the decision of the people. Our ancestors, O judges, ordained that the sacred rites of Ceres should be performed with the very strictest religious reverence and the greatest solemnity; which, as they had been originally derived from the Greeks, had always been conducted by Greek priestesses, and were called Greek rites. But when they were selecting a priestess from Greece to teach us that Greek sacred ceremony, and to perform it, still they thought it right that it should be a citizen who was sacrificing for citizens, in order that she might pray to the immortal gods with knowledge, indeed, derived from a distant and foreign source but with feelings belonging to one of our own people and citizens. I see that these priestesses were for the most part Neapolitans or Velians, and those are notoriously federate cities. I am not speaking of any ancient cases, I am only mentioning things that have happened lately, as, for instance, that before the freedom of the city was conferred on the Velians, Caius Valerius Flaccus being the city praetor, did, in accordance with a resolution passed by the senate, submit a motion to the people concerning a woman of Velia, called Calliphana, mentioning her expressly by name, for the purpose of making her a Roman citizen. Are we then to suppose that the Velians ratified the law which was then passed about her; or that that priestess was not made a Roman citizen; or that the treaty was violated by the senate and people of Rome? 25. [56]

I am aware, O judges, that in a cause that is so plain and so little liable to any doubt, many more arguments have been adduced and more men of great experience have spoken than the case at all required. But that has been done, not in order by our speaking to prove to you a matter which required proof so little, but in order to check the hostile disposition of all spiteful, and wicked, and envious men, whom the prosecutor has sought to inflame, hoping that some of the reports current among men who grieve over the prosperity of

another might reach your ears, and have their effect on the result of this trial; and on that account you saw aspersions scattered about with great art in every part of his speech; especially with respect to the riches of Lucius Cornelius, which do not deserve to be brought into odium, and which, whatever their amount may be, are such as to seem to have been rather acquired by care than by any illicit or unfair means; and with respect to his luxury, which he attacked, not by bringing any definite charge of licentiousness against him, but by mere general abuse. Then, too, he attacked him about his farm at Tusculum, which he recollected had belonged to Quintus Metellus, and to Lucius Crassus; but he was not aware that Crassus had bought it of a man who was a freedman, Sotericus Marcius by name; that it had come to Metellus as part of the property of Venonius Vindicius; and also, he did not know that lands do not belong to any particular family, that they are accustomed to pass by sale to strangers, often even to the very lowest people, not being protected by the laws like guardianships. [57] It has been imputed to him also that he has become one of the tribe Crustumina, a privilege which he obtained by means of the law concerning bribery, and which is less invidious than the advantages acquired by those men who, by the assistance of the laws, obtain the power of delivering their opinion as praetor, and of wearing the praetexta. And then, too, the adoption of Theophanus was discussed; by means of which Cornelius gained nothing beyond being confirmed in his possession of the inheritances of his own relations. 26.

Although it is not a very difficult matter to propitiate the minds of those men who themselves are envious of Cornelius. They show their envy in the ordinary way; they attack him at their feasts; they abuse him at their conversations; they carp at him, not in a downright hostile spirit, but in a disparaging manner. [58] They who are enemies to the friends of Lucius Cornelius, or who envy them, are much more greatly to be feared by him. For who has ever been found who would confess himself an enemy to the man himself? Or who could be so with any reason? What good man has he not cultivated the friendship of? Who is there whose fortune and dignity he has not promoted? Living in the closest intimacy with the most influential man in the state, at a time of our greatest misfortunes and most bitter

dissensions, he has never offended any one of either party, either by act or word, or even by a look. It was my fate, or the fate of the republic, that the whole weight of distress and ill-will at that time should fall upon me alone. Cornelius was so far from exulting in my disasters or in your dissensions, that while I was absent, he aided all my friends with his kind assistance, with his tears, with his exertions, and with consolation. [59] And I have been induced by their testimony in his behalf, and by their entreaties, to offer him my service now, which he has so well deserved, and which on my part is only a repayment of just and reasonable gratitude. And I hope, O judges, as you love and consider dear to you those men who were the chief agents in my preservation and safety, and in the restoration of my dignity, that so also the things which were done by this man to the extent of his power and of the opportunities which were afforded him, will be grateful to and approved of by you. He, then, is not now attacked by his own enemies, for he has none, but by those of his friends; enemies who are both numerous and powerful; men whom yesterday Cnaeus Pompeius, in a very eloquent and dignified oration, desired to come forward and contend with him if they chose, but to abandon the unequal contest and unjust persecution which they were carrying on against this man. 27. [60]

And it was a fair condition, and one very advantageous, O judges, for us and for all those who are connected with us in intimacy that we should carry on our own enmities against one another as we chose, but that we should spare the friends of our enemies. And if my authority had in this matter much weight with those men, especially as they see that I am well instructed in such matters both by the variety of circumstances in which I have found myself, and by special experience in cases of this sort, I would exhort them to give up even those greater dissensions. For I have at all times considered it the part both of fearless citizens and of virtuous men to labour in the administration of the affairs of the republic in such a way as to defend whatever one really thinks best; nor have I myself ever failed in this labour or duty or line of exertion. But contention is only wise so long as it either does some good or, if it does not do any good, at all events does no harm to the state. [61] We ourselves have had wishes, we have urged points, we have tried to carry measures, and

we have not succeeded. Other men have felt indignation; we have undergone real sorrow and distress. Why should we choose to destroy those things which exist rather than to preserve them if merely because we are not allowed to alter them exactly as we wish? The senate complimented Caius Caesar with the most honourable distinction of a supplication lasting for a number of days which was quite unprecedented. The senate again, though at a time when the treasury was in great difficulties, gave his victorious army a large sum for pay, appointed ten lieutenants to assist the commander-in-chief at his request, and by the Sempronian law decided not to send any one to supersede him. Of all these resolutions, I was the prime mover and the chief author; nor did I think myself bound to preserve a consistency with the previous differences which I had had with him, rather than to consult what was advantageous with regard to the present necessities of the republic and to unanimity. Other men may perhaps think differently. They are, maybe, firmer in their opinions. I find fault with no one; but I do not agree with all of them. Nor do I think it any proof of inconsistency to regulate one's opinions, as one would do a ship or a ship's course on a voyage, according to the weather which might be prevailing in the republic. [62]

But if there be any people who never abandon any dislike which they have ever conceived against anybody, — (and I see that there are some such people,) — then let them fight with the leaders themselves, not with their train and followers. Some of them, perhaps, will consider that conduct obstinacy, and some will think it courage; but this attacking of the subordinate parties all will look upon as injustice, mixed with some little cruelty. But if there be some men, O judges, whose minds we cannot propitiate by any means whatever, at all events we feel sure that your inclinations are favourable to us, not because of our speeches, but because of your own natural humanity. 28. [63]

For, what reason is there why the intimate friendship of Caesar should not avail to procure this my client the highest praise rather than the very slightest injury? Caesar knew him when a young man; he, that most able man, thought highly of him, and though he had a most excessive multitude of friends, Balbus was accounted by him one of his most intimate friends of all. In his praetorship and in his

consulship he appointed him prefect of the engineers; he thought highly of his prudence, he loved him for his integrity, he was grateful to him for his constant assistance and attention. He was at different times the partner of very many of his labours; he is perhaps even now the partaker of some of his benefits. And if they are to be an injury to my client in your judgment, I do not see what is ever to be an advantage to any one before such judges. [64]

But since Caius Caesar is a great distance off, and is now in those places which, if we regard their situation, are the boundaries of the world, or, if we regard his exploits, of the Roman empire, do not, I entreat you, in the name of the immortal gods, O judges, do not allow such bitter news to be taken to him, as that his own prefect of engineers, the man of all others most dear to and most intimate with him, is crushed by your decision, not on account of any offence of his own, but because of his intimacy with him. Pity the man who is now before the court at his own peril, not on account of any offence of his own, but because of the action of this great and most illustrious man, — who is contesting not any charge which is brought against him, but a point of public law and of general interest. And if Cnaeus Pompeius, and Publius Crassus, and Quintus Metellus, and Cnaeus Pompeius the father of this man, and Lucius Sulla, and Marcus Crassus, and Caius Marius, and the senate and people of Rome and all those who have ever given a decision under similar circumstances and the federate states, and the allies and those ancient men of the Latin tribes whom I have mentioned are all ignorant of this law, consider whether it may not be more advantageous and honourable for you to err with those men for your guides than to be rightly instructed with this man for your teacher.

But if you see that you are now come to a decision about a law which is certain and clear and advantageous and well established and determined, then beware of establishing any new principle in a case which has been so loud and so repeatedly decided on. [65] And at the same time, O judges, place all these considerations before you: — first of all, that all those most illustrious men who have ever given any man of a federate city the freedom of this city are now on their trial after death; secondly, that the senate is so too, which has repeatedly decided in favour of such an act and the people which has

voted it and the judges who have approved of it. Then consider this also that Cornelius does live and always has lived in such a manner that though investigations are appointed for every imaginable offence, still he is now brought before the court, not for the sake of any punishment which is sought to be inflicted on his vices, but for that at the rewards which have been conferred on his virtue. Add this consideration also; that you by your decision are about to determine whether you choose that for the future the friendship of illustrious men should be a calamity to men, or an ornament. Lastly of all, O judges, keep this fixed in your minds, that in this action you are about to decide, not on any crime imputed to Lucius Cornelius, but on a kindness shown by Cnaeus Pompeius.

IN VATINIUM TESTEM (Against the witness Publius Vatinius at the Trial of Sestius)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO AGAINST PUBLIUS VATINIUS; CALLED ALSO, THE EXAMINATION OF PUBLIUS VATINIUS.

THE ARGUMENT.

This speech arose out of the preceding one. Vatinius was a partisan and creature of Caesar's and instigated by him to appear as a witness against Sestius on his trial and Cicero was so indignant at a man of so infamous a character appearing against his friend that be exposed the whole iniquity of his life by the severity of his examination and the searching nature of the questions which he put to him. And he says of this speech himself (**Epist. Fam. i. 9**): "The whole of my examination of him consisted of nothing but a reproof of his conduct in his tribuneship; and I spoke with great freedom, and the greatest earnestness and indignation."

Vatinius had also, while replying to Cicero's questions, attacked Cicero himself as having been a turncoat, and being now anxious himself to curry favour with Caesar, because he saw that his affairs were becoming more prosperous than they had been, and reminded him of his having not always entertained a favourable opinion of Caesar; and Cicero replied, that he still preferred the condition of Bibulus's consulship to the triumphs and victories of any one whatever.

1. If, O Vatinius, I had chosen to regard merely what the unworthiness of your character deserved, I should have treated you in

a way that would have been very pleasing to these men, and, as your evidence could not, on account of the infamy of your life and the scandal of your private conduct, be possibly considered of the slightest consequence, I should have dismissed you without saying a single word to you. For not one of these men considered it worth my while either to refute you, as if you were an adversary of any importance, or to question you, as if you were a scrupulous witness. But I was, perhaps, a little more intemperate just now than I should have been. For from detestation of you, in which, although, on account of your wicked conduct to me, I ought to go beyond all men, yet I am in fact surpassed by everybody, I was carried away so far, that though I did not despise you at all less than I detest you, still I chose to dismiss you in embarrassment and distress, rather than in contempt.

[2] Wherefore, that you may not wonder at my having paid you this compliment of putting questions to you, whom no one thinks worthy of being spoken to or visited, whom no one thinks deserving of a vote, or of the rights of a citizen, or even of the light of life; know that no motive would have induced me to do so, except that of repressing that ferocity of yours, and crushing your audacity, and checking your loquacity by entangling it in the few questions I should put to you. In truth, you ought, O Vatinius, even if you had become suspected by Publius Sestius undeservedly, still to pardon me, if, on the occasion of such great danger to a man who has done me such great services, I had yielded to the consideration of what his necessities required, and what his inclination deserved of me. [3] But you unintentionally showed a few moments ago that you spoke falsely in the evidence which you gave yesterday, when you asserted that you had never had the least conversation with Albinovanus, not only about the prosecution of Sestius, but about anything whatever; and yet you said just now that Titus Claudius had been in communication with you, and had asked your advice with respect to the conduct of the prosecution against Sestius, and that Albinovanus, who you had said before was hardly known to you, had come to your house, and had held a long conversation with you. And lastly, you said that you had given to Albinovanus the written harangues of Publius Sestius, which he had never had any knowledge of, and did

not know where to find, and that they had been read at this trial. And by one of these statements you confessed that the accusers had been instructed and suborned by you; and by the other you confessed your own inconsistency, liable to the double charge of folly and of perjury; when you stated that the man who you had previously said was an entire stranger to you, had come to your house, and that you had given the documents which he asked for to aid him in his accusation to a man whom you had from the beginning considered a trickster and a prevaricator. 2. [4]

You are too impetuous and fierce by nature. You do not think it allowable for a word to escape from any man's mouth which may not fall pleasantly and complimentary on your ears. You came forward in a rage with everybody which I perceived and comprehended the moment I saw you, before you began to speak, while Gellius, the dry nurse of all seditious men, was giving his evidence before you. For on a sudden you sprang forward like a serpent out of his hole, with eyes starting out of your head and your neck inflated and your throat swelling so that [5]

* * * * * * I defended my old friend, who was, nevertheless an acquaintance of yours, though in this city an attack on another, such as you are now making, is sometimes found fault with, but the defence of a man never is.

But I ask you why I should not defend Caius Cornelius? I ask whether Cornelius has ever passed any law in defiance of the auspices? whether he has despised the Aelian or the Fufian law? when he has offered violence to the consul? whether he has occupied any temple with armed men? whether he has driven away by violence any magistrate who was exercising his veto? whether he has profaned any religious ceremonies? whether he has drained the treasury? whether he has pillaged the republic? These, all these, are actions of yours. No imputation of this sort is cast upon Cornelius. He was said to have read a document. It was urged in his defence, his colleagues giving evidence in support of his cause, that he read it not for the sake of reading it but for the sake of examining it more particularly. However, it was quite certain that Cornelius dismissed the council that day, and submitted to the interposition of the veto. But you who are offended at my defending Cornelius, what cause do

you bring to your advocates to uphold, or what countenance have you to show? when you already point out to them in an imperious manner, what a disgrace it will be to them if they defend you by thinking the defence of Cornelius a matter for accusation and abuse of me. [6]

However, Vatinius, remember this — that a little after the time when I defended him in a way which you say gave great offence to all good men, I was appointed consul in the most honourable manner in which any one has been elected since the memory of man, not only by the exceeding zeal in my behalf of the entire Roman people, but also by the special and extraordinary exertions in my cause of every virtuous man; and that I gained all these honours by living in a modest manner, which you have over and over again said that you hoped to obtain by dealing in the most impudent prophecies. 3.

For as regards your having blamed me for my departure, and your having attempted to renew the grief and lamentation of those men to whom that day was most miserable, which, however, was to you most joyful, I will make you this reply, — that when you and the other pests of the republic were seeking a pretext to take up arms, and using my name as a cloak for your proceedings to pillage the property of the rich citizens, and to drink the blood of the chief men of the state, and satiate your barbarity and the long-standing hatred which you had cherished against all good men till it had become inveterate, I preferred to break the force of your frenzy and wickedness by yielding to it, rather than by resisting it. [7] Wherefore, I entreat you, O Vatinius, to pardon me for sparing the country which I had saved; and I beg you, if I bear with you who would willingly be a harasser and destroyer of the republic, to bear also with me who have been its preserver and its guardian. Do you find fault with that man for having departed from the city, who, as you see, was recalled by the regret of all the citizens, and by the grief of the republic herself?

Oh, but you say that men were anxious for my return, not for my sake, but for the sake of the republic. As if any man who had mixed himself up in the affairs of the state in a proper spirit could think anything more desirable for him than to be beloved by his fellow-citizens for the sake of the republic. [8] Forsooth, my nature, I

suppose, is a harsh one, I am difficult of access, my countenance is forbidding, my answers to men are arrogant, my way of life insolent. No one ever sought the aid of my humanity, — no one was ever anxious for my intimacy, for my advice, or my aid; for mine, out of regret for whom (to say the least of it) the forum was sad, the senate-house silent, and all studies of virtuous and liberal sciences voiceless and lifeless.

However, I will allow that nothing was done for my sake. Let us admit that all those resolutions of the senate and commands of the people, and decrees of all Italy, and of all companies, and of all colleges and guilds concerning me were passed for the sake of the republic. What then, O man most ignorant of the character of solid glory and real dignity, could possibly happen better for me? What could be more desirable as regards the immortality of my glory and the everlasting recollection of my name, than for all my fellow citizens to be of this opinion, — that the safety of the state was indissolubly bound up with my individual safety? [9] But I will send you back the arrow which you aimed at me. For as you said that I was dear to the senate and people of Rome not so much for my own sake as for that of the republic, so I say that you, although you are a man of scandalous character, disgraced by every sort of foulness and infamy, still are detested by the city, not so much on your own account as for the sake of the republic. 4.

And, that I may at length come to speak of you, this shall be the last thing which I will say of myself. What any one of us may say of himself, that is not the question. Let good men judge; that is the consideration of the greatest importance and weight. [10] There are two times at which the decisions of our fellow-citizens about us are looked for with anxiety, — one when our honours, and the other when our safety is at stake. Honours have been given to few men with such good-will on the part of the Roman people as I have experienced. No one has ever been restored to safety with such extraordinary zeal on the part of all the citizens as I have. But what men think of you we have already had experience when you were a candidate for honour; and now that your safety is at stake, we are in expectation of what we shall see.

However, not to compare myself with these the leading men of

the state, who are here to give their countenance to Publius Sestius by their presence, but merely to compare myself to one, the most impudent and vilest of men, I will just ask you, O Vatinius, — you the most arrogant of all men, and also the most hostile to me, — whether you think it was better and more desirable for this state, for this republic, for this city, for these temples, and for the treasury, and for the senate-house, and for these men whom you see around us, and their property, fortunes, and children, — whether you think it was better and more desirable for all the rest of the citizens, and for the temples of the gods, and for the auspices, and for the religious rites and observances of the city, that I should have been born as a citizen in this city, or that you should? When you have answered me this question, either so impudently that men will hardly he able to keep their hands off you, or in so melancholy a manner as to burst that inflated neck and throat of yours; after that, reply to me from memory to these questions which I am going to put to you. 5. [11]

And I will allow that dark period of your early youth to remain in obscurity. You may with impunity, as far as I am concerned, have broken through walls in your youth, and plundered your neighbours, and beaten your mother. Your infamous character has this advantage, that the baseness of your youth is concealed by your obscurity and vileness.

You stood for the quaestorship with Publius Sestius; while he was talking of nothing but the object which he had in view at the moment and you were constantly saying that you were thinking of obtaining a second consulship. I ask you this. Do you recollect when Publius Sestius was unanimously elected quaestor, that you then were named as the last quaestor, against the will of every one; not owing to the kindness which the people felt for you, but only to that of the consul? [12] In that magistracy, when the province of Ostia, down by the water's edge, had fallen to your lot, raising a great outcry at the time, were you not sent by me, as I was consul, to Puteoli, to prevent gold and silver being exported from thence? While occupied in the discharge of that duty, do you remember that, as you acted as if you supposed that you had been sent, not as a guardian to take care and keep the wealth at home, but as a carrier to distribute it, and as you in a most robber-like manner were examining into every one's house,

and store, and ship, and harassing men occupied in business and in trade with most iniquitous law proceedings, frightening merchants as they disembarked from their ships, and delaying them as they were embarking, — do you recollect, I say, that violent hands were laid on you in Puteoli while you were present among the body of the Roman settlers? and that the complaints of the people of Puteoli were brought before me as consul? Do you recollect that after your quaestorship you went as lieutenant into the further Spain, Caius Cosconius being the proconsul? Do you recollect too, that though that journey into Spain is usually made by land, or if any one chooses to go by sea, there is a regular route by which they sail, you came into Sardinia, and from thence into Africa? Were you not in the kingdom of Hiempsal, — a proceeding on your part which was perfectly illegal without a decree of the senate to authorize it? Were you not in the kingdom of Mastanesosus? Did you not come to the strait by way of Mauritania? and did you ever hear of any lieutenant of any part of Spain before you who went to that province by that route? [13]

You were made tribune of the people, (for why need I put questions to you about the iniquities and most sordid robberies which you committed in Spain?) I ask of you first in a general manner what description of dishonesty and wickedness did you omit to practise in your discharge of that office? And I now give you this warning, — not to mix up your own infamy with the high character of most eminent men. I, in whatever questions I put to you, will question you yourself only, and I will drag you forth not from the dignity of a great man, which you affect, but from your own obscurity and darkness. And all my weapons shall be directed at you in such a manner, that no one else shall be wounded (to use an expression of your own) through your side; my arrows shall stick in your lungs and in your entrails. 6. [14]

And since the beginnings of all great things are derived from the gods, I wish you to answer me, — you, who are accustomed to call yourself a Pythagorean, and to put forth the name of a most learned man as a screen to bide your own savage and barbarian habits, — what depravity of intellect possessed you, what excessive frenzy seized on you, and made you, when you had begun your unheard-of

and impious sacrifices, accustomed as you are to seek to evoke the spirits of the shades below, and to appease the Dî Manes with the entrails of murdered boys, despise the auspices under which this city was founded, by which the whole of this republic and empire is kept together, and, at the very beginning of your tribuneship, give notice to the senate that the responses of the augurs and the arrogance of that college should be no obstacle to your proceedings? [15] Next to that I ask you whether you kept your promise in that particular? Did the fact of your knowing that on that day the heavens had been observed, delay, or not delay your summoning the council, and proposing your intended law? And since this is the one thing which you say belongs to you in common with Caesar, I will separate you from him, not only for the sake of the republic, but also for the sake of Caesar, lest any stain from your extraordinary infamy should seem to attach itself to his dignity. First of all, I ask you whether you trust your case to the senate, as Caesar does? Next, what sort of authority that man has who defends himself by the conduct of another and not by his own? Next (for my real sentiments will at times burst forth, and I cannot help saying without circumlocution what I feel,) even if Caesar had been rather violent in any particular, if the importance of the contest and anxiety for glory, and his eminent courage, and his admirable nobility of character had carried him away at all, which would have been endurable in that great man, and would have deserved to be obliterated from our minds by the mighty exploits which he has subsequently performed, will you, you wretch, assume the same privilege to yourself, and is the voice of Vatinius, the thief and sacrilegious man, to be heard, demanding that the same indulgence is to be allowed to him that is allowed to Caesar? For this is what I ask of you. 7. [16]

You were a tribune of the people. Separate yourself from the consul. You had nine gallant men for your colleagues. Of these there were three whom you knew to be every day observing the heavens, whom you used to laugh at, whom you used to call private individuals, of whom you see two now sitting here in their robes of office; (you know that you sold the official robe of an aedile which you had had made for yourself to no purpose;) and the third, you are aware, after that tribuneship, in which you oppressed and ill-treated

him, gained the consular authority, though a very young man. There were six others; of whom some openly adopted your opinion, and some held a sort of middle course. All had laws which they wished to propose; and among them my own intimate friend Caius Cosconius, one of our judges, had several, some even drawn up by my advice; a man who makes you ready to burst with envy when you see him invested with the rank of aedile. [17] I wish you to reply to me. Did any one of the whole college venture to bring forward any law, except you alone? And how did you become possessed of so much audacity, how did you dare to act with so much violence, as alone — you, a man raised out of the mud, beyond all comparison the lowest of all men in every respect — to think that a proper subject for your contempt and scorn, and derision, which all your nine colleagues thought deserving of their fear and awe? Have you ever known of any one tribune of the people, since the foundation of the city, having transacted business with the people when it was known that any magistrate was observing the heavens? [18]

I wish you also to answer me, as, while you were tribune of the people, the Aelian and Fufian laws still existed in the republic; laws which have repeatedly checked and repressed the frenzy of the tribunes; in contravention of which no one has ever dared to act except you; (though those same laws the year after, when two men were sitting in the temple, whom I will not call consuls, but betrayers of this state, and pestilences, were destroyed at the same time with the auspices, and the power of intercession, and all public law:) Did you ever hesitate to transact business with the people, and to convene the assembly in defiance of these laws? Have you ever heard of any one out of all the tribunes of the people that ever existed, however seditious they may have been, being so audacious as to summon an assembly in defiance of the Aelian and Fufian laws? 8. [19]

I ask you this, also, whether you endeavoured, whether you wished, whether, in short, you intended, (for these all amount to the same thing, so that if it ever only occurred to your mind, there is no one who would not think you worthy of the greatest severity of punishment,) — I ask you, I say, whether you ever intended in the course of that intolerable (I will not say reign of yours, for that is a word which you would like me to use, but) piratical power, to be

made augur in the room of Quintus Metellus? so that whoever beheld you might feel a twofold grief and misery, both from his regret for a most illustrious and most gallant citizen, and from the honour of a most worthless and infamous one. I ask you, did you think, I will not say, that the republic had been so undermined while you were tribune, or that the constitution had been so much battered and shaken, but that this city had been so entirely stormed and overthrown, that we could endure Vatinius for an augur? [20] Here also I ask, if you had been made augur, as you were anxious to be, the bare idea of which on your part caused us, who hated you, a pain which we could hardly endure, while they who were your intimate friends could scarcely forbear laughing at it; still I ask, I say, if in addition to the other wounds under which you believed the republic to be sinking, you had added the deadly and fatal blow of your augurship, would you have decreed that which every augur ever since the time of Romulus has invariably decreed, that when Jupiter was sending forth his lightning it was impious to transact business with the people; or, because you had constantly done so, would you as augur have put an end to the system of taking auspices altogether? 9. [21]

And, not to waste any more words on your augurship, (and I speak of it all against my will, as I do not wish to recollect the ruin of the republic; for, indeed, you yourself never thought that you would be augur as long as not only the majesty of these men, but as long as that city itself remained standing,) — still, to pass over your dreams, I will come to your acts of wickedness. I wish you to answer me. When you were leading Marcus Bibulus, the consul, — I will not call him a man of the justest sentiments with respect to the republic, lest so powerful a man as you, who disagreed with him, should be offended with me; but I will call him a man who certainly never took any violent steps, who never performed any act of hostility towards you in the republic, but who only felt in his heart a great disapproval of your actions; — when, I say, you were leading him, the consul, to prison, and when your colleagues sitting at the Valerian table ordered him to be released did you or did you not make a bridge in front of the rostra, by joining the stages together along which bridge, a consul of the Roman people, a man of the greatest moderation and wisdom

removed from all assistance cut off from all his friends, was to be led by the inflamed violence of profligate men, a most shameful and miserable spectacle, not only to prison but to execution and to death? [22] I ask whether there was ever any one before your time so wicked as to do such a thing as that? So that we may know whether you are an imitator of old crimes or an inventor of new ones. And when you, by counsels and atrocities of this sort, carried on under the name of Caius Caesar a most merciful and excellent man, but in reality by your own wickedness and audacity, had driven Marcus Bibulus from the forum, and the senate-house, and the temples, and from all public places, and had compelled him to shut himself up in his own house; and when the life of the consul was only saved, not by the majesty of the empire, or by the sanctity of the laws, but only by the protection which his own doors and walls afforded him; did you not send a lictor to drag Marcus Bibulus from his house by force, in order that, though even in the case of private individuals the sanctity of their house is always observed, while you were tribune of the people even his own house should not be a safe refuge for the consul?

[23] Answer me at the same time, you who call us tyrants who are agreed together as to our views for the general safety, were not you a tribune of the people, but in reality an intolerable tyrant raised of some obscure mud and darkness? and did not you attempt in the first instance to overturn the republic, which was originally founded in obedience to auspices, by the destruction of those same auspices arm after that have not you been the only man to trample under foot and disregard those most holy laws, I mean the Aelian and Fufian laws, — which subsisted through the furious times of the Gracchi, and through all the audacity of Saturninus, — which survived unhurt the rabble of Drusus, and the contests of Sulpicius, and the massacres of Cinna, and even the battles and bloodshed of Sulla? Did you not threaten the consul with death, and blockade him when he had shut himself up in his house, and attempt even to drag him out of his house? And you, who by means of that magistracy emerged out of actual beggary, and who now even alarm us by your riches, were you not so inhuman as to endeavour, by means of your proposed law, to get rid of and destroy the chosen men and chief leaders of the state?

10. [24]

When you had produced in the assembly Lucius Vettius, who had confessed in the senate that he had been armed with the intention of putting Cnaeus Pompeius, that great and illustrious citizen, to death with his own hands; when you had produced him as a witness in the rostra, and placed him in that temple and place consecrated by the auspices; (in that place in which other tribunes of the people have been in the habit of bringing forward the chief men of the state, in order to sanction their authority by their presence, there you wished Vettius the informer to employ his tongue and voice in support of your wickedness and ambitious designs:) — did not Lucius Vettius say, in that assembly which you had convened, when questioned by you, that he had had those men for the originators and encouragers of, and accomplices in that wicked conduct, whom if the city had been deprived of, (and that was your real object at that time,) it could not have continued to stand?

You had endeavoured to murder Marcus Bibulus, as you were not contented with shutting him up in his house; you had stripped him of his consulship, you were anxious to deprive him of his country. You wished also to murder Lucius Lucullus, whose exploits you envied above measure, because, I suppose, you from your boyhood had had an eye yourself to the glory of a general; and Caius Curio, the unceasing enemy of all wicked men, the leader of the public council, a man of the greatest freedom in maintaining the common liberties of the citizens, with his son, the chief of the youth of Rome, and who had already shown more devotion to the cause of the republic than could have been expected from his age; [25] and Lucius Domitius, whose dignity and respectability of character, I suppose, blinded the eyes of Vatinius, and whom you hated at the moment on account of your common hatred of all virtuous men and whom you had long feared with reference to the future on account of the hopes which all men had conceived, and indeed do still entertain of him; and Lucius Lentulus, this man who is one of our judges now — the priest of Mars because he was at that time a competitor of your dear friend Gabinius — all these you wished to crush by means of the information of this same Vettius. But if Lentulus had then defeated that disgrace and pest of the republic, which he was prevented from doing by your wickedness, the republic would not have been

defeated; moreover, you wished by means of the same information and the same accusation to involve his son in his father's ruin. You comprehended in the same information of Vettius and in the same body of criminals, Lucius Paullus, who was at the time quaestor in Macedonia. How good a citizen! how great a man! who had already banished by his laws two impious traitors to their country, domestic enemies; a man born for the salvation of the republic. [26] Why should I complain of your conduct to myself? When I ought rather to return you thanks, for having thought me deserving of not being separated from the number of gallant and virtuous citizens. 11.

But how was it that you were so insane as when Vettius had now summed up his oration just as you pleased, and had uttered his calumnies against all the lights of the city, and had descended from the rostra — to call him back on a sudden, and converse with him in the sight of the Roman people? and then to ask him whether he could not give the name of any one else? Were you not pressing upon him to name Caius Piso, my son-in-law; who, at a time when there was a great abundance of virtuous young men, still has left no one behind him of equal temperance, and virtue, and piety to himself? and also Marcus Laterensis, a man who devotes all his days and nights to thinking of glory and of the republic? Did not you, O you most profligate and abandoned enemy, propose an investigation into the conduct of so many honourable and excellent men, and at the same time most honourable rewards for your informer Vettius? and afterwards, when this conduct of yours was condemned, not merely by the secret feelings of every one, but by their open reproaches, did you not strangle that very man Vettius in prison, in order that there might be no evidence of your having procured his information by bribery, and that no investigation of that guilt might be instituted so as to affect you yourself? [27]

And since you are constantly repeating that you proposed a law to allow each party to reject judges alternately, in order that every one may see that you could not contrive even to do right without committing some crime or other, I ask you whether, after a just law had been proposed at the beginning of your magistracy, and after you had also proposed several others, you were waiting till Caius Antonius was prosecuted before Cnaeus Lentulus Clodianus? And

after a prosecution was instituted against him, did you not immediately pass a law against him, “Whoever was prosecuted after the proposal of your law,” in order that a man of consular rank — unhappy man! — might be deprived by just that moment of time, of the benefit and equitable provisions of your law?

[28] You will say that there was great intimacy between you and Quintus Maximus. An admirable defence of your guilt! No doubt it is the greatest praise of Maximus, that after he had adopted the quarrel against Caius Antonius, and undertaken the prosecution, and after a president of the court and a bench of judges had been selected, he was unwilling to allow his adversary a power of striking off judges which would have been too favourable for him.

* * *

Quintus Maximus did nothing inconsistent either with his own virtue, or with the precedents of those most illustrious men, the Paulli, the Maximi, and Africani; whose renown we not only hope will be renewed by this man’s virtue, but we actually see that it is so. It is your dishonesty, your guilt, your wickedness, that when you had proposed a law under a pretence of mercy, you put it off till a time when it might serve a purpose of cruelty. And now, indeed, Caius Antonius consoles himself under his misery with this one fact that he had rather be at a distance to hear that the images of his father and his brother, and that his brother’s daughter, are placed, not in the house of their family, but in prison, than be at hand to see it. 12. [29]

And since you so despise the property of others, and boast in a most intolerable manner of your own riches, I desire you to answer me, whether you, while tribune of the people, made any treaties with foreign states, or kings, or tetrarchs? whether you got any money out of the treasury by your laws? whether you did not at that time deprive people of the most valuable part of their privileges? whether it was Caesar or the farmers of the revenue that you were robbing? And as this is the case, I ask you whether, having been a most miserably poor man, you did not become an exceedingly rich one that very year in which a most stringent law was passed about extortion and peculation? So that all men may see that you trampled not only on the acts of us whom you call tyrants, but even on the laws of your own most intimate friend; before whom you are in the

habit of employing hard words against us, who are very friendly to him, while you abuse him in the most insulting manner every time that you say that he is in the least degree connected with you.

[30] And I wish also to know this from you, with what design or with what intention you attended at the banquet given by Quintus Arrius, an intimate friend of mine, in a black robe? who you ever saw do such a thing before? who you ever heard of having done such a thing? What precedent had you for such conduct, or what custom can you plead for it? You will say that you did not approve of those supplications. Very well. Suppose that those supplications were inexcusable. Do you not see that I am not questioning you at all with respect to the occurrence of that year, nor of those circumstances in which you may appear to be concerned in common with any eminent men; but only about your own peculiar acts of wickedness? Grant that the supplication was informal. Still, tell me, who ever went to a banquet in a mourning garment? For by such conduct the banquet itself is turned into a funeral feast; though the proper intention of a banquet is to be a scene of enjoyment and compliment. 13. [31]

But I pass over the fact of its having been a banquet of the Roman people, the day of festival, adorned with the exhibition of silver plate, and robes, and all sorts of furniture and ornaments; I ask who ever in a time of domestic mourning, who ever at a funeral of one of his own family, sat down to supper in a black robe? who ever, except you, as he was leaving a bath, had a black gown given to him? When so many thousand men were sitting at the feast, when the master of the feast himself, Quintus Arrius, was in a white robe, you introduced yourself into the temple of Castor, with Caius Fidulus and the rest of your Furies, in black garments, like the assistants at a funeral. Who was there who did not then receive you with groans? who was there who did not lament over the fate of the republic? what other topic of conversation was there at that banquet except this, that this city, so great and so wise, was now exposed not only to your frenzy, but also to your derision? [32] Were you ignorant of the usual practice on such occasions? had you never seen a feast of the sort? had you never, when a boy or young man, been among the cooks? had you not a short time before satisfied your ancient voracity at that most magnificent banquet of Faustus, a noble young man? And when

did you ever see the master of a feast and his friends in mourning, and in black robes, while sitting at a feast? What insanity took possession of you, that you should think, that, unless you did what it was impious to do, unless you insulted the temple of Castor, and the name of a feast, and the eyes of a citizen, and ancient custom, and the authority of the man who had invited you, you had not given sufficient proof that you did not think that a properly decreed and formal supplication? 14. [33]

I will also ask you about this thing which you did as a private individual; a matter in which you, at all events, will not be able to say that your cause is at all connected with that of any other illustrious man. I ask you, whether you were not prosecuted in accordance with the provisions of the Licinian and Junian laws? whether Caius Memmius, the praetor, did not in accordance with that law, order you by his edict to appear on the thirtieth day? When that day arrived, did you not do what was not only never done before in this republic, but what was never even heard of, at any time since the beginning of the world? Did you not appeal to the tribunes of the people to save you from the necessity of pleading your cause? I have put the case too lightly; although that of itself would be an unprecedented and an intolerable thing to have done; but did you not appeal by name to that pest of the year, to that Fury of his country, to that storm which was desolating the republic, to Clodius? and when he could not by any right which he possessed, or by virtue of any precedent or by any power given him by his office, offer any obstacle to proceedings in a court of justice, he had recourse to his usual violence and frenzy, and put himself at the head of your soldiers as their leader. And, in respect to this transaction, that you may not consider anything as a direct statement of mine, rather than as elicited by questions put to you, I will not impose on myself the burden of producing any evidence in support of what I say; and what I see that I shall have to state in the same place in a short time, I will reserve at present and I will not accuse you; but as I have done with respect to other matters, I will only put questions to you. [34]

I ask you then, O Vatinius, whether any one in the state since the first foundation of the city, has ever appealed to the tribunes of the people to interpose and save him from having to plead his case? Has

any criminal ever mounted up to the tribunal of the president of the court which tried him and driven him down from thence by violence? and upset all the benches? and overturned all the balloting urns? and in short, in disturbing the court of justice committed all those crimes on account of which courts of justice were instituted? Are you aware that Memmius fled at that time? that your accusers were with difficulty saved from your hands and those of your friends? that the judges were even driven away out of the tribunals which were near? that in the forum, in broad daylight in the sight of the Roman people, the investigation was put an end to, and the magistrates, and the usages of our ancestors, and the laws, and the judges, and the defendant and the penalty, were all alike disregarded and trampled on? Do you know that all these circumstances were, by the diligence of Caius Memmius, entered and proved in the public records? And moreover, I ask you this, when, after you had had an accusation preferred against you, you returned from your lieutenancy, in order that no one might think that you wished to avoid a trial; and when you used to say that, though you might have done whichever you pleased, still you preferred pleading your cause, as you had been accused; I ask, I say, how it was consistent with that conduct of yours, in being unwilling to avail yourself of the door of escape which your lieutenancy opened to you, for you to have recourse to an impious source of assistance by means of a most dishonest appeal? 15. [35]

And since mention has been made of your lieutenancy, I wish also to hear from you, by what resolution of the senate you were appointed lieutenant? I understand, from your gestures, what answer you are going to give. By your own law, you say. Are not you, then, a most manifest parricide of your country? Had not you had regard to the idea that the conscript fathers might be wholly destroyed from out of the republic? — did you not even leave this to the senate, which no one ever took from it — the privilege, namely, of having all lieutenants appointed by authority of that order? Did the great public council appear to you so contemptible? did the senate appear so depressed? did the republic appear so miserable and prostrate, that the senate was no longer able to appoint, in conformity with the uniform precedent of our ancestors, the messengers of peace and

war, and managers, and interpreters, and authors of warlike determinations, and ministers of the different sorts of provincial duty?

[36] You had taken from the senate the power of decreeing provinces to the different magistrates, and the decision as to what general was to be appointed to a command, and the management of the treasury; things which the Roman people never coveted for itself, as it never endeavoured to deprive the republic of the direction of the supreme council. Come, some of these things have been also done by others; it has seldom happened, but still it has happened, that the people has selected a general. Who ever heard that lieutenants have been appointed without a resolution of the senate to authorize it? No one before you. Immediately after you, Clodius did the same thing, in the case of those two pestilences of the republic; and, on this account, you deserve to be punished with still greater misfortunes; because you have injured the republic, not only by your deed, but also by your example; and because you are not only infamous yourself, but you have also wished to teach others to be so too. Do you not know that, on all these accounts, you have been branded with the unfavourable judgment of those most strict men, the Sabines, of those brave tribes, the Marsi and the Peligni, people of the same tribe as yourself, and that there is no other instance, since the foundation of Rome, of any man of the Sergian tribe having lost the votes of that tribe? [37]

And I wish to hear this also from you, why it is, since I carried the law with respect to bribery and corruption in accordance with the terms of a resolution of the senate and carried it without violence, and with every proper regard to the auspices and to the Aelian and Fufian laws that you do not consider that a law? especially as I obey your laws whatever the means are by which they were carried; while my law expressly forbids any one to exhibit shows of gladiators within two years of his standing, or being about to stand for an office, unless he does so in compliance with a will on a day appointed in the will. How can you be so insane as to dare to exhibit shows of gladiators actually at the very time when you are a candidate? Do you think that any tribune of the people can be found like that undeniable gladiator of yours, who will interpose to save you from

being prosecuted according to the provisions of my law? 16. [38]

And if you disregard and despise all these considerations, because you have persuaded yourself, as you are in the habit of boasting openly, that though gods and men may be both unwilling, still you shall be able to gain everything which you desire in consequence of the incredible regard which Caius Caesar has for you; have you ever heard, has any one told you, that lately at Aquileia, Caius Caesar, when some accidental mention was made of some circumstances, said that he was exceedingly indignant that Caius Alfius had been passed over, because he knew the admirable loyalty and honesty of the man; and that he was also greatly annoyed at any one having been made praetor, who was wholly opposed to his opinions and interests? That, on that, some one asked him how he liked Vatinius being repulsed? and that he replied, that Vatinius had done nothing in his tribuneship without a sufficient recompense; and that, as he cared about nothing but money, he could afford to fail in attaining honour with great equanimity. [39] And if that man, who for the sake of increasing his own dignity has willingly allowed you to go on in your headlong course at your own risk, with no fault of his own, judges you himself to be totally unworthy of all honour; if your neighbours, and your connections, and the men of your own tribe hate you so, as to think your repulse their triumph; if no one beholds you without groaning, if no one mentions your name without cursing you, if men shun you, avoid you, and cannot bear to hear your name; if, when they see you, they shudder at you as an evil omen; if your relations disown you, and the men of your own tribe execrate you, and your neighbours dread you, and your connections are ashamed of you; lastly, if all your evil humours have left your odious face and settled in other places; if you are the object of general hatred to the people and the senate, and to all the tribes of the country; what reason can you have for wishing for the praetorship rather than for death? especially as you try to make yourself out a friend of the people, and as you cannot possibly do anything which would be more agreeable to the people than you would if you were to kill yourself!

[40] But that we may hear at length how fully you reply to my interrogations, I will now conclude my examination of you, and at the end I will ask you a few questions relating to the cause itself. 17.

I ask you what is the meaning of all this inconsistency and levity of yours, that in this trial you extolled Titus Annius in the very same words in which good men and good citizens have been in the habit of extolling him, when lately, when you were produced before the people by that foul Fury, Clodius, you gave false evidence against him with the greatest eagerness? Is this to be a matter left to your option and in your power, so that when you see Clodius's band of artisans, and that troop of furious and abandoned men, you then say, as you said in the assembly, that Milo has besieged the republic with gladiators and men who combat with beasts; but when you come before such men as these, then you do not venture to say anything against a citizen of extraordinary virtue, and integrity, and wisdom, and firmness? [41] But as you praise Titus Annius so excessively, and by your encomium cast some sort of slight stain on that most illustrious man, (for Titus Annius would prefer being one of those men who are loaded with reproaches by you,) still I ask, since in the administration of the affairs of the republic there has been an entire community of and agreement in every counsel between Titus Annius and Publius Sestius, (a fact which has been proved not only by the decision of the good, but also by that of the wicked; for each of them is now on his trial on the same account and for the same accusation, — the one having had a prosecution instituted against him by that man whom you are sometimes accustomed to confess is the only man who is more worthless than yourself, and the other being reduced to the same condition by your design indeed, not with his assistance,) — I ask, I say, how you can separate those men in your evidence, whom you connect together by your accusation?

The last thing which I wish you to answer me is this: — As you said a great deal against Albinovanus with respect to his prevarication, I wish to know whether you said or did not say that you were not pleased at Sestius being prosecuted for violence, and that he ought not to have been so prosecuted; and that there was no law and no charge on which he was not more liable to impeachment? Did you also say that the cause of Milo, a most admirable man, was generally considered as closely connected with his cause? and that the things which were done by Sestius in my behalf were agreeable

to good men? I am not now arguing against the inconsistency of your language and of your evidence; for you have given evidence at great length against those identical actions of this man which you say have been approved of by good men; and as for the man with whom you connect the cause and danger of my client, Sestius, you have extolled him with the highest praises. But I ask this; — whether you think that Publius Sestius ought to be condemned according to the provisions of a law under which you say that he never ought to have been accused at all? or, if you think that your opinion ought not be asked while you are giving your evidence, lest I should appear to be attributing to you any authority by so doing, I ask whether you gave evidence against a man on his trial for violence, who you say never ought to have been prosecuted for violence at all?

DE PROVINCIIS CONSULARIBUS (On the Consular Provinces)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO ON THE SUBJECT OF THE CONSULAR PROVINCES.

THE ARGUMENT.

This speech was delivered about the middle of the year of the consulship of Cnaeus Cornelius Lentulus Marcellinus and Lucius Marcius Philippus, A. U. C. 698. Before the new consuls were elected, the senate assembled to deliberate on what province should be allotted to them on the expiration of their year of office. The provinces about which the question really was were the two Gauls which Caesar had, and Macedonia and Syria which had been given to Lucius Calpurnius Piso Caesonius, and to Aulus Gabinius, the consuls of the year 696. Several senators had spoken when Cicero rose, and had all, except Servilius, advocated the taking one or both of the Gauls from Caesar, which was in fact what the senate was desirous to do, but Cicero, who had himself been treated with the greatest indignity by Piso and Gabinius, was anxious instead to get them recalled with some marks of disgrace, and to have their provinces assigned to the consuls, and he urged also that Caesar's command should be continued to him till he had finished the war which he was carrying on with such success and till he had settled the conquered countries. This was much against the wishes of the senate and even of the existing consuls, who were principally concerned in the matter so that Philippus reproached Cicero, and reminded him that he had received worse treatment from Caesar than he had even from Gabinius since Caesar had been the real author of the calamities which had befallen him. But Cicero replied that his

object was not the satisfying of his own private resentment, but the promotion of the real interests of the republic; that Caesar was deserving well of his country, that if he remained in his province, he would soon reduce all Gaul to subjection, but that Piso and Gabinius were only tyrannizing over and draining their provinces while they were objects of contempt to all foreign enemies. The result was that he brought the senate entirely over to this opinion, and they continued Caesar's command in Gaul and recalled Piso and Gabinius from their provinces which were given to the new consuls.

1. If any one of you, O conscript fathers, is waiting to see what provinces I shall propose to decree to the consuls, let him consider in his own mind what men I must think it most desirable to recall from the provinces; and then he will not have any doubt what ought to be my sentiments, when he has once seriously thought what it is absolutely inevitable that they should be. And if I were the first to deliver the opinion which I am about to state, you would in truth praise it; if I were to stand alone in it, at all events you would pardon me. Even if my opinion were to appear to you on the whole somewhat ineligible, still you would make some allowance for my just indignation. But, as the case stands at present, O conscript fathers, I feel no ordinary delight because it is so entirely for the advantage of the republic that Syria and Macedonia should be the provinces decreed to the consuls, that my own private feelings are in no respect at variance with the general good; and because also I can cite the authority of Publius Servilius, who has delivered his opinion before me, a most illustrious man, and of singular good faith and attachment both to the republic in general, and to my safety in particular. [2] And if he, both just now, and whenever he has had any opportunity or possibility of speaking on the subject, has thought it his duty to brand not only with his adverse opinion but with the greatest severity of language, Gabinius and Piso, as the two monsters who have been almost the destruction of the republic, both on other accounts, and also most especially because of their extraordinary wickedness and unseemly inhumanity towards me, with what feelings ought I myself to be actuated towards those men, — I whose

safety they devoted and ruined for the gratification of their own evil passions?

But in declaring my sentiments at this time, I will not be guided by my indignation, nor will I make my speech subservient to my enmity. The same feelings which every individual among you ought to entertain towards those men, shall influence me also. My own predominant and peculiar feeling of private indignation, which, however, you have always considered as belonging to yourselves in common with me, I will put aside while delivering my opinion, and reserve for a more fitting opportunity of revenge. 2. [3]

There are four provinces, O conscript fathers, concerning which I understand that opinions have as yet been delivered: the two Gauls, which at present we see united under one command; and Syria; and Macedonia; which, against your will, and when you were suffering under oppression and constraint, those pernicious consuls seized on as their reward for having overturned the republic. According to the provisions of the Sempronian law, we have now to decree two to the consuls. How is it possible for us to doubt about Syria and Macedonia being these two? I say nothing of the fact that those men are holding them at present who procured them in such a way that they did not get them till they condemned this order of ours till they had destroyed your authority and put an end to it in the state till they had destroyed all public credit and good faith endangered the lasting safety of the Roman people, and harassed me and my friends and relations in the most shameful and barbarous manner.

[4] All these private matters, all these transactions which took place in the city, I say nothing about; though they are of such a nature that Hannibal himself never wished so much evil to this city, as those men have done. I come to the case of the provinces themselves, of which Macedonia, which was formerly fortified not by the towers built, but by the trophies erected by numbers of our generals, which had long ago been reduced to a state of tranquillity by many victories and triumphs, is now so harassed by the barbarians who are not allowed to rest in peace in consequence of the avarice of the late consul, that the people of Thessalonica, placed in the lap as it were of our empire are compelled to abandon their town and to

fortify their citadel, that that military road of ours which reaches all through Macedonia as far as the Hellespont is not only infested by the incursions of the barbarians but is even studded with and divided among Thracian encampments. And so those nations which had given large sums of money to our illustrious commanders to purchase the blessings of peace, in order to be able to replenish their houses which had been thus drained, instead of the peace which they had purchased, have waged against us what is little short of a regular war. And now that very army of ours, collected by a most splendid enlistment, and by a very rigid levy, has almost entirely perished. I say this with the most real grief. 3. [5]

The soldiers of the Roman people have been taken prisoners, put to death, abandoned, and dispersed in a most miserable manner. They have been wasted away by neglect, by famine, by disease, by every sort of disaster; so that (and it is a most scandalous thing) the wickedness of the general appears

* * *to have been chastised by the punishment of the fatherland and the army. And this Macedonia, as all the neighbouring nations had been subdued, and all the barbarians checked, we used to be able to preserve by its own resources, in a peaceable state, and in perfect tranquillity, with a very slight garrison, and a small army, even without a commander-in-chief, by means of lieutenants, and by the bare name of the Roman people. And yet now, when there is a man there with consular command and a consular army, it is so harassed that it is scarcely able to recruit its strength by a peace of any duration. And in the meantime who is there of you who has not heard and who does not know that the Achaeans are every year paying a vast sum to Lucius Piso? that all the revenues and harbour duties of the Dyrrachians have been converted to a source of profit for this one man? that the city of the Byzantines, a city most loyal to you and to this empire, is harassed as if it belonged to an enemy? to which city he, after he could no longer squeeze anything out of them, because of the poverty to which he had reduced them, and could not by any acts of violence extort anything more from them, miserable as they were, sent his cohorts into winter quarters, and gave them commanders whom he thought likely to be his most complying and diligent agents in wickedness, and ministers to his desires.

[6] I say nothing of the way in which he exercised his jurisdiction in a free city contrary to the laws and to the resolutions of the senate. I pass over his murders, I omit all mention of his acts of lust; of which there is a most bitter token, for the lasting recollection of his infamy, and almost bringing even our sovereignty into just odium, in the fact that it is notorious that some virgins of the noblest birth threw themselves into wells, and by a voluntary death escaped from otherwise inevitable disgrace. Nor do I omit them now because they are not most enormous atrocities, but because I am speaking without the support of any witnesses. 4.

But who is there who is ignorant that the city of the Byzantines was entirely filled and superbly decorated with statues? which the citizens, even when exhausted by the great expenses of important wars, while sustaining the attacks of Mithridates, and the whole force of Pontus, boiling over and pouring itself over all Asia which they repulsed with difficulty at their own great risk, — even then, I say, and afterwards, the Byzantines preserved those statues and all the other ornaments of their city and guarded them most religiously. [7] But when you, O most unhappy and most infamous of men, became the commander there, O Caesoninus Calventius then a free city, and one which had been made so by the senate and people of Rome, on account of its recent services, was so plundered and stripped of everything, that, if Caius Virgilius the lieutenant, a very brave and incorruptible man, had not interfered, the Byzantines would not have retained one single statue out of all their great number.

What temple in all Achaia? what spot or what grove in the whole of Greece, was there of such sanctity that a single statue or a single ornament has been left in it? You purchased from a most infamous tribune of the people, at the time of that general shipwreck of the city, which you, the very man who were bound to govern it rightly, had been the main agent in overturning; you purchased, I say, at that time, for an immense sum of money, the power of pronouncing judgment on the people of the free cities, with respect to the moneys which had been advanced, contrary to the resolutions of the senate, and the law of your own son-in-law. What you had bought, you sold in such a manner that you either never gave any decision at all, or else you deprived Roman citizens of their property. [8] But I am not

bringing forward these facts at this moment, O conscript fathers, as charges against this man, I am merely arguing with respect to the province. Therefore I pass over all those things which you have often heard of and which you are well aware of, even when you do not hear of them. I say nothing of his audacious conduct in the city, which he has fixed deep in the recollection of your eyes and minds; I say nothing of his arrogance, of his insolence, of his cruelty. Let those dark acts of lust of his lie hid, acts which he tried to conceal by his stern countenance and supercilious look, not by modesty and temperance. I am arguing about the province, the welfare of which is at stake in this matter. Will you not send a successor to such a man as this? Will you allow him to remain any longer? a man whose fortune, from the very moment that he first reached the province, has so vied with his wickedness, that no one could decide whether he was more undeserving or more unfortunate. [9]

But as for Syria, is that Semiramis any longer to be retained there? a man whose march into the province bore the appearance of king Ariobarzanes having hired your consul to come and commit murder, as if he were some Thracian. His very first arrival in Syria was signalized by the destruction of the cavalry; after that, all his best cohorts were cut to pieces. Therefore, in Syria, since he has been the commander-in-chief, nothing has been done beyond making money-bargains with tyrants, and selling decisions, and committing robbery and piracy and massacre; while the general of the Roman people, with his army in battle array, stretching forth his right hand, did not exhort his soldiers to the pursuit of glory, but only kept crying out that everything had been bought by him and was to be bought still. 5. [10]

And as for the miserable farmers of the revenue, (miserable man that I also am, when I see the miseries and sufferings of those men who have deserved so well at my hands,) he handed them over as slaves to the Jews and Syrian nations, themselves born for slavery. He laid down as a rule from the very beginning, and he persevered in it, never to decide an action in favour of a farmer of the revenue; he rescinded covenants that had been made without any injustice, he took away all the garrisons established for their protection; he released many people who were subject to pay tributes and taxes

from such payments; whatever town he was living in or whatever town he arrived at, there he forbade any farmer of the revenue or any servant of such farmer to remain. Why need I enlarge on this? He would be considered a cruel man if he had shown such a disposition towards our enemies, as he did show towards Roman citizens, especially towards those of that order which has hitherto always been maintained by its own dignity and by the goodwill of the magistrates. [11]

Therefore, O conscript fathers, you see that the farmers of the revenue were ground down and nearly ruined, not by any rashness with which they had entered into their contracts, nor by any ignorance of the proper methods of transacting business, but by the avarice, the pride, and the cruelty of Gabinius. And to their assistance indeed, in the present difficulties of the treasury, it is actually indispensable that you should come. Although there are many of them whom you cannot now relieve, men who by the means of that enemy of the senate of that most bitter foe of the equestrian order and of all virtuous men, wretched that they are, have lost not only their property but their honourable position; men whom neither parsimony nor temperance nor virtue nor labour nor respectability of character, have been able to protect against the audacity of that glutton and robber. [12]

What are we to do? shall we suffer those men to perish who are even now supporting themselves on the resources of their patrimony or on the liberality of their friends? Or, suppose any man has been prevented by the enemies means from enjoying his public rights is that man protected by the law of the censors? but in the case of a man who is prevented by one who is an enemy, though he may not be actually called one, is that a man whom we ought not to assist? Retain then in the province a little longer that man who makes covenants with the enemy respecting the allies and with the allies respecting the citizens, — who thinks himself a more important man than his colleague on this account that he has deceived you by his morose appearance and by his countenance, while he himself has never once pretended to be less worthless than he really is. But Piso boasts in another sort of fashion that he in a very short time has brought it to pass that Gabinius is not thought the most infamous of

all men. 6. [13]

Do not you think that you ought to recall these men from their provinces even if you had no one to send thither in their places? Would you, could you retain there these two pests of the allies, these men who are the destruction of the soldiers, the ruin of the farmers of the revenue, the desolators of the provinces, the disgracers of the empire? But you, yourselves, in the preceding year did recall these very men when they had only just arrived in the provinces. And if at that time your judgment had been unfettered and if the matter had not been so frequently adjourned and at the last taken wholly out of your hands you would have restored your authority, as you were most anxious to do recalling those men by whom it had been lost and compelling them to render up the rewards which they had received and whom had been conferred on them in return for their wickedness and for the overthrow of their country. And if they at that time escaped from that punishment, through no merit of their own, but through the influence of others, greatly against your consent, still they have undergone a much greater and severer punishment. [14]

For what severer punishment could befall any one, in whom there exists, if not any respect for his reputation, at all events some fear of punishment, than to have those letters of theirs utterly disbelieved which announced that the republic had been very successful in war? The senate decided this, when in a very full house it refused Gabinius a supplication; they decided, in the first place, that no belief at all could be given to a man polluted with every sort of guilt and wickedness; and, secondly, that the affairs of the republic could not possibly be managed successfully by a traitor, especially by that man who was known to be at the time an enemy of the republic; and, lastly, that even the immortal gods themselves did not choose their temples to be thrown open, and supplications to be addressed to them in the name of a most profligate and wicked man.

Therefore, that other man is either himself a learned man, and one well instructed by his Greek slaves, with whom he now sups behind the scenes, as he used to do before the curtain, or else he has wiser friends than Gabinius, from whom no letters are produced. 7. [15]

Shall we then have these men for our generals? the one of whom does not venture to inform us whether

* * * *he is styled Imperator; and the other must in a few days repent of having ventured to mention such a thing to us, if his clerks do not tire of writing. And if that man has any friends, or indeed, if it be possible that any one should be a friend to so savage and foul a brute, they comfort themselves with this consolation, that this senatorial order once refused an application to Titus Albucius. But first of all, the cases are very unlike. The proprietor had had a battle with one auxiliary cohort against a lot of banditti clad in sheepskins in Sardinia. And a war against the mightiest nations and tyrants of Syria was brought to a termination by means of a consular army, and a magistrate invested with the supreme military command. In the next place, Albucius had had already decreed to himself in Syria the same thing which he was soliciting from the senate. For it was notorious that he like a Greek, and like a light-headed inconsiderate man as he was had celebrated something like a triumph in the province itself. And therefore the senate marked their displeasure at this precipitate conduct of his by the refusing of a supplication. [16] But let him in truth enjoy this as some comfort, and let him think this very eminent mark of disgrace all the less considerable because it has been inflicted on himself alone, provided only that he is content to expect the same end as that man by whose precedent he consoles himself. Especially as Albucius was not liable to the reproach of either Piso's lust or Gabinius's audacity and yet fell by this one blow, the infamy with which he was branded by the senate. [17]

But the man who proposes to decree the two Gauls to the two consuls would return both these men in their provinces. But he who proposes to decree them one of the Gauls and either Syria or Macedonia still would retain one of these men; and while they are both equal in wickedness, he proposes to make their future condition unequal. No, I will make them, says he, praetorian provinces in order that Piso and Gabinius may have successors appointed immediately. Yes; if you are allowed to do so. For then the tribune will be able to intercede with his veto; but at present he cannot do so. Therefore I myself who now propose to decree to the consuls who are to be elected Syria and Macedonia, am prepared also to make them praetorian provinces, in order that the praetors may have their provinces for a year, and that we may see those men among us as

soon as possible whom we cannot see at all with any equanimity. 8.

But believe me, those men will never have successors appointed to them, except when a motion shall be made in accordance with the provisions of that law by which it is unlawful for any one to interpose his veto while the debate is pending about the provinces; therefore, as this opportunity is lost, you must now wait an entire year; during which interval the calamities of the citizens, the miseries of the allies, and the impunity of the most wicked men may be extended. [18]

But even if they were the most excellent of men, still, in my opinion, it could never be advisable to appoint a successor to Caius Caesar. Now, concerning this matter, O conscript fathers. I shall declare my real sentiments, and I shall not be disconcerted by that interruption of my most intimate friend, who did a little while ago interrupt my speech, as you heard. That excellent man says that I ought not to be more hostile to Gabinius than to Caesar; for that all that storm, to which I yielded, was raised by the instigation and assistance of Caesar. And if I were in the first instance to reply that I was having regard to the common advantage, and not to my own private sufferings, could I not establish that, when I say that I am doing what I well may do according to the example of other most valiant and most illustrious citizens? Did Tiberius Gracchus (I am speaking of the father, and would that his son had never degenerated from that father's virtue!) gain such great glory because he, while tribune of the people, was the only one of the whole college who was any assistance to Lucius Scipio, though he was the bitterest possible enemy, both to him and to his brother Africanus; and did he not swear in the public assembly that he had by no means become reconciled to him, but that it seemed to him quite inconsistent with the dignity of the empire that, after the generals of the enemy had been led to prison while Scipio was celebrating his triumph, the very man also who had triumphed should be led to the same place? [19]

Who had a greater number of enemies than Caius Marius? There were Lucius Crassus, Marcus Scaurus, (were there no more?) and all the Metelli. But those men not only forbore to recall that enemy of theirs from Gaul by their votes, but also, out of consideration for the Gallic war, they even voted him the province out of the regular order.

A most important war has been waged in Gaul; very mighty nations have been subdued by Caesar; but they are not yet established with laws, or with any fixed system of rights, or by a peace which can be very thoroughly depended on. We see that the war has been carried on, and, to say the truth, nearly brought to a conclusion; but we shall only see it all actually terminated in a successful manner, if the man who commenced it remains to follow it up to the last. If a successor is appointed to him, there is great danger that we may hear that the embers of this momentous war are again fanned into a flame and rekindled. Therefore I, a senator, an enemy, if you please, of the man himself, feel it my duty to be, as I always have been, a friend to the republic. [20] What if I lay aside my enmity itself for the sake of the republic, who, I should like to know, would have a right to blame me? especially as I have at all times thought that I ought to seek for the models for all my intentions and for all my actions in the conduct of the most illustrious men. 9.

Was not, I should like to know, was not that great man Marcus Lepidus, who was twice consul, and also Pontifex Maximus, praised not only by the evidence of men's recollection, but also in the records of our annals, and by the voice of an immortal poet, because on the day that he was made censor, he immediately in the Campus Martius reconciled himself to Marcus Fulvius his colleague a man who was his bitterest enemy in order that they might perform their common duty devolving on them in the censorship with one common feeling and union of good will? [21] And to pass over ancient instances, of which there is no end, did not your own father, O Philippus, did not he become reconciled at one and the same time with all his greatest enemies? to all of whom the same attachment to the republic now reconciled him which had previously separated him from them. [22] I pass over many instances because I see before me these lights and ornaments of the republic Publius Servilius and Marcus Lucullus; would that that great man, Lucius Lucullus, were still alive! What enmities were ever more bitter in this city that those which subsisted between the Luculli and the Servilii? But in those most gallant men the welfare of the republic, and their own dignity, not only put an end to that ill-feeling, but even changed it into friendship and intimacy. What? did not Quintus Metellus Nepos

while consul in the temple of the all good and all powerful Jupiter, influenced by your authority and also by the incredible dignity of eloquence of that same Publius Servilius, become reconciled to me though I was far away, and do me the greatest possible service? Is it possible for me to be an enemy to this man, by whose letters, by whose glory, and by whose messengers my ears are every day saluted with previously unknown names of tribes, and nations, and places? [23] I burn, believe me, O conscript fathers, (as indeed you do believe of me, and as you feel yourselves,) with an incredible love for my country; which love compelled me formerly to encounter most terrible dangers which were hanging over it, at the risk of my own life; and again, when I saw every sort of weapon aimed from all quarters against my country, drove me to put myself in their way, and to expose myself singly to their blows on behalf of the whole body of citizens. And this, my ancient and perpetual disposition towards the republic, now reunites and reconciles me to and unites me in friendship with Caius Caesar. In short, let men think what they please; it is impossible for me to be other than a friend to one who deserves; well of his country. 10. [24]

In truth, if I have not only taken on myself the enmity of, but have declared and waged open war against those men who wished to destroy all these things with fire and sword; though some of them were my own personal acquaintances, and some had been saved on capital trials through my defence of them; why should not the same republic which was able to make me hostile to my friends, be able also to reconcile me to my enemies? What reason had I for hating Publius Clodius, except that I thought him likely to prove a mischievous citizen to my country, inasmuch as, inflamed by the most infamous lust, he trampled under foot by one crime two most holy considerations, religion and chastity? Is it, therefore, doubtful from these actions, which he has done and which he is doing every day, that I in opposing him was consulting the interests of the republic more than my own tranquillity; but that some others, who defended him, thought more of their own ease than they did of the peace of the community?

[25] I admit that I was of a different opinion to Caesar with respect to the affairs of the republic, and that I agreed with all of you: but

now I am agreeing also with you with whom I felt in common before. For you, — to whom Lucius Piso does not venture to send letters respecting his exploits, — you who have condemned the letters of Gabinius with a most remarkable stigma, and an unprecedented mark of disgrace have decreed supplications to Caius Caesar in such number, as were never decreed before to any one in one war, and with such attending circumstances of honour as were never voted to any one at all. Why, then, need I wait for any man to act as a mediator between us, in order to reconcile me to him? This most honourable order has mediated between us; that order which is the instigator and the leader both of the public counsels and of all my own designs. I am following you, O conscript fathers, I am obeying you, I am adopting your opinions; — yours, I say, who, as long as you had no very favourable opinion of the designs of Caius Caesar with respect to the republic saw that I too was very little connected with him; since you changed your opinions and inclinations on account of his great achievements you have seen me also not only the sharer of your sentiments but also the panegyrist and advocate of them. 11. [26]

But what is the reason why in this cause men so exceedingly marvel at and find fault with my opinions when I also before now proposed and voted for many things which concerned that man's dignity more than they did the safety of the republic? I proposed and carried a supplication of fifteen days in Caesar's honour the bill being passed in the terms which I drew up. It would have been sufficient for the good of the republic to have had it last only the same number of days as the supplication in honour of Caius Marius. That could not have been accounted by the immortal gods a scanty thanksgiving which was as great as had heretofore been offered in the most important wars. Therefore that increased number of days was given to the dignity of the men. [27] And in respect of that, I, who as consul brought forward the motion, first, for decreeing a supplication of ten days to Cnaeus Pompeius after Mithridates had been slain and the Mithridatic war been terminated, — I, in compliance with whose opinion it was that the ordinary number of days that a supplication in honour of a consul lasted was doubled (for you all agreed with me when, having had the letters of that same Pompeius read, and

knowing that all wars both by sea and land were happily terminated, you decided a supplication of twelve days) — I, I say, admired the virtue and greatness of mind of Pompeius in that, when he himself had hitherto been preferred to all other men in every sort of honour, he now was giving a more ample honour to another than he himself had received. Therefore, in that supplication which I proposed, the honour was paid to the immortal gods, and to the established usages of our ancestors, and to the welfare of the republic. But the dignity of the language in which the decree was couched, and the honour and the novelty of the attendant circumstances, and the number of the days, was meant as a compliment to the renown and glory of Caesar himself. [28]

A motion was lately brought forward before our body concerning the pay of the army. I not only voted for it myself, but I laboured earnestly to induce you to vote for it; I replied to many of the arguments of those who objected to it; I supported it also by writing. In that case also, I was rather considering the dignity of the man who commanded the army, than any particular necessity that existed for the measure. For I thought that he, even without this additional supply of money, was able to maintain his army with the booty that he had already acquired, and to terminate the war. But I thought it would be unbecoming to diminish the glory and splendour of that triumph of his by any parsimony on our part.

A discussion took place also about the ten lieutenants whom he wished to have appointed; and some voted altogether against giving them, others asked for precedents, others wished to adjourn the consideration of the question, and others declared their opinion in favour of it without any complimentary expressions to Caesar himself. But on that occasion, I spoke in such a manner as to let all men see that, though I thought the measure advantageous to the republic, I was promoting it more cordially out of a desire to pay due honour to the dignity of Caesar. 12. [29]

And I who have been received in all those discussions with silent attention now that the question is about the provinces which are to be decreed to the consuls am interrupted; though in all the former transactions it was only a compliment to an individual that I urged, while now I have no motive but the consideration of the war and the

general welfare of the republic. For, as for Caesar himself, what reason can there be why he should wish any longer to remain in the province, except for the purpose of not giving over to the republic the measures which have been undertaken by him before they are completely consummated? It is the delightful nature of the country, I suppose, and the splendour of the cities, and the civilized state and accomplished habits of those nations and natives, — it is a desire for victory, it is a wish to extend the boundaries of our empire, that detains him there! What is there anywhere more severe than those countries? what more uncivilized than their towns? what more barbarous than their citizens? Moreover what can be imagined more desirable than the victories which he has already gained or what can be discovered beyond the ocean? Is his return to his country likely to be disagreeable to any one? Can it be so either to the people by whom he was sent on his command, or to the senate from whom he has received so many distinctions? Does time foster his wish to see his country again, or does it rather increase his forgetfulness of it? And do those laurels of his which he has gained amid such dangers, lose their greenness by the time that elapses after their acquisition? If, then, there be any one who is not attached to that man, still such an one has no reason for recalling him from his province. It is only recalling him to glory to triumph, to receive congratulations, to receive the highest honours which the senate can bestow, to receive the thanks of the equestrian order, and to become the object of the devoted affection of the people. [30]

But if he, out of his regard for the interests of the republic, does not hasten to the enjoyment of that extraordinary good fortune which is in store for him, preferring to remain and finish everything; what ought I to do as a senator, — I, who ought to think only of the advantage of the republic, even if his wishes were opposed to it? For I feel, O conscript fathers, that we at this time, while engaged in decreeing provinces to the consuls, ought to have a regard to the preservation of perpetual peace. [31] For who is there who is not aware that all our other possessions are safe from all danger, and even from all suspicion of wars? We have for some time seen that immense sea, — by the disturbed condition of which not only our voyages by sea were impeded, but even our cities and our military

marches and roads were exposed to annoyance, — now, in consequence of the valour of Cnaeus Pompeius, possessed from the ocean to the very extremity of Pontus, like one vast harbor in a safe and defensible state; and as for those nations, which by their mere numbers and the immensity of their population, were sufficient to overthrow our provinces, we have seen some of them so thinned in numbers, and others so severely checked by that same man, that Asia, which was formerly the limit of our empire, is now itself bounded on the further side by three of our provinces. I might go on speaking of every region and of every race of men. There is no nation which is not either so far destroyed as scarcely to have any existence at all, or so utterly subdued as to be quite tranquil; or else so entirely at peace with us, as to share our exultation at our victories and at the extension of our empire. 13. [32]

The war with Gaul, O conscript fathers, has been carried on actively since Caius Caesar has been our commander-in-chief; previously, we were content to act on the defensive, and to repel attacks. For our generals at all times thought it better to limit themselves to repulsing those nations, than to provoke their hostility by any attack of our own. Even that great man, Caius Marius, whose godlike and amazing valour came to the assistance of the Roman people in many of its distresses and disasters, was content to check the enormous multitudes of Gauls who were forcing their way into Italy, without endeavouring to penetrate himself into their cities and dwelling-places. And lately, that partner of my labours, and dangers, and counsels, Caius Pomptinus, that most gallant man, crushed in battle a war of the Allobroges which rose up suddenly against us, and which was excited by that impious conspiracy, and defeated those tribes who had provoked us, and then he remained quiet, contented with the victory by which be had delivered the republic from alarm.

But I see that the counsels of Caius Caesar are widely different. For he thought it his duty, not only to war against those men whom he saw already in arms against the Roman people, but to reduce the whole of Gaul under our dominion. [33] Therefore, he fought with the greatest success against those most valiant and powerful nations the Germans and Helvetians; and the other nations he alarmed and drove back and defeated, and accustomed to yield to the supremacy of the

Roman people, so that those districts and those nations which were previously known to us neither by any one's letters, nor by the personal account of any one, nor even by vague report, have now been overrun and thoroughly examined by our own general, by our own army, and by the arms of the Roman people.

Hitherto, O conscript fathers, we have only known the road into Gaul. All other parts of it were possessed by nations which were either hostile to this empire, or treacherous, or unknown to us, or, at all events, savage, barbarian, and warlike; — nations which no one ever existed who did not wish to break their power and subdue: nor has any one, from the very first rise of this empire, ever carefully deliberated about our republic, who has not thought Gaul the chief object of apprehension to this empire. But still, on account of the power and vast population of those nations, we never before have had a war with all of them; we have always been content to resist them when attacked. Now, at last, it has been brought about that there should be one and the same boundary to our empire and to those nations. 14. [34]

Nature had previously protected Italy by the Alps, not without some especial kindness of the gods in providing us with such a bulwark. For if that road had been open to the savage disposition and vast numbers of the Gauls, this city would never have been the home and chosen seat of the empire of the world. Now, indeed, they are at liberty to sink down if they please; for there is nothing beyond those lofty heights as far as the ocean itself, which can be any object of fear to Italy. But still it will be the work of one or two summers finally to bind the whole of Gaul in everlasting chains either by fear, or hope, or punishment or reward, or arms, or laws. And if our affairs there are left in an unfinished state, and while there is still some bitterness of feeling remaining, although the enemy may be pruned back severely for the present, still they will raise their heads again some time or other, and come forth with recruited strength to renew the war. [35] Let, then, Gaul be left in the guardianship of that man to whose valour, and good faith, and good fortune it has already been entrusted. If, in truth, he, having been distinguished by such marked kindness of Fortune, were unwilling to risk the favour of that fickle goddess too often; if he were anxious himself to return to his

country, to his household gods, to that dignity which he sees in store for him in this city, to his most charming children, and to his most illustrious son-in-law; if he were impatient to be borne in triumph as a conqueror to the Capitol, crowned with the illustrious laurel of victory; if, in short, he were apprehensive of some disaster, as no event can now add so much glory to him as a mishap might deprive him of — still it would be your duty to insist on all those affairs being brought to a termination by the same man who has begun them so successfully. But when he has not yet satisfied his own desire for glory and for the safety of the republic, and as he prefers coming at a later period to reap the rewards of his toils rather than not discharging to the full the duty which the republic has committed to him; then certainly, we, for our part, ought not to recall a general who is so eager to conduct the affairs of the republic gloriously, nor to throw into confusion and to hinder his plans for the whole Gallic war, which are now almost matured and accomplished. 15. [36]

For I cannot at all approve of those opinions which have been expressed by some most illustrious men, one of whom proposes to give the consuls the further Gaul and Syria, and the other inclines to the nearer Gaul. He who proposes the further Gaul, throws all those matters into confusion about which I have just been speaking, and shows at the same time that he is advocating a law which he affirms to be no law at all; and that he is taking away that part of the province to which no interruption can be given, but is not touching that part which has a defender. The effect of his conduct also is not to meddle with that which has been conferred by the people while at the same time he a senator is anxious to take away what has been given by the senate.

The other disregards all consideration of the Gallic war; he discharges the duty of a virtuous senator: though he thinks the law invalid, still he observes it; for he fixes beforehand a day for his successor to enter on his office.

* * * But it seems to me that nothing is more inconsistent with the dignity and principles of our ancestors than for the consul, who on the first of January is to have a province, to have it promised to him in this way, and not regularly decreed to him. Suppose he were during the whole of his consulship without a province, though even

before he was elected a province was decreed to him, is he to cast lots for a province, or not? [37] For it is absurd not to draw lots for one, — absurd also not to get that which one has drawn by lot. Is he to march out in the robe of a commander in chief? Whither is he to march? Why, to a place where he may not arrive before a certain fixed day. All January and February he is not to have a province. At last on the first of March up will spring a province for him all on a sudden. [38] Nevertheless if these sentiments prevail, Piso will remain in his province.

And though these are weighty considerations, still none of them are more serious than this — that it is an insulting thing for a commander in chief to be mulcted as it were by a diminution of his provinces, and we ought to take great care that such a thing should not be allowed to happen, not only not in the case of a most illustrious man, but not even in that of a man of moderate reputation. 16.

I am well aware, O conscript fathers, that you have decreed many extraordinary honours to Caius Caesar; honours which are almost unprecedented. In that he has amply merited them, you have been grateful; if I add, too, that he is a man most thoroughly attached to this order of the senate, you have been wise and provident. For this order has never heaped its distinctions and kindness on any one who has subsequently thought any dignity preferable to that which he had obtained by your favour. For it is not possible for any one to be the leading man in this body who has preferred courting the favour of the people. But all men who have done this, have either distrusted themselves on account of their consciousness of their want of worth, or else they have been driven away from a union with this order on account of the disparagement of their merits by the rest, and so they have been almost constrained to throw themselves out of this harbour on those stormy billows. And if, after they have been tossed about on those surges, and have become wearied of their voyage amid the whims of the people, having been successful in the conduct of the affairs of the republic, they show their faces again in the senate-house, and wish to gain the favours of this most honourable order, I say that they are not only not to be repelled, but are to be received with open arms, and courted. [39]

We are warned by the bravest man and most admirable consul who has ever existed in the memory of man, to take care that the nearer Gaul be not decreed against our will to any one after the election of those consuls who are now about to be elected, and that it be not for the future occupied forever by these men who are the constant attackers of this order, by some turbulent system of currying favour with the mob. And although I am not indifferent to the evil consequences of such a measure, O conscript fathers, especially when warned of them by a consul of the greatest wisdom, and one who is an especial guardian of peace and tranquillity, still I think that there is an evil to be regarded with even more apprehension than that, — the evil, I mean, of diminishing the honours of most illustrious and powerful citizens, and rejecting their zeal for the maintenance of this order.

For even supposing that Caius Julius, having been distinguished by all sorts of extraordinary and unprecedented honours by the senate, were compelled to deliver up this province to one whom you would be very unwilling to see there, still I cannot possibly be induced to suspect that be would deprive that body of liberty by which he himself had the greatest glory conferred on him. Lastly, what disposition every one will have I know not; I am aware only of what my own hopes are. I, as a senator, am bound to take care, as far as I can, that no illustrious or powerful man shall appear to have any right to feel offended with this body. [40] These sentiments I should express out of regard to the republic, even were I ever so great an enemy to Caius Caesar. 17.

But I do not think it foreign to the present discussion, with the object of being for the future less frequently interrupted by certain persons, or less reproved in the opinion of some who forbear to interrupt me, to explain briefly what is the nature of my relations with Caesar. And in the first place, I pass over that period of familiarity and intimacy which existed between him and me, and my brother and Caius Varro, our cousin, from the time that we were all young men. After that I became deeply engaged in public affairs, my sentiments on matters of state were no different from his, that we were of entirely opposite public parties though without any interruption of our private friendship. [41] He, as consul, adopted measures in which he wished to have me for a partner; and if I was opposed to the measures themselves, still I could not avoid being pleased at the opinion of me which he displayed by that wish. He entreated me also to accept the office of quinquevir. He wished me to be one of three men of consular rank most closely connected with himself; and he offered me any lieutenancy or embassy I pleased, with as much honour and distinction as was agreeable to me. All which offers I rejected with great firmness in my own sentiments, but not without feeling obliged to him for them. How wisely I acted is not now the question; for many will not approve of my conduct. At all events I acted with consistency and firmness, inasmuch as though by accepting them I might have fortified myself by the most irresistible assistance against all the wickedness of my enemies and

should have been able to repel the attacks of popularity hunters by the protection of popular men, I preferred to meet any fortune to encounter any violence and any in jury, rather than differ from the wise and righteous sentiments of the senate, or deviate from the line of conduct which I had marked out for myself.

But a man is bound to be grateful, not only if he has received a kindness, but if he has had an opportunity of receiving one. I did not think that all those compliments and distinctions with which he was loading me became me, or were suited to the exploits which I had performed. But I saw that he regarded me with the same friendly disposition with which he looked on that chief of the citizens, his own son-in-law. [42] He afterwards assisted my great enemy in passing over to the ranks of the plebeians, either because he was angry with me when he saw that I could not be allured, not even by all his kindness, to unite with him, or because he was unable to withstand the entreaties of Clodius. And even that was no injury to me in his opinion; for he afterwards not only advised but actually entreated me to act as his lieutenant. Even that I would not accept; not because I thought it inconsistent with my dignity, but because I had no suspicion that such wicked designs against the republic were entertained by the succeeding consuls as afterwards proved to be. 18.

Therefore I have much more reason to fear that I may be blamed for arrogance of conduct with respect to his liberality towards me, than that I should be reproached with the injuries which he has done me in spite of our friendship. [43]

Turn your eyes to that tempest — to that season of darkness to all good men, — to that sudden and unforeseen danger which overwhelmed all things, — to that cloud which came over the republic — to the ruin and conflagration of the city — to the alarm given to Caesar with respect to all the acts of his consulship, — to the fear of massacre with which all good men were struck, — to the wickedness, and covetousness, and indigence, and audacity of the consuls! If I was not aided by him then, he was under no obligation to aid me; if I was deserted by him, perhaps he was providing for his own safety; if I was even attacked by him, as some men think, or at all events wish me to think, then our friendship was violated, I received an injury, and he has deserved that I should be his enemy. I

do not deny it; but still, if he was anxious for my safety when you were all regretting me like the dearest of your sons, and if you all at the same time thought it of great importance to my cause that the inclinations of Caius Caesar should not be averse to my safety; and if I have his son in law as a witness of his good will towards me at that time, who himself stirred up all Italy in the municipal towns and the Roman people in the assembly, and you too who were always most devoted to me, in the Capitol, to take measures for my safety; if in short Cnaeus Pompeius is at the same time a witness to me of the good will which Caesar entertains for me, and a surety to him of my attachment to him; does it not appear to you that I ought rather to recollect the times that are long past and also to remember this time which is nearest to us now, and by means of these memories to eradicate that middle time so full of infamy and misery, if not from the history of events, (which indeed may be impossible,) at all events from my own mind? [44]

But I, if I may not (as some people think I ought not) boast that I have sacrificed my own private feelings of indignation and enmity to the republic, which it appears to me to be the duty of a great and wise man to do, will at all events avail myself of this plea, — which is of force not so much to gain praise as to avoid reproach, — namely, that I am a grateful person, and that I am inclined to be moved, not only by such exceeding services as his, but even by a moderate display of good-will towards me. 19.

I entreat of some most gallant men, who have done me great service, that, if I have been unwilling that they should be partakers of my labours and distresses, they will also spare me from being the partaker of their enmities; especially as they have granted to me that I have a right to defend those acts of Caesar's which I neither attacked nor defended before. [45] For the most eminent men of the state, by whose counsels I acted when I preserved the republic, and in deference to whose authority I avoided that union with Caesar to which he invited me, deny that the Julian laws, and the others which were passed during his consulship, were legally passed at all. And at the same time they say that the bill for my proscription was passed in a manner contrary to the safety of the republic, but still without any illegal disregard of the auspices. Therefore a man of the highest

authority, and of the greatest eloquence, said with great positiveness that that disaster of mine was a funeral of the republic, but a funeral performed with all regular solemnity. To me myself it is altogether excessively complimentary, that my departure should be called the funeral of the republic. His other expressions I do not find any fault with, but I will assume them as a foundation for the sentiments which I feel. For if men have ventured to say that that proposition was carried in a regular manner, for which there was no precedent nor any law authorizing such a bill to be carried, merely because no one had been observing the heavens at the time, had they forgotten that, at the time that the man who carried this bill was made a plebeian by a lex curiata, it was announced that a magistrate was observing the heavens? And if it was absolutely irregular for him to be made a plebeian, how could he be made a tribune of the people? And if his tribuneship be declared valid, there is then no one of Caesar's acts which can possibly be invalid; and so, will not, not merely his tribuneship, but also other matters the most mischievous imaginable, appear to have been passed with proper regularity, if it be decided that the religious respect due to the auspices was preserved? [46]

Wherefore you must decide either that the Aelian law still exists, that the Fufian law has not been abrogated, and that it is not lawful for a law to be passed on every one of the dies fasti; that, when a law is being passed, there is no objection to observations of the heavens being taken, or to such an announcement being made by the magistrates, or to any one interposing his veto; that the decisions and animadversions of the censors, and that most strict inspection of morals, has not been abolished in the city by nefarious laws; that if a patrician has been tribune of the people, he has been so in violation of the most sacred laws, — if a plebeian, in disregard of the auspices: or else men must grant to me that it is not necessary for me in the case of good measures to be bound by those rules which they themselves do not adhere to in shameful ones; especially as it has been a proposal made by them to Caius Caesar several times, that he should carry the same measures in some other manner, (in some manner, that is, which the auspices required and which the law sanctioned;) and when, in the case of Clodius, the history of the

auspices is just the same, and all the laws of the state have been overturned and destroyed. 20. This is the last thing which I have to say. If I had any enmity against Caius Caesar, still at this time I ought to consult the interests of the republic, and to reserve my hostility for another time. I might even, following the precedent of most eminent men, lay aside my enmity altogether for the sake of the republic; but as I have never entertained any enmity to him, and as the idea of having been injured by him has been extinguished by services which he has done me, I, by my opinion, O conscript fathers, if the dignity of Caius Caesar is at stake, shall vote for the man; — if any honour to be paid to him is under discussion, I shall consult the unanimous feeling of the senate if the authority of your decrees is the main point to be regarded, I shall uphold the consistency of our order by voting distinctions to this same commander-in-chief; — if the everlasting consideration of the Gallic war is to be taken into the account, I shall consult the interests of the republic if I may have respect to my own private duty I shall show that I am not ungrateful.

And I wish, O conscript fathers, to induce you all to approve of my sentiments; but I shall not be greatly concerned if I fail to induce those men to approve of them who shielded my enemy in spite of your authority; or those who found fault with my reconciliation with their enemy, while they themselves do not hesitate to be reconciled both to my enemy and to their own.

IN PISONEM (Against Piso)

Translated by C. D. Yonge

THE ORATION OF M. T. CICERO AGAINST LUCIUS CALPURNIUS PISO.

THE ARGUMENT.

After the decision which the senate came to in consequence of Cicero's speech on the subject of the consular provinces, Piso returned home from Macedonia, being the first senator of consular rank who had ever had that province, and had returned from it without a triumph. On the contrary, he had lost most of his troops in engagements with the barbarians on the frontiers. When he arrived in Rome, he stripped his forces of their laurels, and entered the city as obscurely and quietly as he could. But on his first appearance in the senate, relying on the influence of Caesar, who was his son-in-law, he attacked Cicero violently, complaining that he had treated him ill in his absence, especially in promoting the measure which deprived him of his province. And among other topics he reproached him with having been banished; on which the whole senate interrupted him with evident indignation. He reproached him also with his bad verses, and with his vanity in praising himself in them. Cicero was exasperated by this attack to break out with the following invective against him by way of reply, of which a good deal of the beginning is lost, and one or two other portions are in a very corrupt or doubtful state.

[fr1] O ye immortal gods, what a day is this which has dawned

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What specimen, even the slightest, have you ever given of ability? Of ability, do I say? Rather should I say, what proof have you ever given of being an honourable or a free man? You, who by your complexion seem to throw a doubt on your country, by your speech on your family, by your morals on your name

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[fr9]

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This has nothing to do with leading us to think slightly of Placentia, of which place he boasts that he is a native: for my nature does not incline me to his; nor does the dignity of a municipal town, especially of one which has deserved exceedingly well at my hands, allow me to entertain such feelings.

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[fr11]

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There was a certain Insubrian who was both a merchant and a crier; he, when he had come to Rome with his daughter, ventured to call a young man of high birth, named Caesoninus, the son of a most thorough rogue: he gave his daughter in marriage to

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<him>. And she became the mother of you, a beast rather than a man. [Concerning Piso's maternal grandfather]

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When he had settled on the banks of the Po at Placentia, a few years afterwards he obtained the freedom of that city; for it was a city at that time. For before that he was considered a Gaul; then a man of Gallic extraction; and at last he began to be considered a sort of half-Placentian.

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[fr12]

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That Insubrian grandfather of his adopted the elder

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[fr13]

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Your father wanted a more luxurious son-in-law than Caius Piso did at that time of his distress

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I did not give my daughter in marriage to that man whom, when I had the power of choosing from all the world, I should have selected in preference to any one.

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[fr15]

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When the whole of your relations arrive in a wagon

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You put out your head, butting at him

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I was sitting next to Pompeius

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Do you not see now, do you not feel, O you beast, what complaints men make of your impudence? No one complains that a Syrian, that a man whom nobody knows, that some one of that body of lately emancipated slaves, was made consul. For that complexion, like that of slaves, and those hairy cheeks and discoloured teeth, did not deceive us: your eyes, your eyebrows, your brow, in short your whole countenance, which is, as it were, a sort of silent language of the mind, led men into error, this it was which led those to whom this man was unknown into mistake and error, and blunders. There were but few of us who were acquainted with those foul vices of yours; few of us who knew the deficiency of your abilities, your stolid manner, and your embarrassed way of speaking. Your voice had never been heard in the forum; no one had had any experience of your wisdom in counsel: you had not only never performed any, I will not say illustrious exploit, but any action at all that was known of either in war or at home. You crept into honours through men's blunders, by the recommendation of some old smoke-dried images, though there is nothing in you at all resembling them except your colour. [2] Will he also boast to me that he obtained even magistracy without one repulse? I am able to make that boast concerning myself with true exultation; for the Roman people did confer all its honours on me in that way-on me, a new man. But when you were made quaestor, even men who had never seen you gave that honour to your name. You were made aedile. A Piso was elected by the Roman people; but not the Piso that you are. The praetorship also was conferred in reality on your ancestors. They, though dead, were well known; but no one had as yet known anything of you, though you were alive.

When the Roman people made me quaestor among the first of the candidates, and first aedile, and first praetor, as they did by a unanimous vote, they were paying that compliment to me on my own account and not to my family, — to my habits of life, not to my ancestors, — to my proved virtue, and not to any nobleness of birth of which they had heard. [3] For why should I speak of my consulship? whether as to the manner in which it was obtained, or in which it was conducted? Wretched man that I am! am I comparing myself to this disgrace and plague of the republic? But I will say

nothing with the view of drawing any comparison; but I will bring together those circumstances which are very widely separated. You were declared consul (I will say nothing more severe than what all men admit to be true) at a time when the affairs of the republic were in a state of great embarrassment, when the consuls Caesar and Bibulus were at variance, when you had no objection to those men by whom you were declared consul thinking you undeserving of the light of day if you did not prove more worthless than Gabinius. All Italy, all ranks of men, the entire city declared me the first consul with acclamation even before they gave in their voting tablets. 2.

But I say nothing of the circumstances under which each of us was elected. I will allow that chance may have been the mistress of the Campus Martius. It is more to the purpose to say how we conducted ourselves in our respective consulships, than how we obtained them. [4]

I, on the first of January, delivered the senate and all virtuous citizens from the fear of an agrarian law and of extravagant largesses. I preserved the Campanian district, if it was not expedient that it should be divided; if it was expedient, I reserved it for more respectable authors of the division. I, in the case of Caius Rabirius, a man on his trial for high treason, supported and defended against envy the authority of the senate which had been interposed forty years before the time of my consulship. I, at the cost of incurring great enmity myself, but without any enmity falling on the senate, deprived some young men — virtuous and brave men indeed but still men in such a peculiar condition that if they had obtained magistracies they would have convulsed the constitution of the republic of the opportunity of canvassing the comitia. [5] By my patience and complaisant conduct I propitiated Antonius my colleague eager for a province, and cherishing many designs injurious to the republic. I in the public assembly renounced the province of Gaul, fully equipped and well appointed with an army and with funds by the authority of the senate, which I had taken in exchange from Antonius, because I thought it advantageous to the republic at that time that I should do so in spite of the outcry raised by the Roman people against my doing so. I ordered Lucius Catiline planning not obscurely, but openly, the slaughter of the senate and

the destruction of the city, to depart from the city in order that you might be protected by our walls from his designs from which our laws were insufficient to defend us. I wrested from the nefarious hands of the conspirators the weapons which in the last month of my consulship were aimed at the throats of the citizens. I seized, and brought to light and extinguished the firebrands which were already kindled for the conflagration of the city. 3. [6]

Quintus Catulus the chief of this body the great leader of the public council, in the fullest possible house, called me the father of my country. This most illustrious man, who is at this moment sitting close to you, Lucius Gellius, in the hearing of all these people, said that a civic crown was owed to me by the republic. Though I was only clad in the garb of peace, the senate, by an unprecedented sort of supplication, opened the temples of the gods in my honour; not because I had successfully governed the republic, that being a compliment which had been paid to many, but because I had saved it, that being an honour which has never been conferred on any one. When in the assembly of the people, on giving up my office, I was prevented saying what I had intended by the tribune of the people, and when he would only allow me to take the oath, I swore without any hesitation that the republic and this city had been saved by my single exertions. [7] On that day, the entire Roman people gave me in that assembly, not a congratulation to be remembered for the rest of the day, but they gave me immortality and eternal glory, when they themselves swearing also, with one voice and consent approved of my oath couched in such proud and triumphant words. And on that occasion, my return home from the forum was of such a nature that there did not appear to be a single citizen who was not in my train. And my consulship was conducted throughout in such a manner, that I did nothing without the advice of the senate, — nothing without the approbation of the Roman people; that in the rostra I constantly defended the senate, — in the senate-house I was the unwearied advocate of the people; that in that manner, I united the multitude with the chief men, and the equestrian order with the senate. I have now briefly described my consulshi. [8]

Dare now, O you Fury to describe yours; the beginning of which was the Compitalitian games, then first celebrated since the time that

Lucius Metellus and Quintus Marcius were consuls, contrary to the inclination of this order: games which Quintus Metellus (I am doing injury to a gallant man who is dead when I compare him, to whom this city has produced few equals, to this ill-omened beast) — but he, being consul elect when a certain tribune of the people, relying on his own power, had ordered the master of the games to celebrate them in contempt of a resolution passed by the senate, though still a private individual, forbade it to be done, and he carried that point by the weight of his character, which he had not as yet any power to enforce. You, when the day of the Compitalitia had fallen on the first of January, permitted Sextus Clodius, who had never before filled any office which entitled him to wear the pratetexta, to celebrate the games, and to strut about in a praetexta like a profligate man, as he was, a man thoroughly worthy of your countenance and regard. [9] Therefore, when you had laid this foundation of your consulship, three days after, while you were looking on in silence, the Aelian and Fufian law, that bulwark and wall of tranquillity and peace, was overturned by Publius Clodius, that fatal prodigy and monster of the republic. Not only the guilds which the senate had abolished were restored but countless new ones were established of all the dregs of the city and even of slaves. The same man, immersed in unheard of and impious debaucheries, abolished that old preceptress of modesty and charity, the severity of the censor, while you in the mean time, you sepulchre of the republic, you who say that you were at that time consul at Rome, never by one single word intimated any opinion of your own amid such a terrible shipwreck of the state. 5. [10]

I have not yet said what you did yourself, but only what you allowed to be done. Nor does it make much difference, especially in a consul whether he himself harnesses the republic with pernicious laws mid infamous harangues, or allows others to harass it. Can there be any excuse for a consul, I will not say being disaffected to the state, but sitting with his hands before him dawdling and sleeping amid the greatest commotions of the republic? For nearly a hundred years had we possessed the Aelian and Fufian law; for four hundred years had we enjoyed the censor's power of deciding on, and animadverting on, the conduct of citizens; laws which I will not say no wicked man has ever dared to uproot, but which no one has ever

been able to uproot, a power which no one, not if he were ever so profligate has ever attempted to diminish so as to prevent a formal judgment from being passed every fifth year on our morals.

[11] These things now, O worst of men, are entombed in the bosom of your consulship. Proceed on to the days which followed their funeral obsequies. In front of the tribunal of Aurelius, while you were not only shutting your eyes to the measure, which of itself would have been wicked enough, but while you were looking on with a more delighted countenance than usual, a levy of slaves was had by that man who never considered anything too infamous for him either to say or to do. Arms (O you betrayer of all temples) were placed in the temples of Castor by that robber, while you were looking on, to whom that temple, while you were consul, was a citadel for profligate citizens, — a receptacle for the veteran soldiers of Catiline, — a castle for forensic robbery, and the sepulchre of all law and of all religion. Not only my house, but the whole Palatine Hill, was crowded by the senate, by Roman knights, by the entire city, by the whole of Italy, while you not only never once came near that Cicero (for I omit all mention of domestic circumstances, which perhaps you would deny, and speak only of those facts which were done openly and are notorious) — you never, I say, came near that Cicero to whom all the comitia in which you were elected consul had given the first tablet of the prerogative tribe, but who in the senate was the third person whose opinion you asked; but more, you were present, yes, and you presided in the most cruel manner, over all the counsels which were entertained for the purpose of crushing me. 6. [12]

But what was it that you dared to say to me myself, in the presence of my son-in-law, your own relation? “That Gabinius was a beggar, without either house or property; that he could not exist if he did not obtain a province; that you had hopes from a tribune of the people, if you united your plans to his; that you had no hope at all from the senate; that you were complying with his covetousness as I had done in the case of my colleague; that there was no reason why I should implore the protection of the consuls; that every one ought to take care of his own interests.” And these things I scarcely venture to say. I am afraid that there may be some one who does not clearly see his enormous wickedness, concealed as it is under his impenetrable

countenance; still I will say it: he himself, at all events, will recognise the truth, and will feel some pain in recollecting his crimes. [13]

Do you recollect you infamous fellow, when about the fifth hour of the day I came to you with Caius Piso, that you came out of some hovel or other with your head wrapped up, and in slippers? and when you, with that fetid breath of yours, had filled us with the odour of that vile cookshop, that you made the excuse of your health, because you said that you were compelled to have recourse to some vinous remedies? and when we had admitted the pretence, (for what could we do?) we stood a little while amid the fumes and smell of your gluttony, till you drove us away by filthy language and still more filthy behaviour? [14]

About two days afterwards you were brought forward in the assembly of the people by that man with whom you had shared your consulship in that manner; and when you were asked what were your sentiments respecting my consulship, you, a very grave authority, some Calatinus, I suppose, or Africanus, or Maximus, surely not a Caesoninus half-Placentian Calventius, make answer, lifting one eyebrow up to your forehead, and depressing the other down to your chin, "that you did not approve of its entirety." 7.

On this, that noble man, so exceedingly worthy of being admitted into your counsels, praised you. Do you, then, you scoundrel, do you as consul condemn the senate for cruelty before an assembly of the people? For you are not condemning one who only obeyed the senate; — for that salutary and diligent report of the conspiracy was the work of the consul; the sentence and the punishment were the act of the senate. And when you find fault with them, you show what sort of consul you would have been at that time, if by chance it had so happened. You, I make no doubt would have considered that Catiline deserved to be aided with pay and provisions. For, what was the difference between Catiline and that man to whom you sold the authority of the senate, the safety of the state, and the whole republic, for the reward of a province? [15] For the consuls assisted Clodius while doing those very things which Catiline was only attempting when I as consul defeated his machinations. He, indeed, wished to massacre the senate; you two abolished it. He wished to destroy the

laws by fire and sword; you two abrogated them. He wished the country to perish; you two aided him. What, during your consulship, was ever accomplished except by force of arms? That band of conspirators wished to fire the city; you two sought to burn the house of that man, to whom it was owing that the city was not burnt. And even these men, if they had a consul like you, would never have thought of burning the city: For they did not wish to deprive themselves of their homes; but as long as those consuls flourished, they thought that there would be no home for their wickedness. They desired the slaughter of the citizens; you desired to bring them to slavery; and in this were even more cruel than they; for, until your consulship, the spirit of liberty was so deeply implanted in this people, that they would have thought it preferable to die rather than to become slaves. [16] But that pair of you, acting on the designs of Catiline and Lentulus, expelled me from my house, and confined Cnaeus Pompeius to his; for they did not think that as long as I stood firm, and remained in the city exerting all my vigilance for its defence, and as long as Cnaeus Pompeius, the conqueror of all the world, opposed them, they should ever be able utterly to destroy the republic. You sought even to inflict punishment on me, by which you might make atonement to the shades of the dead conspirators. You poured forth upon me all the hatred which had been long nursed in the wicked feelings of impious men. And if I had not yielded for a while to their frenzy, I should have been murdered in the tomb of Catiline, under your leadership. But what greater proof do you want that there is no real difference between you and Catiline, than is the fact, that you awakened again that same band from the half-dead relics of Catiline's army? that you collected all abandoned men from all quarters? that you let loose against me the dregs of the prisons? that you armed conspirators? that you sought to expose my person and the lives of all good men to their frenzy and to their swords? 8. [17]

But I come back now to that splendid harangue of yours. You are the man who disapprove of cruelty, are you? you who, when the senate had decided on displaying its grief and indignation by a change of their garments, and when you saw that the whole republic was grieving in the mourning of its most honourable order, you, O merciful man, what do you do? Why, what no tyrant in any country

of barbarians ever dreamt of. For, I say nothing of the fact of a consul issuing an edict, that the senate should not obey a resolution of the senate; an action than which none more shameful can either be done or imagined. I return to the merciful disposition of that man, who thinks that the senate were over cruel in preserving the country. [18] He with his mate — whom however he was desirous to surpass in all vices — dared to issue an edict that the senate should return to its usual dress contrary to the resolution which that body itself had passed. What tyrant in any part of Scythia ever behaved in such a way as not to permit those men to mourn whom he was loading with misery? You leave them their grief, you take away the emblems of grief, you take away their tears not by comforting them but by threatening them. But even if the conscript fathers had changed their attire not in consequence of any public resolution, but out of private affection or pity still it would have been an intolerable stretch of power that your interdict should prohibit them from doing so; but when the senate in a full house had passed a resolution to that effect, and all the other orders in the state had already changed their attire, then you, a consul, dragged out of a dark dirty cookshop, with that shaved dancing girl of yours, forbade the senate of the Roman people to mourn for the setting and death of the republic. 9.

But a little time before, he even asked me what need I had of his assistance? why I had not resisted my enemies with my own resources? Just as if not only I who had often been of assistance to many others, but as if any one were ever in so wholly desperate a condition as to consider himself not only safer if he had that man for a protector but more ready for the struggle if he had him only for an advocate or seconder. [19] Was I, forsooth, anxious to lean on the counsel or protection of that piece of senseless cattle, of that bit of rotten flesh? was I likely to seek for any support or ornament for myself from that contemptible carcass? I suppose I was looking for a consul, I say, but one (that I was not likely to find in that hog) who might uphold the cause of the republic with his dignity and wisdom, not one who like a stock or like a trunk of a tree, if he only stood upright, might maintain the title of consul. For as the whole of my cause was the cause of a consul and of the senate, I had need of the assistance of the consul and senate; one of which sources of aid was

even turned by you when you were consuls to my injury; the other was entirely suspended, if not abolished in the republic.

But if you ask what were my intentions; I would not have yielded, and the republic should still have retained me in its embrace, if I had only had to contend with contemptible gladiators, and with you, and with your colleague. For the cause of that most admirable man Quintus Metellus was a wholly different one; a citizen whom, in my opinion, I consider equal in glory to the immortal gods; [20] who thought it best for him to leave the city in order to avoid a contest with Caius Marius — a most gallant man, a consul, yes, a man who had been consul six times — and with his invincible legions. For what contest like this lay before me? Should I have had to fight with Caius Marius or with any one like him, or rather with one consul who was a sort of barbarian Epicurus, and with the other, a mere hut-boy of Catiline's? I was not, in truth, afraid of your supercilious looks, or of the cymbals and castanets of your colleague; nor was I so nervous, after having guided the vessel of the state amid the most terrible storms and billows of the republic, and placed it safe in harbour, as to fear the little cloud which gathered on your brow, or the polluted breath of your colleague.

They were other gales which I beheld threatening; they were other storms which my mind foresaw; [21] and I did not so much yield to those other storms which were impending, but rather exposed myself alone to them to secure the safety of all the rest of the citizens.

Accordingly at that time, on my departure, all those wicked swords fell from the hands of those most cruel men; when you, O senseless and insane man, — while all good men shut themselves up and hid themselves out of grief, and lamented for the temples, and bewailed the very houses of the city, — you, I say, embraced that fatal monster, the progeny of nefarious licentiousness, and civil bloodshed, and the foulness or every sort of wickedness, and the impunity of every crime; and in the same temple, at that very same time and in the very same place, you forbade the senate to express its opinion not only on my destruction, but on that of their country. 10. [22]

Why need I speak of the banquets of those days, why of your joy and self-congratulation, why of your most intemperate drinking-

bouts with your crew of infamous companions? Who in those days ever saw you sober, who ever saw you doing any thing which was worthy of a freeman; who, in short, ever saw you in public at all? while the house of your colleague was resounding with song and cymbals, and while he himself was dancing naked at banquets; in which even then, when he was going round in the circle of the dance, he seemed to have no fear of any revolution of fortune. But this man, who is not quite so refined in gluttony nor so musical, lay stupefied amid the reeking orgies of his Greek crew. The banquets celebrated by that fellow at the time of all this misery of the republic, resembled what is reported of the feast of the Centaurs and Lapithae; and it is quite impossible to tell in what sort of debauchery he indulged to the most disgraceful excess.

Will you dare to make mention of your consulship? will you dare to say that you ever were consul at Rome? [23] What? do you think that the consulship consists in being attended by lictors and in wearing the toga praetexta? ornaments which, while you were consul you wished to belong also to Sextus Clodius. And do you, O you dog of Clodius's, think that the consulship consists wholly in the possession of these insignia? A consul ought to be a consul in courage, in wisdom, in good faith, in dignity, in vigilance, in prudence, in performing all the labours and duties of the consulship, and above all things — as, indeed, the name of the magistracy itself points out — in consulting the interests of the republic. Am I to think that man a consul who thought that the senate had no existence in the republic? and am I to account him a consul, who takes no heed of that great council without which, even in the time of the kingly power, the kings could not have any existence at Rome? But I pass over all those points. When a levy of slaves was being held in the forum; when arms were in open daylight being carried to the temple of Castor; and when that temple, having its doors thrown down and its steps torn up, was occupied by the remnant of the conspirators, and by the man who had once been a pretended accuser of Catiline, but who now was seeking to be his avenger; when Roman knights were being banished; when virtuous men were being driven with stones out of the forum; when the senate were prevented not only from assisting the republic, but even from mourning over it; when

that citizen, whom this venerable body, with the assent of Italy and all the nations of the earth, had styled the saviour of his country, was being driven away without a trial, in a manner contrary to all law, contrary to all precedent, by slaves and an armed mob; — I will not say, with your assistance (though I might say that with truth), but certainly without your lifting up your voice against it; — will any one believe that there were any consuls at all at to me at that time? [24] Who, then, are robbers, if you were consuls? Who can be called pirates, or enemies, or traitors, or tyrants? 11.

Great, O senators, is the name, great is the honour, great is the dignity, great is the majesty of a consul. Your narrow mind, O Piso, your paltry soul, your spiritless heart, is unable to comprehend that greatness. The weakness of your intellect cannot grasp it; your inexperience of prosperity cannot support so dignified, so solemn a character. Seplasia, in truth, as I heard said, the moment that it beheld you, refused to acknowledge you as the consul of Campania. It had heard of the Decii, of the Magii, it knew something also about Jubellius Taurea; and if those men did not display all the moderation which is usually found in our consuls, at all events there was a pomp about them, there was a magnificence, there was a gait and behaviour worthy of Seplasia and of Capua. [25] Indeed, if those perfumers had beheld your colleague Gabinius as their duumviri; they would sooner have acknowledged him. He at least had carefully-dressed hair, and perfumed fringes of curls, and anointed and carefully-rouged cheeks, worthy of Capua, — of Capua, I mean, such as it used to be. For the Capua that now is is full of most excellent characters, of most gallant men, of most virtuous citizens, and of men most friendly and devoted to me; not one of whom ever saw you at Capua clad in your praetexta without groaning out of regret for me, by whose counsels they recollected that the whole republic and that city in particular had been preserved. They had paid me the honour of a gilded statue; they had adopted me as their especial patron; they considered that it was owing to me that they were still enjoying their lives, their fortunes, and their children; they had defended me when I was present against your piratical attacks, by their decrees, and by their deputations; and when I was absent they recalled me, when that great man Cnaeus Pompeius submitted the motion to them, and tore the weapons of

your wickedness out of the body or the republic.

[26] Were you consul when my house on the Palatine Hill was set on fire, not by any accident but by men applying fire brands to it at your inspiration? Was there ever before any conflagration of any great extent or importance in the city without the consul coming to bring assistance? But you at that very time were sitting in the house of your mother in law, close to my house; you had opened her house to receive the plunder of mine; you were sitting there not for the purpose of extinguishing, but as the originator of the fire and you — I may almost say — were yourself as consul supplying burning firebrands to the Furies of Clodius's party. 12.

And all the rest of the year did any one consider you as consul? Did any one obey you? Did any one ever rise up to show respect to you when you came into the senate house? Did any one ever think it worth his while to answer you when you asked his opinion? In short, is that year at all to be counted in the republic when the senate was mute, the courts of justice silent, — when all good men were mourning, when the violence of your troops of banditti was raging over the whole city, and when not one citizen only had departed from the city, but when the city itself had yielded to the wickedness and frenzy of you and Gabinius? [27]

But even then, O you impious Caesoninus, you did not emerge from the miserable vileness of your nature, when after a time the reawakened virtue of a most illustrious man quickly demanded the restoration of one who was his own true friend, and a citizen who had deserved well of the state, and of the ancient customs and principles of the republic. Nor would that great man permit the pestilence of your wickedness to remain any longer in that republic, which he himself had embellished and whose power he had extended. But when that Gabinius, such as he is, a man who is surpassed in infamy by you alone, recollected himself, — with difficulty, indeed, but still he did recollect himself, — he contended against his dear friend Clodius, at first only feignedly, then very unwillingly, but at last with genuine ardour and vehemence, in support of Cnaeus Pompeius. And in that spectacle the impartiality of the Roman people was very admirable. It looked on like a master of gladiators, and whichever of them perished, it thought would he

an equal advantage to itself; but if both fell, that indeed would be a most heavenly blessing. [28] But still your colleague did do something. He upheld the austerity of a most admirable man. He was himself a wicked man; he was a mere ruffian and gladiator himself; but still he was fighting against one who was as wicked and as much a gladiator and ruffian as himself. You, forsooth, religious and conscientious man that you were, were reluctant to violate the treaty which you had ratified in my blood concerning the bargain made about the provinces. For that fellow, the adulterer with his own sister, had made this bargain for himself, that if he gave you a province, if he gave you an army, if he gave you money torn from the very life-blood of the republic, you were to give yourself up to him as his partner and assistant in all his crimes. Therefore, in that tumult the fasces were broken; you yourself were wounded; every day there were weapons, stonings, and banishments. At last a man was arrested close to the senate, armed with a sword, who it was notorious had been placed there for the purpose of assassinating Pompeius. 13. [29]

Did any one all that time hear, not only of any act of yours, or of any report of yours to the senate of all these transactions, but of even any word at all uttered by you on the subject or of any complaint of yours? Do you think that you were consul at that time, you, during whose period of authority the man who, by means of the authority of the senate, had saved the republic, and who in Italy had united all parties of all nations by the celebration of three triumphs, made up his mind that he could not appear in public with safety? Were you and your colleague consuls at that time when, if you ever ventured to say one word on any subject or to submit any motion whatever to the senate, the whole body raised an outcry against you, and declared that you should do nothing whatever till you had first made a motion concerning me and my affairs? and when you both, though in fact you were fettered by your treaty with that man, still said that you were anxious to do so, but that were hindered by the law? [30]

A law which even to private individuals seemed to be no law at all, having been framed by slaves, posted up by violence, carried by piratical fury when the senate was driven away when all virtuous men had been frightened from the forum when the republic had been taken by storm in violation of all laws whatever, and which was

drawn up in violation of every precedent; were men who said that they were afraid of that law, consuls? could, I will not say the minds of men, but could any records or annals even style them such? For even if you did not consider that a law, which was contrary to all law, being the proscription by the mere power of a tribune of a citizen who had never been condemned, and the deprivation of his rights and the confiscation of his property, but nevertheless were held fast by the agreement which you had made; who would consider you to have been then, not only consuls, but even free men at all, when your minds were hampered by a bribe, your tongues padlocked by wages? But if, on the other hand, you, being the only people in the state who did so, did consider that a law; can any one think that you were consuls then, or that you are men of consular rank now, you who are ignorant of the laws, and principles, and usages, and rights of that state in which you wish to be accounted some of the chief citizens? [31]

When you were going in your robes as generals into those — provinces which you had (shall I say bought or stolen?) did any one consider you consuls? Therefore, I imagine, even if men did abstain from escorting you on your departure from the city with a numerous attendance to pay you a compliment and do honour to you, at all events they followed you with their good wishes as consuls, but with curses as enemies or traitors. 14.

Did you, O you most horrible and foul monster! dare also to speak of that departure of mine, — that evidence or your wickedness and cruelty, — as if it were a subject for your abuse and insult? And when you did so, then, O conscript fathers, I received an immortal reward of your attachment to, and favourable opinion of me, — when you crushed the frenzy and insolence of that abject and frightened man, not only with a murmur, but with a loud and indignant outcry. [32] Will you speak of the mourning of the senate, — the regret of the equestrian order, — the universal sadness of Italy, — the silence of the senate-house, which lasted the whole year, — the uninterrupted vacation of the courts of justice and the forum, — and all the other circumstances of that time, as grounds for abuse of me? They were the wounds which my departure inflicted on the republic. And if my departure had been ever so full of calamity, still it would have been

deserving of pity rather than of insult; and it would have been considered as connected with my glory rather than with any reproach; and it would have been accounted my misfortune only, but your crime and wickedness.

But when, — (perhaps this thing which I am about to say may appear a strange thing to you to hear, but still I will certainly say what I feel to be true,) — when I, O conscript fathers, have had such kindnesses and such honours conferred on me by you, I not only do not consider that a calamity, but, if I could have any feeling whatever unconnected with the interests of the republic, (which is hardly possible,) I should consider it, as far as my private interests were concerned, a fortune greatly to be wished for and desired by me. [33] And, if I may compare that day which was most joyful to you with that one which was most sorrowful to me, which do you think most desirable to a virtuous and wise man, — to depart from his country in such a manner that all his fellow-citizens pray for his safety, for his preservation, and for his return, which happened to me; or, (which happened to you when you left the city,) to depart in such a way that every one should curse him, should pray for harm to him, and should wish that that road might be his only one? I call the gods to witness, that if I were so hated by all mortals, — especially if I were so justly and deservedly hated, — I should think any banishment whatever preferable to any province that could be given to me. 15.

But to proceed. If that most disturbed period, when I was forced to depart from the city, is superior to the time of your greatest triumph, why need I compare our other circumstances, which in your case were all full of disgrace, and in mine of dignity? [34] On the first day of January, — that first day of hope which dawned on the republic after my setting and eclipse, — the senate, in a very full house, amid a crowd gathered together from all Italy, on the motion of a most illustrious man, Publius Lentulus, with one voice and one consent pronounced my recall. The same senate recommended me to all foreign nations, and to all our own magistrates and lieutenants, by its authority and by letters under the hand of the consuls, not (as you, you Insubrian, have dared to say) an exile from my country, but (as the senate itself styled me at the very time) a citizen who had been the saviour of the republic. The senate thought it right to implore, by

the voice and letters of the consul, the assistance of all the citizens in all Italy, who were desirous of securing the safety of the republic to assist also in promoting the safety of me, a single individual. For the sake of the preservation of my life and rights, the whole of Italy assembled at Rome at one time, as if in obedience to a signal which had been given. [35] Concerning my safety most magnificent and admirable speeches were made by Publius Lentulus a most excellent man and a most admirable consul by Cnaeus Pompeius, that most illustrious and invincible citizen, and by the other leading men of the city, and concerning me the senate passed a resolution, at the instigation and on the especial motion of Cnaeus Pompeius, that if any one hindered my return in any manner, he should be considered as an enemy of the state, and the authoritative opinion of the senate concerning me was declared in such language that no triumph was ever decreed to any one in a more complimentary or more honourable manner than that in which my safety and restoration to my country was provided for.

When all the magistrates had concurred in the law respecting me, with the exception of one praetor from whom it was not reasonable to ask it as he was the brother of my great enemy, and with the exception also of two tribunes of the people, who had been bought like slaves, then Publius Lentulus the consul passed a law concerning me in the comitia centuriata, acting with the consent of his colleague, Quintus Metellus, whom the same republic, which had alienated us from one another in his tribuneship, reconciled to me again in his consulship, in consequence of the virtue of one most excellent and most sensible man. [36] And why need I tell you how that law was received? I hear from you yourselves that no pretext was admitted in the case of any one whatever as sufficiently reasonable to excuse him from being present; that at no comitia that ever were held was there either a more numerous or a more respectable number of men assembled; and this I can certainly see for myself, — what the public records prove, — that you were the movers of the vote, that you were the distributors and keepers of the voting tablets, — and that you did of your own accord for the sake of ensuring my safety, though no one requested you to do so, what, when the honours of your own relations are at stake, you avoid doing under the plea either of your

age, or of your rank. 16. [37]

Compare, now, my fine Epicurus, brought forward out of his sty, not out of his school, — compare, if you dare, your absence with mine. You obtained a consular province with no other limitations than those which the law of your covetousness, not the law of your son-in-law, had agreed upon. For by that most just and admirable law of Caesar free nations were really and truly free; but by that law which no one except you and your colleague considered a law at all, all Achaia, and Thessaly, and Athens, — in short the whole of Greece, was made over to you. You had an army, not of that strength which the senate or people of Rome had assigned to you, but such as your own lust had prompted you to enlist. You had entirely drained the treasury. [38] Well, what exploits did you perform in this command, with this army, and in this consular province? I ask, O conscript fathers, what exploits he performed. A man who, the moment he arrived — (I am not yet speaking of his acts of rapine, I am not yet speaking of the sums of money which he extorted, or seized, or levied, nor of his slaughter of our allies, nor of his murders of his own friends, nor of his perfidy, nor of his inhumanity, nor of his wicked actions: presently, if you choose to hear me, I will argue with him as with a thief, as with a robber of temples, as with an assassin; but for the present I am only going to compare my own fortune when stripped of everything, with that of that great commander when at the height of prosperity.) Who ever had any province with a fine army without sending some letters recounting his achievements, to the senate? But who ever had so important a province as that, with so splendid an army? who ever had Macedonia of all provinces — a land which has on its borders so many tribes of barbarians that the commanders in Macedonia have always had only just those boundaries of their province which were also the boundaries of their swords and javelins, — without sending such letters? Letters! why, not only several men who have had only praetorian authority have triumphed, but there is not one single instance of any man who had exercised consular authority in that province returning in health and vigour, without celebrating a triumph for his achievements performed in that command. It is quite a new thing; this which I am going to mention is newer still. This

vulture of that province — (hear it, O ye gods) has been styled Imperator! 17. [39]

And did you not even then, my great Paullus, dare to send expresses to Rome crowned with laurel? Yes, says he, I sent them. Did you? Who ever read them? who ever demanded to have them read? For it makes no difference, as far as my argument is concerned, whether you, being overwhelmed by the consciousness of your wicked actions, never dared to write any letters to that body which you had treated with contempt, which you had ill-treated, which you had sought to destroy, or whether your friends concealed your letters, and by their silence expressed their condemnation of your rashness and audacity. And I do not know whether I should not prefer that you should appear so utterly destitute of all shame as to have sent the letters, and that your friends should appear to have had more modesty and more sense than yourself, rather than that you should seem to have had some little modesty, and that your conduct should not have been condemned by the judgment of your friends. [40]

But even if you had not shut the senate-house against yourself for ever by your nefarious insults to this order, still, what exploit was ever performed or achieved by you in that province, concerning which it would have been becoming for you to have written to the senate in the war of congratulation? Was it the way in which Macedonia was harassed? or the shameful loss of the towns? or the manner in which the allies were plundered? or the devastation of the lands? or the fortifying of Thessalonica? or the occupation of our military road? or the destruction of our army by sword and famine, and cold and pestilence? But you who did not write any account of anything to the senate, as in the city you were discovered to be more worthless than Gabinius, so in your province you turned out somewhat more inactive than even he. [41] For that gulf of all things — that glutton, born for his own belly, not for glory or renown, — when he had deprived the Roman knights in his province; when be had deprived the farmers of the revenue, men united to us by mutual goodwill and in dignity; — when he had deprived, I say, all of them of their fortunes, many of them of their franchises and of their lives; when with that mighty army he had done nothing except plunder the cities, lay waste the lands, and drain the private houses of his province, dared (for what will he not dare?) to send letters at last to the senate to demand a supplication! 18.

O ye immortal gods! Do you, do you, — you two whirlpools and rocks which endanger the republic — do you seek to disparage my fortune? to extol your own? when concerning me in my absence such resolutions of the senate were passed, such speeches were delivered, such agitation pervaded all the municipal towns and colonies, such votes were passed by all the farmers of the revenue, by all the different guilds, by all ranks and classes of the citizens, as I should not only never have dared to hope for, but as I could not possibly hare dreamt of; and while you, on the other hand, have met with the everlasting brand of the deepest infamy. [42] Should I, if I were to see you and Gabinius both nailed to a cross, feel greater rejoicing at the laceration of your bodies, than I do at the tearing to pieces of your reputations? Surely not: for there is no punishment imaginable, which, owing to some accident or other, even virtuous and brave men

may not have inflicted on them. And this is what even your Greek followers of pleasure say; men whom I wish you would listen to in the spirit in which they deserve to be listened to; you would never have immersed yourself in such a vortex of wickedness. But you listen to them in brothels, in scenes of adultery, in reveling and drunkenness.

But they themselves those very men who define evil by pain, and good by pleasure say that the wise man even if he were shut up in Phalaris's bull and roasted by fire being placed under him would still say that it was pleasant and would not allow himself to be moved the least from his assertion. They insist upon it that the power of virtue is so great that it is absolutely impossible for a virtuous man ever to be otherwise than happy. [43] What then is punishment? what is chastisement? A thing which in my opinion, can happen to no one unless he is guilty; it is dishonesty undertaken; it is a mind hampered and overwhelmed by conscience; it is the hatred of all virtuous men; it is the deserved brand of the senate; it is the loss of dignity. 19.

Nor does that illustrious man Marcus Regulus whom the Carthaginians, having cut off his eyelids and bound him in a machine, killed by keeping him awake, appear to have had punishment inflicted on him. Nor does Caius Marius whom Italy, which he had saved, saw sunk in the marshes of Minturnae, and whom Africa, which he had subdued, beheld banished and shipwrecked. For those were the wounds of fortune, not of guilt, but punishment is the penalty of crime. Nor should I, if I were now to pray for evils to fall upon you as I often have done (and indeed the immortal gods have heard those prayers of mine,) pray for disease, or death, or tortures to befall you. That is an execution worthy of Thyestes, the work of a poet who wishes to affect the minds of the common people, not of philosophers, that you, " Wrecked on some vast inhospitable shore
Clinging to rugged rocks, with bleeding limbs
Might trembling hang, and all the rocks defile
With gore and black pollution.
" [44] I do not mean to say that I should be much vexed if such a thing were to happen but still it would be an accident such as all men are

liable to. Marcus Marcellus, who was three times consul, a man of the most excessive virtue and piety and military glory was lost at sea; through his virtue he still lives in glory and renown. A death such as that is to be attributed to fortune, not to be considered a punishment. What then is punishment? What is chastisement? What is stoning? What is the cross? It is punishment that there should be two generals in the provinces of the Roman people, that they should have armies, that they should be styled "Imperator," that one of them should be so completely cowed by the consciousness of his crimes and of his atrocities, as not to dare to send any letter of any sort to the senate from that province which was of all others the richest in triumphs. From that province that man, so distinguished for every sort of worth and dignity, Lucius Torquatus, was returning, when on account of his mighty deeds he was, on my motion, styled "Imperator" by the senate. In that province it was that those well-deserved triumphs of Cnaeus Dolabella, and Caius Curio, and Marcus Lucullus were earned within the last few years; and from that while you were the commander, no messenger whatever was ever sent to the senate.

From the other consul certainly letters have been brought and read, and motions respecting him have been submitted to the senate. [45] O ye immortal gods, could I have desired that my chief enemy should be branded with such ignominy as no one ever was before? that that senate, which has now got into such a regular habit and practice of kindness as to confer on those who have managed the affairs of the republic successfully, honours hitherto unexampled, both in the number of days which they last and in the language in which they are decreed, should refuse belief to the letters of this man alone, when reporting his success, and should refuse him what he demanded in them? 20.

I feed on these facts, I am delighted, I am in ecstasies at them. I am delighted that this order thinks of you both as it does of its bitterest enemies; that the Roman knights, the other orders and the whole state detests you both; that there is no good man, no, and no citizen who remembers that he is a citizen, who does not shun you both with his eyes, reject you with his ears, scorn you in his mind, and shudder at the bare recollection of your consulship. [46] This is

what I have always wished respecting you, this is what I have desired, this is what I have prayed for. Even more has happened than I could have desired. For, in truth, I never formed a wish that you should lose your armies. That has happened quite beyond my wish, though I cannot say that it has grieved me; but it never could have occurred to me to wish you the insanity and frenzy into which you have both fallen. Still it might well have been wished. But I had forgotten that that was the most invariable of all the punishments which were appointed by the immortal gods for wicked and impious men.

For think not, O conscript fathers, that, as you see on the stage, wicked men are, by the instigation of the gods, terrified by the blazing torches of the Furies. It is his own dishonesty, his own crime, his own wickedness, his own audacity that deprives each individual of sense and discernment. These are the Furies, these the flames, these the firebrands which distress the impious. [47] Must I not think you senseless and frantic, and out of your mind, — must I not think you madder than that Orestes in the tragedy, or than Athamas, when you dared first of all to act so, (for this is the head and front of your offending,) and again, a short time afterwards, when Torquatus, a most influential and conscientious man, pressed you openly to confess that you left Macedonia, that province into which you had carried so vast an army, without one single soldier? I say nothing of your having lost the greater part of your army; that might be owing to your ill fortune. But what reason can you allege for having disbanded any part of your army? What power had you to do so? What law, what resolution of the senate authorized such a step? Where was your right to do so? What precedent was there for it? What is this but madness, but ignorance of men, ignorance of the laws, and of the senate, and of the constitution?

To wound one's body is a trifle; to wound one's life, one's character, one's safety, like this, is a more serious business. [48] If you had discharged your household, a matter which would have concerned no one but yourself, your friends would have thought that you required to be put under restraint; could you have disbanded the protection of the republic, the garrison of the province, without the orders of the Roman senate or people, if you had been in your sound

senses? 21.

Now for your colleague; he, having dissipated an enormous booty which he had acquired by draining the fortunes of the farmers of the revenue, and the lands and cities of the allies, after his insatiable lusts had swallowed some portion of that booty, his new and unexampled luxury had devoured part, when part had gone in purchases in those districts where he plundered everything, and part had been spent in effecting exchanges of property for the purpose of heaping hill upon hill in this Tusculan estate of his; after he had become needy, and after that intolerable mass that he was heaping up had been interrupted and had come to a standstill, — be, I say, then sold himself, and his fasces, and the army of the Roman people, and the oracular consent and prohibition of the immortal gods, and the answer of the priests, and the authority of the senate, and the commands of the people, and the name and dignity of the Roman empire, to the king of Egypt. [49] Though he had the boundaries of his province as extensive as he had desired, as he had wished, as he had procured them to be, by purchasing them at the price of my existence as a citizen, still he could not contain himself within them; he led his army out of Syria. How could he lead it out of his province? He let himself out as a hired comrade to the king of Alexandria.

What can be more shameful than this? He came into Egypt. He engaged the men of Alexandria in battle. When was it that either this senatorial body or the Roman people undertook this war? He took Alexandria. What else are we to expect from his frenzy, but that he should send letters to the senate concerning such mighty exploits? [50] If he had been in his senses, if he had not been already paying to his country and to the immortal gods that penalty which is the most terrible of all, by his frenzy and insanity, would he have cared, (I say nothing of his leaving his province, of his taking his army out of it, of his declaring and carrying on war of his own accord, of his entering a foreign kingdom without any command from the people or from the senate to do so; conduct which many of the ancient laws, and especially the Cornelian law concerning treason, and the Julian law concerning extortion, forbid in the plainest manner; but I say nothing of all this,) — would he, I say, if he had not been most outrageously mad, have dared to take to himself the province which

Publius Lentulus, a man most sincerely attached to this order, had abdicated from scruples of religion, though he had obtained it both by the authority of the senate and by lot when even if there were no religious obstacles in his case, still the usage of our ancestors, and all precedents, and the severest penalties of the laws forbade it? 22. [51]

But since we have begun to institute a comparison between our fortunes we will say no more of the return of Gabinius, whom, though he has cut the ground from under his own feet, I still wish to see to admire the impudence of the man. Let us, if you please, compare your return with mine. Mine was such that the whole way from Brundusium to Rome I was beholding one unbroken line of the inhabitants of all Italy. For there was no district nor municipal town, nor prefecture, nor colony, from which a deputation was not sent by the public authority to congratulate me. Why should I speak of my arrival in the different towns? why of the crowds of men who thronged out to meet me? why of the way in which the fathers of families with their wives and children gathered together to greet me? why of those days which were celebrated by every one on my arrival and return, as if they had been solemn festival days of the immortal gods? [52] That one day was to me like an immortality, on which I returned to my country, and saw the senate which had come forth to meet me, and the whole Roman people; while Rome itself, torn, if I may so say, from its foundations, seemed to come forward to embrace her saviour. Rome, which received me in such a manner that not only all men and all women of all classes, and ages, and orders of society, of every fortune and every rank, but that even the walls and houses of the city and temples appeared to be exulting. And on the succeeding days, the pontiffs, the consuls, the conscript fathers, placed me in that very house from which you had driven me, which you had pillaged, and which you had burnt and voted that my house was to be built up for me again at the public expense, an honour which they had never paid to any one before.

[53] Now you know the circumstances of my return. Now compare yours with it, since, having lost your army, you have brought nothing safe back with you except that pristine countenance and impudence of yours. And who is there who knows where you first came to with those laurelled lictors of yours? What meanders, what turnings and

windings did you thread, while seeking for the most solitary possible places? What municipal town saw you? What friend invited you? What entertainer beheld you? Did you not make night take the place of day? solitude of society? a cookshop of the town? so that you did not appear to be returning from Macedonia as a noble commander, but to be being brought back as a disgraced corpse? and even Rome itself was polluted by your arrival. 23. Alas for the disgrace of the family, I will not say the Calpurnian family, but the Calventian; nor will I say the disgrace of this city, but of the municipality of Placentia; nor of your father's family, but of your breeches-wearing kinsmen. How, I say, did you come? Who, I will not say of these men, or of the rest of the citizens, but who, even of your own lieutenants, came to meet you? [54] For Lucius Flaccus, a man most undeserving of the disgrace of being your lieutenant, and more worthy of those counsels by which he was united with me in my consulship for the salvation of the republic, was with me when some one came and said that you had been seen wandering not far from the gate with your house. I know, too, that one of the very bravest of men, a man skillful both in war and in civil business, an intimate friend of mine, Quintus Marcius, one of those lieutenants whose "Imperator" you had been called in battle, when you were in reality a long way off, was at the time of your arrival sitting quietly in his own house. [55] But why do I count up all the people who did not go forth to meet you? when I say that scarcely any one did, not even of that most officious body of candidates for office, though they had been repeatedly warned and requested to do so, both on that very day, and many days before.

Short gowns were ready for the lictors at the gate, which they took, and laid aside their military cloaks, and so formed a new crowd to escort their chief. And in this manner he, the Macedonian "Imperator," returning home from his mighty and from his important province, after three years government, entered the city in such a guise that no obscure peddler ever returned home in a more solitary condition. And yet this is the very point on which (so ready is he to defend himself) he finds fault with me. When I said that he had entered the city by the Caelimontane gate, that ever ready man wanted to lay me a wager that he had entered by the Esquiline gate;

as if I was bound to know, or as if any one of you had heard, or as if it had anything on earth to do with the matter, by what gate you had entered, as long as it was not by the triumphal one; for that is the gate which had previously always been open for the Macedonian proconsuls. You are the first person ever discovered who, having been invested with consular authority there, did not triumph on your return from Macedonia. 24. [56]

But you have heard, O conscript fathers, the voice of the philosopher. He has said that he never had any desire for a triumph. O you wickedness! you pest! you disgrace! when you were extinguishing the senate, and putting up for sale the authority of this order — when you were knocking down your own consulship to a tribune of the people, and overturning the republic, and betraying my privileges as a citizen, and my safety, for the mere bribe of a province, — if you then had no desire for a triumph, what is it that you will allege in your defence that you did desire so ardently? For I have often seen men, who appeared to me and to others to be over desirous of a province, veil and excuse their desire under the pretence of eagerness for a triumph. This is what Decimus Silanus the consul lately said before this order, — this is what my colleague, too, stated. Nor is it possible for any one to desire an army, and openly to demand one, without putting forward as his pretext for such a demand his desire of a triumph. [57] But if the senate and people of Rome had compelled you (when you did not desire it, or though you even endeavoured to avoid it) to undertake a war and to command an army still it would have been the act of a narrow and mean spirit to despise the honour and dignity of a well earned triumph. For as it is a proof of a trifling character to catch at such praise as is derived from empty reports, and to hunt after all the shadows of even false glory; so it is surely a sign of a very worthless disposition, of one that hates all light and all respectability, to reject true glory, which is the most honourable reward of genuine virtue. But when the senate was so far from requesting and compelling you to take this charge upon you, that it was only unwillingly and under compulsion that it allowed you to do so; when, not only did the Roman people betray no eagerness that you should do so, but not one single freeman voted for it; when that province was your wages for

having, I will not say overturned, but utterly destroyed the constitution, and when this covenant ran through all your wicked actions, that if you handed over the whole republic to nefarious robbers, as a reward for that conduct Macedonia should be handed over to you with whatever boundaries you chose; when you were draining the treasury, when you were depriving Italy of all its youth, when you were passing over the vast sea in the winter season, — if you did at that time despise a triumph, what was it, O you most insane of pirates, that urged you on, unless it was some blind desire for booty and rapine? [58]

It is now in the power of Cnaeus Pompeius to act on your plan. For he has made a mistake. He had never had a taste for that philosophy of yours. The foolish man has already triumphed three times. Crassus, I am ashamed of you. What was the reason that, after a most formidable war had been brought to a termination by you, you showed such eagerness to get that laurel crown decreed to you by the senate? Publius Servilius, Quintus Metellus, Caius Curio, Lucius Africanus, why did not you all become pupils of this learned, of this most wise man, before falling into such blunders as you did? Even my friend Caius Pomptinus has it not now in his power to retrace his steps, for he is prevented by the religious ceremonies which have been begun. O you foolish Camilli, and Curii, and Fabricii, and Calatini, and Scipios, and Marcelli, and Maximi! O you insane Paullus, you blockhead Marius! Oh how stupid, too, were the fathers of both these consuls; for they, too, celebrated triumphs. 25. [59]

But since we cannot change what is already past, why does this mannikin, this Epicurus of mud and clay, delay to instill these admirable precepts of wisdom into that most illustrious and consummate general, his son-in-law? That man, believe me, is influenced by glory. He burns, he is on fire with the desire of a well-deserved and great triumph. He has not learnt the same lessons that you have. Send him a book. Or rather, at once, if you yourself can contrive to meet him in person, think over what language you can find to check and extinguish that violent passion of his, and as a man of moderation and consistency you will have great influence over one who is quite giddy with his desire for glory; as a learned man, you will easily convince an ignorant man like him, as his father-in-law no

doubt you will prevail with your son-in-law. For you will say to him like a man formed to persuade as you are neat, accomplished, a polished specimen of the schools. “How is it possible, O Caesar, for these supplications, which have now been decreed so often and for so many days, to delight you so excessively? Men are greatly mistaken about these things, — things which the gods disregard as that godlike Epicurus of ours has said, nor are they in the habit of being propitious to, or angry with, any one on account of such trifles.”

I am afraid you will hardly get him to agree with you when you argue in this manner. For he will see that they both are, and have been, angry with you. [60]

Turn to another school, and then speak thus of a triumph: “What is the meaning of that chariot? What is the use of those generals bound in front of the chariot? and of the images of towns? and of the gold? and of the silver? and of the lieutenants on horseback? and of the tribunes? What avail all the shouts of the soldiery? and all that procession? To hunt for applause, to be carried through the city, to wish to he gazed upon, are all mere trifles, believe me, things to please children. There is nothing in all those things which you can grasp as solid, nothing which you can refer to as causing pleasure to the body. [61] You see me who have returned from the same province on returning from which Titus Flamininus, and Lucius Paullus, and Quintus Metellus, and Titus Didius, and multitudes of others, inflamed with empty desires, have celebrated triumphs; you see me, I say, returning in such a spirit, that I trampled my Macedonian laurels under foot at the Esquiline gate, — that I arrived with fifteen ill-dressed men thirsting at the Coelimontane gate, where my freedman had a couple of days before hired me a house suited to so great a general; and if that house had not been to be let, I should have pitched myself a tent in the Campus Martius. Meanwhile, O Caesar, in consequence of my neglect of all that triumphal pomp, my money remains safe at home, and will remain there. Immediately on my return, I gave in my accounts to the treasury, as your law required; but in no other particular have I complied with your law. And if you examine those accounts, you will see that no one has ever gained greater advantage from his learning than I have. For they are drawn up so learnedly and so cleverly, that the clerk who made the return to

the treasury, when he had written them all out, scratching his head with his left hand, murmured out, 'Indeed, the accounts are wonderfully clear, the money οἴχεται.'" If you make him this speech, I have no doubt that you will be able to recall him to his senses even when actually stepping into his chariot. 26. [62]

O thou darkness, thou filth, thou disgrace! O thou forgetful of your father's family, scarcely mindful of your mother's, — there is actually something so broken-down, so mean, so base, so sordid, even too low to be considered worthy of the Milanese crier, your grandfather.

Lucius Crassus, the wisest man of our state, searched almost the whole Alps with javelins to find out some pretext for a triumph where there was no enemy. A man of the highest genius, Caius Cotta, burnt with the same desire, though he could find no regular enemy. Neither of them had a triumph, because his colleague deprived one of that honour, and death prevented the other from enjoying it. A little while ago, you derided Marcus Piso's desire for a triumph, from which you said that you yourself were far removed; for he, even if it was not a very important war which he had conducted, as you say that it was not, still did not think that an honour to be slighted. But you are more learned than Piso, more wise than Cotta. Richer in prudence, and genius, and wisdom than Crassus, you despise those things which those idiots, as you term them, have considered glorious: [63] and if you blame them for having been covetous of glory, though they had conducted wars which were insignificant, or no wars at all; surely, you who have subdued such mighty nations, and performed such great achievements, were not bound to despise the fruit of your labours, the reward of your dangers, the tokens of your valour. And the truth is that you did not despise them, even though you may be wiser than Themista; but you shrank from exposing even your iron countenance to be chastised by the reproaches of the senate.

You see now, since I have been so much an enemy to myself as to compare myself to you, that my departure, and my absence, and my return, were all so far superior to yours, that all these circumstances have shed immortal glory on me, and have inflicted everlasting infamy on you. [64] To come even to our present daily regular manner

of life in this city will you venture to prefer your respectability, your influence, your reputation at home, your energy in the forum, your counsel, your assistance your authority and your opinion as a senator, to that which belongs to us or I would rather say to even the lowest and most desperate of men? 27.

Come, the senate hates you, which, indeed, you admit that it does deservedly since you have been the oppressor and destroyer, not only of its dignity and authority but altogether of its existence and its name. The Roman knights cannot bear the sight of you, since one of their order a most excellent and accomplished man Lucius Aelius was banished by you when consul. The Roman people wishes your destruction, to whom, for the purpose of bringing infamy upon them you have attributed those things which you did concerning me by the instrumentality of your band of robbers and slaves. All Italy execrates you whose resolutions and entreaties you have scorned in the most arrogant and haughty manner. [65] Make experiment of this excessive and universal hatred if you dare. The most carefully prepared and magnificent games within the memory of man are just at hand, games such as not only never have been exhibited, but such that we cannot form a conception how it will he possible for any like them ever to be exhibited for the future. Trust yourself to the people, venture on attending these games. Are you afraid of hisses? Where are all the precepts of your schools? Are you afraid that there will be no acclamations raised in your honour? Surely it does not become a philosopher to regard even such a thing as that. You are afraid that violent hands may be laid on you. For pain is an evil, as you assert. The opinion which men entertain of you, disgrace, infamy, baseness, — these are all empty words, mere trifles. But about this I have no question. He will never dare to come near the games. He will attend the public banquet not out of regard for his dignity, (unless, perchance, for the purpose of supping with the conscript fathers, that is to say, with those men who love him,) but merely for the sake of gratifying his appetite. [66] The games he will leave to us idiots, as he calls us. For he is in the habit, in all his arguments, of preferring the pleasures of his stomach to all delight of his eyes and ears.

For though you have perhaps considered him previously only dishonest, cruel, and a bit of a thief, and though he now appears to

you also voracious, and sordid, and obstinate, and haughty, and deceitful, and perfidious, and imprudent, and audacious, know, too, that there is also nothing which is more licentious, nothing more lustful, nothing more base, nothing more wicked than this man. But do not think that it is mere luxury to which he is devoted. [67] For there is a species of luxury, though it is all vicious and unbecoming, which is still not wholly unworthy of a well-born and a free man. But in this man there is nothing refined, nothing elegant nothing exquisite; I will do justice even to an enemy, — there is nothing which is even very extravagant, except his lusts. There is no expense for works of carving. There are immense goblets, and those (in order that he may not appear to despise his countrymen) made at Placentia. His table is piled up, not with shell-fish and other fish, but with heaps of half-spoilt meat. He is waited on by a lot of dirty slaves, many of them old men. His cook is the same; his butler and porter the same. He has no baker at home, no cellar. His bread and his wine came from some huckster and some low wine-vault. His attendants are Greeks, five on a couch, often more. He is used to sit by himself, and to drink as long as there was anything in the cask. When he hears the cock crow, then, thinking that his grandfather has come to life again, he orders the table to be cleared. 28. [68]

Some one will say, "How did you find out all this?" I will not indeed, describe any one in such a manner as to insult him, especially if he be an ingenious and learned man, a class with whom I could not be angry, even if I wished it. There is a certain Greek who lives with him, a man, to tell the truth, (I speak as I have found him,) of good manners, at least as long as he is in other company than Piso's, or while he is by himself. He, when he had met that man, as a young man, though even then he had an expression of countenance as if he were angry with the gods, did not disdain his friendship, as the other sought for it with great eagerness; he gave himself up to intimacy with him, so as indeed to live wholly with him, and I may almost say, never to depart from him. I am speaking not before illiterate men, but, as I imagine, in a company of the most learned and highly accomplished men possible. You have no doubt heard it said, that the Epicurean philosophers measure everything which a man ought to desire by pleasure; — whether that is truly said or not is nothing to

us, or if it be anything to us, it certainly has no bearing on the present subject; but still it is a tempting sort of argument for a young man, and one always dangerous to a person of no great intelligence.

[69] Therefore, that profligate fellow, the moment that he heard that pleasure was so exceedingly praised by a philosopher, inquired nothing further; he so excited all his own senses which could be affected by pleasure, he neighed so on hearing this statement, that it was plain he thought that he had discovered not a teacher of virtue, but a pander to his lust. The Greek first began to distinguish between those precepts, and to separate them from one another, and to show in what sense they are uttered; but that cripple held the ball, as they say; he was determined to retain what he had got; he would have witnesses, and would have all the papers sealed up; he said, that Epicurus was an eloquent man. And so he is; he says, as I conceive, that he cannot understand the existence of any good when all the pleasures of the body are taken away. Why need I say much on such a topic? [70] The Greek is an easy man, and very complaisant; he had no idea of being too contradictory to an "Imperator" of the Roman people. 29.

But the man of whom I am speaking is excessively accomplished, not in philosophy alone, but also in general literature, which they say that the rest of the Epicureans commonly neglect. He composes a poem, so witty, so neat, so elegant, that nothing can be cleverer. In respect of which any one may find fault with him who pleases, provided he does so good-humouredly, treating him not as a profligate, or a rascal, or a desperado, but merely as a Greekling, as a flatterer, as a poet. He comes to, or rather, I should say, he falls in with him, deceived by the same rigid brow of his (being, too, a Greek and a stranger) as this wise and great city was beguiled by. He could not withdraw when he had once become entangled in his intimacy, and he was afraid also of getting the character of being fickle. Being entreated, and invited, and compelled, he wrote so many things which he addressed to him, so many things too about him, that he has described in the most delicate poetry possible all the lusts of the man, all his debaucheries, all his different suppers and revels, and even all his adulteries. [71] And, in that poetry, any one who pleases can see that fellow's way of life reflected as in a mirror. And I would recite

you much of it, which many men have read or heard, if I were not afraid that even the kind of speech which I am indulging in at this moment is at variance with the general usages of this place; and at the same time, I do not wish to do any injury to the character of the man who wrote it.

For if he had had better fortune in getting a pupil, perhaps he might have turned out a more strict and dignified man himself; but chance has led him into a habit of writing in this manner, very unworthy of a philosopher; if at least philosophy does, as is reported, comprehend the whole system of virtue, and duty, and living properly; and a man who professes it appears to me to have taken on himself a very serious and difficult character. [72] But the same chance has polluted the man, who was quite ignorant of what he was professing when he called himself a philosopher, with the mud and filth of that fellow's most obscene and intemperate flock.

And when he had praised the achievements of my consulship, (and I feel that the panegyric of that basest of men was almost a discredit to me myself,) "it was not," says he, "any odium that you incurred by your conduct then, which injured you, but your verses." It was too great a punishment that was established, I trust, by you when you were consul, for a poet, whether he were a bad one, or too free an one. For you wrote—" Arms to the gown must yield.
" What then?—"This was what excited all that storm against you." But I imagine that never was written in that panegyric, which, while you were consul was engraved on the sepulchre of the republic —"May it please you, that because Marcus Cicero has written a verse,..." but because he punished the guilty. 30. [73]

But since we are to consider you not as Aristarchus, but as a sort of grammatical Phalaris, a man who does not put a mark to a bad verse but who pursues the poet with arms, I wish to know what fault you find with this verse "Arms to the gown must yield." "You say," says he "that the greatest generals must yield to the gown."Why now, you ass, am I to teach you letters? I do not want words for such a purpose but a stick. I did not say **this** gown, in which I am clothed, nor, when I said "arms," did I mean the sword and shield of any one particular

general. But as the gown is the emblem of peace and tranquillity, and arms on the contrary are a token of disturbance and war, speaking after the manner of poets, I wished this to be understood that war and tumult were to yield to peace and tranquillity. [74] Ask your own intimate friend, that Greek poet; he will recognise and approve of such a figure of speech, and he will not wonder that you have no taste. "But" says he, "I cannot digest that other sentence either: " The soldier's bays shall yield to true renown.
"" Indeed, I am much obliged to you; for I, too, should stick at that, if you had not released me. For when you, frightened and trembling, threw down at the Esquiline gate the bays which with your own most thievish hands you had stripped off from your blood-stained fasces, you showed that those bays were granted not only to the highest but even to the very paltriest degree of glory.

And yet, by this argument you try, O you wretch, to make out that Pompeius was made an enemy to me by that verse; so that, if my verse has injured me, the injury may appear to have been sought for me by that man whom that verse offended. [75] I say nothing of the fact, that that verse had no reference to him that it was not at all my object to insult with one single verse the man whom I had repeatedly extolled in many speeches and writings. But grant that he was offended. In the first place, will he not put in the scale against this one verse, the many volumes full of his praises which have proceeded from me? And if he has been moved by such a consideration, could he have countenanced so cruel an injury (I will not say to his own dearest friend, to one who did not deserve such treatment at his hands by the anxiety which he has shown for his glory, nor at the hands of the republic; to a man of consular rank, to a senator, to a citizen, or to a freeman, but) to any human being, on account of a verse? 31.

Are you aware what you are saying, to whom and of whom you are saying it? You are implicating most honourable men in your and Gabinius's wickedness, and that without any disguise. For a little while before you say that I was contending against men whom I despised; but that I was leaving those men alone who had more influence, though they were the men with whom I ought to be angry.

But as for those men, (for who is there who is not aware whom you mean?) although the case of them all is not the same, still I have no cause of complaint against any of them. [76]

Cnaeus Pompeius, though many men have fried to oppose his zeal for and attachment to my interests, has always had a regard for me; has always considered me entirely worthy of his intimacy; has always wished me to be not merely safe, but loaded with as much honour and distinction as possible. It is the dishonesty of you and your friends — it is your wickedness, your accusations against me, as if I were cherishing treacherous designs and he were in danger, — accusations most wickedly invented, and at the same time the accusations of those men who, abusing the liberty which their friendship with him gave them, contrived a home for their most infamous statements in his ears, at your instigation, and it is your desires of provinces which caused me to be excluded from his house, and all the men who were anxious for the preservation of his glory, and of the republic, to be cut off from all conversation with and all access to him. [77] And by all these measures it was brought about that he was prevented from abiding by what was notoriously his own opinion, while certain men had (I will not say wholly alienated his affections from me, but had) checked his eagerness to be of assistance to me.

Did not Lucius Lentulus, who was at that time praetor, did not Quintus Sanga, did not Lucius Torquatus the father, did not Marcus Lucullus come to you? All of whom, and many others, had come to him, at his house on the Alban Hill, to pray and entreat him not to desert my fortune, which was bound up with the safety of the republic. And he sent those men to you and to your colleague, that you might espouse the public cause, and submit a motion to the senate. He said, that he was unwilling to enter into a contest with a tribune of the people in arms, unless he had a public resolution on his side; but that if the consuls were defending the republic in obedience to a resolution of the senate, then he would take up arms. [78] Do you at all recollect you wretch, what answer you gave? an answer at which all those men, but especially Torquatus above all, were in a fury at the insolence of your reply, when you said that you were not as brave as Torquatus had been in his consulship, or as I had been;

that there was no need of arms, nor of a contest; that it was in my power a second time to save the republic by yielding to the storm; that there would be endless bloodshed if I resisted; and at the last he said, that neither he nor his son-in-law nor his colleague would desert the tribune of the people. And now, you enemy and traitor, do you say that I ought to be a more determined enemy to any one else than to you? 32. [79]

I know well that Caius Caesar has not always had the same opinion about the republic that I have; but nevertheless, as I have often said of him before, in the hearing of these men, he communicated to me all his intentions during the whole of his consulship, and he wished me to be his partner in all the honours which he shared with his nearest friends; he offered them to me, he invited, he entreated me to accept them. I was not brought over to his party, perhaps out of too great a regard for my character for consistency; I did not wish to be exceedingly beloved by him to whose kindnesses I would never have given up my own opinion. While you were consul, the matter was supposed to be disputed and to have come to a close contest, whether the acts which he had carried the previous year should continue in force, or be rescinded. Why need I say more on this subject? If he thought that there was so much virtue, and vigour, and influence in me, that all the acts which he had performed would be undone if I opposed them, why should I not excuse him if he preferred his own safety to mine? [80]

But I will say nothing of what is past. When Cnaeus Pompeius embraced my cause with all his energies, using all his exertions, and encountering even danger to his life for my sake; when he was going round to the municipal towns to plead my cause, and was imploring the good faith of all Italy; when he was continually sitting by Publius Lentulus, the consul, the author of my safety; when he was always delivering his opinion to the senate, and when in all his harangues he was not only professing himself the defender of my safety, but was descending even to supplications in my behalf; he then took to himself as a companion of and an assistant in his zeal for me, Caius Caesar, whom he knew to have the very greatest influence, and to be no enemy of mine. You see now that I am not an antagonist of yours, not an enemy to you; and that, as for those men whom you hint at, I

am bound not only not to be offended with them, but to be a friend to them. One of them, and I will take care always to remember it, has been as great a friend to me as to himself; the other, what I will forget some day or other, certainly was more of a friend to himself than to me. [81] But this is a common state of things, that brave men, even after they have fought together in close combat sword in hand, still lay aside the hostility engendered by the contest at the same time that they cease from the battle itself, and lay down their arms. Nor, indeed, was he ever able to hate me, not even when we were most at variance. Virtue, which you do not even know by sight, has this quality, that its appearance and beauty delight brave men even when existing in an enemy. 33.

In truth, I will say sincerely, O conscript fathers, what I feel, and what I have often said before in your hearing. If Caius Caesar had never been friendly towards me; if he had always been hostile to me; if he had despised my friendship, and had always shown himself implacable and irreconcilable towards me; still I could not feel otherwise than friendly towards a man who had performed and was daily performing such mighty actions. Now that he is in command, I no longer oppose and array the rampart of the Alps against the ascent and crossing of the Gauls, nor the channel of the Rhine, foaming with its vast whirlpools, to those most savage nations of the Germans. [82] Caesar has brought things to such a pass, that even if the mountains were to sink down, and the rivers to be dried up, we should still have Italy fortified, not indeed, by the bulwarks of nature, but by his victory and great exploits. But as he courts me, and loves me, and thinks me worthy of every sort of praise, will you call me off from my enmity against you to a quarrel with him? Will you thus reopen the past wounds of the republic by your enormities? Which, indeed, you, who were well acquainted with the union subsisting between Caesar and me, sought to elude, when you asked me, — with trembling lips, indeed, but still you did ask me, — why I did not proceed against you? Although, as far as I am concerned—" Never shall you from care or pain be freed
By my denial, —
" still I must consider how much anxiety and how great a burden I,

being exceedingly friendly to him, am imposing on him, while embarrassed with such important affairs of the republic, and with so formidable a war.

Nor do I despair, though the youth of the city is indolent, and does not concern itself with the desire of praise and glory as it should, that there will be some men who will not be unwilling to stop this prostrate carcass of its consular spoils, especially in the case of so contemptible, and powerless, and helpless a criminal in the case of you who have behaved in such a manner that you have been afraid of appearing utterly unworthy of kindness, unless you showed yourself, in all respects, like the man by whom you were despatched into that province. 34. [83]

Do you imagine that we have inquired in only a cursory manner into the disgraces incurred during your command, and into the losses suffered by the province? We have investigated them, not tracking your footsteps merely by scent but marking every wriggle of your body, and every seat where you have left your print. Everything has been noted by us, both the very first crimes which you committed on your arrival, when, having received money from the people of Dyrrachium for the murder of Plato; who was connected with you by ties of hospitality, you destroyed the house of the man to whose murder you had sold yourself: when, after you had accepted from him some musical slave and other presents, he was still alarmed and hesitated a good deal, you assured him with promises, and desired him to come to Thessalonica on the security of your good faith. [84] And at last you did not even put him to death according to the custom of our ancestors, when that miserable man was willing to place his neck beneath the axe of his hereditary friend, but you ordered the physician whom you had brought with you to open his veins. After that, you added to the murder of Plator, that of Pleuratus, his companion, whom you put to death by scourging, being a man of extreme old age. After that, you are put to death by the hand of the executioner, Rabocentus, a prince of the Bessic tribe, having sold yourself to do this to king Cottus, for three hundred talents. And you did not murder him alone, but all the other ambassadors also who had come with him, all whose lives you sold to king Cottus. You waged a wicked and cruel war against the Denseletae, a nation which has at all times been obedient to this empire, and which even at the time of that general defection of all the barbarians, preserved Macedonia for us, when Caius Sentius was praetor. And though you might have had that people for your most faithful allies, you preferred to treat them as our most bitter enemies. Thereby you made those who might have been the perpetual defenders of Macedonia, desirous to harass and destroy it. They have thrown our revenues into confusion, they have taken our cities, laid waste our lands, led away cur allies into slavery, carried off whole families, driven off our cattle, and compelled the people of Thessalonica, as they despaired of saving their town, to fortify their citadel. 35. [85]

It was by you that the temple of Jupiter Urius, the most ancient and the most venerated of all the temples of the barbarians, was plundered. They are your crimes which the immortal gods have been avenging on our soldiers; for when they were all attacked by one kind of disease, and when no one who had once fallen sick was found to recover, no one had any doubt that it must have been the insults offered to men connected with us by ties of hospitality, and the murder of ambassadors, and the attacking of peaceful and allied tribes with wanton and wicked war, and the plundering of temples, which were the causes of this great destruction. You can recognise in such brief particulars as these the universal nature of your wickedness and cruelty. [86]

Why need I now detail the whole course of your avarice which is connected with innumerable crimes? I will just mention a few which are most notorious in a lump. Did you not after they had been paid to you from the treasury leave behind you at Rome, to be put out to usury the eighteen millions of sesterces which you had obtained under pretence of its being money for your fit out as governor of a province, but which was in reality the price for which you had sold my life? Did you not when the people of Apollonia had given you two hundred talents at Rome, in order, by your means, to avoid payment of their just debts, — did you not, I say, actually give up Fufidius, a Roman knight, a most accomplished man, to his debtors? Did you not when you had given up your winter quarters to your lieutenant and prefect, utterly destroy those miserable cities? which were not only drained of all their wealth, but were compelled to undergo all the unholy cruelties and excesses of your lusts. What was your method of valuing corn? or the compliment which you claimed? if, indeed, that which is extorted by violence and by fear can be called a compliment. And this conduct of yours was felt nearly equally by all, but most bitterly by the Boeotians, and Byzantines, and by the people of the Chersonesus and Thessalonica. You were the only master, you were the only valuer, you were the only seller of all the corn in the whole province for the space of three years. 36. [87]

Why need I bring forward your investigations into capital charges, your agreements with criminals, your most iniquitous condemnation of some, your most profligate acquittal of others? You know well

that every circumstance concerning these matters is known to me, and I will leave you to recollect how many crimes of that class and of what great enormity they were. What? have you any recollection of that workshop of arms where, having collected together all the cattle of the whole province, under some pretext connect with the hides, you repeated the whole of the profits which had been made by your family, and by your own father? For you, when you were a pretty big boy, at the time of the Italian war, had seen your house crammed full of the gains made when your father superintended the manufactory of arms. What? do you not recollect that the province was made a source of revenue to your slaves to whom you farm it, by putting a fixed import duty on every single thing which was sold? What? do you forget that centurionships were sold openly? [88] What? do you deny that rank was dispensed by your slaves? What? do you deny that during all the years pay was furnished to your troops by the cities of the province, the months for which each city was to find the money being openly settled? What? have you forgotten that journey of yours into Pontus and your attempts there? have you forgotten your prostration and abjectness of mind when news was brought to you that Macedonia was made praetorian province, and when you fell down fainting a half dead, not only because your successor was appointed, but also that Gabinius's was not?

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Did you not send away a quaestor of aedilitian rank? Was not every one of the most virtuous of your lieutenants insulted by you? Did you not refuse to receive the military tribunes? Was not Marcus Baebius, a brave man, murdered by your commands? [89] Why need I tell how often you, distrusting and despairing of your fortunes, lay down in mourning, and lamentation, and misery? Why need I tell how you sent to that priest, so beloved the people, six hundred men of the friends, or allies, or tributaries of the Roman people, to be exposed to wild beasts?

Need I relate how, when you were scarcely able to supply your disappointment and grief at your departure from the province, you first of all went to Samothrace, after that Thasos with your train of young dancing boys, and with Autobulus, and Athamas, and

Timocles, those beautiful brothers? — that when you departed thence you lay for many days weeping in the villa of Euchadia, who was the wife Execestus? and from thence, disguised in shabby garments you came to Thessalonica by night, without any one knowing it? — that then, when you could not bear the crowds of in who came about you bewailing the state to which you had reduced them, nor the torrent of their complaints, you fled away to Beroea, a town out of your road? Need I relate how, when a rumour that Quintus Ancharius was not going to be appointed your successor had elated your mind with false hopes, while you were in that town, you again, O wretched man, gave the rein to all your former intemperance? 37. [90]

I say nothing of the gold for a crown, which tormented you a long time, while at one time you were inclined towards it and at another time unwilling to take it. For the law of your son-in-law forbade it to be decreed or to be accepted, unless a triumph was also decreed. But nevertheless you, in respect of that gold, could not find in your heart to disgorge the money which you had received and devoured, as in the case of the hundred talents of the Achaeans; you only changed the names and descriptions of the pretexts under which you extracted the money. I say nothing of the commissions which you scattered at random over the provinces; I say nothing of the number of vessels, or of the sum total of the plunder you acquired; I say nothing of the system under which you levied and extorted all the corn; I say nothing of your having stripped both nations and individuals of their liberties, even though they had had those liberties given them by name as rewards, not one of all which things is not carefully provided against and expressly forbidden to be done by the Sullan law. [91]

You, on your departure (O you punishment, O you Fury of the allies) destroyed the unhappy Aetolia, which being separated by a great distance from the barbarian nations, is placed in the lap of peace and is in almost the centre of Greece. You confess as indeed you mentioned yourself only just now that Arsinoë and Stratus and Naupactus noble and wealthy cities were taken by the enemy. And by what enemies? Why, by those whom you, while encamped at Ambracia, on your first arrival, compelled to depart from the towns of the Agrinae and of the Dolopes, and to leave their altars and their

homes. But now, on this departure of yours, O you illustrious "Imperator" though the sudden destruction of Aetolia was no trifling addition to your previous disasters, — you disbanded your army; nor was there any punishment which could be considered due to such guilt as yours which you were not willing to undergo, rather than allow any one to become acquainted with the existing numbers of the relics of your army. 38. [92]

And, that you, O conscript fathers, may see how great is the resemblance between the two Epicurean generals in their military exploits and management of their command; Albucius, after he had triumphed in Sardinia, was condemned at Rome. And as this man expected a similar end to his campaigns, he laid aside his trophies in Macedonia; and those things which all nations have agreed in considering the insignia and monuments of military glory and victory, this extraordinary "Imperator" of ours made the fatal evidences of towns which had been lost of legions which had been cut to pieces, of a province stripped of its garrison and of all the rest of its troops, to the everlasting disgrace of his family and name; and then, in order that there should to something which might be recorded and engraved on the pedestal of his trophies, when, on his departure from his province, he arrived at Dyrrachium, he was besieged by those very soldiers whom he told Torquatus just now, in answer to his questions, had been disbanded by him out of kindness.

And when he had assured them with an oath that he would pay them the next day all that was due to them, he hid himself at home; and then on a very stormy night, in slippers and in the garb of a slave, he embarked on board a ship, and avoided Brundusium, and sailed towards the furthest part of the coast of the Adriatic Sea; [93] while, in the meantime, the soldiers at Dyrrachium began to besiege the house in which they thought that he was, and as they thought that he was hiding himself there, they began to set fire to it. And the people of Dyrrachium, being alarmed at that proceeding, told them that their "Imperator" had fled away by night in his slippers. Then the troops displace, and throw down, and deface, and destroy a statue of his, an excellent likeness of him, which he had caused to be erected in the most frequented place, that the recollection of so delightful a man might not perish; and in this way they expended on

his likeness and on his effigy the hatred which they had hoped to wreak on himself.

[94] And as all this is the truth, (for I have no doubt that, when you see that I am acquainted with these which are the more prominent facts of your career, you will suppose that the more ordinary cases, that the main body of your crimes, has not been entirely unheard of by me,) you have no occasion to tempt me either by exhortation or by invitation. It is quite enough for me to be reminded. And no one and nothing will remind me except the critical occasions of the republic which appear to me indeed to be more immediately pressing than you have ever thought. 39.

Do you not in the least see or perceive what sort of judges we are going to have for the future when the law regulating the courts of justice is passed? Then it will not be the case that every one who likes will be appointed and that every one who has any objection will be excused. No men will be thrust into the order of judges no one will be irregularly removed from it. Ambition will not be allowed to work its way to popularity, nor wickedness to gratify its enmity, by that means. Those will be the judges whom the law itself, not those whom the depraved caprices of men appoint. And as this is the case believe me you will not have need to demand a prosecutor against your will. The case itself, or the necessities of the republic will either call forth me myself — which I should be sorry for — or some one else, or will repress us. [95]

In truth, as I said a little time ago, I do not think that the same things are punishments to men which most people consider such, namely condemnation, banishment, or death. Lastly, it seems to me that that which may happen to an innocent, or to a brave or to a wise or to a virtuous man and citizen, cannot be a punishment in the proper sense of the word. That condemnation which is now demanded to be inflicted on you, befell Publius Rutilius, a man whom this city accounted a pattern of innocence. Lucius Opimius was driven from his country — he who, as praetor and consul, had delivered the republic from the greatest dangers. The punishment of guilt and of the consciousness of it, did not belong to the man to whom the injury was done, but to those who did it. But on the other hand, Catiline was twice acquitted; even that man who was the cause

of your obtaining your province was acquitted after he had profaned the sacred rites of the Good Goddess. But who was there in all this city who thought that he was released from the guilt of impiety, and not that those who acquitted him were, by their sentence, made accomplices in his wickedness? 40. [96]

Am I to wait while seventy-five voting tablets are distributed in your case; when all men of all classes and ages and ranks of society have long since formed their opinions concerning you? For who is there who thinks you deserving of a visit; or of any compliment or even of an ordinary salutation? All men wish to efface all recollection of your consulship, to extirpate your conduct, your habits, your very appearance and name from the republic. The lieutenants who were with you are alienated from you, the military tribunes are hostile to you; the centurions and any other soldiers who may be left out of that once numerous army, and who were not disbanded by you but scattered abroad, hate you, wish for calamities to befall you, execrate you. Achaia which has been drained by you, Thessaly which has been harassed by you, Athens which has been plundered by you, Dyrrachium and Apollonia which have been completely emptied by you, Ambracia which has been pillaged by you, the Parthinians and Bulliensians who have been mocked by you, Epirus which has been laid waste by you, the Locrians, the Phocians, the Boeotians whom you have ravaged with fire and sword, Acarnania, Amphilochia, Perrhaebia, and the nation of the Athamanes who have been sold by you, Macedonia which has been sacrificed by you to the barbarians, Aetolia which has been lost, the Dolopians and the neighbouring mountaineers who have been driven from their towns and from their lands, the Roman citizens who have dealings as merchants in those countries, — all feel that you came among them as their chief despoiler, and harasser, and robber, and enemy.

[97] To all these numerous and weighty opinions formed respecting you in this manner, there has been added the private sentence of condemnation which you have passed upon yourself. Your secret arrival, your stealthy journey through Italy, your entry into the city deserted by your friends; — the fact of your sending no letters to the senate, of your addressing no congratulation to them on successes

achieved by you during the whole of three summer campaigns, of your making no mention of any triumph; — you do not only omit to say what you did, but you do not even dare to say where you were.

When you had brought back the dry withered leaves of your laurels from that fountain and seed-ground of triumphs, when you threw them down and left them at the gate, then you yourself gave your verdict against yourself, and pronounced yourself "guilty." And if you had done nothing deserving of honour, what had become of your army? where was the need for all that expense? what did you want with a military command? why did you seek for that province so fruitful in supplications and triumphs? But if you had ventured to cherish hopes of anything, — if you had nourished the thoughts which the name of "Imperator," the fasces bound with laurel, and those trophies so full of disgrace and ridicule to you, show that you had entertained, — who can be more miserable, who more thoroughly condemned than you, who neither when absent ventured to write to the senate that the affairs of the republic had been prosperously conducted by you, nor dare to say as much when you are present? 41. [98]

Do you think that you can possibly appear to be anything but a condemned man to me, who have always been of opinion that a man's fortune was to be estimated by his actions themselves, and not by their results, and that our character and our fortunes depended not on the voting tablets of a few judges, but on the opinions and judgments of all the citizens? when I see that the allies, and the people of the federate states, and all free nations, and all the tributary peoples, and the merchants, and the farmers of the public revenue, and the whole population of the city, and the lieutenants, and the military tribunes, and all the soldiers who are left of your army — as many as have escaped the sword, and famine, and disease, think you worthy of every extremity of punishment? when no excuse can be possibly alleged either before the senate, or before any order of men whatever, or before the Roman knights, or in the city, or in any part of Italy, sufficient to induce any one to pardon your enormous crimes? when I see that even you yourself hate yourself, and are afraid of everybody, and can find no one to whom you can venture to entrust your cause, and by your own verdict condemn yourself? [99]

I have never thirsted for your blood; I have never sought in your case for that extreme severity of the law and of judgment which at times may fall alike on the virtuous and on the guilty. But I have wished to see you abject, despised, scorned by all the rest of the citizens; looking with despair on your prospects, and abandoned even by yourself; looking timidly around at every noise which sounded near you; trembling at everything; distrusting the continuance of even your present safety, such as it is; not daring to utter a word; deprived of all liberty, destitute of all authority, stripped of all the dignity of a consul and of a man of consular rank; shivering, trembling, and fawning on all men. And I have seen you. Wherefore, if that future befalls you which you are in hourly apprehension of, I shall be in no respect concerned at it; if it is even a long while coming, still I shall enjoy the indignities to which you are exposed; and I shall be quite as well pleased to see you in daily fear of a prosecution as actually before the court; nor shall I rejoice less at seeing you in constant and unceasing distress, than I should if I saw you for a short time in the mourning robe of a criminal on his trial.

PRO RABIRIO POSTUMO (In Defense of Gaius Rabirius Postumus)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF CAIUS RABIRIUS POSTUMUS.

THE ARGUMENT.

When Gabinius, the colleague of Piso, returned from his province of Syria, he was prosecuted on two indictments; in the first prosecution Cicero appeared as a witness against him; but he was acquitted, as Cicero says in his letters to his brother Quintus, (3.**4,**) in consequence of the stupidity of Lentulus, the prosecutor, and the great exertion of Pompey, and the corruption of the judges. In the second prosecution Cicero was prevailed on by Pompey to defend him, but he was condemned to perpetual banishment. The trial of Caius Rabirius Postumus, a Roman knight, arose out of that trial of Gabinius. It had been one of the articles against him, that he had received an enormous sum for restoring Ptolemy to his kingdom of Egypt; but when he was convicted, his estate was found inadequate to meet the damages which he was condemned to pay, and the deficiency was now demanded from those through whose hands the management of his money affairs had passed, and who were supposed to have been sharers in the spoil; and of these men the chief was Rabirius, who was now accused of having advised Gabinius to undertake Ptolemy's restoration; of having accompanied him; of having been employed by him to solicit the payment of the money, and of having lived at Alexandria for that purpose in the king's service as the public receiver of the king's taxes, and wearing the dress of an Egyptian. The prosecution was instituted under the provisions of the Lex Julia, concerning extortion and peculation. It was conducted by Caius

Memmius Gemellus. Rabirius was acquitted; and, though it was to please Pompey that Cicero had undertaken his defence, he afterwards attached himself to Caesar, and was employed by him in the war in Africa and in Sicily.

1. If there is any one, O judges, who thinks Caius Rabirius to be blamed for having entrusted his securely founded and well-established fortunes to the power and caprice of a sovereign, he may back his opinion by a reference not only to mine, but also to the feelings of the man himself who did so. For there is no one who is more grieved at the line of conduct which he then adopted than he is himself. Although we are very much in the habit of judging of the wisdom of a plan by the result, and of saying that the man whose designs have succeeded has shown a great deal of foresight, and that he who has failed has shown none at all. If the king had had any honesty, nothing would have been considered more sagacious than the conduct of Postumus; but because the king deceived him he is said to have acted as madly as possible; so that it appears now that nothing is a proof of a man being wise, unless he can foresee the future.

[2] But still, if there he any one who thinks that Postumus's conduct, whether it proceeded from a vain hope, or from a not sufficiently considered calculation or (to use the strongest possible terms) from pure rashness deserves to be blamed, I will not object to his entertaining that opinion. But I do beg this, that as he sees that his designs have been punished with the greatest cruelty by fortune himself, he will not think it necessary to add any additional bitterness to the ruin with which he is already overwhelmed. It is quite enough not to help to set men up again who have fallen through imprudence; but to press down those already fallen, or to increase their impetus when falling, is unquestionably most barbarous. Especially, O judges, when this principle is almost implanted by nature in the race of man, that those men who are of a family which considerable glory has already distinguished, should with the greatest eagerness pursue the same path as their ancestors, seeing that the virtue of their fathers is celebrated in the recollection and conversation of all men; just as

not only did Scipio imitate Paullus in his renown gained by military exploits; not only did his son imitate Maximus; but his own son also imitated Decius in the devotion of his life, and the exact manner of his death. Let small things, O judges, be compared in this way to great things. 2. [3]

For, when we were children, this man's father Caius Curius was a most gallant chief of the equestrian order, and a most extensive farmer of the public revenues, a man whose greatness of spirit as displayed in carrying on his business men would not have so greatly esteemed, if an incredible kindness had not also distinguished him; so that while increasing his property, he seemed not so much to be seeking to gratify his avarice, as to procure additional means for exerting his kindness. [4] My client, being this man's son, although he had never seen his father, still under the guidance of nature herself, — who is a very powerful guide, — and instigated by the continual conversation of every one in his family, was naturally led on to adopt a similar line of conduct to that of his father. He engaged in extensive business. He entered into many contracts. He took a great share of the public revenues. He trusted different nations. His transactions spread over many provinces. He devoted himself also to the service of kings. He had already previously lent a large sum of money to this very king of Alexandria; and in the meantime he never ceased enriching his friends; sending them on commissions; giving them a share in his contracts; increasing their estates or supporting them with his credit. Why need I say more? He gave a faithful representation of his father's career and habits of life in his own magnanimity and liberality.

In the meantime, Ptolemaeus being expelled from his kingdom with treachery, with evil designs (as the Sibyl said, expression of which Postumus found out the meaning) came to Rome. This unhappy man lent him money, as he was in want and asked for it; and that was not the first time, (for he had lent him money before while he was king, without seeing him.) And he thought that he was not lending his money rashly, because no one doubted that he would be restored to his kingdom by the senate and people of Rome. [5] But he went still further in making him presents and loans. And he lent him not his own money only, but also that of his friends. A very

foolish thing to do — who denies it? at all events, who is there who does not now remind him of it? How could one think that a sensible proceeding which has turned out ill? But it is difficult not to carry out to the end a line of conduct which one has begun with sanguine hopes. 3.

The king was a suppliant to him. He asked him every sort of favour; he promised him every sort of recompense. So that Postumus was at last compelled to fear that he might lose what he had already lent if he put a stop to his loans. But no one could possibly be more affable, no one could be more kind than the king; so that it was easier to repent having begun to lend than to find out how to stop. [6]

Here first rises a charge against my client. They say that the senate was bribed. O ye immortal gods! is this that much-desired impartiality of the courts of justice? Those who have bribed us are put on their trial, we who have been bribed are exposed to no such dangers. What, then, shall I do? Shall I here defend the senate, O judges? I ought indeed, to do so here and everywhere, so well has that body deserved at my hands. But that is not the question at the present moment; nor is that affair in the least connected with the cause of Postumus. Although money was supplied by Postumus for the expense of his journey, and for the splendour of his appointments, and for the royal retinue, and though contracts were drawn up in the Alban villa of Cnaeus Pompeius when he left Rome; still he who supplied the money had no right to ask on what he who received the money was spending it. For he was lending it not to a robber, but to a king; nor to a king who was an enemy of the Roman people, but to him whose return to his kingdom he saw was granted to him by the senate, and entrusted to the consul to provide for; nor to a king who was a stranger to this empire, but to one with whom he had seen a treaty made in the Capitol.

[7] But if the man who lends money is to blame, and not the man who has made a scandalous use of the money which has been lent to him, then let that man be condemned who has made a sword and sold it and not the man who with that sword has slain a citizen. Wherefore, neither you, O Caius Memmius, ought to wish the senate, to support the authority of which you have devoted yourself from your youth upwards, to labour under such disrepute, nor ought I to

speak in defence of conduct which is not the subject of the present inquiry. For the cause of Postumus, whatever it is, is at all events unconnected with the cause of the senate. [8] And if I show that it has no connection with Gabinius either, then certainly you will have not a leg to stand upon. 4.

For this cause is an inquiry, "What has become of the money?" a sort of appendix as it were to an action which has been already decided, and in which a man has been convicted. An action was brought successfully against Aulus Gabinius, and he was condemned in damages; but no securities were given for the payment of them, nor did the people get out of his property a sum sufficient for the payment of those damages. The law is impartial. The Julian law orders that what is deficient should be required of those into whose hands the money, which the man who has been convicted received, came. If this is a new provision in the Julian law, — as there are many clauses of a severer and stricter tendency than those which are found in the ancient laws, — let us also have this new description of tribunal before which to prosecute the inquiry. [9] But if this clause is transferred word for word not only from the Cornelian law but from the Servilian law, which is older still; then, in the name of the immortal gods, what is it that we are doing, O judges? Or what is this new principle of new legal proceedings that we are introducing into the republic? For the ancient mode of proceeding was well known to all of you, and if practice is the best of teachers it ought to be known to me above all men. For I have prosecuted men for extortion and peculation; I have sat as judge; I have conducted inquiries as praetor; I have defended many men; there is no step in such proceedings which can give a man any facility in speaking in which I have not taken a part.

This is what I assert: — that no one ever was put on his trial on the formula, "What had become of that money," who had not been summoned as a witness on the action for damages. But in the action in this instance, no one was summoned except in consequence of something said by witnesses, or something which appeared in the accounts of private individuals, or in the accounts of the cities. [10] Therefore, when actions were being brought, those men were usually present who had some apprehension about themselves; and then

when they were summoned, then, if they thought it advantageous for them, they proceeded at once to contradict what had been said. But if they were afraid of unpopularity, because the facts in question were recent, they answered at some future time; and when they had done this, many of them gained their object. 5.

But this is quite a novel way of managing business, and one utterly unheard of before this time. In the previous action Postumus name never once occurs. In the action, do I say? You yourselves, O judges, lately sat as judges on Aulus Gabinius. Did any one witness then mention Postumus? Any witness? did ever the prosecutor name him? Did you, in short, in the whole of that trial once hear the name of Postumus? [11]

Postumus, then, is not an additional criminal implicated in the cause, which has been already decided. But still one Roman knight has been dragged before the court as a defendant, on a charge of extortion and peculation. On what account-books is this charge founded? On some which were not read on the trial of Aulus Gabinius. By what witness is it supported? By some one who never once mentioned his name at that time. On the sentence of what arbitrator do they rely? On one in which no mention whatever was made of Postumus. In accordance with the provisions of what law? Of one under which he is not liable.

Here now, O judges, the affair is one which has need of all your acuteness and of all your good sense. For you ought to consider what it is becoming to you to do, and not what is lawful for you. For if you ask what is lawful, you certainly have the power to remove any one whom you please out of the city. It is the voting tablet which gives you that power; and at the same time it conceals the capricious exercise of it. No one has any need to fear the consciousness of the tablet if he has no reverence for his own conscience. [12] Where, then, is the wisdom of the judge shown? In this, that he considers not only what he has the power to do, but also what he ought to do; and he does not recollect only what power has been committed to him, but also to what extent it has been committed. You have a tablet given you on which to record your judgment. According to what law? To the Julian law about extortion and peculation. Concerning what defendant? Concerning a Roman knight. But that body is not liable to

the operation of that law.

* * * *But now I hear what you say. Postumus, then, is prosecuted under that law, from the operation of which not only he, but his whole order, is released and wholly flee. 6. [13]

Here I will not at present implore your aid, O Roman knights — you whose privileges are attacked by this prosecution, — before I implore you, O senators, whose good faith towards this order of knights is at stake; that good faith which has been often experienced before, and which has been lately proved in this very cause. For when — when that most virtuous and admirable consul Cnaeus Pompeius made a motion with respect to this very inquiry — some, but very few, unfavourable opinions were delivered, which voted that prefects, and scribes, and all the retinue of magistrates were liable to the provisions of this law, you — you yourselves, I say — and the senate, in a very full house, resisted this; and although at that time, on account of the offences committed by many men, people's minds were inflamed so that even innocent people were in danger, still, though you could not wholly extinguish its unpopularity, at all events you would not allow fuel to be added to the existing fire.

[14] In this spirit did the senate act. What next? What are you, O Roman knights, what are you about to do, I pray? Glaucia, a profligate but still a shrewd man, was in the habit of warning the people when any law was being read to attend to the first line of it. If the first word was "dictator, consul, praetor, master of the horse," then not to trouble themselves about it; they might know that it was no concern of theirs. But if it began "Whoever after the passing of this law," then they had better take care that they were not made liable to any new judicial proceedings.

[15] Now do you, O Roman knights, take care. You know that I was born of your order; that all my feelings have always been enlisted in your cause. I say nothing of what I am now saying but with the deepest anxiety and the greatest regard for your order. Other men may be attached to other men and to other orders; I have always been devoted to you, I warn you, I forewarn you, I give you notice while the affair and the cause are still undecided; I call all men and gods to witness. While you have it in your power, while it is lawful for you, beware lest you establish for yourselves and for your order a

harder condition than you may be able to bear. This evil (believe me) will crawl on and extend further than you fancy. 7. [16]

When a most powerful and noble tribune of the people, Marcus Drusus, proposed one formula of inquiry affecting the equestrian order,—"If any one had taken money on account of a judicial decision," — the Roman knights openly resisted it. Why? Did they wish to be allowed to act in such a manner? Far from it. They thought this cause of receiving money not only shameful, but actually impious. But they argued in this way: that those men only ought to be made liable to the operation of any law, who of their own judgment submitted to such conditions of life. "The highest rank," say they, "in the state is a great pleasure; and the curule chair, and the fasces, and supreme command, and a province, and priesthoods, and triumphs, and even the fact of having an image to keep alive the recollection of one with posterity. [17] There is also some anxiety mingled with this pleasure, and a greater apprehension of laws and of trials. We have never despised those considerations;" (for so they argued;) "but we have adopted this tranquil and easy kind of life, which, because it does not bring honours with it is also free from annoyance." "You are just as much a judge as I am a senator." "Just so, but you sought for the one honour, and I am compelled to accept of the other; wherefore, it ought to be lawful for me either to decline being a judge, or else I ought not to be subject to any new law which ought properly to regulate only the conduct of senators." [18] Will you, O Roman knights, abandon this privilege which you have received from your fathers? I warn you not to do so. Men will be hurried before these courts of justice, not only whenever they fall into all deserved unpopularity, but whenever spiteful people say a word against them, if you do not take care to prevent it. If it were now told you that opinions were pronounced in the senate that you should be liable to be proceeded against under these laws, you would think it necessary to run in crowds to the senate-house. If the law was passed, you would throng to the rostra. The senate has decided that you are exempt from the operation of this law; the people has never subjected you to it; you have met together here free from it; take care that you do not depart entangled in its toils. [19]

For if it was imputed as a crime to Postumus, who was neither a

tribune, nor a prefect, nor one of his companions from Italy, nor even a friend of Gabinius's, how will these men hereafter defend themselves, who, being of your order, have been implicated with our magistrates in these causes? 8.

"You," says the prosecutor, "instigated to Gabinius to restore the king." My own good faith does not allow me to speak with severity of Gabinius. For after having been reconciled to him, and given up that most bitter hostility with which I regarded him, and after having defended him with the greatest zeal, I ought not to attack him now that he is in distress. And even if the influence of Cnaeus Pompeius had not reconciled me to him while he was in prosperity, his own disasters would do so now. [20] But still, when you say that Gabinius went to Alexandria at the instigation of Postumus, if you place no confidence in what was alleged in the defence of Gabinius, do you forget also what you stated in your own speech for the prosecution? Gabinius said that he did that for the sake of the republic, because he was afraid of the fleet of Archelaus, — because he thought that otherwise the sea would he entirely full of pirates. He said, moreover, that he was authorized to do so by a law. You, his enemy, deny that. I pardon your denial, and so much the more because the decision was contrary to the statement of Gabinius.

I return, therefore, to the charge, and to your speech for the prosecution. [21] Why did you keep crying out that ten thousand talents had been promised to Gabinius? I suppose it was necessary to find out a very civil man indeed, who should be able to prevail on one whom you call the most avaricious of men, not to despise immoderately two hundred and forty millions of sesterces. Whatever may have been the intention with which Gabinius acted, it certainly was his own unsuggested intention. Whatever sort of idea it was, it was Gabinius's own. Whether, as he said himself his object was glory, or whether, as you insist, it was money, it was for himself that he sought it. Had Gabinius any companion or attendant? He says, no. For he had departed from Rome in deference to the authority, not of Gabinius, whose business it was not but of Publius Lentulus, a most illustrious man, given to him by the senate, and with a definite design, and with very sanguine hopes. [22]

But he was the king's steward. Yes, and he was in the king's

prison, and his life was nearly taken away. He bore many things besides, which the caprice of the king and necessity compelled him to endure. So that all these matters come under one single reproach, that he entered his kingdom, and that he entrusted himself to the power of the king. A very foolish action, if we must say the truth. For what can be more foolish than for a Roman knight, a man of this city, I say, a citizen of this republic, which, of all others, is, and always has been, most especially free, to go into a place where he is forced to obey and be the steward of another? 9. [23]

But, nevertheless, may I not pardon this in Postumus, who is not a man of much learning, when I see that the very wisest men have fallen into the same error? We have heard that that; great man, beyond all comparison the most learned man that all Greece ever produced, Plato, was in the greatest danger, and was exposed to the most treacherous designs by the wickedness of Dionysius, the tyrant of Sicily, to whom be had entrusted himself. We know that Callisthenes, a very learned man, the companion of Alexander the Great, was slain by Alexander. We know that Demetrius, — he, too, being a citizen of the free republic of Athens, the affairs of which he had conducted with the greatest ability, and being also a man eminent for, and deeply impressed with, learning, — the one, I mean, who was surnamed Phalereus, was deprived of his life in that selfsame kingdom of Egypt having had an asp applied to his body. [24] I plainly confess that nothing more insane can be done, than for a man willingly to come into a place where he will lose his liberty. But the still greater folly which he had already committed is his excuse for the folly of this subsequent conduct; for that causes this most stupid action, the act I mean, of going into the kingdom, and of trusting himself to the king, to appear a wise and sensible step. At all events, it is not so much the act of one who is for ever a fool, as one who is wise too late, after he has got into difficulties through his folly, to endeavour to release himself by whatever means he can. [25] Let, then, that be rewarded as a fixed and certain point, which can neither be moved nor changed, in which those who look fairly at the matter say that Postumus had entertained hopes, those who are unfavourable to him say that he made a blunder, and he himself confesses that he acted like a madman, in lending his own money,

and that of his friends, to the king, to the great danger of his own fortunes; still, when this had once been begun, it was necessary to endure these other evils, in order, at last, to reunite himself to his friends. Therefore, you may reproach him as often as you please with having worn an Egyptian robe, and with having had about him other ornaments which are not worn by a Roman citizen. For every time that you mention any one of these particulars, you are only repeating that same thing — that he lent money rashly to the king, and that he trusted his fortunes and his character to the royal caprice. [26] He did so rashly, I confess it; but the case could not possibly be changed then; either he was forced to put on an Egyptian cloak at Alexandria, in order afterwards to be able to wear his gown at Rome; or, if he retained his gown in Egypt he must have discarded all hope of recovering his fortunes. 10.

For the sake of luxury and pleasure we have often seen, not only ordinary Roman citizens, but youths of high birth, and even some senators, men born in the highest rank wearing little caps, not in their country seats or their suburban villas, [27] but at Naples, in a much-frequented town. We have even seen Lucius Sulla, that great commander, in a cloak. And you can now see the statue of Lucius Scipio, who conducted the war in Asia, and defeated Antiochus standing in the Capitol, not only with a cloak, but also with Greek slippers. And yet these men not only were not liable to be tried for wearing them, but they were not even talked about; and, at all events, the excuse of necessity will be a more valid defence for Publius Rutilius Rufus; for when he had been caught at Mitylene by Mithridates, he avoided the cruelty with which the king treated all who wore the Roman gown, by changing his apparel. Therefore, that Rutilius, who was a pattern to our citizens of virtue, and of the ancient dignity, and of prudence, and a man of consular rank, put on slippers and a cloak. Nor did any one think of reproaching the man with having done so, but all imputed it to the necessity of the time. And shall that garment bring an accusation upon Postumus, which afforded him a hope that he might at some time or other recover his fortune?

[28] For when he came to Alexandria to Auletes, O judges, this one

means of saving his money was proposed to Postumus by the king — namely, that he should undertake the management, and, as it were, the stewardship of the royal revenues. And he could not do that unless he became the steward. For he uses that title which had been given to the office by the king. The business seemed an odious one to Postumus, but he had actually no power of declining it. The name itself, too, annoying; but the business had that name or old among those people, it was not now newly imposed by the king. He detested also that dress, but without it he could neither have the title nor fill his office. Therefore, I say, that he was compelled by force to act as he did, — by force which, as our great poet says " Breaks and subdues the loftiest dignity.
" [29] He should have died, you will say; for that is the alternative. And so he would have done, if, while his affairs were in such a state of embarrassment, he could have died without the greatest disgrace.
11.

Do not then, impute his hard fortune to him as a fault; do not think the injury done to him by the king his crime; do not judge of his intentions by the compulsion under which he was, nor of his inclination by the force to which he submitted. Unless, indeed, you think those men deserving of reproach who have fallen among enemies or among thieves, and who then act differently under compulsion from what they would if they were free. No one of us is ignorant, even if we have had no personal experience of it, of the mode of proceeding adopted by a king. These are the orders given by kings,—"Take notice," "Obey orders," "Do not complain when you are not asked." These are their threats,—"If I catch you here tomorrow, you shall die." Expressions which we ought to read and consider, not only for the purpose of being amused by them, but in order to learn to beware of their authors and to avoid them. [30]

But from the circumstance of this employment itself another charge arises. For the prosecutor says, that while Postumus was collecting the money for Gabinius, he also amassed money for himself out of the tenths belonging to the generals. I do not quite understand what this charge means; — whether Postumus is charged with having made an addition of one per cent to the tenth, as our own

collectors are in the habit of doing, or whether he deducted that sum from the total amount of the tenths. If he made that addition, then eleven thousand talents came to Gabinius. But not only was the amount mentioned by you ten thousand talents, but that also was the sum at which it was estimated by them. [31] I add this consideration also: how can it be likely, that when the burden of the tributes was already so heavy, an addition of our thousand talents could he made to so large a sum which was to be collected? or that, when a man, a most avaricious man as you make him out, was to receive so large a reward, he would put up with a diminution of a thousand talents? For it was not like Gabinius, to give up so vast a portion of what he had a right to; nor was it natural for the king to allow him to impose so great an additional tax on his subjects. Witnesses will be produced, deputies from Alexandria. They have not said a word against Gabinius. Nay, they have even praised Gabinius. Where, then, is that custom? what has become of the usages of courts of justice? Where are your precedents? Is it usual to produce a witness to give evidence against a man who has been the collector of money, when he has not been able to say a word against the man in whose name the money collected? [32] Nay more; if it is usual to produce a man who has said nothing, is it usual to produce one who has spoken in his praise? Is it not customary rather to look on such a cause as already decided, and to think that it is sufficient to read the previous evidence of the witnesses, without producing the men themselves? 12.

And this intimate companion and friend of mine says also that the men of Alexandria had the same reason for praising Gabinius that I had for defending him. My reason, O Caius Memmius, for defending him was, that I had become reconciled to him. Nor do I repent of considering my friendships immortal, but my enmities mortal. For if you think that I defended him against my will, because I did not like to offend Pompeius, you are very ignorant both of his character and of mine. [33] For Pompeius would not have wished me to do anything contrary to my inclination for his sake. Nor would I, to whom the liberty of all the citizens has always been the dearest object, ever have abandoned my own. As long as I was on terms of the greatest enmity to Gabinius, Pompeius was in no respect the less my dearest friend. Nor after I had made to his authority that concession to which

it was entitled from me, did I feign anything I could not behave with treachery so as to injure the very man whom I had just been obliging. For by refusing to be reconciled to my enemy, I was doing no harm to Pompeius; but if I had allowed him to reconcile us, and yet had myself been reconciled to Gabinius with a treacherous intention I should have behaved dishonestly, — principally, indeed, to myself, but in the next degree to him also,. [34]

But, however, I will say no more about myself. Let us return to those Alexandrians. What a face those men have! What audacity! The other day, when you were present at the trial of Gabinius, they were cross-examined at every third word they said. They declared that the money had not been given to Gabinius. The evidence of Pompeius was read at the same time, to the effect that be had written to the king that no money had been given to Gabinius except for military purposes. "At that time," says the prosecutor, "the judges refused to believe the Alexandrians." What does he say next? "Now they do believe them." [35] Why so? "Because they now affirm what they then denied." What of that? Is this the way in which we are to regard witnesses, — to refuse them belief when they deny a thing, but to believe the very same men when they affirm a thing? But if they told the truth then, when they spoke with every appearance of truth, they are telling lies now. If they told lies then, they must give us good proof that they are now speaking the truth. Why need I say more. Let them hold their tongues. We have heard men speak of Alexandria before. Now we know it from our own experience. Thence it is, that every sort of chicanery comes. Thence, I say, comes every sort of deceit. It is from that people that all the plots of the three writers are derived. And, indeed, there is nothing which I wish for more, O judges, than to see the witnesses face to face. 13. [36]

They gave their evidence a little while ago before this tribunal, at the same time that we ourselves did. With what effrontery did they then repudiate the charge of this ten thousand talents! You are acquainted by this time with the absurd ways of the Greeks. They shrugged their shoulders at that time, I suppose, in respect of the existing emergency; but now there is no such necessity. When any one has once perjured himself he cannot be believed afterwards, not even he swears by more gods than he did before; especially. O

judges, when in trials of this sort there is not usually any room for a new witness; and on that account the same judges are retained who were judges in the case of the original defendant, because everything is already known to them, and nothing new can be invented. [37]

Actions on the formula, "What has become of that money," are usually decided, not by any proceeding taken especially with reference to them, but by those which were adopted in the case of the original defendant. Therefore, if Gabinius had either given sureties, or if the people had got as large a sum out of his property as the damages amounted to, then, however large a sum had been obtained from him by Postumus, none would have been demanded back again. So that it may easily be seen, that in a case of this sort, the money is only demanded back again from any one who has been clearly proved in the former action to have become possessed of it. But at present what is the question under discussion? Where in the world are we? What can be either said or imagined so unprecedented, so unsuitable, so preposterous as this? [38] That man is being prosecuted who did not receive any money from the king, as it has been decided that Gabinius did, but who lent a vast sum of money to the king. Therefore, he gave it to Gabinius, as he certainly did not repay it to Postumus. Tell me now, I beg since the man who owed Postumus money did not pay it to him, but gave money to Gabinius, now that Gabinius is condemned, has he paid him back that money, or does he owe it to him still? 14.

"Oh, but Postumus has the money, and is hiding it." For there are men who talk in this way. What a strange sort of ostentation and vaingloriousness is this? If he had never originally had anything, still, if he had acquired a fortune, there could be no reason why he should conceal his having it. But in the ease of a man who had inherited two ample and splendid patrimonial estates, and who had, moreover, increased his property by legitimate and honourable means, what reason could there possibly he why he should wish to be supposed to have nothing? [39] Are we to believe that, when he was induced by the hope of interest to lend his money, his object was to have as large an estate as possible, but that after he had got back the money which he had lent, he then wished to be thought to be in want? He is certainly aiming at quite a new sort of glory. "And

again," says the prosecutor, "he acted in a very arbitrary manner at Alexandria." I should rather say he was treated in a most arbitrary way, in a most insolent manner; he himself had to endure imprisonment. He saw his intimate friends thrown into prison. Death was constantly before his eyes. And at last, naked and needy, he fled from the kingdom. "But his money was employed in commerce in other quarters. [40] We have heard that ships belonging to Postumus arrived at Puteoli, and merchandize belonging to him was seen there, things only showy and of no real value, made of paper, and linen, and glass; and there were several ships entirely filled with such articles; but there was also one little ship, the contents of which were not known." That voyage to Puteoli, (such was the conversation at that time,) and the course taken by the crew, and the parade they made, and the fact, too, of the name of Postumus being rather unpopular with some spiteful people, on account of some idea or other respecting his money, filled in one summer numbers of ears with those topics of conversation. 15. [41]

But if, O judges, you wish to know the truth, — if the liberality of Caius Caesar, which is very great to every one, had not been quite incredible towards my client, we should long since have ceased to have Postumus among us in the forum. He, by himself, took upon himself the burden of many of Postumus's friends; and those responsibilities, which during the prosperity of Postumus many of his friends supported by dividing them, now that he is unfortunate, Caesar supports the whole of. You see, O judges, the shadow and phantom of a Roman knight preserved by the assistance and good faith of one single friend. Nothing can be taken from him except this image of his former dignity, and that Caesar by himself preserves and maintains. And that, even amid his greatest distresses, is still to be attributed to him in an eminent degree.

Unless, indeed, this can be effected by a moderate degree of virtue, that so just a man as Caesar should think this my client of so much consequence, especially now that he is in distress and absent, and while he himself is in the enjoyment of such splendid fortune that it is a great thing for him to give a thought to the fortunes of others; while he is so incessantly busied about the mighty achievements which he has performed and is still performing, that it

would be no wonder if he forgot other people altogether; and even if be afterwards recollected that he had forgotten them, he would easily find excuse for so doing. [42]

I have, indeed, before now, become acquainted with many virtues of Caius Caesar, great and incredible virtues. But those other virtues of his are suited, as it were, to a more extensive theatre, are what I may almost call virtues to catch the eye of the people. To select a place for a camp, to array an army, to storm cities, to put to flight the army of the enemy, to endure the severity of cold and bad weather, which we can hardly support sheltered by the houses of this city; at this very time to be pursuing the enemy, at a time when even the wild beasts hide themselves in their lurking-places, and when all wars are suspended by the general consent of nations; — these are great deeds: who denies it? But still they are prompted by vast rewards, being handed down to the eternal recollection of men. So that there is less reason to wonder at a man a performing them who is ambitious of immortality. 16. [43]

This is wonderful praise, which is not celebrated by the verses of poets, nor by the records of annals, but is estimated by the judgments of wise men. He took up the cause of a Roman knight, his own ancient friend, one zealous for, attached and devoted to himself, who was getting involved in difficulties; not through licentiousness, nor through any discreditable expense and waste to gratify his passions, but through an honest endeavour to increase his fortune; he would not allow him to fall; he propped him up and supported him with his estate, his fortune, and his good faith, and he supports him to this day. Nor will he allow his friend, trembling in the balance as he is, to fall; nor does the splendour of his own reputation at all dazzle his eyes, nor does the height of his own position and of his own renown at all obscure the piercing vision of his mind. [44] Grant that those achievements of his are great things, as in truth they are; every one else may agree with my opinion or not, as he pleases, for I, amid all his power and all his good-fortune, prefer this liberality of his towards his friends, and his recollection of old friendship, to all the rest of his virtues. And you, O judges, ought not only not to despise or to regret this goodness of so novel a kind, so unusual in illustrious and preeminently powerful men, but even to embrace and increase it

and so much the more, because you see that these days have been taken for the purpose of, as it were, undermining his dignity; from which nothing can be taken which be will not either bravely bear, or easily replace. But if he hears that his dearest friend has been stripped of his honourable position, that he will not endure without just indignation; and yet he will not have lost what he can have no possible hope of ever recovering. 17. [45]

These arguments ought to be quite sufficient for men who are of a just disposition; and mere than sufficient for you, who we feel sure are men of the greatest justice.

But, in order fully to satisfy everybody's suspicions, or malevolence, or even cruelty, we will take this statement too. "Postumus is hiding his money; the king's riches are concealed." Is there any one of all this people who would like to have all the property of Caius Rabirius Postumus knocked down to him for one single sesterce? But miserable man that I am! with what great pain do I say this, — Come, Postumus, are you the son of Caius Curius, the son, as far as his judgment and inclination go, of Caius Rabirius, not in reality and by nature the son of his sister? Are you the man who is so liberal to all his relations; whose kindness has enriched many men; who has never wasted anything; who has never spent any money on any profligacy? and all your property, O Postumus, knocked down by me for one single sesterce? Oh how miserable and bitter is my office as an auctioneer! [46] But he, miserable man, even wishes to be convicted by you; and to have his property sold, so that every one may be repaid his principal. He has no concern about anything except his own good faith. Nor will you, if you should, in his case, think fit to forget your habitual humanity, be able to take from him anything beyond his property. [47] But, O judges, I beg and entreat you not to forget that usual course of yours, and so much the more as in this instance money which he has nothing to do with is being claimed of a man who is not even repaid his own. Odium is sought to be stirred up against a man, who ought to find an ally in the general pity.

But now, since, as I hope, I have discharged as well as I have been able to, the obligations of good faith to you, O Postumus, I will give you also the aid of my tears, as I well may; for I saw abundant tears

shed by you at the time of my own misfortune. That miserable night is constantly present to the eyes of all my friends, on which you came to me with your forces, and devoted yourself wholly to me. You supported me at that time of my departure with your companions, with your protection, and even as much gold as that time would admit of. During the time of my absence you were never deficient in comforting and aiding my children, or my wife. I can produce many men who have been recalled from banishment as witnesses of your liberality; conduct which I have often heard was of the greatest assistance to your father, whose behaviour was like your own, when he was tried for his life. [48] But at present I am afraid of everything: I dread even the unpopularity which your very kindness of disposition may provoke. Already the weeping of so many men as we behold indicates how beloved you are by your own relations; but, as for me, grief enfeebles and stifles my voice. I do entreat you, O judges, do not deprive this most excellent man, than whom no more virtuous man has ever lived, of the name of a Roman knight, of the enjoyment of this light, and of the pleasure of beholding you. He begs nothing else of you, except to be allowed with uplifted eyes to behold this city, and to pace around the forum; a pleasure which fortune would have already deprived him of; if the power of one single friend had not come to his assistance.

PRO PLANCIO (In Defense of Gnaeus Plancius)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN DEFENCE OF CNAEUS PLANCIUS.

THE ARGUMENT.

Cnaeus Plancius had been quaestor in Macedonia when Cicero fled there from Rome, and had been at that time of the greatest assistance to him. He had now been chosen aedile, but was accused by a disappointed candidate, Marcus Laterensis, of bribery and corruption; and Cicero (though there had been a good deal of coldness between them of late, as Plancius when tribune of the people had very much altered towards him and shown an inclination to take the part of his adversaries) defended him in the following speech.

The speech appears to have been spoken in the year A. U. C. 609. Plancius was acquitted.

1. When, O judges, I saw that on account of the eminent and singular good faith of Cnaeus Plancius, shown in taking care of my safety, so many excellent men were favourers of his cause, I felt no ordinary pleasure, because I saw that the recollection of what happened at the time of my necessities was pleading for him whose kindness had been my preservation. But when I heard that men, some of whom were my enemies, and some of whom were envious of me, favoured this accusation and that the very same thing was now adverse to the interests of Cnaeus Plancius in this trial which had been advantageous to him in his canvass, I was grieved, O judges, and was very indignant at the idea of his safety being endangered for the sole

reason that he, by his benevolence, and energy, and vigilance had protected my safety and my life. [2] But now, O judges, the sight of you, and the fact of such men as you being the judges, strengthens and refreshes my mind, when I look upon and behold each individual of you; for in all this number I see no one to whom my safety has not been dear, no one who has not acted with the greatest kindness towards me, no one to whom I am not under eternal obligations from the recollection of their services. Therefore I do not fear that the care shown by Cnaeus Plancius for my safety will be any injury to him with those men who themselves have wished above all things to see me in safety; and, O judges, it has more frequently come into my mind that it is a strange thing that Marcus Laterensis, a man who has shown the greatest regard for my dignity and safety, should have picked out this man of all the world to institute a prosecution against, than that I have any ground to fear lest he should appear to you to have had good reason for doing so.

[3] Although I do not assume so much, or claim so much importance for myself, O judges, as to think that Cnaeus Plancius is entitled to impunity on account of his kindness towards me. If I do not display to you that his life is most upright, his habits most virtuous, his good faith unimpeachable, — if I do not prove him to be a man of perfect temperance, piety, and innocence, I will not object to your punishing him; but if I establish that he has every quality which may be expected in the character of a virtuous man, then I will beg of you, O judges, to grant, at my entreaty, your pity to that man, through whose pity it is that I myself have been preserved in safety. In truth, in addition to the labour which I am devoting to this cause, in a greater degree than I think necessary in other trials. I have this anxiety also, that I have not only to speak on behalf of Cnaeus Plancius, whose safety I am bound to defend equally with my own, but on behalf of myself also, since the prosecutors have said almost more about me than they have about the merits of the case, and about the real defendant. 2. [4]

Although, O judges, if they have found any fault in me which is not connected with the case of my present client, I am not much disturbed about that; for I am not afraid that, because it is a very rare thing to meet with grateful men, on that account it can really be

considered as a charge against me when those men say that I am too grateful. But as for the points that have been urged by them, when they have said either that the services done me by Cnaeus Plancius were of less importance than I make them out to be; or that if they were ever so great, still they ought not to have that weight with you which I considered them entitled to; these points, O judges, must be touched on by me with moderation, indeed, lest I should give any offence myself; and not until I have fully replied to the accusations brought against him, lest my client should seem to have been defended not so much by his own innocence, as by the recollection of his conduct at the time of my necessity. [5]

But, considering how plain and simple my case is, O judges, the line to be taken by me in defending it is exceedingly difficult and slippery. For if it were merely necessary for me to argue against Laterensis, yet even this would be a very vexatious thing, considering our great friendship and intimacy; for it is an old principle of genuine and real friendship, such as subsists between him and me, that friends should always have the same wishes; nor is there any surer bond of friendship than an agreement in and community of designs and wishes. But the most annoying circumstance to me in the case is, not that I have merely to argue against him, but much more, that I have to argue against him in a cause in which it seems impossible to avoid drawing some comparison between the parties themselves. [6] For Laterensis asks, and presses this point above all others, in what virtue, in what sort of renown or worth Plancius is superior to himself. And so, if I admit his high qualifications, — and he has plenty of them, and important ones too — I must not only run the risk of Plancius losing this dignity which he has obtained, but he must submit also to the suspicion of bribery. If I speak of my client as superior to him, then my speech will be considered insulting, and I shall be supposed to say, (as he puts the question himself,) that Laterensis was surpassed by Plancius in real worth. And so I must either hurt the feelings of a man who is a great friend of mine, if I follow the line taken by the prosecutor, or else I must abandon the safety of one who has behaved to me with the greatest kindness. 3.

But I, O Laterensis, will confess that I should be conducting this

cause in the most blind and headlong manner, if I were to say that you could be surpassed in worth by either Plancius, or any one else. Therefore I will discard that comparison to which you invite me and will proceed to those arguments to which the cause itself naturally conducts me. [7] What? Do you think that the people is judge of a man's worth? Perhaps it is sometimes. I wish indeed it were so always. But it is very seldom the case, and if it ever is, it is so when the question is concerning the election of those magistrates to whom it considers that its own safety is entrusted. At the less important comitia, honours are gained by the diligence and influence of the candidates, and not by those high qualities which we see exist in you. For, as to what concerns the people, that man must always be an incompetent judge of worth who either envies any one or favours any one, although you cannot, O Laterensis, point to any good quality in yourself, as peculiarly entitled to praise, which Plancius has not in common with you.

[8] But all this shall be discussed presently. At present I am only arguing about the right of the people, which both can and sometimes does pass over worthy men; and it does not follow because a man has been passed over by the people who ought not to have been, that he who has not been passed over is to be condemned by the judges. For if that were the case, the judges would have that power which the senate itself could not maintain in the times of our ancestors, — namely, that of being correctors of the comitia: or a power which is even more intolerable than that; for at that time a man who had been elected did not enter upon the duties of his office if the senators had not approved of his election; but now it is required of you to correct the judgment of the Roman people by the banishment of the man who has been elected by them. Therefore, although I have entered upon the cause by a door which I did not wish to open, still I seem to hope, O Laterensis, that my speech will be so far removed from all suspicion of being intended to give you offence, that I may rather reprove you for bringing your own dignity into an unreasonable contest, than attempt myself to disparage it by any injurious expressions on my part. 4. [9]

Do you think your temperance, your industry, your attachment to the republic, your virtue, your innocence, your integrity, and your

exertions disregarded and despised and trampled on, just because you have not been made aedile? See, O Laterensis, how greatly I differ from you in opinion. If, I declare to God, there were only ten virtuous, and wise, and just, and worthy men in this state who had pronounced you unworthy of the aedileship, I should think that decision a much more unfavourable one to you than this has been, on account of which you fear that this may seem to be the opinion of the people. For in the comitia the people does not invariably act in obedience to its judgment; but it is usually influenced by interest, or it yields to entreaties and it elects those by whom it has been canvassed with the greatest assiduity. And lastly if it does proceed according to its judgment, still it is not led to form that judgment by any careful selection, or by wisdom, but more frequently by impulse and what I may even call a sort of precipitation. For there is no wisdom in the common people, no method, no discrimination, no diligence, and wise men have at all times considered the things which the people may have done necessary to be endured, but not at all invariably necessary to be praised. So that when you say that you ought to have been elected aedile, it is the people you are finding fault with, and not your competitor. [10] Allow that you were more worthy than Plancius (though that point I will contest with you presently, though without at all disparaging your pretensions or character,) still allow that you were more worthy, yet it is not your competitor by whom you have been defeated, but the people by whom you have been passed over, that is in fault.

And in this affair you ought to recollect that at all comitia, and especially at those held for the election of aediles, it is the party spirit of the people, and not their deliberate judgment which bears sway, that their votes are coaxed out of them not extorted by merit, that the voters are more apt to consider what obligations they themselves are under to each individual, than what benefits the republic has received at his hands. But if you insist on it that it is their deliberate judgment, then you must not annul it but bear it. [11] The people has decided wrongly. Still it has decided. It ought not to have decided so. Still it had the power. I will not bear it. But many most illustrious and wise citizens have borne it. For this is the inalienable privilege of a free people, and especially of this the chief people of the world, the lord

and conqueror of all nations, to be able by their votes to give or to take away what they please to or from any one. And it is our duty, — ours, I say, who are driven about by the winds and waves of this people, to hear the whims of the people with moderation, to strive to win over their affections when alienated from us, to retain them when we have won them, to tranquilize them when in a state of agitation. If we do not think honours of any great consequence, we are not bound to be subservient to the people; if we do strive for them, then we must be unwearied in soliciting them. 5. [12]

I proceed now to take on myself the part of the people, so as to argue with you in their language rather than in my own. If the people then could meet you, and speak with one voice, it would say this —"I, O Laterensis, have not preferred Plancius to you; but, as you were both equally virtuous men, I have conferred my favours on him who entreated me for them, rather than on him who had not solicited me with any great humility." You will reply, I suppose, that you relied on your high character, and the antiquity of your family, and did not think it necessary to canvass very laboriously. But the people will remind you of its own established principles, and of the precedents of its ancestors. It will say that it has always chosen to be asked for these honours, and to be solicited eagerly. It will tell you that it preferred Marcus Seius, a man who was unable to keep even his dignity as a knight undamaged by an adverse decision in a court of justice, to a man of the highest rank, most unimpeachable, and most eloquent Marcus Piso. It will tell you that it preferred to Quintus Catulus, a man of the most illustrious family, a most wise and admirable man, I will not say Caius Seranus a most foolish man, for nevertheless he was a noble; nor Caius Fimbria, a new man, for he was a magnanimous man and a wise counselor; but Cnaeus Mallius, a man not only of no rank or family at all, but utterly destitute of virtue and ability, and of contemptible and sordid habits of life. — [13] "My eyes," says the people, "looked in vain for you when you were at Cyrene; for I should have preferred reaping the benefit of your virtue myself to letting your companions have it all to themselves; and the more it was an object to me to do so, the more did you keep aloof from me. At all events, I did not see you. Then you deserted and abandoned me, though thirsting for your virtue; for

you had begun to offer yourself as a candidate for the tribuneship of the people at a time which was especially in need of your eloquence and virtue; and when you abandoned your canvass for that office, if you intimated by so doing that in such a stormy time you could not take the helm, I had reason to doubt your courage; but if you did so because you did not then choose to assume so much responsibility, then I had grounds for questioning your attachment to me. But if the truth was, as I rather believe, that you reserved yourself for other times, I too," the Roman people will say, "have now recalled you to the time for which you had of your own accord reserved yourself. Offer yourself, then, now for that magistracy in which you can be of great use to me. Whoever the aediles are, I shall have the same games prepared for me; but it is of the greatest consequence who are the tribunes of the people. Either, then, give me those exertions of yours which you encouraged me to hope for, or, if your heart is most set on what is of the least consequence to me, how can you expect that I will give you the aedileship, especially when you ask for it with such indifference? But if you wish to gain the most distinguished honours, as most suited to your worth, then learn, I pray you, to solicit them of me with a little more earnestness." 6. [14]

This is what the people says to you. But what I say to you, O Laterensis, is this: that the judge has nothing to do with inquiring why you were defeated, as long as you were not defeated through bribery. For it as often as any man is passed over who ought not to have been passed over, the man who has been elected is to be condemned, there will no longer be any reason for canvassing the people at all. There will be no reason in waiting for the polling or for addressing entreaties to the magistrates or for the final declaration of the state of the poll; the moment that I see who are standing I shall say—"This man is of a consular family that man is of a praetorian one; [15] I see that all the rest are of equestrian rank; they are all without stain all equally virtuous and upright men but it is necessary that the distinctions of rank should be observed that the praetorian family should yield to the consular, and that the equestrian body should not contend with a praetorian house." There is an end to all eagerness for any candidate, an end to all voting; there are no longer any contests; the people has no longer any liberty of choice in

electing magistrates; there is no anxiety to see how the votes will be given; nothing will ever happen, (as is so often the case,) contrary to the general expectation; there will be for the future no variety in the comitia. But if it is constantly happening that we marvel why some men have been elected, and why some men have not; if the Campus Martius and those waves of the comitia, like a deep and wide sea, swell in such a manner, as if through some tide or other, that they approach one party and recede from another; why, when the impulse of party spirit is so great and when so much is done with precipitation, are we to seek for any rational explanation, any deliberate intention or any system in such a case?

[16] Do not then, O Laterensis, insist on my drawing any comparison between you. In truth, if the voting tablet is dear to the people, which shows the countenances of men, while it conceals their intentions, and which gives them the liberty of doing whatever they please, while they can promise whatever they are asked, why do you require that to be done in a court of justice which is not done in the Campus Martius? — This man is more worthy than that man. It is a very grave assertion to make. What then is it more reasonable to say? Say this, (and this is the question, this is sufficient for the judge) — This is the man who has been elected. Why should he have been elected rather than I? Either I do not know, or I do not choose to say, or lastly, (which, however, would be a very vexatious thing to me to say, and yet I ought to be able to say with impunity), he ought not to have been. For what would you gain if I were to have recourse to this last defence, that the people had done what it chose, and not what it ought to have done? 7. [17]

What will you say, if, besides, I defend the act of the people, O Laterensis, and prove that Cnaeus Plancius did not creep by underhand means to that honour, but that he arrived at it by the regular course which has at all times been open to men born in this equestrian rank of ours; can I, by this argument expunge from your speech the comparison between you two, which cannot be handled without an appearance of insult, and can I thus bring you at last to the merits of the case itself and of your accusation? If, because he is the son of a Roman knight he ought to have been inferior to you, all the rest who were candidates at the same time with you were the sons

of Roman knights. I say no more: but this I do wonder at, why you should be angry with this man above all the rest who was the furthest removed from you. In truth, if, at any time, as is sometimes the case, I am pushed about in the crowd, I do not find fault with that man who is on the very crown of the Via Sacra, when I am pushed up against the arch of Fabius; but with him who was against me and pushes me. But you are not angry with Quintus Pedius, a very gallant man; nor with Aulus Plotius, whom I see here, a most accomplished citizen, and my own intimate friend; but you think yourself defeated by him who has also defeated them, rather than by those who were nearest yourself in the number of votes, and who therefore pressed more immediately on you. [18]

But, nevertheless, you compare yourself with Plancius, in the first place as to your race and family, in which he is beaten by you. For why should not I confess what cannot he denied? But he is not more inferior to you in this respect than I was to my competitors, both on other occasions, and when I was a candidate for the consulship. But beware lest these very particulars for which you look down upon him may have told in his favour. For let us make the comparison in this way — You are descended from a consular family on both sides. Have you any doubt then that all those who favour the nobility of birth, who think that the finest of all things, who are influenced by the images and great names of your ancestors, all voted for you as aedile. I myself have not a doubt of it. But if the number of those who are thus devoted to high birth is not very large, is that our fault? In truth, let us go back to the head and origin of each of your families. 8. [19]

You are of that most ancient municipal town of Tusculum, from which many of our consular families are derived, among which is also the Juventian family; there have not so many families of that rank proceeded from all the other municipal towns put together. Plancius comes from the prefecture of Atina; certainly a less ancient and distinguished abode, and not so near to the city. How much difference do you think this ought to make in standing for an office? In the first place, which people do you suppose are most eager to support their own fellow-citizens; the people of Atina, or those of Tusculum? The one, (for this is a matter with which I may easily be

well acquainted, on account of my neighbourhood to them,) when they saw the father of this most accomplished and excellent man, Cnaeus Saturninus, elected aedile, and afterwards, when they saw him elected praetor, were delighted in a most extraordinary manner, because he was the first man who had ever brought a curule honour, not only into that family, but even into that prefecture. But I never understood that the others (I suppose because that municipality is crammed full of consuls, for I know to a certainty that they are not an ill-natured people) were particularly delighted at any honour obtained by their fellow-citizens. This is our feeling, and it is the feeling of our municipal towns. [20] Why should I speak of myself; or of my brother? The very fields — I might almost say, the very hills themselves, — supported us in the pursuit of our honours. Do you ever see any man of Tusculum boast of that great man, Marcus Cato, the first man in every sort of virtue, or of Tiberius Coruncanius, though a citizen of their own municipal town, or of all the Fulvii? No one ever mentions them. But if ever you fall in with a citizen of Arpinum, you are forced, whether you will or no, perhaps, to hear something about us, but at all events something about Caius Marius. In the first place, then, Plancius had the ardent zeal of his fellow-citizens in his favour; you had no more than was likely to exist among men who are by this time surfeited with honours. [21] In the next place, your fellow-citizens are indeed most admirable men, but still they are very few in number if they are compared with the people of Atina. The prefecture to which Plancius belongs is so full of the bravest men, that no city in all Italy can be pronounced more populous. And that multitude you now behold, O judges, in mourning attire and in distress addressing its supplications to you. All these Roman knights whom you see here, all these aerarian tribunes, (for we have sent the common people away from this court, though they were all present at the comitia,) — how much strength, how much dignity did they not add to my client's demand of the aedileship? They did not give him only the aid of the Terentian tribe, of which I will speak hereafter, but they added dignity to him, they kept their eyes fixed upon him, they attended him with a solid, and vigorous, and unceasing escort; and even now my own municipal town is greatly interested in his cause, from the sort of connection

which the fact of their being neighbours to him engenders. 9. [22]

Everything which I am saying about Plancius, I say having experienced the truth of it in my own case. For we of Arpinum are near neighbours of the people of Atina. It is a neighbourhood to be praised, and even to be loved, retaining the old-fashioned habits of kindness for one another: one not tainted with ill-nature, nor accustomed to falsehood, not insincere, nor treacherous, nor learned in the suburban, or shall I say, the city artifices of dissimulation. There was not one citizen of Arpinum who was not anxious for Plancius, not one citizen of Sora, or of Casinum, or of Aquinum. The whole of that most celebrated district, the territory of Venafrum, and Allifae, in short, the whole of that rugged mountainous faithful simple district, a district cherishing its own native citizens, thought that it was honoured itself in his honour, that its own consequence was increased by his dignity. And from those same municipalities Roman knights are now present here, having been sent by the public authority, commissioned to bear evidence in his favour; nor is their anxiety in his behalf now inferior to the zeal which they displayed then. For, in truth, it is a more terrible thing to be stripped of one's goods than not to attain a dignity.

[23] Therefore, although the other qualifications, O Laterensis, those which your ancestors bequeathed to you, were more conspicuous in you than in him; yet, on the other hand, Plancius had an advantage over you not only in the zeal of his municipality, but in that of his whole neighbourhood. Unless, indeed, the neighbourhood of Tusculum to Lavicum, or Gabii, or Bovillae was any use to you; municipal towns in which you can now hardly find a single citizen to bear a part in the Latin holidays. I will add, if you like, that which you consider is even an objection to him, that his father is a farmer of the revenues. And who is there who does not know what a great assistance that body of men is to any one in seeking for any honour? For the flower of the Roman knights, the ornament of the state, the great bulwark of the republic is all comprehended in that body. [24] Who is there, then, who can deny that that body showed extraordinary zeal in aiding Plancius in his contest for honour? And it was very natural that they should, because his father is a man who has for a long time been the head of the company of farmers; and

because he was exceedingly beloved by his fellows of that company; and because he canvassed them with the greatest diligence; and because he was entreating them in favour of his son; and because it was notorious that Plancius himself had both in his quaestorship and tribuneship done many kindnesses to that body; and because in promoting him they thought that they were promoting themselves, and consulting the welfare and dignity of their children. 10.

Something, moreover, (I say it timidly, but still I must say it) — something we ourselves contributed to his success; not, indeed, by our riches, not by any invidious exertion of influence, not by any scarcely endurable stretch of power, but by the mention of his kindness to ourselves, by our pity for him, and by our prayers in his behalf. I appealed to the people; I went round the tribes, and besought them; I entreated even those who, of their own accord, offered themselves to me, who volunteered their promises. He prevailed, owing to the motive which I had for soliciting them, not owing to my interest. [25] Nor, if a most honourable man, to whom there is nothing which may not deservedly be granted at his entreaty, failed, as you say, in obtaining something which he desired, am I arrogant if I say that I did prevail? For, to say nothing of the fact that I was exerting myself in behalf of a man who had great influence himself, that solicitation is always the most agreeable which is the most closely connected with previous obligations and friendship. Nor, indeed, did I ask for him in such a manner as to seem to request it because he was my intimate friend, because he was my neighbour, because I had always been on terms of the greatest intimacy with his father; but I asked as if I were soliciting on behalf of one who was as it were my parent, and the guardian of my safety. It was not my interest but the cause which prompted my requests, which was so influential. No one rejoiced at my restoration, no one grieved at my injury, to whom the pity shown me by this man was not acceptable. [26] In truth, if before my return, good men in numbers, of their own accord, offered their services to Cnaeus Plancius when he was a candidate for the tribuneship, do not you suppose that, if my name, while I was absent was a credit to him, my entreaties, when I was present, must have been serviceable to him? Are the colonists of Minturnae held in everlasting honour because they saved Caius

Marius from the sword of civil war and from the hands of wicked men, because they received him in their houses, because they enabled him to recruit his strength when exhausted with fighting and with tossing on the waves, because they furnished him with means for his journey, and gave him a vessel and when he was leaving that land which he had saved, followed him with tears and prayers, and every good wish? And do you wonder that his good faith and merciful and courageous disposition was a credit to Cnaeus Plancius, who, whether I was expelled by violence, or yielded from a deliberate plan or conduct, received me, assisted me, protected me, and preserved me for these citizens, and for the senate and people of Rome, that they might be able at a subsequent time to restore me? 11. [27]

These circumstances which I have been mentioning might in truth have been sufficient to throw a veil over the vices of Cnaeus Plancius. Do not then wonder that in such a life as I am proceeding to describe, they should have been such numerous and great helps to him in the attainment of honour; for this is he, who, when quite a young man, having gone with Aulus Torquatus into Africa was beloved by that most dignified and holy man, so worthy of every description of praise and honour, to as great a degree as the intimacy engendered by being messmates, and the modesty of a most pure minded youth allowed. And if he were present he would affirm it no less zealously than his cousin who is here present and his father-in-law, Titus Torquatus, his equal in every sort of glory and virtue, who is indeed connected with him in the closest bonds of relationship and connection, but these obligations of affection are so strong that those other reasons for intimacy drawn from relationship appear insignificant. He was in Crete afterwards as the comrade of Saturninus, his relation as a soldier of Quintus Metellus, who is here present, and as he was most highly approved of by them and is so to this day, he has a right to hope that he will be approved of by every one. In that province Caius Sacerdos was the lieutenant, — how virtuous, how consistent a man and Lucius Flaccus, — what a man, what a citizen was he! and they by their zeal in his behalf, and by their evidence, declare what sort of man they think Plancius. [28] In Macedonia he was a military tribune. In that same province he was

afterwards quaestor. In the first place, Macedonia is so attached to him as these men, the chief men of their respective cities, state it to be; who, though they were sent with another object, still, being moved by his unexpected danger, give him their countenance, sitting here by his side, and put forth all their exertions in his behalf; if they stand by him, they think that they shall be doing what is more acceptable to their fellow-citizens, than if they attend strictly and solely to their embassy, and to the commission that was entrusted to them. But Lucius Appuleius considers him so excellent a man, that by his attentions and kindness to him, he has gone beyond that principle of our ancestors which enjoins that praetors ought to consider themselves as standing in the light of parents to their quaestors. He was a tribune of the people, not perhaps as violent as those men whom you naturally extol, but certainly such a one, that if all had at all times been like him, a violent tribune would never have been wished for or regretted. 12. [29]

I say nothing of those things which if they are less brought on the stage than others, still at all events are always praised when they do come to light; for instance, how he lives among his own relations; in the first place with his father, (for in my opinion filial affection is the foundation of all the virtues,) whom he venerates as a god, (and indeed a parent does not stand in a very different relation to his children,) but loves as a companion, as a brother, as a friend of his own age. Why should I speak of his conduct to his uncle? to his connections? to his relations? to this Cnaeus Saturninus whom you see in court, a most gallant man? And you may judge how desirous this man was of his attaining honour, when you see how he partakes of his grief. Why should I speak of myself? for I seem to myself, now that he is in danger, to be put on my own defence too. Why should I speak of all these virtuous men whom you see in court, with their garments changed for mourning robes? But these are all solid and well marked proofs, O judges; these are evidences of integrity, not coloured by forensic artifice, but deeply dyed with the indelible marks of truth. All that running about and caressing of the people is very easy work; it is looked at at a distance, not taken into the hand and examined; it makes a fine show if you do not get too near and shake it.

[30] I say, then, that this man is adorned with every high quality, both such as are eminent abroad and amiable at home. I admit that he was inferior to you in some points, such as those of name and family; but in others I assert that he was superior to every one within the recollection of the present generation, in the zeal of his fellow-citizens, and neighbours, and of the companies of farmers in his behalf; equal to any one in virtue, integrity, and modesty; and yet do you wonder at his being elected aedile?

Do you try to defile the brilliancy of such a life as this with those imputations? You impute adulteries to him which no one can recognise, not only by having ever heard any one's name mentioned, but even by having heard a suspicion breathed against him. You call him twice-married, in order to invent new words, and not only new accusations. You say that some one was taken by him into his province to gratify his lust; but that is not an accusation, but a random lie, ventured on from the expectation of impunity. You say that an actress was ravished by him. And this is said to have happened at Atina, while he was quite young, by a sort of established licence of proceeding towards theatrical people, well known in all towns. [31] O how elegantly must his youth have been passed, when the only thing which is imputed to him is one that there was not much harm in, and when even that is found to be false. He released some one from prison illegally. The man you allude to was discharged out of ignorance — discharged, as you know, at the request of an intimate friend and a most virtuous young man; and the same man was arrested subsequently again. And these, and no others, are all the faults which you can discover to attribute to him throughout the whole of his life, while at the same time you affect to doubt his virtue, and religion, and integrity. 13.

"But his father," says the prosecutor, "ought to be considered an objection to the son." O what a harsh expression, how unworthy of your honesty, O Laterensis! To say that in a capital trial, that in a contest where all his fortunes are at stake, a father ought to be an objection to his son in the eyes of such men as these judges! when even if he were ever so mean, or ever so sordid, still, by the mere name of father, he would have weight with mild and merciful judges; would have weight I say, because of the common feelings of all men,

and through the sweet recommendation of nature. [32] But as that Cnaeus Plancius is a Roman knight, whose rank as such is of that antiquity that his father, his grandfather, and all his ancestors were Roman knights before him, and in a most flourishing prefecture occupied the highest position both for rank and influence; secondly, as he himself while serving in the legions under Publius Crassus as general, enjoyed a character of the highest respectability among a number of most accomplished men, Roman knights; as he was after that the chief man among his fellow-citizens, a most incorruptible and upright judge in many causes, a promoter of many companies, and president of some; — if not only no fault has ever been found with him, but if the whole of his conduct has been universally praised; shall we still be told that such a father shall be an objection to a most honourable son, when he would be able by his authority, or, if not, by his interest, to protect a less honourable man, or one entirely unconnected with him? [33] "He has at times," says he, "said some very harsh things." Perhaps he may have spoken rather freely. "But that speaking freely, as you term it," says he, "is not to be borne." Are then those men to be borne who complain that they cannot bear the freedom of a Roman knight? Where are our old customs? Where is our equality of privileges? Where is that ancient liberty, which, having been overwhelmed by civil disasters, ought by this time to be raising its head and to be at last recovered and assuming a more erect attitude again? Need I recount the abuse directed by the Roman knights against even the noblest men, or that of the harsh, ferocious, unbridled expressions of the farmers against Quintus Scaevola, a man superior to all others in genius, justice, and integrity? 14.

Granius, the crier, replied to the consul Publius Nasica in the middle of the forum, when he, after a suspension of all judicial proceedings had been proclaimed, as he was returning home, had asked Granius "why he was sad; was it because all the auctions were postponed?" "Rather," said he, "because they have sent back the ambassadors." The same man made this answer to a tribune of the people, Marcus Drusus, a most influential man, but one who was causing great disturbances in the republic. When Drusus had saluted him, as is the fashion, and had said, "How do you do, O Granius?" he

replied, “I should rather ask, O Drusus, what are you doing?” And he often reproved with impunity the designs of Lucius Crassus and Marcus Antonius, with still harsher witticisms. At present the state is to such a degree oppressed by your arrogance, that the freedom of laughing in which a crier used to be indulged, is more than is now allowed to a Roman knight in making lamentations. [34] For what expression was ever used by Plancius which was not dictated by grief rather than by insult? And what did he ever complain of, except at times when he was protecting his companions or himself from injury? When the senate was hindered from making a reply to a representation of the Roman knights, — a thing which was invariably given even to enemies, — that injury was a great grief to all the farmers of the revenue and that indignation this man did not care to conceal. Their common feelings may perhaps have been disguised by others, but the sentiments which my client shared with the rest he revealed more plainly than the rest both by his countenance and by his language.

[35] Although, O judges, (for thus much I know of my own knowledge,) many things are attributed to Plancius which were never said by him. In my own case, because I sometimes say something, not from any deliberate intention, but either in the heat of speaking, or because I have been provoked; and because as is natural, among the many things which I say in this manner something comes out at times if not excessively witty, still perhaps not altogether stupid, the consequence is that, whatever anyone else says people say that I have said. But I, if it is anything clever and worthy of a well-educated and learned man have no great objection but I am very angry when the sayings of other men are attributed to me, which are utterly unworthy of me. For, because he was the first person to give his vote for the law concerning the farmers, at the time when that most illustrious man the consul gave that privilege to that order of men by a vote of the people, which if he had have done it, he would have given them by a vote of the senate, if it be a crime in him to have given his vote for it, I ask what farmer was there who did not vote for it? If the charge be that he was the first to vote, is that the fault of chance, or of the man who proposed the law? If it was the effect of chance, then there can be no crime in what happened by chance. If it was by the

choice of the consul, then it adds to the renown of Plancius that he was considered the chief man of his order by so illustrious a man. 15. [36]

But let us at last come to the merits of the case; in which, under cover of the Licinian law, which relates to treating, you have embraced all the laws relating to bribery. Nor have you had any other object in view in dwelling on this law, except the power which it gave you of selecting your judges. And if this sort of tribunal is an equitable one in any other case except that of bribing the tribes, I do not understand why, in this one description of prosecution alone, the senate has allowed the tribes from which the judges are taken to be selected by the prosecutor, and has not given the same power of selection in other cases also. In actual prosecutions for bribery, it has directed the tribunal to be formed by each party striking off judges alternately; and though it omitted no other species of severity to the defendant, still it thought it ought to omit this. [37] What? Is the reason of this conduct still obscure? was it not mooted when that matter was discussed in the senate, and argued most abundantly by Hortensius yesterday, who carried all the senate with him? This, then, was our opinion, that if he had bribed any tribe by means of this hospitality — which the treating would be called by people more solicitous to give it a respectable name than a true one; — if he had, I say, corrupted any tribe by disgraceful bribery, he must be known to have done so by the men who belonged to that tribe above all others. Accordingly, the senate thought that when those tribes were selected is the judges of the accused person, which he was said to have corrupted by bribery, they would serve both as witnesses of the truth and as judges. It is altogether a very severe sort of tribunal; but still, if either his own tribe, or one with which he was especially connected, was proposed to a man as that which was to judge him, it could hardly be refused. 16. [38]

But in this case, O Laterensis, what tribes did you select? The Terentian tribe, I suppose. That certainly was an equitable proceeding, and certainly one that was expected, and it was quite worthy of your wisdom and firmness. The tribe of which you keep crying out that Plancius had been the seller, and corrupter, and briber; that tribe, especially since it consists, as it does, of most

virtuous and highly respectable men, you ought to have chosen. Did you choose the Voltinian tribe? for you have taken it into your head to connect some charge or other with that tribe. Why, then, did you not select that tribe? What had Plancius to do with the Lemonian tribe? What had he to do with the Ufentian? or with the Crustumine? for as for the Maecian tribe, you selected that to be one, not to judge, but to be rejected. [39] Have you any doubt, then, O judges, that Marcus Laterensis selected you on his own judgment having regard not to the spirit of the law, but to some hope which he had himself formed with reference to the state? Have you any doubt that when he avoided selecting those tribes among which Plancius had extensive connections, the reason was that he judged that they had been won over by legitimate attention and kindness, not corrupted by bribery? For what reason can he allege why that power of selection given to the prosecutor is not a measure of great severity towards the defendant, if it is adopted without the consideration which determined us to pass such a law? [40] Are you to choose out of all the people either those who are personal friends of your own, or personal enemies to me, or men whom you consider inexorable, inhuman and cruel? Are you, without my knowing, or suspecting, or dreaming of such a step, to choose your own connections and those of your friends, personal enemies to me and to my counsel? And are you to add to them those whom you think by nature harsh and unfriendly to all the world? And are you then to produce them all of a sudden, so that I see the bench of judges who are to try me before I can form the least idea who they are going to be? And are you to compel me to plead my cause, one in which all my fortunes are at stake, before those men, without having the power of rejecting even five, which was a privilege allowed to the last man who was put on his trial by the decision of the judges themselves? [41] For it does not follow because Plancius has lived in such a manner as never willfully to offend any one, or because you have made such a mistake as unintentionally to select such men that we find we are come before judges, and not before executioners, that on that account that selection, if looked at by itself, is not a severe measure. 17.

Was it not lately the case that some most illustrious citizens would not endure the idea of a judge selected by the prosecutor, (when, out

of a hundred and twenty-five judges, the chief men of the equestrian order, the defendant rejected seventy-five, and retained fifty,) and preferred throwing the whole business into confusion, to obeying that law and complying with those terms? And shall we put up with judges chosen not out of the select body of judges, but out of the whole people, and not proposed to us with a power of striking off the obnoxious ones, but appointed by the prosecutor in such a way that we have no power to object to a single one?

[42] I am not now complaining of the injustice of the law, but I am showing that your conduct is at variance with the spirit of the law; and I not only should not complain of the severity of that proceeding, if you had acted as the senate intended and as the people decreed, and had proposed to him as judges his own tribe, and those which he had paid attentions to; but, if you had given him those men as judges who ought also to have served as witnesses, I should think him acquitted at once. And even now my opinion is not very different. For when you proposed these tribes, you showed plainly that you preferred having judges who were unknown rather than such as were known; you evaded the intention of the law; you discarded every principle of justice; you preferred enveloping the case in obscurity to throwing light upon it. "The Voltinian tribe was corrupted by him." "He had bought the Terentian tribe." [43] What could he say then before men of the Voltinian tribe, or before his own tribesmen, if they were his judges? Yes, what rather could you say yourself? What judge of all the number could you find who might be a silent witness of those matters, or which of them could you summon as such? In truth, if the defendant himself were to propose the tribes which were to furnish his judges, Plancius perhaps would have proposed the Voltinian tribe on account of his neighbourhood to and connection with it; but most unquestionably he would have proposed his own. And if he had had to propose the president of the court whom would he have been more likely to propose than this very Caius Alfius, who is the president to whom he ought to be thoroughly well-known, his own neighbour, a man of his own tribe, a most respectable and upright man? Whose impartiality and desire for the safety of Cnaeus Plancius which, without the least suspicion of being influenced by any covetous motives he makes no concealment of, declares plainly enough that my client had no reason to avoid having men of his own tribe for judges, when you see that a man of his own tribe for president was a most desirable thing for him. 18. [44]

Nor am I now finding fault with your prudence in not giving him those tribes to which he was best known, but I am proving that the intention of the senate was disregarded by you. In truth which of all these men would listen to you? Or what could you say? Could you

say that Plancius was guilty of the depository of the money to be used in bribery? Men's ears would reject the assertion. No one would endure it. All would turn away from it. That he was a very acceptable man to the tribes? They would hear that willingly. We ourselves should not be afraid to allow that. For do not think, O Laterensis, that the effect of those laws which the senate has thought fit to establish concerning bribery has been to put an end to the recommendation of candidates to attentions being paid to electors, or to personal influence. There have always been virtuous men who have been anxious to have influence among the men of their own tribe. [45] Nor, indeed, has our order ever been so harsh towards the common people, as to be unwilling to have it courted by moderate liberality on our part. Nor are our children to be forbidden to pay attention to the men of their own tribe or to show regard for them or to canvass them on behalf of their friends, or to expect a similar service from them when they are themselves candidates for any office. For all these things are only acts of mutual kindness and politeness, and are sanctioned by ancient customs and precedent. That was on our conduct when the occasions of our ambition required it; and such we have seen to be the course of most illustrious men; and even at the present day we see many men alive to the necessity of keeping up their interests. It was the dividing the men of a tribe into decuries, the classification of the whole people, and the attempt to bind men's votes by bribes, that provoked the severity of the senate, and the energetic indignation of all good men. Allege this, prove this, direct your attention to this point, O Laterensis, that Plancius divided the tribes into decuries, that he classified the people, that he was an agent with whom money was deposited, that he promised money, that he distributed it; and then I shall wonder at your not having chosen to use the weapons which the law has armed you with. For with judges taken from the men of our own tribe, I need not say we could not if those things were true, bear their severity, but we could not even look them in the face. [46] But, after having avoided this line of conduct, and declined having those men for judges, who, as they must have had the most certain knowledge of such conduct, were bound to feel the greatest indignation at it what will you say before those men who silently ask of you why you have imposed this

burden upon them; why you have chosen them above all men; why you prefer having them to proceed by guesswork, rather than those men to decide who had means of knowing the truth? 19.

I, O Laterensis, say that Plancius himself is a popular man, and that he had to assist him in his canvass many men eager in his cause, who were also popular men. And if you call them agents to treat people, you are polluting a kind and zealous friendship, by a very insidious name. But if, because they are popular, you think them on that account objects for prosecution, then do not wonder that you yourself, after repudiating the friendship of popular men, failed in attaining what your real worth demanded for you.

[47] But now, as I prove that Plancius was a popular man in his tribe, because he has been kind to many of them, because he has been security for many of them, because he has procured employment for many of them by means of the authority and interest of his father, and because he has bound the whole prefecture of Atina to himself by all the kindness displayed by himself, by his father, and by his ancestors; I call on you to prove in an equally convincing manner, that he was an agent for receiving money to be spent in bribery; that he was himself a briber; that he classified the people; that he divided the tribes into decuries. And if you cannot, do not deny our order the exercise of a legitimate liberality; do not think that popularity is a crime; do not enact a punishment to be inflicted for courteous attentions.

And accordingly, as you were forced to hesitate about this charge of corrupting a tribe by means of treating, you had recourse to a general accusation of bribery. And in examining this, let us, if you please, cease awhile to contend in vulgar and random declamation. [48] For I will argue with you in this way. Do you choose any one tribe you please, and prove, as you are bound to do, what agent received the money for corrupting it, and who distributed the money among the men of the tribe. And if you cannot do that, which in my opinion you will not even begin to attempt, I will show you the means to which he owes his success. Is not this a fair challenge? Do not you like to proceed in this manner? Can I come to closer quarters, as they say, or can I meet you on a fairer field? Why are you silent? Why do you conceal your intentions? Why do you seek to

shirk off? Again and again I press upon you, and keep close to you; I pursue you, I ask for, I even demand some definite accusation. Whatever tribe, I say, you select, whose votes Plancius received, you show, if you can, any flaw in that one instance. I will then show you by what means he really did gain its vote, and the principle shall be exactly the same in his case, and, O Laterensis, in yours. For as you, if I were to ask you, may be able to explain to me through whose influence it was that you gained the affection of these tribes who voted for you, so do I assert that I will explain to you, our adversary, the means by which we gained the vote of any tribe you choose to inquire about. 20. [49]

But why do I argue in this manner? Just as if Plancius had not already been elected aedile in the former comitia. Which comitia were begun to be held by the consul, a man in every respect of the very highest authority, and the author of those very laws concerning bribery. And besides, he began to hold them very suddenly, contrary to any one's expectation; so that, even if any one had formed the design of committing bribery, he would never have had time to manage it. The tribes were summoned; the votes were given; counted up, declared. Plancius was by far the highest of all on the poll. There neither was nor could there be any suspicion of bribery. Is it not the case that the one prerogative century carries such weight with it that no one has ever gained the vote of that, but what he has been declared consul either at that very comitia, or at all events consul for the year? And yet do you wonder that Plancius was elected aedile when it was not a small portion of the people, but the whole people that had declared their good-will towards him? when it was not a portion of one tribe, but the whole comitia which were prerogative comitia in his behalf? [50] And at that time if you, O Laterensis, had been inclined, or if you had thought it consistent with your gravity to do what many men of high birth have often done, who, having gained a great many fewer votes than they had expected, afterwards, when the comitia had been adjourned, have prostrated themselves, and, with broken spirits and in a humble tone, had addressed supplications to the Roman people, I do not question but that the whole multitude would have turned towards you. For nobility, especially when upright and innocent has never, when appearing as a

suppliant, been rejected by the Roman people. But if your personal dignity and character for magnanimity was, as it ought to have been, of more importance to you than the aedileship, then, since you have that which you preferred, do not regret that which you thought of less consequence. I myself, in truth, have always striven most zealously, in the first place, to be worthy of honour; in the second place, to be considered so. The third consideration with me, though with most men it is the first, has been the honour itself; but that is a thing which ought to be acceptable to those men in whose case the Roman people has conferred it on them as a testimony to their worth, and not as a favour granted to their assiduity in canvassing for it. 21. [51]

You ask also, O Laterensis, what answer you can make to the images of your ancestors; how you are to excuse yourself to that most accomplished and excellent man your deceased father? Never think about those things. Take care rather lest that querulousness and excessive grief of yours be reproved by those men of consummate wisdom. For your father saw that Appius Claudius a most noble man, even in the lifetime of his own father a most influential and most illustrious citizen, Caius Claudius, failed in his endeavour to obtain the aedileship, and yet that he was afterwards elected consul without a repulse. He saw that a man most closely connected with himself a most illustrious citizen, Lucius Volcatius, and he saw that Marcus Piso too, having both sustained a slight defeat in the matter of the aedileship, received afterwards the very highest honours from the Roman people. But your grandfather could tell you also of the rejection of Publius Nasica, when he stood for the aedileship, though I am sure that a greater citizen has never existed in this republic, and of Caius Marius too, who was twice rejected when a candidate for the aedileship, and yet was seven times made consul, and of Lucius Caesar and of Cnaeus Octavius and of Marcus Tullius, every one of whom we know were beaten for the aedileship, and were elected consul afterwards. [52]

But why am I hunting up instances of men having failed as candidates for the aedileship, when it is an office which has often been discharged in such a way that the people appeared to have been doing a kindness to the men who had been passed over. Lucius Philippus, a man of the highest truth and most distinguished

eloquence failed in his election to military tribune. Caius Caelius, a most illustrious and admirable young man, was beaten for the quaestorship. Publius Rutilius Rufus, Caius Fimbria, Caius Cassius, Cnaeus Orestes all stood in vain for the tribuneship of the people. And yet we know that every one of these men were afterwards made consuls. And your father and your ancestors will of their own accord tell you this not with the object of comforting you, nor to excuse you from any fault which you fear that you must seem to have been guilty of, but with a view of encouraging you to persevere in that course which you have followed from your earliest youth. No credit believe me, O Laterensis, has been lost by you. Lost, do I say? I declare solemnly, if you were to come to a right appreciation of what has happened, an especial testimony has been borne to your virtue. 22.

For think not that there was not a great impression made by the circumstances of your offering yourself as a candidate for that office from all competition for which you subsequently withdrew, rather than swear to a particular thing. You then, being quite a young man, declared plainly what were your sentiments about public affairs: speaking more boldly, indeed, than some men who had already attained the honours of the state, and more undisguisedly than regard to your ambition, or to your age, required. [53] And, therefore, among the people so disparaged your pretensions, you must not think that there were none who had taken offence at the intrepid spirit which you then displayed; who were able, perhaps, to keep you, incautious as you were, from arriving at that rank, but will never be able to move you when you are on your guard and watchful against them.

Have these arguments had any influence with you? “Have you any doubt,” says he, “that a coalition was entered into against me, when you see that Plancius and Plotius gained the votes of the majority of the tribes?” But could they have acted in concert if the tribes did not give their votes in concert? But some of the tribes gave almost the very same number of votes for each of them. Yes, when at the preceding comitia those two had been already almost elected and declared. Although even that fact would not necessarily involve any suspicion of a coalition. For our ancestors would never have established a rule of casting lots for the aedileship, if they had not seen that it was possible that the competitors should have had an

equal number of votes. [54] And you say that at the preceding comitia the tribe of the Anio was given up by Plotius to Pedius, and the Terentian tribe by Plancius to you; but now, that they are taken away from both Pedius and you, lest they should run the contest too fine. What a probable story it is, that before the inclination of the people was ascertained, those men, who you say had already joined their forces, should have thrown away their own tribes in order to assist you, and that the same men should afterwards have been close and stingy, when they had tried and found out how strong they were. They were afraid, I suppose, of a close contest. As if the matter could come to a close point, or as if there could be any danger. But nevertheless, do you bring the same charge against Aulus Plotius, a most accomplished man? or do you admit that you have only attacked the man who never requested you to spare him? For as for your having complained that you had more witnesses concerning the case of the Voltinian tribe, than you had received votes in that tribe, you show by that, either that you are bringing forward those men as witnesses who passed you over because they had taken a bribe, or else that you could not get their votes though they were paid nothing for them. 23. [55]

But as for that charge about the money which you say was seized in the Flaminian Circus, it made a great noise while the matter was recent, but now it has got quite cold. For you have never explained what money that was, nor what were the tribes which were to receive it, nor who was to distribute it to them. And he, indeed, who was then impeached on this account, being brought before the consuls complained that he had been shamefully treated by your partisans. For if he acted as the distributor of the money particularly for that man whom you were prosecuting, why was he also not prosecuted by you? Why did you get some appearance of a decision having been already come to in this cause by his conviction? But the fact is that you have no proofs to advance, nor do you place the slightest reliance on any. It is quite another motive and another consideration which has induced you to cherish the hope of crushing this man. You have great resources; very extensive influence many friends; many eager partisans; many favourers of your credit: many are envious of my client, to many too his father a most excellent man, appears to be

too great a stickler for the freedom and privileges of the equestrian order. Many too are the common enemies of every defendant, men who always give their evidence on trials for bribery and corruption in such a way as if they could influence the minds of the judges by their evidence, or as if it were pleasing to the Roman people, and as if, on that account, they would the more easily attain that dignity which they are desirous of. [56] But you shall not see me, O judges, contending with those men in my former fashion; not because it is right for me to shirk anything which the safety of Plancius requires, but because it is neither necessary, that I should follow up that argument with my voice, which you already see with your mind; and because those very men whom I see already as witnesses, have deserved so well of me, that you ought to take upon your own prudence the task of reproving them, and to excuse my modesty from that task.

This one thing I beg and entreat of you, O judges, both for the sake of this man whom I am defending, and out of regard to the common danger; not to think that the fortunes of innocent men are to be placed at the mercy of reports which people falsely pretend that they have heard, or of vague and uncertain conversation. [57] Many friends of the prosecutor, some men, too, who are personal enemies of ours, many general and universal calumniators, and men who envy everybody, have invented heaps of things. But there is nothing which travels so fast as slander; nothing is more easily sent abroad, nothing is received more rapidly, nothing is spread more extensively. Nor will I, if you can ever trace the origin of a calumny, ever require you to disregard it or conceal it. But if anything gets abroad without a head, or if there be any report of such a nature that no author of it can be found; if he who has heard it appears to you either so careless as to have forgotten where he heard it; or if he knows his authority to be so insignificant that he is ashamed to confess that he recollects who he is, — then I do beg of you not to let that common expression, "I heard that

* * * *," injure an innocent man upon his trial. 24. [58]

But I come now to Lucius Cassius, my own intimate friend, and I have not as yet made any complaint about that Juventius whom that young man, accomplished in every virtue and in every branch of

polite learning, mentions in his speech, and says that he was the first man of the common people who was ever made a curule aedile. And with reference to that case, if, O Cassius, I were to reply to you that the Roman people knew nothing of that fact and that there is no one who can tell us anything about him, especially now that Longinus is dead, you would not wonder, I imagine, when I myself, who am not at all inclined to neglect the study of antiquity, confess that I first heard of this fact in this place, from your mouth. And since your oration was very elegant and very ingenious; worthy both of the learning and modesty of a Roman knight, and since you were listened to by these men with such attention as did great honour both to your abilities and to your character as a gentleman and a scholar, I will reply now to what you said, of which the greater part concerned me myself, and in which the very stings, if you did put out any in your reproof of me, were still not disagreeable to me. [59]

You asked me whether I thought that the road to the attainment of honours had been easier to me the son of a Roman knight, than it would be to my son, who was now of a consular family. But although I would rather that all good fortune fell to his lot than to my own, still I have never wished for him that the road to honour might be more easy to him than I have found it myself. Moreover, lest he should by chance think that I have procured him honours myself rather than pointed out to him the path by which he might arrive at them, I am accustomed to read him this lesson (although his age is not exactly the age to attend to instruction,) which the great son of Jupiter is represented teaching his children,—" "Men must always be vigilant; there are many snares in the path of virtuous men."
" You know the rest do you not? " "That which many men envy
* * * *"

" Which that wise and ingenious poet wrote not in order to excite those boys who were no longer in existence to toil and the desire of glory but to encourage us and our children in such pursuits. [60] You ask what more Plancius could have got if he had been the son of Cnaeus Scipio. He could not have been made an aedile more than he is; but he would have gained this, that he would not be so much envied. In truth the degrees of honour are equal in the case of the highest and the lowest citizens, but the glory of arriving at them is

unequal. 25.

Who of us would call himself equal to Manius Curius, or to Caius Fabricius or to Caius Duilius? Who reckons himself a match for Atilius Calatinius or for Cnaeus and Publius Scipio or for Africanus, Marcellus or Maximus? And yet we have arrived at the same degree of rank that they did. In truth, in virtue there are many steps; so that he is the most eminent in renown, who is the superior in virtue. The summit of the honours conferred by the people is the consulship. And by this time nearly eight hundred men have obtained that. And of this eight hundred, if you examine carefully, you will find hardly one tenth of the number worthy of such a preeminence. But yet no one ever went on as you do. "Why is that man made consul? What could he have got more if he had been Lucius Brutus, who delivered the city from the tyranny of the kings?" He could have got no higher rank certainly, but he would have much more glory. And in the same manner, therefore, Plancius has been made quaestor, and tribune of the people, and aedile, just as much as if he had been a man of the highest rank by birth; but a countless number of other men, born in the same rank as he, have also attained these honours. [61] You speak of the triumphs of Titus Didius, and Caius Marius; and ask what there is like these exploits in Plancius. As if those men whom you are speaking of obtained their magistracies because they had triumphed, and did not on the contrary triumph after having performed great achievements, because those magistracies were entrusted to them. You ask what campaigns he has served; when he was a soldier in Crete, while Metellus, who is here in court, was commander-in-chief, and military tribune in Macedonia; and when he was quaestor he only abstracted just so much time from his attention to his military duties as he thought it better to devote to protecting me.

[62] You ask whether he is an eloquent man. At all events, what is the next best thing to being so, he does not think himself one. "Is he a lawyer?" As if there were any one who complains that he has given him a false answer in a point of law. For all such acts as that are open to criticism in the case of men who, after they have professed an acquaintance with them, are unable to satisfy people's expectations; not in the case of men who confess that they have never paid any attention to those pursuits. What is usually required in a candidate is

virtue, and honesty, and integrity, not volubility of tongue, or an acquaintance with any particular art or science. As we, when we are procuring slaves, are annoyed if we have bought a man as a smith or a plasterer, and find, however good a man he may be, that he knows nothing of those trades which we had in view in buying him; but if we have bought a man to give him charge of our property as steward, or to employ him to look after our stock, then we do not care for any other qualities in him except frugality, industry, and vigilance; so the Roman people elects magistrates to be as it were stewards of the republic, and if they are masters of some accomplishment besides, the people have no objection, but if not, they are content with their virtue and innocence. For how few men are eloquent; how few are skillful lawyers, even if you include all those in your calculation who wish to be so! But if no one else is worthy of honour, what on earth is to become of so many most virtuous and most accomplished citizens? 26. [63]

You request Plancius to mention any faults of Laterensis. He cannot mention any, unless he thinks him too ill-tempered towards himself. At the same time you extol Laterensis highly yourself. I have no particular objection to your spending a number of words on what has nothing to do with the trial, and to your occupying so much time, while conducting the prosecution, in saying what I, who am the counsel for the defence can admit without any danger. And I do not only admit that every sort of high quality is to be found in Laterensis, but I even find fault with you, for not enumerating his chief excellences, but descending to look for trifling and insignificant subjects for panegyric. You say "That he celebrated games at Praeneste." Well; have not other quaestors done the same? "That at Cyrene he was liberal towards the farmers of the revenue, and just towards the allies." Who denies it? but so many important transactions take place at Rome, that it is difficult for those things which are done in the provinces to get heard of. [64] I have no fear, O judges, of appearing to assume too much credit to myself, if I speak of my own quaestorship. For although I got great credit in it, still I consider that I have been employed since that in the highest offices of the state, so that I have no need to seek for much glory from the credit I gained in my quaestorship; but still I do not fear that any one

will venture to say that anybody's quaestorship in Sicily has been either more acceptable to the people, or has gained a higher reputation for the quaestor. Indeed, I can say this with truth, I, too, at that time thought that men at Rome were talking of nothing else except my quaestorship. At a time of great dearness, I had sent an immense quantity of corn to Rome. I had been affable to the traders, just to the merchants, liberal to the citizens of the municipal towns, moderate as regards the allies, and in every respect I appeared to have been most diligent in the discharge of every part of my duty. Some perfectly unheard-of honours were contrived for me by the Sicilians. [65] Therefore I left my province with the hope that the Roman people would come forward of its own accord to pay me every sort of honour. But when one day by chance at that time, I, on my road from the province, had arrived in the course of my journey at Puteoli, at a time which great numbers of the wealthiest men are accustomed to spend in that district, I almost dropped with vexation when some one asked me what day I had left Rome, and whether there was any news there. And when I had replied that I was on my road from my province, "Oh yes," said he, "from Africa, I suppose." 27.

On this, I, angry and disgusted, said, "No; from Sicily." And then, some one else, with the air of a man who knew everything, said, "What! do not you know that Cicero has been quaestor at Syracuse?" I need not make a long story of it; I gave over being angry, and was content to be considered one of those who had come to Puteoli for the waters. [66] But I do not know, O judges, whether what happened then did not do me more good than if every one had congratulated me. For after I learnt from this that the people of Rome had deaf ears, but very sharp and active eyes, I gave up thinking what men would have said of me; but took care that they should every day see me in their presence: I lived in their sight; I stuck to the forum; neither my porter nor even sleep was allowed to prevent any one from having access to me. Need I say anything about my time which was devoted to business, when even my leisure time was never my own? For the very orations which you say, O Cassius, that you are in the habit of reading when you are at leisure, I wrote on days of festival and on holidays, so that I never was at leisure at all. In truth, I have always

thought that saying of Marcus Cato, which he put at the head of his Origines, a splendid and admirable one: "That eminent and great men ought to lay down a regular plan for their leisure as well as for their business." And, therefore, if I have any credit, I hardly know how much I have; it has all been acquired at Rome and earned in the forum. And public events have sanctioned my private counsels in such a way that even at home I have had to attend to the general interests of the republic, and to preserve the city while in the city. The same road, O Cassius, is open to Laterensis, the same path by virtue to glory. [67] And it will be the easier to him perhaps on this account that I have mounted up hither without having any family interest to push me on and relying solely on my self; but his admirable virtues will be assisted by the recommendation which the virtues of his ancestors supply him with.

However, to return to Plancius, he has never been absent from the city unless any lot which he may have drawn or some law, or some necessity compelled him to be so. He did not excel in those things in which some men perhaps do but he did excel in diligence, he did excel in paying attention to his friends, he did excel in liberality. He kept himself before men's eyes; he stood for offices; he has followed at all times that course of life by which, while there is less danger that way of incurring unpopularity, the greatest number of new men have attained the same honours which he has. 28. [68]

For as to what you say, O Cassius — that I am not under greater obligations to Plancius than I am to all good men, because my safety was equally dear to all of them, — I confess that I am under obligations to all good men. But even those men to whom I am under obligations, good men and virtuous citizens, said at the comitia for the election of the aediles, that they themselves were under some obligations to Plancius on my account. However grant that I am under obligations to many people and among others to Plancius, ought it therefore to make me bankrupt; ought I not rather, when each man's turn comes, to pay them all this debt which I acknowledge, whenever it is demanded? Although, being in debt for money and for kindness are two different things. For the man who pays money, the moment he does so, no longer has that which he has paid, and he who owes is in debt. But the man who shows his

gratitude by requiting a kindness, still preserves the feeling; and he who feels it, requites the kindness by the mere fact of his feeling it. Nor shall I cease to be under obligations to Plancius even if I requite his service to me now; [69] nor should I have been less grateful to him as far as my inclination went, if this trouble had not befallen him. You ask of me, O Cassius, what I could do more for my own brother, who is most dear to me, — what I could do more for my own children, than whom nothing can be more delightful to me, than I am doing for Plancius? And you do not see that the very affection which I feel for them, stimulates and excites me to defend the safety of Plancius, too. For they have nothing more at heart than the safety of the man by whom they know that my safety was ensured; and I myself never look on them without recollecting that it is by his means that I was preserved to them, and remembering his great services done to me.

You relate that Opimius was condemned, though he himself had been the saviour of the republic. You add to him Calidius, by whose law Quintus Metellus was restored to the state; and you find fault with my prayers on behalf of Cnaeus Plancius, because Opimius was not released on account of his services, nor Calidius on account of those of Quintus Metellus. 29.

As for Calidius, I will only state this in answer to you, which I saw myself. That Quintus Metellus Pius, when consul, at the comitia for the election of praetors, for which office Quintus Calidius was standing, addressed supplications to the Roman people, and did not hesitate — though he was consul at the time, and a man of the very highest rank — to call him his patron and the patron of his most noble family. [70]

And now I ask of you whether you think that, if Calidius had been on his trial, Metellus Pius, if he had been able to be at Rome, or his father, if he had been alive, would have done for him what I am doing on the trial of Cnaeus Plancius? I wish, indeed, that the misfortune of Opimius could be eradicated from men's memories. But it is to be considered as a wound inflicted on the republic, as a disgrace to this empire, as the infamy of the Roman people, and not as a judicial verdict. For what more terrible blow could those judges — if indeed they deserve to be called judges, and not parricides of

their country — inflict on the republic, than they did when they drove that man out of the state, who as praetor had delivered the republic from a war waged against it by its neighbours, and as consul, from one carried on against it by its own citizens?

[71] But you say that I make out the kindness done me by Plancius to have been greater than it really was, and as you say, I exaggerate it in speaking of it as if I were bound to regulate my gratitude by your estimate and not by my own. “What great service was it after all that he did you? Was it that he did not put you to death?” Say rather that he prevented me from being put to death. And, while speaking on this point, O Cassius, you even acquitted my enemies and said that no plots had been laid by them against my life. And Laterensis advanced the same assertion. Wherefore I will presently say a little more on that head. At present I only ask of you whether you think it was but a slight hatred which my enemies had conceived against me? Did any barbarians ever entertain such savage and cruel feelings against an open enemy? Or do you suppose that there was in those men any regard for fame or any fear of punishment when you saw them during the whole of that year brandishing their swords in the forum, menacing the temples with conflagration, and disturbing the whole city with their violence? Unless, perhaps, you think that they spared my life because they had no apprehension of my return. Do you think that there was any one so wholly destitute of sense as not to think that if these men were permitted to live, and if the city and the senate-house were allowed to remain standing, I also ought certainly to be restored if I too remained alive? Wherefore you, being such a man and such a citizen as you are, ought not to say that my enemies were too moderate to attack my life, when the fact is that it was preserved by the fidelity of my friends. 30. [72]

I will now reply to you, O Laterensis, perhaps less vigorously than I have been attacked by you and certainly in a manner not more destitute of consideration for, or of friendly feeling towards you than your manner was towards me. For in the first place that was rather a harsh thing for you to say, that in what I was saying about Plancius I was speaking falsely, and inventing statements to suit the emergency. I suppose, forsooth, I, like a wise man, planned how I might appear bound to another by the greatest bonds of kindness and gratitude

when I was in reality a free man and under no obligation at all. Why need I have done so? Had I not plenty of reasons besides for defending Plancius? were not my own intimacy with him, my neighbourhood to him, and my friendship for his father, sufficiently cogent motives? And even if they had not existed, I had reason to fear, I suppose, lest I should be doing a discreditable thing in defending a man of his high respectability and worth. It must have been a very clever idea of mine to pretend that I owed everything to that man who was about to owe everything to me! But this is a thing which even common soldiers do against their will, and they are reluctant to give a civic crown to a citizen, and to confess that they have been saved by any one; not because it is discreditable to have been protected in battle, or to be saved out of the hands of the enemy, (for in truth that is a thing which can only happen to a brave man, and to one fighting hand to hand with the enemy,) but they dread the burden of the obligation, because it is an enormous thing to be under the same obligation to a stranger that one is to a parent. [73] But because others deny kindnesses which they have received, even when they are of less importance, in order not to appear under any obligation, am I on that account speaking falsely, when I say that I am bound to a man by his previous services done to me, for which it is quite impossible for me to make any adequate return? Are you ignorant of this, O Laterensis? — you who being, as you were, a great friend of mine, and willing to share with me even the danger with which my life was at that time threatened, — when you had escorted me in that hope of my sad and bitter agony and departure from the city not only with your tears, but also with your courage and your person, and with all your resources, — when you had in my absence defended with all your means, and all your power of protection, my children and my wife, were always pressing this statement upon me, that you willingly allowed and granted that I should employ all my zeal in contributing to the honour of Cnaeus Plancius because you said that the services which he had done me were acceptable to you yourself also. [74]

And is not even that oration, which is the first which I made in the senate after my return, a proof that I am saying nothing new now, — nothing just to meet the emergency? For as in that I returned thanks

to very few by name, because it was quite impossible to enumerate all those who had served me, (and it would have been a crime to press over any one,) and because I had therefore laid down a rule for myself to name those men only who had been the leaders and standard-bearers as it were in our cause; still among them I returned thanks to Plancius by name. Let the oration be read — which, on account of the importance of the business was pronounced from a written paper, in which I, cunning fellow that I must have been, gave myself up to a man to whom I was under no very great obligation and bound myself to the slavery of this duty which I am now discharging by this undying testimony against myself. I do not wish to recite the other things which I committed to writing. I pass them over, that I may not seem to bring them up now on this emergency, or to avail myself of that description of learning which appears to be more suitable to my private studies than to the usages of courts of justice. 31. [75]

And you keep crying out, O Laterensis, "How long are you going to keep on saying this? You did no good in the case of Cispius; people have got tired of your entreaties." Will you object to me what I did in the case of Cispius, who had indeed deserved well of me, but whom I defended, having you for a witness in his favour, and at your especial request? And will you say "How long" to a man who you say was unable to obtain what he begged on behalf of Cispius? For to say "How long" to a man who exerted himself for one friend alone and who did not succeed in his object is rather like laughing at a person than reproving him, unless perhaps, I, above all other men, have behaved in such a manner in the courts of justice, have lived in such a manner with those men who are the judges and among them — unless I am such an advocate of defendants on their trial and unless I am, and always have been, such a citizen in the republic, as to deserve to he held up by you as the only person who never ought to obtain anything from the judges by my entreaties. [76]

And then you object to me a tear which I shed at the trial of Cispius. For this is what you said "I saw your tear." See now how I repent of having given you cause to say so. You might have seen not only a tear but many tears, and weeping and sobbing. Was I to abstain from showing my grief at the danger of a man who was so far

moved by the tears of my family in my absence that he laid aside the enmity which he had conceived against me, and was not only no opposer of my safety, (as my enemies had expected that he would have been,) but was even a great defender of it? [77] And you, O Laterensis, who then said that my tears were a grateful sight, now wish to found an accusation against me on them. 32.

You say that the tribuneship of Plancius did not bring any assistance to my dignity. And in this place, (as you can do with the greatest truth,) you enumerate the godlike services done to me by Lucius Racilius, a most gallant and sensible man. And I never have concealed, and I shall at all times openly assert, that I am under the very greatest obligations to him, as I am to Cnaeus Plancius; for he never thought any contest, or any enmity, or any danger even of his life too great for him to encounter for the sake of my welfare, or of that of the republic. And I wish that the Roman people were not prevented by the violence and injustice of wicked men from proving to him their gratitude by their acts, and measuring it by the extent of my own. But if Plancius did not make the same exertions in my favour when he was tribune, you ought to think, not that his inclination was wanting, but that I, being already under such vast obligations to Plancius, was now content with the services of Racilius. [78]

Do you think that the judges will be the less inclined to do anything for my sake, because you accuse me of gratitude? Or, when the senators themselves, in that resolution of the senate which was passed in the monument of Marius, in which my safety was recommended to all nations, returned thanks to Plancius alone, (for he was the only defender of my safety, of all the magistrates or vice-magistrates, to whom the senate thought it proper to return thanks on my behalf,) shall I think that I myself am not bound to show my gratitude to him? And when you see all these things, what do you suppose must be my feelings towards you, O Laterensis? Do you think that there is any danger, or any labour, or any contest of so arduous a nature that I would shun it if it could advance not only your safety, but even your dignity? And I am so much the more, I will not say miserable, (for that is an expression which is inconsistent with the character of a virtuous man) but severely tried not because I

am under obligations to many people, (for gratitude for kindness received is a very light burden) but because circumstances often happen, on account of the quarrels of some men who have deserved well of me with one another which make me fear that it is impossible for me to appear grateful to them all at the same time. [79] But I must weigh in my own scales not only what I owe to each individual, but also of what importance the case is to each person, and what the necessities of each require of me at the particular moment. 33.

What is at stake now on your part is this, — your eager wishes, or even, if you like, your reputation and the glory of the aedileship. But on the side of Cnaeus Plancius, it is his safety, his rights as a Roman and a citizen which are in peril. You wished me to be safe; he even ensured every safety by his actions. Yet I am torn asunder and rent in pieces by grief — I do grieve that in a contest where the stakes are so unequal, you should be offended by my conduct, but, I declare most solemnly, I would much rather endanger my own safety on your behalf than abandon the safety of Cnaeus Plancius to your hostility in this contest. [80] In truth, O judges, while I wish to be adorned with every virtue, yet there is nothing which I can esteem more highly than the being and appearing grateful. For this one virtue is not only the greatest, but is also the parent of all the other virtues. What is filial affection, but a grateful inclination towards one's parents? — who are good citizens, who are they who deserve well of their country both in war and at home but they who recollect the kindness which they have received from their country? — who are pious men who are men attentive to religious obligations, but they who with proper honours and with a grateful memory acquit themselves to the immortal gods of the gratitude which they owe to them? — what pleasure can there be in life, if friendships be taken away? — and, moreover, what friendship can exist between ungrateful people? — [81] Who of us has been liberally educated, by whom his bringers up, and his teachers, and his governors, and even the very mute place itself in which he has been brought up and taught, are not preserved in his mind with a grateful recollection? — who ever can have, or who ever had such resources in himself as to be able to stand without many acts of kindness on the part of many friends? — and yet no such acts can possibly exist, if you take away memory and gratitude.

I, in truth, think nothing so much the peculiar property of man, as the quality of being bound, not only by a kindness received, but by even the intimation of good-will towards one; and I think nothing so inconsistent with one's idea of a man — nothing so barbarous or so brutal — as to appear, I will not say unworthy of, but surpassed by kindness.

[82] And as this is the case, I will succumb, O Laterensis, to your accusation; and in that very particular in which there cannot by any possibility be any excess, — namely, in gratitude, I will confess that I have gone to excess, since you insist upon it that it is so. And I will entreat you, O judges, to bind that man to you by a kindness, in whom the only fault that those who blame him find with him is that they accuse him of being immoderately grateful. And that ought not to prevail with you so as to make you think lightly of my gratitude, when he said that you were neither guilty men nor litigious men, so that there was the less reason for your allowing me any great influence over you: as if in my intercourse with my friends I did not always prefer that these abilities of mine (if indeed I have any abilities) should be at the service of my friends, rather than they should become necessary to them. In truth, I do venture to say this of myself, that my friendship has been a pleasure to more men than those to whom it has been a protection; and I should greatly repent of my past life; if there was no room in my friendship for any one who was not either a litigious person or a guilty one. 34. [83]

But somehow or other you have repeated over and over again, and have dwelt upon the assertion, that you did not choose to connect this case with the games, lest I, according to my usual custom, should say something about the sacred cars, for the sake of exciting pity; as I had done before in the case of other aediles. No doubt you got something by this; for you deprived me of an embellishment of my speech. I shall be laughed at now if I make any mention of the sacred cars, after you have predicted that I should do so. And without the sacred cars what can I find to say? And here you added, too, that this was the reason why I by my law had established the penalty of banishment in cases of bribery, that I might be able to sum up my orations in ways more calculated to excite pity. Does he not, when he says all this, seem to you to be arguing against some teacher of declamation, and not with one who is a pupil, as I may say, of the real toils of the forum? [84] “Yes, for I was not at Rhodes,” says he (He means that I was) “But I was,” says he, (I thought he was going to say, at Vacca,) “twice at Nicaea, in Bithynia” If the place gives a person any handle for finding fault with one, I know not why you

should think Nicaea stricter than Rhodes if we are to examine into the cause, then you were in Bithynia with the greatest credit, and I was at Rhodes with no less. For as to the point on which you found fault with me, namely, that I had defended too many people, I wish that you who are able to do it and others too, who shirk it, were willing to relieve me of this labour. But the effect of your diligence, who weigh causes so carefully that you reject almost all of them, is that nearly all causes come to me who am not able to deny anything to men who are in misery and distress. [85]

You reminded me also, since you had been in Crete that something might have been said against your offering yourself as a candidate, and that I let that opportunity slip. Which of us, then, is more covetous of a smart saying? I, who did not say what might have been said, or you, who said it even against yourself? You were fond of saying that you had sent home no letters with accounts of your exploits, because mine, which I had sent to some one or other, had injured me. But I am not aware that they did injure me I am quite sure that they might have been of service to the republic. 35. [86]

These things are, however, of but little importance; but those points are serious and weighty, that you wish now to find fault with, and in an underhand manner, to accuse my departure from the city, which you had often wept over. For you have said that assistance was not wanting to me, but that I was wanting to those who were willing to assist me. But I confess that, because I saw that aid was not wanting to me, I did on that account spare that aid; for who is there who does not know what was the state of things at that time. — what danger and what a storm there was in the republic? Was it fear of the tribunes, or was it the frenzy of the consuls which influenced me? Was it a very formidable thing for me to fight with the sword with the relics of those men, whom, when they were flourishing with their strength unimpaired, I had defeated without the sword? The basest and most infamous consuls in the memory of man, — as both the beginning of their conduct and as their recent termination of those affairs, show them to have been, (one of whom lost his army, and the other sold it,) — having bought their provinces, had deserted the senate, and the republic, and all good men. When no one knew what were the feelings of those men who by means of their armies, and

their arms, and their riches, were the most powerful men in the state, then that voice, rendered insane by its infamous debaucheries, made effeminate by its attendance on holy altars, kept crying out in a most ferocious manner that both these men and the consuls were acting in concert with him.

Needy men were armed against the rich, abandoned men against the good, slaves against their masters. [87] The senate was with me, even changing its garments in token of the danger; a measure which was adopted by public resolution for no one else except myself in the memory of man. But recollect who were then our enemies with the name of consuls. The only men since the city was built who ever prevented the senate from complying with a resolution of the senate, and who by their edict took away, not indeed grief, from the conscript fathers, but the power of deciding on the reasons for their grief. The whole equestrian order was with me; whom, indeed, that dancing consul of Catiline's used to frighten in the assemblies of the people with menaces of proscription. All Italy was assembled, and terrified with fear of civil war and devastation. 36.

I admit, O Laterensis, that I might have availed myself of these assistants, zealous in my behalf, and in a state of great excitement as they were. But the contest must have been decided not by right, nor by the laws, nor by argument; for, in truth, that assistance of my own, which has often been placed so readily at the disposal of others, would not especially in so good a cause have been wanting to me myself. We must have fought with arms — yes, with arms I say; and it would have been destruction to the republic for arms to have been employed by slaves and leaders of slaves for the slaughter of the senate and of the virtuous citizens. [88]

I confess that it would have been a fine thing for the wicked to have been conquered by the good, if I could have seen the end of the victory (which, in truth I could not). For where should I have found to stand by me so brave a consul as Lucius Opimius or as Caius Marius or as Lucius Flaccus? under whom, as her leaders, the republic did put down wicked men with armed citizens, or if I could not get men as fearless as those, yet where could I find men as just as Publius Mucius, who, after Tiberius Gracchus had been slain, defended Publius Scipio and asserted that the aims which he as a

private individual had taken up, had been taken up in strict accordance with the law? We, then, should have had to fight with the consuls. I say no more, except this one thing; I saw that there were formidable adversaries ready to dispute the victory with us, and no one who would avenge us if we fell. [89] If, then, I was wanting to these aids to the cause of my safety, because I was unwilling to do battle for it, I will then confess, as you say, that assistance was not wanting to me, but that I myself was wanting to the assistance which I had. But if, the greater I saw the zeal of good men in my behalf, the more I thought it my duty to consult their interests and to spare them, do you find fault with me for the same conduct which was considered a credit to Quintus Metellus and which is to this day, and always will be, his greatest glory? for it is well known — as you may hear from many who were present at the time — that he departed greatly against the will of all good men; and there is not the slightest doubt that he would have had the best of it if they had come to a struggle and a trial of arms. Therefore, though he was defending his own actions, and not those of the senate, though it was his own opinion that he was resolutely upholding and not the welfare of the republic, — still when he endured that voluntary wound he surpassed in glory and credit the justest and most illustrious triumphs of all the Metelli; because he would not be the cause of even those wickedest of citizens being slain, and because he provided against the danger of any good man being involved in their slaughter. And should I, — seeing such great danger before us, as, if I were defeated, the total destruction of the republic must ensue, and if I got the better, an endless contest would follow, should I, I say, give any one reason to style me the destroyer of the republic, after having been its saviour? 37. [90]

You say that I was afraid of death. But I should think it wrong to accept even immortality at the expense of the welfare of the republic; much less should I be willing to die, if by that means I was to damage the commonwealth. For as for those men who have given up their lives for the sake of the state, (although you may say that I am talking foolishly,) I have never considered that they had met with death so much as with immortality. But if I had at that time fallen by the weapons and hands of wicked men, the republic would for ever

have lost the civil guardian of its safety. Moreover, if any violence of disease, or if nature itself had carried me off, still the resources of posterity would have been diminished, because by my death the opportunity would have been lost of showing what great zeal of the senate and people of Rome was to be exerted in retaining me. Should I, if I had ever had any extravagant fondness for life, have challenged the weapons of all those parricides in the month of December of the year of my consulship, when, if I had remained quiet for twenty days longer, they would all have fallen on the vigilance of other consuls? Wherefore, if fondness for life when contrary to the interests of the republic is shameful, at all events a desire for death in my case, which must have been accompanied with injury to the state, would have been more shameful still.

[91] For as for your boasting that you were a free man in the republic, I confess that you are, and I rejoice at it, and I also congratulate you on that account; but as for your denying that I am free also, as to that particular I will neither allow you nor any one else to continue in your mistake any longer. 38.

For if any one thinks that my independence has suffered any diminution, because I do not now differ in opinion with all those same men with whom I was formerly accustomed to differ; in the first place, if I show myself grateful to those who have deserved well of me, I do not cease to be attacked with the accusation of being a man of too good a memory, and too grateful. But if, without any injury to the republic, I sometimes show a regard to my own safety and that of my family, at all events I not only do not deserve to be blamed for this, but, even if I were to wish myself to run on ruin, there are good men who would entreat me not to do so.

[92] But the republic itself, if it were able to speak, would plead with me, that as I had always served her interests, and never my own, and as I had received a reward from her not such as I ought, rich and abundant, but mingled with exceeding bitterness, now at length to serve myself, and to consult the interests of my family; and would urge not only that she herself had received enough from me, but that she even feared that she had made me but an inadequate return for all the services which I had rendered her.

[93] But what will you say if I think nothing of all these things, and

if I persevere in the same course in the republic which I have always pursued? will you still ask what is become of my independence? which you make to consist in the fact of our struggling for ever with any one with whom we have at any time had a contest. But this is all nonsense; for we ought at all times to act as if we were standing in some revolving orb of the republic, and as that turns round we ought to choose that part to which the advantage and safety of the republic direct us. 39.

But I do not call Cnaeus Pompeius the author, and prime cause, and defender of my safety, (for these things demand perhaps a recollection of the kindness and gratitude for it from a man in his private capacity,) but I say this, which has reference to the common welfare of the republic; should not I defend that man whom every one admits to be the first man in the republic? should I be wanting to the praises of Caius Caesar, when I see them celebrated first of all by numerous and most honourable decisions of the Roman people, and now too by those of the senate, to which body I have always devoted myself? In that case, in truth, I should confess that I had never formed any opinion with reference to the welfare of the republic, but that I was guided solely by my friendship for or enmity towards particular persons. [94]

When I see a ship holding on its course with favourable winds, if it does not proceed towards that port which I at one time thought best, but to some other no less safe and tranquil than that, shall I rather strive with the tempest even at the risk of danger, instead of yielding to it and being guided by it, especially when there is a hope of safety in such a line of conduct? But I have learnt these principles, I have seen and read them in books, written records have handed down to us these memorials of wise and most illustrious men, both in this republic and in other cities, and show that the same opinions have not at all times been upheld by the same men, but that they have adopted whatever sentiments the constitution of the republic, the state of affairs at the time, and the considerations of peace and concord pointed out as desirable. And this is what I am doing, O Laterensis, and what I always shall do; and the independence which you profess to look for in me, and which I have never lost, I never will lose, and yet on the other hand I will not believe it to consist in

obstinacy, but in moderation. 40. [95]

Now I come to your last assertion, when you said that, while I was extolling so highly the services which Plancius had done me, I was making a castle out of a sewer, and worshipping a stone taken from a sepulchre as a god; and that I had never been in the least danger of any one forming plots against me, or of death. And therefore I will in a few words, and not reluctantly, explain the circumstances of that time. For there is nothing that has happened during my lifetime which has got abroad less, or which has been seldomer talked about by me, or which has been less heard of and which is less commonly known by men in general. For I, O Laterensis, — on departing from that general conflagration of laws and justice, and the senate, and all good men, at a time when my house threatened while burning itself to set fire to the city and to all Italy, if I did not remain perfectly quiescent, — I, I say, intended to proceed to Sicily, which was all united like one family in my favour, and which was at that time governed by Caius Virgilius, with whom I was most intimately connected both by the long duration of our acquaintance, and by friendship, and by his belonging to some of the same guilds as my brother, and by our common attachment to the republic. [96] See, now, the blackness of those times. When the very island itself — I may almost say — wished to come forward to meet me, that praetor, repeatedly harassed as he was by the harangues and attacks of that same tribune of the people, on account of his attachment to the republic, would not consent (I will not use a stronger term) to my coming to Sicily. What shall I say? Shall I say that Caius Virgilius, that that excellent citizen and man had forgotten his regard for me, the recollection of the days of our companionship, and all regard for piety, humanity, and good faith? Nothing of the sort, O judges, was the case; he was only afraid that he might not be able by his own unassisted strength to make a stand against that tempest which we even, when supported by you, had been unable to encounter. Then, my plans being thus suddenly changed, I determined to proceed by land from Vibo to Brundusium, for the severity of the weather prevented any attempt at proceeding by sea. 41. [97]

As all those municipal towns which are between Vibo and Brundusium were in my interest, O judges, they, though many

people threatened me, and though they were in great alarm themselves, rendered my journey safe to me. I arrived at Brundusium, or, I should rather say, I arrived outside the walls. I avoided entering the city which was of all others the most friendly to me and which would have allowed itself to be destroyed before it would have permitted me to be torn from its embrace. I went to the villa of Marcus Laenius Flaccus; and though he had every sort of fear before his eyes, — though he was threatened with confiscation of his property, and exile and death, yet he chose to encounter all these things, if they were to happen rather than abandon the design of protecting my life. I, placed by his hands and by those of his father, a most sensible and virtuous man, and by those of his brother and both his sons in a safe and trustworthy ship, and being escorted by their prayers and vows for my return, departed thence to go to Dyrrachium, which was devoted to my interests. [98] And when I had come thither, I ascertained — as indeed I had heard before — that Greece was full of wicked and abandoned men, whose impious weapons and destructive firebrands my consulship had wrested from their hands. And before they could hear that I had arrived in those districts, and although they were many days' journey from them, I proceeded into Macedonia to Plancius. But as soon as ever Plancius heard that I had crossed the sea. — (listen, listen, I say, and take notice, O Laterensis, that you may know how much I owe to Plancius, and that you may confess at last that what I am doing I am doing out of proper gratitude and piously; and that the trouble which he took for my safety, if it is not to do him any good, ought at all events not to be any injury to him,) — as soon, I say, as he heard that I had arrived at Dyrrachium, he immediately came to me himself, without his lictors, without any of the insignia of his office, and with his robe changed for one of morning. [99]

Oh, how bitter to me, O judges, is the recollection of that time and place, when he fell on my neck, when he embraced me, and bedewed me with his tears, and was unable to speak for grief! O circumstance cruel to be heard of, and impious to be beheld! O all the remainder of those days and nights during which he never left me, until he had conducted me to Thessalonica, and to his official house as quaestor! Here I will say nothing at present about the praetor of Macedonia,

beyond this, that he was always a most excellent citizen, and a friend to me; but that he felt the same fear that the rest did; and that Cnaeus Plancius was the only man — I will not say, who had no such fear — but who, even if those things were to happen which were dreaded, was willing to encounter and endure them in my company and for my sake. [100] For even when Lucius Tubero, my intimate friend, who had been lieutenant to my brother, had come to me on his return from Asia, and had revealed to me in the most friendly spirit the treacherous designs which he heard were formed against me by the banished conspirators, and when I was preparing therefore to go into Asia on account of the connection subsisting between that province and my brother and myself, he would not allow me to depart. He, Plancius, I say, detained me by force and by a close embrace, and for many months never departed from me, discarding his character as a quaestor and assuming that of my companion. 42. [101]

O what miserable nights of watching did you pass, O Cnaeus Plancius! O what tearful vigils! O what bitter nights! O what a miserable task was that which you undertook of protecting my life! if I, now that I am alive, am unable to be of any service to you, though perhaps I might have been of some if I had been dead. For I recollect, I well recollect, and I never shall forget, that night when I, miserable man that I was, and led on by ungrounded hopes, made you who were watching over me, and sitting by me, and lamenting, some vain and empty promises. I promised that, if I were restored to my country, then I would in person show my gratitude; but, if chance deprived me of life, or if any greater violence prevented my return, then I undertook that these men, these whom we see here, (for what others could I then be thinking of?) would make you a fitting return on my behalf, for all your exertions. Why do you fix your eyes upon me now? Why do you claim the performance of my promise? Why do you implore my observance of good faith? I was not promising you at that time anything from my own resources, but from the good-will of these men towards me. I saw that these men were mourning for me; that they were groaning for me; that they were willing to do battle in defence of my rights and safety, even at the hazard of their own lives — I, as well as you, was hearing every day of the regret, and grief, and complaints of these men; and now I fear that I may be

able to make you no other return beyond tears, of which you yourself shed plenty for my distresses. [102] For what can I do more than grieve? more than weep? more than consider your safety bound up with my own? The same men who gave me safety are the only men who have the power to give it to you. But I (rise up and stand forward, I beg you,) will cling to you and embrace you; and I will profess myself, not only one who prays to the judges to protect your fortunes, but one who will be your companion and partner in them. And, as I hope, no one will be of so cruel and inhuman a disposition, nor so unmindful — I will not say of the services which I have done the good, but of the services which the good have done me — as to tear away and separate the saviour of my very existence as a citizen from me. I beg of you, O judges, to save a man who has been, not loaded with kindnesses by me, but the guardian of my safety. I am not striving in his behalf with wealth, and authority, and influence; but with prayers, and tears, and appeals to your mercy. And his unhappy and most virtuous father, whom you see before you, joins his entreaties to mine; we, being as it were two parents of his, pray your mercy for our one son. [103]

Do not, O judges, I entreat you in the name of yourselves, of your fortunes, and of your children, give joy to my enemies, especially to those whom I have made my enemies by labouring for your safety, by allowing them to boast that you have by this time forgotten me, and that you have shown yourselves enemies to the safety of the man by whom my safety was ensured. Do not crush my spirit not only with grief, but also with fear that your kind regard for myself is altered; allow me to pay the man from you, that which I repeatedly promised him because I relied on you. [104]

And you, O Caius Flavius, you I beg and entreat — you who were the partner of my counsels during my consulship, and the sharer of my dangers, and my assistant in the exploits which I performed; and who have at all times wished me to be not only safe, but prosperous also and flourishing, — I entreat you, I say, to preserve for me, by the instrumentality of these men, that man to whom it is owing that you see me preserved to them and to you. It is not only my own tears, but yours also, O Flavius, and yours too, O judges, that hinder me from saying more: and by them I — though I am in a state of

great apprehension — am induced to hope that you will show yourselves the same men with reference to the saving of Plancius that you did in my case; since by those tears which I now behold, I am reminded of those which you so repeatedly and abundantly shed for my sake.

PRO MILONE (In Defence of Titus Annius Milo)

Translated by C. D. Yonge

This famous oration was delivered by Cicero in 52 BC on behalf of his friend Titus Annius Milo, who was accused of murdering his political enemy Publius Clodius Pulcher on the Via Appia. Milo was a praetor at the time, attempting to gain the much-vaunted post of Consul; whilst Clodius was a former tribune standing for the office of praetor. The charge was brought against Milo for the death of Clodius following a violent altercation on the Via Appia outside Clodius' estate in Bovillae. After the initial brawl, it seems that Clodius was wounded during the fight started by his own slaves as well as those of Milo.

This was the sequence of events described by the prosecution and the commentary of Asconius, an ancient commentator who analysed several of Cicero's speeches and had access to various ancient documents which are no longer extant. The absence of a summary of the chain of events in Cicero's speech may be attributed to their incriminating evidence against Milo. Presumably, Cicero realised that this was the primary weakness, and as the trial unfolded it turned out to be so. When initially questioned about the circumstances of Clodius's death, Milo responded with the excuse of self-defence, that it was Clodius who laid a trap for Milo in which he might kill him. Cicero had to manipulate his speech to be fitting with Milo's initial excuse, restraint which probably affected the overall presentation of his case. In order to convince the jury of Milo's innocence, Cicero used the fact that following Clodius's death, a mob of his own supporters, led by the scribe Sextus Cloelius, carried his corpse into the Senate house and cremated it using the benches, platforms, tables and scribes' notebooks as a pyre. In doing so they also burnt down much of the curia; the Clodian supporters in their fury also launched

an attack on the house of the then interrex, Marcus Lepidus; and therefore Pompey ordered a special inquest to investigate this as well as the murder of Clodius. Cicero refers to this incident throughout the speech, implying that there was greater general indignation and uproar at the burning of the curia than there was at the murder of Clodius.

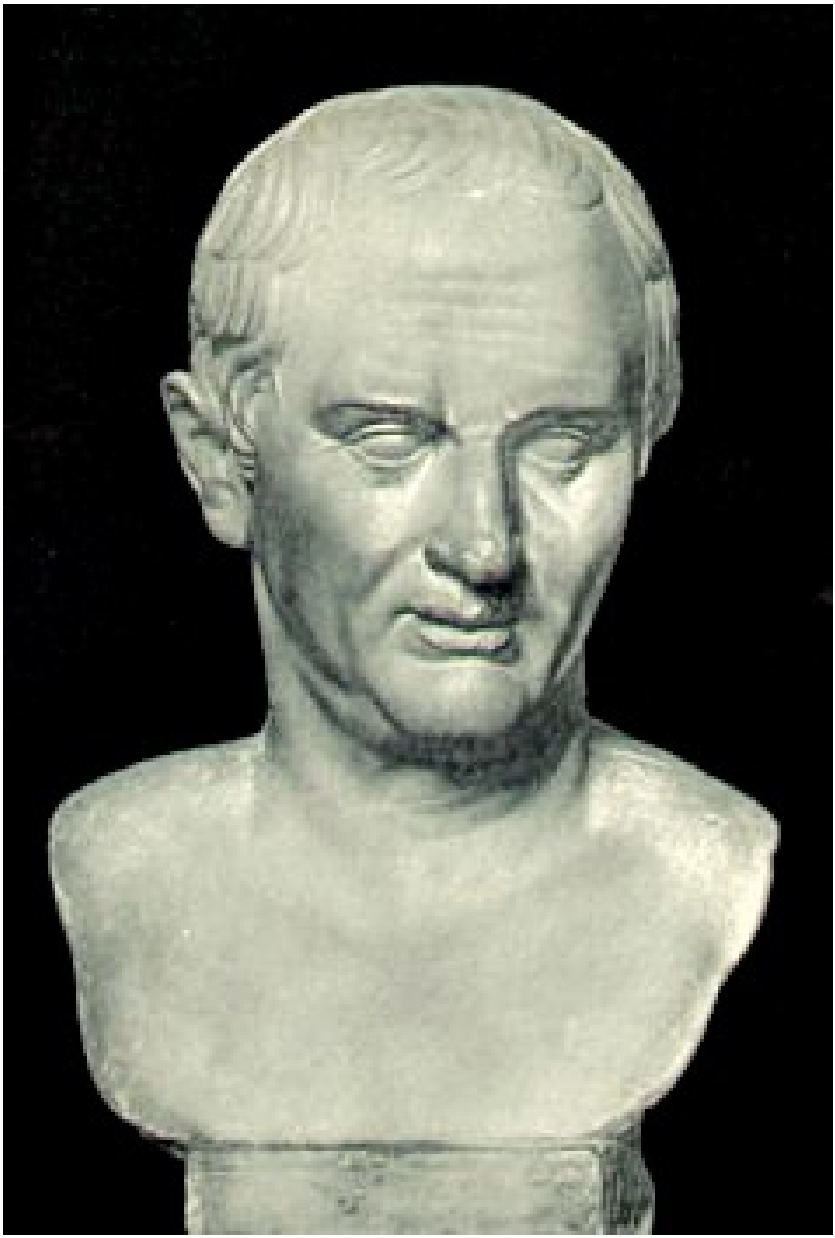

Ancient bust of the orator, aged 60

THE SPEECH OF M. T. CICERO IN DEFENCE OF TITUS ANNIUS MILO.

THE ARGUMENT.

Titus Annius Milo, often in the following speech called only Titus Annius, stood for the consulship while Clodius was a candidate for the praetorship, and daily quarrels took place in the streets between their armed retainers and gladiators. Milo, who was dictator of Lanuvium, his native place, was forced to go there to appoint some priests, etc.; and Clodius, who had been to Aricia, met him on his road. Milo was in his carriage with his wife, and was accompanied by a numerous retinue, among whom were same gladiators. Clodius was on horseback, with about thirty armed men. The followers of each began to fight, and when the tumult had become general, Clodius was slain, probably by Milo himself. The disturbances at Rome became so formidable that Pompey was created sole consul; and soon after he entered on his office, A.U.C. 702, Milo was brought to trial. This speech, however, though composed by Cicero, was not spoken, for he was so much alarmed by the violence of Clodius's friends, that he did not dare to use the plain language he had proposed. Milo was convicted and banished to Marseilles.

1. Although I am afraid, O judges, that it is a base thing for one who is beginning to speak for a very brave man to be alarmed, and though it is far from becoming, when Titus Annius Milo himself is more disturbed for the safety of the republic than for his own, that I should not be able to bring to the cause a similar greatness of mind, yet this novel appearance of a new manner of trial alarms my eyes, which, wherever they fall, seek for the former customs of the forum and the ancient practice in trials. For your assembly is not surrounded by a circle of bystanders as usual; we are not attended by our usual company. [2]

For those guards which you behold in front of all the temples, although they are placed there as a protection against violence, yet

they bring no aid to the orator, so that even in the forum and in the court of justice itself, although we are protected with all military and necessary defences, yet we cannot be entirely without fear. But if I thought this adverse to Milo, I should yield to the times, O judges, and among such a crowd of armed men, I should think there was no room for an orator. But the wisdom of Cnaeus Pompeius, a most wise and just man, strengthens and encourages me, who would certainly neither think it suitable to his justice to deliver that man up to the weapons of the soldiery whom he had given over as an accused person to the decision of the judges, nor suitable to his wisdom to arm the rashness of an excited multitude with public authority. [3]

So that those arms, those centurions, those cohorts, do not announce danger to us, but protection; nor do they expect us only to be calm, but even to be courageous, nor do they promise only assistance to my defence but also silence. And the rest of the multitude which consists of citizens is wholly ours; nor is there any one individual among those whom you see from this place gazing upon us from all sides from which any part of the forum can be seen and watching the result of this trial who, while he favours the virtue of Milo, does not think that this day in reality his own interests, those of his children, his country, and his fortunes, are at stake. 2.

There is one class adverse and hostile to us, — those whom the madness of Publius Clodius has fed on rapine, on conflagration, and on every sort of public disaster; and who were, even in the assembly held yesterday, exhorted to teach you, by their clamour, what you were to decide. But such shouts, if any reached you, should rather warn you to retain him as a citizen who has always slighted that class of men, and their greatest clamour, in comparison with your safety. [4] Wherefore, be of good courage, O judges, and lay aside your alarm, if indeed you feel any; for if ever you had to decide about good and brave men, and about citizens who had deserved well of their country, if ever an opportunity was given to chosen men of the most honourable ranks to show by their deeds and resolutions that disposition towards brave and good citizens which they had often declared by their looks and by their words, all that power you now have, when you are to determine whether we who have always been wholly devoted to your authority are to be miserable, and to mourn

for ever, or whether, having been long harassed by the most abandoned citizens, we shall at length he reprieved and set up again by you, your loyalty, your virtue, and your wisdom.

[5] For what, O judges, is more full of labour than we both are, what can be either expressed or imagined more full of anxiety and uneasiness than we are, who being induced to devote ourselves to the republic by the hope of the most honourable rewards, yet cannot be free from the fear of the most cruel punishments? I have always thought indeed that Milo had to encounter the other storms and tempests in these billows of the assemblies because he always espoused the cause of the good against the bad; but in a court of justice, and in that council in which the most honourable men of all ranks are sitting as judges, I never imagined that Milo's enemies could have any hope of diminishing his glory by the aid of such men, much less of at all injuring his safety.

[6] Although in this cause, O judges, we shall not employ the tribuneship of Titus Annius, and all the exploits which he has performed for the safety of the republic, as topics for our defence against this accusation, unless you see with your own eyes that a plot was laid against Milo by Clodius; and we shall not entreat you to pardon us this one offence in consideration of our many eminent services to the republic, nor shall we demand, if the death of Publius Clodius was your safety, that on that account you should attribute it rather to the virtue of Milo, than to the good fortune of the Roman people; but if his plots are made clearer than the day, then indeed I shall entreat, and shall demand of you, O judges, that, if we have lost everything else, this at least may be left us, — namely, the privilege of defending our lives from the audacity and weapons of our enemies with impunity. 3. [7]

But before I come to that part of my speech which especially belongs to this trial, it seems necessary to refute those things which have been often said, both in the senate by our enemies, and in the assembly of the people by wicked men, and lately, too, by our prosecutors; so that when every cause of alarm is removed, you may be able distinctly to see the matter which is the subject of this trial. They say that that man ought no longer to see the light who confesses that another man has been slain by him. In what city, then,

are these most foolish men using this argument? In this one, forsooth, where the first trial for a man's life that took place at all was that of Marcus Horatius, a most brave man, who even before the city was free was yet acquitted by the assembly of the Roman people, though he avowed that his sister had been slain by his hand. [8]

Is there any one who does not know, that when inquiry is made into the slaying of a man, it is usual either altogether to deny that the deed has been done, or else to defend it on the ground that it was rightly and lawfully done? unless, indeed, you think that Publius Africanus was out of his mind, who, when he was asked in a seditious spirit by Caius Carbo, a tribune of the people, what was his opinion of the death of Tiberius Gracchus, answered that he seemed to have been rightly slain. For neither could Servilius Ahala, that eminent man, nor Publius Nasica, nor Lucius Opimius, nor Caius Marius, nor indeed the senate itself during my consulship, have been accounted anything but wicked, if it was unlawful for wicked citizens to be put to death. And therefore, O judges, it was not without good reason, that even in legendary fables learned men have handed down the story, that he, who for the sake of avenging his father had killed his mother, when the opinions of men varied, was acquitted not only by the voices of the gods, but even by the very wisest goddess. [9] And if the Twelve Tables have permitted that a nightly robber may be slain any way, but a robber by day if he defends himself, with a weapon, who is there who can think a man to be punished for slaying another, in whatever way he is slain, when he sees that sometimes a sword to kill a man with is put into our bands by the very laws themselves? 4.

But if there be any occasion on which it is proper to slay a man, — and there are many such, — surely that occasion is not only a just one, but even a necessary one, when violence is offered, and can only be repelled by violence. When a military tribune offered violence to a soldier in the army of Caius Marius, the kinsman of that commander was slain by the man whom he was insulting; for the virtuous youth chose to act though with danger, rather than to suffer infamously; and his illustrious commander acquitted him of all guilt, and treated him well. [10] But what death can be unjust when inflicted on a secret plotter and robber?

What is the meaning of our retinues, what of our swords? Surely it would never be permitted to us to have them if we might never use them. This, therefore, is a law, O judges, not written, but born with us, — which we have not learnt or received by tradition, or read, but which we have taken and sucked in and imbibed from nature herself; a law which we were not taught but to which we were made, — which we were not trained in, but which is ingrained in us, — namely, that if our life be in danger from plots, or from open violence, or from the weapons of robbers or enemies, every means of securing our safety is honourable. [11] For laws are silent when arms are raised, and do not expect themselves to be waited for, when he who waits will have to suffer an undeserved penalty before he can exact a merited punishment.

The law very wisely, and in a manner silently, gives a man a right to defend himself, and does not merely forbid a man to be slain, but forbids any one to leave a weapon about him with the object of slaying a man; so that as the object and not the weapon itself, is made the subject of the inquiry, the man who had used a weapon with the object of defending himself would be decided not to have had his weapon about him with the object of killing a man. Let, then, this principle remembered by you in this trial, O judges; for I do not doubt that I shall make good my defence before you, if you only remember — what you cannot forget — that a plotter against one may be lawfully slain. 5. [12]

The next point is one which is often asserted by the enemies of Milo, who say that the senate has decided that the slaughter by which Publius Clodius fell was contrary to the interests of the republic. But, in fact, the senate has approved, not merely by their votes, but even zealously. For how often has that cause been pleaded by us in the senate? with what great assent of the whole body? and that no silent nor concealed assent; for when in a very full senate were there ever four or five men found who did not espouse Milo's cause? Those lifeless assemblies of this nearly burnt tribune of the people show the fact; assemblies in which he daily used to try and bring my power into unpopularity, by saying that the senate did not pass its decrees according to what it thought itself, but as I chose.

And if, indeed, that ought to be called power, rather than a

moderate influence in a righteous cause on account of great services done to the republic, or some popularity among the good on account of dutiful labours for its sake, let it be called so, as long as we employ it for the safety of the good in opposition to the madness of the wicked.

[13] But this investigation though it is not an unjust one, yet is not one which the senate thought ought to be ordered, for there were regular laws and forms of trial for murder or for assault; nor did the death of Publius Clodius cause the senate such concern and sorrow that any new process of investigation need have been appointed for when the senate had had the power of decreeing a trial in the matter of that impious pollution of which he was guilty taken from it, who can believe it thought it necessary to appoint a new form of trial about his death? Why then did the senate decide that this burning of the senate house, this siege laid to the house of Marcus Lepidus, and this very homicide had taken place contrary to the interest of the republic? Why, because no violence from one citizen to another can ever take place in a free state which is not contrary to the interests of the republic. [14] For the defending of oneself against violence is never a thing to be wished for; but it is sometimes necessary, unless, indeed, one could say that that day on which Tiberius Gracchus was slain, or that day when Caius was, or the day when the arms of Saturninus were put down, even if they ended as the welfare of the republic demanded, were yet no wound and injury to the republic. 6.

Therefore I myself voted, when it was notorious that a homicide had taken place on the Appian road, not that he who had defended himself had acted in a manner contrary to the interests of the republic; but as there was violence and treachery in the business, I reserved the charge for trial, I expressed my disapprobation of the business. And if the senate had not been hindered by that frantic tribune from executing its wishes, we should not now have this novel trial. For the senate voted that an extraordinary investigation should take place according to the ancient laws. A division took place, it does not signify on whose motion, for it is not necessary to mention the worthlessness of every one, and so the rest of the authority of the senate was destroyed by this corrupt intercession.

[15] “Oh, but Cnaeus Pompeius, by his bill, gave his decision both

about the fact and about the cause. For he brought in a bill about the homicide which had taken place on the Appian road, in which Publius Clodius was slain." What then did he propose? That an inquiry should be made. What is to be inquired about? Whether it was committed? That is clear. By whom? That is notorious. He saw that a defence as to the law and right could be undertaken, even at the very moment of the confession of the act. But if he had not seen that he who confessed might yet be acquitted, when he saw that we did not confess the fact he would never have ordered an investigation to take place, nor would he have given you at this trial the power of acquitting as well as that of condemning. But it seems to me that Cnaeus Pompeius not only delivered no decision at all unfavourable to Milo, but that he also pointed out what you ought to turn your attention to in deciding. For he who did not assign a punishment to the confession, but required a defence of it, he clearly thought that what was inquired into was the cause of the death and not the mere fact of the death [16] Now he himself shall tell us whether what he did of his own accord was done out of regard for Publius Clodius, or from a compliance with the times. 7.

A most noble man, a bulwark, and in those times, indeed, almost a protector of the senate, the uncle of this our judge, of that most fearless man Marcus Cato, Marcus Drusus, a tribune of the people, was slain in his own house. The people had never any reference made to them in the matter of his death, no investigation was voted by the senate. What great grief was there, as we have heard from our forefathers in this city, when that attack was made by night on Publius Africanus, while sleeping in his own house! Who was there then who did not groan, who did not burn with indignation, that men should not have waited even for the natural and inevitable death of that man whom, if possible, all would have wished to be immortal?

Was there then any extraordinary investigation into the death of Africanus voted? Certainly none. Why so? [17] Because the crime of murder is not different when eminent men, or when obscure ones are slain. Let there be a difference between the dignity of the lives of the highest and lowest citizens. If their death be wrought by wickedness, that must be avenged by the same laws and punishments in either case; unless, indeed, he is more a parricide who murders a father of

consular rank than he who murders one of low degree; or, as if the death of Publius Clodius is to be more criminal because he was slain among the monuments of his ancestors, — for this is constantly said by that party; as if, I suppose, that illustrious Appius Caecus made that road, not that the nation might have a road to use, but that his own posterity might have a place in which to rob with impunity. [18] Therefore in that same Appian road, when Publius Clodius had slain a most accomplished Roman knight, Marcus Papirius, that crime was not to be punished; for a nobleman among his own family monuments had slain a Roman knight. Now what tragedies does the name of that same Appian road awaken? which, though nothing was said about it formerly, when stained with the murder of an honourable and innocent man, is now incessantly mentioned ever since it has been dyed with the blood of a robber and a parricide. But why do I speak of these things? A slave of Publius Clodius was arrested in the temple of Castor; whom he had placed there to murder Cnaeus Pompeius; the dagger was wrested from his hands and he confessed his design; after that Pompeius absented himself from the forum, absented himself from the senate, and from all public places; he defended himself within his own doors and walls, not by the power of the laws and tribunals.

[19] Was any motion made? was any extraordinary investigation voted? But if any circumstance, if any man, if any occasion was ever important enough for such a step, certainly all these things were so in the greatest degree in that cause. The assassin had been stationed in the forum, and in the very vestibule of the senate. Death was being prepared for that man on whose life the safety of the senate depended. Moreover, at that crisis of the republic, when, if he alone had died, not only this state, but all the nations in the world would have been ruined, — unless, indeed, the crime was not to be punished because it was not accomplished, just as if the execution of crimes was chastised by the laws, and not the intentions of men, — certainly there was less cause to grieve, as the deed was not accomplished, but certainly not a whit the less cause to punish. [20] How often, O judges, have I myself escaped from the weapons and from the bloody hands of Publius Clodius! But if my good fortune, or that of the republic, had not preserved me from them, who would

have proposed any investigation into my death 8.

But it is foolish of us to dare to compare Drusus, Africanus, Pompeius or ourselves with Publius Clodius. All these things were endurable. The death of Publius Clodius no one can bear with equanimity. The senate is in mourning; the knights grieve, the whole state is broken down as if with age; the municipalities are in mourning, the colonies are bowed down; the very fields even regret so beneficent, so useful, so kind hearted a citizen! [21] That was not the cause, O judges, it was not indeed why Pompeius thought an investigation ought to be proposed by him; but being a man wise and endowed with lofty and almost divine intellect, he saw many things, that Clodius was his personal enemy, Milo his intimate friend; he feared that if he were to rejoice in the common joy of all men the belief in his reconciliation with Clodius would be weakened. He saw many other things, too, but this most especially, — that in whatever terms of severity he proposed the motion, still you could decide fearlessly. Therefore he selected the very lights of the most eminent ranks of the state. He did not, indeed as some are constantly saying, exclude my friends in selecting the tribunal; for neither did that most just man think of this, nor, when he was selecting good men, could he have managed to do so, even had he wished for my influence would not be limited by my intimacies which can never be very extensive, because one cannot associate habitually with many people, but, if we have any influence, we have it on this account, because the republic has associated us with the virtuous; and when he was selecting the most excellent of them, and as he thought that it especially concerned his credit to do so, he was unable to avoid selecting men who were well disposed towards me.

[22] But as for his especially appointing you, O Lucius Domitius, to preside over this investigation, in that he was seeking nothing except justice, dignity, humanity and good faith. He passed a law that it must be a man of consular dignity, because, I suppose, he considered the duty of the men or the highest rank to resist both the fickleness of the multitude and the rashness of the profligate; and of the men of consular rank he selected you above all; for from your earliest youth you had given the most striking proofs how you despised the madness of the people. 9. [23]

Wherefore, O judges, that we may at last come to the subject of action and the accusation, if it is neither the case that all avowal of the deed is unprecedented, nor that anything has been determined about our cause by the senate differently to what we could wish; and if the proposer of the law himself, when there was no dispute as to the deed, yet thought that there should be a discussion as to the law; and if the judges had been chosen, and a man appointed to preside over the investigation, to decide these matters justly and wisely; it follows, O judges, that you have now nothing else to inquire into but which plotted against the other; and that you may the more easily discern this, attend carefully, I entreat you, while I briefly explain to you the matter as it occurred.

[24] When Publius Clodius had determined to distress the republic by all sorts of wickedness during his praetorship, and saw that the comitia were so delayed the year before, that he would not be able to continue his praetorship many months, as he had no regard to the degree of honour, as others have, but both wished to avoid having Lucius Paullus, a citizen of singular virtue, for his colleague, and also to have an entire year to mangle the republic; on a sudden he abandoned his own year, and transferred himself to the next year, not from any religious scruple, but that he might have, as he said himself, a full and entire year to act as praetor, that is, to overthrow the republic.

[25] It occurred to him that his praetorship would be crippled and powerless, if Milo was consul; and, moreover, he saw that he was being made consul with the greatest unanimity of the Roman people. He betook himself to his competitors, but in such a manner that he alone managed the whole election, even against their will, — that he supported on his own shoulders, as he used to say, the whole comitia, — he convoked the tribes, — he interposed, — he erected a new Colline tribe by the enrolment of the most worthless of the citizens. In proportion as the one caused greater confusion, so did the other acquire additional power every day. When the fellow, prepared for every atrocity, saw that a most brave man, his greatest enemy, was a most certain consul, and that that was declared, not only by the conversation of the Roman people, but also by their votes, he began to act openly, and to say without disguise that Milo must be slain.

[26] He had brought down from the Apennines rustic and barbarian slaves, whom you saw, with whom he had ravaged the public woods and Etruria. The matter was not concealed at all. In truth he used to say undisguisedly that the consulship could not be taken from Milo, but that life could. He often hinted as much in the senate he said it plainly in the public assembly. Besides, when Favonius, a brave man, asked him what he hoped for by giving way to such madness while Milo was alive? he answered him, that in three, or at most in four days, he would be dead. And this saying of his Favonius immediately reported to Marcus Cato, who is here present. 10. [27]

In the meantime, as Clodius knew — and it was not hard to know it — that Milo was forced to take a yearly, legitimate, necessary journey on the twentieth of January to Lanuvium to appoint a priest, because Milo was dictator of Lanuvium, on a sudden he himself left Rome the day before, in order (as was seen by the event) to lay an ambush for Milo in front of his farm; and he departed, so that he was not present at a turbulent assembly in which his madness was greatly missed, and which was held that very day, and from which he never would have been absent if he had not desired to avail himself of the place and opportunity for a crime.

[28] But Milo, as he had been that day in the senate till it was dismissed, came home, changed his shoes and his garments, waited a little, as men do, while his wife was getting ready, and then started at the time when Clodius might have returned, if, indeed, he had been coming to Rome that day. Clodius meets him unencumbered on horseback, with no carriage, with no baggage, with no Greek companions, as he was used to, without his wife, which was scarcely ever the case; while this plotter, who had taken, forsooth, that journey for the express purpose of murder, was driving with his wife in a carriage, in a heavy travelling cloak, with abundant baggage, and a delicate company of women, and maidservants, and boys. [29] He meets Clodius in front of his farm, about the eleventh hour, or not far from it. Immediately a number of men attack him from the higher ground with missile weapons. The men who are in front kill his driver, and when he had jumped down from his chariot and flung aside his cloak, and while he was defending himself with vigorous courage, the men who were with Clodius drew their swords, and

some of them ran back towards his chariot in order to attack Milo from behind, and some, because they thought that he was already slain, began to attack his servants who were behind him; and those of the servants who had presence of mind to defend themselves, and were faithful to their master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to help him, when they heard Clodius himself proclaim that Milo was slain, and they thought that it was really true, they, the servants of Milo, (I am not speaking for the purpose of shifting the guilt onto the shoulders of others, but I am saying what really occurred,) did, without their master either commanding it, or knowing it, or even being present to see it, what every one would have wished his servants to do in a similar case. 11. [30]

These things were all done, O judges, just as I have related them. The man who laid the plot was defeated; violence was defeated by violence; or, I should rather say, audacity was crushed by valour. I say nothing about what the republic, nothing about what you, nothing about what all good men gained by the result. I do not desire it to be any advantage to me to hear that he was born with such a destiny that he was unable even to save himself, without at the same time saving the republic and all of you. If he had not a right to do so, then I have nothing which I can urge in his defence. But if both reason has taught this lesson to learned men, and necessity to barbarians, and custom to all nations, and nature itself to the beasts, that they are at all times to repel all violence by whatever means they can from their persons, from their liberties, and from their lives, then you cannot decide this action to have been wrong, without deciding at the same time that all men who fall among thieves must perish, either by their weapons, or by your sentence.

[31] And if he had thought that this was the law, it would have been preferable for Milo to offer his throat to Publius Clodius, — which was not attacked by him once only, nor for the first time on that day, — rather than now to be destroyed by you because he did not surrender himself then to be destroyed by him. But if there is no one of you who entertains such an opinion as that, then the question which arises for the consideration of the court is not whether he was

slain or not which we admit but whether he was slain legally or illegally, which is an inquiry which has often been instituted in any causes. It is quite plain that a plot was laid and that if a thing which the senate has decided to be contrary to the laws of the republic. By whom it was laid is a question. And on this point an inquiry has been ordered to be instituted. So the senate has marked its disapproval of the fact not of the man; and Pompeius has appointed this inquiry into the merits of the case and not into the fact of its existence. 12.

Does then any other point arise for the decision of the court, except this one, — which laid a plot against the other? None whatever. The case comes before you in this way, that if Milo laid a plot against Clodius, then he is not to be let off with impunity. If Clodius laid it against Milo, then we are acquitted from all guilt. [32]

How then are we to prove that Clodius laid a plot against Milo? It is quite sufficient in the case of such a wicked, of such an audacious monster as that, to prove that he had great reason to do so; that he had great hopes founded on Milo's death; that it would have been of the greatest service to him. Therefore, that maxim of Cassius, to see to whose advantage it was, may well have influence in respect of these persons. For although good men cannot be induced to commit crimes by any advantage whatever, wicked men often can by a very trifling one. And, if Milo were slain, Clodius gained this, not only that he should be praetor without having him for a consul, under whom he would not be able to commit any wickedness, but also that he should have those men for consuls while he was praetor, who, if they did not aid him, would at all events connive at all his proceedings to such an extent that he hoped he should be able to escape detection in all the frantic actions which he was contemplating; as they (so he argued to himself) would not even if they were able to do so, be anxious to check his attempts when they considered that they were under such obligations to him; and on the other hand, if they did wish to do so, perhaps they would hardly be able to crush the audacity of that most wicked man when it got strength by its long continuance. Are you, O judges, the only persons ignorant of all this? [33] Are you living in this city as ignorant of what passes as if you were visitors? Are your ears all abroad, do they keep aloof from all the ordinary topics of conversation of the city, as to

what laws (if, indeed, they are to be called laws, and not rather firebrands to destroy the city, pestilences to annihilate the republic) that man was intending to impose upon all of us, to brand on our foreheads? Exhibit, I beg you, Sextus Clodius, produce, I beg, that copy of your laws which they say that you saved from your house, and from the middle of the armed band which threatened you by night and bore aloft, like another palladium, in order, forsooth, to be able to carry that splendid present that instrument for discharging the duties of the tribuneship, to some one, if you could obtain his election, who would discharge those duties according to your directions. And

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[he was going to divide the freedmen among all the tribes, and by his new law to add all the slaves who were going to be emancipated, but who had not yet received their freedom, so that they might vote equally with the free citizens.]

Would he have dared to make mention of this law, which Sextus Clodius boasts was devised by him, while Milo was alive, not to say while he was consul? For of all of us I cannot venture to say all that I was going to say. But you consider what enormous faults the law itself must have had, when the mere mention of it for the purpose of finding fault with it is so offensive. And he looked at me with the expression of countenance which he was in the habit of putting on when he was threatening everybody with every sort of calamity. That light of the senate-house moves me. 13.

What? do you suppose, O Sextus, that I am angry with you; I, whose greatest enemy you have punished with even much greater severity than my humanity could resolve to demand? You cast the bloody carcass of Publius Clodius out of the house, you threw it out into the public street, you left it destitute of all images, of all funeral rites, of all funeral pomp, of all funeral panegyric, half consumed by a lot of miserable dogs, to be torn to pieces by the dogs who nightly prowl about the streets. Wherefore, although in so doing you acted most impiously, still you were wreaking all your enemy on my enemy; though I cannot praise you, I certainly ought not to be angry with you.

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[34] [You have heard, judges, how much it was in Clodius's interest] that Milo should be slain. Now turn your attention to Milo. What advantage could it be to Milo that Clodius should be slain? What reason was there why Milo, I will not say should do such an action, but should even wish for his death? Oh, Clodius was an obstacle to Milo's hope of obtaining the consulship. But he was obtaining it in spite of him. Yes, I might rather say be was obtaining it all the more because Clodius was opposing him, nor in fact was I a more efficient support to him than Clodius was. The recollection, O judges, of the services which Milo had done to me and to the republic had weight with you. My entreaties and my tears with which I perceived at that time that you were greatly moved had weight with you, but still more weight had your own fear of the dangers which were impending. For who of the citizens was there who could turn his eyes to the unrestrained praetorship of Publius Clodius, without feeling the greatest dread of a revolution? and unrestrained you saw that it would be unless you had a consul who had both courage and power to restrain him, and as the whole Roman people saw that Milo alone was that man, who could hesitate by his vote to release himself from fear and the republic from danger?

But now that Clodius is removed, Milo has got to labour by more ordinary practices to preserve his dignity. That preeminent glory which was then attributed to him alone, and which was daily increasing in consequence of his efforts to repress the frenzy of Clodius, has been put an end to by the death of Clodius. You have gained your object of being no longer afraid of any one of the citizens; he has lost that incessant arena for his valour, that which procured him votes for the consulship, that ceaseless and ever-springing fountain of his glory. Therefore, Milo's canvass for the consulship, which could not be hindered from prospering while Clodius was alive, now, the moment that he is dead, is attempted to be checked. So that the death of Clodius is not only no advantage, but is even a positive injury to Milo. [35]

"Oh, but his hatred prevailed with him; he slew him in a passion; he slew him because he was his enemy; he acted as the avenger of his own injury; he was exacting atonement to appease his private

indignation." But what will you say if these feelings, I do not say existed in a greater degree in Clodius than in Milo, but if they existed in the greatest possible degree in the former, and not at all in the latter? What will you require beyond that? For why should Milo have hated Clodius, the material and ground-work of his glory, except as far as that hatred becoming a citizen goes, with which we hate all worthless men? There was plenty of reason for Clodius to hate Milo, first, as the defender of my safety; secondly, as the repressor of his frenzy, the defeater of his arms; and lastly, also, as his prosecutor. For Clodius was liable to the prosecution of Milo, according to the provisions of the Plotian law, as long as he lived. And with what feelings do you suppose that that tyrant bore that? how great do you suppose was his hatred towards him? and, indeed, how reasonable a hatred was it for a wicked man to entertain. 14. [36]

It remains for me now to urge his natural disposition and his habits of life in the defence of the one, and the very same things as an accusation against the other. Clodius, I suppose, had never done anything by violence; Milo had done everything by violence. What then shall I say, O judges? When, amid the grief of all of you, I departed from the city, was I afraid of the result of a trial? was I not afraid of slaves, and arms and violence? What, I pray you, was the first ground of my restoration, except that I had been unjustly driven out? Clodius, I suppose, had commenced a formal prosecution against me; he had named a sum as damages; he had commenced an action for high treason; and, I suppose too, I had cause to fear your decision in a cause which was an unjust one, which was my own private cause, not one which was a most righteous one, and which was, in reality, your cause, and not mine? No, — I was unwilling that my fellow-citizens, who had been saved by my prudence and by my own personal danger, should be exposed to the arms of slaves and needy citizens and convicted malefactors. [37] For I saw — I saw, I say, this very Quintus Hortensius, the light and ornament of the republic, almost slain by the hand of slaves, while he was standing by me. In which crowd Caius Vibienus, a senator, a most excellent man, who was with Hortensius, was so maltreated that he lost his life.

When, then, was it that that assassin's dagger of his which he had

received from Catiline rested? It was aimed at us I would not allow you all to be exposed to it for my sake. It was prepared in treachery for Pompeius. It stained with blood, through the murder of Papirius the very Appian road, the monument of his name, this, this same dagger, after a long interval was again turned against me lately as you know, it nearly murdered me close to the palace of Ancus.

[38] What is there of Milo's conduct like all this? when all the violence that he has ever displayed has amounted to this, that he wished to prevent Publius Clodius (as he could not be brought to trial) from oppressing the city by violence. And if he wished to put him to death what great what repeated, and what splendid opportunities he had of doing so! Might he not have avenged himself without violating the law when he was defending his own house and his household gods from his attacks? might he not have done so when that illustrious citizen and most gallant man Publius Sestius his own colleague, was wounded? might he not have done so when that most excellent man Quintus Fabricius, while carrying a bill for my restoration, was driven away and when a most cruel slaughter was taking place in the forum? might he not have done so when the house of Lucius Caecilius, that most upright and fearless praetor, was attacked? might he not have done so on the day on which the law concerning me was passed, and when that vast concourse of people from all parts of Italy, whom a regard for my safety had roused up, would have gladly recognised and adopted as its own the glory of that action? so that even if Milo had performed it the whole state would claim the praise of it as belonging to itself? 15. [39]

And what a time was it? A most illustrious and fearless consul, Publius Lentulus, an enemy to Clodius, the avenger of his wickedness, the bulwark of the senate, the defender of your inclinations, the patron of that general unanimity, the restorer of my safety; seven praetors, eight tribunes of the people, adversaries of him, defenders of me; Cnaeus Pompeius, the prime mover of, and chief agent, in my return, his open enemy; whose opinion respecting my return, delivered in the most dignified and most complimentary language, the whole senate adopted; he who exhorted the whole Roman people, and, when he passed a decree concerning me at Capua, gave himself the signal to all Italy, which was eager for it,

and which was imploring his good faith, to join together for the purpose of restoring me to Rome; in short, universal hatred on the part of all the citizens, was excited against him, while their minds were inflamed with as earnest a regret for me; so that if any one had slain him at that time, people's thoughts would have been, not how to procure impunity for such a man, but how to reward him sufficiently.

[40] Nevertheless, Milo restrained himself, and twice summoned Publius Clodius before the court, but never once invited him to a trial of strength in scenes of violence. What do I say? while Milo was a private individual, and on his trial before the people, on the accusation of Publius Clodius, when an attack was made on Cnaeus Pompeius, while speaking in defence of Milo, was there not then not only an admirable opportunity of, but even a reasonable pretext for slaying him? And lately, when Marcus Antonius had inspired all virtuous men with the very greatest hope of safety, and when he, being a most noble young man, had with the greatest gallantry espoused the cause of the republic, and had that beast almost in his toils in spite of his avoiding the snares of the law; what an opportunity, what a time and place was there, O ye immortal gods! And when Clodius had fled and hidden himself in the darkness of the stairs, there was a fine opportunity for Milo to slay him without incurring the slightest odium himself, and to load Antonius at the same time with the greatest glory! [41] What? How repeatedly had he a similar chance in the comitia! when he had broken into the voting booth, and contrived to have swords drawn and stones thrown, and then on a sudden, terrified at the look of Milo, fled towards the Tiber, and you and all virtuous men prayed to heaven that Milo might take it into his head to give fall scope to his valour. 16.

If then he did not choose to slay him, when he might have done so with the gratitude of everyone, is it likely that he should have chosen to do so when some people were sure to complain of it? If he did not venture to do it when he might have done so lawfully, when he had both place and time in his favour, when he might have done so with impunity can we believe that he did not hesitate to slay him unjustly at a time and place which supplied him with no excuse for the deed, when it was at the hazard of his life? [42] especially, O judges, when the day of contest for the greatest distinction of the state, and the day

of the comitia, was at hand. At which time, (for I know what a nervous thing ambition is, how vehement and how anxious is the desire for the consulship,) we are afraid of everything, not only of those things which can be openly found fault with, but even of whatever can be secretly thought; we shudder at every rumour, at every idle and empty story; we look anxiously at every one's countenance, at every one's eye. For there is nothing so soft, so tender, so frail, so flexible, as the inclinations and feelings of our fellow-citizens towards us; for they are not only angry at any impropriety in the conduct of candidates, but they often even take a disgust at our virtuous actions. [43]

Did Milo then, keeping in view this long hoped-for and wished-for day of the Campus Martius, propose to himself to come to those venerable auspices of the centuries with bloody hands, owning and confessing a wickedness and a crime? How perfectly incredible is such conduct in such a man! At the same time how undoubted is it in the case of Clodius, who thought that he should be a king as soon as Milo was slain. What shall I say more? This is the very mainspring of audacity, O judges, for who is there who does not know that the greatest temptation of all to do wrong is the hope of impiety? Now in which of the two did this exist? In Milo? who is even now on his trial for an action which I contend was an illustrious one, but which was at all events a necessary one, or in Clodius, who had shown such contempt for court's of justice and punishment that he took no pleasure in anything which was not either impious, from its disregard of the prohibitions of nature, or illegal, from its violation of law. [44]

But what am I arguing about? why do I keep on disputing at greater length? I appeal to you, O Quintus Petillius, a most virtuous and fearless citizen; I call you to witness, O Marcus Cato; whom some heavenly interposition has given me for judges. You have heard from Marcus Favonius, and you heard it too while Clodius was alive, that he, Clodius, had said to him that Milo would die within three days, — and on the third day the deed which he had mentioned was put in execution. When he did not hesitate to reveal what he was thinking of, can you have any doubt what he did? 17. [45]

How then was it, that he was so correct in the day? I told you that just now. There was no great difficulty in knowing the regular days of sacrifice for the dictator of Lanuvium. He saw that it was necessary for Milo to go to Lanuvium on the very day in which he did go, — therefore, he anticipated him. But on what day? Why, on the day on which, as I have said before, there was a most furious assembly of the people, stirred up by the tribune of the people whom he had in his pay — a day, and an assembly, and an uproar which he would never have missed if he had not been hastening to some premeditated crime. Therefore, he had not only no reason for going on a journey, but he had even a reason for stopping at home. Milo had no possibility of stopping at home, and he had not only a reason, but a positive necessity for going on a journey. What more? Suppose, while he knew that Milo must go on the road on that day, so, on the other hand, Milo could not even suspect that Clodius would? [46] For, first of all, I ask, how could Milo know it? a question which you cannot ask respecting Clodius. For even if he had not asked any one beyond his own intimate friend, Titus Patina, he could have ascertained from him that on that particular day a priest must absolutely be appointed at Lanuvium by Milo as the dictator there. But there were plenty more people from whom he could easily learn that, for instance, all the people of Lanuvium. Of whom did Milo make any inquiry about the return of Clodius? Grant that he did make inquiry; see what large allowances I am making you: grant even that he bribed his slave, as my good friend Quintus Arrius said — Read the evidence of your own witnesses.

Caius Cassinius Schola, a man of Interamna, gave his evidence, — a most intimate friend of Publius Clodius, and more, a companion of his at the very time; according to whose testimony, Publius Clodius was at Interamna and at Rome at the very same time. Well, he said, That Publius Clodius had intended to remain that day at his Alban villa; but that on a sudden news was brought to him, that Cyrus his architect was dead; and, therefore, that he determined to proceed to Rome immediately. Caius Clodius, who was also a companion of Publius Clodius, said the same. 18. [47]

Take notice, O judges, what the real effect of this evidence must

be. First of all, Milo is certainly acquitted of having set out with the express intention of waylaying Clodius on his road; this must be since there was apparently no chance whatever of his meeting him. In the next place, (for I see no reason why I should not do something for myself at the same time,) you know, O judges, that there have been men found to say while urging on this bill against Milo, that the murder was committed by the hand indeed of Milo, but by the plan of some one of more importance than he. Those abject and profligate men, forsooth, pointed me out as a robber and assassin. Now they are convicted by their own witnesses, who say that Clodius would not have returned to Rome that day if he had not heard the news about Cyrus I breathed again; I was delivered, I am not any longer afraid of being supposed to have contemplated an action which I could not possibly have suspected.

[48] Now I will examine the other point. For this expression occurs in their speech: "Therefore, Clodius never even thought of the plot against Milo, since he intended to remain in his Alban villa." Yes, he meant to remain there, if he did not rather intend to go out and commit a murder. For I see that the messenger who is said to have brought him news of Cyrus's death did not announce that to him, but told him that Milo was at hand. For why should he bring any news about Cyrus, whom Clodius had left at Rome on his deathbed? I was with him — I signed his will as a witness together with Clodius; and he had openly made his will, and had left him and me his heirs. When he had left him the day before, at the third hour, at the very point of death, was news sent express to him the next day, at the tenth hour that he was at last dead? 19. [49]

Well, be it so; what reason had he for hastening to Rome? for starting at nightfall? Why should the fact of his being his heir cause him to make so much haste? In the first place, there was no reason why there should be need of any haste; secondly, even if there was, still what was there which he could obtain that night, but which he would lose if he arrived at Rome early the next morning? And as an arrival in the city by night was rather to be avoided by him than to be desired, so it was just suited for Milo to lie in ambush and wait for him, as he was a plotter of that sort, if he knew that he was likely to come to the city by night. [50] He would have slain him by night, in a

place calculated for an ambush and fall of robbers; no one would have refused to believe him if he denied it, when now all men wish to save him even when he confesses it. The brunt of the blame would have fallen on the place itself, so well suited to receive and conceal robbers, while neither the voiceless solitude would have informed against, nor the dark night discovered Milo; secondly, the numbers of men who had been insulted by Clodius, or plundered by him, or stripped of all their property by him, many, too, who were in constant fear of such misfortunes, would have fallen under suspicion; in short, the whole of Etruria would have been impeached in people's opinion.

[51] And certainly on that day Clodius returning from Aricia did turn aside to his Alban villa. But although Milo knew that he was at Aricia, still he ought to have suspected that he, even if he was desirous to return to Rome that day, would turn aside to his own villa, the grounds of which skirted the road. Why, then, did he not meet him before, and prevent his going to his villa? nor wait in that place where he would certainly arrive by night? [52]

I see that all things up to this point are plain and consistent. That it was even desirable for Milo that Clodius should live; that for Clodius the death of Milo was the most advantageous thing possible, with reference to those objects on which he had set his heart; that he bore him the most bitter hatred, but that Milo had no such feelings towards him; that the one lived in a perpetual round of violence, that the other's habits were limited to repelling it; that Milo had been threatened by him with death, and that his death had been openly predicted by him; that no such expression had ever been heard from Milo; that the day of Milo's journey was well known to Clodius., but that Clodius's return was unknown to Milo; that the journey of the one was inevitable, and that of the other was even inconvenient to himself; that the one had openly declared that on that day he should set out from Rome, that the other had concealed the fact of his intending to return on that day; that the one had in no respect whatever changed his intention, that the other had invented a false pretence for changing his mind; that the one, if he were plotting, would naturally wish night to come on when he was near the city, while an arrival at the city by night was to be feared by the other,

even if he had no apprehension of danger from this man. 20. [53]

Let us now consider this which is the main point or all; for which of the two the identical spot where they did meet was the best suited for planting an ambush. But is that, O judges, a matter about which one can possibly doubt or think seriously for a moment? In front of Clodius's farm, — that farm in which on account of those absurd erections and excavations for foundations of his, there were pretty well a thousand vigorous men employed, — on that high and raised ground belonging to his adversary, did Milo think that he should get the better in the contest, and had he with that view selected that spot above all ethers? Or was he rather waited for in that place by a man who had conceived the idea of attacking, because of the hopes that that particular spot suggested to him? The facts, O judges, speak for themselves; facts, which are always of the greatest weight in a cause. [54] If you were not hearing of this transaction, but were looking at a picture of it still it would be quite visible which of the two was the plotter which was thinking no evil, when one of the two was driving in a chariot wrapped up in a mantle, with his wife sitting by his side. It is hard to say which was the greatest hindrance to him, his dress, or his carriage, or his wife. How could a man be less ready for battle than when he was entangled in a mantle as in a net, hampered with a carriage, and fettered as it were by his wife clinging to him? Look, on the other hand, at Clodius, first setting out from his villa; all on a sudden: why? It was evening. Why was he forced to set out at such a time? Going slowly. What was the object of that especially at that time of night? He turns aside to the villa of Pompeius. To see Pompeius? He knew that he was near Alsium. To see the villa? He had been in it a thousand times. What then, was his object? Delay; he wanted to waste the time. He did not choose to leave the spot till Milo arrived. 21. [55]

Come now, compare the journey of this unencumbered bandit with all the hindrances which beset Milo. Before this time be always used to travel with his wife; now he was without her. He invariably went in a carriage; now he was on horseback. His train were a lot of Greeklings wherever he was going; even when he was hastening to the camp in Etruria but this time there were no triflers in his retinue. Milo, who was never in the habit of doing so, did by chance have

with him some musical slaves belonging to his wife, and troops of maid-servants. The other man, who was always carrying with him prostitutes, worn-out debauchees, both men and women, this time had no one with him except such a band that you might have thought every one of them picked men. Why, then, was he defeated? Because the traveler is not always murdered by the robber; sometimes the robber is killed by the traveler; because, although Clodius in a state of perfect preparation was attacking men wholly unprepared, still it was the case of a woman falling upon men. [56] And, indeed, Milo was never so utterly unprepared for his violence, as not to be nearly sufficiently prepared. He was always aware how greatly it concerned the interest of Publius Clodius that he should be slain, how greatly he hated him, and how great was his daring. Wherefore, he never exposed his life to danger without some sort of protection and guard, knowing that, it was threatened, and that a large price, as it were, was set upon it.

Add to this consideration all the chances; add the always uncertain result of a battle, and the common fortune of Mars, who often overthrows the man who is already exulting and stripping his enemy, and strikes him to the ground by some mean agent; add the blundering conduct of a leader who had dined and drank, and who was yawning and drowsy; who, when he had left his enemy cut off in the rear, never thought of his companions on the outskirts of his train; and then when he fell among them inflamed with anger, and despairing of saving the life of their master, he fell on that punishment which the faithful slaves inflicted on him as a retribution for their master's death. Why, then, has Milo emancipated them? [57] He was afraid, I suppose, lest they should give information against him; lest they should be unable to bear pain; lest they should be compelled by tortures to confess that Publius Clodius was slain in the Appian road by the slaves of Milo.

What need is there of any torturer? What do you want to know? whether he was slain? He was slain. Whether he was slain lawfully or unlawfully? That is beyond the province of the torturer. For the rack can only inquire into the fact; it is the bench of judges that must decide on the law. 22.

Let us then here confine our attention to what must be investigated

in this trial. All that you can want to find out by tortures we admit. But if you prefer asking why he emancipated his slaves rather than why he gave them inadequate rewards, you are but a bungling hand at finding fault with an enemy. For Marcus Cato, who says everything with great wisdom, and consistency, and courage, said the same thing; [58] and he said, too, in a very turbulent assembly of the people, which, however, was pacified by his authority, that those slaves were worthy not only of liberty, but even of every sort of reward possible, who had defended the life of their master. For what reward can be sufficiently great for such well-affected, such virtuous, such faithful slaves, owing to whom it is that he is still alive? Although even that is not putting it so strongly as to say, that it is owing to those very men that he did not glut the eyes and mind of his most cruel enemy with his blood and wounds. And if he had not emancipated them, then those preservers of their master, those avengers of wickedness, those defenders of their master from death, must have even been surrendered to torture. But in all these misfortunes the most comfortable reflection which Milo has is, that, even if anything should happen to himself, still he has given them the reward which they deserved. [59]

But now the examinations which have just been conducted in the hall of liberty, are said to press against Milo? Who are the slaves who have been examined? Do you ask? The slaves of Publius Clodius. Who demanded that they should be examined? Appius. Who produced them? Appius. Where were they brought from? From the house of Appius. O ye good gods, what can be done with more animosity? There is no law which authorizes slaves to be examined as witnesses against their master, except on accusations of impiety, as was the case in the prosecution instituted against Clodius. Clodius has been raised nearly to the gods, more nearly than even when he penetrated into their sanctuary, when an investigation into the circumstances of his death is carried on like one into a profanation of sacred ceremonies. But still, our ancestors did not think it right that slaves should be examined as witnesses against their masters, not because the truth could not be discovered, but because it seemed a scandalous thing to do, and more oppressive to the masters than even death itself. Well, then, when the slaves of the prosecutor are

examined as witnesses against the defendant can the truth be found out? [60]

Come, however, what was the examination; and how was it conducted? Holloa, you Rufio, (that name will do as well as another,) take care you tell the truth. Did Clodius lay a plot against Milo? “He did.” He is sure to be crucified for saying so. “Certainly.” He has hopes of obtaining his liberty. What can be more certain than this mode of examination? The men are suddenly carried out to be examined; they are separated from all the rest and put into cells that no one may be able to speak to them. Then, when they have been kept a hundred days in the power of the prosecutor, they are produced as witnesses by the prosecutor himself. What can be imagined more upright than this sort of examination? What can be more free from all suspicion of corruption? 23. [61]

And if you do not yet see with sufficient clearness, (though the transaction is evident of itself by so many and such irresistible arguments and proofing) that Milo was returning to Rome with a pure and guiltless intention, with no taint of wickedness, under no apprehension, without any consciousness of crime to disquiet him; recollect, I implore you, in the name of the immortal gods, how rapid his speed while returning was; how he entered the forum while the senate-house was all on fire with eagerness; how great was the magnanimity which he displayed; how he looked, and what he said. Nor did he trust himself to the people only, but also to the senate; nor to the senate only, but also to the public guards and their arms; nor to them only, but also to the power of that man to whom the senate had already entrusted the whole republic, all the youth of Italy, and all the arms of the Roman people. And surely he never would have put himself in his power, if he had not been confident in the justice of his cause; especially as he was one who heard everything, and feared great danger, and suspected many things, and even believed some. The power of conscience is very great, O judges, and is of great weight on both sides: so that they fear nothing who have done no wrong, and they, on the other hand, who have done wrong think that banishment is always hanging over them.

[62] Nor, indeed, is it without good reason that Milo’s cause has always been approved of by the senate. For these wisest of men took

into their consideration the whole circumstances of the case; Milo's presence of mind, and vigour in defending himself. Have you forgotten, O judges, when the news of Clodius's death was still recent, the opinions and the language which was held, not only by Milo's enemies, but also by other ignorant people? They said that he would not return to Rome at all. [63] For if he had committed the deed in a passionate and excited mood, so that he had slain his enemy while under the influence of strong hatred, they thought that he would consider the death of Publius Clodius an event of such importance, that he would bear being deprived of his country with equanimity, as he had sated his hatred in the blood of his enemy; or, if he had deliberately intended to deliver his country by the slaughter of Clodius, then they thought that he, as a brave man, would not hesitate, after having brought safety to his country at his own risk, to submit with equanimity to the laws, to carry off with himself everlasting renown, and to leave those things to us to enjoy which he had preserved for us himself

Many also spoke of Catiline and the monsters of his train. "We shall have another Catiline breaking out. He will occupy some strong place; he will make war on his country." Wretched sometimes is the fate of those citizens who have faithfully served the republic! when men not only forget the illustrious exploits which they have performed, but even suspect them of the most nefarious designs! [64] Therefore, all those things were false, which would certainly have turned out true if Milo had committed any action which he could not defend with honour and with truth. 24.

What shall I say of the charges which were afterwards heaped upon him? which would have crushed any one who was conscious of even trifling offences. How nobly did he support them! O ye immortal gods, do I say support them? Say rather, how did he despise them, and treat them as nothing! Charges which no guilty man, were he ever so high-minded, and, indeed, no innocent man, unless he were also a most fearless man, could possibly have disregarded. It was said that a vast collection of shields, swords, bridles, lances, and javelins had been seized. They said that there was no street, no alley in the whole city, in which there was not a house hired for Milo; that arms had been carried down the Tiber to his villa

at Oriculum; that his house on the Capitoline Hill was full of shields; that every place was full of firebrands prepared for the burning of the city. These things were not only reported, but were almost believed, and were not rejected till they had been thoroughly investigated. [65] I praised, indeed, the incredible diligence of Cnaeus Pompeius; but still I will say what I really think, O judges.

Those men are compelled to listen to too many statements; indeed, they cannot do otherwise, who have the whole republic entrusted to them. It was necessary even to listen to that eating-house keeper Licinius, if that was his name, a fellow out of the Circus Maximus, who said that Milo's slaves had got drunk in his house, — that they had confessed to him that they were engaged in a conspiracy to assassinate Cnaeus Pompeius, and that he himself was afterwards stabbed by one of them to prevent him from giving information. He went to Pompeius's villa to tell him this. I am sent for among the first. By the advice of his friends Pompeius reports the affair to the senate. It was impossible for me to be otherwise than frightened almost to death at the bare suspicion of such danger to one who was the protector both of me and of my country; but still I wondered that an eating-house keeper should be at once believed — that the confession of the slaves should be listened to, and that a wound in the side, which looked like the prick of a needle should be admitted to be a wound inflicted by a gladiator. [66] But, as I take the fact to have been, Pompeius was rather taking precautions than feeling any actual alarm, guarding not only against those things which it was reasonable to fear, but also against everything which could possibly disquiet you.

The house of Caius Caesar, that most illustrious and gallant man, was besieged, as was reported during many hours of the night. No one in that frequented part of the city had either seen or heard of any such thing. Still such a report spread about. I could not possibly suspect Cnaeus Pompeius, a man of the most admirable valour, of being timid; and thought no diligence could be over-strained in a man who had undertaken the management and protection of the whole of the republic. In a very full meeting of the senate, lately held in the Capitol, a senator was found to say that Milo had a weapon about him. He threw back his garments in that most sacred temple,

that, since the life of so good a citizen and so good a man could not procure him credit the facts themselves might speak for him while he held his peace. 25. [67]

Every word was ascertained to be a false and treacherous invention. And if people are even now afraid of Milo, we are not now under apprehension because of the charge respecting Clodius, but we are shuddering at your suspicions, — at yours, I say, O Cnaeus Pompeius, (for I address you yourself, and I speak loudly so that you may be able to hear me.) If you are afraid of Milo, — if you believe that he either now cherishes wicked designs against your life, or that he ever has entertained such; if the levying of troops throughout Italy, as some of your recruiting-sergeants pretend — if these arms, — if these cohorts in the Capitol, — if these watchmen, these sentinels, — if this picked body of youths, which is the guard of your person and your house, is all armed against an attack on the part of Milo; and if all these measures have been arranged, and prepared, and aimed against him alone, — then certainly he must be a man of great power, of incredible courage; surely it must be more than the power and resources of one single man which are attributed to him, if the most eminent of our generals is invested with a command, and all Italy is armed against this one man. [68] But who is there who does not understand that all the diseased and feeble parts of the republic were entrusted to you, O Pompeius, that you might heal and strengthen them with your arms? And if an opportunity had been afforded to Milo, he would, doubtless, have proved to you yourself that no man was ever more dear to another than you are to him; that he had never shunned any danger which might be of service in promoting your dignity; that he had often contended against that most foul pest on behalf of your glory; that his conduct in his tribuneship has been entirely regulated by your counsels for the protection of my safety, which was an object very dear to you; that he afterwards had been defended by you when in danger of his life, and had been assisted by you when he was a candidate for the praetorship; and that he had always believed that the two firmest friends whom he had were you and I, — you, as shown by the kindness of your behaviour to him, and I, secured to him by the services which he himself had done me. And if he could not convince

you of this, — if that suspicion had sunk so deep in your mind that it could not possibly be eradicated; if in short, Italy was never to have any rest from those levies, nor the city from arms; till Milo was ruined, — then no doubt he, without hesitation, would have departed from his country, a man born to make such sacrifices and accustomed to make them; but still he would have cited you, O Magnus, as a witness in his favour, as he now does. 26. [69]

See, now, how various and changeable is the course of human life, — how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behaviour to the occasion; when dangers beset one, how one's nearest connections fly off, and what cowardice they show. The time will come, yes, will most certainly come, — that day will surely dawn some time or other, when you, though your affairs are all, as I trust they will be, in a really sound condition, though they may, perhaps, wear an altered appearance in consequence of some commotion of the times, such as we are all liable to, (and how constantly such things happen we may know from experience,) — when you, I say, may be in need of the good-will of one who is most deeply attached to you, and the good faith of a man of the greatest weight and dignity, and the magnanimity of the very bravest man that ever lived in the world. [70] Although, who would believe that Cnaeus Pompeius, a man most thoroughly versed in public law, in the usages of our ancestors, and in all the affairs of the republic, after the senate has entrusted to him the charge of taking care "that the republic suffered no injury," by which one line the consuls have always been sufficiently armed, even though no warlike weapons were given to them, — that he, I say, after having had an army and a levy of troops given to him, would wait for a legal decision to repress the designs of that man who was seeking by violence to abolish the courts of justice themselves?

It was sufficiently decided by Pompeius, quite sufficiently, that all those charges were falsely brought against Milo; when he passed a law by which, as I conceive, he was bound to be acquitted by you, — at all events, as all men allow, might legally be acquitted. [71] But when he sits in that place, surrounded by all those bands of public guards, he declares plainly enough that he is not striking terror into

you, (for what could be less worthy of him than to condemn a man whom he himself might punish if guilty, both by his own authority and in strict accordance with the precedents of our ancestors?) but that he keeps them about him for the sake of protection; that you may be aware that it is allowed to you to decide with freedom according to your own opinions, in contradiction to that assembly of the people which was held yesterday. 27. [72]

Nor, O judges, am I at all moved by the accusation respecting Clodius. Nor am I so insane, and so ignorant of, and inexperienced in, your feelings, as not to be aware what your opinions are about the death of Clodius, concerning which, if I were unwilling to do away with the accusation in the manner in which I have done away with it, still I assert that it would have been lawful for Milo to proclaim openly, with a false but glorious boast. "I have slain, I have slain, not Spurius Maelius, who fell under the suspicion of aiming at kingly power by lowering the price of corn, and by squandering his own family estate, because by that conduct he was thought to be paying too much court to the common people; not Tiberius Gracchus, who, out of a seditious spirit abrogated the magistracy of his own colleague; whose slayers have filled the whole world with the renown of their name; but him" (for he would venture to name him when he had delivered his country at his own risk) "who was detected in the most infamous adultery in the most sacred shrine, by most noble women; [73] him, by the execution of whom the senate has repeatedly resolved that solemn religious observances required to be propitiated; him whom Lucius Lucullus, when he was examined on the point, declared on his oath that he had detected in committing unhallowed incest with his own sister; him, who by means of armed bands of slaves drove from his country that citizen whom the senate, whom the Roman people, whom all nations had declared to be the saviour of the city and of the lives of all the citizens; him, who gave kingdoms, took them away, and distributed the whole world to whomsoever he pleased; him who, after having committed numberless murders in the forum, drove a citizen of the most extraordinary virtue and glory to his own house by violence and by arms; him, to whom nothing was ever too impious to be done, whether it was a deed of atrocity or of lust; him, who burnt the

temple of the nymphs, in order to extinguish the public record of the census which was committed to the public registers; [74] lastly, him who acknowledged no law, no civil rights, no boundaries to any man's possessions, — who sought to obtain other people's estates, not by actions at law and false accusations, not by unjust claims and false oaths, but by camps, by an army, by regular standards and all the pomp of war, — who, by means of arms and soldiers, endeavoured to drive from their possessions, not only the Etrurians, for he thoroughly despised them, but even this Publius Varius, that most gallant man and most virtuous citizen, one of our judges, — who went into many other people's villas and grounds with architects and surveyors, who limited his hopes of acquiring possessions by Janiculum and the Alps; him who, when he was unable to prevail on an estimable and gallant Roman knight, Marcus Paconius, to sell him his villa on the Prelian Lake, suddenly conveyed timber, and lime, and mortar, and tools in boats to the island, and while the owner of the island was looking at him from the opposite bank, did not hesitate to build a house on another man's land; who said to Titus Furfanius — O ye immortal gods, what a man! [75] (for why should I mention that insignificant woman, Scantia, or that youth Aponius, both of whom he threatened with death if they did not abandon to him the possession of their villas?) but he dared to say to Furfanius, that if he did not give him as much money as he demanded, he would carry a dead body into his house, and so raise a storm of unpopularity against him; who turned his brother Appius, a man connected with me by the most faithful friendship, while he was absent out of the possession of his farm; who determined to run a wall across the vestibule of his sister's house in such a manner, and to draw the line of foundation in such a direction, as not only to deprive his sister of her vestibule, but of all access to her house, and of her own threshold." 28. [76]

Although all these things appeared such as might be endured, — although he attacked with equal fury the republic, and private individuals, and men who were at a distance, and men who were near, people who had no connection with him, and his own relations; yet somehow or other the incredible endurance of the state had by long use grown hardened and callous. But as for the things which

were at hand, and were impending over you, in what manner was it possible for you either to avert them or to bear them? If he had once obtained real power, — I say nothing of our allies, of foreign nations, and kings, and tetrarchs; for you would have prayed that he might turn himself against them rather than against your possessions, your houses, and your money: money do I say? your children rather — I solemnly swear he would never have restrained himself from your children and from your wives. Do you think that these things are inventions of mine? They are evident; they are notorious to every one; they are proved. Is it an invention of mine that he was about to enlist an army of slaves in the city, by whose instrumentality he might take possession of the whole republic, and of the private fortune of every one? [77] Wherefore, if Titus Annius, holding in his hand a bloody sword, had cried out "Come hither, I beg of you, and listen to me, O citizens: I have slain Publius Clodius; with this sword and with this right hand I have turned aside from your necks the frenzied attacks of that man whom we were unable to restrain by any laws, or by any judicial proceedings whatever; by my single efforts has it been brought to pass that right and equity, and laws, and liberty, and modesty, and chastity remain in this city;" would there in truth have been any reason to fear in what manner the city would receive this announcement? For now, as it is, who is there who does not approve of what has been done? who does not praise it? who does not both say and feel that of all men to whom recollection can reach back, Titus Annius has done the republic the greatest service; that of all men he has diffused the greatest joy among the Roman people, and over the whole of Italy, and throughout all nations? I cannot form a conception of what would have been the old-fashioned joy of the Roman people. Already our age has seen many, and those most illustrious victories, won by consummate generals; but not one of them has brought with it a joy that either lasted so long or that was so excessive while it did last. [78]

Commit this fact to memory, O judges. I trust that you and your children will see many happy days in the republic. On every such occasion these will always be your feelings, — that if Publius Clodius had been alive, you never would have seen one of them. We have been led now to conceive the greatest, and, as I feel sure, the

best-founded hopes, that this very day, this most admirable man being made our consul, when the licentiousness of men is checked, their evil passions put down, the laws and courts of justice reestablished on a firm footing, will be a salutary day for the republic. Is there, then, any one so insane as to think that he could have obtained all this while Publius Clodius was alive? What? why, what power of perpetual possession could you have had even in those things which you possess as your private property and in the strictest sense your own, while that frenzied man held the reins of government? 29.

I have no fear, O judges, lest it should seem that, because I am inflamed with hatred against him, on account of my own personal enmity to the man, I am vomiting forth these charges against him with more zeal than truth. In truth, though it is natural that that should be an especial stimulus to me, yet he was so completely the common enemy of all men, that my own hatred only bore about its fair proportion to the general detestation with which he was regarded. It cannot be expressed, O judges, it cannot even be imagined, how much wickedness, how much mischief there was in that man. [79]

Moreover, attend to me with this idea, O judges. This investigation relates to the death of Publius Clodius. Imagine in your minds, — for our thoughts are free, and contemplate whatever they choose in such a manner that we do discern those things which we think we see; — place, therefore, before your mind's eye the image of this my condition; if I am able to induce you to acquit Milo, but still only on condition of Publius Clodius being restored to life. What fear is that that you show by your countenances? How would he affect you if alive, when even now that he is dead he has so agitated you by the bare thought of him? What? if Cnaeus Pompeius himself, who is a man of such virtue and such good fortune that he has at all times been able to do things which no one except him ever could have done, — if even he, I say, had been able, in the same manner as he has ordered an investigation into the death of Publius Clodius to take place, so also to raise him from the dead, which do you think he would have preferred to do? Even if out of friendship he had been willing to raise him from the shades below, out of regard for the republic he would not have done it. You, then, are sitting now as

avengers of the death of that man, whom you would not restore to life if you thought it possible that his life could be restored by you. And this investigation is appointed to be made into the death of a man who would never have seen such a law passed, if the law which ordered the inquiry had been able to restore him to life. Ought, then, the slayer of this man, if any such slayer there be, to have any reason, while confessing the deed, to fear punishment at the hand of those men whom he delivered by the deed? [80]

Greek nations give the honours of the gods to those men who have slain tyrants. What have I not seen at Athens? what in the other cities of Greece? What divine honours have I not seen paid to such men? What odes, what songs have I not heard in their praise? They are almost consecrated to immortality in the memories and worship of men. And will you not only abstain from conferring any honours on the saviour of so great a people, and the avenger of such enormous wickedness, but will you even allow him to be borne off for punishment? He would confess, — I say, if he had done it, he would confess with a high and willing spirit that he had done it for the sake of the general liberty; a thing which would certainly deserve not only to be confessed by him, but even to be boasted of. 30. [81]

In truth, if he does not deny an action from which he seeks no advantage beyond being pardoned for having done it, would he hesitate to avow an action for which he would be entitled to claim rewards? Unless indeed he thinks it more pleasing to you to look upon him as having been the defender of his own life, rather than of you; especially as from that confession, if you were to choose to be grateful, he would reap the very highest honours. If his action were not approved of by you, (although, how is it possible that any one should not approve of what secured his own safety?) — but still, if the virtue of a most gallant man had happened to be at all unpleasing to his fellow-citizens, then with a lofty and firm mind he would depart from an ungrateful city. For what could be more ungrateful than for all other men to be rejoicing, and for him alone to be mourning, to whom it was owing that the rest were rejoicing? [82] Although we have all at all times been of this disposition with respect to crushing traitors to our country, — that since the glory would be ours, we should consider the danger and the unpopularity

ours also. For what praise should I have deserved to have given to me, when I showed so much courage in my consulship on behalf of you and of your children, if I had supposed that I could venture on the exploits which I was attempting without very great struggles and dangers to myself? What woman is there who would not dare to slay a wicked and mischievous citizen, if she was not afraid of the danger of the attempt? But the man who, though unpopularity, and death, and punishment are before his eyes still ventures to defend the republic with no less alacrity than if no such evils threatened him, he deserves to be considered really a man.

It behoves a grateful people to reward those citizens who have deserved well of the republic; it is the part of a brave man, not to be so moved even by execution itself, as to repent of having acted bravely. [83] Wherefore, Titus Annius may well make the same confession which Ahala made, which Nasica, which Opimius, which Marius, which we ourselves have made: and then, if the republic were grateful, he would rejoice; if ungrateful, then, though under the pressure of heavy misfortune, he would still be supported by his own conscience.

But, O judges, the fortune of the Roman people, and your felicity, and the immortal gods, all think that they are entitled to your grateful or this service which has been thus done to you. Nor, indeed, can any one think otherwise except it be a man who thinks that there is no such thing at all as any divine power or authority — a man who is neither moved by the vastness of your empire, nor by that sun above us, nor by the motions of heaven and of the stars, nor by the vicissitudes and regular order of things, nor (and that is the greatest thing of all) by the wisdom of our ancestors; who both themselves cultivated with the most holy reverence the sacred rites and religions ceremonies and auspices, and also handed them down to us their posterity to be so cultivated by us. 31. [84]

There is, there is indeed, such a heavenly power. It is not the truth, that in these bodies and in this feebleness of ours there is something which is vigorous and endued with feeling, and nothing which is so in this vast and beautiful movement of nature. Unless perhaps some people think that there is no such thing in existence because it is not apparent, nor visible: just as if we were able to see our own mind, —

that by which we are wise, by which we have foresight, by which we do and say these very things which we are doing and saying; or as if we could plainly feel what sort of thing it is, or where it is. That divine power; that very same divine power which has often brought incredible prosperity and power to this city, has extinguished and destroyed this mischief; by first of all inspiring it with the idea of venturing to irritate by violence and to attack with the sword the bravest of men, and so leading it on to be defeated by the man whom if it had only been able to defeat it would have enjoyed endless licence and impunity. [85] That result was brought about, O judges, not by human wisdom, nor even by any moderate degree of care on the part of the immortal gods. In truth, those very holy places themselves which beheld that monster fall, appear to have been moved themselves, and to have asserted their rights over him.

I implore you, I call you to witness, — you, I say, O you Alban hills and groves, and you, O you altars of the Albans, now overthrown, but nevertheless partners of and equals in honour with the sacred rites of the Roman people, — you, whom that man with headlong insanity, having cut down and destroyed the most holy groves, had overwhelmed with his insane masses of buildings; it was your power then that prevailed, it was the divinity of your altars, the religious reverence due to you, and which he had profaned by every sort of wickedness, that prevailed; and you, too, O sacred Jupiter of Latium, whose lakes and groves and boundaries he had constantly polluted with every sort of abominable wickedness and debauchery, you at last from your high and holy mountain, opened your eyes for the purpose of punishing him; it is to you, to all of you, that those punishments, late indeed, but still just and well deserved, have been made an atonement for his wickedness. [86]

Unless, perchance, we are to say that it was by accident that it happened that it was before the very shrine of the Good Goddess which is in the farm of Titus Sextus Gallius, a most honourable and accomplished young man, — before the Good Goddess herself, I say, that when he had begun the battle, he received that first wound under which he gave up that foul soul of his; so that he did not seem to have been acquitted in that iniquitous trial, but only to have been reserved for this conspicuous punishment. 32.

Nor, indeed, did that same anger of the gods abstain from inflicting the very same insanity on his satellites, so that without the images of his ancestors, without any funeral song or funeral games, without any obsequies, any lamentation, or any panegyric, — without, in short, any funeral at all, smeared over with gore and mud, and deprived even of the honours which are paid to every one on that last day, and which even enemies are wont to allow to a man, he was cast out in the street half burnt. It was not right, I suppose, for the effigies of most illustrious men to confer any honour on that most foul parricide; nor was there any place in which it was more seemly that his corpse should be ill-treated than that where his life had been condemned. [87]

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the senate he had openly bought himself from the judges with money; he had harassed the senate in his tribuneship; he had rescinded acts which had been passed for the sake of the safety of the republic, by the consent of all orders of the state; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnaeus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and their professions. He kept pursuing and oppressing men; the whole state, all Italy, all the provinces, all foreign kingdoms could not contain his frenzy. Laws were already being drawn up in his house which were to hand us over to the power of our slaves. There was nothing belonging to any one, which he had taken a fancy to, which he did not think would become his in the course of this year. [88] No one was an obstacle to his expectations except Milo; the very man who was most able to be an obstacle to them he thought when he returned again would be reconciled and, as it were, bound to him. The power of Caesar, he said, was all his own. The inclinations of all good men he had treated with contempt, while accomplishing my ruin. Milo alone weighed on

his mind. 33.

On this the immortal gods, as I have said before, put into the head of that abandoned and frantic man the idea of laying an ambush for Milo. That pest was not to perish any other way; the republic would never have chastened him by her laws. The senate, I suppose, would have been able to restrain him when praetor. Why, it had not been able to do anything when it tried to restrain him while a private individual. [89] Would the consuls have been vigorous in bridling the praetor? In the first place, if Milo had been slain, he would have had his own consuls. Secondly, what consul would have behaved fearlessly against him as praetor, who remembered that he, when tribune, had offered the most cruel injuries to the virtue of the consuls? He would have oppressed everything; he would have taken possession and held possession of everything. By a new law, the draught of which was found in his house, with the rest of the Clodian laws, he would have made all our slaves his own freedmen. Lastly, if the immortal gods had not inspired him with such ideas that he, an effeminate creature, attempted to slay a most gallant man, you would have no republic at all this day. [90] Would that man when praetor, much more when consul, provided only that these temples and these walls could have stood so long if he had been alive, and could have remained till his consulship; would he, I say, if alive, have done no harm, when even after he was dead he burned the senate-house, one of his satellites, Sextus Clodius, being the ringleader in the tumult? What more miserable, more grievous, more bitter sight have we ever seen than that? that that temple of sanctity, of honour, of wisdom, of the public council, the head of the city, the altar of the allies, the harbour of all nations, the abode granted by the universal Roman people to one of the orders of the state, should be burnt, profaned, and destroyed? and that that should be done, not by an ignorant mob, although that would have been a miserable thing, but by one single person? who, if he dared so much in his character of burner of a dead man, what would he not have done as standard-bearer of a living one? He selected the senate-house, of all the places in the city, to throw him down in, in order that when dead he might burn what he had overturned while alive.

[91] And are there men, then, who complain of what took place in

the Appian road, and say nothing of what happened in the senate-house? and who think that the forum could have been defended from him when alive, whose very corpse the senate-house was unable to resist? Arouse the man himself; resuscitate him, if you can, from the shades below. Will you be able to check his violence when alive, when you were hardly able to support his fury while he lies unburied? unless, indeed, you did support the sight of those men who ran with firebrands to the senate-house, with scythes to the temple of Castor, and who ranged over the whole forum sword in hand. You saw the Roman people slaughtered, you saw the assembly disturbed by the drawn swords, while Marcus Caelius, a tribune of the people, was listened to in silence, a man of the greatest courage in the affairs of state, of the greatest firmness in any cause which he undertook, wholly devoted to the service of the virtuous part of the citizens, and to the authority of the senate, and in this — shall I say unpopularity, or misfortune of Milo's? behaving with singular, and god-like, and incredible good faith. 34. [92]

But I have said enough about the cause; and, perhaps, too much that was foreign to the cause. What remains, except for me to pray and entreat you, O judges, to show that mercy to a most gallant man, which he himself does not implore; but which I, even against his will, implore and demand in his behalf? Do not if amid the tears of all of us you have seen no tears shed by Milo, — if you see his countenance always the same, his voice and language steady and unaltered, — do not, on that account, be the less inclined to spare him. I know not whether he does not deserve to be assisted all the more on that account. In truth, if in battles of gladiators, and in the case of men of the very lowest class and condition and fortune, we are accustomed to dislike those who are timid and suppliant, and who pray to be allowed to live, and if we wish to save those who are brave and courageous, and who offer themselves cheerfully to death; and if we feel more pity for those men who do not ask our pity, than for those who entreat it; how much more ought we to nourish those feelings in the case of our bravest citizens? [93] As for me, O judges, I am dispirited and almost killed by those expressions of Milo, which I hear continually; and at the utterance of which I am daily present: "May my fellow-citizens fare well," says he; "may they fare well.

May they be safe, and prosperous, and happy; may this illustrious city, and my country, which I love so well, long endure, however it may treat me; may my fellow-citizens (since I may not enjoy it with them) enjoy the republic in tranquillity without me, but still in consequence of my conduct. I will submit and depart; if it cannot be allowed me to enjoy a virtuous republic, at least I shall be at a distance from a bad one; and the first well regulated and free city that I arrive at in that will I rest. Oh how vain," says he, "are the labours which I have undertaken! Oh how fallacious have been my hopes! [94] Oh how empty all my thoughts! When as tribune of the people, when the republic was oppressed, I had devoted myself to the senate, which, when I came into office, was utterly extinct; and to the Roman knights, whose power was enfeebled, and to the virtuous part of the citizens, who had given up all their authority under the arms of Clodius; could I ever have thought that I should fail to find protection from the citizens? When I had restored you" (for he very frequently converses with me and addresses me) "to your country, could I ever suppose that I myself should have no place in my country? Where now is the senate which we followed? where are those Roman knights, those knights," says he, "so devoted to you? where is the zeal of the municipal towns? where is the voice of Italy? what, above all, has become of that voice of yours, O Marcus Tullius, which has been an assistance to many; what has become of your voice and defensive eloquence? am I the only person whom it is unable to help, I who have so often exposed myself to death for your sake?" 35. [95]

Nor does he say these things to me. O judges, weeping, as I now repeat them; but with the same unmoved countenance that you behold. For he says, he never did all the things which he had done for citizens who are ungrateful; ungrateful, he says, they are not. That they are timid and thinking too much of every danger, he does not deny. He says, that he treated the common people, and that multitude of the lower class which, while they had Publius Clodius for their leader, threatened the safety of all of you in such a way, in order to render all your lives more secure; that he not only subdued it by his virtue, but won it over at the expense of three estates which he inherited. Nor has he any apprehension that while he was conciliating the common people by his liberality, he was not also securing your

attachment by his singular services to the republic. He says, that the good-will of the senate towards him has been repeatedly experienced by him in the times that have lately gone by; and that he shall carry with him, and ever retain in his recollection, the way in which you and all your order flocked to meet him, the zeal you showed in his behalf, and the kindness of your language to him, whatever may be the destiny which fortune allots to him. [96] He remembers, also, that the voice of the crier proclaiming his triumph, was the only thing wanting to him, but that he was declared consul by the unanimous vote of the people, and that was the great object of his ambition. And now if all these things are to go against him, it will be only the suspicion of guilt, not the reality of any crime, which has injured him. He adds this, which is unquestionably true; that brave and wise men are not in the habit of setting their hearts so much on the rewards for virtuous conduct as on the fact of their conduct being so; that he has never acted throughout his life in any but the most honourable manner, since there can be nothing better for a man to do than to deliver his country from dangers; that those men are happy for whom such conduct procures honour among their fellow-citizens, [97] but yet, that those men are not miserable who have exceeded their fellow-citizens in good deeds. Moreover, that of all the rewards of virtue, if one is to make an estimate of the different rewards, the most honourable of all is glory; that this is the only reward which can make amends for the shortness of life, by the recollection of posterity; which can cause us while absent, to be present when dead to be still alive; that this is the thing by the steps of which men appear to mount even to heaven. [98]

"Concerning me," says he, "the Roman people and all nations will be continually talking. The remotest ages will never be silent about me. Even at this very time when the firebrands of envy are being hurled against me by my enemies, still I am celebrated in every company of men, who express their thanks to me, who congratulate themselves on my conduct, who make me the sole topic of their conversation. I say nothing of the days of festival, and sacrifice, and joyful celebration in Etruria. This is the hundredth, or I rather think the hundred and first day since the death of Publius Clodius; a day on which, wherever the boundaries of the Roman empire extend, there

did not only the report of, but the joy caused by that occurrence penetrate. Wherefore," said he, "I am not anxious as to where this body of mine may be; since the glory of my name already is and always will be in every country upon earth." 36. [99]

This is what you have constantly said to me, O Milo, when these men who hear me now have been absent; but this is what I say to you when they are present to listen. I cannot indeed, praise you sufficiently for being of such a spirit as you are; but the more godlike that virtue of yours is, the greater is the pain which I feel at being separated from you. Nor, indeed, if you are taken from me, will the complaints, which are all that is left to me, do anything to comfort me, or to prevent my being angry with those men from whom I have received so severe a blow. For it is not my enemies who will tear you from me, but those who are my greatest friends. It is not men who have at times deserved ill at my hands, but those who have always deserved exceedingly well. You never, O judges, will inflict such grief upon me, (although, what grief can be so great as this?) but you will never inflict this particular grief upon me, of forcing me to forget how greatly you have always regarded me. And if you, yourselves, have forgotten it, or if any part of my conduct has offended you, why do you not make me atone for that offense rather than Milo? For I shall have lived gloriously enough if I die before seeing any such great misfortune happen to him.

[100] At present one consolation supports me, that no exertion that affection, or that zeal, or that gratitude could possibly make, has been wanting on my part to promote your interest, O Titus Annius. For your sake I have courted the enmity of powerful citizens; I have repeatedly exposed my person and my life to the weapons of your enemies; I have thrown myself as a suppliant at the feet of many for your sake; I have considered my fortunes and those of my children as united with yours in the time of your necessities. Lastly, on this very day, if any violence is prepared against you, or any struggle, or any danger of death, I claim my share in that. What remains now? What is there that I can say, or that I can do in return for your services to me, except considering whatever fortune is yours mine also? I do not object, I do not refuse so to consider it. And I entreat you, O judges, either to add to the kindnesses which you have already conferred on

me by granting me this man's safety, or else to take notice that they will all perish in his fall. 37. [101]

These tears of mine have no effect on Milo. He is of an incredible strength of mind. He thinks that any place where there is no room for virtue is a place of banishment; and death he considers the end appointed by nature, and not a punishment. Let him continue to cherish these ideas in which he was born. What will you think yourselves, O judges? What will be your feelings? Will you preserve the recollection of Milo, and drive away the man himself? And will you allow any place in the whole earth to be more worthy to receive this virtue of his than this place which produced him? You, you, I appeal to you, O you brave men, who have shed much of your blood for the sake of the republic. I appeal to you, O centurions, and to you, O soldiers, in this time of danger to a brave man and an invincible citizen. While you are not only looking on, but armed, and standing as guards around this court of justice, shall this mighty virtue be driven from the city, he banished, be cast out!

[102] Oh, miserable man that I am! Oh, unhappy man that I am! Were you, O Milo, able through the instrumentality of these men to recall me to my country, and cannot I through the agency of the very same men even retain you in yours? What answer shall I make to my children, who consider you a second father? What answer shall I make to you, O my brother Quintus, you who are now absent, you who were my companion in that cruel time? Shall I reply, that I was unable to preserve the safety of Milo by the instrumentality of those very men by whose means he had preserved mine? And what is the cause in which I shall have failed to do so? One which is sanctioned by all the nations of the earth. From whom must I say that I failed to procure it? From those very men who of all others have gained the greatest tranquillity by the death of Publius Clodius. And who will it be who has entreated in vain? I. [103] What great wickedness is it that I planned, what enormous crime did I commit, O judges, when I traced out, and laid open, and revealed, and for ever crushed those beginnings and signs of the general destruction that was intended? For that is the spring from which all the distresses of myself and my friends arise. Why did you wish me to return to my country? Was it in order that I might look on while those men were being driven out,

by whose efforts I had been restored? Do not, I entreat you, suffer my return to be more miserable than even my departure was. For how can I think that I have been restored if I am torn from those men by whom I was restored? 38.

Would that the immortal gods had granted, (I must entreat your permission to say it, O my country, for I fear lest it should be a wicked wish as far as you are concerned, though it may be a pious one for Milo,) — would that they had granted that Publius Clodius should not only be alive, but should even be praetor, consul, dictator, rather than I should see this sight! [104] O ye immortal gods, before I should see this brave man, this man who deserves to be saved by you, O judges, in this plight! "Say not so, say not so," says Milo. "Rather let him have suffered the penalty which he deserved, and let us, if so it must be, suffer what we have not deserved."

Shall this man, born for his country, die in any other land except his country? or, as it may perchance turn out for his country? Will you preserve the monuments of this man's courage, and yet allow no sepulchre containing his body to exist in Italy? Will any one by his vote banish this man from this city, when all other cities will gladly invite him to them if he is driven out from among you? [105] O happy will that land be which shall receive him! Ungrateful will this land be if it banishes him; miserable if it loses him.

However, I must make an end. Nor, indeed, can I speak any longer for weeping; and this man forbids me to defend him by tears. I pray and entreat you, O judges, when you are giving your votes, to dare to decide as you think just. And believe me that man will be sure greatly to approve of your virtue, and justice, and good faith; who, in selecting the judges, selected all the best, and wisest and most fearless men whom he could find.

PRO REGE DEIOTARO (On Behalf of King Deiotarus before Caesar)

Translated by C. D. Yonge

THE SPEECH OF M. T. CICERO IN BEHALF OF KING DEIOTARUS. ADDRESSED TO CAIUS CAESAR.

THE ARGUMENT.

This speech, like those for Marcellus and Ligarius, was addressed to Caesar. Deiotarus was king of Galatia, and during Cicero's pro-consulship in Cilicia he had formed a friendship with him, and had been of great assistance to him in his campaign against Pacorus and the Parthians. Having been an adherent of Pompey, he had already been deprived of a considerable part or his dominions by Caesar, and he was now accused by his grandson, who was aware of Caesar's inveterate dislike to him, of having formed a design against Caesar's life four years before, when he entertained him in his palace on his return from Egypt. It is probable that Caesar was aware of the groundlessness of the charge, but countenanced it, and allowed it to be brought before him, in the hopes of finding a pretext for stripping the king of all the rest of his dominions.

Brutus espoused Deiotarus's cause very warmly, and went towards Spain to meet Caesar, and made him a most earnest address in favour of Deiotarus.

The present trial was held in Caesar's house, and Cicero proved the king's innocence so completely that he was unable to condemn him; but, as he would not acquit him, he adjourned the further consideration of the matter till he himself could go into the East and investigate the affair on the spot.

This speech was delivered in the year of Caesar's fourth consulship the year before he was killed.

1. In all causes of more than ordinary importance, O Caius Caesar, I am accustomed, at the beginning of my speech, to be more vehemently affected than either common custom or my own age appears to require. And in this particular cause I am agitated by so many considerations, that in proportion as my fidelity to my friend inspires me with zeal to defend the safety of king Deiotarus, in the same proportion do my fears take away from my ability to do so. In the first place, I am speaking in defence of the life and fortunes of a king; and although there is no particular injustice in such a fact, especially when it is oneself who is in danger yet it is so unusual for a king to be tried for his life, that up to this time no such thing has ever been heard of. [2] In the second place, I am compelled now to defend against a most atrocious accusation that very king whom I, in common with all the senate, used formerly to extol on account of his uninterrupted services towards our republic. There is this further consideration, that I am disturbed by the cruelty of one of the prosecutors, and by the unworthy conduct of the other.

O cruel, not to say wicked and impious, Castor! a grandson, who has brought his grandfather into danger of his life, and has caused that man to dread his youth, whose old age he was bound to defend and protect; who has sought to recommend his entrance into life to our favour by impiety and wickedness; who has instigated his grandfather's slave, whom he corrupted by bribes, to accuse his master, and has carried him away from the feet of the king's ambassadors.

[3] But when I saw the countenance and heard the words of this runaway slave, accusing his master, — his absent master, — his master, who was a most devoted friend to our republic, — I did not feel so much grief at the depressed condition of the monarch himself, as fear for the general fortunes of every one. For though, according to the usage of our ancestors, it is not lawful to examine a slave as a witness against his master, not even by torture, — in which mode of examination pain might, perhaps, elicit the truth from a man even against his will, — a slave has arisen, who, without any compulsion, accuses him against whom he might not legally say a word even on

the rack. 2. [4]

This thing also, O Caius Caesar, at times disturbs me; which, however, I cease to fear when I come to a complete recollection of your disposition. For in principle it is an unjust thing, but by your wisdom it becomes a most just one. For it is a serious business (if you consider the matter by itself) to speak concerning a crime before that man against whose life you are accused of having meditated that crime; for there is hardly anybody who, when he is a judge in any matter in which his own safety is at stake, does not act with more partiality towards himself than towards the accused person; but, O Caius Caesar, your admirable and extraordinary natural virtue to a great extent releases me from this fear. For I am not so much afraid what you may wish to decide with respect to king Deiotarus, as I am sure what you wish to decide in all other cases. [5]

I am affected, also, by the unusual circumstance of the trial in this place; because I am pleading so important a cause — one, the fellow of which has never been brought under discussion — within the walls of a private house; I am pleading it out of the hearing of any court or body of auditors, which are a great support and encouragement to an orator. I rest on nothing but your eyes, your person and countenance; I behold you alone; the whole of my speech is necessarily confined to you alone. And if those considerations are very important as regards my hope of establishing the truth, they for all that are impediments of the energy of my mind, and to the proper enthusiasm and ardour of speaking. [6]

For if, O Caius Caesar, I were pleading this cause in the forum, still having you for my auditor and my judge, with what great cheerfulness would the concourse of the Roman people inspire me! For what citizen would do otherwise than favour that king, the whole of whose life he would recollect had been spent in the wars of the Roman people? I should be beholding the senate-house, I should be surveying the forum, I should call the heaven above me itself to witness; — and so, while calling to mind the kindnesses of the immortal gods, and of the Roman people, and of the senate to king Deiotarus, it would be impossible for me to be at a loss for topics or armaments for my speech. [7] But since the walls of a house narrow, all these topics, and since the pleading of the cause is greatly crippled

by the place, it behoves you, O Caesar, who have yourself often pleaded for many defendants, to consider within yourself what my feelings at present must be; so that your justice, and also your careful attention in listening to me, may the more easily lessen my natural agitation and anxiety.

But before I say anything about the accusation itself, I will say a few words about the hopes entertained by the accusers. For though they appear to be possessed of no great skill or experience in affairs, nevertheless they have never, surely, undertaken this cause without some hope or other and some definite design. 3. [8]

They were not ignorant that you were offended with king Deiotarus. They recollected that he had been already exposed to some inconvenience and loss on account of the displeasure with which you regarded him; and while they knew that you were angry with him, they had had proofs also that you were friendly to them. And as they would be speaking before you of a matter involving personal danger to yourself, they reckoned that a fictitious charge would easily lodge in your mind, which was already sore. Wherefore, O Caius Caesar, first of all by your good faith, and wisdom and firmness, and clemency deliver us from this fear, and prevent our suspecting that there is any ill-temper lurking in you. I entreat you by that right hand of yours which you pledged in token of everlasting friendship to king Deiotarus; by that right hand, I say, which is not more trustworthy in wars or in battles than in promises and pledges of good faith. You have chosen to enter his house, you have chosen to renew with him the ancient ties of friendship and hospitality. His household gods have received you under their protection; the altars and hearths of king Deiotarus have beheld you at peace with and friendly towards him. [9]

You are accustomed, O Caius Caesar, not only to he prevailed upon by entreaties easily, but to he prevailed on once for all. No enemy has ever been reconciled to you who has found any remnant of hostility remaining in your breast afterwards. Although, who is there who has not heard of your complaints against king Deiotarus? You have never accused him as being an enemy to you, but as being a friend very slack in his duty, because his inclination led him more to friendships with Cnaeus Pompeius than with you. And yet that

very fact you said that you would have pardoned, if when he sent reinforcements and even his son to Pompeius, he had himself availed himself of the excuse furnished him by his age. [10] And in this way, which you were acquitting him of the most important charges, you left behind only the little blame of his friendship for another.

Therefore, you not only abstained from punishing him, but you released him from all apprehension; you acknowledged him as your friend, you left him king. And, indeed, his proceedings were not dictated by any hatred of you; he fell by the general error of us all. That king, whom the senate had repeatedly addressed by this name, using it in decrees most complimentary to him, and who from his youth up had always considered that order most important and most sacred, being a man living at a great distance, and a foreigner by birth, was perplexed by the same affairs which embarrassed us who were born and who at all times had lived in the middle of the republic. 4. [11]

When he heard that men had taken arms by the authority of the senate, acting with great unanimity; that the defence of the republic had been entrusted to the consuls, the praetors, the tribunes of the people, and to all of us who had received the title of Imperator, he was agitated in his mind, and being a man most deeply attached to this empire, he became alarmed for the safety of the Roman people, in which also he considered that his own was bound up. And being in a state of the greatest alarm, he thought it best to remain quiet himself. But he was beyond measure agitated when he heard that the consuls had fled from Italy, and all the men of consular rank (for so it was reported) with them, and all the senate, and that the whole of Italy was emptied. For the road was wide open for all such messengers and reports to travel to the East, and no true accounts followed. He never heard a word of the conditions which you offered, nor of your eagerness for concord and peace, nor of the way in which certain men conspired against your dignity. And though this was the state of things, still he continued quiet until ambassadors and letters came to him from Cnaeus Pompeius. [12] Pardon Deiotarus, pardon him, I entreat you, O Caesar, if he, though a king, yielded to the authority of that man whom we all followed, and on whom both gods and men had heaped every sort of distinction, and on whom you

yourself had conferred the most numerous and most important honours of all. Nor indeed, does it follow that, because your exploits have thrown a cloud over the praises of others, we have, therefore, entirely lost all recollection of Cnaeus Pompeius. Who is there who is ignorant how great the name of that man was, how great his influence, how great his renown in every description of war, how great were the honours paid him by the Roman people, and by the senate, and by you yourself? He had surpassed all his predecessors in glory as much as you have surpassed all the world. Therefore, we used to count up with admiration the wars, and the victories, and the triumphs, and the consulship; of Cnaeus Pompeius. But yours we are wholly unable to reckon. 5. [13]

To him then came king Deiotarus in this miserable and fatal war, to him whom he had previously assisted in his regular wars against the enemies of Rome, and with whom he was bound, not only by ties of hospitality, but also by personal intimacy. And he came, either because he had been asked, as a friend; or because he had been sent for as an ally; or because he had been summoned, like one who had learnt to obey the senate; and last of all, he came as to a man flying, not to one pursuing others — that is to say, as a sharer of danger, not a partner in victory. Therefore, after the result of the battle of Pharsalia, he departed from Pompeius; he did not choose to persist in hopes of which he saw no end. He thought he had done quite enough to satisfy the claims of duty, if indeed he was under any such obligations, and that he had made quite mistake enough if he had ignorantly erred. He returned home; and all the time that you were engaged in the Alexandrian war, he consulted your interests. [14] He supported in his palaces and from his own resources the army of Cnaeus Domitius, that most distinguished man. He sent money to Ephesus to him whom you selected as the most faithful and most highly esteemed of all your friends. He gave him money a second time; he gave him money a third time for you to employ in the war, though be was forced to sell property by auction in order to raise it. He exposed his own person to danger and he was with you, serving in your army against Pharnaces, and he considered him as his own enemy because he was yours. And all those actions of his were accepted by you, O Caius Caesar, in such a spirit that you paid him

the highest possible honours, and confirmed hint in the dignity and title of king. [15]

He, therefore, having been not only released from danger by you, but having been also distinguished by you with the highest honours, is now accused of having intended to assassinate you in his own house — a thing which you cannot in truth possibly suspect, unless you consider him to have been utterly mad. For, to say nothing of what a deed of enormous wickedness it would have been to assassinate his guest in the sight of his own household gods; what a deed of enormous unreasonableness it would have been to have extinguished the brightest light of all nations, and of all human recollection; what a deed of enormous ferocity it would have been to have had no dread of the conqueror of the whole earth; what a sign of an inhuman and ungrateful disposition it would have been to be found to behave like a despot to the very man by whom be had been addressed as a king; — to say nothing of all this, what a deed of utter frenzy would it have been to rouse all kings, of whom there were numbers on the borders of his own kingdom, all free nations, all the allies, all the provinces, all the arms, in short, of every people on earth against himself alone! To what misery would he not have exposed his kingdom, his house, his wife, and his beloved son, not merely by the accomplishment of such a crime, but even by the bare idea of it! 6. [16]

But I suppose that improvident and rash man did not see all this! On the contrary, who is a more considerate than he? Who is more secret in his plans? Who is more prudent? Although in this place it is not so much on the ground of cleverness and prudence that it seems to me that I should defend Deiotarus, as on that of good faith and religious feeling and conduct. You are well acquainted, O Caius Caesar, with the honesty of the man, with his virtuous habits, with his wisdom and firmness. Indeed, who is there who has ever heard of the name of the Roman people, who has not heard also of the integrity, and wisdom, and virtue, and good faith of Deiotarus? A crime, then, that cannot be imputed to an imprudent man, on account of his fear of instant destruction, nor to an unscrupulous man, unless he be at the same time utterly insane; will you pretend that such a crime was thought of by a most virtuous man, and one too who was

never accounted a fool?

[17] And in what a way do you try and support this invention! in a way not only not calculated to win belief, but not even such as to, give rise to the least suspicion. When, says the prosecutor, you had come to the Luceian fort, and had turned aside to the palace of the king your entertainer, there certain place where all those things were arranged which the king had settled to offer you as presents. To this place he intended to conduct you on coming out of the bath, before you lay down; for there were armed men stationed in that very place on purpose to kill you. This is the charge; this is the reason why a runaway should accuse a monarch, a slave accuse his master! I, in truth, O Caius Caesar, at the very beginning, when the cause was originally laid before me, was struck with a suspicion that Philippus, the physician, one of the king's slaves, who had been sent with the ambassadors, had been corrupted by that young man. He has suborned the physician to act as informer, thought I; he will be sure to invent some accusation of poisoning. Although my conjecture was some way from the exact truth, it was not much out as to the general principle of the accusation. What says the physician? [18] Not a word about poison. But in the first place, that might have been administered much more a in a potion or in food; in the second place, a crime is committed in that way with greater impunity, because when it has been done, it can be denied. If he had assassinated you openly, he would have brought upon himself not only the hatred of all nations, but their arms also. If he had slain you by poison, to be sure he never would have been able to conceal the action from the divine wrath of the Jupiter who presides over hospitality, but he might perhaps have concealed it from men. Are we, then, to suppose that that which he might have attempted in secret and have executed with great caution, he never entrusted to you who were a skillful physician, and, as he believed, a faithful servant and yet that he could conceal nothing from you with respect to arms and blood, and ambuscade? And how cleverly is the whole nation worked up! [19] It was your own good fortune, says he that fortune which always preserves you, which saved you then. You said that you did not wish at that moment to see the presents. 7.

What happened afterwards? Did Deiotarus, after he had failed in

accomplishing the business at that time, at once dismiss his army? was there no other place where he could set an ambush? But you said that when you had supped you would come back again the same way; and you did so. Was it a very difficult job to detain the armed men one or two hours in the place where they had been stationed? After you had spent your time at the banquet courteously and merrily, then you went back that way, as you had said; and then and there you found that the behaviour of Deiotarus to you resembled that of king Attalus to Publius Africanus to whom, as we have read, he sent the most magnificent gifts from Asia to Numantia; which Africanus accepted in the sight of all his army. And when Deiotarus, being present with you, had done all this in a kingly spirit and with royal courtesy, you departed to your chamber. [20] I entreat you, O Caesar, trace back your recollection of that time, bring that day back before your eyes, remember the countenances of the men who were then gazing on you and admiring you; was there any trepidation among them? any disorder? Was anything done except in an orderly and quiet manner, — except as became the establishment of a dignified and honourable man? What reason then can be imagined why he should have intended to murder you after you had bathed, and why he should not have chosen to do so after you had supped? [21] "Oh, he put it off," says the prosecutor, "till the next day, in order that when he arrived at the Luceian fort, he might there put his designs in execution."I do not understand the effect of his changing the place; but still the whole case was conducted in an incriminatory manner. "When," says the prosecutor, "you said after supper that you wished to vomit, they began to lead you to the bath-room; for that was the place where the ambuscade was; but still that same fortune of yours saved you; you said that you had rather go to your bedroom." May the gods forgive you, you run-away slave! Are you so utterly, not only worthless and infamous, but also stupid and senseless? What? were they brazen statues that he had planted in ambush, so that they could not be moved from the bath-room to the bed-chamber?

Here you have the whole charge as to the ambuscade: for he said nothing further. "In all this," says he, "I was his accomplice." What do you mean? Was he so demented as to allow a man to leave him

who was privy to so enormous a wickedness? As even to send him to Rome, where he knew his grandson was, who was most bitterly hostile to him, and where Caius Caesar was, against whom he had laid this plot? especially when he was the only man who could give any information against him in his absence. [22] "My brothers too," says he, "because they also were privy to it he threw into prison." When, then, he was putting those men in prison whom he had with him, did he leave you at large and send you to Rome, — you who knew the very same facts which you say that they knew? 8.

The remainder of the accusation was of a twofold character; one part of which was, that the king was always in his watch-tower because he was so disaffected to your interests; the other, that he had levied a large army against you. As to the army, I will reply to that charge in a very few words, as I will to the rest of the charges. King Deiotarus never had any forces with which he could have made war upon the Roman people; but only just sufficient to protect his own territories from the incursions of enemies, and to send reinforcements to our generals. And before this time he was able to maintain a larger force than he can now; at present he can with difficulty keep up a very small one. [23] "Oh, but he sent to Caecilius; I don't know who it was he sent, but he threw those whom he sent or rather ordered to go, into prison, because they would not go." I do not stop to ask how far it is probable that a king should have had no one to send; or that those whom he ordered to go should not have obeyed him; or how it was that those men who refused obedience in so important an affair, were put in prison, and not executed; but still, when he was sending to Caecilius, was he ignorant that that party had been defeated, or did he think that Caecilius a person of great importance? a man whom he, who was well acquainted with our leading men, would have despised because he knew him, and just as much because he did not know him. [24] He added, also, that he did not send his best cavalry; — I dare say, they were old troops, O Caesar: nothing to your cavalry; but still they were the best men he had, his picked men. He says, that one of the body was recognised as being a slave; — I do not believe it; I never heard of it. But still, even if such a thing had happened, I should not conceive that that was any fault of the king's. 9.

“He was very ill-disposed towards you.” How so? He hoped, I suppose, that you would find it difficult to get out of Alexandria, on account of the nature of the country and of the river. But, at that very time, he supplied you with money, and with provisions for your army; he cooperated to the utmost of his power with the officer to whom you had given command in Asia; he assisted you when victorious, not only in the way of affording you hospitality, but with you he encountered danger, and stood by your side in the array of battle. [25]

The African war followed: there were unfavourable reports spread about you, which also roused that frantic Caecilius. What on that occasion was the disposition evinced towards you by the king? He sold property by auction, and preferred stripping himself to not supplying you with money. “But,” says the prosecutor, “at that very time he was sending men to Nicaea, and to Ephesus, to catch every report that came from Africa, and to bring it to him with all speed.” Therefore, when news came that Domitius had perished by shipwreck, and that you were blockaded in some fortress, he quoted a Greek verse with reference to Domitius, having the same meaning as that of our poet: “ So can we well afford to lose our friends,
If our foes perish in the same destruction:
“ an expression which he would never have uttered had he been ever so much an enemy to you. For he himself is a man of a humane disposition; and that verse is a savage one. Besides, how could a man be a friend to Domitius, who was an enemy to you? Moreover, why should he be an enemy to you, by whom he might even have been put to death according to the laws of war, and by whom he recollected that he and his son had been appointed kings? [26]

What is the next statement? What is the next step taken by this scoundrel? He says that Deiotarus was so elated at this, that he drowned his joy in wine, and danced naked at a banquet. What cross is there that could be a sufficient punishment for this slave? Did any one ever see Deiotarus dancing, — did any one ever see him drunk? All kingly virtues are united in that man, and that I think yourself are well aware of, O Caesar; but most especially is that singular and

admirable economy of his conspicuous. Although this is an attribute for which I know that it is not usual to praise kings. To say that a man is economical is not much praise for a king. To be brave, just, severe, dignified, magnanimous, open-handed, beneficent liberal — these are the praises suited to a king. Economy is a virtue for a private individual. Let every one take it as he pleases: but I consider economy — that is to say, moderation and temperance — the very greatest of virtues. And this existed in this man from his earliest youth, and was experienced by, and known to, all Asia, and by all our magistrates and ambassadors, and by all the Roman knights who trafficked in Asia.

[27] It was by many successive steps of dutiful service towards our republic that he arrived at this title of king; but still, whatever leisure he had from the wars of the Roman people, he devoted entirely to cultivating friendship and intimacy with our citizens, and to uniting his affairs and interests to theirs. So that he was not only considered a noble tetrarch, but also an excellent father of a family, and a most industrious farmer and grazier. Did he, then, who, while a young man, before he had arrived at his subsequent high rank, never did anything that was inconsistent with the most rigid virtue and the greatest dignity, after he had raised to himself the esteem in which he is now held, and when he had become of so advanced an age, did he dance? 10. [28]

You ought, O Castor, rather to imitate the manner and principles of your grandfather, than calumniate a most virtuous and most illustrious man with the language of a runaway slave. Even if you had had a grandfather who was a dancer, and not a man from whom examples of modesty and chastity might be derived, still this reproach is one which is very little suited to your age. Those pursuits to which he had been habituated from his earliest age — not dancing, but such as would train him to wield his arms and manage his horses in the best manner, — those all had now failed him at his advanced time of life; so that we used to wonder, when several men had lifted Deiotarus on his horse, how so old a man as he could contrive to stick on. But this young man, who was a soldier of mine in Cilicia, and a comrade of mine in Greece, how was he used to ride about in that army of ours, with his own picked body of cavalry, whom his

father had sent with him to join Pompeius! what gallops he used to take; how he used to display his skill! What a parade he used to make! How did he refuse to yield to any one in his zeal and eagerness for the success of that cause! [29] But even after the army was lost, I, who had at all times been an adviser of peace, but who, after the battle of Pharsalia, urged every one not to lay aside, but to throw away their arms, could never bring this young man to adopt my advice, both because of his own eagerness for that war, and because he thought himself bound to satisfy the expectations of his father.

Happy is that house which has obtained, not only impunity, but licence to accuse others! Unfortunate Deiotarus, who is not only accused by one who was in the same camp with him, before you, but who is impeached even by his own relations. Cannot you, O Castor, be content with your own good fortune without bringing misery on your relations? 11. [30]

Grant that there may be enmity between you; which, however, there ought not to be; for it was king Deiotarus who raised your family, when abject and obscure, from darkness into light. Who ever heard of your father, or who he was, before they heard whose son-in-law he was? But even supposing you repudiated the name of the connection with ever so much ingratitude and impiety, still you might have conducted your quarrel like a man, and not pursue him with a false accusation, not seek his life, not prosecute him on a capital charge. Be it so: — let even this excess of bitterness and hatred be permitted. Was it to go to such an extent that all the laws of ordinary life and of common safety, and even of humanity, are to be violated? to tamper with slaves by words, to corrupt them by hopes and promises; to lead them away to your own house, to arm them against their master, to wage an impious war not against one relation, but against every family in the world? For that corruption of slaves, if it be not only unpunished, but even approved by such a great authority as that of this tribunal, no walls, no laws, no rights will be sufficient for the protection of our safety. For when that which is in our houses and is our own can sally out with impunity and fight against us, slavery then gets the mastery, and the master's position is slavery. [31]

Shame on the times, and on our present habits! That Cnaeus Domitius, whom we as boys saw consul, and censor and chief pontiff, when, as tribune of the people, he had impeached Marcus Scaurus, the chief man of the state, before the people, and when a slave of Scaurus had come secretly to him at his own house, and had offered to give information with respect to charges which might he brought against his master ordered the slave to be apprehended, and taken to Scaurus. See what a difference there is now, — although it is a shame of me to compare Castor to Domitius; still, he sent his slave back to his enemy, you have seduced one from your grandfather; he refused to listen to one though he had not been bribed, you have bribed one; he rejected a slave as his assistant against his master, you have employed one even as an accuser. But was it only once that that fellow was corrupted by you? [32] Did he not escape back again to the ambassadors after he had been brought forward by you, and after he had been with you? Did he not even come to Caius Cnaeus Domitius? Did not he, in the hearing of this Servius Sulpicius that most illustrious man, who is present here, and of this Titus Torquatus, a most virtuous young man, who is also present, confess that he had been bribed by you, and that it was by your promises that he had been instigated to this dishonesty? 12.

What then is the object of this shameless, and barbarous, and unrestrained inhumanity? Was it for this that you came into this city, that you might corrupt the principles predominant in, and the examples furnished by this city, and that you might pollute the humanity of our state by your own private ferocity?

[33] And how ingeniously have all your charges been collected! Blesamius, says he, (for it was in his name, a very excellent man, and one who was a stranger to you, that he was calumniating you, O Deiotarus,) used to write to the king, that you, O Caesar, were very unpopular; that you were considered a tyrant; that men were exceedingly offended at your statue having been placed among those of the kings; that you were never well received on your appearance in public. Do not you perceive, O Caesar, that these statements were collected by these fellows, from the city conversation of spiteful men? Could Blesamius have written to say that Caesar was a tyrant? Yes, for he had seen the heads of many citizens exposed; he had seen

many men by the orders of Caesar ill-treated, scourged and executed; he had seen many houses pillaged and destroyed; he had seen the forum filled with armed troops! — No; those things which previously we always have felt after victories in civil war, we have not seen now, when you have been our conqueror. [34] You are the only man — you I say, O Caius Caesar, are the only man, by whose victory no one has perished except with arms in his hand. And can the man whom we, free men, born in the enjoyment of the perfect liberty of the Roman people, consider not only no tyrant but as even the most merciful man possible in the use of victory, can he appear a tyrant to Blesamius, who is living under a king? For who complains about a statue, especially about one single statue, when he sees such a number? Great reason have we, indeed, to envy a man his statues, when we do not grudge him trophies; for if it be the place which provokes envy, surely there is no place more open and fit for a statue than the rostra. And as to the way in which he is received in public, why need I make any reply at all? for public applause has never been desired by you, and sometimes, owing to the amazement with which men have viewed your achievements, it has even been stifled by the excess of their admiration; and perhaps, too, it has been omitted because nothing vulgar could possibly appear worthy of you. 13. [35]

I do not think that anything has been omitted by me; but some topics have been reserved for the end of my speech, and they are of such a nature that they ought to reconcile you cordially to Deiotarus — for I am not now afraid of your being angry with him; I am apprehensive rather of your suspecting that he harbours some resentment against you. And that suspicion, believe me, O Caesar, is as remote as possible from the truth. For he recollects only what he still has left owing to you, and not what he has lost by your means; nor does he consider that he has been deprived of anything by you, but being aware that it was necessary for you to give many rewards to many people, he did not think it hard that you should take something from him who had been on the other side. [36] In truth, if that great prince, Antiochus the Great the king of Asia, who, after he had been conquered by Scipio, was ordered to consider Mount Taurus as the boundary of his dominions, and was deprived of all this Asia which is now a province of our own, — if he was

accustomed to say that he had been kindly treated by the Roman people, because be had been released by them from the care of an overgrown empire, and was now at liberty to enjoy a kingdom of moderate extent, Deiotarus can comfort himself much more easily. For Antiochus had suffered a chastisement for his insanity, my client only for an error. You, O Caesar, gave everything to Deiotarus when you gave him and his son the title of King; and as long as he is allowed to retain and preserve this title, he does not think that the kindness of the Roman people is at all diminished, or that the senate has come to any unfavourable decision respecting him. He preserves a great and lofty spirit, and will never succumb to his enemies, nor even to fortune. [37]

He thinks that by his previous conduct he has given birth to much, and that by his own courage and virtue he still has much which he cannot possibly he deprived of. For what fortune, or what accident, or what injury can happen to Deiotarus of such severity as to efface the decrees of all our generals respecting him? For he has been complimented and distinguished ever since he was of an age to serve in their camps, by all those men who have had the conduct of our wars in Asia, and in Cappadocia, and in Pontus, and in Cilicia, and in Syria. And what length of time will ever efface, what forgetfulness will ever obliterate those numerous and honourable resolutions of the senate respecting him, which have been recorded in the public writings and memorials of the Roman people?

Why need I speak of his valour? why of his greatness of mind? of his wisdom? of his firmness and consistency? qualities which not only have all wise and learned men pronounced to be the greatest blessings, but which some have even considered the only real ones, and have said that virtue wanted nothing more than these for the purpose of living not only well, but even happily. [38] He, considering these things, and reflecting on them day and night, is so far from feeling resentment against you, (for he would not only be ungrateful, but even mad to do so,) that he attributes the whole of the tranquillity and quiet of his old age which he enjoys to your clemency. 14.

And as these were his sentiments previously, I do not doubt also that after the receipt of your letters, of which I have read a copy, which you gave to this Blesamius at Tarraco for Deiotarus, his spirit

became loftier still, and that he ceased to feel any anxiety whatever. For in them you bid him entertain good hopes, and to be of good courage — expressions which I know you are not in the habit of using without a meaning: for I recollect that you wrote to me in almost the same language, and that when you bade me entertain good hopes of the future you were not deceiving me.

[39] I am anxious, indeed, in this cause of King Deiotarus, with whom the affairs of this republic have united me in friendship, while our mutual regard for one another has connected us by ties of hospitality, with whom long acquaintance has engendered intimacy, and his great services to me and to my army have wrought in me the greatest affection for him. But while I am anxious about him, I am anxious also about many most distinguished men, who have been pardoned by you, and who ought to be able to consider their pardon, whenever pronounced, as binding for ever; and who ought not to feel that a doubt is thrown on the permanency of your kindness to them, nor to have a perpetual anxiety implanted in their minds; nor, in short, ought it to be allowed to happen that any one of those men should begin again to feel apprehension, who has once been released by you from fear. [40]

I ought not, O Caesar, to endeavour, as is often done by men in such danger as this, to move your pity by my language. There is no need of my doing so. Your feelings are of their own accord accustomed to come to the aid of the suppliant and unfortunate, without being elicited by the eloquence of anybody. Place before your eyes two kings, and contemplate with your mind what you cannot behold with your eyes. You will surely yield to your feelings of compassion what you refused to your resentment. There are many monuments of your clemency, but the chief, sure, are the secure happiness of those men to whom it is you have been the author of safety. And if such an action is glorious in the case of a private individual, much more will it be celebrated when it is a king who is the object of it. The title of King has always been accounted a holy name in this city; but the names of ally and king, when united together, are then the holiest of all titles. 15. [41]

And these kings were afraid that if you were victorious they might lose that name. But now that they have been allowed to retain it, and

have been confirmed in it by you, I confidently trust that they will even transmit it to their posterity. Moreover, these ambassadors whom you see before you, Hieras, and Blesamius, and Antigonus, men with whom you and all of us have long been acquainted, and also Dorylaus, a man of the same loyalty and virtue as they, who was lately sent as ambassador to you in company with Hieras, devoted friends of the king, and men too who, as I hope, are highly esteemed by you, offer you their persons as hostages and pledges to secure the safety of their prince. [42] Ask Blesamius whether he ever wrote anything to the king to the disparagement of your dignity. Hieras, indeed, undertakes the whole cause of Deiotarus, and offers himself as the defendant against all these charges in behalf of, and instead of, the king. He implores the aid of your recollection in his favour; a quality in which you greatly excel: he declares that all the time that you were in the tetrarchy of Deiotarus he never left your side. He says that he met you on the frontier, and that he attended you to the borders on the opposite side of the country; that when you left the bath he was with you, and when you surveyed all those presents after supper, and when you retired to rest in your bed-chamber. And he says, too, that he attended you in the same unremitting manner all the next day. [43]

Wherefore, if any one of those things which Deiotarus has been accused of, really was thought of, he does not object to your thinking the crime his. I entreat you, O Caius Caesar, to consider that on this day your sentence will bring on those kings either most miserable calamity, accompanied with infinite disgrace, or an unsullied reputation attended with safety; and to desire the one of those results would be an act of cruelty, to secure the other is an action suitable to your clemency.

PRO MARCELLO (On Behalf of Marcellus)

Translated by C. D. Yonge

This speech was given in support of Marcus Claudius Marcellus, who had been consul with Servius Sulpicius Rufus; in which office he had given great offence to Julius Caesar by making a motion in the Senate to deprive him of his command. During the Civil War, Marcellus had espoused the side of Pompeius and had been present at the Battle of Pharsalia, following which he retired to Lesbos. But after some time the Senate interceded with Caesar to pardon and allow him to return to his country. When Caesar yielded to their entreaties, Cicero made the following speech, thanking Caesar for his magnanimity.

Caesar, though he saw the Senate unanimous in their petition for Marcellus, yet had the motion for his pardon put to the vote, and called for the opinion of every individual senator on it. Cicero appears at this time to have believed that Caesar intended to restore the republic, as he mentions in his letters (Ep. Fam. xiii. 68).

Marcus Claudius Marcellus

THE SPEECH OF M. T. CICERO IN BEHALF OF MARCUS CLAUDIUS MARCELLUS.

THE ARGUMENT.

Marcus Claudius Marcellus was descended from the most illustrious families at Rome, and had been consul with Servius Sulpicius Rufus; in which office he had given great offence to Caesar by making a motion in the senate to deprive him of his command; and in the civil war he espoused the side of Pompeius, and had been present at the battle of Pharsalia, after which be retired to Lesbos. But after some time the whole senate interceded with Caesar to pardon him, and to allow him to return to his country. And when he yielded to their entreaties, Cicero made the following speech, thanking Caesar for his magnanimity; though he had, as he says himself, (Ep. Fam. 4.4,) determined to say nothing; but he was afraid that if he continued silent Caesar would interpret it as a proof that he despaired of the republic. Caesar, though he saw the senate unanimous in their petition for Marcellus, yet had the motion for his pardon put to the vote, and called for the opinion of every individual senator on it. Cicero appears at this time to have believed that Caesar intended to restore the republic, as he mentions in his letters, (Ep. Fam. 13.68.)

1. This day, O conscript fathers, has brought with it an end to the long silence in which I have of late indulged; not out of any fear, but partly from sorrow, partly from modesty; and at the same time it has revived in me my ancient habit of saying what my wishes and opinions are. For I cannot by any means pass over in silence such great humanity, such unprecedented and unheard-of clemency, such moderation in the exercise of supreme and universal power, such incredible and almost godlike wisdom. [2] For now that Marcus Marcellus, O conscript fathers, has been restored to you and the republic, I think that not only his voice and authority are preserved and restored to you and to the republic, but my own also.

For I was concerned, O conscript fathers, and most exceedingly grieved, when I saw such a man as he is, who had espoused the same cause which I myself had, not enjoying the same good fortune as myself; nor was I able to persuade myself self to think it right or fair that I should be going on in my usual routine, while that rival and imitator of my zeal and labours, who had been a companion and comrade of mine throughout, was separated from me. Therefore, you, O Caius Caesar, have reopened to me my former habits of life, which were closed up, and you have raised, as it were, a standard to all these men, as a sort of token to lead them to entertain hopes of the general welfare of the republic. [3] For it was seen by me before in many instances, and especially in my own, and now it is clearly understood by everybody, since you have granted Marcus Marcellus to the senate and people of Rome, in spite of your recollection of all the injuries you have received at his hands, that you prefer the authority of this order and the dignity of the republic to the indulgence of your own resentment or your own suspicions.

He, indeed, has this day reaped the greatest possible reward for the virtuous tenor of his previous life; in the great unanimity of the senate in his favour, and also in your own most dignified and important opinion of him. And from this you, in truth, must perceive what great credit there is in conferring a kindness, when there is such glory to be got even by receiving one. [4] And he too, is fortunate whose safety is now the cause of scarcely less joy to all other men than it will be to himself when he is informed of it. And this honour has deservedly and most rightfully fallen to his lot. For who is superior to him either in nobleness of birth, or in honesty, or in zeal for virtuous studies, or in purity of life, or in any description whatever of excellence. 2.

No one is blessed with such a stream of genius, no one is endowed with such vigour and richness of eloquence, either as a speaker or as a writer, as to be able, I will not say to extol, but even, O Caius Caesar, plainly to relate all your achievements. Nevertheless, I assert, and with your leave I maintain, that in all of them you never gained greater and truer glory than you have acquired this day. [5] I am accustomed often to keep this idea before my eyes, and often to affirm in frequent conversations, that all the

exploits of our own generals, all those of foreign nations and of most powerful states, all the mighty deeds of the most illustrious monarchs, can be compared with yours neither in the magnitude of your wars, nor in the number of your battles, nor in the variety of countries which you have conquered, nor in the rapidity of your conquests, nor in the great difference of character with which your wars have been marked; and that those countries the most remote from each other could not be traveled over more rapidly by any one in a journey, than they have been visited by your, I will not say journeys, but victories. [6]

And if I were not to admit, that those actions are so great that scarcely any man's mind or comprehension is capable of doing justice to them, I should be very senseless. But there are other actions greater than those. For some people are in the habit of disparaging military glory, and of denying the whole of it to the generals, and of giving the multitude a share of it also, so that it may not be the peculiar property of the commanders. And, no doubt in the affairs of war, the valour of the troops, the advantages of situation, the assistance of allies, fleets, and supplies, have great influence; and a most important share in all such transactions, Fortune claims for herself, as of her right; and whatever has been done successfully she considers almost entirely as her own work. [7]

But in this glory, O Caius Caesar, which you have just earned, you have no partner. The whole of this, however great it may be, — and surely it is as great as possible, — the whole of it, I say, is your own. The centurion can claim for himself no share of that praise, neither can the prefect, nor the battalion, nor the squadron. Nay, even that very mistress of all human affairs, Fortune herself, cannot thrust herself into any participation in that glory; she yields to you; she confesses that it is all your own, your peculiar private desert. For rashness is never united with wisdom, nor is chance ever admitted to regulate affairs conducted with prudence. 3. [8]

You have subdued nations, savage in their barbarism, countless in their numbers, boundless, if we regard the extent of country peopled by them, and rich in every kind of resource; but still you were only conquering things, the nature and condition of which was such that they could be overcome by force. For there is no strength so great

that it cannot be weakened and broken by arms and violence. But to subdue one's inclinations, to master one's angry feelings, to be moderate in the hour of victory, to not merely raise from the ground a prostrate adversary, eminent for noble birth, for genius, and for virtue, but even to increase his previous dignity, — they are actions of such a nature, that the man who does them, I do not compare to the most illustrious man, but I consider equal to God. [9]

Therefore, O Caius Caesar, those military glories of yours will be celebrated not only in our own literature and language, but in those of almost all nations; nor is there any age which will ever be silent about your praises. But still, deeds of that sort somehow or other, even when they are read, appear to be overwhelmed with the cries of the soldiers and the sound of the trumpets. But when we hear or read of anything which has been done with clemency, with humanity, with justice, with moderation, and with wisdom, especially in a time of anger, which is very adverse to prudence, and in the hour of victory, which is naturally insolent and haughty, with what ardour are we then inflamed, (even if the actions are not such as have really been performed, but are only fabulous,) so as often to love those whom we have never seen! [10] But as for you whom we behold present among us, whose mind, and feelings, and countenance, we at this moment see to be such, that you wish to preserve everything which the fortune of war has left to the republic, oh with what praises must we extol you? with what zeal must we follow you? with what affection must we devote ourselves to you! The very walls, I declare, the very walls of this senate-house appear to me eager to return you thanks; because, in a short time, you will have restored their ancient authority to this venerable abode of themselves and of their ancestors. 4.

In truth, O conscript fathers, when I just now, in common with you, beheld the tears of Caius Marcellus, a most virtuous man, endowed with a never-to-be-forgotten affection for his brother, the recollection of all the Marcelli presented itself to my heart. For you, O Caesar, have, by preserving Marcellus, restored their dignity even to those Marcelli who are dead, and you have saved that most noble family, now reduced to a small number, from perishing. [11] You, therefore, justly prefer this day to all the splendid and innumerable

congratulations which at different times have been addressed to you. For this exploit is your own alone; the other achievements which have been performed by you as general, were great indeed, but still they were performed by the agency of a great and numerous band of comrades. But in this exploit you are the general, and you are your own sole comrade: and the act itself is such that no lapse of time will ever put an end to your monuments and trophies; for there is nothing which is wrought by manual labour which time will not sometime or other impair or destroy; [12] but this justice and lenity of yours will every day grow brighter and brighter, so that, in proportion as time takes away from the effect of your deed, in the same degree it will add to your glory. And you had already surpassed all other conquerors in civil wars, in equity, and clemency, but this day you have surpassed even yourself. I fear that this which I am saying cannot, when it is only heard, be understood as fully as I myself think and feel it; you appear to have surpassed victory itself, since you have remitted in favour of the conquered those things which victory had put in your power. For though, by the conditions of the victory itself, we who were conquered were all ruined, we still have been preserved by the deliberate decision of your clemency. You, therefore, deserve to be the only man who is never conquered, since you conquer the conditions and the violent privileges of victory itself. 5. [13]

And, O conscript fathers, remark how widely this decision of Caius Caesar extends. For by it, all of us who, under the compulsion of some miserable and fatal destiny of the republic, were driven to take up arms as we did, though we are still not free from the fault of having erred as men may, are at all events released from all imputation of wickedness. For when, at your entreaty, he preserved Marcus Marcellus to the republic, he, at the same time, restored me to myself and to the republic though no one entreated him in my favour, and he restored all the other most honourable men who were in the same case to ourselves and to their country; whom you now behold in numbers and dignity present in this very assembly. He has not brought his enemies into the senate-house; but he has decided that the war was undertaken by most of them rather out of ignorance, and because of some ungrounded and empty fear, than out of either

any depraved desires or cruelty. [14]

And in that war, I always thought it right to listen to all proposals that gave any hope of peace, and I always grieved that not only peace, but that even the language of those citizens who asked for peace, should be rejected. For I never approved of either that or of any civil war whatever; and my counsels were always allied to peace and peaceful measures, not to war and arms. I followed the man from my own private feelings, not because of my judgment of his public conduct; and the faithful recollection of the grateful disposition which I cherish had so much influence with me, that though I had not only no desire for victory, but no hope even of it, I rushed on, knowingly, and with my eyes open, as it were to a voluntary death. [15] And, indeed, my sentiments in the matter were not at all concealed; for in this assembly, before any decisive steps were taken either way, I said many things in favour of peace, and even while the war was going on I retained the same opinions, even at the risk of my life. And from this fact, no one will form so unjust an opinion as to doubt what Caesar's own inclination respecting the war was, when, the moment that it was in his power, he declared his opinion in favour of saving the advisers of peace, but showed his anger against the others. And, perhaps, that was not very strange at a time when the event of the war was still uncertain, and its fortune still undecided. But he who, when victorious, attaches himself to the advisers of peace, plainly declares that he would have preferred having no war at all even to conquering. 6. [16]

And in this matter I myself am a witness in favour of Marcus Marcellus. For as our opinions have at all times agreed in time of peace, so did they then in respect of that man. How often have I seen him affected with the deepest grief at the insolence of certain men, and dreading also the ferocity of victory! On which account your liberality, O Caius Caesar, ought to he more acceptable to us who have seen those things. For now we may compare, not the causes of the two parties together, but the use which each would have made of victory. [17] We have seen your victory terminated at once by the result of your battles; we have seen no sword unsheathed in the city. The citizens whom we have lost were stricken down by the force of Mars, not by evil feelings let loose by victory; so that no man can

doubt that Caius Caesar would even raise many from the dead if that were possible, since he does preserve all those of that army that he can.

But of the other party I will say no more than what we were all afraid of at the time, namely, that theirs would have been too angry a victory. [18] For some of them were in the habit of indulging in threats not only against those of their enemies who were in arms, but even against those who remained quiet; and they used to say that the matter to he considered was not what each man had thought, but where he had been. So that it appears to me that the immortal gods, even if they were inflicting punishment on the Roman people for some offence, when they stirred up so serious and melancholy a civil war, are at length appeased, or at all events satiated and have now made all our hopes of safety depend on the clemency and wisdom of the conqueror. [19]

Rejoice, then, in that admirable and virtuous disposition of yours; and enjoy not only your fortune and glory, but also your own natural good qualities, and amiable inclinations and manners; for those are the things which produce the greatest fruit and pleasure to a wise man. When you call to mind your other achievements, although you will often congratulate yourself on your valour, still you will often have reason to thank your good fortune also. But as often as you think of us whom you have chosen to live safely in the republic as well as yourself you will be thinking at the same time of your own exceeding kindness, of your own incredible liberality, of your own unexampled wisdom; qualities which I will venture to call not only the greatest, but the only real blessings. For there is so much splendour in genuine glory, so much dignity in magnanimity and real practical wisdom, that these qualities appear to be given to a man by virtue, while all other advantages seem only lent to them by fortune.

[20] Be not wearied then in the preservation of virtuous men, especially of those who have fallen, not from any evil desires, or depravity of disposition, but merely from an opinion of their duty, — a foolish and erroneous one perhaps, but certainly not a wicked one, — and because they were misled by imaginary claims which they fancied the republic had on them. For it is no fault of yours if some people were afraid of you; and, on the other hand, it is your greatest

praise that they have now felt that they had no reason to fear you. 7. [21]

But now I come to those severe complaints, and to those most terrible suspicions that you have given utterance to; of dangers which should be guarded against not more by you yourself than by all the citizens and most especially by us who have been preserved by you. And although I trust that the suspicion is an ungrounded one, still I will not speak so as to make light of it. For caution for you is caution for ourselves. So that, if we must err on one side or the other, I would rather appear too fearful, than not sufficiently prudent. But still, who is there so frantic? Any one of your own friends? And yet who are more your friends than those to whom you have restored safety which they did not venture to hope for? Any one of that number who were with you? It is not credible that any man should be so insane as not to prefer the life of that man who was his general when he obtained the greatest advantages of all sorts, to his own. But if your friends have no thoughts of wickedness, need you take precautions lest your enemies may be entertaining such? Who are they? For all those men who were your enemies have either already lost their lives through their obstinacy, or else have preserved them through your mercy; so that either none of your enemies survive, or those who do survive are your most devoted friends. [22]

But still, as there are so many hiding places and so many dark corners in men's minds, let us increase your suspicions, for by so doing we shall at the same time increase your diligence. For who is there so ignorant of everything, so very new to the affairs of the republic, so entirely destitute of thought either for his own or for the general safety, as not to understand that his own safety is bound up with yours? that the lives of all men depend on your single existence? I myself, in truth, while I think of you day and night, — as I ought to do, — fear only the chances to which all men are liable, and the uncertain events of health and the frail tenure of our common nature, and I grieve that, while the republic ought to he immortal, it depends wholly on the life of one mortal man [23] But if to the chances of human life and the uncertain condition of man's health there were to be added also any conspiracy of wickedness and treachery, then what god should we think able to assist the republic,

even if he were to desire to do so? 8.

All things, O Caius Caesar, which you now see lying stricken and prostrate — as it is inevitable that they should be — through the violence of war, must now be raised up again by you alone. The courts of justice must be reestablished, confidence must be restored, licentiousness must be repressed, the increase of population must be encouraged, everything which has become lax and disordered must be braced up and strengthened by strict laws. [24] In so vast a civil war, when there was such ardour of feeling and of warlike preparation on both sides, it was impossible but that — whatever the ultimate result of the war might he — the republic which had been violently shaken by it should lose my ornaments of its dignity and many bulwarks of its security, and that each general should do many things while in arms, which he would have forbidden to have been done while clad in the garb of Peace. And all those wounds of war thus inflicted now require your attention, and there is no one except you who is able to heal them. [25] Therefore, I was concerned when I heard that celebrated and wise saying of yours, "I have lived long enough to satisfy either nature or glory." Sufficiently long, if you please: for nature, and I will add, if you like, for glory; but, which is of the greatest consequence of all, certainly not long enough for your country. Give up then, I entreat you, that wisdom of learned men shown in their contempt of death; do not be wise at our expense. For it has often come to my ears that you are in the habit of using that expression much too frequently — that you have lived long enough for yourself. I dare say you have; but I could only be willing to hear you say so if you lived for yourself alone, or if you had been born for yourself alone. But as it is — as your exploits have brought the safety of all the citizens and the entire republic to a dependence on you, — you are so far from having completed your greatest labours, that you have not even laid the foundations which you design to lay. And will you then limit your life, not by the welfare of the republic, but by the tranquillity of your own mind? What will you do, if that is not even sufficient for your glory, of which — wise man though you be — you will not deny that you are exceedingly desirous? [26] "Is it then," you will say, "but small glory that we shall leave behind us?" It may, indeed, be sufficient for others, however many they may be,

and insufficient for you alone. For whatever it is, however ample it may be, it certainly is insufficient, as long as there is anything greater still. And if, O Caius Caesar, this was to be the result of your immortal achievements, that after conquering all your enemies, you were to leave the republic in the state in which it now is; then beware, I beg of you, lest your virtue should earn admiration rather than solid glory; since the glory which is illustrious and which is celebrated abroad, is the fame of many and great services done either to one's own friends, or to one's country, or to the whole race of mankind. 9. [27]

This, then, is the part which remains to you — this is the cause which you have before you; this is what you must now labour at, — to settle the republic, and to enjoy it yourself as the first of its citizens, in the greatest tranquillity and peacefulness. And then, if you please when you have discharged the obligations which you owe to your country, and when you have satisfied nature herself with the devotion of your life, then you may say that you have lived long enough. For what is the meaning of this very word "long" when applied to what has an end? And when the end comes, then all past pleasure is to be accounted as nothing, because there is none to come after it. Although that spirit of yours has never been content with this narrow space which nature has afforded us to live in; but has always been inflamed with a desire of immortality. [28] Nor is this to be considered your life which is contained in your body and in your breath. That, — that, I say, is your life, which will flourish in the memory of all ages; which posterity will cherish; which eternity itself will always preserve. This is what you must be subservient to; it is to this that you ought to display yourself; which indeed has long ago had many actions of yours to admire, and which now is expecting some which it may also praise. Unquestionably, posterity will stand amazed when they hear and read of your military commands, — of the provinces which you have added to the empire, — of the Rhine, of the ocean, of the Nile, all made subject to us, — of your countless battles, of your incredible victories, of your innumerable monuments and triumphs. [29] But unless this city is now securely settled by your counsels and by your institutions, your name will indeed be talked about very extensively, but your glory will have

no secure abode, no sure home in which to repose. There will he also among those who shall be born hereafter, as there has been among us, great disputes, when some with their praises will extol your exploits to the skies, and others, perhaps, will miss something in them, — and that, too, the most important thing of all, — unless you extinguish the conflagration of civil war by the safety of the country, so that the one shall appear to have been the effect of destiny and the other the work of your own practical wisdom. Have regard, then, to those judges who will judge you many ages afterwards, and who will very likely judge you more honestly than we can. For their judgment will be unbiased by affection or by ambition, and at the same time it will be untainted by hatred or by envy. [30] And even if it will be incapable of affecting you at that time, (which is the false opinion held by some men,) at all events, it concerns you now to conduct yourself in such a manner that no oblivion shall ever be able to obscure your praises. 10.

The inclinations of the citizens have been very diverse, and their opinions much distracted; for we showed our variance, not only by our counsels and desires, but by arms and warlike operations. And there was obscurity in the designs of, and contention between, the most illustrious generals: many doubted which was the best side; many, what was expedient for themselves; many, what was becoming; some even felt uncertain as to what it was in their power to do. [31] The republic has at last come to the end of this miserable and fatal war; that man has been victorious who has not allowed his animosities to be inflamed by good fortune, but who has mitigated them by the goodness of his disposition; and who did not consider all those with whom he was displeased deserving on that account of exile or of death. Arms were laid aside by some, were wrested from the hands of others. He is an ungrateful and an unjust citizen, who, when released from the danger of arms, still retains, as it were, an armed spirit, so that that man is better who fell in battle, who spent his life in the cause. For that which seems obstinacy to some people may appear constancy in others. But now all dissension is crushed by the arms and extinguished by the justice of the conqueror; [32] it only remains for all men for the future to be animated by one wish, all at least who have not only any wisdom at all, but who are at all in their

senses. Unless you, O Caius Caesar, continue safe, and also in the same sentiments as you have displayed on previous occasions, and on this day most eminently, we cannot be safe either. Wherefore we all — we who wish this constitution and these things around us to be safe — exhort and entreat you to take care of your own life, to consult your own safety; and we all promise to you, (that I may say also on behalf of others what I feel respecting myself,) since you think that there is still something concealed, against which it is necessary to guard, — we promise you, I say, not only our vigilance and our wariness also to assist in those precautions, but we promise to oppose our sides and our bodies as a shield against every danger which can threaten you. 11. [33]

But let my speech end with the same sentiment as it began. We all, O Caius Caesar, render you the greatest thanks, and we feel even deeper gratitude than we express; for all feel the same thing, as you might have perceived from the entreaties and tears of all. But because it is not necessary for all of them to stand up and say so, they wish it at all events that by me, who am forced in some degree to rise and speak, should he expressed both all that they feel, and all that is becoming, and all that I myself consider due to Marcus Marcellus, who is thus by you restored to this order, and to the Roman people, and to the republic. For I feel that all men are exulting, not in the safety of one individual alone, but in the general safety of all. [34] And as it becomes the greatest possible affection, such as I was always well known by all men to have towards him, so that I scarcely yielded to Caius Marcellus, his most excellent and affectionate brother and certainly to no one except him, — that love for him which I displayed by my solicitude, by my anxiety, and my exertions, as long as there was a doubt of his safety, I certainly ought to display at this present time, now that I am relieved from my great care and distress and misery on his account.

Therefore, O Caius Caesar, I thank you, as if, — though I have not only been preserved in every sort of manner, but also loaded with distinctions by you, — still, by this action of yours, a crowning kindness of the greatest importance was added to the already innumerable benefits which you have reaped upon me, which I did not before believe were capable of any augmentation.

PRO LIGARIO (On Behalf of Ligarius before Caesar)

Translated by C. D. Yonge

The *Pro Ligario* is Cicero's defence of Quintus Ligarius before Julius Caesar in 46 BC. Cicero defends Ligarius, who is accused of crimes in Africa. Ligarius' accuser is Tubero, who had himself committed crimes in Africa. Cicero attempts to use Tubero's behaviour to mitigate the charges Ligarius faces. Notably, Cicero also uses *captatio benevolentiae*, a rhetorical technique which flatters the audience — in this case Caesar.

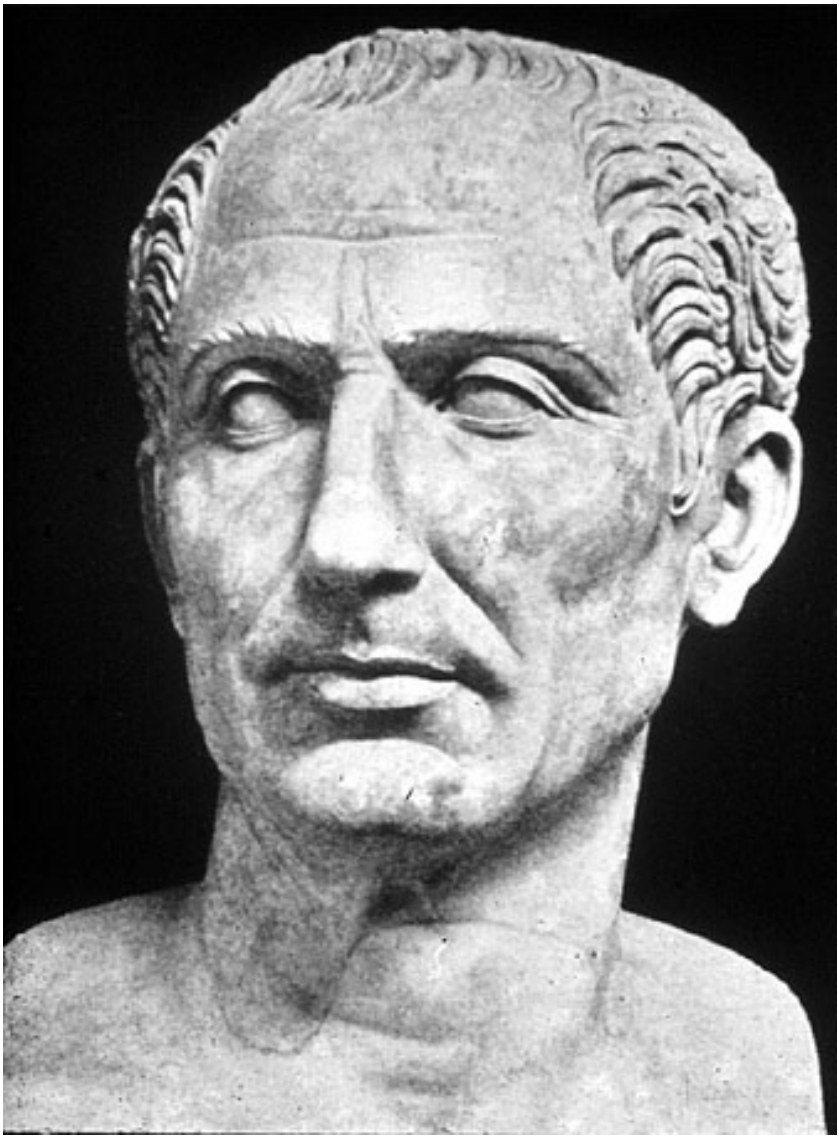

Julius Caesar (100 BC-44 BC)

THE SPEECH OF M. T. CICERO IN DEFENCE OF QUINTUS LIGARIUS.

THE ARGUMENT.

Quintus Ligarius was a Roman knight, who had been one of the lieutenants of Considius, the proconsul of Africa, and one of Pompey's partisans, and as such had borne arms against Caesar in Africa, on which account he had gone into voluntary exile, to get out of the reach of the conqueror. But his two brothers had been on Caesar's side, and had joined Pansa and Cicero in interceding with Caesar to pardon him. While Caesar was hesitating, Quintus Tubero, who was an ancient enemy of his, knowing that Caesar was very unwilling to restore him, (for Ligarius was a great lover of liberty,) impeached him as having behaved with great violence in the prosecution of the African war against Caesar, who privately encouraged this proceeding, and ordered the action to be tried in the forum, where he sat in person as judge to decide it; and so determined was he against Ligarius, that he is said to have brought the sentence of condemnation with him into court, already drawn up and formally signed and sealed. But he was prevailed upon by Cicero's eloquence, which extorted from him a verdict of acquittal against his will; and he afterwards pardoned Ligarius and allowed him to return to Rome. Ligarius afterwards became a great friend of Brutus, and joined him in the conspiracy against Caesar.

1. It is a new crime, and one never heard of before this day, O Caius Caesar, which my relation Quintus Tubero has brought before you, when he accuses Quintus Ligarius with having been in Africa; and that charge Caius Pansa, a man of eminent genius, relying perhaps on that intimacy with you which he enjoys, has ventured to confess. Therefore I do not know which way I had best proceed. For I had come prepared, as you did not know that fact of your own knowledge, and could not have heard it from any other quarter, to abase your ignorance in order to further the safety of a miserable

man. But, however, since that which was previously unknown has been ferreted out by the diligence of his enemy we must, I suppose, confess the truth; especially as my dear friend Caius Pansa has so acted that it would not now be in my power to deny it. Therefore, abandoning all dispute of the fact, all my speech must be addressed to your mercy; by which many have already been preserved, having besought of you, not a release from all guilt, but pardon from admitted error.

[2] You, therefore, O Tubero, have that which is of all things most desirable for a prosecutor, a defendant who confesses his fault; but still, one who confesses it only so far as he admits that he was of the same party as you yourself, O Tubero, were, and as that man worthy of all praise, your father, also was. Therefore you must inevitably confess yourselves also to be guilty, before you can find fault with any part of the conduct of Ligarius.

Quintus Ligarius, then, at a time when there was no suspicion of war, went as lieutenant into Africa with Caius Considius, in which lieutenancy he made himself so acceptable, both to our citizens there and to our allies, that Considius on departing from the province could not have given satisfaction to those men if he had appointed any one else to govern it. Therefore, Quintus Ligarius, after refusing it for a long time without effect, took upon himself the government of the province against his will. And while peace lasted, he governed it in such a manner that his integrity and good faith were most acceptable both to our citizens and to our allies. [3] On a sudden, war broke out, which those who were in Africa heard of as being actually raging before any rumour of its preparation had reached them. But when they did hear of it, partly out of an inconsiderate eagerness, partly out of some blind apprehension, they sought for some one as a leader, at first only with the object of securing their safety, and afterwards with that of indulging their party-spirit; while Ligarius, keeping his eyes fixed on home, and wishing to return to his friends, would not allow himself to be implicated in any business of the sort. In the meantime, Publius Attius Varus, who as praetor had obtained the province of Africa, came to Utica. Every one immediately flocked to him, and he seized on the government with no ordinary eagerness, if that may be called government which was conferred on him, while a private

individual, by the clamour of an ignorant mob, without the sanction of any public council. [4] Therefore, Ligarius, who was anxious to avoid being mixed up in any transactions of the sort remained quiet for some time on the arrival of Varus. 2.

Up to this point, O Caius Caesar, Quintus Ligarius is free from all blame. He left his home, not only not for the purpose of joining in any war, but when there was not even the slightest suspicion of war. Having gone as lieutenant in time of peace, he behaved himself in a most peaceable province in such a manner that it wished that peace might last for ever. Beyond all question, his departure from Rome with such an object ought not to be and cannot be offensive to you. Was, then, his remaining there offensive? Much less. For if it was no discreditable inclination that led to his going thither, it was even an honourable necessity which compelled him to remain. Both these times, then, are free from all fault — the time when he first went as lieutenant and the time when, having been demanded by the province, he was appointed governor of Africa.

[5] There is a third time that during which he remained in Africa after the arrival of Varus; and if that is at all criminal, the crime is one of necessity, not of inclination. Would he, if he could possibly have escaped thence by any means whatever, would he rather have been at Utica than at Rome, — with Publius Attius, in preference to his own most united brothers, — would he rather have been among strangers, than with his own friends? When his lieutenancy itself had been full of regret and anxiety on account of the extraordinary affection subsisting between him and his brothers, could he possibly remain there with any equanimity when separated from those brothers by the discord of war? [6]

You have, therefore, O Caesar, no sign as yet of the affections of Quintus Ligarius being alienated from you. And observe, I entreat you, with what good faith I am defending his cause. I am betraying my own by so doing. O the admirable clemency, deserving to be celebrated by all possible praise, and publicity, and writings, and monuments! Marcus Cicero is urging in Ligarius's defence before you, that the inclinations of another were not the same as he admits his own to have been; nor does he fear your silent thoughts, nor is he under any apprehension as to what while you are hearing of the

conduct of another, may occur to you respecting his own. 3.

See how entirely free from fear I am. See how brilliantly the light of your liberality and wisdom rises upon me while speaking before you. As far as I can, I will lift up my voice so that the Roman people may hear me. [7] When the war began, O Caesar, when it was even very greatly advanced towards its end, I, though compelled by no extraneous force, of my own free judgment and inclination went to join that party which had taken up arms against you. Before whom now am I saying this? Forsooth, before the man who, though he was acquainted with this, nevertheless restored me to the republic before he saw me; who sent letters to me from Egypt, to desire me to behave as I always had behaved; who, when he himself might have been the sole leader of the Roman people in the whole empire, still permitted me to be the other; by whose gift it was, (this very Caius Pansa, who is here present, bringing me the news,) that I retained the fasces wreathed with laurel, as long as I thought it becoming to retain them at all, and who would not have considered that he was giving me safety at all, if he did not give it me without my being stripped of any of my previous distinctions.

[8] Observe, I pray you, O Tubero, how I, who do not hesitate to speak of my own conduct, do not venture to make any confession with respect to Ligarius: and I have said thus much respecting myself, to induce Tubero to excuse me when I say the same things of him. For I look in the forum on his industry and desire of glory, either on account of the nearness of our relationship, or because I am delighted with his genius and with his earnestness, or because I think that the praises of a young man who is my relative redound somewhat to my own credit. [9] But I ask this — Who is it who thinks that it was any crime in Ligarius to have been in Africa? Why, the very man who himself also wished to be in Africa, and who complains that he was prevented by Ligarius from going there, and who certainly was in arms and fought against Caesar. For, O Tubero, what was that drawn sword of yours doing in the battle of Pharsalia? against whose side was that sword-point of yours aimed? What was the feeling with which you took up arms? What was your intention? Where were your eyes? your hands? your eagerness of mind? what were you desirous of? What were you willing for? I am pressing you

too hard. The young man appears to be moved. I will return to myself. I also was in arms in the same cam. [10]

But what other object had we, O Tubero, except to be able to do what this man can do now? Shall, then, O Caesar, the speech of those men spur you on to deeds of cruelty whose impunity is the great glory of your clemency? And in this cause, in truth, O Tubero, I am somewhat at a loss to discern your usual prudence, but much more so to see the sagacity of your father, since that man, eminent both for genius and erudition, did not perceive what sort of case this was. For if he had perceived it, he would, I doubt not, have preferred that you should conduct it in any manner in the world, rather than as you did.

You are accusing one who confesses the facts which you allege against him. That is not enough. You are accusing one who has a case, as I say, better than your own, or, as you yourself allow, at least as good as yours. [11] This is strange though; but what I am about to say is a perfect miracle. That accusation of yours does not tend to the point of procuring the condemnation of Quintus Ligarius, but of causing us death. And this is an object which no Roman citizen has ever pursued before you. That way of acting is quite foreign. It is the hatred of fickle Greeks or of savage barbarians that is usually excited to the pitch of thirsting for blood. For what else is your object? To prevent him from being at ionic? To deprive him of his country? To hinder him from living with his excellent brothers, with this Titus Brocchus, whom you see in court, his uncle, or with Brocchus's son, his cousin? To prevent his appearing in his country? Was that it? Can he be more deprived of all these things than he is already? He is prevented from approaching Italy; he is banished. You, therefore, do not wish to deprive him of his country, of which he already is deprived, but of his life. [12]

But even in the time of that dictator who punished with death every one whom he disliked, no one ever proceeded in that manner to accomplish such an end. He himself ordered men to be slain, without any one asking him; he even invited men to slay them by rewards; and that cruelty of his was avenged some years afterwards by this selfsame man whom you now wish to become cruel! 5.

"But I am not asking for his death," you will say. I think indeed that you do not intend to do so, O Tubero, for I know you, I know

your father, I know your birth and your name, and the pursuits of your race and family; our love of virtue, and civilization, and learning; your many admirable qualities, — all are known to me. [13] Therefore I know for a certainty that you are not thirsting for blood, but you give no heed to the effect of your prosecution. For the transaction has this tendency, to make you seem not contented with that punishment under which Quintus Ligarius is at present suffering. What further punishment then is there but death? For if he is in exile, as he is, what more do you require? That he may never be pardoned? But this is much more bitter and much harsher. That which we begged for at his house with prayers and tears, throwing ourselves at his feet, trusting not so much to the strength of our cause as to his humanity, will you now struggle to prevent our obtaining? Will you interrupt our weeping? and will you forbid us to speak, lying at his feet with the voice suppliants? [14] If, when we were doing this at his house, as and as I hope we did not do in vain, you had all on a sudden burst in, and had begun to cry out "O Caius Caesar, beware how you pardon, beware how you pity brothers entreating you for the safety of their brother," would you not have renounced all humanity by such conduct? How much harder is this, for you to oppose in the forum what we begged of him in his own house! and while numbers are in this distress, to take away from them the refuge which they might find in his clemency!

I will speak plainly, O Caius Caesar, what I feel. [15] If in this splendid fortune of yours your lenity had not been as great as you of your own accord — of your own accord, I say, (I know well what I am saying,) make it, that victory of yours would have been pregnant with the bitterest grief to the state. For how many of the conquering party must have been found who would have wished you to be cruel, when some of even the conquered party are found to wish it! how many who, wishing no one to be pardoned by you, would have thrown obstacles in the way of your clemency, when even those men whom you yourself have pardoned are unwilling that you should be merciful to others

[16] But if we could prove to Caesar that Ligarius was actually not in Africa at all, if we wished to save an unfortunate citizen by an honourable and merciful falsehood; still it would not be the act of a

man, in a case of such danger and peril to a fellow-citizen, to contradict and refute our falsehood; and if it were decent for any one to do so, it would certainly not be so for one who had himself been in the same case and condition But, however, it is one thing to be unwilling that Caesar should make a mistake, and another to be unwilling he should be merciful. Then you would say, “Beware, O Caesar, of believing all this — Ligarius was in Africa. He did bear arms against you.” But now what is it that you say “Take care you do not pardon him.” This is not the language of a man but he who uses it to you, O Caius Caesar, will find it an easier matter to abjure his own humanity than to strip you of yours. 6. [17]

And the first beginning, and the first proposition of Tubero, I imagine, was this; that he intended to speak of wickedness of Quintus Ligarius. I make no doubt that you wondered how it was that no one made this statement respecting some one else, or how it was that he made it who had been in the same condition himself, or what new crime it was which he was bringing forward. Do you call that wickedness, Tubero? Why so? For that cause has not as yet been wicked by that name. Some call it mistake; some call it fear; those who give it a harder name term it hope, ambition, hatred, obstinacy; those who use the hardest language style it rashness. But up to this time no one except you has ever called it wickedness. My own opinion is, if any one seeks for a proper and accurate name for our misfortune, that some disaster sent by destiny descended upon and occupied the provident minds of men; so that no one ought to wonder that human counsels were overruled by divine necessity.

[18] Let it be allowed to us to be miserable, although that cannot be when this man is our conqueror. But I am not speaking of those who have perished. Grant that they were ambitious, that they were angry, that they were obstinate men; but still let Cnaeus Pompeius, for he is dead, and let any others with him, be free from the imputation of wickedness, of insanity, of parricide. When did any one hear such expression from you, O Caius Caesar? or what other object did your arms propose to themselves except the repelling insult from yourself? What was it that was accomplished by that invincible army of yours; beyond the preservation of its own rights, and of your dignity? What? when you were anxious for peace, was it your object

to be able to come to terms of agreement with the wicked, or with the virtuous part of the citizens? [19] To me, of a truth, O Caesar, your services towards me, immense as they are, would certainly not appear so great, if I thought that I had been preserved by you while you considered me a wicked man. And how could you possibly have deserved well of the republic, if you had wished so many wicked men to remain with all their dignity unimpaired? Originally, O Caesar, you considered that as a secession, not as a declaration of war; you considered it as a demonstration not of hostile hatred, but of civil dissension, in which both parties desired the safety of the republic, but some departed from measures calculated for the general welfare out of an error of judgment, and some out of party spirit. The dignity of the leaders was nearly on a par; but that of those who followed them was perhaps not quite equal; the justice of the cause, too, was at that time doubtful, because there was something on each side which deserved to be approved of; but now that is unquestionably entitled to be thought the better cause which even the gods assisted. But now that your clemency is known; who is there who does not think well of that victory, in which no one has fallen except those who fell with arms in their hands? 7. [20]

But to say no more of the general question, let us come to our own individual case. Which do you think was easiest, O Tubero, for Ligarius to depart from Africa, or for you to abstain from coming into Africa? "Could we so abstain," you will say, "after the senate had voted that we should do so?" If you ask me, I say, Certainly not. But still the same senate had appointed Ligarius lieutenant. And he obeyed them at a time when men were forced to obey the senate; but you obeyed at a time when no one obeyed them who did not like it. Do I then find fault with you? By no means; — for a man of your family, of your name, of your race, of your hereditary principles, could not act otherwise. But I do not grant that you have a right to reprove in others the very same conduct which you boast of in yourselves.

[21] Tubero's lot was drawn in pursuance of a resolution of the senate when he himself was not present, when he was even hindered by sickness from being present. He had made up his mind to excuse himself. I know all this from the great intimacy which exists between

Lucius Tubero and myself: we were brought up together, in our campaigns we were comrades, afterwards we became connected by marriage, and throughout the whole of our lives, in short, we have been friends; it has been, moreover, a great bond between us, that we have been devoted to the same studies. I know, therefore, that Tubero wished to remain at home; but there was a person who contrived matters in such a way, who put forth that most holy name of the republic so artfully, that even had his sentiments been different from what they were, he would not have been able to support the weight of his language. [22] He submitted to the authority of a most distinguished man, or, I should rather say, he obeyed him. He went off at the same time with those men who were already embarked in the same cause, but he made us journey slower than they. Therefore, he arrived in Africa when it was already occupied; and from this it is that the charge against Ligarius, or rather the enmity against him, has its rise. For if it be a crime in him to have wished to hinder you, it is a no less serious one for you to have wished to obtain Africa, the citadel of all the provinces, a land created for the purpose of waging war against this city, than for somebody else to have preferred obtaining it himself, — and that somebody was not Ligarius. Varus kept saying, that he had the command there; the fasces he certainly had. [23] But however the case, as to that part of it may be, what weight is there, O Tubero, in this complaint of yours? "We were admitted into the province." Well, suppose you had been admitted? was it your object to deliver it up to Caesar, or to hold it against Caesar? 8.

See, O Caesar, what licence, or rather what audacity, your liberality gives us. If Tubero replies that his father would have given up to you that province to which the senate and the lot which be drew had sent him, I will not hesitate in severe language to reprove that design of his before you yourself, to whose advantage it was that he should so. For even if the action had been an acceptable one to you, it would not have been thought an honest one by you. [24] But, however, all these topics I will pass over, not so much for fear of offending your most patient ears, as because that I do not wish that Tubero should appear to have been likely to do what he never thought of.

You two came, then, into the province of Africa, — the province of all others that was most hostile to the views of this victorious party in which there was a most powerful king, an enemy to this cause, and in which the inclinations of a large and powerful body of Roman settlers were entirely adverse to it. I ask what you intended to do? Though I do not really doubt what you intended to do, when I see what you have done. You were forbidden to set foot in your province, and forbidden, as you state yourselves, with the greatest insults. [25] How did you bear that? To whom did you carry your complaints of the insults which you had received? Why, to that man whose authority you had followed when you came to join his party in the war. If it had been in Caesar's cause that you were coming to the province, unquestionably, when excluded from the province, it was to him that you would have gone. But you came to Pompeius. What is the meaning, then, of this complaint which you now urge before Caesar, when you accuse that man by whom you complain that you were prevented from waging war against Caesar? And as to this part of the business you may boast for all I care, even though it will be falsely, that you would have given the province up to Caesar, even if you had been forbidden by Varus, and by some others. But I will confess that the fault was all Ligarius's, who deprived you of an opportunity of acquiring so much glory. 9. [26]

But observe, I pray you, O Caius Caesar, the consistency of that most accomplished man, Lucius Tubero, which even though I thought as highly of it as I do, I still would not mention, if I were not aware that that is a virtue which you are in the habit of praising as much as any. Where, then, was there ever an example of such great consistency in any man? Consistency, do I say? I do not know whether I might not more fitly call it patience. For how few men would have acted in such a manner as to return to that same party by which he had been rejected in a time of civil dissension, and rejected even with cruelty? That is the act of a great mind, and of a man whom no contumely, no violence, and no danger can turn from a side which he has espoused, and from an opinion which he has adopted. [27] Grant that in all other respects Tubero and Varus were on a par, as to honour, that is, and nobleness of birth, and respectability, and genius, — which, however, was by no means the case; at all events,

Tubero had this great advantage, that he had come to his own province with a legitimate command, in pursuance of a resolution of the senate. When he was prevented from entering it, he did not betake himself to Caesar, lest he should appear to be in a passion, — he did not go home, lest he should be thought inactive, — he did not go to any other district, lest he might seem to condemn that cause which he had espoused. He came into Macedonia to the camp of Cnaeus Pompeius, to join that very party by whom he had been repulsed with every circumstance of insult. [28]

What? when that affair had had no effect on the mind of man to whom you came, you behaved, after that with a more languid zeal, I suppose, in his cause? You only stayed in some garrison? But your affections were alienated from his cause? Or were we all, as is the case in a civil war, and not more with respect to you two, than with respect to others, — were we all wholly occupied with a desire of victory? I, indeed, was at all times an advocate of peace, but that time was too late. For it was the part of a madman to think of peace when he saw the hostile army in battle array. We all, every one of us, I say, were eager for victory; you most especially, as you had come into a place where you must inevitably perish if your side were not victorious. Although, the result now turns out, I make no doubt that you confer your present safety preferable to what would have been the consequences of victory. 10. [29]

I would not say these things, O Tubero, if you had any reason to repent of your consistency, or Caesar of his kindness. I ask now whether you are seeking to avenge your own injuries, or those of the republic? If those of the republic, what reply can you make with respect to your perseverance in the cause of that other party? If your own, take care that you are not making a great mistake in thinking that Caesar will be angry with your enemies, after he has pardoned his own. Do I, then, appear to you, O Caesar, to be occupied in the use of Ligarius? Do I appear to be speaking of his conduct? In whatever I have said, I have endeavoured to refer everything to the leading idea of your humanity, or clemency, mercy, whichever may be its most proper name. [30] I have, indeed, O Caius Caesar, pleaded many causes with you, while your pursuit of honours detained you in the forum; but certainly I never pleaded in this way, “Pardon my

client, O judges; he has erred, he has tripped, he did not think.

* * If ever hereafter

* *" This is the sort of way in which he pleads with a parent; to judges one says, "He never did it, he never thought of it the witnesses are false, the accusation is false." Say, O Caesar, that you are sitting as judge on the conduct of Ligarius. Ask me in what garrisons he was. I make no reply. I do not even adduce these arguments, which, perhaps, might have weight even with a judge, —"He went as a lieutenant before the war broke out; he was left there in time of peace; he was overtaken by the war; in the war itself he was not cruel; he was in disposition and zeal wholly yours." This is the way in which men are in the habit of pleading before a judge. But I am addressing a parent. "I have erred; I have acted rashly; I repent; I flee to your clemency; I beg pardon for my fault; I entreat you to pardon me." If no one has gained such indulgence from you, it is an arrogant address. [31] But if many have, then do you give us assistance who have already given us hope. Is it possible that Ligarius should have no reason for hope, when I am allowed to approach you even for the purpose of entreating mercy for another? Although the hope which we entertain in this cause does not rest upon this oration of mine, nor on the zeal of those who entreat you for Ligarius, intimate friends of your own. 11.

For I have seen and known what it was that you mainly considered when many men were exerting themselves for any one's safety; I have seen that the causes of those who were entreating you had more weight with you than the persons of the advocates, and that you considered, not how much the man who was entreating you was your friend, but how much he was the friend of him for whom he was exerting himself. Therefore, you grant your friends so many favours, that they who enjoy your liberality appear to me sometimes to be happier than you yourself who give them so much. But, however, I see, as I said before, that the causes of those who entreat your mercy have more weight with you than the entreaties themselves; and that you are most moved by those men whose grief, which they display in their petitions to you, is the most genuine.

[32] In preserving Quintus Ligarius you will do what will be acceptable to numbers of your intimate friends; but, I entreat you,

give weight to the considerations which are accustomed to influence you. I can mention to you most brave men, Sabines, men most highly esteemed by you; and the whole of the Sabine district, the flower of Italy and the chief strength of the republic. You are well acquainted with the men. Observe the sadness and grief of all these men. You see yourself the tears and mourning attire of Titus Brocchus, who is here present, and I am in no doubt as to what your opinion of him is: you see the grief of his son. [33] Why need I speak of the brothers of Ligarius? Do not fancy, O Caesar, that we are pleading for the life of an individual only. You must either retain all three of the Ligarii in the city, or banish them all three from the city. Any exile is more desirable for them than their own country, their own house, and their own household gods will be if this their brother is banished by himself. If they act as brothers should, — if they behave with affection and with genuine grief, then let their tears, their affection, and their relationship as brothers move you. Let that expression of yours have weight now which gained the victory; for we heard that you said that we thought all men our enemies, but those who were with us; but that you considered all men as your friends who were not actually arrayed against you. Do you see, then, this most respectable band; do you see the whole house of the Brocchi here present, and Lucius Marcius, and Caius Caesetius, and Lucius Corfidius, and all these Roman knights, who are present here in mourning garments, — men who are not only well known to, but highly esteemed by you? They all were with you then; and we were full of anger against them, — we were attacking them; some even personally threatened them. Preserve, therefore, their friends to your friends; so that, like everything else which has been said by you, this, too, may be found to be strictly true. 12.

[34] But if you were able to look into the hearts of the Ligarii, so as to see the perfect unanimity which subsists between them, you would think that all the brothers were on your side. Can any one entertain a doubt that, if Quintus Ligarius had been able to be in Italy, he would also have adopted the same opinions as his brothers adopted? Who is there who is not acquainted with the harmony existing between them, united and molten together, as I may say, by their nearness of age to one another? Who does not feel that anything in the world was more

likely than that these brothers should adopt different opinions and embrace different parties? By inclination, therefore, they are all with you. Owing to the necessity of the times, one was separated from you; but he, even if he had done what he did deliberately, would still have been only like those men whom, nevertheless, you have shown yourself desirous to save.

[35] However, grant that he went up of his own accord to the war, and that he departed, not only from you, but also from his brothers. These friends of your own entreat you to pardon him. I, indeed, at the time when I was present at, and mixed up in, all your affairs, remember well what was the behaviour of Titus Ligarius at that time, when he was city quaestor, with reference to you and your dignity. But it is of no importance for me to remember this. I hope that you, too, who are not in the habit of forgetting anything, except the injuries which have been done to you, since it is a part of your character, a part of your natural disposition, to do so, while you are thinking of the manner in which he conducted himself in the discharge of his duty as quaestor, and while you remember, too, how some other quaestors behaved, — I hope, I say, that you will also recollect this. [36]

This Titus Ligarius, then, who had at that time no other object except to induce you to think him attached to your interests, and a virtuous man also, (for he could never foresee these present circumstances,) now as a suppliant begs the safety of his brother from you. And when, urged by the recollection of his devotion to you, you have granted that safety to these men, you will by so doing have made a present of three most virtuous and upright brothers, not only to themselves, nor to these men, numerous and respectable as they are, nor to us who are their intimate friends, but also to the republic. [37] That, therefore, which in the case of that most noble and most illustrious man, Marcus Marcellus, you lately did in the senate-house, do now also in the forum with respect to these most virtuous brothers, who are so highly esteemed by all the crowd here present. As you granted him to the senate, so grant this man to the people, whose affections you have always considered most important to you. And if that day was one most glorious to you, and at the same time most acceptable to the Roman people, do not, I entreat you, — do not

hesitate to earn the praise of a glory like that as frequently as possible.

For there is nothing so calculated to win the affections of the people as kindness. Of all your many virtues, there is none more admirable, none more beloved than your mercy. [38] For there is no action by which men make a nearer approach to the gods, than by conferring safety on others. Fortune has no greater gifts for you than when it bestows on you the ability — nature has no better endowment for you than when it bestows on you the will, to save as many people us possible. The cause of my client, perhaps, requires a longer speech than this a shorter one would certainly be sufficient for a man of your natural disposition. Wherefore, as I think it more desirable for you to converse, as it were, with yourself, than for me or any one else to be speaking to you, I shall now make an end. This only will I remind you of, that if you do grant this protection to him who is absent, you will be giving it also to all these men who are here present.

PHILIPPICAE (The Fourteen Orations against Marcus Antonius)

Translated by C. D. Yonge

Philippicae is the title given to a series of fourteen speeches that Cicero delivered condemning Mark Antony in 44 and 43 BC. The speeches were modelled after Demosthenes' *Philippic*, which were delivered against Philip of Macedon.

Cicero was taken by surprise when Gaius Julius Caesar, the effective dictator of the Roman Republic, was assassinated on the fifteenth day of March, 44 BC. Even though he was not included in the conspiracy, the conspirators were sure of his sympathy. Cicero became a popular leader during the period of instability after the assassination. He had no respect for Mark Antony, who was scheming to take revenge upon Caesar's murderers. In fact, Cicero privately expressed his regret that the murderers of Caesar had not included Antony in their plot and he bent his efforts to the discrediting of the latter.

In exchange for amnesty for the assassins, he arranged for the Senate to agree that it would not proclaim Caesar to be a tyrant, an action that allowed Caesar's supporters to remain a lawful force. Cicero and Antony then became the two leading politicians in Rome: Cicero as spokesman for the Senate and Antony as consul, leader of the Caesarian faction and unofficial executor of Caesar's will. The two men had never been on amicable terms and their relationship worsened after Cicero made it clear that he felt Antony was taking unfair liberties in interpreting Caesar's wishes.

When Octavian, Caesar's adopted son and heir, arrived in Italy in April, Cicero formed a plan to play him against Antony. In September Cicero began attacking Antony in this series of speeches, inspired by the works of the famous Greek orator Demosthenes. In

praise of Octavian, Cicero labelled Octavian a “god-sent child”, claiming that the young man desired only honour and would not make the same mistakes as Caesar. Meanwhile, his attacks on Antony, whom he described as a “sheep”, rallied the Senate in firm opposition to Antony. During this time, Cicero’s popularity as a public figure was unrivalled. Cicero levied heavy fines on the supporters of Antony for petty offenses and recruited volunteers to make weapons for the supporters of the Republic. According to Appian, this policy was perceived by Antony’s supporters to be so insulting that they prepared to march on Rome to arrest Cicero, but the latter fled the city and the plan was abandoned.

In the first Philippic, delivered on 2 September 44 BC, Cicero criticises the legislation of the consuls in office, Mark Antony and Publius Cornelius Dolabella, who, he argues had acted counter to the will of the late Caesar. The orator demands that the consuls return to the looking after the welfare of the Roman people.

Ultimately, Cicero’s plan to drive out Antony failed. After the successive battles of Forum Gallorum and Mutina, Antony and Octavian reconciled and allied with Lepidus to form the Second Triumvirate. Immediately after legislating their alliance into official existence for a five-year term with consular imperium, the Triumvirate began proscribing their enemies and potential rivals. Cicero and his younger brother Quintus Tullius Cicero, formerly one of Caesar’s legati, and many of their contacts and supporters were numbered among the enemies of the state.

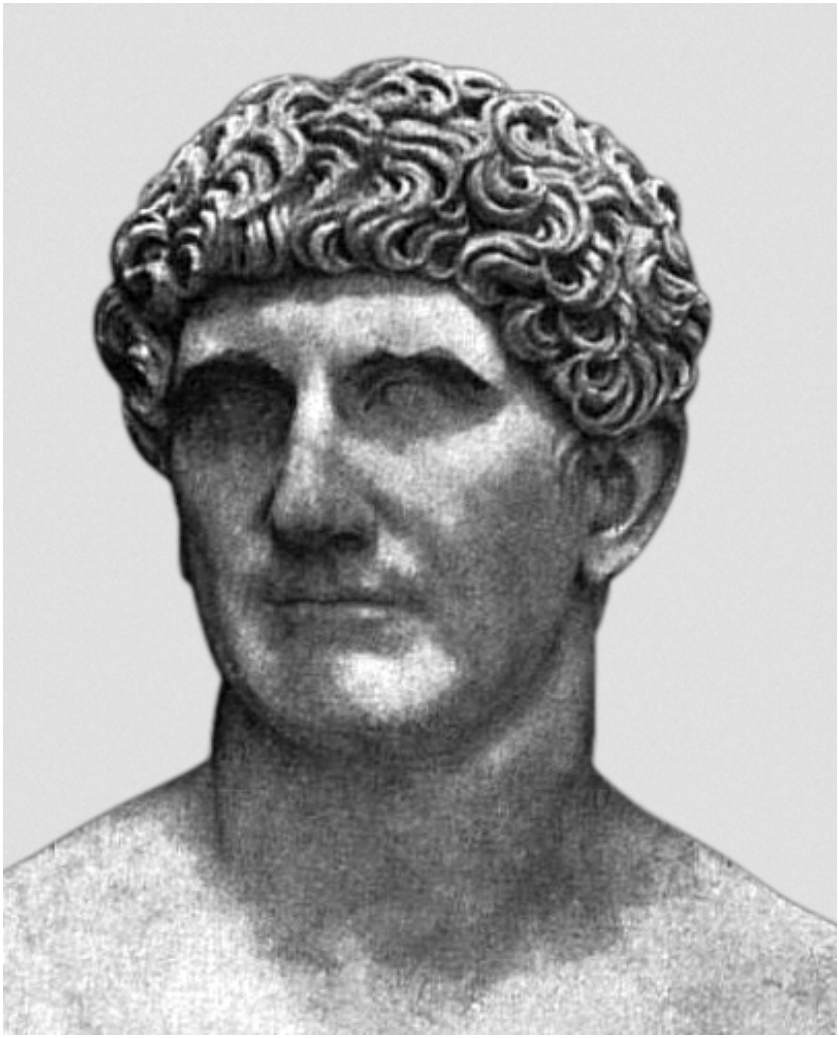

Marcus Antonius (83 BC-30 BC) As a military commander and administrator, he was an important supporter and loyal friend of his mother's cousin Julius Caesar. After Caesar's assassination, Antony formed an official political alliance with Octavian (the future Augustus) and Lepidus, known today as the Second Triumvirate.

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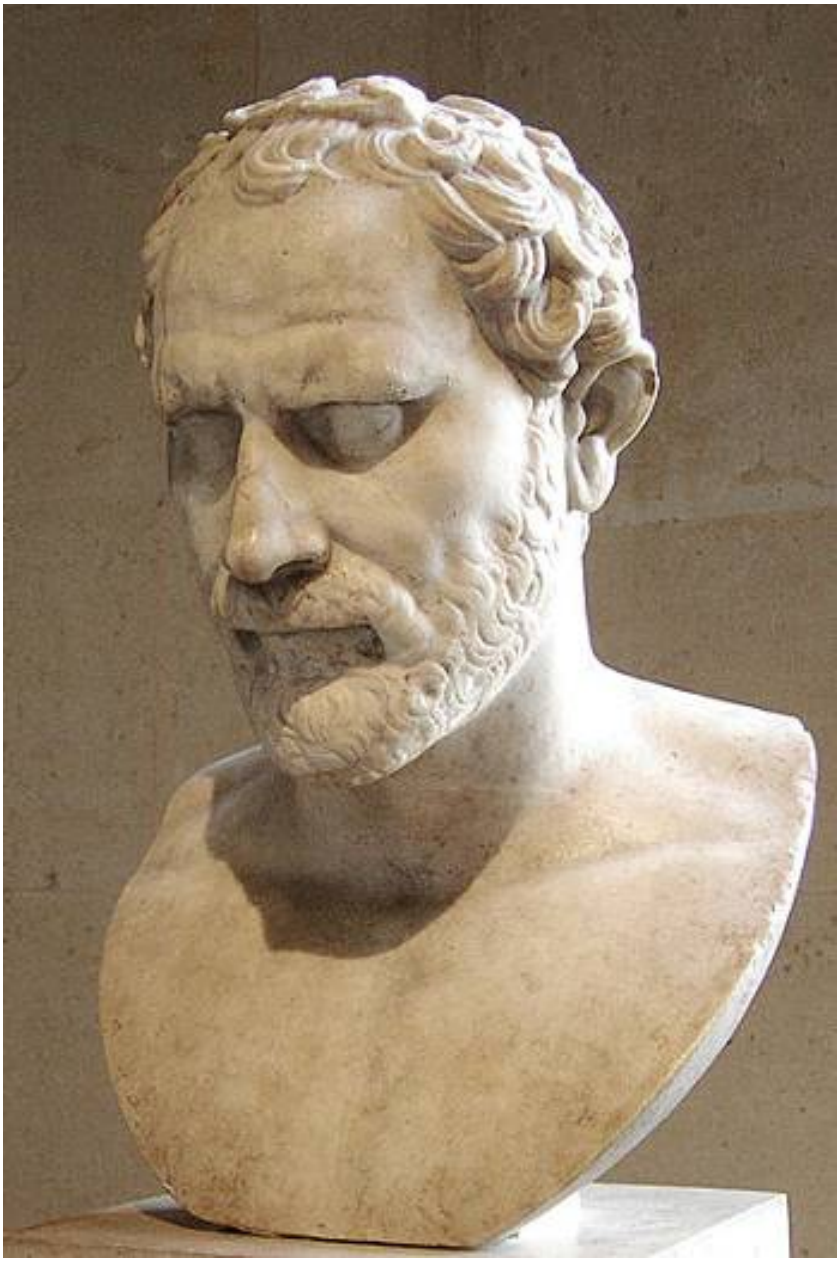

Demosthenes (384–322 BC) the famous statesman and orator of ancient Athens, whose Philippic orations inspired Cicero's Philippicae.

THE FIRST PHILIPPIC.

THE ARGUMENT.

When Julius, or, as he is usually called by Cicero, Caius Caesar was slain on the 15th of March, A.U.C. 710, B.C. 44, Marcus Antonius was his colleague in the consulship; and he, being afraid that the conspirators might murder him too, (and it is said that they had debated among themselves whether they would or no,) concealed himself on that day, and fortified his house; till, perceiving that nothing was intended against him, he ventured to appear in public the day following. Lepidus was in the suburbs of Rome with a regular army, ready to depart for the government of Spain, which had been assigned to him with a part of Gaul. In the night, after Caesar's death, he occupied the forum with his troops, and thought of making himself master of the city, but Antonius dissuaded him from that idea, and won him over to his views by giving his daughter in marriage to Lepidus's son, and by assisting him to seize on the office of Pontifex Maximus, which was vacant by Caesar's death.

To the conspirators he professed friendship, sent his son among them as a hostage of his sincerity, and so deluded them, that Brutus supped with Lepidus, and Cassius with Antonius. By these means he got them to consent to his passing a decree for the confirmation of all Caesar's acts, without describing or naming them more precisely. At last, on the occasion of Caesar's public funeral, he contrived so to inflame the populace against the conspirators, that Brutus and Cassius had some difficulty in defending their houses and their lives; and he gradually alarmed them so much, and worked so cunningly on their fears, that they all quitted Rome. Cicero also left Rome, disapproving greatly of the vacillation and want of purpose in the conspirator. On the first of June, Antonius assembled the senate to deliberate on the affairs of the republic, and in the interval visited all parts of Italy.

In the meantime young Octavius appeared on the stage; he has been left by Caesar, who was his uncle, the heir to his name and estate. He returned from Apollonia, in Macedonia, to Italy as soon as

he heard of his uncle's death, and arrived at Naples on the eighteenth of April, where he was introduced by Hirtius and Pansa to Cicero, whom he promised to be guided in all respects by his directions. He was now between eighteen and nineteen years of age.

He began by the representation of public spectacles and games in honour of Caesar's victories. In the meantime Antonius, in his progress through, Italy, was making great use of the decree confirming all Caesar's acts, which he interpolated and forged in the most shameless manner. Among other things he restored Deiotarus to all his dominions, having been bribed to do so by a hundred millions of sesterces by the king's agents; but Deiotarus himself, as soon as he heard of Caesar's death, seized all his dominions by force. He also seized the public treasure which Caesar had deposited in the temple of Ops, amounting to above four millions and a half of our money, and with this he won over Dolabella,who had seized the consulship on the death of Caesar, and the greater part of the army.

At the end of May Cicero began to return towards Rome, in order to arrive there in time for the meeting of the senate on the first of June; but many of his friends dissuaded him from entering the city, and at last he determined not to appear in the senate on that day, but to make a tour in Greece; to assist him in which, Dolabella named him one of his lieutenants. Antonius also gave Brutus and Cassius commissions to buy corn in Asia and Sicily for the use of the republic, in order to keep them out of the city.

Meantime Sextus Pompeius, who was at the head of a considerable army in Spain, addressed letters to the consuls proposing terms of accommodation, which after some debate, and some important modifications, were agreed to, and he quitted Spain, and came as far as Marseilles on his road towards Rome.

Cicero having started for Greece was forced to put back by contrary winds, and returned to Velia on the seventeenth of August, where he had a long conference with Brutus, who soon after left Italy for his province of Macedonia, which Caesar had assigned him before his death, though Antonius now wished to compel him to exchange it for Crete. After this conference Cicero returned to Rome, where he was received with unexampled joy, immense multitudes thronging out to meet him, and to escort him into the city. He arrived

in Rome on the last day of August. The next day the senate met, to which he was particularly summoned by Antonius, but he excused himself as not having recovered from the fatigue of his journey.

Antonius was greatly offended, and in his speech in the senate threatened openly to order his house to be pulled down; the real reason of Cicero's absenting himself from the senate being, that the business of the day was to decree some new and extraordinary honours to Caesar, and to order supplications to him as a divinity, which Cicero was determined not to concur in, though he knew it would he useless to oppose them.

The next day also the senate met, and Antonius absented himself; but Cicero came down and delivered the following speech, which is the first of that celebrated series of fourteen speeches made in opposition to Antonius and his measures, and called Philippics from the orations of Demosthenes against Philip, to which the Romans were in the habit of comparing them.

1. Before, O conscript fathers, I say those things concerning the republic which I think myself bound to say at the present time, I will explain to you briefly the cause of my departure from, and of my return to the city. When I hoped that the republic was at last recalled to a proper respect for your wisdom and for your authority, I thought that it became me to remain in a sort of sentinelship, which was imposed upon me by my position as a senator and a man of consular rank. Nor did I depart anywhere, nor did I ever take my eyes off from the republic, from the day on which we were summoned to meet in the temple of Tellus; in which temple, I, as far as was in my power, laid the foundations of peace, and renewed the ancient precedent set by the Athenians; I even used the Greek word,which that city employed in those times in allaying discords, and gave my vote that all recollection of the existing dissensions ought to be effaced by everlasting oblivion. [2]

The oration then made by Marcus Antonius was an admirable one; his disposition, too, appeared excellent; and lastly, by his means and by his sons', peace was ratified with the most illustrious of the citizens; and everything else was consistent with this beginning. He

invited the chief men of the state to those deliberations which he held at his own house concerning the state of the republic; he referred all the most important matters to this order. Nothing was at that time found among the papers of Caius Caesar except what was already well known to everybody; and he gave answers to every question that was asked of him with the greatest consistency. [3] Were any exiles restored? He said that one was, and only one. Were any immunities granted? He answered, None. He wished us even to adopt the proposition of Servius Sulpicius, that most illustrious man, that no tablet purporting to contain any decree or grant of Caesar's should be published after the Ides of March were expired. I pass over many other things, all excellent — for I am hastening to come to a very extraordinary act of virtue of Marcus Antonius. He utterly abolished from the constitution of the republic the Dictatorship, which had by this time attained to the authority of regal power. And that measure was not even offered to us for discussion. He brought with him a decree of the senate, ready drawn up, ordering what he chose to have done: and when it had been read, we all submitted to his authority in the matter with the greatest eagerness; and, by another resolution of the senate, we returned him thanks in the most honourable and complimentary language. 2. [4]

A new light, as it were, seemed to be brought over us, now that not only the kingly power which we had endured, but all fear of such power for the future, was taken away from us; and a great pledge appeared to have been given by him to the republic that he did wish the city to be free, when he utterly abolished out of the republic the name of dictator, which had often been a legitimate title, on account of our late recollection of a perpetual dictatorship. [5] A few days afterwards the senate was delivered from the danger of bloodshed, and a hookwas fixed into that runaway slave who had usurped the name of Caius Marius. And all these things he did in concert with his colleague. Some other things that were done were the acts of Dolabella alone; but if his colleague had not been absent, would, I believe, have been done by both of them in concert.

For when enormous evil was insinuating itself into the republic, and was gaining more strength day by day; and when the same men were erecting a tombin the forum, who had performed that irregular

funeral; and when abandoned men, with slaves like themselves, were every day threatening with more and more vehemence all the houses and temples of the city; so severe was the rigour of Dolabella, not only towards the audacious and wicked slaves, but also towards the profligate and unprincipled freemen, and so prompt was his overthrow of that accursed pillar; that it seems marvellous to me that the subsequent time has been so different from that one day. [6]

For behold, on the first of June, on which day they had given notice that we were all to attend the senate, everything was changed. Nothing was done by the senate, but many and important measures were transacted by the agency of the people, though that people was both absent and disapproving. The consuls elect said, that they did not dare to come into the senate. The liberators of their country were absent from that city from the neck of which they had removed the yoke of slavery; though the very consuls themselves professed to praise them in their public harangues and in all their conversation. Those who were called Veterans, men of whose safety this order had been most particularly careful, were instigated not to the preservation of those things which they had, but to cherish hopes of new booty. And as I preferred hearing of those things to seeing them, and as I had an honorary commission as lieutenant, I went away, intending to be present on the first of January, which appeared likely to be the first day of assembling the senate. 3. [7]

I have now explained to you, O conscript fathers, my design in leaving the city. Now I will briefly set before you; also, my intention in returning, which may perhaps appear more unaccountable. As I had avoided Brundusium, and the ordinary route into Greece, not without good reason, on the first of August I arrived at Syracuse, because the passage from that city into Greece was said to be a good one. And that city, with which I had so intimate a connection, could not, though it was very eager to do so, detain me more than one night. I was afraid that my sudden arrival among my friends might cause some suspicion if I remained there at all. But after the winds had driven me, on my departure from Sicily, to Leucopetra, which is a promontory of the Rhegian district, I went up the gulf from that point, with the view of crossing over. And I had not advanced far before I was driven back by a foul wind to the very place which I had

just quitted. [8] And as the night was stormy, and as I had lodged that night in the villa of Publius Valerius, my companion and intimate friend, and as I remained all the next day at his house waiting for a fair wind, many of the citizens of the municipality of Rhegium came to me. And of them there were some who had lately arrived from Rome; from them I first heard of the harangue of Marcus Antonius, with which I was so much pleased that, after I had read it, I began for the first time to think of returning. And not long afterwards the edict of Brutus and Cassius is brought to me; which (perhaps because I love those men, even more for the sake of the republic than of my own friendship for them) appeared to me, indeed, to be full of equity. They added besides, (for it is a very common thing for those who are desirous of bringing good news to invent something to make the news which they bring seem more joyful,) that parties were coming to an agreement; that the senate was to meet on the first of August; that Antonius having discarded all evil counselors, and having given up the provinces of Gaul, was about to return to submission to the authority of the senate. 4. [9]

But on this I was inflamed with such eagerness to return, that no oars or winds could be fast enough for me; not that I thought that I should not arrive in time, but lest I should be later than I wished in congratulating the republic; and I quickly arrived at Velia, where I saw Brutus; how grieved I was, I cannot express. For it seemed to be a discreditable thing for me myself, that I should venture to return into that city from which Brutus was departing, and that I should be willing to live safely in a place where he could not. But he himself was not agitated in the same manner that I was; for, being elevated with the consciousness of his great and glorious exploit, he had no complaints to make of what had befallen him, though he lamented your fate exceedingly. [10] And it was from him that I first heard what had been the language of Lucius Piso, in the senate of August; who, although he was but little assisted (for that I heard from Brutus himself) by those who ought to have seconded him, still according to the testimony of Brutus, (and what evidence can be more trustworthy?) and to the avowal of every one whom I saw afterwards, appeared to me to have gained great credit. I hastened hither, therefore, in order that as those who were present had not seconded

him, I might do so; not with the hope of doing any good, for I neither hoped for that, nor did I well see how it was possible; but in order that if anything happened to me, (and many things appeared to be threatening me out of the regular course of nature, and even of destiny,) I might still leave my speech on this day as a witness to the republic of my everlasting attachment to its interests.

[11] Since, then, O conscript fathers, I trust that the reason of my adopting each determination appears praiseworthy to you, before I begin to speak of the republic, I will make a brief complaint of the injury which Marcus Antonius did me yesterday; to whom I am friendly, and I have at all times admitted having received some services from him which make it my duty to be so. 5.

What reason had he then for endeavouring, with such bitter hostility, to force me into the senate yesterday? Was I the only person who was absent? Have you not repeatedly had thinner houses than yesterday? Or was a matter of such importance under discussion, that it was desirable for even sick men to be brought down? Hannibal, I suppose, was at the gates, or there was to be a debate about peace with Pyrrhus, on which occasion it is related that even the great Appius, old and blind as he was, was brought down to the senate-house. [12] There was a motion being made about some supplications; a kind of measure when senators are not usually wanting; for they are under the compulsion, not of pledges, but of the influence of those men whose honour is being complimented; and the case is the same when the motion has reference to a triumph. The consuls are so free from anxiety at these times, that it is almost entirely free for a senator to absent himself if he pleases. And as the general custom of our body was well known to me, and as I was hardly recovered from the fatigue of my journey, and was vexed with myself, I sent a man to him, out of regard for my friendship to him, to tell him that I should not be there. But he, in the hearing of you all, declared that he would come with masons to my house; this was said with too much passion and very intemperately. For, for what crime is there such a heavy punishment appointed as that, that any one should venture to say in this assembly that he, with the assistance of a lot of common operatives, would pull down a house which had been built at the public expense in accordance with a vote of the senate. And

who ever employed such compulsion as the threat of such an injury as that to a senator? or what severer punishment has ever been imposed for absence than the forfeiture of a pledge, or a fine? But if he had known what opinion I should have delivered on the subject, he would have remitted somewhat of the rigour of his compulsion. 6. [13]

Do you think, O conscript fathers, that I would have voted for the resolution which you adopted against your own wills, of mingling funeral obsequies with supplications? of introducing inexplicable impiety into the republic? of decreeing supplications in honour of a dead man? I say nothing about who the man was. Even had he been that great Lucius Brutus who himself also delivered the republic from kingly power, and who has produced posterity nearly five hundred years after himself of similar virtue, and equal to similar achievements — even then I could not have been induced to join any dead man in a religious observance paid to the immortal gods; so that a supplication should be addressed by public authority to a man who has nowhere a sepulcher at which funeral obsequies may be celebrated.

I, O conscript fathers, should have delivered my opinion, which I could easily have defended against the Roman people, if any heavy misfortune had happened to the republic, such as war, or pestilence, or famine; some of which, indeed, do exist already, and I have my fears lest others are impending. But I pray that the immortal gods may pardon this act, both to the Roman people, which does not approve of it, and to this order, which voted it with great unwillingness. [14] What? may I not speak of the other misfortunes of the republic? — At all events it is in my power, and it always will be in my power, to uphold my own dignity and to despise death. Let me have only the power to come into this house, and I will never shrink from the danger or declaring my opinion!

And, O conscript fathers, would that I had been able to be present on the first of August; not that I should have been able to do any good, but to prevent any one saying that not no senator of consular rank (as was the case then) was found worthy of that honour and worthy of the republic. And this circumstance indeed gives me great pain, that men who have enjoyed the most honourable distinctions

which the Roman people can confer; did not second Lucius Piso, the proposer of an excellent opinion. Is it for this that the Roman people made us consuls, that, being placed on the loftiest and most honourable step of dignity, we should consider the republic of no importance? Not only did no single man of consular dignity indicate his agreement with Lucius Piso by his voice, but they did not venture even to look as if they agreed with him. [15] What, in the name of all that is horrible, is the meaning of this voluntary slavery? — Some submission may have been unavoidable: nor do I require this from every one of the men who deliver their opinions from the consular bench; the case of those men whose silence I pardon is different from that of those whose expression of their sentiments I require; and I do grieve that those men have fallen under the suspicion of the Roman people, not only as being afraid, — which of itself would be shameful enough, — but as having different private causes for being wanting to their proper dignity. 7.

Wherefore, in the first place, I both feel and acknowledge great obligations to Lucius Piso, who considered not what he was able to effect in the republic, but what it was his own duty to do; and, in the next place, I entreat of you, O conscript fathers, even if you have not quite the courage to agree with my speech and to adopt my advice, at all events to listen to me with kindness as you have always hitherto done.

[16] In the first place, then, I declare my opinion that the acts of Caesar ought to be maintained: not that I approve of them; (for who indeed can do that?) but because I think that we ought above all things to have regard to peace and tranquillity. I wish that Antonius himself were present, provided he had no advocates with him. But I suppose he may be allowed to feel unwell, a privilege which he refused to allow me yesterday. He would then explain to me, or rather to you, O conscript fathers, to what extent he himself defended the acts of Caesar. Are all the acts of Caesar which may exist in the bits of note-books, and memoranda, and loose papers, produced on his single authority, and indeed not even produced, but only recited, to be ratified? And shall the acts which he caused to be engraved on brass, in which he declared that the edicts and laws passed by the people were valid for ever, be considered as of no power? [17] I think,

indeed, that there is nothing so well entitled to be called the acts of Caesar as Caesar's laws. Suppose he gave any one a promise, is that to be ratified, even if it were a promise that he himself was unable to perform? As, in fact, he has failed to perform many promises made to many people. And a great many more of those promises have been found since his death, than the number of all the services which he conferred on and did to people during all the years that he was alive would amount to.

But all those things I do not change, I do not meddle with. Nay, I defend all his good acts with the greatest earnestness. Would that the money remained in the temple of Ops! Bloodstained, indeed, it may be, but still needful at these times, since it is not restored to those to whom it really belongs.Let that, however, be squandered too, if it is so written in his acts. [18] Is there anything whatever that can be called so peculiarly the act of that man who; while clad in the robe of peace, was yet invested with both civil and military command in the republic, as a law of his? Ask for the acts of Gracchus, the Sempronian laws will be brought forward; ask for those of Sulla, you will have the Cornelian laws. What more? In what acts did the third consulship of Cnaeus Pompeius consist? Why, in his laws. And if you could ask Caesar himself what he had done in the city and in the garb of peace, he would reply that he had passed many excellent laws; but his memoranda he would either alter or not produce at all; or, if he did produce them, he would not class them among his acts. But, however, I allow even these things to pass for acts; at some things I am content to wink; but I think it intolerable that the acts of Caesar in the most important instances, that is to say, in his laws, are to he annulled for their sake. 8. [19]

What law was ever better, more advantageous, more frequently demanded in the best ages of the republic, than the one which forbade the praetorian provinces to be retained more than a year, and the consular provinces more than two? If this law be abrogated, do you think that the acts of Caesar are maintained? What? are not all the laws of Caesar respecting judicial proceedings abrogated by the law which had been proposed concerning the third decury? And are you the defenders of the acts of Caesar who overturn his laws? Unless, indeed, anything which, for the purpose of recollecting it, he

entered in a notebook, is to be counted among his acts, and defended, however unjust or useless it may he; and that which he proposed to the people in the comitia centuriata and carried, is not to be accounted one of the acts of Caesar. [20] But what is that third decury? The decury of centurions, says he. What? was not the judicature open to that order by the Julian law, and even before that by the Pompeius and Aurelian laws? The income of the men, says he, was exactly defined. Certainly, not only in the case of a centurion, but in the case, too, of a Roman knight. Therefore, men of the highest honour and of the greatest bravery, who have acted as centurions, are and have been judges. I am not asking about those men, says he. Whoever has acted as centurion, let him be a judge. But if you were to propose a law, that whoever had served in the cavalry, which is a higher post, should be a judge, you would not be able to induce any one to approve of that; for a man's fortune and worth ought to be regarded in a judge. I am not asking about those points, says he; I am going to add as judges, common soldiers of the legion of Alaudae;for our friends say that that is the only measure by which they can be saved. Oh what an insulting compliment it is to those men whom you summon to act as judges though they never expected it! For the effect of the law is, to make those men judges in the third decury who do not dare to judge with freedom. And in that how great, O ye immortal gods! is the error of those men who have desired that law. For the meaner the condition of each judge is, the greater will be the severity of judgment with which he will seek to efface the idea of his meanness; and he will strive rather to appear worthy of being classed in the honourable decuries, than to have deservedly ranked in a disreputable one. 9. [21]

Another law was proposed, that men who had been condemned of violence and treason may appeal to the public if they please. Is this now a law, or rather an abrogation of all laws? For who is there at this day to whom it is an object that that law should stand? No one is accused under those laws; there is no one whom we think likely to be so accused. For measures which have been carried by force of arms will certainly never be impeached in a court of justice. But the measure is a popular one. I wish, indeed, that you were willing to promote any popular measure; for, at present, all the citizens agree

with one mind and one voice in their view of its bearing on the safety of the republic.

What is the meaning, then, of the eagerness to pass the law which brings with it the greatest possible infamy, and no popularity at all? For what can be more discreditable than for a man who has committed treason against the Roman people by acts of violence, after he has been condemned by a legal decision, to be able to return to that very course of violence, on account of which he has been condemned? [22] But why do I argue any more about this law? as if the object aimed at were to enable any one to appeal? The object is, the inevitable consequence must be, that no one can ever be prosecuted under those laws. For what prosecutor will be found insane enough to be willing, after the defendant has been condemned, to expose himself to the fury of a hired mob? or what judge will be bold enough to venture to condemn a criminal, knowing that he will immediately be dragged before a gang of hireling operatives? It is not, therefore, a right of appeal that is given by that law, but two most salutary laws and modes of judicial investigation that are abolished. And what is this but exhorting young men to be turbulent, seditious, mischievous citizens?

To what extent of mischief will it not be possible to instigate the frenzy of the tribunes now that these two rights of impeachment for violence and for treason are annulled? [23] What more? Is not this a substitution of a new law for the laws of Caesar, which enact that every man who has been convicted of violence, and also every man who has been convicted of treason, shall be interdicted from fire and water? And, when those men have a right of appeal given them, are not the acts of Caesar rescinded? And those acts, O conscript fathers, I, who never approved of them, have still thought it advisable to maintain for the sake of concord; so that I not only did not think that the laws which Caesar had passed ill his lifetime ought to be repealed, but I did not approve of meddling with those even which since the death of Caesar you have seen produced and published. 10. [24]

Men have been recalled from banishment by a dead man; the freedom of the city has been conferred not only on individuals, but on entire nations and provinces by a dead man; our revenues have

been diminished by the granting of countless exemptions by a dead man. Therefore, do we defend these measures which have been brought from his house on the authority of a single, but, I admit, a very excellent individual; and as for the laws which he, in your presence, read, and declared, and passed, — in the passing of which he gloried, and on which he believed that the safety of the republic depended, especially those concerning provinces and concerning judicial proceedings, — can we, I say, we who defend the acts of Caesar, think that those laws deserve to be upset? [25]

And yet concerning those laws which were proposed, we have, at all events, the power of complaining; but concerning those which are actually passed we have not even had that privilege. For they, without any proposal of them to the people, were passed before they were framed. Men ask, what is the reason why I, or why any one of you, O conscript fathers, should be afraid of bad laws while we have virtuous tribunes of the people? We have men ready to interpose their veto; ready to defend the republic with the sanctions of religion. We ought to be strangers to fear. What do you mean by interposing the veto? says he; what are all these sanctions of religion which you are talking about? Those, forsooth, on which the safety of the republic depends. We are neglecting those things, and thinking them too old-fashioned and foolish. The forum will be surrounded, every entrance of it will be blocked up; armed men will be placed in garrison, as it were, at many points. [26] What then? — whatever is accomplished by those means will be law. And you will order, I suppose, all those regularly passed decrees to be engraved on brazen tablets. "The consuls consulted the people in regular form," (Is this the way of consulting the people that we have received from our ancestors?) "and the people voted it with due regularity." What people? that which was excluded from the forum? Under what law did they do so? under that which has been wholly abrogated by violence and arms? But I am saying all this with reference to the future; because it is the part of a friend to point out evils which may be avoided: and if they never ensue, that will be the best refutation of my speech. I am speaking of laws which have been proposed; concerning which you have still full power to decide either way. I am pointing out the defects; away with them I am denouncing violence

and arms; away with them too! 11. [27]

You and your colleague, O Dolabella, ought not, indeed, to be angry with me for speaking in defence of the republic. Although I do not think that you yourself will be; I know your willingness to listen to reason. They say that your colleague, in this fortune of his, which he himself thinks so good, but which would seem to me more favourable if (not to use any harsh language) he were to imitate the example set him by the consulship of his grandfathers and of his uncle, — they say that he has been exceedingly offended. And I see what a formidable thing it is to have the same man angry with me and also armed; especially at a time when men can use their swords with such impunity. But I will propose a condition which I myself think reasonable, and which I do not imagine Marcus Antonius will reject. If I have said anything insulting against his way of life or against his morals, I will not object to his being my bitterest enemy. But if I have maintained the same habits that I have already adopted in the republic, — that is, if I have spoken my opinions concerning the affairs of the republic with freedom, — in the first place, I beg that he will not be angry with me for that; but, in the next place, if I cannot obtain my first request, I beg at least that he will show his anger only as he legitimately may show it to a fellow-citizen.

Let him employ arms, if it is necessary, as he says it is, for his own defence: only let not those arms injure those men who have declared their honest sentiments in the affairs of the republic. Now, what can be more reasonable than this demand? [28] But if, as has been said to me by some of his intimate friends, every speech which is at all contrary to his inclination is violently offensive, to him, even if there be no insult in it whatever; then we will bear with the natural disposition of our friend. But those men, at the same time, say to me, "You will not have the same licence granted to you who are the adversary of Caesar as might be claimed by Piso his father-in-law." And then they warn me of something which I must guard against; and certainly, the excuse which sickness supplies me with, for not coming to the senate, will not be a more valid one than that which is furnished by death. 12. [29]

But, in the name of the immortal gods! for while I look upon you, O Dolabella, who are most dear to me, it is impossible for me to keep

silence respecting the error into which you are both falling; for I believe that you, being both, men of high birth, entertaining lofty views, have been eager to acquire, not money, as some too credulous people suspect, a thing which has at all times been scorned by every honourable and illustrious man, nor power procured by violence and authority such as never ought to be endured by the Roman people, but the affection of your fellow-citizens, and glory. But glory is praise for deeds which have been done, and the fame earned by great services to the republic; which is approved of by the testimony borne in its favour, not only by every virtuous man, but also by the multitude. [30] I would tell you, O Dolabella, what the fruit of good actions is, if I did not see that you have already learnt it by experience beyond all other men.

What day can you recollect in your whole life, as ever having beamed on you with a more joyful light than the one on which, having purified the forum, having routed the throng of wicked men, having inflicted due punishment on the ringleaders in wickedness, and having delivered the city from conflagration and from fear of massacre, you returned to your house? What order of society, what class of people, what rank, of nobles even was there who did not then show their zeal in praising and congratulating you? Even I, too, because men thought that you had been acting by my advice in those transactions, received the thanks and congratulations of good men in your name. Remember, I pray you, O Dolabella, the unanimity displayed on that day in the theatre, when every one, forgetful of the causes on account of which they had been previously offended with you, showed that in consequence of your recent service they had banished all recollection of their former indignation. [31] Could you, O Dolabella, (it is with great concern that I speak,) — could you, I say, forfeit this dignity with equanimity? 13.

And you, O Marcus Antonius, (I address myself to you, though in your absence,) do you not prefer that day on which the senate was assembled in the temple of Tellus, to all those months during which some who differ greatly in opinion from me think that you have been happy? What a noble speech was that of yours about unanimity! From what apprehensions were the veterans, and from what anxiety was the whole state relieved by you on that occasion! when, having

laid aside your enmity against him, you on that day first consented that your present colleague should be your colleague, forgetting that the auspices had been announced by yourself as augur of the Roman people; and when your little son was sent by you to the Capitol to be a hostage for peace. [32] On what day was the senate ever more joyful than on that day? or when was the Roman people more delighted? which had never met in greater numbers in any assembly whatever. Then, at last, we did appear to have been really delivered by brave men, because, as they had willed it to be, peace was following liberty. On the next day, on the day after that, on the third day, and on all the following days, you were on without intermission, giving every day, as it were, some fresh present to the republic; but the greatest of all presents was that, when you abolished the name of the dictatorship. This was in effect branding the name of the dead Caesar with everlasting ignominy, and it was your doing, — yours, I say. For as, on account of the wickedness of one Marcus Manlius, by a resolution of the Manlian family it is unlawful that any patrician should be called Manlius, so you, on account of the hatred excited by one dictator, have utterly abolished the name of dictator. [33]

When you had done these mighty exploits for the safety of the republic, did you repent of your fortune, or of the dignity and renown and glory which you had acquired? Whence then is this sudden change? I cannot be induced to suspect that you have been caught by the desire of acquiring money; every one may say what he pleases, but we are not bound to believe such a thing; for I never saw anything sordid or anything mean in you. Although a man's intimate friends do sometimes corrupt his natural disposition, still I know your firmness; and I only wish that as you avoid that fault, you had been able also to escape all suspicion of it. 14.

What I am more afraid of is lest, being ignorant of the true path to glory, you, should think it glorious for you to have more power by yourself than all the rest of the people put together, and lest you should prefer being feared by your fellow-citizens to being loved by them. And if you do think so, you are ignorant of the road to glory. For a citizen to be dear to his fellow-citizens, to deserve well of the republic, to be praised, to be respected, to be loved, is glorious; but

to be feared, and to be an object of hatred, is odious, detestable; and moreover, pregnant with weakness and decay. [34] And we see that, even in the play, the very man who said, " "What care I though all men should hate my name,
So long as fear accompanies their hate?"
" found that it was a mischievous principle to act upon.

I wish, O Antonius, that you could recollect your grandfather, of whom, however, you have repeatedly heard me speak. Do you think that he would have been willing to deserve even immortality, at the price of being feared in consequence of his licentious use of arms? What he considered life, what he considered prosperity, was the being equal to the rest of the citizens in freedom, and chief of them all in worth. Therefore, to say no more of the prosperity of your grandfather, I should prefer that most bitter day of his death to the domination of Lucius Cinna, by whom he was most barbarously slain. [35]

But why should I seek to make an impression on you by my speech? For, if the end of Caius Caesar cannot influence you to prefer being loved to being feared, no speech of any one will do any good or have any influence with you; and those who think him happy are themselves miserable. No one is happy who lives on such terms that he may be put to death not merely with impunity, but even to the great glory of his slayer. Wherefore, change your mind, I entreat you, and look hack upon your ancestors, and govern the republic in such a way that your fellow-citizens may rejoice that you were born without which no one can be happy nor illustrious. 15. [36]

And, indeed, you have both of you had many judgments delivered respecting you by the Roman people, by which I am greatly concerned that you are not sufficiently influenced. For what was the meaning of the shouts of the innumerable crowd of citizens collected at the gladiatorial games? or of the verses made by the people? or of the extraordinary applause at the sight of the statue of Pompeius? and at that sight of the two tribunes of the people who are opposed to you? Are these things a feeble indication of the incredible unanimity of the entire Roman people? What more? Did the applause at the games of Apollo, or, I should rather say, testimony and judgment

there given by the Roman people, appear to you of small importance? Oh! happy are those men who, though they themselves were unable to be present on account of the violence of arms, still were present in spirit. and had a place in the breasts and hearts of the Roman people. Unless, perhaps, you think that it was Accius who was applauded on that occasion, and who bore off the palm sixty years after his first appearance, and not Brutus, who was absent from the games which he himself was exhibiting, while at that most splendid spectacle the Roman people showed their zeal in his favour though he was absent, and soothed their own regret for their deliverer by uninterrupted applause and clamour. [37]

I myself, indeed, am a man who have at all times despised that applause which is bestowed by the vulgar crowd, but at the same time, when it is bestowed by those of the highest, and of the middle, and of the lowest rank, and, in short, by all ranks together, and when those men who were previously accustomed to aim at nothing but the favour of the people keep aloof, I then think that, not mere applause, but a deliberate verdict. If this appears to you unimportant, which is in reality most significant, do you also despise the fact of which you have had experience, — namely, that the life of Aulus Hirtius is so dear to the Roman people? For it was sufficient for him to be esteemed by the Roman people as he is; to be popular among his friends, in which respect he surpasses everybody; to be beloved by his own kinsmen, who love him beyond measure; but in whose case before do we ever recollect such anxiety and such fear being manifested? Certainly in no one's. [38]

What then, are we to do? In the name of the immortal gods, can you interpret these facts, and see what is their purport? What do you think that those men think of your lives, to whom the lives of those men who they hope will consult the welfare of the republic are so dear? I have reaped, O conscript fathers, the reward of my return, since I have said enough to bear testimony of my consistency whatever event may befall me, and since I have been kindly and attentively listened to by you. And if I have such opportunities frequently without exposing both myself and you to danger, I shall avail myself of them. If not, as far as I can I shall reserve myself not for myself, but rather for the republic. I have lived long enough for

the course of human life, or for my own glory. If any additional life is granted to me, it shall be bestowed not so much on myself as on you and on the republic.

THE SECOND PHILIPPIC.

THE ARGUMENT.

This second speech was not actually spoken at all. Antonius was greatly enraged at the first speech, and summoned another meeting of the senate for the nineteenth day of the month, giving Cicero especial notice to be present, and he employed the interval in preparing an invective against Cicero, and a reply to the first Philippic. The senate met in the temple of Concord, but Cicero himself was persuaded not to attend by his friends, who were afraid of Antonius proceeding to actual violence against him, (and indeed he brought a strong guard of armed men with him to the senate.) He spoke with the greatest fury against Cicero, charging him with having been the principal author and contriver of Caesar's murder, hoping by this to inflame the soldiers, whom he had posted within hearing of his harangue.

Soon after this, Cicero removed to a villa near Naples for greater safety, and here he composed this second Philippic, which he did not publish immediately, but contented himself at first with sending a copy to Brutus and Cassius, who were much pleased with it.

1. To what destiny of mine, O conscript fathers, shall I say that it is owing, that none for the last twenty years has been an enemy to the republic without at the same time declaring war against me? Nor is there any necessity for naming any particular person; you yourselves recollect instances in proof of my statement. They have all hitherto suffered severer punishments than I could have wished for them; but I marvel that you, O Antonius, do not fear the end of these men whose conduct you are imitating. And in others I was less surprised at this. None of those men of former times was a voluntary enemy to me; all of them were attacked by me for the sake of the republic. But you, who have never been injured by me, not even by a word, in order to appear more audacious than Catiline, more frantic than Clodius, have of your own accord attacked me with abuse, and have considered that your alienation from me would be a recommendation of you to impious citizens.

What am I to think? that I have been despised? [2] I see nothing either in my life, or in my influence in the city, or in my exploits, or even in the moderate abilities with which I am endowed, which Antonius can despise. Did he think that it was easiest to disparage me in the senate? a body which has borne its testimony in favour of many most illustrious Citizens that they governed the republic well, but in favour of me alone, of all men, that I preserved it. Or did he wish to contend with me in a rivalry of eloquence? This, indeed, is an act of generosity; for what could be a more fertile or richer subject for me, than to have to speak in defence of myself and against Antonius? This, in fact, is the truth. He thought it impossible to prove to the satisfaction of those men who resembled himself, that he was an enemy to his country, if he was not also an enemy to me. [3] And before I make him any reply on the other topics of his speech, I will say a few words respecting the friendship formerly subsisting between us, which he has accused me of violating, — for that I consider a most serious charge. 2.

He has complained that I pleaded once against his interest. Was I not to plead against one with whom I was quite unconnected, in behalf of an intimate acquaintance, of a dear friend? Was I not to plead against interest acquired not by hopes of virtue, but by the disgrace of youth? Was I not to react against an injustice which that man procured to be done by the obsequiousness of a most iniquitous interposer of his veto, not by any law regulating the privileges of the praetor? But I imagine that this was mentioned by you, in order that you might recommend yourself to the citizens, if they all recollected that you were the son-in-law of a freedman, and that your children were the grandsons of Quintus Fadius a freedman.

But you had entirely devoted yourself to my principles; (for this is what you said;) you had been in the habit of coming to my house. In truth, if you had done so, you would more have consulted your own character and your reputation for chastity. But you did not do so, nor, if you had wished it, would Caius Curio have ever suffered you to do so. [4] You have said, that you retired in my favour from the contest for the augurship. Oh the incredible audacity! oh the monstrous impudence of such an assertion! For, at the time when Cnaeus Pompeius and Quintus Hortensius named me as augur, after I had

been wished for as such by the whole college, (for it was not lawful for me to be put in nomination by more than two members of the college,) you were notoriously insolvent, nor did you think it possible for your safety to be secured by any other means than by the destruction of the republic. But was it possible for you to stand for the augurship at a time when Curio was not in Italy? or even at the time when you were elected, could you have got the votes of one single tribe without the aid of Curio? whose intimate friends even were convicted of violence for having been too zealous in your favour. 3. [5]

But I availed myself of your friendly assistance. Of what assistance? Although the instance which you cite I have myself at all times openly admitted. I preferred confessing that I was under obligations to you, to letting myself appear to any foolish person not sufficiently grateful. However, what was the kindness that you did me? not killing me at Brundusium? Would you then have slain the man whom the conqueror himself who conferred on you, as you used to boast, the chief rank among all his robbers, had desired to be safe, and had enjoined to go to Italy? Grant that you could have slain him, is not this, O conscript fathers, such a kindness as is done by banditti, who are contented with being able to boast that they have granted their lives to all those men whose lives they have not taken? and if that were really a kindness, then those who slew that man by whom they themselves had been saved, and whom you yourself are in the habit of styling most illustrious men, would never have acquired such immortal glory. But what sort of kindness is it, to have abstained from committing nefarious wickedness? It is a case in which it ought not to appear so delightful to me not to have been killed by you, as miserable, that it should have been in your power to do such a thing with impunity. [6] I, however, grant that it was a kindness, since no greater kindness could be received from a robber, still in what point can you call me ungrateful? Ought I not to complain of the ruin of the republic, lest I should appear ungrateful towards you? But in that complaint, mournful indeed and miserable, but still unavoidable for a man of that rank in which the senate and people of Rome have placed me, what did I say that was insulting? that was otherwise than moderate? that was otherwise than friendly?

and what instance was it not of moderation to complain of the conduct of Marcus Antonius, and yet to abstain from any abusive expressions? especially when you had scattered abroad all relics of the republic; when everything was on sale at your house by the most infamous traffic; when you confessed that those laws which had never been promulgated, had been passed with reference to you, and by you; when you, being augur, had abolished the auspices, being consul, had taken away the power of interposing the veto; when you were escorted in the most shameful manner by armed guards; when, worn out with drunkenness and debauchery, you were every day performing all sorts of obscenities in that chaste house of yours. [7] But I, as if I had to contend against Marcus Crassus, with whom I have had many severe struggles, and not with a most worthless gladiator, while complaining in dignified language of the state of the republic did not say one word which could be called personal. Therefore, today I will make him understand with what great kindness he was then treated by me. 4.

But he also read letters which he said that I had sent to him, like a man devoid of humanity and ignorant of the common usages of life. For who ever, who was even but slightly acquainted with the habits of polite men, produced in an assembly and openly read letters which had been sent to him by a friend, just because some quarrel had arisen between them? Is not this destroying all companionship in life, destroying the means by which absent friends converse together? How many jests are frequently put in letters, which if they were produced in public, would appear stupid! How many serious opinions, which, for all that, ought not to be published! [8] Let this be a proof of your utter ignorance of courtesy. Now mark, also, his incredible folly. What have you to oppose to me, O you eloquent man, as you seem at least to Mustela Tamisius, and to Tiro Numisius? And while these men are standing at this very time in the sight of the senate with drawn swords, I too will think you an eloquent man if you will show bow you would defend them if they were charged with being assassins, However, what answer would you make if I were to deny that I ever sent those letters to you? By what evidence could you convict me? by my handwriting? Of handwriting indeed you have a lucrative knowledge. How can you

prove it in that manner? for the letters are written by an amanuensis. By this time I envy your teacher, who for all that payment, which I shall mention presently, has taught you to know nothing. [9]

For what can be less like, I do not say an orator, but a man, than to reproach an adversary with a thing which if be denies by one single word, he who has reproached him cannot advance one step further? But I do not deny it; and in this very point I convict you not only of inhumanity but also of madness. For what expression is there in those letters which is not full of humanity and service and benevolence? and the whole of your charge amounts to this, that I do not express a bad opinion of you in those letters; that in them I wrote as to a citizen, and as to a virtuous man, not as to a wicked man and a robber. But your letters I will not produce, although I fairly might, now that I am thus challenged by you; letters in which you beg of me that you may be enabled by my consent to procure the recall of some one from exile; and you will not attempt it if I have any objection, and you prevail on me by your entreaties. For why should I put myself in the way of your audacity? when neither the authority of this body, nor the opinion of the Roman people, nor any laws are able to restrain you. [10] However, what was the object of your addressing these entreaties to me, if the man for whom you were entreating was already restored by a law of Caesar's? I suppose the truth was, that he wished it to be done by me as a favour; in which matter there could not be any favour done even by himself, if a law was already passed for the purpose. 5.

But as, O conscript fathers, I have many things which I must say both in my own defence and against Marcus Antonius, one thing I ask you, that you will listen to me with kindness while I am speaking for myself; the other I will ensure myself, namely, that you shall listen to me with attention while speaking against him. At the same time also, I beg this of you; that if you have been acquainted with my moderation and modesty throughout my whole life, and especially as a speaker, you will not, when today I answer this man in the spirit in which he has attacked me, think that I have forgotten my usual character. I will not treat him as a consul, for he did not treat me as a man of consular rank; and although he in no respect deserves to be considered a consul, whether we regard his way of life, or his

principle of governing the republic, or the manner in which he was elected, I am beyond all dispute a man of consular rank. [11]

That, therefore, you might understand what sort of a consul he professed to be himself, he reproached me with my consulship; — a consulship which, O conscript fathers, was in name, indeed, mine, but in reality yours. For what did I determine, what did I contrive, what did I do, that was not determined, contrived, or done, by the counsel and authority and in accordance with the sentiments of this order I And have you, O wise man, O man not merely eloquent dared to find fault with these actions before the very men by whose counsel and wisdom they were performed? But who was ever found before, except Publius Clodius, to find fault with my consulship? And his fate indeed awaits you, as it also awaited Caius Curio; since that is now in your house which was fatal to each of them. [12]

Marcus Antonius disapproves of my consulship; but it was approved of by Publius Servilius — to name that man first of the men of consular rank who had died most recently. It was approved of by Quintus Catulus, whose authority will always carry weight in this republic; it was approved of by the two Luculli, by Marcus Crassus, by Quintus Hortensius, by Caius Curio, by Caius Piso, by Marcus Glabrio, by Marcus Lepidus, by Lucius Volcatius, by Caius Figulus, by Decimus Silanus and Lucius Murena, who at that time were the consuls elect, the same consulship also which was approved of by those men of consular rank, was approved of by Marcus Cato; who escaped many evils by departing from this life, and especially the evil of seeing you consul. But, above all, my consulship was approved of by Cnaeus Pompeius, who, when he first saw me, as he was leaving Syria, embracing me and congratulating me, said, that it was owing to my services that he was about to see his country again. But why should I mention individuals? It was approved of by the senate, in a very full house, so completely, that there was no one who did not thank me as if I had been his parent, who did not attribute to me the salvation of his life, of his fortunes, of his children, and of the republic. 6. [13]

But since the republic has been now deprived of those men whom I have named, many and illustrious as they were, let us come to the living, since two of the men of consular rank are still left to us:

Lucius Cotta, a man of the greatest genius and the most consummate prudence, proposed a supplication in my honour for those very actions with which you find fault, in the most complimentary language, and those very men of consular rank whom I have named, and the whole senate, adopted his proposal; an honour which has never been paid to any one else in the garb of peace from the foundation of the city to my time. [14] With what eloquence, with what firm wisdom, with what a weight of authority did Lucius Caesar your uncle, pronounce his opinion against the husband of his own sister, your stepfather. But you, when you ought to have taken him as your adviser and tutor in all your designs, and in the whole conduct of your life, preferred being like your stepfather to resembling your uncle. I, Who had no connection with him, acted by his counsels while I was consul. Did you, who were his sister's son, ever once consult him on the affairs of the republic?

But who are they whom Antonius does consult? O ye immortal gods, they are men whose birthdays we have still to learn. Today Antonius is not coming down. [15] Why? He is celebrating the birthday feast at his villa. In whose honor? I will name no one. Suppose it is in honor of some Phormio, or Gnatho, or even Ballio. Oh the abominable profligacy of the man! oh how intolerable is his impudence, his debauchery, and his lust! Can you, when you have one of the chiefs of the senate, a citizen of singular virtue, so nearly related to you, abstain from ever consulting him on the affairs of the republic, and consult men who have no property whatever of their own, and are draining yours? 7.

Yes, your consulship, forsooth, is a salutary one for the state, mine a mischievous one. Have you so entirely lost all shame as well as all chastity, that you could venture to say this in that temple in which I was consulting that senate which formerly in the full enjoyment of its honors presided over the world? And did you place around it abandoned men armed with swords? [16] But you have dared besides (what is there which you would not dare?) to say that the Capito line Hill, when I was consul was full of aimed slaves. I was offering violence to the senate, I suppose, in order to compel the adoption of those infamous decrees of the senate. O wretched man, whether those things are not known to you (for you know nothing

that is good), or whether they are, when you dare to speak so shamelessly before such men! For what Roman knight was there, what youth of noble birth except you, what man of any rank or class who recollected that he was a citizen, who was not on the Capitoline Hill while the senate was assembled in this temple? who was there, who did not give in his name? Although there could not be provided checks enough, nor were the books able to contain their names. [17]

In truth, when wicked men, being compelled by the revelations of the accomplices, by their own handwriting, and by what I may almost call the voices of their letters, were confessing that they had planned the parricidal destruction of their country, and that they had agreed to burn the city, to massacre the citizens, to devastate Italy, to destroy the republic; who could have existed without being roused to defend the common safety? especially when the senate and people of Rome had a leader then, and if they had one now like he was then, the same fate would befall you which did overtake them. [18]

He asserts that the body of his stepfather was not allowed burial by me. But this is an assertion that was never made by Publius Clodius, a man whom, as I was deservedly an enemy of his, I grieve now to see surpassed by you in every sort of vice. But how could it occur to you to recall to our recollection that you had been educated in the house of Publius Lentulus? Were you afraid that we might think that you could have turned out as infamous as you are by the mere force of nature, your natural qualities had not been strengthened by education? 8.

But you are so senseless that throughout the whole of your speech you were at variance with yourself; so that you said things which had not only no coherence with each other, but which were most inconsistent with and contradictory to one another; so that there was not so much opposition between you and me as there was between you and yourself. You confessed that your stepfather had been implicated in that enormous wickedness, yet you complained that he had had punishment inflicted on him. And by doing so you praised what was peculiarly my achievement, and blamed that which was wholly the act of the senate. For the detection and arrest of the guilty parties was my work, their punishment was the work of the senate. But that eloquent man does not perceive that the man against whom

he is speaking is being praised by him, and that those before whom he is speaking are being attacked by him. [19] But now what an act, I will not say of audacity, (for he is anxious to be audacious,) but (and that is what he is not desirous of) what an act of folly, in which he surpasses all men, is it to make mention of the Capitoline Hill, at a time when armed men are actually between our benches — when men, armed with swords, are now stationed in this same temple of Concord, O ye immortal gods, in which, while I was consul, opinions most salutary to the state were delivered, owing to which it is that we are all alive at this day.

Accuse the senate; accuse the equestrian body, which at that time was united with the senate; accuse every order or society, and all the citizens, as long as you confess that this assembly at this very moment is besieged by Ityrean soldiers. It is not so much a proof of audacity to advance these statements so impudently, as of utter want of sense to be unable to see their contradictory nature. For what is more insane than, after you yourself have taken up arms to do mischief to the republic, to reproach another with having taken them up to secure its safety? On one occasion you attempted even to be witty. O ye good gods, how little did that attempt suit you! [20] And yet you are a little to be blamed for your failure in that instance, too. For you might have got some wit from your wife, who was an actress. "Arms to the gown must yield." Well, have they not yielded? But afterwards the gown yielded to your arms. Let us inquire then whether it was better for the arms of wicked men to yield to the freedom of the Roman people, or that our liberty should yield to your arms. Nor will I make any further reply to you about the verses. I will only say briefly that you do not understand them, nor any other literature whatever. That I have never at any time been wanting to the claims that either the republic or my friends had upon me; but nevertheless that in all the different sorts of composition on which I have employed myself, during my leisure hours, I have always endeavoured to make my labours among my writings such as to be some advantage to our youth, and some credit to the Roman name. But, however, all this has nothing to do with the present occasion. Let us consider more important matters. 9. [21]

You have said that Publius Clodius was slain by my contrivance.

What would men have thought if he had been slain at the time when you pursued him in the forum with a drawn sword, in the sight of all the Roman people; and when you would have settled his business if he had not thrown himself up the stairs of a bookseller's shop, and, shutting them against you, checked your attack by that means? And I confess that at that time I favoured you, but even you yourself do not say that I had advised your attempt. But as for Milo, it was not possible even for me to favour his action. For he had finished the business before any one could suspect that he was going to do it. Oh, but I advised it. I suppose Milo was a man of such a disposition that he was not able to do a service to the republic if he had not some one to advise him to do it. But I rejoiced at it. Well, suppose I did; was I to be the only sorrowful person in the city, when every one else was in such delight? [22] Although that inquiry into the death of Publius Clodius was not instituted with any great wisdom. For what was the reason for having a new law to inquire into the conduct of the man who had slain him, when there was a form of inquiry already established by the laws? However, an inquiry was instituted. [23] And have you now been found, so many years afterwards, to say a thing which, at the time that the affair was under discussion, no one ventured to say against me? But as to the assertion that you have dared to make, and that at great length too, that it was by my means that Pompeius was alienated from his friendship with Caesar, and that on that account it was my fault that the civil war was originated; in that you have not erred so much in the main facts, as (and that is of the greatest importance) in the times. 10.

When Marcus Bibulus, a most illustrious citizen, was consul, I omitted nothing which I could possibly do or attempt to draw off Pompeius from his union with Caesar. In which, however, Caesar was more fortunate than I, for he himself drew off Pompeius from his intimacy with me. But afterwards, when Pompeius joined Caesar with all his heart, what could have been my object in attempting to separate them then? It would have been the part of a fool to hope to do so, and of an impudent man to advise it. However, two occasions did arise, on which I gave Pompeius advice against Caesar. You are at liberty to find fault with my conduct on those occasions if you can. One was when I advised him not to continue Caesar's government

for five years more. The other, when I advised him not to permit him to be considered as a candidate for the consulship when he was absent. And if I had been able to prevail on him in either of these particulars, we should never have fallen into our present miseries.

Moreover, I also, when Pompeius had now devoted to the service of Caesar all his own power, and all the power of the Roman people, and had begun when it was too late to perceive all those things which I had foreseen long before, and when I saw that a nefarious war was about to be waged against our country, I never ceased to be the adviser of peace, and concord, and some arrangement. And that language of mine was well known to many people,—"I wish, O Cnaeus Pompeius, that you had either never joined in a confederacy with Caius Caesar, or else that you had never broken it off. The one conduct would have become your dignity, and the other would have been suited to your prudence." This, O Marcus Antonius, was at all times my advice both respecting Pompeius and concerning the republic. And if it had prevailed, the republic would still be standing, and you would have perished through your own crimes, and indigence, and infamy. 11. [25]

But these are all old stories now. This charge, however, is quite a modern one, that Caesar was slain by my contrivance. I am afraid, O conscript fathers, lest I should appear to you to have brought up a sham accuser against myself (which is a most disgraceful thing to do); a man not only to distinguish me by the praises which are my due, but to load me also with those which do not belong to me. For who ever heard my name mentioned as an accomplice in that most glorious action? and whose name has been concealed who was in the number of that gallant band? Concealed, do I say? Whose name was there which was not at once made public? I should sooner say that some men had boasted in order to appear to have been concerned in that conspiracy, though they had in reality known nothing of it than that any one who had been an accomplice in it could have wished to be concealed. [26] Moreover, how likely it is, that among such a number of men, some obscure, some young men who had not the wit to conceal any one, my name could possibly have escaped notice? Indeed, if leaders were wanted for the purpose of delivering the country, what need was there of my instigating the Bruti, one of

whom saw every day in his house the image of Lucius Brutus, and the other saw also the image of Ahala? Were these the men to seek counsel from the ancestors of others rather than from their own? and but of doors rather than at home? What? Caius Cassius, a man of that family which could not endure, I will not say the domination, but even the power of any individual, — he, I suppose, was in need of me to instigate him? a man who even without the assistance of these other most illustrious men, would have accomplished this same deed in Cilicia, at the mouth of the river Cydnus, if Caesar had brought his ships to that bank of the river which he had intended, and not to the opposite one. [27] Was Cnaeus Domitius spurred on to seek to recover his dignity, not by the death of his father, a most illustrious man, nor by the death of his uncle, nor by the deprivation of his own dignity, but by my advice and authority? Did I persuade Caius Trebonius? a man whom I should not have ventured even to advise. On which account the republic owes him even a larger debt of gratitude, because he preferred the liberty of the Roman people to the friendship of one man, and because he preferred overthrowing arbitrary power to sharing it. Was I the instigator whom Lucius Tillius Cimber followed? a man whom I admired for having performed that action, rather than ever expected that he would perform it; and I admired him on this account, that he was unmindful of the personal kindnesses which he had received, but mindful of his country. What shall I say of the two Servilii? Shall I call them Cascas, or Ahalas? and do you think that those men were instigated by my authority rather than by their affection for the republic? It would take a long time to go through all the rest; and it is a glorious thing for the republic that they were so numerous, and a most honourable thing also for themselves. 12. [28]

But recollect, I pray you, how that clever man convicted me of being an accomplice in the business. When Caesar was slain, says he, Marcus Brutus immediately lifted up on high his bloody dagger, and called on Cicero by name; and congratulated him on liberty being recovered. Why on man above all men? Because I knew of it beforehand? Consider rather whether this was not his reason for calling on me, that, when he had performed an action very like those which I myself had done, he called me above all men to witness that

he had been an imitator of my exploits. [29] But you, O stupidest of all men, do you not perceive, that if it is a crime to have wished that Caesar should be slain — which you accuse me of having wished — it is a crime also to have rejoiced at his death? For what is the difference between a man who has advised an action, and one who has approved of it? or what does it signify whether I wished it to be done, or rejoice that it has been done? Is there any one then, except you yourself and these men who wished him to become a king, who was unwilling that that deed should be done, or who disapproved of it after it was done? All men, therefore, are guilty as far as this goes. In truth, all good men, as far as it depended on them, bore a part in the slaying of Caesar. Some did not know how to contrive it, some had not courage for it, some had no opportunity, — every one had the inclination. [30]

However, remark the stupidity of this fellow, — I should rather say, of this brute beast. For thus he spoke:—"Marcus Brutus, whom I name to do him honour, holding aloft his bloody dagger, called upon Cicero, from which it must be understood that he was privy to the action." Am I then called wicked by you because you suspect that I suspected something; and is he who openly displayed his reeking dagger; named by you that you may do him honour? Be it so. Let this stupidity exist in your language: how much greater is it in your actions and opinions? Arrange matters in this way at last, O consul; pronounce the cause of the Bruti, of Caius Cassius, of Cnaeus Domitius, of Caius Trebonius and the rest to be whatever you please to call it: sleep off that intoxication of yours, sleep it off and take breath. Must one apply a torch to you to waken you while you are sleeping over such an important affair? Will you never understand that you have to decide whether those men who performed that action are homicides or assertors of freedom? 13. [31]

For just consider a little; and for a moment think of the business like a sober man. I who, as I myself confess, am an intimate friend of those men, and, as you accuse me, an accomplice of theirs, deny that there is any medium between these alternatives. I confess that they, if they be not deliverers of the Roman people and saviours of the republic, are worse than assassins, worse than homicides, worse even than parricides: since it is a more atrocious thing to murder the father

of one's country, than one's own father. You wise and considerate man, what do you say to this? If they are parricides, why are they always named by you, both in this assembly and before the Roman people, with a view to do them honour? Why has Marcus Brutus been, on your motion, excused from obedience to the laws, and allowed to be absent from the city more than ten days? Why were the games of Apollo celebrated with incredible honour to Marcus Brutus? why were provinces given to Brutus and Cassius? why were quaestors assigned to them? why was the number of their lieutenants augmented? And all these measures were owing to you. They are not homicides then. It follows that in your opinion they are deliverers of their country, since there can be no other alternative. [32] What is the matter? Am I embarrassing you? For perhaps you do not quite understand propositions which are stated disjunctively. Still this is the sum total of my conclusion; that since they are acquitted by you of wickedness, they are at the same time pronounced most worthy of the very most honourable rewards.

Therefore, I will now proceed again with my oration. I will write to them, if any one by chance should ask whether what you have imputed to me be true, not to deny it to any one. In truth, I am afraid that it must be considered either a not very creditable thing to them, that they should have concealed the fact of my being an accomplice; or else a most discreditable one to me that I was invited to be one, and that I shirked it. For what greater exploit (I call you to witness, O august Jupiter!) was ever achieved not only in this city, but in all the earth? What more glorious action was ever done? What deed was ever more deservedly recommended to the everlasting recollection of men? Do you, then, shut me up with the other leaders in the partnership in this design, as in the Trojan horse? I have no objection; I even thank you for doing so, with whatever intent you do it. [33] For the deed is so great a one, that I can not compare the unpopularity which you wish to excite against me on account of it, with its real glory.

For who can be happier than those men whom you boast of having now expelled and driven from the city? What place is there either so deserted or so uncivilized, as not to seem to greet and to covet the presence of those men wherever they have arrived? What

men are so clownish as not, when they have once beheld them, to think that they have reaped the greatest enjoyment that life can give? And what posterity will be ever so forgetful, what literature will ever be found so ungrateful, as not to cherish their glory with undying recollection? Enroll me then, I beg, in the number of those men. 14. [34]

But one thing I am afraid you may not approve of. For if I had really been one of their number, I should have not only got rid of the king, but of the kingly power also out of the republic; and if I had been the author of the piece, as it is said, believe me, I should not have been contented with one act, but should have finished the whole play. Although, if it be a crime to have wished that Caesar might be put to death, beware, I pray you, O Antonius, of what must be your own case, as it is notorious that you, when at Narbo, formed a plan of the same sort with Caius Trebonius; and it was on account of your participation in that design that, when Caesar was being killed, we saw you called aside by Trebonius But I (see how far I am from any horrible inclination toward,) praise you for having once in your life had a righteous intention; I return you thanks for not having revealed the matter; and I excuse you for not having accomplished your purpose. [35] That exploit required a man.

And if any one should institute a prosecution against you, and employ that test of old Cassius, "who reaped any advantage from it?" take care, I advise you, lest you suit that description. Although, in truth, that action was, as you used to say, an advantage to every one who was not willing to be a slave, still it was so to you above all men, who are not merely not a slave, but are actually a king; who delivered yourself from an enormous burden of debt at the temple of Ops; who, by your dealings with the account-books, there squandered a countless sum of money; who have had such vast treasures brought to you from Caesar's house; at whose own house there is set up a most lucrative manufactory of false memoranda and autographs, and a most iniquitous market of lands, and towns, and exemptions, and revenues. [36] In truth, what measure except the death of Caesar could possibly have been any relief to your indigent and insolvent condition? You appear to be somewhat agitated. Have you any secret fear that you yourself may appear to have had some

connection with that crime? I will release you from all apprehension; no one will ever believe it; it is not like you to deserve well of the republic; the most illustrious men in the republic are the authors of that exploit; I only say that you are glad it was done; I do not accuse you of having done it.

I have replied to your heaviest accusations, I must now also reply to the rest of them. 15. [37]

You have thrown in my teeth the camp of Pompeius and all my conduct at that time. At which time, indeed, if, as I have said before, my counsels and my authority had prevailed, you would this day be in indigence, we should be free and the republic would not have lost so many generals and so many armies. For I confess that, when I saw that these things certainly would happen, which now have happened, I was as greatly grieved as all the other virtuous citizens would have been if they had foreseen the same things. I did grieve, I did grieve, O conscript fathers, that the republic which had once been saved by your counsels and mine, was fated to perish in a short time. Nor was I so inexperienced in and ignorant of this nature of things, as to be disheartened on account of a fondness for life, which while it endured would wear me out with anguish, and when brought to an end would release me from all trouble. But I was desirous that those most illustrious men, the lights of the republic, should live: so many men of consular rank, so many men of praetorian rank, so many most honorable senators; and besides them all the flower of our nobility and of our youth; and the armies of excellent citizens. And if they were still alive, under ever such hard conditions of peace (for any sort of peace with our fellow-citizens appeared to me more desirable than civil war), we should be still this day enjoying the republic.

[38] And if my opinion had prevailed, and if those men, the preservation of whose lives was my main object, elated with the hope of victory, had not been my chief opposers, to say nothing of other results, at all events you would never have continued in this order, or rather in this city. But say you, my speech alienated from me the regard of Pompeius? Was there any one to whom he was more attached? any one with whom he conversed or shared his counsels more frequently? It was, indeed, a great thing that we, differing as we did respecting the general interests of the republic, should continue

in uninterrupted friendship. But I saw clearly what his opinions and views were, and he saw mine equally. I was for providing for the safety of the citizens in the first place, in order that we might be able to consult their dignity afterward. He thought more of consulting their existing dignity. But because each of us had a definite object to pursue, our disagreement was the more endurable. [39] But what that extra ordinary and almost godlike man thought of me is known to those men who pursued him to Paphos from the battle of Pharsalia. No mention of me was ever made by him that was not the most honorable that could be, that was not full of the most friendly regret for me; while he confessed that I had had the most foresight, but that he had had more sanguine hopes. And do you dare taunt me with the name of that man whose friend you admit that I was, and whose assassin you confess yourself? 16.

However, let us say no more of war in which you were too fortunate. I will not reply even with those jests to which you have said that I gave utterance in the camp. That camp was in truth full of anxiety, but although men are in great difficulties, still, provided they are men, they sometimes relax their minds. [40] But the fact that the same man finds fault with my melancholy, and also with my jokes, is a great proof that I was very moderate in each particular.

You have said that no inheritances come to me. Would that this accusation of yours were a true one; I should have more of my friends and connections alive. But how could such a charge ever come into your head? For I have received more than twenty millions of sesterces in inheritances. Although in this particular I admit that you have been more fortunate than I. No one has ever made me his heir except he was a friend of mine, in order that my grief of mind for his loss might be accompanied also with some gain, if it was to be considered as such. But a man whom you never even saw, Lucius Rubrius, of Casinum, made you his heir. [41] And see now how much he loved you, who, though he did not know whether you were white or black, passed over the son of his brother, Quintus Fufius, a most honorable Roman knight, and most attached to him, whom he had on all occasions openly declared his heir (he never even names him in his will), and he makes you his heir whom he had never seen, or at all events had never spoken to.

I wish you would tell me, if it is not too much trouble, what sort of countenance Lucius Turselius was of; what sort of height; from what municipal town he came; and of what tribe he was a member. “I know nothing,” you will say, “about him, except what farms he had.” Therefore, he, disinheriting his brother, made you his heir. And besides these instances, this man has seized on much other property belonging to men wholly unconnected with him, to the exclusion of the legitimate heirs, as if he himself were the heir. [42] Although the thing that struck me with most astonishment of all was, that you should venture to make mention of inheritances, when you yourself had not received the inheritance of your own father. 17.

And was it in order to collect all these arguments, O you most senseless of men, that you spent so many days in practicing declamation in another man’s villa? Although, indeed (as your most intimate friends usually say), you are in the habit of declaiming, not for the purpose of whetting your genius, but of working off the effects of wine. And, indeed, you employ a master to teach you jokes, a man appointed by your own vote and that of your boon companions; a rhetorician, whom you have allowed to say whatever he pleased against you, a thoroughly facetious gentleman; but there are plenty of materials for speaking against you and against your friends. But just see now what a difference there is between you and your grandfather. He used with great deliberation to bring forth arguments advantageous for the cause he was advocating; you pour forth in a hurry the sentiments which you have been taught by another. [43] And what wages have you paid this rhetorician? Listen, listen, O conscript fathers, and learn the blows which are inflicted on the republic. You have assigned, O Antonius, two thousand acres of land, in the Leontine district, to Sextus Clodius, the rhetorician, and those, too, exempt from every kind of tax, for the sake of putting the Roman people to such a vast expense that you might learn to be a fool. Was this gift, too, O you most audacious of men, found among Caesar’s papers? But I will take another opportunity to speak about the Leontine and the Campanian district; where he has stolen lands from the republic to pollute them with most infamous owners. For now, since I have sufficiently replied to all his charges, I must say a little about our corrector and censor himself. And yet I will not say

all I could, in order that if I have often to battle with him I may always come to the contest with fresh arms; and the multitude of his vices and atrocities will easily enable me to do so. 18. [44]

Shall we then examine your conduct from the time when you were a boy? I think so. Let us begin at the beginning. Do you recollect that, while you were still clad in the praetexta, you became a bankrupt? That was the fault of your father, you will say. I admit that. In truth such a defense is full of filial affection. But it is peculiarly suited to your own audacity, that you sat among the fourteen rows of the knights, though by the Roscian law there was a place appointed for bankrupts, even if any one had become such by the fault of fortune and not by his own. You assumed the manly gown, which your soon made a womanly one: at first a public prostitute, with a regular price for your wickedness, and that not a low one. But very soon Curio stepped in, who carried you off from your public trade, and, as if he had bestowed a matron's robe upon you, settled you in a steady and durable wedlock. [45] No boy bought for the gratification of passion was ever so wholly in the power of his master as you were in Curio's. How often has his father turned you out of his house? How often has he placed guards to prevent you from entering? while you, with night for your accomplice, lust for your encourager, and wages for your compeller, were let down through the roof. That house could no longer endure your wickedness. Do you not know that I am speaking of matters with which I am thoroughly acquainted? Remember that time when Curio, the father, lay weeping in his bed; his son throwing himself at my feet with tears recommended to me you; he entreated me to defend you against his own father, if he demanded six millions of sesterces of you; for that he had been bail for you to that amount. And he himself, burning with love, declared positively that because he was unable to bear the misery of being separated from you, he should go into banishment. [46] And at that time what misery of that most flourishing family did I allay, or rather did I remove! I persuaded the father to pay the son's debts; to release the young man, endowed as he was with great promise of courage and ability, by the sacrifice of part of his family estate; and to use his privileges and authority as a father to prohibit him not only from all intimacy with, but from every

opportunity of meeting you. When you recollected that all this was done by me, would you have dared to provoke me by abuse if you had not been trusting to those swords which we behold? 19. [47]

But let us say no more of your profligacy and debauchery. There are things which it is not possible for me to mention with honor; but you are all the more free for that, inasmuch as you have not scrupled to be an actor in scenes which a modest enemy can not bring himself to mention.

Mark now, O conscript fathers, the rest of his life, which I will touch upon rapidly. For my inclination hastens to arrive at those things which he did in the time of the civil war, amid the greatest miseries of the republic and at those things which he does every day. And I beg of you, though they are far better known to you than they are to me, still to listen attentively, as you are doing to my relation of them. For in such cases as this, it is not the mere knowledge of such actions that ought to excite the mind, but the recollection of them also. Although we must at once go into the middle of them, lest otherwise we should be too long in coming to the end.

[48] He was very intimate with Clodius at the time of his tribuneship; he, who now enumerates the kindnesses which he did me. He was the firebrand to handle all conflagrations; and even in his house he attempted something. He himself well knows what I allude to. From thence he made a journey to Alexandria, in defiance of the authority of the senator and against the interests of the republic, and in spite of religious obstacles; but he had Gabinius for his lender, with whom whatever he did was sure to be right. What were the circumstances of his return from thence? what sort of return was it? He went from Egypt to the farthest extremity of Gaul before he returned home. And what was his home! For at that time every man had possession of his own house; and you had no house any where, O Antonius. House, do you say? what place was there in the whole world where you could set your foot on any thing that belonged to you, except Mienum, which you farmed with your partners, as if it had been Sisapo? 20. [49]

You came from Gaul to stand for the quaestorship. Dare to say that you went to your own father before you came to me. I had already received Caesar's letters, begging me to allow myself to accept of your excuses; and therefore, I did not allow you even to mention thanks. After that, I was treated with respect by you, and you received attentions from me in your canvass for the quaestorship. And it was at that time, indeed, that you endeavored to slay Publius Clodius in the forum, with the approbation of the Roman people; and though you made the attempt of your own accord, and not at my instigation, still you clearly alleged that you did not think, unless you

slew him, that you could possibly make amends to me for all the injuries which you had done me. And this makes me wonder why you should say that Milo did that deed at my instigation; when I never once exhorted you to do it, who of your own accord attempted to do me the same service. Although, if you had persisted in it, I should have preferred allowing the action to be set down entirely to your own love of glory rather than to my influence. [50]

You were elected quaestor. On this, immediately, without any resolution of the senate authorizing such a step, without drawing lots, without procuring any law to be passed, you hastened to Caesar. For you thought the camp the only refuge on earth for indigence, and debt, and profligacy, — for all men, in short, who were in a state of utter ruin. Then, when you had recruited your resources again by his largesses and your own robberies (if, indeed, a person can be said to recruit, who only acquires something which he may immediately squander), you hastened, being again a beggar, to the tribuneship, in order that in that magistracy you might, if possible, behave like your friend. 21.

Listen now, I beseech you, O conscript fathers, not to those things which he did indecently and profligately to his own injury and to his own disgrace as a private individual; but to the actions which he did impiously and wickedly against us and our fortunes, — that is to say, against the whole republic. For it is from his wickedness that you will find that the beginning of all these evils has arisen.

[51] For when, in the consulship of Lucius Lentulus and Marcus Marcellus, you, on the first of January, were anxious to prop up the republic, which was tottering and almost falling, and were willing to consult the interests of Caius Caesar himself, if he would have acted like a man in his senses, then this fellow opposed to your counsels his tribuneship, which he had sold and handed over to the purchaser, and exposed his own neck to that ax under which many have suffered for smaller crimes. It was against you, O Marcus Antonius, that the senate, while still in the possession of its rights, before so many of its luminaries were extinguished, passed that decree which, in accordance with the usage of our ancestors, is at times passed against an enemy who is a citizen. And have you dared, before these conscript fathers, to say any thing against me, when I have been

pronounced by this order to be the savior of my country, and when you have been declared by it to be an enemy of the republic? The mention of that wickedness of yours has been interrupted, but the recollection of it has not been effaced. As long as the race of men, as long as the name of the Roman people shall exist (and that, unless it is prevented from being so by your means, will be everlasting), so long will that most mischievous interposition of your veto be spoken of. [52] What was there that was being done by the, senate either ambitiously or rashly, when you, one single young man, forbade the whole order to pass decrees concerning the safety of the republic? and when you did so, not once only, but repeatedly? nor would you allow any one to plead with you in behalf of the authority of the senate; and yet, what did any one entreat of you, except that you would not desire the republic to be entirely overthrown and destroyed; when neither the chief men of the state by their entreaties, nor the elders by their warnings, nor the senate in a full house by pleading with you, could move you from the determination which you had already sold and as it were delivered to the purchaser? Then it was, after having tried many other expedients previously, that a blow was of necessity struck at you which had been struck at only few men before you, and which none of them had ever survived. [53] Then it was that this order armed the consuls, and the rest of the magistrates who were invested with either military or civil command, against you, and you never would have escaped them, if you had not taken refuge in the camp of Caesar. 22.

It was you, you, I say, O Marcus Antonius, who gave Caius Caesar, desirous as he already was to throw every thing into confusion, the principal pretext for waging war against his country. For what other pretense did he allege? what cause did he give for his own most frantic resolution and action, except that the power of interposition by the veto had been disregarded, the privileges of the tribunes taken away, and Antonius's rights abridged by the senate? I say nothing of how false, how trivial these pretenses were; especially when there could not possibly be any reasonable cause whatever to justify any one in taking up arms against his country. But I have nothing to do with Caesar. You must unquestionably allow that the cause of that ruinous war existed in your person. [54]

O miserable man if you are aware, more miserable still if you are not aware, that this is recorded in writings, is handed down to men's recollection, that our very latest posterity in the most distant ages will never forget this fact, that the consuls were expelled from Italy, and with them Cnaeus Pompeius, who was the glory and light of the empire of the Roman people; that all the men of consular rank, whose health would allow them to share in that disaster and that flight, and the praetors, and men of praetorian rank, and the tribunes of the people, and a great part of the senate, and all the flower of the youth of the city, and, in a word, the republic itself was driven out and expelled from its abode. [55] As, then, there is in seeds the cause which produces trees and plants, so of this most lamentable war you were the seed. Do you, O conscript fathers, grieve that these armies of the Roman people have been slain? It is Antonius who slew them. Do you regret your most illustrious citizens? It is Antonius, again, who has deprived you of them. The authority of this order is overthrown; it is Antonius who has overthrown it. Everything, in short, which we have seen since that time (and what misfortune is there that we have not seen?) we shall, if we argue rightly, attribute wholly to Antonius. As Helen was to the Trojans, so has that man been to this republic, — the cause of war the cause of mischief the cause of ruin The rest of his tribuneship was like the beginning. He did every thing which the senate had labored to prevent, as being impossible to be done consistently with the safety of the republic. And see, now, how gratuitously wicked he was even in accomplishing his wickedness. 23. [56]

He restored many men who had fallen under misfortune. Among them no mention was made of his uncle. If he was severe, why was he not so to every one? If he was merciful, why was he not merciful to his own relations? But I say nothing of the rest. He restored Licinius. Lenticula, a man who had been condemned for gambling, and who was a fellow-gamester of his own. As if he could not play with a condemned man; but in reality, in order to pay by a straining of the law in his favor, what he had lost by the dice. What reason did you allege to the Roman people why it was desirable that he should be restored? I suppose you said that he was absent when the prosecution was instituted against him; that the cause was decided

without his having been heard in his defense; that there was not by a law any judicial proceeding established with reference to gambling; that he had been put down by violence or by arms; or lastly, as was said in the case of your uncle, that the tribunal had been bribed with money. Nothing of this sort was said. Then he was a good man, and one worthy of the republic. That, indeed, would have been nothing to the purpose, but still, since being condemned does not go for much, I would forgive you if that were the truth. Does not he restore to the full possession of his former privileges the most worthless man possible, — one who would not hesitate to play at dice even in the forum, and who had been convicted under the law which exists respecting gambling, — does not he declare in the most open manner his own propensities? [57]

Then in this same tribuneship, when Caesar while on hi way into Spain had given him Italy to trample on, what journeys did he make in every direction! how did he visit the municipal towns! I know that I am only speaking of matters which have been discussed in every one's conversation, and that the things which I am saying and am going to say are better known to every one who was in Italy at that time, than to me, who was not. Still I mention the particulars of his conduct, although my speech can not possibly come up to your own personal knowledge. When was such wickedness ever heard of as existing upon earth? or shamelessness? or such open infamy? 24. [58]

The tribune of the people was borne along in a chariot, lictors crowned with laurel preceded him; among whom, on an open litter, was carried an actress; whom honorable men, citizens of the different municipalities, coming out from their towns under compulsion to meet him, saluted not by the name by which she was well known on the stage, but by that of Volumnia. A car followed full of pimps; then a lot of debauched companions; and then his mother, utterly neglected, followed the mistress of her profligate son, as if she had been her daughter-in-law. O the disastrous fecundity of that miserable woman! With the marks of such wickedness as this did that fellow stamp every municipality, and prefecture, and colony, and, in short, the whole of Italy. [59]

To find fault with the rest of his actions, O conscript fathers, is difficult, and somewhat unsafe. He was occupied in war; he glutted

himself with the slaughter of citizens who bore no resemblance to himself He was fortunate — if at least there can be any good fortune in wickedness. But since we wish to show a regard for the veterans, although the cause of the soldiers is very different from yours; they followed their chief; you went to seek for a leader; still (that I may not give you any pretense for stirring up odium against me among them), I will say nothing of the nature of the war.

When victorious, you returned with the legions from Thessaly to Brundusium. There you did not put me to death. It was a great kindness! For I confess that you could have done it. Although there was no one of those men who were with you at that time, who did not think that I ought to be spared. [60] For so great is men's affection for their country; that I was sacred even in the eyes of your legions, because they recollected that the country had been saved by me. However, grant that you did give me what you did not take away from me; and that I have my life as a present from you, since it was not taken from me by you; was it possible for me, after all your insults, to regard that kindness of yours as I regarded it at first, especially after you saw that you must hear this reply from me? 25. [61]

You came to Brundusium, to the bosom and embraces of your actress. What is the matter? Am I speaking falsely? How miserable is it not to be able to deny a fact which it is disgraceful to confess! If you had no shame before the municipal towns, had you none even before your veteran army? For what soldier was there who did not see her at Brundusium? who was there who did not know that she had come so many days' journey to congratulate you? who was there who did not grieve that he was so late in finding out how worthless a man he had been following?

[62] Again you made a tour through Italy, with that same actress for your companion. Cruel and miserable was the way in which you led your soldiers into the towns; shameful was the pillager in every city, of gold and silver, and above all, of wine. And besides all this, while Caesar knew nothing about it, as he was at Alexandria, Antonius, by the kindness of Caesar's friends, was appointed his master of the horse. Then he thought that you could live with Hippia by virtue of his office, and that he might give horses which were the property of the state to Sergius the buffoon. At that time he had

elected for himself to live in, not the house which he now dishonors, but that of Marcus Piso. Why need I mention his decrees, his robberies, the possessions of inheritances which were given him, and those too which were seized by him? Want compelled him; he did not know where to turn. That great inheritance from Lucius Rubrius, and that other from Lucius Turselius, had not yet come to him. He had not yet succeeded as an unexpected heir to the place of Cnaeus Pompeius, and of many others who were absent. He was forced to live like a robber, having nothing beyond what he could plunder from others. [63] However, we will say nothing of these things, which are acts of a more hardy sort of villainy. Let us speak rather of his meaner descriptions of worthlessness. You, with those jaws of yours, and those sides of yours, and that strength of body suited to a gladiator, drank such quantities of wine at the marriage of Hippia, that you were forced to vomit the next day in the sight of the Roman people. O action disgraceful not merely to see, but even to hear of! If this had happened to you at supper amid those vast drinking-cups of yours, who would not have thought it scandalous? But in an assembly of the Roman people, a man holding a public office, a master of the horse, to whom it would have been disgraceful even to belch, vomiting filled his own bosom and the whole tribunal with fragments of what he had been eating reeking with wine. But he himself confesses this among his other disgraceful acts. Let us proceed to his more splendid offenses. 26. [64]

Caesar came back from Alexandria, fortunate, as he seemed at least to himself; but in my opinion no one can be fortunate who is unfortunate for the republic. The spear was set up in front of the temple of Jupiter Stator, and the property of Cnaeus Pompeius Magnus — (miserable that I am, for even now that my tears have ceased to flow, my grief remains deeply implanted in my heart), — the property, I say, of Cnaeus Pompeius the Great was submitted to the pitiless voice of the auctioneer. On that one occasion the state forgot its slavery, and groaned aloud; and though men's minds were enslaved, as every thing was kept under by fear, still the groans of the Roman people were free. While all men were waiting to see who would be so impious, who would be so mad, who would be so declared an enemy to gods and to men as to dare to mix himself up

with that wicked auction, no one was found except Antonius, even though there were plenty of men collected round that spear who would have dared any thing else. [65] One man alone was found to dare to do that which the audacity of every one else had shrunk from and shuddered at. Were you, then, seized with such stupidity, — or, I should rather say, with such insanity, — as not to see that if you, being of the rank in which you were born, acted as a broker at all, and above all as a broker in the case of Pompeius property, you would be execrated and hated by the Roman people, and that all gods and all men must at once become and for ever continue hostile to you? But with what violence did that glutton immediately proceed to take possession of the property of that man, to whose valor it had been owing that the Roman people had been more terrible to foreign nations, while his justice had made it dearer to them. 27.

When, therefore, this fellow had begun to wallow in the treasures of that great man, he began to exult like a buffoon in a play, who has lately been a beggar, and has become suddenly rich. [66] But, as some poet or other says,—" "Ill-gotten gains come quickly to an end."
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It is an incredible thing, and almost a miracle, how he in a few, not months, but days, squandered all that vast wealth. There was an immense quantity of wine, an excessive abundance of very valuable plate, much precious apparel, great quantities of splendid furniture, and other magnificent things in many places, such as one was likely to see belonging to a man who was not indeed luxurious but who was very wealthy. Of all this in a few days there was nothing left. [67] What Charybdis was ever so voracious? Charybdis, do I say? Charybdis, if she existed at all, was only one animal. The ocean I swear most solemnly, appears scarcely capable of having swallowed up such numbers of things so widely scattered and distributed in such different places with such rapidity. No thing was shut up, nothing sealed up, no list was made of any thing. Whole storehouses were abandoned to the most worthless of men Actors seized on this, actresses on that; the house was crowded with gamblers, and full of drunken men; people were drinking all day, and that too in many

places; there were added to all this expense (for this fellow was not invariably fortunate) heavy gambling losses. You might see in the cellars of the slaves, couches covered with the most richly embroidered counterpanes of Cnaeus Pompeius. Wonder not, then, that all these things were so soon consumed. Such profligacy as that could have devoured not only the patrimony of one individual, however ample it might have been (as indeed his was), but whole cities and kingdoms. And then his houses and gardens! [68]

Oh the cruel audacity! Did you dare to enter into that house? Did you dare to cross that most sacred threshold? and to show your most profligate countenance to the household gods who protect that abode? A house which for a long time no one could behold, no one could pass by without tears! Are you not ashamed to dwell so long in that house? one in which, stupid and ignorant as you are, still you can see nothing which is not painful to you. 28.

When you behold those beaks of ships in the vestibule, and those warlike trophies, do you fancy that you are entering into a house which belongs to you? It is impossible. Although you are devoid of all sense and all feeling, — a in truth you are, — still you are acquainted with yourself, and with your trophies, and with your friends. Nor do I believe that you, either waking or sleeping, can ever act with quiet sense. It is impossible but that, were you ever so drunk an frantic, — as in truth you are, — when the recollection of the appearance of that illustrious man comes across you, you should be roused from sleep by your fears, and often stirred up to madness if awake. [69] I pity even the walls and the room. For what had that house ever beheld except what was modest, except what proceeded from the purest principles and from the most virtuous practice? For that man was, O conscript fathers, as you yourselves know, not only illustrious abroad, but also admirable at home; and not more praiseworthy for his exploits in foreign countries, than for his domestic arrangements. Now in his house every bedchamber is a brothel, and every diningroom a cookshop. Although he denies this: — Do not, do not make inquiries. He is become economic. He desired that mistress of his to take possession of whatever belonged to her, according to the laws of the Twelve Tables. He has taken his keys from her, and turned her out of doors. What a well-tried citizen!

of what proved virtue is he! the most honorable passage in whose life is the one when he divorced himself from this actress. [70]

But how constantly does he harp on the expression “the consul Antonius!” This amounts to say “that most debauched consul,” “that most worthless of men, the consul.” For what else is. Antonius? For if any dignity were implied the name, then, I imagine, your grandfather would sometime have called himself “the consul Antonius.” But he never did. My colleague too, your own uncle, would have call himself so. Unless you are the only Antonius. But I pass over those offenses which have no peculiar connection with the part you took in harassing the republic; I return to that in which you bore so principal a share, — that is, to the civil war; and it is mainly owing to you that that was originated, and brought to a head, and carried on. 29. [71]

Though you yourself took no personal share in it, partly through timidity, partly through profligacy, you had tasted, or rather had sucked in, the blood of fellow-citizens: you had been in the battle of Pharsalia as a leader; you had slain Lucius Domitius, a most illustrious and high-born man; you had pursued and put to death in the most barbarous manner many men who had escaped from the battle, and whom Caesar would perhaps have saved, as he did some others.

And after having performed these exploits, what was the reason why you did not follow Caesar into Africa; especially when so large a portion of the war was still remaining? And accordingly, what place did you obtain about Caesar’s person after his return from Africa? What was your rank? He whose quaestor you had been when general, whose master of the horse when he was dictator, to whom you had been the chief cause of war, the chief instigator of cruelty, the sharer of his plunder, his son, as you yourself said, by inheritance, proceeded against you for the money which you owed for the house and gardens, and for the other property which you had bought at that sale. [72] At first you answered fiercely enough; and that I may not appear prejudiced against you in every particular, you used a tolerably just and reasonable argument. “What does Caius Caesar demand money of me? why should he do so, any more than I should claim it of him? Was he victorious without my assistance? No; and

he never could have been. It was I who supplied him with a pretext for civil war; it was I who proposed mischievous laws; it was I who took up arms against the consuls and generals of the Roman people, against the senate and people of Rome, against the gods of the country, against its altars and hearths, against the country itself. Has he conquered for himself alone? Why should not those men whose common work the achievement is, have the booty also in common?" You were only claiming your right, but what had that to do with it? He was the more powerful of the two. [73]

Therefore, stopping all your expostulations, he sent his soldiers to you, and to your sureties; when all on a sudden out came that splendid catalogue of yours. How men did laugh! That there should be so vast a catalogue, that there should be such a numerous and various list of possessions, of all of which, with the exception of a portion of Misenum, there was nothing which the man who was putting them up to sale could call his own. And what a miserable sight was the auction. A little apparel of Pompeius's, and that stained; a few silver vessels belonging to the same man, all battered, some slaves in wretched condition; so that we grieved that there was any thing remaining to be seen of these miserable relies. [74] This auction, however, the heirs of Lucius Rubrius prevented from proceeding, being armed with a decree of Caesar to that effect. The spendthrift was embarrassed. He did not know which way to turn. It was at this very time that an assassin sent by him was said to have been detected with a dagger in the house of Caesar. And of this Caesar himself complained in the senate, inveighing openly against you. Caesar departs to Spain, having granted you a few days delay for making the payment, on account of your poverty. Even then you do not follow him. Had so good a gladiator as you retired from business so early? Can any one then fear a man who was as timid as this man in upholding his party, that is, in upholding his own fortunes? 30. [75]

After some time he at last went into Spain; but, as he says, he could not arrive there in safety. How then did Dolabella manage to arrive there? Either, O Antonius, that cause ought never to have been undertaken, or when you had undertaken it, it should have been maintained to the end. Thrice did Caesar fight against his fellow-

citizens; in Thessaly, in Africa, and in Spain. Dolabella was present at all these battles. In the battle in Spain he even received a wound. If you ask my opinion, I wish he had not been there. But still, if his design at first was blamable, his consistency and firmness were praiseworthy. But what shall we say of you? In the first place, the children of Cnaeus Pompeius sought to be restored to their country. Well, this concerned the common interests of the whole party. Besides that, they sought to recover their household gods, the gods of their country, their altars, their hearths, the tutelar gods of their family; all of which you had seized upon. And when they sought to recover those things by force of arms which belonged to them by the laws, who was it most natural — (although in unjust and unnatural proceedings what can there be that is natural?) — still, who was it most natural to expect would fight against the children of Cnaeus Pompeius? Who? Why, you who had bought their property. [76] Were you at Narbo to be sick over the tables of your entertainers while Dolabella was fighting your battles in Spain?

And what return was that of yours from Narbo? He even asked why I had returned so suddenly from my expedition. I have just briefly explained to you, O conscript fathers, the reason of my return. I was desirous, if I could, to be of service to the republic even before the first of January. For, as to your question, how I had returned in the first place, I returned by daylight, not in the dark, in the second place, I returned in shoes, and in my Roman gown, not in any Gallic slippers, or barbarian mantle. And even now you keep looking at me; and, as it seems, with great anger. Surely you would be reconciled to me if you knew how ashamed I am of your worthlessness, which you yourself are not ashamed of. Of all the profligate conduct of all the world, I never saw, I never heard of any more shameful than yours. You, who fancied yourself a master of the horse, when you were standing for, or I should rather say begging for, the consulship for the ensuing year, ran in Gallic slippers and a barbarian mantle about the municipal towns and colonies of Gaul, from which we used to demand the consulship when the consulship was stood for and not begged for. 31. [77]

But mark now the trifling character of the fellow. When about the tenth hour of the day he had arrived at Red Rocks, he skulked into a

little petty wine-shop, and, hidden there, kept on drinking till evening. And from thence getting into a gig and being driven rapidly to the city, he came to his own house with his head veiled. “Who are you?” says the porter. “An express from Marcus.” He is at once taken to the woman for whose sake he had come; and he delivered the letter to her. And when she had read it with tears (for it was written in a very amorous style, but the main subject of the letter was that he would have nothing to do with that actress for the future; that he had discarded all his love for her, and transferred it to his correspondent), when she, I say, wept plentifully, this soft-hearted man could bear it no longer; he uncovered his head and threw himself on her neck. Oh the worthless man (for what else can I call him? there is no more suitable expression for me to use)! was it for this that you disturbed the city by nocturnal alarms, and Italy with fears of many days’ duration, in order that you might show yourself unexpectedly, and that a woman might see you before she hoped to do so? [78] And he had at home a pretense of love; but out of doors a cause more discreditable still, namely, lest Lucius Plancus should sell up his sureties, But after you had been produced in the assembly by one of the tribunes of the people, and had replied that you had come on your own private business, you made even the people full of jokes against you. But, however, we have said too much about trifles. Let us come to more important subjects. 32.

You went a great distance to meet Caesar on his return from Spain. You went rapidly, you returned rapidly, in order that we might see that, if you were not brave, you were at least active. You again became intimate with him; I am sure I do not know how. Caesar had this peculiar characteristic; whoever he knew to be utterly ruined by debt, and needy, even if he knew him also to be an audacious and worthless man, he willingly admitted him to his intimacy. You then, being admirably recommended to him by these circumstances, were ordered to be appointed consul, and that too as his own colleague. [79] I do not make any complaint against Dolabella, who was at that time acting under compulsion, and was cajoled and deceived, But who is there who does not know with what great perfidy both of you treated Dolabella in that business? Caesar induced him to stand for the consulship. After having promised it to him, and pledged himself to

aid him, he prevented his getting it, and transferred it to himself. And you endorsed his treachery with your own eagerness.

The first of January arrives. We are convened in the senate. Dolabella inveighed against him with much more fluency and premeditation than I am doing now. [80] And what things were they which he said in his anger, O ye good gods! First of all, after Caesar had declared that before he departed he would order Dolabella to be made consul (and they deny that he was a king who was always doing and saying something of this sort). — but after Caesar had said this, then this virtuous augur said that he was invested with a pontificate of that sort that he was able, by means of the auspices, either to hinder or to vitiate the comitia, just as he pleased; and he declared that he would do so. [81] And here, in the first place, remark the incredible stupidity of the man. For what do you mean? Could you not just as well have done what you said you had now the power to do by the privileges with which that pontificate had invested you, even if you were not an augur, if you were consul? Perhaps you could even do it more easily. For we augurs have only the power of announcing that the auspices are being observed, but the consuls and other magistrates have the right also of observing them whenever they choose. Be it so. You said this out of ignorance. For one must not demand prudence from a man who is never sober. But still remark his impudence. Many months before, he said in the senate that he would either prevent the comitia from assembling for the election of Dolabella by means of the auspices, or that he would do what he actually did do. Can any one divine beforehand what defect there will be in the auspices, except the man who has already determined to observe the heavens? which in the first place it is forbidden by law to do at the time of the comitia. And if any one has; been observing the heavens, he is bound to give notice of it, not after the comitia are assembled, but before they are held. But this man's ignorance is joined to impudence, nor does he know what an augur ought to know, nor do what a modest man ought to do. [82] And just recollect the whole of his conduct during his consulship from that day up to the ides of March. What lictor was ever so humble, so abject? He himself had no power at all; he begged every thing of others; and thrusting his head into the hind part of his litter, he

begged favors of his colleagues, to sell them himself afterward. 33.

Behold, the day of the comitia for the election of Dolabella arrives The prerogative century draws its lot. He is quiet. The vote is declared; he is still silent. The first class is called. Its vote is declared. Then, as is the usual course, the votes are announced. Then the second class. And all this is done faster than I have told it. When the business is over, that excellent augur (you would say he must be Caius Laelius) says,—"We adjourn it to another day." [83] Oh the monstrous impudence of such a proceeding! What had you seen? what had you perceived? what had you heard? For you did not say that you had been observing the heavens, and indeed you do not say so this day. That defect then has arisen, which you on the first of January had already foreseen would arise, and which you had predicted so long before. Therefore, in truth, you have made a false declaration respecting the auspices, to your own great misfortune, I hope, rather than to that of the republic. You laid the Roman people under the obligations of religion; you as augurs interrupted an augur; you as consul interrupted a consul by a false declaration concerning the auspices.

I will say no more, lest I should seem to be pulling to pieces the acts of Dolabella; which must inevitably sometime or other be brought before our college. [84] But take notice of the arrogance and insolence of the fellow. As long as you please, Dolabella is a consul irregularly elected; again, while you please, he is a consul elected with all proper regard to the auspices. If it means nothing when an augur gives this notice in those words in which you gave notice, then confess that you, when you said,—"We adjourn this to another day," — were not sober. But if those words have any meaning, then I, an augur, demand of my colleague to know what that meaning is.

But, lest by any chance, while enumerating his numerous exploits, our speech should pass over the finest action of Marcus Antonius, let us come to the Lupercalia. 34.

He does not dissemble, O conscript fathers; it is plain that he is agitated; he perspires; he turns pale. Let him do what he pleases, provided he is not sick, and does not behave as be did in the Minucian colonnade. What defence can be made for such beastly behaviour? I wish to hear, that I may see the fruit of those high

wages of that rhetorician, of that land given in Leontini. [85] Your colleague was sitting in the rostra, clothed in purple robe, on a golden chair, wearing a crown. You mount the steps; you approach his chair, (if you were a priest of Pan, you ought to have recollected that you were consul too;) you display a diadem; There is a groan over the whole forum. Where did the diadem come from? For you had not picked it up when lying on the ground, but you had brought it from home with you, a premeditated and deliberately planned wickedness. You placed the diadem on his head amid the groans of the people; he rejected it amid great applause. You then alone, O wicked man, were found both to advise the assumption of kingly power, and to wish to have him for your master who was your colleague and also to try what the Roman people might be able to bear and to endure. [86] Moreover, you even sought to move his pity; you threw yourself at his feet as a suppliant; begging for what? to be a slave? You might beg it for yourself, when you had lived in such a way from the time that you were a boy that you could bear everything, and would find no difficulty in being a slave; but certainly you had no commission from the Roman people to try for such a thing for them.

Oh how splendid was that eloquence of yours, when you harangued the people stark naked! what could be more foul than this? more shameful than this? more deserving of every sort of punishment? Are you waiting for me to prick you more? This that I am saying must tear you and bring blood enough if you have any feeling at all. I am afraid that I may be detracting from the glory of some most eminent men. Still my indignation shall find a voice. What can be more scandalous than for that man to live who placed a diadem on a man's head, when every one confesses that that man was deservedly slain who rejected it? [87] And, moreover, he caused it to be recorded in the annals, under the head of Lupercalia, "That Marcus Antonius, the consul, by command of the people, had offered the kingdom to Caius Caesar, perpetual dictator; and that Caesar had refused to accept it." I now am not much surprised at your seeking to disturb the general tranquillity; at your hating not only the city but the light of day; and at your living with a pack of abandoned robbers, disregarding the day, and yet regarding nothing beyond the day. For

where can you be safe in peace? What place can there be for you where laws and courts of justice have sway, both of which you, as far as in you lay, destroyed by the substitution of kingly power? Was it for this that Lucius Tarquinius was driven out; that Spurius Cassius, and Spurius Maelius, and Marcus Manlius were slain; that many years afterwards a king might be established at Rome by Marcus Antonius though the bare idea was impiety? How ever, let us return to the auspices. 35. [88]

With respect to all the things which Caesar was intending to do in the senate on the ides of March, I ask whether you have done any thing? I heard, indeed, that you had come down prepared, because you thought that I intended to speak about your having made a false statement respecting the auspices, though it was still necessary for us to respect them. The fortune of the Roman people saved us from that day. Did the death of Caesar also put an end to your opinion respecting the auspices? But I have come to mention that occasion which must be allowed to precede those matters which I had begun to discuss. What a flight was that of yours! What alarm was yours on that memorable day! How, from the consciousness of your wickedness, did you despair of your life! How, while flying, were you enabled secretly to get home by the kindness of those men who wished to save you, thinking you would show more sense than you do! [89] O how vain have at all times been my too true predictions of the future! I told those deliverers of ours in the Capitol, when they wished me to go to you to exhort you to defend the republic, that as long as you were in fear you would promise every thing, but that as soon as you had emancipated yourself from alarm you would be yourself again. Therefore, while the rest of the men of consular rank were going backward and forward to you, I adhered to my opinion, nor did I see you at all that day, or the next; nor did I think it possible for an alliance between virtuous citizens and a most unprincipled enemy to be made, so as to last, by any treaty or engagement whatever. The third day I came into the temple of Tellus, even then very much against my will, as armed men were blockading all the approaches. [90] What a day was that for you, O Marcus Antonius! Although you showed yourself all on a sudden an enemy to me; still I pity you for having envied yourself. 36.

What a man, O ye immortal gods! and how great a man might you have been, if you had been able to preserve the inclination you displayed that day; — we should still have peace which was made then by the pledge of a hostage, a boy of noble birth, the grandson of Marcus Bamballo. Although it was fear that was then making you a good citizen, which is never a lasting teacher of duty; your own audacity, which never departs from you as long as you are free from fear, has made you a worthless one. Although even at that time, when they thought you an excellent man, though I indeed differed from that opinion, you behaved with the greatest wickedness while presiding at the funeral of the tyrant, if that ought to be called a funeral. [91] All that fine panegyric was yours, that commiseration was yours, that exhortation was yours. It was you — you, I say — who hurled those firebrands, both those with which your friend himself was nearly burned, and those by which the house of Lucius Bellienus was set on fire and destroyed. It was you who let loose those attacks of abandoned men, slaves for the most part, which we repelled by violence and our own personal exertions; it was you who set them on to attack our houses. And yet you, as if you had wiped off all the soot and smoke in the ensuing days, carried those excellent resolutions in the Capitol, that no document conferring any exemption, or granting any favor, should he published after the ides of March. You recollect yourself, what you said about the exiles; you know what you said about the exemption; but the best thing of all was, that you forever abolished the name of the dictatorship in the republic. Which act appeared to show that you had conceived such a hatred of kingly power that you took away all fear of it for the future, on account of him who had been the last dictator. [92]

To other men the republic now seemed established, but it did not appear so at all to me, as I was afraid of every sort of shipwreck, as long as you were at the helm. Have I been deceived? or, was it possible for that man long to continue unlike himself? While you were all looking on, documents were fixed up over the whole Capitol, and exemptions were being sold, not merely to individuals, but to entire states. The freedom of the city was also being given now not to single persons only, but to whole provinces. Therefore, if these acts are to stand, — and stand they can not if the republic stands too,

— then, O conscript fathers, you have lost whole provinces; and not the revenues only, but the actual empire of the Roman people has been diminished by a market this man held in his own house. 37. [93]

Where are the seven hundred millions of sesterces which were entered in the account-books which are in the temple of Ops? a sum lamentable indeed, as to the means by which it was procured, but still one which, if it were not restored to those to whom it belonged, might save us from taxes. And how was it, that when you owed forty millions of sesterces on the fifteenth of March, you had ceased to owe them by the first of April? Those things are quite countless which were purchased of different people, not without your knowledge; but there was one excellent decree posted up in the Capitol affecting king Deiotarus, a most devoted friend to the Roman people. And when that decree was posted up, there was no one who, amid all his indignation, could restrain his laughter. [94] For who ever was a more bitter enemy to another than Caesar was to Deiotarus? He was as hostile to him as he was to this order, to the equestrian order, to the people of Massilia, and to all men whom he knew to look on the republic of the Roman people with attachment. But this man, who neither present nor absent could ever obtain from him any favor or justice while he was alive, became quite an influential man with him when he was dead. When present with him in his house, he had called for him though he was his host, he had made him give in his accounts of his revenue, he had exacted money from him; he had established one of his Greek retainers in his tetrarchy, and he had taken Armenia from him, which had been given to him by the senate. While he was alive he deprived him of all these things; now that he is dead, he gives them back again. [95] And in what words? At one time he says, “that it appears to him to be just,...” at another, “that it appears not to be unjust...” What a strange combination of words! But while alive (I know this, for I always supported Deiotarus, who was at a distance), he never said that anything which we were asking for, for him, appeared just to him. A bond for ten millions of sesterces was entered into in the women’s apartment (where many things have been sold, and are still being sold), by his ambassadors, well-meaning men, but timid and inexperienced in business, without my advice or that of the rest of the hereditary friends of the monarch. And I advise you to consider carefully what you intend to do with reference to. this bond. For the king himself, of his own accord,

without. waiting for any of Caesar's memoranda, the moment that her heard of his death, recovered his own rights by his own courage and energy. [96] He, like a wise man, knew that this was always the law, that those men from whom the things which tyrants had taken away had been taken, might recover them when the tyrants were slain. No lawyer, therefore, not even he who is your lawyer and yours alone, and by whose advice you do all these things, will say that any thing is due to you by virtue of that bond for those things which had been recovered before that bond was executed. For he did not purchase them of you; but, before you undertook to sell him his own property, be had taken possession of it. He was a man — we, indeed, deserve to be despised, who hate the author of the actions, but uphold the actions themselves. 38. [97]

Why need I mention the countless mass of papers, the innumerable autographs which have been brought forward? writings of which there are imitators who sell their forgeries as openly as if they were gladiators playbills. Therefore, there are now such heaps of money piled up in that man's house, that it is weighed out instead of being counted. But bow blind is avarice! Lately, too, a document has been posted up by which the most wealthy cities of the Cretans are released from tribute; and by which it is ordained that after the expiration of the consulship of Marcus Brutus, Crete shall cease to be a province. Are you in your senses.? Ought you not to be put in confinement? Was it possible for there really to be a decree of Caesar's exempting Crete after the departure of Marcus. Brutus, when Brutus had no connection whatever with Crete while Caesar was alive? But by the sale of this decree (that you may not, O conscript fathers, think it wholly ineffectual) you have lost the province of Crete. There was nothing in the whole world which any one wanted to buy that this fellow was not ready to sell. [98]

Caesar too, I suppose, made the law about the exiles which you have posted up. I do not wish to press upon any one in misfortune; I only complain, in the first place, that the return of those men has had discredit thrown upon it, whose cause Caesar judged to be different from that of the rest; and in the second place, I do not know why you do not mete out the same measure to all. For there can not be more than three or four left. Why do not they who are in similar misfortune

enjoy a similar degree of your mercy? Why do you treat them as you treated your uncle? about whom you refused to pass a law when you were passing one about all the rest; and whom at the same time you encouraged to stand for the censorship, and instigated him to a canvass, which excited the ridicule and the complaint of every one.

[99] But why did you not hold that comitia? Was it because a tribune of the people announced that there had been an ill-omened flash of lightning seen? When you have any interest of your own to serve, then auspices are all nothing; but when it is only your friends who are concerned, then you become scrupulous. What more? Did you not also desert him in the matter of the septemvirate? "Yes, for he interfered with me." What were you afraid of? I suppose you were afraid that you would be able to refuse him nothing if he were restored to the full possession of his rights. You loaded him with every species of insult, a man whom you ought to have considered in the place of a father to you, if you had had any piety or natural affection at all, You put away his daughter, your own cousin, having already looked out and provided yourself beforehand with another. That was not enough. You accused a most chaste woman of misconduct. What can go beyond this? Yet you were not content with this. In a very full senate held on the first of January, while your uncle was present, you dared to say that this was your reason for hatred of Dolabella, that you had ascertained that he had committed adultery with your cousin and your wife, Who can decide whether it was more shameless of you to make such profligate and such impious statements against that unhappy woman in the senate, or more wicked to make them against Dolabella, or more scandalous to make them in the presence of her father, or more cruel to make them at all? 39. [100]

However, let us return to the subject of Caesar's written papers. How were they verified by you? For the acts of Caesar were for peace's sake confirmed by the senate; that is to say, the acts which Caesar had really done, not those which Antonius said that Caesar had done. Where do all these come from? By whom are they produced and vouched for? If they are false, why are they ratified? If they are true, why are they sold? But the vote which was come to enjoined you, after the first of June, to make an examination of

Caesar's acts with the assistance of a council. What council did you consult? whom did you ever invite to help you? what was the first of June that you waited for? Was it that day on which you, having traveled all through the colonies where the veterans were settled, returned escorted by a band of armed men?

Oh what a splendid progress of yours was that in the months of April and May, when you attempted even to lead a colony to Capua! How you made your escape from thence, or rather how you barely made your escape, we all know. [101] And now you are still threatening that city. I wish you would try, and we should not then be forced to say "barely." However, what a splendid progress of yours that was! Why need I mention your preparations for banquets, why your frantic hard drinking? Those things are only an injury to yourself; these are injuries to us. We thought that a great blow was inflicted on the republic when the Campanian district was released from the payment of taxes, in order to be given to the soldiery; but you have divided it among your partners in drunkenness and gambling. I tell you, O conscript fathers, that a lot of buffoons and actresses have been settled in the district of Campania. Why should I now complain of what has been done in the district of Leontini? Although formerly these lands of Campania and Leontini were considered part of the patrimony of the Roman people, and were productive of great revenue, and very fertile. You gave your physician three thousand acres; what would you have done if he had cured you? and two thousand to your master of oratory; what would you have done if he had been able to make you eloquent? However, let us return to your progress, and to Italy. 40. [102]

You led a colony to Casilinum, a place to which Caesar had previously led one. You did indeed consult me by letter about the colony of Capua (but I should have given you the same answer about Casilinum), whether you could legally lead a new colony to a place where there was a colony already. I said that a new colony could not be legally conducted to an existing colony, which had been established with a due observance of the auspices, as long as it remained in a flourishing state; but I wrote you word that new colonists might be enrolled among the old ones. But you, elated and insolent, disregarding all the respect due to the auspices, led a colony

to Casilinum, whither one had been previously led a few years before; in order to erect your standard there, and to mark out the line of the new colony with a plow. And by that plow you almost grazed the gate of Capua, so as to diminish the territory of that flourishing colony. [103] After this violation of all religious observances, you hasten off to the estate of Marcus Varro, a most conscientious and upright man, at Casinum. By what right? with what face do you do this? By just the same, you will say, as that by which you entered on the estates of the heirs of Lucius Rubrius, or of the heirs of Lucius Turselius, or of other innumerable possessions. If you got the right from any auction, let the auction have all the force to which it is entitled; let writings be of force, provided they are the writings of Caesar, and not your own; writings by which you are bound, not those by which you have released yourself from obligation. [104]

But who says that the estate of Varro at Casinum was ever sold at all? who ever saw any notice of that auction? who ever heard the voice of the auctioneer? You say that you sent a man to Alexandria to buy it of Caesar. It was too long to wait for Caesar himself to come! But who ever heard (and there was no man about whose safety more people were anxious) that any part whatever of Varro's property had been confiscated? What? what shall we say if Caesar even wrote you that you were to give it up? What can be said strong enough for such enormous impudence? Remove for a while those swords which we see around us. You shall now see that the cause of Caesar's auctions is one thing and that of your confidence and rashness is another. For not only shall the owner drive you from that estate, but any one of his friends, or neighbors, or hereditary connections, and any agent, will have the right to do so. 41.

But how many days did he spend reveling in the most scandalous manner in that villa! From the third hour there was one scene of drinking, gambling, and vomiting. Alas for the unhappy house itself! how different a master from its former one has it fallen to the share of! Although, how is he the master at all? but still by how different a person has it been occupied! For Marcus Varro used it as a place of retirement for his studies, not as a theatre for his lusts. [105] What noble discussions used to take place in that villa! what ideas were originated there! what writings were composed there! The laws of

the Roman people, the memorials of our ancestors, the consideration of all wisdom and all learning, were the topics that used to be dwelt on then; — but now, while you were the intruder there (for I will not call you the master), every place was resounding with the voices of drunken men; the pavements were floating with wine; the walls were dripping; nobly-born boys were mixing with the basest hirelings; prostitutes with mothers of families. Men came from Casinum, from Aquinum, from Interamna to salute him. No one was admitted. That, indeed, was proper. For the ordinary marks of respect were unsuited to the most profligate of men. [106] When going from thence to Rome he approached Aquinum, a pretty numerous company (for it is a populous municipality) came out to meet him. But he was carried through the town in a covered litter, as if he had been dead. The people of Aquinum acted foolishly, no doubt; but still they were in his road. What did the people of Anagnia do? who, although they were out of his line of road, came down to meet him, in order to pay him their respects, as if he were consul. It is an incredible thing to say, but still it was only too notorious at the time, that he returned nobody's salutation; especially as he had two men of Anagnia with him, Mustela and Laco; one of whom had the care of his swords, and the other of his drinking-cups.

[107] Why should I mention the threats and insults with which he inveighed against the people of Teanum Sidicinum, with which he harassed the men of Puteoli, because they had adopted Caius Cassius and the Bruti as their patrons? a choice dictated, in truth, by great wisdom, and great zeal, benevolence, and affection for them; not by violence and force of arms, by which men have been compelled to choose you, and Basilus, and others like you both, — men whom no one would choose to have for his own clients, much less to be their client himself. 42.

In the mean time, while you yourself were absent, what a day was that for your colleague when he overturned that tomb in the forum, which you were accustomed to regard with veneration! And when that action was announced to you, you — as is agreed upon by all who were with you at the time — fainted away. What happened afterward I know not. I imagine that terror and arms got the mastery. At all events, you dragged your colleague down from his heaven; and

you rendered him, not even now like yourself, at all events very unlike his own former self. [108]

After that what a return was that of yours to Rome! How great was the agitation of the whole city! We recollected Cinna being too powerful; after him we had seen Sulla with absolute authority, and we had lately beheld Caesar acting as king. There were perhaps swords, but they were sheathed, and they were not very numerous. But how great and how barbaric a procession is yours! Men follow you in battle array with drawn swords; we see whole litters full of shields borne along. And yet by custom, O conscript fathers, we have become inured and callous to these things, When on the first of June we wished to come to the senate, as it had been ordained, we were suddenly frightened and forced to flee. [109] But he, as having no need of a senate, did not miss any of us, and rather rejoiced at our departure, and immediately proceeded to those marvelous exploits of his. He who had defended the memoranda of Caesar for the sake of his own profit, overturned the laws of Caesar — and good laws too — for the sake of being able to agitate the republic. He increased the number of years that magistrates were to enjoy their provinces; moreover, though he was bound to be the defender of the acts of Caesar, he rescinded them both with reference to public and private transactions.

In public transactions nothing is more authoritative than law; in private affairs the most valid of all deeds is a will. Of the laws, some he abolished without giving the least notice; others he gave notice of bills to abolish. Wills he annulled; though they have been at all times held sacred even in the case of the very meanest of the citizens. As for the statues and pictures which Caesar bequeathed to the people, together with his gardens, those he carried away, some to the house which belonged to Pompeius, and some to Scipio's villa. 43. [110]

And are you then diligent in doing honor to Caesar's memory? Do you love him even now that he is dead? What greater honor had he obtained than that of having a holy cushion, an image, a temple, and a priest? As then Jupiter, and Mars, and Quirinus have priests, so Marcus. Antonius is the priest of the god Julius. Why then do you delay? why are not you inaugurated? Choose a day; select some one to inaugurate you; we are colleagues; no one will refuse. O you

detestable man, whether you are the priest of a tyrant, or of a dead man! I ask you then, whether you are ignorant what day this is? Are you ignorant that yesterday was the fourth day of the Roman games in the Circus? and that you yourself submitted a motion to the people, that a fifth day should be added besides, in honor of Caesar? Why are we not all clad in the praetexta? Why are we permitting the honor which by your law was appointed for Caesar to be deserted? Had you no objection to so holy a day being polluted by the addition of supplications, while you did not choose it to be so by the addition of ceremonies connected with a sacred cushion? Either take away religion in every case, or preserve it in every case.

[111] You will ask whether I approve of his having a sacred cushion, a temple and a priest? I approve of none of those things. But you, who are defending the acts of Caesar, what reason can you give for defending some, and disregarding others? unless, indeed, you choose to admit that you measure every thing by your own gain, and not by his dignity. What will you now reply to these arguments — (for I am waiting to witness your eloquence; I knew your grandfather, who was a most eloquent man, but I know you to be a more undisguised speaker than he was; he never harangued the people naked; but we have seen your breast, man, without disguise as you are)? Will you make any reply to these statements? will you dare to open your mouth at all? Can you find one single article in this long speech of mine, to which you trust that you can make any answer? However, we will say no more of what is past. 44. [112]

But this single day, this very day that now is, this very moment while I am speaking, defend your conduct during this very moment, if you can. Why has the senate been surrounded with a belt of armed men? Why are your satellites listening to me sword in hand? Why are not the folding-doors of the temple of Concord open? Why do you bring men of all nations the most barbarous, Ityrcans, armed with arrows, into the forum? He says that he does so as a guard. Is it not then better to perish a thousand times than to be unable to live in one's own city without a guard of armed men? But believe me, there is no protection in that; — a man must be defended by the affection and good will of his fellow-citizens, not by arms. [113] The Roman people will take them from you, will wrest them from) our hands. I

wish that they may do so while we are still safe. But however you treat us, as long as you adopt those counsels it is impossible for you, believe me, to last long. In truth, that wife of yours, who is so far removed from covetousness, and whom I mention without intending any slight to her, has been too long owing her third payment to the state. The Roman people has men to whom it can entrust the helm of the state; and wherever they are, there is all the defense of the republic, or rather, there is the republic itself; which as yet has only avenged, but has not reestablished itself. Truly and surely has the republic most high-born youths ready to defend it, — though they may for a time keep in the background from a desire for tranquillity, still they can be recalled by the republic at any time.

The name of peace is sweet, the thing itself is most salutary. But between peace and slavery there is a wide difference. Peace is liberty in tranquillity; slavery is the worst of all evils, — to be repelled, if need be, not only by war, but even by death. [114] But if those deliverers of ours have taken themselves away out of our sight, still they have left behind the example of their conduct. They have done what no one else had done. Brutus pursued Tarquinius with war; who was a king when it was lawful for a king to exist in Rome. Spurius Cassius, Spurius. Maelius, and Marcus.Manlius were all slain because they were suspected of aiming at regal power. These are the first men who have ever ventured to attack, sword in hand, a man who was not aiming at regal power, but actually reigning. And their action is not only of itself a glorious and godlike exploit, but it is also one put forth for our imitation; especially since by it they have acquired such glory as appears hardly to be bounded by heaven itself. For although in the very consciousness of a glorious action there is a certain reward, still I do not consider immortality of glory a thing to be despised by one who is himself mortal. 45. [115]

Recollect then, O Marcus Antonius, that day on which you abolished the dictatorship. Set before you the joy of the senate and people of Rome; compare it with this infamous market held by you and by your friends; and then you will understand how great is the difference between praise and profit. But in truth, just as some people, through some disease which has blunted the senses, have no conception of the niceness of food, so men who are lustful,

avaricious, and criminal, have no taste for true glory. But if praise can not allure you to act rightly, still can not even fear turn you away from the most shameful actions? You are not afraid of the courts of justice. If it is because you are innocent, I praise you; if because you trust in your power of overbearing them by violence, are you ignorant of what that man has to fear, who on such an account as that does not fear the courts of justice? [116]

But if you are not afraid of brave men and illustrious citizens, because they are prevented from attacking you by your armed retinue, still, believe me, your own fellows will not long endure you. And what a life is it, day and night to be fearing danger from one's own people! Unless, indeed, you have men who are bound to you by greater kindnesses than some of those men by whom he was slain were bound to Caesar; or unless there are points in which you can be compared with him.

In that man were combined genius, method, memory, literature, prudence, deliberation, and industry. He had performed exploits in war which, though calamitous for the republic, were nevertheless mighty deeds. Having for many years aimed at being a king, he had with great labor, and much personal danger, accomplished what he intended. He had conciliated the ignorant multitude by presents, by monuments, by largesses of food, and by banquets; he had bound his own party to him by rewards, his adversaries by the appearances of clemency. Why need I say much on such a subject? He had already brought a free city, partly by fear, partly by patience, into a habit of slavery. 46. [117]

With him I can, indeed, compare you as to your desire to reign; but in all other respects you are in no degree to be compared to him. But from the many evils which by him have been burned into the republic, there is still this good, that the Roman people has now learned how much to believe every one, to whom to trust itself, and against whom to guard. Do you never think on these things? And do you not understand that it is enough for brave men to have learned how noble a thing it is as to the act, how grateful it is as to the benefit done, how glorious as to the fame acquired, to slay a tyrant? [118] When men could not bear him, do you think they will bear you? Believe me, the time will come when men will race with one another

to do this deed, and when no one will wait for the tardy arrival of an opportunity.

Consider, I beg you, Marcus Antonius, do some time or other consider the republic: think of the family of which you are born, not of the men with whom you are living. Be reconciled to the republic. However, do you decide on your conduct. As to mine, I myself will declare what that shall be. I defended the republic as a young man, I will not abandon it now that I am old. I scorned the sword of Catiline, I will not quail before yours. No, I will rather cheerfully expose my own person, if the liberty of the city can her restored by my death.

May the indignation of the Roman people at last bring forth what it has been so long laboring with. In truth, if twenty years ago in this very temple I asserted that death could not come prematurely upon a man of consular rank, with how much more truth must I now say the same of an old man? To me, indeed, O conscript fathers, death is now even desirable, after all the honors which I have gained, and the deeds which I have done. I only pray for these two things: one, that dying I may leave the Roman people free. No greater boon than this can be granted me by the immortal gods. The other, that every one may meet with a fate suitable to his deserts and conduct toward the republic.

THE THIRD PHILIPPIC.

THE ARGUMENT.

After the composition of the last speech, Octavius, considering that he had reason to be offended with Antonius, formed a plot for his assassination by means of some slaves, which however was discovered. In the meantime, Antonius began to declare more and more openly against the conspirators. He erected a statue in the forum to Caesar, with the inscription, “To the most worthy Defender of his Country.” Octavius, at the same time, was trying to win over the soldiers of his uncle Julius, and outbidding Antonius in all his promises to them, so that he soon collected a formidable army of veterans. But as he had no public office to give him any color for his conduct, he paid great court to the republican party, in hopes to get his proceedings authorized by the senate; and he kept continually pressing Cicero to return to Rome and support him. Cicero, however, for some time kept also suspecting partly his abilities, on account of his exceeding youth and partly his sincerity in reconciling himself to his uncle’s murderers, however, at last he returned, after expressly stipulating that Octavius should employ all his forces in defense of Brutus and his accomplices

Antonius left Rome about the end of September, in order to engage in his service four legions of Caesar’s, which were on their return from Macedonia. But when they arrived at Brundusium three of them refused to follow him, on which he murdered all their centurions, to the number of three hundred, who were all put to death in his lodgings in the sight of himself and Fulvia his wife, and then returned to Rome with the one legion which he had prevailed on while the other three legions declared as yet for neither party. On his arrival in Rome he published many very violent edicts, and summoned the senate to meet on the twenty-fourth of October, then he adjourned it to the twenty eighth; and a day or two before it met, he heard that two out of the three legions had declared for Octavius, and encamped at Alba. And this news alarmed him so much, that he abandoned his intention of proposing to the senate a decree to declare

Octavius a public enemy and after distributing some provinces among his friends, he put on his military robes, and left the city to take possession of Cisalpine Gaul which had been assigned to him by a pretended law of the people' against the will of the senate.

On the news of his departure Cicero returned to Rome, where he arrived on the ninth of December. He immediately conferred with Pansa one of the consuls elect (Hirtius his colleague was ill) as to the measures to be taken. He was again addressed with earnest solicitations by the friends of Octavius, who, to confirm his belief in his good intentions, allowed Casca, who had been of the slayers of Caesar and had himself given him the first blow, to enter on his office as tribune of the people on the tenth of December.

The new tribunes convoked the senate for the nineteenth on which occasion Cicero had intended to be absent but receiving the day before the edict of Decimus Brutus, by which he forbade Antonius to enter his province (immediately after the death of Caesar he had taken possession of Cisalpine Gaul, which had been conferred on him by Caesar) and declared that he would defend it against him by force and preserve it in its duty to the senate, he thought it necessary to procure for Brutus a resolution of the senate in his favor. He went down therefore very early, and, in a very full house, delivered the following speech.

1. We have been assembled at length, O conscript fathers, altogether later than the necessities of the republic required, but still we are assembled, a measure which I indeed have been every day demanding, inasmuch as I saw that a nefarious war against our altars and our hearths, against our lives and our fortunes, wars, I will not say being prepared but being actually waged by a profligate and desperate man. People are waiting for the first of January. But Antonius is not waiting for that day, who is now attempting with an army to invade the province of Decimus Brutus a most illustrious and excellent man. And when he has procured reinforcements and equipments there, he threatens that he will come to this city. [2] What is the use then of waiting, or of even a delay for the very shortest time? For although the first of January is at hand, still a short time is a long one for people who are not prepared. For a day, or I should

rather say an hour, often brings great disasters, if no precautions are taken. And it is not usual to wait for a fixed day for holding a council, as it is for celebrating a festival. But if the first of January had fallen on the day when Antonius first fled from the city, or if people had not waited for it, we should by this time have no war at all, For we should easily have crushed the audacity of that frantic man by the authority of the senate and the unanimity of the Roman people. And now, indeed, I feel confident that the consuls elect will do so, as soon as they enter on their magistracy. For they are men of the highest courage, of the most consummate wisdom, and they will act in perfect harmony with each other. But my exhortations to rapid and instant action are prompted by a desire not merely for victory, but for speedy victory.

[3] For how long are we to trust to the prudence of an individual to repel so important, so cruel, and so nefarious a war? Why is not the public authority thrown into the scale as quickly as possible? 2.

Caius Caesar, a young man, or, I should rather say, almost a boy, embued with an incredible and godlike degree of wisdom and valor, at the time when the frenzy of Antonius was at its height, and when his cruel and mischievous return from Brundusium was an object of apprehension to all, while we neither desired him to do so, nor thought of such a measure, nor ventured even to wish it (because it did not seem practicable), collected a most trustworthy army from the invincible body of veteran soldiers, and has spent his own patrimony in doing so. Although I have not used the expression which I ought, — for he has not spent it, — he has invested it in the safety of the republic. [4]

And although it is not possible to requite him with all the thanks to which he is entitled, still we ought to feel all the gratitude toward him which our minds are capable of conceiving. For who is so ignorant of public affairs, so entirely indifferent to all thoughts of the republic, as not to see that, if Marcus Antonius could have come with those forces which he made sure that he should have, from Brundusium to come, as he threatened, there would have been no description of cruelty which he would not have practiced? A man who in the house of his entertainer at Brundusium ordered so many most gallant men and virtuous citizens to be murdered, and whose

wife's face was notoriously besprinkled with the blood of men dying at his and her feet. Who is there of us, or what good man is there at all, whom a man stained with this barbarity would ever have spared; especially as he was coming hither much more angry with all virtuous men than he had been with those whom he had massacred there? [5] And from this calamity Caesar has delivered the republic by his own individual prudence (and, indeed, there were no other means by which it could have been done). And if he had not been born in this republic we should, owing to the wickedness of Antonius, now have no republic at all.

For this is what I believe, this is my deliberate opinion, that if that one young man had not checked the violence and inhuman projects of that frantic man, the republic would have been utterly destroyed. And to him we must, O conscript fathers (for this is the first time, met in such a condition, that, owing to his good service, we are at liberty to say freely what we think and feel), we must, I say, this day give authority, so that he may be able to defend the republic, not because that defense has been voluntarily undertaken by him, but also because it has been entrusted to him by us. 3. [6]

Nor (since now after a long interval we are allowed to speak concerning the republic) is it possible for us to be silent about the Martial legion. For what single man has ever been braver, what single man has ever been more devoted to the republic than the whole of the Martial legion? which, as soon as it had decided that Marcus Antonius was an enemy of the Roman people, refused to be a companion of his insanity; deserted him though consul; which, in truth, it would not have done if it had considered him as consul, who, as it saw, was aiming at nothing and preparing nothing but the slaughter of the citizens, and the destruction of the state. And that legion has encamped at Alba. What city could it have selected either more suitable for enabling it to act, or more faithful, or full of more gallant men, or of citizens more devoted to the republic? [7]

The fourth legion, imitating the virtue of this legion, under the leadership of Lucius Egnatuleius, the quaestor, a most virtuous and intrepid citizen, has also acknowledged the authority and joined the army of Caius Caesar.

We, therefore, O conscript fathers, must take care that those

things which this most illustrious young man, this most excellent of all men has of his own accord done, and still is doing, be sanctioned by our authority; and the admirable unanimity of the veterans, those most brave men, and of the Martial and of the fourth legion, in their zeal for the reestablishment of the republic, be encouraged by our praise and commendation. And let us pledge ourselves this day that their advantage, and honors, and rewards shall he cared for by us as soon as the consuls elect have entered in their magistracy. 4. [8]

And the things which I have said about Caesar and about his army, are, indeed, already well known to you. For by the admirable valor of Caesar, and by the firmness of the veteran soldiers, and by the admirable discernment of those legions which have followed our authority, and the liberty of the Roman people, and the valor of Caesar, Antonius has been repelled from his attempts upon our lives. But these things, as I have said, happened before; but this recent edict of Decimus Brutus, which has just been issued, can certainly not be passed over in silence. For he promises to preserve the province of Gaul in obedience to the senate and people of Rome. O citizen, born for the republic; mindful of the name he bears; imitator of his ancestors! Nor, indeed, was the acquisition of liberty so much an object of desire to our ancestors when Tarquinius was expelled, as, now that Antonius is driven away, the preservation of it is to us. [9] Those men had learned to obey kings ever since the foundation of the city, but we from the time when the kings were driven out have forgotten how to be slaves. And that Tarquinius, whom our ancestors expelled, was not either considered or called cruel or impious, but only The Proud. That vice which we have often borne in private individuals, our ancestors could not endure even in a king.

Lucius Brutus could not endure a proud king. Shall Decimus Brutus submit to the kingly power of a man who is wicked and impious? What atrocity did Tarquinius ever commit equal to the innumerable acts of the sort which Antonius has done and is still doing? Again, the kings were used to consult the senate; nor, as is the ease when Antonius holds a senate, were armed barbarians ever introduced into the council of the king. The kings paid due regard to the auspices, which this man, though consul and augur, has neglected, not only by passing laws in opposition to the auspices but

also by making his colleague (whom he himself had appointed irregularly, and had falsified the auspices in order to do so) join in passing them. [10] Again, what king was ever so preposterously impudent as to have all the profits and kindnesses, and privileges of his kingdom on sale? But what immunity is there, what rights of citizenship, what rewards that this man has not sold to individuals and to cities and to entire provinces.? We have never heard of anything base or sordid being imputed to Tarquinius. But at the house of this man gold was constantly being weighed out in the spinning room, and money was being paid, and in one single house every soul who had any interest in the business was selling the whole empire of the Roman people. We have never heard of any executions of Roman citizens by the orders of Tarquinius; but this man both at Suessa murdered the man whom he had thrown into prison, and at Brundusium massacred about three hundred most gallant men and most virtuous citizens. [11] Lastly, Tarquinius was conducting a war in defense of the Roman people at the very time when he was expelled. Antonius was leading an army against the Roman people at the time when, being abandoned by the legions, he cowered at the name of Caesar and at his army, and neglecting the regular sacrifices, he offered up before daylight vows which he could never mean to perform; and at this very moment he is endeavoring to invade a province of the Roman people. The Roman people, therefore, has already received and is still looking for greater services at the hand of Decimus Brutus than our ancestors received from Lucius Brutus, the founder of this race and name which we ought to be so anxious to preserve. 5. [12]

But, while all slavery is miserable, to be slave to a man who is profligate, unchaste, effeminate, never, not even while in fear, sober, is surely intolerable. He, then, who keeps this man out of Gaul, especially by his own private authority, judges, and judges most truly, that he is not consul at all. We must take care, therefore, O conscript fathers, to sanction the private decision of Decimus Brutus by public authority. Nor, indeed, ought you to have thought Marcus Antonius consul at any time since the Lupercalia. For on the day when he, in the sight of the Roman people, harangued the mob, naked, perfumed, and drunk, and labored moreover to put a crown on

the head of his colleague, on that day he abdicated not only the consulship, but also his own freedom. At, all events he himself must at once have become a slave, if Caesar had been willing to accept from him that ensign of royalty. Can I then think him a consul, can I think him a Roman citizen, can I think him a freeman, can I even think him a man, who on that shameful and wicked day showed what he was willing to endure while Caesar lived, and what he was anxious to obtain himself after he was dead?

[13] Nor is it possible to pass over in silence the virtue and the firmness and the dignity of the province of Gaul. For that is the flower of Italy; that is the bulwark of the empire of the Roman people; that is the chief ornament of our dignity. But so perfect is the unanimity of the municipal towns and colonies of the province of Gaul, that all men in that district appear to have united together to defend the authority of this order, and the majesty of the Roman people. Wherefore, O tribunes of the people, although you have not actually brought any other business before us beyond the question of protection, in order that the consuls may be able to hold the senate with safety on the first of January, still you appear to me to have acted with great wisdom and great prudence in giving an opportunity of debating the general circumstances of the republic. For when you decided that the senate could not be held with safety without some protection or other, you at the same time asserted by that decision that the wickedness and audacity of Antonius was still continuing its practices within our walls. 6. [14]

Wherefore, I will embrace every consideration in my opinion which I am now going to deliver, a course to which you, I feel sure, have no objection; in order that authority may be conferred by us on admirable generals, and that hope of reward may be held out by us to gallant soldiers, and that a formal decision may be come to, not by words only, but also by actions, that Antonius is not only not a consul, but is even an enemy. For if he be consul, then the legions which have deserted the consul deserve beating to death. Caesar is wicked, Brutus is impious, since they of their own heads have levied an army against the consul. But if new honors are to be sought out for the soldiers on account of their divine and immortal merits, and if it is quite impossible to show gratitude enough to the generals, who

is there who must not think that man a public enemy, whose conduct is such that those who are in arms against him are considered the saviors of the republic? [15]

Again, how insulting is he in his edicts! how ignorant! how like a barbarian! In the first place, how has he heaped abuse on Caesar, in terms drawn from his recollection of his own debauchery and profligacy For w here can we find anyone who is chaster than this young man? Who is more modest? where have we among our youth a more illustrious example of the old-fashioned strictness.? Who, on the other hand, is more profligate than the man who abuses him? He reproaches the son of Caius. Caesar with his want of noble blood, when even his natural father, if he had been alive, would have been made consul. His mother is a woman of Aricia. You might suppose he was saving a woman of Tralles or of Ephesus. Just see how we all who come from the municipal towns — that is to say, absolutely all of us — are looked down upon, for how few of us are there who do not come from those towns? and what municipal town is there which he does not despise who looks with such contempt on Aricia, a town most ancient as to its antiquity; if we regard its rights, united with us by treaty; if we regard its vicinity, almost close to us; if we regard the high character of its inhabitants, most honorable? [16] It is from Aricia that we have received the Voconian and Atinian laws; from Aricia have come many of those magistrates who have filled our curule chairs, both in our fathers' recollection and in our own; from Aricia have sprung many of the best and bravest of the Roman knights. But if you disapprove of a wife from Aricia, why do you approve of one from Tusculum? Although the father of this most virtuous and excellent woman, Marcus Atius Balbus, a man of the highest character, was a man of praetorian rank; but the father of your wife, — a good woman, at all events a rich one, — a fellow of the name of Bambalio, was a man of no account at all. Nothing could be lower than he was, a fellow who got his surname as a sort of insult, derived from the hesitation of his speech and the stolidity of his understanding. Oh, but your grandfather was nobly born. Yes, he was that Tuditanus who used to put on a cloak and buskins, and then go and scatter money from the rostra among the people. I wish he had bequeathed his contempt of money to his descendants! You

have, indeed, a most glorious nobility of family! [17] But how does it happen that the son of a woman of Aricia appears to you to be ignoble, when you are accustomed to boast of a descent on the mother's side which is precisely the same? Besides, what insanity is it for that man to say any thing about the want of noble birth in men's wives, when his father married Numitoria of Fregellae, the daughter of a traitor, and when he himself has begotten children of the daughter of a freedman. However, those illustrious men Lucius Philippus, who has a wife who came from Aricia, and Caius Marcellus, whose wife is the daughter of an Arician, may look to this; and I am quite sure that they have no regrets on the score of the dignity of those admirable women. 7.

Moreover, Antonius proceeds to name Quintus Cicero, my brother's son, in his edict; and is so mad as not to perceive that the way in which he names him is a panegyric on him. For what could happen more desirable for this young man, than to be known by every one to be the partner of Caesar's counsels, and the enemy of the frenzy of Antonius? [18] But this gladiator has dared to put in writing that he had designed the murder of his father and of his uncle. Oh the marvelous impudence, and audacity, and temerity of such an assertion! to dare to put this in writing against that young man, whom I and my brother, on account of his amiable manners, and pure character, and splendid abilities, vie with one another in loving, and to whom we incessantly devote our eyes, and ears, and affections! And as to me, he does not know whether he is injuring or praising me in those same edicts. When he threatens the most virtuous citizens with the same punishment which I inflicted on the most wicked and infamous of men, he seems to praise me as if he were desirous of copying me; but when he brings up again the memory of that most illustrious exploit, then he thinks that he is exciting some odium against me in the breasts of men like himself. 8. [19]

But what is it that he has done himself? When he had published all these edicts, he issued another, that the senate was to meet in a full house on the twenty-fourth of November. On that day he himself was not present. But what were the terms of his edict? These, I believe, are the exact words of the end of it: "If any one fails to

attend, all men will be at liberty to think him the adviser of my destruction and of most ruinous counsels." What are ruinous counsels? those which relate to the recovery of the liberty of the Roman people? Of those counsels I confess that I have been and still am an adviser and prompter to Caesar. Although he did not stand in need of any one's advice; but still I spurred on the willing horse, as it is said. For what good man would not have advised putting you to death, when on your death depended the safety and life of every good man, and the liberty and dignity of the Roman people?

[20] But when he had summoned us all by so severe an edict, why did he not attend himself? Do you suppose that he was detained by any melancholy or important occasion? He was detained drinking and feasting. If, indeed, it deserves to be called a feast, and not rather gluttony. He neglected to attend on the day mentioned in his edict; and he adjourned the meeting to the twenty-eighth. He then summoned us to attend in the Capitol; and at that temple he did arrive himself, coming up through some mine left by the Gauls. Men came, having been summoned, some of them indeed men of high distinction, but forgetful of what was due to their dignity. For the day was such, the report of the object of the meeting such, such too the man who had convened the senate, that it was discreditable for a senate to feel no fear for the result. And yet to those men who had assembled he did not dare to say a single word about Caesar, though he had made up his mind to submit a motion respecting him to the senate. There was a man of consular rank who had brought a resolution ready drawn up. [21] Is it not now admitting that he is himself an enemy, when he does not dare to make a motion respecting a man who is leading an army against him while he is consul? For it is perfectly plain that one of the two must be an enemy; nor is it possible to come to a different decision respecting adverse generals. If then Caius. Caesar be an enemy, why does the consul submit no motion to the senate? If he does not deserve to be branded by the senate, then what can the consul say, who, by his silence respecting him, has confessed that he himself is an enemy? In his edicts he styles him Spartacus, while in the senate he does not venture to call him even a bad citizen. 9.

But in the most melancholy circumstances what mirth does he not

provoke? I have committed to memory some short phrases of one edict, which he appears to think particularly clever; but I have not as yet found any one who has understood what he intended by them. [22] "That is no insult which a worthy man does." Now, in the first place, what is the meaning of "worthy?" For there are many men worthy of punishment, as he himself is. Does he mean what a man does who is invested with any dignity? if so, what insult can be greater? Moreover, what is the meaning of "doing an insult?" Who ever uses such an expression? Then comes, "Nor any fear which an enemy threatens." What then? is fear usually threatened by a friend? Then came many similar sentences. Is it not better to be dumb, than to say what no one can understand? Now see why his tutor, exchanging pleas for plows, has had given to him in the public domain of the Roman people two thousand acres of land in the Leontine district, exempt from all taxes, for making a stupid man still stupider at the public expense.

[23] However, these perhaps are trifling matters. I ask now, why all on a sudden he became so gentle in the senate, after having been so fierce in his edicts? For what was the object of threatening Lucius Cassius, a most fearless tribune of the people, and a most virtuous and loyal citizen, with death if he came to the senate? of expelling Decimus Carfulenus, a man thoroughly attached to the republic, from the senate by violence and threats of death? of interdicting Titus Canutius, by whom he had been repeatedly and deservedly harassed by most legitimate attacks, not only from the temple itself, but from all approach to it? What was the resolution of the senate which he was afraid that they would stop by the interposition of their veto? That, I suppose, respecting the supplication in honor of Marcus Lepidus, a most illustrious man! Certainly there was a great danger of our hindering an ordinary compliment to a man on whom we were every day thinking of conferring some extraordinary honor. [24] However, that he might not appear to have had no reason at all for ordering the senate to meet, he was on the point of bringing forward some motion about the republic when the news about the fourth legion came; which entirely bewildered him, and hastening to flee away, he took a division on the resolution for decreeing this supplication, though such a proceeding had never been heard of

before. 10.

But what a setting out was his after this! what a journey when he was in his robe as a general! How did he shun all eyes, and the light of day, and the city, and the forum! How miserable was his flight! how shameful! how infamous! Splendid, too, were the decrees of the senate passed on the evening of that very day; very religiously solemn was the allotment of the provinces; and heavenly indeed was the opportunity, when every one got exactly what he thought most desirable. [25] You are acting admirably, therefore, O tribunes of the people, in bringing forward a motion about the protection of the senate and consuls; and most deservedly are we all bound to feel and to prove to you the greatest gratitude for your conduct. For how can we be free from fear and danger while menaced by such covetousness and audacity? And as for that ruined and desperate man, what more hostile decision can be passed upon him than has already been passed by his own friends? His most intimate friend, a man connected with me too, Lucius Lentulus, and also Publius Naso, a man destitute of covetousness, have shown that they think that they have no provinces assigned them, and that the allotments of Antonius are invalid. Lucius. Philippus, a man thoroughly worthy of his father and grandfather and ancestors, has done the same. The same is the opinion of Marcus Turanius, a man of the greatest integrity and purity of life. The same is the conduct of Publius Oppius and those very men, — who, influenced by their friendship for Marcus Antonius, have attributed to him more power than they would perhaps really approve of, — Marcus Piso, my own connection, a most admirable man and virtuous citizen, and Marcus Vehilius, a man of equal respectability, have both declared that they would obey the authority of the senate. [26] Why should I speak of Lucius. Cinna? whose extraordinary integrity, proved under many trying circumstances, makes the glory of his present admirable conduct less remarkable; he has altogether disregarded the province assigned to him; and so has Caius Cestius, a man of great and firm mind.

Who are there left then to be delighted with this heaven-sent allotment? Lucius Antonius and Marcus Antonius! O happy pair! for there is nothing that they wished for more. Caius. Antonius has Macedonia. Happy, too, is he! For he was constantly talking about

this province. Caius Calvisius has Africa. Nothing could be more fortunate, for he had only just departed from Africa, and, as if he had divined that he should return, he left two lieutenants at Utica. Then Marcus Iccius has Sicily, and Quintus Cassius Spain. I do not know what to suspect. I fancy the lots which assigned these two provinces, were not quite so carefully attended to by the gods. 11. [27]

O Caius Caesar (I am speaking of the young man), what safety have you brought to the republic! How unforeseen has it been! how sudden! for if he did these things when flying, what would he have done when he was pursuing? In truth, he had said in a harangue that he would be the guardian of the city; and that he would keep his army at the gates of the city till the first of May. What a fine guardian (as the proverb goes) is the wolf of the sheep! Would Antonius have been a guardian of the city, or its plunderer and destroyer? And he said too that he would come into the city and go out as he pleased. What more need I say? Did he not say, in the hearing of all the people, while sitting in front of the temple of Castor, that no one should remain alive but the conqueror? [28]

On this day, O conscript fathers, for the first time after a long interval do we plant our foot and take possession of liberty. Liberty, of which, as long as I could be, I was not only the defender, but even the savior. But when I could not be so, I rested; and I bore the misfortunes and misery of that period without abjectness, and not without some dignity. But as for this most foul monster, who could endure him, or how could any one endure him? What is there in Antonius except lust, and cruelty, and wantonness, and audacity? Of these materials he is wholly made up. There is in him nothing virtuous, nothing moderate, nothing modest, nothing virtuous. [29] Wherefore, since the matter has come to such a crisis that the question is whether he is to make atonement to the republic for his crimes, or we are to become slaves, let us at last, I beseech you, by the immortal gods. O conscript fathers, adopt our fathers' courage, and our fathers' virtue so as either to recover the liberty belonging to the Roman name and race, or else to prefer death to slavery. We have borne and endured many things which ought not to be endured in a free city: some of us out of a hope of recovering our freedom, some from too great a fondness for life. But if we have submitted to these

things, which necessity and a sort of forcer which may seem almost to have been put on us by destiny, have compelled us to endure; though, in point of fact, we have not endured them; are we also to bear with the most shameful and inhuman tyranny of this profligate robber? 12. [30]

What will he do in his passion, if ever he has the power, who, when he is not able to show his anger against any one, has been the enemy of all good men? What will he not dare to do when victorious, who, without having gained any victory, has committed such crimes as these since the death of Caesar? has emptied his well-filled house? has pillaged his gardens? has transferred to his own mansion all their ornaments? has sought to make his death a pretext for slaughter and conflagration? who, while he has carried two or three resolutions of the senate which have been advantageous to the republic, has made every thing else subservient to his own acquisition of gain and plunder? who has put up exemptions and annuities to sale? who has released cities from obligations? who has removed whole provinces from subjection to the Roman empire? who has restored exiles? who has passed forged laws in the name of Caesar, and has continued to have forged decrees engraved on brass and fixed up in the Capitol, and has set up in his own house a domestic market for all things of that sort? who has imposed laws on the Roman people? and who, with armed troops and guards, has excluded both the people and the magistrates from the forum? who has filled the senate with armed men? and has introduced armed men into the temple of Concord when he was holding a senate there? who ran down to Brundusium to meet the legions, and then murdered all the centurions in them who were well affected to the republic? who endeavored to come to Rome with his army to accomplish our massacre and the utter destruction of the city?

[31] And he, now that he has been prevented from succeeding in this attempt by the wisdom and forces of Caesar, and the unanimity of the veterans, and the valor of the legions, even now that his fortunes are desperate, does not diminish his audacity, nor, mad that he is, does he cease proceeding in his headlong career of fury. He is leading his mutilated army into Gaul; with one legion, and that too wavering in its fidelity to him, he is waiting for his brother Lucius, as

he can not find any one more nearly like himself than him. But now what slaughter is this man, who has thus become a captain instead of a matador, a general instead of a gladiator, making, wherever he sets his foot! He destroys stores, he slays the flocks and herds, and all the cattle, wherever he finds them; his soldiers revel in their spoil; and he himself, in order to irritate his brother, drowns himself in wine. Fields are laid waste; villas are plundered; matrons, virgins, well-horn boys are carried off and given up to the soldiery; and Marcus Antonius has done exactly the same wherever he has led his army. 13. [32]

Will you open your gates to these most infamous brothers? will you ever admit them into the city? will you not rather, now that the opportunity is offered to you, now that you have generals ready, and the minds of the soldiers eager for the service, and all the Roman people unanimous; and all Italy excited with the desire to recover its liberty, — will you not, I say, avail yourself of the kindness of the immortal gods? You will never have an opportunity if you neglect this one. He will be hemmed in in the rear, in the front, and in flank, if he once enters Gaul. Nor must he be attacked by arms alone, but by our decrees also. Mighty is the authority, mighty is the name of the senate when all its members are inspired by one and the same resolution. Do you not see how the forum is crowded? how the Roman people is on tiptoe with the hope of recovering its liberty? which now, beholding us, after a long interval, meeting here in numbers, hopes too that we are also met in freedom. [33]

It was in expectation of this day that I avoided the wicked army of Marcus. Antonius, at a time when he, while inveighing against me, was not aware for what an occasion I was reserving myself and my strength. If at that time I had chosen to reply to him, while he was seeking to begin the massacre with me, I should nor now be able to consult the welfare of the republic. But now that I have this opportunity, I will never, O conscript fathers, neither by day nor by night, cease considering what ought to be thought concerning the liberty of the Roman people, and concerning your dignity. And whatever ought to be planned or done, I not only will never shrink from, but I will offer myself for, and beg to have entrusted to me. This is what I did before while it was in my power; when it was no

longer in my power to do so, I did nothing. But now it is not only in my power, but it is absolutely necessary for me, unless we prefer being slaves to fighting with all our strength and courage to avoid being slaves. [34] The immortal gods have given us these protectors, Caesar for the city, Brutus for Gaul. For if he had been able to oppress the city we must have become slaves at once; if he had been able to get possession of Gaul, then it would not have been long before every good man must have perished and all the rest have been enslaved. 14.

Now then that this opportunity is afforded to you, O conscript fathers, I entreat you in the name of the immortal gods, seize upon it; and recollect at last that you are the chief men of the most honorable council on the whole face of the earth. Give a token to the Roman people that your wisdom shall not fail the republic, since that too professes that its valor shall never desert it either. There is no need for my warning you: there is no one so foolish as not to perceive that if we go to sleep over this opportunity we shall have to endure a tyranny which will be not only cruel and haughty, but also ignominious and flagitious. [35] You know the insolence of Antonius; you know his friends, you know his whole household. To be slaves to lustful, wanton, debauched, profligate, drunken gamblers, is the extremity of misery combined with the extremity of infamy. And if now (but may the immortal gods avert the omen!) that worst of fates shall befall the republic, then, as brave gladiators take care to perish with honor, let us too, who are the chief men of all countries and nations, take care to fall with dignity rather than to live as slaves with ignominy.

[36] There is nothing more detestable than disgrace; nothing more shameful than slavery. We have been born to glory and to liberty; let us either preserve them or die with dignity. Too long have we concealed what we have felt: now at length it is revealed: every one has plainly shown what are his feelings to both sides, and what are his inclinations. There are impious citizens, measured by the love I bear my country, too many; but in proportion to the multitude of well-affected ones, very few; and the immortal gods have given the republic an incredible opportunity and chance for destroying them. For, in addition to the defenses which we already have, there will

soon be added consuls of consummate prudence, and virtue, and concord, who have already deliberated and pondered for many months on the freedom of the Roman people. With these men for our advisers and leaders, with the gods assisting us, with ourselves using all vigilance and taking great precautions for the future, and with the Roman people acting with unanimity, we shall indeed be free in a short time, and the recollection of our present slavery will make liberty sweeter. 15. [37]

Moved by these considerations, since the tribunes of the people have brought forward a motion to insure that the senate shall be able to meet in safety on the first of January, and that we may be able to deliver our sentiments on the general welfare of the state with freedom, I give my vote that Caius Pansa and Aulus Hirtius, the consuls elect, do take care that the senate be enabled to meet in safety on the first of January; and, as an edict has been published by Decimus Brutus, imperator and consul elect, I vote that the senate thinks that Decimus Brutus, imperator and consul, deserves excellently well of the republic, inasmuch as he is upholding the authority of the senate, and the freedom and empire of the Roman people; [38] and as he is also retaining the province of Gallia Citerior, a province full of most virtuous and brave men, and of citizens most devoted to the republic, and his army, in obedience to the senate, I vote that the senate judges that he, and his army, and the municipalities and colonies of the province of Gaul, have acted and are acting properly, and regularly, and in a manner advantageous to the republic. And the senate thinks that it will be for the general interests of the republic that the provinces which are at present occupied by Decimus Brutus and by Lucius Plancus, both imperators, and consuls elect, and also by the officers who are in command of provinces, shall continue to be held by them in accordance with the provisions of the Julian law, until each of these officers has a successor appointed by a resolution of the senate; and that they shall take care to maintain those provinces and armies in obedience to the senate and people of Rome, and as a defense to the republic. And since, by the exertions and valor and wisdom of Caius Caesar, and by the admirable unanimity of the veteran soldiers, who, obeying his authority, have been and are a protection to the republic,

the Roman people has been defended, and is at this present time being defended, from the most serious dangers. [39] And as the Martial legion has encamped at Alba, in a municipal town of the greatest loyalty and courage, and has devoted itself to the support of the authority of the senate, and of the freedom of the Roman people; and as the fourth legion, behaving with equal wisdom and with the same virtue, under the command of Lucius Egnatuleius the quaestor, an illustrious citizen, has defended and is still defending the authority of the senate and the freedom of the Roman people; I give my vote, That it is and shall be an object of anxious care to the senate to pay due honor and to show due gratitude to them for their exceeding services to the republic: and that the senate hereby orders that when Caius Pansa and Aulus Hirtius, the consuls elect, have entered on their office, they take the earliest opportunity of consulting this body on these matters, as shall seem to them expedient for the republic, and worthy of their own integrity, and loyalty.

THE FOURTH PHILIPPIC.

THE ARGUMENT.

After delivering the preceding speech in the senate, Cicero proceeded to the forum, where he delivered the following speech to the people, to give them information of what had been done.

1. The great numbers in which you are here met this day, O Romans, and this assembly, greater than, it seems to me, I ever remember, inspires me with both an exceeding eagerness to defend the republic, and with a great hope of reestablishing it. Although my courage indeed has never failed; what has been unfavorable is the time; and the moment that that has appeared to show any dawn of light, I at once have been the leader in the defense of your liberty. And if I had attempted to have done so before, I should not be able to do so now. For this day, O Romans (that you may not think it is but a trifling business in which we have been engaged), the foundations have been laid for future actions. For the senate has no longer been content with styling Antonius an enemy in words, but it has shown by actions that it thinks him one. [2] And now I am much more elated still, because you too with such great unanimity and with such a clamor have sanctioned our declaration that he is an enemy.

And indeed, O Romans, it is impossible but that either the men must be impious who have levied armies against the consul, or else that he must be an enemy against whom they have rightly taken arms. And this doubt the senate has this day removed — not indeed that there really was any; but it has prevented the possibility of there being any. Caius Caesar, who has upheld and who is still upholding the republic and your freedom by his zeal and wisdom, and at the expense of his patrimonial estate, has been complimented with the highest praises of the senate. [3]

I praise you, — yes, I praise you greatly, O Romans, when you follow with the most grateful minds the name of that most illustrious youth, or rather boy; for his actions belong to immortality, the name of youth only to his age. I can recollect many things; I have heard of

many things; I have read of many things; but in the whole history of the whole world I have never known any thing like this. For, when we were weighed down with slavery, when the evil was daily increasing, when we had no defense, while we were in dread of the pernicious and fatal return of Marcus Antonius from Brundusium, this young man adopted the design which none of us had ventured to hope for, which beyond all question none of us were acquainted with, of raising an invincible army of his father's soldiers, and so hindering the frenzy of Antonius, spurred on as it was by the most inhuman counsels, from the power of doing mischief to the republic. 2. [4]

For who is there who does not see clearly that, if Caesar had not prepared an army, the return of Antonius must have been accompanied by our destruction? For, in truth, he returned in such a state of mind, burning with hatred of you all, stained with the blood of the Roman citizens, whom he had murdered at Suessa and at Brundusium, that he thought of nothing but the utter destruction of the republic. And what protection could have been found for your safety and for your liberty if the army of Caius Caesar had not been composed of the bravest of his father's soldiers? And with respect to his praises and honors, — and he is entitled to divine and everlasting honors for his godlike and undying services, — the senate has just consented to my proposals, and has decreed that a motion be submitted to it at the very earliest opportunity. [5]

Now who is there who does not see that by this decree Antonius has been adjudged to be an enemy? For what else can we call him, when the senate decides that extraordinary honors are to be devised for those men who are leading armies against him? What? did not the Martial legion (which appears to me by some divine permission to have derived its name from that god from whom we have heard that the Roman people descended) decide by its resolutions that Antonius was an enemy before the senate had come to any resolution? For if he be not an enemy, we must inevitably decide that those men who have deserted the consul are enemies. Admirably and seasonably, O Romans, have you by your cries sanctioned the noble conduct of the men of the Martial legion, who have come over to the authority of the senate, to your liberty, and to the whole republic; and have

abandoned that enemy and robber and parricide of his country. [6] Nor did they display only their spirit and courage in doing this, but their caution and wisdom also. They encamped at Alba, in a city convenient, fortified, near, full of brave men and loyal and virtuous citizens. The fourth legion imitating the virtue of this Martial legion, under the leadership of Lucius. Egnatuleius, whom the senate deservedly praised a little while ago, has also joined the army of Caius Caesar. 3.

What more adverse decisions, O Marcus Antonius, can you want? Caesar, who has levied an army against you, is extolled to the skies. The legions are praised in the most complimentary language, which have abandoned you, which were sent for into Italy by you; and which, if you had chosen to be a consul rather than an enemy, were wholly devoted to you. And the fearless and honest decision of those legions is confirmed by the senate, is approved of by the whole Roman people, — unless, indeed, you today, O Romans, decide that Antonius is a consul and not an enemy. [7] I thought, O Romans, that you did think as you show you do. What? do you suppose that the municipal towns, and the colonies, and the prefectures have any other opinion? All men are agreed with one mind; so that every one who wishes the state to be saved must take up every sort of arms against that pestilence. What? does, I should like to know, does the opinion of Decimus Brutus, O Romans, which you can gather from his edict, which has this day reached us, appear to any one deserving of being lightly esteemed? Rightly and truly do you say No, O Romans. For the family and name of Brutus has been by some especial kindness and liberality of the immortal gods given to the republic, for the purpose of at one time establishing, and at another of recovering, the liberty of the Roman people. [8] What then has been the opinion which Decimus Brutus has formed of Marcus Antonius? He excludes him from his province. He opposes him with his army. He rouses all Gaul to war, which is already roused of its own accord, and in consequence of the judgment which it has itself formed. If Antonius be consul, Brutus is an enemy. Can we then doubt which of these alternatives is the fact? 4.

And just as you now with one mind and one voice affirm that you entertain no doubt, so did the senate just now decree that Decimus

Brutus deserved excellently well of the republic, inasmuch as he was defending the authority of the senate and the liberty and empire of the Roman people. Defending it against whom? Why, against an enemy. For what other sort of defense deserves praise? [9] In the next place the province of Gaul is praised, and is deservedly complimented in most honorable language by the senate for resisting Antonius. But if that province considered him the consul, and still refused to receive him, it would be guilty of great wickedness. For all the provinces belong to the consul of right, and are bound to obey him. Decimus Brutus, imperator and consul elect, a citizen born for the republic, denies that he is consul; Gaul denies it; all Italy denies it; the senate denies it; you deny it. Who then thinks that he is consul except a few robbers? Although even they themselves do not believe what they say; nor is it possible that they should differ from the judgment of all men, impious and desperate men though they be. But the hope of plunder and booty blinds their minds men whom no gifts of money, no allotment of land nor even that interminable auction has satisfied; who have proposed to themselves the city, the properties and fortunes of all the citizens as their booty; and who, as long as there is something for them to seize and carry off, think that nothing will be wanting to them; [10] among whom Marcus Antonius (O ye immortal gods, avert, I pray you, and efface this omen), has promised to divide this city. May things rather happen O Romans as you pray that they should, and may the chastisement of this frenzy fall on him and on his friend. And, indeed, I feel sure that it will be so. For I think that at present not only men but the immortal gods have all united together to preserve this republic. For if the immortal gods foreshow us the future, by means of portents and prodigies then it has been openly revealed to us that punishment is near at hand to him, and liberty to us. Or if it was impossible for such unanimity on the part of all men to exist without the inspiration of the gods, in either case how can we doubt as to the indications of the heavenly deities?

It only remains, O Romans, for you to persevere in the sentiments which you at present display. 5. [11]

I will act, therefore, as commanders are in the habit of doing when their army is ready for battle, who, although they see their soldiers

ready to engage, still address an exhortation to them; and in like manner I will exhort you who are already eager and burning to recover your liberty. You have not — you have not, indeed, O Romans, to war against an enemy with whom it is possible to make peace on any terms whatever. For he does not now desire your slavery, as he did before, but he is angry now and thirsts for your blood. No sport appears more delightful to him than bloodshed, and slaughter, and the massacre of citizens before his eyes. [12] You have not, O Romans, to deal with a wicked and profligate man, but with an unnatural and savage beast. And, since he has fallen into a well, let him be buried in it. For if he escapes out of it, there will be no inhumanity of torture which it will be possible to avoid. But he is at present hemmed in, pressed, and besieged by those troops which we already have, and will soon be still more so by those which in a few days the new consuls will levy. Apply yourselves then to this business, as you are doing. Never have you shown greater unanimity in any cause; never have you been so cordially united with the senate. And no wonder. For the question now is not in what condition we are to live, but whether we are to live at all, or to perish with torture and ignominy. [13]

Although nature, indeed, has appointed death for all men: but valor is accustomed to ward off any cruelty or disgrace in death. And that is an inalienable possession of the Roman race and name. Preserve, I beseech you, O Romans, this attribute which your ancestors have left you as a sort of inheritance. Although all other things are uncertain, fleeting, transitory; virtue alone is planted firm with very deep roots; it can not be undermined by any violence; it can never be moved from its position. By it your ancestors first subdued the whole of Italy; then destroyed Carthage, overthrew Numantia, and reduced the most mighty kings and most warlike nations under the dominion of this empire. 6. [14]

And your ancestors, O Romans, had to deal with an enemy who had also a republic, a senate-house, a treasury, harmonious and united citizens, and with whom, if fortune had so willed it, there might have been peace and treaties on settled principles. But this enemy of yours is attacking your republic, but has none himself; is eager to destroy the senate, that is to say, the council of the whole

world, but has no public council himself; he has exhausted your treasury, and has none of his own. For how can a man be supported by the unanimity of his citizens, who has no city at all? And what principles of peace can there be with that man who is full of incredible cruelty, and destitute of faith? [15]

The whole then of the contest, O Romans, which is now before the Roman people, the conqueror of all nations, is with an assassin, a robber, a Spartacus. For as to his habitual boast of being like Catilina, he is equal to him in wickedness, but inferior in energy. He, though he had no army, rapidly levied one. This man has lost that very army which he had. As, therefore, by my diligence, and the authority of the senate, and your own zeal and valor, you crushed Catilina, so you will very soon hear that this infamous piratical enterprise of Antonius has been put down by your own perfect and unexampled harmony with the senate, and by the good fortune and valor of your armies and generals. [16] I, for my part, as far as I am able to labor, and to effect any thing by my care, and exertions, and vigilance, and authority, and counsel, will omit nothing which I may think serviceable to your liberty. Nor could I omit it without wickedness after all your most ample and honorable kindness to me. However, on this day, encouraged by the motion of a most gallant man, and one most firmly attached to you, Marcus Servilius, whom you see before you, and his colleagues also, most distinguished men, and most virtuous citizens; and partly, too, by my advice and my example, we have, for the first time after a long interval, fired up again with a hope of liberty.

THE FIFTH PHILIPPIC.

THE ARGUMENT.

The new consuls Hirtius and Pansa were much attached to Cicero, had consulted him a great deal, and professed great respect for his opinion; but they were also under great obligations to Julius Caesar, and, consequently, connected to some extent with his party and with Antonius; on which account they wished, if possible, to employ moderate measures only against him.

As soon as they had entered on their office, they convoked the senate to meet for the purpose of deliberating on the general welfare of the republic. They both spoke themselves with great firmness, promising to be the leaders in defending the liberties of Rome, and exhorting the senate to act with courage. And then they called on Quintus Fufius Calenus, who had been consul A.U.C. 707, and who was Pansa's father-in-law, to deliver his opinion first. He was known to be a firm friend of Antonius. Cicero wished to declare Antonius a public enemy at once; but Calenus proposed, that before they proceeded to acts of open hostility against him, they should send an embassy to admonish him to desist from his attempts upon Gaul, and to submit to the authority of the senate. Piso and others supported this motion, on the ground that it was cruel and unjust to condemn a man without giving him a fair chance of submitting, and without hearing what he had to say. It was in opposition to Calenus's motion that Cicero made the following speech, substituting for his proposition one to declare Antonius an enemy, and to offer pardon to those of his army who returned to their duty by the first of February, to thank Decimus Brutus for his conduct in Gaul, to decree a statue to Marcus Lepidus for his services to the republic and his loyalty, to thank Caius Caesar (Octavius) and to grant him a special commission as general, to make him a senator and propraetor, and to enable him to stand for any subsequent magistracy as if he had been quaestor, to thank Lucius Egnatuleius, and to vote thanks and promise rewards to the Martial and the fourth legion.

1. Nothing, O conscript fathers, has ever seemed to me longer than these calends of January; and I think that for the last few days you have all been feeling the same thing. For those who are waging war against the republic have not waited for this day. But we, while it would have been most especially proper for us to come to the aid of the general safety with our counsel, were not summoned to the senate. However, the speech just addressed to us by the consuls has removed our complaints as to what is past, for they have spoken in such a manner that the calends of January seem to have been long wished for rather than really to have arrived late.

And while the speeches of the consuls have encouraged my mind, and have given me a hope, not only of preserving our safety, but even of recovering our former dignity; on the other hand, the opinion of the man who has been asked for his opinion first would have disturbed me, if I had not confidence in your virtue and firmness. [2] For this day, O conscript fathers, has dawned upon you, and this opportunity has been afforded you of proving to the Roman people how much virtue, how much firmness, and how much dignity exists in the counsels of this order. Recollect what a day it was thirteen days ago; how great was then your unanimity, and virtue, and firmness; and what great praise, what great glory, and what great gratitude you earned from the Roman people. And on that day, O conscript fathers, you resolved that no other alternative was in your power, except either an honorable peace or a necessary war. [3]

Is Marcus Antonius desirous of peace? Let him lay down his arms, let him implore our pardon, let him deprecate our vengeance: he w ill find no one more reasonable than me, though, while seeking to recommend himself to impious citizens, he has chosen to be an enemy instead of a friend to me. There is, in truth, nothing which can be given to him while waging war; there will perhaps be something which may be granted to him if he comes before us as a suppliant 2.

But to send ambassadors to a man respecting whom you passed a most dignified and severe decision only thirteen days ago, is not an act of lenity, but, if I am to speak my real opinion, of downright madness. In the first place, you praised those generals who, of their own head, had undertaken war against him; in the next place, you praised the veterans who, though they had been settled in those

colonies by Antonius, preferred the liberty of the Roman people to the obligations which they were under to him. [4] Is it not so? Why was the Martial legion? why was the fourth legion praised? For if they have deserted the consul, they ought to be blamed; if they have abandoned an enemy to the republic, then they are deservedly praised.

But as at that time you had not yet got any consuls, you passed a decree that a motion concerning the rewards for the soldiers and the honors to be conferred on the generals should be submitted to you at the earliest opportunity. Are you then going now to arrange rewards for those men who have taken arms against Antonius, and to send ambassadors to Antonius? so as to deserve to be ashamed that the legions should have come to more honorable resolutions than the senate: if, indeed, the legions have resolved to defend the senate against Antonius, but the senate decrees to send ambassadors to Antonius. Is this encouraging the spirit of the soldiers, or damping their virtue? [5]

This is what we have gained in the last twelve days, that the man whom no single person except Cotyla was then found to defend, has now advocates, even of consular rank. Would that they had all been asked their opinion before me (although I have my suspicions as to what some of those men who will be asked after me, are intending to say); I should find it easier to speak against them if any argument appeared to have been advanced.

For there is an opinion in some quarters, that some one intends to propose to decree Antonius that farther Gaul, which Plancus is at present in possession of. What else is that but supplying an enemy with all the arms necessary for civil war: first of all with the sinews of war, money in abundance, of which he is at present destitute; and secondly, with as much cavalry as he pleases? Cavalry do I say? He is a likely man to hesitate, I suppose, to bring with him the barbarian nations; — a man who does not see this is senseless; he who does see it, and still advocates such a measure, is impious. [6] Will you furnish a wicked and desperate citizen with an army of Gauls and Germans, with money, and infantry, and cavalry, and all sorts of resources? All these excuses are no excuse at all:—"He is a friend of mine." Let him first be a friend of his country:—" He is a relation of mine." Can

any relationship be nearer than that of one's country, in which even one's parents are comprised? "He has given me money:" — I should like to see the man who will dare to say that. But when I have explained what is the real object aimed at, it will be easy for you to decide which opinion you ought to agree with and adopt. 3.

The matter at issue is, whether power is to be given to Marcus Antonius of oppressing the republic, of massacring the virtuous citizens, of plundering the city, of distributing the lands among his robbers, of overwhelming the Roman people in slavery; or, whether he is not to be allowed to do all this. Do you doubt what you are to do? "Oh, but all this does not apply to Antonius." [7] Even Cotyla would not venture to say that. For what does not apply to him? A man who, while he says that he is defending the acts of another, perverts all those laws of his which we might most properly praise. Caesar wished to drain the marshes: this man has given all Italy to that moderate man Lucius Antonius to distribute. — What? has the Roman people adopted this law? — What? could it be passed with a proper regard for the auspices? But this conscientious augur acts in reference to the auspices without his colleagues. Although those auspices do not require any interpretation — for who is there who is ignorant that it is impious to submit any motion to the people while it is thundering? The tribunes of the people carried laws respecting the provinces in opposition to the acts of Caesar; Caesar had extended the provisions of his law over two years; Antonius over six years. Has then the Roman people adopted this law? What? was it ever regularly promulgated? What? was it not passed before it was even drawn up? Did we not see the deed done before we even suspected that it was going to be done? Where is the Caecilian and Didian law? [8] What is become of the law that such bills should be published on three market-days? What is become of the penalty appointed by the recent Junian and Licinian law? Can these laws be ratified without the destruction of all other laws? Has any one had a right of entering the forum? Moreover what thunder and what a storm that was! so that, even if the consideration of the auspices had no weight with Marcus Antonius, it would seem strange that he could endure and bear such exceeding violence of tempest, and rain and whirlwind. When therefore he, as augur, says that he carried a law while Jupiter

was not only thundering, but almost uttering an express prohibition of it by his clamor from heaven, will he hesitate to confess that it was carried in violation of the auspices? [9] What? does the virtuous augur think that it has nothing to do with the auspices, that he carried the law with the aid of that colleague whose election he himself vitiated by giving notice of the auspices? 4.

But perhaps we, who are his colleagues, may be the interpreters of the auspices? Do we also want interpreters of arms? In the first place, all the approaches to the forum were so fenced round, that even if no armed men were standing in the way, still it would have been impossible to enter the forum except by tearing down the barricades. But the guards were arranged in such a manner, that, as the access of an enemy to a city is prevented, so you might in this instance see the burgesses and the tribunes of the people cut off by forts and works from all entrance to the forum. [10] On which account I give my vote that those laws which Marcus Antonius is said to have carried were all carried by violence, and in violation of the auspices; and that the people is not bound by them. If Marcus Antonius is said to have carried any law about confirming the acts of Caesar and abolishing the dictatorship forever, and of leading colonies into any lands, then I vote that those laws be passed over again, with a due regard to the auspices, so that they may bind the people. For although they may be good measures which he passed irregularly and by violence, still they are not to be accounted laws, and the whole audacity of this frantic gladiator must he repudiated by our authority. [11] But that squandering of the public money can not possibly be endured by which he got rid of seven hundred millions of sesterces by forged entries and deeds of gifts, so that it seems an absolute miracle that so vast a sum of money belonging to the Roman people can have disappeared in so short a time. What? are those enormous profits to be endured which the household of Marcus Antonius has swallowed up? He was continually selling forged decrees; ordering the names of kingdoms and states, and grants of exemptions to be engraved on brass, having received bribes for such orders. And his statement always was, that he was doing these things in obedience to the memoranda of Caesar, of which he himself was the author. In the interior of his house there was going on a brisk market of the whole

republic. His wife, more fortunate for herself than for her husband, was holding an auction of kingdoms and provinces: exiles were restored without any law, as if by law: and unless all these acts are rescinded by the authority of the senate, now that we have again arrived at a hope of recovering the republic, there will be no likeness of a free city left to us. [12]

Nor is it only by the sale of forged memoranda and autographs that a countless sum of money was collected together in that house, while Antonius, whatever he sold, said that he was acting in obedience to the papers of Caesar; but he even took bribes to make false entries of the resolutions of the senate; to seal forged contracts; and resolutions of the senate that had never been passed were entered on the records of that treasury. Of all this baseness even foreign nations were witnesses. In the meantime treaties were made; kingdoms given away; nations and provinces released from the burdens of the state; and false memorials of all these transactions were fixed up all over the Capitol, amid the groans of the Roman people. And by all these proceedings so vast a sum of money was collected in one house, that if it were all made available, the Roman people would never want money again. 5.

Moreover he passed a law to regulate judicial proceedings, this chaste and upright man, this upholder of the tribunals and the law And in this he deceived us He used to say that he appointed men from the front ranks of the army, common soldiers men of the Alauda,as judges but he has in reality selected gamesters, he has selected exiles, he has selected Greeks. Oh the fine bench of judges Oh the admirable dignity of that council! [13] I do long to plead in behalf of some defendant before that tribunal — Cyda of Crete; a prodigy even in that island; the most audacious and abandoned of men. But even suppose he were not so. Does he understand Latin? Is he qualified by birth and station to be a judge! Does he — which is most important — does he know any thing about our laws and manners? Is he even acquainted with any of the citizens? Why Crete is better known to you than Rome is to Cyda. In fact the selection and appointment of the judges has usually been confined to our own citizens. But who ever knew or could possibly have known this. Gortynian judge? For Lysiades, the Athenian, we most of us do

know For he is the son of Phaedrus an eminent philosopher. And, besides, he is a witty man, so that he will be able to get on very well with Marcus Curius, who will be one of his colleagues, and with whom he is in the habit of playing. [14] I ask if Lysiades, when summoned as a judge, should not answer to his name, and should have an excuse alleged for him that he is an Areopagite, and that he is not bound to act as a judge at both Rome and Athens at the same time, will the man who presides over the investigation admit the excuse of this Greekling judge, at one time a Greek, and at another a Roman? Or will he disregard the most ancient laws of the Athenians?

And what a bench will it be, O ye good gods! A Cretan judge, and he the most worthless of men. Whom can a defendant employ to propitiate him? How is he to get at him? He comes of a hard nation. But the Athenians are merciful. I dare say that Curius, too, is not cruel, inasmuch as he is a man who is himself at the mercy of fortune every day. There are besides other chosen judges who will perhaps be excused. For they have a legitimate excuse, that they have left their country in banishment, and that they have not been restored since. [15] And would that madman have chosen these men as judges, would he have entered their names as such in the treasury, would he have trusted a great portion of the republic to them, if he had intended to leave the least semblance of a republic? 6.

And I have been speaking of those judges who are known. Those whom you are less acquainted with I have been unwilling to name. Know then that dancers, harp-players, the whole troop, in fact, of Antonius's revelers, have all been pitchforked into the third decury of judges. Now you see the object of passing so splendid and admirable a law, amidst excessive rain, storm, wind, tempest, and whirlwind, amidst thunder and lightning; it was that he might have those men for our judges whom no one would like to have for guests. It is the enormity of his wickedness, the consciousness of his crimes, the plunder of that money of which the account was kept in the temple of Ops, which have been the real inventors of this third decury. And infamous judges were not sought for, till all hope of safety for the guilty was despaired of, if they came before respectable ones. [16] But what must have been the impudence, what must have been the iniquity of a man who dared to select those men as judges,

by the selection of whom a double disgrace was stamped on the republic: one, because the judges were so infamous; the other, because by this step it was revealed and published to the world how many infamous citizens we had in the republic? These then, and all other similar laws, I should vote ought to be annulled, even if they had been passed without violence, and with all proper respect for the auspices. But now why need I vote that they ought to be annulled, when I do not consider that they were ever legally passed? [17]

Is not this, too, to be marked with the deepest ignominy, and with the severest animadversion of this order, so as to be recollected by all posterity, that Marcus Antonius. (the first man who has ever done so since the foundation of the city) has openly taken armed men about with him in this city? A thing which the kings never did, nor those men who, since the kings have been banished, have endeavored to seize on kingly power. I can recollect Cinna; I have seen Sulla; and lately Caesar. For these three men are the only ones since the city was delivered by Lucius Brutus, who have had more power than the entire republic. I can not assert that no man in their trains had weapons. [18] This I do say, that they had not many, and that they concealed them. But this post was attended by an army of armed men. Classitius, Mustela, and Tiro, openly displaying their swords, led troops of fellows like themselves through the forum. Barbarian archers occupied their regular place in the army. And when they armed at the temple of Concord, the steps were crowded, the litters full of shields were arranged; not because he wished the shields to be concealed, but that his friends might not be fatigued by carrying the shields themselves. 7.

And what was most infamous not only to see, but even to hear of, armed men, robbers, assassins were stationed in the temple of Concord; the temple was turned into a prison; the doors of the temple were closed, and the conscript fathers delivered their opinions while robbers were standing among the benches of the senators. [19] And if I did not come to a senate-house in this state, he, on the first of September, said that he would send carpenters and pull down my house. It was an important affair, I suppose, that was to be discussed. He made some motion about a supplication. I attended the day after. He himself did not come. I delivered my opinion about the republic,

not indeed with quite so much freedom as usual, but still with more than the threats of personal danger to myself made perhaps advisable. But that violent and furious man (for Lucius Piso had done the same thing with great credit thirty days before) threatened me with his enmity, and ordered me to attend the senate on the nineteenth of September. In the meantime he spent the whole of the intervening seventeen days in the villa of Scipio, at Tibur, declaiming against me to make himself thirsty. For this is his usual object in declaiming. [20] When the day arrived on which he had ordered me to attend, then he came with a regular army in battle array to the temple of Concord, and out of his impure mouth vomited forth an oration against me in my absence. On which day, if my friends had not prevented me from attending the senate as I was anxious to do, he would have begun a massacre by the slaughter of me. For that was what he had resolved to do. And when once he had dyed his sword in blood, nothing would have made him leave off but pure fatigue and satiety. In truth, his brother, Lucius. Antonius, was present, an Asiatic gladiator, who had fought as a mirmillo, at Mylasa; he was thirsting for my blood, and had shed much of his own in that gladiatorial combat. He was now valuing our property in his mind, taking notice of our possessions in the city and in the country; his indigence united with his covetousness was threatening all our fortunes; he was distributing our lands to whomsoever and in whatever shares he pleased; no private individual could get access to him, or find any means to propitiate him, and induce him to act with justice. Every former propraetor had just so much property as Antonius left him after the division of his estate. [21] And although all these proceedings can not be ratified, if you annul his laws, still I think that they ought all to be separately taken note of, article by article; and that we ought formally to decide that the appointment of septemvirs was null and void; and that nothing is ratified which is said to have been done by them. 8.

But who is there who can consider Marcus Antonius a citizen, rather than a most foul and barbarous enemy, who, while sitting in front of the temple of Castor, in the hearing of the Roman people, said that no one should survive except those who were victorious? Do you suppose, O conscript fathers, that he spoke with more

violence than he would act? And what are we to think of his having ventured to say that, after he had given up his magistracy, he should still be at the city with his army? that he should enter the city as often as he pleased? What else was this but threatening the Roman people with slavery? [22] And what was the object of his journey to Brundusium? and of that great haste? What was his hope, except to lead that vast army to the city or rather into the city? What a proceeding was that selection of the centurions! What unbridled fury of an intemperate mind! For when those gallant legions had raised an outcry against his promises he ordered those centurions to come to him to his house whom he perceived to be loyally attached to the republic and then he had them all murdered before his own eyes and those of his wife whom this noble commander had taken with him to the army What disposition do you suppose that this man will display toward us whom he hates when he was so cruel to those men whom he had never seen? And how covetous will he be with respect to the money of rich men when he thirsted for even the blood of poor men? whose property such as it was he immediately divided among his satellites and boon companions.

[23] And he in a fury was now moving his hostile standards against his country from Brundusium when Caius Caesar by the kind inspiration of the immortal gods, by the greatness of his own heavenly courage, and wisdom, and genius, of his own accord, indeed and prompted by his own admirable virtue, but still with the approbation of my authority went down to the colonies which had been founded by his father; convoked the veteran soldiery; in a few days raised an army and checked the furious advance of this bandit. But after the Martial legion saw this admirable leader, it had no other thoughts but those of securing our liberty. And the fourth legion followed its example. 9.

And Antonius, on hearing of this news after he had summoned the senate, and provided a man of consular rank to declare his opinion that Caius. Caesar was an enemy of his country, immediately fainted away. [24] And afterward without either performing the usual sacrifices or offering the customary vows, he, I will not say went forth, but took to flight in his robe as a general. But which way did he flee? To the province of our most resolute and bravest citizens,

men who could never have endured him if he had not come bringing war in his train, an intemperate, passionate, insolent, proud man, always making demands, always plundering, always drunk. But he, whose worthlessness even when quiet was more than any one could endure, has declared war upon the province of Gaul; he is besieging Mutina, a valiant and splendid colony of the Roman people; he is blockading Decimus Brutus, the general, the consul-elect, a citizen born not for himself, but for us and the republic. [25] Was then Hannibal an enemy, and is Antonius a citizen? What did the one do like an enemy, that the other has not done, or is not doing, or planning, and thinking of? What was there in the whole of the journey of the Antonii; except depopulation, devastation, slaughter, and rapine? Actions which Hannibal never did, because he was reserving many things for his own use, these men do, as men who live merely for the present hour; they never have given a thought not only to the fortunes and welfare of the citizens, but not even to their own advantage.

Are we then, O ye good gods, to resolve to send ambassadors to this man? Are those men who propose this acquainted with the constitution of the republic, with the laws of war, with the precedents of our ancestors? Do they give a thought to what the majesty of the Roman people and the severity of the senate requires? Do you resolve to send ambassadors? If to beg his mercy, he will despise you; if to declare your commands, he will not listen to them; and last of all, however severe the message may be which we give the ambassadors, the very name of ambassadors will extinguish this ardor of the Roman people which we see at present, and break the spirit of the municipal towns and of Italy. To say nothing of these arguments, though they are weighty, at all events that sending of an embassy will cause delay and slowness to the war. [26] Although those who propose it should say, as I hear that some intend to say, —"Let the ambassadors go, but let war be prepared for all the same." Still the very name of ambassadors will damp men's courage, and delay the rapidity of the war. 10.

The most important events, O conscript fathers, are often determined by very trivial moving influences in every circumstance that can happen in the republic, and also in war, and especially in

civil war, which is usually governed a great deal by men's opinions and by reports. No one will ask what is the commission with which we have sent the ambassadors; the mere name of an embassy, and that sent by us of our, own accord, will appear an indication of fear. Let him depart from Mutina; let him cease to attack Brutus; let him retire from Gaul. He must not be begged in words to do so; he must be compelled by arms. [27] For we are not sending to Hannibal to desire him to retire from before Saguntum; to whom the senate formerly sent Publius Valerius Flaccus and Quintus. Baebius Tampilus; who, if Hannibal did not comply, were ordered to proceed to Carthage. Whither do we order our ambassadors to proceed, if Antonius does not comply? Are we sending an embassy to our own citizen, to beg him not to attack a general and a colony of the Roman people? Is it so? Is it becoming to us to beg this by means of ambassadors? What is the difference in the name of the immortal gods, whether he attacks this city itself or whether he attacks an outpost of this city a colony of the Roman people established for the sake of its being a bulwark and protection to us? The siege of Saguntum was the cause of the second Punic war, which Hannibal carried on against our ancestors. It was quite right to send ambassadors to him They were sent to a Carthaginian, they were sent on behalf of those who were the enemies of Hannibal and our allies. What is there resembling that case here? We are sending to one of our own citizens to beg him not to blockade a general of the Roman army, not to attack our army and our colony, — in short not to be an enemy or ours. Come; suppose he obeys, shall we either be inclined, or shall we be able by any possibility, to treat him as one of our citizens? 11. [28]

On the nineteenth of December, you overwhelmed him with your decrees; you ordained that this motion should be submitted to you on the first of January, which you see is submitted now, respecting the honors and rewards to be conferred on those who have deserved or do deserve well of the republic. And the chief of those men you have adjudged to be the man who really has done so, Caius Caesar, who had diverted the nefarious attacks of Marcus. Antonius against this city, and compelled him to direct them against Gaul; and next to him you consider the veteran soldiers who first followed Caesar; then

those excellent and heavenly-minded legions the Martial and the fourth, to whom you have promised honors and rewards, for having not only abandoned their consul, but for having even declared war against him. And on the same day, having a decree brought before you and published on purpose, you praised the conduct of Decimus Brutus, a most excellent citizen, and sanctioned with your public authority this war which he had undertaken of his own head.

What else, then, did you do on that day except pronounce Antonius a public enemy? [29] After these decrees of yours, will it be possible for him to look upon you with equanimity, or for you to behold him without the most excessive indignation! He has been excluded and cut off and wholly separated from the republic, not merely by his own wickedness, as it seems to me, but by some especial good fortune of the republic. And if he should comply with the demands of the ambassadors and return to Rome, do you suppose that abandoned citizens will ever be in need of a standard around which to rally? But this is not what I am so much afraid of. There are other things which I am more apprehensive of and more alarmed at. He never will comply with the demands of the ambassadors. I know the man's insanity and arrogance; I know the desperate counsels of his friends, to which he is wholly given up. [30] Lucius his brother, as being a man who has fought abroad, leads on his household. Even suppose him to be in his senses himself, which he never will be; still he will not be allowed by these men to act as if he were so. In the mean time, time will be wasted. The preparations for war will cool. How is it that the war has been protracted as long as this, if it is not by procrastination and delay?

From the very first moment after the departure, or rather after the hopeless flight of that bandit, that the senate could have met in freedom, I have always been demanding that we should be called together. The first day that we were called together, when the consuls elect were not present, I laid, in my opinion, amidst the greatest unanimity on your part, the foundations of the republic; later, indeed, than they should have been laid; for I could not do so before; but still if no time had been lost after that day, we should have no war at all now. [31] Every evil is easily crushed at its birth; when it has become of long standing, it usually gets stronger. But then every body was

waiting for the first of January; perhaps not very wisely. 12.

However, let us say no more of what is past Are we still to allow any farther delay while the ambassadors are on their road to him? and while they are coming back again? and the time spent in waiting for them will make men doubt about the war. And while the fact of the war is in doubt, how can men possibly be zealous about the levies for the army?

Wherefore, O conscript fathers, I give my vote that there should be no mention made of ambassadors. I think that the business that is to be done must be done without any delay and instantly. I say that it is necessary that we should decree that there is sedition abroad, that we should suspend the regular courts of justice, order all men to wear the garb of war, and enlist men in all quarters suspending all exemptions from military service in the city and in all Italy except in Gaul. [32] And if this be done, the general opinion and report of your severity will overwhelm the insanity of that wicked gladiator. He will feel that he has undertaken a war against the republic; he will experience the sinews and vigor of a unanimous senate. For at present he is constantly saying that it is a mere struggle between parties. Between what parties? One party is defeated, the other is the heart of Caius Caesar's party. Unless, indeed we believe that the party of Caesar is attacked by Pansa and Hirtius the consuls and by Caius Caesar's son. But this war has been kindled not by a struggle between parties, but by the nefarious hopes of the most abandoned citizens; by whom all our estates and properties had been marked down, and already distributed according as every one has thought them desirable. [33]

I have read the letter of Antonius which he sent to one of the septemviri, a thorough-paced scoundrel, a. colleague of his own. "Look out, and see what you take a fancy to; what you do fancy you shall certainly have." See to what a man we are sending ambassadors; against what a man we are delaying to make war; a man who does not even let us draw lots for our fortunes, but hands us over to each man's caprice in such a way, that he has not left even himself any thing untouched, or which has not been promised to somebody. With this man, O conscript fathers, we must wage war, — war, I say, and that instantly. We must reject the slow proceedings

of ambassadors. [34]

Therefore, that we may not have a number of decrees to pass every day, I give my vote that the whole republic should be committed to the consuls; and that they should have a charge given them to defend the republic, and to take care "that the republic suffer no injury." And I give my vote that those men who are in the army of Antonius be not visited with blame, if they leave him before the first of February.

If you adopt these proposals or mine, O conscript fathers, you will in a short time recover the liberty of the Roman people and your own authority. But if you act with more mildness, still you will pass those resolutions, but perhaps you will pass them too late. As to the general welfare of the republic, on which you, O consuls, have consulted us, I think that I have proposed what is sufficient. 13. [35]

The next question is about honors. And to this point I perceive that I must speak next. But I will preserve the same order in paying respect to brave men, that is usually preserved in asking their opinions.

Let us, therefore, according to the usages of our ancestors, begin with Brutus, the consul elect; and, to say nothing of his former conduct, — which has indeed been most admirable, but still such as has been praised by the individual judgments of men, rather than by public authority, — what words can we find adequate to his praise at this very time? For such great virtue requires no reward except this one of praise and glory; and even if it were not to receive that, still it would be content with itself, and would rejoice at being laid up in the recollection of grateful citizens, as if it were placed in the full light. The praise then of our deliberate opinion, and of our testimony in his favor, must be given to Brutus. [36] Therefore, O conscript fathers, I give my vote that a resolution of the senate be passed a these words:

"As Decimus Brutus, imperator, consul elect, is maintaining the province of Gaul in obedience to the senate and people of Rome; and as he has enlisted and collected in so short a time a very numerous army, being aided by the admirable zeal of the municipal towns and colonies of the province of Gaul, which has deserved and still does deserve admirably well of the republic; he has acted rightly and virtuously, and greatly for the advantage of the republic. And that

most excellent service done by Decimus Brutus to the republic, is and always will be, grateful to the senate and people of Rome. Therefore, the senate and the Roman people is of opinion that the exertions, and prudence, and virtue of Decimus Brutus, imperator and consul-elect, and the incredible zeal and unanimity of the province of Gaul, have been a great assistance to the republic, at a most critical time."

[37] What honor, O conscript fathers, can be too great to be due to such a mighty service as this of Brutus, and to such important aid as he has afforded the republic? For if Gaul had been open to Marcus Antonius — if after having overwhelmed the municipal towns and colonies unprepared to resist him, he had been able to penetrate into that farther Gaul — what great danger would have hung over the republic! That most insane of men, that man so headlong and furious in all his courses, — would have been likely I suppose to hesitate at waging war against us not only with his own army but with all the savage troops of barbarism, so that even the wall of the Alps would not have enabled us to check his frenzy. These thanks then will be deservedly paid to Decimus Brutus, who, before any authority of yours had been interposed, acting on his own judgment and responsibility, refused to receive him as consul, but repelled him from Gaul as an enemy, and preferred to be besieged himself rather than to allow this city to be so. Let him therefore have, by your decree, an everlasting testimony to this most important and glorious action, and let Gaul, which always is and has been a protection to this empire and to the general liberty be deservedly and truly praised for not having surrendered herself and her power to Antonius but for having opposed him with them. 14. [38]

And, furthermore I give my vote that the most simple honors be decreed to Marcus Lepidus as a reward for his eminent services to the republic. He has at all times wished the Roman people to be free; and he gave the greatest proof of his inclination and opinion on that day, when, while Antonius was placing the diadem on Caesar's head, he turned his face away, and by his groans and sorrow showed plainly what a hatred of slavery he had, how desirous he was for the Roman people to be free, and how he had endured those things which he had endured, more because of the necessity of the times, than

because they harmonized with his sentiments. And who of us can forget with what great moderation he behaved during that crisis of the city which ensued after the death of Caesar? These are great merits; but I hasten to speak of greater still. [39] For (O ye immortal gods!) what could happen more to be admired by foreign nations, or more to be desired by the Roman people than, at a time when there was a most important civil war, the result of which we were all dreading, that it should be extinguished by prudence rather than that arms and violence should be able to put every thing to the hazard of a battle? And if Caesar had been guided by the same principles in that odious and miserable war, we should have — to say nothing of their father — the two sons of Cnaeus Pompeius, that most illustrious and virtuous man, safe among us; men whose piety and filial affection certainly ought not to have been their ruin. Would that Marcus. Lepidus had been able to save them all! He showed that he would have done so, by his conduct in cases where he had the power; when he restored Sextus Pompeius to the state, a great ornament to the republic, and a most illustrious monument of his clemency. Sad was that picture, melancholy was the destiny then of the Roman people. For after Pompeius the father was dead, he who was the light of the Roman people, the son too, who was wholly like his father, was also slain. [40] But all these calamities appear to me to have been effaced by the kindness of the immortal gods, Sextus Pompeius being preserved to the republic. 15.

For which cause, reasonable and important as it is, and because Marcus Lepidus, by his humanity and wisdom, has changed a most dangerous and extensive civil war into peace and concord, I give my vote, that a resolution of the senate be drawn up in these words:

"Since the affairs of the republic have repeatedly been well and prosperously conducted by Marcus Lepidus, imperator, and Pontifex Maximus, and since the Roman people is fully aware that kingly power is very displeasing to him; and since by his exertions, and virtue, and prudence, and singular clemency and humanity, a most bitter civil war has been extinguished; [41] and Sextus Pompeius Magnus, the son of Cnaeus, having submitted to the authority of this order and laid down his arms, and, in accordance with the perfect good-will of the senate and people of Rome, has been restored to the

state by Marcus Lepidus, imperator, and Pontifex Maximus; the senate and people of Rome, in return for the important and numerous services of Marcus Lepidus to the republic, declares that it places great hopes of future tranquillity and peace and concord, in his virtue, authority, and good fortune; and the senate and people of Rome will ever remember his services to the republic; and it is decreed by the vote of this order, that a gilt equestrian statue be erected to him in the Rostra, or in whatever other place in the forum he pleases."

And this honor, O conscript fathers, appears to me a very great one, in the first place, because it is just; — for it is not merely given on account of our hopes of the future, but it is paid, as it were, in requital of his ample services already done. Nor are we able to mention any instance of this honor having been conferred on any one by the senate by their own free and voluntary judgment before. 16. [42]

I come now to Caius Caesar, O conscript fathers; if he had not existed, which of us could have been alive now? That most intemperate of men, Antonius, was flying from Brundusium to the city, burning with hatred, with a disposition hostile to all good men, with an army. What was there to oppose to his audacity and wickedness? We had not as yet any generals, or any forces. There was no public council, no liberty; our necks were at the mercy of his nefarious cruelty; we were all preparing to have recourse to flight, though flight itself had no escape for us. [43] Who was it — what god was it; who at that time gave to the Roman people this godlike young man, who, while every means for completing our destruction seemed open to that most pernicious citizen, rising up on a sudden, beyond every one's hope, completed an army fit to oppose the fury of Marcus Antonius before any one suspected that he was thinking of any such step? Great honors were paid to Cnaeus Pompeius when he was a young man and deservedly, for he came to the assistance of the republic but he was of a more vigorous age and more calculated to meet the eager requirements of soldiers seeking a general. He had also been already trained in other kinds of war. For the cause of Sulla was not agreeable to all men. The multitude of the proscribed, and the enormous calamities that fell on so many municipal towns show this plainly. [44] But Caesar, though many years younger, armed

veterans who were now eager to rest; he has embraced that cause which was most agreeable to the senate, to the people, to all Italy, — in short, to gods and men. And Pompeius came as a reinforcement to the extensive command and victorious army of Lucius Sulla, Caesar had no one to join himself to. He of his own accord was the author and executor of his plan of levying an army, and arraying a defense for us. Pompeius found the whole Picene district hostile to the party of his adversaries; but Caesar has levied an army against Antonius from men who were Antonius's own friends, but still greater friends to liberty. It was owing to the influence of Pompeius that Sulla was enabled to act like a king. It is by the protection afforded us by Caesar that the tyranny of Antonius has been put down.

[45] Let us then confer on Caesar a regular military command, without which the military affairs can not be directed, the army can not be held together, war can not he waged. Let him be made propraetor with all the privileges which have ever been attached to that appointment. That honor, although it is a great one for a man of his age, still is not merely of influence as giving dignity, but it confers powers calculated to meet the present emergency. Therefore, let us seek for honors for him which we shall not easily find at the present day. 17.

But I hope that we and the Roman people shall often have an opportunity of complimenting and honoring this young man. [46] But at the present moment I give my vote that we should pass a decree in this form:

"As Caius Caesar, the son of Caius, pontiff and propraetor, has at a most critical period of the republic exhorted the veteran soldiers to defend the liberty of the Roman people, and has enlisted them in his army; and as the Martial legion and the fourth legion, with great zeal for the republic, and with admirable unanimity, under the guidance and authority of Caius Caesar, have defended and are defending the republic and the liberty of the Roman people; and as Caius Caesar, propraetor, has gone with his army as a reinforcement to the province of Gaul; has made cavalry, and archers, and elephants, obedient to himself and to the Roman people, and has, at a most critical time for the republic, come to the aid of the safety and dignity of the Roman people; — on these accounts, it seems good to the senate that Caius

Caesar, the son of Caius, pontiff and propraetor, shall be a senator, and shall deliver his opinions from the bench occupied by men of praetorian rank; and that, on occasion of his offering himself for any magistracy, he shall be considered of the same legal standing and qualification as if he had been quaestor the preceding year.”

[47] For what reason can there be, O conscript fathers, why we should not wish him to arrive at the highest honors at as early an age as possible? For when, by the laws fixing the age at which men might be appointed to the different magistracies, our ancestors fixed a more mature age for the consulship, they were influenced by fears of the precipitation of youth; Caius Caesar at his first entrance into life, has shown us that, in the case of his eminent and unparalleled virtue, we have no need to wait for the progress of age. Therefore our ancestors, those old men in the most ancient times, had no laws regulating the age for the different offices; it was ambition which caused them to be passed many years afterwards, in order that there might be among men of the same age different steps for arriving at honors And it has often happened that a disposition of great natural virtue has been lost before it had any opportunity of benefiting the republic

[48] But among the ancients, the Rulli, the Decii, the Corvini, and many others and in more modern times the elder Africanus and Titus Flaminius were made consuls very young, and performed such exploits as greatly to extend the empire of the Roman people, and to embellish its name What more? Did not the Macedonian Alexander, having begun to perform mighty deeds from his earliest youth, die when he was only in his thirty-third year? And that age is ten years less than that fixed by our laws for a man to be eligible for the consulship. From which it may be plainly seen that the progress of virtue is often swifter than that of age. 18.

For as to the fear which those men, who are enemies of Caesar, pretend to entertain, there is not the slightest reason to apprehend that he will be unable to restrain and govern himself, or that he will be so elated by the honors which he receives from us as to use his power without moderation. [49] It is only natural, O conscript fathers, that the man who has learned to appreciate real glory, and who feels that he is considered by the senate and by the Roman knights and the whole Roman people a citizen who is dear to, and a blessing to the republic, should think nothing whatever deserving of being compared to this glory. Would that it had happened to Caius Caesar — the father, I mean — when he was a young man, to be beloved by the senate and by every virtuous citizen, but, having neglected to aim at that, he

wasted all the power of genius which he had in a most brilliant degree, in a capricious pursuit of popular favor. Therefore, as he had not sufficient respect for the senate and the virtuous part of the citizens, he opened for himself that path for the extension of his power, which the virtue of a free people was unable to bear.

But the principles of his son are widely different; who is not only beloved by every one, but in the greatest degree by the most virtuous men. In him is placed all our hope of liberty; from him already has our safety been received; for him the highest honors are sought out and prepared. [50] While therefore we are admiring his singular prudence, can we at the same time fear his folly? For what can be more foolish than to prefer useless power, such influence as brings envy in its train, and a rash and slippery ambition of reigning, to real, dignified, solid glory? Has he seen this truth as a boy, and when he has advanced in age will he cease to see it? "But he is an enemy to some most illustrious and excellent citizens." That circumstance ought not to cause any fear. Caesar has sacrificed all those enmities to the republic; he had made the republic his judge; he has made her the directress of all his counsels and actions. For he is come to the service of the republic in order to strengthen her, not to overturn her. I am well acquainted with all the feelings of the young man: there is nothing dearer to him than the republic, nothing which he considers of more weight than your authority; nothing which he desires more than the approbation of virtuous men; nothing which he accounts sweeter than genuine glory.

[51] Wherefore you not only ought not to fear any thing from him, but you ought to expect greater and better things still. Nor ought you to apprehend with respect to a man who has already gone forward to release Decimus Brutus from a siege, that the recollection of his domestic injury will dwell in his bosom, and have more weight with him than the safety of the city. I will venture even to pledge my own faith, O conscript fathers, to you, and to the Roman people, and to the republic, which in truth, if no necessity compelled me to do so, I would not venture to do, and in doing which on slight grounds, I should be afraid of giving rise to a dangerous opinion of my rashness in a most important business; but I do promise, and pledge myself, and undertake, O conscript fathers, that Caius Caesar will always be

such a citizen as he is this day, and as we ought above all things to wish and desire that he may turn out. 19. [52]

And as this is the case, I shall consider that I have said enough at present about Caesar.

Nor do I think that we ought to pass over Lucius Egnatuleius, a most gallant and wise and firm citizen, and one thoroughly attached to the republic, in silence; but that we ought to give him our testimony to his admirable virtue, because it was he who led the fourth legion to Caesar, to be a protection to the consuls, and senate, and people of Rome, and the republic. And for these acts I give my vote:

"That it be made lawful for Lucius Egnatuleius to stand for, and be elected to, and discharge the duties of any magistracy, three years before the legitimate time."

And by this motion, O conscript fathers, Lucius Egnatuleius does not get so much actual advantage as honor. For in a case like this it is quite sufficient to be honorably mentioned. [53]

But concerning the army of Caius Caesar, I give my vote for the passing of a decree in this form:

"The senate decrees that the veteran soldiers who have defended and are defending

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of Caesar, pontiff

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and the authority of this order should and their children after them, have an exemption from military service. And that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as they think fit, shall inquire what land there is in those colonies in which the veteran soldiers have been settled which is occupied in defiance of the provisions of the Julian law, in order that that may be divided among these veterans. That they shall institute a separate inquiry about the Campanian district, and devise a plan for the advantages enjoyed by these veteran soldiers, and with respect to the Martial legion, and to the fourth legion and to those soldiers of the second and thirty fifth legions who have come over to Caius Pansa and Aulus Hirtius, the

consuls, and have given in their names, because the authority of the senate and the liberty of the Roman people is and always has been most dear to them, the senate decrees that they and their children shall have exemption from military service, except in the case of any Gallic and Italian sedition; and decrees further, that those legions shall have their discharge when this war is terminated; and that whatever sum of money Caius Caesar, pontiff and propraetor, has promised to the soldiers of those legions individually shall be paid to them. And that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as it seems good to them, shall make an estimate of the land which can be distributed without injury to private individuals; and that land shall be given and assigned to the soldiers of the Martial legion and of the fourth legion, in the largest shares in which land has ever been given and assigned to soldiers."

I have now spoken, O consuls, on every point concerning which you have submitted a motion to us; and if the resolutions which I have proposed be decreed without delay, and seasonably, you will the more easily prepare those measures which the present time and emergency demand. But instant action is necessary. And if we had adopted that earlier, we should, as I have often said, now have no war at all.

THE SIXTH PHILIPPIC.

ADDRESSED TO THE PEOPLE.

THE ARGUMENT.

In respect of the honors proposed by Cicero in the last speech the senate agreed with him, voting to Octavius honors beyond any that Cicero had proposed. But they were much divided about the question of sending an embassy to Antonius; and the consuls, seeing that a majority agreed with Cicero, adjourned the debate till the next day. The discussion lasted three days, and the senate would at last have adopted all Cicero's measures, if one of the tribunes, Salvius, had not put his veto on them. So that at last the embassy was ordered to be sent, and Servius Sulpicius, Lucius Piso, and Lucius Philippus, appointed as the ambassadors; but they were charged merely to order Antonius to abandon the siege of Mutina, and to desist from hostilities against the province of Gaul; and farther, to proceed to Decimus Brutus in Mutina, and to give him and his army the thanks of the senate and people.

The length of the debates roused the curiosity of the people, who, being assembled in the forum to learn the result, called on Cicero to come forth and give them an account of what had been done; on which he went to the rostra, accompanied by Publius Appuleius the tribune, and related to them all that had passed in the following speech.

1. I imagine that you have heard, O Romans, what has been done in the senate and what has been the opinion delivered by each individual. For the matter which has been in discussion ever since the first of January, has been just brought to a conclusion; with less severity indeed than it ought to have been, but still in a manner not altogether unbecoming. The war has been subjected to a delay, but the cause has not been removed. Wherefore, as to the question which Publius Appuleius, — a man united to me by many kind offices and by the closest intimacy, and firmly attached to your interests — has

asked me, I will answer in such a manner that you may be acquainted with the transactions at which you were not present.

[2] The cause which prompted our most fearless and excellent consuls to submit a motion on the first of January, concerning the general state of the republic, arose from the decree which the senate passed by my advice on the nineteenth of December. On that day, O Romans were the foundations of the republic first laid. For then, after a long interval, the senate was free in such a manner that you too might become free. On which day, indeed, — even if it had been to bring to me the end of my life — I received a sufficient, reward for my exertions, when you all with one heart and one voice cried out together, that the republic had been a second time saved by me. Stimulated by so important and so splendid a decision of yours in my favor, I came into the senate on the first of January, with the feeling that I was bound to show my recollection of the character which you had imposed upon me, and which I had to sustain.

Therefore, when I saw that a nefarious war was waged against the republic, I thought that no delay ought to be interposed to our pursuit of Marcus Antonius, and I gave my vote that we ought to pursue with war that most audacious man, who, having committed many atrocious enemies before, was at this moment attacking a general of the Roman people and besieging your most faithful and gallant colony; and that a state of civil war ought to be proclaimed; and I said farther, that my opinion was that a suspension of the ordinary forms of justice should be declared, and that the garb of war should be assumed by the citizens, in order that all men might apply themselves with more activity and energy to avenging the injuries of the republic, if they saw that all the emblems of a regular war had been adopted by the senate. [3] Therefore, this opinion of mine, O Romans, prevailed so much for three days, that although no division was come to, still all, except a very few, appeared inclined to agree with me. But today — I know not, owing to what circumstance — the senate was more indulgent. For the majority decided on our making experiment, by means of ambassadors, how much influence the authority of the senate and your unanimity will have upon Antonius. 2.

I am well aware, O Romans, that this decision is disapproved of

by you; and reasonably too. For to whom are we sending ambassadors? Is it not to him who, after having dissipated and squandered the public money, and imposed laws on the Roman people by violence and in violation of the auspices, — after having put the assembly of the people to flight and besieged the senate, sent for the legions from Brundusium to oppress the republic? who, when deserted by them; has invaded Gaul with a troop of banditti? who is attacking Brutus? who is besieging Mutina? How can you offer conditions to, or expect equity from, or send an embassy to, or, in short, have any thing in common with, this gladiator? [4] Although, O Romans, it is not an embassy, but a denunciation of war if he does not obey. For the decree has been drawn up as if ambassadors were being sent to Hannibal. For men are sent to order him not to attack the consul elect, not to besiege Mutina, not to lay waste the province, not to enlist troops, but to submit himself to the power of the senate and people of Rome. No doubt he is a likely man to obey this injunction, and to submit to the power of the conscript fathers and to yours, who has never even had any mastery over himself. For what has he ever done that showed any discretion, being always led away wherever his lust, or his levity, or his frenzy, or his drunkenness has hurried him? He has always been under the dominion of two very dissimilar classes of men, pimps and robbers; he is so fond of domestic adulteries and forensic murders, that he would rather obey a most covetous woman than the senate and people of Rome. 3. [5]

Therefore, I will do now before you what I have just done in the senate. I call you to witness, I give notice, I predict beforehand, that Marcus. Antonius will do nothing whatever of those things which the ambassadors are commissioned to command him to do; but that he will lay waste the lands, and besiege Mutina, and enlist soldiers, wherever he can. For he is a man who has at all times despised the judgment and authority of the senate, and your inclinations and power. Will he do what it has been just now decreed that he shall do, — lead his army back across the Rubicon, which is the frontier of Gaul, and yet at the same time not come nearer Rome than two hundred miles? Will he obey this notice? will he allow himself to be confined by the river Rubicon, and by the limit of two hundred miles? [6] Antonius is not that sort of man. For if he had been, he

would never have allowed matters to come to such a pass, as for the senate to give him notice, as it did to Hannibal at the beginning of the Punic war not to attack Saguntum. But what ignominy it is to be called away from Mutina, and at the same time to be forbidden to approach the city as if he were some fatal conflagration! what an opinion is this for the senate to have of a man! What? As to the commission which is given to the ambassadors to visit Decimus Brutus and his soldiers, and to inform them that their excellent zeal in behalf of, and services done to the republic, are acceptable to the senate and people of Rome, and that that conduct shall tend to their great glory and to their great honor; do you think that Antonius will permit the ambassadors to enter Mutina? and to depart from thence in safety? He never will allow it, believe me. I know the violence of the man, I know his impudence, I know his audacity.

[7] Nor, indeed, ought we to think of him as of a human being, but as of a most ill-omened beast. And as this is the case, the decree which the senate has passed is not wholly improper. The embassy has some severity in it; I only wish it had no delay. For as in the conduct of almost every affair slowness and procrastination are hateful, so above all things does this war require promptness of action. We must assist Decimus Brutus; we must collect all our forces from all quarters; we can not lose a single hour in effecting the deliverance of such a citizen without wickedness. [8] Was it not in his power, if he had considered Antonius a consul, and Gaul the province of Antonius, to have given over the legions and the province to Antonius? and to return home himself? and to celebrate a triumph? and to be the first man in this body to deliver his opinion, until he entered on his magistracy? What was the difficulty of doing that? [9] But as he remembered that he was Brutus, and that he was born for your freedom, not for his own tranquillity, what else did he do but — as I may almost say — put his own body in the way to prevent Antonius from entering Gaul? Ought we then to send ambassadors to this man, or legions? However, we will say nothing of what is past. Let the ambassadors hasten, as I see that they are about to do. Prepare your robes of war. For it has been decreed, that, if he does not obey the authority of the senate, we are all to betake ourselves to our military dress. And we shall have to do so. He will

never obey. And we shall lament that we have lost so many days, when we might have been doing something. 4.

I have no fear, O Romans, that when Antonius hears that I have asserted, both in the senate and in the assembly of the people, that he never will submit himself to the power of the senate, he will, for the sake of disproving my words, and making me to appear to have had no foresight, alter his behavior and obey the senate. He will never do so. He will not grudge me this part of my reputation; he will prefer letting me be thought wise by you to being thought modest himself. [10] Need I say more? Even if he were willing to do so himself, do you think that his brother Lucius would permit him? It has been reported that lately at Tibur, when Marcus Antonius appeared to him to he wavering, he, Lucius, threatened his brother with death. And do we suppose that the orders of the senate, and the words of the ambassadors, will be listened to by this. Asiatic gladiator? It will be impossible for him to be separated from a brother, especially from one of so much authority. For he is another Africanus among them. He is considered of more influence than Lucius Trebellius, of more than Titus Plancus

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a noble young man. As for Plancus, who, having been condemned by the unanimous vote of every one, amid the overpowering applause of you yourselves, somehow or other got mixed up in this crowd, and returned with a countenance so sorrowful, that he appeared to have been dragged back rather than to have returned, he despises him to such degree, as if he were interdicted from fire and water. At times he says that that man who set the senate-house on fire has no right to a place in the senate-house. [11] For at this moment he is exceedingly in love with Trebellius. He hated him some time ago, when he was opposing an abolition of debts; but now he delights in him, ever since he has seen that Trebellius himself can not continue in safety without an abolition of debts. For I think that you have heard, O Romans, what indeed you may possibly have seen, that the sureties and creditors of Lucius Trebellius meet every day. Oh confidence! for I imagine that Trebellius has taken this surname; what can be greater confidence

than defrauding one's creditors? than flying from one's house? than, because of one's debts, being forced to go to war? What has become of the applauses which he received on the occasion of Caesar's triumph, and often at the games? Where is the aedileship that was conferred on him by the zealous efforts of all good men? who is there who does not now think that he acted virtuously by accident?

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However, I return to your love and especial delight, Lucius Antonius, who has admitted you all to swear allegiance to him. Do you deny it? is there any one of you who does not belong to a tribe? Certainly not. But thirty-five tribes have adopted him for their patron. Do you again cry out against my statement? Look at that gilt statue of him on the left: what is the inscription upon it? "The thirty-five tribes to their patron." Is then Lucius Antonius the patron of the Roman people? Plague take him! For I fully assent to your outcry. I won't speak of this bandit whom no one would choose to have for a client; but was there ever a man possessed of such influence, or illustrious and mighty deeds, as to dare to call himself the patron of the whole Roman people, the conqueror and master of all nations? [13] We see in the forum a statue of Lucius Antonius; just as we see one of Quintus Tremulus, who conquered the Hernici, before the temple of Castor. Oh the incredible impudence of the man! Has he assumed all this credit to himself, because as a mirmillo at Mylasa he slew the Thracian, his friend? How should we be able to endure him, if he had fought in this forum before the eyes of you all? But, however, this is but one statue. He has another erected by the Roman knights who received horses from the state; and they too inscribe on that, "To their patron." Who was ever before adopted by that order as its patron? If it ever adopted any one as such, it ought to have adopted me. What censor was ever so honored? what imperator? "But he distributed land among them." Shame on their sordid natures for accepting it! shame on his dishonesty for giving it!

Moreover, the military tribunes who were in the army of Caesar have erected him a statue.

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What order is that? There have been plenty of tribunes in our

numerous legions in so many years. [14] Among them he has distributed the lands of Semurium. The Campus Martius was all that was left, if he had not first fled with his brother. But this allotment of lands was put an end to a little while ago, O Romans, by the declaration of his opinion by Lucius Caesar, a most illustrious man and a most admirable senator. For we all agreed with him and annulled the acts of the septemvirs. So all the kindness of Nucula goes for nothing; and the patron Antonius is at a discount. For those who had taken possession will depart with more equanimity. They had not been at any expense; they had not yet furnished or stocked their domains, partly because they did not feel sure of their title, and partly because they had no money. [15]

But as for that splendid statue, concerning which, if the times were better, I could not speak without laughing, "To Lucius. Antonius, patron of the middle of Janus." Is it so? Is the middle of Janus a client of Lucius Antonius? Who ever was found in that Janus who would have lent Lucius Antonius a thousand sesterces? 6.

However, we have been spending too much time in trifles. Let us return to our subject and to the war. Although it was not wholly foreign to the subject for some characters to be thoroughly appreciated by you, in order that you might in silence think over who they were against whom you were to wage war.

But I exhort you, O Romans, though perhaps other measures might have been wiser, still now to wait with calmness for the return of the ambassadors. Promptness of action has been taken from our side; but still some good has accrued to it. [16] For when the ambassadors have reported what they certainly will report, that Antonius will not submit to you nor to the senate, who then will be so worthless a citizen as to think him deserving of being accounted a citizen? For at present there are men, few indeed, but still more than there ought to be, or than the republic deserves that there should be, who speak in this way,—"Shall we not even wait for the return of the ambassadors?" Certainly the republic itself will force them to abandon that expression and that pretense of clemency. On which account, to confess the truth to you, O Romans, I have less striven today, and labored all the less today, to induce the senate to agree with me in decreeing the existence of a seditious war and ordering

the apparel of war to be assumed. I preferred having my sentiments applauded by every one in twenty day's time, to having it blamed today by a few. [17] Wherefore, O Romans, wait now for the return of the ambassadors and devour your annoyance for a few days. And when they do return if they bring back peace, believe me that I have been desirous that they should if they bring back war, then allow me the praise of foresight. Ought I not to be provident for the welfare of my fellow-citizens? Ought I not day and night to think of your freedom and of the safety of the republic? For what do I not owe to you, O Romans, since you have preferred for all the honors of the state a man who is his own father to the most nobly born men in the republic? Am I ungrateful? Who is less so? I, who, after I had obtained those honors, have constantly labored in the forum with the same exertions as I used while striving for them. Am I inexperienced in state affairs? Who has had more practice than I, who have now for twenty years been waging war against impious citizens? 7. [18]

Wherefore, O Romans, with all the prudence of which I am master, and with almost more exertion than I am capable of, will I put forth my vigilance and watchfulness in your behalf In truth, what citizen is there, especially in this rank in which you have placed me, so forgetful of your kindness, so unmindful of his country, so hostile to his own dignity, as not to be roused and stimulated by your wonderful unanimity? I, as consul, have held many assemblies of the people; I have been present at many others; I have never once seen one so numerous as this one of yours now is. You have all one feeling, you have all one desire, that of averting the attempts of Marcus Antonius from the republic, of extinguishing his frenzy and crushing his audacity. All orders have the same wish. The municipal towns, the colonies, and all Italy are laboring for the same end. Therefore you have made the senate, which was already pretty firm of its own accord, firmer still by your authority. [19] The time has come, O Romans, later altogether than for the honor of the Roman people it should have been, but still so that the things are now so ripe that they do not admit of a moment's delay. There has been a sort of fatality, if I may say so, which we have borne as it was necessary to bear it. But hereafter if any disaster happens to us it will be of our own seeking. It is impossible for the Roman people to be slaves; that

people whom the immortal gods have ordained should rule over all nations. Matters are now come to a crisis. We are fighting for our freedom. Either you must conquer, O Romans, which indeed you will do if you continue to act with such piety and such unanimity, or you must do anything rather than become slaves. Other nations can endure slavery, Liberty is the inalienable possession of the Roman people.

THE SEVENTH PHILIPPIC.

THE ARGUMENT.

After the senate had decided on sending them, the ambassadors immediately set out, though Servius Sulpicius was in a very bad state of health. In the meantime the partisans of Antonius in the city, with Calenus at their head, were endeavoring to gain over the rest of the citizens, by representing him as eager for an accommodation and they kept up a correspondence with him, and published such of his letters as they thought favorable for their views. Matters being in this state, Cicero, at an ordinary meeting of the senate, made the following speech to counteract the machinations of this party and to warn the citizens generally of the danger of being deluded by them.

1. We are consulted to day about matters of small importance, but still perhaps necessary, O conscript fathers. The consul submits a motion to us about the Appian road and about the coinage; the tribune of the people one about the Luperci. And although it seems easy to settle such matters as those, still my mind can not fix itself on such subjects, being anxious about more important matters. For our affairs, O conscript fathers, are come to a crisis, and are in a state of almost extreme danger. It is not without reason that I have always feared and never approved of that sending of ambassadors. And what their return is to bring us I know not; but who is there who does not see with how much languor the expectation of it infects our minds? For those men put no restraint on themselves who knew that the senate has revived so as to entertain hopes of its former authority, and that the Roman people is united to this our order; that all Italy is animated by one common feeling; that armies are prepared, and generals ready for the armies; [2] even already they are inventing replies for Antonius and defending them. Some pretend that his demand is that all the armies be disbanded. I suppose then we sent ambassadors to him, not that he should submit and obey this our body, but that he should offer us conditions, impose laws upon us, order us to open Italy to foreign nations; especially while we were to

leave him in safety from whom there is more danger to be feared than from any nation whatever. [3] Others say that he is willing to give up the nearer Gaul to us, and that he will be satisfied with the farther Gaul. Very kind of him! in order that from thence be may endeavor to bring not merely legions, but even nations against this city. Others say that he makes no demands now but such as are quite moderate. Macedonia he calls absolutely his own, since it was from thence that his brother Caius was recalled. But what province is there in which that fire-brand may not kindle a conflagration? Therefore those same men like provident citizens and diligent senators, say that I have sounded the charge, and they undertake the advocacy of peace. Is not this the way in which they argue? "Antonius ought not to have been irritated; he is a reckless and a bold man; there are many bad men besides him." (No doubt, and they may begin and count themselves first.) And they warn us to be on our guard against them. Which conduct then is it which shows the more prudent caution; chastising wicked citizens when one is able to do so, or fearing them? 2. [4]

And these men speak in this way, who on account of their trifling disposition used to be considered friends of the people. From which it may be understood that they in their hearts have at all times been disinclined to a good constitution of the state, and they were not friends of the people from inclination. For how comes it to pass that those men who were anxious to gratify the people in evil things, now, on an occasion which above all others concerns the people's interests, because the same thing would be also salutary for the republic, now prefer being wicked to being friends of the people? [5] This noble cause of which I am the advocate has made me popular, a man who (as you know) has always opposed the rashness of the people. And those men are called, or rather they call themselves, consulars; though no man is worthy of that name except those who can support so high an honor. Will you favor an enemy? Will you let him send you letters about his hopes of success? Will you be glad to produce them? to read them? Will you even give them to wicked citizens to take copies of? Will you thus raise their courage? Will you thus damp the hopes and valor of the good? And then will you think yourself a consular, or a senator, or even a citizen! Caius Pansa,

a most fearless and virtuous consul, will take what I say in good part. For I will speak with a disposition most friendly to him; but I should not consider him himself a consul, though a man with whom I am most intimate, unless he was such a consul as to devote all his vigilance, and cares, and thoughts to the safety of the republic. [6]

Although long acquaintance, and habit, and a fellowship and resemblance in the most honorable pursuits, has bound us together from his first entrance into life; and his incredible diligence, proved at the time of the most formidable dangers of the civil war, showed that he was a favorer not only of my safety, but also of my dignity; still as I said before if he were not such a consul as I have described, I should venture to deny that he was a consul at all. But now I call him not only a consul but the most excellent and virtuous consul within my recollection; not but that there have been others of equal virtue and equal inclination, but still they have not had an equal opportunity of displaying the virtue and inclination. [7] But the opportunity of a time of most formidable change has been afforded to his magnanimity and dignity and wisdom. And that is the time when the consulship is displayed to the greatest advantage when it governs the republic during a time which if not desirable is at all events critical and momentous. And a more critical time than the present, O conscript father, never was. 3.

Therefore I who have been at all times an adviser of peace, and who, though all good men was considered peace and especially internal peace, desirable, have considered it more than all of them; — for the whole of career of my industry has been passed in the forum and in the senate-house and in warding off dangers from my friends. It is by this course that I have arrived at the highest honors, at moderate wealth, and at any dignity which we may be thought to have: [8] I therefore, a nursling of peace, as I may call myself, I who, whatever I am (for I arrogate nothing to myself), should undoubtedly not have been such without internal peace: I am speaking in peril: I shudder to think how you will receive it, O conscript fathers; but still, out of regard for my unceasing desire to support and increase your dignity, I beg and entreat you, O conscript fathers, although it may be a bitter thing to hear, or an incredible thing that it should be said by Marcus Cicero, still to receive at first, without offense, what I

am going to say, and not to reject it before I have fully explained what it is. I, who, I will say so over and over again, have always been a panegyrist, have always been an adviser of peace, do not wish to have peace with Marcus Antonius. I approach the rest of my speech with great hope, O conscript fathers, since I have now passed by that perilous point amid your silence.

[9] Why then do I not wish for peace? Because it would be shameful; because it would be dangerous; because it can not possibly be real. And while I explain these three points to you, I beg of you, O conscript fathers, to listen to my words with the same kindness which you usually show to me.

What is more shameful than inconsistency, fickleness, and levity, both to individuals, and also to the entire senate? Moreover, what can be more inconsistent than on a sudden to be willing to be united in peace with a man whom you have lately adjudged to be an enemy, not by words, but by actions and by many formal decrees? [10] Unless, indeed, when you were decreeing honors to Caius Caesar, well deserved indeed by and fairly due to him, but still unprecedented and never to be forgotten, for one single reason, — because he had levied an army against Marcus Antonius, — you were not judging Marcus Antonius to be an enemy; and unless. Antonius was not pronounced an enemy by you, when the veteran soldiers were praised by your authority, for having followed Caesar; and unless you did not declare Antonius an enemy when you promised exemptions and money and lands to those brave legions, because they had deserted him who was consul while he was an enemy. 4. [11]

What? when you distinguished with the highest praises Brutus, a man born under some omen, as it were, of his race and name, for the deliverance of the republic, and his army which was waging war against Antonius on behalf of the liberty of the Roman people, and the most loyal and admirable province of Gaul, did you not then pronounce Antonius an enemy? What? when you decreed that the consuls, one or both of them, should go to the war, what war was there if Antonius was not an enemy? [12] Why then was it that most gallant man, my own colleague and intimate friend, Aulus Hirtius the consul, has set out? And in what delicate health he is; how wasted

away! But the weak state of his body could not repress the vigor of his mind. He thought it fair, I suppose, to expose to danger in defense of the Roman people that life which had been preserved to him by their prayers. [13] What? when you ordered levies of troops to be made throughout all Italy, when you suspended all exemptions from service, was he not by those steps declared to be an enemy? You see manufactories of arms in the city; soldiers, sword in hand, are following the consul; they are in appearance a guard to the consul, but in fact and reality to us; all men are giving in their names, not only without any shirking, but with the greatest eagerness; they are acting in obedience to your authority. Has not Antonius been declared an enemy by such acts? [14]

"Oh, but we have sent ambassadors to him." Alas, wretched that I am! why am I compelled to find fault with the senate whom I have always praised? Why? Do you think, O conscript fathers that you have induced the Roman people to approve of the sending ambassadors? Do you not perceive, do you not hear that the adoption of my opinion is demanded by them? that opinion which you, in a full house, agreed to the day before, though the day after you allowed yourselves to be brought down to a groundless hope of peace. Moreover, how shameful it is for the legions to send out ambassadors to the senate, and the senate to Antonius! Although that is not an embassy; it is a denunciation that destruction is prepared for him if he does not submit to this order. What is the difference? At all events, men's opinions are unfavorable to the measure; for all men see that ambassadors have been sent, but it is not all who are acquainted with the terms of your decree. 5.

You must, therefore, preserve your consistency, your wisdom, your firmness, your perseverance. You must go back to the old-fashioned severity, if at least the authority of the senate is anxious to establish its credit, its honor, its renown, and its dignity, things which this order has been too long deprived of. But there was some time ago some excuse for it, as being oppressed; a miserable excuse indeed, but still a fair one; now there is none. We appeared to have been delivered from kingly tyranny; and afterward we were oppressed much more severely by domestic enemies. We did indeed turn their arms aside; we must now wrest them from their hands. And

if we can not do so (I will say what it becomes one who is both a senator and a Roman to say), let us die. [15] For how just will be the shame, how great will be the disgrace, how great the infamy to the republic, if Marcus Antonius can deliver his opinion in this assembly from the consular bench. For, to say nothing of the countless acts of wickedness committed by him while consul in the city, during which time he has squandered a vast amount of public money, restored exiles without any law, sold our revenues to all sorts of people, removed provinces from the empire of the Roman people, given men kingdoms for bribes, imposed laws on the city by violence, besieged the senate, and, at other times, excluded it from the senate-house by force of arms; — to say nothing, I say, of all this, do you not consider this, that he who has attacked Mutina, a most powerful colony of the Roman people — who has besieged a general of the Roman people, who is consul elect — who has laid waste the lands, — do you not consider, I say, how shameful and iniquitous a thing it would be for that man to be received into this order, by which he has been so repeatedly pronounced an enemy for these very reasons? [16]

I have said enough of the shamefulness of such a proceeding; I will now speak next, as I proposed, of the danger of it; which, although it is not so important to avoid as shame, still offends the minds of the greater part of mankind even more. 6.

Will it then be possible for you to rely on the certainty of any peace, when you see Antonius, or rather the Antonii, in the city? Unless, indeed, you despise Lucius: I do not despise even Caius. But, as I think, Lucius will be the dominant spirit, — for he is the patron of the five-and-thirty tribes, whose votes he took away by his law, by which he divided the magistracies in conjunction with Caius Caesar. He is the patron of the centuries of the Roman knights, which also he thought fit to deprive of the suffrages: he is the patron of the men who have been military tribunes; he is the patron of the middle of Janus. [17] O ye gods! who will he able to support this man's power? especially when he has brought all his dependents into the lands. Who ever was the patron of all the tribes? and of the Roman knights? and of the military tribunes? Do you think that the power of even the Gracchi was greater than that of this gladiator will be? whom I have called gladiator, not in the sense in which sometimes Marcus.

Antonius too is called gladiator, but as men call him who are speaking plain Latin. He has fought in Asia as a mirmillo. After having equipped his own companion and intimate friend in the armor of a Thracian, he slew the miserable man as he was flying; but he himself received a palpable wound, as the scar proves.

[18] What will the man who murdered his friend in this way, when he has an opportunity, do to an enemy? and if he did such a thing as this for the fun of the thing, what do you think he will do when tempted by the hope of plunder? Will he not again meet wicked men in the decuries? will he not again tamper with those men who have received lands? will he not again seek those who have been banished? will he not, in short, be Marcus Antonius; to whom, on the occasion of every commotion, there will be a rush of all profligate citizens? Even if there be no one else except those who are with him now, and these who in this body now openly speak in his favor, will they be too small in number? especially when all the protection which we might have had from good men is lost, and when those men are prepared to obey his nod? But I am afraid, if at this time we fail to adopt wise counsels, that that party will in a short time appear too numerous for us. [19] Nor have I any dislike to peace; only I do dread war disguised under the name of peace. Wherefore, if we wish to enjoy peace we must first wage war. If we shrink from war, peace we shall never have. 7.

But it becomes your prudence, O conscript fathers, to provide as far forward as possible for posterity. That is the object for which we were placed in this garrison, and as it were on this watch-tower; that by our vigilance and foresight we might keep the Roman people free from fear. It would be a shameful thing, especially in so clear a case as this, for it to be notorious that wisdom was wanting to the chief council of the whole world. [20] We have such consuls, there is such eagerness on the part of the Roman people, we have such a unanimous feeling of all Italy in our favor, such generals, and such armies, that the republic cannot possibly suffer any disaster without the senate being in fault. I, for my part, will not be wanting. I will warn you, I will forewarn you, I will give you notice, I will call gods and men to witness what I do really believe. Nor will I display my good faith alone, which perhaps may seem to be enough, but which

in a chief citizen is not enough; I will exert all my care, and prudence, and vigilance.

I have spoken about danger. I will now proceed to prove to you that it is not possible for peace to be firmly cemented; for of the propositions which I promised to establish this is the last. 8. [21]

What peace can there be between Marcus Antonius and (in the first, place) the senate? with what face will he be able to look upon you, and with what eyes will you, in turn, look upon him? Which of you does not hate him? which of you does not he hate? Come, are you the only people who hate him, and whom he hates? What? what do you think of those men who are besieging Mutina, who are levying troops in Gaul, who are threatening your fortunes? will they ever be friends to you, or you to them? will he embrace the Roman knights? For, suppose their inclinations respecting, and their opinions of Antonius were very much concealed, when they stood in crowds on the steps of the temple of Concord, when they stimulated you to endeavor to recover your liberty, when they demanded arms, the robe of war, and war, and who, with the Roman people, invited me to meet in the assembly of the people, will these men ever become friends to Antonius? will Antonius ever maintain peace with them? [22] For why should I speak of the whole Roman people? which, in a full and crowded forum, twice, with one heart and one voice, summoned me into the assembly, and plainly showed their excessive eagerness for the recovery of their liberty. So, desirable as it was before to have the Roman people for our comrade, we now have it for our leader.

What hope then is there that there ever can be peace between the Roman people and the men who are besieging Mutina and attacking a general and army of the Roman people? [23] Will there be peace with the municipal towns, whose great zeal is shown by the decrees which they pass, by the soldiers whom they furnish, by the sums which they promise, so that in each town there is such a spirit as leaves no one room to wish for a senate of the Roman people? The men of Firmium deserve to be praised by a resolution of our order, who set the first example of promising money; we ought to return a complimentary answer to the Marrucini, who have passed a vote that all who evade military service are to be branded with infamy. These

measures are adopted all over Italy. There is great peace between Antonius and these men, and between them and him! What greater discord can there possibly be? And in discord civil peace can not by any possibility exist. [24] To say nothing of the mob, look at Lucius Visidius, a Roman knight, a man of the very highest accomplishments and honor, a citizen always eminent, whose watchfulness and exertions for the protection of my life I felt in my consulship; who not only exhorted his neighbors to become soldiers, but also assisted them from his own resources; will it be possible ever to reconcile Antonius to such a man as this, a man whom we ought to praise by a formal resolution of the senate? What? will it be possible to reconcile him to Caius Caesar, who prevented him from entering the city, or to Decimus Brutus, who has refused him entrance into Gaul? [25] Moreover, will he reconcile himself to, or look mercifully on the province of Gaul, by which he has been excluded and rejected? You will see every thing, O conscript fathers, if you do not take care, full of hatred and full of discord, from which civil wars arise. Do not then desire that which is impossible; and beware, I entreat you by the immortal gods, O conscript fathers, that out of hope of present peace you do not lose perpetual peace. 8. [26]

What now is the object of this oration? For we do not yet know what the ambassadors have done. But still we ought to be awake, erect, prepared, armed in our minds, so as not to be deceived by any civil or supplicatory language, or by any pretense of justice. He must have complied with all the prohibitions and all the commands which we have sent him, before he can demand any thing. He must have desisted from attacking Brutus and his army, and from plundering the cities and lands of the province of Gaul; he must have permitted the ambassadors to go to Brutus, and led his army back on this side of the Rubicon, and yet not come within two hundred miles of this city. He must have submitted himself to the power of the senate and of the Roman people. If he does this, then we shall have an opportunity of deliberating without any decision being forced upon us either way. If he does not obey the senate, then it will not be the senate that declares war against him, but he who will have declared it against the senate. [27]

But I warn you, O conscript fathers, the liberty of the Roman

people, which is entrusted to you, is at stake. The life and fortune of every virtuous man is at stake, against which Antonius has long been directing his insatiable covetousness, united to his savage cruelty. Your authority is at stake, which you will wholly lose if you do not maintain it now. Beware how you let that foul and deadly beast escape now that you have got him confined and chained. You too, Pansa, I warn (although you do not need counsel, for you have plenty of wisdom yourself: but still, even the most skillful pilots receive often warnings from the passengers in terrible storms.), not to allow this vast and noble preparation which you have made to fall away to nothing. You have such an opportunity as no one ever had. It is in your power so to avail yourself of this wise firmness of the senate, of this zeal of the equestrian order, of this ardor of the Roman people, as to release the Roman people from fear and danger forever. As to the matters to which your motion before the senate refers, I agree with Publius Servilius.

THE EIGHTH PHILIPPIC.

THE ARGUMENT.

After the embassy to Antonius had left Rome, the consuls zealously exerted themselves in preparing for war, in case he should reject the demands of the ambassadors. Hirtius, though in bad health, left Rome first, at the head of an army containing, among others, the Martial and the fourth legions; intending to join Octavius, and hoping with his assistance to prevent his gaining any advantage over Brutus till Pansa could join them. And he gained some advantages over Antonius at once.

About the beginning of February the two remaining ambassadors (for Servius Sulpicius had died just as they arrived at Antonius's camp) returned, bringing word that Antonius would comply with none of the commands of the senate, nor allow them to proceed to Decimus Brutus; and bringing also (contrary to their duty) demands from him, of which the principal were, that his troops were to be rewarded, all the acts of himself and Dolabella to be ratified, as also all that he had done respecting Caesar's papers; that no account was to be required of him of the money in the temple of Ops; and that he should have the further Gaul with an army of six legions.

Pansa summoned the senate to receive the report of the ambassadors when Cicero made a severe speech, proposing very vigorous measures against Antonius; which, however, Calenus and his party were still numerous enough to mitigate very greatly; and even Pansa voted against him and in favor of the milder measures; though they could not prevail against Cicero to have a second embassy sent to Antonius, and though Cicero carried his point of ordering the citizens to assume the sagum, or robe of war, which he also (waiving his privilege as a man of consular rank) wore himself The next day the senate met again, to draw up in form the decrees on which they had resolved the day before; when Cicero addressed the following speech to them, expostulating with them for their wavering the day before.

1. Matters were carried on yesterday, O Caius Pansa, in a more irregular manner than the beginning of your consulship required. You did not appear to me to make sufficient resistance to those men, to whom you are not in the habit of yielding. For while the virtue of the senate was such as it usually is, and while all men saw that there was war in reality, and some thought that the name ought to be kept back; on the division, your inclination inclined to lenity. The course which we proposed therefore was defeated, at your instigation, on account of the harshness of the word war. That urged by Lucius Caesar, a most honorable man, prevailed, which, taking away that one harsh expression, was gentler in its language than in its real intention. Although he, indeed, before he delivered his opinion at all, pleaded his relationship to Antonius in excuse for it. He had done the same in my consulship, in respect of his sister's husband, as he did now in respect of his sister's son; so that he was moved by the grief of his sister, and at the same time he wished to provide for the safety of the republic. [2]

And yet Caesar himself in some degree recommended you, o conscript fathers, not to agree with him, when he said that he should have expressed quite different sentiments, worthy both of himself and of the republic, if he had not been hampered by his relationship to Antonius. He, then, is his uncle; are you his uncles too, you who voted with him?

But on what did the dispute turn? Some men, in delivering their opinion, did not choose to insert the word "war." They preferred calling it "tumult," being ignorant not only of the state of affairs, but also of the meaning of words. [3] For there can be a "war" without a "tumult," but there can not be a "tumult" without a "war." For what is a "tumult," but such a violent disturbance that an unusual alarm is engendered by it? from which indeed the name "tumult" is derived. Therefore, our ancestors spoke of the Italian "tumult," which was a domestic one; of the Gallic "tumult," which was on the frontier of Italy; but they never spoke of any other. And that a "tumult" is a more serious thing than a war may be seen from this, that during a war exemptions from military service are valid; but in a tumult they are not. So that it is the fact, as I have said, that war can exist without a tumult, but a tumult can not exist without a war. [4] In truth, as there

is no medium between war and peace, it is quite plain that a tumult, if it be not a sort of war, must be a sort of peace; and what more absurd can be said or imagined? However, we have said too much about a word, let us rather look to the facts, O conscript fathers, the appreciation of which, I know, is at times injured by too much attention being paid to words. 2.

We are unwilling that this should appear to be a war. What is the object, then, of our giving authority to the municipal towns and colonies to exclude Antonius? of our authorizing soldiers to be enlisted without any force, without the terror of any fine, of their own inclination and eagerness? of permitting them to promise money for the assistance of the republic? For if the name of war be taken away, the zeal of the municipal towns will be taken away too. And the unanimous feeling of the Roman people which at present pours itself into our cause, if we cool upon it, must inevitably be damped. [5]

But why need I say more? Decimus Brutus is attacked. Is not that war? Mutina is besieged. Is not even that war? Gaul is laid waste. What peace can be more assured than this? Who can think of calling that war? We have sent forth a consul, a most gallant man, with an army, who, though he was in a weak state from a long and serious illness, still thought he ought not to make any excuse when he was summoned to the protection of the republic. Caius Caesar, indeed, did not wait for our decrees; especially as that conduct of his was not unsuited to his age. He undertook war against Antonius of his own accord; for there was not yet time to pass a decree; and he saw that, if he let slip the opportunity of waging war, when the republic was crushed it would be impossible to pass any decrees at all. [6] They and their arms, then, are now at peace. He is not an enemy whose garrison Hirtius has driven from Claterna; he is not an enemy who is in arms resisting a consul, and attacking a consul elect; and those are not the words of an enemy, nor is that warlike language, which Pansa read just now out of his colleague's letters: "I drove out the garrison." "I got possession of Claterna." "The cavalry were routed." "A battle was fought." "A good many men were slain." What peace can be greater that this? Levies of troops are ordered throughout all Italy; all exemptions from service are suspended; the robe of war is to be assumed tomorrow; the consul has said that he shall come

down to the senate-house with an armed guard.

Is not this war? Yes, it is such a war as has never been. [7] For in all other wars, and most especially in civil wars, it was a difference as to the political state of the republic which gave rise to the contest. Sulla contended against Sulpicius about the force of laws which Sulla said had been passed by violence. Cinna warred against Octavius because of the votes of the new citizens. Again, Sulla was at variance with Cinna and Marius, in order to prevent unworthy men from attaining power, and to avenge the cruel death of most illustrious men. The causes of all these wars arose from the zeal of different parties, for what they considered the interest of the republic. Of the last civil war I can not bear to speak: I do not understand the cause of it; I detest the result. 3. [8]

This is the fifth civil war (and all of them have fallen upon our times); the first which has not only not brought dissensions and discord among the citizens, but which has been signalized by extraordinary unanimity and incredible concord. All of them have the same wish, all defend the same objects, all are inspired with the same sentiments. When I say all, I except those whom no one thinks worthy of being citizens at all. What, then, is the cause of war, and what is the object aimed at? We are defending the temples of the immortal gods, we are defending the walls of the city, we are defending the homes and habitations of the Roman people, the household gods, the altars, the hearths and the sepulchers of our forefathers; we are defending our laws, our courts of justice, our freedom, our wives, our children, and our country. On the other hand, Marcus Antonius labors and fights in order to throw into confusion and overturn all these things; and hopes to have reason to think the plunder of the republic sufficient cause for the war, while he squanders part of our fortunes, and distributes the rest among his parricidal followers. [9]

While, then, the motives for war are so different, a most miserable circumstance is what that fellow promises to his band of robbers. In the first place our houses; for he declares that he will divide the city among them; and after that he will lead them out at whatever gate and settle them on whatever lands they please. All the Caphons, all the Saxas, and the other plagues which attend Antonius, are marking

out for themselves in their own minds most beautiful houses, and gardens, and villas, at Tusculum and Alba; and those clownish men — if indeed they are men, and not rather brute beasts — are borne on in their empty hopes as far as the waters and Puteoli. So Antonius has something to promise to his followers. What can we do? Have we any thing of the sort? May the gods grant us a better fate! for our express object is to prevent any one at all from hereafter making similar promises. I say this against my will, still I must say it; — the auction sanctioned by Caesar, O conscript fathers, gives many wicked men both hope and audacity. For they saw some men become suddenly rich from having been beggars. Therefore, those men who are hanging over our property, and to whom Antonius promises everything, are always longing to see an auction. [10] What can we do? What do we promise our soldiers? Things much better and more honorable. For promises to be earned by wicked actions are pernicious both to those who expect them, and to those who promise them. We promise to our soldiers freedom, rights, laws, justice, the empire of the world, dignity, peace, tranquillity. The promises then of Antonius are bloody, polluted, wicked, odious for gods and men, neither lasting nor salutary; ours, on the other hand, are honorable, upright, glorious, full of happiness, and full of piety. 4. [11]

Here also Quintus Fufius, a brave and energetic man, and a friend of mine, reminds me of the advantages of peace. As if, if it were necessary to praise peace, I could not do it myself quite as well as he. For is it once only that I have defended peace? Have I not at all times labored for tranquillity? which is desirable for all good men, but especially for me. For what course could my industry pursue without forensic causes, without laws, without courts of justice? and these things can have no existence when civil peace is taken away. [12] But I want to know what you mean, O Calenus? Do you call slavery peace? Our ancestors used to take up arms not merely to secure their freedom, but also to acquire empire; you think that we ought to throw away our arms, in order to become slaves. What juster cause is there for waging war than the wish to repel slavery? in which, even if one's master be not tyrannical, yet it is a most miserable thing that he should be able to be so if he chooses. In truth, other causes are just, this is a necessary one. Unless, perhaps, you think that this does not

apply to you, because you expect that you will be a partner in the dominion of Antonius. And there you make a twofold mistake: first of all, in preferring your own to the general interest; and in the next place, in thinking that there is any thing either stable or pleasant in kingly power. Even if it has before now been advantageous to you, it will not always be so. [13] Moreover, you used to complain of that former master, who was a man; what do you think you will do when your master is a beast? And you say that you are a man who have always been desirous of peace, and have always wished for the preservation of all the citizens. Very honest language; that is, if you mean all citizens who are virtuous, and useful, and serviceable to the republic; but if you wish those who are by nature citizens, but by inclination enemies, to be saved, what difference is there between you and them? Your father, indeed, with whom I as a youth was acquainted, when he was an old man, — a man of rigid virtue and wisdom, — used to give the greatest praise of all citizens who had ever lived to Publius Nasica, who slew Tiberius Gracchus. By his valor, and wisdom, and magnanimity he thought that the republic had been saved. [14] What am I to say? Have we received any other doctrine from our fathers? Therefore, that citizen — if you had lived in those times — would not have been approved of by you, because he did not wish all the citizens to be safe. "Because Lucius Opimius the consul has made a speech concerning the republic, the senators have thus decided on that matter, that Opimius the consul shall defend the republic." The senate adopted these measures in words, Opimius followed them up by his arms Should you then if you had lived in those times have thought him a hasty or a cruel citizen? or should you have thought Quintus Metellus one whose four sons were all men of consular rank? or Publius Lentulus the chief of the senate and many other admirable men who with Lucius Opimius the consul, took arms, and pursued Gracchus to the Aventine? and in the battle which ensued, Lentulus received a severe wound, Gracchus was slain, and so was Marcus Fulvius, a man of consular rank, and his two youthful sons. Those men, therefore, are to be blamed; for they did not wish all the citizens to be safe. 5. [15]

Let us come to instances nearer our own time. The senate entrusted the defense of the republic to Caius Marius and Lucius

Valerius the consuls. Lucius Saturninus, a tribune of the people, and Caius Glaucia the praetor, were slain. On that day, all the Scauri, and Metelli, and Claudii, and Catuli, and Scaevolae, and Crassi took arms. Do you think either those consuls or those other most illustrious men deserving of blame? I myself wished Catiline to perish. Did you who wish every one to be safe, wish Catiline to be safe? There is this difference, O Calenus, between my opinion and yours. I wish no citizen to commit such crimes as deserve to be punished with death. You think that, even if he has committed them, still he ought to be saved. If there is any thing in our own body which is injurious to the rest of the body, we allow that to be burned and cut out, in order that a limb may be lost in preference to the whole body. And so in the body of the republic, whatever is rotten must be cut off in order that the whole may be saved. [16] Harsh language! This is much more harsh, "Let the worthless, and wicked, and impious be saved; let the innocent, the honorable, the virtuous, the whole republic be destroyed." In the case of one individual, O Quintus Fufius, I confess that you saw more than I did. I thought Publius Clodius a mischievous, wicked, lustful, impious, audacious, criminal citizen. You, on the other hand, called him religious, temperate, innocent, modest; a citizen to be preserved and desired. In this one particular I admit that you had great discernment, and that I made a great mistake. For as for your saying that I am in the habit of arguing against you with ill temper, that is not the case. I confess that I argue with vehemence, but not with ill temper. I am not in the habit of getting angry with my friends every now and then, not even if they deserve it. [17] Therefore, I can differ from you without using any insulting language, though not without feeling the greatest grief of mind. For is the dissension between you and me a trifling one, or on a trifling subject? Is it merely a case of my favoring this man, and you that man? Yes; I indeed favor Decimus Brutus, you favor Marcus Antonius; I wish a colony of the Roman people to be preserved, you are anxious that it should be stormed and destroyed. 6.

Can you deny this, when you interpose every sort of delay calculated to weaken Brutus, and to improve the position of Antonius? For how long will you keep on saying that you are desirous of peace? Matters are progressing rapidly; the works have

been carried on; severe battles are taking place. We sent three chief men of the city to interpose. Antonius has despised, rejected, and repudiated them. And still you continue a persevering defender of Antonius. [18] And Calenus, indeed, in order that he may appear a more conscientious senator, says that he ought not to be a friend to him; since, though Antonius was under great obligations to him, he still had acted against him. See how great is his affection for his country.

When you are so bitter, O Quintus Fufius, against the people of Marseilles, I can not listen to you with calmness. For how long are you going to attack Marseilles? Does not even a triumph put an end to the war? in which was carried an image of that city, without whose assistance our forefathers never triumphed over the Transalpine nations. Then, indeed, did the Roman people groan. Although they had their own private griefs because of their own affairs, still there was no citizen who thought the miseries of this most loyal city unconnected with himself. [19] Caesar himself, who had been the most angry of all men with them, still, on account of the unusually high character and loyalty of that city, was every day relaxing something of his displeasure And is there no extent of calamity by which so faithful a city can satiate you? Again, perhaps, you will say that I am losing my temper. But I am speaking without passion, as I always do, though not without great indignation. I think that no man can be an enemy to that city, who is a friend to this one. What your object is, O Calenus, I can not imagine. Formerly we were unable to deter you from devoting yourself to the gratification of the people; now we are unable to prevail on you to show any regard for their interests. I have argued long enough with Fufius, saying everything without hatred, but nothing without indignation. I suppose that a man who can bear the complaint of his son-in-law with indifference, will bear that of his friend with great equanimity. 7. [20]

I come now to the rest of the men of consular rank, of whom there is no one (I say this on my own responsibility), who is not connected with me in some way or other by kindnesses conferred or received; some in a great, some in a moderate degree, but every one to some extent or other. What a disgraceful day was yesterday to us! to us consulars, I mean. Are we to send ambassadors again? What? would

he make a truce? Before the very face and eyes of the ambassadors he battered Mutina with his engines. He displayed his works and his defenses to the ambassadors. The siege was not allowed one moment's breathing time, not even while the ambassadors should be present. Send ambassadors to this man! What for? in order to have great fears for their return? [21] In truth, though on the previous occasion I had voted against the ambassadors being decreed, still I consoled myself with this reflection, that, when they had returned from Antonius despised and rejected, and had reported to the senate, not merely that he had not withdrawn from Gaul, as we had voted that he should, but that he had not even retired from before Mutina, and that they had not been allowed to proceed on to Decimus Brutus, all men would be inflamed with hatred and stimulated by indignation, so that we should reinforce Decimus Brutus with arms, and horses, and men. But we have become even more languid since we have become acquainted with, not only the audacity and wickedness of Antonius, but also with his insolence and pride. [22] Would that Lucius Caesar were in health; that Servius. Sulpicius were alive. This cause would be pleaded much better by three men, than it is now by me single-handed. What I am going to say I say with grief, rather than by way of insult. We have been deserted — we have, I say, been deserted, O conscript fathers, by our chiefs. But, as I have often said before, all those who in a time of such danger have proper and courageous sentiments shall be men of consular rank. The ambassadors ought to have brought us back courage, they have brought us back fear. Not, indeed, that they have caused me any fear: let them have as high an opinion as they please of the man to whom they were sent; from whom they have even brought back commands to us. 8. [23]

O ye immortal gods! where are the habits and virtues of our forefathers? Caius Popillius, in the time of our ancestors, when he had been sent as ambassador to Antiochus the king, and had given him notice, in the words of the senate, to depart from Alexandria, which he was besieging, on the king's seeking to delay giving his answer, drew a line round him where he was standing with his rod, and stated that he should report him to the senate if he did not answer him as to what he intended to do before he moved out of that line

which surrounded him. He did well. For he had brought with him the countenance of the senate, and the authority of the Roman people; and if a man does not obey that, we are not to receive commands from him in return, but he is to be utterly rejected. [24] Am I to receive commands from a man who despises the commands of the senate? Or am I to think that he has any thing in common with the senate, who besieges a general of the Roman people in spite of the prohibition of the senate? But what commands they are! With what arrogance, with what stupidity, with what insolence are they conceived! But what made him charge our ambassadors with them when he was sending Cotyla to us, the ornament and bulwark of his friends, a man of aedilitian rank? if, indeed, he really was an aedile at the time when the public slaves flogged him with thongs at a banquet by command of Antonius. [25]

But what modest commands they are! We must be iron-hearted men, O conscript fathers, to deny any thing to this man! "I give up both provinces," says he; "I disband my army; I am willing to become a private individual." For these are his very words. He seems to be coming to himself. "I am willing to forget everything; to be reconciled to every body." But what does he add? "If you give booty and land to my six legions, to my cavalry, and to my praetorian cohort." He even demands rewards for those men for whom, if he were to demand pardon, he would be thought the most impudent of men. He adds farther, "Those men to whom the lands have been given which he himself and Dolabella distributed, are to retain them." [26] This is the Campanian and Leontine district, both which our ancestors considered a certain resource in times of scarcity. 9.

He is protecting the interests of his buffoons and gamesters and pimps. He is protecting Capho's and Saxa's interests too, pugnacious and muscular centurions, whom he placed among his troops of male and female buffoons. Besides all this, he demands "that the decrees of himself and his colleague concerning Caesar's writings and memoranda are to stand." Why is he so anxious that every one should have what he has bought, if he who sold it all has the price which he received for it? "And that his accounts of the money in the temple of Ops are not to be meddled with." That is to say, that those seven hundred millions of sesterces are not to be recovered from

him. “That the septemviri are to be exempt from blame or from prosecution for what they have done.” It was Nucula, I imagine, who put him in mind of that; he was afraid, perhaps, of losing so many clients. He also wishes to make stipulations in favor of “those men who are with him who may have done any thing against the laws. [27] “He is here taking care of Mustela and Tiro; he is not anxious about himself. For what has he done? has he ever touched the public money, or murdered a man, or had armed men about him? But what reason has he for taking so much trouble about them? For he demands, “that his own judiciary law be not abrogated.” And if he obtains that, what is there that he can fear? can he be afraid that any one of his friends may be convicted by Cydas, or Lysiades, or Curius? However, he does not press us with many more demands. “I give up,” says he, “Gallia Togata; I demand Gallia Comata.” — he evidently wishes to be quite at his ease,—”with six legions, and those made up to their full complement out of the army of Decimus Brutus;” — not only out of the troops whom he has enlisted himself; “and he is to keep possession of it as long as Marcus Brutus and Caius Cassius, as consuls, or as proconsuls, keep possession of their provinces.” In the comitia held by him, his brother Caius (for it is his year) has already been repulsed. [28] “And I myself,” says he, “am to retain possession of my province five years.” But that is expressly forbidden by the law of Caesar, and you defend the acts of Caesar. 10.

Were you, O Lucius Piso, and you, O Lucius Philippus, you chiefs of the city, able, I will not say to endure in your minds, but even to listen with your ears to these commands of his? But, I suspect there was some alarm at work; nor, while in his power, could you feel as ambassadors, or as men of consular rank, nor could you maintain your own dignity, or that of the republic. And nevertheless somehow or other owing to some philosophy, I suppose, you did what I could not have done, — you returned without any very angry feelings, Marcus Antonius paid you no respect, though you were most illustrious men, ambassadors of the Roman people. As for us, what concessions did not we make to Cotyla the ambassador of Marcus Antonius? though it was against the law for even the gates of the city to be opened to him, yet even this temple was opened to him. He was allowed to enter the senate; here yesterday he was taking down our

opinions and every word we said in his note-books; and men who had been preferred to the highest honors sold themselves to him in utter disregard of their own dignity. [29]

O ye immortal gods! how great an enterprise is it to uphold the character of a leader in the republic; for it requires one to be influenced not merely by the thoughts but also by the eyes of the citizens. To take to one's house the ambassador of an enemy, to admit him to one's chamber, even to confer apart with him, is the act of a man who thinks nothing of his dignity, and too much of his danger. But what is danger? For if one is engaged in a contest where every thing is at stake, either liberty is assured to one if victorious, or death if defeated; the former of which alternatives is desirable, and the latter some time or other inevitable. But a base flight from death is worse than any imaginable death. [30] For I will never be induced to believe that there are men who envy the consistency or diligence of others, and who are indignant at the unceasing desire to assist the republic being approved by the senate and people of Rome. That is what we were all bound to do; and that was not only in the time of our ancestors, but even lately, the highest praise of men of consular rank, to be vigilant, to be anxious, to be always either thinking, or doing, or saying something to promote the interests of the republic. [31] I, O conscript fathers, recollect that Quintus Scaevola the augur, in the Marsic war, when he was a man of extreme old age, and quite broken down in constitution, every day, as soon as it was daylight, used to give every one an opportunity of consulting him; nor, throughout all that war, did any one ever see him in bed; and, though old and weak, he was the first man to come into the senate-house. I wish, above all things, that those who ought to do so would imitate his industry; and, next to that, I wish that they would not envy the exertions of another. 11. [32]

In truth, O conscript fathers, now we have begun to entertain hopes of liberty again, after a period of six years, during which we have been deprived of it, having endured slavery longer than prudent and industrious prisoners usually do, what watchfulness, what anxiety, what exertions ought we to shrink from, for the sake of delivering the Roman people? In truth, O conscript fathers, though men who have had the honors conferred on them that we have,

usually wear their gowns, while the rest of the city is in the robe of war, still I decided that at such a momentous crisis, and when the whole republic was in so disturbed a state, we would not differ in our dress from you and the rest of the citizens. For we men of consular rank are not in this war conducting ourselves in such a manner that the Roman people will be likely to look with equanimity on the ensigns of our honor, when some of us are so cowardly as to have cast away all recollection of the kindnesses which they have received from the Roman people; some are so disaffected to the republic that they openly allege that they favor this enemy, and easily bear having our ambassadors despised and insulted by Antonius, while they wish to support the ambassador sent by Antonius. For they said that he ought not to be prevented from returning to Antonius, and they proposed an amendment to my proposition of not receiving him. Well, I will submit to them. Let Varius return to his general, but on condition that he never returns to Rome. And as to the others, if they abandon their errors, and return to their duty to the republic, I think they may he pardoned and left unpunished. [33]

Therefore, I give my vote, "That of those men who are with Marcus Antonius, those who abandon his army, and come over either to Caius Pansa or Aulus. Hirtius the consuls; or to Decimus Brutus, imperator and consul elect; or to Caius Caesar, propraetor, before the first of March next, shall not be liable to prosecution for having been with Antonius. That, if any one of those men who are now with Antonius shall do any thing which appears entitled to honor or to reward, Caius Pansa and Aulus Hirtius the consuls, one or both of them, shall, if they think fit make a motion to the senate respecting that man's honor or reward, at the earliest opportunity. That, if, after this resolution of the senate, any one shall go to Antonius except Lucius Varius, the senate will consider that that man has acted as an enemy to the republic."

THE NINTH PHILIPPIC.

THE ARGUMENT.

Servius Sulpicius, as has been already said, had died on his embassy to Marcus Antonius, before Mutina; and the day after the delivery of the preceding speech, Pansa again called the senate together to deliberate on the honors to be paid to his memory. He himself proposed a public funeral, a sepulcher, and a statue. Servilius opposed the statue, as due only to those who had been slain by violence while in discharge of their duties as ambassadors. Cicero delivered the following oration in support of Pansa's proposition, which was carried.

1. I wish, O conscript fathers, that the immortal gods had granted to us to return thanks to Servius Sulpicius while alive, rather than thus to devise honors for him now that he is dead. Nor have I any doubt, but that if that man had been able himself to give us his report of the proceedings of his embassy, his return would have been acceptable to you and salutary to the republic. Not that either Lucius. Piso or Lucius Philippus have been deficient in either zeal or care in the performance of so important a duty and so grave a commission; but, as Servius Sulpicius was superior in age to them, and in wisdom to every one, he, being suddenly taken from the business, left the whole embassy crippled and enfeebled.

[2] But if deserved honors have been paid to any ambassador after death, there is no one by whom they can be found to have been ever more fully deserved than by Servius Sulpicius. The rest of those men who have died while engaged on an embassy, have gone forth, subject indeed to the usual uncertainties of life, but without any especial danger or fear of death. Servius Sulpicius set out with some hope indeed of reaching Antonius, but with none of returning. But though he was so very ill that if any exertion were added to his bad state of health, he would have no hope of himself, still he did not refuse to try, even while at his last gasp, to be of some service to the republic. Therefore neither the severity of the winter, nor the snow,

nor the length of the journey, nor the badness of the roads, nor his daily increasing illness, delayed him. And when he had arrived where he might meet and confer with the man to whom he had been sent, he departed this life in the midst of his care and consideration as to how he might best discharge the duty which he had undertaken. [3]

As therefore, O Caius Pansa, you have done well in other respects, so you have acted admirably in exhorting us this day to pay honor to Servius Sulpicius, and in yourself making an eloquent oration in his praise. And after the speech which we have heard from you, I should have been content to say nothing beyond barely giving my vote, if I did not think it necessary to reply to Publius Servilius, who has declared his opinion that this honor of a statue ought to be granted to no one who has not been actually slain with a sword while performing the duties of his embassy. But I, O conscript fathers, consider that this was the feeling of our ancestors, that they considered that it was the cause of death, and not the manner of it, which was a proper subject for inquiry. In fact, they thought fit that a monument should be erected to any man whose death was caused by an embassy, in order to tempt men in perilous wars to be the more bold in undertaking the office of an ambassador. What we ought to do, therefore, is, not to scrutinize the precedents afforded by our ancestors, but to explain their intentions from which the precedents themselves arose. 2. [4]

Lar Tolumnius, the king of Veii, slew four ambassadors of the Roman people, at Fidenae, whose statues were standing in the rostra till within my recollection. The honor was well deserved. For our ancestors gave those men who had encountered death in the cause of the republic an imperishable memory in exchange for this transitory life. We see in the rostra the statue of Cnaeus Octavius, an illustrious and great man, the first man who brought the consulship into that family, which afterward abounded in illustrious men. There was no one then who envied him, because he was a new man; there was no one who did not honor his virtue. But yet the embassy of Octavius was one in which there was no suspicion of danger. For having been sent by the senate to investigate the dispositions of kings and of free nations, and especially to forbid the grandson of king Antiochus, the one who had carried on war against our forefathers, to maintain fleets

and to keep elephants, he was slain at Laodicea, in the gymnasium, by a man of the name of Leptines. [5] On this a statue was given to him by our ancestors as a recompense for his life, which might ennoble his progeny for many years, and which is now the only memorial left of so illustrious a family. But in his case, and in that of Tullus Cluvius, and Lucius Roscius, and Spurius Antius, and Caius Fulcinius, who were slain by the king of Veii, it was not the blood that was shed at their death, but the death itself which was encountered in the service of the republic, which was the cause of their being thus honored. 3.

Therefore, O conscript fathers, if it had been chance which had caused the death of Servius. Sulpicius, I should sorrow indeed over such a loss to the republic, but I should consider him deserving of the honor, not of a monument, but of a public mourning. But, as it is, who is there who doubts that it was the embassy itself which caused his death? For he took death away with him; though, if he had remained among us, his own care, and the attention of his most excellent son and his most faithful wife, might have warded it off. [6] But he, as he saw that, if he did not obey your authority, he should not be acting like himself; but that if he did obey, then that duty, undertaken for the welfare of the republic, would be the end of his life; preferred dying at a most critical period of the republic, to appearing to have done less service to the republic than he might have done.

He had an opportunity of recruiting his strength and taking care of himself in many cities through which his journey lay. He was met by the liberal invitation of many entertainers, as his dignity deserved, and the men too who were sent with him exhorted him to take rest, and to think of his own health. But he, refusing all delay, hastening on, eager to perform your commands, persevered in this his constant purpose, in spite of the hindrances of his illness. [7] And as Antonius was above all things disturbed by his arrival, because the commands which were laid upon him by your orders had been drawn up by the authority and wisdom of Servius Sulpicius, he showed plainly how he hated the senate by the evident joy which he displayed at the death of the adviser of the senate.

Leptines then did not kill Octavius, nor did the king of Veii slay

those whom I have just named, more clearly than Antonius killed Servius Sulpicius. Surely he brought the man death, who was the cause of his death. Wherefore, I think it of consequence, in order that posterity may recollect it, that there should be a record of what the judgment of the senate was concerning this war. For the statue itself will be a witness that the war was so serious a one, that the death of an ambassador in it gained the honor of an imperishable memorial. 4. [8]

But if, O conscript fathers, you would only recollect the excuses alleged by Servius Sulpicius why he should not be appointed to this embassy, then no doubt will be left on your minds that we ought to repair by the honor paid to the dead the injury which we did to him while living. For it is you, O conscript fathers (it is a grave charge to make, but it must be uttered), it is you, I say, who have deprived Servius Sulpicius of life. For when you saw him pleading his illness as an excuse more by the truth of the fact than by any labored plea of words, you were not indeed cruel (for what can be more impossible for this order to be guilty of than that), but as you hoped that there was nothing that could not be accomplished by his authority and wisdom, you opposed his excuse with great earnestness, and compelled the man, who had always thought your decisions of the greatest weight, to abandon his own opinion. [9] But when there was added the exhortation of Pansa, the consul, delivered with more weight than the ears of Servius Sulpicius had learned to resist, then at last he led me and his own son aside, and said that he was hound to prefer your authority to his own life. And we, admiring his virtue, did not dare to oppose his determination. His son was moved with extraordinary piety and affection, and my own grief did not fall far short of his agitation; but each of us was compelled to yield to his greatness of mind, and to the dignity of his language, when he, indeed, amid the loud praises and congratulations of you all, promised to do whatever you wished, and not to avoid the danger which might be incurred by the adoption of the opinion of which he himself had been the author. And we the next day escorted him early in the morning as he hastened forth to execute your commands. And he, in truth, when departing, spoke with me in such a manner that his language seemed like an omen of his fate. 5. [10]

Restore then, O conscript fathers, life to him from whom you have taken it. For the life of the dead consists in the recollection cherished of them by the living. Take care that he, whom you without, intending it sent to his death, shall from you receive immortality. And if you by your decree erect a statue to him in the rostra, no forgetfulness of posterity will ever obscure the memory of his embassy. For the remainder of the life of Servius Sulpicius will be recommended to the eternal recollection of all men by many and splendid memorials. The praise of all mortals will forever celebrate his wisdom, his firmness, his loyalty, his admirable vigilance and prudence in upholding the interests of the public. Nor will that admirable, and incredible, and almost godlike skill of his in interpreting the laws and explaining the principles of equity be buried in silence. If all the men of all ages, who have ever had any acquaintance with the law in this city, were got together into one place, they would not deserve to be compared to Servius Sulpicius. [11] Nor was he more skillful in explaining the law than in laying down the principles of justice. Those maxims which were derived from laws, and from the common law, he constantly referred to the original principles of kindness and equity. Nor was he more fond of arranging the conduct of lawsuits than of preventing disputes altogether. Therefore he is not in want of this memorial which a statue will provide; he has other and better ones. For this statue will be only a witness of his honorable death; those actions will be the memorial of his glorious life. So that this will be rather a monument of the gratitude of the senate, than of the glory of the man. [12]

The affection of the son, too, will appear to have great influence in moving us to honor the father; for although, being overwhelmed with grief, he is not present, still you ought to be animated with the same feelings as if he were present. But he is in such distress, that no father ever sorrowed more over the loss of an only son than he grieves for the death of his father. Indeed, I think that it concerns also the fame of Servius Sulpicius the son, that he should appear to have paid all due respect to his father. Although Servius Sulpicius could leave no nobler monument behind him than his son, the image of his own manners, and virtues, and wisdom, and piety, and genius; whose grief can either be alleviated by this honor paid to his father by you,

or by no consolation at all. 6. [13]

But when I recollect the many conversations which in the days of our intimacy on earth I have had with Servius Sulpicius, it appears to me, that if there be any feeling in the dead, a brazen statue, and that too a pedestrian one, will be more acceptable to him than a gilt equestrian one, such as was first erected to Lucius Sulla. For Servius was wonderfully attached to the moderation of our forefathers, and was accustomed to reprove the insolence of this age. As if, therefore, I were able to consult himself as to what he would wish, so I give my vote for a pedestrian statue of brass, as if I were speaking by his authority and inclination; which by the honor of the memorial will diminish and mitigate the great grief and regret of his fellow-citizens. [14] And it is certain that this my opinion, O conscript fathers, will be approved of by the opinion of Publius Servilius, who has given his vote that a sepulcher be publicly decreed to Servius Sulpicius, but has voted against the statue. For if the death of an ambassador happening without bloodshed and violence requires no honor, why does he vote for the honor of a public funeral, which is the greatest honor that can be paid to a dead man? If he grants that to Servius Sulpicius which was not given to Gnaeus. Octavius, why does he think that we ought not to give to the former what was given to the latter? Our ancestors, indeed, decreed statues to many men; public sepulchers to few. But statues perish by weather, by violence, by lapse of time; but the sanctity of the sepulchers is in the soil itself, which can neither be moved nor destroyed by any violence; and while other things are extinguished, so sepulchers become holier by age. [15]

Let, then, that man be distinguished by that honor also, a man to whom no honor can be given which is not deserved. Let us be grateful in paying respect in death to him to whom we can now show no other gratitude. And by that same step let the audacity of Marcus Antonius, waging a nefarious war, be branded with infamy. For when these honors have been paid to Servius Sulpicius, the evidence of his embassy having been insulted and rejected by Antonius, will remain for everlasting. 7.

On which account I give my vote for a decree in this form: “As Servius Sulpicius Rufus, the son of Quintus, of the Lemonian tribe,

at a most critical period of the republic, and being ill with a very serious and dangerous disease, preferred the authority of the senate and the safety of the republic to his own life, and struggled against the violence and severity of his illness, in order to arrive at the camp of Antonius, to which the senate had sent him; and as he, when he had almost arrived at the camp, being overwhelmed by the violence of the disease, has lost his life in discharging a most important office of the republic; and as his death has been in strict correspondence to a life passed with the greatest integrity and honor, during which he, Servius Sulpicius, has often been of great service to the republic, both as a private individual and in the discharge of various magistracies; [16] and as he, being such a man, has encountered death on behalf of the republic while employed on an embassy; — the senate decrees that a brazen pedestrian statue of Servius Sulpicius be erected in the rostra in compliance with the resolution of this order, and that his children and posterity shall have a place round this statue of five feet in every direction, from which to behold the games and gladiatorial combats, because he died in the cause of the republic; and that this reason be inscribed on the pedestal of the statue; and that Caius Pansa and Aulus Hirtius the consuls, one or both of them, if it seem good to them, shall command the quaestors of the city to let out a contract for making that pedestal and that statue, and erecting them in the rostra; and that whatever price they contract for, they shall take care the amount is given and paid to the contractor; and as in old times the senate has exerted its authority with respect to the obsequies of, and honors paid to brave men, it now decrees that he shall be carried to the tomb on the day of his funeral with the greatest possible solemnity. [17] And as Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe, has deserved so well of the republic as to be entitled to be complimented with all those distinctions; the senate is of opinion, and thinks it for the advantage of the republic, that the consule aedile should suspend the edict which usually prevails with respect to funerals in the case of the funeral of Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe; and that Caius Pansa, the consul, shall assign him a place for a tomb in the Esquiline plain, or in whatever place shall seem good to him, extending thirty feet in every direction, where

Servius Sulpicius may be buried; and that that shall be his tomb, and that of his children and posterity, as having been a tomb most deservedly given to them by the public authority.”

THE TENTH PHILIPPIC.

THE ARGUMENT.

Soon after the delivery of the last speech, dispatches were received from Brutus by the consuls, giving an account of his success against Caius Antonius in Macedonia; stating that he had secured Macedonia, Illyricum, and Greece, with the armies in those countries; that Caius Antonius had retired to Apollonia with seven cohorts; that a legion under Lucius Piso had surrendered to young Cicero, who was commanding his cavalry; that Dolabella's cavalry had deserted to him; and that Vatinius had surrendered Dyrrachium and its garrison to him: He likewise praised Quintus Hortensius, the proconsul of Macedonia, as having assisted him in gaining over the Grecian provinces and the armies in those districts.

As soon as Pansa received the dispatches, he summoned the senate to have them read; and in a set speech greatly extolled Brutus, and moved a vote of thanks to him; but Calenus, who followed him, declared his opinion that as Brutus had acted without any public commission or authority, he should be required to give up his army to the proper governors of the provinces, or to whoever the senate should appoint to receive it. After he had sat down, Cicero rose, and delivered the following speech.

1. We all, O Pansa, ought both to feel and to show the greatest gratitude to you, who, — though we did not expect that you would hold any senate today, — the moment that you received the letters of Marcus Brutus, that most excellent citizen, did not interpose even the slightest delay to our enjoying the most excessive delight and mutual congratulation at the earliest opportunity. And not only ought this action of yours to be grateful to us all, but also the speech which you addressed to us after the letters had been read. For you showed plainly, that that was true which I have always felt to be so, that no one envied the virtue of another who was confident of his own. [2] Therefore I, who have been connected with Brutus by many mutual good offices and by the greatest intimacy, need not say so much

concerning him; for the part that I had marked out for myself your speech has anticipated me in. But, O conscript fathers, the opinion delivered by the man who was asked for his vote before me, has imposed upon me the necessity of saying rather more than I otherwise should have said; and I differ from him so repeatedly at present, that I am afraid (what certainly ought not to be the case) that our continual disagreement may appear to diminish our friendship.

[3] What can be the meaning of this argument of yours, O Calenus? what can be your intention? How is it that you have never once since the first of January been of the same opinion with him who asks you your opinion first? How is it that the senate has never yet been so full as to enable you to find one single person to agree with your sentiments? Why are you always defending men who in no point resemble you? why, when both your life and your fortune invite you to tranquillity and dignity, do you approve of those measures, and defend those measures, and declare those sentiments, which are adverse both to the general tranquillity and to your own individual dignity? 2. [4]

For to say nothing of former speeches of yours, at all events. I can not pass over in silence this which excites my most especial wonder. What war is there between you and the Bruti? Why do you alone attack those men whom we are all bound almost to worship? Why are you not indignant at one of them being besieged, and why do you — as far as your vote goes — strip the other of those troops which by his own exertions and by his own danger he has got together by himself, without any one to assist him, for the protection of the republic, not for himself? What is your meaning in this? What are your intentions? Is it possible that you should not approve of the Bruti, and should approve of Antonius? that you should hate those men whom every one else considers most dear? and that you should love with the greatest constancy those whom every one else hates most bitterly? You have a most ample fortune; you are in the highest rank of honor; your son, as I both hear and hope, is born to glory, — a youth whom I favor not only for the sake of the republic, but for your sake also. [5] I ask, therefore, would you rather have him like Brutus or like Antonius? and I will let you choose whichever of the three Antonii you please. God forbid! you will say. Why, then, do

you not favor those men and praise those men whom you wish your own son to resemble? For by so doing you will be both consulting the interests of the republic, and proposing him an example for his imitation.

But in this instance, I hope, O Quintus Fufius, to be allowed to expostulate with you, as a senator who greatly differs from you, without any prejudice to our friendship. For you spoke in this matter, and that too from a written paper; for I should think you had made a slip from want of some appropriate expression, if I were not acquainted with your ability in speaking. You said "that the letters of Brutus appeared properly and regularly expressed." What else is this than praising Brutus's secretary, not Brutus? [6] You both ought to have great experience in the affairs of the republic, and you have. When did you ever see a decree framed in this manner? or in what resolution of the senate passed on such occasions. (and they are innumerable), did you ever hear of its being decreed that the letters had been well drawn up? And that expression did not — as is often the case with other men — fall from you by chance, but you brought it with you written down, deliberated on, and carefully meditated on.
3.

If any one could take from you this habit of disparaging good men on almost every occasion, then what qualities would not be left to you which every one would desire for himself? Do, then, recollect yourself; do at last soften and quiet that disposition of yours; do take the advice of good men, with many of whom you are intimate; do converse with that wisest of men, your own son-in-law, oftener than with yourself; and then you will obtain the name of a man of the very highest character. Do you think it a matter of no consequence (it is a matter in which I, out of the friendship which I feel for you, constantly grieve in your stead), that this should be commonly said out of doors, and should be a common topic of conversation among the Roman people, that the man who delivered his opinion first did not find a single person to agree with him? And that I think will be the case today.

You propose to take the legions away from Brutus: — which legions? Why, those which he has gained over from the wickedness of Caius Antonius, and has by his own authority gained over to the

republic. Do you wish then that he should again appear to be the only person stripped of his authority, and as it were banished by the senate? [7] And you, O conscript fathers, if you abandon and betray Marcus Brutus, what citizen in the world will you ever distinguish? Whom will you ever favor? Unless, indeed, you think that those men who put a diadem on a man's head deserve to be preserved, and those who have abolished the very name of kingly power deserve to be abandoned. And of this divine and immortal glory of Marcus Brutus I will say no more; it is already embalmed in the grateful recollection of all the citizens, but it has not yet been sanctioned by any formal act of public authority. Such patience! O ye good gods! such moderation! such tranquillity and submission under injury! A man who, while he was praetor of the city, was driven from the city, was prevented from sitting as judge in legal proceedings, when it was he who had restored all law to the republic; and, though he might have been hedged round by the daily concourse of all virtuous men, who were constantly flocking round him in marvelous numbers, he preferred to be defended in his absence by the judgment of the good, to being present and protected by their force; — who was not even present to celebrate the games to Apollo, which had been prepared in a manner suitable to his own dignity and to that of the Roman people, lest he should open any road to the audacity of most wicked men. 4. [8]

Although, what games or what days were ever more joyful than those on which at every verse that the actor uttered, the Roman people did honor to the memory of Brutus, with loud shouts of applause? The person of their liberator was absent, the recollection of their liberty was present, in which the appearance of Brutus himself seemed to be visible. But the man himself I beheld on those very days of the games, in the country-house of a most illustrious young man, Lucullus, his relation, thinking of nothing but the peace and concord of the citizens. I saw him again afterward at Velia, departing from Italy, in order that there might be no pretext for civil war on his account. Oh what a sight was that! grievous, not only to men but to the very waves and shores. That its savior should be departing from his country; that its destroyers should be remaining in their country! The fleet of Cassius followed a few days afterward; so that I was

ashamed, O conscript fathers, to return into the city from which those men were departing. But the design with which I returned you heard at the beginning, and since that you have known by experience. [9] Brutus, therefore, bided his time. For, as long as he saw you endure every thing, he himself behaved with incredible patience; after that he saw you roused to a desire of liberty, he prepared the means to protect you in your liberty.

But what a pest, and how great a pest was it which he resisted? For if Caius Antonius had been able to accomplish what he intended in his mind (and he would have been able to do so if the virtue of Marcus Brutus had not opposed his wickedness), we should have lost Macedonia, Illyricum, and Greece. Greece would have been a refuge for Antonius if defeated, or a support to him in attacking Italy; which at present, being not only arrayed in arms, but embellished by the military command and authority and troops of Marcus Brutus, stretches out her right hand to Italy, and promises it her protection. And the man who proposes to deprive him of his army, is taking away a most illustrious honor, and a most trustworthy guard from the republic. [10] I wish, indeed, that Antonius may hear this news as speedily as possible, so that he may understand that it is not Decimus Brutus whom he is surrounding with his ramparts, but he himself who is really hemmed in. 5.

He possesses three towns only on the whole face of the earth. He has Gaul most bitterly hostile to him; he has even those men the people beyond the Po, in whom he placed the greatest reliance, entirely alienated from him; all Italy is his enemy. Foreign nations, from the nearest coast of Greece to Egypt, are occupied by the military command and armies of most virtuous and intrepid citizens. His only hope was in Caius Antonius; who being in age the middle one between his two brothers, rivaled both of them in vices. He hastened away as if he were being driven away by the senate into Macedonia, not as if he were prohibited from proceeding thither. [11] What a storm, O ye immortal gods! what a conflagration! what a devastation! what a pestilence to Greece would that man have been, if incredible and godlike virtue had not checked the enterprise and audacity of that frantic man. What promptness was there in Brutus's conduct! what prudence! what valor! Although the rapidity of the

movement of Caius Antonius also is not despicable; for if some vacant inheritances had not delayed him on his march, you might have said that he had flown rather than traveled. When we desire other men to go forth to undertake any public business, we are scarcely able to get them out of the city; but we have driven this man out by the mere fact of our desiring to retain him. But what business had he with Apollonia? what business had he with Dyrrachium? or with Illyricum? What had he to do with the army of Publius Vatinius, our general? He, as he said himself, was the successor of Hortensius. The boundaries of Macedonia are well defined; the condition of the proconsul is well known; the amount of his army, if he has any at all, is fixed. But what had Antonius to do at all with Illyricum and with the legions of Vatinius?

But Brutus had nothing to do with them either. For that, perhaps, is what some worthless man may say. [12] All the legions, all the forces which exist any where, belong to the Roman people. Nor shall those legions which have quitted Marcus Antonius be called the legions of Antonius rather than of the republic; for he loses all power over his army, and all the privileges of military command, who uses that military command and that army to attack the republic. 6.

But if the republic itself could give a decision, or if all rights were established by its decrees, would it adjudge the legions of the Roman people to Antonius or to Brutus? The one had flown with precipitation to the plunder and destruction of the allies, in order, wherever he went, to lay waste, and pillage, and plunder everything, and to employ the army of the Roman people against the Roman people itself. The other had laid down this law for himself, that wherever he came he should appear to come as a sort of light and hope of safety. Lastly, the one was seeking aids to overturn the republic; the other to preserve it. Nor, indeed, did we see this more clearly than the soldiers themselves; from whom so much discernment in judging was not to have been expected.

[13] He writes, that Antonius is at Apollonia with seven cohorts, and he is either by this time taken prisoner (may the gods grant it!) or, at all events, like a modest man, he does not come near Macedonia, lest he should seem to act in opposition to the resolution of the senate. A levy of troops has been held in Macedonia, by the

great zeal and diligence of Quintus Hortensius; whose admirable courage, worthy both of himself and of his ancestors, you may clearly perceive from the letters of Brutus. The legion which Lucius Piso, the lieutenant of Antonius, commanded, has surrendered itself to Cicero, my own son. Of the cavalry, which was being led into Syria in two divisions, one division has left the quaestor who was commanding it, in Thessaly, and has joined Brutus; and Cnaeus Domitius, a young man of the greatest virtue and wisdom and firmness, has carried off the other from the Syrian lieutenant in Macedonia. But Publius Vatinius, who has before this been deservedly praised by us, and who is justly entitled to farther praise at the present time, has opened the gates of Dyrrachium to Brutus, and has given him up his army.

[14] The Roman people then is now in possession of Macedonia, and Illyricum, and Greece. The legions there are all devoted to us, the light-armed troops are ours, the cavalry is ours, and, above all, Brutus is ours, and always will be ours — a man born for the republic, both by his own most excellent virtues, and also by some especial destiny of name and family, both on his father's and on his mother's side. 7.

Does any one then fear war from this man, who, until we commenced the war, being compelled to do so, preferred lying unknown in peace to flourishing in war? Although he, in truth, never did lie unknown, nor can this expression possibly be applied to such great eminence in virtue. For he was the object of regret to the state; he was in every one's mouth, the subject of every one's conversation. But he was so far removed from an inclination to war, that, though he was burning with a desire to see Italy free, he preferred being wanting to the zeal of the citizens, to leading them to put every thing to the issue of war. Therefore, those very men, if there be any such, who find fault with the slowness of Brutus's movements, nevertheless at the same time admire his moderation and his patience. [15]

But I see now what it is they mean: nor, in truth, do they use much disguise. They say that they are afraid how the veterans may endure the idea of Brutus having an army. As if there were any difference between the troops of Aulus Hirtius, of Caius Pansa, of Decimus

Brutus, of Caius Caesar, and this army of Marcus Brutus. For if these four armies which I have mentioned are praised because they have taken up arms for the sake of the liberty of the Roman people, what reason is there why this army of Marcus Brutus should not be classed under the same head? Oh, but the very name of Marcus Brutus is unpopular among the veterans. — More than that of Decimus Brutus? — I think not; for although the action is common to both the Bruti, and although their share in the glory is equal, still those men who were indignant at that deed were more angry with Decimus Brutus, because they said, that it was more improper for it to be executed by him. What now are all those armies laboring at, except to effect the release of Decimus Brutus from a siege? And who are the commanders of those armies? Those men, I suppose, who wish the acts of Caius Caesar to be overturned, and the cause of the veterans to be betrayed. 8. [16]

If Caesar himself were alive, could he, do you imagine, defend his own acts more vigorously than that most gallant man Hirtius defends them? or, is it possible that any one should be found more friendly to the cause than his son? But the one of these, though not long recovered from a year long attack of a most severe disease, has applied all the energy and influence which he had to defending the liberty of those men by whose prayers he considered that he himself had been recalled from death; the other, stronger in the strength of his virtue than in that of his age, has set out with those very veterans to deliver Decimus Brutus. Therefore, those men who are both the most certain and at the same time the most energetic defenders of the acts of Caesar, are waging war for the safety of Decimus Brutus; and they are followed by the veterans. For they see that they must fight to the uttermost for the freedom of the Roman people, not for their own advantages. [17] What reason, then, is there why the army of Marcus Brutus should be an object of suspicion to those men who with the whole of their energies desire the preservation of Decimus Brutus?

But, moreover, if there were any thing which were to be feared from Marcus Brutus, would not Pansa perceive it? Or if he did perceive it, would not he, too, be anxious about it? Who is either more acute in his conjectures of the future, or more diligent in warding off danger? But you have already seen his zeal for, and

inclination toward Marcus Brutus. He has already told us in his speech what we ought to decree, and how we ought to feel with respect to Marcus Brutus. And he was so far from thinking the army of Marcus Brutus dangerous to the republic, that he considered it the most important and the most trusty bulwark of the republic. Either, then, Pansa does not perceive this (no doubt he is a man of dull intellect), or he disregards it. For he is clearly not anxious that the acts which Caesar executed should be ratified, — he, who in compliance with our recommendation is going to bring forward a bill at the comitia centuriata for sanctioning and confirming them. 9.

Let those, then, who have no fear, cease to pretend to be alarmed, and to be exercising their foresight in the cause of the republic. And let those who really are afraid of every thing, cease to be too fearful, lest the pretense of the one party and the inactivity of the other be injurious to us. [18] What, in the name of mischief! is the object of always opposing the name of the veterans to every good cause? For even if I were attached to their virtue, as indeed I am, still, if they were arrogant I should not be able to tolerate their airs. While we are endeavoring to break the bonds of slavery, shall any one hinder us by saying that the veterans do not approve of it? For they are not, I suppose, beyond all counting who are ready to take up arms in defense of the common freedom! There is no man, except the veteran soldiers, who is stimulated by the indignation of a freeman to repel slavery! Can the republic then stand, relying wholly on veterans, without a great reinforcement of the youth of the state? Whom, indeed, you ought to be attached to, if they be assistants to you in the assertion of your freedom, but whom you ought not to follow if they be the advisers of slavery. [19]

Lastly (let me at last say one true word, one word worthy of myself!) — if the inclinations of this order are governed by the nod of the veterans, and if all our words and actions are to be referred to their will, death is what we should wish for, which has always, in the minds of Roman citizens, been preferable to slavery. All slavery is miserable; but some may have been unavoidable. Do you think, then, that there is never to be a beginning of our endeavors to recover our freedom? Or, when we would not bear that fortune which was unavoidable, and which seemed almost as if appointed by destiny,

shall we tolerate the voluntary bondage! All Italy is burning with a desire for freedom. The city can not endure slavery any longer We have given this warlike attire and these arms to the Roman people much later than they have been demanded of us by them. 10. [20]

We have, indeed, undertaken our present course of action with a great and almost certain hope of liberty. But even if I allow that the events of war are uncertain, and that the chances of Mars are common to both sides, still it is worth while to fight for freedom at the peril of one's life. For life does not consist wholly in breathing; there is literally no life at all for one who is a slave. All nations can endure slavery. Our state can not. Nor is there any other reason for this, except that those nations shrink from toil and pain, and are willing to endure any thing so long as they may be free from those evils; but we have been trained and bred up by our forefathers in such a manner, as to measure all our designs and all our actions by the standard of dignity and virtue. The recovery of freedom is so splendid a thing that we must not shun even death when seeking to recover it. But if immortality were to be the result of our avoidance of present danger, still slavery would appear still more worthy of being avoided, in proportion as it is of longer duration. But as all sorts of death surround us on all sides night and day, it does not become a man, and least of all a Roman, to hesitate to give up to his country that breath which he owes to nature. [21]

Men flock together from all quarters to extinguish a general conflagration. The veterans were the first to follow the authority of Caesar and to repel the attempts of Antonius; afterward the Martial legion checked his frenzy; the fourth legion crushed it. Being thus condemned by his own legions, he burst into Gaul which he knew to be adverse and hostile to him both in word and deed. The armies of Aulus Hirtius and Caius Caesar pursued him, and afterward the levies of Pansa roused the city and all Italy. He is the one enemy of all men. Although he has with him Lucius his brother, a citizen very much beloved by the Roman people, the regret for whose absence the city is unable to endure any longer! [22] What can be more foul than that beast? what more savage? who appears born for the express purpose of preventing Marcus Antonius from being the basest of all mortals. They have with them Trebellius, who, now that all debts are

canceled, is become reconciled to them; and Titus Plancus, and other like them; who are striving with all their hearts, and whose sole object is to appear to have been restored against the will of the republic. Saxa and Capho, themselves rustic and clownish men, men who never have seen and who never wish to see this republic firmly established, are tampering with the ignorant classes; men who are not upholding the acts of Caesar but those of Antonius; who are led away by the unlimited occupation of the Campanian district; and who I marvel are not somewhat ashamed when they see that they have actors and actresses for their neighbors. 11. [23]

Why then should we be displeased that the army of Marcus Brutus is thrown into the scale to assist us in overwhelming these pests of the commonwealth? It is the army, I suppose, of an intemperate and turbulent man. I am more afraid of his being too patient; although in all the counsels and actions of that man there never has been any thing either too much or too little. The whole inclinations of Marcus Brutus, O conscript fathers, the whole of his thoughts, the whole of his ideas, are directed toward the authority of the senate and the freedom of the Roman people. These are the objects which he proposes to himself; these are what he desires to uphold. He has tried what he could do by patience; as he did nothing, he has thought it necessary to encounter force by force. And, O conscript fathers, you ought at this time to grant him the same honors which on the nineteenth of December you conferred by my advice on Decimus Brutus and Caius Caesar, whose designs and conduct in regard to the republic, while they also were but private individuals, was approved of and praised by your authority. [24] And you ought to do the same now with respect to Marcus Brutus, by whom an unhoped for and sudden reinforcement of legions and cavalry, and numerous and trusty bands of allies, have been provided for the republic.

Quintus Hortensius also ought to have a share of your praise, who, being governor of Macedonia, joined Brutus as a most faithful and untiring assistant in collecting that army. For I think that a separate motion ought to be made respecting Marcus Appuleius, to whom Brutus bears witness in his letters that he has been a prime assistant to him in his endeavors to get together and equip his army. [25] And since this is the case,

“As Caius Pansa the consul has addressed to us a speech concerning the letters which have been received from Quintus Caepio Brutus, proconsul, and have been read in this assembly, I give my vote in this matter thus:

“Since, by the exertions and wisdom and industry and valor of Quintus Caepio Brutus, proconsul, at a most critical period of the republic, the province of Macedonia, and Illyricum, and all Greece, and the legions and armies and cavalry, have been preserved in obedience to the consuls and senate and people of Rome; Quintus Caepio Brutus, proconsul, has acted well, and in a manner advantageous to the republic, and suitable to his own dignity and to that of his ancestors, and to the principles according to which alone the affairs of the republic can be properly managed; and that conduct is and will be grateful to the senate and people of Rome. [26]

“And moreover, as Quintus Caepio Brutus, proconsul, is occupying and defending and protecting the province of Macedonia, and Illyricum, and all Greece, and is preserving them in safety; and as he is in command of an army which he himself has levied and collected, he is at liberty if he has need of any, to exact money for the use of the military service, which belongs to the public, and can lawfully be exacted, and to use it, and to borrow money for the exigencies of the war from whomsoever he thinks fit, and to exact corn, and to endeavor to approach Italy as near as he can with his forces. And as it has been understood from the letters of Quintus Caepio Brutus, proconsul, that the republic has been greatly benefited by the energy and valor of Quintus Hortensius, proconsul, and that all his counsels have been in harmony with those of Quintus Caepio Brutus, proconsul, and that that harmony has been of the greatest service to the republic; Quintus Hortensius has acted well and becomingly, and in a manner advantageous to the republic. And the senate decrees that Quintus Hortensius, proconsul, shall occupy the province of Macedonia with his quaestors, or proquaestors and lieutenants, until he shall have a successor regularly appointed by a resolution of the senate.”

THE ELEVENTH PHILIPPIC.

THE ARGUMENT.

A short time after the delivery of the preceding speech, news came to Rome of Dolabella (the colleague of Antonius) having been very successful in Asia. He had left Rome before the expiration of his consulship to take possession of Syria, which Antonius had contrived to have allotted him; and he hoped to prevail on the inhabitants of the province of Asia also to abandon Trebonius (who had been one of the slayers of Caesar, and was governor of Asia), and submit to him. Trebonius was residing at Smyrna; and Dolabella arrived before the walls of that town with very few troops, requesting a free passage through Trebonius's province. Trebonius refused to admit him into the town, but promised that he would permit him to enter Ephesus. Dolabella, however, effected an entry into Smyrna by a nocturnal surprise, and seized Trebonius, whom he murdered with great cruelty.

As soon as the news of this event reached Rome, the consul summoned the senate, which at once declared Dolabella a public enemy, and confiscated his estate. Calenus was the mover of this decree. But besides this motion there was another question to be settled, namely, who was to be appointed to conduct the war against Dolabella. Some proposed to send Publius Servilius; others, that the two consuls should be sent, and should have the two provinces of Asia and Syria allotted to them; and this last proposition Pansa himself was favorable to; and it was supported not only by his friends, but also by the partisans of Antonius, who thought it would draw off the consuls from their present business of relieving Decimus Brutus. But Cicero thought that it would be an insult to Cassius, who was already in those countries, to supersede him as it were, by sending anyone else to command there; and so he exerted all his influence to procure a decree entrusting the command to him; though Servilia, the mother-in-law of Cassius, and other of Cassius's friends, begged him not to disoblige Pansa. He persevered, however, and made the following speech in support of his opinion.

It appears that Cicero failed in his proposition through the influence of Pansa; but before any orders came from Rome, Cassius had defeated Dolabella near Laodicea, and he killed himself to avoid falling into the hands of his conqueror.

1. Amid the great grief, O conscript fathers, or rather misery which we have suffered at the cruel and melancholy death of Caius Trebonius, a most virtuous citizen and a most moderate man, there is still a circumstance or two in the case which I think will turn out beneficial to the republic. For we have now thoroughly seen what great barbarity these men are capable of who have taken up wicked arms against their country. For these two, Dolabella and Antonius, are the very blackest and foulest monsters that have ever lived since the birth of man; one of whom has now done what he wished; and as to the other, it has been plainly shown what he intended. Lucius. Cinna was cruel; Caius Marius was unrelenting in his anger; Lucius Sulla was fierce; but still the inhumanity of none of these men ever Went beyond death; and that punishment indeed was thought too cruel to be inflicted on citizens. [2]

Here now you have a pair equal in wickedness; unprecedented, unheard of, savage, barbarous. Therefore those men whose vehement mutual hatred and quarrel you recollect a short time ago, have now been united in singular unanimity and mutual attachment by the singularity of their wicked natures and most infamous lives. Therefore, that which Dolabella has now done in a case in which he had the power, Antonius threatens many with. But the former, as he was a long way from our counsels and armies, and as he was not yet aware that the senate had united with the Roman people, relying on the forces of Antonius, has committed those wicked actions which he thought were already put in practice at Rome by his accomplice in wickedness. [3] What else then do you think that this man is contriving or wishing, or what other object do you think he has in the war? All of us who have either entertained the thoughts of freemen concerning the republic, or have given utterance to opinions worthy of ourselves, he decides to be not merely opposed to him, but actual enemies. And he plans inflicting bitterer punishments on us than on the enemy; he thinks death a punishment imposed by nature, but

torments and tortures the proper inflictions of anger. What sort of enemy then must we consider that man who, if he be victorious, requires one to think death a kindness if he spares one the tortures with which it is in his power to accompany it? 2.

Wherefore, O conscript fathers, although you do not need any one to exhort you (for you yourself have of your own accord warmed up with the desire of recovering your freedom), still defend, I warn you, your freedom with so much the more zeal and courage, in proportion as the punishments of slavery with which you see the conquered are threatened are more terrible. [4] Antonius has invaded Gaul; Dolabella, Asia; each a province with which he had no business whatever. Brutus has opposed himself to the one, and at the peril of his own life has checked the onset of that frantic man wishing to harass and plunder every thing, has prevented his farther progress, and has cut him off from his return. By allowing himself to be besieged he has hemmed in Antonius on each side.

The other has forced his way into Asia. With what object! If it was merely to proceed into Syria, he had a road open to him which was sure, and was not long. What was the need of sending forward some Marsian, they call him Octavius, with a legion; a wicked and necessitous robber; a man to lay waste the lands, to harass the cities, not from any hope of acquiring any permanent property, which they who know him say that he is unable to keep (for I have not the honor of being acquainted with this senator myself), but just as present food to satisfy his indigence? [5] Dolabella followed him, without any one having any suspicion of war. For how could any one think of such a thing? Very friendly conferences with Trebonius ensued; embraces, false tokens of the greatest good-will, were there full of simulated affection; the pledge of the right hand, which used to be a witness of good faith, was violated by treachery and wickedness; then came the nocturnal entry into Smyrna, as if into an enemy's city — Smyrna, which is a city of our most faithful and most ancient allies; then the surprise of Trebonius, who, if he were surprised by one who was an open enemy, was very careless; if by one who up to that moment maintained the appearance of a citizen, was miserable. And by his example fortune wished us to take a lesson of what the conquered party had to fear. He handed over a man of consular rank, governing

the province of Asia with consular authority, to an exiled armorer; he would not slay him the moment that he had taken him, fearing, I suppose, that his victory might appear too merciful; but after having attacked that most excellent man with insulting words from his impious mouth, then he examined him with scourges and tortures. Concerning the public money, and that for two days together. Afterward he cut off his head, and ordered it to be fixed on a javelin and carried about; and the rest of his body, having been dragged through the street and town, he threw into the sea.

[6] We, then, have to war against this enemy by whose most foul cruelty all the savageness of barbarous nations is surpassed. Why need I speak of the massacre of Roman citizens! of the plunder of temples? Who is there who can possibly deplore such circumstances as their atrocity deserves? And now he is ranging all over Asia, he is triumphing about as a king, he thinks that we are occupied in another quarter by another war, as if it were not one and the same war against this outrageous pair of impious men. 3.

You see now an image of the cruelty of Marcus Antonius in Dolabella; this conduct of his is formed on the model of the other. It is by him that the lessons of wickedness have been taught to Dolabella. Do you think that Antonius, if he had the power, would be more merciful in Italy than Dolabella has proved in Asia? To me, indeed, this latter appears to have gone as far as the insanity of a savage man could go; nor do I believe that Antonius either would omit any description of punishment, if he had only the power to inflict it.

[7] Place then before your eyes, O conscript fathers, that spectacle, miserable indeed, and tearful, but still indispensable to rouse your minds properly: the nocturnal attack upon the most beautiful city in Asia; the irruption of armed men into Trebonius's house, when that unhappy man saw the swords of the robbers before he heard what was the matter; the entrance of Dolabella, raging, — his ill-omened voice, and infamous countenance, — the chains, the scourges, the rack, the armorer who was both torturer and executioner; all which they say that the unhappy Trebonius endured with great fortitude. A great praise, and in my opinion indeed the greatest of all, for it is the part of a wise man to resolve beforehand that whatever can happen to

a brave man is to be endured with patience if it should happen. It is indeed a proof of altogether greater wisdom to act with such foresight as to prevent any such thing from happening; but it is a token of no less courage to bear it bravely if it should befall one. [8]

And Dolabella was indeed so wholly forgetful of the claims of humanity (although, indeed, he never had any particular recollection of it), as to vent his insatiable cruelty, not only on the living man, but also on the dead carcass, and, as he could not sufficiently glut his hatred, to feed his eyes also on the lacerations inflicted, and the insults offered to his corpse. 4.

O Dolabella, much more wretched than he whom you intended to be the most wretched of all men! Trebonius endured great agonies; many men have endured greater still, from severe disease, whom, however, we are in the habit of calling not miserable, but afflicted. His sufferings, which lasted two days, were long; but many men have had sufferings lasting many years; nor are the tortures inflicted by executioners more terrible than those caused by disease are sometimes. [9] There are other tortures, — others, I tell you, O you most abandoned and insane man, which are far more miserable. For in proportion as the vigor of the mind exceeds that of the body, so also are the sufferings which rack the mind more terrible than those which are endured by the body. He, therefore, who commits a wicked action is more wretched than he who is compelled to endure the wickedness of another. Trebonius was tortured by Dolabella; and so, indeed, was Regulus by the Carthaginians. If on that account the Carthaginians were considered very cruel for such behavior to an enemy, what must we think of Dolabella, who treated a citizen in such a manner? Is there any comparison? or can we doubt which of the two is most miserable? he whose death the senate and Roman people wish to avenge, or he who has been adjudged an enemy by the unanimous vote of the senate? For in every other particular of their lives, who could possibly, without the greatest insult to Trebonius, compare the life of Trebonius to that of Dolabella? Who is ignorant of the wisdom, and genius, and humanity, and innocence of the one, and of his greatness of mind as displayed in his exertions for the freedom of his country? The other, from his very childhood, has taken delight in cruelty; and, moreover, such has been the

shameful nature of his lusts, that he has always delighted in the very fact of doing those things which he could not even be reproached with by a modest enemy.

[10] And this man, O ye immortal gods, was once my relation! For his vices were unknown to one who did not inquire into such things: nor perhaps should I now be alienated from him if he had not been discovered to be an enemy to you, to the walls of his country, to this city, to our household gods, to the altars and hearths of all of us, — in short, to human nature and to common humanity. But now, having received this lesson from him, let us be the more diligent and vigilant in being on our guard against Antonius. 5.

Indeed, Dolabella had not with him any great number of notorious and conspicuous robbers. But you see there are with Antonius, and in what numbers. In the first place, there is his brother Lucius — what a fire-brand, O ye immortal gods! what an incarnation of crime and wickedness! what a gulf, what a whirlpool of a man! What do you think that man incapable of swallowing up in his mind, or gulping down in his thoughts? Who do you imagine there is whose blood he is not thirsting for? who on whose possessions and fortunes he is not fixing his most impudent eyes, his hopes, and his whole heart? What shall we say of Censorinus? who, as far as words go, said indeed that he wished to be the city praetor; but who, in fact, was unwilling to be so. [11] What of Bestia, who professes that he is a candidate for the consulship in the place of Brutus? May Jupiter avert from us this most detestable omen! But how absurd is it for a man to stand for the consulship who can not be elected praetor! unless, indeed, he thinks his conviction may be taken as an equivalent to the praetorship Let this second Caesar, this great Vopiscus, a man of consummate genius, of the highest influence, who seeks the consulship immediately after having been aedile, be excused from obedience to the laws. Although, indeed, the laws do not bind him, on account, I suppose, of his exceeding dignity. But this man has been acquitted five times when I have defended him. To win a sixth city victory is difficult, even in the case of a gladiator. However, this is the fault of the judges; not mine. I defended him with perfect good faith; they were bound to retain a most illustrious and excellent: citizen in the republic; who now, however, appears to have no other object except

to make us understand that those men whose judicial decisions we annulled, decided rightly and in a manner advantageous to the republic. [12]

Nor is this the case with respect to this man alone; there are other men in the same camp honestly condemned and shamefully restored; what counsel do you imagine can be adopted by those men who are enemies to all good men, that is not utterly cruel? There is besides a fellow called Saxa; I don't know who he is; some man whom Caesar imported from the extremity of Celtiberia and gave us for a tribune of the people. Before that, he was a measurer of ground for camps; now he hopes to measure out and value the city. May the evils which this foreigner predicts to us fall on his own head, and may we escape in safety! With him is the veteran Capho; nor is there any man whom the veteran troops hate more cordially: to these men, as if in addition to the dowry which they had received during our civil disasters, Antonius had given the Campanian district, that they might have it as a sort of nurse for their other estates. I only wish they would be contented with them! We would bear it then, though it would not be what ought to be borne; but still it would be worth our while to bear any thing, as long as we could escape this most shameful war. 6.

What more? Have you not before your eyes those ornaments of the camp of Marcus. Antonius? [13] In the first place, these two colleagues of the Antonii and Dolabella, Nucula and Lento, the dividers of all Italy according to that law which the senate pronounced to have been carried by violence; one of whom has been a writer of farces, and the other an actor of tragedies. Why should I speak of Domitius the Apulian? whose property we have lately seen advertised, so great is the carelessness of his agents. But this man lately was not content with giving poison to his sister's son, he actually drenched him with it. But it is impossible for these men to live in any other than a prodigal manner, who hope for our property while they are squandering their own. I have seen also an auction of the property of Publius Decius, an illustrious man; who, following the example of his ancestors, devoted himself for the debts of another. But at that auction no one was found to be a purchaser. Ridiculous man to think it possible to escape from debt by selling other people's property! For why should I speak of Trebellius? on

whom the furies of debts seem to have wreaked their vengeance; for we have seen one table avenging another. [14] Why should I speak of Plancus? whom that most illustrious citizen Aquila has driven from Pollentia, — and that too with a broken leg; and I wish he had met with that accident earlier, so as not to be liable to return hither.

I had almost passed over the light and glory of that army, Caius Annius Cimber, the son of Lysidicus, a Lysidicus himself in the Greek meaning of the word, since he has broken all laws, unless perhaps it is natural for a Cimbrian to slay a German. When Antonius has such numbers with him, and those too men of that sort, what crime will he shrink from, when Dolabella has polluted himself with such atrocious murders without at all an equal troop of robbers to support him? [15] Wherefore, as I have often at other times differed against my will from Quintus Fufius, so on this occasion I gladly agree with his proposition. And from this you may see that my difference is not with the man, but with the cause which he sometimes advocates.

Therefore, at present I not only agree with Quintus Fufius, but I even return thanks to him; for he has given utterance to opinions which are upright, and dignified, and worthy of the republic. He has pronounced Dolabella a public enemy; he has declared his opinion that his property ought to be confiscated by public authority. And though nothing could be added to this (for, indeed, what could he propose more severe or more pitiless?), nevertheless, he said that if any of those men who were asked their opinion after him proposed any more severe sentence, he would vote for it. Who can avoid praising such severity as this? 7. [16]

Now, since Dolabella has been pronounced a public enemy, he must be pursued by war. For he himself will not remain quiet. He has a legion with him; he has troops of runaway slaves, he has a wicked band of impious men; he himself is confident, intemperate, and bent on falling by the death of a gladiator. Wherefore since as. Dolabella was voted an enemy by the decree which was passed yesterday, war must be waged, we must necessarily appoint a general.

Two opinions have been advanced; neither of which do I approve. The one, because I always think it dangerous unless it be absolutely necessary; the other, because I think it wholly unsuited to the

emergency. [17] For an extraordinary commission is a measure suited rather to the fickle character of the mob; one which does not at all become our dignity or this assembly. In the war against Antiochus, a great and important war, when Asia had fallen by lot to Lucius Scipio as his province, and when he was thought to have hardly spirit and hardly vigor enough for it; and when the senate was inclined to entrust the business to his colleague Caius Laelius, the father of this Laelius, who was surnamed the Wise; Publius Africanus, the elder brother of Lucius Scipio, rose up, and entreated them not to cast such a slur on his family, and said that in his brother there was united the greatest possible valor, with the most consummate prudence; and that he too, notwithstanding his age, and all the exploits which he had performed, would attend his brother as his lieutenant. And after he had said this, nothing was changed in respect to Scipio's province; nor was any extraordinary command sought for any more in that war than in those two terrible Punic wars which had preceded it, which were carried on and conducted to their termination either by the consuls or by dictators; or than in the war with Pyrrhus, or in that with Philippus, or afterward in the Achaean war, or in the third Punic war; for which last the Roman people took great care to select a suitable general, Publius Scipio, but at the same time it appointed him to the consulship in order to conduct it. 8. [18]

War was to be waged against Aristonicus in the consulship of Publius Licinius and Lucius. Valerius. The people consulted as to whom it wished to have the management of that war. Crassus, the consul and Pontifex Maximus, threatened to impose a fine upon Flaccus his colleague, the priest of Mars, if he deserted the sacrifices. And though the people remitted the fine, still they ordered the priest to submit to the commands of the pontiff. But even then the Roman people did not commit the management of the war to a private individual; although there was Africanus, who the year before had celebrated a triumph over the people of Numantia; and who was far superior to all men in martial renown and military skill; yet he only gained the votes of two tribunes. And accordingly the Roman people entrusted the management of the war to Crassus the consul rather than to the private individual Africanus. As to the commands given to Cnaeus Pompeius, that most illustrious man, that first of men, they

were carried by some turbulent tribunes of the people. For the war against Sertorius was only given by the senate to a private individual because the consuls refused it; when Lucius Philippus said that he sent the general in the place of the two consuls, not as proconsul. [19]

What then is the object of these comitia? or what is the meaning of this canvassing which that most wise and dignified citizen, Lucius Caesar, has introduced into the senate? He has proposed to vote a military command to one who is certainly a most illustrious and unimpeachable man, but still only a private individual. And by doing so he has imposed a heavy burden upon us. Suppose I agree; shall I by so doing countenance the introduction of the practice of canvassing into the senate-house? Suppose I vote against it; shall I appear as if I were in the comitia to have refused an honor to a man who is one of my greatest friends? But if we are to have the comitia in the senate, let us ask for votes, let us canvass; let a voting-tablet be given us, just as one is given to the people. Why do you, O Caesar, allow it to be so managed that either a most illustrious man, if your proposition be not agreed to, shall appear to have received a repulse, or else that one of us shall appear to have been passed over, if, while we were men of equal dignity, we are not considered worthy of equal honor?

[20] But (for this is what I hear is said), I myself gave by my own vote an extraordinary commission to Caius Caesar. Yes, indeed, for he had given me extraordinary protection; when I say me, I mean he had given it to the senate and to the Roman people. Was I to refuse giving an extraordinary military command to that man from whom the republic had received protection which had never even been thought of, but that still was of so much consequence that without it she could not have been safe? There were only the alternatives of taking his army from him, or giving him such a command. For on what principle or by what means can an army be retained by a man who has not been invested with any military command? We must not, therefore, think that a thing has been given to a man which has, in fact, not been taken away from him. You would, O conscript fathers have taken a command away from Caius Caesar, if you had not given him one. The veteran soldiers, who, following his authority and command and name, had taken up arms in the cause of the

republic, desired to be commanded by him. The Martial legion and the fourth legion had submitted to the authority of the senate, and had devoted themselves to uphold the dignity of the republic, in such a way as to feel that they had a right to demand Caius Caesar for their commander. It was the necessity of the war that invested Caius Caesar with military command; the senate only gave him the ensigns of it. But I beg you to tell me, O Lucius. Caesar, — I am aware that I am arguing with a man of the greatest experience, — when did the senate ever confer a military command on a private individual who was in a state of inactivity, and doing nothing? 9.

However, I have been speaking hitherto to avoid the appearance of gratuitously opposing a man who is a great friend of mine, and who has showed me great kindness. Although, can one deny a thing to a person who not only does not ask for it, but who even refuses it? [21] But, O conscript fathers, that proposition is unsuited to the dignity of the consuls, unsuited to the critical character of the times; namely, the proposition that the consuls, for the sake of pursuing Dolabella, shall have the provinces of Asia and Syria allotted to them. I will explain why it is inexpedient for the republic; but first of all, consider what ignominy it fixes on the consuls. When a consul elect is being besieged, when the safety of the republic depends upon his liberation, when mischievous and parricidal citizens have revolted from the republic, and when we are carrying on a war in which we are fighting for our dignity, for our freedom, and for our lives; and when, if any one falls into the power of Antonius, tortures and torments are prepared for him; and when the struggle for all these objects has been committed and entrusted to our most admirable and gallant consuls, — shall any mention be made of Asia and Syria, so that we may appear to have given any injurious cause for others to entertain suspicion of us, or to bring us into unpopularity? [22] They do indeed propose it, “after having liberated Brutus,” — for those were the last words of the proposal; say rather, after having deserted, abandoned, and betrayed him.

But I say that any mention whatever of any provinces has been made at a most unseasonable time. For although your mind, O Caius Pansa, be ever so intent, as indeed it is, on effecting the liberation of the most brave and illustrious of all men, still the nature of things

would compel you inevitably sometimes to turn your thoughts to the idea of pursuing Antonius, and to divert some portion of your care and attention to Asia and Syria But if it were possible I could wish you to have more minds than one and yet to direct them all upon Mutina. But since that is impossible, I do wish you, with that most virtuous and all accomplished mind which you have got, to think of nothing but Brutus. [23] And that indeed, is what you are doing; that is what you are especially striving at; but still no man can, I will not say do two things, especially two most important things, at one time, but he can not even do entire justice to them both in his thoughts. It is our duty rather to spur on and inflame that excellent eagerness of yours, and not to transfer any portion of it to another object of care in a different direction. 10.

Add to these considerations the way men talk, the way in which they nourish suspicion, the way in which they take dislikes. Imitate me whom you have always praised; for I rejected a province fully appointed and provided by the senate, for the purpose of discarding all other thoughts, and devoting all my efforts to extinguishing the conflagration that threatened to consume my country. There was no one except me alone, to whom, indeed, you would, in consideration of our intimacy, have been sure to communicate any thing which concerned your interests, who would believe that the province had been decreed to you against your will. I entreat you, check, as is due to your eminent wisdom, this report, and do not seem to be desirous of that which you do not in reality care about. [24] And you should take the more care of this point, because your colleague, a most illustrious man, can not fall under the same suspicion. He knows nothing of all that is going on here; he suspects nothing; he is conducting the war; he is standing in battle array; he is fighting for his blood and for his life; he will hear of the province being decreed to him before he could imagine that there had been time for such a proceeding. I am afraid that our armies too, which have devoted themselves to the republic, not from any compulsory levy, but of their own voluntary zeal, will be checked in their ardor, if they suppose that we are thinking of any thing but instant war.

But if provinces appear to the consuls as things to be desired, as they often have been desired by many illustrious men; first restore us

Brutus, the light and glory of the state; whom we ought to preserve like that statue which fell from heaven, and is guarded by the protection of Vesta: which, as long as it is safe, insures our safety also. Then we will raise you, if it be possible, even to heaven on our shoulders; unquestionably we will select for you the most worthy provinces. But at present let us apply ourselves to the business before us. And the question is, whether we will live as freemen, or die; for death is certainly to be preferred to slavery. [25] What more need I say? Suppose that proposition causes delay in the pursuit of Dolabella? For when will the consul arrive? Are we waiting till there is not even a vestige of the towns and cities of Asia left? "But they will send some one of their officers." — That will certainly be a step that I shall quite approve of; I who just now objected to giving any extraordinary military command to ever so illustrious a man if he were only a private individual. "But they will send a man worthy of such a charge." Will they send one more worthy than Publius Servilius? But the city has not such a man. What then he himself thinks ought to be given to no one, not even by the senate, can I approve of that being conferred by the decision of one man? [26] We have need, O conscript fathers, of a man ready and prepared, and of one who has a military command legally conferred on him; and of one who, besides this, has authority, and a name, and an army, and a courage which has been already tried in his exertions for the deliverance of the republic. 11.

Who then is that man? Either Marcus Brutus, or Caius Cassius, or both of them. I would vote in plain words, as there are many precedents for, one consul or both, if we had not already hampered Brutus sufficiently in Greece, and if we had not preferred having his reinforcement approach nearer to Italy rather than move farther off toward Asia; not so much in order to receive succor ourselves from that army, as to enable that army to receive aid across the water. Besides, O conscript fathers, even now Caius. Antonius is detaining Marcus Brutus, for he occupies Apollonia, a large and important city; he occupies, as I believe, Byllis; he occupies Amantia; he is threatening Epirus; he is pressing on Illyricum; he has with him several cohorts, and he has cavalry. If Brutus be transferred from this district to any other war, we shall at all events lose Greece. We must

also provide for the safety of Brundusium and all that coast of Italy. Although I marvel that Antonius delays so long; for he is accustomed usually to put on his marching dress, and not to endure the fear of a siege for any length of time. But if Brutus has finished that business, and perceives that he can better serve the republic by pursuing Dolabella than by remaining in Greece, he will act of his own head, as he has hitherto done; nor amid such a general conflagration will he wait for the orders of the senate when instant help is required. [27] For both Brutus and Cassius have in many instances been a senate to themselves. For it is quite inevitable that in such a confusion and disturbance of all things men should be guided by the present emergency rather than by precedent. Nor will this be the first time that either Brutus or Cassius has considered the safety and deliverance of his country his most holy law and his most excellent precedent. Therefore, if there were no motion submitted to us about the pursuit of Dolabella, still I should consider it equivalent to a decree, when there were men of such a character for virtue, authority, and the greatest nobleness, possessing armies, one of which is already known to us, and the other has been abundantly heard of. 12.

Brutus then, you may be sure, has not waited for our decrees, as he was sure of our desires. For he is not gone to his own province of Crete; he has flown to Macedonia, which belonged to another; he has accounted every thing his own which you have wished to be yours; he has enlisted new legions; he has received old ones; he has gained over to his own standard the cavalry of Dolabella, and, even before that man was polluted with such enormous parricide, he, of his own head, pronounced him his enemy. For if he were not one, by what right could he himself have tempted the cavalry to abandon the consul? [28] What more need I say? Did not Caius Cassius, a man endowed with equal greatness of mind and with equal wisdom, depart from Italy with the deliberate object of preventing Dolabella from obtaining possession of Syria? By what law? By what right? By that which Jupiter himself has sanctioned, that every thing which was advantageous to the republic should be considered legal and just.

For law is nothing but a correct principle drawn from the inspiration of the gods, commanding what is honest, and forbidding the contrary. Cassius, therefore, obeyed this law when he went into

Syria; a province which belonged to another, if men were to abide by the written laws; but which, when these were trampled under foot, was his by the law of nature. [29] But in order that they may be sanctioned by your authority also, I now give my vote, that,

"As Publius Dolabella, and those who have been the ministers of and accomplices and assistants in his cruel and infamous crime, have been pronounced enemies of the Roman people by the senate, [30] and as the senate has voted that Publius Dolabella shall be pursued with war, in order that he who has violated all laws of men and gods by a new and unheard of and inexpiable wickedness, and has committed the most infamous treason against his country, may suffer the punishment which is his due, and which he has well deserved at the hands of gods and men; the senate decrees that Caius Cassius, proconsul, shall have the government of Syria as one appointed to that province with all due form; and that he shall receive their armies from Quintus Marcius Crispus, proconsul, from Lucius Statius Marcus, proconsul, from Aulus Allienus, lieutenant, and that they shall deliver them up to him; and that he, with these troops and with any more which he may have got from other quarters, shall pursue Dolabella with war both by sea and land; that, for the sake of carrying on war, he shall have authority and power to buy ships, and sailors, and money, and whatever else may be necessary or useful for the carrying on of the war, in whatever places it seems fitting to him to do so, throughout Syria, Asia, Bithynia, and Pontus; and that, in whatever province he shall arrive for the purpose of carrying on that war, in that province as soon as Caius Cassius, proconsul, shall arrive in it, the power of Caius Cassius, proconsul, shall be superior to that of him who may be the regular governor of the province at the time. [31] That king Deiotarus the father, and also king Deiotarus the son, if they assist Caius Cassius, proconsul, with their armies and treasures, as they have heretofore often assisted the generals of the Roman people, will do a thing which will be grateful to the senate and people of Rome; and that also, if the rest of the kings and tetrarchs and governors in those districts do the same, the senate and people of Rome will not be forgetful of their loyalty and kindness; and that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as it seems good to them, as soon as they have reestablished the republic,

shall at the earliest opportunity submit a motion to this order about the consular and praetorian provinces; and that, in the meantime, the provinces should continue to be governed by those officers by whom they are governed at present, until a successor be appointed to each by a resolution of the senate." 13. [32]

By this resolution of the senate you will inflame the existing ardor of Cassius, and you will give him additional arms; for you can not be ignorant of his disposition, or of the resources which he has at present. His disposition is such as you see; his resources, which you have heard stated to you, are those of a gallant and resolute man, who, even while Trebonius was alive, would not permit the piratical crew of Dolabella to penetrate into Syria. Allienus, my intimate friend and connection, who went thither after the death of Trebonius, will not permit himself to be called the lieutenant of Dolabella. The army of Quintus Caecilius Bassus, a man indeed without any regular appointment, but a brave and eminent man, is vigorous and victorious. [33] The army of Deiotarus the king, both father and son, is very numerous; and equipped in our fashion. Moreover, in the son there is the greatest hope, the greatest vigor of genius and a good disposition, and the most eminent valor. Why need I speak of the father? whose good-will toward the Roman people is coeval with his life; who has not only been the ally of our commanders in their wars, but has also served himself as the general of his own troops. What great things have Sulla, and Murena, and Servilius, and Lucullus said of that man; what complimentary, what honorable and dignified mention have they often made of him in the senate! [34] Why should I speak of Cnaeus Pompeius? who considered Deiotarus the only friend and real well-wisher from his heart, the only really loyal man to the Roman people in the whole world? We were generals, Marcus Bibulus and I, in neighboring provinces bordering on his kingdom; and we were assisted by that same monarch both with cavalry and infantry. Then followed this most miserable and disastrous civil war; in which I need not say what Deiotarus ought to have done, or what would have been the most proper course which he could have adopted, especially as victory decided for the party opposed to the wishes of Deiotarus. And if in that war he committed any error, he did so in common with the senate. If his judgment was the right one,

then even though defeated it does not deserve to be blamed. To these resources other kings and other levies of troops will be added. [35] Nor will fleets be wanting to us; so greatly do the Tyrians esteem Cassius, so mighty is his name in Syria and Phoenicia. 14.

The republic, O conscript fathers, has a general ready against Dolabella, in Caius Cassius, and not ready only, but also skillful and brave. He performed great exploits before the arrival of Bibulus, a most illustrious man, when he defeated the most eminent generals of the Parthians and their innumerable armies, and delivered Syria from their most formidable invasion. I pass over his greatest and most extraordinary glory; for as the mention of it is not yet acceptable to every one, we had better preserve it in our recollection than by hearing testimony to it with our voice.

[36] I have noticed, O conscript fathers, that some people have said before now, that even Brutus is too much extolled by me, that Cassius is too much extolled; and that by this proposition of mine absolute power and quite a principality is conferred upon Cassius. Whom do I extol? Those who are themselves the glory of the republic. What? have I not at all times extolled Decimus Brutus whenever I have delivered my opinion at all? Do you then find fault with me? or should I rather praise the Antonii, the disgrace and infamy not only of their own families, but of the Roman name? or should I speak in favor of Censorinus, an enemy in time of war, an assassin in time of peace? or should I collect all the other ruined men of that band of robbers? But I am so far from extolling those enemies of tranquillity, of concord, of the laws, of the courts of justice, and of liberty, that I cannot avoid hating them as much as I love the republic. [37] “Beware, says one, “how you offend the veterans. For this is what I am most constantly told. But I certainly ought to protect the rights of the veterans; of those at least who are well disposed; but surely I ought not to fear them. And those veterans who have taken up arms in the cause of the republic, and have followed Caius Caesar, remembering the kindnesses which they received from his father, and who at this day are defending the republic to their own great personal danger, — those I ought not only to defend, but to seek to procure additional advantages for them. But those also who remain quiet, such as the sixth and eighth legion, I consider worthy

of great glory and praise. But as for those companions of Antonius, who after they have devoured the benefits of Caesar, besiege the consul elect, threaten this city with fire and sword, and have given themselves up to Saxa and Capho, men born for crime and plunder, who is there who thinks that those men ought to be defended? Therefore the veterans are either good men, whom we ought to load with distinctions; or quiet men, whom we ought to preserve; or impious ones, against whose frenzy we have declared war and taken up legitimate arms. 15. [38]

Who then are the veterans whom we are to be fearful of offending? Those who are desirous to deliver Decimus Brutus from siege? for how can those men, to whom the safety of Brutus is dear, hate the name of Cassius? Or those men who abstain from taking arms on either side? I have no fear of any of those men who delight in tranquillity becoming a mischievous citizen. But as for the third class, whom I call not veteran soldiers, but infamous enemies, I wish to inflict on them the most bitter pain. Although, O conscript fathers, how long are we to deliver our opinions as it may please the veterans? why are we to yield so much to their haughtiness? why are we to make their arrogance of such importance as to choose our generals with reference to their pleasure? [39] But I (for I must speak, O conscript fathers, what I feel) think that we ought not so much to regard the veterans, as to look at what the young soldiers, the flower of Italy — at what the new legions, most eager to effect the deliverance of their country — at what all Italy will think of your wisdom. For there is nothing which flourishes forever. Age succeeds age. The legions of Caesar have flourished for a long time; but now those who are flourishing are the legions of Pansa, and the legions of Hirtius, and the legions of the son of Caesar, and the legions of Plancus. They surpass the veterans in number; they have the advantage of youth; moreover, they surpass them also in authority. For they are engaged in waging that war which is approved of by all nations. Therefore, rewards have been promised to these latter. To the former they have been already paid; — let them enjoy them. But let these others have those rewards given to them which we have promised them. [40] For that is what I hope that the immortal gods will consider just.

And as this is the case, I give my vote for the proposition which I have made to you, O conscript fathers, being adopted by you.

THE TWELFTH PHILIPPIC.

THE ARGUMENT.

Decimus Brutus was in such distress in Mutina, that his friends began to be alarmed, fearing that, if he fell into the hands of Antonius, he would be treated as Trebonius had been. And, as the friends of Antonius gave out that he was now more inclined to come to terms with the senate, a proposition was made and supported by Pansa, to send a second embassy to him. And even Cicero at first consented to it, and allowed himself to be nominated with Servilius and three other senators, all of consular rank; but on more mature reflection he was convinced that he had been guilty of a blunder, and that the object of Antonius and his friends was only to gain time for Ventidius to join him with his three legions. Accordingly, at the next meeting of the senate, he delivered the following speech, retracting his former sanction of the proposed embassy. And he spoke so strongly against it, that the measure was abandoned, and Pansa soon afterward marched with his army to join Hirtius and Octavius, with the intention of forcing Antonius to a battle.

1. Although, O conscript fathers, it seems very unbecoming for that man whose counsels you have so often adopted in the most important affairs, to be deceived and deluded, and to commit mistakes; yet I console myself, since I made the mistake in company with you, and in company also with a consul of the greatest wisdom. For when two men of consular rank had brought us hope of an honorable peace, they appeared, as being friends and extremely intimate with Marcus Antonius, to be aware of some weak point about him with which we were unacquainted. His wife and children are in the house of one; the other is known every day to send letters to, to receive letters from, and openly to favor Antonius.

[2] These men, then, appeared likely to have some reason for exhorting us to peace, which they had done for some time. The consul, too, added the weight of his exhortation; and what a consul! If we look for prudence, one who was not easily to be deceived; if for

virtue and courage, one who would never admit of peace unless Antonius submitted and confessed himself to be vanquished; if for greatness of mind, one who would prefer death to slavery. You too, O conscript fathers, appeared to be induced to think not of accepting but of imposing conditions, not so much because you were forgetful of your most important and dignified resolutions, as because you had hopes suggested you of a surrender on the part of Antonius, which his friends preferred to call peace. My own hopes, and I imagine yours also, were increased by the circumstance of my hearing that the family of Antonius was overwhelmed with distress, and that his wife was incessantly lamenting. And in this assembly, too, I saw that the partisans, on whose countenance my eyes are always dwelling looked more sorrowful than usual. [3] And if that is not so, why on a sudden has mention been made of peace by Piso and Calenus of all people in the world, why at this particular moment, why so unexpectedly? Piso declares that he knows nothing, that he has not heard any thing. Calenus declares that no news has been brought. And they make that statement now, after they think that we are involved in a pacific embassy. What need have we, then, of any new determination, if no new circumstances have arisen to call for one? 2.

We have been deceived, — we have, I say, been deceived, O conscript fathers. It is the cause of Antonius that has been pleaded by his friends, and not the cause of the public And I did indeed see that, though through a sort of mist the safety of Decimus Brutus had dazzled my eyesight. But if in war substitutes were in the habit of being given I would gladly allow myself to be hemmed in, so long as Decimus Brutus might be released. [4] But we were caught by this expression of Quintus Fufius; “Shall we not listen to Antonius even if he retires from Mutina? Shall we not, even if he declares that he will submit himself to the authority of the senate?” It seemed harsh to say that. Thus it was that we were broken; we yielded. Does he then retire from Mutina? “I don’t know.” Is he obeying the senate? “I think so,” says Calenus, “but so as to preserve his own dignity at the same time.” You then, O conscript fathers, are to make great exertions for the express purpose of losing your own dignity, which is very great, and of preserving that of Antonius, which neither has nor can have any existence; and of enabling him to recover that by

your conduct, which he has lost by his own. [5] “But, however, that matter is not open for consideration now; an embassy has been appointed.” But what is there which is not open for consideration to a wise man, as long as it can be remodeled? Any man is liable to a mistake; but no one but a downright fool will persist in error. For second thoughts, as people say, are best. The mist which I spoke of just now is dispelled: light has arisen: the case is plain: we see every thing, and that not by our own acuteness, but we are warned by our friends.

You heard just now what was the statement made by a most admirable man. I found, said he, his house, his wife, his children, all in great distress. Good men marveled at me, my friends blamed me for having been led by the hope of peace to undertake an embassy. And no wonder, O Publius Servilius. For by your own most true and most weighty arguments Antonius was stripped, I do not say of all dignity, but of even every hope of safety. [6] Who would not wonder if you were to go as an ambassador to him? I judge by my own case; for with regard to myself I see how the same design as you conceived is found fault with. And are we the only people blamed? What? did that most gallant man speak so long and so precisely a little while ago without any reason? What was he laboring for, except to remove from himself a groundless suspicion of treachery? And whence did that suspicion arise? From his unexpected advocacy of peace, which he adopted all on a sudden, being taken in by the same error that we were.

[7] But if an error has been committed, O conscript fathers, owing to a groundless and fallacious hope, let us return into the right road. The best harbor for a penitent is a change of intention. 3.

For what, in the name of the immortal gods! what good can our embassy do to the republic? What good, do I say? What will you say if it will even do us harm? Will do us harm? What if it already has done us harm? Do you suppose that that most energetic and fearless desire shown by the Roman people for recovery of their liberty has been dampened and weakened by hearing of this embassy for peace? What do you think the municipal towns feel? and the colonies! What do you think will be the feelings of all Italy! Do you suppose that it will continue to glow with the same zeal with which it burned before

to extinguish this common conflagration? Do we not suppose that those men will repent of having professed and displayed so much hatred to Antonius, who promised us money and arms; who devoted themselves wholly, body, heart, and soul, to the safety of the republic! How will Capua, which at the present time feels like a second Rome, approve of this design of yours? That city pronounced them impious citizens, cast them out, and kept them out. Antonius was barely saved from the hands of that city, which made a most gallant attempt to crush him. [8] Need I say more? Are we not by these proceedings cutting the sinews of our own legions; for what man can engage with ardor in a war, when the hope of peace is suggested to him? Even that godlike and divine Martial legion will grow languid at and be cowed by the receipt of this news, and will lose that most noble title of Martial; their swords will fall to the ground; their weapons will drop from their hands. For, following the senate, it will not consider itself bound to feel more bitter hatred against Antonius than the senate.

I am ashamed for this legion, I am ashamed for the fourth legion, which, approving of our authority with equal virtue, abandoned Antonius, not looking upon him as their consul and general, but as an enemy and attacker of their country. I am ashamed for that admirable army which is made up of two armies; which has now been reviewed, and which has started for Mutina, and which, if it hears a word of peace, that is to say, of our fear, even if it does not return, will at all events halt. For who, when the senate recalls him and sounds a retreat, will be eager to engage in battle? 4. [9]

For what can be more unreasonable than for us to pass resolutions about peace without the knowledge of those men who wage the war! And not only without their knowledge, but even against their will? Do you think that Aulus Hirtius, that most illustrious consul, and that Caius Caesar, a man born by the especial kindness of the gods for this especial crisis, whose letters, announcing their hope of victory, I hold in my hand, are desirous of peace? They are anxious to conquer; and they wish to obtain that most delightful and beautiful condition of peace, as the consequence of victory, not of some agreement. What more? With what feelings do you think that Gaul will hear of this proceeding? For that province performs the chief part in

repelling, and managing, and supporting this war. Gaul, following the mere nod, for I need not say the command of Decimus Brutus, has strengthened the beginning of the war with her arms, her men, and her treasures: she has exposed the whole of her body to the cruelty of Marcus Antonius: she is drained, laid waste, attacked with fire and sword. She is enduring all the injuries of war with equanimity, contented as long as she can ward off the danger of slavery. [10] And, to say nothing of the other parts of Gaul (for they are all alike), the people of Patavium have excluded some men who were sent to them by Antonius, and have driven out others, and have assisted our generals with money and soldiers, and with what was above all things wanting, arms. The rest have done the same; even those who formerly were of the party of Antonius, and who were believed to have been alienated from the senate by the injuries of many years. Men, who indeed there is no great reason to wonder at being faithful now, after the freedom of the republic has been shared with them, when, even before they had been admitted to those privileges, they always behaved with loyalty and good faith. 5.

All these men, then, who are now sanguine of victory, we are to meet with the name of peace; that is to say, with a complete despair of victory. [11]

What more? What if it is even absolutely impossible for there to be any real peace at all? For what sort of peace is that in which nothing can be granted to the man with whom one is making peace? Antonius has been invited to peace by us by many circumstances; but he has preferred war. Ambassadors were sent. I opposed it, indeed, but still they were sent. Commands were taken to him: he did not obey them. He was ordered not to besiege Brutus, and to retire from before Mutina. He attacked that town even more vigorously. And shall we send an embassy to treat of peace to a man who has rejected ambassadors of peace? Do we suppose that when we talk to him face to face he will be more moderate in his demands than he was when he sent commands to the senate! But at that time he demanded things which appeared indeed unreasonable, but still such as it might have been possible to concede; he had not at that time been branded by such heavy and such numerous decisions and condemnations of yours. At present he is demanding things which we can not by any

possibility grant, unless we are willing first to confess ourselves defeated in war.

[12] We have pronounced that resolutions of the senate which have been produced by him are forged. Can we now pronounce them genuine? We have declared that laws have been carried by him by means of violence, and in a manner contrary to the auspices, and that neither the burgesses nor the common people are bound by them. Do you consider it possible that those laws should be reestablished? You have judicially decided that Antonius has embezzled seven hundred millions of sesterces of the public money. Can he now be released from the charge of peculation? Exemptions, grants of the freedom of the city, priesthoods, kingdoms have been sold by him. Can those tablets again be put up which you took down by your decrees? 6.

But if we can rescind those decrees which we have passed, can we also efface the memory of the facts? For where will any posterity forget to whose wickedness it was owing that we have been arrayed in these unseemly garments? Although the blood of the centurions of the Martial legion shed at Brundusium be washed out, can the notoriety of that inhuman act be washed out too? To pass over things which happened in the interval, what lapse of time will ever efface the foul memorials of his military works around Mutina, the tokens of his wickedness, the traces of his piratical conduct?

[13] What then, in the name of the immortal gods! have we which we can grant in the way of concession to this polluted and impious parricide? Are we to yield up to him the farther Gaul, and an army? This is not making peace, but only deferring war. Indeed, it is not only prolonging the war, but even conceding the victory. Is it not a victory for him to enter this city with his troops, on any conditions whatever? At present we are masters of every thing by our arms; we are of great influence from the authority of this order; numbers of desperate citizens are absent, following their infamous leader; and still we can not bear the countenances or support the language of those men who are left behind in the city out of their number. What do you think will be the result when such numbers force their way into the city at one time? when we have laid aside our arms, and they have not laid aside theirs? Must we not be defeated for everlasting, in consequence of our own counsels? [14]

Place before your eyes Marcus Antonius, as a man of consular rank; add to him Lucius, hoping to obtain the consulship; join to them all the rest, and those too not confined to our order, who are fixing their thoughts on honors and commands. Do not despise the Tiros, and the Numisii, or the Mustellae, or the Seii. A peace made with those men will not be peace, but a covenant of slavery. That was an admirable expression of Lucius Piso, a most honorable man, and one which has been deservedly praised by you, O Pansa, not only in this order, but also in the assembly of the people. He said, that he would depart from Italy, and leave his household gods and his native home, if (but might the gods avert such a disaster!) Antonius overwhelmed the republic. 7. [15]

I ask, therefore, of you, O Lucius Piso, whether you would not think the republic overwhelmed if so many men of such impiety, of such audacity, and such guilt, were admitted into it? Can you think that men whom we could hardly bear when they were not yet polluted with such parricidal treasons, will be able to be borne by the city now that they are immersed in every sort of wickedness? Believe me, we must either adopt your plan, and retire, depart, embrace a life of indigence and wandering, or else we must offer our throats to those robbers, and perish in our country. What has become, O Caius Pansa, of those noble exhortations of yours, by which the senate was roused, and the Roman people stimulated, not only hearing but also learning from you that there is nothing more disgraceful to a Roman than slavery? [16] Was it for this that we assumed the garb of war, and took arms, and roused up all the youth all over Italy, in order that, while we had a most flourishing and numerous army, we might send ambassadors to treat for peace? If that peace is to be received by others, why do we not wait to be entreated for it? If our ambassadors are to beg it, what is it that we are afraid of? Shall I make one of this embassy, or shall I be mixed up with this design, in which, even if I should dissent from the rest of my colleagues, the Roman people will not know it? The result will be, that if any thing be granted or conceded, it will be my danger if Antonius commits any offenses, since the power to commit them will seem to have been put in his hands by me.

[17] But even if it had been proper to entertain any idea of peace

with the piratical crew of Marcus Antonius, still I was the last person who ought to have been selected to negotiate such a peace. I never voted for sending ambassadors. Before the return of the last ambassadors I ventured to say, that peace itself, even if they did bring it, ought to be repudiated, since war would be concealed under the name of peace; I was the chief adviser of the adoption of the garb of war; I have invariably called that man a public enemy, when others have been calling him only an adversary; I have always pronounced this to be a war, while others have styled it only a tumult. Nor have I done this in the senate alone; I have always acted in the same way before the people. Nor have I spoken against himself only, but also against the accomplices in and agents of his crimes, whether present here, or there with him. [18] In short, I have at all times inveighed against the whole family and party of Antonius. Therefore, as those impious citizens began to congratulate one another the moment the hope of peace was presented to them, as if they had gained the victory, so also they abused me as unjust: they made complaints against me; they distrusted Servilius also; they recollected that Antonius had been damaged by his avowed opinions and propositions; they recollected that Lucius Caesar, though a brave and consistent senator, is still his uncle; that Calenus is his agent; that Piso is his intimate friend; they think that you yourself, O Pansa, though a most vigorous and fearless consul, are now become more mercifully inclined. Not that it really is so, or that it possibly can be so. But the fact of a mention of peace having been made by you, has given rise to a suspicion in the hearts of many, that you have changed your mind a little. The friends of Antonius are annoyed at my being included among these persons; and we must no doubt yield to them, since we have once begun to be liberal. 8. [19]

Let the ambassadors go, with all our good wishes; but let those men go at whom Antonius may take no offense. But if you are not anxious about what he may think, at all events, O conscript fathers, you ought to have some regard for me. At least spare my eyes, and make some allowance for a just indignation. For with what countenance shall I be able to behold (I do not say, the enemy of my country, for my hatred of him on that score I feel in common with you all), but how shall I bear to look upon that man who is my own

most bitter personal enemy, as his most furious harangues against me plainly declare him? Do you think that I am so completely made of iron as to be able unmoved to meet him, or look at him? who lately, when in an assembly of the people he was making presents to those men who appeared to him the most audacious of his band of parricidal traitors, said that he gave my property to Petissius of Urbinum, a man who, after the shipwreck of a very splendid patrimony, was dashed against these rocks of Antonius. [20] Shall I be able to bear the sight of Lucius Antonius? a man from whose cruelty I could not have escaped if I had not defended myself behind the walls and gates and by the zeal of my own municipal town. And this same Asiatic gladiator, this plunderer of Italy, this colleague of Lenti and Nucula, when be was giving some pieces of gold to Aquila the centurion, said that he was giving him some of my property. For, if he had said he was giving him some of his own, he thought that the eagle itself would not have believed it. My eyes can not — my eyes, I say, will not bear the sight of Saxa, or Capho, or the two praetors, or the tribune of the people, or the two tribunes elect, or Bestia, or Trebellius, or Titus Plancus. I can not look with equanimity on so many, and those such foul, such wicked enemies; nor is that feeling caused by any fastidiousness of mine, but by my affection for the republic. But I will subdue my feelings, and keep my own inclinations under restraint. [21] If I can not eradicate my most just indignation, I will conceal it. What? Do you not think, O conscript fathers, that I should have some regard for my own life? But that indeed has never been an object of much concern to me, especially since Dolabella has acted in such a way that death is a desirable thing, provided it come without torments and tortures. But in your eyes and in those of the Roman people my life ought not to appear of no consequence. For I am a man, — unless indeed I am deceived in my estimate of myself, — who by my vigilance, and anxiety, by the opinions which I have delivered, and by the dangers too of which I have encountered great numbers, by reason of the most bitter hatred which all impious men bear me, have at least (not to seem to say any thing too boastful) conducted myself so as to be no injury to the republic. [22] And as this is the case, do you think that I ought to have no consideration for my own danger? 9.

Even here when I was in the city and at home, nevertheless many attempts were made against me, in a place where I have not only the fidelity of my friends but the eyes also of the entire city to guard me. What do you think will be the case when I have gone on a journey, and that too a long one? Do you think that I shall have no occasion to fear plots then? There are three roads to Mutina; a place which my mind longs to see, in order that I may behold as speedily as possible that pledge of freedom of the Roman people Decimus Brutus; in whose embrace I would willingly yield up my parting breath, when all my actions for the last many months, and all my opinions and propositions have resulted in the end which I proposed to myself. There are, as I have said, three roads; the Flaminian road, along the Adriatic; the Aurelian road, along the Mediterranean coast; the Midland road, which is called the Cassian. [23]

Now, take notice, I beg of you, whether my suspicion of danger to myself is at variance with a reasonable conjecture. The Cassian road goes through Etruria. Do we not know then, O Pansa, over what places the authority of Lenti Caesennius, as a septemvir, prevails at present? He certainly is not on our side either in mind or body. But if he is at home or not far from home, he is certainly in Etruria, that is, in my road. Who then will undertake to me that Lenti will be content with exacting one life alone? Tell me besides, O Pansa, where Ventidius is, — a man to whom I have always been friendly before he became so openly an enemy to the republic and to all good men. I may avoid the Cassian road and take the Flaminian. What if, as it is said, Ventidius has arrived at Ancona? Shall I be able in that case to reach Ariminum in safety? The Aurelian road remains; and here too I shall find a protector; for on that road are the possessions of Publius Clodius. His whole household will come out to meet me; and will invite me to partake of their hospitality, on account of my notorious intimacy with their master? 10. [24]

Shall I then trust myself to those roads — I who lately, on the day of the feast of Terminus, did not dare even to go into the suburbs and return by the same road on the same day? I can scarcely defend myself within the walls of my own house without the protection of my friends; therefore I remain in the city; and if I am allowed to do so I will remain. This is my proper place, this is my beat, this is my

post as a sentinel, this is my station as a defender of the city. Let others occupy camps and kingdoms, and engage in the conduct of the war; let them show the active hatred of the enemy; we, as we say, and as we have always hitherto done, will, in common with you, defend the city and the affairs of the city. Nor do I shrink from this office; although I see the Roman people shrink from it for me. No one is less timid than I am; no one more cautious. The facts speak for themselves. This is the twentieth year that I have been a mark for the attempts of all wicked men; therefore, they have paid to the republic (not to say to me) the penalty of their wickedness. As yet the republic has preserved me in safety for itself. I am almost afraid to say what I am going to say; for I know that any accident may happen to a man; but still, when I was once hemmed in by the united force of many most influential men, I yielded voluntarily, and fell in such a manner as to be able to rise again in the most honorable manner. [25]

Can I, then, appear as cautious and as prudent as I ought to be if I commit myself to a journey so full of enemies and dangers to me? Those men who are concerned in the government of the republic ought at their death to leave behind them glory, and not reproaches for their fault, or grounds for blaming their folly. What good man is there who does not mourn for the death of Trebonius? Who is there who does not grieve for the loss of such a citizen and such a man? But there are men who say (hastily indeed, but still they do say so), that he deserves to be grieved for less because he did not take precautions against a desperately wicked man. In truth, a man who professes to be himself a defender of many men, wise men say, ought in the first place to show himself able to protect his own life. I say, that when one is fenced round by the laws and by the fear of justice, a man is not bound to be afraid of everything, or to take precautions against all imaginable designs; for who would dare to attack a man in daylight, on a military road, or a man who was well attended, or an illustrious man? [26] But these considerations have no bearing on the present time, nor in my case; for not only would a man who offered violence to me have no fear of punishment, but he would even hope to obtain glory and rewards from those bands of robbers, 11.

These dangers. I can guard against in the city; it is easy for me to look around and see where I am going out from, whither I am going,

what there is on my right hand, and on my left. Shall I be able to do the same on the roads of the Apennines? in which, even if there should be no ambush, as there easily may be, still my mind will be kept in such a state of anxiety as not to be able to attend to the duties of an embassy. But suppose I have escaped all plots against me, and have passed over the Apennines; still I have to encounter a meeting and conference with Antonius. What place am I to select? If it is outside the camp, the rest may look to themselves, — I think that death would come upon me instantly. I know the frenzy of the man; I know his unbridled violence. The ferocity of his manners and the savageness of his nature is not usually softened even by wine. Then, inflamed by anger and insanity, with his brother Lucius, that foulest of beasts, at his side, he will never keep his sacrilegious and impious hands from me. [27] I can recollect conferences with most bitter enemies, and with citizens in a state of the most bitter disagreement.

Cnaeus Pompeius, the son of Sextus, being consul, in my presence, when I was serving my first campaign in his army, had a conference with Publius Vettius Scato, the general of the Marsians, between the camps. And I recollect that Sextus Pompeius, the brother of the consul, a very learned and wise man, came thither from Rome to the conference. And when Scato had saluted him, "What," said he, "am I to call you?"—"Call me," said he, "one who is by inclination a friend, by necessity an enemy." That conference was conducted with fairness: there was no fear, no suspicion, even their mutual hatred was not great, for the allies were not seeking to take our city from us, but to be themselves admitted to share the privileges of it. Sulla and Scipio, one attended by the flower of the nobility, the other by the allies, had a conference between Cales and Teanum, respecting the authority of the senate, the suffrages of the people, and the privileges of citizenship; and agreed upon conditions and stipulations. Good faith was not strictly observed at that conference; but still there was no violence used, and no danger incurred. 12.

But can we be equally safe among Antonius's piratical crew? We can not; or, even if the rest can, I do not believe that I can. [28] What will be the case if we are not to confer out of the camp? What camp is to be chosen for the conference? He will never come into our camp; — much less will we go to his. It follows, then, that all

demands must be received and sent to and fro by means of letters. We then shall be in our respective camps. On all his demands I shall have but one opinion; and when I have stated it here, in your hearing, you may think that I have gone, and that I have come back again. — I shall have finished my embassy. As far as my sentiments can prevail, I shall refer every demand which Antonius makes to the senate. For, indeed, we have no power to do otherwise; nor have we received any commission from this assembly, such as, when a war is terminated, is usually, in accordance with the precedents of your ancestors, entrusted to the ambassadors. Nor, in fact, have we received any particular commission from the senate at all.

And, as I shall pursue this line of conduct in the council, where some, as I imagine, will oppose it, have I not reason to fear that the ignorant mob may think that peace is delayed by my means? [29] Suppose now that the new legions do not disapprove of my resolution. For I am quite sure that the Martial legion and the fourth legion will not approve of any thing which is contrary to dignity and honor. What then? have we no regard for the opinion of the veterans? For even they themselves do not wish to be feared by us. — Still, how will they receive my severity? For they have heard many false statements concerning me; wicked men have circulated among them many calumnies against me. Their advantage indeed, as you all are most perfect witnesses of, I have always promoted by my opinion, by my authority, and by my language. But they believe wicked men, they believe seditious men, they believe their own party. They are, indeed, brave men; but by reason of their exploits which they have performed in the cause of the freedom of the Roman people and of the safety of the republic, they are too ferocious and too much inclined to bring all our counsels under the sway of their own violence. [30] Their deliberate reflection I am not afraid of, but I confess I dread their impetuosity.

If I escape all these great dangers too, do you think my return will be completely safe? For when I have, according to my usual custom, defended your authority, and have proved my good faith toward the republic, and my firmness; then I shall have to fear, not those men alone who hate me, but those also who envy me. Let my life then be preserved for the republic, let it be kept for the service of my country

as long as my dignity or nature will permit; and let death either be the necessity of fate, or, if it must be encountered earlier, let it be encountered with glory.

This being the case, although the republic has no need (to say the least of it) of this embassy, still if it be possible for me to go on it in safety, I am willing to go. Altogether, O conscript fathers, I shall regulate the whole of my conduct in this affair, not by any consideration of my own danger, but by the advantage of the republic. And, as I have plenty of time, I think that it behooves me to deliberate upon that over and over again, and to adopt that line of conduct which I shall judge to be most beneficial to the republic.

THE THIRTEENTH PHILIPPIC.

THE ARGUMENT.

Antonius wrote a long letter to Hirtius and to Octavius to persuade them that they were acting against their true interests and dignity in combining with the slayers of Julius Caesar against him. But they, instead of answering this letter, sent it to Cicero at Rome. At the same time Lepidus wrote a public letter to the senate to exhort them to measures of peace; and to a reconciliation with Antonius and took no notice of the public honours which had been decreed to him in compliance with Cicero's motion. The senate was much displeased at this. They agreed, however, to a proposal of Servilius — to thank Lepidus for his love of peace, but to desire him to leave that to them, as there could be no peace till Antonius had laid down his arms. But Antonius's friends were encouraged by Lepidus's letter to renew their suggestions of a treaty; which caused Cicero to deliver the following speech to the senate for the purpose of counteracting the influence of their arguments.

1. From the first beginning, O conscript fathers, of this war which we have undertaken against those impious and wicked citizens, I have been afraid lest the insidious proposals of peace might damp our zeal for the recovery of our liberty. For the name of peace is sweet; and the thing itself not only pleasant but salutary. For a man seems to have no affection either for the private hearths of the citizens, nor for the public laws, nor for the rights of freedom, who is delighted with discord and the slaughter of his fellow-citizens, and with civil war; and such a man I think ought to be erased from the catalogue of men, and exterminated from all human society. Therefore, if Sulla, or Marius, or both of them, or Octavius, or Cinna, or Sulla for the second time, or the other Marius and Carbo, or if any one else has ever wished for civil war, I think that man a citizen born for the detestation of the republic. [2] For why should I speak of the last man who stirred up such a war; a man whose acts, indeed, we defend, while we admit that the author of them was deservedly slain?

Nothing, then, is more infamous than such a citizen or such a man; if indeed he deserves to he considered either a citizen or a man, who is desirous of civil war.

But the first thing that we have to consider, O conscript fathers, is whether peace can exist with all men, or whether there be any war incapable of reconciliation, in which any agreement of peace is only a covenant of slavery. Whether Sulla was making peace with Scipio, or whether he was only pretending to do so, there was no reason to despair, if an agreement had been come to, that the city might have been in a tolerable state. If Cinna had been willing to agree with Octavius, the safety of the citizens might still have had an existence in the republic. In the last war, if Pompeius had relaxed somewhat of his dignified firmness, and Caesar a good deal of his ambition, we might have had both a lasting peace, and some considerable remainder of the republic. 2.

But what is the state of things now? Is it possible for there to be peace with Antonius? with Censorinus, and Ventidius, and Trebellius, and Bestia, and Nucula, and Munatius, and Lento, and Saxa? I have just mentioned a few names as a specimen; you yourselves see the countless numbers and savage nature of the rest of the host,. [3] Add, besides the wrecks of Caesar's party, the Barbae Cassii, the Barbatii, the Pollios; add the companions and fellow-gamblers of Antonius, Eutrapelus, and Mela, and Caelius, and Pontius, and Crassicius, and Tiro, and Mustela, and Petissius; I say nothing of the main body, I am only naming the leaders. To these are added the legionaries of the Alauda and the rest of the veterans, the seminary of the judges of the third decury; who, having exhausted their own estates, and squandered all the fruits of Caesar's kindness, have now set their hearts on our fortunes. [4] Oh that trustworthy right hand of Antonius, with which he has murdered many citizens! Oh that regularly ratified and solemn treaty which we made with the Antonii! Surely if Marcus shall attempt to violate it, the conscientious piety of Lucius will call him back from such wickedness. If there is any room allowed these men in this city, there will be no room for the city itself. Place before your eyes, O conscript fathers, the countenances of those men, and especially the countenances of the Antonii. Mark their gait, their look, their face,

their arrogance; mark those friends of theirs who walk by their side, who follow them, who precede them. What breath reeking of wine, what insolence, what threatening language do you not think there will be there? Unless, indeed, the mere fact of peace is to soften, them, and unless you expect that, especially when they come into this assembly, they will salute every one of us kindly, and address us courteously. 3. [5]

Do you not recollect, in the name of the immortal gods! what resolutions you have given utterance to against those men? You have repealed the acts of Marcus Antonius; you have taken down his laws; you have voted that they were carried by violence, and with a disregard of the auspices; you have called out the levies throughout all Italy; you have pronounced that colleague and ally of all wickedness a public enemy. What peace can there be with this man? Even if he were a foreign enemy, still, after such actions as have taken place, it would be scarcely possible, by any means whatever, to have peace. Though seas and mountains, and vast regions lay between you, still you would hate such a man without seeing him. But these men will stick to your eyes, and when they can, to your very throats; for what fences will be strong enough for us to restrain savage beasts? — Oh, but the result of war is uncertain. It is at all events in the power of brave men, such as you ought to be, to display your valour (for certainly brave men can do that), and not to fear the caprice of fortune. [6]

But since it is not only courage but wisdom also which is expected from this order (although these qualities appear scarcely possible to be separated, still let us separate them here), courage bids us fight, inflames our just hatred, urges us to the conflict, summons us to danger. What says wisdom? She uses more cautious counsels, she is provident for the future, she is in every respect more on the defensive. What then does she think? for we must obey her, and we are bound to consider that the best thing which is arranged in the most prudent manner. If she enjoins me to think nothing of more consequence than my life, not to fight at the risk of my life, but to avoid all danger, I will then ask her whether I am also to become a slave when I have obeyed all these injunction? If she says, yes; I for one will not listen to that Wisdom, however learned she may be; but

if the answer is, Preserve your life and your safety, Preserve your fortune, “Preserve your estate, still, however, considering all these things of less value than liberty; therefore enjoy these things if you can do so consistently with the freedom of the republic, and do not abandon liberty for them, but sacrifice them for liberty, as proofs of the injury you have sustained;” — then I shall think that I really am listening to the voice of Wisdom, and I will obey her as a god. [7] Therefore, if when we have received those men we can still be free, let us subdue our hatred to them, and endure peace; but if there can be no tranquillity while those men are in safety, then let us rejoice that an opportunity of fighting them is put in our power. For so, either (these men being conquered) we shall enjoy the republic victorious, or, if we be defeated, (but may Jupiter avert that disaster), we shall live, if not with an actual breath, at all events in the renown of our valor. 4.

But Marcus Lepidus, having been a second time styled Imperator, Pontifex Maximus, a man who deserved excellently well of the republic in the last civil war, exhorts us to peace. No one, O conscript fathers, has greater weight with me than Marcus Lepidus, both on account of his personal virtues, and by reason of the dignity of his family. There are also private reasons which influence me, such as great services he has done me, and some kindnesses which I have done him. But the greatest of his services I consider to be his being of such a disposition as he is toward the republic, which has at all times been dearer to me than my life. [8] For when by his influence he inclined Magnus Pompeius, a most admirable young man, the son of one of the greatest of men, to peace, and without arms released the republic from imminent danger of civil war, by so doing he laid me under as great obligations as it was in the power of any man to do. Therefore I proposed to decree to him the most ample honors that were in my power, in which you agreed with me; nor have I ceased both to think and speak in the highest terms of him. The republic has Marcus Lepidus bound to it by many pledges. He is a man of the highest rank, of the greatest honors; he has the most honorable priesthood, and has received numberless distinctions in the city. There are monuments of himself, and of his brother, and of his ancestors; he has a most excellent wife, children such as any man

might desire, an ample family estate, untainted with the blood of his fellow-citizens. No citizen has been injured by him; many have been delivered from misery by his kindness and pity. Such a man and such a citizen may indeed err in his opinion, but it is quite impossible for him in inclination to be unfriendly to the republic. [9]

Marcus Lepidus is desirous of peace. He does well especially if he can make such a peace as he made lately, owing to which the republic will behold the son of Cnaeus Pompeius, and will receive him in her bosom and embrace; and will think, that not he alone, but that she also is restored to herself with him. This was the reason why you decreed to him a statue in the rostra with an honorable inscription, and why you voted him a triumph in his absence. For although he had performed great exploits in war, and such as well deserved a triumph, still for that he might not have had that given to him which was not given to Lucius Aemilius, nor to Aemilianus Scipio, nor to the former Africanus, nor to Marius, nor to Pompeius, who had the conduct of greater wars than he had, but because he had put an end to a civil war in perfect silence, the first moment that it was in his power, on that account you conferred on him the greatest honors. 5. [10]

Do you think, then, O Marcus Lepidus, that the Antonii will be to the republic such citizens as she will find Pompeius? In the one there is modesty gravity, moderation, integrity; in them (and when I speak of them I do not mean to omit one of that band of pirates) there is lust and wickedness and savage audacity capable of every crime I entreat of you, O conscript fathers which of you fails to see this which Fortune herself, who is called blind, sees? For, saving the acts of Caesar, which we maintain for the sake of harmony, his own house will be open to Pompeius and he will redeem it for the same sum for which Antonius bought it. Yes, I say the son of Cnaeus Pompeius will buy back his house. O melancholy circumstance! But these things have been already lamented long and bitterly enough. You have voted a sum of money to Cnaeus Pompeius, equal to that which his conquering enemy had appropriated to himself of his father's property in the distribution of his booty. [11] But I claim permission to manage this distribution myself, as due to my connection and intimacy with his father. He will buy back the villas,

the houses, and some of the estates in the city which Antonius is in possession of. For, as for the silver plate, the garments, the furniture, and the wine which that glutton has made away with, those things he will lose without forfeiting his equanimity. The Alban and Firmian villas he will recover from Dolabella; the Tusculan villa he will also recover from Antonius. And these Ansers who are joining in the attack on Mutina and in the blockade of Decimus Brutus will be driven from his Falernian villa. There are many others, perhaps, who will be made to disgorge their plunder, but their names escape my memory. I say, too, that those men who are not in the number of our enemies, will be made to restore the possessions of Pompeius to his son for the price at which they bought them. [12] It was the act of a sufficiently rash man, not to say an audacious one, to touch a single particle of that property; but who will have the face to endeavor to retain it, when its most illustrious owner is restored to his country? Will not that man restore his plunder, who, enfolding the patrimony of his master in his embrace, clinging to the treasure like a dragon, the slave of Pompeius, the freedman of Caesar, has seized upon his estates in the Lucanian district? And as for those seven hundred millions of sesterces which you, O conscript fathers, promised to the young man, they will be recovered in such a manner that the son of Cnaeus Pompeius will appear to have been established by you in his patrimony. This is what the senate must do; the Roman people will do the rest with respect to that family which was at one time one of the most honorable it ever saw. In the first place, it will invest him with his father's honor as an augur, for which rank I will nominate him and promote his election, in order that I may restore to the son what I received from the father. Which of these men will the Roman people most willingly sanction as the augur of the all powerful and all great Jupiter, whose interpreters and messengers we have been appointed, — Pompeius or Antonius? It seems indeed, to me, that Fortune has managed this by the divine aid of the immortal gods, that, leaving the acts of Caesar firmly ratified, the son of Cnaeus Pompeius might still be able to recover the dignities and fortunes of his father. 6. [13]

And I think, O conscript fathers, that we ought not to pass over that fact either in silence, — that those illustrious men who are acting

as ambassadors, Lucius Paullus, Quintus Thermus, and Caius Fannius, whose inclinations toward the republic you are thoroughly acquainted with, and also with the constancy and firmness of that favorable inclination, report that they turned aside to Marseilles for the purpose of conferring with Pompeius, and that they found him in a disposition very much inclined to go with his troops to Mutina, if he had not been afraid of offending the minds of the veterans. But he is a true son of that father who did quite as many things wisely as he did bravely. Therefore you perceive that his courage was quite ready, and that prudence was not wanting to him.

And this, too, is what Marcus Lepidus ought to take care of, — not to appear to act in any respect with more arrogance than suits his character. [14] For if he alarms us with his army he is forgetting that that army belongs to the senate, and to the Roman people, and to the whole republic, not to himself. "But he has the power to use it as if it were his own." What then? Does it become virtuous men to do every thing which it is in their power to do? Suppose it to be a base thing? Suppose it to be a mischievous thing? Suppose it be absolutely unlawful to do it?

But what can be more base, or more shameful, or more utterly unbecoming, than to lead an army against the senate, against one's fellow-citizens, against one's country? Or what can deserve greater blame than doing that which is unlawful. But it is not lawful for any one to lead an army against his country? if indeed we say that that is lawful which is permitted by the laws or by the usages and established principles of our ancestors. For it does not follow that whatever a man has power to do is lawful for him to do; nor, if he is not hindered, is he on that account permitted to do so. For to you, O Lepidus, as to your ancestors, your country has given an army to be employed in her cause. With this army you are to repel the enemy, you are to extend the boundaries of the empire, you are to obey the senate and people of Rome, if by any chance they direct you to some other object. 7. [15]

If these are your thoughts, then are you really Marcus Lepidus the Pontifex Maximus, the great-grandson of Marcus Lepidus, Pontifex Maximus, if you judge that every thing is lawful for men to do that they have power to do, then beware lest you seem to prefer acting on

precedents set by those who have no connection with you, and these, too, modern precedents, to being guided by the ancient examples in your own family. But if you interpose your authority without having recourse to arms, in that case indeed I praise you more; but beware lest this thing itself be quite unnecessary. For although there is all the authority in you that there ought to be in a man of the highest rank, still the senate itself does not despise itself; nor was it ever more wise, more firm, more courageous. We are all hurried on with the most eager zeal to recover our freedom. Such a general ardor on the part of the senate and people of Rome can not be extinguished by the authority of any one: we hate a man who would extinguish it; we are angry with him, and resist him; our arms can not be wrested from our hands; we are deaf to all signals for retreat, to all recall from the combat. We hope for the happiest success; we will prefer enduring the bitterest disaster to being slaves. [16] Caesar has collected an invincible army. Two perfectly brave consuls are present with their forces. The various and considerable reinforcements of Lucius Plancus, consul elect, are not wanting. The contest is for the safety of Decimus Brutus. One furious gladiator, with a band of most infamous robbers, is waging war against his country, against our household gods, against our altars and our hearths, against four consuls. Shall we yield to him? Shall we listen to the conditions which he proposes? Shall we believe it possible for peace to be made with him? 8.

But there is danger of our being overwhelmed. I have no fear that the man who can not enjoy his own most abundant fortunes, unless all the good men are saved, will betray his own safety. It is nature which first makes good citizens, and then fortune assists them. For it is for the advantage of all good men that the republic should be safe; but that advantage appears more clearly in the case of those who are fortunate. [17] Who is mere fortunate than Lentulus, as I said before, and who is more sensible! The Roman people saw his sorrow and his tears at the Lupercal festival. They saw how miserable, how overwhelmed he was when Antonius placed a diadem on Caesar's head and preferred being his slave to being his colleague. And even if he had been able to abstain from his other crimes and wickednesses, still on account of that one single action I should think

him worthy of all punishment. For even if he himself was calculated to be a slave, why should he impose a master on us? And if his childhood had borne the lusts of those men who were tyrants over him, was he on that account to prepare a master and a tyrant to lord it over our children! Therefore since that man was slain, he himself has behaved to all others in the same manner as he wished him to behave to us. [18]

For in what country of barbarians was there ever so foul and cruel a tyrant as Antonius, escorted by the arms of barbarians, has proved in this city? When Caesar was exercising the supreme power, we used to come into the senate, if not with freedom, at all events with safety. But under this arch-pirate (for why should I say tyrant?) these benches were occupied by Itureans. On a sudden he hastened to Brundusium, in order to come against this city from thence with a regular army. He deluged Suessa, a most beautiful town, now of municipal citizens, formerly of most honorable colonists, with the blood of the bravest soldiers. At Brundusium he massacred the chosen centurions of the Martial legion in the lap of his wife, who was not only most avaricious but also most cruel. After that with what fury, with what eagerness did he hurry on to the city, that is to say, to the slaughter of every virtuous man! But at that time the immortal gods brought to us a protector whom we had never seen nor expected. 9. [19]

For the incredible and godlike virtue of Caesar checked the cruel and frantic onslaught of that robber, whom then that madman believed that he was injuring with his edicts, ignorant that all the charges which he was falsely alleging against that most righteous young man, were all very appropriate to the recollections of his own childhood. He entered the city, with what an escort, or rather with what a troop! when on the right hand and on the left, amid the groans of the Roman people, he was threatening the owners of property, taking notes of the houses, and openly promising to divide the city among his followers. He returned to his soldiers; then came that mischievous assembly at Tibur. From thence he hurried to the city; the senate was convened at the Capitol. A decree with the authority of the consuls was prepared for proscribing the young man; when all on a sudden (for he was aware that the Martial legion had encamped

at Alba) news is brought him of the proceedings of the fourth legion.

Alarmed at that, he abandoned his intention of submitting a motion to the senate respecting Caesar. He departed not by the regular roads, but by the by-lanes, in the robe of a general; and on that very self-same day he trumped up a countless number of resolutions of the senate; all of which he published even before they were drawn up. [20] From thence it was not a journey, but a race and flight into Gaul. He thought that Caesar was pursuing him with the fourth legion, with the Martial legion, with the veterans, whose very name he could not endure for fright. Then, as he was making his way into Gaul, Decimus Brutus opposed him; who preferred being himself surrounded by the waves of the whole war, to allowing him either to retreat or advance; and who put Mutina on him as a sort of bridle to his exultation. And when he had blockaded that city with his works and fortifications, and when the dignity of a most flourishing colony, and the majesty of a consul elect, were both insufficient to deter him from his parricidal treason, then (I call you, and the Roman people, and all the gods who preside over this city, to witness), against my will, and in spite of my resistance and remonstrance, three ambassadors of consular rank were sent to that robber, to that leader of gladiators, Marcus Antonius. [21]

Who ever was such a barbarian? Who was ever so savage? so brutal? He would not listen to them; he gave them no answer; and he not only despised and showed that he considered of no importance those men who were with him, but still more us, by whom these men had been sent. And afterward what wickedness, or what crime was there which that traitor abstained from? He blockaded your colonists, and the army of the Roman people, and your general, and your consul elect. He lays waste the lands of a nation of most excellent citizens. Like a most inhuman enemy he threatens all virtuous men with crosses and tortures. 10.

Now what peace, O Marcus Lepidus, can exist with this man? when it does not seem that there is even any punishment which the Roman people can think adequate to his crimes? [22]

But if any one has hitherto been able to doubt the fact, that there can be nothing whatever in common between this order and the Roman people and that most detestable beast, let him at least cease to

entertain such a doubt, when he becomes acquainted with this letter which I have just received, it having been sent to me by Hirtius the consul. While I read it, and while I briefly discuss each paragraph, I beg, O conscript fathers, that you will listen to me most attentively, as you have hitherto done.

'"Antonius to Hirtius and Caesar."'

He does not call himself imperator, nor Hirtius consul, nor Caesar propraetor. This is cunningly done enough. He preferred laying aside a title to which he had no right himself, to giving them their proper style.

'"When I heard of the death of Caius Trebonius, I was not more rejoiced than grieved."'

Take notice why he says he rejoiced, why he says that he was grieved; and then you will be more easily able to decide the question of peace.

'"It was a matter of proper rejoicing that a wicked man had paid the penalty due to the bones and ashes of a most illustrious man, and that the divine power of the gods had shown itself before the end of the current year, by showing the chastisement of that parricide already inflicted in some cases, and impending in others."'

O you Spartacus! for what name is more fit for you? you whose abominable wickedness is such as to make even Catiline seem tolerable. Have you dared to write that it is a matter of rejoicing that Trebonius has suffered punishment? that Trebonius was wicked? What was his crime, except that on the ides of March he withdrew you from the destruction which you had deserved? Come; [23] you rejoice at this; let us see what it is that excites your indignation.

'"That Dolabella should at this time have been pronounced a public enemy because he has slain an assassin; and that the son of a buffoon should appear dearer to the Roman people than Caius Caesar, the father of his country, are circumstances to be lamented."'

Why should you be sad because Dolabella has been pronounced a public enemy? Why? Are you not aware that you yourself — by the fact of an enlistment having taken place all over Italy, and of the consuls being sent forth to war, and of Caesar having received great honors, and of the garb of war having been assumed — have also been pronounced an enemy? And what reason is there, O you wicked

man, for lamenting that Dolabella has been declared an enemy by the senate? a body which you indeed think of no consequence at all; but you make it your main object in waging war utterly to destroy the senate, and to make all the rest of those who are either virtuous or wealthy follow the fate of the highest order of all. But he calls him the son of a buffoon. As if that noble Roman knight the father of Trebonius were unknown to us. And does he venture to look down on any one because of the meanness of his birth, when he has himself children by Fadia? 11. [24]

'"But it is the bitterest thing of all that you, O Aulus. Hirtius, who have been distinguished by Caesar's kindness, and who have been left by him in a condition which you yourself marvel at.

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"'

I can not indeed deny that Aulus Hirtius was distinguished by Caesar, but such distinctions are only of value when conferred on virtue and industry. But you, who can not deny that you also were distinguished by Caesar, what would you have been if he had not showered so many kindnesses on you? Where would your own good qualities have borne you? Where would your birth have conducted you? You would have spent the whole period of your manhood in brothels, and cook-shops and in gambling and drinking, as you used to do when you were always burying your brains and your beard in the laps of actresses.

'"And you too, O boy—"'

He calls him a boy whom he has not only experienced and shall again experience to be a man, but one of the bravest of men. It is indeed the name appropriate to his age; but he is the last man in the world who ought to use it, when it is his own madness that has opened to this boy the path to glory.

'"You who owe every thing to his name—"'

He does indeed owe every thing, and nobly is he paying it. [25] For if he was the father of his country, as you call him (I will see hereafter what my opinion of that matter is, why is not this youth still more truly our father, to whom it certainly is owing that we are now enjoying life, saved out of your most guilty hands?

‘‘‘Are taking pains to have Dolabella legally condemned.’’’

A base action, truly! by which the authority of this most honorable order is defended against the insanity of a most in’ human gladiator.

‘‘‘And to effect the release of this poisoner from blockade.’’’ Do you dare to call that man a poisoner who has found a remedy against your own poisoning tricks? and whom you are besieging in such a manner, O you new Hannibal (or if there was ever any abler general than he), as to blockade yourself, and to be unable to extricate yourself from your present position, should you be ever so desirous to do so? Suppose you retreat; they will all pursue you from all sides. Suppose you stay where you are; you will be caught. You are very right, certainly, to call him a poisoner, by whom you see that your present disastrous condition has been brought about.

‘‘‘In order that Cassius and Brutus may become as powerful as possible.’’’

[26] Would you suppose that he is speaking of Censorinus, or of Ventidius, or of the Antonii themselves? But why should they be unwilling that those men should become powerful, who are not only most excellent and nobly born men, but who are also united with them in the defense of the republic?

‘‘‘In fact, you look upon the existing circumstances as you did on the former ones.’’’

What can he mean?

‘‘‘You used to call the camp of Pompeius the senate.’’’ 12.

Should we rather call your camp the senate? In which you are the only man of consular rank, you whose whole consulship is effaced from every monument and register; and two praetors, who are afraid that they will lose something by us, — a groundless fear. For we are maintaining all the grants made by Caesar; and men of praetorian rank, Philadelphus Annius, and that innocent Gallius; and men of aedilitian rank, he on whom I have spent so much of my lungs and voice, Bestia, and that patron of good faith and cheater of his creditors, Trebellius, and that bankrupt and ruined man Quintus Caelius, and that support of the friends of Antonius Cotyla Varius, whom Antonius for his amusement caused at a banquet to be flogged with thongs by the public slaves: Men of septemviral rank, Lento and

Nucula, and then that delight and darling of the Roman people, Lucius Antonius. And for tribunes, first of all two tribunes elect, Tullus Hostilius, who was so full of his privileges as to write up his name on the gate of Rome; and who, when he found himself unable to betray his general, deserted him. The other tribune elect is a man of the name of Viscius; I know nothing about him; but I hear that he is (as they say) a bold robber; who, however, they say was once a bathing-man at Pisaurum, and a very good hand at mixing the water. [27] Then there are others too, of tribunitian rank: in the first place, Titus Plancus; a man who, if he had had any affection for the senate, would never have burned the senate-house. Having been condemned for which wickedness, he returned to that city by force of arms from which he was driven by the power of the law. But, however, this is a case common to him and to many others who are very unlike him. But this is quite true which men are in the habit of saying of this. Plancus in a proverbial way, that it is quite impossible for him to die unless his legs are broken. They are broken, and still he lives. But this, like many others, is a service that has been done us by Aquila. 13.

There is also in that camp Decius, descended, as I believe, from the great Decius Mus; accordingly he gained the gifts of Caesar. And so after a long interval the recollection of the Decii is renewed by this illustrious man. And how can I pass over Saxa Decidius, a fellow imported from the most distant nations, in order that we might see that man tribune of the people whom we had never beheld as a citizen? [28] There is also one of the Sasernae; but all of them have such a resemblance to one another, that I may make a mistake as to their first names. Nor must I omit Exitius, the brother of Philadelphus the quaestor; lest, if I were to be silent about that most illustrious young man, I should seem to be envying Antonius. There is also a gentleman of the name of Asinius, a voluntary senator, having been elected by himself. He saw the senate-house open after the death of Caesar, he changed his shoes, and in a moment became a conscript father. Sextus Albedius I do not know, but still I have not fallen in with any one so fond of evil-speaking, as to deny that he is worthy of a place in the senate of Antonius.

I dare say that I have passed over some names; but still I could not refrain from mentioning those who did occur to me. Relying then on

this senate, he looks down on the senate which supported Pompeius, in which ten of us were men of consular rank; and if they were all alive now this war would never have arisen at all. Audacity would have succumbed to authority. [29] But what great protection there would have been in the rest may be understood from this, that I, when left alone of all that band, with your assistance crushed and broke the audacity of that triumphant robber. 14.

But if Fortune had not taken from us not only Servius Sulpicius, and before him, his colleague Marcus Marcellus, — what citizens! What men! If the republic had been able to retain the two consuls, men most devoted to their country, who were driven together out of Italy; and Lucius Afranius, that consummate general; and Publius Lentulus, a citizen who displayed his extraordinary virtue on other occasions, and especially in the securing my safe return; and Bibulus, whose constant and firm attachment to the republic has at all times been deservedly praised; and Lucius Domitius, that most excellent citizen; and Appius Claudius, a man equally distinguished for nobleness of birth and for attachment to the state; and Publius Scipio, a most illustrious man, closely resembling his ancestors. Certainly with these men of consular rank, the senate which supported Pompeius was not to be despised.

[30] Which, then, was more just, which was more advantageous for the republic, that Cnaeus Pompeius, or that Antonius the brother who bought all Pompeius's property, should live? And then what men of praetorian rank were with us! the chief of whom was Marcus Cato, being indeed the chief man of any nation in the world for virtue. Why need I speak of the other most illustrious men? you know them all. I am more afraid lest you should think me tedious for enumerating so many, than ungrateful for passing over any one. And what men of aedilitian rank! and of tribunitian rank! and of quaestorian rank! Why need I make a long story of it? so great was the dignity of the senators of our party, so great too were their numbers, that those men have need of some very valid excuse who did not join that camp. Now listen to the rest of the letter. 15.

'"You have the defeated Cicero for your general."'

I am the more glad to hear that word "general," because he certainly uses it against his will; for as for his saying "defeated," I do

not mind that; for it is my fate that I can neither be victorious nor defeated without the republic being so at the same time.

"'You are fortifying Macedonia with armies.'"

Yes, indeed, and we have wrested one from your brother, who does not in the least degenerate from you.

"'You have entrusted Africa to Varus, who has been twice taken prisoner.'"

Here he thinks that he is making out a case against his own brother Lucius. [31]

"'You have sent Capius into Syria.'"

Do you not see then, O Antonius, that the whole would is open to our party, but that you have no spot, out of your own fortifications, where you can set your foot?

"'You have allowed Casca to discharge the office of tribune.'" What then? Were we to remove a man, as if he had been Marallus or Caesetius, to whom we own it, that this and many other things like this can never happen for the future? "'You have taken away from the Luperci the revenues which Julius Caesar assigned to them.'"

Does he dare to make mention of the Luperci? Does her not shudder at the recollection of that day on which, smelling of wine, reeking with perfumes, and naked, he dared to exhort the indignant Roman people to embrace slavery?

"'You, by a resolution of the senate, have removed the colonies of the veterans which had been legally settled.'"

Have we removed them, or have we rather ratified a law which was passed in the comitia centuriata? See, rather, whether it is not you who have ruined these veterans (those at least who are ruined), and settled them in a place from which they themselves now feel that they shall never he able to make their escape. [32]

"'You are promising to restore to the people of Marseilles what has been taken from them by the laws of war.'"

I am not going to discuss the laws of war. It is a discussion far more easy to begin than necessary. But take notice of this, O conscript fathers, what a born enemy to the republic Antonius is, who is so violent in his hatred of that city which he knows to have been at all times most firmly attached to this republic. 16.

"'[Do you not know] that no one of the party of Pompeius, who is

still alive, can, by the Hirtian law, possess any rank?"'

What, I should like to know, is the object of now making mention of the Hirtian law? — a law of which I believe the framer himself repents no less than those against whom it was passed. According to my opinion, it is utterly wrong to call it a law at all; and, even if it be a law, we ought not to think it a law of Hirtius.

'"You have furnished Brutus with money belonging to Apuleius."'

Well? Suppose the republic had furnished that excellent man with all its treasures and resources, what good man would have disapproved of it? For without money he could not have supported an army, nor without an army could he have taken your brother prisoner. [33]

'"You have praised the execution of Paetus and Menedemus, men who had been presented with the freedom of the city, and who were united by ties of hospitality to Caesar."'

We do not praise what we have never even heard of; we were very likely, in such a state of confusion and such a critical period of the republic, to busy our minds about two worthless Greeklings!

'"You took no notice of Theopompus having been stripped, and driven out by Trebonius, and compelled to flee to Alexandria."'

The senate has indeed been very guilty! We have taken no notice of that great man Theopompus! Why, who on earth knows or cares where he is, or what he is doing; or, indeed, whether he is alive or dead?

'"You endure the sight of Sergius. Galba in your camp, armed with the same dagger with which he slew Caesar."'

I shall make you no reply at all about Galba; a most gallant and courageous citizen. He will meet you face to face; and he being present, and that dagger which you reproach him with, shall give you your answer.

'"You have enlisted my soldiers, and many veterans, under the pretense of intending the destruction of those men who slew Caesar; and then, when they expected no such step, you have led them on to attack their quaestor, their general, and their former comrades!"'

No doubt we deceived them; we humbugged them completely! no doubt the Martial legion, the fourth legion, and the veterans had no

idea what was going on! They were not following the authority of the senate, or the liberty of the Roman people. — They were anxious to avenge the death of Caesar, which they all regarded as an act of destiny! No doubt you were the person whom they were anxious to see safe, and happy, and flourishing! 17. [34]

Oh miserable man, not only in fact, but also in the circumstance of not perceiving yourself how miserable you are! But listen to the most serious charge of all. '"In fact, what have you not sanctioned, — what have you not done? what would be done if he were to come to life again, by?—"'

By whom? For I suppose he means to bring forward some instance of a very wicked man. '"Cnaeus Pompeius himself?"'

Oh how base must we be, if indeed we have been imitating Cnaeus Pompeius! '"Or his son, if he could be at home?"'

He soon will be at home, believe me; for in a very few days he will enter on his home, and on his father's villas. '"Lastly, you declare that peace can not be made unless I either allow Brutus to quit Mutina, or supply him with corn."'

It is others who say that: I say, that even if you were to do so, there never could be peace between this city and you. '"What? is this the opinion of those veteran soldiers, to whom as yet either course is open?"'

I do not see that there is any course so open to them, as now to begin and attack that general whom they previously were so zealous and unanimous in defending. [35] '"Since you yourselves have sold yourselves for flatteries and poisoned gifts."'

Are those men depraved and corrupted, who have been persuaded to pursue a most detestable enemy with most righteous war? '"But you say, you are bringing assistance to troops who are hemmed in. I have no objection to their being saved, and departing wherever you wish, if they only allow that man to be put to death who has deserved it."'

How very kind of him! The soldiers availing themselves of the liberality of Antonius have deserted their general, and have fled in alarm to his enemy; and if it had not been for them, Dolabella, in offering the sacrifice which he did to the shade of his general, would not have been beforehand with Antonius in propitiating the spirit of

his colleague by a similar offering. [36]

‘“You write me word that there has been mention of peace made in the senate, and that five ambassadors of consular rank have been appointed. It is hard to believe that those men, who drove me in haste from the city, when I offered the fairest conditions, and when I was even thinking of relaxing somewhat of them, should now think of acting with moderation or humanity. And it is hardly probable, that those men who have pronounced Dolabella a public enemy for a most righteous action, should bring themselves to spare us who are influenced by the same sentiments as he.”’

Does it appear a trifling matter, that he confesses himself a partner with Dolabella in all his atrocities? Do you not see that all these crimes flow from one source? He himself confesses, shrewdly and correctly enough, that those who have pronounced Dolabella a public enemy for a most righteous action (for so it appeal’s to Antonius), can not possibly spare him who agrees with Dolabella in opinion. 18. [37]

What can you do with a man who puts on paper and records the fact, that his agreement with Dolabella is so complete, that he would kill Trebonius, and, if he could, Brutus and Cassius too with every circumstance of torture; and inflict the same punishment on us also? Certainly, a man who makes so pious and fair a treaty is a citizen to be taken care of! He also complains that the conditions which he offered, those reasonable and modest conditions, were rejected; namely, that he was to have the farther Gaul, — the province the most suitable of all for renewing and carrying on the war; that the legionaries of the Alauda should be judges in the third decury; that is to say, that there shall be an asylum for all crimes, to the indelible disgrace of the republic; that his own acts should be ratified, his, — when not one trace of his consulship has been allowed to remain! He showed his regard also for the interests of Lucius Antonius, who had been a most equitable surveyor of private and public domains, with Nucula and Lento for his colleagues. [38] ‘“Consider then, both of you, whether it is more becoming and more advantageous for your party, for you to seek to avenge the death of Trebonius, or that of Caesar; and whether it is more reasonable for you and me to meet in battle, in order that the cause of the Pompeians, which has so

frequently had its throat cut, may the more easily revive; or to agree together, so as not to be a laughing-stock to our enemies.'"

If its throat had been cut, it never could revive. '"Which,"' says he, '"is more becoming."' In this war he talks of what is becoming! [39] '"And more advantageous for your party."'—"Parties," you senseless man, is a suitable expression for the forum, or the senate house. You have declared a wicked war against your country; you are attacking Mutina; you are besieging the consul elect; two consuls are carrying on war against you; and with them, Caesar, the propraetor; all Italy is armed against you; and then do you call yours "a party," instead of a revolt from the republic? '"To seek to avenge the death of Trebonius, or that of Caesar."' We have avenged Trebonius sufficiently by pronouncing Dolabella a public enemy. The death of Caesar is best defended by oblivion and silence. But take notice what his object is. — When he thinks that the death of Caesar ought to be revenged, he is threatening with death, not those only who perpetrated that action, but those also who were not indignant at it. 19. [40]

'"Men who will count the destruction of either you or me gain to them. A spectacle which as yet fortune herself has taken care to avoid, unwilling to see two armies which belong to one body fighting, with Cicero acting as master of the show; a fellow who is so far happy that he has cajoled you both with the same compliments as those with which he boasted that he had deceived Caesar."'

He proceeds in his abuse of me, as if he had been very fortunate in all his former reproaches of me; but I will brand him with the most thoroughly deserved marks of infamy, and pillory him for the everlasting recollection of posterity. I a '"master of the show of gladiators!"' indeed he is not wholly wrong, for I do wish to see the worst party slain, and the best victorious! He writes that '"whichever of them are destroyed we shall count as so much gain."' [41] Admirable gain, when, if you, O Antonius, are victorious (may the gods avert such a disaster!) the death of those men who depart from life untortured will be accounted happy! He says that Hirtius and Caesar '"have been cajoled by me by the same compliments."' I should like to know what compliment has been as yet paid to Hirtius by me; for still more and greater ones than have been paid him already are due to Caesar. But do you, O Antonius, dare to say that Caesar, the father, was deceived by me! You, it was you, I say, who really slew him at the Lupercal games. Why, O most ungrateful of men, have you abandoned your office of priest to him? But remark now the admirable wisdom and consistency of this great and illustrious man. [42]

'"I am quite resolved to brook no insult either to myself or to my friends; nor to desert that party which Pompeius hated, nor to allow the veterans to be removed from their abodes; nor to allow individuals to be dragged out to torture, nor to violate the faith which I pledged to Dolabella."'

I say nothing of the rest of this sentence, '"the faith pledged to Dolabella,"' to that most holy man, this pious gentleman will by no means violate. What faith? Was it a pledge to murder every virtuous citizen, to partition the city and Italy, to distribute the provinces among, and to hand them over to be plundered by, their followers? For what else was there which could have been ratified by treaty and mutual pledges between Antonius and Dolabella, those foul and parricidal traitors? [43]

'"Nor to violate my treaty of alliance with Lepidus, the most conscientious of men."'

You have any alliance with Lepidus or with any (I will not say virtuous citizen, as he is, but with any) man in his senses! Your

object is to make Lepidus appear either an impious man, or a madman. But you are doing no good (although it is a hard matter to speak positively of another), especially with a man like Lepidus, whom I will never fear, but I shall hope good things of him unless I am prevented from doing so. Lepidus wished to recall you from your frenzy, not to be the assistant of your insanity. But you seek your friends not only among conscientious men, but among **most** conscientious men. And you actually, godlike is your piety, invent a new word to express it which has no existence in the Latin language. [44]

'"Nor to betray Plancus, the partner of my counsels.)"'

Plancus, the partner of your counsels? He, whose ever memorable and divine virtue brings a light to the republic (unless, perhaps, you think that it is as a reinforcement to you that he has come with those most gallant legions, and with a numerous Gallic force of both cavalry and infantry); and who, if before his arrival you have not by your punishment made atonement to the republic for your wickedness, will be chief leader in this war. For although the first succors that arrive are more useful to the republic, yet the last are the more acceptable. 20. [45]

However, at last he recollects himself and begins to philosophize.

'"If the immortal gods assist me, as I trust that they will, going on my way with proper feelings, I shall live happily; but if another fate awaits me, I have already a foretaste of joy in the certainty of your punishment. For if the Pompeians when defeated are so insolent, you will be sure to experience what they will be when victorious."'

You are very welcome to your foretaste of joy. For you are at war not only with the Pompeians, but with the entire republic. Every one, gods and men, the highest rank, the middle class, the lowest dregs of the people, citizens and foreigners, men and women, free men and slaves, all hate you. We saw this the other day on some false news that came; but we shall soon see it from the way in which true news is received. And if you ponder these things with yourself a little, you will die with more equanimity, and greater comfort. [46]

'"Lastly, this is the sum of my opinion and determination; I will bear with the insults offered me by my friends, if they themselves are willing to forget that they have offered them; or if they are prepared

to unite with me in avenging Caesar a death.'"

Now that they know this resolution of Antonius, do you think that Aulus Hirtius and Caius Pansa, the consuls, can hesitate to pass over to Antonius? to besiege Brutus? to be eager to attack Mutina? Why do I say Hirtius and Pansa? Will Caesar, that young man of singular piety, be able to restrain himself from seeking to avenge the injuries of his father in the blood of Decimus Brutus? Therefore, as soon as they had read his letter, the course which they adopted was to approach nearer to the fortifications. And on this account we ought to consider Caesar a still more admirable young man; and that a still greater kindness of the immortal gods which gave him to the republic, as he has never been misled by the specious use of his father's name; nor by any false idea of piety and affection. He sees clearly that the greatest piety consists in the salvation of one's country. [47] But if it were a contest between parties, the name of which is utterly extinct, then would Antonius and Ventidius be the proper persons to uphold the party of Caesar, rather than in the first place, Caesar, a young man full of the greatest piety and the most affectionate recollection of his parent? and next to him Pansa and Hirtius, who held (if I may use such an expression) the two horns of Caesar, at the time when that deserved to be called a party. But what parties are these, when the one proposes to itself to uphold the authority of the senate, the liberty of the Roman people, and the safety of the republic, while the other fixes its eyes on the slaughter of all good men, and on the partition of the city and of Italy! 21.

Let us come at last to the end.

"'I do not believe that ambassadors are coming—'"

He knows me well.

"'To a place where war exists.'"

Especially with the example of Dolabella before our eyes ambassadors, I should think, will have privileges more respected than two consuls against whom he is bearing arms; or than Caesar, whose father's priest he is; or than the consul elect, whom he is attacking; or than Mutina, which he is besieging; or than his country, which he is threatening with fire and sword. [48]

"'When they do come I shall see what they demand.'

Plagues and tortures seize you! Will any one come to you unless

he be a man like Ventidius? We sent men of the very highest character to extinguish the rising conflagration; you rejected them. Shall we now send men when the fire has become so large and has risen to such a height, and when you have left yourself no possible room, not only for peace, but not even for a surrender?

I have read you this letter, O conscript fathers, not because I thought it worth reading, but in order to let you see all his parricidal treasons revealed by his own confessions. [49] Would Marcus Lepidus, that man so richly endowed with all the gifts of virtue and fortune, if he saw this letter, either wish for peace with this man, or even think it possible that peace should be made? "Sooner shall fire and water mingle," as some poet or other says; sooner shall any thing in the world happen than either the republic become reconciled to the Antonii, or the Antonii to the republic. Those men are monsters, prodigies, portentous pests of the republic. It would be better for this city to be uplifted from its foundations and transported, if such a thing were possible, into other regions, where it should never hear of the actions or the name of the Antonii, than for it to see those men, driven out by the valor of Caesar, and hemmed in by the courage of Brutus, inside these walls. The most desirable thing is victory; the next best thing is to think no disaster too great to bear in defense of the dignity and freedom of one's country. The remaining alternative, I will not call it the third, but the lowest of all, is to undergo the greatest disgrace from a desire of life. [50]

Since, then, this is the case, as to the letters and messages of Marcus Lepidus, that most illustrious man, I agree with Servilius. And I further give my vote, that Magnus Pompeius, the son of Cnaeus, has acted as might have been expected from the affection and zeal of his father and forefathers toward the republic, and from his own previous virtue and industry and loyal principles in promising to the senate and people of Rome his own assistance, and that of those men whom he has with him; and that that conduct of his is grateful and acceptable to the senate and people of Rome, and that it shall tend to his own honor and dignity. This may either be added to the resolution of the senate which is before us, or it may be separated from it and drawn up by itself, so as to let Pompeius be seen to be extolled in a distinct resolution of the senate.

THE FOURTEENTH PHILIPPIC.

THE ARGUMENT.

After the last speech was delivered, Brutus gained great advantages in Macedonia over Caius Antonius, and took him prisoner. He treated him with great lenity, so much so as to displease Cicero, who remonstrated with him strongly on his design of setting him at liberty. He was also under some apprehension as to the steadiness of Plancus's loyalty to the senate; but on his writing to that body to assure them of his obedience, Cicero procured a vote of some extraordinary honors to him,

Cassius also about the same time was very successful in Syria, of which he wrote Cicero a full account. Meantime reports were being spread in the city by the partisans of Antonius, of his success before Mutina; and even of his having gained over the consuls. Cicero too was personally much annoyed at a report which they spread of his having formed the design of making himself master of the city and assuming the title of Dictator, but when Apuleius, one of his friends and a tribune of the people, proceeded to make a speech to the people in Cicero's justification, the people all cried out that he had never done any thing which was not for the advantage of the republic. About the same time news arrived of a victory gained over Antonius at Mutina.

Pansa was now on the point of joining Hirtius with four pew legions and Antonius endeavored to surprise him on the road before he could effect that junction. A severe battle ensued, in which Hirtius came to Pansa's aid, and Antonius was defeated with great loss. On the receipt of the news, the populace assembled about Cicero's house, and carried him in triumph to the Capitol. The next day Marcus Cornutus, the praetor, summoned the senate to deliberate on the letters received from the consuls and Octavius, giving an account of the victory. Servilius declared his opinion that the citizens should relinquish the sagum, or robe of war; and that a supplication should be decreed in honor of the consuls and Octavius. Cicero rose next and delivered the following speech, objecting to the relinquishment

of the robe of war, and blaming Servilius for not calling Antonius an enemy.

The measures which he himself proposed were carried.

1. If, O conscript fathers, while I learned from the letters which have been read that the army of our most wicked enemies had been defeated and routed, I had also learned what we all wish for above all things, and which we do suppose has resulted from that victory which has been achieved, — namely, that Decimus Brutus had already quitted Mutina, — then I should without any hesitation give my vote for our returning to our usual dress out of joy at the safety of that citizen on account of whose danger it was that we adopted the robe of war, But before any news of that event which the city looks for with the greatest eagerness arrives, we have sufficient reason indeed for joy at this most important and most illustrious battle; but reserve, I beg you, your return to your usual dress for the time of complete victory. But the completion of this war is the safety of Decimus Brutus. [2]

But what is the meaning of this proposal that our dress shall be changed just for today, and that tomorrow we should again come forth in the garb of war? Rather when we have once turned to that dress which we wish and desire to assume, let us strive to retain it forever; for this is not only discreditable, but it is displeasing also to the immortal gods, to leave their altars, which we have approached in the attire of peace, for the purpose of assuming the garb of war. [3] And I notice, O conscript fathers, that there are some who favor this proposal: whose intention and design is, as they see that that will be a most glorious day for Decimus Brutus on which we return to our usual dress out of joy for his safety, to deprive him of this great reward, so that it may not be handed down to the recollection of posterity that the Roman people had recourse to the garb of war on account of the danger of one single citizen, and then returned to their gowns of pence on account of his safety. Take away this reason, and you will find no other for so absurd a proposal. But do you, O conscript fathers, preserve your authority, adhere to your own opinions, preserve in your recollection what you have often declared,

that the whole result of this entire war depends on the life of one most brave and excellent man. 2. [4]

For the purpose of effecting the liberation of Decimus Brutus, the chief men of the state were sent as ambassadors, to give notice to that enemy and parricidal traitor to retire from Mutina; for the sake of preserving that same Decimus Brutus, Aulus Hirtius, the consul, went by lot to conduct the war; a man the weakness of whose bodily health was made up for by the strength of his courage, and encouraged by the hope of victory; Caesar, too, after he, with an army levied by his own resources and on his own authority, had delivered the republic from the first dangers that assailed it, in order to prevent any subsequent wicked attempts from being originated, departed to assist in the deliverance of the same Brutus, and subdued some family vexation which he may have felt by his attachment to his country. [5] What other object had Caius Pansa in holding the levies which he did, and in collecting money, and in carrying the most severe resolutions of the senate against Antonius, and in exhorting us, and in inviting the Roman people to embrace the cause of liberty, except to insure the deliverance of Decimus Brutus? For the Roman people in crowds demanded at his hands the safety of Decimus Brutus with such unanimous outcries, that he was compelled to prefer it not only to any consideration of his own personal advantage, but even to his own necessities. And that end we now, O conscript fathers, are entitled to hope is either at the point of being achieved, or is actually gained; but it is right for the reward of our hopes to be reserved for the issue and event of the business, lest we should appear either to have anticipated the kindness of the gods by our over precipitation, or to have despised the bounty of fortune through our own folly. [6]

But since the manner of your behavior shows plainly enough what you think of this matter, I will come to the letters which have arrived from the consuls and the propraetor, after I have said a few words relating to the letters themselves. 3.

The swords, O conscript fathers, of our legions and armies have been stained with, or rather, I should say, dipped deep in blood in two battles which have taken place under the consuls, and a third, which has been fought under the command of Caesar. If it was the

blood of enemies, then great is the piety of the soldiers; but it is nefarious wickedness if it was the blood of citizens. How long, then, is that man, who has surpassed all enemies in wickedness, to be spared the name of enemy? unless you wish to see the very swords of our soldiers trembling in their hands while they doubt whether they are piercing a citizen or an enemy. [7] You vote a supplication; you do not call Antonius an enemy. Very pleasing indeed to the immortal gods will our thanksgivings be, very pleasing too the victims, after a multitude of our citizens has been slain! "For the victory" says the proposer of the supplication, "over wicked and audacious men." For that is what this most illustrious man calls them; expressions of blame suited to lawsuits carried on in the city, not denunciations of searing infamy such as deserved by internecine war. I suppose they are forging wills, or trespassing on their neighbors, or cheating some young men; for it is men implicated in these and similar practices that we are in the habit of terming wicked and audacious. [8] One man, the foulest of all banditti, is waging an irreconcilable war against four consuls. He is at the same time carrying on war against the senate and people of Rome. He is (although he is himself hastening to destruction; through the disasters which he has met with) threatening all of us with destruction, and devastation, and torments, and tortures. He declares that that inhuman and savage act of Dolabella's, which no nation of barbarians would have owned, was done by his advice; and what he himself would do in this city, if this very Jupiter, who now looks down upon us assembled in his temple, had not repelled him from this temple and from these walls, he showed, in the miseries of those inhabitants of Parma, whom, virtuous and honorable men as they were, and most intimately connected with the authority of this order, and with the dignity of the Roman people, that villain and monster, Lucius Antonius, that object of the extraordinary detestation of all men, and (if the gods hate those whom they ought) of all the gods also, murdered with every circumstance of cruelty. [9] My mind shudders at the recollection, O conscript fathers, and shrinks from relating the cruelties which Lucius Antonius perpetrated on the children and wives of the citizens of Parma. For whatever infamy the Antonii have willingly undergone in their own persons to their own infamy, they triumph in the fact of

having inflicted on others by violence. But it is a miserable violence which they offered to them; most unholy lust, such as the whole life of the Antonii is polluted with. 4.

Is there then any one who is afraid to call those men enemies, whose wickedness he admits to have surpassed even the inhumanity of the Carthaginians? For in what city, when taken by storm, did Hannibal even behave with such ferocity as Antonius did in Parma, which he filched by surprise? Unless, perhaps, Antonius is not to be considered the enemy of this colony, and of the others toward which he is animated with the same feelings. [10] But if he is beyond all question the enemy of the colonies and municipal towns, then what do you consider him with respect to this city which he is so eager for to satiate the indigence of his band of robbers? which that skillful and experienced surveyor of his, Saxa, has already marked out with his rule. Recollect, I entreat you, in the name of the immortal gods, O conscript fathers, what we have been fearing for the last two days, in consequence of infamous rumors carefully disseminated by enemies within the walls. Who has been able to look upon his children or upon his wife without weeping? who has been able to bear the sight of his home, of his house, and his household gods? Already all of us were expecting a most ignominious death, or meditating a miserable flight. And shall we hesitate to call the men at whose hands we feared all these things enemies? If any one should propose a more severe designation I will willingly agree to it; I am hardly content with this ordinary one, and will certainly not employ a more moderate one. [11]

Therefore, as we are bound to vote, and as Servilius has already proposed a most just supplication for those letters which have been read to you; I will propose altogether to increase the number of the days which it is to last, especially as it is to be decreed in honor of three generals conjointly. But first of all I will insist on styling those men imperator by whose valor, and wisdom, and good fortune we have been released from the most imminent danger of slavery and death. Indeed, who is there within the last twenty years who has had a supplication decreed to him without being himself styled imperator, though he may have performed the most insignificant exploits, or even almost none at all. Wherefore, the senator who spoke before me

ought either not to have moved for a supplication at all, or he ought to have paid the usual and established compliment to those men to whom even new and extraordinary honors are justly due. 5. [12]

Shall the senate, according to this custom which has now obtained, style a man imperator if he has slain a thousand or two of Spaniards, or Gauls, or Thracians; and now that so many legions have been routed, now that such a multitude of enemies has been slain, — yes, enemies, I say, although our enemies within the city do not fancy this expression, — shall we pay to our most illustrious generals the honor of a supplication, and refuse them the name of imperator? For with what great honor, and joy, and exultation ought the deliverers of this city themselves to enter into this temple, when yesterday, on account of the exploits which they have performed, the Roman people carried me in an ovation, almost in a triumph from my house to the Capitol, and back again from the Capitol to my own house? [13] That is indeed in my opinion a just and genuine triumph, when men who have deserved well of the republic receive public testimony to their merits from the unanimous consent of the senate. For if, at a time of general rejoicing on the part of the Roman people, they addressed their congratulations to one individual, that is a great proof of their opinion of him; if they gave him thanks, that is a greater still; if they did both, then nothing more honorable to him can be possibly imagined.

Are you saying all this of yourself? some one will ask. It is indeed against my will that I do so; but my indignation at injustice makes me boastful, contrary to my usual habit. Is it not sufficient that thanks should not be given to men who have well earned them, by men who are ignorant of the very nature of virtue? And shall accusations and odium be attempted to be excited against those men who devote all their thoughts to insuring the safety of the republic? [14] For you well know that there has been a common report for the last few days, that the day before the wine feast, that is to say, on this very day, I was intending to come forth with the fasces as dictator. One would think that this story was invented against some gladiator, or robber, or Catiline, and not against a man who had prevented any such step from ever being taken in the republic. Was I, who defeated and overthrew and crushed Catiline, when he was attempting such

wickedness, a likely man myself all on a sudden to turn out Catiline? Under what auspices could I, an augur, take those fasces? How long should I have been likely to keep them? to whom was I to deliver them as my successor? The idea of any one having been so wicked as to invent such a tale! or so mad as to believe it! In what could such a suspicion, or rather such gossip, have originated? 6. [15]

When, as you know, during the last three or four days a report of bad news from Mutina has been creeping abroad, the disloyal part of the citizens, inflated with exultation and insolence, began to collect in one place, at that senate-house which has been more fatal to their party than to the republic. There, while they were forming a plan to massacre us, and were distributing the different duties among one another, and settling who was to seize on the Capitol, who on the rostra, who on the gates of the city, they thought that all the citizens would flock to me. And in order to bring me into unpopularity, and even into danger of my life, they spread abroad this report about the fasces. They themselves had some idea of bringing the fasces to my house; and then, on pretense of that having been done by my wish, they had prepared a band of hired ruffians to make an attack on me as on a tyrant, and a massacre of all of you was intended to follow. The fact is already notorious, O conscript fathers, but the origin of all this wickedness will be revealed in its fitting time. [16]

Therefore Publius Apuleius, a tribune of the people, who ever since my consulship has been the witness and partaker of, and my assistant in all my designs and all my dangers, could not endure the grief of witnessing my indignation. He convened a numerous assembly, as the whole Roman people were animated with one feeling on the subject. And when in the harangue which he then made, he, as was natural from our great intimacy and friendship, was going to exculpate me from all suspicion in the matter of the fasces, the whole assembly cried out with one voice, that I had never had any intentions with regard to the republic which were not excellent. After this assembly was over, within two or three hours, these most welcome messengers and letters arrived, so that the same day not only delivered me from a most unjust odium, but increased my credit by that most extraordinary act with which the Roman people distinguished me

[17] I have made this digression, O conscript fathers, not so much for the sake of speaking of myself (for I should be in a sorry plight if I were not sufficiently acquitted in your eyes without the necessity of making a formal defense), as with the view of warning some men of too groveling and narrow minds, to adopt the line of conduct which I myself have always pursued, and to think the virtue of excellent citizens worthy of imitation, not of envy. There is a great field in the republic, as Crassus used very wisely to say; the road to glory is open to many. 7.

Would that those great men were still alive, who, after my consulship, when I myself was willing to yield to them, were themselves desirous to see me in the post of leader. But at the present moment, when there is such a dearth of wise and fearless men of consular rank, how great do you not suppose must be my grief and indignation, when I see some men absolutely disaffected to the republic, others wholly indifferent to every thing, others incapable of persevering with any firmness in the cause which they have espoused; and regulating their opinions not always by the advantage of the republic, but sometimes by hope, and sometimes by fear. [18] But if any one is anxious and inclined to struggle for the leadership — though struggle there ought to be none — he acts very foolishly, if he proposes to combat virtue with vices. For as speed is only outstripped by speed, so among brave men virtue is only surpassed by virtue. Will you, if I am full of excellent sentiments with respect to the republic, adopt the worst possible sentiments yourself for the purpose of excelling me? Or if you see a race taking place for the acquisition of honors, will you summon all the wicked men you can find to your banner? I should be sorry for you to do so; first of all, for the sake of the republic, and secondly, for that of your own dignity. But if the leadership of the state were at stake, which I have never coveted, what could be more desirable for me than such conduct on your part? [19] For it is impossible that I should be defeated by wicked sentiments and measures, — by good ones perhaps I might be, and I willingly would be.

Some people are vexed that the Roman people should see, and take notice of, and form their opinion on these matters. Was it possible for men not to form their opinion of each individual as he

deserved? For as the Roman people form a most correct judgment of the entire senate, thinking that at no period in the history of the republic was this order ever more firm or more courageous; so also they all inquire diligently concerning every individual among us; and especially in the case of those among us who deliver our sentiments at length in this place, they are anxious to know what those sentiments are; and in that way they judge of each one of us, as they think that he deserves. [20] They recollect that on the nineteenth of December I was the main cause of recovering our freedom; that from the first of January to this hour I have never ceased watching over the republic; that day and night my house and my ears have been open to the instruction and admonition of everyone; that it has been by my letters, and my messengers, and my exhortations, that all men in every part of the empire have been roused to the protection of our country; that it is owing to the open declaration of my opinion ever since the first of January, that no ambassadors have been ever sent to Antonius; that I have always called him a public enemy, and this a war; so that I, who on every occasion have been the adviser of genuine peace, have been a determined enemy to this pretense of fatal peace. [21]

Have not I also at all times pronounced Ventidius an enemy, when others wished to call him a tribune of the people? If the consuls had chosen to divide the senate on my opinion, their arms would long since have been wrested from the hands of all those robbers by the positive authority of the senate. 8.

But what could not be done then, O conscript fathers, at present not only can be, but even must be done. I mean, those men who are in reality enemies must be branded in plain language, must be declared enemies by our formal resolution. [22] Formerly, when I used the words War or Enemy, men more than once objected to record my proposition among the other propositions. But that can not be done on the present occasion. For in consequence of the letters of Caius Pansa and Aulus Hirtius, the consuls, and of Caius Caesar, propraetor, we have all voted that honors be paid to the immortal gods. The very man who lately proposed and carried a vote for a supplication, without intending it pronounced those men enemies; for a supplication has never been decreed for success in civil war.

Decreed, do I say? It has never even been asked for in the letters of the conqueror. [23] Sulla as consul carried on a civil war; he led his legions into the city and expelled whomsoever he chose; he slew those whom he had in his power: there was no mention made of any supplication. The violent war with Octavius followed. Cinna the conqueror had no supplication voted to him. Sulla as imperator revenged the victory of Cinna, still no supplication was decreed by the senate. I ask you yourself, O Publius Servilius, did your colleague send you any letters concerning that most lamentable battle of Pharsalia? Did he wish you to make any motion about a supplication? Certainly not. But he did afterward when he took Alexandria; when he defeated Pharnaces; but for the battle of Pharsalia he did not even celebrate a triumph. For that battle had destroyed those citizens whose, I will not say lives, but even whose victory might have been quite compatible with the safety and prosperity of the state. [24] And the same thing had happened in the previous civil wars. For though a supplication was decreed in my honor when I was consul, though no arms had been had recourse to at all, still that was voted by a new and wholly unprecedented kind of decree, not for the slaughter of enemies, but for the preservation of the citizens. Wherefore, a supplication on account of the affairs of the republic having been successfully conducted must, O conscript fathers, be refused by you even though your generals demand it; a stigma which has never been affixed on any one except Gabinius; or else, by the mere fact of decreeing a supplication, it is quite inevitable that you must pronounce those men, for whose defeat you do decree it, enemies of the state. 9.

What then Servilius did in effect, I do in express terms, when I style those men imperators. By using this name, I pronounce those who have been already defeated, and those who still remain, enemies in calling their conquerors imperators. [25] For what title can I more suitably bestow on Pansa? Though he has, indeed, the title of the highest honor in the republic. What, too, shall I call Hirtius? He, indeed, is consul; but this latter title is indicative of the kindness of the Roman people; the other of valor and victory. What? Shall I hesitate to call Caesar imperator, a man born for the republic by the express kindness of the gods? He who was the first man who turned

aside the savage and disgraceful cruelty of Antonius, not only from our throats but from our limbs and bowels? What numerous and what important virtues, O ye immortal gods, were displayed on that single day. [26] For Pansa was the leader of all in engaging in battle and in combating with Antonius; O general worthy of the Martial legion, legion worthy of its general! Indeed, if he had been able to restrain its irresistible impetuosity, the whole war would have been terminated by that one battle. But as the legion, eager for liberty, had rushed with too much precipitation against the enemy's line of battle, and as Pansa himself was fighting in the front ranks, he received two dangerous wounds, and was borne out of the battle, to preserve his life for the republic. But I pronounce him not only imperator, but a most illustrious imperator; who, as he had pledged himself to discharge his duty to the republic either by death or by victory, has fulfilled one half of his promise; may the immortal gods prevent the fulfillment of the other half! 10. [27]

Why need I speak of Hirtius? who, the moment he heard of what was going on, with incredible promptness and courage led forth two legions out of the camp; that noble fourth legion, which, having deserted Antonius, formerly united itself to the Martial legion; and the seventh, which, consisting wholly of veterans, gave proof in that battle that the name of the senate and people of Rome was dear to those soldiers who preserved the recollection of the kindness of Caesar. With these twenty cohorts, with no cavalry, while Hirtius himself was bearing the eagle of the fourth legion, — and we never heard of a more noble office being assumed by any general, — he fought with the three legions of Antonius and with his cavalry, and overthrew, and routed, and put to the sword those impious men who were the real enemies to this temple of the all good and all powerful Jupiter, and to the rest of the temples of the immortal gods, and the houses of the city, and the freedom of the Roman people, and our lives and actual existence; so that that chief and leader of robbers fled away with a very few followers, concealed by the darkness of night, and frightened out of all his senses.

Oh what a most blessed day was that, which, while the carcasses of those parricidal traitors were strewed about every where, beheld Antonius flying with a few followers, before he reached his place of

concealment. [28]

But will any one hesitate to call Caesar imperator? Most certainly his age will not deter any one from agreeing to this proposition, since he has gone beyond his age in virtue. And to me, indeed, the services of Caius Caesar have always appeared the more deserving of thanks, in proportion as they were less to have been expected from a man of his age. For when we conferred military command on him we were in fact encouraging the hope with which his name inspired us and now that he has fulfilled those hopes, he has sanctioned the authority of our decree by his exploits. This young man of great mind, as Hirtius most truly calls him in his letter, with a few cohorts defended the camp of many legions and fought a successful battle And in this manner the republic has on one day been preserved in many places by the valor and wisdom, and good fortune of three imperators of the Roman people. 11. [29]

I therefore propose supplications of fifty days in the joint names of the three. The reasons I will embrace in the words of the resolution, using the most honorable language that I can devise.

But it becomes our good faith and our piety to show plainly to our most gallant soldiers how mindful of their services and how grateful for them we are; and accordingly I give my vote that our promises, and those pledges too which we promised to bestow on the legions when the war was finished, be repeated in the resolution which we are going to pass this day. For it is quite fair that the honor of the soldiers, especially of such soldiers as those, should be united with that of their commanders. [30] And I wish, O conscript fathers, that it was lawful for us to dispense rewards to all the citizens, although we will give those which we have promised with the most careful usury. But that remains, as I well hope, to the conquerors, to whom the faith of the senate is pledged; and, as they have adhered to it at a most critical period of the republic, we are bound to take care that they never have cause to repent of their conduct. But it is easy for us to deal fairly by those men whose very services, though mute, appear to demand our liberality. This is a much more praiseworthy and more important duty, to pay a proper tribute of grateful recollection to the valor of those men who have shed their blood in the cause of their country. [31] And I wish more suggestions could occur to me in the

way of doing honor to those men. The two ideas which principally do occur to me, I will at all events not pass over; the one of which has reference to the everlasting glory of those bravest of men; the other may tend to mitigate the sorrow and mourning of their relations. 12.

I therefore give my vote, O conscript fathers, that the most honorable monument possible be erected to the soldiers of the Martial legion, and to those soldiers also who died fighting by their side. Great and incredible are the services done by this legion to the republic. This was the first legion to tear itself from the piratical band of Antonius; this was the legion which encamped at Alba; this was the legion that went over to Caesar; and it was in imitation of the conduct of this legion that the fourth legion has earned almost equal glory for its virtue. The fourth is victorious without having lost a man; some of the Martial legion fell in the very moment of victory. Oh happy death, which, due to nature, has been paid in the cause of one's country! [32] But I consider you men born for your country; you whose very name is derived from Mars, so that the same god who begot this city for the advantage of the nations, appears to have begotten you for the advantage of this city. Death in flight is infamous; in victory glorious. In truth, Mars himself seems to select all the bravest men from the battle array. Those impious men whom you slew, shall even in the shades below pay the penalty of their parricidal treason. But you, who have poured forth your latest breath in victory, have earned an abode and place among the pious. A brief life has been allotted to us by nature; but the memory of a well-spent life is imperishable. And if that memory were no longer than this life, who would be so senseless as to strive to attain even the highest praise and glory by the most enormous labors and dangers?

[33] You then have fared most admirably, being the bravest of soldiers while you lived, and now the most holy of warriors, because it will be impossible for your virtue to be buried, either through the forgetfulness of the men of the present age, or the silence of posterity, since the senate and Roman people will have raised to you an imperishable monument, I may almost say with their own hands. Many armies at various times have been great and illustrious in the Punic, and Gallic, and Italian wars; but to none of them have honors

been paid of the description which are now conferred on you. And I wish that we could pay you even greater honors, since we have received from you the greatest possible services. You it was who turned aside the furious. Antonius from this city; you it was who repelled him when endeavoring to return. There shall therefore be a vast monument erected with the most sumptuous work and an inscription engraved upon it as the everlasting witness of your godlike virtue And never shall the most grateful language of all who either see or hear of your monument cease to be heard And in this manner you, in exchange for your mortal condition of life, have attained immortality. 13. [34]

But since, O conscript fathers, the gift of glory is conferred on these most excellent and gallant citizens by the honor of a monument, let us comfort their relations, to whom this indeed is the best consolation. The greatest comfort for their parents is the reflection that they have produced sons who have been such bulwarks of the republic; for their children, that they will have such examples of virtue in their family; for their wives, that the husbands whom they have lost are men whom it is a credit to praise, and to have a right to mourn for; and for their brothers, that they may trust that, as they resemble them in their persons, so they do also in their virtues.

Would that we were able by the expression of our sentiments and by our votes to wipe away the tears of all these persons; or that any such oration as this could be publicly addressed to them, to cause them to lay aside their grief and mourning, and to rejoice rather, that, while many various kinds of death impend over men, the most honorable kind of all has fallen to the lot of their friends; and that they are not unburied, nor deserted; though even that fate, when incurred for one a country, is not accounted miserable; nor burned with equable obsequies in scattered graves, but entombed in honorable sepulchers, and honored with public offerings; and with a building which will be an altar of their valor to insure the recollection of eternal ages. [35]

Wherefore it will be the greatest possible comfort to their relations, that by the same monument are clearly displayed the valor of their kinsmen, and also their piety, and the good faith of the

senate, and the memory of this most inhuman war, in which, if the valor of the soldiers had been less conspicuous, the very name of the Roman people would have perished by the parricidal treason of Marcus. Antonius. And I think also, O conscript fathers, that those rewards which we promised to bestow on the soldiers when we had recovered the republic, we should give with abundant usury to those who are alive and victorious when the time comes; and that in the case of the men to whom those rewards were promised, but who have died in the defense of their country, I think those same rewards should be given to their parents or children, or wives or brothers. 14. [36]

But that I may reduce my sentiments into a formal motion, I give my vote that, "As Caius Pansa, consul, imperator, set the example of fighting with the enemy in a battle in which the Martial legion defended the freedom of the Roman people with admirable and incredible valor, and the legions of the recruits behaved equally well; and as Caius Pansa, consul, imperator, while engaged in the middle of the ranks of the enemy received wounds; and as Aulus Hirtius, consul, imperator, the moment that he heard of the battle, and knew what was going on, with a most gallant and loyal soul, led his army out of his camp and attacked Marcus Antonius and his army, and put his troops to the sword, with so little injury to his own army that he did not lose one single man; [37] and as Caius Caesar, propraetor, imperator, with great prudence and energy defended the camp successfully, and routed and put to the sword the forces of the enemy which had come near the camp:

"On these accounts the senate thinks and declares that the Roman people has been released from the most disgraceful and cruel slavery by the valor, and military skill, and prudence, and firmness, and perseverance, and greatness of mind and good fortune of these their generals. And decrees that, as they have preserved the republic, the city, the temples of the immortal gods, the property and fortunes and families of all the citizens, by their own exertions in battle, and at the risk of their own lives; on account of these virtuous and gallant and successful achievements, Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them, or, in their absence, Marcus Cornutus, the city praetor, shall appoint a supplication at all the altars

for fifty days. [38] And as the valor of the legions has shown itself worthy of their most illustrious generals, the senate will with great eagerness, now that the republic is recovered, bestow on our legions and armies all the rewards which it formerly promised them. And as the Martial legion was the first to engage with the enemy, and fought in such a manner against superior numbers as to slay many and take some prisoners; and as they shed their blood for their country without any shrinking; and as the soldiers of the other legions encountered death with similar valor in defense of the safety and freedom of the Roman people; — the senate does decree that Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them if it seems good to them, shall see to the issuing of a contract for, and to the erecting, the most honorable possible monument to those men who shed their blood for the lives and liberties and fortunes of the Roman people, and for the city and temples of the immortal gods; that for that purpose they shall order the city quaestors to furnish and pay money, in order that it may be witness for the everlasting recollection of posterity of the wickedness of our most cruel enemies, and the godlike valor of our soldiers. And that the rewards which the senate previously appointed for the soldiers, be paid to the parents or children or wives or brothers of those men who in this war have fallen in defence of their country; and that all honours be bestowed on them which should have been bestowed on the soldiers themselves if those men had lived who gained the victory then by death.”

FRAGMENTS OF SPEECHES

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THE FRAGMENTS OF THE SPEECH OF M. T. CICERO IN DEFENCE OF CAIUS CORNELIUS.

THE ARGUMENT

Caius Cornelius had been quaestor to Cnaeus Pompeius, and afterward had been tribune of the people in the consulship of Piso. He had been alienated from the senate by their rejection of some severe laws which he had proposed to check the system of usury by which he said that the provinces were drained of their treasures. Out of revenge he proposed other laws, having for their object the curtailment of the power of the senate. And in retaliation now, many of the most influential senators encouraged the institution of a prosecution of him for practices against the state in his late tribunate, and especially for some acts of peculation, which they said brought him under the provisions of the Lex Majestatis.Some of the most influential of the senators, such as Quintus Hortensius, Quintus Catulus, Quintus Metellus Pius, Lucius Lucullus, and Marcus Lepidus, gave evidence against him. The cause was tried before Gallius, the praetor. The trial lasted four days, and Cicero spoke two speeches in it, of which nothing has come down to us but a few fragments of the first, and a very few lines indeed of the second.

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He was first presented before me as praetor, on a charge of extortion. Cominius, forsooth, has a clear foresight of what the real object in view is; that men of straw, indeed, are pushed forward in front to make experiment with.

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What? when Metellus, a man of the highest rank and the purest virtue, had twice given his evidence on oath, — once with reference to some private affairs of his own, on behalf of his father, and a second time in his public capacity; was it because he was compelled

by the law that he desisted from his accusation, or did the power of truth constrain him? It is a case in which the virtue and dignity of Caius Curio takes away all suspicion; and so does the youth of Quintus Metellus, embellished as it is with every quality calculated to attract the highest and most universal praise.

Cornelius, says he, gave a law in conjunction with Manilius, about the votes of freedmen. What does this word **gave** mean? Did he pass such a law, or propose it, or speak in favour of it? For it is ridiculous to say that he passed it; as if it were a law difficult to draw up, or very subtle to imagine; a law, too, which was not only framed a few years ago, but actually passed at that time.

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And in this many things were found fault with, and especially the rapidity of the legal proceedings.

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But he begged of me while I was praetor, with the greatest earnestness, to defend the cause of Manilius.

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[He is speaking now of the tribuneship of Manilius.]

For he, when, as tribune of the people, he had passed two laws in his year of office, one a mischievous law, the other an admirable one, the one which was injurious to the main interests of the republic was discarded by the tribune himself, but the good one, which is still in existence to the great advantage of the republic, was passed very irregularly.

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He was instigated to that mad course by other prompters of great eminence, who wished a most mischievous precedent for disturbing judicial decisions to be established, one very well suited to their necessities, but utterly foreign to all my ideas of governments.

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I am able to affirm that that man, so eminent for the highest wisdom, Caius Cotta, himself made a motion in the senate for the abrogation of his own laws.

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I can also produce a law of that same Cotta about decisions in civil cases, abrogated by his own brother the year after it had been passed.

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I see that it is agreed on all hands that the Licinian and Mutian Law, about the regulation of the citizens, which the two wisest consuls that we have seen in our time passed, was not only useless, but even mischievous to the republic.

There are in all four kinds of resolutions, O judges, by which any determination is expressed by the senate with respect to the laws, according to the principles of our ancestors. One is in this form, — that it seems fit that the law should be repealed, as in the consulship of Quintus Caecilius and Marcus Julius it was voted that the laws which were a hindrance to the military service of the state should be repealed.

Another, when a law is passed, that the people shall not be bound by that law, as happened in the consulship of Lucius Marcius and Sextus Julius with reference to the Livian laws.

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There is a third way of proceeding about the repeal of laws, in which there are often formal decrees of the senate passed, as was lately done in the case of the Calpurnian Law itself which was repealed.

Publius Africanus the elder, as it is said, was often blamed, not only by the wisest men of that day, but by himself also, because,

when he was consul with Titus Longus, he had permitted the seats of the senators to be for the first time separated from the place where the people sat.

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There is especially the law giving the power of veto, when a law is being proposed, as long as it is not passed; while those who have met for the purpose of voting are tossed about here and there — while private individuals are speaking, while the voting tablets are being distributed, while the ballot-box is being carried round, while the votes are being counted, while the voting is taking place, and other things of this kind.

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But one thing which was done, while this man himself was tribune, ought not to be passed over. For it is not a stronger measure to read a document, when the veto is interposed, than to carry down the ballot-box with the tribune who interposes; nor is it a more serious thing to begin to propose a thing, than to propose and carry it; nor is it more violent conduct to show that he will pass a law against the will of his colleague, than to strip his colleague of his office; nor is it more like the conduct of an accuser to summon the tribes to adopt a law, than to summon them for the purpose of reducing his colleague to the station of a private individual; all which things that brave man Aulus Gabinius, this man's colleague, did in a just cause; and when he was bringing safety to the Roman people, an end of slavery and of a long captivity and disgrace to all nations, he would not endure the voice and will of one of his colleagues to have more weight than that of the whole city.

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But they made a motion about correcting the law.

* I also, if this very law, which Caius Cornelius passed, had not prevented me, should have proposed that which those defenders of

the tribunals have been openly contending for, — namely, a resolution that the senate did not approve of that decision being come to respecting the property of Sulla, which cause I advocated in a very different manner in the public assembly when I was praetor; saying what those same judges decided afterwards, that the decision ought to be come to at a time when people could be more impartial.

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But formerly, how many decisions were overturned I will not now say, both because you know, and in order that my speech may not seem to bring any one back before the court.

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Cnaeus Dolabella would not have deprived Caius Volcatius, a most honourable man, of the common everyday privileges which are the right of every one.

Lastly, Lucius Sisenna, a man very unlike to them in his course of life and his prudence, but still too free in straining the law to gratify some people, would not have given by his edict possession of the property of Cnaeus Cornelius to Publius Scipio, a youth of the most illustrious family and the most eminent virtue.

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As, therefore, the Roman people both saw the bribery, and had it proved to them by the tribunes of the people, that, unless punishments were enacted against the agents of corruption, it could not possibly be put an end to, they demanded this law of Cornelius, and repudiated that one which was proposed in accordance with the resolution of the senate.

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that we might see that spectacle of two consuls elect, wholesome and necessary in our distress, under such circumstances, and at so critical a time, but miserable and fatal in its kind, and by the precedent which it established.

Why should I now reply to you by express arguments to prove

that it is possible that there should be some other Cornelius who has a Phileros? It is notorious enough that Phileros is a common name, and that there are so many Cornelii that a college of them might be founded.

But you, O Caius Cornelius, in that extreme and difficult moment compelled the consul to utter these words, that whoever was anxious for the salvation of the republic, must be present to give his sanction to that law.

He says that the common people were defeated and subdued by their disappointment in the matter of Manilius

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so that one could do nothing by himself against a multitude; and the other was far away.

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So much virtue then existed in those men, that, sixteen years after the expulsion of the kings, they seceded on account of the imperious conduct of the nobles, themselves restored their sacred laws, created two tribunes, and consecrated in the eternal memory of ages that mount on the other side of the Anio, which is called to this day the Sacred Mount, on which they had taken up a position in arms; and in the ensuing year ten tribunes of the people were created at the Comitia Curiata, after a solemn taking of the auspices.

Then, having exchanged reciprocal promises, through the intervention of three ambassadors, men of the highest character, they returned in arms to Rome. They took up a position on the Aventine Hill; from thence they came armed into the Capitol; and they elected ten tribunes of the people, the pontifex presiding at the Comitia, because there were no magistrates

I pass over, also, these more recent things; I call the foundation of the most just liberty the Cassian law; by which law the force and power of the suffrages of the people obtained their proper authority, and the second Cassian law which ratified the decisions of the people.

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They who, not only in the time of Sulla, but also after he was dead, thought that they ought always to cling to this privilege with all their might, were the greatest enemies of Caius Cotta, because he, when he was consul, added not only some power, but also some dignity to the tribunes.

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As long, then, as the common people is disposed to us as it showed that it was, when it not only accepted the Aurelian and Roscian laws, but even demanded them,

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I recollect, when first the senators were united with the Roman knights as judges according to the Plotian law, that a man detested by the gods and by the nobles, Cnaeus Pompeius, was tried for treason according to the provisions of the Cassian law.

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THE FRAGMENTS OF THE SECOND SPEECH FOR CORNELIUS.

Do you hesitate, then, as to the point who these witnesses are? I will tell you two of them; the rest are men of consular rank, enemies of the power of the tribunes; and besides those, a few of their flatterers and tools follow them.

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which your uncle, a most illustrious man, descended from a most illustrious father, grandfather, and ancestors, in silence, I believe, with the good wishes of the nobles, and when no one was prepared to interpose his veto, gave to the Roman people, and took away from the colleges of most powerful men, namely, the power of electing the priests.

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What more? The same Domitius harassed with all the power belonging to a tribune of the people, Marcus Silanus, a man of consular rank.

This dispute is of this nature, that a tribune of the people, Cnaeus Domitius

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THE SPEECH OF M. T. CICERO IN DEFENCE OF MARCUS AEMILIUS SCAURUS.

THE ARGUMENT

Marcus Scaurus was the stepson of Sulla, in the time of whose triumph he had behaved with the greatest moderation. He had been aedile, in which office he had exhibited the games with the greatest magnificence, so as greatly to embarrass his private fortunes. He then became praetor and afterwards having received Sardinia as his province, he lost his character for moderation, being said to have treated the natives with rapacity and excessive arrogance. After his return to Rome, he obtained some celebrity by defending some persons under prosecution; and among others Caius Cato.

At the end of June A. U. C. 699, he returned to Rome to stand for the consulship; on which he was accused by Publius Valerius Triarius, (a young man of a high reputation for industry and eloquence) of acts of oppression and extortion among the Sardinians. And the trial came on before Marcus Cato, who was a great friend of Triarius, only three days after Caius Cato had been acquitted by the exertions of Scaurus. Lucius Marius and Marcus and Quintus Pacuvius seconded Triarius in the prosecution, these two last having had a commission given to them to go to Corsica and Sardinia to inquire into the state of the case there, which commission they had neglected, excusing themselves on the ground that the consular comitia were at hand and that they were afraid that while they were away Scaurus would buy the consulship, and so get the means of oppressing other provinces.

Scaurus relied on the support of Pompeius with whom he was connected by marriage; and he was defended by Cicero and five other advocates among whom was Quintus Hortensius. While the prosecution was going on, Faustus Sulla, the son of the great Sulla, and half brother of Scaurus, who was also quaestor at the time, came out among the people severely wounded crying out that Scaurus' competitors had attempted to murder him. He went about with three hundred armed guard prepared to defend himself, if need were, by

force; Scaurus also made a speech on his own behalf and produced a great effect on the judges by the recollection of his own aedileship and the recollection of his father's high character. He was acquitted, but he did not succeed in obtaining the consulship.

1. [1. a.]

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It was desirable above all things for Marcus Scaurus, O judges, to return (as he has always been most especially anxious and attentive to do) the dignity of his race, and family, and name, without incurring the hatred of any one, and without either giving offence to or receiving annoyance from

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[But since his adverse destiny has brought about this state of things, he does not think that he ought to grumble at meeting with the same fortune as his father, who was more than once compelled by his enemies to plead his cause as a defendant.] [1. b.]

[We know that the most eminent man of our state was accused by Marcus Brutus. Orations are extant from which it can be seen that many things were said against Scaurus himself. Falsely. No one doubts that; but still they were said and urged against him as accusations by his enemy.]

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he also was tried before the people, when Cnaeus Domitius, a tribune of the people, instituted the prosecution

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[2.]

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He was prosecuted by Quintus Servilius Caepio, under the Servilian law, at the time when the tribunals of judges were furnished

exclusively by the equestrian body; and after Publius Rutilius was condemned, no one could appear so innocent as to have no reason to fear that tribunal.

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[3.]

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again also that guardian of the republic was accused of treason by the same man, under the Varian law. And not long before he was attacked by Quintus Varius, a tribune of the people.

[And now, O judges, his enviers and enemies seek to bring disgrace on the son of this man who was in his time attacked by the false accusations of many men, by an ignominious prosecution on the ground of extortion. And I have thought it due to the memory of his most illustrious father to undertake his cause.] [4. a.]

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for I not only admired that man as every one else did, but I also loved him above all things. For when I was burning with a desire for glory, he first encouraged me to hope that virtue without any assistance from fortune could, by means of labour and perseverance, arrive at the object of its desires.

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[4. b.]

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and since the prosecution has been loaded with a vast heap of charges, but without any great diversity or variety of kind; [if] I were to reply to these generally [rather than by arguments on each separate charge, I should appear to have fallen short of what I owe to the cause, and to my own duty. Nevertheless, O judges, we will first unfold the whole cause to you, and consider it when we have laid it open before your eyes. And by this means you will most easily arrive at the understanding of the things about which it is necessary for us to speak, and of the arguments which you are required to follow.] [4.

c.]

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a man of the name of Bostar, a Norensian, fleeing from Sardinia

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[Triarius alleges as an article of accusation, that he was recalled from his flight by the insidious blandishments of Scaurus, and received at his table inhospitality, and then murdered by poison by his host and

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that he was buried before Scaurus's supper was taken away.

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[4. d.]

[And how slight are the grounds for any suspicion of poison having been administered, O judges, will appear immediately, if you will only consider the many causes which frequently produce sudden death.]

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[4. e.]

[Scaurus was a man so happily situated by fortune, that he could not only retain his own possessions with the greatest ease, but that he was more likely to be able to acquire new] ones, than to be forced to sell what he had. Come, then, while I defend Scaurus, O Triarius, you defend the mother [of Bostar, whom I accuse of being implicated in this crime.]

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[I have also refuted that assertion of yours] that you were afraid that

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[unless, as Bostar had died intestate, he had managed the matter in such a way as if the inheritance belonged to himself, and as if this did not seem to him a sufficient reason for putting Bostar to death by poison.] [4. f.]

[But Scaurus]

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could not by any possibility have entered on the possession of that property.

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[5.]

If, in truth, O judges, I were speaking in defence of Lucius Tubulus, who is reported to have been the most wicked and most audacious man that ever lived, still I should not be afraid that if he were accused of having given poison to any guest or companion of his while he was supping with him, though he was not his heir, and had no quarrel with him

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[any one would think that credible.] [6.]

[I come now to the charge of incontinence, and intemperate lust with which the accuser has endeavoured to brand Scaurus and his character,] when Aris would not give up [the very wife, says he, whom he himself loved

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to his inflamed lust and unbridled desire.]

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[7.]

He was compelled to make his escape secretly out of Sardinia.

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[Forsooth, he left his wife behind him and consulted his own

safety by flight, just as beavers, they say, flying from the hunters]

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ransom themselves with that part of their body on account of which they are chiefly sought for!

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[8.] [But even though Scaurus had at all times been the most dissolute and licentious of all men, still that is incredible, O judges, which Triarius added, that the wife of Aris was reduced to such distress by the licentiousness of the praetor as to seek a remedy for her embarrassment by hanging herself. For the very first desire which is implanted in man by nature, and one which we have in common with the very beasts, is that which prompts and induces a man to preserve his life, and which instigates him to shun death and all those things which seem likely to produce death.] 2. [1. a.]

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And this, I say, O judges, is the state of the case. Nor is this a new assertion of mine; but it has been elicited by the investigations of others

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[1. b.]

[But still it can be proved by examples. Lucretia having been ravished by force by the king's son, having invoked the citizens to revenge her, slew herself. And this indignation of hers was the cause of liberty to the state. And even the bravest men have not sought death of their own accord, except in the most extreme necessity, for the purpose of avoiding some disgrace. As Publius Crassus Mucianus, when waging war against Aristonicus, in Asia, being intercepted between Elaea and Smyrna, by the Thracians, of whom Aristonicus had a great number in his different garrisons, and fearing to fall into his power, escaped disgrace by provoking death intentionally. For he is said to have run the stick which he had been using to manage his horse, into the eye of one of the barbarians, who, being infiltrated by the pain, stabbed Crassus with his dagger, and so,

while avenging himself, delivered the Roman general from the disgrace of captivity. And by this means Crassus showed to Fortune how little the man whom she was loading with such bitter insult deserved it, since with equal prudence and courage he burst the chains which she was throwing over his liberty, and restored himself to his own dignity, though she had almost given him to Aristonicus.]

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This, indeed, we know from hearsay; but this we ourselves can recollect and have almost seen, namely, how Publius Crassus, of the same family and name, slew himself that he might not fall into the hands of the enemy.

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But Marcus Aquillius, who had behaved like a thoroughly brave man in war, and who had attained the same honours as the elder Crassus, could not imitate his action [2]

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[but] he disgraced [the recollection of his you]th and of his early exploits by the infamy of his old age. What need I say besides? Could either those most illustrious men the Julii, or could Marcus Antonius a man of the very highest ability, imitate the conduct of the other Crassus in those times? [3] Need I cite any more instances? Who is there found among all the records of Greece (which are richer in fine stories than in great actions) if you only forget Ajax and the plays of the tragedians, who of his own accord, as the poet says, being " A conqueror all unused to infamy
Would not survive defeat,
" except Themistocles the Athenian who did put himself to death? [4] But these Greeks invent heaps of stories and among them they make out that Cleombrotus of Ambracia threw himself down from a high wall not because he had suffered any misfortune, but (as I see it written among the Greeks) after having read a very eloquently and elegantly written book, of that greatest of philosophers Plato about death; the one, I suppose, in which Socrates, on that very day on

which he was to die, argues at great length that this is death which we fancy to be life when the soul is held in shut up in the body as in a prison and that that is life when the same soul, having been released from the bonds of the body, flies back to that place from which it originated. [5] Had that Sardinian woman of yours then, known anything about or had she read Pythagoras or Plato? Though even these men praise death with such limitations that they forbid our flying from life, and say that such conduct is contrary to the conditions and laws of nature. And in truth you will not be able to find any other reason which can justify a voluntary death. And this, too, the prosecutor saw; for he let out an insinuation, somewhere, that that woman preferred being deprived of life to being robbed of her chastity. [6] But immediately he went off from that point and said no more about chastity, being afraid, I suppose, lest he should be giving us some opportunity for joking and laughing. For it is quite notorious that she was abominably ugly and excessively old. And so, however lustful that Sardinian may have been, what suspicions of licentiousness or love can there be on the part of my client? [7]

And that you may not suppose, O Triarius, that I am inventing the allegations which I am now making, and that I have not derived my information on the subject from the instructions of the defendant, I will tell you what were the opinions in Sardinia about that woman's death, (for there were two opinions,) so that you may the more easily

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[and that these men may see the innocence of Scaurus, and the audacity of your witnesses, and the scandalous nature of the actions which were then done. Aris, the husband of that Sardinian woman

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] had for a long time loved [the mother of Bostar

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] [8]

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a licentious and wicked woman, and had lived in shameless and

notorious adultery with her. He was afraid of his wife, who was an old woman, rich and ill-tempered; still, though he did not like to keep her as his wife, because of her ugliness, he did not like to divorce her, because of her riches. And so, by previous agreement he concerted a plan with the mother of Bostar, that they should both of them come to Rome; and he promised that when there he would find out some contrivance for making her his wife. [9]

There were, as I have said, two opinions, — one, not inconsistent with the circumstances or with the nature of the case, that the wife of Aris was very indignant at his adultery when she heard that he had fled to Rome with that love of his, pretending to have fled for fear of her, or in order, as there had been a criminal connection between them before, to be now formally joined in wedlock; and that she was so excited with feminine indignation, that she preferred dying to bearing it. [10] The other was no less probable, and, as I believe, was even more generally believed in Sardinia, namely, that Aris, that witness and host of yours, O Triarius, when departing for Rome, had entrusted the commission to his freedman, not indeed to offer open violence to that old woman, for that would not have been right to his mistress, but to press her throat with his two fingers, and then to fasten a little cord round it, so that she might be supposed to have died by hanging. [11] And this suspicion prevailed all the more, because, when the Norensians were celebrating their festivals in honour of the dead, and

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had all, according to the custom of their tribe, left the city, then she was said by the freedman to have hanged herself; and it was clearly desirable for a man who strangled his mistress to seek for the solitary time when the people left the city; but his mistress, who wished to die, had no such necessity for doing so. [12] And the suspicion was confirmed, because, immediately after the old woman was dead, the freedman started for Rome, as if he had executed his commission; and Aris, as soon as his freedman brought him news of the death of his wife, instantly, at Rome, married that mother of Bostar. [13]

See now, O judges, to what a foul and polluted and infamous

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family you are called on, O judges, to surrender this family of Scaurus. Just consider who the witnesses are by whom you are required to be influenced in your decision about a great man, about a noble family, about an illustrious name! Do you think that it becomes you to forget the crimes of the mothers against their children, and of the husbands against their wives? You see, you behold infamous lust mingled with cruelty. You have before you the authors of two most enormous crimes, by which our cause is endeavoured to be tainted by men who are either ignorant of the truth, or else who are prompted only by envy. You have before you men disgraced by every sort of guilt and atrocity. [14]

Is there, then, the slightest suspicion attaching to us after all these charges of the prosecutor? Have they not been wholly cleared up? Have they not been refuted? Have they not been scattered to the winds? And how has that been done? Because you gave me, O Triarius, a charge which I could efface, which I could argue about which I could dilate upon; because it was a charge of that sort which did not entirely depend on the witness, but which the judge could by himself form his own opinion on. [15] Nor, O judges, ought we to do anything else in the case of an unknown witness, except by argument and conjecture, and by suspicion, inquire as well as we can, into the state and nature of the circumstances to which he deposes. In truth, not only an African witness, (or indeed a Sardinian one, if that is what they prefer being called,) but even more civilized and scrupulous men than they, are liable to be prompted, or deterred, or guided, or diverted from their purpose; and such a man is the master of his own inclination, and may, if he pleases, lie with impunity. [16] But the argument which is suited to the case, (and nothing else can properly be called argument) is the voice of circumstances, the traces of nature, the mark of truth; and of whatever sort it be, it must remain immutable, for it is not invented by the orator, but assumed. Wherefore, if I were worsted by that sort of accusation, I should yield and submit; I should be defeated in every respect. I should be defeated in the cause, I should be defeated by truth. [17] Are you going to bring up against me troops and armies of Sardinians? and

are you going to endeavour to frighten me, not by accusations, but by the roaring of Africans? I shall not, indeed, be able to argue, but I shall be able [to flee for refuge to] the good faith and clemency of these [judges, to their regard for their oaths, to the equity of the Roman people, which has considered the family of Scaurus as one of the chief families in the city; and I shall be able to implore the divine protection of the immortal gods, who have always been favourers of his race and name. [18]

"He demanded money, he exacted it, he seized it by violence, he extorted it." If the accuser proves all that by the accounts, since the way in which the accounts are made up show the regular series and order in which he transacted his affairs, I will attend carefully, and I will consider how I am to proceed in conducting the defence. If you rely on witnesses, (I will not insist upon their being good and respectable men, as long as they are men of whom it is known who they are,) then I will consider how I am to struggle with each of them separately. [19] If there is but one complexion, one voice, and one notion among all the witnesses; if, as they say, they not only do not attempt to corroborate their statements by any arguments, but if they do not even produce any description of documents either public or private, (which, however, can easily be forged,) then, O judges, which way am I to turn, or what am I to do? Am I to argue with every one of them?

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Had you nothing to give? He will say he had. Who is to know that? Who is to judge that there was no reason

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? He will make out that there was. How can we refute him, and show that it was in his power not to give if he did not choose? He will say that it was extorted by force. What eloquence is able by force of argument to confute the impudence of a man whom one does not know? [20] I will not, therefore plead against that conspiracy of Sardinians, and with perjury ingeniously contrived, and procured, and suborned; nor will I even examine at all into some of the elaborately wrought-out arguments; but with all my power I will

meet and struggle against their direct attack. I do not want to drag forward each individual out of their line of battle, nor to fight and do battle with each separate champion. I must rout their whole array at one shock, and I will. [21]

For there is one especial most important charge concerning corn, and applying to the whole of Sardinia, about which Triarius questioned all the Sardinians; and that was corroborated by the agreement and unanimity of evidence of all the witnesses. And before I touch upon that charge, I beg of you, O judges, to allow me to lay down a few principles to serve, as it were, for the foundations of our whole defence. And if they are once laid down, and established according to my intentions and expectations, I shall then fear no part of the prosecution. [22] For I will speak first of the sort of accusation; after that I will speak of the Sardinians; then I will say a little about Scaurus himself; and when I have said enough on these subjects, then at last I will come to this horrible and formidable charge about the corn. [23]

What sort of accusation, then, is this, O Triarius? First of all, that you did not go to examine into it. What was the meaning of the fierce and positive confidence that you had as to trusting this man? It seems to me that when we were children we heard that Lucius Aelius, a freedman, a well-educated and witty man, when he was avenging injuries sustained by his patron, instituted a prosecution against Quintus Multo, a very mean man. And when he was asked what province he required to conduct his investigation in, or how many days he would want to collect his witnesses in, he asked till eight o'clock, during which time he might prosecute his investigation in the cattle-market. [24] Did you think that you were to act in the same way in the case of Marcus Aemilius Scaurus? "Yes," says he, "for the whole cause was fully reported to me at Rome." Well? Did not the Sicilians lay before me every particular of the cause of Sicily while we were both at Rome? And they were men prudent by nature, cunning by experience, and learned by education. And still I thought it necessary to go into the province itself; for the purpose of coming to a right understanding and thorough knowledge of the cause of the province. [25] Was I not bound to examine into the complaints and injuries of the cultivators of the soil, in the very lands and fields

themselves? I traveled, I say, O Triarius, in a most bitter winter over the valleys and hills of the Agrigentines. That noble and most fertile plain of the Leontini itself; I may almost say, instructed me in the cause. I visited the cottages of the farmers; men talked with me at the plough; [26] and therefore that cause was so thoroughly sifted and laid open by me, that the judges seemed not so much to hear the facts which I related, as to see them and lay hold of them. For it seemed neither reasonable nor honest for me, when I had undertaken the cause of a most faithful and ancient province, to learn the particulars of it as I might have done in the case of an individual client, in my chamber. [27]

When lately the people of Reate, who were devoted to my interest, wished me to plead the public cause of their state, concerning the streams of the Velinus and the subterranean canals, before the present consuls, I do not think that I should either satisfy the claims of the dignity of a most eminent prefecture, or do all that was required by good faith on my part, if I did not get instruction as to the cause not only from the people themselves, but from the place also and from the lake itself. [28] Nor would you have acted in any different manner, O Triarius, if those Sardinians of yours had wished you to do so; I mean those who in reality were above all things unwilling that you should enter Sardinia, lest you should find that everything was in a totally different condition from that in which it had been represented to you; that there were no complaints on the part of the people in Sardinia, nor any hatred of the populace towards Scaurus. [And consider, O Triarius, how vast a difference there is between your accusation and mine; I never delayed one moment until, just as Jupiter (if we believe the fables of the poets) covered over Enceladus when he was stricken down and half burnt by putting the whole island on him, or as some say Typhon,] [29] [by whose panting they say that Aetna is kept constantly on fire, — until, I say, I had in the same manner overwhelmed Verres by producing all Sicily as a witness against him.] You adjourned the case against the defendant after one witness had been produced. And what a witness! O ye immortal gods! It was not enough that he was only one; it was not enough that he was a man utterly unknown; it was not enough that he was a man on whom no one could rely. Did you not ruin also

your former trial by producing Valerius as a witness, who, having had the rights of a citizen conferred on him by the favour of your father, requited his kindness not by honourable services, but by open perjury? [30] But if you were perhaps swayed by the omen of your name, still we, according to the precedent of our ancestors, because we think that a fortunate omen, interpret it not to the injury of others, but to their safety. But all that rapidity and haste, the fact of your having put an end to the investigation and to the whole of the previous trial, has made that plain and notorious — which, however, was never a secret — that this trial was contrived, not for the sake of justice, but because of the consular comitia. [31]

And while speaking on this point, I will on no occasion find fault with Appius Claudius, a most gallant consul and a most accomplished man, and who, as I hope, is connected with me by a trustworthy and lasting reconciliation. For this part belonged either to that man whom his own indignation and suspicion compelled to act in that manner, or to him who requested that part for himself; because either he did not perceive whom he was attacking, or because he thought that the path to a reconciliation would be easy. [32] I will only say this, which may be sufficient for my cause and which cannot appear otherwise than far removed from harshness or severity towards him. For what disgrace is there in the fact of Appius Claudius being an enemy to Marcus Scaurus? What, I say? Was not his grandfather an enemy to Publius Africanus? What, I say? Is not that very man himself an enemy to me? Or am not I to him? And those enmities have perhaps at times caused vexation to each of us, but certainly have never brought disgrace upon either of us. [33] The one who was quitting office envied his successor, and wished him to meet with as many disasters as possible in order that his own memory might be the more conspicuous. A state of things not only not foreign to our habits, but one that has become very usual, and exceedingly frequent. Nor indeed would such an everyday occurrence have of itself had any influence at all upon Appius Claudius, a man endowed with the greatest humanity and wisdom, if he had not thought that Scaurus was going to be a competitor of Caius Claudius his brother. [34]

Who, whether he was a patrician, or a plebeian, (for he had not

yet settled that for a certainty,) thought that the contest would lie chiefly with him: and Appius thought it would be so much the more severe a contest because he recollected that when standing for the pontificate, for the priesthood of Mars, and for other offices, he had stood as a patrician. [35] Wherefore, while he was consul he did not wish his brother to meet with a repulse, and yet if he stood as a patrician, he saw that he would certainly not be equal to Scaurus, unless he could get rid of him either by some terror, or by some disgrace.

Should not I think that a brother may be excused for such an idea, when the most distinguished honours of his brother are at stake, especially when I am aware, almost beyond all other men, how great is the influence of brotherly love? Oh, but his brother is now not a candidate. What then? If he, having been detained by all Asia, which came to him as his suppliant — if he, yielding to the entreaties of the men of business, and of the farmers of the revenues, and of all men both allies and citizens, preferred the advantage and safety of the province to the acquisition of honour for himself; is that a reason for your thinking that a disposition once thoroughly diseased can be so easily cured? [36]

Although, in all those affairs, especially among barbarian nations, opinion is often of more influence than the facts themselves. The Sardinians were persuaded that they could do nothing which would be more acceptable to Appius than if they disparaged the reputation of Scaurus. They are swayed besides by the hope of many advantages and many rewards; they thank that a consul can do everything, especially when he makes promises of his own accord. About which I will not at present say any more; although what I have said I have said in no other manner than I should have said them if I had been his brother; not such an one as he is who is his brother, and who has said a great deal, but such an one as I am accustomed to be towards my own brother. You ought, therefore, O judges, to resist every part of an accusation of this sort, in which nothing is done according to precedent nothing with moderation, nothing with consideration, nothing with integrity; but, on the contrary, you see that everything has been undertaken wickedly, turbulently, precipitately, rapidly, — everything by means of a conspiracy, and of

absolute power, and of illegal influence, and of hopes, and of threats. [38]

I come now to the witnesses; and I will not only show that there is no confidence to be placed in, no authority to be attributed to them, but I will prove that there is not even any appearance of or resemblance to evidence in them. In truth, in the first place, the minute agreement between them all destroys their credibility, which was proved by the reading of the undertaking entered into by the Sardinians, and by the conspiracy which they formed. Secondly, their covetousness, which was excited by the hope and promise of rewards, does so too. Lastly, their national origin does so, for the worthlessness of their nation is such that they think that liberty is only to be distinguished from slavery by the boundless licence for telling lies which it gives. [39] Nor do [I say] that these judges ought never to be influenced by the complaints of the Sardinians. I am not so inhuman, nor so hostile to the Sardinians, especially when my brother has only lately left their island, having been sent thither by Cnaeus Pompeius to superintend the corn-markets and supplies of the island; in which office he, as became his integrity and humanity, consulted their interests himself, and was in turn very popular and very much beloved among them. [40] Let then this refuge be open to indignation, let it be open to just complaints, but let the path be closed against conspiracy, let it be closed against treachery: and this not more among the Sardinians than among the Gauls, among the Africans, and among the Spaniards. Titus Albucius was condemned; Caius Meguboccus was condemned on account of complaints proceeding from Sardinia, though some of the Sardinians even praised him. And in that case the very variety of their sentiments gained them the more credit. For those men were convicted by fair witnesses, and by documents which no one had tampered with. [41] Now there is but one language and one feeling; one not extorted by indignation, but feigned; not excited by the injuries inflicted by this man, but by the promises and bribes of others. But the Sardinians have not been always disbelieved. And perhaps they will again be believed sometime or other, if they come like honest men, and without having been bribed, and of their own accord, and not because of the instigation of any one else, and under no obligation to any one,

and free. And when all these circumstances are united, still they may exult and marvel if they are believed. But when these circumstances are all wanting, will they still persist in forgetting who they are? will they not take care to shun the reputation of their race? [42]

All the monuments of the ancients and all histories have handed down to us the tradition that the nation of the Phoenicians is the most treacherous of all nations. The Poeni, who are descended from them, have proved by many rebellions of the Carthaginians, and very many broken and violated treaties, that they have in no respect degenerated from them. The Sardinians, who are sprung from the Poeni, with an admixture of African blood, were not led into Sardinia as colonists and established there, but are rather a tribe who were draughted off, and put there to get rid of them. [43]

Wherefore, as there was never anything honest in the nation when united, how must we suppose that its roguery has been sharpened by so many mixtures of different races? And here Cnaeus Domitius Sincerus, a most accomplished man, my ancient and intimate friend, will pardon me

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all who had the freedom of the city conferred on them by the same Cnaeus Pompeius; all of whom we now cite as favourable witnesses; and other virtuous men from Sardinia will pardon me; for I believe there are some such men there. [44] Nor indeed, when I speak of the vices of the nation, do I except no one. But I am forced to speak generally of the entire race; in which, perhaps, some individuals by their own civilized habits and natural humanity have got the better of the vices of their family and nation. That the greater part of the nation is destitute of faith, destitute of any community and connection with our name, the facts themselves plainly show. For what province is there besides Sardinia which has not one city in it on friendly terms with the Roman people, not one free city? [45a]

Africa itself is the parent of Sardinia, which has waged many most bitter wars against our ancestors, and not only in its kingdoms which were loyal to their native monarchs, but even in our very province, it kept itself from all alliance with us at the time of the Punic wars as the case of Utica proves. The further Spain ennobled

by the de[ath of the Scipios, and by the funeral pile of the Saguntine loyalty, has the city of Gades joined to us by reciprocal good offices, by common dangers, and by treaty. I ask now whether any city of Sardinia can be mentioned which is joined to us by treaty? Not one. With what face, then, can a Sardinian witness dare to come before the Roman people]

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powerless in resources, treacherous by descent?

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[Have you, too, come hither to repulse Marcus Scaurus from the consulship, and are you attempting to deprive him of the kindness of the Roman people? By what authority are you acting in this manner?]

[The prosecutor has said that you are afraid lest Scaurus might purchase the consulship with that money which he has taken from the allies; and, as his father did before him, enter on his province before any decision could be come to respecting him, and again plunder other provinces before he gave any account of his former administration; and Triarius alleged this as the very reason why he had undertaken the conduct of this prosecution in so hasty and so disorderly a manner. What extraordinary thing is this? What prodigy is this?]

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Did the sheepskins of the Sardinians move that man whom the royal purple could not influence

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[For there is no one so completely a stranger in this city, no one whose ears are so much on their travels, and so wholly ignorant of the ordinary conversation in the republic, as not to know that Marcus Scaurus, when his step-father Sulla was victorious, and liberal enough to his comrades in victory, was so moderate that he would not allow any presents to be made to him, nor did he purchase

anything at any auction. This seems a strange thing to others; but it was impossible for him to act otherwise. For he recollected that he was the son of that man, who, by the resolution of the senate, of which he was the chief; and almost by his own nod, had governed, I may almost say, the entire world. Wherefore, O you venal Sardinians, I command you

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when you hear this name, which is well known among all the nations upon earth, to entertain also, with respect to that noble family, the same sentiments which all the rest of the earth entertains.

[At present, Marcus Scaurus, in mourning attire, worn out with tears and misery, is your suppliant, O judges, implores the aid of your good faith, entreats your pity and clemency, and fixes his eyes and hopes on your power and your protection. Do not, I entreat you, by the immortal gods, O judges, permit your fellow-citizen and suppliant to be deprived by unknown witnesses and barbarians, not only of the consulship by which he trusted to receive an accession of honour, but also of the other distinctions which he had acquired before, and of all his dignity and fortune. Scaurus, O judges, also begs and entreats you to save him from this, if he has never injured any one unjustly, nor offended any one's ears or inclination, if (to use the mildest expression) he has never given any one any reason to hate him. Once only has his filial affection imposed on him the duty of so doing]

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for as, out of many men who had done so, Dolabella was the only one of his father's enemies who remained, who had joined Quintus Caepio, his relation, in signing articles of accusation against Scaurus his father; he thought it behoved him for the sake of [his filial

affection to continue that enmity which he had not originated himself; but had bequeathed to him as an inheritance; emulating Marcus and Lucius Lucullus, who being men of like industry and like piety with himself; when very young men, had adopted and followed out the quarrels of their fathers to their own great glory.]

[But how great has been the injustice of Triarius accusing Scaurus of having so magnificent a house! Oh for that ancient and severe censor; according to whom even a man who had attained the highest honours of the state, and who was one of the chief men in it, was not allowed to have a convenient or splendid house]

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especially when its nearness to the street, and the populous character of its situation, must remove from him all suspicion of laziness or ambition.

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[But in what an arrogant way, O Triarius, did your oration go on, when you said that such enormous masses of Lucullus's marbles and pillars, which we now see placed in Scaurus's hall, were carried through the city, past the plaster ornaments on the tops of the temples of the gods, to a private house, — that the contractor for keeping the drains in repair had a claim for the damage done by dragging them up the Palatine Hill in wagons. I suppose those pillars which are thus held up to odium were carried there solely for the purpose of gratifying the pride of individuals, which the Roman people detests, and not for the sake of being a public ornament to the city, which it approves of. Are you the only man in Rome ignorant that Scaurus used those pillars when he was aedile for the ornamenting of the theatre, in order that, by the magnificence of his exhibition, and by his great liberality devoted in that manner to the honour of the immortal gods, he might increase the religious reverence with which the games were observed by the splendour of his preparation?]

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Moreover, I, who have pillars of Alban marble, brought them up in panniers!

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[What? what vast and what prodigal expense did you yourself, O Triarius, incur in procuring pillars!]

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For this I do marvel at and of this I do complain, — that any man should be so anxious to do injury to another by his words, as to bore holes in the ship in which he himself is sailing.

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Were you in want of a house? You had one. Had you too much money? You were in want of money. But you went mad after pillars. You were frantic to get hold of what belonged to other people. You valued a pulled down, windowless, destroyed house, at a greater price than yourself and all your fortunes.

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[What then? Suppose Scaurus had appealed to you as an arbitrator, to decide "whether you had not gone to much greater expense, whether you had not committed much greater extravagance in proportion to your income, for pillars than he had," would it have been necessary to go through the formalities of a trial to decide whether he had been guilty of prodigality, who, being possessed of a most ample estate, and of great family wealth and reputation, had set off his dignity with a fine house, or he who, when he was over head and ears in debt before, had sought to obtain dignity by building a house?]

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As it would not be possible for you to escape this argument, will you still argue and demand that Marcus Aemilius, with all his own dignity, — with the splendid memory of his father, — with the renown of his grandfather, be sacrificed to a most sordid, fickle and insignificant nation, and to a lot of (I had almost said) barbarian witnesses?

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Wherever I turn, not only my thoughts, but even my eyes, every place supplies me with arguments to advance in favour of Marcus Scaurus. That senate-house bears witness to you of the fearless and dignified way in which his father held the post of the chief man of the city. Lucius Metellus himself, his grandfather, appears, O judges, to have placed those most holy gods in that temple in your sight, that they might gain from you the safety of his grandson by their entreaties, as they have, before now, often aided by their divine assistance many other men in distress who implored their help. That Capitol, adorned with three temples, — the approaches to the temples of the all-good and all-powerful Jupiter, and of Juno the queen, and of Minerva, adorned by most magnificent presents of this man's father and of himself; defend Marcus Scaurus [before you now by the recollection of this munificence and liberality to the public, from every suspicion of avarice or covetousness. That temple of Vesta, which is close at hand, warns you to keep it in your minds.] That great Lucius Metellus, the Pontifex Maximus, who, when that temple was on fire threw himself into the middle of the flames, and saved from the fire that image of Minerva, which, as if it were a pledge of our safety and of the empire, is guarded by the protection of Vesta; — would that that great man could be among us, though but for a short time; he, forsooth, would save from the flames this man, his descendant, as he before saved from that other conflagration that heavenly pledge of our safety. I am moved by the thought that the gods should be so little propitious to a priest, that even though

they were saved by him, they do not preserve his race which was recommended by him to their protection. But as for you, O Marcus Scaurus, I see you, I do not merely think of you; nor, indeed, is it without great distress and grief of mind that I do call you to mind when I behold the mournful appearance of your son.

And I wish that, as during the whole of this cause you have been constantly present before my eyes, you would, in like manner, now present yourself to the minds of these our judges, and plant yourself deeply in all their thoughts. If your appearance, I call [the gods to witness, could come to life again, (for we have never seen any one equal to you in wisdom, and dignity, and firmness, and all other virtues,) it would have such weight with every one, that whoever beheld it] even if by chance he did not recognise it would still pronounce it to be one of the chief men in the state.

How, then, can I now address you? As a man? But you are no longer among us. As a deceased person? But you live and flourish; but you are present to the minds of all this court, — you are visible to their eyes; your godlike soul had nothing mortal about it, nor was anything belonging to you which could die, except your body. Whatever way, therefore, [it is proper for you to be addressed, be present to us, I entreat you, and terrify, by your mere countenance, — by the bare sight of yourself; the emptiness and impudence of those most worthless and mendacious witnesses. Be present to us, and bring to your fellow-citizens the light of your counsel, to the authority of which they never repented deferring, and so prevent them from dishonouring your race with ignominy and disaster, and from crushing by their sentence your own son, who is no degenerate heir of his father's name.]

Rhetorical and Political Treatises

Ancient Athens. In 79 BC, Cicero Rome left for Greece, most likely to escape the potential wrath of Sulla following success in a trial. Cicero travelled to Athens, where he again met Atticus, who introduced him to significant philosophers and rhetoricians. His chief instructor was the rhetorician Apollonius Molon of Rhodes, who instructed Cicero in a more expansive and less intense form of oratory that would define his individual style in years to come.

DE INVENTIONE (About the Composition of Arguments)

Translated by C. D. Yonge

The *De Inventione* is a handbook for orators, which Cicero composed when he was still a young man and Quintillian tells us that Cicero considered the work rendered obsolete by his later writings. Originally totalling four books, only two have survived into modern times. Interestingly, the work is also credited with the first recorded use of the term "liberal arts" (*artes liberals)*, though whether or not Cicero coined the term is unclear.

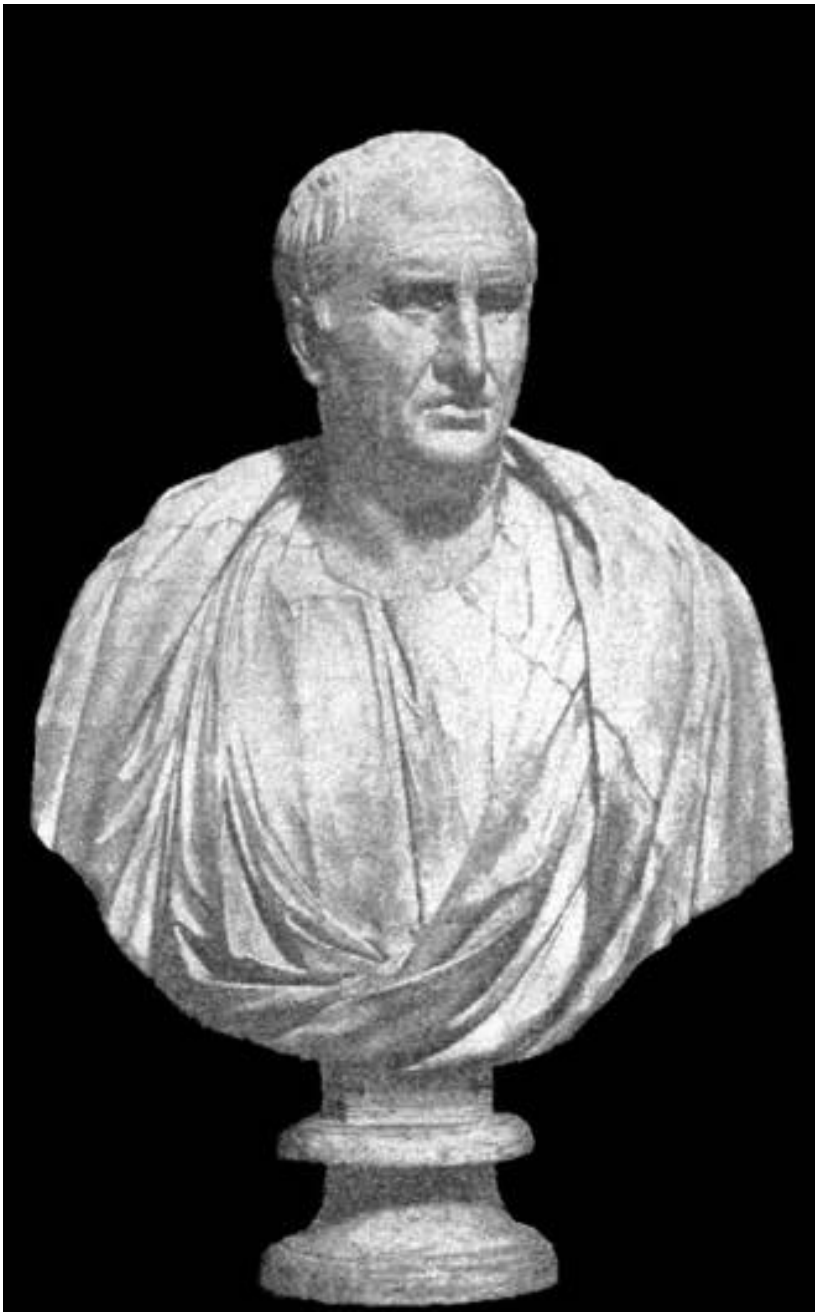

Cicero, aged 60

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BOOK I.

These essays on rhetoric were composed by Cicero when he was about one and twenty years of age, and he mentions them afterwards in his more elaborate treatise *De Oratore*, (Lib. i. c. 2,) as unworthy of his more mature age, and more extended experiences. Quintilian also (III. c. 63,) mentions them as works which Cicero condemned by subsequent writings. This treatise originally consisted of four books, of which only two have come down to us.

I. I HAVE often and deeply resolved this question in my mind, whether fluency of language has been beneficial or injurious to men and to cities, with reference to the cultivation of the highest order of eloquence. For when I consider the disasters of our own republic, and when I call to mind also the ancient calamities of the most important states, I see that it is by no means the most insignificant portion of their distresses which has originated from the conduct of the most eloquent men. But, at the same time, when I set myself to trace back, by the aid of written memorials and documents, affairs which, by reason of their antiquity, are removed back out of the reach of any personal recollection, I perceive also that many cities have been established, many wars extinguished, many most enduring alliances and most holy friendships have been cemented by deliberate wisdom much assisted and facilitated by eloquence. And as I have been, as I say, considering all this for some time, reason itself especially induces me to think that wisdom without eloquence is but of little advantage to states, but that eloquence without wisdom is often most mischievous, and is never advantageous to them.

If then any one, neglecting all the most virtuous and honourable considerations of wisdom and duty, devotes his whole attention to the practice of speaking, that man is training himself to become useless to himself, and a citizen mischievous to his country; but a man who arms himself with eloquence in such a manner as not to oppose the advantage of his country, but to be able to contend in behalf of them, he appears to me to be one who both as a man and a citizen will be of the greatest service to his own and the general interests, and most devoted to his country.

And if we are inclined to consider the origin of this thing which is called eloquence, whether it be a study, or an art, or some peculiar sort of training or some faculty given us by nature, we shall find that it has arisen from most honourable causes, and that it proceeds on the most excellent principles.

II. For there was a time when men wandered at random over the fields, after the fashion of beasts, and supported life on the food of beasts; nor did they do anything by means of the reasoning powers of the mind; but almost everything by bodily strength. No attention was as yet paid to any considerations of the religious reverence due to the gods, or of the duties which are owed to mankind: no one had ever seen any legitimate marriages, no one had beheld any children whose parentage was indubitable; nor had any one any idea what great advantage there might be in a system of equal law. And so, owing to error and ignorance, cupidity, that blind and rash sovereign of the mind, abused its bodily strength, that most pernicious of servants, for the purpose of gratifying itself. At this time then a man,[56] a great and a wise man truly was he, perceived what materials there were, and what great fitness there was in the minds of men for the most important affairs, if any one could only draw it out, and improve it by education. He, laying down a regular system, collected men, who were previously dispersed over the fields and hidden in habitations in the woods into one place, and united them, and leading them on to every useful and honourable pursuit, though, at first, from not being used to it they raised an outcry against it; he gradually, as they became more eager to listen to him on account of his wisdom and eloquence, made them gentle and civilized from having been savage and brutal. And it certainly seems to me that no wisdom which was silent and destitute of skill in speaking could have had such power as to turn men on a sudden from their previous customs, and to lead them to the adoption of a different system of life. And, moreover, after cities had been established how could men possibly have been induced to learn to cultivate integrity, and to maintain justice, and to be accustomed willingly to obey others, and to think it right not only to encounter toil for the sake of the general advantage, but even to run the risk of losing their lives, if men had not been able to persuade them by eloquence of the truth of those principles which they had

discovered by philosophy? Undoubtedly no one, if it had not been that he was influenced by dignified and sweet eloquence, would ever have chosen to condescend to appeal to law without violence, when he was the most powerful party of the two as far as strength went; so as to allow himself now to be put on a level with those men among whom he might have been preeminent, and of his own free will to abandon a custom most pleasant to him, and one which by reason of its antiquity had almost the force of nature.

And this is how eloquence appears to have originated at first, and to have advanced to greater perfection; and also, afterwards, to have become concerned in the most important transactions of peace and war, to the greatest advantage of mankind? But after that a certain sort of complaisance, a false copyist of virtue, without any consideration for real duty, arrived at some fluency of language, then wickedness, relying on ability, began to overturn cities, and to undermine the principles of human life.

III. And, since we have mentioned the origin, of the good done by eloquence, let us explain also the beginning of this evil.

It appears exceedingly probable to me that was a time when men who were destitute of eloquence and wisdom, were not accustomed to meddle with affairs of state, and when also great and eloquent men were not used to concern themselves about private causes; but, while the most important transactions were managed by the most eminent and able men, I think that there were others also, and those not very incompetent, who attended to the trifling disputes of private individuals; and as in these disputes it often happened that men had recourse to lies, and tried by such means to oppose the truth, constant practice in speaking encouraged audacity, so that it became unavoidable that those other more eminent men should, on account of the injuries sustained by the citizens, resist the audacious and come to the assistance of their own individual friends.

Therefore, as that man had often appeared equal in speaking, and sometimes even superior, who having neglected the study of wisdom, had laboured to acquire nothing except eloquence, it happened that in the judgment of the multitude he appeared a man worthy to conduct even the affairs of the state. And hence it arose, and it is no wonder that it did, when rash and audacious men had

seized on the helm of the republic, that great and terrible disasters occurred. Owing to which circumstances, eloquence fell under so much odium and unpopularity that the ablest men, (like men who seek a harbour to escape from some violent tempest) devoted themselves to any quiet pursuit, as a refuge from a life of sedition and tumult. So that other virtuous and honourable pursuits appear to me to have become popular subsequently, from having been cultivated in tranquillity by excellent men; but that this pursuit having been abandoned by most of them, grew out of fashion and obsolete at the very time when it should have been more eagerly retained and more anxiously encouraged and strengthened.

For the more scandalously the temerity and audacity of foolish and worthless men was violating a most honourable and virtuous system, to the excessive injury of the republic, the more studiously did it become others to resist them, and to consult the welfare of the republic.

IV. And this principle which I have just laid down did not escape the notice of Cato, nor of Laelus, nor of their pupil, as I may fairly call him, Africanus, nor of the Gracchi the grandson of Africanus; men in whom there was consummate virtue and authority increased by their consummate virtue and eloquence, which might serve as an ornament to these qualities, and as a protection to the republic. Wherefore, in my opinion at least, men ought not the less to devote themselves to eloquence, although some men both in private and public affairs misuse it in a perverse manner; but I think rather that they should apply themselves to it with the more eagerness, in order to prevent wicked men from getting the greatest power to the exceeding injury of the good, and the common calamity of all men; especially as this is the only thing which is of the greatest influence on all affairs both public and private; and as it is by this same quality that life is rendered safe, and honourable, and illustrious, and pleasant. For it is from this source that the most numerous advantages accrue to the republic, if only it be accompanied by wisdom, that governor of all human affairs. From this source it is that praise and honour and dignity flow towards all those who have acquired it; from this source it is that the most certain and the safest defence is provided for their friends. And, indeed, it appears to me,

that it is on this particular that men, who in many points are weaker and lower than the beasts, are especially superior to them, namely, in being able to speak.

Wherefore, that man appears to me to have acquired an excellent endowment, who is superior to other men in that very thing in which men are superior to beasts. And if this art is acquired not by nature only, not by mere practice, but also by a sort of regular system of education, it appears to me not foreign to our purpose to consider what those men say who have left us some precepts on the subject of the attainment of it.

But, before we begin to speak of oratorical precepts, I think we must say something of the nature of the art itself; of its duty, of its end, of its materials, and of its divisions. For when we have ascertained those points, then each man's mind will, with the more ease and readiness, be able to comprehend the system itself, and the path which leads to excellence in it.

V. There is a certain political science which is made up of many and important particulars. A very great and extensive portion of it is artificial eloquence, which men call rhetoric. For we do not agree with those men who think that the knowledge of political science is in no need of and has no connexion with eloquence; and we most widely disagree with those, on the other hand, who think that all political ability Is comprehended under the skill and power of a rhetorician. On which account we will place this oratorical ability in such a class as to assert that it is a part of political science. But the duty of this faculty appears to be to speak in a manner suitable to persuading men; the end of it is to persuade by language. And there is difference between the duty of this faculty and its end; that with respect to the duty we consider what ought to be done; with respect to the end we consider what is suitable to the duty. Just as we say, that it is the duty of a physician to prescribe for a patient in a way calculated to cure him; and that his end is to cure him by his prescriptions. And so we shall understand what we are to call the duty of an orator, and also what we are to call his end; since we shall call that his duty which he ought to do, and we shall term that his end for the sake of which he is bound to do his duty.

We shall call that the material of the art, on which the whole art,

and all that ability which is derived from art, turns. Just as if we were to call diseases and wounds the material of medicine, because it is about them that all medical science is concerned. And in like manner, we call those subjects with which oratorical science and ability is conversant the materials of the art of rhetoric. And these subjects some have considered more numerous, and others less so. For Gorgias the Leontine, who is almost the oldest of all rhetoricians, considered that an orator was able to speak in the most excellent manner of all men on every subject. And when he says this he seems to be supplying an infinite and boundless stock of materials to this art. But Aristotle, who of all men has supplied the greatest number of aids and ornaments to this art, thought that the duty of the rhetorician was conversant with three kinds of subjects; with the demonstrative, and the deliberative, and the judicial.

The demonstrative is that which concerns itself with the praise or blame of some particular individual; the deliberative is that which, having its place in discussion and in political debate, comprises a deliberate statement of one's opinion; the judicial is that which, having its place in judicial proceedings, comprehends the topics of accusation and defence; or of demand and refusal. And, as our own opinion at least inclines, the art and ability of the orator must be understood to be conversant with these tripartite materials. VI For Hermagoras, indeed, appears neither to attend to what he is saying, nor to understand what he is promising, for he divides the materials of an orator into the cause, and the examination. The cause he defines to be a thing which has in itself a controversy of language united with the interposition of certain characters. And that part, we too say, is assigned to the orator, for we give him those three parts which we have already mentioned, — the judicial, the deliberative, and the demonstrative. But the examination he defines to be that thing which has in itself a controversy of language, without the interposition of any particular characters, in this way—"Whether there is anything good besides honesty?"—"Whether the senses may be trusted?"—"What is the shape of the world?"—"What is the size of the sun?" But I imagine that all men can easily see that all such questions are far removed from the business of an orator, for it appears the excess of insanity to attribute those subjects, in which we

know that the most sublime genius of philosophers has been exhausted with infinite labour, as if they were inconsiderable matters, to a rhetorician or an orator.

But if Hermagoras himself had had any great acquaintance with these subjects, acquired with long study and training, then it would be supposed that he, from relying on his own knowledge, had laid down some false principles respecting the duty of an orator, and had explained not what his art could effect, but what he himself could do. But as it is, the character of the man is such, that any one would be much more inclined to deny him any knowledge of rhetoric, than to grant him any acquaintance with philosophy. Nor do I say this because the book on the art which he published appears to me to have been written with any particular incorrectness, (for, indeed, he appears to me to have shown very tolerable ingenuity and diligence in arranging topics which he had collected from ancient writings on the subject, and also to have advanced some new theories himself,) but it is the least part of the business of an orator to speak concerning his art, which is what he has done: his business is rather to speak from his art, which is what we all see that this Hermagoras was very little able to do. And so that, indeed, appears to us to be the proper materials of rhetoric, which we have said appeared to be such to Aristotle. VII. And these are the divisions of it, as numerous writers have laid them down: Invention; Arrangement; Elocution; Memory; Delivery. Invention, is the conceiving of topics either true or probable, which may make one's cause appear probable; Arrangement, is the distribution of the topics which have been thus conceived with regular order; Elocution, is the adaptation of suitable words and sentences to the topics so conceived; Memory, is the lasting sense in the mind of the matters and words corresponding to the reception of these topics. Delivery, is a regulating of the voice and body in a manner suitable to the dignity of the subjects spoken of and of the language employed.

Now, that these matters have been briefly defined, we may postpone to another time those considerations by which we may be able to elucidate the character and the duty and the object of this art; for they would require a very long argument, and they have no very intimate connexion with the definition of the art and the delivery of

precepts relating to it. But we consider that the man who writes a treatise on the art of rhetoric ought to write about two other subjects also; namely, about the materials of the art, and about its divisions. And it seems, indeed, that we ought to treat of the materials and divisions of this art at the same time. Wherefore, let us first consider what sort of quality invention ought to be, which is the most important of all the divisions, and which applies to every description of cause in which an orator can be engaged.

VIII. Every subject which contains in itself any controversy existing either in language or in disputation, contains a question either about a fact, or about a name, or about a class, or about an action. Therefore, that investigation out of which a cause arises we call a stating of a case. A stating of a case is the first conflict of causes arising from a repulse of an accusation; in this way. "You did so and so;"—"I did not do so;" — or, "it was lawful for me to do so." When there is a dispute as to the fact, since the cause is confirmed by conjectures, it is called a conjectural statement. But when it is a dispute as to a name, because the force of a name is to be defined by words, it is then styled a definitive statement. But when the thing which is sought to be ascertained is what is the character of the matter under consideration, because it is a dispute about violence, and about the character of the affair, it is called a general statement. But when the cause depends on this circumstance, either that that man does not seem to plead who ought to plead, or that he does not plead with that man with whom he ought to plead, or that he does not plead before the proper people, at the proper time, in accordance with the proper law, urging the proper charge, and demanding the infliction of the proper penalty, then it is called a statement by way of demurrer; because the arguing of the case appears to stand in need of a demurrer and also of some alteration. And some one or other of these sorts of statement must of necessity be incidental to every cause. For if there be any one to which it is not incidental, in that there can be no dispute at all; on which account it has no right even to be considered a cause at all.

And a dispute as to fact may be distributed over every sort of time. For as to what has been done, an inquiry can be instituted in this way—"whether Ulysses slew Ajax;" and as to what is being

done, in this way—"whether the people of Tregellae are well affected towards the Roman people;" and as to what is going to happen, in this way—"if we leave Carthage uninjured, whether any inconvenience will accrue to the republic."

It is a dispute about a name, when parties are agreed as to the fact, and when the question is by what name that which has been done is to be designated. In which class of dispute it is inevitable on that account that there should be a dispute as to the name; not because the parties are not agreed about the fact, not because the fact is not notorious, but because that which has been done appears in a different light to different people, and on that account one calls it by one name and another by another. Wherefore, in disputes of this kind the matter must be defined by words, and described briefly; as, for instance, if any one has stolen any sacred vessel from a private place, whether he is to be considered a sacrilegious person, or a simple thief. For when that is inquired into, it is necessary to define both points — what is a thief, and what is a sacrilegious person, — and to show by one's own description that the matter which is under discussion ought to be called by a different name from that which the opposite party apply to it. IX. The dispute about kind is, when it is agreed both what has been done, and when there is no question as to the name by which it ought to be designated; and nevertheless there is a question of what importance the matter is, and of what sort it is, and altogether of what character it is; in this way, — whether it be just or unjust; whether it be useful or useless; and as to all other circumstances with reference to which there is any question what is the character of that which has been done, without there being any dispute as to its name. Humagoras assigned four divisions to this sort of dispute: the deliberative, the demonstrative, the judicial, and the one relating to facts. And, as it seems to us, this was no ordinary blunder of his, and one which it is incumbent on us to reprove; though we may do so briefly, lest, if we were to pass it over in silence, we might be thought to have had no good reason for abandoning his guidance; or if we were to dwell too long on this point, we might appear to have interposed a delay and an obstacle to the other precepts which we wish to lay down.

If deliberation and demonstration are kinds of causes, then the

divisions of any one kind cannot rightly be considered causes; for the same matter may appear to be a class to one person, and a division to another; but it cannot appear both a class and a division to the same person. But deliberation and demonstration are kinds of argument; for either there is no kind of argument at all, or there is the judicial kind alone, or there are all three kinds, the judicial and the demonstrative and the deliberative. Now, to say there is no kind of argument at the same time that he says that there are many arguments, and is giving precepts for them, is foolishness. How, too, is it possible that there should be one kind only, namely the judicial, when deliberation and demonstration in the first place do not resemble one another, and are exceedingly different from the judicial kind, and have each their separate object to which they ought to be referred. It follows, then, that there are three kinds of arguments. Deliberation and demonstration cannot properly be considered divisions of any kind of argument. He was wrong, therefore, when he said that they were divisions of a general statement of the case.

X. But if they cannot properly be considered divisions of a kind of argument, much less can they properly be considered divisions of a division of an argument. But all statement of the case is a division of an argument. For the argument is not adapted to the statement of the case, but the statement of the case is adapted to the argument. But demonstration and deliberation cannot be properly considered divisions of a kind of argument, because they are separate kinds of arguments themselves. Much less can they properly be considered divisions of that division, as he calls them. In the next place, if the statement of the case, both itself as a whole; and also any portion of that statement, is a repelling of an accusation, then that which is not a repelling of an accusation is neither a statement of a case, nor a portion of a statement of a case; but if that which is not a repelling of an attack is not a statement of a case, nor a portion of a statement of a case, then deliberation and demonstration are neither a statement of a case, nor a portion of a statement of a case. If, therefore, a statement of a case, whether it be the whole statement or some portion of it, be a repelling of an accusation, then deliberation and demonstration are neither a statement of a case, nor any portion of such statement. But he himself asserts that it is a repelling of an accusation. He must

therefore assert also that demonstration and deliberation are neither a statement of a case, nor a portion of such a statement. And he will be pressed by the same argument whether he calls the statement of a case the original assertion of his cause by the accuser, or the first speech in answer to such accusation by the advocate of the defence. For all the same difficulties will attend him in either case.

In the next place a conjectural argument cannot, as to the same portion of it, be at the same time both a conjectural one and a definitive one. Again, a definitive argument cannot, as to the same portion of it, be at the same time both a definitive argument and one in the form and character of a demurrer. And altogether, no statement of a case, and no portion of such a statement, can at one and the same time both have its own proper force and also contain the force of another kind of argument. Because each kind of argument is considered simply by its own merits, and according to its own nature; and if any other kind be united with it, then it is the number of statements of a case that is doubled, and not the power of the statement that is increased.

But a deliberative argument, both as to the same portion of it and also at the same time, very frequently has a statement of its case both conjectural, and general, and definitive, and in the nature of a demurrer; and at times it contains only one statement, and at times it contains many such. Therefore it is not itself a statement of the case, nor a division of such statement: and the same thing must be the case with respect to demonstration. These, then, as I have said before, must be considered kinds of argument, and not divisions of any statement of the subject.

XI. This statement of the case then, which we call the general one, appears to us to have two divisions, — one judicial and one relating to matters of fact. The judicial one is that in which the nature of right and wrong, or the principles of reward and punishment, are inquired into. The one relating to matters of fact is that in which the thing taken into consideration is what is the law according to civil precedent, and according to equity; and that is the department in which lawyers are considered by us to be especially concerned.

And the judicial kind is itself also distributed under two divisions, — one absolute, and one which takes in something besides as an

addition, and which may be called assumptive. The absolute division is that which of itself contains in itself an inquiry into right and wrong. The assumptive one is that which of itself supplies no firm ground for objection, but which takes to itself some topics for defence derived from extraneous circumstances. And its divisions are four, — concession, removal of the accusation from oneself, a retorting of the accusation, and comparison. Concession when the person on his trial does not defend the deed that has been done, but entreats to be pardoned for it: and this again is divided into two parts, — purgation and deprecation. Purgation is when the fact is admitted, but when the guilt of the fact is sought to be done away. And this may be on three grounds, — of ignorance, of accident, or of necessity. Deprecation is when the person on his trial confesses that he has done wrong, and that he has done wrong on purpose, and nevertheless entreats to be pardoned. But this kind of address can be used but very rarely. Removal of the accusation from oneself is when the person on his trial endeavours by force of argument and by influence to remove the charge which is brought against him from himself to another, so that it may not fix him himself with any guilt at all. And that can be done in two ways, — if either the cause of the deed, or the deed itself, is attributed to another. The cause is attributed to another when it is said that the deed was done in consequence of the power and influence of another; but the deed itself is attributed to another when it is said that another either might have done it, or ought to have done it. The retorting of an accusation takes place when what is done is said to have been lawfully done because another had previously provoked the doer wrongfully. Comparison is, when it is argued that some other action has been a right or an advantageous one, and then it is contended that this deed which is now impeached was committed in order to facilitate the accomplishment of that useful action.

In the fourth kind of statement of a case, which we call the one which assumes the character of a demurrer, that sort of statement contains a dispute, in which an inquiry is opened who ought to be the accuser or pleader, or against whom, or in what manner, or before whom, or under what law, or at what time the accusation ought to be brought forward; or when something is urged generally tending to

alter the nature of, or to invalidate the whole accusation. Of this kind of statement of a case Hermagoras is considered the inventor: not that many of the ancient orators have not frequently employed it, but because former writers on the subject have not taken any notice of it, and have not entered it among the number of statements of cases. But since it has been thus invented by Hermagoras, many people have found fault with it, whom we considered not so much to be deceived by ignorance (for indeed the matter is plain enough) as to be hindered from admitting the truth by some envy or fondness for detraction.

XII. We have now then mentioned the different kinds of statements of cases, and their several divisions. But we think that we shall be able more conveniently to give instances of each kind, when we are furnishing a store of arguments for each kind. For so the system of arguing will be more clear, when it can be at once applied both to the general classification and to the particular instance.

When the statement of the case is once ascertained, then it is proper at once to consider whether the argument be a simple or a complex one, and if it be a complex one, whether it is made up of many subjects of inquiry, or of some comparison. That is a simple statement which contains in itself one plain question, in this way —"Shall we declare war against the Corinthians, or not?" That is a complex statement consisting of several questions in which many inquiries are made, in this way.—"Whether Carthage shall be destroyed, or whether it shall be restored to the Carthaginians, or whether a colony shall be led thither." Comparison is a statement in which inquiry is raised in the way of contest, which course is more preferable, or which is the most preferable course of all, in this way. —"Whether we had better send an army into Macedonia against Philip, to serve as an assistance to our allies, or whether we had better retain it in Italy, in order that we may have as numerous forces as possible to oppose to Hannibal." In the next place, we must consider whether the dispute turns on general reasoning, or on written documents, for a controversy with respect to written documents, is one which arises out of the nature of the writing.

XIII And of that there are five kinds which have been separated from statements of cases. For when the language of the writing

appears to be at variance with the intention of the writer, then two laws or more seem to differ from one another, and then, too, that which has been written appears to signify two things or more. Then also, from that which is written, something else appears to be discovered also, which is not written, and also the effect of the expressions used is inquired into, as if it were in the definitive statement of the case, in which it has been placed. Wherefore, the first kind is that concerning the written document and the intention of it; the second arises from the laws which are contrary to one another, the third is ambiguous, the fourth is argumentative, the fifth we call definitive.

But reason applies when the whole of the inquiry does not turn on the writing, but on some arguing concerning the writing. But, then, when the kind of argument has been duly considered, and when the statement of the case has been fully understood; when you have become aware whether it is simple or complex, and when you have ascertained whether the question turns on the letter of the writing or on general reasoning; then it is necessary to see what is the question, what is the reasoning, what is the system of examining into the excuses alleged, what means there are of establishing one's own allegations; and all these topics must be derived from the original statement of the case. What I call "the question" is the dispute which arises from the conflict of the two statements in this way. "You have not done this lawfully;" "I have done it lawfully." And this is the conflict of arguments, and on this the statement of the case hinges. It arises, therefore, from that kind of dispute which we call "the question," in this way:—"Whether he did so and so lawfully." The reasoning is that which embraces the whole cause; and if that be taken away, then there is no dispute remaining behind in the cause. In this way, in order that for the sake of explaining myself more clearly, I may content myself with an easy and often quoted instance. If Orestes be accused of matricide, unless he says this, "I did it rightfully, for she had murdered my father," he has no defence at all. And if his defence be taken away, then all dispute is taken away also. The principle of his argument then is that she murdered Agamemnon. The examination of this defence is then a dispute which arises out of the attempts to invalidate or to establish this

argument. For the argument itself may be considered sufficiently explained, since we dwelt upon it a little while ago. “For she,” says he, “had murdered my father.” “But,” says the adversary, “for all that it was not right for your mother to be put to death by you who were her son; for her act might have been punished without your being guilty of wickedness.”

XIV. From this mode of bringing forward evidence, arises that last kind of dispute which we call the judication, or examination of the excuses alleged. And that is of this kind: whether it was right that his mother should be put to death by Orestes, because she had put to death Orestes’s father?

Now proof by testimony is the firmest sort of reasoning that can be used by an advocate in defence, and it is also the best adapted for the examination of any excuse which may be alleged. For instance, if Orestes were inclined to say that the disposition of his mother had been such towards his father, towards himself and his sisters, towards the kingdom, and towards the reputation of his race and family, that her children were of all people in the world the most bound to inflict punishment upon her. And in all other statements or cases, examinations of excuses alleged are found to be carried on in this manner. But in a conjectural statement of a case, because there is no express evidence, for the fact is not admitted at all, the examination of the defence put forward cannot arise from the bringing forward of evidence. Wherefore, it is inevitable that in this case the question and the judication must be the same thing. As “it was done,” “it was not done.” The question is whether it was done.

But it must invariably happen that there will be the same number of questions, and arguments, and examinations, and evidences employed in a cause, as there are statements of the case or divisions of such statements. When all these things are found in a cause, then at length each separate division of the whole cause must be considered. For it does not seem that those points are necessarily to be first noticed, which have been the first stated; because you must often deduce those arguments which are stated first, at least if you wish them to be exceedingly coherent with one another and to be consistent with the cause, from those arguments which are to be stated subsequently. Wherefore, when the examination of the excuses

alleged, and all those arguments which require to be found out for the purpose of such examination have been diligently found out by the rules of art, and handled with due care and deliberation, then at length we may proceed to arrange the remaining portions of our speech. And these portions appear to us to be in all six; the exordium, the relation of the fact, the division of the different circumstances and topics, the bringing forward of evidence, the finding fault with the action which has been done, and the peroration.

At present, since the exordium ought to be the main thing of all, we too will first of all give some precepts to lead to a system of opening a case properly.

XV. An exordium is an address bringing the mind of the hearer into a suitable state to receive the rest of the speech, and that will be effected if it has rendered him well disposed towards the speaker, attentive, and willing to receive information. Wherefore, a man who is desirous to open a cause well, must of necessity be beforehand thoroughly acquainted with the nature and kind of cause which he has to conduct. Now the kinds of causes are five; one honourable, one astonishing, one low, one doubtful, one obscure. The kind of cause which is called honourable, is such an one as the disposition of the hearer favours at once, without waiting to hear our speech. The kind that is astonishing, is that from which the mind of those who are about to hear us has been alienated. The kind which is low, is one which is disregarded by the hearer, or which does not seem likely to be carefully attended to. The kind which is doubtful, is that in which either the examination into the excuses alleged is doubtful, or the cause itself, being partly honourable and partly discreditable; so as to produce partly good-will and partly disinclination. The kind which is obscure, is that in which either the hearers are slow, or in which the cause itself is entangled in a multitude of circumstances hard to be thoroughly acquainted with. Wherefore, since there are so many kinds of causes, it is necessary to open one's case on a very different system in each separate kind. Therefore, the exordium is divided into two portions, first of all a beginning, and secondly language calculated to enable the orator to work his way into the good graces of his hearers. The beginning is an address, in plain words, immediately rendering the hearer well disposed towards one, or

inclined to receive information, or attentive. The language calculated to enable the orator to work his way into the good graces of his hearers, is an address which employs a certain dissimulation, and which by a circuitous route as it were obscurely creeps into the affections of the hearer.

In the kind of cause which we have called astonishing, if the hearers be not positively hostile, it will be allowable by the beginning of the speech to endeavour to secure their good-will. But if they be excessively alienated from one, then it will be necessary to have recourse to endeavours to insinuate oneself into their good graces. For if peace and good-will be openly sought for from those who are enemies to one, they not only are not obtained, but the hatred which they bear one is even inflamed and increased. But in the kind of cause which I have called low, for the sake of removing his contempt it will be indispensable to render the hearer attentive. The kind of cause which has been styled doubtful, if it embraces an examination into the excuses alleged, which is also doubtful, must derive its exordium from that very examination; but if it have some things in it of a creditable nature, and some of a discreditable character, then it will be expedient to try and secure the good-will of the hearer, so that the cause may change its appearance, and seem to be an honourable one. But when the kind of cause is the honourable kind, then the exordium may either be passed over altogether, or if it be convenient, we may begin either with a relation of the business in question, or with a statement of the law, or with any other argument which must be brought forward in the course of our speech, and on which we most greatly rely; or if we choose to employ an exordium, then we must avail ourselves of the good-will already existing towards us, in order that that which does exist may be strengthened.

XVI. In the kind of cause which I have called obscure, it will be advisable to render the hearers inclined to receive instruction by a carefully prepared exordium. Now, since it has been already explained what effect is to be sought to be produced by the exordium, it remains for us to show by what arguments all such effects may be produced.

Good-will is produced by dwelling on four topics: — on one derived from our own character, from that of our adversaries, from

that of the judges, and from the cause itself. From our own character, if we manage so as to speak of our own actions and services without arrogance; if we refute the charges which have been brought against us, and any other suspicions in the least, discreditable which it may be endeavoured to attach to us; if we dilate upon the inconveniences which have already befallen us, or the difficulties which are still impending over us; if we have recourse to prayers and to humble and suppliant entreaty. From the character of our adversaries, if we are able to bring them either into hatred, or into unpopularity, or into contempt. They will be brought into hatred, if any action of theirs can be adduced which has been lascivious, or arrogant, or cruel, or malignant. They will be made unpopular, if we can dilate upon their violent behaviour, their power, their riches, their numerous kinsmen, their wealth, and their arrogant and intolerable use of all these sources of influence; so that they may appear rather to trust to these circumstances than to the merits of their cause. They will be brought into contempt, if sloth, or negligence, or idleness, or indolent pursuits, or luxurious tranquillity can be alleged against them. Good-will will be procured, derived from the character of the hearers themselves, if exploits are mentioned which have been performed by them with bravery, or wisdom, or humanity; so that no excessive flattery shall appear to be addressed to them; and if it is plainly shown how high and honourable their reputation is, and how anxious is the expectation with which men look for their decision and authority. Or from the circumstances themselves, if we extol our own cause with praises, and disparage that of the opposite party by contemptuous allusions.

But we shall make our hearers attentive, if we show that the things which we are going to say and to speak of are important, and unusual, and incredible; and that they concern either all men, or those who are our present hearers, or some illustrious men, or the immortal gods, or the general interests of the republic. And if we promise that we will in a very short time prove our own cause; and if we explain the whole of the examination into the excuses alleged, or the different examinations, if there be more than one.

We shall render our hearers willing to receive information, if we explain the sum total of the cause with plainness and brevity, that is

to say, the point on which the dispute hinges. For when you wish to make a hearer inclined to receive information you must also render him attentive. For he is above all men willing to receive information who is prepared to listen with the greatest attention.

XVII. The next thing which it seems requisite to speak of, is, how topics intended to enable the orator to work his way into the good graces of his hearers ought to be handled. We must then use such a sort of address as that when the kind of cause which we are conducting is that which I have called astonishing; that is to say, as I have stated before, when the disposition of the hearer is adverse to one. And that generally arises from one of three causes: either if there be anything discreditable in the cause itself, or if any such belief appears to have been already instilled into the hearer by those who have spoken previously; or if one is appointed to speak at a time when those who have got to listen to one are wearied with hearing others. For sometimes when one is speaking, the mind of the hearer is alienated from one no less by this circumstance than by the two former.

If the discreditable nature of one's cause excites the ill-will of one's hearers, or if it be desirable to substitute for the man on whom they look unfavourably another man to whom they are attached; or, for the matter they regard with dislike, another matter of which they approve; or if it be desirable to substitute a person for a thing, or a thing for a person, in order that the mind of the hearer may be led away from that which he hates to that which he loves; and if your object is to conceal from view the fact that you are about to defend that person or action which you are supposed to be going to defend; and then, when the hearer has been rendered more propitious, to enter gradually on the defence, and to say that those things at which the opposite party is indignant appear scandalous to you also; and then, when you have propitiated him who is to listen to you, to show that none of all those things at all concern you, and to deny that you are going to say anything whatever respecting the opposite party whether it be good or bad; so as not openly to attack those men who are loved by your hearers, and yet doing it secretly as far as you can to alienate from them the favourable disposition of your hearers; and at the same time to mention the judgment of some other judges in a

similar case, or to quote the authority of some others as worthy of imitation; and then to show that it is the very same point, or one very like it, or one of greater or less importance, (as the case may make it expedient,) which is in question at present.

If the speech of your adversaries appears to have made an impression on your hearers, which is a thing which will be very easily ascertained by a man who understands what are the topics by which an impression is made; then it is requisite to promise that you will speak first of all on that point which the opposite party consider their especial stronghold, or else to begin with a reference to what has been said by the adversary, and especially to what he said last; or else to appear to doubt, and to feel some perplexity and astonishment as to what you had best say first, or what argument it is desirable to reply to first — for when a hearer sees the man whom the opposite party believe to be thrown into perplexity by their speech prepared with unshaken firmness to reply to it, he is generally apt to think that he has assented to what has been said without sufficient consideration, rather than that the present speaker is confident without due grounds. But if fatigue has alienated the mind of the hearer from your cause, then it is advantageous to promise to speak more briefly than you had been prepared to speak; and that you will not imitate your adversary.

If the case admit of it, it is not disadvantageous to begin with some new topic, or with some one which may excite laughter; or with some argument which has arisen from the present moment; of which kind are any sudden noise or exclamation; or with something which you have already prepared, which may embrace some apologue, or fable, or other laughable circumstance. Or, if the dignity of the subject shall seem inconsistent with jesting, in that case it is not disadvantageous to throw in something sad, or novel, or terrible. For as satiety of food and disgust is either relieved by some rather bitter taste, or is at times appeased by a sweet taste; so a mind weary with listening is either reinstated in its strength by astonishment, or else is refreshed by laughter.

XVIII. And these are pretty nearly the main things which it appeared desirable to say separately concerning the exordium of a speech, and the topics which an orator should use for the purpose of insinuating himself into the good grace of his hearers. And now it seems desirable to lay down some brief rules which may apply to both in common.

An exordium ought to have a great deal of sententiousness and gravity in it, and altogether to embrace all things which have a reference to dignity; because that is the most desirable effect to be produced which in the greatest degree recommends the speaker to his hearer. It should contain very little brilliancy, or wit, or elegance of expression, because from these qualities there always arises a suspicion of preparation and artificial diligence: and that is an idea which, above all others takes away credit from a speech, and authority from a speaker. But the following are the most ordinary faults to be found in an exordium, and those it is above all things desirable to avoid. It must not be vulgar, common, easily changed, long, unconnected, borrowed, nor must it violate received rules. What I mean by vulgar, is one which may be so adapted to numerous causes as to appear to suit them all. That is common, which appears to be able to be adapted no less to one side of the argument than to the other. That is easily changed, which with a slight alteration may be advanced by the adversary on the other side of the question. That is long, which is spun out by a superfluity of words or sentences far beyond what is necessary. That is unconnected, which is not derived from the cause itself, and is not joined to the whole speech as a limb is to the body. That is borrowed, which effects some other end than that which the kind of cause under discussion requires; as if a man were to occupy himself in rendering his hearer inclined to receive information, when the cause requires him only to be well disposed towards the speaker: or, if a man uses a formal beginning of a speech, when what the subject requires is an address by which the speaker may insinuate himself into the good graces of his hearer. That is contrary to received rules, which effects no one of those objects for the sake of which the rules concerning exordiums have been handed down. This is the sort of blunder which renders him who hears it neither well disposed to one, nor inclined to receive information, nor attentive; or (and that indeed is the most disastrous effect of all) renders him of a totally contrary disposition. And now we have said enough about the exordium.

XIX. Narration is an explanation of acts that have been done, or of acts as if they have been done. There are three kinds of narration. One kind is that in which the cause itself and the whole principle of

the dispute is contained. Another is that in which some digression, unconnected with the immediate argument, is interposed, either for the sake of criminating another, or of instituting a comparison, or of provoking some mirth not altogether unsuitable to the business under discussion, or else for the sake of amplification. The third kind is altogether foreign to civil causes, and is uttered or written for the sake of entertainment, combined with its giving practice, which is not altogether useless. Of this last there are two divisions, the one of which is chiefly conversant about things, and the other about persons. That which is concerned in the discussion and explanation of things has three parts, fable, history, and argument. Fable is that in which statements are expressed which are neither true nor probable, as is this —

"Huge winged snakes, join'd by one common yoke."

History is an account of exploits which have been performed, removed from the recollection of our own age; of which sort is the statement, "Appius declared war against the Carthaginians." Argument is an imaginary case, which still might have happened. Such is this in Terence —

"For after Sosia became a man."

But that sort of narration which is conversant about persons, is of such a sort that in it not only the facts themselves, but also the conversations of the persons concerned and their very minds can be thoroughly seen, in this way —

"And oft he came to me with mournful voice,
What is your aim, your conduct what? Oh why
Do you this youth with these sad arts destroy?
Why does he fall in love? Why seeks he wine,
And why do you from time to time supply
The means for such excess? You study dress
And folly of all kinds; while he, if left
To his own natural bent, is stern and strict,
Almost beyond the claims of virtue."

In this kind of narration there ought to be a great deal of cheerfulness wrought up out of the variety of circumstances; out of

the dissimilarity of dispositions; out of gravity, lenity, hope, fear, suspicion, regret, dissimulation, error, pity, the changes of fortune, unexpected disaster, sudden joy, and happy results. But these embellishments may be derived from the precepts which will hereafter be laid down about elocution.

At present it seems best to speak of that kind of narration which contains an explanation of the cause under discussion.

XX. It is desirable then that it should have three qualities; that it should be brief, open, and probable. It will be brief, if the beginning of it is derived from the quarter from which it ought to be; and if it is not endeavoured to be extracted from what has been last said, and if the speaker forbears to enumerate all the parts of a subject of which it is quite sufficient to state the total result; — for it is often sufficient to say what has been done, and there is no necessity for his relating how it was done; — and if the speaker does not in his narration go on at a greater length than there is any occasion for, as far as the mere imparting of knowledge is concerned; and if he does not make a digression to any other topic; and if he states his case in such a way, that sometimes that which has not been said may be understood from that which has been said; and if he passes over not only such topics as may be injurious, but those too which are neither injurious nor profitable; and if he repeats nothing more than once; and if he does not at once begin with that topic which was last mentioned; — and the imitation of brevity takes in many people, so that, when they think that they are being brief, they are exceedingly prolix, while they are taking pains to say many things with brevity, not absolutely to say but few things and no more than are necessary. For to many men a man appears to speak with brevity who says, “I went to the house; I called out the servant; he answered me; I asked for his master; he said that he was not at home.” Here, although he could not have enumerated so many particulars more concisely, yet, because it would have been enough to say, “He said that he was not at home,” he is prolix on account of the multitude of circumstances which he mentions. Wherefore, in this kind of narration also it is necessary to avoid the imitation of brevity, and we must no less carefully avoid a heap of unnecessary circumstances than a multitude of words.

But a narration will be able to be open, if those actions are

explained first which have been done first, and if the order of transactions and times is preserved, so that the things are related as they have been done, or as it shall seem that they may have been done. And in framing this narration it will be proper to take care that nothing be said in a confused or distorted manner; that no digression be made to any other subject; that the affair may not be traced too far back, nor carried too far forward; that nothing be passed over which is connected with the business in hand; and altogether the precepts which have been laid down about brevity, must be attended to in this particular also. For it often happens that the truth is but little understood, more by reason of the prolixity of the speaker, than of the obscurity of the statement. And it is desirable to use clear language, which is a point to be dwelt upon when we come to precepts for elocution.

XXI. A narration will be probable, if in it those characteristics are visible which are usually apparent in truth; if the dignity of the persons mentioned is preserved; if the causes of the actions performed are made plain; if it shall appear that there were facilities for performing them; if the time was suitable; if there was plenty of room; if the place is shown to have been suitable for the transaction which is the subject of the narration; if the whole business, in short, be adapted to the nature of those who plead, and to the reports bruited about among the common people, and to the preconceived opinions of those who hear. And if these principles be observed, the narration will appear like the truth.

But besides all this, it will be necessary to take care that such a narration be not introduced when it will be a hindrance, or when it will be of no advantage; and that it be not related in an unseasonable place, or in a manner which the cause does not require. It is a hindrance, when the very narration of what has been done comes at a time that the hearer has conceived great displeasure at something, which it will be expedient to mitigate by argument, and by pleading the whole cause carefully. And when this is the case, it will be desirable rather to scatter the different portions of the transactions limb by limb as it were over the cause, and, as promptly as may be, to adapt them to each separate argument, in order that there may be a remedy at hand for the wound, and that the defence advanced may at

once mitigate the hatred which has arisen.

Again, a narration is of no advantage when, after our case has once been set forth by the opposite party, it is of no importance to relate it a second time or in another manner; or when the whole affair is so clearly comprehended by the hearers, as they believe at least that it can do us no good to give them information respecting it in another fashion. And when this is the case, it is best to abstain from any narration altogether. It is uttered in an unseasonable place, when it is not arranged in that part of the speech in which the case requires it, and concerning this kind of blunder we will speak when we come to mention the arrangement of the speech. For it is the general arrangement of the whole that this affects. It is not related in the manner which the cause requires, when either that point which is advantageous to the opposite party is explained in a clear and elegant manner, or when that which may be of benefit to the speaker is stated in an obscure or careless way. Wherefore, in order that this fault may be avoided, everything ought to be converted by the speaker to the advantage of his own cause by passing over all things which make against it which can be passed over, by touching lightly on those points which are beneficial to the adversary, and by relating those which are advantageous to himself carefully and clearly. And now we seem to have said enough about narration. Let us now pass on in regular order to the arrangement of the different topics.

XXII An arrangement of the subjects to be mentioned in an argument, when properly made, renders the whole oration clear and intelligible. There are two parts in such a division, each of which is especially connected with the opening of the cause, and with the arrangement of the whole discussion. One part is that which points out what are the particulars as to which one is in agreement with the opposite party, and also what remains in dispute; and from this there is a certain definite thing pointed out to the hearer, as that to which he should direct his attention. The other part is that in which the explanation of those matters on which we are about to speak, is briefly arranged and pointed out. And this causes the hearer to retain certain things in his mind, so as to understand that when they have been discussed the speech will be ended. At present it seems desirable to mention briefly how it is proper to use each kind of

arrangement. And this arrangement points out what is suitable and what is not suitable; its duty is to turn that which is suitable to the advantage of its own side, in this way—"I agree with the opposite party as to the fact, that a mother has been put to death by her son." Again, on the other side.—"We are both agreed that Agamemnon was slain by Clytaemnestra" For in saying this each speaker has laid down that proposition which was suitable, and nevertheless has consulted the advantage of his own side.

In the next place, what the matter in dispute is must be explained, when we come to mention the examination into the excuses which are alleged. And how that is managed has been already stated.

But the arrangement which embraces the properly distributed explanation of the facts, ought to have brevity, completeness, conciseness. Brevity is when no word is introduced which is not necessary. This is useful in this sort of speaking, because it is desirable to arrest the attention of the hearer by the facts themselves and the real divisions of the case, and not by words or extraneous embellishments of diction. Completeness is that quality by which we embrace every sort of argument which can have any connexion with the case concerning which we have got to speak, and in this division we must take care not to omit any useful topic, not to introduce any such too late, out of its natural place, for that is the most pernicious and discreditable error of all. Conciseness in arrangement is preserved if the general classes of facts are clearly laid down, and are not entangled in a promiscuous manner with the subordinate divisions. For a class is that which embraces many subordinate divisions as, "an animal." A subordinate division is that which is contained in the class as "a horse." But very often the same thing may be a class to one person, and a subordinate division to another. For "man" is a subordinate division of "animal," but a class as to "Theban," or "Trojan."

XXIII And I have been more careful in laying down this definition, in order that after it has been clearly comprehended with reference to the general arrangement, a conciseness as to classes or genera may be preserved throughout the arrangement. For he who arranges his oration in this manner—"I will prove that by means of the covetousness and audacity and avarice of our adversaries, all

sorts of evils have fallen on the republic," fails to perceive that in this arrangement of his, when he intended to mention only classes, he has joined also a mention of a subordinate division. For covetousness is the general class under which all desires are comprehended, and beyond all question avarice is a subordinate division of that class.

We must therefore avoid, after having mentioned a universal class, then, in the same arrangement, to mention along with it any one of its subordinate divisions, as if it were something different and dissimilar. And if there are many subordinate divisions to any particular class, after that has been simply explained in the first arrangement of the oration, it will be more easily and conveniently arranged when we come to the subsequent explanation in the general statement of the case after the division. And this, too, concerns the subject of conciseness, that we should not undertake to prove more things than there is any occasion for, in this way—"I will prove that the opposite party were able to do what we accuse them of, and had the inclination to do it, and did it." It is quite enough to prove that they did it. Or when there is no natural division at all in a cause, and when it is a simple question that is under discussion, though that is a thing which cannot be of frequent occurrence, still we must use careful arrangement. And these other precepts also, with respect to the division of subjects which have no such great connexion with the practice of orators, precepts which come into use in treatises in philosophy, from which we have transferred, hither those which appeared to be suitable to our purpose, of which we found nothing in the other arts. And in all these precepts about the division of our subjects, it will throughout our whole speech be found that every portion of them must be discussed in the same order as that in which it has been originally stated, and then, when everything has been properly explained, let the whole be summed up, and summed up so that nothing be introduced subsequently besides the conclusion. The old man in the Andria of Terence arranges briefly and conveniently the subjects with which he wishes his freedman to become acquainted —

"And thus the life and habits of my son
And my designs respecting his career,

And what I wish your course towards both to be,
Will be quite plain to you.”

And accordingly, as he has proposed in his original arrangement, he proceeds to relate, first the life of his son —

”For when, O Sosia, he became a man,
He was allow’d more liberty”

Then comes his own design —
“And now I take great care”
After that, what he wishes Sosia to do; that he put last in his original arrangement he now mentions last —
“And now the part is yours” …
As, therefore, in this instance, he came first to the portion which he had mentioned first, and so, when he had discussed them all, made an end of speaking, we too ought to advance to each separate portion of our subject, and when we had finished every part, to sum up. Now it appears desirable to proceed in regular order to lay down some precepts concerning the confirmation of our arguments, as the regular order of the subject requires.

XXIV Confirmation is that by means of which our speech proceeding in argument adds belief, and authority, and corroboration to our cause. As to this part there are certain fixed rules which will be divided among each separate class of causes. But it appeals to be not an inconvenient course to disentangle what is not unlike a wood, or a vast promiscuous miss of materials all jumbled together, and after that to point out how it may be suitable to corroborate each separate kind of cause, after we have drawn all our principles of argumentation from this source. All statements are confirmed by some argument or other, either by that which is derived from persons, or by that which is deduced from circumstances. Now we consider that these different things belong to persons, a name, nature, a way of life, fortune, custom, affection, pursuits, intentions, actions, accidents, orations. A name is that which is given to each separate person, so that each is called by his own proper and fixed appellation. To define nature itself is difficult, but to enumerate those parts of it

which we require for the laying down of these precepts is more easy.

And these refer partly to that portion of things which is divine, and partly to that which is mortal. Now of things which are mortal one part is classed among the race of men, and one among the race of brutes: and the race of men is distinguished by sex, whether they be male or female and with respect to their nation, and country, and kindred, and age, with respect to their nation, whether a man be a Greek or a barbarian; with respect to their country, whether a man be an Athenian or a Lacedaemonian; with respect to their kindred, from what ancestors a man is descended, and who are his relations; with respect to his age, whether he is a boy, or a youth, or a full grown man, or an old man. Besides these things, those advantages or disadvantages which come to a man by nature, whether in respect of his mind or his body, are taken into consideration, in this manner: — whether he be strong or weak; whether he be tall or short; whether he be handsome or ugly; whether he be quick in his motions or slow; whether he be clever or stupid; whether he have a good memory, or whether he be forgetful; whether he be courteous, fond of doing kindnesses, modest, patient, or the contrary. And altogether all these things which are considered to be qualities conferred by nature on men's minds or bodies, must be taken into consideration when defining nature. For those qualities which are acquired by industry relate to a man's condition, concerning which we must speak hereafter.

XXV. With reference to a man's way of life it is proper to consider among what men, and in what manner, and according to whose direction he has been brought up; what teachers of the liberal sciences he has had; what admonitors to encourage him to a proper course of life; with what friends he is intimate; in what business, or employment, or gainful pursuit he is occupied; in what manner he manages his estate, and what are his domestic habits. With reference to his fortune we inquire whether he is a slave or a free man; whether he is wealthy or poor; whether he is a private individual or a man in office; if he be in office, whether he has become so properly or improperly; whether he is prosperous, illustrious, or the contrary; what sort of children he has. And if we are inquiring about one who is no longer alive, then we must consider also by what death he died.

But when we speak of a man's habitual condition, we mean his constant and absolute completeness of mind or body, in some particular point — as for instance, his perception of virtue, or of some art, or else some science or other. And we include also some personal advantages not given to him by nature, but procured by study and industry. By affection, we mean a sudden alteration of mind or body, arising from some particular cause, as joy, desire, fear, annoyance, illness, weakness and other things which are found under the same class. But study is the assiduous and earnest application of the mind, applied to some particular object with great good-will, as to philosophy, poetry, geometry, or literature. By counsel, we mean a carefully considered resolution to do or not to do something. But actions, and accidents, and speeches will be considered with reference to three different times; what a man has done, what has happened to him, or what he has said; or what he is doing, or what is happening to him, or what he is saying; or what he is going to do, what is about to happen to him, or what speech he is about to deliver. And all these things appear to be attributable to persons.

XXVI. But of the considerations which belong to things, some are connected with the thing itself which is the subject of discussion; some are considered in the performance of the thing; some are united with the thing itself; some follow in the accomplishment of the thing. Those things are connected with the thing itself which appear always to be attached to the thing and which cannot be separated from it. The first of such things is a brief exposition of the whole business, which contains the sum of the entire matter, in this way—"The slaying of a parent;" "the betrayal of a country." Then comes the cause of this general fact; and we inquire by what means, and in what manner, and with what view such and such a thing has been done. After that we inquire what was done before this action under consideration was done, and all the steps which preceded this action. After that, what was done in the very execution of this action. And last of all, what has been done since.

But with reference to the performance of an action, which was the second topic of those which were attributed to things, the place, and the time, and the manner, and the opportunity, and the facilities will be inquired into. The place is taken into consideration in which the

thing was done; with reference to the opportunity which the doer seems to have had of executing the business; and that opportunity is measured by the importance of the action, by the interval which has elapsed, by the distance, by the nearness, by the solitude of the place, or by the frequented character of it, by the nature of the spot itself and by the neighbourhood of the whole region. And it is estimated also with reference to these characteristics, whether the place be sacred or not, public or private, whether it belongs or has belonged to some one else, or to the man whose conduct is under consideration.

But the time is, that, I mean, which we are speaking of at the present moment, (for it is difficult to define it in a general view of it with any exactness,) a certain portion of eternity with some fixed limitation of annual or monthly, or daily or nightly space. In reference to this we take into consideration the things which are passed, and those things which, by reason of the time which has elapsed since, have become so obsolete as to be considered incredible, and to be already classed among the number of fables, and those things also which, having been performed a long time ago and at a time remote from our recollection, still affect us with a belief that they have been handed down truly, because certain memorials of those facts are extant in written documents, and those things which have been done lately, so that most people are able to be acquainted with them. And also those things which exist at the present moment, and which are actually taking place now, and which are the consequences of former actions. And with reference to those things it is open to us to consider which will happen sooner, and which later. And also generally in considering questions of time, the distance or proximity of the time is to be taken into account: for it is often proper to measure the business done with the time occupied in doing it, and to consider whether a business of such and such magnitude, or whether such and such a multitude of things, can be performed in that time. And we should take into consideration the time of year, and of the month, and of the day, and of the night, and the watches, and the hours, and each separate portion of any one of these times.

XXVII. An occasion is a portion of time having in it a suitable opportunity for doing or avoiding to do some particular thing. Wherefore there is this difference between it and time. For, as to

genus, indeed, they are both understood to be identical; but in time some space is expressed in some manner or other, which is regarded with reference to years, or to a year, or to some portion of a year, but in an occasion, besides the space of time implied in the word, there is indicated an especial opportunity of doing something. As therefore the two are identical in genus it is some portion and species as it were, in which the one differs, as we have said, from the other.

Now occasion is distributed into three classes, public, common and singular. That is a public occasion, which the whole city avails itself of for some particular cause, as games, a day of festival, or war. That is a common occasion which happens to all men at nearly the same time, as the harvest, the vintage, summer, or winter. That is a singular occasion, which, on account of some special cause, happens at times to some private individuals, as for instance, a wedding, a sacrifice, a funeral, a feast, sleep.

But the manner, also, is inquired into, in what manner, how, and with what design the action was done? Its parts are, the doer knowing what he was about, and not knowing. But the degree of his knowledge is measured by these circumstances whether the doer did his action secretly, openly, under compulsion or through persuasion. The fact of the absence of knowledge is brought forward as an excuse, and its parts are actual ignorance, accident, necessity. It is also attributed to agitation of mind, that is, to annoyance, to passion to love, and to other feelings of a similar class. Facilities, are those circumstances owing to which a thing is done more easily, or without which a thing cannot be done at all.

XXVIII. And it is understood that there is added to the general consideration of the whole matter, the consideration what is greater than and what is less than, and what is like the affair which is under discussion, and what is equally important with it, and what is contrary to it, and what is negatively opposed to it, and the whole classification of the affair, and the divisions of it, and the ultimate result. The cases of greater, and less and equally important, are considered with reference to the power, and number and form of the business, as if we were regarding the stature of a human body.

Now what is similar arises out of a species admitting of comparisons. Now what admits of comparisons is estimated by a

nature which may be compared with it, and likened to it. What is contrary, is what is placed in a different class and is as distant as possible from that thing to which it is called contrary, as cold is from heat and death from life. But that is negatively opposed to a thing which is separated from the thing by an opposition which is limited to a denial of the quality; in this way, "to be wise," and "not to be wise." That is a genus which embraces several species, as "Cupidity." That is a species which is subordinate to a genus, as "Love," "Avarice." The Result is the ultimate termination of any business; in which it is a common inquiry, what has resulted from each separate fact; what is resulting from it; what is likely to result from it. Wherefore, in order that that which is likely to happen may be more conveniently comprehended in the mind with respect to this genus, we ought first to consider what is accustomed to result from every separate circumstance; in this manner: — From arrogance, hatred usually results; and from insolence, arrogance.

The fourth division is a natural consequence from those qualities, which we said were usually attributed to things in distinction from persons. And with respect to this, those circumstances are sought for which ensue from a thing being done. In the first place, by what name it is proper that that which has been done should be called. In the next place, who have been the chief agents in, or originators of that action; and last of all, who have been the approvers and the imitators of that precedent and of that discovery. In the next place, whether there is any regular usage established with regard to that case, or whether there is any regular rule bearing on that case, or any regular course of proceeding, any formal decision, any science reduced to rules, any artificial system. In the next place, whether its nature is in the habit of being ordinarily displayed, or whether it is so very rarely, and whether it is quite unaccustomed to be so. After that, whether men are accustomed to approve of such a case with their authority, or to be offended at such actions; and with what eyes they look upon the other circumstances which are in the habit of following any similar conduct, either immediately or after an interval. And in the very last place, we must take notice whether any of those circumstances which are rightly classed under honesty or utility ensue. But as to these matters it will be necessary to speak

more clearly when we come to mention the deliberative kind of argument. And the circumstances which we have now mentioned are those which are usually attributed to things as opposed to persons.

XXIX. But all argumentation, which can be derived from those topics which we have mentioned, ought to be either probable or unavoidable. Indeed, to define it in a few words, argumentation appears to be an invention of some sort, which either shows something or other in a probable manner, or demonstrates it in an irrefutable one. Those things are demonstrated irrefutably which can neither be done nor proved in any other manner whatever than that in which they are stated; in this manner:—"If she has had a child, she has lain with a man." This sort of arguing, which is conversant with irrefutable demonstration, is especially used in speaking in the way of dilemma, or enumeration, or simple inference.

Dilemma is a case in which, whichever admission you make, you are found fault with. For example:—"If he is a worthless fellow, why are you intimate with him? If he is an excellent man, why do you accuse him?" Enumeration is a statement in which, when many matters have been stated and all other arguments invalidated, the one which remains is inevitably proved; in this manner:—"It is quite plain that he was slain by this man, either because of his enmity to him, or some fear, or hope, which he had conceived, or in order to gratify some friend of his; or, if none of these alternatives are true, then that he was not slain by him at all; for a great crime cannot be undertaken without a motive. But he had no quarrel with him, nor fear of him, nor hope of any advantage to be gained by his death, nor did his death in the least concern any friend of his. It remains, therefore, that he was not slain by him at all." But a simple inference is declared from a necessary consequence, in this way:—"If you say that I did that at that time, at that time I was beyond the sea; it follows, that I not only did not do what you say I did, but that it was not even possible for me to have done it." And it will be desirable to look to this very carefully, in order that this sort of inference may not be refuted in any manner, so that the proof may not only have some sort of argument in it, and some resemblance to an unavoidable conclusion, but that the very argument itself may proceed on irrefutable reasons.

But that is probable which is accustomed generally to take place, or which depends upon the opinion of men, or which contains some resemblance to these properties, whether it be false or true. In that description of subject the most usual probable argument is something of this sort:—"If she is his mother, she loves her son." "If he is an avaricious man, he neglects his oath." But in the case which depends mainly on opinion, probable arguments are such as this: "That there are punishments prepared in the shades below for impious men."—"That those men who give their attention to philosophy do not think that there are gods."

XXX. But resemblance is chiefly seen in things which are contrary to one another, or equal to one another, and in those things which fall under the same principle. In things contrary to one another, in this manner:—"For if it is right that those men should be pardoned who have injured me unintentionally, it is also fitting that one should feel no gratitude towards those who have benefited me because they could not help it."

In things equal to one another, in this way:—"For as a place without a harbour cannot be safe for ships, so a mind without integrity cannot be trustworthy for a man's friends." In those things which fall under the same principle a probable argument is considered in this way:—"For if it be not discreditable to the Rhodians to let out their port dues, then it is not discreditable even to Hermacreon to rent them." Then these arguments are true, in this manner:—"Since there is a scar, there has been a wound." Then they are probable, in in this way:—"If there was a great deal of dust on his shoes, he must have come off a journey." But (in order that we may arrange this matter in certain definite divisions) every probable argument which is assumed for the purpose of discussion, is either a proof, or something credible, or something already determined; or something which may be compared with something else.

That is a proof which falls under some particular sense, and which indicates something which appears to have proceeded from it, which either existed previously, or was in the thing itself, or has ensued since, and, nevertheless, requires the evidence of testimony, and a more authoritative confirmation, — as blood, flight, dust, paleness, and other tokens like these. That is a credible statement which,

without any witness being heard, is confirmed in the opinion of the hearer; in this way: — There is no one who does not wish his children to be free from injury, and happy. A case decided beforehand, is a matter approved of by the assent, or authority, or judgment of some person or persons. It is seen in three kinds of decision; — the religious one, the common one, the one depending on sanction. That is a religious one, which men on their oaths have decided in accordance with the laws. That is a common one, which all men have almost in a body approved of and adopted; in this manner:—"That all men should rise up on the appearance of their elders; That all men should pity suppliants." That depends on sanction, which, as it was a doubtful point what ought to be considered its character, men have established of their own authority; as, for instance, the conduct of the father of Gracchus, whom the Roman people made consul after his censorship, because he had done nothing in his censorship without the knowledge of his colleague.

But that is a decision admitting of comparisons, which in a multitude of different circumstances contains some principle which is alike in all. Its parts are three, — representation, collation, example. A Representation is a statement demonstrating some resemblance of bodies or natures; Collation is a statement comparing one thing with another, because of their likeness to one another; Example is that which confirms or invalidates a case by some authority, or by what has happened to some man, or under some especial circumstances. Instances of these things, and descriptions of them, will be given amid the precepts for oratory. And the source of all confirmations has been already explained as occasion offered, and has been demonstrated no less clearly than the nature of the case required. But how each separate statement, and each part of a statement, and every dispute ought to be handled, — whether we refer to verbal discussion or to writings, — and what arguments are suitable for each kind of discussion, we will mention, speaking separately of each kind, in the second book. At present we have only dropped hints about the numbers, and moods, and parts of arguing in an irregular and promiscuous manner; hereafter we will digest (making careful distinctions between and selections from each kind of cause) what is suitable for each kind of discussion, culling it out of this abundance

which we have already displayed.

And indeed every sort of argument can be discovered from among these topics; and that, when discovered, it should be embellished, and separated in certain divisions, is very agreeable, and highly necessary, and is also a thing which has been greatly neglected by writers on this art. Wherefore at this present time it is desirable for us to speak of that sort of instruction, in order that perfection of arguing may be added to the discovery of proper arguments. And all this topic requires to be considered with great care and diligence, because there is not only great usefulness in this matter, but there is also extreme difficulty in giving precepts.

XXXI. All argumentation, therefore, is to be carried on either by induction, or by ratiocination. Induction is a manner of speaking which, by means of facts which are not doubtful, forces the assent of the person to whom it is addressed. By which assent it causes him even to approve of some points which are doubtful, on account of their resemblance to those things to which he has assented; as in the Aeschines of Socrates, Socrates shows that Aspasia used to argue with Xenophon's wife, and with Xenophon himself. "Tell me, I beg of you, O you wife of Xenophon, if your neighbour has better gold than you have, whether you prefer her gold or your own?" "Hers," says she. "Suppose she has dresses and other ornaments suited to women, of more value than those which you have, should you prefer your own or hers?" "Hers, to be sure," answered she. "Come, then," says Aspasia, "suppose she has a better husband than you have, should you then prefer your own husband or hers?" On this the woman blushed.

But Aspasia began a discourse with Xenophon himself. "I ask you, O Xenophon," says she, "if your neighbour has a better horse than yours is, whether you would prefer your own horse or his?" "His," says he. "Suppose he has a better farm than you have, which farm, I should like to know, would you prefer to possess?" "Beyond all doubt," says he, "that which is the best." "Suppose he has a better wife than you have, would you prefer his wife?" And on this Xenophon himself was silent. Then spake Aspasia,—"Since each of you avoids answering me that question alone which was the only one which I wished to have answered, I will tell you what each of you are

thinking of; for both you, O woman, wish to have the best husband, and you, O Xenophon, most exceedingly desire to have the most excellent wife. Wherefore, unless you both so contrive matters that there shall not be on the whole earth a more excellent man or a more admirable woman, then in truth you will at all times desire above all things that which you think to be the best thing in the world, namely, that you, O Xenophon, may be the husband of the best possible wife; and you, O woman, that you may be married to the most excellent husband possible." After they had declared their assent to these far from doubtful propositions, it followed, on account of the resemblance of the cases, that if any one had separately asked them about some doubtful point, that also would have been admitted as certain, on account of the method employed in putting the question.

This was a method of instruction which Socrates used to a great extent, because he himself preferred bringing forward no arguments for the purpose of persuasion, but wished rather that the person with whom he was disputing should form his own conclusions from arguments with which he had furnished himself, and which he was unavoidably compelled to approve of from the grounds which he had already assented to.

XXXII. And with reference to this kind of persuasion, it appears to me desirable to lay down a rule, in the first place, that the argument which we bring forward by way of simile, should be such that it is impossible to avoid admitting it. For the premiss on account of which we intend to demand that that point which is doubtful shall be conceded to us, ought not to be doubtful itself. In the next place, we must take care that that point, for the sake of establishing which the induction is made, shall be really like those things which we have adduced before as matters admitting of no question. For it will be of no service to us that something has been already admitted, if that for the sake of which we were desirous to get that statement admitted be unlike it; so that the hearer may not understand what is the use of those original inductions, or to what result they tend.

For the man who sees that, if he is correct in giving his assent to the thing about which he is first asked, that thing also to which he does not agree must unavoidably be admitted by him, very often will not allow the examination to proceed any further, either by not

answering at all, or by answering wrongly. Wherefore it is necessary that he should, by the method in which the inquiry is conducted, be led on without perceiving it, from the admissions which he has already made, to admit that which he is not inclined to admit, and at last he must either decline to give an answer, or he must admit what is wanted, or he must deny it. If the proposition be denied, then we must either show its resemblance to those things which have been already admitted or we must employ some other induction. If it be granted, then the argumentation may be brought to a close. If he keeps silence, then an answer must be extracted, or, since silence is very like a confession, it may be as well to bring the discussion to a close, taking the silence to be equivalent to an admission.

And so this kind of argumentation is threefold. The first part consists of one simile, or of several, the second, of that which we desire to have admitted, for the sake of which the similes have been employed, the third proceeds from the conclusion which either establishes the admissions which have been made or points out what may be established from it.

XXXIII But because it will not appear to some people to have been explained with sufficient clearness, unless we submit some instance taken from the civil class of causes, it seems desirable to employ some example of this sort, not because the rules to be laid down differ, or because it is expedient to employ such differently in this sort of discussion from what we should in ordinary discourse, but in order to satisfy the desire of those men, who, though they may have seen something in one place, are unable to recognise it in another unless it be proved. Therefore in this cause which is very notorious among the Greeks, that of Epaminondas, the general of the Thebans, who did not give up his army to the magistrate who succeeded him in due course of law, and when he himself had retained his army a few days contrary to law, he utterly defeated the Lacedaemonians, the accuser might employ an argumentation by means of induction, while defending the letter of the law in opposition to its spirit, in this way: —

"If, O judges, the framer of the law had added to his law what Epaminondas says that he intended, and had subjoined the exception 'except where any one has omitted to deliver up his army for the advantage of the republic,' would you have endured it? I think not. And if you yourselves, (though, such a proceeding is very far from your religious habits and from your wisdom,) for the sake of doing honour to this man, were to order the same exception to be subjoined to the law, would the Theban people endure that such a thing should be done? Beyond all question it would not endure it. Can it possibly then appear to you that that which would be scandalous if it were added to a law, should be proper to be done just as if it had been added to the law? I know your acuteness well; it cannot seem so to you, O judges. But if the intention of the framer of the law cannot be altered as to its expressions either by him or by you, then beware lest it should be a much more scandalous thing that that should be altered in fact, and by your decision, which cannot be altered in one single word."

And we seem now to have said enough for the present respecting induction. Next, let us consider the power and nature of ratiocination.

XXXIV. Ratiocination is a sort of speaking, eliciting something

probable from the fact under consideration itself, which being explained and known of itself, confirms itself by its own power and principles.

Those who have thought it profitable to pay diligent attention to this kind of reasoning, have differed a little in the manner in which they have laid down rules, though they were aiming at the same end as far as the practice of speaking went. For some of them have said that there are five divisions of it, and some have thought that it had no more parts than could be arranged under three divisions. And it would seem not useless to explain the dispute which exists between these parties, with the reasons which each allege for it; for it is a short one, and not such that either party appears to be talking nonsense. And this topic also appears to us to be one that it is not at all right to omit in speaking.

Those who think that it ought to be arranged in five divisions, say that first of all it is desirable to explain the sum of the discussion, in this way: — Those things are better managed which are done on some deliberate plan, than those which are conducted without any steady design. This they call the first division. And then they think it right that it should be further proved by various arguments, and by as copious statements as possible; in this way:—"That house which is governed by reason is better appointed in all things, and more completely furnished, than that which is conducted at random, and on no settled plan; — that army which is commanded by a wise and skilful general, is governed more suitably in all particulars than that which is managed by the folly and rashness of any one. The same principle prevails with respect to sailing; for that ship performs its voyage best which has the most experienced pilot."

When the proposition has been proved in this manner, and when two parts of the ratiocination have proceeded, they say in the third part, that it is desirable to assume, from the mere intrinsic force of the proposition, what you wish to prove; in this way:—"But none of all those things is managed better than the entire world." In the fourth division they adduce besides another argument in proof of this assumption, in this manner:—"For both the rising and setting of the stars preserve some definite order, and their annual commutations do not only always take place in the same manner by some express

necessity, but they are also adapted to the service of everything, and their daily and nightly changes have never injured anything in any particular from being altered capriciously." And all these things are a token that the nature of the world has been arranged by no ordinary wisdom. In the fifth division they bring forward that sort of statement, which either adduces that sort of fact alone which is compelled in every possible manner, in this way:—"The world, therefore, is governed on some settled plan;" or else, when it has briefly united both the proposition and the assumption, it adds this which is derived from both of them together, in this way:—"But if those things are managed better which are conducted on a settled plan, than those which are conducted without such settled plan; and if nothing whatever is managed better than the entire world; therefore it follows that the world is managed on a settled plan." And in this way they think that such argumentation has five divisions.

XXXV. But those who affirm that it has only three divisions, do not think that the argumentation ought to be conducted in any other way, but they find fault with this arrangement of the divisions. For they say that neither the proposition nor the assumption ought to be separated from their proofs; and that a proposition does not appear to be complete, nor an assumption perfect, which is not corroborated by proof. Therefore, they say that what those other men divide into two parts, proposition and proof, appears to them one part only, namely proposition. For if it be not proved, the proposition has no business to make part of the argumentation. In the same way they say that that which those other men call the assumption, and the proof of the assumption, appears to them to be assumption only. And the result is, that the whole argumentation being treated in the same way, appears to some susceptible of five divisions, and to others of only three; so that the difference does not so much affect the practice of speaking, as the principles on which the rules are to be laid down.

But to us that arrangement appears to be more convenient which divides it under five heads; and that is the one which all those who come from the school of Aristotle, or of Theophrastus, have chiefly followed. For as it is chiefly Socrates and the disciples of Socrates who have employed that former sort of argumentation which goes on induction, so this which is wrought up by ratiocination has been

exceedingly practised by Aristotle, and the Peripatetics, and Theophrastus; and after them by those rhetoricians who are accounted the most elegant and the most skilful. And it seems desirable to explain why that arrangement is more approved of by us, that we may not appear to have adopted it capriciously; at the same time we must be brief in the explanation, that we may not appear to dwell on such subjects longer than the general manner of laying down rules requires.

XXXVI. If in any sort of argumentation it is sufficient to use a proposition by itself, and if it is not requisite to add proof to the proposition; but if in any sort of argumentation a proposition is of no power unless proof be added to it; then proof is something distinct from the proposition. For that which can be joined to a thing or separated from it, cannot possibly be the same thing with that to which it is joined or from which it is separated. But there is a certain kind of argumentation in which the proposition does not require confirmatory proof, and also another kind in which it is of no use at all without such proof, as we shall show. Proof, then, is a thing different from a proposition. And we will demonstrate that point which we have promised to show in this way: — The proposition which contains in itself something manifest, because it is unavoidable that that should be admitted by all men, has no necessity for our desiring to prove and corroborate it.

It is a sort of statement like this:—"If on the day on which that murder was committed at Rome, I was at Athens, I could not have been present at that murder." Because this is manifestly true, there is no need to adduce proof of it; wherefore, it is proper at once to assume the fact, in this way:—"But I was at Athens on that day." If this is not notorious, it requires proof; and when the proof is furnished the conclusion must follow:—"Therefore I could not have been present at the murder." There is, therefore, a certain kind of proposition which does not require proof. For why need one waste time in proving that there is a kind which does require proof; for that is easily visible to all men. And if this be the case, from this fact, and from that statement which we have established, it follows that proof is something distinct from a proposition. And if it is so, it is evidently false that argumentation is susceptible of only three

divisions.

In the same manner it is plain that there is another sort of proof also which is distinct from assumption. For if in some sort of argumentation it is sufficient to use assumption, and if it is not requisite to add proof to the assumption; and if, again, in some sort of argumentation assumption is invalid unless proof be added to it; then proof is something separate and distinct from assumption. But there is a kind of argumentation in which assumption does not require proof; and a certain other kind in which it is of no use without proof; as we shall show. Proof, then, is a thing distinct from assumption. And we will demonstrate that which we have promised to in this manner.

That assumption which contains a truth evident to all men has no need of proof. That is an assumption of this sort:—"If it be desirable to be wise, it is proper to pay attention to philosophy." This proposition requires proof. For it is not self-evident. Nor is it notorious to all men, because many think that philosophy is of no service at all, and some think that it is even a disservice. A self-evident assumption is such as this:—"But it is desirable to be wise." And because this is of itself evident from the simple fact, and is at once perceived to be true, there is no need that it be proved. Wherefore, the argumentation may be at once terminated: —"Therefore it is proper to pay attention to philosophy." There is, therefore, a certain kind of assumption which does not stand in need of proof; for it is evident that is a kind which does. Therefore, it is false that argumentation is susceptible of only a threefold division.

XXXVII. And from these considerations that also is evident, that there is a certain kind of argumentation in which neither proposition nor assumption stands in need of proof, of this sort, that we may adduce something undoubted and concise, for the sake of example. "If wisdom is above all things to be desired, then folly is above all things to be avoided; but wisdom is to be desired above all things, therefore folly is above all things to be avoided." Here both the assumption and the proposition are self-evident, on which account neither of them stands in need of proof. And from all these facts it is manifest that proof is at times added, and at times is not added. From which it is palpable that proof is not contained in a proposition, nor

in an assumption, but that each being placed in its proper place, has its own peculiar force fixed and belonging to itself. And if that is the case, then those men have made a convenient arrangement who have divided argumentation into five parts.

Are there five parts of that argumentation which is carried on by ratiocination? First of all, proposition, by which that topic is briefly explained from which all the force of the ratiocination ought to proceed. Then the proof of the proposition, by which that which has been briefly set forth being corroborated by reasons, is made more probable and evident. Then assumption, by which that is assumed which, proceeding from the proposition, has its effect on proving the case. Then the proof of the assumption, by which that which has been assumed is confirmed by reasons. Lastly, the summing up, in which that which results from the entire argumentation is briefly explained. So the argumentation which has the greatest number of divisions consists of these five parts.

The second sort of argumentation has four divisions; the third has three. Then there is one which has two; which, however, is a disputed point. And about each separate division it is possible that some people may think that there is room for a discussion.

XXXVIII. Let us then bring forward some examples of those matters which are agreed upon. And in favour of those which are doubtful, let us bring forward some reasons. Now the argumentation which is divided into five divisions is of this sort: — It is desirable, O judges, to refer all laws to the advantage of the republic, and to interpret them with reference to the general advantage, and according to the strict wording according to which they are drawn up. For our ancestors were men of such virtue and such wisdom, that when they were drawing up laws, they proposed to themselves no other object than the safety and advantage of the republic; for they were neither willing themselves to draw up any law which could be injurious; and if they had drawn up one of such a character, they were sure that it would be rejected when its tendency was perceived. For no one wishes to preserve the laws for the sake of the laws, but for the sake of the republic; because all men believe that the republic is best managed by means of laws. It is desirable, therefore, to interpret all written laws with reference to that cause for the sake of which it is

desirable that the laws should be preserved. That is to say, since we are servants of the republic, let us interpret the laws with reference to the advantage and benefit of the republic. For as it is not right to think that anything results from medicine except what has reference to the advantage of the body, since it is for the sake of the body that the science of medicine has been established; so it is desirable to think that nothing proceeds from the laws except what is for the advantage of the republic, since it is for the sake of the republic that laws were instituted.

Therefore, while deciding on this point, cease to inquire about the strict letter of the law, and consider the law (as it is reasonable to do) with reference to the advantage of the republic. For what was more advantageous for the Thebans than for the Lacedaemonians to be put down? What object was Epaminondas, the Theban general, more bound to aim at than the victory of the Thebans? What had he any right to consider more precious or more dear to him, than the great glory then acquired by the Thebans, than such an illustrious and magnificent trophy? Surely, disregarding the letter of the law, it became him to consider the intention of the framer of the law. And this now has been sufficiently insisted on, namely, that no law has ever been drawn up by any one, that had not for its object the benefit of the commonwealth. He then thought that it was the very extremity of madness, not to interpret with reference to the advantage of the republic, that which had been framed for the sake of the safety of the republic. And it is right to interpret all laws with reference to the safety of the republic; and if he was a great instrument of the safety of the republic, certainly it is quite impossible that he by one and the same action should have consulted the general welfare, and yet should have violated the laws.

XXXIX. But argumentation consists of four parts, when we either advance a proposition, or claim an assumption without proof. That it is proper to do when either the proposition is understood by its own merits, or when the assumption is self-evident and is in need of no proof. If we pass over the proof of the proposition, the argumentation then consists of four parts, and is conducted in this manner:—”O judges, you who are deciding on your oaths, in accordance with the law, ought to obey the laws; but you cannot obey the laws unless you

follow that which is written in the law. For what more certain evidence of his intention could the framer of a law leave behind him, than that which he himself wrote with great care and diligence? But if there were no written documents, then we should be very anxious for them, in order that the intention of the framer of the law might be ascertained; nor should we permit Epaminondas, not even if he were beyond the power of this tribunal, to interpret to us the meaning of the law; much less will we now permit him, when, the law is at hand, to interpret the intention of the lawgiver, not from that which is most clearly written, but from that which is convenient for his own cause. But if you, O judges, are bound to obey the laws, and if you are unable to do so unless you follow what is written in the law; what can hinder your deciding that he has acted contrary to the laws?"

But if we pass over the proof of the assumption, again the argumentation will be arranged under four heads, in this manner: —"When men have repeatedly deceived us, having pledged their faith to us, we ought not to give credit to anything that they say for if we receive any injury; in consequence of their perfidy, there will be no one except ourselves whom we shall have any right to accuse. And in the first place, it is inconvenient to be deceived, in the next place, it is foolish, thirdly, it is disgraceful. But the Carthaginians have before this deceived us over and over again. It is therefore the greatest insanity to rest any hopes on their good faith, when you have been so often deceived by their treachery."

When the proof both of the proposition and of the assumption is passed over, the argumentation becomes threefold only, in this way —"We must either live in fear of the Carthaginians if we leave them with their power undiminished, or we must destroy their city. And certainly it is not desirable to live in fear of them. The only remaining alternative then is to destroy their city."

XL But some people think that it is both possible and advisable at times to pass over the summing up altogether, when it is quite evident what is effected by ratiocination. And then if that be done they consider that the argumentation is limited to two divisions, in this way—"If she has had a child she is not a virgin. But she has had a child." In this case they say it is quite sufficient to state the proposition and assumption, since it is quite plain that the matter

which is here stated is such as does not stand in need of summing up. But to us it seems that all ratiocination ought to be terminated in proper form and that that defect which offends them is above all things to be avoided namely, that of introducing what is self evident into the summing up.

But this will be possible to be effected if we come to a right understanding of the different kinds of summing up. For we shall either sum up in such a way as to unite together the proposition and the assumption, in this way—"But if it is right for all laws to be referred to the general advantage of the republic, and if this man ensured the safety of the republic, undoubtedly he cannot by one and the same action have consulted the general safety and yet have violated the laws," — or thus, in order that the opinion we advocate may be established by arguments drawn from contraries, in this manner—"It is then the very greatest madness to build hopes on the good faith of those men by whose treachery you have been so repeatedly deceived," — or so that that inference alone be drawn which is already announced, in this manner—"Let us then destroy their city," — or so that the conclusion which is desired must necessarily follow from the assertion which has been established, in this way—"If she has had a child, she has laid with a man. But she has had a child." This then is established. "Therefore she has lain with a man." If you are unwilling to draw this inference, and prefer inferring what follows, "Therefore she has committed incest," you will have terminated your argumentation but you will have missed an evident and natural summing up.

Wherefore in long argumentations it is often desirable to draw influences from combinations of circumstances, or from contraries. And briefly to explain that point alone which is established, and in those in which the result is evident, to employ arguments drawn from consequences. But if there are any people who think that argumentation ever consists of one part alone they will be able to say that it is often sufficient to carry-on an argumentation in this way. —"Since she has had a child, she has lain with a man." For they say that this assertion requires no proof, nor assumption, nor proof of an assumption, nor summing up. But it seems to us that they are misled by the ambiguity of the name. For argumentation signifies two things

under one name, because any discussion respecting anything which is either probable or necessary is called argumentation, and so also is the systematic polishing of such a discussion.

When then they bring forward any statement of this kind,—"Since she has had a child, she has lain, with a man," they bring forward a plain assertion, not a highly worked up argument, but we are speaking of the parts of a highly worked up argument.

XLI. That principle then has nothing to do with this matter. And with the help of this distinction we will remove other obstacles which seem to be in the way of this classification, if any people think that it is possible that at times the assumption may be omitted, and at other times the proposition, and if this idea has in it anything probable or necessary, it is quite inevitable that it must affect the hearer in some great degree. And if it were the only object in view, and if it made no difference in what manner that argument which had been projected was handled, it would be a great mistake to suppose that there is such a vast difference between the greatest orators and ordinary ones.

But it will be exceedingly desirable to infuse variety into our speech, for in all cases sameness is the mother of satiety. That will be able to be managed if we not always enter upon our argumentation in a similar manner. For in the first place it is desirable to distinguish our orations as to their kinds, that is to say, at one time to employ induction, and at another ratiocination. In the next place, in the argumentation itself, it is best not always to begin with the proposition, nor in every case to employ all the five divisions, nor always to work up the different parts in the same manner, but it is permissible sometimes to begin with the assumption, sometimes with one or other of the proofs, sometimes with both, sometimes to employ one kind of summing up, and sometimes another. And in order that this variety may be seen, let us either write, or in any example whatever let us exercise this same principle with respect to those things which we endeavour to prove, that our task may be as easy as possible.

And concerning the parts of the argumentation it seems to us that enough has been said. But we wish to have it understood that we hold the doctrine that argumentations are handled in philosophy in

many other manners, and those too at times obscure ones, concerning which, however, there is still some definite system laid down. But still those methods appear to us to be inconsistent with the practice of an orator. But as to those things which we think belong to orators, we do not indeed undertake to say that we have attended to them more carefully than others have, but we do assert that we have written on them with more accuracy and diligence. At present let us go on in regular order to the other points, as we originally proposed.

XLII. Reprehension is that by means of which the proof adduced by the opposite party is invalidated by arguing, or is disparaged, or is reduced to nothing. And this sort of argument proceeds from the same source of invention which confirmation employs, because whatever the topics may be by means of which any statement can be confirmed, the very same may be used in order to invalidate it. For nothing is to be considered in all these inventions, except that which has been attributed to persons or to things. Wherefore it will be necessary that the invention and the high polish which ought to be given to argumentation must be transferred to this part of our oration also from those rules which have been already laid down. But in order that we may give some precepts with reference to this part also, we will explain the different methods of reprehension, and those who observe them will more easily be able to do away with or invalidate those statements which are made on the opposite side.

All argumentation is reprehended when anything, whether it be one thing only, or more than one of those positions which are assumed, is not granted, or if, though they are granted, it is denied that the conclusion legitimately follows from them, or if it is shown that the very kind of argumentation is faulty, or if in opposition to one form and reliable sort of argumentation another is employed which is equally firm and convincing. Something of those positions which have been assumed is not granted when either that thing which the opposite party says is credible is denied to be such, or when what they think admits of a comparison with the present case is shown to be unlike it, or when what has been already decided is either turned aside as referring to something else, or is impeached as having been erroneously decided, or when that which the opposite party have called a proof is denied to be such, or if the summing up is denied in

some one point or in every particular, or if it is shown that the enumeration of matters stated and proved is incorrect, or if the simple conclusion is proved to contain something false. For everything which is assumed for the purpose of arguing on, whether as necessary or as only probable, must inevitably be assumed from these topics, as we have already pointed out.

XLIII. What is assumed as something credible is invalidated, if it is either manifestly false, in this way:—"There is the one who would not prefer riches to wisdom." Or on the opposite side something credible may be brought against it, in this manner—"Who is there who is not more desirous of doing his duty than of acquiring money?" Or it may be utterly and absolutely incredible, as if some one, who it is notorious is a miser, were to say that he had neglected the acquisition of some large sum of money for the sake of performing some inconsiderable duty. Or if that which happens in some circumstances, and to some persons, were asserted to happen habitually in all cases and to everybody, in this way.—'Those men who are poor have a greater regard for money than for duty.' 'It is very natural that a murder should have been committed in that which is a desert place.' How could a man be murdered in a much frequented place? Or if a thing which is done seldom is asserted never to be done at all, as Curius asserts in his speech in behalf of Fulvius, where he says, "No one can fall in love at a single glance, or as he is passing by."

But that which is assumed as a proof may be invalidated by a recurrence to the same topics as those by which it is sought to be established. For in a proof the first thing to be shown is that it is true, and in the next place, that it is one especially affecting the matter which is under discussion, as blood is a proof of murder in the next place, that that has been done which ought not to have been, or that has not been done which ought to have been and last of all, that the person accused was acquainted with the law and usages affecting the matter which is the subject of inquiry. For all these circumstance are matters requiring proof, and we will explain them more carefully, when we come to speak about conjectural statements separately. Therefore, each of these points in a reprehension of the statement of the adversary must be laboured, and it must be shown either that

such and such a thing is no proof, or that it is an unimportant proof, or that it is favourable to oneself rather than to the adversary, or that it is altogether erroneously alleged, or that it may be diverted so as to give grounds to an entirely different suspicion.

XLIV. But when anything is alleged as a proper object of comparison, since that is a class of argument which turns principally on resemblance, in reprehending the adversity it will be advisable to deny that there is any resemblance at all to the case with which it is attempted to institute the comparison. And that may be done if it be proved to be different in genus or in nature, or in power, or in magnitude, or in time or place, or with reference to the person affected, or to the opinions generally entertained of it. And if it be shown also in what classification that which is brought forward on account of the alleged resemblance and in what place too the whole genus with reference to which it is brought forward, ought to be placed. After that it will be pointed out how the one thing differs from the other, from which we shall proceed to show that a different opinion ought to be entertained of that which is brought forward by way of comparison, and of that to which it is sought to be compared. And this sort of argument we especially require when that particular argumentation which is carried on by means of induction is to be reprehended. If any previous decision be alleged, since these are the topics by which it is principally established, the praise of those who have delivered such decision, the resemblance of the matter which is at present under discussion to that which has already been the subject of the decision referred to, that not only the decision is not found fault with because it is mentioned, but that it is approved of by every one, and by showing too, that the case which has been already decided is a more difficult and a more important one than that which is under consideration now. It will be desirable also to invalidate it by arguments drawn from the contrary topics, if either truth or probability will allow us to do so. And it will be necessary to take care and notice whether the matter which has been decided has any real connexion with that which is the present subject of discussion, and we must also take care that no case is adduced in which any error has been committed, so that it should seem that we are passing judgment on the man himself who has delivered the decision referred

to.

It is desirable further to take care that they do not bring forward some solitary or unusual decision when there have been many decisions given the other way. For by such means as this the authority of the decision alleged can be best invalidated. And it is desirable that those arguments which are assumed as probable should be handled in this way.

XLV. But those which are brought forward as necessary, if they are only imitations of a necessary kind of argumentation and are not so in reality, may be reprehended in this manner. In the first place, the summing up, which ought to take away the force of the admissions you have made if it be a correct one, will never be reprehended, if it be an incorrect one it may be attacked by two methods, either by conversion or by the invalidating one portion of it. By conversion, in this way.

”For if the man be modest, why should you
Attack so good a man? And if his heart
And face be seats of shameless impudence,
Then what avails your accusation
Of one who views all fame with careless eye?”

In this case, whether you say that he is a modest man or that he is not, he thinks that the unavoidable inference is that you should not accuse him. But that may be reprehended by conversion thus—”But indeed, he ought to be accused, for if he be modest, accuse him, for he will not treat your imputations against him lightly, but if he has a shameless disposition of mind, still accuse him, for in that case he is not a respectable man.”

And again, the argument may be reprehended by an invalidating of the other part of it—”But if he is a modest man, when he has been corrected by your accusation he will abandon his error.” An enumeration of particulars is understood to be faulty if we either say that something has been passed over which we are willing to admit, or if some weak point has been included in it which can be contradicted, or if there is no reason why we may not honestly admit it. Something is passed over in such an enumeration as this.—”Since

you have that horse, you must either have bought it, or have acquired it by inheritance, or have received it as a gift, or he must have been born on your estate, or, if none of these alternatives of the case, you must have stolen it. But you did not buy it, nor did it come to you by inheritance, nor was it foaled on your estate, nor was it given to you as a present, therefore you must certainly have stolen it."

This enumeration is fairly reprehended, if it can be alleged that the horse was taken from the enemy, as that description of booty is not sold. And if that be alleged, the enumeration is disproved, since that matter has been stated which was passed over in such enumeration.

XLVI. But it will also be reprehended in another manner, if any contradictory statement is advanced; that is to say, just by way of example, if, to continue arguing from the previous case, it can be shown that the horse did come to one by inheritance, or if it should not be discreditable to admit the last alternative, as if a person, when his adversaries said,—"You were either laying an ambush against the owner, or you were influenced by a friend, or you were carried away by covetousness," were to confess that he was complying with the entreaties of his friend.

But a simple conclusion is reprehended if that which follows does not appear of necessity to cohere with that which has gone before. For this very proposition, "If he breathes, he is alive," "If it is day, it is light," is a proposition of such a nature that the latter statement appears of necessity to cohere with the preceding one. But this inference, "If she is his mother, she loves him," "If he has ever done wrong, he will never be chastised," ought to be reprehended in such a manner as to show that the latter proposition does not of necessity cohere with the former.

Inferences of this kind, and all other unavoidable conclusions, and indeed all argumentation whatever, and its reprehension too, contains some greater power and has a more extensive operation than is here explained. But the knowledge of this system is such that it cannot be added to any portion of this art, not that it does of itself separately stand in need of a long time, and of deep and arduous consideration. Wherefore those things shall be explained by us at another time, and when we are dealing with another subject, if opportunity be afforded

us. At present we ought to be contented with these precepts of the rhetoricians given for the use of orators. When, therefore, any one of these points which are assumed is not granted, the whole statement is invalidated by these means.

XLVII. But when, though these things are admitted, a conclusion is not derived from them, we must consider these points too, whether any other conclusion is obtained, or whether anything else is meant, in this way, — If, when any one says that he is gone to the army, and any one chooses to use this mode of arguing against him, "If you had come to the army you would have been seen by the military tribunes, but you were not seen by them, therefore you did not go to the army." On this case, when you have admitted the proposition, and the assumption, you have got to invalidate the conclusion, for some other inference has been drawn, and not the one which was inevitable.

And at present, indeed, in order that the case might be more easily understood, we have brought forward an example pregnant with a manifest and an enormous error; but it often happens that an error when stated obscurely is taken for a truth; when either you do not recollect exactly what admissions you have made, or perhaps you have granted something as certain which is extremely doubtful. If you have granted something which is doubtful on that side of the question which you yourself understand, then if the adversary should wish to adapt that part to the other part by means of inference, it will be desirable to show, not from the admission which you have made, but from what he has assumed, that an inference is really established; in this manner:—"If you are in need of money, you have not got money. If you have not got money, you are poor. But you are in need of money, for if it were not so you would not pay attention to commerce; therefore you are poor." This is refuted in this way: —"When you said, if you are in need of money you have not got money, I understood you to mean, 'If you are in need of money from poverty, then you have not got money;' and therefore I admitted the argument. But when you assumed, 'But you are in need of money,' I understood you to mean, 'But you wish to have more money.' But from these admissions this result, 'Therefore you are poor,' does not follow. But it would follow if I had made this admission to you in the

first instance, that any one who wished to have more money, had no money at all."

XLVIII. But many often think that you have forgotten what admissions you made, and therefore an inference which does not follow legitimately is introduced into the summing up as if it did follow; in this way:—"If the inheritance came to him, it is probable that he was murdered by him." Then they prove this at considerable length. Afterwards they assume, But the inheritance did come to him. Then the inference is deduced; Therefore he did murder him. But that does not necessarily follow from what they had assumed. Wherefore it is necessary to take great care to notice both what is assumed, and what necessarily follows from those assumptions. But the whole description of argumentation will be proved to be faulty on these accounts; if either there is any defect in the argumentation itself, or if it is not adapted to the original intention. And there will be a defect in the argumentation itself, if the whole of it is entirely false, or common, or ordinary, or trifling, or made up of remote suppositions; if the definition contained in it be faulty, if it be controverted, if it be too evident, if it be one which is not admitted, or discreditable, or objected to, or contrary, or inconstant, or adverse to one's object.

That is false in which there is evidently a lie; in this manner: —"That man cannot be wise who neglects money. But Socrates neglected money; therefore he was not wise." That is common which does not make more in favour of our adversaries than of ourselves; in this manner:—"Therefore, O judges, I have summed up in a few words, because I had truth on my side." That is ordinary which, if the admission be now made, can be transferred also to some other case which is not easily proved; in this manner:—"If he had not truth on his side, O judges, he would never have risked committing himself to your decision." That is trifling which is either uttered after the proposition, in this way:—"If it had occurred to him, he would not have done so;" or if a man wishes to conceal a matter manifestly disgraceful under a trifling defence, in this manner: —

"Then when all sought your favour, when your hand
Wielded a mighty sceptre, I forsook you;
But now when all fly from you, I prepare

Alone, despising danger, to restore you."

XLIX. That is remote which is sought to a superfluous extent, in this manner:—"But if Publius Scipio had not given his daughter Cornelia in marriage to Tiberius Gracchus, and if he had not had the two Gracchi by her, such terrible seditions would never have arisen. So that all this distress appears attributable to Scipio." And like this is that celebrated complaint —

"Oh that the woodman's axe had spared the pine
That long on Pelion's lofty summit grew."[57]

For the cause is sought further back than is at all necessary. That is a bad definition, when it either describes common things in this manner:—"He is seditious who is a bad and useless citizen;" for this does not describe the character of a seditious man more than of an ambitious one, — of a calumniator, than of any wicked man whatever, in short. Or when it says anything which is false; in this manner:—"Wisdom is a knowledge how to acquire money." Or when it contains something which is neither dignified nor important; in this way:—"Folly is a desire of inordinate glory." That, indeed, is one folly; but this is defining folly by a species, not by its whole genus. It is controvertible when a doubtful cause is alleged, for the sake of proving a doubtful point; in this manner: —

"See how the gods who rule the realms above
And shades below, and all their motions sway,
Themselves are all in tranquil concord found."

That is self-evident, about which there is no dispute at all. As if any one while accusing Orestes were to make it quite plain that his mother had been put to death by him. That is a disputable definition, when the very thing which we are amplifying is a matter in dispute. As if any one, while accusing Ulysses, were to dwell on this point particularly, that it is a scandalous thing that the bravest of men, Ajax, should have been slain by a most inactive man. That is discreditable which either with respect to the place in which it is

spoken, or to the man who utters it, or to the time at which it is uttered, or to those who hear it, or to the matter which is the subject of discussion, appears scandalous on account of the subject being a discreditable one. That is an offensive one, which offends the inclinations of those who hear it; as if any one were to praise the judiciary law of Caepio before the Roman knights, who are themselves desirous of acting as judges.

L. That is a contrary definition, which is laid down in opposition to the actions which those who are the hearers of the speech have done; as if any one were to be speaking before Alexander the Great against some stormer of a city, and were to say that nothing was more inhuman than to destroy cities, when Alexander himself had destroyed Thebes. That is an inconsistent one, which is asserted by the same man in different senses concerning the same case; as if any one, after he has said that the man who has virtue is in need of nothing whatever for the purpose of living well, were afterwards to deny that any one could live well without good health; or that he would stand by a friend in difficulty out of good-will towards him, for that then he would hope that some good would accrue to himself by so doing.

That is an adverse definition, which in some particular is an actual injury to one's own cause; as if any one were to extol the power, and resources, and prosperity of the enemy, while encouraging his own soldiers to fight. If some part of the argumentation is not adapted to the object which is or ought to be proposed to one, it will be found to be owing to some one of these defects. If a man has promised a great many points and proved only a few; or if, when he is bound to prove the whole, he speaks only of some portion; in this way: — The race of women is avaricious; for Eriphyle sold the life of her husband for gold. Or if he does not speak in defence of that particular point which is urged in accusation; as if any one when accused of corruption were to defend himself by the statement that he was brave; as Amphion does in Euripides, and so too in Pacuvius, who, when his musical knowledge is found fault with, praises his knowledge of philosophy. Or if a part of conduct be found fault with on account of the bad character of the man; as if any one were to blame learning on account of the vices of some learned men. Or if any one while wishing to

praise somebody were to speak of his good fortune, and not of his virtue; or if any one were to compare one thing with another in such a manner as to think that he was not praising the one unless he was blaming the other; or if he were to praise the one in such a manner as to omit all mention of the other.

Or if, when an inquiry is being carried on respecting one particular point, the speech is addressed to common topics; as if any one, while men are deliberating whether war shall be waged or not, were to devote himself wholly to the praises of peace, and not to proving that that particular war is inexpedient. Or if a false reason for anything be alleged, in this way: — Money is good because it is the thing which, above all others, makes life happy. Or if one is alleged which is invalid, as Plautus says: —

”Sure to reprove a friend for evident faults
Is but a thankless office; still ’tis useful,
And wholesome for a youth of such an age,
And so this day I will reprove my friend,
Whose fault is palpable.” — *Plautus, Frinummus*, Act i. sc. 2, l.1.

Or in this manner, if a man were to say, “Avarice is the greatest evil; for the desire of money causes great distress to numbers of people.” Or it is unsuitable, in this manner:—”Friendship is the greatest good for there are many pleasures in friendship.”

LI. The fourth manner of reprehension was stated to be that by which, in opposition to a solid argumentation, one equally, or still more solid, has been advanced. And this kind of argumentation is especially employed in deliberations when we admit that something which is said in opposition to us is reasonable, but still prove that that conduct which we are defending is necessary; or when we confess that the line of conduct which they are advocating is useful, and prove that what we ourselves are contending for is honourable. And we have thought it necessary to say thus much about reprehension; now we will lay down some rules respecting the conclusion.

Hermagoras places digression next in order, and then the ultimate conclusion. But in this digression he considers it proper to introduce some inferential topics, unconnected with the cause and with the decision itself, which contain some praise of the speaker himself, or some vituperation of the adversary, or else may lead to some other topic from which he may derive some confirmation or reprehension, not by arguing, but by expanding the subject by some amplification or other. If any one thinks that this is a proper part of an oration, he may follow Hermagoras. For precepts for embellishing, and praising, and blaming, have partly been already given by us, and partly will be given hereafter in their proper place. But we do not think it right that this part should be classed among the regular divisions of a speech, because it appears improper that there should be digressions, except to some common topics, concerning which subject we must speak subsequently. But it does not seem desirable to handle praise and vituperation separately, but it seems better that they should be considered as forming part of the argumentation itself. At present we will treat of the conclusion of an oration.

LII. The conclusion is the end and terminating of the whole oration. It has three parts, — enumeration, indignation, and complaint. Enumeration is that by which matters which have been related in a scattered and diffuse manner are collected together, and, for the sake of recollecting them, are brought under our view. If this is always treated in the same manner, it will be completely evident to every one that it is being handled according to some artificial system;

but if it be done in many various ways, the orator will be able to escape this suspicion, and will not cause such weariness. Wherefore it will be desirable to act in the way which most people adopt, on account of its easiness; that is, to touch on each topic separately, and in that manner briefly to run over all sorts of argumentation; and also (which is, however, more difficult) to recount what portions of the subject you previously mentioned in the arrangement of the subject, as those which you promised to explain; and also to bring to the recollection of your hearers the reasonings by which you established each separate point, and then to ask of those who are hearing you what it is which they ought to wish to be proved to them; in this way: —"We proved this; we made that plain;" and by this means the hearer will recover his recollection of it, and will think that there is nothing besides which he ought to require.

And in these kinds of conclusions, as has been said before, it will be serviceable both to run over the arguments which you yourself have employed separately, and also (which is a matter requiring still greater art) to unite the opposite arguments with your own; and to show how completely you have done away with the arguments which were brought against you. And so, by a brief comparison, the recollection of the hearer will be refreshed both as to the confirmation which you adduced, and as to the reprehension which you employed. And it will be useful to vary these proceedings by other methods of pleading also. But you may carry on the enumeration in your own person, so as to remind your hearers of what you said, and in what part of your speech you said each thing; and also you may bring on the stage some other character, or some different circumstance, and then make your whole enumeration with reference to that. If it is a person, in this way:—"For if the framer of the law were to appear, and were to inquire of you why you doubted, what could you say after this, and this, and this has been proved to you?" And in this case, as also in our own character, it will be in our power to run over all kinds of argumentation separately: and at one time to refer all separate genera to different classes of the division, and at another to ask of the hearer what he requires, and at another to adopt a similar course by a comparison of one's own arguments and those of the opposite party.

But a different class of circumstance will be introduced if an enumerative oration be connected with any subject of this sort, — law, place, city, or monument, in this manner.—"What if the laws themselves could speak? Would not they also address this complaint to you? What more do you require, O judges when this, and this, and this has been already made plain to you?" And in this kind of argument it is allowable to use all these same methods. But this is given as a common precept to guide one in framing an enumeration, that out of every part of the argument, since the whole cannot be repeated over again, that is to be selected which is of the greatest weight, and that each point is to be run over as briefly as possible, so that it shall appear to be only a refreshing of the recollection of the hearers, not a repetition of the speech.

LIII. Indignation is a kind of speech by which the effect produced is, that great hatred is excited against a man, or great dislike of some proceeding is originated. In an address of this kind we wish to have this understood first, that it is possible to give vent to indignation from all those topics which we have suggested in laying down precepts for the confirmation of a speech. For any amplifications whatever, and every sort of indignation may be expressed, derived from those circumstances which are attributed to persons and to things, but still we had better consider those precepts which can be laid down separately with respect to indignation.

The first topic is derived from authority, when we relate what a great subject of anxiety that affair has been to the immortal gods, or to those whose authority ought to carry the greatest weight with it. And that topic will be derived from prophecies, from oracles, from prophets, from tokens, from prodigies, from answers, and from other things like these. Also from our ancestors, from kings, from states, from nations from the wisest men, from the senate, the people, the framers of laws. The second topic is that by which it is shown with amplification, by means of indignation, whom that affair concerns, — whether it concerns all men or the greater part of men, (which is a most serious business,) or whether it concerns the higher classes, such as those men are on whose authority the indignation which we are professing is grounded, (which is most scandalous,) or whether it affects those men who are one's equals in courage, and fortune, and

personal advantages, (which is most iniquitous,) or whether it affects our inferiors, (which is most arrogant).

The third topic is that which we employ when we are inquiring what is likely to happen, if every one else acts in the same manner. And at the same time we point out if this man is permitted to act thus, that there will be many imitators of the same audacity, and then from that we shall be able to point out how much evil will follow.

The fourth topic is one by the use of which we show that many men are eagerly looking out to see what is decided, in order that they may be able to see by the precedent of what is allowed to one, what will be allowed to themselves also in similar circumstances.

The fifth topic is one by the use of which we show that everything else which has been badly managed, as soon as the truth concerning them is ascertained, may be all set right, that this thing, however, is one which, if it be once decided wrongly, cannot be altered by any decision, nor set right by any power.

The sixth topic is one by which the action spoken of is proved to have been done designedly and on purpose, and then we add this argument, that pardon ought not to be granted to an intentional crime.

The seventh topic is one which we employ when we say that any deed is foul, and cruel, and nefarious, and tyrannical; that it has been effected by violence or by the influence of riches — a thing which is as remote as possible from the laws and from all ideas of equal justice.

LIV. An eighth topic is one of which we avail ourselves to demonstrate that the crime which is the present subject of discussion is not a common one, — not one such as is often perpetrated. And, that is foreign to the nature of even men in a savage state, of the most barbarous nations, or even of brute beasts. Actions of this nature are such as are wrought with cruelty towards one's parents, or wife, or husband, or children, or relations, or suppliants; next to them, if anything has been done with inhumanity towards a man's elders, — towards those connected with one by ties of hospitality, — towards one's neighbours or one's friends, — to those with whom one has been in the habit of passing one's life, — to those by whom one has been brought up, — to those by whom one has been taught, — to the

dead, — to those who are miserable and deserving of pity, — to men who are illustrious, noble, and who have been invested with honours and offices, — to those who have neither had power to injure another nor to defend themselves, such as boys, old men, women: by all which circumstances indignation is violently excited, and will be able to awaken the greatest hatred against a man who has injured any of these persons.

The ninth topic is one by which the action which is the subject of the present discussion is compared with others which are admitted on all hands to be offences. And in that way it is shown by comparison how much more atrocious and scandalous is the action which is the present subject of discussion.

The tenth topic is one by which we collect all the circumstances which have taken place in the performance of this action, and which have followed since that action, with great indignation at and reproach of each separate item, and by our description we bring the case as far as possible before the eyes of the judge before whom we are speaking, so that that which is scandalous may appear quite as scandalous to him as if he himself had been present to see what was done.

The eleventh topic is one which we avail ourselves of when we are desirous to show that the action has been done by him whom of all men in the world it least became to do it, and by whom indeed it ought to have been prevented if any one else had endeavoured to do it.

The twelfth topic is one by means of which we express our indignation that we should be the first people to whom this has happened, and that it has never occurred in any other instance.

The thirteenth topic is when insult is shown to have been added to injury, and by this topic we awaken hatred against pride and arrogance.

The fourteenth topic is one which we avail ourselves of to entreat those who hear us to consider our injuries as if they affected themselves; if they concern our children, to think of their own, if our wives have been injured, to recollect their own wives, if it is our aged relations who have suffered, to remember their own fathers or ancestors.

The fifteenth topic is one by which we say that those things which have happened to us appear scandalous even to foes and enemies, and as a general rule, indignation is derived from one or other of these topics.

LV. But complaint will usually take its origin from things of this kind. Complaint is a speech seeking to move the pity of the hearers. In this it is necessary in the first place to render the disposition of the hearer gentle and merciful, in order that it may the more easily be influenced by pity. And it will be desirable to produce that effect by common topics, such as those by which the power of fortune over all men is shown, and the weakness of men too is displayed, and if such an argument is argued with dignity and with impressive language, then the minds of men are greatly softened, and prepared to feel pity, while they consider their own weakness in the contemplation of the misfortunes of another.

Then the first topic to raise pity is that by which we show how great the prosperity of our clients was, and how great their present misery is.

The second is one which is divided according to different periods, according to which it is shown in what miseries they have been, and still are, and are likely to be hereafter.

The third topic is that by which each separate inconvenience is deplored, as, for instance, in speaking of the death of a man's son, the delight which the father took in his childhood, his love for him, his hope of him, the comfort he derived from him, the pains he took in his bringing up, and all other instances of the same sort, may be mentioned so as to exaggerate the complaint.

The fourth topic is one in which all circumstances which are discreditable or low or mean are brought forward, all circumstances which are unworthy of a man's age, or both, or fortune, or former honours or services, all the disasters which they have suffered or are liable to suffer.

The fifth topic is that by using which all disadvantages we brought separately before the eyes of the hearer, so that he who hears of them may seem to see them, and by the very facts themselves, and not only by the description of them, may be moved to pity as if he had been actually present.

The sixth topic is one by which the person spoken of is shown to be miserable, when he had no reason to expect any such fate; and that when he was expecting something else, he not only failed to obtain it, but fell into the most terrible misfortunes.

The seventh is one by which we suppose the fact of a similar mischance befalling the men who are listening to us, and require of them when they behold us to call to mind their own children, or their parents, or some one for whom they are bound to entertain affections.

The eighth is one by which something is said to have been done which ought not to have been done; or not to have been done which ought to have been. In this manner:—"I was not present, I did not see him, I did not hear his last words, I did not receive his last breath. Moreover, he died amid his enemies, he lay shamefully unburied in an enemy's country, being torn to pieces by wild beasts, and was deprived in death of even that honour which is the due of all men."

The ninth is one by which our speech is made to refer to things which are void both of language and sense; as if you were to adapt your discourse to a horse, a house, or a garment; by which topics the minds of those who are hearing, and who have been attached to any one, are greatly moved.

The tenth is one by which want, or weakness, or the desolate condition of any one is pointed out.

The eleventh is one in which is contained a recommendation to bury one's children, or one's parents, or one's own body, or to do any other such thing.

The twelfth is one in which a separation is lamented when you are separated from any one with whom you have lived most pleasantly, — as from a parent, a son, a brother, an intimate friend.

The thirteenth is one used when we complain with great indignation that we are ill-treated by those by whom above all others we least ought to be so, — as by our relations, or by friends whom we have served, and whom we have expected to be assistants to us; or by whom it is a shameful thing to be ill-treated, — as by slaves, or freedmen, or clients, or suppliants.

The fourteenth is one which is taken as an entreaty, in which those who hear us are entreated, in a humble and suppliant oration, to have pity on us.

The fifteenth is one in which we show that we are complaining not only of our own fortunes, but of those who ought to be dear to us.

The sixteenth is one by using which we show that our hearts are full of pity for others; and yet give tokens at the same time that it will be a great and lofty mind, and one able to endure disaster if any such should befall us. For often virtue and splendour, in which there is naturally great influence and authority, have more effect in exciting pity than humility and entreaties. And when men's minds are moved it will not be right to dwell longer on complaints; for, as Apollonius the rhetorician said, "Nothing dries quicker than a tear."

But since we have already, as it seems, said enough of all the different parts of a speech, and since this volume has swelled to a great size, what follows next shall be stated in the second book.

* * * * *

BOOK II.

I. Some men of Crotona, when they were rich in all kinds of resources, and when they were considered among the most prosperous people in Italy, were desirous to enrich the temple of Juno, which they regarded with the most religious veneration, with splendid pictures. Therefore they hired Zeuxis of Heraclea at a vast price, who was at that time considered to be far superior to all other painters, and employed him in that business. He painted many other pictures, of which some portion, on account of the great respect in which the temple is held, has remained to within our recollection; and in order that one of his mute representations might contain the preeminent beauty of the female form, he said that he wished to paint a likeness of Helen. And the men of Crotona, who had frequently heard that he excelled all other men in painting women, were very glad to hear this; for they thought that if he took the greatest pains in that class of work in which he had the greatest skill, he would leave them a most noble work in that temple.

Nor were they deceived in that expectation: for Zeuxis immediately asked of them what beautiful virgins they had; and they immediately led him into the palaestra, and there showed him numbers of boys of the highest birth and of the greatest beauty. For indeed, there was a time when the people of Crotona were far superior to all other cities in the strength and beauty of their persons; and they brought home the most honourable victories from the gymnastic contests, with the greatest credit. While, therefore, he was admiring the figures of the boys and their personal perfection very greatly; “The sisters,” say they, “of these boys are virgins in our city, so that how great their beauty is you may infer from these boys.” “Give me, then,” said he, “I beg you, the most beautiful of these virgins, while I paint the picture which I promised you, so that the reality may be transferred from the breathing model to the mute likeness.” Then the citizens of Crotona, in accordance with a public vote, collected the virgins into one place, and gave the painter the opportunity of selecting whom he chose. But he selected five, whose names many poets have handed down to tradition, because they had

been approved by the judgment of the man who was bound to have the most accurate judgment respecting beauty. For he did not think that he could find all the component parts of perfect beauty in one person, because nature has made nothing of any class absolutely perfect in every part. Therefore, as if nature would not have enough to give to everybody if it had given everything to one, it balances one advantage bestowed upon a person by another disadvantage.

II. But since the inclination has arisen in my mind to write a treatise on the art of speaking, we have not put forth any single model of which every portion was necessarily to be copied by us, of whatever sort they might be; but, having collected together all the writers on the subject into one place, we have selected what each appears to have recommended which may be most serviceable, and we have thus culled the flower from various geniuses. For of those who are worthy of fame or recollection, there is no one who appears either to have said nothing well, or everything admirably. So that it seemed folly either to forsake the sensible maxims brought forward by any one, merely because we are offended at some other blunder of his, or, on the other hand, to embrace his faults because we have been tempted by some sensible precept which he has also delivered.

But if in other pursuits also men would select all that was found most sensible from many sources, instead of devoting themselves to one fixed leader, they would err less on the side of arrogance; they would not persist so much in error, and they would make less enormous mistakes through ignorance. And if we had as deep an acquaintance with this art as he had with that of painting, perhaps this work of ours might appear as admirable in its kind as his picture did. For we have had an opportunity of selecting from a much more copious store of models than he had. He was able to make his selection from one city, and from that number of virgins only which existed at that time and place; but we have had opportunity of making our selection from all the men who have ever lived from the very first beginning of this science, being reduced to a system up to the present day, and taking whatever we thought worth while from all the stores which lay open before us.

And Aristotle, indeed, has collected together all the ancient writers on this art, from the first writer on the subject and inventor of

it, Tisias, and has compiled with great perspicuity the precepts of each of them, mentioning them by name, after having sought them out with exceeding care; and he has disentangled them with great diligence and explained their difficulties; and he has so greatly excelled the original writers themselves in suavity and brevity of diction, that no one is acquainted with their precepts from their own writings, but all who wish to know what maxims they have laid down, come back to him as to a far more agreeable expounder of their meaning.

And he himself has set before us himself and those too who had lived before his time, in order that we might be acquainted with the method of others, and with his own. And those who have followed him, although they have expended a great deal of labour on the most profound and important portions of philosophy, as he himself also, whose example they were following, had done, have still left us many precepts on the subject of speaking. And other masters of this science have also come forward, taking their rise, as it were in other springs, who have also been of great assistance in eloquence, as far at least as artificial rules can do any good. For there lived at the same time as Aristotle, a great and illustrious rhetorician, named Isocrates, though we have not entirely discovered what his system was.

But we have found many lessons respecting their art from his pupils and from those who proceeded immediately afterwards from this school.

III. From these two different families, as it were, the one of which, while it was chiefly occupied with philosophy, still devoted some portion of its attention to the rhetorical science, and the other was wholly absorbed in the study and teaching of eloquence, but both kinds of study were united by their successors, who brought to the aid of their own pursuits those things which appeared to have been profitably said by either of them, and those and the others their predecessors are the men whom we and all our countrymen have proposed to ourselves as models, as far as we were able to make them so, and we have also contributed something from our own stores to the common stock.

But if the things which are set forth in these books deserved to be selected with such great eagerness and care as they were, then

certainly, neither we ourselves nor others will repent of our industry. But if we appear either rashly to have passed over some doctrine of some one worth noticing, or to have adopted it without sufficient elegance, in that case when we are taught better by some one, we will easily and cheerfully change our opinion. For what is discreditable is, not the knowing little, but the persisting foolishly and long in what one does not understand, because the one thing is attributed to the common infirmity of man, but the other to the especial fault of the individual.

Wherefore we, without affirming anything positively, but making inquiry at the same time, will advance each position with some doubt, lest while we gain this trifling point of being supposed to have written this treatise with tolerable neatness, we should lose that which is of the greater importance, the credit, namely, of not adopting any idea rashly and arrogantly. But this we shall endeavour to gain both at present and during the whole course of our life with great care, as far as our abilities will enable us to do so. But at present, lest we should appear to be too prolix, we will speak of the other points which it seems desirable to insist on.

Therefore, while we were explaining the proper classification of this art, and its duties, and its object, and its subject matter, and its divisions, the first book contained an account of the different kinds of disputes, and inventions, and statements of cases, and decisions. After that, the parts of a speech were described, and all necessary precepts for all of them were laid down. So that we not only discussed other topics in that book with tolerable distinctness, we spoke at that same time in a more scattered manner of the topics of confirmation and reprehension; and at present we think it best to give certain topics for confirming and reprehending, suited to every class of causes. And because it has been explained with some diligence in the former book, in what manner argumentations ought to be handled, in this book it will be sufficient to set forth the arguments which have been discovered for each kind of subject simply, and without any embellishment, so that, in this book, the arguments themselves may be found, and in the former, the proper method of polishing them. So that the reader must refer the precepts which are now laid down, to the topics of confirmation and reprehension.

IV. Every discussion, whether demonstrative, or deliberative, or judicial, must be conversant with some kind or other of statement of the case which has been explained in the former book; sometimes with one, sometimes with several. And though this is the case, still as some things can be laid down in a general way respecting everything, there are also other rules and different methods separately laid down for each particular kind of discussion. For praise, or blame, or the statement of an opinion, or accusation, or denial, ought all to effect different ends. In judicial investigations the object of inquiry is, what is just, in demonstrative discussion the question is what is honourable, in deliberations, in our opinion, what we inquire is, what is honourable and at the same time expedient. For the other writers on this subject have thought it right to limit the consideration of expediency to speeches directed to persuasion or dissuasion.

Those kinds of discussions then whose objects and results are different, cannot be governed by the same precepts. Not that we are saying now that the same statement of the case is not admissible in all of them, but some kinds of speech arise from the object and kind of the discussion, if it refers to the demonstration of some kind of life, or to the delivery of some opinion. Wherefore now, in explaining controversies, we shall have to deal with causes and precepts of a judicial kind, from which many precepts also which concern similar disputes will be transferred to other kinds of causes without much difficulty. But hereafter we will speak separately of each kind.

At present we will begin with the conjectural statement of a case of which this example may be sufficient to be given — A man overtook another on his journey as he was going on some commercial expedition, and carrying a sum of money with him, he, as men often do entered into conversation with him on the way, the result of which was, that they both proceeded together with some degree of friendship, so that when they had arrived at the same inn, they proposed to sup together and to sleep in the same apartment. Having supped, they retired to rest in the same place. But when the innkeeper (for that is what is said to have been discovered since, after the man had been detected in another crime) had taken notice of one of them, that is to say, of him who had the money, he came by night,

after he had ascertained that they were both sound asleep, as men usually are when tired, and took from its sheath the sword of the one who had not the money, and which sword he had lying by his side and slew the other man with it and took away his money, and replaced the bloody sword in the sheath, and returned himself to his bed.

But the man with whose sword the murder had been committed, rose long before dawn and called over and over again on his companion; he thought that he did not answer because he was overcome with sleep; and so he took his sword and the rest of the things which he had with him, and departed on his journey alone. The innkeeper not long afterwards raised an outcry that the man was murdered, and in company with some of his lodgers pursued the man who had gone away. They arrest him on his journey, draw his sword out of its sheath, and find it bloody, the man is brought back to the city by them, and put on his trial. On this comes the allegation of the crime, "You murdered him," and the denial, "I did not murder him," and from this is collected the statement of the case. The question in the conjectural examination is the same as that submitted to the judges, "Did he murder him, or not?"

V. Now we will set forth the topics one portion of which applies to all conjectural discussion. But it will be desirable to take notice of this in the exposition of these topics and of all the others, and to observe that they do not all apply to every discussion. For as every man's name is made up of some letters, and not of every letter, so it is not every store of arguments which applies to every argumentation, but some portion which is necessary applies to each. All conjecture, then, must be derived either from the cause of an action, or from the person, or from the case itself.

The cause of an action is divided into impulsion and ratiocination. Impulsion is that which without thought encourages a man to act in such and such a manner, by means of producing some affection of the mind, as love, anger, melancholy, fondness for wine, or indeed anything by which the mind appears to be so affected as to be unable to examine anything with deliberation and care, and to do what it does owing to some impulse of the mind, rather than in consequence of any deliberate purpose.

But ratiocination is a diligent and careful consideration of whether we shall do anything or not do it. And it is said to have been in operation, when the mind appears for some particular definite reason to have avoided something which ought not to have been done, or to have adopted something which ought to have been done, so that if anything is said to have been done for the sake of friendship, or of chastising an enemy, or under the influence of fear, or of a desire for glory or for money, or in short, to comprise everything under one brief general head, for the sake of retaining, or increasing, or obtaining any advantage; or, on the other hand, for the purpose of repelling, or diminishing, or avoiding any disadvantage; — for those former things must fall under one or other of those heads, if either any inconvenience is submitted to for the purpose of avoiding any greater inconvenience, or of obtaining any more important advantage; or if any advantage is passed by for the sake of obtaining some other still greater advantage, or of avoiding some more important disadvantage.

This topic is as it were a sort of foundation of this statement of the case; for nothing that is done is approved of by any one unless some reason be shown why it has been done. Therefore the accuser, when he says that anything has been done in compliance with some impulse, ought to exaggerate that impulse, and any other agitation or affection of the mind, with all the power of language and variety of sentiments of which he is master, and to show how great the power of love is, how great the agitation of mind which arises from anger, or from any one of those causes which he says was that which impelled any one to do anything. And here we must take care, by an enumeration of examples of men who have done anything under the influence of similar impulse, and by a collation of similar cases, and by an explanation of the way in which the mind itself is affected, to hinder its appearing marvellous if the mind of a man has been instigated by such influence to some pernicious or criminal action.

VI. But when the orator says that any one has done such and such an action, not through impulse, but in consequence of deliberate reasoning, he will then point out what advantage he has aimed at, or what inconvenience he has avoided, and he will exaggerate the influence of those motives as much as he can, so that as far as

possible the cause which led the person spoken of to do wrong, may appear to have been an adequate one. If it was for the sake of glory that he did so and so, then he will point out what glory he thought would result from it; again, if he was influenced by desire of power, or riches, or by friendship, or by enmity; and altogether whatever the motive was, which he says was his inducement to the action, he will exaggerate as much as possible.

And he is bound to give great attention to this point, not only what the effect would have been in reality, but still more what it would have been in the opinion of the man whom he is accusing. For it makes no difference that there really was or was not any advantage or disadvantage, if the man who is accused believed that there would or would not be such. For opinion deceives men in two ways, when either the matter itself is of a different kind from that which it is believed to be, or when the result is not such as they thought it would be. The matter itself is of a different sort when they think that which is good bad, or, on the other hand, when they think that good which is bad. Or when they think that good or bad which is neither good nor bad, or when they think that which is good or bad neither bad nor good.

Now that this is understood, if any one denies that there is any money more precious or sweeter to a man than his brother's or his friend's life, or even than his own duty, the accuser is not to deny that; for then the blame and the chief part of the hatred will be transferred to him who denies that which is said so truly and so piously. But what he ought to say is, that the man did not think so; and that assertion must be derived from those topics which relate to the person, concerning whom we must speak hereafter.

VII. But the result deceives a person, when a thing has a different result from that which the persons who are accused are said to have thought it would have. As when a man is said to have slain a different person from him whom he intended to slay, either because he was deceived by the likeness or by some suspicion, or by some false indication; or that he slew a man who had not left him his heir in his will, because he believed that he had left him his heir. For it is not right to judge of a man's belief by the result, but rather to consider with what expectation, and intention, and hope he proceeded to such

a crime; and to recollect that the matter of real importance is to consider with what intention a man does a thing, and not what the consequence of his action turns out to be.

And in this topic this will be the great point for the accuser, if he is able to show that no one else had any reason for doing so at all. And the thing next in importance will be to show that no one else had such great or sufficient reason for doing so. But if others appear also to have had a motive for doing so, then we must show that they had either no power, or no opportunity, or no inclination to do it. They had no power if it can be said that they did not know it, or were not in the place, or were unable to have accomplished it; they had no opportunity, if it can be proved that any plan, any assistants, any instruments, and all other things which relate to such an action, were wanting to them. They had no inclination, if their disposition can be said to be entirely alien to such conduct, and unimpeachable. Lastly, whatever arguments we allow a man on his trial to use in his defence, the very same the prosecutor will employ in delivering others from blame. But that must be done with brevity, and many arguments must be compressed into one, in order that he may not appear to be accusing the man on his trial for the sake of defending some one else, but to be defending some one else with a view to strengthen his accusation against him.

VIII. And these are for the most part the things which must be done and considered by an accuser. But the advocate for the defence will say, on the other hand, either that there was no motive at all, or, if he admits that there was, he will make light of it, and show that it was a very slight one, or that such conduct does not often proceed from such a motive. And with reference to this topic it will be necessary to point out what is the power and character of that motive, by which the person on his trial is said to have been induced to commit any action; and in doing this it is requisite to adduce instances and examples of similar cases, and the actual nature of such a motive is to be explained as gently as possible, so that the circumstance which is the subject of the discussion may be explained away, and instead of being considered as a cruel and disorderly act, may be represented as something more mild and considerate, and still the speech itself may be adapted to the mind of the hearer, and to

a sort of inner feeling, as it were, in his mind.

But the orator will weaken the suspicions arising from the ratiocination, if he shall say either that the advantage intimated had no existence, or a very slight one, or that it was a greater one to others, or that it was no greater advantage to himself than to others, or that it was a greater disadvantage than advantage to himself. So that the magnitude of the advantage which is said to have been desired, was not to be compared with the disadvantage which was really sustained, or with the danger which was incurred. And all those topics will be handled in the same manner in speaking of the avoiding of disadvantage.

But if the prosecutor has said that the man on his trial was pursuing what appeared to him to be an advantage, or was avoiding that which appeared to him to be a disadvantage, even though he was mistaken in that opinion, then the advocate for the defence must show that no one can be so foolish as to be ignorant of the truth in such an affair. And if that be granted, then the other position cannot be granted, that the man ever doubted at all what the case was, but that he, without the least hesitation, considered what was false as false, and what was true as true. But if he doubted, then it was a proof of absolute insanity for a man under the influence of a doubtful hope to incur a certain danger.

But as the accuser when he is seeking to remove the guilt from others must use the topics proper to an advocate for the defence; so the man on his trial must use those topics which have been allotted to an accuser, when he wishes to transfer an accusation from his own shoulders to those of others.

IX. But conjectures will be derived from the person, if those things which have been attributed to persons are diligently considered, all of which we have mentioned in the first book; for sometimes some suspicion arises from the name. But when we say the name, we mean also the surname. For the question is about the particular and peculiar name of a man, as if we were to say that a man is called Caldus because he is a man of a hasty and sudden disposition; or that ignorant Greeks have been deceived by men being called Clodius, or Caecilius, or Marcus.

And we may also derive some suspicious circumstances from

nature; for all these questions, whether it is a man or a woman, whether he is of this state or that one, of what ancestors a man is descended, who are his relations, what is his age, what is his disposition, what bodily strength, or figure, or constitution he has, which are all portions of a man's nature, have much influence in leading men to form conjectures.

Many suspicions also are engendered by men's way of life, when the inquiry is how, and by whom, and among whom a man was brought up and educated, and with whom he associates, and what system and habits of domestic life he is devoted to.

Moreover, argumentation often arises from fortune; when we consider whether a man is a slave or a free man, rich or poor, noble or ignoble, prosperous or unfortunate; whether he now is, or has been, or is likely to be a private individual or a magistrate; or, in fact, when any one of those circumstances is sought to be ascertained which are attributable to fortune. But as habit consists in some perfect and consistent formation of mind or body, of which kind are virtue, knowledge, and their contraries; the fact itself, when the whole circumstances are stated, will show whether this topic affords any ground for suspicion. For the consideration of the state of a man's mind is apt to give good grounds for conjecture, as of his affectionate or passionate disposition, or of any annoyance to which he has been exposed; because the power of all such feelings and circumstances is well understood, and what results ensue after any one of them is very easy to be known.

But since study is an assiduous and earnest application of the mind to any particular object with intense desire, that argument which the case itself requires will easily be deduced from it. And again, some suspicion will be able to be inferred from the intention; for intention is a deliberate determination of doing or not doing something. And after this it will be easy to see with respect to facts, and events, and speeches, which are divided into three separate times, whether they contribute anything to confirming the conjectures already formed in the way of suspicion.

X. And those things indeed are attributed to persons, which when they are all collected together in one place, it will be the business of the accuser to use them as inducing a disapprobation of the person;

for the fact itself has but little force unless the disposition of the man who is accused can be brought under such suspicion as to appear not to be inconsistent with such a fault. For although there is no great advantage in expressing disapprobation of any one's disposition, when there is no cause why he should have done wrong, still it is but a trifling thing that there should be a motive for an offence, if the man's disposition is proved to be inclined to no line of conduct which is at all discreditable. Therefore the accuser ought to bring into discredit the life of the man whom he is accusing, by reference to his previous actions, and to show whether he has ever been previously convicted of a similar offence. And if he cannot show that, he must show whether he has ever incurred the suspicion of any similar guilt; and especially, if possible, that he has committed some offence or other of some kind under the influence of some similar motive to this which is in existence here, in some similar case, or in an equally important case, or in one more important, or in one less important. As, if with respect to a man who he says has been induced by money to act in such and such a manner, he were able to show that any other action of his in any case had been prompted by avarice.

And again it will be desirable in every cause to mention the nature, or the manner of life, or the pursuits, or the fortune, or some one of those circumstances which are attributed to persons, in connexion with that cause which the speaker says was the motive which induced the man on his trial to do wrong; and also, if one cannot impute anything to him in respect of an exactly corresponding class of faults, to bring the disposition of one's adversary into discredit by reference to some very dissimilar class. As, if you were to accuse him of having done so and so, because he was instigated by avarice; and yet, if you are unable to show that the man whom you accuse is avaricious, you must show that other vices are not wholly foreign to his nature, and that on that account it is no great wonder if a man who in any affair has behaved basely, or covetously, or petulantly, should have erred in this business also. For in proportion as you can detract from the honesty and authority of the man who is accused, in the same proportion has the force of the whole defence been weakened.

If it cannot be shown that the person on his trial has been ever

before implicated in any previous guilt, then that topic will come into play which we are to use for the purpose of encouraging the judges to think that the former character of the man has no bearing on the present question; for that he has formerly concealed his wickedness, but that he is now manifestly convicted; so that it is not proper that this case should be looked at with reference to his former life, but that his former life should now be reproved by this conduct of his, and that formerly he had either no opportunity of doing wrong, or no motive to do so. Or if this cannot be said, then we must have recourse to this last assertion, — that it is no wonder if he now does wrong for the first time, for that it is necessary that a man who wishes to commit sin, must some time or other commit it for the first time. If nothing whatever is known of his previous life, then it is best to pass over this topic, and to state the reason why it is passed over, and then to proceed at once to corroborate the accusation by arguments.

XI. But the advocate for the defence ought in the first place to show, if he can, that the life of the person who is accused has always been as honourable as possible. And he will do this best by recounting any well known services which he has rendered to the state in general, or any that he has done to his parents, or relations, or friends, or kinsmen, or associates, or even any which are more remarkable or more unusual, especially if they have been done with any extraordinary labour, or danger, or both, or when there was no absolute necessity, purely because it was his duty, or if he has done any great benefit to the republic, or to his parents, or to any other of the people whom I have just mentioned, and if, too, he can show that he has never been so influenced by any covetousness as to abandon his duty, or to commit any error of any description. And this statement will be the more confirmed, if when it is said that he had an opportunity of doing something which was not quite creditable with impunity, it can be shown at the same time that he had no inclination to do it.

But this very kind of argument will be all the stronger if the person on his trial can be shown to have been unimpeachable previously in that particular sort of conduct of which he is now accused, as, for instance, if he be accused of having done so and so

for the sake of avarice, and can be proved to have been all his life utterly indifferent to the acquisition of money. On this indignation may be expressed with great weight, united with a complaint that it is a most miserable thing, and it may be argued that it is a most scandalous thing, to think that that was the man's motive, when his disposition during the whole of his life has been as unlike it as possible. Such a motive often harries audacious men into guilt, but it has no power to impel an upright man to sin. It is unjust, moreover, and injurious to every virtuous man, that a previously well-spent life should not be of the greatest possible advantage to a man at such a time, but that a decision should be come to with reference only to a sudden accusation which can be got up in a hurry, and with no reference to a man's previous course of life, which cannot be extemporised to suit an occasion, and which cannot be altered by any means.

But if there have been any acts of baseness in his previous life, or if they be said to have undeservedly acquired such a reputation, or if his actions are to be attributed by the envy, or love of detraction, or mistaken opinion of some people, either to ignorance, or necessity, or to the persuasion of young men, or to any other affection of mind in which there is no vice, or if he has been tainted with errors of a different kind, so that his disposition appears not entirely faultless, but still far remote from such a fault, and if his disgraceful or infamous course of life cannot possibly be mitigated by any speech, — then it will be proper to say that the inquiry does not concern his life and habits, but is about that crime for which he is now prosecuted, so that, omitting all former actions, it is proper that the matter which is in hand should be attended to.

XII. But suspicions may be derived from the fact itself, if the administration of the whole matter is examined into in all its parts; and these suspicions will arise partly from the affair itself when viewed separately, and partly from the persons and the affairs taken together. They will be able to be derived from the affair, if we diligently consider those circumstances which have been attributed to such affairs. And from them all the different genera, and most subordinate species, will appear to be collected together in this statement of the case.

It will therefore be desirable to consider in the first place what circumstances there are which are united to the affair itself, — that is to say, which cannot be separated from it, and with reference to this topic it will be sufficient to consider what was done before the affair in question took place from which a hope arose of accomplishing it, and an opportunity was sought of doing it, what happened with respect to the affair itself, and what ensued afterwards. In the next place, the execution of the whole affair must be dealt with for this class of circumstances which have been attributed to the affair has been discussed in the second topic.

So with reference to this class of circumstances we must have a regard to time, place, occasion, and opportunity, the force of each particular of which has been already carefully explained when we were laying down precepts for the confirmation of an argument. Wherefore, that we may not appear to have given no rules respecting these things, and that we may not, on the other hand, appear to have repeated the same things twice over, we will briefly point out what it is proper should be considered in each part. In reference to place, then, opportunity is to be considered; and in reference to time, remoteness; and in reference to occasion, the convenience suitable for doing anything; and with reference to facility, the store and abundance of those things by means of which anything is done more easily, or without which it cannot be done at all.

In the next place we must consider what is added to the affair, that is to say, what is greater, what is less, what is equally great, what is similar. And from these topics some conjecture is derived, if proper consideration is given to the question how affairs of greater importance, or of less, or of equal magnitude, or of similar character, are usually transacted. And in this class of subjects the result also ought to be examined into; that is to say, what usually ensues as the consequence of every action must be carefully considered; as, for instance, fear, joy, trepidation.

But the fourth part was a necessary consequence from those circumstances which we said were attendant on affairs. In it those things are examined which follow the accomplishment of an affair, either immediately or after an interval. And in this examination we shall see whether there is any custom, any action, any system, or

practice, or habit, any general approval or disapproval on the part of mankind in general, from which circumstance some suspicion at times arises.

XIII. But there are some suspicions which are derived from the circumstances which are attributed to persons and things taken together. For many circumstances arising from fortune, and from nature, and from the way of a man's life, and from his pursuits and actions, and from chance, or from speeches, or from a person's designs, or from his usual habit of mind or body, have reference to the same things which render a statement credible or incredible, and which are combined with a suspicion of the fact.

For it is above all things desirable that inquiry should be made in this way, of stating the case first of all, whether anything could be done; in the next place, whether it could have been done by any one else; then we consider the opportunity, on which we have spoken before; then whether what has been done is a crime which one is bound to repent of; we must inquire too whether he had any hope of concealing it; then whether there was any necessity for his doing so; and as to this we must inquire both whether it was necessary that the thing should be done at all, or that it should be done in that manner. And some portion of these considerations refer to the design, which has been already spoken of as what is attributed to persons; as in the instance of that cause which we have mentioned. These circumstances will be spoken of as before the affair, — the facts, I mean, of his having joined himself to him so intimately on the march, of his having sought occasion to speak with him, of his having lodged with him, and supped with him. These circumstances were a part of the affair, — night, and sleep. These came after the affair, — the fact of his having departed by himself; of his having left his intimate companion with such indifference; of his having a bloody sword.

Part of these things refer to the design. For the question is asked, whether the plan of executing this deed appears to have been one carefully devised and considered, or whether it was adopted so hastily that it is not likely that any one should have gone on to crime so rashly. And in this inquiry we ask also whether the deed could have been done with equal ease in any other manner; or whether it

could have happened by chance. For very often if there has been a want of money, or means, or assistants, there would not appear to have been any opportunity of doing such a deed. If we take careful notice in this way, we shall see that all these circumstances which are attributed to things, and those too which are attributed to persons, fit one another. In this case it is neither easy nor necessary, as it is in the former divisions, to draw distinctions as to how the accuser and how the advocate for the defence ought to handle each topic. It is not necessary, because, when the case is once stated, the circumstances themselves will teach those men, who do not expect to find everything imaginable in this treatise, what is suitable for each case; and they will apply a reasonable degree of understanding to the rules which are here laid down, in the way of comparing them with the systems of others. And it is not easy, because it would be an endless business to enter into a separate explanation with respect to every portion of every case; and besides, these circumstances are adapted to each part of the case in different manners on different occasions.

XIV. Wherefore it will be desirable to consider what we have now set forth. And our mind will approach invention with more ease, if it often and carefully goes over both its own relation and that of the opposite party, of what has been done; and if, eliciting what suspicions each part gives rise to, it considers why, and with what intention, and with what hopes and plans, each thing was done. Why it was done in this manner rather than in that; why by this man rather than by that; why it was done without any assistant, or why with this one; why no one was privy to it, or why somebody was, or why this particular person was; why this was done before; why this was not done before; why it was done in this particular instance; why it was done afterwards; what was done designedly, or what came as a consequence of the original action; whether the speech is consistent with the facts or with itself; whether this is a token of this thing, or of that thing, or of both this and that, and which it is a token of most; what has been done which ought not to have been done, or what has not been done which ought to have been done.

When the mind considers every portion of the whole business with this intention, then the topics which have been reserved, will come into use, which we have already spoken of; and certain

arguments will be derived from them both separately and unitedly. Part of which arguments will depend on what is probable, part on what is necessary; there will be added also to conjecture questions, testimony, reports. All of which things each party ought to endeavour by a similar use of these rules to turn to the advantage of his own cause. For it will be desirable to suggest suspicions from questions, from evidence, and from some report or other, in the same manner as they have been derived from the cause, or the person, or the action.

Wherefore those men appear to us to be mistaken who think that this kind of suspicion does not need any regular system, and so do those who think that it is better to give rules in a different manner about the whole method of conjectural argument. For all conjecture must be derived from the same topics; for both the cause of every rumour and the truth of it will be found to arise from the things attributed to him who in his inquiry has made any particular statement, and to him who has done so in his evidence. But in every cause a part of the arguments is joined to that cause alone which is expressed, and it is derived from it in such a manner that it cannot be very conveniently transferred from it to all other causes of the same kind; but part of it is more rambling, and adapted either to all causes of the same kind, or at all events to most of them.

XV. These arguments then which can be transferred to many causes, we call common topics. For a common topic either contains some amplification of a well understood thing, — as if any one were desirous to show that a man who has murdered his father is worthy of the very extremity of punishment; and this topic is not to be used except when the cause has been proved and is being summed up; — or of a doubtful matter which has some probable arguments which can be produced on the other side of the question also; as a man may say that it is right to put confidence in suspicions, and, on the contrary, that it is not right to put confidence in suspicions. And a portion of the common topics is employed in indignation or in complaint, concerning which we have spoken already. A part is used in urging any probable reason on either side.

But an oration is chiefly distinguished and made plain by a sparing introduction of common topics, and by giving the hearers actual information by some topics, and by confirming previously

used arguments in the same way. For it is allowable to say something common when any topic peculiar to the cause is introduced with care; and when the mind of the hearer is refreshed so as to be inclined to attend to what follows, or is reawakened by everything which has been already said. For all the embellishments of elocution, in which there is a great deal both of sweetness and gravity, and all things, too, which have any dignity in the invention of words or sentences, are bestowed upon common topics.

Wherefore there are not as many common topics for orators as there are for lawyers. For they cannot be handled with elegance and weight, as their nature requires, except by those who have acquired a great flow of words and ideas by constant practice. And this is enough for us to say in a general way concerning the entire class of common topics.

XVI. Now we will proceed to explain what common topics are usually available in a conjectural statement of a case. As for instance — that it is proper to place confidence in suspicions, or that it is not proper, that it is proper to believe witnesses, or that it is not proper, that it is proper to believe examinations, or that it is not proper, that it is proper to pay attention to the previous course of a man's life, or that it is not proper, that it is quite natural that a man who has done so and so should have committed this crime also, or that it is not natural, that it is especially necessary to consider the motive, or that it is not necessary. And all these common topics, and any others which arise out of any argument peculiar to the cause in hand, may be turned either way.

But there is one certain topic for an accuser by which he exaggerates the atrocity of an action, and there is another by which he says that it is not necessary to pity the miserable. That, too, is a topic for an advocate for the defence by which the false accusations of the accusers are shown up with indignation, and that by which pity is endeavoured to be excited by complaints. These and all other common topics are derived from the same rules from which the other systems of arguments proceed, but those are handled in a more delicate, and acute, and subtle manner, and these with more gravity, and more embellishment, and with carefully selected words and ideas. For in them the object is, that that which is stated may appear

to be true. In these, although it is desirable to preserve the appearance of truth, still the main object is to give importance to the statement. Now let us pass on to another statement of the case.

XVII. When there is a dispute as to the name of a thing because the meaning of a name is to be defined by words, it is called a definitive statement. By way of giving an example of this, the following case may be adduced. Caius Flaminius, who as consul met with great disasters in the second Punic war, when he was tribune of the people, proposed, in a very seditious manner, an agrarian law to the people, against the consent of the senate, and altogether against the will of all the nobles. While he was holding an assembly of the people, his own father dragged him from the temple. He is impeached of treason. The charge is—"You attacked the majesty of the people in dragging down a tribune of the people from the temple." The denial is—"I did not attack the majesty of the people." The question is—"Whether he attacked the majesty of the people or not?" The argument is—"I only used the power which I legitimately had over my own son." The denial of this argument is—"But a man who, by the power belonging to him as a father, that is to say, as a private individual, attacks the power of a tribune of the people, that is to say, the power of the people itself, attacks the majesty of the people." The question for the judges is—"Whether a man attacks the majesty of the people who uses his power as a father in opposition to the power of a tribune?" And all the arguments must be brought to bear on this question.

And, that no one may suppose by any chance that we are not aware that some other statement of the case may perhaps be applicable to this cause, we are taking that portion only for which we are going to give rules. But when all parts have been explained in this book, any one, if he will only attend diligently, will see every sort of statement in every sort of cause, and all their parts, and all the discussions which are incidental to them. For we shall mention them all.

The first topic then for an accuser is a short and plain definition, and one in accordance with the general opinion of men, of that name, the meaning of which is the subject of inquiry. In this manner—"To attack the majesty of the people is to detract from the dignity, or the rank, or the power of the people, or of those men to whom the people has given power." This definition being thus briefly set forth in

words, must be confirmed by many assertions and reasons and must be shown to be such as you have described it. Afterwards it will be desirable to add to the definition which you have given, the action of the man who is accused, and to add it too with reference to the character which you have proved it to have. Take for instance—"to attack the majesty of the people." You must show that the adversary does attack the majesty of the people, and you must confirm this whole topic by a common topic, by which the atrocity or indignity of the fact, and the whole guilt of it, and also our indignation at it, may be increased.

After that it will be desirable to invalidate the definition of the adversaries, but that will be invalidated if it be proved to be false. This proof must be deduced from the belief of men concerning it, when we consider in what manner and under what circumstances men are accustomed to use that expression in their ordinary writing or talking. It will also be invalidated if the proof of that description be shown to be discreditable or useless, and if it be shown what disadvantages will ensue if that position be once admitted. And it will be derived from the divisions of honour and usefulness, concerning which we will give rules when we lay down a system of deliberations. And if we compare the definition given by our adversaries with our own definition, and prove our own to be true, and honourable, and useful, and theirs to be entirely different. But we shall seek out things like them in an affair of either greater, or less, or equal importance, from which our description will be proved.

XVIII Now, if there be more matters to be defined, — as for instance, if we inquire whether he is a thief or a sacrilegious person who has stolen sacred vessels from a private house, — we shall have to employ many definitions, and then the whole cause will have to be dealt with on a similar principle. But it is a common topic to dwell on the wickedness of that man who endeavours to wrest to his own purposes not only the effect of things, but also the meaning of words, in order both to do as he pleases, and to call what he does by whatever name he likes.

Then the first topic to be used by an advocate for the defence, is also a brief and plain definition of a name, adopted in accordance with the opinion of men. In this way — To diminish the majesty of

the people is to usurp some of the public powers when you are not invested with any office. And then the confirmation of this definition is derived from similar instances and similar principles. Afterwards comes the separation of one's own action from that definition. Then comes the common topic by which the expediency or honesty of the action is increased.

Then comes the reprehension of the definition of the opposite party, which is also derived from all the same topics as those which we have prescribed to the accuser. And afterwards other arguments will be adduced besides the common topic. But that will be a common topic for the advocate of the defence to use, by which he will express indignation that the accuser not only alters facts in order to bring him into danger, but that he attempts also to alter words. For those common topics which are assumed either for the purpose of demonstrating the falsehood of the accusations of the prosecutor, or for exciting pity, or for expressing indignation at an action, or for the purpose of deterring people from showing pity, are derived from the magnitude of the danger, not from the nature of the cause. Wherefore they are incidental not to every cause, but to every description of cause. We have made mention of them in speaking of the conjectural statement of a case, but we shall use induction when the cause requires.

XIX But when the pleading appears to require some translation, or to need any alteration, either because he is not pleading who ought to do so, or he is not pleading with the man he ought, or before the men whom he ought to have for hearers, or in accordance with the proper law, or under liability to the proper punishment, or in reference to the proper accusation, or at the proper time, it is then called a transferable statement of the case. We should require many examples of this if we were to inquire into every sort of translation, but because the principle on which the rules proceed is similar, we have no need of a superfluity of instances. And in our usual practice it happens from many causes that such translations occur but seldom. For many actions are prevented by the exceptions allowed by the praetors, and we have the civil law established in such a way that that man is sure to lose his cause who does not conduct it as he ought. So that those actions greatly depend on the state of the law. For there the

exceptions are demanded, and an opportunity is allowed of conducting the cause in some manner, and every formula of private actions is arranged. But in actual trials they occur less frequently, and yet, if they ever do occur at all, they are such that by themselves they have less strength, but they are confirmed by the assumption of some other statement in addition to them. As in a certain trial which took place "When a certain person had been prosecuted for poisoning, and, because he was also accused of parricide, the trial was ordered to proceed out of its regular order, when in the accusation some charges were corroborated by witnesses and arguments, but the parricide was barely mentioned, it was proper for the advocate for the defence to dwell much and long on this circumstance, as, nothing whatever was proved respecting the death of the accused person's parent, and therefore that it was a scandalous thing to inflict that punishment on him which is inflicted on parricides, but that that must inevitably be the case if he were convicted, since that it is added as one of the counts of the indictment, and since it is on that account that the trial has been ordered to be taken out of its regular order. Therefore if it is not right that that punishment should be inflicted on the criminal, it is also not right that he should be convicted, since that punishment must inevitably follow a conviction." Here the advocate for the defence, by bringing the commutation of the punishment into his speech, according to the transferable class of topics, will invalidate the whole accusation. But he will also confirm the alteration by a conjectural statement of the case when employed in defending his client on the other charges.

XX But we may give an example of translation in a cause, in this way — When certain armed men had come for the purpose of committing violence, and armed men were also prepared on the other side, and when one of the armed men with his sword cut off the hand of a certain Roman knight who resisted his violence, the man whose hand had been cut off brings an action for the injury. The man against whom the action is brought pleads a demurrer before the praetor, without there being any prejudice to a man on trial for his life. The man who brings the action demands a trial on the simple fact, the man against whom the action is brought says that a demurrer ought to be added. The question is—"Shall the demurrer be allowed

or not?" The reason is—"No, for it is not desirable in an action for damages that there should be any prejudged decision of a crime, such as is the subject of inquiry when assassins are on their trial." The arguments intended to invalidate this reason are—"The injuries are such that it is a shame that a decision should not be come to as early as possible." The thing to be decided is—"Whether the atrocity of the injuries is a sufficient reason why, while that point is before the tribunal, a previous decision should be given concerning some greater crime, concerning which a tribunal is prepared." And this is the example. But in every cause the question ought to be put to both parties, by whom, and by whose agency, and how, and when it is desirable that the action should be brought, or the decision given; or what ought to be decided concerning that matter.

That ought to be assumed from the divisions of the law, concerning which we must speak hereafter; and we then ought to argue as to what is usually done in similar cases, and to consider whether, in this instance, out of wickedness, one course is really adopted and another pretended; or whether the tribunal has been appointed and the action allowed to proceed through folly or necessity, because it could not be done in any other manner, or owing to an opportunity which offered for acting in such a manner; or whether it has been done rightly without any interruption of any sort. But it is a common topic to urge against the man who seeks to avail himself of a demurrer to an action, that he is fleeing from a decision and from punishment, because he has no confidence in the justice of his cause. And that, owing to the demurrer, everything will be in confusion, if matters are not conducted and brought into court as they ought to be; that is to say, if it is either pleaded against a man it ought not, or with an improper penalty, or with an improper charge, or at an improper time; and this principle applies to any confusion of every sort of tribunal. Those three statements of cases then, which are not susceptible of any decisions, must be treated in this manner. At present let us consider the question and its divisions on general principles.

XXI. When the fact and the name of the action in question is agreed upon, and when there is no dispute as to the character of the action to be commenced; then the effect, and the nature, and the

character of the business is inquired into. We have already said, that there appear to be two divisions of this; one which relates to facts and one which relates to law. It is like this: “A certain person made a minor his heir, but the minor died before he had come into the property which was under the care of guardians. A dispute has arisen concerning the inheritance which came to the minor, between those who are the reversionary heirs of the father of the minor, — the possession belongs to the reversionary heirs.” The first statement is that of the next of kin—”That money, concerning which he, whose next of kin we are, said nothing in his will, belongs to us.” The reply is—”No, it belongs to us who are the reversionary heirs according to the will of his father.” The thing to be inquired into is — To whom does it rightfully belong? The argument is—”For the father made a will for himself and for his son as long as the latter was a minor, wherefore it is quite clear that the things which belonged to the son are now ours, according to the will of the father.” The argument to upset this is—”Aye, the father made his own will, and appointed you as reversionary heir, not to his son, but himself. Wherefore, nothing except what belonged to him himself can be yours by his will.” The point to be determined is, whether any one can make a will to affect the property of his son who is a minor, or, whether the reversionary heirs of the father of the family himself, are not the heirs of his son also as long as he is a minor. And it is not foreign to the subject, (in order that I may not, on the one hand, omit to mention it, or, on the other, keep continually repeating it,) to mention a thing here which has a bearing on many questions. There are causes which have many reasons, though the grounds of the cause are simple, and that is the case when what has been done, or what is being defended, may appear right or natural on many different accounts, as in this very cause. For this further reason may be suggested by the heirs—”For there cannot be more heirs than one of one property, for causes quite dissimilar, nor has it ever happened, that one man was heir by will, and another by law, of the same property.” This, again, is what will be replied, in order to invalidate this—”It is not one property only; because one part of it was the adventitious property of the minor, whose heir no one had been appointed by will at that time, in the case of anything happening to the minor, and with respect to the

other portion of the property, the inclination of the father, even after he was dead, had the greatest weight, and that, now that the minor is dead, gives the property to his own heirs."

The question to be decided is, "Whether it was one property?" And then, if they employ this argument by way of invalidating the other, "That there can be many heirs of one property for quite dissimilar causes," the question to be decided arises out of that argument, namely "Whether there can be more heirs than one, of different classes and character, to one property?"

XXII Therefore, in one statement of the case, it has been understood how there are more reasons than one, more topics than one to invalidate such reasons, and besides that, more questions than one for the decision of the judge. Now let us look to the rules for this class of question. We must consider in what the rights of each party, or of all the parties (if there are many parties to the suit), consist. The beginning, then, appears derived from nature; but some things seem to have become adopted in practice for some consideration of expediency which is either more or less evident to us. But afterwards things which were approved of, or which seemed useful, either through habit, or because of their truth, appeared to have been confirmed by laws, and some things seem to be a law of nature, which it is not any vague opinion, but a sort of innate instinct that implants in us, as religion, piety, revenge for injuries, gratitude, attention to superiors, and truth. They call religion, that which is conversant with the fear of, and ceremonious observance paid to the gods; they call that piety, which warns us to fulfil our duties towards our country, our parents, or others connected with us by ties of blood, gratitude is that which retains a recollection of honours and benefits conferred on one, and acts of friendship done to one, and which shows itself by a requital of good offices, revenge for injuries is that by which we repel violence and insult from ourselves and from those who ought to be dear to us, by defending or avenging ourselves, and by means of which we punish offences, attention to superiors, they call the feeling under the influence of which we feel reverence for and pay respect to those who excel us in wisdom or honour or in any dignity, truth, they style that habit by which we take care that nothing has been or shall be done in any other manner than

what we state. And the laws of nature themselves are less inquired into in a controversy of this sort, because they have no particular connexion with the civil law of which we are speaking and also, because they are somewhat remote from ordinary understandings. Still it is often desirable to introduce them for the purpose of some comparison, or with a view to add dignity to the discussion.

But the laws of habit are considered to be those which without any written law, antiquity has sanctioned by the common consent of all men. And with reference to this habit there are some laws which are now quite fixed by their antiquity. Of which sort there are many other laws also, and among them far the greatest part of those laws which the praetors are in the habit of including in their edicts. But some kinds of law have already been established by certain custom, such as those relating to covenants, equity, formal decisions. A covenant is that which is agreed upon between two parties, because it is considered to be so just that it is said to be enforced by justice, equity is that which is equal to all men, a formal decision is that by which something has been established by the declared opinion of some person or persons authorized to pronounce one. As for regular laws, they can only be ascertained from the laws. It is desirable, then, by trying over every part of the law, to take notice of and to extract from these portions of the law whatever shall appear to arise out of the case itself, or out of a similar one, or out of one of greater or less importance. But since, as has been already said, there are two kinds of common topics, one of which contains the amplification of a doubtful matter, and the other of a certain one, we must consider what the case itself suggests, and what can be and ought to be amplified by a common topic. For certain topics to suit every possible case cannot be laid down, and perhaps in most of them it will be necessary at times to rely on the authority of the lawyers, and at times to speak against it. But we must consider, in this case and in all cases, whether the case itself suggests any common topics besides those which we have mentioned.

Now let us consider the juridical kind of inquiry and its different divisions. XXIII The juridical inquiry is that in which the nature of justice and injustice, and the principle of reward or punishment, is examined. Its divisions are two, one of which we call the absolute

inquiry, and the other the one which is accessory. That is the absolute inquiry which itself contains in itself the question of right and not right, not as the inquiry about facts does, in an overhand and obscure manner, but openly and intelligibly. It is of this sort. — When the Thebans had defeated the Lacedaemonians in war, as it was nearly universal custom among the Greeks, when they were waging war against one another, for those who were victorious to erect some trophy on their borders, for the sake only of declaring their victory at present, not that it might remain for ever as a memorial of the war, they erected a brazen trophy. They are accused before the Amphictyons, that is, before the common council of Greece. The charge is, "They ought not to have done so." The denial is, "We ought." The question is, "Whether they ought." The reason is, "For we gained such glory by our valour in that war, that we wished to leave an everlasting memorial of it to posterity." The argument adduced to invalidate this is, "But still it is not right for Greeks to erect an eternal memorial of then enmity to Greeks." The question to be decided is, "As for the sake of celebrating their own excessive valour Greeks have erected an imperishable monument of their enmity to Greeks, whether they have done well or ill?" We, therefore, have now put this reason in the mouth of the Thebans, in order that this class of cause which we are now considering might be thoroughly understood. For if we had furnished them with that argument which is perhaps the one which they actually used, "We did so because our enemies warred against us without any considerations of justice and piety," we should then be digressing to the subject of retorting an accusation, of which we will speak hereafter. But it is manifest that both kinds of question are incidental to this controversy. And arguments must be derived for it from the same topics as those which are applicable to the cause depending on matters of fact, which has been all ready treated of. But to take many weighty common topics both from the cause itself, if there is any opportunity for employing the language of indignation or complaint, and also from the advantage and general character of the law, will be not only allowable, but proper, if the dignity of the cause appears to require such expedients.

XXIV. At present let us consider the assumptive portion of the

juridical inquiry. But it is then called assumptive, when the fact cannot be proved by its own intrinsic evidence, but is defended by some argument brought from extraneous circumstances. Its divisions are four in number: comparison, the retort of the accusation, the refutation of it as far as regards oneself, and concession.

Comparison is when any action which intrinsically cannot be approved, is defended by reference to that for the sake of which it was done. It is something of this sort:—"A certain general, when he was blockaded by the enemy and could not escape by any possible means, made a covenant with them to leave behind his arms and his baggage, on condition of being allowed to lead away his soldiers in safety. And he did so. Having lost his arms and his baggage, he saved his men, beyond the hopes of any one. He is prosecuted for treason." Then comes the definition of treason. But let us consider the topic which we are at present discussing.

The charge is, "He had no business to leave behind the arms and baggage." The denial is, "Yes, he had." The question is, "Whether he had any right to do so?" The reason for doing so is, "For else he would have lost all his soldiers." The argument brought to invalidate this is either the conjectural one, "They would not have been lost," or the other conjectural one, "That was not your reason for doing so." And from this arise the questions for decision: "Whether they would have been lost?" and, "Whether that was the reason why he did so?" Or else, this comparative reason which we want at this minute: "But it was better to lose his soldiers than to surrender the arms and baggage to the enemy." And from this arises the question for the decision of the judges: "As all the soldiers must have been lost unless they had come into this covenant, whether it was better to lose the soldiers, or to agree to these conditions?"

It will be proper to deal with this kind of cause by reference to these topics, and to employ the principles of, and rules for the other statements of cases also. And especially to employ conjectures for the purpose of invalidating that which those who are accused will compare with the act which is alleged against them as a crime. And that will be done if either that result which the advocates for the defence say would have happened unless that action had been performed which is now brought before the court, be denied to have

been likely to ensue; or if it can be proved that it was done with a different object and in a different manner from that stated by the man who is on his trial. The confirmation of that statement, and also the argument used by the opposite party to invalidate it, must both be derived from the conjectural statement of the case. But if the accused person is brought before the court, because of his action coming under the name of some particular crime, (as is the case in this instance, for the man is prosecuted for treason), it will be desirable to employ a definition and the rules for a definition.

XXV. And this usually takes place in this kind of examination, so that it is desirable to employ both conjecture and definition. But if any other kind of inquiry arises, it will be allowable on similar principles to transfer to it the rules for that kind of inquiry. For the accuser must of all things take pains to invalidate, by as many reasons as possible, the very fact on account of which the person on his trial thinks that it is granted to him that he was right. And it is easy to do so, if he attempts to overturn that argument by as many statements of the case as he can employ.

But comparison itself, when separated from the other kinds of discussion, will be considered according to its own intrinsic power, if that which is mentioned in the comparison is shown, either not to have been honourable, or not to have been useful, or not to have been necessary, or not so greatly useful, or not so very honourable, or not so exceedingly necessary.

In the next place it is desirable for the accuser to separate the action which he himself is accusing, from that which the advocate for the defence compares with it. And he will do that if he shows that it is not usually done in such a manner, and that it ought not to be done so, and that there is no reason why this thing should be done on this account; for instance, that those things which have been provided for the sake of safety, should be surrendered to the enemy for the sake of safety. Afterwards it will be desirable to compare the injury with the benefit, and altogether to compare the action which is impeached with that which is praised by the advocate for the defence or which is attempted to be proved as what must inevitably have ensued, and then, by disparaging the one at the same time to exaggerate the importance of the mischief caused by the other. That will be effected

if it be shown that that which the person on his trial avoided was more honourable, more advantageous, and more necessary than that which he did. But the influence and character of what is honourable, and useful, and necessary, will be ascertained in the rules given for deliberation.

In the next place, it will be desirable to explain that comparative kind of judicial decision as if it were a deliberative cause and then afterwards to discuss it by the light thrown on it by rules for deliberation. For let this be the question for judicial decision which we have already mentioned—"As all the soldiers would have been lost if they had not come to this agreement, was it better for the soldiers to be lost, or to come to this agreement?" It will be desirable that this should be dealt with with reference to the topics concerning deliberation, as if the matter were to come to some consultation.

XXVI. But the advocate for the defence will take the topics in accordance with which other statements of the case are made by the accuser, and will prepare his own defence from those topics with reference to the same statements. But all other topics which belong to the comparison, he will deal with in the contrary manner.

The common topics will be these, — the accuser will press his charges against the man who confesses some discreditable or pernicious action, or both, but still seeks to make some defence, and will allege the mischievous or discreditable nature of his conduct with great indignation. The advocate for the defence will insist upon it, that no action ought to be considered pernicious or discreditable, or, on the other hand, advantageous or creditable, unless it is ascertained with what intention, at what time, and on what account it was done. And this topic is so common, that if it is well handled in this cause it is likely to be of great weight in convincing the hearers. And there is another topic, by means of which the magnitude of the service done is demonstrated with very great amplification, by reference to the usefulness, or honourableness, or necessity of the action. And there is a third topic, by means of which the matter which is expressed in words is placed before the eyes of those men who are the hearers, so that they think that they themselves also would have done the same things, if the same circumstances and the same cause for doing so had happened to them at the same time.

The retorting of a charge takes place, when the accused person, having confessed that of which he is accused, says that he did it justifiably, being induced by the sin committed against him by the other party. As in this case—"Horatius, when he had slain the three Curiatii and lost his two brothers, returned home victorious. He saw his sister not troubled about the death of her brothers, but at the same time calling on the name of Curiatius, who had been betrothed to her, with groans and lamentation. Being indignant, he slew the maid". He is prosecuted.

The charge is, "You slew your sister wrongfully". The refutation is "I slew her lawfully". The question is, "Whether he slew her lawfully". The reason is, "Yes, for she was lamenting the death of enemies, and was indifferent to that of her brothers, she was grieved that I and the Roman people were victorious". The argument to invalidate this reason is, "Still she ought not to have been put to death by her brother without being convicted". On this the question for the decision of the judges is, "Whether when Horatia was showing her indifference to the death of her brothers, and lamenting that of the enemy, and not rejoicing at the victory of her brother and of the Roman people, she deserved to be put to death by her brother without being condemned".

XXVII For this kind of cause, in the first place, whatever is given out of the other statements of cases ought to be taken, as has been already enjoined when speaking of comparison. After that, if there is any opportunity of doing so, some statement of the case ought to be employed by which he to whom the crime is imputed may be defended. In the next place, we ought to argue that the fault which the accused person is imputing to another, is a lighter one than that which he himself committed; in the next place, we ought to employ some portion of a demurrer, and to show by whom, and through whose agency, and how, and when that matter ought to have been tried, or adjudged, or decided. And at the same time, we ought to show that it was not proper that punishment should have been inflicted before any judgment was pronounced. Then we must also point out the laws and the course of judicial proceeding by which that offence which the accused person punished of his own accord, might have been chastised according to precedent, and by the regular

course of justice. In the next place, it will be right to deny that it is proper to listen to the charge which is brought by the accused person against his victim, when he who brings it did not choose to submit it to the decision of the judges, and it may be urged that one ought to consider that on which no decision has been pronounced, as if it had not been done, and after that to point out the impudence of those men who are now before the judges accusing the man whom they themselves condemned without consulting the judges, and are now bringing him to trial on whom they have already inflicted punishment. After this we may say that it is bringing irregularity into the courts of justice, and that the judges will be advancing further than their power authorizes them, if they pronounce judgment at the same time in the case of the accused person, and of him whom the accused person impeaches. And in the next place, we may point out if this rule is established, and if men avenge one offence by another offence, and one injury by another injury, what vast inconvenience will ensue from such conduct, and that if the person who is now the prosecutor had chosen to do so too, there would have been no need of this trial at all, and that if every one else were to do so, there would be an end of all courts of justice.

After that it may be pointed out, that even if the maiden who is now accused by him of this crime had been convicted, he would not himself have had any right to inflict punishment on her, so that it is a shameful thing that the man who would have had no right to punish her, even if she had been convicted, should have punished her without her being even brought to trial at all. And then the accused person may be called upon to produce the law which he says justifies his having acted in such a manner.

After that, as we have enjoined when speaking of comparison, that that which is mentioned in comparison should be disparaged by the accuser as much as possible, so, too, in this kind of argument, it will be advantageous to compare the fault of the party on whom the accusation is retorted with the crime of the accused person who justified his action as having been lawfully done. And after that it is necessary to point out that that is not an action of such a sort, that on account of it this other crime ought to have been committed. The last point, as in the case of comparison, is the assumption of a judicial

decision, and the dilating upon it in the way of amplification, in accordance with the rules given respecting deliberation.

XXVIII But the advocate for the defence will invalidate what is urged by means of other statements from those topics which have already been given. But the demurrer itself he will prove first of all, by dwelling on the guilt and audacity of the man to whom he imputes the crime, and by bringing it before the eyes of the judges with as much indignation as possible if the case admits of it, and also with vehement complaint, and afterwards by proving that the accused person chastised the offence more lightly than the offender deserved, by comparing the punishment inflicted with the injury done. In the next place, it will be desirable to invalidate by opposite arguments those topics which are handled by the prosecutor in such a way that they are capable of being refuted and retorted, of which kind are the three last topics which I have mentioned. But that most vehement attack of the prosecutors, by which they attempt to prove that irregularity will be introduced into all the courts of justice if power is given to any man of inflicting punishment on a person who has not been convicted, will have its force much weakened, first of all, if the injury be shown to be such as appears intolerable not only to a good man but absolutely to any freeman, and in the next place to be so manifest that it could not have been denied even by the person who had done it, and moreover, of such a kind that the person who did chastise it was the person who above all others was bound to chastise it. So that it was not so proper nor so honourable for that matter to be brought before a court of justice as for it to be chastised in that manner in which, and by that person by whom it was chastised, and lastly, that the case was so notorious that there was no occasion whatever for a judicial investigation into it. And here it will be proper to show, by arguments and by other similar means, that there are very many things so atrocious and so notorious, that it is not only not necessary, but that it is not even desirable to wait for the slow proceedings of a judicial trial.

There is a common topic for an accuser to employ against a person, who, when he cannot deny the fact of which he is accused, still derives some hope from his attempt to show that irregularity will be introduced into all courts of justice by such proceedings. And here

there will come in the demonstration of the usefulness of judicial proceedings, and the complaint of the misfortune of that person who has been punished without being condemned; and the indignation to be expressed against the audacity and cruelty of the man who has inflicted the punishment. There is also a topic for the advocate for the defence to employ, in complaining of the audacity of the person whom he chastised; and in urging that the case ought to be judged of, not by the name of the action itself, but with reference to the intention of the person who committed it, and the cause for which, and the time at which it was committed. And in pointing out what great mischief will ensue either from the injurious conduct, or the wickedness of some one, unless such excessive and undisguised audacity were chastised by him whose reputation, or parents, or children, or something else which either necessarily is, or at least ought to be dear to every one, is affected, by such conduct.

XXIX. The transference of an accusation takes place when the accusation of that crime which is imputed to one by the opposite party is transferred to some other person or circumstance. And that is done in two ways. For sometimes the motive itself is transferred, and sometimes the act. We may employ this as an instance of the transference of the motive:—"The Rhodians sent some men as ambassadors to Athens. The quaestors did not give the ambassadors the money for their expenses which they ought to have given them. The ambassadors consequently did not go. They are impeached." The charge brought against them is, "They ought to have gone." The denial is, "They ought not." The question is, "Whether they ought." The reason alleged is, "Because the money for their expenses, which is usually given to ambassadors from the public treasury, was not given to them by the quaestor." The argument brought to invalidate that reason is, "Still you ought to have discharged the duty which was entrusted to you by the public authority." The question for the decision of the judges is, "Whether, as the money which ought to have been supplied from the public treasury was not furnished to those men who were appointed ambassadors, they were nevertheless bound to discharge the duties of their embassy." In this class of inquiry, as in all the other kinds, it will be desirable to see if anything can be assumed, either from a conjectural statement of the case, or

from any other kind of statement. And after that, many arguments can be brought to bear on this question, both from comparison, and from the transference of the guilt to other parties.

But the prosecutor will, in the first place, if he can, defend the man through whose fault the accused person says that that action was done; and if he cannot, he will declare that the fault of the other party has nothing to do with this trial, but only the fault of this man whom he himself is accusing. Afterwards he will say that it is proper for every one to consider only what is his own duty; and that if the one party did wrong, that was no reason for the other doing wrong too. And in the next place, that if the other man has committed a fault, he ought to be accused separately as this man is, and that the accusation of the one is not to be mixed up with the defence of the other.

But when the advocate for the defence has dealt with the other arguments, if any arise out of other statements of the case, he will argue in this way with reference to the transference of the charge to other parties. In the first place, he will point out to whose fault it was owing that the thing happened; and in the next place, as it happened in consequence of the fault of some one else, he will point out that he either could not or ought not to have done what the prosecutor says he ought: that he could not, will be considered with reference to the particulars of expediency, in which the force of necessity is involved; that he ought not, with reference to the honourableness of the proceeding. We will consider each part more minutely when talking of the deliberative kind of argument. Then he will say, that everything was done by the accused person which depended on his own power; that less was done than ought to have been, was the consequence of the fault of another person. After that, in pointing out the criminality of that other person, it will be requisite to show how great the good will and zeal of the accused person himself was. And that must be established by proofs of this sort — by his diligence in all the rest of the affair, by his previous actions, or by his previous expressions. And it may be well to show that it would have been advantageous to the man himself to have done this, and disadvantageous not to have done it, and that to have done it would have been more in accordance with the rest of his life, than the not having done it, which, was owing to the fault of the other party.

XXX But if the criminality is not to be transferred to some particular person, but to some circumstance, as in this very case—"If the quaestor had been dead, and on that account the money had not been given to the ambassadors," then, as the accusation of the other party, and the denial of the fault is removed, it will be desirable to employ the other topics in a similar manner, and to assume whatever is suitable to one's purpose from the divisions of admitted facts. But common topics are usually nearly the same to both parties, and then, after the previous topics are taken for granted, will suit either to the greatest certainty. The accuser will use the topic of indignation at the fact, the defender, when the guilt belongs to another and does not attach to himself, will urge that he does not deserve to have any punishment inflicted on him.

But the removal of the criminality from oneself is effected when the accused person declares, that what is attributed to him as a crime did not affect him or his duty, and asserts that if there was any criminality in it, it ought not to be attributed to him. That kind of dispute is of this sort—"In the treaty which was formerly made with the Samnites, a certain young man of noble birth held the pig which was to be sacrificed, by the command of the general. But when the treaty was disavowed by the senate, and the general surrendered to the Samnites, one of the senators asserted that the man who held the pig ought also to be given up." The charge is, "He ought to be given up." The denial is, "He ought not." The question is, "Whether he ought or not." The reason is, "For it was no particular duty of mine, nor did it depend on my power, being as young as I was, and only a private individual, and while the general was present with the supreme authority and command, to take care that the treaty was solemnised with all the regular formalities." The argument to invalidate this reason is, "But since you became an accomplice in a most infamous treaty, sanctioned with the most formal solemnities of religion, you ought to be surrendered." The question for the judges to decide is "Whether, since a man who had no official authority was present, by the command of the general, aiding and abetting in the adopting of the treaty, and in that important religious ceremony, he ought to be surrendered to the enemy or not." This kind of question is so far different from the previous one, because in that the accused

person admits that he ought to have done what the prosecutor says ought to have been done, but he attributes the cause to some particular circumstance or person, which was a hindrance to his own intention, without having recourse to any admission. For that has greater force, which will be understood presently. But in this case a man ought not to accuse the opposite party, nor to attempt to transfer the criminality to another, but he ought to show that that has not and never has had any reference whatever to himself, either in respect of power or duty. And in this kind of cause there is this new circumstance, that the prosecutor often works up a fresh accusation out of the topics employed, to remove the guilt from the accused person. As for instance,—"If any one accuses a man who, while he was praetor, summoned the people to take up arms for an expedition, at a time when the consuls were in the city." For as in the previous instance the accused person showed that the matter in question had no connexion with his duty or his power, so in this case also, the prosecutor himself, by removing the action done from the duty and power of the person who is put on his trial, confirms the accusation by this very argument. And in this case it will be proper for each party to examine, by means of all the divisions of honour and expediency, by examples, and tokens, and by arguing what is the duty, or right, or power of each individual, and whether he had that right, and duty, and power which is the subject of the present discussion, or not. But it will be desirable for common topics to be assumed from the case itself, if there is any room in it for expressions of indignation or complaint.

XXI. The admission of the fact takes place, when the accused person does not justify the fact itself, but demands to be pardoned for it. And the parts of this division of the case are two: purgation and deprecation. Purgation is that by which (not the action, but) the intention of the person who is accused, is defended. That has three subdivisions, — ignorance, accident, necessity.

Ignorance is when the person who is accused declares that he did not know something or other. As, “There was a law in a certain nation that no one should sacrifice a calf to Diana. Some sailors, when in a terrible tempest they were being tossed about in the open sea, made a vow that if they reached the harbour which they were in sight of, they would sacrifice a calf to the god who presided over that place. Being ignorant of the law, when they landed, they sacrificed a calf.” They are prosecuted. The accusation is, “You sacrificed a calf to a god to whom it was unlawful to sacrifice a calf.” The denial consists in the admission which has been already stated. The reason is, “I was not aware that it was unlawful.” The argument brought to invalidate that reason is, “Nevertheless, since you have done what was not lawful, you are according to the law deserving of punishment.” The question for the decision of the judge is, “Whether, as he did what he ought not to have done, and was not aware that he ought not to have done so, he is worthy of punishment or not.”

But accident is introduced into the admission when it is proved that some power of fortune interfered with his intention; as in this case:—”There was a law among the Lacedaemonians, that if the contractor failed to supply victims for a certain sacrifice, he should be accounted guilty of a capital offence; and accordingly, the man who had contracted to supply them, when the day of the sacrifice was at hand, began to drive in cattle from the country into the city. It happened on a sudden that the river Eurotus, which flows by Lacedaemon, was raised by some violent storms, and became so great and furious that the victims could not by any possibility be conveyed across. The contractor, for the sake of showing his own willingness, placed all the victims on the bank of the river, in order that every one on the other side of the river might be able to see them. But though, everyone was aware that it was the unexpected rise of the river which hindered him from giving effect to his zeal, still some people prosecuted him on the capital charge.” The charge was, “The victims which you were bound to furnish for the sacrifice were not furnished.” The reply was an admission of the fact. The reason alleged was, “For the river rose on a sudden, and on that

account it was impossible to convey them across." The argument used to invalidate that reason was, "Nevertheless, since what the law enjoins was not done, you are deserving of punishment." The question for the decision of the judges was, "Whether, as in that respect the contractor did not comply with the law, being prevented by the unexpected rise of the river which hindered his giving effect to his zeal, he is deserving of punishment."

XXXII. But the plea of necessity is introduced when the accused person is defended as having done what he is accused of having done under the influence of compulsion. In this way:—"There is a law among the Rhodians, that if any vessel with a beak is caught in their harbour, it shall be confiscated. There was a violent storm at sea; the violence of the winds compelled a vessel, against the will of her crew, to take refuge in the harbour of the Rhodians. On this the quaestor claims the vessel for the people. The captain of the ship declared that it was not just that it should be confiscated." The charge is, "A ship with a beak was caught in the harbour." The reply is an admission of the fact. The reason given is, "We were driven into the harbour by violence and necessity." The argument brought to invalidate that reason is, "Nevertheless, according to the law that ship ought to become the property of the people." The question for the decision of the judge is, "Whether, as the law confiscates every ship with a beak which is found in the harbour, and as this ship, in spite of the endeavours of her crew, was driven into the harbour by the violence of the tempest, it ought to be confiscated."

We have collected these examples of these three kinds of cases into one place, because a similar rule for the arguments required for these prevails in all of them. For in all of them, in the first place, it is desirable, if the case itself affords any opportunity of doing so, that a conjecture should be introduced by the accuser, in order that that which it will be stated was not done intentionally, may be demonstrated by some suspicious circumstances, to have been done intentionally. In the next place, it will be well to introduce a definition of necessity, or of accident, or of ignorance, and to add instances to that definition, in which ignorance, or accident, or necessity appear to have operated, and to distinguish between such instances and the allegations put forward by the accused person, (that

is to say, to show that there is no resemblance between them,) because this was a lighter or an easier matter, or one which did not admit of any one's being ignorant respecting it, or one which gave no room for accident or necessity. After that it must be shown that it might have been avoided, and, that the accused person might have prevented it if he had done this thing, or that thing, or that he might have guarded against being forced to act in such a manner. And it is desirable to prove by definitions that this conduct of his ought not to be called imprudence, or accident, or necessity, but indolence, indifference, or fatuity.

And if any necessity alleged appears to have in it anything discreditable, it will be desirable for the opponent, by a chain of common topics, to prove that it would have been better to suffer anything, or even to die, rather than to submit to a necessity of the sort. And then, from these topics, which have been already discussed when we spoke of the question of fact, it will be desirable to inquire into the nature of law and equity, and, as if we were dealing with an absolute juridical question, to consider this point by itself separately from all other points. And in this place, if there should be an opportunity, it will be desirable to employ instances in which there can be no room for any similar excuse, and also to institute a comparison, showing that there would have been more reason to allow it in them, and by reference to the divisions of deliberation, it may be shown that it is admitted that that action which was committed by the adversary is confessed to have been discreditable and useless, that it is a matter of great importance, and one likely to cause great mischief, if such conduct is overlooked by those who have authority to punish it.

XXXIII. But the advocate for the defence will be able to convert all these arguments, and then to use them for his own purposes. And he will especially dwell on the defence of his intentions, and in exaggerating the importance of that which was an obstacle to his intentions, and he will show that he could not have done more than he did do, and he will urge that in all things the will of the doer ought to be regarded, and that it is quite impossible that he should be justly convicted of not being free from guilt, and that under his name the common powerlessness of mankind is sought to be convicted. Then,

too, he will say that nothing can be more scandalous than for a man who is free from guilt, not also to be free from punishment. But the common topics for the prosecutor to employ are these, one resting on the confession of the accused person, and the other pointing out what great licence for the violation of the law will follow, if it is once laid down that the thing to be inquired into is not the action but the cause of the action. The common topics for the advocate for the defence to employ are, a complaint of that calamity which has taken place by no fault of his, but in consequence of some overruling power, and a complaint also of the power of fortune and the powerless state of men, and an entreaty that the judges should consider his intentions, and not the result. And in the employment of all these topics it will be desirable that there should be inserted a complaint of his own unhappy condition, and indignation at the cruelty of his adversaries.

And no one ought to marvel, if in these or other instances he sees a dispute concerning the letter of the law added to the rest of the discussion. And we shall have hereafter to speak of this subject separately, because some kinds of causes will have to be considered by themselves, and with reference to their own independent merits, and some connect with themselves some other kind of question also. Wherefore, when everything is cleared up, it will not be difficult to transfer to each cause whatever is suitable to that particular kind of inquiry, as in all these instances of admission of the fact, there is involved that dispute as to the law, which is called the question as to the letter and spirit of the law. But as we were speaking of the admission of the fact we gave rules for it. But in another place we will discuss the letter and the spirit of the law. At present we will limit our consideration to the other division of the admission of the fact.

XXXIV. Deprecation is when it is not attempted to defend the action in question, but entreaties to be pardoned are employed. This kind of topic can hardly be approved of in a court of justice, because, when the offence is admitted, it is difficult to prevail on the man who is bound to be the chastiser of offences to pardon it. So that it is allowable to employ that kind of address only when you do not rest the whole cause on it. As for instance, if you were speaking in behalf of some illustrious or gallant man, who has done great services to the

republic, you might, without appearing to have recourse to deprecation, still employ it in this manner:—”But if, O judges, this man, in return for the services which he has done you, and the zeal which he has displayed in your cause at all times, were now, when he himself is in such peril, to entreat you, in consideration of his many good actions, to pardon this one error, it would only be what is due both to your own character for clemency, and to his virtue, O judges, for you to grant him this indulgence at his request.” Then it will be allowable to dwell upon the services which he has done, and by the use of some common topic to lead the judges to feel an inclination to pardon him.

Wherefore, although this kind of address has no proper place in judicial proceedings, except to a certain limited extent; still, because both the portion which is allowable must be employed at times, and because it is often to be employed in all its force in the senate or in the council, we will give rules for it also. For there was a long deliberation in the senate and in the council about Syphax; and there was a long discussion before Lucius Opimius and his bench of assessors respecting Quintus Numitorius Pullus; and in this case the entreaty for pardon had more influence than the strict inquiry into the case. For he did not find it so easy to prove that he had always been well affected towards the Roman people, by employing the statement of the case founded on conjecture, as to show that it was reasonable to pardon him on account of his subsequent services, when he added the topics of deprecation to the rest of his defence.

XXXV. It will be desirable, therefore, for the man who entreats to be pardoned for what he admits that he has done, to enumerate whatever services of his he is able to, and, if possible, to show that they are greater than those offences which he has committed, so that it may appear that more good than evil has proceeded from him; and then to put forward also the services done by his ancestors, if there are any such; and also to show that he did what he did, not out of hatred, or out of cruelty, but either through folly, or owing to the instigation of some one, or for some other honourable or probable cause; and after that to promise and undertake that he has been taught by this error of his, and confirmed in his resolution also by the kindness of those who pardon him, to avoid all such conduct in

future. And besides this, he may hold out a hope that he will hereafter be able, in some respect or other, to be of great use to those who pardon him now; he will find it serviceable to point out that he is either related to the judges, or that he has been as far back as possible an hereditary friend of theirs; and to express to them the earnestness of his good-will towards them, and the nobility of the blood and dignity of those men who are anxious for his safety. And all other qualities and circumstances which, when attributable to persons, confer honour and dignity on them, he, using no complaint, and avoiding all arrogance, will point out as existing in himself, so that he may appear to deserve some honour rather than any kind of punishment; and after that it will be wise of him to mention other men who have been pardoned for greater offences.

And he will do himself a great deal of good if he shows that he himself, when in power, was merciful and inclined to pardon others. And the offence of which he is now accused must be extenuated and made to appear as trifling as possible; and it must be shown to be discreditable, or at all events inexpedient, to punish such a man as he is. After that it will be advisable to seek to move pity by use of common topics, according to those rules which have been laid down in the first book.

XXXVI. But the adversary will exaggerate the offences; he will say that nothing was done ignorantly, but that everything was the result of deliberate wickedness and cruelty. He will show that the accused person has been pitiless, arrogant, and (if he possibly can) at all times disaffected, and that he cannot by any possibility be rendered friendly. If he mentions any services done by him, he will prove that they were done for some private object, and not out of any good will; or else he will prove that he has conceived hatred since or else that all those services have been effaced by his frequent offences, or else that his services are of less importance than his injuries, or that, as he has already received adequate honours for his services, he ought also to have punishment inflicted on him for the injuries which he has committed. In the next place, he will urge that it is discreditable or pernicious that he should be pardoned. And besides that, it will be the very extremity of folly not to avail oneself of one's power over a man, over whom one has often wished to have

power, and that it is proper to consider what feelings, or rather what hatred they ought to entertain towards him. But one common topic to be employed will be indignation at his offence, and another will be the argument, that it is right to pity those who are in distress, owing to misfortune, and not those who are in such a plight through their own wickedness.

Since, then, we have been dwelling so long on the general statement of the case, on account of the great number of its divisions, in order to prevent any one's mind from being so distracted by the variety and dissimilarity of circumstances, and so led into some errors, it appears right also to remind the reader of what remains to be mentioned of that division of the subject, and why it remains. We have said, that that was the juridical sort of examination in which the nature of right and wrong, and the principles of reward and punishment, were investigated. We have explained the causes in which inquiry into right and wrong is proceeded with. It remains now to explain the principles which regulate the distribution of rewards and punishments.

XXXVII. For there are many causes which consist of a demand of some reward. For there is often question before the judges of the rewards to be conferred on prosecutors, and very often some reward is claimed for them from the senate, or from the bench of judges. And it is not advisable that any one should think that, when we are adducing some instance which is under discussion in the senate, we by so doing are abandoning the class of judicial examples. For whatever is said with reference to approving or disapproving of a person, when the consideration of the opinions of the judges is adapted to that form of expression, that, even although it is treated with reference to the language in which the opinion is couched, is a deliberative argument, still, because it has especial reference to some person, it is to be accounted also judicial. And altogether, a man who has diligently investigated the meaning and nature of all causes will perceive that they differ both in character and in form; but in the other divisions he will see them all consistent with each other, and every one connected with the other. At present, let us consider the question of rewards. Lucius Licinius Crassus, the consul, pursued and destroyed a band of people in the province of the Nearer Gaul,

who were collected together under no known or regular leader, and who had no name or number of sufficient importance to be entitled enemies of the Roman people; but still they made the province unsafe by their constant sallies and piratical outbreaks. He returns to Rome. He demands a triumph. Here, as also in the case of the employment of deprecation, it does not at all concern us to supply reasons to establish and to invalidate such a claim, and so to come before the judges; because, unless some other statement of the case is also put forth, or some portion of such statement, the matter for the decision of the judges will be a simple one, and will be contained in the question itself. In the case of the employment of deprecation, in this manner: "Whether so and so ought to be punished." In this instance, in such a manner: "Whether he ought to be rewarded."

Now we will furnish some topics suitable for the investigation into the principles of rewards.

XXXVIII. The principle, then, on which rewards are conferred is distributable into four divisions: as to the services done; the person who has done them; the kind of reward which is to be conferred; and the means of conferring it. The services done will be considered with reference to their own intrinsic merits, and to the time, and to the disposition of the man who did them, and to their attendant circumstances. They will be examined with reference to their own intrinsic merits, in this manner: — Whether they are important or unimportant; whether they were difficult or easy; whether they are of a common or extraordinary nature; whether they are considered honourable on true or false principles. And with reference to the time at which they were done: — If they were done at a time when we had need of them; when other men could or would not help them; if they were done when all other hope had failed. With reference to the disposition of the man who did them: — If he did not do them with a view to any advantage of his own, but if he did everything else for the express purpose of being able to do this afterwards. And with reference to the attendant circumstances: — If what was done appears not to have been done by chance, but in consequence of some deliberate design, or if chance appears to have hindered the design.

But, with respect to the man who did the service in question, it

will be requisite to consider in what manner he has lived, and what expense or labour he has devoted to that object; whether he has at any time done any other similar action; whether he is claiming a reward for himself for what is in reality the result of another person's exertions, or of the kindness of the gods. Whether he has ever, in the case of any one else, pronounced that he ought not to be rewarded for such a reason; or, whether he has already had sufficient honour paid to him for what he has done; or, whether what has been done is an action of such a sort that, if he had not done it, he would have been deserving of punishment; but that he does not deserve reward for having done it; or, whether he is premature in his demand for a reward, and is proposing to sell an uncertain hope for a certain reward; or, whether he claims the reward in order to avoid some punishment, by its appearing as if the case had already been decided in his favour.

XXXIX. But as to the question of the reward, it will be necessary to consider what reward, how great a reward is claimed, and why it is claimed; and also, to what reward, and to how great a reward, the conduct in question is entitled. And in the next place, it will be requisite to inquire what men had such honours paid them in the time of our ancestors, and for what causes those honours were paid. And, in the next place, it will be urged that they ought not to be made too common. And this will be one common topic for any one who speaks in opposition to a person who claims a reward; — that rewards for virtue and eminent services ought to be considered serious and holy things, and that they ought not to be conferred on worthless men, or to be made common by being bestowed on men of no particular eminence. And another will be, to urge that men will become less eager to practise virtue when the reward of virtue has been made common; for those things which are scarce and difficult of attainment appear honourable and acceptable to men. And a third topic is, to put the question, whether, if there are any instances of men who, in the times of our ancestors, were thought worthy of such honours on account of their eminent virtue, they will not be likely to think it some diminution of their own glory, when they see that such men as these have such rewards conferred on them. And then comes the enumeration of those men, and the comparison of them with those

against whom the orator is speaking. But the topics to be used by the man who is claiming the reward are, first of all, the exaggeration of his own action; and next, the comparison of the actions of those men who have had rewards conferred on them with his own; and lastly, he will urge that other men will be repelled from the pursuit of virtue if he himself is denied the reward to which he is entitled.

But the means of conferring the rewards are taken into consideration when any pecuniary reward is asked for; for then it is necessary to consider whether there is an abundance of land, and revenue, and money, or a dearth of them. The common topics are, — that it is desirable to increase the resources of the state, not to diminish them; and that he is a shameless man who is not content with gratitude in requital of his services, but who demands also solid rewards. But, on the other hand, it may be urged, that it is a sordid thing to argue about money, when the question is about showing gratitude to a benefactor; and that the claimant is not asking wages for a piece of work, but honour such as is due for an important service.

And we have now said enough about the statements of cases; now it seems necessary to speak of those controversies which turn upon the letter of the law.

XL. The controversy turns upon the letter of the law when some doubt arises from the consideration of the exact terms in which it is drawn up. That arises from ambiguity, from the letter of the law, from its intention, from contrary laws, from ratiocination, and definition. But a controversy arises from ambiguity, when it is an obscure point what was the intention of the writer, because the written words mean two or even more different things. In this manner:—”The father of a family, when he was making his son his heir, left a hundredweight of silver plate to his wife, in these terms:

“Let my heir give my wife a hundredweight of silver plate, consisting of such vessels as may be chosen. After he was dead, the mother demands of her son some very magnificent vessels of very valuable carving. He says that he is only bound to give her those vessels which he himself chooses.” Here, in the first place, it is necessary to show if possible that the will has not been drawn up in ambiguous terms, because all men in ordinary conversation are

accustomed to employ that expression, whether consisting of one word or more, in that meaning in which the speaker hopes to show that this is to be understood. Then it is desirable to prove that from both the preceding and subsequent language of the will, the real meaning which is being sought may be made evident. So that if all the words, or most of them, were considered separately by themselves, they would appear of doubtful meaning. But as for those which can be made intelligible by a consideration of the whole document, these have no business to be thought obscure.

In the next place, it will be proper to draw one's conclusion as to the intentions which were entertained by the writer from all his other writings, and actions, and sayings, and his general disposition, and from the usual tenor of his life; and to scrutinise that very document in which this ambiguous phrase is contained which is the subject of the present inquiry, all over, in all its parts, so as to see whether there is anything opposite to that interpretation which we contend for, or contrary to that which the adversary insists on adopting. For it will be easy to consider what it is probable that the man who drew up the document intended, from its whole tenor, and from the character of the writer, and from those other circumstances which are characteristic of the persons concerned. In the next place, it will be desirable to show, if the facts of the case itself afford any opportunity for doing so, that that meaning which the opposite party contends for, is a much more inconvenient one to adopt than that which we have assumed to be the proper one, because there is no possible means of carrying out or complying with that other meaning; but what we contend for can be accomplished with great ease and convenience.

As in this law (for there is no objection to citing an imaginary one for the sake of giving an instance, in order to the more easy comprehension of the matter):—"Let not a prostitute have a golden crown. If such a case exists, it must be confiscated." Now, in opposition to a man who contended that that was to become public property in accordance with this law, it might be argued, "that there could be no way of making a prostitute public property, and there is no intelligible meaning for the law if that is what is to be adopted as its proper construction; but as to the confiscation of anything made of

gold, the management and the result is easy, and there is no difficulty in it."

XLI. And it will be desirable also to pay diligent attention to this point, whether if that sense is sanctioned which the opposite party contends for, any more advantageous, or honourable, or necessary object appears to have been omitted by the framer of the document in question. That will be done if we can prove that the object which we are attempting to prove is either honourable, or expedient, or necessary; and if we can also assert that the interpretation which our adversaries insist upon, is not at all entitled to such a character. In the next place, if there is in the law itself any controversy arising from any ambiguity, it will be requisite to take great care to show that the meaning which our adversaries adopt is provided for in some other law. But it will be very serviceable indeed to point out how the testator would have expressed himself, if he had wished the interpretation which the adversary puts upon his words to be carried into execution or understood. As for instance, in this cause, the one, I mean, in which the question is about the silver plate, the woman might argue, "That there was no use in adding the words 'as may be chosen,' if the matter was left to the selection of the heir; for if no such words had been inserted, there could have been no doubt at all that the heir might have given whatever he himself chose. So that it was downright madness, if he wished to take precautions in favour of his heir, to add words which might have been wholly left out without such omission prejudicing his heir's welfare."

Wherefore, it will be exceedingly advisable to employ this species of argument in such causes:—"If he had written with this intention he would not have employed that word; he would not have placed that word in that place;" for it is from such particulars as these that it is easiest to collect the intention of the writer. In the next place, it is necessary to inquire when the document was drawn up, in order that it may be understood what it was likely that he should have wished at such a time. Afterwards it will be advisable to point out, by reference to the topics furnished by the deliberative argument, what is more useful and what more honourable to the testator to write, and to the adversary to prove; and it will be well for both parties to employ common topics, if there is any room for extending either argument.

XLII. A controversy arises with respect to the letter of the document and to its meaning, when one party employs the very words which are set down in the paper; and the other applies all his arguments to that which he affirms that the framer of the document intended. But the intention of the framer of the document must be proved by the man who defends himself, by reference to that intention, to have always the same object in view and the same meaning; and it must also, either by reference to the action or to some result, be adapted to the time which the inquiry concerns. It must be proved always to have the same object in view, in this way: —"The head of a house, at a time when he had no children, but had a wife, inserted this clause in his will: 'If I have a son or sons born to me, he or they is or are to be my heir or heirs.' Then follow the ordinary provisions. After that comes the following clause: 'If my son dies before he comes into the property, which is held in trust for him, then,' says the clause, 'you shall be my reversionary heir.' He never has a son. His next of kin raise a dispute with the man who is named as the heir, in the case of the testator's son dying before he comes into the property which his guardians are holding for him." In this case it cannot be said that the meaning of the testator ought to be made to suit the time or some particular result, because that intention alone is proved on which the man who is arguing against the language of the will relies, in order to defend his own right to the inheritance.

There is another class of topics which introduce the question as to the meaning of expressions, in which the mere simple intention of the framer is not endeavoured to be proved, for that has the same weight with reference to every period and every action; but it is argued that it ought to be interpreted with reference to some particular action, or to some event happening at that particular time. And that is especially supported by the divisions of the juridical assumptive mode of investigation. For then the comparison is instituted; as in the case of "a man who, though the law forbad the gates to be opened by night, did open them in a certain war, and admitted some reinforcements into the town, in order to prevent their being overwhelmed by the enemy if they remained outside the gates; because the enemy were encamped close to the walls." Then comes

the retorting of the charge; as in the case of “that soldier who, when the common law of all men forbad any one to kill a man, slew his own military tribune who was attempting to offer violence to him.” Then comes the exculpation; as in the case of “that man who, when the law had appointed some particular days within which he was to proceed on his embassy, did not set out because the quaestor did not furnish him with money for his expenses.” Then comes the admission of the fact by way of purgation, and also by the excuse of ignorance; as “in the case of the sacrificing a calf;” and with reference to compulsion, as “in the case of the beaked ship;” and with reference to accident, as “in the case of the sudden rise of the river Eurotas.” Wherefore, it is best that the meaning should be introduced in such a way, as that the framer of the law should be proved to have intended some one definite thing; else in such a way that he should be proved to have meant this particular thing, under these circumstances, and at this time.

XLIII. He, therefore, who is defending the exact language of the law, will generally be able to use all these topics; and will always be able to use the greater part of them. First of all, he will employ a panegyric of the framer of it, and the common topic that those who are the judges have no business to consider anything except what is expressly stated in the law; and so much the more if any legal document be brought forward, that is to say, either the law itself, or some portion of the law. Afterwards — and this is a point of the greatest importance — he will employ a comparison of the action or of the charge brought by the opposite party with the actual words of the law; he will show what is contained in the law, what has been done, what the judge has sworn. And it will be well to vary this topic in many ways, sometimes professing to wonder in his own mind what can be said against this argument; sometimes recurring to the duty of the judge, and asking of him what more he can think it requisite to hear, or what further he expects; sometimes by bringing forward the adversary himself, as if in the position of a person making an accusation; that is to say, by asking him whether he denies that the law is drawn up in that manner, or whether he denies that he himself has contravened it, or disputed it. If he denies either of these points, then one must avow that one will say no more; if he

denies neither of them, and yet continues to urge his arguments in opposition to one, then one must say that it is impossible for any one ever to expect to see a more impudent man. And it will be well to dwell on this point as if nothing besides were to be said, as if nothing could be said in contradiction, by reciting several times over what is written; by often contrasting the conduct of the adversary with what is written; and sometimes by recurring vehemently to the topic of the judge himself; in which one will remind the judge of what oath he has taken, of what his conduct is bound to be; and urge that there are two causes on account of which a judge is bound to hesitate, one if the law be obscurely worded, the other if the adversary denies anything. But as in this instance the wording of the law is plain, and the adversary admits every fact that is alleged, the judge has now nothing to do but to fulfil the law, and not to interpret it.

XLIV. When this point has been sufficiently insisted on, then it will be advisable to do away with the effect of those things which the adversary has been able to urge by way of objection. But such objections will be made if the framer of the law can be absolutely proved to have meant one thing, and written another; as in that dispute concerning the will which we mentioned just now: or some adventitious cause may be alleged why it was not possible or not desirable to obey the written law minutely. If it is stated that the framer of the law meant one thing, and wrote another, then he who appeals to the letter of the law will say that it is our business not to discuss the intention of a man who has left us a plain proof of that intention, to prevent our having any doubt about it; and that many inconveniences must ensue if the principle is laid down that we may depart from the letter of the law. For that then those who frame laws will not think that the laws which they are making will remain firm; and those who are judges will have no certain principle to follow if once they get into the habit of departing from the letter of the law. But if the intention of the framer of the law is what is to be looked at, then it is he, and not his adversaries, who relies on the meaning of the lawgiver. For that that person comes much nearer to the intention of the framer of a law who interprets it from his own writings, than he who does not look at the meaning of the framer of the law by that writing of his own which he has left to be as it were an image of his

meaning, but who investigates it under the guidance of some private suspicions of his own.

If the party who stands on the meaning of the lawgiver brings forward any reasons, then, in the first place, it will be necessary to reply to those reasons; to urge how absurd it is for a man not to deny that he has acted contrary to the law, but at the same time to give some reason for having acted so. Then one will say too that all things are turned upside down; that formerly prosecutors were in the habit of trying to persuade the judges that the person who was being prosecuted before them was implicated in some fault, and of alleging some reasons which had instigated him to commit this fault; but that now the accused person himself is giving the reasons why he has offended against the laws. Then it will be proper to introduce this division, each portion of which will have many lines of argument suitable to it: in the first place, that there is no law with reference to which it is allowable to allege any reasons contrary to the law; in the next place, that if such a course is admissible in any law, this is such a law that it is not admissible with respect to it; and lastly, that, even if such reasons ever might be alleged, at all events this is not such a reason.

XLV. The first part of the argument is confirmed by pretty nearly the same topics as these: that the framer of the law was not deficient in either ability, or pains, or any faculty requisite to enable him to express plainly what his intention was; that it would not have been either displeasing or difficult to him to insert such an exception as that which the opposite party contends for in his law, if he thought any exception requisite; and in fact, that those people who frame laws often do insert clauses of exceptions. After that it is well to enumerate some of the laws which have exceptional clauses attached to them, and to take especial care to see whether in the law itself which is under discussion there is any exception made in any chapter, or whether the same man who framed this law has made exceptions in other laws, so that it may be more naturally inferred that he would have made exceptions in this one, if he had thought exceptions requisite; and it will be well also to show that to admit of a reason for violating the law is the same thing as abrogating the law, because when once such a reason is taken into consideration it is no

use to consider it with reference to the law, inasmuch as it is not stated in the law. And if such a principle is once laid down, then a reason for violating the law, and a licence to do so, is given to every one, as soon as they perceive that you as judges decide the matter in a way which depends on the ability of the man who has violated the law, and not with reference to the law which you have sworn to administer. Then, too, one must point out that all principles on which judges are to judge, and citizens are to live, will be thrown into confusion if the laws are once departed from; for the judges will not have any rules to follow, if they depart from what is set down in the law, and no principles on which they can reprove others for having acted in defiance of the law. And that all the rest of the citizens will be ignorant what they are to do, if each of them regulates all his actions according to his own ideas, and to whatever whim or fancy comes into his head, and not according to the common statute law of the state.

After that it will be suitable to ask the judges why they occupy themselves at all with the business of other people; — why they allow themselves to be harassed in discharging the offices of the republic, when they might often spend the time in promoting their own ends and private interests; — why they take an oath in a certain form; — why they assemble at a regular time and go away at a regular time; — why no one of them ever alleges any reason for being less frequent in his discharge of his duty to the republic, except such as is set down in some formal law as an exception. And one may ask, whether they think it right that they should be bound down and exposed to so much inconvenience by the laws, and at the same time allow our adversaries to disregard the laws. After that it will be natural to put the question to the judges whether, when the party accused himself endeavours to set down in the law, as an exception, that particular case in which he admits that he has violated the law, they will consent to it. And to ask also, whether what he has actually done is more scandalous and more shameless than the exception which he wishes to insert in the law; — what indeed can be more shameless? Even if the judges were inclined to make such an addition to the law, would the people permit it? One might also press upon them that this is even a more scandalous measure, when they

are unable to make an alteration in the language and letter of the law, to alter it in the actual facts, and to give a decision contrary to it; and besides, that it is a scandalous thing that anything should be taken from the law, or that the law should be abrogated or changed in any part whatever, without the people having any opportunity of knowing, or approving, or disapproving of what is done; that such conduct is calculated to bring the judges themselves into great odium; that it is not the proper time nor opportunity for amending the laws; that this ought only to be brought forward in an assembly of the people, and only to be done by the people; that if they now do so, the speaker would like to know who is the maker of the new law, and who are to obey it; that he sees actions impending, and wishes to prevent them; that as all such proceedings as these are exceedingly useless and abundantly discreditable, the law, whatever it is like, ought, while it exists, to be maintained by the judges, and hereafter, if it is disapproved of, to be amended by the people. Besides this, if there were no written law, we should take great trouble to find one; and we should not place any confidence in that man, not even if he were in no personal danger himself; but now, when there is a written law, it is downright insanity to attend to what that man says who has violated the law, rather than to the language of the law itself. By these and similar arguments it is proved that it is not right to admit any excuse which is contrary to the letter of the law.

XLVI. The second part is that in which it is desirable to prove that if such a proceeding is right with respect to other laws, it is not advisable with respect to this one. This will be shown if the law appears to refer to matters of the greatest importance, and usefulness, and honourableness, and sanctity; so that it is disadvantageous, or discreditable, or impious not to obey the law as carefully as possible in such a matter. Or the law may be proved to have been drawn up so carefully, and such great diligence may be shown to have been exercised in framing each separate provision of it, and in making every exception that was allowable, that it is not at all probable that anything proper to be inserted has been omitted in so carefully considered a document.

The third topic is one exceedingly necessary for a man who is arguing in defence of the letter of the law; by which it may be urged,

that even if it is decent for an excuse to be admitted contrary to the letter of the law, still that excuse which is alleged by his adversaries is of all others the least proper to be so alleged. And this topic is necessary for him on this account, — because the man who is arguing against the letter of the law ought always to have some point of equity to allege on his side. For it is the greatest possible impudence for a man who wishes to establish some point in opposition to the exact letter of the law, not to attempt to fortify himself in so doing, with the assistance of the law. If therefore the accuser in any respect weakens the defence by this topic, he will appear in every respect to have more justice and probability in favour of his accusation. For all the former part of his speech has had this object, — that the judges should feel it impossible, even if they wished it, to avoid condemning the accused person; but this part has for its object the making them wish to give such a decision, even if it were not inevitable.

And that result will be obtained, if we use those topics by which guilt may be proved not to be in the man who defends himself, by using the topic of comparison, or by getting rid of the accusation, or by recrimination, or by some species of confession, (concerning all which topics we have already written with all the precision of which we were capable,) and if we take those which the case will admit of for the purpose of throwing discredit on the argument of our adversary; — or if reasons and arguments are adduced to show why or with what design those expressions were inserted in the law or will in question, so that our side of the question may appear established by the meaning and intention of the writer, and not only by the language which he has employed. Or the fact may be proved by other statements and arguments.

XLVII. But any one who speaks against the letter of the law will first of all introduce that topic by which the equity of the excuse is proved; or he will point out with what feelings, with what design, and on what account he did the action in question. And whatever excuse he alleges he will defend according to some of the rules which I have already given with respect to assumptions. And when he has dwelt on this topic for some time, and set forth the principles of his conduct and the equity of his cause in the most specious manner he can, he will also add, in opposition to the arguments of his adversaries, that it is from these topics for the most part that excuses which are admissible ought to be drawn. He will urge that there is no law which sanctions the doing of any disadvantageous or unjust action; that all punishments which are enacted by the laws have been enacted for the sake of chastising guilt and wickedness; that the very framer of the laws, if he were alive, would approve of this conduct, and would have done the very same thing himself if he had been in similar circumstances. And that it is on this account that the framer of the law appointed judges of a certain rank and age, in order that there might be men, not capable merely of reading out what he had written, which any boy might do, but able also to understand his thoughts and to interpret his intentions. He will add, that that framer of the law, if he had been intrusting the laws which he was drawing up to foolish men and illiterate judges, would have set down everything with the most scrupulous diligence; but, as it is, because he was aware what sort of men were to be the judges, he did not put down many things which appeared to him to be evident; and he expected that you would be not mere readers of his writings, but interpreters of his intentions. Afterwards he will proceed to ask his adversaries—"What would you say if I had done so and so?" "What would you think if so and so had happened?" "Suppose any one of those things had happened which would have had a most unfailing excuse, or a most undeniable necessity, would you then have prosecuted me?" But the law has nowhere made any such exception. It follows, therefore, that it is not every possible circumstance which is mentioned in the written law but that some things which are self-evident are guarded against by unexpressed exceptions. Then he will

urge, that nothing could be carried on properly either by the laws or by any written document whatever, or even in daily conversation, or in the commands given in a private household, if every one chose to keep his eyes on the exact language of the order, and not to take into consideration the intentions of him who uttered the order.

XLVIII. After that he will be able, by reference to the divisions of usefulness and honour, to point out how inexpedient or how dishonourable that would have been which the opposite party say ought to have been done, or to be done now. And on the other hand, how expedient and how honourable that is which we have done, or demand should be done. In the next place, he will urge that we set a value on our laws not on account of their wording, which is a slight and often obscure indication of their intention, but on account of the usefulness of those things concerning which they are written, and the wisdom and diligence of those men who wrote them. Afterwards he will proceed to describe what the law is, so that it shall appear to consist of meanings, not of words; and that the judge may appear to be obedient to the law, who follows its meaning and not its strict words. After that he will urge how scandalous it is that he should have the same punishment inflicted on him who has violated the law out of some mere wickedness and audacity, as on the man who, on account of some honourable or unavoidable reason, has departed not from the spirit of the law, but from its letter. And by these and similar arguments he will endeavour to prove that the excuse is admissible, and is admissible in this law, and that the excuse which he himself is alleging ought to be admitted.

And, as we said that this would be exceedingly useful to the man who was relying on the letter of the law, to detract in some degree from that equity which appeared to be on the side of the adversary; so also it will be of the greatest advantage to the man who is speaking in opposition to the letter of the law, to convert something of the exact letter of the law to his own side of the argument, or else to show that something has been expressed ambiguously. And afterwards, to take that portion of the doubtful expression which may serve his own purpose, and defend it; or else to introduce some definition of a word, and to bring over the meaning of that word which seems unfavourable to him to the advantage of his own cause,

or else, from what is set down in the law to introduce something which is not set down by means of ratiocination, which we will speak of presently. But in whatever matter, however little probable it may be, he defends himself by an appeal to the exact letter of the law, even when his case is full of equity, he will unavoidably gain a great advantage, because if he can withdraw from the cause of the opposite party that point on which it principally relies, he will mitigate and take off the effect of all its violence and energy. But all the rest of the common topics taken from the divisions of assumptive argument will suit each side of the question. It will also be suitable for him whose argument takes its stand on the letter of the law, to urge that laws ought to be looked at, not with reference to the advantage of that man who has violated them, but according to their own intrinsic value, and that nothing ought to be considered more precious than the laws. On the other side, the speaker will urge, that laws depend upon the intention of the framer of them, and upon the general advantage, not upon words, and also, how scandalous it is for equity to be overwhelmed by a heap of letters, and defended in vain by the intention of the man who drew up the law.

XLIX. But from contrary laws a controversy arises, when two or more laws appear to be at variance with one another In this manner — There is a law, "That he who has slain a tyrant shall receive the regard of men who conquer at Olympia, and shall also ask whatever he pleases of the magistrate, and the magistrate shall grant it to him." There is also another law—"When a tyrant is slain, the magistrate shall also put to death his five nearest relations." Alexander, who was the tyrant of Pherse, a city in Thessaly, was slain by his own wife, whose name was Thebe, at night, when he was in bed with her, she, as a reward, demands the liberty of her son whom she had by the tyrant. Some say that according to this law that son ought to be put to death. The matter is referred to a court of justice. Now in a case of this kind the same topics and the same rules will suit each side of the question, because each party is bound to establish his own law, and to invalidate the one contrary to it. First of all, therefore, it is requisite to show the nature of the laws, by considering which law has reference to more important, that is to say, to more honourable and more necessary matters. From which it results, that if two or

more, or ever so many laws cannot all be maintained, because they are at variance with one another, that one ought to be considered the most desirable to be maintained, which appears to have reference to the most important matters. Then comes the question also, which law was passed last; for the newest law is the most important. And also, which law enjoins anything, and which merely allows it; for that which is enjoined is necessary, that which is allowed is optional. Also one must consider by which law a penalty is appointed for the violation of it; or which has the heaviest penalty attached to it; for that law must be the most carefully maintained which is sanctioned by the most severe penalties. Again, one must inquire which law enjoins, and which forbids anything; for it often happens that the law which forbids something appears by some exception as it were to amend the law which commands something. Then, too, it is right to consider which law comprehends the entire class of subjects to which it refers, and which embraces only a part of the question; which may be applied generally to many classes of questions, and which appears to have been framed to apply to some special subject. For that which has been drawn up with reference to some particular division of a subject, or for some special purpose, appears to come nearer to the subject under discussion, and to have more immediate connexion with the present action. Then arises the question, which is the thing which according to the law must be done immediately; which will admit of some delay or slackness in the execution. For it is right that that should be done first which must be done immediately. In the next place, it is well to take pains that the law one is advocating shall appear to depend on its own precise language; and that the law with a contrary sense should appear to be introduced with a doubtful interpretation, or by some ratiocination or definition, in order that that law which is expressed in plain language may appear to be the more solemn and efficient. After that it will be well to add the meaning of the law which is on one's own side according to the strict letter of it; and also to explain the opposite law so as to make it appear to have another meaning, in order that, if possible, they may not seem to be inconsistent with one another. And, last of all, it will be a good thing, if the cause shall afford any opportunity for so doing, to take care that on our principles both the laws may seem to

be upheld, but that on the principle contended for by our adversaries one of them must be put aside. It will be well also to consider all the common topics and those which the cause itself furnishes, and to take them from the most highly esteemed divisions of the subjects of expediency and honour, showing by means of amplification which law it is most desirable to adhere to.

L. From ratiocination there arises a controversy when, from what is written somewhere or other, one arrives at what is not written anywhere; in this way:—"If a man is mad, let those of his family and his next of kin have the regulation of himself and of his property." And there is another law—"In whatever manner a head of a family has made his will respecting his family and his property, so let it be." And another law—"If a head of a family dies intestate, his family and property shall belong to his relations and to his next of kin." A certain man was convicted of having murdered his father. Immediately, because he was not able to escape, wooden shoes were put upon his feet, and his mouth was covered with a leathern bag, and bound fast, then he was led away to prison, that he might remain there while a bag was got ready for him to be put into and thrown into a river. In the meantime some of his friends bring tablets to the prison, and introduce witnesses also; they put down those men as his heirs whom he himself desires; the will is sealed; the man is afterwards executed. There is a dispute between those who are set down as his heirs in the will, and his next of kin, about his inheritance. In this instance there is no positive law alleged which takes away the power of making a will from people who are in such a situation. But from other laws, both those which inflict a punishment of this character on a man guilty of such a crime, and those, too, which relate to a man's power of making a will, it is possible to come by means of ratiocination to a conclusion of this sort, that it is proper to inquire whether he had the power of making a will.

But we think that these and such as these are the common topics suitable to an argument of this description. In the first place, a panegyric upon, and a confirmation of that writing which you are producing. Then a comparison of the matter which is the subject of discussion, with that which is a settled case, in such a manner that the case which is under investigation may appear to resemble that

about which there are settled and notorious rules. After that, one will express admiration, (by way of comparison), how it can happen that a man who admits that this is fair, can deny that other thing, which is either more equitable still, or which rests on exactly similar principles; then, too, one will contend that the reason why there is no precise law drawn up for such a case, is because, as there was one in existence applicable to the other case, the framer of that law thought that no one could possibly entertain a doubt in this case; and afterwards it will be well to urge that there are many cases not provided for in many laws, which beyond all question were passed over merely because the rule as to them could be so easily collected out of the other cases which were provided for; and last of all, it is necessary to point out what the equity of the case requires, as is done in a plain judicial case.

But the speaker who is arguing on the other side is bound to try and invalidate the comparison instituted, which he will do if he can show that that which is compared is different from that with which it is compared in kind, in nature, in effect, in importance, in time, in situation, in character, in the opinion entertained of it; if it is shown also in what class that which is adduced by way of comparison ought to stand, and in what rank that also ought to be considered, for the sake of which the other thing is mentioned. After that, it will be well to point out how one case differs from the other, so that it does not seem that any one ought to have the same opinion of both of them. And if he himself also is able to have recourse to ratiocination, he must use the same ratiocination which has been already spoken of. If he cannot, then he will declare that it is not proper to consider anything except what is written; that all laws are put in danger if comparisons are once allowed to be instituted; that there is hardly anything which does not seem somewhat like something else; that when there are many circumstances wholly dissimilar, still there are separate laws for each individual case; and that all things can be proved to be like or unlike to each other. The common topics derived from ratiocination ought to arrive by conjecture from that which is written to that which is not written; and one may urge that no one can embrace every imaginable case in a written law, but that he frames a law best who takes care to make one thing understood from another.

One may urge, too, that in opposition to a ratiocination of this sort, conjecture is no better than a divination, and that it would be a sign of a very stupid framer of laws not to be able to provide for everything which he wished to.

LI. Definition is when a word is set down in a written document, whose exact meaning is inquired into, in this manner: — There is a law, "Whoever in a severe tempest desert their ship shall be deprived of all their property; the ship and the cargo shall belong to those men who remain by the ship." Two men, when they were sailing on the open sea, and when the ship belonged to one of them and the cargo to another, noticed a shipwrecked man swimming and holding out his hands to them. Being moved with pity they directed the ship towards him, and took the man into their vessel. A little afterwards the storm began to toss them also about very violently, to such a degree that the owner of the ship, who was also the pilot, got into a little boat, and from that he guided the ship as well as he could by the rope by which the boat was fastened to the ship, and so towed along; but the man to whom the cargo belonged threw himself on his sword in despair. On this the shipwrecked man took the helm and assisted the ship as far as he could. But after the waves went down and the tempest abated, the ship arrived in harbour. But the man who had fallen on his sword turned out to be but slightly wounded, and easily recovered of his wound. And then every one of these three men claimed the ship and cargo for his own. Every one of them relies on the letter of the law to support their claim, and a dispute arises as to the meaning of the words. For they seek to ascertain by definitions what is the meaning of the expressions "to abandon the ship," "to stand by the ship," and even what "the ship" itself is. And the question must be dealt with with reference to all the same topics as are employed in a statement of the case which turns upon a definition.

Now, having explained all those argumentations which are adapted to the judicial class of causes, we will proceed in regular order to give topics and rules for the deliberative and demonstrative class of arguments; not that there is any cause which is not at all times conversant with some statement of the case or other; but because there are nevertheless some topics peculiar to these causes, not separated from the statement of the case, but adapted to the

objects which are more especially kept in view by these kinds of argumentation.

For it seems desirable that in the judicial kind the proper end is equity; that is to say, some division of honesty. But in the deliberative kind Aristotle thinks that the proper object is expediency; we ourselves, that it is expediency and honesty combined. In the demonstrative kind it is honesty only. Wherefore, in this kind of cause also, some kinds of argumentation will be handled in a common manner, and in similar ways to one another. Some will be discussed more separately with reference to their object, which is what we must always keep in view in every kind of speech. And we should have no objection to give an example of each kind of statement of the case, if we did not see that, as obscure things are made more plain by speaking of them, so also things which are plain are sometimes made more obscure by a speech. At present let us go on to precepts of deliberation.

LII. Of matters to be aimed at there are three classes; and on the other hand there is a corresponding number of things to be avoided. For there is something which of its own intrinsic force draws us to itself, not catching us by any idea of emolument, but alluring us by its own dignity. Of this class are virtue, science, truth. And there is something else which seems desirable, not on account of its own excellence or nature, but on account of its advantage and of the utility to be derived from it — such as money. There are also some things formed of parts of these others in combination, which allure us and draw us after them by their own intrinsic character and dignity, and which also hold out some prospect of advantage to us, to induce us to seek it more eagerly, as friendship, and a fair reputation; and from these their opposites will easily be perceived, without our saying anything about them.

But in order that the principle may be explained in the more simple way, the rules which we have laid down shall be enumerated briefly. For those which belong to the first kind of discussion are called honourable things; those which belong to the second, are called useful things; but this third thing, because it contains some portion of what is honourable, and because the power of what is honourable is the more important part, is perceived to be altogether a

compound kind, made up of a twofold division; still it derives its name from its better part, and is called honourable. From this it follows, that there are these parts in things which are desirable, — what is honourable, and what is useful. And these parts in things which are to be avoided, — what is dishonourable, and what is useless. Now to these two things there are two other important circumstances to be added, — necessity and affection: the one of which is considered with reference to force, the other with reference to circumstances and persons. Hereafter we will write more explicitly about each separately. At present we will explain first the principles of what is honourable.

LIII. That which either wholly or in some considerable portion of it is sought for its own sake, we call honourable: and as there are two divisions of it, one of which is simple and the other twofold, let us consider the simple one first. In that kind, then, virtue has embraced all things under one meaning and one name; for virtue is a habit of the mind, consistent with nature, and moderation, and reason. Wherefore, when we have become acquainted with all its divisions, it will be proper to consider the whole force of simple honesty.

It has then four divisions — prudence, justice, fortitude, and temperance. Prudence is the knowledge of things which are good, or bad, or neither good nor bad. Its parts are memory, intelligence, and foresight. Memory is that faculty by which the mind recovers the knowledge of things which have been. Intelligence is that by which it perceives what exists at present. Foresight is that by which anything is seen to be about to happen, before it does happen. Justice is a habit of the mind which attributes its proper dignity to everything, preserving a due regard to the general welfare. Its first principles proceed from nature. Subsequently some practices became established by universal custom, from a consideration of their utility; afterwards the fear of the laws and religion sanctioned proceedings which originated in nature, and had been approved of by custom.

Natural law is that which has not had its origin in the opinions of men, but has been implanted by some innate instinct, like religion, affection, gratitude, revenge, attention to one's superiors, truth. Religion is that which causes men to pay attention to, and to respect with fixed ceremonies, a certain superior nature which men call

divine nature. Affection is that feeling under the influence of which kindness and careful attention is paid to those who are united to us by ties of blood, or who are devoted to the service of their country. Gratitude is that feeling in which the recollection of friendship, and of the services which we have received from another, and the inclination to requite those services, is contained. Revenge is that disposition by which violence and injury, and altogether everything which can be any injury to us, is repelled by defending oneself from it, or by avenging it. Attention is that feeling by which men obey when they think those who are eminent for worth or dignity, worthy of some special respect and honour. Truth is that by which those things which are, or which have been previously, or which are about to happen, are spoken of without any alteration.

LIV. Conventional law is a principle which has either derived its origin in a slight degree from nature, and then has been strengthened by habit, like religion; or, if we see any one of those things which we have already mentioned as proceeding from nature strengthened by habit; or, if there is anything to which antiquity has given the force of custom with the approbation of everybody: such as covenants, equity, cases already decided. A covenant is that which is agreed upon between two parties; equity is that which is equally just for every one; a case previously decided is one which has been settled by the authoritative decision of some person or persons entitled to pronounce it.

Legal right is that which is contained in that written form which is delivered to the people to be observed by them.

Fortitude is a deliberate encountering of danger and enduring of labour. Its parts are magnificence, confidence, patience, and perseverance. Magnificence is the consideration and management of important and sublime matters with a certain wide-seeing and splendid determination of mind. Confidence is that feeling by which the mind embarks in great and honourable courses with a sure hope and trust in itself. Patience is a voluntary and sustained endurance, for the sake of what is honourable or advantageous, of difficult and painful labours. Perseverance is a steady and lasting persistence in a well-considered principle.

Temperance is the form and well-regulated dominion of reason

over lust and other improper affections of the mind. Its parts are continence, clemency, and modesty. Continence is that by which cupidity is kept down under the superior influence of wisdom. Clemency is that by which the violence of the mind, when causelessly excited to entertain hatred against some one else, is restrained by courtesy. Modesty is that feeling by which honourable shame acquires a valuable and lasting authority. And all these things are to be sought for themselves, even if no advantage is to be acquired by them. And it neither concerns our present purpose to prove this, nor is it agreeable to our object of being concise in laying down our rules.

But the things which are to be avoided for their own sake, are not those only which are the opposites to these; as indolence is to courage, and injustice to justice; but those also which appear to be near to and related to them, but which, in reality, are very far removed from them. As, for instance, diffidence is the opposite to confidence, and is therefore a vice; audacity is not the opposite of confidence, but is near it and akin to it, and, nevertheless, is also a vice. And in this manner there will be found a vice akin to every virtue, and either already known by some particular name — as audacity, which is akin to confidence; pertinacity, which is bordering on perseverance; superstition, which is very near religion, — or in some cases it has no fixed name. And all these things, as being the opposites of what is good, we class among things to be avoided. And enough has now been said respecting that class of honourable things which is sought in every part of it for itself alone.

LV. At present it appears desirable to speak of that in which advantage is combined with honour, and which still we style simply honourable. There are many things, then, which allure us both by their dignity and also by the advantage which may be derived from them: such as glory, dignity, influence, friendship. Glory is the fact of a person's being repeatedly spoken of to his praise; dignity is the honourable authority of a person, combined with attention and honour and worthy respect paid to him. Influence is a great abundance of power or majesty, or of any sort of resource. Friendship is a desire to do service to any one for the sake of the person himself to whom one is attached, combined with a

corresponding inclination on his part towards oneself. At present, because we are speaking of civil causes, we add the consideration of advantage to friendship, so that it appears a thing to be sought for the sake of the advantage also: wishing to prevent those men from blaming us who think that we are including every kind of friendship in our definition.

But although there are some people who think that friendship is only to be desired on account of the advantage to be derived from it; some think it is to be desired for itself alone; and some, that it is to be desired both for its own sake and for the sake of the advantage to be derived from it. And which of these statements is the most true, there will be another time for considering. At present it may be laid down, as far as the orator is concerned, that friendship is a thing to be desired on both accounts. But the consideration of the different kinds of friendship, (since they are partly formed on religious considerations, and partly not; and because some friendships are old, and some new; and because some originated in kindness shown by our friends to us, and some in kindness shown by ourselves to them; and because some are more advantageous, and others less,) must have reference partly to the dignity of the causes in which it originates, partly to the occasion when it arises, and also to the services done, the religious motives entertained, and its antiquity.

LVI. But the advantages consist either in the thing itself, or in extraneous circumstances; of which, however, by far the greater portion is referable to personal advantage; as there are some things in the republic which, so to say, refer to the person of the state, — as lands, harbours, money, fleets, sailors, soldiery, allies; by all which things states preserve their safety and their liberty. There are other things also which make a thing more noble looking, and which still are less necessary; as the splendid decorating and enlarging of a city, or an extraordinary amount of wealth, or a great number of friendships and alliances. And the effect of all these things is not merely to make states safe and free from injury, but also noble and powerful. So that there appears to be two divisions of usefulness, — safety and power. Safety is the secure and unimpaired preservation of a sound state. Power is a possession of things suitable to preserving what is one's own, and to acquiring what belongs to another. And in

all those things which have been already mentioned, it is proper to consider what is difficult to be done, and what can be done with ease. We call that a thing easy to be done, which can be done without great labour, or expense, or annoyance, or perhaps without any labour, expense, or annoyance at all, and in the shortest possible time. But that we call difficult to be done which, although it requires labour, expense, trouble and time, and has every possible characteristic of difficulty about it, or, at all events, the most numerous and most important ones, still, when these difficulties are encountered, can be completed and brought to an end.

Since, then, we have now discussed what is honourable and what is useful, it remains for us to say a little of those things which we have said are attached to these other things; namely, affection and necessity.

LVII. I think, then, that necessity means that which cannot be resisted by any power; that which cannot be softened nor altered. And that this may be made more plain, let us examine into the meaning of it by the light of examples, so as to see what its character and how great its power is. “It is necessary that anything made of wood must be capable of being burnt with fire. It is necessary that a mortal body should at some time or other die.” And it is so necessary, that that power of necessity which we were just now describing requires it; which cannot by any force whatever be either resisted, or weakened, or altered. Necessities of this kind, when they occur in oratory, are properly called necessities; but if any difficult circumstances arise, then we shall consider in the previous examination whether it, the thing in question, be possible to be done. And it seems to me, that I perceive that there are some kinds of necessity which admit of additions, and some which are simple and perfect in themselves. For we say in very different senses:—”It is necessary for the people of Casilinum to surrender themselves to Hannibal;” and, “It is necessary that Casilinum should come into the power of Hannibal.” In the one case, that is, in the first case, there is this addition to the proposition:—”Unless they prefer perishing by hunger.” For if they prefer that, then it is not necessary for them to surrender. But in the latter proposition such an addition has no place; because whether the people of Casilinum choose to surrender, or

prefer enduring hunger and perishing in that manner, still it is necessary that Casilinum must come into the power of Hannibal. What then can be effected by this division of necessity? I might almost say, a great deal, when the topic of necessity appears such as may be easily introduced. For when the necessity is a simple one, there will be no reason for our making long speeches, as we shall not be able by any means to weaken it; but when a thing is only necessary provided we wish to avoid or to obtain something, then it will be necessary to state what advantage or what honour is contained in that addition. For if you will take notice, while inquiring what this contributes to the advantage of the state, you will find that there is nothing which it is necessary to do, except for the sake of some cause which we call the adjunct. And, in like manner, you will find that there are many circumstances of necessity to which a similar addition cannot be made; of such sort are these:—"It is necessary that mortal men should die;" without any addition:—"It is not necessary for men to take food;" with this exception,—"Unless they have an objection to dying of hunger."

Therefore, as I said before, it will be always proper to take into consideration the character of that exception which is added to the original proposition. For it will at all times have this influence, that either the necessity must be explained with reference to what is honourable, in this manner:—"It is necessary, if we wish to live with honour;" or with reference to safety, in this manner:—"It is necessary, if we wish to be safe;" or with reference to convenience, in this manner:—"It is necessary, if we are desirous to live without annoyance."

LVIII. And the greatest necessity of all appears to be that which arises from what is honourable; the next to it is that which arises from considerations of safety; the third and least important is that which has ideas of convenience involved in it. But this last can never be put in comparison with the two former. But it is often indispensable to compare these together; so that although honour is more precious than safety, there is still room to deliberate which one is to consult in the greatest degree. And as to this point, it appears possible to give a settled rule which may be of lasting application. For in whatever circumstances it can happen by any possibility that

while we are consulting our safety, that slight diminution of honesty which is caused by our conduct may be hereafter repaired by virtue and industry, then it seems proper to have a regard for our safety. But when that does not appear possible, then we must think of nothing but what is honourable. And so in a case of that sort when we appear to be consulting our safety, we shall be able to say with truth that we are also keeping our eyes fixed on what is honourable, since without safety we can never attain to that end. And in these circumstances it will be desirable to yield to another, or to put oneself in another's place, or to keep quiet at present and wait for another opportunity. But when we are considering convenience, it is necessary to consider this point also, — whether the cause, as far as it has reference to usefulness, appears of sufficient importance to justify us in taking anything from splendour or honour. And while speaking on this topic, that appears to me to be the main thing, that we should inquire what that is which, whether we are desirous of obtaining or avoiding it, is something necessary; that is to say, what is the character of the addition; in order that, according as the matter is found to be, so we may exert ourselves, and consider the most important circumstances as being also the most necessary.

Affection is a certain way of looking at circumstances either with reference to the time, or to the result, or management of affairs, or to the desires of men, so that they no longer appear to be such as they were considered previously, or as they are generally in the habit of being considered. "It appears a base thing to go over to the enemy; but not with the view which Ulysses had when he went over. And it is a useless act to throw money into the sea; but not with the design which Aristippus had when he did so." There are, therefore, some circumstances which may be estimated with reference to the time at which and the intention with which they are done; and not according to their own intrinsic nature. In all which cases we must consider what the times require, or what is worthy of the persons concerned; and we must not think merely what is done, but with what intention, with what companions, and at what time, it is done. And from these divisions of the subject, we think that topics ought to be taken for delivering one's opinion.

LIX. But praise and blame must be derived from those topics

which can be employed with respect to persons, and which we have already discussed. But if any one wishes to consider them in a more separate manner, he may divide them into the intention, and the person of the doer, and extraneous circumstances. The virtue of the mind is that concerning the parts of which we have lately spoken; the virtues of the body are health, dignity, strength, swiftness. Extraneous circumstances are honour, money, relationship, family, friends, country, power, and other things which are understood to be of a similar kind. And in all these, that which is of universal validity ought to prevail here; and the opposites will be easily understood as to their description and character.

But in praising and blaming, it will be desirable to consider not so much the personal character of, or the extraneous circumstances affecting the person of whom one is speaking, as how he has availed himself of his advantages. For to praise his good fortune is folly, and to blame it is arrogance; but the praise of a man's natural disposition is honourable, and the blame of it is a serious thing.

Now, since the principles of argumentation in every kind of cause have been set forth, it appears that enough has been said about invention, which is the first and most important part of rhetoric. Wherefore, since one portion of my work has been brought down to its end from the former book; and since this book has already run to a great length, what remains shall be discussed in subsequent books.

[*The two remaining books are lost*.]

DE ORATORE AD QUINTUM FRATREM LIBRI TRES (On the Orator)

Translated by J. S. Watson

Composed in 55 BC in three books, *De Oratore* is a dialogue that is set in 91 BC, when Lucius Licinius Crassus died, just before the commencement of the Social War and the civil war between Marius and Sulla, during which Marcus Antonius Orator, the other great orator of this dialogue, died. At this time, Cicero faced a difficult political situation: after his return from exile in Dyrrachium, his house was destroyed by the gangs of Clodius. Amidst the moral and political decadence of the state, Cicero wrote *De Oratore* to describe the ideal orator and imagine him as a moral guide of the state. He did not intend the dialogue as merely a treatise on rhetoric, but went beyond mere technique, to make several references to philosophical principles.

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BOOK I.

I. [1] As I frequently contemplate and call to mind the times of old, those in general seem to me, brother Quintus, to have been supremely happy, who, while they were distinguished with honours and the glory of their actions in the best days of the republic, were enabled to pursue such a course of life, that they could continue either in employment without danger, or in retirement with dignity. To myself, also, there was a time when I thought that a season for relaxation, and for turning my thoughts again to the noble studies once pursued by both of us, would be fairly allowable, and be conceded by almost every one; if the infinite labour of forensic business and the occupations of ambition should be brought to a stand, either by the completion of my course of honours, or by the decline of age. [2] Such expectations, with regard to my studies and designs, not only the severe calamities resulting from public occurrences, but a variety of our own private troubles, have disappointed. For in that period, which seemed likely to offer most quiet and tranquillity, the greatest pressures of trouble and the most turbulent storms arose. Nor to our wishes and earnest desires has the enjoyment of leisure been granted, to cultivate and revive between ourselves those studies to which we have from early youth been addicted. [3] For at our first entrance into life we fell amidst the perturbation of all ancient order; in my consulship we were involved in struggles and the hazard of everything; and all the time since that consulship we have had to make opposition to those waves which, prevented by my efforts from causing a genera, destruction, have abundantly recoiled upon myself. Yet amidst the difficulties of affairs, and the straitness of time. I shall endeavour to gratify my love of literature; and whatever leisure the malice of enemies, the causes of friends, or the public service will allow me, I shall chiefly devote to writing. [4] As to you, brother, I shall not fail to obey your exhortations and entreaties; for no person can have more influence with me than you have both by authority and affection.

II. Here the recollection of an old tradition must be revived in my mind, a recollection not indeed sufficiently distinct, but adapted, I

think, so far to reply to what you ask, that you may understand what opinions the most famous and eloquent men entertained respecting the whole art of oratory. [5] For you wish, as you have often said to me. (since what went abroad rough and incomplete from our own notebooks, when we were boys or young men, is scarcely worthy of my present standing in life, and that experience which I have gained from so many and such important causes as I have pleaded,) that something more polished and complete should be offered by me on the same subjects; and you are at times inclined to dissent from me in our disputations on this matter; inasmuch as I consider eloquence to be the offspring of the accomplishments of the most learned men; but you think it must be regarded as independent of elegant learning, and attributable to a peculiar kind of talent and practice.

[6] Often, indeed, as I review in thought the greatest of mankind, and those endowed with the highest abilities, it has appeared to me worthy of inquiry what was the cause that a greater number of persons have been admirable in every other pursuit than in speaking. For which way soever you direct your view in thought and contemplation, you will see numbers excellent in every species, not only of the humble, but even of the highest arts. [7] Who, indeed, is there, that, if he would measure the qualifications of illustrious men, either by the usefulness or magnitude of their actions, would not prefer a general to an orator? Yet who doubts that we can produce, from this city alone, almost innumerable excellent commanders, while we can number scarcely a few eminent in speaking? [8] There have been many also in our own memory, and more in that of our fathers, and even of our forefathers, who had abilities to rule and govern affairs of state by their counsel and wisdom; while for a long period no tolerable orators were found, or scarcely one in every age. But lest any one should think that the art of speaking may more justly be compared with other pursuits, which depend upon abstruse studies, and a varied field of learning, than with the merits of a general, or the wisdom of a prudent senator, let him turn his thoughts to those particular sciences themselves, and contemplate who and how many have flourished in them, as he will thus be best enabled to judge how great a scarcity of orators there is and has ever been.

III. [9] It does not escape your observation that what the Greeks

call PHILOSOPHY, is esteemed by the most learned men, the originator, as it were, and parent of all the arts which merit praise; philosophy, I say, in which it is difficult to enumerate how many distinguished men there have been, and of how great knowledge, variety, and comprehensiveness in their studies, men who have not confined their labours to one province separately, but have embraced whatever they could master either by scientific investigations, or by processes of reasoning. [10] Who is ignorant in how great obscurity of matter, in how abstruse, manifold, and subtle an art they who are called mathematicians are engaged? Yet in that pursuit so many men have arrived at excellence, that not one seems to have applied himself to the science in earnest without attaining in it whatever he desired. Who has ever devoted himself wholly to music; who has ever given himself up to the learning which they profess who are called grammarians, without compassing, in knowledge and understanding, the whole substance and matter of those sciences, though almost boundless? [11] Of all those who have engaged in the most liberal pursuits and departments of such sciences, I think I may truly say that a smaller number of eminent poets have arisen than of men distinguished in any other branch of literature; and in the whole multitude of the learned, among whom there rarely appears one of the highest excellence, there will be found, if you will but make a careful review of our own list and that of the Greeks, far fewer good orators than good poets. [12] This ought to seem the more wonderful, as attainments in other sciences are drawn from recluse and hidden springs; but the whole art of speaking lies before us, and is concerned with common usage and the custom and language of all men; co that while in other things that is most excellent which is most remote from the knowledge and understanding of the illiterate, it is in speaking even the greatest of faults to vary from the ordinary kind of language, and the practice sanctioned by universal reason.

IV. [13] Yet it cannot be said with truth, either that more are devoted to the other arts, or that they are excited by greater pleasure, more abundant hope, or more ample rewards; for to say nothing of Greece, which was always desirous to hold the first place in eloquence, and Athens, that inventress of all literature, in which the utmost power of oratory was both discovered and brought to

perfection, in this very city of ours, assuredly, no studies were ever pursued with more earnestness than those tending to the acquisition of eloquence. [14] For when our empire over all nations was established, and after a period of peace had secured tranquillity, there was scarcely a youth ambitious of praise who did not think that he must strive, with all his endeavours, to attain the art of speaking. For a time, indeed, as being ignorant of all method, and as thinking there was no course of exercise for them, or any precepts of art, they attained what they could by the single force of genius and thought. But afterwards, having heard the Greek orators, and gained an acquaintance with Greek literature, and procured instructors, our countrymen were inflamed with an incredible passion for eloquence. [15] The magnitude, the variety, the multitude of all kind of causes, excited them to such a degree, that to that learning which each had acquired by his individual study, frequent practice, which was superior to the precepts of all masters, was at once added. There were then, as there are also now, the highest inducements offered for the cultivation of this study, in regard to public favour, wealth, and dignity. The abilities of our countrymen (as we may judge from many particulars,) far excelled those of the men of every other nation. [16] For which reasons, who would not justly wonder that in the records of all ages, times, and states, so small a number of orators should be found ?

But the art of eloquence is something greater, and collected from more sciences and studies, than people imagine. V. For who can suppose that, amid the greatest multitude of students, the utmost abundance of masters, the most eminent geniuses among men, the infinite variety of causes, the most ample rewards offered to eloquence, there is any other reason to be found for the small number of orators than the incredible magnitude and difficulty of the art? [17] A knowledge of a vast number of things is necessary, without, which volubility of words is empty and ridiculous; speech itself is to be formed, not merely by choice, but by careful construction of words; and all the emotions of the mind, which nature has given to man, must be intimately known; for all the force and art of speaking must be employed in allaying or exciting the feelings of those who listen. To this must be added a certain portion of grace and wit, learning

worthy of a well-bred man, and quickness and brevity in replying as well as attacking, accompanied with a refined decorum and urbanity. [18] Besides, the whole of antiquity and a multitude of examples is to be kept in the memory; nor is the knowledge of laws in general, or of the civil law in particular, to be neglected. And why need I add any remarks on delivery itself, which is to be ordered by action of body, by gesture, by look, and by modulation and variation of the voice, the great power of which, alone and in itself, the comparatively trivial art of actors and the stage proves, on which though all bestow their utmost labour to form their look, voice, and gesture, who knows not how few there are, and have ever been, to whom we can attend with, patience 1 What can I say of that repository for all things, the memory, which, unless it be made the keeper of the matter and words that are the fruits of thought and invention, all the talents of the orator, we see, though they be of the highest degree of excellence, will be of no avail? [19] Let us then cease to wonder what is the cause of the scarcity of good speakers, since eloquence results from all those qualifications, in each of which singly it is a great merit to labour successfully; and let us rather exhort our children, and others whose glory and honour is dear to us, to contemplate in their minds the full magnitude of the object, and not to trust that they can reach the height at which they aim, by the aid of the precepts, masters, and exercises, that they are all now following, but to understand that they must adopt others of a different character.

VI. [20] In my opinion, indeed, no man can be an orator possessed of every praiseworthy accomplishment, unless he has attained the knowledge of everything important, and of all liberal arts, for his language must be ornate and copious from knowledge, since, unless there be beneath the surface matter understood and felt by the speaker, oratory becomes an empty and almost puerile flow of words. [21] Yet I will not lay so great a burden upon orators, especially our own, amid so many occupations of public and private life, as to think it allowable for them to be ignorant of nothing; although the qualifications of an orator, and his very profession of speaking well, seem to undertake and promise that he can discourse gracefully and copiously on whatever subject is proposed to him. [22] But because this, I doubt not, will appear to most people an immense and infinite

undertaking, and because I see that the Greeks, men amply endowed not only with genius and learning, but also with leisure and application, have made a kind of partition of the arts, and have not singly laboured in the whole circle of oratory, but have separated from the other parts of rhetoric that department of eloquence which is used in the forum on trials or in deliberations, and have left this species only to the orator; I shall not embrace in these books more than has been attributed to this kind of speaking by the almost unanimous consent of the greatest men, after much examination and discussion of the subject; [23] and I shall repeat, not a series of precepts drawn from the infancy of our old and boyish learning, but matters which I have heard were formerly argued in a discussion among some of our countrymen who were of the highest eloquence, and of the first rank in every kind of dignity. Not that I contemn the instructions which the Greek rhetoricians and teachers have left as, but, as they are already public, and within the reach of all, and can neither be set forth more elegantly, nor explained more clearly by my interpretation, you will, I think, excuse me,. my brother, if I prefer to the Greeks the authority of those to whom the utmost merit in eloquence has been allowed by our own countrymen.

VII. [24] At the time, then, when the consul Philippus was vehemently inveighing against the cause of the nobility, and the tribuneship of Drusus, undertaken to support the authority of the senate, seemed to be shaken and weakened, I was told, I remember, that Lucius Crassus, as if for the purpose of collecting his thoughts, betook himself, during the days of the Roman games, to his Tusculan country-seat, whither also Quintus Mucius, who had been his father-in-law, is said to have come at the same time, as well as Marcus Antonius, a sharer in all the political proceedings of Crassus, and united in the closest friendship with him. [25] There went out with Crassus himself two young men besides, great friends of Drusus, youths of whom our ancestors then entertained sanguine hopes that they would maintain the dignity of their order; Caius Cotta, who was then a candidate for the tribuneship of the people, and Publius Sulpicius, who was thought likely to stand for that office in due course. [26] These, on the first day, conferred much together until very late in the evening, concerning the condition of those times, and the

whole commonwealth, for which purpose they had met. Cotta repeated to me many things then prophetically lamented and noticed by the three of consular dignity in that conversation; so that no misfortune afterwards happened to the state which they had not perceived to be hanging over it so long before; [27] and he said that, when this conversation was finished, there was such politeness shown by Crassus, that after they had bathed and sat down to table, all the seriousness of the former discourse was banished; and there appeared so much pleasantry in him, and so much agreeableness in his humour that though the early part of the day might seem to have been passed by them in the senate-house, the banquet showed all the delights of the Tusculan villa.

[28] But on the next day, when the older part of the company had taken sufficient repose, and were come to their walk, he told me that Scaevola, after taking two or three turns, said, "Why should not we, Crassus, imitate Socrates in the Phaedrus of Plato? for this plane-tree of yours has put me in mind of it, which diffuses its spreading boughs to overshade this place, not less widely than that did whose covert Socrates sought, and which seems to me to have grown not so much from the rivulet which is described, as from the language of Plato: and what Socrates, with the hardest of feet, used to do, that is, to throw himself on the grass, while he delivered those sentiments which philosophers say were uttered divinely, may surely, with more justice, be allowed to my feet." [29] Then Crassus rejoined, "Nay, we will yet further consult your convenience;" and called for cushions; when they all, said Cotta, sat down on the seats that were under the plane-tree.

VIII. There, (as Cotta used to relate,) in order that the minds of them all might have some relaxation from their former discourse, Crassus introduced a conversation on the study of oratory. [30] After he had commenced in this manner, That indeed Sulpicius and Cotta did not seem to need his exhortations, but rather both to deserve his praise, as they had already attained such powers as not only to excel their equals in age, but to be admitted to a comparison with their seniors; "Nor does anything seem to me," he added, "more noble than to be able to fix the attention of assemblies of men by speaking, to fascinate their minds, to direct their passions to whatever object

the orator pleases, and to dissuade them from whatsoever he desires. This particular art has constantly flourished above all others in every free state, and especially in those which have enjoyed peace and tranquillity, and has ever exercised great power. [31] For what is so admirable as that, out of an infinite multitude of men, there should arise a single individual, who can alone, or with only a few others, exert effectually that power which nature has granted to all ? Or what is so pleasant to be heard and understood as an oration adorned and polished with wise thoughts and weighty expressions? Or what is so striking, so astonishing, as that the tumults of the people, the religious feelings of judges, the gravity of the senate, should be swayed by the speech of one man? [32] Or what, moreover, is so kingly, so liberal, so munificent, as to give assistance to the suppliant, to raise the afflicted, to bestow security, to deliver from dangers, to maintain men in the rights of citizenship? What, also, is so necessary as to keep arms always ready, with which you may either be protected yourself, or defy the malicious, or avenge yourself when provoked? Or consider, (that you may not always contemplate the forum, the benches, the rostra, and the senate,) what can be more delightful in leisure, or more suited to social intercourse, than elegant conversation, betraying no want of intelligence on any subject? For it is by this one gift that we are most distinguished from brute animals, that we converse together, and can express our thoughts by speech. [33] Who therefore would not justly make this an object of admiration, and think it worthy of his utmost exertions, to surpass mankind themselves in that single excellence by which they claim their superiority over brutes? But, that we may notice the most important point of all, what other power could either have assembled mankind, when dispersed, into one place, or have brought them from wild and savage life to the present humane and civilized state of society; or, when cities were established, have described for them laws, judicial institutions, and rights? [34] And that I may not mention more examples, which are almost without number, I will conclude the subject in one short sentence: for I consider, that by the judgment and wisdom of the perfect orator, not only his own honour, but that of many other individuals, and the welfare of the whole state, are principally upheld. Go on, therefore, as you are doing, young men,

and apply earnestly to the study in which you are engaged, that you may be an honour to yourselves, an advantage to your friends, and a benefit to the republic."

IX. [35] Scaevola then observed with courtesy, as was always his manner, "I agree with Crassus as to other points (that I may not detract from the art or glory of Laelius, my father-in-law, or of my son-in-law here), but I am afraid, Crassus, that I cannot grant you these two points; one, that states were, as you said, originally established, and have often been preserved, by orators; the other, that, setting aside the forum, the assemblies of the people, the courts of judicature, and the senate-house, the orator is, as you pronounced, accomplished in every subject of conversation and learning. [36] For who will concede to you, either that mankind, dispersed originally in mountains and woods, enclosed themselves in towns and walls, not so much from being convinced by the counsels of the wise, as from being charmed by the speeches of the eloquent? Or that other advantages, arising either from the establishment or preservation of states, were settled, not by wise and brave men, but by fluent and elegant speakers? [37] Does Romulus seem to you to have assembled the shepherds, and those that flocked to him from all parts, or to have formed marriages with the Sabines, or to have repelled the power of the neighbouring people, by eloquence, and not by counsel and eminent wisdom ? Is there any trace of eloquence apparent in Numa Pompilius, in Servius Tullius, or in the rest of our kings, from whom we have many excellent regulations for maintaining our government? After the kings were expelled (though we see that their expulsion was effected by the mind of Lucius Brutus, and not by his tongue), we not perceive that all the subsequent transactions are full of wise counsel, but destitute of all mixture of eloquence? [38] But if I should be inclined to adduce examples from our own and other states, I could cite more instances of mischief than of benefit done to public affairs by men of eminent eloquence; but, to omit others, I think, Crassus, that the most eloquent men I ever heard, except you two, were the Sempronii, Tiberius and Caius, whose father, a prudent and grave man, but by no means eloquent, on several other occasions, but especially when censor, was of the utmost service to the republic; and he, not by any faultless flow of speech, but by a word and a nod,

transferred the freedmen into the city tribes; and, if he had not done so, we should now have no republic, which we still maintain with difficulty; but his sons, who were eloquent, and qualified for speaking by all the helps of nature and of learning, having found the state in a most flourishing condition, both through the counsels of their father, and the arms of their ancestors, brought their country, by means of their oratory, that most excellent ruler of states as you call it, to the verge of ruin.

X. [39] "Were our ancient laws, and the customs of our ancestors; were the auspices, over which you, Crassus, and I preside with great security to the republic; were the religious rites and ceremonies; were the civil laws, the know- ledge of which has long prevailed in our family, (and without any praise for eloquence,) either invented, or understood, or in any way ordered by the tribe of orators? [40] I can remember that Servius Galba, a man of godlike power in speaking, as well as Marcus Aemilius Porcina, and Cneius Carbo himself, whom you defeated when you were but a youth, was ignorant of the laws, at a loss in the practices of our ancestors, and unlearned in civil jurisprudence; and, except you, Crassus, who, rather from your own inclination to study, than because it was any peculiar business of an orator, have learned the civil law from us, as I am sometimes ashamed to say, this generation of ours is ignorant of law.

[41] "But what you assumed, as by a law of your own, in the last part of your speech, that an orator is able to speak fluently on any subject, I would not, if I were not here in your own domain, tolerate for a moment, but would head a party who should either oppose you by an interdict, or summon you to contend with them at law, for having so unceremoniously invaded the possessions of others. [42] In the first place, all the Pythagoreans, and the followers of Democritus, would institute a suit against you, with the rest of the natural philosophers, each in his own department, men who are elegant and powerful speakers, with whom you could not contend on equal terms. Whole troops of other philosophers would assail you besides, even down from Socrates their origin and head, and would convince you that you had learned nothing about good and evil in life, nothing about the passions of the mind, nothing about the moral conduct of mankind, nothing about the proper course of life; they would show

you that you have made no due inquiry after knowledge, and that you know nothing; and, when they had made an attack upon you altogether, then every sect would bring its separate action against you. [43] The Academy would press you, and, whatever you asserted, force you to deny it. Our friends the Stoics would hold you entangled in the snares of their disputatious and questions. The Peripatetics would prove that those very aids and ornaments to speaking, which you consider the peculiar property of the orators, must be sought from themselves; and they would show you that Aristotle and Theophrastus have written not only better, but also far more copiously, on these subjects, than all the masters of the art of speaking. [44] I say nothing of the mathematicians, the grammarians, the musicians, with whose sciences this art of speaking of yours is not connected by the least affinity. I think, therefore, Crassus, that such great and numerous professions ought not to be made. What you can effect is sufficiently great; namely, that in judicial matters the cause which you plead shall seem the better and more probable; that in public assemblies, and in delivering opinions, your oratory shall have the most power to persuade; that, finally, you shall seem to the wise to speak with eloquence, and even to the simple to speak with truth. If you can do more than this, it will appear to me that it is not the orator, but Crassus himself that effects it by the force of talents peculiar to himself, and not common to other orators."

XI. [45] Crassus then replied, "I am not ignorant, Scaevola, that things of this sort are commonly asserted and maintained among the Greeks; for I was an auditor of their greatest men, when I came to Athens as quaestor from Macedonia, and when the Academy was in a flourishing state, as it was represented in those days, for Charmadas, and Clitomachus, and Aeschines were in possession of it. There was also Metrodorus, who, with the others, had been a diligent hearer of the famous Carneades himself, a man beyond all others, as they told me, a most spirited and copious speaker. Mnesarchus, too, was in great esteem, a hearer of your friend Panaetius, and Diodorus, a scholar of Critolaus the Peripatetic; [46] and there were many other famous men besides, highly distinguished in philosophy, by all of whom, with one voice as it were, I observed that the orator was repelled from the government of states, excluded

from all learning and knowledge of great affairs, and degraded and thrust down into the courts of justice and petty assemblies, as into a workshop. [47] But I neither assented to those men, nor to the originator of these disputations, and by far the most eloquent of them all, the eminently grave and oratorical Plato; whose Gorgias I then diligently read over at Athens with Charmadas; from which book I conceived the highest admiration of Plato, as he seemed to me to prove himself an eminent orator, even in ridiculing orators. A controversy indeed on the word ORATOR has long disturbed the minute Grecians, who are fonder of argument than of truth. [48] For if any one pronounces him to be an orator who can speak fluently only on law in general, or on judicial questions, or before the people, or in the senate, he must yet necessarily grant and allow him a variety of talents; for he cannot treat even of these matters with sufficient skill and accuracy without great attention to all public affairs, nor without a knowledge of laws, customs, and equity, nor without understanding the nature and manners of mankind; and to him who knows these things, without which no one can maintain even the most minute points in judicial pleadings, how much is wanting of the knowledge even of the most important affairs? But if you allow nothing to belong to the orator but to speak aptly, ornately, and copiously, how can he even attain these qualities without that knowledge which you do not allow him? for there can be no true merit in speaking, unless what is said is thoroughly understood by him who says it. [49] If, therefore, the natural philosopher Democritus spoke with elegance, as he is reported to have spoken, and as it appears to me that he did speak, the matter on which he spoke belonged to the philosopher, but the graceful array of words is to be ascribed to the orator. And if Plato spoke divinely upon subjects most remote from civil controversies, as I grant that he did; if also Aristotle, and Theophrastus, and Carneades, were eloquent, and spoke with sweetness and grace on those matters which they discussed; let the subjects on which they spoke belong to other studies, but their speech itself, surely, is the peculiar offspring of that art of which we are now discoursing and inquiring. [50] For we see that some have reasoned on the same subjects jejunely and drily, as Chrysippus, whom they celebrate as the acutest of philosophers; nor is he on this

account to be thought to have been deficient in philosophy, because he did not gain the talent of speaking from an art which is foreign to philosophy.

XII. “Where then lies the difference Or by what term will you discriminate the fertility and copiousness of speech in those whom I have named, from the barrenness of those who use not this variety and elegance of phrase? One thing there will certainly be, which those who speak well will exhibit as their own; a graceful and elegant style, distinguished by a peculiar artifice and polish. But this kind of diction, if there be not matter beneath it clear and intelligible to the speaker, must either amount to nothing, or be received with ridicule by all who hear it. [51] For what savours so much of madness, as the empty sound of words, even the choicest and most elegant, when there is no sense or knowledge contained in them? Whatever be the subject of a speech, therefore, in whatever art or branch of science, the orator, if he has made himself master of it, as of his client’s cause, will speak on it better and more elegantly than even the very originator and author of it can. [52] If indeed any one shall say that there are certain trains of thought and reasoning properly belonging to orators, and a knowledge of certain things circumscribed within the limits of the forum, I will confess that our common speech is employed about these matters chiefly; but yet there are many things, in these very topics, which those masters of rhetoric, as they are called, neither teach nor understand. [53] For who is ignorant that the highest power of an orator consists in exciting the minds of men to anger, or to hatred, or to grief, or in recalling them from these more violent emotions to gentleness and compassion? which power will never be able to effect its object by eloquence, unless in him who has obtained a thorough insight into the nature of mankind, and all the passions of humanity, and those causes by which our minds are either impelled or restrained. [54] But all these are thought to belong to the philosophers, nor will the orator, at least with my consent, ever deny that such is the case; but when he has conceded to them the knowledge of things, since they are willing to exhaust their labours on that alone, he will assume to himself the treatment of oratory, which without that knowledge is nothing. For the proper concern of an orator, as I have already often said, is

language of power and elegance accommodated to the feelings and understandings of mankind.

XIII. [55] "On these matters I confess that Aristotle and Theophrastus have written. But consider, Scaevola, whether this is not wholly in my favour. For I do not borrow from them what the orator possesses in common with them; but they allow that what they say on these subjects belongs to oratory. Their other treatises, accordingly, they distinguish by the name of the science on which each is written; their treatises on oratory they entitle and designate as books of rhetoric. [56] For when, in their discussions, (as often happens,) such topics present themselves as require them to speak of the immortal gods, of piety, of concord, of friendship, of the common rights of their fellow-citizens, or those of all mankind, of the law of nations, of equity, of temperance, of greatness of mind, of every kind of virtue, all the academies and schools of philosophy, I imagine, will cry out that all these subjects are their property, and that no particle of them belongs to the orator. [57] But when I have given them liberty to reason on all these subjects in corners to amuse their leisure, I shall give and assign to the orator his part, which is, to set forth with full power and attraction the very same topics which they discuss in such tame and bloodless phraseology. These points I then discussed with the philosophers in person at Athens, for Marcus Marcellus, our countryman, who is now curule aedile, obliged me to do so, and he would certainly have taken part in our present conversation, were he not now celebrating the public games; for he was then a youth marvellously given to these studies.

[58] "Of the institution of laws, of war, of peace, of alliances, of tributes, of the civil law as relating to various ranks and ages respectively, let the Greeks say, if they will, that Lycurgus or Solon (although I think that these should be enrolled in the number of the eloquent) had more knowledge than Hypereides or Demosthenes, men of the highest accomplishments and refinement in oratory; or let our countrymen prefer, in this sort of knowledge, the Decemviri who wrote the Twelve Tables, and who must have been wise men, to Servius Galba, and your father-in-law Laelius, who are allowed to have excelled in the glorious art of speaking. [59] I, indeed, shall never deny that there are some sciences peculiarly well understood by

those who have applied their whole study to the knowledge and consideration of them; but the accomplished and complete orator I shall call him who can speak on all subjects with variety and copiousness. XIV. For often in those causes which all acknowledge properly to belong to orators, there is something to be drawn forth and adopted, not from the routine of the Forum, which is the only knowledge that you grant to the orator, but from some of the more obscure sciences. [60] I ask whether a speech can be made for or against a general, without an acquaintance with military affairs, or often without a knowledge of certain inland and maritime countries ? whether a speech can be made to the people about passing or rejecting laws, or in the senate on any kind of public transactions, without the greatest knowledge and judgment in political matters? whether a speech can be adapted to excite or calm the thoughts and passions (which alone is a great business of the orator) without a most diligent examination of all those doctrines which are set forth on the nature and manners of men by the philosophers? [61] I do not know whether I may not be less successful in maintaining what I am going to say; but I shall not hesitate to speak that which I think. Physics, and mathematics, and those other things which you just now decided to belong to other sciences, belong to the peculiar knowledge of those who profess them; but if any one would illustrate those arts by eloquence, he must have recourse to the power of oratory. [62] Nor, if, as is said, Philo, the famous architect, who built an arsenal for the Athenians, gave that people an eloquent account of his work, is it to be imagined that his eloquence proceeded from the art of the architect, but from that of the orator. Or, if our friend Marcus Antonius had had to speak for Hermodorus on the subject of dock-building, he would have spoken, when he had learned the case from Hermodorus, with elegance and copiousness, drawn, from an art quite unconnected with dock-building. And Asclepiades, whom we knew as a physician and a friend, did not, when he excelled others of his profession in eloquence, employ, in his graceful elocution, the art of physic, but that of oratory. [63] What Socrates used to say, that all men are sufficiently eloquent in that which they understand, is very plausible, but not true. It would have been nearer truth to say, that no man can be eloquent on a subject that he doers not understand; and

that, if he understands a subject ever so well, but is ignorant how to form and polish his speech, he cannot express himself eloquently even about what he does understand.

XV. [64] "If, therefore, any one desires to define and comprehend the whole and peculiar power of an orator, that man, in my opinion, will be an orator, worthy of so great a name, who, whatever subject comes before him, and requires rhetorical elucidation, can speak on it judiciously, in set form, elegantly, and from memory, and with a certain dignity of action. [65] But if the phrase which I have used, 'on whatever subject,' is thought by any one too comprehensive, let him retrench and curtail as much of it as he pleases; but this I will maintain, that though the orator be ignorant of what belongs to other arts and pursuits, and understands only what concerns the discussions and practice of the Forum, yet if he has to speak on those arts, he will, when he has learned what pertains to any of them from persons who understand them, discourse upon them much better than the very persona of whom those arts form the peculiar province. [66] Thus, if our friend Sulpicius have to speak on military affairs, he will inquire about them of my kinsman Caius Marius, and when he has received information, will speak upon them in such a manner, that he shall seem to Marius to understand them better than himself. Or if he has to speak on the civil law, he will consult with you, and will excel you, though eminently wise and learned in it, in speaking on those very points which he shall have learned from yourself. [67] Or if any subject presents itself, requiring him to speak on the nature and vices of men, on desire, on moderation, on continence, on grief, on death, perhaps, if he thinks proper, (though the orator ought to have a knowledge of these things.) he will consult with Sextus Pompeius, a man learned in philosophy. But this he will certainly accomplish, that, of whatever matter he gains a knowledge, or from whomsoever, he will speak upon it much more elegantly than the very person from whom he gained the knowledge. [68] But, since philosophy is distinguished into three parts, inquiries into the obscurities of physics, the subtilties of logic, and the knowledge of life and manners, let us, if Sulpicius will listen to me, leave the two former, and consult our ease; but unless we have a knowledge of the third, which has always been the province of the orator, we shall, leave him

nothing in which he can distinguish himself. [69] The part of philosophy, therefore, regarding life and manners, must be thoroughly mastered by the orator; other subjects, even if he has not learned them, he will be able, whenever there is occasion, to adorn by his eloquence, if they are brought before him and made known to him.

XVI. “For if it is allowed amongst the learned that Aratus. a man ignorant of astronomy, has treated of heaven and the constellations in extremely polished and excellent verses; if Nicander, of Colophon, a man totally unconnected with the country, has written well on rural affairs, with the aid of poetical talent, and not from understanding husbandry, what reason is there why an orator should not speak most eloquently on those matters of .which he shall have gained a knowledge for a certain purpose and occasion? [70] For the poet is nearly allied to the orator; being somewhat more restricted in numbers, but less restrained in the choice of words, yet in many kinds of embellishment his rival and almost equal; in one respect, assuredly, nearly the same, that he circumscribes or bounds his jurisdiction by no limits, but reserves to himself full right to range wherever he pleases with the same ease and liberty. [71] For why did you say, Scaevola, that you would not endure, unless you were in my domain, my assertion, that the orator ought to be accomplished in every style of speaking, and in every part of polite learning? I should certainly not have said this if I had thought myself to be the orator whom I conceive in my imagination. [72] But, as Caius Lucilius used frequently to say (a man not very friendly to you, and on that account less familiar with me than he could wish, but a man of learning and good breeding), I am of this opinion, that no one is to be numbered among orators who is not thoroughly accomplished in all branches of knowledge requisite for a man of good breeding; and though we may not put forward such knowledge in conversation, yet it is apparent, and indeed evident, whether we are destitute of it, or have acquired it; [73] as those who play at tennis do not exhibit, in playing, the gestures of the palaestra, but their movements indicate whether they have learned those exercises or are unacquainted with them; and as those who shape out anything, though they do not then exercise the art of painting, yet make it clear whether they can paint or not; so in

orations to courts of justice, before the people, and in the senate, although other sciences have no peculiar place in them, yet is it easily proved whether he who speaks has only been exercised in the parade of declamation, or has devoted himself to oratory after having been instructed in all liberal knowledge."

XVII. [74] Then Scaevola, smiling, said: "I will not struggle with you any longer, Crassus; for you have, by some artifice, made good what you asserted against me, so as to grant me whatever I refused to allow to the orator, and yet so as to wrest from me those very things again I know not how, and to transfer them to the orator as his property. [75] When I went as praetor to Rhodes, and communicated to Apollonius, that famous instructor in this profession, what I had learned from Panaetius, Apollonius, as was his manner, ridiculed these matters, threw contempt upon philosophy, and made many other observations with less wisdom than wit; but your remarks were of such a kind as not to express contempt for any arts or sciences, but to admit that they are all attendants and handmaids of the orator; [76] and if ever any one should comprehend them all, and the same person should add to that knowledge the powers of supremely elegant oratory, I cannot but say that he would be a man of high distinction and worthy of the greatest admiration. But if there should be such a one, or indeed has ever been, or can possibly be, you alone would be the person; who, not only in my judgment, but in that of all men, have hardly left to other orators (I speak it with deference to this company) any glory to be acquired. [77] If, however, there is in yourself no deficiency of knowledge pertaining to judicial and political affairs, and yet you have not mastered all that additional learning which you assign to the complete orator, let us consider whether you do not attribute to him more than possibility and truth itself will allow." [78] Here Crassus rejoined: "Remember that I have not been speaking of my own talents, but of those of the true orator. For what have I either learned or had a possibility of knowing, who entered upon pleading before I had any instruction; whom the pressure of business overtasked amidst the occupations of the forum, of canvassing, of public affairs, and the management of the causes of friends, before I could form any true notion of the importance of such great employments? [79] But if there seem to you to be so much in me,

to whom, though capacity, as you think, may not greatly have been wanting, yet to whom learning, leisure, and that keen application to study which is so necessary, have certainly been wanting, what do you think would be the case if those acquirements, which I have not gained, should be united to some greater genius than mine? How able, how great an orator, do you think, would he prove?”

XVIII. [80] Antonius then observed: “You prove to me, Crassus, what you advance; nor do I doubt that he will have a far greater fund of eloquence who shall have learned the reason and nature of everything and of all sciences. [81] But, in the first place, this is difficult to be achieved, especially in such a life as ours and such occupations; and next, it is to be feared that we may, by such studies, be drawn away from our exercise and practice of speaking before the people and in the forum. The eloquence of those men whom you mentioned a little before, seems to me to be of a quite different sort, though they speak with grace and dignity, as well on the nature of things as on human life. Theirs is a neat and florid kind of language, but more adapted for parade and exercise in the schools, than for these tumults of the city and forum. [82] For when I, who late in life, and then but lightly, touched upon Greek learning, was going as proconsul into Cilicia, and had arrived at Athens, I waited there several days on account of the difficulty of sailing; and as I had every day with me the most learned men, nearly the same that you have just now named, and a report, I know not how, had spread amongst them that I, like you, was versed in causes of great importance, every one, according to his abilities, took occasion to discourse upon the office and art of in orator. [83] Some of them, as Mnesarchus himself, said, that those whom we call orators were nothing but a set of mechanics with glib and well-practised tongues, but that no one could be an orator but a man of true wisdom; and that eloquence itself, as it consisted in the art of speaking well, was a kind of virtue, and that he who possessed one virtue possessed all, and that virtues were in themselves equal and alike; and thus he who was eloquent possessed all virtues, and was a man of true wisdom. But their phraseology was intricate and dry, and quite unsuited to my taste. [84] Charmadas indeed spoke much more diffusely on those topics; not that he delivered his own opinion (for it is the hereditary custom of every one in the Academy to take the part of opponents to all in their disputations), but what he chiefly signified was, that those who were called rhetoricians, and laid down rules for the art of speaking, understood nothing; and that no man could attain any command of eloquence who had not mastered the doctrines of the philosophers.

XIX. [85] “Certain men of eloquence at Athens, versed in public affairs and judicial pleadings, disputed on the other side; among whom was Menedemus, lately my guest at Rome; but when he had observed that there is a sort of wisdom which is employed in inquiring into the methods of settling and managing governments, he, though a ready speaker, was promptly attacked by the other, a man of abundant learning, and of an almost incredible variety and copiousness of argument; who maintained that every portion of such wisdom must be derived from philosophy, and that whatever was established in a state concerning the immortal gods, the discipline of youth, justice, patience, temperance, moderation in everything, and other matters, without which states would either not subsist at all, or be corrupt in morals, was nowhere to be found in the petty treatises of the rhetoricians. [86] For if those teachers of rhetoric included in their art such a multitude of the most important subjects, why, he asked, were their books crammed with rules about proems and perorations, and such trifles (for so he called them), while about the modelling of states, the composition of laws, about equity, justice, integrity, about mastering the appetites, and forming the morals of mankind, not one single syllable was to be found in their pages? [87] Their precepts he ridiculed in such a manner, as to show that the teachers were not only destitute of the knowledge which they arrogated to themselves, but that they did not even know the proper art and method of speaking; for he thought that the principal business of an orator was, that he might appear to those to whom he spoke to be such as he would wish to appear (that this was to be attained by a life of good reputation, on which those teachers of rhetoric had laid down nothing in their precepts); and that the minds of the audience should be affected in such a manner as the orator would have them to be affected, an object, also, which could by no means be attained, unless the speaker understood by what methods, by what arguments, and by what sort of language the minds of men are moved in any particular direction; but that these matters were involved and concealed in the profoundest doctrines of philosophy, which these rhetoricians had not touched even with the extremity of their lips. [88] These assertions Menedemus endeavoured to refute, but rather by authorities than by arguments; for, repeating from memory many

noble passage? from the orations of Demosthenes, he showed that that orator, while he swayed the minds of judges or of the people by his eloquence, was not ignorant by what means he attained his end, which Charmadas denied that any one could know without philosophy.

XX. [89] "To this Charmadas replied, that he did not deny that Demosthenes was possessed of consummate ability and the utmost energy of eloquence; but whether he had these powers from natural genius, or because he was, as was acknowledged, a diligent hearer of Plato, it was not what Demosthenes could do, but what the rhetoricians taught, that was the subject of inquiry. [90] Sometimes too he was carried so far by the drift of his discourse, as to maintain that there was no art at all in speaking; and having shown by various arguments that we are so formed by nature as to be able to flatter, and to insinuate ourselves, as suppliants, into the favour of those from whom we wish to obtain anything, as well as to terrify our enemies by menaces, to relate matters of fact, to confirm what we assert, to refute what is said against us, and, finally, to use entreaty or lamentation; particulars in which the whole faculties of the orator are employed; and that practice and exercise sharpened the understanding, and produced fluency of speech, he rested hia cause, in conclusion, on a multitude of examples that he adduced; [91] for first, as if stating an indisputable fact, he affirmed that no writer on the art of rhetoric was ever even moderately eloquent, going back as far as I know not what Corax and Tisias, who, he said, appeared to be the inventors and first authors of rhetorical science; and then named a vast number of the most eloquent men who had neither learned, nor cared to understand the rules of art, and amongst whom, (whether in jest, or because he thought, or had heard something to that effect,) he instanced me as one who had received none of their instructions, and yet, as he said, had some abilities as a speaker; of which two observations I readily granted the truth of one, that I had never been instructed, but thought that in the other he was either joking with me, or was under some mistake. [92] But he denied there was any art, except such as lay in things that were known and thoroughly understood, things tending to the same object, and never misleading; but that everything treated by the orators was doubtful and uncertain;

as it was uttered by those who did not fully understand it, and was heard by them to whom knowledge was not meant to be communicated, but merely false, or at least obscure notions, intended to live in their minds only for a short time. [93] In short, he seemed bent on convincing me that there was no art of speaking, and that no one could speak skilfully, or so as fully to illustrate a subject, but one who had attained that knowledge which is delivered by the most learned of the philosophers. On which occasions Charmadas used to say, with a passionate admiration of your genius, Crassus, that I appeared to him very easy in listening, and you most pertinacious in disputation.

XXI. [94] "Then it was that I, swayed by this opinion, remarked in a little treatise which got abroad, and into people's hands, without my knowledge and against my will, that I had known many good speakers, but never yet any one that was truly eloquent; for I accounted him a good speaker, who could express his thoughts with accuracy and perspicuity, according to the ordinary judgment of mankind, before an audience of moderate capacity; but I considered him alone eloquent, who could in a more admirable and noble manner amplify and adorn whatever subjects he chose, and who embraced in thought and memory all the principles of everything relating to oratory. This, though it may be difficult to us, who, before we begin to speak in public, are overwhelmed by canvassings for office and by the business of the forum, is yet within the range of possibility and the powers of nature. [95] For I, as far as I can divine by conjecture, and as far as I can estimate the abilities of our countrymen, do not despair that there may arise at some time or other a person, who, when, with a keener devotion to study than we feel, or have ever felt, with more leisure, with better and more mature talent for learning, and with superior labour and industry, he shall have given himself up to hearing, reading, and writing, may become such an orator as we desire to see, one who may justly be called not only a good speaker, but truly eloquent; and such a character, in my opinion, is our friend Crassus, or some one, if such ever was, of equal genius, who, having heard, read, and written more than Crassus, shall be able to make some little addition to it."

[96] Here Sulpicius observed: "That has happened by accident,

Crassus, which neither Cotta nor I expected, but which we both earnestly desired, I mean, that you should insensibly glide into a discourse of this kind. For, as we were coming hither, we thought it would be a pleasure, if, while you were talking on other matters, we might gather something worthy to be remembered from your conversation; but that you should go into a deep and full discussion on this very study, or art, or faculty, and penetrate into the heart of it, was what we could scarcely venture to hope. [97] For I, who from my early youth, have felt a strong affection for yon both, and even a love for Crassus, having never left his company, could never yet elicit a word from him on the method and art of speaking, though I not only solicited him myself, but endeavoured to move him by the agency of Drusus; on which subject you, Antonius, (I speak but the truth,) never failed to answer my requests and interrogatories, and have very often told me what you used to notice in speaking. [98] And since each of you has opened a way to these subjects of our research, and since Crassus was the first to commence this discourse, do us the favour to acquaint us fully and exactly what you think about the various kinds of eloquence. If we, obtain this indulgence from you, I shall feel the greatest obligation to this school of yours, Crassus, and to your Tusculan villa, and shall prefer your suburban place of study to the famous Academy and Lyceum."

XXII. [99] "Nay rather, Sulpicius," rejoined Crassus, "let us ask Antonius, who is both capable of doing what you desire, and, as I hear you say, has been accustomed to do so. As to myself, I acknowledge that I have ever avoided all such kind of discourse, and have often declined to comply with your requests and solicitations, as you just now observed. This I did, not from pride or want of politeness, nor because I was unwilling to aid your just and commendable aspirations, especially as I knew you to be eminently and above others formed and qualified by nature to become a speaker, but, in truth, from being unaccustomed to such kind of discussions, and from being ignorant of those principles which are laid down as institutes of the art." [100] "Then," said Cotta, "since we have got over what we thought the greatest difficulty, to induce you, Crassus, to speak at all upon these subjects, for the rest, it will be our own fault if we let you go before you have explained all that we have

to ask." [101] "I believe I must answer," says Crassus, "as is usually written in the formulae for entering on inheritances, concerning such points AS I KNOW AND SHALL BE ABLE." [102] "And which of us," rejoined Cotta, "can be so presuming as to desire to know or to be able to do anything that you do not know or cannot do?'' "Well, then," returned Crassus, "on condition that I may say that I cannot do what I cannot do, and that I may own that I do not know what I do not know, you may put questions to me at your pleasure." "We shall, then, first ask of you," said Suipicius, "what you think of what Antonius has advanced; whether you think that there is any art in speaking?" "What!" exclaimed Crassus, "do you put a trifling question to me, as to some idle and talkative, though perhaps studious and learned Greek, on which I may speak according to my humour? When do you. imagine that I have ever regarded or thought upon such matters, or have not always rather ridiculed the impudence of those men who, seated in the schools, would demand if any one, in a numerous assembly of persons, wished to ask any question, and desire him to speak? [103] This Gorgias the Leontine is said to have first done, who was thought to undertake and promise something vast, in pronouncing himself prepared to speak on all subjects on which any one should be inclined to hear him. But afterwards those men made it a common practice, and continue it to this day; so that there is no topic of such importance, or so unexpected, or so new, on which they do not profess that they will say all that can be said. [104] But if I had thought that you, Cotta, or you, Sulpicius, were desirous to hear such matters, I would have brought hither some Greek to amuse you with their manner of disputation; for there is with M. Piso, (a youth already addicted to this intellectual exercise, and one of superior talents, and of great affection for me,) the peripatetic Staseas, a man with whom I am well acquainted, and who, as I perceive is agreed amongst the learned, is of the first eminence in his profession."

XXIII. [105] "Why do you speak to me," says Scaevola, "of this Staseas, this peripatetic 1 You must comply with the wishes of these young gentlemen, Crassus, who do not want the common, profitless talk of any Greek, or any empty declamation of the schools, but desire to know the opinions of a man in whose footsteps they long to

tread, one who is the wisest and most eloquent of all men, who is not distinguished by petty books of precepts, but is the first, both in judgment and oratory, in causes of the greatest consequence, and in this seat of empire and glory. [106] For my part, as I always thought you a god in eloquence, so I have never attributed to you greater praises for oratory than for politeness; which you ought to show on this occasion especially, and not to decline a discussion on which two young men of such excellent ability invite you to enter." [107] "I am certainly," replied Crassus, "desirous to oblige them, nor shall I think it any trouble to speak briefly, as is my manner, what I think upon any point of the subject. And to their first question, (because I do not think it right for me to neglect your admonition, Scaevola,) I answer, that I think there is either no art of speaking at all, or but very little; but that all the disputation about it amongst the learned arises from a difference of opinion about the word. [108] For if art is to be defined according to what Antonius just now asserted, as lying in things thoroughly understood and fully known, such as are abstracted from the caprice of opinion and comprehended in the limits of science, there seems to me to be no art at all in oratory; since all the species of our forensic diction are various, and suited to the common understanding of the people. [109] Yet if those things which have been observed in the practice and method of speaking, have been noted and chronicled by ingenious and skilful men, have been set forth in words, illustrated in their several kinds, and distributed into parts, (as I think may possibly be done,) I do not understand why speaking may not be deemed an art, if not according to the exact definition of Antonius, at least according to common opinion. But whether it be an art, or merely the resemblance of an art, it is not, indeed, to be neglected; yet we must understand that there are other things of more consequence for the attainment of eloquence."

XXIV. [110] Antonius then observed, that he was very strongly of opinion with Crassus; for he neither adopted such a definition of art as those preferred who attributed all the powers of eloquence to art, nor did he repudiate it entirely, as most of the philosophers had done. "But I imagine, Crassus," added he, "that you will gratify these two young men, if you will specify those particulars which you think may be more conducive to oratory than art itself." [111] "I will indeed

mention them," said he, "since I have engaged to do so, but must beg you not to publish my trifling remarks; though I will keep myself under such restraint as not to seem to speak like a master, or artist, but like one of the number of private citizens, moderately versed in the practice of the forum, and not altogether ignorant; not to have offered anything from myself, but to have accidentally fallen in with the course of your conversation. [112] Indeed, when I was a candidate for office, I used, at the time of canvassing, to send away Scaevola from me, telling him I wanted to be foolish, that is, to solicit with flattery, a thing that cannot be done to any purpose unless it be done foolishly; and that he was the only man in the world in whose presence I should least like to play the fool; and yet fortune has appointed him to be a witness and spectator of my folly. 1 For what is more foolish than to speak about speaking, when speaking itself is never otherwise than foolish, except it is absolutely necessary" [113] "Proceed, however, Crassus," said Scaevola; "for I will take upon myself the blame which you fear."

XXV. "I am, then, of opinion," said Crassus, "that nature and genius in the first place contribute most aid to speaking; and that to those writers on the art, to whom Antonius just now alluded, it was not skill and method in speaking, but natural talent that was wanting; for there ought to be certain lively powers in the mind and understanding, which may be acute to invent, fertile to explain and adorn, and strong and retentive to remember; [114] and if any one imagines that these powers may be acquired by art, (which is false, for it is very well if they can be animated and excited by art; but they certainly cannot by art be ingrafted or instilled, since they are all the gifts of nature,) what will he say of those qualities which are certainly born with the man himself, volubility of tongue, tone of voice, strength of lungs, and a peculiar conformation and aspect of the whole countenance and body ? [115] I do not say, that art cannot improve in these particulars, (for am not ignorant that what is good may be made better by education, and what is not very good may be in some degree polished and amended;) but there are some persons so hesitating in their speech, so inharmonious in their tone of voice, or so unwieldy and rude in the air and movements of their bodies, that, whatever power they possess either from genius or art, they can

never be reckoned in the number of accomplished speakers; while there are others so happily qualified in these respects, so eminently adorned with the gifts of nature, that they seem not to have been born like other men, but moulded by some divinity. [116] It is, indeed, a great task and enterprise for a person to undertake and profess, that while every one else is silent, he alone must be heard on the most important subjects, and in a large assembly of men; for there is scarcely any one present who is not sharper and quicker to discover defects in the speaker than merits; and thus whatever offends the hearer effaces the recollection of what is worthy of praise. [117] I do not make these observations for the purpose of altogether deterring young men from the study of oratory, even if they be deficient in some natural endowments. For who does not perceive that to C. Caelius, my contemporary, a new man, the mere mediocrity in speaking, which he was enabled to attain, was a great honour ? Who does not know that Q. Varius, your equal in age, a clumsy, uncouth man, has obtained his great popularity by the cultivation of such faculties as he has ?

XXVI. [118] "But as our inquiry regards the COMPLETE ORATOR, we must imagine, in our discussion, an orator from whom every kind of fault is abstracted, and who is adorned with every kind of merit. For if the multitude of suits, if tha variety of causes, if the rabble and barbarism of the forum, afford room for even the most wretched speakers, we must not, for that reason, take our eyes from the object of out inquiry. In those arts, in which it is not indispensable usefulness that is sought, but liberal amusement for the mind, how nicely, how almost fastidiously, do we judge! For there are no suits or controversies which can force men, though they may tolerate indifferent orators in the forum, to endure also bad actors upon the stage. [119] The orator therefore must take the most studious precaution not merely to satisfy those whom he necessarily must satisfy, but to seem worthy of admiration to those who are at liberty to judge disinterestedly. If you would know what I myself think, I will express to you, my intimate friends, what I have hitherto never mentioned, and thought that I never should mention. To me, those who speak best, and speak with the utmost ease and grace, appear, if they do not commence their speeches with some timidity, and show

some confusion in the exordium, to have almost lost the sense of shame, though it is impossible that such should not be the case; [120] for the better qualified a man is to speak, the more he fears the difficulties of speaking, the uncertain success of a speech, and the expectation of the audience. But he who can produce and deliver nothing worthy of his subject, nothing worthy of the name of an orator, nothing worthy the attention of his audience, seems to me, though he be ever so confused while he is speaking, to be downright shameless; for we ought to avoid a character for shamelessness, not by testifying shame, but by not doing that which does not become us. [121] But the speaker who has no shame (as I see to be the case with many) I regard as deserving, not only of rebuke, but of personal castigation. Indeed, what I often observe in you I very frequently experience in myself, that I turn pale in the outset of my speech, and feel a tremor through my whole thoughts, as it were, and limbs. When I was a young man, I was on one occasion so timid in commencing an accusation, that I owed to Q. Maximus the greatest of obligations for immediately dismissing the assembly, as soon as he saw me absolutely disheartened and incapacitated through fear." [122] Here they all signified assent, looked significantly at one another, and began to talk together; for there was a wonderful modesty in Crassus, which however was not only no disadvantage to his oratory, but even an assistance to it, by giving it the recommendation of probity,

XXVII. Antonius soon after said, "I have often observed, as you mention, Crassus, that both you and other most accomplished orators, although in my opinion none was ever equal to you, have felt some agitation in entering upon their speeches. When I inquired into the reason of this, and considered why a speaker, the more ability he possessed, felt the greater fear in speaking, I found that there were two causes of such timidity: one, that those whom experience [123] and nature had formed for speaking, well knew that the event of a speech did not always satisfy expectation even in the greatest orators; and thus, as often as they spoke, they feared, not without reason, that what sometimes happened might happen then; [124] the other (of which I am often in the habit of complaining) is, that men, tried and approved in other arts, if they ever do anything with less success than

usual, are thought either to have wanted inclination for it, or to have failed in performing what they knew how to perform from ill health. ‘ Roscius,’ they say, ‘ would not act today,’ or, ‘ he was indisposed.’ But if any deficiency is seen in the orator, it is thought to proceed from want of sense; [125] and want of sense admits of no excuse, because nobody is supposed to have wanted sense because he ‘ was indisposed,’ or because ‘such was his inclination.’ Thus we undergo a severer judgment in oratory, and judgment is pronounced upon us as often as we speak; if an actor is once mistaken in an attitude, he is not immediately considered to be ignorant of attitude in general; but if any fault is found in a speaker, there prevails for ever, or at least for a very long time, a notion of his stupidity.

XXVIII. [126] “But in what you observed, as to there being many things in which, unless the orator has a full supply of them from nature, he cannot be much assisted by a master I agree with you entirely; and, in regard to that point, I have always expressed the highest approbation of that eminent teacher, Apollonius of Alabanda, who, though he taught for pay, would not suffer such as he judged could never become orators, to lose their labour with him; and he sent them away with exhortations and encouragements to each of them to pursue that peculiar art for which he thought him naturally qualified. [127] To the acquirement of other arts it is sufficient for a person to resemble a man, and to be able to comprehend in his mind, and retain in his memory, what is instilled, or, if he is very dull, inculcated into him; no volubility of tongue is requisite, no quickness of utterance; none of those things which we cannot form for ourselves, aspect, countenance, look, voice. [128] But in an orator, the acuteness of the logicians, the wisdom of the philosophers, the language almost of poetry, the memory of lawyers, the voice of tragedians, the gesture almost of the best actors, is required. Nothing therefore is more rarely found among mankind than a consummate orator; for qualifications which professors of other arts are commended for acquiring in a moderate degree, each in his respective pursuit, will not be praised in the orator, unless they are all combined in him in the highest possible excellence.”

[129] “Yet observe,” said Crassus, “how much more diligence as used in one of the light and trivial arts than in this, which is

acknowledged to be of the greatest importance; for I often hear Roscius say, that ‘ he could never yet find a scholar that he was thoroughly satisfied with; not that some of them were not worthy of approbation, but because, if they had any fault, he himself could not endure it.’ Nothing indeed is so much noticed, or makes an impression of such lasting continuance on the memory, as that in which you give any sort of offence. [130] To judge therefore of the accomplishments of the orator by comparison with this stage-player, do you not observe how everything is done by him unexceptionably; everything with the utmost grace; everything in such a way as is becoming, and as moves and delights all? He has accordingly long attained such distinction, that in whatever pursuit a man excels, he is called a Roscius in his art. For my own part, while I desire this finish and perfection in an orator, of which I fall so far short myself, I act audaciously; for I wish indulgence to be granted to myself, while I grant none to others; for I think that he who has not abilities, who is faulty in action, who, in short, wants a graceful manner, should be sent off, as Apollonius advised, to that for which he has a capacity.”

XXIX. [131] “Would you then,” said Sulpicius, “desire me, or our friend Cotta, to learn the civil law, or the military art? for who can ever possibly arrive at that perfection of yours, that high excellence in every accomplishment?” “It was,” replied Crassus, “because I knew that there was in both of you excellent and noble talents for oratory, that I have expressed myself fully on these matters; nor have I adapted my remarks more to deter those who had not abilities, than to encourage you who had; and though I perceive in you both consummate capacity and industry, yet I may say that the advantage of personal appearance, on which I have perhaps said more than the Greeks are wont to say, are in you, Sulpicius, even godlike. [132] For any person better qualified for this profession by gracefulness of motion, by his very carriage and figure, or by the fulness and sweetness of his voice, I think that I have never heard speak; endowments which those, to whom they are granted by nature in an inferior degree, may yet succeed in managing, in such measure as they possess them, with judgment and skill, and in such a manner as not to be unbecoming; for that is what is chiefly to be avoided, and concerning which it is most difficult to give any rules for instruction,

not only for me, who talk of these matters like a private citizen, but even for Roscius himself, whom I often hear say, 'that the most essential part of art is to be becoming? which yet is the only thing that cannot be taught by art. [133] But, if it is agreeable, let us change the subject of conversation, and talk like ourselves a little, not like rhetoricians."

"By no means," said Cotta, "for we must now intreat you (since you retain us in this study, and do not dismiss us to any other pursuit) to tell us something of your own abilities, whatever they are, in speaking; for we are not inordinately ambitious; we are satisfied with that mediocrity of eloquence of yours; and what we inquire of you is (that we may not attain more than that humble degree of oratory at which you have arrived) what you think, since you say that the endowments to be derived from nature are not very deficient in us, we ought to endeavour to acquire in addition."

XXX. [134] Crassus, smiling, replied, "What do you think is wanting to you, Cotta, but a passionate inclination, and a sort of ardour like that of love, without which no man will ever attain anything great in life, and especially such distinction as you desire? Yet I do not see that you need any encouragement to this pursuit; indeed, as you press rather hard even upon me, I consider that you burn with an extraordinarily fervent affection for it. [135] But I am aware that a desire to reach any point avails nothing, unless you know what will lead and bring you to the mark at which you aim. Since therefore you lay but a light burden upon me, and do not question me about the whole art of the orator, but about my own ability, little as it is, I will set before you a course, not very obscure, or very difficult, or grand, or imposing, the course of my own practice, which I was accustomed to pursue when I had opportunity, in my youth, to apply to such studies."

[136] "O day much wished for by us, Cotta! " exclaimed Sulpicius; "for what I could never obtain, either by entreaty, or stratagem, or scrutiny, (so that I was unable, not only to see what Crassus did, with a view to meditation or composition, but even to gain a notion of it from his secretary and reader, Diphilus,) I hope we have now secured, and that we shall learn from himself all that we have long desired to know."

XXXI. [137] “I conceive, however,” proceeded Crassus, “that when you have heard me, you will not so much admire what I have said, as think that, when you desired to hear, there was no good reason for your desire; for I shall say nothing abstruse, nothing to answer your expectation, nothing either previously unheard by you, or new to any one. In the first place, I will not deny that, as becomes a man well born and liberally educated, I learned those trite and common precepts of teachers in general; [138] first, that it is the business of an orator to speak in a manner adapted to persuade; next, that every speech is either upon a question concerning a matter in general, without specification of persons or times, or concerning a matter referring to certain persons and times. [139] But that, in either case, whatever falls under controversy, the question with regard to it is usually, whether such a thing has been done, or, if it has been done, of what nature it is, or by what name it should be called; or, as some add, whether it seems to have been done rightly or not. [140] That controversies arise also on the interpretation of writing, in which anything has been expressed ambiguously, or contradictorily, or so that what is written is at variance with the writer’s evident intention; and that there are certain lines of argument adapted to all these cases. [141] But that of such subjects as are distinct from general questions, part come under the head of judicial proceedings, part under that of deliberations; and that there is a third kind which is employed in praising or censuring particular persons. That there are also certain common places on which we may insist in judicial proceedings, in which equity is the object; others, which we may adopt in deliberations, all which are to be directed to the advantage of those to whom we give counsel; others in panegyric, in which all must be referred to the dignity of the persons commended. [142] That since all the business and art of an orator is divided into five parts, he ought first to find out what he should say; next, to dispose and arrange his matter, not only in a certain order, but with a sort of power and judgment; then to clothe and deck his thoughts with language; then to secure them in his memory; and lastly, to deliver them with dignity and grace. [143] I had learned and understood also, that before we enter upon the main subject, the minds of the audience should be conciliated by an exordium; next, that the case should be clearly

stated; then, that the point in controversy should be established; then, that what we maintain should be supported by proof, and that whatever was said on the other side should be refuted; and that, in the conclusion of our speech, whatever was in our favour should be amplified and enforced, and whatever made for our adversaries should be weakened and invalidated.

XXXII. [144] "I had heard also what is taught about the costume of a speech; in regard to which it is first directed that we should speak correctly and in pure Latin; next, intelligibly and with perspicuity; then gracefully; then suitably to the dignity of the subject, and as it were becomingly; and I had made myself acquainted with the rules relating to every particular. [145] Moreover, I had seen art applied to those things which are properly endowments of nature; for I had gone over some precepts concerning action, and some concerning artificial memory, which were short indeed, but requiring much exercise; matters on which almost all the learning of those artificial orators is employed; and if I should say that it is of no assistance, I should say what is not true; for it conveys some hints to admonish the orator, as it were, to what he should refer each part of his speech, and to what points he may direct his view, so as not to wander from the object which he has proposed to himself. [146] But I consider that with regard to all precepts the case is this, not that orators by adhering to them have obtained distinction in eloquence; but that certain persons have noticed what men of eloquence practised of their own accord, and formed rules accordingly; so that eloquence has not sprung from art, but art from eloquence; not that, as I said before, I entirely reject art, for it is, though not essentially necessary to oratory, yet proper for a man of liberal education to learn. [147] And by you, my young friends, some preliminary exercise must be undergone; though indeed you are already on the course; but those who are to enter upon a race, and those who are preparing for what is to be done in the forum, as their field of battle, may alike previously learn, and try their powers, by practising in sport." [148] "That sort of exercise," said Sulpicius, "is just what we wanted to understand; but we desire to hear more at large what you have briefly and cursorily delivered concerning art; though such matters are not strange even to us. Of that subject, however, we shall inquire hereafter; at present we

wish to know your sen- timents on exercise."

XXXIII. [149] "I like that method," replied Crassus, "which you are accustomed to practise, namely, to lay down a case similar to those which are brought on in the forum, and to speak upon it, as nearly as possible, as if it were a real case.

But in such efforts the generality of students exercise only their voice (and not even that skilfully), and try their strength of lungs, and volubility of tongue, and please them- selves with a torrent of their own words; in which exercise what they have heard deceives them, that men by speaking succeed in becoming speakers. [150] For it is truly said also, That men by speaking badly make sure of becoming bad speakers. In those exercises, therefore, although it be useful even frequently to speak on the sudden, yet it is mere advantageous, after taking time to consider, to speak with greater preparation and accuracy. But the chief point of all is that which (to say the truth) we hardly ever practise (for it requires great labour, which most of us avoid); I mean, to write as much as possible. Writing is said to be the best and most excellent modeller and teacher of oratory; and not without reason; for if what is meditated and considered easily surpasses sudden and extemporary speech, a constant and diligent habit of writing will surely be of more effect than meditation and consideration itself; [151] since all the arguments relating to the subject on which we write, whether they are suggested by art, or by a certain power of genius and understanding, will present themselves, and occur to us, while we examine and contemplate it in the full light of our intellect; and all the thoughts and words, which are the most expressive of their kind, must of necessity come under and submit to the keenness of our judgment while writing; and a fair arrangement and collocation of the words is effected by writing, in a certain rhythm and measure, not poetical, but oratorical. [152] Such are the qualities which bring applause and admiration to good orators; nor will any man ever attain them, unless after long and great practice in writing, however resolutely he may have exercised himself in extemporary speeches; and he who comes to speak after practice in writing brings this advantage with him, that though he speak at the call of the moment, yet what he says will bear a resemblance to something written; and if ever, when he comes to speak, he brings

anything with him in writing, the rest of his speech, when he departs from what is written, will flow on in a similar strain. [153] As, when a boat has once been impelled forward, though the rowers suspend their efforts, the vessel herself still keeps her motion and course during the intermission of the impulse and force of the oars; so, in a continued stream of oratory, when written matter fails, the rest of the speech maintains a similar flow, being impelled by the resemblance and force acquired from what was written.

XXXIV. [154] "But in my daily exercises I used, when a youth, to adopt chiefly that method which I knew that Caius Carbo, my adversary, generally practised; which was, that, having selected some nervous piece of poetry, or read over such a portion of a speech as I could retain in my memory, I used to declaim upon what I had been reading in other words, chosen with all the judgment that I possessed. But at length I perceived that in that method there was this inconvenience, that Ennius, if I exercised myself on his verses, or Gracchus, if I laid one of his orations before me, had forestalled such words as were peculiarly appropriate to the subject, and such as were the most elegant and altogether the best; so that, if I used the same words, it profited nothing; if others, it was even prejudicial to me, as I habituated myself to use such as were less eligible. [155] Afterwards I thought proper, and continued the practice at a rather more advanced age, to translate the orations of the best Greek orators; by fixing upon which I gained this advantage, that while I rendered into Latin what I had read in Greek, I not only used the best words, and yet such as were of common occurrence, but also formed some words by imitation, which would be new to our countrymen, taking care, however, that they were unobjectionable.

[156] "As to the exertion and exercise of the voice, of the breath, of the whole body, and of the tongue itself; they do not so much require art as labour; but in those matters we ought to be particularly careful whom we imitate and whom we would wish to resemble. Not only orators are to be observed by us, but even actors, lest by vicious habits we contract any awkwardness or ungracefulness. [157] The memory is also to be exercised, by learning accurately by heart as many of our own writings, and those of others, as we can. In exercising the memory, too, I shall not object if you accustom

yourself to adopt that plan of referring to places and figures which is taught in treatises on the art. 1 Your language must then be brought forth from this domestic and retired exercise, into the midst of the field, into the dust and clamour, into the camp and military array of the forum; you must acquire practice in everything; you must try the strength of your understanding; and your retired lucubrations must be exposed to the light of reality. [158] The poets must also be studied; an acquaintance must be formed with history; the writers and teachers in all the liberal arts and sciences must be read, and turned over, and must, for the sake of exercise, be praised, interpreted, corrected, censured, refuted; you must dispute on both sides of every question; and whatever may seem maintainable on any point, must be brought forward and illustrated. [159] The civil law must be thoroughly studied; laws in general must be understood; all antiquity must be known; the usages of the senate, the nature of our government, the rights of our allies, our treaties and convention?, and whatever concerns the interests of the state, must be learned. A certain intellectual grace must also be extracted from every kind of refinement, with which, as with salt, every oration must be seasoned. I have poured forth to you all I had to say, and perhaps any citizen whom you had laid hold of in any company whatever, would have replied to your inquiries on these subjects equally well.'

XXXV. [160] When Crassus had uttered these words a silence ensued. But though enough seemed to have been said in the opinion of the company present, in reference to what had been proposed, yet they thought that he had concluded his speech more abruptly than they could have wished. Scaevola then said, "What is the matter, Cotta? why are you silent ? Does nothing more occur to you which you would wish to ask Crassus?" [161] "Nay," rejoined he, "that is the very thing of which I am thinking; for the rapidity of his words was such, and his oration was winged with such speed, that though I perceived its force and energy I could scarcely see its track and course; and, as if I had come into some rich and well-furnished house, where the furniture was not un- packed, nor the plate set out, nor the pictures and statues placed in view, but a multitude of all these magnificent things laid up and heaped together; so just now, in the speech of

Crassus, I saw his opulence and the riches of his genius, through veils and curtains as it were; but when I desired to take a nearer view, there was scarcely opportunity for taking a glance at them; I can therefore neither say that I am wholly ignorant of what he possesses, nor that I have plainly ascertained and beheld it." [162] "Then," said Scaevola, "why do you not act in the same way as you would do, if you had really come into a house or villa full of rich furniture? If everything was put by as you describe, and you had a great curiosity to see it, you would not hesitate to ask the master to order it to be brought out, especially if he was your friend; in like manner you will now surely ask Crassus to bring forth into the light that profusion of splendid objects which are his property, (and of which, piled together in one place, we have caught a glimpse, as it were through a lattice, as we passed by,) and set everything in its proper situation." [163] "I rather ask you, Scaevola," says Cotta, "to do that for me; (for modesty forbids Sulpicius and myself to ask of one of the most eminent of mankind, who has ever held in contempt this kind of disputation, such things as he perhaps regards only as rudiments for children;) but do you oblige us in this, Scaevola, and prevail on Crassus to unfold and enlarge upon those matters which he has crowded together, and crammed into so small a space in his speech." [164] "Indeed," said Scaevola, "I desired that before, more upon your account than my own; nor did I feel so much longing for this discussion from Crassus, as I experience pleasure from his orations in pleading But now, Crassus, I ask you also on my own account, that since we have so much more leisure than has been allowed us for long time, you would not think it troublesome to complete the edifice which you have commenced; for I see a finer
and better plan of the whole work than I could have imagined, and one of which I strongly approve."

XXXVI. [165] “I cannot sufficiently wonder,” says Crassus, “that even you, Scaevola, should require of me that which I do not understand like those who teach it, and which is of such a nature, that if I understood it ever so well, it would be unworthy of your wisdom and attention.” “Say you so?” replied Scaevola. “If you think it scarcely worthy of my age to listen to those ordinary precepts, commonly known everywhere, can we possibly neglect those other matters which you said must be known by the orator, respecting the dispositions and manners of mankind, the means by which the minds of men are excited or calmed, history, antiquity, the administration of the republic, and finally of our own civil law itself? For I knew that all this science, this abundance of knowledge, was within the compass of your understanding, but had never seen such rich furniture among the equipments of the orator.”

[166] “Can you then,” says Crassus, “(to omit other things innumerable and without limit, and come to your study, the civil law,) can you account them orators, for whom Scaevola, though in haste to go to the Campus Martius, waited several hours, sometimes laughing and sometimes angry, while Hypsaeus, in the loudest voice, and with a multitude of words, was trying to obtain of Marcus Crassus, the praetor, that the party whom he defended might be allowed to lose his suit; and Cneius Octavius, a man of consular dignity, in a speech of equal length, refused to consent that his adversary should lose his cause, and that the party for whom he was speaking should be released from the ignominious charge of having been unfaithful in his guardianship, and from all trouble, through the folly of his antagonist?” [167] “I should have thought such men,” replied Scaevola, “(for I remember Mucius told me the story,) not only unworthy of the name of orators, but unworthy even to appear to plead in the forum.” “Yet,” rejoined Crassus, “those advocates neither wanted eloquence, nor method, nor abundance of words, but a knowledge of the civil law: for in this case one, in bringing his suit, sought to recover more damages than the law of the Twelve Tables allowed, and, if he had gained those damages, would have lost his cause: the other thought it unjust that he himself should be proceeded against for more than was allowed in that sort of action, and did not

understand that his adversary, if he proceeded in that manner, would lose his suit.

XXXVII. [168] "Within these few days, while we were sitting at the tribunal of our friend Quintus Pompeius, the city praetor, did not a man who is ranked among the eloquent pray that the benefit of the ancient and usual exception, of which sum there is time for payment, might be allowed to a party from whom a sum of money was demanded; an exception which he did not understand to be made for the benefit of the creditor; so that if the defendant had proved to the judge that the action was brought for the money before it became due, the plaintiff, on bringing a fresh action, would be precluded by the exception, that the matter had before come into judgment. [169] What more disgraceful therefore can possibly be said or done, than that he who has assumed the character of an advocate, ostensibly to defend the causes and interests of his friends, to assist the distressed, to relieve such as are sick at heart, and to cheer the afflicted, should so err in the slightest and most trivial matters, as to seem an object of pity to some, and of ridicule to others? [170] I consider my relation, Publius Crassus, him who from his wealth had the surname of Dives, to have been, in many other respects, a man of taste and elegance, but especially worthy of praise and commendation on this account, that (as he was the brother of Publius Scaevola) he was accustomed to observe to him, that neither could he have satisfied the claims of the civil law if he had not added the power of speaking (which his son here, who was my colleague in the consulate, has fully attained); nor had he himself begun to practise, and plead the causes oj his friends, before he had gained a knowledge of the civil law. [171] What sort of character was the illustrious Marcus Cato? Was he not possessed of as great a share of eloquence as those times and that age would admit in this city, and at the same time the most learned of all men in the civil law? I have been speaking for some time the more timidly on this point, because there is with us a man eminent in speaking, whom I admire as an orator beyond all others; but who has ever held the civil law in contempt. [172] But, as you desired to learn my sentiments and opinions, I will conceal nothing from you, but, as far as I am able, will communicate to you my thoughts upon every subject.

XXXVIII. “The almost incredible, unparalleled, and divine power of genius in Antonius, appears to me, although wanting in legal knowledge, to be able easily to sustain and defend itself with the aid of other weapons of reason; let him there- fore be an exception; but I shall not hesitate to condemn others, by my sentence, of want of industry in the first place, and of want of modesty in the next. [173] For to flutter about the forum, to loiter in courts of justice and at the tribunals of the praetors, to undertake private suits in matters of the greatest concern, in which the question is often not about fact, but about equity and law, to swagger in causes heard before the centumviri, in which the laws of prescriptive rights, of guardianship, of kindred, of agnation, of alluvions, circumluvions, of bonds, of transferring property, of party walls, lights, stillicidia, of wills, transgressed or established, and innumerable other matters are debated, when a man is utterly ignorant what is properly his own, and what his neighbour’s, why any person is considered a citizen or a foreigner, a slave or a freeman, is a proof of extraordinary impudence. [174] It is ridiculous arrogance for a man to confess himself unskilful in navigating smaller vessels, and yet say that he has learned to pilot galleys with five banks of oars, or even larger ships. You who are deceived by a quibble of your adversary in a private company, you who set your seal to a deed for your client, in which that is written by which he is overreached; can I think that any cause of greater consequence ought to be entrusted to you? Sooner assuredly shall he who oversets a two-oared boat in the harbour steer the vessel of the Argonauts in the Euxine Sea.

[175] “But what if the causes are not trivial, but often of the utmost importance, in which disputes arise concerning points of civil law ? What front must that advocate have who dares to appear in causes of such a nature without any knowledge of that law? What cause, for instance, could be of more consequence than that of the soldier, of whose death a false report having been brought home from the army, and his father, through giving credit to that report, having altered his will, and appointed another person, whom he thought proper, to be his heir, and having then died himself, the affair, when the soldier returned home, and instituted a suit for his paternal inheritance, came on to be heard before the centumviri? The point assuredly in that

case was a question of civil law, whether a son could be disinherited of his father's possessions, whom the father neither appointed his heir by will, nor disinherited by name?

XXXIX. [176] "On the point too which the centumviri decided between the Marcelli and the Claudii, two patrician families, when the Marcelli said that an estate, which had belonged to the son of a freedman, reverted to them by right of stirps, and the Claudii alleged that the property of the man reverted to them by right of gens, was it not necessary for the pleaders in that cause to speak upon all the rights of stirps and gens? [177] As to that other matter also, which we have heard was contested at law before the centumviri, when an exile came to Rome, (who had the privilege of living in exile at Rome, if he attached himself to any citizen as a patron,) and died intestate, was not, in a cause of that nature, the law of attachment? obscure and indeed unknown, expounded and illustrated by the pleader? [178] When I myself lately defended the cause of Sergius Aurata, on a private suit against our friend Antonius, did not my whole defence turn upon a point of law? For when Marius Gratidianus had sold a house to Aurata, and had not specified, in the deed of sale, that any part of the building owed service, we argued, that for whatever incumbrance attended the thing sold, if the seller knew of it, and did not make it known, he ought to indemnify the purchaser. [179] In this kind of action our friend Marcus Bucculeius; a man not a fool in my opinion, and very wise in his own, and one who has no aversion to the study of law, made a mistake lately, in an affair of a somewhat similar nature. For when he sold a house to Lucius Fufius, he engaged, in the act of conveyance, that the window-lights should remain as they then were. But Fufius, as soon as a building began to rise in some part of the city, which could but just be seen from that house, brought an action against Bucculeius, on the ground that whatever portion of the sky was intercepted, at however great a distance, the window-light underwent a change. [180] Amidst what a concourse of people too, and with what universal interest, was the famous cause between Manius Curius and Marcus Copouius lately conducted before the centumviri ! On which occasion Quintus Scaevola, my equal in age, and my colleague, a man of all others the most learned in the practice of the civil law, and of most acute genius

and discernment, a speaker most polished and refined in his language, and indeed, as I am accustomed to remark, the best orator among the lawyers, and the best lawyer among the orators, argued the law from the letter of the will, and maintained that he who was appointed second heir, after a posthumous son should be born and die, could not possibly inherit, unless such posthumous son had actually been born, and had died before he came out of tutelage: I, on the other side, argued that he who made the will had this intention, that if there was no son at all who could come out of tutelage, Manius Curius should be his heir. Did either of us, in that cause, fail to exert ourselves in citing authorities, and precedents, and forms of wills, that is, to dispute on the profoundest points of civil law?

XL. [181] "I forbear to mention many examples of causes of the greatest consequence, which are indeed without number. It may often happen that even capital cases may turn upon a point of law; for, as an example, Publius Rutilius, the son of Marcus, when tribune of the people, ordered Caius Mancinus, a most noble and excellent man, and of consular dignity, to be put out of the senate; on the occasion when the chief herald had given him up to the Numantines, according to a decree of the senate, passed on account of the odium which he had incurred by his treaty with that people, and they would not receive him, and he had then returned home, and had not hesitated to take his place in the senate; the tribune, I say, ordered him to be put out of the house, maintaining that he was not a citizen; because it was a received tradition, That he whom his own father, or the people, had sold, or the chief herald had given up, had no postliminium or right of return. [182] What more important cause or argument can we find, among all the variety of civil transactions, than one concerning the rank, the citizenship, the liberty, the condition of a man of consular dignity, especially as the case depended, not on any charge which he might deny, but on the interpretation of the civil law? In a like case, but concerning a person of inferior degree, it was inquired among our ancestors, whether, if a person belonging to a state in alliance with Rome had been in servitude amongst us, and gained his freedom, and afterwards returned home, he returned by the right of postliminium, and lost the citizenship of this city. [183] May not a dispute arise on a point of civil

law respecting liberty, than which no cause can be of more importance, when the question is, for example, whether he who is enrolled as a citizen, by his master's consent, is free at once, or when the lustrum is completed? As to the case also, that happened in the memory of our fathers, when the father of a family, who had come from Spain to Rome, and had left a wife pregnant in that province, and married another at Rome, without sending any notice of divorce to the former, and died intestate, after a son had been born of each wife, did a small matter come into controversy, when the question was concerning the rights of two citizens, I mean concerning the boy who was born of the latter wife and his mother, who, if it were adjudged that a divorce was effected from a former wife by a certain set of words, and not by a second marriage, would be deemed a concubine? [184] For a man, then, who is ignorant of these and other similar laws of his own country, to wander about the forum with a great crowd at his heels, erect and haughty, looking hither and thither with a gay and assured face and air, offering and tendering protection to his clients, assistance to his friends, and the light of his genius and counsel to almost all his fellow-citizens, is it not to be thought in the highest degree scandalous?

XLI. [185] "Since I have spoken of the audacity, let me also censure the indolence and inertness of mankind. For if the study of the law were illimitable and arduous, yet the greatness of the advantage ought to impel men to undergo the labour of learning it; but, ye immortal gods. I would not say this in the hearing of Scaevola, unless he himself were accustomed to say it, namely, that the attainment of no science seems to him more easy. [186] It is, indeed, for certain reasons, thought otherwise by most people, first, because those of old, who were at the head of this science, would not, for the sake of securing and extending their own influence, allow their art to be made public; in the next place, when it was published, the forms of actions at law being first set forth by Cneius Flavius, there were none who could compose a general system of those matters arranged under regular heads. For nothing can be reduced into a science, unless he who understands the matters of which he would form a science, has previously gained such knowledge as to enable him to constitute a science out of subjects in which there has never yet been

any science. [187] I perceive that, from desire to express this briefly, I have expressed it rather obscurely; but I will make an effort to explain myself, if possible, with more perspicuity.

XLII. "All things which arc now comprised in sciences, were formerly unconnected, and in a state, as it were, of dispersion; as in music, numbers, sounds, and measures; in geometry, lines, figures, spaces, magnitudes; in astronomy, the revolution of the heavens, the rising, setting, and other motions of the stars; in grammar, the study of the poets, the knowledge of history, the interpretation of words, the peculiar tone of pronunciation; and finally, in this very art of oratory, invention, embellishment, arrangement, memory, delivery, seemed of old not to be fully understood by any, and to be wholly unconnected. [188] A certain extrinsic art was therefore applied, adopted from another department of knowledge, which the philosophers wholly claim to themselves, an art which might serve to cement things previously separate and uncombined, and unite them in a kind of system.

"Let then the end proposed in civil law be the preservation of legitimate and practical equity in the affairs and causes of the citizens. [189] The general heads of it are then to be noted, and reduced to a certain number, as few as may be. A general head is that which comprehends two or more particulars, similar to one another by having something in common, but differing in species. Particulars are included under the general heads from which they spring. All names, which are given either to general heads, or particulars, must be limited by definitions, showing what exact meaning they have. A definition is a short and concise specification of whatever properly belongs to the thing which we would define. [190] I should add examples on these points, were I not sensible to whom my discourse is addressed. I will now comprise what I proposed in a short space. For if I should have leisure to do what I have long meditated, or if any other person should undertake the task while I am occupied or accomplish it after my death, (I mean, to digest, first of all, the whole civil law under general heads, which are very few; next, to branch out those general heads, as it were, into members; then to explain the peculiar nature of each by a definition;) you will have a complete system of civil law, large and full indeed, but neither difficult nor

obscure. [191] In the meantime, while what is unconnected is being combined, a person may, even by gathering here and there, and collecting from all parts, be furnished with a competent knowledge of the civil law.

XLIII. “Do you not observe that Caius Aculeo, a Roman knight, a man of the most acute genius in the world, but of little learning in other sciences, who now lives, and has always lived with me, understands the civil law so well, that none even of the most skilful, if you except my friend Scaevola here, can be preferred to him? [192] Everything in it, indeed, is Bet plainly before our eyes, connected with our daily habits, with our intercourse among men, and with the forum, and is not contained in a vast quantity of writing, or many large volumes; for the elements that were at first published by several writers are the same; and the same things, with the change of a few words, have been repeatedly written by the same authors. [193] Added to this, that the civil law may be more readily learned and understood, there is (what most people little imagine) a wonderful pleasure and delight in acquiring a knowledge of it. For, whether any person is attracted by the study of antiquity, there is, in every part of the civil law, in the pontifical books, and in the Twelve Tables, abundance of instruction as to ancient matters, since not only the original sense of words is thence understood, but certain kinds of law proceedings illustrate the customs and lives of our ancestors; or if he has a view to the science of government (which Scaevola judges not to belong to the orator, but to science of another sort), he will find it all comprised in the Twelve Tables, every advantage of civil government, and every part of it being there described; or if authoritative and vaunting philosophy delight him, (I will speak very boldly,) he will find there the sources of all the philosophers’ disputations, which lie in civil laws and enactments; [194] for from these we perceive that virtue is above all things desirable, since honest, just, and conscientious industry is ennobled with honours, rewards, and distinctions; but the vices and frauds of mankind are punished by fines, ignominy, imprisonment, stripes, banishment, and death; and we are taught, not by disputations endless and full of discord, but by the authority and mandate of the laws, to hold our appetites in subjection, to restrain all our passions, to defend our own

property, and to keep our thoughts, eyes, and hands, from that of others.

XLIV. [195] “Though all the world exclaim against me, I will say what I think: that single little book of the Twelve Tables, if any one look to the fountains and sources of laws, seems to me, assuredly, to surpass the libraries of all the philosophers, both in weight of authority, and in plenitude of utility. [196] And if our country has our love, as it ought to have in the highest degree, our country, I say, of which the force and natural attraction is so strong, that one of the wisest of mankind preferred his Ithaca, fixed, like a little nest, among the roughest of rocks, to immortality itself, with what affection ought we to be warmed towards such a country as ours, which, preeminently above all other countries, is the seat of virtue, empire, and dignity? Its spirit, customs, and discipline ought to be our first objects of study, both because our country is the parent of us all, and because as much wisdom must be thought to have been employed in framing such laws, as in establishing so vast and powerful an empire. [197] You will receive also this pleasure and delight from the study of the law, that you will then most readily comprehend how far our ancestors excelled other nations in wisdom, if you compare our laws with those of their Lycurgus, Draco, and Solon. It is indeed incredible how undigested and almost ridiculous is all civil law, except our own; on which subject I am accustomed to say much in. my daily conversation, when I am praising the wisdom of our countrymen above that of all other men, and especially of the Greeks. For these reasons have I declared, Scaevola r that the knowledge of the civil law is indispensable to those who would become accomplished orators.

XLV. [198] “And who does not know what an accession of honour, popularity, and dignity, such knowledge, even of itself, brings with it to those who are eminent in it? As, therefore, among the Greeks, men of the lowest rank, induced by a trifling reward, offer themselves as assistants to the pleaders on trials (men who are by them called pragmatici), so in our city, on the contrary, every personage of the most eminent rank and character, such as that Aelius Sextus, who, for his knowledge in the civil law, was called by our great poet,

”A man of thought and prudence, nobly wise”

and many besides, who, after arriving at distinction by means of their ability, attained such influence, that in answering questions on points of law, they found their authority of more weight than even their ability. [199] For ennobling and dignifying old age, indeed, what can be a more honourable resource than the interpretation of the law? For myself, I have, even from my youth, been securing this resource, not merely with a view to benefit in pleadings in the forum, but also for an honour and ornament to the decline of life; so that, when my strength begins to fail me (for which the time is even now almost approaching), I may, by that means, pre- serve my house from solitude. For what is more noble than for an old man, who has held the highest honours and offices of the state, to be able justly to say for himself, that which the Pythian Apollo says in Ennius, that he is the person from whom, if not nations and kings, yet all his fellow-citizens, solicit advice,

> ”Uncertain how to act; whom, by my aid,
> I send away undoubting, full of counsel,
> No more with rashness things perplex’ d to sway”

[200] for without doubt the house of an eminent lawyer is tho oracle of the whole city. Of this fact the gate and vestibule of our friend Quintus Mucius is a proof, which, even in his very infirm state of health, and advanced age, is daily frequented by a vast crowd of citizens, and by persons of the highest rank and splendour.

XLVI. [201] “It requires no very long explanation to show why I think the public laws also, which concern the state and government, as well as the records of history, and the precedents of antiquity, ought to be known to the orator; for as in causes and trials relative to private affairs, his language is often to be borrowed from the civil law, and therefore, as we said before, the knowledge of the civil law is necessary to the orator; so in regard to causes affecting public matters, before our courts, in assemblies of the people, and in the senate, all the history of these and of past times, the authority of public law, the system and science of governing the state, ought to be at the command of orators occupied with affairs of government, as the very groundwork of their speeches. [202] For we are not

contemplating, in this discourse, the character of an everyday pleader, bawler, or barrator, but that of a man, who, in the first place, may be, as it were, the high-priest of this profession, for which, though nature herself has given rich endowments to man, yet it was thought to be a god that gave it, so that the very thing which is the distinguishing property of man, might not seem to have been acquired by ourselves, but bestowed upon us by some divinity; who, in the next place, can move with safety even amid the weapons of his adversaries-, distinguished not so much by a herald's caduceus, as by his title of orator; who, likewise, is able, by means of his eloquence, to expose guilt and deceit to the hatred of his countrymen, and to restrain them by penalties; who can also, with the shield of his genius, protect innocence from punishment; who can rouse a spiritless and desponding people to glory, or reclaim them from infatuation, or inflame their rage against the guilty, or mitigate it, if incited against the virtuous; who, finally, whatever feeling in the minds of men his object and cause require, can either excite or calm it by his eloquence. [203] If any one supposes that this power has either been sufficiently set forth by those who have written on the art of speaking, or can be set forth by me in so brief a space, he is greatly mistaken, and understands neither my inability, nor the magnitude of the subject. For my own part, since it was your desire, I thought that the fountains ought to be shown you, from which you might draw, and the roads which you might pursue, not so that I should become your guide (which would be an endless and unnecessary labour), but so that I might point out to you the way, and, as the practice is, might hold out my finger towards the spring."

XLVII. [204] "To me," remarked Scaevola, "enough appears to have been said by you, and more than enough, to stimulate the efforts of these young men, if they are but studiously inclined; for as they say that the illustrious Socrates used to observe that his object was attained if any one was by his exhortations sufficiently incited to desire to know and under- stand virtue; (since to those who were persuaded to desire nothing so much as to become good men, what remained to be learned was easy;) so I consider that if you wish to penetrate into those subjects which Crassus has set before you in his remarks, you will, with the greatest ease, arrive at your object, after

this course and gate has been opened to you." [205] "To us," said Sulpicius, "these instructions are exceedingly pleasant and delightful; but there are a few things more which we still desire to hear, especially those which were touched upon so briefly by you, Crassus, in reference to oratory as an art, when you confessed that you did not despise them, but had learned them. If you will speak somewhat more at length on those points, you will satisfy all the eagerness of our long desire. For we have now heard to what objects we must direct our efforts, a point which is of great importance; but we long to be instructed in the ways and means of pursuing those objects."

[206] "Then," said Crassus, "(since I, to detain you at my house with less difficulty, have rather complied with your desires, than my own habit or inclination,) what if we ask Antonius to tell us something of what he still keeps in reserve, and has not yet made known to us, (on which subjects he complained, a while ago, that a book has already dropped from his pen,) and to reveal to us his mysteries in the art of speaking?" "As you please," said Sulpicius, "for, if Autonius speaks, we shall still learn what you think." [207] "I request of you then, Antonius," said Crassus, "since this task is put upon men of our time of life by the studious inclinations of these youths, to deliver your sentiments upon these subjects which, you see, are required from you."

XLVIII. "I see plainly, and understand indeed," replied Antonius, "that I am caught, not only because those things are required from me in which I am ignorant and unpractised, but because these young men do not permit me to avoid, on the present occasion, what I always carefully avoid in my public pleadings, namely, not to speak after you, Crassus. [208] But I will enter upon what you desire the more boldly, as I hope the same thing will happen to me in this discussion as usually happens to me at the bar, that no flowers of rhetoric will be expected from me. For I am not going to speak about art, which I never learned, but about my own practice; and those very particulars which I have entered in my common-place book are of this kind, not ex- pressed with anything like learning, but just as they are treated in business and pleadings; and if they do not meet with approbation from men of your extensive knowledge, you must blame your own unreasonableness, in requiring from me what I do not

know; and you must praise my complaisance, since I make no difficulty in answering your questions, being induced, not by my own judgment, but your earnest desire." [209] "Go on, Antonius," rejoined Crassus, "for there is no danger that you will say anything otherwise than so discreetly that no one here will repent of having prompted you to speak."

"I will go on, then," said Antonius, "and will do what I think ought to be done in all discussions at the commencement; I mean, that the subject, whatever it may be, on which the discussion is held, should be defined; so that the discourse may not be forced to wander and stray from its course, from the disputants not having the same notion of the matter under debate. [210] If, for instance, it were inquired, 'What is the art of a general? I should think that we ought to settle, at the outset, what a general is; and when he was defined to be a commander for conducting a war, we might then proceed to speak of troops, of encampments, of marching in battle array, of engagements, of besieging towns, of provisions, of laying and avoiding ambuscades, and other matters relative to the management of a war; and those who had the capacity and knowledge to direct such affairs I should call generals; and should adduce the examples of the Africani and Maximi, and speak of Epaminondas, and Hannibal, and men of such character. [211] But if we should inquire what sort of character he is, who should contribute his experience, and knowledge, and zeal to the management of the state, I should give this sort of definition, that he who understands by what means the interests of the republic are secured and promoted, and employs those means, is worthy to be esteemed a director in affairs of government, and a leader in public councils; and I should mention Publius Lentulus, that chief of the senate, and Tiberius Gracchus the father, and Quintus Metellus, and Publius Africanus, and Caius Laelius, and others without number, as well of our own city as of foreign states. [212] But if it should be asked, 'Who truly deserved the name of a lawyer?' I should say that he deserves it who is learned in the laws, and that general usage' 'which private persons observe in their intercourse in the community, who can give an answer on any point, can plead, and can take precautions for the interests of his client; and I should name Sextus Aelius, Manius Manilius, Publius

Mucius, as distinguished in those respects. XLIX. In like manner, to notice sciences of a less important character, if a musician, if a grammarian, if a poet were the subject of consideration, I could state that which each of them possesses, and than which nothing more is to be expected from each. Even of the philosopher himself, who alone, from his abilities and wisdom, professes almost everything, there is a sort of definition, signifying, that he who studies to learn the powers, nature, and causes of all things, divine and human, and to understand and explain the whole science of living virtuously, may justly deserve this appellation.

[213] "The orator, however, since it is about him that we are considering, I do not conceive to be exactly the same character that Crassus makes him, who seemed to me to include all knowledge of all matters and sciences, under the single profession and name of an orator; but I regard him as one who can use words agreeable to hear, and thoughts adapted to prove, not only in causes that are pleaded in the forum, but in causes in general. Him I call an orator, and would have him besides accomplished in delivery and action, and with a certain degree of wit. [214] But our friend Crassus seemed to me to define the faculty of an orator, not by the proper limits of his art, but by the almost immense limits of his own genius; for, by his definition, he delivered the helm of civil government into the hands of his orator; a point, which it appeared very strange to me, Scaevola, that you should grant him; when the senate has often given its assent on affairs of the utmost consequence to yourself, though you have spoken briefly and without ornament. And M. Scaurus, who I hear is in the country, at his villa not far off, a man eminently skilled in affairs of government, if he should hear that the authority which his gravity and counsels hear with them, is claimed by you, Crassus, as you say that it is the property of the orator, he would, I believe, come hither without delay, and frighten us out of our talk by his very countenance and aspect; who, though he is no contemptible speaker, yet depends more upon his judgment in affairs of consequence, than upon his ability in speaking; [215] and, if any one has abilities in both these ways, he who is of authority in the public councils, and a good senator, is not on those accounts an orator; and if he that is an eloquent and powerful speaker be also eminent in civil

administration, he did not acquire his political knowledge through oratory. Those talents differ very much in their nature, and are quite separate and distinct from each other; nor did Marcus Cato, Publius Africanus, Quintus Metellus, Caius Laelius, who were all eloquent, give lustre to their own orations, and to the dignity of the republic, by the same art and method.

L. "It is not enjoined, let me observe, by the nature of things, or by any law or custom, that one man must not know more than one art; [216] and therefore, though Pericles was the best orator in Athens, and was also for many years director of the public counsels in that city, the talent for both those characters must not be thought to belong to the same art because it existed in the same man; nor if Publius Crassus was both an orator and a lawyer, is the knowledge of the civil law for that reason included in the power of speaking. [217] For if every man who, while excelling in any art or science, has acquired another art or science in addition, shall represent that his additional knowledge is a part of that in which he previously excelled, we may, by such a mode of argument, pretend that to play well at tennis or counters, is a part of the knowledge of civil law, because Publius Mucius was skilled in both; and, by parity of reasoning, those whom the Greeks call (physikoi, 'natural philosophers,' may be regarded as poets, because Empedocles the natural philosopher wrote an excellent poem. But not even the philosophers themselves, who would have everything, as their own right, to be theirs, and in their possession, have the confidence to say that geometry or music is a part of philosophy, because all acknowledge Plato to have been eminently excellent in those sciences. [218] And if it be still your pleasure to attribute all sciences to the orator, it will be better for us, rather, to express ourselves to this effect, that since eloquence must not be bald and unadorned, but marked and distinguished by a certain pleasing variety of manifold qualities, it is necessary for a good orator to have heard and seen much, to have gone over many subjects in thought and reflection, and many also in reading; though not so as to have taken possession of them as his own property, but to have tasted of them as things belonging to others. For I confess that the orator should be a knowing man, not quite a tiro or novice in any subject, not utterly

ignorant or inexperienced in any business of life.

LI. [219] “Nor am I discomposed, Crassus, by those tragic arguments of yours, on which the philosophers dwell most of all; I mean, when you said, That no man can, by speaking, excite the passions of his audience, or calm them when excited, (in which efforts it is that the power and greatness of an orator are chiefly seen,) unless one who has gained a thorough insight into the nature of all things, and the dispositions and motives of mankind; on which account philosophy must of necessity be studied by the orator; a study in which we see that the whole lives of men of the greatest talent and leisure are spent; the copiousness and magnitude of whose learning and knowledge I not only do not despise but greatly admire; but, for us who are engaged in so busy a state, and such occupations in the forum, it is sufficient to know and say just so much about the manners of mankind as is not inconsistent with human nature. For what great and powerful orator, whose object was to make a judge angry with his adversary, ever hesitated, because he was ignorant what anger was, whether ‘a heat of temper,’ or ‘a desire of vengeance for pain received ?’ [220] Who, when he wished to stir up and inflame other passions in the minds of the judges or people by his eloquence, ever uttered such things as are said by the philosophers? part of whom deny that any passions whatever should be excited in the mind, and say that they who rouse them in the breasts of the judges are guilty of a heinous crime, and part, who are inclined to be more tolerant, and to accommodate themselves more to the realities of life, say that such emotions ought to be but very moderate and gentle. [221] But the orator, by his eloquence, represents all those things which, in the common affairs of life, are considered evil and troublesome, and to be avoided, as heavier and more grievous than they really are; and at the same time amplifies and embellishes, by power of language, those things which to the generality of mankind seem inviting and desirable; nor does he wish to appear so very wise among fools, as that his audience should think him impertinent or a pedantic Greek, or, though they very much approve his understanding, and admire his wisdom, yet should feel uneasy that they themselves are but idiots to him; [222] but he so effectually penetrates the minds of men, so works upon their senses

and feelings, that he has no occasion for the definitions of philosophers, or to consider in the course of his speech, ‘ whether the chief good lies in the mind or in the body;’ ‘whether it is to be defined as consisting in virtue or in pleasure.’ ‘whether these two can be united and coupled together; or ‘whether,’ as some think, ‘nothing certain can be known, nothing clearly perceived and understood;’ questions in which I acknowledge that a vast multiplicity of learning, and a great abundance of varied reasoning is involved: [223] but we seek something of a far different character; we want a man of superior intelligence, sagacious by nature and from experience, who can acutely divine what his fellow-citizens, and all those whom he wishes to convince on any subject by his eloquence, think, feel, imagine, or hope. LII. He must penetrate the inmost recesses of the mind of every class, age, and rank; and must ascertain the sentiments and notions of those before whom he is pleading, or intends to plead; [224] but his books of philosophy he must reserve to himself, for the leisure and tranquillity of such a Tusculan villa as this, and must not, when he is to speak on justice and honesty, borrow from Plato; who, when he thought that such subjects were to be illustrated in writing, imagined in his pages a new kind of commonwealth; so much was that which he thought necessary to be said of justice, at variance with ordinary life and the general customs of the world. [225] But if such notions were received in existing communities and nations, who would have permitted you, Crassus, though a man of the highest character, and the chief leader in the- city, to utter what you addressed to a vast assembly of your fellow-citizens? DELIVER US FROM THESE MISERIES, DELIVER US FROM THE JAWS OF THOSE WHOSE CRUELTY CANNOT BE SATIATED EVEN WITH BLOOD; SUFFER US NOT TO BE SLAVES TO ANT BUT YOURSELVES AS A PEOPLE, WHOM WE BOTH CAN AND OUGHT TO SERVE. I say nothing about the word MISERIES, in which, as the philosophers say, a man of fortitude cannot be; I say nothing of the JAWS from which you desire to be delivered, that your blood may not he drunk by an unjust sentence; a thing which they say cannot happen to a wise man; but how durst you say that not only yourself, but the whole senate, whose cause you were then pleading, were SLAVES ? [226] Can virtue, Crassus, possibly be

ENSLAVED, according to those whose precepts you make necessary to the science of an orator; ,virtue which is ever and alone free, and which, though our bodies be captured in war, or bound with fetters, yet ought to maintain its rights and liberty inviolate in all circumstances'? And as to what you added, that the senate not only CAN but OUGHT to be SLAVES to the people, what philosopher is so effeminate, so languid, so enervated, so eager to refer everything to bodily pleasure or pain, as to allow that the senate should be the SLAVES of the people, to whom the people themselves have delivered the power, like certain reins as it were, to guide and govern them?

LIII. [227] "Accordingly, when I regarded these words of yours as the divinest eloquence, Publius Rutilius Rufus, a man of learning, and devoted to philosophy, observed that what you had said was not only injudicious, but base and dishonourable. The same Rutilius used severely to censure Servius Galba, whom he said he very well remembered, because, when Lucius Scribonius brought an accusation against him, and Marcus Cato, a bitter and implacable enemy to Galba, had spoken with rancour and vehemence against him before the assembled people of Rome, (in a speech which he published in his Origines,) [228] Rutilius, I say, censured Galba, for holding up, almost upon his shoulders, Quintus, the orphan son of Caius Sulpicius Gallus, his near relation, that he might, through the memory of his most illustrious father, draw tears from the people, and for recommending two little sons of his own to the guardianship of the public, and saying that he himself (as if he was making his will in the ranks before a battle, without balance or writing tables,) appointed the people of Rome protectors of their orphan condition. As Galba, therefore, laboured under the ill-opinion and dislike of the people, Rutilius said that he owed his deliverance to such tragic tricks as these; and I see it is also recorded in date's book, that if he had not employed children and tears, he would have suffered. Such proceedings Rutilius severely condemned, and said banishment, or even death, was more eligible than such meanness. [229] Nor did he merely say this, but thought and acted accordingly; for being a man, as you know, of exemplary integrity, a man to whom no person in the city was superior in honesty and sincerity, he not only refused to

supplicate his judges, but would not allow his cause to be pleaded with more ornament or freedom of language than the simple plainness of truth carried with it. Small was the part of it he assigned to Cotta here, his sister's son, and a youth of great eloquence; and Quintus Mucius also took some share in his defence, speaking in his usual manner, without ostentation, but simply and with perspicuity. [230] But if you, Crassus, had then spoken, you, who just now said that the orator must seek assistance from those disputations in which the philosophers indulge, to supply himself with matter for his speeches, if you had been at liberty to speak for Publius Rutilius, not after the manner of philosophers, but in your own way, although his accusers had been, as they really were, abandoned and mischievous citizens,:and worthy of the severest punishment, yet the force of your eloquence would have rooted all their unwarrantable cruelty from the bottom of their hearts. But, as it was, a man of such a character was lost, because his cause was pleaded in such a manner as if the whole affair had been transacted in the imaginary commonwealth of Plato. Not a single individual uttered a groan; not one of the advocates gave vent to an exclamation; no one showed any appearance of grief; no one complained; no one supplicated, no one implored the mercy of the public. In short, no one even stamped a foot on the trial, for fear, I suppose, of renouncing the doctrine of the Stoics.

LIV. [231] “Thus a Roman, of consular dignity, imitated the illustrious Socrates of old, who, as he was a man of the greatest wisdom and had lived in the utmost integrity, spoke for himself, when on trial for his life, in such a manner as not to seem a suppliant or prisoner, but the lord and master of his judges. Even when Lysias. a most eloquent orator, brought him a written speech, which, if he pleased, he might, learn by heart, and repeat at his trial, he willingly read it over, and said it was written in a manner very well suited to the occasion; but, said he, if you had brought me Sicyonian shoes, I should not wear them, though they might be easy and suit my feet, because they would be effeminate; so that speech seems to me to be eloquent and becoming an orator, but not fearless and manly. In consequence, he also was condemned, not only by the first votes, by which the judges only decided whether they should acquit or condemn, but also by those which, in conformity with the laws, they were obliged to give afterwards. [232] For at Athens, if the accused person was found guilty, and if his crime was not capital, there was a sort of estimation of punishment; and when sentence was to be finally given by the judges, the criminal was asked what degree of punishment he acknowledged himself, at most, to deserve; and when this question was put to Socrates, he answered, that he deserved to be distinguished with the noblest honours and rewards, and to be daily maintained at the public expense in the Prytaneum; an honour which, amongst the Greeks, is accounted the very highest. [233] By which answer his judges were so exasperated, that they condemned the most innocent of men to death. But had he been acquitted, (which, indeed, though it is of no concern to us, yet I could wish to have been the case, because of the greatness of his genius,) how could we have patience with those philosophers who now, though Socrates was condemned for no other crime but want of skill in speaking, maintain that the precepts of oratory should be learned from them- selves, who are disciples of Socrates? With these men I have no dispute as to which of the two sciences is superior, or carries more truth in it; I only say that the one is distinct from the other, and that oratory may exist in the highest perfection without philosophy.

LV. [234] “In bestowing such -warm approbation on the civil law,

Crassus, I see what was your motive; “when you were speaking, I did not see it. In the first place, you were willing to oblige Scaevola, whom we ought all to esteem most deservedly for his singularly excellent disposition; and seeing his science undowried and unadorned, you have enriched it with your eloquence as with a portion, and decorated it with a pro- fusion of ornaments. In the next, as you had spent much pains and labour in the acquisition of it, (since you had in your own house one who encouraged and instructed you in that study,) you were afraid that you might lose the fruit of your industry, if you did not magnify the science by your eloquence. [235] But I have no controversy with the science; let it be of as much consequence as you represent it; for without doubt it is of great and extensive concern, having relation to multitudes of people, and has always been held in the highest honour; and our most eminent citizens have ever been, and are still, at the head of the profession of it; but take care, Crassus, lest, while you strive to adorn the knowledge of the civil law with new and foreign ornaments, you spoil and denude her of what is granted and accorded to her as her own. [236] For if you were to say, that he who is a lawyer is also an orator, and that he who is an orator is also a lawyer, you would make two excellent branches of knowledge, each equal to the other, and sharers of the same dignity; but now you allow that a man may be a lawyer without the eloquence which we are considering, and that there have been many such; and you deny that a man can be an orator who has not acquired a knowledge of law. Thus the lawyer is, of himself, nothing with you but a sort of wary and acute legalist, an instructor in actions, a repeater of forms, a catcher at syllables; but because the orator has frequent occasion for the aid of the law in his pleadings, you have of necessity joined legal knowledge to eloquence as a handmaid and attendant.

LVI. [237] “But as to your wonder at the effrontery of those advocates who, though they were ignorant of small things, profess great ones, or who ventured, in the management of causes, to treat of the most important points in the civil law, though they neither understood nor had ever learned them, the defence on both charges is easy and ready. For it is not at all surprising that he who is ignorant in what form of words- a contract of marriage is made, should be

able to defend the cause of a woman who has- formed such a contract; nor, though the same skill in steering is requisite for a small as for a large vessel, is he therefore, who is ignorant of the form of words by which an estate is to be divided, in- capable of pleading a cause relative to the division of an estate. [238] For though you appealed to causes of great consequence, pleaded before the Centumviri, that turned upon points of law, what cause was there amongst; them all, which could not have been ably pleaded by an eloquent man un- acquainted with law? in all which causes, as in the cause of Manius Curius, which was lately pleaded by you, and that of Caius Hostilius Mancinus, and that of the boy who was born of a second wife, without any notice of divorce having been sent to the first, there was the greatest disagreement among the most skilful lawyers on points of law. [239] I ask, then, how in these causes a knowledge of the law could have aided the orator, when that lawyer must have had the superiority, who was supported, not by his own, but a foreign art, not by knowledge of the law, but by eloquence? I have often heard that, when Publius Crassus was a candidate for the sedileship, and Servius Galba, though older than he, and even of consular dignity, attended upon him to promote his interest, (having betrothed Crassus's daughter to his son Caius,) there came a countryman to Crassus to consult him on some matter of law; and when he had taken Crassus aside, and laid the affair before him, and received from him such an answer as was rather right than suited to his wishes, Galba, seeing him look dejected, called him by his name, and asked him on what matter he had consulted Crassus; when, having heard his case, and seeing the man in great trouble, [240] 'I perceive,' said he, 'that Crassus gave you an answer while his mind was anxious, and pre-occupied with other affairs.' He then took Crassus by the hand, and said, 'Hark you, how came it into your head to give this man such an answer?' Crassus, who was a man of great legal knowledge, confidently repeated that the matter was exactly as he had stated in his answer, and that there could be no doubt. But Galba, referring to a variety and multiplicity of matters, adduced abundance of similar cases, and used many arguments for equity against the strict letter of law; while Crassus, as he could not maintain his ground in the debate, (for, though he was numbered

among the eloquent, he was by no means equal to Galba,) had recourse to authorities, and showed what he had asserted in the books of his brother Publius Mucius, and in the commentaries of Sextus Aelius; though he allowed, at the same time, that Galba's arguments had appeared to him plausible, and almost true.

LVII. [241] "But causes which are of such a kind, that there can be no doubt of the law relative to them, do not usually come to be tried at all. Does any one claim an inheritance under a will, which the father of a family made before he had a son born? Nobody; because it is clear that by the birth of a son the will is cancelled. Upon such points of law, therefore, there are no questions to be tried. The orator, accordingly, may be ignorant of all this part of the law relative to controversies, which is without doubt the far greater part; [242] but on those points which are disputed, even among the most skilful lawyers, it will not be difficult for the orator to find some writer of authority on that side, whichsoever it be, that he is to defend, from whom, when he has received his javelins ready for throwing, he will hurl them with the arm and strength of an orator. Unless we are to suppose, indeed, (I would wish to make the observation with- out offending this excellent man Scaevola,) that you, Crassus, defended the cause of Manius Curius out of the writings and rules of your father-in-law. Did you not, on the contrary, undertake the defence of equity, the support of wills, and the intention of the dead? [243] Indeed, in my opinion, (for I was frequently present and heard you,) you won the far greater number of votes by your wit, humour, and happy raillery, when you joked upon the extraordinary acuteness, and ex- pressed admiration of the genius, of Scaevola, who had discovered that a man must be born before he can die; and when you adduced many cases, both from the laws and decrees of the senate, as well as from common life and intercourse, not only acutely, but facetiously and sarcastically, in which, if we attended to the letter, and not the spirit, nothing would result. The trial, therefore, was attended with abundance of mirth and pleasantry; but of what service your knowledge of the civil law was to you upon it, I do not understand; your great power in speaking, united with the utmost humour and grace, certainly was of great service. [244] Even Mucius himself, the defender of the father's right, who fought as it were for

his own patrimony, what argument did he advance in the cause, when he spoke against you, that appeared to be drawn from the civil law? What particular law did he recite? What did he explain in his speech that was unintelligible to the unlearned? The whole of his oration was employed upon one point; that is, in maintaining that what was written ought to be valid. But every boy is exercised on such subjects by his master, when he is instructed to support, in such cases as these, sometimes the written letter, sometimes equity. [245] In that cause of the soldier, I presume, if you had defended either him or the heir, you would have had recourse to the cases of Hostilius, and not to your own power and talent as an orator. Nay, rather, if you had defended the will, you would have argued in such a manner, that the entire validity of all wills whatsoever would have seemed to depend upon that single trial; or, if you had pleaded the cause of the soldier, you would have raised his father, with your usual eloquence, from the dead; you would have placed him before the eyes of the audience; he would have embraced his son, and with tears have recommended him to the Centumviri; you would have forced the very stones to weep and lament, so that all that clause, AS THE TONGUE HAD DECLARED, would seem not to have been written in the Twelve Tables, which you prefer to all libraries, but in some mere formula of a teacher.

LVIII. [246] "As to the indolence of which you accuse our youth, for not learning that science, because, in the first place, it is very easy, (how easy it is, let them consider who strut about before us, presuming on their knowledge of the science, as if it were extremely difficult; and do you yourself also consider that point, who say, that it is an easy science, which you admit as yet to be no science at all, but say that if somebody shall ever learn some other science, so as to be able to make this a science, it will then be a science;) and! because, in the next place, it is full of pleasure, (but as to that matter, every one is willing to leave the pleasure to yourself, and is content to be without it, for there is not one of the young men who would not rather, if he must get anything by heart, learn the Teucer of Pacuvius than the Manilian laws on emption and vendition;) [247] and, in the third place, because you think, that, from love to our country, we ought to acquire a knowledge of the practices of our ancestors; do

you not perceive that the old laws are either grown out of date from their very antiquity, or are set aside by such as are new? As to your opinion, that men are rendered good by learning the civil law, because, by laws, rewards are appointed for virtue, and punishments for vice; I, for my part, imagined that virtue was instilled into mankind (if it can be instilled by any means) by instruction and persuasion, not by menaces, and force, and terror. As to the maxim that we should avoid evil, we can understand how good a thing it is to do so without a knowledge of the law. [248] And as to myself, to whom alone you allow the power of managing causes satisfactorily, without any knowledge of law, I make you, Crassus, this answer: that I never learned the civil law, nor was ever at a loss for the want of know- ledge in it, in those causes which I was able to defend in the courts. It is one thing to be a master in any pursuit or art, and another to be neither stupid nor ignorant in common life, and the ordinary customs of mankind. [249] May not every one of us go over our farms, or inspect our country affairs, for the sake of profit or delight at least? No man lives without using his eyes and understanding, so far as to be entirely ignorant what sowing and reaping is; or what pruning vines and other trees means; or at what season of the year, and in what manner, those things are done. If, there- fore, any one of us has to look at his grounds, or give any directions about agriculture to his steward, or any orders to his bailiff, must we study the books of Mago the Carthaginian, or may we be content with our ordinary knowledge? Why, then, with regard to the civil law, may we not also, especially as we are worn out in causes and public business, and in the forum, be sufficiently instructed, to such a degree at least as not to appear foreigners and strangers in our own country? [250] Or, if any cause, a little more obscure than ordinary, should be brought to us, it would, I presume, be difficult to communicate with our friend Scaevola here; although indeed the parties, whose concern it is, bring nothing to us that has not been thoroughly considered and investigated. If there is a question about the nature of a thing itself under consideration; if about boundaries; (as we do not go in person to view the property itself) if about writings and bonds; we of necessity have to study matters that are intricate and often difficult; and if we have to consider laws, or the opinions of men skilled in

law, need we fear that we shall not be able to understand them, if we have not studied the civil law from our youth ?

LIX. “Is the knowledge of the civil law, then, of no ad- vantage to the orator? I cannot deny that every kind of knowledge is of advantage, especially to him whose eloquence ought to be adorned with variety of matter; but the things which are absolutely necessary to an orator are numerous, important, and difficult, so that I would not distract his industry among too many studies. [251] Who can deny that the gesture and grace of Roscius are necessary in the orator’s action and deportment? Yet nobody would advise youths that are studying oratory to labour in forming their attitudes like players. What is so necessary to an orator as the voice? Yet, by my recommendation, no student in eloquence will be a slave to his voice like the Greeks and tragedians, who pass whole years in sedentary declamation, and daily, before they venture upon delivery, raise their voice by degrees as they sit, and, when they have finished pleading, sit down again, and lower and recover it, as it were, through a scale, from the highest to the deepest tone. If we should do this, they whose causes we undertake would be condemned, before we had repeated the paean and the munio as often as is prescribed. [252] But if we must not employ ourselves upon gesture, which is of great service to the orator, or upon the culture of the voice, which alone is a great recommendation and support of eloquence; and if we can only improve in either, in proportion to the leisure afforded us in this field of daily business; how much less must we apply to the occupation of learning the civil law? of which we may learn the chief points without regular study, and which is also unlike those other matters in this respect, that power of voice and gesture cannot be got suddenly, or caught up from another person, but a knowledge of the law, as far as it is useful in any cause, may be gained on the shortest possible notice, either from learned men or from books. [253] Those eminent Greek orators, therefore, as they are unskilled in the law themselves, have, in their causes, men acquainted with the law to assist them, who are, as you before observed, called pragmatici. In this respect our countrymen act far better, as they would have the laws and judicial decisions supported by the authority of men of the highest rank. But the Greeks would not have neglected, if they had thought it

necessary, to instruct the orator in the civil law, instead of allowing him a pragmaticus for an assistant.

LX. [254] "As to your remark, that age is preserved from solitude by the science of the civil law, we may perhaps also say that it is preserved from solitude by a large fortune. But we are inquiring, not what is advantageous to ourselves, but what is necessary for the orator. Although (since we take so many points of comparison with the orator from one sort of artist) Roscius, whom we mentioned before, is accustomed to say, that, as age advances upon him, he will make the measures of the flute-player slower, and the notes softer. But if he who is restricted to a certain modulation of numbers and feet, meditates, notwithstanding, something for his ease in the decline of life, how much more easily can we? I will not say lower our tones, but alter them entirely? [255] For it is no secret to you, Crassus, how many and how various are the modes of speaking; a variety which I know not whether you yourself have not been the first to exhibit to us, since you have for some time spoken more softly and gently than you used to do; nor is this mildness in your eloquence, which carries so high authority with it, less approved than your former vast energy and exertion; and there have been many orators, as we hear of Scipio and Laelius, who always spoke in a tone only a little raised above that of ordinary conversation, but never exerted their lungs or throats like Servius Galba. But if you shall ever be unable or unwilling to speak in this manner, are you afraid that your house, the house of such a man and such a citizen, will, if it be not frequented by the litigious, be deserted by the rest of mankind ? For my part, I am so far from having any similar feeling with regard to my own house, that I not only do not think that comfort for my old age is to be expected from a multitude of clients, but look for that solitude which you dread, as for a safe harbour; for I esteem repose, to be the most agreeable solace in the last stage of life.

[256] "Those other branches of knowledge (though they certainly assist the orator) I mean general history, and jurisprudence,, and the course of things in old times, and variety of precedents I will, if ever I have occasion for them, borrow from my friend Longinus, an excellent man, and one of the greatest erudition in such matters. Nor will I dissuade these youths from reading everything, hearing

everything, and acquainting themselves with every liberal study, and all polite learning, as you just now recommended; but, upon my word, they do not seem likely to have too much time, if they are inclined to pursue and practise all that you, Crassus, have dictated; for you seemed to me to impose upon their youth obligations almost too severe, (though almost necessary I admit, for the attainment of their desires,) [257] since extemporary exercises upon stated cases, and accurate and studied meditations, and practice in writing, which you truly called the modeller and finisher of the art of speaking, are tasks of much difficulty; and that comparison of their own composition with the writings of others, and extemporal discussion, on the work of another by way of praise or censure, confirmation or refutation, demand no ordinary exertion, either of memory or powers of imitation.

LXI. [258] "But what you added was appalling, and indeed will have, I fear, a greater tendency to deter than to encourage. You would have every one of us a Roscius in our profession;;and you said that what was excellent did not so much attract .approbation, as what was faulty produced settled disgust; but I do not think that want of perfection is so disparagingly regarded in us as in the players; [259] and I observe, accordingly, that we are often heard with the utmost attention, even when we are hoarse, for the interest of the subject itself and of the cause detains the audience; while Aesopus, if he has the least hoarseness, is hissed; for at those from whom nothing is expected but to please the ear, offence is taken whenever the least diminution of that pleasure occurs. But in eloquence there are many qualities that captivate; and, if they are not all of the highest excellence, and yet most of them are praiseworthy, those that are of the highest excellence must necessarily excite admiration.

[260] "To return therefore to our first consideration, let the orator be, as Crassus described him, one who can speak in a manner adapted to persuade; and let him strictly devote himself to those things which are of common practice in civil communities, and in the forum, and, laying aside all other studies, however high and noble they may be, let him apply himself day and night, if I may say so, to this one pursuit, and imitate him to whom doubtless the highest excellence in oratory is conceded, Demosthenes the Athenian, in

whom there is said to have been so much ardour and perseverance, that he overcame, first of all, the impediments of nature by pains and diligence; and, though his voice was so inarticulate that he was unable to pronounce the first letter of the very art which he was so eager to acquire, he accomplished so much by practice that no one is thought to have spoken more distinctly; [261] and though his breath was short, he effected such improvement by holding it in while he spoke, that in one sequence of words (as his writings show) two risings and two fallings of his voice were included; and he also (as is related), after putting pebbles into his mouth, used to pronounce several verses at the highest pitch of his voice without taking breath, not standing in one place, but walking forward, and mounting a steep ascent. [262] With such encouragements as these, I sincerely agree with you, Crassus, that youths should be incited to study and industry; other accomplishments which you have collected from various and distinct arts and sciences, though you have mastered them all yourself, I regard as unconnected with the proper business? And duty of an orator."

LXII. When Antonius had concluded these observations, Sulpicius and Cotta appeared to be in doubt whose discourse of the two seemed to approach nearer to the truth. [263] Crassus then said, "You make our orator a mere mechanic, Antonius, but I am not certain whether you are not really of another opinion, and whether you are not practising upon us your wonderful skill in refutation, in which no one was ever your superior; a talent of which the exercise belongs properly to orators, but has now become common among philosophers, especially those who are accustomed to speak fully and fluently on both sides of any question proposed. [264] But I did not think, especially in the hearing of these young men, that merely such an orator was to be described by me, as would pass his whole life in courts of justice, and would carry thither nothing more than the necessity of his causes required; but I contemplated something greater, when I expressed my opinion that the orator, especially in such a republic as ours, ought to be deficient in nothing that could adorn his profession. But you, since you have circumscribed the whole business of an orator within such narrow limits, will explain to us with the less difficulty what you have settled as to oratorical duties

and rules; I think, however, that this may be done to-morrow, for we have talked enough for to-day. [265] And Scaevola, since he has appointed to go to his own Tusculan seat, will now repose a little till the heat is abated; and let us also, as the day is so far advanced, consult our health." The proposal pleased the whole company. Scaevola then said, "Indeed, I could wish that 1 had not made an appointment with Laelius to go to that part of the Tusculan territory to-day. I would willingly hear Antonius;" and, as he rose from his seat, he smiled and added, "for he did not offend me so much when he pulled our civil law to pieces, as he amused me when he professed himself ignorant of it."

BOOK II.

I. [1] THERE was, if you remember, brother Quintus, a strong persuasion in us when we were boys, that Lucius Crassus had acquired no more learning than he had been enabled to gain from instruction in his youth, and that Marcus Antonius was entirely destitute and ignorant of all erudition whatsoever; and there were many who, though they did not believe that such was really the case, yet, that they might more easily deter us from the pursuit of learning, when we were inflamed with a desire of attaining it, took a pleasure in reporting what I have said of those orators; so that, if men of no learning had acquired the greatest wisdom, and an incredible degree of eloquence, all our industry might seem vain, and the earnest perseverance of our father, one of the best and most sensible of men, in educating us, might appear to be folly. [2] These reasoners we, as boys, used at that time to refute with the aid of witnesses whom we had at home, our father, Caius Aculeo our relative, and Lucius Cicero our uncle; for our father, Aculeo (who married our mother's sister, and whom Crassus esteemed the most of all his friends), and our own uncle (who went with Antonius into Cilicia, and quitted it at the same time with him), often told us many particulars about Crassus, relative to his studies and learning; and as we, with our cousins, Aculeo's sons, learned what Crassus approved, and were instructed by the masters whom he engaged, we had also frequent opportunities of observing (since, though boys, we could understand this) that he spoke Greek so well that he might have been thought not to know any other language, and he put such questions to our masters, and discoursed upon such subjects in his conversation with them, that nothing appeared to be new or strange to him. [3] But with regard to Antonius, although we had frequently heard from our uncle, a person of the greatest learning, how he had devoted himself, both at Athens and at Rhodes, to the conversation of the most learned men; yet I myself also, when quite a youth, often asked him many questions on the subject, as far as the bashfulness of my early years would permit. What I am writing will certainly not be new to you, (for at that very time you heard it from me,) namely, that from many

and various conversations, he appeared to me neither ignorant nor unaccomplished in anything in those branches of knowledge of which I could form any opinion. [4] But there was such peculiarity in each, that Crassus desired not so much to be thought unlearned as to hold learning in contempt, and to prefer, on every subject, the understanding of our countrymen to that of the Greeks; while Antonius thought that his oratory would be better received by the Roman people, if he were believed to have had no learning at all; and thus the one imagined that he should have more authority if he appeared to despise the Greeks, and the other if he seemed to know nothing of them.

[5] But what their object was, is certainly nothing to our present purpose. It is pertinent, however, to the treatise which I have commenced, and to this portion of it, to remark that no man could ever excel and reach eminence in eloquence without learning, not only the art of oratory, but every branch of useful knowledge. II. For almost all other arts can support themselves independently, and by their own resources; but to speak well, that is, to speak with learning, and skill, and elegance, has no definite province within the limits of which it is enclosed and restricted. Everything that can possibly fall under discussion among mankind, must be effectively treated by him who professes that he can practise this art, or he must relinquish all title to eloquence. [6] For my own part, therefore, though I confess that both in our own country and in Greece itself, which always held this art in the highest estimation, there have arisen many men of extraordinary powers, and of the highest excellence in speaking, without this absolute knowledge of everything; yet I affirm that such a degree of eloquence as was in Crassus and Antonius, could not exist without a knowledge of all subjects that contribute to form that wisdom and that force of oratory which were seen in them. [7] On this account, I had the greater satisfaction in committing to writing that dialogue which they formerly held on these subjects; both that the notion which had always prevailed, that the one had no great learning, and that the other was wholly unlearned, might be eradicated, and that I might preserve, in the records of literature, the opinions which I thought divinely delivered by those consummate orators concerning eloquence, if I could by any means learn and fully

register them; and also, indeed, that I might, as far as I should be able, rescue their fame, now upon the decline, from silence and oblivion. If they could have been known from writings of their own, I should, perhaps, have [8] thought it less necessary for me to be thus elaborate; but as one left but little in writing, (at least, there is little extant,) and that he wrote in his youth, the other almost nothing, I thought it due from me to men of such genius, while we still retain a lively remembrance of them, to render their fame, if I could, imperishable. [9] I enter upon this undertaking with the greater hopes of effecting my object, because I am not writing of the eloquence of Servius Galba or Caius Carbo, concerning which I should be at liberty to invent whatever I pleased, as no one now living could confute me; but I publish an account to be read by those who have frequently heard the men themselves of whom I am speaking, that I may commend those two illustrious men to such as have never seen either of them, from the recollection, as a testimony, of those to whom both those orators were known, and who are now alive and present among us.

III. [10] Nor do I now aim at instructing you, dearest and best of brothers, by means of rhetorical treatises, which you regard as unpolished; (for what can be more refined or graceful than your own language?) but though, whether it be, as you use to say, from judgment, or, as Isocrates, the father of eloquence, has written of himself, from a sort of bashfulness and ingenuous timidity, that you have shrunk from speaking in public, or whether, as you sometimes jocosely remark, you thought one orator sufficient, not only for one family, but almost for a whole community, I yet think that these books will not appear to you of that kind which may deservedly be ridiculed on account of the deficiency in elegant learning in those who have discussed the art of speaking; [11] for nothing seems to me to be wanting in the conversation of Crassus and Antonius, that any one could imagine possible to be known or understood by men of the greatest genius, the keenest application, the most consummate learning, and the utmost experience; as you will very easily be able to judge, who have been pleased to acquire the knowledge and theory of oratory through your own exertions, and to observe the practice of it in mine. But that we may the sooner accomplish the task which we

have undertaken, and which is no ordinary one, let us leave our exordium, and proceed to the conversation and arguments of the characters whom I have offered to your notice.

[12] The next day, then, after the former conversation had taken place, about the second hour, while Crassus was yet in bed, and Sulpicius sitting by him, and Antonius walking with Cotta in the portico, on a sudden Quintus Catulus the elder, with his brother Caius Julius, arrived there; and when Crassus heard of their coming, he arose in some haste, and they were all in a state of wonder, suspecting that the occasion of their arrival was of more than common importance. [13] The parties having greeted each other with most friendly salutations, as their intimacy required, "What has brought, you hither at last?" said Crassus; "is it anything new?" "Nothing, indeed," said Catulus; "for you know it is the time of the public games. But (you may think us, if you please," added he, "either foolish or impertinent) when Caesar came yesterday in the evening to my Tusculan villa, from his own, he told me that he had met Scaevola going from hence; from whom he said that he had heard a wonderful account, namely, that you, whom I could never entice into such conversation, though I endeavoured to prevail on you in every way, had held long dissertations with Antonius on eloquence, and had disputed, as in the schools, almost in the manner of the Greeks; [14] and my brother, therefore, entreated me, not being of myself, indeed, averse to hear you, but, at the same time, afraid we might make a troublesome visit to you, to come hither with him; for he said that Scaevola had told him that a great part of the discourse was postponed till to-day. If you think we have acted too forwardly, you will lay the blame upon Caesar, if too familiarly, upon both of us; for we are rejoiced to have come, if we do not give you trouble by our visit." IV. [15] Crassus replied, "Whatever object had brought you hither. I should rejoice to see at my house men for whom I have so much affection and friendship; but yet, (to say the truth,) I had rather it had been any other object than that which you mention. For I, (to speak as I think,) was never less satisfied with myself than yesterday; though this happened more through my own good nature than any other fault of mine; for, while I complied with the request of these youths, I forgot that I was an old man, and did that which I had

never done even when young; I spoke on subjects that depended on a certain degree of learning. But it has happened very fortunately for me, that as my part is finished, you have come to hear Antonius." [16] "For my part, Crassus," returned Caesar, "I am indeed desirous to hear you in that kind of fuller and continuous discussion, yet so that, if I cannot have that happiness, I can be contented with your ordinary conversation. I will therefore endeavour that neither my friend Sulpicius, nor Cotta, may seem to have more influence with you than myself; and will certainly entreat you to show some of your good nature even to Catulus and me. But if you are not so inclined, I will not press you, nor cause you, while you are afraid of appearing impertinent yourself, to think me impertinent." [17] "Indeed, Caesar," replied Crassus, "I have always thought of all Latin words there was the greatest significance in that which you have just used; for he whom we call impertinent, seems to me to bear an appellation derived from not being pertinent; and that appellation, according to our mode of speaking, is of very extensive meaning; for whoever either does not discern what occasion requires, or talks too much, or is ostentatious of himself, or is forgetful either of the dignity or convenience of those in whose presence he is, or is in any respect awkward or presuming, is called impertinent. [18] With this fault that most learned nation of the Greeks abounds; and, consequently, because the Greeks do not feel the influence of this evil, they have not even found a name for the foible; for though you make the most diligent inquiry, you will not find out how the Greeks designate an impertinent person. But of all their other impertinences, which are innumerable, I do not know whether there be any greater than their custom of raising the most subtile disputatious on the most difficult or unnecessary points, in whatever place, and before whatever persons they think proper. This we were compelled to do by these youths yesterday, though against our will, and though we at first declined."

V. [19] "The Greeks, however, Crassus," rejoined Catulus, "who were eminent and illustrious in their respective states, as you are, and as we all desire to be, in our own republic, bore no resemblance to those Greeks who force themselves on our ears; yet they did not in their leisure avoid this kind of discourse and disputation. [20] And if

they seem to you, as they ought to seem, impertinent, who have no regard to times, places, or persons, does this place, I pray, seem ill adapted to our purpose, in which the very portico where we are walking, and this field of exercise, and the seats in so many directions, revive in some degree the remembrance of the Greek gymnasia and disputations? Or is the time unseasonable, during so much leisure as is seldom afforded us, and is now afforded at a season when it is most desirable? Or are the company unsuited to this kind of discussion, when we are all of such a character as to think that life is nothing without these studies?" [21] "I contemplate all these things," said Crassus, "in a quite different light; for I think that even the Greeks themselves originally contrived their palaestrae, and seats, and porticoes, for exercise and amusement, not for disputation; since their gymnasia were invented many generations before the philosophers began to prate in them; and at this very day, when the philosophers occupy all the gymnasia, their audience would still rather hear the discus than a philosopher; and as soon as it begins to sound, they all desert the philosopher in the middle of his discourse, though discussing matters of the utmost weight and consequence, to anoint themselves for exercise; thus preferring the lightest amusement to what the philosophers represent to be of the utmost utility. As to the leisure which you say we have, I agree with you; [22] but the enjoyment of leisure is not exertion of mind, but relaxation. VI. I have often heard from my father-in-law, in conversation, that his father-in-law Laelius was almost always accustomed to go into the country with Scipio, and that they used to grow incredibly boyish again when they had escaped out of town, as if from a prison, into the open fields. I scarcely dare to say it of such eminent persons yet Scaevola is in the habit of relating that they used to gather shells and pebbles at Caieta and Laurentum, and to descend to every sort of pastime and amusement. [23] For such is the case, that as we see birds form and build nests for the sake of procreation and their own convenience, and, when they have completed any part, fly abroad in freedom, disengaged from their toils, in order to alleviate their anxiety; so our minds, wearied with legal business and the labours of the city, exult and long to flutter about, as it were, relieved from care and solicitude. [24] In what I said to Scaevola, therefore, in pleading

for Curius, I said only what I thought. ‘For if,’ said I, ‘Scaevola, no will shall be properly made but what is of your writing, all of us citizens will come to you with our tablets, and you alone shall write all our wills; but then,’ continued I, ‘when will you attend to public business? when to that of your friends 1 when to your own? when, in -a word, will you do nothing?’ adding, ‘for he does not seem to me to be a free man, who does not sometimes do nothing;’ of which opinion, Catulus, I still continue; and, when I come hither, the mere privilege of doing nothing, and of being fairly idle, delights me. [25] As to the third remark which you added, that you are of such a disposition as to think life insipid without these studies, that observation not only does not encourage me to any discussion, but even deters me from it. For as Caius Lucilius, a man of great learning and wit, used to say, that what he wrote he would neither wish to have read by the most illiterate persons, nor by those of the greatest learning, since the one sort understood nothing, and the other perhaps more than himself; to which purpose he also wrote, I do not care to be read by Persius (for he was, as we know, about the most learned of all our countrymen); but I wish to be read by Laelius Decimus (whom we also knew, a man of worth and of some learning, but nothing to Persius); so I, if I am now to discuss these studies of ours, should not wish to do so before peasants, but much less before you; for I had rather that my talk should not be understood than be censured.”

VII. [26] “Indeed, Catulus,” rejoined Caesar, “I think I have already gained some profit by coming hither; for these reasons for declining a discussion have been to me a very agreeable discussion. But why do we delay Antonius, whose part is, I hear, to give a dissertation upon eloquence in general, and for whom Cotta and Sulpicius have been some time waiting?” [27] “But I,” interposed Crassus, “will neither allow Antonius to speak a word, nor will I utter a syllable myself, unless I first obtain one favour from you.” “What is it?” said Catulus. “That you spend the day here.” Then, while Catulus hesitated, because he had promised to go to his brother’s house, “I,” said Julius, “will answer for both. We will do so; and you would detain me even in case you were not to say a single word.” [28] Here Catulus smiled, and said, “My hesitation then is brought to an end;

for I had left no orders at home, and he, at whose house I was to have been, has thus readily engaged us to you, without waiting for my assent."

They then all turned their eyes upon Antonius, who cried out, "Be attentive, I say, be attentive, for you shall hear a man from the schools, a man from the professor's chair, deeply versed in Greek learning; and I shall on this account speak with the greater confidence, that Catulus is added to the audience, to whom not only we of the Latin tongue, but even the Greeks themselves, are wont to allow refinement and elegance in the Greek language. [29] But since the whole process of speaking, whether it be an art or a business, can be of no avail without the addition of assurance, I will teach you, my scholars, that which I have not learned myself, what I think of every kind of speaking." [30] When they all laughed, "It is a matter that seems to me," proceeded he, "to depend very greatly on talent, but only moderately on art; for art lies in things which are known; but all the pleading of an orator depends not on knowledge, but on opinion; for we both address ourselves to those who are ignorant, and speak of what we do not know ourselves; and consequently our hearers think and judge differently at different times concerning the same subjects, and we often take contrary sides, not only so that Crassus sometimes speaks against me, or I against Crassus, when one of us must of necessity advance what is false; but even that each of as, at different times, maintains different opinions on the same question; when more than one of those opinions cannot possibly be right. I will speak, therefore, as on a subject which is of a character to defend falsehood, which rarely arrives at knowledge, and which is ready to take advantage of the opinions and even errors of mankind, if you think that there is still reason why you should listen to me."

VIII. [31] "We think, indeed, that there is very great reason," said Catulus, "and the more so, as you seem resolved to use no ostentation; for you have commenced, not boastfully, but rather, as you think, with truth, than with any fanciful notion of the dignity of your subject." [32] "As I have acknowledged then," continued Antonius, "that it is not one of the greatest of arts, so I allow, at the same time, that certain artful directions may be given for moving the feelings and gaining the favour of mankind. If any one thinks proper

to say that the knowledge how to do this is a great art, I shall not contradict him; for as many speakers speak upon causes in the forum without due consideration or method, while others, from study, or a certain degree of practice, do their business with more address, there is no doubt, that if any one sets himself to observe what is the cause why some speak better than others, he may discover that cause; and, consequently, he who shall extend such observation over the whole field of eloquence, will find in it, if not an art absolutely, yet something resembling an art. [33] And I could wish, that as I seem to see matters as they occur in the forum, and in pleadings, so I could now set them before you just as they are conducted!

"But I must consider my own powers. I now assert only that of which I am convinced, that although oratory is not an art, no excellence is superior to that of a consummate orator. For to say nothing of the advantages of eloquence, which has the highest influence in every well-ordered and free state, there is such delight attendant on the very power of eloquent speaking, that nothing more pleasing can be received into the ears or understanding of man. [34] What music can be found more sweet than the pronunciation of a well-ordered oration? What poem more agreeable than the skilful structure of prose? What actor has ever given greater pleasure in imitating, than an orator gives in supporting, truth? What penetrates the mind more keenly than an acute and quick succession of arguments'? What is more admirable than thoughts illumined by brilliancy of expression? What nearer to perfection than a speech replete with every variety of matter? for there is no subject susceptible of being treated with elegance and effect, that may not fall under the province of the orator. IX. [35] It is his, in giving counsel on important affairs, to deliver his opinion with clearness and dignity; it is his to rouse a people when they are languid, and to calm them when immoderately excited. By the same power of language, the wickedness of mankind is brought to destruction, and virtue to security. Who can exhort to virtue more ardently than the orator? Who reclaim from vice with greater energy? Who can reprove the bad with more asperity, or praise the good with better grace? Who can break the force of unlawful desire by more effective reprehension? Who can alleviate grief with more soothing

consolation? [36] By what other voice, too, than that of the orator, is history,, the evidence of time, the light of truth, the life of memory, the directress of life, the herald of antiquity, committed to immortality? For if there be any other art, which professes skill in inventing or selecting words; if any one, besides the orator, is said to form a discourse, and to vary and adorn it with certain distinctions, as it were, of words and thoughts; or if any method of argument, or expression of thought, or distribution and arrangement of matter, is taught, except by this one art, let us confess that either that, of which this art makes profession, is foreign to it, or possessed in common with some other art. [37] But if such method and teaching be confined to this alone, it is not, though professors of other arts may have spoken well, the less on that account the property of this art; but as an orator can speak best of all men on subjects that belong to other arts, if he makes himself acquainted with them, (as Crassus observed yesterday,) so the professors of other arts speak more eloquently on their own subjects, if they have acquired any instruction from this art; [38] for if any person versed in agriculture has spoken or written with eloquence on rural affairs, or a physician, as many have done, on diseases, or a painter upon painting, his eloquence is not on that account to be considered as belonging to any of those arts; although in eloquence, indeed, such is the force of human genius, many men of every class and profession attain some proficiency even without instruction; but though you may judge what is peculiar to each art, when you have observed what they severally teach, yet nothing can be more certain than that all other arts can discharge their duties without eloquence, but that an orator cannot even acquire his name without it; so that other men, if they are eloquent, borrow something from him; while he, if he is not supplied from his own stores, cannot obtain the power of speaking from any other art."

X. [39] Catulus then said, "Although, Antonius, the course of your remarks ought by no means to be retarded by interruption, yet you will bear with me and grant me pardon; for I cannot help crying out, as he in the Trinummus says, so ably do you seem to me to have described the powers of the orator, and so copiously to have extolled them, as the eloquent man, indeed, must necessarily do; he must extol eloquence best of all men; for to praise it he has to employ the

very eloquence which he praises. But proceed, for I agree with you, that to speak eloquently is all your own; and that, if any one does so on any other art, he employs an accomplishment borrowed from something else, not peculiar to him, or his own." [40] "The night," added Crassus, "has made you polite to us, Antonius, and humanized you; for in yesterday's address to us, you described the orator as a man that can do only one thing, like a waterman or a porter, as Caecilius says; a fellow void of all learning and politeness." "Why yesterday," rejoined Antonius, "I had made it my object, if I refuted you, to take your scholars from you; but now, as Catulus and Caesar make part of the audience, I think I ought not so much to argue against you, as to declare what I myself think. [41] It follows then, that, as the orator of whom we speak is to be placed in the forum, and in the view of the public, we must consider what employment we are to give him, and to what duties we should wish him to be appointed. For Crassus yesterday, when you, Catulus and Caesar, were not present, made, in a few words, the same statement, in regard to the division of the art, that most of the Greeks have made; not expressing what he himself thought, but what was said by them; that there are two principal sorts of questions about which eloquence is employed; one indefinite, the other definite. [42] He seemed to me to call that indefinite in which the subject of inquiry is general, as, Whether eloquence is desirable; whether honours should be sought; and that definite in which there is an inquiry with respect to particular persons, or any settled and denned point; of which sort are the questions agitated in the forum, and in the causes and disputes of private citizens. [43] These appear to me to consist either in judicial pleadings, or in giving counsel; for that third kind, which was noticed by Crassus, and which, I hear, Aristotle himself, who has fully illustrated these subjects, added, is, though it be useful, less necessary." "What kind do you mean?" said Catulus; "is it panegyric? for I observe that that is introduced as a third kind." XI. [44] "It is so," says Antonius; "and as to this kind of oratory, I know that I myself, and all who were present, were extremely delighted when your mother Popilia was honoured with a panegyric by you; the first woman, I think, to whom such honour was ever paid in this city. But it does not seem to me that all subjects on which we speak

are to be included in art, and made subject to rules; [45] for from those fountains, whence all the ornaments of speech are drawn, we may also take the ornaments of panegyric, without requiring elementary instructions; for who is ignorant, though no one teach him, what qualities are to be commended in any person? For if we but look to those things which Crassus has mentioned, in the beginning of the speech which he delivered when censor in opposition to his colleague, That in those things which are bestowed on mankind by nature or fortune, he could contentedly allow himself to be excelled; but that in whatever men could procure for themselves, he could not suffer himself to be excelled, he who would pronounce the panegyric of any person, will understand that he must expatiate on the blessings of fortune; [46] and these are advantages of birth, wealth, relationship, friends, resources, health, beauty, strength, talent, and such other qualities as are either personal, or dependent on circumstances; and, if he possessed these, he must show that he made a proper use of them; if not, that he managed wisely without them; if he lost them, that he bore the loss with resignation; he must then state what he whom he praises did or suffered with wisdom, or with liberality, or with fortitude, or with justice, or with honour, or with piety, or with gratitude, or with humanity, or, in a word, under the influence of any virtue. These particulars, and whatever others are of similar kind, he will easily observe who is inclined to praise any person; and he who is inclined to blame him the contrary." [47] "Why then do you hesitate," said Catulus, "to make this a third kind, since it is so in the nature of things? for if it is more easy than others, it is not, on that account, to be excluded from the number." "Because I am unwilling," replied Antonius, "to treat of all that falls under the province of an orator, as if nothing, however small it may be, could be uttered without regard to stated rules. [48] Evidence, for instance, is often to be given, and sometimes with great exactness, as I was obliged to give mine against Sextus Titius, a seditious and turbulent member of the commonwealth; when, in delivering my evidence, I explained all the proceedings of my consulate, in which I, on behalf of the commonwealth, opposed him as tribune of the people, and exposed all that I thought he had done contrary to the interest of the state; I was detained long, I listened to much, I answered many

objections; but would you therefore wish, when you give precepts on eloquence, to add any instructions on giving evidence as a portion of the art of oratory?"

XII. [49] "There is, indeed," said Catulus, "no necessity." "Or if (as often happens to the greatest men) communications are to be delivered, either in the senate from a commander in chief, or to such a commander, or from the senate to auj king or people, does it appear to you that because, on such subjects, we must use a more accurate sort of language than ordinary, this kind of speaking should be counted as a department of eloquence, and he furnished with peculiar precepts? "" By no means," replied Catulus; "for an eloquent man, in speaking on subjects of that sort, will not be at a loss for that talent which he has acquired by practice on other matters and topics." [50] "Those other kinds of subjects, therefore," continued Antonius, "which often require to be treated with eloquence, and which, as I said just now, (when I was praising eloquence,) belong to the orator, have neither any place in the division of the parts of oratory, nor fall under any peculiar kind of rules, and yet must be handled as eloquently as arguments in pleadings; such are reproof, exhortation, consolation, all which demand the finest graces of language; yet these matters need no rules from art." [51] "I am decidedly of that opinion," said Catulus. "Well, then, to proceed," said Antonius, "what sort of orator, or how great a master of language, do you think it requires to write history?" "If to write it as the Greeks have written, a man of the highest powers," said Catulus; "if as our own countrymen, there is no need of an orator; it is sufficient for the writer to tell truth." "But," rejoined Antonius, "that you may not despise those of our own country, the Greeks themselves too wrote at first just like our Cato, and Pictor, and Piso. [52] For history was nothing else but a compilation of annals; and accordingly, for the sake of preserving the memory of public events, the pontifex maximus used to commit to writing the occurrences of every year, from the earliest period of Roman affairs to the time of the pontifex Publius Mucius, and had them engrossed on white tablets, which he set forth as a register in his own house, so that all the people had liberty to inspect it; and these records are yet called the Great Annals. [53] This mode of writing many have adopted, and, without any

ornaments of style, have left behind them simple chronicles of times, persons, places, and events. Such, therefore, as were Pherecydes, Hellanicus, Acusilas, and many others among the Greeks, are Cato, and Pictor, and Piso with us, who neither understand how composition is to be adorned (for ornaments of style have been but recently introduced among us), and, provided what they related can be understood, think brevity of expression the only merit. [54] Antipater, an excellent man, the friend of Crassus, raised himself a little, and gave history a higher tone; the others were not embellishers of facts, but mere narrators."

XIII. "It is," rejoined Catulus, "as you say; but Antipater himself neither diversified his narrative by variety of thoughts, nor polished his style by an apt arrangement of words, or a smooth and equal flow of language, but rough-hewed it as he could, being a man of no learning, and not extremely well qualified for an orator; yet he excelled, as you say, his predecessors." [55] "It is far from being wonderful," said Antonius, "if history has not yet made a figure in our language; for none of our countrymen study eloquence, unless that it may be displayed in causes and in the forum; whereas among the Greeks, the most eloquent men, wholly unconnected with public pleading, applied themselves as well to other honourable studies as to writing history; for of Herodotus himself, who first embellished this kind of writing, we hear that he was never engaged in pleading; yet his eloquence is so great as to delight me extremely, as far as I can understand Greek writing. [56] After him, in my opinion, Thucydides has certainly surpassed all historians in the art of composition; for he is so abundant in matter, that he almost equals the number of his words by the number of his thoughts; and he is so happy and judicious in his expressions, that you are at a loss to decide whether his facts are set off by his style, or his style by his thoughts; and of him too we do not hear, though he was engaged in public affairs, that he was of the number of those who pleaded causes, and he is said to have written his books at a time when he was removed from all civil employments, and, as usually happened to every eminent man at Athens, was driven into banishment. [57] He was followed by Philistus of Syracuse, who, living in great familiarity with the tyrant Dionysius, spent his leisure in writing

history, and, as I think, principally imitated Thucydides But afterwards, two men of great genius, Theopompus and Ephorus, coming from what we may call the noblest school of rhetoric, applied themselves to history by the persuasion of their master Isocrates, and never attended to pleading at all. XIV. [58] At last historians arose also among the philosophers; first Xenophon, the follower of Socrates, and afterwards Callisthenes, the pupil of Aristotle and companion of Alexander. The latter wrote in an almost rhetorical manner; the former used a milder strain of language, which has not the animation of oratory, but, though perhaps less energetic, is, as it seems to me, much more pleasing. Timseus, the last of all these, but, as far as I can judge, by far the most learned, and abounding most with richness of matter and variety of thought, and not unpolished in style, brought a large store of eloquence to this kind of writing, but no experience in pleading causes."

[59] When Antonius had spoken thus, "What is this, Catulus?' said Csesar. "Where are they who say that Antonius is ignorant of Greek? how many historians has he named! and how learnedly and judiciously has he spoken of each! ""On my word," said Catulus, "while I wonder at this, I cease to wonder at what I regarded with much greater wonder before, namely, that he, being unacquainted with these matters, should have such power as a speaker." "But, Catulus," said Antonius," my custom is to read these books, and some others, when I have leisure, not to hunt for anything that may improve me in speaking, but for my own amusement. [60] What profit is there from it then? I own that there is not much; yet there is some: for as, when I walk in the sun, though I may walk for another purpose, yet it naturally happens that I gain a deeper colour; so when I have read those books attentively at Misenum, (for at Rome I have scarcely opportunity to do so,) I can perceive that my language acquires a complexion, as it were, from my intercourse with them. But, that you may not take what I say in too wide a sense, I only understand such of the Greek writings as their authors wished to be understood by the generality of people. [61] If I ever fall in with the philosophers, deluded by the titles to their books, as they generally profess to be written on well-known and plain subjects, as virtue, justice, probity, pleasure, I do not understand a single word of them;

so restricted are they to close and exact disputations. The poets, as speaking in a different language, I never attempt to touch at all; but amuse myself, as I said, with those who have written history, or their own speeches, or who have adopted such a style that they seem to wish to be familiar to us who are not of the deepest erudition. XV. [62] But I return to my subject. Do you see how far the study of history is the business of the orator? I know not whether it is not his most important business, for flow and variety of diction; yet I do not find it anywhere treated separately under the rules of the rhetoricians. Indeed, all rules respecting it are obvious to common view; for who is ignorant that it is the first law in writing history, that the historian must not dare to tell any falsehood, and the next, that he must be bold enough to tell the whole truth? Also, that there must be no suspicion of partiality in his writings, or of personal animosity? [63] These fundamental rules are doubtless universally known. The superstructure depends on facts and style. The course of facts requires attention to order of time, and descriptions of countries; and since, in great affairs, and such as are worthy of remembrance, first the designs, then the actions, and afterwards the results, are expected, it demands also that it should be shown, in regard to the designs, what the writer approves, and that it should be told, in regard to the actions, not only what was done or said, but in what manner; and when the result is stated, that all the causes contributing to it should be set forth, whether arising from accident, wisdom, or temerity; and of the characters concerned, not only their acts, but, at least of those eminent in reputation and dignity, the life and mariners of each. [64] The sort of language and character of style to be observed must be regular and continuous, flowing with a kind of equable smoothness, without the roughness of judicial pleadings, and the sharp-pointed sentences used at the bar. Concerning all these numerous and important points, there are no rules, do you observe, to be found in the treatises of the rhetoricians.

"In the same silence have lain many other duties of the orator; exhortation, consolation, precept, admonition, all of which are subjects for the highest eloquence, and yet have no place in those treatises on the art which are in circulation. [65] Under this head, too, there is an infinite field of matter; for as Crassus observed) most

writers assign to the orator two kinds of subjects on which he may speak; the one concerning stated and defined questions, such as are treated in judicial pleadings or political debates, to which he that will may add panegyrics; the other, what all authors term, (though none give any explanation,) questions unlimited in their kind, without reference to time or person. When they speak of this sort of subjects, they do not appear to know the nature and extent of it; [66] for if it is the business of an orator to be able to speak on whatever subject is proposed without limitation, he will have to speak on the magnitude of the sun, and on the shape of the earth; nor will be able, when he has undertaken such a task, to refuse to speak on mathematical and musical subjects. In short, for him who professes it to be his business to speak not only on those questions which are confined to certain times and persons, (that is, on all judicial questions,) but also on such as are unlimited in their kinds, there can be no subject for oratory to which he can take exception.

XVI. [67] "But if we are disposed to assign to the orator that sort of questions, also, which are undefined, unsettled, and of extreme latitude, so as to suppose that he must speak of good and evil, of things to be desired or avoided, honourable or dishonourable, profitable or unprofitable; of virtue, justice, temperance, prudence, magnanimity, liberality, piety, friendship, fidelity, duty, and of other virtues and their opposite vices, as well as on state affairs, on government, on military matters, on civil polity, on morality; let us take upon us that sort of subjects also, but so that it be circumscribed by moderate limits. [68] I think, indeed, that all matters relative to intercourse between fellow-citizens, and the transactions of mankind in general, every thing that concerns habits of life, administration of public affairs, civil society, the common sense of mankind, the law of nature, and moral duties, falls within the province of an orator, if not to such an extent that he may answer on every subject separately, like the philosophers, yet so at least that he may interweave them judiciously into his pleadings; and may speak upon such topics as those who established laws, statutes, and commonwealths, have spoken upon them, with simplicity and perspicuity, without any strict order of discussion, or jejune contention about words. [69] That it may not seem wonderful that no rules on so many topics of such

importance are here laid down by me, I give this as my reason: As, in other arts, when the most difficult parts of each have been taught, other particulars, as being easier, or similar, are not necessary to be taught: for example, in painting, he who has learned to paint the figure of a man, can paint one of any shape or age without special instruction; and as there is no danger that he who excels in painting a lion or a bull, will be unable to succeed in painting other quadrupeds; (for there is indeed no art whatever, in which everything capable of being effected by it is taught by the master; but they who have learned the general principles regarding the chief and fixed points, accomplish the rest of themselves without any trouble;) [70] so I conceive that in oratory, whether it be an art, or an attainment from practice only, he who has acquired such ability, that he can, at his pleasure, influence the understandings of those who listen to him with some power of deciding, on questions concerning public matters, or his own private affairs, or concerning those for or against whom he speaks, will, on every other kind of oratorical subject, be no more at a loss what to say than the famous Polycletus, when he formed his Hercules, was at a loss how to execute the lion's skin, or the hydra, although he had never been taught to form them separately."

XVII. [71]Catulus then observed, "You seem to me, Antonius, to have set clearly before us what he who designs to be an orator ought to learn, and what he may assume from that which he has learned without particular instruction; for you have reduced his whole business to two kinds of causes only, and have left particulars, which are innumerable, to practice and comparison. But take care lest the hydra and lion's skin be included in those two kinds, and the Hercules, and other greater works be left among the matters which you omit. For it does not seem to me to be less difficult to speak on the nature of things in general, than on the causes of particular persons, and it seems even much more difficult to discourse on the nature of the gods, than on matters that are litigated amongst men." [72] "It is not so," replied Antonius; "for to you, Catulus, I will speak, not so much like a person of learning, as, what is more, one of experience. To speak on all other subjects is, believe me, mere play to a man who does not want parts or practice, and is not destitute of

common literature or polite instruction; but, in contested causes, the business is of great difficulty; I know not whether it be not the greatest by far of all human efforts, where the abilities of the orator are, by the unlearned, estimated according to the result and success; where an adversary presents himself armed at all points, who is to be at once attacked and repelled; where he, who is to decide the question, is averse, or offended, or even friendly to your adversary, and hostile to yourself; when he is either to be instructed or undeceived, restrained or incited, or managed in every way, by force of argument, according to the cause and occasion; when his benevolence is often to be turned to hostility, and his hostility to benevolence; when he is to be moved, as by some machinery, to severity or to indulgence, to sorrow or to merriment, [73] you must exert your whole power of thought, and your whole force of language; with which must be joined a delivery varied, energetic, full of life, full of spirit, full of feeling, full of nature. If any one, in such efforts as these, shall have mastered the art to such a degree, that, like Phidias, he can make a statue of Minerva, he will, like that great artist, find no difficulty in learning how to execute the smaller figures upon the shield."

XVIII. [74] “The greater and more wonderful you represent such performances,” said Catulus, “the greater longing possesses me to know by what methods or precepts such power in oratory may be acquired; not that it any longer concerns me personally, (for my age does not stand in need of it, and we use I to pursue a different plan of speaking, as we never extorted decisions from the judges by force of eloquence, but rather received them from their hands, after conciliating their goodwill only so far as they themselves would permit,) yet I wish to learn your thoughts, not for any advantage to myself, as I say, but from a desire for knowledge. [75] Nor have I occasion for any Greek master to repeat his hackneyed precepts, when he himself never saw the forum, or was present at a trial; presumption similar to what is told of Phormio the peripatetic; for when Hannibal, driven from Carthage, came to Ephesus as an exile to seek the protection of Antiochus, and, as his name was held in great honour among all men, was invited by those who entertained him to hear the philosopher whom I mentioned, if he were inclined; and when he had signified that he was not unwilling, that copious speaker is said to have harangued some hours upon the duties of a general, and the whole military art; [76] and when the rest of the audience, who were extremely delighted, inquired of Hannibal what he thought of the philosopher, the Carthaginian is reported to have answered, not in very good Greek, but with very good sense, that ‘he had seen many doting old men, but had never seen any one deeper in his dotage than Phormio.’ Nor did he say so, indeed, without reason; for what could have been a greater proof of arrogance, or impertinent loquacity, than for a Greek, who had never seen an enemy or a camp, or had the least concern in any public employment, to deliver instructions on the military art to Hannibal, who had contended so many years for empire with the Romans, the conquerors of all nations? In this manner all those seem to me to act, who give rules on the art of speaking; for they teach others that of which they have no experience themselves. But they are perhaps less in error in this respect, that they do not attempt to instruct you, Catulus, as he did Hannibal, but boys only, or youths.”

XIX. [77] “You are wrong, Catulus,” said Antonius, “for I myself

have met with many Phormios. Who, indeed, is there among those Greeks that seems to think any of us understand anything? To me, however, they are not so very troublesome; I easily bear with and endure them all; for they either produce something which diverts me, or make me repent less of not having learned from them. I dismiss them less contumeliously than Hannibal dismissed the philosopher, and on that account, perhaps, have more trouble with them; but certainly all their teaching, as far as I can judge, is extremely ridiculous. [78] For they divide the whole matter of oratory into two parts; the controversy about the cause and about the question. The cause they call the matter relating to the dispute or litigation affecting the persons concerned; the question, a matter of infinite doubt. Respecting the cause they give some precepts; on the other part of pleading they are wonderfully silent. [79] They then make five parts, as it were, of oratory; to invent what you are to say, to arrange what you have invented, to clothe it in proper language, then to commit it to memory, and at last to deliver it with due action and elocution; a task, surely, requiring no very abstruse study. For who would not understand without assistance, that nobody can make a speech unless he has settled what to say, and in what words, and in what order, and remembers it? Not that I find any fault with these rules, but I say that they are obvious to all; as are likewise those four, five, six, or even seven partitions, (since they are differently divided by different teachers,) into which every oration is by them distributed; [80] for they bid us adopt such an exordium as to make the hearer favourable to us, and willing to be informed and attentive; then to state our case in such a manner, that the detail may be probable, clear, and concise; next, to divide or propound the question; to confirm what makes for us by arguments and reasoning, and refute what makes for the adversary; after this some place the conclusion of the speech, and peroration as it were; others direct you, before you come to the peroration, to make a digression by way of embellishment or amplification, then to sum up and conclude. [81] Nor do I altogether condemn these divisions; for they are made with some nicety, though without sufficient judgment, as must of necessity be the case with men who had no experience in real pleading. For the precepts which they confine to the exordium and statement of facts are to be

observed through the whole speech; [82] since I can more easily make a judge favourable to me in the progress of my speech, than when no part of the cause has been heard; and desirous of information, not when I promise that I will prove something, but when I actually prove and explain; and I can best make him attentive, not by the first statement, but by working on his mind through the whole course of the pleading. [83] As to their direction that the statement of facts should be probable, and clear, and concise, they direct rightly; but in supposing that these qualities belong more peculiarly to the statement of facts than to the whole of the speech, they seem to me to be greatly in error; and their whole mistake lies assuredly in this, that they think oratory an art or science, not unlike other sciences, such as Crassus said yesterday might be formed from the civil law itself; so that the general heads of the subject must first be enumerated, when it is a fault if any head be omitted; next, the particulars under each general head, when it is a fault if any particular be either deficient or redundant; then the definitions of all the terms, in which there ought to be nothing either wanting or superfluous.

XX. [84] "But if the more learned can attain this exactness in the civil law, as well as in other studies of a small or moderate extent, the same cannot, I think, be done in an affair of this compass and magnitude. If, however, any are of opinion that it can be done, they must be introduced to those who profess to teach these things as a science; they will find everything ready set forth and complete; for there are books without number on these subjects, neither concealed nor obscure. But let them consider what they mean to do; whether they will take up arms for sport or for real warfare; for with us a regular engagement and field of battle require one thing, the parade and school of exercise another. Yet preparatory exercise in arms is of some use both to the gladiator and the soldier; but it is a bold and ready mind, acute and quick at expedients, that renders men invincible, and certainly not less effectively if art be united with it.

[85] "I will now, therefore, form an orator for you, if I can; commencing so as to ascertain, first of all, what he is able to do. Let him have a tincture of learning; let him have heard and read something; let him have received those very instructions in rhetoric to which I have alluded. I will try what becomes him; what he can

accomplish with his voice, his lungs, his breath, and his tongue. If I conceive that he may reach the level of eminent speakers, I will not only exhort him to persevere in labour, but, if he seem to me to be a good man, will entreat him; so much honour to the whole community do I think that there is in an excellent orator, who is at the same time a good man. But if he shall appear likely, after he has done his utmost in every way, to be numbered only among tolerable speakers, I will allow him to act as he pleases, and not be very troublesome to him. But if he shall be altogether unfit for the profession, and wanting in sense, I will advise him to make no attempts, or to turn himself to some other pursuit. [86] For neither is he, who can do excellently, to be left destitute of encouragement from us, nor is he, who can do some little, to be deterred; because one seems to me to be the part of a sort of divinity; the other, either to refrain from what you cannot do extremely well, or to do what you can perform not contemptibly, is the part of a reasonable human being; but the conduct of the third character, to declaim, in spite of decency and natural deficiency, is that of a man who, as you said, Catulus, of a certain haranguer, collects as many witnesses as possible of his folly by a proclamation from himself. [87] Of him then, who shall prove such as to merit our exhortation and encouragement, let me so speak as to communicate to him only what experience has taught myself, that, under my guidance, he may arrive at that point which I have reached without any guide; for I can give him no better instructions.

XXI. [88] "To commence then, Catulus, by taking an example from our friend Sulpicius here; I first heard him, when he was but a youth, in a cause of small importance; he was possessed of a voice, figure, deportment, and other qualifications suited for the profession which we are considering. His mode of speaking was quick and hurried, which was owing to his genius; his style animated and somewhat too redundant, which was owing to his youth. I was very far from entertaining a slight opinion of him, since I like fertility to show itself in a young man; for, as in vines, those branches which have spread too luxuriantly are more easily pruned than new shoots are produced by culture if the stem is defective; so I would wish there to be that in a youth from which I may take something away. The sap cannot be enduring in that which attains maturity too soon. [89] I

immediately saw his ability; nor did I lose any time, but exhorted him to consider the forum as his school for improving himself, and to choose whom he pleased for a master; if he would take my advice, Lucius Crassus. To this advice he eagerly listened, and assured me that he would act accordingly; and added also, as a compliment, that T too should be a master to him. Scarce a year had passed from the time of this conversation and recommendation of mine, when he accused Caius Norbanus, and I defended him. It is incredible what a difference there appeared to me between him as he was then and as he had been a year before; nature herself led him irresistibly into the magnificent and noble style of Crassus; but he could never have arrived at a satisfactory degree of excellence in it, if he had not directed his efforts, by study and imitation, in the same course in which nature led him, so as intently to contemplate Crassus with his whole mind and faculties.

XXII. [90] "Let this, then, be the first of my precepts, to point out to the student whom he should imitate, and in such a manner that he may most carefully copy the chief excellencies of him whom he takes for his model. Let practice then follow, by which he may represent in his imitation the exact resemblance of him whom he chose as his pattern; not as I have known many imitators do, who endeavour to acquire by imitation what is easy, or what is remarkable, or almost faulty; [91] for nothing is easier than to imitate any person's dress, or attitude, or carriage; or if there is anything offensive in a character, it is no very difficult matter to adopt it, and be offensive in the same way; in like manner as that Fusius, who even now, though he has lost his voice, rants on public topics, could never attain that nervous style of speaking which Caius Fimbria had, though he succeeds in imitating his distortion of features and broad pronunciation; but he neither knew how to choose a pattern whom he would chiefly resemble, and in him that he did choose, he preferred copying the blemishes. [92] But he who shall act as he ought, must first of all be very careful in making this choice, and must use the utmost diligence to attain the chief excellencies of him whom he has approved.

"What, let me ask, do you conceive to be the reason why almost every age has produced a peculiar style of speaking? a matter on

which we cannot so easily form a judgment in regard to the orators of our own country, (because they have, to say the truth, left but few writings from which such judgment might be formed,) as those of the Greeks, from whose writings it may be understood what was the character and tendency of eloquence in each particular age. [93] The most ancient, of whom there are any works extant, are Pericles and Alcibiades, and, in the same age, Thucydides, writers perspicacious, pointed, concise, abounding more in thoughts than in words. It could not possibly have happened that they should all have the same character, unless they had proposed to themselves some one example for imitation. These were followed in order of time by Critias, Theramenes, and Lysias. There are extant many writings of Lysias, some of Critias; of Theramenes we only hear. They all still retained the vigorous style of Pericles, but had somewhat more exuberance. [94] Then behold Isocrates arose, from whose school, as from the Trojan horse, none but real heroes proceeded; but some of them were desirous to be distinguished on parade, gome in the field of battle. XXIII. Accordingly those Theopompi, Ephori, Philisti, Naucratae, and many others, differ in genius, but in their manner bear a strong resemblance both to each other and to their master; and those who applied themselves to causes, as Demosthenes, Hyperides, Aeschines, Lycurgus, Dinarchus, and a multitude of others, although they were dissimilar in abilities one to another, yet were all engaged in imitating the same kind of natural excellence; and as long as the imitation of their manner lasted, so long did that character and system of eloquence prevail. [95] Afterwards, when these were dead, and all recollection of them grew gradually obscure, and at last vanished, more lax and remiss modes of speaking prevailed. Subsequently Demochares, who, they say, was the son of Demosthenes' sister and the famous Demetrius Phalereus, the most polished of all that class, in my opinion, and others of like talents, arose; and if we choose to pursue the list down to the present times, we shall understand, that, as at this day all Asia imitates the famous Menecles of Alabanda, and his brother Hierocles, to both of whom we have listened, so there has always been some one whom the generality desired to resemble.

[96] "Whoever, then, shall seek to attain such resemblance, let him

endeavour to acquire it by frequent and laborious exercise, and especially by composition; and if our friend Sulpicius would practise this, his language would be more compact; for there is now in it at times, as farmers say of their corn when in the blade, amidst the greatest fertility, a sort of luxuriance which ought to be, as it were, eaten down by the use of the pen." [97] Here Sulpicius observed, "You advise me rightly, and I am obliged to you; but I think that even you, Antonius, have never written much." "As if," rejoined Antonius, "I could not direct others in matters in which I am deficient myself; but. indeed, I am supposed not to write even my own accounts. But in this particular a judgment may be formed from my circumstances, and in the other from my ability in speaking, however small it be, what I do in either way. [98] We see, however, that there are many who imitate nobody, but attain what they desire by their own natural powers, without resembling any one; a fact of which an instance may be seen in you, Caesar and Cotta; for one of you has acquired a kind of pleasing humour and wit, unusual in the orators of our country; the other an extremely keen and subtle species of oratory. Nor does Curio, who is about your age, and the son of a father who was, in my opinion, very eloquent for his time, seem to me to imitate any one much; but by a certain force, elegance, and copiousness of expression, has formed a sort of style and character of eloquence of his own; of which I was chiefly enabled to judge in that cause which he pleaded against me before the Centumviri, in behalf of the brothers Cossi, and in which no quality was wanting in him that an orator, not merely of fluency, but of judgment, ought to possess.

XXIV. [99] "But to conduct, at length, him whom we are forming to the management of causes, and those in which there is considerable trouble, judicial trials, and contested suits, (somebody will perhaps laugh at the precept which I am going to give, for it is not so much sagacious as necessary, and seems rather to proceed from a monitor who is not quite a fool, than from a master of profound learning,) our first precept for him shall be, That whatever causes he undertakes to plead, he must acquire a minute and thorough knowledge of them. [100] This is not a precept laid down in the schools; for easy causes are given to boys. 'The law forbids a stranger to ascend the wall; he ascends it; he beats back the enemy;

he is accused.' It is no trouble to understand such a cause as this. They are right, therefore, in giving no precepts about learning the cause; for such is generally the form of causes in the schools. But in the forum, wills, evidence, contracts, covenants, stipulations, relationship by blood, by affinity, decrees, opinions of lawyers, and even the lives and characters of those concerned in the cause, are all to be investigated; and by negligence in these particulars we see many causes lost, especially those relative to private concerns, as they are often of greater intricacy. [101] Thus some, while they would have their business thought very extensive, that they may seem to fly about the whole forum, and to go from one cause to another, speak upon causes which they have not mastered, whence they incur much censure; censure for negligence, if they voluntarily undertake the business, or for perfidiousness, if they undertake it under any engagement; but such censure is assuredly of worse consequence than they imagine, since nobody can possibly speak on a subject which he does not understand, otherwise than to his own disgrace; and thus, while they despise the imputation of ignorance, which is in reality the greater fault, they incur that of stupidity also, which they more anxiously avoid.

[102] "It is my custom to use my endeavour, that every one of my clients may give me instructions in his own affairs himself, and that nobody else be present, so that he may speak with the greater freedom. I am accustomed also to plead to him the cause of his adversary, in order to engage him to plead his own, and state boldly what he thinks of his own case. When he is gone, I conceive myself in three characters, my own, that of the adversary, and that of the judge. Whatever circumstance is such as to promise more support or assistance than obstruction, I resolve to speak upon it; whereever I find more harm than good, I set aside and totally reject that part entirely; [103] and thus I gain this advantage, that I consider at one time what I shall say, and say it at another; two things which most speakers, relying upon their genius, do at one and the same time; but certainly those very persons would speak considerably better, if they would but resolve to take one time for premeditation, and another for speaking.

[104] "When I have acquired a thorough understanding of the

business and the cause, it immediately becomes my consideration what ground there may be for doubt. For of all points that are disputed among mankind, whether the case is of a criminal nature, as concerning an act of violence; or controversial, as concerning an inheritance; or deliberative, as on going to war; or personal, as in panegyric; or argumentative, as on modes of life; there is nothing in which the inquiry is not either what has been done, or is being done, or will be done, or of what nature a thing is, or how it should be designated.

XXV. [105] "Our causes, such at least as concern criminal matters, are generally defended by the plea of not guilty; for in charges of extortion of money, which are the most important, the facts are almost all to be denied; and in those of bribery to procure offices, it is seldom in our power to distinguish munificence and liberality from corruption and criminal largess. In accusations of stabbing, or poisoning, or embezzlement of the public money, we necessarily deny the charge. On trials, therefore, the first kind of causes is that which arises from dispute as to the fact. In deliberations, the discussion generally springs from a question as to what is to be done, rarely about anything present or already done. [106] But oftentimes the question is not whether a thing is a fact or not, but of what nature it is; as when the consul, Caius Carbo, in my hearing, defended the cause of Opimius before the people, he denied no circumstance of the death of Caius Gracchus, but maintained that it was a lawful act for the good of his country; or, as when Publius Africanus replied to the same Carbo, (then tribune of the people, engaging in political affairs with very different views, and asking a question about the death of Tiberius Gracchus,) 'that he seemed to have been lawfully put to death.' But every thing may be asserted to have been done lawfully, which is of such a kind that it may be said that it ought to have been done, or was properly or necessarily done, or done unawares, or by accident. [107] Then the question, 'what a thing should be called,' arises when there is a dispute by what term an act should be designated; as was the great point of dispute between myself and our friend Sulpicius in Norbanus's cause; for though I admitted most of the charges made by him on the other side, I still denied that treason had been committed by Norbanus; on the

signification of which word, by the Apuleian law, the whole cause depended. [108] And in this species of causes some lay it down as a rule, that both parties should define clearly and briefly the term that gives rise to the question. This seems to me extremely puerile; for it is quite a different thing from defining words, when any dispute arises among the learned about matters relating to science; as when it is inquired, what is an art, what is a law, what is a state? On which occasions reason and learning direct, that the whole force of the thing which you define should be expressed in such a manner that there be nothing omitted or superfluous; [109] but this neither Sulpicius did in that cause, nor did I attempt to do it; for each of us, to the best of our abilities, enlarged with the utmost copiousness of language upon what it was to commit treason. Since, in the first place, a definition, if one word is objectionable, or may be added or taken away, is often wrested out of our hands; and in the next, the very practice itself savours of school learning and almost puerile exercise; and besides, it cannot penetrate into the mind and understanding of the judge, for it glides off before it has made any impression.

XXVI. [110] "But in that kind of causes in which it is disputed of what nature any thing is, the contest often arises from the interpretation of writing; when there can be no controversy but about something that is doubtful. For even the case, in which the written letter differs from the intention, involves a species of doubt, which is cleared up when the words which are wanting are supplied; and such addition being made, it is maintained that the intention of the writing was clear; and if any doubt arises from contradictory writings, it is not a new kind of controversy that arises, but a cause of the former sort is doubled; and this can either never be determined, or must be so determined, that by supplying the omitted words, the writing which we defend, whichsoever of the two it is, may be rendered complete. Thus, of those causes which arise from a controversy about a writing, when anything is expressed ambiguously, there exists but one kind. [111] But as there are many sorts of ambiguities, (which they who are called logicians seem to me to understand better than other men; while those of our profession, who ought to know them full as well, seem to be ignorant of them,) so that is the most frequent in occurrence, either in discourse or writing, when a

question arises from a word or words being left out. [112] They make another mistake when they distinguish this kind of causes, which consist in the interpretation of writing, from those in which it is disputed of what nature a thing is; for there is nowhere so much dispute respecting the exact nature of a thing as in regard to writing, which is totally separated from controversy concerning fact. [113] There are in all, therefore, three sorts of matters, which may possibly fall under doubt and discussion; what is now done, what has been done, or what is to be done; what the nature of a thing is, or how it should be designated; for as to the question which some Greeks add, whether a thing be rightly done, it is wholly included in the inquiry, what the nature of the thing is.

XXVII. [114] "But to return to my own method. When, after hearing and understanding the nature of a cause, I proceed to examine the subject matter of it, I settle nothing until I have ascertained to what point my whole speech, bearing immediately on the question and case, must be directed. I then very diligently consider two other points; the one, how to recommend myself, or those for whom I plead; the other, how to sway the minds of those before whom I speak to that which I desire. [115] Thus the whole business of speaking rests upon three things for success in persuasion; that we prove what we maintain to be true; that we conciliate those who hear; that we produce in their minds whatever feeling our cause may require. [116] For the purpose of proof, two kinds of matter present themselves to the orator; one, consisting of such things as are not invented by him, but, as appertaining to the cause, are judiciously treated by him, as deeds, testimonies, covenants, contracts, examinations, laws, acts of the senate, precedents, decrees, opinions of lawyers, and whatever else is not found out by the orator, but brought under his notice by the cause and by his clients; the other, consisting entirely in the orator's own reasoning and arguments: [117] so that, as to the former head, he has only to handle the arguments with which he is furnished; as to the latter, to invent arguments likewise. Those who profess to teach eloquence, after dividing causes into several kinds, suggest a number of arguments for each kind; which method, though it may be better adapted to the instruction of youth, in order that when a case is

proposed to them they may have something to which they may refer, and from whence they may draw forth arguments ready prepared; yet it shows a slowness of mind to pursue the rivulets, instead of seeking for the fountain-head; and it becomes our age and experience to derive what we want to know from the source, and to ascertain the spring from which everything proceeds.

[118] "But that first kind of matters which are brought before the orator, ought to be the constant subject of our contemplation for general practice in affairs of that nature. For in support of deeds and against them, for and against evidence, for and against examinations by torture, and in other subjects of that sort, we usually speak either of each kind in general and abstractedly, or as confined to particular occasions, persons, and causes; and such commonplaces (I speak to you, Cotta and Sulpicius) you ought to keep ready and prepared with much study and meditation. [119] It would occupy too much time at present to show by what means we should confirm or invalidate testimony, deeds, and examinations. These matters are all to be attained with a moderate share of capacity, though with very great practice; and they require art and instruction only so far, as they should be illustrated with certain embellishments of language. [120] So also those which are of the other kind, and which proceed wholly from the orator, are not difficult of invention, but require perspicuous and correct exposition. As these two things, therefore, are the objects of our inquiry in causes, first, what we shall say, and next, how we shall say it; the former, which seems to be wholly concerned with art, though it does indeed require some art, is yet an affair of but ordinary understanding, namely, to see what ought to be said; the latter is the department in which the divine power and excellence of the orator is seen; I mean in delivering what is to be said with elegance, copiousness, and variety of language.

XXVIII. [121] "The former part, then, since you have once declared it to be your pleasure, I will not refuse to finish off and complete, (how far I shall succeed you will best judge,) and shall show from what topics a speech must be furnished in order to effect these three objects which alone have power to persuade; namely, that the minds of the audience be conciliated, informed, and moved, for these are the three; but how they should be illustrated, there is one present who

can instruct us all; one who first introduced this excellence into our practice, who principally improved it, who alone has brought it to perfection. [122] For I think, Catulus, (and I will say this without any dread of a suspicion of flattery,) that there is no orator, at all more eminent than ordinary, either Grecian, or Roman, that our age ha-s produced, whom I have not heard often and attentively; and, therefore, if there is any ability in me, (as I may now presume to hope, since you, men of such talents, take so much trouble in giving me audience,) it arises from this, that no orator ever delivered anything in my hearing, which did not sink deeply into my memory; and I, such as I am, and as far as I have capacity to form a judgment, having heard all orators, without any hesitation decide and pronounce this, That none of them all had so many and such excellent accomplishments in speaking as are in Crassus. [123] On which account, if you also are of the same opinion, it will not, as I think, be an unjust partition, if, when I shall have given birth and education and strength to this orator whom I am forming, as is my design, I deliver him to Crassus to be furnished with apparel and ornaments."

[124] Crassus then said, "Do you rather, Antonius, go on as you have commenced; for it is not the part of a good or liberal parent not to clothe and adorn him whom he has engendered and brought up especially as you cannot deny that you are wealthy enough. For what grace, what power, what spirit, what dignity was wanting to that orator, who at the close of a speech did not hesitate to call forth his accused client, though of consular rank, and to tear open his garment, and to expose to the judges the scars on the breast of the old commander? who also, when he defended a seditious madman, Sulpicius here being the accuser, did not hesitate to speak in favour of sedition itself, and to demonstrate, with the utmost power of language, that many popular insurrections are just, for which nobody could be accountable? adding that many seditions had occurred to the benefit of the commonwealth, as when the kings were expelled, and when the power of the tribunes was established; and that the sedition of Norbanus, proceeding from the grief of the citizens, and their hatred to Caepio, who had lost the army, could not possibly be restrained, and was blown up into a flame by a just indignation. [125]

Could this, so hazardous a topic, so unprecedented, so delicate, so new, be handled without an incredible force and power of eloquence? What shall I say of the compassion excited for Cneius Manlius, or that in favour of Quintus Rex? What of other innumerable instances, in which it was not that extraordinary acuteness, which everybody allows you, that was most conspicuous, but it was those very qualities which you now ascribe to me, that were always eminent and excellent in you."

XXIX. [126] "For my part," said Catulus, "what I am accustomed most to admire in you both, is, that while you are totally unlike each other in your manner of speaking, yet each of you speaks so well, that nothing seems either to have been denied you by nature, or not to have been bestowed on you by learning. You, therefore, Crassus, from your obliging disposition, will neither withhold from us the illustration of whatever may have been inadvertently or purposely omitted by Antonius; nor if you, Antonius, do not speak on every point, we shall think, not that you could not speak on it, but that you preferred that it should be treated by Crassus." [127] Here Crassus said, "Do you rather, Antonius, omit those particulars which you have proposed to treat, and which no one here needs, namely, from what topics the statements made in pleadings are to be derived, which, though they would be treated by you in a new and excellent way, are in their nature very easy, and commonly set forth in books of rules; but show us those resources whence you draw that eloquence which you frequently exert, and always divinely." [128] "I will indeed show you them," said Antonius; "and that I may the more easily obtain from you what I require, I will refuse you nothing that you ask. The supports of my whole eloquence, and that power of speaking which Crassus just now extolled to the skies, are, as I observed before, three processes; the first, that of conciliating my hearers; the second, that of instructing them; and the third, that of moving them. [129] The first of these divisions requires mildness of address; the second penetration; the third energy; for it is impossible but that he, who is to determine a cause in our favour, must either lean to our side from propensity of feeling, or be swayed by the arguments of our defence, or be forced by action upon his mind. Bat since that part, in which the opening of the case itself and the defence

lie, seems to comprehend all that is laid down as doctrine on this head, I shall speak on that first, and say but few words; for I seem to have but few observations gained from experience, and imprinted as it were on ray memory.

XXX. [130] "We shall willingly consent to your judicious proposal, Crassus, to omit those defences for every sort of causes which the masters of rhetoric are accustomed to teach boys; and to open those sources whence all arguments for every cause and speech are derived. For neither, as often as we have occasion to write any word, need the letters of that word be so often collected in our thoughts; nor, as often as we are to plead a cause, need we turn to the separate arguments for that cause; but we should have certain commonplaces which, like letters for forming a word, immediately occur to us to aid in stating a cause. [131] But these commonplaces can be of advantage only to that orator who is conversant in business, and has that experience which age at length brings with it: or one who has so much attention and power of thought as to anticipate age by study and diligence. For if you bring to me a man of ever so deep erudition, of ever so acute and subtile an intellect, or ever so ready an elocution, if he be a stranger to the customs of civil communities, to the examples, to the institutions, to the manners and inclinations of his fellow-citizens, the common-places from which arguments are drawn will be of little benefit to him. I must have a well-cultivated genius, like a field not once ploughed only, but again and again, with renewed and repeated tillage, that it may produce better and larger crops; and the cultivation here required is experience, attentive hearing of other orators, reading, and writing.

[132] "First, then, let him examine the nature of his cause, which is never obscure so far as the inquiry 'whether a thing has been done or not;' or 'of what nature it is;' or 'what name it should receive;' and when this is ascertained, it immediately occurs, with the aid of natural good sense, and not of those artifices which teachers of rhetoric inculcate, 'what constitutes the cause,' that is, the point without which there would be no controversy; then, 'what is the matter for trial,' which they direct you to ascertain in this manner: Opimius slew Gracchus: what constitutes the cause? 'That he slew him for the good of the republic, when he had called the people to

arms, in consequence of a decree of the senate.' Set this point aside, and there will be no question for trial. But Decius denies that such a deed could be authorized contrary to the laws. The point therefore to be tried will be, 'whether Opimius had authority to do so from the decree of the senate, for the good of the commonwealth.' These matters are indeed clear, and may be settled by common sense; but it remains to be considered what arguments, relative to the point for trial, ought to be advanced, as well by the accuser as by him who has undertaken the defence.

XXXI. [133] "Here we must notice a capital error in those masters to whom we send our children; not that it has much to do with speaking, but that you may see how stupid and unpolished a set of men they are who imagine themselves learned. For, in distinguishing the different kinds of speaking, they make two species of causes. One they call, 'that in which the question is about a general proposition, without reference to persons and times;' the other, 'that which is confined to certain persons and times;' being ignorant that all controversies must have relation to the force and nature of the general position; [134] for in that very cause which I mentioned, the person of Opimius or Decius has nothing to do with the common arguments of the orator; since the inquiry has unrestricted reference to the question in general, 'whether he seems deserving of punishment who has slain a citizen under a decree of the senate for the preservation of his country, when such a deed was not permitted by the laws.' There is indeed no cause in which the point that falls under dispute is considered with reference to the parties to the suit, and not from arguments relating to such questions in general. [135] But even in those very cases where the dispute is about a fact, as 'whether Publius Decius has taken money contrary to law, the arguments both for the accusation and for the defence must have reference to the general question, and the general nature of the case; as, to show that the defendant is expensive, the arguments must refer to luxury; that he is covetous of another's property, to avarice; that he is seditious, to turbulent and ill-designing citizens in general; that he is convicted by many proofs, to the general nature of evidence: and, on the other side, whatever is said for the defendant, must of necessity be abstracted from the occasion and individual, and

referred to the general notions of things and questions of the kind. [136] These, perhaps, to a man who cannot readily comprehend in his mind all that is in the nature of things, may seem extremely numerous to come under consideration when the question is about a single fact; but it is the number of charges, and not of modes of defence, or topics for them, that is infinite.

XXXII. [137] "But when there is no contest about facts, the questions on the nature of facts, if you reckon them from the number of the parties accused, are innumerable and intricate; if from the facts themselves, very few and clear. For if we consider the case of Mancinus so as referring to Mancinus alone, then, whenever a person whom the chief herald has surrendered to the enemy is not re-admitted into his country, a new case will arise. But if what gives rise to the controversy be the general question, 'whether to him whom the chief herald has surrendered, if he has not been re-admitted into his country, there seems to be a right of return,' the name of Mancinus has nothing to do with the mode of speaking upon it, or the arguments for the defence. [138] And if the merit or demerit of the person give rise to any discussion, it is wholly beside the question; and the part of the speech referring to the question must, of necessity, be adapted to such arguments in general. I do not reason upon these subjects for the purpose of confuting learned teachers: although those merit reproof, who, in their general definition, describe this sort of causes as relating to persons and times. [139] For, although times and persons are incident to them, yet it should be understood, that the causes depend not upon them, but upon the general question. But this is not my business; for we ought to have no contest with that sort of people; it is sufficient that this only should be known, that they have not even attained a point which they might have effected amid so much leisure, even without any experience in affairs of the forum; that is, they might have distinguished the general natures of cases, and explained them a little more accurately. [140] But this, as I said, is not my business; it is mine, and much more yours, my friends Cotta and Sulpicius, to know, that as their artificial rules now stand, the multitude of causes is to be dreaded; for it is infinite, if they are referred to persons; so many men, so many causes; but, it they are referred to general questions,

they are so limited and few, that studious orators of good memory and judgment ought to have them digested in their minds, and, I may almost say, learned by heart; unless perhaps you imagine that Lucius Crassus took his notion of that famous cause from Manius Curius personally; and thus brought many arguments to show why, though no posthumous son was born, yet Curius ought to be the heir of Coponius. [141] The name of Coponius, or of Curius, had no influence at all on the array of arguments advanced, or on the force and nature of the question; the whole controversy had regard to all affairs and events of that kind in general, not to particular occasions or names; since the writing was thus, If a son is born to me, and he die before, etc., then let him be my heir; and if a son was not born, the question was whether he ought to be heir who was appointed heir on the death of the son.

XXXIII. [142] "A question regarding unvarying equity, and of a general nature, requires no names of persons, but merely skill in speaking, and sources of proper argument. In this respect even the lawyers themselves are an impediment to us, and hinder us from learning; for I perceive it to be generally reported in the books of Cato and of Brutus, what answers they gave on points of law to any particular man or woman by name; that we might imagine, I suppose, some cause for consultation or doubt to have arisen from the persons, not from the thing; so that, since persons are innumerable, we might be deterred from the study of the law, and lay aside all inclination to learn it, at the same time with all hope of ever attaining a thorough knowledge of it.

"But Crassus will some day make all these points clear to us, and set them forth arranged under general heads; for you must know, Catulus, that he promised us yesterday, that he would reduce the civil law, which is now in a state of confusion and dispersion, under certain general heads, and digest it into an easy system." [143] "And indeed," said Catulus, "that is by no means a difficult undertaking for Crassus, who has all of law that can be learned, and he will supply that which was wanting in those who taught him; for he will be able to define exactly, and to illustrate eloquently, every point comprehended in the law." "We shall then," said Antonius, "learn all these things from Crassus, when he shall have betaken himself, as he

intends, frcm the tumult of public business and the benches of the forum, to a quiet retreat, and to his throne." [144] "I have indeed often," observed Catulus, "heard him say, 'that he was resolved to retire from pleading and the courts of justice;' but, as I frequently tell him, it will never be in his power; for neither will he permit his assistance to be repeatedly implored in vain by persons of character, nor will the public endure his retirement patiently, as they will think that if they lose the eloquence of Lucius Crassus, they will lose one of the principal ornaments of the city." "Indeed then," remarked Antonius, "if what Catulus says is true, Crassus, you must still live on in the same workshop with me, and we must give up that yawning and sleepy science to the tranquillity of the Scaevolae and other such happy people." [145] Here Crassus smiled a little, and said, "Finish weaving, Antonius, the web which you have begun; yet that yawning science, as you term it, when I have sheltered myself under it, will vindicate my right to liberty."

XXXIV. [146] “This is indeed the end,” continued Antonius, “of that part on which I just now entered; for it is now understood that all matters which admit of doubt are to be decided, not with reference to individuals, who are innumerable, or to occasions, which are infinitely various, but to general considerations, and the nature of things; that general considerations are not only limited in number, but very few; that those who are studious of speaking should embrace in their minds the subjects peculiar to the several departments of eloquence, arranged under general heads, as well as arrayed and adorned, I mean with thoughts and illustrations. These will, by their own force, beget words, which always seem to me to be elegant enough, if they are such that the subject seems to have suggested them. And if you ask the truth, (as far, that is, as it is apparent to me, for I can affirm nothing more than my own notions and opinions,) we ought to carry this preparatory stock of general questions and common-places into the forum with us; and not, when any cause is brought before us, begin then to seek for topics from which we may draw our arguments; topics which, indeed, by all who have made them the subject of but moderate consideration, may be thoroughly prepared by means of study and practice; but the thoughts must still revert to those general heads and common-places to which I have so often alluded, and from which all arguments are drawn for every species of oratory. [147] All that is required, whether it result from art, or observation, or practice, is but to know those parts of the field in which you may hunt for, and trace out, what you wish to find; for when you have embraced in your thoughts the whole of any topic, if you are but well practised in the treatment of subjects, nothing will escape you, and every circumstance material to the question will occur and suggest itself to you.

XXXV. “Since, then, in speaking, three things are requisite for finding argument; genius, method, (which, if we please, we may call art,) and diligence, I cannot but assign the chief place to genius; yet diligence can raise even genius itself out of dulness; diligence, I say, which, as it avails in all things, is also of the utmost moment in pleading causes. [148] Diligence is to be particularly cultivated by us; it is to be constantly exerted; it is capable of effecting almost

everything. That a cause is thoroughly understood, as I said at first, is owing to diligence; that we listen to our adversary attentively, and possess ourselves, not only of his thoughts, but even of his every word; that we observe all the motions of his countenance, which generally indicate the workings of the mind, is owing to diligence; [149] [but to do this covertly, that he may not seem to derive any advantage to himself, is the part of prudence ;] that the mind ruminates on those topics which I shall soon mention, that it insinuates itself thoroughly into the cause, that it fixes itself on it with care and attention, is owing to diligence; that it applies the memory like a light, to all these matters, as well as the tone of voice and power of delivery, is owing to diligence. [150] Betwixt genius and diligence there is very little room left for art; art only shows you where to look, and where that lies which you want to find; all the rest depends on care, attention, consideration, vigilance, assiduity, industry; all which I include in that one word which I hare so often repeated, diligence; a single virtue, in which all other virtues are comprehended. [151] For we see how the philosophers abound in copiousness of language, who, as I think, (but you, Catulus, know these matters better,) lay down no precepts of eloquence, and yet do not, on that account, the less undertake to speak with fulness and fluency on whatever subject is proposed to them."

XXXVI. [152] Catulus then observed, "It is as you say, Antonius, that most philosophers deliver no precepts of eloquence, and yet are prepared with something to say on any subject. But Aristotle, he whom I admire more than any of them, has set forth certain topics from which every line of argument may be deduced, not only for the disputations of philosophy, but even for the reasoning which we use in pleading causes; from whose notions your discourse, Antonius, has for some time past not varied; whether you, from a resemblance to that divine genius, hit upon his track, or whether you have read and made yourself master of his writings; a supposition indeed which seems to be more probable than the other, for I see that you have paid more attention to the Greek writers than we had imagined." [153] "You shall hear from myself," said he, "Catulus, what is really the case: I always thought that an orator would be more agreeable to the Roman people, and better approved, who should give, above all, as little

indication as possible of artifice, and none at all of having studied Grecian literature. At the same time, when the Greeks undertook, professed, and executed such great things, when they offered to teach mankind how to penetrate the most obscure subjects, to live virtuously and to speak eloquently, I thought it the part of an irrational animal rather than a man, not to pay them some degree of attention, and, if we cannot venture to hear them openly, for fear of diminishing our authority with our own fellow-citizens, to catch their words at least by listening privately, and hearkening at a distance to what they stated; and thus I have acted, Catulus, and have gained a general notion of the arguments and subjects of all their writers."

XXXVII. [154] "Really and truly," said Catulus, "you have steered your bark to the coasts of philosophy with the utmost caution, as if you had been approaching some rock of unlawful desire, though this country has never despised philosophy. For Italy was formerly full of Pythagoreans, at the time when part of this country was called Great Greece: (whence some report that Numa Pompilius, one of our kings, was a Pythagorean; though he lived many years before the time of Pythagoras; for which reason he is to be accounted the greater man, as he had the wisdom and knowledge to regulate our state, almost two centuries before the Greeks knew that it had arisen in the world;) and certainly this country never produced men more renowned for glorious actions, or of greater gravity and authority, or possessed of more polite learning than Publius Africanus, Caius Laelius, and Lucius Furius, who always had about them publicly the most learned men from Greece. [155] I have often heard them say, that the Athenians had done what was very pleasing to them, and to many of the leading men in the city, in sending, when they despatched ambassadors to the senate about important concerns of their own, the three most illustrious philosophers of that age, Carneades, Critolaus, and Diogenes; who, during their stay at Rome, were frequently heard lecturing by them and others. And when you had such authorities as these, Antonius, I wonder why you should, like Zethus in Pacuvius's play, almost declare war against philosophy." [156] "I have not by any means done so," replied Antonius, "for I have determined rather to philosophize, like Ennius's Neoptolemus, a little, since to be absolutely a philosopher is not agreeable to me. But my opinion,

which I think I have clearly laid down, is this: I do not disapprove of such studies, if they be but moderately pursued; but I think that the reputation of that kind of learning, and all suspicion of artifice, is prejudicial to the orator with those who have the decision of affairs; for it diminishes the authority of the speaker and the credit of his speech."

XXXVIII. [157] "But that our conversation may return to the point from which it digressed, do you observe that of those three illustrious philosophers, who, as you said, came to Rome, one was Diogenes, who professed to teach the art of reasoning well, and distinguishing truth from falsehood, which he called by the Greek name dialektike, or logic? In this art, if it be an art, there are no directions how truth may be discovered, but only how it may be judged. [158] For everything of which we speak we either affirm to be or not to be; and if it be expressed absolutely, the logicians take it in hand to judge whether it be true or false; or, if it be expressed conditionally, and qualifications are added, they determine whether such qualifications are rightly added, and whether the conclusion of each syllogism is true; and at last they torment themselves with their own subtilties, and, after much disquisition, find out not only what they themselves cannot resolve, but even arguments, by which what they had before begun to resolve, or rather had almost made clear, is again involved in obscurity. [159] Here, then, that Stoic can be of no assistance to me, because he does not teach me how to find out what to say; he is rather even an impediment to me; for he finds many difficulties which he says can by no means be cleared, and unites with them a kind of language that is not clear, easy, and fluent; but poor, dry, succinct, and concise; and if any one shall approve such a style, he will approve it with the acknowledgment that it is not suited to the orator. For our mode of speaking is to be adapted to the ear of the multitude, to fascinate and excite their minds, and to prove matters that are not weighed in the scales of the goldsmith, but in the balance, as it were, of popular opinion; [160] we may therefore entirely dismiss an art which is too silent about the invention of arguments, and too full of words in pronouncing judgment on them. That Critolaus, whom you mention as having come hither with Diogenes, might, I fancy, have been of more assistance to our studies, for he

was out of the school of that Aristotle from whose method I seem to you not greatly to differ. Between this Aristotle, (of whom I have read, as well that book in which he explains the rhetorical systems of all who went before him, as those in which he gives us some notions of his own on the art,) between him, I say, and the professed teachers of the art, there appeared to me to be this difference: that he with the same acuteness of intellect with which he had penetrated the qualities and nature of things throughout the universe, saw into everything that pertained to the art of rhetoric, which he thought beneath him; but they, who thought this art alone worthy of cultivation, passed their whole lives in contemplating this one subject, not with as much ability as he, but with constant practice in their single pursuit, and greater devotion to it. [161] As to Carneades, that extraordinary force and variety of eloquence which he possessed would be extremely desirable for us; a man who never took up any argument in his disputations which he did not prove; never attacked any argument that he did not overthrow. But this is too arduous an accomplishment to be expected from those who profess and teach rhetoric.

XXXIX. [162] "If it were my desire that a person totally illiterate should be instructed in the art of speaking, I would willingly send him to these perpetual workers at the same employment, who hammer day and night on the same anvil, and who would put his literary food into his mouth, in the smallest pieces, minced as fine as possible, as nurses put theirs into the mouths of children. But if he were one who had had a liberal education, and some degree of practice, and seemed to have some acuteness of genius, I would instantly conduct him, not where a little brook of water was confined by itself, but to the source whence a whole flood gushed forth; to an instructor who would show him the seats and abodes, as it were, of every sort of arguments, and would illustrate them briefly, and define them in proper terms. [163] For what point is there in which he can hesitate, who shall see that whatever is assumed in speaking, either to prove or to refute, is either derived from the peculiar force and nature of the subject itself, or borrowed from something foreign to it? From its own peculiar force: as when it is inquired, 'what the nature of a whole thing is,' or 'a part of it' or 'what name it has,' or whatever belongs to the whole matter. From what is foreign to it: as

when circumstances which are extrinsic, and not inherent in the nature of the thing, are enumerated in combination. [164] If the inquiry regard the whole, its whole force is to be explained by a definition, thus: 'If the majesty of a state be its greatness and dignity, he is a traitor to its majesty who delivers up an army to the enemies of the Roman people, not he who delivers up him who has violated it into the power of the Roman people.' [165] But if the question respect only a part, the matter must be managed by partition in this manner: 'Either the senate should have been obeyed concerning the safety of the republic, or some other authority should have been constituted, or he should have acted on his own judgment: to constitute another authority had been haughty; to act on his own judgment had been arrogant; he had therefore to obey the direction of the senate.' If we argue from a name, we may express ourselves like Carbo: 'If he be a consul who consults the good of his country, what else has Opimius done?' [166] But if we argue from what is intimately connected with the subject, there are many sources of arguments and common-places; for we shall look to adjuncts, to general views, to particulars falling under general views, to things similar and dissimilar, contrary, consequential; to such as agree with the case, and are, as it were, forerunners of it, and such as are at variance with it; we shall investigate the causes of circumstances, and whatever has arisen from those causes; and shall notice cases that are stronger, or similar, or weaker. XL. [167] "From things closely relating to the subject arguments are drawn thus: 'If the utmost praise is to be attributed to filial duty, you ought to be moved when you see Quintus Metellus mourn so tenderly.' From general considerations, thus: 'If magistrates ought to be under the power of the Roman people, of what do you accuse Norbanus, whose tribuneship was subservient to the will of the state?' [168] From particulars that fall under the general consideration, thus: 'If all who consult the interest of the public ought to be dear to us, certainly military commanders should be peculiarly dear, by whose conduct, courage, and exposure to danger, we preserve our own safety and the dignity of the empire.' From similarity, thus: 'If wild beasts love their offspring, what affection ought we to feel for our children?' [169] From dissimilarity, thus: 'If it be the character of barbarians to live as it were for a short season, our

plans ought to have respect to perpetuity.' In both modes of comparison, from similarity as well as dissimilarity, examples are taken from the acts, sayings, and successes of others; and fictitious narratives may often be introduced. From contraries, arguments are drawn thus: [170] 'If Gracchus acted in a detestable, Opimius has acted in a glorious, manner.' From subsequent circumstances, thus: 'If he be slain with a weapon, and you, his enemy, are found on the very spot with a bloody sword, and nobody but you is seen there, and no one else had any reason to commit the act, and you were always of a daring character, what ground is there on which we can possibly doubt of your guilt?' From concurrent, antecedent, and repugnant circumstances, thus, as Crassus argued when he was quite a young man: 'Although, Carbo, you defended Opimius, this audience will not on that account esteem you a good citizen; for it is clear that you dissembled and had other views, because you often, in your harangues, deplored the fate of Tiberius Gracchus, because you were an accomplice in the death of Publius Africanus, because you proposed a law of such a nature in your tribuneship, because you have always dissented from good members of the state.' [171] From the causes of things, thus: 'If you would abolish avarice, you must abolish the parent of it, luxury.' From whatever arises from those causes, thus: 'If we use the money in the treasury as well for the services of war as the ornaments of peace, let us take care of the public revenues.' Stronger, weaker, and parallel instances, we shall compare thus: from a stronger we shall argue in this way, 'If a good name be preferable to riches, and money is pursued with so much industry, with how much more exertion is glory to be sought? 'From a weaker, thus:

> ”Since merely for a small acquaintance' sake
> He takes this woman's death so nearly, what
> If he himself had loved? what would he feel
> For me, his father?

"From a parallel case, thus: 'It is natural to the same character, to be rapacious of the public money, and to be profuse of it to the public prejudice.' [173] But instances borrowed from extraneous

circumstances are such as are not supported by their own strength, but somewhat foreign: as, 'This is true; for Quintus Lutatius has affirmed it:' 'This is false; for an examination has been made:' 'This must of necessity follow; for I shall read the writings;' on which head I spoke fully a little while ago." XLI. [174] I have been as brief in the exemplification of these matters as their nature would permit. For as, if I wished to make known to any one a quantity of gold, that was buried in separate heaps, it ought to be sufficient if I told him the signs and marks of the places, with the knowledge of which he might dig for himself, and find what he wished with very little trouble, and without any mistake; so I wished to specify such marks, as it were, of arguments, as would let him who seeks them know where they are; what remains is to be brought out by industry and thought. [175] What kind of arguments is most suitable to any particular kind of cause it requires no exquisite skill to prescribe, but merely moderate capacity to determine. For it is not now my design to set forth any system of rhetoric, but to communicate to men of eminent learning some hints drawn from my own experience. These common-places, therefore, being fixed in the mind and memory, and called forth on every subject proposed to be discussed, there will be nothing that can escape the orator, not merely in matters litigated in the forum, but in any department of eloquence whatever. [176] But if he shall attain such success, as to seem to be what he would wish to seem, and to affect the minds of those before whom he pleads in such a manner as to lead or rather force them in whatever direction he pleases, he will assuredly require nothing else to render him accomplished in oratory.

"We now see, that it is by no means sufficient to find out what to say, unless we can handle it skilfully when we have found it. [177] This treatment ought to be diversified, that he who listens may neither discover any artifice, nor be tired and satiated with uniformity. Whatever you advance, should be laid down as a proposition, and you should show why it is so; and, from the same premises, you should sometimes form a conclusion, and sometimes leave it to be formed by the hearer, and make a transition to something else. Frequently, however, you need make no proposition, but show, by the reasoning which you shall use, what proposition might have been made. If you produce a comparison to anything, you

should first confirm what you offer as a comparison; and then apply to it the point in question. In general, you should shade the distinctive points of your arguments, so that none of your hearers may count them; and that, while they appear clear as to matter, they may seem blended in your mode of speaking on them.

XLII. [178] "I run over these matters cursorily, as addressing men of learning, and, being myself but half-learned, that we may at length arrive at matters of greater consequence. For there is nothing, Catulus, of more importance in speaking than that the hearer should be favourable to the speaker, and be himself so strongly moved that he may be influenced more by impulse and excitement of mind, than by judgment or reflection. For mankind make far more determinations through hatred, or love, or desire, or anger, or grief, or joy, or hope, or fear, or error, or some other affection of mind, than from regard to truth, or any settled maxim, or principle of right, or judicial form, or adherence to the laws. Unless anything else, [179] therefore, be agreeable to you, let us proceed to consider these points."

"There seems," observed Catulus, "to be still some little wanting to those matters which you have discussed, Antonius, something that requires to be explained before you proceed to what you propose." "What is it?" asked Antonius. "What order," replied Catulus, "and arrangement of arguments, has your approbation; for in that department you always seem a god to me." [180] "You may see how much of a god I am in that respect, Catulus," rejoined Antonius; "for I assure you the matter would never have come into my thoughts if I had not been reminded of it; so that you may suppose I am generally led by mere practice in speaking, or father perhaps by chance, to fix on that arrangement of matter by which I seem at times to produce some effect However, that very point which I, because I had no thought of it, passed by as I should by a person unknown to me, is of such efficacy in oratory, that nothing is more conducive to victory; but yet you seem to me to have required from me prematurely an account of the order and disposition of the orator's material; [181] for if I had placed all his power in argumentation, and in proving his case from its own inherent merits, it might be time to say something on the order and arrangement of his arguments; but as three heads

were specified by me, and I have spoken on only one, it will be proper, after I have attended to the other two, to consider, last of all, about the general arrangement of a speech.

XLIII. [182] "It contributes much to success in speaking, that the morals, principles, conduct, and lives of those who plead causes, and of those for whom they plead, should be such as to merit esteem; and that those of their adversaries should be such as to deserve censure; and also that the minds of those before whom the cause is pleaded should be moved as much as possible to a favourable feeling, as well towards the speaker as towards him for whom he speaks. The feelings of the hearers are conciliated by a person's dignity, by his actions, by the character of his life; particulars which can more easily be adorned by eloquence, if they really exist, than be invented, if they have no existence. But the qualities that attract favour to the orator are a soft tone of voice, a countenance expressive of modesty, a mild manner of speaking; so that if he attacks any one with severity, he may seem to do so unwillingly and from compulsion. It is of peculiar advantage that indications of good nature, of liberality, of gentleness, of piety, of grateful feelings, free from selfishness and avarice, should appear in him; and everything that characterizes men of probity and humility, not acrimonious, nor pertinacious, nor litigious, nor harsh, very much conciliates benevolence, and alienates the affections from those in whom such qualities are not apparent. The contrary qualities to these, therefore, are to be imputed to your opponents. [183] This mode of address is extremely excellent in those causes in which the mind of the judge cannot well be inflamed by ardent and vehement incitation; for energetic oratory is not always desirable, but often smooth, submissive, gentle language, which gains much favour for rei, or defendants, a term by which I designate not only such as are accused, but all persons about whose affairs there is any litigation; for in that sense people formerly used the word. [184] To describe the character of your clients in your speeches, therefore, as just, full of integrity, religious, unpresuming, and patient of injuries, has an extraordinary effect; and such a description, either in the commencement, or in your statement of facts, or in the peroration, has so much influence, if it is agreeably and judiciously managed, that it often prevails more than the merits

of the cause. Such influence, indeed, is produced by a certain feeling and art in speaking, that the speech seems to represent, as it were, the character of the speaker; for, by adopting a peculiar mode of thought and expression, united with action that is gentle and indicative of amiableness, such an effect is produced, that the speaker seems to be a man of probity, integrity, and virtue.

XLIV. [185] "To this mode of speaking we may subjoin the opposite method, which moves the minds of the judges by very different means, and impels them to hate, or love, or envy, or benevolence, or fear, or hope, or desire, or abhorrence, or joy, or grief, or pity, or severity; or leads them to whatever feelings resemble and are allied to these and similar emotions of mind. [186] It is desirable, too, for the orator, that the judges may voluntarily bring to the hearing of the cause some feelings in their breasts favourable to the object of the speaker. For it is easier, as they say, to increase the speed of him that is already running, than to excite to motion him that is torpid. But if such shall not be the case, or be somewhat doubtful, then, as a careful physician, before he proceeds to administer any medicine to a patient, must not only understand the disease of him whom he would cure, but also his habit and constitution of body when in health; so I, for my part, when I undertake a cause of such doubt and importance as is likely to excite the feelings of the judges, employ all my sagacity on the care and consideration of ascertaining, as skilfully as I can, what their sentiments and opinions are, what they expect, to which side they incline, and to what conclusion they are likely to be led, with the least difficulty, by the force of oratory. [187] If they yield themselves up, and, as I said before, voluntarily incline and preponderate to the side to which I would impel them, I embrace what is offered, and turn my sails to that quarter from whence any breath of wind is perceived to blow. But if the judge is unbiassed, and free from all passion, it is a work of greater difficulty; for every feeling must then be moved by the power of oratory, without any assistance from nature. But so great are the powers of that which was rightly termed by a good poet,

Incliner of the soul, and queen of all things,

Eloquence, that it can not only make him upright who is biassed,

or bias him who is steadfast, but can, like an able and resolute commander, lead even him captive who resist? and opposes.

XLV. [188] "These are the points about which Crassus just now jocosely questioned me when he said that I treated them divinely, and praised what I did, as being meritoriously done, in the causes of Manius Aquilius, Caius Norbanus, and some others; but really, Crassus, when such arts are adopted by you in pleading, I use to feel terrified; such power of mind, such impetuosity, such passion, is expressed in your eyes, your countenance, your gesture, and even in your very finger; such a torrent is there of the most emphatic and best chosen words, such noble thoughts, so just, so new, so free from all disguise or puerile embellishment, that you seem not only to me to fire the judge, but to be yourself on fire. [189] Nor is it possible that the judge should feel concern, or hate, or envy, or fear in any degree, or that he should be moved to compassion and tears, unless all those sensations which the orator would awaken in the judge shall appear to be deeply felt and experienced by the orator himself. For if a counterfeit passion were to be assumed, and if there were nothing, in a speech of that kind, but what was false and simulated, still greater art would perhaps be necessary. What is the case with you, however, Crassus, or with others, I do not know; as to myself, there is no reason why I should say what is false to men of your great good sense and friendship for me, I never yet, upon my honour, tried to excite sorrow, or compassion, or envy, or hatred, when speaking before a court of judicature, but I myself, in rousing the judges, was affected with the very same sensations that I wished to produce in them. [190] For it is not easy to cause the judge to be angry with him with whom you desire him to be angry, if you yourself appear to take the matter coolly; or to make him hate him whom you wish him to hate, unless he first see you burning with hatred; nor will he be moved to pity, unless you give him plain indications of your own acute feelings, by your expressions, sentiments, tone of voice, look, and finally by sympathetic tears; for as no fuel is so combustible as to kindle without the application of fire, so no disposition of mind is so susceptible of the impressions of the orator as to be animated to strong feeling, unless he himself approach it full of inflammation and ardour.

XLVI. [191] “And that it may not appear to you extraordinary and astonishing, that a man should so often be angry, so often grieve, and be so often excited by every passion of the mind, especially in other men’s concerns, there is such force, let me assure you, in those thoughts and sentiments which you apply, handle, and discuss in speaking, that there is no occasion for simulation or deceit; for the very nature of the language which is adopted to” move the passions of others, moves the orator himself in a greater degree than any one of those who listen to him. [192] That we may not be surprised, too, that this happens in causes, in criminal trials, in the danger of our friends, and before a multitude in the city and in the forum, where not only our reputation for ability is at stake, (for that might be a slight consideration; although, when you have professed to accomplish what few can do, it is not wholly to be neglected;) but where other things of greater importance are concerned, fidelity, duty to our clients, and earnestness in discharging that duty; we are so much moved by such considerations, that even while we defend the merest strangers, we cannot regard them as strangers, if we wish to be thought honest men ourselves. [193] But, as I said, that this may not appear surprising in us, what can be more fictitious than poetry, than theatrical representations, than the argument of a play? Yet on the stage I myself have often observed the eyes of the actor through his mask appear inflamed with fury, while he was repeating these verses,

> Have you, then, dared to separate him from you,
> Or enter Salamis without your brother?
> And dreaded not your father’s countenance?

He never uttered the word ‘countenance’ but Telamon seemed to me to be distracted with rage and grief for his son. And how, lowering his voice to a tone of sorrow, did he appear to weep and bewail, as he exclaimed,

> Whom childless now in the decline of life
> You have afflicted, and bereaved, and killed;
> Regardless of your brother’s death, regardless
> Of his young son entrusted to your keeping!

And if even the player who pronounced these verses every day, could not yet pronounce them efficiently without a feeling of real grief, can you suppose that Pacuvius, when he wrote them, was in a cool and tranquil state of mind? Such could not be the case; [194] for I have often heard that no man can be a good poet (as they say is left recorded in the writings of both Democritus and Plato) without ardour of imagination, and the excitement of something similar to frenzy.

XLVII. "Do not therefore imagine that I, who had no desire to imitate or represent the calamities or fictitious sorrows of the heroes of antiquity in my speech, and was no actor of a foreign and personated part, but a supporter of my own, when Manius Aquilius, by my efforts, was to be maintained in his rights as a citizen, did that which I did in the peroration of that cause, without a strong feeling. [195] For when I saw him whom I remembered to have been consul, and, as a general honoured by the senate, to have marched up to the Capitol with the pomp of an ovation, afflicted, dejected, sorrowful, reduced to the last extremity of danger, I no sooner attempted to excite compassion in others, than I was myself moved with compassion. I observed, indeed, that the judges were wonderfully moved, when I brought forward the sorrowful old man habited in mourning, and did what you, Crassus, commend, not with art (of which I know not what to say), but with great concern and emotion of mind, so that I tore open his garment and showed his scars; [196] when Caius Marius, who was present and sat by, heightened the sorrow expressed in my speech by his tears; and when I, frequently calling upon him, recommended his colleague to his protection, and invoked him as an advocate to defend the common fortune of commanders. This excitement of compassion, this adjuration of all gods and men, of citizens and allies, was not unaccompanied by my tears and extreme commiseration on my part; and if, from all the expressions which I then used, real concern of my own had been absent, my speech would not only have failed to excite commiseration, but would have even deserved ridicule. I, therefore, instruct you in these particulars, Sulpicius, I that am, forsooth, so skilful and so learned a master, showing you how, in speaking, you may be angry, and sorrowful, and weep.

[197] “Though why, indeed, should I teach you this, who, in accusing my quaestor and companion in office, raised so fierce a flame, not only by your speech, but much more by your vehemence, passion, and fiery spirit, that I could scarce venture to approach to extinguish it? For you had in that cause everything in your favour; you brought before the judges violence, flight, pelting with stones, the cruel exercise of the tribunitian power in the grievous and miserable calamity of Caepio; it also appeared that Marcus Aemilius, the first man, not only in the senate, but in the city, had been struck with one of the stones; and nobody could deny that Lucius Cotta and Titus Didius, when they would have interposed their negative upon the passing of the law, had been driven in a tumultuous manner from the temple.

XLVIII. [198] There was also this circumstance in your favour (that you, being merely a youth, were thought to make these complaints on behalf of the commonwealth with the utmost propriety; I, a man of censorian rank, was thought hardly in a condition to appear with any honour in defence of a seditious citizen, a man who had been unrelenting at the calamity of a consular person. The judges were citizens of the highest character; the forum was crowded with respectable people, so that scarcely even a slight excuse was allowed me, although I was to speak in defence of one who had been my quaestor. In these circumstances why need I say that I had recourse to some degree of art? I will state how I acted, and, if you please, you may place my defence under some head of art. [199] I noticed, in connexion, the natures, ill effects, and dangers of every kind of sedition. I brought down my discourse on that subject through all the changes of circumstances in our commonwealth; and I concluded by observing, that though all seditions had ever been attended with troubles, yet that some had been supported by justice, and almost by necessity. I then dwelt on those topics which Crassus just now mentioned, that neither could kings have been expelled from this city, nor tribunes of the people have been created, nor the consular power have been so often diminished by votes of the commonalty, nor the right of appeal, that patroness of the state and guardian of our liberty, have been granted to the Roman people, without disagreement with the nobility; and if those seditions had

been of advantage to the republic, it should not immediately, if any commotion had been raised among the people, be laid to the charge of Caius Norbanus as a heinous crime or capital misdemeanour; but that, if it had ever been allowed to the people of Rome to appear justly provoked (and I showed that it had been often allowed), no occasion was ever more just than that of which I was speaking. I then gave another turn to my speech, and directed it to the condemnation of Caepio's flight, and lamentation for the loss of the army. By this diversion I made the grief of those to flow afresh who were mourning for their friends, and re-excited the minds of the Roman knights before whom, as judges, the cause was being pleaded, to hatred towards Quintus Caepio, from whom they were alienated en account of the right of judicature.

XLIX. [200] "But as soon as I perceived that I was in possession of the favour of the court, and that I had secured ground for defence, because I had both conciliated the good feeling of the people, whose rights I had maintained even in conjunction with sedition, and had brought over the whole feeling of the judges to our side of the question, either from their concern for the calamity of the public, or from grief or regret for their relations, or from their own individual aversion to Caepio, I then began to intermix with this vehement and ardent style of oratory that other species of which I discoursed before, full of lenity and mildness; saying that I was contending for my companion in office, who, according to the custom of our ancestors, ought to stand in relation to me as one of my children, and for almost my whole reputation and fortunes; that nothing could possibly happen more dishonourable to my character, or more bitterly adapted to give pain to me, than if I, who was reputed to have been oftentimes the preservation of those who were entire strangers to me, but yet my fellow-citizens, should not be able to assist an officer of my own. [201] I requested of the judges to make this concession to my age, to the honours which I had attained, to the actions which I had performed, if they saw that I was affected with a just and tender sorrow, and especially if they were sensible that in other causes I had asked everything for my friends in peril, but never anything for myself. Thus, in the whole of that defence and cause, the part which seemed to depend on art, the speaking on the Apuleian

law, and explaining what it was to commit treason, I skimmed and touched upon as briefly as possible. But by the aid of these two parts of eloquence, to one of which belongs the excitement of the passions, to the, other recommendation to favour, (parts not at all fully treated in the rules in books on the art,) was the whole of that cause conducted by me; so that, in reviving the popular displeasure against Csepio, I appeared to be a person of the keenest acrimony; and, in speaking of my behaviour towards my friends, to be of the most humane disposition. In this manner, rather by exciting the passions of the judges than by informing their understandings, was your accusation, Sulpicius, at that time overthrown by me."

L. [202] "In good truth, Antonius," interposed Sulpicius, "you recall these circumstances to my memory with justice; since I never saw anything slip out of any person's hands, as that cause then slipped out of mine. For whereas, as you observed, I had given you not a cause to plead, but a flame to extinguish; what a commencement was it (immortal gods!) that you made! What timidity was there! What distrust! What a degree of hesitation and slowness of speech! But as soon as you had gained that by your exordium, which was the only thing that the assembly allowed you as an excuse, namely, that you were pleading for a man intimately connected with you, and your own quaestor, how quickly did you secure your way to a fair audience! [203] But lo! when I thought that you had reaped no other benefit than that the hearers would think they ought to excuse you for defending a pernicious citizen, on account of the ties of union betwixt you, you began to proceed gradually and tacitly, while others had as yet no suspicion of your designs, though I myself felt some apprehension, to maintain in your defence that what had happened was not sedition in Norbanus, but resentment on the part of the Roman people, resentment not excited unjustly, but deservedly, and in conformity with their duty. In the next place, what argument did you omit against Caepio? How did you confound all the circumstances of the case by allusions to hatred, ill-will, and compassion? Nor was this the case only in your defence, but even in regard to Scaurus and my other witnesses, whose evidence you did not confute by disproving it, but by having recourse to the same impetuosity of the people. [204] When those circumstances were

mentioned by you just now, I felt no desire for any rules of instruction; for the very demonstration of your methods of defence, as stated by yourself, I regard as no ordinary instruction." "But if you are so disposed," said Antonius, "I will tell you what maxims I adopt in speaking, and what I keep principally in view; for a long life and experience in important affairs have taught me to discern by what means the minds of men are to be moved.

LI. [205] "The first thing I generally consider is, whether the cause requires that the minds of the audience should be excited; for such fiery oratory is not to be exerted on trivial subjects, nor when the minds of men are so affected that we can do nothing by eloquence to influence their opinions, lest we be thought to deserve ridicule or dislike, if we either act tragedies about trifles or endeavour to pluck up what cannot be moved. For as the feelings on which we have to work in the minds of the judges, or whoever they may be before whom we may plead, are love, hatred, anger, envy, pity, hope, joy, fear, anxiety, we are sensible that love may be gained if you seem to advocate what is advantageous to the persons before whom you are speaking; or if you appear [206] to exert yourself in behalf of good men, or at least for such as are good and serviceable to them; for the latter case more engages favour, the former, the defence of virtue, esteem; and if a hope of future advantage is proposed, it has a greater effect than the mention of past benefits. [207] You must endeavour to show that in the cause which you defend, either their dignity or advantage is concerned; and you should signify that he for whom you solicit their love has referred nothing to his own private benefit, and done nothing at all for his own sake; for dislike is felt for the selfish gains of individuals, while favour is shown to their desires to serve others. [208] But we must take care, while we are on this topic, not to appear to extol the merit and glory of those whom we would wish to be esteemed for their good deeds, too highly, as these qualities are usually the greatest objects of envy. From these considerations, too, we shall learn how to draw hatred on our adversaries, and to avert it from ourselves and our friends. The same means are to be used, also, either to excite or allay anger; for if you exaggerate every fact that is hurtful or disadvantageous to the audience, their hatred is excited; but if anything of the kind is thrown

out against men of worth, or against characters on whom no one ought to cast any reflection, or against the public, there is then produced, if not so violent a degree of hatred, at least an unfavourable feeling, or displeasure near akin to hatred. [209] Fear is also inculcated either from people's own dangers or those of the public. Personal fear affects men more deeply; but that which is common to all is to be treated by the orator as having similar influence.

LII. "Similar, or rather the same, is the case with regard to hope, joy, and anxiety; but I know not whether the feeling of envy is not by far the most violent of all emotions; nor does it require less power to suppress than to excite it. Men envy chiefly their equals or inferiors when they perceive themselves left behind, and are mortified that the others have outstripped them; but there is often a strong unfavourable feeling towards superiors, which is the stronger if they are intolerably arrogant, and transgress the fair bounds of common justice through super-eminence in dignity or fortune. If such advantages are to be made instruments to kindle dislike, the chief thing to be said is, 'that they are not the acquisitions of virtue, that they have even been gained perhaps by vice and crime; and that, however honourable or imposing they may appear, no merit was ever carried so high as the insolence of mankind and their contumelious disdain.' [210] To allay envy, it may be observed, 'that such advantages have been gained by extreme toil and imminent perils; that they have not been applied to the individual's own private benefit, but that of others; that he himself, if he appear to have gained any glory, although it might not be an undue reward for danger, was not elated with it, but wholly set it aside and undervalued it;' and such an effect must by all means be produced (since most men are envious, and it is a most common and prevalent vice, and envy is felt towards all super-eminent and flourishing fortune), that the opinion entertained of such characters be lowered, and that their fortunes, so excellent in people's imaginations, may appear mingled with labour and trouble.

[211] “Pity is excited, if he who hears can be induced to apply to his own circumstances those unhappy particulars which are lamented in the case of others, particulars which they have either suffered or fear to suffer; and while he looks at another, to glance frequently at himself. Thus, as all the circumstances incident to human suffering are heard with concern, if they are pathetically represented, so virtue in affliction and humiliation is the most sorrowful of all objects of contemplation; and as that other department of eloquence which, by its recommendation of goodness, ought to give the picture of a virtuous man, should be in a gentle and (as I have often observed) a submissive strain, so this, which is adopted by the orator to effect a change in the minds of the audience, and to work upon them in every way, should be vehement and energetic.

LIII. [212] “But there is a certain resemblance in these two kinds (one of which we would have to be gentle, the other vehement), that makes it difficult to distinguish them. For something of that lenity with which we conciliate the affections of an audience, ought to mingle with the ardour with which we awaken their passions; and something of this ardour should occasionally communicate a warmth to our gentleness of language; nor is there any species of eloquence better tempered than that in which the asperity of contention in the orator is mitigated by his humanity, or in which the relaxed tone of lenity is sustained by a becoming gravity and energy. [213] But in both modes of speaking, as well that in which spirit and force are required as that which is brought down to ordinary life and manners, the beginning should be slow, but the sequel full and diffuse. For you must not spring at once into the pathetic portion of your speech, as it forms no part of the question, and men are first desirous to learn the very point that is to come under their judgment; nor, when you have entered upon that track, are you suddenly to diverge from it; [214] for you are not to suppose that as an argument is understood as soon as it is stated, and a second and a third are then desired, so you can with the same ease move compassion, or envy, or anger, as soon as you make the attempt. Reason itself confirms an argument which fixes itself in the mind as soon as it is delivered; but that sort of eloquence does not aim at instructing the judge, but rather at agitating his mind

by excessive emotion, which no one can produce unless by fulness and variety and even copiousness of language, and a proportionate energy of delivery. [215] Those, therefore, who speak either with brevity, or in a low submissive strain, may indeed inform the judge, but can never move him, an effect on which success altogether depends. "It is clear, that the ability of arguing on every subject on both sides of the question is drawn from the same considerations. But we must resist the force of an argument, either by refuting those things which are assumed in support of it, or by showing that the conclusion which our opponents would draw cannot be deduced from the premises, or possibly follow from them; or, if you cannot refute an argument in this manner, you must bring something against it of greater or equal weight. [216] But whatever is delivered with gentleness to conciliate favour, or with vehemence to excite emotion, is to be obviated by moving contrary feelings, so that benevolence may be eradicated by hatred, and compassion be dispelled by jealousy.

LIV. "A jocose manner, too, and strokes of wit, give pleasure to an audience, and are often of great advantage to the speaker; qualities which, even if everything else can be taught by art, are certainly peculiar gifts of nature, and require no aid from instruction. In that department you, Caesar, in my opinion, far excel all other men; on which account you can better bear me testimony, either that there is no art in wit, or, if there be any, you will best instruct us in it." [217] "I indeed," says Caesar, "think that a man who is not destitute of polite learning can discourse upon any subject more wittily than upon wit itself. Accordingly, when I met with some Greek books entitled 'On Jests,' I conceived some hope that I might learn something from them. I found, it is true, many laughable and witty sayings of the Greeks; for those of Sicily excel in that way, as well as the Rhodians and Byzantines, but, above all, the people of Attica. But they who have attempted to deliver rules and principles on that subject, have shown themselves so extremely foolish, that nothing else in them has excited laughter but their folly. [218] This talent, therefore, appears to me incapable of being communicated by teaching. As there are two kinds of wit, one running regularly through a whole speech, the other pointed and concise; the ancients denominated the former humour,

the latter jesting. Each sort has but a light name, and justly; for it is altogether but a light thing to raise a laugh. [219] However, as you observe, Antonius, I have seen advantageous effects produced in pleadings by the aid of wit and humour; but, as in the former kind, I mean humour that runs through a speech, no aid from art is required, (for Nature forms and produces men to be facetious mimics or story-tellers; their look, and voice, and mode of expression assisting their conceptions;) so likewise in the other, that of occasional facetiousness, what room is there for art, when the joke ought to be uttered, and fixed in the mind of the hearer, before it appears possible to have been conceived? [220] For what assistance could my brother here receive from art, when, being asked by Philippus why he barked so, he replied, Because he saw a thief? Or what aid could Crassus have received in that whole speech which he delivered before the Centumviri, in opposition to Scaevola, or when he pleaded for Cneius Plancus against the accusation of Brutus? For that talent which you, Antonius, attribute to me, must be allowed to Crassus by the confession of all mankind; since hardly any person can be found besides him eminent in both these kinds of wit, that which runs through a continued discourse, and that which consists in smartness and occasional jokes. [221] His whole defence in the cause of Curius, in opposition to Scaevola, was redundant with a certain pleasantry and humour; but of those sharp short jests it had none; for he was tender of the dignity of his opponent, and in that respect maintained his own; though it is extremely difficult for men of wit and facetiousness to preserve a regard to persons and times, and to suppress what occurs to them when it may be expressed with most pungent effect. Accordingly, some jesters put a humorous interpretation upon the well-known words of Ennius; [222] for he said, as they observe, That a wise man can more easily keep in flame while his mouth is on fire, than withhold ‘bona dicta,’ good words; and they say that good words mean witty sayings; for sayings are called dicta by an appropriate term.

LV. “But as Crassus forbore from such jests in his speech against Scaevola, and sported throughout that cause and discussion with that other species of humour in which there are no stings of sarcasm; so in that against Brutus, whom he hated, and thought deserving of

insult, he fought with both kinds of wit. [223] How many severe things did he say about the baths which Brutus had lately sold? how many on the loss of his paternal estate? And they were concise; as when Brutus, speaking of himself, said that he sweated without cause. 'No wonder that you sweat," said Crassus, 'for you are just turned out of the baths.' There were innumerable things of this kind in the speech, but his continuous vein of pleasantry was not less amusing; for when Brutus had called up two readers, and had given to one the speech of Crassus upon the colony of Narbonne, to the other that on the Servilian law, to read, and had compared together the contradictory sections on public affairs contained in each, our friend very facetiously gave the three books of Brutus's father, written on the civil law, to three different persons to read. [224] Out of the first book was read this sentence, 'It happened by chance that we were on my estate at Privernum.' On which clause Crassus made this observation, 'Brutus, your father testifies that he left you an estate at Privernum.' Again, out of the second book, 'My son Marcus and I were at my Alban villa;' when Crassus remarked, 'This wise man, who was justly ranked among the wisest in our city, had evidently some foreknowledge of this spendthrift's character, and was afraid, that when he came to have nothing, it might be imagined that nothing was left him.' Afterwards out of the third book, with which the author concluded his work, (for that number of books, as I have heard Scaevola say, are the genuine compositions of Brutus,) 'It chanced that my son Marcus and myself were sitting in my villa near Tibur;' when Crassus exclaimed, 'Where are those estates now, Brutus, that your father left you, as recorded in his public commentaries? But if he had not seen you arrived at the age of puberty, he would have composed a fourth book, and left it in writing that he talked with his son in his own baths' [225] Who does not acknowledge, now, that Brutus was not less confuted by this humour, these comic jests, than by that tragic tone which the same orator adopted, when by accident, during the hearing of the same cause, the funeral procession of the old lady Junia passed by? Ye immortal gods! what force and energy was that with which he spoke! how unexpected! how sudden! when, casting his eyes that way, with his whole gesture directed towards Brutus, with the utmost gravity and

rapidity of expression, he exclaimed, ‘Brutus, why do you sit still? What would you have that old lady communicate to your father? What to all those whose statues you see carried by? What to your other ancestors? What to Lucius Brutus, who freed this people from regal tyranny? What shall she say that you are doing? What business, what glory, what virtue shall she say that you are pursuing? That you are engaged in increasing your patrimony? But that is no characteristic of nobility. [226] Yet suppose it were; you have none left to increase; your extravagance has squandered the whole of it That you are studying the civil law? That was your father’s pursuit; but she will relate that when you sold your house, you did not even among the moveables reserve the chair from which your father answered his clients. That you are applying to the military art? You who have never seen a camp. Or to eloquence? But no portion of eloquence dwells in you; and such power of voice and tongue as you have, you have devoted to the infamous trade of a common informer. Dare you even behold the light? Or look this assembly in the face I Dare you present yourself in the forum, in the city, in the public assembly of the citizens? Do you not fear even that dead corpse, and those very images of your ancestors, you who have not only left yourself no room for the imitation of their virtues, but none in which you can place their statues?’

LVI. [227] “This is in a tragic and sublime strain of language; but you all recollect instances without number of facetiousness and polite humour in one speech; for never was there a more vehement dispute on any occasion, or an oration of greater power delivered before the people, than that of Crassus lately in his censorship, in opposition to his colleague, nor one better seasoned with wit and humour. I agree with you, therefore, Antonius, in both points, that jesting is often of great advantage in speaking, and that it cannot be taught by any rules of art. But I am astonished that you should attribute so much power to me in that way, and not assign to Crassus the palm of pre-eminence in this as in other departments of eloquence.” [228] “I should have done so,” said Antonius, “if I had not sometimes envied Crassus a little in this respect; for to he ever so facetious and witty is not of itself an extraordinary subject of envy; but, when you are the most graceful and polite of speakers, to be, and

to be thought, at the same time, the most grave and dignified of men, a distinction which has been granted to Crassus alone, seems to me almost unendurable." [229] Crassus having smiled at this, Antonius said, "But, Julius, while you denied that art had anything to do with facetiousness, you brought to our notice something that seemed worthy of precept; for you said that regard ought to be paid to persons, times, and circumstances, that jesting might not detract from dignity; a rule which is particularly observed by Crassus. But this rule only directs that jokes should be suppressed when there is no fair occasion for them; what we desire to know is, how we may use them when there is occasion; as against an adversary, especially if his folly be open to attack, or against a foolish, covetous, trifling witness, if the audience seem disposed to listen patiently. [230] Those sayings are more likely to be approved which we utter on provocation, than those which we utter when we begin an attack; for the quickness of wit, which is shown in answering, is more remarkable, and to reply is thought allowable, as being natural to the human temper; since it is presumed that we should have remained quiet if we had not been attacked; as in that very speech to which you alluded scarcely anything was said by our friend Crassus here, anything at least that was at all humorous, which he did not utter in reply, and on provocation. For there was so much gravity and authority in Domitius, that the objections which came from him seemed more likely to be enfeebled by jests than broken by arguments."

LVII. [231] Sulpicius soon after said, "Shall we, then, suffer Caesar, who, though he allows wit to Crassus, is yet himself far more intent on acquiring a character for it, to exempt himself from explaining to us the whole subject of humour, what is the nature of it, and from whence derived; especially as he owns that there is so much efficacy and advantage in wit and jesting?" "What if I agree with Antonius," rejoined Caesar, "in thinking that art has no concern with wit?" [232] As Sulpicius made no remark, "As if," said Crassus, "art could at all assist in acquiring those talents of which Antonius has been so long speaking. There is a certain observation to be paid, as he remarked, to those particulars which are most effective in oratory; but if such observation could make men eloquent, who would not be so? For who could not learn these particulars, if not with ease, at least in

some way? But I think that of such precepts, the use and advantage is, not that we may be directed by art to find out what we are to say, but that we may either feel certain as to what we attain by natural parts, by study, or by exercise, that it is right, or understand that it is wrong, having been instructed to what rule the several particulars are to be referred. [233] I, therefore, also join in the petition to you, Caesar, that you would, if it is agreeable to you, tell us what you think on jocoseness in general, lest, by accident, any part of eloquence, since that is your object, should appear to have been passed over in so learned an assembly, and such a studied conversation." "Well, then, Crassus," replied Caesar, "since you require payment from a guest, I will, by refusing it, furnish you with a pretext for refusing to entertain us again; though I am often astonished at the impudence of those who act upon the stage while Roscius is a spectator of their attitudes; for who can make the least motion without Roscius seeing his imperfections? So I shall now have to speak first on wit in the hearing of Crassus, and to teach like a swine, as they say, that orator of whom Catulus said, when he heard him lately, That other speakers ought to be fed upon hay." [234] "Ah!" said Crassus, "Catulus was joking, especially as he speaks himself in such a manner that he seems to deserve to be fed on ambrosia. But let us hear you, Caesar, that we may afterwards return to the remainder of the discourse of Antonius." "There is little remaining for me to say," replied Antonius; "but as I am wearied with the labour and the length of what I have said, I shall repose during the discourse of Caesar as in some opportune place of entertainment." LVIII. "But," said Caesar, "you will not pronounce my entertainment very liberal; for as soon as you have tasted a little I shall thrust you out, and turn you into the road again. [235] However, not to detain you any longer, I will deliver my sentiments very briefly on this department of eloquence in general.

"Concerning laughter, there are five things which are subjects of consideration: one, 'What it is;' another, 'Whence it originates;' a third, 'Whether it becomes the orator to wish to excite laughter;' a fourth, 'To what degree;' a fifth, 'What are the several kinds of the ridiculous?' As to the first, 'What laughter itself is,' by what means it is excited, where it lies, how it arises, and bursts forth so suddenly

that we are unable, though we desire, to restrain it, and how it affects at once the sides, the face, the veins, the countenance, the eyes, let Democritus consider; for all this has nothing to do with my remarks, and if it had to do with them, I should not be ashamed to say that I am ignorant of that which not even they understand who profess to explain it. [236] But the seat and as it were province of what is laughed at, (for that is the next point of inquiry,) lies in a certain offensiveness and deformity; for those sayings are laughed at solely or chiefly which point out and designate something offensive in an inoffensive manner. But, to come to the third point, it certainly becomes the orator to excite laughter; either because mirth itself attracts favour to him by whom it is raised; or because all admire wit, which is often comprised in a single word, especially in him who replies, and sometimes in him who attacks; or because it overthrows the adversary, or hampers him, or makes light of him, or discourages, or refutes him; or because it proves the orator himself to be a man of taste, or learning, or polish; but chiefly because it mitigates and relaxes gravity and severity, and often, by a joke or a laugh, breaks the force of offensive remarks, which cannot easily be overthrown by arguments. [237] But to what degree the laughable should be carried by the orator requires very diligent consideration; a point which we placed as the fourth subject of inquiry; for neither great vice, such as is united with crime, nor great misery, is a subject for ridicule and laughter; since people will have those guilty of enormous crimes attacked with more forcible weapons than ridicule; and do not like the miserable to be derided, unless perhaps when they are insolent; and you must be considerate, too, of the feelings of mankind, lest you rashly speak against those who are. personally beloved.

LIX. [238] "Such is the caution that must be principally observed in joking. Those subjects accordingly are most readily jested upon which are neither provocative of violent aversion, nor of extreme compassion. All matter for ridicule is therefore found to lie in such defects as are to be observed in the characters of men not in universal esteem, nor in calamitous circumstances, and who do not appear deserving to be dragged to punishment for their crimes; such topics nicely managed create laughter. [239] In deformity, also, and bodily defects, is found fair enough matter for ridicule; but we have to ask

the same question here as is asked on other points, ‘How far the ridicule may be carried?’ In this respect it is not only directed that the orator should say nothing impertinently, but also that, even if he can say anything very ridiculously, he should avoid both errors, lest his jokes become either buffoonery or mimicry; qualities of which we shall better understand the nature when we come to consider the different species of the ridiculous.

“There are two sorts of jokes, one of which is excited by things, the other by words. [240] By things, whenever any matter is told in the way of a story; as you, Crassus, formerly stated in a speech against Memmius, That he had eaten a piece of Largius’s arm, because he had had a quarrel with him at Tarracina about a courtesan; it was a witty story, but wholly of your own invention. You added this particular, that throughout Tarracina these letters were inscribed on every wall, M M, LLL; and that when you inquired what they meant, an old man of the town replied, Mordacious Memmius Lacerates Largius’s Limb. [241] You perceive clearly how facetious this mode of joking may be, how elegant, how suitable’ to an orator; whether you have any true story to tell, (which, however must be interspersed with fictitious circumstances,) or whether you merely invent. The excellence of such jesting is, that you can describe things as occurring in such a way, that the manners, the language, and every look of the person of whom you speak, may be represented, so that the occurrence may seem to the audience to pass and take place at the very time when you address them. [242] Another kind of jest taken from things, is that which is derived from a depraved sort of imitation, or mimicry; as when Crassus also exclaimed, By your nobility, by your family, what else was there at which the assembly could laugh but that mimicry of look and tone? But when he said, by your statues, and added something of gesture by extending his arm, we all laughed immoderately. Of this species is Roscius’s imitation of an old man; when he says,

For you, my Antipho, I plant these trees,

it is old age itself that seems to speak while I listen to him. But all this department of ridicule is of such a nature that it must be attempted with the greatest caution. For if the imitation is too extravagant, it becomes, like indecency, the part of players in

pantomime and farce; the orator should be moderate in imitation, that the audience may conceive more than they can see represented by him; he ought also to give proof of ingenuousness and modesty, by avoiding everything offensive or unbecoming in word or act.

LX. [243] "These, therefore, are the two kinds of the ridiculous which is drawn from things; and they suit well with continuous pieces of humour, in which the manners of mankind are so described and expressed, that, either by means of some narrative, their character is exactly understood, or, by throwing in a little mimicry, they may be convicted of some impropriety remarkable enough for ridicule. [244] But in words, the ridiculous is that which is excited by the point of a particular expression or thought: but as, in the former kind, both in narration and imitation, all resemblance to the players of pantomime should be avoided, so, in this, all scurrilous buffoonery is to be studiously shunned by the orator. How, then, shall we distinguish from Crassus, from Catulus, and from others, your acquaintance Granius, or my friend Vargula? No proper distinction really occurs to me; for they are both witty; no man has more of verbal witticism than Granius. The first point to be observed, however, is, I think, that we should not fancy ourselves obliged to utter a jest whenever one may be uttered. A very little witness was produced. [245] May I question him? says Philippus. The judge who presided, being in a hurry, replied, Yes, if he is short. You shall have no fault to find, said Philippus, for I shall question him very short. This was ridiculous enough; but Lucius Amifex was sitting as judge in the cause, who was shorter than the witness himself; so that all the laughter was turned upon the judge, and hence the joke appeared scurrilous. Those good things, therefore, which hit those whom you do not mean to hit, however witty they are, are yet in their nature scurrilous; [246] as when Appius, who would be thought witty, and indeed is so, but sometimes slides into this fault of scurrility, said to Caius Sextius, an acquaintance of mine, who is blind of an eye, I will sup with you tonight, for I see that there is a vacancy for one. This was a scurrilous joke, both because he attacked Sextius without provocation, and said what was equally applicable to all one-eyed persons. Such jokes, as they are thought premeditated, excite less laughter; but the reply of Sextius was excellent and extempore: Wash

your hands said he, and come to supper. [247] A regard, therefore, to proper times, moderation and forbearance in jesting, and a limitation in the number of jokes, will distinguish the orator from the buffoon; and the circumstance, besides, that we joke with an object, not that we may appear to be jesters, but that we may gain some advantage, while they joke all day without any purpose whatever. For what did Vargula gain by saying, when Aulus Sempronius, then a candidate for office, and his brother Marcus, saluted him, Boy, drive away the flies? His aim was to raise a laugh, which is, in my opinion, a very poor effect of wit. The proper season, then, for jesting, we must determine by our own prudence and judgment; in the exercise of which I wish that we had some body of rules to direct us; but nature is the sovereign guide.

LXI. [248] "Let us now consider briefly the sorts of jests that chiefly excite laughter. Let this, then, be our first division, that whatever is expressed wittily, consists sometimes in a thought, sometimes in the mere language, but that men are most delighted with a joke when the laugh is raised by the thought and the language in conjunction. But remember this, that whatever topics I shall touch upon, from which ridicule may be drawn, from almost the same topics serious thoughts may be derived: there is only this difference, that seriousness is used on dignified subjects with gravity, joking on such as are in some degree unbecoming, and as it were grotesque; for instance, we may with the very same words commend a thrifty servant, and jest upon one that is extravagant. That old saying of Nero about a thieving servant is humorous enough, That he was the only one from whom nothing in the house was sealed or locked up; a thing which is not only said of a good servant, but in the very same words. [249] From the same sources spring all kinds of sayings. What his mother said to Spurius Carvilius, who halted grievously from a wound received in the public service, and was on that account ashamed to go out of doors, Go, my Spurius, that as often as you take a step you may be reminded of your merits, was a noble and serious thought; but what Glaucia said to Calvinus, when he limped, Where is the old proverb Does he claudicate? no; but he clodicates, is ridiculous; and yet both are derived from what may be observed with regard to lameness. What is more ignave than this Naevius? said Scipio with severity;

but Philippus, with some humour, to one who had a strong smell, I perceive that I am circumvented by you; yet it is the resemblance of words, with the change only of a letter, that constitutes both jokes.

[250] "Those smart sayings which spring from some ambiguity are thought extremely ingenious; but they are not always employed to express jests, but often even grave thoughts. What Publius Licinus Varus said to Africanus the elder, when he was endeavouring to fit a chaplet to his head at an entertainment, and it broke several times, Do not wonder if it does not fit you, for you have a great head, was a fine and noble thought; but He is bald enough, for he says but little, is of the same sort. Not to be tedious, there is no subject for jest from which serious and grave reflections may not be drawn. [251] It is also to be observed that everything which is ridiculous is not witty; for what can be so ridiculous as a buffoon? But it is by his face, his appearance, his look, his mimicry, his voice, and, in fine, by his whole figure, that he excites laughter I might, indeed, call him witty, but not in such a way that I would have an orator, but an actor in pantomime, to be witty.

LXII. "This kind of jesting, above all, then, though it powerfully excites laughter, is not suited to us; it represents the morose, the superstitious, the suspicious, the vainglorious, the foolish; habits of mind which are in themselves ridiculous; and such kind of characters we are to expose, not to assume. [252] There is another kind of jesting which is extremely ludicrous, namely mimicry; but it is allowable only in us to attempt it cautiously, if ever we do attempt it, and but for a moment, otherwise it is far from becoming to a man of education. A third is distortion of features, utterly unworthy of us. A fourth is indecency in language, a disgrace not only to the forum, but to any company of well-bred people. So many things, then, being deducted from this part of oratory, the kinds of jesting which remain are (as I distinguished them before) such as consist in thought or in expression. That which, in whatever terms you express it, is still wit, consists in the thought; that which by a change of words loses its spirit, has no wit but what depends on expression.

[253] "Plays on ambiguous words are extremely ingenious, but depend wholly on the expression, not on the matter. They seldom, however, excite much laughter, but are rather commended as jests of

elegance and scholarship; as that about Titius, whom, being a great tennis-player, and at the same time suspected of having broken the sacred images by night, Terentius Vespa excused, when his companions inquired for him, as he did not come to the Campus Martius, by saying that he had broken an arm. Or as that of Africanus, which is in Lucilius,

Quid? Decius, nuculam an confixum vis facere? inquit.

Or, as your friend Granius, Crassus, said of somebody, That he was not worth the sixth part of an as. [254] And if you were to ask me, I should say that he who is called a jester, excels chiefly in jokes of this kind; but that other jests excite laughter in a greater degree. The ambiguous gains great admiration, as I observed before, from its nature, for it appears the part of a wit to be able to turn the force of a word to quite another sense than that in which other people take it; but it excites surprise rather than laughter, unless when it happens to be joined with some other sorts of jesting.

LXIII. [255] "Some of these sorts of jesting I will now run over: but you are aware that that is the most common kind of joke, when we expect one thing and another is said; in which case our own disappointed expectation makes us laugh. But if something of the ambiguous is thrown in with it, the wit is heightened; as in Naevius, a man seems to be moved with compassion who, seeing another, that was sentenced for debt, being led away, inquires, For how much is he adjudged? He is answered, A thousand sestertii. If he had then added only, You may take him away, it would have been a species of joke that takes you by surprise; but as he said, I add no more; you may take him away, (thus introducing the ambiguous, another kind of jest,) the repartee, as it seems to me, is rendered witty in the highest degree. Such equivocation is most happy, when, in any dispute, a word is caught from your adversary, and thence something severe is turned upon the very person who gave the provocation, as by Catulus upon Philippus. [256] But as there are several sorts of ambiguity, with regard to which accurate study is necessary, we should be attentive and on the watch for words; and thus, though we may avoid frigid witticisms, (for we must be cautious that a jest be not thought far-fetched,) we shall hit upon may acute sayings. Another kind is that which consists in a slight change in a word, which, when produced

by the alteration of a letter, the Greeks call paronomasia, as Cato called Nobilior Mobilior; or as, when he had said to a certain person, Eamus deambulatum, and the other asked, Quid opus fuit DD? Cato rejoined, Imo vero, quid opus fuit TE? Or that repartee of the same Cato, If you are both adverse and averse in your shameless practices. [257] The interpretation of a name also has wit in it, when you assign a ridiculous reason why a person is so called; as I lately said of Nummius, who distributed money at elections, that he had found a name in the Campus Martius as Neoptolemus found one at Troy.

LXIV. "All such jokes lie in a single word. Often too a verse is humorously introduced, either just as it is, or with some little alteration; or some part of a verse, as Statius said to Scaurus when in a violent passion: (whence some say, Crassus, that your law on citizenship had its rise:)

> Hush! Silence! what is all this noise? Have you,
> Who neither have a father nor a mother,
> Such confidence? Away with all that pride.

In the case of Caelius, that joke of yours, Antonius, was assuredly of advantage to your cause; when, appearing as a witness, he had admitted that a great deal of money had gone from him, and as he had a son who was a man of pleasure, you, as he was going away, said,

> See you the old man, touch'd for thirty minae?

[258] To the same purpose proverbs may be applied; as in the joke of Scipio, when Asellus was boasting that while he had served in the army, he had marched through all the provinces, Drive an ass, &c. Such jokes, as they cannot, if any Change is made in the words of them, retain the same grace ,are necessarily considered as turning, not on the matter, but on the mere expression.

[259] "There is also a kind of joke, not at all absurd, which lies in expression, when you seem to understand a thing literally, and not in its obvious meaning; in which kind it was that Tutor, the old mimic, an exceedingly laughable actor, exclusively distinguished himself. But I have nothing to do with actors; I only wished this kind of jesting y to be illustrated by some notable example. Of this kind was

your answer lately, Crassus, to one who asked you whether he should be troublesome if he came to you some time before it was light: and you said, You will not be troublesome: when he rejoined, You will order yourself to be waked then? to which you replied, Surely I said that you would not be troublesome. [260] Of the same sort was that old joke which they say that Marcus Scipio Maluginensis made, when he had to report from his century that Acidinus was voted consul, and the officer cried out, Declare as to Lucius Manlius, he said, I declare him to be a worthy man, and an excellent member of the commonwealth. The answer of Lucius [Porcius] Nasica to Cato the censor was humorous enough, when Cato said to him, Are you truly satisfied that you have taken a wife? No, indeed, replied Nasica, I am not truly satisfied. Such jests are insipid, or witty only when another answer is expected; for our surprise (as I before observed) naturally amuses us; and thus, when we are deceived, as it were, in our expectation, we laugh.

LXV. [261] "Those jests also lie in words, which spring from some allegorical phraseology, or from a metaphorical use of some one word, or from using words ironically. From allegorical phraseology: as when Rusca, in old times, proposed the law to fix the ages of candidates for offices, and Marcus Servilius, who opposed the law, said to him; Tell me, Marcus Pinarius Rusca, if I speak against you, will you speak ill of me as you have spoken of others? As you shall sow, replied he, so you shall reap. [262] From the use of a single word in a metaphorical sense: as when the elder Scipio said to the Corinthians, who offered to put up a statue of him in the place where those of other commanders were, That he did not like such comrades. From the ironical use of words: as when Crassus spoke for Aculeo before Marcus Perperna as judge, and Lucius Aelius Lama appeared for Gratidianus against Aculeo, and Lama, who was deformed, as you know, offered impertinent interruptions, Crassus said, Let us hear this beautiful youth. When a laugh followed, I could not form my own shape, said Lamia, but I could form my understanding. Then, said Crassus, let us hear this able orator; when a greater laugh than before ensued. Such jests are agreeable as well in grave as in humorous speeches. For I observed, a little while ago, that the subjects for jest and for gravity are distinct; but that the same form of

expression will serve for grave remarks, as for jokes. [263] Words antithetically used are a great ornament to language; and the same mode of using them is often also humorous; thus, when the well-known Servius Galba carried to Lucius Scribonius the tribune a list of his own intimates to be appointed as judges, and Libo said, What, Galba, will you never go out of your own dining-room? Yes, replied Galba, when you go out of other men's bedchambers. To this kind of joke the saying of Glaucia to Metellus is not very dissimilar: You have your villa at Tibur, but your court on mount Palatine.

LXVI. [264] "Such kinds of jokes as lie in words I think that I have now sufficiently discussed; but such as relate to things are more numerous, and excite more laughter, as I observed before. Among them is narrative, a matter of exceeding difficulty; for such things are to be described and set before the eyes, as may seem to be probable, which is the excellence of narration, and such also as are grotesque, which is the peculiar province of the ridiculous; for an example, as the shortest that I recollect, let that serve which I mentioned before, the story of Crassus about Memmius. To this head we may assign the narratives given in fables. [265] Allusions are also drawn from history; as when Sextus Titius said he was a Cassandra, I can name, said Antonius, many of your Ajaces Oilei. Such jests are also derived from similitudes, which include either comparison or something of bodily representation. A comparison, as when Gallus, that was once a witness against Piso, said that a countless sum of money had been given to Magius the governor, and Scaurus tried to confute him, by alleging the poverty of Magius, You mistake me, Scaurus, said he, for I do not say that Magius has saved it, but that, like a man gathering nuts without his clothes, he has put it into his belly. Or, as when Marcus Cicero the elder, the father of that excellent man our friend, said, That the men of our times were like the Syrian slaves; the more Greek they knew, the greater knaves they were. [266] Representations also create much laughter, and these commonly bear upon some deformity, or bodily defect, with a comparison to something still more deformed: as my own saying on Helvius Mancia, I will now show, said I, what sort of man you are; when he exclaimed, Show us, I pray you; and I pointed with my finger to a Gaul represented upon the Cimbrian shield of Marius under the new

shops in the forum, with his body distorted, his tongue lolling out, and his cheeks flabby. A general laugh ensued; for nothing was ever seen to resemble Mancia so much. Or as I said to the witness Titus Pinarius, who twisted his chin about while he was speaking, That he might speak, if he pleased, if he had done cracking his nut. [267] There are jokes, too, from things being extenuated or exaggerated hyperbolically, and to astonish; as you, Crassus, said in a speech to the people, that Memmius fancied himself so great a man, that as he came into the forum he stooped his head at the arch of Fabius. Of which kind is the saying also, that Scipio is reported to have uttered at Numantia when he was angry with Metellus, that If his mother were to produce a fifth, she would bring forth an ass. [268] There is also frequently acuteness shown, when something obscure and not commonly known is illustrated by a slight circumstance, and often by a single word; as when Publius Cornelius, a man, as was suspected, of a covetous and rapacious disposition, but of great courage and an able commander, thanked Caius Fabricius for having, though he was his enemy, made him consul, especially during a difficult and important war, You have no reason to thank me, returned Fabricius, if I had rather be pillaged than sold for a slave. Or, as Africanus said to Asellus, who objected to him that unfortunate lustration in his censorship, Do not wonder; for he who restored you to the rights of a citizen, completed the lustration and sacrificed the bull. There was a tacit suspicion, that Mummius seemed to have laid the state under the necessity of expiation by removing the mark of ignominy from Asellus.

LXVII. [269] “Ironical dissimulation has also an agreeable effect, when you say something different from what you think; not after the manner to which I alluded before, when you say the exact reverse of what you mean, as Crassus said to Lamia, but when through the whole course of a speech you are seriously jocose, your thoughts being different from your words; as our friend Scaevola said to that Septumuleius of Anagnia, (to whom its weight in gold was paid for the head of Caius Gracchus,) when he petitioned that he would take him as his lieutenant-general into Asia, What would you have, foolish man? there is such a multitude of bad citizens that, I warrant you, if you stay at Rome, you will in a few years make a vast fortune.

[270] Fannius, in his Annals, says that Africanus the younger, he that was named Aemilianus, was remarkable for this kind of jests; and calls him by a Greek term eiron, an ironical jester; but, according to what those say who know these matters better than myself, I conceive that Socrates, for irony and dissimulation, far excelled all other men in the wit and genius which he displayed. It is an elegant kind of humour, satirical with a mixture of gravity, and adapted to oratory as well as to polite conversation. [271] Indeed all the kinds of humour of which I have spoken, are seasonings not more appropriate to law-pleadings in the forum, than to any other kind of discourse. For that which is mentioned by Cato, (who has reported many apophthegms, several of which have been produced by me as examples,) seems to me a very happy saying, that Gains Publius used to observe that Publius Mummius was a man for all occasions; so it certainly is with regard to our present subject, that there is no time of life in which wit and polite humour may not very properly be exercised.

[272] "But I will pursue the remainder of my subject. It is a kind of joking similar to a sort of dissimulation, when anything disgraceful is designated by an honourable term; as when Africanus the censor removed from his tribe that centurion who absented himself from the battle in which Paulus commanded, alleging that he had remained in the camp to guard it, and inquiring why he had such a mark of ignominy set upon him, I do not like, replied Africanus, over-vigilant people. [273] It is an excellent joke, too, when you take any part of another person's words in a different sense from that which he intended; as Fabius Maximus did with Livius Salinator, when, on Tarentum being lost, Livius had still preserved the citadel, and had made many successful sallies from it, and Fabius, some years afterwards, having retaken the town, Livius begged him to remember that it was owing to him that Tarentum was retaken. How can I do otherwise than remember, said Fabius, for I should never have retaken it if you had not lost it. [274] Such jokes as the following, too, are, though rather absurd, often en that very account extremely amusing, and very apposite, not only to characters in plays, but also to us orators:

The foolish man!
As soon as he had come to wealth, he died.
That woman, what is she to you?
My wife. Like you, by Hercules!
As long as he was living at the waters
He never died.

LXVIII. “This kind of jokes is rather trifling, and, as I said, fit for actors in farces; but sometimes it finds a proper place with us, as even one who is not a fool may express himself like a fool in a humorous way, as Mancia congratulated you, Antonius, when he heard that you were accused by Marcus Duronius of bribery in your censorship: At length, said he, you will have an opportunity of attending to your own business. [275] Such jests excite great laughter, and in truth all sayings that are uttered by men of sense with a degree of absurdity and sarcasm, under the pretence of not understanding what is said to them. A joke of this kind is not to seem to comprehend what you comprehend very well; as when Pontidius, being asked, What do you think of him who is taken in adultery? replied, That he is slow. Or such as was my reply to Metellus, when, at a time of levying troops, he would not excuse me from serving for the weakness of my eyes, and said to me, What! can you see nothing? [276] Yes truly, answered I, I can see your villa from the Esquiline-Gate. Or as the repartee of Nasica, who, having called at the house of the poet Ennius, and the maid-servant having told him, on his inquiring at the door, that Ennius was not at home, saw that she had said so by her master’s order, and that he was really within: and when, a few days afterwards, Ennius called at Nasica’s house, and inquired for him at the gate, Nasica cried out, That lie was not at home. What? says Ennius, do I not know your voice? You are an impudent fellow, rejoined Nasica; when I inquired for you, I believed your servant when she told me that you were not at home, and will not you believe me when I tell you that I am not at home? [277] It is a very happy stroke, too, when he who has uttered a sarcasm is jested upon in the same strain in which he has attacked another: as when Quiutus Opimius, a man of consular dignity, who had the report of having been licentious in his youth, said to Egilius, a man of wit,

who seemed to be an effeminate person, but was in reality not so, How do you do, my Egilia? when will you pay me a visit with your distaff and spindle? and Egilius replied, I certainly dare not; for my mother forbad me to visit women of bad character.

LXIX. [278] “There are witty sayings also which carry a concealed suspicion of ridicule; of which sort is that of the Sicilian, who, when a friend of his made lamentation to him, saying, that his wife had hanged herself upon a fig-tree, said, I beseech you give me some shoots of that tree, that I may plant them. Of the same sort is what Catulus said to a certain bad orator, who, when he imagined that he had excited compassion at the close of a speech, asked our friend here, after he had sat down, whether he appeared to have raised pity in the audience: Very great pity, replied Crassus, for I believe there is no one here so hard-hearted but that your speech seemed pitiable to him. [279] Those jests amuse me extremely, which are expressed in passion and as it were with moroseness; not when they are uttered by a person really morose, for in that case it is not the wit, but the natural temper that is laughed at. Of this kind of jest there is a very humorous example, as it appears to me, in Naevius:

> Why mourn you, father?
> Strange that I do not sing! I am condemned.

Contrasted with this there is a patient and cool species of the humorous: as when Cato received a stroke from a man carrying a trunk, who afterwards called to him to take care, he asked him, whether he carried anything else besides the trunk? [280] There is also a witty mode of exposing folly; as when the Sicilian to whom Scipio, when praetor, assigned his host for an advocate in some cause, a man of rank but extremely stupid, said, I beseech you, praetor, give this advocate to my adversary, and give me none. Explanations of things; too, are amusing, which are given from conjecture in a sense far different from that which they are intended to convey, but with ingenuity and aptness. As when Scaurus accused Rutilius of bribery, (at the time when he himself was made consul, and Rutilius suffered a disappointment,) and showed these letters in Rutilius’s books, A. F. P. R., and said that they signified, Actum Fide Publii Rutilii, ‘transacted on the faith of Publius Rutilius;’ while Rutilius declared that they meant, Ante Factum, Post Relatum, ‘done before, entered after;’ but Caius Canius, being on the side of Rufus, observed that

neither of those senses was intended by the letters: What then is the meaning? inquired Scaurus. Aemilius fecit, plectitur Rutilius, replied Canius; 'Aemilius is guilty, Rutilius is punished.'

LXX. [281] "A union of discordant particulars is laughable: as, What is wanting to him, except fortune and virtue? A familiar reproof of a person, as if he were in error, is also amusing; as when Albucius taunted Granius, because, when something appeared to be proved by Albucius from Granius's writing, Granius rejoiced extremely that Scaevola was acquitted, and did not understand that judgment was given against the credit of his own writing. [282] Similar to this is friendly admonition by way of giving advice: as when Granius persuaded a bad pleader, who had made himself hoarse with speaking, to drink a cold mixture of honey and wine as soon as he got home: I shall ruin my voice, said he, if I do so. [283] It will be better, said Granius, than to ruin your clients. It is a happy hit, too, when something is said that is peculiarly applicable to the character of some particular person; as when Scaurus had incurred some unpopularity for having taken possession of the effects of Phrygio Pompeius, a rich man who died without a will, and was sitting as counsel for Bestia, then under impeachment, Caius Memmius the accuser, as a funeral procession passed by, said, Look, Scaurus, a dead body is going by, if you can but get possession! [284] But of all jokes none create greater laughter than something said contrary to expectation; of which there are examples without number. Such was the saying of Appius the elder, who, when the matter about the public lands, and the law of Thorius, was in agitation in the senate, and Lucilius was hard pressed by those who asserted that the public pastures were grazed by his cattle, said, They are not the cattle of Lucilius; you mistake; (he seemed to be going to defend Lucilius;) I look upon them as free, for they feed where they please. [285] That saying also of the Scipio who slew Tiberius Gracchus amuses me. When, after many charges were made against him, Marcus Flaccus proposed Publius Mucius as one of his judges, I except against him, said he, lie is unjust; and when this occasioned a general murmur, A hi said he, I do not except against him, Conscript Fathers, as unjust to me, but to everybody. But nothing could be more witty than the joke of our friend Crassus. When Silus, a witness, was injuring the cause

of Piso, by something that he said he had heard against him, It is possible, said he, Silus, that the person from whom you heard this said it in anger. Silus assented. It is possible, too, that you did not rightly understand him. To this also he assented with the lowest of bows, expressing entire agreement with Crassus. It u also possible, continued Crassus, that what you say you have heard you never heard at all. This was so different from what was expected, that the witness was overwhelmed by a general laugh. Naevius is full of this kind of humour, and it is a familiar joke, Wise man, if you are cold you will shake; and there are many other such sayings.

LXXI. [286] "You may often also humorously grant to your adversary what he wishes to detract from you; as Caius Laelius, when a man of disreputable family told him that he was unworthy of his ancestors, replied, But, by Hercules, you are worthy of yours. Jokes, too, are frequently uttered in a sententious manner; as Marcus Cincius, on the day when he proposed his law about gifts and presents, and Caius Cento stood forth and asked him with some scorn, What are you proposing, little Cincius? replied, That you, Caius, may pay for what you wish to use. [287] Things also which are impossible are often wished for with much wit; as Marcus Lepidus, when he lay down upon the grass, while others were taking their exercise in the Campus Martius, exclaimed, I wish this were labour. It is an excellent joke also to give inquisitive people who tease you as it were, a calm answer, of such a nature as they do not expect; as Lepidus the censor, when he deprived Antistius of Pyrgi of his horse; and his friends called out to him, and inquired what reason Antistius could give his father why his horse was taken from him, when he was an excellent, industrious, modest, frugal member of the colony, rejoined, That I believe not a, word of it. [288] Some other sorts of jests are enumerated by the Greeks, as execrations, expressions of admiration, threats. But I think that I have divided these matters into too many heads already; for such as lie in the force and meaning of a word, are commonly easy to settle and define; but in general, as I observed before, they are heard rather with approbation than laughter. [289] Jokes, however, which lie in the subject and thought, are, though infinite in their varieties, reducible under a very few general heads; for it is by deceiving expectation, by satirising the

tempers of others, by playing humorously on our own, by comparing a thing with something worse, by dissembling, by uttering apparent absurdities, and by reproving folly, that laughter is excited; and he who would be a facetious speaker, must be endowed with a natural genius for such kinds of wit, as well as with personal qualifications, so that his very look may adapt itself to every species of the ridiculous; and the graver and more serious such a person is, as is the case with you, Crassus, so much more humorous do the sayings which fall from him generally appear.

[290] "But now I think that you, Antonius, who said that you would repose during my discourse, as in some place of refreshment, will, as if you had stopped in the Pomptine Marsh, neither a pleasant nor a wholesome region, consider that you have rested long enough, and will proceed to complete the remainder of your journey." "I will," said Antonius, "having been very pleasantly entertained by you, and having also acquired instruction, as well as encouragement, to indulge in jesting; for I am no longer afraid lest any one should charge me with levity in that respect, since you have produced such authorities as the Fabricii, the Africani, the Maximi, the Catos, and the Lepidi, in its favour. [291] But you have heard what you desired from me, at least such points as it was necessary to consider and detail with particular accuracy; the rest are more easy, and arise wholly from what has been already said.

LXXII. "For when I have entered upon a cause, and traced out all its bearings in my mind, as far as I could possibly do so; when I have ascertained and contemplated the proper arguments for the case, and those particulars by which the feelings of the judges maybe conciliated or excited, I then consider what strong or weak points the cause contains; for hardly any subject can be called into question and controversy in pleading, which has not both; but to what degree is the chief concern. [292] In pleading, my usual method is, to fix on whatever strong points a cause has, and to illustrate and make the most of them, dwelling on them, insisting on them, clinging to them; but to hold back from the weak and defective points, in such a way that I may not appear to shun them, but that their whole force may be dissembled and overwhelmed by the ornament and amplification of the strong parts. If the cause turn upon arguments, I maintain chiefly

such as are the strongest, whether they are several or whether there be but one; but if the cause depend on the conciliation or excitement of the feelings of the judges, I apply myself chiefly to that part which is best adapted to move men's minds. [293] Finally, the principal point for consideration on this head is, that if my speech can be made more effective by refuting my adversary, than by supporting my own side of the question, I employ all my weapons against him; but if my own ease can be more easily supported, than that on the other side can be confuted, I endeavour to withdraw the attention of the judges from the opposite party's defence, and to fix it on my own. [294] In conclusion, I adopt, on my own responsibility, two courses which appear to me most easy (since I cannot attempt what is more difficult): one, that I make, sometimes, no reply at all to a troublesome or difficult argument or point; (and at such forbearance perhaps somebody may reasonably laugh; for who is there that cannot practise it? but I am now speaking of my own abilities, not those of others; and I confess that, if any particular press very hard upon me, I usually retreat from it, but in such a manner as not only not to appear to flee with my shield thrown away, but even with it thrown over my shoulders; adopting, at the same time, a certain pomp and parade of language, and a mode of flight that resembles fighting; and keeping upon my guard in such a way, that I seem to have retired, not to avoid my enemy, but to choose more advantageous ground;) [295] the other is one which I think most of all worthy of the orator's precaution and foresight, and which generally occasions me very great anxiety: I am accustomed to study not so much to benefit the causes which I undertake, as not to injure them; not but that an orator must aim at both objects; but it is however a much greater disgrace to him to be thought to have damaged a cause, than not to have profited it.

LXXIII. "But what are you saying among yourselves on this subject, Catulus? Do you slight what I say, as indeed it deserves to be slighted?" "By no means," rejoined Catulus; "but Csesar seemed desirous to say something on the point." "Let him say it, then, with all my heart," continued Antonius, "whether he wish to confute, or to question me." [296] "Indeed, Antonius," said Caesar, "I have always been the man to say of you as an orator, that you appeared to me in

your speeches the most guarded of all men, and that it was your peculiar merit, that nothing was ever spoken by you that could injure him for whom you spoke. And I well remember, that, on entering into a conversation with Crassus here concerning you, in the hearing of a large company, and Crassus having largely extolled your eloquence, I said, that amongst your other merits this was even the principal, that you not only said all that ought to be said, but also never said anything that ought not to be said; [297] and I recollect that he then observed to me, that your other qualities deserved the highest degree of praise, but that to speak what was not to the purpose, and to injure one's own client, was the conduct of an unprincipled and perfidious person; and, consequently, that he did not appear to him to be a good pleader, who avoided doing so, though he who did so was certainly dishonest. Now, if you please, Antonius, I would wish you to show why you think it a matter of such importance, to do no harm to a cause; so much so, that nothing in an orator appears to you of greater consequence."

LXXIV. [298] "I will readily tell you, Caesar," replied Antonius, "what I mean; but do you, and all who are here, remember this, that I am not speaking of the divine power of the complete orator, but of my own humble efforts and practice. The remark of Crassus is indeed that of an excellent and singular genius; to whom it appeared something like a prodigy, that any orator could possibly be found, who could do any mischief in speaking, and injure him whom he had to defend. [299] For he judges from himself; as his force of intellect is such, that he thinks no man speaks what makes against himself, unless on purpose; but I am not alluding to any supereminent and illustrious power, but to common and almost universal sense. Amongst the Greeks, Themistocles the Athenian is reported to have possessed an incredible compass of understanding and genius; and a certain person of learning and singular accomplishments is said to have gone to him, and offered to teach him the art of memory, an art then first made public. When he inquired what that art could do for him, the professor replied, that it would enable him to remember everything; when Themistocles rejoined, that he would oblige him much more if he could instruct him how to forget, rather than to remember, what he chose. [300] Do you conceive what force and

vigour of genius, how powerful and extensive a capacity, there was in that great man? who answered in such a manner that we may understand that nothing, which had once entered his mind, could ever slip out of it; and to whom it was much more desirable to be enabled to forget what he did not wish to remember, than to remember whatever he had once heard or seen. But neither on account of this answer of Themistocles are we to forbear to cultivate our memory; nor is my precaution and timidity in pleading causes to be slighted on account of the excellent understanding of Crassus; for neither the one nor the other of them has given me any additional ability, but has merely signified his own. [301] There are numbers of points in causes that call for circumspection in every part of your speech, that you may not stumble, that you may not fall over anything. Oftentimes some witness either does no mischief, or does less, if he be not provoked; my client entreats me, the advocates press me, to inveigh against him, to abuse him, or, finally, to plague him with questions; I am not moved, I do not comply, I will not gratify them; yet I gain no commendations; for ignorant people can more easily blame what you say injudiciously, than praise you for what you discreetly leave unnoticed. [302] In such a case how much harm may be done if you offend a witness who is passionate, or one who is a man of sense, or of influential character? for he has the will to do you mischief from his passion, the power in his understanding, and the means in his reputation; nor, if Crassus never commits this offence, is that a reason that many are not guilty of it, and often; on which account nothing ever appears to me more ignominious, than when from any observation, or reply, or question, of a pleader, such remarks as this follow: He has ruined Whom? his adversary? No truly, but himself and his client.

LXXV. [303] “This Crassus thinks can never happen but through perfidiousness; but I very frequently observe that persons by no means dishonest do mischief in causes. In regard to that particular which I mentioned before, that I am used to retreat, or, to speak more plainly, to flee from those points which would press hard on my side of the question, how much harm do others do when they neglect this, saunter in the enemy’s camp, and dismiss their own guards? Do they occasion but slight detriment to their causes, when they either

strengthen the supports of their adversaries or inflame the wounds which they cannot heal? [304] What harm do they cause when they pay no regard to the characters of those whom they defend? If they do not mitigate by extenuation those qualities in them that excite ill-will, but make them more obnoxious to it by commending and extolling them, how much mischief is caused by such management? Or what if, without any precautionary language, you throw bitter and contumelious invectives upon popular persons, in favour with the judges, do you not alienate their feelings from you? [305] Or what if there be vices or bad qualities in one or more of the judges, and you, in upbraiding your adversaries with such demerits, are not aware that you are attacking the judges, is it a small error which you then commit? Or what if, while you are speaking for another, you make his cause your own, or, taking affront, are carried away from the question by passion, and start aside from the subject, do you occasion no harm? In this respect I am esteemed too patient and forbearing, not because I willingly hear myself abused, but because I am unwilling to lose sight of the cause; as, for instance, when I reproved you yourself, Sulpicius, for attacking an agent, not me your adversary. From such conduct, however, I acquire this advantage, that if any one does abuse me, he is thought to be either ill-tempered or out of his wits. [306] Or if in your arguments you shall state anything either manifestly false, or contradictory to what you have said or are going to say, or foreign in its nature to the practice of trials and of the forum, do you occasion no damage to your cause? Why need I say more on this head? My whole care is constantly devoted to this object, (for I will repeat it frequently,) to effect, if I can, some good by speaking; but if not, to do at least no harm.

LXXVI. [307] "I now return therefore to that point, Catulus, on which you a little while ago accorded me praise; the order and arrangement of facts and topics of argument. On this head, two methods may be observed; one, which the nature of causes dictates; the other, which is suggested by the orator's judgment and prudence. For, to premise something before we come to the main point; then to explain the matter in question; then to support it by strengthening our own arguments, and refuting those on the other side; next, to sum up, and corns to the peroration; is a mode of speaking that nature herself

prescribes. [308] But to determine how we should arrange the particulars that are to be advanced in order to prove, to inform, to persuade, more peculiarly belongs to the orator's discretion. For many arguments occur to him; many, that seem likely to be of service to his pleading; but some of them are so trifling as to be utterly contemptible; some, if they are of any assistance at all, are sometimes of such a nature, that there is some defect inherent in them; while that which appears to be advantageous, is not of such import that it need be advanced in conjunction with anything prejudicial. [309] And as to those arguments which are to the purpose, and deserving of trust, if they are (as it often happens) very numerous, I think that such of them as are of least weight, or as are of the same tendency with others of greater force, ought to be set aside, and excluded altogether from our pleading. I myself, indeed, in collecting proofs, make it a practice rather to weigh than to count them.

LXXVII. [310] "Since, too, as I have often observed, we bring over people in general to our opinions by three methods, by instructing their understandings, conciliating their benevolence, or exciting their passions, one only of these three methods is to be professed by us, so that we may appear to desire nothing else but to instruct; the other two, like blood throughout the body, ought to be diffused through the whole of our pleading; for both the beginning, and the other parts a speech, on which we will by-and-by say a few words, ought to have this power in a great degree, so that they may penetrate the minds of those before whom we plead, in order to excite them. [311] But in those parts of the speech which, though they do not convince by argument, yet by solicitation and excitement produce great effect, though their proper place is chiefly in the exordium and the peroration, still, to make a digression from what you have proposed and are discussing, for the sake of exciting the passions, is often advantageous. [312] Since, after the statement of the case has been made, an opportunity often presents itself of making a digression to rouse the feelings of the audience; or this may be properly done after the confirmation of our own arguments, or the refutation of those on the other side, or in either place, or in all, if the cause has sufficient copiousness and importance; and those causes are the most

considerable, and most pregnant with matter for amplification and embellishment, which afford the most frequent opportunities for that kind of digression in which you may descant on those points by which the passions of the audience are either excited or calmed. [313] In touching on this matter, I cannot but blame those who place the arguments to which they trust least in the front; and, in like manner, I think that they commit an error, who, if ever they employ several advocates, (a practice which never had my approbation,) will have him to speak first in whom they confide least,. and rank the others also according to their abilities. For a cause requires that the expectations of the audience should be met with all possible expedition; and if nothing to satisfy them be offered in the commencement, much more labour is necessary in the sequel; for that case is in a bad condition which does not at the commencement of the pleading at once appear to be the better. [314] For this reason, as, in regard to pleaders, he who is the most able should speak first, so in, regard to a speech, let the arguments of most weight be put foremost; yet so that this rule be observed with respect to both, that some of superior efficiency be reserved for the peroration; if any are but of moderate strength, (for to the weak no place should be given at all,) they may be thrown into the main body and into the midst of the group. [315] All these things being duly considered, it is then my custom to think last of that which is to be spoken first, namely, what exordium I shall adopt. For whenever I have felt inclined to think of that first, nothing occurs to me but what is jejune, or nugatory, or vulgar and ordinary.

LXXVIII. “The beginnings of speeches ought always to be accurate and judicious, well furnished with thoughts, and happy in expression, as well as peculiarly suited to their respective causes. For our earliest acquaintance with a speech as it were, and the first recommendation of it to our notice, is at the commencement; which ought at once to propitiate and attract the audience. [316] In regard to this point, I cannot but feel astonished, not indeed at such as have paid no attention to the art, but at a man of singular eloquence and erudition, I mean Philippus, who generally rises to speak with so little preparation, that he knows not what word he shall utter first; and he says, that when he has warmed his arm, then it is his custom

to begin to fight; but he does not consider that those from whom he takes this simile hurl their first lances gently, so as to preserve the utmost grace in their action, and at the same time to husband their strength. [317] Nor is there any doubt, but that the beginning of a speech ought very seldom to be vehement and pugnacious; but if even in the combat of gladiators for life, which is decided by the sword, many passes are made previous to the actual encounter, which appear to be intended, not for mischief, but for display, how much more naturally is such prelude to be expected in a speech, in which an exhibition of force is not more required than gratification? Besides, there is nothing in the whole nature of things that is all produced at once, and that springs entire into being in an instant; and nature herself has introduced everything that is done and accomplished most energetically with a moderate beginning. [318] Nor is the exordium of a speech to be sought from without, or from anything unconnected with the subject, but to be derived from the very essence of the cause. It is, therefore, after the whole cause has been considered and examined, and after every argument has been excogitated and prepared, that you must determine what sort of exordium to adopt; [319] for thus it will easily be settled, as it will be drawn from those points which are most fertile in arguments, or in those matters on which I said you ought often to make digressions. Thus our exordia will give additional weight, when they are drawn from the most intimate parts of our defence; and it will be shown that they are not only not common, and cannot be transferred to other causes, but that they have wholly grown out of the cause under consideration.

LXXIX. [320] "But every exordium ought either to convey an intimation of the whole matter in hand, or some introduction and support to the cause, or something of ornament and dignity. But, like vestibules and approaches to houses and temples, so the introductions that we prefix to causes should be suited to the importance of the subjects. In small and unimportant causes, therefore, it is often more advisable to commence with the subject-matter itself without any preface. [321] But, when we are to use an exordium, (as will generally be the case,) our matter for it may be derived either from the suitor, from the adversary, from the subject,

or from those before whom we plead. From the suitor (I call all those suitors whom a suit concerns) we may deduce such particulars as characterise a worthy, generous, or unfortunate man, or one deserving of compassion; or such particulars as avail against a false accusation. From the adversary we may deduce almost the contrary particulars from the same points. [322] From the subject, if the matter under consideration be cruel, or heinous, or beyond expectation, or undeserved, or pitiable, or savouring of ingratitude or indignity, or unprecedented, or not admitting restitution or satisfaction. From those before whom we plead we may draw such considerations, as to procure their benevolence and good opinion; an object better attained in the course of pleading than by direct entreaty. This object indeed is to be kept in view throughout the whole oration, and especially in the conclusion; but many exordia, however, are wholly based upon it; [323] for the Greeks recommend us to make the judge, at the very commencement, attentive and desirous of information; and such hints are useful, but not more proper for the exordium than for other parts; but they are indeed easier to be observed in the beginning, because the audience are then most attentive, when they are in expectation of the whole affair, and they may also, in the commencement, be more easily informed, as the particulars stated in the outset are generally of greater perspicuity than those which are spoken by way of argument, or refutation, in the body of the pleading. [324] But we shall derive the greatest abundance and variety of matter for exordia, either to conciliate or to arouse the judge, from those points in the cause which are adapted to create emotion in the mind; yet the whole of these ought not to be brought forward in the exordium; the judge should only receive a slight impulse at the outset, so that the rest of our speech may come with full force upon him when he is already impressed in our favour.

LXXX. [325] “Let the exordium, also, be so connected with the sequel of the speech, that it may not appear, like a musician’s prelude, to be something attached merely from imagination, but a coherent member of the whole body; for some speakers, when they have delivered their premeditated exordium, make such a transition to what is to follow, that they seem positively unwilling to have an audience. But a prolusion of that kind ought not to be like that of

gladiators, who brandish spears before the fight, of which they make no use in the encounter; but should be such, that speakers may even use as weapons the thoughts which they advanced in the prelude.

[326] "But as to the directions which they give to consult brevity in the narration, if that is to be called brevity where there is no word redundant, the language of Lucius Crassus is distinguished by brevity; but if that kind of brevity is intended, when only just so many words are used as are absolutely necessary, such conciseness is indeed sometimes proper; but it is often prejudicial, especially in narration; not only as it produces obscurity, but also because it destroys that which is the chief excellence of narration, that it be pleasing and adapted to persuade. For instance, the narrative,

For he, as soon as he became of age, &c.

how long is it! [327] The manners of the youth himself, the inquiries of the servant, the death of Chrysis, the look, figure, and affliction of the sister, and the other circumstances, are told with the utmost variety and agreeableness. But if he had been studious of such brevity as this,

She's carried forth; we go; we reach the place
Of sepulture; she's laid upon the pile,

he might have comprised the whole in ten lines: although 'She's carried forth, we go,' is only so far concise, as to consult, not absolute brevity, but elegance; [328] for if there had been nothing expressed but 'she's laid upon the pile,' the whole matter would have been easily comprehended. But a narration referring to various characters, and intersected by dialogue, affords much gratification; and that becomes more probable which you report to have been done, when you describe the manner in which it was done; and it is much more clearly understood if you sometimes pause for that purpose, and do not hurry over it with affected brevity. [329] For the narrative parts of a speech, as well as the other parts, ought to be perspicuous, and we ought to take the more pains with that part, because it is more difficult not to be obscure in stating a case, than either in an exordium, in argumentation, in refuting of an accusation, or in a peroration: and obscurity in this part of a speech is attended with

greater danger than in other parts; both because, if anything be obscurely expressed in any other part, only that is lost which is so expressed; but obscurity in the narrative part spreads darkness over the whole speech; and because, as to other parts, if you have expressed anything obscurely in one place, you may explain it more clearly in another; while for the narrative part of a speech there is but one place. But your narrative will be clear, if it be given in ordinary language, with adherence to the order of time and without interruption.

LXXXI. [330] "But when we ought to introduce a statement of facts, and when we ought not, requires judicious consideration. For we ought to make no such statement, either if the matter is notorious, or if the circumstances are free from doubt, or if the adversary has related them, unless indeed we wish to confute his statement; and whenever we do make a statement of facts, let us not insist too eagerly upon points which may create suspicion and ill-feeling, and make against us, but let us extenuate such points as much as possible; lest that should happen, which, whenever it occurs, Crassus thinks is done through treachery, not through folly, namely, that we damage our own cause; for it concerns the fortune of the whole cause, whether the case is stated with caution, or otherwise, because the statement of the case is the foundation of all the rest of the speech.

[331] "What follows is, that the matter in question be laid down, when we must settle what is the point that comes under dispute; then the chief grounds of the cause are to be laid down conjunctively, so as to weaken your adversary's supports, and to strengthen your own; for there is in causes but one method for that part of your speech, which is of efficacy to prove your arguments; and that needs both confirmation and refutation; but because what is alleged on the other side cannot be refuted unless you confirm your own statements, and your own statements cannot be confirmed unless you refute the allegations on the opposite side, these matters are in consequence united both by their nature, by their object, and by their mode of treatment. [332] The whole speech is then generally brought to a conclusion by some amplification on the different points, or by exciting or mollifying the judge; and every particular, not only in the

former parts of the speech, but more especially towards the conclusion, is to be adapted to excite as much as possible the feelings of the judges, and to incline them in our favour.

[333] "Nor does there now appear to be any reason, indeed, why we should make a distinct head of those precepts which are given concerning suasory or panegyrical speeches; for most of them are common to all kinds of oratory; yet, to speak in favour of any important matter, or against it, seems to me to belong only to the most dignified character; for it is the part of a wise man to deliver his opinion on momentous affairs, and that of a man of integrity and eloquence, to be able to provide for others by his prudence, to confirm by his authority, and to persuade by his language.

LXXXII. "Speeches are to be made in the senate with less display; for it is an assembly of wise men; and opportunity is to be left for many others to speak. All suspicion, too, of ostentation of ability is to be avoided. [334] A speech to the people, on the other hand, requires all the force, weight, and various colouring of eloquence. For persuading, then, nothing is more desirable than worth; for he who thinks that expediency is more desirable, does not consider what the counsellor chiefly wishes, but what he prefers upon occasion to follow; and there is no man, especially in so noble a state as this, who does not think that worth ought chiefly to be regarded; but expediency commonly prevails, there being a concealed fear, that even worth cannot be supported if expediency be digregarded. [335] But the difference between the opinions of men lies either in this question, 'which of two things is of the greater utility?' or, if that point is agreed, it is disputed 'whether honour or expediency ought rather to be consulted.' As these seem often to oppose each other, he who is an advocate for expediency, will enumerate the benefits of peace, of plenty, of power, of riches, of settled revenues, of troops in garrison, and of other things, the enjoyment of which we estimate by their utility; and he will specify the disadvantages of a contrary state of things. He who exhorts his audience to regard honour, will collect examples from our ancestors, which may be imitated with glory, though attended with danger; he will expatiate on immortal fame among posterity; he will maintain that advantage arises from the observance of honour, and that it is always united with worth. [336]

But what is possible, or impossible; and what is necessary or unnecessary, are questions of the greatest moment in regard to both; for all debate is at an end, if it is understood that a thing is impossible, or if any necessity for it appears; and he who shows what the case is, when others have overlooked it, sees furthest of all. [337] But for giving counsel in civil affairs the chief qualification is a knowledge of the constitution; and, to speak on such matters so as to be approved, an acquaintance with the manners of the people is required; and, as .these frequently vary, the fashion of speaking must often be varied; and, although the power of eloquence is mostly the same, yet, as the highest dignity is in the people, as the concerns of the republic are of the utmost importance, and as the commotions of the multitude are of extraordinary violence, a more grand and imposing manner of addressing them seems necessary to be adopted; and the greatest part of a speech is to be devoted to the excitement of the feelings, either by exhortation, or the commemoration of some illustrious action, or by moving the people to hope, or to fear, or to ambition, or desire of glory; and often also to dissuade them from temerity, from rage, from ardent expectation, from injustice, from envy, from cruelty.

LXXXIII. [338] "But it happens that, because a popular assembly appears to the orator to be his most enlarged scene of action, he is naturally excited in it to a more magnificent species of eloquence; for a multitude has such influence, that, as the flute-player cannot play without his flutes, so the orator cannot be eloquent without a numerous audience. [339] And, as the inclinations of popular assemblies take many and various turns, an unfavourable expression of feeling from the whole people must not be incurred; an expression which may be excited by some fault in the speech, if anything appears to have been spoken with harshness, with arrogance, in a base or mean manner, or with any improper feeling whatever; or it may proceed from some offence taken, or ill-will conceived, at some particular individuals, which is either just, or arising from some calumny or bad report; or it may happen if the subject be displeasing; or if the multitude be swayed by any impulse from their own hopes or fears. To those four causes as many remedies may be applied: the severity of rebuke, if you have sufficient authority for it; admonition,

which is a milder kind of rebuke; an assurance, that if they will give you a hearing, they will approve what you say; and entreaty, which is the most condescending method, but sometimes very advantageous. [340] But on no occasion is facetiousness and ready wit of more effect, and any smart saying that is consistent with dignity and true jocularity; for nothing is so easily diverted from gloom, and often from rancour, as a multitude, even by a single expression uttered opportunely, quickly, smartly, and with good humour.

LXXXIV. "I have now stated to you generally, to the best of my abilities, what it is my practice, in both kinds of causes, to pursue, what to avoid, what to keep in view, and to what method I ordinarily adhere in my pleadings. [341] Nor is that third kind, panegyric, which I in the commencement excluded, as it were, from my rules, attended with any difficulty; but it was because there are many departments of oratory both of greater importance and power, concerning which hardly any author has given particular rules, and because we of this country are not accustomed to deal much in panegyric, that I set this topic entirely apart. For the Greek authors themselves, who are the most worthy of being read, wrote their panegyrics either for amusement, or to compliment some particular person, rather than with any desire to promote forensic eloquence; and books of their composition are extant, in which Themistocles, Aristides, Agesilaus, Epaminondas, Philip, Alexander, and others, are the subjects of praise. Our laudatory speeches, which we deliver in the forum, have either the simple and unadorned brevity of testimony, or are written as funeral orations, which are by no means suitable for the pomp of panegyric. But as we must sometimes attempt that department, and must occasionally write panegyrics, as Caius Laelius wrote one for Publius Tubero, when he wished to praise his uncle Africanus, and in order that we ourselves may be enabled to praise, after the manner of the Greeks, such persons as we may be inclined to praise, let that subject also form part of our discourse. [342] It is clear, then, that some qualities in mankind are desirable, and some praiseworthy. Firth, beauty, strength, power, riches, and other things which fortune bestows, either amid external circumstances, or as personal endowments, carry with them no real praise, which is thought to be due to virtue alone; but, as virtue itself becomes chiefly conspicuous

in the use and management of such things, these endowments of nature and of fortune are also to be considered in panegyrics; in which it is mentioned as the highest praise for a person not to have been haughty in power, or insolent in wealth, or to have assumed a preeminence over others from the abundance of the blessings of fortune; so that his riches and plenty seem to have afforded means and opportunities, not for the indulgence of pride and vicious appetites, but for the cultivation of goodness and moderation. [343] Virtue, too, which is of itself praiseworthy, and without which nothing can be deserving of praise, is distinguished, however, into several species, some of which are more adapted to panegyric than others; for there are some virtues which are conspicuous in the manners of men, and consist in some degree in affability and beneficence; and there are others which depend on some peculiar natural genius, or superior greatness and strength of mind. Clemency, justice, benignity, fidelity, fortitude in common dangers, are subjects agreeable to the audience in panegyric; [344] for all such virtues are thought beneficial, not so much to the persons who possess them, as to mankind in general;) while wisdom, and that greatness of soul by which all human affairs are regarded as mean and inconsiderable, eminent power of thought, and eloquence itself, excite indeed no less admiration, but not equal delight; for they appear to be an ornament and support rather to the persons themselves whom we commend, than to those before whom we commend them; yet, in panegyric, these two kinds of virtues must be united; for the ears of men tolerate the praises not only of those parts of virtue which are delightful and agreeable, but of those which excite admiration.

LXXXV. [345] "Since, also, there are certain offices and duties belonging to every kind of virtue, and since to each virtue its peculiar praise is due, it will be necessary to specify, in a panegyric on justice, what he who is praised performed with fidelity, or equanimity, or in accordance with any other moral duty. In other points, too, the praise of actions must be adapted to the nature, power, and name of the virtue under which they fall. [346] The praise of those acts is heard with the greatest pleasure, which appear to have been undertaken by men of spirit, without advantage or reward; but those which have been also attended with toil and danger to

themselves afford the largest scope for panegyric, because they may be set forth with the greatest ornaments of eloquence, and the account of them may be heard with the utmost satisfaction; for that appears the highest virtue in a man of eminence, which is beneficial to others, but attended with danger or toil, or at least without advantage, to himself. It is commonly regarded, too, as a great and admirable merit, to have borne adversity with wisdom, not to have been vanquished by fortune, and to have maintained dignity in the worst of circumstances. [347] It is also an honour to a man that distinctions have been bestowed upon him, rewards decreed to his merit, and that his achievements have been approved by the judgment of mankind; and, on such subjects, to attribute success itself to the judgment of the immortal gods, is a part of panegyric. But such actions should be selected for praise as are either of extraordinary greatness, or unprecedented novelty, or singular in their kind; for such as are trivial, or common, or ordinary, generally appear to deserve no admiration or even commendation. [348] A comparison also with other great men has a noble effect in panegyric.

"On this species of eloquence I have felt inclined to say something more than I had proposed, not so much for the improvement of pleading in the forum, which has been kept in view by me through this whole discourse, as that you might see that, if panegyric be a part of the orator's business, and nobody denies that it is, a knowledge of all the virtues, without which panegyric cannot be composed, is necessary to the orator. [349] As to the rules for censuring, it is clear that they are to be deduced from the vices contrary to these virtues; and it is also obvious, that neither can a good man be praised with propriety and copiousness of matter, without a knowledge of the several virtues, nor a bad man be stigmatized and branded with sufficient distinction and asperity, without a knowledge of the opposite vices. On these topics of panegyric and satire we must often touch in all kinds of causes.

[350] "You have now heard what I think about the invention and arrangement of matter. I shall add some observations on memory, with a view to lighten the labour of Crassus, and to leave nothing for him to discuss, but the art of embellishing those departments of eloquence which I have specified."

LXXXVI. “Proceed,” said Crassus; “for I feel pleasure in seeing you appear as a professed artist, stripped of the disguises of dissimulation, and fairly exposed to view; and, in leaving nothing for me to do or but little, you consult my convenience, and confer a favour upon me.” [351] “How much I leave you to do,” said Antonius, “will be in your own power; for if you are inclined to act fairly, I leave you everything to do; but if you wish to shrink from any portion of your undertaking, you must consider how you can give this company satisfaction. But to return to the point; I am not,” he continued, “possessed of such intellectual power as Themistocles had, that I had rather know the art of forgetfulness than that of memory; and I am grateful to the famous Simonides of Ceos, who, as people say, first invented an art of memory. [352] For they relate, that when Simonides was at Crannon in Thessaly, at an entertainment given by Scopas, a man of rank and fortune, and had recited a poem which he had composed in his praise, in which, for the sake of embellishment, after the manner of the poets, there were many particulars introduced concerning Castor and Pollux, Scopas told Simonides, with extraordinary meanness, that he would pay him half the sum which he had agreed to give for the poem, and that he might ask the remainder, if he thought proper, from his Tyndaridae, to whom he had given an equal share of praise. [353] A short time after, they say that a message was brought in to Simonides, to desire him to go out, as two youths were waiting at the gate who earnestly wished him to come forth to them; when he arose, went forth, and found nobody. In the meantime the apartment in which Scopas was feasting fell down, and he himself, and his company, were overwhelmed and buried in the ruins; and when their friends were desirous to inter their remains, but could not possibly distinguish one from another, so much crushed were the bodies, Simonides is said, from his recollection of the place in which each had sat, to have given satisfactory directions for their interment. Admonished by this occurrence, he is reported to have discovered, that it is chiefly order that gives distinctness to memory; [354] and that by those, therefore, who would improve this part of the understanding, certain places must be fixed upon, and that of the things which they desire to keep

in memory, symbols must be conceived in the mind, and ranged, as it were, in those places; thus the order of places would preserve the order of things, and the symbols of the things would denote the things themselves; so that we should use the places as waxen tablets, and the symbols as letters.

LXXXVII. [355] "How great the benefit of memory is to the orator, how great the advantage, how great the power, what need is there for me to observe? Why should I remark how excellent a thing it is to retain the instructions which you have received with the cause, and the opinion which you have formed upon it? to keep all your thoughts upon it fixed in your mind, all your arrangement of language marked out there? to listen to him from whom you receive any information, or to him to whom you have to reply, with such power of retention, that they seem not to have poured their discourse into your ears, but to have engraven it on your mental tablet? They alone accordingly, who have a vigorous memory, know what, and how much, and in what manner they are about to speak; to what they have replied, and what remains unanswered; and they also remember many courses that they have formerly adopted in other cases, and many which they have heard from others. [356] I must, however, acknowledge that nature is the chief author of this qualification, as of all those of which I have previously spoken; (but this whole art of oratory, or image and resemblance of an art, has the power, not of engendering and producing anything entirely of itself, of which no part previously existed in our understandings, but of being able to give education and strength to what has been generated, and has had its birth there;) [357] yet there is scarcely any one of so strong a memory as to retain the order of his language and thoughts without a previous arrangement and observation of heads; nor is any one of so weak a memory as not to receive assistance from this practice and exercise. For Simonides, or whoever else invented the art, wisely saw, that those things are the most strongly fixed in our minds, which are communicated to them, and imprinted upon them, by the senses; that of all the senses that of seeing is the most acute; and that, accordingly, those things are most easily retained in our minds which we have received from the hearing or the understanding, if they are also recommended to the imagination by means of the mental eye; so

that a kind of form, resemblance, and representation might denote invisible objects, and such as are in their nature withdrawn from the cognisance of the sight, in such a manner, that what we are scarcely capable of comprehending by thought we may retain as it were by the aid of the visual faculty. [358] By these imaginary forms and objects, as by all those that come under our corporeal vision, our memory is admonished and excited; but some place for them must be imagined; as bodily shape cannot be conceived without a place for it. That I may not, then, be prolix and impertinent upon so well-known and common a subject, we must fancy many plain distinct places, at moderate distances; and such symbols as are impressive, striking, and well-marked, so that they may present themselves to the mind, and act upon it with the greatest quickness. This faculty of artificial memory practice will afford, (from which proceeds habit,) as well as the derivation of similar words converted and altered in cases, or transferred from particulars to generals, and the idea of an entire sentence from the symbol of a single word, after the manner and method of any skilful painter, who distinguishes spaces by the variety of what he depicts.

LXXXVIII. [359] "But the memory of words, which, however, is less necessary for us, is to be distinguished by a greater variety of symbols; for there are many words which, like joints, connect the members of our speech, that cannot possibly be represented by anything similar to them; and for these we must invent symbols that we may invariably use. The memory of things is the proper business of the orator; this we may be enabled to impress on ourselves by the creation of imaginary figures, aptly arranged, to represent particular heads, so that we may recollect thoughts by images, and their order by place. [360] Nor is that true which is said by people unskilled in this artifice, that the memory is oppressed by the weight of these representations, and that even obscured which unassisted nature might have clearly kept in view; for I have seen men of consummate abilities, and an almost divine faculty of memory, as Charmadas at Athens, and Scepsius Metrodorus in Asia, who is said to be still living, each of whom used to say that, as he wrote with letters on wax, so he wrote with symbols as it were, whatever he wished to remember, on these places which he had conceived in imagination.

Though, therefore, a memory cannot be entirely formed by this practice, if there is none given by nature; yet certainly, if there is latent natural faculty, it may be called forth.

[361] "You have now had a very long dissertation from a person whom I wish you may not esteem impudent, but who is certainly not over-modest, in having spoken, so copiously as I have done, upon the art of eloquence, in your hearing, Catulus, and that of Lucius Crassus; for of the rest of the company the age might perhaps reasonably make less impression upon me; but you will certainly excuse me, if you but listen to the motive which impelled me to loquacity so unusual with me."

LXXXIX. [362] "We indeed," said Catulus, "(for I make this answer for my brother and myself,) not only excuse you, but feel love and great gratitude to you for what you have done; and, as we acknowledge your politeness and good-nature, so we admire your learning and copious store of matter. Indeed I think that I have reaped this benefit, that I am freed from a great mistake, and relieved from that astonishment which I used always to feel, in common with many others, as to the source from which that divine power of yours in pleading was derived; for I never imagined that you had even slightly touched upon those matters, of which I now perceive that you possess an exact knowledge, gathered from all quarters, and which, taught by experience, you have partly corrected and partly approved. [363] Nor have I now a less high opinion of your eloquence, while I have a far higher one of your general merit and diligence; and I am pleased, at the same time, that my own judgment is confirmed, inasmuch as I always laid it down as a maxim, that no man can attain a character for wisdom and eloquence without the greatest study, industry, and learning. But what was it that you meant, when you said that we should excuse you if we knew the motive which had impelled you to this discourse? What other motive could there be but your inclination to oblige us, and to satisfy the desire of these young gentlemen, who have listened to you with the utmost attention?"

[364] "I was desirous," replied Antonius, "to take away from Crassus every pretence for refusal, who would, I was sure, engage in such a kind of dissertation either a little too modestly, or too reluctantly, for I would not apply the word disdainfully to a man of

his affability. But what excuse will he now be able to make 'That he is a person of consular and censorial dignity? I might have made the same excuse. Will he plead his age? He is four years younger than I. Can he say that he is ignorant of these matters, of which I indeed have snatched some knowledge late in life, cursorily, and, as people say, at spare times, while he has applied to them from his youth with the most diligent study, under the most able masters? I will say nothing of his genius, in which no man was ever his equal; for no one that hears me speak, has so contemptible an opinion of himself, as not to hope to speak better, or at least as well; but while Crassus is speaking, no one is so conceited as to have the presumption to think that he shall ever speak like him. Lest persons, therefore, of so much dignity as the present company, should have come to you in vain, let us at length, Crassus, hear you speak."

XC. [365] "If I should grant you, Antonius." replied Crassus, "that these things are so, which however are far otherwise, what have you left for me this day, or for any man, that he can possibly say? For I will speak, my dearest friends, what I really think: I have often heard men of learning, (why do I say often? I should rather say sometimes; for how could I have that opportunity often, when I entered the forum quite a youth, and was never absent from it longer than during my quaestorship?) but I have heard, as I said yesterday, both while I was at Athens, men of the greatest learning, and in Asia that famous rhetorician Scepsius Metrodorus, discoursing upon these very subjects; but no one of them ever appeared to me to have engaged in such a dissertation with greater extent of knowledge, or greater penetration, than our friend has shown to-day; but if it were otherwise, and if I thought anything had been omitted by Antonius, I should not be so impolite, nay so almost churlish, as to think that a trouble which I perceived to be your desire." [366] "Have you then forgotten, Crassus," said Sulpicius, "that Antonius made such a division with you, that he should explain the equipment and implements of the orator, and leave it to you to speak of decoration and embellishment?" "In the first place," rejoined Crassus, "who gave Antonius leave either to make such a partition, or to choose first that part which he liked best? In the next, if I rightly comprehended what I heard with the utmost pleasure, he seemed to me to treat of

both these matters in conjunction." "But," observed Cotta, "he said nothing of the embellishments of language, or on that excellence from which eloquence derives its very name." "Antonius then," said Crassus, "left me nothing but words, and took the substance for himself." [367] "Well," remarked Caesar, "if he has left you the more difficult part, we have reason to desire to hear you; if that which is the easier, you have no reason to refuse." "And in regard to what you said, Crassus," interposed Catulus, "that if we would stay and pass the day with you here, you would comply with our wishes, do you not think it binding on your honour?" Cotta then smiled, and said, "I might, Crassus, excuse you; but take care that Catulus has not made it a matter of religious faith; it is a point for the censor's cognisance; and you see how disgraceful it would be for a person of censorial dignity to render himself obnoxious to such censure." "Do as you please, then," replied Crassus; "but for the present, as it is time, I think we must rise, and take some repose; in the afternoon, if it is then agreeable to you, I will say something on these points, unless perchance you may wish to put me off till tomorrow." They all replied that they were ready to hear him either at once, or in the afternoon if he preferred; as soon however as possible.

BOOK III.

I. [1] WHEN I proceeded to execute my design, brother Quintus, of relating and committing to writing in this third book, the remarks which Crassus made after the dissertation of Antonius, bitter remembrance renewed in my mind its former concern and regret; for the genius worthy of immortality, the learning, the virtue that were in Lucius Crassus, were all extinguished by sudden death, within ten days from the day which is comprised in this and the former book. [2] When he returned to Rome on the last day of the theatrical entertainments, he was put into a violent emotion by that oration which was reported to have been delivered in an assembly of the people by Philippus, who, it was agreed, had declared, "that he must look for another council, as he could not carry on the government with such a senate;" and on the morning of the thirteenth of September, both Crassus and a full senate came into the house on the call of Drusus. There, when Drusus had made many complaints against Philippus, he brought formally before the senate the fact that the consul had thrown such grievous obloquy on that order, in his speech to the people. [3] Here, as I have often heard it unanimously said by men of the greatest judgment, although indeed it continually happened to Crassus, whenever he had delivered a speech more exquisite than ordinary, that he was always thought never to have spoken better, yet by universal consent it was then determined, that all other orators had always been excelled by Crassus, but that on that day he had been excelled by himself; for he deplored the misfortune and unsupported condition of the senate; an order whose hereditary dignity was then being torn from it by a consul, as by some lawless ruffian, a consul whose duty it was to act the part of a good parent or trusty guardian towards it; but said that it was not surprising, if, after he had ruined the commonwealth by his own counsels, he should divorce the counsels of the senate from the commonwealth. [4] When he had applied these expressions, which were like firebrands, to Philippus, who was a man of violence, as well as of eloquence, and of the utmost vigour to resist opposition, he could not restrain himself, but burst forth into a furious flame, and

resolved to bind Crassus to good behaviour, by forfeiting his securities. On that occasion, many things are reported to have been uttered by Crassus with a sort of divine sublimity, refusing to acknowledge as a consul him who would not allow him to possess the senatorial dignity: Do you, said he, who, when you thought the general authority of the whole senatorial order entrusted to you as a pledge, yet perfidiously annulled it in the view of the Roman people, imagine that I can be terrified by such petty forfeitures as those? It is not such pledges that are to be forfeited, if you would bind Lucius Crassus to silence; for that purpose you must cut out this tongue; and even if it be torn out, the freedom in my very breath will confound your audacity.

II. [5] It appeared that a multitude of other expressions were then uttered by him with the most vehement efforts of mind, thought, and spirits; and that that resolution of his, which the senate adopted in a full house, was proposed by him with the utmost magnificence and dignity of language, That the counsel and fidelity of the senate had never been wanting to the commonwealth, in order to do justice to the Roman people; and he was present (as appears from the names entered in the register) at the recording of the resolution. [6] This however was the last swan-like note and speech of that divine orator; and, as if expecting to hear it again, we used, after his death, to go into the senate-house, that we might contemplate the spot on which he had last stood to speak; for we heard that he was seized at the time with a pain in his side while he was speaking, and that a copious perspiration followed; after which he was struck with a chillness, and, returning home in a fever, died the seventh day after of pleurisy. [7] O how fallacious are the hopes of mortals, how frail is our condition, and how insignificant all our ambitious efforts, which are often broken and thrown down in the middle of their course, and overwhelmed as it were in their voyage, even before they gain a sight of the harbour! For as long as the life of Crassus was perplexed with the toils of ambition, so long was he more distinguished for the performance of private duties, and the praises due to his genius, than for any benefit that he reaped from his greatness, or for the dignified rank which he bore in the republic; but the first year which, after a discharge of all the honourable offices of the state, opened to him the

entrance to supreme authority by universal consent, overthrew all his hopes, and all his future schemes of life, by death. [8] This was a melancholy occurrence to his friends, a grievous calamity to his country, and a heavy affliction to all the virtuous part of mankind; but such misfortunes afterwards fell upon the commonwealth, that life does not appear to me to have been taken away from Lucius Crassus by the immortal gods as a privation, but death to have been bestowed on him as a blessing. He did not live to behold Italy blazing with war, or the senate overwhelmed with popular odium, or the leading men of the state accused of the most heinous crimes, or the affliction of his daughter, or the banishment of his son-at-law, or the most calamitous flight of Caius Marius, or that most atrocious of all daughters after his return, or, finally, that republic in every way disgraced, in which, while it continued most flourishing, he had by far the preeminence over all other men in glory.

III. [9] But led away as I am by my reflections to touch upon the power and vicissitudes of fortune, my observations shall not expatiate too widely, but shall be confined almost to the very personages who are contained in this dialogue, which I have begun to detail. For who would not call the death of Lucius Crassus, which has been so often lamented by multitudes, a happy one, when he calls to mind the fate of those very persons who were almost the last that held discourse with him? For we ourselves remember, that Quintus Catulus, a man distinguished for almost every species of merit, when he entreated, not the security of his fortunes, but retreat into exile, was reduced to deprive himself of life. [10] It was then, too, that that illustrious head of Marcus Antonius, by whom the lives of so many citizens had been preserved, was fixed upon the very rostra on which he had so strenuously defended the republic when consul, and which he had adorned with imperial trophies when censor. Not far from his was exposed the head of Caius Julius, (who was betrayed by his Tuscan host,) with that of Lucius Julius his brother; so that he who did not behold such atrocities may justly be thought to have prolonged his life during the existence of the constitution, and to have expired together with it. He neither beheld his near relation, Publius Crassus, a man of the greatest magnanimity, slain by his own hand, nor saw the image of Vesta sprinkled with the blood of the

pontifex, his colleague; and (such were his feelings towards his country) even the cruel death of Caius Carbo, his greatest enemy, that occurred on the same day, would have caused additional grief to him. [11] He did not behold the horrible and miserable fate of those young men who had devoted themselves to him; of whom Caius Cotta, whom he had left in a promising condition, was expelled, through popular prejudice, from his office of tribune, a few days after the death of Crassus, and, not many months afterwards, driven from the city. And Sulpicius, who had been involved in the same popular fury, attempted in his tribuneship to spoil of all their honours those with whom, as a private individual, he had lived in the greatest familiarity; but when he was shooting forth into the highest glory of eloquence, his life was taken from him by the sword, and punishment was inflicted on his rashness, not without great damage to the republic. [12] I am indeed of opinion that you, Crassus, received as well your birth as your death from the peculiar appointment of divine providence, both on account of the distinction of your life and the season of your death; for, in accordance with your virtue and firmness of mind, you must either have submitted to the cruelty of civil slaughter; or if any fortune had rescued you from so barbarous a death, the same fortune would have compelled you to be a spectator of the ruins of your country; and not only the dominion of ill-designing men, but even the victory of the honourable party, would, on account of the civil massacres intermingled with it, have been an affliction to you.

IV. [13] Indeed, when I reflect, brother Quintus, upon the calamities of these great men, (whose fates I have just mentioned,) and those which we ourselves have felt and experienced from our extraordinary and eminent love for our country, your opinions appear to me to be founded on justice and wisdom, as you have always, on account of such numerous, such violent, and such sudden afflictions as have happened to the most illustrious and virtuous men, dissuaded me from all civil contention and strife. [14] But, because we cannot put affairs into the same state as if nothing had occurred, and because our extreme toils are compensated and mitigated by great glory, let us apply ourselves to those consolations, which are not only pleasant to us when troubles have subsided, but may also be salutary while they

continue; let us deliver as a memorial to posterity the remaining and almost the last discourse of Lucius Crassus; and let us express the gratitude to him which he so justly merited, although in terms by no means equal to his genius, yet to the best of our endeavours; [15] for there is not any of us, when he reads the admirably written dialogues of Plato, in almost all of which the character of Socrates is represented, who does not, though what is written of him is written in a divine spirit, conceive something still greater of him about whom it is written: and it is also my request, not indeed to you, my brother, who attribute to me perfection in all things, but to others who shall take this treatise into their hands, that they would entertain a nobler conception of Lucius Crassus than any that is expressed by me. [16] For I, who was not present at this dialogue, and to whom Caius Cotta communicated only the topics and heads of the dissertation, have endeavoured to shadow forth in the conversation of the speakers those peculiar styles of oratory, in which I knew that each of them was conspicuous. But if any person shall be induced by the common opinion, to think either that Antonius was more jejune, or Crassus more exuberant in style, than they have been respectively described by me, he will be among the number of those who either never heard these great men, or who have not abilities to judge; for each of them was (as I have explained before) superior to all other speakers, in application, and genius, and learning, as well as excellent in his particular style, so that embellishment in language was not wanting in Antonius, nor redundant in Crassus.

V. [17] As soon therefore as they had withdrawn before noon, and reposed themselves a little, Cotta said that he particularly observed that Crassus employed all the time about the middle of the day in the most earnest and profound meditation; and that he himself, who was well acquainted with the countenance which he assumed whenever he was going to speak in public, and the nature of his looks when he was fixed in contemplation, and had often remarked them in causes of the greatest importance, came on purpose, while the rest were asleep, into the room in which Crassus had lain down on a couch prepared for him, and that, as soon as he perceived him to be settled in a thoughtful posture, he immediately retired; and that almost two hours passed in that perfect stillness. Afterwards, when they all, as

the day was now verging to the afternoon, waited upon Crassus, Caesar said, “Well, Crassus, shall we go and take our seats? though w only come to put you in mind of your promise, and not to demand the performance of it.” [18] Crassus then replied, “Do you imagine that I have the assurance to think that I can continue longer indebted to such friends as you, especially in an obligation of this nature?” “What place then will suit you?” said Caesar; “a seat in the middle of the wood, for that is the most shady and cool?” “Very well,” replied Crassus, “for there is in that spot a seat not at all unsuited for this discourse of ours.” This arrangement being agreeable to the rest of the company, they went into the wood, and sat down there with the most earnest desire to listen.

[19] Crassus then said, “Not only the influence of your authority and friendship, but also the ready compliance of Antonius, have taken from me all liberty of refusal, though I had an excellent pretext for refusing. In the partition, however, of this dissertation between us, Antonius, when he assumed to himself the part of speaking upon those matters which form the subject of the orator’s speech, and left to me to explain how they should be embellished, divided things which are in their nature incapable of separation; for as every speech consists of the matter and the language, the language can have no place if you take away the matter, nor the matter receive any illustration if you take away the language. [20] Indeed, the great men of antiquity, embracing something of superior magnificence in their ideas, appear to me to have seen further into the nature of things than the visual faculties of our minds can penetrate; as they said that all these things, above and below, formed one system, and were linked together in strict union by one and the same power, and one principle of universal harmony in nature; for there is no order of things which can either of itself, if forcibly separated from the rest, preserve a permanent existence, or without which the rest can maintain their power and eternal duration.

VI. [21] “But, if this reasoning appear to be too comprehensive to be embraced by human sense and understanding, yet that saying of Plato is true, and certainly not unknown to you, Catulus, ‘that all the learning of these liberal and polite departments of knowledge is linked together in one bond of union; for when the power of that

reason, by which the causes and events of things are known, is once thoroughly discerned, a certain wonderful agreement and harmony, as it were, in all the sciences is discovered.' [22] But, if this also appear to be too sublime a thought for us to contemplate who are prostrate on the earth, it, however, certainly is our duty to know and remember that which we have embraced, which we profess, which we have taken upon ourselves. Since eloquence, as I observed yesterday, and Antonius signified in some passages of his discourse this morning, is one and the same, into whatever tracts or regions of debate it may be carried: [23] for whether it discourses concerning the nature of the heavens or of the earth, whether of divine or human power, whether it speaks from a lower, or an equal, or a superior place, whether to impel an audience, or to instruct, or to deter, or to incite, or to dissuade, or to inflame, or to soothe, whether to a small or to a large assembly, whether to strangers, to friends, or alone, its language is derived through different channels, not from different sources; and, wherever it directs its course, it is attended with the same equipment and decoration. [24] But since we are overwhelmed by opinions, not only those of the vulgar, but those also of men imperfectly instructed, who treat of those things more easily when divided and torn asunder which they have not capacity to comprehend in a general view, and who sever the language from the thoughts like the body from the soul, neither of which separations can be 'made without destruction, I will not undertake in this discourse more than that which is imposed upon me; I will only signify briefly, that neither can embellishments of language be found without arrangement and expression of thoughts, nor can thoughts be made to shine without the light of language. [25] But before I proceed to touch upon those particulars by which I think language is beautified and illumined, I will state briefly what I think concerning eloquence in general.

VII. "There is no one of the natural senses, in my opinion, which does not include under its general comprehension many things dissimilar one to another, but which are still thought deserving of similar approbation; for we both perceive many things by the ear, which, although they all charm us with their sounds, are yet often so various in themselves, that that which we hear last appears to be the

most delightful; and almost innumerable pleasures are received by the eye, which all captivate us in such a manner as to delight the same sense in different ways; and pleasures that bear no sort c f resemblance to each other charm the rest of the senses in such a manner that it is difficult to determine which affords the most exquisite enjoyment. [26] But the same observation which is to be made in regard to nature may be applied also to the different kinds of art. Sculpture is a single art, in which Myro, Polycletus, and Lysippus excelled; all of whom differed one from another, but so that you would not wish any one of them to be unlike himself. The art and science of painting is one, yet Zeuxis, Aglaophon, and Apelles are quite unlike one another in themselves, though to none of them does anything seem wanting in his peculiar style. And if this be wonderful, and yet true, in these, as it were, mute arts, how much more wonderful is' it in language and speech? which, though employed about the same thoughts and words, yet admits of the greatest variations; and not so that some speakers are to be censured and others commended, but that those who are allowed to merit praise, merit it for different excellences. [27] This is fully exemplified in poets, who have the nearest affinity to orators: how distinct from each other are Ennius, Pacuvius, and Accius; how distinct, among the Greeks, Aeschylus, Sophocles, and Euripides; though almost equal praise may be attributed to them all in different kinds of writing. [28] Then, behold and contemplate those whose art is the subject of our present inquiry; what a wide distinction there is between the accomplisliments and natural abilities of orators! Isocrates possessed sweetness, Lysias delicacy, Hyperides pointedness, Aeschines sound, and Demosthenes energy; and which of them was not excellent? yet which of them resembled any one but himself? Africanus had weight, Laelius smoothness, Galba asperity, Carbo something of fluency and harmony; but which of these was not an orator of the first rank in those times? and yet every one attained that rank by a style of oratory peculiar to himself.

VIII. [29] "But why should I search into antiquity for examples, when I can point to present and living characters? What was ever more pleasing to the ear than the language of our friend Catulus? language of such purity, that he appears to be almost the only orator

that speaks pure Latin; and of such power, that with its peculiar dignity there is yet blended the utmost politeness and wit. In a word, when I hear him, I always think that whatever you should add, or alter, or take away, his language would be impaired and deteriorated. [30] Has not our friend Caesar here, too, introduced a new kind of oratory, and brought before us an almost peculiar style of eloquence? Who has ever, besides him, treated tragical subjects in an almost comic manner, serious subjects with pleasantry, grave subjects with gaiety, and subjects suited to the forum with a grace peculiar to the stage? in such a way that neither is the jocular style excluded by the importance of the subject, nor is the weight of the matter lessened by the humour with which it is treated. [31] Here are present with us two young men, almost of equal age, Sulpicius and Cotta; what things were ever so dissimilar as they are one to another? yet what is so excellent as they are in their respective styles? One is polished and refined, explaining things with the greatest propriety and aptitude of expression; he always adheres to his cause, and, when he has discovered, with his keen discernment, what he ought to prove to the judge, he directs his whole attention and force of oratory to that point, without regarding other arguments; while Sulpicius has a certain irresistible energy of mind, a most full and powerful voice, a most vigorous action, and consummate dignity of motion, united with such weight and copiousness of language, that he appears of all men the best qualified by nature for eloquence. IX. [32] "I now return to ourselves; (because there has ever been such a comparison made between us, that we are brought, as it were, into judgment on account of rivalship, in the common conversation of mankind;) what two things can be more dissimilar than Antonius's manner of speaking and my own 1 though he is such an orator that no one can possibly surpass him; and I, though I am altogether dissatisfied with myself, am yet in preference to others admitted to a comparison with him. Do you notice what the manner of Autonius is? It is bold, vehement, full of energy and action, fortified and guarded on every point of the cause, spirited, acute, explicit, dwelling upon every circumstance, retiring with honour, pursuing with eagerness, terrifying, supplicating, exhibiting the greatest variety of language, yet without satiety to the ear; but as to myself, whatever I am as a speaker (since

I appear to you to hold some place among speakers), I certainly differ very greatly from his style. [33] What my talents are it becomes not me to say, because every ere is least known to himself, and it is extremely difficult for any person to form a judgment of his own capacity; but the dissimilitude may be easily perceived, both from the mediocrity of my action, and from the circumstance that I usually conclude in the same track in which I first set out; and that labour and care in choosing words causes me greater anxiety than choice of matter, being afraid that if my language should be a little obsolete, it may appear unworthy of the expectation and silent attention of the audience. [34] But if in us who are present there are such remarkable dissimilitudes, such decided peculiarities in each of us, and in all this variety the better is distinguished from the worse by difference in ability rather than by difference in kind, and everything is praiseworthy that is perfect in its nature, what do you imagine must be the case if we should take into consideration all the orators that anywhere exist, or ever existed? Would it not happen that almost as many kinds of eloquence as of orators would be found? But from this observation of mine, it may perhaps occur to you, that if there be almost innumerable varieties and characters of eloquence, dissimilar in species, yet laudable in their kind, things of so diversified a nature can never be formed into an art by the same precepts and one single method of instruction. [35] This is not the case; and it is to be attentively considered by those who have the conduct and education of others, in what direction the natural genius of each seems principally to incline him. For we see that from the same schools of artists and masters, eminent in their respective pursuits, there have gone forth pupils very unlike each other, yet all praiseworthy, because the instruction of the teacher has been adapted to each person's natural genius; [36] a fact of which the most remarkable example (to say nothing of other sciences) is that saying of Isocrates, an eminent teacher of eloquence, that he used to apply the spur to Ephorus, but to put the rein on Theopompus; for the one, who overleaped all bounds in the boldness of his expressions, he restrained; the other, who hesitated and was bashful, as it were, he stimulated: nor did he produce in them any resemblance to each other, but gave to the one such an addition, and retrenched from the

other so much superfluity, as to form in both that excellence of which the natural genius of each was susceptible.

X. [37] "I thought it necessary to premise these particulars that if every remark of mine did not exactly adapt itself to the inclinations of you all, and to that peculiar style of speaking which each of you most admired, you might be sensible that I described that character of eloquence of which I myself most approved.

"Those matters, therefore, of which Antonius has treated so explicitly, are to be endowed with action and elocution by the orator in some certain manner. What manner of elocution can be better (for I will consider action by-and-by) than that of speaking in pure Latin, with perspicuity, with gracefulness, and with aptitude and congruity to the subject in question? [38] Of the two which I mentioned first, purity and clearness of language, I do not suppose that any account is expected from me; for we do not attempt to teach him to be an orator who cannot speak; nor can we hope that he who cannot speak grammatical Latin will speak elegantly; nor that he who cannot speak what we can understand, will ever speak anything for us to admire. Let us, therefore, omit these matters, which are easy of attainment, though necessary in practice; for the one is taught in school-learning and the rudiments of children; the other is cultivated for this reason, that what every person says may be understood, a qualification which we perceive indeed to be necessary, yet that none can be held in less estimation. [39] But all elegance of language, though it receive a polish from the science of grammar, is yet augmented by the reading of orators and poets; for those ancients, who could not then adorn what they expressed, had almost all a kind of nobleness of diction; and those who are accustomed to their style cannot express themselves otherwise than in pure Latin, even though they desire to do so. Yet we must not make use of such of their words as our modern mode of speaking does not admit, unless sometimes for the sake of ornament, and but sparingly, as I shall explain; but he who is studious and much conversant with ancient writers, will make such use of common expressions as always to adopt the most eligible.

XI. [40] "In order to speak pure Latin, we must take care not only to use words with which nobody can justly find fault, and preserve the construction by proper cases, and tenses, and genders, and

numbers, so that there may be nothing confused, or incongruous, or preposterous; but also that the tongue, and the breath, and the tone of the voice come under proper regulation. [41] I would not have letters sounded with too much affectation, or uttered imperfectly through negligence; I would not have the words dropped out without expression or spirit; I would not have them puffed and, as it were, panted forth, with a difficulty of breathing; for I do not as yet speak of those things relating to the voice which belong to oratorical delivery, but merely of that which seems to me to concern pronunciation. For there are certain faults which every one is desirous to avoid, as a too delicate and effeminate tone of voice, or one that is extravagantly harsh and grating. [42] There is also a fault which some industriously strive to attain; a rustic and rough pronunciation is agreeable to some, that their language, if it has that tone, may seem to partake more of antiquity; as Lucius Cotta, an acquaintance of yours, Catulus, appears to me to take a delight in the broadness of his speech and the rough sound of his voice, and thinks that what he says will savour of the antique if it certainly savour of rusticity. But your harmony and sweetness delight me; I do not refer to the harmony of your words, which is a principal point, but one which method introduces, learning teaches, practice in reading and speaking confirms; but I mean the mere sweetness of pronunciation, which, as among the Greeks it was peculiar to the Athenians, so in the Latin tongue is chiefly remarkable in this city. [43] At Athens, learning among the Athenians themselves has long been entirely neglected; there remains in that city only the seat of the studies which the citizens do not cultivate, but which foreigners enjoy, being captivated in a manner with the very name and authority of the place; yet any illiterate Athenian will easily surpass the most learned Asiatics, not in his language, but in sweetness of tone, not so much in speaking well as in speaking agreeably. Our citizens pay less attention to letters than the people of Latium, yet among all the people that you know in the city, who have the least tincture of literature, there is not one who would not have a manifest advantage over Quintus Valerius of Sora, the most learned of all the Latins, in softness of voice, in conformation of the mouth, and in the general tone of pronunciation.

XII. [44] “As there is a certain tone of voice, therefore, peculiar to the Roman people and city, in which nothing can offend, or displease, nothing can be liable to animadversion, nothing sound or savour of what is foreign, let us cultivate that tone, and learn to avoid not only the asperity of rustic but the strangeness of outlandish pronunciation. [45] Indeed when I listen to my wife’s mother, Laelia, (for women more easily preserve the ancient language unaltered, because, not having experience of the conversation of a multitude of people, they always retain what they originally learned,) I hear her with such attention that I imagine myself listening to Plautus or Naevius; she has a tone of voice so unaffected and simple, that it seems to carry in it nothing of ostentation or imitation; from whence I judge that her father and forefathers spoke in like manner; not with a rough tone, as he whom I mentioned, nor with one broad, or rustic, or too open, but with one that was close and equable and smooth. [46] Our friend Cotta, therefore, whose broad manner of speaking you, Sulpicius, sometimes imitate, so as to drop the letter I and pronounce E as full as possible, does not seem to me to resemble the ancient orators, but the modern farmers.” As Sulpicius laughed at this, “I will act with you,” said Crassus, “in such a manner, that, as you oblige me to speak, you shall hear something of your own faults.” “I wish we may,” replied Sulpicius, “for that is what we desire; and if you do so, we shall to-day, I fancy, throw off many of our inelegances.” [47] “But,” said Crassus, “I cannot censure you, Sulpicius, without being in danger of censure myself; since Antouius has declared that he thinks you very similar to me.” “But,” rejoined Sulpicius, “as Antonius also recommended us to imitate those things which were most conspicuous in any one, I am afraid in consequence that I may have copied nothing from you but the stamping of your foot, and a few particular expressions, and perhaps something of your action.” “With what you have caught from me, then,” said Crassus, “I find no fault, lest I should ridicule myself; (but there are many more and greater faults of mine than you mention;) of faults, however, which are evidently your own, or taken by imitation from any third person, I shall admonish you whenever opportunity may remind me of them.

XIII. [48] “Let us therefore pass over the rules for speaking the Latin tongue in its purity; which the teaching given to children

conveys, which refined knowledge and method in study, or the habit of daily and domestic conversation cherishes, and which books and the reading of the ancient orators and poets confirm. Nor let us dwell long upon that other point, so as to discuss by what means we may succeed in making what we say understood; [49] an object which we shall doubtless effect by speaking good Latin, adopting words in common use, and such as aptly express what we wish to communicate or explain, without any ambiguous word or phrase, not making our sentences too long, not making such observations as are drawn from other subjects, for the sake of comparison, too prolix; avoiding all incoherency of thought, reversion of the order of time, all confusion of persons, all irregularity of arrangement whatever. In short, the whole matter is so easy, that it often appears astonishing to me, that what the advocate would express should be more difficult to understand, than he who employs the advocate would be, if he were to speak on his own business; [50] for the persons themselves who bring cases to us, give us in general such instructions, that you would not desire anything to be delivered in a plainer manner; but as soon as Fufius, or your equal in age Pomponius, proceeds to plead those cases, I do not find them equally intelligible, unless I give an extraordinary degree of attention; their speech is so confused and ill arranged that there is nothing first, and nothing second; there is such a jumble of strange words, that language, which ought to throw a light upon things, involves them in obscurity and darkness; and the speakers, in what they say, seem in a manner to contradict themselves. [51] But, if it is agreeable, since I think that these topics must appear troublesome and distasteful, at least to you of a more advanced age, let us proceed to other matters which may prove still more unsatisfactory."

XIV. "You see," said Antonius, "how inattentive we are, and how unwillingly we listen to you, when we might be induced (I judge from myself) to neglect all other concerns to follow you and give you our attention; so elegant are your remarks upon unpleasing, so copious upon barren, so new upon common subjects."

[52] "Those two parts indeed, Antonius," continued Crassus, "which I have just run over, or rather have almost passed by, that of speaking in pure Latin, and with perspicuity, were easy to treat; those

which remain are important, intricate, diversified, weighty, on which depends all the admiration bestowed upon ability and all the praise given to eloquence; for nobody ever admired an orator for merely speaking good Latin; if he speaks otherwise, they ridicule him; and not only do not think him an orator, but not even a man. Nor has any one ever extolled a speaker for merely speaking in such a manner that those who were present understood what he said; though every one has despised him who was not able to do so. Whom then do men regard with awe? [53] What speaker do they behold with astonishment? At whom do they utter exclamations? Whom do they consider as a deity, if I may use the expression, amongst mortals? Him who speaks distinctly, explicitly, copiously, and luminously, both as to matter and words; who produces in his language a sort of rhythm and harmony; who speaks, as I call it, gracefully. Those also who treat their subject as the importance of things and persons requires, are to be commended for that peculiar kind of merit, which I term aptitude and congruity. [54] Antonius said that he had never seen any who spoke in such a manner, and observed that to such only was to be attributed the distinguishing title of eloquence. On my authority, therefore, deride and despise all those who imagine that from the precepts of such as are now called rhetoricians they have gained all the powers of oratory, and have not yet been able to understand what character they hold, or what they profess; for indeed, by an orator everything that relates to human life, since that is the field on which his abilities are displayed, and is the subject for his eloquence, should be examined, heard, read, discussed, handled, and considered; [55] since eloquence is one of the most eminent virtues; and though all the virtues are in their nature equal and alike, yet one species is more beautiful and noble than another; as is this power, which, comprehending a knowledge of things, expresses the thoughts and purposes of the mind in such a manner, that it can impel the audience whithersoever it inclines its force; and, the greater is its influence, the more necessary it is that it should be united with probity and eminent judgment; for if we bestow the faculty of eloquence upon persons destitute of these virtues, we shall not make them orators, but give arms to madmen.

XV. [56] “This faculty, I say, of thinking and speaking, this power

of eloquence, the ancient Greeks denominated wisdom. Hence the Lycurgi, the Pittaci, the Solons; and, compared with them, our Coruncanii, Fabricii, Catos, and Scipios, were perhaps not so learned, but were certainly of a like force and inclination of mind. Others, of equal ability, but of dissimilar affection towards the pursuits of life, preferred ease and retirement, as Pythagoras, Democritus, Anaxagoras, and transferred their attention entirely from civil polity to the contemplation of nature; a mode of life which, on account of its tranquillity, and the pleasure derived from science, than which nothing is more delightful to mankind, attracted a greater number than was of advantage to public concerns. [57] Accordingly, as men of the most excellent natural talents gave themselves up to that study, in the enjoyment of the greatest abundance of free and unoccupied time, so men of the greatest learning, blessed with excess of leisure and fertility of thought, imagined it their duty to make more things than were really necessary the objects of their attention, investigation, and inquiry. That ancient learning, indeed, appeal's to have been at the same time the preceptress of living rightly and of speaking well; nor were there separate masters for those subjects, but the same teachers formed the morals and the language; as Phoenix in Homer, who says that he was appointed a companion in war to the young Achilles by his father Peleus, to make him an orator in words, and a hero in deeds. [58] But as men accustomed to constant and daily employment, when they are hindered from their occupation by the weather, betake themselves to play at ball, or dice, or draughts, or even invent some new game of their own to amuse their leisure; so they, being either excluded from public employments, as from business, by the state of the times, or being idle from inclination, gave themselves up wholly, some to the poets, some to the geometers, some to music; ethers even, as the logicians, found out a new study and exercise for themselves, and consumed their whole time and lives in those arts which have been discovered to form the minds of youth to learning and to virtue.

XVI. [59] "But, because there were some, and those not a few, who either were eminent in public affairs, through their twofold excellence in acting and speaking, excellences which are indeed inseparable, as Themistocles, Pericles, Theramenes; or who, though

they were not employed themselves in public affairs, were teachers of others in that science, as Gorgias, Thrasymachus, Isocrates; there appeared others who, being themselves men of abundant learning and ingenuity, but averse to political business and employments, derided and despised the exercise of oratory; [60] at the head of which party was Socrates. He, who, by the testimony of all the learned, and the judgment of all Greece, was the first of all men as well in wisdom and penetration, grace and refinement, as in eloquence, variety, and copiousness of language on whatever subject he took in hand, deprived of their common name those who handled, treated, and gave instruction in those matters which are the objects of our present inquiry, when they were previously comprised under one appellation; as all knowledge in the best arts and sciences, and all exercise in them, was denominated philosophy; and he separated in his discussions the ability of thinking wisely, and speaking gracefully, though they are naturally united; Socrates, I say, whose great genius and varied conversation Plato has in his Dialogues consigned to immortality, he himself having left us nothing in writing. [61] Hence arose that divorce as it were of the tongue from the heart, a division certainly absurd, useless, and reprehensible, that one class of persona should teach us to think, and another to speak, rightly: for, as many reasoners had their origin almost from Socrates, and as they caught up some one thing, some another, from his disputations, which were various, diversified, and diffusive upon all subjects, many sects as it were became propagated, dissenting one from another, and much divided and very dissimilar in opinions, though all the philosophers wished to be called, and thought that they were, Socratics.

XVII. [62] "First from Plato himself came Aristotle and Xenocrates; the one of whom founded the Peripatetic sect, the other the Academy; and from Antisthenes, who was chiefly delighted with the patience and endurance recommended in the discourses of Socrates, sprung first the Cynics, afterwards the Stoics. Next, from Aristippus, for whom the dissertations on pleasure had greater charms, emanated the Cyreuaic philosophy, which he and his followers maintained in its simplicity; those who in our days measure all things by the standard of pleasure, while they act more modestly in this particular, neither satisfy that dignity which they are far from

rejecting, nor adhere to that pleasure which they are inclined to embrace. There were also other sects of philosophers, who almost all in general called themselves the followers of Socrates; as those of the Eretrians, Herillians, Megarians, and Pyrrhonians; but these have long since been overthrown and extinguished by the superior arguments of the others. [63] Of those which remain, that philosophy which has undertaken the patronage of pleasure, however true it may appear to some, is very unsuitable for that personage of whom we are forming a conception, and whom we would have to be of authority in public councils, a leader in the administration of government, a consummate master of thought and eloquence, as well in the senate, as in popular assemblies, and in public causes. Yet no injury shall be done to that philosophy by us; for it shall not be repelled from the mark at which it wishes to aim, but shall repose quietly in its gardens, where it wishes, and where, reclining softly and delicately, it calls us away from the rostra, from the courts of justice, and from the senate, and perhaps wisely, especially in such times of the republic as these. [64] But my present inquiry is not which philosophy is the nearest to truth, but which is the best suited to the orator. Let us therefore dismiss those of this sect without any contumely; for they are well-meaning, and, as they seem so to themselves, happy; let us only admonish them to keep that maxim of theirs, though it be eminently true, secret however as a mystery, I mean their denial that it is the part of a wise man to concern himself with public affairs; for if they should convince us, and every man of eminent ability, of the truth of that maxim, they will be unable to remain, as they especially desire, in tranquillity.

XVIII. [65] “The Stoics, too, whom I by no means disapprove, I notwithstanding dismiss; nor am I afraid that they will be angry, as they are proof against anger; and I feel grateful to them on this account, that they alone, of all the philosophers, have declared eloquence to be virtue and wisdom. But there are two peculiarities in their doctrine, which are quite unsuitable to that orator whom we are forming; one, that they pronounce all who are not wise, to be slaves, robbers, enemies, and madmen, and yet do not admit that any person is wise; (but it would be very absurd to trust the interests of an assembly of the people, or of the senate, or any other body of men, to one to whom none of those present would appear to be in their senses, none to be citizens, none to be freemen;) [66] the other, that they have a manner of speaking which is perhaps subtle, and certainly acute, but for an orator, dry, strange, unsuited to the ear of the populace, obscure, barren, jejune, and altogether of that species which a speaker cannot use to a multitude. Other citizens, or rather all other people, have very different notions of good and evil from the Stoics; their estimation of honour and ignominy, revels and punishments, is entirely different; whether justly or otherwise, is nothing to the present occasion; but if we should adopt their notions, we should never be able to expedite any business by speaking. [67] The remaining sects are the Peripatetic and the Academic; though of the Academics, notwithstanding there is but one name, there are two distinct systems of opinion; for Speusippus, Plato’s sister’s son, and Xenocrates, who had been a hearer of Plato, and Polemo, who had been a hearer of Xenocrates, and Grantor, differed in no great degree from Aristotle, who had also been a hearer of Plato; in copiousness and variety of diction, however, they were perhaps unequal to him. Arcesilas, who had been a hearer of Polemo, was the first who eagerly embraced the doctrine drawn from the various writings of Plato and the discourses of Socrates, that ‘there is nothing certain to be known, either by the senses or the understanding;’ he is reported to have adopted an eminently graceful manner of speaking, to have rejected all judgment of the mind and the senses, and to have established first che practice (though it was indeed greatly adopted by Socrates) of not declaring what he himself thought, but of

disputing against whatever any other person said that he thought. [68] Hence the New Academy derived its origin, in which Carneades distinguished himself by a quickness of wit, that was in a manner divine, and a peculiar force of eloquence. I knew many at Athens who had been hearers of this philosopher, but I can refer for his character to two persons of undoubted authority, my father-in-law Scaevola, who heard him when a youth at Rome, and Quintus Metellus, the son of Lucius, my intimate friend, a man of high dignity, who informed me that in the early part of his life at Athens, he attended for many days the lectures of this celebrated philosopher, then almost broken with age.

XIX. [69] "But the streams of learning have flowed from the common summit of science, like rivers from the Apennines, in different directions, so that the philosophers have passed, as it were, into the Upper or Ionian sea, a Greek sea, abounding with harbours, but the orators have fallen into the Lower or Tuscan, a barbarian sea, infested with rocks and dangers, in which even Ulysses himself had mistaken his course. [70] If, therefore, we are content with such a degree of eloquence, and such an orator as has the common discretion to know that you ought either to deny the charge which is brought against you, or, if you cannot do that, to show that what he who is accused has committed, was either done justifiably, or through the fault or wrong of some other person, or that it is agreeable to law, or at least not contrary to any law, or that it was done without design, or from necessity; or that it does not merit the term given it in the accusation; or that the pleading is not conducted as it ought to have been or might have been; and if you think it sufficient to have learned the rules which the writers on rhetoric have delivered, which however Antonius has set forth with much more grace and fulness than they are treated by them; if, I say, you are content with these qualifications, and those which you wished to be specified by me, you reduce the orator from a spacious and immense field of action into a very narrow compass: [71] but if you are desirous to emulate Pericles, or Demosthenes, who is more familiar to us from his numerous writings; and if you are captivated with this noble and illustrious idea and excellence of a perfect orator, you must include in your minds all the powers of Carneades, or those of Aristotle. [72]

For, as I observed before, the ancients, till the time of Socrates, united all knowledge and science in all things, whether they appertained to morality, to the duties of life, to virtue, or to civil government, with the faculty of speaking; but afterwards, the eloquent being separated by Socrates from the learned, (as I have already explained,) and this distinction being continued by all the followers of Socrates, the philosophers disregarded eloquence, and the orators philosophy; nor did they at all encroach upon each other's provinces, except that the orators borrowed from the philosophers, and the philosophers from the orators, such things as they would have taken from the common stock if they had been inclined to remain in their pristine union. [73] But as the old pontiffs, on account of the multitude of religious ceremonies, appointed three officers called Epulones, though they themselves were instituted by Numa to perform the epulare sacrificium at the games; so the followers of Socrates excluded the pleaders of causes from their own body, and from the common title of philosophers, though the ancients were of opinion that there was a miraculous harmony between speaking and understanding.

XX. [74] "Such being the case, I shall crave some little indulgence for myself, and beg you to consider that whatever I say, I say not of myself, but of the complete orator. For I am a person, who, having been educated in my boyhood, with great care on the part of my father, and having brought into the forum such a portion of talent as I am conscious of possessing, and not so much as I may perhaps appear to you to have, cannot aver that I learned what I now comprehend, exactly as I shall say that it ought to be learned; since I engaged in public business most early of all men, and at one-and-twenty years of age brought to trial a man of the highest rank, and the greatest eloquence; and the forum has teen my school, and practice, with the laws and institutions of the Roman people, and the customs of our ancestors, my instructors. [75] I got a small taste of those sciences of which I am speaking, feeling some thirst for them, while I was quaestor in Asia; having procured a rhetorician about my own age from the Academy, that Metrodorus, of whose memory Antonius has made honourable mention; and, on my departure from Asia. at Athens, where I should have stayed longer, had I not been displeased

with the Athenians, who would not repeat their mysteries, for which I came two days too late. The fact, therefore, that I comprise within my scheme so much science, and attribute so much influence to learning, makes not only not in my favour, but rather against me, (for I am not considering what I, but what a perfect orator can do,) and against all those who put forth treatises on the art of rhetoric, and who are indeed obnoxious to extreme ridicule; for they write merely about the several kinds of suits, about exordia, and statements of facts; [76] but the real power of eloquence is such, that it embraces the origin, the influence, the changes of all things in the world, all virtues, duties, and all nature, so far as it affects the manners, minds, and lives of mankind. It can give an account of customs, laws, and rights, can govern a state, and speak on everything relating to any subject whatsoever with elegance and force. [77] In this pursuit I employ my talents as well as I can, as far as I am enabled by natural capacity, moderate learning, and constant practice; nor do I conceive myself much inferior in disputation to those who have as it were pitched their tent for life in philosophy alone.

XXI. [78] "For what can my friend Caius Velleius allege, to show why pleasure is the chief good, which I cannot either maintain more fully, if I were so inclined, or refute, with the aid of those common-places which Antonius has set forth, and that habit of speaking in which Velleius himself is unexercised, but every one of us experienced? What is there that either Sextus Pompeius, or the two Balbi, or my acquaintance Marcus Vigellius, who lived with Panaetius, all men of the Stoic sect, can maintain concerning virtue, in such a manner that either I, or any one of you, should give place to them in debate? For philosophy is not like other arts or sciences; since what can he do in geometry, or in [79] music, who has never learned? He must be silent, or be thought a madman; but the principles of philosophy are discovered by such minds as have acuteness and penetration enough to extract what is most probable concerning any subject, and are elegantly expressed with the aid of exercise in speaking. On such topics, a speaker of ordinary abilities, if he has no great learning, but has had practice in declaiming, will, by virtue of such practice, common to others as well as to him, beat our friends the philosophers, and not suffer himself to be despised

and held in contempt; [80] but if ever a person shall arise who shall have abilities to deliver opinions on both sides of a question on all subjects, after the manner of Aristotle, and, from a knowledge of the precepts of that philosopher, to deliver two contradictory orations on every conceivable topic, or shall be able, after the manner of Arcesilas or Carneades, to dispute against every proposition that can be laid down, and shall unite with those powers rhetorical skill, and practice and exercise in speaking, be will be the true, the perfect, the only orator. For neither without the nervous eloquence of the forum, can an orator have sufficient weight, dignity, and force; nor, without variety of learning, sufficient elegance and judgment. [81] Let us suffer that old Corax of yours, therefore, to hatch his young birds in the nest, that they may fly out disagreeable and troublesome bawlers; and let us allow Pamphilus, whoever he was, to depict a science of such consequence upon flags, as if for an amusement for children; while we ourselves describe the whole business of an orator, in so short a disputation as that of yesterday and today; admitting, however, that it is of such extent as to be spread through all the books of the philosophers, into which none of those rhetoricians has ever dipped."

XXII. [82] Catulus then said, "It is, indeed, by no means astonishing, Crassus, that there should appear in you either such energy, or such agreeableness, or such copiousness of language; though I previously supposed that it was merely from the force of natural genius that you spoke in such a way as to seem to me not only the greatest of orators, but the wisest of men; but I now understand that you have always given precedence to matters relating to philosophy, and your copious stream of eloquence has flowed from that source; and yet, when I recollect the different stages of your life, and when I consider your manner of living and pursuits, I can neither conceive at what time you acquired that learning, nor can I imagine you to be strongly addicted to those studies, or men, or writings; nor can I determine at which of these two things I ought most to feel surprised, that you could obtain a thorough knowledge of those matters which you persuade me are of the utmost assistance to oratory, amid such important occupations as yours, or that, if you could not do so, you can speak with such effect." [83] Here Crassus

rejoined, “I would have you first of all, Catulus, persuade yourself of this, that, when I speak of an orator, I speak not much otherwise than I should do if I had to speak of an, actor; for I should say that he could not possibly give satisfaction in his gesture unless he had learned the exercises of the palaestra, and dancing; nor would it be necessary that, when I said this, I should be myself a player, though it perhaps would be necessary that I should be a not unskilful critic in another man’s profession. [84] In like manner I am now, at your request, speaking of the orator, that is, the perfect orator; for, about whatever art or faculty inquiry is made, it always relates to it in its state of absolute perfection; and if, therefore, you now allow me to be a speaker, if even a pretty good one, or a positively good one, I will not contradict you; (for why should I, at my time of life, be so foolish 1 I know that I am esteemed such;) but, if it be so, I am certainly not perfect. For there is not among mankind any pursuit of greater difficulty or effort, or that requires more aids from learning; [85] but, since I have to speak of the orator, I must of necessity speak of the perfect orator; for unless the powers and nature of a thing be set before the eyes in their utmost perfection, its character and magnitude cannot be understood. Yet I confess, Catulus, that I do not at present live in any great familiarity with the writings or the professors of philosophy, and that, as you have rightly observed, I never had much leisure to set apart for the acquisition of such learning, and that I have only given to study such portions of time as my leisure when I was a youth, and vacations from the business of the forum, have allowed me.

XXIII. [86] “But if, Catulus, you. inquire my sentiments on that learning, I am of opinion that so much time need not be spent on it by a man of ability, and one who studies with a view to the forum, to the senate, to causes, to civil administration, as those have chosen to give to it whom life has failed while they were learning. For all arts are handled in one manner by those who apply them to practice; in another by those who, taking delight in treating of the arts themselves, never intend to do anything else during the whole course of their lives. The master of the gladiators is now in the extremity of age, yet daily meditates upon the improvement of his science, for he has no other care; but Quintus Velocius had learned that exercise in

his youth, and, as he was naturally formed for it, and had thoroughly acquired it, he was, as it is said in Lucilius,

> Though as a gladiator in the school
> Well skill'd, and bold enough to match with any,

yet resolved to devote more attention to the duties of the forum, and of friendship, and to his domestic concerns. Valerius sung every day; for he was on the stage; what else was he to do? [87] But our friend Numerius Furius sings only when it is agreeable to him; for he is the head of a family, and of equestrian dignity; he learned when a boy as much as it was necessary for him to learn. The case is similar with regard to sciences of the greatest importance; we have seen Quintus Tubero, a man of eminent virtue and prudence, engaged in the study of philosophy night and day, but his uncle Africanus you could scarcely ever perceive paying any attention to it, though he paid a great deal. Such knowledge is easily gained, if you only get as much of it as is necessary, and have a faithful and able instructor, and know how to learn yourself. [88] But if you are inclined to do nothing else all your life, your very studies and inquiries daily give rise to something for you to investigate as an amusement at your leisure; thus it happens, that the investigation of particular points is endless, though general knowledge is easy, if practice establish learning once acquired, moderate exercise be devoted to it, and memory and inclination continue. But it is pleasant to be constantly learning, if we wish to be thoroughly masters of anything; as if I, for instance, had a desire to play excellently at backgammon, or had a strong attachment to tennis, though perhaps I should not attain perfection in those games; but others, because they excel in any performance, take a more vehement delight in it than the object requires, as Titius in tennis, Brulla in backgammon. [89] There is no reason, therefore, why any one should dread the extent of the sciences because he perceives old men still learning them; for either they were old men when they first applied to them, or have been detained in the study of them till they became old; or are of more than ordinary stupidity. And the truth in my opinion is, that a man can never learn thoroughly that which he has not been able to learn quickly."

XXIV. [90] “Now, now,” exclaimed Catulus, “I understand, Crassus, what you say, and readily assent to it; I see that there has been time enough for you, a man of vigour and ability to learn, to acquire a knowledge of what you mention.” “Do you still persist,” rejoined Crassus, “to think that I say what I say of myself, and not of my subject? But, if it be agreeable to you, let us now return to our stated business.”To me,” said Catulus, “it is very agreeable.”

[91] “To what end, then,” continued Crassus, “does this discourse, drawn out to so great a length, and brought from such deep sources, tend? The two parts which remain for me, that of adorning language, and contemplating eloquence in general in its highest perfection, one of which requires that we should speak gracefully, the other aptly, have this influence, that eloquence is rendered by their means productive of the utmost delight, made to penetrate effectually into the inmost hearts of the audience, and furnished with all possible variety of matter. [92] But the speech which we use in the forum, adapted for contest, full of acrimony, formed to suit the taste of the vulgar, is poor indeed and beggarly; and, on the other hand, even that which they teach who profess themselves masters of the art of speaking, is not of much more dignity than the common style of the forum. We have need of greater pomp, of choice matter collected, imported, and brought together from all parts; such a provision as must be made by you, Caesar, for the next year, with such pains as I took in my aedileship, because I did not suppose that I could satisfy such a people as ours with ordinary matters, or those of their own country.

[93] “As for choosing and arranging words, and forming them into proper periods, the art is easy, or, I may say, the mere practice without any art at all. Of matter, the quantity and variety are infinite; and as the Greeks were not properly furnished with it, and our youth in consequence almost grew ignorant while they were learning, even Latin teachers of rhetoric, please the gods, have arisen within the last two years; a class of persons whom I had suppressed by my edict, when I was censor, not because I was unwilling (as some, I know not who, asserted,) that the abilities of cur youth should be improved, but because I did not wish that their understandings should be weakened and their impudence strengthened. [94] For among the Greeks,

whatever was their character, I perceived that there was, besides exercise of the tongue, some degree of learning, as well as politeness suited to liberal knowledge; but I knew that these new masters could teach youth nothing but effrontery, which, even when joined with good qualities, is to be avoided, and, in itself, especially so; and as this, therefore, was the only thing that was taught by the Latins, their school being indeed a school of impudence, I thought it became the censor to take care that the evil should not spread further. [95] I do not, however, determine and decree on the point, as if I despaired that the subjects which we are discussing can be delivered, and treated with elegance, in Latin; for both our language and the nature of things allows the ancient and excellent science of Greece to be adapted to our customs and manners; but for such a work are required men of learning, such as none of our countrymen have been in this department; but if ever such arise, they will be preferable to the Greeks themselves.

XXV. [96] "A speech, then, is to be made becoming in its kind, with a sort of complexion and substance of its own; for that it be weighty, agreeable, savouring of erudition and liberal knowledge, worthy of admiration, polished, having feeling and passion in it, as far as is required, are qualities not confined to particular members, but are apparent in the whole body; but that it be, as it were, strewed with flowers of language and thought, is a property which ought not to be equally diffused throughout the whole speech, but at such intervals, that, as in the arrangement of ornaments, there may be certain remarkable and luminous objects disposed here and there. [97] Such a kind of eloquence, therefore, is to be chosen, as is most adapted to interest the audience, such as may not only delight, but delight without satiety; (for I do not imagine it to be expected of me, that I should admonish you to beware that your language be not poor, or rude, or vulgar, or obsolete: both your age and your geniuses encourage me to something of a higher nature;) [98] for it is difficult to toll what the cause is why, from those objects which most strongly strike our senses with pleasure, and occasion the most violent emotions at their first appearance, we should soonest turn away with a certain loathing and satiety. How much more florid, in the gaiety and variety of the colouring, are most objects in modern pictures than

in ancient ones; which, however, though they captivate us at first sight, do not afford any lasting pleasure; whereas we are strongly attracted by rough and faded colouring in the paintings of antiquity. How much softer and more delicate are fanciful modulations and notes in music, than those which are strict and grave; and yet if the former are often repeated, not only persons of an austere character, but even the multitude, raise an outcry against them. [99] We may perceive, too, in regard to the other senses, that we take a less permanent delight in perfumes composed of the sweetest and most powerful odours, than in those of a more moderate scent; that that is more commended which appears to smell like wax, than that which is as strong as saffron; and that, in the sense of feeling itself, there is a limit required both to softness and smoothness. How soon does even the taste, which of all our senses is the most desirous of gratification, and is delighted with sweetness beyond the others, nauseate and reject that which is too luscious! Who can take sweet drinks and meats long together? while, in both kinds of nutriment, such things as affect the sense with but a slight pleasure are the furthest removed from that satiating quality; [100] and so, in all ether things, loathing still borders upon the most exquisite delights; and therefore we should the less wonder at this effect in language, in which we may form a judgment, either from the poets or the orators, that a style elegant, ornate, embellished, and sparkling, without intermission, without restraint, without variety, whether it be prose or poetry, though painted with the brightest colours, cannot possibly give lasting pleasure. And we the sooner take offence at the false locks and paint of the orator or poet, for this cause, that the senses, when affected with too much pleasure, are satiated, not from reason, but constitutionally; in writings and in speeches these disguised blemishes are even more readily noticed, not only from the judgment of the ear, but from that of the understanding.

XXVI. [101] "Though such expressions of applause, therefore, as 'very well,' 'excellent,' may be often repeated to me, I would not have 'beautifully,' 'pleasantly,' come too often; yet 1 would have the exclamation Nothing can be better, very frequent. But this high excellence and merit in speaking Bhould be attended with some portions of shade and obscurity, that the part on which a stronger

light is thrown may seem to stand out, and become more prominent. [102] Roscius never delivers this passage with all the spirit that he can,

> The wise man seeks for honour, not for spoil,
> As the reward of virtue;

but rather in an abject manner, that into the next speech,

> What do I see? the steel-girt soldier holds
> The sacred seats,

he may throw his whole powers, may gaze, may express wonder and astonishment. How does the other great actor utter

> What aid shall I solicit?

How gently, how sedately, how calmly! For he proceeds with

> father! my country! House of Priam!

in which so much action could not be exerted if it had been consumed and exhausted by any preceding emotion. Nor did the actors discover this before the poets themselves, or, indeed, before even those who composed the music, by both of whom their tone is sometimes lowered, sometimes heightened, sometimes made slender, sometimes full, with variation and distinction. [103] Let our orator, then, be thus graceful and delightful (nor can he indeed be so otherwise); let him have a severe and solid grace, not a luscious and delicious sweetness; for the precepts relative to the ornament of eloquence, which are commonly given, are of such a nature that even the worst speaker can observe them. It is first of all necessary, therefore, as I said before, that a stock of matter and thoughts be got together; a point on which Antonius has already spoken; these are to be interwoven into the very thread and essence of the oration, embellished by words, and diversified by illustrations.

"But the greatest glory of eloquence is to exaggerate a subject by embellishment; which [104] has effect not only in amplifying and extolling anything in a speech to an extraordinary degree, but also in extenuating it, and making it appear contemptible. XXVII. This is required on all those points which Antonius said must be observed in

order to gain credit to our statements, when we explain anything, or when we conciliate the feelings, or when we excite the passions of our audience; [105] but in the particular which I mentioned last, amplification is of the greatest effect; and excellence in it the peculiar and appropriate praise of the orator. Even that exercise is of more than ordinary importance which Antonius illustrated in the latter part of his dissertation, (in the beginning he set it aside,) I mean that of panegyric and satire; for nothing is a better preparative for exaggeration and amplification in a speech than the talent of performing both these parts in a most effective manner. [106] Consequently, even those topics are of use which, though they ought to be proper to causes, and to be inherent in their very vitals, yet, as they are commonly applied to general subjects, have been by the ancients denominated common places; of which some consist in bitter accusations and complaints against vices and crimes, with a certain amplification, (in opposition to which nothing is usually said, or can be said,) as against an embezzler of the public money, or a traitor, or a parricide; remarks which we ought to introduce when the charges have been proved, for otherwise they sire jejune and trifling; [107] others consist in entreaty or commiseration; others relate to contested points of argument, whence you may be enabled to speak fully on either side of any general question, an exercise which is now imagined to be peculiar to those two sects of philosophy of which I spoke before; among those of remote antiquity it belonged to those from whom all the art and power of speaking in forensic pleadings was derived; for concerning virtue, duty, justice and equity, dignity, utility, honour, ignominy, rewards and punishments, and similar subjects, we ought to possess the spirit, and talent, and address, to speak on either side of the question. [108] But since, being driven from our own possessions, we are left in a poor little farm, and even that the subject of litigation, and since, though the patrons of others, we have not been able to preserve and protect our own property, let us borrow what is requisite for us (which is a notable disgrace) from those who have made this irruption into our patrimony.

XXVIII. [109] “Those, then, who take their name from a very small portion of Athens and its neighbourhood, .and are denominated Peripatetic or Academic philosophers, but who formerly, on account

of their eminent knowledge in important affairs, were by the Greeks called political philosophers, being distinguished by a name relating to all public administration, say that every speech on civil affairs is employed on one or other of these two kinds of questions, either that of a definite controversy limited to certain times and parties; as, 'Whether is it proper that our captives be recovered from the Carthaginians by the restitution of theirs?' or on an indefinite question, inquiring about a subject generally; as, 'What should be determined or considered concerning captives in general? 'Of these, they term the former kind a cause or controversy, and limit it to three things, law-suits, deliberations, and panegyric; but the other kind of question, or proposition as it were, the indefinite, is denominated a consultation. So far they instruct us. [110] The rhetoricians, however, use this division in their instructions, but not so that they seem to recover a lost possession by right, by a decision in their favour, or by force, but appear, according to the practice of the civil law, to assert their claim to the premises by breaking off a branch; for they keep possession of that former kind which is restricted to certain times, places, and parties, and that as it were by the hem of the garment; for at this present time, under Philo, who flourishes, I hear, as chief of the Academy, the knowledge and practice of even these causes is much observed; as to the latter kind, they only mention it in delivering the first principles of the art, and say that it belongs to the orator; but neither explain its powers, nor its nature, nor its parts, nor general heads, so that it had better have been passed over entirely, than left when it was once attempted; for they are now understood to say nothing about it for want of something to say; in the other case, they would have appeared to be silent from judgment.

XXIX. [111] "Every subject, then, has the same susceptibleness of ambiguity, concerning which it may be inquired and disputed; whether the discussion relate to consultations on indefinite points, or to those causes which are concerned with civil affairs and contests in the forum; nor is there any that may not be referred either to the nature and principles of knowledge or of action. [112] For either the knowledge itself and acquaintance with any affair is the object of inquiry; as, 'Whether virtue be desirable on account of its own intrinsic worth, or for the sake of some emolument attending it?' or

counsel with regard to an act is sought; as, 'Whether a wise man ought to concern himself in the administration of government?' [113] And of knowledge there are three kinds, that which is formed by conjecture, that which admits of certain definition, and that which is (if I may so term it) consequential. For whether there be anything in any other thing, is inquired by conjecture; as, 'Whether there is wisdom in mankind?' But what nature anything has, a definition explains; as if the inquiry be, 'What is wisdom? 'And consequential knowledge is the subject treated of, when the question is, 'What peculiarity attends on anything?' as, 'Whether it be the part of a good man to tell a falsehood on any occasion?' [114] But to conjecture they return again, and divide it into four kinds; for the question is either, 'What a thing is,' as, 'Whether law among mankind is from nature or from opinions?' or, 'What the origin of a thing is,' as, 'What is the foundation of civil laws and governments? 'or the cause and reason of it; as if it is asked, 'Why do the most learned men differ upon points of the greatest importance? or as to the possible changes in anything; as if it is disputed, 'Whether virtue can die in men, or whether it be convertible into vice?' [115] With regard to definition, disputes arise, either when the question is, 'What is impressed, as it were, on the common understanding?' as if it be considered, 'Whether that be right which is advantageous to the greater number?' or when it is inquired, 'What is the peculiar property of any character?' as, 'Whether to speak elegantly be peculiar to the orator, or whether any one else can do so?' or when a thing is distributed into parts; as if the question be, 'How many kinds of desirable things there are?' and, 'Whether there be three, those of the body, those of the mind, and external things?' or when it is described what is the form or, as it were, natural characteristic of any person; as if it be inquired, 'What is the exact representation of an avaricious, a seditious, or a vain-glorious man?' [116] Of the consequential, two principal kinds of questions are proposed; for the question is either simple, as if it be disputed, 'Whether glory be desirable? 'or comparative, 'Whether praise or wealth is more to be coveted? 'But of such simple questions there are three sorts, as to things that are to be desired or avoided; as, 'Whether honours are desirable?' 'Whether poverty is to be avoided?' as to right and wrong; as, 'Whether it be

right to revenge injuries, even those of relations?' as to honour and ignominy; as, 'Whether it be honourable to suffer death for the sake of glory?' [117] Of the comparative also there are two sorts: one, when the question is whether things are the same, or there be any difference betwixt them; as betwixt fear and reverence, a king and a tyrant, a flatterer and a friend; the other, when the inquiry is, 'Which of two things is preferable?' as, 'Whether wise men are led by the approbation of the most worthy, or by popular applause?' Thus are the controversies which relate to knowledge described, for the most part, by men of the greatest learning.

XXX. [118] "But those which relate to action, either concern controverted points of moral duty, under which head it may be inquired, 'What is right and to be practised;' of which head the whole train of virtues and of vices is the subject-matter; or refer to the excitement, or alleviation, or removal of some emotion f the mind. Under this head are included exhortation, reproof, consolation, compassion, and all that either gives impulse to any emotion of the mind, or, if it so happen, mitigates it. [119] These kinds, then, and modes of all questions being explained, it is of no consequence if the partition of Antonius in any particular disagrees with my division; for there are the same parts in both our dissertations, though divided and distributed by me a little otherwise than by him. Now I will proceed to the sequel, and recall myself to my appointed task and business. For the arguments for every kind of question are to be drawn from those common places which Antonius enumerated; but some common places will be more adapted to some kinds than to others; concerning which there is no necessity for me to speak, not because it is a matter of any great length, but of sufficient perspicuity.

[120] "Those speeches, then, are the most ornate which spread over the widest field, and, from some private and single question, apply and direct themselves to show the nature of such questions in general, so that the audience, from understanding its nature, and kind, and whole bearing, may determine as to particular individuals, and as to all suits criminal and civil. [121] Antonius has encouraged you, young men, to perseverance in this exercise, and intimated that you were to be conducted by degrees from small and confined

questions to all the power and varieties of argument. Such qualifications are not to be gained from a few small treatises, as they have imagined who have written on the art of speaking; nor are they work merely for a Tusculan villa, or for a morning walk and afternoon sitting, such as these of ours; for we have not only to point and fashion the tongue, but have to store the mind with the sweetness, abundance, and variety of most important and numerous subjects.

XXXI. [122] "For ours is the possession (if we are indeed orators, if we are to be consulted as persons of authority and leaders in the civil contests and perils of the citizens and in public councils), ours, I say, is the entire possession of all that wisdom and learning, upon which, as if it were vacant and had fallen in to them, men abounding in leisure have seized, taking advantage of us, and either speak of the orator with ridicule and sarcasm, as Socrates in the Gorgias, or write something on the art of oratory in a few little treatises, and call them books on rhetoric; as if all those things did not equally concern the orator, which are taught by the same philosophers on justice, on the duties of life, on the establishment and administration of civil government, and on the whole systems of moral and even natural philosophy. [123] These matters, since we cannot get them elsewhere, we must now borrow from those very persons by whom we have been pillaged; so that we apply them to the knowledge of civil affairs, to which they belong, and have a regard; nor let us (as I observed before) consume all our lives in this kind of learning, but, when we have discovered the fountains, (which he who does not find out immediately will never find at all,) let us draw from them as much as occasion may require, as often as we need. For neither is there so sharp a discernment in the nature and understanding of man, that any one can descry things of such importance, unless they are pointed out; [124] nor yet is there so much obscurity in the things, that a man of penetrating genius cannot obtain an insight into them, if he only direct his view towards them. As the orator therefore has liberty to expatiate in so large and immense a field, and, wherever he stops, can stand upon his own territory, all the furniture and embellishments of eloquence readily offer themselves to him. [125] For copiousness of matter produces copiousness of language; and, if

there be an inherent dignity in the subjects on which he speaks, there must be, from the nature of the thing, a certain splendour in his expression. If the speaker or writer has but been liberally instructed in the learning proper for youth, and has an ardent attachment to study, and is assisted by natural endowments, and exercised in those indefinite questions on general subjects, and has chosen, at the same time, the most elegant writers and speakers to study and imitate, he will never, be assured, need instruction from such preceptors how to compose or embellish his language; so readily, in an abundance of matter, will nature herself, if she be but stimulated, fall without any guide into all the art of adorning eloquence."

XXXII. [126] Catulus here observed, "Ye immortal gods, what an infinite variety, force, and extent of matter have you, Crassus, embraced, and from how narrow a circle have you ventured to lead forth the orator, and to place him in the domains of his ancestors! For we have understood that those ancient masters and authors of the art of speaking considered no kind of disputation to be foreign to their profession, but were always exercising themselves in every branch of oratory. [127] Of which number was Hippias of Elis, who, when he came to Olympia, at the time of the vast concourse at the games celebrated every fifth year, boasted, in the hearing of almost all Greece, that there was no subject in any art or science of which he was ignorant; as he understood not only those arts in which all liberal and polite learning is comprised, geometry, music, grammar, and poetry, and whatever is said on the natures of things, the moral duties of men, and the science of government, but that he had himself made, with his own hand, the ring which he wore, and the cloak and shoes which he had on. [128] He indeed went a little too far; but, even from his example, we may easily conjecture how much knowledge those very orators desired to gain in the most noble arts, when they did not shrink from learning even the more humble. Why need I allude to Prodicus of Chios, Thrasymachus of Chalcedon, or Protagoras of Abdera? every one of whom in those days disputed and wrote much even on the nature of things. [129] Even Gorgias the Leontine himself, under whose advocacy (as Plato represented) the orator yielded to the philosopher; who was either never defeated in argument by Socrates, (and then the Dialogue of Plato is wholly fictitious,) or, if he was so

defeated, it was because Socrates was the more eloquent and convincing, or, as you term it, the more powerful and better orator; but this Gorgias, in that very book of Plato, offers to speak most copiously on any subject whatever, that could be brought under discussion or inquiry; and he was the first of all men that ventured to demand, in a large assembly, on what subject any one desired to hear him speak; and to whom such honours were paid in Greece, that to him alone, of all great men, a statue was erected at Delphi, not gilded, but of solid gold. [130] Those whom I have named, and many other most consummate masters in the art of speaking, flourished at the same time; from whose examples it may be understood, that the truth is really such as you, Crassus, have stated, and that the name of the orator was distinguished among the ancients in Greece in a more extensive sense, and with greater honour than among ourselves. [131] I am therefore the more in doubt whether I should attribute a greater degree of praise to you, or of blame to the Greeks; since you, born under a different language and manners, in the busiest of cities, occupied either with almost all the private causes of the people, or with the government of the world and the direction of the mightiest of empires, have mastered such numbers of subjects, and acquired so extensive a knowledge, and have united all this with the science and practice of one who is of authority in the republic by his counsels and eloquence; whilst they, born in an atmosphere of learning, ardently attached to such studies, but dissolved in idleness, have not only made no acquisitions, but have not even preserved as their own that which was left and consigned to them."

XXXIII. [132] Crassus then said, “Not only in this particular, Catulus, but in many others, the grandeur of the sciences has been diminished by the distribution and separation of their parts. Do you imagine, that when the famous Hippocrates of Cos flourished, there were then some of the medical faculty who cured diseases, others wounds, and a third class the eyes 1 Do you suppose that geometry under Euclid and Archimedes, that music under Damon and Aristoxenus, that grammar itself when Aristophanes and Callimachus treated of it, were so divided into parts, that no one comprehended the universal system of any of those sciences, but different persons selected different parts on which they meant to bestow their labour? [133] I have, indeed, often heard from my father and father-in-law, that even our own countrymen, who were ambitious to excel in renown for wisdom, were wont to comprehend all the objects of knowledge which this city had then learned. They mentioned, as an instance of this, Sextus Aelius; and we ourselves have seen Manius Manilius walking across the forum; a signal that he who did so, gave all the citizens liberty to consult him upon any subject; and to such persons, when thus walking or sitting at home upon their seats of ceremony, all people had free access, not only to consult them upon points of civil law, but even upon the settlement of a daughter in marriage, the purchase of an estate, or the cultivation of a farm, and indeed upon any employment or business whatsoever. [134] Such was the wisdom of the well-known elder Publius Crassus, such that of Titus Coruncanius, such that of the great-grandfather of Scipio, my son-in-law, a person of great judgment; all of whom were supreme pontiffs, so that they were consulted upon all affairs, divine and human; and the same men gave their counsel and discharged their duty in the senate, before the people, and in the private causes of their friends, in civil and military service, both at home and abroad. [135] What was deficient in Marcus Cato, except the modern polish of foreign and adventitious learning? Did he, because he was versed in the civil law, forbear from pleading causes? or, because he could speak, neglect the study of jurisprudence? He laboured in both these kinds of learning, and succeeded in both. Was he, by the popularity which he acquired by attending to the business of private persons, rendered

more tardy in the public service of the state? No man spoke with more courage before the people, none was ever a better senator; he was at the same time a most excellent commander-in-chief; and indeed nothing in those days could possibly be known or learned in this city which he did not investigate and thoroughly understand, and on which he did not also write. [136] Now, on the contrary, men generally come to assume offices and the duties of public administration unarmed and defenceless; prepared with no science, nor any knowledge of business. But if any one happen to excel the multitude, he is elevated with pride by the possession of any single talent, as military courage, or a little experience in war, (which indeed has now fallen into decay,) or a knowledge of the law, (not of the whole law, for nobody studies the pontifical law, which is annexed to civil jurisprudence,) or eloquence, (which they imagine to consist in declamation and a torrent of words,) while none have any notion of the alliance and affinity that connects all the liberal arts and sciences, and even the virtues themselves.

XXXIV. [137] "But to direct my remarks to the Greeks, (whom we cannot omit in a dissertation of this nature; for as examples of virtue are to be sought among our own countrymen, so examples of learning are to be derived from them;) seven are said to have lived at one time, who were esteemed and denominated wise men. All these, except Thales of Miletus, had the government of their respective cities. Whose learning is reported, at the same period, to have been greater, or whose eloquence to have received more ornament from literature, than that of Pisistratus? who is said to have been the first that arranged the books of Homer as we now have them, when they were previously confused. He was not indeed of any great service to the community, but was eminent for eloquence, at the same time that he excelled in erudition and liberal knowledge. [138] What was the character of Pericles? of whose power in speaking we have heard, that when he spoke for the good of his country against the inclinations of the Athenians, that very severity with which he contradicted the favourites of the people, became popular and agreeable to all men; and on whose lips the old comic poets declared, (even when they satirized him, as was then lawful to be done at Athens,) that the graces of persuasion dwelt, and that there was such

mighty energy in him that he left, as it were, certain stings in the minds of those who listened to him. Yet no declaimer had taught him to bawl for hours by the water-clock, but, as we have it from tradition, the famous Anaxagoras of Clazomenae, a man eminent in all the most valuable sciences, had instructed him. He, accordingly, excelling as he did in learning, judgment, and eloquence, presided at Athens forty years together over civil and military affairs. [139] What was the character of Critias, or of Alcibiades? They were not indeed useful members of the state in which they lived, but were certainly men of learning and eloquence; and were they not improved by conversation with Socrates? Who instructed Dion of Syracuse in every branch of learning? Wan it not Plato? The same illustrious philosopher, too, who formed him not to oratory only, but to courage and virtue, impelled, equipped, and armed him to deliver his country. Did Plato, then, instruct Dion in sciences different from those in which Isocrates formed the renowned Timotheus the son of Conon the eminent general, and himself a most excellent commander, and a man of extensive learning? Or from those in which Lysis the Pythagorean trained Epaminondas of Thebes, who perhaps was the most remarkable man of all Greece? Or from those which Xenophon taught Agesilaus, or Archytas of Tarentum Philolaus, or Pythagoras himself all that old province of Italy which was formerly called Great Greece? XXXV. [140] I do not imagine that they were different; for I see that one and the same course of study comprised all those branches of knowledge which were esteemed necessary for a man of learning, and one who wished to become eminent in civil administration; and that they who had received this knowledge, if they had sufficient powers for speaking in public, and devoted themselves, without any impediment from nature, to oratory, became distinguished for eloquence. [141] Aristotle himself, accordingly, when he saw Isocrates grow remarkable for the number and quality of his scholars, [because he himself had diverted his lectures from forensic and civil causes to mere elegance of language,] changed on a sudden almost his whole system of teaching, and quoted a verse from the tragedy of Philoctetes with a little alteration; for the hero said, that It was disgraceful for him to be silent while he allowed barbarians to speak; but Aristotle said that it was disgraceful for him to be silent

while he allowed Isocrates to speak. He therefore adorned and illustrated all philosophical learning, and associated the knowledge of things with practice in speaking. Nor did this escape the knowledge of that very sagacious monarch Philip, who sent for him as a tutor for his son Alexander, that he might acquire from the same teacher instructions at once in conduct and in language. [142] Now, if any one desires either to call that philosopher, who instructs us fully in things and words, an orator, he may do so without opposition from me; or if he prefer to call that orator, of whom I speak as having wisdom united with eloquence, a philosopher, I shall make no objection, provided it be allowed that neither his inability to speak, who understands his subject but cannot set it forth in words, nor his ignorance, to whom matter is wanting though words abound, can merit commendation; and if I had to choose one of the two, I should prefer uneloquent good sense to loquacious folly. [143] But if it be inquired which is the more eminent excellence, the palm is to be given to the learned orator; and if they allow the same person to be a philosopher, there is an end of controversy; but if they distinguish them, they will acknowledge their inferiority in this respect, that all their knowledge is inherent in the complete orator; but in the knowledge of the philosophers eloquence is not necessarily inherent; which, though it may be undervalued by them, must of necessity be thought to give a finishing grace to their sciences." When Crassus had spoken thus, he made a pause for a while, and the rest kept silence.

XXXVI. [144] Cotta then observed, "I cannot indeed complain, Crassus, that you seem to me to have given a dissertation upon a different subject from that on which you had undertaken to speak; for you have contributed to our conversation more than was either laid upon you by us, or given notice of by yourself. But certainly it was the part that belonged to you, to speak upon the embellishments of language, and you had already entered upon it, and distributed the whole excellence of eloquence into four parts; and, when you had spoken upon the first two, as we indeed thought sufficiently, but, as you said yourself, cursorily and slightly, you had two others left: how we should speak, first, elegantly, and next, aptly. [145] But when you were proceeding to these particulars, the tide, as it were, of your

genius suddenly hurried you to a distance from land, and carried you out into the deep, almost beyond the view of us all; for, embracing all knowledge of everything, you did not indeed teach it us, (for that was impossible in so short a space of time,) but, I know not what improvement you may have made in the rest of the company, as for myself, you have carried me altogether into the heart of the academy, in regard to which I could wish that that were true which you have often asserted, that it is not necessary to consume our lives in it, but that he may see everything in it who only turns his eyes towards it: but even if the view be somewhat obscure, or I should be extraordinarily dull, I shall assuredly never rest, or yield to fatigue, until I understand their doubtful ways and arts of disputing for and against every question." [146] Caesar then said, "One thing in your remarks, Crassus, struck me very much, that you said that he who did not learn anything soon, could never thoroughly learn it at all; so that I can have no difficulty in making the trial, and either immediately understanding what you extolled to the skies in your observations, or, if I cannot do so, losing no time, as I may remain content with what I have already acquired." [147] Here Sulpicius observed, "I, indeed, Crassus, neither desire any acquaintance with your Aristotle, nor Carneades, nor any of the philosophers; you may either imagine that I despair of being able to acquire their knowledge, or that, as is really the case, I despise it. The ordinary knowledge of common affairs, and such as are litigated in the forum, is great enough for me, for attaining that degree of eloquence which is my object; and even in that narrow circle of science I am ignorant of a multitude of things, which I begin to study, whenever any cause in which I am to speak requires them. If, therefore, you are not now fatigued, and if we are not troublesome to you, revert to those particulars which contribute to the merit and splendour of language; particulars which I desired to hear from you, not to make me despair that I can ever possibly attain eloquence, but to make some addition to my stock of learning."

XXXVII. [148] "You require of me," said Crassus, "to speak on matters which are very well known, and with which you, Sulpicius, are not unacquainted; for what rhetorician has not treated of this subject, has not given instructions on it, has not even left something about it in writing? But I will comply with your request, and briefly

explain to you at least such points as are known to me; but I shall still think that you ought to refer to those who are the authors and inventors of these minute precepts. [149] All speech, then, is formed of words, which we must first consider singly, then in composition; for there is one merit of language which lies in single words, another which is produced by words joined and compounded. We shall therefore either use such words as are the proper and fixed names as it were of things, and apparently almost born at the same time with the things themselves; or such as are metaphorical, and placed as it were in a situation foreign to them; or such as we invent and make ourselves. [150] In regard then to words taken in their own proper sense, it is a merit in the orator to avoid mean and obsolete ones, and to use such as are choice and ornamental; such as have in them some fulness and force of sound. But in this kind of proper words, selection is necessary, which must be decided in some measure by the judgment of the ear; in which point the mere habit of speaking well is of great effect. [151] Even what is vulgarly said of orators by the illiterate multitude, He uses proper words, or Such a one uses improper words, is not the result of any acquired skill, but is a judgment arising from a natural sense of what is right; in which respect it is no great merit to avoid a fault, (though it is of great importance to do so,). yet this is the groundwork, as it were and foundation of the whole, namely, the use and command of proper words. [152] But the superstructure which the orator himself is to raise upon this, and in which he is to display his art, appears to be a matter for us to examine and illustrate.

XXXVIII. “There are three qualities, then, in a simple word, which the orator may employ to illustrate and adorn his language; he may choose either an unusual word, or one that is new or metaphorical. [153] Unusual words are generally of ancient date and fashion, and such as have been long out of use in daily conversation; these are allowed more freely to poetical licence than to ours; yet a poetical word gives occasionally dignity also to oratory; nor would I shrink from saying, with Coelius, Qua tempestate Poenus in Italiam venit, ‘At the season when the Carthaginian came into Italy:’ nor proles, ‘progeny;’ nor suboles, ‘offspring;’ nor effari, ‘to utter;’ nor nuncupari, ‘to declare;’ nor, as you are in the habit of saying,

Catulus, non rebar, ‘I did not deem;’ nor non opinabar, ‘I did not opine;’ nor many others, from which, if properly introduced, a speech assumes an air of greater grandeur. [154] New words are such as are produced and formed by the speaker; either by joining words together, as these.

> Tum pavor sapientiam omnem mi exanimato expectorat,
> Then fear expels all wisdom from the breast
> Of me astonished;

or,

> Num non vis huius me versutiloquas malitias?
> Would you not have me dread his cunning malice?

for you see that versutiloquas and expectorat are words not newly produced, but merely formed by composition. But words are often invented, without composition, as the expression of Ennius, Dii genitales, ‘the genial gods; ‘or baccarum ubertate incurviscere, ‘to bend down with the fertile crop of berries.’

[155] “The third mode, that of using words in a metaphorical sense, is widely prevalent, a mode of which necessity was the parent, compelled by the sterility and narrowness of language; but afterwards delight and pleasure made it frequent; for as a dress was first adopted for the sake of keeping off the cold, but in process of time began to be made an ornament of the body, and an emblem of dignity, so the metaphorical use of words was originally invented on account of their paucity, but became common from the delight which it afforded. For even the countrymen say, gemmare vites, that ‘the vines are budding;’ luxuriem esse in herbis, that ‘there is a luxuriancy in the grass;’ and laetas segetes, that ‘there is a bountiful crop;’ for when that which can scarcely be signified by its proper word is expressed by one used in a metaphorical sense, the similitude taken from that which we indicate by a foreign term gives clearness to that which we wish to be understood. [156] These metaphors, therefore, are a species of borrowing, as you take from something else that which you have not of your own. Those have a greater

degree of boldness which do not show poverty, but bring some accession of splendour to our language. But why should I specify to you either the modes of their production or their various kinds?

XXXIX. [157] "A metaphor is a brief similitude contracted into a single word; which word being put in the place of another, as if it were in its own place, conveys, if the resemblance be acknowledged, delight; if there is no resemblance, it is condemned. But such words should be metaphorically used as may make the subject clearer; as all these:

Inhorrescit mare,
Tenebrce conduplicantur, noctisque et nimbum occaecat nigror,
Flamma inter nubes coruscat, caelum tonitru contremit,
Grando mixta imbri largifluo subita pracipitans cadit;
Undique omnes venti erumpunt, saevi existunt turbines;
Fervit aestu pelagus.

The sea begins to shudder,
Darkness is doubled; and the black of night
And of the tempest thickens; fire gleams vivid
Amid the clouds; the heavens with thunder shake;
Hail mixed with copious rain sudden descends
Precipitate; from all sides every blast
Breaks forth; fierce whirlwinds gather, and the flood
Boils with fresh tumult.

Here almost everything is expressed in words metaphorically adapted from something similar, that the description may be heightened. [158] Or metaphors are employed that the whole nature of any action or design may be more significantly expressed; as in the case of him who indicates, by two metaphorical words, that another person was designedly obscure, in order that what he intended might not be understood,

Quandoquidem is se circumvestit dictis, saepit sedulo,
Since thus he clothes himself around with words,

And hedges constantly.

"Sometimes, also, brevity is the object attained by metaphor; as, Si telum manu fugit, 'If from his hand the javelin fled.' The throwing of a missile weapon unawares could not be described with more brevity in the proper words than it is signified by one used metaphorically. [159] On this head, it often appears to me wonderful why all men are more delighted with words used in a metaphorical or foreign sense than in their own proper and natural signification. XL. For if a thing has not a name of its own, and a term peculiar to it, as the pes, or 'hawser,' in a ship; nexum, a 'bond,' which is a ceremony performed with scales; divortium, a 'divorce,' with reference to a wife, necessity compels you to borrow from another what you have not yourself; but, even in the greatest abundance of proper words, men are much more charmed with such as are uncommon, if they are used metaphorically with judgment. [160] This happens, I imagine, either because it is some manifestation of wit to jump over such expressions as lie before you, and catch at others from a greater distance; or because he who listens is led another way in thought, and yet does not wander from the subject, which ia a very great pleasure; or because a subject, and entire comparison, is despatched in a single word; or because every metaphor that is adopted with judgment is directed immediately to our senses, and principally to the sense of sight, which is the keenest of them all. [161] For such expressions as the odour of urbanity, the softness of humanity, the murmur of the sea, and sweetness of language, are derived from the other senses; but those which relate to the sight are much more striking, for they place almost in the eye of the mind such objects as we cannot see and discern by the natural eyes. There is, indeed, nothing in universal nature, the proper name and term of which we may not use with regard to other matters; for whencesoever a simile may be drawn (and it may be drawn from anything), from thence a single word, which contains the resemblance, metaphorically applied, may give illustration to our language. [162] In such metaphorical expressions, dissimilitude is principally to be avoided; as,

Caeli ingentes fornices,
The arch immense of heaven;

for though Ennius is said to have brought a globe upon the stage, yet the semblance of an arch can never be inherent in the form of a globe.

Vive, Ulixes, dum licet:
Oculis postremum lumen radiatum rape.
Live, live, Ulysses, while you may, and snatch,
Snatch with thine eyes the last light shining on them.

He did not say, cape, 'take,' nor pete, 'seek.' for such expressions might have implied delay, as of one hoping to live longer; but rape, 'snatch,' a word which was peculiarly suitable to what he had said before, dum licet, 'while you may.'

XLI. [163] "Care is next to be taken that the simile be not too far-fetched; as, for 'the Syrtis of his patrimony,' I should rather have said, 'the rock;' for 'the Charybdis of his possessions,' rather 'the gulf:' for the eyes of the mind are more easily directed to those objects which we have seen, than to those of which we have only heard. And since it is the greatest merit in a metaphorical word, that what is metaphorical should strike the senses, all offensiveness is to be avoided in those objects to which the comparison must naturally draw the minds of the audience. [164] I would not have it said that the republic was 'castrated' by the death of Africanus; I would not have Glaucia called 'the excrement of the senate;' for though there may be a resemblance, yet it is a depraved imagination in both cases that gives rise to such a comparison. I would not have the metaphor grander than the subject requires, as 'a tempest of revelling;' nor meaner, as 'the revelling of the tempest.' I would not have the metaphorical be of a more confined sense than the proper and peculiar term would have been; as,

Quidnam est, obsecro, quid te adiri abnutas?
Why is it, prythee, that thou nodd'st us back
From coming to thee?

Vetas, prohibes, absterres, ‘forbid,’ ‘hinder,’ ‘terrify,’ had been better, because he had before said,

> Fly quickly hence,
> Lest my contagion or my shadow fall
> On men of worth.

[165] Also, if you apprehend that the metaphor may appear too harsh, it may frequently be softened by prefixing a word or words to it; as if, in old times, on the death of Marcus Cato, any one had said that the senate was left ‘an orphan,’ the expression had been rather bold; but, ‘so to speak, an orphan,’ is somewhat milder; for a metaphor ought not to be too daring, but of such a nature that it may appear to have been introduced into the place of another expression, not to have sprung into it; to have come in by entreaty, and not by violence. [166] And there is no mode of embellishment more effective as regards single words, nor any that throws a greater lustre upon language; for the ornament that flows from this figure does not consist merely in a single metaphorical word, but may be connected by a continuation of many, so that one thing may be expressed and another understood; as,

> Nor will I allow
> Myself again to strike the Grecian fleet
> On the same rock and instrument of ruin.

And this,

> You err, you err, for the strong reins of law
> Shall hold you back, exulting and confiding
> Too much in your own self, and make you bow
> Beneath the yoke of empire.

Something being assumed as similar, the words which are proper to it are metaphorically transferred (as I termed it before) to another subject.

XLII. [167] “This is a great ornament to language, but obscurity is to be avoided in it; for from this figure arise what are called

aenigmas. Nor is this rule to be observed in single words only, but in phrases, that is, in a continuation of words. Nor have metonymy and hypallage their form from a single word, but from a phrase or sentence; as,

Grim Afric trembles with an awful tumult;

where for the Africans is used Afric; not a word newly impounded, as in Mare saxifragis undis, 'The sea with its rock-breaking waves;' nor a metaphorical one, as, Mollitur mare, 'The sea is softened;' but one proper name exchanged for another, for the sake of embellishment. Thus, 'Cease, Rome, thy foes to cherish,' and, 'The spacious plains are witnesses. This figure contributes exceedingly to the ornament of style, and is frequently to be used; of which kind of expression these are examples: that the Mars, or fortune, of war is common; and to say Ceres, for corn; Bacchus, for wine; Neptune, for the sea; the curia, or house, for the senate; the campus, for the comitia or elections; the gown, for peace; arms or weapons for war. [168] Under this figure, the virtues and vices are used for the persons in whom they are inherent: 'Luxury has broken into that house;' or, 'whither avarice has penetrated;' or, 'honesty has prevailed;' or, 'justice has triumphed.' You perceive the whole force of this kind of figure, when, by the variation or change of a word, a thing is expressed more elegantly; and to this figure is closely allied another, which, though less ornamental, ought not to be unknown; as when we would have the whole of a thing understood from a part; as we say walls or roof for a whole building; or a part from the whole, as when we call one troop the cavalry of the Roman people; or when we signify the plural by the singular, as,

But still the Roman, though the affair has been
Conducted well, is anxious in his heart;

or when the singular is understood from the plural,

We that were Rudians once are Romans now;

or in whatever way, by this figure, the sense is to be understood, not as it is expressed, but as it is meant.

XLIII. [169] "We often also put one word catachrestically for another, not with that elegance, indeed, which there is in a metaphor;

but, though this is done licentiously, it is sometimes done inoffensively; as when we say a great speech for a long one, a minute soul for a little one.

"But have you perceived that those elegances which arise from the connexion of several metaphors, do not, as I observed, lie in one word, but in a series of words? But all those modes of expression which, I said, lay in the change of a word, or are to be understood differently from what is expressed, are in some measure metaphorical. [170] Hence it happens, that all the virtue and merit of single words consists in three particulars: if a word be antique, but such, however, as usage will tolerate; if it be formed by composition, or newly invented, where regard is to be paid to the judgment of the ear and to custom; or if it be used metaphorically; peculiarities which eminently distinguish and brighten language, as with so many stars.

[171] "The composition of words follows next, which principally requires attention to two things; first, collocation, and, next, a certain modulation and form. To collocation it belongs to compose and arrange the words in such a way that their junction may not be rough or gaping, but compact, as it were, and smooth; in reference to which qualities of style, the poet Lucilius, who could do so most elegantly, has expressed himself wittily and sportively in the character of my father-in-law:

> How elegantly are his words arranged!
> All like square stones inserted skilfully
> In pavements, with vermiculated emblems!

And after saying this in ridicule of Albucius, he does not refrain from touching on me:

> I've Crassus for a son-in-law, nor think
> Yourself more of an orator.

What then? this Crassus, of whose name you, Lucilius, make such free use, what does he attempt? The very same thing indeed as Scaevola wished, and as I would wish, but with somewhat better effect than Albucius. But Lucilius spoke jestingly with regard to me,

according to his custom. [172] However, such an arrangement of words is to be observed, as that of which I was speaking; such a one as may give a compactness and coherence to the language, and a smooth and equal flow; this you will attain if you join the extremities of the antecedent words to the commencements of those that follow in such a manner that there be no rough clashing in the consonants, nor wide hiatus in the vowels.

XLIV. [173] "Next to diligent attention to this particular, follows modulation and harmonious structure of the words; a point, I fear, that may seem puerile to our friend Catulus here. The ancients, however, imagined in prose a harmony almost like that of poetry; that is, they thought that we ought to adopt a sort of numbers; for they wished that there should be short phrases in speeches, to allow us to recover, and not loss our breath; and that they should be distinguished, not by the marks of transcribers, but according to the modulation of the words and sentences; and this practice Isocrates is said to have been the first to introduce, that he might (as his scholar Naucrates writes) 'confine the rude manner of speaking among those of antiquity within certain numbers, to give pleasure and captivate the ear.' [174] For musicians, who were also the poets of former ages, contrived these two things as the ministers of pleasure, verse, and song; that they might banish satiety from the sense of hearing by gratification, arising from the numbers of language and the modulation, of notes. These two things, therefore, (I mean the musical management of the voice, and the harmonious structure of words,) should be transferred, they thought, as far as the strictness of prose will admit, from poetry to oratory. [175] On this head it is remarkable, that if a verse is formed by the composition of words in prose, it is a fault; and yet we wish such composition to have a harmonious cadence, roundness, and finish, like verse; nor is there any single quality, out of many, that more distinguishes a true orator from an unskilful and ignorant speaker, than that he who is unpractised pours forth all he can without discrimination, and measures out the periods of his speech, not with art, but by the power of his breath; but the orator clothes his thoughts in such a manner as to comprise them in a flow of numbers, at once confined to measure, yet free from restraint; [176] for, after restricting it to proper

modulation and structure, he gives it an ease and freedom by a variety in the flow, so that the words are neither bound by strict laws, as those of verse, nor yet have such a degree of liberty as to wander without control.

XLV. “In what manner, then, shall we pursue so important an object, so as to entertain hopes of being able to acquire this talent of speaking in harmonious numbers? It is not a matter of so much difficulty as it is of necessity; for there is nothing so pliant, nothing so flexible, nothing which will so easily follow whithersoever you incline to lead it, as language; [177] out of which verses are composed; out of which all the variety of poetical numbers; out of which also prose of various modulation and of many different kinds; for there is not one set of words for common discourse, and another for oratorical debate; nor are they taken from one class for daily conversation, and from another for the stage and for display; but, when we have made our selection from those that lie Before us, we form and fashion them at our pleasure like the softest wax. According, therefore, as we ourselves are grave, or subtle, or hold a middle course between both, so the form of our language follows the nature of our thoughts, and is changed and varied to suit every method by which we delight the ear or move the passions of mankind. [178] But as in most things, so in language, Nature herself has wonderfully contrived, that what carries in it the greatest utility, should have at the same time either the most dignity, or, as it often happens, the most beauty. We perceive the very system of the universe and of nature to be constituted with a view to the safety and preservation of the whole; so that the firmament should be round, and the earth in the middle, and that it should be held in its place by its own nature and tendency; that the sun should go round, that it should approach to the winter sign, and thence gradually ascend to the opposite region; that the moon, by her advance and retreat, should receive the light of the sun; and that the five planets should perform the same revolutions by different motions and courses. [179] This order of things has such force, that, if there were the least alteration in it, they could not possibly subsist together; and such beauty, that no fairer appearance of nature could even be imagined. Turn your thoughts now to the shape and figure of man, or even that of other

animals; you will find no part of the body fashioned without some necessary use, and the whole frame perfected as it were by art, not by chance. XLVI. How is it with regard to trees, of which neither the trunk, nor the boughs, nor even the leaves, are formed otherwise than to maintain and preserve their own nature, yet in which there is no part that is not beautiful? [180] Or let us turn from natural objects, and cast our eyes on those of art; what is so necessary in a ship as the sides, the hold, the prow, the stern, the yards, the sails, the masts? which yet have so much beauty in their appearance, that they seem to have been invented not for safety only, but also for the delight afforded by the spectacle. Pillars support temples and porticoes, and yet have not more of utility than of dignity. It was not regard to beauty, but necessity, that contrived the cupola of the Capitol, and other buildings; for when a plan was contemplated by which the water might run off from each side of the roof, the dignity of the cupola was added to the utility of the temple; but in such a manner, that should the Capitol be built in heaven, where no rain can fall, it would appear to have no dignity without the cupola. [181] It happens likewise in all parts of language, that a certain agreeableness and grace are attendant on utility, and, I may say, on necessity; for the stoppage of the breath, and the confined play of the lungs, introduced periods and the pointing of words. This invention gives such gratification, that, if unlimited powers of breath were granted to a person, yet we could not wish him to speak without stopping; for the invention of stops is pleasing to the ears ot mankind, and not only tolerable, but easy, to the lungs.

XLVII. [182] "The largest compass of a period, then, is that which can be rounded forth in one breath. This is the bound set by nature; art has other limits; for as there is a great variety of numbers, your favourite Aristotle, Catulus, inclines to banish from oratorical language the frequent use of the iambus and the trochee; which, however, fall of themselves naturally into our common discourse and conversation; but the strokes of time in those numbers are remarkable, and the feet short. He therefore principally invites us to the heroic measure, [of the dactyl, the anapaest, and the spondee;] in which we may proceed with impunity two feet only, or a little more, lest we plainly fall into verse, or the resemblance of verse;

Altae | sunt gemi | nae quibus

These three heroic feet fall in gracefully enough with the beginnings of continuations of words. [183] But the paeon is most of all approved by Aristotle; it is of two kinds; for it either begins with a long syllable which three short syllables follow, as in these words, desinite, incipite, comprimite; or with a succession of three short syllables, the last being produced and made long, as in these words, domuerant, sonipedes; and it is agreeable to the notions of that philosopher to commence with the former paeon, and to conclude with the latter; and this latter paeon is almost equal, not indeed in the number of the syllables, but by the measure of the ear, which is a more acute and certain method of judgment, to the cretic, which consists of a long, a short, and a long syllable; as in this verse,

Quid petam praesidi, aut exsequar? Quove nunc?

With which kind of foot Fannius began, Si, Quirites, Minas illius. This Aristotle thinks better adapted to conclusions of periods, which he wishes to be terminated generally by a syllable that is long.

XLVIII. [184] "But these numbers in oratory do not require such sharp-sighted care and diligence as that which must be used by poets, whom necessity compels, as do the very numbers and measures, so to include the words in versification, as that no part may be, even by the least breath, shorter or longer than the metre absolutely demands. Prose has a more free scope, and is plainly, as it is called, soluta, unconfined, yet not so that it may fly off or wander without control, but may regulate itself without being absolutely in fetters; for I agree in this particular with Theophrastus, who thinks that style, at least such as is to a certain degree polished and well constructed, ought to be numerous, yet not as in confinement, but at ease. [185] For, as he suspects, from those feet of which the common hexameter verse is formed, grew forth afterwards the anapaestic, a longer kind of measure; thence flowed the still more free and rich dithyramb, the members and feet of which, as the same writer observes, are diffused through all style, that is enriched with the distinguishing ornaments of eloquence. And if that is numerous in all sounds and words, which gives certain strokes as it were, and which we can measure by equal intervals, this harmony of numbers, if it be free from sameness, will be justly considered a merit in the oratorical style. Since if perpetual

and ever-flowing loquacity, without any pauses, is to be thought rude and unpolished, what other reason is there why it should be disliked, except that Nature herself modulates the voice for the human ear? and this could not be the case unless numbers were inherent in the human voice. [186] But in an uninterrupted continuation of sound there are no numbers; distinction, and strokes at equal or often varied intervals, constitute numbers; which we may remark in the falling of drops of water, because they are distinguished by intervals, but which we cannot observe in the rolling stream of a river. But as this unrestrained composition of words is more eligible and harmonious, if it be distinguished into parts and members, than if it be carried on without intermission, those members ought to be measured by a certain rule of proportion; for if those at the end are shorter, the compass as it were of the words is made irregular; the compass, I say, for so the Greeks denominate these rounded divisions of style; the subsequent clauses in a sentence, therefore, ought to be equal to the antecedent, the last to the first; or, which has a better and more pleasing effect, of a greater length.

XLIX. [187] "These precepts are given by those philosophers to whom you, Catulus, have the greatest attachment; a remark which I the oftener make, that by referring to my authors, I may avoid the charge of impertinence." "Of what sort of impertinence?" said Catulus; "or what could be brought before us more elegant than this discussion of yours, or expressed more judiciously?" [188] "But still I am afraid," said Crassus, "lest these matters should either appear to these youths too difficult for study, or lest, as they are not given in the common rules of instruction, I should appear to have an inclination that they should seem of more importance and difficulty than they really are." Catulus replied, "You are mistaken, Crassus, if you imagine that either I or any of the company expected from you those ordinary or vulgar precepts; what you say is what we wished to be said; and not so much indeed to be said, as to be said in the very manner in which you have said it; nor do I answer for myself only, but for all the rest, without the least hesitation." [189] "And I," said Antonius, "have at length discovered such a one as, in the book which I wrote, I said that I had never found, a person of eloquence; but I never interrupted you, not even to pay you a compliment, for

this reason, that no part of the short time allotted for your discourse might be diminished by a single word of mine."

[190] "To this standard, then," proceeded Crassus, "is your style to be formed, as well by the practice of speaking, as by writing, which contributes a grace and refinement to other excellences, but to this in a more peculiar manner. Nor is this a matter of so much labour as it appears to be; nor are our phrases to be governed by the rigid laws of the cultivators of numbers and music; and the only object for our endeavours is, that our sentences may not be loose or rambling, that they neither stop within too narrow a compass, nor run out too far; that they be distinguished into clauses, and have well-rounded periods. Nor are you to use perpetually this fulness and as it were roundness of language, but a sentence is often to be interrupted by minuter clauses, which very clauses are still to be modulated by numbers. [191] Nor let the paeon or heroic foot give you any alarm; they will naturally come into your phrases; they will, I say, offer themselves, and will answer without being called; only let it be your care and practice, both in writing and speaking, that your sentences be concluded with verbs, and that the junction of those verbs with other words proceed with numbers that are long and free, especially the heroic feet, the first paeon, or the cretic; but let the cadence be varied and diversified; for it is in the conclusion that sameness is chiefly remarked. And if these measures are observed at the beginning and at the conclusion of sentences, the intermediate numbers may be disregarded; only let the compass of your sentence not be shorter than the ear expects, nor longer than your strength and breath will allow.

L. [192] "But I think that the conclusions of periods ought to be studied more carefully than the former parts; because it is chiefly from these that the finish of style is judged; for in a verse, the commencement of it, the middle, and the extremity are equally regarded; and in whatever part it fails, it loses its force; but in a speech, few notice the beginnings, but almost all the closes, of the periods, which, as they are observable and best understood, should be varied, lest they be disapproved, either by the judgment of the understanding or by the satiety of the ear. [193] For the two or three feet towards the conclusion are to be marked and noted, if the

preceding members of the sentence were not extremely short and concise; and these last feet ought either to be trochees, or heroic feet, or those feet used alternately, or to consist of the latter paeon, of which Aristotle approves, or, what is equal to it, the cretic. An interchange of such feet will have these good effects, that the audience will not be tired by an offensive sameness, and that we shall not appear to make similar endings on purpose. [194] But if the famous Antipater of Sidon, whom you, Catulus, very well remember, used to pour forth extempore hexameter and other verses, in various numbers and measures, and if practice had so much power in a man of great ability and memory, that whenever he turned his 'thoughts and inclinations upon verse, the words followed of course, how much more easily shall we attain this facility in oratory, when application and exercise are used!

[195] "Nor let any one wonder how the illiterate part of an audience observe these things when they listen to a speech; since, in all other things, as well as in this, the force of nature ia great and extraordinary; for all men, by a kind of tacit sense, without any art or reasoning, can form a judgment of what is right and wrong in art and reasoning; and as they do this with regard to pictures, statues, and other works, for understanding which they have less assistance from nature, so they display this faculty much more in criticising words, numbers, and sounds of language, because these powers are inherent in our common senses, nor has nature intended that any person should be utterly destitute of judgment in these particulars. [196] All people are accordingly moved, not only by words artfully arranged, but also by numbers and the sounds of the voice. How few are those that understand the science of numbers and measures! yet if in these the smallest offence be given by an actor, so that any sound is made too short by contraction, or too long by extension, whole theatres burst into exclamations. Does not the same thing also happen with regard to musical notes, that not only whole sets and bands of musicians are turned out by the multitude and the populace for varying one from another, but even single performers for playing out of tune?

LI. [197] “It is wonderful, when there is a wide interval of distinction betwixt the learned and illiterate in acting, how little difference there is in judging; for art, being derived from nature, appears to have effected nothing at all if it does not move and delight nature. And there is nothing which so naturally affects our minds as numbers and the harmony of sounds, by which we are excited, and inflamed, and soothed, and thrown into a state of languor, and often moved to cheerfulness or sorrow; the most exquisite power of which is best suited to poetry and music, and was not, as it seems to me, undervalued by our most learned monarch Numa and our ancestors, (as the stringed and wind instruments at the sacred banquets and the verses of the Salii sufficiently indicate,) but was most cultivated in ancient Greece; [concerning which subjects, and similar ones, I could wish that you had chosen to discourse, rather than about these puerile verbal metaphors!] [198] But as the common people notice where there is anything faulty in a verse, so they are sensible of any lameness in our language; but they grant the poet no pardon; to us they show some indulgence; but all tacitly discern that what we have uttered has not its peculiar propriety and finish. The speakers of old, therefore, as we see some do at the present day, when they were unable to complete a circuit and, as it were, roundness of period, (for that is what we have recently begun, indeed, either to effect or attempt,) spoke in clauses consisting of three, or two words, or sometimes uttered only a dingle word at a time; and yet in that infancy of our tongue they understood the natural gratification which the human ears required, and even studied that what they spoke should be expressed in correspondent phrases, and that they should take breath at equal intervals.

LII. [199] “I have now shown, as far as I could, what I deemed most conducive to the embellishment of language; for I have spoken of the merits of single words; I have spoken of them in composition; I have spoken of the harmony of numbers and structure. But if you wish me to speak also of the form and, as it were, complexion of eloquence, there is one sort which has a fulness, but is free from tumour; one which is plain, but not without nerve and vigour; and one which, participating of both these kinds, is commended for a certain middle

quality. In each of these three forms there ought to be a peculiar complexion of beauty, not produced by the daubing of paint, but diffused throughout the system by the blood. [200] Then, finally, this orator of ours is so to be finished as to his style and thoughts in general, that, as those who study fencing and polite exercises, not only think it necessary to acquire a skill in parrying and striking, but also grace and elegance of motion, so he may use such words as are suited to elegant and graceful composition, and such thoughts as contribute to the impressiveness of language. Words and thoughts are formed in almost innumerable ways; as is, I am sure, well known to you; but betwixt the formation of words and that of thoughts there is this difference, that that of the words is destroyed if you change them, that of the thoughts remains, whatever words you think proper to use. [201] But I think that you ought to be reminded (although, indeed, you act agreeably to what I say) that you should not imagine there is anything else to be done by the orator, at least anything else to produce a striking and admirable effect, than to observe these three rules with regard to single words; to use frequently metaphorical ones, sometimes new ones, and rarely very old ones.

"But with regard to continuous composition, when we have acquired that smoothness of junction and harmony of numbers which I have explained, our whole style of oratory is to be distinguished and frequently interspersed with brilliant lights, as it were, of thoughts and of words. LIII. [202] For the dwelling on a single circumstance has often a considerable effect; and a clear illustration and exhibition of matters to the eye of the audience, almost as if they were transacted before them. This has wonderful influence in giving a representation of any affair, both to illustrate what is represented, and to amplify it, so that the point which we amplify may appear to the audience to be really as great as the powers of our language can represent it. Opposed to this is rapid transition over a thing, which may often be practised. There is also signification that more is to be understood than you have expressed; distinct and concise brevity; and extenuation, and, what borders upon this, ridicule, not very different from that which was the object of Caesar's instructions; [203] and digression from the subject, and when gratification has thus been afforded, the return to the subject ought to be happy and elegant;

proposition of what you are about to say, transition from what has been said, and retrogression; there is repetition; apt conclusion of reasoning; exaggeration, or surpassing of the truth, for the sake of amplification or diminution; interrogation, and, akin to this, as it were, consultation or seeming inquiry, followed by the delivery of your own opinion; and dissimulation, the humour of saying one thing and signifying another, which steals into the minds of men in a peculiar manner, and which is extremely pleasing when it is well managed, not in a vehement strain of language, but if a conversational style; also doubt; and distribution; and correction of yourself, either before or after you have said a thing, or when you repel anything from your self; [204] there is also premunition, with regard to what you are going to prove; there h the transference of Wave to another person; there is communication, or consultation as it were, with the audience before whom you are speaking; imitation of manners and character, either with names of persons or without, which is a great ornament to a speech, and adapted to conciliate the feelings even in the utmost degree, and often also to rouse them; [205] the introduction of fictitious characters, the most heightened figure of exaggeration; there is description; falling into a wilful mistake; excitement of the audience to cheerfulness; anticipation; comparison and example, two figures which have a very great effect; division; interruption; contention; suppression; commendation; a certain freedom and even uncontrolledness of language, for the purpose of exaggeration; anger; reproach; promise; deprecation; beseeching; slight deviation from your intended course, but not like digression, which I mentioned before; expurgation; conciliation; attack; wishing; execration. Such are the figures with which thoughts give lustre to a speech.

LIV. [206] "Of words themselves, as of arms, there is a sort of threatening and attack for use, and also a management for grace. For the reiteration of words has sometimes a peculiar force, and sometimes elegance; as well as the variation or deflexion of a word from its common signification; and the frequent repetition of the same word in the beginning, and recurrence to it at the end, of a period; forcible emphasis on the same words; conjunction; adjunction; progression, a sort of distinction as to some word often

used; the recal of a word; the use of words, also, which end similarly, or have similar cadences, or which balance one another, or which correspond to one another. [207] There is also a certain gradation, a conversion, an elegant exaggeration of the sense of words; there is antithesis, asyndeton, declination reprehension, exclamation, diminution; the use of the same word in different cases; the referring of what is derived from many particulars to each particular singly; reasoning subservient to jour proposition, and reasoning suited to the order of distribution; concession; and agein another kind of doubt; the introduction of something unexpected; enumeration; another correction; division; continuation; interruption; imagery; answering your own questions; immutation; disjunction; order; relation; digression; and circumscription. [208] These are the figures, and others like these, or there may even be more, which adorn language by peculiarities in thought or structure of style."

LV. "These remarks, Crassus," said Cotta, "I perceive that you have poured forth to us without any definitions or examples, because you imagined us acquainted with them." "I did not, indeed," said Crassus, "suppose that any of the things which I previously mentioned were new to you, but acted merely in obedience to the inclinations of the whole company. [209] But in these particulars the sun yonder admonished me to use brevity, which, hastening to set, compelled me also to throw out these observations almost too hastily. But explanations, and even rules on this head, are common, though the application of them is most important, and the most difficult of anything in the whole study of eloquence.

[210] "Since, then, all the points which relate to all the ornamental parts of oratory are, if not illustrated, at least pointed out, let us now consider what is meant by propriety, that is, what is most becoming, in oratory. It is, however, clear that no single kind of style can be adapted to every cause, or every audience, or every person, or every occasion. [211] For capital causes require one style of speaking, private and inferior causes another; deliberations require one kind of oratory, panegyric another, judicial proceedings another, common conversation another, consolation another, reproof another, disputation another, historical narrative another. It is of consequence also to consider who form the audience, whether the senate, or the

people, or the judges; whether it is a large or a small assembly, or a single person, and of what character; it ought to be taken into account, too, who the speakers themselves are, of what age, rank, and authority; and the time also, whether it be one of peace or war, of hurry or leisure. [212] On this head, therefore, no direction seems possible to be given but this, that we adopt a character of style, fuller, plainer, or middling, suited to the subject on which we are to speak; the same ornaments we may use almost constantly, but sometimes in a higher, sometimes in a lower strain; and it is the part of art and nature to be able to do what is becoming on every occasion; to know what is becoming, and when, is an affair of judgment.

LVI. [213] "But all these parts of oratory succeed according as they are delivered. Delivery, I say, has the sole and supreme power in oratory; without it, a speaker of the highest mental capacity can be held in no esteem; while one of moderate abilities, with this qualification, may surpass even those of the highest talent. To this Demosthenes is said to have assigned the first place, when he was asked what was the chief requisite in eloquence; to this the second, and to this the third. For this reason, I am wont the more to admire what was said by Aeschiues, who, when he had retired from Athens, on account of the disgrace of having lost his cause, and betaken himself to Rhodes, is reported to have read, at the entreaty of the Rhodians, that excellent oration which he had spoken against Ctesiphon, in opposition to Demosthenes; and when he had concluded it, he was asked to read, next day that also which had been published by Demosthenes on the other side in favour of Ctesiphon; and when he had read this too in a most pleasing and powerful tone of voice, and all expressed their admiration, How much more would you have admired it, said he, if you had heard him deliver it himself! By this remark, he sufficiently indicated how much depends on delivery, as he thought the same speech would appear different if the speaker were changed. [214] What was it in Gracchus, whom you, Catulus, remember better, that was so highly extolled when I was a boy? Whither shall I, unhappy wretch, betake myself? Whither shall I turn? To the Capitol? But that is drenched with the blood of my brother! Or to my home, that I may see my distressed and afflicted mother in all the agony of lamentation? These words, it was allowed,

were uttered by him with such delivery, as to countenance, voice, and gesture, that his very enemies could not restrain their tears. I dwell the longer on these particulars, because the orators, who are the deliverers of truth itself, have neglected this whole department, and the players, who are only the imitators of truth, have taken possession of it.

LVII. [215] "In everything, without doubt, truth has the advantage over imitation; and if truth were efficient enough in delivery of itself, we should certainly have no need for the aid of art. But as that emotion of mind, which ought to be chiefly expressed or imitated in delivery, is often so confused as to be obscured and almost overwhelmed, the peculiarities which throw that veil over it are to be set aside, and such as are eminent and conspicuous to be selected. [216] For every emotion of the mind has from nature its own peculiar look, tone, and gesture; and the whole frame of a man, and his whole countenance, and the variations of his voice, sound like strings in a musical instrument, just as they are moved by the affections of the mind. For the tones of the voice, like musical chords, are so wound up as to be responsive to every touch, sharp, flat, quick, slow, loud, gentle; and yet, among all these, each in its kind has its own middle tone. From these tones, too, are derived many other sorts, as the rough, the smooth, the contracted, the broad, the protracted, and interrupted; the broken and divided, the attenuated and inflated, with varieties of modulation; [217] for there is none of these, or those that resemble them, which may not be influenced by art and management; and they are presented to the orator, as colours to the painter, to produce variety.

LVIII. "Anger, for instance, assumes a particular tone of voice, acute, vehement, and with frequent breaks:

> My impious brother drives me on, ah wretched!
> To tear my children with my teeth!

and in those lines which you, Antonius, cited awhile ago:

> Have you, then, dared to separate him from you?

and,

> Does any one perceive this? Bind him

and almost the whole tragedy of Atreus. But lamentation and bewailing assumes another tone, flexible, full, interrupted, in a voice of sorrow: as,

> Whither shall I now turn myself? what road
> Shall I attempt to tread? Home to my father,
> Or go to Pelias' daughters?

and this,

> O father, my country, House of Priam!

and that which follows,

> All these did I behold enwrapt in flames,
> And life from Priam torn by violence.

[218] Fear has another tone, desponding, hesitating, abject:

> In many ways am I encompass'd round!
> By sickness, exile, want. And terror drives
> All judgment from my breast, deprived of sense!
> One threats my life with torture and destruction,
> And no man has so firm a soul, such boldness,
> But that his blood shrinks backward, and his look
> Grows pale with timid fear.

[219] Violence has another tone, strained, vehement, impetuous, with a kind of forcible excitement:

> Again Thyestes comes to drag on Atreus:
> Again attacks me, and disturbs my quiet:
> Some greater storm, some greater ill by me
> Must be excited, that I may confound
> And crush his cruel heart.

Pleasure another, unconstrained, mild, tender, cheerful, languid:

> But when she brought for me the crown design' d
> To celebrate the nuptials, 'twas to thee

She offer'd it, pretending that she gave it
To grace another; then on thee she placed it
Sportive, and graceful, and with delicacy.

Trouble has another tone; a sort of gravity without lamentation; oppressed, as it were, with one heavy uniform sound:

'Twas at the time when Paris wedded Helen
In lawless nuptials, and when I was pregnant,
My months being nearly ended for delivery,
Then, at that very time, did Hecuba
Bring forth her latest offspring, Polydore.

LIX. [220] "On all those emotions a proper gesture ought to attend; not the gesture of the stage, expressive of mere words, but one showing the whole force and meaning of a passage, not by gesticulation, but by emphatic delivery, by a strong and manly exertion of the lungs, not imitated from the theatre and the players, but rather from the camp and the palaestra. The action of the hand should not be too affected, but following the words rather than, as it were, expressing them by mimicry; the arm should be considerably extended, as one of the weapons of oratory; the stamping of the foot should be used only in the most vehement efforts, at their commencement or conclusion. [221] But all depends on the countenance; and even in that the eyes bear sovereign sway; and therefore the oldest of our countrymen showed the more judgment in not applauding even Roscius himself to any great degree when he performed in a mask; for all the powers of action proceed from the mind, and the countenance is the image of the mind, and the eyes are its interpreters. This, indeed, is the only part of the body that can effectually display as infinite a number of significations and changes, as there is of emotions in the soul; nor can any speaker produce the same effect with his eyes shut, as with them open. Theophrastus indeed has told us, that a certain Tauriscus used to say, that a player who pronounced his part gazing on any particular object was like one who turned his back on the audience. [222] Great care in managing the eyes is therefore necessary; for the appearance of the features is not

to be too much varied, lest we fall into some absurdity or distortion. It is the eyes, by whose intense or languid gaze, as well as by their quick glances and gaiety, we indicate the workings of our mind with a peculiar aptitude to the tenor of our discourse; for action is, as it were, the speech of the body, and ought therefore the more to accord with that of the soul. And Nature has given eyes to us, to declare our internal emotions, as she has bestowed a mane, tail, and ears on the horse and the lion. [223] For these reasons, in our oratorical action, the countenance is next in power to the voice, and is influenced by the motion of the eyes. But in everything appertaining to action there is a certain force bestowed by Nature herself; and it is by action accordingly that the illiterate, the vulgar, and even barbarians themselves, are principally moved. For words move none but those who are associated in a participation of the same language; and sensible thoughts often escape the understandings of senseless men; but action, which by its own powers displays the movements of the soul, affects all mankind; for the minds of all men are excited by the same emotions, which they recognise in others, and indicate in themselves, by the same tokens.

LX. [224] "To effectiveness and excellence in delivery the voice doubtless contributes most; the voice, I say, which, in its full strength, must be the chief object of our wishes; and next, whatever strength of voice we have, to cherish it. On this point, how we are to assist the voice has nothing to do with precepts of this kind, though, for my part, I think that we should assist it to the utmost. But it seems not unsuitable to the pin-port of my present remarks, to observe, as I observed a little while ago, 'that in most things what ia most useful is, I know not how, the most becoming;' for nothing is more useful for securing power of voice, than the frequent variation of it; nothing more pernicious than an immoderate straining of it without intermission. [225] And what is more adapted to delight the ear, and produce agreeableness of delivery, than change, variety, and alteration of tone? Caius Gracchus, accordingly, (as you may hear, Catulus, from your client Licinius, a man of letters, whom Gracchus formerly had for his amanuensis,) used to have a skilful person with an ivory pitch-pipe, to stand concealed behind him when he made a speech, and who was in an instant to sound such a note as might

either excite him from too languid a tone, or recal him from one too elevated." "I have heard this before," said Catulus, "and have often admired the diligence of that great man, as well as his learning and knowledge." [226] "And I, too," said Crassus; "and am grieved that men of such talents should fall into such miscarriages with regard to the commonwealth; although the same web is still being woven; and such a state of manners is advancing in the country, and held out to posterity, that we now desire to have citizens such as our fathers would not tolerate." "Forbear, Crassus, I entreat you," interposed Caesar, "from this sort of conversation, and go back to Gracchus's pitch-pipe, of which I do not yet clearly understand the object."

LXI. [227] "There is in every voice," continued Crassus, "a certain middle key; but in each particular voice that key is peculiar. For the voice to ascend gradually from this key is advantageous and pleasing; since to bawl at the beginning of a speech is boorish, and gradation is salutary in strengthening the voice. There is also a certain extreme in the highest pitch, (which, however, is lower than the shrillest cry,) to which the pipe will not allow you to ascend, but will recal you from too strained an effort of voice. There is also, on the other hand, an extreme in the lowest notes, to which, as being of a full sound, we by degrees descend. This variety and this gradual progression of the voice throughout all the notes, will preserve its powers, and add agreeableness to delivery. But you will leave the piper at home, and carry with you into the forum merely the intention of the custom.

[228] "I have said what I could, though not as I wished, but as the shortness of the time obliged me; for it is wise to lay the blame upon the time, when you cannot add more even if you desired." "But," said Catulus, "you have, as far as I can judge, brought together everything upon the subject, and that in so excellent a manner, that you seem not to have received instructions in the art from the Greeks, but to be able to instruct the Greeks themselves. I rejoice that I have been present at your conversation; and could wish that my son-in-law, your friend Hortensius, had also been present; who, I trust, will excel in all those good qualities of which you have treated in this dissertation." [229] "Will excel!" exclaimed Crassus; "I consider that he already excels. I had that opinion of him when he pleaded, in my

consulship, the cause of Africa in the senate; and I found myself still more confirmed in it lately, when he spoke for the king of Bithynia. You judge rightly, therefore, Catulus; for I am convinced that nothing is wanting to that young man, on the part either of nature or of learning. [230] You, therefore, Cotta, and you, Sulpicius, must exert the greater vigilance and industry; for he is no ordinary orator, who is springing up to rival those of your age; but one of a penetrating genius, and an ardent attachment to study, of eminent learning, and of singular powers of memory; but, though he is a favourite of mine, I only wish him to excel those of his own standing; for to desire that he, who is so much younger, should outstrip you, is hardly fair. But let us now arise, and refresh ourselves, and at length relieve our minds and attention from this fatiguing discussion."

DE PARTITIONIBUS ORATORIAE (About the Subdivisions of Oratory)

Translated by C. D. Yonge

This rhetorical treatise is presented in the form of questions and answers, written by Cicero as a handbook for his young son, Marcus. Composed circa 54 BC, when Cicero was particularly interested in Marcus' education, he was unsatisfied with the boy's teacher and so expressed interest in teaching Marcus himself. The boy was eleven years of age and the simple structure of the treatise of questions and answers would have been very appropriate for this age.

The treatise begins when Cicero's son asks his father, "I wish…to hear the rules concerning the principles of speaking…Into how many parts is the whole system of speaking divided?" His father replies, "Is there anything, my Cicero, which I can be more desirous of than that you should be as learned as possible?" Cicero then undertakes a systematic discussion of eloquence. He explains how rhetoric is arranged under three headings – "first of all, the power of the orator; secondly, the speech; thirdly, the subject of the speech." The power of the orator consists of ideas and words, which must be "discovered and arranged." "To discover" applies mostly to ideas and "to be eloquent" applies more to language. There are five "companions of eloquence" - "voice, gesture, expression of countenance,…action,… and memory.". There are four parts of a speech: two of them explain a subject – "narration" and "confirmation;" two of them excite the minds of the hearers – "the opening" and "the peroration" (the conclusion). The narration and confirmation add credibility to the speech while the opening and conclusion should produce feelings.

He then goes on to say the "cause" or subject of a speech is "divided according to the divisions of hearers." There are three kinds of subjects: embellishment, aimed to give pleasure; judicial, aimed to

either make a judge punish or forgive; and deliberation, aimed to persuade the assembly to either hope or fear (see Aristotle on rhetorical genre). Of these causes, Cicero goes deepest into judicial oratory, therefore emphasizing "the desirableness of maintaining the laws, and the danger with which all public and private affairs are threatened."

Cicero concludes the treatise with a humanistic view of rhetoric that praises expansive education: "And without a knowledge of these most important arts how can an orator have either energy or variety in his discourse, so as to speak properly of things good or bad, just or unjust, useful or useless, honourable or base?"

A DIALOGUE CONCERNING ORATORICAL PARTITIONS.

The persons introduced in this dialogue are Cicero and his son. It is not known when, or under what circumstances it was written.

I. *Cicero Fil.* I wish, my father, to hear from you in Latin the rules which you have already given me in Greek, concerning the principles of speaking, if at least you have leisure and inclination to instruct me in them.

Cicero Pat. Is there anything, my Cicero, which I can be more desirous of than that you should be as learned as possible? And in the first place, I have the greatest possible leisure, since I have been able to leave Rome for a time; and in the next place, I would willingly postpone even my own most important occupations to the furthering of your studies.

C. F. Will you allow me, then, to ask you questions in my turn, in Latin, about the same subjects on which you are accustomed to put questions to me in regular order in Greek?

C. P. Certainly, if you like; for by that means I shall perceive that you recollect what you have been told, and you will hear in regular order all that you desire.

C. F. Into how many parts is the whole system of speaking divided?

C. P. Into three.

C. F. What are they?

C. P. First of all, the power of the orator; secondly, the speech; thirdly, the subject of the speech.

C. F. In what does the power of the orator consist?

C. P. In ideas and words. But both ideas and words have to be discovered and arranged. But properly the expression “to discover” applies to the ideas, and the expression “to be eloquent” to the language; but the arranging, though that is common to both, still is usually referred rather to the discovery. Voice, gesture, expression of countenance, and all action, are companions of eloquence; and the guardian of all these things is memory.

C. F. What? How many parts of an oration are there?

C. P. Four: two of them relate to explaining any subject, — namely, relation and confirmation; two to exciting the minds of the hearers, — the opening and the peroration.

C. F. What? Has the manner of inquiry any divisions?

C. P. It is divided into the infinite, which I term consultation; and the definite, which I call the cause.

II. *C. F.* Since, then, the first business of the orator is discovery, what is he to look for?

C. P. He is to seek to find out how to inspire those men whom he is desirous to persuade, with belief in his words; and how to affect their minds with such and such feelings.

C. F. By what means is belief produced?

C. P. By arguments, which are derived from topics either existing in the subject itself, or assumed.

C. F. What do you mean by topics?

C. P. Things in which arguments are concealed.

C. F. What is an argument?

C. P. Something discovered which has a probable influence in producing belief.

C. F. How, then, do you divide these two heads?

C. P. Those things which come into the mind without art I call remote arguments, such as testimony.

C. F. What do you mean by those topics which exist in the thing itself?

C. P. I cannot give a clearer explanation of them.

C. F. What are the different kinds of testimony?

C. P. Divine and human. Divine, — such as oracles, auspices, prophecies, the answers of priests, soothsayers, and diviners: human, — which is derived from authority, from inclination, and from speech either voluntary or extorted; and under this head come written documents, covenants, promises, oaths, inquiries.

C. F. What are the arguments which you say belong to the cause?

C. P. Those which are fixed in the things themselves, as definition, as a contrary, as those things which are like or unlike, or which correspond to or differ from the thing itself or its contrary, as those things which have as it were united, or those which are as it were inconsistent with one another, or the causes of those things

which are under discussion, or the results of causes, that is to say, those things which are produced by causes, as distributions, and the genera of parts, or the parts of genera, as the beginnings and as it were outriders of things, in which there is some argument, as the comparisons between things, as to which is greater, which is equal, which is less, in which either the natures or the qualities of things are compared together.

III. *C. F.* Are we then to derive arguments from all these topics?

C. P. Certainly we must examine into them all, and seek them from all, but we must exercise our judgment in order at all times to reject what is trivial, and sometimes pass over even common topics, and those which are not necessary.

C. F. Since you have now answered me as to belief, I wish to hear your account of how one is to raise feelings.

C. P. It is a very reasonable question, but what you wish to know will be explained more clearly when I come to the system of orations and inquiries themselves.

C. F. What, then, comes next?

C. P. When, you have discovered your arguments, to arrange them properly, and in an extensive inquiry the order of the topics is very nearly that which I have set forth, but in a definite one, we must use those topics also which relate to exciting the required feelings in the minds of the hearers.

C. F. How, then, do you explain them?

C. P. I have general precepts for producing belief and exciting feelings. Since belief is a firm opinion, but feelings are an excitement of the mind either to pleasure, or to vexation, or to fear, or to desire, (for there are all these kinds of feelings, and many divisions of each separate genus,) I adapt all my arrangement to the object of the inquiry. For the end in a proposition is belief, in a cause, both belief and feeling wherefore, when I have spoken of the cause, in which proposition is involved, I shall have spoken of both.

C. F. What have you then to say about the cause?

C. P. That it is divided according to the divisions of hearers. For they are either listeners, who do nothing more than hear; or judges, that is to say, regulators both of the fact and of the decision; so as either to be delighted or to determine something. But he decides

either concerning the past as a judge, or concerning the future as a senate. So there are three kinds, — one of judgment, one of deliberation, one of embellishment; and this last, because it is chiefly employed in panegyric, has its peculiar name from that.

IV. *C. F.* What objects shall the orator propose to himself in these three kinds of oratory?

C. P. In embellishment, his aim must be to give pleasure; in judicial speaking, to excite either the severity or the clemency of the judge; but in persuasion, to excite either the hope or the fear of the assembly which is deliberating.

C. F. Why then do you choose this place to explain the different kinds of disputes?

C. P. In order to adapt my principles of arrangement to the object of each separate kind.

C. F. In what manner?

C. P. Because in those orations in which pleasure is the object aimed at, the orders of arrangement differ. For either the degrees of opportunities are preserved, or the divisions of genera; or we ascend from the less to the greater, or we glide down from the greater to the less; or we distinguish between them with a variety of contrasts, when we oppose little things to great ones, simple things to complex ones, things obscure to things which are plain, what is joyful to what is sad, what is incredible to what is probable; all which topics are parts of embellishment.

C. F. What? What is your aim in a deliberative speech?

C. P. There must either be a short opening, or none at all. For the men who are deliberating are ready for their own sake to hear what you have to say. And indeed it is not often that there is much to be related; for narration refers to things either present or past, but persuasion has reference to the future. Wherefore every speech is to be calculated to produce belief, and to excite the feelings.

C. F. What next? What is the proper arrangement in judicial speeches?

C. P. The arrangement suitable to the accuser is not the same as that which is good for the accused person; because the accuser follows the order of circumstances, and puts forward vigorously each separate argument, as if he had a spear in his hand; and sums them up

with vehemence; and confirms them by documents, and decrees, and testimonies; and dwells carefully on each separate proof; and avails himself of all the rules of peroration which are of any force to excite the mind; and in the rest of his oration he departs a little from the regular tenor of his argument; and above all, is he earnest in summing up, for his object is to make the judge angry.

V. *C. F.* What, on the other hand, is the person accused to do?

C. P. He is to act as differently as possible in every respect. He must employ an opening calculated to conciliate good-will. Any narrations which are disagreeable must be cut short; or if they are wholly mischievous, they must be wholly omitted; the corroborative proofs calculated to produce belief must be either weakened or obscured, or thrown into the shade by digressions. And all the perorations must be adapted to excite pity.

C. F. Can we, then, always preserve that order of arrangement which we desire to adopt?

C. P. Surely not; for the ears of the hearers are guides to a wise and prudent orator; and whatever is unpleasing to them must be altered or modified.

C. F. Explain to me then now, what are the rules for the speech itself, and for the expressions to be contained in it.

C. P. There is, then, one kind of eloquence which seems fluent by nature; another which appears to have been changed and modified by art. The power of the first consists in simple words; that of the second, in words in combination. Simple words require discovery; combined expressions stand in need of arrangement.

And simple expressions are partly natural, partly discovered. Those are natural which are simply appellative; those are discovered which are made of those others, and remodelled either by resemblance, or by imitation, or by inflection, or by the addition of other words. And again, there is this distinction between words: some are distinguished according to their nature; some according to the way in which they are handled: some by nature, so that they are more sonorous, more grave, or more trivial, and to a certain extent neater: but others by the way in which they are handled, when either the peculiar names of things are taken, or else others which are added to the proper name, or new, or old-fashioned, or in some way or

other modified and altered by the orator, — such as those which are used in borrowed senses, or changed, or those which we as it were misuse; or those which we make obscure; which we in some incredible manner remove altogether; and which we embellish in a more marvellous manner than the ordinary usage of conversation sanctions.

VI. *C. F.* I understand you now as far as simple expressions go; now I ask about words in combination.

C. P. There is a certain rhythm which must be observed in such combination, and a certain order in which words must follow one another. Our ears themselves measure the rhythm; and guard against your failing to fill up with the requisite words the sentence which you have begun, and against your being too exuberant on the other hand. But the order in which words follow one another is laid down to prevent an oration being a confused medley of genders, numbers, tenses, persons, and cases; for, as in simple words, that which is not Latin, so in combined expressions, that which is not well arranged, deserves to be blamed.

But there are these five lights, as it were, which are common to both single words and combined expressions, — they must be clear, concise, probable, intelligible, agreeable. Clearness is produced by common words, appropriate, well arranged, in a well-rounded period: on the other hand, obscurity is caused by either too great length, or a too great contraction of the sentence; or by ambiguity; or by any misuse or alteration of the ordinary sense of the words. But brevity is produced by simple words, by speaking only once of each point, by aiming at no one object except speaking clearly. But an oration is probable, if it is not too highly decorated and polished; if there is authority and thought in its expressions; if its sentiments are either dignified, or else consistent with the opinions and customs of men. But an oration is brilliant, if expressions are used which are chosen with gravity, and used in metaphorical and hyperbolical senses; and if it is also full of words suited to the circumstances, and reiterated, and having the same sense, and not inconsistent with the subject under discussion, and with the imitation of things: for this is one part

of an oration which almost brings the actual circumstances before our eyes, for then the sense is most easily arrived at but still the other senses also, and especially the mind itself, can be influenced by it. But the things which have been said about a clear speech, all have reference also to the brilliant one which we are now speaking of, for this is only a kind somewhat more brilliant than that which I have called clear. By one kind we are made to understand, but by the other one we actually appear to see. But the kind of speaking which is agreeable, consists first of all of an elegance and pleasantness of sounding and sweet words, secondly, of a combination which has no harsh unions of words, nor any disjoined and open vowels, and it must also be bounded with limited periods, and in paragraphs easily to be pronounced, and full of likeness and equality in the sentences. Then again, arguments derived from contrary expressions must be added, so that repetitions must answer to repetitions, like to like and expressions must be added, repeated, redoubled, and even very frequently reiterated, the construction of the sentences must at one time be compacted by means of conjunctions, and at another relaxed by separation of the clauses. For an oration becomes agreeable when you say anything unexpected, or unheard of, or novel, for whatever excites wonder gives pleasure. And that oration especially influences the hearer which unites several affections of the mind, and which indicate the amiable manners of the orator himself, which are represented either by signifying his own opinion, and showing it to proceed from a humane and liberal disposition, or by a turn in the language, when for the sake either of extolling another or of disparaging himself, the orator seems to say one thing and mean another, and that too seems to be done out of courtesy rather than out of levity. But there are many rules for sweetness in speaking, which may make a speech either more obscure or less probable, therefore, while on this topic, we must decide for ourselves what the cause requires.

VII *C. F.* It remains, then, now for you to speak of the alterations and changes in a speech.

C. P. The whole of that, then, consists in the alteration of words, and that alteration is managed in such a way in the case of single words, that the style may either be dilated by words, or contracted. It

may be dilated, when a word which is either peculiar, or which has the same signification, or which has been coined on purpose, is extended by paraphrase. Or again, in another way, when a definition is held down to a single word, or when expressions borrowed from something else are banished, or made use of in a roundabout sense, or when one word is made up out of two. But in compound words a threefold change can be made, not of words, but only of order, so that when a thing has once been said plainly, as nature itself prompts, the order may be inverted, and the expression may be repeated, turned upside down, as it were, or backwards and forwards. Then again the same expression may be reiterated in a mutilated, or re arranged, form. But the practice of speaking is very much occupied in all these kinds of conversion.

C. F. The next point is action, if I do not mistake.

C. P. It is so, and that must be constantly varied by the orator, in correspondence with the importance of his subjects and of his expressions. For the orator makes an oration clear, and brilliant, and probable, and agreeable, not only by his words, but also by the variety of his tones, by the gestures of his body, by the changes of his countenance, which will be of great weight if they harmonize with the character of his address, and follow its energy and variety.

C. F. Is there nothing remaining to be said about the orator himself?

C. P. Nothing at all, except as to memory, which is in a certain manner the sister of writing, and though in a different class greatly resembles it. For as it consists of the characters of letters, and of that substance on which those characters are impressed, so a perfect memory uses topics, as writing does wax, and on them arranges its images as if they were letters.

VIII *C. F.* Since, then, you have thus explained all the power of an orator, what have you to tell me about the rules for an oration?

C. P. That there are four divisions in an oration, of which the first and last are of avail to excite such and such feelings in the mind, for they are to be excited by the openings and perorations of speeches: the second is narration: and the third, being confirmation, adds credibility to a speech. But although amplification has its own proper place, being often in the opening of a speech, and almost always at

the end still it may be employed also in other parts of the speech especially when any point has been established, or when the orator has been finding fault with something. Therefore, it is of the very greatest influence in producing belief. For amplification is a sort of vehement argumentation; the one being used for the sake of teaching, the other with the object of acting on the feelings.

C. F. Proceed, then, to explain to me these four divisions in regular order.

C. P. I will do so; and I will begin with the opening of a speech, which is usually derived either from the persons concerned, or from the circumstances of the case. And openings are employed with three combined objects, that we may be listened to with friendly feelings, intelligently and attentively. And the first topic employed in openings has reference to ourselves, to our judges, and to our adversaries; from which we aim at laying the foundations of good-will towards us, either by our own merits, or by our dignity, or by some kind of virtue, and especially by the qualities of liberality, duty, justice, and good faith; and also by imputing opposite qualities to our adversaries, and by intimating that the judges themselves have some interest on our side, either in existence, or in prospect. And if any hatred has been excited against, or any offence been given by us, we then apply ourselves to remove or diminish that, by denying or extenuating the cause, or by atoning for it, or by deprecating hostility.

But in order that we may be listened to in an intelligent and attentive manner, we must begin with the circumstances of the case themselves. But the hearer learns and understands what the real point in dispute is most easily if you, from the first beginning of your speech, embrace the whole genus and nature of the cause, — if you define it, and divide it, and neither perplex his discernment by the confusion, nor his memory by the multitude, of the several parts of your discourse; and all the things which will presently be said about lucid narration may also with propriety be considered as bearing on this division too. But that we may be listened to with attention, we must do one of these things. For we must advance some propositions which are either important, or necessary, or connected with the interests of those before whom the discussion is proceeding. This

also may be laid down as a rule, that, if ever the time itself, or the facts of the case, or the place, or the intervention of any one, or any interruption, or anything which may have been said by the adversary, and especially in his peroration, has given us any opportunity of saying anything well suited to the occasion, we must on no account omit it. And many of the rules, which we give in their proper place, about amplification, may be transferred here to the consideration of the opening of a speech.

IX. *C. F.* What next? What rules, then, are to be attended to in narration?

C. P. Since narration is an explanation of facts, and a sort of base and foundation for the establishment of belief, those rules are most especially to be observed in it, which apply also, for the most part, to the other divisions of speaking; part of which are necessary, and part are assumed for the sake of embellishment. For it is necessary for us to narrate events in a clear and probable manner; but we must also attend to an agreeable style. Therefore, in order to narrating with clearness, we must go back to those previous rules for explaining and illustrating facts, in which brevity is enjoined and taught. And brevity is one of the points most frequently praised in narration, and we have already dwelt enough upon it. Again, our narrative will be probable, if the things which are related are consistent with the character of the persons concerned, with the times and places mentioned, — if the cause of every fact and event is stated, — if they appear to be proved by witnesses, — if they are in accordance with the opinions and authority of men, with law, with custom, and with religion, — if the honesty of the narrator is established, his candour, his memory, the uniform truth of his conversation, and the integrity of his life. Again, a narration is agreeable which contains subjects calculated to excite admiration, expectation, unlooked-for results, sudden feelings of the mind, conversations between people, grief, anger, fear, joy, desires. However, let us proceed to what follows.

C. F. What follows is, I suppose, what relates to producing belief.

C. P. Just so; and those topics are divided into confirmation and reprehension. For in confirmation we seek to establish our own assertion; in reprehension, to invalidate those of our adversaries. Since, then, everything which is ever the subject of a dispute, is so

because the question is raised whether it exists or not, or what it is, or of what character it is, in the first question conjecture has weight, in the second, definition, and in the third, reasoning.

X. *C. F.* I understand this division. At present, I ask, what are the topics of conjecture?

C. P. They arise from probabilities, and turn wholly on the peculiar characteristics of things. But for the sake of instructing you, I will call that probable which is generally done in such and such a way as it is probable that youth should be rather inclined to lust. But the indication of an appropriate characteristic is something which never happens in any other way, and which declares something which is certain as smoke is a proof of fire. Probabilities are discovered from the parts and, as it were, members of a narration. They exist in persons, in places, in times, in facts, in events, in the nature of the facts and circumstances which may be under discussion.

But in persons, the first things considered are the natural qualities of health, figure, strength, age, and whether they are male or female. And all these concern the body alone. But the qualities of the mind, or how they are affected, depends on virtues, vices, arts, and want of art, or in another sense, on desire, fear, pleasure, or annoyance. And these are the natural circumstances which are principally considered.

In fortune, we look at a man's race, his friends, his children, his relations, his kinsmen, his wealth, his honours, his power, his estates, his freedom, and also at all the contraries to these circumstances. But in respect of place, some things arise from nature as, whether a place is on the coast or at a distance from the sea, whether it is level or mountainous, whether it is smooth or rough, wholesome or pestilential, shady or sunny, these again are fortuitous circumstances, — whether a place is cultivated or uncultivated frequented or deserted, full of houses or naked, obscure or ennobled by the traces of mighty exploits, consecrated or profane.

XI. But in respect of time, one distinguishes between the present, and the past, and the future. And in these divisions there are the further subdivisions of ancient, recent, immediate, likely to happen soon, or likely to be very remote. In time there are also these other divisions, which mark, as it were natural sections of time as winter, spring, summer and autumn. Or again, the periods of the year: as a

month, a day, a night, an hour, a season, all these are natural divisions. There are other accidental divisions such as days of sacrifice, days of festival, weddings. Again, facts and events are either designed or unintentional, and these last arise either from pure accident, or from some agitation of mind, by accident when a thing has happened in a different way from what was expected, — from some agitation, when either forgetfulness, or mistake, or fear, or some impulse of desire has been the acting cause. Necessity, too, must be classed among the causes of unintentional actions or results.

Again, of good and bad things there are three classes. For they can exist either in men's minds or bodies, or they may be external to both of these materials, then, as far as they are subordinate to argument, all the parts must be carefully turned over in the mind, and conjectures bearing on the subject before us must be derived from each part.

There is also another class of arguments which is derived from traces of a fact, as a weapon, blood, an outcry which has been raised, trepidation, changes of complexion, inconsistency of explanation, trembling, or any of these circumstances which can be perceived by our senses, or if anything appears to have been prepared, or communicated to any one, or if anything has been seen or heard, or if any information has been given.

But of probabilities some influence us separately by their own weight, some, although they appear trifling by themselves, still, when all collected together, have great influence. And in such probabilities as these there are sometimes some unerring and peculiar distinguishing characteristics of things. But what produces the surest belief in a probability is, first of all, a similar instance, then the similarity of the present case to that instance sometimes even a fable, though it is an incredible one, has its influence, nevertheless, on men's minds.

XII. *C. F.* What next? What is the principle of definition, and what is the system of it?

C. P. There is no doubt but that definition belongs to the genus, and is distinguishable by a certain peculiarity of the characteristics which it mentions, or else by a number of common circumstances, from which we may extract something which looks like a peculiar

property. But since there is often very great disagreement about what are peculiar properties, we must often derive our definitions from contraries, often from things dissimilar, often from things parallel. Wherefore descriptions also are often suitable in this kind of address, and an enumeration of consequences, and above all things, an explanation of the names and terms employed, is most effectual.

C. F. You have now then explained nearly all the questions which arise about a fact, or about the name given to such fact. The next thing is, when the fact itself and its proper title are agreed upon, that a doubt arises as to what its character is.

C. P. You are quite right.

C. F. What divisions, then, are there in this part of the argument?

C. P. One urges either that what has been done has been lawfully done, for the sake either of warding off or of avenging an injury, or under pretext of piety, or chastity, or religion, or one's country, or else that it has been done through necessity, out of ignorance, or by chance. For those things which have been done in consequence of some motion or agitation of the mind, without any positive intention, have, in legal proceedings, no defence if they are impeached, though they may have an excuse if discussed on principles unfettered by strict rules of law. In this class of discussion, in which the question is, what the character of the act is, one inquires, in the terms of the controversy, whether the act has been rightly and lawfully done or not; and the discussion on these points turns on a definition of the before-mentioned topics.

C. F. Since, then, you have divided the topics to give credit to an oration into confirmation and reprehension, and since you have fully discussed the one, explain to me now the subject of reprehension.

C. P. You must either deny the whole of what the adversary has assumed in argumentation, if you can show it to be fictitious or false, or you must refute what he has assumed as probable. First of all, you must urge that he has taken what is doubtful as if it were certain; in the next place, that the very same things might be said in cases which were evidently false; and lastly, that these things which he has assumed do not produce the consequences which he wishes to be inferred from them. And you must attack his details, and by that means break down his whole argument. Instances also must be

brought forward which were overruled in a similar discussion; and you must wind up with the complaints of the condition of the general danger, if the life of innocent men is exposed to the ingenuity of men devoted to calumny.

XIII. *C. F.* Since I know now whence arguments can be derived which have a tendency to create belief, I am waiting to hear how they are severally to be handled in speaking.

C. P. You seem to be inquiring about argumentation, and as to how to develop arguments.

C. F. That is the very thing that I want to know.

C. P. The development, then, of an argument is argumentation; and that is when you assume things which are either certain or at least probable, from which to derive a conclusion, which taken by itself is doubtful, or at all events not very probable. But there are two kinds of arguing, one of which aims directly at creating belief, the other principally looks to exciting such and such feelings. It goes straight on when it has proposed to itself something to prove, and assumed grounds on which it may depend; and when these have been established, it comes back to its original proposition, and concludes. But the other kind of argumentation, proceeding as it were backwards and in an inverse way, first of all assumes what it chooses, and confirms it; and then, having excited the minds of the hearers, it throws on to the end that which was its original object. But there is this variety, and a distinction which is not disagreeable in arguing, as when we ask something ourselves, or put questions, or express some command, or some wish, as all these figures are a kind of embellishment to an oration. But we shall be able to avoid too much sameness, if we do not always begin with the proposition which we desire to establish, and if we do not confirm each separate point by dwelling on it separately, and if we are at times very brief in our explanation of what is sufficiently clear, and if we do not consider it at all times necessary to sum up and enumerate what results from these premises when it is sufficiently clear.

XIV. *C. F.* What comes next? Is there any way or any respect in which those things which are said to be devoid of art, and which you said just now were accessories to the main argument, require art?

C. P. Indeed they do. Nor are they called devoid of art because

they really are so, but because it is not the art of the orator which produces them, but they are brought to him from abroad, as it were, and then he deals with them artistically; and this is especially the case as to witnesses. For it is often necessary to speak of the whole class of witnesses, and to show how weak it is; and to urge that arguments refer to facts, testimony to inclination; and one must have recourse to precedents of cases where witnesses were not believed; and with respect to individual witnesses, if they are by nature vain, trifling, discreditable, or if they have been influenced by hope, by fear, by anger, by pity, by bribery, by interest; and they must be compared with the authority of the witnesses in the case cited, where the witnesses were not believed. Often, also, one must resist examinations under torture, because many men, out of a desire to avoid pain, have often told lies under torture; and have preferred dying while confessing a falsehood to suffering pain while persisting in their denial. Many men, also, have been indifferent to the preservation of their own life, as long as they could save those who were dearer to them than they were to themselves; others, owing to the nature of their bodies, or to their being accustomed to pain, or because they feared punishment and execution, have endured the violence of torture; others, also, have told lies against those whom they hated. And all these arguments are to be fortified by instances. Nor is it at all uncertain that (since there are instances on both sides of a question, and topics also for forming conjectures on both sides) contrary arguments must be used in contrary cases. There is, also, another method of disparaging witnesses, and examinations under torture; for often those answers which have been given may be attacked very cleverly, if they have been expressed rather ambiguously or inconsistently, or with any incredible circumstances; or in different ways by different witnesses.

XV. *C. F.* The end of the oration remains to be spoken of by you; and that is included in the peroration, which I wish to hear you explain?

C. P. The explanation of the peroration is easy; for it is divided into two parts, amplification and enumeration. And the proper place for amplification is in the peroration, and also in the course of the oration there are opportunities of digressing for the purpose of

amplification, by corroborating or refuting something which has been previously said. Amplification, then, is a kind of graver affirmation, which by exciting feelings in the mind conciliates belief to one's assertion. It is produced by the kind of words used, and by the facts dwelt upon. Expressions are to be used which have a power of illustrating the oration; yet such as are not unusual, but weighty, full-sounding, sonorous, compound, well-invented, and well-applied, not vulgar; borrowed from other subjects, and often metaphorical, not consisting of single words, but dissolved into several clauses, which are uttered without any conjunction between them, so as to appear more numerous. Amplification is also obtained by repetition, by iteration, by redoubling words, and by gradually rising from lower to loftier language; and it must be altogether a natural and lively sort of speech, made up of dignified language, well suited to give a high idea of the subject spoken of. This then is amplification as far as language goes. To the language there must be adapted expression of tone, of countenance, and gesture, all in harmony together and calculated to rouse the feelings of the hearers. But the cause must be maintained both by language and action, and carried on according to circumstances. For, because these appear very absurd when they are more vehement than the subject will bear, we must diligently consider what is becoming to each separate speaker, and in each separate case.

XVI. The amplification of facts is derived from all the same topics as those arguments which are adduced to create belief. And above all things, a number of accumulated definitions carries weight with it, and a repeated assertion of consequents, and a comparison of contrary and dissimilar facts, and of inconsistent circumstances. Causes too, and those things which arise from causes, and especially similarities and instances, are efficacious; so also are imaginary characters. Lastly, mute things may be introduced as speaking, and altogether all things are to be employed (if the cause will allow of them) which are considered important; and important things are divisible into two classes. For there are some things which seem important by nature, and some by use. By nature, as heavenly and divine things, and those things the causes of which are obscure, as those things which are wonderful on the earth and in the world, from

which and from things resembling which, if you only take care, you will be able to draw many arguments for amplifying the dignity of the cause which you are advocating. By use; which appear to be of exceeding benefit or exceeding injury to men; and of these there are three kinds suitable for amplification.

For men are either moved by affection, for instance, by affections for the gods, for their country, or for their parents; or by love, as for their wives, their brothers, their children, or their friends; or by honourableness, as by that of the virtues, and especially of those virtues which tend to promote sociability among men, and liberality. From them exhortations are derived to maintain them; and hatred is excited against, and commiseration awakened for those by whom they are violated.

XVII. It is a very proper occasion for having recourse to amplification, when these advantages are either lost, or when there is danger of losing them. For nothing is so pitiable as a man who has become miserable after having been happy. And this is enough to move us greatly, if any one falls from good fortune; and if he loses all his friends; and if we have it briefly explained to us what great happiness he is losing or has lost, and by what evils he is overwhelmed, or is about to be overwhelmed. For tears soon dry, especially at another's misfortunes. Nor is there anything which it is less wise to exhaust than amplification. For all diligence attends to minutiae; but this topic requires only what is on a large scale. Here again is a matter for a man's judgment, what kind of amplification we should employ in each cause. For in those causes which are embellished for the sake of pleasing the hearers, those topics must be dealt with, which can excite expectation, admiration, or pleasure. But in exhortations the enumerations of instances of good and bad fortune, and instances and precedents, are arguments of great weight. In trials those topics are the most suitable for an accuser which tend to excite anger; those are usually the most desirable for a person on his trial which relate to raising pity. But some times the accuser ought to seek to excite pity, and the advocate for the defence may aim at rousing indignation.

Enumeration remains; a topic sometimes necessary to a panegyrist, not often to one who is endeavouring to persuade; and

more frequently to a prosecutor than to a defendant. It has two turns, if you either distrust the recollection of those men before whom you are pleading, either on account of the length of time that has elapsed since the circumstances of which you are speaking, or because of the length of your speech; in this case your cause will have the more strength if you bring up numberless corroborative arguments to strengthen your speech, and explain them with brevity. And the defendant will have less frequent occasion to use them, because he has to lay down propositions which are contrary to them: and his defence will come out best if it is brief, and full of pungent stings. But in enumeration, it will be necessary to avoid letting it have the air of a childish display of memory; and he will best avoid that fault who does not recapitulate every trifle, but who touches on each particular briefly, and dwells only on the more weighty and important points.

XVIII. *C. F.* Since you have now discussed the orator himself and his oration, explain to me now the topic of questions, which you reserved for the last of the three.

C. P. There are, as I said at the beginning, two kinds of questions: one of which, that which is limited to times and persons, I call the cause; the other, which is infinite, and bounded neither by times nor by persons, I call the proposition. But consultation is, as it were, a part of the cause and controversy. For in the definite there is what is infinite, and nevertheless everything is referred to it. Wherefore, let us first speak of the proposition; of which there are two kinds: one of investigation; the end of this science, as for instance, whether the senses are to be depended upon; the other of action, which has reference to doing something: as if any one were to inquire by what services one ought to cultivate friendship. Again, of the former, namely, of investigation, there are three kinds: whether a thing is, or is not; what it is; of what sort it is. Whether it is or not, as whether right is a thing existing by nature or by custom. But what a thing is, as whether that is right which is advantageous to the greater number. And again, what sort of a thing anything is, as whether to live justly is useful or not.

But of action there are two kinds. One having reference to pursuing or avoiding anything; as for instance, by what means you

can acquire glory, or how envy may be avoided. The other, which is referred to some advantage or expediency; as how the republic ought to be managed, or how a man ought to live in poverty.

But again in investigation, when the question is whether a thing is, or is not, or has been, or is likely to be. One kind of question is, whether anything can be effected; as when the question is whether any one can be perfectly wise. Another question is, how each thing can be effected; as for instance, by what means virtue is engendered, by nature, or reason, or use. And of this kind are all those questions in which, as in obscure subjects or those which turn on natural philosophy, the causes and principles of things are explained.

XIX. But of that kind in which the question is what that is which is the subject of discussion, there are two sorts; in the one of which one must discuss whether one thing is the same as another, or different from it; as whether pertinacity is the same as perseverance. But in the other one must give a description and representation as it were of some genus; as for instance, what sort of a man a miser is, or what pride is.

But in the third kind, in which the question is what sort of thing something is, we must speak either of its honesty, or of its utility, or of its equity. Of its honesty thus. Whether it is honourable to encounter danger or unpopularity for a friend. But of its expediency thus. Whether it is expedient to occupy oneself in the conduct of state affairs. But of its equity thus. Whether it is just to prefer one's friend to one's relations. And in the same kind of discussion, in which the question is what sort of thing something is, there arises another kind of way of arguing. For the question is not simply what is honourable, what is expedient, what is equitable; but also by comparison, which is more honourable, which is more expedient, which is more equitable; and even which is most honourable, which is most expedient, which is most equitable. Of which kind are those speculations, which is the most excellent dignity in life. And all these questions, as I have said before, are parts of investigation.

There remains the question of action. One kind of which is conversant with the giving of rules which relate to principles of duty; as, for instance, how one's parents are to be reverenced. And the other to tranquillising the minds of men and healing them by one's

oration; as in consoling affliction, in repressing ill-temper, in removing fear, or in allaying covetousness. And this kind is exactly opposed to that by means of which the speaker proposes to engender those same feelings of the mind, or to excite them, which it is often requisite to do in amplifying an oration. And these are nearly all the divisions of consultation. XX. *C. F.* I understand you. But I should like to hear from you what in these divisions is the proper system for discovering and arranging the heads of one's discourse.

C. P. What? Do you think it is a different one, and not the same which has been explained, so that everything may be deduced from the same topics, both to create belief, and to discover arguments? But the system of arrangement which has been explained as appropriate to other kinds of speeches may be transferred to this also.

Since therefore we have now investigated the entire arrangement of the consultations which we proposed to discuss, the kinds of causes are now the principal things which remain. And their species is twofold; one of which aims at affording gratification to the ears, while the whole object of the other is to obtain, and prove, and effect the purpose which it has in view. Therefore the former is called embellishment, and as that may be a kind of extensive operation, and sufficiently various, we have selected one instance of it which we adopt for the purpose of praising illustrious men, and of vituperating the wicked ones. For there is no kind of oration which can be either more fertile in its topics, or more profitable to states, or in which the orator is bound to have a more extensive acquaintance with virtues and vices. But the other class of causes is conversant either with the foresight of the future, or with discussions on the past. One of which topics belongs to deliberation and the other to judgment. From which division three kinds of causes have arisen; one, which, from the best portion of it, is called that of panegyric; another that of deliberation; the third that of judicial decisions. Wherefore let us first, if you please, discuss the first.

C. F. Certainly, I do please.

XXI. *C. P.* And the systems of blaming and praising, which have influence not only on speaking well but also on living honourably, I will explain briefly; and I will begin from the first principles of praise and blame. For everything is to be praised which is united with virtue; and everything which is connected with vice is to be blamed. Wherefore the end of the one is honour, of the other baseness. But this kind of discourse is composed of the narration and explanation of facts, without any argumentations, in a way calculated to handle the feelings of the mind gently rather than to create belief or to confirm it in a suitable manner. For they are not doubtful points which are established in this way; but those which being certain, or at least admitted as certain, are enlarged upon. Wherefore the rules for narrating them and enlarging upon them must be sought for from among those which have been already laid down.

And since in these causes the whole system has reference generally to the pleasure and entertainment of the hearer, the speakers must employ in them all the beauties of those separate expressions which have in them the greatest amount of sweetness. That is, he must often use newly-coined words, and old-fashioned words, and metaphorical language; and in the very construction of his periods he must often compare like with like, and parallel cases with parallel. He must have recourse to contrasts, to repetitions, to harmoniously-turned sentences, formed not like verses, but to gratify the sensations of the ears by as it were a suitable moderation of expression. And those ornaments are frequently to be employed, which are of a marvellous and unexpected character, and also those which are full of monsters, and prodigies, and oracles. And also those things must be mentioned which appeared to have befallen the man of whom the orator is speaking in consequence of some divine interposition, or decree of destiny. For all the expectation and admiration of the hearer, and all unexpected terminations, contribute to the pleasure which is felt in listening to the orator.

XXII. But since advantages or evils are of three classes, external, affecting the mind, or affecting the body, the first are external which are derived from the genus; and this being praised in brief and moderate terms, or, if it is discreditable, being passed over; if it is of

a lowly nature, being either passed over, or handled in such a way as to increase the glory of him whom you are praising. In the next place, if the case allows it, we must speak of his fortune and his abilities, and after that of his personal qualifications; among which it is very natural to praise his beauty, which is one of the greatest indications of virtue. After that we must come to his actions. The arrangement is threefold. For we must have regard either to the order of time, or the most recent actions must be spoken of first, or else many and various actions of his must be classified according to the different kinds of virtue which they display. But this topic of virtues and vices, which is a very extensive one, will now be brought into a very brief and narrow compass, instead of the many and various volumes in which philosophers have discussed it.

The power of virtue then is twofold, for virtue is distinguished either by theory or by practice. For that which is called prudence, or shrewdness, or (if we must have the most dignified title for it) wisdom, is all theoretical. But that which is praised as regulating the passions, and restraining the feelings of the mind, finds its exercise in practice. And its name is temperance. And prudence when exerted in a man's own business is called domestic, when displayed in the affairs of the state is called civil prudence. But temperance in like manner is divided according to its sphere of action, whether displayed in a man's own affairs, or in those of the state. And it is discerned in two ways with respect to advantages, both by not desiring what it has not got, and by abstaining from what it is in its power to get. Again, in the case of disadvantages it is also twofold; for that quality which resists impending evils is called fortitude; that which bears and endures the evil that is present is termed patience. And that which embraces these two qualities is called magnanimity. And one of the forms of this virtue is shown in the use of money. And at the same time loftiness of spirit in supporting disadvantages, and especially injuries, and everything of the sort, being grave, sedate, and never turbulent. But that division of virtue which is exercised between one being and another is called justice. And that when exercised towards the gods is called religion; towards one's relations, affection; towards all the world, goodness; when displayed in things entrusted to one, good faith; as exhibited in moderation of

punishment, lenity; when it develops itself in goodwill towards an individual its name is friendship.

XXIII. And all these virtues are visible in practice. But there are others, which are as it were the handmaidens and companions of wisdom; one of which distinguishes between and decides what arguments in a discussion are true or false, and what follows from what premises. And this virtue is wholly placed in the system and theory of arguing; but the other virtue belongs to the orator. For eloquence is nothing but wisdom speaking with great copiousness; and while derived from the same source as that which is displayed in disputing, is more rich, and of wider application, better suited to excite the minds of men and to work on the feelings of the common people. But the guardian of all the virtues, which avoids all conspicuousness, and yet attains the greatest eminence of praise, is modesty. And these are for the most part certain habits of mind, so affected and disposed as to be each of them distinguished from one another by some peculiar kind of virtue; and according as everything is done by one of them, in the same proportion must it be honourable and in the highest degree praiseworthy. But there are other habits also of a well-instructed mind which has been cultivated beforehand as it were, and prepared for virtue by virtuous pursuits and accomplishments: as in a man's private affairs, the studies of literature, as of tunes and sounds, of measurement, of the stars, of horses, of hunting, of arms. In the affairs of the commonwealth his eager pursuit of some particular kind of virtue, which he selects as his especial object of devotion, in discharging his duty to the gods, or in showing careful and remarkable affection to his relations, his friends, or those connected with family ties of hospitality. And these then are the different kinds of virtue. But those of vice are their exact contraries.

But these also must be examined carefully, so that those vices may not deceive us which appear to imitate virtue. For cunning tries to assume the character of prudence, and moroseness, in despising pleasures, wishes to be taken for temperance; and pride, which puffs a man up, and which affects to despise legitimate honours, seeks to vaunt itself as magnanimity; prodigality calls itself liberality, audacity imitates courage, hardhearted sternness imitates patience,

bitterness justice, superstition religion, weakness of mind lenity, timidity modesty, captiousness and carping at words wishes to pass for acuteness in arguing, and an empty fluency of language for this oratorical vigour at which we are aiming. And those, too, appear akin to virtuous pursuits, which run to excess in the same class.

Wherefore all the force of praise or blame must be derived from these divisions of virtues and vices. But in the whole context, as it were, of the oration, these points must above all others be made clear, — how each person spoken of has been born, how he has been educated, how he has been trained, and what are his habits; and if any great or surprising thing has happened to any one, especially if anything which has happened should appear to have befallen him by the interposition of the gods; and also whatever the person in question has thought, or said, or done, must be adapted to the different kinds of virtue which have been enumerated, and from the same topics we must inquire into the causes of things, and the events, and the consequences. Nor ought the death of those men, whose life is praised, to be passed over in silence; provided only, there be anything noticeable either in the manner of their death, or in the consequences which have resulted from their death.

XXIV. *C. F.* I have attended to what you say, and I have learnt briefly, not only how to praise another, but also how to endeavour to deserve to be praised myself. Let us, then, consider in the next place what system and what rules we are to observe in delivering our sentiments.

C. P. In deliberation, then, the end aimed at is utility, to which everything is referred in giving counsel, and in delivering our sentiments, so that the first thing which requires to be noticed by any one who is advising or dissuading from such and such a course of action is what is possible to be done, or what is impossible; or what is necessary to be done, or what is unnecessary. For if a thing be impossible there is no use in deliberating about it, however desirable it may be; and if a thing be necessary, (when I say necessary, I mean such that without it we cannot be safe or free), then that must be preferred to everything else which is either honourable or advantageous in public affairs. But when the question is, What can be done? we must also consider how easily it can be done: for the things

which are very difficult are often to be considered in the same light as if they were totally impossible. And when we are discussing necessity, although there may be something which is not absolutely necessary, still we must consider of how much importance it is. For that which is of very great importance indeed, is often considered necessary. Therefore, as this kind of cause consists of persuasion and dissuasion, the speaker who is trying to persuade, has a simple course before him; if a thing is both advantageous and possible, let it be done. The speaker who is trying to dissuade his hearers from some course of action, has a twofold division of his labour. One, if it is not useful it must not be done; the other, if it is impossible it must not be undertaken. And so, the speaker who is trying to persuade must establish both these points; the one whose object it is to dissuade, may be content with invalidating either.

Since, then, all deliberation turns on these two points, let us first speak of utility, which is conversant about the distinction between advantages and disadvantages. But of advantages, some are necessarily such; as life, chastity, liberty, or as children, wives, relations, parents; and some are not necessarily such; and of these last, some are to be sought for their own sakes, as those which are classed among the duties or virtues, and others are to be desired because they produce some advantage, as riches and influence. But of those advantages which are sought for their own sake, some are sought for their honourableness, some for their convenience, which is inherent in them: those are sought for their honourableness which proceed from those virtues which have been mentioned a little while ago, which are intrinsically praiseworthy on their own account; but those are sought on account of some inherent advantage which are desirable as to goods of fortune or of the body: some of which are to a certain extent combined with honourableness, as honour, and glory; some have no connexion with that, as strength, beauty, health, nobleness, riches, troops of dependents. There is also a certain sort of matter, as it were, which is subordinate to what is honourable, which is most particularly visible in friendship. But friendships are seen in affection and in love. For regard for the gods, and for our parents, and for our country, and for those men who are eminent for wisdom or power, is usually referred to affection; but wives, and children,

and brothers, and others whom habit and intimacy has united with us, although they are bound to us by affection, yet the principal tie is love. As, then, you know now what is good in these things, it is easily to be understood what are the contrary qualities.

XXV. But if we were able always to preserve what is best, we should not have much need of deliberation, since that is usually very evident. But because it often happens on account of some peculiarity in the times, which has great weight, that expediency is at variance with what is honourable, and since the comparison of the two principles gives rise to deliberation, lest we should either pass over what is seasonable, on account of some considerations of dignity, or what is honourable on account of some idea of expediency, we may give examples to guide us in explaining this difficulty. And since an oration must be adapted not only to truth, but also to the opinions of the hearers, let us first consider this, that there are two kinds of men: one of them unlettered and rustic, always preferring what is expedient to what is honourable; the other, accomplished and polite, preferring dignity to everything. Therefore, the one class sets its heart upon, praise, honour, glory, good faith, justice, and every virtue; but the other regards only gain, emolument, and profit. And even pleasure, which is above all things hostile to virtue, and which adulterates the nature of what is good by a treacherous imitation of it, which all men of grosser ideas eagerly follow, and which prefers that spurious copy, not only to what is honourable, but even to what is necessary, must often be praised in a speech aiming at persuasion, when you are giving counsel to men of that sort.

XXVI. This also must be considered, how much greater eagerness men display in fleeing from what is disadvantageous, than in seeking what is advantageous; for they are in the same manner not so zealous in seeking what is honourable, as in avoiding what is base. For who ever seeks for honour, or glory, or praise, or any kind of credit as earnestly as he flees from ignominy, infamy, contumely, and disgrace? For these things are attended with great pain. There is a class of men born for honour, not corrupted by evil training and perverted opinions — on which account, when exhorting or persuading, we must keep in view the object of teaching them by what means we may be able to arrive at what is good, and to avoid

what is evil. But before men who have been properly brought up we shall dwell chiefly on praise and honourableness, and speak chiefly of those kinds of virtues which are concerned in maintaining and increasing the general advantage of men. But if we are speaking before uneducated and ignorant men, then we shall set before them profits, emoluments, pleasures, and the means of escaping pain; we shall also introduce the mention of insult and ignominy; for no one is such a clown, as not (even though honour itself may have no influence on him) to be greatly moved by insult and disgrace.

Wherefore we must find out from what has been already said, what has reference to utility; but as to what is possible to be done or not, with reference to which people usually inquire also how easily a thing can be done, and how far it is desirable that it should be done, we must consider chiefly with reference to those causes which produce each separate result. For there are some causes which of themselves produce results, and some which only contribute to the production of a result. Therefore, the first are called efficient causes; and the last are classed as such, that without them a thing cannot be brought about. Again, of efficient causes, some are complete and perfect in themselves; some are accessory to, and, as it were, partners in the production of the result in question. And of this kind the effect is very much diversified, being sometimes greater or less; so that which is the most efficacious is often called the only cause, though it is in reality but the main one. There are also other causes which, either on account of their origin or on account of their result, are called efficient causes. But when the question is, what is best to be done, then it is either utility or the hope of doing it which urges men's minds to agree with the speaker. And since we have now said enough about utility, let us speak of the means of effecting it.

XXVII. And on this point of the subject we must consider with whom, and against whom, and at what time, and in what place we are to do such and such a thing, also what means of arms, money, allies, or those other things which relate to the doing of any particular thing we have it in our power to employ. Nor must we consider only those means which we have, but those circumstances also which are unfavourable to us. And if in the comparison the advantages preponderate, then we must persuade our hearers, not only that what

we are advising can be effected, but we must also take care that it shall appear easy, manageable, and agreeable. But if we are dissuading from any particular course, then we must either disparage the utility of it, or we must make the most of the difficulties of doing it, not having recourse to other rules, but to the same topics as are used when trying to persuade our hearers to anything. And whether persuading or dissuading, the speaker must have a store of precedents, either modern, which will be the best known, or ancient, which will perhaps have the most weight. And in this kind of discourse he must consider how he may be able often to make what is useful or necessary appear superior to what is honourable, or *vice versâ*. But sentiments of this kind will have great weight in influencing men's minds, (if it is desirable to make an impression on them,) which relate either to the gratification of people's desires, or to the glutting of hatred, or to the avenging of injury. But if the object is to repress the feelings of the hearers, then they must be reminded of the uncertainty of fortune, of the doubtfulness of future events, and of the risk there may be of retaining their existing fortune, if it is good; and on the other hand, of the danger of its lasting if it is bad. And these are topics for a peroration. But in expressing one's opinions, the opening ought to be short, for the orator does not come forth as a suppliant, as if he were speaking before a judge, but as an exhorter and adviser. Wherefore, he ought to settle beforehand with what intention he is going to speak, what his object is, what the subject of his discourse is to be, and he ought to exhort his hearers to listen to him while he detains them but a short time. And the whole of his oration ought to be simple, and dignified, and embellished rather by its sentiments than by its expressions.

XXVIII. *C.F.* I understand the topics of panegyric and persuasion. Now I am waiting to hear what is suited to judicial oratory, and I think that that is the only subject remaining.

C.P. You are quite right. And of that kind of oratory the object is equity, which is regarded, not in a single point of view only, but very often by a sort of comparison: as when there is a dispute as to who is the most appropriate prosecutor; or when the possession of an inheritance is sought for without any express law, or without any

will. In which causes the question is, which alternative is the more equitable or which is most equitable. And for these causes a supply of arguments is sought for out of those topics of equity which will be mentioned presently. And even before the decision is given, there is often a dispute about the constitution of the bench of judges, when the question is either whether the person who brings the action has a right of action, or whether he has it at the present time, or whether he has ceased to have it, or whether the action ought to be brought under the provisions of this law, or according to that formula. And if these points are not discussed, or settled, or decided, before the case is brought into court, still they often have very great weight even at the trial itself, when the case is stated in this way:—"You demanded too much; you demanded it too late; it was not your business to make such a demand at all; you ought not to have demanded it of me; or you ought not to have done so under this law, or in accordance with this formula, or in this court." And this class of cases belongs to civil law, which depends on laws respecting public and private affairs, or on precedent; and the knowledge of it seems to have been neglected by most orators, but to us it appears very necessary for speaking. Wherefore, as to arranging the right of action, as to accepting or standing a trial, as to demurring to the illegality of a proceeding, as to comparisons of justice, all which topics usually belong to this class of oration, so that although they often get mixed up with the judicial proceedings, still they appear to deserve to be discussed separately; and therefore I separate them a little from the judicial proceedings, more, however, as to the time at which they are to be introduced into the discussion, than from any real diversity of character. For all discussions which are introduced about civil law, or about what is just and good, belong to that sort of discussion in which we doubt what sort of thing such and such a thing which we are going to mention is. And this question turns chiefly on equity and right.

XXIX. In all causes, then, there are three degrees, of which one at least is to be taken for the purposes of defence, if you are limited to one. For you must either take your stand in denying that the act imputed to you has been done at all, or in denying that that which you admit to have been done has the effect which, and is of the

character which, the adversary asserts. Or if there can be no doubt as to the action, or the proper name of the action, then you must deny that what you are accused of is such as he states it to be; and you must urge in your defence that what you have done must be admitted to be right. Accordingly, the first objection, — the first point of conflict with the adversary, as I may call it, depends on a kind of conjecture; the second, on a kind of definition, or description, or notion of the word; but the third plea is to be maintained by a discussion on equity, and truth, and right, and on the becomingness to man of a disposition inclined to pardon. And since he who defends ought not always to resist the accuser by some objection, or denial, or definition, or opposite principles of equity, but should also at times advance general principles on which he founds his defence, the first kind of objection has in it the principle of asserting the charge to be unjust, an absolute denial of the fact; the second urges that the definition given by the adversary does not apply to the action in question the third consists in the advocate defending the action as having been rightly done, without raising any dispute as to the name of it.

In the next place, the accuser must oppose to every argument that, which if it were not in the accusation, would prevent, there being any cause at all. Therefore, those arguments which are brought forward in that way, are said to be the foundations of causes, although those which are brought forward in opposition to the plan of the defence, are no more so in reality than the principles of the defence themselves; but for the sake of distinction, we call that a reason which is urged by the party on his trial in the way of demurrer for the sake of repelling an accusation; and unless he had such a refuge he would have nothing to allege by way of defence: but the foundation of his defence is that which is alleged by way of undermining the arguments of the adversary, without which the accusation can have no ground to stand upon.

XXX. But from the meeting and conflict, as it were, of the reasons and of the corroborative proofs, a question arises, which I call a dispute, in which the question is, what is the question before the court, and what the dispute is about. For the first point which the adversaries contend for implies an inquiry of large extent in

conjecture: as “Whether Decius has received the money;” in definition, as “Whether Norbanus has committed treason against the people;” in justice, as “Whether Opimius slew Gracchus lawfully.” These questions which come into conflict first by arguing and resisting, are, as I have said, of wide extent and doubtful meaning. The comparison of the arguments and corroborative proofs narrows the question in dispute. In conjecture there is no dispute at all. For no one either can, or ought to, or is accustomed to, give a reason for an act which he asserts never took place. Therefore, in these causes the original question and the ultimate dispute are one and the same thing. But in them, when the assertion is advanced, “He did not commit treason in proceeding to violent measures in respect to Caepio; for it was the first indignation of the Roman people that prompted that violent conduct, and not the conduct of the tribune: and the majesty, since it is identical with the greatness of the Roman people, was rather increased than diminished by retaining that man in power and office.” And when the reply is, “Majesty consists of the dignity of the empire and name of the Roman people, which that man impairs, who excites sedition by appealing to the violent passions of the multitude;” then comes the dispute, Whether his conduct was calculated to impair that majesty, who acted upon the inclinations of the roman people, so as to do a thing which was both just and acceptable to them by means of violence. But in such causes as these, when it is alleged in defence of the accused party that something has been rightly done, or when it must be admitted that it has been done, while the principle of the act is open to discussion: as in the case of Opimius, “I did it lawfully, for the sake of preserving the general safety and the republic;” and when Decius replies, “You had no power or right to slay even the wickedest of the citizens without a trial.” Then arises the dispute, “Had Opimius lawfully the power, for the sake of the safety of the republic, to put to death a citizen who was overturning the republic, without his being condemned?” And so those disputes which arise in these controversies which are marked out by certain persons and times become gradually infinite, and after the times and persons are put out of the question, are again reduced to the form and rules under which their merits can be discussed.

XXXI. But in corroborative arguments of the most important

character, those points must also be established which can be opposed to the defence, being derived either from the letter of the law, or of a will, or from the language of a judicial decision, or of a stipulation, or of a covenant. And even this kind has no connexion with those causes which depend upon conjecture. For when an action is denied altogether, it cannot be impeached by reference to the letter of the law. It does not even come under definition, as to the character of the letter of the law itself. For although some expression or other is to be defined by reference to the letter of the law, so as to be sure what meaning it has: as when the question arises out of a will, what is meant by provisions, or out of the covenant of a lease, what are moveables or fixtures; then it is not the fact of there being written documents, but the interpretation of what is written, that gives rise to controversy. But when many things may be implied by one expression, on account of the ambiguity of some word or words, so that he who is speaking on the other side may be allowed to draw the meaning of what is written as is advantageous to him, or in fact, as he pleases; or, if the document be not drawn up in ambiguous language, he may either deduce the wish and intention of the writer from the words, or else say that he can defend what has been done by a document which is perfectly different relating to the same facts; then a dispute arises from a comparison of the two written documents; so that the writings being ambiguous, it is a question which is most strongly implied; and in a comparison between the letter and the spirit of the documents an argument is adduced to show which the judge is the most bound to be guided by; or in documents of a wholly contradictory nature, which is the most to be approved.

But when the point in dispute is once established, then the orator ought to keep in view, what is to be proved by all the arguments derived from the different topics for discovering arguments. And although it is quite sufficient for him who sees what is concealed in each topic, and who has all those topics, as a kind of treasury of arguments, at his fingers' ends; still we will touch upon those which are peculiar to certain causes.

XXXII. In conjecture, then, when the person on his trial takes refuge in denial of the fact, these are the two first things for the accuser to consider, (I say accuser, meaning every kind of plaintiff or

commencer of an action; for even without any accuser, in the strict sense of the word, these same kinds of controversies may frequently arise;) however, these are his first points for consideration, the cause and the event. When I say the cause, I mean the reason for doing a thing. When I say the event, I mean that which was done. And this same division of cases was made just now, when speaking of the topics of persuasion. For the rules which were given in deliberating upon the future, and how they ought to have a bearing upon utility, or a power of producing effects, a man who is arguing upon a fact is bound to collect, so as to show that they must have been useful to the man whom he is accusing, and that the act might possibly have been done by him. The question of utility, as far as it depends upon conjecture, is opened, if the accused person is said to have done the act of which he is accused, either out of the hope of advantage or the fear of injury. And this argument has the greater weight, the greater the advantages or disadvantages anticipated are said to be. With reference to the motive for an action we take into consideration also the feelings of minds, if any recent anger, or long-standing grudge, or desire for revenge, or indignation at an injury; if any eagerness for honour, or glory, or command, or riches; if any fear of danger, any debt, any difficulties in pecuniary matters, have had influence; if the man is bold, or fickle, or cruel, or intemperate, or incautious, or foolish, or loving, or excitable, or given to wine; if he had any hope of gaining his point, or any expectation of concealing his conduct; or, if that were detected, any hope of repelling the charge, or breaking through the danger, or even postponing it to a subsequent time; or if the penalty to be inflicted by a court of justice is more trifling than the prize to be gained by the act; or if the pleasure of the crime is greater than the pain of the conviction.

It is generally by such circumstances as these that the suspicion of an act is confirmed, when the causes why he should have desired it are found to exist in the party accused, together with the means of doing it. But in his will we look for the benefit which he may have calculated on from the attainment of some advantage, or the avoidance of some disadvantage, so that either hope or fear may seem to have instigated him, or else some sudden impulse of the mind, which impels men more swiftly to evil courses than even

considerations of utility. So this is enough to have said about the causes.

C.F. I understand; and I ask you now what the events are which you have said are produced by such causes?

XXXIII. *C.P.* They are certain consequential signs of what is past, certain traces of what has been done, deeply imprinted, which have a great tendency to engender suspicion, and are, as it were, a silent evidence of crimes, and so much the more weighty because all causes appear as a general rule to be able to give ground for accusations, and to show for whose advantage anything was; and these arguments have an especial propriety of reference to those who are accused, such as a weapon, a footstep, blood, the detection of anything which appears to have been carried off or taken away; or any reply inconsistent with the truth, or any hesitation, or trepidation, or the fact of the accused person having been seen with any one whose character is such as to give rise to suspicion; or of his having been seen himself in that very place in which the action was done; or paleness, or tremor, or any writing, or anything having been sealed up or deposited anywhere. For these are circumstances of such a nature as to make the charge full of suspicion, either in connexion with the act itself, or with the time previous or subsequent to it. And if they are not so, still it will be proper to rely on the causes themselves, and on the means which the accused person had of doing the action, with the addition of that general argument, that he was not so insane as to be unable to avoid or conceal any indications of the action, so as to be discovered and to give ground for an accusation. On the other hand, there is that common topic, that audacity is joined to rashness, not to prudence. Besides, there comes the topic suited to amplification, that we are not to wait for his confessing; that offences are proved by arguments; and here, too, precedents will be adduced. And thus much about arguments.

XXXIV. But if there is also a sufficiency of witnesses, the first thing will be to praise the party accused, and to say that he himself has taken care not to be convicted by argument; that he could not escape from witnesses: then each of the witnesses must be praised, (and we have stated already what are the things for which people can be praised;) and in the next place, it must be urged that it is possible

for it to be quite justifiable not to yield to a specious argument, (inasmuch as such an one is often false,) but quite impossible to refuse belief to a good and trusty man, unless there is some fault in the judge. And then, too, if the witnesses are obscure or insignificant, we must say that a man's credit is not to be estimated by his fortune, but that those are the most trustworthy witnesses on every point who have the easiest means of knowing the truth of the matter under discussion. If the fact of an examination of slaves under torture having taken place, or a demand that such should take place, will assist the cause, then in the first place the general character of such examinations must be extolled: we must speak of the power of bodily pain; of the opinion of our ancestors, who would certainly have abolished the whole system if they had not approved of it; of the customs of the Athenians and Rhodians, very wise men, among whom (and that is a most terrible thing) even freemen and citizens are tortured; of the principles also of the most prudent of our own countrymen, who though they are unwilling to allow slaves to be examined against their masters, still did allow of such examination in the case of incest and conspiracy, — and in fact such an examination took place in my consulship. That declamation which men are in the habit of using to throw discredit on such examinations must be laughed out of court, and called studied and childish. Then a belief must be inculcated that the examination has been conducted with care, and without any partiality; and the answers given in the examination must be weighed by arguments and by conjecture. And these are for the most part the divisions of an accusation.

XXXV. But the first division of a defence is the invalidating of the motives alleged for the action, — either as having no real existence, or as not having been so important, or as not having been likely to influence any one but the person accused; or we may urge that he could have attained the same object more easily; or that he is not a man of such habits, or of such a character; or that he was not so much a slave to sudden impulses, or at all events not to such trifling ones. And the advocate for the defence will disparage the means alleged to be in the power of the accused person, if he shows that either strength, or courage, or power, or resources were wanting to him; or that the time was unfavourable, or the place unsuitable; or

that there were many witnesses, not one of whom he would have chosen to trust; or that he was not such a fool as to undertake a deed which he could not conceal; nor so senseless as to despise the penalties of the law and the courts of justice. And he will do away with the effect of the consequences alleged, by explaining that those things are not certain proofs of an act which might have happened even if the act had never been done; and he will dwell on the details, and urge that they belong as much to what he himself alleges was the fact, as to that which is at present the ground of accusation: or if he agrees with the accuser on those points, still he will say that ought to be of avail rather as a defence to himself against danger, than as an engine for injuring his safety; and he will run down the whole body of witnesses and examinations under torture, generally, and also in detail as far as he can, by the use of the topics of reprehension which have been explained already. The openings of these causes which are intended to excite suspicion by their bitterness will be thus laid down by the accuser; and the general danger of all intrigues will be denounced; and men's minds will be excited so as to listen attentively. But the person who is being accused will bring forward complaints of charges having been trumped up against him, and suspicions ferreted out from all quarters; and he will speak of the intrigues of the accuser, and also of the common danger of all citizens from such proceedings: and so he will try to move the minds of the judges to pity, and to excite their good-will in some degree. But the narration of the accuser will be a separate count, as it were, which will contain an explanation of every sort of transaction liable to suspicion, with every kind of argument scattered over it, and all the topics for the defence discredited. But the speaker for the defence must pass over or discredit all the arguments employed to raise suspicion, and will limit himself to a narration of the actual facts and events which have taken place. But in the corroboration of our own arguments, and in the invalidation of those of our adversaries, it will be often the object of the accuser to rouse the feelings of the minds of his hearers, and of the advocate for the defence to pacify them. And this will be the course of both of them especially in the peroration. The one must have recourse to a reiteration of his arguments, and to a general accumulation of them together; the other,

when he has once clearly explained his own cause, refuting the statements of his adversary, must have recourse to enumeration; and, when he has effaced every unfavourable impression, then at the end he will endeavour to move the pity of his judges.

XXXVI. *C.F.* I think I know now how conjecture ought to be dealt with. Let me hear you now on the subject of definition.

C.P. With respect to that the rules which are given are common to the accuser and the defender. For whichever of them by his definition and description of a word makes the greatest impression on the feelings and opinions of the judges, and whichever keeps nearest to the general meaning of the word, and to that preconceived opinion which those who are the hearers have adopted in their minds, must inevitably get the better in the discussion. For this kind of topic is not handled by a regular argumentation, but by shaking out, as it were, and unfolding the word; so that, if, for instance, in the case of a criminal acquitted through bribery and then impeached a second time, the accuser were to define prevarication to be the utter corruption of a tribunal by an accused person; and the defender were to urge a counter definition, that it is not every sort of corruption which is prevarication, but only the bribing of a prosecutor by a defendant: then, in the first place, there would be a contest between the different alleged meanings of the word; in which case, though the definition, if given by the speaker for the defence, approaches nearest to general usage and to the sense of common conversation, still the accuser relies on the spirit of the law, for he says that it ought not to be admitted that those men who framed the laws considered a judicial decision as ratified when wholly corrupt, but that if even one judge be corrupted, the decision should be annulled. He relies on equity; he urges that the law ought to have been framed differently, if that was what was meant; but that the truth is, that whatever kinds of corruption could possibly exist were all meant to be included under the one term prevarication. But the speaker for the defence will bring forward on his side the usage of common conversation; and he will seek the meaning of the word from its contrary; from a genuine accuser, to whom a prevarication is the exact opposite; or from consequents, because the tablets are given to the judge by the accuser; and from the name itself, which signifies a man who in

contrary causes appears to be placed, as it were, in various positions. But still he himself will be forced to have recourse to topics of equity, to the authority of precedents, and to some dangerous result. And this may be a general rule, that when each has stated his definition, keeping as accurately as he can to the common sense and meaning of the word, he should then confirm his own meaning and definition by similar definitions, and by the examples of those men who have spoken in the same way.

And in this kind of cause that will be a common topic for the accuser, — that it must never be permitted that the man who confesses a fact, should defend himself by a new interpretation of the name of it. But the defender must rely on those general principles of equity which I have mentioned, and he must complain that, while that is on his side, he is weighed down not by facts, but by the perverted use of a word; and while speaking thus he will be able to introduce many topics suited to aid him in discovering arguments. For he will avail himself of resemblances, and contrarieties, and consequences; and although both parties will do this, still the defendant, unless his cause is evidently ridiculous, will do so more frequently. But the things which are in the habit of being said, for the sake of amplification, or in the way of digression, or when men are summing up, are introduced either to excite hatred, or pity, or to work on the feelings of the judges by means of those arguments which have been already given; provided that the importance of the facts, or the envy of men, or the dignity of the parties, will allow of it.

XXXVII. *C.F.* I understand that. Now I wish to hear you speak of that part which, when the question is what is the character of such and such a transaction, will be suitable both for the accusation and also for the defence.

C.P. In a cause of that kind those who are accused confess that they did the very thing for which they are blamed; but since they allege that they did it lawfully, it is necessary for us to explain the whole principles of law. And that is divided into two principal divisions, — natural law and statute law. And the power of each of these is again distributed into human law and divine law; one of which refers to equity and the other to religion. But the power of

equity is two-fold: one part of which is upheld by considerations of what is straightforward, and true, and just, and, as it is said, equitable and virtuous; the other refers chiefly to requiting things done to one suitably, — which in the case of that which is to be requited being a kindness, is called gratitude, but when it is an injury, it is called revenge. And these principles are common both to natural and statute law. But there are also other divisions of law; for there is both the written and the unwritten law, — each of which is maintained by the rights of nations and the customs of our ancestors. Again, written law is divided into public law and private law. Public law is laws, resolutions of the senate, treaties; private law is accounts, covenants, agreements, stipulations.

But those laws which are unwritten, owe their influence either to custom or to some agreement between, and as it were to the common consent of men. And indeed it is in some degree prescribed to us by the laws of nature, that we are to uphold our customs and laws. And since the foundations of equity have been briefly explained in this manner, we ought to meditate carefully, with reference to causes of this kind, on what is to be said in our speeches about nature, and laws, and the customs of our ancestors, and the repelling of injuries, and revenge, and every portion of human rights. If a man has done anything unintentionally, or through necessity, or by accident, which men would not be excused for doing if they did it of their own accord and intentionally, by way of deprecating punishment for the action he should implore pardon and indulgence, founding his petition on many topics of equity. I have now explained as well as I could every kind of controversy, unless there is anything besides which you wish to know.

XXXVIII. *C.F.* I wish to know that which appears to me to be the only point left, — what is to be done when the discussion turns upon expressions in written documents.

C.P. You are right to ask: for when that is explained I shall have discharged the whole of the task which I have undertaken. The rules then which relate to ambiguity are common to both parties. For each of them will urge that the signification which he himself adopts is the one suited to the wisdom of the framer of the document; each of them will urge that that sense which his adversary says is to be gathered from the ambiguous expression in the writing, is either absurd, or inexpedient, or unjust, or discreditable, or again that it is inconsistent with other written expressions, either of other men, or, if possible, of the same man. And he will urge further that the meaning which he himself contends for is the one which would have been intended by every sensible and respectable man; and that such an one would express himself more plainly if the case were to come over again, and that the meaning which he asserts to be the proper one has nothing in it to which objection can be made, or with which any fault can be found; but that if the contrary meaning is admitted, many vices, many foolish, unjust, and inconsistent consequences must follow. But when it appears that the writer meant one thing and wrote another, then he who relies on the letter of the law must first explain the circumstances of the case, and then recite the law; then he must press his opponent, repeat the law, reiterate it, and ask him whether he denies that that is the expression contained in the writing, or whether he denies the facts of the case. After that he must invoke the judge to maintain the letter of the law. When he has dwelt on this sort of corroborative argument he must amplify his case by praising the law, and attack the audacity of the man who, when he has openly violated it, and confesses that he has done so, still comes forward and defends his conduct. Then he must invalidate the defence when his opponent says that the writer meant one thing and wrote another, and say that it is intolerable that the meaning of the framer of the law should be explained by any one else in preference to the law itself. Why did he write down such words if he did not mean them? Why does the opponent, while he neglects what is plainly written, bring forward what is not written anywhere? Why should he think that men who were most careful in what they wrote are to be convicted of extreme folly? What could have hindered the framer of this law from

making this exception which the opponent contends that he intended to make, if he really had intended it? He will then bring forward those instances where the same writer has made a similar exception, or if he cannot do that, at least he will cite cases where others have made similar exceptions. For a reason must be sought for, if it is possible to find one, why this exception was not made in this case. The law must be stated to be likely to be unjust, or useless, or else that there is a reason for obeying part of it, and for abrogating part; it must be that the argument of the opponent and the law are at variance. And then, by way of amplification, it will be proper, both in other parts of the speech, and above all in the peroration, to speak with great dignity and energy about the desirableness of maintaining the laws, and of the danger with which all public and private affairs are threatened.

XXXIX. But he who defends himself by appeals to the spirit and intention of the law, will urge that the force of the law depends on the mind and design of the framer, not on words and letters. And he will praise him for having mentioned no exceptions in his law, so as to leave no refuge for offences, and so as to bind the judge to interpret the intention of the law according to the actions of each individual. Then he must cite instances in which all equity will be disturbed if the words of the law are attended to and not the meaning. Then all cunning and false accusation must be endeavoured to be put before the judge in an odious light, and complaints uttered in a tone of indignation. If the action in question has been done unintentionally, or by accident, or by compulsion, rather than in consequence of any premeditation, — and actions of those kinds we have already discussed, — then it will be well to use the same topics of equity to counteract the effect of the harshness of the language.

But if the written laws contradict one another, then the connexion of art is such, and most of its principles are so connected and linked together, that the rules which we a little while ago laid down for cases of ambiguity, and which have just been given with reference to the letter and spirit of the law, may be all transferred to this third division also. For the topics by which, in the case of an ambiguous expression, we defended that meaning which is favourable to our argument must also be used to defend the law which is favourable to

us when there are inconsistent laws. In the next place, we must contrive to defend the spirit of one law, and the letter of the other. And so the rules which were just now given relating to the spirit and letter of the law may all be transferred to this subject.

XL. I have now explained to you all the divisions of oratory which have prevailed, as laid down by the academy to which we are devoted, and if it had not been for that academy they could not have been discovered, or understood, or discussed. For the mere act of division, and of definition, and the distribution of the partitions of a doubtful question, and the understanding the topics of arguments, and the arranging the argumentation itself properly, and the discerning what ought to be assumed in arguing, and what follows from what has been assumed, and the distinguishing what is true from what is false, and what is probable from what is incredible, and refuting assumptions which are not legitimate, or which are inappropriate, and discussing all these different points either concisely as those do who are called dialecticians, or copiously as an orator should do, are all fruits of the practice in disputing with acuteness and speaking with fluency, which is instilled into the disciples of that academy. And without a knowledge of these most important arts how can an orator have either energy or variety in his discourse, so as to speak properly of things good or bad, just or unjust, useful or useless, honourable or base?

Let these rules then, my Cicero, which I have now explained to you, be to you a sort of guide to those fountains of eloquence, and if under my instruction or that of others you arrive at them, you will then acquire a clearer understanding of these things and of others which are much more important.

C.F. I will strive to arrive at them with great eagerness, my father; and I do not think that there is any greater advantage which I can derive even from your many excellent kindnesses to me.

DE OPTIMO GENERE ORATORUM (About the Best Kind of Orators)

Translated by C. D. Yonge

De Optimo Genere Oratorum was written in 46 BC and forms Cicero's attempt to explain his views of oratorical style and how it reflects true Atticism in contrast to the Roman Atticists. The short treatise professes to be an introduction to a translation of a speech by Demosthenes called *On the Crown*, and another speech by his rival, Aeschines, called *Against Ctesiphon*. In the work, Cicero is an advocate of free translation, arguing that the essence of successful oratory is 'to instruct, delight, and move the minds of his audience', which is only achievable in translation that preserves the 'force and flavour of the passage', rather than translating 'word for word'.

THE TREATISE OF M. T. CICERO ON THE BEST STYLE OF ORATORS.

This little piece was composed by Cicero as a sort of preface to his translation of the Orations of Demosthenes and Aeschines de Corona; the translations themselves have not come down to us.

I. There are said to be classes of orators as there are of poets. But it is not so; for of poets there are a great many divisions; for of tragic, comic, epic, lyric, and also of dithyrambic poetry, which has been more cultivated by the Latins, each kind is very different from the rest. Therefore in tragedy anything comic is a defect, and in comedy anything tragic is out of place. And in the other kinds of poetry each has its own appropriate note, and a tone well known to those who understand the subject. But if any one were to enumerate many classes of orators, describing some as grand, and dignified, and copious, others as thin, or subtle, or concise, and others as something between the two and in the middle as it were, he would be saying something of the men, but very little of the matter. For as to the matter, we seek to know what is the best; but as to the man, we state what is the real case. Therefore if any one likes, he has a right to call Ennius a consummate epic poet, and Pacuvius an excellent tragic poet, and Caecilius perhaps a perfect comic poet. But I do not divide the orator as to class in this way. For I am seeking a perfect one. And of perfection there is only one kind; and those who fall short of it do not differ in kind, as Attius does from Terentius; but they are of the same kind, only of unequal merit. For he is the best orator who by speaking both teaches, and delights, and moves the minds of his hearers. To teach them is his duty, to delight them is creditable to him, to move them is indispensable. It must be granted that one person succeeds better in this than another; but that is not a difference of kind but of degree. Perfection is one thing; that is next to it which is most like it; from which consideration it is evident that that which is most unlike perfection is the worst.

II. For, since eloquence consists of words and sentences, we must endeavour, by speaking in a pure and correct manner, that is to say in

good Latin, to attain an elegance of expression with words appropriate and metaphorical. As to the appropriate words, selecting those which are most suitable; and when indulging in metaphor, studying to preserve a proper resemblance, and to be modest in our use of foreign terms. But of sentences, there are as many different kinds as I have said there are of panegyrics. For if teaching, we want shrewd sentences; if aiming at giving pleasure, we want musical ones; if at exciting the feelings, dignified ones. But there is a certain arrangement of words which produces both harmony and smoothness; and different sentiments have different arrangements suitable to them, and an order naturally calculated to prove their point; but of all those things memory is the foundation, (just as a building has a foundation,) and action is the light. The man, then, in whom all these qualities are found in the highest perfection, will be the most skilful orator; he in whom they exist in a moderate degree will be a mediocre orator: he in whom they are found to the slightest extent will be the most inferior sort of orator. All these, indeed, will be called orators, just as bad painters are still called painters; not differing from one another in kind, but in ability. So there is no orator who would not like to resemble Demosthenes; but Menander did not want to be like Homer, for his style was different.

This difference does not exist in orators; or if there be any such difference, that one avoiding gravity aims rather at subtlety; and on the other hand, that another desires to show himself acute rather than polished: such men, although they may be tolerable orators, are certainly not perfect ones; since that is perfection which combines every kind of excellence.

III. I have stated these things with greater brevity than the subject deserves; but still, with reference to my present object, it was not worth while being more prolix. For as there is but one kind of eloquence, what we are seeking to ascertain is what kind it is. And it is such as flourished at Athens; and in which the genius of the Attic orators is hardly comprehended by us, though their glory is known to us. For many have perceived this fact, that there is nothing faulty in them: few have discerned the other point; namely, how much in them there is that is praiseworthy. For it is a fault in a sentence if anything is absurd, or foreign to the subject, or stupid, or trivial; and it is a

fault of language if any thing is gross, or abject, or unsuitable, or harsh, or far-fetched. Nearly all those men who are either considered Attic orators or who speak in the Attic manner have avoided these faults. But if that is all their merit, then they may deserve to be regarded as sound and healthy, as if we were regarding athletes, to such an extent as to be allowed to exercise in the palaestra, but not to be entitled to the crown at the Olympic games. For the athletes, who are free from defects, are not content as it were with good health, but seek to produce strength and muscles and blood, and a certain agreeableness of complexion; let us imitate them, if we can; and if we cannot do so wholly, at least let us select as our models those who enjoy unimpaired health, (which is peculiar to the Attic orators,) rather than those whose abundance is vicious, of whom Asia has produced numbers. And in doing this (if at least we can manage even this, for it is a mighty undertaking) let us imitate, if we can, Lysias, and especially his simplicity of style: for in many places he rises to grandeur. But because he wrote speeches for many private causes, and those too for others, and on very trifling subjects, he appears to be somewhat simple, because he has designedly filed himself down to the standard of the inconsiderable causes which he was pleading.

IV. And a man who acts in this way, even if he be not able to turn out a vigorous speaker as he wishes, may still deserve to be accounted an orator, though an inferior one; but even a great orator must often also speak in the same manner in causes of that kind. And in this way it happens that Demosthenes is at times able to speak with simplicity, though perhaps Lysias may not be able to arrive at grandeur. But if men think that, when an army was marshalled in the forum and in all the temples round the forum, it was possible to speak in defence of Milo, as if we had been speaking in a private cause before a single judge, they measure the power of eloquence by their own estimate of their own ability, and not by the nature of the case. Wherefore, since some people have got into a way of repeating that they themselves do speak in an Attic manner, and others that none of us do so; the one class we may neglect, for the facts themselves are a sufficient answer to these men, since they are either not employed in causes, or when they are employed they are laughed at; for if the laughter which they excite were in approbation of them,

that very fact would be a characteristic of Attic speakers. But those who will not admit that we speak in the Attic manner, but yet profess that they themselves are not orators; if they have good ears and an intelligent judgment, may still be consulted by us, as one respecting the character of a picture would take the opinion of men who were incapable of making a picture, though not devoid of acuteness in judging of one. But if they place all their intelligence in a certain fastidiousness of ear, and if nothing lofty or magnificent ever pleases them, then let them say that they want something subtle and highly polished, and that they despise what is dignified and ornamented; but let them cease to assert that those men alone speak in the Attic manner, that is to say, in a sound and correct one. But to speak with dignity and elegance and copiousness is a characteristic of Attic orators. Need I say more? Is there any doubt whether we wish our oration to be tolerable only, or also admirable? For we are not asking now what sort of speaking is Attic: but what sort is best. And from this it is understood, since those who were Athenians were the best of the Greek orators, and since Demosthenes was beyond all comparison the best of them, that if any one imitates them he will speak in the Attic manner, and in the best manner, so that since the Attic orators are proposed to us for imitation, to speak well is to speak Attically.

V. But as there was a great error as to the question, what kind of eloquence that was, I have thought that it became me to undertake a labour which should be useful to studious men, though superfluous as far as I myself was concerned. For I have translated the most illustrious orations of the two most eloquent of the Attic orators, spoken in opposition to one another: Aeschines and Demosthenes. And I have not translated them as a literal interpreter, but as an orator giving the same ideas in the same form and mould as it were, in words conformable to our manners; in doing which I did not consider it necessary to give word for word, but I have preserved the character and energy of the language throughout. For I did not consider that my duty was to render to the reader the precise number of words, but rather to give him all their weight. And this labour of mine will have this result, that by it our countrymen may understand what to require of those who wish to be accounted Attic speakers, and that they may

recal them to, as it were, an acknowledged standard of eloquence.

But then Thucydides will rise up; for some people admire his eloquence. And they are quite right. But he has no connexion with the orator, which is the person of whom we are in search. For it is one thing to unfold the actions of men in a narration, and quite a different one to accuse and get rid of an accusation by arguing. It is one thing to fix a hearer's attention by a narration, and another to excite his feelings. "But he uses beautiful language." Is his language finer than Plato's? Nevertheless it is necessary for the orator whom we are inquiring about, to explain forensic disputes by a style of speaking calculated at once to teach, to delight, and to excite.

VI. Wherefore, if there is any one who professes that he intends to plead causes in the forum, following the style of Thucydides, no one will ever suspect him of being endowed with that kind of eloquence which is suited to affairs of state or to the bar. But if he is content with praising Thucydides, then he may add my vote to his own. Moreover, even Isocrates himself, whom that divine author, Plato, who was nearly his contemporary, has represented in the Phaedrus as being highly extolled by Socrates, and whom all learned men have called a consummate orator, I do not class among the number of those who are to be taken for models. For he is not engaged in actual conflict; he is not armed for the fray; his speeches are made for display, like foils. I will rather, (to compare small things with great,) bring on the stage a most noble pair of gladiators. Aeschines shall come on like aeserninus, as Lucilius says —

"No ordinary man, but fearless all,
And skill'd his arms to wield — his equal match
Pacideianus stands, than whom the world
Since the first birth of man hath seen no greater."

For I do not think that anything can be imagined more divine than that orator. Now this labour of mine is found fault with by two kinds of critics. One set says, "But the Greek is better." And I ask them whether the authors themselves could have clothed their speeches in better Latin? The others say, "Why should I rather read the translation than the original?" Yet those same men read the Andria

and the Synephebi; and are not less fond of Terence and Caecilius than of Menander. They must then discard the Andromache, and the Antiope, and the Epigoni in Latin. But yet, in fact, they read Ennius and Pacuvius and Attius more than Euripides and Sophocles. What then is the meaning of this contempt of theirs for orations translated from the Greek, when they have no objection to translated verses?

VII. However, let us now come to the task which we have undertaken, when we have just explained what the cause is which is before the court.

As there was a law at Athens, that no one should be the cause of carrying a decree of the people that any one should be presented with a crown while invested with office till he had given in an account of the way in which he had discharged its duties; and another law, that those who had crowns given them by the people ought to receive them in the assembly of the people, and that they who had them given to them by the senate should receive them in the senate; Demosthenes was appointed a superintendent of repairs of the walls; and he did it at his own expense. Therefore, with reference to him Ctesiphon proposed a decree, without his having given in any accounts, that he should be presented with a golden crown, and that that presentation should take place in the theatre, the people being summoned for the purpose, (that is not the legitimate place for an assembly of the people;) and that proclamation should be made, "that he received this present on account of his virtue and devotion to the state, and to the Athenian people." Aeschines then prosecuted this man Ctesiphon because he had proposed a decree contrary to the laws, to the effect that a crown should be given when no accounts had been delivered, and that it should be presented in the theatre, and that he had made false statements in the words of his motion concerning Demosthenes's virtue and loyalty; since Demosthenes was not a good man, and was not one who had deserved well of the state.

That kind of cause is indeed inconsistent with the precedents established by our habits; but still it has an imposing look. For it has on each side of the question a sufficiently clever interpretation of the laws, and a very grave contest as to the respective services done by the two rival orators to the republic. Therefore the object of

Aeschines was, since he himself had been prosecuted on a capital charge by Demosthenes, for having given a false account of his embassy, that now a trial should take place affecting the conduct and character of Demosthenes, that so, under pretence of prosecuting Ctesiphon, he might avenge himself on his enemy. For he did not say so much about the accounts not having been delivered, as to the point that a very bad citizen had been praised as an excellent.

Aeschines instituted this prosecution against Ctesiphon four years before the death of Philip of Macedon. But the decision took place a few years afterwards; when Alexander had become master of Asia. And it is said that all Greece thronged to hear the issue of the trial. For what was ever better worth going to see, or better worth hearing, than the contest of two consummate orators in a most important cause, inflamed and sharpened by private enmity?

If then, as I trust, I have given such a copy of their speeches, using all their excellencies, that is to say, their sentiments, and their figures, and the order of their facts; adhering to their words only so far as they are not inconsistent with our customs, (and though they may not be all translated from the Greek, still I have taken pains that they should be of the same class,) then there will be a standard to which the orations of those men must be directed who wish to speak Attically. But I have said enough of myself — let us now hear Aeschines speaking in Latin. (*These Orations are not extant*.)

DE RE PUBLICA (On the Republic)

Translated by C. D. Yonge

Composed in six books between 54 and 51 BC, this political treatise was written in the format of a Socratic dialogue in which Scipio Africanus Minor, who had died a few decades before Cicero was born, takes the role of a wise old man, filling a similar role as Socrates in Plato's dialogues. Cicero chose the format of a philosophical dialogue to avoid naming his political adversaries directly, whilst employing various speakers to raise differing opinions in an attempt to make the dialogue more difficult for his adversaries to accuse him for any one opinion he had written.

The *De Re Publica* is portrayed as taking place on Scipio's estate, during three consecutive days. Each day is described in two books, with an introduction by Cicero preceding the dialogue of each book. A large part of the sixth and final book is taken by Scipio telling a dream he had: this passage is now famously known as Somnium Scipionis, or "Scipio's dream".

Many parts of the text are missing, with large lacunae especially from the fourth and the fifth books, from which only minor fragments have survived. All other books have at least some passages missing. Scipio's dream, which is only a section of the sixth book, is nearly all that survives of the last book. The Somnium Scipionis survives because it was the subject of a commentary by Macrobius, who excerpted large portions; both he and his readers in the Middle Ages and Renaissance were mainly interested in its discussion of astrology and astronomy.

A mid-first century AD bust of Cicero, now housed in the Capitoline Museum, Rome

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INTRODUCTION TO THE FIRST BOOK BY THE TRANSLATOR.

Cicero introduces his subject by showing that men were not born for the mere abstract study of philosophy, but that the study of philosophic truth should always be made as practical as possible, and applicable to the great interests of philanthropy and patriotism. Cicero endeavors to show the benefit of mingling the contemplative or philosophic with the political and active life, according to that maxim of Plato—"Happy is the nation whose philosophers are kings, and whose kings are philosophers."

This kind of introduction was the more necessary because many of the ancient philosophers, too warmly attached to transcendental metaphysics and sequestered speculations, had affirmed that true philosophers ought not to interest themselves in the management of public affairs. Thus, as M. Villemain observes, it was a maxim of the Epicureans, "Sapiens ne accedat ad rempublicam" (Let no wise man meddle in politics). The Pythagoreans had enforced the same principle with more gravity. Aristotle examines the question on both sides, and concludes in favor of active life. Among Aristotle's disciples, a writer, singularly elegant and pure, had maintained the pre-eminence of the contemplative life over the political or active one, in a work which Cicero cites with admiration, and to which he seems to have applied for relief whenever he felt harassed and discouraged in public business. But here this great man was interested by the subject he discusses, and by the whole course of his experience and conduct, to refute the dogmas of that pusillanimous sophistry and selfish indulgence by bringing forward the most glorious examples and achievements of patriotism. In this strain he had doubtless commenced his exordium, and in this strain we find him continuing it at the point in which the palimpsest becomes legible. He then proceeds to introduce his illustrious interlocutors, and leads them at first to discourse on the astronomical laws that regulate the revolutions of our planet. From this, by a very graceful and beautiful transition, he passes on to the consideration of the best forms of political constitutions that had prevailed in different nations,

and those modes of government which had produced the greatest benefits in the commonwealths of antiquity.

This first book is, in fact, a splendid epitome of the political science of the age of Cicero, and probably the most eloquent plea in favor of mixed monarchy to be found in all literature.

BOOK I.

I. [Without the virtue of patriotism], neither Caius Duilius, nor Aulus Atilius, nor Lucius Metellus, could have delivered Rome by their courage from the terror of Carthage; nor could the two Scipios, when the fire of the second Punic War was kindled, have quenched it in their blood; nor, when it revived in greater force, could either Quintus Maximus have enervated it, or Marcus Marcellus have crushed it; nor, when it was repulsed from the gates of our own city, would Scipio have confined it within the walls of our enemies.

But Cato, at first a new and unknown man, whom all we who aspire to the same honors consider as a pattern to lead us on to industry and virtue, was undoubtedly at liberty to enjoy his repose at Tusculum, a most salubrious and convenient retreat. But he, mad as some people think him, though no necessity compelled him, preferred being tossed about amidst the tempestuous waves of politics, even till extreme old age, to living with all imaginable luxury in that tranquillity and relaxation. I omit innumerable men who have separately devoted themselves to the protection of our Commonwealth; and those whose lives are within the memory of the present generation I will not mention, lest any one should complain that I had invidiously forgotten himself or some one of his family. This only I insist on — that so great is the necessity of this virtue which nature has implanted in man, and so great is the desire to defend the common safety of our country, that its energy has continually overcome all the blandishments of pleasure and repose.

II. Nor is it sufficient to possess this virtue as if it were some kind of art, unless we put it in practice. An art, indeed, though not exercised, may still be retained in knowledge; but virtue consists wholly in its proper use and action. Now, the noblest use of virtue is the government of the Commonwealth, and the carrying-out in real action, not in words only, of all those identical theories which those philosophers discuss at every corner. For nothing is spoken by philosophers, so far as they speak correctly and honorably, which has not been discovered and confirmed by those persons who have been the founders of the laws of states. For whence comes piety, or from

whom has religion been derived? Whence comes law, either that of nations, or that which is called the civil law? Whence comes justice, faith, equity? Whence modesty, continence, the horror of baseness, the desire of praise and renown? Whence fortitude in labors and perils? Doubtless, from those who have instilled some of these moral principles into men by education, and confirmed others by custom, and sanctioned others by laws.

Moreover, it is reported of Xenocrates, one of the sublimest philosophers, that when some one asked him what his disciples learned, he replied, "To do that of their own accord which they might be compelled to do by law." That citizen, therefore, who obliges all men to those virtuous actions, by the authority of laws and penalties, to which the philosophers can scarcely persuade a few by the force of their eloquence, is certainly to be preferred to the sagest of the doctors who spend their lives in such discussions. For which of their exquisite orations is so admirable as to be entitled to be preferred to a well-constituted government, public justice, and good customs? Certainly, just as I think that magnificent and imperious cities (as Ennius says) are superior to castles and villages, so I imagine that those who regulate such cities by their counsel and authority are far preferable, with respect to real wisdom, to men who are unacquainted with any kind of political knowledge. And since we are strongly prompted to augment the prosperity of the human race, and since we do endeavor by our counsels and exertions to render the life of man safer and wealthier, and since we are incited to this blessing by the spur of nature herself, let us hold on that course which has always been pursued by all the best men, and not listen for a moment to the signals of those who sound a retreat so loudly that they sometimes call back even those who have made considerable progress.

III. These reasons, so certain and so evident, are opposed by those who, on the other side, argue that the labors which must necessarily be sustained in maintaining the Commonwealth form but a slight impediment to the vigilant and industrious, and are only a contemptible obstacle in such important affairs, and even in common studies, offices, and employments. They add the peril of life, that base fear of death, which has ever been opposed by brave men, to

whom it appears far more miserable to die by the decay of nature and old age than to be allowed an opportunity of gallantly sacrificing that life for their country which must otherwise be yielded up to nature.

On this point, however, our antagonists esteem themselves copious and eloquent when they collect all the calamities of heroic men, and the injuries inflicted on them by their ungrateful countrymen. For on this subject they bring forward those notable examples among the Greeks; and tell us that Miltiades, the vanquisher and conqueror of the Persians, before even those wounds were healed which he had received in that most glorious victory, wasted away in the chains of his fellow-citizens that life which had been preserved from the weapons of the enemy. They cite Themistocles, expelled and proscribed by the country which he had rescued, and forced to flee, not to the Grecian ports which he had preserved, but to the bosom of the barbarous power which he had defeated. There is, indeed, no deficiency of examples to illustrate the levity and cruelty of the Athenians to their noblest citizens — examples which, originating and multiplying among them, are said at different times to have abounded in our own most august empire. For we are told: of the exile of Camillus, the disgrace of Ahala, the unpopularity of Nasica, the expulsion of Lænas, the condemnation of Opimius, the flight of Metellus, the cruel destruction of Caius Marius, the massacre of our chieftains, and the many atrocious crimes which followed. My own history is by no means free from such calamities; and I imagine that when they recollect that by my counsel and perils they were preserved in life and liberty, they are led by that consideration to bewail my misfortunes more deeply and affectionately. But I cannot tell why those who sail over the seas for the sake of knowledge and experience [should wonder at seeing still greater hazards braved in the service of the Commonwealth].

IV. [Since], on my quitting the consulship, I swore in the assembly of the Roman people, who re-echoed my words, that I had saved the Commonwealth, I console myself with this remembrance for all my cares, troubles, and injuries. Although my misfortune had more of honor than misfortune, and more of glory than disaster; and I derive greater pleasure from the regrets of good men than sorrow from the exultation of the worthless. But even if it had happened

otherwise, how could I have complained, as nothing befell me which was either unforeseen, or more painful than I expected, as a return for my illustrious actions? For I was one who, though it was in my power to reap more profit from leisure than most men, on account of the diversified sweetness of my studies, in which I had lived from boyhood — or, if any public calamity had happened, to have borne no more than an equal share with the rest of my countrymen in the misfortune — I nevertheless did not hesitate to oppose myself to the most formidable tempests and torrents of sedition, for the sake of saving my countrymen, and at my own proper danger to secure the common safety of all the rest. For our country did not beget and educate us with the expectation of receiving no support, as I may call it, from us; nor for the purpose of consulting nothing but our convenience, to supply us with a secure refuge for idleness and a tranquil spot for rest; but rather with a view of turning to her own advantage the nobler portion of our genius, heart, and counsel; giving us back for our private service only what she can spare from the public interests.

V. Those apologies, therefore, in which men take refuge as an excuse for their devoting themselves with more plausibility to mere inactivity do certainly not deserve to be listened to; when, for instance, they tell us that those who meddle with public affairs are generally good-for-nothing men, with whom it is discreditable to be compared, and miserable and dangerous to contend, especially when the multitude is in an excited state. On which account it is not the part of a wise man to take the reins, since he cannot restrain the insane and unregulated movements of the common people. Nor is it becoming to a man of liberal birth, say they, thus to contend with such vile and unrefined antagonists, or to subject one's self to the lashings of contumely, or to put one's self in the way of injuries which ought not to be borne by a wise man. As if to a virtuous, brave, and magnanimous man there could be a juster reason for seeking the government than this — to avoid being subjected to worthless men, and to prevent the Commonwealth from being torn to pieces by them; when, even if they were then desirous to save her, they would not have the power.

VI. But this restriction who can approve, which would interdict

the wise man from taking any share in the government beyond such as the occasion and necessity may compel him to? As if any greater necessity could possibly happen to any man than happened to me. In which, how could I have acted if I had not been consul at the time? and how could I have been a consul unless I had maintained that course of life from my childhood which raised me from the order of knights, in which I was born, to the very highest station? You cannot produce *extempore*, and just when you please, the power of assisting a commonwealth, although it may be severely pressed by dangers, unless you have attained the position which enables you legally to do so. And what most surprises me in the discourses of learned men, is to hear those persons who confess themselves incapable of steering the vessel of the State in smooth seas (which, indeed, they never learned, and never cared to know) profess themselves ready to assume the helm amidst the fiercest tempests. For those men are accustomed to say openly, and indeed to boast greatly, that they have never learned, and have never taken the least pains to explain, the principles of either establishing or maintaining a commonwealth; and they look on this practical science as one which belongs not to men of learning and wisdom, but to those who have made it their especial study. How, then, can it be reasonable for such men to promise their assistance to the State, when they shall be compelled to it by necessity, while they are ignorant how to govern the republic when no necessity presses upon it, which is a much more easy task? Indeed, though it were true that the wise man loves not to thrust himself of his own accord into the administration of public affairs, but that if circumstances oblige him to it, then he does not refuse the office, yet I think that this science of civil legislation should in no wise be neglected by the philosopher, because all resources ought to be ready to his hand, which he knows not how soon he may be called on to use.

VII. I have spoken thus at large for this reason, because in this work I have proposed to myself and undertaken a discussion on the government of a state; and in order to render it useful, I was bound, in the first place, to do away with this pusillanimous hesitation to mingle in public affairs. If there be any, therefore, who are too much influenced by the authority of the philosophers, let them consider the

subject for a moment, and be guided by the opinions of those men whose authority and credit are greatest among learned men; whom I look upon, though some of them have not personally governed any state, as men who have nevertheless discharged a kind of office in the republic, inasmuch as they have made many investigations into, and left many writings concerning, state affairs. As to those whom the Greeks entitle the Seven Wise Men, I find that they almost all lived in the middle of public business. Nor, indeed, is there anything in which human virtue can more closely resemble the divine powers than in establishing new states, or in preserving those already established.

VIII. And concerning these affairs, since it has been our good fortune to achieve something worthy of memorial in the government of our country, and also to have acquired some facility of explaining the powers and resources of politics, we can treat of this subject with the weight of personal experience and the habit of instruction and illustration. Whereas before us many have been skilful in theory, though no exploits of theirs are recorded; and many others have been men of consideration in action, but unfamiliar with the arts of exposition. Nor, indeed, is it at all our intention to establish a new and self-invented system of government; but our purpose is rather to recall to memory a discussion of the most illustrious men of their age in our Commonwealth, which you and I, in our youth, when at Smyrna, heard mentioned by Publius Rutilius Rufus, who reported to us a conference of many days in which, in my opinion, there was nothing omitted that could throw light on political affairs.

IX. For when, in the year of the consulship of Tuditanus and Aquilius, Scipio Africanus, the son of Paulus Æmilius, formed the project of spending the Latin holidays at his country-seat, where his most intimate friends had promised him frequent visits during this season of relaxation, on the first morning of the festival, his nephew, Quintus Tubero, made his appearance; and when Scipio had greeted him heartily and embraced him — How is it, my dear Tubero, said he, that I see you so early? For these holidays must afford you a capital opportunity of pursuing your favorite studies. Ah! replied Tubero, I can study my books at any time, for they are always disengaged; but it is a great privilege, my Scipio, to find you at

leisure, especially in this restless period of public affairs. You certainly have found me so, said Scipio, but, to speak truth, I am rather relaxing from business than from study. Nay, said Tubero, you must try to relax from your studies too, for here are several of us, as we have appointed, all ready, if it suits your convenience, to aid you in getting through this leisure time of yours. I am very willing to consent, answered Scipio, and we may be able to compare notes respecting the several topics that interest us.

X. Be it so, said Tubero; and since you invite me to discussion, and present the opportunity, let us first examine, before any one else arrives, what can be the nature of the parhelion, or double sun, which was mentioned in the senate. Those that affirm they witnessed this prodigy are neither few nor unworthy of credit, so that there is more reason for investigation than incredulity.

Ah! said Scipio, I wish we had our friend Panætius with us, who is fond of investigating all things of this kind, but especially all celestial phenomena. As for my opinion, Tubero, for I always tell you just what I think, I hardly agree in these subjects with that friend of mine, since, respecting things of which we can scarcely form a conjecture as to their character, he is as positive as if he had seen them with his own eyes and felt them with his own hands. And I cannot but the more admire the wisdom of Socrates, who discarded all anxiety respecting things of this kind, and affirmed that these inquiries concerning the secrets of nature were either above the efforts of human reason, or were absolutely of no consequence at all to human life.

But, then, my Africanus, replied Tubero, of what credit is the tradition which states that Socrates rejected all these physical investigations, and confined his whole attention to men and manners? For, with respect to him what better authority can we cite than Plato? in many passages of whose works Socrates speaks in such a manner that even when he is discussing morals, and virtues, and even public affairs and politics, he endeavors to interweave, after the fashion of Pythagoras, the doctrines of arithmetic, geometry, and harmonic proportions with them.

That is true, replied Scipio; but you are aware, I believe, that Plato, after the death of Socrates, was induced to visit Egypt by his

love of science, and that after that he proceeded to Italy and Sicily, from his desire of understanding the Pythagorean dogmas; that he conversed much with Archytas of Tarentum and Timæus of Locris; that he collected the works of Philolaus; and that, finding in these places the renown of Pythagoras flourishing, he addicted himself exceedingly to the disciples of Pythagoras, and their studies; therefore, as he loved Socrates with his whole heart, and wished to attribute all great discoveries to him, he interwove the Socratic elegance and subtlety of eloquence with somewhat of the obscurity of Pythagoras, and with that notorious gravity of his diversified arts.

XI. When Scipio had spoken thus, he suddenly saw Lucius Furius approaching, and saluting him, and embracing him most affectionately, he gave him a seat on his own couch. And as soon as Publius Rutilius, the worthy reporter of the conference to us, had arrived, when we had saluted him, he placed him by the side of Tubero. Then said Furius, What is it that you are about? Has our entrance at all interrupted any conversation of yours? By no means, said Scipio, for you yourself too are in the habit of investigating carefully the subject which Tubero was a little before proposing to examine; and our friend Rutilius, even under the walls of Numantia, was in the habit at times of conversing with me on questions of the same kind. What, then, was the subject of your discussion? said Philus. We were talking, said Scipio, of the double suns that recently appeared, and I wish, Philus, to hear what you think of them.

XII. Just as he was speaking, a boy announced that Lælius was coming to call on him, and that he had already left his house. Then Scipio, putting on his sandals and robes, immediately went forth from his chamber, and when he had walked a little time in the portico, he met Lælius, and welcomed him and those that accompanied him, namely, Spurius Mummius, to whom he was greatly attached, and C. Fannius and Quintus Scævola, sons-in-law of Lælius, two very intelligent young men, and now of the quæstorian age.

When he had saluted them all, he returned through the portico, placing Lælius in the middle; for there was in their friendship a sort of law of reciprocal courtesy, so that in the camp Lælius paid Scipio almost divine honors, on account of his eminent renown in war and

in private life; in his turn Scipio reverenced Lælius, even as a father, because he was older than himself.

Then after they had exchanged a few words, as they walked up and down, Scipio, to whom their visit was extremely welcome and agreeable, wished to assemble them in a sunny corner of the gardens, because it was still winter; and when they had agreed to this, there came in another friend, a learned man, much beloved and esteemed by all of them, M. Manilius, who, after having been most warmly welcomed by Scipio and the rest, seated himself next to Lælius.

XIII. Then Philus, commencing the conversation, said: It does not appear to me that the presence of our new guests need alter the subject of our discussion, but only that it should induce us to treat it more philosophically, and in a manner more worthy of our increased audience. What do you allude to? said Lælius; or what was the discussion we broke in upon? Scipio was asking me, replied Philus, what I thought of the parhelion, or mock sun, whose recent apparition was so strongly attested.

Lælius. Do you say then, my Philus, that we have sufficiently examined those questions which concern our own houses and the Commonwealth, that we begin to investigate the celestial mysteries?

And Philus replied: Do you think, then, that it does not concern our houses to know what happens in that vast home which is not included in walls of human fabrication, but which embraces the entire universe — a home which the Gods share with us, as the common country of all intelligent beings? Especially when, if we are ignorant of these things, there are also many great practical truths which result from them, and which bear directly on the welfare of our race, of which we must be also ignorant. And here I can speak for myself, as well as for you, Lælius, and all men who are ambitious of wisdom, that the knowledge and consideration of the facts of nature are by themselves very delightful.

Lælius. I have no objection to the discussion, especially as it is holiday-time with us. But cannot we have the pleasure of hearing you resume it, or are we come too late?

Philus. We have not yet commenced the discussion, and since the question remains entire and unbroken, I shall have the greatest pleasure, my Lælius, in handing over the argument to you.

Lælius. No, I had much rather hear you, unless, indeed, Manilius thinks himself able to compromise the suit between the two suns, that they may possess heaven as joint sovereigns without intruding on each other's empire.

Then Manilius said: Are you going, Lælius, to ridicule a science in which, in the first place, I myself excel; and, secondly, without which no one can distinguish what is his own, and what is another's? But to return to the point. Let us now at present listen to Philus, who seems to me to have started a greater question than any of those that have engaged the attention of either Publius Mucius or myself.

XIV. Then Philus said: I am not about to bring you anything new, or anything which has been thought over or discovered by me myself. But I recollect that Caius Sulpicius Gallus, who was a man of profound learning, as you are aware, when this same thing was reported to have taken place in his time, while he was staying in the house of Marcus Marcellus, who had been his colleague in the consulship, asked to see a celestial globe which Marcellus's grandfather had saved after the capture of Syracuse from that magnificent and opulent city, without bringing to his own home any other memorial out of so great a booty; which I had often heard mentioned on account of the great fame of Archimedes; but its appearance, however, did not seem to me particularly striking. For that other is more elegant in form, and more generally known, which was made by the same Archimedes, and deposited by the same Marcellus in the Temple of Virtue at Rome. But as soon as Gallus had begun to explain, in a most scientific manner, the principle of this machine, I felt that the Sicilian geometrician must have possessed a genius superior to anything we usually conceive to belong to our nature. For Gallus assured us that that other solid and compact globe was a very ancient invention, and that the first model had been originally made by Thales of Miletus. That afterward Eudoxus of Cnidus, a disciple of Plato, had traced on its surface the stars that appear in the sky, and that many years subsequently, borrowing from Eudoxus this beautiful design and representation, Aratus had illustrated it in his verses, not by any science of astronomy, but by the ornament of poetic description. He added that the figure of the globe, which displayed the motions of the sun and

moon, and the five planets, or wandering stars, could not be represented by the primitive solid globe; and that in this the invention of Archimedes was admirable, because he had calculated how a single revolution should maintain unequal and diversified progressions in dissimilar motions. In fact, when Gallus moved this globe, we observed that the moon succeeded the sun by as many turns of the wheel in the machine as days in the heavens. From whence it resulted that the progress of the sun was marked as in the heavens, and that the moon touched the point where she is obscured by the earth's shadow at the instant the sun appears opposite. * * *

XV. * * * I had myself a great affection for this Gallus, and I know that he was very much beloved and esteemed by my father Paulus. I recollect that when I was very young, when my father, as consul, commanded in Macedonia, and we were in the camp, our army was seized with a pious terror, because suddenly, in a clear night, the bright and full moon became eclipsed. And Gallus, who was then our lieutenant, the year before that in which he was elected consul, hesitated not, next morning, to state in the camp that it was no prodigy, and that the phenomenon which had then appeared would always appear at certain periods, when the sun was so placed that he could not affect the moon with his light.

But do you mean, said Tubero, that he dared to speak thus to men almost entirely uneducated and ignorant?

Scipio. He did, and with great * * * for his opinion was no result of insolent ostentation, nor was his language unbecoming the dignity of so wise a man: indeed, he performed a very noble action in thus freeing his countrymen from the terrors of an idle superstition.

XVI. And they relate that in a similar way, in the great war in which the Athenians and Lacedæmonians contended with such violent resentment, the famous Pericles, the first man of his country in credit, eloquence, and political genius, observing the Athenians overwhelmed with an excessive alarm during an eclipse of the sun which caused a sudden darkness, told them, what he had learned in the school of Anaxagoras, that these phenomena necessarily happened at precise and regular periods when the body of the moon was interposed between the sun and the earth, and that if they happened not before every new moon, still they could not possibly

happen except at the exact time of the new moon. And when he had proved this truth by his reasonings, he freed the people from their alarms; for at that period the doctrine was new and unfamiliar that the sun was accustomed to be eclipsed by the interposition of the moon, which fact they say that Thales of Miletus was the first to discover. Afterward my friend Ennius appears to have been acquainted with the same theory, who, writing about years after the foundation of Rome, says, “In the nones of June the sun was covered by the moon and night.” The calculations in the astronomical art have attained such perfection that from that day, thus described to us by Ennius and recorded in the pontifical registers, the anterior eclipses of the sun have been computed as far back as the nones of July in the reign of Romulus, when that eclipse took place, in the obscurity of which it was affirmed that Virtue bore Romulus to heaven, in spite of the perishable nature which carried him off by the common fate of humanity.

XVII. Then said Tubero: Do not you think, Scipio, that this astronomical science, which every day proves so useful, just now appeared in a different light to you, * * * which the rest may see. Moreover, who can think anything in human affairs of brilliant importance who has penetrated this starry empire of the gods? Or who can think anything connected with mankind long who has learned to estimate the nature of eternity? or glorious who is aware of the insignificance of the size of the earth, even in its whole extent, and especially in the portion which men inhabit? And when we consider that almost imperceptible point which we ourselves occupy unknown to the majority of nations, can we still hope that our name and reputation can be widely circulated? And then our estates and edifices, our cattle, and the enormous treasures of our gold and silver, can they be esteemed or denominated as desirable goods by him who observes their perishable profit, and their contemptible use, and their uncertain domination, often falling into the possession of the very worst men? How happy, then, ought we to esteem that man who alone has it in his power, not by the law of the Romans, but by the privilege of philosophers, to enjoy all things as his own; not by any civil bond, but by the common right of nature, which denies that anything can really be possessed by any one but him who

understands its true nature and use; who reckons our dictatorships and consulships rather in the rank of necessary offices than desirable employments, and thinks they must be endured rather as acquittances of our debt to our country than sought for the sake of emolument or glory — the man, in short, who can apply to himself the sentence which Cato tells us my ancestor Africanus loved to repeat, "that he was never so busy as when he did nothing, and never less solitary than when alone."

For who can believe that Dionysius, when after every possible effort he ravished from his fellow-citizens their liberty, had performed a nobler work than Archimedes, when, without appearing to be doing anything, he manufactured the globe which we have just been describing? Who does not see that those men are in reality more solitary who, in the midst of a crowd, find no one with whom they can converse congenially than those who, without witnesses, hold communion with themselves, and enter into the secret counsels of the sagest philosophers, while they delight themselves in their writings and discoveries? And who would think any one richer than the man who is in want of nothing which nature requires; or more powerful than he who has attained all that she has need of; or happier than he who is free from all mental perturbation; or more secure in future than he who carries all his property in himself, which is thus secured from shipwreck? And what power, what magistracy, what royalty, can be preferred to a wisdom which, looking down on all terrestrial objects as low and transitory things, incessantly directs its attention to eternal and immutable verities, and which is persuaded that though others are called men, none are really so but those who are refined by the appropriate acts of humanity?

In this sense an expression of Plato or some other philosopher appears to me exceedingly elegant, who, when a tempest had driven his ship on an unknown country and a desolate shore, during the alarms with which their ignorance of the region inspired his companions, observed, they say, geometrical figures traced in the sand, on which he immediately told them to be of good cheer, for he had observed the indications of Man. A conjecture he deduced, not from the cultivation of the soil which he beheld, but from the symbols of science. For this reason, Tubero, learning and learned

men, and these your favorite studies, have always particularly pleased me.

XVIII. Then Lælius replied: I cannot venture, Scipio, to answer your arguments, or to [maintain the discussion either against] you, Philus, or Manilius. * * *

We had a friend in Tubero's father's family, who in these respects may serve him as a model.

Sextus so wise, and ever on his guard.

Wise and cautious indeed he was, as Ennius justly describes him — not because he searched for what he could never find, but because he knew how to answer those who prayed for deliverance from cares and difficulties. It is he who, reasoning against the astronomical studies of Gallus, used frequently to repeat these words of Achilles in the Iphigenia:

They note the astrologic signs of heaven,
Whene'er the goats or scorpions of great Jove,
Or other monstrous names of brutal forms,
Rise in the zodiac; but not one regards
The sensible facts of earth, on which we tread,
While gazing on the starry prodigies.

He used, however, to say (and I have often listened to him with pleasure) that for his part he thought that Zethus, in the piece of Pacuvius, was too inimical to learning. He much preferred the Neoptolemus of Ennius, who professes himself desirous of philosophizing only in moderation; for that he did not think it right to be wholly devoted to it. But though the studies of the Greeks have so many charms for you, there are others, perhaps, nobler and more extensive, which we may be better able to apply to the service of real life, and even to political affairs. As to these abstract sciences, their utility, if they possess any, lies principally in exciting and stimulating the abilities of youth, so that they more easily acquire more important accomplishments.

XIX. Then Tubero said: I do not mean to disagree with you, Lælius; but, pray, what do you call more important studies?

Lælius. I will tell you frankly, though perhaps you will think lightly of my opinion, since you appeared so eager in interrogating Scipio respecting the celestial phenomena; but I happen to think that

those things which are every day before our eyes are more particularly deserving of our attention. Why should the child of Paulus Æmilius, the nephew of Æmilius, the descendant of such a noble family and so glorious a republic, inquire how there can be two suns in heaven, and not ask how there can be two senates in one Commonwealth, and, as it were, two distinct peoples? For, as you see, the death of Tiberius Gracchus, and the whole system of his tribuneship, has divided one people into two parties. But the slanderers and the enemies of Scipio, encouraged by P. Crassus and Appius Claudius, maintained, after the death of these two chiefs, a division of nearly half the senate, under the influence of Metellus and Mucius. Nor would they permit the man who alone could have been of service to help us out of our difficulties during the movement of the Latins and their allies towards rebellion, violating all our treaties in the presence of factious triumvirs, and creating every day some fresh intrigue, to the disturbance of the worthier and wealthier citizens. This is the reason, young men, if you will listen to me, why you should regard this new sun with less alarm; for, whether it does exist, or whether it does not exist, it is, as you see, quite harmless to us. As to the manner of its existence, we can know little or nothing; and even if we obtained the most perfect understanding of it, this knowledge would make us but little wiser or happier. But that there should exist a united people and a united senate is a thing which actually may be brought about, and it will be a great evil if it is not; and that it does not exist at present we are aware; and we see that if it can be effected, our lives will be both better and happier.

XX. Then Mucius said: What, then, do you consider, my Lælius, should be our best arguments in endeavoring to bring about the object of your wishes?

Lælius. Those sciences and arts which teach us how we may be most useful to the State; for I consider that the most glorious office of wisdom, and the noblest proof and business of virtue. In order, therefore, that we may consecrate these holidays as much as possible to conversations which may be profitable to the Commonwealth, let us beg Scipio to explain to us what in his estimation appears to be the best form of government. Then let us pass on to other points, the knowledge of which may lead us, as I hope, to sound political views,

and unfold the causes of the dangers which now threaten us.

XXI. When Philus, Manilius, and Mummius had all expressed their great approbation of this idea * * * I have ventured [to open our discussion] in this way, not only because it is but just that on State politics the chief man in the State should be the principal speaker, but also because I recollect that you, Scipio, were formerly very much in the habit of conversing with Panætius and Polybius, two Greeks, exceedingly learned in political questions, and that you are master of many arguments by which you prove that by far the best condition of government is that which our ancestors have handed down to us. And as you, therefore, are familiar with this subject, if you will explain to us your views respecting the general principles of a state (I speak for my friends as well as myself), we shall feel exceedingly obliged to you.

XXII. Then Scipio said: I must acknowledge that there is no subject of meditation to which my mind naturally turns with more ardor and intensity than this very one which Lælius has proposed to us. And, indeed, as I see that in every profession, every artist who would distinguish himself, thinks of, and aims at, and labors for no other object but that of attaining perfection in his art, should not I, whose main business, according to the example of my father and my ancestors, is the advancement and right administration of government, be confessing myself more indolent than any common mechanic if I were to bestow on this noblest of sciences less attention and labor than they devote to their insignificant trades? However, I am neither entirely satisfied with the decisions which the greatest and wisest men of Greece have left us; nor, on the other hand, do I venture to prefer my own opinions to theirs. Therefore, I must request you not to consider me either entirely ignorant of the Grecian literature, nor yet disposed, especially in political questions, to yield it the pre-eminence over our own; but rather to regard me as a true-born Roman, not illiberally instructed by the care of my father, and inflamed with the desire of knowledge, even from my boyhood, but still even more familiar with domestic precepts and practices than the literature of books.

XXIII. On this Philus said: I have no doubt, my Scipio, that no one is superior to you in natural genius, and that you are very far

superior to every one in the practical experience of national government and of important business. We are also acquainted with the course which your studies have at all times taken; and if, as you say, you have given so much attention to this science and art of politics, we cannot be too much obliged to Lælius for introducing the subject: for I trust that what we shall hear from you will be far more useful and available than all the writings put together which the Greeks have written for us.

Then Scipio replied: You are raising a very high expectation of my discourse, such as is a most oppressive burden to a man who is required to discuss grave subjects.

And Philus said: Although that may be a difficulty, my Scipio, still you will be sure to conquer it, as you always do; nor is there any danger of eloquence failing you, when you begin to speak on the affairs of a commonwealth.

XXIV. Then Scipio proceeded: I will do what you wish, as far as I can; and I shall enter into the discussion under favor of that rule which, I think, should be adopted by all persons in disputations of this kind, if they wish to avoid being misunderstood; namely, that when men have agreed respecting the proper name of the matter under discussion, it should be stated what that name exactly means, and what it legitimately includes. And when that point is settled, then it is fit to enter on the discussion; for it will never be possible to arrive at an understanding of what the character of the subject of the discussion is, unless one first understands exactly what it is. Since, then, our investigations relate to a commonwealth, we must first examine what this name properly signifies.

And when Lælius had intimated his approbation of this course, Scipio continued:

I shall not adopt, said he, in so clear and simple a manner that system of discussion which goes back to first principles; as learned men often do in this sort of discussion, so as to go back to the first meeting of male and female, and then to the first birth and formation of the first family, and define over and over again what there is in words, and in how many manners each thing is stated. For, as I am speaking to men of prudence, who have acted with the greatest glory in the Commonwealth, both in peace and war, I will take care not to

allow the subject of the discussion itself to be clearer than my explanation of it. Nor have I undertaken this task with the design of examining all its minuter points, like a school-master; nor will I promise you in the following discourse not to omit any single particular.

Then Lælius said: For my part, I am impatient for exactly that kind of disquisition which you promise us.

XXV. Well, then, said Africanus, a commonwealth is a constitution of the entire people. But the people is not every association of men, however congregated, but the association of the entire number, bound together by the compact of justice, and the communication of utility. The first cause of this association is not so much the weakness of man as a certain spirit of congregation which naturally belongs to him. For the human race is not a race of isolated individuals, wandering and solitary; but it is so constituted that even in the affluence of all things [and without any need of reciprocal assistance, it spontaneously seeks society].

XXVI. [It is necessary to presuppose] these original seeds, as it were, since we cannot discover any primary establishment of the other virtues, or even of a commonwealth itself. These unions, then, formed by the principle which I have mentioned, established their headquarters originally in certain central positions, for the convenience of the whole population; and having fortified them by natural and artificial means, they called this collection of houses a city or town, distinguished by temples and public squares. Every people, therefore, which consists of such an association of the entire multitude as I have described, every city which consists of an assemblage of the people, and every commonwealth which embraces every member of these associations, must be regulated by a certain authority, in order to be permanent.

This intelligent authority should always refer itself to that grand first principle which established the Commonwealth. It must be deposited in the hands of one supreme person, or intrusted to the administration of certain delegated rulers, or undertaken by the whole multitude. When the direction of all depends on one person, we call this individual a king, and this form of political constitution a kingdom. When it is in the power of privileged delegates, the State is

said to be ruled by an aristocracy; and when the people are all in all, they call it a democracy, or popular constitution. And if the tie of social affection, which originally united men in political associations for the sake of public interest, maintains its force, each of these forms of government is, I will not say perfect, nor, in my opinion, essentially good, but tolerable, and such that one may accidentally be better than another: either a just and wise king, or a selection of the most eminent citizens, or even the populace itself (though this is the least commendable form), may, if there be no interference of crime and cupidity, form a constitution sufficiently secure.

XXVII. But in a monarchy the other members of the State are often too much deprived of public counsel and jurisdiction; and under the rule of an aristocracy the multitude can hardly possess its due share of liberty, since it is allowed no share in the public deliberation, and no power. And when all things are carried by a democracy, although it be just and moderate, yet its very equality is a culpable levelling, inasmuch as it allows no gradations of rank. Therefore, even if Cyrus, the King of the Persians, was a most righteous and wise monarch, I should still think that the interest of the people (for this is, as I have said before, the same as the Commonwealth) could not be very effectually promoted when all things depended on the beck and nod of one individual. And though at present the people of Marseilles, our clients, are governed with the greatest justice by elected magistrates of the highest rank, still there is always in this condition of the people a certain appearance of servitude; and when the Athenians, at a certain period, having demolished their Areopagus, conducted all public affairs by the acts and decrees of the democracy alone, their State, as it no longer contained a distinct gradation of ranks, was no longer able to retain its original fair appearance.

XXVIII. I have reasoned thus on the three forms of government, not looking on them in their disorganized and confused conditions, but in their proper and regular administration. These three particular forms, however, contained in themselves, from the first, the faults and defects I have mentioned; but they have also other dangerous vices, for there is not one of these three forms of government which has not a precipitous and slippery passage down to some proximate

abuse. For, after thinking of that endurable, or, as you will have it, most amiable king, Cyrus — to name him in preference to any one else — then, to produce a change in our minds, we behold the barbarous Phalaris, that model of tyranny, to which the monarchical authority is easily abused by a facile and natural inclination. And, in like manner, along-side of the wise aristocracy of Marseilles, we might exhibit the oligarchical faction of the thirty tyrants which once existed at Athens. And, not to seek for other instances, among the same Athenians, we can show you that when unlimited power was cast into the hands of the people, it inflamed the fury of the multitude, and aggravated that universal license which ruined their State. * * *

XXIX. The worst condition of things sometimes results from a confusion of those factious tyrannies into which kings, aristocrats, and democrats are apt to degenerate. For thus, from these diverse elements, there occasionally arises (as I have said before) a new kind of government. And wonderful indeed are the revolutions and periodical returns in natural constitutions of such alternations and vicissitudes, which it is the part of the wise politician to investigate with the closest attention. But to calculate their approach, and to join to this foresight the skill which moderates the course of events, and retains in a steady hand the reins of that authority which safely conducts the people through all the dangers to which they expose themselves, is the work of a most illustrious citizen, and of almost divine genius.

There is a fourth kind of government, therefore, which, in my opinion, is preferable to all these: it is that mixed and moderate government which is composed of the three particular forms which I have already noticed.

XXX. *Lælius.* I am not ignorant, Scipio, that such is your opinion, for I have often heard you say so. But I do not the less desire, if it is not giving you too much trouble, to hear which you consider the best of these three forms of commonwealths. For it may be of some use in considering * * *

XXXI. * * * And each commonwealth corresponds to the nature and will of him who governs it. Therefore, in no other constitution than that in which the people exercise sovereign power has liberty any sure abode, than which there certainly is no more desirable blessing. And if it be not equally established for every one, it is not even liberty at all. And how can there be this character of equality, I do not say under a monarchy, where slavery is least disguised or doubtful, but even in those constitutions in which the people are free indeed in words, for they give their suffrages, they elect officers, they are canvassed and solicited for magistracies; but yet they only grant those things which they are obliged to grant whether they will or not, and which are not really in their free power, though others ask them for them? For they are not themselves admitted to the government, to the exercise of public authority, or to offices of select judges, which are permitted to those only of ancient families and large fortunes. But in a free people, as among the Rhodians and Athenians, there is no citizen who * * *

XXXII. * * * No sooner is one man, or several, elevated by wealth and power, than they say that * * * arise from their pride and arrogance, when the idle and the timid give way, and bow down to the insolence of riches. But if the people knew how to maintain its rights, then they say that nothing could be more glorious and prosperous than democracy; inasmuch as they themselves would be the sovereign dispensers of laws, judgments, war, peace, public treaties, and, finally, of the fortune and life of each individual citizen; and this condition of things is the only one which, in their opinion, can be really called a commonwealth, that is to say, a constitution of

the people. It is on this principle that, according to them, a people often vindicates its liberty from the domination of kings and nobles; while, on the other hand, kings are not sought for among free peoples, nor are the power and wealth of aristocracies. They deny, moreover, that it is fair to reject this general constitution of freemen, on account of the vices of the unbridled populace; but that if the people be united and inclined, and directs all its efforts to the safety and freedom of the community, nothing can be stronger or more unchangeable; and they assert that this necessary union is easily obtained in a republic so constituted that the good of all classes is the same; while the conflicting interests that prevail in other constitutions inevitably produce dissensions; therefore, say they, when the senate had the ascendency, the republic had no stability; and when kings possess the power, this blessing is still more rare, since, as Ennius expresses it,

In kingdoms there's no faith, and little love.

Wherefore, since the law is the bond of civil society, and the justice of the law equal, by what rule can the association of citizens be held together, if the condition of the citizens be not equal? For if the fortunes of men cannot be reduced to this equality — if genius cannot be equally the property of all — rights, at least, should be equal among those who are citizens of the same republic. For what is a republic but an association of rights? * * *

XXXIII. But as to the other political constitutions, these democratical advocates do not think they are worthy of being distinguished by the name which they claim. For why, say they, should we apply the name of king, the title of Jupiter the Beneficent, and not rather the title of tyrant, to a man ambitious of sole authority and power, lording it over a degraded multitude? For a tyrant may be as merciful as a king may be oppressive; so that the whole difference to the people is, whether they serve an indulgent master or a cruel one, since serve some one they must. But how could Sparta, at the period of the boasted superiority of her political institution, obtain a constant enjoyment of just and virtuous kings, when they necessarily received an hereditary monarch, good, bad, or indifferent, because he happened to be of the blood royal? As to aristocrats, Who will endure, say they, that men should distinguish themselves by such a

title, and that not by the voice of the people, but by their own votes? For how is such a one judged to be best either in learning, sciences, or arts? * * *

XXXIV. * * * If it does so by hap-hazard, it will be as easily upset as a vessel if the pilot were chosen by lot from among the passengers. But if a people, being free, chooses those to whom it can trust itself — and, if it desires its own preservation, it will always choose the noblest — then certainly it is in the counsels of the aristocracy that the safety of the State consists, especially as nature has not only appointed that these superior men should excel the inferior sort in high virtue and courage, but has inspired the people also with the desire of obedience towards these, their natural lords. But they say this aristocratical State is destroyed by the depraved opinions of men, who, through ignorance of virtue (which, as it belongs to few, can be discerned and appreciated by few), imagine that not only rich and powerful men, but also those who are nobly born, are necessarily the best. And so when, through this popular error, the riches, and not the virtue, of a few men has taken possession of the State, these chiefs obstinately retain the title of nobles, though they want the essence of nobility. For riches, fame, and power, without wisdom and a just method of regulating ourselves and commanding others, are full of discredit and insolent arrogance; nor is there any kind of government more deformed than that in which the wealthiest are regarded as the noblest.

But when virtue governs the Commonwealth, what can be more glorious? When he who commands the rest is himself enslaved by no lust or passion; when he himself exhibits all the virtues to which he incites and educates the citizens; when he imposes no law on the people which he does not himself observe, but presents his life as a living law to his fellow-countrymen; if a single individual could thus suffice for all, there would be no need of more; and if the community could find a chief ruler thus worthy of all their suffrages, none would require elected magistrates.

It was the difficulty of forming plans which transferred the government from a king into the hands of many; and the error and temerity of the people likewise transferred it from the hands of the many into those of the few. Thus, between the weakness of the

monarch and the rashness of the multitude, the aristocrats have occupied the middle place, than which nothing can be better arranged; and while they superintend the public interest, the people necessarily enjoy the greatest possible prosperity, being free from all care and anxiety, having intrusted their security to others, who ought sedulously to defend it, and not allow the people to suspect that their advantage is neglected by their rulers.

For as to that equality of rights which democracies so loudly boast of, it can never be maintained; for the people themselves, so dissolute and so unbridled, are always inclined to flatter a number of demagogues; and there is in them a very great partiality for certain men and dignities, so that their equality, so called, becomes most unfair and iniquitous. For as equal honor is given to the most noble and the most infamous, some of whom must exist in every State, then the equity which they eulogize becomes most inequitable — an evil which never can happen in those states which are governed by aristocracies. These reasonings, my Lælius, and some others of the same kind, are usually brought forward by those that so highly extol this form of political constitution.

XXXV. Then Lælius said: But you have not told us, Scipio, which of these three forms of government you yourself most approve.

Scipio. You are right to shape your question, which of the three I most approve, for there is not one of them which I approve at all by itself, since, as I told you, I prefer that government which is mixed and composed of all these forms, to any one of them taken separately. But if I must confine myself to one of these particular forms simply and exclusively, I must confess I prefer the royal one, and praise that as the first and best. In this, which I here choose to call the primitive form of government, I find the title of father attached to that of king, to express that he watches over the citizens as over his children, and endeavors rather to preserve them in freedom than reduce them to slavery. So that it is more advantageous for those who are insignificant in property and capacity to be supported by the care of one excellent and eminently powerful man. The nobles here present themselves, who profess that they can do all this in much better style; for they say that there is much more wisdom in many than in one, and at least as much faith and equity.

And, last of all, come the people, who cry with a loud voice that they will render obedience neither to the one nor the few; that even to brute beasts nothing is so dear as liberty; and that all men who serve either kings or nobles are deprived of it. Thus, the kings attract us by affection, the nobles by talent, the people by liberty; and in the comparison it is hard to choose the best.

Lælius. I think so too, but yet it is impossible to despatch the other branches of the question, if you leave this primary point undetermined.

XXXVI. *Scipio.* We must then, I suppose, imitate Aratus, who, when he prepared himself to treat of great things, thought himself in duty bound to begin with Jupiter.

Lælius. Wherefore Jupiter? and what is there in this discussion which resembles that poem?

Scipio. Why, it serves to teach us that we cannot better commence our investigations than by invoking him whom, with one voice, both learned and unlearned extol as the universal king of all gods and men.

How so? said Lælius.

Do you, then, asked Scipio, believe in nothing which is not before your eyes? whether these ideas have been established by the chiefs of states for the benefit of society, that there might be believed to exist one Universal Monarch in heaven, at whose nod (as Homer expresses it) all Olympus trembles, and that he might be accounted both king and father of all creatures; for there is great authority, and there are many witnesses, if you choose to call all many, who attest that all nations have unanimously recognized, by the decrees of their chiefs, that nothing is better than a king, since they think that all the Gods are governed by the divine power of one sovereign; or if we suspect that this opinion rests on the error of the ignorant, and should be classed among the fables, let us listen to those universal testimonies of erudite men, who have, as it were, seen with their eyes those things to the knowledge of which we can hardly attain by report.

What men do you mean? said Lælius.

Those, replied Scipio, who, by the investigation of nature, have arrived at the opinion that the whole universe [is animated] by a single Mind. * * *

XXXVII. But if you please, my Lælius, I will bring forward evidences which are neither too ancient nor in any respect barbarous.

Those, said Lælius, are what I want.

Scipio. You are aware that it is now not four centuries since this city of ours has been without kings.

Lælius. You are correct; it is less than four centuries.

Scipio. Well, then, what are four centuries in the age of a state or city? is it a long time?

Lælius. It hardly amounts to the age of maturity.

Scipio. You say truly; and yet not four centuries have elapsed since there was a king in Rome.

Lælius. And he was a proud king.

Scipio. But who was his predecessor?

Lælius. He was an admirably just one; and, indeed, we must bestow the same praise on all his predecessors as far back as Romulus, who reigned about six centuries ago.

Scipio. Even he, then, is not very ancient.

Lælius. No; he reigned when Greece was already becoming old.

Scipio. Agreed. Was Romulus, then, think you, king of a barbarous people?

Lælius. Why, as to that, if we were to follow the example of the Greeks, who say that all people are either Greeks or barbarians, I am afraid that we must confess that he was a king of barbarians; but if this name belongs rather to manners than to languages, then I believe the Greeks were just as barbarous as the Romans.

Then Scipio said: But with respect to the present question, we do not so much need to inquire into the nation as into the disposition. For if intelligent men, at a period so little remote, desired the government of kings, you will confess that I am producing authorities that are neither antiquated, rude, nor insignificant.

XXXVIII. Then Lælius said: I see, Scipio, that you are very sufficiently provided with authorities; but with me, as with every fair judge, authorities are worth less than arguments.

Scipio replied: Then, Lælius, you shall yourself make use of an argument derived from your own senses.

Lælius. What senses do you mean?

Scipio. The feelings which you experience when at any time you

happen to feel angry with any one.

Lælius. That happens rather oftener than I could wish.

Scipio. Well, then, when you are angry, do you permit your anger to triumph over your judgment?

No, by Hercules! said Lælius; I imitate the famous Archytas of Tarentum, who, when he came to his villa, and found all its arrangements were contrary to his orders, said to his steward, "Ah! you unlucky scoundrel, I would flog you to death, if it were not that I am in a rage with you."

Capital, said Scipio. Archytas, then, regarded unreasonable anger as a kind of sedition and rebellion of nature which he sought to appease by reflection. And so, if we examine avarice, the ambition of power or of glory, or the lusts of concupiscence and licentiousness, we shall find a certain conscience in the mind of man, which, like a king, sways by the force of counsel all the inferior faculties and propensities; and this, in truth, is the noblest portion of our nature; for when conscience reigns, it allows no resting-place to lust, violence, or temerity.

Lælius. You have spoken the truth.

Scipio. Well, then, does a mind thus governed and regulated meet your approbation?

Lælius. More than anything upon earth.

Scipio. Then you would not approve that the evil passions, which are innumerable, should expel conscience, and that lusts and animal propensities should assume an ascendency over us?

Lælius. For my part, I can conceive nothing more wretched than a mind thus degraded, or a man animated by a soul so licentious.

Scipio. You desire, then, that all the faculties of the mind should submit to a ruling power, and that conscience should reign over them all?

Lælius. Certainly, that is my wish.

Scipio. How, then, can you doubt what opinion to form on the subject of the Commonwealth? in which, if the State is thrown into many hands, it is very plain that there will be no presiding authority; for if power be not united, it soon comes to nothing.

XXXIX. Then Lælius asked: But what difference is there, I should like to know, between the one and the many, if justice exists equally

in many?

And Scipio said: Since I see, my Lælius, that the authorities I have adduced have no great influence on you, I must continue to employ you yourself as my witness in proof of what I am saying.

In what way, said Lælius, are you going to make me again support your argument?

Scipio. Why, thus: I recollect, when we were lately at Formiæ, that you told your servants repeatedly to obey the orders of more than one master only.

Lælius. To be sure, those of my steward.

Scipio. What do you at home? Do you commit your affairs to the hands of many persons?

Lælius. No, I trust them to myself alone.

Scipio. Well, in your whole establishment, is there any other master but yourself?

Lælius. Not one.

Scipio. Then I think you must grant me that, as respects the State, the government of single individuals, provided they are just, is superior to any other.

Lælius. You have conducted me to this conclusion, and I entertain very nearly that opinion.

XL. And Scipio said: You would still further agree with me, my Lælius, if, omitting the common comparisons, that one pilot is better fitted to steer a ship, and a physician to treat an invalid, provided they be competent men in their respective professions, than many could be, I should come at once to more illustrious examples.

Lælius. What examples do you mean?

Scipio. Do not you observe that it was the cruelty and pride of one single Tarquin only that made the title of king unpopular among the Romans?

Lælius. Yes, I acknowledge that.

Scipio. You are also aware of this fact, on which I think I shall debate in the course of the coming discussion, that after the expulsion of King Tarquin, the people was transported by a wonderful excess of liberty. Then innocent men were driven into banishment; then the estates of many individuals were pillaged, consulships were made annual, public authorities were overawed by

mobs, popular appeals took place in all cases imaginable; then secessions of the lower orders ensued, and, lastly, those proceedings which tended to place all powers in the hands of the populace.

Lælius. I must confess this is all too true.

All these things now, said Scipio, happened during periods of peace and tranquillity, for license is wont to prevail when there is little to fear, as in a calm voyage or a trifling disease. But as we observe the voyager and the invalid implore the aid of some one competent director, as soon as the sea grows stormy and the disease alarming, so our nation in peace and security commands, threatens, resists, appeals from, and insults its magistrates, but in war obeys them as strictly as kings; for public safety is, after all, rather more valuable than popular license. And in the most serious wars, our countrymen have even chosen the entire command to be deposited in the hands of some single chief, without a colleague; the very name of which magistrate indicates the absolute character of his power. For though he is evidently called dictator because he is appointed (dicitur), yet do we still observe him, my Lælius, in our sacred books entitled Magister Populi (the master of the people).

This is certainly the case, said Lælius.

Our ancestors, therefore, said Scipio, acted wisely. * * *

XLI. When the people is deprived of a just king, as Ennius says, after the death of one of the best of monarchs,

They hold his memory dear, and, in the warmth
Of their discourse, they cry, O Romulus!
O prince divine, sprung from the might of Mars
To be thy country's guardian! O our sire!
Be our protector still, O heaven-begot!

Not heroes, nor lords alone, did they call those whom they lawfully obeyed; nor merely as kings did they proclaim them; but they pronounced them their country's guardians, their fathers, and their Gods. Nor, indeed, without cause, for they added,

Thou, Prince, hast brought us to the gates of light.

And truly they believed that life and honor and glory had arisen to them from the justice of their king. The same good-will would doubtless have remained in their descendants, if the same virtues had been preserved on the throne; but, as you see, by the injustice of one

man the whole of that kind of constitution fell into ruin.

I see it indeed, said Lælius, and I long to know the history of these political revolutions both in our own Commonwealth and in every other.

XLII. And Scipio said: When I shall have explained my opinion respecting the form of government which I prefer, I shall be able to speak to you more accurately respecting the revolutions of states, though I think that such will not take place so easily in the mixed form of government which I recommend. With respect, however, to absolute monarchy, it presents an inherent and invincible tendency to revolution. No sooner does a king begin to be unjust than this entire form of government is demolished, and he at once becomes a tyrant, which is the worst of all governments, and one very closely related to monarchy. If this State falls into the hands of the nobles, which is the usual course of events, it becomes an aristocracy, or the second of the three kinds of constitutions which I have described; for it is, as it were, a royal — that is to say, a paternal — council of the chief men of the State consulting for the public benefit. Or if the people by itself has expelled or slain a tyrant, it is moderate in its conduct as long as it has sense and wisdom, and while it rejoices in its exploit, and applies itself to maintaining the constitution which it has established. But if ever the people has raised its forces against a just king and robbed him of his throne, or, as has frequently happened, has tasted the blood of its legitimate nobles, and subjected the whole Commonwealth to its own license, you can imagine no flood or conflagration so terrible, or any whose violence is harder to appease than this unbridled insolence of the populace.

XLIII. Then we see realized that which Plato so vividly describes, if I can but express it in our language. It is by no means easy to do it justice in translation: however, I will try.

When, says Plato, the insatiate jaws of the populace are fired with the thirst of liberty, and when the people, urged on by evil ministers, drains in its thirst the cup, not of tempered liberty, but unmitigated license, then the magistrates and chiefs, if they are not utterly subservient and remiss, and shameless promoters of the popular licentiousness, are pursued, incriminated, accused, and cried down under the title of despots and tyrants. I dare say you recollect the

passage.

Yes, said Lælius, it is familiar to me.

Scipio. Plato thus proceeds: Then those who feel in duty bound to obey the chiefs of the State are persecuted by the insensate populace, who call them voluntary slaves. But those who, though invested with magistracies, wish to be considered on an equality with private individuals, and those private individuals who labor to abolish all distinctions between their own class and the magistrates, are extolled with acclamations and overwhelmed with honors, so that it inevitably happens in a commonwealth thus revolutionized that liberalism abounds in all directions, due authority is found wanting even in private families, and misrule seems to extend even to the animals that witness it. Then the father fears the son, and the son neglects the father. All modesty is banished; they become far too liberal for that. No difference is made between the citizen and the alien; the master dreads and cajoles his scholars, and the scholars despise their masters. The young men assume the gravity of sages, and sages must stoop to the follies of children, lest they should be hated and oppressed by them. The very slaves even are under but little restraint; wives boast the same rights as their husbands; dogs, horses, and asses are emancipated in this outrageous excess of freedom, and run about so violently that they frighten the passengers from the road. At length the termination of all this infinite licentiousness is, that the minds of the citizens become so fastidious and effeminate, that when they observe even the slightest exertion of authority they grow angry and seditious, and thus the laws begin to be neglected, so that the people are absolutely without any master at all.

Then Lælius said: You have very accurately rendered the opinions which he expressed.

XLIV. *Scipio.* Now, to return to the argument of my discourse. It appears that this extreme license, which is the only liberty in the eyes of the vulgar, is, according to Plato, such that from it as a sort of root tyrants naturally arise and spring up. For as the excessive power of an aristocracy occasions the destruction of the nobles, so this excessive liberalism of democracies brings after it the slavery of the people. Thus we find in the weather, the soil, and the animal constitution the most favorable conditions are sometimes suddenly

converted by their excess into the contrary, and this fact is especially observable in political governments; and this excessive liberty soon brings the people collectively and individually to an excessive servitude. For, as I said, this extreme liberty easily introduces the reign of tyranny, the severest of all unjust slaveries. In fact, from the midst of this unbridled and capricious populace, they elect some one as a leader in opposition to their afflicted and expelled nobles: some new chief, forsooth, audacious and impure, often insolently persecuting those who have deserved well of the State, and ready to gratify the populace at his neighbor's expense as well as his own. Then, since the private condition is naturally exposed to fears and alarms, the people invest him with many powers, and these are continued in his hands. Such men, like Pisistratus of Athens, will soon find an excuse for surrounding themselves with body-guards, and they will conclude by becoming tyrants over the very persons who raised them to dignity. If such despots perish by the vengeance of the better citizens, as is generally the case, the constitution is re-established; but if they fall by the hands of bold insurgents, then the same faction succeeds them, which is only another species of tyranny. And the same revolution arises from the fair system of aristocracy when any corruption has betrayed the nobles from the path of rectitude. Thus the power is like the ball which is flung from hand to hand: it passes from kings to tyrants, from tyrants to the aristocracy, from them to democracy, and from these back again to tyrants and to factions; and thus the same kind of government is seldom long maintained.

XLV. Since these are the facts of experience, royalty is, in my opinion, very far preferable to the three other kinds of political constitutions. But it is itself inferior to that which is composed of an equal mixture of the three best forms of government, united and modified by one another. I wish to establish in a commonwealth a royal and pre-eminent chief. Another portion of power should be deposited in the hands of the aristocracy, and certain things should be reserved to the judgment and wish of the multitude. This constitution, in the first place, possesses that great equality without which men cannot long maintain their freedom; secondly, it offers a great stability, while the particular separate and isolated forms easily

fall into their contraries; so that a king is succeeded by a despot, an aristocracy by a faction, a democracy by a mob and confusion; and all these forms are frequently sacrificed to new revolutions. In this united and mixed constitution, however, similar disasters cannot happen without the greatest vices in public men. For there can be little to occasion revolution in a state in which every person is firmly established in his appropriate rank, and there are but few modes of corruption into which we can fall.

XLVI. But I fear, Lælius, and you, my amiable and learned friends, that if I were to dwell any longer on this argument, my words would seem rather like the lessons of a master, and not like the free conversation of one who is uniting with you in the consideration of truth. I shall therefore pass on to those things which are familiar to all, and which I have long studied. And in these matters I believe, I feel, and I affirm that of all governments there is none which, either in its entire constitution or the distribution of its parts, or in the discipline of its manners, is comparable to that which our fathers received from our earliest ancestors, and which they have handed down to us. And since you wish to hear from me a development of this constitution, with which you are all acquainted, I shall endeavor to explain its true character and excellence. Thus keeping my eye fixed on the model of our Roman Commonwealth, I shall endeavor to accommodate to it all that I have to say on the best form of government. And by treating the subject in this way, I think I shall be able to accomplish most satisfactorily the task which Lælius has imposed on me.

XLVII. *Lælius.* It is a task most properly and peculiarly your own, my Scipio; for who can speak so well as you either on the subject of the institutions of our ancestors, since you yourself are descended from most illustrious ancestors, or on that of the best form of a constitution which, if we possess (though at this moment we do not, still), when we do possess such a thing, who will be more flourishing in it than you? or on that of providing counsels for the future, as you, who, by dispelling two mighty perils from our city, have provided for its safety forever?

FRAGMENTS.

XLVIII. As our country is the source of the greatest benefits, and is a parent dearer than those who have given us life, we owe her still warmer gratitude than belongs to our human relations. * * *

Nor would Carthage have continued to flourish during six centuries without wisdom and good institutions. * * *

In truth, says Cicero, although the reasonings of those men may contain most abundant fountains of science and virtue; still, if we compare them with the achievements and complete actions of statesmen, they will seem not to have been of so much service in the actual business of men as of amusement for their leisure.

INTRODUCTION TO THE SECOND BOOK, BY THE TRANSLATOR.

In this second book of his Commonwealth, Cicero gives us a spirited and eloquent review of the history and successive developments of the Roman constitution. He bestows the warmest praises on its early kings, points out the great advantages which had resulted from its primitive monarchical system, and explains how that system had been gradually broken up. In order to prove the importance of reviving it, he gives a glowing picture of the evils and disasters that had befallen the Roman State in consequence of that overcharge of democratic folly and violence which had gradually gained an alarming preponderance, and describes, with a kind of prophetic sagacity, the fruit of his political experience, the subsequent revolutions of the Roman State, which such a state of things would necessarily bring about.

BOOK II.

I. [When, therefore, he observed all his friends kindled with the de]sire of hearing him, Scipio thus opened the discussion. I will commence, said Scipio, with a sentiment of old Cato, whom, as you know, I singularly loved and exceedingly admired, and to whom, in compliance with the judgment of both my parents, and also by my own desire, I was entirely devoted during my youth; of whose discourse, indeed, I could never have enough, so much experience did he possess as a statesman respecting the republic which he had so long governed, both in peace and war, with so much success. There was also an admirable propriety in his style of conversation, in which wit was tempered with gravity; a wonderful aptitude for acquiring, and at the same time communicating, information; and his life was in perfect correspondence and unison with his language. He used to say that the government of Rome was superior to that of other states for this reason, because in nearly all of them there had been single individuals, each of whom had regulated their commonwealth according to their own laws and their own ordinances. So Minos had done in Crete, and Lycurgus in Sparta; and in Athens, which experienced so many revolutions, first Theseus, then Draco, then Solon, then Clisthenes, afterward many others; and, lastly, when it was almost lifeless and quite prostrate, that great and wise man, Demetrius Phalereus, supported it. But our Roman constitution, on the contrary, did not spring from the genius of one individual, but from that of many; and it was established, not in the lifetime of one man, but in the course of several ages and centuries. For, added he, there never yet existed any genius so vast and comprehensive as to allow nothing at any time to escape its attention; and all the geniuses in the world united in a single mind could never, within the limits of a single life, exert a foresight sufficiently extensive to embrace and harmonize all, without the aid of experience and practice.

Thus, according to Cato's usual habit, I now ascend in my discourse to the "origin of the people," for I like to adopt the expression of Cato. I shall also more easily execute my proposed task if I thus exhibit to you our political constitution in its infancy,

progress, and maturity, now so firm and fully established, than if, after the example of Socrates in the books of Plato, I were to delineate a mere imaginary republic.

II. When all had signified their approbation, Scipio resumed: What commencement of a political constitution can we conceive more brilliant, or more universally known, than the foundation of Rome by the hand of Romulus? And he was the son of Mars: for we may grant this much to the common report existing among men, especially as it is not merely ancient, but one also which has been wisely maintained by our ancestors, in order that those who have done great service to communities may enjoy the reputation of having received from the Gods, not only their genius, but their very birth.

It is related, then, that soon after the birth of Romulus and his brother Remus, Amulius, King of Alba, fearing that they might one day undermine his authority, ordered that they should be exposed on the banks of the Tiber; and that in this situation the infant Romulus was suckled by a wild beast; that he was afterward educated by the shepherds, and brought up in the rough way of living and labors of the countrymen; and that he acquired, when he grew up, such superiority over the rest by the vigor of his body and the courage of his soul, that all the people who at that time inhabited the plains in the midst of which Rome now stands, tranquilly and willingly submitted to his government. And when he had made himself the chief of those bands, to come from fables to facts, he took Alba Longa, a powerful and strong city at that time, and slew its king, Amulius.

III. Having acquired this glory, he conceived the design (as they tell us) of founding a new city and establishing a new state. As respected the site of his new city, a point which requires the greatest foresight in him who would lay the foundation of a durable commonwealth, he chose the most convenient possible position. For he did not advance too near the sea, which he might easily have done with the forces under his command, either by entering the territory of the Rutuli and Aborigines, or by founding his citadel at the mouth of the Tiber, where many years after Ancus Martius established a colony. But Romulus, with admirable genius and foresight, observed

and perceived that sites very near the sea are not the most favorable positions for cities which would attain a durable prosperity and dominion. And this, first, because maritime cities are always exposed, not only to many attacks, but to perils they cannot provide against. For the continued land gives notice, by many indications, not only of any regular approaches, but also of any sudden surprises of an enemy, and announces them beforehand by the mere sound. There is no adversary who, on an inland territory, can arrive so swiftly as to prevent our knowing not only his existence, but his character too, and where he comes from. But a maritime and naval enemy can fall upon a town on the sea-coast before any one suspects that he is about to come; and when he does come, nothing exterior indicates who he is, or whence he comes, or what he wishes; nor can it even be determined and distinguished on all occasions whether he is a friend or a foe.

IV. But maritime cities are likewise naturally exposed to corrupt influences, and revolutions of manners. Their civilization is more or less adulterated by new languages and customs, and they import not only foreign merchandise, but foreign fashions, to such a degree that nothing can continue unalloyed in the national institutions. Those who inhabit these maritime towns do not remain in their native place, but are urged afar from their homes by winged hope and speculation. And even when they do not desert their country in person, still their minds are always expatiating and voyaging round the world.

Nor, indeed, was there any cause which more deeply undermined Corinth and Carthage, and at last overthrew them both, than this wandering and dispersion of their citizens, whom the passion of commerce and navigation had induced to abandon the cultivation of their lands and their attention to military pursuits.

The proximity of the sea likewise administers to maritime cities a multitude of pernicious incentives to luxury, which are either acquired by victory or imported by commerce; and the very agreeableness of their position nourishes many expensive and deceitful gratifications of the passions. And what I have spoken of Corinth may be applied, for aught I know, without incorrectness to the whole of Greece. For the Peloponnesus itself is almost wholly on the sea-coast; nor, besides the Phliasians, are there any whose lands

do not touch the sea; and beyond the Peloponnesus, the Ænianes, the Dorians, and the Dolopes are the only inland people. Why should I speak of the Grecian islands, which, girded by the waves, seem all afloat, as it were, together with the institutions and manners of their cities? And these things, I have before noticed, do not respect ancient Greece only; for which of all those colonies which have been led from Greece into Asia, Thracia, Italy, Sicily, and Africa, with the single exception of Magnesia, is there that is not washed by the sea? Thus it seems as if a sort of Grecian coast had been annexed to territories of the barbarians. For among the barbarians themselves none were heretofore a maritime people, if we except the Carthaginians and Etruscans; one for the sake of commerce, the other of pillage. And this is one evident reason of the calamities and revolutions of Greece, because she became infected with the vices which belong to maritime cities, which I just now briefly enumerated. But yet, notwithstanding these vices, they have one great advantage, and one which is of universal application, namely, that there is a great facility for new inhabitants flocking to them. And, again, that the inhabitants are enabled to export and send abroad the produce of their native lands to any nation they please, which offers them a market for their goods.

V. By what divine wisdom, then, could Romulus embrace all the benefits that could belong to maritime cities, and at the same time avoid the dangers to which they are exposed, except, as he did, by building his city on the bank of an inexhaustible river, whose equal current discharges itself into the sea by a vast mouth, so that the city could receive all it wanted from the sea, and discharge its superabundant commodities by the same channel? And in the same river a communication is found by which it not only receives from the sea all the productions necessary to the conveniences and elegances of life, but those also which are brought from the inland districts. So that Romulus seems to me to have divined and anticipated that this city would one day become the centre and abode of a powerful and opulent empire; for there is no other part of Italy in which a city could be situated so as to be able to maintain so wide a dominion with so much ease.

VI. As to the natural fortifications of Rome, who is so negligent

and unobservant as not to have them depicted and deeply stamped on his memory? Such is the plan and direction of the walls, which, by the prudence of Romulus and his royal successors, are bounded on all sides by steep and rugged hills; and the only aperture between the Esquiline and Quirinal mountains is enclosed by a formidable rampart, and surrounded by an immense fosse. And as for our fortified citadel, it is so secured by a precipitous barrier and enclosure of rocks, that, even in that horrible attack and invasion of the Gauls, it remained impregnable and inviolable. Moreover, the site which he selected had also an abundance of fountains, and was healthy, though it was in the midst of a pestilential region; for there are hills which at once create a current of fresh air, and fling an agreeable shade over the valleys.

VII. These things he effected with wonderful rapidity, and thus established the city, which, from his own name Romulus, he determined to call Rome. And in order to strengthen his new city, he conceived a design, singular enough, and even a little rude, yet worthy of a great man, and of a genius which discerned far away in futurity the means of strengthening his power and his people. The young Sabine females of honorable birth who had come to Rome, attracted by the public games and spectacles which Romulus then, for the first time, established as annual games in the circus, were suddenly carried off at the feast of Consus by his orders, and were given in marriage to the men of the noblest families in Rome. And when, on this account, the Sabines had declared war against Rome, the issue of the battle being doubtful and undecided, Romulus made an alliance with Tatius, King of the Sabines, at the intercession of the matrons themselves who had been carried off. By this compact he admitted the Sabines into the city, gave them a participation in the religious ceremonies, and divided his power with their king.

VIII. But after the death of Tatius, the entire government was again vested in the hands of Romulus, although, besides making Tatius his own partner, he had also elected some of the chiefs of the Sabines into the royal council, who on account of their affectionate regard for the people were called *patres*, or fathers. He also divided the people into three tribes, called after the name of Tatius, and his own name, and that of Locumo, who had fallen as his ally in the

Sabine war; and also into thirty curiæ, designated by the names of those Sabine virgins, who, after being carried off at the festivals, generously offered themselves as the mediators of peace and coalition.

But though these orders were established in the life of Tatius, yet, after his death, Romulus reigned with still greater power by the counsel and authority of the senate.

IX. In this respect he approved and adopted the principle which Lycurgus but little before had applied to the government of Lacedæmon; namely, that the monarchical authority and the royal power operate best in the government of states when to this supreme authority is joined the influence of the noblest of the citizens.

Therefore, thus supported, and, as it were, propped up by this council or senate, Romulus conducted many wars with the neighboring nations in a most successful manner; and while he refused to take any portion of the booty to his own palace, he did not cease to enrich the citizens. He also cherished the greatest respect for that institution of hierarchical and ecclesiastical ordinances which we still retain to the great benefit of the Commonwealth; for in the very commencement of his government he founded the city with religious rites, and in the institution of all public establishments he was equally careful in attending to these sacred ceremonials, and associated with himself on these occasions priests that were selected from each of the tribes. He also enacted that the nobles should act as patrons and protectors to the inferior citizens, their natural clients and dependants, in their respective districts, a measure the utility of which I shall afterward notice. — The judicial punishments were mostly fines of sheep and oxen; for the property of the people at that time consisted in their fields and cattle, and this circumstance has given rise to the expressions which still designate real and personal wealth. Thus the people were kept in order rather by mulctations than by bodily inflictions.

X. After Romulus had thus reigned thirty-seven years, and established these two great supports of government, the hierarchy and the senate, having disappeared in a sudden eclipse of the sun, he was thought worthy of being added to the number of the Gods — an honor which no mortal man ever was able to attain to but by a

glorious pre-eminence of virtue. And this circumstance was the more to be admired in the case of Romulus because most of the great men that have been deified were so exalted to celestial dignities by the people, in periods very little enlightened, when fiction was easy and ignorance went hand-in-hand with credulity. But with respect to Romulus we know that he lived less than six centuries ago, at a time when science and literature were already advanced, and had got rid of many of the ancient errors that had prevailed among less civilized peoples. For if, as we consider proved by the Grecian annals, Rome was founded in the seventh Olympiad, the life of Romulus was contemporary with that period in which Greece already abounded in poets and musicians — an age when fables, except those concerning ancient matters, received little credit.

For, one hundred and eight years after the promulgation of the laws of Lycurgus, the first Olympiad was established, which indeed, through a mistake of names, some authors have supposed constituted, by Lycurgus likewise. And Homer himself, according to the best computation, lived about thirty years before the time of Lycurgus. We must conclude, therefore, that Homer flourished very many years before the date of Romulus. So that, as men had now become learned, and as the times themselves were not destitute of knowledge, there was not much room left for the success of mere fictions. Antiquity indeed has received fables that have at times been sufficiently improbable: but this epoch, which was already so cultivated, disdaining every fiction that was impossible, rejected * * * We may therefore, perhaps, attach some credit to this story of Romulus's immortality, since human life was at that time experienced, cultivated, and instructed. And doubtless there was in him such energy of genius and virtue that it is not altogether impossible to believe the report of Proculus Julius, the husbandman, of that glorification having befallen Romulus which for many ages we have denied to less illustrious men. At all events, Proculus is reported to have stated in the council, at the instigation of the senators, who wished to free themselves from all suspicion of having been accessaries to the death of Romulus, that he had seen him on that hill which is now called the Quirinal, and that he had commanded him to inform the people that they should build him a

temple on that same hill, and offer him sacrifices under the name of Quirinus.

XI. You see, therefore, that the genius of this great man did not merely establish the constitution of a new people, and then leave them, as it were, crying in their cradle; but he still continued to superintend their education till they had arrived at an adult and wellnigh a mature age.

Then Lælius said: We now see, my Scipio, what you meant when you said that you would adopt a new method of discussing the science of government, different from any found in the writings of the Greeks. For that prime master of philosophy, whom none ever surpassed in eloquence, I mean Plato, chose an open plain on which to build an imaginary city after his own taste — a city admirably conceived, as none can deny, but remote enough from the real life and manners of men. Others, without proposing to themselves any model or type of government whatever, have argued on the constitutions and forms of states. You, on the contrary, appear to be about to unite these two methods; for, as far as you have gone, you seem to prefer attributing to others your discoveries, rather than start new theories under your own name and authority, as Socrates has done in the writings of Plato. Thus, in speaking of the site of Rome, you refer to a systematic policy, to the acts of Romulus, which were many of them the result of necessity or chance; and you do not allow your discourse to run riot over many states, but you fix and concentrate it on our own Commonwealth. Proceed, then, in the course you have adopted; for I see that you intend to examine our other kings, in your pursuit of a perfect republic, as it were.

XII. Therefore, said Scipio, when that senate of Romulus which was composed of the nobles, whom the king himself respected so highly that he designated them *patres*, or fathers, and their children patricians, attempted after the death of Romulus to conduct the government without a king, the people would not suffer it, but, amidst their regret for Romulus, desisted not from demanding a fresh monarch. The nobles then prudently resolved to establish an interregnum — a new political form, unknown to other nations. It was not without its use, however, since, during the interval which elapsed before the definitive nomination of the new king, the State

was not left without a ruler, nor subjected too long to the same governor, nor exposed to the fear lest some one, in consequence of the prolonged enjoyment of power, should become more unwilling to lay it aside, or more powerful if he wished to secure it permanently for himself. At which time this new nation discovered a political provision which had escaped the Spartan Lycurgus, who conceived that the monarch ought not to be elective — if indeed it is true that this depended on Lycurgus — but that it was better for the Lacedæmonians to acknowledge as their sovereign the next heir of the race of Hercules, whoever he might be: but our Romans, rude as they were, saw the importance of appointing a king, not for his family, but for his virtue and experience.

XIII. And fame having recognized these eminent qualities in Numa Pompilius, the Roman people, without partiality for their own citizens, committed itself, by the counsel of the senators, to a king of foreign origin, and summoned this Sabine from the city of Cures to Rome, that he might reign over them. Numa, although the people had proclaimed him king in their Comitia Curiata, did nevertheless himself pass a Lex Curiata respecting his own authority; and observing that the institutions of Romulus had too much excited the military propensities of the people, he judged it expedient to recall them from this habit of warfare by other employments.

XIV. And, in the first place, he divided severally among the citizens the lands which Romulus had conquered, and taught them that even without the aid of pillage and devastation they could, by the cultivation of their own territories, procure themselves all kinds of commodities. And he inspired them with the love of peace and tranquillity, in which faith and justice are likeliest to flourish, and extended the most powerful protection to the people in the cultivation of their fields and the enjoyment of their produce. Pompilius likewise having created hierarchical institutions of the highest class, added two augurs to the old number. He intrusted the superintendence of the sacred rites to five pontiffs, selected from the body of the nobles; and by those laws which we still preserve on our monuments he mitigated, by religious ceremonials, the minds that had been too long inflamed by military enthusiasm and enterprise.

He also established the Flamines and the Salian priests and the

Vestal Virgins, and regulated all departments of our ecclesiastical policy with the most pious care. In the ordinance of sacrifices, he wished that the ceremonial should be very arduous and the expenditure very light. He thus appointed many observances, whose knowledge is extremely important, and whose expense far from burdensome. Thus in religious worship he added devotion and removed costliness. He was also the first to introduce markets, games, and the other usual methods of assembling and uniting men. By these establishments, he inclined to benevolence and amiability spirits whom the passion for war had rendered savage and ferocious. Having thus reigned in the greatest peace and concord thirty-nine years — for in dates we mainly follow our Polybius, than whom no one ever gave more attention to the investigation of the history of the times — he departed this life, having corroborated the two grand principles of political stability, religion and clemency.

XV. When Scipio had concluded these remarks, Is it not, said Manilius, a true tradition which is current, that our king Numa was a disciple of Pythagoras himself, or that at least he was a Pythagorean in his doctrines? For I have often heard this from my elders, and we know that it is the popular opinion; but it does not seem to be clearly proved by the testimony of our public annals.

Then Scipio replied: The supposition is false, my Manilius; it is not merely a fiction, but a ridiculous and bungling one too; and we should not tolerate those statements, even in fiction, relating to facts which not only did not happen, but which never could have happened. For it was not till the fourth year of the reign of Tarquinius Superbus that Pythagoras is ascertained to have come to Sybaris, Crotona, and this part of Italy. And the sixty-second Olympiad is the common date of the elevation of Tarquin to the throne, and of the arrival of Pythagoras. >From which it appears, when we calculate the duration of the reigns of the kings, that about one hundred and forty years must have elapsed after the death of Numa before Pythagoras first arrived in Italy. And this fact, in the minds of men who have carefully studied the annals of time, has never been at all doubted.

O ye immortal Gods! said Manilius, how deep and how inveterate is this error in the minds of men! However, it costs me no effort to

concede that our Roman sciences were not imported from beyond the seas, but that they sprung from our own indigenous and domestic virtues.

XVI. You will become still more convinced of this fact, said Africanus, when tracing the progress of our Commonwealth as it became gradually developed to its best and maturest condition. And you will find yet further occasion to admire the wisdom of our ancestors on this very account, since you will perceive, that even those things which they borrowed from foreigners received a much higher improvement among us than they possessed in the countries from whence they were imported among us; and you will learn that the Roman people was aggrandized, not by chance or hazard, but rather by counsel and discipline, to which fortune indeed was by no means unfavorable.

XVII. After the death of King Pompilius, the people, after a short period of interregnum, chose Tullus Hostilius for their king, in the Comitia Curiata; and Tullus, after Numa's example, consulted the people in their curias to procure a sanction for his government. His excellence chiefly appeared in his military glory and great achievements in war. He likewise, out of his military spoils, constructed and decorated the House of Comitia and the Senate-house. He also settled the ceremonies of the proclamation of hostilities, and consecrated their righteous institution by the religious sanction of the Fetial priests, so that every war which was not duly announced and declared might be adjudged illegal, unjust, and impious. And observe how wisely our kings at that time perceived that certain rights ought to be allowed to the people, of which we shall have a good deal to say hereafter. Tullus did not even assume the ensigns of royalty without the approbation of the people; and when he appointed twelve lictors, with their axes to go before him * * *

XVIII. * * * [*Manilius*.] This Commonwealth of Rome, which you are so eloquently describing, did not creep towards perfection; it rather flew at once to the maturity of its grandeur.

[*Scipio.*] After Tullus, Ancus Martius, a descendant of Numa by his daughter, was appointed king by the people. He also procured the passing of a law through the Comitia Curiata respecting his

government. This king having conquered the Latins, admitted them to the rights of citizens of Rome. He added to the city the Aventine and Cælian hills; he distributed the lands he had taken in war; he bestowed on the public all the maritime forests he had acquired; and he built the city Ostia, at the mouth of the Tiber, and colonized it. When he had thus reigned twenty-three years, he died.

Then said Lælius: Doubtless this king deserves our praises, but the Roman history is obscure. We possess, indeed, the name of this monarch's mother, but we know nothing of his father.

It is so, said Scipio; but in those ages little more than the names of the kings were recorded.

XIX. For the first time at this period, Rome appears to have become more learned by the study of foreign literature; for it was no longer a little rivulet, flowing from Greece towards the walls of our city, but an overflowing river of Grecian sciences and arts. This is generally attributed to Demaratus, a Corinthian, the first man of his country in reputation, honor, and wealth; who, not being able to bear the despotism of Cypselus, tyrant of Corinth, fled with large treasures, and arrived at Tarquinii, the most flourishing city in Etruria. There, understanding that the domination of Cypselus was thoroughly established, he, like a free and bold-hearted man, renounced his country, and was admitted into the number of the citizens of Tarquinii, and fixed his residence in that city. And having married a woman of the city, he instructed his two sons, according to the method of Greek education, in all kinds of sciences and arts. * * *

XX. * * * [One of these sons] was easily admitted to the rights of citizenship at Rome; and on account of his accomplished manners and learning, he became a favorite of our king Ancus to such a degree that he was a partner in all his counsels, and was looked upon almost as his associate in the government. He, besides, possessed wonderful affability, and was very kind in assistance, support, protection, and even gifts of money, to the citizens.

When, therefore, Ancus died, the people by their unanimous suffrages chose for their king this Lucius Tarquinius (for he had thus transformed the Greek name of his family, that he might seem in all respects to imitate the customs of his adopted countrymen). And

when he, too, had procured the passing of a law respecting his authority, he commenced his reign by doubling the original number of the senators. The ancient senators he called patricians of the major families (*patres majorum gentium*), and he asked their votes first; and those new senators whom he himself had added, he entitled patricians of minor families. After this, he established the order of knights, on the plan which we maintain to this day. He would not, however, change the denomination of the Tatian, Rhamnensian, and Lucerian orders, though he wished to do so, because Attus Nævius, an augur of the highest reputation, would not sanction it. And, indeed, I am aware that the Corinthians were remarkably attentive to provide for the maintenance and good condition of their cavalry by taxes levied on the inheritance of widows and orphans. To the first equestrian orders Lucius also added new ones, composing a body of three hundred knights. And this number he doubled, after having conquered the Æquicoli, a large and ferocious people, and dangerous enemies of the Roman State. Having likewise repulsed from our walls an invasion of the Sabines, he routed them by the aid of his cavalry, and subdued them. He also was the first person who instituted the grand games which are now called the Roman Games. He fulfilled his vow to build a temple to the all-good and all-powerful Jupiter in the Capitol — a vow which he made during a battle in the Sabine war — and died after a reign of thirty-eight years.

XXI. Then Lælius said: All that you have been relating corroborates the saying of Cato, that the constitution of the Roman Commonwealth is not the work of one man, or one age; for we can clearly see what a great progress in excellent and useful institutions was continued under each successive king. But we are now arrived at the reign of a monarch who appears to me to have been of all our kings he who had the greatest foresight in matters of political government.

So it appears to me, said Scipio; for after Tarquinius Priscus comes Servius Sulpicius, who was the first who is reported to have reigned without an order from the people. He is supposed to have been the son of a female slave at Tarquinii, by one of the soldiers or clients of King Priscus; and as he was educated among the servants

of this prince, and waiting on him at table, the king soon observed the fire of his genius, which shone forth even from his childhood, so skilful was he in all his words and actions. Therefore, Tarquin, whose own children were then very young, so loved Servius that he was very commonly believed to be his own son, and he instructed him with the greatest care in all the sciences with which he was acquainted, according to the most exact discipline of the Greeks.

But when Tarquin had perished by the plots of the sons of Ancus, and Servius (as I have said) had begun to reign, not by the order, but yet with the good-will and consent, of the citizens — because, as it was falsely reported that Priscus was recovering from his wounds, Servius, arrayed in the royal robes, delivered judgment, freed the debtors at his own expense, and, exhibiting the greatest affability, announced that he delivered judgment at the command of Priscus — he did not commit himself to the senate; but, after Priscus was buried, he consulted the people respecting his authority, and, being authorized by them to assume the dominion, he procured a law to be passed through the Comitia Curiata, confirming his government.

He then, in the first place, avenged the injuries of the Etruscans by arms. After which * * *

XXII. * * * he enrolled eighteen centuries of knights of the first order. Afterward, having created a great number of knights from the common mass of the people, he divided the rest of the people into five classes, distinguishing between the seniors and the juniors. These he so constituted as to place the suffrages, not in the hands of the multitude, but in the power of the men of property. And he took care to make it a rule of ours, as it ought to be in every government, that the greatest number should not have the greatest weight. You are well acquainted with this institution, otherwise I would explain it to you; but you are familiar with the whole system, and know how the centuries of knights, with six suffrages, and the first class, comprising eighty centuries, besides one other century which was allotted to the artificers, on account of their utility to the State, produce eighty-nine centuries. If to these there are added twelve centuries — for that is the number of the centuries of the knights which remain — the entire force of the State is summed up; and the arrangement is such that the remaining and far more numerous multitude, which is distributed

through the ninety-six last centuries, is not deprived of a right of suffrage, which would be an arrogant measure; nor, on the other hand, permitted to exert too great a preponderance in the government, which would be dangerous.

In this arrangement, Servius was very cautious in his choice of terms and denominations. He called the rich *assidui*, because they afforded pecuniary succor to the State. As to those whoso fortune did not exceed 1500 pence, or those who had nothing but their labor, he called them *proletarii* classes, as if the State should expect from them a hardy progeny and population.

Even a single one of the ninety-six last centuries contained numerically more citizens than the entire first class. Thus, no one was excluded from his right of voting, yet the preponderance of votes was secured to those who had the deepest stake in the welfare of the State. Moreover, with reference to the accensi, velati, trumpeters, hornblowers, proletarii * * *

XXIII. * * * That that republic is arranged in the best manner which, being composed in due proportions of those three elements, the monarchical, the aristocratical, and the democratic, does not by punishment irritate a fierce and savage mind. * * * [A similar institution prevailed at Carthage], which was sixty-five years more ancient than Rome, since it was founded thirty-nine years before the first Olympiad; and that most ancient law-giver Lycurgus made nearly the same arrangements. Thus the system of regular subordination, and this mixture of the three principal forms of government, appear to me common alike to us and them. But there is a peculiar advantage in our Commonwealth, than which nothing can be more excellent, which I shall endeavor to describe as accurately as possible, because it is of such a character that nothing analogous can be discovered in ancient states; for these political elements which I have noticed were so united in the constitutions of Rome, of Sparta, and of Carthage, that they were not counterbalanced by any modifying power. For in a state in which one man is invested with a perpetual domination, especially of the monarchical character, although there be a senate in it, as there was in Rome under the kings, and in Sparta, by the laws of Lycurgus, or even where the people exercise a sort of jurisdiction, as they used in the days of our

monarchy, the title of king must still be pre-eminent; nor can such a state avoid being, and being called, a kingdom. And this kind of government is especially subject to frequent revolutions, because the fault of a single individual is sufficient to precipitate it into the most pernicious disasters.

In itself, however, royalty is not only not a reprehensible form of government, but I do not know whether it is not far preferable to all other simple constitutions, if I approved of any simple constitution whatever. But this preference applies to royalty so long only as it maintains its appropriate character; and this character provides that one individual's perpetual power, and justice, and universal wisdom should regulate the safety, equality, and tranquillity of the whole people. But many privileges must be wanting to communities that live under a king; and, in the first place, liberty, which does not consist in slavery to a just master, but in slavery to no master at all * * *

XXIV. * * * [Let us now pass on to the reign of the seventh and last king of Rome, Tarquinius Superbus.] And even this unjust and cruel master had good fortune for his companion for some time in all his enterprises. For he subdued all Latium; he captured Suessa Pometia, a powerful and wealthy city, and, becoming possessed of an immense spoil of gold and silver, he accomplished his father's vow by the building of the Capitol. He established colonies, and, faithful to the institutions of those from whom he sprung, he sent magnificent presents, as tokens of gratitude for his victories, to Apollo at Delphi.

XXV. Here begins the revolution of our political system of government, and I must beg your attention to its natural course and progression. For the grand point of political science, the object of our discourses, is to know the march and the deviations of governments, that when we are acquainted with the particular courses and inclinations of constitutions, we may be able to restrain them from their fatal tendencies, or to oppose adequate obstacles to their decline and fall.

For this Tarquinius Superbus, of whom I am speaking, being first of all stained with the blood of his admirable predecessor on the throne, could not be a man of sound conscience and mind; and as he feared himself the severest punishment for his enormous crime, he

sought his protection in making himself feared. Then, in the glory of his victories and his treasures, he exulted in insolent pride, and could neither regulate his own manners nor the passions of the members of his family.

When, therefore, his eldest son had offered violence to Lucretia, daughter of Tricipitinus and wife of Collatinus, and this chaste and noble lady had stabbed herself to death on account of the injury she could not survive — then a man eminent for his genius and virtue, Lucius Brutus, dashed from his fellow-citizens this unjust yoke of odious servitude; and though he was but a private man, he sustained the government of the entire Commonwealth, and was the first that taught the people in this State that no one was a private man when the preservation of our liberties was concerned. Beneath his authority and command our city rose against tyranny, and, stirred by the recent grief of the father and relatives of Lucretia, and with the recollections of Tarquin's haughtiness, and the numberless crimes of himself and his sons, they pronounced sentence of banishment against him and his children, and the whole race of the Tarquins.

XXVI. Do you not observe, then, how the king sometimes degenerates into the despot, and how, by the fault of one individual, a form of government originally good is abused to the worst of purposes? Here is a specimen of that despot over the people whom the Greeks denominate a tyrant. For, according to them, a king is he who, like a father, consults the interests of his people, and who preserves those whom he is set over in the very best condition of life. This indeed is, as I have said, an excellent form of government, yet still liable, and, as it were, inclined, to a pernicious abuse. For as soon as a king assumes an unjust and despotic power, he instantly becomes a tyrant, than which nothing baser or fouler, than which no imaginable animal can be more detestable to gods or men; for though in form a man, he surpasses the most savage monsters in ferocious cruelty. For who can justly call him a human being, who admits not between himself and his fellow-countrymen, between himself and the whole human race, any communication of justice, any association of kindness? But we shall find some fitter occasion of speaking of the evils of tyranny when the subject itself prompts us to declare against them who, even in a state already liberated, have affected these

despotic insolencies.

XXVII. Such is the first origin and rise of a tyrant. For this was the name by which the Greeks choose to designate an unjust king; and by the title king our Romans universally understand every man who exercises over the people a perpetual and undivided domination. Thus Spurius Cassius, and Marcus Manlius, and Spurius Mælius, are said to have wished to seize upon the kingly power, and lately [Tiberius Gracchus incurred the same accusation]. * * *

XXVIII. * * * [Lycurgus, in Sparta, formed, under the name of Elders,] a small council consisting of twenty-eight members only; to these he allotted the supreme legislative authority, while the king held the supreme executive authority. Our Romans, emulating his example, and translating his terms, entitled those whom he had called Elders, Senators, which, as we have said, was done by Romulus in reference to the elect patricians. In this constitution, however, the power, the influence, and name of the king is still pre-eminent. You may distribute, indeed, some show of power to the people, as Lycurgus and Romulus did, but you inflame them, with the thirst of liberty by allowing them even the slightest taste of its sweetness; and still their hearts will be overcast with alarm lest their king, as often happens, should become unjust. The prosperity of the people, therefore, can be little better than fragile, when placed at the disposal of any one individual, and subjected to his will and caprices.

XXIX. Thus the first example, prototype, and original of tyranny has been discovered by us in the history of our own Roman State, religiously founded by Romulus, without applying to the theoretical Commonwealth which, according to Plato's recital, Socrates was accustomed to describe in his peripatetic dialogues. We have observed Tarquin, not by the usurpation of any new power, but by the unjust abuse of the power which he already possessed, overturn the whole system of our monarchical constitution.

Let us oppose to this example of the tyrant another, a virtuous king — wise, experienced, and well informed respecting the true interest and dignity of the citizens — a guardian, as it were, and superintendent of the Commonwealth; for that is a proper name for every ruler and governor of a state. And take you care to recognize such a man when you meet him, for he is the man who, by counsel

and exertion, can best protect the nation. And as the name of this man has not yet been often mentioned in our discourse, and as the character of such a man must be often alluded to in our future conversations, [I shall take an early opportunity of describing it.] * * *

XXX. * * * [Plato has chosen to suppose a territory and establishments of citizens, whose fortunes] were precisely equal. And he has given us a description of a city, rather to be desired than expected; and he has made out not such a one as can really exist, but one in which the principles of political affairs may be discerned. But for me, if I can in any way accomplish it, while I adopt the same general principles as Plato, I am seeking to reduce them to experience and practice, not in the shadow and picture of a state, but in a real and actual Commonwealth, of unrivalled amplitude and power; in order to be able to point out, with the most graphic precision, the causes of every political good and social evil.

For after Rome had flourished more than two hundred and forty years under her kings and interreges, and after Tarquin was sent into banishment, the Roman people conceived as much detestation of the name of king as they had once experienced regret at the death, or rather disappearance, of Romulus. Therefore, as in the first instance they could hardly bear the idea of losing a king, so in the latter, after the expulsion of Tarquin, they could not endure to hear the name of a king. * * *

XXXI. * * * Therefore, when that admirable constitution of Romulus had lasted steadily about two hundred and forty years. * * * The whole of that law was abolished. In this humor, our ancestors banished Collatinus, in spite of his innocence, because of the suspicion that attached to his family, and all the rest of the Tarquins, on account of the unpopularity of their name. In the same humor, Valerius Publicola was the first to lower the fasces before the people, when he spoke in the assembly of the people. He also had the materials of his house conveyed to the foot of Mount Velia, having observed that the commencement of his edifice on the summit of this hill, where King Tullius had once dwelt, excited the suspicions of the people.

It was the same man, who in this respect pre-eminently deserved

the name of Publicola, who carried in favor of the people the first law received in the Comitia Centuriata, that no magistrate should sentence to death or scourging a Roman citizen who appealed from his authority to the people. And the pontifical books attest that the right of appeal had existed, even against the decision of the kings. Our augural books affirm the same thing. And the Twelve Tables prove, by a multitude of laws, that there was a right of appeal from every judgment and penalty. Besides, the historical fact that the decemviri who compiled the laws were created with the privilege of judging without appeal, sufficiently proves that the other magistrates had not the same power. And a consular law, passed by Lucius Valerius Politus and Marcus Horatius Barbatus, men justly popular for promoting union and concord, enacted that no magistrate should thenceforth be appointed with authority to judge without appeal; and the Portian laws, the work of three citizens of the name of Portius, as you are aware, added nothing new to this edict but a penal sanction.

Therefore Publicola, having promulgated this law in favor of appeal to the people, immediately ordered the axes to be removed from the fasces, which the lictors carried before the consuls, and the next day appointed Spurius Lucretius for his colleague. And as the new consul was the oldest of the two, Publicola ordered his lictors to pass over to him; and he was the first to establish the rule, that each of the consuls should be preceded by the lictors in alternate months, that there should be no greater appearance of imperial insignia among the free people than they had witnessed in the days of their kings. Thus, in my opinion, he proved himself no ordinary man, as, by so granting the people a moderate degree of liberty, he more easily maintained the authority of the nobles.

Nor is it without reason that I have related to you these ancient and almost obsolete events; but I wished to adduce my instances of men and circumstances from illustrious persons and times, as it is to such events that the rest of my discourse will be directed.

XXXII. At that period, then, the senate preserved the Commonwealth in such a condition that though the people were really free, yet few acts were passed by the people, but almost all, on the contrary, by the authority, customs, and traditions of the senate. And over all the consuls exercised a power — in time, indeed, only annual, but in nature and prerogative completely royal.

The consuls maintained, with the greatest energy, that rule which so much conduces to the power of our nobles and great men, that the acts of the commons of the people shall not be binding, unless the authority of the patricians has approved them. About the same period, and scarcely ten years after the first consuls, we find the appointment of the dictator in the person of Titus Lartius. And this new kind of power — namely, the dictatorship — appears exceedingly similar to the monarchical royalty. All his power, however, was vested in the supreme authority of the senate, to which the people deferred; and in these times great exploits were performed in war by brave men invested with the supreme command, whether dictators or consuls.

XXXIII. But as the nature of things necessarily brought it to pass that the people, once freed from its kings, should arrogate to itself

more and more authority, we observe that after a short interval of only sixteen years, in the consulship of Postumus Cominius and Spurius Cassius, they attained their object; an event explicable, perhaps, on no distinct principle, but, nevertheless, in a manner independent of any distinct principle. For recollect what I said in commencing our discourse, that if there exists not in the State a just distribution and subordination of rights, offices, and prerogatives, so as to give sufficient domination to the chiefs, sufficient authority to the counsel of the senators, and sufficient liberty to the people, this form of the government cannot be durable.

For when the excessive debts of the citizens had thrown the State into disorder, the people first retired to Mount Sacer, and next occupied Mount Aventine. And even the rigid discipline of Lycurgus could not maintain those restraints in the case of the Greeks. For in Sparta itself, under the reign of Theopompus, the five magistrates whom they term Ephori, and in Crete ten whom they entitle Cosmi, were established in opposition to the royal power, just as tribunes were added among us to counterbalance the consular authority.

XXXIV. There might have been a method, indeed, by which our ancestors could have been relieved from the pressure of debt, a method with which Solon the Athenian, who lived at no very distant period before, was acquainted, and which our senate did not neglect when, in the indignation which the odious avarice of one individual excited, all the bonds of the citizens were cancelled, and the right of arrest for a while suspended. In the same way, when the plebeians were oppressed by the weight of the expenses occasioned by public misfortunes, a cure and remedy were sought for the sake of public security. The senate, however, having forgotten their former decision, gave an advantage to the democracy; for, by the creation of two tribunes to appease the sedition of the people, the power and authority of the senate were diminished; which, however, still remained dignified and august, inasmuch as it was still composed of the wisest and bravest men, who protected their country both with their arms and with their counsels; whose authority was exceedingly strong and flourishing, because in honor they were as much before their fellow-citizens as they were inferior in luxuriousness, and, as a general rule, not superior to them in wealth. And their public virtues

were the more agreeable to the people, because even in private matters they were ready to serve every citizen, by their exertions, their counsels, and their liberality.

XXXV. Such was the situation of the Commonwealth when the quæstor impeached Spurius Cassius of being so much emboldened by the excessive favor of the people as to endeavor to make himself master of monarchical power. And, as you have heard, his own father, having said that he had found that his son was really guilty of this crime, condemned him to death at the instance of the people. About fifty-four years after the first consulate, Spurius Tarpeius and Aulus Aternius very much gratified the people by proposing, in the Comitia Centuriata, the substitution of fines instead of corporal punishments. Twenty years afterward, Lucius Papirius and Publius Pinarius, the censors, having by a strict levy of fines confiscated to the State the entire flocks and herds of many private individuals, a light tax on the cattle was substituted for the law of fines in the consulship of Caius Julius and Publius Papirius.

XXXVI. But, some years previous to this, at a period when the senate possessed the supreme influence, and the people were submissive and obedient, a new system was adopted. At that time both the consuls and tribunes of the people abdicated their magistracies, and the decemviri were appointed, who were invested with great authority, from which there was no appeal whatever, so as to exercise the chief domination, and to compile the laws. After having composed, with much wisdom and equity, the Ten Tables of laws, they nominated as their successors in the ensuing year other decemviri, whose good faith and justice do not deserve equal praise. One member of this college, however, merits our highest commendation. I allude to Caius Julius, who declared respecting the nobleman Lucius Sestius, in whose chamber a dead body had been exhumed under his own eyes, that though as decemvir he held the highest power without appeal, he still required bail, because he was unwilling to neglect that admirable law which permitted no court but the Comitia Centuriata to pronounce final sentence on the life of a Roman citizen.

XXXVII. A third year followed under the authority of the same decemvirs, and still they were not disposed to appoint their

successors. In a situation of the Commonwealth like this, which, as I have often repeated, could not be durable, because it had not an equal operation with respect to all the ranks of the citizens, the whole public power was lodged in the hands of the chiefs and decemvirs of the highest nobility, without the counterbalancing authority of the tribunes of the people, without the sanction of any other magistracies, and without appeal to the people in the case of a sentence of death or scourging.

Thus, out of the injustice of these men, there was suddenly produced a great revolution, which changed the entire condition of the government, or they added two tables of very tyrannical laws, and though matrimonial alliances had always been permitted, even with foreigners, they forbade, by the most abominable and inhuman edict, that any marriages should take place between the nobles and the commons — an order which was afterward abrogated by the decree of Canuleius. Besides, they introduced into all their political measures corruption, cruelty, and avarice. And indeed the story is well known, and celebrated in many literary compositions, that a certain Decimus Virginius was obliged, on account of the libidinous violence of one of these decemvirs, to stab his virgin daughter in the midst of the forum. Then, when he in his desperation had fled to the Roman army which was encamped on Mount Algidum, the soldiers abandoned the war in which they were engaged, and took possession of the Sacred Mount, as they had done before on a similar occasion, and next invested Mount Aventine in their arms. Our ancestors knew how to prove most thoroughly, and to retain most wisely. * * *

XXXVIII. And when Scipio had spoken in this manner, and all his friends were awaiting in silence the rest of his discourse, then said Tubero: Since these men who are older than I, my Scipio, make no fresh demands on you, I shall take the liberty to tell you what I particularly wish you would explain in your subsequent remarks.

Do so, said Scipio, and I shall be glad to hear.

Then Tubero said: You appear to me to have spoken a panegyric on our Commonwealth of Rome exclusively, though Lælius requested your views not only of the government of our own State, but of the policy of states in general. I have not, therefore, yet sufficiently learned from your discourse, with respect to that mixed

form of government you most approve, by what discipline, moral and legal, we may be best able to establish and maintain it.

XXXIX. Africanus replied: I think that we shall soon find an occasion better adapted to the discussion you have proposed, respecting the constitution and conservatism of states. As to the best form of government, I think on this point I have sufficiently answered the question of Lælius. For in answering him, I, in the first place, specifically noticed the three simple forms of government — monarchy, aristocracy, and democracy; and the three vicious constitutions contrary to them, into which they often degenerate; and I said that none of these forms, taken separately, was absolutely good; but I described as preferable to either of them that mixed government which is composed of a proper amalgamation of these simple ingredients. If I have since depicted our own Roman constitution as an example, it was not in order to define the very best form of government, for that may be understood without an example; but I wished, in the exhibition of a mighty commonwealth actually in existence, to render distinct and visible what reason and discourse would vainly attempt to display without the assistance of experimental illustration. Yet, if you still require me to describe the best form of government, independent of all particular examples, we must consult that exactly proportioned and graduated image of government which nature herself presents to her investigators. Since you * * * this model of a city and people * * *

XL. * * * which I also am searching for, and which I am anxious to arrive at.

Lælius. You mean the model that would be approved by the truly accomplished politician?

Scipio. The same.

Lælius. You have plenty of fair patterns even now before you, if you would but begin with yourself.

Then Scipio said: I wish I could find even one such, even in the entire senate. For he is really a wise politician who, as we have often seen in Africa, while seated on a huge and unsightly elephant, can guide and rule the monster, and turn him whichever way he likes by a slight admonition, without any actual exertion.

Lælius. I recollect, and when I was your lieutenant I often saw,

one of these drivers.

Scipio. Thus an Indian or Carthaginian regulates one of these huge animals, and renders him docile and familiar with human manners. But the genius which resides in the mind of man, by whatever name it may be called, is required to rein and tame a monster far more multiform and intractable, whenever it can accomplish it, which indeed is seldom. It is necessary to hold in with a strong hand that ferocious * * *

XLI. * * * [beast, denominated the mob, which thirsts after blood] to such a degree that it can scarcely be sated with the most hideous massacres of men. * * *

But to a man who is greedy, and grasping, and lustful, and fond of wallowing in voluptuousness.

The fourth kind of anxiety is that which is prone to mourning and melancholy, and which is constantly worrying itself.

[*The next paragraph, "Esse autem angores," etc., is wholly unintelligible without the context.*]

As an unskilful charioteer is dragged from his chariot, covered with dirt, bruised, and lacerated.

The excitements of men's minds are like a chariot, with horses harnessed to it; in the proper management of which, the chief duty of the driver consists in knowing his road: and if he keeps the road, then, however rapidly he proceeds, he will encounter no obstacles; but if he quits the proper track, then, although he may be going gently and slowly, he will either be perplexed on rugged ground, or fall over some steep place, or at least he will be carried where he has no need to go.

XLII. * * * can be said.

Then Lælius said: I now see the sort of politician you require, on whom you would impose the office and task of government, which is what I wished to understand.

He must be an almost unique specimen, said Africanus, for the task which I set him comprises all others. He must never cease from cultivating and studying himself, that he may excite others to imitate him, and become, through the splendor of his talents and enterprises, a living mirror to his countrymen. For as in flutes and harps, and in all vocal performances, a certain unison and harmony must be

preserved amidst the distinctive tones, which cannot be broken or violated without offending experienced ears; and as this concord and delicious harmony is produced by the exact gradation and modulation of dissimilar notes; even so, by means of the just apportionment of the highest, middle, and lower classes, the State is maintained in concord and peace by the harmonic subordination of its discordant elements: and thus, that which is by musicians called harmony in song answers and corresponds to what we call concord in the State — concord, the strongest and loveliest bond of security in every commonwealth, being always accompanied by justice and equity.

XLIII. And after this, when Scipio had discussed with considerable breadth of principle and felicity of illustration the great advantage that justice is to a state, and the great injury which would arise if it were wanting, Pilus, one of those who were present at the discussion, took up the matter and demanded that this question should be argued more carefully, and that something more should be said about justice, on account of a sentiment that was now obtaining among people in general, that political affairs could not be wholly carried on without some disregard of justice.

XLIV. * * * to be full of justice.

Then Scipio replied: I certainly think so. And I declare to you that I consider that all I have spoken respecting the government of the State is worth nothing, and that it will be useless to proceed further, unless I can prove that it is a false assertion that political business cannot be conducted without injustice and corruption; and, on the other hand, establish as a most indisputable fact that without the strictest justice no government whatever can last long.

But, with your permission, we have had discussion enough for the day. The rest — and much remains for our consideration — we will defer till to-morrow. When they had all agreed to this, the debate of the day was closed.

INTRODUCTION TO THE THIRD BOOK, BY THE TRANSLATOR.

Cicero here enters on the grand question of Political Justice, and endeavors to evince throughout the absolute verity of that inestimable proverb, "Honesty is the best policy," in all public as well as in all private affairs. St. Augustine, in his City of God, has given the following analysis of this magnificent disquisition:

"In the third book of Cicero's Commonwealth" (says he) "the question of Political Justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government cannot be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself; yet, in order to exhibit the truth more vividly through the force of contrast, he pleads with the utmost ingenuity the cause of injustice against justice; and endeavors to show, by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious. Then Lælius, at the general request, takes up the plea for justice, and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a commonwealth — that it consisted in the welfare of the entire people, by which word 'people' he does not mean the mob, but the community, bound together by the sense of common rights and mutual benefits. He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding arguments — that the Commonwealth is the common welfare whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant; and the aristocracy unjust, which makes them a faction; or the democrats unjust, and so degenerate into revolutionists and destructives — then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no

longer the common welfare when a tyrant or a faction abuse it; and the people itself is no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility, according to the definition." — *Aug. Civ. Dei.* 3-21.

This book is of the utmost importance to statesmen, as it serves to neutralize the sophistries of Machiavelli, which are still repeated in many cabinets.

BOOK III.

I. * * * Cicero, in the third book of his treatise On a Commonwealth, says that nature has treated man less like a mother than a step-dame, for she has cast him into mortal life with a body naked, fragile, and infirm, and with a mind agitated by troubles, depressed by fears, broken by labors, and exposed to passions. In this mind, however, there lies hidden, and, as it were, buried, a certain divine spark of genius and intellect.

Though man is born a frail and powerless being, nevertheless he is safe from all animals destitute of voice; and at the same time those other animals of greater strength, although they bravely endure the violence of weather, cannot be safe from man. And the result is, that reason does more for man than nature does for brutes; since, in the latter, neither the greatness of their strength nor the firmness of their bodies can save them from being oppressed by us, and made subject to our power. * * *

Plato returned thanks to nature that he had been born a man.

II. * * * aiding our slowness by carriages, and when it had taught men to utter the elementary and confused sounds of unpolished expression, articulated and distinguished them into their proper classes, and, as their appropriate signs, attached certain words to certain things, and thus associated, by the most delightful bond of speech, the once divided races of men.

And by a similar intelligence, the inflections of the voice, which appeared infinite, are, by the discovery of a few alphabetic characters, all designated and expressed; by which we maintain converse with our absent friends, by which also indications of our wishes and monuments of past events are preserved. Then came the use of numbers — a thing necessary to human life, and at the same time immutable and eternal; a science which first urged us to raise our views to heaven, and not gaze without an object on the motions of the stars, and the distribution of days and nights.

III. * * * [Then appeared the sages of philosophy], whose minds took a higher flight, and who were able to conceive and to execute designs worthy of the gifts of the Gods. Wherefore let those men

who have left us sublime essays on the principles of living be regarded as great men — which indeed they are — as learned men, as masters of truth and virtue; provided that these principles of civil government, this system of governing people, whether it be a thing discovered by men who have lived amidst a variety of political events, or one discussed amidst their opportunities of literary tranquillity, is remembered to be, as indeed it is, a thing by no means to be despised, being one which causes in first-rate minds, as we not unfrequently see, an incredible and almost divine virtue. And when to these high faculties of soul, received from nature and expanded by social institutions, a politician adds learning and extensive information concerning things in general, like those illustrious personages who conduct the dialogue in the present treatise, none will refuse to confess the superiority of such persons to all others; for, in fact, what can be more admirable than the study and practice of the grand affairs of state, united to a literary taste and a familiarity with the liberal arts? or what can we imagine more perfect than a Scipio, a Lælius, or a Philus, who, not to omit anything which belonged to the most perfect excellence of the greatest men, joined to the examples of our ancestors and the traditions of our countrymen the foreign philosophy of Socrates?

Wherefore he who had both the desire and the power to acquaint himself thoroughly both with the customs and the learning of his ancestors appears to me to have attained to the very highest glory and honor. But if we cannot combine both, and are compelled to select one of these two paths to wisdom — though to some people the tranquil life spent in the research of literature and arts may appear to be the most happy and delectable — yet, doubtless, the science of politics is more laudable and illustrious, for in this political field of exertion our greatest men have reaped their honors, like the invincible Curius,

Whom neither gold nor iron could subdue.

IV. * * * that wisdom existed still. There existed this general difference between these two classes, that among the one the development of the principles of nature is the subject of their study and eloquence, and among the other national laws and institutions form the principal topics of investigation.

In honor of our country, we may assert that she has produced within herself a great number, I will not say of sages (since philosophy is so jealous of this name), but of men worthy of the highest celebrity, because by them the precepts and discoveries of the sages have been carried out into actual practice. And, moreover, though there have existed, and still do exist, many great and glorious empires, yet since the noblest masterpiece of genius in the world is the establishment of a state and commonwealth which shall be a lasting one, even if we reckon but a single legislator for each empire, the number of these excellent men will appear very numerous. To be convinced of this, we have only to turn our eyes on any nation of Italy, Latium, the Sabines, the Volscians, the Samnites, or the Etrurians, and then direct our attention to that mighty nation of the Greeks, and then to the Assyrians, Persians, and Carthaginians, and * * *

V. * * * [Scipio and his friends having again assembled, Scipio spoke as follows: In our last conversation, I promised to prove that honesty is the best policy in all states and commonwealths whatsoever. But if I am to plead in favor of strict honesty and justice in all public affairs, no less than in private, I must request Philus, or some one else, to take up the advocacy of the other side; the truth will then become more manifest, from the collision of opposite arguments, as we see every day exemplified at the Bar.]

And Philus replied: In good truth, you have allotted me a very creditable cause when you wish me to undertake the defence of vice.

Perhaps, said Lælius, you are afraid, lest, in reproducing the ordinary objections made to justice in politics, you should seem to express your own sentiments; though you are universally respected as an almost unique example of the ancient probity and good faith; nor is it unknown how familiar you are with the lawyer-like habit of disputing on both sides of a question, because you think that this is the best way of getting at the truth.

And Philus said: Very well; I obey you, and wilfully, with my eyes open, I will undertake this dirty business; because, since those who seek for gold do not flinch at the sight of the mud, so we who are searching for justice, which is far more precious than gold, are bound to shrink from no annoyance. And I wish, as I am about to

make use of the antagonist arguments of a foreigner, I might also employ a foreign language. The pleas, therefore, now to be urged by Lucius Furius Philus are those [once employed by] the Greek Carneades, a man who was accustomed to express whatever [served his turn]. * * *Let it be understood, therefore, that I by no means express my own sentiments, but those of Carneades, in order that you may refute this philosopher, who was wont to turn the best causes into joke, through the mere wantonness of wit.

VI. He was a philosopher of the Academic School; and if any one is ignorant of his great power, and eloquence, and acuteness in arguing, he may learn it from the mention made of him by Cicero or by Lucilius, when Neptune, discoursing on a very difficult subject, declares that it cannot be explained, not even if hell were to restore Carneades himself for the purpose. This philosopher, having been sent by the Athenians to Rome as an ambassador, discussed the subject of justice very amply in the hearing of Galba and Cato the Censor, who were the greatest orators of the day. And the next day he overturned all his arguments by others of a contrary tendency, and disparaged justice, which the day before he had extolled; speaking not indeed with the gravity of a philosopher whose wisdom ought to be steady, and whose opinions unchangeable, but in a kind of rhetorical exercise of arguing on each side — a practice which he was accustomed to adopt, in order to be able to refute others who were asserting anything. The arguments by which he disparaged justice are mentioned by Lucius Furius in Cicero; I suppose, since he was discussing the Commonwealth, in order to introduce a defence and panegyric of that quality without which he did not think a commonwealth could be administered. But Carneades, in order to refute Aristotle and Plato, the advocates of justice, collected in his first argument everything that was in the habit of being advanced on behalf of justice, in order afterward to be able to overturn it, as he did.

VII. Many philosophers indeed, and especially Plato and Aristotle, have spoken a great deal of justice, inculcating that virtue, and extolling it with the highest praise, as giving to every one what belongs to him, as preserving equity in all things, and urging that while the other virtues are, as it were, silent and shut up, justice is the

only one which is not absorbed in considerations of self-interest, and which is not secret, but finds its whole field for exercise out-of-doors, and is desirous of doing good and serving as many people as possible; as if, forsooth, justice ought to exist in judges only, and in men invested with a certain authority, and not in every one! But there is no one, not even a man of the lowest class, or a beggar, who is destitute of opportunities of displaying justice. But because these philosophers knew not what its essence was, or whence it proceeded, or what its employment was, they attributed that first of all virtues, which is the common good of all men, to a few only, and asserted that it aimed at no advantage of its own, but was anxious only for that of others. So it was well that Carneades, a man of the greatest genius and acuteness, refuted their assertions, and overthrew that justice which had no firm foundation; not because he thought justice itself deserving of blame, but in order to show that those its defenders had brought forward no trustworthy or strong arguments in its behalf.

Justice looks out-of-doors, and is prominent and conspicuous in its whole essence.

Which virtue, beyond all others, wholly devotes and dedicates itself to the advantage of others.

VIII. * * * Both to discover and maintain. While the other, Aristotle, has filled four large volumes with a discussion on abstract justice. For I did not expect anything grand or magnificent from Chrysippus, who, after his usual fashion, examines everything rather by the signification of words than the reality of things. But it was surely worthy of those heroes of philosophy to ennoble by their genius a virtue so eminently beneficent and liberal, which everywhere exalts the social interests above the selfish, and teaches us to love others rather than ourselves. It was worthy of their genius, we say, to elevate this virtue to a divine throne, not far from that of Wisdom. And certainly they neither wanted the will to accomplish this (for what else could be the cause of their writing on the subject, or what could have been their design?) nor the genius, in which they excelled all men. But the weakness of their cause was too great for either their intention or their eloquence to make it popular. In fact, this justice on which we reason is a civil right, but no natural one; for

if it were natural and universal, then justice and injustice would be recognized similarly by all men, just as the heat and cold, sweetness and bitterness.

IX. Now, if any one, carried in that chariot of winged serpents of which the poet Pacuvius makes mention, could take his flight over all nations and cities, and accurately observe their proceedings, he would see that the sense of justice and right varies in different regions. In the first place, he would behold among the unchangeable people of Egypt, which preserves in its archives the memory of so many ages and events, a bull adored as a Deity, under the name of Apis, and a multitude of other monsters, and all kinds of animals admitted by the same nation into the number of the Gods.

In the next place, he would see in Greece, as among ourselves, magnificent temples consecrated by images in human form, which the Persians regarded as impious; and it is affirmed that the sole motive of Xerxes for commanding the conflagration of the Athenian temples was the belief that it was a superstitious sacrilege to keep confined within narrow walls the Gods, whose proper home was the entire universe. But afterward Philip, in his hostile projects against the Persians, and Alexander, who carried them into execution, alleged this plea for war, that they were desirous to avenge the temples of Greece, which the Greeks had thought proper never to rebuild, that this monument of the impiety of the Persians might always remain before the eyes of their posterity.

How many — such as the inhabitants of Taurica along the Euxine Sea; as the King of Egypt, Busiris; as the Gauls and the Carthaginians — have thought it exceedingly pious and agreeable to the Gods to sacrifice men! And, besides, the customs of life are so various that the Cretans and Ætolians regard robbery as honorable. And the Lacedæmonians say that their territory extends to all places which they can touch with a lance. The Athenians had a custom of swearing, by a public proclamation, that all the lands which produced olives and corn were their own. The Gauls consider it a base employment to raise corn by agricultural labor, and go with arms in their hands, and mow down the harvests of neighboring peoples. But we ourselves, the most equitable of all nations, who, in order to raise the value of our vines and olives, do not permit the races beyond the

Alps to cultivate either vineyards or oliveyards, are said in this matter to act with prudence, but not with justice. You see, then, that wisdom and policy are not always the same as equity. And Lycurgus, that famous inventor of a most admirable jurisprudence and most wholesome laws, gave the lands of the rich to be cultivated by the common people, who were reduced to slavery.

X. If I were to describe the diverse kinds of laws, institutions, manners, and customs, not only as they vary in the numerous nations, but as they vary likewise in single cities — in this one of ours, for example — I could prove that they have had a thousand revolutions. For instance, that eminent expositor of our laws who sits in the present company — I mean Manilius — if you were to consult him relative to the legacies and inheritances of women, he would tell you that the present law is quite different from that he was accustomed to plead in his youth, before the Voconian enactment came into force — an edict which was passed in favor of the interests of the men, but which is evidently full of injustice with regard to women. For why should a woman be disabled from inheriting property? Why can a vestal virgin become an heir, while her mother cannot? And why, admitting that it is necessary to set some limit to the wealth of women, should Crassus's daughter, if she be his only child, inherit thousands without offending the law, while my daughter can only receive a small share in a bequest. * * *

XI. * * * [If this justice were natural, innate, and universal, all men would admit the same] law and right, and the same men would not enact different laws at different times. If a just man and a virtuous man is bound to obey the laws, I ask, what laws do you mean? Do you intend all the laws indifferently? But neither does virtue permit this inconstancy in moral obligation, nor is such a variation compatible with natural conscience. The laws are, therefore, based not on our sense of justice, but on our fear of punishment. There is, therefore, no natural justice; and hence it follows that men cannot be just by nature.

Are men, then, to say that variations indeed do exist in the laws, but that men who are virtuous through natural conscience follow that which is really justice, and not a mere semblance and disguise, and that it is the distinguishing characteristic of the truly just and virtuous

man to render every one his due rights? Are we, then, to attribute the first of these characteristics to animals? For not only men of moderate abilities, but even first-rate sages and philosophers, as Pythagoras and Empedocles, declare that all kinds of living creatures have a right to the same justice. They declare that inexpiable penalties impend over those who have done violence to any animal whatsoever. It is, therefore, a crime to injure an animal, and the perpetrator of such crime * * *

XII. For when he inquired of a pirate by what right he dared to infest the sea with his little brigantine: "By the same right," he replied, "which is your warrant for conquering the world." * * *

Wisdom and prudence instruct us by all means to increase our power, riches, and estates. For by what means could this same Alexander, that illustrious general, who extended his empire over all Asia, without violating the property of other men, have acquired such universal dominion, enjoyed so many pleasures, such great power, and reigned without bound or limit?

But justice commands us to have mercy upon all men, to consult the interests of the whole human race, to give to every one his due, and injure no sacred, public, or foreign rights, and to forbear touching what does not belong to us. What is the result, then? If you obey the dictates of wisdom, then wealth, power, riches, honors, provinces, and kingdoms, from all classes, peoples, and nations, are to be aimed at.

However, as we are discussing public matters, those examples are more illustrious which refer to what is done publicly. And since the question between justice and policy applies equally to private and public affairs, I think it well to speak of the wisdom of the people. I will not, however, mention other nations, but come at once to our own Roman people, whom Africanus, in his discourse yesterday, traced from the cradle, and whose empire now embraces the whole world. Justice is * * *

XIII. How far utility is at variance with justice we may learn from the Roman people itself, which, declaring war by means of the fecials, and committing injustice with all legal formality, always coveting and laying violent hands on the property of others, acquired the possession of the whole world.

What is the advantage of one's own country but the disadvantage of another state or nation, by extending one's dominions by territories evidently wrested from others, increasing one's power, improving one's revenues, etc.? Therefore, whoever has obtained these advantages for his country — that is to say, whoever has overthrown cities, subdued nations, and by these means filled the treasury with money, taken lands, and enriched his fellow-citizens — such a man is extolled to the skies; is believed to be endowed with consummate and perfect virtue; and this mistake is fallen into not only by the populace and the ignorant, but by philosophers, who even give rules for injustice.

XIV. * * * For all those who have the right of life and death over the people are in fact tyrants; but they prefer being called by the title of king, which belongs to the all-good Jupiter. But when certain men, by favor of wealth, birth, or any other means, get possession of the entire government, it is a faction; but they choose to denominate themselves an aristocracy. If the people gets the upper hand, and rules everything after its capricious will, they call it liberty, but it is in fact license. And when every man is a guard upon his neighbor, and every class is a guard upon every other class, then because no one trusts in his own strength, a kind of compact is formed between the great and the little, from whence arises that mixed kind of government which Scipio has been commending. Thus justice, according to these facts, is not the daughter of nature or conscience, but of human imbecility. For when it becomes necessary to choose between these three predicaments, either to do wrong without retribution, or to do wrong with retribution, or to do no wrong at all, it is best to do wrong with impunity; next, neither to do wrong nor to suffer for it; but nothing is more wretched than to struggle incessantly between the wrong we inflict and that we receive. Therefore, he who attains to that first end * * *

XV. This was the sum of the argument of Carneades: that men had established laws among themselves from considerations of advantage, varying them according to their different customs, and altering them often so as to adapt them to the times; but that there was no such thing as natural law; that all men and all other animals are led to their own advantage by the guidance of nature; that there is

no such thing as justice, or, if there be, that it is extreme folly, since a man would injure himself while consulting the interests of others. And he added these arguments, that all nations who were flourishing and dominant, and even the Romans themselves, who were the masters of the whole world, if they wished to be just — that is to say, if they restored all that belonged to others — would have to return to their cottages, and to lie down in want and misery.

Except, perhaps, of the Arcadians and Athenians, who, I presume, dreading that this great act of retribution might one day arrive, pretend that they were sprung from the earth, like so many field-mice.

XVI. In reply to these statements, the following arguments are often adduced by those who are not unskilful in discussions, and who, in this question, have all the greater weight of authority, because, when we inquire, Who is a good man? — understanding by that term a frank and single-minded man — we have little need of captious casuists, quibblers, and slanderers. For those men assert that the wise man does not seek virtue because of the personal gratification which the practice of justice and beneficence procures him, but rather because the life of the good man is free from fear, care, solicitude, and peril; while, on the other hand, the wicked always feel in their souls a certain suspicion, and always behold before their eyes images of judgment and punishment. Do not you think, therefore, that there is any benefit, or that there is any advantage which can be procured by injustice, precious enough to counterbalance the constant pressure of remorse, and the haunting consciousness that retribution awaits the sinner, and hangs over his devoted head. * * *

XVII. [Our philosophers, therefore, put a case. Suppose, say they, two men, one of whom is an excellent and admirable person, of high honor and remarkable integrity; the latter is distinguished by nothing but his vice and audacity. And suppose that their city has so mistaken their characters as to imagine the good man to be a scandalous, impious, and audacious criminal, and to esteem the wicked man, on the contrary, as a pattern of probity and fidelity. On account of this error of their fellow-citizens, the good man is arrested and tormented, his hands are cut off, his eyes are plucked out, he is condemned,

bound, burned, exterminated, reduced to want, and to the last appears to all men to be most deservedly the most miserable of men. On the other hand, the flagitious wretch is exalted, worshipped, loved by all, and honors, offices, riches, and emoluments are all conferred on him, and he shall be reckoned by his fellow-citizens the best and worthiest of mortals, and in the highest degree deserving of all manner of prosperity. Yet, for all this, who is so mad as to doubt which of these two men he would rather be?

XVIII. What happens among individuals happens also among nations. There is no state so absurd and ridiculous as not to prefer unjust dominion to just subordination. I need not go far for examples. During my own consulship, when you were my fellow-counsellors, we consulted respecting the treaty of Numantia. No one was ignorant that Quintus Pompey had signed a treaty, and that Mancinus had done the same. The latter, being a virtuous man, supported the proposition which I laid before the people, after the decree of the senate. The former, on the other side, opposed it vehemently. If modesty, probity, or faith had been regarded, Mancinus would have carried his point; but in reason, counsel, and prudence, Pompey surpassed him. Whether * * *

XIX. If a man should have a faithless slave, or an unwholesome house, with whose defect he alone was acquainted, and he advertised them for sale, would he state the fact that his servant was infected with knavery, and his house with malaria, or would he conceal these objections from the buyer? If he stated those facts, he would be honest, no doubt, because he would deceive nobody; but still he would be thought a fool, because he would either get very little for his property, or else fail to sell it at all. By concealing these defects, on the other hand, he will be called a shrewd man — as one who has taken care of his own interest; but he will be a rogue, notwithstanding, because he will be deceiving his neighbors. Again, let us suppose that one man meets another, who sells gold and silver, conceiving them to be copper or lead; shall he hold his peace that he may make a capital bargain, or correct the mistake, and purchase at a fair rate? He would evidently be a fool in the world's opinion if he preferred the latter.

XX. It is justice, beyond all question, neither to commit murder

nor robbery. What, then, would your just man do, if, in a case of shipwreck, he saw a weaker man than himself get possession of a plank? Would he not thrust him off, get hold of the timber himself, and escape by his exertions, especially as no human witness could be present in the mid-sea? If he acted like a wise man of the world, he would certainly do so, for to act in any other way would cost him his life. If, on the other hand, he prefers death to inflicting unjustifiable injury on his neighbor, he will be an eminently honorable and just man, but not the less a fool, because he saved another's life at the expense of his own. Again, if in case of a defeat and rout, when the enemy were pressing in the rear, this just man should find a wounded comrade mounted on a horse, shall he respect his right at the risk of being killed himself, or shall he fling him from the horse in order to preserve his own life from the pursuers? If he does so, he is a wise man, but at the same time a wicked one; if he does not, he is admirably just, but at the same time stupid.

XXI. *Scipio.* I might reply at great length to these sophistical objections of Philus, if it were not, my Lælius, that all our friends are no less anxious than myself to hear you take a leading part in the present debate, especially as you promised yesterday that you would plead at large on my side of the argument. If you cannot spare time for this, at any rate do not desert us; we all ask it of you.

Lælius. This Carneades ought not to be even listened to by our young men. I think all the while that I am hearing him that he must be a very impure person; if he be not, as I would fain believe, his discourse is not less pernicious.

XXII. True law is right reason conformable to nature, universal, unchangeable, eternal, whose commands urge us to duty, and whose prohibitions restrain us from evil. Whether it enjoins or forbids, the good respect its injunctions, and the wicked treat them with indifference. This law cannot be contradicted by any other law, and is not liable either to derogation or abrogation. Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience. It is not one thing at Rome, and another at Athens; one thing to-day, and another to-morrow; but in all times and nations this universal law must forever reign, eternal and

imperishable. It is the sovereign master and emperor of all beings. God himself is its author, its promulgator, its enforcer. And he who does not obey it flies from himself, and does violence to the very nature of man. And by so doing he will endure the severest penalties even if he avoid the other evils which are usually accounted punishments.

XXIII. I am aware that in the third book of Cicero's treatise on the Commonwealth (unless I am mistaken) it is argued that no war is ever undertaken by a well-regulated commonwealth unless it be one either for the sake of keeping faith, or for safety; and what he means by a war for safety, and what safety he wishes us to understand, he points out in another passage, where he says, "But private men often escape from these penalties, which even the most stupid persons feel — want, exile, imprisonment, and stripes — by embracing the opportunity of a speedy death; but to states death itself is a penalty, though it appears to deliver individuals from punishment. For a state ought to be established so as to be eternal: therefore, there is no natural decease for a state, as there is for a man, in whose case death is not only inevitable, but often even desirable; but when a state is put an end to, it is destroyed, extinguished. It is in some degree, to compare small things with great, as if this whole world were to perish and fall to pieces."

In his treatise on the Commonwealth, Cicero says those wars are unjust which are undertaken without reason. Again, after a few sentences, he adds, No war is considered just unless it be formally announced and declared, and unless it be to obtain restitution of what has been taken away.

But our nation, by defending its allies, has now become the master of all the whole world.

XXIV. Also, in that same treatise on the Commonwealth, he argues most strenuously and vigorously in the cause of justice against injustice. And since, when a little time before the part of injustice was upheld against justice, and the doctrine was urged that a republic could not prosper and flourish except by injustice, this was put forward as the strongest argument, that it was unjust for men to serve other men as their masters; but that unless a dominant state, such as a great republic, acted on this injustice, it could not govern

its provinces; answer was made on behalf of justice, that it was just that it should be so, because slavery is advantageous to such men, and their interests are consulted by a right course of conduct — that is, by the license of doing injury being taken from the wicked — and they will fare better when subjugated, because when not subjugated they fared worse: and to confirm this reasoning, a noble instance, taken, as it were, from nature, was added, and it was said, Why, then, does God govern man, and why does the mind govern the body, and reason govern lust, and the other vicious parts of the mind?

XXV. Hear what Tully says more plainly still in the third book of his treatise on the Commonwealth, when discussing the reasons for government. Do we not, says he, see that nature herself has given the power of dominion to everything that is best, to the extreme advantage of what is subjected to it? Why, then, does God govern man, and why does the mind govern the body, and reason govern lust and passion and the other vicious parts of the same mind? Listen thus far; for presently he adds, But still there are dissimilarities to be recognized in governing and in obeying. For as the mind is said to govern the body, and also to govern lust, still it governs the body as a king governs his subjects, or a parent his children; but it governs lust as a master governs his slaves, because it restrains and breaks it. The authority of kings, of generals, of magistrates, of fathers, and of nations, rules their subjects and allies as the mind rules bodies; but masters control their slaves, as the best part of the mind — that is to say, wisdom — controls the vicious and weak parts of itself, such as lust, passion, and the other perturbations.

For there is a kind of unjust slavery when those belong to some one else who might be their own masters; but when those are slaves who cannot govern themselves, there is no injury done.

XXVI. If, says Carneades, you were to know that an asp was lying hidden anywhere, and that some one who did not know it was going to sit upon it, whose death would be a gain to you, you would act wickedly if you did not warn him not to sit down. Still, you would not be liable to punishment; for who could prove that you had known? But we are bringing forward too many instances; for it is plain that unless equity, good faith, and justice proceed from nature, and if all these things are referred to interest, a good man cannot be

found. And on these topics a great deal is said by Lælius in our treatise on the Republic.

If, as we are reminded by you, we have spoken well in that treatise, when we said that nothing is good excepting what is honorable, and nothing bad excepting what is disgraceful. * * *

XXVII. I am glad that you approve of the doctrine that the affection borne to our children is implanted by nature; indeed, if it be not, there can be no conection between man and man which has its origin in nature. And if there be not, then there is an end of all society in life. May it turn out well, says Carneades, speaking shamelessly, but still more sensibly than my friend Lucius or Patro: for, as they refer everything to themselves, do they think that anything is ever done for the sake of another? And when they say that a man ought to be good, in order to avoid misfortune, not because it is right by nature, they do not perceive that they are speaking of a cunning man, not of a good one. But these arguments are argued, I think, in those books by praising which you have given me spirits.

In which I agree that an anxious and hazardous justice is not that of a wise man.

XXVIII. And again, in Cicero, that same advocate of justice, Lælius, says, Virtue is clearly eager for honor, nor has she any other reward; which, however, she accepts easily, and exacts without bitterness. And in another place the same Lælius says:

When a man is inspired by virtue such as this, what bribes can you offer him, what treasures, what thrones, what empires? He considers these but mortal goods, and esteems his own divine. And if the ingratitude of the people, and the envy of his competitors, or the violence of powerful enemies, despoil his virtue of its earthly recompense, he still enjoys a thousand consolations in the approbation of conscience, and sustains himself by contemplating the beauty of moral rectitude.

XXIX. * * * This virtue, in order to be true, must be universal. Tiberius Gracchus continued faithful to his fellow-citizens, but he violated the rights and treaties guaranteed to our allies and the Latin peoples. But if this habit of arbitrary violence begins to extend itself further, and perverts our authority, leading it from right to violence,

so that those who had voluntarily obeyed us are only restrained by fear, then, although we, during our days, may escape the peril, yet am I solicitous respecting the safety of our posterity and the immortality of the Commonwealth itself, which, doubtless, might become perpetual and invincible if our people would maintain their ancient institutions and manners.

XXX. When Lælius had ceased to speak, all those that were present expressed the extreme pleasure they found in his discourse. But Scipio, more affected than the rest, and ravished with the delight of sympathy, exclaimed: You have pleaded, my Lælius, many causes with an eloquence superior to that of Servius Galba, our colleague, whom you used during his life to prefer to all others, even to the Attic orators [and never did I hear you speak with more energy than to-day, while pleading the cause of justice] * * *

* * * That two things were wanting to enable him to speak in public and in the forum, confidence and voice.

XXXI. * * * This justice, continued Scipio, is the very foundation of lawful government in political constitutions. Can we call the State of Agrigentum a commonwealth, where all men are oppressed by the cruelty of a single tyrant — where there is no universal bond of right, nor social consent and fellowship, which should belong to every people, properly so named? It is the same in Syracuse — that illustrious city which Timæus calls the greatest of the Grecian towns. It was indeed a most beautiful city; and its admirable citadel, its canals distributed through all its districts, its broad streets, its porticoes, its temples, and its walls, gave Syracuse the appearance of a most flourishing state. But while Dionysius its tyrant reigned there, nothing of all its wealth belonged to the people, and the people were nothing better than the slaves of one master. Thus, wherever I behold a tyrant, I know that the social constitution must be not merely vicious and corrupt, as I stated yesterday, but in strict truth no social constitution at all.

XXXII. *Lælius.* You have spoken admirably, my Scipio, and I see the point of your observations.

Scipio. You grant, then, that a state which is entirely in the power of a faction cannot justly be entitled a political community?

Lælius. That is evident.

Scipio. You judge most correctly. For what was the State of Athens when, during the great Peloponnesian war, she fell under the unjust domination of the thirty tyrants? The antique glory of that city, the imposing aspect of its edifices, its theatre, its gymnasium, its porticoes, its temples, its citadel, the admirable sculptures of Phidias, and the magnificent harbor of Piræus — did they constitute it a commonwealth?

Lælius. Certainly not, because these did not constitute the real welfare of the community.

Scipio. And at Rome, when the decemvirs ruled without appeal from their decisions, in the third year of their power, had not liberty lost all its securities and all its blessings?

Lælius. Yes; the welfare of the community was no longer consulted, and the people soon roused themselves, and recovered their appropriate rights.

XXXIII. *Scipio.* I now come to the third, or democratical, form of government, in which a considerable difficulty presents itself, because all things are there said to lie at the disposition of the people, and are carried into execution just as they please. Here the populace inflict punishments at their pleasure, and act, and seize, and keep possession, and distribute property, without let or hinderance. Can you deny, my Lælius, that this is a fair definition of a democracy, where the people are all in all, and where the people constitute the State?

Lælius. There is no political constitution to which I more absolutely deny the name of a *commonwealth* than that in which all things lie in the power of the multitude. If a commonwealth, which implies the welfare of the entire community, could not exist in Agrigentum, Syracuse, or Athens when tyrants reigned over them — if it could not exist in Rome when under the oligarchy of the decemvirs — neither do I see how this sacred name of commonwealth can be applied to a democracy and the sway of the mob; because, in the first place, my Scipio, I build on your own admirable definition, that there can be no community, properly so called, unless it be regulated by a combination of rights. And, by this definition, it appears that a multitude of men may be just as tyrannical as a single despot; and it is so much the worse, since no

monster can be more barbarous than the mob, which assumes the name and appearance of the people. Nor is it at all reasonable, since the laws place the property of madmen in the hands of their sane relations, that we should do the [very reverse in politics, and throw the property of the sane into the hands of the mad multitude] * * *

XXXIV. * * * [It is far more rational] to assert that a wise and virtuous aristocratical government deserves the title of a commonwealth, as it approaches to the nature of a kingdom.

And much more so in my opinion, said Mummius. For the unity of power often exposes a king to become a despot; but when an aristocracy, consisting of many virtuous men, exercise power, that is the most fortunate circumstance possible for any state. However this be, I much prefer royalty to democracy; for that is the third kind of government which you have remaining, and a most vicious one it is.

XXXV. Scipio replied: I am well acquainted, my Mummius, with your decided antipathy to the democratical system. And, although, we may speak of it with rather more indulgence than you are accustomed to accord it, I must certainly agree with you, that of all the three particular forms of government, none is less commendable than democracy.

I do not agree with you, however, when you would imply that aristocracy is preferable to royalty. If you suppose that wisdom governs the State, is it not as well that this wisdom should reside in one monarch as in many nobles?

But we are led away by a certain incorrectness of terms in a discussion like the present. When we pronounce the word "aristocracy," which, in Greek, signifies the government of the best men, what can be conceived more excellent? For what can be thought better than the best? But when, on the other hand, the title "king" is mentioned, we begin to imagine a tyrant; as if a king must be necessarily unjust. But we are not speaking of an unjust king when we are examining the true nature of royal authority. To this name of king, therefore, do but attach the idea of a Romulus, a Numa, a Tullus, and perhaps you will be less severe to the monarchical form of constitution.

Mummius. Have you, then, no commendation at all for any kind of democratical government?

Scipio. Why, I think some democratical forms less objectionable than others; and, by way of illustration, I will ask you what you thought of the government in the isle of Rhodes, where we were lately together; did it appear to you a legitimate and rational constitution?

Mummius. It did, and not much liable to abuse.

Scipio. You say truly. But, if you recollect, it was a very extraordinary experiment. All the inhabitants were alternately senators and citizens. Some months they spent in their senatorial functions, and some months they spent in their civil employments. In both they exercised judicial powers; and in the theatre and the court, the same men judged all causes, capital and not capital. And they had as much influence, and were of as much importance as * * *

FRAGMENTS.

XXXVI. There is therefore some unquiet feeling in individuals, which either exults in pleasure or is crushed by annoyance.

[*The next is an incomplete sentence, and, as such, unintelligible*.]

The Phœnicians were the first who by their commerce, and by the merchandise which they carried, brought avarice and magnificence and insatiable degrees of everything into Greece.

Sardanapalus, the luxurious king of Assyria, of whom Tully, in the third book of his treatise on the Republic, says, "The notorious Sardanapalus, far more deformed by his vices than even by his name."

What is the meaning, then, of this absurd acceptation, unless some one wishes to make the whole of Athos a monument? For what is Athos or the vast Olympus? * * *

XXXVII. I will endeavor in the proper place to show it, according to the definitions of Cicero himself, in which, putting forth Scipio as the speaker, he has briefly explained what a commonwealth and what a republic is; adducing also many assertions of his own, and of those whom he has represented as taking part in that discussion, to the effect that the State of Rome was not such a commonwealth, because there has never been genuine justice in it. However, according to definitions which are more reasonable, it was a commonwealth in some degree, and it was better regulated by the more ancient than by the later Romans.

It is now fitting that I should explain, as briefly and as clearly as I can, what, in the second book of this work, I promised to prove, according to the definitions which Cicero, in his books on the Commonwealth, puts into the mouth of Scipio, arguing that the Roman State was never a commonwealth; for he briefly defines a commonwealth as a state of the people; the people as an assembly of the multitude, united by a common feeling of right, and a community of interests. What he calls a common feeling of right he explains by discussion, showing in this way that a commonwealth cannot proceed without justice. Where, therefore, there is no genuine justice, there can be no right, for that which is done according to right is

done justly; and what is done unjustly cannot be done according to right, for the unjust regulations of men are not to be called or thought rights; since they themselves call that right (*jus*) which flows from the source of justice: and they say that that assertion which is often made by some persons of erroneous sentiments, namely, that that is right which is advantageous to the most powerful, is false. Wherefore, where there is no true justice there can be no company of men united by a common feeling of right; therefore there can be no people (*populus*), according to that definition of Scipio or Cicero: and if there be no people, there can be no state of the people, but only of a mob such as it may be, which is not worthy of the name of a people. And thus, if a commonwealth is a state of a people, and if that is not a people which is not united by a common feeling of right, and if there is no right where there is no justice, then the undoubted inference is, that where there is no justice there is no commonwealth. Moreover, justice is that virtue which gives every one his own.

No war can be undertaken by a just and wise state unless for faith or self-defence. This self-defence of the State is enough to insure its perpetuity, and this perpetuity is what all patriots desire. Those afflictions which even the hardiest spirits smart under — poverty, exile, prison, and torment — private individuals seek to escape from by an instantaneous death. But for states, the greatest calamity of all is that of death, which to individuals appears a refuge. A state should be so constituted as to live forever. For a commonwealth there is no natural dissolution as there is for a man, to whom death not only becomes necessary, but often desirable. And when a state once decays and falls, it is so utterly revolutionized, that, if we may compare great things with small, it resembles the final wreck of the universe.

All wars undertaken without a proper motive are unjust. And no war can be reputed just unless it be duly announced and proclaimed, and if it be not preceded by a rational demand for restitution.

Our Roman Commonwealth, by defending its allies, has got possession of the world.

INTRODUCTION TO THE FOURTH BOOK, BY THE TRANSLATOR.

In this fourth book Cicero treats of morals and education, and the use and abuse of stage entertainments. We retain nothing of this important book save a few scattered fragments, the beauty of which fills us with the greater regret for the passages we have lost.

BOOK IV.

FRAGMENTS.

I. * * * Since mention has been made of the body and of the mind, I will endeavor to explain the theory of each as well as the weakness of my understanding is able to comprehend it — a duty which I think it the more becoming in me to undertake, because Marcus Tullius, a man of singular genius, after having attempted to perform it in the fourth book of his treatise on the Commonwealth, compressed a subject of wide extent within narrow limits, only touching lightly on all the principal points. And that there might be no excuse alleged for his not having followed out this topic, he himself has assured us that he was not wanting either in inclination or in anxiety to do so; for, in the first book of his treatise on Laws, when he was touching briefly on the same subject, he speaks thus: "This topic Scipio, in my opinion, has sufficiently discussed in those books which you have read."

And the mind itself, which sees the future, remembers the past.

Well did Marcus Tullius say, In truth, if there is no one who would not prefer death to being changed into the form of some beast, although he were still to retain the mind of a man, how much more wretched is it to have the mind of a beast in the form of a man! To me this fate appears as much worse than the other as the mind is superior to the body.

Tullius says somewhere that he does not think the good of a ram and of Publius Africanus identical.

And also by its being interposed, it causes shade and night, which is adapted both to the numbering of days and to rest from labor.

And as in the autumn he has opened the earth to receive seeds, in winter relaxed it that it may digest them, and by the ripening powers of summer softened some and burned up others.

When the shepherds use * * * for cattle.

Cicero, in the fourth book of his Commonwealth, uses the word "armentum," and "armentarius," derived from it.

II. The great law of just and regular subordination is the basis of

political prosperity. There is much advantage in the harmonious succession of ranks and orders and classes, in which the suffrages of the knights and the senators have their due weight. Too many have foolishly desired to destroy this institution, in the vain hope of receiving some new largess, by a public decree, out of a distribution of the property of the nobility.

III. Consider, now, how wisely the other provisions have been adopted, in order to secure to the citizens the benefits of an honest and happy life; for that is, indeed, the grand object of all political association, and that which every government should endeavor to procure for the people, partly by its institutions, and partly by its laws.

Consider, in the first place, the national education of the people — a matter on which the Greeks have expended much labor in vain, and which is the only point on which Polybius, who settled among us, accuses the negligence of our institutions. For our countrymen have thought that education ought not to be fixed, nor regulated by laws, nor be given publicly and uniformly to all classes of society. For * * *

According to Tully, who says that men going to serve in the army have guardians assigned to them, by whom they are governed the first year.

IV. [In our ancient laws, young men were prohibited from appearing] naked in the public baths, so far back were the principles of modesty traced by our ancestors. Among the Greeks, on the contrary, what an absurd system of training youth is exhibited in their gymnasia! What a frivolous preparation for the labors and hazards of war! what indecent spectacles, what impure and licentious amours are permitted! I do not speak only of the Eleans and Thebans, among whom, in all love affairs, passion is allowed to run into shameless excesses; but the Spartans, while they permit every kind of license to their young men, save that of violation, fence off, by a very slight wall, the very exception on which they insist, besides other crimes which I will not mention.

Then Lælius said: I see, my Scipio, that on the subject of the Greek institutions, which you censure, you prefer attacking the customs of the most renowned peoples to contending with your

favorite Plato, whose name you have avoided citing, especially as * * *

V. So that Cicero, in his treatise on the Commonwealth, says that it was a reproach to young men if they had no lovers.

Not only as at Sparta, where boys learn to steal and plunder.

And our master Plato, even more than Lycurgus, who would have everything to be common, so that no one should be able to call anything his own property.

I would send him to the same place whither he sends Homer, crowned with chaplets and anointed with perfumes, banishing him from the city which he is describing.

VI. The judgment of the censor inflicts scarcely anything more than a blush on the man whom he condemns. Therefore as all that adjudication turns solely on the name (*nomen*), the punishment is called ignominy.

Nor should a prefect be set over women, an officer who is created among the Greeks; but there should be a censor to teach husbands to manage their wives.

So the discipline of modesty has great power. All women abstain from wine.

And also if any woman was of bad character, her relations used not to kiss her.

So petulance is derived from asking (*petendo*); wantonness (*procacitas*) from *procando*, that is, from demanding.

VII. For I do not approve of the same nation being the ruler and the farmer of lands. But both in private families and in the affairs of the Commonwealth I look upon economy as a revenue.

Faith (*fides*) appears to me to derive its name from that being done (*fit*) which is said.

In a citizen of rank and noble birth, caressing manners, display, and ambition are marks of levity.

Examine for a while the books on the Republic, and learn that good men know no bound or limit in consulting the interests of their country. See in that treatise with what praises frugality, and continency, and fidelity to the marriage tie, and chaste, honorable, and virtuous manners are extolled.

VIII. I marvel at the elegant choice, not only of the facts, but of

the language. If they dispute (*jurgant*). It is a contest between well-wishers, not a quarrel between enemies, that is called a dispute (*jurgium*),

Therefore the law considers that neighbors dispute (*jurgare*) rather than quarrel (*litigare*) with one another.

The bounds of man's care and of man's life are the same; so by the pontifical law the sanctity of burial * * *

They put them to death, though innocent, because they had left those men unburied whom they could not rescue from the sea because of the violence of the storm.

Nor in this discussion have I advocated the cause of the populace, but of the good.

For one cannot easily resist a powerful people if one gives them either no rights at all or very little.

In which case I wish I could augur first with truth and fidelity * * *

IX. Cicero saying this in vain, when speaking of poets, "And when the shouts and approval of the people, as of some great and wise teacher, has reached them, what darkness do they bring on! what alarms do they cause! what desires do they excite!"

Cicero says that if his life were extended to twice its length, he should not have time to read the lyric poets.

X. As Scipio says in Cicero, "As they thought the whole histrionic art, and everything connected with the theatre, discreditable, they thought fit that all men of that description should not only be deprived of the honors belonging to the rest of the citizens, but should also be deprived of their franchise by the sentence of the censors."

And what the ancient Romans thought on this subject Cicero informs us, in those books which he wrote on the Commonwealth, where Scipio argues and says * * *

Comedies could never (if it had not been authorized by the common customs of life) have made theatres approve of their scandalous exhibitions. And the more ancient Greeks provided a certain correction for the vicious taste of the people, by making a law that it should be expressly defined by a censorship what subjects comedy should treat, and how she should treat them.

Whom has it not attacked? or, rather, whom has it not wounded? and whom has it spared? In this, no doubt, it sometimes took the right side, and lashed the popular demagogues and seditious agitators, such as Cleon, Cleophon, and Hyperbolus. We may tolerate that; though indeed the censure of the magistrate would, in these cases, have been more efficacious than the satire of the poet. But when Pericles, who governed the Athenian Commonwealth for so many years with the highest authority, both in peace and war, was outraged by verses, and these were acted on the stage, it was hardly more decent than if, among us, Plautus and Nævius had attacked Publius and Cnæus, or Cæcilius had ventured to revile Marcus Cato.

Our laws of the Twelve Tables, on the contrary — so careful to attach capital punishment to a very few crimes only — have included in this class of capital offences the offence of composing or publicly reciting verses of libel, slander, and defamation, in order to cast dishonor and infamy on a fellow-citizen. And they have decided wisely; for our life and character should, if suspected, be submitted to the sentence of judicial tribunals and the legal investigations of our magistrates, and not to the whims and fancies of poets. Nor should we be exposed to any charge of disgrace which we cannot meet by legal process, and openly refute at the bar.

In our laws, I admire the justice of their expressions, as well as their decisions. Thus the word *pleading* signifies rather an amicable suit between friends than a quarrel between enemies.

It is not easy to resist a powerful people, if you allow them no rights, or next to none.

The old Romans would not allow any living man to be either praised or blamed on the stage.

XI. Cicero says that comedy is an imitation of life; a mirror of customs, an image of truth.

Since, as is mentioned in that book on the Commonwealth, not only did Æschines the Athenian, a man of the greatest eloquence, who, when a young man, had been an actor of tragedies, concern himself in public affairs, but the Athenians often sent Aristodemus, who was also a tragic actor, to Philip as an ambassador, to treat of the most important affairs of peace and war.

INTRODUCTION TO THE FIFTH BOOK, BY THE TRANSLATOR.

In this fifth book Cicero explains and enforces the duties of magistrates, and the importance of practical experience to all who undertake their important functions. Only a few fragments have survived the wreck of ages and descended to us.

BOOK V.

FRAGMENTS.

I. Ennius has told us —

Of men and customs mighty Rome consists;

which verse, both for its precision and its verity, appears to me as if it had issued from an oracle; for neither the men, unless the State had adopted a certain system of manners — nor the manners, unless they had been illustrated by the men — could ever have established or maintained for so many ages so vast a republic, or one of such righteous and extensive sway.

Thus, long before our own times, the force of hereditary manners of itself moulded most eminent men; and admirable citizens, in return, gave new weight to the ancient customs and institutions of our ancestors. But our age, on the contrary, having received the Commonwealth as a finished picture of another century, but one already beginning to fade through the lapse of years, has not only neglected to renew the colors of the original painting, but has not even cared to preserve its general form and prominent lineaments.

For what now remains of those antique manners, of which the poet said that our Commonwealth consisted? They have now become so obsolete and forgotten that they are not only not cultivated, but they are not even known. And as to the men, what shall I say? For the manners themselves have only perished through a scarcity of men; of which great misfortune we are not only called to give an account, but even, as men accused of capital offences, to a certain degree to plead our own cause in connection with it. For it is owing to our vices, rather than to any accident, that we have retained the name of republic when we have long since lost the reality.

II. * * * There is no employment so essentially royal as the exposition of equity, which comprises the true interpretation of all laws. This justice subjects used generally to expect from their kings. For this reason, lands, fields, woods, and pastures were reserved as the property of kings, and cultivated for them, without any labor on their part, in order that no anxiety on account of their personal

interests might distract their attention from the welfare of the State. Nor was any private man allowed to be the judge or arbitrator in any suit; but all disputes were terminated by the royal sentence.

And of all our Roman monarchs, Numa appears to me to have best preserved this ancient custom of the kings of Greece. For the others, though they also discharged this duty, were for the main part employed in conducting military enterprises, and in attending to those rights which belonged to war. But the long peace of Numa's reign was the mother of law and religion in this city. And he was himself the author of those admirable laws which, as you are aware, are still extant. And this character is precisely what belongs to the man of whom we are speaking. * * *

III. [*Scipio.* Ought not a farmer] to be acquainted with the nature of plants and seeds?

Manilius. Certainly, provided he attends to his practical business also.

Scipio. Do you think that knowledge only fit for a steward?

Manilius. Certainly not, inasmuch as the cultivation of land often fails for want of agricultural labor.

Scipio. Therefore, as the steward knows the nature of a field, and the scribe knows penmanship, and as both of them seek, in their respective sciences, not mere amusement only, but practical utility, so this statesman of ours should have studied the science of jurisprudence and legislation; he should have investigated their original sources; but he should not embarrass himself in debating and arguing, reading and scribbling. He should rather employ himself in the actual administration of government, and become a sort of steward of it, being perfectly conversant with the principles of universal law and equity, without which no man can be just: not unfamiliar with the civil laws of states; but he will use them for practical purposes, even as a pilot uses astronomy, and a physician natural philosophy. For both these men bring their theoretical science to bear on the practice of their arts; and our statesman [should do the same with the science of politics, and make it subservient to the actual interests of philanthropy and patriotism]. * * *

IV. * * * In states in which good men desire glory and approbation, and shun disgrace and ignominy. Nor are such men so

much alarmed by the threats and penalties of the law as by that sentiment of shame with which nature has endowed man, which is nothing else than a certain fear of deserved censure. The wise director of a government strengthens this natural instinct by the force of public opinion, and perfects it by education and manners. And thus the citizens are preserved from vice and corruption rather by honor and shame than by fear of punishment. But this argument will be better illustrated when we treat of the love of glory and praise, which we shall discuss on another occasion.

V. As respects the private life and the manners of the citizens, they are intimately connected with the laws that constitute just marriages and legitimate offspring, under the protection of the guardian deities around the domestic hearths. By these laws, all men should be maintained in their rights of public and private property. It is only under a good government like this that men can live happily — for nothing can be more delightful than a well-constituted state.

On which account it appears to me a very strange thing what this * * *

VI. I therefore consume all my time in considering what is the power of that man, whom, as you think, we have described carefully enough in our books. Do you, then, admit our idea of that governor of a commonwealth to whom we wish to refer everything? For thus, I imagine, does Scipio speak in the fifth book: "For as a fair voyage is the object of the master of a ship, the health of his patient the aim of a physician, and victory that of a general, so the happiness of his fellow-citizens is the proper study of the ruler of a commonwealth; that they may be stable in power, rich in resources, widely known in reputation, and honorable through their virtue. For a ruler ought to be one who can perfect this, which is the best and most important employment among mankind."

And works in your literature rightly praise that ruler of a country who consults the welfare of his people more than their inclinations.

VII. Tully, in those books which he wrote upon the Commonwealth, could not conceal his opinions, when he speaks of appointing a chief of the State, who, he says, must be maintained by glory; and afterward he relates that his ancestors did many admirable and noble actions from a desire of glory.

Tully, in his treatise on the Commonwealth, wrote that the chief of a state must be maintained by glory, and that a commonwealth would last as long as honor was paid by every one to the chief.

[*The next paragraph is unintelligible.*]

Which virtue is called fortitude, which consists of magnanimity, and a great contempt of death and pain.

VIII. As Marcellus was fierce, and eager to fight, Maximus prudent and cautious.

Who discovered his violence and unbridled ferocity.

Which has often happened not only to individuals, but also to most powerful nations.

In the whole world.

Because he inflicted the annoyances of his old age on your families.

IX. Cicero, in his treatise on the Commonwealth, says, "As Menelaus of Lacedæmon had a certain agreeable sweetness of eloquence." And in another place he says, "Let him cultivate brevity in speaking."

By the evidence of which arts, as Tully says, it is a shame for the conscience of the judge to be misled. For he says, "And as nothing in a commonwealth ought to be so uncorrupt as a suffrage and a sentence, I do not see why the man who perverts them by money is worthy of punishment, while he who does so by eloquence is even praised. Indeed, I myself think that he who corrupts the judge by his speech does more harm than he who does so by money, because no one can corrupt a sensible man by money, though he may by speaking."

And when Scipio had said this, Mummius praised him greatly, for he was extravagantly imbued with a hatred of orators.

INTRODUCTION TO THE SIXTH BOOK.

In this last book of his Commonwealth, Cicero labors to show that truly pious philanthropical and patriotic statesmen will not only be rewarded on earth by the approval of conscience and the applause of all good citizens, but that they may expect hereafter immortal glory in new forms of being. To illustrate this, he introduces the "Dream of Scipio," in which he explains the resplendent doctrines of Plato respecting the immortality of the soul with inimitable dignity and elegance. This Somnium Scipionis, for which we are indebted to the citation of Macrobius, is the most beautiful thing of the kind ever written. It has been intensely admired by all European scholars, and will be still more so. There are two translations of it in our language; one attached to Oliver's edition of Cicero's Thoughts, the other by Mr. Danby, published in 1829. Of these we have freely availed ourselves, and as freely we express our acknowledgments.

BOOK VI. SCIPIO'S DREAM.

I. Therefore you rely upon all the prudence of this rule, which has derived its very name (*prudentia*) from foreseeing (*a providendo*). Wherefore the citizen must so prepare himself as to be always armed against those things which trouble the constitution of a state. And that dissension of the citizens, when one party separates from and attacks another, is called sedition.

And in truth in civil dissensions, as the good are of more importance than the many, I think that we should regard the weight of the citizens, and not their number.

For the lusts, being severe mistresses of the thoughts, command and compel many an unbridled action. And as they cannot be satisfied or appeased by any means, they urge those whom they have inflamed with their allurements to every kind of atrocity.

II. Which indeed was so much the greater in him because though the cause of the colleagues was identical, not only was their unpopularity not equal, but the influence of Gracchus was employed in mitigating the hatred borne to Claudius.

Who encountered the number of the chiefs and nobles with these words, and left behind him that mournful and dignified expression of his gravity and influence.

That, as he writes, a thousand men might every day descend into the forum with cloaks dyed in purple.

[*The next paragraph is unintelligible.*]

For our ancestors wished marriages to be firmly established.

There is a speech extant of Lælius with which we are all acquainted, expressing how pleasing to the immortal gods are the * * * and * * * of the priests.

III. Cicero, writing about the Commonwealth, in imitation of Plato, has related the story of the return of Er the Pamphylian to life; who, as he says, had come to life again after he had been placed on the funeral pile, and related many secrets about the shades below; not speaking, like Plato, in a fabulous imitation of truth, but using a certain reasonable invention of an ingenious dream, cleverly intimating that these things which were uttered about the immortality

of the soul, and about heaven, are not the inventions of dreaming philosophers, nor the incredible fables which the Epicureans ridicule, but the conjectures of wise men. He insinuates that that Scipio who by the subjugation of Carthage obtained Africanus as a surname for his family, gave notice to Scipio the son of Paulus of the treachery which threatened him from his relations, and the course of fate, because by the necessity of numbers he was confined in the period of a perfect life, and he says that he in the fifty-sixth year of his age * * *

IV. Some of our religion who love Plato, on account of his admirable kind of eloquence, and of some correct opinions which he held, say that he had some opinions similar to my own touching the resurrection of the dead, which subject Tully touches on in his treatise on the Commonwealth, and says that he was rather jesting than intending to say that was true. For he asserts that a man returned to life, and related some stories which harmonized with the discussions of the Platonists.

V. In this point the imitation has especially preserved the likeness of the work, because, as Plato, in the conclusion of his volume, represents a certain person who had returned to life, which he appeared to have quitted, as indicating what is the condition of souls when stripped of the body, with the addition of a certain not unnecessary description of the spheres and stars, an appearance of circumstances indicating things of the same kind is related by the Scipio of Cicero, as having been brought before him in sleep.

VI. Tully is found to have preserved this arrangement with no less judgment than genius. After, in every condition of the Commonwealth, whether of leisure or business, he has given the palm to justice, he has placed the sacred abodes of the immortal souls, and the secrets of the heavenly regions, on the very summit of his completed work, indicating whither they must come, or rather return, who have managed the republic with prudence, justice, fortitude, and moderation. But that Platonic relater of secrets was a man of the name of Er, a Pamphylian by nation, a soldier by profession, who, after he appeared to have died from wounds received in battle, and twelve days afterward was about to receive the honors of the funeral pile with the others who were slain at the same

time, suddenly either recovering his life, or else never having lost it, as if he were giving a public testimony, related to all men all that he had done or seen in the days that he had thus passed between life and death. Although Cicero, as if himself conscious of the truth, grieves that this story has been ridiculed by the ignorant, still, avoiding giving an example of foolish reproach, he preferred speaking of the relater as of one awakened from a swoon rather than restored to life.

VII. And before we look at the words of the dream we must explain what kind of persons they are by whom Cicero says that even the account of Plato was ridiculed, who are not apprehensive that the same thing may happen to them. Nor by this expression does he wish the ignorant mob to be understood, but a kind of men who are ignorant of the truth, though pretending to be philosophers with a display of learning, who, it was notorious, had read such things, and were eager to find faults. We will say, therefore, who they are whom he reports as having levelled light reproaches against so great a philosopher, and who of them has even left an accusation of him committed to writing, etc. The whole faction of the Epicureans, always wandering at an equal distance from truth, and thinking everything ridiculous which they do not understand, has ridiculed the sacred volume, and the most venerable mysteries of nature. But Colotes, who is somewhat celebrated and remarkable for his loquacity among the pupils of Epicurus, has even recorded in a book the bitter reproaches which he aims at him. But since the other arguments which he foolishly urges have no connection with the dream of which we are now talking, we will pass them over at present, and attend only to the calumny which will stick both to Cicero and Plato, unless it is silenced. He says that a fable ought not to have been invented by a philosopher, since no kind of falsehood is suitable to professors of truth. For why, says he, if you wish to give us a notion of heavenly things and to teach us the nature of souls, did you not do so by a simple and plain explanation? Why was a character invented, and circumstances, and strange events, and a scene of cunningly adduced falsehood arranged, to pollute the very door of the investigation of truth by a lie? Since these things, though they are said of the Platonic Er, do also attack the rest of our dreaming Africanus.

VIII. This occasion incited Scipio to relate his dream, which he declares that he had buried in silence for a long time. For when Lælius was complaining that there were no statues of Nasica erected in any public place, as a reward for his having slain the tyrant, Scipio replied in these words: “But although the consciousness itself of great deeds is to wise men the most ample reward of virtue, yet that divine nature ought to have, not statues fixed in lead, nor triumphs with withering laurels, but some more stable and lasting kinds of rewards.” “What are they?” said Lælius. “Then,” said Scipio, “suffer me, since we have now been keeping holiday for three days, * * * etc.” By which preface he came to the relation of his dream; pointing out that those were the more stable and lasting kinds of rewards which he himself had seen in heaven reserved for good governors of commonwealths.

IX. When I had arrived in Africa, where I was, as you are aware, military tribune of the fourth legion under the consul Manilius, there was nothing of which I was more earnestly desirous than to see King Masinissa, who, for very just reasons, had been always the especial friend of our family. When I was introduced to him, the old man embraced me, shed tears, and then, looking up to heaven, exclaimed — I thank thee, O supreme Sun, and ye also, ye other celestial beings, that before I depart from this life I behold in my kingdom, and in this my palace, Publius Cornelius Scipio, by whose mere name I seem to be reanimated; so completely and indelibly is the recollection of that best and most invincible of men, Africanus, imprinted in my mind.

After this, I inquired of him concerning the affairs of his kingdom. He, on the other hand, questioned me about the condition of our Commonwealth, and in this mutual interchange of conversation we passed the whole of that day.

X. In the evening we were entertained in a manner worthy the magnificence of a king, and carried on our discourse for a considerable part of the night. And during all this time the old man spoke of nothing but Africanus, all whose actions, and even remarkable sayings, he remembered distinctly. At last, when we retired to bed, I fell into a more profound sleep than usual, both because I was fatigued with my journey, and because I had sat up the

greatest part of the night.

Here I had the following dream, occasioned, as I verily believe, by our preceding conversation; for it frequently happens that the thoughts and discourses which have employed us in the daytime produce in our sleep an effect somewhat similar to that which Ennius writes happened to him about Homer, of whom, in his waking hours, he used frequently to think and speak.

Africanus, I thought, appeared to me in that shape, with which I was better acquainted from his picture than from any personal knowledge of him. When I perceived it was he, I confess I trembled with consternation; but he addressed me, saying, Take courage, my Scipio; be not afraid, and carefully remember what I shall say to you.

XI. Do you see that city Carthage, which, though brought under the Roman yoke by me, is now renewing former wars, and cannot live in peace? (and he pointed to Carthage from a lofty spot, full of stars, and brilliant, and glittering) — to attack which city you are this day arrived in a station not much superior to that of a private soldier. Before two years, however, are elapsed, you shall be consul, and complete its overthrow; and you shall obtain, by your own merit, the surname of Africanus, which as yet belongs to you no otherwise than as derived from me. And when you have destroyed Carthage, and received the honor of a triumph, and been made censor, and, in quality of ambassador, visited Egypt, Syria, Asia, and Greece, you shall be elected a second time consul in your absence, and, by utterly destroying Numantia, put an end to a most dangerous war.

But when you have entered the Capitol in your triumphal car, you shall find the Roman Commonwealth all in a ferment, through the intrigues of my grandson Tiberius Gracchus.

XII. It is on this occasion, my dear Africanus, that you show your country the greatness of your understanding, capacity, and prudence. But I see that the destiny, however, of that time is, as it were, uncertain; for when your age shall have accomplished seven times eight revolutions of the sun, and your fatal hours shall be marked put by the natural product of these two numbers, each of which is esteemed a perfect one, but for different reasons, then shall the whole city have recourse to you alone, and place its hopes in your auspicious name. On you the senate, all good citizens, the allies, the

people of Latium, shall cast their eyes; on you the preservation of the State shall entirely depend. In a word, *if you escape the impious machinations of your relatives*, you will, in quality of dictator, establish order and tranquillity in the Commonwealth.

When on this Lælius made an exclamation, and the rest of the company groaned loudly, Scipio, with a gentle smile, said, I entreat you, do not wake me out of my dream, but have patience, and hear the rest.

XIII. Now, in order to encourage you, my dear Africanus, continued the shade of my ancestor, to defend the State with the greater cheerfulness, be assured that, for all those who have in any way conduced to the preservation, defence, and enlargement of their native country, there is a certain place in heaven where they shall enjoy an eternity of happiness. For nothing on earth is more agreeable to God, the Supreme Governor of the universe, than the assemblies and societies of men united together by laws, which are called states. It is from heaven their rulers and preservers came, and thither they return.

XIV. Though at these words I was extremely troubled, not so much at the fear of death as at the perfidy of my own relations, yet I recollected myself enough to inquire whether he himself, my father Paulus, and others whom we look upon as dead, were really living.

Yes, truly, replied he, they all enjoy life who have escaped from the chains of the body as from a prison. But as to what you call life on earth, that is no more than one form of death. But see; here comes your father Paulus towards you! And as soon as I observed him, my eyes burst out into a flood of tears; but he took me in his arms, embraced me, and bade me not weep.

XV. When my first transports subsided, and I regained the liberty of speech, I addressed my father thus: Thou best and most venerable of parents, since this, as I am informed by Africanus, is the only substantial life, why do I linger on earth, and not rather haste to come hither where you are?

That, replied he, is impossible: unless that God, whose temple is all that vast expanse you behold, shall free you from the fetters of the body, you can have no admission into this place. Mankind have received their being on this very condition, that they should labor for

the preservation of that globe which is situated, as you see, in the midst of this temple, and is called earth.

Men are likewise endowed with a soul, which is a portion of the eternal fires which you call stars and constellations; and which, being round, spherical bodies, animated by divine intelligences, perform their cycles and revolutions with amazing rapidity. It is your duty, therefore, my Publius, and that of all who have any veneration for the Gods, to preserve this wonderful union of soul and body; nor without the express command of Him who gave you a soul should the least thought be entertained of quitting human life, lest you seem to desert the post assigned you by God himself.

But rather follow the examples of your grandfather here, and of me, your father, in paying a strict regard to justice and piety; which is due in a great degree to parents and relations, but most of all to our country. Such a life as this is the true way to heaven, and to the company of those, who, after having lived on earth and escaped from the body, inhabit the place which you now behold.

XVI. This was the shining circle, or zone, whose remarkable brightness distinguishes it among the constellations, and which, after the Greeks, you call the Milky Way.

From thence, as I took a view of the universe, everything appeared beautiful and admirable; for there those stars are to be seen that are never visible from our globe, and everything appears of such magnitude as we could not have imagined. The least of all the stars was that removed farthest from heaven, and situated next to the earth; I mean our moon, which shines with a borrowed light. Now, the globes of the stars far surpass the magnitude of our earth, which at that distance appeared so exceedingly small that I could not but be sensibly affected on seeing our whole empire no larger than if we touched the earth, as it were, at a single point.

XVII. And as I continued to observe the earth with great attention, How long, I pray you, said Africanus, will your mind be fixed on that object? why don't you rather take a view of the magnificent temples among which you have arrived? The universe is composed of nine circles, or rather spheres, one of which is the heavenly one, and is exterior to all the rest, which it embraces; being itself the Supreme God, and bounding and containing the whole. In it are fixed those

stars which revolve with never-varying courses. Below this are seven other spheres, which revolve in a contrary direction to that of the heavens. One of these is occupied by the globe which on earth they call Saturn. Next to that is the star of Jupiter, so benign and salutary to mankind. The third in order is that fiery and terrible planet called Mars. Below this, again, almost in the middle region, is the sun — the leader, governor, and prince of the other luminaries; the soul of the world, which it regulates and illumines; being of such vast size that it pervades and gives light to all places. Then follow Venus and Mercury, which attend, as it were, on the sun. Lastly, the moon, which shines only in the reflected beams of the sun, moves in the lowest sphere of all. Below this, if we except that gift of the Gods, the soul, which has been given by the liberality of the Gods to the human race, everything is mortal, and tends to dissolution; but above the moon all is eternal. For the earth, which is the ninth globe, and occupies the centre, is immovable, and, being the lowest, all others gravitate towards it.

XVIII. When I had recovered myself from the astonishment occasioned by such a wonderful prospect, I thus addressed Africanus: Pray what is this sound that strikes my ears in so loud and agreeable a manner? To which he replied: It is that which is called the *music of the spheres*, being produced by their motion and impulse; and being formed by unequal intervals, but such as are divided according to the justest proportion, it produces, by duly tempering acute with grave sounds, various concerts of harmony. For it is impossible that motions so great should be performed without any noise; and it is agreeable to nature that the extremes on one side should produce sharp, and on the other flat sounds. For which reason the sphere of the fixed stars, being the highest, and being carried with a more rapid velocity, moves with a shrill and acute sound; whereas that of the moon, being the lowest, moves with a very flat one. As to the earth, which makes the ninth sphere, it remains immovably fixed in the middle or lowest part of the universe. But those eight revolving circles, in which both Mercury and Venus are moved with the same celerity, give out sounds that are divided by seven distinct intervals, which is generally the regulating number of all things.

This celestial harmony has been imitated by learned musicians

both on stringed instruments and with the voice, whereby they have opened to themselves a way to return to the celestial regions, as have likewise many others who have employed their sublime genius while on earth in cultivating the divine sciences.

By the amazing noise of this sound the ears of mankind have been in some degree deafened; and indeed hearing is the dullest of all the human senses. Thus, the people who dwell near the cataracts of the Nile, which are called Catadupa, are, by the excessive roar which that river makes in precipitating itself from those lofty mountains, entirely deprived of the sense of hearing. And so inconceivably great is this sound which is produced by the rapid motion of the whole universe, that the human ear is no more capable of receiving it than the eye is able to look steadfastly and directly on the sun, whose beams easily dazzle the strongest sight.

While I was busied in admiring the scene of wonders, I could not help casting my eyes every now and then on the earth.

XIX. On which Africanus said, I perceive that you are still employed in contemplating the seat and residence of mankind. But if it appears to you so small, as in fact it really is, despise its vanities, and fix your attention forever on these heavenly objects. Is it possible that you should attain any human applause or glory that is worth the contending for? The earth, you see, is peopled but in a very few places, and those, too, of small extent; and they appear like so many little spots of green scattered through vast, uncultivated deserts. And those who inhabit the earth are not only so remote from each other as to be cut off from all mutual correspondence, but their situation being in oblique or contrary parts of the globe, or perhaps in those diametrically opposite to yours, all expectation of universal fame must fall to the ground.

XX. You may likewise observe that the same globe of the earth is girt and surrounded with certain zones, whereof those two that are most remote from each other, and lie under the opposite poles of heaven, are congealed with frost; but that one in the middle, which is far the largest, is scorched with the intense heat of the sun. The other two are habitable, one towards the south, the inhabitants of which are your antipodes, with whom you have no connection; the other, towards the north, is that which you inhabit, whereof a very small

part, as you may see, falls to your share. For the whole extent of what you see is, as it were, but a little island, narrow at both ends and wide in the middle, which is surrounded by the sea which on earth you call the great Atlantic Ocean, and which, notwithstanding this magnificent name, you see is very insignificant. And even in these cultivated and well-known countries, has yours, or any of our names, ever passed the heights of the Caucasus or the currents of the Ganges? In what other parts to the north or the south, or where the sun rises and sets, will your names ever be heard? And if we leave these out of the question, how small a space is there left for your glory to spread itself abroad; and how long will it remain in the memory of those whose minds are now full of it?

XXI. Besides all this, if the progeny of any future generation should wish to transmit to their posterity the praises of any one of us which they have heard from their forefathers, yet the deluges and combustions of the earth, which must necessarily happen at their destined periods, will prevent our obtaining, not only an eternal, but even a durable glory. And, after all, what does it signify whether those who shall hereafter be born talk of you, when those who have lived before you, whose number was perhaps not less, and whose merit certainly greater, were not so much as acquainted with your name?

XXII. Especially since not one of those who shall hear of us is able to retain in his memory the transactions of a single year. The bulk of mankind, indeed, measure their year by the return of the sun, which is only one star. But when all the stars shall have returned to the place whence they set out, and after long periods shall again exhibit the same aspect of the whole heavens, that is what ought properly to be called the revolution of a year, though I scarcely dare attempt to enumerate the vast multitude of ages contained in it. For as the sun in old time was eclipsed, and seemed to be extinguished, at the time when the soul of Romulus penetrated into these eternal mansions, so, when all the constellations and stars shall revert to their primary position, and the sun shall at the same point and time be again eclipsed, then you may consider that the grand year is completed. Be assured, however, that the twentieth part of it is not yet elapsed.

XXIII. Wherefore, if you have no hopes of returning to this place where great and good men enjoy all that their souls can wish for, of what value, pray, is all that human glory, which can hardly endure for a small portion of one year?

If, then, you wish to elevate your views to the contemplation of this eternal seat of splendor, you will not be satisfied with the praises of your fellow-mortals, nor with any human rewards that your exploits can obtain; but Virtue herself must point out to you the true and only object worthy of your pursuit. Leave to others to speak of you as they may, for speak they will. Their discourses will be confined to the narrow limits of the countries you see, nor will their duration be very extensive; for they will perish like those who utter them, and will be no more remembered by their posterity.

XXIV. When he had ceased to speak in this manner, I said, O Africanus, if indeed the door of heaven is open to those who have deserved well of their country, although, indeed, from my childhood I have always followed yours and my father's steps, and have not neglected to imitate your glory, still, I will from henceforth strive to follow them more closely.

Follow them, then, said he, and consider your body only, not yourself, as mortal. For it is not your outward form which constitutes your being, but your mind; not that substance which is palpable to the senses, but your spiritual nature. *Know, then, that you are a God* — for a God it must be, which flourishes, and feels, and recollects, and foresees, and governs, regulates and moves the body over which it is set, as the Supreme Ruler does the world which is subject to him. For as that Eternal Being moves whatever is mortal in this world, so the immortal mind of man moves the frail body with which it is connected.

XXV. For whatever is always moving must be eternal; but that which derives its motion from a power which is foreign to itself, when that motion ceases must itself lose its animation.

That alone, then, which moves itself can never cease to be moved, because it can never desert itself. Moreover, it must be the source, and origin, and principle of motion in all the rest. There can be nothing prior to a principle, for all things must originate from it; and it cannot itself derive its existence from any other source, for if it did

it would no longer be a principle. And if it had no beginning, it can have no end; for a beginning that is put an end to will neither be renewed by any other cause, nor will it produce anything else of itself. All things, therefore, must originate from one source. Thus it follows that motion must have its source in something which is moved by itself, and which can neither have a beginning nor an end. Otherwise all the heavens and all nature must perish, for it is impossible that they can of themselves acquire any power of producing motion in themselves.

XXVI. As, therefore, it is plain that what is moved by itself must be eternal, who will deny that this is the general condition and nature of minds? For as everything is inanimate which is moved by an impulse exterior to itself, so what is animated is moved by an interior impulse of its own; for this is the peculiar nature and power of mind. And if that alone has the power of self-motion, it can neither have had a beginning, nor can it have an end.

Do you, therefore, exercise this mind of yours in the best pursuits. And the best pursuits are those which consist in promoting the good of your country. Such employments will speed the flight of your mind to this its proper abode; and its flight will be still more rapid, if, even while it is enclosed in the body, it will look abroad, and disengage itself as much as possible from its bodily dwelling, by the contemplation of things which are external to itself.

This it should do to the utmost of its power. For the minds of those who have given themselves up to the pleasures of the body, paying, as it were, a servile obedience to their lustful impulses, have violated the laws of God and man; and therefore, when they are separated from their bodies, flutter continually round the earth on which they lived, and are not allowed to return to this celestial region till they have been purified by the revolution of many ages.

Thus saying, he vanished, and I awoke from my dream.

A FRAGMENT.

And although it is most desirable that fortune should remain forever in the most brilliant possible condition, nevertheless, the equability of life excites less interest than those changeable conditions wherein prosperity suddenly revives out of the most desperate and ruinous circumstances.

BRUTUS (Short History of Orators)

Translated by E. Jones

BRUTUS, OR THE HISTORY OF ELOQUENCE.

When I had left Cilicia, and arrived at Rhodes, word was brought me of the death of Hortensius. I was more affected with it than, I believe, was generally expected. For, by the loss of my friend, I saw myself for ever deprived of the pleasure of his acquaintance, and of our mutual intercourse of good offices. I likewise reflected, with Concern, that the dignity of our College must suffer greatly by the decease of such an eminent augur. This reminded me, that *he* was the person who first introduced me to the College, where he attested my qualification upon oath; and that it was *he* also who installed me as a member; so that I was bound by the constitution of the Order to respect and honour him as a parent. My affliction was increased, that, in such a deplorable dearth of wife and virtuous citizens, this excellent man, my faithful associate in the service of the Public, expired at the very time when the Commonwealth could least spare him, and when we had the greatest reason to regret the want of his prudence and authority. I can add, very sincerely, that in *him* I lamented the loss, not (as most people imagined) of a dangerous rival and competitor, but of a generous partner and companion in the pursuit of same. For if we have instances in history, though in studies of less public consequence, that some of the poets have been greatly afflicted at the death of their contemporary bards; with what tender concern should I honour the memory of a man, with whom it is more glorious to have disputed the prize of eloquence, than never to have met with an antagonist! especially, as he was always so far from obstructing *my* endeavours, or I *his*, that, on the contrary, we mutually assisted each other, with our credit and advice.

But as *he*, who had a perpetual run of felicity, left the world at a

happy moment for himself, though a most unfortunate one for his fellow- citizens; and died when it would have been much easier for him to lament the miseries of his country, than to assist it, after living in it as long as he *could* have lived with honour and reputation; — we may, indeed, deplore his death as a heavy loss to *us* who survive him. If, however, we consider it merely as a personal event, we ought rather to congratulate his fate, than to pity it; that, as often as we revive the memory of this illustrious and truly happy man, we may appear at least to have as much affection for him as for ourselves. For if we only lament that we are no longer permitted to enjoy him, it must, indeed, be acknowledged that this is a heavy misfortune to *us*; which it, however, becomes us to support with moderation, less our sorrow should be suspected to arise from motives of interest, and not from friendship. But if we afflict ourselves, on the supposition that *he* was the sufferer; — we misconstrue an event, which to *him* was certainly a very happy one.

If Hortensius was now living, he would probably regret many other advantages in common with his worthy fellow-citizens. But when he beheld the Forum, the great theatre in which he used to exercise his genius, no longer accessible to that accomplished eloquence, which could charm the ears of a Roman, or a Grecian audience; he must have felt a pang of which none, or at least but few, besides himself, could be susceptible. Even *I* am unable to restrain my tears, when I behold my country no longer defensible by the genius, the prudence, and the authority of a legal magistrate, — the only weapons which I have learned to weild, and to which I have long been accustomed, and which are most suitable to the character of an illustrious citizen, and of a virtuous and well-regulated state.

But if there ever was a time, when the authority and eloquence of an honest individual could have wrested their arms from the hands of his distracted fellow-citizens; it was then when the proposal of a compromise of our mutual differences was rejected, by the hasty imprudence of some, and the timorous mistrust of others. Thus it happened, among other misfortunes of a more deplorable nature, that when my declining age, after a life spent in the service of the Public, should have reposed in the peaceful harbour, not of an indolent, and a total inactivity, but of a moderate and becoming retirement; and

when my eloquence was properly mellowed, and had acquired its full maturity; — thus it happened, I say, that recourse was then had to those fatal arms, which the persons who had learned the use of them in honourable conquest, could no longer employ to any salutary purpose. Those, therefore, appear to me to have enjoyed a fortunate and a happy life, (of whatever State they were members, but especially in *our's*) who held their authority and reputation, either for their military or political services, without interruption: and the sole remembrance of them, in our present melancholy situation, was a pleasing relief to me, when we lately happened to mention them in the course of conversation.

For, not long ago, when I was walking for my amusement, in a private avenue at home, I was agreeably interrupted by my friend Brutus, and T. Pomponius, who came, as indeed they frequently did, to visit me; — two worthy citizens who were united to each other in the closest friendship, and were so dear and so agreeable to me, that, on the first sight of them, all my anxiety for the Commonwealth subsided. After the usual salutations,—"Well, gentlemen," said I, "how go the times? What news have you brought?" "None," replied Brutus, "that you would wish to hear, or that I can venture to tell you for truth."—"No," said Atticus; "we are come with an intention that all matters of state should be dropped; and rather to hear something from you, than to say any thing which might serve to distress you." "Indeed," said I, "your company is a present remedy for my sorrow; and your letters, when absent, were so encouraging, that they first revived my attention to my studies."—"I remember," replied Atticus, "that Brutus sent you a letter from Asia, which I read with infinite pleasure: for he advised you in it like a man of sense, and gave you every consolation which the warmest friendship could suggest."—"True," said I, "for it was the receipt of that letter which recovered me from a growing indisposition, to behold once more the cheerful face of day; and as the Roman State, after the dreadful defeat near Cannae, first raised its drooping head by the victory of Marcellus at Nola, which was succeeded by many other victories; so, after the dismal wreck of our affairs, both public and private, nothing occurred to me before the letter of my friend Brutus, which I thought to be worth my attention, or which contributed, in any degree, to the

anxiety of my heart."—"That was certainly my intention," answered Brutus; "and if I had the happiness to succeed, I was sufficiently rewarded for my trouble. But I could wish to be informed, what you received from Atticus which gave you such uncommon pleasure."—"That," said I, "which not only entertained me; but, I hope, has restored me entirely to myself."—"Indeed!" replied he; "and what miraculous composition could that be?"—"Nothing," answered I; "could have been a more acceptable, or a more seasonable present, than that excellent Treatise of his which roused me from a state of languor and despondency."—"You mean," said he, "his short, and, I think, very accurate abridgment of Universal History."—"The very same," said I; "for that little Treatise has absolutely saved me."—"I am heartily glad of it," said Atticus; "but what could you discover in it which was either new to you, or so wonderfully beneficial as you pretend?"—"It certainly furnished many hints," said I, "which were entirely new to me: and the exact order of time which you observed through the whole, gave me the opportunity I had long wished for, of beholding the history of all nations in one regular and comprehensive view. The attentive perusal of it proved an excellent remedy for my sorrows, and led me to think of attempting something on your own plan, partly to amuse myself, and partly to return your favour, by a grateful, though not an equal acknowledgment. We are commanded, it is true, in that precept of Hesiod, so much admired by the learned, to return with the same measure we have received; or, if possible, with a larger. As to a friendly inclination, I shall certainly return you a full proportion of it; but as to a recompence in kind, I confess it to be out of my power, and therefore hope you will excuse me: for I have no first-fruits (like a prosperous husbandman) to acknowledge the obligation I have received; my whole harvest having sickened and died, for want of the usual manure: and as little am I able to present you with any thing from those hidden stores which are now consigned to perpetual darkness, and to which I am denied all access; though, formerly, I was almost the only person who was able to command them at pleasure. I must therefore, try my skill in a long- neglected and uncultivated soil; which I will endeavour to improve with so much care, that I may be able to repay your liberality with interest;

provided my genius should be so happy as to resemble a fertile field, which, after being suffered to lie fallow a considerable time, produces a heavier crop than usual."—"Very well," replied Atticus, "I shall expect the fulfilment of your promise; but I shall not insist upon it till it suits your convenience; though, after all, I shall certainly be better pleased if you discharge the obligation."—"And I also," said Brutus, "shall expect that you perform your promise to my friend Atticus: nay, though I am only his voluntary solicitor, I shall, perhaps, be very pressing for the discharge of a debt, which the creditor himself is willing to submit to your own choice."—"But I shall refuse to pay you," said I, "unless the original creditor takes no farther part in the suit."—"This is more than I can promise," replied he, "for I can easily foresee, that this easy man, who disclaims all severity, will urge his demand upon you, not indeed to distress you, but yet very closely and seriously."—"To speak ingenuously," said Atticus, "my friend Brutus, I believe, is not much mistaken: for as I now find you in good spirits, for the first time, after a tedious interval of despondency, I shall soon make bold to apply to you; and as this gentleman has promised his assistance, to recover what you owe me, the least I can do is to solicit, in my turn, for what is due to him."

"Explain your meaning," said I.—"I mean," replied he, "that you must write something to amuse us; for your pen has been totally silent this long time; and since your Treatise on Politics, we have had nothing from you of any kind; though it was the perusal of that which fired me with the ambition to write an Abridgment of Universal History. But we shall, however, leave you to answer this demand, when, and in what manner you shall think most convenient. At present, if you are not otherwise engaged, you must give us your sentiments on a subject on which we both desire to be better informed."—"And what is that?" said I.—"What you gave me a hasty sketch of," replied he, "when I saw you last at Tusculanum, — the History of Famous Orators; — *when* they made their appearance, and *who* and *what* they were; which, furnished such an agreeable train of conversation, that when I related the substance of it to *your*, or I ought rather to have said our *common* friend, Brutus, he expressed a violent desire to hear the whole of it from your own mouth. Knowing you, therefore, to be at leisure, we have taken the

present opportunity to wait upon you; so that, if it is really convenient, you will oblige us both by resuming the subject."—"Well, gentlemen," said I, "as you are so pressing, I will endeavour to satisfy you in the best manner I am able."—"You are *able* enough," replied he; "only unbend yourself a little, or, if you can set your mind at full liberty."—"If I remember right," said I, "Atticus, what gave rise to the conversation, was my observing, that the cause of Deiotarus, a most excellent Sovereign, and a faithful ally, was pleaded by our friend Brutus, in my hearing, with the greatest elegance and dignity."—"True," replied he, "and you took occasion from the ill success of Brutus, to lament the loss of a fair administration of justice in the Forum."—"I did so," answered I, "as indeed I frequently do: and whenever I see you, my Brutus, I am concerned to think where your wonderful genius, your finished erudition, and unparalleled industry will find a theatre to display themselves. For after you had thoroughly improved your abilities, by pleading a variety of important causes; and when my declining vigour was just giving way, and lowering the ensigns of dignity to your more active talents; the liberty of the State received a fatal overthrow, and that Eloquence, of which we are now to give the History, was condemned to perpetual silence."—"Our other misfortunes," replied Brutus, "I lament sincerely; and I think I ought to lament them: — but as to Eloquence, I am not so fond of the influence and the glory it bestows, as of the study and the practice of it, which nothing can deprive me of, while you are so well disposed to assist me: for no man can be an eloquent speaker, who has not a clear and ready conception. Whoever, therefore, applies himself to the study of Eloquence, is at the same time improving his judgment, which is a talent equally necessary in all military operations."

"Your remark," said I, "is very just; and I have a higher opinion of the merit of eloquence, because, though there is scarcely any person so diffident as not to persuade himself, that he either has, or may acquire every other accomplishment which, formerly, could have given him consequence in the State; I can find no person who has been made an orator by the success of his military prowess. — But that we may carry on the conversation with greater ease, let us seat ourselves." — As my visitors had no objection to this, we

accordingly took our seats in a private lawn, near a statue of Plato.

Then resuming the conversation,—"to recommend the study of eloquence," said I, "and describe its force, and the great dignity it confers upon those who have acquired it, is neither our present design, nor has any necessary connection with it. But I will not hesitate to affirm, that whether it is acquired by art or practice, or the mere powers of nature, it is the most difficult of all attainments; for each of the five branches of which it is said to consist, is of itself a very important art; from whence it may easily be conjectured, how great and arduous must be the profession which unites and comprehends them all.

"Greece alone is a sufficient witness of this: — for though she was fired with a wonderful love of Eloquence, and has long since excelled every other nation in the practice of it, yet she had all the rest of the arts much earlier; and had not only invented, but even compleated them, a considerable time before she was mistress of the full powers of elocution. But when I direct my eyes to Greece, your beloved Athens, my Atticus, first strikes my sight, and is the brightest object in my view: for in that illustrious city the *orator* first made his appearance, and it is there we shall find the earliest records of eloquence, and the first specimens of a discourse conducted by rules of art. But even in Athens there is not a single production now extant which discovers any taste for ornament, or seems to have been the effort of a real orator, before the time of Pericles (whose name is prefixed to some orations which still remain) and his cotemporary Thucydides; who flourished, — not in the infancy of the State, but when it was arrived at its full maturity of power.

"It is, however, supposed, that Pisistratus (who lived many years before) together with Solon, who was something older, and Clisthenes, who survived them both, were very able speakers for the age they lived in. But some years after these, as may be collected from the Attic Annals, came the above-mentioned Themistocles, who is said to have been as much distinguished by his eloquence as by his political abilities; — and after him the celebrated Pericles, who, though adorned with every kind of excellence, was most admired for his talent of speaking. Cleon also (their cotemporary) though a turbulent citizen, was allowed to be a tolerable orator.

“These were immediately succeeded by Alcibiades, Critias, and Theramenes, whose manner of speaking may be easily inferred from the writings of Thucydides, who lived at the same time: their discourses were nervous and stately, full of sententious remarks, and so excessively concise as to be sometimes obscure. But as soon as the force of a regular and a well- adjusted speech was understood, a sudden crowd of rhetoricians appeared, — such as Gorgias the Leontine, Thrasymachus the Chalcedonian, Protagoras the Abderite, and Hippias the Elean, who were all held in great esteem, — with many others of the same age, who professed (it must be owned, rather too arrogantly) to teach their scholars, — *how the worse might be made, by the force of eloquence, to appear the better cause*. But these were openly opposed by the famous Socrates, who, by an adroit method of arguing which was peculiar to himself, took every opportunity to refute the principles of their art. His instructive conferences produced a number of intelligent men, and *Philosophy* is said to have derived her birth from him; — not the doctrine of *Physics*, which was of an earlier date, but that Philosophy which treats of men, and manners, and of the nature of good and evil. But as this is foreign to our present subject, we must defer the Philosophers to another opportunity, and return to the Orators, from whom I have ventured to make a sort digression.

“When the professors therefore, abovementioned were in the decline of life, Isocrates made his appearance, whos house stood open to all Greece as the *School of Eloquence*. He was an accomplished orator, and an excellent teacher; though he did not display his talents in the Forum, but cherished and improved that glory within the walls of his academy, which, in my opinion, no poet has ever yet acquired. He composed many valuable specimens of his art, and taught the principles of it to others; and not only excelled his predecessors in every part of it, but first discovered that a certain *metre* should be observed in prose, though totally different from the measured rhyme of the poets. Before *him*, the artificial structure and harmony of language was unknown; — or if there are any traces of it to be discovered, they appear to have been made without design; which, perhaps, will be thought a beauty: — but whatever it may be deemed, it was, in the present case, the effect rather of native genius,

or of accident, than of art and observation. For mere nature itself will measure and limit our sentences by a convenient compass of words; and when they are thus confined to a moderate flow of expression, they will frequently have a *numerous* cadence: — for the ear alone can decide what is full and complete, and what is deficient; and the course of our language will necessarily be regulated by our breath, in which it is excessively disagreeable, not only to fail, but even to labour.

"After Isocrates came Lysias, who, though not personally engaged in forensic causes, was a very artful and an elegant composer, and such a one as you might almost venture to pronounce a complete orator: for Demosthenes is the man who approaches the character so nearly, that you may apply it to him without hesitation. No keen, no artful turns could have been contrived for the pleadings he has left behind him, which he did not readily discover; — nothing could have been expressed with greater nicety, or more clearly and poignantly, than it has been already expressed by him; — and nothing greater, nothing more rapid and forcible, nothing adorned with a nobler elevation either of language, or sentiment, can be conceived than what is to be found in his orations. He was soon rivalled by his cotemporaries Hyperides, Aeschines, Lycurgus, Dinarchus, and Demades (none of whose writings are extant) with many others that might be mentioned: for this age was adorned with a profusion of good orators; and the genuine strength and vigour of Eloquence appears to me to have subsisted to the end of this period, which was distinguished by a natural beauty of composition without disguise or affectation.

"When these orators were in the decline of life, they were succeeded by Phalereus; who was then in the prime of youth. He was indeed a man of greater learning than any of them, but was fitter to appear on the parade, than in the field; and, accordingly, he rather pleased and entertained the Athenians, than inflamed their passions; and marched forth into the dust and heat of the Forum, not from a weather-beaten tent, but from the shady recesses of Theophrastus, a man of consummate erudition. He was the first who relaxed the force of Eloquence, and gave her a soft and tender air: and he rather chose to be agreeable, as indeed he was, than great and striking; but

agreeable in such a manner as rather charmed, than warmed the mind of the hearer. His greatest ambition was to impress his audience with a high opinion of his elegance, and not, as Eupolis relates of Pericles, to *sting* as well as to *please*.

"You see, then, in the very city in which Eloquence was born and nurtured, how late it was before she grew to maturity; for before the time of Solon and Pisistratus, we meet with no one who is so much as mentioned for his talent of speaking. These, indeed, if we compute by the Roman date, may be reckoned very ancient; but if by that of the Athenians, we shall find them to be moderns. For though they flourished in the reign of Servius Tullius, Athens had then subsisted much longer than Rome has at present. I have not, however, the least doubt that the power of Eloquence has been always more or less conspicuous. For Homer, we may suppose, would not have ascribed such superior talents of elocution to Ulysses, and Nestor (one of whom he celebrates for his force, and the other for his sweetness) unless the art of Speaking had then been held in some esteem; nor could the Poet himself have been master of such an ornamental style, and so excellent a vein of Oratory as we actually find in him. — The time indeed in which he lived is undetermined: but we are certain that he flourished many years before Romulus: for he was at least of as early a date as the elder Lycurgus, the legislator of the Spartans.

"But a particular attention to the art, and a greater ability in the practice of it, may be observed in Pisistratus. He was succeeded in the following century by Themistocles, who, according to the Roman date, was a person of the remotest antiquity; but, according to that of the Athenians, he was almost a modern. For he lived when Greece was in the height of her power, but when the city of Rome had but lately freed herself from the shackles of regal tyranny; — for the dangerous war with the Volsci, who were headed by Coriolanus (then a voluntary exile) happened nearly at the same time as the Persian war; and we may add, that the fate of both commanders was remarkably similar. Each of them, after distinguishing himself as an excellent citizen, being driven from his country by the wrongs of an ungrateful people, went over to the enemy: and each of them repressed the efforts of his resentment by a voluntary death. For though you, my Atticus, have represented the exit of Coriolanus in a

different manner, you must give me leave to dispatch him in the way I have mentioned."—"You may use your pleasure," replied Atticus with a smile: "for it is the privilege of rhetoricians to exceed the truth of history, that they may have an opportunity of embellishing the fate of their heroes: and accordingly, Clitarchus and Stratocles have entertained us with the same pretty fiction about the death of Themistocles, which you have invented for Coriolanus. Thucydides, indeed, who was himself an Athenian of the highest rank and merit, and lived nearly at the same time, has only informed us that he died, and was privately buried in Attica, adding, that it was suspected by some that he had poisoned himself. But these ingenious writers have assured us, that, having slain a bull at the altar, he caught the blood in a large bowl, and, drinking it off, fell suddenly dead upon the ground. For this species of death had a tragical air, and might be described with all the pomp of rhetoric; whereas the ordinary way of dying afforded no opportunity for ornament. As it will, therefore, suit your purpose, that Coriolanus should resemble Themistocles in every thing, I give you leave to introduce the fatal bowl; and you may still farther heighten the catastrophe by a solemn sacrifice, that Coriolanus may appear in all respects to have been a second Themistocles."

"I am much obliged to you," said I, "for your courtesy: but, for the future, I shall be more cautious in meddling with History when you are present; whom I may justly commend as a most exact and scrupulous relator of the Roman History; but nearly at the time we are speaking of (though somewhat later) lived the above-mentioned Pericles, the illustrious son of Xantippus, who first improved his eloquence by the friendly aids of literature; — not that kind of literature which treats professedly of the art of Speaking, of which there was then no regular system; but after he had studied under Anaxagoras the Naturalist, he easily transferred his capacity from abstruse and intricate speculations to forensic and popular debates.

"All Athens was charmed with the sweetness of his language; and not only admired him for his fluency, but was awed by the superior force and the *terrors* of his eloquence. This age, therefore, which may be considered as the infancy of the Art, furnished Athens with an Orator who almost reached the summit of his profession: for an

emulation to shine in the Forum is not usually found among a people who are either employed in settling the form of their government, or engaged in war, or struggling with difficulties, or subjected to the arbitrary power of Kings. Eloquence is the attendant of peace, the companion of ease and prosperity, and the tender offspring of a free and a well established constitution. Aristotle, therefore, informs us, that when the Tyrants were expelled from Sicily, and private property (after a long interval of servitude) was determined by public trials, the Sicilians Corax and Tisias (for this people, in general, were very quick and acute, and had a natural turn for controversy) first attempted to write precepts on the art of Speaking. Before them, he says, there was no one who spoke by method, and rules of art, though there were many who discoursed very sensibly, and generally from written notes: but Protagoras took the pains to compose a number of dissertations, on such leading and general topics as are now called common places. Gorgias, he adds, did the same, and wrote panegyrics and invectives on every subject: for he thought it was the province of an Orator to be able either to exaggerate, or extenuate, as occasion might require. Antiphon the Rhamnusian composed several essays of the same species; and (according to Thucydides, a very respectable writer, who was present to hear him) pleaded a capital cause in his own defence, with as much eloquence as had ever yet been displayed by any man. But Lysias was the first who openly professed the *Art*; and, after him, Theodorus, being better versed in the theory than the practice of it, begun to compose orations for others to pronounce; but reserved the method of doing it to himself. In the same manner, Isocrates at first disclaimed the Art, but wrote speeches for other people to deliver; on which account, being often prosecuted for assisting, contrary to law, to circumvent one or another of the parties in judgment, he left off composing orations for other people, and wholly applied himself to writing rules and systems.

"Thus then we have traced the birth and origin of the Orators of Greece, who were, indeed, very ancient, as I have before observed, if we compute by the Roman Annals; but of a much later date, if we reckon by their own: for the Athenian State had signalized itself by a variety of great exploits, both at home and abroad, a considerable

time before she was ravished with the charms of Eloquence. But this noble Art was not common to Greece in general, but almost peculiar to Athens. For who has ever heard of an Argive, a Corinthian, or a Theban Orator at the times we are speaking of? unless, perhaps, some merit of the kind may be allowed to Epaminondas, who was a man of uncommon erudition. But I have never read of a Lacedemonian Orator, from the earliest period of time to the present. For Menelaus himself, though said by Homer to have possessed a sweet elocution, is likewise described as a man of few words. Brevity, indeed, upon some occasions, is a real excellence; but it is very far from being compatible with the general character of Eloquence.

"The Art of Speaking was likewise studied, and admired, beyond the limits of Greece; and the extraordinary honours which were paid to Oratory have perpetuated the names of many foreigners who had the happiness to excel in it. For no sooner had Eloquence ventured to sail from the Pireaeus, but she traversed all the isles, and visited every part of Asia; till at last she infected herself with their manners, and lost all the purity and the healthy complexion of the Attic style, and indeed had almost forgot her native language. The Asiatic Orators, therefore, though not to be undervalued for the rapidity and the copious variety of their elocution, were certainly too loose and luxuriant. But the Rhodians were of a sounder constitution, and more resembled the Athenians. So much, then, for the Greeks; for, perhaps, what I have already said of them, is more than was necessary."

"As to the necessity of it," answered Brutus, "there is no occasion to speak of it: but what you have said of them has entertained me so agreeably, that instead of being longer, it has been much shorter than I could have wished."—"A very handsome compliment," said I; —"but it is time to begin with our own countrymen, of whom it is difficult to give any further account than what we are able to conjecture from our Annals. — For who can question the address, and the capacity of Brutus, the illustrious founder of your family? That Brutus, who so readily discovered the meaning of the Oracle, which promised the supremacy to him who should first salute his mother? That Brutus, who concealed the most consummate abilities

under the appearance of a natural defect of understanding? Who dethroned and banished a powerful monarch, the son of an illustrious sovereign? Who settled the State, which he had rescued from arbitrary power, by the appointment of an annual magistracy, a regular system of laws, and a free and open course of justice? And who abrogated the authority of his colleague, that he might rid the city of the smallest vestige of the *regal* name? — Events, which could never have been produced without exerting the powers of Persuasion! — We are likewise informed that a few years after the expulsion of the Kings, when the Plebeians retired to the banks of the Anio, about three miles from the city, and had possessed themselves of what is called The *sacred* Mount, M. Valerius the dictator appeased their fury by a public harangue; for which he was afterwards rewarded with the highest posts of honour, and was the first Roman who was distinguished by the surname of *Maximus*. Nor can L. Valerius Potitus be supposed to have been destitute of the powers of utterance, who, after the odium which had been excited against the Patricians by the tyrannical government of the *Decemviri*, reconciled the people to the Senate, by his prudent laws and conciliatory speeches. We may likewise suppose, that Appius Claudius was a man of some eloquence; since he dissuaded the Senate from consenting to a peace with King Pyrrhus, though they were much inclined to it. The same might be said of Caius Fabricius, who was dispatched to Pyrrhus to treat for the ransom of his captive fellow- citizens; and of Titus Coruncanius, who appears by the memoirs of the pontifical college, to have been a person of no contemptible genius: and likewise of M. Curius (then a tribune of the people) who, when the Interrex Appius *the Blind*, an artful Speaker, held the *Comitia* contrary to law, by refusing to admit any consuls of plebeian rank, prevailed upon the Senate to protest against the conduct: of his antagonist; which, if we consider that the Moenian law was not then in being, was a very bold attempt. We may also conjecture, that M. Popilius was a man of abilities, who, in the time of his consulship, when he was solemnizing a public sacrifice in the proper habit of his office, (for he was also a Flamen Carmentalis) hearing of the mutiny and insurrection of the people against the Senate, rushed immediately into the midst of the assembly, covered

as he was with his sacerdotal robes, and quelled the sedition by his authority and the force of his elocution. I do not pretend to have read that the persons I have mentioned were then reckoned Orators, or that any fort of reward or encouragement was given to Eloquence: I only conjecture what appears very probable. It is also recorded, that C. Flaminius, who, when tribune of the people proposed the law for dividing the conquered territories of the Gauls and Piceni among the citizens, and who, after his promotion to the consulship, was slain near the lake Thrasimenus, became very popular by the mere force of his address, Quintus Maximus Verrucosus was likewise reckoned a good Speaker by his cotemporaries; as was also Quintus Metellus, who, in the second Punic war, was joint consul with L. Veturius Philo. But the first person we have any certain account of, who was publicly distinguished as an *Orator*, and who really appears to have been such, was M. Cornelius Cethegus; whose eloquence is attested by Q. Ennius, a voucher of the highest credibility; since he actually heard him speak, and gave him this character after his death; so that there is no reason to suspect that he was prompted by the warmth of his friendship to exceed the bounds of truth. In his ninth book of Annals, he has mentioned him in the following terms:

”*Additur Orator Corneliu’ suaviloquenti*
Ore Cethegus Marcu’, Tuditano collega,
Marci Filius.”

“*Add the* Orator *M. Cornelius Cethegus, so much admired for his mellifluent tongue; who was the colleague of Tuditanus, and the son of Marcus*.”

“He expressly calls him an *Orator*, you see, and attributes to him a remarkable sweetness of elocution; which, even now a-days, is an excellence of which few are possessed: for some of our modern Orators are so insufferably harsh, that they may rather be said to bark than to speak. But what the Poet so much admires in his friend, may certainly be considered as one of the principal ornaments of Eloquence. He adds;

“ —— *is dictus, ollis popularibus olim, Qui tum vivebant homines, atque aevum agitabant, Flos delibatus populi*.”

"*He was called by his cotemporaries, the choicest Flower of the State*."

"A very elegant compliment! for as the glory of a man is the strength of his mental capacity, so the brightest ornament of that is Eloquence; in which, whoever had the happiness to excel, was beautifully styled, by the Ancients, the *Flower* of the State; and, as the Poet immediately subjoins,

"' — Suadaeque medulla:'

"the very marrow and quintessence of Persuasion."

"That which the Greeks call [Greek: Peitho], *(i.e. Persuasion)* and which it is the chief business of an Orator to effect, is here called *Suada* by Ennius; and of this he commends Cethegus as the *quintessence*; so that he makes the Roman Orator to be himself the very substance of that amiable Goddess, who is said by Eupolis to have dwelt on the lips of Pericles. This Cethegus was joint-consul with P. Tuditanus in the second Punic war; at which time also M. Cato was Quaestor, about one hundred and forty years before I myself was promoted to the consulship; which circumstance would have been absolutely lost, if it had not been recorded by Ennius; and the memory of that illustrious citizen, as has probably been the case of many others, would have been obliterated by the rust of antiquity. The manner of speaking which was then in vogue, may easily be collected from the writings of *Naevius*: for Naevius died, as we learn from the memoirs of the times, when the persons above-mentioned were consuls; though Varro, a most accurate investigator of historical truth, thinks there is a mistake in this, and fixes the death of Naevius something later. For Plautus died in the consulship of P. Claudius and L. Porcius, twenty years after the consulship of the persons we have been speaking of, and when Cato was Censor. Cato, therefore, must have been younger than Cethegus, for he was consul nine years after him: but we always consider him as a person of the remotest antiquity, though he died in the consulship of Lucius Marcius and M. Manilius, and but eighty-three years before my own promotion to the same office. He is certainly, however, the most ancient Orator we have, whose writings may claim our attention; unless any one is pleased with the above-mentioned speech of Appius, on the peace with Pyrrhus, or with a set of panegyrics on the dead, which, I own,

are still extant. For it was customary in most families of note to preserve their images, their trophies of honour, and their memoirs, either to adorn a funeral when any of the family deceased, or to perpetuate the fame of their ancestors, or prove their own nobility. But the truth of History has been much corrupted by these laudatory essays; for many circumstances were recorded in them which never existed; such as false triumphs, a pretended succession of consulships, and false alliances and elevations, when men of inferior rank were confounded with a noble family of the same name: as if I myself should pretend that I am descended from M. Tullius, who was a Patrician, and shared the consulship with Servius Sulpicius, about ten years after the expulsion of the kings.

"But the real speeches of Cato are almost as numerous as those of Lysias the Athenian; a great number of whose are still extant. For Lysias was certainly an Athenian; because he not only died but received his birth at Athens, and served all the offices of the city; though Timaesus, as if he acted by the Licinian or the Mucian law, remands him back to Syracuse. There is, however, a manifest resemblance between *his* character and that of *Cato*: for they are both of them distinguished by their acuteness, their elegance, their agreeable humour, and their brevity. But the Greek has the happiness to be most admired: for there are some who are so extravagantly fond of him, as to prefer a graceful air to a vigorous constitution, and who are perfectly satisfied with a slender and an easy shape, if it is only attended with a moderate share of health. It must, however, be acknowledged, that even Lysias often displays a strength of arm, than which nothing can be more strenuous and forcible; though he is certainly, in all respects, of a more thin and feeble habit than Cato, notwithstanding he has so many admirers, who are charmed with his very slenderness. But as to Cato, where will you find a modern Orator who condescends to read him? — nay, I might have said, who has the least knowledge of him? — And yet, good Gods! what a wonderful man! I say nothing of his merit as a Citizen, a Senator, and a General; we must confine our attention to the Orator. Who, then, has displayed more dignity as a panegyrist? — more severity as an accuser? — more ingenuity in the turn of his sentiments? — or more neatness and address in his narratives and explanations?

Though he composed above a hundred and fifty orations, (which I have seen and read) they are crowded with all the beauties of language and sentiment. Let us select from these what deserves our notice and applause: they will supply us with all the graces of Oratory. Not to omit his *Antiquities*, who will deny that these also are adorned with every flower, and with all the lustre of Eloquence? and yet he has scarcely any admirers; which some ages ago was the case of Philistus the Syracusan, and even of Thucydides himself. For as the lofty and elevated style of Theopompus soon diminished the reputation of their pithy and laconic harangues, which were sometimes scarcely intelligible through their excessive brevity and quaintness; and as Demosthenes eclipsed the glory of Lysias, so the pompous and stately elocution of the moderns has obscured the lustre of Cato. But many of us are shamefully ignorant and inattentive; for we admire the Greeks for their antiquity, and what is called their Attic neatness, and yet have never noticed the same quality in Cato. It was the distinguishing character, say they, of Lysias and Hyperides. I own it, and I admire them for it: but why not allow a share of it to Cato? They are fond, they tell us, of the *Attic* style of Eloquence: and their choice is certainly judicious, provided they borrow the blood and the healthy juices, as well as the bones and membranes. What they recommend, however, is, to do it justice, an agreeable quality. But why must Lysias and Hyperides be so fondly courted, while Cato is entirely overlooked? His language indeed has an antiquated air, and some of his expressions are rather too harsh and crabbed. But let us remember that this was the language of the time: only change and modernize it, which it was not in his power to do; — add the improvements of number and cadence, give an easier turn to his sentences, and regulate the structure and connection of his words, (which was as little practised even by the older Greeks as by him) and you will discover no one who can claim the preference to Cato. The Greeks themselves acknowledge that the chief beauty of composition results from the frequent use of those *translatitious* forms of expression which they call *Tropes*, and of those various attitudes of language and sentiment which they call *Figures*: but it is almost incredible in what numbers, and with what amazing variety, they are all employed by Cato. I know, indeed, that he is not

sufficiently polished, and that recourse must be had to a more perfect model for imitation: for he is an author of such antiquity, that he is the oldest now extant, whose writings can be read with patience; and the ancients in general acquired a much greater reputation in every other art, than in that of Speaking. But who that has seen the statues of the moderns, will not perceive in a moment, that the figures of Canachus are too stiff and formal, to resemble life? Those of Calamis, though evidently harsh, are somewhat softer. Even the statues of Myron are not sufficiently alive; and yet you would not hesitate to pronounce them beautiful. But those of Polycletes are much finer, and, in my mind, completely finished. The case is the same in Painting; for in the works of Zeuxis, Polygnotus, Timanthes, and several other masters who confined themselves to the use of four colours, we commend the air and the symmetry of their figures; but in Aetion, Nicomachus, Protogenes, and Apelles, every thing is finished to perfection. This, I believe, will hold equally true in all the other arts; for there is not one of them which was invented and completed at the same time. I cannot doubt, for instance, that there were many Poets before Homer: we may infer it from those very songs which he himself informs us were sung at the feasts of the Phaeacians, and of the profligate suitors of Penelope. Nay, to go no farther, what is become of the ancient poems of our own countrymen?"

"Such as the Fauns and rustic Bards compos'd,
When none the rocks of poetry had cross'd,
Nor wish'd to form his style by rules of art,
Before this vent'rous man: &c.

“Old Ennius here speaks of himself; nor does he carry his boast beyond the bounds of truth: the case being really as he describes it. For we had only an Odyssey in Latin, which resembled one of the rough and unfinished statues of Daedalus; and some dramatic pieces of Livius, which will scarcely bear a second reading. This Livius exhibited his first performance at Rome in the Consulship of M. Tuditanus, and C. Clodius the son of Caecus, the year before Ennius was born, and, according to the account of my friend Atticus, (whom I choose to follow) the five hundred and fourteenth from the building of the city. But historians are not agreed about the date of the year. Attius informs us that Livius was taken prisoner at Tarentum by Quintus Maximus in his fifth Consulship, about thirty years after he is said by Atticus, and our ancient annals, to have introduced the drama. He adds that he exhibited his first dramatic piece about eleven years after, in the Consulship of C. Cornelius and Q. Minucius, at the public games which Salinator had vowed to the Goddess of Youth for his victory over the Senones. But in this, Attius was so far mistaken, that Ennius, when the persons above-mentioned were Consuls, was forty years old: so that if Livius was of the same age, as in this case he would have been, the first dramatic author we had must have been younger than Plautus and Naevius, who had exhibited a great number of plays before the time he specifies. If these remarks, my Brutus, appear unsuitable to the subject before us, you must throw the whole blame upon Atticus, who has inspired me with a strange curiosity to enquire into the age of illustrious men, and the respective times of their appearance.”—”On the contrary,” said Brutus, “I am highly pleased that you have carried your attention so far; and I think your remarks well adapted to the curious task you have undertaken, the giving us a history of the different classes of Orators in their proper order.”—”You understand me right,” said I; “and I heartily wish those venerable Odes were still extant, which Cato informs us in his Antiquities, used to be sung by every guest in his turn at the homely feasts of our ancestors, many ages before, to commemorate the feats of their heroes. But the *Punic war* of that antiquated Poet, whom Ennius so proudly ranks among the *Fauns and rustic Bards*, affords me as exquisite a pleasure as the finest

statue that was ever formed by Myron. Ennius, I allow, was a more finished writer: but if he had really undervalued the other, as he pretends to do, he would scarcely have omitted such a bloody war as the first *Punic*, when he attempted professedly to describe all the wars of the Republic. Nay he himself assigns the reason.

"Others" (said he) "that cruel war have sung:"

Very true, and they have sung it with great order and precision, though not, indeed, in such elegant strains as yourself. This you ought to have acknowledged, as you must certainly be conscious that you have borrowed many ornaments from Naevius; or if you refuse to own it, I shall tell you plainly that you have *pilfered* them.

"Cotemporary with the Cato above-mentioned (though somewhat older) were C. Flaminius, C. Varro, Q. Maximus, Q. Metellus, P. Lentulus, and P. Crassus who was joint Consul with the elder Africanus. This Scipio, we are told, was not destitute of the powers of Elocution: but his son, who adopted the younger Scipio (the son of Paulus Aemilius) would have stood foremost in the list of Orators, if he had possessed a firmer constitution. This is evident from a few Speeches, and a Greek History of his, which are very agreeably written. In the same class we may place Sextus Aelius, who was the best lawyer of his time, and a ready speaker. A little after these, was C. Sulpicius Gallus, who was better acquainted with the Grecian literature than all the rest of the nobility, and was reckoned a graceful Orator, being equally distinguished, in every other respect, by the superior elegance of his taste; for a more copious and splendid way of speaking began now to prevail. When this Sulpicius, in quality of Praetor, was celebrating the public shews in honour of Apollo, died the Poet Ennius, in the Consulship of Q. Marcius and Cn. Servilius, after exhibiting his Tragedy of *Thyestes*. At the same time lived Tiberius Gracchus, the son of Publius, who was twice Consul and Censor: a Greek Oration of his to the Rhodians is still extant, and he bore the character of a worthy citizen, and an eloquent Speaker. We are likewise told that P. Scipio Nasica, surnamed The Darling of the People, and who also had the honor to be twice chosen Consul and Censor, was esteemed an able Orator: To him we may add L. Lentulus, who was joint Consul with C. Figulus; — Q. Nobilior, the son of Marcus, who was inclined to the study of literature by his

father's example, and presented Ennius (who had served under his father in Aetolia) with the freedom of the City, when he founded a colony in quality of Triumvir: and his colleague, T. Annius Luscus, who is said to have been tolerably eloquent. We are likewise informed that L. Paulus, the father of Africanus, defended the character of an eminent citizen in a public speech; and that Cato, who died in the 83d year of his age, was then living, and actually pleaded, that very year, against the defendant Servius Galba, in the open Forum, with great energy and spirit: — he has left a copy of this Oration behind him. But when Cato was in the decline of life, a crowd of Orators, all younger than himself, made their appearance at the same time: For A. Albinus, who wrote a History in Greek, and shared the Consulship with L. Lucullus, was greatly admired for his learning and Elocution: and almost equal to him were Servius Fulvius, and Servius Fabius Pictor, the latter of whom was well acquainted with the laws of his country, the Belles Lettres, and the History of Antiquity. Quintus Fabius Labeo was likewise adorned with the same accomplishments. But Q. Metellus whose four sons attained the consular dignity, was admired for his Eloquence beyond the rest; — he undertook the defence of L. Cotta, when he was accused by Africanus, — and composed many other Speeches, particularly that against Tiberius Gracchus, which we have a full account of in the Annals of C. Fannius. L. Cotta himself was likewise reckoned a *veteran*; but C. Laelius, and P. Africanus were allowed by all to be more finished Speakers: their Orations are still extant, and may serve as specimens of their respective abilities. But Servius Galba, who was something older than any of them, was indisputably the best speaker of the age. He was the first among the Romans who displayed the proper and distinguishing talents of an Orator, such as, digressing from his subject to embellish and diversify it, — soothing or alarming the passions, exhibiting every circumstance in the strongest light, — imploring the compassion of his audience, and artfully enlarging on those topics, or general principles of Prudence or Morality, on which the stress of his argument depended: and yet, I know not how, though he is allowed to have been the greatest Orator of his time, the Orations he has left are more lifeless, and have a more antiquated air, than those of

Laelius, or Scipio, or even of Cato himself: in short, the strength and substance of them has so far evaporated, that we have scarcely any thing of them remaining but the bare skeletons. In the same manner, though both Laelius and Scipio are greatly extolled for their abilities; the preference was given to Laelius as a speaker; and yet his Oration, in defence of the privileges of the Sacerdotal College, has no greater merit than any one you may please to fix upon of the numerous speeches of Scipio. Nothing, indeed, can be sweeter and milder than that of Laelius, nor could any thing have been urged with greater dignity to support the honour of religion: but, of the two, Laelius appears to me to be rougher, and more old-fashioned than Scipio; and, as different Speakers have different tastes, he had in my mind too strong a relish for antiquity, and was too fond of using obsolete expressions. But such is the jealousy of mankind, that they will not allow the same person to be possessed of too many perfections. For as in military prowess they thought it impossible that any man could vie with Scipio, though Laelius had not a little distinguished himself in the war with Viriathus; so for learning, Eloquence, and wisdom, though each was allowed to be above the reach of any other competitor, they adjudged the preference to Laelius. Nor was this only the opinion of the world, but it seems to have been allowed by mutual consent between themselves: for it was then a general custom, as candid in this respect as it was fair and just in every other, to give his due to each. I accordingly remember that P. Rutilius Rufus once told me at Smyrna, that when he was a young man, the two Consuls P. Scipio and D. Brutus, by order of the Senate, tried a capital cause of great consequence. For several persons of note having been murdered in the Silan Forest, and the domestics, and some of the sons, of a company of gentlemen who farmed the taxes of the pitch-manufactory, being charged with the fact, the Consuls were ordered to try the cause in person. Laelius, he said, spoke very sensibly and elegantly, as indeed he always did, on the side of the farmers of the customs. But the Consuls, after hearing both sides, judging it necessary to refer the matter to a second trial, the same Laelius, a few days after, pleaded their cause again with more accuracy, and much better than at first. The affair, however, was once more put off for a further hearing. Upon this, when his clients

attended Laelius to his own house, and, after thanking him for what he had already done, earnestly begged him not to be disheartened by the fatigue he had suffered; — he assured them he had exerted his utmost to defend their reputation; but frankly added, that he thought their cause would be more effectually supported by Servius Galba, whose manner of speaking was more embellished and more spirited than his own. They, accordingly, by the advice of Laelius, requested Galba to undertake it. To this he consented; but with the greatest modesty and reluctance, out of respect to the illustrious advocate he was going to succeed: — and as he had only the next day to prepare himself, he spent the whole of it in considering and digesting his cause. When the day of trial was come, Rutilius himself, at the request of the defendants, went early in the morning to Galba, to give him notice of it, and conduct him to the court in proper time. But till word was brought that the Consuls were going to the bench, he confined himself in his study, where he suffered no one to be admitted; and continued very busy in dictating to his Amanuenses, several of whom (as indeed he often used to do) he kept fully employed at once. While he was thus engaged, being informed that it was high time for him to appear in court, he left his house with so much life in his eyes, and such an ardent glow upon his countenance, that you would have thought he had not only *prepared* his cause, but actually *carried* it. Rutilius added, as another circumstance worth noticing, that his scribes, who attended him to the bar, appeared excessively fatigued: from whence he thought it probable that he was equally warm and vigorous in the composition, as in the delivery of his speeches. But to conclude the story, Galba pleaded his cause before Laelius himself, and a very numerous and attentive audience, with such uncommon force and dignity, that every part of his Oration received the applause of his hearers: and so powerfully did he move the feelings, and affect the pity of the judges, that his clients were immediately acquitted of the charge, to the satisfaction of the whole court.

"As, therefore, the two principal qualities required in an Orator, are to be neat and clear in stating the nature of his subject, and warm and forcible in moving the passions; and as he who fires and inflames his audience, will always effect more than he who can barely inform

and amuse them; we may conjecture from the above narrative, which I was favoured with by Rutilius, that Laelius was most admired for his elegance, and Galba for his pathetic force. But this force of his was most remarkably exerted, when, having in his Praetorship put to death some Lusitanians, contrary (it was believed) to his previous and express engagement; — T. Libo the Tribune exasperated the people against him, and preferred a bill which was to operate against his conduct as a subsequent law. M. Cato (as I have before mentioned) though extremely old, spoke in support of the bill with great vehemence; which Speech he inserted in his Book of *Antiquities*, a few days, or at most only a month or two, before his death. On this occasion, Galba refusing to plead to the charge, and submitting his fate to the generosity of the people, recommended his children to their protection, with tears in his eyes; and particularly his young ward the son of C. Gallus Sulpicius his deceased friend, whose orphan state and piercing cries, which were the more regarded for the sake of his illustrious father, excited their pity in a wonderful manner; — and thus (as Cato informs us in his History) he escaped the flames which would otherwise have consumed him, by employing the children to move the compassion of the people. I likewise find (what may be easily judged from his Orations still extant) that his prosecutor Libo was a man of some Eloquence."

As I concluded these remarks with a short pause;—"What can be the reason," said Brutus, "if there was so much merit in the Oratory of Galba, that there is no trace of it to be seen in his Orations; — a circumstance which I have no opportunity to be surprized at in others, who have left nothing behind them in writing."—"The reasons," said I, "why some have not wrote any thing, and others not so well as they spoke, are very different. Some of our Orators have writ nothing through mere indolence, and because they were loath to add a private fatigue to a public one: for most of the Orations we are now possessed of were written not before they were spoken, but some time afterwards. Others did not choose the trouble of improving themselves; to which nothing more contributes than frequent writing; and as to perpetuating the fame of their Eloquence, they thought it unnecessary; supposing that their eminence in that respect was sufficiently established already, and that it would be

rather diminished than increased by submitting any written specimen of it to the arbitrary test of criticism. Some also were sensible that they spoke much better than they were able to write; which is generally the case of those who have a great genius, but little learning, such as Servius Galba. When he spoke, he was perhaps so much animated by the force of his abilities, and the natural warmth and impetuosity of his temper, that his language was rapid, bold, and striking; but afterwards, when he took up the pen in his leisure hours, and his passion had sunk into a calm, his Elocution became dull and languid. This indeed can never happen to those whose only aim is to be neat and polished; because an Orator may always be master of that discretion which will enable him both to speak and write in the same agreeable manner: but no man can revive at pleasure the ardour of his passions; and when that has once subsided, the fire and pathos of his language will be extinguished. This is the reason why the calm and easy spirit of Laelius seems still to breathe in his writings, whereas the force of Galba is entirely withered and lost.

"We may also reckon in the number of middling Orators, the two brothers L. and Sp. Mummius, both whose Orations are still in being: — the style of Lucius is plain and antiquated; but that of Spurius, though equally unembellished, is more close, and compact; for he was well versed in the doctrine of the Stoics. The Orations of Sp. Alpinus, their cotemporary, are very numerous: and we have several by L. and C. Aurelius Oresta, who were esteemed indifferent Speakers. P. Popilius also was a worthy citizen, and had a tolerable share of utterance: but his son Caius was really eloquent. To *these* we may add C. Tuditanus, who was not only very polished, and genteel, in his manners and appearance, but had an elegant turn of expression; and of the same class was M. Octavius, a man of inflexible constancy in every just and laudable measure; and who, after being affronted and disgraced in the most public manner, defeated his rival Tiberius Gracchus by the mere dint of his perseverance. But M. Aemilius Lepidus, who was surnamed Porcina, and flourished at the same time as Galba, though he was indeed something younger, was esteemed an Orator of the first eminence; and really appears, from his Orations which are still extant, to have been a masterly writer. For he was the first Speaker, among the Romans, who gave us a specimen of the

easy gracefulness of the Greeks; and who was distinguished by the measured flow of his language, and a style regularly polished and improved by art. His manner was carefully studied by C. Carbo and Tib. Gracchus, two accomplished youths who were nearly of an age: but we must defer their character as public Speakers, till we have finished our account of their elders. For Q. Pompeius, according to the style of the time, was no contemptible Orator; and actually raised himself to the highest honours of the State by his own personal merit, and without being recommended, as usual, by the quality of his ancestors. Lucius Cassius too derived his influence, which was very considerable, not indeed from his *Eloquence*, but from his manly way of speaking: for it is remarkable that he made himself popular, not, as others did, by his complaisance and liberality, but by the gloomy rigour and severity of his manners. His law for collecting the votes of the people by way of ballot, was strongly opposed by the Tribune M. Antius Briso, who was supported by M. Lepidus one of the Consuls: and it was afterwards objected to Africanus, that Briso dropped the opposition by his advice. At this time the two Scipios were very serviceable to a number of clients by their superior judgment, and Eloquence; but still more so by their extensive interest and popularity. But the written speeches of Pompeius (though it must be owned they have rather an antiquated air) discover an amazing sagacity, and are very far from being dry and spiritless. To these we must add P. Crassus, an orator of uncommon merit, who was qualified for the profession by the united efforts of art and nature, and enjoyed some other advantages which were almost peculiar to his family. For he had contracted an affinity with that accomplished Speaker Servius Galba above-mentioned, by giving his daughter in marriage to Galba's son; and being likewise himself the son of Mucius, and the brother of P. Scaevola, he had a fine opportunity at home (which he made the best use of) to gain a thorough knowledge of the Civil Law. He was a man of unusual application, and was much beloved by his fellow-citizens; being constantly employed either in giving his advice, or pleading causes in the Forum. Cotemporary with the Speakers I have mentioned were the two C. Fannii, the sons of C. and M. one of whom, (the son of C.) who was joint Consul with Domitius, has left us an excellent speech against

Gracchus, who proposed the admission of the Latin and Italian allies to the freedom of Rome."—"Do you really think, then," said Atticus, "that Fannius was the author of that Oration? For when we were young, there were different opinions about it. Some asserted it was wrote by C. Persius, a man of letters, and the same who is so much extolled for his learning by Lucilius: and others believed it was the joint production of a number of noblemen, each of whom contributed his best to complete it."—"This I remember," said I; "but I could never persuade myself to coincide with either of them. Their suspicion, I believe, was entirely founded on the character of Fannius, who was only reckoned among the *middling* Orators; whereas the speech in question is esteemed the best which the time afforded. But, on the other hand, it is too much of a piece to have been the mingled composition of many: for the flow of the periods, and the turn of the language, are perfectly similar, throughout the whole of it. — and as to *Persius*, if *he* had composed it for Fannius to pronounce, Gracchus would certainly have taken some notice of it in his reply; because Fannius rallies Gracchus pretty severely, in one part of it, for employing Menelaus of Marathon, and several others, to manufacture his speeches. We may add that Fannius himself was no contemptible Orator: for he pleaded a number of causes, and his Tribuneship, which was chiefly conducted under the management and direction of P. Africanus, was very far from being an idle one. But the other C. Fannius, (the son of M.) and son- in-law of C. Laelius, was of a rougher cast, both in his temper, and manner of speaking. By the advice of his father-in-law, (of whom, by the bye, he was not remarkably fond, because he had not voted for his admission into the college of augurs, but gave the preference to his younger son-in-law Q. Scaevola; though Laelius genteely excused himself, by saying that the preference was not given to the youngest son, but to his wife the eldest daughter,) by his advice, I say, he attended the lectures of Panaetius. His abilities as a Speaker may be easily conjectured from his History, which is neither destitute of elegance, nor a perfect model of composition. As to his brother Mucius the augur, whenever he was called upon to defend himself, he always pleaded his own cause; as, for instance, in the action which was brought against him for bribery by T. Albucius. But he

was never ranked among the Orators; his chief merit being a critical knowledge of the Civil Law, and an uncommon accuracy of judgment. L. Caelius Antipater likewise (as you may see by his works) was an elegant and a handsome writer for the time he lived in; he was also an excellent Lawyer, and taught the principles of jurisprudence to many others, particularly to L. Crassus. As to Caius Carbo and T. Gracchus, I wish they had been as well inclined to maintain peace and good order in the State, as they were qualified to support it by their Eloquence: their glory would then have been out-rivaled by no one. But the latter, for his turbulent Tribuneship, which he entered upon with a heart full of resentment against the great and good, on account of the odium he had brought upon himself by the treaty of Numantia, was slain by the hands of the Republic: and the other, being impeached of a seditious affectation of popularity, rescued himself from the severity of the judges by a voluntary death. That both of them were excellent Speakers, is very plain from the general testimony of their cotemporaries: for as to their Speeches now extant, though I allow them to be very artful and judicious, they are certainly defective in Elocution. Gracchus had the advantage of being carefully instructed by his mother Cornelia from his very childhood, and his mind was enriched with all the stores of Grecian literature: for he was constantly attended by the ablest masters from Greece, and particularly, in his youth, by Diophanes of Mitylene, who was the most eloquent Grecian of his age: but though he was a man of uncommon genius, he had but a short time to improve and display it. As to Carbo, his whole life was spent in trials, and forensic debates. He is said by very sensible men who heard him, and, among others, by our friend L. Gellius who lived in his family in the time of his Consulship, to have been a sonorous, a fluent, and a spirited Speaker, and likewise, upon occasion, very pathetic, very engaging, and excessively humorous: Gellius used to add, that he applied himself very closely to his studies, and bestowed much of his time in writing and private declamation. He was, therefore, esteemed the best pleader of his time; for no sooner had he began to distinguish himself in the Forum, but the depravity of the age gave birth to a number of law-suits; and it was first found necessary, in the time of his youth, to settle the form of public trials, which had never been

done before. We accordingly find that L. Piso, then a Tribune of the people, was the first who proposed a law against bribery; which he did when Censorinus and Manilius were Consuls. This Piso too was a professed pleader, and the proposer and opposer of a great number of laws: he left some Orations behind him, which are now lost, and a Book of Annals very indifferently written. But in the public trials, in which Carbo was concerned, the assistance of an able advocate had become more necessary than ever, in consequence of the law for voting by ballots, which was proposed and carried by L. Cassius, in the Consulship of Lepidus and Mancinus.

"I have likewise been often assured by the poet Attius, (an intimate friend of his) that your ancestor D. Brutus, the son of M. was no inelegant Speaker; and that for the time he lived in, he was well versed both in the Greek and Roman literature. He ascribed the same accomplishments to Q. Maximus, the grandson of L. Paulus: and added that, a little prior to Maximus, the Scipio, by whose instigation (though only in a private capacity) T. Gracchus was assassinated, was not only a man of great ardour in all other respects, but very warm and spirited in his manner of speaking. P. Lentulus too, the Father of the Senate, had a sufficient share of eloquence for an honest and useful magistrate. About the same time L. Furius Philus was thought to speak our language as elegantly, and more correctly than any other man; P. Scaevola to be very artful and judicious, and rather more fluent than Philus; M. Manilius to possess almost an equal share of judgment with the latter; and Appius Claudius to be equally fluent, but more warm and pathetic. M. Fulvius Flaccus, and C. Cato the nephew of Africanus, were likewise tolerable Orators: some of the writings of Flaccus are still in being, in which nothing, however, is to be seen but the mere scholar. P. Decius was a professed rival of Flaccus; he too was not destitute of Eloquence; but his style, as well as his temper, was too violent. M. Drusus the son of C. who, in his Tribuneship, baffled [Footnote: *Laffiea*. In the original it runs, "*Caium Gracchum collegam, iterum Tribinum fecit*." but this was undoubtedly a mistake of the transcriber, as being contrary not only to the truth of History, but to Cicero's own account of the matter in lib. IV. *Di Finibus*. Pighius therefore has very properly recommended the word *fregit* instead of

fecit.] his colleague Gracchus (then raised to the same office a second time) was a nervous Speaker, and a man of great popularity: and next to him was his brother C. Drusus. Your kinsman also, my Brutus, (M. Pennus) successfully opposed the Tribune Gracchus, who was something younger than himself. For Gracchus was Quaestor, and Pennus (the son of that M. who was joint Consul with Q. Aelius) was Tribune, in the Consulship of M. Lepidus and L. Orestes: but after enjoying the Aedileship, and a prospect: of succeeding to the highest honours, he was snatched off by an untimely death. As to T. Flaminius, whom I myself have seen, I can learn nothing but that he spoke our language with great accuracy. To these we may join C. Curio, M. Scaurus, P. Rutilius, and C. Gracchus. It will not be amiss to give a short account of Scaurus and Rutilius; neither of whom, indeed, had the reputation of being a first- rate Orator, though each of them pleaded a number of causes. But some deserving men, who were not remarkable for their genius, may be justly commended for their industry; not that the persons I am speaking of were really destitute of genius, but only of that particular kind of it which distinguishes the Orator. For it is of little consequence to discover what is proper to be said, unless you are able to express it in a free and agreeable manner: and even that will be insufficient, if not recommended by the voice, the look, and the gesture. It is needless to add that much depends upon *Art*: for though, even without this, it is possible, by the mere force of nature, to say many striking things; yet, as they will after all be nothing more than so many lucky hits, we shall not be able to repeat them at our pleasure. The style of Scaurus, who was a very sensible and honest man, was remarkably serious, and commanded the respect of the hearer: so that when he was speaking for his client, you would rather have thought he was giving evidence in his favour, than pleading his cause. This manner of speaking, however, though but indifferently adapted to the bar, was very much so to a calm, debate in the Senate, of which Scaurus was then esteemed the Father: for it not only bespoke his prudence, but what was still a more important recommendation, his credibility. This advantage, which it is not easy to acquire by art, he derived entirely from nature: though you know that even *here* we have some precepts to assist us. We have several of his Orations still extant, and

three books inscribed to L. Fufidius containing the History of his own Life, which, though a very useful work, is scarcely read by any body. But the *Institution of Cyrus*, by Xenophon, is read by every one; which, though an excellent performance of the kind, is much less adapted to our manners and form of government, and not superior in merit to the honest simplicity of Scaurus. Fufidius himself was likewise a tolerable pleader. But Rutilius was distinguished by his solemn and austere way of speaking; and both of them were naturally warm, and spirited. Accordingly, after they had rivalled each other for the Consulship, he who had lost his election, immediately sued his competitor for bribery; and Scaurus, the defendant, being honourably acquitted of the charge, returned the compliment to Rutilius, by commencing a similar prosecution against *him*. Rutilius was a man of great industry and application; for which he was the more respected, because, besides his pleadings, he undertook the office (which was a very troublesome one) of giving advice to all who applied to him, in matters of law. His Orations are very dry, but his juridical remarks are excellent: for he was a learned man, and well versed in the Greek literature, and was likewise an attentive and constant hearer of Panaetius, and a thorough proficient in the doctrine of the Stoics; whose method of discoursing, though very close and artful, is too precise, and not at all adapted to engage the attention of common people. That self- confidence, therefore, which is so peculiar to the sect, was displayed by *him* with amazing firmness and resolution; for though he was perfectly innocent of the charge, a prosecution was commenced against him for bribery (a trial which raised a violent commotion in the city) — and yet though L. Crassus and M. Antonius, both of Consular dignity, were, at that time, in very high repute for their Eloquence, he refused the assistance of either; being determined to plead his cause himself, which he accordingly did. C. Cotta, indeed, who was his nephew, made a short speech in his vindication, which he spoke in the true style of an Orator, though he was then but a youth. Q. Mucius too said much in his defence, with his usual accuracy and elegance; but not with that force, and extension, which the mode of trial, and the importance of the cause demanded. Rutilius, therefore, was an Orator of the *Stoical*, and Scaurus of the *Antique* cast: but they are both

entitled to our commendation; because, in *them*, even this formal and unpromising species of Elocution has appeared among us with some degree of merit. For as in the Theatre, so in the Forum, I would not have our applause confined to those alone who act the busy, and more important characters; but reserve a share of it for the quiet and unambitious performer who is distinguished by a simple truth of gesture, without any violence. As I have mentioned the Stoics, I must take some notice of Q. Aelius Tubero, the grandson of L. Paullus, who made his appearance at the time we are speaking of. He was never esteemed an Orator, but was a man of the most rigid virtue, and strictly conformable to the doctrine he professed: but, in truth, he was rather too crabbed. In his Triumvirate, he declared, contrary to the opinion of P. Africanus his uncle, that the Augurs had no right of exemption from sitting in the courts of justice: and as in his temper, so in his manner of speaking, he was harsh, unpolished, and austere; on which account, he could never raise himself to the honourable ports which were enjoyed by his ancestors. But he was a brave and steady citizen, and a warm opposer of Gracchus, as appears from an Oration of Gracchus against him: we have likewise some of Tubero's speeches against Gracchus. He was not indeed a shining Orator: but he was a learned, and a very skilfull disputant.

“I find,” said Brutus, “that the case is much the same among us, as with the Greeks; and that the Stoics, in general, are very judicious at an argument, which they conduct by certain rules of art, and are likewise very neat and exact in their language; but if we take them from this, to speak in Public, they make a poor appearance. Cato, however, must be excepted; in whom, though as rigid a Stoic as ever existed, I could not wish for a more consummate degree of Eloquence: I can likewise discover a moderate share of it in Fannius, — not so much in Rutilius; — but none at all in Tubero.”—”True,” said I; “and we may easily account for it: Their whole attention was so closely confined to the study of Logic, that they never troubled themselves to acquire the free, diffusive, and variegated style which is so necessary for a public Speaker. But your uncle, you doubtless know, was wise enough to borrow only that from the Stoics, which they were able to furnish for his purpose (the art of reasoning:) but for the art of Speaking, he had recourse to the masters of Rhetoric, and exercised himself in the manner they directed. If, however, we must be indebted for everything to the Philosophers, the Peripatetic discipline is, in my mind, much the properest to form our language. For which reason, my Brutus, I the more approve your choice, in attaching yourself to a sect, (I mean the Philosophers of the Old Academy,) in whose system, a just and accurate way of reasoning is enlivened by a perpetual sweetness and fluency of expression: but even the delicate and flowing style of the Peripatetics, and Academics, is not sufficient to complete an Orator; nor yet can he be complete without it. For as the language of the Stoics is too close, and contracted, to suit the ears of common people; so that of the latter is too diffusive and luxuriant for a spirited contest in the Forum, or a pleading at the bar. Who had a richer style than Plato? The Philosophers tell us, that if Jupiter himself was to converse in Greek, he would speak like *him*. Who also was more nervous than Aristotle? Who sweeter than Theophrastus? We are told that even Demosthenes attended the lectures of Plato, and was fond of reading what he published; which, indeed, is sufficiently evident from the turn, and the majesty of his language and he himself has expressly mentioned it in one of his Letters. But the style of this excellent

Orator is, notwithstanding, much too fierce for the Academy; as that of the Philosophers is too mild and placid for the Forum. I shall now, with your leave, proceed to the age and merits of the rest of the Roman Orators."—"Nothing," said Atticus, "(for I can safely answer for my friend Brutus) would please us better."—"Curio, then," said I, "was nearly of the age I have just mentioned, — a celebrated Speaker, whose genius may be easily decided from his Orations. For, among several others, we have a noble Speech of his for Ser. Fulvius, in a prosecution for incest. When we were children, it was esteemed the best then extant; but now it is almost overlooked among the numerous performances of the same kind which have been lately published."—"I am very sensible," replied Brutus, "to whom we are obliged for the numerous performances you speak of."—"And I am equally sensible," said I, "who is the person you intend: for I have at least done a service to my young countrymen, by introducing a loftier, and more embellished way of speaking, than was used before: and, perhaps, I have also done some harm, because after *mine* appeared, the Speeches of our ancestors and predecessors began to be neglected by most people; though never by *me*, for I can assure you, I always prefer them to my own."—"But you must reckon me," said Brutus, "among the *most people*; though I now see, from your recommendation, that I have a great many books to read, of which before I had very little opinion."—"But this celebrated Oration," said I, "in the prosecution for incest, is in some places excessively puerile; and what is said in it of the passion of love, the inefficacy of questioning by tortures, and the danger of trusting to common hear-say, is indeed pretty enough, but would be insufferable to the tutored ears of the moderns, and to a people who are justly distinguished for the solidity of their knowledge. He likewise wrote several other pieces, spoke a number of good Orations, and was certainly an eminent pleader; so that I much wonder, considering how long he lived, and the character he bore, that he was never preferred to the Consulship. But I have a man here, [Footnote: He refers, perhaps, to the Works of Gracchus, which he might then have in his hand; or, more probably, to a statue of him, which stood near the place where he and his friends were sitting.] (C. Gracchus) who had an amazing genius, and the warmest application; and was a Scholar from his very

childhood: For you must not imagine, my Brutus, that we have ever yet had a Speaker, whose language was richer and more copious than his."—"I really think so," answered Brutus; "and he is almost the only author we have, among the ancients, that I take the trouble to read." "And he well *deserves* it," said I; "for the Roman name and literature were great losers by his untimely fate. I wish he had transferred his affection for his brother to his country! How easily, if he had thus prolonged his life, would he have rivalled the glory of his father, and grandfather! In Eloquence, I scarcely know whether we should yet have had his equal. His language was noble; his sentiments manly and judicious; and his whole manner great and striking. He wanted nothing but the finishing touch: for though his first attempts were as excellent as they were numerous, he did not live to complete them. In short, my Brutus, *he*, if any one, should be carefully studied by the Roman youth: for he is able, not only to edge, but to feed and ripen their talents. After *him* appeared C. Galba, the son of the eloquent Servius, and the son-in-law of P. Crassus, who was both an eminent Speaker, and a skilful Civilian. He was much commended by our fathers, who respected him for the sake of *his*: but he had the misfortune to be stopped in his career. For being tried by the Mamilian law, as a party concerned in the conspiracy to support Jugurtha, though he exerted all his abilities to defend himself, he was unhappily cast. His peroration, or, as it is often called, his epilogue, is still extant; and was so much in repute, when we were school-boys, that we used to learn it by heart: he was the first member of the Sacerdotal College, since the building of Rome, who was publicly tried and condemned. As to P. Scipio, who died in his Consulship, he neither spoke much, nor often: but he was inferior to no one in the purity of his language, and superior to all in wit and pleasantry. His colleague L. Bestia, who begun his Tribuneship very successfully, (for, by a law which he preferred for the purpose, he procured the recall of Popillius, who had been exiled by the influence of Caius Gracchus) was a man of spirit, and a tolerable Speaker: but he did not finish his Consulship so happily. For, in consequence of the invidious law of Mamilius above-mentioned, C. Galba one of the Priests, and the four Consular gentlemen L. Bestia, C. Cato, Sp. Albinus, and that excellent citizen

L. Opimius, who killed Gracchus; of which he was acquitted by the people, though he had constantly sided against them, — were all condemned by their judges, who were of the Gracchan party. Very unlike him in his Tribuneship, and indeed in every other part of his life, was that infamous citizen C. Licinius Nerva; but he was not destitute of Eloquence. Nearly at the same time, (though, indeed, he was somewhat older) flourished C. Fimbria, who was rather rough and abusive, and much too warm and hasty: but his application, and his great integrity and firmness made him a serviceable Speaker in the Senate. He was likewise a tolerable Pleader, and Civilian, and distinguished by the same rigid freedom in the turn of his language, as in that of his virtues. When we were boys, we used to think his Orations worth reading; though they are now scarcely to be met with. But C. Sextius Calvinus was equally elegant both in his taste, and his language, though, unhappily, of a very infirm constitution: — when the pain in his feet intermitted, he did not decline the trouble of pleading, but he did not attempt it very often. His fellow-citizens, therefore, made use of his advice, whenever they had occasion for it; but of his patronage, only when his health permitted. Cotemporary with these, my good friend, was your namesake M. Brutus, the disgrace of your noble family; who, though he bore that honourable name, and had the best of men, and an eminent Civilian, for his father, confined his practice to accusations, as Lycurgus is said to have done at Athens. He never sued for any of our magistracies; but was a severe, and a troublesome prosecutor: so that we easily see that, in *him*, the natural goodness of the flock was corrupted by the vicious inclinations of the man. At the same time lived L. Caesulenus, a man of Plebeian rank, and a professed accuser, like the former: I myself heard him in his old age, when he endeavoured, by the Aquilian law, to subject L. Sabellius to a fine, for a breach of justice. But I should not have taken any notice of such a low-born wretch, if I had not thought that no person I ever heard, could give a more suspicious turn to the cause of the defendant, or exaggerate it to a higher degree of criminality. T. Albucius, who lived in the same age, was well versed in the Grecian literature, or, rather, was almost a Greek himself. I speak of him, as I think; but any person, who pleases, may judge what he was by his Orations. In his youth, he

studied at Athens, and returned from thence a thorough proficient in the doctrine of Epicurus; which, of all others, is the least adapted to form an orator. His cotemporary, Q. Catulus, was an accomplished Speaker, not in the ancient taste, but (unless any thing more perfect can be exhibited) in the finished style of the moderns. He had a plentiful stock of learning; an easy, winning elegance, not only in his manners and disposition, but in his very language; and an unblemished purity and correctness of style. This may be easily seen by his Orations; and particularly, by the History of his Consulship, and of his subsequent transactions, which he composed in the soft and agreeable manner of Xenophon, and made a present of to the poet, A. Furius, an intimate acquaintance of his: but this performance is as little known, as the three books of Scaurus before-mentioned."—"Indeed, I must confess," said Brutus, "that both the one and the other, are perfectly unknown to me: but that is entirely my *own* fault. I shall now, therefore, request a sight of them from *you*; and am resolved, in future, to be more careful in collecting such valuable curiosities."—"This Catulus," said I, "as I have just observed, was distinguished by the purity of his language; which, though a material accomplishment, is too much neglected by most of the Roman orators; for as to the elegant tone of his voice, and the sweetness of his accent, as you knew his son, it will be needless to take any notice of them. His son, indeed, was not in the list of Orators: but whenever he had occasion to deliver his sentiments in public, he neither wanted judgment, nor a neat and liberal turn of expression. Nay, even the father himself was not reckoned the foremost in the list of Orators: but still he had that kind of merit, that notwithstanding, after you had heard two or three speakers, who were particularly eminent in their profession, you might judge him inferior; yet, whenever you heard him *alone*, and without an immediate opportunity of making a comparison, you would not only be satisfied with him, but scarcely wish for a better advocate. As to Q. Metellus Numidicus, and his Colleague M. Silanus, they spoke, on matters of government, with as much eloquence as was really necessary for men of their illustrious character, and of consular dignity. But M. Aurelius Scaurus, though he spoke in public but seldom, always spoke very neatly, and he had a more elegant

command of the Roman language than most men. A. Albinus was a speaker of the same kind; but Albinus, the Flamen, was esteemed an *orator*. Q. Capio too had a great deal of spirit, and was a brave citizen: but the unlucky chance of war was imputed to him as a crime, and the general odium of the people proved his ruin. C. and L. Memmius were likewise indifferent orators, and distinguished by the bitterness and asperity of their accusations: for they prosecuted many, but seldom spoke for the defendant. Sp. Torius, on the other hand, was distinguished by his *popular* way of speaking; the very same man, who, by his corrupt and frivolous law, diminished [Footnote: By dividing great part of them among the people.] the taxes which were levied on the public lands. M. Marcellus, the father of Aeserninus, though not reckoned a professed pleader, was a prompt, and, in some degree, a practised speaker; as was also his son P. Lentulus. L. Cotta likewise, a man of Praetorian rank, was esteemed a tolerable orator; but he never made any great progress; on the contrary, he purposely endeavoured, both in the choice of his words, and the rusticity of his pronunciation, to imitate the manner of the ancients. I am indeed sensible that in this instance of Cotta, and in many others, I have, and shall again insert in the list of Orators, those who, in reality, had but little claim to the character. For it was, professedly, my design, to collect an account of all the Romans, without exception, who made it their business to excel in the profession of *Eloquence*: and it may be easily seen from this account, by what slow gradations they advanced, and how excessively difficult it is, in every thing, to rise to the summit of perfection. As a proof of this, how many orators have been already recounted, and how much time have we bestowed upon them, before we could force our way, after infinite fatigue and drudgery, as, among the Greek's, to *Demosthenes* and *Hyperides*, so now, among our own countrymen, to *Antonius* and *Crassus*! For, in my mind, these were consummate Orators, and the first among the Romans whose diffusive Eloquence rivalled the glory of the Greeks. Antonius discovered every thing which could be of service to his cause, and that in the very order in which it would be most so: and as a skilful General posts the cavalry, the infantry, and the light troops, where each of them can act to most advantage; so Antonius drew up his arguments in those parts of his

discourse, where they were likely to have the best effect. He had a quick and retentive memory, and a frankness of manner which precluded any suspicion of artifice. All his speeches were, in appearance, the unpremeditated effusions of an honest heart; and yet, in reality, they were preconcerted with so much skill, that the judges were, sometimes, not so well prepared, as they should have been, to withstand the force of them. His language, indeed, was not so refined as to pass for the standard of elegance; for which reason he was thought to be rather a careless speaker; and yet, on the other hand, it was neither vulgar nor incorrect, but of that solid and judicious turn, which constitutes the real merit of an Orator, as to the choice of his words. For, as to a purity of style, though this is certainly (as before observed) a very commendable quality, it is not so much so for its intrinsic consequence, as because it is too generally neglected. In short, it is not so meritorious to speak our native tongue correctly, as it is scandalous to speak it otherwise; nor is it so much the property of a good Orator, as of a well-bred Citizen. But in the choice of his words (in which he had more regard to their weight than their brilliance) and likewise in the structure of his language, and the compass of his periods, Antonius conformed himself to the dictates of reason, and, in a great measure, to the nicer rules of art: though his chief excellence was a judicious management of the figures and decorations of sentiment. This was likewise the distinguishing excellence of Demosthenes; in which he was so far superior to all others, as to be allowed, in the opinion of the best judges, to be the Prince of Orators. For the *figures* (as they are called by the Greeks) are the principal ornaments of an able speaker, I mean those which contribute not so much to paint and embellish our language, as to give a lustre to our sentiments. But besides these, of which Antonius had a great command, he had a peculiar excellence in his manner of delivery, both as to his voice and gesture; for the latter was such as to correspond to the meaning of every sentence, without beating time to the words. His hands, his shoulders, the turn of his body, the stamp of his foot, his posture, his air, and, in short, his every motion, was adapted to his language and sentiments: and his voice was strong and firm, though naturally hoarse; — a defect which he alone was capable of improving to his advantage; for in capital causes, it had a

mournful dignity of accent, which was exceedingly proper, both to win the assent of the judges, and excite their compassion for a suffering client: so that in *him* the observation of Demosthenes was eminently verified, who being asked what was the *first* quality of a good Orator, what the *second*, and what the *third*, constantly replied, A good enunciation.

"But many thought that he was equalled, and others that he was even excelled by Lucius Crassus. All, however, were agreed in this, that whoever had either of them for his advocate, had no cause to wish for a better. For my own part, notwithstanding the uncommon merit I have ascribed to Antonius, I must also acknowlege, that there cannot be a more finished character than that of Crassus. He possessed a wonderful dignity of elocution, with an agreeable mixture of wit and pleasantry, which was perfectly genteel, and without the smallest tincture of scurrility. His style was correct and elegant without stiffness or affectation: his method of reasoning was remarkably clear and distinct: and when his cause turned upon any point of law, or equity, he had an inexhaustible fund of arguments, and comparative illustrations. For as Antonius had an admirable turn for suggesting apposite hints, and either suppressing or exciting the suspicions of the hearer; so no man could explain and define, or discuss a point of equity, with a more copious facility than Crassus; as sufficiently appeared upon many other occasions, but particularly in the cause of M. Curius, which was tried before the Centum Viri. For he urged a great variety of arguments in the defence of right and equity, against the literal *jubeat* of the law; and supported them by such a numerous series of precedents, that he overpowered Q. Scaevola (a man of uncommon penetration, and the ablest Civilian of his time) though the case before them was only a matter of legal right. But the cause was so ably managed by the two advocates, who were nearly of an age, and both of consular rank, that while each endeavoured to interpret the law in favour of his client, Crassus was universally allowed to be the best Lawyer among the Orators, and Scaevola to be the most eloquent Civilian of the age: for the latter could not only discover with the nicest precision what was agreeable to law and equity; but had likewise a conciseness and propriety of expression, which was admirably adapted to his purpose. In short, he

had such a wonderful vein of oratory in commenting, explaining, and discussing, that I never beheld his equal; though in amplifying, embellishing, and refuting, he was rather to be dreaded as a formidable critic, than admired as an eloquent speaker."—"Indeed," said Brutus, "though I always thought I sufficiently understood the character of Scaevola, by the account I had heard of him from C. Rutilius, whose company I frequented for the sake of his acquaintance with him, I had not the least idea of his merit as an orator. I am now, therefore, not a little pleased to be informed, that our Republic has had the honour of producing so accomplished a man, and such an excellent genius."—"Really, my Brutus," said I, "you may take it from me, that the Roman State had never been adorned with two finer characters than these. For, as I have before observed, that the one was the best Lawyer among the Orators, and the other the best Speaker among the Civilians of his time; so the difference between them, in all other respects, was of such a nature, that it would almost be impossible for you to determine which of the two you would rather choose to resemble. For, as Crassus was the closest of all our elegant speakers, so Scaevola was the most elegant among those who were distinguished by the frugal accuracy of their language: and as Crassus tempered his affability with a proper share of severity, so the rigid air of Scaevola was not destitute of the milder graces of an affable condescension. Though this was really their character, it is very possible that I may be thought to have embellished it beyond the bounds of truth, to give an agreeable air to my narrative: but as your favourite sect, my Brutus, the Old Academy, has defined all Virtue to be a just Mediocrity, it was the constant endeavour of these two eminent men to pursue this Golden Mean; and yet it so happened, that while each of them shared a part of the other's excellence, he preserved his own entire."—"To speak what I think," replied Brutus, "I have not only acquired a proper acquaintance with their characters from your account of them, but I can likewise discover, that the same comparison might be drawn between *you* and Serv. Sulpicius, which you have just been making between Crassus and Scaevola."—"In what manner?" said I. —"Because *you*," replied Brutus, "have taken the pains to acquire as extensive a knowledge of the law as is necessary for an Orator; and

Sulpicius, on the other hand, took care to furnish himself with sufficient eloquence to support the character of an able Civilian. Besides, your age corresponded as nearly to his, as the age of Crassus did to that of Scaevola."—"As to my own abilities," said I, "the rules of decency forbid me to speak of them: but your character of Servius is a very just one, and I may freely tell you what I think of him. There are few, I believe, who have applied themselves more assiduously to the art of Speaking than he did, or indeed to the study of every useful science. In our youth, we both of us followed the same liberal exercises; and he afterwards accompanied me to Rhodes, to pursue those studies which might equally improve him as a Man and a Scholar; but when he returned from thence, he appears to me to have been rather ambitious to be the foremost man in a secondary profession, than the second in that which claims the highest dignity. I will not pretend to say that he could not have ranked himself among the foremost in the latter profession; but he rather chose to be, what he actually made himself, the first Lawyer of his time."—"Indeed!" said Brutus: "and do you really prefer Servius to Q. Scaevola?"—"My opinion," said I, "Brutus, is, that Q. Scaevola, and many others, had a thorough practical knowledge of the law; but that Servius alone understood it as *science*: which he could never have done by the mere study of the law, and without a previous acquaintance with the art which teaches us to divide a whole into its subordinate parts, to, decide an indeterminate idea by an accurate definition: to explain what is obscure, by a clear interpretation; and first to discover what things are of a *doubtful* nature, then to distinguish them by their different degrees of probability; and lastly, to be provided with a certain rule or measure by which we may judge what is true, and what false, and what inferences fairly may, or may not be deduced from any given premises. This important art he applied to those subjects which, for want of it, were necessarily managed by others without due order and precision."—"You mean, I suppose," said Brutus, "the Art of Logic."—"You suppose very right," answered I: "but he added to it an extensive acquaintance with polite literature, and an elegant manner of expressing himself; as is sufficiently evident from the incomparable writings he has left behind him. And as he attached

himself, for the improvement of his eloquence, to L. Lucilius Balbus, and C. Aquilius Gallus, two very able speakers; he effectually thwarted the prompt celerity of the latter (though a keen, experienced man) both in supporting and refuting a charge, by his accuracy and precision, and overpowered the deliberate formality of Balbus (a man of great learning and erudition) by his adroit and dextrous method of arguing: so that he equally possessed the good qualities of both, without their defects. As Crassus, therefore, in my mind, acted more prudently than Scaevola; (for the latter was very fond of pleading causes, in which he was certainly inferior to Crassus; whereas the former never engaged himself in an unequal competition with Scaevola, by assuming the character of a Civilian;) so Servius pursued a plan which sufficiently discovered his wisdom; for as the profession of a Pleader, and a Lawyer, are both of them held in great esteem, and give those who are masters of them the most extensive influence among their fellow-citizens; he acquired an undisputed superiority in the one, and improved himself as much in the other as was necessary to support the authority of the Civil Law, and promote him to the dignity of a Consul."—"This is precisely the opinion I had formed of him," said Brutus. "For, a few years ago I heard him often and very attentively at Samos, when I wanted to be instructed by him in the Pontifical Law, as far as it is connected with the Civil; and I am now greatly confirmed in my opinion of him, by finding that it coincides so exactly with yours. I am likewise not a little pleased to observe, that the equality of your ages, your sharing the same honours and preferments, and the vicinity of your respective studies and professions, has been so far from precipitating either of you into that envious detraction of the other's merit, which most people are tormented with, that, instead of wounding your mutual friendship, it has only served to increase and strengthen it; for, to my own knowlege, he had the same affection for, and the same favourable sentiments of *you*, which I now discover in you towards *him*. I cannot, therefore, help regretting very sincerely, that the Roman State has so long been deprived of the benefit of his advice, and of your Eloquence; — a circumstance which is indeed calamitous enough in itself; but must appear much more so to him who considers into what hands that once respectable authority has been of

late, I will not say transferred, but forcibly wrested."—"You certainly forget," said Atticus, "that I proposed, when we began the conversation, to drop all matters of State; by all means, therefore, let us keep to our plan: for if we once begin to repeat our grievances, there will be no end, I need not say to our inquiries, but to our sighs and lamentations."—"Let us proceed, then," said I, "without any farther digression, and pursue the plan we set out upon. Crassus (for he is the Orator we were just speaking of) always came into the Forum ready prepared for the combat. He was expected with impatience, and heard with pleasure. When he first began his Oration (which he always did in a very accurate style) he seemed worthy of the great expectations he had raised. He was very moderate in the sway of his body, had no remarkable variation of voice, never advanced from the ground he stood upon, and seldom stamped his foot: his language was forcible, and sometimes warm and pathetic; he had many strokes of humour, which were always tempered with a becoming dignity; and, what is a difficult character to hit, he was at once very florid, and very concise. In a close contest, he never met with his equal; and there was scarcely any kind of causes, in which he had not signalized his abilities; so that he enrolled himself very early among the first Orators of the time. He accused C. Carbo, though a man of great Eloquence, when he was but a youth; — and displayed his talents in such a manner, that they were not only applauded, but admired by every body. He afterwards defended the Virgin Licinia, when he was only twenty-seven years of age; on which occasion he discovered an uncommon share of Eloquence, as is evident from those parts of his Oration which he left behind him in writing. As he was then desirous to have the honour of settling the colony of Narbonne (as he afterwards did) he thought it adviseable to recommend himself, by undertaking the management of some popular cause. His Oration, in support of the act which was proposed for that purpose, is still extant; and discovers a greater maturity of genius than might have been expected at that time of life. He afterwards pleaded many other causes: but his tribuneship was such a remarkably silent one, that if he had not supped with Granius the beadle when he enjoyed that office (a circumstance which has been twice mentioned by Lucilius) we should scarcely have known that a

tribune of that name had existed."—"I believe so," replied Brutus: "but I have heard as little of the tribuneship of Scaevola, though I must naturally suppose that he was the colleague of Crassus."—"He was so," said I, "in all his other preferments; but he was not tribune till the year after him; and when he sat in the Rostrum in that capacity, Crassus spoke in support of the Servilian law. I must observe, however, that Crassus had not Scaevola for his colleague in the censorship; for none of the Scaevolas ever sued for that office. But when the last-mentioned Oration of Crassus was published (which I dare say you have frequently read) he was thirty-four years of age, which was exactly the difference between his age and mine. For he supported the law I have just been speaking of, in the very consulship under which I was born; whereas he himself was born in the consulship of Q. Caepio, and C. Laelius, about three years later than Antonius. I have particularly noticed this circumstance, to specify the time when the Roman Eloquence attained its first *maturity*; and was actually carried to such a degree of perfection, as to leave no room for any one to carry it higher, unless by the assistance of a more complete and extensive knowledge of philosophy, jurisprudence, and history."—"But does there," said Brutus, "or will there ever exist a man, who is furnished with all the united accomplishments you require?"—"I really don't know," said I; "but we have a speech made by Crassus in his consulship, in praise of Q. Caepio, intermingled with a defence of his conduct, which, though a short one if we consider it as an Oration, is not so as a Panegyric; — and another, which was his last, and which he spoke in the 48th year of his age, at the time he was censor. In these we have the genuine complexion of Eloquence, without any painting or disguise: but his periods (I mean Crassus's) were generally short and concise; and he was fond of expressing himself in those minuter sentences, or members, which the Greeks call Colons."—"As you have spoken so largely," said Brutus, "in praise of the two last-mentioned Orators, I heartily wish that Antonius had left us some other specimen of his abilities, than his trifling Essay on the Art of Speaking, and Crassus more than he has: by so doing, they would have transmitted their fame to *posterity*; and to us a valuable system of Eloquence. For as to the elegant language of Scaevola, we have

sufficient proofs of it in the Orations he has left behind him."—"For my part," said I, "the Oration I was speaking of, on Caepio's case, has been my pattern, and my tutoress, from my very childhood. It supports the dignity of the Senate, which was deeply interested in the debate; and excites the jealousy of the audience against the party of the judges and accusers, whose power it was necessary to expose in the most popular terms. Many parts of it are very strong and nervous, many others very cool and composed; and some are distinguished by the asperity of their language, and not a few by their wit and pleasantry: but much more was said than was committed to writing, as is sufficiently evident from several heads of the Oration, which are merely proposed without any enlargement or explanation. But the oration in his censorship against his colleague Cn. Domitius, is not so much an Oration, as an analysis of the subject, or a general sketch of what he had said, with here and there a few ornamental touches, by way of specimen: for no contest was ever conducted with greater spirit than this. Crassus, however, was eminently distinguished by the popular turn of his language: but that of Antonius was better adapted to judicial trials, than to a public debate. As we have had occasion to mention him, Domitius himself must not be left unnoticed: for though he is not enrolled in the list of Orators, he had a sufficient share both of utterance and genius, to support his character as a magistrate and his dignity as a consul. I might likewise observe of C. Caelius, that he was a man of great application, and many eminent qualities, and had eloquence enough to support the private interests of his friends, and his own dignity in the State. At the same time lived M. Herennius, who was reckoned among the middling Orators, whose principal merit was the purity and correctness of their language; and yet, in a suit for the consulship, he got the better of L. Philippus, a man of the first rank and family, and of the most extensive connections, and who was likewise a member of the College, and a very eloquent speaker. *Then* also lived C. Clodius, who, besides his consequence as a nobleman of the first distinction, and a man of the most powerful influence, was likewise possessed of a moderate share of Eloquence. Nearly of the same age was C. Titius, a Roman knight, who, in my judgment, arrived at as high a degree of perfection as a Roman orator was able to do,

without the assistance of the Grecian literature, and a good share of practice. His Orations have so many delicate turns, such a number of well-chosen examples, and such an agreeable vein of politeness, that they almost seem to have been composed in the true Attic style. He likewise transferred his delicacies into his very Tragedies, with ingenuity enough, I confess, but not in the tragic taste. But the poet L. Afranius, whom he studiously imitated, was a very smart writer, and, as you well know, a man of great expression in the dramatic way. Q. Rubrius Varro, who with C. Marius, was declared an enemy by the Senate, was likewise a warm, and a very spirited prosecutor. My relation, M. Gratidius, was a plausible speaker of the same kind, well versed in the Grecian literature, formed by nature for the profession of Eloquence, and an intimate acquaintance of M. Antonius: he commanded under him in Cilicia, where he lost his life: and he once commenced a prosecution against C. Fimbria, the father of M. Marius Gratidianus. There have likewise been several among the Allies, and the Latins, who were esteemed good Orators; as, for instance, Q. Vettius of Vettium, one of the Marsi, whom I myself was acquainted with, a man of sense, and a concise speaker; — the Q. and D. Valerii of Sora, my neighbours and acquaintances, who were not so remarkable for their talent of speaking, as for their skill both in the Greek and Roman literature; and C. Rusticellus of Bononia, an experienced Orator, and a man of great natural volubility. But the most eloquent of all those who were not citizens of Rome, was T. Betucius Barrus of Asculum, some of whose Orations, which were spoken in that city, are still extant: that which he made at Rome against Caepio, is really an excellent one: the speech which Caepio delivered in answer to it, was made by Aelius, who composed a number of Orations, but pronounced none himself. But among those of a remoter date, L. Papirius of Fregellae in Latium, who was almost cotemporary with Ti. Gracchus, was universally esteemed the most eloquent: we have a speech of his in vindication of the Fregellani, and the Latin Colonies, which was delivered before the Senate."—"And what then is the merit," said Brutus, "which you mean to ascribe to these provincial Orators?"—"What else," replied I, "but the very same which I have ascribed to the city-orators; excepting that their language is not

tinctured with the same fashionable delicacy?"—"What fashionable delicacy do you mean?" said he.—"I cannot," said I, "pretend to define it: I only know that there is such a quality existing. When you go to your province in Gaul, you will be convinced of it. You will there find many expressions which are not current in Rome; but these may be easily changed, and corrected. But, what is of greater importance, our Orators have a particular accent in their manner of pronouncing, which is more elegant, and has a more agreeable effect than any other. This, however, is not peculiar to the Orators, but is equally common to every well-bred citizen. I myself remember that T. Tineas, of Placentia, who was a very facetious man, once engaged in a repartee skirmish with my old friend Q. Granius, the public crier."—"Do you mean that Granius," said Brutus, "of whom Lucilius has related such a number of stories?"—"The very same," said I: "but though Tineas said as many smart things as the other, Granius at last overpowered him by a certain vernacular *goût*, which gave an additional relish to his humour: so that I am no longer surprised at what is said to have happened to Theophrastus, when he enquired of an old woman who kept a stall, what was the price of something which he wanted to purchase. After telling him the value of it,—"Honest *stranger*," said she, "I cannot afford it for less": "an answer which nettled him not a little, to think that *he* who had resided almost all his life at Athens, and spoke the language very correctly, should be taken at last for a foreigner. In the same manner, there is, in my opinion, a certain accent as peculiar to the native citizens of Rome, as the other was to those of Athens. But it is time for us to return home; I mean to the Orators of our own growth. Next, therefore, to the two capital Speakers above-mentioned, (that is Crassus and Antonius) came L. Philippus, — not indeed till a considerable time afterwards; but still he must be reckoned the next. I do not mean, however, though nobody appeared in the interim who could dispute the prize with him, that he was entitled to the second, or even the third post of honour. For, as in a Chariot-race I cannot properly consider *him* as either the second, or third winner, who has scarcely got clear of the starting-post, before the first has reached the goal; so, among Orators, I can scarcely honour him with the name of a competitor, who has been so far distanced by the foremost as

hardly to appear on the same ground with him. But yet there were certainly some talents to be observed in Philippus, which any person who considers them, without subjecting them to a comparison with the superior merits of the two before-mentioned, must allow to have been respectable. He had an uncommon freedom of address, a large fund of humour, great facility in the invention of his sentiments, and a ready and easy manner of expressing them. He was likewise, for the time he lived in, a great adept in the literature of the Greeks; and, in the heat of a debate, he could sting, and gash, as well as ridicule his opponents. Almost cotemporary with these was L. Gellius, who was not so much to be valued for his positive, as for his negative merits: for he was neither destitute of learning, nor invention, nor unacquainted with the history and the laws of his country; besides which, he had a tolerable freedom of expression. But he happened to live at a time when many excellent Orators made their appearance; and yet he served his friends upon many occasions to good purpose: in short, his life was so long, that he was successively cotemporary with a variety of Orators of different dates, and had an extensive series of practice in judicial causes. Nearly at the same time lived D. Brutus, who was fellow-consul with Mamercus; — and was equally skilled both in the Grecian and Roman literature. L. Scipio likewise was not an unskilful Speaker; and Cnaeus Pompeius, the son of Sextus, had some reputation as an Orator; for his brother Sextus applied the excellent genius he was possessed of, to acquire a thorough knowledge of the Civil Law, and a complete acquaintance with geometry and the doctrine of the Stoics. A little before these, M. Brutus, and very soon after him, C. Bilienus, who was a man of great natural capacity, made themselves, by nearly the same application, equally eminent in the profession of the law; — the latter would have been chosen Consul, if he had not been thwarted by the repeated promotion of Marius, and some other collateral embarrassments which attended his suit. But the eloquence of Cn. Octavius, which was wholly unknown before his elevation to the Consulship, was effectually displayed, after his preferment to that office, in a great variety of speeches. It is, however, time for us to drop those who were only classed in the number of good *speakers*, and turn our attention to such as were really *Orators*."—"I think so too," replied

Atticus; “for I understood that you meant to give us an account, not of those who took great pains to be eloquent, but of those who were so in reality.”—”C. Julius then,” said I, (the son of Lucius) was certainly superior, not only to his predecessors, but to all his cotemporaries, in wit and humour: he was not, indeed, a nervous and striking Orator, but, in the elegance, the pleasantry, and the agreeableness of his manner, he has not been excelled by any man. There are some Orations of his still extant, in which, as well as in his Tragedies, we may discover a pleasing tranquillity of expression with very little energy. P. Cethegus, his cotemporary, had always enough to say on matters of civil regulation; for he had studied and comprehended them with the minutest accuracy; by which means he acquired an equal authority in the Senate with those who had served the office of consul, and though he made no figure in a public debate, he was a serviceable veteran in any suit of a private nature. Q. Lucretius Vispillo was an acute Speaker, and a good Civilian in the same kind of causes: but Osella was better qualified for a public harangue, than to conduct a judicial process. T. Annius Velina was likewise a man of sense, and a tolerable pleader; and T. Juventius had a great deal of practice in the same way: — the latter indeed was rather too heavy and unanimated, but at the same time he was keen and artful, and knew how to seize every advantage which was offered by his antagonist; to which we may add, that he was far from being a man of no literature, and had an extensive knowledge of the Civil Law. His scholar, P. Orbius, who was almost cotemporary with me, had no great practice as a pleader; but his skill in the Civil Law was nothing inferior to his master’s. As to Titus Aufidius, who lived to a great age, he was a professed imitator of both; and was indeed a worthy inoffensive man, but seldom spoke at the bar. His brother, M. Virgilius, who when he was a tribune of the people, commenced a prosecution against L. Sylla, then advanced to the rank of General, had as little practice as Aufidius. Virgilius’s colleague, P. Magius, was more copious and diffusive. But of all the Orators, or rather *Ranters*, I ever knew, who were totally illiterate and unpolished, and (I might have added) absolutely coarse and rustic, the readiest and keenest, were Q. Sertorius, and C. Gorgonius, the one of consular, and the other of equestrian rank. T. Junius (the son of L.) who had

served the office of tribune, and prosecuted and convicted P. Sextius of bribery, when he was praetor elect, was a prompt and an easy speaker: he lived in great splendor, and had a very promising genius; and, if he had not been of a weak, and indeed a sickly constitution, he would have advanced much farther than he did in the road to preferment. I am sensible, however, that in the account I have been giving, I have included many who were neither real, nor reputed Orators; and that I have omitted others, among those of a remoter date, who well deserved not only to have been mentioned, but to be recorded with honour. But this I was forced to do, for want of better information: for what could I say concerning men of a distant age, none of whose productions are now remaining, and of whom no mention is made in the writings of other people? But I have omitted none of those who have fallen within the compass of my own knowledge, or that I myself remember to have heard. For I wish to make it appear, that in such a powerful and ancient republic as ours, in which the greatest rewards have been proposed to Eloquence, though all have desired to be good speakers, not many have attempted the talk, and but very few have succeeded. But I shall give my opinion of every one in such explicit terms, that it may be easily understood whom I consider as a mere Declaimer, and whom as an Orator."

"About the same time, or rather something later than the above-mentioned Julius, but almost cotemporary with each other, were C. Cotta, P. Sulpicius, Q. Varius, Cn. Pomponius, C. Curio, L. Fufius, M. Drusus, and P. Antistius; for no age whatsoever has been distingushed by a more numerous progeny of Orators. Of these, Cotta and Sulpicius, both in my opinion, and in that of the Public at large, had an evident claim to the preference."—"But wherefore," interrupted Atticus, "do you say, *in your own opinion, and in that of the Public at large?* In deciding the merits of an Orator, does the opinion of the vulgar, think you, always coincide with that of the learned? Or rather does not one receive the approbation of the populace, while another of a quite opposite character is preferred by those who are better qualified to give their judgment?"—"You have started a very pertinent question," said I; "but, perhaps, *the Public at large* will not approve my answer to it."—"And what concern need *that* give you," replied Atticus, "if it meets the approbation of Brutus?"—"Very true," said I; "for I had rather my *sentiments* on the qualifications of an Orator would please you and Brutus, than all the world besides: but as to my *Eloquence*, I should wish *this* to please every one. For he who speaks in such a manner as to please the people, must inevitably receive the approbation of the learned. As to the truth and propriety of what I hear, I am indeed to judge of this for myself, as well as I am able: but the general merit of an Orator must and will be decided by the effects which his eloquence produces. For (in my opinion at least) there are three things which an Orator should be able to effect; *viz.* to *inform* his hearers, to *please* them, and to *move their passions*. By what qualities in the Speaker each of these, effects may be produced, or by what deficiencies they are either lost, or but imperfectly performed, is an enquiry which none but an artist can resolve: but whether an audience is really so affected by an Orator as shall best answer his purpose, must be left to their own feelings, and the decision of the Public. The learned, therefore, and the people at large, have never disagreed about who was a good Orator, and who was otherwise. For do you suppose, that while the Speakers above-mentioned were in being, they had not the same degree of reputation among the learned as among the populace? If

you had enquired of one of the latter, *who was the most eloquent man in the city*, he might have hesitated whether to say *Antonius* or *Crassus*; or this man, perhaps, would have mentioned the one, and that the other. But would any one have given the preference to *Philippus*, though otherwise a smooth, a sensible, and a facetious Speaker? — that *Philippus* whom we, who form our judgment upon these matters by rules of art, have decided to have been the next in merit? Nobody would, I am certain. For it is the invariable, property of an accomplished Orator, to be reckoned such in the opinion of the people. Though Antigenidas, therefore, the musician, might say to his scholar, who was but coldly received by the Public, Play on, to please me and the Muses; — I shall say to my friend Brutus, when he mounts the Rostra, as he frequently does, — Play to me and the people; — that those who hear him may be sensible of the effect of his Eloquence, while I can likewise amuse myself with remarking the causes which produce it. When a Citizen hears an able Orator, he readily credits what is said; — he imagines every thing to be true, he believes and relishes the force of it; and, in short, the persuasive language of the Speaker wins his absolute, his hearty assent. You, who are possessed of a critical knowledge of the art, what more will you require? The listening multitude is charmed and captivated by the force of his Eloquence, and feels a pleasure which is not to be resisted. What here can you find to censure? The whole audience is either flushed with joy, or overwhelmed with grief; — it smiles, or weeps, — it loves, or hates, — it scorns or envies, — and, in short, is alternately seized with the various emotions of pity, shame, remorse, resentment, wonder, hope, and fear, according as it is influenced by the language, the sentiments, and the action of the speaker. In this case, what necessity is there to await the sanction of a critic? For here, whatever is approved by the feelings of the people, must be equally so by men of taste and erudition: and, in this instance of public decision, there can be no disagreement between the opinion of the vulgar, and that of the learned. For though many good Speakers have appeared in every species of Oratory, which of them who was thought to excel the rest in the judgment of the populace, was not approved as such by every man of learning? or which of our ancestors, when the choice of a pleader was left to his own option,

did not immediately fix it either upon Crassus or Antonius? There were certainly many others to be had: but though any person might have hesitated to which of the above two he should give the preference, there was nobody, I believe, who would have made choice of a third. And in the time of my youth, when Cotta and Hortensius were in such high reputation, who, that had liberty to choose for himself, would have employed any other?"—"But what occasion is there," said Brutus, "to quote the example of other speakers to support your assertion? have we not seen what has always been the wish of the defendant, and what the judgment of Hortensius, concerning yourself? for whenever the latter shared a cause with you, (and I was often present on those occasions) the peroration, which requires the greatest exertion of the powers of Eloquence, was constantly left to *you*."—"It was," said I; "and Hortensius (induced, I suppose, by the warmth of his friendship) always resigned the post of honour to me. But, as to myself, what rank I hold in the opinion of the people I am unable to determine: as to others, however, I may safely assert, that such of them as were reckoned most eloquent in the judgment of the vulgar, were equally high in the estimation of the learned. For even Demosthenes himself could not have said what is related of Antimachus, a poet of Claros, who, when he was rehearsing to an audience assembled for the purpose, that voluminous piece of his which you are well acquainted with, and was deserted by all his hearers except Plato, in the midst of his performance, cried out, "I shall proceed notwithstanding; for Plato alone is of *more consequence to me than many thousands*." "The remark was very just. For an abstruse poem, such as his, only requires the approbation of the judicious few; but a discourse intended for the people should be perfectly suited to their taste. If Demosthenes, therefore, after being deserted by the rest of his audience, had even Plato left to hear him, and no one else, I will answer for it, he could not have uttered another syllable. 'Nay, or could you yourself, my Brutus, if the whole assembly was to leave you, as it once did Curio?"—"To open my whole mind to you," replied he, "I must confess that even in such causes as fall under the cognizance of a few select judges, and not of the people at large, if I was to be deserted by the casual crowd who came to hear the trial, I

should not be able to proceed."—"The case, then, is plainly this," said I: "as a flute, which will not return its proper sound when it is applied to the lips, would be laid aside by the musician as useless; so, the ears of the people are the instrument upon which an Orator is to play: and if these refuse to admit the breath he bestows upon them, or if the hearer, like a restive horse, will not obey the spur, the speaker must cease to exert himself any farther. There is, however, the exception to be made; the people sometimes give their approbation to an orator who does not deserve it. But even here they approve what they have had no opportunity of comparing with something better: as, for instance, when they are pleased with an indifferent, or, perhaps, a bad speaker. His abilities satisfy their expectation: they have seen nothing preferable: and, therefore, the merit of the day, whatever it may happen to be, meets their full applause. For even a middling Orator, if he is possessed of any degree of Eloquence, will always captivate the ear; and the order and beauty of a good discourse has an astonishing effect upon the human mind. Accordingly, what common hearer who was present when Q. Scaevola pleaded for M. Coponius, in the cause above- mentioned, would have wished for, or indeed thought it possible to find any thing which was more correct, more elegant, or more complete? When he attempted to prove, that, as M. Curius was left heir to the estate only in case of the death of his future ward before he came of age, he could not possibly be a legal heir, when the expected ward was never born; — what did he leave unsaid of the scrupulous regard which should be paid to the literal meaning of every testament? what of the accuracy and preciseness of the old and established forms; of law? and how carefully did he specify the manner in which the will would have been expressed, if it had intended that Curius should be the heir in case of a total default of issue? in what a masterly manner did he represent the ill consequences to the Public, if the letter of a will should be disregarded, its intention decided by arbitrary conjectures, and the written bequests of plain illiterate men, left to the artful interpretation of a pleader? how often did he urge the authority of his father, who had always been an advocate for a strict adherence to the letter of a testament? and with what emphasis did he enlarge upon the necessity of supporting the common forms of law?

All which particulars he discussed not only very artfully, and skilfully; but in such a neat, — such a close, — and, I may add, in so florid, and so elegant a style, that there was not a single person among the common part of the audience, who could expect any thing more complete, or even think it possible to exist. But when Crassus, who spoke on the opposite side, began with the story of a notable youth, who having found a cock-boat as he was rambling along the shore, took it into his head immediately that he would build a ship to it; — and when he applied the tale to Scaevola, who, from the cock-boat of an argument [which he had deduced from certain imaginary ill consequences to the Public] represented the decision of a private will to be a matter of such importance as to deserve he attention of the *Centum-viri*; — when Crassus, I say, in the beginning of his discourse, had thus taken off the edge of the strongest plea of his antagonist, he entertained his hearers with many other turns of a similar kind; and, in a short time, changed the serious apprehensions of all who were present into open mirth and good-humour; which is one of those three effects which I have just observed an Orator should be able to produce. He then proceeded to remark that it was evidently the intention and the will of the testator, that in cafe, either by death, or default of issue, there should happen to be no son to fall to his charge, the inheritance should devolve to Curius:—'that most people in a similar case would express themselves in the same manner, and that it would certainly stand good in law, and always had. By these, and many other observations of the same kind, he gained the assent of his hearers; which is another of the three duties of an Orator. Lastly, he supported, at all events, the true meaning and spirit of a will, against the literal construction: justly observing, that there would be an endless cavilling about words, not only in wills, but in all other legal deeds, if the real intention of the party was to be disregarded: and hinting very smartly, that his friend Scaevola had assumed a most unwarrantable degree of importance, if no person must afterwards presume to indite a legacy, but in the musty form which he himself might please to prescribe. As he enlarged on each of these arguments with great force and propriety, supported them by a number of precedents, exhibited them in a variety of views, and enlivened them with many occasional turns of wit and pleasantry, he

gained so much applause, and gave such general satisfaction, that it was scarcely remembered that any thing had been said on the contrary side of the question. This was the third, and the most important duty we assigned to an Orator.

"Here, if one of the people was to be judge, the same person who had heard the first Speaker with a degree of admiration, would, on hearing the second, despise himself for his former want of judgment: — whereas a man of taste and erudition, on hearing Scaevola, would have observed that he was really master of a rich and ornamental style; but if, on comparing the manner in which each of them concluded his cause, it was to be enquired which of the two was the best Orator, the decision of the man of learning would not have differed from that of the vulgar. What advantage, then, it will be said, has the skilful critic over the illiterate hearer? A great and very important advantage; if it is indeed a matter of any consequence, to be able to discover by what means that which is the true and real end of speaking, is either obtained or lost. He has likewise this additional superiority, that when two or more Orators, as has frequently happened, have shared the applauses of the Public, he can judge, on a careful observation of the principal merits of each, what is the most perfect character of Eloquence: since whatever does not meet the approbation of the people, must be equally condemned by a more intelligent hearer. For as it is easily understood by the sound of a harp, whether the strings are skilfully touched; so it may likewise be discovered from the manner in which the passions of an audience are affected, how far the Speaker is able to command them. A man, therefore, who is a real connoisseur in the art, can sometimes by a single glance as he passes through the Forum, and without stopping to listen attentively to what is said, form a tolerable judgment of the ability of the Speaker. When he observes any of the Bench either yawning, or speaking to the person who is next to him, or looking carelessly about him, or sending to enquire the time of day, or teazing the Quaestor to dismiss the court; he concludes very naturally that the cause upon trial is not pleaded by an Orator who understands how to apply the powers of language to the passions of the judges, as a skilful musician applies his fingers to the harp. On the other hand, if, as he passes by, he beholds the judges looking attentively before

them, as if they were either receiving some material information, or visibly approved what they had already heard — if he sees them listening to the voice of the Pleader with a kind of extasy like a fond bird to some melodious tune; — and, above all, if he discovers in their looks any strong indications of pity, abhorrence, or any other emotion of the mind; — though he should not be near enough to hear a single word, he immediately discovers that the cause is managed by a real Orator, who is either performing, or has already played his part to good purpose."

After I had concluded these digressive remarks, my two friends were kind enough to signify their approbation, and I resumed my subject.—"As this digression," said I, "took its rise from Cotta and Sulpicius, whom I mentioned as the two most approved Orators of the age they lived in, I shall first return to *them,* and afterwards notice the rest in their proper order, according to the plan we began upon. I have already observed that there are two classes of *good* Orators (for we have no concern with any others) of which the former are distinguished by the simple neatness and brevity of their language, and the latter by their copious dignity and elevation: but although the preference must always be given to that which is great and striking; yet, in speakers of real merit, whatever is most perfect of the kind, is justly entitled to our commendation. It must, however, be observed, that the close and simple Orator should be careful not to sink into a driness and poverty of expression; while, on the other hand, the copious and more stately Speaker should be equally on his guard against a swelling and empty parade of words.

"To begin with Cotta, he had a ready, quick Invention, and spoke correctly and freely; and as he very prudently avoided every forcible exertion of his voice on account of the weakness of his lungs, so his language was equally adapted to the delicacy of his constitution. There was nothing in his style but what was neat, compact, and healthy; and (what may justly be considered as his greatest excellence) though he was scarcely able, and therefore never attempted to force the passions of the judges by a strong and spirited elocution, yet he managed them so artfully, that the gentle emotions he raised in them, answered exactly the same purpose, and produced the same effect, as the violent ones which were excited by Sulpicius.

For Sulpicius was really the most striking, and, if I may be allowed the expression, the most tragical Orator I ever heard: — his voice was strong and sonorous, and yet sweet, and flowing: — his gesture, and the sway of his body, was graceful and ornamental, but in such a style as to appear to have been formed for the Forum, and not for the stage: — and his language, though rapid and voluble, was neither loose nor exuberant. He was a professed imitator of Crassus, while Cotta chose Antonius for his model: but the latter wanted the force of Antonius, and the former the agreeable humour of Crassus."—"How extremely difficult, then," said Brutus, "must be the art of speaking, when such consummate Orators as these were each of them destitute of one of its principal beauties!"—"We may likewise observe," said I, "in the present instance, that two Orators may have the highest degree of merit, who are totally unlike each other: for none could be more so than Cotta and Sulpicius, and yet both of them were far superior to any of their cotemporaries. It is therefore the business of every intelligent matter to take notice what is the natural bent of his pupil's capacity; and, taking that for his guide, to imitate the conduct of Socrates with his two scholars Theopompus and Ephorus, who, after remarking the lively genius of the former, and the mild and timid bashfulness of the latter, is reported to have said that he applied a spur to the one, and a curb to the other. The Orations now extant, which bear the name of Sulpicius, are supposed to have been written after his decease by my cotemporary P. Canutius, a man indeed of inferior rank, but who, in my mind, had a great command of language. But we have not a single speech of Sulpicius that was really his own: for I have often heard him say, that he neither had, nor ever could commit any thing of the kind to writing. And as to Cotta's speech in defence of himself, called a vindication of the *Varian Law*, it was composed, at his own request, by L. Aelius. This Aelius was a man of merit, and a very worthy Roman knight, who was thoroughly versed in the Greek and Roman literature. He had likewise a critical knowledge of the antiquities of his country, both as to the date and particulars of every new improvement, and every memorable transaction, and was perfectly well read in the ancient writers; — a branch of learning in which he was succeeded by our friend Varro, a man of genius, and of the most extensive erudition,

who afterwards enlarged the plan by many valuable collections of his own, and gave a much fuller and more elegant system of it to the Public. For Aelius himself chose to assume the character of a Stoic, and neither aimed to be, nor ever was an Orator: but he composed several Orations for other people to pronounce; as for Q. Metellus, F. Q. Caepio, and Q. Pompeius Rufus; though the latter composed those speeches himself which he spoke in his own defence, but not without the assistance of Aelius. For I myself was present at the writing of them, in the younger part of my life, when I used to attend Aelius for the benefit of his instructions. But I am surprised, that Cotta, who was really an excellent Orator, and a man of good learning, should be willing that the trifling Speeches of Aelius mould be published to the world as *his*.

"To the two above-mentioned, no third person of the same age was esteemed an equal: Pomponius, however, was a Speaker much to my taste; or, at least, I have very little fault to find with him. But there was no employment for any in capital causes, excepting for those I have already mentioned; because Antonius, who was always courted on these occasions, was very ready to give his service; and Crassus, though not so compliable, generally consented, on any pressing sollicitation, to give *his*. Those who had not interest enough to engage either of these, commonly applied to Philip, or Caesar; but when Cotta and Sulpicius were at liberty, they generally had the preference: so that all the causes in which any honour was to be acquired, were pleaded by these six Orators. We may add, that trials were not so frequent then as they are at present; neither did people employ, as they do now, several pleaders on the same side of the question, — a practice which is attended with many disadvantages. For hereby we are often obliged to speak in reply to those whom we had not an opportunity of hearing; in which case, what has been alledged on the opposite side, is often represented to us either falsely or imperfectly; and besides, it is a very material circumstance, that I myself should be present to see with what countenance my antagonist supports his allegations, and, still more so, to observe the effect of every part of his discourse upon the audience. And as every defence should be conducted upon one uniform plan, nothing can be more improperly contrived, than to re-commence it by assigning the

peroration, or pathetical part of it, to a second advocate. For every cause can have but one natural introduction and conclusion; and all the other parts of it, like the members of an animal body, will best retain their proper strength and beauty, when they are regularly disposed and connected. We may add, that as it is very difficult in a single Oration of any length, to avoid saying something which does not comport with the rest of it so well as it ought to do, how much more difficult must it be to contrive that nothing shall be said, which does not tally exactly with the speech of another person who has spoken before you? But as it certainly requires more labour to plead a whole cause, than only a part of it, and as many advantageous connections are formed by assisting in a suit in which several persons are interested, the custom, however preposterous in itself, has been readily adopted.

"There were some, however, who esteemed Curio the third best Orator of the age; perhaps, because his language was brilliant and pompous, and because he had a habit (for which I suppose he was indebted to his domestic education) of expressing himself with tolerable correctness: for he was a man of very little learning. But it is a circumstance of great importance, what sort of people we are used to converse with at home, especially in the more early part of life; and what sort of language we have been accustomed to hear from our tutors and parents, not excepting the mother. We have all read the Letters of Cornelia, the mother of the Gracchi; and are satisfied, that her sons were not so much nurtured in their mother's lap, as in the elegance and purity of her language. I have often too enjoyed the agreeable conversation of Laelia, the daughter of Caius, and observed in her a strong tincture of her father's elegance. I have likewise conversed with his two daughters, the Muciae, and his granddaughters, the two Liciniae, with one of whom (the wife of Scipio) you, my Brutus, I believe, have sometimes been in company."—"I have," replied he, "and was much pleased with her conversation; and the more so, because she was the daughter of Crassus."—"And what think you," said I, "of Crassus, the son of that Licinia, who was adopted by Crassus in his will?"—"He is said," replied he, "to have been a man of great genius: and the Scipio you have mentioned, who was my colleague, likewise appears to me to

have been a good Speaker, and an elegant companion."—"Your opinion, my Brutus," said I, "is very just. For this family, if I may be allowed the expression, seems to have been the offspring of Wisdom. As to their two grandfathers, Scipio and Crassus, we have taken notice of them already: as we also have of their great grandfathers, Q. Metellus, who had four sons, — P. Scipio, who, when a private citizen, freed the Republic from the arbitrary influence of T. Gracchus, — and Q. Scaevola, the augur, who was the ablest and most affable Civilian of his time. And lastly, how illustrious are the names of their next immediate progenitors, P. Scipio, who was twice Consul, and was called the Darling of the People, — and C. Laelius, who was esteemed the wisest of men?"—"A generous stock indeed!" cries Brutus, "into which the wisdom of many has been successively ingrafted, like a number of scions on the same tree!"—"I have likewise a suspicion," replied I, "(if we may compare small things with great) that Curio's family, though he himself was left an orphan, was indebted to his father's instruction, and good example, for the habitual purity of their language: and so much the more, because, of all those who were held in any estimation for their Eloquence, I never knew one who was so totally rude and unskilled in every branch of liberal science. He had not read a single poet, or studied a single orator; and he knew little or nothing either of Public, Civil, or Common law. We might say almost the same, indeed, of several others, and some of them very able Orators, who (we know) were but little acquainted with these useful parts of knowledge; as, for instance, of Sulpicius and Antonius. But this deficiency was supplied in them by an elaborate knowledge of the art of Speaking; and there was not one of them who was totally unqualified in any of the five [Footnote: Invention, Disposition, Elocution, Memory, and Pronunciation.] principal parts of which it is composed; for whenever this is the case, (and it matters not in which of those parts it happens) it intirely incapacitates a man to shine as an Orator. Some, however, excelled in one part, and some in another. Thus Antonius could readily invent such arguments as were most in point, and afterwards digest and methodize them to the best advantage; and he could likewise retain the plan he had formed with great exactness: but his chief merit was the goodness of his delivery, in which he was justly

allowed to excel. In some of these qualifications he was upon an equal footing with Crassus, and in others he was superior: but then the language of Crassus was indisputably preferable to *his*. In the same manner, it cannot be said that either Sulpicius or Cotta, or any other Speaker of repute, was absolutely deficient in any one of the five parts of Oratory. But we may justly infer from the example of Curio, that nothing will more recommend an Orator, than a brilliant and ready flow of expression; for he was remarkably dull in the invention, and very loose and unconnected in the disposition of his arguments. The two remaining parts are Pronunciation and Memory; in each of which he was so poorly qualified, as to excite the laughter and the ridicule of his hearers. His gesture was really such as C. Julius represented it, in a severe sarcasm, that will never be forgotten; for as he was swaying and reeling his whole body from side to side, Julius enquired very merrily, *who it was that was speaking from a boat*. To the same purpose was the jest of Cn. Sicinius, a very vulgar sort of man, but exceedingly humourous, which was the only qualification he had to recommend him as an Orator. When this man, as Tribune of the people, had summoned Curio and Octavius, who were then Consuls, into the Forum, and Curio had delivered a tedious harangue, while Octavius sat silently by him, wrapt up in flannels, and besmeared with ointments, to ease the pain of the gout;"—"*Octavius," said he, "you are infinitely obliged to your colleague; for if he had not tossed and flung himself about to-day, in the manner he did, you would have certainly have been devoured by the flies.*"—"As to his memory, it was so extremely treacherous, that after he had divided his subject into three general heads, he would sometimes, in the course of speaking, either add a fourth, or omit the third. In a capital trial, in which I had pleaded for Titinia, the daughter of Cotta, when he attempted to reply to me in defence of Serv. Naevius, he suddenly forgot every thing he had intended to say, and attributed it to the pretended witchcraft, and magic artifices of Titinia. These were undoubted proofs of the weakness of his memory. But, what is still more inexcusable, he sometimes forgot, even in his written treatises, what he had mentioned but a little before. Thus, in a book of his, in which he introduces himself as entering into conversation with our friend

Pansa, and his son Curio, when he was walking home from the Senate- house; the Senate is supposed to have been summoned by Caesar in his first Consulship; and the whole conversation arises from the son's enquiry what the House had resolved upon. Curio launches out into a long invective against the conduct of Caesar, and, as is generally the custom in dialogues, the parties are engaged in a close dispute on the subject: but very unhappily, though the conversation commences at the breaking up of the Senate which Caesar held when he was first Consul, the author censures those very actions of the same Caesar, which did not happen till the next, and several other succeeding years of his government in Gaul."—"Is it possible then," said Brutus, with an air of surprize, "that any man, (and especially in a written performance) could be so forgetful as not to discover, upon a subsequent perusal of his own work, what an egregious blunder he had committed?"—"Very true," said I; "for if he wrote with a design to discredit the measures which he represents in such an odious light, nothing could be more stupid than not to commence his dialogue at a period which was subsequent to those measures. But he so entirely forgets himself, as to tell us, that he did not choose to attend a Senate which was held in one of Caesar's future consulships, in the very same dialogue in which he introduces himself as returning home from a Senate which was held in his first consulship. It cannot, therefore, be wondered at, that he who was so remarkably defective in a faculty which is the steward of our other intellectual powers, as to forget, even in a written treatise, a material circumstance which he had mentioned but a little before, should find his memory fail him, as it generally did, in a sudden and unpremeditated harangue. It accordingly happened, though he had many connections, and was fond of speaking in public, that few causes were intrusted to his management. But, among his cotemporaries, he was esteemed next in merit to the first Orators of the age; and that merely, as I said before, for his good choice of words, and his uncommon readiness, and great fluency of expression. His Orations, therefore, may deserve a cursory perusal. It is true, indeed, they are much too languid and spiritless; but they may yet be of service to enlarge and improve an accomplishment, of which he certainly had a moderate share; and which has so much force and

efficacy, that it gave Curio the appearance and reputation of an Orator, without the assistance of any other good quality.

"But to return to our subject, — C. Carbo, of the same age, was likewise reckoned an Orator of the second class: he was the son, indeed, of the truly eloquent man before-mentioned, but was far from being an acute Speaker himself: he was, however, esteemed an Orator. His language was tolerably nervous, he spoke with ease, — and there was an air of authority in his address that was perfectly natural. But Q. Varius was a man of quicker invention, and, at the same time, had an equal freedom of expression: besides which, he had a bold and spirited delivery, and a vein of elocution which was neither poor, nor coarse and vulgar; — in short, you need not hesitate to pronounce him an *Orator*. Cn. Pomponius was a vehement, a rousing, and a fierce and eager Speaker, and more inclined to act the part of a prosecutor, than of an advocate. But far inferior to these was L. Fufius; though his application was, in some measure, rewarded by the success of his prosecution against M. Aquilius. For as to M. Drusus, your great uncle, who spoke like an Orator only upon matters of government; — L. Lucullus, who was indeed an artful Speaker, and your father, my Brutus, who was well acquainted with the Common and Civil Law; — M. Lucullus, and M. Octavius, the son of Cnaeus, who was a man of so much authority and address, as to procure the repeal of Sempronius's corn-act, by the suffrages of a full assembly of the people; — Cn. Octavius, the son of Marcus, — and M. Cato, the father, and Q. Catulus, the son; — we must excuse these (if I may so express myself) from the fatigues and dangers of the field, — that is, from the management of judicial causes, and place them in garison over the general interests of the Republic, a duty to which they seem to have been sufficiently adequate. I should have assigned the same post to Q. Caepio, if he had not been so violently attached to the Equestrian Order, as to set himself at variance with the Senate. I have also remarked, that Cn. Carbo, M. Marius, and several others of the same stamp, who would not have merited the attention of an audience that had any taste for elegance, were extremely well suited to address a tumultuous crowd. In the same class, (if I may be allowed to interrupt the series of my narrative) L. Quintius lately made his appearance: though Palicanus,

it must be owned, was still better adapted to please the ears of the populace. But, as I have mentioned this inferior kind of Speakers, I must be so just to L. Apuleius Saturninus, as to observe that, of all the factious declaimers since the time of the Gracchi, he was generally esteemed the ablest: and yet he caught the attention of the Public, more by his appearance, his gesture, and his dress, than by any real fluency of expression, or even a tolerable share of good sense. But C. Servilius Glaucia, though the most abandoned wretch that ever existed, was very keen and artful, and excessively humourous; and notwithstanding the meanness of his birth, and the depravity of his life, he would have been advanced to the dignity of a Consul in his Praetorship, if it had been judged lawful to admit his suit: for the populace were entirely at his devotion, and he had secured the interest of the Knights, by an act he had procured in their favour. He was slain in the open Forum, while he was Praetor, on the same day as the tribune Saturninus, in the Consulship of Marius and Flaccus; and bore a near resemblance to Hyperbolus, the Athenian, whose profligacy was so severely stigmatized in the old Attic Comedies. These were succeeded by Sext. Titius, who was indeed a voluble Speaker, and possessed a ready comprehension, but he was so loose and effeminate in his gesture, as to furnish room for the invention of a dance, which was called the *Titian jigg*: so careful should we be to avoid every oddity in our manner of speaking, which may afterwards be exposed to ridicule by a ludicrous imitation.

“But we have rambled back insensibly to a period which has been already examined: let us, therefore, return to that which we were reviewing a little before. Cotemporary with Sulpicius was P. Antistius, — a plausible declaimer, who, after being silent for several years, and exposed, (as he often was) not only to the contempt, but the derision of his hearers, first spoke with applause in his tribuneship, in a real and very interesting protest against the illegal application of C. Julius for the consulship; and that so much the more, because though Sulpicius himself, who then happened to be his colleague, spoke on the same side of the debate, Antistius argued more copiously, and to better purpose. This raised his reputation so high, that many, and (soon afterwards) every cause of importance, was eagerly recommended to his patronage. To speak the truth, he had a quick conception, a methodical judgment, and a retentive memory; and though his language was not much embellished, it was very far from being low. In short, his style was easy, and flowing, and his appearance rather genteel than otherwise: but his action was a little defective, partly through the disagreeable tone of his voice, and partly by a few ridiculous gestures, of which he could not entirely break himself. He flourished in the time between the flight and the return of Sylla, when the Republic was deprived of a regular administration of justice, and of its former dignity and splendor. But the very favourable reception he met with was, in some measure, owing to the great scarcity of good Orators which then prevailed in the Forum. For Sulpicius was dead; Cotta and Curio were abroad; and no pleaders of any eminence were left but Carbo and Pomponius, from each of whom he easily carried off the palm. His nearest successor in the following age was L. Sisenna, who was a man of learning, had a taste for the liberal Sciences, spoke the Roman language with accuracy, was well acquainted with the laws and constitution of his country, and had a tolerable share of wit; but he was not a Speaker of any great application, or extensive practice; and as he happened to live in the intermediate time between the appearance of Sulpicius and Hortensius, he was unable to equal the former, and forced to yield to the superior talents of the latter. We may easily form a judgment of his abilities from the historical Works

he has left behind him; which, though evidently preferable to any thing of the kind which had appeared before, may serve as a proof that he was far below the standard of perfection, and that this species of composition had not then been improved to any great degree of excellence among the Romans. But the genius of Q. Hortensius, even in his early youth, like one of Phidias's statues, was no sooner beheld than it was universally admired! He spoke his first Oration in the Forum in the consulship of L. Crassus and Q. Scaevola, to whom it was personally adressed; and though he was then only nineteen years old, he descended from the Rostra with the hearty approbation not only of the audience in general, but of the two Consuls themselves, who were the most intelligent judges in the whole city. He died in the consulship of L. Paulus and C. Marcellus; from which it appears that he was four-and-forty years a Pleader. We shall review his character more at large in the sequel: but in this part of my history, I chose to include him in the number of Orators who were rather of an earlier date. This indeed must necessarily happen to all whose lives are of any considerable length: for they are equally liable to a comparison with their Elders and their Juniors; as in the case of the poet Attius, who says that both he and Pacuvius applied themselves to the cultivation of the drama under the fame Aediles; though, at the time, the one was eighty, and the other only thirty years old. Thus Hortensius may be paralleled not only with those who were properly his contemporaries, but with me, and you, my Brutus, and with others of a prior date. For he began to speak in public while Crassus was living but his fame increased when he appeared as a joint advocate with Antonius and Philip (at that time in the decline of life) in defence of Cn. Pompeius, — a cause in which (though a mere youth) he distinguished himself above the rest. He may therefore be included in the lift of those whom I have placed in the time of Sulpicius; but among his proper coëvals, such as M. Piso, M. Crassus, Cn. Lentulus, and P. Lentulus Sura, he excelled beyond the reach of competition; and after these he happened upon me, in the early part of my life (for I was eight years younger than himself) and spent a number of years with me in pursuit of the same forensic glory: and at last, (a little before his death) he once pleaded with *you*, in defence of Appius Claudius, as I have frequently done for others.

Thus you see, my Brutus, I am come insensibly to *yourself*, though there was undoubtedly a great variety of Orators between my first appearance in the Forum, and yours. But as I determined, when we began the conversation, to make no mention of those among them who are still living, to prevent your enquiring too minutely what is my opinion concerning each; I shall confine myself to such as are now no more."—"That is not the true reason," said Brutus, "why you choose to be silent about the living."—"What then do you suppose it to be," said I?—"You are only fearful," replied he, "that your remarks should afterwards be mentioned by us in other company, and that, by this means, you should expose yourself to the resentment of those, whom you may not think it worth your while to notice."—"Indeed," answered I, "I have not the least doubt of your secresy."—"Neither have you any reason," said he; "but after all, I suppose, you had rather be silent *yourself*, than rely upon our taciturnity."—"To confess the truth," replied I, "when I first entered upon the subject, I never imagined that I should have extended it to the age now before us; whereas I have been drawn by a continued series of history among the moderns of latest date."—"Introduce, then," said he, "those intermediate Orators you may think worthy of our notice: and afterwards let us return to yourself, and Hortensius."—"To Hortensius," replied I, "with all my heart; but as to my *own* character, I shall leave it to other people to examine, if they choose to take the trouble."—"I can by no means agree to *that*," said he: "for though every part of the account you have favoured us with, has entertained me very agreeably, it now begins to seem tedious, because I am impatient to hear something of *yourself*: I do not mean the wonderful qualities, but the *progressive steps*, and advances of your Eloquence; for the former are sufficiently known already both to me, and the whole world."—"As you do not require me," said I, "to sound the praises of my own genius, but only to describe my labour and application to improve it, your request shall be complied with. But to preserve the order of my narrative, I shall first introduce such other Speakers as I think ought to be previously noticed: and I shall begin with M. Crassus, who was contemporary with Hortensius. With a tolerable share of learning, and a very moderate capacity, his application, assiduity, and interest, procured

him a place among the ablest Pleaders of the time for several years. His language was pure, his expression neither low nor ungenteel, and his ideas well digested: but he had nothing in him that was florid, and ornamental; and the real ardor of his mind was not supported by any vigorous exertion of his voice, so that he pronounced almost every thing in the same uniform tone. His equal, and professed antagonist C. Fimbria was not able to maintain his character so long; and though he always spoke with a strong and elevated voice, and poured forth a rapid torrent of well-chosen expressions, he was so immoderately vehement that you might justly be surprised that the people should have been so absent and inattentive as to admit a *madman*, like him, into the lift of Orators. As to Cn. Lentulus, his action acquired him a reputation for his Eloquence very far beyond his real abilities: for though he was not a man of any great penetration (notwithstanding he carried the appearance of it in his countenance) nor possessed any real fluency of expression (though he was equally specious in this respect as in the former) — yet by his sudden breaks, and exclamations, he affected such an ironical air of surprize, with a sweet and sonorous turn of voice, and his whole action was so warm and lively, that his defects were scarcely noticed. For as Curio acquired the reputation of an Orator with no other quality than a tolerable freedom of Elocution; so Cn. Lentulus concealed the mediocrity of his other accomplishments by his *action*, which was really excellent. Much the same might be said of P. Lentulus, whose poverty of invention and expression was secured from notice by the mere dignity of his presence, his correct and graceful gesture, and the strength and sweetness of his voice: and his merit depended so entirely upon his action, that he was more deficient in every other quality than his namesake. But M. Piso derived all his talents from his erudition; for he was much better versed in the Grecian literature than any of his predecessors. He had, however, a natural keenness of discernment, which he greatly improved by art, and exerted with great address and dexterity, though in very indifferent language: but he was frequently warm and choleric, sometimes cold and insipid, and now and then rather smart and humourous. He did not long support the fatigue, and emulous contention of the Forum; partly, on account of the weakness of his

constitution; and partly, because he could not submit to the follies and impertinencies of the common people (which we Orators are forced to swallow) either, as it was generally supposed, from a peculiar moroseness of temper, or from a liberal and ingenuous pride of heart. After acquiring, therefore, in his youth, a tolerable degree of reputation, his character began to sink: but in the trial of the Vestals, he again recovered it with some additional lustre, and being thus recalled to the theatre of Eloquence, he kept his rank, as long as he was able to support the fatigue of it; after which his credit declined, in proportion as he remitted his application. — P. Murena had a moderate genius, but was passionately fond of the study of Antiquity; he applied himself with equal diligence to the Belles Lettres, in which he was tolerably versed; in short, he was a man of great industry, and took the utmost pains to distinguish himself. — C. Censorinus had a good stock of Grecian literature, explained whatever he advanced with great neatness and perspicuity, and had a graceful action, but was too cold and unanimated for the Forum. — L. Turius with a very indifferent genius, but the most indefatigable application, spoke in public very often, in the best manner he was able; and, accordingly, he only wanted the votes of a few Centuries to promote him to the Consulship. — C. Macer was never a man of much interest or authority, but was one of the most active Pleaders of his time; and if his life, his manners, and his very looks, had not ruined the credit of his genius, he would have ranked higher in the lift of Orators. He was neither copious, nor dry and barren; neither eat and embellished, nor wholly inelegant; and his voice, his gesture, and every part of his action, was without any grace: but in inventing and digesting his ideas, he had a wonderful accuracy, such as no man I ever saw either possessed or exerted in a more eminent degree; and yet, some how, he displayed it rather with the air of a Quibbler, than of an Orator. Though he had acquired some reputation in public causes, he appeared to most advantage and was most courted and employed in private ones. — C. Piso, who comes next in order, had scarcely any exertion, but he was a Speaker of a very convertible style; and though, in fact, he was far from being slow of invention, he had more penetration in his look and appearance than he really possessed. — His cotemporary M. Glabrio, though carefully

instructed by his grandfather Scaevola, was prevented from distinguishing himself by his natural indolence and want of attention. — L. Torquatus, on the contrary, had an elegant turn of expression, and a clear comprehension, and was perfectly genteel and well-bred in his whole manner. — But Cn. Pompeius, my coeval, a man who was born to excel in every thing, would have acquired a more distinguished reputation for his Eloquence, if he had not been diverted from the pursuit of it by the more dazzling charms of military fame. His language was naturally bold and elevated, and he was always master of his subject; and as to his powers of enunciation, his voice was sonorous and manly, and his gesture noble, and full of dignity. — D. Silanus, another of my cotemporaries, and your father-in-law, was not a man of much application, but he had a very competent share of discernment, and elocution. — Q. Pompeius, the son of Aulus, who had the title of *Bithynicus*, and was about two years older than myself, was, to my own knowledge, remarkably fond of the study of Eloquence, had an uncommon stock of learning, and was a man of indefatigable industry and perseverance: for he was connected with me and M. Piso, not only as an intimate acquaintance, but as an associate in our studies, and private exercises. His elocution was but poorly recommended by his action: for though the former was sufficiently copious and diffusive, there was nothing graceful in the latter. — His contemporary, P. Autronius, had a very clear, and strong voice; but he was distinguished by no other accomplishment. — L. Octavius Reatinus died in his youth, while he was in full practice: but he ascended the rostra with more assurance, than ability. — C. Staienus, who changed his name into Aelius by a kind of self- adoption, was a warm, an abusive, and indeed a furious speaker; which was so agreeable to the taste of many, that he would have risen to some rank in the State, if it had not been for a crime of which he was clearly convicted, and for which he afterwards suffered. — At the same time were the two brothers C. and L. Caepasius, who, though men of an obscure family, and little previous consequence, were yet, by mere dint of application, suddenly promoted to the Quaestorship, with no other recommendation than a provincial and unpolished kind of Oratory. — That I may not seem to have put a wilful slight on any of

the vociferous tribe, I must also notice C. Cosconius Calidianus, who, without any discernment, amused the people with a rapidity of language (if such it might be called) which he attended with a perpetual hurry of action, and a most violent exertion of his voice. — Of much the same cast was Q. Arrius, who may be considered as a second-hand M. Crassus. He is a striking proof of what consequence it is in such a city as ours to devote one's-self to the occasions of *the many*, and to be as active as possible in promoting their safety, or their honour. For by these means, though of the lowest parentage, having raised himself to offices of rank, and to considerable wealth and influence, he likewise acquired the reputation of a tolerable patron, without either learning or abilities. But as inexperienced champions, who, from a passionate desire to distinguish themselves in the Circus, can bear the blows of their opponents without shrinking, are often overpowered by the heat of the sun, when it is increased by the reflection of the sand; so *he*, who had hitherto supported even the sharpest encounters with good success, could not stand the severity of that year of judicial contest, which blazed upon him like a summer's sun."

"Upon my word," cried Atticus, "you are now treating us with the very *dregs* of Oratory, and you have entertained us in this manner for some time: but I did not offer to interrupt you, because I never dreamed you would have descended so low as to mention the *Staieni* and *Autronii*!"—"As I have been speaking of the dead, you will not imagine, I suppose," said I, "that I have done it to court their favour: but in pursuing the order of history, I was necessarily led by degrees to a period of time which falls within the compass of our own knowledge. But I wish it to be noticed, that after recounting all who ever ventured to speak in public, we find but few, (very few indeed!) whose names are worth recording; and not many who had even the repute of being Orators. Let us, however, return to our subject. T. Torquatus, then, the son of Titus, was a man of learning, (which he first acquired in the school of Molo in Rhodes,) and of a free and easy elocution which he received from Nature. If he had lived to a proper age, he would have been chosen Consul, without any canvassing; but he had more ability for speaking than inclination; *so* that, in fact, he did not do justice to the art he professed; and yet he was never wanting to his duty, either in the private causes of his friends and dependents, or in his senatorial capacity. — My townsman too, P. Pontidius, pleaded a number of private causes. He had a rapidity of expression, and a tolerable quickness of comprehension: but he was very warm, and indeed rather too choleric and irascible; so that he often wrangled not only with his antagonist, but (what appears very strange) with the judge himself, whom it was rather his business to sooth and gratify. — M. Messala, who was something younger than myself, was far from being a poor and an abject Pleader, and yet he was not a very embellished one. He was judicious, penetrating, and wary, very exact in digesting and methodizing his subject, and a man of uncommon diligence and application, and of very extensive practice. — As to the two Metelli (Celer and Nepos) these also had a moderate share of employment at the bar; but being destitute neither of learning nor abilities, they chiefly applied themselves (and with some success) to debates of a more popular kind. — But Caius Lentulus Marcellinus, who was never reckoned a bad Speaker, was esteemed a very eloquent one in

his Consulship. He wanted neither sentiment, nor expression; his voice was sweet and sonorous; and he had a sufficient stock of humour. — C. Memmius, the son of Lucius, was a perfect adept in the *belles lettres* of the Greeks; for he had an insuperable disgust to the literature of the Romans. He was a neat and polished Speaker, and had a sweet and harmonious turn of expression; but as he was equally averse to every laborious effort either of the mind or the tongue, his Eloquence declined in proportion as he lessened his application."—"But I heartily wish," said Brutus, "that you would give us your opinion of those Orators who are still living; or, if you are determined to say nothing of the rest, there are two at least, (that is Caesar and Marcellus, whom I have often heard you speak of with the highest approbation) whose characters would give me as much entertainment as any of those you have already specified."—"But why," answered I, "would you expect that I would give you my opinion of men who are as well known to yourself as to me?"—"Marcellus, indeed," replied he, "I am very well acquainted with; but as to Caesar, I know little of *him*. For I have *heard* the former very often: but, by the time I was able to judge for myself, the latter had set out for his province."—"Mighty well," said I; "and what think you of him you have heard so often?"—"What else can I think," replied he, "but that you will soon have an Orator, who will very nearly resemble yourself?"—"If that is the case," answered I, "pray think of him as favourably as you can." "I do," said he; "for he pleases me very highly; and not without reason. He is absolutely master of his trade, and, neglecting every other profession, has applied himself solely to *this*; and, for that purpose, has persevered in the rigorous task of composing a daily Essay in writing. His words are well chosen; his language is full and copious; and every thing he says receives an additional ornament from the graceful tone of his voice, and the dignity of his action. In short, he is so compleat an Orator, that there is no quality I know of, in which I can think him deficient. But he is still more to be admired, for being able, in these unhappy times, (which are marked with a distress that, by some cruel fatality, has overwhelmed us all) to console himself, as opportunity offers, with the consciousness of his own integrity, and by the frequent renewal of his literary pursuits. I saw him lately at Mitylene;

and then (as I have already hinted) I saw him a thorough man. For though I had before discovered in him a strong resemblance of yourself, the likeness was much improved, after he was enriched by the instructions of your learned, and very intimate friend Cratippus."—"Though I acknowledge," said I, "that I have listened with pleasure to your Elogies on a very worthy man, for whom I have the warmest esteem, they have led me insensibly to the recollection of our common miseries, which our present conversation was intended to suspend. But I would willingly hear what is Atticus's opinion of Caesar."—"Upon my word," replied Atticus, "you are wonderfully consistent with your plan, to say nothing *yourself* of the living: and indeed, if you was to deal with *them*, as you already have with the *dead*, and say something of every paltry fellow that occurs to your memory, you would plague us with *Autronii* and *Steiani* without end. But though you might possibly have it in view not to incumber yourself with such a numerous crowd of insignificant wretches; or perhaps, to avoid giving any one room to complain that he was either unnoticed, or not extolled according to his imaginary merit; yet, certainly, you might have said something of Caesar; especially, as your opinion of *his* abilities is well known to every body, and his concerning *your's* is very far from being a secret. But, however," said he, (addressing himself to Brutus) "I really think of Caesar, and every body else says the same of this accurate connoisseur in the Art of Speaking, that he has the purest and the most elegant command of the Roman language of all the Orators that have yet appeared: and that not merely by domestic habit, as we have lately heard it observed of the families of the Laelii and the Mucii, (though even here, I believe, this might partly have been the case) but he chiefly acquired and brought it to its present perfection, by a studious application to the most intricate and refined branches of literature, and by a careful and constant attention to the purity of his style. But that *he*, who, involved as he was in a perpetual hurry of business, could dedicate to *you*, my Cicero, a laboured Treatise on the Art of Speaking correctly; that *he*, who, in the first book of it, laid it down as an axiom, that an accurate choice of words is the foundation of Eloquence; and who has bestowed," said he, (addressing himself again to Brutus) "the highest encomiums on this

friend of ours, who yet chooses to leave Caesar's character to *me*; — that *he* should be a perfect master of the language of polite conservation, is a circumstance which is almost too obvious to be mentioned." "I said, *the highest encomiums*," pursued Atticus, "because he says in so many words, when he addresses himself to Cicero — *if others have bestowed all their time and attention to acquire a habit of expressing themselves with ease and correctness, how much is the name and dignity of the Roman people indebted to you, who are the highest pattern, and indeed the first inventor of that rich fertility of language which distinguishes your performances?*" — Indeed," said Brutus, "I think he has extolled your merit in a very friendly, and a very magnificent style: for you are not only the *highest pattern*, and even the *first inventor* of all our *fertility* of language, which alone is praise enough to content any reasonable man, but you have added fresh honours to the name and dignity of the Roman people; for the very excellence in which we had hitherto been conquered by the vanquished Greeks, has now been either wrested from their hands, or equally shared, at least, between us and them. So that I prefer this honourable testimony of Caesar, I will not say to the public thanksgiving, which was decreed for your *own* military services, but to the triumphs of many heroes."—"Very true," replied I, "provided this honourable testimony was really the voice of Caesar's judgment, and not of his friendship: for *he* certainly has added more to the dignity of the Roman people, whoever he may be (if indeed any such man has yet existed) who has not only exemplified and enlarged, but first produced this rich fertility of expression, than the doughty warrior who has stormed a few paltry castles of the Ligurians, which have furnished us, you know, with many repeated triumphs. In reality, if we can submit to hear the truth, it may be asserted (to say nothing of those god-like plans, which, supported by the wisdom of our Generals, has frequently saved the sinking State both abroad and at home) that an Orator is justly entitled to the preference to any Commander in a petty war. But the General, you will say, is the more serviceable man to the public. Nobody denies it: and yet (for I am not afraid of provoking your censure, in a conversation which leaves each of us at liberty to say what he thinks) I had rather be the author of the single Oration of

Crassus, in defence of Curius, than be honoured with two Ligurian triumphs. You will, perhaps, reply, that the storming a castle of the Ligurians was a thing of more consequence to the State, than that the claim of Curius should be ably supported. This I own to be true. But it was also of more consequence to the Athenians, that their houses should be securely roofed, than to have their city graced with a most beautiful statue of Minerva: and yet, notwithstanding this, I would much rather have been a Phidias, than the most skilful joiner in Athens. In the present case, therefore, we are not to consider a man's usefulness, but the strength of his abilities; especially as the number of painters and statuaries, who have excelled in their profession, is very small; whereas, there can never be any want of joiners and mechanic labourers. But proceed, my Atticus, with Caesar; and oblige us with the remainder of his character."—"We see then," said he, "from what has just been mentioned, that a pure and correct style is the groundwork, and the very basis and foundation, upon which an Orator must build his other accomplishments: though, it is true, that those who had hitherto possessed it, derived it more from early habit, than from any principles of art. It is needless to refer you to the instances of Laelius and Scipio; for a purity of language, as well as of manners, was the characteristic of the age they lived in. It could not, indeed, be applied to every one; for their two cotemporaries, Caecilius and Pacuvius, spoke very incorrectly: but yet people in general, who had not resided out of the city, nor been corrupted by any domestic barbarisms, spoke the Roman language with purity. Time, however, as well at Rome as in Greece, soon altered matters for the worse: for this city, (as had formerly been the case at Athens) was resorted to by a crowd of adventurers from different parts, who spoke very corruptly; which shews the necessity of reforming our language, and reducing it to a certain standard, which shall not be liable to vary like the capricious laws of custom. Though we were then very young, we can easily remember T. Flaminius, who was joint-consul with Q. Metellus: he was supposed to speak his native language with correctness, but was a man of no Literature. As to Catulus, he was far indeed from being destitute of learning, as you have already observed: but his reputed purity of diction was chiefly owing to the sweetness of his voice, and the delicacy of his accent.

Cotta, who, by his broad pronunciation, threw off all resemblance of the elegant tone of the Greeks, and affected a harsh and rustic utterance, quite opposite to that of Catulus, acquired the same reputation of correctness by pursuing a wild and unfrequented path. But Sisenna, who had the ambition to think of reforming our phraseology, could not be lashed out of his whimsical and new-fangled turns of expression, by all the raillery of C. Rufius."—"What do you refer to?" said Brutus; "and who was the Caius Rufius you are speaking of?"—"He was a noted prosecutor," replied he, "some years ago. When this man had supported an indictment against one Christilius, Sisenna, who was counsel for the defendant, told him, that several parts of his accusation were absolutely *spitatical*. [Footnote: In the original *sputatilica*, worthy to be spit upon. It appears, from the connection, to have been a very unclassical word, whimsically derived by the author of it from *sputa*, spittle.] *My Lords*, cried Rufius to the judges, *I shall be cruelly over-reached, unless you give me your assistance. His charge overpowers my comprehension; and I am afraid he has some unfair design upon me. What, in the name of Heaven, can be intend by* SPITATICAL? *I know the meaning of* SPIT, *or* SPITTLE; *but this horrid* ATICAL, *at the end of it, absolutely puzzles me.* The whole Bench laughed very heartily at the singular oddity of the expression: my old friend, however, was still of opinion, that to speak correctly, was to speak differently from other people. But Caesar, who was guided by the principles of art, has corrected the imperfections of a vicious custom, by adopting the rules and improvements of a good one, as he found them occasionally displayed in the course of polite conversation. Accordingly, to the purest elegance of expression, (which is equally necessary to every well-bred Citizen, as to an Orator) he has added all the various ornaments of Elocution; so that he seems to exhibit the finest painting in the most advantageous point of view. As he has such extraordinary merit even in the common run of his language, I must confess that there is no person I know of, to whom he should yield the preference. Besides, his manner of speaking, both as to his voice and gesture, is splendid and noble, without the least appearance of artifice or affectation: and there is a dignity in his very presence, which bespeaks a great and elevated mind."—"Indeed," said Brutus,

“his Orations please me highly; for I have had the satisfaction to read several of them. He has likewise wrote some commentaries, or short memoirs, of his own transactions;”—”and such,” said I, “as merit the highest approbation: for they are plain, correct, and graceful, and divested of all the ornaments of language, so as to appear (if I may be allowed the expression) in a kind of undress. But while he pretended only to furnish the loose materials, for such as might be inclined to compose a regular history, he may, perhaps, have gratified the vanity of a few literary *Frisseurs*: but he has certainly prevented all sensible men from attempting any improvement on his plan. For in history, nothing is more pleasing than a correct and elegant brevity of expression. With your leave, however, it is high time to return to those Orators who have quitted the stage of life. C. Sicinius then, who was a grandson of the Censor Q. Pompey, by one of his daughters, died after his advancement to the Quaestorship. He was a Speaker of some merit and reputation, which he derived from the system of Hermagoras; who, though he furnished but little assistance for acquiring an ornamental style, gave many useful precepts to expedite and improve the invention of an Orator. For in this System we have a collection of fixed and determinate rules for public speaking; which are delivered indeed without any shew or parade, (and, I might have added, in a trivial and homely form) but yet are so plain and methodical, that it is almost impossible to mistake the road. By keeping close to these, and always digesting his subject before he ventured to speak upon it, (to which we may add, that he had a tolerable fluency of expression) he so far succeeded, without any other assistance, as to be ranked among the pleaders of the day. — As to C. Visellius Varro, who was my cousin, and a cotemporary of Sicinius, he was a man of great learning. He died while he was a member of the Court of Inquests, into which he had been admitted after the expiration of his Aedileship. The public, I confess, had not the same opinion of his abilities that I have; for he never passed as a man of Sterling Eloquence among the people. His style was excessively quick and rapid, and consequently obscure; for, in fact, it was embarrassed and blinded by the celerity of its course: and yet, after all, you will scarcely find a man who had a better choice of words, or a richer vein of sentiment. He had besides a complete fund

of polite literature, and a thorough knowledge of the principles of jurisprudence, which he learned from his father Aculeo. To proceed in our account of the dead, the next that presents himself is L. Torquatus, whom you will not so readily pronounce a connoisseur in the Art of Speaking (though he was by no means destitute of elocution) as, what is called by the Greeks, *a political Adept*. He had a plentiful stock of learning, not indeed of the common sort, but of a more abstruse and curious nature: he had likewise an admirable memory, and a very sensible and elegant turn of expression; all which qualities derived an additional grace from the dignity of his deportment, and the integrity of his manners. I was also highly pleased with the style of his cotemporary Triarius, which expressed to perfection, the character of a worthy old gentleman, who had been thoroughly polished by the refinements of Literature. — What a venerable severity was there in his look! What forcible solemnity in his language! and how thoughtful and deliberate every word he spoke!" — At the mention of Torquatus and Triarius, for each of whom he had the most affectionate veneration,—"It fills my heart with anguish," said Brutus, "(to omit a thousand other circumstances) when I reflect, as I cannot help doing, on your mentioning the names of these worthy men, that your long-respected authority was insufficient to procure an accommodation of our differences. The Republic would not otherwise have been deprived of these, and many other excellent Citizens."—"Not a word more," said I, on this melancholy subject, which can only aggravate our sorrow: for as the remembrance of what is already past is painful enough, the prospect of what is yet to come is still more cutting. Let us, therefore, drop our unavailing complaints, and (agreeably to our plan) confine our attention to the forensic merits of our deceased friends. Among those, then, who lost their lives in this unhappy war, was M. Bibulus, who, though not a professed orator, was a very accurate writer, and a solid and experienced advocate: and Appius Claudius, your father-in-law, and my colleague and intimate acquaintance, who was not only a hard student, and a man of learning, but a practised Orator, a skilful Augurist and Civilian, and a thorough Adept in the Roman History. — As to L. Domitius, he was totally unacquainted with any rules of art; but he spoke his native language with purity, and had a great

freedom of address. We had likewise the two Lentuli, men of consular dignity; one of whom, (I mean Publius) the avenger of my wrongs, and the author of my restoration, derived all his powers and accomplishments from the assistance of Art, and not from the bounty of Nature: but he had such a great and noble disposition, that he claimed all the honours of the most illustrious Citizens, and supported them with the utmost dignity of character. — The other (L. Lentulus) was an animated Speaker, for it would be saying too much, perhaps, to call him an Orator — but, unhappily, he had an utter aversion to the trouble of thinking. His voice was sonorous; and his language, though not absolutely harsh and forbidding, was warm and rigorous, and carried in it a kind of terror. In a judicial trial, you would probably have wished for a more agreeable and a keener advocate: but in a debate on matters of government, you would have thought his abilities sufficient. — Even Titus Postumius had such powers of utterance, as were not to be despised: but in political matters, he spoke with the same unbridled ardour he fought with: in short, he was much too warm; though it must be owned he possessed an extensive knowledge of the laws and constitution of his country."—"Upon my word," cried Atticus, "if the persons you have mentioned were still living, I should be apt to imagine, that you was endeavouring to solicit their favour. For you introduce every body who had the courage to stand up and speak his mind: so that I almost begin to wonder how M. Servilius has escaped your notice."—"I am, indeed, very sensible," replied I, "that there have been many who never spoke in public, that were much better qualified for the talk, than those Orators I have taken the pains to enumerate: [Footnote: This was probably intended as an indirect Compliment to Atticus.] but I have, at least, answered one purpose by it, which is to shew you, that in this populous City, we have not had very many who had the resolution to speak at all; and that even among these, there have been few who were entitled to our applause. I cannot, therefore, neglect to take some notice of those worthy knights, and my intimate friends, very lately deceased, P. Comminius Spoletinus, against whom I pleaded in defence of C. Cornelius, and who was a methodical, a spirited, and a ready Speaker; and T. Accius, of Pisaurum, to whom I replied in behalf of A. Cluentius, and who was

an accurate, and a tolerably copious Advocate: he was also well instructed in the precepts of Hermagoras, which, though of little service to embellish and enrich our Elocution, furnish a variety of arguments, which, like the weapons of the light infantry, may be readily managed, and are adapted to every subject of debate. I must add, that I never knew a man of greater industry and application. As to C. Piso, my son-in-law, it is scarcely possible to mention any one who was blessed with a finer capacity. He was constantly employed either in public speaking, and private declamatory exercises, or, at least, in writing and thinking: and, consequently, he made such a rapid progress, that he rather seemed to fly than to run. He had an elegant choice of expression, and the structure of his periods was perfectly neat and harmonious; he had an astonishing variety and strength of argument, and a lively and agreeable turn of sentiment: and his gesture was naturally so graceful, that it appeared to have been formed (which it really was not) by the nicest rules of art. I am rather fearful, indeed, that I should be thought to have been prompted by my affection for him to have given him a greater character than he deserved: but this is so far from being the case, that I might justly have ascribed to him many qualities of a different and more valuable nature: for in continence, social piety, and every other kind of virtue, there was scarcely any of his cotemporaries who was worthy to be compared with him. — M. Caelius too must not pass unnoticed, notwithstanding the unhappy change, either of his fortune or disposition, which marked the latter part of his life. As long as he was directed by my influence, he behaved himself so well as a Tribune of the people, that no man supported the interests of the Senate, and of all the good and virtuous, in opposition to the factious and unruly madness of a set of abandoned citizens, with more firmness than *he* did: a part in which he was enabled to exert himself to great advantage, by the force and dignity of his language, and his lively humour, and genteel address. He spoke several harangues in a very sensible style, and three spirited invectives, which originated from our political disputes: and his defensive speeches, though not equal to the former, were yet tolerably good, and had a degree of merit which was far from being contemptible. After he had been advanced to the Aedileship, by the hearty approbation of all the

better sort of citizens, as he had lost my company (for I was then abroad in Cilicia) he likewise lost himself; and entirely sunk his credit, by imitating the conduct of those very men, whom he had before so successfully opposed. — But M. Calidius has a more particular claim to our notice for the singularity of his character; which cannot so properly be said to have entitled him to a place among our other Orators, as to distinguish him from the whole fraternity; for in him we beheld the most uncommon, and the most delicate sentiments, arrayed in the softest and finest language imaginable. Nothing could be so easy as the turn and compass of his periods; nothing so ductile; nothing more pliable and obsequious to his will, so that he had a greater command of it than any Orator whatever. In short, the flow of his language was so pure and limpid, that nothing could be clearer; and so free, that it was never clogged or obstructed. Every word was exactly in the place where it should be, and disposed (as Lucilius expresses it) with as much nicety as in a curious piece of Mosaic-work. We may add, that he had not a single expression which was either harsh, unnatural, abject, or far-fetched; and yet he was so far from confining himself to the plain and ordinary mode of speaking, that he abounded greatly in the metaphor, — but such metaphors as did not appear to usurp a post that belonged to another, but only to occupy their own. These delicacies were displayed not in a loose and disfluent style; but in such a one as was strictly *numerous*, without *either* appearing to be so, or running on with a dull uniformity of sound. He was likewise master of the various ornaments of language and sentiment which the Greeks call *figures*, whereby he enlivened and embellished his style as with so many forensic decorations. We may add that he readily discovered, upon all occasions, what was the real point of debate, and where the stress of the argument lay; and that his method of ranging his ideas was extremely artful, his action genteel, and his whole manner very engaging and very sensible. In short, if to speak agreeably is the chief merit of an Orator, you will find no one who was better qualified than Calidius. But as we have observed a little before, that it is the business of an Orator to instruct, to please, and *to move the passions*; he was, indeed, perfectly master of the two first; for no one could better elucidate his subject, or charm the attention of

his audience. But as to the third qualification, — the moving and alarming the passions, — which is of much greater efficacy than the two former, he was wholly destitute of it. He had no force, — no exertion; — either by his own choice, and from an opinion that those who had a loftier turn of expression, and a more warm and spirited action, were little betther than madmen; or because it was contrary to his natural temper, and habitual practice; or, lastly, because it was beyond the strength of his abilities. If, indeed, it is a useless quality, his want of it was a real excellence: but if otherwise, it was certainly a defect. I particularly remember, that when he prosecuted Q. Gallius for an attempt to poison him, and pretended that he had the plainest proofs of it, and could produce many letters, witnesses, informations, and other evidences to put the truth of his charge beyond a doubt, interspersing many sensible and ingenious remarks on the nature of the crime; — I remember, I say, that when it came to my turn to reply to him, after urging every argument which the case itself suggested, I insisted upon it as a material circumstance in favour of my client, that the prosecutor, while he charged him with a design against his life, and assured us that he had the most indubitable proofs of it then in his hands, related his story with as much ease, and as much calmness, and indifference, as if nothing had happened."—"Would it have been possible," said I, (addressing myself to Calidius) "that you should speak with this air of unconcern, unless the charge was purely an invention of your own? and, above all, that you, whose Eloquence has often vindicated the wrongs of other people with so much spirit, should speak so coolly of a crime which threatened your life? Where was that expression of resentment which is so natural to the injured? Where that ardour, that eagerness, which extorts the most pathetic language even from men of the dullest capacities? There was no visible disorder in your mind, no emotion in your looks and gesture, no smiting of the thigh or the forehead, nor even a single stamp of the foot. You was, therefore, so far from interesting our passions in your favour, that we could scarcely keep our eyes open, while you was relating the dangers you had so narrowly escaped. Thus we employed the natural defect, or if you please, the sensible calmness of an excellent Orator, as an argument to invalidate his charge."—"But is it possible to doubt,"

cried Brutus, “whether this was a sensible quality, or a defect? For as the greatest merit of an Orator is to be able to inflame the passions, and give them such a biass as shall best answer his purpose; he who is destitute of this must certainly be deficient in the most capital part of his profession.”—”I am of the same opinion,” said I; “but let us now proceed to him (Hortensius) who is the only remaining Orator worth noticing; after which, as you may seem to insist upon it, I shall say something of myself. I must first, however, do justice to the memory of two promising youths, who, if they had lived to a riper age, would have acquired the highest reputation for their Eloquence.”—”You mean, I suppose,” said Brutus, “C. Curio, and C. Licinius Calvus.”—”The very same,” replied I. “One of them, besides his plausible manner, had such an easy and voluble flow of expression, and such an inexhaustible variety, and sometimes accuracy of sentiment, that he was one of the most ready and ornamental speakers of his time. Though he had received but little instruction from the professed masters of the art, Nature had furnished him with an admirable capacity of the practice of it. I never, indeed, discovered in him any great degree of application; but he was certainly very ambitious to distinguish himself; and if he had continued to listen to my advice, as he had begun to do, he would have preferred the acquisition of real honour to that of untimely grandeur.”—”What do you mean,” said Brutus? “Or in what manner are these two objects to be distinguished?”—”I distinguish them thus,” replied I: “As honour is the reward of virtue, conferred upon a man by the choice and affection of his fellow-citizens, he who obtains it by their free votes and suffrages is to be considered, in my opinion, as an honourable member of the community. But he who acquires his power and authority by taking advantage of every unhappy incident, and without the consent of his fellow-citizens, as Curio aimed to do, acquires only the name of honour, without the substance. Whereas, if he had hearkened to me, he would have risen to the highest dignity, in an honourable manner, and with the hearty approbation of all men, by a gradual advancement to public offices, as his father and many other eminent citizens had done before. I often gave the same advice to P. Crassus, the son of Marcus, who courted my friendship in the early part of his life; and recommended

it to him very warmly, to consider *that* as the truest path to honour which had been already marked out to him by the example of his ancestors. For he had been extremely well educated, and was perfectly versed in every branch of polite literature: he had likewise a penetrating genius, and an elegant variety of expression; and appeared grave and sententious without arrogance, and modest and diffident without dejection. But like many other young men he was carried away by the tide of ambition; and after serving a short time with reputation as a volunteer, nothing could satisfy him but to try his fortune as a General, — an employment which was confined by the wisdom of our ancestors to men who had arrived at a certain age, and who, even then, were obliged to submit their pretensions to the uncertain issue of a public decision. Thus, by exposing himself to a fatal catastrophe, while he was endeavouring to rival the fame of Cyrus and Alexander, who lived to finish their desperate career, he lost all resemblance of L. Crassus, and his other worthy Progenitors.

"But let us return to Calvus whom we have just mentioned, — an Orator who had received more literary improvements than Curio, and had a more accurate and delicate manner of speaking, which he conducted with great taste and elegance; but, (by being too minute and nice a critic upon himself,) while he was labouring to correct and refine his language, he suffered all the force and spirit of it to evaporate. In short, it was so exquisitely polished, as to charm the eye of every skilful observer; but it was little noticed by the common people in a crowded Forum, which is the proper theatre of Eloquence."—"His aim," said Brutus, "was to be admired as an *Attic* Orator: and to this we must attribute that accurate exility of style, which he constantly affected."—"This, indeed, was his professed character," replied I: "but he was deceived himself, and led others into the same mistake. It is true, whoever supposes that to speak in the *Attic* taste, is to avoid every awkward, every harsh, every vicious expression, has, in this sense, an undoubted right to refuse his approbation to every thing which is not strictly *Attic*. For he must naturally detest whatever is insipid, disgusting, or invernacular; while he considers a correctness and propriety of language as the religion, and good-manners of an Orator: — and every one who pretends to speak in public should adopt the same opinion. But if he

bestows the name of Atticism on a half-starved, a dry, and a niggardly turn of expression, provided it is neat, correct, and genteel, I cannot say, indeed, that he bestows it improperly; as the Attic Orators, however, had many qualities of a more important nature, I would advise him to be careful that he does not overlook their different kinds and degrees of merit, and their great extent and variety of character. The Attic Speakers, he will tell me, are the models upon which he wishes to form his Eloquence. But which of them does he mean to fix upon? for they are not all of the same cast. Who, for instance, could be more unlike each other than Demosthenes and Lysias? or than Demosthenes and Hyperides? Or who more different from either of them, than Aeschines? Which of them, then, do you propose to imitate? If only *one*, this will be a tacit implication, that none of the rest were true masters of Atticism: if *all*, how can you possibly succeed, when their characters are so opposite? Let me further ask you, whether Demetrius Phalereus spoke in the Attic style? In my opinion, his Orations have the very smell of Athens. But he is certainly more florid than either Hyperides or Lysias; partly from the natural turn of his genius, and partly by choice. There were likewise two others, at the time we are speaking of, whose characters were equally dissimilar; and yet both of them were truly *Attic*. The first (Charisius) was the author of a number of speeches, which he composed for his friends, professedly in imitation of Lysias: — and the other (Demochares, the nephew of Demosthenes) wrote several Orations, and a regular History of what was transacted in Athens under his own observation; not so much, indeed, in the style of an Historian, as of an Orator. Hegesias took the former for his model, and had so vain a conceit of his own taste for Atticism, that he considered his predecessors, who were really masters of it, as mere rustics in comparison of himself. But what can be more insipid, more frivolous, or more puerile, than that very concinnity of expression which he actually acquired?"—"*But still we wish to resemble the Attic Speakers*."—"Do so, by all means. But were not those, then, true Attic Speakers, we have just been mentioning?"—"*Nobody denies it; and these are the men we imitate*."—"But how? when they are so very different, not only from each other, but from all the rest of their contemporaries?"—"*True;*

but Thucydides is our leading pattern."—"This too I can allow, if you design to compose histories, instead of pleading causes. For Thucydides was both an exact, and a stately historian: but he never intended to write models for conducting a judicial process. I will even go so far as to add, that I have often commended the speeches which he has inserted into his history in great numbers; though I must frankly own, that I neither *could* imitate them, if I *would,* nor indeed *would,* if I *could;* like a man who would neither choose his wine so new as to have been turned off in the preceding vintage, nor so excessively old as to date its age from the consulship of Opimius or Anicius."—"*The latter*, you'll say, *bears the highest price*." "Very probable; but when it has too much age, it has lost that delicious flavour which pleases the palate, and, in my opinion, is scarcely tolerable."—"*Would you choose, then, when you have a mind to regale yourself, to apply to a fresh, unripened cask?*" "By no means; but still there is a certain age, when good wine arrives at its utmost perfection. In the same manner, I would recommend neither a raw, unmellowed style, which, (if I may so express myself) has been newly drawn off from the vat; nor the rough, and antiquated language of the grave and manly Thucydides. For even *he*, if he had lived a few years later, would have acquired a much softer and mellower turn of expression."—"*Let us, then, imitate Demosthenes*."—"Good Gods! to what else do I direct all my endeavours, and my wishes! But it is, perhaps, my misfortune not to succeed. These *Atticisers*, however, acquire with ease the paltry character they aim at; not once recollecting that it is not only recorded in history, but must have been the natural consequence of his superior fame, that when Demosthenes was to speak in public, all Greece flocked in crowds to hear him. But when our *Attic* gentry venture to speak, they are presently deserted not only by the little throng around them who have no interest in the dispute, (which alone is a mortifying proof of their insignificance) but even by their associates and fellow-advocates. If to speak, therefore, in a dry and lifeless manner, is the true criterion of Atticism, they are heartily welcome to enjoy the credit of it: but if they wish to put their abilities to the trial, let them attend the Comitia, or a judicial process of real importance. The open Forum demands a fuller, and more elevated tone: and *he* is the Orator

for me, who is so universally admired that when he is to plead an interesting cause, all the benches are filled beforehand, the tribunal crowded, the clerks and notaries busy in adjusting their seats, the populace thronging about the rostra, and the judge brisk, and vigilant; — *he*, who has such a commanding air, that when he rises up to speak, the whole audience is hushed into a profound silence, which is soon interrupted by their repeated plaudits, and acclamations, or by those successive bursts of laughter, or violent transports of passion, which he knows how to excite at his pleasure; so that even a distant observer, though unacquainted with the subject he is speaking upon, can easily discover that his hearers are pleased with him, and that a *Roscius* is performing his part on the stage. Whoever has the happiness to be thus followed and applauded is, beyond dispute, an *Attic* speaker: for such was Pericles, — such was Hyperides, and Aeschines, — and such, in the most eminent degree, was the great Demosthenes! If indeed, these connoisseurs, who have so much dislike to every thing bold and ornamental, only mean to say that an accurate, a judicious, and a neat, and compact, but unembellished style, is really an *Attic* one, they are not mistaken. For in an art of such wonderful extent and variety as that of speaking, even this subtile and confined character may claim a place: so that the conclusion will be, that it is very possible to speak in the *Attic* taste, without deserving the name of an Orator; but that all in general who are truly eloquent, are likewise *Attic* Speakers. — It is time, however, to return to Hortensius."—" Indeed, I think so," cried Brutus: "though I must acknowledge that this long digression of yours has entertained me very agreeably."

“But I made some remarks,” said Atticus, “which I had several times a mind to mention; only I was loath to interrupt you. As your discourse, however, seems to be drawing towards an end, I think I may venture to out with them.”—”By all means,” replied I.—”I readily grant, then,” said he, “that there is something very humourous and elegant in that continued *Irony*, which Socrates employs to so much advantage in the dialogues of Plato, Xenophon, and Aeschines. For when a dispute commences on the nature of wisdom, he professes, with a great deal of humour and ingenuity, to have no pretensions to it himself; while, with a kind of concealed raillery, he ascribes the highest degree of it to those who had the arrogance to lay an open claim to it. Thus, in Plato, he extols Protagoras, Hippias, Prodicus, Gorgias, and several others, to the skies: but represents himself as a mere ignorant. This in *him* was peculiarly becoming; nor can I agree with Epicurus, who thinks it censurable. But in a professed History, (for such, in fact, is the account you have been giving us of the Roman Orators) I shall leave you to judge, whether an application of the *Irony* is not equally reprehensible, as it would be in giving a judicial evidence.”—”Pray, what are you driving at,” said I,—”for I cannot comprehend you.”—”I mean,” replied he, “in the first place, that the commendations which you have bestowed upon some of our Orators, have a tendency to mislead the opinion of those who are unacquainted with their true characters. There were likewise several parts of your account, at which I could scarcely forbear laughing: as, for instance, when you compared old Cato to Lysias. He was, indeed, a great, and a very extraordinary man. Nobody, I believe, will say to the contrary. But shall we call him an Orator? Shall we pronounce him the rival of Lysias, who was the most finished character of the kind? If we mean to jest, this comparison of your’s would form a pretty *Irony*: but if we are talking in real earnest, we should pay the same scrupulous regard to truth, as if we were giving evidence upon oath. As a Citizen, a Senator, a General, and, in short, a man who was distinguished by his prudence, his activity, and every other virtue, your favourite Cato has my highest approbation. I can likewise applaud his speeches, considering the time he lived in. They

exhibit the out-lines of a great genius; but such, however, as are evidently rude and imperfect. In the same manner, when you represented his *Antiquities* as replete with all the graces of Oratory, and compared Cato with Philistus and Thucydides, did you really imagine, that you could persuade me and Brutus to believe you? or would you seriously degrade those, whom none of the Greeks themselves have been able to equal, into a comparison with a stiff country, gentleman, who scarcely suspected that there was any such thing in being, as a copious and ornamental style? You have likewise said much in commendation of Galba; — if as the best Speaker of his age, I can so far agree with you, for such was the character he bore: — but if you meant to recommend him as an *Orator*, produce his Orations (for they are still extant) and then tell me honestly, whether you would wish your friend Brutus here to speak as *he*? Lepidus too was the author of several Speeches, which have received your approbation; in which I can partly join with you, if you consider them only as specimens of our ancient Eloquence. The same might be said of Africanus and Laelius, than whose language (you tell us) nothing in the world can be sweeter: nay, you have mentioned it with a kind of veneration, and endeavoured to dazzle our judgment by the great character they bore, and the uncommon elegance of their manners. Divest it of these adventitious Graces, and this sweet language of theirs will appear so homely, as to be scarcely worth noticing. Carbo too was mentioned as one of our capital Orators; and for this only reason, — that in speaking, as in all other professions, whatever is the best of its kind, for the time being, how deficient soever in reality, is always admired and applauded. What I have said of Carbo, is equally true of the Gracchi: though, in some particulars, the character you have given them was no more than they deserved. But to say nothing of the rest of your Orators, let us proceed to Antonius and Crassus, your two paragons of Eloquence, whom I have heard myself, and who were certainly very able Speakers. To the extraordinary commendation you have bestowed upon them, I can readily give my assent; but not, however, in such an unlimited manner as to persuade myself that you have received as much improvement from the Speech in support of the Servilian Law, as Lysippus said he had done by studying the famous [Footnote:

Doryphorus. A Spear- man.] statue of Polycletus. What you have said on *this* occasion I consider as an absolute *Irony:* but I shall not inform you why I think so, lest you should imagine I design to flatter you. I shall therefore pass over the many fine encomiums you have bestowed upon *these*; and what you have said of Cotta and Sulpicius, and but very lately of your pupil Caelius. I acknowledge, however, that we may call them Orators: but as to the nature and extent of their merit, let your own judgment decide. It is scarcely worth observing, that you have had the additional good-nature to crowd so many daubers into your list, that there are some, I believe, who will be ready to wish they had died long ago, that you might have had an opportunity to insert *their* names among the rest."—"You have opened a wide field of enquiry," said I, "and started a subject which deserves a separate discussion; but we must defer it to a more convenient time. For, to settle it, a great variety of authors must be examined, and especially *Cato*: which could not fail to convince you, that nothing was wanting to complete his pieces, but those rich and glowing colours which had not then been invented. As to the above Oration of Crassus, he himself, perhaps, could have written better, if he had been willing to take the trouble; but nobody else, I believe, could have mended it. You have no reason, therefore, to think I spoke *ironically*, when I mentioned it as the guide and *tutoress* of my Eloquence: for though you seem to have a higher opinion of my capacity, in its present state, you must remember that, in our youth, we could find nothing better to imitate among the Romans. And as to my admitting so *many* into my list of Orators, I only did it (as I have already observed) to shew how few have succeeded in a profession, in which all were desirous to excel. I therefore insist upon it that you do not consider *me* in the present case, as an *Ironist*; though we are informed by C. Fannius, in his History, that *Africanus* was a very excellent one."—"As you please about *that*," cried Atticus: "though, by the bye, I did not imagine it would have been any disgrace to you, to be what Africanus and Socrates have been before you."—"We may settle *this* another time," interrupted Brutus: "but will you be so obliging," said he, (addressing himself to *me*) "as to give us a critical analysis of some of the old speeches you have mentioned?"—"Very willingly," replied I; "but it must be at Cuma, or Tusculum, when

opportunity offers: for we are near neighbours, you know, in both places. At present, let us return to *Hortensius*, from whom we have digressed a second time."

"Hortensius, then, who began to speak in public when he was very young, was soon employed even in causes of the greatest moment: and though he first appeared in the time of Cotta and Sulpicius, (who were only ten years older) and when Crassus and Antonius, and afterwards Philip and Julius, were in the height of their reputation, he was thought worthy to be compared with either of them in point of Eloquence. He had such an excellent memory as I never knew in any person; so that what he had composed in private, he was able to repeat, without notes, in the very same words he had made use of at first. He employed this natural advantage with so much readiness, that he not only recollected whatever he had written or premeditated himself, but remembered every thing that had been said by his opponents, without the help of a prompter. He was likewise inflamed with such a passionate fondness for the profession, that I never saw any one, who took more pains to improve himself; for he would not suffer a day to elapse, without either speaking in the Forum, or composing something at home; and very often he did both in the same day. He had, besides, a turn of expression which was very far from being low and unelevated; and possessed two other accomplishments, in which no one could equal him, — an uncommon clearness and accuracy in stating the points he was to speak to; and a neat and easy manner of collecting the substance of what had been said by his antagonist, and by himself. He had likewise an elegant choice of words, an agreeable flow in his periods, and a copious Elocution, which he was partly indebted for to a fine natural capacity, and partly acquired by the most laborious rhetorical exercises. In short, he had a most retentive view of his subject, and always divided and parcelled it out with the greatest exactness; and he very seldom overlooked any thing which the case could suggest, that was proper either to support his *own* allegations, or to refute those of his opponent. Lastly, he had a sweet and sonorous voice; and his gesture had rather more art in it, and was more exactly managed, than is requisite to an Orator.

"While *he* was in the height of his glory, Crassus died, Cotta was

banished, our public trials were intermitted by the Marsic war, and I myself made my first appearance in the Forum. Hortensius joined the army, and served the first campaign as a volunteer, and the second as a military Tribune: Sulpicius was made a lieutenant general; and Antonius was absent on a similar account. The only trial we had, was that upon the Varian Law; the rest, as I have just observed, having been intermitted by the war. We had scarcely any body left at the bar but L. Memmius, and Q. Pompeius, who spoke mostly on their own affairs; and, though far from being Orators of the first distinction, were yet tolerable ones, (if we may credit Philippus, who was himself a man of some Eloquence) and in supporting an evidence, displayed all the poignancy of a prosecutor, with a moderate freedom of Elocution. The rest, who were esteemed our capital Speakers, were then in the magistracy, and I had the benefit of hearing their harangues almost every day. C. Curio was chosen a Tribune of the people; though he left off speaking after being once deserted by his whole audience. To him I may add Q. Metellus Celer, who, though certainly no Orator, was far from being destitute of utterance: but Q. Varius, C. Carbo, and Cn. Pomponius, were men of real Elocution, and might almost be said to have lived upon the Rostra. C. Julius too, who was then a Curule Aedile, was daily employed in making Speeches to the people, which were composed with great neatness and accuracy. But while I attended the Forum with this eager curiosity, my first disappointment was the banishment of Cotta: after which I continued to hear the rest with the same assiduity as before; and though I daily spent the remainder of my time in reading, writing, and private declamation, I cannot say that I much relished my confinement to these preparatory exercises. The next year Q. Varius was condemned, and banished, by his own law: and I, that I might acquire a competent knowledge of the principles of jurisprudence, then attached myself to Q. Scaevola, the son of Publius, who, though he did not choose to undertake the charge of a pupil, yet by freely giving his advice to those who consulted him, he answered every purpose of instruction to such as took the trouble to apply to him. In the succeeding year, in which Sylla and Pompey were Consuls, as Sulpicius, who was elected a Tribune of the people, had occasion to speak in public almost every day, I had an

opportunity to acquaint myself thoroughly with his manner of speaking. At this time Philo, a philosopher of the first name *in the Academy*, with many of the principal Athenians, having deserted their native home, and fled to Rome, from the fury of Mithridates, I immediately became his scholar, and was exceedingly taken with his philosophy; and, besides the, pleasure I received from the great variety and sublimity of his matter, I was still more inclined to confine, my attention to that study; because there was reason to apprehend that our laws and judicial proceedings would be wholly overturned by the continuance of the public disorders. In the same year Sulpicius lost his life; and Q. Catulus, M. Antonius, and C. Julius, three Orators, who were partly cotemporary with each other, were most inhumanly put to death. Then also I attended the lectures of Molo the Rhodian, who was newly come to Rome, and was both an excellent Pleader, and an able Teacher of the Art. I have mentioned these particulars, which, perhaps, may appear foreign to our purpose, that *you*, my Brutus, (for Atticus is already acquainted with them) may be able to mark my progress, and observe how closely I trod upon the heels of Hortensius.

"The three following years the city was free from the tumult of arms; but either by the death, the voluntary retirement, or the flight of our ablest Orators (for even M. Crassus, and the two Lentuli, who were then in the bloom of youth, had all left us) Hortensius, of course, was the first Speaker in the Forum. Antistius too was daily rising into reputation, — Piso pleaded pretty often, — Pomponius not so frequently, — Carbo very seldom, — and Philippus only once or twice. In the mean while I pursued my studies of every kind, day and night, with unremitting application. I lodged and boarded at my own house [where he lately died] Diodotus the Stoic; whom I employed as my preceptor in various other parts of learning, but particularly in Logic, which may be considered as a close and contracted species of Eloquence; and without which, you yourself have declared it impossible to acquire that full and perfect Eloquence, which they suppose to be an open and dilated kind of Logic. Yet with all my attention to Diodotus, and the various arts he was master of, I never suffered even a single day to escape me, without some exercise of the oratorial kind. I constantly declaimed in

private with M. Piso, Q. Pompeius, or some other of my acquaintance; pretty often in Latin, but much oftener in Greek; because the Greek furnishes a greater variety of ornaments, and an opportunity of imitating and introducing them into the Latin; and because the Greek masters, who were far the best, could not correct and improve us, unless we declaimed in that language. This time was distinguished by a violent struggle to restore the liberty of the Republic: — the barbarous slaughter of the three Orators, Scaevola, Carbo, and Antistius; — the return of Cotta, Curio, Crassus, Pompey, and the Lentuli; — the re-establishment of the laws and courts of judicature; — and the intire restoration of the Commonwealth: but we lost Pomponius, Censorinus, and Murena, from the roll of Orators.

"I now began, for the *first* time, to undertake the management of causes, both private and public; not, as most did, with a view to learn my profession, but to make a trial of the abilities which I had taken so much pains to acquire. I had then a second opportunity of attending the instructions of Molo; who came to Rome, while Sylla was Dictator, to sollicit the payment of what was due to his countrymen, for their services in the Mithridatic war. My defence of Sext. Roscius, which was the first cause I pleaded, met with such a favourable reception, that, from that moment, I was looked upon as an advocate of the first class, and equal to the greatest and most important causes: and after this I pleaded many others, which I pre-composed with all the care and accuracy I was master of.

"But as you seem desirous not so much to be acquainted with any incidental marks of my character, or the first sallies of my youth, as to know me thoroughly, I shall mention some particulars, which otherwise might have seemed unnecessary. At this time my body was exceedingly weak and emaciated; my neck long, and slender; a shape and habit, which I thought to be liable to great risk of life, if engaged in any violent fatigue, or labour of the lungs. And it gave the greater alarm to those who had a regard for me, that I used to speak without any remission or variation, with the utmost stretch of my voice, and a total agitation of my body. When my friends, therefore, and physicians, advised me to meddle no more with forensic causes, I resolved to run any hazard, rather than quit the hopes of glory, which

I had proposed to myself from pleading: but when I considered, that by managing my voice, and changing my way of speaking, I might both avoid all future danger of that kind, and speak with greater ease, I took a resolution of travelling into Asia, merely for an opportunity to correct my manner of speaking. So that after I had been two years at the Bar, and acquired some reputation in the Forum, I left Rome. When I came to Athens, I spent six months with Antiochus, the principal and most judicious Philosopher of *the old Academy*; and under this able master, I renewed those philosophical studies which I had laboriously cultivated and improved from my earliest youth. At the same time, however, I continued my *rhetorical Exercises* under Demetrius the Syrian, an experienced and reputable master of the Art of Speaking.

"After leaving Athens, I traversed every part of Asia, where I was voluntarily attended by the principal Orators of the country with whom I renewed my rhetorical Exercises. The chief of them was Menippus of Stratonica, the most eloquent of all the Asiatics: and if to be neither tedious nor impertinent is the characteristic of an Attic Orator, he may be justly ranked in that class. Dionysius also of Magnesia, Aeschilus of Cnidos, and Xenocles of Adramyttus, who were esteemed the first Rhetoricians of Asia, were continually with me. Not contented with these, I went to Rhodes, and applied myself again to Molo, whom I had heard before at Rome; and who was both an experienced pleader, and a fine writer, and particularly judicious in remarking the faults of his scholars, as well as in his method of teaching and improving them. His principal trouble with me, was to restrain the luxuriancy of a juvenile imagination, always ready to overflow its banks, within its due and proper channel. Thus, after an excursion of two years, I returned to Italy, not only much improved, but almost changed into a new man. The vehemence of my voice and action was considerably abated; the excessive ardour of my language was corrected; my lungs were strengthened; and my whole constitution confirmed and settled.

"Two Orators then reigned in the Forum; (I mean Cotta and Hortensius) whose glory fired my emulation. Cotta's way of speaking was calm and easy, and distinguished by the flowing elegance and propriety of his language. The other was splendid,

warm, and animated; not such as you, my Brutus, have seen him when he had shed the blossom of his eloquence, but far more lively and pathetic both in his style and action. As Hortensius, therefore, was nearer to me in age, and his manner more agreeable to the natural ardour of my temper, I considered him as the proper object of my competition. For I observed that when they were both engaged in the same cause, (as for instance, when they defended M. Canuleius, and Cn. Dolabella, a man of consular dignity) though Cotta was generally employed to open the defence, the most important parts of it were left to the management of Hortensius. For a crowded audience, and a clamorous Forum, require an Orator who is lively, animated, full of action, and able to exert his voice to the highest pitch. The first year, therefore, after my return from Asia, I undertook several capital causes; and in the interim I put up as a candidate for the Quaestorship, Cotta for the Consulate, and Hortensius for the Aedileship. After I was chosen Quaestor, I passed a year in Sicily, the province assigned to me by lot: Cotta went as Consul into Gaul: and Hortensius, whose new office required his presence at Rome, was left of course the undisputed sovereign of the Forum. In the succeeding year, when I returned from Sicily, my oratorial talents, such as they were, displayed themselves in their full perfection and maturity.

"I have been saying too much, perhaps, concerning myself: but my design in it was not to make a parade of my eloquence and ability, which I have no temptation to do, but only to specify the pains and labour which I have taken to improve it. After spending the five succeeding years in pleading a variety of causes, and with the ablest Advocates of the time, I was declared an Aedile, and undertook the patronage of the Sicilians against Hortensius, who was then one of the Consuls elect. But as the subject of our conversation not only requires an historical detail of Orators, but such preceptive remarks as may be necessary to elucidate their characters; it will not be improper to make some observations of this kind upon that of Hortensius. After his appointment to the consulship (very probably, because he saw none of consular dignity who were able to rival him, and despised the competition of others of inferior rank) he began to remit that intense application which he had hitherto persevered in

from his childhood; and having settled himself in very affluent circumstances, he chose to live for the future what he thought an *easy* life, but which, in truth, was rather an indolent one. In the three succeeding years, the beauty of his colouring was so much impaired, as to be very perceptible to a skilful connoisseur, though not to a common observer. After that, he grew every day more unlike himself than before, not only in other parts of Eloquence, but by a gradual decay of the former celerity and elegant texture of his language. I, at the same time, spared no pains to improve and enlarge my talents, such as they were, by every exercise that was proper for the purpose, but particularly by that of writing. Not to mention several other advantages I derived from it, I shall only observe, that about this time, and but a very few years after my Aedileship, I was declared the first Praetor, by the unanimous suffrages of my fellow- citizens. For, by my diligence and assiduity as a Pleader, and my accurate way of speaking, which was rather superior to the ordinary style of the Bar, the novelty of my Eloquence had engaged the attention, and secured the good wishes of the public. But I will say nothing of myself: I will confine my discourse to our other Speakers, among whom there is not one who has gained more than a common acquaintance with those parts of literature, which feed the springs of Eloquence: — not one who has been thoroughly nurtured at the breast of Philosophy, which is the mother of every excellence either in deed or speech: — not one who has acquired an accurate knowledge of the Civil Law, which is so necessary for the management even of private causes, and to direct the judgment of an Orator: — not one who is a complete master of the Roman History, which would enable us, on many occasions, to appeal to the venerable evidence of the dead: — not one who can entangle his opponent in such a neat and humourous manner, as to relax the severity of the Judges into a smile or an open laugh: — not one who knows how to dilate and expand his subject, by reducing it from the limited considerations of time, and person, to some general and indefinite topic; — not one who knows how to enliven it by an agreeable digression: not one who can rouse the indignation of the Judge, or extort from him the tear of compassion; — or who can influence and bend his soul (which is confessedly the capital

perfection of an Orator) in such a manner as shall best suit his purpose.

"When Hortensius, therefore, the once eloquent and admired Hortensius, had almost vanished from the Forum, my appointment to the Consulship, which happened about six years after his own promotion to that office, revived his dying emulation; for he was unwilling that after I had equalled him in rank and dignity, I should become his superior in any other respect. But in the twelve succeeding years, by a mutual deference to each other's abilities, we united our efforts at the Bar in the most amicable manner: and my Consulship, which at first had given a short alarm to his jealousy, afterward cemented our friendship, by the generous candor with which he applauded my conduct. But our emulous efforts were exerted in the most conspicuous manner, just before the commencement of that unhappy period, when Eloquence herself was confounded and terrified by the din of arms into a sudden and a total silence: for after Pompey had proposed and carried a law, which allowed even the party accused but three hours to make his defence, I appeared, (though comparatively as a mere *noviciate* by this new regulation) in a number of causes which, in fact, were become perfectly the same, or very nearly so; most of which, my Brutus, you was present to hear, as having been my partner and fellow-advocate in many of them, though you pleaded several by yourself; and Hortensius, though he died a short time afterwards, bore his share in these limited efforts. He began to plead about ten years before the time of your birth; and in his sixty-fourth year, but a very few days before his death, he was engaged with you in the defence of Appius, your father-in-law. As to our respective talents, the Orations we have published will enable posterity to form a proper judgment of them. But if we mean to inquire, why Hortensius was more admired for his Eloquence in the younger part of his life, than in his latter years, we shall find it owing to the following causes. The first was, that an *Asiatic* style is more allowable in a young man than in an old one. Of this there are two different kinds.

"The former is sententious and sprightly, and abounds in those turns of sentiment which are not so much distinguished by their weight and solidity as by their neatness and elegance; of this cast was

Timaeus the Historian, and the two Orators so much talked of in our younger days, Hierocles the Alabandean, and his brother Menecles, but particularly the latter; both whose Orations may be reckoned master-pieces of the kind. The other sort is not so remarkable for the plenty and richness of its sentiments, as for its rapid volubility of expression, which at present is the ruling taste in Asia; but, besides it's uncommon fluency, it is recommended by a choice of words which are peculiarly delicate and ornamental: — of this kind were Aeschylus the Cnidian, and my cotemporary Aeschines the Milesian; for they had an admirable command of language, with very little elegance of sentiment. These showy kinds of eloquence are agreeable enough in young people; but they are entirely destitute of that gravity and composure which befits a riper age. As Hortensius therefore excelled in both, he was heard with applause in the earlier part of his life. For he had all that fertility and graceful variety of sentiment which distinguished the character of Menecles: but, as in Menecles, so in him, there were many turns of sentiment which were more delicate and entertaining than really useful, or indeed sometimes convenient. His language also was brilliant and rapid, and yet perfectly neat and accurate; but by no means agreeable to men of riper years. I have often seen it received by Philippus with the utmost derision, and, upon some occasions, with a contemptuous indignation: but the younger part of the audience admired it, and the populace were highly pleased with it. In his youth, therefore, he met the warmest approbation of the public, and maintained his post with ease as the first Orator in the Forum. For the style he chose to speak in, though it has little weight, or authority, appeared very suitable to his age: and as it discovered in him the most visible marks of genius and application, and was recommended by the numerous cadence of his periods, he was heard with universal applause. But when the honours he afterwards rose to, and the dignity of his years required something more serious and composed, he still continued to appear in the same character, though it no longer became him: and as he had, for some considerable time, intermitted those exercises, and relaxed that laborious attention which had once distinguished him, though his former neatness of expression, and luxuriancy of sentiment still remained, they were stripped of those brilliant

ornaments they had been used to wear. For this reason, perhaps, my Brutus, he appeared less pleasing to you than he would have done, if you had been old enough to hear him, when he was fired with emulation and flourished in the full bloom of his Eloquence.

"I am perfectly sensible," said Brutus, "of the justice of your remarks; and yet I have always looked upon Hortensius as a great Orator, but especially when he pleaded for Messala, in the time of your absence."—"I have often heard of it," replied I, "and his Oration, which was afterwards published, they say, in the very same words in which he delivered it, is no way inferior to the character you give it. Upon the whole, then, his reputation flourished from the time of Crassus and Scaevola (reckoning from the Consulship of the former) to the Consulship of Paullus and Marcellus: and I held out in the same career of glory from the Dictatorship of Sylla, to the period I have last, mentioned. Thus the Eloquence of Hortensius was extinguished by his *own* death, and mine by that of the Commonwealth."—"Ominate more favourably, I beg of you," cried Brutus.—"As favourably as you please," said I, "and that not so much upon my own account, as your's. But *his* death was truly fortunate, who did not live to behold the miseries, which he had long foreseen. For we often lamented, between ourselves, the misfortunes which hung over the State, when we discovered the seeds of a civil war in the insatiable ambition of a few private Citizens, and saw every hope of an accommodation excluded by the rashness and precipitancy of our public counsels. But the felicity which always marked his life, seems to have exempted him, by a seasonable death, from the calamities that followed. But, as after the decease of Hortensius, we seem to have been left, my Brutus, as the sole guardians of an *orphan* Eloquence, let us cherish her, within our own walls at least, with a generous fidelity: let us discourage the addresses of her worthless, and impertinent suitors; let us preserve her pure and unblemished in all her virgin charms, and secure her, to the utmost of our ability, from the lawless violence of every armed ruffian. I must own, however, though I am heartily grieved that I entered so late upon the road of life, as to be overtaken by a gloomy night of public distress, before I had finished my journey; that I am not a little relieved by the tender consolation which you administered

to me in your very agreeable letters; — in which you tell me I ought to recollect my courage, since my past transactions are such as will speak for me when I am silent, and survive my death, — and such as, if the Gods permit, will bear an ample testimony to the prudence and integrity of my public counsels, by the final restoration of the Republic: — or, if otherwise, by burying me in the ruins of my country. But when I look upon *you*, my Brutus, it fills me with anguish to reflect that, in the vigour of your youth, and when you was making the most rapid progress in the road to fame, your career was suddenly stopped by the fatal overthrow of the Commonwealth. This unhappy circumstance has stung me to the heart; and not *me* only; but my worthy friend here, who has the same affection for you, and the same esteem for your merit which I have. We have the warmest wishes for your happiness, and heartily pray that you may reap the rewards of your excellent virtues, and live to find a Republic in which you will be able, not only to revive, but even to add to the fame of your illustrious ancestors. For the Forum was your birth-right, your native theatre of action; and you was the only person that entered it, who had not only formed his Elocution by a rigorous course of private practice, but enriched his Oratory with the furniture of philosophical Science, and thus united the highest virtue to the most consummate Eloquence. Your situation, therefore, wounds us with the double anxiety, that *you* are deprived of the *Republic*, and the Republic of *you*. But still continue, my Brutus, (notwithstanding the career of your genius has been checked by the rude shock of our public distresses) continue to pursue your favourite studies, and endeavour (what you have almost, or rather intirely effected already) to distinguish yourself from the promiscuous crowd of Pleaders with which I have loaded the little history I have been giving you. For it would ill befit you, (richly furnished as you are with those liberal Arts, which, unable to acquire at home, you imported from that celebrated city which has always been revered as the seat of learning) to pass after all as an ordinary Pleader. For to what purposes have you studied under Pammenes, the most eloquent man in Greece; or what advantage have you derived from the discipline of *the old* Academy, and it's hereditary master Aristus (my guest, and very intimate acquaintance) if you still rank yourself in the common class

of Orators? Have we not seen that a whole age could scarcely furnish two Speakers who really excelled in their profession? Among a crowd of cotemporaries, Galba, for instance, was the only Orator of distinction: for old Cato (we are informed) was obliged to yield to his superior merit, as were likewise his two juniors Lepidus, and Carbo. But, in a public Harangue, the style of his successors the Gracchi was far more easy and lively: and yet, even in their time, the Roman Eloquence had not reached its perfection. Afterwards came Antonius, and Crassus; and then Cotta, Sulpicius, Hortensius, and — but I say no more: I can only add, that if I had been so fortunate, &c, &c," — [*Caetera defunt.*]

ORATOR AD M. BRUTUM (About the Orator)

Translated by C. D. Yonge

THE ORATOR OF M.T. CICERO. ADDRESSED TO MARCUS BRUTUS.

This work was composed by Cicero soon after the battle of Pharsalia, and it was intended by him to contain the plan of what he himself considered to be the most perfect style of eloquence. In his Epistles to his Friends (vi. 18.) he tells Lepta that he firmly believed that he had condensed all his knowledge of the art of oratory in what he had set forth in this book.

I. I have, O Brutus, hesitated a long time and often as to whether it was a more difficult and arduous business to refuse you, when constantly requesting the same favour, or to do what you desired me to do. For to refuse a man to whom I was attached above all men, and whom I knew also to be most entirely devoted to me, especially when he was only asking what was reasonable, and desiring what was honourable to me, appeared to me to be very harsh conduct; and to undertake a matter of such importance as was not only difficult for any man to have the ability to execute in an adequate manner, but hard even to think of in a way suited to its importance, appeared to me to be scarcely consistent with the character of a man who stood in awe of the reproof of wise and learned men. For what is there more important than, when the dissimilarity between good orators is so great, to decide which is the best sort and as it were the best form of eloquence?

However, since you repeat your entreaties, I will attempt the task, not so much from any hope that I entertain of accomplishing it, as from my willingness to attempt it. For I had rather that you should find fault with my prudence in thus complying with your eager

desire, than with my friendship in refusing to attempt it.

You ask me then, and indeed you are constantly asking me, what kind of eloquence I approve of in the highest degree, and which sort of oratory I consider that to which nothing can be added, and which I therefore think the highest and most perfect kind. And in answering this question I am afraid lest, if I do what you wish, and give you an idea of the orator whom you are asking for, I may check the zeal of many, who, being discouraged by despair, will not make an attempt at what they have no hope of succeeding in. But it is good for all men to try everything, who have ever desired to attain any objects which are of importance and greatly to be desired. But if there be any one who feels that he is deficient either in natural power, or in any eminent force of natural genius, or that he is but inadequately instructed in the knowledge of important sciences, still let him hold on his course as far as he can. For if a man aims at the highest place, it is very honourable to arrive at the second or even the third rank. For in the poets there is room not only for Homer (to confine myself to the Greeks), or for Archilochus, or Sophocles, or Pindar, but there is room also for those who are second to them, or even below the second. Nor, indeed, did the nobleness of Plato in philosophical studies deter Aristotle from writing; nor did Aristotle himself, by his admirable knowledge and eloquence, extinguish the zeal in those pursuits of all other men.

II. And it is not only the case that eminent men have not been deterred by such circumstances from the highest class of studies, but even those artists have not renounced their art who have been unable to equal the beauty of the Talysus[58] which we have seen at Rhodes, or of the Coan Venus. Nor have subsequent sculptors been so far alarmed at the statue of the Olympian Jove, or of the Shield-bearer, as to give up trying what they could accomplish, or how far they could advance; and, indeed, there has been so vast a multitude of those men, and each of them has obtained so much credit in his own particular walk, that, while we admire the most perfect models, we have also approbation to spare for those who come short of them.

But in the case of orators — I mean Greek orators — it is a marvellous thing how far one is superior to all the rest. And yet when Demosthenes flourished there were many illustrious orators, and so

there were before his time, and the supply has not failed since. So that there is no reason why the hopes of those men, who have devoted themselves to the study of eloquence, should be broken, or why their industry should languish. For even the very highest pitch of excellency ought not to be despaired of; and in perfect things those things are very good which are next to the most perfect.

And I, in depicting a consummate orator, will draw a picture of such an one as perhaps never existed. For I am not asking who he was, but what that is than which nothing can be more excellent. And perhaps the perfection which I am looking for does not often shine forth, (indeed I do not know whether it ever has been seen,) but still in some degree it may at times be discoverable, among some nations more frequently, and among others more sparingly. But I lay down this position, that there is nothing of any kind so beautiful which has not something more beautiful still from which it is copied, — as a portrait is from a person's face, — though it can neither be perceived by the eyes or ears, or by any other of the senses; it is in the mind only, and by our thoughts, that we embrace it. Therefore, though we have never seen anything of any kind more beautiful than the statues of Phidias and than those pictures which I have named, still we can imagine something more beautiful. Nor did that great artist, when he was making the statue of Jupiter or of Minerva, keep in his mind any particular person of whom he was making a likeness; but there dwelt in his mind a certain perfect idea of beauty, which he looked upon, and fixed his eyes upon, and guided his art and his hand with reference to the likeness of that model.

III. As therefore there is in forms and figures something perfect and superexcellent, the appearance of which is stamped in our minds so that we imitate it, and refer to it everything which falls under our eyes; so we keep in our mind an idea of perfect eloquence, and seek for its resemblance with our ears.

Now Plato, that greatest of all authors and teachers, not only of understanding, but also of speaking, calls those forms of things ideas; and he affirms that they are not created, but that they exist from everlasting, and are kept in their places by reason and intelligence: that all other things have their rising and setting, their ebb and flow, and cannot continue long in the same condition. Whatever there is,

therefore, which can become a subject of discussion as to its principle and method, is to be reduced to the ultimate form and species of its class.

And I see that this first beginning of mine is derived not from the discussions of orators, but from the very heart of philosophy, and that it is old-fashioned and somewhat obscure, and likely to incur some blame, or at all events to provoke some surprise. For men will either wonder what all this has to do with that which is the subject of our inquiry, and they will be satisfied with understanding the nature of the facts, so that it may not seem to be without reason that we have traced their origin so far back; or else they will blame us for hunting out for unaccustomed paths, and abandoning those in ordinary use.

But I am aware that I often appear to say things which are novel, when I am in reality saying what is very old, only not generally known. And I confess that I have been made an orator, (if indeed I am one at all,) or such as I am, not by the workshops of the rhetoricians, but by the walks of the Academy. For that is the school of manifold and various discourses, in which first of all there are imprinted the footsteps of Plato. But the orator is to a great extent trained and assisted by his discussions and those of other philosophers. For all that copiousness, and forest, as it were, of eloquence, is derived from those men, and yet is not sufficient for forensic business; which, as these men themselves used to say, they left to more rustic muses. Accordingly this forensic eloquence, being despised and repudiated by philosophy, has lost many great and substantial helps; but still, as it is embellished with flowery language and well-turned periods, it has had some popularity among the people, and has had no reason to fear the judgment or prejudice of a few. And so popular eloquence has been lost to learned men, and elegant learning to eloquent ones.

IV. Let this then be laid down among the first principles, (and it will be better understood presently,) — that the eloquent man whom we are looking for cannot be rendered such without philosophy. Not indeed that there is everything necessary in philosophy, but that it is of assistance to an orator as the wrestling-school is to an actor; for small things are often compared with great ones. For no one can

express wide views, or speak fluently on many and various subjects, without philosophy. Since also, in the Phaedrus of Plato, Socrates says that this is what Pericles was superior to all other orators in, that he had been a pupil of Anaxagoras the natural philosopher. And it was owing to him, in his opinion, (though he had learnt also many other splendid and admirable accomplishments,) that he was so copious and imaginative, and so thoroughly aware — which is the main thing in eloquence — by what kinds of speeches the different parts of men's minds are moved.

And we may draw the same conclusion from the case of Demosthenes; from whose letters it may be gathered what a constant pupil of Plato's he was. Nor, indeed, without having studied in the schools of philosophers, can we discern the genus and species of everything; nor explain them by proper definitions; nor distribute them into their proper divisions; nor decide what is true and what is false; nor discern consequences, perceive inconsistencies, and distinguish what is doubtful. Why should I speak of the nature of things, the knowledge of which supplies such abundance of topics to oratory? or of life, and duty, and virtue, and manners? for what of all these things can be either spoken of or understood without a long study of those matters?

V. To these numerous and important things there are to be added innumerable ornaments, which at that time were only to be derived from those men who were accounted teachers of oratory. The consequence is, that no one applies himself to that genuine and perfect eloquence, because the study requisite for understanding those matters is different from that which enables me to speak of them; and because it is necessary to go to one class of teachers to understand the things, and to another to learn the proper language for them. Therefore Marcus Antonius, who in the time of our fathers was considered to be the most eminent of all men alive for eloquence, a manly nature very acute and eloquent, in that one treatise which he has left behind him, says that he has seen many fluent speakers, but not one eloquent orator, in truth, he had in his mind a model of eloquence which in his mind he saw, though he could not behold it with his eyes. But he, being a man of the most acute genius, (as indeed he was,) and feeling the want of many things both in himself

and other men, saw absolutely no one who had fairly a right to be called eloquent. But if he did not think either himself or Lucius Crassus eloquent, then he certainly must have had in his mind some perfect model of eloquence; and as that had nothing wanting, he felt himself unable to include those who had anything or many things wanting in that class.

Let us then, O Brutus, if we can, investigate the nature of this man whom Antonius never beheld, or who perhaps has never even existed; and if we cannot imitate and copy him exactly, (which indeed Antonius said was scarcely possible for a god to do,) still we may perhaps be able to explain what he ought to be like.

VI. There are altogether three different kinds of speaking, in each of which there have been some eminent men; but very few (though that is what we are now looking for) who have been equally eminent in all. For some have been grandiloquent men, (if I may use such an expression,) with an abundant dignity of sentiments and majesty of language, — vehement, various, copious, authoritative; well adapted and prepared to make an impression on and effect a change in men's feelings: an effect which some have endeavoured to produce by a rough, morose, uncivilized sort of speaking, not elaborated or wrought up with any care; and others employ a smooth, carefully prepared, and well rounded off style.

On the other hand, there are men neat, acute, explaining everything, and making matters clearer, not nobler, polished up with a certain subtle and compressed style of oratory; and in the same class there are others, shrewd, but unpolished, and designedly resembling rough and unskilful speakers; and some who, with the same barrenness and simplicity, are still more elegant, that is to say, are facetious, flowery, and even slightly embellished.

But there is another class, half-way between these two, and as it were compounded of both of them, endowed neither with the acuteness of the last-mentioned orators, nor with the thunder of the former; as a sort of mixture of both, excelling in neither style; partaking of both, or rather indeed (if we would adhere to the exact truth) destitute of all the qualifications of either. Those men go on, as they say, in one uniform tenor of speaking, bringing nothing except their facility and equalness of language; or else they add something,

like reliefs on a pedestal, and so they embellish their whole oration, with trifling ornaments of words and ideas.

VII. Now, whoever have by themselves arrived at any power in each of these styles of oratory, have gained a great name among orators; but we must inquire whether they have sufficiently effected what we want. For we see that there have been some men who have been ornate and dignified speakers, being at the same time shrewd and subtle arguers. And I wish that we were able to find a model of such an orator among the Latins. It would be a fine thing not to be forced to have recourse to foreign instances, but to be content with those of our own country. But though in that discourse of mine which I have published in the Brutus, I have attributed much credit to the Latins, — partly to encourage others, and partly out of affection for my own countrymen, — I still recollect that I by far prefer Demosthenes to all other men, inasmuch as he adapted his energy to that eloquence which I myself feel to be such, and not to that which I have ever had any experience of in any actual instance. He was an orator than whom there has never existed one more dignified, nor more wise, nor more temperate. And therefore it is well that we should warn those men whose ignorant conversation is getting to have some notoriety and weight, who wish either to be called Attic speakers, or who really wish to speak in the Attic style, to fix their admiration on this man above all others, than whom I do not think Athens itself more Attic. For by so doing they may learn what Attic means, and may measure eloquence by his power and not by their own weakness; for at present every one praises just that which he thinks that he himself is able to imitate. But still I think it not foreign to my present subject to remind those who are endowed with but a weak judgment, what is the peculiar merit of the Attic writers.

VIII. The prudence of the hearers has always been the regulator of the eloquence of the orators. For all men who wish to be approved of, regard the inclination of those men who are their hearers, and form and adapt themselves entirely which of the Greek rhetoricians ever drew any of his rules from Thucydides? Oh, but he is praised universally. I admit that, but it is on the ground that he is a wise, conscientious, dignified relater of facts, not that he was pleading causes before tribunals, but that he was relating wars in a history.

Therefore, he was never accounted an orator; nor, indeed, should we have ever heard of his name if he had not written a history, though he was a man of eminently high character and of noble birth. But no one ever imitates the dignity of his language or of his sentiments, but when they have used some disjointed and unconnected expressions, which they might have done without any teacher at all, then they think that they are akin to Thucydides. I have met men too who were anxious to resemble Xenophon, whose style is, indeed, sweeter than honey, but as unlike as possible to the noisy style of the forum.

X Let us then return to the subject of laying a foundation for the orator whom we desire to see, and of furnishing him with that eloquence which Antonius had never found in any one. We are, O Brutus, undertaking a great and arduous task, but I think nothing difficult to a man who is in love. But I am and always have been in love with your genius, and your pursuits, and your habits. Moreover, I am every day more and more inflamed not only with regret, — though I am worn away with that while I am wishing to enjoy again our meetings and our daily association, and your learned discourse, — but also with the admirable reputation of your incredible virtues, which, though different in their kind, are united by your prudence. For what is so different or remote from severity as courtesy? And yet who has ever been considered either more conscientious or more agreeable than you? And what is so difficult as, while deciding disputes between many people, to be beloved by all of them? Yet you attain this end, of dismissing in a contented and pacified frame of mind the very parties against whom you decide. Therefore, while doing nothing from motives of interest you still contrive that all that you do should be acceptable. And therefore, of all the countries on earth, Gaul[59] is now the only one which is not affected by the general conflagration, while you yourself enjoy your own virtues in peace, knowing that your conduct is appreciated in this bright Italy, and surrounded as you are by the flower and strength of the citizens.

And what an exploit is that, never, amid all your important occupations, to interrupt your study of philosophy! You are always either writing something yourself or inviting me to write something. Therefore, I began this work as soon as I had finished my Cato, which I should never have meddled with, being alarmed at the aspect

of the times, so hostile to virtue, if I had not thought it wicked not to comply with your wishes, when you were exhorting me and awaking in me the recollection of that man who was so dear to me, and I call you to witness that I have only ventured to undertake this subject after many entreaties on your part, and many refusals on mine. For I wish that you should appear implicated in this fault, so that if I myself should appear unable to support the weight of such a subject, you may bear the blame of having imposed such a burden on me, and I only that of having undertaken it. And then the credit of having had such a commission given me by you, will make amends for the blame which the deficiency of my judgment will bring upon me.

XI. But in everything it is very difficult to explain the form (that which is called in Greek [Greek: charaktaer]) of perfection, because different things appear perfection to different people. I am delighted with Ennius, says one person, because he never departs from the ordinary use of words. I love Pacuvius, says another, all his verses are so ornamented and elaborate while Ennius is often so careless. Another is all for Attius. For there are many different opinions, as among the Greeks, nor is it easy to explain which form is the most excellent. In pictures one man is delighted with what is rough harsh looking, obscure, and dark, others care only for what is neat cheerful and brilliant. Why should you, then give any precise command or formula, when each is best in its own kind, and when there are many kinds? However, these difficulties have not repelled me from this attempt, and I have thought that in everything there is some point of absolute perfection even though it is not easily seen, and, that it can be decided on by a man who understands the matter.

But since there are many kinds of speeches, and those different, and as they do not all fall under one form, the form of panegyric, and of declamation, and of narration, and of such discourses as Isocrates has left us in his panegyric, and many other writers also who are called sophists; and the form also of other kinds which have no connexion with forensic discussion, and of the whole of that class which is called in Greek [Greek: epideiktikon], and which is made up as it were for the purpose of being looked at — for the sake of amusement, I shall omit at the present time. Not that they deserve to be entirely neglected; for they are as it were the nursery of the orator

whom we wish to draw; and concerning whom we are endeavouring to say something worth hearing.

XII. From this form is derived fluency of words; from it also the combination and rhythm of sentences derives a freer licence. For great indulgence is shown to neatly turned sentences; and rhythmical, steady, compact periods are always admissible. And pains are taken purposely, not disguisedly, but openly and avowedly, to make one word answer to another, as if they had been measured together and were equal to each other. So that words opposed to one another may be frequently contrasted, and contrary words compared together, and that sentences may be terminated in the same manner, and may give the same sound at their conclusion; which, when we are dealing with actual causes, we do much more seldom, and certainly with more disguise. But, in his Panathenaic oration, Isocrates avows that he diligently kept that object in view; for he composed it not for a contest in a court of justice, but to delight the ears of his hearers.

They say that Thrasymachus of Chalcedon, and Gorgias of Leontini, were the first men who taught this science; after him Theodorus of Byzantium, and many others whom Socrates in the Phaedrus calls [Greek: logodaidaloi]; who have said many things very tolerably clever, but which seem as if they had arisen at the moment, trifling, and like animals which change their colour, and too minutely painted. And this is what makes Herodotus and Thucydides the more admirable; for though they lived at the same time with those men whom I have named, still they kept aloof as far as possible from such amusements, or I should rather say from such follies. For one of them flows on like a tranquil river, without any attempts at facetiousness; the other is borne on in a more impetuous course, and relates warlike deeds in a warlike spirit; and they are the first men by whom, as Theophrastus says, history was stirred up to dare to speak in a more fluent and adorned style than their predecessors had ventured on.

XIII. Isocrates lived in the age next to theirs; who is at all times praised by us above all other orators of his class, even though you, O Brutus, sometimes object in a jesting though not in an unlearned spirit. But you will very likely agree with me when you know why I praise him. For as Thrasymachus appeared to him to be too concise

with his closely measured rhythm, and Gorgias also, though they are the first who are said to have laid down any rules at all for the harmony of sentences; and as Thucydides was somewhat too abrupt and not sufficiently round, if I may use such an expression; he was the first who adopted a system of dilating his ideas with words, and filling them up with better sounding sentences; and as by his own practice he formed those men who were afterwards accounted the most eminent men in speaking and writing, his house got to be reckoned a perfect school of eloquence. Therefore, as I, when I was praised by our friend Cato, could easily bear to be blamed by the rest; so Isocrates appears to have a right to despise the judgment of other men, while he has the testimony of Plato to pride himself on. For, as you know, Socrates is introduced in almost the last page of the Phaedrus speaking in these words:—"At present, O Phaedrus, Isocrates is quite a young man; but still I delight in telling the expectations which I have of him." "What are they?" says he. "He appears to me to be a man of too lofty a genius to be compared to Lysias and his orations: besides, he has a greater natural disposition for virtue; so that it will not be at all strange if, when he has advanced in age, he will either surpass all his contemporaries who turn their attention to eloquence, and in this kind of oratory, to the study of which he is at present devoted, as if they were only boys; or, if he is not content with such a victory, he will then feel some sort of divine inspiration prompting him to desire greater things. For there is a deep philosophy implanted by nature in this man's mind." This was the augury which Socrates forms of him while a young man. But Plato writes it of him when he has become an old man, and when he is his contemporary, and a sort of attacker of all the rhetoricians. And Isocrates is the only one whom he admires. And let those men who are not fond of Isocrates allow me to remain in error in the company of Socrates and Plato.

That then is a delightful kind of oratory, free, fluent, shrewd in its sentiments, sweet sounding in its periods, which is found in that demonstrative kind of speaking which we have mentioned. It is the peculiar style of sophists; more suitable for display than for actual contest; appropriate to schools and exhibitions; but despised in and driven from the forum. But because eloquence is first of all trained

by this sort of food, and afterwards gives itself a proper colour and strength, it appeared not foreign to our subject to speak of what is as it were the cradle of an orator. However, all this belongs to the schools, and to display: let us now descend into the battle-field and to the actual struggle.

XIV. As there are three things which the orator has to consider; what he is saying; and in what place, and in what manner he is saying each separate thing; it seems on all accounts desirable to explain what is best as to each separate subject, though in rather a different manner from that in which it is usually explained in laying down the principles of the science. We will give no regular rules, (for that task we have not undertaken,) but we will present an outline and sketch of perfect eloquence; nor will we occupy ourselves in explaining by what means it is acquired, but only what sort of thing it appears to us to be.

And let us discuss the two first divisions very briefly. For it is not so much that they have not an important reference to the highest perfection, as that they are indispensable, and almost common to other studies also. For to plan and decide on what you will say are important points, and are as it were the mind in the body; still they are parts of prudence rather than of eloquence; and yet what matter is there in which prudence is not necessary? This orator, then, whom we wish to describe as a perfect one, must know all the topics suited to arguments and reasons of this class. For since whatever can possibly be the subject of any contest or controversy, gives rise to the inquiry whether it exists, and what it is, and what sort of thing it is; while we endeavour to ascertain whether it exists, by tokens; what it is, by definitions; what sort of thing it is, by divisions of right and wrong; and in order to be able to avail himself of these topics the orator, — I do not mean any ordinary one, but the excellent one whom I am endeavouring to depict, — always, if he can, diverts the controversy from any individual person or occasion. For it is in his power to argue on wider grounds concerning a genus than concerning a part; as, whatever is proved in the universal, must inevitably be proved with respect to a part. This inquiry, then, when diverted from individual persons and occasions to a discussion of a universal genus, is called a thesis. This is what Aristotle trained

young men in, not after the fashion of ordinary philosophers, by subtle dissertations, but in the way of rhetoricians, making them argue on each side, in order that it might be discussed with more elegance and more copiousness; and he also gave them topics (for that is what he called them) as heads of arguments, from which every sort of oration might be applied to either side of the question.

XV. This orator of ours then (for what we are looking for is not some declaimer out of a school, or some pettifogger from the forum, but a most accomplished and perfect orator), since certain topics are given to him, will run through all of them; he will use those which are suitable to his purpose according to their class; he will learn also from what source those topics proceed which are called common. Nor will he make an imprudent use of his resources, but he will weigh everything, and make a selection. For the same arguments have not equal weight at all times, or in all causes. He will, therefore, exercise his judgment, and he will not only devise what he is to say, but he will also weigh its force. For there is nothing more fertile than genius, especially of the sort which has been cultivated by study. But as fertile and productive corn-fields bear not only corn, but weeds which are most unfriendly to corn, so sometimes from those topics there are produced arguments which are either trifling, or foreign to the subject, or useless; and the judgment of the orator has great room to exert itself in making a selection from them. Otherwise how will he be able to stop and make his stand on those arguments which are good and suited to his purpose? or how to soften what is harsh, and to conceal what cannot be denied, and, if it be possible, entirely to get rid of all such topics? or how will he be able to lead men's minds away from the objects on which they are fixed, or to adduce any other argument which, when opposed to that of his adversaries, may be more probable than that which is brought against him?

And with what diligence will he marshal the arguments with which he has provided himself? since that is the second of his three objects. He will make all the vestibule, if I may so say, and the approach to his cause brilliant; and when he has got possession of the minds of his hearers by his first onset, he will then invalidate and exclude all contrary arguments; and of his own strongest arguments some he will place in the van, some he will employ to bring up the

rear, and the weaker ones he will place in the centre.

And thus we have described in a brief and summary manner what this perfect orator should be like in the two first parts of speaking. But, as has been said before, in these parts, (although they are weighty and important,) there is less skill and labour than in the others.

XVI. But when he has found out what to say, and in what place he is to say it, then comes that which is by far the most important division of the three, the consideration of the manner in which he is to say it. For that is a well-known saying which our friend Carneades used to repeat:—"That Clitomachus said the same things, but that Charmadas said the same things in the same manner." But if it is of so much consequence in philosophy even, how you say a thing, when it is the matter which is looked at there rather than the language, what can we think must be the case in causes in which the elocution is all in all? And I, O Brutus, knew from your letters that you do not ask what sort of artist I think a consummate orator ought to be, as far as devising and arranging his arguments; but you appeared to me to be asking rather what kind of eloquence I considered the best. A very difficult matter, and, indeed, by the immortal gods! the most difficult of all matters. For as language is a thing soft and tender, and so flexible that it follows wherever you turn it, so also the various natures and inclinations of men have given rise to very different kinds of speaking.

Some men love a stream of words and great volubility, placing all eloquence in rapidity of speech. Others are fond of distinct and broadly marked intervals, and delays, and taking of breath. What can be more different? Yet in each kind there is something excellent. Some labour to attain a gentle and equable style, and a pure and transparent kind of eloquence; others aim at a certain harshness and severity in their language, a sort of melancholy in their speech: and as we have just before divided men, so that some wish to appear weighty, some light, some moderate, so there are as many different kinds of orators as we have already said that there are styles of oratory.

XVII. And since I have now begun to perform this duty in a more ample manner than you did require it of me, (for though the question

which you put to me has reference only to the kind of oration, I have also in my answer given you a brief account of the invention and arrangement of arguments,) even now I will not speak solely of the manner of making a speech, but I will touch also on the manner of conducting an action. And so no part whatever will be omitted: since nothing need be said in this place of memory, for that is common to many arts.

But the way in which it is said depends on two things, — on action and on elocution. For action is a sort of eloquence of the body, consisting as it does of voice and motion. Now there are as many changes of voice as there are of minds, which are above all things influenced by the voice. Therefore, that perfect orator which our oration has just been describing, will employ a certain tone of voice regulated by the way in which he wishes to appear affected himself, and by the manner also in which he desires the mind of his hearer to be influenced. And concerning this I would say more if this was the proper time for laying down rules concerning it, or if this was what you were inquiring about. I would speak also of gesture, with which expression of countenance is combined. And it is hardly possible to express of what importance these things are, and what use the orator makes of them. For even people without speaking, by the mere dignity of their action, have often produced all the effect of eloquence; and many really eloquent men, by their ungainly delivery have been thought ineloquent. So that it was not without reason that Demosthenes attributed the first, and second, and third rank to action. For if eloquence without action is nothing, but action without eloquence is of such great power, then certainly it is the most important part of speaking.

XVIII. He, then, who aims at the highest rank in eloquence, will endeavour with his voice on the stretch to speak energetically; with a low voice, gently, with a sustained voice, gravely, and with a modulated voice, in a manner calculated to excite compassion.

For the nature of the voice is something marvellous, for all its great power is derived from three sounds only, the grave sound, the sharp sound, and the moderate sound, and from these comes all that sweet variety which is brought to perfection in songs. But there is also in speaking a sort of concealed singing, not like the peroration

of rhetoricians from Phrygia or Caria, which is nearly a chant, but that sort which Demosthenes and Aeschines mean when the one reproaches the other with the affected modulation of his voice. Demosthenes says even more, and often declares that Aeschines had a very sweet and clear voice. And in this that point appears to me worth noting, with reference to the study of aiming at sweetness in the voice. For nature of herself, as if she were modulating the voices of men, has placed in every one one acute tone, and not more than one, and that not more than two syllables back from the last, so that industry may be guided by nature when pursuing the object of delighting the ears. A good voice also is a thing to be desired, for it is not naturally implanted in us, but practice and use give it to us. Therefore, the consummate orator will vary and change his voice, and sometimes straining it, sometimes lowering it, he will go through every degree of tone.

And he will use action in such a way that there shall be nothing superfluous in his gestures. His attitude will be erect and lofty, the motion of the feet rare, and very moderate, he will only move across the tribune in a very moderate manner, and even then rarely, there will be no bending of the neck, no clenching of the fingers, no rise or fall of the fingers in regular time, he will rather sway his whole body gently, and employ a manly inclination of his side, throwing out his arm in the energetic parts of his speech, and drawing it back in the moderate ones. As to his countenance, which is of the greatest influence possible next to the voice, what dignity and what beauty will be derived from its expression! And when you have accomplished this, then the eyes too must be kept under strict command, that there may not appear to be anything unsuitable, or like grimace. For as the countenance is the image of the mind, so are the eyes the informers as to what is going on within it. And their hilarity or sadness will be regulated by the circumstances which are under discussion.

XIX. But now we must give the likeness of this perfect orator and of this consummate eloquence, and his very name points out that he excels in this one particular, that is to say, in oratory and that other eminent qualities are kept out of sight in him. For it is not by his invention, or by his power of arrangement, or by his action, that he

has embraced all these points, but in Greek he is called [Greek: raetor], and in Latin "eloquent," from speaking. For every one claims for himself some share in the other accomplishments which belong to an orator, but the greatest power in speaking is allowed to be his alone. For although some philosophers have spoken with elegance, (since Theophrastus[60] derived his name from his divine skill in speaking, and Aristotle attacked Isocrates himself, and they say that the Muses as it were spoke by the mouth of Xenophon; and far above all men who have ever written or spoken, Plato is preeminent both for sweetness and dignity,) still their language has neither the vigour nor the sting of an orator or a forensic speaker. They are conversing with learned men whose minds they wish to tranquillize rather than to excite, and so they speak on peaceful subjects which have no connexion with any violence, and for the sake of teaching, not of charming, so that even in the fact of their aiming at giving some pleasure by their diction, they appear to some people to be doing more than is necessary for them to do.

It is not difficult, therefore, to distinguish between this kind of speaking and the eloquence which we are now treating of. For the address of philosophers is gentle, and fond of retirement, and not furnished with popular ideas or popular expressions, not fettered by any particular rhythm, but allowed a good deal of liberty. It has in it nothing angry, nothing envious, nothing energetic, nothing marvellous, nothing cunning, it is as it were a chaste, modest, uncontaminated virgin. Therefore it is called a discourse rather than an oration. For although every kind of speaking is an oration, still the language of the orator alone is distinguished by this name as its own property.

It appears more necessary to distinguish between it and the copy of it by the sophists, who wish to gather all the same flowers which the orator employs in his causes. But they differ from him in this that, as their object is not to disturb men's minds, but rather to appease them, and not so much to persuade as to delight, and as they do it more openly than we do and more frequently, they seek ideas which are neat rather than probable, they often wander from the subject, they weave fables into their speeches, they openly borrow terms from other subjects, and arrange them as painters do a variety of colours,

they put like things by the side of like, opposite things by the side of their contraries, and very often they terminate period after period in similar manners.

XX. Now history is akin to this side of writing, in which the authors relate with elegance, and often describe a legion, or a battle, and also addresses and exhortations are intermingled, but in them something connected and fluent is required, and not this compressed and vehement sort of speaking. And the eloquence which we are looking for must be distinguished from theirs nearly as much as it must from that of the poets.

For even the poets have given room for the question, what the point is in which they differ from the orators, formerly it appeared to be chiefly rhythm and versification, but of late rhythm has got a great footing among the orators. For whatever it is which offers the ears any regular measure, even if it be ever so far removed from verse, (for that is a fault in an oration,) is called "number" by us, being the same thing that in Greek is called [Greek: ruthmos]. And, accordingly, I see that some men have thought that the language of Plato and Democritus, although it is not verse, still, because it is borne along with some impetuosity and employs the most brilliant illustration that words can give, ought to be considered as poetry rather than the works of the comic poets, in which, except that they are written in verse, there is nothing else which is different from ordinary conversation. Nor is that the principal characteristic of a poet, although he is the more to be praised for aiming at the excellences of an orator, when he is more fettered by verse. But, although the language of some poets is grand and ornamented, still I think that they have greater licence than we have in making and combining words, and I think too that they often, in their expressions, pay more attention to the object of giving pleasure to their leaders than to their subject. Nor, indeed, does the fact of there being one point of resemblance between them, (I mean judgment and the selection of words,) make it difficult to perceive their dissimilarity on other points. But that is not doubtful, and if there be any question in the matter, still this is certainly not necessary for the object which is proposed to be kept in view.

The orator, therefore, now that he has been separated from the

eloquence of philosophers, and sophists, and historians, and poets, requires an explanation from us to show what sort of person he is to be

XXI. The eloquent orator, then, (for that is what, according to Antonius, we are looking for) is a man who speaks in the forum and in civil causes in such a manner as to prove, to delight, and to persuade. To prove, is necessary for him; to delight, is a proof of his sweetness, to persuade, is a token of victory. For that alone of all results is of the greatest weight towards gaining causes. But there are as many kinds of speaking as there are separate duties of an orator. The orator, therefore, ought to be a man of great judgment and of great ability, and he ought to be a regulator, as it were, of this threefold variety of duty. For he will judge what is necessary for every one, and he will be able to speak in whatever manner the cause requires. But the foundation of eloquence, as of all other things, is wisdom. For as in life, so in a speech, nothing is more difficult than to see what is becoming. The Greeks call this [Greek: prepon], we call it "decorum." But concerning this point many admirable rules are laid down, and the matter is well worth being understood. And it is owing to ignorance respecting it that men make blunders not only in life, but very often in poems, and in speeches.

But the orator must consider what is becoming not only in his sentences, but also in his words. For it is not every fortune, nor every honour, nor every authority, nor every age, or place, or time, nor every hearer who is to be dealt with by the same character of expressions or sentiments. And at all times, in every part of a speech or of life, we must consider what is becoming, and that depends partly on the facts which are the subject under discussion, and also on the characters of those who are the speakers and of those who are the hearers. Therefore this topic, which is of very wide extent and application, is often employed by philosophers in discussions on duty, not when they are discussing abstract right, for that is but one thing and the grammarians also too often employ it when criticising the poets, to show their eloquence in every division and description of cause. For how unseemly is it, when you are pleading before a single judge about a gutter, to use high sounding expressions and general topics, but to speak with a low voice and with subtle

arguments in a cause affecting the majesty of the Roman people.

XXII. This applies to the whole genus. But some persons err as to the character either of themselves, or of the judges, or of their adversaries and not only in actual fact, but often in word. Although there is no force in a word without a fact, still the same fact is often either approved of, or rejected, according as this or that expression is employed respecting it. And in every case it is necessary to take care how far it may be right to go, for although everything has its proper limit, still excess offends more than falling short. And that is the point in which Apelles said that those painters made a blunder, who did not know what was enough.

There is here, O Brutus, an important topic, which does not escape your notice, and which requires another large volume. But for the present question this is enough, when we say that this is becoming, (an expression which we always employ in all words and actions, both great and small) — when, I say, we say that this is becoming and that that is not becoming, and when it appears to what extent each assertion is meant to be applicable, and when it depends on something else, and is quite another matter whether you say that a thing is becoming or proper, (for to say a thing is proper, declares the perfection of duty, which we and all men are at all times to regard to say a thing is becoming, as to say that it is fit as it were, and suitable to the time and person: which is often very important both in actions and words, and in a person's countenance and gestures and gait;) — and, on the other hand, when we say that a thing is unbecoming, (and if a poet avoids this as the greatest of faults, [and he also errs if he puts an honest sentiment in the mouth of a wicked man, or a wise one in the mouth of a fool,] or if that painter saw that, when Calchas was sad at the sacrifice of Iphigenia, and Ulysses still more so, and Menelaus in mourning, that Agamemnon's head required to be veiled altogether, since it was quite impossible to represent such grief as his with a paint brush; if even the actor inquires what is becoming, what must we think that the orator ought to do?) But as this is a matter of so much importance, the orator must take care what he does in his causes, and in the different parts of them; that is plain, that not only the different parts of an oration, but that even whole causes are to be dealt with in different styles of oratory.

XXIII. It follows that the characteristics and forms of each class must be sought for. It is a great and difficult task, as we have often said before; but it was necessary for us to consider at the beginning what we would discuss; and now we must set our sails in whatever course we are borne on. But first of all we must give a sketch of the man whom some consider the only orator of the Attic style.

He is a gentle, moderate man, imitating the usual customs, differing from those who are not eloquent in fact rather than in any of his opinions. Therefore those who are his hearers, even though they themselves have no skill in speaking, still feel confident that they

could speak in that manner. For the subtlety of his address appears easy of imitation to a person who ventures on an opinion, but nothing is less easy when he comes to try it; for although it is not a style of any extraordinary vigour, still it has some juice, so that even though it is not endowed with the most extreme power, it is still, if I may use such an expression, in perfect health. First of all, then, let us release it from the fetters of rhythm. For there is, as you know, a certain rhythm to be observed by an orator, (and of that we will speak presently,) proceeding on a regular system; but though it must be attended to in another kind of oratory, it must be entirely abandoned in this. This must be a sort of easy style, and yet not utterly without rules, so that it may seem to range at freedom, not to wander about licentiously. He should also guard against appearing to cement his words together; for the hiatus formed by a concourse of open vowels has something soft about it, and indicates a not unpleasing negligence, as if the speaker were anxious more about the matter than the manner of his speech. But as to other points, he must take care, especially as he is allowed more licence in these two, — I mean the rounding of his periods, and the combination of his words; for those narrow and minute details are not to be dealt with carelessly. But there is such a thing as a careful negligence; for as some women are said to be unadorned to whom that very want of ornament is becoming, so this refined sort of oratory is delightful even when unadorned. For in each case a result is produced that the thing appears more beautiful, though the cause is not apparent. Then every conspicuous ornament will be removed, even pearls; even curling-irons will be put away; and all medicaments of paint and chalk, all artificial red and white, will be discarded; only elegance and neatness will remain. The language will be pure and Latin; it will be arranged plainly and clearly, and great care will be taken to see what is becoming.

XXIV. One quality will be present, which Theophrastus calls the fourth in his praises of oratory; — full of ornament, sweetness, and fluency. Clever sentiments, extracted from I know not what secret store, will be brought out, and will exert their power in the speeches of this perfect orator. There will be a moderate use of what I may call oratorical furniture; for there is to a certain degree what I may call

our furniture, consisting of ornaments partly of things and partly of words. But the ornaments consisting of words are twofold: one kind consisting of words by themselves, the other consisting of them in combination. The simple embellishment is approved of in the case of proper and commonly employed words, which either sound very well, or else are very explanatory of the subject; in words which do not naturally belong to the subject, — it is either metaphorical, or borrowed from some other quarter; or else it is derived from the subject, whether it is a new term, or an old one grown obsolete; but even old and almost obsolete terms may be proper ones, only that we seldom employ them. But words when well arranged have great ornament if they give any neatness, which does not remain if the words are altered while the sense remains. For the embellishments of sentiments which remain, even if you alter the language in which they are expressed, are many, but still there are but few of them which are worth remarking.

Therefore a simple orator, provided he is elegant and not bold in the matter of making words, and modest in his metaphors, and sparing in his use of obsolete terms, and humble in the rest of his ornaments of words and sentences, will perhaps indulge in a tolerably frequent use of that kind of metaphor which is common in the ordinary conversation, not only of city people, but even of rustics; since they too are in the habit of saying, “that the vines sparkle with jewels,” “that the fields are thirsty,” “that the corn-fields are rejoicing,” “that the crops are luxuriant.” Now there is not one of these expressions which is not somewhat bold; but the thing is either like that which you use metaphorically; or else, if it has no name of its own, the expression which you use appears to have been borrowed for the sake of teaching, not of jesting. And this quiet sort of orator will use this ornament with rather more freedom than the rest; and yet he will not do it with as much licence as if he were practising the loftiest kind of oratory.

XXV. Therefore that unbecomingness (and what that is may be understood from the definition we have given of what is becoming) is visible here also, when some sublime expression is used metaphorically, and is used in a lowly style of oration, though it might have been becoming in a different one. But the neatness which

I have spoken of, which illuminates the arrangement of language by these lights which the Greeks, as if they were some gestures of the speech, call [Greek: schaemata], (and the same word is applied by them also to the embellishments of sentences,) is employed by the refined orator (whom some men call the Attic orator, and rightly too, if they did not mean that he was the only one) but sparingly. For, as in the preparation of a feast, a man while on his guard against magnificence, is desirous to be thought not only economical but also elegant, he will choose what is best for him to use. For there are many kinds of economy suited to this very orator of whom I am speaking; for the ornaments which I have previously been mentioning are to be avoided by this acute orator, — I mean the comparing like with like, and the similarly sounding and equally measured ends of sentences, and graces hunted out as it were by the alteration of a letter; so that it may not be visible that neatness has been especially aimed at, and so that the orator may not be detected in having been hunting for means of pleasing the ears of his audience.

Again, if repetitions of the same expressions require a sort of vehemence and loudness of voice, they will then be unsuited to the simple style of oratory. The orator may use other embellishments promiscuously; only let him relax and separate the connexion of the words, and use as ordinary expressions as possible, and as gentle metaphors. Let him even avail himself of those lights of sentiments, as long as they are not too brilliant. He will not make the republic speak; nor will he raise the dead from the shades below; nor will he collect together a number of particulars in one heap, and so fold them in one embrace. Such deeds belong to more vigorous beings, nor are they to be expected or required from this man of whom we are giving a sketch; for he will be too moderate not only in his voice, but also in his style. But there are many embellishments which will suit his simple style, although he will use even them in a strict manner; for that is his character.

He will have besides this, action, not tragic, nor suited to the stage, but he will move his body in a moderate degree, trusting a great deal to his countenance; not in such a way as people call making faces but in a manner sufficient to show in a gentlemanlike

manner in what sense he means what he is saying to be understood.

XXVI. Now in this kind of speech sallies of wit are admissible, and they carry perhaps only too much weight in an oration. Of them there are two kinds, — facetiousness and raillery, — and the orator will employ both; but he will use the one in relating anything neatly, and the other in darting ridicule on his adversaries. And of this latter kind there are more descriptions than one; however, it is a different thing that we are discussing now. Nevertheless we may give this warning, — that the orator ought to use ridicule in such a way as neither to indulge in it too often, that it may not seem like buffoonery; nor in a covertly obscure manner, that it may not seem like the wit of a comedian; nor in a petulant manner, lest it should seem spiteful; nor should he ridicule calamity, lest that should seem inhuman; nor crime, lest laughter should usurp the place which hatred ought to occupy; nor should he employ this weapon when unsuitable to his own character, or to that of the judges, or to the time; for all such conduct would come under the head of unbecoming.

The orator must also avoid using jests ready prepared, such as do not arise out of the occasion, but are brought from home; for they are usually frigid. And he must spare friendships and dignities. He will avoid such insults as are not to be healed; he will only aim at his adversaries, and not even always at them, nor at all of them, nor in every manner. And with these exceptions, he will employ his sallies of wit and his facetiousness in such a manner as I have never found any one of those men do who consider themselves Attic speakers, though there is nothing more Attic than that practice.

This is the sketch which I conceive to be that of a plain orator, but still of a great one, and one of a genius very kindred to the Attic; since whatever is witty or pleasant in a speech is peculiar to the Attics. Not, however, that all of them are facetious: Lysias is said to be tolerably so, and Hyperides; Demades is so above all others. Demosthenes is considered less so, though nothing appears to me to be more well-bred than he is; but he was not so much given to raillery as to facetiousness. And the former is the quality of a more impetuous disposition; the latter betokens a more refined art.

XXVII. There is another style more fertile, and somewhat more

forcible than this simple style of which we have been speaking; but nevertheless tamer than the highest class of oratory, of which I shall speak immediately. In this kind there is but little vigour, but there is the greatest possible quantity of sweetness; for it is fuller than the plain style, but more plain than that other which is highly ornamented and copious.

Every kind of ornament in speaking is suitable to this style; and in this kind of oratory there is a great deal of sweetness. It is a style in which many men among the Greeks have been eminent; but Demetrius Phalereus, in my opinion, has surpassed all the rest; and while his oratory proceeds in calm and tranquil flow, it receives brilliancy from numerous metaphors and borrowed expressions, like stars.

I call them metaphors, as I often do, which, on account of their similarity to some other idea, are introduced into a speech for the sake of sweetness, or to supply a deficiency in a language. By borrowed expressions I mean those in which, for the proper word, another is substituted which has the same sense, and which is derived from some subsequent fact. And though this too is a metaphorical usage; still Ennius employed it in one manner when he said, "You are orphaning the citadel and the city;" and he would have used it in a different manner if he had used the word "citadel," meaning "country." Again, when he says that "horrid Africa trembles with a terrible tumult," he uses "Africa" for "Africans." The rhetoricians call this "hypallage," because one word as it were is substituted for another. The grammarians call it "metonymia," because names are transferred. But Aristotle classes them all under metaphor, and so he does the misuse of terms which they call [Greek: katachraesis]. As when we call a mind "minute" instead of "little," and misuse words which are near to others in sense; if there is any necessity for so doing, or any pleasure, or any particular becomingness in doing so. When many metaphors succeed one another uninterruptedly the sort of oration becomes entirely changed. Therefore the Greeks call it [Greek: allaegoria], rightly as to name; but as to its class he speaks more accurately who calls all such usages metaphors. Phalereus is particularly fond of these usages, and they are very agreeable; and although there is a great deal of metaphor in his speaking, yet there is

no one who makes a more frequent use of the metonymia.

The same kind of oratory, (I am speaking of the moderate and temperate kind), admits of all sorts of figures of expressions, and of many also of ideas. Discussions of wide application and extensive learning are explained in it, and common topics are treated without any impetuosity. In a word, orators of this class usually come from the schools of philosophers, and unless the more vigorous orator, whom I am going to speak of presently, is at hand to be compared with them, the one whom I am now describing will be approved of. For there is a remarkable and flowery and highly-coloured and polished style of oratory, in which every possible elegance of expression and idea is connected together. And it is from the fountain of the sophist that all this has flowed into the forum; but still, being despised by the subtle arguers, and rejected by dignified speakers, it has taken its place in the moderate kind of oratory of which I am speaking.

XXVIII. The third kind of orator is the sublime, copious, dignified, ornate speaker, in whom there is the greatest amount of grace. For he it is, out of admiration for whose ornamented style and copiousness of language nations have allowed eloquence to obtain so much influence in states; but it was only this eloquence, which is borne along in an impetuous course, and with a mighty noise, which all men looked up to, and admired, and had no idea that they themselves could possibly attain to. It belongs to this eloquence to deal with men's minds, and to influence them in every imaginable way. This is the style which sometimes forces its way into and sometimes steals into the senses; which implants new opinions in men, and eradicates others which have been long established. But there is a vast difference between this kind of orator and the preceding ones. A man who has laboured at the subtle and acute style, in order to be able to speak cunningly and cleverly, and who has had no higher aim, if he has entirely attained his object, is a great orator, if not a very great one; he is far from standing on slippery ground, and if he once gets a firm footing, is in no danger of falling. But the middle kind of orator, whom I have called moderate and temperate, if he has only arranged all his own forces to his satisfaction, will have no fear of any doubtful or uncertain chances of

oratory; and even if at any time he should not be completely successful, which may often be the case, still he will be in no great danger, for he cannot fall far. But this orator of ours, whom we consider the first of orators, dignified, vehement, and earnest, if this is the only thing for which he appears born, or if this is the only kind of oratory to which he applies himself, and if he does not combine his copiousness of diction with those other two kinds of oratory, is very much to be despised. For the one who speaks simply, inasmuch as he speaks with shrewdness and sense, is a wise man; the one who employs the middle style is agreeable; but this most copious speaker, if he is nothing else, appears scarcely in his senses. For a man who can say nothing with calmness, nothing with gentleness; who seems ignorant of all arrangement and definition and distinctness, and regardless of wit, especially when some of his causes require to be treated in that matter entirely, and others in a great degree; if he does not prepare the ears of his hearers before he begins to work up the case in an inflammatory style, he seems like a madman among people in their senses, or like a drunken man among sober men.

XXIX. We have then now, O Brutus, the orator whom we are looking for; but only in our mind's eye. For if I had had hold of him in my hand, even he himself, with all his eloquence, should never have persuaded me to let him go. But, in truth, that eloquent man whom Antonius never saw is now discovered. Who then is he? I will define him in a few words, and then describe him at length. For he is an eloquent man who can speak of low things acutely, and of great things with dignity, and of moderate things with temper.

Such a man you will say there never was. Perhaps there never was; for I am only discussing what I wish to see, and not what I have seen. And I come back to that sketch and idea of Plato's which I mentioned before; and although we do not see it, yet we can comprehend it in our mind. For I am not looking for an eloquent man, or for any other mortal or transitory thing; but for that particular quality which whoever is master of is an eloquent man; and that is nothing but abstract eloquence, which we are not able to discern with any eyes except those of the mind. He then will be an eloquent man, (to repeat my former definition,) who can speak of small things in a lowly manner, of moderate things in a temperate

manner, and of great things with dignity. The whole of the cause in which I spoke for Caecina related to the language or an interdict: we explained some very involved matters by definitions; we praised the civil law; we distinguished between words of doubtful meaning. In a discussion on the Manilian law it was requisite to praise Pompey; and accordingly, in a temperate speech, we arrived at a copiousness of ornament. The whole question, of the rights of the people was contained in the cause of Rabinius; and accordingly we indulged in every conceivable amplification. But these styles require at times to be regulated and restrained. What kind of argument is there which is not found in my five books of impeachment of Verres? or in my speech for Avitus? or in that for Cornelius? or in the other numerous speeches in defence of different men? I would give instances, if I did not believe them to be well known, and that those who wanted them could select them for themselves; for there is no effort of an orator of any kind, of which there is not in our speeches, if not a perfect example, at least some attempt at and sketch of. If we cannot arrive at perfection, at all events we see what is becoming.

Nor are we at present speaking of ourselves, but of eloquence, in which we are so far from having a high opinion of our own proficiency, that we are so hard to please and exacting, that even Demosthenes himself does not satisfy us. For he, although he is eminent above all men in every description of oratory, still he does not always satisfy my ears; so greedy and capacious are they, and so unceasingly desiring something vast and infinite.

XXX. But still, since you became thoroughly well acquainted with this orator, in company with his devoted admirer Pammenes, when you were at Athens, and as you never put him down out of your hands, though, nevertheless, you are often reading my works, you see forsooth that he accomplishes many things, and that we attempt many things; — that he has the power, we the will to speak in whatever manner the cause requires. But he was a great man, for he came after great men, and he had consummate orators for his contemporaries. We should have done a great deal if we had been able to arrive at the goal which we proposed to ourselves in a city in which, as Antonius says, no eloquent man had been ever heard before. But, if Crassus did not appear to Antonius to be eloquent, or

if he did not think he was so himself, certainly Cotta would never have seemed so to him, nor Sulpicius, nor Hortensius. For Cotta never said anything sublime, Sulpicius never said anything gently, Hortensius seldom spoke with dignity. Those former men were much more suited to every style; I mean Crassus and Antonius. We feel, therefore, that the ears of the city were not much accustomed to this varied kind of eloquence, and to an oratory so equally divided among all sorts of styles. And we, such as we were, and however insignificant were our attempts, were the first people to turn the exceeding fondness of the people for listening to this kind of eloquence.

What an outcry was there when, as quite a young man I uttered that sentence about the punishment of parricides! and even a long time afterwards we found that it had scarcely entirely worn off. "For what is so common, as breath to living people, the earth to the dead, the sea to people tossed about by the waves, or the shore to shipwrecked mariners? — they live while they are let live, in such a way as to be unable to breathe the air of heaven; they die so that their bones do not touch the earth; they are tossed about by the waves without ever being washed by them; and at last they are cast up by them in such a manner, that when dead they are not allowed a resting-place even on the rocks." And so on. For all this is the language of a young man, extolled not on account of any real merit or maturity of judgment, as for the hopes and expectations which he gave grounds for. From the same turn of mind came that more polished invective,—"the wife of her son-in-law; the mother-in-law of her son, the invader of her daughter's bed." Not, however, that this ardour was always visible in us, so as to make us say everything in this manner. For that very juvenile exuberance of speech in defence of Roscius has many weak passages in it, and some merry ones, such as also occur in the speech for Avitus, for Cornelius, and many others. For no orator has ever, even in the Greek language, written as many speeches as I have. And my speeches have the variety which I so much approve of.

XXXI. Should I permit Homer, and Ennius, and the rest of the poets, and especially the tragic poets, to forbear displaying the same vehemence on every occasion, and constantly to change their

language, and sometimes even to come near to the ordinary language of daily conversation; and never myself descend from that fierce style of vehement expression? But why do I cite poets of godlike genius? We have seen actors, than whom nothing could be more admirable of their kind, who have not only given great satisfaction in the representation of the most different characters, and also in their own, but we have seen even a comedian gain great applause in tragedies, and a tragedian in comedies; — and shall not I attempt the same thing? When I say I, O Brutus, I mean you also; for, as for myself, all that can be done has been done. But will you plead every cause in the same manner, or are there some kind of causes which you will reject? or will you employ the same uninterrupted vehemence in the same causes without any alteration?

Demosthenes, indeed, whose bust of brass I lately saw between the images of yourself and your ancestors, (a proof, I suppose, of your fondness for him,) when I was with you at your Tusculan villa, does not yield at all to Lysias in acuteness, nor in shrewdness and cleverness to Hyperides, nor in gentleness or brilliancy of language to Aeschines. Many of his orations are very closely argued, as that against Leptines; many are wholly dignified, as some of the Philippics; many are of varied style, as those against Aeschines, the one about the false embassy, and the one also, against the same Aeschines in the cause of Ctesiphon. As often as he pleases he adopts the middle style, and, departing from his dignified tone, he indulges in that lower one. But when he raises the greatest outcry on the part of his hearers, and makes the greatest impression by his speech, is when he employs the topics of dignity.

However, let us leave Demosthenes for awhile, since it is a class that we are inquiring about, and not an individual. Let us rather explain the effect and nature of the thing; that is, of Eloquence. And let us recollect what we have just said, that we are not going to say anything for the sake of giving rules; but that we are going to speak so as to be thought people expressing an opinion rather than teaching. Though we often do advance further, because we see that you are not the only person who will read this; you who, in fact, know all this much better than we ourselves who appear to be teaching you; but it is quite certain that this book will be extensively

known, if not from the recommendation which its being my work will give it, at all events, because of its appearing under the sanction of your name, by being dedicated to you.

XXXII. I think, then, that it belongs to a perfectly eloquent man, not only to have the ability, which is his peculiar province, of speaking copiously and with the assertion of large principles, but also to possess its neighbouring and contiguous science of dialectics: although an oration appears one thing and a discussion another; nor is talking the same thing as speaking; though each belongs to discussing. Let then the system of discussing and talking belong to the logicians; but let the province of the orators be to speak and to embellish their speeches. Zeno, that great man, who founded the school of the Stoics, was in the habit of showing with his hand what was the difference between these arts; for when he had compressed his fingers and made a fist, he said that dialectics were like that; but when he had opened his fingers and expanded his hand, he said that eloquence was like his open palm. And even before him Aristotle, in the beginning of his Rhetoric, said, that the art of eloquence in one portion of it corresponded to dialectics; so that they differ from one another in this, that the system of speaking is more wide, that of talking more contracted. I wish, then, that this consummate orator should be acquainted with the entire system of talking, as far as it can be applied to speaking; and that (as indeed you, who have a thorough acquaintance with these arts, are well aware) has a twofold method of teaching. For Aristotle himself has given many rules for arguing: and those who followed him, and who are called dialecticians, have delivered many very difficult rules. Therefore I think, that the man who is tempted by the glory of eloquence, is not utterly ignorant of those things; but that he has been brought up either in that old school, or in the school of Chrysippus. Let him first acquaint himself with the meaning and nature and classes of words, both single and combined; then let him learn in how many ways each word is used; then how it is decided, whether a thing is false or true; then what results from each proposition; then to what argument each result is a consequence, and to what it is contrary; and, as many things are stated in an ambiguous manner, he must also learn how each of them ought to be distinguished and explained. This is what must be

acquired by an orator; for those things are constantly occurring; but, because they are in their own nature less attractive, it is desirable to employ some brilliancy of eloquence in explaining them.

XXXIII. And since in all things which are taught in any regular method and system, it is first of all necessary to settle what each thing is, (unless it is agreed by those who are discussing the point, what the thing really is which is being discussed; nor otherwise is it possible to discuss anything properly, or ever to get to the end of the discussion,) we must often have recourse to words to explain our meaning about each thing; and we must facilitate the understanding of an involved and obscure matter by definition; since definition is a kind of speech which points out in the most concise possible manner what that is which is the subject of discussion. Then, as you know, when the genus of each thing has been explained, we must consider what are the figures or divisions of that genus, so that our whole speech may be arranged with reference to them.

This faculty, then, will exist in the eloquent man whom we are endeavouring to describe, so that he shall be able to define a thing; and shall do it in the same close and narrow terms which are commonly employed in those very learned discussions; but he shall be more explanatory and more copious, and he shall adopt his definition more to the ordinary judgment and usual intelligence of mankind. And again, when circumstances require it, he shall divide and arrange the whole genus into certain species, so that none shall be omitted and none be superfluous. But when he shall do this, or how, is nothing to the present question; since, as I have said before, I am here only expressing an opinion, not giving a lesson.

Nor, indeed, must he be learned only in dialectics, but he must have all the topics of philosophy familiar to him and at his fingers' ends. For nothing respecting religion, or death, or affection, or love for one's country, or good fortune, or bad fortune, or virtues, or vices, or duty, or pain, or pleasure, or the different motions of the mind, or mistakes, all which topics frequently occur in causes, but are treated usually in a very meagre manner, can be discussed and explained in a dignified and lofty and copious manner without that knowledge which I have mentioned.

XXXIV. I am speaking at present concerning the subject matter of

a speech, not about the kind of speaking requisite. For I would rather that an orator should first have a subject to speak of worthy of learned ears, before he considers in what words or in what manner he is to speak of everything; and, in order to make him grander, and in some sense loftier (as I have said above about Pericles,) I should wish him not to be utterly ignorant of physical science; and then, when he descends again from heavenly matters to human affairs, he will have all his words and sentiments of a more sublime and magnificent character: and while he is acquainted with those divine laws, I do not wish him to be ignorant of those of men. He must be a master of civil law, which forensic debates are in daily need of. For what is more shameful than for a man to undertake the conduct of legal and civil disputes, while ignorant of the statutes and of civil law? He must be acquainted also with the history of past ages and the chronology of old time, especially, indeed, as far as our own state is concerned; but also he must know the history of despotic governments and of illustrious monarchs; and that toil is made easier for us by the labours of our friend Atticus, who has preserved and made known the history of former times in such a way as to pass over nothing worth knowing, and yet to comprise the annals of seven hundred years in one book. For not to know what happened before one was born, is to be a boy all one's life. For what is the life of a man unless by a recollection of bygone transactions it is united to the times of his predecessors? But the mention of antiquity and the citation of examples give authority and credit to a speech, combined with the greatest pleasure to the hearers.

XXXV. Let him, therefore, come to his causes prepared in this kind of way; and he will in the first place be acquainted with the different kinds of causes. For he will be thoroughly aware that nothing can be doubted except when either the fact or the language gives rise to controversy. But the fact is doubted as to its truth, or its propriety, or its name. Words give rise to dispute if they are ambiguous or inconsistent. For it ever appears to be the case, that one thing is meant and another expressed; then that is one kind of ambiguity which arises from the words which are employed; and in this we see that two things are meant, which is a property of all ambiguous sentences.

As there are not many different kinds of causes, so also the rules for arguments to be used in them are few. Two kinds of topics are given from which they may be derived; one from the circumstances themselves, the others assumed. The handling, then, of the matters themselves makes the speech better; for the matters themselves are usually easy to be acquainted with. For what remains afterwards, which at least belongs to art, except to begin the speech in such a manner that the hearer may be conciliated, or have his attention roused, or may be made eager to learn? then after that to explain with brevity, and probability, and clearness, so that it may be understood what is the question under discussion; to establish his own arguments; to overturn those of the opposite party; and to do all that, not in an irregular and confused manner, but with separate arguments, concluded in such a manner, that everything may be established which is a natural consequence of those principles which are assumed for the confirmation of each point: and after everything else is done, then to wind up with a peroration which shall inflame or cool the hearers, as the case may require.

Now, how the consummate orator handles each separate division of his subject, it is hard to explain in this place; nor, indeed, are they handled at all times in the same manner. But since I am not seeking a pupil to teach, but a model to approve of, I will begin by praising the man who sees what is becoming. For this is above all others the wisdom which the eloquent man wants, namely — to be the regulator of times and persons. For I do not think that a man ought to speak in the same manner at all times, or before all people, or against every one, or in defence of every one, or to every one.

XXXVI. He, then, will be an eloquent man who can adapt his speech to whatever is becoming. And when he has settled that point, then he will say everything as it ought to be said; nor will he speak of rich subjects in a meagre manner, nor of great subjects in a petty manner, and vice versa; but his oration will be equal to, and corresponding to, his subject; his exordium will be moderate, not inflamed with exaggerated expressions, but acute in its sentiments, either in the way of exciting his hearers against his adversary, or in recommending himself to them. His relations of facts will be credible, explained clearly, not in historical language, but nearly in

the tone of every day conversation. Then if his cause is but a slight one, so also will the thread of his argument be slight, both in asserting and in refuting. And it will be maintained in such a way, that there will be just as much force added to the speech as is added to the subject. But when a cause offers in which all the force of eloquence can be displayed, then the orator will give himself a wider scope, then he will influence and sway men's minds, and will move them just as he pleases, that is to say, just as the nature of the cause and the occasion requires.

But all that admirable embellishment of his will be of a twofold character; on account of which it is that eloquence gains such great honour. For as every part of a speech ought to be admirable, so that no word should be let drop by accident which is not either grave or dignified; so also there are two parts of it which are especially brilliant and lively: one of which I place in the question of the universal genus, which (as I have said before) the Greeks call [Greek Thesis]; the other is shown in amplifying and exaggerating matters, and is called by the same people [Greek auxaesis]. And although that ought to be spread equally over the whole body of the oration, still it is most efficacious in dealing with common topics; which are called common, because they appear to belong to many causes, but still ought to be considered as peculiar to some individual ones.

But that division of a speech which refers to the universal genus often contains whole causes; for whatever that is on which there is, as it were, a contest and dispute, which in Greek is called [Greek krinomenon], that ought to be expressed in such a manner that it may be transferred to the general inquiry and be spoken of the whole genus; except when a doubt is raised about the truth; which is often endeavoured to be ascertained by conjecture. But it shall be discussed, not in the fashion of the Peripatetics (for it is a very elegant exercise of theirs, to which they are habituated ever since the time of Aristotle), but with rather more vigour; and common topics will be applied to the subject in such a manner, that many things will be said gently in behalf of accused persons, and harshly against the adversaries.

But in amplifying matters, and, on the other hand, in discarding them, there is nothing which oratory cannot effect. And that must be

done amid the arguments, as often as any opportunity is afforded one, of either amplifying or diminishing: and may be done to an almost infinite extent in summing up.

XXXVII. There are two things, which, when well handled by an orator, make eloquence admirable. One of which is, that which the Greeks call [Greek: haethikon], adapted to men's natures, and manners, and to all their habits of life; the other is, that which they call [Greek: pathaetikon], by which men's minds are agitated and excited, which is the especial province of oratory. The former one is courteous, agreeable, suited to conciliate good-will; the latter is violent, energetic, impetuous, by which causes are snatched out of the fire, and when it is hurried on rapidly it cannot by any means be withstood. And by the use of this kind of oratory we, who are but moderate orators, or even less than that, but who have at all times displayed great energy, have often driven our adversaries from every part of their case. That most consummate orator, Hortensius, was unable to reply to me, on behalf of one of his intimate friends; that most audacious of men, Catiline, was dumb when impeached in the senate by me. When Curio, the father, attempted in a private cause of grave importance to reply to me, he suddenly sat down, and said, that he was deprived of his memory by poison. Why need I speak of the topics used to excite pity? which I have employed to the greater extent, because, even if there were many of us employed in one cause, still all men at all times yielded me the task of summing up; and it was owing not so much to my ability as to my sensibility, that I appeared to excel so much in that part. And those qualities of mine, of whatever sort they are, and I am ashamed that they are not of a higher class, appear in my speeches: although my books are without that energy, on account of which those same speeches appear more excellent when they are delivered than when they are read.

XXXVIII. Nor is it by pity alone that it is desirable to move the minds of the judges, (though we have been in the habit of using that topic ourselves in so piteous a manner that we have even held an infant child by the hand while summing up; and in another cause, when a man of noble birth was on his trial, we lifted up his little son, and filled the forum with wailing and lamentations;) but we must also endeavour to cause the judge to be angry, to appease him to

make him feel ill-will, and favour, to move him to contempt or admiration, to hatred or love, to inspire him with desire or disgust, with hope or fear, with joy or pain; in all which variety the speeches of prosecutors will supply instances of the sterner kinds, and my speeches in defence will furnish examples of the softer ones. For there is no means by which the mind of the hearer can be either excited or softened, which has not been tried by me; I would say, brought to perfection, if I thought it was the case; nor should I fear the imputation of arrogance while speaking the truth. But, as I have said before, it is not any particular force of genius, but an exceeding energy of disposition which inflames me to such a degree that I cannot restrain myself; nor would any one who listens to a speech ever be inflamed, if the speech which reached his ears was not itself a fiery one.

I would use examples from my own works if you had not read them; I would use them from the works of others, if I could find any; or Greek examples, if it were becoming to do so. But there are very few speeches of Crassus extant, and those are not forensic speeches. There is nothing extant of Antonius's, nothing of Cotta's, nothing of Sulpicius's. Hortensius spoke better than he wrote. But we must form our own opinions as to the value of this energy which we are looking for, since we have no instance to produce; or if we are still on the look out for examples, we must take them from Demosthenes, and we must cite them from that passage in the speech on the trial of Ctesiphon, where he ventures to speak of his own actions and counsels and services to the republic. That oration in truth corresponds so much to that idea which is implanted in our minds that no higher eloquence need be looked for.

XXXIX. But now there remains to be considered the form and character of the eloquence which we are searching for; and what it ought to be like may be understood from what has been said above. For we have touched upon the lights of words both single and combined, in which the orator will abound so much that no expression which is not either dignified or elegant will ever fall from his mouth. And there will be frequent metaphors of every sort; because they, on account of their resemblance to something else, move the minds of the hearers, and turn them this way and that way;

and the very agitation of thought when operating in quick succession is a pleasure of itself.

And those other lights, if I may so call them, which are derived from the arrangement of words, are a great ornament to a speech. For they are like those things which are called decorations in the splendid ornamenting of a theatre or a forum; not because they are the only ornaments, but because they are the most excellent ones. The principle is the same in the case of these things which are the lights, and as one may say, the decorations of oratory: when words are repeated and reiterated, or are put down with slight alterations; or when the sentences are often commenced with the same word, or end with the same word; or both begin and end alike; or when the same word occurs in the same place in consecutive sentences; or when one word is repeated in different senses; or when sentences end with similar sounds; or when contrary circumstances are related in many contrary manners; or when the speech proceeds by gradations; or when the conjunctions are taken away and each member of the sentence is uttered unconnectedly; or when we pass over some points and explain why we do so; or when we of our own accord correct ourselves, as if we blamed ourselves; or if we use any exclamation of admiration, or complaint; or when the same noun is often repeated in different cases.

But the ornaments of sentiments are more important; and because Demosthenes employs them very frequently, some people think that that is the principal thing which makes his eloquence so admirable. And indeed there is hardly any topic treated by him without a careful arrangement of his sentences; nor indeed is speaking anything else except illuminating all, or at least nearly all, one's sentences with a kind of brilliancy: and as you are thoroughly aware of all this, O Brutus, why need I quote names or instances. I only let the place where they occur be noted.

XL. If then that consummate orator whom we are looking for, should say that he often treats one and the same thing in many different manners; and dwells a long time on the same idea; and that he often extenuates some point, and often turns something into ridicule; that he occasionally appears to change his intention and vary his sentiments; that he proposes beforehand the points which he wishes to prove; that when he has completed his argument on any subject he terminates it; that he often recals himself back, and repeats what he has already said; that he winds up his arguments with fresh reasons; that he beats down the adversary with questions; again, that he himself answers questions which as it were he himself has put; that he sometimes wishes to be understood as meaning something different from what he says; that he often doubts what he had best say, or how he had best say it; that he arranges what he has to say under different heads; that he leaves out or neglects some points; while there are some which he fortifies beforehand; that he often throws the blame on his adversary for the very thing for which he himself is found fault with; that he often appears to enter into deliberation with his hearers, and sometimes even with his adversary; that he describes the conversation and actions of men; that he introduces some dumb things, as speaking; that he diverts men's minds from the subject under discussion; that he often turns the discussion into mirth and laughter; that he sometimes preoccupies ground which he sees is attached; that he adduces comparisons; that he cites precedents; that he attributes one thing to one person and another to another; that he checks any one who interrupts him; that he says that he is keeping back something; that he adds threatening warnings of what his hearers must beware of; that he often takes a bolder licence; that he is sometimes even angry; that he sometimes utters reproaches, deprecates calamity, uses the language of supplication, and does away with unfavourable impressions; that he sometimes departs a very little from his subject, to express wishes or to utter execrations, or to make himself a friend of those men before whom he is speaking.

He ought also to aim at other virtues, if I may so call them, in speaking; at brevity, if the subject requires it. He will often, also, by

his speech, bring the matter before people's eyes; and often extol it beyond what appears possible; his meaning will be often more comprehensive than his speech; he will often assume a cheerful language, and often give an imitation of life and nature.

XLI. In this kind of speaking, for you may look upon oratory as a vast wood, all the importance of eloquence ought to shine forth. But these qualities, unless they are well arranged and as it were built up together and connected by suitable language, can never attain that praise which we wish that it should.

And as I was aware that it would be necessary for me to speak on this point next, although I was influenced by the considerations which I had mentioned before, still I was more disturbed by those which follow. For it occurred to me, that it was possible that men should be found, I do not mean envious men, with whom all places are full, but even favourers of my glory, who did not think that it became a man with reference to whose services the senate had passed such favourable votes with the approbation of the whole Roman people, as they never did in the case of any one else, to write so many books about the method of speaking. And if I were to give them no other answer than that I was unwilling to refuse the request of Marcus Brutus, it would be a reasonable excuse, as T might well wish to satisfy a man who was my greatest friend and a most excellent man, and who only asked what was right and honourable. But if I were to profess (what I wish that I could) that I was about to give rules, and paths, as it were, to lead to eloquence those who are inclined to study oratory, what man who set a proper value on things would find fault with me? For who has ever doubted that eloquence has at all times been of the very highest estimation in our republic, among all the accomplishments of peace, and of our domestic life in the city; and that next to it is the knowledge of the law? and that the one had in it the greatest amount of influence, and credit, and protection; and the other contains rules for prosecutions and defence; and this latter would often of its own accord beg for assistance from eloquence; but if it were refused, would scarcely be able to maintain its own rights and territories.

Why then has it been at all times an honourable thing to teach civil law, and why have the houses of the most eminent professors of

this science been at all times crowded with pupils? And yet if any one attempts to excite people to the study of oratory, or to assist the youth of the city in that pursuit, should he be blamed? For, if it be a vicious thing to speak in an elegant manner, then let eloquence be expelled altogether from the state. But if it not only is an ornament to those who possess it, but the whole republic also, then why is it discreditable to learn what it is honourable to know; of, why should it be anything but glorious to teach what it is most excellent to be acquainted with?

XLII. But the one is a, common study, and the other a novel one. I admit that; but there is a reason for both these facts. For it was sufficient to listen to the lawyers giving their answers, so that they who acted as instructors set aside no particular time for that purpose, but were at one and the same time satisfying the wants both of their pupils and their clients. But the other men, as they devoted all their time, when at home, to acquiring a correct understanding of the causes entrusted to them, and arranging the arguments which they were to employ; all their time when in the forum to pleading the cause, and all the rest of their time in recruiting their own strength; what time had they for giving rules or lessons? and I do not know whether most of our orators have not excelled more in genius than in learning; therefore, they have been able to speak better than they could teach, while our ability is perhaps just the contrary.

But there is no dignity in teaching. — Certainly not, if it is done as if one kept a school; but if a man teaches by warning, by exhorting, by asking questions, by giving information, sometimes by reading with his pupils and hearing them read, then I do not know, if by teaching anything you can sometimes make men better, why you should be unwilling to do it. Is it honourable to teach a man what are the proper words to alienate consecrated property with, and not honourable to teach him those by which consecrated property may be maintained and defended?

“But,” men say, “many people profess law who know nothing about it; but even the very men who have acquired eloquence conceal their attainment of it, because wisdom is a thing agreeable to men, but eloquence is suspected by them.” Is it possible then for eloquence to escape notice, or does that which a man conceals cease to exist?

Or is there any danger of any one thinking with respect to an important and glorious art that it is a discreditable thing to teach others that which it was very honourable to himself to learn? But perhaps others may be better hands at concealment; I have always openly avowed that I have learnt the art. For what could I have done, having left my home when very young, and crossed the sea for the sake of those studies; and having had my house full of the most learned men, and when there were perhaps some indications of learning in my conversation; and when my writings were a good deal read; could I then have concealed the fact of my having learnt it? How could I justify myself except by showing that I had made some progress in those studies?

XLIII. And as this is the case still, the things which have been already mentioned, have had more dignity in the discussion of them than those which have got to be discussed. For we are now to speak about the arrangement of words, and almost about the counting and measuring of syllables. And, although these things are, as it appears to me, necessary, yet there is more show in the execution than in the teaching of them. Now that is true of everything, but it has a peculiar force with respect to this pursuit. For in the case of all great arts, as in that of trees, it is the height which delights us, but we take no pleasure in the roots or trunks; though the one cannot exist without the other. But as for me, whether it is that that well-known verse which forbids a man

"To fear to own the art he practises,"

does not allow me to conceal that I take delight in it; or whether it is your eagerness which has extorted this volume from me; still it was worth while to make a reply to those whom I suspected of being likely to find fault with me.

But if the circumstances which I have mentioned had no existence, still who would be so harsh and uncivilised as not to grant me this indulgence, so that, when my forensic labours and my public exertions were interrupted, I might devote my time to literature rather than to inactivity of which I am incapable, or to melancholy which I resist? For it was a love of letters which formerly led me into the courts of justice and the senate-house, and which now delights me when I am at home. Nor am I occupied only with such subjects as are

contained in this book, but with much more weighty and important, ones; and if they are brought to perfection, then my private literary labours will correspond to my forensic exertions. However, at present let us return to the discussion we had commenced.

XLIV. Our words then must be arranged either so that the last may as correctly as possible be consistent with the first, and also so that our first expressions may be as agreeable as possible; or so that the very form of our sentences and their neatness may be well rounded off; or so that the whole period may end in a musical and suitable manner. And, in the first place, let us consider what kind of thing that is which above all things requires our diligence, so that a regular structure as it were may be raised, and yet that this may be effected without any labour. For the labour would be not only infinite, but childish. As in Lucilius, Scaevola is represented as attacking Albucius very sensibly:

”How neatly all your phrases are arranged;
Like tesselated pavement, or a box
Inlaid with deftly wrought mosaic.”

The care taken in the construction must not be too visible. But still a practised pen will easily perfect this manner of arranging its phrases. For as the eye does in reading, so in speaking, the eye will see beforehand what follows, so that the combination of the last words of a sentence with the first may not leave the whole sentence either gaping or harsh. For sentiments ever so agreeable or dignified offend the ears if they are set down in ill-arranged sentences; for the judgment of the ears is very fastidious. And the Latin language is so particular on this point, that no one can be so ignorant as to leave quantities of open vowels. Though this is a point on which men blame Theopompus, because he was so ostentatious in his avoidance of such letters, although his master Isocrates did the same; but Thucydides did not; nor did that other far superior writer, Plato. And he did this not only in those conversations which are called Dialogues, when it ought to have been done designedly; but even in that oration[61] addressed to the people, in which it is customary at Athens for those men to be extolled who have been slain in fighting

for their country. And that oration was so greatly approved of that it was, as you know, appointed to be recited every year; and in that there is a constant succession of open vowels, which Demosthenes avoided in a great degree as vicious.

XLV. However, the Greeks must judge of that matter for themselves. We are not allowed to use our words in that manner, not even if we wish to; and this is shown even by those unpolished speeches of Cato. It is shown by all the poets except those who sometimes had recourse to a hiatus in order to finish their verse; as Naevius —

"Vos, qui accolitis Istrum fluvium, atque Algidam."

And again —

"Quam nunquam vobis Graii atque Barbari."

But Ennius does so only once —

"Scipio invicte."

And we too have written, —

"Hinc motu radiantis Etesiae in vada ponti."

For our countrymen would not have endured the frequent use of such a liberty, though the Greeks even praise it. But why should I talk about vowels? even without counting vowels, they often used contractions for the sake of brevity, so as to say —

Multi' modis for imdtis modis.
Vas' argenteis for vasis argenteis.
Palmi et crinibus for palmis et crinibus.
Tecti' fractis for tectis fractis.

And what would be a greater liberty than to contract even men's names, so as to make them more suitable to verse? For as they contracted *duellum* into *bellum*, and *duis* into *bis*, so they called *Duellius* (the man I mean who defeated the Carthaginians in a naval action) *Bellius*, though his ancestors were always called *Duellii*. Moreover, they often contract words, not in obedience to any particular usage, but only to please the ear. For how was it that Axilla was made Ala, except by the flight of the larger letter? and so the elegant usage of Latin conversation takes this letter *x* out of *maxilla*, and *taxilla*, and *vexillum*, and *paxillum*.

They also joined words by uniting them at their pleasure; so as to say — *sodes* for *si audes*, *sis* for *si vis*. And in this word *capsis* there are no less than three[62] words. So *ain* for *aisne, nequire* for *non quire, malle* for *magis velle, nolle* for *son velle*. And again, we often say *dein* for *deinde*, and *exin* for *exinde*. Well, need I give any more instances? Cannot we see easily from whence it arises that we say *cum illis*, but we do not say *cum nobis*, but *nobiscum*? because if it were said in the other way, the letters would clash in a discordant manner; as they would have clashed a minute ago if I had not put *autem* between them. This is the origin of our saying *mecum* and *tecum*, not *cum me*, and *cum te*, so that they too might be like *nobiscum* and *vobiscum*.

XLVI. And some men find fault with all this; men who are rather late in mending antiquity; for they wish us, instead of saying *Deûm atque hominum fidem*, to say *Deorum*. Very likely it may be right, but were our ancestors ignorant of all this, or was it usage that gave them this liberty? Therefore the same poet who had used these uncommon contractions —

"Patris mei mecûm factûm pudet," for meorum factorum,

and,

"Texitur: exitiûm examen rapit," for exitiorum,

does not say "*liberûm*" as many of us do say in such an expression as *cupidos liberûm*, or in *liberûm loco*, but, as these men approve,

"Neque tuum unquam in gremium extollas liberorum ex te genus."

And again he says, —

"Namque aesculapi liberorum…."

And another of these poets says in his Chryses, not only

"Cives, antiqui amici majorum meûm,"

which was common enough; but he says, with a much more unmusical sound, —

"Consiliûm, auguriûm, atque extûm interpretes."

And again he goes on —

"Postquam prodigiûm horriferûm, putentfûm pavos,"

which are not at all usual contractions in a string of words which are all neuter. Nor should I much like to say *armûm judicium*, though the expression occurs in that same poet, —

"Nihilne ad te de judicio armûm accidit?"

instead of *armorum*. But I do venture (following the language of the censor's returns) to say *jabrûm* and *procûm*, instead of *fabrorum* and *procorum*. And I actually never by any chance say *duorum virorum judicium*, or *triumvirorum capitalium*, or *decemvirorum litibus judicandis*.

And Attius said —

"Video sepulchra dua duorum corporam."

And at another time he has said, —

"Mulier una duûm virûm."

I know which is proper; but sometimes I speak according to the licence of the present fashion, so far as to say *Proh Deûm*, or *Proh Deorum*; and at other times I speak as I am forced to, when I say *trium virûm*, not *virorum*, and *sestertiûm nummûm*, not *nummorum*; because with respect to these words there is no variety of usage.

XLVII. What am I to say is the reason why they forbid us to say *nôsse, judicâsse*, and enjoin us to use *novisse* and *judicavisse*? as if we did not know that in words of this kind it is quite correct to use the word at full length, and quite in accordance with usage to use it in its contracted form. And so Terence does use both forms, and says, —

"Eho, tu cognatum tuum non nôras?"

And afterwards he has, —

"Stilphonem, inquam, noveras?"

Siet is the word at full length; *sit* is the contracted form. One may use either; and so we find in the same passage, —

"Quam cara sint, quae post carendo intelligunt,
Quamque attinendi magni dominatus sient."

Nor should I find fault with

"Scripsere alii rem."

I am aware that *scripserunt* is the more correct form; but I willingly comply with a fashion which is agreeable to the ears.

"Idem campus habet,"

says Eunius; and in another place he has given us, —

"In templis îsdem;"

but *eisdem* would be more regular; but yet it would not have been so musical: and *iisdem* would have sounded ill. But custom has sanctioned our departing from strict rules for the sake of euphony; and I should prefer saying *pomeridianas quadrigas* to *postmeridianas*, and *mehercule* to *mehercules. Non scire* already appears a barbarism; *nescire* is sweeter. The word *meridiem* itself, why is it not *medidiem*?

I suppose because it sounded worse. There is one preposition, *abs*, which has now only an existence in account books; but in all other conversation of every sort is changed: for we say *amovit*, and *abegit*, and *abstulit*, so that you cannot now tell whether *ab* is the correct form or *abs*. What shall we say if even *abfugit* has seemed inadmissible, and if men have discarded *abfer* and preferred *aufer*? and that preposition is found in no word whatever except these two verbs. There were the words *noti*, and *navi*, and *nari*, and when *in* was forced to be prefixed to them, it seemed more musical to say *ignoti, ignavi, ignari*, than to adhere to the strict rules. Men say *ex usu* and *republicâ*, because in the one phrase a vowel followed the preposition, and in the other there would have been great harshness if you had not removed the consonant, as in *exegit, edixit, effecit, extulit, edidit*. And sometimes the preposition has sustained an alteration, regulated by the first letter of the verb to which it is added, as *suffugit, summutavit, sustulit*.

XLVIII. What are we to say of compound words? How neat is it to say *insipientem*, not *insapientem*; *iniquum*, not *incequum*; *tricipitem*, not *tricapitem*; *concisum*, not concoesum! and, because of this last instance, some people wish also to say *pertisum*; but the same fashion which regulates the other changes, has not sanctioned this one. But what can be more elegant than this, which is not caused by nature, but by some regular usage? — we say *inclytus*, with the first letter short; *insanus*, with the first letter long; *inkumanus*, with a short letter; *infelix*, with a long one: and, not to detain you with many examples, in those words in which the first letters are those which occur in *sapiente* and *felice*, it is used long; in all others it is short. And so, too, we have *composuit, consuevit, concrvpuit, confecit*. Consult the truth, it will reprove you; refer the matter to your ears, they will sanction the usage. Why so? Because they will say that that

sound is the most agreeable one to them; and an oration ought to consult that which gives pleasure to the ears. Moreover, I myself, as I knew that our ancestors spoke so as never to use an aspirate except before a vowel, used to speak in this way: *pulcros, Cetegos, triumpos, Cartaginem*; when at last, and after a long time, the truth was forced upon me by the admonition of my own ears, I yielded to the people the right of settling the rule of speaking; and was contented to reserve to myself the knowledge of the proper rules and reasons for them. Still we say *Orcivii*, and *Matones* and *Otones, Coepiones, sepulchra, coronas, lacrymas*, because that pronunciation is always sanctioned by the judgment of our ears.

Ennius always used *Burrum*, never *Pyrrhum*: he says, —

"Vi patefecerunt Bruges;"

not *Phryges*; and so the old copies of his poems prove, for they had no Greek letters in them. But now those words have two; and though when they wanted to say *Phrygum* and *Phrygibus*, it was absurd either to use a Greek character in the barbarous cases only, or else in the nominative case alone to speak Greek, still we say *Phrygum* and *Phrygibus* for the sake of harmonizing our ears. Moreover (at present it would seem like the language of a ploughman, though formerly it was a mark of politeness) our ancestors took away the last letter of those words in which the two last letters were the same, as they are in *optumus*, unless the next word began with a vowel. And so they avoided offending the ear in their verse; as the modern poets avoid it now in a different manner. For we used to say, —

"Qui est omnibu' princeps," not "omnibus princeps;"

and —

"Vitâ illâ, dignu' locoquc," not "dignus."

But if unlettered custom is such an artist of euphony, what must we think is required by scientific art and systematic learning?

I have put all this more briefly than if I were discussing this matter by itself; (for this topic is a very extensive one, concerning the use and nature of words;) but still I have been more prolix than the plan I originally proposed to myself required.

XLIX. But because the choice of subjects and words is in the department of prudence, but of sounds and rhythm it is the ears that

are the judges; because the one is referable to one's understanding, the other only to one's pleasure; therefore in the one case it is reason and in the other sensation that has been the inventor of the system. For it was necessary for us either to disregard the pleasure of those men by whom we wished to be approved of; or else it was necessary to discover a system by which to gain their good-will.

There are then two things which soothe the ears; *sound* and *rhythm*. Concerning rhythm we will speak presently; at this moment we are inquiring into sound. As I said before, words must be selected which as much as possible shall sound well; but they must not be, like the words of a poet, sought purely for sound, but taken from ordinary language.

"Qua ponto a Helles"

is an extravagant expression; but

"Auratua aries Colehorum"

is a verse illuminated with splendid names. But the next verse is polluted by ending with a most inharmonious letter;

"Frugifera et ferta arva Asiae tenet."

Let us therefore use the propriety of words of our own language, rather than the brilliancy of the Greeks; unless perchance we are ashamed of speaking in such a way as this —

"Quâ tempestate Paris Helenam,"

and the rest of that sentence. Let us, I say, pursue that plan and avoid harshness of sound.

"Habeo istam ego perterricrepam….
Versutiloquas malitias."

Nor is it enough to have one's words arranged in a regular system, but the terminations of the sentences must be carefully studied, since we have said that that is a second sort of judgment of the ears. But the harmonious end of a sentence depends on the arrangement itself, which is so of its own accord, if I may so express myself, or on some particular class of words in which there is a certain neatness; and whether such words have cases the terminations of which are similar, or whether one word is matched with another which resembles it, or whether contrary words are opposed to one another, they are

harmonious of their own nature, even if nothing has been done on purpose. In the pursuit of this sort of neatness Gorgias is reported to have been the leader; and of this style there is an example in our speech in defence of Milo: “For this law, O judges, is not a written one, but a natural one, one which we have not learnt, or received from others, or gathered from books; but which we have extracted, and pressed out, and imbibed from nature itself; it is one in which we have not been educated, but born; we have not been brought up in it, but imbued with it. For these sentences are such that, because they are referred to the principles to which they ought to be referred, we see plainly that harmony was not the thing that was sought in them, but that which followed of its own accord. And this is also the case when contraries are opposed to one another; as those phrases are by which not only a harmonious sentence, but even a verse is made.

“Eam, quam nihil accusas, damnas.”

A man would say *condemnas* if he wished to avoid making a verse.

”Bene quam meritam esse autumas, dicis male mereri.
Id, quod scis, prodest nihil; id, quod nescis, obest.”

The very relation of the contrary effects makes a verse that would be harmonious in a narration.

“Quod scis, nihil prodest; quod nescis, multum obest.”

These things, which the Greeks call [Greek: antitheta], as in them contraries are opposed to contraries, of sheer necessity produce oratorical rhythm; and that too without any intention on the part of the orator that they should do so.

This was a kind of speaking in which the ancients used to take delight, even before the time of Isocrates; and especially Gorgias; in whose orations his very neatness generally produces an harmonious rhythm. We too frequently employ this style; as in the fourth book of our impeachment of Verres:—”Compare this peace with that war; the arrival of this praetor with the victory of that general; the debauched retinue of this man, with the unconquerable army of the other; the lust of this man with the continence of that one; and you will say that Syracuse was founded by the man who in reality took it; and was

stormed by this one, who in reality received it in an admirable and settled condition."

This sort of rhythm then must be well understood.

L. We must now explain that third kind of an harmonious and well-arranged speech, and say of what character it is; and what sort of ears those people have who do not understand its character, or indeed what there is in them that is like men at all, I do not know. My ears delight in a well-turned and properly finished period of words, and they like conciseness, and disapprove of redundancy. Why do I say my ears? I have often seen a whole assembly raise a shout of approval at hearing a musical sentence. For men's ears expect that sentences shall be strung together of well-arranged words. This was not the case in the time of the ancients. And indeed it was nearly the only thing in which they were deficient: for they selected their words carefully, and they gave utterance to dignified and sweet sounding ideas; but they paid little attention to arranging them or filling them up. "This is what delights me," one of them would say. What are we to say if an old primitive picture of few colours delights some men more than this highly finished one? Why, I suppose, the style which succeeds must be studied again; and this latter style repudiated.

People boast of the names of the ancients. But antiquity carries authority with it in precedents, as old age does in the lives of individuals; and it has indeed very great weight with me myself. Nor am I more inclined to demand from antiquity that which it has not, than to praise that which it has; especially as I consider what it has as of more importance than what it has not. For there is more good in well chosen words and ideas in which they excel, than in the rounding off of phrases in which they fail. It is after their time that the working up of the termination of a sentence has been introduced; which I think that those ancients would have employed, if it had been known and employed in their day; as since it has been introduced we see that all great orators have employed it.

LI. But it looks like envy when what we call "number," and the Greeks [Greek: ruthmos] is said to be employed in judicial and forensic oratory. For it appears like laying too many plots for the charming of people's ears if rhythm is also aimed at by the orator in

his speeches. And relying on this argument those critics themselves utter broken and abrupt sentences, and blame those men who deliver well rounded and neatly turned discourses. If they blame them because their words are ill adapted and their sentiments are trifling, they are right; but if their arguments are sound, their language well chosen, then why should they prefer a lame and halting oration to one which keeps pace with the sentiments contained in it? For this rhythm which they attack so has no other effect except to cause the speaker to clothe his ideas in appropriate language; and that was done by the ancients also, not unusually by accident, and often by nature; and those speeches of theirs which are exceedingly praised, are so generally because they are concisely expressed. And it is now near four hundred years since this doctrine has been established among the Greeks; we have only lately recognised it. Therefore was it allowable for Ennius, despising the ancient examples, to say: —

”In verses such as once the Fauns
And ancient poets sang:”

and shall it not be allowed me to speak of the ancients in the same manner? especially as I am not going to say, “Before this man …” as he did; nor to proceed as he did, “We have ventured to open …” For I have read and heard of some speakers whose orations were rounded off in an almost perfect manner. And those who cannot do this are not content with not being despised; they wish even to be praised for their inability. But I do praise those men, and deservedly too, whose imitators they profess to be; although I see something is wanting in them. But these men I do not praise at all, who imitate nothing of the others except their defects, and are as far removed as possible from their good qualities.

But if their own ears are so uncivilised and barbarous, will not the authority of even the most learned men influence them? I say nothing of Isocrates, and his pupils Ephorus and Naucrates; although those men who are themselves consummate orators ought also to be the highest authorities on making and ornamenting a speech. But who of all men was ever more learned, or more acute, or a more accurate judge of the discovery of, or decision respecting all things than

Aristotle? Moreover, who ever took more pains to oppose Isocrates? Aristotle then, while he warns us against letting verses occur in our speeches, enjoins us to attend to rhythm. His pupil Theodectes, one of the most polished of writers, (as Aristotle often intimates,) and a great artist, both felt and enjoined the same thing. And Theophrastus is more distinct still in laying down the same rule.

Who then can endure those men who do not agree with such authorities as these? Unless indeed they are ignorant that they ever gave any such rules. And if that is the case, (and I really believe it is,) what then? Have they no senses of their own to be guided by? Have they no natural idea of what is useless? None of what is harsh, cramped, lame, or superfluous? When verses are being repeated, the whole theatre raises an outcry if there is one syllable too few or too many. Not that the mob knows anything about feet or metre; nor do they understand what it is that offends them, or know why or in what it offends them. But nevertheless nature herself has placed in our ears a power of judging of all superfluous length and all undue shortness in sounds, as much as of grave and acute syllables.

LII. Do you wish then, O Brutus, that we should give a more accurate explanation of this whole topic, than those men themselves have done who have delivered these and other rules to us? Or may we be content with those which have been delivered by them? But why do I ask whether you wish this? when I know from your letters, written in a most scholar-like spirit, that you wish for it above all things. First of all, then, the origin of a well-adapted and rhythmical oration shall be explained, then the cause of it, then its nature, and last of all its use.

For they who admire Isocrates above all things, place this among his very highest panegyrics, that he was the first person who added rhythm to prose writing. For they say that, as he perceived that orators were listened to with seriousness, but poets with pleasure, he then aimed at rhythm so as to use it in his orations both for the sake of giving pleasure, and also that variety of sound might prevent weariness. And this is said by them in some degree correctly, but not wholly so. For we must confess that no one was ever more thoroughly skilled in that sort of learning than Isocrates; but still the original inventor of rhythm was Thrasymachus; all whose writings

are even too carefully rhythmical. For, as I said a little while ago, the principle of things like one another being placed side by side, sentence after sentence being ended in a similar manner, and contraries being compared with contraries, so that, even if one took no pains about it, most sentences would end musically, was first discovered by Gorgias; but he used it without any moderation. And that is, as I have said before one of the three divisions of arrangement. Both of these men were predecessors of Isocrates; so that it was in his moderation, not in his invention, that he is superior to them. For he is more moderate in the way in which he inverts or alters the sense of words; and also in his attention to rhythm. But Gorgias is a more insatiable follower of this system, and (even according to his own admission) abuses these elegances in an unprecedented way; but Isocrates (who while a young man had heard Gorgias when he was an old man in Thessaly) put all these things under more restraint. Moreover he himself, as he advanced in age, (and he lived nearly a hundred years,) relaxed in his ideas of the exceeding necessity for rhythm; as he declares in that book which he wrote to Philip of Macedon, when he was a very old man, in which he says that he is less attentive to rhythm than he had formerly been. And so he had corrected not only his predecessors, but himself also.

LIII. Since, then, we have those men whom we have mentioned as the authors and originators of a well-adapted oration, and since its origin has been thus explained, we must now seek for the cause. And that is so evident, that I marvel that the ancients were not influenced by it; especially when, as is often the case, they often by chance made use of well-rounded and well-arranged periods. And when they had produced their impression on the minds and ears of men, so as to make it very plain that what chance had effected had been received with pleasure, certainly they ought to have taken note of what had been done, and have imitated themselves; for the ears, or the mind by the report of the ears, contains in itself a natural measurement of all sounds. That is how it distinguishes between long and short sounds; and always watches for well-wrought and moderate periods. It feels that some are mutilated and curtailed, as it were, and with those it is offended, as if it were defrauded of its due; others it feels to be too long, and running out to an immoderate length, and those the ears

reject even more than the first; for as in most cases, so especially in this kind of thing, it happens that what is in excess is much more offensive than that which errs on the side of deficiency.

As, therefore, poetry and verse was invented by the nicety of the ear, and the careful observation of clever men; so it has been noticed in oratory, much later, indeed, but still in deference to the promptings of the same nature, that there are some certain rules and bounds, within which words and paragraphs ought to be confined.

Since, therefore, we have thus shown the cause, we will now, if you please, explain the nature of it; for that was the third division; and that involves a discussion which has no reference to the original plan of this treatise, but which belongs rather to the arcana of the art. For the question may be asked, what is the rhythm of a speech; and where it is placed; and in what it originates; and whether it is one thing, or two, or more; and on what principles it is arranged; and for what purpose; and how and in what part it is situated, and in what way it is employed so as to give any pleasure.

But as in most cases, so also in this one, there are two ways of looking at the question; one of which is longer, the other shorter, and at the same time plainer.

LIV. But in the longer way the first question is, whether there actually is any such thing as a rhythmical oration at all; (for some persons do not think that there is, because there is not in oratory any positive rule, as there is in verses, and because the people who assert that there is that rhythm cannot give any reason why there is.) In the next place, if there is rhythm in an oration, what sort of rhythm it is; and whether it is of more than one kind; and whether it consists of poetical rhythm, or of some other kind; and if it consists of poetical rhythm, of which poetical rhythm, (for some think that there is but one sort of poetical rhythm, while others think there are many kinds.) In the next place, the question arises, whatever sorts of rhythm there may be, whether one or more, whether they are common to every kind of oratory, (since there is one kind used in narrating, another kind in persuading, and another in teaching,) or whether the different kinds are all adapted equally to every sort of oratory. If the different kinds are common to each kind of oratory, what are they? If there is a difference, then what is the difference, and why is the rhythm less

visible in a speech than in a verse? Besides, there is a question whether what is rhythmical in a speech is made so solely by rhythm, or also by some especial arrangement of words, or by the kind of words employed; or whether each division has its component parts, so that rhythm consists of intervals, arrangement of words, while the character of the words themselves is visible being a sort of shape and light of the speech; and whether arrangement is not the principal thing of all, and whether it is not by that that rhythm is produced, and those things which I have called the forms and light of a speech, and which, as I have said, the Greeks call [Greek: schaemata]. But that which is pleasant when uttered by the voice, and that which is made perfect by careful regulation, and brilliant by the nature of the words employed, are not one and the same thing, although they are both akin to rhythm, because each is perfect of itself; but an arrangement differs from both, and is wholly dependent on the dignity or sweetness of the language employed.

These are the main questions which arise out of an inquiry into the nature of oratory.

LV. It is, then, not hard to know that there is a certain rhythm in a speech: for the senses decide that. And it is absurd not to admit an evident fact, merely because we cannot find out why it happens. And verse itself was not invented by *à priori* reasoning, but by nature and the senses, and these last were taught by carefully digested reason what was the fact; and accordingly it was the careful noticing and observation of nature which produced art.

But in verses the matter is more evident. For although there are some kinds of verse which, if they be not chanted, appear but little to differ from prose; and this is especially the case in all the very best of those poets who are called [Greek: lyriloi] by the Greeks; for when you have stripped them of the singing, the language remains almost naked. And some of our countrymen are like them. Like that line in Thyestes: —

"Quemnam te esse dicam, qui tarda in senectute" …

And so on; for except when the flute-player is at hand to accompany them, those verses are very like prose. But the iambics of the common poets are, on account of their likeness to ordinary conversation, very often in such a very low style, that sometimes it is

hardly possible to discover any metre, or even rhythm in them. And it may easily be understood that there is more difficulty in discovering the rhythm in an oration than in verses.

Altogether there are two things which season oratory — the sweetness of the language, and the sweetness of the rhythm. In the language is the material, and in the rhythm the polish. But, as in other things, the older inventions are the children of necessity rather than of pleasure; so also has it happened in this, that oratory was for many ages naked and unpolished, aiming only at expressing the meaning conceived in the mind of the speaker, before any system of rhythm for the sake of tickling the ears was invented.

LVI. Therefore Herodotus also, and his age, and the age preceding him, had no idea of rhythm, except at times by chance, as it seems. And the very ancient writers have left us no rules at all about rhythm, though they have given us many precepts about oratory. For that which is the more easy and the more necessary will always be the first thing known. Therefore, words used in a metaphorical sense, or inverted, or combined, were easily invented because they were derived from ordinary use, and from daily conversation. But rhythm was not drawn from a man's own house, nor had it any connexion of relationship to oratory. And therefore it was later in being noticed and observed, bringing as it did the last touch and lineaments to oratory. But if there is one style of oratory narrow and concise, and another more vague and diffuse, that must clearly be owing, not to the nature of letters, but to the difference between long and short paragraphs; because an oration made up and compounded of these two kinds is sometimes steady, sometimes fluent, and so each character must be kept up by corresponding rhythm. For that circuitous way of speaking, which we have often mentioned already, goes on more impetuously, and hurries along, until it can arrive at its end, and come to a stop. It is quite plain, therefore, that oratory ought to be confined to rhythm, and kept clear of metre.

But the next question is, whether this rhythm is poetical, or whether it is of some other kind. There is, then, no rhythm whatever that is not poetical; because the different kinds of rhythm are clearly defined. For all rhythm is one of three kinds. For the foot which is employed in rhythm is divided into three classes; so that it is

necessary that one part of the foot must be either equal to the other part, or as large again, or half as large again. Accordingly, the dactyl is of the first class, the paeon of the last, the iambic of the second. And how is it possible to avoid such feet in an oration? And then when they are arranged with due consideration rhythm is unavoidably produced.

But the question arises, what rhythm is to be employed; either absolutely, or in preference to others. But that every kind of rhythm is at times suitable to oratory, may be seen from this, — that in speaking we often make a verse without intending it, (which, however, is a great fault, but we do not notice it, nor do we hear what we say ourselves;) and as for iambics, whether regular or Hipponactean, those we can scarcely avoid, for our common conversation often consists of iambics. But still the hearer easily recognises those verses, for they are the most usual ones. But at times we unintentionally let fall others which are less usual, but which still are verses; and that is a faulty style of oratory, and one which requires to be guarded against with great care.

Hieronymus, a Peripatetic of the highest character, out of all the numerous compositions of Isocrates, picked out about thirty verses, chiefly iambics, but some also anapaests. And what can be worse? Though in picking them out he acted in an unfair manner, for he took away sometimes the first syllable in the first word of a sentence; and again, he sometimes added to the last word the first syllable of the following sentence. And in this way he made that sort of anapaest which is called the Aristophanic anapaest. And such accidents as these cannot be guarded against, nor do they signify. But still this critic, in the very passage in which he finds this fault with him, (as I noticed when I was examining his work very closely,) himself makes an iambic without knowing it. This, then, may be considered as an established point, that there is rhythm also in prose, and that oratorical is the same as the poetical rhythm.

LVII. It remains, therefore, for us to consider what rhythm occurs most naturally in a well-arranged oration. For some people think that it is the iambic rhythm, because that is the most like a speech, on which account it happens that it is most frequently employed in fables, because of its resemblance to reality — because the dactylic hexameter rhythm is better suited to a lofty and magniloquent subject But Ephorus himself, an inconsiderable orator, though coming from an excellent school, inclines to the paeon, or dactyl, but avoids the spondee and trochee. For because the paeon has three short syllables and the dactyl two, he thinks that the words come more trippingly off on account of the shortness and rapidity of utterance of the syllables; and that a contrary effect is produced by the spondee and trochee, because the one consists of long syllables and the other of short ones; so that a speech made up of the one is too much hurried, it made up of the other is too slow; and neither is well, regulated. But those accents are all in the wrong, and Ephorus is wholly in fault. For those who pass over the paeon, do not perceive that a most delicate, and at the same time most dignified rhythm is passed over by them. But Aristotle's opinion is very different, for he considers that the heroic rhythm is a grander one than is admissible in prose, and that an iambic is too like ordinary conversation. Accordingly, he does not approve of a style which is lowly and abject, or of one which is too lofty and, as it were, on stilts: but still he wishes for one full of dignity, in order to strike those who hear it with the greater admiration. But he calls a trochee, which occupies the same time as a choreus, [Greek: kordax], because its contracted and brief character is devoid of dignity. Accordingly, he approves of the paeon; and says that all men employ it, but that all men are not themselves aware when they do employ it; and that there is a third or middle way between those two, but that those feet are formed in such a way, that in every one of them there is either a time, or a time and a half, or two times. Therefore, those men of whom I have spoken have considered convenience only, and disregarded dignity. For the iambic and the dactyl are those which are most usually employed in verse; and, therefore, as we avoid verses in making speeches, so also a recurrence of these feet must be avoided. For oratory is a different

thing from poetry, nor are there any two things more contrary to one another than that is to verses. But the paeon is that foot which, of all others, is least adapted to verse, on which account oratory admits it the more willingly. But Ephorus will not even admit that the spondee, which he condemns, is equivalent to the dactyl, which he approves of. For he thinks that feet ought to be measured by their syllables, not by their quantity; and he does the same in regard to the trochee, which in its quantity and times is equivalent to an iambic; but which is a fault in an oration, if it be placed at the end, because a sentence ends better with a long syllable.

And all this, which is also contained in Aristotle, is said by Theophrastus and Theodectes about the paeon. But my opinion is, that all feet ought to be jumbled together and confused, as it were, in an oration; and that we could not escape blame if we were always to use the same feet; because an oration ought to be neither metrical, like a poem, nor inharmonious, like the conversation of the common people. The one is so fettered by rules that it is manifest that it is designedly arranged as we see it; the other is so loose as to appear ordinary and vulgar; so that you are not pleased with the one, and you hate the other.

Let oratory then be, as I have said above, mingled and regulated with a regard to rhythm; not prosaic, nor on the other hand sacrificed wholly to rhythm; composed chiefly of the paeon, (since that is the opinion of the wisest author on the subject,) with many of the other feet which he passes over intermingled with it.

LVIII. But what feet ought to be mingled with others, like purple, must be now explained; and we must also show to what kind of speech each sort of foot and rhythm is the best adapted. For the iambic is most frequent in those orations which are composed in a humble and lowly style; but the paeon is suited to a more dignified style; and the dactyl to both. Therefore, in a varied and long-continued speech these feet should be mingled together and combined. And in this way the fact of the orator aiming at pleasing the senses, and the careful attempt to round off the speech, will be the less visible, and they will at all times be less apparent if we employ dignified expressions and sentiments. For the hearers observe these two things, and think them agreeable: (I mean, expressions and

sentiments.) And while they listen to them with admiring minds, the rhythm escapes their notice; and even if it were wholly wanting they would still be delighted with those other things.

Nor indeed is the rhythm, I mean in a speech, (for the case as to verse is very different,) so exacting that nothing may ever be expressed except according to rule; for then it would be a poem. But every oration which does not halt or if I may so say, fluctuate, and which proceeds on with an equal and consistent pace, is considered rhythmical. And it is considered rhythmical in the delivery; not because it consists wholly of some regular rhythm; but because it comes as near to a musical rhythm as possible: on which account it is more difficult to make a speech than to make verses; because these last have certain definite rules which it is necessary to follow; but, in speaking, there is nothing settled, except that the speech must not be intemperate, or too compressed, or prosaic, or too fluent. Therefore there are no regular bars in it as a flute-player has; but the whole principle and system of an oration is regulated by general rules of universal application; and they are judged of on the principle of pleasing the ear.

LIX. But people often ask, whether in every portion of a paragraph it is necessary to have a regard to rhythm, or whether it is sufficient to do so at the beginning and end of a sentence. For many people think that it is sufficient for a sentence to end and be wound up in a rhythmical manner. But although that is the main point, it is not the only one; for the sounding of the periods is only to be laid aside, not to be thrown away. And therefore, as men's ears are always on the watch for the end of a sentence, and are greatly influenced by that, that certainly ought never to be devoid of rhythm; but harmony ought to pervade the whole sentence from beginning to end; and the whole ought to proceed from the beginning so naturally that the end shall be consistent with every previous part. But that will not be difficult to men who have been trained in a good school, who have written many things, and who have made also all the speeches which they have delivered without written papers like written speeches. For the sentence is first composed in the mind; and then words come immediately: and then they are immediately sent forth by the mind, than which nothing is more rapid in its movements; so

that each falls into its proper place. And then their regular order is settled by different terminations in different sentences; and all the expressions at the beginning and in the middle of the sentence ought to be composed with reference to the end. For sometimes the torrent of an oration is rapid; sometimes its progress is moderate; so that from the very beginning one can see how one wishes to come to the end. Nor is it in rhythm more than in the other embellishments of a speech that we behave exactly as poets do; though still, in an oration, we avoid all resemblance to a poem.

LX. For there is in both oratory and poetry, first of all the material, then the execution. The material consists in the words, the execution in the arrangement of the words. But there are three divisions of each, — of words there is the metaphorical, the new, and the old-fashioned; for of appropriate words we say nothing at present; but of arrangement there are those which we have mentioned, composition, neatness, and rhythm. But the poets are the most free and frequent in the use of each; for they use words in a metaphorical sense not only more frequently, but also more daringly; and they use old-fashioned words more willingly, and new ones more freely. And the case with respect to rhythm is the same; in which they are obliged to comply with a kind of necessity: but still these things must be understood as being neither too different, nor yet in any respect united. Accordingly we find that rhythm is not the same in an oration as in a poem; and that that which is pronounced to be rhythmical in an oration is not always effected by a strict attention to the rules of rhythm; but sometimes either by neatness, or by the casual arrangement of the words.

Accordingly, if the question is raised as to what is the rhythm of an oration, it is every sort of rhythm; but one sort is better and more suitable than another. If the question is, what is the place of this rhythm? it is in every portion of the words. If you ask where it has arisen; it has arisen from the pleasure of the ears. If the principle is sought on which the words are to be arranged; that will be explained in another place, because that relates to practice, which was the fourth and last division which we made of the subject. If the question is, when; always: if, in what place; it consists in the entire connexion of the words. If we are asked, What is the circumstance which causes

pleasure? we reply, that it is the same as in verse; the method of which is determined by art; but the ears themselves define it by their own silent sensations, without any reference to principles of art.

LXI. We have said enough of the nature of it. The practice follows; and that we must discuss with greater accuracy. And in this discussion inquiry has been made, whether it is in the whole of that rounding of a sentence which the Greeks call [Greek: periodos], and which we call "*ambitus*" or "*circuitus*," or "*comprehensio*" or "*continuatio*" or "*circumscriptio*," or in the beginning only, or in the end, or in both, that rhythm must be maintained? And, in the next place, as rhythm appears one thing and a rhythmical sentence another, what is the difference between them? and again, whether it is proper for the divisions of a sentence to be equal in every sort of rhythm, or whether we should make some shorter and some longer; and if so, when, and why, and in what parts; whether in many or in one; whether in unequal or equal ones; and when we are to use one, and when the other; and what words may be most suitably combined together, and how; or whether there is absolutely no distinction; and, what is most material to the subject of all things, by what system oratory may be made rhythmical. We must also explain from whence such a form of words has arisen; and we must explain what periods it may be becoming to make, and we must also discuss their parts and sections, if I may so call them; and inquire whether they have all one appearance and length, or more than one; and if many, in what place; or when we may use them, and what kinds it is proper to use; and, lastly, the utility of the whole kind is to be explained, which indeed is of wider application; for it is adapted not to any one particular thing, but to many.

And a man may, without giving replies on each separate point, speak of the entire genus in such a way that his answer may appear sufficient as to the whole matter. Leaving, therefore, the other kinds out of the question, we select this one, which is conversant with actions and the forum, concerning which we will speak.

Therefore in other kinds, that is to say, in history and in that kind of argument which we call [Greek: epideiktikon], it seems good that everything should be said after the example of Isocrates and Theopompus, with that sort of period and rounding of a sentence that

the oration shall run on in a sort of circle, until it stops in separate, perfect, and complete sentences. Therefore after this *circumscriptio*, or *continuatio*, or *comprehensio*, or *ambitus*, if we may so call it, was once introduced, there was no one of any consideration who ever wrote an oration of that kind which was intended only to give pleasure, and unconnected with judicial proceedings or forensic contests, who did not reduce almost all his sentences to a certain set form and rhythm. For, as his hearers are men who have no fear that their own good faith is being attempted to be undermined by the snare of a well-arranged oration, they are even grateful to the orator for studying so much to gratify their ears.

LXII. But this kind of oratory is neither to be wholly appropriated to forensic causes, nor is it entirely to be repudiated. For if you constantly employ it, when it has produced weariness then even unskilful people can recognise its character. Besides, it takes away the indignation which is intended to be excited by the pleading; it takes away the manly sensibility of the pleader; it wholly puts an end to all truth and good faith. But since it ought to be employed at times, first of all, we should see in what place; secondly, how long it is to be maintained; and lastly, in how many ways it may be varied. We must, then, employ a rhythmical oratory, if we have occasion either to praise anything in an ornate style, — as we ourselves spoke in the second book of our impeachment of Verres concerning the praise of Sicily; and in the senate, of my own consulship; or a narration must be delivered which requires more dignity than indignation, — as in the fourth book of that same impeachment we spoke concerning the Ceres of Enna, the Diana of Segeste, and the situation of Syracuse. Often also when employed in amplifying a case, an oration is poured forth harmoniously and volubly with the approbation of all men. That perhaps we have never quite accomplished; but we have certainly very often attempted it; as our perorations in many places show that we have, and indeed that we have been very eager to effect it. But this is most effective when the hearer is already blockaded, as it were, and taken prisoner by the speaker. For he then no longer thinks of watching and guarding against the orator, but he is already on his side; and wishes him to proceed, admitting the force of his eloquence, and never thinking of looking for anything with which to

find fault.

But this style is not to be maintained long; I do not mean in the peroration which it concludes, but in the other divisions of the speech. For when the orator has employed those topics which I have shown to be admissible, then the whole of his efforts must be transferred to what the Greeks call, I know not why, [Greek: kommata] and [Greek: kola], and which we may translate, though not very correctly, "incisa" and "membra." For there cannot be well-known names given to things which are not known; but when we use words in a metaphorical sense, either for the sake of sweetness or because of the poverty of the language, this result takes place in every art, that when we have got to speak of that which, on account of our ignorance of its existence, had no name at all previously, necessity compels us either to coin a new word, or to borrow a name from something resembling it.

LXIII. But we will consider hereafter in what way sentences ought to be expressed in short clauses or members. At present we must explain in how many ways those different conclusions and terminations may be changed. Rhythm flows in from the beginning, at first more rapidly, from the shortness of the feet employed, and afterwards more slowly as they increase in length. Disputes require rapidity; slowness is better suited to explanations. But a period is terminated in many ways; one of which has gained especial favour in Asia, which is called the *dichoreus*, when the two last feet are *chorei*, consisting each of one long and one short syllable; for we must explain that the same feet have different names given them by different people. Now that dichoreus is not inherently defective as part of a clause, but in the rhythm of an orator there is nothing so vicious as to have the same thing constantly recurring. By itself now and then it sounds very well, on which account we have the more reason to guard against satiety. I was present when Caius Carbo, the son of Caius, a tribune of the people, uttered these words in the assembly of the people:

"O Maree Druse, patrem appello."

Here are two clauses, each of two feet. Then he gave us some more periods:

"Tu dicere solebas, sacram esse rempublicam."

Here each clause consists of three feet. Then comes the conclusion:

"Quicunque eam violavissent ab omnibus esse ei poenas persolutas."

Here is the dichoreus; — for it does not signify whether the last syllable is long or short. Then comes,

"Patris dictum sapiens, temeritas filii comprobavit."

And this last dichoreus excited such an outcry as to be quite marvellous. I ask, was it not the rhythm which caused it? Change the order of the words; let them stand thus:

"Comprobavit filii temeritas:"

there will be no harm in that, though *temeritas* consists of three short syllables and one long one; which Aristotle considers as the best sort of word to end a sentence, in which I do not agree with him. But still the words are the same, and the meaning is the same. That is enough for the mind, but not enough for the ears. But this ought not to be done too often. For at first rhythm is acknowledged; presently it wearies; afterwards, when the ease with which it is produced is known, it is despised.

LXIV. But there are many little clauses which sound rhythmically and agreeably. For there is the cretic, which consists of a long syllable, then a short one, then a long; and there is its equivalent the paeon; which is equal in time, but longer by one syllable; and which is considered a very convenient foot to be used in prose, as it is of two kinds. For it consists either of one long syllable and three short ones, which rhythm is admirable at the beginning of a sentence, but languid at the end; or of three short syllables and then the long one, which the ancients consider the most musical foot of the two: I do not object to it; though there are other feet which I prefer. Even the spondee is not utterly to be repudiated; although, because it consists of two long syllables, it appears somewhat dull and slow; still it has a certain steady march not devoid of dignity; but much more is it valuable in short clauses and periods; for then it makes up for the fewness of the feet by its dignified slowness. But when I am speaking of these feet as occurring in clauses, I do not speak of the one foot which occurs at the end; I add (which however is not of much consequence) the preceding foot, and very often even the foot

before that. Even the iambic, which consists of one short and one long syllable; or that foot which is equal to the choreus, having three short syllables, being therefore equal in time though not in the number of syllables; or the dactyl, which consists of one long and two short syllables, if it is next to the last foot, joins that foot very trippingly, if it is a choreus or a spondee. For it never makes any difference which of these two is the last foot of a sentence. But these same three feet end a sentence very badly if one of them is placed at the end, unless the dactyl comes at the end instead of a cretic; for it does not signify whether the dactyl or the cretic comes at the end, because it does not signify even in verse whether the last syllable of all is long or short. Wherefore, whoever said that that paeon was more suitable in which the last syllable was long, made a great mistake; since it has nothing to do with the matter whether the last syllable is long or not. And indeed the paeon, as having more syllables than three, is considered by some people as a rhythm, and not a foot at all. It is, as is agreed upon by all the ancients, Aristotle, Theophrastus, Theodectes, and Ephorus, the most suitable of all for an oration, either at the beginning or in the middle; they think that it is very suitable for it at the end also; in which place the cretic appears to me to be better. But a dochmiac consists of five syllables, one short, two long, one short, and one long; as thus: — *[)A]m[=i]c[=o]s t[)e]n[=e]s*; and is suitable for any part of the speech, as long as it is used only once. If repeated or often renewed it then makes the rhythm conspicuous and too remarkable. If we use these changes, numerous and varied as they are, it will not be seen how much of our rhythm is the result of study, and we shall avoid wearying our hearers.

LXV. And because it is not only rhythm which makes a speech rhythmical, but since that effect is produced also by the arrangement of the words, and by a kind of neatness, as has been said before, it may be understood by the arrangement when words are so placed that rhythm does not appear to have been purposely aimed at, but to have resulted naturally, as it is said by Crassus: —

"Nam ubi libido dominatur innocentiae leve praesidium est."

For here the order of the words produces rhythm without any apparent design on the part of the orator. Therefore, the suitable and

rhythmical sentences which occur in the works of the ancients, I mean Herodotus, and Thucydides, and all the writers of that age, were produced, not by any deliberate pursuit of rhythm, but by the arrangement of the words. For there are some forms of oratory in which there is so much neatness, that rhythm unavoidably follows. For when like is referred to like, or contrary opposed to contrary, or when words which sound alike are compared to other words, whatever sentence is wound up in that manner must usually sound rhythmically. And of this kind of sentence we have already spoken and given instances, so that this abundance of kinds enables a man to avoid always ending a sentence in the same manner.

Nor are these rules so strict and precise that we are unable to relax them when we wish to. It makes a great difference whether an oration is rhythmical — that is to say, like rhythm — or whether it consists of nothing but rhythm. If it is the latter, that is an intolerable fault; if it is not the former, then it is unconnected, and barbarous, and languid.

LXVI. But since it is not only not a frequent occurrence, but actually even a rare one, that we ought to speak in compressed and rhythmical periods, in serious or forensic causes, it appears to follow that we ought to consider what these clauses and short members which I have spoken of are. For in serious causes they occupy the greater part of the speech. For a full and perfect period consists of four divisions, which we call members, so as to fill the ears, and not be either shorter or longer than is just sufficient. Although each of those defects does happen sometimes, or indeed often, so that it is necessary either to stop abruptly, or else to proceed further, lest our brevity should appear to have cheated the ears of our hearers, or our prolixity to have exhausted them. But I prefer a middle course; for I am not speaking of verse, and oratory is not so much confined. A full period, then, consists of four divisions, like hexameter verses. In each of these verses, then, there are visible the links, as it were, of the connected series which we unite in the conclusion. But if we choose to speak in a succession of short clauses, we stop, and when it is necessary, we easily and frequently separate ourselves from that sort of march which is apt to excite dislike; but nothing ought to be so rhythmical as this, which is the least visible and the most

efficacious. Of this kind is that sentence which was spoken by Crassus: —

"Missos faciant patronos; ipsi prodeant."

If he had not paused before "ipsi prodeant," he would have at once seen that an iambic had escaped him,—"prodeant ipsi" would sound in every respect better. But at present I am speaking of the whole kind.

"Cur clandestinis consiliis nos oppugnant?
Cur de perfugis nostris copias comparant inter nos?"

The first two are such sentences as the Greeks call [Greek: kommata], and we "incisa." The third is such as they term [Greek: kolon], and we "membrum." Then comes a short clause; for a perfect conclusion is made up of two verses, that is to say members, and falls into spondees. And Crassus was very much in the habit of employing this termination, and I myself have a good opinion of this style of speaking.

LXVII. But those sentiments which are delivered in short clauses, or members, ought to sound very harmoniously, as in a speech of mine you will find: —

"Domus tibi deerat? at habebas. Pecunia superabat? at egebas."

These four clauses are as concise as can be; but then come the two following sentences uttered in members: —

"Incurristi amens in columnas: in alienos insanus insanîsti."

After these clauses everything is sustained by a longer class of sentences, as if they were erected on these as their pedestal: —

"Depressam, caecam, jacentem domum pluris, quam te, et quam fortunas tuas, aestimâsti."

It is ended with a dichoreus; but the next sentence terminates with a double spondee. For in those feet which speakers should use at times like little daggers, the very brevity makes the feet more free. For we often must use them separately, often two together, and a part of a foot may be added to each foot, but not often in combinations of more than three. But an oration when delivered in brief clauses and members, is very forcible in serious causes, especially when you are accusing or refuting an accusation, as in my second Cornelian

speech: —

"O callidos homines! O rem excogitatam! O ingenia metuenda!"

Hitherto this is spoken in members. After that we spoke in short clauses. Then again in members: —

"Testes dare volumus."

At last comes the conclusion, but one made up of two members, than which nothing can be more concise: —

"Quem, quaeso, nostrûm fefellit, ita vos esse facturos?"

Nor is there any style of speaking more lively or more forcible than that which strikes with two or three words, sometimes with single words; very seldom with more than two or three, and among these various clauses there is occasionally inserted a rhythmical period. And Hegesias, who perversely avoided this usage, while seeking to imitate Lysias, who is almost a second Demosthenes, dividing his sentences into little bits, was more like a dancer than an orator. And he, indeed, errs not less in his sentences than in his single words, so that a man who knows him has no need to look about for some one whom he may call foolish. But I have cited those sentences of Crassus's and my own, in order that whoever chose might judge by his own ears what was rhythmical even in the most insignificant portions of a speech. And since we have said more about rhythmical oratory than any one of those who have preceded us, we will now speak of the usefulness of that style.

LXVIII. For speaking beautifully and like an orator is, O Brutus, nothing else (as you, indeed, know better than any one) except speaking with the most excellent sentiments and in the most carefully selected language. And there is no sentiment which produces any fruit to an orator, unless it is expressed in a suitable and polished manner. Nor is there any brilliancy of words visible unless they are carefully arranged; and rhythm it is which sets off both these excellences. But rhythm (for it is well to repeat this frequently) is not only not formed in a poetical manner, but even avoids poetry, and is as unlike it as possible. Not but that rhythm is the same thing, not only in the writings of orators and poets, but even in the conversation of every one who speaks, and in every imaginable sound which we can measure with our ears. But it is the order of the feet which makes that which is uttered appear like an oration or like a poem. And this,

whether you choose to call it composition, or perfection, or rhythm, must be employed if a man wishes to speak elegantly, not only (as Aristotle and Theophrastus say) that the discourse may not run on interminably like a river, but that it may come to a stop as it ought, not because the speaker wants to take breath, or because the copyist puts down a stop, but because it is compelled to do so by the restrictions of rhythm, and also because a compact style has much greater force than a loose one. For as we see athletes, and in a similar manner gladiators, act cautiously, neither avoiding nor aiming at anything with too much vehemence, (for over-vehement motions can have no rule;) so that whatever they do in a manner advantageous for their contest, may also have a graceful and pleasing appearance; in like manner oratory does not strike a heavy blow, unless the aim was a well-directed one; nor does it avoid the attack of the adversary successfully, unless even when turning aside the blow it is aware of what is becoming. And therefore the speeches of those men who do not end their sentences rhythmically seem to me like the motions of those whom the Greeks call [hapalaistrous]. And it is so far from being the case, (as those men say who, either from a want of proper instructors, or from the slowness of their intellect, or from an unwillingness to exert due industry, have not arrived at this skill,) that oratory is enervated by too much attention to the arrangement of words, that without it there can be no energy and no force.

LXIX. But the matter is one which requires much practice, lest we should do anything like those men who, though they have aimed at this style, have not attained it; so that we must not openly transpose our words in order to make our language sound better; a thing which Lucius Coelius Antipater, in the opening of his history of the Punic War, promises not to do unless it should be absolutely necessary. Oh the simple man! to conceal nothing from us; and at the same time wise, inasmuch as he is prepared to comply with necessity. But still this is being too simple. But in writing or in sober discussion the excuse of necessity is not admissible, for there is no such thing as necessity; and if there were, it would still be necessary not to admit it. And this very man who demands this indulgence of Laelius, to whom he is writing, and to whom he is excusing himself, uses this transposition of words, and yet does not fill up and conclude his

sentences any the more skilfully. Among others, and especially among the Asiatics, who are perfect slaves to rhythm, you may find many superfluous words inserted, as if on purpose to fill up vacancies in rhythm. There are men also, who through that fault, which originated chiefly with Hegesias, by breaking up abruptly, and cutting short their rhythm, have fallen into an abject style of speaking, very much like that of the Sicilians. There is a third kind adopted by those brothers, the chiefs of the Asiatic rhetoricians, Hierocles and Maecles, men who are not at all to be despised, in my opinion at least. For although they do not quite keep to the real form of oratory and to the principles of the Attic orators, still they make amends for this fault by their ability and fluency. Still there was no variety in them, because nearly all their sentences were terminated in one manner.

But a man who avoids all these faults, so as neither to transpose words in such a manner that every one must see that it is done on purpose, nor cramming in unnecessary words, as if to fill up leaks, nor aiming at petty rhythm, so as to mutilate and emasculate his sentences, and who does not always stick to one kind of rhythm without any variation, such a man avoids nearly every fault. For we have said a good deal on the subject of perfections, to which these manifest defects are contrary.

LXX. But how important a thing it is to speak harmoniously, you may know by experience if you dissolve the carefully-contrived arrangement of a skilful orator by a transposition of his words; for then the whole thing would be spoilt, as in this instance of our language in the Cornelian oration, and in all the following sentences: —

"Neque me divitiae movent, quibus omnes Africanos et Laelios milt, venalitii mercatoresque superârunt."

Change the order a little, so that the sentence shall stand,

"Multi superârunt mercatores venalitiique,"

and the whole effect is lost. And the subsequent sentences:

"Neque vestis, ant caelatum aurum et argentum, quo nostros veteres Marcellos Maximosque multi eunuchi e Syriâ aegyptoque vicerunt."

Alter the order of the words, so that they shall stand,

"Vicerunt eunuchi e Syriâ aegyptoque."

Take this third sentence: —

"Neque vero ornamenta ista villarum, quibus Lucium Paullum et Lucium Mummium, qui rebus his urbem Italiamque omnem referserunt, ab aliquo video perfacile Deliaco aut Syro potuisse superari."

Place the words thus: —

"Potuisse superari ab aliquo Syro aut Deliaco."

Do you not see that by making this slight change in the order of the words, the very same words (though the sense remains as it was before) lose all their effect the moment they are disjoined from those which were best suited to them?

Or if you take any carelessly-constructed sentence of any unpolished orator, and reduce it into proper shape, by making a slight alteration in the order of his words, then that will be made harmonious which was before loose and unmethodical Come now, take a sentence from the speech of Gracchus before the censors: —

"Obesse non potest, quin ejusdem hominis sit, probos improbare, qui improbos probet."

How much better would it have been if he had said,

"Quin ejusdem hominis sit, qui improbos probet, probos improbare!"

No one ever had any objection to speaking in this manner; and no one was ever able to do so who did not do it. But those who have spoken in a different manner have not been able to arrive at this excellence. And so on a sudden they have set up for orators of the Attic school. As if Demosthenes was a man of Tralles; but even his thunderbolts would not have shone so if they had not been pointed by rhythm.

LXXI. But if there be any one who prefers a loose style of oratory, let him cultivate it; keeping in view this principle, — if any one were to take to pieces the shield of Phidias, he would destroy the beauty of the collective arrangement, not the exquisite workmanship of each fragment: and as in Thucydides I only miss the roundness of his periods; all the graces of style are there. But these men, when they compose a loose oration, in which there is no matter, and no

expression which is not a low one, appear to me to be taking to pieces, not a shield, but, as the proverb says, (which, though but a low one, is still very apt,) only a broom. And in order that there may be no mistake as to their contempt of this style which I am praising, let them write something either in the style of Isocrates, or in that which Aeschines or Demosthenes employs, and then I will believe that they have not shrunk from this style out of despair of being able to arrive at it, but that they have avoided it deliberately on account of their bad opinion of it: or else I will find a man myself who may be willing to be bound by this condition, — either to say or write, in whichever language you please, in the style which those men prefer. For it is easier to disunite what is connected than to connect what is disjointedly strung together.

However, the fact is, (to be brief in explaining my real opinion,) to speak in a well-arranged and suitable manner without good ideas is to act like a madman. But to speak in a sententious manner, without any order or method in one's language, is to behave like a child: but still it is childishness of that sort, that those who employ it cannot be considered stupid men, and indeed may often be accounted wise men. And if a man is contented with that sort of character, why let him speak in that way. But the eloquent man, who, if his subject will allow it, ought to excite not only approbation, but admiration and loud applause, ought to excel in everything to such a degree, that he should think it discreditable that anything should be beheld or listened to more gladly than his speech.

You have here, O Brutus, my opinion respecting an orator. If you approve of it, follow it; or else adhere to your own, if you have formed any settled opinion on the subject. And I shall not be offended with you, nor will I affirm that this opinion of mine which I have asserted so positively in this book is more correct than yours; for it is possible not only that my opinion should be different from yours, but even that my own may be different at different times. And not only in this matter, which has reference to gaining the assent of the common people and to the pleasure of the ears, which are two of the most unimportant points as far as judgment is concerned; but even in the most important affairs, I have never found anything firmer to take hold of, or to guide my judgment by, than the

extremity of probability as it appeared to me, when actual truth was hidden or obscure.

But I wish that you, if you do not approve entirely of the things which I have urged in this treatise, would believe either that I proposed to myself a work of too great difficulty for me to accomplish properly, or else that, while wishing to comply with your request, I undertook the impudent task of writing this, from being ashamed to refuse you.

TOPICA (Topics of Argumentation)

Translated by C. D. Yonge

THE TREATISE OF M. T. CICERO ON TOPICS, DEDICATED TO CAIUS TREBATIUS.

THE ARGUMENT.

This treatise was written a short time before the events which gave rise to the first Philippic. Cicero obtained an honorary lieutenancy, with the intention of visiting his son at Athens; on his way towards Rhegium he spent an evening at Velia with Trebatius, where he began this treatise, which he finished at sea, before he arrived in Greece. It is little more than an abstract of what had been written by Aristotle on the same subject, and which Trebatius had begged him to explain to him; and Middleton says, that as he had not Aristotle's essay with him, he drew this up from memory, and he appears to have finished it in a week, as it was the nineteenth of July that he was at Velia, and he sent this work to Trebatius from Rhegium on the twenty-seventh. He himself apologizes to Trebatius in the letter which accompanied it, (Ep. Fam. vii. 19,) for its obscurity, which however, he says, was unavoidably caused by the nature of the subject.

I. We had begun to write, O Caius Trebatius, on subjects more important and more worthy of these books, of which we have published a sufficient number in a short time, when your request recalled me from my course. For when you were with me in my Tusculan villa, and when each of us was separately in the library opening such books as were suited to our respective tastes and studies, you fell on a treatise of Aristotle's called the Topics; which he has explained in many books; and, excited by the title, you

immediately asked me to explain to you the doctrines laid down in those books. And when I had explained them to you, and told you that the system for the discovery of arguments was contained in them, in order that we might arrive, without making any mistake, at the system on which they rested by the way discovered by Aristotle, you urged me, modestly indeed, as you do everything, but still in a way which let me plainly see your eagerness to be gratified, to make you master of the whole of Aristotle's method. And when I exhorted you, (not so much for the sake of saving myself trouble, as because I really thought it advantageous for you yourself,) either to read them yourself, or to get the whole system explained to you by some learned rhetorician, you told me that you had already tried both methods. But the obscurity of the subject deterred you from the books; and that illustrious rhetorician to whom you had applied answered you, I suppose, that he knew nothing of these rules of Aristotle. And this I was not so much surprised at, namely, that that philosopher was not known to the rhetorician, inasmuch as he is not much known even to philosophers, except to a very few.

And such ignorance is the less excusable in them, because they not only ought to have been allured by those things which he has discovered and explained, but also by the incredible richness and sweetness of his eloquence. I could not therefore remain any longer in your debt, since you often made me this request, and yet appeared to fear being troublesome to me, (for I could easily see that,) lest I should appear unjust to him who is the very interpreter of the law. In truth, as you had often written many things for me and mine, I was afraid that if I delayed obliging you in this, it would appear very ungrateful or very arrogant conduct on my part. But while we were together, you yourself are the best witness of how I was occupied; but after I left you, on my way into Greece, when neither the republic nor any friends were occupying my attention, and when I could not honourably remain amid the armies, (not even if I could have done so safely,) as soon as I came to Velia and beheld your house and your family, I was reminded of this debt; and would no longer be wanting to your silent request. Therefore, as I had no books with me, I have written these pages on my voyage, from memory; and I have sent them to you while on my journey, in order that by my diligence in

obeying your commands, I might rouse you to a recollection of my affairs, although you do not require a reminder. But, however, it is time to come to the object which we have undertaken.

II. As every careful method of arguing has two divisions, — one of discovering, one of deciding, — Aristotle was, as it appears to me, the chief discoverer of each. But the Stoics also have devoted some pains to the latter, for they have diligently considered the methods of carrying on a discussion by that science which they call dialectics; but the art of discovering arguments, which is called topics, and which was more serviceable for practical use, and certainly prior in the order of nature, they have wholly disregarded. But we, since both parts are of the greatest utility, and since we intend to examine each if we have time, will now begin with that which is naturally the first.

As therefore the discovery of those things which are hidden is easy, if the place where they are hidden is pointed out and clearly marked; so, when we wish to examine any argument, we ought to know the topics, — for so they are called by Aristotle, being, as it were, seats from which arguments are derived. Therefore we may give as a definition, that a topic is the seat of an argument, and that an argument is a reason which causes men to believe a thing which would otherwise be doubtful. But of those topics in which arguments are contained, some dwell on that particular point which is the subject of discussion; some are derived from external circumstances. When derived from the subject itself, they proceed at times from it taken as a whole, at times from its parts, at times from some sign, and at others from things which are disposed in some manner or other towards the subject under discussion; but those topics are derived from external circumstances which are at a distance and far removed from the same subject.

But a definition is employed with reference to the entire matter under discussion which unfolds the matter which is the subject of inquiry as if it had been previously enveloped in mystery. The formula of that argument is of this sort: “Civil law is equity established among men who belong to the same city, for the purpose of insuring each man in the possession of his property and rights: and the knowledge of this equity is useful: therefore the knowledge of civil law is useful.” Then comes the enumeration of the parts, which

is dealt with in this manner: “If a slave has not been declared free either by the censor, or by the praetor’s rod, or by the will of his master, he is not free: but none of those things is the case: therefore he is not free.” Then comes the sign; when some argument is derived from the meaning of a word, in this way: — As the Aelian Sentian law orders an assiduus[63] to support an assiduus, it orders a rich man to support a rich man, for a rich man is an assiduus, called so, as Aelius says, from *asse dando*.

III. Arguments are also derived from things which bear some kind of relation to that which is the object of discussion. But this kind is distributed under many heads; for we call some connected with one another either by nature, or by their form, or by their resemblance to one another, or by their differences, or by their contrariety to one another, or by adjuncts, or by their antecedents, or by their consequents, or by what is opposed to each of them, or by causes, or by effects, or by a comparison with what is greater, or equal, or less.

Arguments are said to be connected together which are derived from words of the same kind. But words are of the same kind which, originating from one word, are altered in various ways; as, “*sapiens, sapienter, sapientia*.” The connexion of these words is called [Greek: suxugia]; from which arises an argument of this kind: “If the land is common, every one has a right to feed his cattle on it.”

An argument is derived from the kind of word, thus: “Since all the money has been bequeathed to the woman, it is impossible that that ready money which was left in the house should not have been bequeathed. For the species is never separated from the genus as long as it retains its name: but ready money retains the name of money: therefore it is plain that it was bequeathed.”

An argument is derived from the species, which we may sometimes name, in order that it may be more clearly understood; in this manner: “If the money was bequeathed to Fabia by her husband, on the supposition that she was the mother of his family; if she was not his wife, then nothing is due to her.” For the wife is the genus: there are two kinds of wife; one being those mothers of a family which become wives by *coemptio*; the other kind are those which are only considered wives: and as Fabia was one of those last, it appears that nothing was bequeathed to her.

An argument is derived from similarity, in this way: “If those houses have fallen down, or got into disrepair, a life-interest in which is bequeathed to some one, the heir is not bound to restore or to repair them, any more than he is bound to replace a slave, if a slave, a life-interest in whom has been bequeathed to some one, has died.”

An argument is derived from difference, thus: “It does not follow, if a man has bequeathed to his wife all the money which belonged to him, that therefore he bequeathed all which was down in his books as due to him; for there is a great difference whether the money is laid up in his strong box, or set down as due in his accounts.”

An argument is derived from contraries, thus: “That woman to whom her husband has left a life-interest in all his property, has no right, if his cellars of wine and oil are left full, to think that they belong to her; for the use of them is what has been bequeathed to her, and not the misuse: and they are contrary to one another.”

IV. An argument is derived from adjuncts, thus: “If a woman has made a will who has never given up her liberty by marriage, it does not appear that possession ought to be given by the edict of the praetor to the legatee under that will; for it is added, that in that case possession would seem proper to be given by that same edict, according to the wills of slaves, or exiles, or infants.”

Arguments are derived from antecedents, and consequents, and contradictories, in this way. From antecedents: “If a divorce has been caused by the fault of the husband, although the woman has demanded it, still she is not bound to leave any of her dowry for her children.”

From consequents: “If a woman having married a man with whom she had no right of intermarriage, has demanded a divorce, since the children who have been born do not follow their father, the father has no right to keep back any portion of the woman’s dowry.”

From contradictories: “If the head of a family has left to his wife in reversion after his son the life-interest in the female slaves, and has made no mention of any other reversionary heir, if the son dies, the woman shall not lose her life-interest. For that which has once been given to any one by will, cannot be taken away from the legatee to whom it has been given without his consent; for it is a contradiction for any one to have a right to receive a thing, and yet to

be forced to give it up against his will."

An argument is derived from efficient causes, in this way: "All men have a right to add to a common party wall, a wall extending its whole length, either solid or on arches; but if any one in demolishing the common wall should promise to pay for any damages which may arise from his action, he will not be bound to pay for any damage sustained or caused by such arches: for the damage has been done, not by the party which demolished the common wall, but in consequence of some fault in the work, which was built in such a manner as to be unable to support itself."

An argument is derived from what has been done, in this way: "When a woman becomes the wife of a man, everything which has belonged to the woman now becomes the property of the husband under the name of dowry."

But in the way of comparison there are many kinds of valid arguments; in this way: "That which is valid in a greater affair, ought to be valid in a less: so that, if the law does not regulate the limits in the city, still more will it not compel any one to turn off the water in the city." Again, on the other hand: "Whatever is valid in a smaller matter ought to be valid also in a greater one. One may convert the preceding example." Also, "That which is valid in a parallel case ought to be valid in this which is a parallel case." As, "Since the usurpation of a farm depends on a term of two years, the law with respect to houses ought to be the same." But in the law houses are not mentioned, and so they are supposed to come under the same class as all other things, the property in which is determined by one year's use. Equity then must prevail, which requires similar laws in similar cases.[64]

But those arguments which are derived from external circumstances are deduced chiefly from authority. Therefore the Greeks call argumentations of that kind [Greek: atechuoi], that is, devoid of art. As if you were to answer in this way:—"In the case of some one building a roof for the purpose of covering a common wall, Publius Scaevola asserted that there was no right of carrying that roof so far that the water which ran off it should run on to any part of any building which did not belong to the owner of the roof. This I affirm to be law."

V. By these topics then which have been explained, a means of discovering and proving every sort of argument is supplied, as if they were elements of argument. Have we then said enough up to this point? I think we have, as far at least as you, an acute man and one deeply skilled in law, are concerned. But since I have to deal with a man who is very greedy when the feast in question is one of learning, I will prosecute the subject so that I will rather put forth something more than is necessary, than allow you to depart unsatisfied. As, then, each separate one of those topics which I have mentioned has its own proper members, I will follow them out as accurately as I can; and first of all I will speak of the definition itself.

Definition is a speech which explains that which is defined. But of definitions there are two principal kinds: one, of those things which exist; the other, of those which are understood. The things which I call existing are those which can be seen or touched; as a farm, a house, a wall, a gutter, a slave, an ox, furniture, provisions, and so on; of which kind of things some require at times to be defined by us. Those things, again, I say have no existence, which are incapable of being touched or proved, but which can be perceived by the mind and understood; as if you were to define usucaption, guardianship, nationality, or relationship; all, things which have no body, but which nevertheless have a certain conformation plainly marked out and impressed upon the mind, which I call the notion of them. They often require to be explained by definition while we are arguing about them.

And again, there are definitions by partition, and others by division: by partition, when the matter which is to be defined is separated, as it were, into different members; as if any one were to say that civil law was that which consists of laws, resolutions of the senate, precedents, the authority of lawyers, the edicts of magistrates, custom, and equity. But a definition by division embraces every form which comes under the entire genus which is defined; in this way: "Alienation is the surrender of anything which is a man's private property, or a legal cession of it to men who are able by law to avail themselves of such cession."

VI. There are also other kinds of definitions, but they have no connexion with the subject of this book; we have only got to say

what is the manner of expressing a definition. This, then, is what the ancients prescribe: that when you have taken those things which are common to the thing which you wish to define with other things, you must pursue them till you make out of them altogether some peculiar property which cannot be transferred to anything else. As this: “An inheritance is money.” Up to this point the definition is common, for there are many kinds of money. Add what follows: “which by somebody’s death comes to some one else.” It is not yet a definition, for money belonging to the dead can be possessed in many ways without inheritance. Add one word, “lawfully.” By this time the matter will appear distinguished from general terms, so that the definition may stand thus:—”An inheritance is money which by somebody’s death has lawfully come to some one else.” It is not enough yet. Add, “without being either bequeathed by will, or held as some one else’s property.” The definition is complete. Again, take this:—”Those are *gentiles* who are of the same name as one another.” That is insufficient. “And who are born of noble blood.” Even that is not enough. “Who have never had any ancestor in the condition of a slave.” Something is still wanting. “Who have never parted with their franchise.” This, perhaps, may do. For I am not aware that Scaevola, the pontiff, added anything to this definition. And this principle holds good in each kind of definition, whether the thing to be defined is something which exists, or something which is understood.

VII. But we have shown now what is meant by partition, and by division. But it is necessary to explain more clearly wherein they differ. In partition, there are as it were members; as of a body — head, shoulders, hands, sides, legs, feet, and so on. In division there are forms which the Greeks call [Greek: ideae]; our countrymen who treat of such subjects call them species. And it is not a bad name, though it is an inconvenient one if we want to use it in different cases. For even if it were Latin to use such words, I should not like to say *specierum* and *speciebus*. And we have often occasion to use these cases. But I have no such objection to saying *formarum* and *formis*; and as the meaning of each word is the same, I do not think that convenience of sound is wholly to be neglected.

Men define genus and species or form in this manner:—”Genus is

a notion relating to many differences. Species is a notion, the difference of which can be referred to the head and as it were fountain of the genus." I mean by notion that which the Greeks call sometimes [Greek: *ennoia*], and sometimes [Greek: *enoprolaepsis*]. It is knowledge implanted and previously acquired of each separate thing, but one which requires development. Species, then, are those forms into which genus is divided without any single one being omitted; as if any one were to divide justice into law, custom, and equity. A person who thinks that species are the same things as parts, is confounding the art; and being perplexed by some resemblance, he does not distinguish with sufficient acuteness what ought to be distinguished. Often, also, both orators and poets define by metaphor, relying on some verbal resemblance, and indeed not without giving a certain degree of pleasure. But I will not depart from your examples unless I am actually compelled to do so.

Aquillius, then, my colleague and intimate friend, was accustomed, when there was any discussion about shores, (all of which you lawyers insist upon it are public,) to define them to men who asked to whom that which was shore belonged, in this way: "Wherever the waves dashed;" that is, as if a man were to define youth as the flower of a man's age, or old age as the setting of life. Using a metaphor, he departs from the words proper to the matter in hand and to his own art. This is enough as to definition. Let us now consider the other points.

VIII. But we must employ partition in such a manner as to omit no part whatever. As if you wish to partition guardianship, you would act ignorantly if you were to omit any kind. But if you were partitioning off the different formulas of stipulations or judicial decisions, then it is not a fault to omit something in a matter which is of boundless extent. But in division it is a fault; for there is a settled number of species which are subordinate to each genus. The distribution of the parts is often more interminable still, like the drawing streams from a fountain. Therefore in the art of an orator, when the genus of a question is once laid down, the number of its species is added absolutely; but when rules are given concerning the embellishments of words and sentences, which are called [Greek: *schaemata*], the case is different; for the circumstances are more

infinite: so that it may be understood from this also what the difference is which we assert to exist between partition and division. For although the words appear nearly equivalent to one another still, because the things are different, the expressions are also established as not synonymous to one another.

Many arguments are also derived from observation, and that is when they are deduced from the meaning of a word, which the Greeks call [Greek: *etumologia*]; or as we might translate it, word for word, *veriloquium*. But we, while avoiding the novel appearance of a word which is not very suitable, call this kind of argument *notatio*, because words are the notes by which we distinguish things. And therefore Aristotle calls the same source of argument [Greek: *sunbolou*], which is equivalent to the Latin *nota*. But when it is known what is meant we need not be so particular about the name. In a discussion then, many arguments are derived from words by means of observation; as when the question is asked, what is a *postliminium* — (I do not mean what are the objects to which this word applies, for that would be division, which is something of this sort: "*Postliminium* applies to a man, a ship, a mule with panniers, a horse, a mare who is accustomed to be bridled") — but when the meaning of the word itself, *postliminium*, is asked, and when the word itself is observed. And in this our countryman, Servius, as it seems, thinks that there is nothing to be observed except *post*, and he insists upon it that *liminium* is a mere extension of the word; as in *finitimus, legitimus, ceditimus, timus* has no more meaning than *tullius* has in *meditullius*.

But Scaevola, the son of Publius Scaeaevola, thinks the word is a compound one, so that it is made up of *post* and *limen*. So that those things which have been alienated from us, when they have come into the possession of our enemies, and, as it were, departed from their own threshold, then when they have returned behind that same threshold, appear to have returned *postliminio*. By which definition even the cause of Mancinus may be defended by saying that he returned *postliminio*, — that he was not surrendered, inasmuch as he was not received. For that no surrender and no gift can be understood to have taken place if there has been no reception of it.

IX. We next come to that topic which is derived from those things

which are disposed in some way or other to that thing which is the subject of discussion. And I said just now that it was divided into many parts. And the first topic is derived from combination, which the Greeks call [Greek: sizugia], being a kindred thing to observation, which we have just been discussing, as, if we were only to understand that to be rain-water which we saw to have been collected from rain, Mucius would come, who, because the words *pluna* and *pluendo* were akin, would say that all water ought to be kept out which had been increased by raining. But when an argument is derived from a genus, then it will not be necessary to trace it back to its origin, we may often stop on this side of that point, provided that which is deduced is higher than that for which it is deduced, as, "Rain water in its ultimate genus is that which descends from heaven and is increased by showers," but in reference to its more proximate sense, under which the right of keeping it off is comprised, the genus is, mischievous rain water. The subordinate species of that genus are waters which injure through a natural defect of the place, or those which are injurious on account of the works of man: for one of these kinds may be restrained by an arbitrator, but not the other.

Again, this argumentation is handled very advantageously, which is derived from a species when you pursue all the separate parts by tracing them back to the whole, in this way "If that is *dolus malus* when one thing is aimed at, and another pretended," we may enumerate the different modes in which that can be done, and then under some one of them we may range that which we are trying to prove has been done *dolo malo*. And that kind of argument is usually accounted one of the most irrefragable of all.

X. The next thing is similarity, which is a very extensive topic, but one more useful for orators and for philosophers than for men of your profession. For although all topics belong to every kind of discussion, so as to supply arguments for each, still they occurs more abundantly in discussions on some subjects, and more sparingly in others. Therefore the genera are known to you, but when you are to employ them the questions themselves will instruct you. For there are resemblances which by means of comparisons arrive at the point they aim at, in this manner. "If a guardian is bound to behave with good faith, and a partner, and any one to whom you have entrusted

anything, and any one who has undertaken a trust then so ought an agent." This argument, arriving at the point at which it aims by a comparison of many instances, is called induction, which in Greek is called [Greek: *ipago*]. and it is the kind of argument which Socrates employed a great deal in his discourses.

Another kind of resemblance is obtained by comparison, when one thing is compared to some other single thing, and like to like, in this way "As if in any city there is a dispute as to boundaries because the boundaries of fields appear more extensive than those of cities, you may find it impossible to bring an arbitrator to settle the question of boundaries, so if rain water is injurious in a city, since the whole matter is one more for country magistrates, you may not be able to bring an arbitrator to settle the question of keeping off rain-water" Again, from the same topic of resemblance, examples are derived, as, "Crassus in Cunus's trial used many examples, speaking of the man who by his will had appointed his heir in such a manner, that if he had had a son born within ten months of his death, and that son had died before coming into possession of the property held in trust for him, the revisionary heir would succeed to the inheritance. And the enumeration of precedents which Crassus brought forward prevailed". And you are accustomed to use this style of argument very frequently in replies. Even fictitious examples have all the force of real ones, but they belong rather to the orator than to you lawyers, although you also do use them sometimes, but in this way. "Suppose a man had given a slave a thing which a slave is by law incapable of receiving, is it on that account the act of the man who received it? or has he, who gave that present to his slave on that account taken any obligations on himself?" And in this kind of argument orators and philosophers are allowed to make even dumb things talk, so that the dead man be raised from the shades below, or that anything which intrinsically is absolutely impossible, may, for the sake of adding force to the argument, or diminishing, be spoken of as real and that figure is called hyperbole. And they may say other marvellous things, but theirs is a wider field. Still, out of the same topics, as I have said before, arguments are derived for the most important and the most trivial inquiries.

XI After similarity there follows difference between things, which

is as different as possible from the preceding topic, still it is the same art which finds out resemblances and dissimilarities. These are instances of the same sort—"If you have contracted a debt to a woman, you can pay her without having recourse to a trustee, but what you owe to a minor, whether male or female; you cannot pay in the same manner."

The next topic is one which is derived from contraries. But the genera of contraries are several. One is of such things as differ in the same kind; as wisdom and jolly. But those things are said to be in the same kind, which, when they are proposed, are immediately met by certain contraries, as if placed opposite to them: as slowness is contrary to rapidity, and not weakness. From which contraries such arguments as these are deduced:—"If we avoid folly, let us pursue wisdom; and if we avoid wickedness, let us pursue goodness." These things, as they are contrary qualities in the same class, are called opposites. For there are other contraries, which we may call in Latin, *privantia*, and which the Greeks call [Greek: *steraetika*]. For the preposition *in* deprives the word of that force which it would have if *in* were not prefixed; as, "dignity, indignity — humanity, inhumanity," and other words of the same kind, the manner of dealing with which is the same as that of dealing with other kinds which I have called opposites. For there are also other kinds or contraries; as those which are compared to something or other; as, "twofold and simple; many and few; long and short; greater and less." There are also those very contrary things which are called negatives, which the Greeks call [Greek: *steraetika*]: as, "If this is the case, that is not." For what need is there for an instance? only let it be understood that in seeking for an argument it is not every contrary which is suitable to be opposed to another.

XII. But I gave a little while ago an instance drawn from adjuncts; showing that many things are added as accessories, which ought to be admitted, if we decided that possession ought to be given by the praetor's edict, in compliance with the will which that person made who had no right whatever to make a will. But this topic has more influence in conjectural causes, which are frequent in courts, of justice, when we are inquiring either what is, or what has been, or what is likely to be, or what possibly may happen. And the form of

the topic itself is as follows. But this topic reminds us to inquire what happened before the transaction of which we are speaking, or at the same time with the transaction, or after the transaction. “This has nothing to do with the law, you had better apply to Cicero,” our friend Gallus used to say, if any one brought him any cause which required an inquiry into matters of fact. But you will prefer that no topic of the art which I have begun to treat of should be omitted by me, lest if you should think that nothing was to be written here except what had reference to yourself, you should seem to be too selfish. This then is for the most part an oratorical topic; not only not much suited to lawyers, but not even to philosophers. For the circumstances which happened before the matter in question are inquired into, such as any preparation, any conferences, any place, any prearranged convivial meeting. And the circumstances which happened at the same time with the matter in question, are the noise of footfalls, the noise of men, the shadow of a body, or anything of that sort. The circumstances subsequent to the matter in question are, blushing, paleness, trepidation, or any other tokens of agitation or consciousness; and besides these, any such fact as a fire extinguished, a bloody sword, or any circumstance which can excite a suspicion of such an act.

XIII. The next topic is one peculiar to dialecticians; derived from consequents, and antecedents, and inconsistencies; and this one is very different from that drawn from differences. For adjuncts, of which we were speaking just now, do not always exist, but consequents do invariably. I call those things consequents which follow an action of necessity. And the same rule holds as to antecedents and inconsistencies; for whatever precedes each thing, that of necessity coheres with that theme; and whatever is inconsistent with it is of such a nature that it can never cohere with it. As then this topic is distributed in three divisions, into consequence, antecession, and inconsistency, there is one single topic to help us find the argument, but a threefold way of dealing with it. For what difference does it make, when you have once assumed that the ready money is due to the woman to whom all the money has been bequeathed, whether you conclude your argument in this way:—”If coined money is money, it has been bequeathed to the woman; but

coined money is money; therefore it has been bequeathed to her;" — or in this way: "If ready money has not been bequeathed to her, then ready money is not money; but ready money is money; therefore it has been bequeathed to her;" — or in this way: "The cases of money not having been bequeathed, and of ready money not having been bequeathed, are identical; but money was bequeathed to her; therefore ready money was bequeathed to her?" But the dialecticians call that conclusion of the argument in which, when you have first made an assumption, that which is connected with it follows as a consequence of the assumption, the first mood of the conclusion; and when, because you have denied the consequence, it follows that that also to which it was a consequence must be denied also, that is the second mood. But when you deny some things in combination, (and then another negation is added to them,) and from these things you assume something, so that what remains is also done away with, that is called the third mood of the conclusion. From this are derived those results of the rhetoricians drawn from contraries, which they call enthymemes. Not that every sentence may not be legitimately called an enthymeme; but, as Homer on account of his preeminence has appropriated the general name of poet to himself as his own among all the Greeks; so, though every sentence is an enthymeme, still, because that which is made up of contraries appears the most acute argument of the kind, that alone has possessed itself of the general name as its own peculiar distinction. Its kinds are these: —"Can you fear this man, and not fear that one?"—"You condemn this woman, against whom you bring no accusation; and do you say that this other one deserves punishment, whom you believe to deserve reward?"—"That which you do know is no good; that which you do not know is a great hindrance to you."

XIV. This kind of disputing is very closely connected with the mode of discussion adopted by you lawyers in reply, and still more closely with that adopted by philosophers, as they share with the orators in the employment of that general conclusion which is drawn from inconsistent sentences, which is called by dialecticians the third mood, and by rhetoricians an enthymeme. There are many other moods used by the rhetoricians, which consist of disjunctive propositions:—"Either this or that is the case; but this is the case;

then that is not the case." And again:—"Either this or that is the case; but this is not the case; then that is the case." And these conclusions are valid, because in a disjunctive proposition only one alternative can be true. And from those conclusions which I have mentioned above, the former is called by the dialecticians the fourth mood, and the latter the fifth. Then they add a negation of conjunctive propositions; as, "It is not both this and that; but it is this; therefore it is not that." This is the sixth mood. The seventh is, "It is not both this and that; but it is not this; therefore it is that." From these moods innumerable conclusions are derived, in which nearly the whole science of dialectics consists. But even those which I have now explained are not necessary for this present discussion.

XV. The next topic is drawn from efficient circumstances which are called causes; and the next from the results produced by these efficient causes. I have already given instances of these, as of the other topics, and those too drawn from civil law; but these have a wider application.

There are then two kinds of causes; one which of its own force to a certainty produces that effect which is subordinate to it; as, "Fire burns;" the other is that which has no nature able to produce the effect in question, though still that effect cannot be produced without it; as, if any one were to say, that "brass was the cause of a statue; because a statue cannot be made without it." Now of this kind of causes which are indispensable to a thing being done, some are quiet some passive, some, as it were, senseless; as, place, time, materials, tools, and other things of the same sort. But some exhibit a sort of preparatory process towards the production of the effect spoken of; and some of themselves do contribute some aid to it; although it is not indispensable; as meeting may have supplied the cause to love; love to crime. From this description of causes depending on one another in infinite series, is derived the doctrine of fate insisted on by the Stoics. And as I have thus divided the genera of causes, without which nothing can be effected, so also the genera of the efficient causes can be divided in the same manner. For there are some causes which manifestly produce the effect, without any assistance from any quarter; others which require external aid; as for instance, wisdom alone by herself makes men wise; but whether she is able alone to

make men happy is a question.

XVI. Wherefore, when any cause efficient as to some particular end has inevitably presented itself in a discussion, it is allowable without any hesitation to conclude that what that cause must inevitably effect is effected. But when the cause is of such a nature that it does not inevitably effect the result, then the conclusion which follows is not inevitable And that description of causes which has an inevitable effect does not usually engender mistakes; but this description, without which a thing cannot take place, does often cause perplexity. For it does not follow, because sons cannot exist without parents, that there was therefore any unavoidable cause in the parents to have children. This, therefore, without which an effect cannot be produced, must be carefully separated from that by which it is certainly produced. For that is like —

”Would that the lofty pine on Pelion’s brow
Had never fall’n beneath the woodman’s axe!”

For if the beam of fir had never fallen to the ground, that Argo would not have been built; and yet there was not in the beams any unavoidably efficient power. But when

“The fork’d and fiery bolt of Jove”

was hurled at Ajax’s vessel, that ship was then inevitably burnt.

And again, there is a difference between causes, because some are such that without any particular eagerness of mind, without any expressed desire or opinion, they effect what is, as it were, their own work; as for instance, “that everything must die which has been born.” But other results are effected either by some desire or agitation of mind, or by habit, or nature, or art, or chance. By desire, as in your case, when you read this book; by agitation, as in the case of any one who fears the ultimate issue of the present crisis; by habit, as in the case of a man who gets easily and rapidly in a passion; by nature, as vice increases every day; by art, as in the case of a man who paints well; by chance, as in the case of a man who has a prosperous voyage. None of these things are without some cause, and yet none of them are wholly owing to any single cause. But causes of this kind are not necessary ones.

XVII. But in some of these causes there is a uniform operation, and in others there is not. In nature and in art there is uniformity; but in the others there is none. But still of those causes which are not uniform, some are evident, others are concealed. Those are evident which touch the desire or judgment of the mind; those are concealed which are subject to fortune: for as nothing is done without some cause, this very obscure cause, which works in a concealed manner, is the issue of fortune. Again, these results which are produced are partly unintended, partly intentional. Those are unintended which are produced by necessity; those are intentional which are produced by design. But those results which are produced by fortune are either unintended or intentional. For to shoot an arrow is an act of intention; to hit a man whom you did not mean to hit is the result of fortune. And this is the topic which you use like a battering-ram in your forensic pleadings; if a weapon has flown from the man's hand rather than been thrown by him. Also agitation of mind may be divided into absence of knowledge and absence of intention. And although they are to a certain extent voluntary, (for they are diverted from their course by reproof or by admonition,) still they are liable to such emotions that even those acts of theirs which are intentional sometimes seem either unavoidable, or at all events unintentional.

The whole topic of these causes then being now fully explained, from their differences there is derived a great abundance of arguments in all the important discussions of orators and philosophers. And in the cases which you lawyers argue, if there is not so plentiful a stock, what there are, are perhaps more subtle and shrewd. For in private actions the decisions in the most important cases appear to me to depend a great deal on the acuteness of the lawyers. For they are constantly present, and are taken into counsel; and they supply weapons to able advocates whenever they have recourse to their professional wisdom.

In all those judicial proceedings then, in which the words "according to good faith" are added, or even those words, "as ought to be done by one good man to another;" and above all, in all cases of arbitration respecting matrimonial rights, in which the words "juster and better" occur, the lawyers ought to be always ready. For they know what "dishonest fraud," or "good faith," or "just," or

“good” mean. They are acquainted with the law between partners; they know what the man who has the management of the affairs of another is bound to do with respect to him whose affairs he manages; they have laid down rules to show what the man who has committed a charge to another, and what he who has had it committed to him, ought to do; what a husband ought to confer on his wife, and a wife on her husband. It will, therefore, when they have by diligence arrived at a proper understanding of the topics from which the necessary arguments are derived, be in the power not only of orators and philosophers, but of lawyers also, to discuss with abundance of argument all the questions which can arise for their consideration.

XVIII. Conjoined to this topic of causes is that topic which is supplied by causes. For as cause indicates effect, so what has been effected points out what the efficient cause has been. This topic ordinarily supplies to orators and poets, and often to philosophers also, that is to say, to those who have an elegant and argumentative and rich style of eloquence, a wonderful store of arguments, when they predict what will result from each circumstance. For the knowledge of causes produces a knowledge of effects.

The remaining topic is that of comparison, the genus and instances of which have been already explained, as they have in the case of the other topics. At present we must explain the manner of dealing with this one. Those things then are compared which are greater than one another, or less than one another, or equal to one another. In which these points are regarded; number, appearance, power, and some particular relation to some particular thing.

Things will be compared in number thus: so that more advantages may be preferred to fewer; fewer evils to more; more lasting advantages to those which are more short-lived; those which have an extensive application to those the effect of which is narrowed: those from which still further advantages may be derived, and those which many people may imitate and reproduce.

Things again will be compared with reference to their appearance, so that those things may be preferred which are to be desired for their own sake, to those which are only sought for the sake of something else: and so that innate and inherent advantages may be preferred to acquired and adventitious ones; complete good to mixed good;

pleasant things to things less pleasant; honourable things to such as are merely useful; easy things to difficult ones; necessary to unnecessary things; one's own advantage to that of others; rare things to common ones; desirable things to those which you can easily do without; things complete to things which are only begun; wholes to parts; things proceeding on reason to things void of reason; voluntary to necessary things; animate to inanimate things; things natural to things not natural; things skilfully produced by art to things with which art has no connexion.

But power in a comparison is perceived in this way: an efficient cause is more important than one which effects nothing; those causes which can act by themselves are superior to those which stand in need of the aid of others; those which are in our power are preferable to those which are in the power of another; lasting causes surpass those which are uncertain; things of which no one can deprive us are better than things which can be easily taken away.

But the way in which people or things are disposed towards some things is of this sort: the interests of the chief citizens are more important than those of the rest: and also, those things which are more agreeable, which are approved of by more people, or which are praised by the most virtuous men, are preferable. And as in a comparison these things are the better, so those which are contrary to them are the worse.

But the comparison between things like or equal to each other has no elation or submission; for it is on equal terms: but there are many things which are compared on account of their very equality; which are usually concluded in this manner: “If to assist one’s fellow-citizens with counsel and personal aid deserves equal praise, those men who act as counsellors ought to enjoy an equal glory with those who are the actual defenders of a state.” But the first premiss is certainly the case; therefore so must the consequent be.

Every rule necessary for the discovery of arguments is now concluded; so that as you have proceeded from definition, from partition, from observation, from words connected with one another, from genus, from species, from similarity, from difference, from contraries, from accessories, from consequents, from antecedents, from things inconsistent with one another, from causes, from effects, from a comparison with greater, or lesser, or equal things, — there is no topic of argument whatever remaining to be discovered.

XIX. But since we originally divided the inquiry in such a way that we said that other topics also were contained in the very matter which was the subject of inquiry; (but of those we have spoken at sufficient length:) that others were derived from external subjects; and of these we will say a little; although those things have no relation whatever to your discussions. But still we may as well make the thing complete, since we have begun it. Nor are you a man who take no delight in anything except civil law; and since this treatise is dedicated to you, though not so exclusively but that it will also come into the hands of other people, we must take pains to be as serviceable as possible to those men who are addicted to laudable pursuits.

This sort of argumentation then which is said not to be founded on art, depends on testimony. But we call everything testimony which is deduced from any external circumstances for the purpose of implanting belief. Now it is not every one who is of sufficient weight to give valid testimony; for authority is requisite to make us believe things. But it is either a man’s natural character or his age which invests him with authority. The authority derived from a man’s natural character depends chiefly on his virtue; but on his age there

are many things which confer authority; genius, power, fortune, skill, experience, necessity, and sometimes even a concourse of accidental circumstances. For men think able and opulent men, and men who have been esteemed during a long period of their lives, worthy of being believed Perhaps they are not always right; but still it is not easy to change the sentiments of the common people; and both those who form judgments and those who adopt vague opinions shape everything with reference to them. For those men who are eminent for those qualities which I have mentioned, seem to be eminent for virtue itself. But in the other circumstances also which I have just enumerated, although there is in them no appearance of virtue, still sometimes belief is confirmed by them, if either any skill is displayed, — for the influence of knowledge in inspiring belief is very great; or any experience — for people are apt to believe those who are men of experience.

XX. Necessity also engenders belief, which sways both bodies and minds. For what men say when worn out with tortures, and stripes, and fire, appears to be uttered by truth itself. And those statements which proceed from agitation of mind, such as pain, cupidity, passion, and fear, because those feelings have the force of necessity, bring authority and belief. And of this kind are those circumstances from which at times the truth is discovered; childhood, sleep, ignorance, drunkenness, insanity. For children have often indicated something, though ignorant to what it related; and many things have often been discovered by sleep, and wine, and insanity. Many men also have without knowing it fallen into great difficulties, as lately happened to Stalenus; who said things in the hearing of certain excellent men, though a wall was between them, which, when they were revealed and brought before a judicial tribunal, were thought so wicked that he was rightly convicted of a capital offence. And we have heard something similar concerning Pausanias the Lacedaemonian.

But the concourse of fortuitous events is often of this kind; when anything has happened by chance to interrupt, when anything was being done or said which it was desirable should not have been done or said. Of this kind is that multitude of suspicions of treason which were heaped upon Palamedes. And circumstances of this kind are

sometimes scarcely able to be refuted by truth itself. Of this kind too is ordinary report among the common people; which is as it were the testimony of the multitude.

But those things which create belief on account of the virtue of the witness are of a two-fold kind; one of which is valid on account of nature, the other by industry. For the virtue of the gods is eminent by nature; but that of men, because of their industry.

Testimonies of this kind are nearly divine, first of all, that of oration, (for oracles were so called from that very same word, as there is in them the oration of the gods;) then that of things in which there are, as it were, many divine works; first of all, the word itself, and its whole order and ornaments; then the airy flights and songs of birds; then the sound and heat of that same air; and the numerous prodigies of divers kinds seen on the earth; and also, the power of foreseeing the future by means of the entrails of victims: many things, too, which are shown to the living by those who are asleep: from all which topics the testimonies of the gods are at times adduced so as to create belief.

In the case of a man, the opinion of his virtue is of the greatest weight. For opinion goes to this extent, that those men have virtue, not only who do really possess it, but those also who appear to possess it. Therefore, those men whom they see endowed with genius and diligence and learning, and whose life they see is consistent and approved of, like Cato and Laelius, and Scipio, and many others, they consider such men as they themselves would wish to be. And not only do they think them such who enjoy honours conferred on them by the people, and who busy themselves with affairs of state, but also those who are orators, and philosophers, and poets, and historians; from whose sayings and writings authority is often sought for to establish belief.

XXI. Having thus explained all the topics serviceable for arguing, the first thing to be understood is, that there is no discussion whatever to which some topic or other is not applicable; and on the other hand, that it is not every topic which is applicable to every discussion; but that different topics are suited to different subjects.

There are two kinds of inquiry: one, infinite; the other, definite. The definite one is that which the Greeks call [Greek: hupothesis],

and we, a cause; the infinite one, that which they call [Greek: thesis], and which we may properly term a proposition.

A cause is determined by certain persons, places, times, actions, and things, either all or most of them; but a proposition is declared in some one of those things, or in several of them, and those not the most important: therefore, a proposition is a part of a cause. But the whole inquiry is about some particular one of those things in which causes are contained; whether it be one, or many, or sometimes all. But of inquiries, concerning whatever thing they are, there two kinds; one theoretical, the other practical. Theoretical inquiries are those of which the proposed aim is science; as, 'If it is inquired whether right proceeds from nature, or from some covenant, as it were, and bargain between men. But the following are instances of practical inquiry: "Whether it is the part of a wise man to meddle with statesmanship." The inquiries into theoretical matters are threefold; as what is inquired is, whether a thing exists, or what it is, or what its character is. The first of these queries is explained by conjecture; the second, by definition; the third, by distinctions of right and wrong.

The method of conjecture is distributed into four parts; one of which is, when the inquiry is whether something exists; a second, when the question is, whence it has originated; a third, when one seeks to know what cause produced it; the fourth is that in which the alterations to which the subject is liable are examined: "Whether it exists or not; whether there is anything honourable, anything intrinsically and really just; or whether these things only exist in opinion." But the inquiry whence it has originated, is when an inquiry is such as this, "Whether virtue is implanted by nature, or whether it can be engendered by instruction." But the efficient cause is like this, as when an inquiry is, "By what means eloquence is produced." Concerning the alterations of anything, in this manner: "Whether eloquence can by any alteration be converted into a want of eloquence."

XXII. But when the question is what a thing is; the notion is to be explained, and the property, and the division, and the partition. For these things are all attributed to definition. Description also is added, which the Greeks call [Greek: charaktaer]. A notion is inquired into in this way: "Whether that is just which is useful to that person who

is the more powerful." Property, in this way: "Whether melancholy is incidental to man alone, or whether beasts also are liable to it." Division, and also partition, in this manner: "Whether there are three descriptions of good things." Description, like this: "What sort of person a miser is; what sort of person a flatterer;" and other things of that sort, by which the nature and life of a man are described.

But when the inquiry is what the character of something is, the inquiry is conducted either simply, or by way of comparison. Simply, in this way: "Whether glory is to be sought for." By way of comparison, in this way: "Whether glory is to be preferred to riches." Of simple inquiries there are three kinds; about seeking for or avoiding anything, about the right and the wrong; about what is honourable and what is discreditable. But of inquiries by way of comparison there are two; one of the thing itself and something else; one of something greater and something else. Of seeking for and avoiding a thing, in this way: "Whether riches are to be sought for: whether poverty is to be avoided." Concerning right and wrong: "Whether it is right to revenge oneself, whoever the person may be from whom one has received an injury." Concerning what is honourable and what is discreditable: "Whether it is honourable to die for one's country." But of the other kind of inquiry, which has been stated to be twofold, one is about the thing in question and something else; as if it were asked, "What is the difference between a friend and a flatterer, between a king and a tyrant?" The other is between something greater and something less; as if it were asked, "Whether eloquence is of more consequence than the knowledge of civil law." And this is enough about theoretical inquiries.

It remains to speak of practical ones; of which there are two kinds: one relating to one's duty, the other to engendering, or calming, or utterly removing any affection of the mind. Relating to duty thus: as when the question is, "Whether children ought to be bad." Relating to influencing the mind, when exhortations are delivered to men to defend the republic, or when they are encouraged to seek glory and praise: of which kind of addresses are complaints, and encouragements, and tearful commiseration; and again, speeches extinguishing anger, or at other times removing fear, or repressing the exultation of joy, or effacing melancholy. As these different

divisions belong to general inquiries, they are also transferable to causes.

XXIII. But the next thing to be inquired is, what topics are adapted to each kind of inquiry; for all those which we have already mentioned are suitable to most kinds; but still, different topics, as I have said before, are better suited to different investigations. Those arguments are the most suitable to conjectural discussion which can be deduced from causes, from effects, or from dependent circumstances. But when we have need of definition, then we must have recourse to the principles and science of defining. And akin to this is that other argument also which we said was employed with respect to the subject in question and something else; and that is a species of definition. For if the question is, "Whether pertinacity and perseverance are the same thing," it must be decided by definitions. And the topics which are incidental to a discussion of this kind are those drawn from consequents, or antecedents, or inconsistencies, with the addition also of those two topics which are deduced from causes and effects. For if such and such a thing is a consequence of this, but not a consequence of that; or if such and such a thing is a necessary antecedent to this, but not to that; or if it is inconsistent with this, but not with that; or if one thing is the cause of this, and another the cause of that; or if this is effected by one thing, and that by another thing; from any one of these topics it may be discovered whether the thing which is the subject of discussion is the same thing or something else.

With respect to the third kind of inquiry, in which the question is what the character of the matter in question is, those things are incidental to the comparison which were enumerated just now under the topic of comparison. But in that kind of inquiry where the question is about what is to be sought for or avoided, those arguments are employed which refer to advantages or disadvantages, whether affecting the mind or body, or being external. And again, when the inquiry is not what is honourable or discreditable, all our argument must be addressed to the good or bad qualities of the mind.

But when right and wrong are being discussed, all the topics of equity are collected. These are divided in a two-fold manner, as to whether they are such by nature or owing to institutions. Nature has

two parts to perform, to defend itself, and to indicate right. But the agreements which establish equity are of a threefold character: one part is that which rests on laws; one depends on convenience; the third is founded on and established by antiquity of custom. And again, equity itself is said to be of a threefold nature: one division of it having reference to the gods above; another, to the shades below; a third, to mankind. The first is called piety; the second, sanctity; the third, justice or equity.

XXIV. I have said enough about propositions. There are now a few things which require to be said about causes. For they have many things in common with propositions.

There are then three kinds of causes; having for their respective objects, judgment, deliberation, and panegyric. And the object of each points out what topics we ought to employ in each. For the object of judicial judgment is right; from which also it derives its name. And the divisions of right were explained when we explained the divisions of equity. The object of deliberation is utility; of which the divisions have also been already explained when we were treating of things to be desired. The object of panegyric is honour; concerning which also we have already spoken.

But inquiries which are definite are all of them furnished with appropriate topics, as if they belonged to themselves, being divided into accusation and defence. And in them there are these kinds of argumentation. The accuser accuses a person of an act; the advocate for the defence opposes one of these excuses: either that the thing imputed has not been done; or that, if it has been done, it deserves to be called by a different name; or that it was done lawfully and rightly. Therefore, the first is called a defence either by way of denial or by way of conjecture; the second is called a defence by definition; the third, although it is an unpopular name, is called the judicial one.

XXV. The arguments proper to these excuses, being derived from the topics which we have already set forth, have been explained in our oratorical rules. But the refutation of an accusation, in which there is a repelling of a charge, which is called in Greek [Greek: stasis], is in Latin called *status*. On which there is founded, in the first place, such a defence as may effectually resist the attack. And also, in the deliberations and panegyrics the same refutations often

have place. For it is often denied that those things are likely to happen which have been stated by some or other in his speech as sure to take place; if it can be shown either that they are actually impossible, or that they cannot be brought about without extreme difficulty. And in this kind of argumentation the conjectural refutation takes place. But when there is any discussion about utility, or honour, or equity, and about those things which are contrary to one another, then come in denials, either of the law or of the name of the action. And the same is the case in panegyrics. For one may either deny that that has been done which the person is praised for; or else that it ought to bear that name which the praiser has conferred on it, or else one may altogether deny that it deserves any praise at all, as not having been done rightly or lawfully. And Caesar employed all these different kinds of denial with exceeding impudence when speaking against my friend Cato. But the contest which arises from a denial is called by the Greeks [Greek: krinomenon]; I, while writing to you, prefer calling it "the precise point in dispute." But for the parts within which this discussion on the point in dispute is contained, they may be called the containing parts; being as it were the foundations of the defence; and if they are taken away there would be no defence at all. But since in arguing controversies there ought to be nothing which has more weight than the law itself, we must take pains to have the law as our assistant and witness. And in this there are, as it were, other new denials, which are called legitimate subjects of discussion. For then it is urged in defence, that the law does not say what the adversary states it to say, but something else. And that happens when the terms of the law are ambiguous, so that they can be understood in two different senses. Then the intention of the framer is opposed to the letter of the law; so that the question is, whether the words or the intention ought to have the greatest validity? Then again, another law is adduced contrary to this law. So there are three kinds of doubts which can give rise to a dispute with respect to every written document; ambiguity of expression, discrepancy between the expression and the intention, and also written documents opposed to the one in question. For this is evident; that these kinds of disputes are no more incidental to laws than to wills, or covenants, or to anything else which is contained in

writing. And the way to treat these topics is explained in other books.

XXVI. Nor is it only entire pleadings which are assisted by these topics, but the same are useful in the separate parts of an orator; being partly peculiar and partly general. As in the opening of a speech, in which the orator must employ peculiar topics in order to render his hearers well disposed to him, and docile, and attentive. And also he must attend to his relations of facts, so that they may have a bearing on his object, that is to say, that they may be plain, and brief, and intelligible, and credible, and respectable, and dignified: for although these qualities ought to be apparent throughout the whole speech, still they are peculiarly necessary in any narration. But since the belief which is given to a narration is engendered by persuasiveness, we have already, in the treatises which we have written on the general subject of oratory, explained what topics they are which have the greatest power to persuade the hearers. But the peroration has other points to attend to, and especially amplification; the effect of which ought to be, that the mind of the hearer is agitated or tranquillized by it; and if it has already been affected in that way, that the whole speech shall either increase its agitation, or calm it more completely.

For this kind of peroration, by which pity, and anger, and hatred, and envy, and similar feelings of the mind are excited, rules are furnished in those books, which you may read over with me whenever you like. But as to the point on which I have known you to be anxious, your desires ought now to be abundantly satisfied. For, in order not to pass over anything which had reference to the discovery of arguments in every sort of discussion, I have embraced more topics than were desired by you; and I have done as liberal sellers often do, when they have sold a house or a farm, the movables being all excepted from the sale, still give some of them to the purchaser, which appear to be well placed as ornaments or conveniences. And so we have chosen to throw in some ornaments that were not strictly your due, in addition to that with which we had bound ourselves to furnish you.

DE LEGIBUS (On the Laws)

Translated by Francis Barham

Written in three books, this dialogue bears the same name as Plato's famous dialogue, *The Laws*. It is composed as a fictionalised dialogue between Cicero, his brother Quintus and their mutual friend Titus Pomponius Atticus. The dialogue begins with the three men taking a leisurely stroll through Cicero's estate at Arpinum, where they begin to discuss which laws should be made to govern the people. Cicero uses this as a platform for expounding his theories of natural law of harmony among the classes. Cicero's conservative and traditionalist beliefs create the image of an idealised Rome before the Gracchi, with the classes still in harmony. From there, he reforms the worst points of the Roman constitution, while keeping the majority of the system. Cicero's proposed constitution in the third book can be seen as a renovation of the existing order, not a call to shatter the order and build from the beginning. However, less than a decade after the accepted date for his beginning the manuscript, Julius Caesar crossed the Rubicon, launching the civil war that would end the Republic.

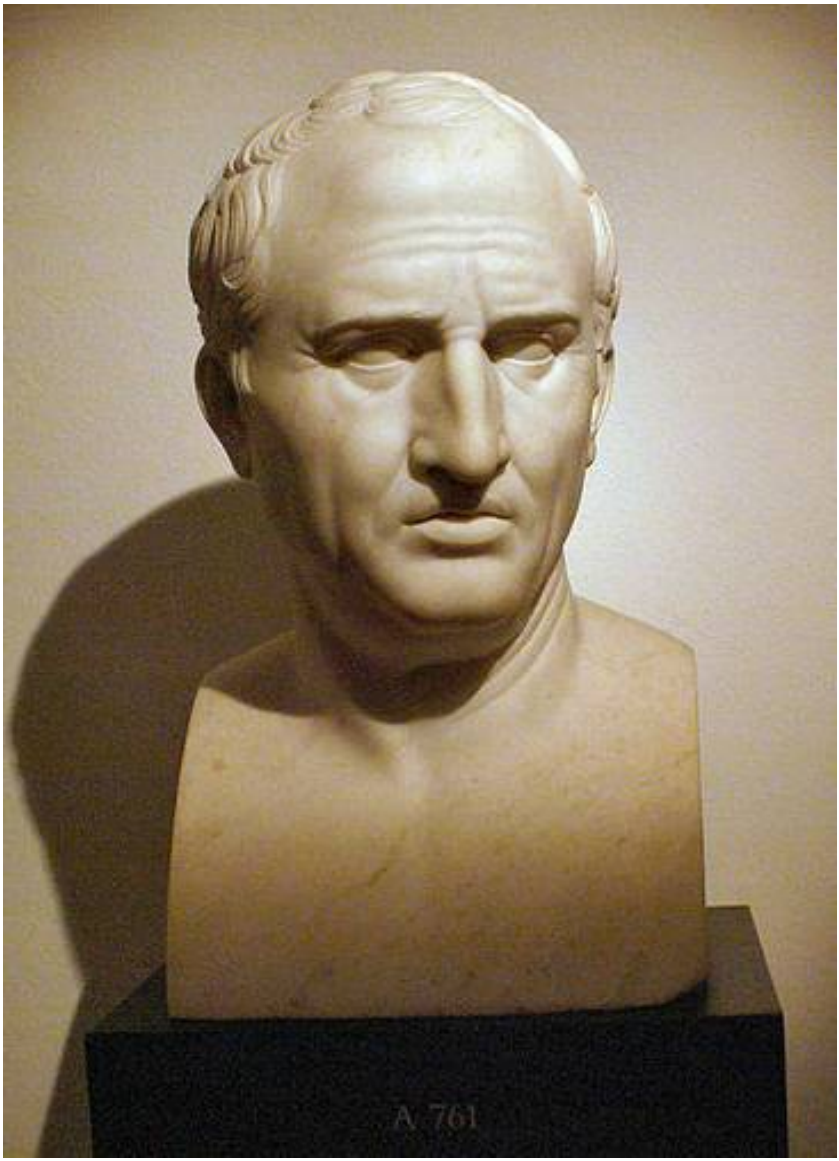

Cicero, copy by Bertel Thorvaldsen 1799-1800 of a Roman bust

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A REVIEW OF THE HISTORY OF CICERO'S TREATISE ON THE LAWS.

Cicero's Treatise on the Laws, which we now for the first time translate into the English language, was composed by its illustrious author in his fifty–sixth year, about two years after the publication of his Commonwealth, to which it forms a supplement.

In order to introduce it more familiarly to the reader's acquaintance, we shall quote a few passages from Middleton, Morabin, and other authors who have criticized the work.

"Soon after the death of Clodius (says Middleton) Cicero seems to have written his Treatise on Laws, after the example of Plato, whom of all writers he most loved to imitate. For as Plato after he had written on government in general, drew up a body of laws adapted to that particular form of it which he had been delineating, so Cicero chose to deliver his political sentiments in the same method, not by translating Plato, but imitating his manner in the explication of them. This work being designed, then, as a supplement, or second volume to his other, upon the Commonwealth, was distributed probably as the other was, into six books, for we meet with some quotations among the ancients from the fourth and fifth, though there are but three now remaining, and those in some places imperfect. In the first of these he lays open the origin of laws, and the source of obligations, which he derives from the universal nature of things, or, as he explains it, from the consummate reason and will of the supreme God. In the other two books, he gives a body of laws, conformable to his own plan and idea of a well–ordered state. First, those which relate to religion, and the worship of the gods. Secondly, those which prescribe the duties and powers of the several magistrates, from which the peculiar form of each government is denominated. These laws are generally taken from the old constitution or custom of Rome, with some little variation and temperament, contrived to obviate the disorders to which that commonwealth was liable, and to give a stronger turn toward the aristocratic side. In the other books, which are lost, he treated, as he tells us, of the particular rights and privileges of the Roman people."

(Vide Middleton's Life of Cicero).

A larger explanation of the history and nature of this work, is given by M. Morabin, its French translator. Morabin deserves the gratitude of all the lovers of Cicero, for he not only wrote a biography of him, almost equal in merit to Middleton's, but translated his greatest works into his native language. His preface to the De Legibus is so just and comprehensive that we choose to translate it almost entire.

"This Treatise on Laws (says Morabin) composed by Cicero, is one of the most valuable monuments which antiquity has bequeathed to us. And if among those works of Tully, which the barbarous ravages of time have destroyed, we regret especially the loss of a large portion of his commonwealth, we must likewise feel disappointed that only three books of his laws still survive, which form the natural supplement to the admirable politics of the preceding masterpiece.

Cicero was not merely an orator and philosopher: he was also a statesman. Being perfectly acquainted with the interests of the Roman government, and conversant with all branches of natural, national, and civil law, he added to the grand speculations of jurisprudence a practical intimacy with public affairs, in which he was deeply engaged during the most critical periods.

Thus, we cannot doubt, that, as the students of eloquence emulated the rhetoric of this great master of oratory, so likewise did statesmen and lawyers derive from these his political and legal writings, maxims of inestimable value, inasmuch as they were adapted to prove, as St. Augustin expresses it, that all true state policy must be perfectly harmonious with the principles of justice.

The general design of Cicero's books on the Commonwealth and the Laws is taken from those works of Plato which bear the same titles. But Cicero executed this design in a very original and yet practical manner, according to the lessons of his personal experience. Far from seeking to change the ancient Roman constitution, I conceive his main object was to reform the abuses of the new one.

In a period when the ambition of the nobles and the spirit of independence and faction among the people were hastening on that terrible tragedy whose last act could only terminate in the loss of

liberty, Cicero depicted before the eyes of his fellow–citizens, the image of the Roman Commonwealth in its best conceivable state, when laws, morals, discipline, subordination, patriotism, justice, disinterestedness, frugality, and the other virtues were encouraged and patronized.

He therefore sought to convince all his fellow–citizens who retained the sentiment of national honour, that the integrity and excellence of the state, must consist in the integrity and excellence of their lives and manners. To feel convinced of this, it is only necessary to read a passage in the fifth book of his Commonwealth, which St. Augustine has preserved, in which Cicero after having quoted this verse of Ennius,

"The wealth of Rome in men and manners lies,"

thus continues: —

"What remains to us of ancient manners and discipline? Alas! their traces are so much effaced, that they are not even to be recognized, where it is most desirable they should be practised. What shall we say of the men of our times? The true reason why our manners are corrupted, is because our men are degenerated. A strange predicament! in which we are impleaded in the court of conscience, and are obliged to exculpate ourselves as well as we can from the charge of being accomplices in those political abuses, which have left us little more than the phantom of our glorious commonwealth, the vain name and shadow of a blessing, whose reality we have long since lost."

The reader may very reasonably expect to find this same spirit of high–toned patriotism, which is so conspicuous in Cicero's Commonwealth, prevalent in his Treatise on Laws, which we now translate for the public benefit. Indeed the main object of these books, is to prove that justice and law are the only secure foundations of all rational societies.

In the First Book, Cicero endeavours to establish the correct principles of that justice and law whose names are vulgarly employed to signify the regulations of legislators, and the decisions of judges; and which, understood in this current popular sense, do not impress the mind with that sublime veneration, which justice and law in their higher relations necessarily inspire.

Cicero therefore insists in his present treatise, that both justice and law derive their origin from God himself; that they have therefore an eternal and immutable morality; that they are institutions of universal nature, or rather nature itself; the bond of affinity that attaches all moral beings to the gods, and the main–spring of that sociality which binds men to each other; the principle which elicits gratitude to our Creator, and sympathy for our fellow–creatures, the invariable rule of all equity, honour, and happiness; the universal light common to all men, which at once irradiates the reason of the philosopher, and which reveals to the unstudious multitude, the loveliness of the virtues which constitute the honest man and the good citizen.

In the first part of the Second Book, Cicero discusses those laws which concern religion, the worship of God, the sacred festivals, ministrations, and ceremonials. In the second, he illustrates them, and shews their wisdom and propriety.

He pursues the same order in the Third Book, which treats of the laws respecting public rights, the duties of magistrates, their authorities, powers, functions, and personal qualities.

A fragment quoted from the Fifth Book of Cicero's laws by Macrobius, convinces us that we have lost at least two of these books of laws. I say at least two, for from the manner in which the interlocutors employ the time, and the distribution of days in their dialogue, it appears highly probable that the original work was composed in six books, answerable to those of the Commonwealth. This, however, is merely a conjecture, and we have still to determine, whether the following fragment is quoted from the beginning or end of a book. The words are these.

"Would it not be more agreeable, since the sun has only just past his meridian line, and these young shrubs do not yet afford sufficient shadow to protect us from his beams, — would it not be more agreeable that we should descend to the banks of the Liris, and conclude our conversation under the elm trees?"

But beside this loss, which is irreparable, the first of those books which are extant, is interrupted by lacunes and gaps in three or four places, and there is a gap in the Third Book which absorbs the expositions of more than half the magisterial laws therein discussed.

Besides this misfortune, whether the MSS. were corrupted from

which the editions of these books on the Laws were printed, or whether they wanted the last polish of Cicero's hand, — for they were probably posthumous publications, — they contain many passages which appear unfinished and broken. This circumstance, added to the difficulty of the subject–matter, has deterred scholars from attempting to translate this treatise De Legibus, and very few versions of it exist in modern languages.

This fact, which I could not suppress, and which I cannot confess without trembling, would have altogether deterred me from this perilous undertaking, if I had looked merely to the difficulties of the case. But I did not stay to consider all the objections that might be urged, and, entirely occupied by the pleasure of giving the first translation of a work of Cicero in my native language, I was more gratified at finding that no one had undertaken my task before me, than if some ingenious scholar had forstalled my labours, and left me nothing but the honour of following him, with the treacherous hope of a better success.

I therefore set about studying the first book, and translated it with a rapidity which fortified my former resolution. In the Second Book, however, the thorns began to make their appearance among the roses; and although encouraged by those to whom I showed my first essay, though sustained by the Commentary of Turnebus, so recommended by Scioppius and Casaubon, I should undoubtedly have stopped half way, had I not reflected that it was better to continue my work, even at the risk of never publishing it, in case my learned friends should think it unworthy, than abandon a labour which would then be labour lost, and for which no one would give me credit.

What occasions still further embarassment to a translator of Cicero's Laws, is the use of certain terms referring to certain customs, which being exceedingly remote from our own, have no equivalents in our language, and which cannot be well expressed in the technical phrases of scholars, whose erudition and researches have not yet precisely determined the ideas we should attach to some of the words in the original.

A man's life is by no means long enough to read all the books, essays, and dissertations that have been composed on these points of criticism. But I thought that though many of these difficult passages

occur, especially in the Second and Third Books, there yet remain so many pieces of eloquence, so many grand sentiments, so many fine maxims, which may benefit persons of all ranks and orders, both in respect of public laws and private manners, that after having won the recommendations of those whose opinions I most prized, I might risk the imprimatur.

As respects this study of Public Law, the time we take in learning it is well spent, and no good reason can be alleged to excuse us from attending to it. We know that in the commerce of civil life, in the management of military affairs, at the bar, the court, and the mart, whether we play an active part on the stage of life, or whether we are mere spectators, this knowledge of public law is pre–eminently important and serviceable.

The most casual glance at society will convince us that the majority of false measures and mistaken points of honour, without reckoning the erroneous ideas and reasonings which disgrace those who use them, and fatigue those who listen to them, are owing to voluntary ignorance of those great principles of law, which belong not merely to one particular profession, but affect the interests of all.

Imperfect therefore as this Treatise of Cicero on the Laws may seem, I am persuaded that it is still a very important work, which may give rise to the most seasonable reflections.

The First Book, which is full of the sublimest religion and morality, treats of the origin and essence of law, its causes, its objects, and its operations. It demonstrates the obligation which is imposed on every individual, to obey its injunctions, and to contribute his appropriate part to the general good of the society of which he is a member. Cicero tells him that the respect he owes to law, is not a mere human decency, but that the Author of nature has invested just laws with so much of his divine authority, that we cannot neglect or violate them without injuring and insulting the Deity, nor without contradicting our moral conscience, which no good man can fail to consult, and which no bad man can oppose without feeling remorse and compunction. He shows us that all the virtues which we ought to cultivate, always tend to our own happiness, and that the best means of promoting them consists in living with men in that perfect union and charity which are cemented

by mutual benefits. Lastly, he informs us that penal laws have been invented only to restrain those whose love of justice is not sufficient to keep them within reasonable bounds. And he concludes, by depicting the character of the wise man, who illustrates these propositions in his life and conduct.

In the Second Book, which treats of religious worship, he discovers an infinity of facts, which serve to undeceive us on the false ideas which are entertained respecting the religion of the ancients. Cicero proves that they also believed and worshipped one true God in all his wonderful Theophanies and developements, and that the astonishing multiplicity of divinities which they venerated, was originally the product of a pious fear, but augmented and often corrupted by the interest of certain parties. The religion therefore of the ancient philosophers and sages, was only one form of the true theology, and it excites our admiration by showing us how frequently the grand doctrines of revelation are confirmed by the mythology of the heathens. Thus the great chain of divine truth, was preserved entire, even in the midst of that confusion of gods, sacrifices, festivals, and religious ceremonials, so generally idle, ridiculous, or profane.

The translation of the Third Book, is rather a disappointing task, owing to the great lacune which has deprived us of the explanations of a part of the laws which relate to public order.

Notwithstanding these defects, we conceive that Cicero's Treatise on Laws may be advantageously placed in the hands of young students. Those who conduct the education of young people have often been censured for not more extensively instructing them in those practical sciences which hold the closest connection with real life and business. For want of this, as Petronius Arbiter justly observes, "our students think themselves transported into another planet, when they draw their first breath in the world we live in."

We shall add to this preface of Morabin's the critical notice of this work on Laws, contained in the "Cyclopædia Metropolitana:" "In Cicero's Treatise de Legibus (say the editors), which was written two years later than his Commonwealth, and shortly after the murder of Clodius, he represents himself as explaining to his brother Quintus and Atticus, in their walks through the woods of Arpinum, the nature

and origin of the laws, and their actual state in Rome and other countries. Law, he pronounces to be the perfection of reason, the eternal mind, the divine energy, which, while it pervades and unites the whole universe, associates gods and men by the most intimate resemblance of reason and virtue; and still more closely men with men, by the participation of common faculties and affections. He then proves at length that justice is not merely created by civil institutions from the power of conscience, the imperfections of human law, the moral sense, and the disinterestedness of virtue. He next proceeds to unfold the principles, first of religious law, under the heads of divine worship, the observance of festivals and games, the office of priests, augurs, and heralds, the punishment of sacrilege and perjury, the consecration of lands and the rights of sepulchres. Secondly, he proceeds to the investigation of the civil law, which gives him an opportunity of noticing the respective relations of magistrates and citizens.

The splendid panegyrics which Cicero has here pronounced on divine law and universal justice, have given rise to many eulogies, scarcely less eloquent, with which the greatest divines, philosophers, and lawyers have adorned their works. A few of these are worth quoting, as they may serve to elevate our ideas of the importance of the subject, and induce us to study the topics of jurisprudence with more ardour and perseverance.

Thus, from one brilliant passage in this book of Laws, has Hooker derived that well–known exordium in his Ecclesiastical Polity, which is indisputably the finest specimen of his eloquence. “Of Law no less can be said, than that her seat is the bosom of God, and her voice the harmony of the universe. All things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power. Both angels and men, and creatures of what creation soever, though each in different sort and manner, yet all with uniform consent, admiring her as the Mother of their common peace and joy.” Similar panegyrics on Law, are found in Cumberland’s Law of Nature and Nations, Cudworth’s Treatise on Eternal and Immatable Morality, and in the imperishable works of the immortal Selden.

This subject (says Williams) has been treated with much dignity

by a writer who is admired by all mankind for his eloquence, but who is, if possible, still more admired by all competent judges for his philosophy. I allude to Burke, of whom I may justly say that he was "gravissimus et dicendi et intelligendi auctor et magister;" and I cannot refuse myself the gratification of quoting his words. "The science of jurisprudence (says he) is the pride of the human intellect; for, with all its defects, redundancies, and errors, it is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns." Dr. Johnson's reply to a person who was foolishly abusing the profession of the law, was, "Do you presume, sir, to find fault with that study which is the last effort of human intelligence acting upon human experience?"

"Law (says Sir W. Blackstone) is a science which distinguishes the criterions of right and wrong; which teaches us to establish the one, and prevent, punish, and redress the other; which employs in its theory the noblest faculties of the soul, and exerts in its practice the cardinal virtues of the heart. A science which is universal in its use and extent, accommodated to each individual, yet comprehending the whole community."

"The science of jurisprudence (says Sir James Mackintosh, in his discourse on the study of the law of Nature and Nations) is certainly the most honourable occupation of the understanding, because it is most immediately subservient to the general safety and comfort. There is not, in my opinion, in the whole compass of human affairs, so noble a spectacle as that which is displayed in the progress of jurisprudence; where we contemplate the cautious and unwearied exertions of a succession of wise men through a long course of ages, withdrawing every case as it arises from the dangerous power of discretion, and subjecting it to inflexible rules; extending the dominion of justice and reason, and gradually contracting, within the narrowest possible limits, the domain of brutal force and arbitrary will."

Granting the justice of these remarks, we cannot help lamenting that the science of jurisprudence or universal law, properly so called, should be so little studied in our British state at present. When we look into the history of literature, we find the times have been, in which men of the most consummate genius devoted that genius with

the most ardent perseverance and the most mathematical precision, to the study of jurisprudence in its very loftiest and widest bearings. They hesitated not, through many years of incessant labour, like Grotius abroad and Selden at home, to study the vast system of moral obligations. In order to make themselves jurisconsults worthy of the name, they studied the divine laws handed down in Scripture, and developed in the ecclesiastical policy, ancient and modern. They studied the law of nature and nations, as explained by its oriental and classical commentators. They studied the civil laws of all states and commonwealths, and by a kind of comparative analysis, elicited the *spirit of laws* among all peoples, and confirmed just regulations by examples derived from the catholic experience of men in all ages and countries, and defeated the blunders of legislation, by showing their pernicious consequences, under every variety of circumstance.

Such men still appear occasionally in Europe and America. A few such may still grace the colleges, and the inns of court, or the open walks of literature; but their number has certainly become deplorably limited. We scarcely ever can find the man, now–a–days, who has studied jurisprudence in its loftier and broader relations, — a man who, like Grotius, Selden, Montesquieu, or Sir W. Jones, can establish the doctrines of a sage and philosophical legislation, by an overwhelming accumulation of testimonies and facts, calculated to inspire confidence and ensure success. In consequence we meet with few who rise to those syncretic and universal maxims of equity and law, which throw a moral radiance through the long current of decisions, simplify the legal economy in its most important branches, and disperse the technical abuses that profane the sanctuary of Themis.

Such men are valuable in proportion to their rarity. They deserve the best patronage and promotion that the state can give them; for they are the true prophets and oracles of jurisprudence — and they can speak with the force and precision of science, while others are proceeding through the perilous bye–paths of quackery, pretence, and hap–hazard.

But such men are not encouraged, and consequently their number is insignificant. Legal philosophy is slighted and unrewarded; while legal practice, however erroneous, is profusely paid for. The

consequence is so plain and palpable that it has struck most of the Italian, German, and French writers on the subject. They say “Britain has no jurists, but she has lawyers in abundance.” (See Filangieri, Savigny, Pastoret, Constant, Guizot, Sismondi, and Chateaubriand, &c.)

This dangerous tendency of the age to sacrifice the higher doctrines of political and legal philosophy, — such as most tend to develope the national mind and national resources, — to a merely secular practice, which will take any form and impression for the sake of interest and emolument, is too much noted. These lower studies (says the author of the Natural History of Enthusiasm) fall in marvellously well with the frigid timidity of the times, and the love of practical utility. But that kind of discretion which can sacrifice truth for the sake of lucre, is always short–sighted and fraught with peril.

We do sincerely believe that a sound knowledge of jurisprudence is quite as necessary as a familiarity with the practice of our courts, for all those who would truly deserve the name of legal reformers. And we more strenuously insist on this indispensable combination of theory and practice in relation to legal reforms, because it affords us the only hope of those ameliorations which have become of the utmost importance to the welfare of the British empire.

INTRODUCTION TO THE FIRST BOOK OF CICERO'S TREATISE ON LAWS.

Marcus Tullius Cicero has composed this Treatise in the form of a dialogue, in which himself, his brother Quintus, and Atticus are the interlocutors. Cicero supposes this dialogue to take place near his villa at Arpinum, on the banks of the river Liris, and beneath the shade of a grove, in the midst of which grew an ancient oak. The sight of this tree reminds Atticus of the oak which Cicero had described in a poem which he once composed in honour of Marius. From this circumstance he takes occasion to compliment Cicero on his poetry. The conversation then turns upon history; and Quintus observes, that he knew no one better able than his brother to write the history of his country, and presses him to undertake it. This Cicero declines, and turns the discourse to the subject of universal justice, and the law of nature and nations.

BOOK I.

Atticus.

— This is the very grove, and this the oak of Arpinum, whose description in your poem on Marius, I have often read. If, my Marcus, that oak is still in being, this must certainly be it, but it appears extremely old.

Quintus Cicero.

— Yes, my Atticus, my brother's oak tree still exists, and will ever flourish, for it is a nurseling of genius. No plant can owe such longevity to the care of the agriculturist as this derives from the verse of the poet.

Atticus.

— How can that happen, my Quintus? How can poets bestow immortality on trees? It seems to me that in eulogizing your brother, you flatter your own vanity.

Quintus.

— You may rally me as much as you please, but as long as the Latin language is spoken, this oak of Marius will not lose its reputation; and as Scævola said of my brother's poem on Marius, it will

"Extend its hoary age, through countless years."

Do not your Athenians maintain that the olive near their citadel is immortal, and that tall and slender palm tree which Homer's Ulysses says he beheld at Delos, do they not make an exhibition of it to this very day? and so with regard to other things, in many places, whose memorial endures beyond the term of their natural life. Therefore this acorn–bearing oak, on which once lighted

"Jove's golden Eagle, dazzling as the sun,"

still flourishes before us. And when the storms of centuries shall

have wasted it, there will still be found a relic on this sacred spot, which shall be called the Oak of Marius.

Atticus.

— I don't doubt it, my Quintus; but there is one question I would ask, not of you, but of the poet Marcus himself, whether the tree is indebted for its celebrity to his verses alone, or whether the circumstance they record really happened in the history of Marius?

Marcus Cicero.

— I will answer you frankly, my Atticus. But you must first inform me what you think of the tradition which asserts, that not far from your house at Rome, Proculus Julius beheld our first king Romulus walking after his decease, and that he heard him declare his desire of being invoked as a God, of being entitled Quirinus, and of having a temple there dedicated to his memory? Tell me also what you think of the tradition of the Athenians, who maintain that not far from your Athenian villa, Boreas made a stolen match with Orithya, for so runs the story.

Atticus.

— For what purpose do you ask me such questions as these?

Marcus.

— For no purpose at all, unless it be to convince you that we had better not enquire too critically into those remarkable accounts which are thus handed down by tradition.

Atticus.

— But this ingenious apology will not deter some from enquiring whether many of the statements in your Marius are true or false; and some will expect the greater accuracy from you, since Arpinum was your own birth place as well as that of Marius, and the events of his

life must be fresh in your memory.

Marcus.

— I have certainly no ambition to gain the reputation of a liar. But some of these inquisitors, my Atticus, are really too severe. It is preposterous to expect an exact statement of matters of fact in a poem of this nature, as if I had written it not as a poet, but as an eye witness upon oath. I doubt not the same critics would make the same objections if I were to versify on Numa's intercourse with Egeria, and the Eagle which dropped a coronet in the head of the first Tarquin.

Quintus.

— I understand you, my brother; you think that the historian must maintain a closer adherence to fact than the poet.

Marcus.

— Certainly. History has its laws, and poetry its privileges. The main object of the former is truth in all its relations: the main object of the latter is delight and pleasure of every description. Yet even in Herodotus, the father of Greek history, and in Theopompus, we find fables scarcely less numerous than those which appear in the works of the poets.

Atticus.

— Stop there; I have found the occasion I wanted, and I shall not hesitate to urge my suit.

Marcus.

— What suit, Atticus?

Atticus.

— We asked you, long ago, or rather implored you, to write a

History of the Roman empire, for we conceive if you undertook this literary enterprise, even in the historical department, we should yield no palms or laurels to Greece. And if you will listen to my opinion, it seems to me that you owe this gift, not only to the affection of those who are delighted with your writings, but you likewise owe it to your country, that since you have saved her constitution, you should endeavour to adorn her annals, A good history of our country is a desideratum in our national literature, as I know by my own experience, and as I have often heard you declare. Now there is no man more likely than yourself to give general satisfaction in a work of this kind, since by your own avowal, it is of all the forms of composition that which most demands the eloquence of the orator. You would therefore be doing us a great favour if you would undertake this work, and devote your time to a complete history of Rome, which is unknown to most of our fellow–citizens, or at least neglected by them. For after the annals of the chief Pontiffs, which are very contracted, if we come to the book of Fabius, or Cato, whom you are always eulogizing, or the treatises of Piso, Fannius, and Venonius, though one of them may excel another, are they not all extremely defective? The cotemporary of Fannius, Cœlius Antipater, adopted a bolder style of expression. His energy was indeed somewhat rude and rough, without polish or point, but he did what he could to recommend a manly and truthful eloquence. But unfortunately he had for his successors a Claudius, an Asellio, who, far from improving on him, relapsed into the former dullness and insipidity.

I scarcely need to mention Attius. His loquacity is not without its fine points, though he has derived them not so much from the great Grecian authors, as from the Latin scribblers. His style is full of littlenesses and atrocious conceits. His friend Sisenna, far surpasses all our historical writers whose compositions have yet been published, for of the rest we cannot judge. He has, however, never gained a name among the orators of your rank; and in his history he betrays a sort of puerility. He seems to have read no Greek author but Clitarchus, and him he imitates without reserve, but even when he succeeds in his imitation, he is still far enough from the best style. Therefore the task of historian of right belongs to you, and we shall

expect you to accomplish it, unless Quintus can bring forward any reasonable objections.

Quintus.

— I have nothing to say against it. Indeed we have often talked over the subject together, and I have made the same request as yourself; but we could never quite agree in our views of the subject.

Atticus.

— How so?

Quintus.

— Why we differed respecting the epoch from whence such a history should commence its narrative. In my opinion, it ought to begin with the origin of our state and nation, for the accounts that have hitherto been published respecting our primitive antiquities are so written as never to be read. My brother, on the other hand, wishes to confine himself to the events that have happened in our own times, so as only to describe those public affairs in which he himself bore a part.

Atticus.

— In this respect I rather agree with him. For the grandest events in Roman history are probably those that have taken place within our own recollection. He would then be able to illustrate the praises of our noble friend Pompey, and describe the memorable year of his own consulship. These memoirs, I imagine, would be far more interesting than any thing he could tell us respecting Romulus and Remus.

Marcus.

— I know, my Atticus, that you and other friends have long urged me to this undertaking, nor should I be at all unwilling to

attempt it, if I could find more free and leisure time. But it is vain to enter on so extensive a work while my mind is harassed with cares, and my hands are full of business. Such literary enterprises demand a perfect freedom from anxieties and political embarassments.

Atticus.

— How then did you find leisure and vacation enough to compose more books than any of our Roman authors?

Marcus.

— Why certain spare times (subcisiva tempora) occur to every man, and these I was unwilling to lose. For instance, if I spent a few days in rusticating at my country seat, I employed them in composing a part of the essays I had determined to write. But for an historical work, it is impossible to do it justice unless one can procure a regular vacation for a considerable period. My mind is thrown into a miserable state of suspense, when after fairly commencing a literary task, I am obliged to defer its conclusion to a future occasion; nor can I so easily recover the train of ideas in works so interrupted, as bring my essays to their appropriate conclusion, without rest or intermission.

Atticus.

— You therefore require a prolonged vacation for the historical treatise we propose, and a full allowance of holidays, with all their freedom and tranquility.

Marcus.

— I conceive myself the better entitled to such vacations as I advance in life, since I am desirous, after the method of our ancestors, to continue the custom of giving magisterial advice to my clients, and thus to discharge the offices of old age gracefully and honourably. In such a situation, I should be able to compose not only the historical work you require, but others, still more extensive and

diversified, with all desirable accuracy.

Atticus.

— I fear that few will accept such an apology for your retirement, and that you will be obliged to speak in public as long as you live. I regret this the more, as the lapse of years will compel you to change your manner of delivery, and your style of eloquence. Thus, your friend Roscius the actor, in his old age, was forced to give up his most brilliant modulations, and to adapt the instrumental accompaniments to a slower measure. Thus you also, my Cicero, will find it necessary daily to relax from those lofty conflicts of oratory to which you have been accustomed, till your eloquence gradually assimilates to the bland garulity of the philosophers. Since, however, the extremest old age is still capable of executing some duties of patriotism, I see that your retirement will not hinder you from advising your clients.

Quintus.

— I think that the citizens of Rome would readily grant you this kind of secession from public affairs, if you still consented to advise in legal matters. It is at your own option to try the experiment whenever you please.

Marcus.

— Your advice, my Quintus, would be excellent if there were no danger in taking such a step. But I fear in thus seeking to diminish my labours I should rather increase them. I have an objection to thus aggravating the toil of public causes and prosecutions (which I never attempt to plead without full and mature study) by the addition of this professional interpretation of the laws, which would not distress me so much by its wearisomeness as by its tendency to deprive me of that preparation for speaking, without which I never dared to enter on any considerable pleadings.

Atticus.

— Whichever course, you resolve on, my Cicero, we have some *spare time,* as you call it, at present, and I should be very glad if you would employ it in enlightening us respecting the laws of the state. On this subject I am sure you can give us something better than has hitherto been published. For even from your earliest youth, I remember, you have studied the laws, when I went like yourself to hear the lectures of Scœvola, nor did I ever find you so addicted to oratorical pursuits as to neglect your legal ones.

Marcus.

— You seek to engage me in a long discussion, my Atticus. However, I will not hesitate to undertake it unless Quintus prefers some other subject. If not, I will frankly tell you all I know about it, since at present we seem to be at leisure.

Quintus.

— I shall listen to you with the greatest pleasure, for what better subject can be discussed, or how can the day be spent more profitably?

Marcus.

— Let us go then to our accustomed promenade, where they have placed the benches on which we may recline after we have had sufficient exercise. I flatter myself that our discussion will be agreeable enough, since we shall be able each of us to throw light on the several topics with which we are personally most familiar..

Atticus.

— Let us go then, and enter on our investigations, as we walk along the bank of the river under the shadow of its foliage. And to begin with the beginning, let me ask I pray you, what is your opinion respecting the nature of Law?

Marcus.

— What is my opinion? — I hardly dare to deliver it, lest it should appear presumptuous. For we have had many great men in Rome, who have made it their profession to expound it to the people, and explain its doctrines and practice. But though they professed to be acquainted with its majestic theory, they were rather familiar with its minuter technicalities. What can be grander or nobler than jurisprudence? or what can be more insignificant and quibbling than the practice of lawyers? — necessary as it is for the people. Not that I think that those who adopt this profession are altogether ignorant of the principles of universal legislation; but they are far more attentive to the civil law, which gives them a hold on the interests of the people. Are then the sublime and recondite principles of jurisprudence less necessary or less useful? Certainly not. It is these you wish me to elucidate and illustrate, and not the formal regulations of our civic economy. You ask me not to write treatises on the rights (stillicidiorum ac parietum) of common sewers and partition walls; and to compose forms of stipulations and judgments. These have been already most diligently prepared by clerks in office, and are decidedly lower than the topics which, I suppose, you expect me to discuss.

Atticus.

— For my part, if you ask my opinion, I should reply, that after having given us a treatise on the Commonwealth, you cannot consistently refuse us one on the Laws. In doing so, you will imitate the example of your favorite Plato, the philosopher whom you chiefly admire and love with an especial affection.

Marcus.

— Do you wish then, that we should emulate that conversation which Plato held with Clinias of Crete, and Megillus of Lacedæmon, which he describes as taking place one summer day under the cypress trees of Cnossus, and in its sylvan avenues: where, after discoursing and arguing respecting the best kind of commonwealths and their appropriate laws, he sauntered with his *delightful* friends?

— Do you wish that thus we also, walking beneath these lofty poplars, along these green and umbrageous banks, and sometimes reposing, should investigate the same subjects somewhat more profoundly than is usual among barristers?

Atticus.

— I am delighted with your proposal.

Marcus.

— But what says my brother Quintus?

Quintus.

— I can imagine nothing more agreeable.

Marcus.

— I admire your choice. For in no kind of discussion can we more advantageously investigate the facilities which man owes to nature, and the capacity of the human mind for the noblest enterprises. We will discuss the true objects of thought and action, for which we were born and sent into the world, and the beautiful association and fellowship which bind men together by reciprocal charities: when we have fathomed these grand and universal principles of morals, we shall discover the true fountain of laws and rights.

Atticus.

— In your opinion, then, it is not in the edict of the magistrate, as the majority of our modern lawyers pretend, nor in the rules of the Twelve Tables of our Statutes, as the ancient Romans maintained, but in the sublimest doctrines of philosophy, we must seek the true source and obligation of jurisprudence.

Marcus.

— It is for this reason, my Atticus, that you do not ask me to explain to you the formalities of legal practice, and the technical replications and rejoinders of our professional pleadings. These, indeed, deserve much study and respect, inasmuch as they have occupied the attention of many great men, and are at present expounded by a most eminent lawyer (Servicius Sulpitius Rufus) with admirable ability and skill.

But the subject of our present discussion soars far higher, and comprehends the universal principles of equity and law. In such a discussion therefore on the great moral law of nature, the practice of the civil law can occupy but an insignificant and subordinate station. For according to our idea, we shall have to explain the true nature of moral justice, which is congenial and correspondent with the true nature of man. We shall have to examine those principles of legislation by which all political states should be governed. And last of all, shall we have to speak of those laws and customs which are framed for the use and convenience of particular peoples, which regulate the civic and municipal affairs of the citizens, and which are known by the title of civil laws.

Quintus.

— You take a noble view of the subject, my brother, and go to the fountain–head of moral truth, in order to throw light on the whole science of jurisprudence: while those who confine their legal studies to the civil law too often grow less familiar with the arts of justice than with those of litigation.

Marcus.

— Your observation, my Quintus, is not quite correct. It is not so much the science of law that produces litigation, as the ignorance of it, (potius ignoratio juris litigiosa est quam scientia). But more of this bye–and–bye.

With respect to the true principle of justice, many learned men have maintained that it springs from Law. I hardly know if their opinion be not correct, at least, according to their own definition; for

“Law (say they) is the highest reason, implanted in nature, which prescribes those things which ought to be done, and forbids the contrary.” This, they think, is apparent from the converse of the proposition; because this same reason, when it is confirmed and established in men’s minds, is the law of all their actions.

They therefore conceive that the voice of conscience is a law, that moral prudence is a law, whose operation is to urge us to good actions, and restrain us from evil ones. They think, too, that the Greek name for law (νομος), which is derived from νεμω, to distribute, implies the very nature of the thing, that is, to give every man his due. For my part, I imagine that the moral essence of law is better expressed by its Latin name, (lex), which conveys the idea of selection or discrimination. According to the Greeks, therefore, the name of law implies an equitable distribution of goods: according to the Romans, an equitable discrimation between good and evil.

The true definition of law should, however, include both these characteristics. And this being granted as an almost self–evident proposition, the origin of justice is to be sought in the divine law of eternal and immutable morality. This indeed is the true energy of nature, the very soul and essence of wisdom, the test of virtue and vice. But since every discussion must relate to some subject, whose terms are of frequent occurrence in the popular language of the citizens, we shall be sometimes obliged to use the same terms as the vulgar, and to conform to that common idiom which signifies by the word law, all the arbitrary regulations which are found in our statute books, either commanding or forbidding certain actions.

Atticus.

— Let us begin, then, to establish the principles of justice on that eternal and universal law, whose origin precedes the immeasurable course of ages, before legislative enactments were in being, or political governments constituted.

Quintus.

— By thus ascending to first principles, the order of our discourse

will be more methodical, so as to conduct us by agreeable gradations to the practical bearings of the subject.

Marcus.

— You wish, then, that we should seek for justice in its native source, which being discovered, we shall afterwards be able to speak with more authority and precision respecting our civil laws, that come home to the affairs of our citizens?

Quintus.

— Such is the course I would advise.

Atticus.

— I also subscribe to your brother's opinion.

Marcus.

— Well then, I shall endeavour to describe a system of Laws adapted to that Commonwealth, which Scipio declares to be most desirable in those Six Books which I have written under that title. All our laws, therefore, are to be accomodated to that mixed kind of political government there recommended. We shall also treat of the general principles of morals and manners, which appear most appropriate to such a constitution of society, but without descending to particular details.

Quintus.

— You therefore derive the principles of justice from the principles of nature, to investigate which is the main object of all our discussions.

Atticus.

— Certainly, and when she is our guide, we are not very likely to err.

Marcus.

— Grant me, then, my Atticus, (for I know my brother's opinion already), — grant me that the entire universe is overruled by the power of God, that by his nature, reason, energy, mind, divinity, or some other word of clearer signification, all things are governed and directed; for if you will not grant me this, I must proceed to prove it.

Atticus.

— Respecting the existence of God, and the superintendence of divine providence, I grant you all you can desire. But owing to this singing of birds and babbling of waters, I fear my friends can scarcely hear me.

Marcus.

— You are quite right to be on your guard, my Atticus; for even the best men occasionally fall into a passion, and what would your fellow–students, the Epicureans, say, if they heard you denying the first article of that notable book, entitled the Chief Doctrines of Epicurus, in which he says "that God takes care of nothing, neither of himself nor of any other being?"

Atticus.

— Pray proceed, for I am waiting to know what advantage you mean to take of the concession I have made you.

Marcus.

— I will not detain you long. Since you grant me the existence of God, and the superintendence of Providence, I maintain that he has been especially beneficent to man. This human animal — prescient, sagacious, complex, acute, full of memory, reason and counsel, which we call man, — is generated by the supreme God in a more transcendent condition than most of his fellow–creatures. For he is the only creature among the earthly races of animated beings endued

with superior reason and thought, in which the rest are deficient. And what is there, I do not say in man alone, but in all heaven and earth, more divine than reason, which, when it becomes ripe and perfect, is justly termed wisdom?

There exists, therefore, since nothing is better than reason, and since this is the common property of God and man, a certain aboriginal rational intercourse between divine and human natures. This reason, which is common to both, therefore, can be none other than right reason; and since this *right reason* is what we call *Law,* God and men are said by Law to be consociated. Between whom, since there is a communion of law, there must be also a communication of Justice.

Law and Justice being thus the common rule of immortals and mortals, it follows that they are both the fellow–citizens of one city and commonwealth. And if they are obedient to the same rule, the same authority and denomination, they may with still closer propriety be termed fellow–citizens, since one celestial regency, one divine mind, one omnipotent Deity then regulates all their thoughts and actions.

This universe, therefore, forms one immeasurable Commonwealth and city, common alike to gods and mortals. And as in earthly states, certain particular laws, which we shall hereafter describe, govern the particular relationships of kindred tribes; so in the nature of things doth an universal law, far more magnificent and resplendent, regulate the affairs of that universal city where gods and men compose one vast association.

When we thus reason on universal nature, we are accustomed to reason after this method. We believe that in the long course of ages and the uninterrupted succession of celestial revolutions, the seed of the human race was sown on our planet, and being scattered over the earth, was animated by the divine gift of souls. Thus men retained from their terrestrial origin, their perishable and mortal bodies, while their immortal spirits were ingenerated by Deity. From which consideration we are bold to say that we possess a certain consanguinity and kindred fellowship with the celestials. And so far as we know, among all the varieties of animals, man alone retains the idea of the Divinity. And among men there is no nation so savage

and ferocious as to deny the necessity of worshipping God, however ignorant it may be respecting the nature of his attributes. From whence we conclude that every man must recognize a Deity, who considers the origin of his nature and the progress of his life.

Now the law of virtue is the same in God and man, and cannot possibly be diverse. This virtue is nothing else than a nature perfect in itself, and developed in all its excellence. There exists therefore a similitude between God and man; nor can any knowledge be more appropriate and sterling than what relates to this divine similitude.

Nature, attentive to our wants, offers us her treasures with the most graceful profusion. And it is easy to perceive that the benefits which flow from her are true and veritable gifts, which Providence has provided on purpose for human enjoyment, and not the fortuitous productions of her exuberant fecundity. Her liberality appears, not only in the fruits and vegetables which gush from the bosom of the earth, but likewise in cattle and the beasts of the field. It is clear that some of these are intended for the advantage of mankind, a part for propagation, and a part for food. Innumerable arts have likewise been discovered by the teaching of nature; for her doth reason imitate, and skilfully discover all things necessary to the happiness of life.

With respect to man this same bountiful nature hath not merely allotted him a subtle and active spirit, but moreover favoured him with physical senses, like so many guardians and messengers. Thus has she improved our understanding in relation to many obscure principles, and laid the foundation of practical knowledge; and in all respects moulded our corporeal faculties to the service of our intellectual genius. For while she has debased the forms of other animals, who live to eat rather than eat to live, she has bestowed on man an erect stature, and an open countenance, and thus prompted him to the contemplation of heaven, the ancient home of his kindred immortals. So exquisitely, too, hath she fashioned the features of the human face, as to make them symbolic of the most recondite thoughts and sentiments. As for our two eloquent eyes (oculi nimis arguti), do they not speak forth every impulse and passion of our souls? And that which we call *expression,* in which we infinitely excel all the inferior animals, how marvellously it delineates all our speculations and feelings! Of this the Greeks well knew the meaning,

though they had no word for it.

I will not enlarge on the wonderful faculties and qualities of the rest of the body, the modulation of the voice, and the power of oratory, which is perhaps the greatest instrument of our influence over human society. These matters do not belong to the occasion of our present discourse, and I think that Scipio has already sufficiently explained them in those books of mine which you have read.

As the Deity, therefore, was pleased to create man as the chief and president of all terrestrial creatures, so it is evident, without further argument, that human nature has made the greatest advances by its intrinsic energy; that nature, which without any other instruction than her own, has developed the first rude principles of the understanding, and strengthened and perfected reason to all the appliances of science and art.

Atticus.

— Good heavens, my Cicero! from what a tremendous distance are you deducing the principles of justice! However, I wont hurry too eagerly to what I expect you to say on the Civil Law. But I will listen patiently, even if you spend the whole day in this kind of discourse, for assuredly these are grander topics which you introduce as a preamble than those to which they prepare the way.

Marcus.

— You may well describe these topics as grand, which we are now briefly discussing. For of all the questions on which our philosophers argue, there is none which it is more important thoroughly to understand than this, *that man is born for justice, and that law and equity are not a mere establishment of opinion, but an institution of nature.* This truth will become still more apparent if we investigate the nature of human association and society.

There is no one thing more like to another, more homogeneous and analogous, than man is to man. And if the corruption of customs, and the variation of opinions, had not induced an imbecility of minds, and turned them aside from the course of nature, no one

would more nearly resemble himself than all men would resemble all men. Therefore whatever definition we give of man, it must include the whole human race. And this is a good argument, that no portion of mankind can be heterogeneous or dissimilar from the rest; because, if this were the case, one definition could not include all men.

In fact, reason, which alone gives us so many advantages over beasts, by means of which we conjecture, argue, refute, discourse, and accomplish and conclude our designs, is assuredly common to all men; for the faculty of acquiring knowledge is similar in all human minds, though the knowledge itself may be endlessly diversified. By the same senses we all perceive the same objects, and that which strikes the sensibilities of the few, cannot be indifferent to those of the many. Those first rude elements of intelligence which, as I before observed, are the earliest developments of thought, are similarly exhibited by all men; and that faculty of speech which is the soul's interpreter, agrees in the ideas it conveys, though it may differ in the syllables that express them. And therefore there exists not a man in any nation, who, adopting his true nature for his true guide, may not improve in virtue.

Nor is this resemblance which all men bear to each other remarkable in those things only which accord to right reason. For it is scarcely less conspicuous in those corrupt practices by which right reason is most cruelly violated. For all men alike are captivated by voluptuousness, which is in reality no better than disgraceful vice, though it may seem to bear some natural relations to goodness; for by its delicious delicacy and luxury it insinuates error into the mind, and leads us to cultivate it as something salutary, forgetful of its poisonous qualities.

An error, scarcely less universal, induces us to shun death, as if it were annihilation; and to cling to life, because it keeps us in our present stage of existence, which is perhaps rather a misfortune than a desideratum. Thus, likewise, we erroneously consider pain as one of the greatest evils, not only on account of its present asperity, but also because it seems the precursor of mortality. Another common delusion obtains, which induces all mankind to associate renown with honesty, as if we are necessarily happy when we are renowned,

and miserable when we happen to be inglorious.

In short, our minds are all similarly susceptible of inquietudes, joys, desires and fears; and if opinions are not the same in all men, it does not follow, for example, that the people of Egypt who deify dogs and cats, do not labour under superstition in the same way as other nations, though they may differ from them in the forms of its manifestation.

But in nothing is the uniformity of human nature more conspicuous than in its respect for virtue. What nation is there, in which kindness, benignity, gratitude, and mindfulness of benefits are not recommended? What nation in which arrogance, malice, cruelty, and unthankfulness, are not reprobated and detested! This uniformity of opinions, invincibly demonstrates that mankind was intended to compose one fraternal association. And to affect this, the faculty of reason must be improved till it instructs us in all the arts of well–living. If what I have said meets your approbation, I will proceed; or if any of my argument appears defective, I will endeavour to explain it.

Atticus.

— We see nothing to object to, if I may reply for both of us.

Marcus.

— It follows, then, in the line of our argument, *that nature made us just that we might participate our goods with each other, and supply each others' wants* You observe in this discussion whenever I speak of nature, I mean *nature in its genuine purity,* and not in the corrupt state which is displayed by the depravity of evil custom, which is so great, that the natural and innate flame of virtue is often almost extinguished and stifled by the antagonist vices, which are accumulated around it.

But if our true nature would assert her rights, and teach men the noble lesson of the poet, who says, "I am a man, therefore no human interest can be indifferent to me," — then would justice be administered equally by all and to all. For nature hath not merely

given us reason, but right reason, and consequently that law, which is nothing else than right reason enjoining what is good, and forbidding what is evil.

Now if nature hath given us law, she hath also given us justice, — for as she has bestowed reason on all, she has equally bestowed the sense of justice on all. And therefore did Socrates deservedly execrate the man who first drew a distinction between the law of nature and the law of morals, for he justly conceived that this error is the source of most human vices.

It is to this essential union between the naturally honorable, and the politically expedient, that this sentence of Pythagoras refers: —"Love is universal: let its benefits be universal likewise." From whence it appears that when a wise man is attached to a good man by that friendship whose rights are so extensive, that phenomenon takes place which is altogether incredible to worldlings, and yet it is a necessary consequence, that he loves himself not more dearly than he loves his friend. For how can a difference of interests arise where all interests are similar? If there could be such a difference of interests, however minute, it would be no longer a true friendship, which vanishes immediately when, for the sake of our own benefit, we would sacrifice that of our friend.

I have made these preliminary remarks, to prepare you the better for the main subject of our discourse, in order that you may more easily understand the principle, that nature herself is the foundation of justice. When I have explained this a little more at large, I shall come to the consideration of that civil law to which all my arguments refer.

Quintus.

— Then you have not much to add, my brother, for the arguments you have already used have sufficiently proved to Atticus and myself that nature is the fountain of justice.

Atticus.

— How could I maintain any other opinion, since you have

proved to us, first, that the gods have been pleased to enrich and adorn us with their gifts, on purpose that we might administer them justly. Secondly, that all mankind bear a fraternal resemblance and relationship to each other. And lastly, that these natural brethren are bound together by the reciprocal obligations of friendship and affection, as well as social rights. Since we are agreed, therefore, that these principles are correct, how can we, with any consistency, separate from nature that law and justice, which are her moral developements?

Marcus.

— You are quite right, my Atticus; the argument is pretty well established. A few considerations, however, I will add, in conformity with the method of the philosophers. I do not mean the older sages of philosophy, but those modern philosophers who keep a magazine of arguments in reserve, on every imaginable topic, and who, instead of discussing questions freely and unconstrainedly, will permit us to speak only in accordance with their logical arrangements and dialectical distinctions. These gentlemen will never allow that we have done justice to our subject, unless we demonstrate that nature is just, and justice is natural, in a distinct and scientific disputation.

Atticus.

— You seem to have renounced your liberty in debate, my Cicero, and resemble a schoolman, who rather follows the authority of his predecessors, than developes his individual sentiments.

Marcus.

— I am not always in this humour, Atticus. But I wish to avail myself of authorities on the present occasion, because, as you see, the main object of this whole discussion is to strengthen the foundations of our Commonwealth, to establish its forces, and to benefit its population in all their relations. I am therefore particularly anxious to avoid any inconsiderate statements or unsound arguments. Not that I expect to demonstrate my doctrine to all men, for that is

impossible; but I would make my pleadings as perfect as may be, for those who maintain that justice and honour are worthy to be cultivated even for their own sake, that nothing can he properly called a good, which is not morally estimable, and that there can exist no great good whatever, which is not desirable mainly on its own account, without reference to points of interest or emolument.

All the philosophers who flourished in the old academy with Speusippus, Xenocrates, and Polemon, or those that followed Aristotle, and Theophrastus, agreeing with them in doctrine, though they might differ in their method of explaining it — whether, like Zeno, they preserved the same principles, while they changed the terms of exposition, — or whether like Ariston, they supported that difficult and arduous sect now generally scattered and confuted, which supposed, that saving virtue and vice, all things were equal and indifferent — all these have favoured the moral theory I now unfold.

For the rest, who indulged their appetites and pampered their passions, pursuing some objects and avoiding others, for no other reason than their amount of gratification or annoyance, though they sometimes speak truth, as we candidly allow, — let them talk in their own gardens, and let them retire from all the political debates respecting the interests of the state, of which they know nothing, nor, indeed, care to know. As to that new academy of which Arcesilas and Carneades are the leaders, and who attack all sects and parties, we implore them not to interrupt us in our present discussion; for if they invade us on these subjects in which our minds are thoroughly familiar and resolved, they will seek their own ruin. But I, who wish rather to please, dare not excite their resentment; for in questions of this nature, we would fain proceed without any mixture of sophistry or anger; and any defects in our arguments, may surely be expiated without such fumigations as the invectives of criticism.

Atticus.

— As you use the word 'expiation,' permit me to enquire what views you entertain respecting the justice of punishment, where laws have been broken and violated. Do you think such offences against

laws can be expiated without enforcing the penalty, either directly or indirectly?

Marcus.

— I think not. I conceive there is no other expiation for the crimes and impieties of men. The guilty therefore must pay the penalty, and bear the punishment. The retributions they undergo are not so much those inflicted by courts of justice, which were not always in being, do not exist at present in many places, and even where established, are frequently biased and partial; but the retributions I principally intend are those of *conscience.* The furies pursue and torment them, not with their burning torches, as the poets feign, but by remorse and the tortures arising from guilt.

Was it the fear of punishment, and not the nature of the thing itself that ought to restrain mankind from wickedness, what, I would ask, could give villains the least uneasiness, abstracting from all fears of this kind? And yet none of them was ever so audaciously impudent, but he endeavoured to justify what he had done by some law of nature, denied the fact, or else pretended a just sorrow for it. Now if the wicked have the confidence to appeal to these laws, with what profound respect ought good men to treat them?

There is the greater need, therefore, of insisting on the natural and unavoidable penalties of conscience. For if either direct punishment, or the fear of it, was what deterred from a vicious course of life, and not the turpitude of the thing itself, then none could he guilty of injustice, in a moral sense, and the greatest offenders ought rather to be called imprudent than wicked.

On the other hand, if we are determined to the practice of goodness, not by its own intrinsic excellence, but for the sake of some private advantage, we are cunning, rather than good men. What will not that man do in the dark who fears nothing but a witness and a judge? Should he meet a solitary individual in a desert place, with a large sum of money about him, and altogether unable to defend himself from being robbed, how would he behave? In such a case the man whom we have represented to be honest from principle, and the nature of the thing itself, would converse with the stranger, assist

him, and show him the way. But as to the man who does nothing for the sake of another, and measures every thing by the advantage it brings to himself, it is obvious, I suppose, how such a one would act; and should he deny that he would kill the man or rob him of his treasure, his reason for this cannot be that he apprehends there is any moral turpitude in such actions, but only because he is afraid of a discovery, and the bad consequences that would thence ensue. A sentiment this, at which not only learned men, but even clowns must blush.

It is therefore an absurd extravagance in some philosophers to assert that all things are necessarily just, which are established by the civil laws and the institutions of the people. Are then the laws of tyrants just, simply because they are laws? If the thirty tyrants of Athens imposed certain laws on the Athenians, and if these Athenians were delighted with these tyrannical laws, are we therefore bound to consider these laws as just? For my own part, I do not think such laws deserve any greater estimation than that past during our own interregnum, which ordained, that the dictator should be empowered to put to death with impunity, whatever citizens he pleased, without hearing them in their own defence.

There can be but one essential justice, which cements society, and one law which establishes this justice. This law is right reason, which is the true rule of all commandments and prohibitions. Whoever neglects this law, whether written or unwritten, is necessarily unjust and wicked.

But if justice consists in submission to written laws and national customs, and if, as the Epicureans persist in affirming, every thing must be measured by utility alone, he who wishes to find an occasion of breaking such laws and customs, will be sure to discover it. So that real justice remains powerless if not supported by nature, and this pretended justice is overturned by that very utility which they call its foundation.

But this is not all. If nature does not ratify law, all the virtues lose their sway. What becomes of generosity, patriotism, or friendship? Where should we find the desire of benefitting our neighbours, or the gratitude that acknowledges kindness? For all these virtues proceed from our natural inclination to love and cherish our associates. This

is the true basis of justice, and without this, not only the mutual charities of men, but the religious services of the gods, would become obsolete; for these are preserved, as I imagine, rather by the natural sympathy which subsists between divine and human beings, than by mere fear and timidity.

If the will of the people, the decrees of the senate, the adjudications of magistrates, were sufficient to establish justice, the only question would be how to gain suffrages, and to win over the votes of the majority, in order that corruption and spoliation, and the falsification of wills, should become lawful. But if the opinions and suffrages of foolish men had sufficient weight to outbalance the nature of things, might they not determine among them, that what is essentially bad and pernicious should henceforth pass for good and beneficial? Or why should not a law able to enforce injustice, take the place of equity? Would not this same law be able to change evil into good, and good into evil?

As far as we are concerned, we have no other rule capable of distinguishing between a good or a bad law, than our natural conscience and reason. These, however, enable us to separate justice from injustice, and to discriminate between the honest and the scandalous. For common sense has impressed in our minds the first principles of things, and has given us a general acquaintance with them, by which we connect with Virtue every honourable and excellent quality, and with Vice all that is abominable and disgraceful.

Now we must entirely take leave of our senses, ere we can suppose that law and justice have no foundation in nature, and rely merely on the transient opinions of men. We should not venture to praise the virtue of a tree or a horse, in which expression there is an abuse of terms, were we not convinced that this virtue was in their nature, rather than in our opinion. For a stronger reason, it is mainly with respect to the moral nature of things, that we ought to speak of honour and shame among men.

If opinion could determine respecting the character of universal virtue, it might also decide respecting particular or partial virtues. But who will dare to determine that a man is prudent and cautious in his moral disposition, from any external appearances. For virtue evidently lies in perfect rationality, and this resides in the inmost depths of our nature. The same remark applies to all honour and honesty, for we judge of true and false, creditable and discreditable, rather by their essential qualities, than their external relations. Thus we judge according to their intrinsic nature, that rationality of life, which is virtue, must be ever constant and perpetual, and that inconstancy must necessarily be vicious.

We form an estimate of the opinions of youths, but not by their opinions. Those virtues and vices which reside in their moral natures, must not be measured by opinions. And so of all moral qualities, we must discriminate between honourable and dishonourable by reference to the essential nature of the things themselves.

The good we commend, must needs contain in itself something commendable. For as I before stated, goodness is not a mode of opinion: it is what it is, by the force of its very essence. If it were otherwise, opinion alone might constitute virtue and happiness, which is the most absurd of suppositions. And since we judge of good and evil by their nature, and since good and evil are the true constituents of honour and shame, we should judge in the same manner all honourable and all shameful qualities, testing them by the law of nature, without prejudice or passion. But our steady attention to this moral law of nature is often too much disturbed by the dissention of men and the variation of opinions. We might perhaps obey this law of nature more exactly, if we attended more accurately to the evidence of our senses, which being absolutely natural, are less likely to be deceived by artificial objects. Those objects, indeed, which sometimes present to us one appearance, sometimes another, we term fictions of the senses; but it is far otherwise. For neither parent, nor nurse, nor master, nor poet, nor drama, deceive our senses; nor do popular prejudices seduce them. But our delusions are connected with corruption of our mental opinions. And this corruption is either superinduced by those causes of error I have

enumerated, which, taking possession of the young and uneducated, betray them into a thousand perversities, or by that voluptuousness which is the mimic of goodness, implicated and interfused through all our senses — the prolific mother of all human disasters. For she so corrupts us by her bewitching blandishments that we no longer perceive that things may be essentially excellent, though they have none of this deliciousness and pruriency. (Quæ natura bona sunt quia, dulcedine hac et scabie carent.)

From what I have said on this subject, it may then easily be concluded, that Justice and Equity are desirable for their own sake. For all virtuous men love Justice and Equity, for what they are in themselves; and we cannot believe that such virtuous men should delude themselves by loving something which does not deserve their affection. Justice and Right are therefore desirable and amiable in themselves; and if this is true of Right, it must be true of all the moral virtues with which it is connected. What then shall we say of liberality? Is it to be exercised gratuituously, or does it covet some reward and recompense? If a man does good without expecting any recompense for his kindness, then it is gratuitous: if he does expect compensation, it is a mere matter of traffic. Doubtless, he who truly deserves the reputation of a generous and good–natured man, performs his philanthropical duties without consulting his secular interests. In the same way the virtue of justice demands neither emolument nor salary, and therefore we desire it for its own sake, because it is its own reward. And for this reason we should entertain the same estimate of all moral virtues.

Besides this, if we weigh virtue by the mere utility and profit that attend it, and not by its own merit, the virtue which results will be in fact a species of vice (malitia rectissime decitur.) For the more a man's views are self–interested, the further he recedes from probity. It therefore necessarily happens, that those who measure virtue by profit, acknowledge no other virtue than this usurious vice. For who could he called benevolent, if none endeavoured to do good for the love of others? Where could we find the grateful person, if those who are disposed to gratitude could meet no benefactor disinterested enough to deserve it? What would become of sacred friendship, if we were not to love our friends for their own sake with all our heart and

soul? In pursuance of this pseudo–benovelence, we must desert our friend, as soon as we can derive no further assistance from him. What can be more inhuman! But if friendship ought rather to be cultivated on its own account, for the same reason are society, equality, and justice, desirable for themselves. If this were not so, there could be no justice at all, since nothing is more opposite to the very essence of virtue than selfish interest.

What then shall we say of temperance, sobriety, continence, modesty, bashfulness, and chastity? Is it the fear of laws, or the dread of judgments and penalties, which restrain intemperance and dissoluteness? Do we then live in innocence and moderation, only to acquire a certain secular reputation? And when we blush at licentious discourse, is it only through a squeamish prudery, lest our reputation should be stained? How I am ashamed at those philosophers, who assert that there are no vices to be avoided but those which the laws have branded with infamy. Can it be said that those are truly chaste, who abstain from adultery, merely for the fear of public exposure, and that disgrace which is only one of its many evil consequences? Indeed, my dear Atticus, what can you praise or blame with reason, if you depart from that great law and rule of nature, which makes the difference between right and wrong? Shall corporal defects, if they are remarkable, shock our sensibilities, and shall those of the soul make no impression on us? — Of the soul, I say, whose turpitude is so evidently proved by its vices. For what is there more hideous than avarice, more ferocious than lust, more contemptible than cowardice, more base than stupidity and folly? Well, therefore, may we style unhappy, those persons in whom any one of these vices is conspicuous, not on account of the disgraces or losses to which they are exposed, but on account of the moral baseness of their sins.

We may apply the same ethical test to those who are distinguished for their virtue. For if virtue be not the highest excellence to which we aspire, it necessarily follows that there is something better than virtue. Is it money, fame, beauty, health? All these appear of little value to us when we possess them, especially when we consider that the duration of their enjoyment is altogether uncertain. Is it that basest of all things, voluptuousness? Certainly not; for nothing gives so much dignity to virtue, as its capacity of overruling and despising

all the gratifications of secular and sensual life.

You see the long series of facts and arguments I have brought forward. Such is the connection between one doctrine of truth and another, — I should have proceeded further still, if I had not kept myself in check.

Quintus.

— To what point do your arguments tend, my brother? — for I would willingly go hand in hand with you through this discussion.

Marcus.

— The point they bear on, is the *moral end* of our actions, (ad finem bonorum) to which all things are to be referred, and for the sake of which all things are to be undertaken. This subject is, however, one of great controversy, and full of debate among the learned; yet I shall some day venture to publish my opinions respecting it.

Atticus.

— How can you think of such a thing, since Gellius is no longer alive?

Quintus.

— What difference does that make?

Atticus.

— More than you imagine, — since by his death your brother has lost an excellent advocate of his benevolent design of conciliating your wrangling disputants. When I was at Athens, I recollect Phædrus told me that your friend Gellius, when he came as a Consul into Greece, after his prætorship, assembled all the Athenian philosophers in one spot, and very learnedly favoured them with his advice that they should endeavour to come to some unanimous

agreement in their controversies; that if they were so disposed, and wished to spend their lives in peace rather than discord, such an agreement might be formed; at the same time promising them his best assistance, if this scheme of mutual conciliation and concession met their views.

Marcus.

— Your story is amusing enough, my Atticus, and it excited much merriment at the time; but raillery apart, I do not see so much difficulty in harmonizing the views of the ancient Academy and the Stoics, — at least, on this point.

Atticus.

— How can you form such an opinion?

Marcus.

— Because they differ on one point only, and agree to admiration in all the rest.

Atticus.

— What! do they contend on one point of debate only?

Marcus.

— Yes. I think they have only a single issue, so far as concerns this question of morals. For the ancient Academicians are unanimously agreed that true good consists in *accordance with nature,* and natural order. The Stoics, on the other hand, allow of no good but honor and virtue.

Atticus.

— This is indeed a very insignificant controversy, and not sufficient to account for their general opposition.

Marcus.

— That is true, but it was the thing itself on which they differed, rather than the terms.

Atticus.

— You seem rather to agree with my friend Antiochus; I will not call him my master, since I lived with him so sociably. It was he who at one time almost persuaded me to desert my Epicurean gardens, and betake myself to those of the Academy.

Marcus.

— This Antiochus was a wise and clever man, and highly accomplished in his way. He was, as you know, a friend of mine; and if I could agree with him in all those respects which I shall hereafter investigate, the whole controversy might easily be settled.

Atticus.

— Why do you prosecute this enquiry?

Marcus.

— Because if, as Ariston of Chios pretended, there is no other good than the honourable, no other evil than the dishonourable; that all other things are altogether indifferent, and that their presence or absence are of no kind of consequence, then Zeno has departed very far from Xenocrates, Aristotle, and all the school of Plato, and there is an entire difference between them respecting a principle which influences the whole course of life. But, as Antiochus observes, though the ancients assert that honour is the sovereign good, and its antagonist the sovereign evil, — the one being according to Zeno and the Stoics, the only good, the other the only evil — they likewise account riches, health and beauty, among the advantages, commodities and conveniences of life; and poverty, grief, and pain, among its inconveniences. And therefore they in fact agree in

opinion with Xenocrates and Aristotle, though they express it by different terms. From this difference, not respecting things, but words, the controversy concerning *moral ends* arose. In relation to which, inasmuch as our Roman Law of the Twelve Tables granted a neutral space of five feet wide between the territories of different landlords, we will not allow the venerable estate of the Academy to be trespassed on by this crafty Stoic: and though the Mamilian law appointed but one surveyor to determine the rights of these neutral spaces, in this ethical question all three of us will undertake to arbitrate respecting the moral ends of philosophy.

Quintus.

— What then shall be our decision?

Marcus.

— I think we should seek the boundaries which Socrates has laid down in relation to this question, and abide by them.

Quintus.

— There cannot be a better proposal my brother. And now I pray you let us proceed to the consideration of civil Justice and Laws, on which topics we expect you will give us some useful information, for the subject is particularly important, as I have often heard you say. And certainly we have sufficiently established the principle we have been discussing, and proved that to live according to nature, is the highest good; that is to lead a life regulated by conscience, and conformed to virtue and temperance. Thus to follow nature, and to live according to her law, and to obey all her just commands; this surely is the most lawful and virtuous mode of living. As to the discussions of philosophers, I know not whether we shall ever arrive at a decision, but we certainly shall not do so in our present conference, at least, if we prosecute our original design, and come to the practical investigation of the civil law, as established in our country.

Atticus.

— I shall most willingly proceed to that part of our disquisition!

Quintus.

— Then let us defer this dispute on moral ends to some future occasion; and let us proceed to a more practical view of laws, especially since these dialectics respecting the sovereign good and evil have but little reference to our national legislation.

Marcus.

— What you say, my Quintus, is most wise and excellent, but I should not have kept you so long in these preliminary doctrines, had I not thought they would throw more light than you seem to imagine on the affairs of Jurisprudence.

Quintus.

— And when you treat of this Jurisprudence, my brother, we are not so anxious to hear of the laws of Lycurgus, and Solon, and Charondas, and Galencus, nor our Roman Twelve Tables, and popular degrees; but I wish you to describe, in this familiar conversation, not only the laws fitted for all nations, but also the rules and maxims of conduct that may apply to individuals.

Marcus.

— I would to heaven, my Quintus, that what you desire were so commensurate to my ability, that it might gracefully harmonize with the subjects I discuss. But you must allow me, that since it was necessary there should be a Law, which by censuring vice and advocating virtue, becomes the source of the precepts we most need to direct us in our conduct; it is also necessary that there should be a wisdom from the love of which, the Greeks have composed the word Philosophy, which is the parent of all the fine arts; for it is beyond contradiction the richest, the brightest, and the loveliest of the gifts

the gods have bestowed on us. She has taught us, among other things, the most difficult of all lessons, namely, *to know ourselves,* a precept so forcible and so comprehensive, that it has been attributed not to a man, but to the God of Delphos himself, and that not without reason.

For he who knows himself must be conscious that he is inspired by a divine principle. He will look upon his rational part as a resemblance to some divinity consecrated within him, and will always be careful that his sentiments, as well as his external behaviour, be worthy of this inestimable gift of God. A serious and thorough examination of all his powers, will inform him what signal advantages he has received from nature, and with what infinite help he is furnished for the attainment of wisdom. For, from his first entrance into the world, he has, as it were, the intelligible principles of things delineated on his mind, by the enlightening assistance of which, and the guidance of wisdom, he may become a good, and, consequently, a happy man.

And what can be conceived more truly happy, than the state of that man, who, having attained to an exact knowledge of virtue, throws off all the indulgences of sensual appetite, and tramples on voluptuousness as a thing unbecoming the dignity of his nature — the man who is not terrified at the approach of affliction, or even at death itself — who maintains a benevolent intercourse with his friends, and under that endearing name includes the whole race of mankind, as being united together by one common nature; who preserves, in short, an unfeigned piety and reverence towards the gods, and exerts the utmost force of his rational powers to distinguish good from evil, just as we strain our eyes, in order to view a beautiful object with greater attention.

When this man shall have surveyed the heavens, the earth, and the seas, studied the nature of all things, and informed himself whence they were generated, to what state they return, the time and manner of their dissolution, what parts of them are mortal and perishable, and what divine and eternal? — when he shall have attained in a great measure, the knowledge of that Being who superintends and governs them, and shall look on himself as not confined within the walls of one city, or as the member of any particular community, but

as a citizen of the universe, considered as a single Commonwealth: — on such a grand representation of things as this, and on such a prospect and knowledge of nature, how well, O heavens! would such a one understand the precepts of the Pythian Apollo by knowing himself? How insignificant would he then esteem, how thoroughly would he contemn and despise, those things which by vulgar minds are held in the highest admiration.

All these acquirements he would secure and guard as with a fence, by the science of distinguishing truth from falsehood, and that logical art of reasoning which teaches him to know what consequences follow from premises, and how far one proposition clashes with another. When such a person was convinced that nature designed him for society, he would not rest contented with these subtle disquisitions, but would put in practice that comprehensive eloquence, which is necessary for governing nations, enacting laws, punishing malefactors, defending the honest part of mankind, and publishing the praises of great men. He would likewise use his persuasive eloquence to recommend salutary maxims to his countrymen, to rouse them to the practice of virtue, and turn them from wickedness, to comfort the afflicted, and, in fine, by his writings, to immortalize the wise consultations and noble actions of the prudent and brave, and to punish the shame and infamy of wicked men. So many excellent capacities will be found in man, by those who desire to know themselves, of all which Wisdom is the parent and director.

Atticus.

— You have made a very sublime and just eulogium on self–knowledge. But how do you mean your remarks to bear?

Marcus.

— In the first place, my Atticus, I mean them to bear on those jurisprudential topics which we shall hereafter discuss, which are well nigh as important as the preceding. For these moral principles we have already developed, would not be so grand and so interesting,

if their practical consequences were not full of sublimity and beauty. And for the rest, I prosecute this enquiry with pleasure, and I trust with fairness; for law is my favourite study, and since it has made me all that I am, I cannot with any conscience pass it by without due panegyrics.

Atticus.

— So indeed it seems, if I may judge by your practice. And I commend you for it, — it is but proper to bestow all the praises we can on the topics under discussion.

end of the first book of laws.

INTRODUCTION TO THE SECOND BOOK OF CICERO'S TREATISE ON LAWS.

In this Second Book, Cicero treats of hierarchical and ecclesiastical Laws, and lays down a number of ecclesiastical canons or maxims, which he subsequently expounds at large.

BOOK II.

Atticus.

— Do you feel inclined, since we have had walking enough for the present, and have arrived at a new period of our discussion, to vary our situation. If you do, let us pass over to the island which is surrounded by the Fibrenus, for such, I believe, is the name of the other river, and sit down while we prosecute the remainder of our discourse?

Marcus.

— I like your proposal. That is the very spot I generally select when I want a place for undisturbed meditation, or uninterrupted reading or writing.

Atticus.

— In truth, now I am come to this delicious retreat, I cannot see too much of it. Would you believe, that the pleasure I find here makes me almost despise the magnificent villas, the marble pavements, and the sculptured palaces? Who would not smile at the artificial canals which our great folks call their Niles and Euripi, after he had seen these beautiful streams? Just as you referred all things to Nature in our recent conversation on Justice and Law, you seek to preserve her domination, even in those things which are constructed to recreate and amuse the mind. I was therefore most agreeably surprised, since your letters and your verses had led me to expect nothing better in this neighbourhood than hills and rocks, to find it so delightfully ornamented by all the decorations of art. My present wonder is, how, when you retire from Rome, you condescend to rusticate in any other spot.

Marcus.

— I acknowledge that when I can escape for a few days,

especially in this delectable season, I usually come here, on account of the beauty of the scenery, and the salubrity of the air; but these vacations occur not very often. There is one reason, however, why I am so fond of this Arpinum, which does not apply to you.

Atticus

— Prithee, what reason is that?

Marcus.

— Because, to confess the truth, it is my native place, and my brother's, for here indeed, descended from a very ancient race, we first saw the day. Here was our altar, here our ancestry, and here still remains many vestiges of our family. Besides, this villa which you behold in its present form, was originally constructed under my father's superintendence; for having very infirm health, he spent the later years of his life here, engaged in literary pursuits. At the time of my birth, my grandfather also lived here, and resided according to the olden custom, in that little villa, like another Curius on his Sabine farm. There is, therefore, an indiscribable sympathy which attaches me to the spot; it pervades my soul and sense with a peculiar fascination, whenever I reside here. Even the wisest Ulysses was not wholly exempt from a similar weakness, for Homer tells us that he renounced immortality, that he might once more re–visit his beloved Ithaca.

Atticus.

— I would not condemn a sentiment which appears so rational; I myself have caught the same infection, and I feel that my love for this house and neighbourhood increases, when I remember that you were born here. I cannot tell you how this affection arises, but certainly we cannot behold, without emotion, the spots where we find traces of those who possess our esteem or admiration. For my own part, if any thing attaches me to Athens, it is not so much the accumulation of a multitude of invaluable antiques, as the rememberance of great men, whom I represent to myself as living,

reposing there, and discoursing there. Even their very tombs attract my deepest attention. I therefore leave you to imagine how warm is the affection you have imparted to me for your native country.

Marcus.

— That being the case, I am very glad that I have brought you here, and shown you my cradle.

Atticus.

— And I am still more pleased at having seen it. But what were you going to say just now, when you called this Arpinum the true country of yourself and your brother Quintus? Have you more than one country, or any other than that Roman Commonwealth in which we have a similar interest? In that sense, the true country of the philosophic Cato would not have been Rome, but Tusculum.

Marcus.

— In reply to your question, I should say, that Cato, and municipal citizens like him, have two countries, one, that of their birth, and the other, that of their choice. Cato being born at Tusculum, was elected a citizen of Rome, so that a Tusculan by extraction, and a Roman by election, he had, besides his native country, a rightful one. So among your Athenians, before Theseus urged them to quit their rural territories, and assembled them at Athens, those that were natives of Sunium, were reckoned as Sunians and Athenians at the same time. In the same way, we may justly entitle as our country, both the place from where we originated, and that to which we have been associated. It is necessary, however, that we should attach ourselves by a preference of affection to the latter, which, under the name of the Commonwealth, is the common country of us all. For this country it is, that we ought to sacrifice our lives; it is to her that we ought to devote ourselves without reserve; and it is for her that we ought to risk and hazard all our riches and our hopes. Yet this universal patriotism does not prohibit us from preserving a very tender affection for the native soil that was the

cradle of our infancy and our youth.

Therefore I will never disown Arpinum as my country, at the same time acknowledging that Rome will always secure my preference, and that Arpinum can only deserve the second place in my heart.

Atticus.

— It was not then without reason, that Pompey said, when he pleaded conjointly with you the cause of Ambius, that the Commonwealth owed great gratitude to this village for having given it two of its preservers. For my part, I quite agree with you, that your native place may be called your country, no less correctly than the Commonwealth of Rome. But here we are, arrived in your favourite island. How beautiful it appears! How bravely it stems the waves of the Fibrenus, whose divided waters lave its verdant sides, and soon rejoin their rapid currents! The river just embraces space enough for a moderate walk, and having discharged this good–natured office, and secured us an arena for disputation, it hastily precipitates itself into the Liris; where, like those who ally themselves to patrician families, it loses its obscure name, and gives the waters of the Liris a greater degree of coolness. For I have never found water much colder than this, although I have seen a great number of rivers; — and I can hardly bear my foot in it when I wish to do what Socrates did in Plato's Phædrus.

Marcus.

— You justly commend the Liris, but my brother Quintus often tells me that your river Thyamis in Epirus is nothing inferior to it in beauty.

Quintus.

— Doubtless you will acknowledge that nothing on earth equals the beauties of Atticus's Amaltheum and its plane trees. But will it be agreeable to you, that we should repose here in the shade, and renew the subject which has been interrupted?

Marcus.

— You have a wonderful knack of interrogation, my Quintus! — I thought that we had done with the question; but you are not a man to waive your claims.

Quintus.

— Pray begin, then; for all this day is devoted to hearing you.

Marcus.

—"Let us begin, then, with great Jupiter," as I said in my translation of Aratus.

Atticus.

— Wherefore this exordium?

Marcus.

— Because we cannot do better than commence, by invoking Him and the other gods.

Quintus.

— There can be no objection to this: it is but decent and proper.

Marcus.

— Let us, then, once more examine, before we descend to particulars, what is the essence and moral obligation of law; lest, when we come to apply it to its subordinate relations, we should not exactly understand each other for want of explanation; and lest we should be ignorant of the force of those terms which are usually employed in jurisprudence.

Quintus.

— This is a very necessary caution, and the proper method of seeking truth.

Marcus.

— This, then, as it appears to me, hath been the decision of the wisest philosophers; that law, was neither excogitated by the genius of men, nor is it any thing discovered in the progress of society; but a certain eternal principle, which governs the entire universe; wisely commanding what is right, and prohibiting what is wrong. Therefore, that aboriginal and supreme law is the Spirit of God himself; enjoining virtue, and restraining vice. For this reason it is, that this law, which the gods have bestowed on the human race, is so justly applauded. For it is the reason and mind of Wisdom, urging us to good, and deterring us from evil.

Quintus.

— You have already touched on this topic. But before you come to treat of civil laws, endeavour to explain the force and power of this divine and celestial law, lest the torrent of custom should overwhelm our understanding, and betray us into the vulgar method of expression.

Marcus.

— From little children have we learned, my Quintus, such phrases as this, "that a man appeals to justice, and goes to law;" and a great many municipal laws have we heard mentioned; but we should not understand that such commandments and prohibitions have sufficient moral power to make us practise virtue and avoid vice.

The moral power of law, is not only far more ancient than these legal institutions of states and peoples, but it is coeval with God himself, who beholds and governs both heaven and earth. For it is impossible that the divine mind should exist without reason; and divine reason must necessarily be possessed of a power to determine what is virtuous and what is vicious. Nor, because it was no where

written, that one man should maintain the pass of a bridge against the enemy's whole army, and that he should order the bridge behind him to be cut down, are we therefore to imagine that the valiant Cocles did not perform this great exploit, agreeably to the laws of nature and the dictates of true bravery. Again, though in the reign of Tarquin there was no written law concerning adultery, it does not therefore follow that Sextus Tarquinius did not offend against the eternal law when he committed a rape on Lucretia, daughter of Tucipitinus. For, even then he had the light of reason deduced from the nature of things, that incites to good actions and dissuades from evil ones. And this has the force of a law, not from the time it was written, but from the first moment it began to exist. Now, this existence of moral obligation is coeternal with that of the divine mind. Therefore the true and supreme law, whose commands and prohibitions are equally infallible, is the right reason of the Sovereign Deity.

Quintus.

— I grant you, my brother, that whatever is the just is always the true law; nor can this true law either be originated or abrogated by any written enactments.

Marcus.

— Therefore, as the Divine Mind, or reason, is the supreme law, so it exists in the mind of the sage, so far as it can be perfected in man. With respect to civil laws, which differ in all ages and nations, the name of law belongs to them not so much by right as by the favour of the people. For every law which deserves the name of a law ought to be morally good and laudable, as we might demonstrate by the following arguments. It is clear, that laws were originally made for the security of the people, for the preservation of cities, for the peace and benefit of society. Doubtless, the first legislators persuaded the people that they would write and publish such laws only as should conduce to the general morality and happiness, if they would receive and obey them. Such were the regulations, which being settled and sanctioned, they justly entitled *Laws.* From which

we may reasonably conclude, that those who made unjustifiable and pernicious enactments for the people, counteracted their own promises and professions; and established any thing rather than *laws,* properly so called, since it is evident that the very signification of the word *law,* comprehends the essence and energy of justice and equity.

I would therefore interrogate you on this point, my Quintus, like our inquisitive philosophers. If a state wants something, wanting which it is reckoned no state, must not that something be something good? (Quæro igitur a te Quinte, sicut illi solent, — quo si civitas careat, ob eam ipsam causam quod eo careat, pro nihilo habenda sit, id est ne numerandum in bonis?)

Quintus.

— A very great good.

Marcus.

— Now a state which has no law, is it not for that reason to be reckoned no state?

Quintus.

— We must needs say so.

Marcus.

— We must therefore reckon law among the very best things.

Quintus.

— I entirely agree with you.

Marcus.

— If then in the majority of nations, many pernicious and mischievous enactments are made, as far removed from the law of justice we have defined as the mutual engagements of robbers, are we bound to call them laws? For as we cannot call the recipes of

ignorant empirics, who give poisons instead of medicines, the prescriptions of a physician, we cannot call that the true law of the people, whatever be its name, if it enjoins what is injurious, let the people receive it as they will. For law is the just distinction between right and wrong, conformable to nature, the original and principal regulator of all things, by which the laws of men should be measured, whether they punish the guilty or protect the innocent.

Quintus.

— I quite agree with you, and think that no law but that of justice should either be proclaimed as a law or enforced as a law.

Marcus.

— Then you regard as nullable and voidable the laws of Titius and Apuleius, because they are unjust.

Quintus.

— You may say the same of the laws of Livius.

Marcus.

— You are right, and so much the more, since a single vote of the senate would be sufficient to abrogate them in an instant. But that law of justice, which I have explained can never be rendered obsolete or inefficacious.

Quintus.

— And, therefore, you require those laws of justice the more ardently, because they would be durable and permanent, and would not require those perpetual alterations which all injudicious enactments demand.

Marcus.

— Certainly, if I could get you both to agree with me. But Plato,

that wisest philosopher, that gravest prince of literature, who first composed his Commonwealth, and afterwards his Treatise on the Laws, induces me to follow his illustrious example, and to proclaim the praises of law, before I begin to recite its regulations. Such likewise, was the practice of Galencus and Charendas, when they wrote their laws, not for literary amusement, but for the benefit of their country and their fellow–citizens. And in this conduct, they were emulated by Plato, who considred that it was the property of law, to persuade as well as compel.

Quintus.

— What, do you venture to cite Galencus, when Timæus denies that he ever existed?

Marcus.

— But Theophrastus, an author quite as respectable, and many think more so, corroborates my opinion. His fellow–citizens too, my clients, the Locrians, commemorate him; but whether he was or was not, is of no great consequence to our argument: we only speak from tradition.

Let this, therefore, be a fundamental principle in all societies, that the gods are the supreme lords and governors of all things, — that all events are directed by their influence and wisdom, and that they are loving and benevolent to mankind. They likewise know what every person really is; they observe his actions, whether good or bad; they discern whether our religious professions are sincere and heart–felt, and are sure to make a difference between good men and the wicked.

When once our minds are confirmed in these views, it will not be difficult to inspire them with true and useful sentiments, — such as this, that no man should be so madly presumptuous as to believe that he has either reason or intelligence, if he does not believe that the heaven and the world possess them likewise, or in other words, that there is no Supreme Mind which keeps the universe in motion. The presumption is the more excessive in man, who with his best philosophy, can hardly understand what the universe means.

In truth, we can scarcely reckon him a man, whom neither the regular courses of the stars, nor the alternations of day and night, nor the temperature of the seasons, nor the productions that nature displays for his use, do not urge to gratitude towards heaven.

As the beings furnished with reason are incomparably superior to those who want it, and we cannot say, without impiety, that any thing transcends the universal Nature, we must therefore confess that divine reason is contained within her. Who will dispute the utility of these sentiments, when he shall reflect how many cases of the greatest importance are decided by oaths; how much the sacred rites performed in making treaties tend to assure peace and tranquility; also, what numbers the fear of divine punishment has reclaimed from a vicious course of life; and how sacred the social rights must be in a society where a firm persuasion obtains of the immediate intervention of the immortal gods, both as witnesses and judges of our actions? Such is the "preamble of the law," to use the expression of Plato.

Quintus.

— You are right, my brother; I am pleased to find, however, that you take an original view of the subject, and often correct the mistakes of this philosopher, for nothing can less resemble his opinions, than what you have just now asserted, even in this preamble. I see little conformity between you, excepting in the style, which you imitate exactly.

Marcus.

— I should be very glad of it, if such imitation were possible. As to his sentiments, it would be easy enough to explain them by means of paraphrases and illustrations — surely this would not be difficult to any scholar who would undertake such a task. But with regard to the thought, whatever I compose, unless it be an acknowledged quotation, I would wish it to be my own, for what merit is there in saying nearly the same thing, in nearly the same words?

Quintus.

— I entirely agree with you; for as you have justly remarked, your discourse ought to be your own. Begin, then, if you will do us the favour, and expound the Laws of Religion.

Marcus.

— I will explain them as well as I can; and since this place imposes no constraint, and our conversation is familiar, I shall begin by describing the Laws of Laws.

Quintus.

— What laws be they?

Marcus.

— There are certain maxims of laws, my Quintus, not so ancient as the primitive sacred laws, but still possessing greater authority, and greater antiquity too, than the common parlance of the people. These legal maxims, I shall mention with as much brevity as possible; and I shall endeavour to expound the laws, not indeed in their whole extent, for this would be infinitely laborious, but those which involve the principles and contain the sum and substance of the rest.

Quintus.

— This appears a most desirable method: let us therefore hear the *Maxims of Laws.*

Marcus.

— Such are the following; — Approach the gods with purity — appear before them in the spirit of devotion — remove riches from their temples; whoever doth otherwise shall suffer the vengeance of heaven — let no one have private gods — neither new gods nor

strange gods, unless publicly acknowledged, are to be worshiped privately — let the temples which the fathers have constructed in the cities, be upheld — let the sacred chapels and consecrated groves in country places be protected — let the customs of the fathers be preserved in the families — let the gods who have always been accounted celestial be worshipped, and those gods likewise who have merited celestial honours by their illustrious actions, as Hercules, Bacchus, Æsculapius, Castor, Pollux and Quirinus. Let due honour be likewise paid to those virtues, by which man is exalted to heaven, — as intelligence, valour, piety, fidelity; and let temples be consecrated to them. But with regard to the vices, let no sacred sacrifices be paid to them.

Let all contentions of every kind cease on the sacred festivals, and let servants enjoy them, their toils being remitted, for therefore they were appointed at certain seasons. — Let the priests duly render the public thank–offerings to heaven, with herbs and fruits, on the sacrificial days. Also, on the appointed holidays, let them offer up the cream of milk, and the sucklings; and lest the priests should commit any mistakes in these sacrifices, or the reason of these sacrifices, let them carefully observe the calendar, and the revolutions of the stars. — Let them provide those particular sacrifices which are most appropriate and agreeable to the particular deities: the Priests directing the service of some gods, the Flamins regulating the rites of others, and the Pontiffs superinding the worship of all.

Let the Vestal Virgins in the city carefully keep the sempiternal fire always burning on the public altar, and let those who are not instructed in the order of the ceremonials in these private and public ministrations, learn them from the priests. Let there be two classes of these priests, one to preside over ceremonials and sacrifices, and another to interpret the obscure predictions of the prophets, diviners, and sibyls, whenever the senate or the people require it. — Let the public Augurs, who are the interpreters of Jupiter, the best and greatest, likewise examine the presages and auspices, according to the discipline of their art. Let the priests who are conversant in auguries implore the prosperity of the vineyards and gardens, and the general welfare of the people. — Let those who give counsel in military or civic affairs, attend to the auspices, and take their

measures accordingly. — Let them observe from what parts of heaven the lightnings burst forth. — Let them declare what lands, cities, and temples, are to be held free and consecrated. — Whatever things the augur declares to be unjust, wicked, vicious, and accursed, let them be forsaken as prohibited and disastrous, and whoever will not obey these divine indications, let him suffer capital punishment.

As to alliances, peace, war, truces, and the rights of ambassadors, the Fecial priests are the appropriate judges, who determine all questions relating to military affairs. The interpretation of all prodigies and portents, belongs to the Etruscans and Haruspices, if the senate seeks their advice, and these shall inform the partricians respecting the line of conduct they should pursue. Then will they learn what deities it behoves them to propitiate, and deprecate the fury of the thunderbolt against the object of its vengeance. (Quibus divis creverint, procuranto; iidemque fulgura, atque obstita pianto).

Let nocturnal sacrifices be interdicted to women, except those they offer according to popular custom — and let none be initiated in the mysteries except by the usual forms consecrated to Ceres, according to the Grecian ceremonials. (Neve quem initianto, nisi ut assolet Cereri, Græco sacro.)

Let there be sacrifice made, (by the criminal) for crimes which cannot be expiated (by the priest), being acts of impiety, — the faults which can be expiated by the public priests, let them expiate. (Sacrum commissum, quod neque expiari poterit, impie commissum esto — quod expiari poterit, publici sacerdotes expianto.)

With regard to public spectacles, excepting those of the race–course and the ring, let them restrain the violence of the people, by the soothing influence of vocal and instrumental music; and let the honours of the gods be inseperable from the amusements of these diversions. Let them retain whatever is best and purest in the ancient form of worship. Except the devotees of Cybele (ideæ matris famulos), to whom this privilege is allowed on certain days, let no one presume to levy rates for private emolument. Whoever purloins or robs the sacred property of the temples, let the sacreligious wretch be accounted as no better than a parricide. The divine punishment of perjury is destruction: the human penalty is infamy. With regard to incest, let the chief priests sentence it to the extremest penalty of the

law.

Let not the impious man, who should render sacrifice, attempt to appease the gods by gifts and offerings. Let vows be piously performed. Whereever law is violated, let its punishments be executed. Let no private person presume to consecrate his land; and let his consecration of gold, silver and ivory, be made within the limits of moderation. Let private devotions be perpetually practised. Let the rights of the deities of the dead be punctually discharged. Let those who have past into the world of souls be considered as divinified; thus unnecessary expense and sorrow with regard to our departed friends will be reduced and diminished. (Hos letho datos divos habento — sumptum in illos luctumque minuunto.)

Atticus.

— You have managed to include a great deal of law in a very small compass; but it seems to me, that this class of legal maxims does not much differ from the laws of Numa and our national regulations.

Marcus.

— That is true enough. For since in my Treatise on the Commonwealth, Scipio argues that our ancient Roman constitution was the best of all governments, I could not but ordain similar laws for that excellent constitution which I imagine to myself.

Atticus.

— Certainly not.

Marcus.

— Such then are the laws which a first–rate constitution should enforce. And if I add a few, which are not to be found in our Roman Commonwealth, yet even these formed a portion of the customs of our ancestors; customs which were maintained as religiously as the laws themselves.

Atticus.

— Proceed, then, if you please, to propose these laws, that I may have the pleasure of ratifying them by a uti rogas, (so be it).

Marcus.

— Perhaps, my Atticus, when you hear them, you will say something very different.

Atticus.

— I do not think so! I believe I shall entirely agree with you respecting the greater laws. And as for the minor ones, I shall concede them to you, and pass sentence accordingly.

Marcus.

— Let us lose no time then.

Atticus.

— Go on, — propose such laws as you think advisable.

Marcus.

— One of the legal maxims I have mentioned, states, *that we should approach the gods with purity,* — that is to say, with purity of mind; for this is every thing. Not that the law dispenses with purity of body, — but that we should understand the superiority of the mind over the body; and if we are attentive to the purity of our persons, we ought to be still more so to the purity of our souls. The pollutions of the body may indeed be removed by a few ablutions in a few days; but the stains of the conscience cannot be obliterated by any lapse of time, and all the rivers in the world cannot wash them out.

The next legal maxim commands us to *cultivate piety, and to banish costliness from our temples.* It signifies that piety is grateful to God, and all conceit of worldly wealth is displeasing to him. For if

in our social relations we desire that distinctions of wealth and poverty should not induce us to forget the fraternal equality of men; why should we throw a stumbling block in the approaches of mortals to their Maker, by requiring costly sacrifices and offerings. Especially since nothing is more agreeable to the deity than to see the gates of worship flung open to all who would adore him, and serve him in his temples.

When the latter part of this legal maxim is added, which declares that *God is not merely the judge, but the avenger of ecclesiastical abuses,* the sense of religion is strengthened by the fear of immediate punishment which awaits the offender.

The next law forbids individuals from *worshipping private gods, or new gods, or strange gods,* as this would introduce a confusion of religions, and ceremonies not known to the priesthood, and not acknowledged by the senate. Thus should the worship of the gods be conducted, if they approve of such regulations.

I think *the temples of our ancestors should be maintained in our cities.* In this respect I do not agree with the doctrine of the Persian Magi, by whose advice they say Xerxes set fire to the temples of the Greeks, because they enclosed between walls the gods, to whom all things are free and open, and whose appropriate temple and dwelling place is the boundless universe. The Greeks, and the Romans after them, have adopted a more rational opinion, since in order to confirm the devotion we entertain for the gods, we have allotted to them fixed mansions in our cities, no less than to our fellow–citizens. This opinion promotes religion, and has a useful moral influence on society. For according to the noble sentence of Pythagoras, "then chiefly do piety and religion flourish in our souls, when we are occupied in divine services." And according to Thales, the most renowned of the seven sages of Greece, "men should be persuaded that the gods behold all things, and inform all things." And therefore are all men the more pure and holy when they frequent the temples of the gods, for there, in a certain sense, they have the divine images, not only impressed on their minds, but actually presented before their eyes. The same argument applies to the preservation of the *sylvan fanes* and *sacred groves.*

The religious honours, which, according to ancestorial custom,

masters and servants pay to the *lares,* or *guardian angels* and *genii,* in the courts of our villas and farms, are not to be abated, — (neque ea quæ a majoribus prodita est, cum dominis tum famulis posita in fundi villæque conspectu, religio larum repudianda est).

The rites of *ancestors are likewise to be preserved in their families,* for since the ancients approached nearest to the gods, that religion which the gods handed down to them is a tradition most worthy of memorial.

When the law commands us to render divine honours to *deities that are consecrated, as having partaken of humanity,* as Hercules and the rest of the demi–gods, it indicates, that while the souls of all men are immortal, those of saints and heroes are divine.

It is right also, that *Intelligence, Piety, Valour, and Fidelity,* should possess the temples which are publicly dedicated to them at Rome, so that those who cultivate these admirable virtues, which are dear to all worthy men, should regard them as divine principles animating their souls.

But what is scarcely to be tolerated, is, that at Athens, they should have raised a temple to Vice, Ignominy, and Imprudence, as they did at the instigation of Epimenides of Crete, after the expiation of the crime of Cylon. For if it is pious to consecrate the Virtues, it is impious to bestow the same honour on the Vices. Thus the ancient altar which stands in the temple of *Fever,* and another on Mount Esquiline to *Misfortune,* are detestable, and all things of this kind should be repudiated.

But when we forge titles according to the fancy of the poets, and call Jove the defender, the invincible, from the idea we conceive of his strength and power, and extol as divine principles, Safety, Honour, Wealth and Victory, we perhaps do little harm, since our minds are supported by the expectation of these excellent things. It was not amiss therefore, that Calatinus consecrated Hope.

Nor is it wrong to celebrate Daily Fortune, for she embraces all days, helping us through all. Nor even to extol Luck, which presides over irregular accidents; or her companion, Prosperity, which crowns us with unnumbered blessings.

Then comes the order of *Festivals* and *Holidays,* in which all men should be free, and spend their time without strife or litigation, and

which afford the lower orders periods of rest and cessation from labour. We must appoint such holidays with a just reference to the seasons of the year, so that their distribution may rather facilitate than interrupt the useful labours of agriculture. And with respect to the time when the rites of sacrifice are to be offered, with the young animals appointed by law, the exact intervals of intercalation are to be accurately observed, an institution which, originating with Numa, was impaired by the negligence of subsequent pontiffs.

It is not desirable to change the regulations which the pontiffs and haruspices have made respecting the *appropriate sacrifices* due to each god, in respect of age and sex.

With respect to the priests, their great number and their attachment to the services of the several divinities, should enable them to explain all the ordinances and duties of religion.

Now as Vesta, according to the meaning of the Greek word, which the Latins have retained, is symbolized by the perpetual fire of the city, the *vestal virgins* preside over it with the greatest propriety, that they may keep the sacred flame ever burning and inviolable, and that women may learn that the purest chastity constitutes the perfection of their nature. — (Etsentiant mulieres in natura fœminarum, omnem castitatem peti.)

What follows, concerns not Religion only, but the general order of the state; namely, the prohibition which restrains private individuals from *offering sacrifices* without the superintendence of the public ministers of religion. For under a sound government, it always behoves the people to ask the counsel and authority of their chief functionaries; and the order of priests should take cognizance of every kind of orthodox religion.

Some of these priests are appointed to *propitiate the gods,* when offended, who preside over solemn sacrifices; and others are ordained to interpret the predictions of the prophets, — not indeed of all the prophets; for then their task would be infinite, and the secret purposes of the government would be divulged; so that those without the cabinet would become too familiar with political proceedings.

One of the greatest and most important offices in the Commonwealth is that of the Augurs, conjoined as it is with the highest authority. I do not speak this from any motive of personal

vanity, since I am an augur myself, but because it is an actual matter of fact. For what can be more important in respect of official dignities, than the power of dismissing the assembly of the Commons, though convoked by the chief rulers, and thus annulling their counsels and enactments? What, I say, can be more absolute domination than that by which even a single augur can adjourn any political proceeding to another day! What can be more transcendent than that authority of the augurs, by which they may command even consuls to lay down their office! What more sacred than their power of granting or refusing permission to form treaties and compacts! or their power of abrogating laws, which have not been legitimately enacted, as in the case of the Titian law, which was annulled by a decree of the pontifical college; and the Livian law, which was likewise annulled by the advice of Phillipus, who was at once consul and augur. Indeed there is no edict of the magistrates relating either to domestic or foreign affairs which can be ratified without the augur's authority.

Atticus.

— I confess that their authority is very great; but there is a warm dispute between Marcellus and Appius, two of the best augurs in our college. I have met with the books of both, and I find that one of them affirms that auspices are merely *got up* for the interests of the state, and the other seems to think that they really are supernatural divinations. Will you favour us with your opinion on this point?

Marcus.

— For myself, I sincerely believe that there exists an art which the Greeks call Mantikè, or magic; and that the flight of birds and other signs, which the augurs profess to observe, form a part of this magic. For when we grant the existence of the supreme gods, and their intellectual government of the universe, and their benignant dealings with the human race, and their power of granting us intimations of future events, I know not why we should deny the art of divination.

Besides this, the history of our Commonwealth affords us an infinite number of examples, which confirm this truth, and all kingdoms, peoples, and nations bear testimony that the predictions of augurs are wonderfully fulfilled. Thus the traditions of Polyidus, Melampus, Mopsus, Amphiaraus, Calchas, and Helenus, would not have made so much noise in the world, nor would they at this time be accredited by so many nations, — Arabians, Phrygians, Lycaonians, Cilicians and Pisidians, — unless antiquity had handed them down as true and indisputable. Nor would our Romulus have consulted the auspices before he founded Rome, nor would the name of Accius Navius have so long flourished in the memory of our citizens, if events had not justified their wonderful predictions. But doubtless this science and art of augury may vanish away by age and negligence. Therefore, for my part, I neither agree with Marcellus, who maintains that our college of augurs never was in possession of this science; nor do I agree with Claudius, who asserts that we still preserve it. For that kind of augury which prevailed among our ancestors, I think that it was sometimes used for mere political convenience; but far more often as a bona fide guide and director in critical emergencies. (Quæ mihi videtur apud majores fuisse, ut ad Reipublicæ tempus nonnunquam, ad agendi consilium sæpissime pertineret.)

Atticus.

— Well, it might be so, and most probably was so, — but proceed.

Marcus.

— I will, and as concisely as possible. What follows relates to the *rights of peace and war;* in commencing, conducting, and concluding which, justice and good faith are especially necessary. By our law we have therefore appointed the Fecial priests as public interpreters of these rights.

As to the religious duties of the Haruspices, concerning expiations and sacrifices, I think I have already said enough.

Atticus.

— I think so too, since that branch of the law relates exclusively to religious ceremonials.

Marcus.

— As to what follows, my Atticus, I scarcely know in what terms it becomes me to animadvert, or you to assent.

Atticus.

— What is it?

Marcus.

— The law respecting the nocturnal sacrifices of women.

Atticus.

— Oh! I assent to their suppression by all means, excepting those solemn and public sacrifices which your legal maxim permits.

Marcus.

— But if we suppress the nocturnal sacrifices, what will become of the august mysteries of Iacchus, and the Eumolpidæ? For we are constructing laws, not for the Romans only, but for all just and valiant nations.

Atticus.

— I think it is but courteous to except these mysteries likewise, especially as we ourselves happen to have been initiated in them.

Marcus.

— With all my heart, let us except them. For it seems to me that among the many admirable and divine things your Athenians have

established to the advantage of human society, there is nothing better than the mysteries by which we are polished and softened into politeness, from the rude austerities of barbarism. Justly indeed are they called *initiations,* for by them we especially learn the grand principles of philosophic life, and gain, not only the art of living agreeably, but of dying with a better hope.

But what displeases me in the nocturnal mysteries, is what the comic poets hold up to ridicule. If such licence was allowed at Rome, what abominations might be committed by the man who should carry premeditated debauchery into the mysteries, in which even a stolen glance was in ancient times a crime?

Atticus.

— Content yourself with proposing this law for Rome: do not rob the Greeks of their customs.

Marcus.

— Well then, let us return to our legal maxims, by which it is most diligently ordained that the clear daylight should be the safeguard of female virtue in the eyes of the multitude; and *that they should only be initiated in the mysteries of Ceres, according to the Roman custom.*

In reference to this topic, we have an extraordinary instance of the severity of our ancestors in the public indictment and prosecution of the Bacchanals by the senate, supported by the Consular armies. And this severity of the Roman government is not singular, since Diagondas of Thebes, in the middle of Greece, suppressed all nocturnal mysteries by a perpetual prohibition. And Aristophanes, the most facetious of the old Greek comedians, so satirized the new gods and the nocturnal rites of their worship, that he represents Sabazius and other foreign deities condemned as aliens, and obliged to pack off from the city.

The public priest shall acquit by his counsel those irregularities committed by imprudence in the sacrifices, for this is pardonable. But he shall judge as scandalous and impious the audacity which

would introduce new religions.

With respect to public shows and amusements, they are generally exhibited either in the circus or the theatre. Let therefore corporeal contests, such as racing, boxing, wrestling, and charioteering for the palm of victory, be confined to the circus. And let dramatic recitations, with vocal and instrumental music within due limits, be practised in the theatre as by law prescribed. For I think with Plato that nothing more readily influences sentimental and susceptible minds, than the varied melodies of music; whose power of raising both good and evil passions is almost incalculable; for music can excite the depressed, and depress the excited, and augment our energies, or contract them. It would have been well for many of the Greek cities, if they had maintained the spirited and invigorating character of their ancient music; for since their music has been changed, their morals and manners have lapsed into voluptuousness and effeminacy. Whether their dispositions have been depraved by this seducing and enervating music, or whether their heroism has yielded to the temptation of other vices, certainly both their sense of honour and their sense of hearing must have been corrupt enough ere they could find pleasure in their newfangled concertos.

Therefore it was, that Plato, that wisest and learnedest philosopher of Greece, so much dreaded the effects of music on his fellow–countrymen. He denied that it was possible to change the laws of music, without likewise changing the laws of manners. If I am not quite so timid as Plato with respect to the influence of music, I by no means believe that this influence is to be slighted or overlooked by the moralist or the lawyer. Without going further, let me observe the effect of that influence among our Romans. The verses of Livius and Nævius, which used to be sung with a manly simplicity and energy, are now chaunted forth with all sorts of grimaces and contorsions of the eyes and head, according to the variation of the airs. Ancient Greece never permitted such abuses, wisely foreseeing, that if this kind of effeminacy got possession of the citizens, it would ruin all their cities with false arts and luxurious indulgences. And therefore the stern Lacedæmon ordained that the harp of Timotheus should possess but seven chords, and that the rest should be taken away.

Our next legal maxim is, *that we should be conservatives, and*

retain whatever is best in our ancient customs, (ut de ritibus patriis colantur optimi): respecting which conservative principles, when the Athenians consulted the Pythian Apollo what religions they should chiefly cultivate, the oracle answered, "those which were sanctioned by their ancestors." (Eas quæ essent in more majorum). And when the Athenians came to consult the oracle again, alleging that the customs of their ancestors were various, and they desired to know which custom they should select from the variety, the oracle replied, *the best,* (optimum). And truly may we assert, that for the most part the best is the most ancient and nearest the gods.

We have by another legal maxim prohibited the levy of rates for private emoluments, with the exception of those that are made during a few days in honour of Cybele. Such a custom fills men's minds with superstition, and impoverishes their families. (Stipem sustulimus, nisi eam quam ad paucos dies propriam, Id matris excepimus, implet enim superstitione animos, et exhaurit domos.)

We have awarded a due punishment for all sacriligious persons, not those only who rob a temple, but also those who rob property intrusted to a temple, which exists to a larger amount in many churches. Thus, Alexander is said to have consigned a sum of money in the temple of Soloe in Cilicia, and Clisthenes the Athenian, a very worthy citizen, when he thought his fortune was in danger, consigned his daughters' doweries to the care of Juno, in her temple at Samos.

Respecting the law against perjury, I have nothing more to add; and with regard to the laws against incest, this is not the place to dispute.

The next legal maxim is, that reprobates should not attempt to appease the gods by offerings, till they have repented of their sins. Let such impious criminals listen to Plato, who forbids us to doubt that God must abhor the wicked, since even a good man will not receive presents from the apostate.

The next legal maxim enforces the necessity of a careful discharge of our vows towards God.

As to the punishments of those who violate the sacred rites of religion, no one will deny the propriety of such penalties.

In order to confirm the execution of justice on such offenders, I need not cite the examples of those impious wretches, whose crimes

and punishments are represented in the tragedies. Let us rather speak of those things which pass under our own observation. And though, in comemorating my private history, it may seem to have surpast the usual fortune of men, yet as our present conversation is so familiar and confidential between ourselves, I will hide nothing, and I trust that what I shall say will be agreeable to the immortal gods rather than offensive.

You are too well aware that all the laws of religion were infringed by certain wicked men during the period of my banishment. My domestic gods and guardian genii were violated, and a temple to licentiousness built on the ruins of their edifice, while he who alone could defend them was driven from their altars. Consider then, a moment, (for I need not mention names,) what was the termination of such proceedings. I, who suffered not the statue of Minerva, the guardian of our city, to be polluted by impious hands during the universal ruin of my house and property, and carried her safely from my home to the capitol, which is the home of Jupiter himself; was I not thus acting, celebrated by the judgment of the senate, Italy, and all nations as the preserver of my country? — than which nothing more glorious could happen to a mortal man.

My enemies, on the other hand, who had abominably violated the sacred rites of religion, were for the most part banished and exiled; while those who headed them in all their crimes and impieties, not only suffered degradation during life, but were denied the privilege of sepulture and funeral ceremonies.

Quintus.

— Yes, my brother, you have described these events as they occurred, and we cannot feel too grateful to the gods; but we sometimes see virtue apparently unrewarded, and vice triumphant.

Marcus.

— This is, because we judge not as we ought to judge, respecting divine justice. We are carried by the tide of public opinion into error, and cease to discern the true nature of things. We talk as if all the miseries of man were comprehended in death, pain of body, sorrow of mind, or judicial punishments; which, I grant, are calamitous accidents which have befallen many good men; but the sting of conscience, the remorse of guilt, is in itself an infinitely greater evil, even exclusive of the external punishments which attend it. I have seen those, who, had they not been enemies to their country, would never have been foes to me, tormented beyond description by their

own bad passions; burning with concupiscence, and shuddering with terror and regret. Whatever they did they did it timorously, contemning religion, as if by so doing they could escape its penalties; and as if by corrupting men they could corrupt the gods. But I must restrain myself, and go no further in invective; for my vengeance has already been carried beyond my desire. I would only indicate, that the divine punishment of the impious is double their legal penalties; for it consists in the pang of conscience while they live, and the reported anguish of the dead; so that their chastisement may become manifest, both to the judgment and the satisfaction of the living.

I agree with Plato, that private estates ought not to be consecrated. Here are his words on this subject, if I can but interpret them correctly. "The earth is consecrated to all the gods, as a grand altar of worship. Therefore private individuals should not consecrate to the gods those territories which belong to them already. As to gold and silver in the cities, whether in houses or temples, this sort of property may very properly be consecrated. As to ivory, which is extracted from a dead elephant, it is an offering scarcely pure enough for the gods. Brass and iron, the instruments of war, ought not to be consecrated in temples. With regard to wood, if any one wishes to dedicate a statute of wood to a divinity, let it be formed from a single tree. The same remark applies to the statues of stone, so common in churches, which should be constructed of one material. As to the dress of a statue, let it not be more elaborate than a woman can make it in a month. Let its colour be white, for this is most pleasing to God, as a general emblem of purity, and peculiary appropriate for sacred vestments. Let there be no colours, therefore, excepting on military decorations. With regard to offerings, the most pleasing ones we can render to the gods are birds, and other simple figures, which a painter may draw in a day; and let the other gifts have the same character of simplicity."

Such is the opinion of Plato. For my part, I am not quite so strict in my limitations, for we have to consider the present tone of public morals, and the abundance of wealth in all the articles of commerce. Besides, I suspect that agricultural industry would languish, if superstitious ceremonials were allowed unduly to interfere with the cultivation of the ground by the instruments of husbandry.

Atticus.

— I understand you; it remains for you to speak on the perpetual sacrifices and the rights of the Manes.

Marcus.

— What a wonderful memory you possess, my Atticus. I had forgotten that point.

Atticus.

— Very likely. I recollect these legal maxims the better, because they are associated both with the pontifical and civil law.

Marcus.

— On these points, our statutes and decisions are very clear and distinct. And for my part, in this familiar conversation, whatever kind of law we have to discuss, I will treat of our civil jurisprudence with as much simplicity as possible, — in such a manner, that you may easily distinguish on what principle every legal case depends. Thus it will not be difficult for any one possessed of a moderate share of intelligence to find the rights of the question, whatever new cause of consultation shall arise, when he shall know how to refer the points of debate to their appropriate maxim.

But, unhappily, our lawyers, whether for the sake of raising casuistry (erroris objiciendi causâ) in order that they may seem to know more difficult points than they really understand — or whether, as most likely, through ignorance of the art of teaching and conveying instruction (for it is one thing to know an art, and another to teach it) our lawyers, I say, often divide a legal doctrine, which is essentially simple, into an infinite variety of technical distinctions, (sæpe quod positum est in unà cognitione, id in infinita dispartiuntur). With relation to our present topic, for instance, what a wonderful cloud of sophistries has been raised by the two Scævolas, pontiffs both equally skilful in law! “Often,” says Publius the son, “have I heard from my father, that no one can make a good pontiff,

unless he understands the civil law. What, the whole of it? Why so? What in the world has a pontiff to do with the rights of partition walls, aqueducts, &c.? Or does he mean only that part of the civil law which is connected with ecclesiastical polity? But how inconsiderable is this, with the exception of certain sacrifices, vows, holidays, burials, and things of that kind. Why then should we make these of so much importance, when the others are so insignificant?

Concerning those sacrifices, however, which have a more extensive relation to jurisprudence, we may pronounce this sentence: let them be preserved perpetually, — and let them pass by succession through families, so that, as I have stated in my maxim, the *sacred rites may be constant.* On this principle, the pontiffs have decided that these rites should be handed down through all generations, so that their memorial should not fail with the lives of the ancestor, and that their obligations should devole on those who inherit the family estates. On this principle alone, which might suffice for the regulation of all relative cases, have our lawyers raised innumerable quibbles, which fill their books. They demand, forsooth, who are bound to administer these sacred rites? Common justice evidently points out the heir of the deceased; for there is no other person who more appropriately occupies the position of the departed progenitor. Next to the heir, stands the legatee, who by the death of the deceased, or by virtue of his will, sometimes takes as much as all the heirs. All this is implied in the maxim, and perfectly corresponds to its design. Thirdly, if there be no heir, the obligation attaches to him who takes the largest share of the goods of the deceased. Fourthly, if there be no heir or legatee who receives any thing, it binds the chief creditor who gains the largest share of the estate. The last person on whom the obligation of discharging the sacred rites can fall, is the debtor of the defunct, who not having discharged the debts he owed him, will stand in the same position as if he had received a legacy to an equivalent amount.

It is thus, that Scævola instructed us in many points of law, which were not so defined by our forefathers. For they regulated the whole business in the following simple terms:—"A person may become liable to the obligation of discharging the sacred rites of the deceased in three ways; first, as the heir; secondly, as the legatee, who takes

the greater part of the property; thirdly, as the largest creditor, in case the estate is incumbered. But we learn one thing from Scævola the pontiff, namely, that all the new arrangements depend on a single principle, which is the wish of the priests to attach the money to the sacred rites, and they judge all festivals and ceremonies by the same rule.

The Scævolas likewise establish this regulation, which is one of their distinctions: namely, that if a due allowance is not set down in the legacy, and the legatees receive less than all the heirs, they should not be bound to discharge the sacred rites. In donations, however, they interpret the same thing in quite a different manner, and ratify whatever the ancestor shall approve in the donation of a person under his superintendence; and do not ratify whatever has been done without his approbation and participation.

On such topics, a thousand little questions arise, which any one may solve by referring them to their proper maxim and principle. For instance, — if through fear of being charged with the sacred rites, a legatee took less than his legacy, and afterwards one of the heirs of this legatee claimed on his own account that portion which the legatee had relinquished, and these two sums, joined together, equal that which was bequeathed to all the heirs; then he who claimed this relinquished portion would be bound to perform the sacred rites, without encumbering his co–heirs. They determine, however, with regard to the legatee, that where the legacy is greater than can be exempted, from these rites, he may pay a part by weight and balance to the testamentary heir, so that in this case, the heir being charged, the money of the legatee is no further liable.

On this point, as on many others, I should be glad if you pontiffs Scævolas, great and talented men, as I confess you to be, would inform me why you seek to perplex the pontifical law with the subtleties of the civil law? For thus, you, in fact, supersede the simple maxims of ecclesiastical jurisprudence, by the endless technicalities of the municipal legislation. If the sacred rites are thus conjoined with pecuniary interests, they are so by your authority as pontiffs, rather than by any law of national obligation. So long, indeed, as you remain pontiffs, your pontifical jurisdiction will continue, but as you happen to be exceedingly knowing in the civil

law, you may be able to elude the plainest maxims of the ecclesiastical. For instance, Publius Scævola, Coruncanius, and other chief priests, have determined that those legatees who take only as much as all the heirs, should be bound to discharge the sacred rites.

Such is the pontifical law. Now what has been added to it by the civil law? — a rule of distributions, composed with the utmost caution, in favour of the legatee, for by the deduction of a hundred sesterces, they have discovered a method of delivering the legatee from this troublesome duty. If, however, the testator omitted to make this proviso for the legatee, Mucius the pontiff and jurisconsult, has contrived a new expedient in his favour: he has but to take less than all the heirs, and he gets his acquittal. Our forefathers had stated, with admirable good sense, that those to whom the property came should discharge the sacred rites; but these pontifical gentlemen have rid them of all such obligations.

As to the other quibble, it had no place in the pontifical law, and existed only in the civil code. I mean the sale by weight and balance, in order to charge the testamentary heirs, and place the business in the same condition as if the legacy had not been granted, the legatee stipulating with respect to his legacy, that he should pay over a certain sum by stipulation and so get acquitted of the sacred rights.

I now come to the rights of the Manes, or ghosts of the dead — which our ancestors most wisely instituted, and most religiously observed. They therefore ordained that the people should sacrifice for the ghosts of the dead, in the month of February, then the last month in the year by the ecclesiastical calendar. Decius Brutus, however, according to the writings of Sisenna, usually discharged these ceremonials in December. When I consult my own knowledge for the reason of this proceeding, I think I discover the cause which induced Brutus to depart from the ancestorial custom. The cause that Sisenna assigns for Brutus's non–observance of this ancient institution, was his ignorance of its obligation; but it does not seem to me likely that Brutus would have so rashly neglected an institution of our ancestors, for he was a learned man, and very familiar with Accius. I therefore conclude that Brutus considered December to be the last month in the year, rather than February, which was so called when the institution was originated. He, likewise, conceived that it was a

part of piety to offer very considerable sacrifices.

With regard to the rite of sepulture, it is so sacred a thing that all confess it should be discharged in consecrated ground, and if possible in the country where the family of the deceased resides. Thus, in ancient times, Torquatus adjudicated respecting the Popilian family. And certainly the Denicale feasts, so called from the Latin words *de nece,* (implying deliverance from death) would not have been appointed as holidays in honour of the dead, as well as other celestials, unless our ancestors who have departed this life, were believed to have past into the great assembly of divinified minds. The order of solemnizing these days, which is different from that of other public festivals, declares the ecclesiastical character of this institution, and its great sanctity and importance.

It is nnecessary for us at present to explain the proceedings of families in funeral ceremonies, what kind of sacrifice should be offered to the lares, or guardian genii, from the rams of the flock — how the bone which remains unconsumed must be covered with earth — how in some cases it is necessary to sacrifice a sow, when the sepulchre is to be considered as consecrated, and such minute details.

It appears to me, however, that the kind of sepulture which Cyrus, according to Xenophon, solicited for himself, is the most ancient of all, for it is a kind of restitution which we make to the earth of a body, which, as a mother, she produced, and as a mother takes back to her protecting bosom. In the same manner we believe our ancient king Numa was interred in his sepulchre, near the altar of the fountain. The Cornelian family likewise used this form of burial, till a period within our own recollection. The conqueror Sylla, however, ordered the corpse of Marius to be disinterred from his grave on the banks of the Anio, impelled to this barbarous brutality by an implacable resentment, which he would not have indulged if he had been as wise as he was vehement. Perhaps it was through fear that the same accident might happen to himself, that he ordered that his body should be burned after his death, — a custom he was the first to introduce in the patrician family of the Cornelii. For in the epitaph on Scipio Africanus, Ennius says,

"Here lies the body, &c."

And the word *lies,* is only applied in this way to them who are buried in sepulchres; though perhaps tombs should not be entitled sepulchres till the last rites have been consummated, and the corpse consumed by fire.

The verb to *inhume,* which is now commonly applied to the burial of the deceased, is most appropriate to those corpses that are interred after being burned. The pontifical law proves this usage, for before the ground is thrown over them, the spot where the body is burned is not consecrated. When the earth is thrown over the corpse, then it is inhumed, and the tomb is called a sepulchre, and many religious rites are performed in order to consecrate it. So Publius Mucius determined with regard to a person killed in a ship, and then cast into the sea, that his family was pure from any charge of neglect to the deceased, inasmuch as no bone remained on the earth, in which case his heir must have sacrificed a sow to his manes. If, on the contrary, a bone had remained on the earth, he considered that fasts should be appointed during three days, and that a sow should likewise be sacrificed, if the deceased had died in the sea.

Atticus.

— I am well aware of these rules of the pontifical statutes; but what do our civl laws say?

Marcus.

— Little enough on this subject, my Atticus, and I expect you are acquainted with it already. The civil regulation has less regard to the religious ceremonials than to the rights of sepulchres. A law of the Twelve Tables determines that *a dead person shall neither be buried nor burned within the city,* I suppose on account of the danger of fire. But the addition of this disjunctive *nor burned,* indicates, that the corpse which is burned is not so appropriately consigned to burial as to inhumation.

Atticus.

— How is it, that notwithstanding this law of the Twelve Tables,

so many of our great men have been buried in the city?

Marcus.

— I believe, my Atticus, that this privilege was granted before this law was made, to certain heroic worthies, as Publicola and Tubertus, on account of their virtue, and that their descendents have succeeded to this privilege, though it is an exception to the law. Some others may since have gained this privilege, like Caius Fabricius, whose virtue has in some sense made them free of the laws. The civil law, in all other cases, forbids burials in the city, and the Pontifical College has decreed that it is unlawful to raise a sepulchre in the public places.

You know the Temple of Honour, outside the Collinian gate. We learn from tradition, that there was in ancient times an altar on the spot; and it appears from a medal discovered there, on which was inscribed, "the medal of Honour," that this was the reason why that temple was so dedicated. But since there were many sepulchres in the neighbourhood, they were ploughed up when the city was enlarged. For the Pontifical College ordained that public places could not be bound by private consecrations.

Another provision we find in the Twelve Tables, intended to obviate the superfluous expences and extravagant ceremonials of funerals, almost literally translated from the laws of Solon. "Ne facito rogum ascia ne polito." *Never carve and polish a funeral pile.* You recollect what follows, for we learned the Twelve Tables when schoolboys, as an indispensable lesson, which, by–the–bye, no one attends to now–a–days. Let extravagance, therefore, be diminished to three suits of mourning, with purple bands, and ten flute players. Excessive lamentations are also to be prohibited by this rule, — *Let not the women tear their cheeks or make the lessus or funeral wailings.*

Those ancient interpreters of our laws, Sextus, Ælius, and Lucius Accilius, have said they could not understand this regulation, but that they suspected it referred to some peculiar funeral ceremonials. Ælius defines the word 'lessus' to be a kind of lugubrious ejaculation, or shriek, which I think likely enough, since Solon's law

likewise forbids such lamentations. These rules are very commendable, and equally practicable by the rich and poor, and they are eminently conformable to nature, who sweeps away by mortality all the distinctions of fortune.

The Twelve Tables, have likewise abridged those other funeral pomps, which tend to augment a vain and unavailing sorrow. For they thus declare, — *Do not collect the bones of the dead, when their funerals are over.* An exception is made with regard to those who die in battle, or in a foreign land.

Besides these laws, there are others with regard to unction, which forbid a servile embalmment of the corpse, and funeral banquets and wakes. These abuses are justly abrogated, which would not have been abrogated had they not been abuses.

Among the prohibitions are likewise comprised expensive respersions, large crowns, and censers of perfume.

It is certain, however, that the ornament of merit may sometimes belong to the dead, because the law enjoins that such a crown should be placed without fraud on the deceased, who has deserved it by his virtue, and on his nearest relation.

I believe there was also a rule that many obsequies should not be celebrated, or many funeral processions arranged for any one deceased.

And since, there was a general law, *that gold should not be buried with the dead* — another regulation contained this humane exception; if the teeth of the deceased were fastened with gold, the corpse should be buried or burned without taking it away. From which expression we might deduce another argument, that burial and burning were often quite unconnected.

Beside these, there are two laws respecting sepulchres, one of which relates to the houses that have family vaults attached, and the other to the family vaults themselves. One prohibits the erection of a funeral pile or pyre nearer than sixty feet to a neighbour's house, without its proprietor's consent, for fear of conflagration. The other ordained, that the sepulchre and its vestibule should not be subject to usucaption, and thus defends the rights of sepulchres.

These regulations we find in the Twelve Tables, and indeed they are very conformable to nature, which is the rule of law. The other

portion relates to customs — how funerals should be announced; whether games should be allowed; whether the master of the ceremonies shall employ a herald and lictors; whether the praises of the honorable dead shall be commemorated in a panegyric; whether the elegiac songs shall be accompanied by flutes, so as to form dirges, by which name Gracchus designated funeral lamentations.

Quintus.

— I am delighted that our laws are so far conformable to nature, and above measure pleased with the wisdom of our ancestors.

Marcus.

— Yet I believe, my Quintus, that some further limitation should be made to the funeral pomps and ceremonials. You may see in the funeral of Figulus to what an excess these vanities were carried.

Quintus.

— I think there was formerly far less ambition for this kind of extravagance than at present prevails, as many examples of funeral frugality and simplicity are extant in the records of our ancestors.

Marcus.

— At least our legal interpreters inform us, that the chapter of the law which forbids profuse and excessive ceremonials in the funeral rites of the dead, likewise condemns the superfluous magnificence of sepulchres. And we cannot believe that this important subject should have escaped the attention of our wisest legislators. They say that the custom of interring the dead in the Greek mode, began at Athens in the time of Cecrops. And that immediately after such interments, the next relatives, when they had cast the earth over the dead, scattered the seeds of vegetables over the spot; that, having like a benignant mother, taken her lifeless son to her bosom, by the expiation of the seed she should again bear fruit for the living. Then followed the festivals, which the relatives attended, crowned with flowers; and in

these festivals they pronounced the eulogiums on the deceased, if his virtues were worthy of commendation; for it was reckoned impious to lie on such occasions, and thus the ceremony terminated.

In process of time, as Demetrius Phalereus assures us, the funerals became sumptuous, and the elegiac lamentations were extravagantly multiplied. These abuses were prohibited by Solon's law, which our Decemvirs have translated almost word for word in our Twelve Tables. Our rule respecting the three suits of mourning, and other customs were thus derived from Solon's regulation; and that edict respecting the dirges is expressed in his precise phrases. — Let not the women tear their cheeks, nor indulge their wailing at funerals. (Mulieres genas ne radunto, neve lessum funeris ergo habento).

There is nothing more to be remarked in Solon's law respecting funerals, except, that he forbids the injury of sepulchres, or the disturbance of the dead. He makes it penal for any one to violate, dilapidate, or impair any grave, which he calls a tomb, or funeral monument or column. Afterwards, the extravagance of the mausoleums they built in the ceramicus and cemetary, gave occasion to that law which prohibits private persons from erecting any sepulchre more elaborate than ten men can construct in three days. Nor was it permitted to adorn them with sculpture, nor to place the statues they call Mercuries around them; nor to pronounce the panegyrics of the dead, excepting when the obsequies were public, and the constituted officer was duly employed. The eulogiums of men and women were likewise forbidden, that the lamentations might be diminished; for such convocations on melancholy occasions tend to augment unavailing sorrow. Therefore Pittacus expressly forbade any from attending the funerals of those that were strangers to them.

But as the same Demetrius informs us, the magnificence of funeral processions and ceremonials revived anew, so as nearly to equal our present Roman extravagancies; these, Demetrius restrained by a wholesome law; for he was not only, as you are aware, a very learned man, but a most experienced citizen, devoted to the preservation of the state. He therefore diminished the sumptuosity of funerals, not only by penalties, but by a limitation of time; as he commanded that they should be performed before sun–rise. He also

established a rule of moderation for all new sepulchres — for he would not allow any edifice over the dead, save a little column, three cubits high, or a tomb–stone, or tablet; and he appointed a regular magistrate to superintend these observances.

Such, my Atticus, were the laws enforced among your Athenians. But let us see what says Plato, who allots to the ministers of religion the charge of regulating funerals, of which we sometimes take cognizance in our civil courts. These are his words respecting sepulchres: —

"Do not use, as a burial place, any portion of land which is either cultivated, or which may be so; but such a soil as nature has adapted for receiving the bodies of the dead, without detriment to the interests of the living. As to the field, which is capable of bearing fruit, and nourishing us with its maternal exuberance of vegetable stores, let us by no means injure it either living or dead. And let no sepulchre be built to a greater elevation than five men can raise in five days; nor let a tablet be made any larger than is required for the reception of an epitaph on the deceased, in four heroic verses," (which, our Ennius says, is quite long enough.)

We have therefore the authority of the illustrious Plato in our favour. He likewise limits the funeral expenses by the fortune of the family, from one mina to five. He then repeats what he had before said respecting the immortality of the soul, and the tranquility of the good after death, and the punishment of the wicked.

I have now, I believe, sufficiently explained all the laws which relate to religious rites.

Quintus.

— You have, my brother, and most copiously too; but prithee proceed to the other branch of our subject.

Marcus.

— It is my intention to do so; and since you urge me to these discussions, I will endeavour to bring our argument to a conclusion, and if possible, in the course of the day. For I find my predecessor

Plato did the same, and got through each legal disquisition in a summer day's conference. I will, therefore, try to imitate him, and will next speak of magisterial laws; for after those of religion, the state hath nothing more important.

Atticus.

— Proceed, then, and in the same order and method you have discussed the sacred laws, endeavour to illustrate our civil regulations.

INTRODUCTION TO THE THIRD BOOK OF CICERO'S TREATISE ON LAWS.

In this Third Book, Cicero treats of the Civil Laws, and the offices and duties of the civil magistrates by whom they are enforced. On these topics he lays down a series of legal maxims, and then proceeds to give an ample exposition of their several provisions.

BOOK III.

Marcus.

— I shall, therefore, emulate that divine man who has inspired me with such admiration, that I eulogize him perhaps oftener than is necessary.

Atticus.

— You mean Plato.

Marcus.

— The very man, my Atticus.

Atticus.

— Indeed you do not exaggerate your compliments, nor bestow them too frequently, for even my Epicurean friends, who lavish all their praises on Epicurus, still allow me to love Plato as much as I like.

Marcus.

— They do well to grant you this indulgence, for what can be so suitable to the elegance of your taste as the writings of Plato? — who in his life and manners effected that most difficult combination of gravity and politeness.

Atticus.

— I am glad I interrupted you, since you have availed yourself of an opportunity of giving this splendid testimonial of your esteem; but let us pursue our subject.

Marcus.

— Let us begin, then, with praising our civil laws, with all the commendations they truly and appropriately deserve.

Atticus.

— It is but fair, since you paid the same preliminary compliment to our ecclesiastical jurisprudence.

Marcus.

— You are aware, then, that the proper characteristic and duty of magistrates, is to superintend and prescribe all the just and useful regulations of the law. For as the law is set over the magistrate, even so are the magistrates set over the people. And, therefore, it may be said "*that the magistrate is a speaking law, and the law a silent magistrate.*"

Now it is self–evident, that nothing can be more conformable to justice and natural conscience, which to me appear perfectly congenial, than that legal authority, without which, neither house, nor commonwealth, nor nation, nor mankind itself, nor the entire nature of things in this immeasurable universe, could consist. For this universe is obedient to God, and land and sea are submissive to the universe; and human life depends on the just administration of the laws of order.

But to come to considerations nearer home, and more familiar to us, all ancient nations have been under the dominion of kings (omnes antiquæ gentes regibus quondam paruerunt). Which kind of authority was at first conferred on the wisest and justest men. And this rule mainly prevailed in our own Commonwealth, as long as the regal power lasted. Afterward, the authority of kings was handed down to their descendants, which remains to this day, in those that reign over nations. And even among those to whom the regal domination was distasteful, though they desired to disclaim their submission to the laws of a monarch, they by no means sought to be emancipated from all laws.

For ourselves, then, as we propose laws for a free people, such as we approved in that best kind of Commonwealth, concerning which

we wrote our Six Books, we shall now endeavour to accommodate our laws to that constitutional government we there set forth and illustrated.

It is clear, then, that magistrates are absolutely necessary to a state, since, without their prudence and diligence, there would be nothing but confusion and anarchy. Their lawful authority is therefore to be determined in the legislation of every Commonwealth. But it is not enough to prescribe them a rule of domination, unless we likewise prescribe the citizens a rule of obedience. For in order to command well, we should know how to submit; and he who submits with a good grace will some time become worthy of commanding. It is desirable therefore, that he who obeys may hope that some day he will be capacitated for command, and that he who commands should bear in mind that ere long he may be called to the duty of submission.

We would not, however, limit ourselves to requiring from the citizens submission and obedience towards their magistrates; we would also enjoin them by all means to honour and love their rulers, as Charondas prescribes in his code. Our Plato likewise declares that they are of the race of the apostate Titans, exiled from heaven for their seditions, who oppose their legitimate magistrates. These points being granted, we will, with your permission, advance to the examination of the magisterial laws.

Atticus.

— There cannot be a better arrangement of your topics.

Marcus.

— I will, therefore, cite a few of the *legal maxims* that bear on this branch of laws. “Let all authorities be just, and let them be honestly obeyed by the people without hesitation. Let the magistrate restrain disobedience and sedition in citizens, by fine, imprisonment, and corporal chastisement. If there be an equal or greater power, and the people think the adjudication unjust, let them lawfully appeal thereto. If the magistrate shall have decided, and past sentence

illegally, let there be a public appeal in a higher Court respecting the penalty and fine imposed.

With respect to the army, and the generals that command it by martial law, there should be no appeal from their authority. For the will of the general should have the force of absolute law, at least in time of war.

As to the minor magistrates, let there be such a distribution of their legal duties, that each may more effectively superintend his own department of justice. In the army let some, as military tribunes, command those that are subject to them. In the city, let others be appointed as superintendents of the public treasury. Let some devote their attention to the prison discipline, and capital punishments. Let others supervise the public mintage of gold, and silver, and copper. Let others judge of suits and arbitrations; and let others carry the orders of the senate into execution.

Let there likewise be Ædiles, curators of the city, the provisions, and the public games, and let these offices be the first steps to higher promotions of honour.

Let the censors take a census of the people, according to age, race, family, and property. Let them have the inspection of the temples, the streets, the aqueducts, the rates, and the customs. Let them distribute the citizens, according to their tribes, fortunes, ages, and ranks. Let them keep a register of the equestrian and plebeian orders. Let them impose a tax on celibates. Let them guard the morals of the people. Let them permit no scandal in the senate. Let the number of such censors be two. Let their magistracy continue five years. Let the other magistrates be annual, but their offices themselves should be perpetual.

Let the prætor be judge of the law in private actions, with power of passing sentence — he is the proper guardian of civil jurisprudence. Let him have as many colleagues, of equal power, as the senate think necessary, and the commons allow him.

Let two magistrates be invested with sovereign authority, and be entitled prætors, judges, or consuls, in respect of presiding, judging, or counselling, according to the nature of the case. Let them have absolute authority over the army, for the safety of the people is the supreme law. This magistracy should not be determined in less than

ten years — regulating the duration by the annual law.

When a considerable war is undertaken, and discord is likely to ensue among the citizens, let a single supreme magistrate be appointed, who shall unite in his own person the authority of both consuls, if the senate so decrees, for six months only. When such a magistrate has been proclaimed under favourable auspices, let him be as a prince of the people. Let him have for a colleague, a prætorial patrician, as a judge of the law. But when such dictators are created over the consuls, let not the other magistracies be suppressed or vacated.

Let the auspices be observed by the senate, and let those they authorize to elect the consuls in the comitia, proceed according to the established ceremonials.

Let the governors, generals, and lieutenants, leave the city whenever the senate or the people decree their retirement. Let all wars be just, and justly prosecuted. Let allies be spared, and our armies restrained from all unnecessary violence, that the glory of our country may be augmented. Then shall our soldiers return home with honour. Let ambassadors also direct their efforts to the service of the state, rather than their selfish interests.

Let ten tribunes be elected as magistrates of the people, to protect them against oppression; let their prohibitions and their adjudications be established, and their persons considered inviolable, so that tribunes may never be wanting to the people.

Let all magistrates possess their auspices and jurisdictions, and let the senate be composed of these legitimate authorities. Let its ordinances be absolute, and let its enactments be written and enrolled, unless an equal or greater authority disannul them. Let the order of the senators be free from reproach and scandal, and let them be an example of virtue to all.

In the creation of magistrates, the judgment of the accused, and the reception or rejection of laws, when suffrages are employed, *let the suffrages be at once notorious to the nobles, and free to the people (optimatibus nota plebi libera sunto*).

If any question occur out of the established jurisdiction of the magistrates, let another magistrate be appointed by the people, whose jurisdiction shall expressly extend thereto. Let the consul, the prætor,

the censor, and he to whom the senate has committed the election of consuls, have full liberty to treat both with the senate and the people, and endeavour to reconcile the interests of all parties. Let the tribunes of the people likewise have free access to the senate, and advocate the interests of the people in all their deliberations. Let a just moderation predominate in the opinions and declarations of those who would thus act as mediators between the senate and the people. Let a senator who does not attend the senate, either shew cause of his non–attendance, or submit to an appropriate fine. Let a senator speak in his turn, with all moderation, and let him be thoroughly acquainted with the interests of the people (senatori qui nec aderit aut causa aut culpa esto — loco senator et modo orato, causas populi teneto.)

By all means avoid violence in politics. Let the greatest authority have the greatest weight in decisions. If any one shall disturb the public harmony, and foment party quarrels, let him be punished as a criminal. To act the intercessor in cases of offence, is the part of a good citizen. Let those who would prosper in their treaties and engagements, duly observe the offices of religion. Let all proclamations be exhibited in the treasury, and published as extensively as possible. Let the public consultations be concentrated in one point at a time, let the people be instructed in the nature of the question, and let all the magistrates and the people be permitted to advise on the subject.

Permit no monopolies, or unfair privileges of one class, at the expense of others. With respect to the capital punishment of any citizen, let it not take place, unless by the adjudication of the high courts of justice, and the ministry of those whom the censors have placed over the popular orders. Let no bribes be given or received, either in soliciting, discharging, or resigning an official situation (donum ne capiunto, neve danto, neve petenda, neve gerenda, neve gesta potestate).

If any one shall infringe any of these laws, let him bear the penalty. Let these regulations be committed to the charge of the censors. Let public officers, on their retiring from their posts, give these censors an account of their conduct, but let them not by this means escape from legal prosecution if they have been guilty of

corruption.

My code of laws is finished; now, gentlemen, you may retire, and give your votes as you please.

Quintus.

— With what conciseness, my brother, have you delineated the duties and offices of magistrates! But I find the system of laws you would propose for your beau–ideal Commonwealth, very similar to those which prevail in our Roman constitution.

Marcus.

— Your observation is very just, my Quintus. It is the very system which Scipio eulogizes in our treatise on the Commonwealth, and which he mainly approves — and it is only by a successive order of magistrates, such as we have described, that the true discipline of the state can be maintained. For you may take for granted that it is the establishment of magistrates, that gives its form to a Commonwealth, and it is exactly by their distribution and subordination, that we must determine the nature of the constitution. Which establishment being very wisely and discreetly settled by our ancestors, I have little or nothing to do with innovation in the laws I propose.

Atticus.

— Will you be so obliging as to favour us, as you did at my request respecting the ecclesiastical laws, so also now in regard to these magisterial and civil laws, — with the reasons why you prefer the maxims you have stated.

Marcus.

— I will do as you desire, my Atticus, and I will explain how far the subject has been illustrated by the disputations of the Greek philosophers, and then prosecute our investigations in jurisprudence.

Atticus.

— I am impatient to hear your dissertation.

Marcus.

— I have already stated a large part of the doctrines relating to this enquiry, in the books which I composed respecting the best state of the Commonwealth. In this place, however, we may cite a few of the Greek politicians on the duties and offices of magistrates, which have been treated with considerable subtlety, first by Theophrastus, and next by Diogenes, the Stoic.

Atticus.

— A Stoic, say you; were such questions ever discussed by the Stoics?

Marcus.

— Certainly not, with the exception of the philosopher I have just cited, and after him Panætius, whom I take to have been a great man and singularly erudite. Indeed, the ancient Stoics were not so deficient in their speculative dissertations respecting politics and laws, as they were in the practical application of them to the service of the people. From the Platonic school, however, the greatest light was cast over politics and laws. Afterwards, Aristotle illustrated all matters of civil jurisprudence in his elaborate essays, as did also Heraclides of Pontus, another of Plato's disciples. As for Theophrastus, who was instructed by Aristotle, he abounded, as you are aware, in disquisitions of this kind; and Dicæarchus, a disciple of the same master, was by no means deficient in jurisprudential science. After these, Demetrius Phalereus, before mentioned, drew legal learning by his admirable talents from the shades and sequestrations of the schools, into the open daylight of civil life, and gave it a practical point and efficacy, which are of the greatest service in all critical emergencies and conflicts. This combination of legal theory and practice is the more valuable, since we often find

that men distinguished in politics are deficient in philosophy, and those celebrated for philosophy are remarkably ignorant in legal affairs. I hardly know where we could find another man of genius, who excels in the theory and practice of jurisprudence, so as to be at once a prince of learning and of political economy. (Qui vero utraque re excelleret, ut et doctrinæ studiis et regenda civitate princeps esset quis facile nunc inveniri protest?

Atticus.

— I think I could show you such a man, if I were to point to one of us three; but pray continue your discourse.

Marcus.

— These Greek philosophers make it a grand point of enquiry whether a monarch should be appointed in each commonwealth, that is, one chief magistrate, to whom all the rest should be subordinate. This monarchical system, I understand, was very agreeable to our ancestors, even after the expulsion of the Tarquins. But since the monarchy which was at first preferred was changed, not so much through any fault in the monarchy, as through the vices of a monarch, it should seem, that the monarchy itself should still subsist, if one magistrate commanded all the rest, and nothing but the name of king would be lost.

It was not without reason, therefore, that Theopompus in Lacedæmon, qualified the power of the Spartan kings by the Ephori, or that we Romans qualify the power of our consuls by tribunes. For our consuls are invested with such authority by law, that they command all the other magistrates, except the tribunes, who were created some time after, in order to hinder the abuse of tyranny from being again revived. For the first diminution of the power of the consuls, was the creation of a magistrate who did not hold under them. The next was, when this new magistrate gave his aid not only to other magistrates, but even to private citizens, against any unconstitutional edicts of the consuls.

Quintus.

— Ah, my brother, you speak of a great evil; for since the office of the tribunes of the people was established, the authority of the nobles has declined, and the rule of the mob gained strength.

Marcus.

— The case is not quite so bad as you think, my Quintus. For that consular power when unlimited, would not only appear despotic, but even violent to the people, whereas now by a wise and moderate limitation, it diffuses law and justice to all the citizens.

Let us now come to the exposition of our legal maxims, before stated; and to pass over that earlier portion whose propriety is almost self–evident, let us notice that maxim which declares, that soldiers should endeavour to return home with unblemished honour. For to good and innocent men, no prize so valuable as stainless reputation can be derived either from our enemies or our friends.

That maxim is also plainly just, that nothing can be baser than for a man to sue for an appointment as embassador, for any other interest than that of his country. I speak not merely of the conduct of those who would figure as ambassadors and legates and *charges d'affairs,* in order to sequester estates and inheritances in the provinces; for there exist men by no means unfamiliar with this kind of corruption; but I ask, if any thing can be more scandalous than to see senatorial commissioners without commissions, deputies without instructions, or any public business of a patriotic kind? This sort of legation I should have abolished when consul, with the approbation of a full senate, though apparently against the interest of many nobles, had not a certain blundering tribune of the people opposed me. I succeeded, however, in shortening the term of this official abomination, which was before unlimited, and made such appointments merely annual, and thus this scandal still remains, though it has lost its perpetuity.

But now, with your permission, we will wish the provinces good–bye, and once more return to Rome.

Atticus.

— With all my heart, though such a proposition would appear remarkably disagreeable to many gentlemen in the provinces, I could name if I would.

Marcus.

— But if these nameless gentlemen, my Atticus, were content to obey the just laws of their country, they would like nothing better than Rome and their Roman villas; and would hold nothing more laborious and troublesome than their provincial appointments.

The subsequent legal maxim confirms to the tribunes of the people, the power they possess in our commonwealth, on which I need not enlarge.

Quintus.

— I beg your pardon, my brother, but I particularly wish to know your opinion of this power of the tribunes. To me it appears extremely mischievous, at once the child and the parent of endless seditions. If we look back to the origin of the tribunate, we find that it originally sprung from a hubbub of civil disturbances, and that in process of time, a mutinous populace gave it the ascendancy over all magisterial authorities of Rome. After this, being stifled, as one of those monstrous abortions which, by a law of the Twelve Tables, are not suffered to live, it again recovered its existence in a very inexplicable manner, only to become baser and viler than ever. It then committed every kind of atrocity. Its first act was a piece of villainy well worthy of its impious violence, namely, the abrogation of the honours of the senate and patricians. By an infernal system of levelling, it reduced the highest dignities to an equality with the meanest degradations, agitating and confounding all things. When it had thus insulted and violated the gravity of our nobles, it was still as insane and insensate as before. Not to mention a Flaminius and others, which you may call antiquated instances, what laws or rights did the tribune Tiberius Gracchus leave to the best and worthiest

citizens? And, five years before, did not the tribune Curatius, the basest and foulest of mortals, cast into prison with unheard–of insolence and barbarity, the consuls Brutus and Scipio, patriots of the most effulgent renown? And did not C. Gracchus, another tribune of the people, endeavour to overturn and revolutionize our Commonwealth, by throwing darts and daggers into the forum, in order to excite the citizens to mutual slaughter, as if they were so many gladiators. What shall I say of the crimes of Saturninus and others, whose violences the Commonwealth could scarcely repel without civil war? But why should we mention these antique and unfamiliar instances of evil tribunes, when so many occur within our own memory! Who was ever so audacious and so inimical to us, that he ever thought of destroying our state, except through the agency of the tribunes? For when infamous and profligate men found no other means of compassing their evil projects at home or abroad, they endeavoured to rouse the people by the secret instruments of sedition.

Therefore what does us infinite honour, and secures us immortal renown, is the fact, that none of the tribunes could be engaged to appear against us at any bribe, except Clodius, who used the tribunate as a cloak of villainy. As for this monster, what crimes did he not perpetrate — crimes which, without reason or plausible hope, he committed with the fury of some savage beast, maddened with the violence of the brutal mob. I therefore highly approve of the conduct of Scylla in this particular, inasmuch as by his law he rendered the tribunes of the people comparatively impotent for mischief, though he left them the power of doing as much good as they please. As for our friend Pompey, though in most respects I yield him the warmest commendation, I say nothing of his views relating to the power of the tribunes; for here I cannot praise him, and yet I would not censure him.

Marcus.

— You have very clearly unfolded, my Quintus, the defects and abuses of the tribunate; but it is rather unfair thus to state all its faults and omit its merits, and thus to make an enumeration of grievances, a

catalogue of blemishes, without any allusion to the redeeming qualities. In this way, you might show up the consulate itself as a very culpable and objectionable institution, if you choose to reckon up all the sins of all the consuls, which I am willing to pass in silence. Even in this power, I confess there are many stains of abuse; but we can never obtain the good we derive from it without some particles of evil. That the authority of the tribunes of the people is too great, none will deny; but the power of the people themselves is much harsher and crueller. It is by having a leader therefore, such as a tribune, that the people behave more temperately than if they had no leader at all. For a leader remembers that he is advancing at his own risk, whereas the violence of the people has no consciousness of its own danger. Sometimes it is suddenly excited, and sometimes suddenly depressed. But what assembly of tribunes is so insane that not one in ten of its members preserves his senses? As to T. Gracchus, you ask, was it not through him that his colleague was dismissed and destroyed? Yes: — but was not this owing to his excessive ambition. What was his reason for this violence, if it were not to get rid of his colleague's power of opposition? In this matter, however, you observe the wisdom of our ancestors. When this office of tribuneship was granted by the senate to the people, wars ceased, seditions were extinguished, and that wholesome liberty was secured, by which meritorious commoners may expect through their labours to rise into the patrician rank, which is one great principle of political welfare. But there were two Gracchi. Yes, and as many more as you will — for though ten tribunes were created, you will find none within our memory very mischievous, though you may discover many who were capricious and immoral. And you will allow me that this high rank is above envy, and that the people no longer enter into perilous contentions concerning their rights.

Therefore we must acknowledge either that the expulsion of our kings was unnecessary, or that liberty of the people must be guaranteed in fact as well as in profession — and as it is, their liberty is such that they have been obliged to sue the protection of many great patriots, for fear of being oppressed by the senate.

In regard to our private cause, my best and dearest brother, though it fell under the tribunitial power, we had no contention with the

tribuneship. For it was not the indignant people that wished to injure us, but a pack of miscreants, whom they let out of prison on purpose to attack us, and reprobate slaves, who live on plunder. Besides this, the alarm which the approach of the troops occasioned, aggravated our disaster. And to confess the truth, we had less to struggle against our private enemies, than with the greivous disorders of the state; and if I had not yielded in some measure to the tempest, my country would not now enjoy the perpetual benefit of my services. And this the event testified, — for what freeman is there, or what bondman worthy of emancipation, to whom our escape is not a subject of congratulation?

If I was so unfortunate, that my efforts on behalf of the Commonwealth did not give universal satisfaction — if the rage of an infuriated mob drove me away by the hurricane of their evil passions; if the tribune Clodius stirred up the populace against me — as Gracchus against Lenas and Saturninus against Metellus, — we bore it, my Quintus, with fortitude, and the consolation of an honest heart. Nor were we less comforted by the counsel of the philosophers of Athens, whose reflections so much alleviate misfortune, than by the example of the illustrious men, who, expelled from their country, were more prompt to desert an ungrateful city, than to remain in a corrupt one.

As to the exception, which you just now made in your panegyric on Pompey, with regard to his treatment of ourselves, you scarcely seem to me sufficiently to recollect, that this great man did what he honestly believed was best in the circumstances of the case, and what he felt necessary at that particular crisis of politics. He knew that a certain share of civic authority must needs be granted to the citizens, which, as the people so ardently desired before they attained it, they would be especially loath to relinquish, when once acquired. It was therefore the part of a wise statesman not to refuse a privilege to the people, which was essentially patriotic, and so highly popular that its denial had been dangerous. If these remarks, my Quintus, shall have modified your opinion, tell me so — for you know, my brother, that in discourses of this kind, an acknowledgement of assent is the very main–spring of the dialogue. (Scis solere frater in hujus modi sermone, ut transiliri alio possit, admodum dici).

Atticus.

— Exactly so.

Quintus.

— I am sorry I can't agree with you respecting Pompey; but this is no reason why you should not go on with our legal maxims.

Marcus.

— Then you still persist in your former opinion?

Quintus.

— I do.

Atticus.

— Well, then, my Quintus, we must here agree to differ. But let us, by all means, hear more of your brother's expositions of the maxims of law.

Marcus.

— The following maxim allots to all magistrates their auspices and jurisdictions. Their jurisdictions, I say, in such a manner that there should still be a supreme court of justice, to which appeals may be made by the people. And the auspices, because they furnish a plausible method of adjourning useless or mischievous assemblies. For in this way it has often happened that the gods have suppressed by means of auspices the unjust impetuosity of the mob.

Another legal maxim is this, — Let the senate be composed of those who have exercised magistracies. This provision is evidently popular, since it permits none to arrive at high authority without the approbation of the people, leaving the *ipse dixit* of the censors of little effect. But lest this should seem to favour democratic ascendancy, another provision immediately follows, by which the

authority of the senate is confirmed.

It is thus expressed: Let the decrees of the senate have the force of laws. For if it so happen that the senate becomes master of public politics, and all men defend its decrees; and if the inferior orders agree that the Commonwealth shall be governed by this superior order, there will arise from this amalgamation of rights, namely, the authority of the senate and the power of the people, the modified and harmonic kind of constitution which I have so highly extolled.

This will be especially the case, if the following legal maxim be observed: "*Let the senatorial order be free from corruption, and let it be a pattern to others.*"

Quintus.

— This is an admirable maxim, my brother. It is of the utmost importance that this order be free from corruption; but a censor would have enough to do to enforce such a regulation.

Atticus.

— He would indeed, and although the senatorial order is devoted to your interests, my Marcus, and retains a most grateful memorial of your consulship, I would, with your permission, suggest, that not only all censors, but all judges might well grow weary of so painful a task.

Marcus.

— I am sadly afraid of it, my Atticus; but let us leave this question for the present, for our business is not so much with the senate of today, or our contemporary statesmen, as with future politicians, if any of them shall be complaisant enough to attend to our legal maxims. If such a law were carried, that the senator should be exempt from all corruption, the vicious candidate would not dare to present himself in parliamentary elections. An event, indeed most devoutly to be wished, but most difficultly to be realized, unless perhaps by a certain education and discipline, on which we might speak more at large, if time and occasion permitted.

Atticus.

— Why, you can't have a better occasion than the present, since you are now laying down a system of laws. And as to time, the length of this summer holiday will ensure you a hearing. But if you choose to omit this topic now, I shall not forget to demand your views on education and discipline on the first opportunity.

Marcus.

— I cannot refuse, my Atticus, to grant any request that comes from you. I will therefore enlarge a little on this legal maxim before cited, *let the senator be a pattern to others.* If this is observed, all will go well. For as a whole city is infected by the licentious passions and vices of great men, so it is often reformed by their virtue and moderation. L. Lucullus, a man of the first rank, being rallied for the magnificence of his seat at Tusculum, is said to have made the following extremely suitable answer — that he had two neighbours, the greater of whom was only a Roman knight, and the other, the son of one who had been once a slave; and as each of them had magnificent villas, that could not be thought extravagance in himself, a consul, which was lawful for those of inferior rank. Alas! Lucullus; you little thought that it was you that gave rise to their ambition. Were it not for your example, such an action in them would have been looked on as criminal. Who could bear that people of this sort should have their villas crowded with statues and pictures, relating either to public, or what is more, to sacred and religious subjects? Who would not join in demolishing the monuments of their vanity and pride, if those who ought to exert themselves on such occasions were not guilty of the same extravagance? For the mischief immediately attending the vices of the great, though that must be allowed to be very considerable, is but small compared with the ill consequences which arise from the multitude of those who will certainly follow their example.

Would you but look into the history of former ages, you might plainly see that the manners of the people were always regulated by those of the leading men of a state; and that whatever change took

place in the latter, the same always happened in the former. Now this observation is much more certain than that of Plato, who pretends that a change in the songs of musicians is able to alter the manners of a nation — whereas my opinion is, that the manners of mankind change with those of their superiors. Hence, great men of a vicious life are doubly pernicious to the state, as being not only guilty of immoral practices themselves, but likewise of spreading them far and wide among their fellow–citizens. The mischief they do, is owing not only to their being debauched themselves, but also to their debauching a crowd of their foolish imitators. In a word, they do more harm by their example than by the crimes they commit.

This maxim, though we would wish to extend its influence to the whole body of senators, would be of great service, even if it were observed by a few of them. For even a few noblemen, aye, even a very few, illustrious in fame and fortune, may correct the morals or manners of the state, or cast them into grievious corruptions. But we have said enough on this topic, which we discussed at large in our treatise on the Commonwealth. Let us therefore proceed.

The next legal maxim treats of *suffrages and votes, which, as I have said, should be notorious to the nobles, and free to the people* (nota optimatibus, populo libera).

Atticus.

— I have given much attention to this maxim, but I do not well understand its spirit or its sense.

Marcus.

— I confess, my Atticus, we have now to treat on a very difficult question, and one already much discussed, — that question is, whether, in case of suffrages at the election of magistrates, or in the formation of laws, or in the judgment of criminals, the votes should be given *openly by poll,* or *secretly by ballot.*

Quintus.

— Is it indeed a doubtful question? I fear we shall again differ in

opinion.

Marcus.

— I do not think so, my Quintus, for here I hold that doctrine, which I know you always maintained, that in *giving suffrages and votes, nothing can be better than an open vivâ voce declaration,* (nihil ut fuerit in suffragiis voce melius). — But let us examine how far it is attainable.

Quintus.

— With your permission, my brother, I should say that the distinction you take between the propriety and the practicability of any measure, is fraught with mischief to the inexperienced. It is often hurtful to the state, when a regulation is said to be true and proper in itself, but at the same time, that it cannot be obtained, because it cannot be carried without opposing the people. Now, I say, the people are to be opposed whenever they act amiss, and it is better for patriotic lawyers to suffer in a good cause, than yield to a bad one. Now, who does not perceive that all authority is taken away from our nobility and gentry by the present Roman *law of balloting.* (Quis autem non sensit auctoritatem omnem optimatium tabellariam legem abstulisse). A law which the people, when free, never desired, but which they claimed when oppressed by the domination and power of certain aristocrats. It is no wonder, therefore, that the system of open polling and *vivâ voce* votes, presents us with more severe judgments against the grandees, than the present plan of ballots. Therefore it had been far better te restrain the excessive influence of the great for unjustifiable objects in elective suffrages, than to give the people a mask and veil, by which they may keep the more honourable citizens in ignorance of their individual sentiments, and thus make the ballot a mere cover for corrupt and hypocritical votes. (Quamobrem suffragandi nimia libido in non bonis causis eripienda fuit potentibus, non latebra dando populo in quâ bonis ignorantibus quid quisque sentiret tabella vitiorum occultaret suffragium.)

For this reason, it is that no good man was ever a proposer or

supporter of the system of ballotting. (Itaque isti rationi neque lator quisquam est inventus neque auctor unquam bonus).

There are four laws of ballots: the first, concerning the election of magistrates, was proposed by a certain Gabinius, an unknown and sordid agitator. The second, respecting the adjudications of the people, was proposed two years afterwards by Cassius, who was a nobleman, — but with his family's permission, I venture to say, a nobleman opposed to all goodness, driven to and fro by the idlest rumours of the populace. The third, regarding the ratification or nullification of laws, was carried by Carbo, a seditious and profligate citizen, whose return to the better classes of society never secured him the approbation of the aristocracy.

There remained only the crime of treason, which Cassius himself excepted, in the judgment of which, open *vivâ voce* votes were permitted. But Cælius soon after thought proper to give traitors also the chance of the ballot, and manifested as long as he lived, that, provided he could oppress Popilius, he cared little or nothing for the injury of the state.

Our grandfather, a man of singular virtue in this town Arpinum, as long as he lived opposed Gratidius, whose sister, our grandmother, he had married. And, therefore, when Gratidius wanted to introduce the law of ballot here, he roused as many waves in our family circle as his son Marius afterwards stirred up in the Ægean sea. To such a length did the quarrel proceed, that the consul Scaurus, informed of what past, made this remark to our grandfather: "Would to heaven, Cicero, that a man of your courage and honour, had better loved to live in the capital of our Commonwealth, than to retire into a country villa."

Therefore, since our design is not so much to state the Roman laws now in force, but in order to form a more perfect code of jurisprudence, both to revive those good laws that have become obsolete, and to propose new regulations, suitable to the present conditions of society, I think we are by no means bound to limit ourselves by the caprice of the populace, who cry out for ballot. I conceive you are entitled to take higher ground; for in your treatise on the Commonwealth, your Scipio does not hesitate to condemn the law of Cassius as injudicious, whoever was its author. If you take

away the *law of ballot,* you will do still better. For in truth I don't like it at all, nor does our friend Atticus much admire it, if I may judge by his countenance.

Atticus.

— For me, I never admired any thing that pleases the mob, and I regard the best state of the Commonwealth, to be that which your brother, when consul, promoted, wherein the power of the aristocracy prevailed over that of the populace. (Mihi vero nihi lun quam populare placuit, eamque optimam Rempublicam esse duco, quam hic consul constituerat quæ sit in potestate optimorum.

Marcus.

— I see, gentlemen, you would repeal my law respecting suffrages, without any ballot whatsoever. For myself, though I have sufficiently justified in my Commonwealth the line of conduct assumed by Scipio, yet I would not practically go quite so far as he.

It is only under the authority of the nobles, which good men will obey, that I concede the right of voting to the people. For these are the very words of my law respecting elections. *Let the votes be notorious to the nobles, and free to the people.* (Optimatibus nota plebi libera sunto). Which legal maxim contains this doctrine, that all those laws should be abrogated which have been so contrived *as in any way to mask or hide a suffrage;* such as those which hinder full inspection of any ballot, or examination and appeal thereupon, and that law of Marius, which makes the passages to the ballotiug boxes so narrow, should be likewise abolished. (Quæ lex hanc sententiam continet ut omnes leges tollat quæ postea latæ sunt, *quæ tegunt omni ratione suffragium* ne quis inspiciat tabellam ne roget ne appellat. Pontes lex maria fecit angustos).

If these rules are opposed, as they generally are, to the ambitious, they are worthy our approval. If the laws indeed could but hinder intrigues, then the people might be allowed the ballot as a vindicator of liberty, provided it were so laid open and freely exposed to all honourable and worthy citizens, that their authority might be blended

with this popular privilege, thus leaving the people the power of expressing their deference for the aristocracy.

But why is it, Quintus, as you just now observed, that there were more condemnations past by the open suffrages of the poll, than by the silent secret votes of the ballot? We should explain the anomoly thus. The people are extremely fond of licence; do but save appearances in this respect, and they will abandon their influence to authority or favour. As to the largesses and bribes which are given to obtain corrupt suffrages, do you not see if we could but get rid of bribery, the characters and counsels of the best men would carry the votes? By our legal maxim, therefore, the appearance of liberty is conceded, but as the superintendence of the aristocracy is still retained, the cause of contention is banished.

The following legal maxim relates to those magistrates, whose right it is to treat with the senate and the people, and to reconcile their interests as far as possible.

The next regulation appears to me very notable and important: — viz. that whenever there is any such compromise between the senate and the people, the utmost moderation should be observed, and the speeches on both sides be made with that modesty and fairness, which tend to allay passions and mitigate asperities. Every mob orator, modifies and moulds not merely the opinions and desires, but the very features of his audience. It is not so in the senate, however; for the senator should not permit himself to imitate the fashion of the mob orator, but will rather endeavour to speak with absolute decorum and propriety.

We therefore require three duties from the senator. *First,* that *his attendance in the senate be regular;* for the multitude of senators, lends weight to the arguments of policy.

Secondly. — That he should speak in his turn, that is, when his counsel is demanded.

Thirdly. — That he should speak concisely, lest he should become infinitely wearisome; for brevity in parliamentary oratory, and all kinds of oratory, is the best recommendation of a speech.

Lengthy speeches therefore are never seasonable, except when the senate is precipitating some rash measure, as it does far too often, through the ambition and corruption of its members. In such a case, it

may be desirable for a speaker, not being duly seconded by another representative, to occupy a whole day. The same privilege may be allowed where the subject of debate is so important as to demand all the copiousness of the orator, both hortatory and explanatory, in which our own Cato is remarkably distinguished.

The ensuing legal maxim ordains that magistrates be very studious of the interests of the people. For it is necessary for a senator to be acquainted with politics in general, and this is a science of the greatest importance to the Commonwealth; since it comprehends its military affairs, its commercial statistics and revenue, its foreign alliances, its colonies and stipendiaries. He should be familiar with their regulations, their resources, and their engagements; their customs and modes of life. You therefore see that the science of politics taxes every power of intellect and memory, in order to acquire and maintain that elaborate information, without which no one can be called an accomplished senator.

Then follows a legal maxim, which relates to the public deliberations of the people, in which it is especially enjoined *that all violence be avoided* (*vis abesto*). For nothing is more destructive in states, nothing more contrary to law and right, nothing less civil and humane, than to carry any thing by violence and agitation in a sound and constitutional government.

The next maxim relates to the office of comptrollers, — which is an admirable institution, since it is better that a good measure be sometimes impeded than a bad one carried.

When I say, in all cases of fraud, it is necessary to go before a pleader, I follow the opinion of Crassus, one of our wisest men, whose counsel was adopted by the senate, which decreed when the consul Claudius reported Carbo's sedition, that they could not take cognizance of sedition, except through the medium of an official pleader, who should lay the case before the people. Since it was allowable for him who made a proposition to abandon it as soon as it began to occasion disturbance; and if he persisted, when he could do no good, he would be held accessory to a breach of the peace, which we would punish severely.

Then follows that maxim, which states, that he who acts as a comptroller of civil abuses, shall be considered as a good citizen.

And who would not promote the interests of the Commonwealth, with all his energy, when stimulated by the hope of acquiring a character so glorious?

Next, succeed certain regulations, which we likewise find in the public institutions and laws — that auspices be observed, and augurs obeyed. It is the duty of a good augur to show himself in the critical periods of the Commonwealth, as Jupiter's minister and prophet; since those to whom he has entrusted the auspices are his instrumens of revelation; and he has revealed his celestial influences to them, in order that they may succour the state in her hour of danger and necessity.

Then follows a provision respecting the promulgation of laws, that they ought to be proposed distinctly in their successive counts and clauses, and that the remonstrances and objections not of the magistrates only, but of private individuals, should be duly weighed.

After this, we find two excellent laws selected from the Twelve Tables. One of these forbids unfair privileges and partialities: the other will not permit sentence of death to he past on any citizen except in the high courts of justice. You may think it odd that such decisions were not left to seditious tribunes of the people; but our ancestors provided for posterity, that laws should not be enacted in favour of particular individuals, for that is what we call *privilege,* than which nothing can be more inequitable. Since it is most important that every law should be equally published and enjoined to all, they refused to sanction any particular enactments which were not openly proposed in the assembled commons, (centuriatis comitiis). For when the people are summoned by rank, order, and age, they use much more consideration in giving their suffrages, than when they are promiscuously convoked by tribes.

It was therefore very truly observed in my own particular cause, by L. Cotta, a man of vast genius and consummate prudence, that no sentence was legally pronounced against us, since the only body of commons that prosecuted us was an armed mob of slaves. Such comitia tributa could neither pass capital sentence nor special adjudications (privilegia). There was therefore no need of a law for my recal, since the sentence of my banishment was wholly illegal. But it appeared to you and other illustrious men more proper, seeing these slaves and vagabonds persisted in declaring they had justly condemned me, to manifest as openly as possible what all Italy thought on the subject.

Next follow those laws which relate to pecuniary bribes and intrigues. And since these cannot be so well chastised by censures as by penalties, it is added, let all such abuses be visited with penalty and punishment, so that every one be duly punished for this disgraceful corruption: the avaricious by fines, and the ambitious by ignominy.

The last laws we have cited, are not in use among us, though very necessary to the state. We have no proper registration of laws (custodiam legum). Our laws, therefore, are such as the apparitors declare them to be, and we are forced to take the word of their copyists as our security. We want some public legal registry, in

which our laws may lie open to the notice of the people. The Greeks are more careful than ourselves in this matter, as they have instituted legal registrars, whom they call νομοφυλακες. Their office is not only to preserve the original copies of the laws, as was the custom among our ancestors, but also to declare the law, whenever the conduct of the citizens merited animadversion.

This case we might entrust to the censors, since we wish to maintain their function in the state. It is likewise to the censors, according to our legal maxim, that those who retire from magisterial offices should unfold and explain their proceedings when in office, in order to enable the censors to report them fairly.

There existed a very similar institution in Greece, where public examiners were directed to inspect official accounts. But these examiners could never have much weight unless their functions were voluntary and honorary. It is therefore better to state the case, and explain the accounts to the censors. And in case of error, leave the whole suit to the law, the plaintiff, and the judge.

But I presume we have sufficiently discussed the offices and duties of magistrates, unless you demand further information on any point.

Atticus.

— Why — if we held our peace, the very subject itself would admonish you what you ought further to say.

Marcus.

— On my honour, Atticus, I suppose you want me, since I have treated of judges, next to treat of judgments.

Atticus.

— What then, do you think nothing remains to be said on the rights of the Romans, which you proposed to investigate?

Marcus.

— What would you have me say on such a topic?

Atticus.

— I think you should treat of those regulations, which all who live in our Commonwealth ought to understand. For as you remarked just now, a knowledge of our laws is too much confined to their copyists; and I observe that many of our magistrates are so ignorant of their own laws, that they know no more about them than their clerks choose to tell them. Since therefore, when you had explained the laws of religion, you went on to treat of the observance of religious obligations; so as you have described the laws of our magistrates, you should elucidate their jurisdictions and their judgments.

Marcus.

— Well, my Atticus, I will endeavour to do so, as briefly as I can. For your father's friend M. Junius, addressed to him an extensive treatise on this subject, which, in my opinion, is extremely well and ingeniously written. Of this book, we shall freely avail ourselves. When indeed we discussed the law of nature, we drew from our own souls, and delivered our own opinions; but if we go on to consider the civil rights of the Romans, we will accumulate all the authorities we can procure from the traditions and records of our predecessors.

Atticus.

— Such, indeed, appears to me the right method of proceeding, and I shall listen with pleasure to all you may choose to say on these topics.

end of the third book.

FRAGMENTS.

As one and the same universal nature unites and corroborates all the parts of the world, so did she unite into one harmonious family all mankind. But men through their depravity disagreed and quarrelled, not recollecting that they are all consanguineous and akin, and equally subject to the same paternal providence. If this fact, indeed, were but kept in mind, all men might live the amiable life of the gods.

It was a very bold and hazardous measure of the Greek government to consecrate the images of Love and Cupid in the public theatres.

Let us congratulate ourselves, since death gives us something better than we enjoy in life, and not a worse condition of things. For that immortality may truly be termed divine, wherein the mind flourishes, emancipated from the body; and being delivered from sensualism, is free from evil. (*Note* II)

FINIS.

Philosophical Treatises

The Temple of Saturn, Rome. Cicero's first office was as one of the twenty annual Quaestors, a training post for serious public administration in a diversity of areas, but with a traditional emphasis on administration and rigorous accounting of public monies under the guidance of a senior magistrate. In the Republic, quastores were elected officials that supervised the treasury and financial affairs of the state, overseeing the aerarium or public treasury in the Temple of Saturn.

PARADOXA STOICORUM (Stoic Paradoxes)

Translated by C. R. Edmonds

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PARADOXES ADDRESSED TO MARCUS BRUTUS.

I have often observed, O Brutus, that your uncle Cato, when he delivered his opinion in the senate, was accustomed to handle important points of philosophy, inconsistent with popular and forensic usage; but that yet, in speaking, he managed them so that even these seemed to the people worthy of approbation; which was so much the greater excellency in him, than either in you or in me, because we are more conversant in that philosophy which has produced a copiousness of expression, and in which those things are propounded which do not widely differ from the popular opinion. But Cato, in my opinion a complete Stoic, both holds those notions which certainly do not approve themselves to the common people; and belongs to that sect which aims at no embellishments, and does not spin out an argument. He therefore succeeds in what he has purposed, by certain pithy and, as it were, stimulating questions. There is, however, nothing so incredible that it may not be made plausible by eloquence; nothing so rough and uncultivated that it may not, in oratory, become brilliant and polished.

As I have been accustomed to think thus, I have made a bolder attempt than he himself did of whom I am speaking. For Cato is accustomed to treat stoically of magnanimity, of modesty, of death, and of all the glory of virtue, of the immortal gods, and of patriotism, with the addition of the ornaments of eloquence. But I have, for amusement, digested into common-places those topics which the Stoics scarcely prove in their retirement and in their schools. Such topics are termed, even by themselves, paradoxes, because they are remarkable, and contrary to the opinion of all men. I have been desirous of trying whether they might not come into publicity, that is before the forum, and be so expressed as to be approved; or whether learned expressions were one thing, and a popular mode of address another. I undertook this with the more pleasure, because these very paradoxes, as they are termed, appear to me to be the most Socratic, and by far the most true. Accept therefore this little work, composed during these shorter nights, since that work of my longer watchings

appeared in your name. You will have here a specimen of the manner I have been accustomed to adopt when I accommodate those things which in the schools are termed theses to our oratorical manner of speaking. I do not, however, expect that you will look upon yourself as indebted to me for this performance which is not such as to be placed, like the Minerva of Phidias, in a citadel, but still such as may appear to have issued from the same *studio.*

PARADOX I. THAT VIRTUE IS THE ONLY GOOD.

I am apprehensive that this position may seem to some among you to have been derived from the schools of the Stoics, and not from my own sentiments. Yet I will tell you my real opinion, and that too more briefly than so important a matter requires to be discussed. By Hercules, I never was one who reckoned among good and desirable things, treasures, magnificent mansions, interest, power, or those pleasures to which mankind are most chiefly addicted. For I have observed, that those to whom these things abounded, still desired them most: for the thirst of cupidity is never filled or satiated. They are tormented not only with the lust of increasing, but with the fear of losing what they have. I own that I often look in vain for the good sense of our ancestors, those most continent men, who affixed the appellation of good to those weak, fleeting, circumstances of wealth, when in truth and fact their sentiments were the very reverse. Can any bad man enjoy a good thing? Or, is it possible for a man not to be good, when he lives in the very abundance of good things? And yet we see all those things so distributed that wicked men possess them, and that they are inauspicious to the good. Now let any man indulge his raillery, if he please; but right reason will ever have more weight with me than the opinion of the multitude. Nor shall I ever account a man, when he has lost his stock of cattle, or furniture, to have lost his good things. Nor shall I seldom speak in praise of Bias, who, if I mistake not, is reckoned among the seven wise men, For when the enemy took possession of Priene, his native country, and when the rest so managed their flight as to carry off with them their effects, on his being recommended by a certain person to do the same; "Why," answered he, "I do so, for I carry with me all my possessions." He did not so much as esteem those playthings of fortune, which we even term our blessings, to be his own. But some one will ask, 'What then is a real good?' Whatever is done uprightly, honestly, and virtuously, is truly said to be done well; and whatever is upright, honest, and agreeable to virtue, that alone, as I think, is a good thing.

But these matters, when they are more loosely discussed, appear

somewhat obscure; but those things which seemed to be discussed with more subtlety than is necessary in words, may be illustrated by the lives and actions of the greatest of men. I ask then of you, whether the men who left to us this empire, founded upon so noble a system, seem ever to have thought of gratifying avarice by money; delight by delicacy; luxury by magnificence; or pleasure by feasting? Set before your eyes any one of our monarchs. Shall I begin with Romulus? Or, after the state was free, with those who liberated it? By what steps then did Romulus ascend to heaven? By those which these people term good things? Or by his exploits and his virtues? What are we to imagine, that the wooden or earthen dishes of Numa Pompilius were less acceptable to the immortal gods, than the embossed plate of others? I pass over our other kings, for all of them, excepting Tarquin the Proud, were equally excellent. Should any one ask, What did Brutus perform when he delivered his country? Or, as to those who were the participators of that design, what was their aim, and the object of their pursuit? Lives there the man who can regard as their object, riches, pleasure, or any thing else than acting the part of a great and gallant man? What motive impelled Caius Mucius, without the least hope of preservation, to attempt the death of Porsenna? What impulse kept Codes to the bridge, singly opposed to the whole force of the enemy? What power devoted the elder and the younger Decius, and impelled them against armed battalions of enemies? What was the object of the continence of Caius Fabricius, or of the frugality of life of Manius Curius? What were the motives of those two thunderbolts of the Punic war, Publius and Cneius Scipio, when they proposed with their own bodies to intercept the progress of the Carthaginians? What did the elder, what did the younger Africanus propose? What were the views of Cato, who lived between the times of both? What shall I say of innumerable other instances; for we abound in examples drawn from our own history; can we think that they proposed any other object in life but what seemed glorious and noble?

Now let the deriders of this sentiment and principle come forward; let even them take their choice, whether they would rather resemble the man who is rich in marble palaces, adorned with ivory, and shining with gold, in statues, in pictures, in embossed gold and

silver plate, in the workmanship of Corinthian brass, or if they will resemble Fabricius, who had, and who wished to have, none of these things. And yet they are readily prevailed upon to admit that those things which are transferred, now hither, now thither, are not to be ranked among good things, while at the same time they strongly maintain, and eagerly dispute, that pleasure is the highest good; a sentiment that to me seems to be that of a brute, rather than that of a man. Shall you, endowed as you are by God or by nature, whom we may term the mother of all things, with a soul (than which there exists nothing more excellent and more divine), so degrade and prostrate yourself as to think there is no difference between yourself and any quadruped? Is there any real good that, does not make him who possesses it a better man? For in proportion as every man has the greatest amount of excellence, he is also in that proportion most praiseworthy; nor is there any excellence on which the man who possesses it may not justly value himself. But what of these qualities resides in pleasure? Does it make a man better, or more praiseworthy? Does any man extol himself in boasting or self-recommendation for having enjoyed pleasures? Now if pleasure, which is defended by the advocacy of many, is not to be ranked among good things, and if the greater it is the more it dislodges the mind from its habitual and settled position; surely to live well and happily, is nothing else than to live virtuously and rightly.

PARADOX II. A MAN WHO IS VIRTUOUS IS DESTITUTE OF NO REQUISITE OF A HAPPY LIFE.

Never, for my part, did I imagine Marcus Regulus to have been distressed, or unhappy, or wretched; because his magnanimity was not tortured by the Carthaginians; nor was the weight of his authority; nor was his honor; nor was his resolution; nor was one of his virtues; nor, in short, did his soul suffer their torments, for a soul with the guard and retinue of so many virtues, never surely could be taken, though his body was made captive. We have seen Caius Marius; he, in my opinion, was in prosperity one of the happiest, and in adversity one of the greatest of men than which man can have no happier lot. Thou knowest not, foolish man, thou knowest not what power virtue possesses; thou only usurpest the name of virtue; thou art a stranger to her influence. No man who is wholly consistent within himself, and, who reposes all his interests in himself alone, can be otherwise than completely happy. But the man whose every hope, and scheme, and design depends upon fortune, such a man can have no certainty; — can possess nothing assured to him as destined to continue for a single day. If you have any such man in your power, you may terrify him by threats of death or exile; but whatever can happen to me in so ungrateful a country, will find me not only not opposing, but even not refusing it. To what purpose have I toiled? to what purpose have I acted? or on what have my cares and meditations been watchfully employed, if I have produced and arrived at no such results, as that neither the outrages of fortune nor the injuries of enemies can shatter me. Do you threaten me with death? which is separating me from mankind? Or with exile, which is removing me from the wicked? Death is dreadful to the man whose all is extinguished with his life; but not to him whose glory never can die. Exile is terrible to those who have, as it were, a circumscribed habitation; but not to those who look upon the whole globe, but as one city. Troubles and miseries oppress thee who thinkest thyself happy and prosperous. Thy lusts torment thee, day and night thou art upon the rack; for whom that which thou possessest is not sufficient, and who art ever trembling lest even that should not continue; the

consciousness of thy misdeeds tortures thee; the terrors of the laws and the dread of justice appall thee; look where thou wilt, thy crimes, like so many furies, meet thy view and suffer thee not to breathe. Therefore, as no man can he happy if he is wicked, foolish, or indolent; so no man can be wretched, if he is virtuous, brave, and wise. Glorious is the life of that man whose virtues and practice are praiseworthy; nor indeed ought that life to be escaped from which is deserving of praise, though it might well be if it were a wretched one. We are therefore to look upon whatever is worthy of praise as at once happy, prosperous, and desirable.

PARADOX III. THAT ALL MISDEEDS ARE IN THEMSELVES EQUAL, AND GOOD DEEDS THE SAME.

The matter it may be said is a trifle, but the crime is enormous; for crimes are not to be measured by the issue of events, but from the bad intentions of men. The fact in which the sin consists may be greater in one instance and less in another, but guilt itself, in whatsoever light you behold it, is the same. A pilot oversets a ship laden with gold or one laden with straw: in value there is some difference, but in the ignorance of the pilot there is none. Your illicit desire has fallen upon an obscure female. The mortification affects fewer persons than if it had broken out in the case of some high-born and noble virgin; nevertheless it has been guilty, if it be guilty to overstep the mark. When you have done this, crime has been committed; nor does it matter in aggravation of the fault how far you run afterward; certainly it is not lawful for any one to commit sin, and that which is unlawful is limited by this sole condition, that it is shown to be wrong. If this guilt can neither be made greater nor Jess (because, if the thing was unlawful, therein sin was committed), then the vicious acts which spring out of that which is ever one and the same must necessarily be equal. Now if virtues are equal among themselves, it must necessarily follow that vices are so likewise; and it is most easy to be perceived that a man can not be better than good, more temperate than temperate, braver than brave, nor wiser than wise. Will any man call a person honest, who, having a deposit of ten pounds of gold made to him without any witness, so that he might take advantage of it with impunity, shall restore it, and yet should not do the same in the case of ten thousand pounds? Can a man be accounted temperate who checks one inordinate passion and gives a loose to another? Virtue is uniform, conformable to reason, and of unvarying consistency; nothing can be added to it that can make it more than virtue; nothing can be taken from it, and the name of virtue be left. If good offices are done with an upright intention, nothing can be more upright than upright is; and therefore it is

impossible that any thing should be better than what is good. It therefore follows that all vices are equal; for the obliquities of the mind are properly termed vices. Now we may infer, that as all virtues are equal, therefore all good actions, when they spring from virtues, ought to be equal likewise; and therefore it necessarily follows, that evil actions springing from vices, should be also equal.

You borrow, says one, these views from philosophers. I was afraid you would have told me that I borrowed it from panders. But Socrates reasoned in the manner you do. — By Hercules, you say well; for it is recorded that he was a learned and a wise person. Meanwhile as we are contending, not with blows, but with words, I ask you whether good men should inquire what was the opinion of porters and laborers, or that of the wisest of mankind? Especially too as no truer sentiment than this can be found, nor one more conducive to the interests of human life. For what influence is there which can more deter men from the commission of every kind of evil, than if they become sensible that there are no degrees in sin? That the crime is the same, whether they offer violence to private persons or to magistrates. That in whatever families they have gratified their illicit desire, the turpitude of their lust is the same.

But some one will say, what then? does it make no difference, whether a man murders his father or his slave? If you instance these acts abstractedly, it is difficult to decide what quality they are. If to deprive a parent of life is in itself a most heinous crime, the Saguntines were then parricides, because they chose that their parent should die as freemen rather than live as slaves. Thus a case may happen in which there may be no guilt in depriving a parent of life, and very often we can not without guilt put a slave to death. The circumstances therefore attending this case, and not the nature of the thing, occasion the distinction: these circumstances as they lean to either case, that case becomes the more favorable; but if they appertain alike to both, the acts are then equal. There is this difference — that in killing a slave, if wrong is done, it is a single sin that is committed; but many are involved in taking the life of a father. The object of violence is the man who begat you, the man who fed you, the man who brought you up, the man who gave your position in your home, your family, and the state. This offense is

greater by reason of the number of sins (involved in it), and is deserving of a proportionately greater punishment. But in life we are not to consider what should be the punishment of each offense, but what is the rule of right to each individual. We are to consider every thing that is not becoming as wicked, and every thing which is unlawful as heinous. What! even in the most trifling matters? To be sure; for if we are unable to regulate the course of events, yet we may place a bound to our passions. If a player dances ever so little out of time, if a verse is pronounced by him longer or shorter by a single syllable than it ought to be, he is hooted and hissed off the stage. And shall you, who ought to be better regulated than any gesture, and more regular than any verse shall you be found faulty even in a syllable of conduct? I overlook the trifling faults of a poet; but shall I approve my fellow-citizen's life while he is counting his misdeeds with his fingers? If some of these are trifling, how can it be regarded as more venial when whatever wrong is committed, is committed to the violation of reason and order? Now, if reason and order are violated, nothing can be added by which the offense can seem to be aggravated.

PARADOX IV. THAT EVERY FOOL IS A MADMAN.

I will now convict you, by infallible considerations, not as a fool, as I have often done, nor as a villain, as I always do, but as insane and mad. Could the mind of the wise man, fortified as with walls by depth of counsel, by patient endurance of human ills, by contempt of fortune; in short, by all the virtues — a mind that could not be expelled out of this community — shall such a mind be overpowered and taken by storm? For what do we call a community? Surely, not every assembly of thieves and ruffians? Is it then the entire rabble of outlaws and robbers assembled in one place? No; you will doubtless reply. Then this was no community when its laws had no force; when its courts of justice were prostrated; when the custom of the country had fallen into contempt; when, the magistrates having been driven away by the sword, there was not even the name of a senate in the State. Could that gang of ruffians, that assembly of villains which you head in the forum, could those remains of Catiline's frantic conspiracy, diverted to your mad and guilty schemes, be termed a community? I could not therefore be expelled from a community, because no such then existed. I was summoned back to a community when there was a consul in the state, which at the former time there was not; when there was a senate, which then had ceased to exist; when the voice of the people was free; and when laws and equity, those bonds of a community, had been restored.

But see how much I despised the shafts of your villainy. That you aimed your villainous wrongs at me, I was always aware; but that they reached me I never thought. It is true, you might think that somewhat belonging to me was tumbling down or consuming, when you were demolishing my walls, and applying your detestable torches to the roofs of my houses. But neither I nor any man can call that our own which can be taken away, plundered, or lost. Could you have robbed me of my godlike constancy of mind, of my application, of my vigilance, and of those measures through which, to your confusion, the republic now exists; could you have abolished the eternal memory of this lasting service; far more, had you robbed me of that soul from which these designs emanated; then, indeed, I

should have confessed that I had received an injury. But as you neither did nor could do this, your persecution rendered my return glorious, but not my departure miserable. I, therefore, was always a citizen of Rome, but especially at the time when the senate charged foreign nations with my preservation as the best of her citizens to you, you are at this time no citizen, unless the same person can be at once a citizen and an enemy. Can you distinguish a citizen from an enemy by the accidents of nature and place, and not by its affections and actions? You have perpetrated a massacre in the forum, and occupied the temples with bands of armed ruffians; you have set on fire the temples of the gods and the houses of private citizens. If you are a citizen, in what sense was Spartacus an enemy? Can you be a citizen, through whom, for a time, the state had no existence? And do you apply to me your own designation, when all mankind thought that on my departure Rome herself was gone into exile? Thou most frantic of all madmen, wilt thou never look around thee? Wilt thou never consider what thou sayest, or what thou doest? Dost thou not know that exile is the penalty of guilt: but that the journey I set out upon was undertaken by me inconsequence of the most illustrious exploits performed by me? All the criminals, all the profligates, of whom you avow yourself the leader, and on whom our laws pronounce the sentence of banishment, are exiles, even though they have not changed their locality. At the time when all our laws doom thee to banishment, wilt thou not be an exile? Is not the man an enemy who carries about him offensive weapons? A cut-throat belonging to you was taken near the senate-house. Who has murdered a man? You have murdered many. Who is an incendiary? You; for with your own hand you set fire to the temple of the nymphs. Who violated the temples? You pitched your camp in the forum. But what do I talk of well-known laws, all which doom you to exile; for your most intimate friend carried through a bill with reference to you, by which you were condemned to be banished, if it was found that you had presented yourself at the mysteries of the goddess Bona; and you are even accustomed to boast that you did so. As therefore you have by so many laws been doomed to banishment, how is it that you do not shrink from the designation of exile? You say you are still at Rome, and that you were present at the mysteries

too: but a man will not be free of the place where he may be, if he can not be there with the sanction of the laws.

PARADOX V. THAT THE WISE MAN ALONE IS FREE, AND THAT EVERY FOOL IS A SLAVE.

HERE let a general be celebrated, or let him be honored with that title, or let him be thought worthy of it. But how or over what free man will he exercise control who can not command his own passions? Let him in the first place bridle his lusts, let him despise pleasures, let him subdue anger, let him get the better of avarice, let him expunge the other stains on his character, and then when he himself is no longer in subjection to disgrace and degradation, the most savage tyrants, let him then, I say, begin to command others. But while he is subservient to these, not only is he not to be regarded as a general, but he is by no means to be considered as even a free man. This is nobly laid down by the most learned men, whose authority I should not make use of were I now addressing myself to an assembly of rustics. But as I speak to the wisest men, to whom these things are not new, why should I falsely pretend that all the application I have bestowed upon this study has been lost? It has been said, then, by the most learned men, that none but the wise man is free. For what is liberty? The power of living as you please. Who, then, is he who lives as he pleases, but the man surely who follows righteousness, who rejoices in fulfilling his duty, and whose path of life has been well considered and preconcerted; the man who obeys the laws of his country, not out of dread, but pays them respect and reverence, because he thinks that course the most salutary; who neither does nor thinks any thing otherwise than cheerfully and freely; the man, all whose designs and all the actions he performs arise from and are terminated in his proper self; the man who is swayed by nothing so much as by his own inclination and judgment; the man who is master of fortune herself, whose influence is said to be sovereign, agreeably to what the sage poet says, “the fortune of every man is molded by his character.” To the wise man alone it happens, that he does nothing against his will, nothing with pain, nothing by coercion. It would, it is true, require a large discourse to prove that this is so, but it is a briefly stated and admitted principle, that no man but he who is thus constituted can be free. All wicked

men therefore are slaves, and this is not so surprising and incredible in fact as it is in words. For they are not slaves in the sense those bondmen are who are the properties of their masters by purchase, or by any law of the state; but if obedience to a disordered, abject mind, destitute of self-control be slavery (and such it is), who can deny that all the dishonest, all the covetous, in short, all the wicked, are slaves?

Can I call the men free whom a woman governs, to whom she gives laws, lays down directions, orders and forbids what to her seems fit; while he can deny and dare refuse nothing that she commands? Does she ask?

He must give. Does she call? He must come. Does she order him off? He must vanish. Does she threaten? He must tremble. For my part, I call such a fellow, though he may have been born in the noblest family, not only a slave, but a most abject slave. And as in a large household, some slaves look upon themselves as more genteel than others, such as porters or gardeners, yet still they are slaves; in like manner, they who are inordinately fond of statues, of pictures, of embossed plate, of works in Corinthian brass, or magnificent palaces, are equally fools with the others. "Nay, but (say they) we are the most eminent men of the state." Nay! you are not superior to your fellow-slaves. But as in a household, they who handle the furniture, brush it, anoint their masters, who sweep, and water, do not occupy the highest rank of servitude; in like manner they who have abandoned themselves to their passions for these things, occupy nearly the lowest grade of slavery itself.

But you say, I have had the direction of important wars, I have presided over great empires and provinces. Then carry about you a soul worthy of praise. A painting of Echion, or some statue of Polycletus, holds you bereft of your senses: I shall not mention from whom you took it, or by what means you possess it: but when I see you staring, gaping, and uttering cries, I look upon you to be the slave of all these follies. You ask me, "Are not these, then, elegant amusements?" They are: for I too have a cultivated eye; but I beseech you, let these elegances be so regarded as the playthings of boys, and not as the shackles of men. What think you then? If Lucius Mummius, after he had expressed his contempt for all Corinth, had seen one of these men examining most eagerly a Corinthian vase,

whether would he have looked upon him as an excellent citizen, or a busy appraiser? If Manius Curius, or some of those Romans who in their villas and their houses had nothing that was costly, nothing besides themselves that was ornamental, should come to life again, and see one who had received the highest honors from the people, taking out of his tank his mullets or his carp, then handling them, and boasting of the abundance of his lampreys, would not the old Roman think that such a man was so very a slave, that he was not even fit for a very high employment in a household? Is the slavery of those men doubtful, who from their greediness for wealth spurn no condition of the hardest servitude? To what meanness of slavery will not the hope of succeeding to an estate make a man stoop? What gesture of the childless rich old fellow does he not observe? He frames his words to his inclination; he does whatever is. commanded him; he courts him, he sits by him, he makes him presents. What of these is the part of a free man? What, indeed, is not the mark of an abject slave?

Well! how hard a mistress is that passion which seems to be more characteristic of liberty, I mean that for public preferment, for empire, for provinces; how imperious! how irresistible! It forced the men who thought themselves the greatest men in Rome to be slaves to Cethegus, a person not the most respectable, to send him presents, to wait upon him at nights at his house, to turn suitors, nay, supplicants to him. If this is to be regarded as freedom, what is slavery? But what shall I say when the sway of the passions is over, and when fear, another tyrant, springs out of the consciousness of their misdeeds? What a hard, what a wretched servitude is that, when they must be slaves to chattering boys; when all who seem to know any thing against them are feared as their masters. As to their judge, how powerful is his sway over them, with what terrors does he afflict the guilty. And is not all fear a slavery? What then is the meaning of that more eloquent than wise speech delivered by the accomplished orator Crassus? “Snatch us from slavery. “ What slavery could happen to so illustrious and noble a man? Every terror of a weak, a mean, and a dastardly soul is slavery. He goes on—”Suffer us not to be the slaves of any (you perhaps imagine that he is now about to assert his liberty. Not at all, for what does he add?) — but of you all, to whom we are able and bound to be subservient.” He desires not to

be free, but to change his master. Now we whose souls are lofty, exalted, and intrenched in virtue, neither can, nor ought to be slaves. Say that you can be a slave, since indeed you can; but say not that you are bound to be one, for no man is bound to any service, unless it is disgraceful not to render it. But enough of this. Now let this man consider if he can be a general, when reason and truth must convince him that he is not so much as a freeman.

PARADOX VI. THAT THE WISE MAN ALONE IS RICH.

What means this unbecoming ostentation in making mention of your money? You are the only rich man! Immortal gods! ought I not to rejoice that I have heard and learned something? You the only rich man! What if you are not rich at all? What if you even are a beggar? For whom are we to understand to be a rich man? To what kind of a man do we apply the term? To the man as I suppose, whose possessions are such that he may be well contented to live liberally, who has no desire, no hankering after, no wish for more. It is your own mind, and not the talk of others, nor your possessions, that must pronounce you to be rich; for it ought to think that nothing is wanting to it, and care for nothing beyond. Is it satiated, or even contented with your money? I admit, that you are rich; but if for the greed of money you think no source of profit disgraceful (though your order can not make any honest profits), if you every day are cheating, deceiving, craving, jobbing, poaching and pilfering; if you rob the allies and plunder the treasury; if you are forever longing for the bequests of friends, or not even waiting for them, but forging them yourself, are such practices the indications of a rich or a needy man? It is the mind, and not the coffers of a man, that is to be accounted rich. For though the latter be full, when I see yourself empty, I shall not think you rich; because men measure the amount of riches by that which is sufficient for each individual. Has a man a daughter? then he has need of money. But he has two, then he ought to have a greater fortune; he has more, then he ought to have. more fortune still; and if, as we are told of Danaus, he has fifty daughters, so many fortunes require a great estate. For, as I said before, the degree of wealth is dependent on how much each individual has need of. He therefore who has not a great many daughters, but innumerable passions, which are enough to consume a very great estate in a very short time, how can I call such a man rich, when he himself is conscious that he is poor? Many have heard you say, that no man is rich who can not with his income maintain an army; a thing which the people of Rome some time ago, with their so great revenues,

could scarcely do. Therefore, according to your maxim, you never can be rich, until so much is brought in to you from your estates, that out of it you can maintain six legions, and large auxiliaries of horse and foot. You therefore, in fact, confess yourself not to be rich, who are so far short of fulfilling what you desire; you, therefore, have never concealed your poverty, your neediness, and your beggary.

For as we see that they who make an honest livelihood by commerce, by industry, by farming the public revenue, have occasion for their earnings; so, whoever sees at your house the crowds of accusers and judges together; whoever sees rich and guilty criminals plotting the corruption of trials with you as their adviser, and your bargainings for pay for the distribution of patronage, your pecuniary interventions in the contests of candidates, your dispatching your freedmen to fleece and plunder the provinces; whoever calls to mind your dispossessing your, neighbors, your depopulating the country by your oppressions., your confederacies with slaves, with freedmen, and with clients; the vacating of estates; the proscriptions of the wealthy; the corporations massacred, and the harvest of the times of Sylla; the wills you have forged, and the many men you have made away with; in short, that all things were venal with you in your levies, your decrees, your own votes, and the votes of others; the forum, your house, your speaking, and your silence; who must not think that such a man confesses he has occasion for all he has acquired? But who can truly designate him as a rich man who needs all his earnings? For the advantage of riches consists in plenty, and this plenty declares the overflow and abundance of the means of life, which, as you can never attain, you can never be rich. I shall say nothing of myself, because as you (and that with reason) despise my fortune — for it is in the opinion of the generality middling, in yours next to nothing, and in mine sufficient — I shall speak to the subject. Now if facts are to be weighed and estimated by us, whether are we more to esteem — the money of Pyrrhus which he sent to Fabricius, or the continency of Fabricius for refusing that money? — the gold of the Samnites, or the answer of Manius Curius? — the inheritance of Lucius Paulus, or the generosity of Africanus, who gave to his brother Quintus his own part of that inheritance? Surely the latter evidences of consummate virtue are more to be esteemed than the

former, which are the evidences of wealth. If, therefore, we are to rate every man rich only in proportion to the valuable things he possesses, who can doubt that riches consist in virtue, since no possession, no amount of gold and silver, is more to be valued than virtue?

Immortal gods! Men are not aware how great a revenue is parsimony; for I now proceed to speak of extravagant men, I take my leave of the money-hunter. The revenue one man receives from his estate is six hundred sestertia; I receive one hundred from mine. To that man who has gilded roofs and marble pavements in his villas, and who unboundedly covets statues, pictures, vestments, and furniture, his income is insufficient, not only for his expenditure, but even for the payment of his interest; while there will be some surplus even from my slender income, through cutting off the expenses of voluptuousness. Which, then, is the richer, he who has a deficit, or he who has a surplus? — he who is in need, or he who abounds? — the man whose estate, the greater it is, requires the more to sustain it, or whose estate maintains itself by its own resources?

But why do I talk of myself, who through the contagion of fashion and of the times, am perhaps a little infected with the fault of the age? In the memory of our fathers, Manius Manilius (not to mention continually the Curii and the Luscinii) at length became poor; for he had only a little house at Carani and a farm near Labicum. Now are we, because we have greater possessions, richer men? I wish we were. But the amount of wealth is not defined by the valuation of the census, but by habit and mode of life; not to be greedy is wealth; not to be extravagant is revenue. Above all things, to be content with what we possess is the greatest and most secure of riches. If therefore they who are the most skilful valuers of property highly estimate fields and certain sites, because such estates are the least liable to injury, how much more valuable is virtue, which never can be wrested, never can be filched from us, which can not be lost by fire or by shipwreck, and which is not alienated by the convulsions of tempest or of time, with which those who are endowed alone are rich, for they alone possess resources which are profitable and eternal; and they are the only men who, being contented with what they possess, think it sufficient, which is the criterion of riches: they

hanker after nothing, they are in need of nothing, they feel the want of nothing, and they require nothing. As to the unsatiable and avaricious part of mankind, as they have possessions liable to uncertainty, and at the mercy of chance, they who are forever thirsting after more, and of whom there never was a man for whom what he had sufficed; they are so far from being wealthy and rich, that they are to be regarded as necessitous and beggared.

ACADEMICA (The Academics)

Translated by C. D. Yonge

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INTRODUCTION.

The following account of the two Books of the Academics is extracted from the Dictionary of Greek and Roman Biography, edited by Dr. W. Smith: —

"The history of this work, before it finally quitted the hands of its author, is exceedingly curious and somewhat obscure; but must be clearly understood before we can explain the relative position of those portions of it which have been transmitted to modern times. By comparing carefully a series of letters written to Atticus, in the course of b.c. 45 (Ep. ad Att. xiii. 32; 12, 13, 14, 16, 18, 19, 21, 22, 23, 25, 35, 44), we find that Cicero had drawn up a treatise upon the Academic Philosophy, in the form of a dialogue between Catulus, Lucullus, and Hortensius; and that it was comprised in two books, the first bearing the name of Catulus, the second that of Lucullus. A copy was sent to Atticus; and, soon after it reached him, two new Introductions were composed, the one in praise of Catulus, the other in praise of Lucullus. Scarcely had this been done, when Cicero, from a conviction that Catulus, Lucullus, and Hortensius, although men of highly cultivated minds, and well acquainted with general literature, were known to have been little conversant with the subtle arguments of abstruse philosophy, determined to withdraw them altogether, and accordingly substituted Cato and Brutus in their place. Immediately after this change had been introduced, he received a communication from Atticus, representing that Varro was much offended by being passed over in the discussion of topics in which he was so deeply versed. Thereupon Cicero, catching eagerly at the idea thus suggested, resolved to recast the whole piece, and quickly produced, under the old title, a new and highly improved edition, divided into four books instead of two, dedicating the whole to Varro, to whom was assigned the task of defending the tenets of Antiochus; while Cicero himself undertook to support the views of Philo, Atticus also taking a share in the conversation.

"But, although these alterations had been effected with extreme rapidity, the copy originally sent to Atticus had in the meantime been repeatedly transcribed; hence both editions passed into circulation,

and a part of each has been preserved. One section, containing twelve chapters, is a short fragment of the second or Varronian edition. The other, containing forty-nine chapters, is the entire second book of the first edition; to which is prefixed the new introduction, together with the proper title of Lucullus. The scene of the *Catulus* was the villa of that statesman, at Cumæ; while the *Lucullus* is supposed to have been held at the mansion of Hortensius, near Bauli.

"The object proposed was to give an account of the rise and progress of the Academic Philosophy, to point out the various modifications introduced by successive professors, and to demonstrate the superiority of the principles of the New Academy, as taught by Philo, over those of the old, as advocated by Antiochus."

BOOK I.

I. When a short time ago my friend Atticus was with me at my villa in the district of Cumæ, news was sent us by Marcus Varro, that he had arrived in Rome the day before in the evening, and that if he had not found himself too tired after his journey he should have proceeded at once to see us. But when we heard this, we thought that we ought not to suffer anything to delay our seeing a man so intimately connected with us by an identity of studies, and by a very long standing intimacy and friendship. And so we set out at once to go to see him; and when we were no great distance from his villa we saw him coming towards us; and when we had embraced him, as the manner of friends is, after some time we accompanied him back to his villa. And as I was asking a few questions, and inquiring what was the news at Rome, Never mind those things, said Atticus, which we can neither inquire about nor hear of without vexation, but ask him rather whether he has written anything new; for the muse of Varro has been silent much longer than usual; though I rather suppose he is suppressing for a time what he has written, than that he has been really idle. You are quite wrong, said he; for I think it very foolish conduct in a man to write what he wishes to have concealed. But I have a great work on hand; for I have been a long time preparing a treatise which I have dedicated to my friend here, (he meant me,) which is of great importance, and is being polished up by me with a good deal of care.

I have been waiting to see it a long time, Varro, said I, but still I have not ventured to ask for it. For I heard from our friend Libo, with whose zeal you are well acquainted, (for I can never conceal anything of that kind,) that you have not been slackening in the business, but are expending a great deal of care on it, and in fact never put it out of your hands. But it has never hitherto come into my mind to ask you about it; however now, since I have begun to commit to a durable record those things which I learnt in your company, and to illustrate in the Latin language that ancient philosophy which originated with Socrates, I must ask you why it is that, while you write on so many subjects, you pass over this one,

especially when you yourself are very eminent in it; and when that study, and indeed the whole subject, is far superior in importance to all other studies and arts.

II. You are asking me, he replied, about a matter on which I have often deliberated and frequently revolved in my mind. And, therefore, I will answer you without any hesitation; still, however, speaking quite off-hand, because I have, as I said just now, thought over the subject both deeply and frequently. For as I saw that philosophy had been explained with great care in the Greek language, I thought that if any of our countrymen were engrossed by the study of it, who were well versed in Greek literature, they would be more likely to read Greek treatises than Latin ones: but that those men who were averse to Greek science and to the schools of the Greek philosophers would not care the least for such matters as these, which could not be understood at all without some acquaintance with Greek literature. And, therefore, I did not choose to write treatises which unlearned men could not understand, and learned men would not be at the trouble of reading. And you yourself are aware of this. For you have learnt that we cannot resemble Amafanius or Rabirius, who without any art discuss matters which come before the eyes of every one in plain ordinary language, giving no accurate definitions, making no divisions, drawing no inferences by well-directed questions, and who appear to think that there is no such thing as any art of speaking or disputing. But we, in obedience to the precepts of the logicians and of orators also, as if they were positive laws, (since our countrymen consider skill in each of these branches to be a virtue,) are compelled to use words although they may be new ones; which learned men, as I have said before, will prefer taking from the Greeks, and which unlearned men will not receive even from us; so that all our labour may be undertaken in vain. But now, if I approved of the doctrines of Epicurus, that is to say, of Democritus, I could write of natural philosophy in as plain a style as Amafanius. For what is the great difficulty when you have put an end to all efficient causes, in speaking of the fortuitous concourse of corpuscules, for this is the name he gives to atoms. You know our system of natural philosophy, which depends upon the two principles, the efficient cause, and the subject matter out of which the

efficient cause forms and produces what it does produce. For we must have recourse to geometry, since, if we do not, in what words will any one be able to enunciate the principles he wishes, or whom will he be able to cause to comprehend those assertions about life, and manners, and desiring and avoiding such and such things?

For those men are so simple as to think the good of a sheep and of a man the same thing. While you know the character and extent of the accuracy which philosophers of our school profess. Again, if you follow Zeno, it is a hard thing to make any one understand what that genuine and simple good is which cannot be separated from honesty; while Epicurus asserts that he is wholly unable to comprehend what the character of that good may be which is unconnected with pleasures which affect the senses. But if we follow the doctrines of the Old Academy which, as you know, we prefer, then with what accuracy must we apply ourselves to explain it; with what shrewdness and even with what obscurity must we argue against the Stoics! The whole, therefore, of that eagerness for philosophy I claim for myself, both for the purpose of strengthening my firmness of conduct as far as I can, and also for the delight of my mind. Nor do I think, as Plato says, that any more important or more valuable gift has been given to men by the gods. But I send all my friends who have any zeal for philosophy into Greece; that is to say, I bid them study the Greek writers, in order to draw their precepts from the fountain-head, rather than follow little streams. But those things which no one had previously taught, and which could not be learnt in any quarter by those who were eager on the subject, I have laboured as far as I could (for I have no great opinion of anything which I have done in this line) to explain to our fellow-countrymen. For this knowledge could not be sought for among the Greeks, nor, after the death of our friend Lucius Ælius, among the Latins either. And yet in those old works of ours which we composed in imitation of Menippus, not translating him, sprinkling a little mirth and sportiveness over the whole subject, there are many things mingled which are drawn from the most recondite philosophy, and many points argued according to the rules of strict logic; but I added these lighter matters in order to make the whole more easy for people of moderate learning to comprehend, if they were invited to read those

essays by a pleasing style, displayed in panegyrics, and in the very prefaces of my books of antiquities. And this was my object in adopting this style, however I may have succeeded in it.

III. The fact, I replied, is just as you say, Varro. For while we were sojourners, as it were, in our own city, and wandering about like strangers, your books have conducted us, as it were, home again, so as to enable us at last to recognise who and where we were. You have discussed the antiquity of our country, and the variety of dates and chronology relating to it. You have explained the laws which regulate sacrifices and priests; you have unfolded the customs of the city both in war and peace; you have described the various quarters and districts; you have omitted mentioning none of the names, or kinds, or functions, or causes of divine or human things; you have thrown a great deal of light on our poets, and altogether on Latin literature and on Latin expressions; you have yourself composed a poem of varied beauties, and elegant in almost every point; and you have in many places touched upon philosophy in a manner sufficient to excite our curiosity, though inadequate to instruct us.

You allege, indeed, a very plausible reason for this. For, you say, those who are learned men will prefer reading philosophical treatises in Greek, and those who are ignorant of Greek will not read them even in Latin. However, tell me now, do you really agree with your own argument? I would rather say, those who are unable to read them in the one language will read them in the other; and even those who can read them in Greek will not despise their own language. For what reason can be imagined why men learned in Greek literature should read the Latin poets, and not read the Latin philosophers? Or again, if Ennius, Pacuvius, Accius, and many others who have given us, I will not say the exact expressions, but the meaning of the Greeks, delight their readers; how much more will the philosophers delight them, if, as the poets have imitated Æschylus, Sophocles, and Euripides, they in like manner imitate Plato, Aristotle, and Theophrastus? I see, too, that any orators among us are praised who imitate Hyperides or Demosthenes.

But I, (for I will speak the plain truth,) as long as ambition and the pursuit of public honours and the pleading of causes, and not a mere regard for the republic, but even a certain degree of concern in its

government, entangled me in and hampered me with the numerous duties in which those occupations involved me; I kept, I say, all these matters to myself, and brushed them up, when I could, by reading, to prevent their getting rusty. But now, having been stricken to the ground by a most severe blow of fortune, and being discharged from all concern in the republic, I seek a medicine for my sorrow in philosophy, and consider this study the most honourable pastime for my leisure. For I may look upon it as most suitable to my age, and most especially consistent with any memorable exploits which I may have performed, and inferior to no other occupation in its usefulness for the purpose of educating my fellow-countrymen. Or even if this be too high a view to take of it, at all events I see nothing else which I can do. My friend Brutus, indeed, a man eminent for every kind of virtue, has illustrated philosophy in the Latin language in such a way that he has left Greece nothing to wish for on those subjects. And he adopts the same opinions that you do. For he was for some time a pupil of Aristus, at Athens, whose brother Antiochus was your own preceptor. And therefore do you also, I entreat you, apply yourself to this kind of literature.

IV. Then he replied. I will indeed consider of these matters, but only in your company. But still, said he, what is this which I hear about you yourself? On what subject? said I. Why, that the old system is deserted by you, and that you have espoused the principles of the new school. What of that? said I. Why should Antiochus, my own intimate friend, be more at liberty to return back again from the new school to the old, than I myself to migrate to the new from the old? For certainly everything that is most recent is corrected and amended in the highest degree; although Philo, the master of Antiochus, a great man, as you yourself consider him, used to deny in his books that there were two Academies (and we ourselves have heard him assert the same things in his lectures); and he convicts those who say that there are, of palpable mistake. It is as you say, said he, but I do not imagine that you are ignorant of what Antiochus has written in reply to the arguments of Philo. Certainly, said I, I am not, and I should like to hear the whole cause of the Old Academy, from which I have been so long absent, recapitulated by you, if it is not giving you too much trouble; and let us sit down now, if you

have no objection. That will suit me very well, said he, for I am not at all strong. But let us consider whether Atticus will be pleased with that compliance of mine, which I see that you yourself are desirous of. Indeed I shall, said he; for what could I prefer to being reminded of what I long ago heard from Antiochus, and seeing at the same time whether those ideas can be expressed with sufficient suitableness in Latin? So after this preface we all sat down looking at one another. And Varro began as follows: —

Socrates appears to me, and indeed it is the universal opinion, to have been the first person who drew philosophy away from matters of an abstruse character, which had been shrouded in mystery by nature herself, and in which all the philosophers before his time had been wholly occupied, and to have diverted it to the objects of ordinary life; directing its speculations to virtues and vices, and generally to whatever was good or bad. And he thought that the heavenly bodies were either far out of the reach of our knowledge, or that, even if we became ever so intimately acquainted with them, they had no influence on living well. In nearly all his discourses, which have been reported in great variety and very fully by those who were his pupils, he argues in such a manner that he affirms nothing himself, but refutes the assertions of others. He says that he knows nothing, except that one fact, that he is ignorant; and that he is superior to others in this particular, that they believe that they do know what they do not, while he knows this one thing alone, that he knows nothing. And it is on that account that he imagines he was pronounced by Apollo the wisest of all men, because this alone is the whole of wisdom, for a man not to think that he knows what he does not know. And as he was always saying this, and persisting in the maintenance of this opinion, his discourse was entirely devoted to the praise of virtue, and to encouraging all men to the study of virtue; as may be plainly seen in the books of the disciples of Socrates, and above all in those of Plato. But by the influence of Plato, a man of vast and varied and eloquent genius, a system of philosophy was established which was one and identical, though under two names; the system namely of the Academics and Peripatetics. For these two schools agreed in reality, and differed only in name. For when Plato had left Speusippus, his sister's son, the inheritor as it were of his

philosophy, and also two pupils most eminent for industry and genius, Xenocrates of Chalcedon, and Aristotle the Stagirite; those who adhered to Aristotle were called Peripatetics, because they disputed while walking in the Lyceum. And the others, who according to the fashion of Plato himself were accustomed to hold their meetings and discussions in the Academy, which is a second Gymnasium, took their name from the place where they used to meet. But both these schools, being impregnated with the copiousness of Plato, arranged a certain definite system of doctrine, which was itself copious and luxuriant; but abandoned the Socratic plan of doubting on every subject, and of discussing everything without ever venturing on the assertion of a positive opinion. And thus there arose what Socrates would have been far from approving of, a certain art of philosophy, and methodical arrangement, and division of the school, which at first, as I have already said, was one under two names. For there was no real difference between the Peripatetics and the old Academy. Aristotle, at least such is my opinion, was superior in a certain luxuriance of genius; but both schools had the same source, and adopted the same division of things which were to be desired and avoided. But what am I about? said he, interrupting himself; am I in my senses while I am explaining these things to you? for although it may not be exactly a case of the pig teaching Minerva, still it is not very wise of any one to attempt to impart instruction to that goddess.

V. I entreat you however, said Atticus, I entreat you to go on, Varro. For I am greatly attached to my own countrymen and to their works; and those subjects delight me beyond measure when they are treated in Latin, and in such a manner as you treat them. And what, said I, do you think that I must feel, who have already engaged to display philosophy to our nation? Let us then, said he, continue the subject, since it is agreeable to you.

A threefold system of philosophising, then, was already received from Plato. One, on the subject of life and morals. A second, on nature and abstruse matters. The third, on discussion, and on what is true or false; what is right or wrong in a discourse; what is consistent or inconsistent in forming a decision.

And that first division of the subject, that namely of living well, they sought in nature herself, and said that it was necessary to obey her; and that that chief good to which everything was referred was not to be sought in anything whatever except in nature. And they laid it down that the crowning point of all desirable things, and the chief good, was to have received from nature everything which is requisite for the mind, or the body, or for life. But of the goods of the body, they placed some in the whole, and others in the parts. Health, strength, and beauty in the whole. In the parts, soundness of the senses, and a certain excellence of the individual parts. As in the feet, swiftness; in the hands, strength; in the voice, clearness; in the tongue, a distinct articulation of words. The excellences of the mind they considered those which were suitable to the comprehension of virtue by the disposition. And those they divided under the separate heads of nature and morals. Quickness in learning and memory they attributed to nature; each of which was described as a property of the mind and genius. Under the head of "morals" they classed our studies, and, I may say, our habits, which they formed, partly by a continuity of practice, partly by reason. And in these two things was contained philosophy itself, in which that which is begun and not brought to its completion, is called a sort of advance towards virtue; but that which is brought to completion is virtue, being a sort of perfection of nature and of all things which they place in the mind; the one most excellent thing. These things then are qualities of the mind.

The third division was that of life. And they said that those things which had influence in facilitating the practice of virtue were connected with this division. For virtue is discerned in some good qualities of the mind and body, which are added not so much to nature as to a happy life. They thought that a man was as it were a certain part of the state, and of the whole human race, and that he was connected with other men by a sort of human society. And this is the way in which they deal with the chief and natural good. But they think that everything else is connected with it, either in the way of increasing or of maintaining it; as riches, power, glory, and influence. And thus a threefold division of goods is inferred by them.

VI. And these are those three kinds which most people believe the Peripatetics speak of: and so far they are not wrong; for this division is the work of that school. But they are mistaken if they think that the Academicians — those at least who bore this name at that time — are different from the Peripatetics. The principle, and the chief good asserted by both appeared to be the same — namely, to attain those things which were in the first class by nature, and which were intrinsically desirable; the whole of them, if possible, or, at all events, the most important of them. But those are the most important which exist in the mind itself, and are conversant about virtue itself. Therefore, all that ancient philosophy perceived that a happy life was placed in virtue alone; and yet that it was not the happiest life possible, unless the good qualities of the body were added to it, and all the other things which have been already mentioned, which are serviceable towards acquiring a habit of virtue. From this definition of theirs, a certain principle of action in life, and of duty itself, was discovered, which consisted in the preservation of those things which nature might prescribe. Hence arose the avoidance of sloth, and contempt of pleasures; from which proceeded the willingness to encounter many and great labours and pains, for the sake of what was right and honourable, and of those things which are conformable to the objects of nature. Hence was generated friendship, and justice, and equity; and these things were preferred to pleasure and to many of the advantages of life. This was the system of morals recommended in their school, and the method and design of that division which I have placed first.

But concerning nature (for that came next), they spoke in such a manner that they divided it into two parts, — making one efficient, and the other lending itself, as it were, to the first, as subject matter to be worked upon. For that part which was efficient they thought there was power; and in that which was made something by it they thought there was some matter; and something of both in each. For they considered that matter itself could have no cohesion, unless it were held together by some power; and that power could have none without some matter to work upon; for that is nothing which is not necessarily somewhere. But that which exists from a combination of the two they called at once body, and a sort of quality, as it were. For

you will give me leave, in speaking of subjects which have not previously been in fashion, to use at times words which have never been heard of (which, indeed, is no more than the Greeks themselves do, who have been long in the habit of discussing these subjects).

VII. To be sure we will, said Atticus. Moreover, you may even use Greek words when you wish, if by chance you should be at a loss for Latin ones. You are very kind; but I will endeavour to express myself in Latin, except in the case of such words as these — *philosophia*, *rhetorica*, *physica*, or *dialectica*, which, like many others, fashion already sanctions, as if they were Latin. I therefore have called those things *qualitates* (qualities), which the Greeks call ποιότητες — a word which, even among the Greeks, is not one in ordinary use, but is confined to philosophers. And the same rule applies to many other expressions. As for the Dialecticians, they have no terms in common use: they use technical terms entirely. And the case is the same with nearly every art; for men must either invent new names for new things, or else borrow them from other subjects. And if the Greeks do this, who have now been engaged in such matters for so many ages, how much more ought this licence to be allowed to us, who are now endeavouring to deal with these subjects for the first time? But, said I, O Varro, it appears to me that you will deserve well of your fellow-countrymen, if you enrich them, not only with an abundance of new things, as you have done, but also of words. We will venture, then, said he, to employ new terms, if it be necessary, armed with your authority and sanction.

Of these qualities, then, said he, some are principal ones, and others arise out of them. The principal ones are of one character and simple; but those which arise out of them are various, and, as it were, multiform. Therefore, air (we use the Greek word ἀὴρ as Latin), fire, water, and earth are principal ones; and out of them there arise the forms of living creatures, and of those things which are produced out of the earth. Therefore, those first are called principles and (to translate the Greek word) elements: from which air and fire have the power of movement and efficiency: the other divisions — I mean, water and the earth — have the power of receiving, and, as it were, of suffering. The fifth class, from which the stars and winds were formed, Aristotle considered to be a separate essence, and different

from those four which I have mentioned above.

But they think that there is placed under all of these a certain matter without any form, and destitute of all quality (for we may as well, by constant use, make this word more usual and notorious), from which all things are sketched out and made; which can receive everything in its entirety, and can be changed in every manner and in every part. And also that it perishes, not so as to become nothing, but so as to be dissolved with its component parts, which again are able to be cut up and divided, *ad infinitum*; since there is absolutely nothing in the whole nature of things which cannot be divided: and those things which are moved, are all moved at intervals, which intervals again are capable of being infinitely divided. And, since that power which we have called quality is moved in this way, and is agitated in every direction, they think also that the whole of matter is itself entirely changed, and so that those things are produced which they call qualities, from which the world is made, in universal nature, cohering together and connected with all its divisions; and, out of the world, there is no such thing as any portion of matter or any body.

And they say that the parts of the world are all the things which exist in it, and which are maintained by sentient nature; in which perfect reason is placed, which is also everlasting: for that there is nothing more powerful which can be the cause of its dissolution. And this power they call the soul of the world, and also its intellect and perfect wisdom. And they call it God, a providence watching over everything subject to its dominion, and, above all, over the heavenly bodies; and, next to them, over those things on earth which concern men: which also they sometimes call necessity, because nothing can be done in a manner different from that in which it has been arranged by it in a destined (if I may so say) and inevitable continuation of eternal order. Sometimes, too, they call it fortune, because it brings about many unforeseen things, which have never been expected by us, on account of the obscurity of their causes, and our ignorance of them.

VIII. The third part of philosophy, which is next in order, being conversant about reason and discussion, was thus handled by both schools. They said that, although it originated in the senses, still the

power of judging of the truth was not in the senses. They insisted upon it that intellect was the judge of things. They thought that the only thing deserving of belief, because it alone discerned that which was always simple and uniform, and which perceived its real character. This they call *idea*, having already received this name from Plato; and we properly entitle it *species*.

But they thought that all the senses were dull and slow, and that they did not by any means perceive those things which appeared subjected to the senses; which were either so small as to be unable to come under the notice of sense, or so moveable and rapid that none of them was ever one consistent thing, nor even the same thing, because everything was in a continual state of transition and disappearance. And therefore they called all this division of things one resting wholly on opinion. But they thought that science had no existence anywhere except in the notions and reasonings of the mind; on which account they approved of the definitions of things, and employed them on everything which was brought under discussion. The explanation of words also was approved of — that is to say, the explanation of the cause why everything was named as it was; and that they called etymology. Afterwards they used arguments, and, as it were, marks of things, for the proof and conclusion of what they wished to have explained; in which the whole system of dialectics — that is to say, of an oration brought to its conclusion by ratiocination, was handed down. And to this there was added, as a kind of second part, the oratorical power of speaking, which consists in developing a continued discourse, composed in a manner adapted to produce conviction.

IX. This was the first philosophy handed down to them by Plato. And if you like I will explain to you those discussions which have originated in it. Indeed, said I, we shall be glad if you will; and I can answer for Atticus as well as for myself. You are quite right, said he; for the doctrine both of the Peripatetics and of the old Academy is most admirably explained.

Aristotle, then, was the first to undermine the doctrine of species, which I have just now mentioned, and which Plato had embraced in a wonderful manner; so that he even affirmed that there was something divine in it. But Theophrastus, a man of very delightful eloquence,

and of such purity of morals that his probity and integrity were notorious to all men, broke down more vigorously still the authority of the old school; for he stripped virtue of its beauty, and made it powerless, by denying that to live happily depended solely on it. For Strato, his pupil, although a man of brilliant abilities, must still be excluded entirely from that school; for, having deserted that most indispensable part of philosophy which is placed in virtue and morals, and having devoted himself wholly to the investigation of nature, he by that very conduct departs as widely as possible from his companions. But Speusippus and Xenocrates, who were the earliest supporters of the system and authority of Plato, — and, after them, Polemo and Crates, and at the same time Crantor, — being all collected together in the Academy, diligently maintained those doctrines which they had received from their predecessors. Zeno and Arcesilas had been diligent attenders on Polemo; but Zeno, who preceded Arcesilas in point of time, and argued with more subtilty, and was a man of the greatest acuteness, attempted to correct the system of that school. And, if you like, I will explain to you the way in which he set about that correction, as Antiochus used to explain it. Indeed, said I, I shall be very glad to hear you do so; and you see that Pomponius intimates the same wish.

X. Zeno, then, was not at all a man like Theophrastus, to cut through the sinews of virtue; but, on the other hand, he was one who placed everything which could have any effect in producing a happy life in virtue alone, and who reckoned nothing else a good at all, and who called that honourable which was single in its nature, and the sole and only good. But as for all other things, although they were neither good nor bad, he divided them, calling some according to, and others contrary to nature. There were others which he looked upon as placed between these two classes, and which he called intermediate. Those which were according to nature, he taught his disciples, deserved to be taken, and to be considered worthy of a certain esteem. To those which were contrary to nature, he assigned a contrary character; and those of the intermediate class he left as neutrals, and attributed to them no importance whatever. But of those which he said ought to be taken, he considered some worthy of a higher estimation and others of a less. Those which were worthy of a

higher esteem, he called *preferred*; those which were only worthy of a lower degree, he called *rejected*. And as he had altered all these things, not so much in fact as in name, so too he defined some actions as intermediate, lying between good deeds and sins, between duty and a violation of duty; — classing things done rightly as good actions, and things done wrongly (that is to say, sins) as bad actions. And several duties, whether discharged or neglected, he considered of an intermediate character, as I have already said. And whereas his predecessors had not placed every virtue in reason, but had said that some virtues were perfected by nature, or by habit, he placed them all in reason; and while they thought that those kinds of virtues which I have mentioned above could be separated, he asserted that that could not be done in any manner, and affirmed that not only the practice of virtue (which was the doctrine of his predecessors), but the very disposition to it, was intrinsically beautiful; and that virtue could not possibly be present to any one without his continually practising it.

And while they did not entirely remove all perturbation of mind from man, (for they admitted that man did by nature grieve, and desire, and fear, and become elated by joy,) but only contracted it, and reduced it to narrow bounds; he maintained that the wise man was wholly free from all these diseases as they might be called. And as the ancients said that those perturbations were natural, and devoid of reason, and placed desire in one part of the mind and reason in another, he did not agree with them either; for he thought that all perturbations were voluntary, and were admitted by the judgment of the opinion, and that a certain unrestrained intemperance was the mother of all of them. And this is nearly what he laid down about morals.

XI. But about natures he held these opinions. In the first place, he did not connect this fifth nature, out of which his predecessors thought that sense and intellect were produced, with those four principles of things. For he laid it down that fire is that nature which produces everything, and intellect, and sense. But he differed from them again, inasmuch as he thought it absolutely impossible for anything to be produced from that nature which was destitute of body; which was the character attributed by Xenocrates and his

predecessors to the mind, and he would not allow that that which produced anything, or which was produced by anything, could possibly be anything except body.

But he made a great many alterations in that third part of his philosophy, in which, first of all, he said some new things of the senses themselves: which he considered to be united by some impulse as it were, acting upon them from without, which he called φαντασία, and which we may term *perception*. And let us recollect this word, for we shall have frequent occasion to employ it in the remainder of our discourse; but to these things which are perceived, and as it were accepted by the senses, he adds the assent of the mind, which he considers to be placed in ourselves and voluntary. He did not give credit to everything which is perceived, but only to those which contain some especial character of those things which are seen; but he pronounced what was seen, when it was discerned on account of its own power, *comprehensible* — will you allow me this word? Certainly, said Atticus, for how else are you to express καταληπτός? But after it had been received and approved, then he called it *comprehension*, resembling those things which are taken up (*prehenduntur*) in the hand; from which verb also he derived this noun, though no one else had ever used this verb with reference to such matters; and he also used many new words, for he was speaking of new things. But that which was comprehended by sense he called *felt* (*sensum*,) and if it was so comprehended that it could not be eradicated by reason, he called it knowledge; otherwise he called it ignorance: from which also was engendered opinion, which was weak, and compatible with what was false or unknown. But between knowledge and ignorance he placed that comprehension which I have spoken of, and reckoned it neither among what was right or what was wrong, but said that it alone deserved to be trusted.

And from this he attributed credit also to the senses, because, as I have said above, comprehension made by the senses appeared to him to be true and trustworthy. Not because it comprehended all that existed in a thing, but because it left out nothing which could affect it, and because nature had given it to us to be as it were a rule of knowledge, and a principle from which subsequently all notions of things might be impressed on our minds, from which not only

principles, but some broader paths to the discovery of reason are found out. But error, and rashness, and ignorance, and opinion, and suspicion, and in a word everything which was inconsistent with a firm and consistent assent, he discarded from virtue and wisdom. And it is in these things that nearly all the disagreement between Zeno and his predecessors, and all his alteration of their system consists.

XII. And when he had spoken thus — You have, said I, O Varro, explained the principles both of the Old Academy and of the Stoics with brevity, but also with great clearness. But I think it to be true, as Antiochus, a great friend of mine, used to assert, that it is to be considered rather as a corrected edition of the Old Academy, than as any new sect. Then Varro replied — It is your part now, who revolt from the principles of the ancients, and who approve of the innovations which have been made by Arcesilas, to explain what that division of the two schools which he made was, and why he made it; so that we may see whether that revolt of his was justifiable. Then I replied — Arcesilas, as we understand, directed all his attacks against Zeno, not out of obstinacy or any desire of gaining the victory, as it appears to me, but by reason of the obscurity of those things which had brought Socrates to the confession of ignorance, and even before Socrates, Democritus, Anaxagoras, Empedocles, and nearly all the ancients; who asserted that nothing could be ascertained, or perceived, or known: that the senses of man were narrow, his mind feeble, the course of his life short, and that truth, as Democritus said, was sunk in the deep; that everything depended on opinions and established customs; that nothing was left to truth. They said in short, that everything was enveloped in darkness; therefore Arcesilas asserted that there was nothing which could be known, not even that very piece of knowledge which Socrates had left himself. Thus he thought that everything lay hid in secret, and that there was nothing which could be discerned or understood; for which reasons it was not right for any one to profess or affirm anything, or sanction anything by his assent, but men ought always to restrain their rashness and to keep it in check so as to guard it against every fall. For rashness would be very remarkable when anything unknown or false was approved of; and nothing could be more discreditable than

for a man's assent and approbation to precede his knowledge and perception of a fact. And he used to act consistently with these principles, so as to pass most of his days in arguing against every one's opinion, in order that when equally important reasons were found for both sides of the same question, the judgment might more naturally be suspended, and prevented from giving assent to either.

This they call the New Academy, which however appears to me to be the old one, if, at least, we reckon Plato as one of that Old Academy. For in his books nothing is affirmed positively, and many arguments are allowed on both sides of a question; everything is investigated, and nothing positive affirmed. Still let the school whose principles I have explained, be called the Old Academy, and this other the New; which, having continued to the time of Carneades, who was the fourth in succession after Arcesilas, continued in the same principles and system as Arcesilas. But Carneades, being a man ignorant of no part of philosophy, and, as I have learnt from those who had been his pupils, and particularly from Zeno the Epicurean, who, though he greatly differed from him in opinion, still admired him above all other men, was also a person of incredible abilities...

The rest of this Book is lost.

BOOK II.

I. Lucius Lucullus was a man of great genius, and very much devoted to the study of the most important arts; every branch of liberal learning worthy of a man of high birth, was thoroughly understood by him; but at the time when he might have made the greatest figure in the forum, he was wholly removed from all participation in the business of the city. For while he was very young, he, uniting with his brother, a man of equal sense of duty and diligence with himself, followed up the quarrel bequeathed to him by his father to his own exceeding credit; afterwards having gone as quæstor into Asia, he there governed the province for many years with great reputation. Subsequently he was made ædile in his absence, and immediately after that he was elected prætor; for his services had been rewarded by an express law authorizing his election at a period earlier than usual. After that he was sent into Africa; from thence he proceeded to the consulship, the duties of which he discharged in such a manner, that every one admired his diligence, and recognised his genius. Afterwards he was sent by the Senate to conduct the war against Mithridates, and there he not only surpassed the universal expectation which every one had formed of his valour, but even the glory of his predecessors. And that was the more admirable in him, because great skill as a general was not very much looked for in one who had spent his youth in the occupations of the forum, and the duration of his quæstorship in peace in Asia, while Murena was carrying on the war in Pontus. But the incredible greatness of his genius did not require the aid of experience, which can never be taught by precepts. Therefore, having devoted the whole time occupied in his march and his voyage, partly to making inquiries of those who were skilful in such matters, and partly in reading the accounts of great achievements, he arrived in Asia a perfect general, though he had left Rome entirely ignorant of military affairs. For he had an almost divine memory for facts, though Hortensius had a better one for words. But as in performing great deeds, facts are of more consequence than words, this memory of his was the more serviceable of the two; and they say, that the same quality was

conspicuous in Themistocles, whom we consider beyond all comparison the first man in Greece. And a story is told of him, that, when some one promised to teach him the art of memory, which was then beginning to be cultivated, he answered, that he should much prefer learning to forget; I suppose, because everything which he had either heard or seen stuck in his memory.

Lucullus having this great genius, added to it that study which Themistocles had despised: therefore, as we write down in letters what we wish to commit to monuments, he, in like manner, had the facts engraved in his mind. Therefore, he was a general of such perfect skill in every kind of war, in battles, and sieges, and naval fights, and in the whole equipment and management of war, that that king, the greatest that has ever lived since the time of Alexander, confessed, that he considered him a greater general than any one of whom he had ever read. He also displayed such great prudence in arranging and regulating the affairs of the different cities, and such great justice too, that to this very day, Asia is preserved by the careful maintenance of the regulations, and by following as it were in the footsteps of Lucullus. But although it was greatly to the advantage of the republic, still that great virtue and genius was kept abroad at a distance from the eyes both of the forum and the senate-house, for a longer time than I could have wished. Moreover, when he had returned victorious from the war against Mithridates, owing to the calumnies of his adversaries, he did not celebrate his triumph till three years later than he ought to have done. For I may almost say, that I myself when consul led into the city the chariot of that most illustrious man, and I might enlarge upon the great advantage that his counsel and authority were to me, in the most critical circumstances, if it were not that to do so would compel me to speak of myself, which at this moment is not necessary. Therefore, I will rather deprive him of the testimony due to him, than mix it up now with a commendation of myself.

II. But as for those exploits of Lucullus, which were entitled to be celebrated by the praises of the nation, they have been extolled both in Greek and Latin writings. For those outward exploits of his are known to us in common with the multitude; but his interior excellences (if I may so call them) we and a few of his friends have

learnt from himself. For Lucullus used to apply himself to every kind of literature, and especially to philosophy, with greater eagerness than those who were not acquainted with him believed. And he did so, not only at his first entrance into life, but also when he was proquæstor, as he was for several years, and even during the time of war itself, a time when men are usually so fully occupied with their military business, that very little leisure is left to the general, even in his own tent. And as of all the philosophers of that day, Antiochus, who had been a pupil of Philo, was thought to excel in genius and learning, he kept him about him while he was quæstor, and some years afterwards when he was general. And as he had that extraordinary memory which I have mentioned already, by hearing frequently of things, he arrived at a thorough acquaintance with them; as he recollected everything that he had heard of only once. And he was wonderfully delighted in the reading books of which he heard any one speak.

And I sometimes fear lest I may even diminish the glory of such characters as his, even while wishing to enhance it; for there are many people who are altogether averse to Greek literature, still more who have a dislike to philosophy, and men in general, even though they do not positively disapprove of them, still think the discussion of such matters not altogether suitable for the chiefs of the state. But I, having heard that Marcus Cato learnt Greek in his old age, and learning from history that Panætius was above all other men the chosen companion of Publius Africanus, in that noble embassy which he was employed on before he entered on the censorship, think I have no need of any other instance to justify his study of Greek literature or of philosophy.

It remains for me to reply to those men who disapprove of such dignified characters being mixed up in discussions of this sort; as if the meetings of illustrious men were bound to be passed in silence, or their conversation to be confined to jesting, and all the topics to be drawn from trifling subjects. In truth, if in any one of my writings I have given philosophy its due praise, then surely its discussion is thoroughly worthy of every excellent and honourable man; nor is anything else necessary to be taken care of by us, whom the Roman people has placed in our present rank, except that we do not devote

to our private pursuits, the time which ought to be bestowed on the affairs of the public. But if, while we are bound to discharge our duties, we still not only never omit to give our assistance in all public meetings, but never even write a single word unconnected with the forum, who then will blame our leisure, because even in that moment we are unwilling to allow ourselves to grow rusty and stupid, but take pains rather to benefit as many people as possible?

And I think, that not only is the glory of those men not diminished, but that it is even increased by our adding to their popular and notorious praises these also which are less known and less spoken of. Some people also deny that those men who are introduced in our writings as disputants had any knowledge of those affairs which are the subjects of discussion. But they appear to me to be showing their envy, not only of the living but also of the dead.

III. There remains one class of critics who disapprove of the general principles of the Academy. Which we should be more concerned at if any one approved of any school of philosophy except that which he himself followed. But we, since we are in the habit of arguing against every one who appears to himself to know anything, cannot object to others also dissenting from us. Although our side of the question is an easier one, since we wish to discover the truth without any dispute, and we seek for that with the greatest anxiety and diligence. For although all knowledge is beset with many difficulties, and there is that obscurity in the things themselves and that infirmity in our own judgment, that it is not without reason that the most learned and ancient philosophers have distrusted their power of discovering what they wished; yet they have not been deficient in any respect, nor do we allow ourselves to abandon the pursuit of truth through fatigue; nor have our discussions ever any other object except that of, by arguing on each side, eliciting, and as it were, squeezing out something which may either be the truth itself, or may at least come as near as possible to it. Nor is there any difference between us and those people who fancy that they know something, except that they do not doubt at all that those doctrines which they uphold are the truth, while we account many things as probable which we can adopt as our belief, but can hardly positively affirm.

And in this we are more free and unfettered than they are, because our power of judging is unimpeached, and because we are not compelled by any necessity to defend theories which are laid upon as injunctions, and, if I may say so, as commands. For in the first place, those of the other schools have been bound hand and foot before they were able to judge what was best; and, secondly, before their age or their understanding had come to maturity, they have either followed the opinion of some friend, or been charmed by the eloquence of some one who was the first arguer whom they ever heard, and so have been led to form a judgment on what they did not understand, and now they cling to whatever school they were, as it were, dashed against in a tempest, like sailors clinging to a rock. For as to their statement that they are wholly trusting to one whom they judge to have been a wise man, I should approve of that if that were a point which they, while ignorant and unlearned, were able to judge of, (for to decide who is a wise man appears to me most especially the task of one who is himself wise.) But they have either formed their opinion as well as they could from a hearing of all the circumstances, and also from a knowledge of the opinions of philosophers of all the other schools; or else, having heard the matter mentioned once, they have surrendered themselves to the guidance of some one individual. But, I know not how it is, most people prefer being in error, and defending with the utmost pugnacity that opinion which they have taken a fancy to, to inquiring without any obstinacy what is said with the greatest consistency.

And these subjects were very frequently and very copiously discussed by us at other times, and once also in the villa of Hortensius, which is at Bauli, when Catulus, and Lucullus, and I myself had arrived there the day after we had been staying with Catulus. And we had come thither rather early in the day, because we had intended, if the wind was fair, to set sail, Lucullus for his villa near Naples, and I myself towards mine, in the district of Pompeii. When, therefore, we had had a short conversation on the terrace, we sat down where we were.

IV. Then Catulus said, — Although what we were inquiring into yesterday was almost wholly explained in such a manner that nearly the whole question appears to have been discussed, still I long to

hear what you promised to tell us, Lucullus, as being what you had learnt from Antiochus. I, indeed, said Hortensius, did more than I intended, for the whole matter ought to have been left untouched for Lucullus, and indeed, perhaps it was: for I only said such things as occurred to me at the moment; but I hope to hear something more recondite from Lucullus.

Lucullus rejoined, I am not much troubled, Hortensius, at your expectation, although there is nothing so unfavourable for those who wish to give pleasure; but still, as I am not very anxious about how far I can prove to your satisfaction the arguments which I advance, I am the less disturbed. For the arguments which I am going to repeat are not my own, nor such that, if they are incorrect, I should not prefer being defeated to gaining the victory; but, in truth, as the case stands at present, although the doctrines of my school were somewhat shaken in yesterday's discussion, still they do seem to me to be wholly true. I will therefore argue as Antiochus used to argue; for the subject is one with which I am well acquainted. For I used to listen to his lectures with a mind quite unengaged, and with great pleasure, and, moreover, he frequently discussed the same subject over again; so that you have some grounds for expecting more from me than you had from Hortensius a little while ago. When he had begun in this manner we prepared to listen with great attention.

And he spoke thus: — When I was at Alexandria, as proquæstor, Antiochus was with me, and before my arrival, Heraclitus, of Tyre, a friend of Antiochus, had already settled in Alexandria, a man who had been for many years a pupil of Clitomachus and of Philo, and who had a great and deserved reputation in that school, which having been almost utterly discarded, is now coming again into fashion; and I used often to hear Antiochus arguing with him; but they both conducted their discussions with great gentleness. And just at that time those two books of Philo which were yesterday mentioned by Catulus had been brought to Alexandria, and had for the first time come under the notice of Antiochus; and he, though naturally a man of the mildest disposition, (nor indeed was it possible for any one to be more peaceable than he was,) was nevertheless a little provoked. I was surprised, for I had never seen him so before: but he, appealing to the recollection of Heraclitus, began to inquire of him whether he

had seen those works of Philo, or whether he had heard the doctrines contained in them, either from Philo or from any one else of the Academic school? And he said that he had not; however, he recognised the style of Philo, nor, indeed, could there be any doubt about it; for some friends of mine, men of great learning, Publius and Caius Setilius, and Tetrilius Rogus were present, who said that they heard Philo advance such operations at Rome; and who said that they had written out those two books from his dictation. Then Antiochus repeated what Catulus mentioned yesterday, as having been said to Philo by his father, and many other things besides; nor did he forbear even to publish a book against his own master, which is called "Sosus."

I therefore, then, as I was much interested in hearing Heraclitus arguing against Antiochus, and Antiochus against the Academicians, paid great attention to Antiochus, in order to learn the whole matter from him. Accordingly, for many days, collecting together Heraclitus and several learned men, and among them Aristus, the brother of Antiochus, and also Ariston and Dion, men whom he considered only second to his brother in genius, we devoted a great deal of time to that single discussion.

But we must pass over that part of it which was bestowed on refuting the doctrines of Philo; for he is a less formidable adversary, who altogether denies that the Academicians advance those arguments which were maintained yesterday. For although he is quite wrong as to the fact, still he is a less invincible adversary. Let us speak of Arcesilas and Carneades.

V. And having said this, he began again: — You appear to me, in the first place, (and he addressed me by name,) when you speak of the old natural philosophers, to do the same thing that seditious citizens are in the habit of doing when they bring forward some illustrious men of the ancients, who they say were friends of the people, in the hope of being themselves considered like them. They go back to Publius Valerius, who was consul the first year after the expulsion of the kings. They enumerate all the other men who have passed laws for the advantage of the people concerning appeals when they were consuls; and then they come down to these better known men, Caius Flaminius, who, as tribune of the people, passed an

Agrarian law some years before the second Punic war, against the will of the senate, and who was afterwards twice elected consul; to Lucius Cassius and Quintus Pompeius; they are also in the habit of classing Publius Africanus in the same list; and they assert that those two brothers of infinite wisdom and exceeding glory, Publius Crassus and Publius Scævola, were the advisers of Tiberius Gracchus, in the matter of the laws which he proposed; the one, indeed, as we see, openly; the other, as we suspect, in a more concealed manner. They add also Caius Marius; and with respect to him they speak truly enough: then, having recounted the names of so many illustrious men, they say that they are acting up to their principles.

In like manner, you, when you are seeking to overturn a well-established system of philosophy, in the same way as those men endeavoured to overturn the republic, bring forward the names of Empedocles, Anaxagoras, Democritus, Parmenides, Xenophanes, and even Plato and Socrates. But Saturninus, (that I may name my own enemy rather than any one else,) had nothing in him resembling those ancient men; nor are the ungrounded accusations of Arcesilas to be compared to the modesty of Democritus. And yet those natural philosophers, though very seldom, when they have any very great difficulty, make loud and violent outcries, as if under the influence of some great excitement, Empedocles, indeed, does so to such a degree, that he appears to me at times to be mad, crying out that all things are hidden, that we feel nothing, see nothing, and cannot find out the true character of anything whatever. But for the most part all those men appear to me to affirm some things rather too positively, and to profess that they know more than they really do know. But if they then hesitated while discussing new subjects, like children lately born, are we for that reason to think that nothing has been explained in so many ages by the greatest genius and the most untiring industry? May we not say that, after the establishment of some wise and important schools of philosophy, then, as Tiberius Gracchus arose in an excellent constitution, for the purpose of throwing everything into confusion, so Arcesilas rose up to overturn the established philosophy, and to shelter himself under the authority of those men who asserted that nothing could be known or perceived; in which number we ought not to include Plato or Socrates; the one

because he left behind him a most perfect school, namely, the Peripatetics and Academics, differing in name, but agreeing in all substantial matters: and from whom the Stoics themselves differ in words rather than in opinions. But Socrates, who always disparaged himself in arguing, attributed more knowledge to those whom he wished to refute. So, as he was speaking differently from what he really thought, he was fond of using that kind of dissimulation which the Greeks call εἰρωνεία; which Fannius says Africanus also was in the habit of indulging in, and that that ought not be considered a bad habit in him, as it was a favourite practice of Socrates.

VI. But, however, we will allow, if you like, that all those things were unknown to the ancients: — was nothing effected then, by their being thoroughly investigated, after that Arcesilas, disparaging Zeno, (for that is supposed to have been his object,) as discovering nothing new, but only correcting previous changes of names, while seeking to upset his definitions, had attempted to envelop the clearest possible matters in darkness? And his system, which was at first not at all approved of, although it was illustrated both by acute genius and by an admirable wittiness of language, was in the next generation adopted by no one but Lacydes; but subsequently it was perfected by Carneades, who was the fourth in succession from Arcesilas; for he was the pupil of Hegesinus, who had been the pupil of Evander, the disciple of Lacydes, and Lacydes himself had been the pupil of Arcesilas; but Carneades maintained it for a long time, for he lived ninety years; and those who had been his pupils had a very high reputation, of whom Clitomachus displayed the most industry, as the number of books which he composed testifies; nor was there less brilliancy of genius in him than there was of eloquence in Charmadas, or of sweetness in Melanthius of Rhodes. But Metrodorus of Stratonice was thought to be the one who had the most thorough understanding of Carneades. And your friend Philo attended the lectures of Clitomachus for many years; but as long as Philo was alive the Academy was never in want of a head.

But the business that we now propose to ourselves, of arguing against the Academicians, appears to some philosophers, and those, too, men of no ordinary calibre, to be a thing that ought not to be done at all; and they think that there is no sense at all in, and no

method of disputing with men who approve of nothing; and they blame Antipater, the Stoic, who was very fond of doing so, and say that there is no need of laying down exact definitions of what knowledge is, or perception, or, if we want to render word for word, comprehension, which they call κατάληψις; and they say that those who wish to persuade men that there is anything which can be comprehended and perceived, are acting ignorantly; because there is nothing clearer than ἐνάργεια, as the Greeks call it, and which we may call perspicuity, or evidentness if you like, — coining words, if you will permit us to do so, that this fellow (meaning me) may not think that he is the only person to whom such liberties are permitted. Still they thought that no discourse could be found which should be more intelligible than evidentness itself; and they thought that there was no need of defining things which were so clear.

But others declared that they would never be the first to speak in behalf of this evidentness; but they thought that a reply ought to be made to those arguments which were advanced against it, to prevent any one being deceived by them. There are also many men who do not disapprove of the definitions of the evident things themselves, and who think the subject one worthy of being inquired into, and the men worthy of being argued with.

But Philo, while he raises some new questions, because he was scarcely able to withstand the things which were said against the obstinacy of the Academicians, speaks falsely, without disguise, as he was reproached for doing by the elder Catulus; and also, as Antiochus told him, falls into the very trap of which he was afraid. For as he asserted that there was nothing which could be comprehended, (for that is what we conceive to be meant by ἀκατάληπτος,) if that was, as Zeno defined it, such a perception, (for we have already spent time enough yesterday in beating out a word for φαντασία,) then a perception was extracted and produced out of that from which it originated, such as could be produced from that from which it did not originate. And we say that this matter was most excellently defined by Zeno; for how can anything be comprehended, so that you may feel absolutely sure that it has been perceived and known, which is of such a character that it is even possible that it may be false? Now when Philo upsets and denies this, he takes away

also all distinction between what is known and unknown; from which it follows that nothing can be comprehended; and so, without intending it, he is brought back to the point he least intended. Wherefore, all this discourse against the Academy is undertaken by us in order that we may retain that definition which Philo wished to overturn; and unless we succeed in that, we grant that nothing can be perceived.

VII. Let us begin then with the senses — the judgments of which are so clear and certain, that if an option were given to our nature, and if some god were to ask of it whether it is content with its own unimpaired and uncorrupted senses, or whether it desires something better, I do not see what more it could ask for. Nor while speaking on this topic need you wait while I reply to the illustration drawn from a bent oar, or the neck of a dove; for I am not a man to say that everything which seems is exactly of that character of which it seems to be. Epicurus may deal with this idea, and with many others; but in my opinion there is the very greatest truth in the senses, if they are in sound and healthy order, and if everything is removed which could impede or hinder them. Therefore we often wish the light to be changed, or the situation of those things which we are looking at; and we either narrow or enlarge distances; and we do many things until our sight causes us to feel confidence in our judgment. And the same thing takes place with respect to sounds, and smell, and taste, so that there is not one of us who, in each one of his senses, requires a more acute judgment as to each sort of thing.

But when practice and skill are added, so that one's eyes are charmed by a picture, and one's ears by songs, who is there who can fail to see what great power there is in the senses? How many things do painters see in shadows and in projections which we do not see? How many beauties which escape us in music are perceived by those who are practised in that kind of accomplishment? men who, at the first note of the flute-player, say, — That is the Antiope, or the Andromache, when we have not even a suspicion of it. There is no need for me to speak of the faculties of taste or smell; organs in which there is a degree of intelligence, however faulty it may be. Why should I speak of touch, and of that kind of touch which philosophers call the inner one, I mean the touch of pleasure or pain?

in which alone the Cyrenaics think that there is any judgment of the truth, because pleasure or pain are felt. Can any one then say that there is no difference between a man who is in pain and a man who is in pleasure? or can any one think that a man who entertains this opinion is not flagrantly mad?

But such as those things are which we say are perceived by the senses, such also are those things which are said to be perceived, not by the senses themselves, but by the senses after a fashion; as these things — that is white, this is sweet, that is tuneful, this is fragrant, that is rough. We have these ideas already comprehended by the mind, not by the senses. Again, this is a house, that is a dog. Then the rest of the series follows, connecting the more important links; such as these, which embrace, as it were, the full comprehension of things; — If he is a man, he is a mortal animal partaking of reason: — from which class of arguments the notions of things are impressed upon us, without which nothing can be understood, nor inquired into, nor discussed. But if those notions were false, (for you seemed to me to translate ἔννοιαι *notions*,) if, I say, they were false, or impressed, or perceptions of such a kind as not to be able to be distinguished from false ones; then I should like to know how we were to use them? and how we were to see what was consistent with each thing and what was inconsistent with it? Certainly no room at all is here left for memory, which of all qualities is the one that most completely contains, not only philosophy, but the whole practice of life, and all the arts. For what memory can there be of what is false? or what does any one remember which he does not comprehend and hold in his mind? And what art can there be except that which consists not of one, nor of two, but of many perceptions of the mind? and if you take these away, how are you to distinguish the artist from the ignorant man? For we must not say at random that this man is an artist, and deny that that man is; but we must only do so when we see that the one retains the things which he has perceived and comprehended, and that the other does not. And as some arts are of that kind that one can only see the fact in one's mind, others such that one can design and effect something, how can a geometrician perceive those things which have no existence, or which cannot be distinguished from what is false? or how can he who plays on the lyre complete his

rhythm, and finish verses? And the same will be the case with respect to similar arts, whose whole work consists in acting and in effecting something. For what is there that can be effected by art, unless the man who exercises the art has many perceptions?

VIII. And most especially does the knowledge of virtues confirm the assertion that many things can be perceived and comprehended. And in those things alone do we say that science exists; which we consider to be not a mere comprehension of things, but one that is firm and unchangeable; and we consider it also to be wisdom, the art of living which, by itself, derives consistency from itself. But if that consistency has no perception or knowledge about it, then I ask whence it has originated and how? I ask also, why that good man who has made up his mind to endure every kind of torture, to be torn by intolerable pain, rather than to betray his duty or his faith, has imposed on himself such bitter conditions, when he has nothing comprehended, perceived, known, or established, to lead him to think that he is bound to do so? It cannot, then, by any possibility be the case that any one should estimate equity and good faith so highly as to shrink from no punishment for the sake of preserving them, unless he has assented to those facts which cannot be false. But as to wisdom itself, if it be ignorant of its own character, and if it does not know whether it be wisdom or not, in the first place, how is it to obtain its name of wisdom? Secondly, how will it venture to undertake any exploit, or to perform it with confidence, when it has nothing certain to follow? But when it doubts what is the chief and highest good, being ignorant to what everything is referred, how can it be wisdom?

And that also is manifest, that it is necessary that there should be laid down in the first place a principle which wisdom may follow when it begins to act; and that principle must be adapted to nature. For otherwise, the desire, (for that is how I translate ὁρμὴ,) by which we are impelled to act, and by which we desire what has been seen, cannot be set in motion. But that which sets anything in motion must first be seen and trusted, which cannot be the case if that which is seen cannot be distinguished from what is false. But how can the mind be moved to desire anything, if it cannot be perceived whether that which is seen is adapted to nature or inconsistent with it?

And again, if it does not occur to a man's mind what his duty is, he will actually never do anything, he will never be excited to any action, he will never be moved. But if he ever is about to do anything, then it is necessary that that which occurs to him must appear to him to be true. What! But if those things are true, is the whole of reason, which is, as it were, the light and illumination of life, put an end to? And still will you persist in that wrong-headedness? For it is reason which has brought men the beginning of inquiry, which has perfected virtue, after reason herself had been confirmed by inquiry. But inquiry is the desire of knowledge; and the end of inquiry is discovery. But no one can discover what is false; nor can those things which continue uncertain be discovered. But when those things which have, as it were, been under a veil, are laid open, then they are said to be discovered; and so reason contains the beginning of inquiry, and the end of perceiving and comprehending. Therefore the conclusion of an argument, which in Greek is called ἀπόδειξις, is thus defined: — Reason, which leads one from facts which are perceived, to that which was not perceived.

IX. But if all things which are seen were of that sort that those men say they are, so that they either could possibly be false, or that no discernment could distinguish whether they were false or not, then how could we say that any one had either formed any conclusion, or discovered anything? Or what trust could be placed in an argument when brought to a conclusion? And what end will philosophy itself have, which is bound to proceed according to reason? And what will become of wisdom? which ought not to doubt about its own character, nor about its decrees, which philosophers call δόγματα; none of which can be betrayed without wickedness. For when a decree is betrayed, the law of truth and right is betrayed too. From which fault betrayals of friendships and of republics often originate. It cannot, therefore be doubted, that no rule of wisdom can possibly be false; and it ought not to be enough for the wise man that it is not false, but it ought also to be steady, durable, and lasting; such as no arguments can shake. But none can either be, or appear such, according to the principle of those men who deny that those perceptions in which all rules originate are in any respect different from false ones; and from this assertion arose the demand which was

repeated by Hortensius, that you would at least allow that the fact that nothing can be perceived has been perceived by the wise man. But when Antipater made the same demand, and argued that it was unavoidable that the man who affirmed that nothing could be perceived should nevertheless admit that this one thing could be perceived, — namely, that nothing else could, — Carneades resisted him with great shrewdness. For he said that this admission was so far from being consistent with the doctrine asserted, that it was above all others incompatible with it: for that a man who denied that there was anything which could be perceived excepted nothing. And so it followed of necessity, that even that very thing which was not excepted, could not be comprehended and perceived in any possible manner.

Antiochus, on this topic, seems to press his antagonist more closely. For since the Academicians adopted that rule, (for you understand that I am translating by this word what they call δόγμα,) that nothing can be perceived, he urged that they ought not to waver in their rule as in other matters, especially as the whole of their philosophy consisted in it: for that the fixing of what is true and false, known and unknown, is the supreme law of all philosophy. And since they adopted this principle, and wished to teach what ought to be received by each individual, and what rejected, undoubtedly, said he, they ought to perceive this very thing from which the whole judgment of what is true and false arises. He urged, in short, that there were these two principal objects in philosophy, the knowledge of truth, and the attainment of the chief good; and that a man could not be wise who was ignorant of either the beginning of knowledge, or of the end of desire, so as not to know either where to start from, or whither to seek to arrive at. But that to feel in doubt on these points, and not to have such confidence respecting them as to be unable to be shaken, is utterly incompatible with wisdom.

In this manner, therefore, it was more fitting to demand of them that they should at least admit that this fact was perceived, namely, that nothing could be perceived. But enough, I imagine, has been said of the inconsistency of their whole opinion, if, indeed, you can say that a man who approves of nothing has any opinion at all.

X. The next point for discussion is one which is copious enough,

but rather abstruse; for it touches in some points on natural philosophy, so that I am afraid that I may be giving the man who will reply to me too much liberty and licence. For what can I think that he will do about abstruse and obscure matters, who seeks to deprive us of all light? But one might argue with great refinement the question, — with how much artificial skill, as it were, nature has made, first of all, every animal; secondly, man most especially; — how great the power of the senses is; in what manner things seen first affect us; then, how the desires, moved by these things, followed; and, lastly, in what manner we direct our senses to the perception of things. For the mind itself, which is the source of the senses, and which itself is sense, has a natural power, which it directs towards those things by which it is moved. Therefore it seizes on other things which are seen in such a manner as to use them at once; others it stores up; and from these memory arises: but all other things it arranges by similitudes, from which notions of things are engendered; which the Greeks call, at one time ἔννοιαι, and at another προλήψεις. And when to this there is added reason and the conclusion of the argument, and a multitude of countless circumstances, then the perception of all those things is manifest, and the same reason, being made perfect by these steps, arrives at wisdom.

As, therefore, the mind of man is admirably calculated for the science of things and the consistency of life, it embraces knowledge most especially. And it loves that κατάληψις, (which we, as I have said, will call *comprehension*, translating the word literally,) for its own sake, (for there is nothing more sweet than the light of truth,) and also because of its use; on which account also it uses the senses, and creates arts, which are, as it were, second senses; and it strengthens philosophy itself to such a degree that it creates virtue, to which single thing all life is subordinate. Therefore, those men who affirm that nothing can be comprehended, take away by their assertion all these instruments or ornaments of life; or rather, I should say, utterly overturn the whole of life, and deprive the animal itself of mind (*animo*), so that it is difficult to speak of their rashness as the merits of the case require.

Nor can I sufficiently make out what their ideas or intentions really are. For sometimes, when we address them with this argument,

— that if the doctrines which we are upholding are not true, then everything must be uncertain: they reply, — Well, what is that to us? is that our fault? blame nature, who, as Democritus says, has buried truth deep in the bottom of the sea.

But others defend themselves more elegantly, who complain also that we accuse them of calling everything uncertain; and they endeavour to explain how much difference there is between what is uncertain and what cannot be perceived, and to make a distinction between them. Let us, then, now deal with those who draw this distinction, and let us abandon, as incurable and desperate, those who say that everything is as uncertain as whether the number of the stars be odd or even. For they contend, (and I noticed that you were especially moved by this,) that there is something probable, and, as I may say, likely; and that they adopt that likelihood as a rule in steering their course of life, and in making inquiries and conducting discussions.

XI. But what rule can there be, if we have no notion whatever of true or false, because it is impossible to distinguish one from the other? For, if we have such a notion, then there must be a difference between what is true and what is false, as there is between what is right and what is wrong. If there is no difference, then there is no rule; nor can a man to whom what is true and what is false appear under one common aspect, have any means of judging of, or any mark at all by which he can know the truth. For when they say, that they take away nothing but the idea of anything being able to appear in such a manner that it cannot possibly appear false in the same manner but that they admit everything else, they are acting childishly. For though they have taken away that by which everything is judged of, they deny that they take away the rest; just as if a person were to deprive a man of his eyes, and then say that he has not taken away from him those things which can be seen. For just as those things are known by the eyes, so are the other things known by the perceptions; but by a mark belonging peculiarly to truth, and not common to what is true and false.

Wherefore, whether you bring forward a perception which is merely probable, or one which is at once probable and free from all hindrance, as Carneades contended, or anything else that you may

follow, you will still have to return to that perception of which we are treating. But in it, if there be but one common characteristic of what is false and true, there will be no judgment possible, because nothing peculiar can be noted in one sign common to two things: but if there be no such community, then I have got what I want; for I am seeking what appears to me to be so true, that it cannot possibly appear false.

They are equally mistaken when, being convicted and overpowered by the force of truth, they wish to distinguish between what is evident and what is perceived, and endeavour to prove that there is something evident, — being a truth impressed on the mind and intellect, — and yet that it cannot be perceived and comprehended. For how can you say distinctly that anything is white, when it may happen that that which is black may appear white? Or how are we to call those things evident, or to say that they are impressed faithfully on the mind, when it is uncertain whether it is really moved or only in an illusory manner? And so there is neither colour, nor body, nor truth, nor argument, nor sense, nor anything certain left us. And, owing to this, it frequently happens that, whatever they say, they are asked by some people, — Do you, then, perceive that? But they who put this question to them are laughed at by them; for they do not press them hard enough so as to prove that no one can insist upon any point, or make any positive assertion, without some certain and peculiar mark to distinguish that thing which each individual says that he is persuaded of.

What, then, is this probability of yours? For if that which occurs to every one, and which, at its first look, as it were, appears probable, is asserted positively, what can be more trifling? But if your philosophers say that they, after a certain degree of circumspection and careful consideration, adopt what they have seen as such, still they will not be able to escape from us. First of all, because credit is equally taken from all these things which are seen, but between which there is no difference; secondly, when they say that it can happen to a wise man, that after he has done everything, and exercised the most diligent circumspection, there may still be something which appears probable, and which yet is very far removed from being true, — how can they then trust themselves,

even if they (to use their own expression) approach truth for the most part, or even if they come as near to it as possible? For, in order to trust themselves, the distinctive mark of truth ought to be thoroughly known to them; and if that be obscure or concealed, what truth is there which they can seem to themselves to arrive at? And what can be so absurd a thing to say as, — This indeed is a sign of that thing, or a proof of it, and on that account I follow it; but it is possible that that which is indicated may either be false, or may actually have no existence at all?

XII. However, we have said enough about perception. For if any one wishes to invalidate what has been said, truth will easily defend itself, even if we are absent.

These things, then, which have now been explained, being sufficiently understood, we will proceed to say a little on the subject of assent and approbation, which the Greeks call συγκατάθεσις. Not that the subject itself is not an extensive one, but because the foundations have been already laid a little while ago. For when we were explaining what power there was in the senses, this point was at the same time established, that many things were comprehended and perceived by the senses, which is a thing which cannot take place without assent. Secondly, as this is the principal difference between an inanimate and an animated being, that the inanimate being does nothing, but the animated one does something (for it is impossible even to imagine what kind of animal that can be which does nothing) — either sense must be taken from it, or else assent (which is wholly in our own power) must be given. But mind is in some degree denied to those beings whom they will not allow either to feel or to assent. For as it is inevitable that one scale of a balance must be depressed when a weight is put in it, so the mind, too, must yield to what is evident; for just as it is impossible for any animal to forbear discerning what is manifestly suited to its nature (the Greeks call that οἰκεῖον), so it is equally impossible for it to withhold its assent to a manifest fact which is brought under its notice.

Although, if those principles which we have been maintaining are true, there is no advantage whatever in discussing assent. For he who perceives anything, assents immediately. But these inferences also follow, — that memory can have no existence without assent, no more can notions of things or arts. And what is most important of all is, that, although some things may be in our power, yet they will not be in the power of that man who assents to nothing. Where, then, is virtue, if nothing depends on ourselves? But it is above all things absurd that vices should be in the power of the agents, and that no one should do wrong except by deliberate consent to do so, and yet that this should not be the case with virtue; all the consistency and firmness of which depends on the things to which it has assented, and which it has approved. And altogether it is necessary that something should be perceived before we act, and before we assent to what is perceived; wherefore, he who denies the existence of perception or assent, puts an end to all action in life.

XIII. Now let us examine the arguments which are commonly advanced by this school in opposition to these principles. But, first of all, you have it in your power to become acquainted with what I may call the foundations of their system. They then, first of all, compound a sort of art of those things which we call perceptions, and define their power and kinds; and at the same time they explain what the character of that thing which can be perceived and comprehended is, in the very same words as the Stoics. In the next place, they explain those two principles, which contain, as it were, the whole of this question; and which appear in such a manner that even others may appear in the same, nor is there any difference between them, so that it is impossible that some of them should be perceived, and that others should not be perceived; but that it makes no difference, not only if they are in every part of the same character, but even if they cannot be distinguished.

And when these principles are laid down, then these men comprehend the whole cause in the conclusion of one argument. But this conclusion, thus compounded, runs in this way: “Of the things which are seen, some are true and some are false; and what is false

cannot be perceived, but that which appears to be true is all of such a character that a thing of the same sort may seem to be also false. And as to those things which are perceived being of such a sort that there is no difference between them, it cannot possibly happen that some of them can be perceived, and that others cannot; there is, then, nothing seen which can really be perceived."

But of the axioms which they assume, in order to draw the conclusions which they desire, they think that two ought to be granted to them; for no one objects to them. They are these: "That those perceptions which are false, cannot really be perceived;" and the second is—"Of those perceptions between which there is no difference, it is impossible that some should be of such a character that they can be perceived, and others of such a character that they cannot."

But their other propositions they defend by numerous and varied arguments, and they likewise are two in number. One is—"Of those things which appear, some are true and others false;" the other is —"Every perception which originates in the truth, is of such a character as it might be of, though originating in what is false." And these two propositions they do not pass by, but they expand in such a manner as to show no slight degree of care and diligence. For they divide them into parts, and those also large parts; first of all into the senses, then into those things which are derived from the senses, and from universal custom, the authority of which they wish to invalidate. Then they come to the point of laying it down that nothing can be perceived even by reason and conjecture. And these universal propositions they cut up into more minute parts. For as in our yesterday's discussion you saw that they acted with respect to the senses, so do they also act with respect to everything else. And in each separate thing which they divide into the most minute parts, they wish to make out that all these true perceptions have often false ones added to them, which are in no respect different from the true ones; and that, as they are of such a character, nothing can be comprehended.

XIV. Now all this subtlety I consider indeed thoroughly worthy of philosophy, but still wholly unconnected with the case which they

advocate who argue thus. For definitions, and divisions, and a discourse which employs these ornaments, and also similarities and dissimilarities, and the subtle and fine-drawn distinctions between them, belong to men who are confident that those arguments which they are upholding are true, and firm, and certain; and not to men who assert loudly that those things are no more true than false. For what would they do if, after they had defined anything, some one were to ask them whether that definition could be transferred to something else? If they said it could, then what reason could they give why it should be a true definition? If they said no, — then it must be confessed, since that definition of what is true cannot be transferred to what is false, that that which is explained by that definition can be perceived; which is the last thing they mean.

The same thing may be said on every article of the division. For if they say that they see clearly the things about which they are arguing, and they cannot be hindered by any similarity of appearance, then they will confess that they are able to comprehend those things. But if they affirm that true perceptions cannot be distinguished from false ones, how can they go any further? For the same objections will be made to them which have been made already; for an argument cannot be concluded, unless the premises which are taken to deduce the conclusion from are so established that nothing of the same kind can be false.

Therefore, if reason, relying on things comprehended and perceived, and advancing in reliance on them, establishes the point that nothing can be comprehended, what can be found which can be more inconsistent with itself? And as the very nature of an accurate discourse professes that it will develop something which is not apparent, and that, in order the more easily to succeed in its object, it will employ the senses and those things which are evident, what sort of discourse is that which is uttered by those men who insist upon it that everything has not so much an existence as a mere appearance?

But they are convicted most of all when they assume, as consistent with each other, these two propositions which are so utterly incompatible: first of all, — That there are some false perceptions; — and in asserting this they declare also that there are some which are true: and secondly, they add at the same time, —

That there is no difference between true perceptions and false ones. But you assumed the first proposition as if there were some difference; and so the latter proposition is inconsistent with the former, and the former with the latter.

But let us proceed further, and act so as in no respect to seem to be flattering ourselves; and let us follow up what is said by them, in such a manner as to allow nothing to be passed over.

In the first place, then, that evidentness which we have mentioned has sufficiently great power of itself to point out to us the things which are just as they are. But still, in order that we may remain with firmness and constancy in our trust in what is evident, we have need of a greater degree of either skill or diligence, in order not, by some sort of juggling or trick, to be driven away from those things which are clear of themselves. For Epicurus, who wished to remedy those errors, which seem to perplex one's knowledge of the truth, and who said that it was the duty of a wise man to separate opinion from evident knowledge, did no good at all; for he did not in the least remove the errors of opinion itself.

XV. Wherefore, as there are two causes which oppose what is manifest and evident, it is necessary also to provide oneself with an equal number of aids. For this is the first obstacle, that men do not sufficiently exert and fix their minds upon those things which are evident, so as to be able to understand how great the light is with which they are surrounded. The second is, that some men, being deluded and deceived by fallacious and captious interrogatories, when they cannot clear them up, abandon the truth. It is right, therefore, for us to have those answers ready which may be given in defence of the evidentness of a thing, — and we have already spoken of them, — and to be armed, in order to be able to encounter the questions of those people, and to scatter their captious objections to the winds: and this is what I propose to do next.

I will, therefore, explain their arguments one by one; since even they themselves are in the habit of speaking in a sufficiently lucid manner.

In the first place, they endeavour to show that many things can appear to exist, which in reality have no existence; when minds are

moved to no purpose by things which do not exist, in the same manner as by things that do. For when you say (say they) that some visions are sent by God, as those, for instance, which are seen during sleep, and those also which are revealed by oracles, and auspices, and the entrails of victims, (for they say that the Stoics, against whom they are arguing, admit all these things,) they ask how God can make those things probable which appear to be false; and how it is that He cannot make those appear so which plainly come as near as possible to truth? Or if He can likewise make those appear probable, why He cannot make the others appear so too, which are only with great difficulty distinguished from them? And if He can make these appear so, then why He cannot also make those things appear so which are absolutely different in no respect whatever?

In the next place, since the mind is moved by itself, — as those things which we picture to ourselves in thought, and those which present themselves to the sight of madmen or sleeping men declare, — is it not, say they, probable that the mind is also moved in such a manner, that not only it does not distinguish between the perceptions, as to whether they be true or false, but that there really is no difference between them? As, for instance, if any men of their own accord trembled and grew pale, on account of some agitation of mind, or because some terrible object came upon them from without, there would be no means of distinguishing one trembling and paleness from the other, nor indeed would there be any difference between the external and internal alarm which caused them.

Lastly, if no perceptions are probable which are false, then we must seek for other principles; but if they are probable, then why may not one say the same of such as are not easily distinguished from one another? Why not also of such as have actually no difference at all between them? Especially when you yourselves say that the wise man when enraged withholds himself from all assent, because there is no distinction between his perceptions which is visible to him.

XVI. Now on all these empty perceptions Antiochus brought forward a great many arguments, and one whole day was occupied in the discussion of this subject. But I do not think that I ought to adopt the same course, but merely to give the heads of what he said.

And in the first place, they are blameable in this, that they use a most captious kind of interrogation. And the system of adding or taking away, step by step, minute items from a proposition, is a kind of argument very little to be approved of in philosophy. They call it sorites, when they make up a heap by adding grain after grain; a very vicious and captious style of arguing. For you mount up in this way: — If a vision is brought by God before a man asleep of such a nature as to be probable (*probabile*), why may not one also be brought of such a nature as to be very like truth (*verisimile*)? If so, then why may not one be brought which can hardly be distinguished from truth? If so, then why may there not be one which cannot be distinguished at all? If so, then why may there not be such that there is actually no difference between them? — If you come to this point because I have granted you all the previous propositions, it will be my fault; but if you advance thither of your own accord, it will be yours. For who will grant to you either that God can do everything, or that even if He could He would act in that manner? And how do you assume that if one thing may be like another, it follows that it may also be difficult to distinguish between them? And then, that one cannot distinguish between them at all? And lastly, that they are identical? So that if wolves are like dogs, you will come at last to asserting that they are the same animals. And indeed there are some things not honourable, which are like things that are honourable; some things not good, like those that are good; some things proceeding on no system, like others which are regulated by system. Why then do we hesitate to affirm that there is no difference between all these things? Do we not even see that they are inconsistent? For there is nothing that can be transferred from its own genus to another. But if such a conclusion did follow, as that there was no difference between perceptions of different genera, but that some could be found which were both in their own genus and in one which did not belong to them, how could that be possible?

There is then one means of getting rid of all unreal perceptions, whether they be formed in the ideas, which we grant to be usually the case, or whether they be owing to idleness, or to wine, or to madness. For we say that clearness, which we ought to hold with the greatest tenacity, is absent from all visions of that kind. For who is there who,

when he imagines something and pictures it to himself in his thoughts, does not, as soon as he has stirred up himself, and recovered himself, feel how much difference there is between what is evident and what is unreal? The case of dreams is the same. Do you think that Ennius, when he had been walking in his garden with Sergius Galba, his neighbour, said to himself, — I have seemed to myself to be walking with Galba? But when he had a dream, he related it in this way, —

The poet Homer seem'd to stand before me.

And again in his Epicharmus he says —

For I seem'd to be dreaming, and laid in the tomb.

Therefore, as soon as we are awakened, we despise those things which we have seen, and do not regard them as we do the things which we have done in the forum.

XVII. But while these visions are being beheld, they assume the same appearance as those things which we see while awake. There is a good deal of real difference between them; but we may pass over that. For what we assert is, that there is not the same power or soundness in people when asleep that there is in them while waking, either in intellect or in sensation. What even drunken men do, they do not do with the same deliberate approbation as sober men. They doubt, they hesitate, they check themselves at times, and give but a feeble assent to what they see or agree too. And when they have slept off their drunkenness, then they understand how unreal their perceptions were. And the same thing is the case with madmen; that when their madness is beginning, they both feel and say that something appears to them to exist that has no real existence. And when their frenzy abates, they feel and speak like Alcmæon; —

But now my heart does not agree

With that which with my eyes I see.

But even in madness the wise man puts restraint upon himself, so far as not to approve of what is false as if it were true. And he does so often at other times, if there is by chance any heaviness or slowness in his senses, or if those things which are seen by him are rather obscure, or if he is prevented from thoroughly examining them by the shortness of the time. Although the whole of this fact, that the wise man sometimes suspends his assent, makes against you. For if

there were no difference between his perceptions, he would either suspend it always or never.

But from the whole character of this discussion we may see the worthless nature of the argument of those men who wish to throw everything into confusion. We want judgment, marked with gravity, consistency, firmness, and wisdom: and we use the examples of men dreaming, mad, or drunk. I press this point, that in all this discussion we are speaking with great inconsistency. For we should not bring forward men sunk in wine or sleep, or deprived of sense, in such an absurd manner as at one time to say there is a difference between the perceptions of men awake and sober and sensible, and those of men in a different condition, and at other times that there was no difference at all.

They do not even perceive that by this kind of argument they are making out everything to be uncertain, which they do not wish to do. I call that uncertain which the Greeks call ἄδηλον. For if the fact be that there is no difference between the appearance that a thing presents to a madman and to a person in his senses, then who can feel quite sure of his own sanity? And to wish to produce such an effect as that is a proof of no ordinary madness. But they follow up in a childish manner the likenesses of twins, or of impressions of rings. For who of us denies that there are such things as likenesses, when they are visible in numbers of things? But if the fact of many things being like many other things is sufficient to take away knowledge, why are you not content with that, especially as we admit it? And why do you rather insist upon that assertion which the nature of things will not suffer, that everything is not in its own kind of that character of which it really is? and that there is a conformity without any difference whatever in two or more things; so that eggs are entirely like eggs, and bees like bees? What then are you contending for? or what do you seek to gain by talking about twins? For it is granted that they are alike; and you might be content with that. But you try to make them out to be actually the same, and not merely alike; and that is quite impossible.

Then you have recourse to those natural philosophers who are so greatly ridiculed in the Academy, but whom you will not even now desist from quoting. And you tell us that Democritus says that there

are a countless number of worlds, and that there are some which are not only so like one another, but so completely and absolutely equal in every point, that there is no difference whatever between them, and that they are quite innumerable; and so also are men. Then you require that, if the world be so entirely equal to another world that there is absolutely not the slightest difference between them, we should grant to you that in this world of ours also there must be something exactly equal to something else, so that there is no difference whatever or distinction between them. For why, you will say, since there not only can be, but actually are innumerable Quinti Lutatii Catuli formed out of those atoms, from which Democritus affirms that everything is produced, in all the other worlds, which are likewise innumerable, — why may not there be a second Catulus formed in this identical world of ours, since it is of such a size as we see it?

XVIII. First of all I reply, that you are bringing me to the arguments of Democritus, with whom I do not agree. And I will the more readily refute them, on account of that doctrine which is laid down very clearly by the more refined natural philosophers, that everything has its own separate property. For grant that those ancient Servilii who were twins were as much alike as they are said to have been, do you think that that would have made them the same? They were not distinguished from one another out of doors, but they were at home. They were not distinguished from one another by strangers, but they were by their own family. Do we not see that this is frequently the case, that those people whom we should never have expected to be able to know from one another, we do by practice distinguish so easily that they do not appear to be even in the least alike?

Here, however, you may struggle; I will not oppose you. Moreover, I will grant that that very wise man who is the subject of all this discussion, when things like one another come under his notice, in which he has not remarked any special character, will withhold his assent, and will never agree to any perception which is not of such a character as a false perception can never assume. But with respect to all other things he has a certain art by which he can distinguish what is true from what is false; and with respect to those

similitudes he must apply the test of experience. As a mother distinguishes between twins by the constant practice of her eyes, so you too will distinguish when you have become accustomed to it. Do you not see that it has become a perfect proverb that one egg is like another? and yet we are told that at Delos (when it was a flourishing island) there were many people who used to keep large numbers of hens for the sake of profit; and that they, when they had looked upon an egg, could tell which hen had laid it. Nor does that fact make against our argument; for it is sufficient for us to be able to distinguish between the eggs. For it is impossible for one to assent to the proposition that this thing is that thing more, than by admitting that there is actually no difference at all between the two. For I have laid it down as a rule, to consider all perceptions true which are of such a character as those which are false cannot be. And from this I may not depart one finger's breadth, as they say, lest I should throw everything into confusion. For not only the knowledge of what is true and false, but their whole nature too, will be destroyed if there is no difference between one and the other. And that must be very absurd which you sometimes are in the habit of saying, when perceptions are imprinted on the mind, that what you say is, not that there is no difference between the impressions, but only that there is none between certain appearances and forms which they assume. As if perceptions were not judged of by their appearance, which can deserve or obtain no credit if the mark by which we are to distinguish truth from falsehood be taken away.

But that is a monstrous absurdity of yours, when you say that you follow what is probable when you are not hindered by anything from doing so. In the first place, how can you avoid being hindered, when what is false does not differ from what is true? Secondly, what judgment can be formed of what is true, when what is true is undistinguishable from what is false? From these facts there springs unavoidably ἐποχή, that is to say, a suspension of assent: for which Arcesilas is more consistent, if at least the opinions which some people entertain of Carneades are correct. For if nothing can be perceived, as they both agree in thinking, then all assent is taken away. For what is so childish as to talk of approving of what is not known? But even yesterday we heard that Carneades was in the

habit, at times, of descending to say that a wise man would be guided by opinion, that is to say, would do wrong. To me, indeed, it is not so certain that there is anything which can be comprehended, a question which I have now spent too much time in discussing, as that a wise man is never guided by opinion, that is to say, never assents to anything which is either false or unknown.

There remains this other statement of theirs, that for the sake of discovering the truth, one ought to speak against every side, and in favour of every side. I wish then to see what they have discovered. We are not in the habit, says he, of showing that. What then is the object of all this mystery? or why do you conceal your opinion as something discreditable? In order, says he, that those who hear us may be influenced by reason rather than led by authority. What if they are influenced by both? would there be any harm in that? However, they do not conceal one of their theories, namely, that there is nothing which can be conceived. Is authority no hindrance to entertaining this opinion? It seems to me to be a great one. For who would ever have embraced so openly and undisguisedly such perverse and false principles, if there had not been such great richness of ideas and power of eloquence in Arcesilas, and, in a still greater degree, in Carneades?

XIX. These are nearly the arguments which Antiochus used to urge at Alexandria, and many years afterwards, with much more positiveness too, in Syria, when he was there with me, a little before he died. But, as my case is now established, I will not hesitate to warn you, as you are my dearest friend, (he was addressing me,) and one a good deal younger than myself.

Will you, then, after having extolled philosophy with such panegyrics, and provoked our friend Hortensius, who disagrees with us, now follow that philosophy which confounds what is true with what is false, deprives us of all judgment, strips us of the power of approval, and robs us of all our senses? Even the Cimmerians, to whom some god, or nature, or the foulness of the country that they inhabited, had denied the light of the sun, had still some fires which they were permitted to avail themselves of as if they were light. But those men whom you approve of, after having enveloped us in such darkness, have not left us a single spark to enable us to look around

by. And if we follow them, we become bound with such chains that we cannot move. For when assent is taken away, they take away at the same time all motion of our minds, and all our power of action; which not only cannot be done rightly, but which cannot possibly be done at all. Beware, also, lest you become the only person who is not allowed to uphold that opinion. Will you, when you have explained the most secret matters and brought them to light, and said on your oath that you have discovered them, (which, indeed, I could swear to also, since I learnt them from you,) — will you, I say, assert that there is nothing which can be known, comprehended, or perceived? Beware, I entreat you, lest the authority of those most beautiful actions be diminished by your own conduct.

And having said this he stopped. But Hortensius, admiring all he said very greatly, (so much, indeed, that all the time that Lucullus was speaking he kept lifting up his hands; and it was no wonder, for I do not believe that an argument had ever been conducted against the Academy with more acuteness,) began to exhort me, either jestingly or seriously, (for that was a point that I was not quite sure about,) to abandon my opinions. Then, said Catulus, if the discourse of Lucullus has had such influence over you, — and it has been a wonderful exhibition of memory, accuracy, and ingenuity, — I have nothing to say; nor do I think it my duty to try and deter you from changing opinion if you choose. But I should not think it well for you to be influenced merely by his authority. For he was all but warning you, said he, jestingly, to take care that no worthless tribune of the people, of whom you know what a number there will always be, seize upon you, and ask of you in the public assembly how you are consistent with yourself, when at one time you assert that nothing certain can be discovered, and at another time affirm that you yourself have discovered something. I entreat you, do not let him terrify you. But I would rather have you disagree with him on the merits of the case itself. But if you give in to him, I shall not be greatly surprised; for I recollect that Antiochus himself, after he had entertained such opinions for many years, abandoned them as soon as he thought it desirable. When Catulus had said this, they all began to fix their eyes on me.

XX. Then I, being no less agitated than I usually am when

pleading important causes, began to speak something after this fashion: —

The discourse of Lucullus, O Catulus, on the matter itself, moved me a good deal, being the discourse of a learned and ingenious and quick-witted man, and of one who passes over nothing which can be said for his side; but still I am not afraid but that I may be able to answer him. But no doubt such authority as his would have influenced me a good deal, if you had not opposed your own to it, which is of equal weight. I will endeavour, therefore, to reply to him after I have said a few words in defence of my own reputation, as it were.

If it is by any desire of display, or any zeal for contentious disputes, that I have been chiefly led to rank myself as an adherent of this school of philosophy, I should think not only my folly, but also my disposition and nature deserving of severe censure; for if obstinacy is found fault with in the most trifling matters, and if also calumny is repressed, should I choose to contend with others in a quarrelsome manner about the general condition and conduct of my whole life, or to deceive others and also my own self? Therefore, if I did not think it foolish in such a discussion to do what, when one is discussing affairs of state, is sometimes done, I would swear by Jupiter and my household gods, that I am inflamed with a desire of discovering the truth, and that I do truly feel what I say. For how can I avoid wishing to discover the truth, when I rejoice if I have discovered anything resembling the truth? But although I consider to see the truth a most beautiful thing, so also do I think it a most disgraceful one to approve of what is false as if it were true. Not, indeed, that I am myself a man who never approve of anything false, who never give assent to any such thing, and am never guided by opinion; but we are speaking of a wise man. But I myself am very apt to adopt opinions, for I am not a wise man, and I direct my thoughts, steering not to that little Cynosura,

The nightly star, which shining not in vain,
Guides the Phœnician sailor o'er the main,

as Aratus says; — and those mariners steer in a more direct course because they keep looking at the constellation,

Which in its inner course and orbit brief

Surely revolves; —

but looking rather towards Helice, and the bright north star, that is to say, to these reasons of a more expansive kind, not polished away to a point; and therefore I roam and wander about in a freer course. However, the question, as I said just now, is not about myself, but about a wise man. For when these perceptions have made a violent impression on the intellect and senses, I admit them, and sometimes I even assent to them, but still I do not perceive them: for I do not think that anything can be perceived. I am not a wise man, therefore I submit to perceptions and cannot resist them: but Arcesilas, being on this point in agreement with Zeno, thinks that this is the most important part of the power of a wise man, that he can guard against being entangled, and provide against being deceived. For there is nothing more incompatible with the idea which we have of the gravity of a wise man than error, levity, and temerity. Why, then, need I speak of the firmness of a wise man? whom even you too, Lucullus, admit to be never guided by mere opinion. And since this is sanctioned by you, (if I am dealing irregularly with you at this moment, I will soon return to the proper order of your arguments,) just consider what force this first conclusion has.

XXI. If the wise man ever assents to anything, he will likewise sometimes form opinions: but he never will form opinions: therefore he will never assent to anything. This conclusion was approved of by Arcesilas, for it confirmed both his first and second proposition. But Carneades sometimes granted that minor premiss, that the wise man did at times assent: then it followed that he also was at times guided by opinion; which you will not allow; and you are right, as it seems to me: but the first proposition, that the wise man, if he expresses assent, must also be guided by opinion, is denied by the Stoics and their follower on this point, Antiochus.

For they say that they can distinguish what is false from what is true, and what cannot be perceived from what can. But, in the first place, even if anything can be perceived, still the very custom of expressing assent appears to us to be perilous and unsure. Wherefore, as it is plain that is so faulty a proceeding, to assent to anything that is either false or unknown, all assent must rather be removed, lest it

should rush on into difficulties if it proceeds rashly. For what is false is so much akin to what is true, and the things which cannot be perceived to those which can, (if, indeed, there are any such, for we shall examine that point presently,) that a wise man ought not to trust himself in such a hazardous position.

But if I assume that there is actually nothing which can be perceived, and if I also take what you grant me, that a wise man is never guided by opinion, then the consequence will be that the wise man will restrain all assent on his part; so that you must consider whether you would rather have it so, or let the wise man sometimes form opinions. You do not approve of either, you will say. Let us, then, endeavour to prove that nothing can be perceived; for that is what the whole controversy turns upon.

XXII. But first I must say a few words to Antiochus; who under Philo learnt this very doctrine which I am now defending, for such a length of time, that it is certain that no one was ever longer studying it; and who wrote on these subjects with the greatest acuteness, and who yet attacked it in his old age with no less energy than he had defended it in his youth. Although therefore he may have been a shrewd arguer, as indeed he was, still his authority is diminished by his inconsistency. For what day, I should like to know, will ever dawn, which shall reveal to him that distinctive characteristic of what is true and what is false, of which for so many years he denied the existence? Has he devised anything new? He says the same that the Stoics say. Does he repent of having held such an opinion? Why did he not cross over to some other school, and especially to the Stoics? for this disagreement with the Academy was peculiarly theirs. What? did he repent of Mnesarchus or Dardanus, who at that time were the chiefs of the Stoics at Athens? He never deserted Philo till after the time when he himself began to have pupils.

But from whence was the Old Academy on a sudden recalled? He appears to have wished to preserve the dignity of the name, after he had given up the reality; which however some people said, that he did from a view to his own glory, and that he even hoped that those who followed him might be called Antiochians. But to me it seems, that he could not stand that concourse of all the philosophers. In

truth, there are among them all, some common principles on the other points; but this doctrine is peculiar to the Academicians, and not one of the other philosophers approves of it. Therefore, he quitted it; and, like those men who, where the new shops stand, cannot bear the sun, so he, when he was hot, took refuge under the shade of the Old Academicians, as those men do under the shade of the old shops near the pillar of Mænius. There was also an argument which he was in the habit of employing, when he used to maintain that nothing could be perceived; namely, asking whether Dionysius of Heraclea had comprehended the doctrine which he had espoused for many years, because he was guided by that certain characteristic, and whether he believed the doctrine of his master Zeno, that whatever was honourable was the only good; or, whether he adopted the assertion which he defended subsequently, that the name of honourableness is a mere phantom, and that pleasure is the chief good: for from this change of opinion on his part he wished to prove, that nothing can be so stamped on our minds by the truth, that it cannot also be impressed on them in the same manner by falsehood; and so he took care that others should derive from his own conduct the same argument which he himself had derived from Dionysius.

XXIII. But we will argue this point more at length another time; at present we will turn what has been said, Lucullus, to you. And in the first place, let us examine the assertion which you made at the beginning, and see what sort of assertion it is; namely, that we spoke of the ancient philosophers in a manner similar to that in which seditious men were in the habit of speaking of illustrious men, who were however friends of the people. These men do not indeed pursue good objects, but still wish to be considered to resemble good men; but we say that we hold those opinions, which you yourselves confess to have been entertained by the most illustrious philosophers. Anaxagoras said, that snow was black: would you endure me if I were to say the same? You would not bear even for me to express a doubt on the subject. But who is this man? is he a Sophist? for by that name were those men called, who used to philosophize for the sake of display or of profit. The glory of the gravity and genius of that man was great. Why should I speak of Democritus? Who is there whom we can compare with him for the greatness, not merely of his

genius, but also of his spirit? a man who dared to begin thus: “I am going to speak of everything.” He excepts nothing, so as not to profess a knowledge of it. For indeed, what could there possibly be beyond everything? Who can avoid placing this philosopher before Cleanthes, or Chrysippus, or all the rest of his successors? men who, when compared with him, appear to me to be in the fifth class.

But he does not say this, which we, who do not deny that there is some truth, declare cannot be perceived: he absolutely denies that there is any truth. He says that the senses are not merely dim, but utterly dark; for that is what Metrodorus of Chios, who was one of his greatest admirers, says of them, at the beginning of his book on Nature. “I deny,” says he, “that we know whether we know anything or whether we know nothing; I say that we do not even know what is ignorance and knowledge; and that we have no knowledge whether anything exists or whether nothing does.”

Empedocles appears to you to be mad; but to me he seems to utter words very worthy of the subjects of which he speaks. Does he then blind us, or deprive us of our senses, if he thinks that there is but little power in them to judge of those things which are brought under their notice? Parmenides and Xenophanes blame, as if they were angry with them, though in no very poetical verses, the arrogance of those people who, though nothing can be known, venture to say that they know something. And you said that Socrates and Plato were distinct from these men. Why so? Are there any men of whom we can speak more certainly? I indeed seem to myself to have lived with these men; so many of their discourses have been reported, from which one cannot possibly doubt that Socrates thought that nothing could be known. He excepted one thing only, asserting that he did know that he knew nothing; but he made no other exception. What shall I say of Plato? who certainly would never have followed up these doctrines in so many books if he had not approved of them; for there was no object in going on with the irony of the other, especially when it was so unceasing.

XXIV. Do I not seem to you, not, like Saturninus, to be content with naming illustrious men, but also sometimes even to imitate them, though never unless they are really eminent and noble? And I might have opposed to you men who are annoying to you, but yet

disputants of great accuracy; Stilpo, Diodorus, and Alexinus: men who indulged in far-fetched and pointed sophisms; for that was the name given usually to fallacious conclusions. But why need I enumerate them, when I have Chrysippus, who is considered to be the great support of the portico of the Stoics? How many of the arguments against the senses, how many against everything which is approved by ordinary practice, did he not refute! It is true that I do not think very much of his refutations; but still, let us grant that he did refute them. Certainly he would never have collected so many arguments to deceive us with their excessive probability, unless he saw that it was not easily possible to resist them.

What do you think of the Cyrenaic School? philosophers far from contemptible, who affirm that there is nothing which can be perceived externally; and that they perceive those things alone which they feel by their inmost touch, such as pain, or pleasure. And that they do not know what colour anything is of, or what sound it utters; but only feel that they themselves are affected in a certain manner.

We have said enough about authors: although you had asked me whether I did not think that since the time of those ancient philosophers, in so many ages, the truth might have been discovered, when so many men of genius and diligence were looking for it? What was discovered we will consider presently, and you yourself shall be the judge. But it is easily seen that Arcesilas did not contend with Zeno for the sake of disparaging him; but that he wished to discover the truth. No one, I say, of preceding philosophers had said positively, no one had even hinted that it was possible for man never to form opinions: and that for a wise man it was not only possible, but indispensable. The opinion of Arcesilas appeared not only true, but honourable and worthy of a wise man.

Perhaps he asked of Zeno what would happen if a wise man could not possibly perceive anything, and if to form mere opinion was unworthy of a wise man? He answered, I suppose, that the wise man never would form mere opinion, since there were things which admitted of being perceived. What then were they? Perceptions, I suppose. What sort of perceptions then? In reply to this he gave a definition, That it was such as is impressed and stamped upon and figured in us, according to and conformably to something which

exists. Afterwards the question was asked, whether, if such a perception was true, it was of the same character as one that was false? Here Zeno saw clearly enough that there was no perception that could be perceived at all, if the perception derived from that which is, could possibly resemble that which is derived from that which is not.

Arcesilas was quite right in admitting this. An addition was made to the definition; namely, That nothing false could be perceived; nor anything true either, if it was of such a character as that which was false. But he applied himself diligently to these discussions, in order to prove that no perception originated in what was true of such a kind that there might not be a similar one originating in what was false. And this is the one subject of controversy which has lasted to this day. For the other doctrine, that the wise man would never assent to anything, had nothing to do with this question. For it was quite possible for a man to perceive nothing, and nevertheless to be guided at times by opinion; which is said to have been admitted by Carneades. I, indeed, trusting rather to Clitomachus than to Philo or Metrodorus, believe that he argued this point rather than that he admitted it.

XXV. However, let us say no more about this. Undoubtedly, when opinion and perception are put an end to, the retention of every kind of assent must follow; as, if I prove that nothing can be perceived, you would then grant that a philosopher would never assent to anything. What is there then that can be perceived, if even the senses do not warn us of the truth? But you, O Lucullus, defend them by a common topic; and to prevent you from being able to do so it was, that I yesterday, when it was not otherwise necessary, said so much against the senses. But you say that you are not at all moved by “the broken oar” or “the dove’s neck.” In the first place, I will ask why? — for in the case of the oar, I feel that that which appears to be the case, is not really so; and that in the dove’s neck there appear to be many colours, but are not in reality more than one. Have we, then, said nothing more than this? Let all our arguments stand: that man is tearing his cause to pieces; he says that his senses are voracious. Therefore you have always one backer who will plead the cause at his own risk: for Epicurus brings the matter down to this

point, that if once in a man's life one of his senses has decided wrongly, none of them is ever to be trusted. This is what he calls being true, and confiding in his own witnesses, and urging his proofs to their just conclusion; therefore Timagoras the Epicurean declares, that when he had twisted his eye with his hand, he had never seen two flames appear out of one candle: for that the error was one of opinion, and not one of his eyes; just as if the question were what the fact is, and not what it appears to be. However, he is just like his predecessors. But as for you, who say that of the things perceived by your senses, some are true and some false, how do you distinguish between them? Cease, I beg of you, to employ common topics: we have plenty of them at home.

If any god were to ask you, while your senses are sound and unimpaired, whether you desire anything further, what would you answer? I wish, indeed, he would ask me! You should hear how ill he treats us: for how far are we to look in order to see the truth? I can see the Cumæan villa of Catulus from this place, but not his villa near Pompeii; not that there is any obstacle interposed, but my eyesight cannot extend so far. What a superb view! We see Puteoli, but we do not see our friend Avianus, though he may perhaps be walking in the portico of Neptune; there was, however, some one or other who is often spoken of in the Schools who could see things that were a thousand and eighty furlongs off; and some birds can see further still. I should therefore answer your god boldly, that I am not at all contented with these eyes of mine. He will tell me, perhaps, that I can see better than some fishes; which are not seen by us, and which even now are beneath our eyes, and yet they cannot look up far enough to see us: therefore, as water is shed around them, so a dense air is around us. But we desire nothing better. What? do you suppose that a mole longs for light? — nor would he complain to the god that he could not see far, but rather that he saw incorrectly. Do you see that ship? It appears to us to be standing still; but to those who are in that ship, this villa appears to be moving. Seek for the reason why it seems so, and if you discover it ever so much, and I do not know whether you may not be able to, still you will have proved, not that you have a trustworthy witness, but that he has not given false evidence without sufficient reason.

XXVI. What need had I to speak of the ship? for I saw that what I said about the oar was despised by you; perhaps you expect something more serious. What can be greater than the sun, which the mathematicians affirm to be more than eighteen times as large as the earth? How little does it appear to us! To me, indeed, it seems about a foot in diameter; but Epicurus thinks it possible that it may be even less than it seems, but not much; nor does he think that it is much greater, but that it is very near the size it seems to be: so that our eyes are either quite correct, or, at all events, not very incorrect. What becomes then of the exception, “If once...?” However, let us leave this credulous man, who does not believe that the senses are ever

wrong, — not even now, when that sun, which is borne along with such rapidity that it is impossible even to conceive how great its velocity is, nevertheless seems to us to be standing still.

However, to abridge the controversy, consider, I pray you, within what narrow bounds you are confined. There are four principles which conduct you to the conclusion that there is nothing which can be known, or perceived, or comprehended; — and it is about this that the whole dispute is. The first principle is, that some perceptions are false; the second, that such cannot be perceived; the third, that of perceptions between which there is no difference, it is not possible that some of them can be perceived and that others cannot; the fourth, that there is no true perception proceeding from the senses, to which there is not some other perception opposed which in no respect differs from it, and which cannot be perceived. Now of these four principles, the second and third are admitted by every one. Epicurus does not admit the first, but you, with whom we are now arguing, admit that one too, — the whole contest is about the fourth.

The man, then, who saw Publius Servilius Geminus, if he thought that he saw Quintus, fell into a perception of that kind that could not be perceived; because what was true was distinguished by no characteristic mark from what was false: and if this distinctive mark were taken away, what characteristic of the same kind could he have by which to recognise Caius Cotta, who was twice consul with Geminus, which could not possibly be false? You say that such a likeness as that is not in the nature of things. You fight the question vigorously, but you are fighting a peaceably disposed adversary. Grant, then, that it is not; at all events, it is possible that it should seem to be so; therefore it will deceive the senses. And if one likeness deceives them, it will have made everything doubtful; for when that judgment is once taken away by which alone things can be known, then, even if the person whom you see, be really the person whom he appears to you to be, still you will not judge by that characteristic which you say you ought, being of such a character that one of the same kind cannot be false. If, therefore, it is possible that Publius Geminus may appear to you to be Quintus, what certainty have you that he may not appear to you to be Cotta though he is not, since some things do appear to you to be what they are not?

You say that everything has its own peculiar genus; that there is nothing the same as something else. That is a stoic doctrine, and one not very credible, for they say that there is not a single hair or a single grain in every respect like another hair or grain. These things could all be refuted, but I do not wish to be contentious; for it has nothing in the world to do with the question whether the things which are seen do not differ at all in any part, or whether they cannot be distinguished from another even though they do differ. But, granting that there cannot be such a likeness between men, can there not be such between statues? Tell me, could not Lysippus, using the same brass, the same composition of metals, the same atmosphere, water, and all other appliances, have made a hundred Alexanders exactly alike? How then could you distinguish between them? Again; if I, with this ring, make a hundred impressions on the same piece of wax, is it possible that there should be any difference to enable you to distinguish one from the other? — or, shall you have to seek out some ring engraver, since you have already found us a Delian poulterer who could recognise his eggs?

XXVII. But you have recourse to art, which you call in to the aid of the senses. A painter sees what we do not see; and as soon as a flute-player plays a note the air is recognised by a musician. Well? Does not this argument seem to tell against you, if, without great skill, such as very few persons of our class attain to, we can neither see nor hear? Then you give an excellent description of the skill with which nature has manufactured our senses, and intellect, and the whole construction of man, in order to prevent my being alarmed at rashness of opinions. Can you also, Lucullus, affirm that there is any power united with wisdom and prudence which has made, or, to use your own expression, manufactured man? What sort of a manufacture is that? Where is it exercised? when? why? how? These points are all handled ingeniously, they are discussed even elegantly. Let it be said even that they appear likely; only let them not be affirmed positively. But we will discuss natural philosophy hereafter, and, indeed, we will do so that you, who said a little while ago that I should speak of it, may appear not to have spoken falsely.

However, to come to what is clearer, I shall now bring forward general facts on which whole volumes have been filled, not only by

those of our own School, but also by Chrysippus. But the Stoics complain of him, that, while he studiously collected every argument which could be brought forward against the senses and clearness, and against all custom, and against reason, when he came to reply to himself, he was inferior to what he had been at first; and therefore that, in fact, he put arms into the hands of Carneades. Those arguments are such as have been ingeniously handled by you. You said that the perceptions of men asleep, or drunk, or mad, were less vigorous than those of men awake, sober, and sane. How do you prove that? because, when Ennius had awakened, he would not say that he had seen Homer, but only that Homer had seemed to be present. And Alcmæon says —

My heart distrusts the witness of my eyes.

And one may say the same of men who are drunk. As if any one denied that when a man has awakened he ceases to think his dreams true; and that a man whose frenzy has passed away, no longer conceives those things to be real which appeared so to him during his madness. But that is not the question: the question is, how those things appear to us, at the time when they do appear. Unless, indeed, we suppose that Ennius heard the whole of that address —

O piety of the soul....

(if, indeed, he did dream it), just as he would have heard it if he had been awake. For when awake, he was able to think those things phantoms — as, in fact, they were — and dreams. But while he was asleep, he felt as sure of their reality as if he had been awake. Again, Iliona, in that dream of hers, where she hears —

Mother, I call on you....

does she not believe that her son has spoken, just as she would have believed it if she had been awake? On which account she adds —

Come now, stand here, remain, and hear my words,

And once again repeat those words to me.

Does she here seem to place less trust in what she has seen than people do when awake?

XXVIII. Why should I speak of madmen? — such as your relation Tuditanus was, Catulus. Does any man, who may be ever so

much in his senses, think the things which he sees as certain as he used to think those that appeared to him? Again, the man who cries out —

I see you now, I see you now alive,
Ulysses, while such sight is still allow'd me;

does he not twice cry out that he is seeing what he never sees at all? Again, when Hercules, in Euripides, shot his own sons with his arrows, taking them for the sons of Eurystheus, — when he slew his wife, — when he endeavoured even to slay his father, — was he not worked upon by false ideas, just as he might have been by true ones? Again, does not your own Alcmæon, who says that his heart distrusts the witness of his eyes, say in the same place, while inflamed by frenzy —

Whence does this flame arise?

And presently afterwards —

Come on; come on; they hasten, they approach;
They seek for me.

Listen, how he implores the good faith of the virgin: —

O bring me aid; O drive this pest away;
This fiery power which now doth torture me;
See, they advance, dark shades, with flames encircled,
And stand around me with their blazing torches.

Have you any doubt here that he appears to himself to see these things? And then the rest of his speech: —

See how Apollo, fair-hair'd God,
Draws in and bends his golden bow;
While on the left fair Dian waves her torch.

How could he have believed these things any more if they had really existed than he did when they only seemed to exist? For it is clear that at the moment his heart was not distrusting his eyes. But all these instances are cited in order to prove that than which nothing can be more certain, namely, that between true and false perceptions there is no difference at all, as far as the assent of the mind is concerned. But you prove nothing when you merely refute those false perceptions of men who are mad or dreaming, by their own recollection. For the question is not what sort of recollection those

people usually have who have awakened, or those who have recovered from madness, but what sort of perception madmen or dreamers had at the moment when they were under the influence of their madness or their dream. However, we will say no more about the senses.

What is there that can be perceived by reason? You say that Dialectics have been discovered, and that that science is, as it were, an arbiter and judge of what is true and false. Of what true and false? — and of true and false on what subject? Will a dialectician be able to judge, in geometry, what is true and false, or in literature, or in music? He knows nothing about those things. In philosophy, then? What is it to him how large the sun is? or what means has he which may enable him to judge what the chief good is? What then will he judge of? Of what combination or disjunction of ideas is accurate, — of what is an ambiguous expression, — of what follows from each fact, or what is inconsistent with it? If the science of dialectics judges of these things, or things like them, it is judging of itself. But it professed more. For to judge of these matters is not sufficient for the resolving of the other numerous and important questions which arise in philosophy. But, since you place so much importance in that art, I would have you to consider whether it was not invented for the express purpose of being used against you. For, at its first opening, it gives an ingenious account of the elements of speaking, and of the manner in which one may come to an understanding of ambiguous expressions, and of the principles of reasoning: then, after a few more things, it comes to the sorites, a very slippery and hazardous topic, and a class of argument which you yourself pronounced to be a vicious one.

XXIX. What then, you will say; are we to be blamed for that viciousness? The nature of things has not given us any knowledge of ends, so as to enable us, in any subject whatever, to say how far we can go. Nor is this the case only in respect of the heap of wheat, from which the name is derived, but in no matter whatever where the argument is conducted by minute questions: for instance, if the question be whether a man is rich or poor, illustrious or obscure, — whether things be many or few, great or small, long or short, broad or narrow, — we have no certain answer to give, how much must be

added or taken away to make the thing in question either one or the other.

But the sorites is a vicious sort of argument: — crush it, then, if you can, to prevent its being troublesome; for it will be so, if you do not guard against it. We have guarded against it, says he. For Chrysippus's plan is, when he is interrogated step by step (by way of giving an instance), whether there are three, or few, or many, to rest a little before he comes to the "many;" that is to say, to use their own language, ἡσυχάζειν. Rest and welcome, says Carneades; you may even snore, for all I care. But what good does he do? For one follows who will waken you from sleep, and question you in the same manner: — Take the number, after the mention of which you were silent, and if to that number I add one, will there be many? You will again go on, as long as you think fit. Why need I say more? for you admit this, that you cannot in your answers fix the last number which can be classed as "few," nor the first, which amounts to "many." And this kind of uncertainty extends so widely, that I do not see any bounds to its progress.

Nothing hurts me, says he; for I, like a skilful driver, will rein in my horses before I come to the end, and all the more if the ground which the horses are approaching is precipitous. And thus, too, says he, I will check myself, and not reply any more to one who addresses me with captious questions. If you have a clear answer to make, and refuse to make it, you are giving yourself airs; if you have not, even you yourself do not perceive it. If you stop, because the question is obscure, I admit that it is so; but you say that you do not proceed as far as what is obscure. You stop, then, where the case is still clear. If then all you do is to hold your tongue, you gain nothing by that. For what does it matter to the man who wishes to catch you, whether he entangles you owing to your silence or to your talking? Suppose, for instance, you were to say, without hesitation, that up to the number nine, is "few," but were to pause at the tenth; then you would be refusing your assent to what is certain and evident, and yet you will not allow me to do the same with respect to subjects which are obscure.

That art, therefore, does not help you against the sorites; inasmuch as it does not teach a man, who is using either the increasing or

diminishing scale, what is the first point, or the last. May I not say that that same art, like Penelope undoing her web, at last undoes all the arguments which have gone before? Is that your fault, or ours? In truth, it is the foundation of dialectics, that whatever is enunciated (and that is what they call ἀξίωμα, which answers to our word *effatum*,) is either true or false. What, then, is the case? Are these true or false? If you say that you are speaking falsely, and that that is true, you are speaking falsely and telling the truth at the same time. This, forsooth, you say is inexplicable; and that is more odious than our language, when we call things uncomprehended, and not perceived.

XXX. However, I will pass over all this. I ask, if those things cannot be explained, and if no means of judging of them is discovered, so that you can answer whether they are true or false, then what has become of that definition,—"That a proposition (*effatum*) is something which is either true or false?" After the facts are assumed I will add, that of them some are to be adopted, others impeached, because they are contrary to the first. What then do you think of this conclusion,—"If you say that the sun shines, and if you speak truth, therefore the sun does shine?" At all events you approve of the kind of argument, and you say that the conclusion has been most correctly inferred. Therefore, in teaching, you deliver that as the first mood in which to draw conclusions. Either, therefore, you will approve of every other conclusion in the same mood, or that art of yours is good for nothing. Consider, then, whether you are inclined to approve of this conclusion;—"If you say that you are a liar, and speak the truth, then you are a liar. But you do say that you are a liar, and you do speak the truth, therefore you are a liar." How can you avoid approving of this conclusion, when you approved of the previous one of the same kind?

These are the arguments of Chrysippus, which even he himself did not refute. For what could he do with such a conclusion as this, —"If it shines, it shines: but it does shine, therefore it does shine?" He must give in; for the principle of the connexion compels you to grant the last proposition after you have once granted the first. And in what does this conclusion differ from the other,—"If you lie, you lie; but you do lie, therefore you do lie?" You assert that it is

impossible for you either to approve or disapprove of this: if so, how can you any more approve or disapprove of the other? If the art, or the principle, or the method, or the force of the one conclusion avails, they exist in exactly the same degree in both.

This, however, is their last resource. They demand that one should make an exception with regard to these points which are inexplicable. I give my vote for their going to some tribune of the people; for they shall never obtain this exception from me. In truth, when they cannot prevail on Epicurus, who despises and ridicules the whole science of dialectics, to grant this proposition to be true, which we may express thus—"Hermachus will either be alive to-morrow or he will not;" when the dialecticians lay it down that every disjunctive proposition, such as "either yes or no" is not only true but necessary; you may see how cautious he is, whom they think slow. For, says he, if I should grant that one of the two alternatives is necessary, it will then be necessary either that Hermachus should be alive to-morrow, or not. But there is no such necessity in the nature of things. Let the dialecticians then, that is to say, Antiochus and the Stoics, contend with him, for he upsets the whole science of dialectics.

For if a disjunctive proposition made up of contraries, (I call those propositions contraries when one affirms and the other denies,) if, I say, such a disjunctive can be false, then no one is ever true. But what quarrel have they with me who am following their system? When anything of that kind happened, Carneades used to joke in this way:—"If I have drawn my conclusion correctly, I gain the cause: if incorrectly, Diogenes shall pay back a mina;" for he had learnt dialectics of that Stoic, and a mina was the pay of the dialecticians.

I, therefore, follow that system which I learnt from Antiochus; and I find no reason why I should judge "If it does shine, it does shine" to be true, because I have learnt that everything which is connected with itself is true; and yet not judge "If you lie, you lie," to be connected with itself in the same manner. Either, therefore, I must judge both this and that to be true, or, if I may not judge this to be true, then I cannot judge that to be.

XXXI. However, to pass over all those prickles, and all that tortuous kind of discussion, and to show what we are: — after having explained the whole theory of Carneades, all the quibbles of

Antiochus will necessarily fall to pieces. Nor will I say anything in such a way as to lead any one to suspect that anything is invented by me. I will take what I say from Clitomachus, who was with Carneades till his old age, a man of great shrewdness, (indeed, he was a Carthaginian,) and very studious and diligent. And he has written four books on the subject of withholding assent; but what I am going to say is taken out of the first.

Carneades asserts that there are two kinds of appearances; and that the first kind may be divided into those which can be perceived and those which cannot; and the other into those which are probable and those which are not. Therefore, those which are pronounced to be contrary to the senses and contrary to evidentness belong to the former division; but that nothing can be objected to those of the second kind. Wherefore his opinion is, that there is no appearance of such a character that perception will follow it, but many such as to draw after them probability. Indeed, it would be contrary to nature if nothing were probable; and that entire overturning of life, which you were speaking of, Lucullus, would ensue. Therefore there are many things which may be proved by the senses; only one must recollect that there is not in them anything of such a character that there may not also be something which is false, but which in no respect differs from it in appearance; and so, whatever happens which is probable in appearance, if nothing offers itself which is contrary to that probability, the wise man will use it; and in this way the whole course of life will be regulated.

And, in truth, that wise man whom you are bringing on the stage, is often guided by what is probable, not being comprehended, nor perceived, nor assented to, but only likely; and unless a man acts on such circumstances there is an end to the whole system of life. For what must happen? Has the wise man, when he embarks on board ship, a positive comprehension and perception in his mind that he will have a successful voyage? How can he? But suppose he goes from this place to Puteoli, thirty furlongs, in a seaworthy vessel, with a good pilot, and in fine weather like this, it appears probable that he will arrive there safe. According to appearances of this kind, then, he will make up his mind to act or not to act; and he will be more willing to find the snow white than Anaxagoras, who not only denied

that fact, but who affirmed, because he knew that water, from which snow was congealed, was of a dark colour, that snow did not even look white. And he will be influenced by anything which affects him in such a way that the appearance is probable, and not interfered with by any obstacle. For such a man is not cut out of stone or hewn out of oak. He has a body, he has a mind, he is influenced by intellect, he is influenced by his senses, so that many things appear to him to be true, and yet not to have conspicuous and peculiar characteristics by which to be perceived. And therefore the wise man does not assent to them, because it is possible that something false may exist of the same kind as this true thing. Nor do we speak against the senses differently from the Stoics, who say that many things are false, and are very different from the appearance which they present to the senses.

XXXII. But if this is the case, that one false idea can be entertained by the senses, you will find some one in a moment who will deny that anything can be perceived by the senses. And so, while we are silent, all perception and comprehension is done away with by the two principles laid down, one by Epicurus and the other by you. What is Epicurus's maxim? — If anything that appears to the senses be false, then nothing can be perceived. What is yours? — The appearances presented to the senses are false. — What is the conclusion? Even if I hold my tongue, it speaks for itself, that nothing can be perceived. I do not grant that, says he, to Epicurus. Argue then with him, as he is wholly at variance with you, but leave me alone, who certainly agree with you so far, that the senses are liable to error. Although nothing appears so strange to me, as that such things should be said, especially by Antiochus, to whom the propositions which I have just mentioned were thoroughly known. For although, if he pleases, any one may find fault with this, namely with our denying that anything can be perceived; at all events it is not a very serious reproof that we can have to endure. But as for our statement that some things are probable, this does not seem to you to be sufficient. Grant that it is not. At least we ought to escape the reproaches which are incessantly bandied about by you, "Can you, then, see nothing? can you hear nothing? is nothing evident to you?"

I explained just now, on the testimony of Clitomachus, in what

manner Carneades intended those statements to be taken. Hear now, how the same things are stated by Clitomachus in that book which he dedicated to Caius Lucilius, the poet, after he had written on the same subject to Lucius Censorinus, the one, I mean, who was consul with Marcus Manilius; he then used almost these very words; for I am well acquainted with them, because the first idea and arrangement of those very matters which we are now discussing is contained in that book. He then uses the following language —

"The philosophers of the Academy are of opinion that there are differences between things of such a kind that some appear probable, and others the contrary. But that it is not a sufficient reason for one's saying that some of these can be perceived and that others cannot, because many things which are false are probable; but nothing false can be perceived and known. Therefore, says he, those men are egregiously wrong who say that the Academics deny the existence of the senses; for they have never said that there is no such thing as colour, or taste, or sound; the only point they argue for is, that there is not in them that peculiar characteristic mark of truth and certainty which does not exist anywhere else."

And after having explained this, he adds, that there are two senses in which the wise man may be said to suspend his assent: one, when it is understood that he, as a general rule, assents to nothing; the other, when he forbears answering, so as to say that he approves or disapproves of anything, or, so as to deny or affirm anything. This being the case, he approves of the one sense, so as never to assent to anything; and adheres to the other, so as to be able to answer yes, or no, following probability whenever it either occurs or is wanting. And that one may not be astonished at one, who in every matter withholds himself from expressing his assent, being nevertheless agitated and excited to action, he leaves us perceptions of the sort by which we are excited to action, and those owing to which we can, when questioned, answer either way, being guided only by appearances, as long as we avoid expressing a deliberate assent. And yet we must look upon all appearances of that kind as probable, but only those which have no obstacles to counteract them. If we do not induce you to approve of these ideas, they may perhaps be false, but they certainly do not deserve odium. For we are not depriving you of

any light; but with reference to the things which you assert are perceived and comprehended, we say, that if they be only probable, they appear to be true.

XXXIII. Since, therefore, what is probable, is thus inferred and laid down, and at the same time disencumbered of all difficulties, set free and unrestrained, and disentangled from all extraneous circumstances; you see, Lucullus, that that defence of perspicuity which you took in hand is utterly overthrown. For this wise man of whom I am speaking will survey the heaven and earth and sea with the same eyes as your wise man; and will feel with the same senses all those other things which fall under each respective sense. That sea, which now, as the west wind is rising over it, appears purple to us, will appear so too to our wise man, but nevertheless he will not sanction the appearance by his assent; because, to us ourselves it appeared just now blue, and in the morning it appeared yellow; and now, too, because it sparkles in the sun, it is white and dimpled, and quite unlike the adjacent continent; so that, even if you could give an account why it is so, still you could not establish the truth of the appearance that is presented to the eyes.

Whence then, — for this was the question which you asked, — comes memory, if we perceive nothing, since we cannot recollect anything which we have seen unless we have comprehended it? What? Did Polyænus, who is said to have been a great mathematician, after he had been persuaded by Epicurus to believe all geometry to be false, forget all the knowledge which he had previously possessed? But that which is false cannot be comprehended as you yourselves assert. If, therefore, memory is conversant only with things which have been perceived and comprehended, then it retains as comprehended and perceived all that every one remembers. But nothing false can be comprehended; and Scyron recollects all the dogmas of Epicurus; therefore they are all true. For all I care, they may be; but you also must either admit that they are so, and that is the last thing in your thoughts, or else you must allow me memory, and grant that there is plenty of room for it, even if there be no comprehension or perception.

What then is to become of the arts? Of what arts? of those, which of their own accord confess that they proceed on conjecture more

than on knowledge; or of those which only follow what appears to them, and are destitute of that art which you possess to enable them to distinguish between truth and falsehood?

But there are two lights which, more than any others, contain the whole case; for, in the first place, you deny the possibility of any man invariably withholding his assent from everything. But that is quite plain; since Panætius, almost the greatest man, in my opinion, of all the Stoics, says that he is in doubt as to that matter, which all the Stoics except him think absolutely certain, namely as to the truth of the auspices taken by soothsayers, and of oracles, and dreams, and prophecies; and forbears to express any assent respecting them. And why, if he may pursue this course concerning those matters, which the men of whom he himself learnt considered unquestionable, why may not a wise man do so too in all other cases? Is there any position which a man may either approve or disapprove of after it has been asserted, but yet may not doubt about? May you do so with respect to the sorites whenever you please, and may not he take his stand in the same manner in other cases, especially when without expressing his assent he may be able to follow a probability which is not embarrassed by anything?

The second point is that you declare that man incapable of action who withholds his assent from everything. For first of all we must see in what assent consists. For the Stoics say that the senses themselves are assents; that desire comes after them, and action after desire. But that every thing is at an end if we deny perception.

XXXIV. Now on this subject many things have been said and written on both sides, but the whole matter may be summed up in a few words. For although I think it a very great exploit to resist one's perceptions, to withstand one's vague opinions, to check one's propensity to give assent to propositions, — and though I quite agree with Clitomachus, when he writes that Carneades achieved a Herculean labour when, as if it had been a savage and formidable monster, he extracted assent, that is to say, vague opinion and rashness, from our minds, — yet, supposing that part of the defence is wholly omitted, what will hinder the action of that man who follows probability, without any obstacle arising to embarrass him? This thing of itself, says he, will embarrass him, — that he will lay it

down, that even the thing he approves of cannot be perceived. And that will hinder you, also, in sailing, in planting, in marrying a wife, in becoming the parent of children, and in many things in which you follow nothing except what is probable.

And, nevertheless, you bring up again that old and often repudiated objection, to employ it not as Antipater did, but, as you say, in a closer manner. For you tell us that Antipater was blamed for saying, that it was consistent in a man who affirmed that nothing could be comprehended, to say that at least this fact of that impossibility could be comprehended; which appeared even to Antiochus to be a stupid kind of assertion, and contradictory to itself. For that it cannot be said with any consistency that nothing can be comprehended, if it is asserted at the same time that the fact of the impossibility can be comprehended. He thinks that Carneades ought rather to be pressed in this way: — As the wise man admits of no dogma except such as is comprehended, perceived, and known, he must therefore confess that this very dogma of the wise man, "that nothing can be perceived," is perceived; as if the wise man had no other maxim whatever, and as if he could pass his life without any. But as he has others, which are probable, but not positively perceived, so also has he this one, that nothing can be perceived. For if he had on this point any characteristic of certain knowledge, he would also have it on all other points; but since he has it not, he employs probabilities. Therefore he is not afraid of appearing to be throwing everything into confusion, and making it uncertain. For it is not admissible for a person to say that he is ignorant about duty, and about many other things with which he is constantly mixed up and conversant; as he might say, if he were asked whether the number of the stars is odd or even. For in things uncertain, nothing is probable; but as to those matters in which there is probability, in those the wise man will not be at a loss what to do, or what answer to give.

Nor have you, O Lucullus, omitted that other objection of Antiochus (and, indeed, it is no wonder, for it is a very notorious one,) by which he used to say that Philo was above all things perplexed. For when one proposition was assumed, that some appearances were false, and a second one that there was no difference between them and true ones, he said that that school

omitted to take notice that the former proposition had been granted by him, because there did appear to be some difference between appearances; but that that was put an end to by the second proposition, which asserted that there was no difference between false and true ones; for that no two assertions could be more contradictory. And this objection would be correct if we altogether put truth out of the question: but we do not; for we see both true appearances and false ones. But there is a show of probability in them, though of perception we have no sign whatever.

XXXV. And I seem to myself to be at this moment adopting too meagre an argument; for, when there is a wide plain, in which our discourse may rove at liberty, why should we confine it within such narrow straits, and drive it into the thickets of the Stoics? For if I were arguing with a Peripatetic, who said "that everything could be perceived which was an impression originating in the truth," and who did not employ that additional clause,—"in such a way as it could not originate in what was false," I should then deal plainly with a plain man, and should not be very disputatious. And even if, when I said that nothing could be comprehended, he was to say that a wise man was sometimes guided by opinion, I should not contradict him; especially as even Carneades is not very hostile to this idea. As it is, what can I do? For I am asking what there is that can be comprehended; and I am answered, not by Aristotle, or Theophrastus, or even Xenocrates or Polemo, but by one who is of much later date than they,—"A truth of such a nature as what is false cannot be." I find nothing of the sort. Therefore I will, in truth, assent to what is unknown; — that is to say, I will be guided by opinion. This I am allowed to do both by the Peripatetics and by the Old Academy; but you refuse me such indulgence, and in this refusal Antiochus is the foremost, who has great weight with me, either because I loved the man, as he did me, or because I consider him the most refined and acute of all the philosophers of our age.

And, first of all, I will ask him how it is that he is a follower of that Academy to which he professes to belong? For, to pass over other points, who is there, either of the Old Academy or of the Peripatetics, who has ever made these two assertions which are the subject of discussion, — either that that alone could be perceived

which was a truth of such a nature, as what was false could not be; or that a wise man was never guided by opinion? Certainly no one of them ever said so. Neither of these propositions was much maintained before Zeno's time. But I consider both of them true; and I do not say so just to serve the present turn, but it is my honest opinion.

XXXVI. This is what I cannot bear. When you forbid me to assent to what I do not know, and say such a proceeding is most discreditable, and full of rashness, — when you, at the same time, arrogate so much to yourself, as to take upon yourself to explain the whole system of wisdom, to unfold the nature of all things, to form men's manners, to fix the limits of good and evil, to describe men's duties, and also to undertake to teach a complete rule and system of disputing and understanding, will you be able to prevent me from never tripping while embracing all those multitudinous branches of knowledge? What, in short, is that school to which you would conduct me, after you have carried me away from this one? I fear you will be acting rather arrogantly if you say it is your own. Still you must inevitably say so. Nor, indeed, are you the only person who would say such a thing, but every one will try and tempt me to his own. Come; suppose I resist the Peripatetics, who say that they are closely connected with the orators, and that illustrious men who have been instructed by them have often governed the republic; — suppose that I withstand the Epicureans, so many of whom are friends of my own, — excellent, united, and affectionate men; — what am I to do with respect to Deodotus the Stoic, of whom I have been a pupil from my youth, — who has been living with me so many years, — who dwells in my house, — whom I admire and love, and who despises all those theories of Antiochus? Our principles, you will say, are the only true ones. Certainly the only true ones, if they are true at all; for there cannot be many true principles incompatible with one another. Are we then shameless who are unwilling to make mistakes; or they arrogant who have persuaded themselves that they are the only people who know everything? I do not, says he, assert that I, but that the wise man knows everything. Exactly so; that he knows those things which are the principles of your school. Now, in the first place, what an assertion it is that

wisdom cannot be explained by a wise man. — But let us leave off speaking of ourselves; let us speak of the wise man, about whom, as I have often said before, the whole of this discussion is.

Wisdom, then, is distributed by most people, and indeed by us, into three parts. First therefore, if you please, let us consider the researches that have been made into the nature of things. Is there any one so puffed up with a false opinion of himself as to have persuaded himself that he knows those things? I am not asking about those reasons which depend on conjecture, which are dragged every way by discussions, and which do not admit any necessity of persuasion. Let the geometricians look to that, who profess not to persuade men to believe them, but to compel them to do so; and who prove to you everything that they describe. I am not asking these men for those principles of the mathematicians, which, if they be not granted, they cannot advance a single step; such as that a point is a thing which has no magnitude, — that an extremity or levelness, as it were, is a space which has no thickness, — that a line is length without breadth. Though I should grant that all these axioms are true, if I were to add an oath, do you think a wise man would swear that the sun is many degrees greater than the earth, before Archimedes had, before his eyes, made out all those calculations by which it is proved? If he does, then he will be despising the sun which he considers a god. But if he will not believe the mathematical calculations which employ a sort of constraint in teaching, — as you yourselves say, — surely he will be very far from believing the arguments of philosophers; or, if he does believe any such, which school will he believe? One may explain all the principles of natural philosophers, but it would take a long time: I ask, however, whom he will follow? Suppose for a moment that some one is now being made a wise man, but is not one yet, — what system and what school shall he select above all others? For, whatever one he selects, he will select while he is still unwise. But grant that he is a man of godlike genius, which of all the natural philosophers will he approve of above all others? For he cannot approve of more than one. I will not pursue an infinite number of questions; only let us see whom he will approve of with respect to the elements of things of which all things are composed; for there is a great disagreement among the greatest men on this subject.

XXXVII. First of all, Thales, one of the seven, to whom they say that the other six yielded the preeminence, said that everything originated out of water; but he failed to convince Anaximander, his countryman and companion, of this theory; for his idea was that there was an infinity of nature from which all things were produced. After him, his pupil, Anaximenes, said that the air was infinite, but that the things which were generated from it were finite; and that the earth, and water, and fire, were generated, and that from them was produced everything else. Anaxagoras said that matter was infinite; but that from it were produced minute particles resembling one another; that at first they were confused, but afterwards brought into order by divine intellect. Xenophanes, who was a little more ancient still, asserted that all things were only one single being, and that that being was immutable and a god, not born, but everlasting, of a globular form. Parmenides considered that it is fire that moves the earth, which is formed out of it. Leucippus thought that there was a *plenum*, and a *vacuum*; Democritus resembled him in this idea, but was more copious on other matters: Empedocles adopts the theory of the four ordinary and commonly known elements. Heraclitus refers everything to fire; Melissus thinks that what exists is infinite, immutable, always has existed, and always will. Plato thinks that the world was made by God, so as to be eternal, out of matter which collects everything to itself. The Pythagoreans affirm that everything proceeds from numbers, and from the principles of mathematicians.

Now of all these different teachers the wise man will, I imagine, select some one to follow; all the rest, numerous, and great men as they are, will be discarded by him and condemned; but whichever doctrine he approves of he will retain in his mind, being comprehended in the same manner as those things which he comprehends by means of the senses; nor will he feel any greater certainty of the fact of its now being day, than, since he is a Stoic, of this world being wise, being endowed with intellect, which has made both itself and the world, and which regulates, sets in motion, and governs everything. He will also be persuaded that the sun, and moon, and all the stars, and the earth, and sea, are gods, because a certain animal intelligence pervades and passes through them all: but nevertheless that it will happen some day or other that all this world

will be burnt up with fire.

XXXVIII. Suppose that all this is true: (for you see already that I admit that something is true,) still I deny that these things are comprehended and perceived. For when that wise Stoic of yours has repeated all that to you, syllable by syllable, Aristotle will come forward pouring forth a golden stream of eloquence, and pronounce him a fool; and assert that the world has never had a beginning, because there never existed any beginning of so admirable a work from the adoption of a new plan: and that the world is so excellently made in every part that no power could be great enough to cause such motion, and such changes; nor could any time whatever be long enough to produce an old age capable of causing all this beauty to decay and perish. It will be indispensable for you to deny this, and to defend the former doctrine as you would your own life and reputation; may I not have even leave to entertain a doubt on the matter? To say nothing about the folly of people who assent to propositions rashly, what value am I to set upon a liberty which will not allow to me what is necessary for you? Why did God, when he was making everything for the sake of man, (for this is your doctrine,) make such a multitude of water-serpents and vipers? Why did he scatter so many pernicious and fatal things over the earth? You assert that all this universe could not have been made so beautifully and so ingeniously without some godlike wisdom; the majesty of which you trace down even to the perfection of bees and ants; so that it would seem that there must have been a Myrmecides among the gods; the maker of all animated things.

You say that nothing can have any power without God. Exactly opposite is the doctrine of Strato of Lampsacus, who gives that God of his exemption from all important business. But as the priests of the gods have a holiday, how much more reasonable is it that the gods should have one themselves? He then asserts that he has no need of the aid of the gods to account for the making of the world. Everything that exists, he says, was made by Nature: not agreeing with that other philosopher who teaches, that the universe is a concrete mass of rough and smooth, and hooked and crooked bodies, with the addition of a vacuum: this he calls a dream of Democritus, and says that he is here not teaching, but wishing; — but he himself,

examining each separate part of the world, teaches that whatever exists, and whatever is done, is caused, or has been caused, by natural weights and motions. In this way he releases God from a great deal of hard work, and me from fear; for who is there who, (when he thinks that he is an object of divine care,) does not feel an awe of the divine power day and night? And who, whenever any misfortunes happen to him (and what man is there to whom none happen?) feels a dread lest they may have befallen him deservedly — not, indeed, that I agree with that; but neither do I with you: at one time I think one doctrine more probable, and at other times I incline to the other.

XXXIX. All these mysteries, O Lucullus, lie concealed and enveloped in darkness so thick that no human ingenuity has a sight sufficiently piercing to penetrate into heaven, and dive into the earth. We do not understand our own bodies: we do not know what is the situation of their different parts, or what power each part has: therefore, the physicians themselves, whose business it was to understand these things, have opened bodies in order to lay those parts open to view. And yet empirics say that they are not the better known for that; because it is possible that, by being laid open and uncovered, they may be changed. But is it possible for us, in the same manner, to anatomize, and open, and dissect the natures of things, so as to see whether the earth is firmly fixed on its foundations and sticks firm on its roots, if I may so say, or whether it hangs in the middle of a vacuum? Xenophanes says that the moon is inhabited, and that it is a country of many cities and mountains. These assertions seem strange, but the man who has made them could not take his oath that such is the case; nor could I take mine that it is not the case. You also say that, opposite to us, on the contrary side of the earth, there are people who stand with their feet opposite to our feet, and you call them Antipodes. Why are you more angry with me, who do not despise these theories, than with those who, when they hear them, think that you are beside yourselves?

Hiretas of Syracuse, as Theophrastus tells us, thinks that the sun, and moon, and stars, and all the heavenly bodies, in short, stand still; and that nothing in the world moves except the earth; and, as that turns and revolves on its own axis with the greatest rapidity, he

thinks that everything is made to appear by it as if it were the heaven which is moved while the earth stands still. And, indeed, some people think that Plato, in the Timæus, asserts this, only rather obscurely. What is your opinion, Epicurus? Speak. Do you think that the sun is so small? — Do I? Do you yourselves think it so large? But all of you are ridiculed by him, and you in your turn mock him. Socrates, then, is free from this ridicule, and so is Ariston of Chios, who thinks that none of these matters can be known.

But I return to the mind and body. Is it sufficiently known by us what is the nature of the sinews and of the veins? Do we comprehend what the mind is? — where it is? — or, in short, whether it exists at all, or whether, as Dicæarchus thinks, there is no such thing whatever? If there is such a thing, do we know whether it has three divisions, as Plato thought; those of reason, anger, and desire? — or whether it is single and uniform? If it is single and uniform, do we know whether it is fire, or breath, or blood? — or, as Xenocrates says, number without a body? — though, what sort of thing that is, is not very easy to understand. And whatever it is, do we know whether it is mortal or eternal? For many arguments are alleged on both sides.

XL. Some of these theories seem certain to your wise man: but ours does not even see what is most probable; so nearly equal in weight are the opposite arguments in most cases. If you proceed more modestly, and reproach me, not because I do not assent to your reasoning, but because I do not assent to any, I will not resist any further: but I will select some one with whom I may agree. Whom shall I choose? — whom? Democritus? for, as you know, I have always been a favourer of noble birth. I shall be at once overwhelmed with the reproaches of your whole body. Can you think, they will say to me, that there is any vacuum, when everything is so filled and close packed that whenever any body leaves its place and moves, the place which it leaves is immediately occupied by some other body? Or can you believe that there are any atoms to which whatever is made by their combination is entirely unlike? or that any excellent thing can be made without intellect? And, since this admirable beauty is found in one world, do you think that there are also innumerable other worlds, above, below, on the right hand and on the left, before, and behind, some unlike this one, and some

of the same kind? And, as we are now at Bauli, and are beholding Puteoli, do you think that there are in other places like these a countless host of men, of the same names and rank, and exploits, and talents, and appearances, and ages, arguing on the same subjects? And if at this moment, or when we are asleep, we seem to see anything in our mind, do you think that those images enter from without, penetrating into our minds through our bodies? You can never adopt such ideas as these, or give your assent to such preposterous notions. It is better to have no ideas at all than to have such erroneous ones as these.

Your object, then, is not to make me sanction anything by my assent. If it were, consider whether it would not be an impudent, not to say an arrogant demand, especially as these principles of yours do not seem to me to be even probable. For I do not believe that there is any such thing as divination, which you assent to; and I also despise fate, by which you say that everything is regulated. I do not even believe that this world was formed by divine wisdom; or, I should rather say, I do not know whether it was so formed or not.

XLI. But why should you seek to disparage me? May I not confess that I do not understand what I really do not? Or may the Stoics argue with one other, and may I not argue with them? Zeno, and nearly all the rest of the Stoics, consider Æther as the Supreme God, being endued with reason, by which everything is governed. Cleanthes, who we may call a Stoic, *Majorum Gentium*, the pupil of Zeno, thinks that the Sun has the supreme rule over and government of everything. We are compelled, therefore, by the dissensions of these wise men, to be ignorant of our own ruler, inasmuch as we do not know whether we are subjects of the Sun or of Æther. But the great size of the sun, (for this present radiance of his appears to be looking at me,) warns me to make frequent mention of him. Now you all speak of his magnitude as if you had measured it with a ten-foot rule, (though I refuse credit to your measurement, looking on you as but bad architects.) Is there then any room for doubt, which of us, to speak as gently as possible, is the more modest of the two? Not, however, that I think those questions of the natural philosophers deserving of being utterly banished from our consideration; for the consideration and contemplation of nature is a sort of natural food, if

I may say so, for our minds and talents. We are elevated by it, we seem to be raised above the earth, we look down on human affairs; and by fixing our thoughts on high and heavenly things we despise the affairs of this life, as small and inconsiderable. The mere investigation of things of the greatest importance, which are at the same time very secret, has a certain pleasure in it. And when anything meets us which appears likely, our minds are filled with pleasure thoroughly worthy of a man. Both your wise man and ours, then, will inquire into these things; but yours will do so in order to assent, to feel belief, to express affirmation; ours, with such feelings that he will fear to yield rashly to opinion, and will think that he has succeeded admirably if in matters of this kind he has found out anything which is likely.

Let us now come to the question of the knowledge of good and evil. But we must say a few words by way of preface. It appears to me that they who speak so positively about those questions of natural philosophy, do not reflect that they are depriving themselves of the authority of those ideas which appear more clear. For they cannot give a clearer assent to, or a more positive approval of the fact that it is now daylight, than they do, when the crow croaks, to the idea that it is commanding or prohibiting something. Nor will they affirm that that statue is six feet high more positively after they have measured it, than that the sun, which they cannot measure, is more than eighteen times as large as the earth. From which this conclusion arises: if it cannot be perceived how large the sun is, he who assents to other things in the same manner as he does to the magnitude of the sun, does not perceive them. But the magnitude of the sun cannot be perceived. He, then, who assents to a statement about it, as if he perceived it, perceives nothing. Suppose they were to reply that it is possible to perceive how large the sun is; I will not object as long as they admit that other things too can be perceived and comprehended in the same manner. For they cannot affirm that one thing can be comprehended more or less than another, since there is only one definition of the comprehension of everything.

XLII. However, to go back to what I had begun to say — What have we in good and bad certainly ascertained? (we must, of course, fix boundaries to which the sum of good and evil is to be referred;)

what subject, in fact, is there about which there is a greater disagreement between the most learned men? I say nothing about those points which seem now to be abandoned; or about Herillus, who places the chief good in knowledge and science: and though he had been a pupil of Zeno, you see how far he disagrees with him, and how very little he differs from Plato. The school of the Megaric philosophers was a very celebrated one; and its chief, as I see it stated in books, was Xenophanes, whom I mentioned just now. After him came Parmenides and Zeno; and from them the Eleatic philosophers get their name. Afterwards came Euclid of Megara, a pupil of Socrates, from whom that school got the name of Megaric. And they defined that as the only good which was always one, alike, and identical. They also borrowed a great deal from Plato. But the Eretrian philosophers, who were so called from Menedumus, because he was a native of Eretria, placed all good in the mind, and in that acuteness of the mind by which the truth is discerned. The Megarians say very nearly the same, only that they, I think, develop their theory with more elegance and richness of illustration. If we now despise these men, and think them worthless, at all events we ought to show more respect for Ariston, who, having been a pupil of Zeno, adopted in reality the principles which he had asserted in words; namely, that there was nothing good except virtue, and nothing evil except what was contrary to virtue; and who denied altogether the existence of those influences which Zeno contended for as being intermediate, and neither good nor evil. His idea of the chief good, is being affected in neither direction by these circumstances; and this state of mind he calls ἀδιαφορία; but Pyrrho asserts that the wise man does not even feel them; and that state is called ἀπάθεια.

To say nothing, then, of all these opinions, let us now examine those others which have been long and vigorously maintained. Some have accounted pleasure the chief good; the chief of whom was Aristippus, who had been a pupil of Socrates, and from whom the Cyrenaic school spring. After him came Epicurus, whose school is now better known, though he does not exactly agree with the Cyrenaics about pleasure itself. But Callipho thought that pleasure and honour combined made up the chief good. Hieronymus placed it in being free from all annoyance; Diodorus in this state when

combined with honour. Both these last men were Peripatetics. To live honourably, enjoying those things which nature makes most dear to man, was the definition both of the Old Academy, (as we may learn from the writings of Polemo, who is highly approved of by Antiochus,) and of Aristotle, and it is the one to which his friends appear now to come nearest. Carneades also introduced a definition, (not because he approved of it himself, but for the sake of opposition to the Stoics,) that the chief good is to enjoy those things which nature has made man consider as most desirable. But Zeno laid it down that that honourableness which arises from conformity to nature is the chief good. And Zeno was the founder and chief of the Stoic school.

XLIII. This now is plain enough, that all these chief goods which I have mentioned have a chief evil corresponding to them, which is their exact opposite. I now put it to you, whom shall I follow? only do not let any one make me so ignorant and absurd a reply as, Any one, provided only that you follow some one or other. Nothing more inconsiderate can be said: I wish to follow the Stoics. Will Antiochus, (I do not say Aristotle, a man almost, in my opinion, unrivalled as a philosopher, but will Antiochus) give me leave? And he was called an Academic; but he would have been, with very little alteration, something very like a Stoic. The matter shall now be brought to a decision. For we must either give the wise man to the Stoics or to the Old Academy. He cannot belong to both; for the contention between them is not one about boundaries, but about the whole territory. For the whole system of life depends on the definition of the chief good; and those who differ on that point, differ about the whole system of life. It is impossible, therefore, that those of both these schools should be wise, since they differ so much from one another: but one of them only can be so. If it be the disciple of Polemo, then the Stoic is wrong, who assents to an error: and you say that nothing is so incompatible with the character of a wise man as that. But if the principles of Zeno be true, then we must say the same of the Old Academics and of the Peripatetics; and as I do not know which is the more wise of the two, I give my assent to neither. What? when Antiochus in some points disagrees with the Stoics whom he is so fond of, does he not show that these principles cannot be approved

of by a wise man?

The Stoics assert that all offences are equal: but Antiochus energetically resists this doctrine. At least, let me consider before I decide which opinion I will embrace. Cut the matter short, says he, do at last decide on something. What? The reasons which are given appear to me to be both shrewd and nearly equal: may I not then be on my guard against committing a crime? for you called it a crime, Lucullus, to violate a principle; I, therefore, restrain myself, lest I should assent to what I do not understand; and this principle I have in common with you.

Here, however, is a much greater difference. — Zeno thinks that a happy life depends on virtue alone. What says Antiochus? He admits that this is true of a happy life, but not of the happiest possible life. The first is a god, who thinks that nothing can be wanting to virtue; the latter is a miserable man, who thinks that there are many things besides virtue, some of which are dear to a man, and some even necessary. But I am afraid that the former may be attributing to virtue more than nature can bear; especially since Theophrastus has said many things with eloquence and copiousness on this subject; and I fear that even he may not be quite consistent with himself. For though he admits that there are some evils both of body and fortune, he nevertheless thinks that a man may be happy who is afflicted by them all, provided he is wise. I am perplexed here; at one time the one opinion appears to me to be more probable, and at another time the other does. And yet, unless one or the other be true, I think virtue must be entirely trampled under foot.

XLIV. However, they differ as to this principle. What then? Can we approve, as true, of those maxims on which they agree; namely, that the mind of the wise man is never influenced by either desire or joy? Come, suppose this opinion is a probable one, is this other one so too; namely, that it never feels either alarm or grief? Cannot the wise fear? And if his country be destroyed, cannot he grieve? That seems harsh, but Zeno thinks it inevitable; for he considers nothing good except what is honourable. But you do not think it true in the least, Antiochus. For you admit that there are many good things besides honour, and many evils besides baseness; and it is inevitable that the wise man must fear such when coming, and grieve when they

have come. But I ask when it was decided by the Old Academy that they were to deny that the mind of the wise man could be agitated or disturbed? They approved of intermediate states, and asserted that there was a kind of natural mean in every agitation. We have all read the treatise on Grief, by Crantor, a disciple of the Old Academy. It is not large, but it is a golden book, and one, as Panætius tells Tubero, worth learning by heart. And these men used to say that those agitations were very profitably given to our minds by nature; fear, in order that we may take care; pity and melancholy they called the whetstone of our clemency; and anger itself that of our courage. Whether they were right or wrong we may consider another time. How it was that those stern doctrines of yours forced their way into the Old Academy I do not know, but I cannot bear them; not because they have anything in them particularly disagreeable to me; for many of the marvellous doctrines of the Stoics, which men call παράδοξα, are derived from Socrates. But where has Xenocrates or where has Aristotle touched these points? For you try to make out the Stoics to be the same as these men. Would they ever say that wise men were the only kings, the only rich, the only handsome men? that everything everywhere belonged to the wise man? that no one was a consul, or prætor, or general, or even, for aught I know, a quinquevir, but the wise man? lastly, that he was the only citizen, the only free man? and that all who are destitute of wisdom are foreigners, exiles, slaves, or madmen? last of all, that the writings of Lycurgus and Solon and our Twelve Tables are not laws? that there are even no cities or states except those which are peopled by wise men? Now these maxims, O Lucullus, if you agree with Antiochus, your own friend, must be defended by you as zealously as the bulwarks of your city; but I am only bound to uphold them with moderation, just as much as I think fit.

XLV. I have read in Clitomachus, that when Carneades and Diogenes the Stoic were standing in the capitol before the senate, Aulus Albonus (who was prætor at the time, in the consulship of Publius Scipio and Marcus Marcellus, the same Albonus who was consul, Lucullus, with your own grandfather, a learned man, as his own history shows, which is written in Greek) said jestingly to Carneades—"I do not, O Carneades, seem to you to be prætor

because I am not wise, nor does this seem to be a city, nor do the inhabitants seem to be citizens, for the same reason." And he answered—"That is the Stoic doctrine." Aristotle or Xenocrates, whom Antiochus wished to follow, would have had no doubt that he was prætor, and Rome a city, and that it was inhabited by citizens. But our friend is, as I said before, a manifest Stoic, though he talks a little nonsense.

But you are all afraid for me, lest I should descend to opinions, and adopt and approve of something that I do not understand; which you would be very sorry for me to do. What advice do you give me? Chrysippus often testifies that there are three opinions only about the chief good which can be defended; he cuts off and discards all the rest. He says that either honour is the chief good, or pleasure, or both combined. For that those who say that the chief good is to be free from all annoyance, shun the unpopular name of pleasure, but hover about its neighbourhood. And those also do the same who combine that freedom from annoyance with honour. And those do not much differ from them who unite to honour the chief advantages of nature. So he leaves three opinions which he thinks may be maintained by probable arguments.

Be it so. Although I am not easily to be moved from the definition of Polemo and the Peripatetics, and Antiochus, nor have I anything more probable to bring forward. Still, I see how sweetly pleasure allures our senses. I am inclined to agree with Epicurus or Aristippus. But virtue recalls me, or rather leads me back with her hand; says that these are the feelings of cattle, and that man is akin to the Deity. I may take a middle course; so that, since Aristippus, as if we had no mind, defends nothing but the body, and Zeno espouses the cause of the mind alone, as if we were destitute of body, I may follow Callipho, whose opinion Carneades used to defend with such zeal, that he appeared wholly to approve of it; although Clitomachus affirmed that he never could understand what Carneades approved of. But if I were to choose to follow him, would not truth itself, and all sound and proper reason, oppose me? Will you, when honour consists in despising pleasure, unite honour to pleasure, joining, as it were, a man to a beast?

XLVI. There is now, then, only one pair of combatants left — pleasure and honour; between which Chrysippus, as far as I can see, was not long in perplexity how to decide. If you follow the one, many things are overthrown, especially the fellowship of the human race, affection, friendship, justice, and all other virtues, none of which can exist at all without disinterestedness: for the virtue which is impelled to action by pleasure, as by a sort of wages, is not really virtue, but only a deceitful imitation and pretence of virtue. Listen, on the contrary, to those men who say that they do not even understand the name of honour, unless we call that honourable which is accounted reputable by the multitude; that the source of all good is in the body; that this is the law, and rule, and command of nature; and that he who departs from it will never have any object in life to follow. Do you think, then, that I am not moved when I hear these and innumerable other statements of the same kind? I am moved as much as you are, Lucullus; and you need not think me less a man than yourself. The only difference is that you, when you are agitated, acquiesce, assent, and approve; you consider the impression which you have received true, certain, comprehended, perceived, established, firm, and unalterable; and you cannot be moved or driven from it by any means whatever. I think that there is nothing of such a kind that, if I assent to it, I shall not often be assenting to what is false; since there is no distinct line of demarcation between what is true and what is false, especially as the science of dialectics has no power of judging on this subject.

I come now to the third part of philosophy. There is an idea advanced by Protagoras, who thinks that that is true to each individual which seems so to him; and a completely different one put forward by the Cyrenaics, who think that there is no such thing as certain judgment about anything except the inner feelings: and a third, different from either, maintained by Epicurus, who places all judgment in the senses, and in our notions of things, and in pleasure. But Plato considered that the whole judgment of truth, and that truth itself, being abstracted from opinions and from the senses, belonged to the province of thought and of the intellect. Does our friend Antiochus approve of any of these principles? He does not even approve of those who may be called his own ancestors in philosophy:

for where does he follow Xenocrates, who has written a great many books on the method of speaking, which are highly esteemed? — or Aristotle himself, than whom there is no more acute or elegant writer? He never goes one step without Chrysippus.

XLVII. Do we then, who are called Academics, misuse the glory of this name? or why are we to be compelled to follow those men who differ from one another? In this very thing, which the dialecticians teach among the elements of their art, how one ought to judge whether an argument be true or false which is connected in this manner, "If it is day, it shines," how great a contest there is; — Diodorus has one opinion, Philo another, Chrysippus a third. Need I say more? In how many points does Chrysippus himself differ from Cleanthes, his own teacher? Again, do not two of the very princes of the dialecticians, Antipater and Archidemus, men most devoted to hypothesis, disagree in numbers of things? Why then, Lucullus, do you seek to bring me into odium, and drag me, as it were, before the assembly? And why, as seditious tribunes often do, do you order all the shops to be shut? For what is your object when you complain that all trades are being suppressed by us, if it be not to excite the artisans? But, if they all come together from all quarters, they will be easily excited against you; for, first of all, I will cite all those unpopular expressions of yours when you called all those, who will then be in the assembly, exiles, and slaves, and madmen: and then I will come to those arguments which touch not the multitude, but you yourselves who are here present. For Zeno and Antiochus both deny that any of you know anything. How so? you will say; for we allege, on the other hand, that even a man without wisdom comprehends many things. But you affirm that no one except a wise man knows one single thing. And Zeno professed to illustrate this by a piece of action; for when he stretched out his fingers, and showed the palm of his hand, "Perception," said he, "is a thing like this." Then, when he had a little closed his fingers, "Assent is like this." Afterwards, when he had completely closed his hand, and held forth his fist, that, he said, was comprehension. From which simile he also gave that state a name which it had not before, and called it κατάληψις. But when he brought his left hand against his right, and with it took a firm and tight hold of his fist, knowledge, he said, was of that character; and

that was what none but a wise man possessed. But even those who are themselves wise men do not venture to say so, nor any one who has ever lived and been a wise man. According to that theory, you, Catulus, do not know that it is daylight; and you, Hortensius, are ignorant that we are now in your villa.

Now, are these arguments less formidable than yours? They are not, perhaps, very refined; and those others show more acuteness. But, just as you said, that if nothing could be comprehended, all the arts were destroyed at once, and would not grant that mere probability was a sufficient foundation for art; so I now reply to you, that art cannot exist without knowledge. Would Zeuxis, or Phidias, or Polycletus allow that they knew nothing, when they were men of such marvellous skill? But if any one had explained to them how much power knowledge was said to have, they would cease to be angry; they would not even be offended with us, when they had learnt that we were only putting an end to what did not exist anywhere; but that we left them what was quite sufficient for them.

And this doctrine is confirmed also by the diligence of our ancestors, who ordained, in the first place, that every one should swear "according to the opinion of his own mind;" secondly, that he should be accounted guilty "if he knowingly swore falsely," because there was a great deal of ignorance in life; thirdly, that the man who was giving his evidence should say that "he thought," even in a case where he was speaking of what he had actually seen himself. And that when the judges were giving their decision on their evidence, they should say, not that such and such a thing had been done, but that such and such a thing appeared to them.

XLVIII. But since the sailor is making signals, and the west wind is showing us too, by its murmur, that it is time for us, Lucullus, to set sail, and since I have already said a great deal, I must now conclude. But hereafter, when we inquire into these subjects, we will discuss the great disagreements between the most eminent on the subject of the obscurity of nature, and the errors of so many philosophers who differ from one another about good and evil so widely, that, as more than one of their theories cannot be true, it is inevitable that many illustrious schools must fall to the ground, rather than the theories about the false impressions of the eyes and

the other senses, and sorites, or false syllogism, — rods which the Stoics have made to beat themselves with.

Then Lucullus replied, I am not at all sorry that we have had this discussion; for often, when we meet again, especially in our Tusculan villas, we can examine other questions which seem worth investigation. Certainly, said I; but what does Catulus think? and Hortensius? I? said Catulus. I return to my father's opinion, which he used to say was derived from Carneades, and think that nothing can be perceived; but still I imagine that a wise man will assent to what is not actually perceived — that is to say, will form opinions: being, however, aware at the same time that they are only opinions, and knowing that there is nothing which can be comprehended and perceived. And, practising that ἐποχὴ so as to take probability for a guide in all things, I altogether assent to that other doctrine, that nothing can be perceived. I see your meaning, said I; and I do not very much object to it. But what is your opinion, Hortensius? He laughed, and said, I suspend my judgment. I understand, said I; for that is the peculiar principle of the Academy.

So, after we had finished our discourse, Catulus remained behind, and we went down to the shore to embark in our vessels.

DE FINIBUS BONORUM ET MALORUM (About the Ends of Goods and Evils)

Translated by H. Harris Rackham

This philosophical treatise consists of five books, in which Cicero explains his views of Epicureanism, Stoicism and the Platonism of Antiochus of Ascalon. *De Finibus Bonorum et Malorum* was developed in the summer of 45 BC and, along with the *Tusculanae Quaestiones*, which was written shortly afterwards, it is regarded by some as Cicero's most extensive philosophical work.

In the first two books Cicero argues against Epicureanism, assuming the form of a fictitious discussion between two friends of Brutus, who are currently visiting Cicero's estate at Cumae. In the first book the interlocutors present the theory of hedonism, with which pleasure in form of the absence of pain is regarded as the highest good. In the second book, Cicero criticises this view, whereby he attacks the hedonistic definition of pleasure and argues that it cannot be equated with the highest good.

In the next two books the Stoic school is discussed in detail, whilst the third book introduces Marcus Porcius Cato as Cicero's interlocutor, presenting the theme of Stoic theory, explaining the technical terms used by the Stoics. The highest and only good of the Stoics is explained as a moral good. In his counterattack in the fourth book Cicero doubts the derivation of the Stoic view as a supposed natural state as well and the exclusion of other goods by these teachings.

In the last book Cicero uses the literary form of a dialogue between himself and several friends to present the theory of the Academics, as taught by Antiochus of Ascalon. They discuss the image of a perfectly happy life, in which both virtue and physical goods are contained in the highest good. At the end of the book,

however, the logical inconsistency of this teaching is criticised, so that there is no conclusion as to which is the best school.

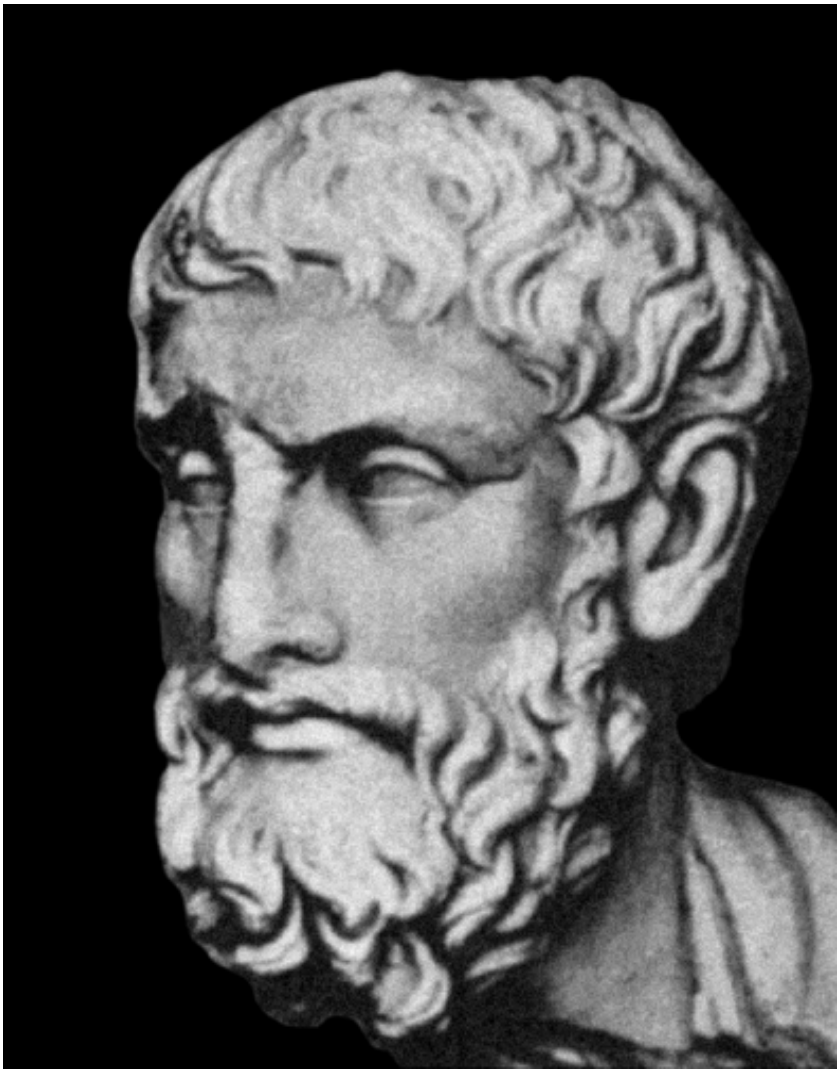

Epicurus (341 BC–270 BC) was an ancient Greek philosopher as well as the founder of the school of philosophy called Epicureanism. Only a few fragments and letters of Epicurus's 300 written works remain. Much of what is known about Epicurean philosophy derives from later followers and commentators. The first two books of this treatise discuss the teachings Epicurus in detail.

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INTRODUCTION

The *de Finibus Bonorum et Malorum* is a treatise on the theory of Ethics. It expounds and criticizes the three ethical systems most prominent in Cicero's day, the Epicurean, the Stoic and that of the Academy under Antiochus. The most elaborate of Cicero's philosophical writings, it has had fewer readers than his less technical essays on moral subjects. But it is of importance to the student of philosophy as the only systematic account surviving from antiquity of those rules of life which divided the allegiance of thoughtful men during the centuries when the old religions had lost their hold and Christianity had not yet emerged. And the topics that it handles can never lose their interest.

The title 'About the Ends of Goods and Evils' requires explanation. It was Aristotle who put the ethical problem in the form of the question, What is the Τέλος or End, the supreme end of man's endeavour, in the attainment of which his Good or Well-being lies? For Aristotle, Telos connoted not only 'aim,' but 'completion'; and he found the answer to his question in the complete development and right exercise of the faculties of man's nature, and particularly of the distinctively human faculty of Reason. The life of the Intellect was the Best, the Chief Good; and lesser Goods were Means to the attainment of this End. Thus was introduced the notion of an ascending scale of Goods, and this affected the interpretation of the term Telos. Telos came to be understood as denoting not so much the end or aim of endeavour as the end or extreme p. xiipoint of a series, the topmost good. To this was naturally opposed an extreme of minus value, the topmost, or rather bottommost, evil. Hence arose the expressions τέλος ἀγαθῶν, τέλος κακῶν, 'End of Goods, of Evils,' which occur in Philodemus, *Rhetoric* I, 218.8 ff. (Südhans), and are translated by Cicero finis bonorum, malorum. As a title for his book he throws this phrase into the plural, meaning '*different views* as to the Chief Good and Evil.' Hence in title and to some extent in method, the *de Finibus* may be compared with such modern works as Martineau's *Types of Ethical Theory* and Sidgwick's *Methods of Ethics*.

Cicero belongs to a type not unknown in English life, that of the statesman who is also a student and a writer. From his youth he aspired to play a part in public affairs, and the first step towards this ambition was to learn to speak. He approached Greek philosophy as part of a liberal education for a political career, and he looked on it as supplying themes for practice in oratory. But his real interest in it went deeper; the study of it formed his mind and humanized his character, and he loved it to the end of his life.

In his youth he heard the heads of the three chief Schools of Athens, Phaedrus the Epicurean, Diodotus p. xiiithe Stoic, and Philo the Academic, who had come to Rome to escape the disturbances of the Mithradatic War. When already launched in public life, he withdrew, at the age of 27 (79 B.C.), to devote two more years to philosophy and rhetoric. Six months were spent at Athens, and the introduction to *de Finibus* Book V gives a brilliant picture of his student life there with his friends. No passage more vividly displays what Athens and her memories meant to the cultivated Roman. At Athens Cicero attended the lectures of the Epicurean Zeno and the Academic Antiochus. Passing on to Rhodes to work under the leading professors of rhetoric, he there met Posidonius, the most renowned Stoic of the day. He returned to Rome to plunge into his career as advocate and statesman; but his Letters show him continuing his studies in his intervals of leisure. For many years the Stoic Diodotus was an inmate of his house.

Under the Triumvirate, as his influence in politics waned, Cicero turned more and more to literature. His earliest essay in rhetoric, the *de Inventione*, had appeared before he was twenty-five; but his first considerable works on rhetoric and on political science, the *de Oratore*, *de Republica*, and *de Legibus*, were written after his return from exile in 57. The opening pages of *de Finibus* Book III give a glimpse of his studies at this period. In 51 he went as Governor to Cilicia; and he wrote no more until the defeat of Pompey at Pharsalus had destroyed his hopes for the Republic.

After his reconciliation with Caesar and return to Rome in the autumn of 46, Cicero resumed writing on rhetoric. In February 45 came the death of his p. xivbeloved daughter Tullia, followed soon after by the final downfall of the Pompeians at Munda. Crushed by

public and private sorrow, he shut himself up in one of his country houses and sought distraction in unremitting literary work. He conceived the idea, as he implies in the preface to *de Finibus*, of rendering a last service to his country by bringing the treasures of Greek thought within the reach of the Roman public. Both his *Academica* and *de Finibus* were compiled in the following summer; the latter was probably presented to Brutus, to whom it is dedicated on his visit to Cicero in August 45 (*ad Att.* XIII.44). Seven months later Brutus was one of the assassins of Caesar. In the autumn of 44 Cicero flung himself again into the arena with his attack on Antony, which led to his proscription and death in December 43.

Excepting the *de Oratore*, *de Republica* and *de Legibus*, the whole of Cicero's most important writings on philosophy and rhetoric belong to 46-44 B.C. and were achieved within two years. Such a mass of work so rapidly produced could hardly be original, and in fact it made no claim to be so. It was designed as a sort of encyclopaedia of philosophy for Roman readers. Cicero's plan was to take each chief department of thought in turn, and present the theories of the leading schools upon it, appending to each theory the criticisms of its opponents. Nor had his work that degree of independence which consists in assimilating the thought of others and recasting it in the mould of the writer's own mind. He merely chose some recent hand-book on each side of the question under consideration, and reproduced it in Latin, encasing passages of continuous exposition in a frame of dialogue, and p. xvadding illustrations from Roman history and poetry. He puts the matter frankly in a letter to Atticus (XII.52): "You will say, 'What is your method in such compositions?' They are mere transcripts, and cost comparatively little labour; I only supply the words, of which I have a copious flow." In *De Finibus* (I.6) he rates his work a little higher, not without justice, and claims to be the critic as well as the interpreter of his authorities.

This method of writing was consonant with Cicero's own position in philosophy. Since his early studies under Philo he had been a professed adherent of the New Academy, and as such maintained a sceptical attitude on questions of knowledge. On morals he was more positive; though without a logical basis for his principles, he

accepted the verdict of the common moral conscience of his age and country. Epicureanism he abhorred as demoralizing. The Stoics repelled him by their harshness and narrowness, but attracted him by their strict morality and lofty theology. His competence for the task of interpreting Greek thought to Rome was of a qualified order. He had read much, and had heard the chief teachers of the day. But with learning and enthusiasm he combined neither depth of insight nor scientific precision. Yet his services to philosophy must not be underrated. He introduced a novel style of exposition, copious, eloquent, impartial and urbane; and he created a philosophical terminology in Latin which has passed into the languages of modern Europe.

The *de Finibus* consists of three separate dialogues, each dealing with one of the chief ethical systems p. xviof the day. The exponents of each system, and the minor interlocutors, are friends of Cicero's younger days, all of whom were dead when he wrote; brief notes upon them will be found in the Index. The rôle of critic Cicero takes himself throughout.

The first dialogue occupies Books I and II; in the former the Ethics of Epicurus are expounded, and in the latter refuted from the Stoic standpoint. The scene is laid at Cicero's villa in the neighbourhood of Cumae, on the lovely coast a little north of Naples. The spokesman of Epicureanism is L. Manlius Torquatus, a reference to whose praetorship (II.74) fixes the date of the conversation at 50 B.C., shortly after Cicero's return from his province of Cilicia. A minor part is given to the youthful C. Valerius Triarius.

In the second dialogue the Stoic ethics are expounded (in Book III) by M. Cato, and criticized (in Book IV) from the standpoint of Antiochus by Cicero. Cicero has run down to his place at Tusculum, fifteen miles from town, for a brief September holiday, while the Games are on at Rome; and he meets Cato at the neighbouring villa of Lucullus, whose orphan son is Cato's ward. A law passed by Pompey in 52 B.C. is spoken of (IV.1) as new, so the date falls in that year; Cicero went to Cilicia in 51.

The third dialogue (Book V) goes back to a much earlier period in Cicero's life. Its date is 79 and its scene Athens, where Cicero and his friends are eagerly attending lectures on philosophy. The position of

the “Old Academy” of Antiochus is maintained by M. Pupius Piso Calpurnianus, and afterwards criticized by Cicero from the Stoic point of p. xviiview; the last word remains with Piso. The others present are Cicero’s brother and cousin, and his friend and correspondent Titus Pomponius Atticus, a convinced Epicurean, who had retired to Athens from the civil disorders at Rome, and did not return for over twenty years.

In Book I the exposition of Epicureanism probably comes from some compendium of the school, which seems to have summarized (1) Epicurus’s essay *On the Telos*, (2) a résumé of the points at issue between Epicurus and the Cyrenaics (reproduced I.55 ff.), and (3) some Epicurean work on Friendship (I.65-70).

The Stoic arguments against Epicurus in Book II Cicero derived very likely from Antiochus; but in the criticism of Epicurus there is doubtless more of Cicero’s own thought than anywhere else in the work.

The authority of Stoicism relied on in Book III was most probably Diogenes of Babylon, who is referred to by name at III.33 and 49.

In Books IV and V Cicero appears to have followed Antiochus.

Alexander the Great died in 323 and Aristotle in 322 B.C. Both Epicurus and Zeno, the founder of Stoicism, began to teach at Athens about twenty years later. The date marks a new era in Greek thought as in Greek life. Speculative energy had exhausted itself; the schools of Plato and Aristotle showed little vigour after the death of their founders. Enlightenment had undermined religion, yet the philosophers seemed to agree about nothing except that things are not what they appear; and the plain p. xviiiman’s mistrust of their conclusions was raised into a system of Scepticism by Pyrrho. Meanwhile the outer order too had changed. For Plato and Aristotle the good life could only be lived in a free city-state, like the little independent Greek cities which they knew; but these had now fallen under the empire of Macedon, and the barrier between Greek and barbarian was giving way. The wars of Alexander’s successors rendered all things insecure; exile, slavery, violent death were possibilities with which every man must lay his account.

Epicureanism and Stoicism, however antagonistic, have certain common features corresponding to the needs of the period.

Philosophy was systematized, and fell into three recognized departments, Logic, Physics, and Ethics; and for both schools the third department stood first in importance. Both schools offered dogma, not speculation; a way of life for man as man, not as Greek citizen. Both abandoned idealism, saw no reality save matter, and accepted sense experience as knowledge. Both studied the world of nature only in order to understand the position of man. Both looked for a happiness secure from fortune's changes; and found it in peace of mind, undisturbed by fear and desire. But here the rival teachers diverged: Epicurus sought peace in the liberation of man's will from nature's law, Zeno in submission to it; and in their conceptions of nature they differed profoundly.

Formal Logic Epicurus dismissed as useless, but he raised the problem of knowledge under the heading of Canonic. The *Canon* or measuring-rod, p. xixthe criterion of truth, is furnished by the sensations and by the πάθη or feelings of pleasure and pain. Epicurus's recognition of the latter as qualities of any state of consciousness and as distinct from the sensations of sight, hearing, etc., marks a notable advance in psychology. The sensations and the feelings determine our judgment and volition respectively, and they are all 'true,' *i.e.*, real data or experience. So are the προλήψεις, or 'preconceptions' by which we recognize each fresh sensation, *i.e.*, our general concepts; for these are accumulations of past sensations. It is in ὑπολήψεις, 'opinions,' *i.e.*, judgments about sensations, that error can occur. Opinions are true only when confirmed, or, in the case of those relating to imperceptible objects (*e.g.* the Void), when not contradicted, by actual sensations. Thus Epicurus adumbrated, however crudely, a logic of inductive science.

His Natural Philosophy is touched on in *de Finibus*, I, c. vi. It is fully set out in the great poem of Cicero's contemporary, Lucretius, who preaches his master's doctrine with religious fervor as a gospel of deliverance for the spirit of man. Epicurus adopted the Atomic theory of Democritus, according to which the primary realities are an infinite number of tiny particles of matter, indivisible and indestructible, moving by their own weight through an infinite expanse of empty space or Void. Our perishable world and all that it contains consists of temporary clusters of these atoms interspersed

with void. Innumerable other worlds beside are constantly forming and dissolving. This universe goes on of itself: there are gods, but they take no part in its guidance; p. xxthey live a life of untroubled bliss in the empty spaces between the worlds. The human soul like everything else is material; it consists of atoms of the smallest and most mobile sort, enclosed by the coarser atoms of the body, and dissipated when the body is dissolved by death. Death therefore means extinction.

Thus man was relieved from the superstitions that preyed upon his happiness, — fear of the gods and fear of punishment after death. But a worse tyranny remained if all that happens is caused by inexorable fate. Here comes in the doctrine of the Swerve, which Cicero derides, but which is essential to the system. Democritus had taught that the heavier atoms fell faster through the void than the lighter one, and so overtook them. Aristotle corrected the error; and Epicurus turned the correction to account. He gave his atoms a uniform vertical velocity, but supposed them to collide by casually making a slight sideway movement. This was the minimum hypothesis that he could think of to account for the formation of things; and it served his purpose by destroying the conception of a fixed order in Nature. The capacity to swerve is shared by the atoms that compose the human soul; hence it accounts for the action of the will, which Epicurus regards as entirely undetermined. In this fortuitous universe man is free to make his own happiness.

In Ethics Epicurus based himself on Aristippus, the pupil of Socrates and founder of the School of Cyrene. With Aristippus he held that pleasure is the only good, the sole constituent of man's well-being. Aristippus had drawn the practical inference that the right thing to do is to enjoy each pleasure of the p. xximoment as it offers. His rule of conduct is summed up by Horace's Carpe diem. But this naïf hedonism was so modified by Epicurus as to become in his hands an entirely different theory. Its principal tenets are: that the goodness of pleasure is a matter of direct intuition, and is attested by natural instinct, as seen in the actions of infants and animals; that all men's conduct does as a matter of fact aim at pleasure; that the proper aim is to secure the greatest balance of pleasure over pain in the aggregate; that absence of pain is the greatest pleasure, which can

only be varied, not augmented, by active gratification of the sense; that pleasure of the mind is based on pleasure of the body, yet that mental pleasure may far surpass bodily in magnitude, including as it does with the consciousness of present gratification the memory of past and the hope of future pleasure; that 'unnatural and unnecessary' desires and emotions are a chief source of unhappiness; and that Prudence, Temperance or self-control, and the other recognized virtues are therefore essential to obtain a life of the greatest pleasure, though at the same time the virtues are of no value save as conducive of pleasure.

This original, and in some respects paradoxical, development of hedonism gave no countenance to the voluptuary. On the contrary Epicurus both preached and practised the simple life, and the cultivation of the ordinary virtues, though under utilitarian sanctions which led him to extreme unorthodoxy in some particulars. Especially, he denied any absolute validity to Justice and to Law, and inculcated abstention from the active duties of citizenship. To Friendship he attached the highest value; and the School that he founded in his Garden in a suburb of Athens, p. xxiiand endowed by will, was as much a society of friends as a college of students. It still survived and kept the birthday of its founder in Cicero's time.

Epicurus is the forerunner of the English utilitarians; but he differs from them in making no attempt to combine hedonism with altruism. 'The greatest happiness of the greatest number' is a formula that has no counterpart in antiquity. The problem that occurs when the claims of self conflict with those of others was not explicitly raised by Epicurus. But it is against the egoism of his Ethics at least as much as against its hedonistic basis that Cicero's criticisms are really directed.

The Stoics paid much attention to Logic. In this department they included with Dialectic, which they developed on the lines laid down by Aristotle, Grammar, Rhetoric, and the doctrine of the Criterion. The last was their treatment of the problem of knowledge. Like Epicurus they were purely empirical, but unlike him they conceded to the Sceptics that sensations are sometimes misleading. Yet true sensations, they maintained, are distinguishable from false; they have a 'clearness' which compels the 'assent' of the mind and makes it

‘comprehend’ or grasp the presentation as a true picture of the external object. Such a ‘comprehensible presentation,’ καταληπτικὴ φαντασία, is the criterion of truth; it is ‘a presentation that arises from an object actually present, in conformity with that object, stamped on the mind like the impress of a seal, and such as could not arise from an object not actually present.’ So their much-debated formula was elaborated in reply to Sceptical critics. If asked how it happens p. xxiiithat false sensations do occur — *e.g.*, that a straight stick half under water looks crooked — the Stoics replied that error only arises from inattention; careful observation will detect the absence of one or other of the notes of ‘clearness.’ The Wise Man never ‘assents’ to an ‘incomprehensible presentation.’

In contradiction to Epicurus, the Stoics taught that the universe is guided by, and in the last resort is, God. The sole first cause is a divine Mind, which realizes itself periodically in the world-process. But this belief they expressed in terms uncompromisingly materialistic. Only the corporeal exists, for only the corporeal can act and be acted upon. Mind therefore is matter in its subtlest form; it is Fire or Breath (spirit) or Aether. The primal fiery Spirit creates out of itself the material world that we know, and itself persists within the world as its heat, its ‘tension,’ its soul; it is the cause of all movement, and the source of life in all animate creatures, whose souls are detached particles of the world-soul.

The notion of Fire as the primary substance the Stoics derived from Heracleitus. Of the process of creation they offered an elaborate account, a sort of imaginary physics or chemistry, operating with the hot and cold, dry and moist, the four elements of fire, air, earth and water, and other conceptions of previous physicists, which came to them chiefly through the Peripatetics.

The world-process they conceived as going on according to a fixed law or formula (λόγος), effect following cause in undeviating sequence. This law they regarded impersonally as Fate, or personally as divine Providence; they even spoke of the Deity as p. xxivbeing himself the Logos of creation. Evidences of design they found in the beauty of the ordered world and its adaptation to the use and comfort of man. Apparent evil is but the necessary imperfection of the parts as parts; the whole is perfectly good.

As this world had a beginning, so it will have an end in time; it is moving on towards a universal conflagration, in which all things will return to the primal Fire from which they sprang. The causes that operated before must operate again; once more the creative process will begin, and all things will recur exactly as they have occurred already. So existence goes on, repeating itself in an unending series of identical cycles.

Such rigorous determinism would seem to leave no room for human freedom or for moral choice. Yet the Stoics maintained that though man's acts like all other events are fore-ordained, his will is free. Obey the divine ordinance in any case he must, but it rests with him to do so willingly or with reluctance. To understand the world in which he finds himself, and to submit his will thereto — herein man's well-being lies.

On this foundation they reared an elaborate structure of Ethics. Their formula for conduct was 'To live in accordance with nature.' To interpret this, they appealed, like Epicurus, to instinct, but with a different result. According to the Stoics, not pleasure but self-preservation and things conducive to it are the objects at which infants and animals aim. Such objects are 'primary in the order of nature'; and these objects and others springing out of them, *viz.*, all that pertains to the safety and the full development of man's nature, constitute the proper aim p. xxvof human action. The instinct to seek these objects is replaced in the adult by deliberate intention; as his reason matures, he learns (if unperverted) to understand the plan of nature and to find his happiness in willing conformity with it. This rightness of understanding and of will (the Stoics did not separate the two, since for them the mind is one) is Wisdom or Virtue, which is the only good; their wrongness is Folly or Vice, the only evil. Not that we are to ignore external things: on the contrary, it is in choosing among them as Nature intends that Virtue is exercised. But the attainment of the natural objects is immaterial; it is the effort to attain them alone that counts.

This nice adjustment of the claims of Faith and Works was formulated in a series of technicalities. A scale of values was laid down, and on it a scheme of conduct was built up. Virtue alone is 'good' and 'to be sought,' Vice alone 'evil' and 'to be shunned'; all

else is ‘indifferent.’ But of things indifferent some, being in accordance with nature, are ‘promoted’ or ‘preferred’ (προηγμένα), as having ‘worth’ (ἀξία), and these are ‘to be chosen’; others, being contrary to nature, are ‘de-promoted’ (ἀποπροηγμένα) as having ‘unworth’ (ἀπαξία, negative value), and these are ‘to be rejected’; while other things again are ‘absolutely indifferent,’ and supply no motive for action. To aim at securing ‘things promoted,’ or avoiding their opposites is an ‘appropriate act’ (καθῆκον): this is what the young and uncorrupted do by instinct. When the same aim is taken by the rational adult with full knowledge of nature’s plan and deliberate intent to conform with it, then the ‘appropriate act’ is ‘perfect,’ and is a ‘right p. xxviaction’ or ‘success’ (κατόρθωμα). Intention, not achievement, constitutes success. The only ‘failure,’ ‘error’ or ‘sin’ (the term ἁμάρτημα includes all these notions) is the conduct of the rational being who ignores and violates nature.

In identifying the Good with Virtue and interpreting Virtue by the conception of Nature, the Stoics were following their forerunners the Cynics; but they parted company with the Cynics in finding a place in their scheme for Goods in the ordinary sense. For though they place pressure among things ‘absolutely indifferent,’ their examples of things ‘promoted’ — life, health, wealth, etc. — are pretty much the usual objects of man’s endeavour. Hence, whereas the Cynics, construing ‘the natural’ as the primitive or unsophisticated, had run counter to convention and even to decency, the Stoics in the practical rules deduced from their principles agreed in the main with current morality, and included the recognized duties to the family and the state.

But their first principles themselves they enunciated in a form that was violently paradoxical. Virtue being a source of inward righteousness they regarded as something absolute. Either a man has attained to it, when he is at once completely wise, good and happy, and remains so whatever pain, sorrow, or misfortune may befall him; or he has not attained to it, in which case, whatever progress he has made towards it, he is still foolish, wicked and miserable. So stated, the ideal was felt to be beyond man’s p. xxviireach. Chrysippus, the third head of the school, confessed that he had never known a Wise Man. Criticism forced the later Stoics to compromise. The Wise Man

remained as a type and an ensample;º but positive value was conceded to moral progress, and ‘appropriate acts’ tended to usurp the place that strictly belonged to ‘right acts.’

The last system to engage Cicero’s attention, that of his contemporary Antiochus, is of much less interest than the two older traditions with which he ranges it.

Within a century of the death of its founder Plato, the Academy underwent a complete transformation. Arcesilas, its head in the middle of the third century B.C., adopted the scepticism that had been established as a philosophical system by Pyrrho two generations before, and denied the possibility of knowledge. He was accordingly spoken of as the founder of a Second or New Academy. His work was carried further a century afterwards by Carneades. Both these acute thinkers devoted themselves to combating the dogmas of the Stoics. Arcesilas assailed their natural theology with shafts that have served for most subsequent polemic of the kind. On the basis of philosophic doubt, the New Academy developed in Ethics a theory of reasoned probability as a sufficient guide for life.

The extreme scepticism of Carneades led to a reaction. Philo, who was his next successor but one, and who afterwards became Cicero’s teacher at Rome, reverted to a more positive standpoint. Doing violence to the facts, he declared that the teaching of the Academy had never changed since Plato, and p. xxviiithat Arcesilas and Carneades, though attacking the Criterion of the Stoics, had not meant to deny all possibility of knowledge. The Stoic ‘comprehension’ was impossible, but yet there was a ‘clearness’ about some impressions that gives a conviction of their truth.

The next head, Antiochus, went beyond this ambiguous position, and abandoned scepticism altogether. Contradicting Philo, he maintained that the true tradition of Plato had been lost, and professed to recover it, calling his school the ‘Old Academy.’ But his reading of the history of philosophy was hardly more accurate than Philo’s. He asserted that the teachings of the older Academics and Peripatetics and of the Stoics were, in Ethics at all events, substantially the same, and that Zeno had borrowed his tenets from his predecessors, merely concealing the theft by his novel terminology.

The latter thesis is argued in *de Finibus*, Book IV, while Book V gives Antiochus's version of the 'Old Academic and Peripatetic' Ethics, which he himself professed. His doctrine is that Virtue is sufficient for happiness, but that in the highest degree of happiness bodily and external goods form a part. The Stoics will not call the latter 'goods,' but only 'things promoted'; yet really they attach no less importance to them.

Antiochus could only maintain his position by ignoring nice distinctions. The Ethics of Aristotle in particular seem to have fallen into complete oblivion. Aristotle's cardinal doctrines are, that well-being consists not in the state of virtue but in the active exercise of all human excellences, and particularly of man's highest gift of rational contemplation; p. xxixand that though for this a modicum of external goods is needed, these are but indispensable conditions, and in no way constituent parts, of the Chief Good.

The fact is that philosophy in Cicero's day had lost all precision as well as originality. It must be admitted that *de Finibus* declines in interest when it comes to deal with contemporary thought. Not only does the plan of the work necessitate some repetition in Book V of arguments already rehearsed in Book IV; but Antiochus's perversion of preceding systems impairs alike the criticism of the Stoics and the presentation of his own ethical doctrine.

The text of this edition is founded on that of Madvig, whose representatives have kindly permitted use to be made of the latest edition of his *de Finibus*, dated 1876. Madvig first established the text of the book; and it is from no lack of appreciation for his Herculean labours that I have ventured here and there to modify his results, whether by adopting conjectures suggested in his notes, or by preferring MSS. readings rejected by him, or conjectures made by other scholars and in one or two places by myself. In supplementing Madvig's work I have derived much help from the Teubner text of C. W. F. Müller, 1904. Madvig's punctuation I have altered throughout, both to conform it with English usage and also occasionally to suggest a different connexion of thought.

Departures from Madvig's text (referred to as Mdv.) are noted at the foot of the page. So also are MSS. variants of importance for the sense; in such places the readings of the three best MSS. p. xxxand

of the inferior group are usually given. But no attempt is made to present a complete picture of the state of the MSS., for which the student must go to Madvig.

The best MSS. of *de Finibus* are: A, Palatinus I, 11th c., which ends soon after the beginning of Book IV; B, Palatinus II; and E, Erlangensis, 15th c. These three form one family, within which B and E are more closely related. The other MSS. known to Madvig form a second family, inferior in general to the former, though, as Müller points out, not to be entirely dispensed with. Both families according to Madvig descend from a late and already considerably corrupted archetype.

The earliest edition is believed to have been printed at Cologne in 1467. Madvig's great commentary (Copenhagen, 1839, 1869, 1876) supersedes all its predecessors. There is a small annotated edition, largely based upon Madvig, by W. M. L. Hutchinson (London, 1909).

English translations are those of Samuel Parker (*Tully's Five Books de Finibus, or Concerning the Last Objects of Desire and Aversion, done into English by S. P., Gent., revised . . . by Jeremy Collier, M. A., London, 1702*; page-heading, *Tully of Moral Ends*; a 2nd edition published by Bliss, Oxford, 1812); of Guthrie (London, 1744); of Yonge (in Bohn's series, 1848); and of J. S. Reid (Cambridge, 1883, now out of print). The first of these, and the German version of Kirchmann in the Philosophische Bibliothek (1868), I have consulted occasionally, the former with pleasure, but neither with much profit.

p. xxxi The fullest treatment in English of the subjects dealt with in *de Finibus* will be found in Zeller's *Stoics, Epicureans and Sceptics* and *Eclectics*. Zeller's monumental work requires supplementing especially in regard to Stoicism. Recent books of value are Arnold's *Roman Stoicism*, Hicks's *Stoic and Epicurean*, and Bevan's *Stoics and Sceptics*. Reid's edition of *Academica* is a mine of information about Cicero's philosophical work. For the sources, a selection for beginners is Adam's *Texts to Illustrate Greek Philosophy after Aristotle*.

I must express my gratitude to my friend Miss W. M. L. Hutchinson for reading the proofs of my translation and doing much to improve it. Nor can I forget my debt to the late Dr. James Adam, whose lectures on *de Finibus* first aroused my interest in ethical

theory.

In revising this work for re-issue I had the advantage of consulting the late Professor J. S. Reid's learned commentary on Books I and II, published 1925. For Books III-IV.43, I derived valuable aid from his MS. notes, kindly lent me by Mrs. Reid, and for the rest from his published translation; of course neither can be assumed to represent his final views. The loss of a complete edition from so great a Ciceronian and student of the post-Aristotelian schools is much to be deplored. The Latin text is unaltered save for a few trifling corrections.

H. R.

1930.

BOOK I

1 1 My dear Brutus, — The following essay, I am well aware, attempting as it does to present in a Latin dress subjects that philosophers of consummate ability and profound learning have already handled in Greek, is sure to encounter criticism from different quarters. Certain persons, and those not without some pretension to letters, disapprove of the study of philosophy altogether. Others do not so greatly object to it provided it be followed in dilettante fashion; but they do not think it ought to engage so large an amount of one's interest and attention. A third class, learned in Greek literature and contemptuous of Latin, will say that they prefer to spend their time in reading Greek. Lastly, I suspect there will be some who will wish to divert me to other fields of authorship, asserting that this kind of composition, though a graceful recreation, is beneath the dignity of my character and position. 2 To all of these objections I suppose I ought to make some brief reply. The indiscriminate censure of philosophy has indeed been sufficiently answered already in the book which I wrote in praise of that study, in order to defend it against a bitter attack that had been made upon it by Hortensius. The favourable reception which that volume appeared to obtain from yourself and from others whom I considered competent to sit in judgment encouraged me to embark upon further undertakings; for I did not wish to be thought incapable of sustaining the interest that I had aroused. The second class of critics, who, however much they approve of philosophy, nevertheless would rather have it less eagerly prosecuted, are asking for a restraint that it is not easy to practise. The study is one that when once taken up admits of no restriction or control. In fact, the attitude of the former class, who attempt to dissuade us from philosophy altogether, seems almost less unreasonable than that of those who would set limits to what is essentially unlimited, and expect us to stop half-way in a study that increases in value the further it proceeds. 3 If Wisdom be attainable, let us not only win but enjoy it; or if attainment be difficult, still there is no end to the search for truth, other than its discovery. It were base to flag in the pursuit, when the object pursued

is so supremely lovely. Indeed if we like writing, who would be so churlish as to debar us from it? Or if we find it a labour, who is to set limits to another man's exertions? No doubt it is kind of Chremes in Terence's play to wish his new neighbour not

To dig or plough or any burden bear:

for it is not industry in general, but toil of a menial kind, from which he would deter him; but only a busybody would take exception to an occupation which, like mine, is a labour of love.

2 4 A more difficult task therefore is to deal with the objection of those who profess a contempt for Latin writings as such. What astonishes me first of all about them is this, — why should they dislike their native language for serious and important subjects, when they are quite willing to read Latin plays translated word for word from the Greek? Who has such a hatred, one might almost say for the very name of Roman, as to despise and reject the *Medea* of Ennius or the *Antiope* of Pacuvius, and give as his reason that though he enjoys the corresponding plays of Euripides he cannot endure books written in Latin? What, he cries, am I to read *The Young Comrades* of Caecilius, or Terence's *Maid of Andros*, when I might be reading the same two comedies of Menander? 5 With this sort of person I disagree so strongly, that, admitting the *Electra* of Sophocles to be a masterpiece, I yet think Atilius's poor translation of it worth my while to read. 'An iron writer,' Licinius called him; still, in my opinion, a writer all the same, and therefore deserving to be read. For to be entirely unversed in our own poets argues either the extreme of mental inactivity or else a refinement of taste carried to the point of caprice. To my mind no one can be styled a well-read man who does not know our native literature. If we read

Would that in forest glades —

just as readily as the same passage in the Greek, shall we object to having Plato's discourses on morality and happiness set before the reader in Latin? 6 And supposing that for our part we do not fill the office of a mere translator, but, while preserving the doctrines of our

chosen authorities, add thereto our own criticism and our own arrangement: what ground have these objectors for ranking the writings of Greece above compositions that are at once brilliant in style and not mere translations from the Greek originals? Perhaps they will rejoin that the subject has already been dealt with by the Greeks already. But then what reason have they for reading the multitude of Greek authors either that one has to read? Take Stoicism: what aspect of it has Chrysippus left untouched? Yet we read Diogenes, Antipater, Mnesarchus, Panaetius, and many others, not least our friend Posidonius. Again, Theophrastus handles topics previously treated by Aristotle, yet he gives us no small pleasure all the same. Nor do the Epicureans cease from writing as the spirit moves them on the same questions on which Epicurus and the ancients wrote. If Greek writers find Greek readers when presenting the same subject in a different setting, why should not Romans be read by Romans?

3 7 Yet even supposing I gave a direct translation of Plato or Aristotle, exactly as our poets have done with the plays, would it not, pray, be a patriotic service to introduce those transcendent intellects to the acquaintance of my fellow-countrymen? As a matter of fact, however, this has not been my procedure hitherto, though I do not feel I am debarred from adopting it. Indeed I expressly reserve the right of borrowing certain passages, if I think fit, and particularly from the philosophers just mentioned, when an appropriate occasion offers for so doing; just as Ennius regularly borrows from Homer, and Afranius from Menander. Nor yet shall I object, like our Lucilius, to all the world's reading what I write. I only wish his Persius were alive to-day! and still more Scipio and Rutilius, in fear of whose criticism Lucilius protests that he writes for the public of Tarentum, Consentia and Sicily. This no doubt is neat enough, like the rest of Lucilius; but there were not such learned critics in his day, to tax his best efforts; and also his writings are in a lighter vein: they show consummate wit, but no great erudition. 8 I, however, need not be afraid of any reader, if I am so bold as to dedicate my book to you, who rival even the Greeks as a philosopher. Still, you yourself challenged me to the venture, by dedicating to me your delightful essay *On Virtue*. But I have no doubt that the reason why some

people take a dislike to Latin literature is that they have happened to meet with certain illiterate and uncouth productions which are bad Greek books in worse Latin versions. I have no quarrel with these persons, provided that they also refuse to read the Greek writers on the same subjects. But given a noble theme, and a refined, dignified and graceful style, who would not read a Latin book? Unless it be some one ambitious to be styled a Greek out-and-out, as Albucius was greeted by Scaevola when the latter was prisoner at Athens. 9 I am again referring to Lucilius, who relates the anecdote with much neatness and point; he puts the following excellent lines into the mouth of Scaevola:

"You vow'd, Albucius, that to suit ye
'Twas as a Greek we must repute ye;
'Roman' and 'Sabine' being names
Your man of ton and taste disclaims!
You scorn'd to own your native town, —
Which bore such captains of renown
As Pontius and Tritannus bold,
Who in the van Rome's ensigns hold.
And so, at Athens when I lay,
And your respects you came to pay,
My worship, humouring your freak,
Gave you good-morrow straight in Greek,
With 'Chaire, Titus!' 'Chaire,' bawl
Guards, aides-de-camp, javelin-men and all!
— Hence comes it that Albucius hates me,
Hence as his bitterest foe he rates me."

10 Mucius's sarcasm was however deserved. But for my part I can never cease wondering what can be the origin of the exaggerated contempt for home products that is now fashionable. It would of course be out of place to attempt to prove it here, but in my opinion, as I have often argued, the Latin language, so far from having a poor vocabulary, as is commonly supposed, is actually richer than the Greek. When have we, that is to say when have our competent orators or poets, at all events since they have had models to copy,

ever lacked any of the resources either of the florid or the chaste style?

4 In my own case, just as I trust I have done my duty, at the post to which the Roman people appointed me, by my political activities, and the toils and dangers I have undergone, so it is assuredly incumbent on me also to use my best endeavours, with such zeal, enthusiasm and energy as I possess, to promote the advancement of learning among my fellow-countrymen. Nor need I be greatly concerned to join issue with any who prefer to read Greek, provided that they actually do read it and do not merely pretend to do so. It is my business to serve those who desire to enjoy literature in both languages, or who, if books in their own are available, do not feel any great need of Greek ones. 11 Those again who would rather have me write on other subjects may fairly be indulgent to one who has written much already — in fact no one of our nation more — and who perhaps will write still more if his life be prolonged. And even were it not so, anyone who has been a careful student of my philosophical writings will pronounce that none of them are better worth reading than the present treatise. For what problem does life offer so important as all the topics of philosophy, and especially the questions raised in these volumes — What is the End, the final and ultimate aim, which gives the standard for all principles of well-being and of right conduct? What does Nature pursue as the thing supremely desirable, what does she avoid as the ultimate evil? It is a subject on which the most learned philosophers disagree profoundly; who then can think it derogatory to such esteem as each may assign to me, to investigate what is the highest good and the truest rule in every relationship of life? 12 Are we to have our leading statesmen debating such topics as whether the offspring of a female slave is to be considered as belonging to the party who has hired her, Publius Scaevola and Manius Manilius upholding one opinion and Marcus Brutus the contrary (not but what such discussions raise nice points of law, as well as being of practical importance for the business of life; and we read and shall continue to read with pleasure the treatises in question and others of the same nature); and shall these questions which cover the entire range of conduct be neglected? Legal subjects are no doubt more popular, but philosophy is unquestionably richer

in interest. However, this is a point that may be left to the reader to decide. In the present work we believe we have given a more or less exhaustive exposition of the whole subject of the Ends of Goods and Evils. The book is intended to contain so far as possible a complete account, not only of the views that we ourselves accept, but also of the doctrines enunciated by all the different schools of philosophy.

5 13 To begin with what is easiest, let us first pass in review the system of Epicurus, which to most men is the best known of any. Our exposition of it, as you shall see, will be as accurate as any usually given even by the professed adherents of his school. For our object is to discover the truth, not to refute someone as an opponent.

An elaborate defence of the hedonistic theory of Epicurus was once delivered by Lucius Torquatus, a student well versed in all the systems of philosophy; to him I replied, and Gaius Triarius, a youth of remarkable learning and seriousness of character, assisted at the discussion. 14 Both of these gentlemen had called to pay me their respects at my place at Cumae. We first exchanged a few remarks about literature, of which both were enthusiastic students. Then Torquatus said, "As we have for once found you at leisure, I am resolved to hear the reason why you regard my master Epicurus, not indeed with hatred, as those who do not share his views mostly do, but at all events with disapproval. I myself consider him as the one person who had discerned the truth, and who has delivered men from the gravest errors and imparted to them all there is to know about well-being and happiness. The fact is, I think that you are like our friend Triarius, and dislike Epicurus because he has neglected the graces of style that you find in your Plato, Aristotle and Theophrastus. For I can scarcely bring myself to believe that you think his opinions untrue." 15 "Let me assure you, Torquatus," said I, "that you are entirely mistaken. With your master's style I have no fault to find. He expresses his meaning adequately, and gives me a plain intelligible statement. Not that I despise eloquence in a philosopher if he has it to offer, but I should not greatly insist on it if he has not. But his matter I do not find so satisfactory, and that in more points than one. However, 'many men, many minds': so it is possible that I am mistaken." "What is it, pray," he said, "to which you take exception? For I recognize you as a just critic, provided you

really know what his doctrines are." 16 "Oh," said I, "I know the whole of Epicurus's opinions well enough, — unless you think that Phaedrus or Zeno did not tell me the truth. I have heard both of them lecture, though to be sure they convinced me of nothing but their own devotion to the system. Indeed I regularly attended those professors, in company with our friend Atticus, who for his part had an admiration for them both, and a positive affection for Phaedrus. Every day we used to discuss together in private what we had heard at lecture, and there was never any dispute as to what I could understand; the question was, what I could accept as true."

6 17 "Well then, what *is* the point?" said he; "I should very much like to know what it is that you disagree with." "Let me begin," I replied, "with the subject of Natural Philosophy, which is Epicurus's particular boast. Here, in the first place, he is entirely second-hand. His doctrines are those of Democritus, with a very few modifications. And as for the latter, where he attempts to improve upon his original, in my opinion he only succeeds in making things worse. Democritus believes in certain things which he terms 'atoms,' that is, bodies so solid as to be indivisible, moving about in a vacuum of infinite extent, which has neither top, bottom nor middle, neither centre nor circumference. The motion of these atoms is such that they collide and so cohere together; and from this process result the whole of the things that exist and that we see. Moreover, this movement of the atoms must not be conceived as starting from a beginning, but as having gone on from all eternity. 18 Epicurus for his part, where he follows Democritus, does not generally blunder. Still, there is a great deal in each of them with which I do not agree, and especially this: in the study of Nature there are two questions to be asked, first, what is the matter out of which each thing is made, second, what is the force by which it is made; now Democritus and Epicurus have discussed the question of matter, but they have not considered the question of force or the efficient cause. But this is a defect shared by both; I now come to the lapses peculiar to Epicurus. He believes that these same indivisible solid bodies are borne by their own weight perpendicularly downward, which he holds is the natural motion of all bodies; 19 but thereupon this clever fellow, being met with the difficulty that if they all travelled downwards in a straight line, and,

as I said, perpendicularly, no one atom would ever be able to overtake any other atom, accordingly introduced an idea of his own invention: he said that the atom makes a very tiny swerve, — the smallest divergence possible; and so are produced entanglements and combinations and cohesions of atoms with atoms, which result in the creation of the world and all its parts, and of all that in them is. Now not only is the whole of this affair a piece of childish fancy, but it does not even achieve the result that its author desires. The swerving is itself an arbitrary fiction; for Epicurus says the atoms swerve without a cause, — yet this is the capital offence in a natural philosopher, to speak of something taking place uncaused. Then also he gratuitously deprives the atoms of what he himself declared to be the natural motion of all heavy bodies, namely, movement in a straight line downwards, and yet he does not attain the object for the sake of which this fiction was devised. 20 For, if all the atoms swerve, none will ever come to cohere together; or if some serve while others travel in a straight line, by their own natural tendency, in the first place this will be tantamount to assigning to the atoms their different spheres of action, some to travel straight and some sideways; while secondly (and this is a weak point with Democritus also) this riotous hurly-burly of atoms could not possibly result in the ordered beauty of the world we know. It is also unworthy of a natural philosopher to deny the infinite divisibility of matter; an error that assuredly Epicurus would have avoided, if he had been willing to let his friend Polyaenus teach him geometry instead of making Polyaenus himself unlearn it. Democritus, being an educated man and well versed in geometry, thinks the sun is of vast size; Epicurus considers it perhaps a foot in diameter, for he pronounces it to be exactly as large as it appears, or a little larger or smaller. 21 Thus where Epicurus alters the doctrines of Democritus, he alters them for the worse; while for those ideas which he adopts, the credit belongs entirely to Democritus, — the atoms, the void, the images, or as they call them, eidōla, whose impact is the cause not only of vision but also of thought; the very conception of infinite space, apeiria as they term it, is entirely derived from Democritus; and again the countless numbers of worlds that come into existence and pass out of existence every day. For my own part I reject these doctrines altogether; but still I could wish that

Democritus, whom every one else applauds, had not been vilified by Epicurus who took him as his sole guide.

7 22 "Turn next to the second division of philosophy, the department of Method and of Dialectic, which is termed Logikē. Of the whole armour of Logic your founder, as it seems to me, is absolutely destitute. He does away with Definition; he has no doctrine of Division or Partition; he gives no rules for Deduction or Syllogistic Inference, and imparts no method for resolving dilemmas or for detecting Fallacies of Equivocation. The Criteria of reality he places in sensation; once let the senses accept something as true that is false, and every possible criterion of truth and falsehood seems to him to be immediately destroyed. . . .

23 . . . He lays the very greatest stress upon that which, as he declares, Nature herself decrees and sanctions, that is the feelings of pleasure and pain. These he maintains lie at the root of every act of choice and of avoidance. This is the doctrine of Aristippus, and it is upheld more cogently and more frankly by the Cyrenaics; but nevertheless it is in my judgment a doctrine in the last degree unworthy of the dignity of man. Nature, in my own opinion at all events, has created and endowed us for higher ends. I may possibly be mistaken; but I am absolutely convinced that the Torquatus who first won that surname did not wrest the famous necklet from his foe in the hope of getting from it any physical enjoyment, nor did he fight the battle of the Veseris against the Latins in this third consulship for the sake of pleasure. Indeed in sentencing his son to be beheaded, it would seem that he actually deprived himself of a great deal of pleasure; for he sacrificed his natural instincts of paternal affection to the claims of state and of his military office.

24 "Then, think of the Titus Torquatus who was consul with Gnaeus Octavius; when he dealt so sternly with the son who had passed out of his paternal control through his adoption by Decius Silanus — when he summoned him into his presence to answer to the charge preferred against him by a deputation from Macedonia, of accepting bribes while prisoner in that province — when, after hearing both sides of the case, he gave judgment that he found his son guilty of having conducted himself in office in a manner unworthy of his ancestry, and banished him for ever from his sight,

— think you he had any regard for his own pleasure? But I pass over the dangers, the toils, the actual pain that all good men endure for country and for friends, not only not seeking pleasure, but actually renouncing pleasures altogether, and preferring to undergo every sort of pain rather than be false to any portion of their duty. Let us turn to matters seemingly less important, but equally conclusive. 25 What actual pleasure do you, Torquatus, or does Triarius here, derive from literature, from history and learning, from turning the pages of the poets and committing vast quantities of verse to memory? Do not tell me that these pursuits are in themselves a pleasure to you, and that so were the deeds I mentioned to the Torquati. That line of defence was never taken by Epicurus or Metrodorus, nor by any one of them if he possessed any intelligence or had mastered the doctrines of your school. Again, as to the question often asked, why so many men are Epicureans, though it is not the only reason, the thing that most attracts the crowd is the belief that Epicurus declares right conduct and moral worth to be intrinsically and of themselves delightful, which means productive of pleasure. These worthy people do not realize that, if this is true, it upsets the theory altogether. If it were admitted that goodness is spontaneously and intrinsically pleasant, even without any reference to bodily feeling, then virtue would be desirable for its own sake, and so also would knowledge; but this Epicurus by no means allows.

26 "These then," said I, "are the doctrines of Epicurus that I cannot accept. For the rest, I could desire that he himself had been better equipped with learning (since even you must recognize that he is deficient in that liberal culture which confers on its possessor the title of an educated man) or at all events that he had not deterred others from study. Although I am aware that he has not succeeded in deterring you."

8 I had spoken rather with the intention of drawing out Torquatus than of delivering a discourse of my own. But Triarius interposed, with a smile: "Why, you have practically expelled Epicurus altogether from the philosophic choir. What have you left to him except that, whatever his style may be, you find his meaning intelligible? His doctrines in Natural Philosophy were second-hand, and in your opinion unsound at that; and his attempts to improve on

his authority only made things worse. Dialectic he had none. His identification of the Chief Good with pleasure in the first place was in itself an error, and secondly this also was not original; for it had been said before, and said better, by Aristippus. To crown all you added that Epicurus was a person of no education." 27 "Well, Triarius," I rejoined, "when one disagrees with a man, it is essential to say what it is that one objects to in his views. What should prevent me from being an Epicurean, if I accepted the doctrines of Epicurus? especially as the system is an exceedingly easy one to master. You must not find fault with members of opposing schools for criticizing each other's opinions; though I always feel that insult and abuse, or ill-tempered wrangling and bitter, obstinate controversy are beneath the dignity of philosophy." 28 "I am quite of your mind," said Torquatus; "it is impossible to debate without criticizing, but it is equally impossible to debate properly with ill-temper or obstinacy. But I have something I should like to say in reply to all this, if it will not weary you." "Do you suppose," said I, "that I should have said what I have, unless I wanted to hear you?" "Then would you like me to make a rapid review of the whole of Epicurus's system, or to discuss the single topic of pleasure, which is the one main subject of dispute?" "Oh," I said, "that must be for you to decide." "Very well then," said he, "this is what I will do, I will expound a single topic, and that the most important. Natural Philosophy we will postpone; though I will undertake to prove to you both your swerve of the atoms and size of the sun, and also that very many errors of Democritus were criticized and corrected by Epicurus. But on the present occasion I will speak about pleasure; not that I have anything original to contribute, yet I am confident that what I say will command even your acceptance." "Be assured," I said, "that I shall not be obstinate, but will gladly own myself convinced if you can prove your case to my satisfaction." 29 "I shall do so," he rejoined, "provided you are as fair-minded as you promise. But I prefer to employ continuous discourse rather than question and answer." "As you please," said I. So he began.

9 "I will start then," he said, "in the manner approved by the author of the system himself, by settling what are the essence and qualities of the thing that is the object of our inquiry; not that I

suppose you to be ignorant of it, but because this is the logical method of procedure. We are inquiring, then, what is the final and ultimate Good, which as all philosophers are agreed must be of such a nature as to be the end to which all other things are means, while it is not itself a means to anything else. This Epicurus finds in pleasure; pleasure he holds to be the Chief Good, pain the Chief Evil. 30 This he sets out to prove as follows: every animal, as soon as it is born, seeks for pleasure, and delights in it as the Chief Good, while it recoils from pain as the Chief Evil, and so far as possible avoids it. This it does as long as it remains unperverted, at the prompting of Nature's own unbiased and honest verdict. Hence Epicurus refuses to admit any necessity for argument or discussion to *prove* that pleasure is desirable and pain to be avoided. These facts, he thinks, are perceived by the senses, as that fire is hot, snow white, honey sweet, none of which things need be proved by elaborate argument: it is enough merely to draw attention to them. (For there is a difference, he holds, between formal syllogistic proof of a thing and a mere notice or reminder: the former is the method for discovering abstruse and recondite truths, the latter for indicating facts that are obvious and evident.) Strip mankind of sensation, and nothing remains; it follows that Nature herself is the judge of that which is in accordance with or contrary to nature. What does Nature perceive or what does she judge of, beside pleasure and pain, to guide her actions of desire and of avoidance? 31 Some members of our school however would refine upon this doctrine; these say that it is not enough for the judgment of good and evil to rest with the senses; the facts that pleasure is in and for itself desirable and pain in and for itself to be avoided can also be grasped by the intellect and the reason. Accordingly they declare that the perception that the one is to be sought after and the other avoided is a notion naturally implanted in our minds. Others again, with whom I agree, observing that a great many philosophers do advance a vast array of reasons to prove why pleasure should not be counted as a good nor pain as an evil, consider that we had better not be too confident of our case; in their view it requires elaborate and reasoned argument, and abstruse theoretical discussion of the nature of pleasure and pain.

10 32 "But I must explain to you how all this mistaken idea of

reprobating pleasure and extolling pain arose. To do so, I will give you a complete account of the system, and expound the actual teachings of the great explorer of truth, the master-builder of human happiness. No one rejects, dislikes or avoids pleasure itself, because it is pleasure, but because those who do not know how to pursue pleasure rationally encounter consequences that are extremely painful. Nor again is there anyone who loves or pursues or desires to obtain pain of itself, because it is pain, but because occasionally circumstances occur in which toil and pain can procure him some great pleasure. To take a trivial example, which of us ever undertakes laborious physical exercise, except to obtain some advantage from it? But who has any right to find fault with a man who chooses to enjoy a pleasure that has no annoying consequences, or one who avoids a pain that produces no resultant pleasure? 33 On the other hand, we denounce with righteous indignation and dislike men who are so beguiled and demoralized by the charms of the pleasure of the moment, so blinded by desire, that they cannot foresee the pain and trouble that are bound to ensue; and equal blame belongs to those who fail in their duty through weakness of will, which is the same as saying through shrinking from toil and pain. These cases are perfectly simple and easy to distinguish. In a free hour, when our power of choice is untrammelled and when nothing prevents our being able to do what we like best, every pleasure is to be welcomed and every pain avoided. But in certain emergencies and owing to the claims of duty or the obligations of business it will frequently occur that pleasures have to be repudiated and annoyances accepted. The wise man therefore always holds in these matters to this principle of selection: he rejects pleasures to secure other greater pleasures, or else he endures pains to avoid worse pains.

34 “This being the theory I hold, why need I be afraid of not being able to reconcile it with the case of the Torquati my ancestors? Your references to them just now were historically correct, and also showed your kind and friendly feeling towards myself; but all the same I am not to be bribed by your flattery of my family, and you will not find me a less resolute opponent. Tell me, pray, what explanation do you put upon their actions? Do you really believe that they charged an armed enemy, or treated their children, their own

flesh and blood, so cruelly, without a thought for their own interest or advantage? Why, even wild animals do not act in that way; they do not run amok so blindly that we cannot discern any purpose in their movements and their onslaughts. Can you then suppose that those heroic men performed their famous deeds without any motive at all? 35 What their motive was, I will consider later on: for the present I will confidently assert, that if they had a motive for those undoubtedly glorious exploits, that motive was not a love of virtue in and for itself. — He wrested the necklet from his foe. — Yes, and saved himself from death. — But he braved great danger. — Yes, before the eyes of an army. — What did he get by it? — Honour and esteem, the strongest guarantees of security in life. — He sentenced his own son to death. — If from no motive, I am sorry to be the descendant of anyone so savage and inhuman; but if his purpose was by inflicting pain upon himself to establish his authority as a commander, and to tighten the reins of discipline during a very serious war by holding over his army the fear of punishment, then his action aimed at ensuring the safety of his fellow-citizens, upon which he knew his own depended. 36 And this is a principle of wide application. People of your school, and especially yourself, who are so diligent a student of history, have found a favourite field for the display of your eloquence in recalling the stories of brave and famous men of old, and in praising their actions, not on utilitarian grounds, but on account of the splendour of abstract moral worth. But all of this falls to the ground if the principle of selection that I have just mentioned be established, — the principle of forgoing pleasures for the purpose of getting greater pleasures, and enduring pains for the sake of escaping greater pains.

11 37 “But enough has been said at this stage about the glorious exploits and achievements of the heroes of renown. The tendency of all the virtues to produce pleasure is a topic that will be treated in its own place later on. At present I shall proceed to expound the essence and qualities of pleasure itself, and shall endeavour to remove the misconceptions of ignorance and to make you realize how serious, how temperate, how austere is the school that is supposed to be sensual, lax and luxurious. The pleasure we pursue is not that kind alone which directly affects our physical being with a delightful

feeling, — a positively agreeable perception of the senses; on the contrary, the greatest pleasure according to us is that which is experienced as a result of the complete removal of pain. When we are released from pain, the mere sensation of complete emancipation and relief from uneasiness is in itself a source of gratification. But everything that causes gratification is a pleasure (just as everything that causes annoyance is a pain). Therefore the complete removal of pain has correctly been termed a pleasure. For example, when hunger and thirst are banished by food and drink, the mere fact of getting rid of uneasiness brings a resultant pleasure in its train. So generally, the removal of pain causes pleasure to take its place. 38 Epicurus consequently maintained that there is no such thing as a neutral state of feeling intermediate between pleasure and pain; for the state supposed by some thinkers to be neutral, being characterized as it is by entire absence of pain, is itself, he held, a pleasure, and, what is more, a pleasure of the highest order. A man who is conscious of his condition at all must necessarily feel pleasure or pain. But complete absence of pain Epicurus considers to be the limit and highest point of pleasure; beyond this point pleasure may vary in kind, but it cannot vary in intensity or degree. 39 Yet at Athens, so my father used to tell me when he wanted to air his wit at the expense of the Stoics, in the Ceramicus there is actually a statue of Chrysippus seated and holding out one hand, the gesture being intended to indicate the delight which he used to take in the following little syllogism: 'Does your hand want anything, while it is in its present condition?' Answer: 'No, nothing.'—'But if pleasure were a good, it would want pleasure.'—'Yes, I suppose it would.'—'Therefore pleasure is not a good.' An argument, as my father declared, which not even a statue would employ, if a statue could speak; because though it is cogent enough as an objection to the Cyrenaics, it does not touch Epicurus. For if the only kind of pleasure were that which so to speak tickles the senses, an influence permeating them with a feeling of delight, neither the hand nor any other member could be satisfied with the absence of pain unaccompanied by an agreeable and active sensation of pleasure. Whereas if, as Epicurus holds, the highest pleasure be to feel no pain, Chrysippus' interlocutor, though justified in making his first admission, that his hand in that condition wanted nothing, was

not justified in his second admission, that if pleasure were a good, his hand would have wanted it. And the reason why it would not have wanted pleasure is, that to be without pain is to be in a state of pleasure.

12 40 “The truth of the position that pleasure is the ultimate good will most readily appear from the following illustration. Let us imagine a man living in the continuous enjoyment of numerous and vivid pleasures alike of body and of mind, undisturbed either by the presence or the prospect of pain: what possible state of existence could we describe as being more excellent or more desirable? One so situated must possess in the first place a strength of mind that is proof against all fear of death or of pain; he will know that death means complete unconsciousness, and that pain is generally light if long and short if strong, so that its intensity is compensated by brief duration and its continuance by diminishing severity. 41 Let such a man moreover have no dread of any supernatural power; let him never suffer the pleasures of the past to fade away, but constantly renew their enjoyment in recollection, — and his lot will be one which will not admit of further improvement. Suppose on the other hand a person crushed beneath the heaviest load of mental and of bodily anguish to which humanity is liable. Grant him no hope of ultimate relief in view; also give him no pleasure either present or in prospect. Can one describe or imagine a more pitiable state? If then a life full of pain is the thing most to be avoided, it follows that to live in pain is the highest evil; and this position implies that a life of pleasure is the ultimate good. In fact the mind possesses nothing in itself upon which it can rest as final. Every fear, every sorrow can be traced back to pain; there is no other thing besides pain which is of its own nature capable of causing either anxiety or distress.

42 “Pleasure and pain moreover supply the motives of desire and of avoidance, and the springs of conduct generally. This being so, it clearly follows that actions are right and praiseworthy only as being a means to the attainment of a life of pleasure. But that which is not itself a means to anything else, but to which all else is a means, is what the Greeks term the Telos, the highest, ultimate or final Good. It must therefore be admitted that the Chief Good is to live agreeably.

13 “Those who place the Chief Good in virtue alone are beguiled by the glamour of a name, and do not understand the true demands of nature. If they will consent to listen to Epicurus, they will be delivered from the grossest error. Your school dilates on the transcendent beauty of the virtues; but were they not productive of pleasure, who would deem them either praiseworthy or desirable? We esteem the art of medicine not for its interest as a science but for its conduciveness to health; the art of navigation is commended for its practical and not its scientific value, because it conveys the rules for sailing a ship with success. So also Wisdom, which must be considered as the art of living, if it effected no result would not be desired; but as it is, it is desired, because it is the artificer that procures and produces pleasure. 43 (The meaning that I attach to pleasure must by this time be clear to you, and you must not be biased against my argument owing to the discreditable associations of the term.) The great disturbing factor in man’s life is ignorance of good and evil; mistaken ideas about these frequently rob us of our greatest pleasures, and torment us with the most cruel pain of mind. Hence we need the aid of Wisdom, to rid us of our fears and appetites, to root out all our errors and prejudices, and to serve as our infallible guide to the attainment of pleasure. Wisdom alone can banish sorrow from our hearts and protect us from alarm and apprehension; put yourself to school with her, and you may live in peace, and quench the glowing flames of desire. For the desires are incapable of satisfaction; they ruin not individuals only but whole families, nay often shake the very foundations of the state. 44 It is they that are the source of hatred, quarrelling and strife, of sedition and of war. Nor do they only flaunt themselves abroad, or turn their blind onslaughts solely against others; even when prisoned within the heart they quarrel and fall out among themselves; and this cannot but render the whole of life embittered. Hence only the Wise Man, who prunes away all the rank growth of vanity and error, can possibly live untroubled by sorrow and by fear, content within the bounds that nature has set. 45 Nothing could be more useful or more conducive to well-being than Epicurus’s doctrine as to the different classes of the desires. One kind he classified as both natural and necessary, a second as natural without being necessary, and a third as neither

natural nor necessary; the principle of classification being that the necessary desires are gratified with little trouble or expense; the natural desires also require but little, since nature's own riches, which suffice to content her, are both easily procured and limited in amount; but for the imaginary desires no bound or limit can be discovered. 14 46 If then we observe that ignorance and error reduce the whole of life to confusion, while Wisdom alone is able to protect us from the onslaughts of appetite and the menaces of fear, teaching us to bear even the affronts of fortune with moderation, and showing us all the paths that lead to calmness and peace, why should we hesitate to avow that Wisdom is to be desired for the sake of the pleasures it brings and Folly to be avoided because of its injurious consequences?

47 "The same principle will lead us to pronounce that Temperance also is not desirable for its own sake, but because it bestows peace of mind, and soothes the heart with a tranquillizing sense of harmony. For it is temperance that warns us to be guided by reason in what we desire and avoid. Nor is it enough to judge what it is right to do or to leave undone; we also need to abide by our judgment. Most men however lack tenacity of purpose; their resolution weakens and succumbs as soon as the fair form of pleasure meets their gaze, and they surrender themselves prisoners to their passions, failing to foresee the inevitable result. Thus for the sake of a pleasure at once small in amount and unnecessary, and one which they might have procured by other means or even denied themselves altogether without pain, they incur serious disease, or loss of fortune, or disgrace, and not infrequently become liable to the penalties of the law and of the courts of justice. 48 Those on the other hand who are resolved so to enjoy their pleasures as to avoid all painful consequences therefrom, and who retain their faculty of judgment and avoid being seduced by pleasure into courses that they perceive to be wrong, reap the very highest pleasure by forgoing pleasure. Similarly also they often voluntarily endure pain, to avoid incurring greater pain by not doing so. This clearly proves that Intemperance is not undesirable for its own sake, while Temperance is desirable not because it renounces pleasures, but because it procures greater pleasures.

15 49 “The same account will be found to hold good of Courage. The performance of labours, the undergoing of pains, are not in themselves attractive, nor are endurance, industry, watchfulness, nor yet that much lauded virtue, perseverance, nor even courage; but we aim at these virtues in order to live without anxiety and fear and so far as possible to be free from pain of mind and body. The fear of death plays havoc with the calm and even tenor of life, and to bow the head to pain and bear it abjectly and feebly is a pitiable thing; such weakness has caused many men to betray their parents or their friends, some their country, and very many utterly to ruin themselves. So on the other hand a strong and lofty spirit is entirely free from anxiety and sorrow. It makes light of death, for the dead are only as they were before they were born. It is schooled to encounter pain by recollecting that pains of great severity are ended by death, and slight ones have frequent intervals of respite; while those of medium intensity lie within our own control: we can bear them if they are endurable, or if they are not, we may serenely quit life’s theatre, when the play has ceased to please us. These considerations prove that timidity and cowardice are not blamed, nor courage and endurance praised, on their own account; the former are rejected because they beget pain, the latter coveted because they beget pleasure.

16 50 “It remains to speak of Justice, to complete the list of the virtues; but this admits of practically the same treatment as the others. Wisdom, Temperance and Courage I have shown to be so closely linked with Pleasure that they cannot possibly be severed or sundered from it. The same must be deemed to be the case with Justice. Not only does Justice never cause anyone harm, but on the contrary it always adds some benefit, partly owing to its essentially tranquillizing influence upon the mind, partly because of the hope that it warrants of a never-failing supply of the things that uncorrupted nature really needs. And just as Rashness, Licence and Cowardice ever torment the mind, ever awaken trouble and discord, so Unrighteousness, when firmly rooted in the heart, causes restlessness by the mere fact of its presence; and if once it has found expression in some deed of wickedness, however secret the act, yet it can never feel assured that it will always remain undetected. The usual consequences of crime are, first suspicion, next gossip and rumour, then comes the accuser, then the judge; many wrongdoers have even turned evidence against themselves, as happened in your consulshi And even if any think themselves well fenced and fortified against detection by their fellow-men, they still dread the eye of heaven, and fancy that the pangs of anxiety night and day gnawing at their hearts are sent by Providence to punish them. But what can wickedness contribute towards lessening the annoyances of life, commensurate with its effect in increasing them, owing to the burden of a guilty conscience, the penalties of the law and the hatred of one’s fellows? Yet nevertheless some men indulge without limit their avarice, ambition and love of power, lust, gluttony and those other desires, which ill-gotten gains can never diminish but rather must inflame the more; insomuch that they appear proper subjects for restraint rather than for reformation. 52 Men of sound natures, therefore, are summoned by the voice of true reason to justice, equity and honesty. For one without eloquence or resources dishonesty is not good policy, since it is difficult for such a man to succeed in his designs, or to make good his success when once achieved. On the other hand, for the rich and clever generous conduct seems more in keeping, and liberality wins them affection and good will, the surest

means to a life of peace; especially as there really is no motive for transgressing: 53 since the desires that spring from nature are easily gratified without doing any man wrong, while those that are imaginary ought to be resisted, for they set their affections upon nothing that is really wanted; while there is more loss inherent in Injustice itself than there is profit in the gains it brings. Hence Justice also cannot correctly be said to be desirable in and for itself; it is so because it is so highly productive of gratification. For esteem and affection are gratifying, because they render life safer and fuller of pleasure. Hence we hold that Unrighteousness is to be avoided not simply on account of the disadvantages that result from being unrighteous, but even far more because when it dwells in a man's heart it never suffers him to breathe freely or know a moment's rest.

54 "If then even the glory of the Virtues, on which all the other philosophers love to expatiate so eloquently, has in the last resort no meaning unless it be based on pleasure, whereas pleasure is the only thing that is intrinsically attractive and alluring, it cannot be doubted that pleasure is the one supreme and final Good and that a life of happiness is nothing else than a life of pleasure.

17 55 "The doctrine thus firmly established has corollaries which I will briefly expound. (1) The Ends of Goods and Evils themselves, that is, pleasure and pain, are not open to mistake; where people go wrong is in not knowing what things are productive of pleasure and pain. (2) Again, we aver that mental pleasures and pains arise out of bodily ones (and therefore I allow your contention that any Epicureans who think otherwise put themselves out of court; and I am aware that many do, though not those who can speak with authority); but although men do experience mental pleasure that is agreeable and mental pain that is annoying, yet both of these we assert arise out of and are based upon bodily sensations. (3) Yet we maintain that this does not preclude mental pleasures and pains from being much more intense than those of the body; since the body can feel only what is present to it at the moment, whereas the mind is also cognizant of the past and of the future. For granting that pain of body is equally painful, yet our sensation of pain can be enormously increased by the belief that some evil of unlimited magnitude and duration threatens to befall us hereafter. And the same consideration

may be transferred to pleasure: a pleasure is greater if not accompanied by any apprehension of evil. 56 This therefore clearly appears, that intense mental pleasure or distress contributes more to our happiness or misery than a bodily pleasure or pain of equal duration. (4) But we do not agree that when pleasure is withdrawn uneasiness at once ensues, unless the pleasure happens to have been replaced by a pain: while on the other hand one is glad to lose a pain even though no active sensation of pleasure comes in its place: a fact that serves to show how great a pleasure is the mere absence of pain. 57 (5) But just as we are elated by the anticipation of good things, so we are delighted by their recollection. Fools are tormented by the memory of former evils; wise men have the delight of renewing in graceful remembrance the blessings of the past. We have the power both to obliterate our misfortunes in an almost perpetual forgetfulness and to summon up pleasant and agreeable memories of our successes. But when we fix our mental vision closely on the events of the past, then sorrow or gladness ensues according as these were evil or good.

18 "Here is indeed a royal road to happiness — open, simple, and direct! For clearly man can have no greater good than complete freedom from pain and sorrow coupled with the enjoyment of the highest bodily and mental pleasures. Notice then how the theory embraces every possible enhancement of life, every aid to the attainment of that Chief Good which is our object. Epicurus, the man whom you denounce as a voluptuary, cries aloud that no one can live pleasantly without living wisely, honourably and justly, and of one wisely, honourably and justly without living pleasantly. 58 For a city rent by faction cannot prosper, nor a house whose masters are at strife; much less then can a mind divided against itself and filled with inward discord taste any particle of pure and liberal pleasure. But one who is perpetually swayed by conflicting and incompatible counsels and desires can know no peace or calm. 59 Why, if the pleasantness of life is diminished by the more serious bodily diseases, how much more must it be diminished by the diseases of the mind! But extravagant and imaginary desires, for riches, fame, power, and also for licentious pleasures, are nothing but mental diseases. Then, too, there are grief, trouble and sorrow, which gnaw the heart and

consume it with anxiety, if men fail to realize that the mind need feel no pain unconnected with some pain of body, present or to come. Yet there is no foolish man but is afflicted by some one of these diseases; therefore there is no foolish man that is not unhappy. 60 Moreover, there is death, the stone of Tantalus ever hanging over men's heads; and superstition, that poisons and destroys all peace of mind. Besides, they do not recollect their past nor enjoy their present blessings; they merely look forward to those of the future, and as these are of necessity uncertain, they are consumed with agony and terror; and the climax of their torment is when they perceive too late that all their dreams of wealth or station, power or fame, have come to nothing. For they never attain any of the pleasures, the hope of which inspired them to undergo all their arduous toils. 61 Or look again at others, petty, narrow-minded men, or confirmed pessimists, or spiteful, envious, ill-tempered creatures, unsociable, abusive, brutal; others again enslaved to the follies of love, impudent or reckless, wanton, headstrong and yet irresolute, always changing their minds. Such failings render their lives one unbroken round of misery. The conclusion is that no foolish man can be happy, nor any wise man fail to be happy. This is a truth that we establish far more conclusively than do the Stoics. For they maintain that nothing is good save that vague phantom which they entitle Moral Worth, a title more splendid than substantial; and say that Virtue resting on this Moral Worth has no need of pleasure, but is herself her own sufficient happiness.

19 62 "At the same time this Stoic doctrine can be stated in a form which we do not object to, and indeed ourselves endorse. For Epicurus thus presents his Wise Man who is always happy: his desires are kept within bounds; death he disregards; he has a true conception, untainted by fear, of the Divine nature; he does not hesitate to depart from life, if that would better his condition. Thus equipped he enjoys perpetual pleasure, for there is no moment when the pleasures he experiences do not outbalance the pains; since he remembers the past with gratitude, grasps the present with a full realization of its pleasantness, and does not rely upon the future; he looks forward to it, but finds his true enjoyment in the present. Also he is entirely free from the vices that I instanced a few moments ago,

and he derives no inconsiderable pleasure from comparing his own existence with the life of the foolish. More, any pains that the Wise Man may encounter are never so severe but that he has more cause for gladness than for sorrow. 63 Again, it is a fine saying of Epicurus that 'the Wise Man is but little interfered with by fortune: the great concerns of life, the things that matter, are controlled by his own wisdom and reason'; and that 'no greater pleasure could be derived from a life of infinite duration than is actually afforded by this existence which we know to be finite.' Logic, on which your school lays such stress, he held to be of no effect either as a guide to conduct or as an aid to thought. Natural Philosophy he deemed all-important. This science explains to us the meaning of terms, the nature of predication, and the law of consistency n contradiction; secondly, a thorough knowledge of the facts of nature relieves us of the burden of superstition, frees us from fear of death, and shields us against the disturbing effects of ignorance, which is often in itself a cause of terrifying apprehensions; lastly, to learn what nature's real requirements are improves the moral character also. Besides, it is only by firmly grasping a well-established scientific system, observing the Rule or Canon that has fallen as it were from heaven so that all men may know it — only by making that hope always to stand fast in our belief, unshaken by the eloquence of any man. 64 On the other hand, without a full understanding of the world of nature it is impossible to maintain the truth of our sense-perceptions. Further, every mental presentation has its origin in sensation: so that no certain knowledge will be possible, unless all sensations are true, as the theory of Epicurus teaches that they are. Those who deny the validity of sensation and say that nothing can be perceived, having excluded the evidence of the senses, are unable even to expound their own argument. Besides, by abolishing knowledge and science they abolish all possibility of rational life and action. Thus Natural Philosophy supplies courage to face the fear of death; resolution to resist the terrors of religion; peace of mind, for it removes all ignorance of the mysteries of nature; self-control, for it explains the nature of the desires and distinguishes their different kinds; and, as I showed just now, the Canon or Criterion of Knowledge, which Epicurus also established, gives a method of discerning truth from

falsehood.

20 65 “There remains a topic that is pre-eminently germane to this discussion, I mean the subject of Friendship. Your school maintains that if pleasure be the Chief Good, friendship will cease to exist. Now Epicurus’s pronouncement about friendship is that of all the means to happiness that wisdom has devised, none is greater, none most are fruitful, none more delightful than this. Nor did he only commend this doctrine by his eloquence, but far more by the example of his life and conduct. How great a thing such friendship is, is shown by the mythical stories of antiquity. Review the legends from the remotest ages, and, copious and varied as they are, you will barely find in them three pairs of friends, beginning with Theseus and ending with Orestes. Yet Epicurus in a single house and that a small one maintained a whole company of friends, united by the closest sympathy and affection; and this still goes on in the Epicurean school. But to return to our subject, for there is no need of personal instances: 66 I notice that the topic of friendship has been treated by Epicureans in three ways. (1) Some have denied that pleasures affecting our friends are in themselves to be desired by us in the same degree as we desire our own pleasures. This doctrine is thought by some critics to undermine the foundations of friendship; however, its supporters defend their position, and in my opinion have no difficulty in making good their ground. They argue that friendship can no more be sundered from pleasure than can the virtues, which we have discussed already. A solitary, friendless life must be beset by secret dangers and alarms. Hence reason itself advises the acquisition of friends; their possession gives confidence, and a firmly rooted hope of winning pleasure. 67 And just as hatred, jealousy and contempt are hindrances to pleasure, so friendship is the most trustworthy preserver and also creator of pleasure alike for our friends and for ourselves. It affords us enjoyment in the present, and it inspires us with hopes for the near and distant future. Thus it is not possible to secure uninterrupted gratification in life without friendship, nor yet to preserve friendship itself unless we love our friends as much as ourselves. Hence this unselfishness does occur in friendship, while also friendship is closely linked with pleasure. For we rejoice in our friends’ joy as much as in our own, and are equally pained by their

sorrows. 68 Therefore the Wise Man will feel exactly the same towards his friend as he does towards himself, and will exert himself as much for his friend's pleasure as he would for his own. All that has been said about the essential connexion of the virtues with pleasure must be repeated about friendship. Epicurus well said (I give almost his exact words): 'The same creed that has given us courage to overcome all fear of everlasting or long-enduring evil hereafter, has discerned that friendship is our strongest safeguard in this present term of life.' 69 — (2) Other Epicureans though by no means lacking in insight are a little less courageous in defying the opprobrious criticisms of the Academy. They fear that if we hold friendship to be desirable only for the pleasure that it affords to ourselves, it will be thought that it is crippled altogether. They therefore say that the first advances and overtures, and the original inclination to form an attachment, are prompted by the desire for pleasure, but that when the progress of the intercourse has led to intimacy, the relationship blossoms into an affection strong enough to make us love our friends for their own sake, even though no practical advantage accrues from their friendship. Does not familiarity endear to us localities, temples, cities, gymnasia and playing-grounds, horses and hounds, gladiatorial shows and fights with wild beasts? Then how much more natural and reasonable that this should be able to happen in our intercourse with our fellow-men! 70 — (3) The third view is that wise men have made a sort of compact to love their friends no less than themselves. We can understand the possibility of this, and we often see it happen. Clearly no more effective means to happiness could be found than such an alliance.

"All these considerations go to prove not only that the theory of friendship is not embarrassed by the identification of the Chief Good with pleasure, but also that without this no foundation for friendship whatsoever can be found.

21 71 "If then the doctrine I have set forth is clearer and more luminous than daylight itself; if it is derived entirely from Nature's source; if my whole discourse relies throughout for confirmation on the unbiased and unimpeachable evidence of the senses; if lisping infants, nay even dumb animals, prompted by Nature's teaching, almost find voice to proclaim that there is no welfare but pleasure, no

hardship but pain — and their judgment in these matters is neither sophisticated nor biased — ought we not to feel the greatest gratitude to him who caught this utterance of Nature's voice, and grasped its import so firmly and so fully that he has guided all sane-minded men into the paths of peace and happiness, calmness and repose? You are pleased to think him uneducated. The reason is that he refused to consider any education worth the name that did not help to school us in happiness. 72 Was he to spend his time, as you encourage Triarius and me to do, in perusing poets, who give us nothing solid and useful, but merely childish amusement? Was he to occupy himself like Plato with music and geometry, arithmetic and astronomy, which starting from false premises cannot be true, and which moreover if they were true would contribute nothing to make our lives pleasanter and therefore better? Was he, I say, to study arts like these, and neglect the master art, so difficult and correspondingly so fruitful, the art of living? No! Epicurus was not uneducated: the real philistines are those who ask us to go on studying till old age the subjects that we ought to be ashamed not to have learnt in boyhood." Thus concluding, he added: "I have explained my own view, but solely with the object of learning what your verdict is. I have never hitherto had a satisfactory opportunity of hearing it."

BOOK II

1 1 Upon this they both looked at me, and signified their readiness to hear me. So I began: “First of all, I beg of you not to imagine that I am going to deliver you a formal lecture, like a professional philosopher. That is a procedure which even in the case of philosophers I have never very much approved. Socrates, who is entitled to be styled the father of philosophy, never did anything of the sort. It was the method of his contemporaries the Sophists, as they were called. It was one of the Sophists, Gorgias of Leontini, who first ventured in an assembly to ‘invite a question,’ that is, to ask anyone to state what subject he desired to hear discussed. A bold undertaking, indeed, I should call it a piece of effrontery, had not this custom later on passed over into our own school. 2 But we read how Socrates made fun of the aforesaid Gorgias, and the rest of the Sophists also, as we can learn from Plato. His own way was to question his interlocutors and by a process of cross-examination to elicit their opinions, so that he might express his own views by way of rejoinder to their answers. This practice was abandoned by his successors, but was afterwards revived by Arcesilas, who made it a rule that those who wished to hear him should not ask him questions but should state their own opinions; and when they had done so he argued against them. But whereas the pupils of Arcesilas did their best to defend their own position, with the rest of the philosophers the student who has put a question is then silent; and indeed this is nowadays the custom even in the Academy. The would-be learner says, for example, ‘The Chief Good in my opinion is pleasure,’ and the contrary is then maintained in a formal discourse; so that it is not hard to realize that those who say they are of a certain opinion do not actually hold the view they profess, but want to hear what can be argued against it. 3 We are adopting a more profitable mode of procedure, for Torquatus has not only told us his own opinion but also his reasons for holding it. Still, for my part, though I enjoyed his long discourse very much, I believe all the same that it is better to stop at point after point, and make out what each person is willing to admit and what he denies, and then to draw such inferences as one

desires from these admissions and so arrive at one's conclusion. When the exposition goes rushing on like a mountain stream in spate, it carries along with it a vast amount of miscellaneous material, but there is nothing one can take hold of or rescue from the flood; there is no point at which one can stem the torrent of oratory.

"However, in philosophical investigation a methodical and systematic discourse must always begin by formulating a preamble like that which occurs in certain forms of process at law, 'The issue shall be as follows'; so that the parties to the debate may be agreed as to what the subject is about which they are debating. 2 4 This rule is laid down by Plato in the *Phaedrus*, and it was approved by Epicurus, who realized that it ought to be followed in every discussion. But he failed to see what this involved. For he says that he does not hold with giving a definition of the thing in question; yet without this it is sometimes impossible for the disputants to agree what the subject under discussion is; as, for example, in the case of the very question we are now debating. We are trying to discover the End of Goods; but how can we possibly know what the nature of this is, without comparing notes as to what we mean, in the phrase 'End of Goods,' by the term 'End' and also by the term 'Good' itself? 5 Now this process of disclosing latent meanings, of revealing what a particular thing is, is the process of definition; and you yourself now and then unconsciously employed it. For you repeatedly defined this very notion of End or final or ultimate aim as 'that to which all right actions are a means while it is not itself a means to anything else.' Excellent so far. Very likely had occasion arisen you would have defined the Good itself, either as 'the naturally desirable,' or 'the beneficial,' or 'the delightful,' or just 'that which we like.' Well then, if you don't mind, as you do not entirely disapprove of definition, and indeed practise it when it suits your purpose, I should be glad if you would now define pleasure, the thing which is the subject of the whole of our present inquiry." 6 "Dear me," cried Torquatus, "who is there who does not know what pleasure is?" Who needs a definition to assist him to understand it?" "I should say that I myself was such a person," I replied, "did I not believe that as a matter of fact I do fully understand the nature of pleasure, and possess a well-founded conception and comprehension of it. As it is, I venture to assert that

Epicurus himself does not know what pleasure is, but is uncertain about it. He is always harping on the necessity of carefully sifting out the meaning underlying the terms we employ, and yet he occasionally fails to understand what is the import of the term 'pleasure,' I mean, what is the notion that corresponds to the term."

3 Torquatus laughed. "Come, that is a good joke," he said, "that the author of the doctrine that pleasure is the End of things desirable, the final and ultimate Good, should actually not know what manner of thing pleasure itself is!' "Well," I replied, "either Epicurus does not know what pleasure is, or the rest of mankind all the world over do not." "How so?" he asked. "Because the universal opinion is that pleasure is a sensation actively stimulating the percipient sense and diffusing over it a certain agreeable feeling." 7 "What then?" he replied; "does not Epicurus recognize pleasure in your sense?" "Not always," said I; "now and then, I admit, he recognizes it only too fully; for he solemnly avows that he cannot even understand what Good there can be or where it can be found, apart from that which is derived from food and drink, the delight of the ears, and the grosser forms of gratification. Do I misrepresent his words?" "Just as if I were ashamed of all that," he cried, "or unable to explain the sense in which it is spoken!" "Oh," said I, "I haven't the least doubt you can explain it with ease. And you have no reason to be ashamed of sharing the opinions of a Wise Man — who stands alone, so far as I am aware, in venturing to arrogate to himself that title. For I do not suppose that Metrodorus himself claimed to be a Wise Man, though he did not care to refuse the compliment when the name was bestowed upon him by Epicurus; while the famous Seven of old received their appellation not by their own votes, but by the universal suffrage of mankind. 8 Still, for the present I take it for granted that in the utterance in question Epicurus undoubtedly recognizes the same meaning of 'pleasure' as everyone else. Every one uses the Greek word hēdonē and the Latin voluptas to mean an agreeable and exhilarating stimulation of the sense." "Well then," he asked, "what more do you want?" "I will tell you," I said, "though more for the sake of ascertaining the truth than from any desire to criticize yourself or Epicurus." "I also," he replied, "would much rather learn anything you may have to contribute, than criticize your views." "Do

you remember, then," I said, "what Hieronymus of Rhodes pronounces to be the Chief Good, the standard as he conceives it to which all other things should be referred?" "I remember," said he, "that he considers the End to be freedom from pain." "Well," said I, "what is the same philosopher's view about pleasure?" 9 "He thinks that pleasure is not desirable in itself." "Then in his opinion to feel pleasure is a different thing from not feeling pain?" "Yes," he said, "and there he is seriously mistaken, since, as I have just shown, the complete removal of pain is the limit of the increase of pleasure." "Oh," I said, "as for the formula 'freedom from pain,' I will consider its meaning later on; but unless you are extraordinarily obstinate you are bound to admit that 'freedom from pain' does not mean the same as 'pleasure.' " "Well, but on this point you will find me obstinate," said he; "for it is as true as any proposition can be." "Pray," said I, "when a man is thirsty, is there any pleasure in the act of drinking?" "That is undeniable," he answered. "Is it the same pleasure as the pleasure of having quenched one's thirst?" "No, it is a different kind of pleasure. For the pleasure of having quenched one's thirst is a 'static' pleasure, but the pleasure of actually quenching it is a 'kinetic' pleasure." "Why then," I asked, "do you call two such different things by the same name?" 10 "Do you not remember," he replied, "what I said just now, that when all pain has been removed, pleasure may vary in kind but cannot be increased in degree?" "Oh, yes, I remember," said I; "but though your language was quite correct in form, your meaning was far from clear. 'Variation' is a good Latin term; we use it strictly of different colours, but it is applied metaphorically to a number of things that differ: we speak of a varied poem, a varied speech, a varied character, varied fortunes. Pleasure too can be termed varied when it is derived from a number of unlike things producing unlike feelings of pleasure. If this were the variation you spoke of, I could understand the term, just as I understand it without your speaking of it. But I cannot quite grasp what you mean by 'variation' when you say that when we are free from pain we experience the highest pleasure, and that when we are enjoying things that excite a pleasant activity of the senses, we then experience an active or 'kinetic' pleasure that causes a variation of our pleasant sensations, but no increase in the former pleasure that

consists in absence of pain — although why you should call this 'pleasure' I cannot make out."

4 11 "Well," he asked, "can anything be more pleasant than freedom from pain?" "Still," I replied, "granting there is nothing better (that point I waive for the moment), surely it does not therefore follow that what I may call the negation of pain is the same thing as pleasure?" "Absolutely the same," said he, "indeed the negation of pain is a very intense pleasure, the most intense pleasure possible." "If then," said I, "according to your account the Chief Good consists entirely in feeling no pain, why do you not keep to this without wavering? Why do you not firmly maintain this conception of the Good and no other? 12 What need is there to introduce so abandoned a character as Mistress Pleasure into the company of those honourable ladies the Virtues? Her very name is suspect, and lies under a cloud of disrepute — so much so that you Epicureans are fond of telling us that we do not understand what Epicurus means by pleasure. I am a reasonably good-tempered disputant, but for my own part when I hear this assertion (and I have encountered it fairly often), I am sometimes inclined to be a little irritated. Do I not understand the meaning of the Greek word hēdonē, the Latin voluptas? Pray which of these two languages is it that I am not acquainted with? Moreover how comes it that I do not know what the word means, while all and sundry who have elected to be Epicureans do? As for that, your sect argues very plausibly that there is no need for the aspirant to philosophy to be a scholar at all. And you are as good as your word. Our ancestors brought old Cincinnatus from the plough to be dictator. You ransack the country villages for your assemblage of doubtless respectable but certainly not very learned adherents. 13 Well, if these gentlemen can understand what Epicurus means, cannot I? I will prove to you that I do. In the first place, I mean the same by 'pleasure' as he does by hēdonē. One often has some trouble to discover a Latin word that shall be the precise equivalent of a Greek one; but in this case no search was necessary. No instance can be found of a Latin word that more exactly conveys the same meaning as the corresponding Greek word than does the word voluptas. Every person in the world who knows Latin attaches to this word two ideas — that of gladness of mind, and that of a

delightful excitation of agreeable feeling in the body. On the one hand there is the character in Trabea who speaks of ‘excessive pleasure of the mind,’ meaning gladness, the same feeling as is intended by the person in Caecilius who describes himself as being ‘glad with every sort of gladness.’ But there is this difference, that the word ‘pleasure’ can denote a mental as well as a bodily feeling (the former a vicious emotion, in the opinion of the Stoics, who define it as ‘elation of the mind under an irrational conviction that it is enjoying some great good’), whereas ‘joy’ and ‘gladness’ are not used of bodily sensation. 14 However pleasure according to the usage of all who speak good Latin consists in the enjoyment of a delightful stimulation of one of the senses. The term ‘delight’ also you may apply if you like to the mind (‘to delight’ is said of both mind and body, and from it the adjective ‘delightful’ is derived), so long as you understand that between the man who says

So full am I of gladness
That I am all confusion,

and him who says

Now, now my soul with anger burns,

one of whom is transported with gladness and the other tormented with painful emotion, there is the intermediate state:

Though our acquaintanceship is but quite recent,

where the speaker feels neither gladness nor sorrow; and that similarly between the enjoyment of the most desirable bodily pleasures and the endurance of the most excruciating pains there is the neutral state devoid of either.

5 15 “Well, do you think I have properly grasped the meaning of the terms, or do I still require lessons in the use of either Greek or Latin? And even supposing that I do not understand what Epicurus says, still I believe I really have a very clear knowledge of Greek, so that perhaps it is partly his fault for using such unintelligible

language. Obscurity is excusable on two grounds: it may be deliberately adopted, as in the case of Heraclitus,

> The surname of the Obscure who bore,
> So dark his philosophic lore;

or the obscurity may be due to the abstruseness of the subject and not of the style — an instance of this is Plato's *Timaeus*. But Epicurus, in my opinion, has no intention of not speaking plainly and clearly if he can, nor is he discussing a recondite subject like natural philosophy, nor a technical subject such as mathematics, but a lucid and easy topic, and one that is generally familiar already. And yet you Epicureans do not deny that we understand what pleasure *is*, but what he means by it; which proves not that we do not understand the real meaning of the word, but that Epicurus is speaking an idiom of his own and ignoring our accepted terminology. 16 For if he means the same as Hieronymus, who holds that the Chief Good is a life entirely devoid of trouble, why does he insist on using the term pleasure, and not rather 'freedom from pain,' as does Hieronymus, who understands his own meaning? Whereas if his view is that the End must include kinetic pleasure (for so he describes this vivid sort of pleasure, calling it 'kinetic' in contrary with the pleasure of freedom from pain, which is 'static' pleasure), what is he really aiming at? For he cannot possibly convince any person who *knows himself* — anyone who has studied his own nature and sensations — that freedom from pain is the same thing as pleasure. This, Torquatus, is to do violence to the senses — this uprooting from our minds our knowledge of the meaning of words ingrained. Who is not aware that the world of experience contains these three states of feeling: first, the enjoyment of pleasure; second, the sensation of pain; and third, which is my own condition and doubtless also yours at the present moment, the absence of both pleasure and pain? Pleasure is the feeling of a man eating a good dinner, pain that of one being broken on the rack; but do you really not see the intermediate between those two extremes lies a vast multitude of persons who are feeling neither gratification nor pain?" 17 "I certainly do not," said he; "I maintain that all who are without pain are enjoying pleasure, and

what is more the highest form of pleasure." "Then you think that a man who, not being himself thirsty, mixes a drink for another, feels the same pleasure as the thirsty man who drinks it?"

6 At this Torquatus exclaimed: "A truce to question and answer, if you do not mind. I told you from the beginning that I preferred continuous speeches. I foresaw this kind of thing exactly; I knew we should come to logic-chopping and quibbling." "Then," said I, "would you sooner we adopted the rhetorical and not the dialectical mode of debate?" "Why," he cried, "just as if continuous discourse were proper for orators only, and not for philosophers as well!" "That is the view of Zeno the Stoic," I rejoined; "he used to say that the faculty of speech in general falls into two departments, as Aristotle had already laid down; and that Rhetoric was like the palm of the hand, Dialectic like the closed fist; because rhetoricians employ an expansive style, and dialecticians one that is more compressed. So I will defer to your wish, and will speak if I can in the rhetorical manner, but with the rhetoric of the philosophers, not with the sort which we use in the law-courts. The latter, as it employed a popular style, must necessarily sometimes be a little lacking in subtlety. 18 Epicurus however, Torquatus, in his counterpart for dialectic, which comprises at once the entire science of discerning the essence of things, of judging their qualities, and of conducting a systematic and logical argument, — Epicurus, I say, makes havoc of his exposition. He entirely fails, in my opinion at all events, to impart scientific precision to the doctrines he desires to convey. Take for example the particular tenet that we have just been discussing. The Chief Good is pleasure, say you Epicureans. Well then, you must explain what pleasure is; otherwise it is impossible to make clear the subject under discussion. Had Epicurus cleared up the meaning of pleasure, he would not have fallen into such confusion. Either he would have upheld pleasure in the same sense as Aristippus, that is, an agreeable and delightful excitation of the sense, which is what even dumb cattle, if they could speak, would call pleasure; or, if he preferred to use an idiom of his own, instead of speaking the language of the

Danaans one and all, men of Mycenae,

Scions of Athens,

and the rest of the Greeks invoked in these anapaests, he might have confined the name of pleasure to this state of freedom from pain, and despised pleasure as Aristippus understands it; or else, if he approved of both sorts of pleasure, as in fact he does, then he ought to combine together pleasure and absence of pain, and profess *two* ultimate Goods. 19 Many distinguished philosophers have as a matter of fact thus interpreted the ultimate good as composite. For instance, Aristotle combined the exercise of virtue with well-being lasting throughout a complete lifetime; Callipho united pleasure with moral worth; Diodorus to moral worth added freedom from pain. Epicurus would have followed their example, had he coupled the view we are now discussing, which as it is belongs to Hieronymus, with the old doctrine of Aristippus. For there is a real difference of opinion between them, and accordingly each sets up his own separate End; and as both speak unimpeachable Greek, Aristippus, who calls pleasure the Chief Good, does not count absence of pain as pleasure, while Hieronymus, who makes the Chief Good absence of pain, never employs the name pleasure to denote this negation of pain, and in fact does not reckon pleasure among things desirable at all.

7 20 "For you must not suppose it is merely a verbal distinction: the things themselves are different. To be without pain is one thing, to feel pleasure another; yet you Epicureans try to combine these quite dissimilar feelings — not merely under a single name (for that I could more easily tolerate), but as actually being a single thing, instead of really two; which is absolutely impossible. Epicurus, approving both sorts of pleasure, ought to have recognized both sorts; as he really does in fact, though he does not distinguish them in words. In a number of passages where he is commending that real pleasure which all of us call by the same name, he goes so far as to say that he cannot even imagine any Good that is not connected with pleasure of the kind intended by Aristippus. This is the language that he holds it discourse dealing solely with the topic of the Chief Good. Then there is another treatise containing his most important doctrines in a compendious form, in which we are told he uttered the very oracles of Wisdom. Here he writes the following words, with which

you, Torquatus, are of course familiar (for every good Epicurean has got by heart the master's *Kuriai Doxai* or Authoritative Doctrines, since these brief aphorisms or maxims are held to be of sovereign efficacy for happiness). So I will ask you kindly to notice whether I translate this maxim correctly: 21 'If the things in which sensualists find pleasure could deliver them from the fear of the gods and of death and pain, and could teach them to set bounds to their desires, we should have no reason to blame them, since on every hand they would be abundantly supplied with pleasures, and on no side would be exposed to any pain or grief, which are the sole evil.'"

At this point Triarius could contain himself no longer. "Seriously now, Torquatus," he broke out, "does Epicurus really say that?" (For my own part, I believe that he knew it to be true, but wanted to hear Torquatus admit it.) Torquatus, nothing daunted, answered with complete assurance: "Certainly, those are his very words. But you don't perceive his meaning." "Oh," I retorted, "if he means one thing and says another, I never shall understand his meaning. But what he understands he expresses clearly enough. If what he here says is that sensualists are not to be blamed provided they are wise men, he is talking nonsense. He might as well say that parricides are not to be blamed provided they are free from avarice and from fear of the gods, of death and pain. Even so, what is the point of granting the sensual any saving clause? Why imagine certain fictitious persons who, though living sensually, would not be blamed by the wisest of philosophers for their sensuality, provided they avoided other faults? 22 All the same, Epicurus, would not you blame sensualists for the very reason that their one object in life is the pursuit of pleasure of any and every sort, especially as according to you the highest pleasure is to feel no pain? Yet we shall find profligates in the first place so devoid of religious scruples that they will 'eat the food on the paten,' and secondly so fearless of death as to be always quoting the lines from the *Hymnis*:

Enough for me six months of life, the seventh to Hell I pledge!

Or if they want an antidote to pain, out comes from their phial the great Epicurean panacea, 'Short if it's strong, light if it's long.' Only one point I can't make out: how can a man at once be a sensualist and keep his desires within bounds?

8 23 “What then is the point of saying ‘I should have no fault to find with them if they kept their desires within bounds’? That is tantamount to saying ‘I should not blame the profligate if they were not profligate.’ He might as well say he would not blame the dishonest either, if they were upright men. Here is our rigid moralist maintaining that sensuality is not in itself blameworthy! And I profess, Torquatus, on the hypothesis that pleasure is the Chief Good he is perfectly justified in thinking so. I should be sorry to picture to myself, as you are so fond of doing, debauchees who are sick at table, have to be carried home from dinner-parties, and next day gorge themselves again before they have recovered from the effects of the night before; men who, as the saying goes, have never seen either sunset or sunrise; men who run through their inheritance and sink into penury. None of us supposes that profligates of that description live pleasantly. No, but men of taste and refinement, with first-rate chefs and confectioners, fish, birds, game and the like of the choicest; careful of their digestion; with

Wine in flask
Decanted from a new-broach’d cask, . . .

as Lucilius has it,

Wine of tang bereft,
All harshness in the strainer left;

with the accompaniment of dramatic performances and their usual sequel, the pleasures apart from which Epicurus, as he loudly proclaims, does not what Good is; give them also beautiful boys to wait upon them, with drapery, silver, Corinthian bronzes, and the scene of the feast, the banqueting-room, all in keeping; take profligates of this sort; that these live well or enjoy happiness I will never allow. 24 The conclusion is, not that pleasure is not pleasure but that pleasure is not the Chief Good. The famous Laelius, who had been a pupil of Diogenes the Stoic in his youth and later of Panaetius, was not called ‘the Wise’ because he was no judge of good eating (for a wise mind is not necessarily incompatible with a

nice palate), but because he set little store by it.

Dinner of herbs, how all the earth
Derides thee and ignores thy worth!
Tho' Laelius, our old Roman sage,
Shouted thy praises to the age,
Our gourmands one by one arraigning.

Bravo, Laelius, 'sage' indeed. How true the lines:

'O bottomless gulf of gluttony,
Publius Gallonius,' cried he,
'You're a poor devil, truth to tell,
Who never in your life dined well,
No, never once, although you pay
A fortune for a fish away,
Lobster or sturgeon Brobdingnagian.'

The speaker is a man who, setting no value on pleasure, declares that he who makes pleasure his all in all cannot dine well. Observe, he does not say Gallonius never dined pleasantly (which would be untrue), but never well. So strict and severe is the distinction he draws between pleasure and good. The conclusion is that though all who dine well dine pleasantly, yet he who dines pleasantly does not necessarily dine well. Laelius always dined well. 25 What does 'well' mean? Lucilius shall say,

Well-cook'd, well-season'd,

an, but now the principal dish:

with a deal
Of honest talk,

and the result:

a pleasant meal;

for he came to dinner that with mind at ease he might satisfy the wants of Nature. Laelius is right therefore in denying that Gallonius ever dined well, right in calling him unhappy, and that too although all his thoughts were centred on the pleasures of the table. No one will deny that he dined pleasantly. Then why not 'well'? Because 'well' implies rightly, respectably, worthily; whereas Gallonius dined wrongly, disreputably, basely; therefore he did not dine well. It was not that Laelius thought his 'dinner of herbs' more palatable than Gallonius's sturgeon, but that he disregarded the pleasures of the palate altogether; and this he could not have done, had he made the Chief Good consist in pleasure.

9 26 "Consequently you are bound to discard pleasure, not merely if you are to guide your conduct aright, but even if you are to be able consistently to use the language of respectable people. Can we possibly therefore call a thing the Chief Good with regard to living, when we feel we cannot call it so even in regard to dining? But how says our philosopher? 'The desires are of three kinds, natural and necessary, natural but not necessary, neither natural nor necessary.' To begin with, this is a clumsy division; it makes three classes when there are really only two. This is not dividing but hacking in pieces. Thinkers trained in the science which Epicurus despised usually put it thus: 'The desires are of two kinds, natural and imaginary; natural desires again fall into two subdivisions, necessary and not necessary.' That would have rounded it off properly. It is a fault in division to reckon a species as a genus. 27 Still, do not let us stickle about form. Epicurus despises the niceties of dialectic; his style neglects distinctions; we must humour him in this, provided that his meaning is correct. But for my own part I cannot cordially approve, I merely tolerate, a philosopher who talks of setting bounds to the desires. Is it possible for desire to be kept within bounds? It ought to be destroyed, uprooted altogether. On your principle there is no form of desire whose possessor could not be morally approved. He will be a miser — within limits; an adulterer — in moderation; and a sensualist to correspond. What sort of a philosophy is this, that instead of dealing wickedness its death-blow, is satisfied with moderating our vices? Albeit I quite approve the substance of this

classification; it is the form of it to which I take exception. Let him speak of the first class as 'the needs of nature,' and keep the term 'desire' for another occasion, to be put on trial for its life when he comes to deal with Avarice, Intemperance, and all the major vices.

28 "This classification of the desires is then a subject on which Epicurus is fond of enlarging. Not that I find fault with him for that; we expect and famous a philosopher to maintain his dogmas boldly. But he often seems unduly eager to approve of pleasure in the common acceptation of the term, for this occasionally lands him in a very awkward position. It conveys the impression that there is no action so base but that he would be ready to commit it for the sake of pleasure, provided he were guaranteed against detection. Afterwards, put to the blush by this conclusion (for the force of natural instinct after all is overwhelming), he turns for refuge to the assertion that nothing can enhance the pleasure of freedom from pain. 'Oh but,' we urge, 'your *static* condition of feeling no pain is not what is termed pleasure at all.'—'I don't trouble about the name,' he replies. —'Well, but the thing itself is absolutely different.'—'Oh, I can find hundreds and thousands of people less precise and troublesome than yourselves, who will be glad to accept as true anything I like to teach them.'—'Then why do we not go a step further and argue that, if not to feel pain is the highest pleasure, therefore not to feel pleasure is the greatest pain? Why does not this hold good?'—'Because the opposite of pain is not pleasure but absence of pain.'

10 29 "But fancy his failing to see how strong a proof it is that the sort of pleasure, without which he declares he has no idea at all what Good means (and he defines it in detail as the pleasure of the palate, of the ears, and subjoins the other kinds of pleasure, which cannot be specified without an apology), — he fails, I say, to see that this, the sole Good which our strict and serious philosopher recognizes, is actually not even desirable, inasmuch as on his own showing we feel no need of this sort of pleasure, so long as we are free from pain! How inconsistent this is! 30 If only Epicurus had studied Definition and Division, if he understood the meaning of Predication or even the customary use of terms, he would never have fallen into such a quandary. As it is, you see what he does. He calls a thing pleasure that no one ever called by that name before; he confounds two things

that are distinct. The ‘kinetic’ sort of pleasure (for so he terms the delightful and so to speak sweet-flavoured pleasures we are considering) at one moment he so disparages that you would think you were listening to Manius Curius, while at another moment he so extols it that he tells us he is incapable even of imagining what other good there can be. Now that is language that does not call for a philosopher to answer it, — it ought to be put down by the police. His morality is at fault, and not only his logic. He does not censure profligacy, provided it be free from unbridled desire, and from fear of consequences. Here he seems to be making a bid for converts: the would-be roué need only turn philosopher.

31 “For the origin of the Chief Good he goes back, I understand, to the birth of living things. As soon as an animal is born, it delights in pleasure and seeks it as a good, but shuns pain as an evil. Creatures as yet uncorrupted are according to him the best judges of Good and Evil. That is the position both as you expounded it and as it is expressed in the phraseology of your school. What a mass of fallacies! Which kind of pleasure will it be that guides a mewling infant to distinguish between the Chief Good and Evil, ‘static’ pleasure or ‘kinetic’? — since we learn our language, heaven help us! from Epicurus. If the ‘static’ kind, the natural instinct is clearly towards self-preservation, as we agree; but if the ‘kinetic,’ and this is after all what you maintain, then no pleasure will be too base to be accepted; and also our new-born animal in this case does not find its earliest motive in the highest form of pleasure, since this on your showing consists in absence of pain. 32 For proof of this, however, Epicurus cannot have gone to children nor yet to animals, which according to him hold a mirror up to nature; he could hardly say that natural instinct guides the young to desire the pleasure of freedom from pain. This cannot excite appetition; the ‘static’ condition of feeling no pain exerts no driving-power, supplies no impulse to the will (so that Hieronymus also is wrong here); it is the positive sensation of pleasure and delight that furnishes a motive. Accordingly Epicurus’s standing argument to prove that pleasure is naturally desired is that infants and animals are attracted by the ‘kinetic’ sort of pleasure, not the ‘static’ kind which consists merely in freedom from pain. Surely then it is inconsistent to say that natural

instinct starts from one sort of pleasure, but that the Chief Good is found in another.

11 33 “As for the lower animals, I set no value on their verdict. Their instincts may be wrong, although we cannot say they are perverted. One stick has been bent and twisted on purpose, another has grown crooked; similarly the nature of wild animals, though not indeed corrupted by bad education, is corrupt of its own nature. Again in the infant the natural instinct is not to seek pleasure; its instinct is merely towards self-regard, self-preservation and protection from injury. Every living creature, from the moment of birth, loves itself and all its members; primarily this self-regard embraces the two main divisions of mind and body, and subsequently the parts of each of these. Both mind and body have certain excellences; of these the young animal grows vaguely conscious, and later begins to discriminate, and to seek for the primary endowments of Nature and shun their opposites. 34 Whether the list of these primary natural objects of desire includes pleasure or not is a much debated question; but to hold that it includes nothing else but pleasure, neither the limbs, nor the senses, nor mental activity, nor bodily integrity nor health, seems to me to be the height of stupidity. And this is the fountain-head from which one’s whole theory of Goods and Evils must necessarily flow. Polemo, and also before him Aristotle, held that the primary objects were the ones I have just mentioned. Thus arose the doctrine of the Old Academy and of the Peripatetics, maintaining that the End of Goods is to live in accordance with Nature, that is, to enjoy the primary gifts of Nature’s bestowal with the accompaniment of virtue. Callipho coupled with virtue pleasure alone; Diodorus freedom from pain. . . . In the case of all the philosophers mentioned, their End of Goods logically follows: with Aristippus it is pleasure pure and simple; with the Stoics, harmony with Nature, which they interpret as meaning virtuous or morally good life, and further explain this as meaning to live with an understanding of the natural course of events, selecting things that are in accordance with Nature and rejecting the opposite. 35 Thus there are three Ends that do not include moral worth, one that of Aristippus or Epicurus, the second that of Hieronymus, and the third that of Carneades; three that comprise moral goodness together

with some additional element, those of Polemo, Callipho and Diodorus; and one theory that is simple, of which Zeno was the author, and which is based entirely on propriety, that is, on moral worth. (As for Pyrrho, Aristo and Erillus, they have long ago been exploded.) All of these but Epicurus were consistent, and made their final ends agree with their first principles, — Aristippus holding the End to be Pleasure, Hieronymus freedom from pain, Carneades the enjoyment of the primary natural objects. 12 What Epicurus, if in saying that pleasure was the primary object of attraction, he meant pleasure in the sense of Aristippus, ought to have maintained the same ultimate Good as Aristippus; or if he made pleasure in the sense of Hieronymus his Chief Good, should he at the same time have allowed himself to make the former kind of pleasure, that of Aristippus, the primary attraction?

36 "The fact is that when he says that the verdict of the senses themselves decides pleasure to be good and pain evil, he assigns more authority to the senses than the law allows to us when we sit as judges in private suits. We cannot decide any issue not within our jurisdiction; and there is not really any point in the proviso which judges are fond of adding to their verdicts: 'if it be a matter within my jurisdiction,' for if it was not within their jurisdiction, the verdict is equally invalid with the proviso omitted. What does come under the verdict of the senses? Sweetness, sourness, smoothness, roughness, proximity, distance; whether an object is stationary or moving, square or round. 37 A just decision can therefore only be delivered by Reason, with the aid in the first place of that knowledge of things human and divine, which may rightly claim the title of Wisdom; and secondly with the assistance of the Virtues, which Reason would have to be the mistresses of all things, but you considered as the handmaids and subordinates of the pleasures. After calling all of these into council, she will pronounce first as to Pleasure, that she has no claim, not merely to be enthroned alone in the seat of our ideal Chief Good, but even to be admitted as the associate of Moral Worth. As regards freedom from pain her decision will be the same. 38 For Carneades will be put out of court, and no theory of the Chief Good will be approved that either includes pleasure or absence of pain, or does not include moral worth. Two

views will thus be left. After prolonged consideration of these, either her final verdict will be that there is no Good but moral worth and no Evil but moral baseness, all other things being either entirely unimportant or of so little importance that they are not desirable or to be avoided, but only to be selected or rejected; or else she will prefer the theory which she will recognize as including the full beauty of moral worth, enriched by the addition of the primary natural objects and of a life completed to its perfect span. And her judgment will be all the clearer, if she can first of all settle whether the dispute between these rival theories is one of fact, or turns on verbal differences only.

13 39 "Guided by the authority of Reason I will now adopt a similar procedure myself. As far as possible I will narrow the issue, and will assume that all the simple theories, of those who include no admixture of virtue, are to be eliminated from philosophy altogether. First among these comes the system of Aristippus and the Cyrenaic school in general, who did not shrink from finding their Chief Good in pleasure of the sort that excites the highest amount of actively agreeable sensation, and who despised your freedom from pain. 40 They failed to see that just as the horse is designed by nature for running, the ox for ploughing, and the dog for hunting, so man, as Aristotle observes, is born for two purposes, thought and action: he is as it were a mortal God. The Cyrenaics held on the contrary that this godlike animal came into being, like some dull, half-witted sheep, in order to feed and to enjoy the pleasure of procreation, — a view that seems to me the climax of absurdity. 41 So much in answer to Aristippus, who considers pleasure in the only sense in which we all of us employ the term to be not merely the highest but the sole pleasure that exists. Your school holds a different view. However, as I said, Aristippus is wrong. Neither man's bodily conformation nor his surpassing mental faculty of reason indicates that he was born for the sole purpose of enjoying pleasure. Nor yet can we listen to Hieronymus, whose Chief Good is the same as is occasionally, or rather only too frequently, upheld by yourselves, freedom from pain. If pain is an evil, to be without this evil is not enough to constitute the Good Life. Let Ennius say if he likes that

Enough, and more, of good
Is his who hath no ill;

but let us reckon happiness not by the avoidance of evil but by the attainment of good. Let us seek it not in the idle acceptance whether of positive delights, like Aristippus, or of freedom from pain, like Hieronymus, but in a life of action or of contemplation.

42 "The same arguments can be urged against the Chief Good of Carneades, which he advanced less from a desire to adopt it himself than to use it as a weapon in his battle with the Stoics; though it is such that if added to Virtue it may be thought to be of importance and to be likely to augment the sum total of Happiness, which is the one subject of our inquiry. Whereas those who join with Virtue either pleasure, the one thing she values least, or freedom from pain, which even though it is devoid of evil yet is not the Chief Good, make a not very acceptable combination; nor yet can I understand why they go to work in so cautious and niggardly a fashion. You would think they had to purchase the commodity which is to be added to virtue. To begin with they choose the cheapest things they can find to add, and then they each dole out one only, instead of coupling with moral worth all the things initially approved by Nature. 43 Aristo and Pyrrho thought all these things utterly worthless, and said, for example, that there was absolutely nothing to choose between the most perfect health and the most grievous sickness; and consequently men have long ago quite rightly given up arguing against them. For in insisting upon the unique importance of virtue in such a sense as to rob it of any power of choice among external things and to deny it any starting-point or basis, they destroyed the very virtue they desired to cherish. Again, Erillus, in basing everything on knowledge, fixed his eyes on one definite Good, but this not the greatest Good, nor one that could serve as the guide of life. Accordingly Erillus himself has long ago been set aside; since Chrysippus no one has even troubled to refute him.

14 "Accordingly your school remains; for there is no coming to grips with the Academics, who affirm nothing positively, and despairing of a knowledge of certain truth, make up their minds to take apparent probability as their guide. 44 Epicurus however is a

more troublesome opponent, because he is a combination of two different sorts of pleasure, and because besides himself and his friends there have been so many later champions of his theory, which somehow or other enlists the support of that least competent but most powerful adherent, the general public. Unless we refute these adversaries, all virtue, all honour, all true merit must be abandoned. Thus, when all the other systems have been discarded, there remains a duel in which the combatants are, not myself and Torquatus, but Virtue and Pleasure. This contest is by no means scouted by so penetrating and so industrious a writer as Chrysippus, who considers that the rivalry between pleasure and virtue is the cardinal issue in the whole question of the Chief Good. My own view is that, if I can succeed in proving the existence of Moral Worth as a thing essentially and for itself desirable, your entire system at once collapses. Accordingly I will begin by defining, with such brevity as the occasion demands, the Nature of Moral Worth; and then, Torquatus, I will proceed to deal with each of your points, unless my memory should happen to fail me.

45 “By Moral Worth, then, we understand that which is of such a nature that, though devoid of all utility, it can justly be commended in and for itself, apart from any profit or reward. A formal definition such as I have given may do something to indicate its nature; but this is more clearly explained by the general verdict of mankind at large, and by the aims and actions of all persons of high character. Good men do a great many things from which they anticipate no advantage, solely from the motive of propriety, morality and right. For among the many points of difference between man and the lower animals, the greatest difference is that Nature has bestowed on man the gift of Reason, of an active, vigorous intelligence, able to carry on several operations at the same time with extreme speed, and having, so to speak, a keen scent to discern the causes and effects of things, to draw analogies, combine things separate, connect the future with the present, and survey the entire field of the subsequent course of life. It is Reason moreover that has inspired man with a relish for his kind; she has produced a natural conformity both of language and of habit; she has prompted the individual, starting from friendship and from family affection, to expand his interests, forming social ties first with his fellow-citizens and later with all mankind. She reminds him that, as Plato puts it in his letter to Archytas, man was not born for self alone, but for country and for kindred, claims that leave but a small part of him for himself. 46 Nature has also engendered in mankind the desire of contemplating truth. This is most clearly manifested in our hours of leisure; when our minds are at ease we are eager to acquire knowledge even of the movements of the heavenly bodies. This primary instinct leads us on to love all truth as such, that is, all that is trustworthy, simple and consistent, and to hate things insincere, false and deceptive, such as cheating, perjury, malice and injustice. Further, Reason possesses an intrinsic element of dignity and grandeur, suited rather to require obedience than to render it, esteeming all the accidents of human fortunes not merely as endurable but also as unimportant; a quality of loftiness and elevation, fearing nothing, submitting to no one, ever unsubdued. 47 These three kinds of moral goodness being noted, there follows a fourth kind, possessed of equal beauty, and indeed arising out of the

other three. This is the principle of order and restraint. From recognizing something analogous to this principle in the beauty and dignity of outward forms, we pass to beauty in the moral sphere of speech and conduct. Each of the three excellences mentioned before contributes something to this fourth one: it dreads rashness; it shrinks from injuring anyone by wanton word or deed; and it fears to do or say anything that may appear unmanly.

15 48 "There, Torquatus, is a full, detailed and complete scheme of Moral Worth, a whole of which these four virtues, which you also mentioned, constitute the parts. Yet your Epicurus tells us that he is utterly at a loss to know what nature or qualities are assigned to this Morality by those who make it the measure of the Chief Good. For if Morality be the standard to which all things are referred, while yet they will not allow that pleasure forms any part of it, he declares that they are uttering sounds devoid of sense (those are his actual words), and that he has no notion or perception whatever of any meaning that this term Morality can have attached to it. In common parlance 'moral' (honourable) means merely that which ranks high in popular esteem. And popular esteem, says Epicurus, though often in itself more agreeable than certain forms of pleasure, yet is desired simply as a means to pleasure. 49 Do you realize how vast a difference of opinion this is? Here is a famous philosopher, whose influence has spread not only over Greece and Italy but throughout all barbarian lands as well, protesting that he cannot understand what Moral Worth is, if it does not consist in pleasure; unless indeed it be that which wins the approval and applause of the multitude. For my part I hold that what is popular is often positively base, and that, if ever it is not base, this is only when the multitude happens to applaud something that is right and praiseworthy in and for itself; which even so is not called 'moral' (honourable) because it is widely applauded, but because it is of such a nature that even if men were unaware of its existence, or never spoke of it, it would still be worthy of praise for its own beauty and loveliness. Hence Epicurus is compelled by the irresistible force of instinct to say in another passage what you also said just now, that it is impossible to live pleasantly without also living morally (honourably). 50 What does he mean by 'morally' now? The same as 'pleasantly'? If so, does it amount to saying that it

is impossible to live morally unless you — live morally? Or, unless you make public opinion your standard? He means then that he cannot live pleasantly without the approval of public opinion? But what can be baser than to make the conduct of the Wise Man depend upon the gossip of the foolish? What therefore does he understand by 'moral' in this passage? Clearly, nothing but that which can be rightly praised for its own sake. For if it be praised as being a means to pleasure, what is there creditable about this? You can get pleasure at the provision-dealer's. No, — Epicurus, who esteems Moral Worth so highly as to say that it is impossible to live pleasantly without it, is not the man to identify 'moral' (honourable) with 'popular' and maintain that it is impossible to live pleasantly without popular esteem; he cannot understand 'moral" to mean anything else than that which is right, — that which is in and for itself, independently, intrinsically, and of its own nature praiseworthy.

16 51 "This, Torquatus, accounts for the glow of pride with which, as I noticed, you informed us how loudly Epicurus proclaims the impossibility of living pleasantly without living morally, wisely and justly. Your words derived potency from the grandeur of the things that they denoted; you drew yourself up to your full height, and kept stopping and fixing us with your gaze, as if solemnly asseverating that Epicurus does occasionally commend morality and justice. Were those names never mentioned by philosophers we should have no use for philosophy; how well they sounded on your lips! Too seldom does Epicurus speak to us of Wisdom, Courage, Justice, Temperance. Yet it is the love that those great names inspire which has lured the ablest of mankind to devote themselves to philosophical studies. 52 The sense of sight, says Plato, is the keenest sense we possess, yet our eyes cannot behold Wisdom; could we see her, what passionate love would she awaken! And why is this so? Is it because of her supreme ability and cunning in the art of contriving pleasures? Why is Justice commended? What gave rise to the old familiar saying, 'A man with whom you might play odd and even in the dark'? This proverb strictly applies to the particular case of honesty, but it has this general application, that in all our conduct we should be influenced by the character of the action, not by the presence or absence of a witness. 53 How weak and ineffectual are the deterrents

you put forward, — the torture of a guilty conscience, and the fear of the punishment that offenders incur, or at all events stand in continual dread of incurring in the end! We must not picture our unprincipled man as a poor-spirited coward, tormenting himself about his past misdeeds, and afraid of everything; but as shrewdly calculating profit in all he does, sharp, dexterous, a practised hand, fertile in devices for cheating in secret, without witness or accomplice. 54 Don't suppose I am speaking of a Lucius Tubulus, who when he sat as praetor to try charges of murder made so little concealment of taking bribes for his verdict that next year the tribune of the plebs, Publius Scaevola, moved in the plebeian assembly for a special inquiry. The bill passed the plebs, and the senate commissioned the consul Gnaeus Caepio to hold the investigation; but Tubulus promptly left the country, and did not venture to stand his trial, so open was his guilt.

17 "It is not therefore a question of a rascal merely, but of a crafty rascal, like Quintus Pompeius when he disowned the treaty he had made with the Numantines; nor yet of a timid, cowardly knave, but of one who to begin with is deaf to the voice of conscience, which it is assuredly no difficult matter to stifle. The man we call stealthy and secret, so far from betraying his own guilt, will actually make believe to be indignant at the knavery of another; that is what we mean by a cunning old hand.

55 "I remember assisting at a consultation which Publius Sextilius Rufus held with his friends on the following matter. He had been left heir to Quintus Fadius Gallus. Fadius's will contained a statement that he had requested Sextilius to allow the whole of his estate to pass to his daughter. Sextilius now denied the arrangement, as he could do with impunity, for there was no one to rebut him. Not one of us believed his denial; it was more probable that he should be lying, as his pocket was concerned, than the testator, who had left it in writing that he had made a request which it had been his duty to make. Sextilius actually went on to say that, having sworn to maintain the Voconian law, he would not venture to break it, unless his friends thought he ought to do so. I was only a young man, but many of the company were persons of high consideration; and every one of these advised him not to give Fadia more than she was

entitled to get under the Voconian law. Sextilius kept a handsome property, not a penny of which he would have touched had he followed the advice of those who placed honour and right above all considerations of profit and advantage. Do you therefore suppose that he was afterwards troubled by remorse? Not a bit of it. On the contrary, the inheritance made him a rich man, and he was thoroughly pleased with himself in consequence. He thought he had scored heavily: he had won a fortune, not only by no illegal means, but actually by the aid of the law. And according to your school it is right to try to get money even at some risk; for money procures many very delightful pleasures.

56 "Therefore just as those who hold that things right and honourable are desirable for their own sake must often take risks in the cause of honour and morality, so Epicureans, who measure all things by pleasure, may properly take risks in order to obtain considerable pleasures. If a large sum of money or a great inheritance is at stake, inasmuch as money procures a great many pleasures, your Epicurus, if he wishes to attain his own end of Goods, will have to act as Scipio did, when he had the chance of winning great renown by enticing Hannibal back to Africa. To do so, he risked enormous dangers. For honour and pleasure was the aim of that great enterprise. Similarly, your Epicurean Wise Man, when stirred by the prospect of some considerable gain, will fight to the death, if need be, and with good reason. 57 Do circumstances allow his crime to go undetected, so much the better; but if found out, he will make light of every penalty. For he will have been schooled to make light of death, of exile, even of pain itself. The latter indeed you make out to be unendurable when you are enacting penalties for the wicked, but easy to bear when you are maintaining that the Wise Man will always command a preponderance of Good.

18 "But suppose that our evil-doer is not only clever but also supremely powerful, as was Marcus Crassus, — who however used actually to be guided by his natural goodness; or like our friend Pompeius at the present time, who deserves our gratitude for his upright conduct, since he might be as unjust as he liked with impunity. But how many unrighteous acts are possible which no one would be in a position to censure! 58 If a friend of yours requests you

on his death-bed to hand over his estate to his daughter, without leaving his intention anywhere in writing, as Fadius did, or speaking of it to anybody, what will you do? You no doubt will hand over the money; perhaps Epicurus himself would have done the same; as did Sextus Peducaeus, son of Sextus, a scholar and a gentleman of scrupulous honour, who left behind him a son, our friend of to-day, to recall his father's culture and integrity. No one knew that such a request had been made to Sextus by a distinguished Roman knight named Gaius Plotius, of Nursia; but Sextus of his own accord went to Plotius's widow, informed her, much to her surprise, of her husband's commission, and handed over the property to her. But the question I want to put to you is this: since you yourself would undoubtedly have done the same, do you not see that the force of natural instinct is all the more firmly established by the fact that even you Epicureans, who profess to make your own interest and pleasure your sole standard, nevertheless perform actions that prove you to be really aiming not at pleasure but at duty; prove, I say, that the natural impulse towards right is more powerful than corrupt reason? 59 Suppose, says Carneades, you should know that there is a viper lurking somewhere, and that some one, by whose death you stand to profit, is about to sit down on it unawares; then you will do a wicked deed if you do not warn him not to sit down. But still your wickedness would go unpunished, for who could possibly prove that you knew? However, I labour the point unnecessarily. It is obvious that, if fair-dealing, honesty and justice have not their source in nature, and if all these things are only valuable for their utility, no good man can anywhere be found. The subject is fully discussed by Laelius in my volumes *On the State*.

19 60 "Apply the same test to Temperance or Moderation, which means the control of the appetites in obedience to the reason. Suppose a man yields to vicious impulses in secret, — is it no offence against purity? Or is it not true that an act can be sinful in itself, even though no disgrace attends it? And again, does a brave soldier go into battle and shed his blood for his country upon a nice calculation of the balance of pleasures, or in hot blood and under the stimulus of impulse? Come, Torquatus, if the great Imperiosus were listening to our debate, which of our two speeches about himself

would he have heard with greater satisfaction, yours or mine? Me declaring that no deed of his was done for selfish ends, but all from motives of patriotism, or you maintaining that he acted solely for self? And suppose you had wanted to make your meaning clearer, and had said more explicitly that all his actions were prompted by desire for pleasure, pray how do you imagine he would have taken it? 61 But grant your view; assume if you like that Torquatus acted for his own advantage (I would sooner put it in that way than say 'for his own pleasure,' especially in the case of so great a man). Yet what about his colleague Publius Decius, the first of his family to be consul? When Decius vowed himself to death, and setting spurs to his horse was charging into the thickest of the Latin ranks, surely he had no thought of personal pleasure? Pleasure where to be enjoyed or when? For he knew he must die in a moment, aye and he courted death with more passionate ardour than Epicurus would have us seek pleasure. Had not his exploit won praise on its merits, it would not have been copied by his son in his fourth consulship; nor would the latter's son again, commanding as consul in the war with Pyrrhus, have also fallen in battle, third in succession of his line to give himself a victim for the state. 62 I refrain from further instances. The Greeks have but a modest list, — Leonidas, Epaminondas, some three or four; but were I to begin to cite the heroes of our race, I should doubtless succeed in making Pleasure yield herself prisoner to Virtue, but — daylight would fall before I had done. Aulus Varius, noted for his severity as a judge, used to say to his colleague on the bench, when after witnesses had been produced still further witnesses were called: 'Either we have evidence enough already, or I do not know what evidence can be enough.' Well, I have cited witnesses enough. Why, you yourself, in every way a worthy scion of your stock, — was pleasure the inducement that led you, a mere youth, to wrest the consulship from Publius Sulla? You won that office for your gallant father; and what a consul he was! What a patriot, all his life long and more especially after his consulship! It was with his support that I carried through an affair, which was for all men's interest rather than my own.

63 "But how well you thought you put your case when you pictured on the one hand a person loaded with an abundance of the

most delightful pleasures and free from all pain whether present or in prospect, and on the other one racked throughout his frame by the most excruciating pains, unqualified by any pleasure or hope of pleasure; then proceeded to ask who could be more wretched than the latter or more happy than the former; and finally drew the conclusion that pain was the Chief Evil and pleasure the Chief Good!

20 "Well, there was a certain Lucius Thorius of Lanuvium, whom you cannot remember; he lived on the principle of enjoying in the fullest measure all the most exquisite pleasures that could possibly be found. His appetite for pleasures was only equalled by his taste and ingenuity in devising them. He was so devoid of superstition as to scoff at all the sacrifices and shrines for which his native place is famous; and so free from fear of death that he died in battle for his country. 64 Epicurus's classification of the desires meant nothing to him; he knew no limit but satiety. At the same time he was careful of his health: took sufficient exercise to come hungry and thirsty to table; ate what was at once most appetizing and most digestible; drank enough wine for pleasure and not too much for health. Nor did he forgo those other indulgences in the absence of which Epicurus declares that he cannot understand what Good is. Pain he never experienced at all; had it come to him, he would have borne it with fortitude, yet would have called in a doctor sooner than a philosopher. He had excellent health and a sound constitution. He was extremely popular. In short, his life was replete with pleasure of every variety. 65 Your school pronounces him a happy man, at least your theory requires you to do so. But I place above him — I do not venture to say whom: Virtue herself shall speak for me, and she will not hesitate to rank Marcus Regulus higher than this typically happy man, as you would call him. Regulus, of his own free will and under no compulsion except that of a promise given to an enemy, returned from his native land to Carthage; yet Virtue proclaims that when he had done so he was happier while tormented with sleeplessness and hunger than Thorius carousing on his couch of roses. Regulus had fought great wars, had twice been consul, had celebrated a triumph; yet all his earlier exploits he counted less great and glorious than that final disaster, which he chose to undergo for the sake of honour and of self-respect; a pitiable end, as it seems to us who hear of it, but

full of pleasure for him who endured it. It is not merriment and wantonness, nor laughter or jesting, the comrade of frivolity, that make men happy; those are happy, often in sadness, whose wills are strong and true. 66 Lucretia outraged by the royal prince called on her fellow-citizens to witness her wrong and died by her own hand. The indignation that this aroused in the Roman people, under the leadership and guidance obrutus, won freedom for the state; and in gratitude to Lucretia's memory both her husband and her father were made consuls for the first year of the republic. Sixty years after our liberties had been won, Lucius Verginius, a poor man of humble station, killed his maiden daughter with his own hand rather than surrender her to the lust of Appius Claudius, who then held the highest power in the state.

21 67 "Either, Torquatus, you must reprobate such actions, or you must give up your championship of Pleasure. But what defence can Pleasure offer, what case can you make out for her, when she will be able to produce no famous men as her witnesses or supporters? On our side we cite in evidence from our records and our annals men who spent their whole lives in glorious toils, men who would not have borne to hear pleasure so much as named; but in your discourses history is dumb. In the school of Epicurus I never heard one mention of Lycurgus, Solon, Miltiades, Themistocles, Epaminondas, who are always on the lips of the other philosophers. And now that we Romans too have begun to treat of these themes, what a marvellous roll of great men will our friend Atticus supply to us from his store-houses of learning! 68 Would it not be better to talk of these than to devote those bulky volumes to Themista?a Let us leave that sort of thing to the Greeks. True we owe to them philosophy and all the liberal sciences; yet there are topics not permitted to us, that are allowable for them. Battle rages between the Stoics and the Peripatetics. One school declares that nothing is good but Moral Worth, the other that, while it assigns the greatest, and by far the greatest, value to Morality, yet still some bodily and external things are good. Here is an honourable quarrel, fought out in high debate! For the whole dispute turns on the true worth of virtue. But when one argues with your friends, one has to listen to a great deal about even the grosser forms of pleasure! Epicurus is always harping

upon them! 69 Believe me then, Torquatus, if you will but look within, and study your own thoughts and inclinations, you cannot continue to defend the doctrines you profess. You will be put to the blush, I say, by the picture that Cleanthes used to draw so cleverly in his lectures. He would tell his audience to imagine a painting representing Pleasure, decked as a queen, and gorgeously apparelled, seated on a throne; at her side should stand the Virtues as her handmaids, who should make it their sole object and duty to minister to Pleasure, merely whispering in her ear the warning (provided this could be conveyed by the painter's art) to beware of unwittingly doing aught to offend public opinion, or anything from which pain might result. 'As for us Virtues, we were born to be your slaves; that is our one and only business.'

22 70 "But Epicurus, you will tell me (for this is your strong point), denies that anyone who does not live morally can live pleasantly. As if I cared what Epicurus says or denies! What I ask is, what is it consistent for a man to say who places the Chief Good in pleasure? What reason can you give for thinking that Thorius, or Postumius of Chios, or the master of them all, Orata, did not live extremely pleasant lives? Epicurus himself says that the life of sensualists is blameless, if they are not utter fools — for that is what his proviso, 'if they are free from fear and from desire,' amounts to. And, as he offers an antidote for both desire and fear, he virtually offers free indulgence for sensuality. Eliminate those passions, he says, and he cannot find anything to blame in a life of profligacy. 71 Consequently you Epicureans, by taking pleasure as the sole guide, make it impossible for yourselves either to uphold or to retain virtue. For a man is not to be thought good and just who refrains from doing wrong to avoid incurring harm; no doubt you know the line:

None is good, whose love of goodness — ;

believe me, nothing can be truer. As long as his motive is fear, he is not just, and assuredly as soon as he ceases to fear, he will not be just; and he will not feel fear, if he can conceal his wrong-doing, or is sufficiently powerful to brazen it out; and he will assuredly prefer the reputation without the reality of goodness to the reality without the

reputation. So your school undoubtedly preaches the pretence of justice instead of the real and genuine thing. Its lesson amounts to this — we are to despise the trustworthy voice of our own conscience, and to run after the fallible imaginations of other men. 72 The same applies in the case of the other virtues. Basing them entirely on pleasure you are laying the foundations in water. Why, take the great Torquatus again: can he really be called brave? — for I delight, albeit my flattery, as you put it, is powerless to bribe you, I delight, I say, in your name and lineage; and indeed I have personal recollections of that distinguished man, Aulus Torquatus, who was an affectionate friend of my own, and whose signal loyalty and devotion to me in circumstances that are within universal knowledge must be familiar to you both; yet for my part, anxious as I am to feel and show a proper gratitude, I would not have thanked him for his friendship had I not known that it was disinterested; unless you choose to say that it was for his own interest in this sense, that it is to every man's interest to act rightly. If you do say so, we have won our case; for our one principle, our one contention is, that duty is its own reward. 73 This your great master does not allow; he expects everything to *pay* — to yield its quota of pleasure. But I return to old Torquatus. If it was to win pleasure that he accepted the Gallic warrior's challenge to single combat on the banks of the Anio, and if he despoiled him and assumed his necklet and the corresponding surname for any other reason than that he thought such deeds became a man, I do not consider him brave. Again, if modesty, self-control, chastity, if in a word Temperance is to depend for its sanction on the fear of punishment or of disgrace, and not to maintain itself by its own intrinsic sacredness, what form of adultery, vice or lust will not break loose and run riot when it is assured of concealment, impunity or indulgence.

74 "Or what, pray, are we to think of the situation if you, Torquatus, bearing the name you do, and gifted and distinguished as you are, dare not profess before a public audience the real object of all your actions, aims and endeavours, what it is in short that you consider the greatest good in life? In return for what payment or consideration, when not long hence you have attained to public office and come forward to address a meeting (for you will have to

announce the rules that you propose to observe in administering justice, and very likely also, if you think good, you will follow the time-honoured custom of making some reference to your ancestors and to yourself),b — for what consideration then would you consent to declare that you intend in office to guide your conduct solely by pleasure, and that pleasure has been your aim in every action of your life?—'Do you take me for such an imbecile,' you exclaim, 'as to talk in that fashion before ignorant people?' — Well, make the same profession in a law-court, or if you are afraid of the public there, say it in the senate. You will never do it. Why, if not because such language is disgraceful? Then what a compliment to Torquatus and myself, to use it in our presence!

23 75 "But let us grant your position. The actual word 'pleasure' has not a lofty sound; and perhaps we do not understand its significance: you are always repeating that we do not understand what you mean by pleasure. As though it were a difficult or recondite notion! If we understand you when you talk of 'indivisible atoms' and 'cosmic interspaces,' things that don't exist and never can exist, is our intelligence incapable of grasping the meaning of pleasure, a feeling known to every sparrow? What if I force you to admit that I do know not only what pleasure really is (it is an agreeable activity of the sense), but also what you mean by it? For at one moment you mean by it the feeling that I have just defined, and this you entitle 'kinetic' pleasure, as producing a definite change of feeling, but at another moment you say it is quite a different feeling, which is the acme and climax of pleasure, but yet consists merely in the complete absence of pain; this you call 'static' pleasure. 76 Well, grant that pleasure is the latter sort of feeling. Profess in any public assembly that the motive of all your actions is the desire to avoid pain. If you feel that this too does not sound sufficiently dignified and respectable, say that you intend both in your present office and all your life long to act solely for the sake of your own advantage, — to do nothing but what will pay, nothing in short that is not for your own interest; imagine the uproar among the audience! What would become of your chances of the consulship, which as it is seems to be a certainty for you in the near future? Will you then adopt a rule of life which you can appeal to in private and among friends but which

you dare not openly profess or parade in public? Ah, but it is the vocabulary of the Peripatetics and the Stoics that is always on your lips, in the law-courts and the senate. Duty, Fair-dealing, Moral Worth, Fidelity, Uprightness, Honour, the Dignity of office, the Dignity of the Roman People, Risk all for the state, Die for your Country, — when you talk in this style, we simpletons stand gaping in admiration, — and you no doubt laugh in your sleeve. 77 For in that glorious array of high-sounding words, pleasure finds no place, not only what your school calls 'kinetic' pleasure, which is what every one, polished or rustic, every one, I say, who can speak Latin, means by pleasure, but not even this 'static' pleasure, which no one but you Epicureans would call pleasure at all. 24 Well then, are you sure you have any right to employ our words with meanings of your own? If you assumed an unnatural expression or demeanour, in order to look more important, that would be insincere. Are you then to affect an artificial language, and say what you do not think? Or are you to change your opinions like your clothes, and have one set for indoor wear and another when you walk abroad? Outside, all show and pretence, but your genuine self concealed within? Reflect, I beg of you, is this honest? In my view those opinions are true which are honourable, praiseworthy and noble — which can be openly avowed in the senate and the popular assembly, and in every company and gathering, so that one need not be ashamed to say what one is not ashamed to think.

78 "Again, how will friendship be possible? How can one man be another man's friend, if he does not love him in and for himself? What is the meaning of 'to love' — from which our word for friendship is derived — except to wish some one to receive the greatest possible benefits even though one gleans no advantage therefrom oneself? 'It pays me,' says he, 'to be a disinterested friend.' No, perhaps it pays you to seem so. Be so you cannot, unless you really are; but how can you be a disinterested friend unless you feel genuine affection? Yet affection does not commonly result from any calculation of expediency It is a spontaneous growth; it springs up of itself. 'But,' you will say, 'I am guided by expediency.' Then your friendship will last just so long as it is attended by expediency. If expediency creates the feeling it will also destroy it. 79 But what,

pray, will you do, if, as often happens, expediency parts company with friendship? Will you throw your friend over? What sort of friendship is that? Will you keep him? How does that square with your principles? You remember your pronouncement that friendship is desirable for the sake of expediency. 'I might become unpopular if I left a friend in the lurch." Well, in the first place, why is such conduct unpopular, unless because it is base? And if you refrain from deserting a friend because to do so will have inconvenient consequences, still you will long for his death to release you from an unprofitable tie. What if he not only brings you no advantage, but causes you to suffer loss of property, to undergo toil and trouble, to risk your life? Will you not even then take interest into account, and reflect that each man is born for himself and for his own pleasure? Will you go bail with your life to a tyrant on behalf of a friend, as the famous Pythagorean did to the Sicilian despot? or being Pylades will you say you are Orestes, so as to die in your friend's stead? or supposing you were Orestes, would you say Pylades was lying and reveal your identity, and if they would not believe you, would you make no appeal against your both dying together?

25 80 "Yes, Torquatus, you personally would do all these things; for I do not believe there is any high or noble action which fear of pain or death could induce you to forgo. But the question is not what conduct is consistent with your character, but what is consistent with your tenets. The system you uphold, the principles you have studied and accept, undermine the very foundations of friendship, however much Epicurus may, as he does, praise friendship to the skies. 'But,' you tell me, 'Epicurus himself had many friends." Who pray denies that Epicurus was a good man, and a kind and humane man? In these discussions it is his intellect and not his character that is in question. Let us leave to the frivolous Greeks the wrong-headed habit of attacking and abusing the persons whose views of truth they do not share. Epicurus may have been a kind and faithful friend; but if my opinion is right (for I do not dogmatize), he was not a very acute thinker. 81 'But he won many disciples.' Yes, and perhaps he deserved to do so; but still the witness of the crowd does not carry much weight; for as in every art or study, or science of any kind, so in right conduct itself, supreme excellence is extremely rare. And to

my mind the fact that Epicurus himself was a good man and that many Epicureans both have been and to-day are loyal to their friends, consistent and high-principled throughout their lives, ruling their conduct by duty and not by pleasure, — all this does but enforce the value of moral goodness and diminish that of pleasure. The fact is that some persons' lives and behaviour refute the principles they profess. Most men's words are thought to be better than their deeds; these people's deeds on the contrary seem to me better than their words.

26 82 "But this I admit is a digression. Let us return to what you said about friendship. In one of your remarks I seemed to recognize a saying of Epicurus himself, — that friendship cannot be divorced from pleasure, and that it deserves to be cultivated for the reason that without it we cannot live secure and free from alarm, and therefore cannot live agreeably. Enough has been said in answer to this already. You quoted another and a more humane dictum of the more modern Epicureans, which so far as I know was never uttered by the master himself. This was to the effect that, although at the outset we desire a man's friendship for utilitarian reasons, yet when intimacy has grown up we love our friend for his own sake, even if all prospect of pleasure be left out of sight. It is possible to take exception to this on several grounds; still I won't refuse what they give, as it is sufficient for my case and not sufficient for theirs. For it amounts to saying that moral action is occasionally possible, — action prompted by no anticipation or desire of pleasure. 83 You further alleged that other thinkers speak of wise men as making a sort of mutual compact to entertain the same sentiments towards their friends as they feel towards themselves; this (you said) was possible, and in fact had often occurred; and it was highly conducive to the attainment of pleasure. If men have succeeded in making this compact, let them make a further compact to love fair-dealing, self-control, and all the virtues, for their own sakes and without reward. If on the other hand we are to cultivate friendships for their results, for profit and utility, if there is to be no affection to render friendship, in and for itself, intrinsically and spontaneously desirable, can we doubt that we shall value land and house-property more than friends? 84 It is no good your once again repeating Epicurus's admirable remarks in

praise of friendship. I am not asking what Epicurus actually says, but what he can say consistently while holding the theory he professes. ‘Friendship is originally sought after from motives of utility.’ Well, but surely you don’t reckon Triarius here a more valuable asset than the granaries at Puteoli would be if they belonged to you? Cite all the stock Epicurean maxims. ‘Friends are a protection.’ You can protect yourself; the laws will protect you; ordinary friendships offer protection enough; you will be too powerful to despise as it is, while hatred and envy it will be easy to avoid, — Epicurus gives rules for doing so! And in any case, with so large an income to give away, you can dispense with the romantic sort of friendship that we have in mind; you will have plenty of well-wishers to defend you quite effectively. 85 But a confidant, to share your ‘grave thoughts or gay’ as the saying is, all your secrets and private affairs? Your best confidant is yourself; also you may confident in a friend of the average type. But granting that friendship has the conveniences you mention, what are they compared with the advantages of vast wealth? You see then that although if you measure friendship by the test of its own charm it is unsurpassed in value, by the standard of profit the most affectionate intimacy is outweighed by the rents of a valuable estate. So you must love me yourself, not my possessions, if we are to be genuine friends.

27 “But we dwell too long upon the obvious. For when it has been conclusively proved that if pleasure is the sole standard there is no room left either for virtue or for friendship, there is no great need to say anything further. Still I do not want you to think I have failed to answer any of your points, so I will now say a few words in reply to the remainder of your discourse. 86 The entire end and aim of philosophy is the attainment of happiness; and desire for happiness is the sole motive that has led men to engage in this study. But different thinkers make happiness consist in different things. According to your school it consists in pleasure, and conversely misery consists solely in pain. Let us then begin by examining what sort of thing happiness as you conceive it is. You will grant, I suppose, that if there is such a thing as happiness, it is bound to be attainable in its entirety by the Wise Man. For if happiness once won can be lost, a happy life is impossible. Since who can feel confident of

permanently and securely retaining a possession that is perishable and precarious? yet one who is not sure of the permanence of his goods must inevitably fear lest at some time he may lose them and be miserable. 87 But no one can be happy who is uneasy about matters of the highest moment. Therefore no one can be happy at all. For we usually speak of a life as a happy one not in reference to a part of it, but to the whole of a lifetime; indeed 'a life' means a finished and complete life; nor is it possible to be at one time happy and at another miserable, since he who thinks that he may be miserable will not be happy. For when happiness has once been achieved, it is as permanent as Wisdom itself, which is the efficient cause of happiness; it does not wait for the end of our mortal term, as Croesus in Herodotus's history was warned by Solon to do.

"It may be rejoined that Epicurus, as you yourself were saying, maintains that long duration can not add anything to happiness, and that as much pleasure is enjoyed in a brief span of time as if pleasure were everlasting. 88 In this he is grossly inconsistent. He places the Chief Good in pleasure, and yet he says that no greater pleasure would result from a lifetime of endless duration than from a limited and moderate period. If a person finds the sole Good in Virtue, it is open to him to say that the happy life is consummated by the consummation of virtue; for his position is that the Chief Good is not increased by lapse of time. But if one thinks that happiness is produced by pleasure, how can he consistently deny that pleasure is increased by duration? If it is not, pain is not either. Or if pain is worse the longer it lasts, is not pleasure rendered more desirable by continuance? On what ground then does Epicurus speak of the Deity (for so he always does) as happy and everlasting? Take away his everlasting life, and Jove is no happier than Epicurus; each of them enjoys the Chief Good, that is to say, pleasure. 'Ah but,' you say, 'Epicurus is liable to pain as well.' Yes, but he thinks nothing of pain; for he tells us that if he were being burnt to death he would exclaim, 'How delightful this is!' 89 Wherein then is he inferior to God, except that God lives for ever? But what good has everlasting life to offer beside supreme and never-ending pleasure? What then is the use of your high-flown language, if it be not consistent? Bodily pleasure (and I will add if you like mental pleasure, so long as this,

as you hold, is understood to have its source in the body) constitutes happiness. Well, who can guarantee this pleasure for the Wise Man in perpetuity? For the things that produce pleasure are not in the Wise Man's control; since happiness does not consist in wisdom itself, but in the means to pleasure which wisdom can procure. But all the apparatus of pleasure is external, and what is external must depend on chance. Consequently happiness becomes the slave of fortune; yet Epicurus says that fortune interferes with the Wise Man but little!

28 90 " 'Come,' you will say, 'these are trivial objections. The Wise Man is endowed with Nature's own riches, and these, as Epicurus has shown, are easy of attainment.' This is excellently said, and I do not combat it; but Epicurus's own statements are at war with each other. He tells us that the simplest fare, that is, the meanest sorts of food and drink, afford no less pleasure than a banquet of the rarest delicacies. For my part, if he said that it made no difference to happiness what sort of food he ate, I should agree, and what is more I should applaud; for he would be telling the truth. I will listen to Socrates, who holds pleasure of no account, when he says that the best sauce for food is hunger and the best flavouring for drink thirst. But I will not listen to one who makes pleasure the sole standard, when while living like Gallonius he talks like Piso the Thrifty; I refuse to believe in his sincerity. 91 He said that natural wealth is easily won, because nature is satisfied with little. Undoubtedly, — if only you Epicureans did not value pleasure so highly. As much pleasure, he says, is derived from the cheapest things as from the most costly. Dear me, his palate must be as dull as his wits. Persons who despise pleasure in itself are at liberty to say that they value a sturgeon no higher than a sprat; but a man whose chief good consists in pleasure is bound to judge everything by sensation, not by reason, and to call those things the best which are the pleasantest. 92 However, let us grant his point: let him get the highest pleasures cheap, or for all I care for nothing, if he can; allow that there is as much pleasure to be found in the cress salad which according to Xenophon formed the staple diet of the Persians, as in the Syracusan banquets which Plato takes to task so severely; grant, I say, that pleasure is as easy to get as your school makes out; — but what are

we to say of pain? Pain can inflict such tortures as to render happiness absolutely impossible, that is, if it be true that pain is the Chief Evil. Metrodorus himself, who was almost a second Epicurus, describes happiness (I give almost his actual words) as 'sound health, and an assurance of its continuance.' Can anyone have an assurance of what his health will be, I don't say a year hence, but this evening? It follows that we can never be free from the apprehension of pain, which is the chief Evil, even when it is absent, for at any moment it may be upon us. How then can life be happy when haunted by fear of the greatest Evil? 93 'Ah but,' he rejoins, 'Epicurus teaches a method for disregarding pain.' To begin with, the mere idea of disregarding that which is the greatest of evils is absurd. But what is this method, pray? 'The severest pain,' says he, 'is brief.' First of all, who do you mean by brief? and secondly, what do you mean by the severest pain? Why, cannot the most intense pain last for several days? You may find it last for months! Unless indeed you mean a seizure that instantaneously kills you. But no one is afraid of such a pain as that. I want you rather to alleviate such agony as I have seen afflicting my excellent and amiable friend, Gnaeus Octavius, son of Marcus; and that not once only or for a short time, but repeatedly and for very long periods. Great heavens, what torments he used to suffer! All his joints felt as if on fire. And yet one did not think of him as miserable, because such pain was not the greatest evil, — only as afflicted. Miserable he would have been if he had lived a life of profligacy and vice surrounded by every pleasure.

29 94 "As for your maxim that severe pain is short and prolonged pain light, I cannot make out what it may mean. For I see pains that are at once severe and considerably prolonged; and the truer way to endure them is the other method, which you who do not love moral worth for its own sake are not able to employ. Courage has its precepts and its rules, rules of constraining force, that forbid a man to show womanish weakness in pain. Hence it must be considered a disgrace, I do not say to feel pain (that is sometimes inevitable), but that 'rock of Lemnos to outrage' with the cries of a Philoctetes,

Till the dumb stones utter a voice of weeping,
Echoing his wails and plaints, his sighs and groanings.

Let Epicurus soothe with his spells, if he can, the man whose

Veins and vitals, from the viper's fang
Envenom'd, throb with pangs of anguish dire

in this way: 'Philoctetes! If pain is severe, it is short.' Oh, but he has been languishing in his cave for these ten years past. "If it is long, it is light: for it grants intervals of respite.' 95 In the first place, this is not often the case; and secondly, what is the good of a respite embittered by recent pain still fresh in memory, and tormented by fear of pain impending in the future? Let him die, says Epicurus. Perhaps that were the best course, but what becomes of the maxim about 'a constant preponderance of pleasure'? If that be true, are you not guilty of a crime in advising him to end his life? Well, then, let us rather tell him that it is base and unmanly to let pain demoralize, crush and conquer one. As for the formula of your sect, 'Short if it's strong, light if it's long,' it is a tag for copybooks. Virtue, magnanimity, endurance, courage — it is these that have balm to assuage pain.

30 96 "But I must not digress too far. Let me repeat the dying words of Epicurus, to prove to you the discrepancy between his practice and his principles: 'Epicurus to Hermarchus, greeting. I write these words,' he says, 'on the happiest, and the last, day of my life. I am suffering from diseases of the bladder and intestines, which are of the utmost possible severity.' Unhappy creature! If pain is the Chief Evil, that is the only thing to be said. But let us hear his own words. 'Yet all my sufferings,' he continues, 'are counterbalanced by the joy which I derive from remembering my theories and discoveries. I charge you, by the devotion which from your youth up you have displayed towards myself and towards philosophy, to protect the children of Metrodorus.' 97 When I read this I rank the death-scene of Epicurus on a level with those of Epaminondas and of Leonidas. Epaminondas had defeated the Lacedaemonians at Mantinea, and perceived himself to be mortally wounded. As soon as he opened his eyes he inquired if his shield were safe. His weeping followers told him that it was. He asked, were the enemy routed? Satisfied on this

point, he bade them pluck out the spear that pierced his side. A rush of blood followed, and so in the hour of joy and victory he died. Leonidas, king of the Lacedaemonians, had to choose between dishonourable flight and a glorious death; with the three hundred warriors that he had brought from Sparta he confronted the foe at Thermopylae. A great commander's death is famous; but philosophers mostly die in their beds. Still it makes a difference how they die. Epicurus counts himself happy in his last moments. All honour to him. 'My joy,' he writes, 'counterbalances the severest pain.' 98 The words of a philosopher, Epicurus, command my attention; but you forget what you logically ought to say. In the first place, if the things in the recollection of which you profess to find pleasure, I mean your writings and discoveries, are true, you cannot really be feeling pleasure. All feelings referable to the body are over for you; yet you have always maintained that no one feels either pleasure or pain except on account of the body. He says 'I take pleasure in my past feelings.' What past feelings? If you mean bodily feelings, I notice that it is not the memory of bodily delights, but your philosophical theories, that counterbalance for you your present pains; if mental feelings, your doctrine that there is no delight of the mind not ultimately referable to the body is an error. And secondly, why do you provide for the children of Metrodorus? What standard of bodily pleasure are you following in this signal act (for so I esteem it) of loyalty and duty?

31 99 "Yes, Torquatus, you people may turn and twist as you like, but you will not find a line in this famous letter of Epicurus that is not inconsistent and incompatible with his teachings. Hence he is his own refutation; his writings are disproved by the uprightness of his character. That provision for the care of the children, that loyalty to friendship and affection, that observance of these solemn duties with his latest breath, prove that there was innate in the man a disinterested uprightness, not evoked by pleasure nor elicited by prizes and rewards. Seeing so strong a sense of duty in a dying man, what clearer evidence do we want that morality and rectitude are desirable for their own sakes? 100 But while I think that the letter I have just translated almost word for word is most admirable, although entirely inconsistent with the chief tenets of his philosophy,

yet I consider his will to be quite out of harmony not only with the dignity of a philosopher but also with his own pronouncement. For he repeatedly argued at length, and also stated briefly and plainly in the book I have just mentioned, that 'death does not affect us at all; for a thing that has experienced dissolution must be devoid of sensation; and that which is devoid of sensation cannot affect us in any degree whatsoever.' The maxim such as it is might have been better and more neatly put. For the phrase, 'what has experienced dissolution must be devoid of sensation,' does not make clear what it is that has experienced dissolution. 101 However in spite of this I understand the meaning intended. What I want to know is this: if all sensation is annihilated by dissolution, that is, by death, and if nothing whatever that can affect us remains, why is it that he makes such precise and careful provision and stipulation 'that his heirs, Amynomachus and Timocrates, shall after consultation with Hermarchus assign a sufficient sum to celebrate his birthday every year in the month of Gamelion, and also on the twentieth day of every month shall assign a sum for a banquet to his fellow-students in philosophy, in order to keep alive the memory of himself and of Metrodorus'? 102 That these are the words of as amiable and kindly a man as you like, I cannot deny; but what business has a philosopher, and especially a natural philosopher, which Epicurus claims to be, to think that any day can be anybody's birthday? Why, can the identical day that has once occurred recur again and again? Assuredly it is impossible. Or can a similar day recur? This too is impossible, except after an interval of many thousands of years, when all the heavenly bodies simultaneously achieve their return to the point from which they started. It follows that there is no such thing as anybody's birthday. 'But a certain day is so regarded.' Much obliged, I am sure, for the information! But even granting birthdays, is a person's birthday to be observed when he is dead? And to provide for this by will — is this appropriate for a man who told us in oracular tones that nothing can affect us after death? Such a provision ill became one whose 'intellect had roamed' over unnumbered worlds and realms of infinite space, without shores or circumference. Did Democritus do anything of the kind? (To omit others, I cite the case of the philosopher who was Epicurus's only master.) 103 And if a

special day was to be kept, did he do well to take the day on which he was born, and not rather that on which he became a Wise Man? You will object that he could not have become a Wise Man if he had not first of all been born. You might equally well say, if his grandmother had not been born either. The entire notion of wishing one's name and memory to be celebrated by a banquet after one's death is alien to a man of learning. I won't refer to your mode of keeping these anniversaries, or the shafts of wit you bring upon you from persons with a sense of humour. We do not want to quarrel. I only remark that it was more your business to keep Epicurus's birthday than his business to provide by will for its celebration.

32 104 "But to return to our subject (for we were discussing the question of pain, when we digressed to the letter of Epicurus). The whole matter may now be put in the following syllogism: A man undergoing the supreme Evil is not for the time being happy; but the Wise Man is always happy, and sometimes undergoes pain; therefore pain is not the supreme Evil. And again, what is the sense of the maxim that the Wise Man will not let past blessings fade from memory, and that it is a duty to forget past misfortunes? To begin with, have we the power to choose what we shall remember? Themistocles at all events, when Simonides or some one offered to teach him the art of memory, replied that he would prefer the art of forgetting; 'for I remember,' said he, 'even things I don't wish to remember, but I cannot forget things I wish to forget.' 105 Epicurus was a very able man; but still the fact of the matter is that a philosopher who forbids us to remember lays too heavy a charge upon us. Why, you are as great a martinet as your ancestor Manlius, or greater, if you order me to do what is beyond my power. What if the memory of past evils be actually pleasant? proving certain proverbs truer than the tenets of your school. There is a popular saying to the effect that 'Toil is pleasant when 'tis over'; and Euripides well writes (I will attempt a verse translation; the Greek line is known to you all):

Sweet is the memory of sorrows past.

But let us return to the question of past blessings. If your school

meant by these the sort of successes that Gaius Marius could fall back on, enabling him when a penniless exile up to his chin in a swamp to lighten his sufferings by recollecting his former victories, I would listen to you, and would unreservedly assent. Indeed it would be impossible for the happiness of the wise Man to attain its final and ultimate perfection, if all his wise designs and good deeds were to be successively erased from his memory. 106 But with you it is the recollection of pleasures enjoyed that gives happiness; and those must be bodily pleasures, — for if it be any others, it ceases to be true that mental pleasures all arise from the connection of the mind with the body. Yet if bodily pleasure even when past can give delight, I do not see why Aristotle should be so contemptuous of the epitaph of Sardanapalus. The famous Syrian monarch boasts that he has taken with him all the sensual pleasures that he has enjoyed. How, asks Aristotle, could a dead man continue to experience a feeling which even while alive he could only be conscious of so long as he was actually enjoying it? So that bodily pleasures are transient; each in turn evaporates, leaving cause for regrets more often than for recollection. Accordingly Africanus must be counted happier than Sardanapalus, when he addresses his country with the words:

Cease, Rome, thy foes —

and the glorious conclusion:

My toils have won thee battlements secure.

His past toils are what he delights in, whereas you bid us dwell upon our past pleasures; he recalls experiences that never had any connection with bodily enjoyment, but you never rise above the body.

33 107 “Again how can you possibly defend the dictum of your school, that all mental pleasures and pains alike are based on pleasures and pains of the body? Do you, Torquatus (for I bethink me who it is I am addressing) — do you personally never experience in something for its own sake? I pass over moral worth and goodness, and the intrinsic beauty of the virtues, of which we spoke before. I

will suggest less serious matters, reading or writing a poem or a speech, the study of history or geography, statues, pictures, scenery, the games and wild beast shows, Lucullus's country house (I won't mention your own, for that would give you a loophole of escape; you would say it is a source of bodily enjoyment); but take the things I have mentioned, — do you connect them with bodily sense? Is there nothing which of itself affords you delight? Persist in tracing back the pleasures I have instanced to the body — and you show yourself impervious to argument; recant — and you abandon Epicurus's conception of pleasure altogether.

108 "As for your contention that mental pleasures and pains are greater than bodily, because the mind apprehends all three periods of time, whereas the body perceives only present sensations, surely it is absurd to say that a man who rejoices in sympathy with my pleasure feels more joy than I feel myself. [Pleasure of the mind arises out of sympathy with that of the body, and pleasure of the mind is greater than that of the body; thus it comes about that one who offers congratulations feels more delight than the person congratulated.] But when you try to prove the Wise Man happy on the ground that he enjoys the greatest mental pleasures, and that these are infinitely greater than bodily pleasures, you do not see the difficulty that meets you. For it follows that the mental pains which he experiences will also be infinitely greater than the bodily ones. Hence he whom you maintain to be always happy would inevitably be sometimes miserable; nor in fact will you ever prove him to be invariably happy, as long as you make pleasure and pain the sole standard. 109 Therefore we are bound, Torquatus, to find some other Chief Good for man. Let us leave pleasure to the lower animals, to whose evidence on this question of the Chief Good your school is fond of appealing. But what if even animals are prompted by their several natures to do many actions conclusively proving that they have some other than pleasure? Some of them show kindness even at the cost of trouble, as for instance in giving birth to and rearing their offspring; some delight in running and roaming about; others are gregarious, and create something resembling a social polity; 110 in a certain class of birds we see some traces of affection, and also recognition and recollection; and in many we even notice regret for a lost friend. If

animals therefore possess some semblance of the human virtues unconnected with pleasure, are men themselves to display no virtue except as a means to pleasure? And shall we say that man, who so far surpasses all other living creatures, has been gifted by nature with no exceptional endowment?

34 111 "As a matter of fact if pleasure be all in all, the lower animals are far and away superior to ourselves. The Earth of herself without labour of theirs lavishes on them food from her stores in great variety and abundance; whereas we with the most laborious efforts can scarcely if at all supply our needs. Yet I cannot think that the Chief Good can possibly be the same for a brute beast and for a man. What is the use of all our vast machinery of culture, of the great company of liberal studies, of the goodly fellowship of the virtues, if all these things are sought after solely for the sake of pleasure? 112 Suppose when Xerxes led forth his huge fleets and armies of horse and foot, bridged the Hellespont, cut through Athos, marched over sea and sailed over land — suppose on his reaching Greece with his great armada some one asked him the reason for all this enormous apparatus of warfare, and he were to reply that he had wanted to procure some honey from Hymettus! surely he would be thought to have had no adequate motive for so vast an undertaking. So with our Wise Man, equipped and adorned with all the noblest accomplishments and virtues, not like Xerxes traversing the seas on foot and the mountains on shipboard, but mentally embracing sky and earth and sea in their entirety — to say that this man's aim is pleasure is to say that all his high endeavour is for the sake of a little honey.

113 "No, Torquatus, believe me, we are born for loftier and more splendid purposes. Nor is this evidenced by the mental faculties alone, including as they do a memory for countless facts, in your case indeed a memory of unlimited range; a power of forecasting the future little short of divination; the sense of modesty to curb the appetites; love of justice, the faithful guardian of human society; contempt of pain and death, remaining firm and steadfast when toil is to be endured and danger undergone. These are our mental endowments. But I would also have you consider our actual members, and our organs of sensation, which like the other parts of

the body you for your part will esteem not as the comrades merely but actually as the servants of the virtues. 114 But if even the body has many attributes of higher value than pleasure, such as strength, health, beauty, speed of foot, what pray think you of the mind? The wisest philosophers of old believed that the mind contains an element of the celestial and divine. Whereas if the Chief Good consisted in pleasure as your school avers, the ideal of happiness would be to pass days and nights in the enjoyment of the keenest pleasure, without a moment's intermission, every sense drenched and stimulated with every sort of delight. But who that is worthy to be called a human being would choose to pass a single entire day in pleasure of that description? The Cyrenaics, it is true, do not repudiate it; on this point your friends are more decent, but the Cyrenaics perhaps more consistent. 115 But let us pass in review not these 'arts' of first importance, a lack of which with our ancestors gave a man the name of 'inert' or good-for-nothing, but I ask you whether you believe that, I do not say Homer, Archilochus or Pindar, but Phidias, Polyclitus and Zeuxis regarded the purpose of their art as pleasure. Then shall a craftsman have a higher ideal of external than a distinguished citizen of moral beauty? But what else is the cause of an error so profound and so very widely diffused, than the fact that he who decides that pleasure is the Chief Good judges the question not with the rational and deliberative part of his mind, but with its lowest part, the faculty of desire? For I ask you, if gods exist, as your school too believes, how can they be happy, seeing that they cannot enjoy bodily pleasures? or, if they happy without that kind of pleasure, why do you deny that the Wise Man is capable of a like purely mental activity?

35 116 "Read the panegyrics, Torquatus, not of the heroes praised by Homer, not of Cyrus or Agesilaus, Aristides or Themistocles, Philip or Alexander; but read those delivered upon our own great men, read those of your own family. You will not find anyone extolled for his skill and cunning in procuring pleasures. This is not what is conveyed by epitaphs, like that one near the city gate:

Here lyeth one whom many lands agree
Rome's first and greatest citizen to be.

Do we suppose that many lands agreed that Calatinus was Rome's greatest citizen because of his surpassing eminence in the acquisition of pleasures? Then are we to say that a youth is a young man of great promise and high character, when we judge him likely to study his own interests and to do whatever will be for his personal advantage? Do we not see what a universal upheaval and confusion would result from such a principle? It does away with generosity and with gratitude, the bonds of mutual harmony. If you lend a man money for your own advantage, this cannot be considered an act of generosity — it is usury; no gratitude is owing to a man who lends money for gain. In fact if pleasure usurps the sovereignty, all the cardinal virtues must inevitably be dethroned; and also there are a number of base qualities which can with difficulty be proved inconsistent with the character of the Wise Man, unless it be a law of nature that moral goodness should be supreme. 118 Not to bring forward further arguments (for they are countless in number), any sound commendation of Virtue must needs keep Pleasure at arm's length. Do not expect me further to argue the point; look within, study your own consciousness. Then after full and careful introspection, ask yourself the question, would you prefer to pass your whole life in that state of calm which you spoke of so often, amidst the enjoyment of unceasing pleasures, free from all pain, and even (an addition which your school is fond of postulating but which is really impossible) free from all fear of pain, or to be a benefactor of the entire human race, and to bring succour and safety to the distressed, even at the cost of enduring the dolours of a Hercules? Dolours — that was indeed the sad and gloomy name which our ancestors bestowed, even in the case of a god, upon labours which were not to be evaded. 119 I would press my question and drag an answer from you, were I not afraid lest you should say that Hercules himself in the arduous labours that he wrought for the preservation of mankind was acting for the sake of pleasure!"

Here I concluded. "I am at no loss for authorities," said Torquatus, "to whom to refer your arguments. I might be able to do some execution myself, but I prefer to find better equipped champions." "No doubt you allude to our excellent and learned

friends Siro and Philodemus." "You are right," he replied. "Very well then," said I; "but it would be fairer to let Triarius pronounce some verdict on our dispute." "I formally object to him as prejudiced," he rejoined with a smile, "at all events on this issue. You have shown us some mercy, but Triarius lays about him like a true Stoic." "Oh," interposed Triarius, "I'll fight more boldly still next time, for I shall have the arguments I have just heard ready to my hand, though I won't attack you till I see you have been armed by the instructors whom you mention." And with these words we brought our promenade and our discussion to an end together.

BOOK III

1 1 My dear Brutus. — Were Pleasure to speak for herself, in default of such redoubtable advocates as she now has to defend her, my belief is that she would own defeat. Vanquished by the arguments of our preceding Book, she would yield the victory to true Worth. Indeed she would be lost to shame if she persisted any longer in the battle against Virtue, and rated what is pleasant above what is morally good, or maintained that bodily enjoyment or the mental gratification which springs from it is of higher value than firmness and dignity of character. Let us then give Pleasure her dismissal, and bid her keep within her own domains, lest her charms and blandishments put snares in the way of strict philosophical debate. 2 The question before us is, where is that Chief Good, which is the object of our inquiry, to be found? Pleasure we have eliminated; the doctrine that the End of Goods consists in freedom from pain is open to almost identical objections; and in fact no Chief Good could be accepted that was without the element of Virtue, the most excellent thing that can exist.

Hence although in our debate with Torquatus we did not spare our strength, nevertheless a keener struggle now awaits us with the Stoics. For pleasure is a topic that does not lend itself to very subtle or profound discussion; its champions are little skilled in dialectic, and their adversaries have no difficult case to refute. 3 In fact Epicurus himself declares that there is no occasion to argue about pleasure at all: its criterion resides in the senses, so that proof is entirely superfluous; a reminder of the facts is all that is needed. Therefore our preceding debate consisted of a simple statement of the case on either side. There was nothing abstruse or intricate in the discourse of Torquatus, and my own exposition was, I believe, as clear as daylight. But the Stoics, as you are aware, affect an exceedingly subtle or rather crabbed style of argument; and if the Greeks find it so, still more must we, who have actually to create a vocabulary, and to invent new terms to convey new ideas. This necessity will cause no surprise to anyone of moderate learning, when he reflects that in every branch of science lying outside the

range of common everyday practice there must always be a large degree of novelty in the vocabulary, when it comes to fixing a terminology to denote the conceptions with which the science in question deals. 4 Thus Logic and Natural Philosophy alike make use of terms unfamiliar even to Greece; Geometry, Music, Grammar also, have an idiom of their own. Even the manuals of Rhetoric, which belong entirely to the practical sphere and to the life of the world, nevertheless employ for purposes of instruction a sort of private and peculiar phraseology.

2 And to leave out of account these liberal arts and accomplishments, even artisans would be unable to preserve the tradition of their crafts if they did not make use of words unknown to us through familiar to themselves. Nay, agriculture itself, a subject entirely unsusceptible of literary refinement, has yet had to coin technical terms to denote the things with which it is occupied. All the more is the philosopher compelled to do likewise; for philosophy is the Science of Life, and cannot treat its subject in language taken from the street. 5 Still of all the philosophers the Stoics have been the greatest innovators in this respect, and Zeno their founder was rather an inventor of new terms than a discoverer of new ideas. But if men so learned, using a language generally supposed to be more copious than our own, were allowed in handling recondite subjects to employ unfamiliar terms, how much more right have we to claim this licence who are venturing now to approach these topics for the first time? Moreover we have often declared, and this under some protest not from Greeks only but also from persons who would rather be considered Greeks than Romans, that in fullness of vocabulary we are not merely not surpassed by the Greeks but are actually their superiors. We are therefore bound to do our utmost to make good this claim not in our native arts only but also in those that belong to the Greeks themselves. However, words which the practice of past generations permits us to employ as Latin, *e.g.* the term ‘philosophy’ itself, or ‘rhetoric,’ ‘logic,’ ‘grammar,’ ‘geometry,’ ‘music’ we may consider as being our own; the ideas might it is true have been translated into Latin, but the Greek terms have been familiarized by use. So much for terminology.

6 As regards my subject, I often fear, Brutus, that I shall meet with

censure for writing upon this topic to you, who are yourself so great an adept in philosophy, and in the highest branch of philosophy. Did I assume the attitude of an instructor, such censure would be deserved. But nothing could be farther from me. I dedicate my work to you, not to teach you what you know extremely well already, but because your name gives me a very comforting sense of support, and because I find in you a most impartial judge and critic of the studies which I share with yourself. You will therefore grant me, as always, your closest attention, and act as umpire of the debate which I held with that remarkable man of genius, your uncle.

7 I was down at my place at Tusculum, and wanted to consult some books from the library of the young Lucullus; so I went to his country-house, as I was in the habit of doing, to help myself to the volumes I needed. On my arrival, seated in the library I found Marcus Cato; I had not known he was there. He was surrounded by piles of books on Stoicism; for he possessed, as you are aware, a voracious appetite for reading, and could never have enough of it; indeed it was often his practice actually to brave the idle censure of the mob by reading in the senate-house itself, while waiting for the senate to assemble, — he did not steal any attention from public business. So it may well be believed that when I found him taking a complete holiday, with a vast supply of books at his command, he had the air of indulging in a literary debauch, if the term may be applied to so honourable an occupation. 8 Upon this chance encounter, each of us being equally surprised to see the other, he at once rose, and we began to exchange the usual greetings. "What brings you here?" cried he; "You are from your country-seat, I suppose. Had I known you were there," he continued, "I should have anticipated you with a visit." "Yes," I answered, "the games began yesterday, so I came out of town, and arrived late in the afternoon. My reason for coming on here was to get some books from the library. By the way, Cato, it will soon be time for our friend Lucullus to make acquaintance with this fine collection; for I hope he will take more pleasure in his library than in all the other appointments of his country-house. I am extremely anxious (though of course the responsibility belongs especially to you) that he should have the kind of education that will turn him out after the same pattern as his father

and our dear Caepio, and also yourself, to whom he is so closely related. I cherish the memory of his grandfather (and you are aware how highly I esteemed Caepio, who in my belief would to-day be in the front rank, were he still alive). And also Lucullus is always present to my mind; he was a man of general eminence, and united to me in sentiment and opinion as well as by friendship." 9 "I commend you," rejoined Cato, "for your loyalty to memory of men who both bequeathed their children to your care, as well as for your affectionate interest in the lad. My own responsibility, as you call it, I by no means disown, but I enlist you to share it with me. Moreover I may say that the youth already seems to me to show many signs both of modesty and talent; but you know how young he is." "I do," said I, "but all the same it is time for him to receive a tincture of studies which, if allowed to soak in at this impressionable age, will render him better equipped when he comes to the business of life." "True, and we will discuss this matter again several times more fully and take common action. But let us sit down," he said, "shall we?" So we sat down.

3 10 Cato then resumed: "But what pray are the books that you must come here for, when you have so large a library of your own?" "I have come to fetch some Note-books of Aristotle," I replied, "which I knew were here. I wanted to read them during my holiday; I do not often get any leisure." "How I wish," said he, "that you had thrown in your lot with the Stoics! You of all men might have been expected to reckon virtue as the only good." "Perhaps *you* might rather have been expected," I answered, "to refrain from adopting a new terminology, when in substance you think as I do. Our principles agree; it is our language that is at variance." "Indeed," he rejoined, "they do not agree in the least. Once pronounce anything to be desirable, once reckon anything as a good, other than Moral Worth, and you have extinguished the very light of virtue, Moral Worth itself, and overthrown virtue entirely." 11 "That all sounds very fine, Cato," I replied, "but are you aware that you share your lofty pretensions with Pyrrho and with Aristo, who make all things equal in value? I should like to know what your opinion is of them." "My opinion?" he said. "You ask what my opinion is? that those good, brave, just and temperate men, of whom history tells us, or

whom we have ourselves seen in our public life, who under the guidance of Nature herself, without the aid of any learning, did many glorious deeds, — that these men were better educated by nature than they could possibly have been by philosophy had they accepted any other system of philosophy than the one that counts Moral Worth the only good and Moral Baseness the only evil. All other philosophical systems — in varying degrees no doubt, but still all, — which reckon anything of which virtue is not an element either as a good or an evil, do not merely, as I hold, give us no assistance or support towards becoming better men, but are actually corrupting to the character. Either this point must be firmly maintained, that Moral Worth is the sole good, or it is absolutely impossible to prove that virtue constitutes happiness. And in that case I do not see why we should trouble to study philosophy. For if anyone who is wise could be miserable, why, I should not set much value on your vaunted and belauded virtue."

4 12 "What you have said so far, Cato," I answered, "might equally well be said by a follower of Pyrrho or of Aristo. They, as you are aware, think as you do, that this Moral Worth you speak of is not merely the chief but the only Good; and from this of necessity follows the proposition that I notice you maintain, namely, that the Wise are always happy. Do you then," I asked, "commend these philosophers, and think that we ought to adopt this view of theirs?" "I certainly would not have you adopt *their* view," he said; "for it is of the essence of virtue to exercise choice among the things in accordance with nature; so that philosophers who make all things absolutely equal, rendering them indistinguishable either as better or worse, and leaving no room for selection among them, have abolished virtue itself." 13 "Excellently put," I rejoined; "but pray are not you committed to the same position, if you say that only what is right and moral is good, and abolish all distinction between everything else?" "Quite so," said he, "if I did abolish all distinction, but I do not." 14 "How so?" I said. "If only virtue, only that one thing which you call moral, right, praiseworthy, becoming (for its nature will be better understood if it is denoted by a number of synonyms), if then, I say, this is the sole good, what other object of pursuit will you have beside it? or, if there be nothing bad but what is base,

dishonourable, disgraceful, evil, sinful, foul (to make this clear also by using a variety of terms), what else will you pronounce worthy to be avoided?" "You know quite well," he retorted, "what I am going to say; but I suspect you want to catch up something in my answer if I put it shortly. So I won't answer you point by point. Instead of that, as we are at leisure, I will expound, unless you think it out of place, the whole system of Zeno and the Stoics." "Out of place?" I cried. "By no means. Your exposition will be of great assistance towards solving the questions we are asking." 15 "Then let us make the attempt," said he, "albeit there is a considerable element of difficulty and obscurity in this Stoic system. For at one time even the terms employed in Greek for its novel conceptions seemed unendurable, when they were novel, though now daily use has made them familiar; what then to you think will be the case in Latin?" "Do not feel the least difficulty on that score," said I. "If when Zeno invented some novel idea he was permitted to denote it by an equally unheard-of word, why should not Cato be permitted to do so too? Though all the same it need not be a hard and fast rule that every word shall be represented by its exact counterpart, when there is a more familiar word conveying the same meaning. That is the way of a clumsy translator. Indeed my own practice is to use several words to give what is expressed in Greek by one, if I cannot convey the sense other. At the same time I hold that we may fairly claim the licence to employ a Greek word when no Latin word is readily forthcoming. Why should this licence be granted to ephippia (saddles) and acratophora (jars for neat wine) more than to proēgmena and apoproēgmena? These latter however it is true may be correctly translated 'preferred' and 'rejected.' " 16 "Thanks for your assistance," he said. "I certainly shall use for choice the Latin equivalents you have just given; and in other cases you shall come to my aid if you see me in difficulties." "I'll do my best," I replied; "but fortune favours the bold, so pray make the venture. What sublimer occupation could we find?"

5 He began: "It is the view of those whose system I adopt, that immediately upon birth (for that is the proper point to start from) a living creature feels an attachment for itself, and an impulse to preserve itself and to feel affection for its own constitution and for

those things which tend to preserve that constitution; while on the other hand it conceives an antipathy to destruction and to those things which appear to threaten destruction. In proof of this opinion they urge that infants desire things conducive to their health and reject things that are the opposite before they have ever felt pleasure or pain; this would not be the case, unless they felt an affection for their own constitution and were afraid of destruction. But it would be impossible that they should feel desire at all unless they possessed self-consciousness, and consequently felt affection for themselves. This leads to the conclusion that it is love of self which supplies the primary impulse to action. 17 Pleasure on the contrary, according to most Stoics, is not to be reckoned among the primary objects of natural impulse; and I very strongly agree with them, for fear lest many immoral consequences would follow if we held that nature has placed pleasure among the earliest objects of desire. But the fact of our affection for the objects first adopted at nature's prompting seems to require no further proof than this, that there is no one who, given the choice, would not prefer to have all the parts of his body sound and whole, rather than maimed or distorted although equally serviceable.

"Again, acts of cognition (which we may term comprehensions or perceptions, or, if these words are distasteful or obscure, katalēpseis), — these we consider meet to be adopted for their own sake, because they possess an element that so to speak embraces and contains the truth. This can be seen in the case of children, whom we may observe to take pleasure in finding something out for themselves by the use of reason, even though they gain nothing by it. 18 The sciences also, we consider, are things to be chosen for their own sake, partly because there is in them something worthy of choice, partly because they consist of acts of cognition and contain an element of fact established by methodical reasoning. The mental assent to what is false, as the Stoics believe, is more repugnant to us than all the other things that are contrary to nature.

"(Again, of the members or parts of the body, some appear to have been bestowed on us by nature for the sake of their use, for example the hands, legs, feet, and internal organs, as to the degree of whose utility even physicians are not agreed; while others serve no

useful purpose, but appear to be intended for ornament: for instance the peacock's tail, the plumage of the dove with its shifting colours, and the breasts and beard of the male human being.) 19 All this is perhaps somewhat baldly expressed; for it deals with what may be called the primary elements of nature, to which any embellishment of style can scarcely be applied, nor am I for my part concerned to attempt it. On the other hand, when one is treating of more majestic topics the style instinctively rises with the subject, and the brilliance of the language increases with the dignity of the theme." "True," I rejoined; "but to my mind, any clear statement of an important topic possesses excellence of style. It would be childish to desire an ornate style in subjects of the kind with which you are dealing. A man of sense and education will be content to be able to express his meaning plainly and clearly."

6 20 "To proceed then," he continued, "for we have been digressing from the primary impulses of nature; and with these the later stages must be in harmony. The next step is the following fundamental classification: That which is in itself in accordance with nature, or which produces something else that is so, and which therefore is deserving of choice as possessing a certain amount of positive value — axia as the Stoics call it — this they pronounce to be 'valuable' (for so I suppose we may translate it); and on the other hand that which is the contrary of the former they term 'valueless.' The initial principle being thus established that things in accordance with nature are 'things to be taken' for their own sake, and their opposites similarly 'things to be rejected,' the first 'appropriate act' (for so I render the Greek kathēkon) is to preserve oneself in one's natural constitution; the next is to retain those things which are in accordance with nature and to repel those that are the contrary; then when this principle of choice and also of rejection has been discovered, there follows next in order choice conditioned by 'appropriate action'; then, such choice become a fixed habit; and finally, choice fully rationalized and in harmony with nature. It is at this final stage that the Good properly so called first emerges and comes to be understood in its true nature. 21 Man's first attraction is towards the things in accordance with nature; but as soon as he has understanding, or rather become capable of 'conception' — in Stoic

phraseology ennoia — and has discerned the order and so to speak harmony that governs conduct, he thereupon esteems this harmony far more highly than all the things for which he originally felt an affection, and by exercise of intelligence and reason infers the conclusion that herein resides the Chief Good of man, the thing that is praiseworthy and desirable for its own sake; and that inasmuch as this consists in what the Stoics term homologia and we with your approval may call 'conformity' — inasmuch I say as in this resides that Good which is the End to which all else is a means, moral conduct and Moral Worth itself, which alone is counted as a good, although of subsequent development, is nevertheless the sole thing that is for its own efficacy and value desirable, whereas none of the primary objects of nature is desirable for its own sake. 22 But since those actions which I have termed 'appropriate acts' are based on the primary natural objects, it follows that the former are means to the latter. Hence it may correctly be said that all 'appropriate acts' are means to the end of attaining the primary needs of nature. Yet it must not be inferred that their attainment is the ultimate Good, inasmuch as moral action is not one of the primary natural attractions, but is an outgrowth of these, a later development, as I have said. At the same time moral action is in accordance with nature, and stimulates our desire far more strongly than all the objects that attracted us earlier. But at this point a caution is necessary at the outset. It will be an error to infer that this view implies *two* Ultimate Goods. For though if a man were to make it his purpose to take a true aim with a spear or arrow at some mark, his ultimate end, corresponding to the ultimate good as we pronounce it, would be to do all he could to aim straight: the man in this illustration would have to do everything to aim straight, you yet, although he did everything to attain his purpose, his 'ultimate End,' so to speak, would be what corresponded to what we call the Chief Good in the conduct of life, whereas the actual hitting of the mark would be in our phrase 'to be chosen' but not 'to be desired.'

7 23 "Again, as all 'appropriate acts' are based on the primary impulses of nature, it follows that Wisdom itself is based on them also. But as it often happens that a man who is introduced to another values this new friend more highly than he does the person who gave

him the introduction, so in like manner it is by no means surprising that though we are first commended to Wisdom by the primary natural instincts, afterwards Wisdom itself becomes dearer to us than are the instincts from which we came to her. And just as our limbs are so fashioned that it is clear that they were bestowed upon us with a view to a certain mode of life, so our faculty of appetition, in Greek hormē, was obviously designed not for any kind of life one may choose, but for a particular mode of living; and the same is true of Reason and of perfected Reason. 24 For just as an actor or dancer has assigned to him not any but a certain particular part or dance, so life has to be conducted in a certain fixed way, and not in any way we like. This fixed way we speak of as 'conformable' and suitable. In fact we do not consider Wisdom to be like seamanship or medicine, but rather like the arts of acting and of dancing just mentioned; its End, being the actual exercise of the art, is contained within the art itself, and is not something extraneous to it. At the same time there is also another point which marks a dissimilarity between Wisdom and these arts as well. In the latter a movement perfectly executed nevertheless does not involve all the various motions which together constitute the subject matter of the art; whereas in the sphere of conduct, what we may call, if you approve, 'right actions,' or 'rightly performed actions,' in Stoic phraseology katorthōmata, contain all the factors of virtue. For Wisdom alone is entirely self-contained, which is not the case with the other arts. 25 It is erroneous, however, to place the End of medicine or of navigation exactly on a par with the End of Wisdom. For Wisdom includes also magnanimity and justice and a sense of superiority to all the accidents of man's estate, but this is not the case with the other arts. Again, even the very virtues I have just mentioned cannot be attained by anyone unless he has realized that all things are indifferent and indistinguishable except moral worth and baseness.

26 "We may now observe how strikingly the principles I have established support the following corollaries. Inasmuch as the final aim — (and you have observed, no doubt, that I have all along been translating the Greek term telos either by 'final' or 'ultimate aim,' or 'chief Good,' and for 'final or ultimate aim' we may also substitute 'End') — inasmuch then as the final aim is to live in agreement and

harmony with nature, it necessarily follows that all wise men at all times enjoy a happy, perfect and fortunate life, free from all hindrance, interference or want. The essential principle not merely of the system of philosophy I am discussing but also of our life and destinies is, that we should believe Moral Worth to be the only good. This principle might be amplified and elaborated in the rhetorical manner, with great length and fullness and with all the resources of choice diction and impressive argument; but for my own part I like the concise and pointed 'consequences' of the Stoics.

8 27 "They put their arguments in the following syllogistic form: Whatever is good is praiseworthy; but whatever is praiseworthy is morally honourable: therefore that which is good is morally honourable. Does this seem to you a valid deduction? Surely it must: you can see that the conclusion consists in what necessarily resulted from the two premises. The usual line of reply is to deny the major premise, and say that not everything good is praiseworthy; for there is no denying that what is praiseworthy is morally honourable. But it would be paradoxical to maintain that there is something good which is not desirable; or desirable that is not pleasing; or if pleasing, not also esteemed; and therefore approved as well; and so also praiseworthy. But the praiseworthy is the morally honourable. Hence it follows that what is good is also morally honourable.

28 "Next I ask, who can be proud of a life that is miserable or not happy? It follows that one can only be proud of one's lot when it is a happy one. This proves that the happy life is a thing that deserves (so to put it) that one should be proud of it; and this cannot rightly be said of any life but one morally honourable. Therefore the moral life is the happy life. And the man who deserves and wins praise has exceptional cause for pride and self-satisfaction; but these things count for so much that he can justly be pronounced happy; therefore the life of such a man can with full correctness be described as happy also. Thus if Moral Worth is the criterion of happiness, Moral Worth must be deemed the only Good.

29 "Once more; could it be denied that it is impossible for there ever to exist a man of steadfast, firm and lofty mind, such a one as we call a brave man, unless it be established that pain is not an evil? For just as it is impossible for one who counts death as an evil not to

fear death, so in no case can a man disregard and despise a thing that he decides to be evil. This being laid down as generally admitted, we take as our minor premise that the brave and high-minded man despises and holds of no account all the accidents to which mankind is liable. The conclusion follows that nothing is evil that is not base. Also, your lofty, distinguished, magnanimous and truly brave man, who thinks all human vicissitudes beneath him, I mean, the character we desire to produce, our ideal man, must unquestionably have faith in himself and in his own character both past and future, and think well of himself, holding that no ill can befall the wise man. Here then is another proof of the same position, that Moral Worth alone is good, and that to live honourably, that is virtually, is to live happily.

9 30 "I am well aware, it is true, that varieties of opinion have existed among philosophers, I mean among those of them who have placed the Chief Good, the ultimate aim as I call it, in the mind. Some of those who adopted this view fell into error; but nevertheless I rank all those, of whatever type, who have placed the Chief Good in the mind and in virtue, not merely above the three philosophers who dissociate the Chief Good from virtue altogether and identified it either with pleasure or freedom from pain or the primary impulses of nature, but also above the other three, who held that virtue would be incomplete without some enhancement, and therefore added to it one or other respectively of the three things I have just enumerated. 31 But still those thinkers are quite beside the mark who pronounced the ultimate Good to be a life devoted to knowledge; and those who declared that all things are indifferent, and that the Wise Man will secure happiness by not preferring any one thing in the least degree to any other; and those again who said, as some members of the Academy are said to have maintained, that the final Good and supreme duty of the Wise Man is to resist appearances and resolutely withhold his assent to the reality of sense-impressions. It is customary to take these doctrines severally and reply to them at length. But there is really no need to labour what is self-evident; and what could be more obvious than that, if we can exercise no choice as between things consonant with and things contrary to nature, the much-prized and belauded virtue of Prudence is abolished altogether? Eliminating therefore the views just enumerated and any

others that resemble them, we are left with the conclusion that the Chief Good consists in applying to the conduct of life a knowledge of the working of natural causes, choosing what is in accordance with nature and rejecting what is contrary to it; in other words, the Chief Good is to live in agreement and in harmony with nature.

32 "But in the other arts when we speak of an 'artistic' performance, this quality must be considered as in a sense subsequent to and a result of the action; it is what the Stoics term epigennēmatikon (in the nature of an after-growth). Whereas in conduct, when we speak of an act as 'wise,' the term is applied with full correctness from the first inception of the act. For every action that the Wise Man initiates must necessarily be complete forthwith in all its parts; since the thing desirable, as we term it, consists in his activity. As it is a sin to betray one's country, to use violence to one's parents, to rob a temple, where the offence lies in the result of the act, so the passions of fear, grief and lust are sins, even when no extraneous result ensues. The latter are sins not in their subsequent effects, but immediately upon their inception; similarly, actions springing from virtue are to be judged right from their first inception, and not in their successful completion.

10 33 "Again, the term 'Good,' which has been employed so frequently in this discourse, is also explained by definition. The Stoic definitions do indeed differ from one another in a very minute degree, but they all point in the same direction. Personally I agree with Diogenes in defining the Good as that which is by nature perfect. He was led by this also to pronounce the 'beneficial' (for so let us render the Greek ōphelēma) to be a motion or state in accordance with that which is by nature perfect. Now notions of things are produced in the mind when something has become known either by experience or combination of ideas or analogy or logical inference. The mind ascends by inference from the things in accordance with nature till finally it arrives at the notion of Good. 34 At the same time Goodness is absolute, and is not a question of degree; the Good is recognized and pronounced to be good from its own inherent properties and not by comparison with other things. Just as honey, though extremely sweet, is yet perceived to be sweet by its own peculiar kind of flavour and not by being compared with

something else, so this Good which we are discussing is indeed superlatively valuable, yet its value depends on kind and not on quantity. Value, in Greek axiā, is not counted as a Good nor yet as an Evil; so that however much you increase it in amount, it will still remain the same in kind. The value of Virtue is therefore peculiar and distinct; it depends on kind and not on degree.

35 "Moreover the emotions of the mind, which harass and embitter the life of the foolish (the Greek term for these is pathos, and I might have rendered this literally and styled them 'diseases,' but the word 'disease' would not suit all instances; for example, no one speaks of pity, nor yet anger, as a disease, though the Greeks term these pathos. Let us then accept the term 'emotion,' the very sound of which seems to denote something vicious, and these emotions are not excited by any natural influence. The list of the emotions is divided into four classes, with numerous subdivisions, namely sorrow, fear, lust, and that mental emotion which the Stoics call by a name that also denotes a bodily feeling, hēdonē 'pleasure,' but which I prefer to style 'delight,' meaning the sensuous elation of the mind when in a state of exaltation), these emotions, I say, are not excited by any influence of nature; they are all of them mere fancies and frivolous opinions. Therefore the Wise Man will always be free from them.

11 36 "The view that all Moral Worth is intrinsically desirable is one that we hold in common with many other systems of philosophy. Excepting three schools that shut out Virtue from the Chief Good altogether, all the remaining philosophers are committed to this opinion, and most of all the Stoics, with whom we are now concerned, and who hold that nothing else but Moral Worth is to be counted as a good at all. But this position is one that is extremely simple and easy to defend. For who is there, or who ever was there, of avarice so consuming and appetites so unbridled, that, even though willing to commit any crime to achieve his end, and even though absolutely secure of impunity, yet would not a hundred times rather attain the same object by innocent than by guilty means?

37 "Again, what desire for profit or advantage underlies our curiosity to learn the secrets of nature, the mode and the causes of the movements of the heavenly bodies? Who lives in such a boorish state, or who has become so rigidly insensible to natural impulses, as

to feel a repugnance for these lofty studies and eschew them as valueless apart from any pleasure or profit they may bring? Or who is there who feels no sense of pleasure when he hears of the wise words and brave deeds of our forefathers, — of the Africani, or my great-grandfather whose name is always on your lips, and the other heroes of valour and of virtue? 38 On the other hand, what man of honourable family and good breeding and education is not shocked by moral baseness as such, even when it is not calculated to do him personally any harm? who can view without disgust a person whom he believes to be dissolute and an evil liver? who does not hate the mean, the empty, the frivolous, the worthless? Moreover, if we decide that baseness is not a thing to be avoided for its own sake, what arguments can be urged against men's indulging in every sort of unseemliness in privacy and under cover of darkness, unless they are deterred by the essential and intrinsic ugliness of what is base? Endless reasons could be given in support of this view, but they are not necessary. For nothing is less open to doubt than that what is morally good is to be desired for its own sake, and similarly what is morally bad is to be avoided for its own sake. 39 Again, the principle already discussed, that Moral Worth is the sole Good, involves the corollary that it is of more value than those neutral things which it procures. On the other hand when we say that folly, cowardice, injustice and intemperance are to be avoided because of the consequences they entail, this dictum must not be so construed as to appear inconsistent with the principle already laid down, that moral baseness alone is evil; for the reason that the consequences referred to are not a matter of bodily harm but of the base conduct to which vices give rise (the term 'vice' I prefer to 'badness' as a translation of the Greek kakiā)."

12 40 "Indeed, Cato," said I, "your language is lucidity itself; it conveys your meaning exactly. In fact I feel you are teaching philosophy to speak Latin, and naturalizing her as a Roman citizen. Hitherto she has seemed a foreigner at Rome, and shy of conversing in our language; and this is especially so with your Stoic system because of its precision and subtlety alike of thought and language. (There are some philosophers, I know, who could express their ideas in any language; for they ignore Division and Definition altogether,

and themselves profess that they only seek to commend doctrines to which nature assents without argument. Hence, their ideas being so far from recondite, they spend small pains on logical exposition.) So I am following you attentively, and am committing to memory all the terms you use to denote the conceptions we are discussing; for very likely I shall soon have to employ the same terms myself. Well, I think you are quite correct in calling the opposite of the virtues 'vices.' This is in conformity with the usage of our language. The word 'vice' denotes, I believe, that which is in its own nature 'vituperable'; or else 'vituperable' is derived from 'vice.' Whereas if you had rendered kakiā by 'badness' ('malice'), Latin usage would point us to another meaning, that of a single particular vice. As it is, we make 'vice' the opposite term to 'virtue' in general."

41 "Well, then," resumed Cato, "these principles established there follows a great dispute, which on the side of the Peripatetics was carried on with no great pertinacity (in fact their ignorance of logic renders their habitual style of discourse somewhat deficient in cogency); but your leader Carneades with his exceptional proficiency in logic and his consummate eloquence brought the controversy to a head. Carneades never ceased to contend that on the whole so-called 'problem of good and evil,' there was no disagreement as to facts between the Stoics and the Peripatetics, but only as to terms. For my part, however, nothing seems to me more manifest than that there is more of a real than a verbal difference of opinion between those philosophers on these points. I maintain that there is a far greater discrepancy between the Stoics and the Peripatetics as to facts than as to words. The Peripatetics say that all the things which under their system are called goods contribute to happiness; whereas our school does not believe that total happiness comprises everything that deserves to have a certain amount of value attached to it.

13 42 "Again, can anything be more certain than that on the theory of the school that counts pain as an evil, the Wise Man cannot be happy when he is being tortured on the rack? Whereas the system that considers pain no evil clearly proves that the Wise Man retains his happiness amidst the worst torments. The mere fact that men endure the same pain more easily when they voluntarily undergo it for the sake of their country than when they suffer it for some lesser

cause, shows that the intensity of the pain depends on the state of mind of the sufferer, not on its own intrinsic nature. 43 Further, on the Peripatetic theory that there are three kinds of goods, the more abundantly supplied a man is with bodily or external goods, the happier he is; but it does not follow that we Stoics can accept the same position, and say that the more a man has of those bodily things that are highly valued the happier he is. For the Peripatetics hold that the sum of happiness includes bodily advantages, but we deny this altogether. We hold that the multiplication even of those goods that in our view are truly so called does not render life happier or more desirable or of higher value; even less therefore is happiness affected by the accumulation of bodily advantages. 44 Clearly if wisdom and health be both desirable, a combination of the two would be more desirable than wisdom alone; but it is not the case that if both be deserving of value, wisdom *plus* health is worth more than wisdom by itself separately. We deem health to be deserving of a certain value, but we do not reckon it a good; at the same time we rate no value so highly as to place it above virtue. This is not the view of the Peripatetics, who are bound to say that an action which is both morally good and not attended by pain is more desirable than the same action if accompanied by pain. We think otherwise — whether rightly or wrongly, I will consider later; but how could there be a wider or more real difference of opinion?

14 45 "The light of a lamp is eclipsed and overpowered by the rays of the sun; a drop of honey is lost in the vastness of the Aegean sea; an additional sixpence is nothing amid the wealth of Croesus, or a single step in the journey from here to India. Similarly if the Stoic definition of the End of Goods be accepted, it follows that all the value you set on bodily advantages must be absolutely eclipsed and annihilated by the brilliance and the majesty of virtue. And just as opportuneness (for so let us translate eukairia) is not increased by prolongation in time (since things we call opportune have attained their proper measure), so right conduct (for thus I translate katorthōsis, since katorthōma is a single right action), right conduct, I say, and also propriety, and lastly Good itself, which consists in harmony with nature, are not capable of increase or addition. 46 For these things that I speak of, like opportuneness before mentioned, are

not made greater by prolongation. And on this ground the Stoics do not deem happiness to be any more attractive or desirable if it be lasting than if it be brief; and they use this illustration: Just as, supposing the merit of a shoe were to fit the foot, many shoes would not be superior to few shoes nor bigger shoes to smaller ones, so, in the case of things the good of which consists solely and entirely in propriety and opportuneness, a larger number of these things will not be rated higher than a smaller number nor those lasting longer to those of shorter duration. 47 No is there much point in the argument that, if good health is more valuable when lasting than when brief, therefore the exercise of wisdom also is worth most when it continues longest. This ignores the fact that, whereas the value of health is estimated by duration, that of virtue is measured by opportuneness; so that those who use the argument in question might equally be expected to say that an easy death or an easy child-birth would be better if protracted than if speedy. They fail to see that some things are rendered more valuable by brevity as others by prolongation. 48 So it would be consistent with the principles already stated that on the theory of those who deem the End of Goods, that which we term the extreme or ultimate Good, to be capable of degree, they should also hold that one man can be wiser than another, and similarly that one can commit a more sinful or more righteous action than another; which it is not open for us to say, who do not think that the end of Goods can vary in degree. For just as a drowning man is no more able to breathe if he be not far from the surface of the water, so that he might at any moment emerge, than if he were actually at the bottom already, and just as a puppy on the point of opening its eyes is no less blind than one just born, similarly a man that has made some progress towards the state of virtue is none the less in misery than he that has made no progress at all.

15 “I am aware that all this seems paradoxical; but as our previous conclusions are undoubtedly true and well established, and as these are the logical inferences from them, the truth of these inferences also cannot be called in question. Yet although the Stoics deny that either virtues or vices can be increased in degree, they nevertheless believe that each of them can be in a sense expanded and widened in scope. 49 Wealth again, in the opinion of Diogenes, though so

important for pleasure and health as to be not merely conducive but actually essential to them, yet has not the same effect in relation to virtue, nor yet in the case of the other arts; for money may be a guide to these, but cannot form an essential factor in them; therefore although if pleasure or if good health be a good, wealth also must be counted a good, yet if wisdom is a good, it does not follow that we must also pronounce wealth to be a good. Nor can thing which is not a good be essential to a thing that is a good; and hence, because acts of cognition and of comprehension, which form the raw material of the arts, excite desire, since wealth is not a good, wealth cannot be essential to any art. 50 But even if we allowed wealth to be essential to the arts, the same argument nevertheless could not be applied to virtue, because virtue (as Diogenes argues) requires a great amount of thought and practice, which is not the case to the same extent with the arts, and because virtue involves life-long steadfastness, strength and consistency, whereas these qualities are not equally manifested in the arts.

"Next follows an exposition of the difference between things; for if we maintained that all things were absolutely indifferent, the whole of life would be thrown into confusion, as it is by Aristo, and no function or task could be found for wisdom, since there would be absolutely no distinction between the things that pertain to the conduct of life, and no choice need be exercised among them. Accordingly after conclusively proving that morality alone is good and baseness alone evil, the Stoics went on to affirm that among those things which were of no importance for happiness or misery, there was nevertheless an element of difference, making some of them of positive and others of negative value, and others neutral. 51 Again among things valuable — *e.g.* health, unimpaired senses, freedom from pain, fame, wealth and the like — they said that some afford us adequate grounds for preferring them to other things, while others are not of this nature; and similarly among those things which are of negative value some afford adequate grounds for our rejecting them, such as pain, disease, loss of the senses, poverty, disgrace, and the like; others not so. Hence arose the distinction, in Zeno's terminology, between proēgmena and the opposite, apoproēgmena — for Zeno using the copious Greek language still employed novel words coined for the occasion, a licence not allowed to us with the poor vocabulary of Latin; though you are fond of saying that Latin is actually more copious than Greek. However, to make it easier to understand the meaning of this term it will not be out of place to explain the method which Zeno pursued in coining it.

16 52 "In a royal court, Zeno remarks, no one speaks of the king himself as 'promoted' to honour (for that is the meaning of proēgmenon), but the term is applied to those holding some office of state whose rank most nearly approaches, though it is second to, the royal pre-eminence; similarly in the conduct of life the title proēgmenon, that is, 'promoted,' is to be given not to those things which are in the first rank, but to those which hold the second place; for these we may use either the term suggested (for that will be a literal translation) or 'advanced' and 'degraded,' or the term we have been using all along, 'preferred' or 'superior,' and for the opposite 'rejected.' If the meaning is intelligible we need not be punctilious

about the use of words. 53 But since we declare that everything that is good occupies the first rank, it follows that this which we entitle preferred or superior is neither good nor evil; and accordingly we define it as being indifferent but possessed of a moderate value — since it has occurred to me that I may use the word 'indifferent' to represent their term adiaphoron. For in fact, it was inevitable that the class of intermediate things should contain some things that were either in accordance with nature, or the reverse, and this being so, that this class should include some things which possessed moderate value, and, granting this, that some things of this class should be 'preferred.' 54 There were good grounds therefore for making this distinction; and furthermore, to elucidate the matter still more clearly they put forward the following illustration: Just as, supposing we were to assume that our end and aim is to throw a knuckle-bone in such a way that it may *stand* upright, a bone that is thrown so as to *fall* upright will be in some measure 'preferred' or advanced' in relation to the proposed end, and one that falls otherwise the reverse, and yet that 'advance' on the part of the knuckle-bone will not be a constituent part of the end indicated, so those things which are 'preferred' are it is true means to the End but are in no sense constituents of its essential nature.

55 "Next comes the division of goods into three classes, first those which are 'constituents' of the final end (for so I represent the term telika, this being a case of an idea which we may decide, as we agreed, to express in several words as we cannot do so in one, in order to make the meaning clear), secondly those which are 'productive' of the End, the Greek poiētika; and thirdly those which are both. The only instances of goods of the 'constituent' class are moral action; the only instance of a 'productive' good is a friend. Wisdom, according to the Stoics, is both constituent and productive; for as being itself an appropriate activity it comes under what I called the constituent class; as causing and producing moral actions, it can be called productive.

17 56 "These things which we call 'preferred' are in some cases preferred for their own sake, in others because they produce a certain result, and in others for both reasons; for their own sake, as a certain cast of features and of countenance, or a certain pose or movement,

things which may be in themselves either preferable or to be rejected; others will be called preferred because they produce a certain result, for example, money; others again for both reasons, like sound senses and good health. 57 About good fame (that term being a better translation in this context than 'glory' of the Stoic expression eudoxiā) Chrysippus and Diogenes used to aver that, apart from any practical value it may possess, it is not worth stretching out a finger for; and I strongly agree with them. On the other hand their successors, finding themselves unable to resist the attacks of Carneades, declared that good fame, as I have called it, was preferred and desirable for its own sake, and that a man of good breeding and liberal education would desire to have the good opinion of his parents and relatives, and of good men in general, and that for its own sake and not for any practical advantage; and they argue that just as we desire the welfare of our children, even of such as may be born after we are dead, for their own sake, so a man ought to study his reputation even after death, for itself, even apart from any advantage.

58 "But although we pronounce Moral Worth to be the sole good, it is nevertheless consistent to perform an appropriate act, in spite of the fact that we count appropriate action neither a good nor an evil. For in the sphere of these neutral things there is an element of reasonableness, in the sense that an account can be rendered of it, and therefore in the sense that an account can also be rendered of its performance; and this proves that an appropriate act is an intermediate thing, to be reckoned neither as a good nor as the opposite. And since those things which are neither to be counted among virtues nor vices nevertheless contain a factor which can be useful, their element of utility is worth preserving. Again, this neutral class also includes action of a certain kind, *viz.* such that reason calls upon us to do or to produce some one of these neutral things; but an action reasonably performed we call an appropriate act; appropriate action therefore is included in the class which is reckoned neither as good nor the opposite.

18 59 "It is also clear that some actions are performed by the Wise Man in the sphere of these neutral things. Well then, when he does such an action he judges it to be an appropriate act. And as his

judgment on this point never errs, therefore appropriate action will exist in the sphere of these neutral things. The same thing is also proved by the following argument: We observe that something exists which we call right action; but this is an appropriate act perfectly performed; therefore there will also be such a thing as an imperfect appropriate act; so that, if to restore a trust as a matter of principle is a right act, to restore a trust must be counted as an appropriate act; the addition of the qualification 'on principle' makes it a right action: the mere restitution in itself is counted an appropriate act. Again, since there can be no question but that class of things we call neutral includes some things worthy to be chosen and others to be rejected; therefore whatever is done or described in this manner is entirely included under the term appropriate action. This shows that since love of self is implanted by nature in all men, both the foolish and the wise alike will choose what is in accordance with nature and reject the contrary. Thus there is a region of appropriate action which is common to the wise and the unwise; and this proves that appropriate action deals with the things we call neutral. 60 But since these neutral things form the basis of all appropriate acts, there is good ground for the dictum that it is with these things that all our practical deliberations deal, including the will to live and the will to quit this life. When a man's circumstances contain a preponderance of things in accordance with nature, it is appropriate for him to remain alive; when he possesses or sees in prospect a majority of the contrary things, it is appropriate for him to depart from life. This makes it plain that it is on occasion appropriate for the Wise Man to quit life although he is happy, and also of the Foolish Man to remain in life although he is miserable. 61 For with the Stoics good and evil, as has repeatedly been said already, are a subsequent outgrowth; whereas the primary things of nature, whether favourable or the reverse, fall under the judgment and choice of the Wise Man, and form so to speak the subject-matter, the given material with which wisdom deals. Therefore the reasons both for remaining in life and for departing from it are to be measured entirely by the primary things of nature aforesaid. For the virtuous man is not necessarily retained in life by virtue, and also those who are devoid of virtue need not necessarily seek death. And very often it is appropriate for

the Wise Man to abandon life at a moment when he is enjoying supreme happiness, if an opportunity offers for making a timely exit. For the Stoic view is that happiness, which means life in harmony with nature, is a matter of seizing the right moment. So that Wisdom her very self upon occasion bids the Wise Man to leave her. Hence, as vice does not possess the power of furnishing a reason for suicide, it is clear that even for the foolish, who are also miserable, it is appropriate to remain alive if they possess a predominance of those things which we pronounce to be in accordance with nature. And since the fool is equally miserable when departing from life and when remaining in it, and the undesirability of his life is not increased by its prolongation, there is good ground for saying that those who are in a position to enjoy a preponderance of things that are natural ought to remain in life.

19 62 "Again, it is held by the Stoics to be important to understand that nature creates in parents an affection for their children; and parental affection is the source to which we trace the origin of the association of the human race in communities. This cannot but be clear in the first place from the conformation of the body and its members, which by themselves are enough to show that nature's scheme included the procreation of offspring. Yet it could not be consistent that nature should at once intend offspring to be born and make no provision for that offspring when born to be loved and cherished. Even in the lower animals nature's operation can be clearly discerned; when we observe the labour that they spend on bearing and rearing their young, we seem to be listening to the actual voice of nature. Hence as it is manifest that it is natural for us to shrink from pain, so it is clear that we derive from nature herself the impulse to love those to whom we have given birth. 63 From this impulse is developed the sense of mutual attraction which unites human beings as such; this also is bestowed by nature. The mere fact of their common humanity requires that one man should feel another man to be akin to him. For just as some of the parts of the body, such as the eyes and the ears, are created as it were for their own sakes, while others like the legs or the hands also subserve the utility of the rest of the members, so some very large animals are born for themselves alone; whereas the sea-pen, as it is called, in its roomy

shell, and the creature named the ‘pinoteres’ because it keeps watch over the sea-pen, which swims out of the sea-pen’s shell, then retires back into it and is shut up inside, thus appearing to have warned its host to be on its guard — these creatures, and also the ant, the bee, the stork, do certain actions for the sake of others besides themselves. With human beings this bond of mutual aid is far more intimate. It follows that we are by nature fitted to form unions, societies and states.

64 “Again, they hold that the universe is governed by divine will; it is a city or state of which both men and gods are members, and each one of us is a part of this universe; from which it is a natural consequence that we should prefer the common advantage to our own. For just as the laws set the safety of all above the safety of individuals, so a good, wise and law-abiding man, conscious of his duty to the state, studies the advantage of all more than that of himself or of any single individual. The traitor to his country does not deserve greater reprobation than the man who betrays the common advantage or security for the sake of his own advantage or security. This explains why praise is owed to one who dies for the commonwealth, because it becomes us to love our country more than ourselves. And as we feel it wicked and inhuman for men to declare (the saying is usually expressed in a familiar Greek line) that they care not if, when they themselves are dead, the universal conflagration ensues, it is undoubtedly true that we are bound to study the interest of posterity also for its own sake.

20 65 “This is the feeling that has given rise to the practice of making a will and appointing guardians for one’s children when one is dying. And the fact that no one would care to pass his life alone in a desert, even though supplied with pleasures in unbounded profusion, readily shows that we are born for society and intercourse, and for a natural partnership with our fellow men. Moreover nature inspires us with the desire to benefit as many people as we can, and especially by imparting information and the principles of wisdom. 66 Hence it would be hard to discover anyone who will not impart to another any knowledge that he may himself possess;a so strong is our propensity not only to learn but also to teach. And just as bulls have a natural instinct to fight with all their strength and force in

defending their calves against lions, so men of exceptional gifts and capacity for service, like Hercules and Liber in the legends, feel a natural impulse to be the protectors of the human race. Also when we confer upon Jove the titles of Most Good and Most Great, of Saviour, Lord of Guests, Rallier of Battles, what we mean to imply is that the safety of mankind lies in his keeping. But how inconsistent it would be for us to expect the immortal gods to love and cherish us, when we ourselves despise and neglect one another! Therefore just as we actually use our limbs before we have learnt for what particular useful purpose they were bestowed upon us, so we are united and allied by nature in the common society of the state. Were this not so, there would be no room either for justice or benevolence.

67 "But just as they hold that man is united with man by the bonds of right, so they consider that no right exists as between man and beast. For Chrysippus well said, that all other things were created for the sake of men and gods, but that these exist for their own mutual fellowship and society, so that men can make use of beasts for their own purposes without injustice. And the nature of man, he said, is such, that as it were a code of law subsists between the individual and the human race, so that he who upholds this code will be just and he who departs from it, unjust. But just as, though the theatre is a public place, yet it is correct to say that the particular seat a man has taken belongs to him, so in the state or in the universe, though these are common to all, no principle of justice militates against the possession of private property. 68 Again, since we see that man is designed by nature to safeguard and protect his fellows, it follows from this natural disposition, that the Wise Man should desire to engage in politics and government, and also to live in accordance with nature by taking to himself a wife and desiring to have children by her. Even the passion of love when pure is not thought incompatible with the character of the Stoic sage. As for the principles and habits of the Cynics, some say that these befit the Wise Man, if circumstances should happen to indicate this course of action; but other Stoics reject the Cynic rule unconditionally.

21 69 "To safeguard the universal alliance, solidarity and affection that subsist between man and man, the Stoics held that both 'benefits' and 'injuries' (in their terminology, ōphelēmata and

blammata) are common, the former doing good and the latter harm; and they pronounce them to be not only ‘common’ but also ‘equal.’ ‘Disadvantages’ and ‘advantages’ (for so I render euchrēstēmata and duschrēstēmata) they held to be ‘common’ but not ‘equal.’ For things ‘beneficial’ and ‘injurious’ are goods and evils respectively, and these must needs be equal; but ‘advantages’ and ‘disadvantages’ belong to the class we speak of as ‘preferred’ and ‘rejected,’ and these may differ in degree. But whereas ‘benefits’ and ‘injuries’ are pronounced to be ‘common,’ righteous and sinful acts are not considered ‘common.’

70 “They recommend the cultivation of friendship, classing it among ‘things beneficial.’ In friendship some profess that the Wise Man will hold his friends’ interests as dear as his own, while others say that a man’s own interests must necessarily be dearer to him; at the same time the latter admit that to enrich oneself by another’s loss is an action repugnant to that justice towards which we seem to possess a natural propensity. But the school I am discussing emphatically rejects the view that we adopt or approve either justice or friendship for the sake of their utility. For if it were so, the same claims of utility would be able to undermine and overthrow them. In fact the very existence of both justice and friendship will be impossible if they are not desired for their own sake. 71 Right moreover, properly so styled and entitled, exists (they aver) by nature; and it is foreign to the nature of the Wise Man not only to wrong but even to hurt anyone. Nor again is it righteous to enter into a partnership in wrongdoing with one’s friends or benefactors; and it is most truly and cogently maintained that honesty is always the best policy, and that whatever is fair and just is also honourable,a and conversely whatever is honourableb will also be just and fair.

72 “To the virtues we have discussed they also add Dialectic and Natural Philosophy. Both of these they entitle by the name of virtue; the former because it conveys a method that guards us for giving assent to any falsehood or ever being deceived by specious probability, and enables us to retain and to defend the truths that we have learned about good and evil; for without the art of Dialectic they hold that any man may be seduced from truth into error. If therefore rashness and ignorance are in all matters fraught with

mischief, the art which removes them is correctly entitled a virtue.

22 73 “The same honour is also bestowed with good reason upon Natural Philosophy, because he who is to live in accordance with nature must base his principles upon the system and government of the entire world. Nor again can anyone judge truly of things good and evil, save by a knowledge of the whole plan of nature and also of the life of the gods, and of the answer to the question whether the nature of man is or is not in harmony with that of the universe. And no one without Natural Philosophy can discern the value (and their value is very great) of the ancient maxims and precepts of the Wise Men, such as to ‘obey occasion,’ ‘follow God,’ ‘know thyself,’ and ‘moderation in all things.’ Also this science alone can impart a conception of the power of nature in fostering justice and maintaining friendship and the rest of the affections; nor again without unfolding nature’s secrets can we understand the sentiment of piety towards the gods or the degree of gratitude that we owe to them.

74 “However I begin to perceive that I have let myself be carried beyond the requirements of the plan that I set before me. The fact is that I have been led on by the marvellous structure of the Stoic system and the miraculous sequence of its topics; pray tell me seriously, does it not fill you with admiration? Nothing is more finished, more nicely ordered, than nature; but what has nature, what have the products of handicraft to show that is so well constructed, so firmly jointed and welded into one? Where do you find a conclusion inconsistent with its premise, or a discrepancy between an earlier and a later statement? Where is lacking such close interconnexion of the parts that, if you alter a single letter, you shake the whole structure? Though indeed there is nothing that it would be possible to alter.

75 “Then, how dignified, how lofty, how consistent is the character of the Wise Man as they depict it! Since reason has proved that moral worth is the sole good, it follows that he must always be happy, and that all those titles which the ignorant are so fond of deriding do in very truth belong to him. For he will have a better claim to the title of King than Tarquin, who could not rule either himself or his subjects; a better right to the name of ‘Master of the People’ (for that is what a

dictator is) than Sulla, who was a master of three pestilential vices, licentiousness, avarice and cruelty; a better right to be called rich than Crassus, who had he lacked nothing could never have been induced to cross the Euphrates with no pretext for war. Rightly will he be said to own all things, who alone knows how to use all things; rightly also will he be styled beautiful, for the features of the soul are fairer than those of the body; rightly the one and only free man, as subject to no man's authority, and slave of no appetite; rightly unconquerable, for though his body be thrown into fetters, no bondage can enchain his soul. 76 Nor need he wait for any period of time, that the decision whether he has been happy or not may be finally pronounced only when he has rounded off his life's last day in death, — the famous warning so unwisely given to Croesus by old Solon, one of the seven Wise Men; for had Croesus ever been happy, he would have carried his happiness uninterrupted to the pyre raised for him by Cyrus. If then it be true that all the good and none but the good are happy, what possession is more precious than philosophy, what more divine than virtue?"

BOOK IV

1 1 With these words he concluded. “A most faithful and lucid exposition, Cato,” said I, “considering the wide range of your subject and its obscurity. Clearly I must either give up all idea of replying, or must take time to think it over; it is no easy task to get a thorough grasp of a system so elaborate, even if erroneous (for on that point I do not yet venture to speak), but at all events so highly finished both in its first principles and in their working out.” “You don’t say so!” replied Cato. “Do you suppose I am going to allow our suit to be adjourned, when I see you under this new law replying for the defence on the same day as your opponent concludes for the prosecution, and keeping your speech within a three hours’ limit? Though you will find your present case as shaky as any of those which you now and then succeed in pulling off. So tackle this one like the rest, particularly as the subject is familiar; others have handled it before, and so have you repeatedly, so that you can hardly be gravelled for lack of matter.” 2 “I protest,” I exclaimed, “I am not by way of challenging the Stoics lightly; not that I agree with them entirely, but modesty restrains me: there is so much in their teaching that I can hardly understand.” “I admit,” he said, “that some parts are obscure, yet the Stoics do not affect an obscure style on purpose; the obscurity is inherent in the doctrines themselves.” “How is it, then,” I replied, “that when the same doctrines are expounded by the Peripatetics, every word is intelligible?” “The same doctrines?” he cried. “Have I not said enough to show that the disagreement between the Stoics not Peripatetics is not a matter of words, but concerns the entire substance of their whole system?” “O well, Cato,” I rejoined, “if you can prove that, you are welcome to claim me as a whole-hearted convert.” “I did think,” said he, “that I had said enough. So let us take this question first, if you like; or if you prefer another topic, we will take this later on.” “Nay,” said I, “as to that matter I shall use my own discretion, unless this is an unfair stipulation, and deal with each subject as it comes up.” “Have it your way,” he replied: “my plan would have been more suitable, but it is fair to let a man choose for himself.”

2 3 “My view, then, Cato,” I proceeded, “is this, that those old disciples of Plato, Speusippus, Aristotle and Xenocrates, and afterwards their pupils Polemo and Theophrastus, had developed a doctrine that left nothing to be desired either in fullness or finish, so that Zeno on becoming the pupil of Polemo had no reason for differing either from his master himself or from his master’s predecessors. The outline of their theory was as follows — but I should be glad if you would call attention to any point you may desire to correct without waiting while I deal with the whole of your discourse; for I think I shall have to place their entire system in conflict with the whole of yours. 4 Well, these philosophers observed (1) that we are so constituted as to have a natural aptitude for the recognized and standard virtues in general, I mean Justice, Temperance and the others of that class (all of which resemble the end of the arts, and differ only by excelling them in the material with which they work and in their treatment of it); they observed moreover that we pursue these virtues with a more lofty enthusiasm than we do the arts; and (2) that we possess an implanted or rather an innate appetite for knowledge, and (3) that we are naturally disposed towards social life with our fellow men and towards fellowship and community with the human race; and that these instincts are displayed most clearly in the most highly endowed natures. Accordingly they divided philosophy into three departments, a division that was retained, as we notice, by Zeno. 5 One of these departments is the science that is held to give rules for the formation of moral character; this part, which is the foundation of our present discussion, I defer. For I shall consider later the question, what is the End of Goods. For the present I only say that the topic of what I think may fitly be entitled Civic Science (the adjective in Greek is politikos) was handled with authority and fullness by the early Peripatetics and Academics, who agreed in substance though they differed in terminology.

3 “What a vast amount they have written on politics and on jurisprudence! how many precepts of oratory they have left us in their treatises, and how many examples in their discourses! In the first place, even the topics that required close reasoning they handled in a neat and polished manner, employing now definition, now

division; as indeed your school does also, but your style is rather out-at-elbows, while theirs is noticeably elegant. 6 Then, in themes demanding ornate and dignified treatment, however imposing, how brilliant is their diction! On Justice, Temperance, Courage, Friendship, on the conduct of life, the pursuit of wisdom, the career of the statesman, — no hair-splitting like that of the Stoics, no niggling minutiae, but the loftier passages studiously ornate, and the minor topics studiously plain and clear. As a result, think of their consolations, their exhortations, even their warnings and counsels, addressed to men of the highest eminence! In fact, their rhetorical exercises were twofold, like the nature of the subjects themselves. For every question for debate can be argued either on the general issue, ignoring the persons or circumstances involved, or, these also being taken into consideration, on a point of fact or of law or of nomenclature. They therefore practised themselves in both kinds; and this training produced their remarkable fluency in each class of discussion. 7 This whole field Zeno and his successors were either unable or unwilling to discover; at all events they left it untouched. Cleanthes it is true wrote a treatise on rhetoric, and Chrysippus wrote one too, but what are they like? why, they furnish a complete manual for anyone whose ambition is to hold his tongue; you can judge then of their style, coining new words, discarding those approved by use. 'But,' you will say, 'think how vast are the themes that they essay! for example, that this entire universe is our own town.' You see the magnitude of a Stoic's task, to convince an inhabitant of Circeii that the whole vast world is his own borough! 'If so, he must rouse his audience to enthusiasm.' What? a Stoic rouse enthusiasm? He is much more likely to extinguish any enthusiasm the student may have had to begin with. Even those brief maxims that you propounded, that the Wise Man alone is king, dictator, millionaire, — neatly rounded off no doubt as you put them: of course, for you learnt them from professors of rhetoric; — but how bald those very maxims, on the lips of the Stoics, when they talk about the potency of virtue, — virtue which they rate so highly that it can of itself, they say, confer happiness! Their meagre little syllogisms are mere pin-pricks; they may convince the intellect, but they cannot convert the heart, and the hearer goes away no better than he came. What they say is possibly

true, and certainly important; but the way in which they say it is wrong; it is far too petty.

4 8 “Next come Logic and Natural Science; for the problem of Ethics, as I said, we shall notice later, concentrating the whole force of the discussion upon its solution. In these two departments then, there was nothing that Zeno need have desired to alter; since all was in a most satisfactory state, and that in both departments. For in the subject of Logic, what had the ancients left undealt with? They defined a multitude of terms, and left treatises in Definition; of the kindred art of the Division of a thing into its parts they give practical examples, and lay down rules for the process; and the same with the Law of Contradictories, from which they arrived at genera and species within genera. Then, in Deductive reasoning, they start with what they term self-evident propositions; from these they proceed by rule, and finally the conclusion gives the inference valid in the particular case. 9 Again, how many different forms of Deduction they distinguish, and how widely these differ from sophistical syllogisms! Think how almost solemnly they reiterate that we must not expect to find truth in sensation unaided by reason, nor in reason without sensation, and that we are not to divorce the one from the other! Was it not they who first laid down the rules that form the stock-in-trade of professors of logic to-day? Logic, no doubt, was very fully worked out Chrysippus, but much less was done in it by Zeno than by the older schools; and in some parts of the subject his work was no improvement on that of his predecessors, while other parts he neglected altogether. 10 Of the two sciences which between them cover the whole field of reasoning and of oratory, one the Science of Topics and the other that of Logic, the latter has been handled by both Stoics and Peripatetics, but the former, though excellently taught by the Peripatetics, has not been touched by the Stoics at all. Of Topics, the store-chambers in which arguments are arranged ready for use, your school had not the faintest notion, whereas their predecessors propounded a regular technique and method. This science of Topics saves one from always having to drone out the same stock arguments on the same subjects without ever departing from one’s notebooks. For one who knows under what general heading a particular case comes, and how to lead up to it, will be able

to bring out any argument however far out of sight it lies, and always take a line of his own in debate. The fact is that, although some men of genius attain to eloquence without a system, nevertheless science is a safer guide than nature. A poetic out-pouring of language is one thing, the systematic and scientific marshalling of one's matter is another.

5 11 "Much the same may be said about Natural Philosophy, which is pursued both by the Peripatetics and by your school, and that not merely for the two objects, recognized by Epicurus, of banishing superstition and the fear of death. Besides these benefits, the study of the heavenly phenomena bestows a power of self-control that arises from the perception of the consummate restraint and order that obtain even among the gods; also loftiness of mind is inspired by contemplating the creations and actions of the gods, and justice by realizing the will, design and purpose of the Supreme Lord and Ruler to whose nature we are told by philosophers that the True Reason and Supreme Law are conformed. 12 The study of Natural Philosophy also affords the inexhaustible pleasure of acquiring knowledge, the sole pursuit which can afford an honourable and elevated occupation for the hours of leisure left when business has been finished. Now in the whole of this branch of philosophy, on most of the important points the Stoics followed the Peripatetics, maintaining that the gods exist and that the world is composed of the four elements. Then, coming to the very difficult question, whether we are to believe in the existence of a fifth substance, as the source of reason and intellect, and also the connected further question which element constitutes the soul, Zeno declared this substance to be fire; next, as to some details, but only a few, he diverged from his predecessors, but on the main question he agreed that the universe as a whole and its chief parts are governed by a divine mind and substance. In point of fullness, however, and fertility of treatment we will find the Stoics meagre, whereas the Peripatetics are copious in the extreme. 13 What stores of facts they observed and recorded about the classification, reproduction, morphology and life-history of animals of every kind! and again about plants! How copious and wide in range their explanations of the causes and demonstrations of the mode of different natural phenomena! and all these stores supply them with

numerous and conclusive arguments to explain the nature of each particular thing. So far then, as far as I at least can understand the case, there appears to have been no reason for the change of name; that Zeno was not prepared to follow the Peripatetics in every detail did not alter the fact that he had sprung from them. For my own part I consider Epicurus also, at all events in natural philosophy, simply a pupil of Democritus. He makes a few modifications, or indeed a good many; but on most points, and unquestionably the most important, he merely echoes his master. Your leaders do the same, yet neglect to acknowledge their full debt to the original discoverers.

6 14 "But leaving this let us now, if you please, turn to Ethics. On the subject of the Chief Good, which is the keystone of philosophy, what precise contribution did Zeno make to justify his disagreeing with his ancestors, the originators of the doctrine? Under this head you, Cato, gave a careful exposition of the Stoics' conception of this 'End of Goods,' and of the meaning they attached to the term; still I also will restate it, to enable us to detect, if we can, what exactly was the novel element contributed by Zeno. Preceding thinkers, and among them most explicitly Polemo, had explained the Chief Good as being 'to live in accordance with nature.' This formula receives from the Stoics three interpretations. The first runs thus, 'to live in the light of a knowledge of the natural sequence of causation.' This conception of the End they declare to be identical with Zeno's, being an explanation of your phrase 'to live in agreement with nature.' 15 Their second interpretation is that it means the same as 'to live in the performance of all, or most, of one's intermediate duties.' The Chief Good as thus expounded is not the same as that of the preceding interpretation. That is 'right action' (as you rendered katorthōma), and can be achieved only by the Wise Man, but this belongs to duty merely inchoate, so to speak, and not perfect, which may sometimes be attained by the foolish. Again, the third interpretation of the formula is 'to live in the enjoyment of all, or of the greatest, of those things which are in accordance with nature.' This does not depend solely on our own conduct, for it involves two factors, first a mode of life enjoying virtue, secondly a supply of the things which are in accordance with nature but which are not within our control. But the Chief Good as understood in the third and last interpretation, and life

passed on the basis of the Chief Good, being inseparably coupled with virtue, lie within the reach of the Wise Man alone; and this is the account of the End of Goods, as we read in the writings of the Stoics themselves, which was given by Xenocrates and Aristotle. They therefore describe the primary constitution of nature, which was your starting point also, more or less in the following terms.

7 16 "Every natural organism aims at being its own preserver, so as to secure its safety and also its preservation true to its specific type. With this object, they declare, man has called in the aid of the arts also to assist nature; and chief among them is counted the art of living, which helps him to guard the gifts that nature has bestowed and to obtain those that are lacking. They further divided the nature of man into soul and body. Each of these parts they pronounced to be desirable for its own sake, and consequently they said that the virtues also of each were desirable for their own sakes; at the same time they extolled the soul as infinitely surpassing the body in worth, and accordingly placed the virtues also of the mind above the goods of the body. 17 But they held that wisdom is the guardian and protectress of the whole man, as being the comrade and helper of nature, and so they said that the function of wisdom, as protecting a being that consisted of a mind and a body, was to assist and preserve him in respect of both. After thus laying the first broad foundations of the theory, they went on to work it out in greater detail. The goods of the body, they held, required no particular explanation, but the goods of the soul they investigated with more elaboration, finding in the first place that in them lay the germs of Justice; and they were the first of any philosophers to teach that the love of parents for their offspring is a provision of nature; and that nature, so they pointed out, has ordained the union of men and women in marriage, which is prior in order of time, and is the root of all the family affections. Starting from these first principles they traced out the origin and growth of all the virtues. From the same source was developed loftiness of mind, which could render us proof against the assaults of fortune, because the things that matter were under the control of the Wise Man; whereas to the vicissitudes and blows of fortune a life directed by the precepts of the old philosophers could easily rise superior. 18 Again, from the elements given by nature arose certain lofty excellences,

springing partly from the contemplation of the secrets of nature, since the mind possessed an innate love of knowledge, whence also resulted the passion for argument and for discussion; and also, since man is the only animal endowed with a sense of modesty and shame, with a desire for intercourse and society with his fellows, and with a scrupulous care in all his words and actions to avoid any conduct that is not honourable and seemly, from these beginnings or germs, as I called them before, of nature's bestowal, were developed Temperance, Self-control, Justice and moral virtue generally in full flower and perfection.

8 19 "There, Cato," I said, "is the scheme of the philosophers of whom I am speaking. Having put it before you, I should be glad to learn what reason Zeno had for seceding from this old-established system. Which precisely of their doctrines did he think unsatisfactory: the doctrine that every organism instinctively seeks its own preservation? or that every animal has an affection for itself, prompting it to desire its own continuance safe and unimpaired in its specific type? or that, since the End of every art is some essential natural requirement, the same must be affirmed as regards the art of life as a whole? or that, as we consist of soul and body, these and also the virtues of these are to be taken for their own sakes? Or again, did he take exception to the ascription of such pre-eminence to the virtues of the soul? or to what they say about prudence and knowledge, about the sense of human fellowship, or about temperance, self-control, magnanimity, and moral virtue in general? No, the Stoics will admit that all of these doctrines are admirable, and that Zeno's reason for secession did not lie here. 20 As I understand, they will accuse the ancients of certain grave errors in other matters, which that ardent seeker after truth found himself quite unable to tolerate. What, he asked, could have been more insufferably foolish and perverse than to take good health, freedom from all pain, or soundness of eyesight and of the other senses, and class them as goods, instead of saying that there was nothing whatever to choose between these things and their opposites? According to him, all these things which the ancients called good, were not good, but 'preferred'; and so also with bodily excellences, it was foolish of the ancients to call them 'desirable for their own

sakes'; they were not 'desirable' but 'worth taking'; and in short, speaking generally, a life bountifully supplied with all the other things in accordance with nature, in addition to virtue, was not 'more desirable,' but only 'more worth taking' than a life of virtue and virtue alone; and although virtue of itself can render life as happy as it is possible for it to be, yet there are some things that Wise Men lack at the very moment of supreme happiness; and accordingly they do their best to protect themselves from pain, disease and infirmity.

9 21 "What acuteness of intellect! What a satisfactory reason for the creation of a new philosophy! But proceed further; for we now come to the doctrine, of which you gave such a masterly summary, that all men's folly, injustice and other vices are alike and all sins are equal; and that those who by nature and training have made considerable progress towards virtue, unless they have actually attained to it, are utterly miserable, and there is nothing whatever to choose between their existence and that of the wickedest of mankind, so that the great and famous Plato, supposing he was not a Wise Man, lived a no better and no happier life than any unprincipled scoundrel. And this, if you please, is your revised and corrected version of the old philosophy, a version that could not possibly be produced in public life, in the law-courts, in the senate! For who could tolerate such a way of speaking in one who claimed to be an authority on wise and moral conduct? Who would allow him to alter the names of things, and while really holding the same opinions as everyone else, to impose different names on things to which he attaches the same meanings as other people, just altering the terms while leaving the ideas themselves untouched? 22 Could an advocate wind up his defence of a client by declaring that exile and confiscation of property are not evils? that they are 'to be rejected,' but not 'to be shunned'? that it is not a judge's duty to show mercy? Or supposing him to be addressing a meeting of the people; Hannibal is at the gates and has flung a javelin over the city walls; could he say that captivity, enslavement, death, loss of country are no evils? Could the senate, decreeing a triumph to Africanus, use the formula, 'whereas by reason of his valour,' or 'good fortune,' if no one but the Wise Man can truly be said to possess either valour or good fortune? What sort of philosophy then is this, which speaks the ordinary

language in public, but in its treatises employs an idiom of its own? and that though the doctrines which the Stoics express in their own peculiar terms contain no actual novelty the ideas remain the same, though clothed in another dress. 23 Why, what difference does it make whether you call wealth, power, health 'goods,' or 'things preferred,' when he who calls them goods assigns no more value to them than you who style exactly the same things 'preferred'? This is why so eminent and high-minded an authority as Panaetius, a worthy member of the famous circle of Scipio and Laelius, in his epistle to Quintus Tubero on the endurance of pain, has nowhere made what ought to have been his most effective point, if it could be shown to be true, namely that pain is not an evil; instead he defines its nature and properties, estimates the degree of its divergence from nature, and lastly prescribes the method by which it is to be endured. So that by his vote, seeing that he was a Stoic, your terminological fatuities seem to me to stand condemned.

10 24 "But I want to come to closer quarters, Cato, with the actual system as you stated it; so let us press the matter home, and compare the doctrines you have just enunciated with those which I think superior to yours. Let us then take for granted the tenets that you hold in common with the ancients, but discuss, if you are willing, those about which there is dispute." "Oh," said he, "I am quite willing for the debate to go deeper; to be pressed home, as you phrase it. The arguments you have so far put forward are of the popular order; but I look to you to give me something more out of the common." "What, do you look to me?" said I. "But all the same I will do my best, and if I am short of matter, I shall not shrink from the arguments you are pleased to call popular. 25 But let it be granted to begin with, that we have an affection for ourselves, and that the earliest impulse bestowed upon us by nature is a desire for self-preservation. On this we are agreed; and the implication is that we must study what we ourselves are, in order to keep ourselves true to our proper character. We are then human beings, consisting of soul and body, and these of a certain kind. These we are bound to esteem, as our earliest natural instinct demands, and out of these we must construct our End, our Chief and Ultimate Good. And, if our premises are correct, this End must be pronounced to consist in the

attainment of the largest number of the most important of the things in accordance with nature. 26 This then was the conception of the end that they upheld; the supreme Good they believed to be the thing which I have described at some length, but which they more briefly expressed by the formula 'life according to nature.'

11 "Now then let us call upon your leaders, or better upon yourself (for who is more qualified to speak for your school?) to explain this: how in the world do you contrive, starting from the same first principles, to reach the conclusion that the Chief Good is morality of life? — for that is equivalent to your 'life in agreement with virtue' or 'life in harmony with nature.' By what means or at what point did you suddenly discard the body, and all those things which are in accordance with nature but out of our control, and lastly duty itself? My question then is, how comes it that so many things that Nature strongly recommends have been suddenly abandoned by Wisdom? 27 Even if we were not seeking the Chief Good of man but of some living creature that consisted solely of a mind (let us allow ourselves to imagine such a creature, in order to facilitate our discovery of the truth), even so that mind would not accept this End of yours. For such a being would ask for health and freedom from pain, and would also desire its own preservation, and set up as its End to live according to nature, which means, as I said, to possess either all or most and the most important of the things which are in accordance with nature. 28 In fact you may construct a living creature of any sort you like, but even if it be devoid of a body like our imaginary being, nevertheless its mind will be bound to possess certain attributes analogous to those of the body, and consequently it will be impossible to set up for it an end of Goods on any other lines than those which I have laid down. Chrysippus, on the other hand, in his survey of the different species of living things states that in some the body is the principal part, in others the mind, while there are some that are equally endowed in respect of either; and then he proceeds to discuss what constitutes the ultimate good proper to each species. Man he so classified as to make the mind the principal part in him; and yet he so defined man's End as to make it appear, not that he is principally mind, but that he consists of nothing else. 12 But the only case in which it would be correct to place the Chief Good in virtue

alone is if there existed a creature consisting solely of pure intellect, with the further proviso that this intellect possessed nothing of its own that was in accordance with nature, as bodily health is. 29 But it is impossible even to imagine a self-consistent picture of what such a creature would be like.

"If on the contrary they urge that certain things are so extremely small that they are eclipsed and lost sight of altogether, we too admit this; Epicurus also says the same of pleasure, that the smallest pleasures are often eclipsed and disappear. But things so important, permanent and numerous as the bodily advantages in question are not in this category. On the one hand therefore, with things so small as to be eclipsed from view, we are often bound to admit that it makes no difference to us whether we have them or not (just as, to take your illustration, it makes no difference if you light a lamp in the sunshine, or add sixpence to the wealth of Croesus); 30 while on the other hand, with things which are not so completely eclipsed, it may nevertheless be the case that any difference they do make is not very great (thus, if a man who has lived ten years enjoyably were given an additional month of equally enjoyable life, the addition to his enjoyment, being of some value, would be a good thing, but yet the refusal of the addition does not forthwith annihilate his happiness). Now bodily goods resemble rather the latter sort of things. For they contribute something worth an effort to obtain; so that I think sometimes that the Stoics must be joking when they say that, as between a life of virtue and a life virtue *plus* an oil-flask or a flesh-brush, the Wise Man will prefer the life with those additions, but yet will not be any happier because of them. 31 Pray does this illustration really hold good? is it not rather to be dismissed with a laugh than seriously refuted? Who would not richly deserve to be laughed at if he troubled about having or not having an oil-flask? But rid a man of bodily deformity or agonies of pain, and you earn his deepest gratitude; even the Wise Man, if a tyrant sent him to the rack, would not wear the same look as if he had lost his oil-flask; he would feel that he had a severe and searching ordeal before him, and seeing that he was about to encounter the supreme antagonist, pain, would summon up all his principles of courage and endurance to fortify him against that severe and searching struggle aforesaid. — Again, the

question is not whether such and such a good is so trifling as to be a sort as to contribute to the sum total. In the life of pleasure of which we spoke, one pleasure is lost to sight among the many; but all the same, small as it is, it is a part of the life that is based upon pleasure. A halfpenny is lost to sight amid the riches of Croesus; still it forms part of those riches. Hence the circumstances according to nature, as we call them, may be unnoticed in a life of happiness, only you must allow that they are parts of that happiness.

13 32 "Yet if, as you and we are bound to agree, there does exist a certain natural instinct to desire the things in accordance with nature, the right procedure is to add together all these things in one definite total. This point established, it will then be open to us to investigate at our leisure your questions about the importance of the separate items, and the value of their respective contributions to happiness, and about that eclipse, as you call it, of the things so small as to be almost or quite imperceptible. Then what of a point on which no disagreement exists? I mean this: no one will dispute that the supreme and final End, the thing ultimately desirable, is analogous for all natural species alike. For love of self is inherent in every species; since what species exists that ever abandons itself or any part of itself, or any habit or faculty of any such part, or any of the things, whether processes or states, that are in accordance with its nature? What species ever forgot its own original constitution? Assuredly there is not one that does not retain its own proper faculty from start to finish. 33 How then came it about that, of all the existing species, mankind alone should relinquish man's nature, forget the body, and find its Chief Good not in the whole man but in a part of man? How moreover is the axiom to be retained, admitted as it is even by the Stoics and accepted universally, that the End which is the subject of our inquiry is analogous for all species? For the analogy to hold, every other species also would have to find its End in that part of the organism which in that particular species is the highest part; since that, as we have seen, is how the Stoics conceive the End of man. 34 Why then do you hesitate to alter your conception of the primary instincts to correspond? Instead of saying that every animal from the moment of its birth is devoted to love of itself and engrossed in preserving itself, why do you not rather say that every

animal is devoted to the best part of itself and engrossed in protecting that alone, and that every other species is solely engaged in preserving the part that is respectively best in each? But in what sense is one part the best, if nothing beside it is good at all? While if on the contrary other things also are desirable, why does not the supremely desirable thing consist in the attainment of all, or of the greatest possible number and the most important, of these things? A Pheidias can start to make a statue from the beginning and carry it to completion, or he can take one rough-hewn by someone else and finish that. The latter case typifies the work of Wisdom. She did not create man herself, but took him over in the rough from Nature; her business is to finish the statue that Nature began, keeping her eyes on Nature meanwhile. 35 What sort of thing then is man as rough-hewn by Nature? and what is the function and the task of Wisdom? what is it that needs to be consummated by her finishing touch? If it is a creature consisting solely of a certain operation of the intellect, that is, reason, its highest good must be activity in accordance with virtue since virtue is reason's consummation. If it is nothing but a body, the chief things will be health, freedom from pain, beauty and the rest. 14 36 But as a matter of fact the creature whose Chief Good we are seeking is man. Surely then our course is to inquire what has been achieved in the whole of man's nature. All are agreed that the duty and function of Wisdom is entirely centred in the work of perfecting man; but then some thinkers (for you must not imagine that I am tilting at the Stoics only) produce theories which place the Chief Good in the class of things entirely outside our control, as though they were discussing some creature devoid of a mind; while others on the contrary ignore everything but mind, just as if man had no body; and that though even the mind is not an empty, impalpable something (a conception to me unintelligible), but belongs to a certain kind of material substance, and therefore even the mind is not satisfied with virtue alone, but desires freedom from pain. In fact, with each school alike it is just as if they should ignore the left side of their bodies and protect the right, or, in the mind, like Erillus, recognize cognition but leave the practical faculty out of account. They pick and choose, pass over a great deal and fasten on a single aspect; so all their systems are one-sided. The full and perfect

philosophy was that which, investigating the Chief Good of man, left no part either of his mind or body uncared-for. 37 Whereas your friends, Cato, on the strength of the fact, which we all admit, that virtue is man's highest and supreme excellence and that the Wise Man is the perfect and consummate type of humanity, try to dazzle our mental vision with virtue's radiance. Every animal, for instance the horse, or the dog, has some supreme good quality, yet at the same time they require to have health and freedom from pain; similarly therefore in man that consummation you speak of attains its chief glory in what is his chief excellence, namely virtue. This being so, I feel you do not take sufficient pains to study Nature's method of procedure. With the growing corn,º no doubt, her way is to guide its development from blade to ear, and then discard the blade as of no value; but she does not do the same with man, when she has developed in him the faculty of reason. For she continually superadds fresh faculties without abandoning her previous gifts. 38 Thus she added to sensation reason, and after creating reason did not discard sensation. Suppose the art of viticulture, whose function is to bring the vine with all its parts into the most thriving condition — at least let us assume it to be so (for we may invent an imaginary case, as you are fond of doing, for purposes of illustration); suppose then the art of viticulture were a faculty residing in the vine itself, this faculty would doubtless desire every condition requisite for the health of the vine as before, but would rank itself above all the other parts of the vine, and would consider itself the noblest element in the vine's organism. Similarly when an animal organism has acquired the faculty of sensation, this faculty protects the organism, it is true, but also protects itself; but when reason has been superadded, this is placed in such a position of dominance that all those primary gifts of nature are placed under its protection. 39 Accordingly each never abandons its task of safeguarding the earlier elements; its business is by controlling these to steer the whole course of life; so that I cannot sufficiently marvel at the inconsistency of your teachers. Natural desire, which they term hormē, and also duty, and even virtue itself they reckon among things according to Nature. Yet when they want to arrive at the Supreme Good, they leap over all of these, and leave us with two tasks instead of one, some things we are to 'adopt,'

others to ‘desire’; instead of including both tasks under a single End.

15 40 “But you protest that if other things than virtue go to make up happiness, virtue cannot be established. As a matter of fact it is entirely the other way about: it is impossible to find a place for virtue, unless all the things that she chooses and rejects are reckoned towards one sum-total of good. For if we entirely ignore ourselves, we shall fall into the mistakes and errors of Aristo, forgetting the things that we assigned as the origins of virtue herself; if while not ignoring these things, we yet do not reckon them in the End or Chief Good, we shall be well on the road towards the extravagances of Erillus, since we shall have to adopt two different rules of life at once. Erillus sets up two separate ultimate Goods, which, supposing his view were true, he ought to have united in one; but as it is he makes them so separate as to be mutually exclusive alternatives, which is surely the extreme of perversity. 41 Hence the truth is just the opposite of what you say; virtue is an absolute impossibility, *unless* it holds to the objects of the primary instincts as going to make up the sum of good. For we started to look for a virtue that should protect, not abandon, nature; whereas virtue as you conceive it protects a particular part of our nature but leaves the remainder in the lurch. Man’s constitution itself, if it could speak, would declare that its earliest tentative movements of desire were aimed at preserving itself in the natural character with which it was born into the world. But at that stage the principal intention of nature had not yet been fully revealed. Well, suppose it revealed. What then? will it be construed otherwise than as forbidding that any part of man’s nature should be ignored? If man consists solely of a reasoning faculty, let it be granted that the End of Goods is contained in virtue alone; but if he has a body as well, the revelation of our nature, on your showing, will actually have resulted in our relinquishing the things to which we held before that revelation took place. At this rate ‘to live in harmony with nature’ means to depart from nature. 42 There have been philosophers who, after rising from sensation to the recognition of nobler and more spiritual faculties, thereupon threw the senses on one side. Similarly your friends next after the instinctive desires came to behold virtue in all her beauty, and forthwith flung aside all they had ever seen besides virtue herself,

forgetting that the whole instinct of appetition is so wide in its range that it spreads from the primary objects of desire right up to the ultimate Ends, and not realizing that they are undermining the very foundations of the graces which they so much admire.

16 43 "In my view, therefore, while all who have defined the End of Goods as the life of moral conduct are in error, some are more wrong than others. The most mistaken no doubt is Pyrrho, because his conception of virtue leaves nothing as an object of desire whatever. Next in error comes Aristo, who did not venture to leave a mere negation, but introduced as the Wise Man's motives of desire 'whatever chanced to enter his mind' and 'whatever struck him.' Aristo is better than Pyrrho in so far as he allowed desire of some sort, but worse than the rest because he departed so utterly from nature. Now the Stoics in placing the End of Goods in virtue alone resemble the philosophers already mentioned; but in trying to find a foundation for virtuous action they are an improvement upon Pyrrho, and in not finding this in imaginary 'things that strike the mind' they do better than Aristo; though in speaking of certain things as 'suitable to nature' and 'to be adopted for their own sakes,' and then refusing to include them in the End of Goods, they desert nature and approximate in some degree to Aristo. For Aristo invented his vague 'things that strike the mind'; while the Stoics, though recognizing, it is true, the primary objects of nature, yet allow no connection between these and their Ends or sum of Goods. In making the primary objects 'preferred,' so as to admit a certain principle of choice among things, they seem to be following nature, but in refusing to allow them to have anything to do with happiness, they again abandon nature.

44 "So far what I have said was to show why Zeno had no grounds for seceding from the earlier authorities. Now let us turn our attention to the rest of my points, unless, Cato, you desire to say anything in reply to this, or unless I have gone on too long already." "Neither is the case," he answer, "since I am eager for you to finish your argument, and no discourse of yours could seem to me long." "Thank you very much," I rejoined; "for what could I desire better than to discuss the subject of virtue with that pattern of all the virtues Cato? 45 But first I would have you observe that the most important

of all your doctrines, the head of the array, namely that Moral Worth alone is good and that the moral life is the End of Goods, will be shared with you by all those who make the End of Goods consist of virtue alone; and your view that it is impossible to frame a conception of Virtue if anything beside Moral Worth be counted in it, will also be maintained by the philosophers whom I just now mentioned. To my mind it would have been fairer for Zeno in his dispute with Polemo, whose teaching as to the primary impulses of nature he had adopted, to have started from the fundamental tenets which they held in common, and to have marked the point where he first called a halt and where occasion for divergence arose; not to take his stand with thinkers who did not even profess to hold that the Chief Good, as they severally conceived it, was based on natural instinct, and employ the same arguments and the same doctrines as they did.

17 46 "Another point to which I take great exception is that, when you have proved, as you think, that Moral Worth alone is good, you then turn round and say that of course there must be advantages adapted to our nature set before us as a starting point, in exercising choice among which advantages virtue may be able to come into existence. Now it was a mistake to make virtue consist in an act of choice, for this implies that the very thing that is the ultimate Good itself seeks to get something else. Surely the sum of Goods must include everything worth adopting, choosing or desiring, so that he who has attained it may not want anything more. In the case of those whose Chief Good consists in pleasure, notice how clear it is what things they are to do or not to do; no one can be in doubt as to the proper scope of all their duties, what these must aim at and what avoid. Or grant the ultimate Good that I am now upholding, and it becomes clear at once what one's duties are and what actions are prescribed. But you, who have no other standard in view but abstract right and morality, will not be able to find a source and starting point for duty and for conduct. 47 In the search for this you will all of you have to return to nature, — both those who say that they follow whatever comes into their mind or whatever occurs to them, and you yourselves. Both will be met by Nature's very just reply that it is not right that the standard of Happiness should be sought elsewhere

while the springs of conduct are derived from herself; that there is a single principle which must cover both the springs of action and the ultimate Goods; and that just as Aristo's doctrine had been quite discredited, that there is no difference between one thing and another, and nothing whatever to choose between any other things but virtues and vices, so Zeno was mistaken in saying that (a) nothing else but virtue or vice affected even in the smallest degree the attainment of the Chief Good, and (b) although other things had no effect whatever upon happiness, yet they had some influence upon our desires; just as though desire, if you please, bore no relation whatever to the attainment of the Chief Good! 48 But what can be more inconsistent than the procedure they profess, to ascertain the Chief Good first, and then to return to Nature, and demand from her the primary motive of conduct or of duty? Considerations of conduct or duty do not supply the impulse to desire the things that are in accordance with nature; it is these things which excite desire and give motives for conduct.

18 “I now come to those concise proofs of yours which you called ‘consequences.’ I will start with one as concise as anything could be: ‘Everything good is praiseworthy; but everything praiseworthy is morally honourable; therefore everything good is morally honourable.’ What a dagger of lead! Why, who will grant you your major premise? (and if this be granted there is no need of the minor; for if everything good is praiseworthy, then everything good is honourable). 49 Who, I say, will grant you this, except Pyrrho, Aristo and their fellows, whose doctrines you reject? Aristotle, Xenocrates and the whole of their following will not allow it; because they call health, strength, riches, fame and many other things good, but do not call them praiseworthy. And these, though holding that the End of Goods is not limited to virtue alone, yet rate virtue higher than all other things; but what do you suppose will be the attitude of those who entirely dissociated virtue from the end of Goods, Epicurus, Hieronymus, and also of any supporters of the End of Carneades? 50 Or how will Callipho or Diodorus be able to grant your premise, who combine with Moral Worth another factor belonging to an entirely different category? Are you then content, Cato, to take disputed premises for granted, and draw from these any conclusion you want? And again, the following proof is a sorites, which according to you is a most fallacious form of reasoning: ‘what is good is to be wished; what is to be wished is desirable; what is desirable is praiseworthy’; and so on through the remaining steps, but I call a halt at this one, for, just as before, no one will grant you that what is desirable is praiseworthy. As for your other argument, it is by no means a ‘consequence,’ but stupid to a degree, though, of course, the Stoic leaders and not yourself are responsible for that: ‘Happiness is a thing to be proud of, whereas it cannot be the case that anyone should have good reason to be proud without Moral Worth.’ 51 The minor premise Polemo will concede to Zeno, and so will his master and the whole of their clan, as well as all the other philosophers that while ranking virtue far above all else yet couple some other thing with it in defining the Chief Good; since if virtue is a thing to be proud of, as it is, and excels everything else to a degree hardly to be expressed in words, Polemo will be able to be happy if endowed

solely with virtue, and destitute of all besides, and yet he will not grant you that nothing except virtue is to be reckoned as a good. Those on the other hand whose Supreme Good dispenses with virtue will perhaps decline to grant that happiness contains any just ground for pride; although they, it is true, sometimes represent even pleasures as things to be proud of.

19 52 "So you see that you are either making assumptions which cannot be granted or one which even if granted do you no good. For my own part, as regards all these Stoic syllogisms, I should have thought that to be worthy of philosophy and of ourselves, particularly when the subject of our inquiry is the Supreme Good, the argument ought to amend our lives, purposes and wills, not just correct our terminology. Could those concise and pointed arguments which you say you delight in possibly make any man alter his opinions? Here are people all agog to learn why pain is no evil; and the Stoics tell them that though pain is irksome, annoying, hateful, unnatural and hard to bear, it is not an evil, because it involves no dishonesty, wickedness or malice, no moral blame or baseness. He who hears this may or may not want to laugh, but he will not go away any stronger to endure pain than he came. 53 You however say that no one can be brave who thinks pain an evil. Why should he be braver for thinking it what you yourself admit it to be, irksome and almost intolerable? Timidity springs from facts, not from words. And you aver that if a single letter be altered, the whole system will totter. Well, do you think I am altering a letter or whole pages? Even allowing that the Stoics deserve the praise you gave them for the methodical arrangement and perfect logical connection (as you described it) of their system, still we are not bound to accept a chain of reasoning because it is self-consistent and keeps to the line laid down, if it starts from false premises. 54 Now your master Zeno deserted nature in framing his first principles; he placed the supreme Good in that intellectual excellence which we term virtue, and declared that nothing but Moral Worth is good, and that virtue cannot be established if among the rest of things any one thing is better than any other; and he adhered to logical conclusions from these premises. Quite true, I can't deny it. But the conclusions are so false that the premises from which they sprang cannot be true. 55 For the logicians

teach us, as you are aware, that if the consequences that follow from a proposition be false, the proposition from which those consequences follow must itself be false. On this is based the following syllogism, which is not merely true, but so evident that the logicians assume is as axiomatic: If A is B, C is D; but C is not D, therefore A is not B. Thus, if your conclusions are upset, your premises are upset also. What then are your conclusions? That those who are not wise are all equally wretched; that the wise are all supremely happy; that all right actions are equal, all sins on a par; — these dicta may have had an imposing sound at first hearing, but upon examination they began to seem less convincing. For common sense, the facts of nature, truth herself seemed to cry aloud that nothing should persuade them that there was actually no difference between the things which Zeno made out to be equal.

20 56 "Subsequently your little Phoenician (for you are aware that your clients of Citium originally came from Phoenicia), with the cunning of his race, finding he was losing his case with Nature up in arms against him, set about juggling with words. First he allowed the things that we in our school call goods to be considered 'valuable' and 'suited to nature,' and he began to admit that though a man were wise, that is, supremely happy, it would yet be an advantage to him if he also possessed the things which he is not bold enough to call goods, but allows to be 'suited to nature.' He maintains that Plato, even if he be not wise, is not in the same case as the tyrant Dionysius: Dionysius has no hope of wisdom, and his best fate would be to die; but Plato has hopes of it, and had better live. Again, he allows that some sins are endurable, while others are unpardonable, because some sins transgress more and other fewer points of duty; moreover some fools are so foolish as to be utterly incapable of attaining wisdom, but others might conceivably by great effort attain to wisdom. 57 In all this though his language was peculiar, his meaning was the same as that of everybody else. In fact he set no lower value on the things he himself denied to be good than did those who said they were good. What then did he want by altering their old name? He ought at least to have diminished their importance and to have set a slightly lower value on them than the Peripatetics, so as to make the difference appear to be one of

meaning and not merely of language. Again, what do you and your school say about happiness itself, the ultimate end and aim of all things? You will not have it to be the sum of all the things nature needs, but make it consist of virtue alone. Now all disputes usually turn either on facts or on names; ignorance of fact or error as to terms will cause one or the other form of dispute respectively. If neither source of difference is present, we must be careful to employ the terms most generally accepted and those most suitable, that is, those that convey the fact clearly. 58 Can we doubt that, if the older philosophers are not mistaken on the point of fact, their terminology is the more convenient one? Let us then consider their opinions and return to the question of terminology later.

21 "Their statements are that appetition is excited in the mind when something appears to it to be in accordance with nature; and that all things that are in accordance with nature are worth some value, and are to be valued in proportion to the importance that they severally possess; and that of those things which are in accordance with nature, some excite of themselves none of that appetition of which we have often spoken already, and these are to be called neither honourable nor praiseworthy, while some are those which are objects of pleasure in every living creature, but in man are objects of the reason also; those which are dependent on the reason are called honourable, beautiful, praiseworthy; but the former class are called natural, the class which coupled with things morally worthy render happiness perfect and complete. 59 They further hold that of all those advantages, which they who call them goods rate no more highly than does Zeno who says they are not goods, by far the most excellent is Moral Worth and what is praiseworthy; but if one is offered the choice between Moral Worth plus health and Moral Worth plus disease, there is no doubt to which of the two Nature herself will guide us; though at the same time Moral Worth is potent, and so overwhelmingly superior to all other things, that no penalties or rewards can induce it to swerve from what it has decided to be right; and all apparent hardships, difficulties and obstacles can be trodden under foot by the virtues with which nature has adorned us; not that these hardships are easily overcome or to be made light of (else where were the merit of virtue?), but so as to lead us to the

verdict that these things are not the main factor in our happiness or the reverse. 60 In fine, the ancients entitle the same things ‘good’ that Zeno pronounced ‘valuable,’ ‘to be adopted,’ and ‘suited to nature’; and they call a life happy which comprises either the largest number or the most important of the things aforesaid: Zeno on the contrary calls nothing good but that which has a peculiar charm of its own that makes it desirable, and no life happy but the life of virtue.

22 “If, Cato, the discussion is to turn on facts, disagreement between me and yourself is out of the question: since your views and mine are the same in every particular, if only we compare the actual substance after making the necessary changes in terms. Zeno was not unaware of this, but he was beguiled by the pomp and circumstance of language; had he really thought what he says, in the actual sense of the words he uses, what difference would there be between him and either Pyrrho or Aristo? If on the other hand he rejected Pyrrho and Aristo, what was the point of quarrelling about words with those with whom he agreed in substance? 61 What if those pupils of Plato were to come to life again, and their pupils again in succession, and were to address you in this fashion? ‘As we listened, Marcus Cato, to so devoted a student of philosophy, so just a man, so upright a judge, so scrupulous a witness as yourself, we marvelled what reason could induce you to reject us for the Stoics, whose views on good and evil were the views that Zeno learnt from Polemo here, but who expressed those views in terms at first sight startling but upon examination ridiculous. If you accepted those views on their merits, why did you not hold them under their own terminology? or if you were swayed by authority, could you prefer that nobody to all of us, even to Plato himself? especially when you aspired to play a leading part in the state, and we were the very persons to arm and equip you to protect the state with the highest honour to yourself. Why, it is we who invented political philosophy; and reduced it to a system; its nomenclature, its principles are our creation; on all the various forms of government, their stability, their revolutions, the laws, institutions and customs of states, we have written exhaustively. Oratory again is the proudest distinction of the statesman, and in it you, we are told, are pre-eminent; but how vastly you might have enriched your eloquence from the records of our genius.’ What answer, pray, could

you give to these words from such men as those?" 62 "I would beg of you," replied Cato, "as you had put that speech into their mouths, to be my spokesman also; or rather I would ask you to grant me a moment's space in which to answer them, if it were not that for the present I prefer to listen to you, and also intend to reply to your champions at another time, I mean when I reply to yourself."

23 "Well, Cato, if you wanted to answer truly, this is what you would have to say: that with all respect for the high authority of men so gifted, you had observed that the Stoics had discovered truths which they in those early days had naturally failed to see; the Stoics had discussed the same subjects with more insight and had arrived at bolder and more profound conclusions; first, they said that good health is not desirable but worthy of selection, and that not because to be well is a good, but because it has some positive value (not that any greater value is attached to it by the older school who do not hesitate to call it a good); well then, you couldn't stand those bearded old fogies (as we call our own Roman ancestors) believing that a man who lived morally, if he also had health, wealth and reputation, had a preferable, better, more desirable life than he who, though equally good, was, like Alcmaeon in Ennius,

Beset on every side
With sickness, banishment and poverty.

63 Those men of old then, with their duller wits, think that the former life is more desirable, more excellent, more happy; the Stoics on the other hand consider it merely to be preferred for choice, not because it is a happier life but because it is more adapted to nature. The Stoics we must suppose discerned a truth that had escaped their predecessors, namely that men defiled by crimes and murders are no more miserable than those who though pious and upright in their lives have not yet attained ideal and perfect wisdom. 64 It was at this point that you brought forward those extremely false analogies which the Stoics are so fond of employing. Of course everybody knows that if there are several people plunged in deep water and trying to get out, those already approaching the surface, though nearer to breathing, will be no more able actually to breathe than those at the bottom. You infer that improvement and progress in virtue are of no avail to save a man from being utterly wretched, until he has actually

arrived at virtue, since to rise in the water is of no avail. Again, since puppies on the point of opening their eyes are as blind as those only just born, it follows that Plato, not having yet attained to the vision of wisdom, was just as blind mentally as Phalaris!

24 65 "Really, Cato, there is no analogy between progress in virtue and cases such as you describe, in which however far one advances, the situation one wishes to escape from still remains the same until one has actually emerged from it. The man does not breathe until he has risen to the surface; the puppies are as blind before they have opened their eyes as if they were going to be blind always. Good analogies would be these: one man's eyesight is dim, another's general health is weak; apply remedies, and they get better day by day; every day the one is stronger and the other sees better; similarly with all who earnestly pursue virtue; they get better, their vices and errors are gradually reduced. Surely you would not maintain that the elder Tiberius Gracchus was not happier than his son, when the one devoted himself to the service of the state and the other to its destruction. But still the elder Gracchus was not a Wise Man; who ever was? or when, or where, or how? Still he aspired to fame and honour, and therefore had advanced to a high point in virtue. 66 Compare your grandfather Drusus with Gaius Gracchus, who was nearly his contemporary. The former strove to heal the wounds which the latter inflicted on the state. If there is nothing that makes men so miserable as impiety and crime, granted that all who are foolish are miserable, as of course they are, nevertheless a man who serves his country is not so miserable as one who longs for its ruin. Therefore those who achieve definite progress towards virtue undergo a great diminution of their vices. 67 Your teachers, however, while allowing progress towards virtue, deny diminution of vice. But it is worth while to examine the argument on which these clever people rely for the proof. Their line is this: In the case of arts or sciences which admit of advancement, the opposite of those arts and sciences will also admit of advance; but virtue is absolute and incapable of increase; therefore the vices also, being the opposite of the virtues, are incapable of gradation. Pray tell me then, does a certainty explain an uncertainty, or does uncertainty disprove a certainty? Now, that some vices are worse than others is certain; but

whether the Chief Good, as you Stoics conceive it, can be subject to increase is not certain. Yet instead of employing the certain to throw light on the uncertain, you endeavour to make the uncertain disprove the certain. 68 Therefore you can be checkmated by the same argument as I employed just now. If the proof that one vice cannot be worse than another depends on the fact that the End of Goods, as you conceive it, is itself incapable of increase, then you must alter your End of Goods, since it is certain that the vices of all men are not equal. For we are bound to hold that if a conclusion is false, the premise on which it depends cannot be true.

25 "Now what has landed you in this impasse? Simply your pride and vainglory in constructing your Chief Good. To maintain that the only Good is Moral Worth is to do away with the care of one's health, the management of one's estate, participation in politics, the conduct of affairs, the duties of life; nay, to abandon that Moral Worth itself, which according to you is the be-all and the end-all of existence; objections that were urged most earnestly against Aristo by Chrysippus. This is the difficulty that gave birth to those 'base conceits deceitful-tongued,' as Attius has it. 69 Wisdom had no ground to stand on when desires were abolished; desires were abolished when all choice and distinction was done away with; distinction was impossible when all things were made absolutely equal and indifferent; and all these perplexities resulted in your paradoxes, which are worse than those of Aristo. His were at all events frank and open, whereas yours are disingenuous. Ask Aristo whether he deems freedom from pain, riches, health to be goods, and he will answer No. Well, are their opposites bad? No, likewise. Ask Zeno, and his answer would be identically the same. In our surprise we should inquire of each, how can we possibly conduct our lives if we think it makes no difference to us whether we are well or ill, free from pain or in torments of agony, safe against cold and hunger or exposed to them. O, says Aristo, you will get on splendidly, capitally; you will do exactly what seems good to you; you will never know sorrow, desire or fear. 70 What is Zeno's answer? This doctrine is a philosophical monstrosity, he tells us, it renders life entirely impossible; his view is that while between the moral and the base a vast, enormous gulf is fixed, between all other things there is

no difference whatever. 71 So far this is the same as Aristo; but hear what follows, and restrain your laughter if you can. These intermediate things, says Zeno, which have no difference between them, are still of such a nature that some of them are to be selected and others rejected, while others again are to be entirely ignored; that is, they are such that some you wish to have, others you wish not to have, and about others you do not care.—'But you told us just now that there was no difference among them.'—'And I say the same now,' he will reply, 'but I mean no difference in respect of virtue and vice.'

26 72 "Who, pray, did not know that? However, let us hear what he has to say.—'The things you mentioned,' he continues, 'health, affluence, freedom from pain, I do not call goods, but I will call them in Greek proēgmena, that is in your language "brought forward" (though I will rather use "preferred" or "pre-eminent," as these sound smoother and more acceptable) and on the other hand disease, poverty and pain I do not style evils, but, if you please, "things rejected." Accordingly I do not speak of "desiring" but "selecting" these things, not of "wishing" but "adopting" them, and not of "avoiding" their opposites but so to speak "discarding" them.' What say Aristotle and the other pupils of Plato? That they call all things in accordance with nature good and all things contrary to nature bad. Do you see therefore that between your master Zeno and Aristo there is a verbal harmony but a real difference; whereas between him and Aristotle and the rest there is a real agreement and a verbal disagreement? Why, then, as we are agreed to the fact, do we not prefer to employ the usual terminology? Or else let him prove that I shall be readier to despise money if I believe it to be a 'thing preferred' than if I believe it to be a good, and braver to endure pain if I say it is irksome and hard to bear and contrary to nature, than if I call it an evil. 73 Our friend Marcus Piso was often witty, but never more so than when he ridiculed the Stoics on this score. 'What?' he said, 'You tell us wealth is not good but you say it is "preferred"; how does that help matters? do you diminish avarice? In what way? If it is a question of words, to begin with, "preferred" is a longer word than "good." '—'That is no matter.'—'Granted, by all means; but it is certainly more impressive. For I do not know the derivation

of "good," whereas "preferred" I suppose means "placed before" other things; this implies to my mind something very important.' Accordingly he would maintain that Zeno gives more importance to wealth, by classing it as 'preferred,' than did Aristotle, who admitted wealth to be a good, yet not a great good, but one to be thought lightly of and despised in comparison with uprightness and Moral Worth, and not to be greatly desired; and on Zeno's innovations in terminology generally he would declare that the names he actually gave to the things which he denied to be good or evil were more and less attractive respectively than the names by which we call them. So said Piso, an excellent man and, as you know, a devoted friend to yourself. For my part, let me add a few words more and then finally conclude. For it would be a long task to reply to all your arguments.

27 74 "The same verbal legerdemain supplies you with your kingdoms and empires and riches, riches so vast that you declare that everything the world contains is the property of the Wise Man. He alone, you say, is handsome, he alone a free man and a citizen: while the foolish are the opposite of all these, and according to you insane into the bargain. The Stoics call these paradoxa, as we might say 'startling truths.' But what is there so startling about them viewed at close quarters? I will consult you as to the meaning you attach to each term; there shall be no dispute. You Stoics say that all transgressions are equal. I won't jest with you now, as I did on the same subjects when you were prosecuting and I defending Lucius Murena. On that occasion I was addressing a jury, not an audience of scholars, and I even had to play to the gallery a little; but now I must reason more closely. 75 Transgressions are equal. — How so, pray? — Because nothing can be better than good or baser than base. — Explain further, for there is much disagreement on this point; let us have your special arguments to prove how all transgressions are equal. — Suppose, says my opponent, of a number of lyres not one is so strung as to be in tune; then all are equally out of tune; similarly with transgressions, since all are departures from rule, all are equally departures from rule; therefore all are equal. — Here we are put off with an equivocation. All the lyres are equally out of tune; but it does not follow that all are equally out of tune. So your comparison does not help you; for it does not follow that because we pronounce every

case of avarice equally to be avarice, we must therefore pronounce them all to be equal. 76 Here is another of these false analogies: A skipper, says my adversary, commits an equal transgression if he loses his ship with a cargo of straw and if he does so when laden with gold; similarly a man is an equal transgressor if he beats his parent or his slave without due cause. — Fancy not seeing that the nature of the cargo has nothing to do with the skill of the navigator! so that whether he carries gold or straw makes no differences as regards good or bad seamanship; whereas the distinction between a parent and a mere slave is one that cannot and ought not to be overlooked. Hence the nature of the other upon which the offence is committed, which in navigation makes no difference, in conduct makes all the difference. Indeed in the case of navigation too, if the loss of the ship is due to negligence, the offence is greater with a cargo of gold than with one of straw. For the virtue known generally as prudence is an attribute as we hold of all the arts, and every master craftsman in each branch of art ought to possess it. Hence this proof also of the equality of transgression breaks down.

27 77 "However, they press the matter, and will not give way. Every transgression, they argue, is a proof of weakness and instability of character; but all the foolish possess these vices in an equal manner; therefore all transgressions must be equal. As though it were admitted that all foolish people possess an equal degree of vice, and that Lucius Tubulus was exactly as weak and unstable as Publius Scaevola who brought in the bill for his condemnation; and as though there were no difference also between the respective circumstances in which the transgressions are committed, so that the magnitude of the transgression varies in proportion to the importance of the circumstances! 78 And therefore (since my discourse must now conclude) this is the one chief defect under which your friends the Stoics seem to me to labour, — they think they can maintain two contrary opinions at once. How can you have a greater inconsistency than for the same person to say both that Moral Worth is the sole good and that we have a natural instinct to seek the things conducive to life? Thus in their desire to retain ideas consonant with the former doctrine they are landed in the position of Aristo; and when they try to escape from this they adopt what is in reality the position of the

Peripatetics, though still clinging tooth and nail to their own terminology. Unwilling again to take the next step and weed out this terminology, they end by being rougher and more uncouth than ever, full of asperities of style and even of manners. 79 Panaetius strove to avoid this uncouth and repellant development of Stoicism, censuring alike the harshness of its doctrines and the crabbedness of its logic. In doctrine he was mellower, and in style more lucid. Plato, Aristotle, Xenocrates, Theophrastus and Dicearchus were constantly on his lips, as his writings show; and these authors I strongly advise you to take up for your most careful study. 80 But evening is closing in, and I must be getting home. So enough for the present; but I hope we may often renew this conversation." "Indeed we will," he replied; "for how could we be better employed? and the first favour I shall ask of you is to listen to my refutation of what you have said. But bear in memory that whereas you really accept all of our opinions save for the difference of terminology, I on the contrary do not accept any of the tenets of your school." "A parting shot indeed!" said I; "but we shall see." And with these words I took my leave.

BOOK V

1 1 My dear Brutus, — Once I had been attending a lecture of Antiochus, as I was in the habit of doing, with Marcus Piso, in the building called the School of Ptolemy; and with us were my brother Quintus, Titus Pomponius, and Lucius Cicero, whom I loved as a brother but who was really my first cousin. We arranged to take our afternoon stroll in the Academy, chiefly because the place would be quiet and deserted at that hour of the day. Accordingly at the time appointed we met at our rendezvous, Piso's lodgings, and starting out beguiled with conversation on various subjects the three-quarters of a mile from the Dipylon Gate. When we reached the walks of the Academy, which are so deservedly famous, we had them entirely to ourselves, as we had hoped. 2 Thereupon Piso remarked: "Whether it is a natural instinct or a mere illusion, I can't say; but one's emotions are more strongly aroused by seeing the places that tradition records to have been the favourite resort of men of note in former days, than by hearing about their deeds or reading their writings. My own feelings at the present moment are a case in point. I am reminded of Plato, the first philosopher, so we are told, that made a practice of holding discussions in this place; and indeed the garden close at hand yonder not only recalls his memory but seems to bring the actual man before my eyes. This was the haunt of Speusippus, of Xenocrates, and of Xenocrates' pupil Polemo, who used to sit on the very seat we see over there. For my own part even the sight of our senate-house at home (I mean the Curia Hostilia, not the present new building, which looks to my eyes smaller since its enlargement) used to call up to me thoughts of Scipio, Cato, Laelius, and chief of all, my grandfather; such powers of suggestion do places possess. No wonder the scientific training of the memory is based upon locality."

3 "Perfectly true, Piso," rejoined Quintus. "I myself on the way here just now noticed yonder village of Colonus, and it brought to my imagination Sophocles who resided there, and who is as you know my great admiration and delight. Indeed my memory took me further back; for I had a vision of Oedipus, advancing towards this very spot and asking in those most tender verses, 'What place is

this?' — a mere fancy no doubt, yet still it affected me strongly."

"For my part," said Pomponius, "you are fond of attacking me as a devotee of Epicurus, and I do spend much of my time with Phaedrus, who as you know is my dearest friend, in Epicurus's Gardens which we passed just now; but I obey the old saw: I 'think of those that are alive.' Still I could not forget Epicurus, even if I wanted; the members of our body not only have pictures of him, but even have his likeness on their drinking-cups and rings."

2 4 "As for our friend Pomponius," I interposed, "I believe he is joking; and no doubt he is a licensed wit, for he has so taken root in Athens that he is almost an Athenian; in fact I expect he will get the surname of Atticus! But I, Piso, agree with you; it is a common experience that places do strongly stimulate the imagination and vivify our ideas of famous men. You remember how I once came with you to Metapontum, and would not go to the house where we were to stay until I had seen the very place where Pythagoras breathed his last and the seat he sat in. All over Athens, I know, there are many reminders of eminent men in the actual place where they lived; but at the present moment it is that alcove over there which appeals to me, for not long ago it belonged to Carneades. I fancy I see him now (for his portrait is familiar), and I can imagine that the very place where he used to sit misses the sound of his voice, and mourns the loss of that mighty intellect."

5 "Well, then," said Piso, "as we all have some association that appeals to us, what is it that interests our young friend Lucius? Does he enjoy visiting the spot where Demosthenes and Aeschines used to fight their battles? For we are all specially influenced by our own favourite study."

"Pray don't ask me," answer Lucius with a blush; "I have actually made a pilgrimage down to the Bay of Phalerum, where they say Demosthenes used to practise declaiming on the beach, to learn to pitch his voice so as to overcome an uproar. Also only just now I turned off the road a little way on the right, to visit the tomb of Pericles. Though in fact there is no end to it in this city; wherever we go we tread historic ground."

6 "Well, Cicero," said Piso, "these enthusiasms befit a young man of parts, if they lead him to copy the example of the great. If they

only stimulate antiquarian curiosity, they are mere dilettantism. But we all of us exhort you — though I hope it is a case of spurring a willing steed — to resolve to imitate your heroes as well as to know about them." "He is practising your precepts already, Piso," said I, "as you are aware; but all the same thank you for encouraging him." "Well," said Piso, with his usual amiability, "let us all join forces to promote the lad's improvement; and especially let us try to make him spare some of his interest for philosophy, either so as to follow the example of yourself for whom he has such an affection, or in order to be better equipped for the very study to which he is devoted. But, Lucius," he asked, "do you need our urging, or have you a natural leaning of your own towards philosophy? You are keeping Antiochus's lectures, and seem to me to be a pretty attentive pupil." "I try to be," replied Lucius with a timid or rather a modest air; "but have you heard any lectures on Carneades lately? He attracts me immensely; but Antiochus calls me in the other direction; and there is no other lecturer to go to."

3 7 "Perhaps," said Piso, "it will not be altogether easy, while our friend here" (meaning me) "is by, still I will venture to urge you to leave the present New Academy for the Old, which includes, as you heard Antiochus declare, not only those who bear the name of Academics, Speusippus, Xenocrates, Polemo, Crantor and the rest, but also the early Peripatetics, headed by their chief, Aristotle, who, if Plato be excepted, I almost think deserves to be called the prince of philosophers. Do you then join them, I beg of you. From their writings and teachings can be learnt the whole of liberal culture, of history and of style; moreover they include such a variety of sciences, that without the equipment that they give no one can be adequately prepared to embark on any of the higher careers. They have produced orators, generals and statesmen. To come to the less distinguished professions, this factory of experts in all the sciences has turned out mathematicians, poets, musicians and physicians." 8 "You know that I agree with you about that, Piso," I replied; "but you have raised the point most opportunely; for my cousin Cicero is eager to hear the doctrine of the Old Academy of which you speak, and of the Peripatetics, on the subject of the Ends of Goods. We feel sure you can expound it with the greatest ease, for you have had

Staseas from Naples in your household for many years, and also we know you have been studying this very subject under Antiochus for several months at Athens." "Here goes, then," replied Piso, smiling, "(for you have rather craftily arranged for our discussion to start with me), let me see what I can do to give the lad a lecture. If an oracle had foretold that I should find myself discoursing in the Academy like a philosopher, I should not have believed it, but here I am, thanks to our having the place to ourselves. Only don't let me bore the rest of you while I am obliging our young friend." "What, bore me?" said I. "Why, it is I who asked you to speak." Thereupon Quintus and Pomponius having declared that they wished it too, Piso began. And I will ask you, Brutus, kindly to consider whether you think his discourse a satisfactory summary of the doctrine of Antiochus, which I believe to be the system which you most approve, as you have often attended the lectures of his brother Aristus.

4 9 Accordingly Piso spoke as follows: "About the educational value of the Peripatetic system I have said enough, in the briefest possible way, a few moments ago. Its arrangement, like that of most other systems, is threefold: one part deals with nature, the second with discourse, and the third with conduct. Natural Philosophy the Peripatetics have investigated so thoroughly that no region in sky or sea or land (to speak poetically) has been passed over. Nay more, in treating of the elements of being and the constitution of the universe they have established much of their doctrine not merely by probable arguments but by conclusive mathematical demonstration, applying a quantity of material derived from facts that they have themselves investigated to the discovery of other facts beyond the reach of observation. 10 Aristotle gave a complete account of the birth, nutrition and structure of all living creatures, Theophrastus of the natural history of plants and the causes and constitution of vegetable organisms in general; and the knowledge thus attained facilitated the investigation of the most obscure questions. In Logic their teachings include the rules of rhetoric as well as of dialectic; and Aristotle their founder started the practice of arguing both pro and contra upon every topic, not like Arcesilas, always controverting every proposition, but setting out all the possible arguments on either side

in every subject. 11 The third division of philosophy investigates the rules of human well-being; this too was treated by the Peripatetics, so as to comprise not only the principles of individual conduct but also of the government of states. From Aristotle we learn the manners, customs and institutions, and from Theophrastus the laws also, of nearly all the states not only of Greece but of the barbarians as well. Both described the proper qualifications of a statesman, both moreover wrote lengthy treatises on the best form of constitution; Theophrastus treated the subject more fully, discussing the forces and occasions of political change, and their control as circumstances demand. Among the alternative ideals of conduct they gave the highest place to the life of retirement, devoted to contemplation and to study. This was pronounced to be most worthy of the Wise Man, as most nearly resembling the life of the gods. And these topics they handle in a style as brilliant as it is illuminating.

5 12 "Their books on the subject of the Chief Good fall into two classes, one popular in style, and this class they used to call their *exoteric* works; the other more carefully wrought. The latter treatises they left in the form of note-books. This distinction occasionally gives them an appearance of inconsistency; but as a matter of fact in the main body of their doctrine there is no divergence, at all events among the philosophers I have mentioned, nor did they disagree among themselves. But on the chief object of inquiry, namely Happiness, and the one question which philosophy has to consider and to investigate, whether this lies entirely within the control of the Wise Man, or whether it can be impaired or destroyed by adversity, here there does appear sometimes to exist among them some divergence and uncertainty. This effect is chiefly produced by Theophrastus's book *On Happiness*, in which a very considerable amount of importance is assigned to fortune; though if this be correct, wisdom alone could not guarantee happiness. This theory seems to me to be, if I may so call it, too enervating and unmanly to be adequate to the force and dignity of virtue. Hence we had better keep to Aristotle and his son Nicomachus; the latter's elaborate volumes on Ethics are ascribed, it is true, to Aristotle, but I do not see why the son should not have been capable of emulating the father. Still, we may use Theophrastus on most points, so long as we

maintain a larger element of strength and solidity in virtue than he did. 13 Let us then limit ourselves to these authorities. Their successors are indeed in my opinion superior to the philosophers of any other school, but are so unworthy of their ancestry that one might imagine them to have been their own teachers. To begin with, Theophrastus's pupil Strato set up to be a natural philosopher; but great as he is in this department, he is nevertheless for the most part an innovator; and on ethics he has hardly anything. His successor Lyco has a copious style, but his matter is somewhat barren. Lyco's pupil Aristo is polished and graceful, but has not the authority that we expect to find in a great thinker; he wrote much, it is true, and he wrote well, but his style is somehow lacking in weight.

14 "I pass over a number of writers, including the learned and entertaining Hieronymus. Indeed I know no reason for calling the latter a Peripatetic at all; for he defined the Chief Good as freedom from pain: and to hold a different view of the Chief Good is to hold a different system of philosophy altogether. Critolaus professed to imitate the ancients; and he does in fact come nearest to them in weight, and has a flowing style; all the same, even he is not true to the principles of his ancestors. Diodorus, his pupil, couples with Moral Worth freedom from pain. He too stands by himself; differing about the Chief Good he cannot correctly be called a Peripatetic. Our master Antiochus seems to me to adhere most scrupulously to the doctrine of the ancients, which according to his teaching was common to Aristotle and to Polemo.

6 15 "Our young friend Lucius is therefore well advised in desiring most of all to hear about the Chief Good; for when you have settled that point in a system of philosophy, you have settled everything. On any other topic, some degree of incompleteness or uncertainty causes no more mischief than is proportionate to the importance of the particular topic on which the neglect has occurred; but uncertainty as to the Chief Good necessarily involves uncertainty as to the principles of conduct, and this must carry men so far out of their course that they cannot know what harbour to steer for. On the other hand when we have ascertained the Ends of things, knowing the ultimate Good and ultimate Evil, we have discovered a map of life, a chart of all the duties; 16 and therefore have discovered a standard to

which each action may be referred; and from this we can discover and construct that rule of happiness which all desire.

"Now there is great difference of opinion as to what constitutes the Chief Good. Let us therefore adopt the classification of Carneades, which our teacher Antiochus is very fond of employing. Carneades passed in review all the opinions as of that Chief Good, not only that actually had been held by philosophers hitherto, but that it was possible to hold. He then pointed out that no science or art can supply its own starting-point; its subject-matter must always lie outside it. There is no need to enlarge upon or illustrate this point; for it is evident that no art is occupied with itself: the art is distinct from the subject with which it deals; since therefore, as medicine is the art of health and navigation the art of sailing the ship, so Prudence or Practical Wisdom is the art of conduct, it follows that Prudence also must have something as its base and point of departure. 17 Now practically all have agreed that the subject with which Prudence is occupied and the end which it desires to attain is bound to be something intimately adapted to our nature; it must be capable of directly arousing and awakening an impulse of desire, what in Greek is called hormē. But what it is that at the first moment of our existence excites in our nature this impulse of desire — as to this there is no agreement. It is at this point that all the difference of opinion among students of the ethical problem arises. Of the whole inquiry into the Ends of Goods and Evils and the question which among them is ultimate and final, the fountain-head is to be found in the earliest instincts of nature; discover these and you have the source of the stream, the starting-point of the debate as to the Chief Good and Evil.

7 18 "One school holds that our earliest desire is for pleasure and our earliest repulsion is from pain; another thinks that freedom from pain is the earliest thing welcomed, and pain the earliest thing avoided; others again start from what they term the primary objects in accordance with nature, among which they reckon the soundness and safety of all the parts of the body, health, perfect senses, freedom from pain, strength, beauty and the like, analogous to which are the primary intellectual excellences which are the sparks and seeds of the virtues. Now it must be one or other of these three sets of things

which first excites our nature to feel desire or repulsion; nor can it be anything whatsoever beside these three things. It follows therefore that every right act of avoidance or of pursuit is aimed at one of these objects, and that consequently one of these three must form the subject-matter of Prudence, which we spoke of as the art of life; from one of the three Prudence derives the initial motive of the whole of conduct.

19 "Now, from whichever Prudence decides to be the object of the primary natural impulses, will arise a theory of right and of Moral Worth which may correspond with one or other of the three objects aforesaid. Thus Morality will consist either in aiming all our actions at pleasure, even though one may not succeeded in attaining it; or at absence of pain, even though one is unable to secure it; or at getting the things in accordance with nature, even though one does not attain any of them. Hence there is a divergence between the different conceptions of the Ends of Goods and Evils, precisely equivalent to the difference of opinion as to the primary natural objects. — Others again starting from the same primary objects will make the sole standard of right action the actual attainment of pleasure, freedom from pain, or the primary things in accordance with nature, respectively.

20 "Thus we have now set forth six views as to the Chief Good. The leading upholders of the latter three are: of pleasure, Aristippus; of freedom from pain, Hieronymus; of the enjoyment of what we have called the primary things in accordance with nature, Carneades, — that is, he did not originate this view but he upheld it for purposes of argument. The three former were possible views, but only one of them has been actually maintained, though that with great vigour. No one has asserted pleasure to be the sole aim of action in the sense that the mere intention of attaining pleasure, although unsuccessful, is in itself desirable and moral and the only good. Nor yet has anyone held that the effort to avoid pain is in itself a thing desirable, without one's being able actually to avoid it. On the other hand, that morality consists in using every endeavour to obtain the things in accordance with nature, and that this endeavour even though unsuccessful is itself the sole thing desirable and the sole good, is actually maintained by the Stoics.

8 21 “These then are the six simple views about the End of Goods and Evils; two of them without a champion, and four actually upheld. Of composite or dualistic definitions of the Supreme Good there have been three in all; nor were more than three possible, if you examine the nature of the case closely. There is the combination of Morality with pleasure, adopted by Callipho and Dinomachus; with freedom from pain, by Diodorus; or with the primary objects of nature, the view of the ancients, as we entitle both the Academics and the Peripatetics.

“But it is impossible to set forth the whole of our position at once; so for the present we need only notice that pleasure must be discarded, on the ground that, as will be shown later, we are intended by nature for greater things. Freedom from pain is open to practically the same objections as pleasure. 22 Nor need we look for other arguments to refute the opinion of Carneades; for any conceivable account of the Chief Good which does not include the factor of Moral Worth gives a system under which there is no room either for duty, virtue or friendship. Moreover the combination with Moral Worth either of pleasure or of freedom from pain debases the very morality that it aims at supporting. For to uphold two standards of conduct jointly, one of which declares freedom from evil to be the Supreme Good, while the other is a thing concerned with the most frivolous part of our nature, is to dim, if not to defile, all the radiance of Moral Worth. There remain the Stoics, who took over their whole system from the Peripatetics and the Academics, adopting the same ideas under other names.

“The best way to deal with these different schools would be to refute each separately; but for the present we must keep to the business in hand; we will discuss these other schools at our leisure.

23 “The calmness or tranquillity of mind which is the Chief Good of Democritus, euthumia as he calls it, has had to be excluded from this discussion, because this mental tranquillity is in itself the happiness in question; and we are inquiring not what happiness is, but what produces it. Again, the discredited and abandoned theories of Pyrrho, Aristo and Erillus cannot be brought within the circle we have drawn, and so we have not been concerned to consider them at all. For the whole of this inquiry into the Ends or, so to speak, the

limits of Goods and Evils must begin from that which we have spoken of as adapted and suited to nature and which is the earliest object of desire for its own sake; now this is entirely done away with by those who maintain that, in the sphere of things which contain no element of Moral Worth or baseness, there is no reason why any one thing should be preferred to any other, and who consider these things to be absolutely indifferent; and Erillus also, if he actually held that there is nothing good but knowledge, destroyed every motive of rational action and every clue to right conduct.

"Thus we have eliminated the views of all the other philosophers; and no other view is possible; therefore this doctrine of the Ancients must hold good. Let us then follow the practice of the old philosophers, adopted also by the Stoics, and start as follows.

9 24 "Every living creature loves itself, and from the moment of birth strives to secure its own preservation; because the earliest impulse bestowed on it by nature for its life-long protection is the instinct for self-preservation and for the maintenance of itself in the best condition possible to it in accordance with its nature. At the outset this tendency is vague and uncertain, so that it merely aims at protecting itself whatever its character may be; it does not understand itself nor its own capacities and nature. When, however, it has grown a little older, and has begun to understand the degree in which different things affect and concern itself, it now gradually commences to make progress. Self-consciousness dawns, and the creature begins to comprehend the reason why it possesses the instinctive appetition aforesaid, and to try to obtain the things which it perceives to be adapted to its nature and to repel their opposites. Every living creature therefore finds its object of appetition in the thing suited to its nature. Thus arises The End of Goods, namely to live in accordance with nature and in that condition which is the best and most suited to nature that is possible. 25 At the same time every animal has its own nature; and consequently, while for all alike the End consists in the realization of their nature (for there is no reason why certain things should not be common to all the lower animals, and also to the lower animals and man, since all have a common nature), yet the ultimate and supreme objects that we are investigating must be differentiated and distributed among the

different kinds of animals, each kind having its own peculiar to itself and adapted to the requirements of its individual nature. 26 Hence when we say that the End of all living creatures is to live in accordance with nature, this must not be construed as meaning that all have one and the same end; but just as it is correct to say that all the arts and sciences have the common characteristic of occupying themselves with some branch of knowledge, while each art has its own particular branch of knowledge belonging to it, so all animals have the common End of living according to nature, but their natures are diverse, so that one thing is in accordance with nature for the horse, another for the ox, and another for man, and yet in all the Supreme End is common, and that not only in animals but also in all those things upon which nature bestows nourishment, increase and protection. Among these things we notice that plants can, in a sense, perform on their own behalf a number of actions conducive to their life and growth, so that they may attain their End after their kind. So that finally we may embrace all animate existence in one broad generalization, and say without hesitation, that all nature is self-preserving, and has before it the end and aim of maintaining itself in the best possible condition after its kind; and that consequently all things endowed by nature with life have a similar, but not an identical, End. This leads to the inference, that the ultimate Good of man is life in accordance with nature, which we may interpret as meaning life in accordance with human nature developed to its full perfection and supplied with all its needs. 27 This, then, is the theory that we have to expound; but if it requires a good deal of explanation, you will receive it with forbearance. For this is perhaps the first time that Lucius has heard the subject debated, and we must make allowance for his youth." "Very true," said I; "albeit the style of your discourse so far has been suited to hearers of any age."

10 "Well then," he resumed, "having explained what the principle is which determines what things are desirable, I have next to show why the matter is as I have stated. Let us therefore begin from the position which I laid down first and which is also first in the order of reality: let us understand that every living creature loves itself. The fact that this is so admits of no doubt, for indeed it is a fundamental fact of nature, and one that everybody can grasp for himself by the

evidence of his senses, so much so that did anyone choose to deny it, he would not get a hearing; nevertheless, so that no step may be omitted, I suppose I ought also to give reasons why it is so. 28 Yet how can you form any intelligible conception of an animal that should hate itself? The thing is a contradiction in terms. For the creature being its own enemy, the instinctive appetition we spoke of will deliberately set about drawing to itself something harmful to itself; yet it will be doing this for its own sake; therefore the animal will both hate and love itself at the same time, which is impossible. Also, if a man is his own enemy, it follows that he will think good evil and evil good; that he will avoid things that are desirable and seek things that ought to be avoided; but this undeniably would mean to turn the whole of life upside down. A few people may be found who attempt to end their lives with a halter or by other means; but these, or the character of Terence who (in his own words) 'resolved that if he made himself to suffer, he so made less the wrong he did his son,' are not to be put down as haters of themselves. 29 The motive with some is grief, with others passion; many are rendered insane by anger, and plunge into ruin with their eyes open, fancying all the time that what they do is for their own best interests. Hence they say, and say in all sincerity:

'It is my way; do you do as it suits you.'

Men who had really declared war against themselves would desire to have days of torment and nights of anguish, and they would not reproach themselves and say that they had been misguided and imprudent: such lamentations show that they love and care for themselves. It follows that whenever it is said of a man that he has ruined himself and is his own worst enemy, and that he is tied of life, you may be sure that there is really an explanation which would justify the inference, even from such a case as this, that every man loves himself. 30 Nor is it enough to say that nobody exists who hates himself; we must also realize that nobody exists who thinks it makes no difference to him what his own condition is. For it will be destructive of the very faculty of desire if we come to think of our own circumstances as a matter of indifference to us, and feel in our own case the absolute neutrality which is our attitude towards the things that are really indifferent.

11 “It would also be utterly absurd if anyone desired to maintain that, though the fact of self-love is admitted, this instinct of affection is really directed toward some other object and not towards the person himself who feels it. When this is said of friendship, of right action or of virtue, whether correct or not, it has some intelligible meaning; but in the case of ourselves it is utterly meaningless to say that we love ourselves for the sake of something else, for example, for the sake of pleasure. Clearly we do not love ourselves for the sake of pleasure, but pleasure for the sake of ourselves. 31 Yet what fact is more self-evident than that every man not merely loves himself, but loves himself very much indeed? For who is there, what percentage of mankind, whose

‘Blood does not ebb with horror, and face turn pale with fear,’

at the approach of death? No doubt it is a fault to recoil so violently from the dissolution of our being (and the same timidity in regard to pain is blameworthy); but the fact that practically everybody has this feeling is conclusive proof that nature shrinks from destruction; and the more some people act thus — as indeed they do to a blameworthy degree — the more it is to be inferred that this very excess would not have occurred in exceptional cases, were not a certain moderate degree of such timidity natural. I am not referring to the fear of death felt by those who shun death because they believe it means the loss of the good things of life, or because they are afraid of certain horrors after death, or if they dread lest death may be painful: for very often young children, who do not think of any of these things, are terribly frightened if in fun we threaten to let them fall from a height. Even ‘wild creatures,’ says Pacuvius,

‘Lacking discourse of reason
To look before,’

when seized with fear of death, ‘bristle with horror.’ 32 Who does not suppose that the Wise Man himself, even when he has resolved that he must die, will yet be affected by parting from his friends and merely by leaving the light of day? The strength of natural impulse, in this manifestation of it, is extremely obvious, since many men endure to beg their bread in order that they may live, and men broken with age suffer anguish at the approach of death, and endure torments

like those of Philoctetes in the play; who though racked with intolerable pains, nevertheless prolonged life by fowling;

‘Slow he pierced the swift with arrows, standing shot them on the wing,’

as Attius has it, and wove their plumage together to make himself garments. 33 But do I speak of the human race or of animals generally, when the nature of trees and plants is almost the same? For whether it be, as very learned men have thought, that this capacity has been engendered in them by some higher and diviner power, or whether it is the result of chance, we see that the vegetable species secure by means of their bark and roots that support and protection which animals derive from the distribution of the sensory organs and from the well-knit framework of the limbs. On this matter I agree, it is true, with those who hold that all these things are regulated by nature, because if nature were to neglect them her own existence would be impossible; yet I allow those who think otherwise on this point to hold whatever view they please: whenever I mention ‘the nature of man,’ let them, if they like, understand me to mean ‘man,’ as it makes no difference. For the individual can no more lose the instinct to seek the things that are good for him than he can divest himself of his own personality. The wisest authorities have therefore been right in finding the basis of the Chief Good in nature, and in holding that this instinctive desire for things suited to our nature is innate in all men, because it is founded on that natural attraction which makes them love themselves.

12 34 “Having made it sufficiently clear that self-love is an instinct of nature, we must next examine what is the nature of man; for it is human nature that is the object of our investigation. Now it is manifest that man consists of body and mind, although the mind plays the more important part and the body the less. Next we further observe both that man’s body is of a structure surpassing that of other animals, and that his mind is so constituted as not only to be equipped with senses but also to possess the dominant factor of intellect, which commands the obedience of the whole of man’s nature, being endowed with the marvellous faculties of reason, of cognition, of knowledge and of all the virtues. In fact the faculties of the body are not comparable in importance with the parts of the

mind. Moreover they are easier to understand. We will therefore begin with them.

35 "It is manifest how well the parts of our body, and its entire shape, form and attitude are adapted to our nature; and that special conformation of the brow, eyes, ears and other parts which is appropriate to man can be recognized without hesitation by the understanding. But of course it is necessary that these organs should be healthy and vigorous and possessed of their natural motions and uses; no part must be lacking and none must be diseased or enfeebled — this is a requirement of nature. Again, there is also a certain form of bodily activity which keeps the motions and postures in harmony with nature; and any error in these, due to distortion or abnormality of movement or posture, — for example, if a man were to walk on his hands, or backwards instead of forwards, — would make a man appear alienated from himself, as if he had stripped off his proper humanity and hated his own nature. Hence certain attitudes in sitting, and slouching, languishing movements, such as are affected by the wanton and the effeminate, are contrary to nature, and though really arising from a defect of mind, suggest to the eye a bodily perversion of man's nature. 36 And so, on the contrary, a controlled and well-regulated bearing, condition and movement of the body has the appearance of being in harmony with nature.

"Turning now to the mind, this must not only exist, but also be of a certain character; it must have all its parts intact and lack none of the virtues. The senses also possess their several virtues or excellences, consisting in the unimpeded performance of their several functions of swiftly and readily perceiving sensible objects. 13 The mind, on the other hand, and that dominant part of the mind which is called the intellect, possess many excellences or virtues, but these are of two main classes; one class consists of those excellences which are implanted by their own nature, and which are called non-volitional; and the other of those which, depending on our volition, are usually styled 'virtues' in the more special sense; and the latter are the pre-eminent glory and distinction of the mind. To the former class belong receptiveness and memory; and practically all the excellences of this class are included under one name of 'talent,' and their possessors are spoken of as 'talented.' The other class consists

of the lofty virtues properly so called, which we speak of as dependent on volition, for instance, Prudence, Temperance, Courage, Justice, and the others of the same kind.

37 "Such is the account, a brief one, it is true, that it was necessary to give of the body and the mind. It has indicated in outline what the requirements of man's nature are; and it has clearly shown that, since we love ourselves, and desire all our faculties both of mind and body to be perfect, those faculties are themselves dear to us for their own sakes, and are of the highest importance for our general well-being. For he who aims at the preservation of himself, must necessarily feel an affection for the parts of himself also, and the more so, the more perfect and admirable in their own kind they are. For the life we desire is one fully equipped with the virtues of mind and body; and such a life must constitute the Chief Good, inasmuch as it must necessarily be such as to be the limit of things desirable. This truth realized, it cannot be doubted that, as men feel an affection towards themselves for their own sakes and of their own accord, the parts also of the body and mind, and of those faculties which are displayed in each while in motion or at rest, are esteemed for their own attractiveness and desired for their own sake. 38 From these explanations, it may readily be inferred that the most desirable of our faculties are those possessed of the highest intrinsic worth; so that the most desirable excellences are the excellences of the noblest parts of us, which are desirable for their own sake. The result will be that excellence of mind will be rated higher than excellence of body, and the volitional virtues of the mind will surpass the non-volitional; the former, indeed, are the 'virtues' specially so called, and are far superior, in that they spring from reason, the most divine element in man. For the inanimate or nearly inanimate creatures that are under nature's charge, all of them have their supreme good in the body; hence it has been cleverly said, as I think, about the pig, that a mind has been bestowed upon this animal to serve as salt and keep it from going bad. 14 But there are some animals which possess something resembling virtue, for example, lions, dogs and horses; in these we observe not only bodily movements as in pigs, but in some degree a sort of mental activity also. In man, however, the whole importance belongs to the mind, and to the rational part of the mind, which is the

source of virtue; and virtue is defined as the perfection of reason, a doctrine which the Peripatetics think cannot be expounded too often.

39 "Plants also have a development and progress to maturity that is not unlike that of animals; hence we speak of a vine living and dying, or of a tree as young or old, in the prime of life or decrepit; consequently it is appropriate to suppose that with them as with animals certain things are suited and certain other things foreign to their nature; and that their growth and nurture is tended by a foster-mother, the science and art of husbandry, which trims and prunes, straightens, raises and props, enabling them to advance to the goal that nature prescribes, till the vines themselves, could they speak, would acknowledge this to be their proper mode of treatment and of tendance. In reality, of course, the power that tends the vine, to take that particular instance, is something outside of it; for the vine does not possess force enough in itself to be able to attain its highest possible development without the aid of cultivation. 40 But suppose the vine to receive the gift of sensation, bestowing on it some degree of appetition and power of movement; then what do you think it will do? Will it not endeavour to provide for itself the benefits which it previously obtained by the aid of the vine-dresser? But do you mark how it will further be concerned to protect its sensory faculties also and all their appetitive instincts, and any additional organs it may have developed? Thus with the properties that it always possessed it will combine those subsequently added to it, and it will not have the same end as the husbandman who tended it had, but will desire to live in accordance with that nature which it has subsequently acquired. And so its End or Good will be similar to, but not the same as, what it was before; it will no longer seek the Good of a plant, but that of an animal. Suppose again that it have bestowed upon it not merely sensation but also a human mind. Will it not result that while its former properties remain objects of its care, these added properties will be far more dear to it, and that the best parts of the mind will be the dearest of all? Will it not find its End or Chief Good in this crowning development of its nature, inasmuch as intellect and reason are far and away the highest of all faculties? Thus there has emerged the final term of the series of objects of desire; thus starting from the primary attraction of nature, by gradual stages of ascent we

have arrived at the summit, the consummation of perfect bodily integrity combined with the full development of the mental faculty of reason.

15 41 “The plan of our nature being then that which I have explained, if, as I said at the outset, every man as soon as he is born could know himself and could appreciate the powers of his nature as a whole and of its several parts, he would at once perceive the true essence of the thing that is the subject of our inquiry, namely the highest and last of the objects of our desires, and he would be incapable of error in anything. But as it is, our nature at all events at the outset is curiously hidden from us, and we cannot fully realize or understand it; yet as we grow older we gradually or I should say tardily come, as it were, to know ourselves. Accordingly, the earliest feeling of attraction which nature has created in us towards ourselves is vague and obscure, and the earliest instinct of appetition only strives to secure our safety and freedom from injury. When, however, we begin to look about us and to perceive what we are and how we differ from the rest of living creatures, we then commence to pursue the objects for which we are intended by nature. 42 Some resemblance to this process we observe in the lower animals. At first they do not move from the place where they were born. Then they begin to move, under the influence of their several instincts of appetition; we see little snakes gliding, ducklings swimming, blackbirds flying, oxen using their horns, scorpions their stings; each in fact has its own nature as its guide to life. A similar proceeds is clearly seen in the human race. Infants just born lie helpless, as if absolutely inanimate; when they have acquired a little more strength, they exercise their mind and senses; they strive to stand erect, they use their hands, they recognize their nurses; then they take pleasure in the society of other children, and enjoy meeting them, they take part in games and love to hear stories; they desire to bestow of their own abundance in bounty to others; they take an inquisitive interest in what goes on in their homes; they begin to reflect and to learn, and want to know the names of the people they see; in their contests with their companions they are elated by victory, discouraged and disheartened by defeat. For every stage of this development there must be supposed to be a reason. 43 It is that human capacity is so

constituted by nature that it appears designed to achieve every kind of virtue; hence children, without instruction, are actuated by semblances of the virtues, of which they possess in themselves the seeds, for these are primary elements of our nature, and they sprout and blossom into virtue. For we are so constituted from birth as to contain within us the primary instincts of action, of affection, of liberality and of gratitude; we are also gifted with minds that are adapted to knowledge, prudence and courage, and averse from their opposites; hence there is a reason why we observe in children those sparks of virtue I have mentioned, from which the philosopher's torch of reason must be kindled, that he may follow reason as his divine guide and so arrive at nature's goal. For as I have repeatedly said already, in the years of immaturity when the intellect is weak the powers of our nature are discerned as through a mist; but as the mind grows older and stronger it learns to know the capacity of our nature, while recognizing that this nature is susceptible of further development and has by itself only reached an incomplete condition.

16 44 "We must therefore penetrate into the nature of things, and come to understand thoroughly its requirements; otherwise we cannot know ourselves. That maxim was too lofty for it to be thought to have emanated from a human being, and it was therefore ascribed to a god. Accordingly the Pythian Apollo bids us 'learn to know ourselves'; but the sole road to self-knowledge is to know our powers of body and of mind, and to follow the path of life that gives us their full employment.

"Now inasmuch as our original instinct of desire was for the possession of the parts aforesaid in their fullest natural perfection, it must be allowed that, when we have attained the object of our desire, our nature takes its stand in this as its final End, and this constitutes our Chief Good; and that this End as a whole must be desired intrinsically and in and for itself, follows of necessity from the fact that the several parts of it also have already been proved to be desirable for themselves.

45 “If however anyone thinks that our enumeration of bodily advantages is incomplete owing to the omission of pleasure, let us postpone this question to another time. For whether pleasure is or is not one of the objects we have called the primary things in accordance with nature makes no difference for our present inquiry. If, as I hold, pleasure adds nothing to the sum-total of nature’s goods, it has rightly been omitted. If on the contrary pleasure does possess the property that some assign to it, this fact does not impair the general outline we have just given of the Chief Good; since if to the primary objects of nature as we have explained them, pleasure be added, this only adds one more to the list of bodily advantages, and does not alter the interpretation of the Chief Good which has been propounded.

17 46 “So far as our argument has proceeded hitherto, it has been based entirely upon the primary attractions of nature. But from this point on let us adopt a different line of reasoning, namely to show that, in addition to the argument from self-love, the fact that each part of our nature, both mental and bodily, possesses its own peculiar faculty goes to prove that the activity of our several parts is pre-eminently spontaneous. To start with the body, do you notice how men try to hide a deformed or infirm or maimed limb? They actually take great pains and trouble to conceal, if they possibly can, their bodily defect, or at all events to let it be seen as little as possible; they even undergo painful courses of treatment in order to restore the natural appearance of their limbs, even though the actual use of them will not only not be improved but will even be diminished.a In fact, since every man instinctively thinks that he himself in his entirety is a thing to be desired, and this not for the sake of anything else but for his own sake, it follows that when a thing is desired as a whole for its own sake, the parts also of that thing are desired for their own sakes. 47 Again, is there nothing in the movements and postures of the body which Nature herself judges to be of importance? A man’s mode of walking and sitting, his particular cast of features and expression — is there nothing in these things that we consider worthy or unworthy of a free man? Do we not often think people deserving of dislike, who by some movement or posture appear to have violated a law or

principle of nature? And since people try to get rid of these defects of bearing, why should not even beauty have a good claim to be considered as desirable for its own sake? For we think imperfection or mutilation of the body things to be avoided for their own sake, why should we not with equal or perhaps still greater reason pursue distinction of form for its own sake? And if we avoid ugliness in bodily movement and posture, why should we not pursue beauty? Health also, and strength and freedom from pain we shall desire not merely for their utility but also for their own sakes. For since our nature aims at the full development of all its parts, she desires for its own sake that state of body which is most in accordance with himself; because she is thrown into utter disorder if the body is diseased or in pain or weak.

18 48 "Let us consider the parts of the mind, which are of nobler aspect. The loftier these are, the more unmistakable indications of nature do they afford. So great is our innate love of learning and of knowledge, that no one can doubt that man's nature is strongly attracted to these things even without the lure of any profit. Do we notice how children cannot be deterred even by punishment from studying and inquiry into the world around them? Drive them away, and back they come. They delight in knowing things; they are eager to impart their knowledge to others; pageants, games and shows of that sort hold them spell-bound, and they will even endure hunger and thirst so as to be able to see them. Again, take persons who delight in the liberal arts and studies; do we not see them careless of health or business, patiently enduring any inconvenience when under the spell of learning and of science, and repaid for endless toil and trouble by the pleasure they derive from acquiring knowledge? 49 For my part I believe Homer had something of this sort in view in his imaginary account of the songs of the Sirens. Apparently it was not the sweetness of their voices or the novelty and diversity of their songs, but their professions of knowledge that used to attract the passing voyageurs; it was the passion for learning that kept men rooted to the Sirens' rocky shores. This is their invitation to Ulysses (for I have translated this among other passages of Homer):

Ulysses, pride of Argos, turn thy bark
And listen to our music. Never yet

Did voyager sail these waters blue, but stayed
His course, enchanted by our voices sweet,
And having filled his soul with harmony,
Went on his homeward way a wiser man.
We know the direful strife and clash of war
That Greece by Heaven's mandate bore to Troy,
And whatsoe'er on the wide earth befalls.

Homer was aware that his story would not sound plausible if the magic that held his hero immeshed was merely an idle song! It is knowledge that the Sirens offer, and it was no marvel if a lover of wisdom held this dearer than his home. A passion for miscellaneous omniscience no doubt stamps a man as a mere dilettante; but it must be deemed the mark of a superior mind to be led on by the contemplation of high matters to a passionate love of knowledge.

19 50 "What an ardour for study, think you, possessed Archimedes, who was so absorbed in a diagram he was drawing in the dust that he was unaware even of the capture of his native city! What genius do we see expended by Aristoxenus on the theory of music! Imagine the zeal of a lifetime that Aristophanes devoted to literature! Why should I speak of Pythagoras, or of Plato, or Democritus? For they, we are told, in their passion for learning travelled through the remotest parts of the earth! Those who are blind to these facts have never been enamoured of some high and worthy study. And those who in this connexion allege that the studies I have mentioned are pursued for the sake of mental pleasure fail to see that they are proved to be desirable for their own sake by the very fact that the mind feels delight in them when no bait of advantage is held out, and finds enjoyment in the mere possession of knowledge even though it is likely to be a positive disadvantage to its possessor. 51 But what is the point of inquiring further into matters so obvious? Let us ask ourselves the question, how it is we are interested in the motions of the stars and in contemplating the heavenly bodies and studying all the obscure and secret realms of nature; why we derive pleasure from history, which we are so fond of following up, to the remotest detail, turning back to parts we have omitted, and pushing on to the end when we have once begun. Not that I am unaware that history is useful as well as entertaining. But what of our reading fiction, from

which no utility can be extracted? 52 What of our eagerness to learn the names of people who have done something notable, their parentage, birthplace, and many quite unimportant details beside? What of the delight that is taken in history by men of the humblest station, who have no expectation of participating in public life, even mere artisans? Also we may notice that the persons most eager to hear and read of public affairs are those who are debarred by the infirmities of age from any prospect of taking part in them. Hence we are forced to infer that the objects of study and knowledge contain in themselves the allurements that entice us to study and to learning. 53 The old philosophers picture what the life of the Wise will be in the Islands of the Blest, and think that being released from all anxiety and needing none of the necessary equipment or accessories of life, they will do nothing but spend their whole time upon study and research in the science of nature. We on the other hand see in such studies not only the amusement of a life of happiness, but also the alleviation of misfortune; hence the numbers of men who when they had fallen into the power of enemies or tyrants, or when they were in prison or in exile, have solaced their sorrow with the pursuit of learning. 54 Demetrius of Phalerum, a ruler of this city, when unjustly banished from his country, repaired to the court of King Ptolemy at Alexandria. Being eminent in the very system of philosophy which we are recommending to you, and a pupil of Theophrastus, he employed the leisure afforded by his disaster in composing a number of excellent treatises, not for any practical use of his own, for he was debarred from affairs; but he found a sort of food for his higher nature in thus cultivating his mind. I myself frequently heard the blind ex-praetor and scholar Gnaeus Aufidius declare that he felt the actual loss of light more than the inconvenience of blindness. Take lastly the gift of sleep: did it not bring us repose for our bodies and an antidote for labour, we should think it a violation of nature, for it robs us of sensation and entirely suspends our activity; so that if our nature did not require repose or could obtain it in some other manner, we should be quite content, inasmuch as even as it is we frequently deny ourselves slumber, almost to the point of doing violence to nature, in the interests of business or of study.

20 55 “Even more striking, and in fact absolutely obvious and

convincing natural indications are not wanting, more particularly no doubt in man, but also in every living creature, of the presence of a positive craving for constant activity. Perpetual repose is unendurable on any terms. This is a fact that may be readily detected in children of the tenderest age, if I may risk being thought to lay undue stress on a field of observation sanctioned by the older thinkers, all of whom, and my own school more than others, go to the nursery, because they believe that Nature reveals her plan to them most clearly in childhood. Even infants, we notice, are incapable of keeping still. Children of a somewhat more advanced age delight in games involving considerable exertion, from which not even fear of punishment can restrain them. And this passion for activity grows as they grow older. The prospect of the most delightful dreams would not reconcile us to feeling asleep for ever: Endymion's fate we should consider no better than death. 56 Observe the least energetic among men: even in a notorious idler both mind and body are constantly in motion; set him free from unavoidable occupations, and he calls for a dice-board, goes off to some sport, or looks for somebody to chat with, seeking at the club or at some trivial social gathering a substitute for higher and more intellectual amusements. Even the wild animals that we keep caged up for our amusement find their captivity irksome, although they are better fed than if they were at large; they miss their natural birthright of free and untrammelled movement. 57 Hence the abler and more accomplished a man is, the less he would care to be alive at all if debarred from taking part in affairs, although allowed to batten on the most exquisite pleasures. Men of ability either choose a life of private activity, or, if of loftier ambition, aspire to a public career of political or military office, or else they devote themselves entirely to study and learning; and the devotees of learning are so far from making pleasure their aim, that they actually endure care, anxiety and loss of sleep, in the exercise of the noblest part of man's nature, the divine element within us (for so we must consider the keen edge of the intellect and the reason), they ask for no pleasure and avoid no toil; they are ceaselessly occupied in marvelling at the discoveries of the ancients or in pursuing new researches of their own; insatiable in their appetite for study, they forget all else besides, and harbour not one base or mean thought. So

potent is the spell of these pursuits, that even those who profess to follow other Ends of Goods, defined by utility or pleasure, may yet be seen to spend their whole lives in investigating and unfolding the processes of nature.

21 58 "It is therefore at all events manifest that we are designed by nature for activity. Activities vary in kind, so much so that the more important actually eclipse the less; but the most important are, first (according to my own view and that of those with whose system we are now occupied) the contemplation and the study of the heavenly bodies and of those secrets and mysteries of nature which reason has the capacity to penetrate; secondly, the practice and the theory of politics; thirdly, the principles of Prudence, Temperance, Courage and Justice, with the remaining virtues and the activities consonant therewith, all of which we may sum up under the single term of Morality; towards the knowledge and practice of which, when we have grown to maturity, we are led onward by nature's own guidance. All things are small in their first beginnings, but they grow larger as they pass through their regular stages of progress. And there is a reason for this, namely that at the moment of birth we possess a certain weakness and softness which prevent our seeing and doing what is best. The radiance of virtue and of happiness, the two things most to be desired, dawns upon us later, and far later still comes a full understanding of their nature. 'Happy the man,' Plato well says, 'who even in old age has the good fortune to be able to achieve wisdom and true opinions.' Therefore since enough has been said about the primary goods of nature, let us now consider the more important things that follow later. 59 In generating and developing the human body, Nature's procedure was to make some parts perfect at birth, and to fashion other parts as it grew up, without making much use of external and artificial aids. The mind on the other hand she endowed with its remaining faculties in the same perfection as the body, equipping it with senses already adapted to their function of perception and requiring little or no assistance of any kind to complete their development; but the highest and noblest part of man's nature she neglected. It is true she bestowed an intellect capable of receiving every virtue, and implanted in it at birth and without instruction embryonic notions of the loftiest ideas, laying the

foundation of its education, and introducing among its endowments the elementary constituents, so to speak, of virtue. But of virtue itself she merely gave the germ and no more. 60 Therefore it rests with us (and when I say with us, I mean with our science), in addition to the elementary principles bestowed upon us, to seek out their logical developments, until our full purpose is realized. For this is much more valuable and more intrinsically desirable than either the senses or the endowments of the body above alluded to; since those are surpassed in an almost inconceivable degree by the matchless perfection of the intellect. Therefore all honour, all admiration, all enthusiasm is directed toward virtue and towards the actions in harmony with virtue, and all such properties and processes of the mind are entitled by the single name of Moral Worth.

"The connotation of all these conceptions and the signification of the terms that denote them, and their several values and natures we shall study later; 22 61 for the present let us merely explain that this Morality to which I allude is an object of our desire, not only because of our love of self, but also intrinsically and for its own sake. A hint of this is given by children, in whom nature is discerned as in a mirror. How hotly they pursue their rivalries! how fierce their contests and competitions! what exultation they feel when they win, and what shame when they are beaten! How they dislike blame! how they covet praise! what toils do they not undergo to stand first among their companions! how good their memory is for those who have shown them kindness, and how eager they are to repay it! And these traits are most apparent in the noblest characters, in which the moral excellences, as we understand them, are already roughly outlined by nature. 62 But this belongs to childhood; the picture is filled in at the age when the character is fully formed. Who is so unlike a human being as to feel no repulsion at baseness and no approval for goodness? Who is there that does not hate a youth spent in debauchery and wantonness? Who on the contrary would not esteem modesty and orderliness in the young, even though he has no personal concern in them? Who does not hate the traitor Pullus Numitorius of Fregellae, although he did a service to our country?b Who does not praise and extol Codrus, the preserver of this city, or honour the daughters of Erechtheus? or loathe the very name of

Tubulus? or love the memory of Aristides? Do we forget the strong emotion that we feel when we hear or read of some deed of piety, of friendship or of magnanimity? 63 But I need not speak of ourselves, whose birth, breeding and education point us towards glory and towards honour; think of the uneducated multitude, — what a tempest of applause rings through the theatre at the words:

I am Orestes,

and at the rejoinder:

No, no, 'tis I, I say, I am Orestes.

And then when each offers a solution to the king in his confusion and perplexity:

Then prithee slay us both; we'll die together:

as often as this scene is acted, does it ever fail to arouse the greatest enthusiasm? This proves that all men without exception approve and applaud the disposition that not only seeks no advantage for itself, but is loyal and true even to its own disadvantage. 64 These high examples crowd the pages not only of romance but also of history, and especially the history of our own country. It was we who chose our most virtuous citizen to receive the sacred emblems from Ida; we who sent guardians to royal princes; our generals sacrificed their lives to save their country; our consuls warned the king who was their bitterest enemy, when close to the walls of Rome, to be on his guard against poison; in our commonwealth was found the lady who expiated her outraged honour by a self-sought death, and the father who killed his daughter to save her from shame. Who is there who cannot see that all these deeds and countless others besides were done by men who were inspired by the splendour of moral greatness to forget all thought of interest, and are praised by us from no other consideration but that of Moral Worth?

23 "The considerations thus briefly set out (for I have not aimed at such a full account as I might have given, since the matter admitted of no uncertainty), these considerations then lead to the undoubted conclusion that all the virtues, and the Moral Worth which springs from them and inheres in them, are intrinsically desirable. 65 But in the whole moral sphere of which we are speaking there is nothing more glorious nor of wider range than the solidarity of mankind, that species of alliance and partnership of interests and that actual

affection which exists between man and man, which, coming into existence immediately upon our birth, owing to the fact that children are loved by their parents and the family as a whole is bound together by the ties of marriage and parenthood, gradually spreads its influence beyond the home, first by blood relationships, then by connections through marriage, later by friendships, afterwards by the bonds of neighbourhood, then to fellow-citizens and political allies and friends, and lastly by embracing the whole of the human race. This sentiment, assigning each his own and maintaining with generosity and equity that human solidarity and alliance of which I speak, is termed Justice; connected with it are dutiful affection, kindness, liberality, good-will, courtesy and the other graces of the same kind. And while these belong peculiarly to Justice, they are also factors shared by the remaining virtues. 66 For human nature is so constituted at birth as to possess an innate element of civic and national feeling, termed in Greek politikon; consequently all the actions of every virtue will be in harmony with the human affection and solidarity I have described, and Justice in turn will diffuse its agency through the other virtues, and so will aim at the promotion of these. For only a brave and a wise man can preserve Justice. Therefore the qualities of this general union and combination of the virtues of which I am speaking belong also to the Moral Worth aforesaid; inasmuch as Moral Worth is either virtue itself or virtuous action; and life in harmony with these and in accordance with the virtues can be deemed right, moral, consistent, and in agreement with nature.

67 "At the same time this complex of interfused virtues can yet be theoretically resolved into its separate parts by philosophers. For although the virtues are so closely united that each participates in every other and none can be separated from any other, yet on the other hand each has its own special function. Thus Courage is displayed in toils and dangers, Temperance in forgoing pleasures, Prudence in the choice of goods and evils, Justice in giving each his due. As then each virtue contains an element not merely self-regarding, which embraces other men and makes them its end, there results a state of feeling in which friends, brothers, kinsmen, connections, fellow-citizens, and finally all human beings (since our

belief is that all mankind are united in one society) are things desirable for their own sakes. Yet none of these relations is such as to form part of the end and Ultimate Good. 68 Hence it results that we find two classes of things desirable for their own sakes; one class consists of those things which constitute the Ultimate Good aforesaid, namely goods of mind or body; the latter set, which are external goods, that is, goods that belong neither to the mind nor to the body, such as friends, parents, children, relatives and one's country itself, while intrinsically precious to us, yet are not included in the same class as the former. Indeed, no one could ever attain the Chief Good, if all those goods, which though desirable are external to us, formed part of the Chief Good.

24 69 "How then, you will object, can it be true that all things are means to the Chief Good, if friendships and relationships and the other external goods are not part of the Chief Good? The answer is that it is in this way: we maintain these external goods by those acts of duty which spring from the particular class of virtue connected with each. For example, dutiful conduct towards friends and parents benefits the doer from the very fact that such performance of duty is a right action, and right actions take their rise from virtues. And whereas the Wise, under nature's guidance, make right action their aim, on the other hand men not perfect and yet endowed with noble characters often respond to the stimulus of honour, which has some show and semblance of Moral Worth. But if they could fully discern Moral Worth itself in its absolute perfection and completeness, the one thing of all others most splendid and most glorious, how enraptured would they be, if they take such a delight in the mere shadow and reputation of it! 70 What devotee of pleasure, though consumed by most glowing passions, can be supposed to feel such transports of rapture in winning the objects of his keenest desires, as were felt by the elder Africanus upon the defeat of Hannibal, or by the younger at the overthrow of Carthage? Who ever experienced so much delight from the voyage down the Tiber on the day of the festival as Lucius Paulus felt when he sailed up the river leading King Perses captive in his train? 71 Come now, my dear Lucius, build in your imagination the lofty and towering structure of the virtues; then you will feel no doubt that those who achieve them, guiding

themselves by magnanimity and uprightness, are always happy; realizing as they do that all the vicissitudes of fortune, the ebb and flow of time and of circumstance, will be trifling and feeble if brought into conflict with virtue. The things we reckon as bodily goods do, it is true, form a factor in supreme happiness, but yet happiness is possible without them. For those supplementary goods are so small and slight in the full radiance of the virtues they are as invisible as the stars in sunlight. 72 Yet true though it is that these bodily advantages are of but slight importance for happiness, to say that they are of no importance is too sweeping; those who maintain this appear to me to have forgotten those first principles of nature which they have themselves established. Some weight then must be given to bodily goods provided one understands what is the proper amount of weight. The genuine philosopher, who aims at truth and not ostentation, while refusing on the one hand to deny all value to the things which even those high-sounding teachers themselves admit to be in accordance with nature, will on the other hand realize that virtue is so potent, Moral Worth invested so to speak with such prestige, that all those other goods, though not worthless, are so small as to appear worthless. This is the language that a man will hold who while not despising all else but virtue yet extols virtue herself with her own proper praises; in short, this is the full, finished and complete account of the Chief Good.

"From this system all the other schools have endeavoured to appropriate fragments, which each has hoped may pass for original. 25 73 Aristotle and Theophrastus often and admirably praised knowledge for its own sake; Erillus, captivated by this single tenet, maintained that knowledge was the Chief Good and that nothing else was desirable as an end in itself. The ancients enlarged on the duty of rising proudly superior to human fortunes; Aristo singled out this one point, and declared that nothing but vice or virtue was either to be avoided or desired. Our school included freedom from pain among the things in accordance with nature; Hieronymus made it out to be the Supreme Good. On the other hand Callipho and later Diodorus, the one having fallen in love with pleasure, and the other with freedom from pain, could neither of them dispense with Moral Worth, which by our school was extolled above all else. 74 Even the

votaries of pleasure take refuge in evasions: the name of virtue is on their lips all the time, and they declare that pleasure is only at first the object of desire, and that later habit produces a sort of second nature, which supplies a motive for many actions not aiming at pleasure at all. There remain the Stoics. The Stoics have conveyed from us not some one or other item, but our entire system of philosophy. It is a regular practice of thieves to alter the marks upon stolen goods; and the Stoics, in order to pass off our opinions as their own, have changed the names, which are the marks of things. Our system therefore is left as the sole philosophy worthy of the student of the liberal arts, of the learned and the eminent, of statesmen and princes."

75 After these words he paused, and then added: "How now? Do you think I have made good use of my privilegec of having you hear me say over my lesson?" "Why, Piso," I replied, "you have shown such a knowledge of your theory, on this, as on many other occasions, that I do not think we should have to rely much upon the aid of the Greeks, if we had more frequent opportunities of hearing you. And I was all the more ready to be convinced by you because I remember that your great teacher, Staseas of Naples, a Peripatetic of unquestionable repute, used to give a somewhat different account of your system, agreeing with those who attached great importance to good and bad fortune, and to bodily goods and evils." "That is true," said he; "but our friend Antiochus is a far better and far more uncompromising exponent of the system than Staseas used to be. Though I don't want to know how far I succeeded in convincing you, but how far I convinced our friend Cicero here; I want to kidnap your pupil from you."

26 76 To this Lucius replied: "Oh, I am quite convinced by what you have said, and I think my cousin is so too." "How now?" said Piso to me, "Has the young man your consent? or would you rather he should study a system which, when he has mastered it, will lead to his knowing nothing?" "Oh, I leave him his liberty," said I; "but don't you remember that it is quite open to me to approve the doctrines you have stated? Since who can refrain from approving statements that appear to him probable?" "But," said he, "can anyone approve that of which he has not full perception, comprehension and

knowledge?" "There is no great need to quarrel about that, Piso," I rejoined. "The only thing that makes me deny the possibility of perception is the Stoics' definition of that faculty; they maintain that nothing can be perceived except a true presentation having such a character as no false presentation can possess. Here then I have a quarrel with the Stoics, but certainly none with the Peripatetics. However let us drop this question, for it involves a very long and somewhat contentious debate. 77 It is the doctrine that the Wise Man is always and invariably happy that I would challenge as too hurriedly touched upon by you. Your discourse somehow skimmed past this point. But unless this doctrine is proved, I am afraid that the truth will lie with Theophrastus, who held that misfortune, sorrow and bodily anguish were incompatible with happiness. For it is violently inconsistent to call a man happy and at the same time say that he is overwhelmed with evils. How happiness and misfortune can go together I entirely fail to understand." "Which position then do you question?" he replied; "that virtue is so potent that she need not look outside herself for happiness? or, if you can accept this, do you deny that the virtuous can be happy even when afflicted by certain evils?" "Oh, I would rate the potency of virtue as high as possible; but let us defer the question of her exact degree of greatness; the only point is now, could she be so great as she is, if anything outside virtue be classed as a good?" 78 "Yet," said he, "if you concede to the Stoics that the presence of virtue alone can produce happiness, you concede this also to the Peripatetics. What the Stoics have not the courage to call evils, but admit to be irksome, detrimental, 'to be rejected,' and not in accordance with nature, we say are evils, though small and almost negligible evils. Hence if a man can be happy when surrounded by circumstances that are irksome and to be rejected, he can also be happy when surrounded by trifling evils." "Piso," I rejoined, "you, if anyone, are a sharp enough lawyer to see at a glance the real point at issue in a dispute. Therefore I beg your close attention. For so far, though perhaps I am to blame, you do not grasp the point of my question." "I am all attention," he replied," and await your reply to my inquiry."

27 79 "My reply will be," said I, "that I am not at the present asking what result virtue can produce, but what is a consistent and what a

self-contradictory account of it." "How do you mean?" said he. "Why," I said, "first Zeno enunciates the lofty and oracular utterance, 'Virtue need not look outside herself for happiness'; 'Why?' says some one. 'Because,' he answers, 'nothing else is good but what is morally good.' I am not now asking whether this is true; I merely say that Zeno's statements are admirably logical and consistent. 80 Suppose Epicurus to say the same thing, that the Wise Man is always happy, — for he is fond of ranting like this now and then, and indeed tells us that when the Wise Man is suffering torments of pain, he will say 'How pleasant this is! how little I mind! — Well, I should not join issue with the man as to why he goes so far astray about the nature of the Good; but I should insist that he does not understand what is the necessary corollary of his own avowal that pain is the supreme evil. I take the same line now against you. As to what is good and what is evil, your account agrees entirely with that of those who have never set eyes on a philosopher even in a picture, as the saying is: you call health, strength, poise, beauty, soundness of every part from top to toe, goods, and ugliness, disease and weakness evils. 81 As for external goods, you were, it is true, cautious; but since these bodily excellences are goods, you will doubtless reckon as goods the things productive of them, namely friends, children, relations, riches, rank and power. Mark that against this I say nothing; what I say is, if misfortunes which a Wise Man may encounter are as you say evils, to be wise is not enough for happiness." "Say rather," said he, "not enough for supreme happiness, but it is enough for happiness." "I noticed," I replied, "you made that distinction a little time ago, and I am aware that our master Antiochus is fond of saying the same; but what can be more unsatisfactory than to say that a man is happy but not happy enough? Any addition to what is enough makes it too much; now no one has too much happiness; therefore no one can be happier than happy." 82 "Then what is your view," he said, "of Quintus Metellus, who saw three sons consuls, and one of these made censor and celebrating a triumph as well, and a fourth praetor, and who left his four sons alive and well and three daughters married, having himself been consul, censor and augur and having had a triumph? Supposing him to have been a Wise Man, was he not happier than Regulus, who died a captive in the hands of the enemy,

from starvation and want of sleep, allowing him also to have been a Wise Man?"

28 83 "Why," said I, "do you ask that question of me? Ask the Stoics." "What answer then," he said, "do you think they would give?" "That Metellus is no happier than Regulus." "Well then," said he, "let us start from that." "Still," said I, "we are wandering from our subject. For I am not inquiring what is true, but what each school ought consistently to say. I only wish that they did allow degrees of happiness! then you would see a collapse! For since the Good consists solely in virtue and in actual Moral Worth, and neither virtue nor Moral Worth, as they hold, admits of increase, and since that alone is good which necessarily makes its possessor happy, when that which alone constitutes happiness does not allow of increase, how can anyone possibly be happier than anyone else? Do you see how logical this is? And in fact (for I must confess what I really think) their system is a marvellously consistent whole. The conclusions agree with the first principles, the middle steps with both, in fact every part with every other. They understand what inference follows from and what contradicts a given premise. It is like geometry: grant the premises and you must grant everything. Admit that there is no good but Moral Worth, and you are bound to admit that happiness consists in virtue. Or again conversely: given the latter, you must grant the former. 84 Your school are not so logical. 'Three classes of goods': your exposition runs smoothly on. But when it comes to its conclusion, it finds itself in trouble; for it wants to assert that the Wise Man can lack no requisite of happiness. That is the moral style, the style of Socrates and of Plato too. 'I dare assert it,' cries the Academic. You cannot, unless you recast the earlier part of the argument. If poverty is an evil, no beggar can be happy, be he as wise as you like. But Zeno dared to say that a wise beggar was not only happy but also wealthy. Pain is an evil: then a man undergoing crucifixion cannot be happy. Children are a good: then childlessness is miserable; one's country is good: then exile is miserable; health is a good: then sickness is miserable; soundness of body is a good; then infirmity is miserable; good eyesight is a good: then blindness is miserable. Perhaps the philosopher's consolations can alleviate each of these misfortunes singly; but how will have

enable us to endure them all together? Suppose a man to be at once blind, infirm, afflicted by dire disease, in exile, childless, destitute and tortured on the rack; what is your name, Zeno, for him? 'A happy man,' says Zeno. A supremely happy man as well? 'To be sure,' he will reply, 'because I have proved that happiness no more admits of degrees than does virtue, in which happiness itself consists.' 85 You draw the line at this; you can't believe that he is supremely happy. Well, but can one believe what you say either? Call me before a jury of ordinary people, and you will never persuade them that the man so afflicted is happy; refer the case to the learned, and it is possible that on one of the two counts you will be doubtful about their verdict, whether virtue has such efficacy that the virtuous will be happy even in the bull of Phalaris: but on the other, they will find without hesitation that the Stoic doctrine is consistent and yours self-contradictory. 'Ah,' says the Academic, 'then you agree with Theophrastus in his great work *On Happiness*?' However, we are wandering from the subject; and to cut the matter short, Piso," I said, "I do fully agree with Theophrastus, if misfortunes, as you say, are evils." "Then don't you think they are evils?" he said. "To that question," said I, "whichever reply I make, you are bound to be in difficulties." "How so exactly?" he asked. "Because," I replied, "if they are evils, the man who suffers from them will not be happy; and on the other hand if they are not evils, down topples the whole Peripatetic system." "I see what you are at," cried he smiling; "you are afraid of my robbing you of a pupil." "Oh," said I, "you are welcome to convert him if he wants to be converted; for if he is in your fold, he will be in mine."

29 "Listen then, Lucius," said Piso, "for I must address myself to you. The whole importance of philosophy lies, as Theophrastus says, in the attainment of happiness; since an ardent desire for happiness possesses us all. 87 On this your cousin and I are agreed. Hence what we have to consider is this, can the systems of the philosophers give us happiness? They certainly profess to do so. Whether it not so, why did Plato travel through Egypt to learn arithmetic and astronomy from barbarian priests? Why did he later visit Archytas at Tarentum, or the other Pythagoreans, Echecrates, Timaeus and Arion, at Locri, intending to append to his picture of Socrates an account of the

Pythagorean system and to extend his studies into those branches which Socrates repudiated? Why did Pythagoras himself scour Egypt and visit the Persian magi? why did he travel on foot through those vast barbarian lands and sail across those many seas? Why did Democritus do the same? It is related of Democritus (whether truly or falsely we are not concerned to inquire) that he deprived himself of eyesight; and it is certain that in order that his mind should be distracted as little as possible from reflection, he neglected his paternal estate and left his land uncultivated, engrossed in the search for what else but happiness? Even if he supposed happiness to consist in knowledge, still he designed that his study of natural philosophy should bring him cheerfulness of mind; since that is his conception of the Chief Good, which he entitles euthumia, or often athambia, that is freedom from alarm. 88 But what he said on this subject, however excellent, nevertheless lacks the finishing touches; for indeed about virtue he said very little, and that not clearly expressed. For it was later that these inquiries began to be pursued at Athens by Socrates, first in the city, and afterwards the study was transferred to the place where we now are; and no one doubted that all hope alike of right conduct and of happiness lay in virtue. Zeno having learnt this doctrine from our school proceeded to deal with 'the same matter in another manner,' as the common preamble to an indictment has it. You now approve of this procedure on his part. He, no doubt, can change the names of things and be acquitted of inconsistency, but we cannot! He denies that the life of Metellus was happier than that of Regulus, yet calls it 'preferable'; not more desirable, but 'more worthy of adoption'; and given the choice, that of Metellus is 'to be selected' and that of Regulus 'rejected.' Whereas the life he called 'preferable' and 'more worthy to be selected' I term happier, though I do not assign any the minutest fraction more value to that life than do the Stoics. 89 What is the difference, except that I call familiar things familiar names, whereas they invent new terms to express the same meaning? Thus just as in the senate there is always some one who demands an interpreter, so we must use an interpreter when we give audience to your school. I call whatever is in accordance with nature good and what is contrary to nature bad; nor am I alone in this: you, Chrysippus, do so too in

business and in private life, but you leave off doing so in the lecture-room. What then? do you think philosophers should speak a different language from ordinary human beings? The learned and the unlearned may differ as to the values of things; but when the learned are agreed what each thing's value is, — if they were human beings, they would adopt the recognized form of expression; but so long as the substance remains the same, — let them coin new words at their pleasure.

30 90 "But I come to the charge of inconsistency, or you will say I digress too often. You make inconsistency a matter of words, but I imagined it to be a question of fact. Only let it be clearly grasped, and in this we have the Stoics as our strongest supporters, that such is the power of virtue that all other things, if ranged in contrast with it, are absolutely eclipsed and extinguished; then, as for all the things which they admit to be advantageous and 'to be adopted' and 'selected' and 'preferred' (terms which they define so as to mean possessed of considerable value), when I style these things, which receive so many names from the Stoics, some new and original, like your words 'promoted' and 'degraded,' some identical in meaning (for what difference is there between 'desiring' a thing and 'selecting' it? to my ear there is a more sumptuous sound about a thing that is selected, and to which choice is applied), — however, when I call all these things good, the only thing that matters is, how good do I mean, when I call them desirable, the only question is, how desirable? But if on the other hand I do not think them *more* 'to be desired' than you 'to be selected,' and if I who call them good do not deem them *more valuable* than you who call them 'promoted,' all these external things will necessarily be overwhelmed and eclipsed by the side of virtue; its radiance will envelop them like the rays of the sun. 91 But you will say that a life which contains some evil cannot be happy. At that rate a crop of corn° is not a heavy and abundant crop if you can spy a single stalk of wild oat among it; a business is not profitable if among enormous profits it incurs a trifling loss. Does one principle hold good in everything else, but another in conduct? And will you not judge the whole of life by its largest part? Is there any doubt that virtue plays so far the largest part in human affairs that it obliterates everything else? Well, then, I shall

make bold to call the other things in accordance with nature ‘goods,’ and not cheat them of their old name, rather than excogitate some new one; but I shall place the massive bulk of virtue in the opposite scale of the balance. 92 Believe me, that scale will weigh down earth and sea combined. It is a universal rule that any whole takes its name from its most predominant and preponderant part. We say that a man is a cheerful fellow; but if for once he falls into low spirits, has he therefore lost his title to cheerfulness for ever? Well, the rule was not applied to Marcus Crassus, who according to Lucilius laughed but once in his life; that did not prevent his having the name of agelastos, as Lucilius says he had. Polycrates of Samos was called ‘the fortunate.’ Not a single untoward accident had ever befallen him, except that he had thrown his favourite ring overboard at sea. Did that single annoyance then make him unfortunate? and did he become fortunate again when the very same ring was found in a fish’s belly? But Polycrates, if he was foolish (which he apparently was, since he was a tyrant), was never happy; if wise, he was not unhappy even when crucified by Oroetes, the satrap of Darius. ‘But,’ you say, ‘many evils befell him!’ Who denies it? but those evils were eclipsed by the magnitude of his virtue.

31 93 “Or do you even refuse to let the Peripatetics say that the life of all good, that is of all wise men, men whom every virtue decks, always comprises infinitely more good than evil? Who does say this? The Stoics, you suppose? Not at all; but the very people who measure all things by pleasure and pain, do not these cry aloud that the Wise Man always has more things that he likes than that he dislikes? When therefore so much importance is assigned to virtue by those who confess that they would not raise a hand for the sake of virtue if it did not produce pleasure, what are we to do, who say that the smallest amount you like to mention of mental excellence surpasses all the goods of the body, and renders them completely imperceptible? For who is there who would venture to say that it would become the Wise Man to discard virtue for ever (were this possible) for the sake of securing absolute freedom from pain? Who of our school (which is not ashamed to call evils what the Stoics term ‘hardships’) was ever known to say that it is better to commit a pleasant sin than to do the painful right? 94 We think it was scandalous of Dionysius of Heraclea to secede from the Stoics because of a malady of the eyes. As though Zeno had ever taught him that to feel pain was not painful! What he had heard, though he had not learnt the lesson, was that pain was not an evil, because not morally bad, and that it was manly to endure it. Had Dionysius been a Peripatetic, I believe he should never have changed his opinions; the Peripatetics say that pain is an evil, but on the duty of bearing the annoyance it causes with fortitude their teaching is the same as that of the Stoics. And indeed your friend Arcesilas, though he was rather too dogmatic in debate, was still one of us, for he was a pupil of Polemo. When he was racked with the torments of gout he was visited by an intimate friend, the Epicurean Charmides. The latter was departing in distress. ‘Stay, I beg of you, friend Charmides,’ cried Arcesilas; ‘no pain from there has got to here’ (pointing to his feet and his breast). Yet he would have preferred to have no pain at all.

32 95 “This then is our system which you think inconsistent. I on the other hand, seeing the celestial and divine existence of virtue, excellence so great that where virtue and the mighty and most

glorious deeds that she inspires are found, there misery and sorrow cannot be, though pain and annoyance can, do not hesitate to declare that every Wise Man is always happy, but yet that it is possible for one to be happier than another." "Well, Piso," said I, "that is a position which you will find needs a great deal of defending; and if you can hold to it, you are welcome to convert not only my cousin Cicero, but also myself." 96 "For my part," remarked Quintus, "I think the position has been satisfactorily defended, and I am delighted that the philosophy whose homely gear I already valued more highly than the estates of the other schools (I deemed her rich enough for me to find in her all that I coveted in our studies), I rejoice, I say, that this philosophy has been found to be also subtler than the rest, — a quality in which she was said by some to be deficient." "Not subtler than ours at all events," said Pomponius playfully; but I protest I was most delighted by your discourse. You have expounded ideas that I thought it impossible to express in Latin, and you have expressed them as lucidly as do the Greeks, and in apt language. But our time is up, if you please; let us make straight for my quarters." At these words, as it was felt there had been enough discussion, we all proceeded to the town to Pomponius's house.

TUSCULANAE QUAESTIONES (Tusculum Disputations)

Translated by C. D. Yonge

Reportedly written at Cicero's villa in Tusculum, the *Tusculanae Disputationes* is a series of philosophical works composed circa 45 BC, attempting to popularise Stoic philosophy in ancient Rome. The essays are arranged into five books, which explore the following themes:

- On the contempt of death
- On bearing pain
- On grief of mind
- On other perturbations of the mind
- Whether virtue alone be sufficient for a happy life

The series is famous for introducing the theme *De contemptu mundi*, 'on the contempt of the world', and for having the sole mention of *cultura animi* as an agricultural metaphor for human culture.

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INTRODUCTION.

In the year a.u.c. 708, and the sixty-second year of Cicero's age, his daughter, Tullia, died in childbed; and her loss afflicted Cicero to such a degree that he abandoned all public business, and, leaving the city, retired to Asterra, which was a country house that he had near Antium; where, after a while, he devoted himself to philosophical studies, and, besides other works, he published his Treatise de Finibus, and also this treatise called the Tusculan Disputations, of which Middleton gives this concise description:

"The first book teaches us how to contemn the terrors of death, and to look upon it as a blessing rather than an evil;

"The second, to support pain and affliction with a manly fortitude;

"The third, to appease all our complaints and uneasinesses under the accidents of life;

"The fourth, to moderate all our other passions;

"And the fifth explains the sufficiency of virtue to make men happy."

It was his custom in the opportunities of his leisure to take some friends with him into the country, where, instead of amusing themselves with idle sports or feasts, their diversions were wholly speculative, tending to improve the mind and enlarge the understanding. In this manner he now spent five days at his Tusculan villa in discussing with his friends the several questions just mentioned. For, after employing the mornings in declaiming and rhetorical exercises, they used to retire in the afternoon into a gallery, called the Academy, which he had built for the purpose of philosophical conferences, where, after the manner of the Greeks, he held a school, as they called it, and invited the company to call for any subject that they desired to hear explained, which being proposed accordingly by some of the audience became immediately the argument of that day's debate. These five conferences, or dialogues, he collected afterward into writing in the very words and manner in which they really passed; and published them under the title of his Tusculan Disputations, from the name of the villa in which they were held.

BOOK I. ON THE CONTEMPT OF DEATH.

I. At a time when I had entirely, or to a great degree, released myself from my labors as an advocate, and from my duties as a senator, I had recourse again, Brutus, principally by your advice, to those studies which never had been out of my mind, although neglected at times, and which after a long interval I resumed; and now, since the principles and rules of all arts which relate to living well depend on the study of wisdom, which is called philosophy, I have thought it an employment worthy of me to illustrate them in the Latin tongue, not because philosophy could not be understood in the Greek language, or by the teaching of Greek masters; but it has always been my opinion that our countrymen have, in some instances, made wiser discoveries than the Greeks, with reference to those subjects which they have considered worthy of devoting their attention to, and in others have improved upon their discoveries, so that in one way or other we surpass them on every point; for, with regard to the manners and habits of private life, and family and domestic affairs, we certainly manage them with more elegance, and better than they did; and as to our republic, that our ancestors have, beyond all dispute, formed on better customs and laws. What shall I say of our military affairs; in which our ancestors have been most eminent in valor, and still more so in discipline? As to those things which are attained not by study, but nature, neither Greece, nor any nation, is comparable to us; for what people has displayed such gravity, such steadiness, such greatness of soul, probity, faith — such distinguished virtue of every kind, as to be equal to our ancestors. In learning, indeed, and all kinds of literature, Greece did excel us, and it was easy to do so where there was no competition; for while among the Greeks the poets were the most ancient species of learned men — since Homer and Hesiod lived before the foundation of Rome, and Archilochus was a contemporary of Romulus — we received poetry much later. For it was about five hundred and ten years after the building of Rome before Livius published a play in the consulship of C. Claudius, the son of Cæcus, and M. Tuditanus, a year before the birth of Ennius, who was older than Plautus and Nævius.

II. It was, therefore, late before poets were either known or received among us; though we find in Cato de Originibus that the guests used, at their entertainments, to sing the praises of famous men to the sound of the flute; but a speech of Cato's shows this kind of poetry to have been in no great esteem, as he censures Marcus Nobilior for carrying poets with him into his province; for that consul, as we know, carried Ennius with him into Ætolia. Therefore the less esteem poets were in, the less were those studies pursued; though even then those who did display the greatest abilities that way were not very inferior to the Greeks. Do we imagine that if it had been considered commendable in Fabius, a man of the highest rank, to paint, we should not have had many Polycleti and Parrhasii? Honor nourishes art, and glory is the spur with all to studies; while those studies are always neglected in every nation which are looked upon disparagingly. The Greeks held skill in vocal and instrumental music as a very important accomplishment, and therefore it is recorded of Epaminondas, who, in my opinion, was the greatest man among the Greeks, that he played excellently on the flute; and Themistocles, some years before, was deemed ignorant because at an entertainment he declined the lyre when it was offered to him. For this reason musicians flourished in Greece; music was a general study; and whoever was unacquainted with it was not considered as fully instructed in learning. Geometry was in high esteem with them, therefore none were more honorable than mathematicians. But we have confined this art to bare measuring and calculating.

III. But, on the contrary, we early entertained an esteem for the orator; though he was not at first a man of learning, but only quick at speaking: in subsequent times he became learned; for it is reported that Galba, Africanus, and Lælius were men of learning; and that even Cato, who preceded them in point of time, was a studious man: then succeeded the Lepidi, Carbo, and Gracchi, and so many great orators after them, down to our own times, that we were very little, if at all, inferior to the Greeks. Philosophy has been at a low ebb even to this present time, and has had no assistance from our own language, and so now I have undertaken to raise and illustrate it, in order that, as I have been of service to my countrymen, when employed on public affairs, I may, if possible, be so likewise in my

retirement; and in this I must take the more pains, because there are already many books in the Latin language which are said to be written inaccurately, having been composed by excellent men, only not of sufficient learning; for, indeed, it is possible that a man may think well, and yet not be able to express his thoughts elegantly; but for any one to publish thoughts which he can neither arrange skilfully nor illustrate so as to entertain his reader, is an unpardonable abuse of letters and retirement: they, therefore, read their books to one another, and no one ever takes them up but those who wish to have the same license for careless writing allowed to themselves. Wherefore, if oratory has acquired any reputation from my industry, I shall take the more pains to open the fountains of philosophy, from which all my eloquence has taken its rise.

IV. But, as Aristotle, a man of the greatest genius, and of the most various knowledge, being excited by the glory of the rhetorician Isocrates, commenced teaching young men to speak, and joined philosophy with eloquence: so it is my design not to lay aside my former study of oratory, and yet to employ myself at the same time in this greater and more fruitful art; for I have always thought that to be able to speak copiously and elegantly on the most important questions was the most perfect philosophy. And I have so diligently applied myself to this pursuit, that I have already ventured to have a school like the Greeks. And lately when you left us, having many of my friends about me, I attempted at my Tusculan villa what I could do in that way; for as I formerly used to practise declaiming, which nobody continued longer than myself, so this is now to be the declamation of my old age. I desired any one to propose a question which he wished to have discussed, and then I argued that point either sitting or walking; and so I have compiled the scholæ, as the Greeks call them, of five days, in as many books. We proceeded in this manner: when he who had proposed the subject for discussion had said what he thought proper, I spoke against him; for this is, you know, the old and Socratic method of arguing against another's opinion; for Socrates thought that thus the truth would more easily be arrived at. But to give you a better notion of our disputations, I will not barely send you an account of them, but represent them to you as they were carried on; therefore let the introduction be thus:

V. *A.* To me death seems to be an evil.

M. What, to those who are already dead? or to those who must die?

A. To both.

M. It is a misery, then, because an evil?

A. Certainly.

M. Then those who have already died, and those who have still got to die, are both miserable?

A. So it appears to me.

M. Then all are miserable?

A. Every one.

M. And, indeed, if you wish to be consistent, all that are already born, or ever shall be, are not only miserable, but always will be so; for should you maintain those only to be miserable, you would not except any one living, for all must die; but there should be an end of misery in death. But seeing that the dead are miserable, we are born to eternal misery, for they must of consequence be miserable who died a hundred thousand years ago; or rather, all that have ever been born.

A. So, indeed, I think.

M. Tell me, I beseech you, are you afraid of the three-headed Cerberus in the shades below, and the roaring waves of Cocytus, and the passage over Acheron, and Tantalus expiring with thirst, while the water touches his chin; and Sisyphus,

Who sweats with arduous toil in vain
The steepy summit of the mount to gain?

Perhaps, too, you dread the inexorable judges, Minos and Rhadamanthus; before whom neither L. Crassus nor M. Antonius can defend you; and where, since the cause lies before Grecian judges, you will not even be able to employ Demosthenes; but you must plead for yourself before a very great assembly. These things perhaps you dread, and therefore look on death as an eternal evil.

VI. *A.* Do you take me to be so imbecile as to give credit to such things?

M. What, do you not believe them?

A. Not in the least.

M. I am sorry to hear that.

A. Why, I beg?

M. Because I could have been very eloquent in speaking against them.

A. And who could not on such a subject? or what trouble is it to refute these monstrous inventions of the poets and painters?

M. And yet you have books of philosophers full of arguments against these.

A. A great waste of time, truly! for who is so weak as to be concerned about them?

M. If, then, there is no one miserable in the infernal regions, there can be no one there at all.

A. I am altogether of that opinion.

M. Where, then, are those you call miserable? or what place do they inhabit? For, if they exist at all, they must be somewhere.

A. I, indeed, am of opinion that they are nowhere.

M. Then they have no existence at all.

A. Even so, and yet they are miserable for this very reason, that they have no existence.

M. I had rather now have you afraid of Cerberus than speak thus inaccurately.

A. In what respect?

M. Because you admit him to exist whose existence you deny with the same breath. Where now is your sagacity? When you say any one is miserable, you say that he who does not exist, does exist.

A. I am not so absurd as to say that.

M. What is it that you do say, then?

A. I say, for instance, that Marcus Crassus is miserable in being deprived of such great riches as his by death; that Cn. Pompey is miserable in being taken from such glory and honor; and, in short, that all are miserable who are deprived of this light of life.

M. You have returned to the same point, for to be miserable implies an existence; but you just now denied that the dead had any existence: if, then, they have not, they can be nothing; and if so, they are not even miserable.

A. Perhaps I do not express what I mean, for I look upon this very circumstance, not to exist after having existed, to be very miserable.

M. What, more so than not to have existed at all? Therefore, those

who are not yet born are miserable because they are not; and we ourselves, if we are to be miserable after death, were miserable before we were born: but I do not remember that I was miserable before I was born; and I should be glad to know, if your memory is better, what you recollect of yourself before you were born.

VII. *A.* You are pleasant: as if I had said that those men are miserable who are not born, and not that they are so who are dead.

M. You say, then, that they are so?

A. Yes; I say that because they no longer exist after having existed they are miserable.

M. You do not perceive that you are asserting contradictions; for what is a greater contradiction, than that that should be not only miserable, but should have any existence at all, which does not exist? When you go out at the Capene gate and see the tombs of the Calatini, the Scipios, Servilii, and Metelli, do you look on them as miserable?

A. Because you press me with a word, henceforward I will not say they are miserable absolutely, but miserable on this account, because they have no existence.

M. You do not say, then, "M. Crassus is miserable," but only "Miserable M. Crassus."

A. Exactly so.

M. As if it did not follow that whatever you speak of in that manner either is or is not. Are you not acquainted with the first principles of logic? For this is the first thing they lay down, Whatever is asserted (for that is the best way that occurs to me, at the moment, of rendering the Greek term ἀξίωμα; if I can think of a more accurate expression hereafter, I will use it), is asserted as being either true or false. When, therefore, you say, "Miserable M. Crassus," you either say this, "M. Crassus is miserable," so that some judgment may be made whether it is true or false, or you say nothing at all.

A. Well, then, I now own that the dead are not miserable, since you have drawn from me a concession that they who do not exist at all can not be miserable. What then? We that are alive, are we not wretched, seeing we must die? for what is there agreeable in life, when we must night and day reflect that, at some time or other, we

must die?

VIII. *M.* Do you not, then, perceive how great is the evil from which you have delivered human nature?

A. By what means?

M. Because, if to die were miserable to the dead, to live would be a kind of infinite and eternal misery. Now, however, I see a goal, and when I have reached it, there is nothing more to be feared; but you seem to me to follow the opinion of Epicharmus, a man of some discernment, and sharp enough for a Sicilian.

A. What opinion? for I do not recollect it.

M. I will tell you if I can in Latin; for you know I am no more used to bring in Latin sentences in a Greek discourse than Greek in a Latin one.

A. And that is right enough. But what is that opinion of Epicharmus?

M.

I would not die, but yet

Am not concerned that I shall be dead.

A. I now recollect the Greek; but since you have obliged me to grant that the dead are not miserable, proceed to convince me that it is not miserable to be under a necessity of dying.

M. That is easy enough; but I have greater things in hand.

A. How comes that to be so easy? And what are those things of more consequence?

M. Thus: because, if there is no evil after death, then even death itself can be none; for that which immediately succeeds that is a state where you grant that there is no evil: so that even to be obliged to die can be no evil, for that is only the being obliged to arrive at a place where we allow that no evil is.

A. I beg you will be more explicit on this point, for these subtle arguments force me sooner to admissions than to conviction. But what are those more important things about which you say that you are occupied?

M. To teach you, if I can, that death is not only no evil, but a good.

A. I do not insist on that, but should be glad to hear you argue it, for even though you should not prove your point, yet you will prove

that death is no evil. But I will not interrupt you; I would rather hear a continued discourse.

M. What, if I should ask you a question, would you not answer?

A. That would look like pride; but I would rather you should not ask but where necessity requires.

IX. *M.* I will comply with your wishes, and explain as well as I can what you require; but not with any idea that, like the Pythian Apollo, what I say must needs be certain and indisputable, but as a mere man, endeavoring to arrive at probabilities by conjecture, for I have no ground to proceed further on than probability. Those men may call their statements indisputable who assert that what they say can be perceived by the senses, and who proclaim themselves philosophers by profession.

A. Do as you please: We are ready to hear you.

M. The first thing, then, is to inquire what death, which seems to be so well understood, really is; for some imagine death to be the departure of the soul from the body; others think that there is no such departure, but that soul and body perish together, and that the soul is extinguished with the body. Of those who think that the soul does depart from the body, some believe in its immediate dissolution; others fancy that it continues to exist for a time; and others believe that it lasts forever. There is great dispute even what the soul is, where it is, and whence it is derived: with some, the heart itself (*cor*) seems to be the soul, hence the expressions, *excordes*, *vecordes*, *concordes;* and that prudent Nasica, who was twice consul, was called Corculus, *i.e.*, wise-heart; and Ælius Sextus is described as *Egregie* cordatus *homo, catus Æliu' Sextus* — that great *wise-hearted* man, sage Ælius. Empedocles imagines the blood, which is suffused over the heart, to be the soul; to others, a certain part of the brain seems to be the throne of the soul; others neither allow the heart itself, nor any portion of the brain, to be the soul, but think either that the heart is the seat and abode of the soul, or else that the brain is so. Some would have the soul, or spirit, to be the *anima*, as our schools generally agree; and indeed the name signifies as much, for we use the expressions *animam agere*, to live; *animam efflare*, to expire; *animosi*, men of spirit; *bene animati*, men of right feeling; *exanimi sententia*, according to our real opinion; and the very word

animus is derived from *anima*. Again, the soul seems to Zeno the Stoic to be fire.

X. But what I have said as to the heart, the blood, the brain, air, or fire being the soul, are common opinions: the others are only entertained by individuals; and, indeed, there were many among the ancients who held singular opinions on this subject, of whom the latest was Aristoxenus, a man who was both a musician and a philosopher. He maintained a certain straining of the body, like what is called harmony in music, to be the soul, and believed that, from the figure and nature of the whole body, various motions are excited, as sounds are from an instrument. He adhered steadily to his system, and yet he said something, the nature of which, whatever it was, had been detailed and explained a great while before by Plato. Xenocrates denied that the soul had any figure, or anything like a body; but said it was a number, the power of which, as Pythagoras had fancied, some ages before, was the greatest in nature: his master, Plato, imagined a threefold soul, a dominant portion of which — that is to say, reason — he had lodged in the head, as in a tower; and the other two parts — namely, anger and desire — he made subservient to this one, and allotted them distinct abodes, placing anger in the breast, and desire under the præcordia. But Dicæarchus, in that discourse of some learned disputants, held at Corinth, which he details to us in three books — in the first book introduces many speakers; and in the other two he introduces a certain Pherecrates, an old man of Phthia, who, as he said, was descended from Deucalion; asserting, that there is in fact no such thing at all as a soul, but that it is a name without a meaning; and that it is idle to use the expression "animals," or "animated beings;" that neither men nor beasts have minds or souls, but that all that power by which we act or perceive is equally infused into every living creature, and is inseparable from the body, for if it were not, it would be nothing; nor is there anything whatever really existing except body, which is a single and simple thing, so fashioned as to live and have its sensations in consequence of the regulations of nature. Aristotle, a man superior to all others, both in genius and industry (I always except Plato), after having embraced these four known sorts of principles, from which all things deduce their origin, imagines that there is a certain fifth nature, from

whence comes the soul; for to think, to foresee, to learn, to teach, to invent anything, and many other attributes of the same kind, such as to remember, to love, to hate, to desire, to fear, to be pleased or displeased — these, and others like them, exist, he thinks, in none of those first four kinds: on such account he adds a fifth kind, which has no name, and so by a new name he calls the soul ἐνδελέχεια, as if it were a certain continued and perpetual motion.

XI. If I have not forgotten anything unintentionally, these are the principal opinions concerning the soul. I have omitted Democritus, a very great man indeed, but one who deduces the soul from the fortuitous concourse of small, light, and round substances; for, if you believe men of his school, there is nothing which a crowd of atoms cannot effect. Which of these opinions is true, some God must determine. It is an important question for us, Which has the most appearance of truth? Shall we, then, prefer determining between them, or shall we return to our subject?

A. I could wish both, if possible; but it is difficult to mix them: therefore, if without a discussion of them we can get rid of the fears of death, let us proceed to do so; but if this is not to be done without explaining the question about souls, let us have that now, and the other at another time.

M. I take that plan to be the best, which I perceive you are inclined to; for reason will demonstrate that, whichever of the opinions which I have stated is true, it must follow, then, that death cannot be an evil; or that it must rather be something desirable; for if either the heart, or the blood, or the brain, is the soul, then certainly the soul, being corporeal, must perish with the rest of the body; if it is air, it will perhaps be dissolved; if it is fire, it will be extinguished; if it is Aristoxenus's harmony, it will be put out of tune. What shall I say of Dicæarchus, who denies that there is any soul? In all these opinions, there is nothing to affect any one after death; for all feeling is lost with life, and where there is no sensation, nothing can interfere to affect us. The opinions of others do indeed bring us hope; if it is any pleasure to you to think that souls, after they leave the body, may go to heaven as to a permanent home.

A. I have great pleasure in that thought, and it is what I most desire; and even if it should not be so, I should still be very willing to

believe it.

M. What occasion have you, then, for my assistance? Am I superior to Plato in eloquence? Turn over carefully his book that treats of the soul; you will have there all that you can want.

A. I have, indeed, done that, and often; but, I know not how it comes to pass, I agree with it while I am reading it; but when I have laid down the book, and begin to reflect with myself on the immortality of the soul, all that agreement vanishes.

M. How comes that? Do you admit this — that souls either exist after death, or else that they also perish at the moment of death?

A. I agree to that. And if they do exist, I admit that they are happy; but if they perish, I cannot suppose them to be unhappy, because, in fact, they have no existence at all. You drove me to that concession but just now.

M. How, then, can you, or why do you, assert that you think that death is an evil, when it either makes us happy, in the case of the soul continuing to exist, or, at all events, not unhappy, in the case of our becoming destitute of all sensation?

XII. *A.* Explain, therefore, if it is not troublesome to you, first, if you can, that souls do exist after death; secondly, should you fail in that (and it is a very difficult thing to establish), that death is free from all evil; for I am not without my fears that this itself is an evil: I do not mean the immediate deprivation of sense, but the fact that we shall hereafter suffer deprivation.

M. I have the best authority in support of the opinion you desire to have established, which ought, and generally has, great weight in all cases. And, first, I have all antiquity on that side, which the more near it is to its origin and divine descent, the more clearly, perhaps, on that account, did it discern the truth in these matters. This very doctrine, then, was adopted by all those ancients whom Ennius calls in the Sabine tongue Casci; namely, that in death there was a sensation, and that, when men departed this life, they were not so entirely destroyed as to perish absolutely. And this may appear from many other circumstances, and especially from the pontifical rites and funeral obsequies, which men of the greatest genius would not have been so solicitous about, and would not have guarded from any injury by such severe laws, but from a firm persuasion that death was

not so entire a destruction as wholly to abolish and destroy everything, but rather a kind of transmigration, as it were, and change of life, which was, in the case of illustrious men and women, usually a guide to heaven, while in that of others it was still confined to the earth, but in such a manner as still to exist. From this, and the sentiments of the Romans,

In heaven Romulus with Gods now lives,

as Ennius saith, agreeing with the common belief; hence, too, Hercules is considered so great and propitious a God among the Greeks, and from them he was introduced among us, and his worship has extended even to the very ocean itself. This is how it was that Bacchus was deified, the offspring of Semele; and from the same illustrious fame we receive Castor and Pollux as Gods, who are reported not only to have helped the Romans to victory in their battles, but to have been the messengers of their success. What shall we say of Ino, the daughter of Cadmus? Is she not called Leucothea by the Greeks, and Matuta by us? Nay, more; is not the whole of heaven (not to dwell on particulars) almost filled with the offspring of men?

Should I attempt to search into antiquity, and produce from thence what the Greek writers have asserted, it would appear that even those who are called their principal Gods were taken from among men up into heaven.

XIII. Examine the sepulchres of those which are shown in Greece; recollect, for you have been initiated, what lessons are taught in the mysteries; then will you perceive how extensive this doctrine is. But they who were not acquainted with natural philosophy (for it did not begin to be in vogue till many years later) had no higher belief than what natural reason could give them; they were not acquainted with the principles and causes of things; they were often induced by certain visions, and those generally in the night, to think that those men who had departed from this life were still alive. And this may further be brought as an irrefragable argument for us to believe that there are Gods — that there never was any nation so barbarous, nor any people in the world so savage, as to be without some notion of Gods. Many have wrong notions of the Gods, for that is the nature and ordinary consequence of bad customs, yet all allow that there is a

certain divine nature and energy. Nor does this proceed from the conversation of men, or the agreement of philosophers; it is not an opinion established by institutions or by laws; but, no doubt, in every case the consent of all nations is to be looked on as a law of nature. Who is there, then, that does not lament the loss of his friends, principally from imagining them deprived of the conveniences of life? Take away this opinion, and you remove with it all grief; for no one is afflicted merely on account of a loss sustained by himself. Perhaps we may be sorry, and grieve a little; but that bitter lamentation and those mournful tears have their origin in our apprehensions that he whom we loved is deprived of all the advantages of life, and is sensible of his loss. And we are led to this opinion by nature, without any arguments or any instruction.

XIV. But the greatest proof of all is, that nature herself gives a silent judgment in favor of the immortality of the soul, inasmuch as all are anxious, and that to a great degree, about the things which concern futurity:

One plants what future ages shall enjoy,

as Statius saith in his Synephebi. What is his object in doing so, except that he is interested in posterity? Shall the industrious husbandman, then, plant trees the fruit of which he shall never see? And shall not the great man found laws, institutions, and a republic? What does the procreation of children imply, and our care to continue our names, and our adoptions, and our scrupulous exactness in drawing up wills, and the inscriptions on monuments, and panegyrics, but that our thoughts run on futurity? There is no doubt but a judgment may be formed of nature in general, from looking at each nature in its most perfect specimens; and what is a more perfect specimen of a man than those are who look on themselves as born for the assistance, the protection, and the preservation of others? Hercules has gone to heaven; he never would have gone thither had he not, while among men, made that road for himself. These things are of old date, and have, besides, the sanction of universal religion.

XV. What will you say? What do you imagine that so many and such great men of our republic, who have sacrificed their lives for its good, expected? Do you believe that they thought that their names should not continue beyond their lives? None ever encountered death

for their country but under a firm persuasion of immortality! Themistocles might have lived at his ease; so might Epaminondas; and, not to look abroad and among the ancients for instances, so might I myself. But, somehow or other there clings to our minds a certain presage of future ages; and this both exists most firmly, and appears most clearly, in men of the loftiest genius and greatest souls. Take away this, and who would be so mad as to spend his life amidst toils and dangers? I speak of those in power. What are the poet's views but to be ennobled after death? What else is the object of these lines,

Behold old Ennius here, who erst
Thy fathers' great exploits rehearsed?

He is challenging the reward of glory from those men whose ancestors he himself had ennobled by his poetry. And in the same spirit he says, in another passage,

Let none with tears my funeral grace, for I
Claim from my works an immortality.

Why do I mention poets? The very mechanics are desirous of fame after death. Why did Phidias include a likeness of himself in the shield of Minerva, when he was not allowed to inscribe his name on it? What do our philosophers think on the subject? Do not they put their names to those very books which they write on the contempt of glory? If, then, universal consent is the voice of nature, and if it is the general opinion everywhere that those who have quitted this life are still interested in something, we also must subscribe to that opinion. And if we think that men of the greatest abilities and virtues see most clearly into the power of nature, because they themselves are her most perfect work, it is very probable that, as every great man is especially anxious to benefit posterity, there is something of which he himself will be sensible after death.

XVI. But as we are led by nature to think there are Gods, and as we discover, by reason, of what description they are, so, by the consent of all nations, we are induced to believe that our souls survive; but where their habitation is, and of what character they eventually are, must be learned from reason. The want of any certain reason on which to argue has given rise to the idea of the shades

below, and to those fears which you seem, not without reason, to despise; for as our bodies fall to the ground, and are covered with earth (*humus*), from whence we derive the expression to be interred (*humari*), that has occasioned men to imagine that the dead continue, during the remainder of their existence, under ground; which opinion has drawn after it many errors, which the poets have increased; for the theatre, being frequented by a large crowd, among which are women and children, is wont to be greatly affected on hearing such pompous verses as these,

Lo! here I am, who scarce could gain this place,
Through stony mountains and a dreary waste;
Through cliffs, whose sharpen'd stones tremendous hung,
Where dreadful darkness spread itself around.

And the error prevailed so much, though indeed at present it seems to me to be removed, that although men knew that the bodies of the dead had been burned, yet they conceived such things to be done in the infernal regions as could not be executed or imagined without a body; for they could not conceive how disembodied souls could exist; and, therefore, they looked out for some shape or figure. This was the origin of all that account of the dead in Homer. This was the idea that caused my friend Appius to frame his Necromancy; and this is how there got about that idea of the lake of Avernus, in my neighborhood,

From whence the souls of undistinguish'd shape,
Clad in thick shade, rush from the open gate
Of Acheron, vain phantoms of the dead.

And they must needs have these appearances speak, which is not possible without a tongue, and a palate, and jaws, and without the help of lungs and sides, and without some shape or figure; for they could see nothing by their mind alone — they referred all to their eyes. To withdraw the mind from sensual objects, and abstract our thoughts from what we are accustomed to, is an attribute of great genius. I am persuaded, indeed, that there were many such men in former ages; but Pherecydes the Syrian is the first on record who said that the souls of men were immortal, and he was a philosopher of great antiquity, in the reign of my namesake Tullius. His disciple Pythagoras greatly confirmed this opinion, who came into Italy in the

reign of Tarquin the Proud; and all that country which is called Great Greece was occupied by his school, and he himself was held in high honor, and had the greatest authority; and the Pythagorean sect was for many ages after in such great credit, that all learning was believed to be confined to that name.

XVII. But I return to the ancients. They scarcely ever gave any reason for their opinion but what could be explained by numbers or definitions. It is reported of Plato that he came into Italy to make himself acquainted with the Pythagoreans; and that when there, among others, he made an acquaintance with Archytas and Timæus, and learned from them all the tenets of the Pythagoreans; and that he not only was of the same opinion with Pythagoras concerning the immortality of the soul, but that he also brought reasons in support of it; which, if you have nothing to say against it, I will pass over, and say no more at present about all this hope of immortality.

A. What, will you leave me when you have raised my expectations so high? I had rather, so help me Hercules! be mistaken with Plato, whom I know how much you esteem, and whom I admire myself, from what you say of him, than be in the right with those others.

M. I commend you; for, indeed, I could myself willingly be mistaken in his company. Do we, then, doubt, as we do in other cases (though I think here is very little room for doubt in this case, for the mathematicians prove the facts to us), that the earth is placed in the midst of the world, being, as it were, a sort of point, which they call a κέντρον, surrounded by the whole heavens; and that such is the nature of the four principles which are the generating causes of all things, that they have equally divided among them the constituents of all bodies; moreover, that earthy and humid bodies are carried at equal angles by their own weight and ponderosity into the earth and sea; that the other two parts consist, one of fire, and the other of air? As the two former are carried by their gravity and weight into the middle region of the world, so these, on the other hand, ascend by right lines into the celestial regions, either because, owing to their intrinsic nature, they are always endeavoring to reach the highest place, or else because lighter bodies are naturally repelled by heavier; and as this is notoriously the case, it must evidently follow that souls, when once they have departed from the body, whether they are

animal (by which term I mean capable of breathing) or of the nature of fire, must mount upward. But if the soul is some number, as some people assert, speaking with more subtlety than clearness, or if it is that fifth nature, for which it would be more correct to say that we have not given a name to than that we do not correctly understand it — still it is too pure and perfect not to go to a great distance from the earth. Something of this sort, then, we must believe the soul to be, that we may not commit the folly of thinking that so active a principle lies immerged in the heart or brain; or, as Empedocles would have it, in the blood.

XVIII. We will pass over Dicæarchus, with his contemporary and fellow-disciple Aristoxenus, both indeed men of learning. One of them seems never even to have been affected with grief, as he could not perceive that he had a soul; while the other is so pleased with his musical compositions that he endeavors to show an analogy betwixt them and souls. Now, we may understand harmony to arise from the intervals of sounds, whose various compositions occasion many harmonies; but I do not see how a disposition of members, and the figure of a body without a soul, can occasion harmony. He had better, learned as he is, leave these speculations to his master Aristotle, and follow his own trade as a musician. Good advice is given him in that Greek proverb,

Apply your talents where you best are skill'd.

I will have nothing at all to do with that fortuitous concourse of individual light and round bodies, notwithstanding Democritus insists on their being warm and having breath, that is to say, life. But this soul, which is compounded of either of the four principles from which we assert that all things are derived, is of inflamed air, as seems particularly to have been the opinion of Panætius, and must necessarily mount upward; for air and fire have no tendency downward, but always ascend; so should they be dissipated that must be at some distance from the earth; but should they remain, and preserve their original state, it is clearer still that they must be carried heavenward, and this gross and concrete air, which is nearest the earth, must be divided and broken by them; for the soul is warmer, or rather hotter, than that air, which I just now called gross and concrete: and this may be made evident from this consideration —

that our bodies, being compounded of the earthy class of principles, grow warm by the heat of the soul.

XIX. We may add, that the soul can the more easily escape from this air, which I have often named, and break through it, because nothing is swifter than the soul; no swiftness is comparable to the swiftness of the soul, which, should it remain uncorrupt and without alteration, must necessarily be carried on with such velocity as to penetrate and divide all this atmosphere, where clouds, and rain, and winds are formed, which, in consequence of the exhalations from the earth, is moist and dark: but, when the soul has once got above this region, and falls in with, and recognizes, a nature like its own, it then rests upon fires composed of a combination of thin air and a moderate solar heat, and does not aim at any higher flight; for then, after it has attained a lightness and heat resembling its own, it moves no more, but remains steady, being balanced, as it were, between two equal weights. That, then, is its natural seat where it has penetrated to something like itself, and where, wanting nothing further, it may be supported and maintained by the same aliment which nourishes and maintains the stars.

Now, as we are usually incited to all sorts of desires by the stimulus of the body, and the more so as we endeavor to rival those who are in possession of what we long for, we shall certainly be happy when, being emancipated from that body, we at the same time get rid of these desires and this rivalry. And that which we do at present, when, dismissing all other cares, we curiously examine and look into anything, we shall then do with greater freedom; and we shall employ ourselves entirely in the contemplation and examination of things; because there is naturally in our minds a certain insatiable desire to know the truth, and the very region itself where we shall arrive, as it gives us a more intuitive and easy knowledge of celestial things, will raise our desires after knowledge. For it was this beauty of the heavens, as seen even here upon earth, which gave birth to that national and hereditary philosophy (as Theophrastus calls it), which was thus excited to a desire of knowledge. But those persons will in a most especial degree enjoy this philosophy, who, while they were only inhabitants of this world and enveloped in darkness, were still desirous of looking into these things with the eye of their mind.

XX. For if those men now think that they have attained something who have seen the mouth of the Pontus, and those straits which were passed by the ship called Argo, because,

From Argos she did chosen men convey,
Bound to fetch back the Golden Fleece, their prey;

or those who have seen the straits of the ocean,

Where the swift waves divide the neighboring shores
Of Europe, and of Afric;

what kind of sight do you imagine that will be when the whole earth is laid open to our view? and that, too, not only in its position, form, and boundaries, nor those parts of it only which are habitable, but those also that lie uncultivated, through the extremities of heat and cold to which they are exposed; for not even now is it with our eyes that we view what we see, for the body itself has no senses; but (as the naturalists, ay, and even the physicians assure us, who have opened our bodies, and examined them) there are certain perforated channels from the seat of the soul to the eyes, ears, and nose; so that frequently, when either prevented by meditation, or the force of some bodily disorder, we neither hear nor see, though our eyes and ears are open and in good condition; so that we may easily apprehend that it is the soul itself which sees and hears, and not those parts which are, as it were, but windows to the soul, by means of which, however, she can perceive nothing, unless she is on the spot, and exerts herself. How shall we account for the fact that by the same power of thinking we comprehend the most different things — as color, taste, heat, smell, and sound — which the soul could never know by her five messengers, unless every thing were referred to her, and she were the sole judge of all? And we shall certainly discover these things in a more clear and perfect degree when the soul is disengaged from the body, and has arrived at that goal to which nature leads her; for at present, notwithstanding nature has contrived, with the greatest skill, those channels which lead from the body to the soul, yet are they, in some way or other, stopped up with earthy and concrete bodies; but when we shall be nothing but soul, then nothing will interfere to prevent our seeing everything in its real substance and in its true character.

XXI. It is true, I might expatiate, did the subject require it, on the

many and various objects with which the soul will be entertained in those heavenly regions; when I reflect on which, I am apt to wonder at the boldness of some philosophers, who are so struck with admiration at the knowledge of nature as to thank, in an exulting manner, the first inventor and teacher of natural philosophy, and to reverence him as a God; for they declare that they have been delivered by his means from the greatest tyrants, a perpetual terror, and a fear that molested them by night and day. What is this dread — this fear? What old woman is there so weak as to fear these things, which you, forsooth, had you not been acquainted with natural philosophy, would stand in awe of?

The hallow'd roofs of Acheron, the dread
Of Orcus, the pale regions of the dead.

And does it become a philosopher to boast that he is not afraid of these things, and that he has discovered them to be false? And from this we may perceive how acute these men were by nature, who, if they had been left without any instruction, would have believed in these things. But now they have certainly made a very fine acquisition in learning that when the day of their death arrives, they will perish entirely. And if that really is the case — for I say nothing either way — what is there agreeable or glorious in it? Not that I see any reason why the opinion of Pythagoras and Plato may not be true; but even although Plato were to have assigned no reason for his opinion (observe how much I esteem the man), the weight of his authority would have borne me down; but he has brought so many reasons, that he appears to me to have endeavored to convince others, and certainly to have convinced himself.

XXII. But there are many who labor on the other side of the question, and condemn souls to death, as if they were criminals capitally convicted; nor have they any other reason to allege why the immortality of the soul appears to them to be incredible, except that they are not able to conceive what sort of thing the soul can be when disentangled from the body; just as if they could really form a correct idea as to what sort of thing it is, even when it is in the body; what its form, and size, and abode are; so that were they able to have a full view of all that is now hidden from them in a living body, they have no idea whether the soul would be discernible by them, or whether it is of so fine a texture that it would escape their sight. Let those consider this, who say that they are unable to form any idea of the soul without the body, and then they will see whether they can form any adequate idea of what it is when it is in the body. For my own part, when I reflect on the nature of the soul, it appears to me a far more perplexing and obscure question to determine what is its character while it is in the body — a place which, as it were, does not belong to it — than to imagine what it is when it leaves it, and has arrived at the free æther, which is, if I may so say, its proper, its own habitation. For unless we are to say that we cannot apprehend the character or nature of anything which we have never seen, we certainly may be able to form some notion of God, and of the divine soul when released from the body. Dicæarchus, indeed, and Aristoxenus, because it was hard to understand the existence and substance and nature of the soul, asserted that there was no such thing as a soul at all. It is, indeed, the most difficult thing imaginable to discern the soul by the soul. And this, doubtless, is the meaning of the precept of Apollo, which advises every one to know himself. For I do not apprehend the meaning of the God to have been that we should understand our members, our stature, and form; for we are not merely bodies; nor, when I say these things to you, am I addressing myself to your body: when, therefore, he says, “Know yourself,” he says this, “Inform yourself of the nature of your soul;” for the body is but a kind of vessel, or receptacle of the soul, and whatever your soul does is your own act. To know the soul, then, unless it had been divine, would not have been a precept of such excellent wisdom as to

be attributed to a God; but even though the soul should not know of what nature itself is, will you say that it does not even perceive that it exists at all, or that it has motion? On which is founded that reason of Plato's, which is explained by Socrates in the Phædrus, and inserted by me, in my sixth book of the Republic.

XXIII. "That which is always moved is eternal; but that which gives motion to something else, and is moved itself by some external cause, when that motion ceases, must necessarily cease to exist. That, therefore, alone, which is self-moved, because it is never forsaken by itself, can never cease to be moved. Besides, it is the beginning and principle of motion to everything else; but whatever is a principle has no beginning, for all things arise from that principle, and it cannot itself owe its rise to anything else; for then it would not be a principle did it proceed from anything else. But if it has no beginning, it never will have any end; for a principle which is once extinguished cannot itself be restored by anything else, nor can it produce anything else from itself; inasmuch as all things must necessarily arise from some first cause. And thus it comes about that the first principle of motion must arise from that thing which is itself moved by itself; and that can neither have a beginning nor an end of its existence, for otherwise the whole heaven and earth would be overset, and all nature would stand still, and not be able to acquire any force by the impulse of which it might be first set in motion. Seeing, then, that it is clear that whatever moves itself is eternal, can there be any doubt that the soul is so? For everything is inanimate which is moved by an external force; but everything which is animate is moved by an interior force, which also belongs to itself. For this is the peculiar nature and power of the soul; and if the soul be the only thing in the whole world which has the power of self-motion, then certainly it never had a beginning, and therefore it is eternal."

Now, should all the lower order of philosophers (for so I think they may be called who dissent from Plato and Socrates and that school) unite their force, they never would be able to explain anything so elegantly as this, nor even to understand how ingeniously this conclusion is drawn. The soul, then, perceives itself to have motion, and at the same time that it gets that perception, it is sensible that it derives that motion from its own power, and not from

the agency of another; and it is impossible that it should ever forsake itself. And these premises compel you to allow its eternity, unless you have something to say against them.

A. I should myself be very well pleased not to have even a thought arise in my mind against them, so much am I inclined to that opinion.

XXIV. *M.* Well, then, I appeal to you, if the arguments which prove that there is something divine in the souls of men are not equally strong? But if I could account for the origin of these divine properties, then I might also be able to explain how they might cease to exist; for I think I can account for the manner in which the blood, and bile, and phlegm, and bones, and nerves, and veins, and all the limbs, and the shape of the whole body, were put together and made; ay, and even as to the soul itself, were there nothing more in it than a principle of life, then the life of a man might be put upon the same footing as that of a vine or any other tree, and accounted for as caused by nature; for these things, as we say, live. Besides, if desires and aversions were all that belonged to the soul, it would have them only in common with the beasts; but it has, in the first place, memory, and that, too, so infinite as to recollect an absolute countless number of circumstances, which Plato will have to be a recollection of a former life; for in that book which is inscribed Menon, Socrates asks a child some questions in geometry, with reference to measuring a square; his answers are such as a child would make, and yet the questions are so easy, that while answering them, one by one, he comes to the same point as if he had learned geometry. From whence Socrates would infer that learning is nothing more than recollection; and this topic he explains more accurately in the discourse which he held the very day he died; for he there asserts that, any one, who seeming to be entirely illiterate, is yet able to answer a question well that is proposed to him, does in so doing manifestly show that he is not learning it then, but recollecting it by his memory. Nor is it to be accounted for in any other way, how children come to have notions of so many and such important things as are implanted, and, as it were, sealed up, in their minds (which the Greeks call ἔννοιαι), unless the soul, before it entered the body, had been well stored with knowledge. And as it had no existence at all (for this is the invariable doctrine of Plato, who will not admit anything to have a real

existence which has a beginning and an end, and who thinks that that alone does really exist which is of such a character as what he calls εἴδεα, and we species), therefore, being shut up in the body, it could not while in the body discover what it knows; but it knew it before, and brought the knowledge with it, so that we are no longer surprised at its extensive and multifarious knowledge. Nor does the soul clearly discover its ideas at its first resort to this abode to which it is so unaccustomed, and which is in so disturbed a state; but after having refreshed and recollected itself, it then by its memory recovers them; and, therefore, to learn implies nothing more than to recollect. But I am in a particular manner surprised at memory. For what is that faculty by which we remember? what is its force? what its nature? I am not inquiring how great a memory Simonides may be said to have had, or Theodectes, or that Cineas who was sent to Rome as ambassador from Pyrrhus; or, in more modern times, Charmadas; or, very lately, Metrodorus the Scepsian, or our own contemporary Hortensius: I am speaking of ordinary memory, and especially of those men who are employed in any important study or art, the great capacity of whose minds it is hard to estimate, such numbers of things do they remember.

XXV. Should you ask what this leads to, I think we may understand what that power is, and whence we have it. It certainly proceeds neither from the heart, nor from the blood, nor from the brain, nor from atoms; whether it be air or fire, I know not, nor am I, as those men are, ashamed, in cases where I am ignorant, to own that I am so. If in any other obscure matter I were able to assert anything positively, then I would swear that the soul, be it air or fire, is divine. Just think, I beseech you: can you imagine this wonderful power of memory to be sown in or to be a part of the composition of the earth, or of this dark and gloomy atmosphere? Though you cannot apprehend what it is, yet you see what kind of thing it is, or if you do not quite see that, yet you certainly see how great it is. What, then? Shall we imagine that there is a kind of measure in the soul, into which, as into a vessel, all that we remember is poured? That indeed is absurd; for how shall we form any idea of the bottom, or of the shape or fashion of such a soul as that? And, again, how are we to conceive how much it is able to contain? Shall we imagine the soul

to receive impressions like wax, and memory to be marks of the impressions made on the soul? What are the characters of the words, what of the facts themselves? and what, again, is that prodigious greatness which can give rise to impressions of so many things? What, lastly, is that power which investigates secret things, and is called invention and contrivance? Does that man seem to be compounded of this earthly, mortal, and perishing nature who first invented names for everything; which, if you will believe Pythagoras, is the highest pitch of wisdom? or he who collected the dispersed inhabitants of the world, and united them in the bonds of social life? or he who confined the sounds of the voice, which used to seem infinite, to the marks of a few letters? or he who first observed the courses of the planets, their progressive motions, their laws? These were all great men. But they were greater still who invented food, and raiment, and houses; who introduced civilization among us, and armed us against the wild beasts; by whom we were made sociable and polished, and so proceeded from the necessaries of life to its embellishments. For we have provided great entertainments for the ears by inventing and modulating the variety and nature of sounds; we have learned to survey the stars, not only those that are fixed, but also those which are improperly called wandering; and the man who has acquainted himself with all their revolutions and motions is fairly considered to have a soul resembling the soul of that Being who has created those stars in the heavens: for when Archimedes described in a sphere the motions of the moon, sun, and five planets, he did the very same thing as Plato's God, in his Timæus, who made the world, causing one revolution to adjust motions differing as much as possible in their slowness and velocity. Now, allowing that what we see in the world could not be effected without a God, Archimedes could not have imitated the same motions in his sphere without a divine soul.

XXVI. To me, indeed, it appears that even those studies which are more common and in greater esteem are not without some divine energy: so that I do not consider that a poet can produce a serious and sublime poem without some divine impulse working on his mind; nor do I think that eloquence, abounding with sonorous words and fruitful sentences, can flow thus without something beyond mere

human power. But as to philosophy, that is the parent of all the arts: what can we call that but, as Plato says, a gift, or, as I express it, an invention, of the Gods? This it was which first taught us the worship of the Gods; and then led us on to justice, which arises from the human race being formed into society; and after that it imbued us with modesty and elevation of soul. This it was which dispersed darkness from our souls, as it is dispelled from our eyes, enabling us to see all things that are above or below, the beginning, end, and middle of everything. I am convinced entirely that that which could effect so many and such great things must be a divine power. For what is memory of words and circumstances? What, too, is invention? Surely they are things than which nothing greater can be conceived in a God! For I do not imagine the Gods to be delighted with nectar and ambrosia, or with Juventas presenting them with a cup; nor do I put any faith in Homer, who says that Ganymede was carried away by the Gods on account of his beauty, in order to give Jupiter his wine. Too weak reasons for doing Laomedon such injury! These were mere inventions of Homer, who gave his Gods the imperfections of men. I would rather that he had given men the perfections of the Gods! those perfections, I mean, of uninterrupted health, wisdom, invention, memory. Therefore the soul (which is, as I say, divine) is, as Euripides more boldly expresses it, a God. And thus, if the divinity be air or fire, the soul of man is the same; for as that celestial nature has nothing earthly or humid about it, in like manner the soul of man is also free from both these qualities: but if it is of that fifth kind of nature, first introduced by Aristotle, then both Gods and souls are of the same.

XXVII. As this is my opinion, I have explained it in these very words, in my book on Consolation. The origin of the soul of man is not to be found upon earth, for there is nothing in the soul of a mixed or concrete nature, or that has any appearance of being formed or made out of the earth; nothing even humid, or airy, or fiery. For what is there in natures of that kind which has the power of memory, understanding, or thought? which can recollect the past, foresee the future, and comprehend the present? for these capabilities are confined to divine beings; nor can we discover any source from which men could derive them, but from God. There is therefore a

peculiar nature and power in the soul, distinct from those natures which are more known and familiar to us. Whatever, then, that is which thinks, and which has understanding, and volition, and a principle of life, is heavenly and divine, and on that account must necessarily be eternal; nor can God himself, who is known to us, be conceived to be anything else except a soul free and unembarrassed, distinct from all mortal concretion, acquainted with everything, and giving motion to everything, and itself endued with perpetual motion.

XXVIII. Of this kind and nature is the intellect of man. Where, then, is this intellect seated, and of what character is it? where is your own, and what is its character? Are you able to tell? If I have not faculties for knowing all that I could desire to know, will you not even allow me to make use of those which I have? The soul has not sufficient capacity to comprehend itself; yet, the soul, like the eye, though it has no distinct view of itself, sees other things: it does not see (which is of least consequence) its own shape; perhaps not, though it possibly may; but we will pass that by: but it certainly sees that it has vigor, sagacity, memory, motion, and velocity; these are all great, divine, eternal properties. What its appearance is, or where it dwells, it is not necessary even to inquire. As when we behold, first of all, the beauty and brilliant appearance of the heavens; secondly, the vast velocity of its revolutions, beyond power of our imagination to conceive; then the vicissitudes of nights and days, the fourfold division of the seasons, so well adapted to the ripening of the fruits of the earth, and the temperature of our bodies: and after that we look up to the sun, the moderator and governor of all these things; and view the moon, by the increase and decrease of its light, marking, as it were, and appointing our holy days; and see the five planets, borne on in the same circle, divided into twelve parts, preserving the same course with the greatest regularity, but with utterly dissimilar motions among themselves; and the nightly appearance of the heaven, adorned on all sides with stars; then, the globe of the earth, raised above the sea, and placed in the centre of the universe, inhabited and cultivated in its two opposite extremities, one of which, the place of our habitation, is situated towards the north pole, under the seven stars:

Where the cold northern blasts, with horrid sound,
Harden to ice the snowy cover'd ground;

the other, towards the south pole, is unknown to us, but is called by the Greeks ἀντίχθονα: the other parts are uncultivated, because they are either frozen with cold, or burned up with heat; but where we dwell, it never fails, in its season,

To yield a placid sky, to bid the trees
Assume the lively verdure of their leaves:
The vine to bud, and, joyful, in its shoots,
Foretell the approaching vintage of its fruits:
The ripen'd corn to sing, while all around
Full riv'lets glide; and flowers deck the ground:

then the multitude of cattle, fit part for food, part for tilling the ground, others for carrying us, or for clothing us; and man himself, made, as it were, on purpose to contemplate the heavens and the Gods, and to pay adoration to them: lastly, the whole earth, and wide extending seas, given to man's use. When we view these and numberless other things, can we doubt that they have some being who presides over them, or has made them (if, indeed, they have been made, as is the opinion of Plato, or if, as Aristotle thinks, they are eternal), or who at all events is the regulator of so immense a fabric and so great a blessing to men? Thus, though you see not the soul of man, as you see not the Deity, yet, as by the contemplation of his works you are led to acknowledge a God, so you must own the divine power of the soul, from its remembering things, from its invention, from the quickness of its motion, and from all the beauty of virtue. Where, then, is it seated, you will say?

XXIX. In my opinion, it is seated in the head, and I can bring you reasons for my adopting that opinion. At present, let the soul reside where it will, you certainly have one in you. Should you ask what its nature is? It has one peculiarly its own; but admitting it to consist of fire, or air, it does not affect the present question. Only observe this, that as you are convinced there is a God, though you are ignorant where he resides, and what shape he is of; in like manner you ought to feel assured that you have a soul, though you cannot satisfy yourself of the place of its residence, nor its form. In our knowledge of the soul, unless we are grossly ignorant of natural philosophy, we

cannot but be satisfied that it has nothing but what is simple, unmixed, uncompounded, and single; and if this is admitted, then it cannot be separated, nor divided, nor dispersed, nor parted, and therefore it cannot perish; for to perish implies a parting-asunder, a division, a disunion, of those parts which, while it subsisted, were held together by some band. And it was because he was influenced by these and similar reasons that Socrates neither looked out for anybody to plead for him when he was accused, nor begged any favor from his judges, but maintained a manly freedom, which was the effect not of pride, but of the true greatness of his soul; and on the last day of his life he held a long discourse on this subject; and a few days before, when he might have been easily freed from his confinement, he refused to be so; and when he had almost actually hold of that deadly cup, he spoke with the air of a man not forced to die, but ascending into heaven.

XXX. For so indeed he thought himself, and thus he spoke: "That there were two ways, and that the souls of men, at their departure from the body, took different roads; for those which were polluted with vices that are common to men, and which had given themselves up entirely to unclean desires, and had become so blinded by them as to have habituated themselves to all manner of debauchery and profligacy, or to have laid detestable schemes for the ruin of their country, took a road wide of that which led to the assembly of the Gods; but they who had preserved themselves upright and chaste, and free from the slightest contagion of the body, and had always kept themselves as far as possible at a distance from it, and while on earth had proposed to themselves as a model the life of the Gods, found the return to those beings from whom they had come an easy one." Therefore, he argues, that all good and wise men should take example from the swans, who are considered sacred to Apollo, not without reason, but particularly because they seem to have received the gift of divination from him, by which, foreseeing how happy it is to die, they leave this world with singing and joy. Nor can any one doubt of this, unless it happens to us who think with care and anxiety about the soul (as is often the case with those who look earnestly at the setting sun), to lose the sight of it entirely; and so the mind's eye, viewing itself, sometimes grows dull, and for that reason we become

remiss in our contemplation. Thus our reasoning is borne about, harassed with doubts and anxieties, not knowing how to proceed, but measuring back again those dangerous tracts which it has passed, like a boat tossed about on the boundless ocean. But these reflections are of long standing, and borrowed from the Greeks. But Cato left this world in such a manner as if he were delighted that he had found an opportunity of dying; for that God who presides in us forbids our departure hence without his leave. But when God himself has given us a just cause, as formerly he did to Socrates, and lately to Cato, and often to many others — in such a case, certainly every man of sense would gladly exchange this darkness for that light: not that he would forcibly break from the chains that held him, for that would be against the law; but, like a man released from prison by a magistrate or some lawful authority, so he too would walk away, being released and discharged by God. For the whole life of a philosopher is, as the same philosopher says, a meditation on death.

XXXI. For what else is it that we do, when we call off our minds from pleasure, that is to say, from our attention to the body, from the managing our domestic estate, which is a sort of handmaid and servant of the body, or from duties of a public nature, or from all other serious business whatever? What else is it, I say, that we do, but invite the soul to reflect on itself? oblige it to converse with itself, and, as far as possible, break off its acquaintance with the body? Now, to separate the soul from the body, is to learn to die, and nothing else whatever. Wherefore take my advice; and let us meditate on this, and separate ourselves as far as possible from the body, that is to say, let us accustom ourselves to die. This will be enjoying a life like that of heaven even while we remain on earth; and when we are carried thither and released from these bonds, our souls will make their progress with more rapidity; for the spirit which has always been fettered by the bonds of the body, even when it is disengaged, advances more slowly, just as those do who have worn actual fetters for many years: but when we have arrived at this emancipation from the bonds of the body, then indeed we shall begin to live, for this present life is really death, which I could say a good deal in lamentation for if I chose.

A. You have lamented it sufficiently in your book on Consolation;

and when I read that, there is nothing which I desire more than to leave these things; but that desire is increased a great deal by what I have just heard.

M. The time will come, and that soon, and with equal certainty, whether you hang back or press forward; for time flies. But death is so far from being an evil, as it lately appeared to you, that I am inclined to suspect, not that there is no other thing which is an evil to man, but rather that there is nothing else which is a real good to him; if, at least, it is true that we become thereby either Gods ourselves, or companions of the Gods. However, this is not of so much consequence, as there are some of us here who will not allow this. But I will not leave off discussing this point till I have convinced you that death can, upon no consideration whatever, be an evil.

A. How can it, after what I now know?

M. Do you ask how it can? There are crowds of arguers who contradict this; and those not only Epicureans, whom I regard very little, but, somehow or other, almost every man of letters; and, above all, my favorite Dicæarchus is very strenuous in opposing the immortality of the soul: for he has written three books, which are entitled Lesbiacs, because the discourse was held at Mitylene, in which he seeks to prove that souls are mortal. The Stoics, on the other hand, allow us as long a time for enjoyment as the life of a raven; they allow the soul to exist a great while, but are against its eternity.

XXXII. Are you willing to hear then why, even allowing this, death cannot be an evil.

A. As you please; but no one shall drive me from my belief in mortality.

M. I commend you, indeed, for that; though we should not be too confident in our belief of anything; for we are frequently disturbed by some subtle conclusion. We give way and change our opinions even in things that are more evident than this; for in this there certainly is some obscurity. Therefore, should anything of this kind happen, it is well to be on our guard.

A. You are right in that; but I will provide against any accident.

M. Have you any objection to our dismissing our friends the Stoics — those, I mean, who allow that the souls exist after they

have left the body, but yet deny that they exist forever?

A. We certainly may dismiss the consideration of those men who admit that which is the most difficult point in the whole question, namely, that a soul can exist independently of the body, and yet refuse to grant that which is not only very easy to believe, but which is even the natural consequence of the concession which they have made — that if they can exist for a length of time; they most likely do so forever.

M. You take it right; that is the very thing. Shall we give, therefore, any credit to Pauæstius, when he dissents from his master, Plato? whom he everywhere calls divine, the wisest, the holiest of men, the Homer of philosophers, and whom he opposes in nothing except this single opinion of the soul's immortality: for he maintains what nobody denies, that everything which has been generated will perish, and that even souls are generated, which he thinks appears from their resemblance to those of the men who begot them; for that likeness is as apparent in the turn of their minds as in their bodies. But he brings another reason — that there is nothing which is sensible of pain which is not also liable to disease; but whatever is liable to disease must be liable to death. The soul is sensible of pain, therefore it is liable to perish.

XXXIII. These arguments may be refuted; for they proceed from his not knowing that, while discussing the subject of the immortality of the soul, he is speaking of the intellect, which is free from all turbid motion; but not of those parts of the mind in which those disorders, anger and lust, have their seat, and which he whom he is opposing, when he argues thus, imagines to be distinct and separate from the mind. Now this resemblance is more remarkable in beasts, whose souls are void of reason. But the likeness in men consists more in the configuration of the bodies: and it is of no little consequence in what bodies the soul is lodged; for there are many things which depend on the body that give an edge to the soul, many which blunt it. Aristotle, indeed, says that all men of great genius are melancholy; so that I should not have been displeased to have been somewhat duller than I am. He instances many, and, as if it were matter of fact, brings his reasons for it. But if the power of those things that proceed from the body be so great as to influence the

mind (for they are the things, whatever they are, that occasion this likeness), still that does not necessarily prove why a similitude of souls should be generated. I say nothing about cases of unlikeness. I wish Panætius could be here: he lived with Africanus. I would inquire of him which of his family the nephew of Africanus's brother was like? Possibly he may in person have resembled his father; but in his manners he was so like every profligate, abandoned man, that it was impossible to be more so. Whom did the grandson of P. Crassus, that wise and eloquent and most distinguished man, resemble? Or the relations and sons of many other excellent men, whose names there is no occasion to mention? But what are we doing? Have we forgotten that our purpose was, when we had sufficiently spoken on the subject of the immortality of the soul, to prove that, even if the soul did perish, there would be, even then, no evil in death?

A. I remembered it very well; but I had no dislike to your digressing a little from your original design, while you were talking of the soul's immortality.

M. I perceive you have sublime thoughts, and are eager to mount up to heaven.

XXXIV. I am not without hopes myself that such may be our fate. But admit what they assert — that the soul does not continue to exist after death.

A. Should it be so, I see that we are then deprived of the hopes of a happier life.

M. But what is there of evil in that opinion? For let the soul perish as the body: is there any pain, or indeed any feeling at all, in the body after death? No one, indeed asserts that; though Epicurus charges Democritus with saying so; but the disciples of Democritus deny it. No sense, therefore, remains in the soul; for the soul is nowhere. Where, then, is the evil? for there is nothing but these two things. Is it because the mere separation of the soul and body cannot be effected without pain? But even should that be granted, how small a pain must that be! Yet I think that it is false, and that it is very often unaccompanied by any sensation at all, and sometimes even attended with pleasure; but certainly the whole must be very trifling, whatever it is, for it is instantaneous. What makes us uneasy, or rather gives us pain, is the leaving all the good things of life. But just consider if I

might not more properly say, leaving the evils of life; only there is no reason for my now occupying myself in bewailing the life of man, and yet I might, with very good reason. But what occasion is there, when what I am laboring to prove is that no one is miserable after death, to make life more miserable by lamenting over it? I have done that in the book which I wrote, in order to comfort myself as well as I could. If, then, our inquiry is after truth, death withdraws us from evil, not from good. This subject is indeed so copiously handled by Hegesias, the Cyrenaic philosopher, that he is said to have been forbidden by Ptolemy from delivering his lectures in the schools, because some who heard him made away with themselves. There is, too, an epigram of Callimachus on Cleombrotus of Ambracia, who, without any misfortune having befallen him, as he says, threw himself from a wall into the sea, after he had read a book of Plato's. The book I mentioned of that Hegesias is called Ἀποκαρτερτερῶν, or "A Man who starves himself," in which a man is represented as killing himself by starvation, till he is prevented by his friends, in reply to whom he reckons up all the miseries of human life. I might do the same, though not so fully as he, who thinks it not worth any man's while to live. I pass over others. Was it even worth my while to live, for, had I died before I was deprived of the comforts of my own family, and of the honors which I received for my public services, would not death have taken me from the evils of life rather than from its blessings?

XXXV. Mention, therefore, some one, who never knew distress; who never received any blow from fortune. The great Metellus had four distinguished sons; but Priam had fifty, seventeen of whom were born to him by his lawful wife. Fortune had the same power over both, though she exercised it but on one; for Metellus was laid on his funeral pile by a great company of sons and daughters, grandsons, and granddaughters; but Priam fell by the hand of an enemy, after having fled to the altar, and having seen himself deprived of all his numerous progeny. Had he died before the death of his sons and the ruin of his kingdom,

With all his mighty wealth elate,
Under rich canopies of state;

would he then have been taken from good or from evil? It would

indeed, at that time, have appeared that he was being taken away from good; yet surely it would have turned out advantageous for him; nor should we have had these mournful verses,

Lo! these all perish'd in one flaming pile;
The foe old Priam did of life beguile,
And with his blood, thy altar, Jove, defile.

As if anything better could have happened to him at that time than to lose his life in that manner; but yet, if it had befallen him sooner, it would have prevented all those consequences; but even as it was, it released him from any further sense of them. The case of our friend Pompey was something better: once, when he had been very ill at Naples, the Neapolitans, on his recovery, put crowns on their heads, as did those of Puteoli; the people flocked from the country to congratulate him — it is a Grecian custom, and a foolish one; still it is a sign of good fortune. But the question is, had he died, would he have been taken from good, or from evil? Certainly from evil. He would not have been engaged in a war with his father-in-law; he would not have taken up arms before he was prepared; he would not have left his own house, nor fled from Italy; he would not, after the loss of his army, have fallen unarmed into the hands of slaves, and been put to death by them; his children would not have been destroyed; nor would his whole fortune have come into the possession of the conquerors. Did not he, then, who, if he had died at that time, would have died in all his glory, owe all the great and terrible misfortunes into which he subsequently fell to the prolongation of his life at that time?

XXXVI. These calamities are avoided by death, for even though they should never happen, there is a possibility that they may; but it never occurs to a man that such a disaster may befall him himself. Every one hopes to be as happy as Metellus: as if the number of the happy exceeded that of the miserable; or as if there were any certainty in human affairs; or, again, as if there were more rational foundation for hope than fear. But should we grant them even this, that men are by death deprived of good things; would it follow that the dead are therefore in need of the good things of life, and are miserable on that account? Certainly they must necessarily say so. Can he who does not exist be in need of anything? To be in need of

has a melancholy sound, because it in effect amounts to this — he had, but he has not; he regrets, he looks back upon, he wants. Such are, I suppose, the distresses of one who is in need of. Is he deprived of eyes? to be blind is misery. Is he destitute of children? not to have them is misery. These considerations apply to the living, but the dead are neither in need of the blessings of life, nor of life itself. But when I am speaking of the dead, I am speaking of those who have no existence. But would any one say of us, who do exist, that we want horns or wings? Certainly not. Should it be asked, why not? the answer would be, that not to have what neither custom nor nature has fitted you for would not imply a want of them, even though you were sensible that you had them not. This argument should be pressed over and over again, after that point has once been established, which, if souls are mortal, there can be no dispute about — I mean, that the destruction of them by death is so entire as to remove even the least suspicion of any sense remaining. When, therefore, this point is once well grounded and established, we must correctly define what the term to want means; that there may be no mistake in the word. To want, then, signifies this: to be without that which you would be glad to have; for inclination for a thing is implied in the word want, excepting when we use the word in an entirely different sense, as we do when we say that a fever is wanting to any one. For it admits of a different interpretation, when you are without a certain thing, and are sensible that you are without it, but yet can easily dispense with having it. "To want," then, is an expression which you cannot apply to the dead; nor is the mere fact of wanting something necessarily lamentable. The proper expression ought to be, "that they want a good," and that is an evil.

But a living man does not want a good, unless he is distressed without it; and yet, we can easily understand how any man alive can be without a kingdom. But this cannot be predicated of you with any accuracy: it might have been asserted of Tarquin, when he was driven from his kingdom. But when such an expression is used respecting the dead, it is absolutely unintelligible. For to want implies to be sensible; but the dead are insensible: therefore, the dead can be in no want.

XXXVII. But what occasion is there to philosophize here in a

matter with which we see that philosophy is but little concerned? How often have not only our generals but whole armies, rushed on certain death! But if it had been a thing to be feared, L. Brutus would never have fallen in fight, to prevent the return of that tyrant whom he had expelled; nor would Decius the father have been slain in fighting with the Latins; nor would his son, when engaged with the Etruscans, nor his grandson with Pyrrhus have exposed themselves to the enemy's darts. Spain would never have seen, in one campaign, the Scipios fall fighting for their country; nor would the plains of Cannæ have witnessed the death of Paulus and Geminus, or Venusia that of Marcellus; nor would the Latins have beheld the death of Albinus, nor the Leucanians that of Gracchus. But are any of these miserable now? Nay, they were not so even at the first moment after they had breathed their last; nor can any one be miserable after he has lost all sensation. Oh, but the mere circumstance of being without sensation is miserable. It might be so if being without sensation were the same thing as wanting it; but as it is evident there can be nothing of any kind in that which has no existence, what can there be afflicting to that which can neither feel want nor be sensible of anything? We might be said to have repeated this over too often, only that here lies all that the soul shudders at from the fear of death. For whoever can clearly apprehend that which is as manifest as the light — that when both soul and body are consumed, and there is a total destruction, then that which was an animal becomes nothing — will clearly see that there is no difference between a Hippocentaur, which never had existence, and King Agamemnon, and that M. Camillus is no more concerned about this present civil war than I was at the sacking of Rome, when he was living.

XXXVIII. Why, then, should Camillus be affected with the thoughts of these things happening three hundred and fifty years after his time? And why should I be uneasy it I were to expect that some nation might possess itself of this city ten thousand years hence? Because so great is our regard for our country, as not to be measured by our own feeling, but by its own actual safety.

Death, then, which threatens us daily from a thousand accidents, and which, by reason of the shortness of life, can never be far off, does not deter a wise man from making such provision for his

country and his family as he hopes may last forever; and from regarding posterity, of which he can never have any real perception, as belonging to himself. Wherefore a man may act for eternity, even though he be persuaded that his soul is mortal; not, indeed, from a desire of glory, which he will be insensible of, but from a principle of virtue, which glory will inevitably attend, though that is not his object. The process, indeed, of nature is this: that just in the same manner as our birth was the beginning of things with us, so death will be the end; and as we were noways concerned with anything before we were born, so neither shall we be after we are dead. And in this state of things where can the evil be, since death has no connection with either the living or the dead? The one have no existence at all, the other are not yet affected by it. They who make the least of death consider it as having a great resemblance to sleep; as if any one would choose to live ninety years on condition that, at the expiration of sixty, he should sleep out the remainder. The very swine would not accept of life on those terms, much less I. Endymion, indeed, if you listen to fables, slept once on a time on Latmus, a mountain of Caria, and for such a length of time that I imagine he is not as yet awake. Do you think that he is concerned at the Moon's being in difficulties, though it was by her that he was thrown into that sleep, in order that she might kiss him while sleeping. For what should he be concerned for who has not even any sensation? You look on sleep as an image of death, and you take that on you daily; and have you, then, any doubt that there is no sensation in death, when you see there is none in sleep, which is its near resemblance?

XXXIX. Away, then, with those follies, which are little better than the old women's dreams, such as that it is miserable to die before our time. What time do you mean? That of nature? But she has only lent you life, as she might lend you money, without fixing any certain time for its repayment. Have you any grounds of complaint, then, that she recalls it at her pleasure? for you received it on these terms. They that complain thus allow that if a young child dies, the survivors ought to bear his loss with equanimity; that if an infant in the cradle dies, they ought not even to utter a complaint; and yet nature has been more severe with them in demanding back what

she gave. They answer by saying that such have not tasted the sweets of life; while the other had begun to conceive hopes of great happiness, and, indeed, had begun to realize them. Men judge better in other things, and allow a part to be preferable to none. Why do they not admit the same estimate in life? Though Callimachus does not speak amiss in saying that more tears had flowed from Priam than his son; yet they are thought happier who die after they have reached old age. It would be hard to say why; for I do not apprehend that any one, if a longer life were granted to him, would find it happier. There is nothing more agreeable to a man than prudence, which old age most certainly bestows on a man, though it may strip him of everything else. But what age is long, or what is there at all long to a man? Does not

Old age, though unregarded, still attend
On childhood's pastimes, as the cares of men?

But because there is nothing beyond old age, we call that long: all these things are said to be long or short, according to the proportion of time they were given us for. Artistotle saith there is a kind of insect near the river Hypanis, which runs from a certain part of Europe into the Pontus, whose life consists but of one day; those that die at the eighth hour die in full age; those who die when the sun sets are very old, especially when the days are at the longest. Compare our longest life with eternity, and we shall be found almost as short-lived as those little animals.

XL. Let us, then, despise all these follies — for what softer name can I give to such levities? — and let us lay the foundation of our happiness in the strength and greatness of our minds, in a contempt and disregard of all earthly things, and in the practice of every virtue. For at present we are enervated by the softness of our imaginations, so that, should we leave this world before the promises of our fortune-tellers are made good to us, we should think ourselves deprived of some great advantages, and seem disappointed and forlorn. But if, through life, we are in continual suspense, still expecting, still desiring, and are in continual pain and torture, good Gods! how pleasant must that journey be which ends in security and ease! How pleased am I with Theramenes! Of how exalted a soul does he appear! For, although we never read of him without tears, yet that illustrious man is not to be lamented in his death, who, when he had been imprisoned by the command of the thirty tyrants, drank off, at one draught, as if he had been thirsty, the poisoned cup, and threw the remainder out of it with such force that it sounded as it fell; and then, on hearing the sound of the drops, he said, with a smile, "I drink this to the most excellent Critias," who had been his most bitter enemy; for it is customary among the Greeks, at their banquets, to name the person to whom they intend to deliver the cup. This celebrated man was pleasant to the last, even when he had received the poison into his bowels, and truly foretold the death of that man whom he named when he drank the poison, and that death soon followed. Who that thinks death an evil could approve of the evenness of temper in this great man at the instant of dying? Socrates came, a few years after, to the same prison and the same cup by as great iniquity on the part of his judges as the tyrants displayed when they executed Theramenes. What a speech is that which Plato makes him deliver before his judges, after they had condemned him to death!

XLI. "I am not without hopes, O judges, that it is a favorable circumstance for me that I am condemned to die; for one of these two things must necessarily happen — either that death will deprive me entirely of all sense, or else that, by dying, I shall go from hence into some other place; wherefore, if all sense is utterly extinguished, and

if death is like that sleep which sometimes is so undisturbed as to be even without the visions of dreams — in that case, O ye good Gods! what gain is it to die? or what length of days can be imagined which would be preferable to such a night? And if the constant course of future time is to resemble that night, who is happier than I am? But if on the other hand, what is said be true, namely, that death is but a removal to those regions where the souls of the departed dwell, then that state must be more happy still to have escaped from those who call themselves judges, and to appear before such as are truly so — Minos, Rhadamanthus, Æacus, Triptolemus — and to meet with those who have lived with justice and probity! Can this change of abode appear otherwise than great to you? What bounds can you set to the value of conversing with Orpheus, and Musæus, and Homer, and Hesiod? I would even, were it possible, willingly die often, in order to prove the certainty of what I speak of. What delight must it be to meet with Palamedes, and Ajax, and others, who have been betrayed by the iniquity of their judges! Then, also, should I experience the wisdom of even that king of kings, who led his vast troops to Troy, and the prudence of Ulysses and Sisyphus: nor should I then be condemned for prosecuting my inquiries on such subjects in the same way in which I have done here on earth. And even you, my judges, you, I mean, who have voted for my acquittal, do not you fear death, for nothing bad can befall a good man, whether he be alive or dead; nor are his concerns ever overlooked by the Gods; nor in my case either has this befallen me by chance; and I have nothing to charge those men with who accused or condemned me but the fact that they believed that they were doing me harm." In this manner he proceeded. There is no part of his speech which I admire more than his last words: "But it is time," says he, "for me now to go hence, that I may die; and for you, that you may continue to live. Which condition of the two is the best, the immortal Gods know; but I do not believe that any mortal man does."

XLII. Surely I would rather have had this man's soul than all the fortunes of those who sat in judgment on him; although that very thing which he says no one except the Gods know, namely, whether life or death is most preferable, he knows himself, for he had previously stated his opinion on it; but he maintained to the last that

favorite maxim of his, of affirming nothing. And let us, too, adhere to this rule of not thinking anything an evil which is a general provision of nature; and let us assure ourselves, that if death is an evil, it is an eternal evil, for death seems to be the end of a miserable life; but if death is a misery, there can be no end of that. But why do I mention Socrates, or Theramenes, men distinguished by the glory of virtue and wisdom? when a certain Lacedæmomian, whose name is not so much as known, held death in such contempt, that, when led to it by the ephori, he bore a cheerful and pleasant countenance; and, when he was asked by one of his enemies whether he despised the laws of Lycurgus, "On the contrary," answered he, "I am greatly obliged to him, for he has amerced me in a fine which I can pay without borrowing, or taking up money at interest." This was a man worthy of Sparta. And I am almost persuaded of his innocence because of the greatness of his soul. Our own city has produced many such. But why should I name generals, and other men of high rank, when Cato could write that legions have marched with alacrity to that place from whence they never expected to return? With no less greatness of soul fell the Lacedæmonians at Thermopylæ, on whom Simonides wrote the following epitaph:

Go, stranger, tell the Spartans, here we lie,
Who to support their laws durst boldly die.

What was it that Leonidas, their general, said to them? "March on with courage, my Lacedæmonians. To-night, perhaps, we shall sup in the regions below." This was a brave nation while the laws of Lycurgus were in force. One of them, when a Persian had said to him in conversation, 55"We shall hide the sun from your sight by the number of our arrows and darts," replied, "We shall fight, then in the shade." Do I talk of their men? How great was that Lacedæmonian woman, who had sent her son to battle, and when she heard that he was slain, said, "I bore him for that purpose, that you might have a man who durst die for his country!" However, it is a matter of notoriety that the Spartans were bold and hardy, for the discipline of a republic has great influence.

XLIII. What, then, have we not reason to admire Theodorus the Cyrenean, a philosopher of no small distinction, who, when Lysimachus threatened to crucify him, bade him keep those menaces

for his courtiers? “To Theodorus it makes no difference whether he rot in the air or underground.” By which saying of the philosopher I am reminded to say something of the custom of funerals and sepulture, and of funeral ceremonies, which is, indeed, not a difficult subject, especially if we recollect what has been before said about insensibility. The opinion of Socrates respecting this matter is clearly stated in the book which treats of his death, of which we have already said so much; for when he had discussed the immortality of the soul, and when the time of his dying was approaching rapidly, being asked by Criton how he would be buried, “I have taken a great deal of pains,” saith he, “my friends, to no purpose, for I have not convinced our Criton that I shall fly from hence, and leave no part of me behind. Notwithstanding, Criton, if you can overtake me, wheresoever you get hold of me, bury me as you please: but believe me, none of you will be able to catch me when I have flown away from hence.” That was excellently said, inasmuch as he allows his friend to do as he pleased, and yet shows his indifference about anything of this kind. Diogenes was rougher, though of the same opinion; but in his character of a Cynic he expressed himself in a somewhat harsher manner; he ordered himself to be thrown anywhere without being buried. And when his friends replied, “What! to the birds and beasts?” “By no means,” saith he; “place my staff near me, that I may drive them away.” “How can you do that,” they answer, “for you will not perceive them?” “How am I then injured by being torn by those animals, if I have no sensation?” Anaxagoras, when he was at the point of death at Lampsacus, and was asked by his friends, whether, if anything should happen to him, he would not choose to be carried to Clazomenæ, his country, made this excellent answer, “There is,” says he, “no occasion for that, for all places are at an equal distance from the infernal regions.” There is one thing to be observed with respect to the whole subject of burial, that it relates to the body, whether the soul live or die. Now, with regard to the body, it is clear that, whether the soul live or die, that has no sensation.

XLIV. But all things are full of errors. Achilles drags Hector, tied to his chariot; he thinks, I suppose, he tears his flesh, and that Hector feels the pain of it; therefore, he avenges himself on him, as he

imagines. But Hecuba bewails this as a sore misfortune:

I saw (a dreadful sight) great Hector slain,
Dragg'd at Achilles' car along the plain.

What Hector? or how long will he be Hector? Accius is better in this, and Achilles, too, is sometimes reasonable:

I Hector's body to his sire convey'd,
Hector I sent to the infernal shade.

It was not Hector that you dragged along, but a body that had been Hector's. Here another starts from underground, and will not suffer his mother to sleep:

To thee I call, my once-loved parent, hear,
Nor longer with thy sleep relieve thy care;
Thine eye which pities not is closed — arise;
Ling'ring I wait the unpaid obsequies.

When these verses are sung with a slow and melancholy tune, so as to affect the whole theatre with sadness, one can scarce help thinking those unhappy that are unburied:

Ere the devouring dogs and hungry vultures...

He is afraid he shall not have the use of his limbs so well if they are torn to pieces, but is under no such apprehensions if they are burned:

Nor leave my naked bones, my poor remains,
To shameful violence and bloody stains.

I do not understand what he could fear who could pour forth such excellent verses to the sound of the flute. We must, therefore, adhere to this, that nothing is to be regarded after we are dead, though many people revenge themselves on their dead enemies. Thyestes pours forth several curses in some good lines of Ennius, praying, first of all, that Atreus may perish by a shipwreck, which is certainly a very terrible thing, for such a death is not free from very grievous sensations. Then follow these unmeaning expressions:

May
On the sharp rock his mangled carcass lie,
His entrails torn, to hungry birds a prey!
May he convulsive writhe his bleeding side,
And with his clotted gore the stones be dyed!

The rocks themselves were not more destitute of feeling than he

who was hanging to them by his side; though Thyestes imagines he is wishing him the greatest torture. It would be torture, indeed, if he were sensible; but as he is not, it can be none; then how very unmeaning is this:

Let him, still hovering o'er the Stygian wave,
Ne'er reach the body's peaceful port, the grave!

You see under what mistaken notions all this is said. He imagines the body has its haven, and that the dead are at rest in their graves. Pelops was greatly to blame in not having informed and taught his son what regard was due to everything.

XLV. But what occasion is there to animadvert on the opinions of individuals, when we may observe whole nations to fall into all sorts of errors? The Egyptians embalm their dead, and keep them in their houses; the Persians dress them over with wax, and then bury them, that they may preserve their bodies as long as possible. It is customary with the Magi to bury none of their order, unless they have been first torn by wild beasts. In Hyrcania, the people maintain dogs for the public use; the nobles have their own — and we know that they have a good breed of dogs; but every one, according to his ability, provides himself with some, in order to be torn by them; and they hold that to be the best kind of interment. Chrysippus, who is curious in all kinds of historical facts, has collected many other things of this kind; but some of them are so offensive as not to admit of being related. All that has been said of burying is not worth our regard with respect to ourselves, though it is not to be neglected as to our friends, provided we are thoroughly aware that the dead are insensible. But the living, indeed, should consider what is due to custom and opinion; only they should at the same time consider that the dead are noways interested in it. But death truly is then met with the greatest tranquillity when the dying man can comfort himself with his own praise. No one dies too soon who has finished the course of perfect virtue. I myself have known many occasions when I have seemed in danger of immediate death; oh! how I wish it had come to me! for I have gained nothing by the delay. I had gone over and over again the duties of life; nothing remained but to contend with fortune. If reason, then, cannot sufficiently fortify us to enable us to feel a contempt for death, at all events let our past life prove

that we have lived long enough, and even longer than was necessary; for notwithstanding the deprivation of sense, the dead are not without that good which peculiarly belongs to them, namely, the praise and glory which they have acquired, even though they are not sensible of it. For although there be nothing in glory to make it desirable, yet it follows virtue as its shadow; and the genuine judgment of the multitude on good men, if ever they form any, is more to their own praise than of any real advantage to the dead. Yet I cannot say, however it may be received, that Lycurgus and Solon have no glory from their laws, and from the political constitution which they established in their country; or that Themistocles and Epaminondas have not glory from their martial virtue.

XLVI. For Neptune shall sooner bury Salamis itself with his waters than the memory of the trophies gained there; and the Bœotian Leuctra shall perish sooner than the glory of that great battle. And longer still shall fame be before it deserts Curius, and Fabricius, and Calatinus, and the two Scipios, and the two Africani, and Maximus, and Marcellus, and Paulus, and Cato, and Lælius, and numberless other heroes; and whoever has caught any resemblance of them, not estimating it by common fame, but by the real applause of good men, may with confidence, when the occasion requires, approach death, on which we are sure that even if the chief good is not continued, at least no evil is. Such a man would even wish to die while in prosperity; for all the favors that could be heaped on him would not be so agreeable to him as the loss of them would be painful. That speech of the Lacedæmonian seems to have the same meaning, who, when Diagoras the Rhodian, who had himself been a conqueror at the Olympic games, saw two of his own sons conquerors there on the same day, approached the old man, and, congratulating him, said, “You should die now, Diagoras, for no greater happiness can possibly await you.” The Greeks look on these as great things; perhaps they think too highly of them, or, rather, they did so then. And so he who said this to Diagoras, looking on it as something very glorious, that three men out of one family should have been conquerors there, thought it could answer no purpose to him to continue any longer in life, where he could only be exposed to a reverse of fortune.

I might have given you a sufficient answer, as it seems to me, on this point, in a few words, as you had allowed the dead were not exposed to any positive evil; but I have spoken at greater length on the subject for this reason, because this is our greatest consolation in the losing and bewailing of our friends. For we ought to bear with moderation any grief which arises from ourselves, or is endured on our own account, lest we should seem to be too much influenced by self-love. But should we suspect our departed friends to be under those evils, which they are generally imagined to be, and to be sensible of them, then such a suspicion would give us intolerable pain; and accordingly I wished, for my own sake, to pluck up this opinion by the roots, and on that account I have been perhaps somewhat more prolix than was necessary.

XLVII. *A.* More prolix than was necessary? Certainty not, in my opinion. For I was induced, by the former part of your speech, to wish to die; but, by the latter, sometimes not to be unwilling, and at others to be wholly indifferent about it. But the effect of your whole argument is, that I am convinced that death ought not to be classed among the evils.

M. Do you, then, expect that I am to give you a regular peroration, like the rhetoricians, or shall I forego that art?

A. I would not have you give over an art which you have set off to such advantage; and you were in the right to do so, for, to speak the truth, it also has set you off. But what is that peroration? For I should be glad to hear it, whatever it is.

M. It is customary, in the schools, to produce the opinions of the immortal Gods on death; nor are these opinions the fruits of the imagination alone of the lecturers, but they have the authority of Herodotus and many others. Cleobis and Biton are the first they mention, sons of the Argive priestess; the story is a well-known one. As it was necessary that she should be drawn in a chariot to a certain annual sacrifice, which was solemnized at a temple some considerable distance from the town, and the cattle that were to draw the chariot had not arrived, those two young men whom I have just mentioned, pulling off their garments, and anointing their bodies with oil, harnessed themselves to the yoke. And in this manner the priestess was conveyed to the temple; and when the chariot had

arrived at the proper place, she is said to have entreated the Goddess to bestow on them, as a reward for their piety, the greatest gift that a God could confer on man. And the young men, after having feasted with their mother, fell asleep; and in the morning they were found dead. Trophonius and Agamedes are said to have put up the same petition, for they, having built a temple to Apollo at Delphi, offered supplications to the God, and desired of him some extraordinary reward for their care and labor, particularizing nothing, but asking for whatever was best for men. Accordingly, Apollo signified to them that he would bestow it on them in three days, and on the third day at daybreak they were found dead. And so they say that this was a formal decision pronounced by that God to whom the rest of the deities have assigned the province of divining with an accuracy superior to that of all the rest.

XLVIII. There is also a story told of Silenus, who, when taken prisoner by Midas, is said to have made him this present for his ransom — namely, that he informed him that never to have been born was by far the greatest blessing that could happen to man; and that the next best thing was to die very soon; which very opinion Euripides makes use of in his Cresphontes, saying,

When man is born, 'tis fit, with solemn show,
We speak our sense of his approaching woe;
With other gestures and a different eye,
Proclaim our pleasure when he's bid to die.

There is something like this in Crantor's Consolation; for he says that Terinæsus of Elysia, when he was bitterly lamenting the loss of his son, came to a place of divination to be informed why he was visited with so great affliction, and received in his tablet these three verses:

Thou fool, to murmur at Euthynous' death!
The blooming youth to fate resigns his breath:
The fate, whereon your happiness depends,
At once the parent and the son befriends.

On these and similar authorities they affirm that the question has been determined by the Gods. Nay, more; Alcidamas, an ancient rhetorician of the very highest reputation, wrote even in praise of death, which he endeavored to establish by an enumeration of the

evils of life; and his Dissertation has a great deal of eloquence in it; but he was unacquainted with the more refined arguments of the philosophers. By the orators, indeed, to die for our country is always considered not only as glorious, but even as happy: they go back as far as Erechtheus, whose very daughters underwent death, for the safety of their fellow-citizens: they instance Codrus, who threw himself into the midst of his enemies, dressed like a common man, that his royal robes might not betray him, because the oracle had declared the Athenians conquerors, if their king was slain. Menœceus is not overlooked by them, who, in compliance with the injunctions of an oracle, freely shed his blood for his country. Iphigenia ordered herself to be conveyed to Aulis, to be sacrificed, that her blood might be the cause of spilling that of her enemies.

XLIX. From hence they proceed to instances of a fresher date. Harmodius and Aristogiton are in everybody's mouth; the memory of Leonidas the Lacedæmonian and Epaminondas the Theban is as fresh as ever. Those philosophers were not acquainted with the many instances in our country — to give a list of whom would take up too much time — who, we see, considered death desirable as long as it was accompanied with honor. But, notwithstanding this is the correct view of the case, we must use much persuasion, speak as if we were endued with some higher authority, in order to bring men to begin to wish to die, or cease to be afraid of death. For if that last day does not occasion an entire extinction, but a change of abode only, what can be more desirable? And if it, on the other hand, destroys, and absolutely puts an end to us, what can be preferable to the having a deep sleep fall on us, in the midst of the fatigues of life, and being thus overtaken, to sleep to eternity? And, should this really be the case, then Ennius's language is more consistent with wisdom than Solon's; for our Ennius says,

Let none bestow upon my passing bier
One needless sigh or unavailing tear.

But the wise Solon says,

Let me not unlamented die, but o'er my bier
Burst forth the tender sigh, the friendly tear.

But let us, if indeed it should be our fate to know the time which is appointed by the Gods for us to die, prepare ourselves for it with a

cheerful and grateful mind, thinking ourselves like men who are delivered from a jail, and released from their fetters, for the purpose of going back to our eternal habitation, which may be more emphatically called our own; or else to be divested of all sense and trouble. If, on the other hand, we should have no notice given us of this decree, yet let us cultivate such a disposition as to look on that formidable hour of death as happy for us, though shocking to our friends; and let us never imagine anything to be an evil which is an appointment of the immortal Gods, or of nature, the common parent of all. For it is not by hazard or without design that we have been born and situated as we have. On the contrary, beyond all doubt there is a certain power which consults the happiness of human nature; and this would neither have produced nor provided for a being which, after having gone through the labors of life, was to fall into eternal misery by death. Let us rather infer that we have a retreat and haven prepared for us, which I wish we could crowd all sail and arrive at; but though the winds should not serve, and we should be driven back, yet we shall to a certainty arrive at that point eventually, though somewhat later. But how can that be miserable for one which all must of necessity undergo? I have given you a peroration, that you might not think I had overlooked or neglected anything.

A. I am persuaded you have not; and, indeed, that peroration has confirmed me.

M. I am glad it has had that effect. But it is now time to consult our health. To-morrow, and all the time we continue in this Tusculan villa, let us consider this subject; and especially those portions of it which may ease our pain, alleviate our fears, and lessen our desires, which is the greatest advantage we can reap from the whole of philosophy.

BOOK II. ON BEARING PAIN.

I. Neoptolemus, in Ennius, indeed, says that the study of philosophy was expedient for him; but that it required limiting to a few subjects, for that to give himself up entirely to it was what he did not approve of. And for my part, Brutus, I am perfectly persuaded that it is expedient for me to philosophize; for what can I do better, especially as I have no regular occupation? But I am not for limiting my philosophy to a few subjects, as he does; for philosophy is a matter in which it is difficult to acquire a little knowledge without acquainting yourself with many, or all its branches, nor can you well take a few subjects without selecting them out of a great number; nor can any one, who has acquired the knowledge of a few points, avoid endeavoring with the same eagerness to understand more. But still, in a busy life, and in one mainly occupied with military matters, such as that of Neoptolemus was at that time, even that limited degree of acquaintance with philosophy may be of great use, and may yield fruit, not perhaps so plentiful as a thorough knowledge of the whole of philosophy, but yet such as in some degree may at times deliver us from the dominion of our desires, our sorrows, and our fears; just as the effect of that discussion which we lately maintained in my Tusculan villa seemed to be that a great contempt of death was engendered, which contempt is of no small efficacy towards delivering the mind from fear; for whoever dreads what cannot be avoided can by no means live with a quiet and tranquil mind. But he who is under no fear of death, not only because it is a thing absolutely inevitable but also because he is persuaded that death itself hath nothing terrible in it, provides himself with a very great resource towards a happy life. However, I am not tolerant that many will argue strenuously against us; and, indeed, that is a thing which can never be avoided, except by abstaining from writing at all. For if my Orations, which were addressed to the judgment and approbation of the people (for that is a popular art, and the object of oratory is popular applause), have been criticised by some people who are inclined to withhold their praise from everything but what they are persuaded they can attain to themselves, and who limit their ideas of

good speaking by the hopes which they conceive of what they themselves may attain to, and who declare, when they are overwhelmed with a flow of words and sentences, that they prefer the utmost poverty of thought and expression to that plenty and copiousness (from which arose the Attic kind of oratory, which they who professed it were strangers to, though they have now been some time silenced, and laughed out of the very courts of justice), what may I not expect, when at present I cannot have the least countenance from the people by whom I used to be upheld before? For philosophy is satisfied with a few judges, and of her own accord industriously avoids the multitude, who are jealous of it, and utterly displeased with it; so that, should any one undertake to cry down the whole of it, he would have the people on his side; while, if he should attack that school which I particularly profess, he would have great assistance from those of the other philosophers.

II. But I have answered the detractors of philosophy in general, in my Hortensius. And what I had to say in favor of the Academics, is, I think, explained with sufficient accuracy in my four books of the Academic Question.

But yet I am so far from desiring that no one should write against me, that it is what I most earnestly wish; for philosophy would never have been in such esteem in Greece itself, if it had not been for the strength which it acquired from the contentions and disputations of the most learned men; and therefore I recommend all men who have abilities to follow my advice to snatch this art also from declining Greece, and to transport it to this city; as our ancestors by their study and industry have imported all their other arts which were worth having. Thus the praise of oratory, raised from a low degree, is arrived at such perfection that it must now decline, and, as is the nature of all things, verge to its dissolution in a very short time. Let philosophy, then, derive its birth in Latin language from this time, and let us lend it our assistance, and bear patiently to be contradicted and refuted; and although those men may dislike such treatment who are bound and devoted to certain predetermined opinions, and are under such obligations to maintain them that they are forced, for the sake of consistency, to adhere to them even though they do not themselves wholly approve of them; we, on the other hand, who

pursue only probabilities, and who cannot go beyond that which seems really likely, can confute others without obstinacy, and are prepared to be confuted ourselves without resentment. Besides, if these studies are ever brought home to us, we shall not want even Greek libraries, in which there is an infinite number of books, by reason of the multitude of authors among them; for it is a common practice with many to repeat the same things which have been written by others, which serves no purpose but to stuff their shelves; and this will be our case, too, if many apply themselves to this study.

III. But let us excite those, if possible, who have had a liberal education, and are masters of an elegant style, and who philosophize with reason and method.

For there is a certain class of them who would willingly be called philosophers, whose books in our language are said to be numerous, and which I do not despise; for, indeed, I never read them: but still, because the authors themselves declare that they write without any regularity, or method, or elegance, or ornament, I do not care to read what must be so void of entertainment. There is no one in the least acquainted with literature who does not know the style and sentiments of that school; wherefore, since they are at no pains to express themselves well, I do not see why they should be read by anybody except by one another. Let them read them, if they please, who are of the same opinions; for in the same manner as all men read Plato and the other Socratics, with those who sprung from them, even those who do not agree with their opinions, or are very indifferent about them; but scarcely any one except their own disciples take Epicurus or Metrodorus into their hands; so they alone read these Latin books who think that the arguments contained in them are sound. But, in my opinion, whatever is published should be recommended to the reading of every man of learning; and though we may not succeed in this ourselves, yet nevertheless we must be sensible that this ought to be the aim of every writer. And on this account I have always been pleased with the custom of the Peripatetics and Academics, of disputing on both sides of the question; not solely from its being the only method of discovering what is probable on every subject, but also because it affords the greatest scope for practising eloquence; a method that Aristotle first

made use of, and afterward all the Aristotelians; and in our own memory Plilo, whom we have often heard, appointed one time to treat of the precepts of the rhetoricians, and another for philosophical discussion, to which custom I was brought to conform by my friends at my Tusculum; and accordingly our leisure time was spent in this manner. And therefore, as yesterday before noon we applied ourselves to speaking, and in the afternoon went down into the Academy, the discussions which were held there I have acquainted you with, not in the manner of a narration, but in almost the very same words which were employed in the debate.

IV. The discourse, then, was introduced in this manner while we were walking, and it was commenced by some such an opening as this:

A. It is not to be expressed how much I was delighted, or rather edified, by your discourse of yesterday. For although I am conscious to myself that I have never been too fond of life, yet at times, when I have considered that there would be an end to this life, and that I must some time or other part with all its good things, a certain dread and uneasiness used to intrude itself on my thoughts; but now, believe me, I am so freed from that kind of uneasiness that there is nothing that I think less worth any regard.

M. I am not at all surprised at that, for it is the effect of philosophy, which is the medicine of our souls; it banishes all groundless apprehensions, frees us from desires, and drives away fears: but it has not the same influence over all men; it is of very great influence when it falls in with a disposition well adapted to it. For not only does Fortune, as the old proverb says, assist the bold, but reason does so in a still greater degree; for it, by certain precepts, as it were, strengthens even courage itself. You were born naturally great and soaring, and with a contempt for all things which pertain to man alone; therefore a discourse against death took easy possession of a brave soul. But do you imagine that these same arguments have any force with those very persons who have invented, and canvassed, and published them, excepting indeed some very few particular persons? For how few philosophers will you meet with whose life and manners are conformable to the dictates of reason! who look on their profession, not as a means of displaying their learning, but as a

rule for their own practice! who follow their own precepts, and comply with their own decrees! You may see some of such levity and such vanity, that it would have been better for them to have been ignorant; some covetous of money, some others eager for glory, many slaves to their lusts; so that their discourses and their actions are most strangely at variance; than which nothing in my opinion can be more unbecoming: for just as if one who professed to teach grammar should speak with impropriety, or a master of music sing out of tune, such conduct has the worst appearance in these men, because they blunder in the very particular with which they profess that they are well acquainted. So a philosopher who errs in the conduct of his life is the more infamous because he is erring in the very thing which he pretends to teach, and, while he lays down rules to regulate life by, is irregular in his own life.

V. *A.* Should this be the case, is it not to be feared that you are dressing up philosophy in false colors? For what stronger argument can there be that it is of little use than that some very profound philosophers live in a discreditable manner?

M. That, indeed, is no argument at all, for as all the fields which are cultivated are not fruitful (and this sentiment of Accius is false, and asserted without any foundation,

The ground you sow on is of small avail;

To yield a crop good seed can never fail),

it is not every mind which has been properly cultivated that produces fruit; and, to go on with the comparison, as a field, although it may be naturally fruitful, cannot produce a crop without dressing, so neither can the mind without education; such is the weakness of either without the other. Whereas philosophy is the culture of the mind: this it is which plucks up vices by the roots; prepares the mind for the receiving of seeds; commits them to it, or, as I may say, sows them, in the hope that, when come to maturity, they may produce a plentiful harvest. Let us proceed, then, as we began. Say, if you please, what shall be the subject of our disputation.

A. I look on pain to be the greatest of all evils.

M. What, even greater than infamy?

A. I dare not indeed assert that; and I blush to think I am so soon driven from my ground.

M. You would have had greater reason for blushing had you persevered in it; for what is so unbecoming — what can appear worse to you, than disgrace, wickedness, immorality? To avoid which, what pain is there which we ought not (I will not say to avoid shirking, but even) of our own accord to encounter, and undergo, and even to court?

A. I am entirely of that opinion; but, notwithstanding that pain is not the greatest evil, yet surely it is an evil.

M. Do you perceive, then, how much of the terror of pain you have given up on a small hint?

A. I see that plainly; but I should be glad to give up more of it.

M. I will endeavor to make you do so; but it is a great undertaking, and I must have a disposition on your part which is not inclined to offer any obstacles.

A. You shall have such: for as I behaved yesterday, so now I will follow reason wherever she leads.

VI. *M.* First, then, I will speak of the weakness of many philosophers, and those, too, of various sects; the head of whom, both in authority and antiquity, was Aristippus, the pupil of Socrates, who hesitated not to say that pain was the greatest of all evils. And after him Epicurus easily gave in to this effeminate and enervated doctrine. After him Hieronymus the Rhodian said, that to be without pain was the chief good, so great an evil did pain appear to him to be. The rest, with the exceptions of Zeno, Aristo, Pyrrho, were pretty much of the same opinion that you were of just now — that it was indeed an evil, but that there were many worse. When, then, nature herself, and a certain generous feeling of virtue, at once prevents you from persisting in the assertion that pain is the chief evil, and when you were driven from such an opinion when disgrace was contrasted with pain, shall philosophy, the preceptress of life, cling to this idea for so many ages? What duty of life, what praise, what reputation, would be of such consequence that a man should be desirous of gaining it at the expense of submitting to bodily pain, when he has persuaded himself that pain is the greatest evil? On the other side, what disgrace, what ignominy, would he not submit to that he might avoid pain, when persuaded that it was the greatest of evils? Besides, what person, if it be only true that pain is the greatest of evils, is not

miserable, not only when he actually feels pain, but also whenever he is aware that it may befall him. And who is there whom pain may not befall? So that it is clear that there is absolutely no one who can possibly be happy. Metrodorus, indeed, thinks that man perfectly happy whose body is free from all disorders, and who has an assurance that it will always continue so; but who is there who can be assured of that?

VII. But Epicurus, indeed, says such things that it should seem that his design was only to make people laugh; for he affirms somewhere that if a wise man were to be burned or put to the torture — you expect, perhaps, that he is going to say he would bear it, he would support himself under it with resolution, he would not yield to it (and that by Hercules! would be very commendable, and worthy of that very Hercules whom I have just invoked): but even this will not satisfy Epicurus, that robust and hardy man! No; his wise man, even if he were in Phalaris's bull, would say, How sweet it is! how little do I regard it! What, sweet? Is it not sufficient, if it is not disagreeable? But those very men who deny pain to be an evil are not in the habit of saying that it is agreeable to any one to be tormented; they rather say that it is cruel, or hard to bear, afflicting, unnatural, but still not an evil: while this man who says that it is the only evil, and the very worst of all evils, yet thinks that a wise man would pronounce it sweet. I do not require of you to speak of pain in the same words which Epicurus uses — a man, as you know, devoted to pleasure: he may make no difference, if he pleases, between Phalaris's bull and his own bed; but I cannot allow the wise man to be so indifferent about pain. If he bears it with courage, it is sufficient: that he should rejoice in it, I do not expect; for pain is, beyond all question, sharp, bitter, against nature, hard to submit to and to bear. Observe Philoctetes: We may allow him to lament, for he saw Hercules himself groaning loudly through extremity of pain on Mount Œta. The arrows with which Hercules presented him were then no consolation to him, when

The viper's bite, impregnating his veins
With poison, rack'd him with its bitter pains.

And therefore he cries out, desiring help, and wishing to die,

Oh that some friendly hand its aid would lend,

My body from this rock's vast height to send
Into the briny deep! I'm all on fire,
And by this fatal wound must soon expire.

It is hard to say that the man who was obliged to cry out in this manner was not oppressed with evil, and great evil too.

VIII. But let us observe Hercules himself, who was subdued by pain at the very time when he was on the point of attaining immortality by death. What words does Sophocles here put in his mouth, in his Trachiniæ? who, when Deianira had put upon him a tunic dyed in the centaur's blood, and it stuck to his entrails, says,

What tortures I endure no words can tell,
Far greater these, than those which erst befell
From the dire terror of thy consort, Jove —
E'en stern Eurystheus' dire command above;
This of thy daughter, Œneus, is the fruit,
Beguiling me with her envenom'd suit,
Whose close embrace doth on my entrails prey,
Consuming life; my lungs forbid to play;
The blood forsakes my veins; my manly heart
Forgets to beat; enervated, each part
Neglects its office, while my fatal doom
Proceeds ignobly from the weaver's loom.
The hand of foe ne'er hurt me, nor the fierce
Giant issuing from his parent earth.
Ne'er could the Centaur such a blow enforce,
No barbarous foe, nor all the Grecian force;
This arm no savage people could withstand,
Whose realms I traversed to reform the land.
Thus, though I ever bore a manly heart,
I fall a victim to a woman's art.

IX.

Assist, my son, if thou that name dost hear,
My groans preferring to thy mother's tear:
Convey her here, if, in thy pious heart,
Thy mother shares not an unequal part:

Proceed, be bold, thy father's fate bemoan,
Nations will join, you will not weep alone.
Oh, what a sight is this same briny source,
Unknown before, through all my labors' course!
That virtue, which could brave each toil but late,
With woman's weakness now bewails its fate.
Approach, my son; behold thy father laid,
A wither'd carcass that implores thy aid;
Let all behold: and thou, imperious Jove,
On me direct thy lightning from above:
Now all its force the poison doth assume,
And my burnt entrails with its flame consume.
Crestfallen, unembraced, I now let fall
Listless, those hands that lately conquer'd all;
When the Nemæan lion own'd their force,
And he indignant fell a breathless corse;
The serpent slew, of the Lernean lake,
As did the Hydra of its force partake:
By this, too, fell the Erymanthian boar:
E'en Cerberus did his weak strength deplore.
This sinewy arm did overcome with ease
That dragon, guardian of the Golden Fleece.
My many conquests let some others trace;
It's mine to say, I never knew disgrace.

Can we then, despise pain, when we see Hercules himself giving vent to his expressions of agony with such impatience?

X. Let us see what Æschylus says, who was not only a poet but a Pythagorean philosopher also, for that is the account which you have received of him; how doth he make Prometheus bear the pain he suffered for the Lemnian theft, when he clandestinely stole away the celestial fire, and bestowed it on men, and was severely punished by Jupiter for the theft. Fastened to Mount Caucasus, he speaks thus:

Thou heav'n-born race of Titans here fast bound,
Behold thy brother! As the sailors sound
With care the bottom, and their ships confine
To some safe shore, with anchor and with line;

So, by Jove's dread decree, the God of fire
Confines me here the victim of Jove's ire.
With baneful art his dire machine he shapes;
From such a God what mortal e'er escapes?
When each third day shall triumph o'er the night,
Then doth the vulture, with his talons light,
Seize on my entrails; which, in rav'nous guise,
He preys on! then with wing extended flies
Aloft, and brushes with his plumes the gore:
But when dire Jove my liver doth restore,
Back he returns impetuous to his prey,
Clapping his wings, he cuts th' ethereal way.
Thus do I nourish with my blood this pest,
Confined my arms, unable to contest;
Entreating only that in pity Jove
Would take my life, and this cursed plague remove.
But endless ages past unheard my moan,
Sooner shall drops dissolve this very stone.

And therefore it scarcely seems possible to avoid calling a man who is suffering, miserable; and if he is miserable, then pain is an evil.

XI. *A*. Hitherto you are on my side; I will see to that by-and-by; and, in the mean while, whence are those verses? I do not remember them.

M. I will inform you, for you are in the right to ask. Do you see that I have much leisure?

A. What, then?

M. I imagine, when you were at Athens, you attended frequently at the schools of the philosophers.

A. Yes, and with great pleasure.

M. You observed, then, that though none of them at that time were very eloquent, yet they used to mix verses with their harangues.

A. Yes, and particularly Dionysius the Stoic used to employ a great many.

M. You say right; but they were quoted without any appropriateness or elegance. But our friend Philo used to give a few select lines and well adapted; and in imitation of him, ever since I

took a fancy to this kind of elderly declamation, I have been very fond of quoting our poets; and where I cannot be supplied from them, I translate from the Greek, that the Latin language may not want any kind of ornament in this kind of disputation.

But, do you not see how much harm is done by poets? They introduce the bravest men lamenting over their misfortunes: they soften our minds; and they are, besides, so entertaining, that we do not only read them, but get them by heart. Thus the influence of the poets is added to our want of discipline at home, and our tender and delicate manner of living, so that between them they have deprived virtue of all its vigor and energy. Plato, therefore, was right in banishing them from his commonwealth, where he required the best morals, and the best form of government. But we, who have all our learning from Greece, read and learn these works of theirs from our childhood; and look on this as a liberal and learned education.

XII. But why are we angry with the poets? We may find some philosophers, those masters of virtue, who have taught that pain was the greatest of evils. But you, young man, when you said but just now that it appeared so to you, upon being asked by me what appeared greater than infamy, gave up that opinion at a word. Suppose I ask Epicurus the same question. He will answer that a trifling degree of pain is a greater evil than the greatest infamy; for that there is no evil in infamy itself, unless attended with pain. What pain, then, attends Epicurus, when he says that very thing, that pain is the greatest evil! And yet nothing can be a greater disgrace to a philosopher than to talk thus. Therefore, you allowed enough when you admitted that infamy appeared to you to be a greater evil than pain. And if you abide by this admission, you will see how far pain should be resisted; and that our inquiry should be not so much whether pain be an evil, as how the mind may be fortified for resisting it. The Stoics infer from some petty quibbling arguments that it is no evil, as if the dispute were about a word, and not about the thing itself. Why do you impose upon me, Zeno? For when you deny what appears very dreadful to me to be an evil, I am deceived, and am at a loss to know why that which appears to me to be a most miserable thing should be no evil. The answer is, that nothing is an evil but what is base and vicious. You return to your trifling, for you

do not remove what made me uneasy. I know that pain is not vice — you need not inform me of that: but show me that it makes no difference to me whether I am in pain or not. It has never anything to do, say you, with a happy life, for that depends upon virtue alone; but yet pain is to be avoided. If I ask, why? It is disagreeable, against nature, hard to bear, woful and afflicting.

XIII. Here are many words to express that by so many different forms which we call by the single word evil. You are defining pain, instead of removing it, when you say, it is disagreeable, unnatural, scarcely possible to be endured or borne, nor are you wrong in saying so: but the man who vaunts himself in such a manner should not give way in his conduct, if it be true that nothing is good but what is honest, and nothing evil but what is disgraceful. This would be wishing, not proving. This argument is a better one, and has more truth in it — that all things which Nature abhors are to be looked upon as evil; that those which she approves of are to be considered as good: for when this is admitted, and the dispute about words removed, that which they with reason embrace, and which we call honest, right, becoming, and sometimes include under the general name of virtue, appears so far superior to everything else that all other things which are looked upon as the gifts of fortune, or the good things of the body, seem trifling and insignificant; and no evil whatever, nor all the collective body of evils together, appears to be compared to the evil of infamy. Wherefore, if, as you granted in the beginning, infamy is worse than pain, pain is certainly nothing; for while it appears to you base and unmanly to groan, cry out, lament, or faint under pain; while you cherish notions of probity, dignity, honor, and, keeping your eye on them, refrain yourself, pain will certainly yield to virtue, and, by the influence of imagination, will lose its whole force. — For you must either admit that there is no such thing as virtue, or you must despise every kind of pain. Will you allow of such a virtue as prudence, without which no virtue whatever can even be conceived? What, then? Will that suffer you to labor and take pains to no purpose? Will temperance permit you to do anything to excess? Will it be possible for justice to be maintained by one who through the force of pain discovers secrets, or betrays his confederates, or deserts many duties of life? Will you act in a manner

consistently with courage, and its attendants, greatness of soul, resolution, patience, and contempt for all worldly things? Can you hear yourself called a great man when you lie grovelling, dejected, and deploring your condition with a lamentable voice; no one would call you even a man while in such a condition. You must therefore either abandon all pretensions to courage, or else pain must be put out of the question.

XIV. You know very well that, even though part of your Corinthian furniture were gone, the remainder might be safe without that; but if you lose one virtue (though virtue in reality cannot be lost), still if, I say, you should acknowledge that you were deficient in one, you would be stripped of all. Can you, then, call yourself a brave man, of a great soul, endued with patience and steadiness above the frowns of fortune? or Philoctetes? for I choose to instance him, rather than yourself, for he certainly was not a brave man, who lay in his bed, which was watered with his tears,

Whose groans, bewailings, and whose bitter cries,
With grief incessant rent the very skies.

I do not deny pain to be pain — for were that the case, in what would courage consist? — but I say it should be assuaged by patience, if there be such a thing as patience: if there be no such thing, why do we speak so in praise of philosophy? or why do we glory in its name? Does pain annoy us? Let it sting us to the heart: if you are without defensive armor, bare your throat to it; but if you are secured by Vulcanian armor, that is to say by resolution, resist it. Should you fail to do so, that guardian of your honor, your courage, will forsake and leave you. — By the laws of Lycurgus, and by those which were given to the Cretans by Jupiter, or which Minos established under the direction of Jupiter, as the poets say, the youths of the State are trained by the practice of hunting, running, enduring hunger and thirst, cold and heat. The boys at Sparta are scourged so at the altars that blood follows the lash in abundance; nay, sometimes, as I used to hear when I was there, they are whipped even to death; and yet not one of them was ever heard to cry out, or so much as groan. What, then? Shall men not be able to bear what boys do? and shall custom have such great force, and reason none at all?

XV. There is some difference between labor and pain; they border

upon one another, but still there is a certain difference between them. Labor is a certain exercise of the mind or body, in some employment or undertaking of serious trouble and importance; but pain is a sharp motion in the body, disagreeable to our senses. — Both these feelings, the Greeks, whose language is more copious than ours, express by the common name of Πόνος: therefore they call industrious men painstaking, or, rather, fond of labor; we, more conveniently, call them laborious; for laboring is one thing, and enduring pain another. You see, O Greece! your barrenness of words, sometimes, though you think you are always so rich in them. I say, then, that there is a difference between laboring and being in pain. When Caius Marius had an operation performed for a swelling in his thigh, he felt pain; when he headed his troops in a very hot season, he labored. Yet these two feelings bear some resemblance to one another; for the accustoming ourselves to labor makes the endurance of pain more easy to us. And it was because they were influenced by this reason that the founders of the Grecian form of government provided that the bodies of their youth should be strengthened by labor, which custom the Spartans transferred even to their women, who in other cities lived more delicately, keeping within the walls of their houses; but it was otherwise with the Spartans.

The Spartan women, with a manly air,
Fatigues and dangers with their husbands share;
They in fantastic sports have no delight,
Partners with them in exercise and fight.

And in these laborious exercises pain interferes sometimes. They are thrown down, receive blows, have bad falls, and are bruised, and the labor itself produces a sort of callousness to pain.

XVI. As to military service (I speak of our own, not of that of the Spartans, for they used to march slowly to the sound of the flute, and scarce a word of command was given without an anapæst), you may see, in the first place, whence the very name of an army (*exercitus*) is derived; and, secondly, how great the labor is of an army on its march: then consider that they carry more than a fortnight's provision, and whatever else they may want; that they carry the burden of the stakes, for as to shield, sword, or helmet, they look on them as no more encumbrance than their own limbs, for they say that

arms are the limbs of a soldier, and those, indeed, they carry so commodiously that, when there is occasion, they throw down their burdens, and use their arms as readily as their limbs. Why need I mention the exercises of the legions? And how great the labor is which is undergone in the running, encounters, shouts! Hence it is that their minds are worked up to make so light of wounds in action. Take a soldier of equal bravery, but undisciplined, and he will seem a woman. Why is it that there is this sensible difference between a raw recruit and a veteran soldier? The age of the young soldiers is for the most part in their favor; but it is practice only that enables men to bear labor and despise wounds. Moreover, we often see, when the wounded are carried off the field, the raw, untried soldier, though but slightly wounded, cries out most shamefully; but the more brave, experienced veteran only inquires for some one to dress his wounds, and says,

Patroclus, to thy aid I must appeal
Ere worse ensue, my bleeding wounds to heal;
The sons of Æsculapius are employ'd,
No room for me, so many are annoy'd.

XVII. This is certainly Eurypylus himself. What an experienced man! — While his friend is continually enlarging on his misfortunes, you may observe that he is so far from weeping that he even assigns a reason why he should bear his wounds with patience.

Who at his enemy a stroke directs,
His sword to light upon himself expects.

Patroclus, I suppose, will lead him off to his chamber to bind up his wounds, at least if he be a man: but not a word of that; he only inquires how the battle went:

Say how the Argives bear themselves in fight?

And yet no words can show the truth as well as those, your deeds and visible sufferings.

Peace! and my wounds bind up;

but though Eurypylus could bear these afflictions, Æsopus could not,

Where Hector's fortune press'd our yielding troops;

and he explains the rest, though in pain. So unbounded is military glory in a brave man! Shall, then, a veteran soldier be able to behave

in this manner, and shall a wise and learned man not be able? Surely the latter might be able to bear pain better, and in no small degree either. At present, however, I am confining myself to what is engendered by practice and discipline. I am not yet come to speak of reason and philosophy. You may often hear of old women living without victuals for three or four days; but take away a wrestler's provisions but for one day, and he will implore the aid of Jupiter Olympius, the very God for whom he exercises himself: he will cry out that he cannot endure it. Great is the force of custom! Sportsmen will continue whole nights in the snow; they will bear being almost frozen upon the mountains. From practice boxers will not so much as utter a groan, however bruised by the cestus. But what do you think of those to whom a victory in the Olympic games seemed almost on a par with the ancient consulships of the Roman people? What wounds will the gladiators bear, who are either barbarians, or the very dregs of mankind! How do they, who are trained to it, prefer being wounded to basely avoiding it! How often do they prove that they consider nothing but the giving satisfaction to their masters or to the people! for when covered with wounds, they send to their masters to learn their pleasure: if it is their will, they are ready to lie down and die. What gladiator, of even moderate reputation, ever gave a sigh? who ever turned pale? who ever disgraced himself either in the actual combat, or even when about to die? who that had been defeated ever drew in his neck to avoid the stroke of death? So great is the force of practice, deliberation, and custom! Shall this, then, be done by

A Samnite rascal, worthy of his trade;

and shall a man born to glory have so soft a part in his soul as not to be able to fortify it by reason and reflection? The sight of the gladiators' combats is by some looked on as cruel and inhuman, and I do not know, as it is at present managed, but it may be so; but when the guilty fought, we might receive by our ears perhaps (but certainly by our eyes we could not) better training to harden us against pain and death.

XVIII. I have now said enough about the effects of exercise, custom, and careful meditation. Proceed we now to consider the force of reason, unless you have something to reply to what has been

said.

A. That I should interrupt you! By no means; for your discourse has brought me over to your opinion. Let the Stoics, then, think it their business to determine whether pain be an evil or not, while they endeavor to show by some strained and trifling conclusions, which are nothing to the purpose, that pain is no evil. My opinion is, that whatever it is, it is not so great as it appears; and I say, that men are influenced to a great extent by some false representations and appearance of it, and that all which is really felt is capable of being endured. Where shall I begin, then? Shall I superficially go over what I said before, that my discourse may have a greater scope?

This, then, is agreed upon by all, and not only by learned men, but also by the unlearned, that it becomes the brave and magnanimous — those that have patience and a spirit above this world — not to give way to pain. Nor has there ever been any one who did not commend a man who bore it in this manner. That, then, which is expected from a brave man, and is commended when it is seen, it must surely be base in any one to be afraid of at its approach, or not to bear when it comes. But I would have you consider whether, as all the right affections of the soul are classed under the name of virtues, the truth is that this is not properly the name of them all, but that they all have their name from that leading virtue which is superior to all the rest: for the name "virtue" comes from *vir*, a man, and courage is the peculiar distinction of a man: and this virtue has two principal duties, to despise death and pain. We must, then, exert these, if we would be men of virtue, or, rather, if we would be men, because virtue (*virtus*) takes its very name from *vir*, man.

XIX. You may inquire, perhaps, how? And such an inquiry is not amiss, for philosophy is ready with her assistance. Epicurus offers himself to you, a man far from a bad — or, I should rather say, a very good man: he advises no more than he knows. "Despise pain," says he. Who is it saith this? Is it the same man who calls pain the greatest of all evils? It is not, indeed, very consistent in him. Let us hear what he says: "If the pain is excessive, it must needs be short." I must have that over again, for I do not apprehend what you mean exactly by "excessive" or "short." That is excessive than which nothing can be greater; that is short than which nothing is shorter. I do not regard the

greatness of any pain from which, by reason of the shortness of its continuance, I shall be delivered almost before it reaches me. But if the pain be as great as that of Philoctetes, it will appear great indeed to me, but yet not the greatest that I am capable of bearing; for the pain is confined to my foot. But my eye may pain me, I may have a pain in the head, or sides, or lungs, or in every part of me. It is far, then, from being excessive. Therefore, says he, pain of a long continuance has more pleasure in it than uneasiness. Now, I cannot bring myself to say so great a man talks nonsense; but I imagine he is laughing at us. My opinion is that the greatest pain (I say the greatest, though it may be ten atoms less than another) is not therefore short, because acute. I could name to you a great many good men who have been tormented many years with the acutest pains of the gout. But this cautious man doth not determine the measure of that greatness or of duration, so as to enable us to know what he calls excessive with regard to pain, or short with respect to its continuance. Let us pass him by, then, as one who says just nothing at all; and let us force him to acknowledge, notwithstanding he might behave himself somewhat boldly under his colic and his strangury, that no remedy against pain can be had from him who looks on pain as the greatest of all evils. We must apply, then, for relief elsewhere, and nowhere better (if we seek for what is most consistent with itself) than to those who place the chief good in honesty, and the greatest evil in infamy. You dare not so much as groan, or discover the least uneasiness in their company, for virtue itself speaks to you through them.

XX. Will you, when you may observe children at Lacedæmon, and young men at Olympia, and barbarians in the amphitheatre, receive the severest wounds, and bear them without once opening their mouths — will you, I say, if any pain should by chance attack you, cry out like a woman? Will you not rather bear it with resolution and constancy? and not cry, It is intolerable; nature cannot bear it! I hear what you say: Boys bear this because they are led thereto by glory; some bear it through shame, many through fear, and yet are we afraid that nature cannot bear what is borne by many, and in such different circumstances? Nature not only bears it, but challenges it, for there is nothing with her preferable, nothing which she desires

more than credit, and reputation, and praise, and honor, and glory. I choose here to describe this one thing under many names, and I have used many that you may have the clearer idea of it; for what I mean to say is, that whatever is desirable of itself, proceeding from virtue, or placed in virtue, and commendable on its own account (which I would rather agree to call the only good than deny it to be the chief good) is what men should prefer above all things. And as we declare this to be the case with respect to honesty, so we speak in the contrary manner of infamy; nothing is so odious, so detestable, nothing so unworthy of a man. And if you are thoroughly convinced of this (for, at the beginning of this discourse, you allowed that there appeared to you more evil in infamy than in pain), it follows that you ought to have the command over yourself, though I scarcely know how this expression may seem an accurate one, which appears to represent man as made up of two natures, so that one should be in command and the other be subject to it.

XXI. Yet this division does not proceed from ignorance; for the soul admits of a twofold division, one of which partakes of reason, the other is without it. When, therefore, we are ordered to give a law to ourselves, the meaning is, that reason should restrain our rashness. There is in the soul of every man something naturally soft, low, enervated in a manner, and languid. Were there nothing besides this, men would be the greatest of monsters; but there is present to every man reason, which presides over and gives laws to all; which, by improving itself, and making continual advances, becomes perfect virtue. It behooves a man, then, to take care that reason shall have the command over that part which is bound to practise obedience. In what manner? you will say. Why, as a master has over his slave, a general over his army, a father over his son. If that part of the soul which I have called soft behaves disgracefully, if it gives itself up to lamentations and womanish tears, then let it be restrained, and committed to the care of friends and relations, for we often see those persons brought to order by shame whom no reasons can influence. Therefore, we should confine those feelings, like our servants, in safe custody, and almost with chains. But those who have more resolution, and yet are not utterly immovable, we should encourage with our exhortations, as we would good soldiers, to recollect

themselves, and maintain their honor. That wisest man of all Greece, in the Niptræ, does not lament too much over his wounds, or, rather, he is moderate in his grief:

Move slow, my friends; your hasty speed refrain,
Lest by your motion you increase my pain.

Pacuvius is better in this than Sophocles, for in the one Ulysses bemoans his wounds too vehemently; for the very people who carried him after he was wounded, though his grief was moderate, yet, considering the dignity of the man, did not scruple to say,

And thou, Ulysses, long to war inured,
Thy wounds, though great, too feebly hast endured.

The wise poet understood that custom was no contemptible instructor how to bear pain. But the same hero complains with more decency, though in great pain:

Assist, support me, never leave me so;
Unbind my wounds, oh! execrable woe!

He begins to give way, but instantly checks himself:

Away! begone! but cover first the sore;
For your rude hands but make my pains the more.

Do you observe how he constrains himself? not that his bodily pains were less, but because he checks the anguish of his mind. Therefore, in the conclusion of the Niptræ, he blames others, even when he himself is dying:

Complaints of fortune may become the man,
None but a woman will thus weeping stand.

And so that soft place in his soul obeys his reason, just as an abashed soldier does his stern commander.

XXII. The man, then, in whom absolute wisdom exists (such a man, indeed, we have never as yet seen, but the philosophers have described in their writings what sort of man he will be, if he should exist); such a man, or at least that perfect and absolute reason which exists in him, will have the same authority over the inferior part as a good parent has over his dutiful children: he will bring it to obey his nod without any trouble or difficulty. He will rouse himself, prepare and arm himself, to oppose pain as he would an enemy. If you inquire what arms he will provide himself with, they will be contention, encouragement, discourse with himself. He will say thus to himself: Take care that you are guilty of nothing base, languid, or unmanly. He will turn over in his mind all the different kinds of honor. Zeno of Elea will occur to him, who suffered everything rather than betray his confederates in the design of putting an end to the tyranny. He will reflect on Anaxarchus, the pupil of Democritus, who, having fallen into the hands of Nicocreon, King of Cyprus, without the least entreaty for mercy or refusal, submitted to every kind of torture. Calanus the Indian will occur to him, an ignorant man and a barbarian, born at the foot of Mount Caucasus, who committed himself to the flames by his own free, voluntary act. But we, if we have the toothache, or a pain in the foot, or if the body be anyways affected, cannot bear it. For our sentiments of pain as well as pleasure are so trifling and effeminate, we are so enervated and relaxed by luxuries, that we cannot bear the sting of a bee without crying out. But Caius Marius, a plain countryman, but of a manly soul, when he had an operation performed on him, as I mentioned above, at first refused to be tied down; and he is the first instance of any one's having had an operation performed on him without being tied down. Why, then, did others bear it afterward? Why, from the force of example. You see, then, that pain exists more in opinion than in nature; and yet the same Marius gave a proof that there is something very sharp in pain for he would not submit to have the other thigh cut. So that he bore his pain with resolution as a man; but, like a reasonable person, he was not willing to undergo any greater pain without some necessary reason. The whole, then, consists in this — that you should have command over yourself. I have already told

you what kind of command this is; and by considering what is most consistent with patience, fortitude, and greatness of soul, a man not only restrains himself, but, somehow or other, mitigates even pain itself.

XXIII. Even as in a battle the dastardly and timorous soldier throws away his shield on the first appearance of an enemy, and runs as fast as he can, and on that account loses his life sometimes, though he has never received even one wound, when he who stands his ground has nothing of the sort happen to him, so they who cannot bear the appearance of pain throw themselves away, and give themselves up to affliction and dismay. But they that oppose it, often come off more than a match for it. For the body has a certain resemblance to the soul: as burdens are more easily borne the more the body is exerted, while they crush us if we give way, so the soul by exerting itself resists the whole weight that would oppress it; but if it yields, it is so pressed that it cannot support itself. And if we consider things truly, the soul should exert itself in every pursuit, for that is the only security for its doing its duty. But this should be principally regarded in pain, that we must not do anything timidly, or dastardly, or basely, or slavishly, or effeminately, and, above all things, we must dismiss and avoid that Philoctetean sort of outcry. A man is allowed sometimes to groan, but yet seldom; but it is not permissible even in a woman to howl; for such a noise as this is forbidden, by the twelve tables, to be used even at funerals. Nor does a wise or brave man ever groan, unless when he exerts himself to give his resolution greater force, as they who run in the stadium make as much noise as they can. The wrestlers, too, do the same when they are training; and the boxers, when they aim a blow with the cestus at their adversary, give a groan, not because they are in pain, or from a sinking of their spirits, but because their whole body is put upon the stretch by the throwing-out of these groans, and the blow comes the stronger.

XXIV. What! they who would speak louder than ordinary are they satisfied with working their jaws, sides, or tongue or stretching the common organs of speech and utterance? The whole body and every muscle is at full stretch if I may be allowed the expression; every nerve is exerted to assist their voice. I have actually seen the knees of

Marcus Antonius touch the ground when he was speaking with vehemence for himself, with relation to the Varian law. For, as the engines you throw stones or darts with throw them out with the greater force the more they are strained and drawn back; so it is in speaking, running, or boxing — the more people strain themselves, the greater their force. Since, therefore, this exertion has so much influence — if in a moment of pain groans help to strengthen the mind, let us use them; but if they be groans of lamentation, if they be the expression of weakness or abjectness, or unmanly weeping, then I should scarcely call him a man who yielded to them. For even supposing that such groaning could give any ease, it still should be considered whether it were consistent with a brave and resolute man. But if it does not ease our pain, why should we debase ourselves to no purpose? For what is more unbecoming in a man than to cry like a woman? But this precept which is laid down with respect to pain is not confined to it. We should apply this exertion of the soul to everything else. Is anger inflamed? is lust excited? we must have recourse to the same citadel, and apply to the same arms. But since it is pain which we are at present discussing, we will let the other subjects alone. To bear pain, then, sedately and calmly, it is of great use to consider with all our soul, as the saying is, how noble it is to do so, for we are naturally desirous (as I said before, but it cannot be too often repeated) and very much inclined to what is honorable, of which, if we discover but the least glimpse, there is nothing which we are not prepared to undergo and suffer to attain it. From this impulse of our minds, this desire for genuine glory and honorable conduct, it is that such dangers are supported in war, and that brave men are not sensible of their wounds in action, or, if they are sensible of them, prefer death to the departing but the least step from their honor. The Decii saw the shining swords of their enemies when they were rushing into the battle. But the honorable character and the glory of the death which they were seeking made all fear of death of little weight. Do you imagine that Epaminondas groaned when he perceived that his life was flowing out with his blood? No; for he left his country triumphing over the Lacedæmonians, whereas he had found it in subjection to them. These are the comforts, these are the things that assuage the greatest pain.

XXV. You may ask, How the case is in peace? What is to be done at home? How we are to behave in bed? You bring me back to the philosophers, who seldom go to war. Among these, Dionysius of Heraclea, a man certainly of no resolution, having learned fortitude of Zeno, quitted it on being in pain; for, being tormented with a pain in his kidneys, in bewailing himself he cried out that those things were false which he had formerly conceived of pain. And when his fellow-disciple, Cleanthes, asked him why he had changed his opinion, he answered, "That the case of any man who had applied so much time to philosophy, and yet was unable to bear pain, might be a sufficient proof that pain is an evil; that he himself had spent many years at philosophy, and yet could not bear pain: it followed, therefore, that pain was an evil." It is reported that Cleanthes on that struck his foot on the ground, and repeated a verse out of the Epigonæ:

Amphiaraus, hear'st thou this below?

He meant Zeno: he was sorry the other had degenerated from him.

But it was not so with our friend Posidonius, whom I have often seen myself; and I will tell you what Pompey used to say of him: that when he came to Rhodes, after his departure from Syria, he had a great desire to hear Posidonius, but was informed that he was very ill of a severe fit of the gout; yet he had great inclination to pay a visit to so famous a philosopher. Accordingly, when he had seen him, and paid his compliments, and had spoken with great respect of him, he said he was very sorry that he could not hear him lecture. "But indeed you may," replied the other, "nor will I suffer any bodily pain to occasion so great a man to visit me in vain." On this Pompey relates that, as he lay on his bed, he disputed with great dignity and fluency on this very subject: that nothing was good but what was honest; and that in his paroxysms he would often say, "Pain, it is to no purpose; notwithstanding you are troublesome, I will never acknowledge you an evil." And in general all celebrated and notorious afflictions become endurable by disregarding them.

XXVI. Do we not observe that where those exercises called gymnastic are in esteem, those who enter the lists never concern themselves about dangers? that where the praise of riding and hunting is highly esteemed, they who practice these arts decline no

pain? What shall I say of our own ambitious pursuits or desire of honors? What fire have not candidates run through to gain a single vote? Therefore Africanus had always in his hands Xenophon, the pupil of Socrates, being particularly pleased with his saying, that the same labors were not equally heavy to the general and to the common man, because the honor itself made the labor lighter to the general. But yet, so it happens, that even with the illiterate vulgar an idea of honor is of great influence, though they cannot understand what it is. They are led by report and common opinion to look on that as honorable which has the general voice. Not that I would have you, should the multitude be ever so fond of you, rely on their judgment, nor approve of everything which they think right: you must use your own judgment. If you are satisfied with yourself when you have approved of what is right, you will not only have the mastery over yourself (which I recommended to you just now), but over everybody, and everything. Lay this down, then, as a rule, that a great capacity, and lofty elevation of soul, which distinguishes itself most by despising and looking down with contempt on pain, is the most excellent of all things, and the more so if it does not depend on the people and does not aim at applause, but derives its satisfaction from itself. Besides, to me, indeed, everything seems the more commendable the less the people are courted, and the fewer eyes there are to see it. Not that you should avoid the public, for every generous action loves the public view; yet no theatre for virtue is equal to a consciousness of it.

XXVII. And let this be principally considered: that this bearing of pain, which I have often said is to be strengthened by an exertion of the soul, should be the same in everything. For you meet with many who, through a desire of victory, or for glory, or to maintain their rights, or their liberty, have boldly received wounds, and borne themselves up under them; and yet those very same persons, by relaxing that intenseness of their minds, were unequal to bearing the pain of a disease; for they did not support themselves under their former sufferings by reason or philosophy, but by inclination and glory. Therefore some barbarians and savage people are able to fight very stoutly with the sword, but cannot bear sickness like men; but the Grecians, men of no great courage, but as wise as human nature

will admit of, cannot look an enemy in the face, yet the same will bear to be visited with sickness tolerably, and with a sufficiently manly spirit; and the Cimbrians and Celtiberians are very alert in battle, but bemoan themselves in sickness. For nothing can be consistent which has not reason for its foundation. But when you see those who are led by inclination or opinion, not retarded by pain in their pursuits, nor hindered by it from succeeding in them, you may conclude, either that pain is no evil, or that, notwithstanding you may choose to call an evil whatever is disagreeable and contrary to nature, yet it is so very trifling an evil that it may so effectually be got the better of by virtue as quite to disappear. And I would have you think of this night and day; for this argument will spread itself, and take up more room some time or other, and not be confined to pain alone; for if the motives to all our actions are to avoid disgrace and acquire honor, we may not only despise the stings of pain, but the storms of fortune, especially if we have recourse to that retreat which was pointed out in our yesterday's discussion; for, as if some God had advised a man who was pursued by pirates to throw himself overboard, saying, "There is something at hand to receive you; either a dolphin will take you up, as it did Arion of Methymna; or those horses sent by Neptune to Pelops (who are said to have carried chariots so rapidly as to be borne up by the waves) will receive you, and convey you wherever you please. Cast away all fear." So, though your pains be ever so sharp and disagreeable, if the case is not such that it is worth your while to endure them, you see whither you may betake yourself. I think this will do for the present. But perhaps you still abide by your opinion.

A. Not in the least, indeed; and I hope I am freed by these two days' discourses from the fear of two things that I greatly dreaded.

M. To-morrow, then, for rhetoric, as we were saying. But I see we must not drop our philosophy.

A. No, indeed; we will have the one in the forenoon, and this at the usual time.

M. It shall be so, and I will comply with your very laudable inclinations.

BOOK III. ON GRIEF OF MIND.

I. What reason shall I assign, O Brutus, why, as we consist of mind and body, the art of curing and preserving the body should be so much sought after, and the invention of it, as being so useful, should be ascribed to the immortal Gods; but the medicine of the mind should not have been so much the object of inquiry while it was unknown, nor so much attended to and cultivated after its discovery, nor so well received or approved of by some, and accounted actually disagreeable, and looked upon with an envious eye by many? Is it because we, by means of the mind, judge of the pains and disorders of the body, but do not, by means of the body, arrive at any perception of the disorders of the mind? Hence it comes that the mind only judges of itself when that very faculty by which it is judged is in a bad state. Had nature given us faculties for discerning and viewing herself, and could we go through life by keeping our eye on her — our best guide — there would be no reason certainly why any one should be in want of philosophy or learning; but, as it is, she has furnished us only with some feeble rays of light, which we immediately extinguish so completely by evil habits and erroneous opinions that the light of nature is nowhere visible. The seeds of virtues are natural to our constitutions, and, were they suffered to come to maturity, would naturally conduct us to a happy life; but now, as soon as we are born and received into the world, we are instantly familiarized with all kinds of depravity and perversity of opinions; so that we may be said almost to suck in error with our nurse's milk. When we return to our parents, and are put into the hands of tutors and governors, we are imbued with so many errors that truth gives place to falsehood, and nature herself to established opinion.

II. To these we may add the poets; who, on account of the appearance they exhibit of learning and wisdom, are heard, read, and got by heart, and make a deep impression on our minds. But when to these are added the people, who are, as it were, one great body of instructors, and the multitude, who declare unanimously for what is wrong, then are we altogether overwhelmed with bad opinions, and

revolt entirely from nature; so that they seem to deprive us of our best guide who have decided that there is nothing better for man, nothing more worthy of being desired by him, nothing more excellent, than honors and commands, and a high reputation with the people; which indeed every excellent man aims at; but while he pursues that only true honor which nature has in view above all other objects, he finds himself busied in arrant trifles, and in pursuit of no conspicuous form of virtue, but only some shadowy representation of glory. For glory is a real and express substance, not a mere shadow. It consists in the united praise of good men, the free voice of those who form a true judgment of pre-eminent virtue; it is, as it were, the very echo of virtue; and being generally the attendant on laudable actions, should not be slighted by good men. But popular fame, which would pretend to imitate it, is hasty and inconsiderate, and generally commends wicked and immoral actions, and throws discredit upon the appearance and beauty of honesty by assuming a resemblance of it. And it is owing to their not being able to discover the difference between them that some men ignorant of real excellence, and in what it consists, have been the destruction of their country and of themselves. And thus the best men have erred, not so much in their intentions as by a mistaken conduct. What? is no cure to be attempted to be applied to those who are carried away by the love of money, or the lust of pleasures, by which they are rendered little short of madmen, which is the case of all weak people? or is it because the disorders of the mind are less dangerous than those of the body? or because the body will admit of a cure, while there is no medicine whatever for the mind?

III. But there are more disorders of the mind than of the body, and they are of a more dangerous nature; for these very disorders are the more offensive because they belong to the mind and disturb it; and the mind, when disordered, is, as Ennius says, in a constant error: it can neither bear nor endure anything, and is under the perpetual influence of desires. Now, what disorders can be worse to the body than these two distempers of the mind (for I overlook others), weakness and desire? But how, indeed, can it be maintained that the mind cannot prescribe for itself, when she it is who has invented the medicines for the body, when, with regard to bodily cures,

constitution and nature have a great share, nor do all who suffer themselves to be cured find that effect instantly; but those minds which are disposed to be cured, and submit to the precepts of the wise, may undoubtedly recover a healthy state? Philosophy is certainly the medicine of the soul, whose assistance we do not seek from abroad, as in bodily disorders, but we ourselves are bound to exert our utmost energy and power in order to effect our cure. But as to philosophy in general, I have, I think, in my Hortensius, sufficiently spoken of the credit and attention which it deserves: since that, indeed, I have been continually either disputing or writing on its most material branches; and I have laid down in these books all the discussions which took place between myself and my particular friends at my Tusculan villa. But as I have spoken in the two former of pain and death, this book shall be devoted to the account of the third day of our disputations.

We came down into the Academy when the day was already declining towards afternoon, and I asked one of those who were present to propose a subject for us to discourse on; and then the business was carried on in this manner:

IV. *A.* My opinion is, that a wise man is subject to grief.

M. What, and to the other perturbations of mind, as fears, lusts, anger? For these are pretty much like what the Greeks call πάθη. I might call them diseases, and that would be a literal translation, but it is not agreeable to our way of speaking. For envy, delight, and pleasure are all called by the Greeks diseases, being affections of the mind not in subordination to reason; but we, I think, are right in calling the same motions of a disturbed soul perturbations, and in very seldom using the term diseases; though, perhaps, it appears otherwise to you.

A. I am of your opinion.

M. And do you think a wise man subject to these?

A. Entirely, I think.

M. Then that boasted wisdom is but of small account, if it differs so little from madness?

A. What? does every commotion of the mind seem to you to be madness?

M. Not to me only; but I apprehend, though I have often been

surprised at it, that it appeared so to our ancestors many ages before Socrates; from whom is derived all that philosophy which relates to life and morals.

A. How so?

M. Because the name madness implies a sickness of the mind and disease; that is to say, an unsoundness and an unhealthiness of mind, which they call madness. But the philosophers call all perturbations of the soul diseases, and their opinion is that no fool is ever free from these; but all that are diseased are unsound; and the minds of all fools are diseased; therefore all fools are mad. For they held that soundness of the mind depends on a certain tranquillity and steadiness; and a mind which was destitute of these qualities they called insane, because soundness was inconsistent with a perturbed mind just as much as with a disordered body.

V. Nor were they less ingenious in calling the state of the soul devoid of the light of the mind, "a being out of one's mind," "a being beside one's self." From whence we may understand that they who gave these names to things were of the same opinion with Socrates, that all silly people were unsound, which the Stoics have carefully preserved as being derived from him; for whatever mind is distempered (and, as I just now said, the philosophers call all perturbed motions of the mind distempers) is no more sound than a body is when in a fit of sickness. Hence it is that wisdom is the soundness of the mind, folly a sort of unsoundness, which is insanity, or a being out of one's mind: and these are much better expressed by the Latin words than the Greek, which you will find the case also in many other topics. But we will discuss that point elsewhere: let us now attend to our present subject. The very meaning of the word describes the whole thing about which we are inquiring, both as to its substance and character. For we must necessarily understand by "sound" those whose minds are under no perturbation from any motion as if it were a disease. They who are differently affected we must necessarily call "unsound." So that nothing is better than what is usual in Latin, to say that they who are run away with by their lust or anger have quitted the command over themselves; though anger includes lust, for anger is defined to be the lust of revenge. They, then, who are said not to be masters of themselves, are said to be so

because they are not under the government of reason, to which is assigned by nature the power over the whole soul. Why the Greeks should call this mania, I do not easily apprehend; but we define it much better than they, for we distinguish this madness (*insania*), which, being allied to folly, is more extensive, from what we call *furor*, or raving. The Greeks, indeed, would do so too, but they have no one word that will express it: what we call *furor*, they call μελαγχολία, as if the reason were affected only by a black bile, and not disturbed as often by a violent rage, or fear, or grief. Thus we say Athamas, Alcmæon, Ajax, and Orestes were raving (*furere*); because a person affected in this manner was not allowed by the Twelve Tables to have the management of his own affairs; therefore the words are not, if he is mad (*insanus*), but if he begins to be raving (*furiosus*). For they looked upon madness to be an unsettled humor that proceeded from not being of sound mind; yet such a person might perform his ordinary duties, and discharge the usual and customary requirements of life: but they considered one that was raving as afflicted with a total blindness of the mind, which, notwithstanding it is allowed to be greater than madness, is nevertheless of such a nature that a wise man may be subject to raving (*furor*), but cannot possibly be afflicted by insanity (*insania*). But this is another question: let us now return to our original subject.

VI. I think you said that it was your opinion that a wise man was liable to grief.

A. And so, indeed, I think.

M. It is natural enough to think so, for we are not the offspring of flints; but we have by nature something soft and tender in our souls, which may be put into a violent motion by grief, as by a storm; nor did that Crantor, who was one of the most distinguished men that our Academy has ever produced, say this amiss: “I am by no means of their opinion who talk so much in praise of I know not what insensibility, which neither can exist, nor ought to exist”. “I would choose,” says he, “never to be ill; but should I be so, still I should choose to retain my sensation, whether there was to be an amputation or any other separation of anything from my body. For that insensibility cannot be but at the expense of some unnatural ferocity of mind, or stupor of body.”But let us consider whether to talk in this

manner be not allowing that we are weak, and yielding to our softness. Notwithstanding, let us be hardy enough, not only to lop off every arm of our miseries, but even to pluck up every fibre of their roots. Yet still something, perhaps, may be left behind, so deep does folly strike its roots: but whatever may be left it will be no more than is necessary. But let us be persuaded of this, that unless the mind be in a sound state, which philosophy alone can effect, there can be no end of our miseries. Wherefore, as we began, let us submit ourselves to it for a cure; we shall be cured if we choose to be. I shall advance something further. I shall not treat of grief alone, though that indeed is the principal thing; but, as I originally proposed, of every perturbation of the mind, as I termed it; disorder, as the Greeks call it: and first, with your leave, I shall treat it in the manner of the Stoics, whose method is to reduce their arguments into a very small space; afterward I shall enlarge more in my own way.

VII. A man of courage is also full of faith. I do not use the word confident, because, owing to an erroneous custom of speaking, that word has come to be used in a bad sense, though it is derived from confiding, which is commendable. But he who is full of faith is certainly under no fear; for there is an inconsistency between faith and fear. Now, whoever is subject to grief is subject to fear; for whatever things we grieve at when present we dread when hanging over us and approaching. Thus it comes about that grief is inconsistent with courage: it is very probable, therefore, that whoever is subject to grief is also liable to fear, and to a broken kind of spirits and sinking. Now, whenever these befall a man, he is in a servile state, and must own that he is overpowered; for whoever admits these feelings, must admit timidity and cowardice. But these cannot enter into the mind of a man of courage; neither, therefore, can grief: but the man of courage is the only wise man; therefore grief cannot befall the wise man. It is, besides, necessary that whoever is brave should be a man of great soul; that whoever is a man of a great soul should be invincible; whoever is invincible looks down with contempt on all things here, and considers them, beneath him. But no one can despise those things on account of which he may be affected with grief; from whence it follows that a wise man is never affected with grief: for all wise men are brave; therefore a wise man is not

subject to grief. And as the eye, when disordered, is not in a good condition for performing its office properly; and as the other parts, and the whole body itself, when unsettled, cannot perform their office and business; so the mind, when disordered, is but ill-fitted to perform its duty. The office of the mind is to use its reason well; but the mind of a wise man is always in condition to make the best use of his reason, and therefore is never out of order. But grief is a disorder of the mind; therefore a wise man will be always free from it.

VIII. And from these considerations we may get at a very probable definition of the temperate man, whom the Greeks call σώφρων: and they call that virtue σωφροσύνην, which I at one time call temperance, at another time moderation, and sometimes even modesty; but I do not know whether that virtue may not be properly called frugality, which has a more confined meaning with the Greeks; for they call frugal men χρησίμους, which implies only that they are useful; but our name has a more extensive meaning: for all abstinence, all innocency (which the Greeks have no ordinary name for, though they might use the word ἀβλάβεια, for innocency is that disposition of mind which would offend no one) and several other virtues are comprehended under frugality; but if this quality were of less importance, and confined in as small a compass as some imagine, the surname of Piso would not have been in so great esteem. But as we allow him not the name of a frugal man (*frugi*), who either quits his post through fear, which is cowardice; or who reserves to his own use what was privately committed to his keeping, which is injustice; or who fails in his military undertakings through rashness, which is folly — for that reason the word frugality takes in these three virtues of fortitude, justice, and prudence, though it is indeed common to all virtues, for they are all connected and knit together. Let us allow, then, frugality itself to be another and fourth virtue; for its peculiar property seems to be, to govern and appease all tendencies to too eager a desire after anything, to restrain lust, and to preserve a decent steadiness in everything. The vice in contrast to this is called prodigality (*nequitia*). Frugality, I imagine, is derived from the word *fruge*, the best thing which the earth produces; *nequitia* is derived (though this is perhaps rather more strained; still, let us try it; we shall only be thought to have been trifling if there is

nothing in what we say) from the fact of everything being to no purpose (*nequicquam*) in such a man; from which circumstance he is called also *Nihil*, nothing. Whoever is frugal, then, or, if it is more agreeable to you, whoever is moderate and temperate, such a one must of course be consistent; whoever is consistent, must be quiet; the quiet man must be free from all perturbation, therefore from grief likewise: and these are the properties of a wise man; therefore a wise man must be free from grief.

IX. So that Dionysius of Heraclea is right when, upon this complaint of Achilles in Homer,

Well hast thou spoke, but at the tyrant's name
My rage rekindles, and my soul's in flame:
'Tis just resentment, and becomes the brave,
Disgraced, dishonor'd like the vilest slave —

he reasons thus: Is the hand as it should be, when it is affected with a swelling? or is it possible for any other member of the body, when swollen or enlarged, to be in any other than a disordered state? Must not the mind, then, when it is puffed up, or distended, be out of order? But the mind of a wise man is always free from every kind of disorder: it never swells, never is puffed up; but the mind when in anger is in a different state. A wise man, therefore, is never angry; for when he is angry, he lusts after something; for whoever is angry naturally has a longing desire to give all the pain he can to the person who he thinks has injured him; and whoever has this earnest desire must necessarily be much pleased with the accomplishment of his wishes; hence he is delighted with his neighbor's misery; and as a wise man is not capable of such feelings as these, he is therefore not capable of anger. But should a wise man be subject to grief, he may likewise be subject to anger; for as he is free from anger, he must likewise be free from grief. Again, could a wise man be subject to grief, he might also be liable to pity, or even might be open to a disposition towards envy (*invidentia*); I do not say to envy (*invidia*), for that can only exist by the very act of envying: but we may fairly form the word *invidentia* from *invidendo*, and so avoid the doubtful name *invidia;* for this word is probably derived from *in* and *video*, looking too closely into another's fortune; as it is said in the Melanippus,

Who envies me the flower of my children?

where the Latin is *invidit florem.* It may appear not good Latin, but it is very well put by Accius; for as *video* governs an accusative case, so it is more correct to say *invideo florem* than *flori.* We are debarred from saying so by common usage. The poet stood in his own right, and expressed himself with more freedom.

X. Therefore compassion and envy are consistent in the same man; for whoever is uneasy at any one's adversity is also uneasy at another's prosperity: as Theophrastus, while he laments the death of his companion Callisthenes, is at the same time disturbed at the success of Alexander; and therefore he says that Callisthenes met with man of the greatest power and good fortune, but one who did not know how to make use of his good fortune. And as pity is an uneasiness which arises from the misfortunes of another, so envy is an uneasiness that proceeds from the good success of another: therefore whoever is capable of pity is capable of envy. But a wise man is incapable of envy, and consequently incapable of pity. But were a wise man used to grieve, to pity also would be familiar to him; therefore to grieve is a feeling which cannot affect a wise man. Now, though these reasonings of the Stoics, and their conclusions, are rather strained and distorted, and ought to be expressed in a less stringent and narrow manner, yet great stress is to be laid on the opinions of those men who have a peculiarly bold and manly turn of thought and sentiment. For our friends the Peripatetics, notwithstanding all their erudition, gravity, and fluency of language, do not satisfy me about the moderation of these disorders and diseases of the soul which they insist upon; for every evil, though moderate, is in its nature great. But our object is to make out that the wise man is free from all evil; for as the body is unsound if it is ever so slightly affected, so the mind under any moderate disorder loses its soundness; therefore the Romans have, with their usual accuracy of expression, called trouble, and anguish, and vexation, on account of the analogy between a troubled mind and a diseased body, disorders. The Greeks call all perturbation of mind by pretty nearly the same name; for they name every turbid motion of the soul πάθος, that is to say, a distemper. But we have given them a more proper name; for a disorder of the mind is very like a disease of the body.

But lust does not resemble sickness; neither does immoderate joy, which is an elated and exulting pleasure of the mind. Fear, too, is not very like a distemper, though it is akin to grief of mind, but properly, as is also the case with sickness of the body, so too sickness of mind has no name separated from pain. And therefore I must explain the origin of this pain, that is to say, the cause that occasions this grief in the mind, as if it were a sickness of the body. For as physicians think they have found out the cure when they have discovered the cause of the distemper, so we shall discover the method of curing melancholy when the cause of it is found out.

XI. The whole cause, then, is in opinion; and this observation applies not to this grief alone, but to every other disorder of the mind, which are of four sorts, but consisting of many parts. For as every disorder or perturbation is a motion of the mind, either devoid of reason, or in despite of reason, or in disobedience to reason, and as that motion is excited by an opinion of either good or evil; these four perturbations are divided equally into two parts: for two of them proceed from an opinion of good, one of which is an exulting pleasure, that is to say, a joy elated beyond measure, arising from an opinion of some present great good; the other is a desire which may fairly be called even a lust, and is an immoderate inclination after some conceived great good without any obedience to reason. Therefore these two kinds, the exulting pleasure and the lust, have their rise from an opinion of good, as the other two, fear and grief, have from an opinion of evil. For fear is an opinion of some great evil impending over us, and grief is an opinion of some great evil present; and, indeed, it is a freshly conceived opinion of an evil so great that to grieve at it seems right: it is of that kind that he who is uneasy at it thinks he has good reason to be so. Now we should exert, our utmost efforts to oppose these perturbations — which are, as it were, so many furies let loose upon us and urged on by folly — if we are desirous to pass this share of life that is allotted to us with ease and satisfaction. But of the other feelings I shall speak elsewhere: our business at present is to drive away grief if we can, for that shall be the object of our present discussion, since you have said that it was your opinion that a wise man might be subject to grief, which I can by no means allow of; for it is a frightful, miserable, and detestable

thing, which we should fly from with our utmost efforts — with all our sails and oars, as I may say.

XII. That descendant of Tantalus, how does he appear to you — he who sprung from Pelops, who formerly stole Hippodamia from her father-in-law, King Œnomaus, and married her by force? — he who was descended from Jupiter himself, how broken-hearted and dispirited does he not seem!

Stand off, my friends, nor come within my shade,
That no pollutions your sound hearts pervade,
So foul a stain my body doth partake.

Will you condemn yourself, Thyestes, and deprive yourself of life, on account of the greatness of another's crime? What do you think of that son of Phœbus? Do you not look upon him as unworthy of his own father's light?

Hollow his eyes, his body worn away,
His furrow'd cheeks his frequent tears betray;
His beard neglected, and his hoary hairs
Rough and uncomb'd, bespeak his bitter cares.

O foolish Æetes! these are evils which you yourself have been the cause of, and are not occasioned by any accidents with which chance has visited you; and you behaved as you did, even after you had been inured to your distress, and after the first swelling of the mind had subsided! — whereas grief consists (as I shall show) in the notion of some recent evil — but your grief, it is very plain, proceeded from the loss of your kingdom, not of your daughter, for you hated her, and perhaps with reason, but you could not calmly bear to part with your kingdom. But surely it is an impudent grief which preys upon a man for not being able to command those that are free. Dionysius, it is true, the tyrant of Syracuse, when driven from his country, taught a school at Corinth; so incapable was he of living without some authority. But what could be more impudent than Tarquin, who made war upon those who could not bear his tyranny; and, when he could not recover his kingdom by the aid of the forces of the Veientians and the Latins, is said to have betaken himself to Cuma, and to have died in that city of old age and grief!

XIII. Do you, then, think that it can befall a wise man to be oppressed with grief, that is to say, with misery? for, as all

perturbation is misery, grief is the rack itself. Lust is attended with heat, exulting joy with levity, fear with meanness, but grief with something greater than these; it consumes, torments, afflicts, and disgraces a man; it tears him, preys upon his mind, and utterly destroys him: if we do not so divest ourselves of it as to throw it completely off, we cannot be free from misery. And it is clear that there must be grief where anything has the appearance of a present sore and oppressing evil. Epicurus is of opinion that grief arises naturally from the imagination of any evil; so that whosoever is eye-witness of any great misfortune, if he conceives that the like may possibly befall himself, becomes sad instantly from such an idea. The Cyrenaics think that grief is not engendered by every kind of evil, but only by unexpected, unforeseen evil; and that circumstance is, indeed, of no small effect on the heightening of grief; for whatsoever comes of a sudden appears more formidable. Hence these lines are deservedly commended:

I knew my son, when first he drew his breath,
Destined by fate to an untimely death;
And when I sent him to defend the Greeks,
War was his business, not your sportive freaks.

XIV. Therefore, this ruminating beforehand upon future evils which you see at a distance makes their approach more tolerable; and on this account what Euripides makes Theseus say is much commended. You will give me leave to translate them, as is usual with me:

I treasured up what some learn'd sage did tell,
And on my future misery did dwell;
I thought of bitter death, of being drove
Far from my home by exile, and I strove
With every evil to possess my mind,
That, when they came, I the less care might find.

But Euripides says that of himself, which Theseus said he had heard from some learned man, for the poet had been a pupil of Anaxagoras, who, as they relate, on hearing of the death of his son, said, "I knew that my son was mortal;" which speech seems to intimate that such things afflict those men who have not thought on them before. Therefore, there is no doubt but that all those things

which are considered evils are the heavier from not being foreseen. Though, notwithstanding this is not the only circumstance which occasions the greatest grief, still, as the mind, by foreseeing and preparing for it, has great power to make all grief the less, a man should at all times consider all the events that may befall him in this life; and certainly the excellence and divine nature of wisdom consists in taking a near view of, and gaining a thorough acquaintance with, all human affairs, in not being surprised when anything happens, and in thinking, before the event, that there is nothing but what may come to pass.

Wherefore ev'ry man,
When his affairs go on most swimmingly,
E'en then it most behooves to arm himself
Against the coming storm: loss, danger, exile,
Returning ever, let him look to meet;
His son in fault, wife dead, or daughter sick;
All common accidents, and may have happen'd
That nothing shall seem new or strange. But if
Aught has fall'n out beyond his hopes, all that
Let him account clear gain.

XV. Therefore, as Terence has so well expressed what he borrowed from philosophy, shall not we, from whose fountains he drew it, say the same thing in a better manner, and abide by it with more steadiness? Hence came that steady countenance, which, according to Xantippe, her husband Socrates always had; so that she said that she never observed any difference in his looks when he went out and when he came home. Yet the look of that old Roman, M. Crassus, who, as Lucilius says, never smiled but once in his lifetime, was not of this kind, but placid and serene, for so we are told. He, indeed, might well have had the same look at all times who never changed his mind, from which the countenance derives its expression. So that I am ready to borrow of the Cyrenaics those arms against the accidents and events of life by means of which, by long premeditation, they break the force of all approaching evils; and at the same time I think that those very evils themselves arise more

from opinion than nature, for if they were real, no forecast could make them lighter. But I shall speak more particularly on these matters after I have first considered Epicurus's opinion, who thinks that all people must necessarily be uneasy who believe themselves to be in any evils, let them be either foreseen and expected, or habitual to them; for with him evils are not the less by reason of their continuance, nor the lighter for having been foreseen; and it is folly to ruminate on evils to come, or such as, perhaps, never may come: every evil is disagreeable enough when it does come; but he who is constantly considering that some evil may befall him is loading himself with a perpetual evil; and even should such evil never light on him, he voluntarily takes upon himself unnecessary misery, so that he is under constant uneasiness, whether he actually suffers any evil, or only thinks of it. But he makes the alleviation of grief depend on two things — a ceasing to think on evil, and a turning to the contemplation of pleasure. For he thinks that the mind may possibly be under the power of reason, and follow her directions: he forbids us, therefore, to mind trouble, and calls us off from sorrowful reflections; he throws a mist over our eyes to hinder us from the contemplation of misery. Having sounded a retreat from this statement, he drives our thoughts on again, and encourages them to view and engage the whole mind in the various pleasures with which he thinks the life of a wise man abounds, either from reflecting on the past, or from the hope of what is to come. I have said these things in my own way; the Epicureans have theirs. However, let us examine what they say; how they say it is of little consequence.

XVI. In the first place, they are wrong in forbidding men to premeditate on futurity and blaming their wish to do so; for there is nothing that breaks the edge of grief and lightens it more than considering, during one's whole life, that there is nothing which it is impossible should happen, or than, considering what human nature is, on what conditions life was given, and how we may comply with them. The effect of which is that we are always grieving, but that we never do so; for whoever reflects on the nature of things, the various turns of life, and the weakness of human nature, grieves, indeed, at that reflection; but while so grieving he is, above all other times, behaving as a wise man, for he gains these two things by it: one, that

while he is considering the state of human nature he is performing the especial duties of philosophy, and is provided with a triple medicine against adversity — in the first place, because he has long reflected that such things might befall him, and this reflection by itself contributes much towards lessening and weakening all misfortunes; and, secondly, because he is persuaded that we should bear all the accidents which can happen to man with the feelings and spirit of a man; and, lastly, because he considers that what is blamable is the only evil. But it is not your fault that something has happened to you which it was impossible for man to avoid. For that withdrawing of our thoughts which he recommends when he calls us off from contemplating our misfortunes is an imaginary action; for it is not in our power to dissemble or to forget those evils which lie heavy on us; they tear, vex, and sting us — they burn us up, and leave no breathing time. And do you order us to forget them (for such forgetfulness is contrary to nature), and at the same time deprive us of the only assistance which nature affords, the being accustomed to them? For that, though it is but a slow medicine (I mean that which is brought by lapse of time), is still a very effectual one. You order me to employ my thoughts on something good, and forget my misfortunes. You would say something worthy a great philosopher if you thought those things good which are best suited to the dignity of human nature.

XVII. Should Pythagoras, Socrates, or Plato say to me, Why are you dejected or sad? Why do you faint, and yield to fortune, which, perhaps, may have power to harass and disturb you, but should not quite unman you? There is great power in the virtues; rouse them, if they chance to droop. Take fortitude for your guide, which will give you such spirits that you will despise everything that can befall man, and look on it as a trifle. Add to this temperance, which is moderation, and which was just now called frugality, which will not suffer you to do anything base or bad — for what is worse or baser than an effeminate man? Not even justice will suffer you to act in this manner, though she seems to have the least weight in this affair; but still, notwithstanding, even she will inform you that you are doubly unjust when you both require what does not belong to you, inasmuch as though you who have been born mortal demand to be placed in the

condition of the immortals, and at the same time you take it much to heart that you are to restore what was lent you. What answer will you make to prudence, who informs you that she is a virtue sufficient of herself both to teach you a good life and also to secure you a happy one? And, indeed, if she were fettered by external circumstances, and dependent on others, and if she did not originate in herself and return to herself, and also embrace everything in herself, so as to seek no adventitious aid from any quarter, I cannot imagine why she should appear deserving of such lofty panegyrics, or of being sought after with such excessive eagerness. Now, Epicurus, if you call me back to such goods as these, I will obey you, and follow you, and use you as my guide, and even forget, as you order me, all my misfortunes; and I will do this the more readily from a persuasion that they are not to be ranked among evils at all. But you are for bringing my thoughts over to pleasure. What pleasures? Pleasures of the body, I imagine, or such as are recollected or imagined on account of the body. Is this all? Do I explain your opinion rightly? for your disciples are used to deny that we understand at all what Epicurus means. This is what he says, and what that subtle fellow, old Zeno, who is one of the sharpest of them, used, when I was attending lectures at Athens, to enforce and talk so loudly of; saying that he alone was happy who could enjoy present pleasure, and who was at the same time persuaded that he should enjoy it without pain, either during the whole or the greatest part of his life; or if, should any pain interfere, if it was very sharp, then it must be short; should it be of longer continuance, it would have more of what was sweet than bitter in it; that whosoever reflected on these things would be happy, especially if satisfied with the good things which he had already enjoyed, and if he were without fear of death or of the Gods.

XVIII. You have here a representation of a happy life according to Epicurus, in the words of Zeno, so that there is no room for contradiction in any point. What, then? Can the proposing and thinking of such a life make Thyestes's grief the less, or Æetes's, of whom I spoke above, or Telamon's, who was driven from his country to penury and banishment? in wonder at whom men exclaimed thus:

Is this the man surpassing glory raised?
Is this that Telamon so highly praised
By wondering Greece, at whose sight, like the sun,
All others with diminish'd lustre shone?

Now, should any one, as the same author says, find his spirits sink with the loss of his fortune, he must apply to those grave philosophers of antiquity for relief, and not to these voluptuaries: for what great abundance of good do they promise? Suppose that we allow that to be without pain is the chief good? Yet that is not called pleasure. But it is not necessary at present to go through the whole: the question is, to what point are we to advance in order to abate our grief? Grant that to be in pain is the greatest evil: whosoever, then, has proceeded so far as not to be in pain, is he, therefore, in immediate possession of the greatest good? Why, Epicurus, do we use any evasions, and not allow in our own words the same feeling to be pleasure which you are used to boast of with such assurance? Are these your words or not? This is what you say in that book which contains all the doctrine of your school; for I will perform on this occasion the office of a translator, lest any one should imagine that I am inventing anything. Thus you speak: "Nor can I form any notion of the chief good, abstracted from those pleasures which are perceived by taste, or from what depends on hearing music, or abstracted from ideas raised by external objects visible to the eye, or by agreeable motions, or from those other pleasures which are perceived by the whole man by means of any of his senses; nor can it possibly be said that the pleasures of the mind are excited only by what is good, for I have perceived men's minds to be pleased with the hopes of enjoying those things which I mentioned above, and with the idea that it should enjoy them without any interruption from pain." And these are his exact words, so that any one may understand what were the pleasures with which Epicurus was acquainted. Then he speaks thus, a little lower down: "I have often inquired of those who have been called wise men what would be the remaining good if they should exclude from consideration all these pleasures, unless they meant to give us nothing but words. I could never learn anything from them; and unless they choose that all virtue and

wisdom should vanish and come to nothing, they must say with me that the only road to happiness lies through those pleasures which I mentioned above." What follows is much the same, and his whole book on the chief good everywhere abounds with the same opinions. Will you, then, invite Telamon to this kind of life to ease his grief? And should you observe any one of your friends under affliction, would you rather prescribe him a sturgeon than a treatise of Socrates? or advise him to listen to the music of a water organ rather than to Plato? or lay before him the beauty and variety of some garden, put a nosegay to his nose, burn perfumes before him, and bid him crown himself with a garland of roses and woodbines? Should you add one thing more, you would certainly wipe out all his grief.

XIX. Epicurus must admit these arguments, or he must take out of his book what I just now said was a literal translation; or, rather, he must destroy his whole book, for it is crammed full of pleasures. We must inquire, then, how we can ease him of his grief who speaks in this manner:

My present state proceeds from fortune's stings;
By birth I boast of a descent from kings;
Hence may you see from what a noble height
I'm sunk by fortune to this abject plight.

What! to ease his grief, must we mix him a cup of sweet wine, or something of that kind? Lo! the same poet presents us with another sentiment somewhere else:

I, Hector, once so great, now claim your aid.
We should assist her, for she looks out for help:
Where shall I now apply, where seek support?
Where hence betake me, or to whom resort?"
No means remain of comfort or of joy,
In flames my palace, and in ruins Troy;
Each wall, so late superb, deformed nods,
And not an altar's left t' appease the Gods.
You know what should follow, and particularly this:
Of father, country, and of friends bereft,

Not one of all these sumptuous temples left;
Which, while the fortune of our house did stand,
With rich wrought ceilings spoke the artist's hand.

O excellent poet! though despised by those who sing the verses of Euphorion. He is sensible that all things which come on a sudden are harder to be borne. Therefore, when he had set off the riches of Priam to the best advantage, which had the appearance of a long continuance, what does he add?

Lo! these all perish'd in one blazing pile;
The foe old Priam of his life beguiled,
And with his blood, thy altar, Jove, defiled.

Admirable poetry! There is something mournful in the subject, as well as in the words and measure. We must drive away this grief of hers: how is that to be done? Shall we lay her on a bed of down; introduce a singer; shall we burn cedar, or present here with some pleasant liquor, and provide her something to eat? Are these the good things which remove the most afflicting grief? For you but just now said you knew of no other good. I should agree with Epicurus that we ought to be called off from grief to contemplate good things, if we could only agree upon what was good.

XX. It may be said, What! do you imagine Epicurus really meant this, and that he maintained anything so sensual? Indeed I do not imagine so, for I am sensible that he has uttered many excellent things and sentiments, and delivered maxims of great weight. Therefore, as I said before, I am speaking of his acuteness, not of his morals. Though he should hold those pleasures in contempt which he just now commended, yet I must remember wherein he places the chief good. For he was not contented with barely saying this, but he has explained what he meant: he says that taste, and embraces, and sports, and music, and those forms which affect the eyes with pleasure, are the chief good. Have I invented this? have I misrepresented him? I should be glad to be confuted; for what am I endeavoring at but to clear up truth in every question? Well, but the same man says that pleasure is at its height where pain ceases, and

that to be free from all pain is the very greatest pleasure. Here are three very great mistakes in a very few words. One is, that he contradicts himself; for, but just now, he could not imagine anything good unless the senses were in a manner tickled with some pleasure; but now he says that to be free from pain is the highest pleasure. Can any one contradict himself more? The next mistake is, that where there is naturally a threefold division — the first, to be pleased; next, to be in pain; the last, to be affected neither by pleasure nor pain — he imagines the first and the last to be the same, and makes no difference between pleasure and a cessation of pain. The last mistake he falls into in common with some others, which is this: that as virtue is the most desirable thing, and as philosophy has been investigated with a view to the attainment of it, he has separated the chief good from virtue. But he commends virtue, and that frequently; and indeed C. Gracchus, when he had made the largest distributions of the public money, and had exhausted the treasury, nevertheless spoke much of defending the treasury. What signifies what men say when we see what they do? That Piso, who was surnamed Frugal, had always harangued against the law that was proposed for distributing the corn; but when it had passed, though a man of consular dignity, he came to receive the corn. Gracchus observed Piso standing in the court, and asked him, in the hearing of the people, how it was consistent for him to take corn by a law he had himself opposed. "It was," said he, "against your distributing my goods to every man as you thought proper; but, as you do so, I claim my share." Did not this grave and wise man sufficiently show that the public revenue was dissipated by the Sempronian law? Read Gracchus's speeches, and you will pronounce him the advocate of the treasury. Epicurus denies that any one can live pleasantly who does not lead a life of virtue; he denies that fortune has any power over a wise man; he prefers a spare diet to great plenty, and maintains that a wise man is always happy. All these things become a philosopher to say, but they are not consistent with pleasure. But the reply is, that he doth not mean *that* pleasure: let him mean any pleasure, it must be such a one as makes no part of virtue. But suppose we are mistaken as to his pleasure; are we so, too, as to his pain? I maintain, therefore, the impropriety of language which that man uses, when talking of virtue, who would

measure every great evil by pain.

XXI. And indeed the Epicureans, those best of men — for there is no order of men more innocent — complain that I take great pains to inveigh against Epicurus. We are rivals, I suppose, for some honor or distinction. I place the chief good in the mind, he in the body; I in virtue, he in pleasure; and the Epicureans are up in arms, and implore the assistance of their neighbors, and many are ready to fly to their aid. But as for my part, I declare that I am very indifferent about the matter, and that I consider the whole discussion which they are so anxious about at an end. For what! is the contention about the Punic war? on which very subject, though M. Cato and L. Lentulus were of different opinions, still there was no difference between them. But these men behave with too much heat, especially as the opinions which they would uphold are no very spirited ones, and such as they dare not plead for either in the senate or before the assembly of the people, or before the army or the censors. But, however, I will argue with them another time, and with such a disposition that no quarrel shall arise between us; for I shall be ready to yield to their opinions when founded on truth. Only I must give them this advice: That were it ever so true, that a wise man regards nothing but the body, or, to express myself with more decency, never does anything except what is expedient, and views all things with exclusive reference to his own advantage, as such things are not very commendable, they should confine them to their own breasts, and leave off talking with that parade of them.

XXII. What remains is the opinion of the Cyrenaics, who think that men grieve when anything happens unexpectedly. And that is indeed, as I said before, a great aggravation of a misfortune; and I know that it appeared so to Chrysippus—"Whatever falls out unexpected is so much the heavier." But the whole question does not turn on this; though the sudden approach of an enemy sometimes occasions more confusion than it would if you had expected him, and a sudden storm at sea throws the sailors into a greater fright than one which they have foreseen; and it is the same in many other cases. But when you carefully consider the nature of what was expected, you will find nothing more than that all things which come on a sudden appear greater; and this upon two accounts: first of all, because you

have not time to consider how great the accident is; and, secondly, because you are probably persuaded that you could have guarded against it had you foreseen if, and therefore the misfortune, having been seemingly encountered by your own fault, makes your grief the greater. That it is so, time evinces; which, as it advances, brings with it so much mitigation that though the same misfortunes continue, the grief not only becomes the less, but in some cases is entirely removed. Many Carthaginians were slaves at Rome, and many Macedonians, when Perseus their king was taken prisoner. I saw, too, when I was a young man, some Corinthians in the Peloponnesus. They might all have lamented with Andromache,

All these I saw.....;

but they had perhaps given over lamenting themselves, for by their countenances, and speech, and other gestures you might have taken them for Argives or Sicyonians. And I myself was more concerned at the ruined walls of Corinth than the Corinthians themselves were, whose minds by frequent reflection and time had become callous to such sights. I have read a book of Clitomachus, which he sent to his fellow-citizens who were prisoners, to comfort them after the destruction of Carthage. There is in it a treatise written by Carneades, which, as Clitomachus says, he had inserted into his book; the subject was, "That it appeared probable that a wise man would grieve at the state of subjection of his country," and all the arguments which Carneades used against this proposition are set down in the book. There the philosopher applies such a strong medicine to a fresh grief as would be quite unnecessary in one of any continuance; nor, if this very book had been sent to the captives some years after, would it have found any wounds to cure, but only scars; for grief, by a gentle progress and slow degrees, wears away imperceptibly. Not that the circumstances which gave rise to it are altered, or can be, but that custom teaches what reason should — that those things which before seemed to be of some consequence are of no such great importance, after all.

XXIII. It may be said, What occasion is there to apply to reason, or to any sort of consolation such as we generally make use of, to mitigate the grief of the afflicted? For we have this argument always at hand, that nothing ought to appear unexpected. But how will any

one be enabled to bear his misfortunes the better by knowing that it is unavoidable that such things should happen to man? Saying this subtracts nothing from the sum of the grief: it only asserts that nothing has fallen out but what might have been anticipated; and yet this manner of speaking has some little consolation in it, though I apprehend not a great deal. Therefore those unlooked-for things have not so much force as to give rise to all our grief; the blow perhaps may fall the heavier, but whatever happens does not appear the greater on that account. No, it is the fact of its having happened lately, and not of its having befallen us unexpectedly, that makes it seem the greater. There are two ways, then, of discerning the truth, not only of things that seem evil, but of those that have the appearance of good. For we either inquire into the nature of the thing, of what description, and magnitude, and importance it is — as sometimes with regard to poverty, the burden of which we may lighten when by our disputations we show how few things nature requires, and of what a trifling kind they are — or, without any subtle arguing, we refer them to examples, as here we instance a Socrates, there a Diogenes, and then again that line in Cæcilius,

Wisdom is oft conceal'd in mean attire.

For as poverty is of equal weight with all, what reason can be given why what was borne by Fabricius should be spoken of by any one else as unsupportable when it falls upon themselves? Of a piece with this is that other way of comforting, which consists in pointing out that nothing has happened but what is common to human nature; for this argument doth not only inform us what human nature is, but implies that all things are tolerable which others have borne and are bearing.

XXIV. Is poverty the subject? They tell you of many who have submitted to it with patience. Is it the contempt of honors? They acquaint you with some who never enjoyed any, and were the happier for it; and of those who have preferred a private retired life to public employment, mentioning their names with respect; they tell you of the verse of that most powerful king who praises an old man, and pronounces him happy because he was unknown to fame and seemed likely to arrive at the hour of death in obscurity and without notice. Thus, too, they have examples for those who are deprived of

their children: they who are under any great grief are comforted by instances of like affliction; and thus the endurance of every misfortune is rendered more easy by the fact of others having undergone the same, and the fate of others causes what has happened to appear less important than it has been previously thought, and reflection thus discovers to us how much opinion had imposed on us. And this is what the Telamon declares, "I, when my son was born," etc.; and thus Theseus, "I on my future misery did dwell;" and Anaxagoras, "I knew my son was mortal." All these men, by frequently reflecting on human affairs, had discovered that they were by no means to be estimated by the opinion of the multitude; and, indeed, it seems to me to be pretty much the same case with those who consider beforehand as with those who derive their remedies from time, excepting that a kind of reason cures the one, and the other remedy is provided by nature; by which we discover (and this contains the whole marrow of the matter) that what was imagined to be the greatest evil is by no means so great as to defeat the happiness of life. And the effect of this is, that the blow is greater by reason of its not having been foreseen, and not, as they suppose, that when similar misfortunes befall two different people, that man only is affected with grief whom this calamity has befallen unexpectedly. So that some persons, under the oppression of grief, are said to have borne it actually worse for hearing of this common condition of man, that we are born under such conditions as render it impossible for a man to be exempt from all evil.

XXV. For this reason Carneades, as I see our friend Antiochus writes, used to blame Chrysippus for commending these verses of Euripides:

Man, doom'd to care, to pain, disease, and strife,
Walks his short journey thro' the vale of life:
Watchful attends the cradle and the grave,
And passing generations longs to save:
Last, dies himself: yet wherefore should we mourn?
For man must to his kindred dust return;
Submit to the destroying hand of fate,
As ripen'd ears the harvest-sickle wait.

He would not allow a speech of this kind to avail at all to the cure of our grief, for he said it was a lamentable case itself that we were fallen into the hands of such a cruel fate; and that a speech like that, preaching up comfort from the misfortunes of another, was a comfort adapted only to those of a malevolent disposition. But to me it appears far otherwise; for the necessity of bearing what is the common condition of humanity forbids your resisting the will of the Gods, and reminds you that you are a man, which reflection greatly alleviates grief; and the enumeration of these examples is not produced with a view to please those of a malevolent disposition, but in order that any one in affliction may be induced to bear what he observes many others have previously borne with tranquillity and moderation. For they who are falling to pieces, and cannot hold together through the greatness of their grief, should be supported by all kinds of assistance. From whence Chrysippus thinks that grief is called λύπη, as it were λύσις, that is to say, a dissolution of the whole man — the whole of which I think may be pulled up by the roots by explaining, as I said at the beginning, the cause of grief; for it is nothing else but an opinion and judgment formed of a present acute evil. And thus any bodily pain, let it be ever so grievous, may be endurable where any hopes are proposed of some considerable good; and we receive such consolation from a virtuous and illustrious life that they who lead such lives are seldom attacked by grief, or but slightly affected by it.

XXVI. But as besides this opinion of great evil there is this other added also — that we ought to lament what has happened, that it is right so to do, and part of our duty, then is brought about that terrible disorder of mind, grief. And it is to this opinion that we owe all those various and horrid kinds of lamentation, that neglect of our persons, that womanish tearing of our cheeks, that striking on our thighs, breasts, and heads. Thus Agamemnon, in Homer and in Accius,

Tears in his grief his uncomb'd locks;

from whence comes that pleasant saying of Bion, that the foolish king in his sorrow tore away the hairs of his head, imagining that his grief would be alleviated by baldness. But men do all these things from being persuaded that they ought to do so. And thus Æschines

inveighs against Demosthenes for sacrificing within seven days after the death of his daughter. But with what eloquence, with what fluency, does he attack him! what sentiments does he collect! what words does he hurl against him! You may see by this that an orator may do anything; but nobody would approve of such license if it were not that we have an idea innate in our minds that every good man ought to lament the loss of a relation as bitterly as possible. And it is owing to this that some men, when in sorrow, betake themselves to deserts, as Homer says of Bellerophon:

Distracted in his mind,
Forsook by heaven, forsaking human kind,
Wide o'er the Aleïan field he chose to stray,
A long, forlorn, uncomfortable way!

And thus Niobe is feigned to have been turned into stone, from her never speaking, I suppose, in her grief. But they imagine Hecuba to have been converted into a bitch, from her rage and bitterness of mind. There are others who love to converse with solitude itself when in grief, as the nurse in Ennius,

Fain would I to the heavens find earth relate
Medea's ceaseless woes and cruel fate.

XXVII. Now all these things are done in grief, from a persuasion of their truth and propriety and necessity; and it is plain that those who behave thus do so from a conviction of its being their duty; for should these mourners by chance drop their grief, and either act or speak for a moment in a more calm or cheerful manner, they presently check themselves and return to their lamentations again, and blame themselves for having been guilty of any intermissions from their grief; and parents and masters generally correct children not by words only, but by blows, if they show any levity by either word or deed when the family is under affliction, and, as it were, oblige them to be sorrowful. What! does it not appear, when you have ceased to mourn, and have discovered that your grief has been ineffectual, that the whole of that mourning was voluntary on your

part? What does that man say in Terence who punishes himself, the Self-tormentor?

I think I do my son less harm, O Chremes,
As long as I myself am miserable.

He determines to be miserable: and can any one determine on anything against his will?

I well might think that I deserved all evil.

He would think he deserved any misfortune were he otherwise than miserable! Therefore, you see, the evil is in opinion, not in nature. How is it when some things do of themselves prevent your grieving at them? as in Homer, so many died and were buried daily that they had not leisure to grieve: where you find these lines —

The great, the bold, by thousands daily fall,
And endless were the grief to weep for all.
Eternal sorrows what avails to shed?
Greece honors not with solemn fasts the dead:
Enough when death demands the brave to pay
The tribute of a melancholy day.
One chief with patience to the grave resign'd,
Our care devolves on others left behind.

Therefore it is in our own power to lay aside grief upon occasion; and is there any opportunity (seeing the thing is in our own power) that we should let slip of getting rid of care and grief? It was plain that the friends of Cnæus Pompeius, when they saw him fainting under his wounds, at the very moment of that most miserable and bitter sight were under great uneasiness how they themselves, surrounded by the enemy as they were, should escape, and were employed in nothing but encouraging the rowers and aiding their escape; but when they reached Tyre, they began to grieve and lament over him. Therefore, as fear with them, prevailed over grief, cannot reason and true philosophy have the same effect with a wise man?

XXVIII. But what is there more effectual to dispel grief than the discovery that it answers no purpose, and has been undergone to no account? Therefore, if we can get rid of it, we need never have been subject to it. It must be acknowledged, then, that men take up grief wilfully and knowingly; and this appears from the patience of those who, after they have been exercised in afflictions and are better able

to bear whatever befalls them, suppose themselves hardened against fortune; as that person in Euripides,

> Had this the first essay of fortune been,
> And I no storms thro' all my life had seen,
> Wild as a colt I'd broke from reason's sway;
> But frequent griefs have taught me to obey.

As, then, the frequent bearing of misery makes grief the lighter, we must necessarily perceive that the cause and original of it does not lie in the calamity itself. Your principal philosophers, or lovers of wisdom, though they have not yet arrived at perfect wisdom, are not they sensible that they are in the greatest evil? For they are foolish, and foolishness is the greatest of all evils, and yet they lament not. How shall we account for this? Because opinion is not fixed upon that kind of evil, it is not our opinion that it is right, meet, and our duty to be uneasy because we are not all wise men. Whereas this opinion is strongly affixed to that uneasiness where mourning is concerned, which is the greatest of all grief. Therefore Aristotle, when he blames some ancient philosophers for imagining that by their genius they had brought philosophy to the highest perfection, says, they must be either extremely foolish or extremely vain; but that he himself could see that great improvements had been made therein in a few years, and that philosophy would in a little time arrive at perfection. And Theophrastus is reported to have reproached nature at his death for giving to stags and crows so long a life, which was of no use to them, but allowing only so short a span to men, to whom length of days would have been of the greatest use; for if the life of man could have been lengthened, it would have been able to provide itself with all kinds of learning, and with arts in the greatest perfection. He lamented, therefore, that he was dying just when he had begun to discover these. What! does not every grave and distinguished philosopher acknowledge himself ignorant of many things, and confess that there are many things which he must learn over and over again? And yet, though these men are sensible that they are standing still in the very midway of folly, than which nothing can be worse, they are under no great affliction, because no

opinion that it is their duty to lament is ever mingled with this knowledge. What shall we say of those who think it unbecoming in a man to grieve? among whom we may reckon Q. Maximus, when he buried his son that had been consul, and L. Paulus, who lost two sons within a few days of one another. Of the same opinion was M. Cato, who lost his son just after he had been elected prætor, and many others, whose names I have collected in my book on Consolation. Now what made these men so easy, but their persuasion that grief and lamentation was not becoming in a man? Therefore, as some give themselves up to grief from an opinion that it is right so to do, they refrained themselves, from an opinion that it was discreditable; from which we may infer that grief is owing more to opinion than nature.

XXIX. It may be said, on the other side, Who is so mad as to grieve of his own accord? Pain proceeds from nature, which you must submit to, say they, agreeably to what even your own Crantor teaches, for it presses and gains upon you unavoidably, and cannot possibly be resisted. So that the very same Oileus, in Sophocles, who had before comforted Telamon on the death of Ajax, on hearing of the death of his own son, is broken-hearted. On this alteration of his mind we have these lines:

Show me the man so well by wisdom taught
That what he charges to another's fault,
When like affliction doth himself betide,
True to his own wise counsel will abide.

Now, when they urge these things, their endeavor is to prove that nature is absolutely and wholly irresistible; and yet the same people allow that we take greater grief on ourselves than nature requires. What madness is it, then, in us to require the same from others? But there are many reasons for our taking grief on us. The first is from the opinion of some evil, on the discovery and certainty of which grief comes of course. Besides, many people are persuaded that they are doing something very acceptable to the dead when they lament bitterly over them. To these may be added a kind of womanish superstition, in imagining that when they have been stricken by the

afflictions sent by the Gods, to acknowledge themselves afflicted and humbled by them is the readiest way of appeasing them. But most men appear to be unaware what contradictions these things are full of. They commend those who die calmly, but they blame those who can bear the loss of another with the same calmness, as if it were possible that it should be true, as is occasionally said in love speeches, that any one can love another more than himself. There is, indeed, something excellent in this, and, if you examine it, something no less just than true, that we love those who ought to be most dear to us as well as we love ourselves; but to love them more than ourselves is absolutely impossible; nor is it desirable in friendship that I should love my friend more than myself, or that he should love me so; for this would occasion much confusion in life, and break in upon all the duties of it.

XXX. But we will speak of this another time: at present it is sufficient not to attribute our misery to the loss of our friends, nor to love them more than, if they themselves could be sensible of our conduct, they would approve of, or at least not more than we do ourselves. Now as to what they say, that some are not at all appeased by our consolations; and, moreover, as to what they add, that the comforters themselves acknowledge they are miserable when fortune varies the attack and falls on them — in both these cases the solution is easy: for the fault here is not in nature, but in our own folly; and much may be said against folly. But men who do not admit of consolation seem to bespeak misery for themselves; and they who cannot bear their misfortunes with that temper which they recommend to others are not more faulty in this particular than most other persons; for we see that covetous men find fault with others who are covetous, as do the vainglorious with those who appear too wholly devoted to the pursuit of glory. For it is the peculiar characteristic of folly to perceive the vices of others, but to forget its own. But since we find that grief is removed by length of time, we have the greatest proof that the strength of it depends not merely on time, but on the daily consideration of it. For if the cause continues the same, and the man be the same, how can there be any alteration in the grief, if there is no change in what occasioned the grief, nor in him who grieves? Therefore it is from daily reflecting that there is no

real evil in the circumstance for which you grieve, and not from the length of time, that you procure a remedy for your grief.

XXXI. Here some people talk of moderate grief; but if such be natural, what occasion is there for consolation? for nature herself will determine, the measure of it: but if it depends on and is caused by opinion, the whole opinion should be destroyed. I think that it has been sufficiently said, that grief arises from an opinion of some present evil, which includes this belief, that it is incumbent on us to grieve. To this definition Zeno has added, very justly, that the opinion of this present evil should be recent. Now this word recent they explain thus: those are not the only recent things which happened a little while ago; but as long as there shall be any force, or vigor, or freshness in that imagined evil, so long it is entitled to the name of recent. Take the case of Artemisia, the wife of Mausolus, King of Caria, who made that noble sepulchre at Halicarnassus; while she lived, she lived in grief, and died of it, being worn out by it, for that opinion was always recent with her: but you cannot call that recent which has already begun to decay through time. Now the duty of a comforter is, to remove grief entirely, to quiet it, or draw it off as much as you can, or else to keep it under, and prevent its spreading any further, and to divert one's attention to other matters. There are some who think, with Cleanthes, that the only duty of a comforter is to prove that what one is lamenting is by no means an evil. Others, as the Peripatetics, prefer urging that the evil is not great. Others, with Epicurus, seek to divert your attention from the evil to good: some think it sufficient to show that nothing has happened but what you had reason to expect; and this is the practice of the Cyrenaics. But Chrysippus thinks that the main thing in comforting is, to remove the opinion from the person who is grieving, that to grieve is his bounden duty. There are others who bring together all these various kinds of consolations, for people are differently affected; as I have done myself in my book on Consolation; for as my own mind was much disordered, I have attempted in that book to discover every method of cure. But the proper season is as much to be attended to in the cure of the mind as of the body; as Prometheus in Æschylus, on its being said to him,

I think, Prometheus, you this tenet hold,

That all men's reason should their rage control?
answers,
Yes, when one reason properly applies;
Ill-timed advice will make the storm but rise.

XXXII. But the principal medicine to be applied in consolation is, to maintain either that it is no evil at all, or a very inconsiderable one: the next best to that is, to speak of the common condition of life, having a view, if possible, to the state of the person whom you comfort particularly. The third is, that it is folly to wear one's self out with grief which can avail nothing. For the comfort of Cleanthes is suitable only for a wise man, who is in no need of any comfort at all; for could you persuade one in grief that nothing is an evil but what is base, you would not only cure him of grief, but folly. But the time for such precepts is not well chosen. Besides, Cleanthes does not seem to me sufficiently aware that affliction may very often proceed from that very thing which he himself allows to be the greatest misfortune. For what shall we say? When Socrates had convinced Alcibiades, as we are told, that he had no distinctive qualifications as a man different from other people, and that, in fact, there was no difference between him, though a man of the highest rank, and a porter; and when Alcibiades became uneasy at this, and entreated Socrates, with tears in his eyes, to make him a man of virtue, and to cure him of that mean position; what shall we say to this, Cleanthes? Was there no evil in what afflicted Alcibiades thus? What strange things does Lycon say? who, making light of grief, says that it arises from trifles, from things that affect our fortune or bodies, not from the evils of the mind. What, then? did not the grief of Alcibiades proceed from the defects and evils of the mind? I have already said enough of Epicurus's consolation.

XXXIII. Nor is that consolation much to be relied on, though it is frequently practised, and sometimes has some effect, namely, "That you are not alone in this." It has its effect, as I said, but not always, nor with every person, for some reject it; but much depends on the application of it; for you ought rather to show, not how men in general have been affected with such evils, but how men of sense have borne them. As to Chrysippus's method, it is certainly founded in truth; but it is difficult to apply it in time of distress. It is a work of

no small difficulty to persuade a person in affliction that he grieves merely because he thinks it right so to do. Certainly, then, as in pleadings we do not state all cases alike (if I may adopt the language of lawyers for a moment), but adapt what we have to say to the time, to the nature of the subject under debate, and to the person; so, too, in alleviating grief, regard should be had to what kind of cure the party to be comforted can admit of. But, somehow or other, we have rambled from what you originally proposed. For your question was concerning a wise man, with whom nothing can have the appearance of evil that is not dishonorable; or at least, anything else would seem so small an evil that by his wisdom he would so overmatch it as to make it wholly disappear; and such a man makes no addition to his grief through opinion, and never conceives it right to torment himself above measure, nor to wear himself out with grief, which is the meanest thing imaginable. Reason, however, it seems, has demonstrated (though it was not directly our object at the moment to inquire whether anything can be called an evil except what is base) that it is in our power to discern that all the evil which there is in affliction has nothing natural in it, but is contracted by our own voluntary judgment of it, and the error of opinion.

XXXIV. But the kind of affliction of which I have treated is that which is the greatest; in order that when we have once got rid of that, it may appear a business of less consequence to look after remedies for the others. For there are certain things which are usually said about poverty; and also certain statements ordinarily applied to retired and undistinguished life. There are particular treatises on banishment, on the ruin of one's country, on slavery, on weakness, on blindness, and on every incident that can come under the name of an evil. The Greeks divide these into different treatises and distinct books; but they do it for the sake of employment: not but that all such discussions are full of entertainment. And yet, as physicians, in curing the whole body, attend to even the most insignificant part of the body which is at all disordered, so does philosophy act, after it has removed grief in general; still, if any other deficiency exists — should poverty bite, should ignominy sting, should banishment bring a dark cloud over us, or should any of those things which I have just mentioned appear, there is for each its appropriate consolation, which

you shall hear whenever you please. But we must have recourse again to the same original principle, that a wise man is free from all sorrow, because it is vain, because it answers no purpose, because it is not founded in nature, but on opinion and prejudice, and is engendered by a kind of invitation to grieve, when once men have imagined that it is their duty to do so. When, then, we have subtracted what is altogether voluntary, that mournful uneasiness will be removed; yet some little anxiety, some slight pricking, will still remain. They may indeed call this natural, provided they give it not that horrid, solemn, melancholy name of grief, which can by no means consist with wisdom. But how various and how bitter are the roots of grief! Whatever they are, I propose, after having felled the trunk, to destroy them all; even if it should be necessary, by allotting a separate dissertation to each, for I have leisure enough to do so, whatever time it may take up. But the principle of every uneasiness is the same, though they may appear under different names. For envy is an uneasiness; so are emulation, detraction, anguish, sorrow, sadness, tribulation, lamentation, vexation, grief, trouble, affliction, and despair. The Stoics define all these different feelings; and all those words which I have mentioned belong to different things, and do not, as they seem, express the same ideas; but they are to a certain extent distinct, as I shall make appear perhaps in another place. These are those fibres of the roots which, as I said at first, must be traced back and cut off and destroyed, so that not one shall remain. You say it is a great and difficult undertaking: who denies it? But what is there of any excellency which has not its difficulty? Yet philosophy undertakes to effect it, provided we admit its superintendence. But enough of this. The other books, whenever you please, shall be ready for you here or anywhere else.

BOOK IV. ON OTHER PERTURBATIONS OF THE MIND.

I. I have often wondered, Brutus, on many occasions, at the ingenuity and virtues of our countrymen; but nothing has surprised me more than their development in those studies, which, though they came somewhat late to us, have been transported into this city from Greece. For the system of auspices, and religious ceremonies, and courts of justice, and appeals to the people, the senate, the establishment of an army of cavalry and infantry, and the whole military discipline, were instituted as early as the foundation of the city by royal authority, partly too by laws, not without the assistance of the Gods. Then with what a surprising and incredible progress did our ancestors advance towards all kind of excellence, when once the republic was freed from the regal power! Not that this is a proper occasion to treat of the manners and customs of our ancestors, or of the discipline and constitution of the city; for I have elsewhere, particularly in the six books I wrote on the Republic, given a sufficiently accurate account of them. But while I am on this subject, and considering the study of philosophy, I meet with many reasons to imagine that those studies were brought to us from abroad, and not merely imported, but preserved and improved; for they had Pythagoras, a man of consummate wisdom and nobleness of character, in a manner, before their eyes, who was in Italy at the time that Lucius Brutus, the illustrious founder of your nobility, delivered his country from tyranny. As the doctrine of Pythagoras spread itself on all sides, it seems probable to me that it reached this city; and this is not only probable of itself, but it does really appear to have been the case from many remains of it. For who can imagine that, when it flourished so much in that part of Italy which was called Magna Græcia, and in some of the largest and most powerful cities, in which, first the name of Pythagoras, and then that of those men who were afterward his followers, was in so high esteem; who can imagine, I say, that our people could shut their ears to what was said by such learned men? Besides, it is even my opinion that it was the great esteem in which the Pythagoreans were held, that gave rise to

that opinion among those who came after him, that King Numa was a Pythagorean. For, being acquainted with the doctrine and principles of Pythagoras, and having heard from their ancestors that this king was a very wise and just man, and not being able to distinguish accurately between times and periods that were so remote, they inferred, from his being so eminent for his wisdom, that he had been a pupil of Pythagoras.

II. So far we proceed on conjecture. As to the vestiges of the Pythagoreans, though I might collect many, I shall use but a few; because they have no connection with our present purpose. For, as it is reported to have been a custom with them to deliver certain precepts in a more abstruse manner in verse, and to bring their minds from severe thought to a more composed state by songs and musical instruments; so Cato, a writer of the very highest authority, says in his Origins, that it was customary with our ancestors for the guests at their entertainments, every one in his turn, to celebrate the praises and virtues of illustrious men in song to the sound of the flute; from whence it is clear that poems and songs were then composed for the voice. And, indeed, it is also clear that poetry was in fashion from the laws of the Twelve Tables, wherein it is provided that no song should be made to the injury of another. Another argument of the erudition of those times is, that they played on instruments before the shrines of their Gods, and at the entertainments of their magistrates; but that custom was peculiar to the sect I am speaking of. To me, indeed, that poem of Appius Cæcus, which Panætius commends so much in a certain letter of his which is addressed to Quintus Tubero, has all the marks of a Pythagorean author. We have many things derived from the Pythagoreans in our customs, which I pass over, that we may not seem to have learned that elsewhere which we look upon ourselves as the inventors of. But to return to our purpose. How many great poets as well as orators have sprung up among us! and in what a short time! so that it is evident that our people could arrive at any learning as soon as they had an inclination for it. But of other studies I shall speak elsewhere if there is occasion, as I have already often done.

III. The study of philosophy is certainly of long standing with us; but yet I do not find that I can give you the names of any philosopher

before the age of Lælius and Scipio, in whose younger days we find that Diogenes the Stoic, and Carneades the Academic, were sent as ambassadors by the Athenians to our senate. And as these had never been concerned in public affairs, and one of them was a Cyrenean, the other a Babylonian, they certainly would never have been forced from their studies, nor chosen for that employment, unless the study of philosophy had been in vogue with some of the great men at that time; who, though they might employ their pens on other subjects — some on civil law, others on oratory, others on the history of former times — yet promoted this most extensive of all arts, the principle of living well, even more by their life than by their writings. So that of that true and elegant philosophy (which was derived from Socrates, and is still preserved by the Peripatetics and by the Stoics, though they express themselves differently in their disputes with the Academics) there are few or no Latin records; whether this proceeds from the importance of the thing itself, or from men's being otherwise employed, or from their concluding that the capacity of the people was not equal to the apprehension of them. But, during this silence, C. Amafinius arose and took upon himself to speak; on the publishing of whose writings the people were moved, and enlisted themselves chiefly under this sect, either because the doctrine was more easily understood, or because they were invited thereto by the pleasing thoughts of amusement, or that, because there was nothing better, they laid hold of what was offered them. And after Amafinius, when many of the same sentiments had written much about them, the Pythagoreans spread over all Italy: but that these doctrines should be so easily understood and approved of by the unlearned is a great proof that they were not written with any great subtlety, and they think their establishment to be owing to this.

IV. But let every one defend his own opinion, for every one is at liberty to choose what he likes: I shall keep to my old custom; and, being under no restraint from the laws of any particular school, which in philosophy every one must necessarily confine himself to, I shall always inquire what has the most probability in every question, and this system, which I have often practised on other occasions, I have adhered closely to in my Tusculan Disputations. Therefore, as I have acquainted you with the disputations of the three former days,

this book shall conclude the discussion of the fourth day. When we had come down into the Academy, as we had done the former days, the business was carried on thus:

M. Let any one say, who pleases, what he would wish to have discussed.

A. I do not think a wise man can possibly be free from every perturbation of mind.

M. He seemed by yesterday's discourse to be free from grief; unless you agreed with us only to avoid taking up time.

A. Not at all on that account, for I was extremely satisfied with your discourse.

M. You do not think, then, that a wise man is subject to grief?

A. No, by no means.

M. But if that cannot disorder the mind of a wise man, nothing else can. For what — can such a man be disturbed by fear? Fear proceeds from the same things when absent which occasion grief when present. Take away grief, then, and you remove fear.

The two remaining perturbations are, a joy elate above measure, and lust; and if a wise man is not subject to these, his mind will be always at rest.

A. I am entirely of that opinion.

M. Which, then, shall we do? Shall I immediately crowd all my sails? or shall I make use of my oars, as if I were just endeavoring to get clear of the harbor?

A. What is it that you mean, for I do not exactly comprehend you?

V. *M.* Because, Chrysippus and the Stoics, when they discuss the perturbations of the mind, make great part of their debate to consist in definitions and distinctions; while they employ but few words on the subject of curing the mind, and preventing it from being disordered. Whereas the Peripatetics bring a great many things to promote the cure of it, but have no regard to their thorny partitions and definitions. My question, then, was, whether I should instantly unfold the sails of my eloquence, or be content for a while to make less way with the oars of logic?

A. Let it be so; for by the employment of both these means the subject of our inquiry will be more thoroughly discussed.

M. It is certainly the better way; and should anything be too

obscure, you may examine that afterward.

A. I will do so; but those very obscure points you will, as usual, deliver with more clearness than the Greeks.

M. I will, indeed, endeavor to do so; but it well requires great attention, lest, by losing one word, the whole should escape you. What the Greeks call πάθη we choose to name perturbations (or disorders) rather than diseases; in explaining which, I shall follow, first, that very old description of Pythagoras, and afterward that of Plato; for they both divide the mind into two parts, and make one of these partake of reason, and the other they represent without it. In that which partakes of reason they place tranquillity, that is to say, a placid and undisturbed constancy; to the other they assign the turbid motions of anger and desire, which are contrary and opposite to reason. Let this, then, be our principle, the spring of all our reasonings. But notwithstanding, I shall use the partitions and definitions of the Stoics in describing these perturbations; who seem to me to have shown very great acuteness on this question.

VI. Zeno's definition, then, is this: "A perturbation" (which he calls a πάθος) "is a commotion of the mind repugnant to reason, and against nature." Some of them define it even more briefly, saying that a perturbation is a somewhat too vehement appetite; but by too vehement they mean an appetite that recedes further from the constancy of nature. But they would have the divisions of perturbations to arise from two imagined goods, and from two imagined evils; and thus they become four: from the good proceed lust and joy — joy having reference to some present good, and lust to some future one. They suppose fear and grief to proceed from evils: fear from something future, grief from something present; for whatever things are dreaded as approaching always occasion grief when present. But joy and lust depend on the opinion of good; as lust, being inflamed and provoked, is carried on eagerly towards what has the appearance of good; and joy is transported and exults on obtaining what was desired: for we naturally pursue those things that have the appearance of good, and avoid the contrary. Wherefore, as soon as anything that has the appearance of good presents itself, nature incites us to endeavor to obtain it. Now, where this strong desire is consistent and founded on prudence, it is by the Stoics

called βούλησις, and the name which we give it is volition; and this they allow to none but their wise man, and define it thus: Volition is a reasonable desire; but whatever is incited too violently in opposition to reason, that is a lust, or an unbridled desire, which is discoverable in all fools. And, therefore, when we are affected so as to be placed in any good condition, we are moved in two ways; for when the mind is moved in a placid and calm motion, consistent with reason, that is called joy; but when it exults with a vain, wanton exultation, or immoderate joy, then that feeling may be called immoderate ecstasy or transport, which they define to be an elation of the mind without reason. And as we naturally desire good things, so in like manner we naturally seek to avoid what is evil; and this avoidance of which, if conducted in accordance with reason, is called caution; and this the wise man alone is supposed to have: but that caution which is not under the guidance of reason, but is attended with a base and low dejection, is called fear. Fear is, therefore, caution destitute of reason. But a wise man is not affected by any present evil; while the grief of a fool proceeds from being affected with an imaginary evil, by which his mind is contracted and sunk, since it is not under the dominion of reason. This, then, is the first definition, which makes grief to consist in a shrinking of the mind contrary to the dictates of reason. Thus, there are four perturbations, and but three calm rational emotions; for grief has no exact opposite.

VII. But they insist upon it that all perturbations depend on opinion and judgment; therefore they define them more strictly, in order not only the better to show how blamable they are, but to discover how much they are in our power. Grief, then, is a recent opinion of some present evil, in which it seems to be right that the mind should shrink and be dejected. Joy is a recent opinion of a present good, in which it seems to be right that the mind should be elated. Fear is an opinion of an impending evil which we apprehend will be intolerable. Lust is an opinion of a good to come, which would be of advantage were it already come, and present with us. But however I have named the judgments and opinions of perturbations, their meaning is, not that merely the perturbations consist in them, but that the effects likewise of these perturbations do so; as grief occasions a kind of painful pricking, and fear engenders a

recoil or sudden abandonment of the mind, joy gives rise to a profuse mirth, while lust is the parent of an unbridled habit of coveting. But that imagination, which I have included in all the above definitions, they would have to consist in assenting without warrantable grounds. Now, every perturbation has many subordinate parts annexed to it of the same kind. Grief is attended with enviousness (*invidentia*) — I use that word for instruction's sake, though it is not so common; because envy (*invidia*) takes in not only the person who envies, but the person, too, who is envied — emulation, detraction, pity, vexation, mourning, sadness, tribulation, sorrow, lamentation, solicitude, disquiet of mind, pain, despair, and many other similar feelings are so too. Under fear are comprehended sloth, shame, terror, cowardice, fainting, confusion, astonishment. In pleasure they comprehend malevolence — that is, pleased at another's misfortune — delight, boastfulness, and the like. To lust they associate anger, fury, hatred, enmity, discord, wants, desire, and other feelings of that kind.

But they define these in this manner:

VIII. Enviousness (*invidentia*), they say, is a grief arising from the prosperous circumstances of another, which are in no degree injurious to the person who envies; for where any one grieves at the prosperity of another, by which he is injured, such a one is not properly said to envy — as when Agamemnon grieves at Hector's success; but where any one, who is in no way hurt by the prosperity of another, is in pain at his success, such a one envies indeed. Now the name "emulation" is taken in a double sense, so that the same word may stand for praise and dispraise: for the imitation of virtue is called emulation (however, that sense of it I shall have no occasion for here, for that carries praise with it); but emulation is also a term applied to grief at another's enjoying what I desired to have, and am without. Detraction (and I mean by that, jealousy) is a grief even at another's enjoying what I had a great inclination for. Pity is a grief at the misery of another who suffers wrongfully; for no one is moved by pity at the punishment of a parricide or of a betrayer of his country. Vexation is a pressing grief. Mourning is a grief at the bitter death of one who was dear to you. Sadness is a grief attended with tears. Tribulation is a painful grief. Sorrow, an excruciating grief.

Lamentation, a grief where we loudly bewail ourselves. Solicitude, a pensive grief. Trouble, a continued grief. Affliction, a grief that harasses the body. Despair, a grief that excludes all hope of better things to come. But those feelings which are included under fear, they define thus: There is sloth, which is a dread of some ensuing labor; shame and terror, which affect the body — hence blushing attends shame; a paleness, and tremor, and chattering of the teeth attend terror — cowardice, which is an apprehension of some approaching evil; dread, a fear that unhinges the mind, whence comes that line of Ennius,

Then dread discharged all wisdom from my mind;

fainting is the associate and constant attendant on dread; confusion, a fear that drives away all thought; alarm, a continued fear.

IX. The different species into which they divide pleasure come under this description; so that malevolence is a pleasure in the misfortunes of another, without any advantage to yourself; delight, a pleasure that soothes the mind by agreeable impressions on the ear. What is said of the ear may be applied to the sight, to the touch, smell, and taste. All feelings of this kind are a sort of melting pleasure that dissolves the mind. Boastfulness is a pleasure that consists in making an appearance, and setting off yourself with insolence. — The subordinate species of lust they define in this manner: Anger is a lust of punishing any one who, as we imagine, has injured us without cause. Heat is anger just forming and beginning to exist, which the Greeks call θύμωσις. Hatred is a settled anger. Enmity is anger waiting for an opportunity of revenge. Discord is a sharper anger conceived deeply in the mind and heart. Want an insatiable lust. Regret is when one eagerly wishes to see a person who is absent. Now here they have a distinction; so that with them regret is a lust conceived on hearing of certain things reported of some one, or of many, which the Greeks call κατηγορήματα, or predicaments; as that they are in possession of riches and honors: but want is a lust for those very honors and riches. But these definers make intemperance the fountain of all these perturbations; which is an absolute revolt from the mind and right reason — a state so averse to all rules of reason that the appetites of the mind can by no means

be governed and restrained. As, therefore, temperance appeases these desires, making them obey right reason, and maintains the well-weighed judgments of the mind, so intemperance, which is in opposition to this, inflames, confounds, and puts every state of the mind into a violent motion. Thus, grief and fear, and every other perturbation of the mind, have their rise from intemperance.

X. Just as distempers and sickness are bred in the body from the corruption of the blood, and the too great abundance of phlegm and bile, so the mind is deprived of its health, and disordered with sickness, from a confusion of depraved opinions that are in opposition to one another. From these perturbations arise, first, diseases, which they call νοσήματα; and also those feelings which are in opposition to these diseases, and which admit certain faulty distastes or loathings; then come sicknesses, which are called ἀῤῥωστήματα by the Stoics, and these two have their opposite aversions. Here the Stoics, especially Chrysippus, give themselves unnecessary trouble to show the analogy which the diseases of the mind have to those of the body: but, overlooking all that they say as of little consequence, I shall treat only of the thing itself. Let us, then, understand perturbation to imply a restlessness from the variety and confusion of contradictory opinions; and that when this heat and disturbance of the mind is of any standing, and has taken up its residence, as it were, in the veins and marrow, then commence diseases and sickness, and those aversions which are in opposition to these diseases and sicknesses.

XI. What I say here may be distinguished in thought, though they are in fact the same; inasmuch as they both have their rise from lust and joy. For should money be the object of our desire, and should we not instantly apply to reason, as if it were a kind of Socratic medicine to heal this desire, the evil glides into our veins, and cleaves to our bowels, and from thence proceeds a distemper or sickness, which, when it is of any continuance, is incurable, and the name of this disease is covetousness. It is the same with other diseases; as the desire of glory, a passion for women, to which the Greeks give the name of φιλογυνεία: and thus all other diseases and sicknesses are generated. But those feelings which are the contrary of these are supposed to have fear for their foundation, as a hatred of women,

such as is displayed in the Woman-hater of Atilius; or the hatred of the whole human species, as Timon is reported to have done, whom they call the Misanthrope. Of the same kind is inhospitality. And all these diseases proceed from a certain dread of such things as they hate and avoid. But they define sickness of mind to be an overweening opinion, and that fixed and deeply implanted in the heart, of something as very desirable which is by no means so. What proceeds from aversion, they define thus: a vehement idea of something to be avoided, deeply implanted, and inherent in our minds, when there is no reason for avoiding it; and this kind of opinion is a deliberate belief that one understands things of which one is wholly ignorant. Now, sickness of the mind has all these subordinate divisions: avarice, ambition, fondness for women, obstinacy, gluttony, drunkenness, covetousness, and other similar vices. But avarice is a violent opinion about money, as if it were vehemently to be desired and sought after, which opinion is deeply implanted and inherent in our minds; and the definition of all the other similar feelings resembles these. But the definitions of aversions are of this sort: inhospitality is a vehement opinion, deeply implanted and inherent in your mind, that you should avoid a stranger. Thus, too, the hatred of women, like that felt by Hippolytus, is defined; and the hatred of the human species like that displayed by Timon.

XII. But to come to the analogy of the state of body and mind, which I shall sometimes make use of, though more sparingly than the Stoics. Some men are more inclined to particular disorders than others; and, therefore, we say that some people are rheumatic, others dropsical, not because they are so at present, but because they are often so: some are inclined to fear, others to some other perturbation. Thus in some there is a continual anxiety, owing to which they are anxious; in some a hastiness of temper, which differs from anger, as anxiety differs from anguish: for all are not anxious who are sometimes vexed, nor are they who are anxious always uneasy in that manner: as there is a difference between being drunk and drunkenness; and it is one thing to be a lover, another to be given to women. And this disposition of particular people to particular disorders is very common: for it relates to all perturbations; it

appears in many vices, though it has no name. Some are, therefore, said to be envious, malevolent, spiteful, fearful, pitiful, from a propensity to those perturbations, not from their being always carried away by them. Now this propensity to these particular disorders may be called a sickness from analogy with the body; meaning, that is to say, nothing more than a propensity towards sickness. But with regard to whatever is good, as some are more inclined to different good qualities than others, we may call this a facility or tendency: this tendency to evil is a proclivity or inclination to falling; but where anything is neither good nor bad, it may have the former name.

XIII. Even as there may be, with respect to the body, a disease, a sickness, and a defect, so it is with the mind. They call that a disease where the whole body is corrupted; they call that sickness where a disease is attended with a weakness, and that a defect where the parts of the body are not well compacted together; from whence it follows that the members are misshapen, crooked, and deformed. So that these two, a disease and sickness, proceed from a violent concussion and perturbation of the health of the whole body; but a defect discovers itself even when the body is in perfect health. But a disease of the mind is distinguishable only in thought from a sickness. But a viciousness is a habit or affection discordant and inconsistent with itself through life. Thus it happens that, in the one case, a disease and sickness may arise from a corruption of opinions; in the other case, the consequence may be inconstancy and inconsistency. For every vice of the mind does not imply a disunion of parts; as is the case with those who are not far from being wise men. With them there is that affection which is inconsistent with itself while it is foolish; but it is not distorted, nor depraved. But diseases and sicknesses are parts of viciousness; but it is a question whether perturbations are parts of the same, for vices are permanent affections: perturbations are such as are restless; so that they cannot be parts of permanent ones. As there is some analogy between the nature of the body and mind in evil, so is there in good; for the distinctions of the body are beauty, strength, health, firmness, quickness of motion: the same may be said of the mind. The body is said to be in a good state when all those things on which health depends are consistent: the same may be said of the mind when its judgments and opinions are not at variance with

one another. And this union is the virtue of the mind, which, according to some people, is temperance itself; others make it consist in an obedience to the precepts of temperance, and a compliance with them, not allowing it to be any distinct species of itself. But, be it one or the other, it is to be found only in a wise man. But there is a certain soundness of mind, which even a fool may have, when the perturbation of his mind is removed by the care and management of his physicians. And as what is called beauty arises from an exact proportion of the limbs, together with a certain sweetness of complexion, so the beauty of the mind consists in an equality and constancy of opinions and judgments, joined to a certain firmness and stability, pursuing virtue, or containing within itself the very essence of virtue. Besides, we give the very same names to the faculties of the mind as we do to the powers of the body, the nerves, and other powers of action. Thus the velocity of the body is called swiftness: a praise which we ascribe to the mind, from its running over in its thoughts so many things in so short a time.

XIV. Herein, indeed, the mind and body are unlike: that though the mind when in perfect health may be visited by sickness, as the body may, yet the body may be disordered without our fault; the mind cannot. For all the disorders and perturbations of the mind proceed from a neglect of reason; these disorders, therefore, are confined to men: the beasts are not subject to such perturbations, though they act sometimes as if they had reason. There is a difference, too, between ingenious and dull men; the ingenious, like the Corinthian brass, which is long before it receives rust, are longer before they fall into these perturbations, and are recovered sooner: the case is different with the dull. Nor does the mind of an ingenious man fall into every kind of perturbation, for it never yields to any that are brutish and savage; and some of their perturbations have at first even the appearance of humanity, as mercy, grief, and fear. But the sicknesses and diseases of the mind are thought to be harder to eradicate than those leading vices which are in opposition to virtues; for vices may be removed, though the diseases of the mind should continue, which diseases are not cured with that expedition with which vices are removed. I have now acquainted you with the arguments which the Stoics put forth with such exactness; which

they call logic, from their close arguing: and since my discourse has got clear of these rocks, I will proceed with the remainder of it, provided I have been sufficiently clear in what I have already said, considering the obscurity of the subject I have treated.

A. Clear enough; but should there be occasion for a more exact inquiry, I shall take another opportunity of asking you. I expect you now to hoist your sails, as you just now called them, and proceed on your course.

XV. *M.* Since I have spoken before of virtue in other places, and shall often have occasion to speak again (for a great many questions that relate to life and manners arise from the spring of virtue); and since, as I say, virtue consists in a settled and uniform affection of mind, making those persons praiseworthy who are possessed of her, she herself also, independent of anything else, without regard to any advantage, must be praiseworthy; for from her proceed good inclinations, opinions, actions, and the whole of right reason; though virtue may be defined in a few words to be right reason itself. The opposite to this is viciousness (for so I choose to translate what the Greeks call κακία, rather than by perverseness; for perverseness is the name of a particular vice; but viciousness includes all), from whence arise those perturbations which, as I just now said, are turbid and violent motions of the mind, repugnant to reason, and enemies in a high degree to the peace of the mind and a tranquil life, for they introduce piercing and anxious cares, and afflict and debilitate the mind through fear; they violently inflame our hearts with exaggerated appetite, which is in reality an impotence of mind, utterly irreconcilable with temperance and moderation, which we sometimes call desire, and sometimes lust, and which, should it even attain the object of its wishes, immediately becomes so elated that it loses all its resolution, and knows not what to pursue; so that he was in the right who said "that exaggerated pleasure was the very greatest of mistakes." Virtue, then, alone can effect the cure of these evils.

XVI. For what is not only more miserable, but more base and sordid, than a man afflicted, weakened, and oppressed with grief? And little short of this misery is one who dreads some approaching evil, and who, through faintheartedness, is under continual suspense. The poets, to express the greatness of this evil, imagine a stone to

hang over the head of Tantalus, as a punishment for his wickedness, his pride, and his boasting. And this is the common punishment of folly; for there hangs over the head of every one whose mind revolts from reason some similar fear. And as these perturbations of the mind, grief and fear, are of a most wasting nature, so those two others, though of a more merry cast (I mean lust, which is always coveting something with eagerness, and empty mirth, which is an exulting joy), differ very little from madness. Hence you may understand what sort of person he is whom we call at one time moderate, at another modest or temperate, at another constant and virtuous; while sometimes we include all these names in the word frugality, as the crown of all; for if that word did not include all virtues, it would never have been proverbial to say that a frugal man does everything rightly. But when the Stoics apply this saying to their wise man, they seem to exalt him too much, and to speak of him with too much admiration.

XVII. Whoever, then, through moderation and constancy, is at rest in his mind, and in calm possession of himself, so as neither to pine with care, nor be dejected with fear, nor to be inflamed with desire, coveting something greedily, nor relaxed by extravagant mirth — such a man is that identical wise man whom we are inquiring for: he is the happy man, to whom nothing in this life seems intolerable enough to depress him; nothing exquisite enough to transport him unduly. For what is there in this life that can appear great to him who has acquainted himself with eternity and the utmost extent of the universe? For what is there in human knowledge, or the short span of this life, that can appear great to a wise man? whose mind is always so upon its guard that nothing can befall him which is unforeseen, nothing which is unexpected, nothing, in short, which is new. Such a man takes so exact a survey on all sides of him, that he always knows the proper place and spot to live in free from all the troubles and annoyances of life, and encounters every accident that fortune can bring upon him with a becoming calmness. Whoever conducts himself in this manner will be free from grief, and from every other perturbation; and a mind free from these feelings renders men completely happy; whereas a mind disordered and drawn off from right and unerring reason loses at once, not only its resolution,

but its health. — Therefore the thoughts and declarations of the Peripatetics are soft and effeminate, for they say that the mind must necessarily be agitated, but at the same time they lay down certain bounds beyond which that agitation is not to proceed. And do you set bounds to vice? or is it no vice to disobey reason? Does not reason sufficiently declare that there is no real good which you should desire too ardently, or the possession of which you should allow to transport you? and that there is no evil that should be able to overwhelm you, or the suspicion of which should distract you? and that all these things assume too melancholy or too cheerful an appearance through our own error? But if fools find this error lessened by time, so that, though the cause remains the same, they are not affected, in the same manner, after some time, as they were at first, why, surely a wise man ought not to be influenced at all by it. But what are those degrees by which we are to limit it? Let us fix these degrees in grief, a difficult subject, and one much canvassed. — Fannius writes that P. Rutilius took it much to heart that his brother was refused the consulship; but he seems to have been too much affected by this disappointment, for it was the occasion of his death: he ought, therefore, to have borne it with more moderation. But let us suppose that while he was bearing this with moderation, the death of his children had intervened; here would have started a fresh grief, which, admitting it to be moderate in itself, yet still must have been a great addition to the other. Now, to these let us add some acute pains of body, the loss of his fortune, blindness, banishment. Supposing, then, each separate misfortune to occasion a separate additional grief, the whole would be too great to be supportable.

XVIII. The man who attempts to set bounds to vice acts like one who should throw himself headlong from Leucate, persuaded that he could stop himself whenever he pleased. Now, as that is impossible, so a perturbed and disordered mind cannot restrain itself, and stop where it pleases. Certainly whatever is bad in its increase is bad in its birth. Now grief and all other perturbations are doubtless baneful in their progress, and have, therefore, no small share of evil at the beginning; for they go on of themselves when once they depart from reason, for every weakness is self-indulgent, and indiscreetly launches out, and does not know where to stop. So that it makes no

difference whether you approve of moderate perturbations of mind, or of moderate injustice, moderate cowardice, and moderate intemperance; for whoever prescribes bounds to vice admits a part of it, which, as it is odious of itself, becomes the more so as it stands on slippery ground, and, being once set forward, glides on headlong, and cannot by any means be stopped.

XIX. Why should I say more? Why should I add that the Peripatetics say that these perturbations, which we insist upon it should be extirpated, are not only natural, but were given to men by nature for a good purpose? They usually talk in this manner. In the first place, they say much in praise of anger; they call it the whetstone of courage, and they say that angry men exert themselves most against an enemy or against a bad citizen: that those reasons are of little weight which are the motives of men who think thus, as — it is a just war; it becomes us to fight for our laws, our liberties, our country: they will allow no force to these arguments unless our courage is warmed by anger. — Nor do they confine their argument to warriors; but their opinion is that no one can issue any rigid commands without some bitterness and anger. In short, they have no notion of an orator either accusing or even defending a client without he is spurred on by anger. And though this anger should not be real, still they think his words and gestures ought to wear the appearance of it, so that the action of the orator may excite the anger of his hearer. And they deny that any man has ever been seen who does not know what it is to be angry; and they name what we call lenity by the bad appellation of indolence. Nor do they commend only this lust (for anger is, as I defined it above, the lust of revenge), but they maintain that kind of lust or desire to be given us by nature for very good purposes, saying that no one can execute anything well but what he is in earnest about. Themistocles used to walk in the public places in the night because he could not sleep; and when asked the reason, his answer was, that Miltiades's trophies kept him awake. Who has not heard how Demosthenes used to watch, who said that it gave him pain if any mechanic was up in a morning at his work before him? Lastly, they urge that some of the greatest philosophers would never have made that progress in their studies without some ardent desire spurring them on. — We are informed that Pythagoras,

Democritus, and Plato visited the remotest parts of the world; for they thought that they ought to go wherever anything was to be learned. Now, it is not conceivable that these things could be effected by anything but by the greatest ardor of mind.

XX. They say that even grief, which we have already said ought to be avoided as a monstrous and fierce beast, was appointed by nature, not without some good purpose, in order that men should lament when they had committed a fault, well knowing they had exposed themselves to correction, rebuke, and ignominy; for they think that those who can bear ignominy and infamy without pain have acquired a complete impunity for all sorts of crimes; for with them reproach is a stronger check than conscience. From whence we have that scene in Afranius borrowed from common life; for when the abandoned son saith, "Wretched that I am!" the severe father replies,

Let him but grieve, no matter what the cause.

And they say the other divisions of sorrow have their use; that pity incites us to hasten to the assistance of others, and to alleviate the calamities of men who have undeservedly fallen into them; that even envy and detraction are not without their use, as when a man sees that another person has attained what he cannot, or observes another to be equally successful with himself; that he who should take away fear would take away all industry in life, which those men exert in the greatest degree who are afraid of the laws and of the magistrates, who dread poverty, ignominy, death, and pain. But while they argue thus, they allow indeed of these feelings being retrenched, though they deny that they either can or should be plucked up by the roots; so that their opinion is that mediocrity is best in everything. When they reason in this manner, what think you — is what they say worth attending to or not?

A. I think it is. I wait, therefore, to hear what you will say in reply to them.

XXI. *M.* Perhaps I may find something to say; but I will make this observation first: do you take notice with what modesty the Academics behave themselves? for they speak plainly to the purpose. The Peripatetics are answered by the Stoics; they have my leave to fight it out, who think myself no otherwise concerned than to inquire

for what may seem to be most probable. Our present business is, then, to see if we can meet with anything in this question which is the probable, for beyond such approximation to truth as that human nature cannot proceed. The definition of a perturbation, as Zeno, I think, has rightly determined it, is thus: That a perturbation is a commotion of the mind against nature, in opposition to right reason; or, more briefly, thus, that a perturbation is a somewhat too vehement appetite; and when he says somewhat too vehement, he means such as is at a greater distance from the constant course of nature. What can I say to these definitions? The greater part of them we have from those who dispute with sagacity and acuteness: some of them expressions, indeed, such as the "ardors of the mind," and "the whetstones of virtue," savoring of the pomp of rhetoricians. As to the question, if a brave man can maintain his courage without becoming angry, it may be questioned with regard to the gladiators; though we often observe much resolution even in them: they meet, converse, they make objections and demands, they agree about terms, so that they seem calm rather than angry. But let us admit a man of the name of Placideianus, who was one of that trade, to be in such a mind, as Lucilius relates of him,

If for his blood you thirst, the task be mine;
His laurels at my feet he shall resign;
Not but I know, before I reach his heart,
First on myself a wound he will impart.
I hate the man; enraged I fight, and straight
In action we had been, but that I wait
Till each his sword had fitted to his hand.
My rage I scarce can keep within command.

XXII. But we see Ajax in Homer advancing to meet Hector in battle cheerfully, without any of this boisterous wrath. For he had no sooner taken up his arms than the first step which he made inspired his associates with joy, his enemies with fear; so that even Hector, as he is represented by Homer, trembling, condemned himself for having challenged him to fight. Yet these heroes conversed together, calmly and quietly, before they engaged; nor did they show any anger or outrageous behavior during the combat. Nor do I imagine that Torquatus, the first who obtained this surname, was in a rage

when he plundered the Gaul of his collar; or that Marcellus's courage at Clastidium was only owing to his anger. I could almost swear that Africanus, with whom we are better acquainted, from our recollection of him being more recent, was noways inflamed by anger when he covered Alienus Pelignus with his shield, and drove his sword into the enemy's breast. There may be some doubt of L. Brutus, whether he was not influenced by extraordinary hatred of the tyrant, so as to attack Aruns with more than usual rashness; for I observe that they mutually killed each other in close fight. Why, then, do you call in the assistance of anger? Would courage, unless it began to get furious, lose its energy? What! do you imagine that Hercules, whom the very courage which you would try to represent as anger raised to heaven, was angry when he engaged the Erymanthian boar, or the Nemæan lion? Or was Theseus in a passion when he seized on the horns of the Marathonian bull? Take care how you make courage to depend in the least on rage. For anger is altogether irrational, and that is not courage which is void of reason.

XXIII. We ought to hold all things here in contempt; death is to be looked on with indifference; pains and labors must be considered as easily supportable. And when these sentiments are established on judgment and conviction, then will that stout and firm courage take place; unless you attribute to anger whatever is done with vehemence, alacrity, and spirit. To me, indeed, that very Scipio who was chief priest, that favorer of the saying of the Stoics, "That no private man could be a wise man," does not seem to be angry with Tiberius Gracchus, even when he left the consul in a hesitating frame of mind, and, though a private man himself, commanded, with the authority of a consul, that all who meant well to the republic should follow him. I do not know whether I have done anything in the republic that has the appearance of courage; but if I have, I certainly did not do it in wrath. Doth anything come nearer madness than anger? And indeed Ennius has well defined it as the beginning of madness. The changing color, the alteration of our voice, the look of our eyes, our manner of fetching our breath, the little command we have over our words and actions, how little do all these things indicate a sound mind! What can make a worse appearance than Homer's Achilles, or Agamemnon, during the quarrel? And as to

Ajax, anger drove him into downright madness, and was the occasion of his death. Courage, therefore, does not want the assistance of anger; it is sufficiently provided, armed, and prepared of itself. We may as well say that drunkenness or madness is of service to courage, because those who are mad or drunk often do a great many things with unusual vehemence. Ajax was always brave; but still he was most brave when he was in that state of frenzy:

The greatest feat that Ajax e'er achieved
Was, when his single arm the Greeks relieved.
Quitting the field; urged on by rising rage,
Forced the declining troops again t'engage.

Shall we say, then, that madness has its use?

XXIV. Examine the definitions of courage: you will find it does not require the assistance of passion. Courage is, then, an affection of mind that endures all things, being itself in proper subjection to the highest of all laws; or it may be called a firm maintenance of judgment in supporting or repelling everything that has a formidable appearance, or a knowledge of what is formidable or otherwise, and maintaining invariably a stable judgment of all such things, so as to bear them or despise them; or, in fewer words, according to Chrysippus (for the above definitions are Sphærus's, a man of the first ability as a layer-down of definitions, as the Stoics think. But they are all pretty much alike: they give us only common notions, some one way, and some another). But what is Chrysippus's definition? Fortitude, says he, is the knowledge of all things that are bearable, or an affection of the mind which bears and supports everything in obedience to the chief law of reason without fear. Now, though we should attack these men in the same manner as Carneades used to do, I fear they are the only real philosophers; for which of these definitions is there which does not explain that obscure and intricate notion of courage which every man conceives within himself? And when it is thus explained, what can a warrior, a commander, or an orator want more? And no one can think that they will be unable to behave themselves courageously without anger. What! do not even the Stoics, who maintain that all fools are mad, make the same inferences? for, take away perturbations, especially a hastiness of temper, and they will appear to talk very absurdly. But what they assert is this: they say that all fools are mad, as all dunghills stink; not that they always do so, but stir them, and you will perceive it. And in like manner, a warm-tempered man is not always in a passion; but provoke him, and you will see him run mad. Now, that very warlike anger, which is of such service in war, what is the use of it to him when he is at home with his wife, children, and family? Is there, then, anything that a disturbed mind can do better than one which is calm and steady? Or can any one be angry without a perturbation of mind? Our people, then, were in the right, who, as all vices depend on our manners, and nothing is worse than a passionate disposition, called angry men the only morose men.

XXV. Anger is in no wise becoming in an orator, though it is not amiss to affect it. Do you imagine that I am angry when in pleading I use any extraordinary vehemence and sharpness? What! when I write out my speeches after all is over and past, am I then angry while writing? Or do you think Æsopus was ever angry when he acted, or Accius was so when he wrote? Those men, indeed, act very well, but the orator acts better than the player, provided he be really an orator; but, then, they carry it on without passion, and with a composed mind. But what wantonness is it to commend lust! You produce Themistocles and Demosthenes; to these you add Pythagoras, Democritus, and Plato. What! do you then call studies lust? But these studies of the most excellent and admirable things, such as those were which you bring forward on all occasions, ought to be composed and tranquil; and what kind of philosophers are they who commend grief, than which nothing is more detestable? Afranius has said much to this purpose:

Let him but grieve, no matter what the cause.

But he spoke this of a debauched and dissolute youth. But we are inquiring into the conduct of a constant and wise man. We may even allow a centurion or standard-bearer to be angry, or any others, whom, not to explain too far the mysteries of the rhetoricians, I shall not mention here; for to touch the passions, where reason cannot be come at, may have its use; but my inquiry, as I often repeat, is about a wise man.

XXVI. But even envy, detraction, pity, have their use. Why should you pity rather than assist, if it is in your power to do so? Is it because you cannot be liberal without pity? We should not take sorrows on ourselves upon another's account; but we ought to relieve others of their grief if we can. But to detract from another's reputation, or to rival him with that vicious emulation which resembles an enmity, of what use can that conduct be? Now, envy implies being uneasy at another's good because one does not enjoy it one's self; but detraction is the being uneasy at another's good, merely because he enjoys it. How can it be right that you should voluntarily grieve, rather than take the trouble of acquiring what you want to have? for it is madness in the highest degree to desire to be the only one that has any particular happiness. But who can with

correctness speak in praise of a mediocrity of evils? Can any one in whom there is lust or desire be otherwise than libidinous or desirous? or can a man who is occupied by anger avoid being angry? or can one who is exposed to any vexation escape being vexed? or if he is under the influence of fear, must he not be fearful? Do we look, then, on the libidinous, the angry, the anxious, and the timid man, as persons of wisdom, of excellence? of which I could speak very copiously and diffusely, but I wish to be as concise as possible. And so I will merely say that wisdom is an acquaintance with all divine and human affairs, and a knowledge of the cause of everything. Hence it is that it imitates what is divine, and looks upon all human concerns as inferior to virtue. Did you, then, say that it was your opinion that such a man was as naturally liable to perturbation as the sea is exposed to winds? What is there that can discompose such gravity and constancy? Anything sudden or unforeseen? How can anything of this kind befall one to whom nothing is sudden and unforeseen that can happen to man? Now, as to their saying that redundancies should be pared off, and only what is natural remain, what, I pray you, can be natural which may be too exuberant?

XXVII. All these assertions proceed from the roots of errors, which must be entirely plucked up and destroyed, not pared and amputated. But as I suspect that your inquiry is not so much respecting the wise man as concerning yourself (for you allow that he is free from all perturbations, and you would willingly be so too yourself), let us see what remedies there are which may be applied by philosophy to the diseases of the mind. There is certainly some remedy; nor has nature been so unkind to the human race as to have discovered so many things salutary to the body, and none which are medicinal to the mind. She has even been kinder to the mind than to the body; inasmuch as you must seek abroad for the assistance which the body requires, while the mind has all that it requires within itself. But in proportion as the excellency of the mind is of a higher and more divine nature, the more diligence does it require; and therefore reason, when it is well applied, discovers what is best, but when it is neglected, it becomes involved in many errors. I shall apply, then, all my discourse to you; for though you pretend to be inquiring about the wise man, your inquiry may possibly be about yourself. Various,

then, are the cures of those perturbations which I have expounded, for every disorder is not to be appeased the same way. One medicine must be applied to the man who mourns, another to the pitiful, another to the person who envies; for there is this difference to be maintained in all the four perturbations: we are to consider whether our discourse had better be directed to perturbations in general, which are a contempt of reason, or a somewhat too vehement appetite; or whether it would be better applied to particular descriptions, as, for instance, to fear, lust, and the rest, and whether it appears preferable to endeavor to remove that which has occasioned the grief, or rather to attempt wholly to eradicate every kind of grief. As, should any one grieve that he is poor, the question is, Would you maintain poverty to be no evil, or would you contend that a man ought not to grieve at anything? Certainly this last is the best course; for should you not convince him with regard to poverty, you must allow him to grieve; but if you remove grief by particular arguments, such as I used yesterday, the evil of poverty is in some manner removed.

XXVIII. But any perturbation of the mind of this sort may be, as it were, wiped away by the method of appeasing the mind, if you succeed in showing that there is no good in that which has given rise to joy and lust, nor any evil in that which has occasioned fear or grief. But certainly the most effectual cure is to be achieved by showing that all perturbations are of themselves vicious, and have nothing natural or necessary in them. As we see, grief itself is easily softened when we charge those who grieve with weakness and an effeminate mind; or when we commend the gravity and constancy of those who bear calmly whatever befalls them here, as accidents to which all men are liable; and, indeed, this is generally the feeling of those who look on these as real evils, but yet think they should be borne with resignation. One imagines pleasure to be a good, another money; and yet the one may be called off from intemperance, the other from covetousness. The other method and address, which, at the same time that it removes the false opinion, withdraws the disorder, has more subtlety in it; but it seldom succeeds, and is not applicable to vulgar minds, for there are some diseases which that medicine can by no means remove. For, should any one be uneasy

because he is without virtue, without courage, destitute of a sense of duty or honesty, his anxiety proceeds from a real evil; and yet we must apply another method of cure to him, and such a one as all the philosophers, however they may differ about other things, agree in. For they must necessarily agree in this, that commotions of the mind in opposition to right reason are vicious; and that even admitting those things to be evils which occasion fear or grief, and those to be goods which provoke desire or joy, yet that very commotion itself is vicious; for we mean by the expressions magnanimous and brave, one who is resolute, sedate, grave, and superior to everything in this life; but one who either grieves, or fears, or covets, or is transported with passion, cannot come under that denomination; for these things are consistent only with those who look on the things of this world as things with which their minds are unequal to contend.

XXIX. Wherefore, as I before said, the philosophers have all one method of cure, so that we need say nothing about what sort of thing that is which disturbs the mind, but we must speak only concerning the perturbation itself. Thus, first, with regard to desire itself, when the business is only to remove that, the inquiry is not to be, whether that thing be good or evil which provokes lust, but the lust itself is to be removed; so that whether whatever is honest is the chief good, or whether it consists in pleasure, or in both these things together, or in the other three kinds of goods, yet should there be in any one too vehement an appetite for even virtue itself, the whole discourse should be directed to the deterring him from that vehemence. But human nature, when placed in a conspicuous point of view, gives us every argument for appeasing the mind, and, to make this the more distinct, the laws and conditions of life should be explained in our discourse. Therefore, it was not without reason that Socrates is reported, when Euripides was exhibiting his play called Orestes, to have repeated the first three verses of that tragedy —

What tragic story men can mournful tell,
Whate'er from fate or from the gods befell,
That human nature can support —

But, in order to persuade those to whom any misfortune has happened that they can and ought to bear it, it is very useful to set before them an enumeration of other persons who have borne similar

calamities. Indeed, the method of appeasing grief was explained in my dispute of yesterday, and in my book on Consolation, which I wrote in the midst of my own grief; for I was not myself so wise a man as to be insensible to grief, and I used this, notwithstanding Chrysippus's advice to the contrary, who is against applying a medicine to the agitations of the mind while they are fresh; but I did it, and committed a violence on nature, that the greatness of my grief might give way to the greatness of the medicine.

XXX. But fear borders upon grief, of which I have already said enough; but I must say a little more on that. Now, as grief proceeds from what is present, so does fear from future evil; so that some have said that fear is a certain part of grief: others have called fear the harbinger of trouble, which, as it were, introduces the ensuing evil. Now, the reasons that make what is present supportable, make what is to come very contemptible; for, with regard to both, we should take care to do nothing low or grovelling, soft or effeminate, mean or abject. But, notwithstanding we should speak of the inconstancy, imbecility, and levity of fear itself, yet it is of very great service to speak contemptuously of those very things of which we are afraid. So that it fell out very well, whether it was by accident or design, that I disputed the first and second day on death and pain — the two things that are the most dreaded: now, if what I then said was approved of, we are in a great degree freed from fear. And this is sufficient, as far as regards the opinion of evils.

XXXI. Proceed we now to what are goods — that is to say, to joy and desire. To me, indeed, one thing alone seems to embrace the question of all that relates to the perturbations of the mind — the fact, namely, that all perturbations are in our own power; that they are taken up upon opinion, and are voluntary. This error, then, must be got rid of; this opinion must be removed; and, as with regard to imagined evils, we are to make them more supportable, so with respect to goods, we are to lessen the violent effects of those things which are called great and joyous. But one thing is to be observed, that equally relates both to good and evil: that, should it be difficult to persuade any one that none of those things which disturb the mind are to be looked on as good or evil, yet a different cure is to be applied to different feelings; and the malevolent person is to be

corrected by one way of reasoning, the lover by another, the anxious man by another, and the fearful by another: and it would be easy for any one who pursues the best approved method of reasoning, with regard to good and evil, to maintain that no fool can be affected with joy, as he never can have anything good. But, at present, my discourse proceeds upon the common received notions. Let, then, honors, riches, pleasures, and the rest be the very good things which they are imagined to be; yet a too elevated and exulting joy on the possession of them is unbecoming; just as, though it might be allowable to laugh, to giggle would be indecent. Thus, a mind enlarged by joy is as blamable as a contraction of it by grief; and eager longing is a sign of as much levity in desiring as immoderate joy is in possessing; and, as those who are too dejected are said to be effeminate, so they who are too elated with joy are properly called volatile; and as feeling envy is a part of grief, and the being pleased with another's misfortune is a kind of joy, both these feelings are usually corrected by showing the wildness and insensibility of them: and as it becomes a man to be cautious, but it is unbecoming in him to be fearful, so to be pleased is proper, but to be joyful improper. I have, in order that I might be the better understood, distinguished pleasure from joy. I have already said above, that a contraction of the mind can never be right, but that an elation of it may; for the joy of Hector in Nævius is one thing —

'Tis joy indeed to hear my praises sung
By you, who are the theme of honor's tongue —

but that of the character in Trabea another: "The kind procuress, allured by my money, will observe my nod, will watch my desires, and study my will. If I but move the door with my little finger, instantly it flies open; and if Chrysis should unexpectedly discover me, she will run with joy to meet me, and throw herself into my arms."

Now he will tell you how excellent he thinks this:

Not even fortune herself is so fortunate.

XXXII. Any one who attends the least to the subject will be convinced how unbecoming this joy is. And as they are very shameful who are immoderately delighted with the enjoyment of venereal pleasures, so are they very scandalous who lust vehemently

after them. And all that which is commonly called love (and, believe me, I can find out no other name to call it by) is of such a trivial nature that nothing, I think, is to be compared to it: of which Cæcilius says,

I hold the man of every sense bereaved
Who grants not Love to be of Gods the chief:
Whose mighty power whate'er is good effects,
Who gives to each his beauty and defects:
Hence, health and sickness; wit and folly, hence,
The God that love and hatred doth dispense!

An excellent corrector of life this same poetry, which thinks that love, the promoter of debauchery and vanity, should have a place in the council of the Gods! I am speaking of comedy, which could not subsist at all without our approving of these debaucheries. But what said that chief of the Argonauts in tragedy?

My life I owe to honor less than love.

What, then, are we to say of this love of Medea? — what a train of miseries did it occasion! And yet the same woman has the assurance to say to her father, in another poet, that she had a husband

Dearer by love than ever fathers were.

XXXIII. However, we may allow the poets to trifle, in whose fables we see Jupiter himself engaged in these debaucheries: but let us apply to the masters of virtue — the philosophers who deny love to be anything carnal; and in this they differ from Epicurus, who, I think, is not much mistaken. For what is that love of friendship? How comes it that no one is in love with a deformed young man, or a handsome old one? I am of opinion that this love of men had its rise from the Gymnastics of the Greeks, where these kinds of loves are admissible and permitted; therefore Ennius spoke well:

The censure of this crime to those is due
Who naked bodies first exposed to view.

Now, supposing them chaste, which I think is hardly possible, they are uneasy and distressed, and the more so because they contain and refrain themselves. But, to pass over the love of women, where nature has allowed more liberty, who can misunderstand the poets in their rape of Ganymede, or not apprehend what Laius says, and what he desires, in Euripides? Lastly, what have the principal poets and

the most learned men published of themselves in their poems and songs? What doth Alcæus, who was distinguished in his own republic for his bravery, write on the love of young men? And as for Anacreon's poetry, it is wholly on love. But Ibycus of Rhegium appears, from his writings, to have had this love stronger on him than all the rest.

XXXIV. Now we see that the loves of all these writers were entirely libidinous. There have arisen also some among us philosophers (and Plato is at the head of them, whom Dicæarchus blames not without reason) who have countenanced love. The Stoics, in truth, say, not only that their wise man may be a lover, but they even define love itself as an endeavor to originate friendship out of the appearance of beauty. Now, provided there is any one in the nature of things without desire, without care, without a sigh, such a one may be a lover; for he is free from all lust: but I have nothing to say to him, as it is lust of which I am now speaking. But should there be any love — as there certainly is — which is but little, or perhaps not at all, short of madness, such as his is in the Leucadia —

Should there be any God whose care I am —

it is incumbent on all the Gods to see that he enjoys his amorous pleasure.

Wretch that I am!

Nothing is more true, and he says very appropriately,

What, are you sane, who at this rate lament?

He seems even to his friends to be out of his senses: then how tragical he becomes!

Thy aid, divine Apollo, I implore,

And thine, dread ruler of the wat'ry store!

Oh! all ye winds, assist me!

He thinks that the whole world ought to apply itself to help his love: he excludes Venus alone, as unkind to him.

Thy aid, O Venus, why should I invoke?

He thinks Venus too much employed in her own lust to have regard to anything else, as if he himself had not said and committed these shameful things from lust.

XXXV. Now, the cure for one who is affected in this manner is to show how light, how contemptible, how very trifling he is in what he

desires; how he may turn his affections to another object, or accomplish his desires by some other means; or else to persuade him that he may entirely disregard it: sometimes he is to be led away to objects of another kind, to study, business, or other different engagements and concerns: very often the cure is effected by change of place, as sick people, that have not recovered their strength, are benefited by change of air. Some people think an old love may be driven out by a new one, as one nail drives out another: but, above all things, the man thus afflicted should be advised what madness love is: for of all the perturbations of the mind, there is not one which is more vehement; for (without charging it with rapes, debaucheries, adultery, or even incest, the baseness of any of these being very blamable; not, I say, to mention these) the very perturbation of the mind in love is base of itself, for, to pass over all its acts of downright madness, what weakness do not those very things which are looked upon as indifferent argue?

Affronts and jealousies, jars, squabbles, wars,
Then peace again. The man who seeks to fix
These restless feelings, and to subjugate
Them to some regular law, is just as wise
As one who'd try to lay down rules by which
Men should go mad.

Now, is not this inconstancy and mutability of mind enough to deter any one by its own deformity? We are to demonstrate, as was said of every perturbation, that there are no such feelings which do not consist entirely of opinion and judgment, and are not owing to ourselves. For if love were natural, all would be in love, and always so, and all love the same object; nor would one be deterred by shame, another by reflection, another by satiety.

XXXVI. Anger, too, when it disturbs the mind any time, leaves no room to doubt its being madness: by the instigation of which we see such contention as this between brothers:

Where was there ever impudence like thine?
Who on thy malice ever could refine?

You know what follows: for abuses are thrown out by these brothers with great bitterness in every other verse; so that you may easily know them for the sons of Atreus, of that Atreus who invented

a new punishment for his brother:

I who his cruel heart to gall am bent,
Some new, unheard-of torment must invent.

Now, what were these inventions? Hear Thyestes:

My impious brother fain would have me eat
My children, and thus serves them up for meat.

To what length now will not anger go? even as far as madness. Therefore we say, properly enough, that angry men have given up their power, that is, they are out of the power of advice, reason, and understanding; for these ought to have power over the whole mind. Now, you should put those out of the way whom they endeavor to attack till they have recollected themselves; but what does recollection here imply but getting together again the dispersed parts of their mind into their proper place? or else you must beg and entreat them, if they have the means of revenge, to defer it to another opportunity, till their anger cools. But the expression of cooling implies, certainly, that there was a heat raised in their minds in opposition to reason; from which consideration that saying of Archytas is commended, who being somewhat provoked at his steward, "How would I have treated you," said he, "if I had not been in a passion?"

XXXVII. Where, then, are they who say that anger has its use? Can madness be of any use? But still it is natural. Can anything be natural that is against reason? or how is it, if anger is natural, that one person is more inclined to anger than another? or that the lust of revenge should cease before it has revenged itself? or that any one should repent of what he had done in a passion? as we see that Alexander the king did, who could scarcely keep his hands from himself, when he had killed his favorite Clytus, so great was his compunction. Now who that is acquainted with these instances can doubt that this motion of the mind is altogether in opinion and voluntary? for who can doubt that disorders of the mind, such as covetousness and a desire of glory, arise from a great estimation of those things by which the mind is disordered? from whence we may understand that every perturbation of the mind is founded in opinion. And if boldness — that is to say, a firm assurance of mind — is a kind of knowledge and serious opinion not hastily taken up, then

diffidence is a fear of an expected and impending evil; and if hope is an expectation of good, fear must, of course, be an expectation of evil. Thus fear and other perturbations are evils. Therefore, as constancy proceeds from knowledge, so does perturbation from error. Now, they who are said to be naturally inclined to anger, or to pity, or to envy, or to any feeling of this kind, their minds are constitutionally, as it were, in bad health; yet they are curable, as the disposition of Socrates is said to have been; for when Zopyrus, who professed to know the character of every one from his person, had heaped a great many vices on him in a public assembly, he was laughed at by others, who could perceive no such vices in Socrates; but Socrates kept him in countenance by declaring that such vices were natural to him, but that he had got the better of them by his reason. Therefore, as any one who has the appearance of the best constitution may yet appear to be naturally rather inclined to some particular disorder, so different minds may be more particularly inclined to different diseases. But as to those men who are said to be vicious, not by nature, but their own fault, their vices proceed from wrong opinions of good and bad things, so that one is more prone than another to different motions and perturbations. But, just as it is in the case of the body, an inveterate disease is harder to be got rid of than a sudden disorder; and it is more easy to cure a fresh tumor in the eyes than to remove a defluxion of any continuance.

XXXVIII. But as the cause of perturbations is now discovered, for all of them arise from the judgment or opinion, or volition, I shall put an end to this discourse. But we ought to be assured, since the boundaries of good and evil are now discovered, as far as they are discoverable by man, that nothing can be desired of philosophy greater or more useful than the discussions which we have held these four days. For besides instilling a contempt of death, and relieving pain so as to enable men to bear it, we have added the appeasing of grief, than which there is no greater evil to man. For though every perturbation of mind is grievous, and differs but little from madness, yet we are used to say of others when they are under any perturbation, as of fear, joy, or desire, that they are agitated and disturbed; but of those who give themselves up to grief, that they are miserable, afflicted, wretched, unhappy. So that it doth not seem to

be by accident, but with reason proposed by you, that I should discuss grief, and the other perturbations separately; for there lies the spring and head of all our miseries; but the cure of grief, and of other disorders, is one and the same in that they are all voluntary, and founded on opinion; we take them on ourselves because it seems right so to do. Philosophy undertakes to eradicate this error, as the root of all our evils: let us therefore surrender ourselves to be instructed by it, and suffer ourselves to be cured; for while these evils have possession of us, we not only cannot be happy, but cannot be right in our minds. We must either deny that reason can effect anything, while, on the other hand, nothing can be done right without reason, or else, since philosophy depends on the deductions of reason, we must seek from her, if we would be good or happy, every help and assistance for living well and happily.

BOOK V. WHETHER VIRTUE ALONE BE SUFFICIENT FOR A HAPPY LIFE.

I. This fifth day, Brutus, shall put an end to our Tusculan Disputations: on which day we discussed your favorite subject. For I perceive from that book which you wrote for me with the greatest accuracy, as well as from your frequent conversation, that you are clearly of this opinion, that virtue is of itself sufficient for a happy life: and though it may be difficult to prove this, on account of the many various strokes of fortune, yet it is a truth of such a nature that we should endeavor to facilitate the proof of it. For among all the topics of philosophy, there is not one of more dignity or importance. For as the first philosophers must have had some inducement to neglect everything for the search of the best state of life: surely, the inducement must have been the hope of living happily, which impelled them to devote so much care and pains to that study. Now, if virtue was discovered and carried to perfection by them, and if virtue is a sufficient security for a happy life, who can avoid thinking the work of philosophizing excellently recommended by them, and undertaken by me? But if virtue, as being subject to such various and uncertain accidents, were but the slave of fortune, and were not of sufficient ability to support herself, I am afraid that it would seem desirable rather to offer up prayers, than to rely on our own confidence in virtue as the foundation for our hope of a happy life. And, indeed, when I reflect on those troubles with which I have been so severely exercised by fortune, I begin to distrust this opinion; and sometimes even to dread the weakness and frailty of human nature, for I am afraid lest, when nature had given us infirm bodies, and had joined to them incurable diseases and intolerable pains, she perhaps also gave us minds participating in these bodily pains, and harassed also with troubles and uneasinesses, peculiarly their own. But here I correct myself for forming my judgment of the power of virtue more from the weakness of others, or of myself perhaps, than from virtue itself: for she herself (provided there is such a thing as virtue; and your uncle Brutus has removed all doubt of it) has everything that can befall mankind in subjection to her; and by disregarding such

things, she is far removed from being at all concerned at human accidents; and, being free from every imperfection, she thinks that nothing which is external to herself can concern her. But we, who increase every approaching evil by our fear, and every present one by our grief, choose rather to condemn the nature of things than our own errors.

II. But the amendment of this fault, and of all our other vices and offences, is to be sought for in philosophy: and as my own inclination and desire led me, from my earliest youth upward, to seek her protection, so, under my present misfortunes, I have had recourse to the same port from whence I set out, after having been tossed by a violent tempest. O Philosophy, thou guide of life! thou discoverer of virtue and expeller of vices! what had not only I myself, but the whole life of man, been without you? To you it is that we owe the origin of cities; you it was who called together the dispersed race of men into social life; you united them together, first, by placing them near one another, then by marriages, and lastly, by the communication of speech and languages. You have been the inventress of laws; you have been our instructress in morals and discipline; to you we fly for refuge; from you we implore assistance; and as I formerly submitted to you in a great degree, so now I surrender up myself entirely to you. For one day spent well, and agreeably to your precepts, is preferable to an eternity of error. Whose assistance, then, can be of more service to me than yours, when you have bestowed on us tranquillity of life, and removed the fear of death? But Philosophy is so far from being praised as much as she has deserved by mankind, that she is wholly neglected by most men, and actually evil spoken of by many. Can any person speak ill of the parent of life, and dare to pollute himself thus with parricide, and be so impiously ungrateful as to accuse her whom he ought to reverence, even were he less able to appreciate the advantages which he might derive from her? But this error, I imagine, and this darkness has spread itself over the minds of ignorant men, from their not being able to look so far back, and from their not imagining that those men by whom human life was first improved were philosophers; for though we see philosophy to have been of long standing, yet the name must be acknowledged to be but modern.

III. But, indeed, who can dispute the antiquity of philosophy, either in fact or name? For it acquired this excellent name from the ancients, by the knowledge of the origin and causes of everything, both divine and human. Thus those seven Σόφοι, as they were considered and called by the Greeks, have always been esteemed and called wise men by us; and thus Lycurgus many ages before, in whose time, before the building of this city, Homer is said to have lived, as well as Ulysses and Nestor in the heroic ages, are all handed down to us by tradition as having really been what they were called, wise men; nor would it have been said that Atlas supported the heavens, or that Prometheus was bound to Caucasus, nor would Cepheus, with his wife, his son-in-law, and his daughter have been enrolled among the constellations, but that their more than human knowledge of the heavenly bodies had transferred their names into an erroneous fable. From whence all who occupied themselves in the contemplation of nature were both considered and called wise men; and that name of theirs continued to the age of Pythagoras, who is reported to have gone to Phlius, as we find it stated by Heraclides Ponticus, a very learned man, and a pupil of Plato, and to have discoursed very learnedly and copiously on certain subjects with Leon, prince of the Phliasii; and when Leon, admiring his ingenuity and eloquence, asked him what art he particularly professed, his answer was, that he was acquainted with no art, but that he was a philosopher. Leon, surprised at the novelty of the name, inquired what he meant by the name of philosopher, and in what philosophers differed from other men; on which Pythagoras replied, “That the life of man seemed to him to resemble those games which were celebrated with the greatest possible variety of sports and the general concourse of all Greece. For as in those games there were some persons whose object was glory and the honor of a crown, to be attained by the performance of bodily exercises, so others were led thither by the gain of buying and selling, and mere views of profit; but there was likewise one class of persons, and they were by far the best, whose aim was neither applause nor profit, but who came merely as spectators through curiosity, to observe what was done, and to see in what manner things were carried on there. And thus, said he, we come from another life and nature unto this one, just as

men come out of some other city, to some much frequented mart; some being slaves to glory, others to money; and there are some few who, taking no account of anything else, earnestly look into the nature of things; and these men call themselves studious of wisdom, that is, philosophers: and as there it is the most reputable occupation of all to be a looker-on without making any acquisition, so in life, the contemplating things, and acquainting one's self with them, greatly exceeds every other pursuit of life."

IV. Nor was Pythagoras the inventor only of the name, but he enlarged also the thing itself, and, when he came into Italy after this conversation at Phlius, he adorned that Greece, which is called Great Greece, both privately and publicly, with the most excellent institutions and arts; but of his school and system I shall, perhaps, find another opportunity to speak. But numbers and motions, and the beginning and end of all things, were the subjects of the ancient philosophy down to Socrates, who was a pupil of Archelaus, who had been the disciple of Anaxagoras. These made diligent inquiry into the magnitude of the stars, their distances, courses, and all that relates to the heavens. But Socrates was the first who brought down philosophy from the heavens, placed it in cities, introduced it into families, and obliged it to examine into life and morals, and good and evil. And his different methods of discussing questions, together with the variety of his topics, and the greatness of his abilities, being immortalized by the memory and writings of Plato, gave rise to many sects of philosophers of different sentiments, of all which I have principally adhered to that one which, in my opinion, Socrates himself followed; and argue so as to conceal my own opinion, while I deliver others from their errors, and so discover what has the greatest appearance of probability in every question. And the custom Carneades adopted with great copiousness and acuteness, and I myself have often given in to it on many occasions elsewhere, and in this manner, too, I disputed lately, in my Tusculan villa; indeed, I have sent you a book of the four former days' discussions; but the fifth day, when we had seated ourselves as before, what we were to dispute on was proposed thus:

V. *A.* I do not think virtue can possibly be sufficient for a happy life.

M. But my friend Brutus thinks so, whose judgment, with submission, I greatly prefer to yours.

A. I make no doubt of it; but your regard for him is not the business now: the question is now, what is the real character of that quality of which I have declared my opinion. I wish you to dispute on that.

M. What! do you deny that virtue can possibly be sufficient for a happy life?

A. It is what I entirely deny.

M. What! is not virtue sufficient to enable us to live as we ought, honestly, commendably, or, in fine, to live well?

A. Certainly sufficient.

M. Can you, then, help calling any one miserable who lives ill? or will you deny that any one who you allow lives well must inevitably live happily?

A. Why may I not? for a man may be upright in his life, honest, praiseworthy, even in the midst of torments, and therefore live well. Provided you understand what I mean by well; for when I say well, I mean with constancy, and dignity, and wisdom, and courage; for a man may display all these qualities on the rack; but yet the rack is inconsistent with a happy life.

M. What, then? is your happy life left on the outside of the prison, while constancy, dignity, wisdom, and the other virtues, are surrendered up to the executioner, and bear punishment and pain without reluctance?

A. You must look out for something new if you would do any good. These things have very little effect on me, not merely from their being common, but principally because, like certain light wines that will not bear water, these arguments of the Stoics are pleasanter to taste than to swallow. As when that assemblage of virtues is committed to the rack, it raises so reverend a spectacle before our eyes that happiness seems to hasten on towards them, and not to suffer them to be deserted by her. But when you take your attention off from this picture and these images of the virtues to the truth and the reality, what remains without disguise is, the question whether any one can be happy in torment? Wherefore let us now examine that point, and not be under any apprehensions, lest the virtues should

expostulate, and complain that they are forsaken by happiness. For if prudence is connected with every virtue, then prudence itself discovers this, that all good men are not therefore happy; and she recollects many things of Marcus Atilius, Quintus Cæpio, Marcus Aquilius; and prudence herself, if these representations are more agreeable to you than the things themselves, restrains happiness when it is endeavoring to throw itself into torments, and denies that it has any connection with pain and torture.

VI. *M.* I can easily bear with your behaving in this manner, though it is not fair in you to prescribe to me how you would have me carry on this discussion. But I ask you if I have effected anything or nothing in the preceding days?

A. Yes; something was done, some little matter indeed.

M. But if that is the case, this question is settled, and almost put an end to.

A. How so?

M. Because turbulent motions and violent agitations of the mind, when it is raised and elated by a rash impulse, getting the better of reason, leave no room for a happy life. For who that fears either pain or death, the one of which is always present, the other always impending, can be otherwise than miserable? Now, supposing the same person — which is often the case — to be afraid of poverty, ignominy, infamy, or weakness, or blindness, or, lastly, slavery, which doth not only befall individual men, but often even the most powerful nations; now can any one under the apprehension of these evils be happy? What shall we say of him who not only dreads these evils as impending, but actually feels and bears them at present? Let us unite in the same person banishment, mourning, the loss of children; now, how can any one who is broken down and rendered sick in body and mind by such affliction be otherwise than very miserable indeed? What reason, again, can there be why a man should not rightly enough be called miserable whom we see inflamed and raging with lust, coveting everything with an insatiable desire, and, in proportion as he derives more pleasure from anything, thirsting the more violently after them? And as to a man vainly elated, exulting with an empty joy, and boasting of himself without reason, is not he so much the more miserable in proportion as he

thinks himself happier? Therefore, as these men are miserable, so, on the other hand, those are happy who are alarmed by no fears, wasted by no griefs, provoked by no lusts, melted by no languid pleasures that arise from vain and exulting joys. We look on the sea as calm when not the least breath of air disturbs its waves; and, in like manner, the placid and quiet state of the mind is discovered when unmoved by any perturbation. Now, if there be any one who holds the power of fortune, and everything human, everything that can possibly befall any man, as supportable, so as to be out of the reach of fear or anxiety, and if such a man covets nothing, and is lifted up by no vain joy of mind, what can prevent his being happy? And if these are the effects of virtue, why cannot virtue itself make men happy?

VII. *A.* But the other of these two propositions is undeniable, that they who are under no apprehensions, who are noways uneasy, who covet nothing, who are lifted up by no vain joy, are happy: and therefore I grant you that. But as for the other, that is not now in a fit state for discussion; for it has been proved by your former arguments that a wise man is free from every perturbation of mind.

M. Doubtless, then, the dispute is over; for the question appears to have been entirely exhausted.

A. I think, indeed, that that is almost the case.

M. But yet that is more usually the case with the mathematicians than philosophers. For when the geometricians teach anything, if what they have before taught relates to their present subject, they take that for granted which has been already proved, and explain only what they had not written on before. But the philosophers, whatever subject they have in hand, get together everything that relates to it, notwithstanding they may have dilated on it somewhere else. Were not that the case, why should the Stoics say so much on that question, Whether virtue was abundantly sufficient to a happy life? when it would have been answer enough that they had before taught that nothing was good but what was honorable; for, as this had been proved, the consequence must be that virtue was sufficient to a happy life; and each premise may be made to follow from the admission of the other, so that if it be admitted that virtue is sufficient to secure a happy life, it may also be inferred that nothing is good

except what is honorable. They, however, do not proceed in this manner; for they would separate books about what is honorable, and what is the chief good; and when they have demonstrated from the one that virtue has power enough to make life happy, yet they treat this point separately; for everything, and especially a subject of such great consequence, should be supported by arguments and exhortations which belong to that alone. For you should have a care how you imagine philosophy to have uttered anything more noble, or that she has promised anything more fruitful or of greater consequence, for, good Gods! doth she not engage that she will render him who submits to her laws so accomplished as to be always armed against fortune, and to have every assurance within himself of living well and happily — that he shall, in short, be forever happy? But let us see what she will perform? In the mean while, I look upon it as a great thing that she has even made such a promise. For Xerxes, who was loaded with all the rewards and gifts of fortune, not satisfied with his armies of horse and foot, nor the multitude of his ships, nor his infinite treasure of gold, offered a reward to any one who could find out a new pleasure; and yet, when it was discovered, he was not satisfied with it; nor can there ever be an end to lust. I wish we could engage any one by a reward to produce something the better to establish us in this belief.

VIII. *A.* I wish that, indeed, myself; but I want a little information. For I allow that in what you have stated the one proposition is the consequence of the other; that as, if what is honorable be the only good, it must follow that a happy life is the effect of virtue: so that if a happy life consists in virtue, nothing can be good but virtue. But your friend Brutus, on the authority of Aristo and Antiochus, does not see this; for he thinks the case would be the same even if there were anything good besides virtue.

M. What, then? do you imagine that I am going to argue against Brutus?

A. You may do what you please; for it is not for me to prescribe what you shall do.

M. How these things agree together shall be examined somewhere else; for I frequently discussed that point with Antiochus, and lately with Aristo, when, during the period of my command as general, I

was lodging with him at Athens. For to me it seemed that no one could possibly be happy under any evil; but a wise man might be afflicted with evil, if there are any things arising from body or fortune deserving the name of evils. These things were said, which Antiochus has inserted in his books in many places — that virtue itself was sufficient to make life happy, but yet not perfectly happy; and that many things derive their names from the predominant portion of them, though they do not include everything, as strength, health, riches, honor, and glory: which qualities are determined by their kind, not their number. Thus a happy life is so called from its being so in a great degree, even though it should fall short in some point. To clear this up is not absolutely necessary at present, though it seems to be said without any great consistency; for I cannot imagine what is wanting to one that is happy to make him happier, for if anything be wanting to him, he cannot be so much as happy; and as to what they say, that everything is named and estimated from its predominant portion, that may be admitted in some things. But when they allow three kinds of evils — when any one is oppressed with every imaginable evil of two kinds, being afflicted with adverse fortune, and having at the same time his body worn out and harassed with all sorts of pains — shall we say that such a one is but little short of a happy life, to say nothing about the happiest possible life?

IX. This is the point which Theophrastus was unable to maintain; for after he had once laid down the position that stripes, torments, tortures, the ruin of one's country, banishment, the loss of children, had great influence on men's living miserably and unhappily, he durst not any longer use any high and lofty expressions when he was so low and abject in his opinion. How right he was is not the question; he certainly was consistent. Therefore, I am not for objecting to consequences where the premises are admitted. But this most elegant and learned of all the philosophers is not taken to task very severely when he asserts his three kinds of good; but he is attacked by every one for that book which he wrote on a happy life, in which book he has many arguments why one who is tortured and racked cannot be happy. For in that book he is supposed to say that a man who is placed on the wheel (that is a kind of torture in use among the Greeks) cannot attain to a completely happy life. He

nowhere, indeed, says so absolutely; but what he says amounts to the same thing. Can I, then, find fault with him, after having allowed that pains of the body are evils, that the ruin of a man's fortunes is an evil, if he should say that every good man is not happy, when all those things which he reckons as evils may befall a good man? The same Theophrastus is found fault with by all the books and schools of the philosophers for commending that sentence in his Callisthenes,

Fortune, not wisdom, rules the life of man.

They say never did philosopher assert anything so languid. They are right, indeed, in that; but I do not apprehend anything could be more consistent, for if there are so many good things that depend on the body, and so many foreign to it that depend on chance and fortune, is it inconsistent to say that fortune, which governs everything, both what is foreign and what belongs to the body, has greater power than counsel. Or would we rather imitate Epicurus? who is often excellent in many things which he speaks, but quite indifferent how consistent he may be, or how much to the purpose he is speaking. He commends spare diet, and in that he speaks as a philosopher; but it is for Socrates or Antisthenes to say so, and not for one who confines all good to pleasure. He denies that any one can live pleasantly unless he lives honestly, wisely, and justly. Nothing is more dignified than this assertion, nothing more becoming a philosopher, had he not measured this very expression of living honestly, justly, and wisely by pleasure. What could be better than to assert that fortune interferes but little with a wise man? But does he talk thus, who, after he has said that pain is the greatest evil, or the only evil, might himself be afflicted with the sharpest pains all over his body, even at the time he is vaunting himself the most against fortune? And this very thing, too, Metrodorus has said, but in better language: "I have anticipated you, Fortune; I have caught you, and cut off every access, so that you cannot possibly reach me." This would be excellent in the mouth of Aristo the Chian, or Zeno the Stoic, who held nothing to be an evil but what was base; but for you, Metrodorus, to anticipate the approaches of fortune, who confine all that is good to your bowels and marrow — for you to say so, who define the chief good by a strong constitution of body, and well-assured hope of its continuance — for you to cut off every access of

fortune! Why, you may instantly be deprived of that good. Yet the simple are taken with these propositions, and a vast crowd is led away by such sentences to become their followers.

X. But it is the duty of one who would argue accurately to consider not what is said, but what is said consistently. As in that very opinion which we have adopted in this discussion, namely, that every good man is always happy, it is clear what I mean by good men: I call those both wise and good men who are provided and adorned with every virtue. Let us see, then, who are to be called happy. I imagine, indeed, that those men are to be called so who are possessed of good without any alloy of evil; nor is there any other notion connected with the word that expresses happiness but an absolute enjoyment of good without any evil. Virtue cannot attain this, if there is anything good besides itself. For a crowd of evils would present themselves, if we were to allow poverty, obscurity, humility, solitude, the loss of friends, acute pains of the body, the loss of health, weakness, blindness, the ruin of one's country, banishment, slavery, to be evils; for a wise man may be afflicted by all these evils, numerous and important as they are, and many others also may be added, for they are brought on by chance, which may attack a wise man; but if these things are evils, who can maintain that a wise man is always happy when all these evils may light on him at the same time? I therefore do not easily agree with my friend Brutus, nor with our common masters, nor those ancient ones, Aristotle, Speusippus, Xenocrates, Polemon, who reckon all that I have mentioned above as evils, and yet they say that a wise man is always happy; nor can I allow them, because they are charmed with this beautiful and illustrious title, which would very well become Pythagoras, Socrates, and Plato, to persuade my mind that strength, health, beauty, riches, honors, power, with the beauty of which they are ravished, are contemptible, and that all those things which are the opposites of these are not to be regarded. Then might they declare openly, with a loud voice, that neither the attacks of fortune, nor the opinion of the multitude, nor pain, nor poverty, occasions them any apprehensions; and that they have everything within themselves, and that there is nothing whatever which they consider as good but what is within their own power. Nor can I by any means allow the same

person who falls into the vulgar opinion of good and evil to make use of these expressions, which can only become a great and exalted man. Struck with which glory, up starts Epicurus, who, with submission to the Gods, thinks a wise man always happy. He is much charmed with the dignity of this opinion, but he never would have owned that, had he attended to himself; for what is there more inconsistent than for one who could say that pain was the greatest or the only evil to think also that a wise man can possibly say in the midst of his torture, How sweet is this! We are not, therefore, to form our judgment of philosophers from detached sentences, but from their consistency with themselves, and their ordinary manner of talking.

XI. *A.* You compel me to be of your opinion; but have a care that you are not inconsistent yourself.

M. In what respect?

A. Because I have lately read your fourth book on Good and Evil: and in that you appeared to me, while disputing against Cato, to be endeavoring to show, which in my opinion means to prove, that Zeno and the Peripatetics differ only about some new words; but if we allow that, what reason can there be, if it follows from the arguments of Zeno that virtue contains all that is necessary to a happy life, that the Peripatetics should not be at liberty to say the same? For, in my opinion, regard should be had to the thing, not to words.

M. What! you would convict me from my own words, and bring against me what I had said or written elsewhere. You may act in that manner with those who dispute by established rules. We live from hand to mouth, and say anything that strikes our mind with probability, so that we are the only people who are really at liberty. But, since I just now spoke of consistency, I do not think the inquiry in this place is, if the opinion of Zeno and his pupil Aristo be true that nothing is good but what is honorable; but, admitting that, then, whether the whole of a happy life can be rested on virtue alone. Wherefore, if we certainly grant Brutus this, that a wise man is always happy, how consistent he is, is his own business; for who, indeed, is more worthy than himself of the glory of that opinion? Still, we may maintain that such a man is more happy than any one else.

XII. Though Zeno the Cittiæan, a stranger and an inconsiderable coiner of words, appears to have insinuated himself into the old philosophy; still, the prevalence of this opinion is due to the authority of Plato, who often makes use of this expression, “That nothing but virtue can be entitled to the name of good,” agreeably to what Socrates says in Plato’s Gorgias; for it is there related that when some one asked him if he did not think Archelaus the son of Perdiccas, who was then looked upon as a most fortunate person, a very happy man, “I do not know,” replied he, “for I never conversed with him.” “What! is there no other way you can know it by?” “None at all.” “You cannot, then, pronounce of the great king of the Persians whether he is happy or not?” “How can I, when I do not know how learned or how good a man he is?” “What! do you imagine that a happy life depends on that?” “My opinion entirely is, that good men are happy, and the wicked miserable.” “Is Archelaus, then, miserable?” “Certainly, if unjust.” Now, does it not appear to you that he is here placing the whole of a happy life in virtue alone? But what does the same man say in his funeral oration? “For,” saith he, “whoever has everything that relates to a happy life so entirely dependent on himself as not to be connected with the good or bad fortune of another, and not to be affected by, or made in any degree uncertain by, what befalls another; and whoever is such a one has acquired the best rule of living; he is that moderate, that brave, that wise man, who submits to the gain and loss of everything, and especially of his children, and obeys that old precept; for he will never be too joyful or too sad, because he depends entirely upon himself.”

XIII. From Plato, therefore, all my discourse shall be deduced, as if from some sacred and hallowed fountain. Whence can I, then, more properly begin than from Nature, the parent of all? For whatsoever she produces (I am not speaking only of animals, but even of those things which have sprung from the earth in such a manner as to rest on their own roots) she designed it to be perfect in its respective kind. So that among trees and vines, and those lower plants and trees which cannot advance themselves high above the earth, some are evergreen, others are stripped of their leaves in winter, and, warmed by the spring season, put them out afresh, and

there are none of them but what are so quickened by a certain interior motion, and their own seeds enclosed in every one, so as to yield flowers, fruit, or berries, that all may have every perfection that belongs to it; provided no violence prevents it. But the force of Nature itself may be more easily discovered in animals, as she has bestowed sense on them. For some animals she has taught to swim, and designed to be inhabitants of the water; others she has enabled to fly, and has willed that they should enjoy the boundless air; some others she has made to creep, others to walk. Again, of these very animals, some are solitary, some gregarious, some wild, others tame, some hidden and buried beneath the earth, and every one of these maintains the law of nature, confining itself to what was bestowed on it, and unable to change its manner of life. And as every animal has from nature something that distinguishes it, which every one maintains and never quits; so man has something far more excellent, though everything is said to be excellent by comparison. But the human mind, being derived from the divine reason, can be compared with nothing but with the Deity itself, if I may be allowed the expression. This, then, if it is improved, and when its perception is so preserved as not to be blinded by errors, becomes a perfect understanding, that is to say, absolute reason, which is the very same as virtue. And if everything is happy which wants nothing, and is complete and perfect in its kind, and that is the peculiar lot of virtue, certainly all who are possessed of virtue are happy. And in this I agree with Brutus, and also with Aristotle, Xenocrates, Speusippus, Polemon.

XIV. To me such are the only men who appear completely happy; for what can he want to a complete happy life who relies on his own good qualities, or how can he be happy who does not rely on them? But he who makes a threefold division of goods must necessarily be diffident, for how can he depend on having a sound body, or that his fortune shall continue? But no one can be happy without an immovable, fixed, and permanent good. What, then, is this opinion of theirs? So that I think that saying of the Spartan may be applied to them, who, on some merchant's boasting before him that he had despatched ships to every maritime coast, replied that a fortune which depended on ropes was not very desirable. Can there be any

doubt that whatever may be lost cannot be properly classed in the number of those things which complete a happy life? for of all that constitutes a happy life, nothing will admit of withering, or growing old, or wearing out, or decaying; for whoever is apprehensive of any loss of these things cannot be happy: the happy man should be safe, well fenced, well fortified, out of the reach of all annoyance, not like a man under trifling apprehensions, but free from all such. As he is not called innocent who but slightly offends, but he who offends not at all, so it is he alone who is to be considered without fear who is free from all fear, not he who is but in little fear. For what else is courage but an affection of mind that is ready to undergo perils, and patient in the endurance of pain and labor without any alloy of fear? Now, this certainly could not be the case if there were anything else good but what depended on honesty alone. But how can any one be in possession of that desirable and much-coveted security (for I now call a freedom from anxiety a security, on which freedom a happy life depends) who has, or may have, a multitude of evils attending him? How can he be brave and undaunted, and hold everything as trifles which can befall a man? for so a wise man should do, unless he be one who thinks that everything depends on himself. Could the Lacedæmonians without this, when Philip threatened to prevent all their attempts, have asked him if he could prevent their killing themselves? Is it not easier, then, to find one man of such a spirit as we are inquiring after, than to meet with a whole city of such men? Now, if to this courage I am speaking of we add temperance, that it may govern all our feelings and agitations, what can be wanting to complete his happiness who is secured by his courage from uneasiness and fear, and is prevented from immoderate desires and immoderate insolence of joy by temperance? I could easily show that virtue is able to produce these effects, but that I have explained on the foregoing days.

XV. But as the perturbations of the mind make life miserable, and tranquillity renders it happy; and as these perturbations are of two sorts, grief and fear, proceeding from imagined evils, and as immoderate joy and lust arise from a mistake about what is good, and as all these feelings are in opposition to reason and counsel; when you see a man at ease, quite free and disengaged from such

troublesome commotions, which are so much at variance with one another, can you hesitate to pronounce such a one a happy man? Now, the wise man is always in such a disposition; therefore the wise man is always happy. Besides, every good is pleasant; whatever is pleasant may be boasted and talked of; whatever may be boasted of is glorious; but whatever is glorious is certainly laudable, and whatever is laudable doubtless, also, honorable: whatever, then, is good is honorable (but the things which they reckon as goods they themselves do not call honorable); therefore what is honorable alone is good. Hence it follows that a happy life is comprised in honesty alone. Such things, then, are not to be called or considered goods, when a man may enjoy an abundance of them, and yet be most miserable. Is there any doubt but that a man who enjoys the best health, and who has strength and beauty, and his senses flourishing in their utmost quickness and perfection — suppose him likewise, if you please, nimble and active, nay, give him riches, honors, authority, power, glory — now, I say, should this person, who is in possession of all these, be unjust, intemperate, timid, stupid, or an idiot — could you hesitate to call such a one miserable? What, then, are those goods in the possession of which you may be very miserable? Let us see if a happy life is not made up of parts of the same nature, as a heap implies a quantity of grain of the same kind. And if this be once admitted, happiness must be compounded of different good things, which alone are honorable; if there is any mixture of things of another sort with these, nothing honorable can proceed from such a composition: now, take away honesty, and how can you imagine anything happy? For whatever is good is desirable on that account; whatever is desirable must certainly be approved of; whatever you approve of must be looked on as acceptable and welcome. You must consequently impute dignity to this; and if so, it must necessarily be laudable: therefore, everything that is laudable is good. Hence it follows that what is honorable is the only good. And should we not look upon it in this light, there will be a great many things which we must call good.

XVI. I forbear to mention riches, which, as any one, let him be ever so unworthy, may have them, I do not reckon among goods; for what is good is not attainable by all. I pass over notoriety and

popular fame, raised by the united voice of knaves and fools. Even things which are absolute nothings may be called goods; such as white teeth, handsome eyes, a good complexion, and what was commended by Euryclea, when she was washing Ulysses's feet, the softness of his skin and the mildness of his discourse. If you look on these as goods, what greater encomiums can the gravity of a philosopher be entitled to than the wild opinion of the vulgar and the thoughtless crowd? The Stoics give the name of excellent and choice to what the others call good: they call them so, indeed; but they do not allow them to complete a happy life. But these others think that there is no life happy without them; or, admitting it to be happy, they deny it to be the most happy. But our opinion is, that it is the most happy; and we prove it from that conclusion of Socrates. For thus that author of philosophy argued: that as the disposition of a man's mind is, so is the man; such as the man is, such will be his discourse; his actions will correspond with his discourse, and his life with his actions. But the disposition of a good man's mind is laudable; the life, therefore, of a good man is laudable; it is honorable, therefore, because laudable; the unavoidable conclusion from which is that the life of good men is happy. For, good Gods! did I not make it appear, by my former arguments — or was I only amusing myself and killing time in what I then said? — that the mind of a wise man was always free from every hasty motion which I call a perturbation, and that the most undisturbed peace always reigned in his breast? A man, then, who is temperate and consistent, free from fear or grief, and uninfluenced by any immoderate joy or desire, cannot be otherwise than happy; but a wise man is always so, therefore he is always happy. Moreover, how can a good man avoid referring all his actions and all his feelings to the one standard of whether or not it is laudable? But he does refer everything to the object of living happily: it follows, then, that a happy life is laudable; but nothing is laudable without virtue: a happy life, then, is the consequence of virtue. And this is the unavoidable conclusion to be drawn from these arguments.

XVII. A wicked life has nothing which we ought to speak of or glory in; nor has that life which is neither happy nor miserable. But there is a kind of life that admits of being spoken of, and gloried in,

and boasted of, as Epaminondas saith,

The wings of Sparta's pride my counsels clipp'd.

And Africanus boasts,

Who, from beyond Mæotis to the place

Where the sun rises, deeds like mine can trace?

If, then, there is such a thing as a happy life, it is to be gloried in, spoken of, and commended by the person who enjoys it; for there is nothing excepting that which can be spoken of or gloried in; and when that is once admitted, you know what follows. Now, unless an honorable life is a happy life, there must, of course, be something preferable to a happy life; for that which is honorable all men will certainly grant to be preferable to anything else. And thus there will be something better than a happy life: but what can be more absurd than such an assertion? What! when they grant vice to be effectual to the rendering life miserable, must they not admit that there is a corresponding power in virtue to make life happy? For contraries follow from contraries. And here I ask what weight they think there is in the balance of Critolaus, who having put the goods of the mind into one scale, and the goods of the body and other external advantages into the other, thought the goods of the mind outweighed the others so far that they would require the whole earth and sea to equalize the scale.

XVIII. What hinders Critolaus, then, or that gravest of philosophers, Xenocrates (who raises virtue so high, and who lessens and depreciates everything else), from not only placing a happy life, but the happiest possible life, in virtue? And, indeed, if this were not the case, virtue would be absolutely lost. For whoever is subject to grief must necessarily be subject to fear too, for fear is an uneasy apprehension of future grief; and whoever is subject to fear is liable to dread, timidity, consternation, cowardice. Therefore, such a person may, some time or other, be defeated, and not think himself concerned with that precept of Atreus,

And let men so conduct themselves in life,

As to be always strangers to defeat.

But such a man, as I have said, will be defeated; and not only defeated, but made a slave of. But we would have virtue always free, always invincible; and were it not so, there would be an end of

virtue. But if virtue has in herself all that is necessary for a good life, she is certainly sufficient for happiness: virtue is certainly sufficient, too, for our living with courage; if with courage, then with a magnanimous spirit, and indeed so as never to be under any fear, and thus to be always invincible. Hence it follows that there can be nothing to be repented of, no wants, no lets or hinderances. Thus all things will be prosperous, perfect, and as you would have them, and, consequently, happy; but virtue is sufficient for living with courage, and therefore virtue is able by herself to make life happy. For as folly, even when possessed of what it desires, never thinks it has acquired enough, so wisdom is always satisfied with the present, and never repents on her own account.

XIX. Look but on the single consulship of Lælius, and that, too, after having been set aside (though when a wise and good man like him is outvoted, the people are disappointed of a good consul, rather than be disappointed by a vain people); but the point is, would you prefer, were it in your power, to be once such a consul as Lælius, or be elected four times, like Cinna? I have no doubt in the world what answer you will make, and it is on that account I put the question to you.

I would not ask every one this question; for some one perhaps might answer that he would not only prefer four consulates to one, but even one day of Cinna's life to whole ages of many famous men. Lælius would have suffered had he but touched any one with his finger; but Cinna ordered the head of his colleague consul, Cn. Octavius, to be struck off; and put to death P. Crassus, and L. Cæsar, those excellent men, so renowned both at home and abroad; and even M. Antonius, the greatest orator whom I ever heard; and C. Cæsar, who seems to me to have been the pattern of humanity, politeness, sweetness of temper, and wit. Could he, then, be happy who occasioned the death of these men? So far from it, that he seems to be miserable, not only for having performed these actions, but also for acting in such a manner that it was lawful for him to do it, though it is unlawful for any one to do wicked actions; but this proceeds from inaccuracy, of speech, for we call whatever a man is allowed to do lawful. Was not Marius happier, I pray you, when he shared the glory of the victory gained over the Cimbrians with his colleague

Catulus (who was almost another Lælius; for I look upon the two men as very like one another), than when, conqueror in the civil war, he in a passion answered the friends of Catulus, who were interceding for him, “Let him die?” And this answer he gave, not once only, but often. But in such a case, he was happier who submitted to that barbarous decree than he who issued it. And it is better to receive an injury than to do one; and so it was better to advance a little to meet that death that was making its approaches, as Catulus did, than, like Marius, to sully the glory of six consulships, and disgrace his latter days, by the death of such a man.

XX. Dionysius exercised his tyranny over the Syracusans thirty-eight years, being but twenty-five years old when he seized on the government. How beautiful and how wealthy a city did he oppress with slavery! And yet we have it from good authority that he was remarkably temperate in his manner of living, that he was very active and energetic in carrying on business, but naturally mischievous and unjust; from which description every one who diligently inquires into truth must inevitably see that he was very miserable. Neither did he attain what he so greatly desired, even when he was persuaded that he had unlimited power; for, notwithstanding he was of a good family and reputable parents (though that is contested by some authors), and had a very large acquaintance of intimate friends and relations, and also some youths attached to him by ties of love after the fashion of the Greeks, he could not trust any one of them, but committed the guard of his person to slaves, whom he had selected from rich men's families and made free, and to strangers and barbarians. And thus, through an unjust desire of governing, he in a manner shut himself up in a prison. Besides, he would not trust his throat to a barber, but had his daughters taught to shave; so that these royal virgins were forced to descend to the base and slavish employment of shaving the head and beard of their father. Nor would he trust even them, when they were grown up, with a razor; but contrived how they might burn off the hair of his head and beard with red-hot nutshells. And as to his two wives, Aristomache, his countrywoman, and Doris of Locris, he never visited them at night before everything had been well searched and examined. And as he had surrounded the place where his bed was with a broad ditch, and made a way over it with a wooden bridge, he drew that bridge over after shutting his bedchamber door. And as he did not dare to stand on the ordinary pulpits from which they usually harangued the people, he generally addressed them from a high tower. And it is said that when he was disposed to play at ball — for he delighted much in it — and had pulled off his clothes, he used to give his sword into the keeping of a young man whom he was very fond of. On this, one of his intimates said pleasantly, "You certainly trust your life with him;" and as the young man happened to smile at this, he ordered

them both to be slain, the one for showing how he might be taken off, the other for approving of what had been said by smiling. But he was so concerned at what he had done that nothing affected him more during his whole life; for he had slain one to whom he was extremely partial. Thus do weak men's desires pull them different ways, and while they indulge one, they act counter to another.

XXI. This tyrant, however, showed himself how happy he really was; for once, when Damocles, one of his flatterers, was dilating in conversation on his forces, his wealth, the greatness of his power, the plenty he enjoyed, the grandeur of his royal palaces, and maintaining that no one was ever happier, "Have you an inclination," said he, "Damocles, as this kind of life pleases you, to have a taste of it yourself, and to make a trial of the good fortune that attends me?" And when he said that he should like it extremely, Dionysius ordered him to be laid on a bed of gold with the most beautiful covering, embroidered and wrought with the most exquisite work, and he dressed out a great many sideboards with silver and embossed gold. He then ordered some youths, distinguished for their handsome persons, to wait at his table, and to observe his nod, in order to serve him with what he wanted. There were ointments and garlands; perfumes were burned; tables provided with the most exquisite meats. Damocles thought himself very happy. In the midst of this apparatus, Dionysius ordered a bright sword to be let down from the ceiling, suspended by a single horse-hair, so as to hang over the head of that happy man. After which he neither cast his eye on those handsome waiters, nor on the well-wrought plate; nor touched any of the provisions: presently the garlands fell to pieces. At last he entreated the tyrant to give him leave to go, for that now he had no desire to be happy. Does not Dionysius, then, seem to have declared there can be no happiness for one who is under constant apprehensions? But it was not now in his power to return to justice, and restore his citizens their rights and privileges; for, by the indiscretion of youth, he had engaged in so many wrong steps and committed such extravagances, that, had he attempted to have returned to a right way of thinking, he must have endangered his life.

XXII. Yet, how desirous he was of friendship, though at the same time he dreaded the treachery of friends, appears from the story of

those two Pythagoreans: one of these had been security for his friend, who was condemned to die; the other, to release his security, presented himself at the time appointed for his dying: “I wish,” said Dionysius,” you would admit me as the third in your friendship.” What misery was it for him to be deprived of acquaintance, of company at his table, and of the freedom of conversation! especially for one who was a man of learning, and from his childhood acquainted with liberal arts, very fond of music, and himself a tragic poet — how good a one is not to the purpose, for I know not how it is, but in this way, more than any other, every one thinks his own performances excellent. I never as yet knew any poet (and I was very intimate with Aquinius), who did not appear to himself to be very admirable. The case is this: you are pleased with your own works; I like mine. But to return to Dionysius. He debarred himself from all civil and polite conversation, and spent his life among fugitives, bondmen, and barbarians; for he was persuaded that no one could be his friend who was worthy of liberty, or had the least desire of being free.

XXIII. Shall I not, then, prefer the life of Plato and Archytas, manifestly wise and learned men, to his, than which nothing can possibly be more horrid, or miserable, or detestable?

I will present you with an humble and obscure mathematician of the same city, called Archimedes, who lived many years after; whose tomb, overgrown with shrubs and briers, I in my quæstorship discovered, when the Syracusans knew nothing of it, and even denied that there was any such thing remaining; for I remembered some verses, which I had been informed were engraved on his monument, and these set forth that on the top of the tomb there was placed a sphere with a cylinder. When I had carefully examined all the monuments (for there are a great many tombs at the gate Achradinæ), I observed a small column standing out a little above the briers, with the figure of a sphere and a cylinder upon it; whereupon I immediately said to the Syracusans — for there were some of their principal men with me there — that I imagined that was what I was inquiring for. Several men, being sent in with scythes, cleared the way, and made an opening for us. When we could get at it, and were come near to the front of the pedestal, I found the inscription, though

the latter parts of all the verses were effaced almost half away. Thus one of the noblest cities of Greece, and one which at one time likewise had been very celebrated for learning, had known nothing of the monument of its greatest genius, if it had not been discovered to them by a native of Arpinum. But to return to the subject from which I have been digressing. Who is there in the least degree acquainted with the Muses, that is, with liberal knowledge, or that deals at all in learning, who would not choose to be this mathematician rather than that tyrant? If we look into their methods of living and their employments, we shall find the mind of the one strengthened and improved with tracing the deductions of reason, amused with his own ingenuity, which is the one most delicious food of the mind; the thoughts of the other engaged in continual murders and injuries, in constant fears by night and by day. Now imagine a Democritus, a Pythagoras, and an Anaxagoras; what kingdom, what riches, would you prefer to their studies and amusements? For you must necessarily look for that excellence which we are seeking for in that which is the most perfect part of man; but what is there better in man than a sagacious and good mind? The enjoyment, therefore, of that good which proceeds from that sagacious mind can alone make us happy; but virtue is the good of the mind: it follows, therefore, that a happy life depends on virtue. Hence proceed all things that are beautiful, honorable, and excellent, as I said above (but this point must, I think, be treated of more at large), and they are well stored with joys. For, as it is clear that a happy life consists in perpetual and unexhausted pleasures, it follows, too, that a happy life must arise from honesty.

XXIV. But that what I propose to demonstrate to you may not rest on mere words only, I must set before you the picture of something, as it were, living and moving in the world, that may dispose us more for the improvement of the understanding and real knowledge. Let us, then, pitch upon some man perfectly acquainted with the most excellent arts; let us present him for awhile to our own thoughts, and figure him to our own imaginations. In the first place, he must necessarily be of an extraordinary capacity; for virtue is not easily connected with dull minds. Secondly, he must have a great desire of discovering truth, from whence will arise that threefold production of

the mind; one of which depends on knowing things, and explaining nature; the other, in defining what we ought to desire and what to avoid; the third, in judging of consequences and impossibilities, in which consists both subtlety in disputing and also clearness of judgment. Now, with what pleasure must the mind of a wise man be affected which continually dwells in the midst of such cares and occupations as these, when he views the revolutions and motions of the whole world, and sees those innumerable stars in the heavens, which, though fixed in their places, have yet one motion in common with the whole universe, and observes the seven other stars, some higher, some lower, each maintaining their own course, while their motions, though wandering, have certain defined and appointed spaces to run through! the sight of which doubtless urged and encouraged those ancient philosophers to exercise their investigating spirit on many other things. Hence arose an inquiry after the beginnings, and, as it were, seeds from which all things were produced and composed; what was the origin of every kind of thing, whether animate or inanimate, articulately speaking or mute; what occasioned their beginning and end, and by what alteration and change one thing was converted into another; whence the earth originated, and by what weights it was balanced; by what caverns the seas were supplied; by what gravity all things being carried down tend always to the middle of the world, which in any round body is the lowest place.

XXV. A mind employed on such subjects, and which night and day contemplates them, contains in itself that precept of the Delphic God, so as to "know itself," and to perceive its connection with the divine reason, from whence it is filled with an insatiable joy. For reflections on the power and nature of the Gods raise in us a desire of imitating their eternity. Nor does the mind, that sees the necessary dependences and connections that one cause has with another, think it possible that it should be itself confined to the shortness of this life. Those causes, though they proceed from eternity to eternity, are governed by reason and understanding. And he who beholds them and examines them, or rather he whose view takes in all the parts and boundaries of things, with what tranquillity of mind does he look on all human affairs, and on all that is nearer him! Hence proceeds the

knowledge of virtue; hence arise the kinds and species of virtues; hence are discovered those things which nature regards as the bounds and extremities of good and evil; by this it is discovered to what all duties ought to be referred, and which is the most eligible manner of life. And when these and similar points have been investigated, the principal consequence which is deduced from them, and that which is our main object in this discussion, is the establishment of the point, that virtue is of itself sufficient to a happy life.

The third qualification of our wise man is the next to be considered, which goes through and spreads itself over every part of wisdom; it is that whereby we define each particular thing, distinguish the genus from its species, connect consequences, draw just conclusions, and distinguish truth from falsehood, which is the very art and science of disputing; which is not only of the greatest use in the examination of what passes in the world, but is likewise the most rational entertainment, and that which is most becoming to true wisdom. Such are its effects in retirement. Now, let our wise man be considered as protecting the republic; what can be more excellent than such a character? By his prudence he will discover the true interests of his fellow-citizens; by his justice he will be prevented from applying what belongs to the public to his own use; and, in short, he will be ever governed by all the virtues, which are many and various. To these let us add the advantage of his friendships; in which the learned reckon not only a natural harmony and agreement of sentiments throughout the conduct of life, but the utmost pleasure and satisfaction in conversing and passing our time constantly with one another. What can be wanting to such a life as this to make it more happy than it is? Fortune herself must yield to a life stored with such joys. Now, if it be a happiness to rejoice in such goods of the mind, that is to say, in such virtues, and if all wise men enjoy thoroughly these pleasures, it must necessarily be granted that all such are happy.

XXVI. *A.* What, when in torments and on the rack?

M. Do you imagine I am speaking of him as laid on roses and violets? Is it allowable even for Epicurus (who only puts on the appearance of being a philosopher, and who himself assumed that name for himself) to say (though, as matters stand, I commend him

for his saying) that a wise man might at all times cry out, though he be burned, tortured, cut to pieces, “How little I regard it!” Shall this be said by one who defines all evil as pain, and measures every good by pleasure; who could ridicule whatever we call either honorable or base, and could declare of us that we were employed about words, and uttering mere empty sounds; and that nothing is to be regarded by us but as it is perceived to be smooth or rough by the body? What! shall such a man as this, as I said, whose understanding is little superior to the beasts’, be at liberty to forget himself; and not only to despise fortune, when the whole of his good and evil is in the power of fortune, but to say that he is happy in the most racking torture, when he had actually declared pain to be not only the greatest evil, but the only one? Nor did he take any trouble to provide himself with those remedies which might have enabled him to bear pain, such as firmness of mind, a shame of doing anything base, exercise, and the habit of patience, precepts of courage, and a manly hardiness; but he says that he supports himself on the single recollection of past pleasures, as if any one, when the weather was so hot as that he was scarcely able to bear it, should comfort himself by recollecting that he was once in my country, Arpinum, where he was surrounded on every side by cooling streams. For I do not apprehend how past pleasures can allay present evils. But when he says that a wise man is always happy who would have no right to say so if he were consistent with himself, what may they not do who allow nothing to be desirable, nothing to be looked on as good but what is honorable? Let, then, the Peripatetics and Old Academics follow my example, and at length leave off muttering to themselves; and openly and with a clear voice let them be bold to say that a happy life may not be inconsistent with the agonies of Phalaris’s bull.

XXVII. But to dismiss the subtleties of the Stoics, which I am sensible I have employed more than was necessary, let us admit of three kinds of goods; and let them really be kinds of goods, provided no regard is had to the body and to external circumstances, as entitled to the appellation of good in any other sense than because we are obliged to use them: but let those other divine goods spread themselves far in every direction, and reach the very heavens. Why, then, may I not call him happy, nay, the happiest of men, who has

attained them? Shall a wise man be afraid of pain? which is, indeed, the greatest enemy to our opinion. For I am persuaded that we are prepared and fortified sufficiently, by the disputations of the foregoing days, against our own death or that of our friends, against grief, and the other perturbations of the mind. But pain seems to be the sharpest adversary of virtue; that it is which menaces us with burning torches; that it is which threatens to crush our fortitude, and greatness of mind, and patience. Shall virtue, then, yield to this? Shall the happy life of a wise and consistent man succumb to this? Good. Gods! how base would this be! Spartan boys will bear to have their bodies torn by rods without uttering a groan. I myself have seen at Lacedæmon troops of young men, with incredible earnestness contending together with their hands and feet, with their teeth and nails, nay, even ready to expire, rather than own themselves conquered. Is any country of barbarians more uncivilized or desolate than India? Yet they have among them some that are held for wise men, who never wear any clothes all their life long, and who bear the snow of Caucasus, and the piercing cold of winter, without any pain; and who if they come in contact with fire endure being burned without a groan. The women, too, in India, on the death of their husbands have a regular contest, and apply to the judge to have it determined which of them was best beloved by him; for it is customary there for one man to have many wives. She in whose favor it is determined exults greatly, and being attended by her relations, is laid on the funeral pile with her husband; the others, who are postponed, walk away very much dejected. Custom can never be superior to nature, for nature is never to be got the better of. But our minds are infected by sloth and idleness, and luxury, and languor, and indolence: we have enervated them by opinions and bad customs. Who is there who is unacquainted with the customs of the Egyptians? Their minds being tainted by pernicious opinions, they are ready to bear any torture rather than hurt an ibis, a snake, a cat, a dog, or a crocodile; and should any one inadvertently have hurt any of these animals, he will submit to any punishment. I am speaking of men only. As to the beasts, do they not bear cold and hunger, running about in woods, and on mountains and deserts? Will they not fight for their young ones till they are wounded? Are they afraid of any

attacks or blows? I mention not what the ambitious will suffer for honor's sake, or those who are desirous of praise on account of glory, or lovers to gratify their lust. Life is full of such instances.

XXVIII. But let us not dwell too much on these questions, but rather let us return to our subject. I say, and say again, that happiness will submit even to be tormented; and that in pursuit of justice, and temperance, and still more especially and principally fortitude, and greatness of soul, and patience, it will not stop short at sight of the executioner; and when all other virtues proceed calmly to the torture, that one will never halt, as I said, on the outside and threshold of the prison; for what can be baser, what can carry a worse appearance, than to be left alone, separated from those beautiful attendants? Not, however, that this is by any means possible; for neither can the virtues hold together without happiness, nor happiness without the virtues; so that they will not suffer her to desert them, but will carry her along with them, to whatever torments, to whatever pain they are led. For it is the peculiar quality of a wise man to do nothing that he may repent of, nothing against his inclination, but always to act nobly, with constancy, gravity, and honesty; to depend on nothing as certainty; to wonder at nothing, when it falls out, as if it appeared strange and unexpected to him; to be independent of every one, and abide by his own opinion. For my part, I cannot form an idea of anything happier than this. The conclusion of the Stoics is indeed easy; for since they are persuaded that the end of good is to live agreeably to nature, and to be consistent with that — as a wise man should do so, not only because it is his duty, but because it is in his power — it must, of course, follow that whoever has the chief good in his power has his happiness so too. And thus the life of a wise man is always happy. You have here what I think may be confidently said of a happy life; and as things now stand, very truly also, unless you can advance something better.

XXIX. *A.* Indeed I cannot; but I should be glad to prevail on you, unless it is troublesome (as you are under no confinement from obligations to any particular sect, but gather from all of them whatever strikes you most as having the appearance of probability), as you just now seemed to advise the Peripatetics and the Old Academy boldly to speak out without reserve, "that wise men are

always the happiest" — I should be glad to hear how you think it consistent for them to say so, when you have said so much against that opinion, and the conclusions of the Stoics.

M. I will make use, then, of that liberty which no one has the privilege of using in philosophy but those of our school, whose discourses determine nothing, but take in everything, leaving them unsupported by the authority of any particular person, to be judged of by others, according to their weight. And as you seem desirous of knowing how it is that, notwithstanding the different opinions of philosophers with regard to the ends of goods, virtue has still sufficient security for the effecting of a happy life — which security, as we are informed, Carneades used indeed to dispute against; but he disputed as against the Stoics, whose opinions he combated with great zeal and vehemence. I, however, shall handle the question with more temper; for if the Stoics have rightly settled the *ends* of goods, the affair is at an end; for a wise man must necessarily be always happy. But let us examine, if we can, the particular opinions of the others, that so this excellent decision, if I may so call it, in favor of a happy life, may be agreeable to the opinions and discipline of all.

XXX. These, then, are the opinions, as I think, that are held and defended — the first four are simple ones: "that nothing is good but what is honest," according to the Stoics; "nothing good but pleasure," as Epicurus maintains; "nothing good but a freedom from pain," as Hieronymus asserts; "nothing good but an enjoyment of the principal, or all, or the greatest goods of nature," as Carneades maintained against the Stoics — these are simple, the others are mixed propositions. Then there are three kinds of goods: the greatest being those of the mind; the next best those of the body; the third are external goods, as the Peripatetics call them, and the Old Academics differ very little from them. Dinomachus and Callipho have coupled pleasure with honesty; but Diodorus the Peripatetic has joined indolence to honesty. These are the opinions that have some footing; for those of Aristo, Pyrrho, Herillus, and of some others, are quite out of date. Now let us see what weight these men have in them, excepting the Stoics, whose opinion I think I have sufficiently defended; and indeed I have explained what the Peripatetics have to say; excepting that Theophrastus, and those who followed him, dread

and abhor pain in too weak a manner. The others may go on to exaggerate the gravity and dignity of virtue, as usual; and then, after they have extolled it to the skies, with the usual extravagance of good orators, it is easy to reduce the other topics to nothing by comparison, and to hold them up to contempt. They who think that praise deserves to be sought after, even at the expense of pain, are not at liberty to deny those men to be happy who have obtained it. Though they may be under some evils, yet this name of happy has a very wide application.

XXXI. For even as trading is said to be lucrative, and farming advantageous, not because the one never meets with any loss, nor the other with any damage from the inclemency of the weather, but because they succeed in general; so life may be properly called happy, not from its being entirely made up of good things, but because it abounds with these to a great and considerable degree. By this way of reasoning, then, a happy life may attend virtue even to the moment of execution; nay, may descend with her into Phalaris's bull, according to Aristotle, Xenocrates, Speusippus, Polemon; and will not be gained over by any allurements to forsake her. Of the same opinion will Calliphon and Diodorus be; for they are both of them such friends to virtue as to think that all things should be discarded and far removed that are incompatible with it. The rest seem to be more hampered with these doctrines, but yet they get clear of them; such as Epicurus, Hieronymus, and whoever else thinks it worth while to defend the deserted Carneades: for there is not one of them who does not think the mind to be judge of those goods, and able sufficiently to instruct him how to despise what has the appearance only of good or evil. For what seems to you to be the case with Epicurus is the case also with Hieronymus and Carneades, and, indeed, with all the rest of them; for who is there who is not sufficiently prepared against death and pain? I will begin, with your leave, with him whom we call soft and voluptuous. What! does he seem, to you to be afraid of death or pain when he calls the day of his death happy; and who, when he is afflicted by the greatest pains, silences them all by recollecting arguments of his own discovering? And this is not done in such a manner as to give room for imagining that he talks thus wildly from some sudden impulse; but his opinion

of death is, that on the dissolution of the animal all sense is lost; and what is deprived of sense is, as he thinks, what we have no concern at all with. And as to pain, too, he has certain rules to follow then: if it be great, the comfort is that it must be short; if it be of long continuance, then it must be supportable. What, then? Do those grandiloquent gentlemen state anything better than Epicurus in opposition to these two things which distress us the most? And as to other things, do not Epicurus and the rest of the philosophers seem sufficiently prepared? Who is there who does not dread poverty? And yet no true philosopher ever can dread it.

XXXII. But with how little is this man himself satisfied! No one has said more on frugality. For when a man is far removed from those things which occasion a desire of money, from love, ambition, or other daily extravagance, why should he be fond of money, or concern himself at all about it? Could the Scythian Anacharsis disregard money, and shall not our philosophers be able to do so? We are informed of an epistle of his in these words: "Anacharsis to Hanno, greeting. My clothing is the same as that with which the Scythians cover themselves; the hardness of my feet supplies the want of shoes; the ground is my bed, hunger my sauce, my food milk, cheese, and flesh. So you may come to me as to a man in want of nothing. But as to those presents you take so much pleasure in, you may dispose of them to your own citizens, or to the immortal Gods." And almost all philosophers, of all schools, excepting those who are warped from right reason by a vicious disposition, might have been of this same opinion. Socrates, when on one occasion he saw a great quantity of gold and silver carried in a procession, cried out, "How many things are there which I do not want!" Xenocrates, when some ambassadors from Alexander had brought him fifty talents, which was a very large sum of money in those times, especially at Athens, carried the ambassadors to sup in the Academy, and placed just a sufficiency before them, without any apparatus. When they asked him, the next day, to whom he wished the money which they had for him to be paid: "What!" said he, "did you not perceive by our slight repast of yesterday that I had no occasion for money?" But when he perceived that they were somewhat dejected, he accepted of thirty minas, that he might not seem to treat with

disrespect the king's generosity. But Diogenes took a greater liberty, like a Cynic, when Alexander asked him if he wanted anything: "Just at present," said he, "I wish that you would stand a little out of the line between me and the sun," for Alexander was hindering him from sunning himself. And, indeed, this very man used to maintain how much he surpassed the Persian king in his manner of life and fortune; for that he himself was in want of nothing, while the other never had enough; and that he had no inclination for those pleasures of which the other could never get enough to satisfy himself; and that the other could never obtain his.

XXXIII. You see, I imagine, how Epicurus has divided his kinds of desires, not very acutely perhaps, but yet usefully: saying that they are "partly natural and necessary; partly natural, but not necessary; partly neither. That those which are necessary may be supplied almost for nothing; for that the things which nature requires are easily obtained." As to the second kind of desires, his opinion is that any one may easily either enjoy or go without them. And with regard to the third, since they are utterly frivolous, being neither allied to necessity nor nature, he thinks that they should be entirely rooted out. On this topic a great many arguments are adduced by the Epicureans; and those pleasures which they do not despise in a body, they disparage one by one, and seem rather for lessening the number of them; for as to wanton pleasures, on which subject they say a great deal, these, say they, are easy, common, and within any one's reach; and they think that if nature requires them, they are not to be estimated by birth, condition, or rank, but by shape, age, and person: and that it is by no means difficult to refrain from them, should health, duty, or reputation require it; but that pleasures of this kind may be desirable, where they are attended with no inconvenience, but can never be of any use. And the assertions which Epicurus makes with respect to the whole of pleasure are such as show his opinion to be that pleasure is always desirable, and to be pursued merely because it is pleasure; and for the same reason pain is to be avoided, because it is pain. So that a wise man will always adopt such a system of counterbalancing as to do himself the justice to avoid pleasure, should pain ensue from it in too great a proportion; and will submit to pain, provided the effects of it are to produce a

greater pleasure: so that all pleasurable things, though the corporeal senses are the judges of them, are still to be referred to the mind, on which account the body rejoices while it perceives a present pleasure; but that the mind not only perceives the present as well as the body, but foresees it while it is coming, and even when it is past will not let it quite slip away. So that a wise man enjoys a continual series of pleasures, uniting the expectation of future pleasure to the recollection of what he has already tasted. The like notions are applied by them to high living; and the magnificence and expensiveness of entertainments are deprecated, because nature is satisfied at a small expense.

XXXIV. For who does not see this, that an appetite is the best sauce? When Darius, in his flight from the enemy, had drunk some water which was muddy and tainted with dead bodies, he declared that he had never drunk anything more pleasant; the fact was, that he had never drunk before when he was thirsty. Nor had Ptolemy ever eaten when he was hungry; for as he was travelling over Egypt, his company not keeping up with him, he had some coarse bread presented him in a cottage, upon which he said, "Nothing ever seemed to him pleasanter than that bread." They relate, too, of Socrates, that, once when he was walking very fast till the evening, on his being asked why he did so, his reply was that he was purchasing an appetite by walking, that he might sup the better. And do we not see what the Lacedæmonians provide in their Phiditia? where the tyrant Dionysius supped, but told them he did not at all like that black broth, which was their principal dish; on which he who dressed it said, "It was no wonder, for it wanted seasoning." Dionysius asked what that seasoning was; to which it was replied, "Fatigue in hunting, sweating, a race on the banks of Eurotas, hunger and thirst," for these are the seasonings to the Lacedæmonian banquets. And this may not only be conceived from the custom of men, but from the beasts, who are satisfied with anything that is thrown before them, provided it is not unnatural, and they seek no farther. Some entire cities, taught by custom, delight in parsimony, as I said but just now of the Lacedæmonians. Xenophon has given an account of the Persian diet, who never, as he saith, use anything but cresses with their bread; not but that, should nature require anything

more agreeable, many things might be easily supplied by the ground, and plants in great abundance, and of incomparable sweetness. Add to this strength and health, as the consequence of this abstemious way of living. Now, compare with this those who sweat and belch, being crammed with eating, like fatted oxen; then will you perceive that they who pursue pleasure most attain it least; and that the pleasure of eating lies not in satiety, but appetite.

XXXV. They report of Timotheus, a famous man at Athens, and the head of the city, that having supped with Plato, and being extremely delighted with his entertainment, on seeing him the next day, he said, "Your suppers are not only agreeable while I partake of them, but the next day also." Besides, the understanding is impaired when we are full with overeating and drinking. There is an excellent epistle of Plato to Dion's relations, in which there occurs as nearly as possible these words: "When I came there, that happy life so much talked of, devoted to Italian and Syracusan entertainments, was noways agreeable to me; to be crammed twice a day, and never to have the night to yourself, and the other things which are the accompaniments of this kind of life, by which a man will never be made the wiser, but will be rendered much less temperate; for it must be an extraordinary disposition that can be temperate in such circumstances." How, then, can a life be pleasant without prudence and temperance? Hence you discover the mistake of Sardanapalus, the wealthiest king of the Assyrians, who ordered it to be engraved on his tomb,

I still have what in food I did exhaust;
But what I left, though excellent, is lost.

"What less than this," says Aristotle, "could be inscribed on the tomb, not of a king, but an ox?" He said that he possessed those things when dead, which, in his lifetime, he could have no longer than while he was enjoying them. Why, then, are riches desired? And wherein doth poverty prevent us from being happy? In the want, I imagine, of statues, pictures, and diversions. But if any one is delighted with these things, have not the poor people the enjoyment of them more than they who are the owners of them in the greatest abundance? For we have great numbers of them displayed publicly in our city. And whatever store of them private people have, they

cannot have a great number, and they but seldom see them, only when they go to their country seats; and some of them must be stung to the heart when they consider how they came by them. The day would fail me, should I be inclined to defend the cause of poverty. The thing is manifest; and nature daily informs us how few things there are, and how trifling they are, of which she really stands in need.

XXXVI. Let us inquire, then, if obscurity, the want of power, or even the being unpopular, can prevent a wise man from being happy. Observe if popular favor, and this glory which they are so fond of, be not attended with more uneasiness than pleasure. Our friend Demosthenes was certainly very weak in declaring himself pleased with the whisper of a woman who was carrying water, as is the custom in Greece, and who whispered to another, "That is he — that is Demosthenes." What could be weaker than this? and yet what an orator he was! But although he had learned to speak to others, he had conversed but little with himself. We may perceive, therefore, that popular glory is not desirable of itself; nor is obscurity to be dreaded. "I came to Athens," saith Democritus, "and there was no one there that knew me:" this was a moderate and grave man who could glory in his obscurity. Shall musicians compose their tunes to their own tastes? and shall a philosopher, master of a much better art, seek to ascertain, not what is most true, but what will please the people? Can anything be more absurd than to despise the vulgar as mere unpolished mechanics, taken singly, and to think them of consequence when collected into a body? These wise men would contemn our ambitious pursuits and our vanities, and would reject all the honors which the people could voluntarily offer to them; but we know not how to despise them till we begin to repent of having accepted them. There is an anecdote related by Heraclitus, the natural philosopher, of Hermodorus, the chief of the Ephesians, that he said "that all the Ephesians ought to be punished with death for saying, when they had expelled Hermodorus out of their city, that they would have no one among them better than another; but that if there were any such, he might go elsewhere to some other people." Is not this the case with the people everywhere? Do they not hate every virtue that distinguishes itself? What! was not Aristides (I had rather

instance in the Greeks than ourselves) banished his country for being eminently just? What troubles, then, are they free from who have no connection whatever with the people? What is more agreeable than a learned retirement? I speak of that learning which makes us acquainted with the boundless extent of nature and the universe, and which even while we remain in this world discovers to us both heaven, earth, and sea.

XXXVII. If, then, honor and riches have no value, what is there else to be afraid of? Banishment, I suppose; which is looked on as the greatest evil. Now, if the evil of banishment proceeds not from ourselves, but from the froward disposition of the people, I have just now declared how contemptible it is. But if to leave one's country be miserable, the provinces are full of miserable men, very few of the settlers in which ever return to their country again. But exiles are deprived of their property! What, then! has there not been enough said on bearing poverty? But with regard to banishment, if we examine the nature of things, not the ignominy of the name, how little does it differ from constant travelling! in which some of the most famous philosophers have spent their whole life, as Xenocrates, Crantor, Arcesilas, Lacydes, Aristotle, Theophrastus, Zeno, Cleanthes, Chrysippus, Antipater, Carneades, Panætius, Clitomachus, Philo, Antiochus, Posidonius, and innumerable others, who from their first setting-out never returned home again. Now, what ignominy can a wise man be affected with (for it is of such a one that I am speaking) who can be guilty of nothing which deserves it? for there is no occasion to comfort one who is banished for his deserts. Lastly, they can easily reconcile themselves to every accident who measure all their objects and pursuits in life by the standard of pleasure; so that in whatever place that is supplied, there they may live happily. Thus what Teucer said may be applied to every case:

"Wherever I am happy is my country."

Socrates, indeed, when he was asked where he belonged to, replied, "The world;" for he looked upon himself as a citizen and inhabitant of the whole world. How was it with T. Altibutius? Did he not follow his philosophical studies with the greatest satisfaction at Athens, although he was banished? which, however, would not have

happened to him if he had obeyed the laws of Epicurus and lived peaceably in the republic. In what was Epicurus happier, living in his own country, than Metrodorus, who lived at Athens? Or did Plato's happiness exceed that of Xenocrates, or Polemo, or Arcesilas? Or is that city to be valued much that banishes all her good and wise men? Demaratus, the father of our King Tarquin, not being able to bear the tyrant Cypselus, fled from Corinth to Tarquinii, settled there, and had children. Was it, then, an unwise act in him to prefer the liberty of banishment to slavery at home?

XXXVIII. Besides the emotions of the mind, all griefs and anxieties are assuaged by forgetting them, and turning our thoughts to pleasure. Therefore, it was not without reason that Epicurus presumed to say that a wise man abounds with good things, because he may always have his pleasures; from whence it follows, as he thinks, that that point is gained which is the subject of our present inquiry, that a wise man is always happy. What! though he should be deprived of the senses of seeing and hearing? Yes; for he holds those things very cheap. For, in the first place, what are the pleasures of which we are deprived by that dreadful thing, blindness? For though they allow other pleasures to be confined to the senses, yet the things which are perceived by the sight do not depend wholly on the pleasure the eyes receive; as is the case when we taste, smell, touch, or hear; for, in respect of all these senses, the organs themselves are the seat of pleasure; but it is not so with the eyes. For it is the mind which is entertained by what we see; but the mind may be entertained in many ways, even though we could not see at all. I am speaking of a learned and a wise man, with whom to think is to live. But thinking in the case of a wise man does not altogether require the use of his eyes in his investigations; for if night does not strip him of his happiness, why should blindness, which resembles night, have that effect? For the reply of Antipater the Cyrenaic to some women who bewailed his being blind, though it is a little too obscene, is not without its significance. "What do you mean?" saith he; "do you think the night can furnish no pleasure?" And we find by his magistracies and his actions that old Appius, too, who was blind for many years, was not prevented from doing whatever was required of him with respect either to the republic or his own affairs. It is said

that C. Drusus's house was crowded with clients. When they whose business it was could not see how to conduct themselves, they applied to a blind guide.

XXXIX. When I was a boy, Cn. Aufidius, a blind man, who had served the office of prætor, not only gave his opinion in the Senate, and was ready to assist his friends, but wrote a Greek history, and had a considerable acquaintance with literature. Diodorus the Stoic was blind, and lived many years at my house. He, indeed, which is scarcely credible, besides applying himself more than usual to philosophy, and playing on the flute, agreeably to the custom of the Pythagoreans, and having books read to him night and day, in all which he did not want eyes, contrived to teach geometry, which, one would think, could hardly be done without the assistance of eyes, telling his scholars how and where to draw every line. They relate of Asclepiades, a native of Eretria, and no obscure philosopher, when some one asked him what inconvenience he suffered from his blindness, that his reply was, "He was at the expense of another servant." So that, as the most extreme poverty may be borne if you please, as is daily the case with some in Greece, so blindness may easily be borne, provided you have the support of good health in other respects. Democritus was so blind he could not distinguish white from black; but he knew the difference between good and evil, just and unjust, honorable and base, the useful and useless, great and small. Thus one may live happily without distinguishing colors; but without acquainting yourself with things, you cannot; and this man was of opinion that the intense application of the mind was taken off by the objects that presented themselves to the eye; and while others often could not see what was before their feet, he travelled through all infinity. It is reported also that Homer was blind, but we observe his painting as well as his poetry. What country, what coast, what part of Greece, what military attacks, what dispositions of battle, what array, what ship, what motions of men and animals, can be mentioned which he has not described in such a manner as to enable us to see what he could not see himself? What, then! can we imagine that Homer, or any other learned man, has ever been in want of pleasure and entertainment for his mind? Were it not so, would Anaxagoras, or this very Democritus, have left their estates and patrimonies, and given themselves up to the pursuit of acquiring this divine pleasure? It is thus that the poets who have represented

Tiresias the Augur as a wise man and blind never exhibit him as bewailing his blindness. And Homer, too, after he had described Polyphemus as a monster and a wild man, represents him talking with his ram, and speaking of his good fortune, inasmuch as he could go wherever he pleased and touch what he would. And so far he was right, for that Cyclops was a being of not much more understanding than his ram.

XL. Now, as to the evil of being deaf. M. Crassus was a little thick of hearing; but it was more uneasiness to him that he heard himself ill spoken of, though, in my opinion, he did not deserve it. Our Epicureans cannot understand Greek, nor the Greeks Latin: now, they are deaf reciprocally as to each other's language, and we are all truly deaf with regard to those innumerable languages which we do not understand. They do not hear the voice of the harper; but, then, they do not hear the grating of a saw when it is setting, or the grunting of a hog when his throat is being cut, nor the roaring of the sea when they are desirous of rest. And if they should chance to be fond of singing, they ought, in the first place, to consider that many wise men lived happily before music was discovered; besides, they may have more pleasure in reading verses than in hearing them sung. Then, as I before referred the blind to the pleasures of hearing, so I may the deaf to the pleasures of sight: moreover, whoever can converse with himself doth not need the conversation of another. But suppose all these misfortunes to meet in one person: suppose him blind and deaf — let him be afflicted with the sharpest pains of body, which, in the first place, generally of themselves make an end of him; still, should they continue so long, and the pain be so exquisite, that we should be unable to assign any reason for our being so afflicted — still, why, good Gods! should we be under any difficulty? For there is a retreat at hand: death is that retreat — a shelter where we shall forever be insensible. Theodorus said to Lysimachus, who threatened him with death, "It is a great matter, indeed, for you to have acquired the power of a Spanish fly!" When Perses entreated Paulus not to lead him in triumph, "That is a matter which you have in your own power," said Paulus. I said many things about death in our first day's disputation, when death was the subject; and not a little the next day, when I treated of pain; which things if you

recollect, there can be no danger of your looking upon death as undesirable, or, at least, it will not be dreadful.

That custom which is common among the Grecians at their banquets should, in my opinion, be observed in life: Drink, say they, or leave the company; and rightly enough; for a guest should either enjoy the pleasure of drinking with others, or else not stay till he meets with affronts from those that are in liquor. Thus, those injuries of fortune which you cannot bear you should flee from.

XLI. This is the very same which is said by Epicurus and Hieronymus. Now, if those philosophers, whose opinion it is that virtue has no power of itself, and who say that the conduct which we denominate honorable and laudable is really nothing, and is only an empty circumstance set off with an unmeaning sound, can nevertheless maintain that a wise man is always happy, what, think you, may be done by the Socratic and Platonic philosophers? Some of these allow such superiority to the goods of the mind as quite to eclipse what concerns the body and all external circumstances. But others do not admit these to be goods; they make everything depend on the mind: whose disputes Carneades used, as a sort of honorary arbitrator, to determine. For, as what seemed goods to the Peripatetics were allowed to be advantages by the Stoics, and as the Peripatetics allowed no more to riches, good health; and other things of that sort than the Stoics, when these things were considered according to their reality, and not by mere names, his opinion was that there was no ground for disagreeing. Therefore, let the philosophers of other schools see how they can establish this point also. It is very agreeable to me that they make some professions worthy of being uttered by the mouth of a philosopher with regard to a wise man's having always the means of living happily.

XLII. But as we are to depart in the morning, let us remember these five days' discussions; though, indeed, I think I shall commit them to writing: for how can I better employ the leisure which I have, of whatever kind it is, and whatever it be owing to? And I will send these five books also to my friend Brutus, by whom I was not only incited to write on philosophy, but, I may say, provoked. And by so doing it is not easy to say what service I may be of to others. At all events, in my own various and acute afflictions, which

surround me on all sides, I cannot find any better comfort for myself.

DE NATURA DEORUM (On the Nature of the Gods)

Translated by C. D. Yonge

Written in 45 BC, *De Natura Deorum* is a philosophical dialogue composed in three books, discussing the theology of various Roman and Greek philosophers, including Stoic, Epicurean and sceptical theories, examining fundamental questions of theology. The majority of the dialogue is narrated by Cicero himself, though he does not play an active part in the discussion. Gaius Velleius represents the Epicurean school, Quintus Lucilius Balbus argues for the Stoics and Gaius Cotta speaks for Cicero's own Academic scepticism. The first book of the dialogue contains Cicero's introduction, Velleius' case for the Epicurean theology and Cotta's criticism of Epicureanism. Book II focuses on Balbus' explanation and defense of Stoic theology. Book III lays out Cotta's criticism of Balbus' claims. Cicero's conclusions have been viewed by some critics as 'ambivalent and muted', offering 'a strategy of civilized openness'.

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BOOK I.

I. There are many things in philosophy, my dear Brutus, which are not as yet fully explained to us, and particularly (as you very well know) that most obscure and difficult question concerning the Nature of the Gods, so extremely necessary both towards a knowledge of the human mind and the practice of true religion: concerning which the opinions of men are so various, and so different from each other, as to lead strongly to the inference that ignorance is the cause, or origin, of philosophy, and that the Academic philosophers have been prudent in refusing their assent to things uncertain: for what is more unbecoming to a wise man than to judge rashly? or what rashness is so unworthy of the gravity and stability of a philosopher as either to maintain false opinions, or, without the least hesitation, to support and defend what he has not thoroughly examined and does not clearly comprehend?

In the question now before us, the greater part of mankind have united to acknowledge that which is most probable, and which we are all by nature led to suppose, namely, that there are Gods. Protagoras doubted whether there were any. Diagoras the Melian and Theodorus of Cyrene entirely believed there were no such beings. But they who have affirmed that there are Gods, have expressed such a variety of sentiments on the subject, and the disagreement between them is so great, that it would be tiresome to enumerate their opinions; for they give us many statements respecting the forms of the Gods, and their places of abode, and the employment of their lives. And these are matters on which the philosophers differ with the most exceeding earnestness. But the most considerable part of the dispute is, whether they are wholly inactive, totally unemployed, and free from all care and administration of affairs; or, on the contrary, whether all things were made and constituted by them from the beginning; and whether they will continue to be actuated and governed by them to eternity. This is one of the greatest points in debate; and unless this is decided, mankind must necessarily remain in the greatest of errors, and ignorant of what is most important to be known.

II. For there are some philosophers, both ancient and modern, who have conceived that the Gods take not the least cognizance of human affairs. But if their doctrine be true, of what avail is piety, sanctity, or religion? for these are feelings and marks of devotion which are offered to the Gods by men with uprightness and holiness, on the ground that men are the objects of the attention of the Gods, and that many benefits are conferred by the immortal Gods on the human race. But if the Gods have neither the power nor the inclination to help us; if they take no care of us, and pay no regard to our actions; and if there is no single advantage which can possibly accrue to the life of man; then what reason can we have to pay any adoration, or any honors, or to prefer any prayers to them? Piety, like the other virtues, cannot have any connection with vain show or dissimulation; and without piety, neither sanctity nor religion can be supported; the total subversion of which must be attended with great confusion and disturbance in life.

I do not even know, if we cast off piety towards the Gods, but that faith, and all the associations of human life, and that most excellent of all virtues, justice, may perish with it.

There are other philosophers, and those, too, very great and illustrious men, who conceive the whole world to be directed and governed by the will and wisdom of the Gods; nor do they stop here, but conceive likewise that the Deities consult and provide for the preservation of mankind. For they think that the fruits, and the produce of the earth, and the seasons, and the variety of weather, and the change of climates, by which all the productions of the earth are brought to maturity, are designed by the immortal Gods for the use of man. They instance many other things, which shall be related in these books; and which would almost induce us to believe that the immortal Gods had made them all expressly and solely for the benefit and advantage of men. Against these opinions Carneades has advanced so much that what he has said should excite a desire in men who are not naturally slothful to search after truth; for there is no subject on which the learned as well as the unlearned differ so strenuously as in this; and since their opinions are so various, and so repugnant one to another, it is possible that none of them may be, and absolutely impossible that more than one should be, right.

III. Now, in a cause like this, I may be able to pacify well-meaning opposers, and to confute invidious censurers, so as to induce the latter to repent of their unreasonable contradiction, and the former to be glad to learn; for they who admonish one in a friendly spirit should be instructed, they who attack one like enemies should be repelled. But I observe that the several books which I have lately published have occasioned much noise and various discourse about them; some people wondering what the reason has been why I have applied myself so suddenly to the study of philosophy, and others desirous of knowing what my opinion is on such subjects. I likewise perceive that many people wonder at my following that philosophy chiefly which seems to take away the light, and to bury and envelop things in a kind of artificial night, and that I should so unexpectedly have taken up the defence of a school that has been long neglected and forsaken. But it is a mistake to suppose that this application to philosophical studies has been sudden on my part. I have applied myself to them from my youth, at no small expense of time and trouble; and I have been in the habit of philosophizing a great deal when I least seemed to think about it; for the truth of which I appeal to my orations, which are filled with quotations from philosophers, and to my intimacy with those very learned men who frequented my house and conversed daily with me, particularly Diodorus, Philo, Antiochus, and Posidonius, under whom I was bred; and if all the precepts of philosophy are to have reference to the conduct of life, I am inclined to think that I have advanced, both in public and private affairs, only such principles as may be supported by reason and authority.

IV. But if any one should ask what has induced me, in the decline of life, to write on these subjects, nothing is more easily answered; for when I found myself entirely disengaged from business, and the commonwealth reduced to the necessity of being governed by the direction and care of one man, I thought it becoming, for the sake of the public, to instruct my countrymen in philosophy, and that it would be of importance, and much to the honor and commendation of our city, to have such great and excellent subjects introduced in the Latin tongue. I the less repent of my undertaking, since I plainly see that I have excited in many a desire, not only of learning, but of

writing; for we have had several Romans well grounded in the learning of the Greeks who were unable to communicate to their countrymen what they had learned, because they looked upon it as impossible to express that in Latin which they had received from the Greeks. In this point I think I have succeeded so well that what I have done is not, even in copiousness of expression, inferior to that language.

Another inducement to it was a melancholy disposition of mind, and the great and heavy oppression of fortune that was upon me; from which, if I could have found any surer remedy, I would not have sought relief in this pursuit. But I could procure ease by no means better than by not only applying myself to books, but by devoting myself to the examination of the whole body of philosophy. And every part and branch of this is readily discovered when every question is propounded in writing; for there is such an admirable continuation and series of things that each seems connected with the other, and all appear linked together and united.

V. Now, those men who desire to know my own private opinion on every particular subject have more curiosity than is necessary. For the force of reason in disputation is to be sought after rather than authority, since the authority of the teacher is often a disadvantage to those who are willing to learn; as they refuse to use their own judgment, and rely implicitly on him whom they make choice of for a preceptor. Nor could I ever approve this custom of the Pythagoreans, who, when they affirmed anything in disputation, and were asked why it was so, used to give this answer: “He himself has said it;” and this “he himself,” it seems, was Pythagoras. Such was the force of prejudice and opinion that his authority was to prevail even without argument or reason.

They who wonder at my being a follower of this sect in particular may find a satisfactory answer in my four books of Academical Questions. But I deny that I have undertaken the protection of what is neglected and forsaken; for the opinions of men do not die with them, though they may perhaps want the author’s explanation. This manner of philosophizing, of disputing all things and assuming nothing certainly, was begun by Socrates, revived by Arcesilaus, confirmed by Carneades, and has descended, with all its power, even

to the present age; but I am informed that it is now almost exploded even in Greece. However, I do not impute that to any fault in the institution of the Academy, but to the negligence of mankind. If it is difficult to know all the doctrines of any one sect, how much more is it to know those of every sect! which, however, must necessarily be known to those who resolve, for the sake of discovering truth, to dispute for or against all philosophers without partiality.

I do not profess myself to be master of this difficult and noble faculty; but I do assert that I have endeavored to make myself so; and it is impossible that they who choose this manner of philosophizing should not meet at least with something worthy their pursuit. I have spoken more fully on this head in another place. But as some are too slow of apprehension, and some too careless, men stand in perpetual need of caution. For we are not people who believe that there is nothing whatever which is true; but we say that some falsehoods are so blended with all truths, and have so great a resemblance to them, that there is no certain rule for judging of or assenting to propositions; from which this maxim also follows, that many things are probable, which, though they are not evident to the senses, have still so persuasive and beautiful an aspect that a wise man chooses to direct his conduct by them.

VI. Now, to free myself from the reproach of partiality, I propose to lay before you the opinions of various philosophers concerning the nature of the Gods, by which means all men may judge which of them are consistent with truth; and if all agree together, or if any one shall be found to have discovered what may be absolutely called truth, I will then give up the Academy as vain and arrogant. So I may cry out, in the words of Statius, in the Synephebi,

Ye Gods, I call upon, require, pray, beseech, entreat, and implore the attention of my countrymen all, both young and old;

yet not on so trifling an occasion as when the person in the play complains that,

In this city we have discovered a most flagrant iniquity: here is a professed courtesan, who refuses money from her lover;

but that they may attend, know, and consider what sentiments they ought to preserve concerning religion, piety, sanctity, ceremonies, faith, oaths, temples, shrines, and solemn sacrifices;

what they ought to think of the auspices over which I preside; for all these have relation to the present question. The manifest disagreement among the most learned on this subject creates doubts in those who imagine they have some certain knowledge of the subject.

Which fact I have often taken notice of elsewhere, and I did so more especially at the discussion that was held at my friend C. Cotta's concerning the immortal Gods, and which was carried on with the greatest care, accuracy, and precision; for coming to him at the time of the Latin holidays, according to his own invitation and message from him, I found him sitting in his study, and in a discourse with C. Velleius, the senator, who was then reputed by the Epicureans the ablest of our countrymen. Q. Lucilius Balbus was likewise there, a great proficient in the doctrine of the Stoics, and esteemed equal to the most eminent of the Greeks in that part of knowledge. As soon as Cotta saw me, You are come, says he, very seasonably; for I am having a dispute with Velleius on an important subject, which, considering the nature of your studies, is not improper for you to join in.

VII. Indeed, says I, I think I am come very seasonably, as you say; for here are three chiefs of three principal sects met together. If M. Piso was present, no sect of philosophy that is in any esteem would want an advocate. If Antiochus's book, replies Cotta, which he lately sent to Balbus, says true, you have no occasion to wish for your friend Piso; for Antiochus is of the opinion that the Stoics do not differ from the Peripatetics in fact, though they do in words; and I should be glad to know what you think of that book, Balbus. I? says he. I wonder that Antiochus, a man of the clearest apprehension, should not see what a vast difference there is between the Stoics, who distinguish the honest and the profitable, not only in name, but absolutely in kind, and the Peripatetics, who blend the honest with the profitable in such a manner that they differ only in degrees and proportion, and not in kind. This is not a little difference in words, but a great one in things; but of this hereafter. Now, if you think fit, let us return to what we began with.

With all my heart, says Cotta. But that this visitor (looking at me), who is just come in, may not be ignorant of what we are upon, I will

inform him that we were discoursing on the nature of the Gods; concerning which, as it is a subject that always appeared very obscure to me, I prevailed on Velleius to give us the sentiments of Epicurus. Therefore, continues he, if it is not troublesome, Velleius, repeat what you have already stated to us. I will, says he, though this new-comer will be no advocate for me, but for you; for you have both, adds he, with a smile, learned from the same Philo to be certain of nothing. What we have learned from him, replied I, Cotta will discover; but I would not have you think I am come as an assistant to him, but as an auditor, with an impartial and unbiassed mind, and not bound by any obligation to defend any particular principle, whether I like or dislike it.

VIII. After this, Velleius, with the confidence peculiar to his sect, dreading nothing so much as to seem to doubt of anything, began as if he had just then descended from the council of the Gods, and Epicurus's intervals of worlds. Do not attend, says he, to these idle and imaginary tales; nor to the operator and builder of the World, the God of Plato's Timæus; nor to the old prophetic dame, the Πρόνοια of the Stoics, which the Latins call Providence; nor to that round, that burning, revolving deity, the World, endowed with sense and understanding; the prodigies and wonders, not of inquisitive philosophers, but of dreamers!

For with what eyes of the mind was your Plato able to see that workhouse of such stupendous toil, in which he makes the world to be modelled and built by God? What materials, what tools, what bars, what machines, what servants, were employed in so vast a work? How could the air, fire, water, and earth pay obedience and submit to the will of the architect? >From whence arose those five forms, of which the rest were composed, so aptly contributing to frame the mind and produce the senses? It is tedious to go through all, as they are of such a sort that they look more like things to be desired than to be discovered.

But, what is more remarkable, he gives us a world which has been not only created, but, if I may so say, in a manner formed with hands, and yet he says it is eternal. Do you conceive him to have the least skill in natural philosophy who is capable of thinking anything to be everlasting that had a beginning? For what can possibly ever have

been put together which cannot be dissolved again? Or what is there that had a beginning which will not have an end? If your Providence, Lucilius, is the same as Plato's God, I ask you, as before, who were the assistants, what were the engines, what was the plan and preparation of the whole work? If it is not the same, then why did she make the world mortal, and not everlasting, like Plato's God?

IX. But I would demand of you both, why these world-builders started up so suddenly, and lay dormant for so many ages? For we are not to conclude that, if there was no world, there were therefore no ages. I do not now speak of such ages as are finished by a certain number of days and nights in annual courses; for I acknowledge that those could not be without the revolution of the world; but there was a certain eternity from infinite time, not measured by any circumscription of seasons; but how that was in space we cannot understand, because we cannot possibly have even the slightest idea of time before time was. I desire, therefore, to know, Balbus, why this Providence of yours was idle for such an immense space of time? Did she avoid labor? But that could have no effect on the Deity; nor could there be any labor, since all nature, air, fire, earth, and water would obey the divine essence. What was it that incited the Deity to act the part of an ædile, to illuminate and decorate the world? If it was in order that God might be the better accommodated in his habitation, then he must have been dwelling an infinite length of time before in darkness as in a dungeon. But do we imagine that he was afterward delighted with that variety with which we see the heaven and earth adorned? What entertainment could that be to the Deity? If it was any, he would not have been without it so long.

Or were these things made, as you almost assert, by God for the sake of men? Was it for the wise? If so, then this great design was adopted for the sake of a very small number. Or for the sake of fools? First of all, there was no reason why God should consult the advantage of the wicked; and, further, what could be his object in doing so, since all fools are, without doubt, the most miserable of men, chiefly because they are fools? For what can we pronounce more deplorable than folly? Besides, there are many inconveniences in life which the wise can learn to think lightly of by dwelling rather on the advantages which they receive; but which fools are unable to

avoid when they are coming, or to bear when they are come.

X. They who affirm the world to be an animated and intelligent being have by no means discovered the nature of the mind, nor are able to conceive in what form that essence can exist; but of that I shall speak more hereafter. At present I must express my surprise at the weakness of those who endeavor to make it out to be not only animated and immortal, but likewise happy, and round, because Plato says that is the most beautiful form; whereas I think a cylinder, a square, a cone, or a pyramid more beautiful. But what life do they attribute to that round Deity? Truly it is a being whirled about with a celerity to which nothing can be even conceived by the imagination as equal; nor can I imagine how a settled mind and happy life can consist in such motion, the least degree of which would be troublesome to us. Why, therefore, should it not be considered troublesome also to the Deity? For the earth itself, as it is part of the world, is part also of the Deity. We see vast tracts of land barren and uninhabitable; some, because they are scorched by the too near approach of the sun; others, because they are bound up with frost and snow, through the great distance which the sun is from them. Therefore, if the world is a Deity, as these are parts of the world, some of the Deity's limbs must be said to be scorched, and some frozen.

These are your doctrines, Lucilius; but what those of others are I will endeavor to ascertain by tracing them back from the earliest of ancient philosophers. Thales the Milesian, who first inquired after such subjects, asserted water to be the origin of things, and that God was that mind which formed all things from water. If the Gods can exist without corporeal sense, and if there can be a mind without a body, why did he annex a mind to water?

It was Anaximander's opinion that the Gods were born; that after a great length of time they died; and that they are innumerable worlds. But what conception can we possibly have of a Deity who is not eternal?

Anaximenes, after him, taught that the air is God, and that he was generated, and that he is immense, infinite, and always in motion; as if air, which has no form, could possibly be God; for the Deity must necessarily be not only of some form or other, but of the most

beautiful form. Besides, is not everything that had a beginning subject to mortality?

XI. Anaxagoras, who received his learning from Anaximenes, was the first who affirmed the system and disposition of all things to be contrived and perfected by the power and reason of an infinite mind; in which infinity he did not perceive that there could be no conjunction of sense and motion, nor any sense in the least degree, where nature herself could feel no impulse. If he would have this mind to be a sort of animal, then there must be some more internal principle from whence that animal should receive its appellation. But what can be more internal than the mind? Let it, therefore, be clothed with an external body. But this is not agreeable to his doctrine; but we are utterly unable to conceive how a pure simple mind can exist without any substance annexed to it.

Alcmæon of Crotona, in attributing a divinity to the sun, the moon, and the rest of the stars, and also to the mind, did not perceive that he was ascribing immortality to mortal beings.

Pythagoras, who supposed the Deity to be one soul, mixing with and pervading all nature, from which our souls are taken, did not consider that the Deity himself must, in consequence of this doctrine, be maimed and torn with the rending every human soul from it; nor that, when the human mind is afflicted (as is the case in many instances), that part of the Deity must likewise be afflicted, which cannot be. If the human mind were a Deity, how could it be ignorant of any thing? Besides, how could that Deity, if it is nothing but soul, be mixed with, or infused into, the world?

Then Xenophanes, who said that everything in the world which had any existence, with the addition of intellect, was God, is as liable to exception as the rest, especially in relation to the infinity of it, in which there can be nothing sentient, nothing composite.

Parmenides formed a conceit to himself of something circular like a crown. (He names it Stephane.) It is an orb of constant light and heat around the heavens; this he calls God; in which there is no room to imagine any divine form or sense. And he uttered many other absurdities on the same subject; for he ascribed a divinity to war, to discord, to lust, and other passions of the same kind, which are destroyed by disease, or sleep, or oblivion, or age. The same honor

he gives to the stars; but I shall forbear making any objections to his system here, having already done it in another place.

XII. Empedocles, who erred in many things, is most grossly mistaken in his notion of the Gods. He lays down four natures as divine, from which he thinks that all things were made. Yet it is evident that they have a beginning, that they decay, and that they are void of all sense.

Protagoras did not seem to have any idea of the real nature of the Gods; for he acknowledged that he was altogether ignorant whether there are or are not any, or what they are.

What shall I say of Democritus, who classes our images of objects, and their orbs, in the number of the Gods; as he does that principle through which those images appear and have their influence? He deifies likewise our knowledge and understanding. Is he not involved in a very great error? And because nothing continues always in the same state, he denies that anything is everlasting, does he not thereby entirely destroy the Deity, and make it impossible to form any opinion of him?

Diogenes of Apollonia looks upon the air to be a Deity. But what sense can the air have? or what divine form can be attributed to it?

It would be tedious to show the uncertainty of Plato's opinion; for, in his Timæus, he denies the propriety of asserting that there is one great father or creator of the world; and, in his book of Laws, he thinks we ought not to make too strict an inquiry into the nature of the Deity. And as for his statement when he asserts that God is a being without any body — what the Greeks call ἀσώματος — it is certainly quite unintelligible how that theory can possibly be true; for such a God must then necessarily be destitute of sense, prudence, and pleasure; all which things are comprehended in our notion of the Gods. He likewise asserts in his Timæus, and in his Laws, that the world, the heavens, the stars, the mind, and those Gods which are delivered down to us from our ancestors, constitute the Deity. These opinions, taken separately, are apparently false; and, together, are directly inconsistent with each other.

Xenophon has committed almost the same mistakes, but in fewer words. In those sayings which he has related of Socrates, he introduces him disputing the lawfulness of inquiring into the form of

the Deity, and makes him assert the sun and the mind to be Deities: he represents him likewise as affirming the being of one God only, and at another time of many; which are errors of almost the same kind which I before took notice of in Plato.

XIII. Antisthenes, in his book called the Natural Philosopher, says that there are many national and one natural Deity; but by this saying he destroys the power and nature of the Gods. Speusippus is not much less in the wrong; who, following his uncle Plato, says that a certain incorporeal power governs everything; by which he endeavors to root out of our minds the knowledge of the Gods.

Aristotle, in his third book of Philosophy, confounds many things together, as the rest have done; but he does not differ from his master Plato. At one time he attributes all divinity to the mind, at another he asserts that the world is God. Soon afterward he makes some other essence preside over the world, and gives it those faculties by which, with certain revolutions, he may govern and preserve the motion of it. Then he asserts the heat of the firmament to be God; not perceiving the firmament to be part of the world, which in another place he had described as God. How can that divine sense of the firmament be preserved in so rapid a motion? And where do the multitude of Gods dwell, if heaven itself is a Deity? But when this philosopher says that God is without a body, he makes him an irrational and insensible being. Besides, how can the world move itself, if it wants a body? Or how, if it is in perpetual self-motion, can it be easy and happy?

Xenocrates, his fellow-pupil, does not appear much wiser on this head, for in his books concerning the nature of the Gods no divine form is described; but he says the number of them is eight. Five are moving planets; the sixth is contained in all the fixed stars; which, dispersed, are so many several members, but, considered together, are one single Deity; the seventh is the sun; and the eighth the moon. But in what sense they can possibly be happy is not easy to be understood.

From the same school of Plato, Heraclides of Pontus stuffed his books with puerile tales. Sometimes he thinks the world a Deity, at other times the mind. He attributes divinity likewise to the wandering stars. He deprives the Deity of sense, and makes his form mutable;

and, in the same book again, he makes earth and heaven Deities.

The unsteadiness of Theophrastus is equally intolerable. At one time he attributes a divine prerogative to the mind; at another, to the firmament; at another, to the stars and celestial constellations.

Nor is his disciple Strato, who is called the naturalist, any more worthy to be regarded; for he thinks that the divine power is diffused through nature, which is the cause of birth, increase, and diminution, but that it has no sense nor form.

XIV. Zeno (to come to your sect, Balbus) thinks the law of nature to be the divinity, and that it has the power to force us to what is right, and to restrain us from what is wrong. How this law can be an animated being I cannot conceive; but that God is so we would certainly maintain. The same person says, in another place, that the sky is God; but can we possibly conceive that God is a being insensible, deaf to our prayers, our wishes, and our vows, and wholly unconnected with us? In other books he thinks there is a certain rational essence pervading all nature, indued with divine efficacy. He attributes the same power to the stars, to the years, to the months, and to the seasons. In his interpretation of Hesiod's Theogony, he entirely destroys the established notions of the Gods; for he excludes Jupiter, Juno, and Vesta, and those esteemed divine, from the number of them; but his doctrine is that these are names which by some kind of allusion are given to mute and inanimate beings. The sentiments of his disciple Aristo are not less erroneous. He thought it impossible to conceive the form of the Deity, and asserts that the Gods are destitute of sense; and he is entirely dubious whether the Deity is an animated being or not.

Cleanthes, who next comes under my notice, a disciple of Zeno at the same time with Aristo, in one place says that the world is God; in another, he attributes divinity to the mind and spirit of universal nature; then he asserts that the most remote, the highest, the all-surrounding, the all-enclosing and embracing heat, which is called the sky, is most certainly the Deity. In the books he wrote against pleasure, in which he seems to be raving, he imagines the Gods to have a certain form and shape; then he ascribes all divinity to the stars; and, lastly, he thinks nothing more divine than reason. So that this God, whom we know mentally and in the speculations of our

minds, from which traces we receive our impression, has at last actually no visible form at all.

XV. Persæus, another disciple of Zeno, says that they who have made discoveries advantageous to the life of man should be esteemed as Gods; and the very things, he says, which are healthful and beneficial have derived their names from those of the Gods; so that he thinks it not sufficient to call them the discoveries of Gods, but he urges that they themselves should be deemed divine. What can be more absurd than to ascribe divine honors to sordid and deformed things; or to place among the Gods men who are dead and mixed with the dust, to whose memory all the respect that could be paid would be but mourning for their loss?

Chrysippus, who is looked upon as the most subtle interpreter of the dreams of the Stoics, has mustered up a numerous band of unknown Gods; and so unknown that we are not able to form any idea about them, though our mind seems capable of framing any image to itself in its thoughts. For he says that the divine power is placed in reason, and in the spirit and mind of universal nature; that the world, with a universal effusion of its spirit, is God; that the superior part of that spirit, which is the mind and reason, is the great principle of nature, containing and preserving the chain of all things; that the divinity is the power of fate, and the necessity of future events. He deifies fire also, and what I before called the ethereal spirit, and those elements which naturally proceed from it — water, earth, and air. He attributes divinity to the sun, moon, stars, and universal space, the grand container of all things, and to those men likewise who have obtained immortality. He maintains the sky to be what men call Jupiter; the air, which pervades the sea, to be Neptune; and the earth, Ceres. In like manner he goes through the names of the other Deities. He says that Jupiter is that immutable and eternal law which guides and directs us in our manners; and this he calls fatal necessity, the everlasting verity of future events. But none of these are of such a nature as to seem to carry any indication of divine virtue in them. These are the doctrines contained in his first book of the Nature of the Gods. In the second, he endeavors to accommodate the fables of Orpheus, Musæus, Hesiod, and Homer to what he has advanced in the first, in order that the most ancient poets, who never

dreamed of these things, may seem to have been Stoics. Diogenes the Babylonian was a follower of the doctrine of Chrysippus; and in that book which he wrote, entitled "A Treatise concerning Minerva," he separates the account of Jupiter's bringing-forth, and the birth of that virgin, from the fabulous, and reduces it to a natural construction.

XVI. Thus far have I been rather exposing the dreams of dotards than giving the opinions of philosophers. Not much more absurd than these are the fables of the poets, who owe all their power of doing harm to the sweetness of their language; who have represented the Gods as enraged with anger and inflamed with lust; who have brought before our eyes their wars, battles, combats, wounds; their hatreds, dissensions, discords, births, deaths, complaints, and lamentations; their indulgences in all kinds of intemperance; their adulteries; their chains; their amours with mortals, and mortals begotten by immortals. To these idle and ridiculous flights of the poets we may add the prodigious stories invented by the Magi, and by the Egyptians also, which were of the same nature, together with the extravagant notions of the multitude at all times, who, from total ignorance of the truth, are always fluctuating in uncertainty.

Now, whoever reflects on the rashness and absurdity of these tenets must inevitably entertain the highest respect and veneration for Epicurus, and perhaps even rank him in the number of those beings who are the subject of this dispute; for he alone first founded the idea of the existence of the Gods on the impression which nature herself hath made on the minds of all men. For what nation, what people are there, who have not, without any learning, a natural idea, or prenotion, of a Deity? Epicurus calls this πρόληψις; that is, an antecedent conception of the fact in the mind, without which nothing can be understood, inquired after, or discoursed on; the force and advantage of which reasoning we receive from that celestial volume of Epicurus concerning the Rule and Judgment of Things.

XVII. Here, then, you see the foundation of this question clearly laid; for since it is the constant and universal opinion of mankind, independent of education, custom, or law, that there are Gods, it must necessarily follow that this knowledge is implanted in our minds, or, rather, innate in us. That opinion respecting which there is a general agreement in universal nature must infallibly be true;

therefore it must be allowed that there are Gods; for in this we have the concurrence, not only of almost all philosophers, but likewise of the ignorant and illiterate. It must be also confessed that the point is established that we have naturally this idea, as I said before, or prenotion, of the existence of the Gods. As new things require new names, so that prenotion was called πρόληψις by Epicurus; an appellation never used before. On the same principle of reasoning, we think that the Gods are happy and immortal; for that nature which hath assured us that there are Gods has likewise imprinted in our minds the knowledge of their immortality and felicity; and if so, what Epicurus hath declared in these words is true: "That which is eternally happy cannot be burdened with any labor itself, nor can it impose any labor on another; nor can it be influenced by resentment or favor: because things which are liable to such feelings must be weak and frail." We have said enough to prove that we should worship the Gods with piety, and without superstition, if that were the only question.

For the superior and excellent nature of the Gods requires a pious adoration from men, because it is possessed of immortality and the most exalted felicity; for whatever excels has a right to veneration, and all fear of the power and anger of the Gods should be banished; for we must understand that anger and affection are inconsistent with the nature of a happy and immortal being. These apprehensions being removed, no dread of the superior powers remains. To confirm this opinion, our curiosity leads us to inquire into the form and life and action of the intellect and spirit of the Deity.

XVIII. With regard to his form, we are directed partly by nature and partly by reason. All men are told by nature that none but a human form can be ascribed to the Gods; for under what other image did it ever appear to any one either sleeping or waking? and, without having recourse to our first notions, reason itself declares the same; for as it is easy to conceive that the most excellent nature, either because of its happiness or immortality, should be the most beautiful, what composition of limbs, what conformation of lineaments, what form, what aspect, can be more beautiful than the human? Your sect, Lucilius (not like my friend Cotta, who sometimes says one thing and sometimes another), when they represent the divine art and

workmanship in the human body, are used to describe how very completely each member is formed, not only for convenience, but also for beauty. Therefore, if the human form excels that of all other animal beings, as God himself is an animated being, he must surely be of that form which is the most beautiful. Besides, the Gods are granted to be perfectly happy; and nobody can be happy without virtue, nor can virtue exist where reason is not; and reason can reside in none but the human form; the Gods, therefore, must be acknowledged to be of human form; yet that form is not body, but something like body; nor does it contain any blood, but something like blood. Though these distinctions were more acutely devised and more artfully expressed by Epicurus than any common capacity can comprehend; yet, depending on your understanding, I shall be more brief on the subject than otherwise I should be. Epicurus, who not only discovered and understood the occult and almost hidden secrets of nature, but explained them with ease, teaches that the power and nature of the Gods is not to be discerned by the senses, but by the mind; nor are they to be considered as bodies of any solidity, or reducible to number, like those things which, because of their firmness, he calls Στερέμνια; but as images, perceived by similitude and transition. As infinite kinds of those images result from innumerable individuals, and centre in the Gods, our minds and understanding are directed towards and fixed with the greatest delight on them, in order to comprehend what that happy and eternal essence is.

XIX. Surely the mighty power of the Infinite Being is most worthy our great and earnest contemplation; the nature of which we must necessarily understand to be such that everything in it is made to correspond completely to some other answering part. This is called by Epicurus ἰσονομία; that is to say, an equal distribution or even disposition of things. From hence he draws this inference, that, as there is such a vast multitude of mortals, there cannot be a less number of immortals; and if those which perish are innumerable, those which are preserved ought also to be countless. Your sect, Balbus, frequently ask us how the Gods live, and how they pass their time? Their life is the most happy, and the most abounding with all kinds of blessings, which can be conceived. They do nothing. They

are embarrassed with no business; nor do they perform any work. They rejoice in the possession of their own wisdom and virtue. They are satisfied that they shall ever enjoy the fulness of eternal pleasures.

XX. Such a Deity may properly be called happy; but yours is a most laborious God. For let us suppose the world a Deity — what can be a more uneasy state than, without the least cessation, to be whirled about the axle-tree of heaven with a surprising celerity? But nothing can be happy that is not at ease. Or let us suppose a Deity residing in the world, who directs and governs it, who preserves the courses of the stars, the changes of the seasons, and the vicissitudes and orders of things, surveying the earth and the sea, and accommodating them to the advantage and necessities of man. Truly this Deity is embarrassed with a very troublesome and laborious office. We make a happy life to consist in a tranquillity of mind, a perfect freedom from care, and an exemption from all employment. The philosopher from whom we received all our knowledge has taught us that the world was made by nature; that there was no occasion for a workhouse to frame it in; and that, though you deny the possibility of such a work without divine skill, it is so easy to her, that she has made, does make, and will make innumerable worlds. But, because you do not conceive that nature is able to produce such effects without some rational aid, you are forced, like the tragic poets, when you cannot wind up your argument in any other way, to have recourse to a Deity, whose assistance you would not seek, if you could view that vast and unbounded magnitude of regions in all parts; where the mind, extending and spreading itself, travels so far and wide that it can find no end, no extremity to stop at. In this immensity of breadth, length, and height, a most boundless company of innumerable atoms are fluttering about, which, notwithstanding the interposition of a void space, meet and cohere, and continue clinging to one another; and by this union these modifications and forms of things arise, which, in your opinions, could not possibly be made without the help of bellows and anvils. Thus you have imposed on us an eternal master, whom we must dread day and night. For who can be free from fear of a Deity who foresees, regards, and takes notice of everything; one who thinks all things his own; a curious,

ever-busy God?

Hence first arose your Εἱμαρμένη, as you call it, your fatal necessity; so that, whatever happens, you affirm that it flows from an eternal chain and continuance of causes. Of what value is this philosophy, which, like old women and illiterate men, attributes everything to fate? Then follows your μαντικὴ, in Latin called *divinatio*, divination; which, if we would listen to you, would plunge us into such superstition that we should fall down and worship your inspectors into sacrifices, your augurs, your soothsayers, your prophets, and your fortune-tellers.

Epicurus having freed us from these terrors and restored us to liberty, we have no dread of those beings whom we have reason to think entirely free from all trouble themselves, and who do not impose any on others. We pay our adoration, indeed, with piety and reverence to that essence which is above all excellence and perfection. But I fear my zeal for this doctrine has made me too prolix. However, I could not easily leave so eminent and important a subject unfinished, though I must confess I should rather endeavor to hear than speak so long.

XXI. Cotta, with his usual courtesy, then began. Velleius, says he, were it not for something which you have advanced, I should have remained silent; for I have often observed, as I did just now upon hearing you, that I cannot so easily conceive why a proposition is true as why it is false. Should you ask me what I take the nature of the Gods to be, I should perhaps make no answer. But if you should ask whether I think it to be of that nature which you have described, I should answer that I was as far as possible from agreeing with you. However, before I enter on the subject of your discourse and what you have advanced upon it, I will give you my opinion of yourself. Your intimate friend, L. Crassus, has been often heard by me to say that you were beyond all question superior to all our learned Romans; and that few Epicureans in Greece were to be compared to you. But as I knew what a wonderful esteem he had for you, I imagined that might make him the more lavish in commendation of you. Now, however, though I do not choose to praise any one when present, yet I must confess that I think you have delivered your thoughts clearly on an obscure and very intricate subject; that you are

not only copious in your sentiments, but more elegant in your language than your sect generally are. When I was at Athens, I went often to hear Zeno, by the advice of Philo, who used to call him the chief of the Epicureans; partly, probably, in order to judge more easily how completely those principles could be refuted after I had heard them stated by the most learned of the Epicureans. And, indeed, he did not speak in any ordinary manner; but, like you, with clearness, gravity, and elegance; yet what frequently gave me great uneasiness when I heard him, as it did while I attended to you, was to see so excellent a genius falling into such frivolous (excuse my freedom), not to say foolish, doctrines. However, I shall not at present offer anything better; for, as I said before, we can in most subjects, especially in physics, sooner discover what is not true than what is.

XXII. If you should ask me what God is, or what his character and nature are, I should follow the example of Simonides, who, when Hiero the tyrant proposed the same question to him, desired a day to consider of it. When he required his answer the next day, Simonides begged two days more; and as he kept constantly desiring double the number which he had required before instead of giving his answer, Hiero, with surprise, asked him his meaning in doing so: "Because," says he, "the longer I meditate on it, the more obscure it appears to me." Simonides, who was not only a delightful poet, but reputed a wise and learned man in other branches of knowledge, found, I suppose, so many acute and refined arguments occurring to him, that he was doubtful which was the truest, and therefore despaired of discovering any truth.

But does your Epicurus (for I had rather contend with him than with you) say anything that is worthy the name of philosophy, or even of common-sense?

In the question concerning the nature of the Gods, his first inquiry is, whether there are Gods or not. It would be dangerous, I believe, to take the negative side before a public auditory; but it is very safe in a discourse of this kind, and in this company. I, who am a priest, and who think that religions and ceremonies ought sacredly to be maintained, am certainly desirous to have the existence of the Gods, which is the principal point in debate, not only fixed in opinion, but proved to a demonstration; for many notions flow into and disturb the mind which sometimes seem to convince us that there are none. But see how candidly I will behave to you: as I shall not touch upon those tenets you hold in common with other philosophers, consequently I shall not dispute the existence of the Gods, for that doctrine is agreeable to almost all men, and to myself in particular; but I am still at liberty to find fault with the reasons you give for it, which I think are very insufficient.

XXIII. You have said that the general assent of men of all nations and all degrees is an argument strong enough to induce us to acknowledge the being of the Gods. This is not only a weak, but a false, argument; for, first of all, how do you know the opinions of all nations? I really believe there are many people so savage that they

have no thoughts of a Deity. What think you of Diagoras, who was called the atheist; and of Theodorus after him? Did not they plainly deny the very essence of a Deity? Protagoras of Abdera, whom you just now mentioned, the greatest sophist of his age, was banished by order of the Athenians from their city and territories, and his books were publicly burned, because these words were in the beginning of his treatise concerning the Gods: "I am unable to arrive at any knowledge whether there are, or are not, any Gods." This treatment of him, I imagine, restrained many from professing their disbelief of a Deity, since the doubt of it only could not escape punishment. What shall we say of the sacrilegious, the impious, and the perjured? If Tubulus Lucius, Lupus, or Carbo the son of Neptune, as Lucilius says, had believed that there were Gods, would either of them have carried his perjuries and impieties to such excess? Your reasoning, therefore, to confirm your assertion is not so conclusive as you think it is. But as this is the manner in which other philosophers have argued on the same subject, I will take no further notice of it at present; I rather choose to proceed to what is properly your own.

I allow that there are Gods. Instruct me, then, concerning their origin; inform me where they are, what sort of body, what mind, they have, and what is their course of life; for these I am desirous of knowing. You attribute the most absolute power and efficacy to atoms. Out of them you pretend that everything is made. But there are no atoms, for there is nothing without body; every place is occupied by body, therefore there can be no such thing as a vacuum or an atom.

XXIV. I advance these principles of the naturalists without knowing whether they are true or false; yet they are more like truth than those statements of yours; for they are the absurdities in which Democritus, or before him Leucippus, used to indulge, saying that there are certain light corpuscles — some smooth, some rough, some round, some square, some crooked and bent as bows — which by a fortuitous concourse made heaven and earth, without the influence of any natural power. This opinion, C. Velleius, you have brought down to these our times; and you would sooner be deprived of the greatest advantages of life than of that authority; for before you were acquainted with those tenets, you thought that you ought to profess

yourself an Epicurean; so that it was necessary that you should either embrace these absurdities or lose the philosophical character which you had taken upon you; and what could bribe you to renounce the Epicurean opinion? Nothing, you say, can prevail on you to forsake the truth and the sure means of a happy life. But is that the truth? for I shall not contest your happy life, which you think the Deity himself does not enjoy unless he languishes in idleness. But where is truth? Is it in your innumerable worlds, some of which are rising, some falling, at every moment of time? Or is it in your atomical corpuscles, which form such excellent works without the direction of any natural power or reason? But I was forgetting my liberality, which I had promised to exert in your case, and exceeding the bounds which I at first proposed to myself. Granting, then, everything to be made of atoms, what advantage is that to your argument? For we are searching after the nature of the Gods; and allowing them to be made of atoms, they cannot be eternal, because whatever is made of atoms must have had a beginning: if so, there were no Gods till there was this beginning; and if the Gods have had a beginning, they must necessarily have an end, as you have before contended when you were discussing Plato's world. Where, then, is your beatitude and immortality, in which two words you say that God is expressed, the endeavor to prove which reduces you to the greatest perplexities? For you said that God had no body, but something like body; and no blood, but something like blood.

XXV. It is a frequent practice among you, when you assert anything that has no resemblance to truth, and wish to avoid reprehension, to advance something else which is absolutely and utterly impossible, in order that it may seem to your adversaries better to grant that point which has been a matter of doubt than to keep on pertinaciously contradicting you on every point: like Epicurus, who, when he found that if his atoms were allowed to descend by their own weight, our actions could not be in our own power, because their motions would be certain and necessary, invented an expedient, which escaped Democritus, to avoid necessity. He says that when the atoms descend by their own weight and gravity, they move a little obliquely. Surely, to make such an assertion as this is what one ought more to be ashamed of than the

acknowledging ourselves unable to defend the proposition. His practice is the same against the logicians, who say that in all propositions in which yes or no is required, one of them must be true; he was afraid that if this were granted, then, in such a proposition as "Epicurus will be alive or dead to-morrow," either one or the other must necessarily be admitted; therefore he absolutely denied the necessity of yes or no. Can anything show stupidity in a greater degree? Zeno, being pressed by Arcesilas, who pronounced all things to be false which are perceived by the senses, said that some things were false, but not all. Epicurus was afraid that if any one thing seen should be false, nothing could be true; and therefore he asserted all the senses to be infallible directors of truth. Nothing can be more rash than this; for by endeavoring to repel a light stroke, he receives a heavy blow. On the subject of the nature of the Gods, he falls into the same errors. While he would avoid the concretion of individual bodies, lest death and dissolution should be the consequence, he denies that the Gods have body, but says they have something like body; and says they have no blood, but something like blood.

XXVI. It seems an unaccountable thing how one soothsayer can refrain from laughing when he sees another. It is yet a greater wonder that you can refrain from laughing among yourselves. It is no body, but something like body! I could understand this if it were applied to statues made of wax or clay; but in regard to the Deity, I am not able to discover what is meant by a quasi-body or quasi-blood. Nor indeed are you, Velleius, though you will not confess so much. For those precepts are delivered to you as dictates which Epicurus carelessly blundered out; for he boasted, as we see in his writings, that he had no instructor, which I could easily believe without his public declaration of it, for the same reason that I could believe the master of a very bad edifice if he were to boast that he had no architect but himself: for there is nothing of the Academy, nothing of the Lyceum, in his doctrine; nothing but puerilities. He might have been a pupil of Xenocrates. O ye immortal Gods, what a teacher was he! And there are those who believe that he actually was his pupil; but he says otherwise, and I shall give more credit to his word than to another's. He confesses that he was a pupil of a certain disciple of Plato, one Pamphilus, at Samos; for he lived there when he was

young, with his father and his brothers. His father, Neocles, was a farmer in those parts; but as the farm, I suppose, was not sufficient to maintain him, he turned school-master; yet Epicurus treats this Platonic philosopher with wonderful contempt, so fearful was he that it should be thought he had ever had any instruction. But it is well known he had been a pupil of Nausiphanes, the follower of Democritus; and since he could not deny it, he loaded him with insults in abundance. If he never heard a lecture on these Democritean principles, what lectures did he ever hear? What is there in Epicurus's physics that is not taken from Democritus? For though he altered some things, as what I mentioned before of the oblique motions of the atoms, yet most of his doctrines are the same; his atoms — his vacuum — his images — infinity of space — innumerable worlds, their rise and decay — and almost every part of natural learning that he treats of.

Now, do you understand what is meant by quasi-body and quasi-blood? For I not only acknowledge that you are a better judge of it than I am, but I can bear it without envy. If any sentiments, indeed, are communicated without obscurity, what is there that Velleius can understand and Cotta not? I know what body is, and what blood is; but I cannot possibly find out the meaning of quasi-body and quasi-blood. Not that you intentionally conceal your principles from me, as Pythagoras did his from those who were not his disciples; or that you are intentionally obscure, like Heraclitus. But the truth is (which I may venture to say in this company), you do not understand them yourself.

XXVII. This, I perceive, is what you contend for, that the Gods have a certain figure that has nothing concrete, nothing solid, nothing of express substance, nothing prominent in it; but that it is pure, smooth, and transparent. Let us suppose the same with the Venus of Cos, which is not a body, but the representation of a body; nor is the red, which is drawn there and mixed with the white, real blood, but a certain resemblance of blood; so in Epicurus's Deity there is no real substance, but the resemblance of substance.

Let me take for granted that which is perfectly unintelligible; then tell me what are the lineaments and figures of these sketched-out Deities. Here you have plenty of arguments by which you would

show the Gods to be in human form. The first is, that our minds are so anticipated and prepossessed, that whenever we think of a Deity the human shape occurs to us. The next is, that as the divine nature excels all things, so it ought to be of the most beautiful form, and there is no form more beautiful than the human; and the third is, that reason cannot reside in any other shape.

First, let us consider each argument separately. You seem to me to assume a principle, despotically I may say, that has no manner of probability in it. Who was ever so blind, in contemplating these subjects, as not to see that the Gods were represented in human form, either by the particular advice of wise men, who thought by those means the more easily to turn the minds of the ignorant from a depravity of manners to the worship of the Gods; or through superstition, which was the cause of their believing that when they were paying adoration to these images they were approaching the Gods themselves. These conceits were not a little improved by the poets, painters, and artificers; for it would not have been very easy to represent the Gods planning and executing any work in another form, and perhaps this opinion arose from the idea which mankind have of their own beauty. But do not you, who are so great an adept in physics, see what a soothing flatterer, what a sort of procuress, nature is to herself? Do you think there is any creature on the land or in the sea that is not highly delighted with its own form? If it were not so, why would not a bull become enamored of a mare, or a horse of a cow? Do you believe an eagle, a lion, or a dolphin prefers any shape to its own? If nature, therefore, has instructed us in the same manner, that nothing is more beautiful than man, what wonder is it that we, for that reason, should imagine the Gods are of the human form? Do you suppose if beasts were endowed with reason that every one would not give the prize of beauty to his own species?

XXVIII. Yet, by Hercules (I speak as I think)! though I am fond enough of myself, I dare not say that I excel in beauty that bull which carried Europa. For the question here is not concerning our genius and elocution, but our species and figure. If we could make and assume to ourselves any form, would you be unwilling to resemble the sea-triton as he is painted supported swimming on sea-monsters whose bodies are partly human? Here I touch on a difficult point; for

so great is the force of nature that there is no man who would not choose to be like a man, nor, indeed, any ant that would not be like an ant. But like what man? For how few can pretend to beauty! When I was at Athens, the whole flock of youths afforded scarcely one. You laugh, I see; but what I tell you is the truth. Nay, to us who, after the examples of ancient philosophers, delight in boys, defects are often pleasing. Alcæus was charmed with a wart on a boy's knuckle; but a wart is a blemish on the body; yet it seemed a beauty to him. Q. Catulus, my friend and colleague's father, was enamored with your fellow-citizen Roscius, on whom he wrote these verses:

As once I stood to hail the rising day,
Roscius appearing on the left I spied:
Forgive me, Gods, if I presume to say
The mortal's beauty with th' immortal vied.

Roscius more beautiful than a God! yet he was then, as he now is, squint-eyed. But what signifies that, if his defects were beauties to Catulus?

XXIX. I return to the Gods. Can we suppose any of them to be squint-eyed, or even to have a cast in the eye? Have they any warts? Are any of them hook-nosed, flap-eared, beetle-browed, or jolt-headed, as some of us are? Or are they free from imperfections? Let us grant you that. Are they all alike in the face? For if they are many, then one must necessarily be more beautiful than another, and then there must be some Deity not absolutely most beautiful. Or if their faces are all alike, there would be an Academy in heaven; for if one God does not differ from another, there is no possibility of knowing or distinguishing them.

What if your assertion, Velleius, proves absolutely false, that no form occurs to us, in our contemplations on the Deity, but the human? Will you, notwithstanding that, persist in the defence of such an absurdity? Supposing that form occurs to us, as you say it does, and we know Jupiter, Juno, Minerva, Neptune, Vulcan, Apollo, and the other Deities, by the countenance which painters and statuaries have given them, and not only by their countenances, but by their decorations, their age, and attire; yet the Egyptians, the Syrians, and almost all barbarous nations, are without such distinctions. You may see a greater regard paid by them to certain beasts than by us to the

most sacred temples and images of the Gods; for many shrines have been rifled, and images of the Deities have been carried from their most sacred places by us; but we never heard that an Egyptian offered any violence to a crocodile, an ibis, or a cat. What do you think, then? Do not the Egyptians esteem their sacred bull, their Apis, as a Deity? Yes, by Hercules! as certainly as you do our protectress Juno, whom you never behold, even in your dreams, without a goat-skin, a spear, a shield, and broad sandals. But the Grecian Juno of Argos and the Roman Juno are not represented in this manner; so that the Grecians, the Lanuvinians, and we, ascribe different forms to Juno; and our Capitoline Jupiter is not the same with the Jupiter Ammon of the Africans.

XXX. Therefore, ought not a natural philosopher — that is, an inquirer into the secrets of nature — to be ashamed of seeking a testimony to truth from minds prepossessed by custom? According to the rule you have laid down, it may be said that Jupiter is always bearded, Apollo always beardless; that Minerva has gray and Neptune azure eyes; and, indeed, we must then honor that Vulcan at Athens, made by Alcamenes, whose lameness through his thin robes appears to be no deformity. Shall we, therefore, receive a lame Deity because we have such an account of him?

Consider, likewise, that the Gods go by what names we give them. Now, in the first place, they have as many names as men have languages; for Vulcan is not called Vulcan in Italy, Africa, or Spain, as you are called Velleius in all countries. Besides, the Gods are innumerable, though the list of their names is of no great length even in the records of our priests. Have they no names? You must necessarily confess, indeed, they have none; for what occasion is there for different names if their persons are alike?

How much more laudable would it be, Velleius, to acknowledge that you do not know what you do not know than to follow a man whom you must despise! Do you think the Deity is like either me or you? You do not really think he is like either of us. What is to be done, then? Shall I call the sun, the moon, or the sky a Deity? If so, they are consequently happy. But what pleasures can they enjoy? And they are wise too. But how can wisdom reside in such shapes? These are your own principles. Therefore, if they are not of human

form, as I have proved, and if you cannot persuade yourself that they are of any other, why are you cautious of denying absolutely the being of any Gods? You dare not deny it — which is very prudent in you, though here you are not afraid of the people, but of the Gods themselves. I have known Epicureans who reverence even the least images of the Gods, though I perceive it to be the opinion of some that Epicurus, through fear of offending against the Athenian laws, has allowed a Deity in words and destroyed him in fact; so in those his select and short sentences, which are called by you κυρίαι δόξαι, this, I think, is the first: "That being which is happy and immortal is not burdened with any labor, and does not impose any on any one else."

XXXI. In his statement of this sentence, some think that he avoided speaking clearly on purpose, though it was manifestly without design. But they judge ill of a man who had not the least art. It is doubtful whether he means that there is any being happy and immortal, or that if there is any being happy, he must likewise be immortal. They do not consider that he speaks here, indeed, ambiguously; but in many other places both he and Metrodorus explain themselves as clearly as you have done. But he believed there are Gods; nor have I ever seen any one who was more exceedingly afraid of what he declared ought to be no objects of fear, namely, death and the Gods, with the apprehensions of which the common rank of people are very little affected; but he says that the minds of all mortals are terrified by them. Many thousands of men commit robberies in the face of death; others rifle all the temples they can get into: such as these, no doubt, must be greatly terrified, the one by the fears of death, and the others by the fear of the Gods.

But since you dare not (for I am now addressing my discourse to Epicurus himself) absolutely deny the existence of the Gods, what hinders you from ascribing a divine nature to the sun, the world, or some eternal mind? I never, says he, saw wisdom and a rational soul in any but a human form. What! did you ever observe anything like the sun, the moon, or the five moving planets? The sun, terminating his course in two extreme parts of one circle, finishes his annual revolutions. The moon, receiving her light from the sun, completes the same course in the space of a month. The five planets in the same

circle, some nearer, others more remote from the earth, begin the same courses together, and finish them in different spaces of time. Did you ever observe anything like this, Epicurus? So that, according to you, there can be neither sun, moon, nor stars, because nothing can exist but what we have touched or seen. What! have you ever seen the Deity himself? Why else do you believe there is any? If this doctrine prevails, we must reject all that history relates or reason discovers; and the people who inhabit inland countries must not believe there is such a thing as the sea. This is so narrow a way of thinking that if you had been born in Seriphus, and never had been from out of that island, where you had frequently been in the habit of seeing little hares and foxes, you would not, therefore, believe that there are such beasts as lions and panthers; and if any one should describe an elephant to you, you would think that he designed to laugh at you.

XXXII. You indeed, Velleius, have concluded your argument, not after the manner of your own sect, but of the logicians, to which your people are utter strangers. You have taken it for granted that the Gods are happy. I allow it. You say that without virtue no one can be happy. I willingly concur with you in this also. You likewise say that virtue cannot reside where reason is not. That I must necessarily allow. You add, moreover, that reason cannot exist but in a human form. Who, do you think, will admit that? If it were true, what occasion was there to come so gradually to it? And to what purpose? You might have answered it on your own authority. I perceive your gradations from happiness to virtue, and from virtue to reason; but how do you come from reason to human form? There, indeed, you do not descend by degrees, but precipitately.

Nor can I conceive why Epicurus should rather say the Gods are like men than that men are like the Gods. You ask what is the difference; for, say you, if this is like that, that is like this. I grant it; but this I assert, that the Gods could not take their form from men; for the Gods always existed, and never had a beginning, if they are to exist eternally; but men had a beginning: therefore that form, of which the immortal Gods are, must have had existence before mankind; consequently, the Gods should not be said to be of human form, but our form should be called divine. However, let this be as

you will. I now inquire how this extraordinary good fortune came about; for you deny that reason had any share in the formation of things. But still, what was this extraordinary fortune? Whence proceeded that happy concourse of atoms which gave so sudden a rise to men in the form of Gods? Are we to suppose the divine seed fell from heaven upon earth, and that men sprung up in the likeness of their celestial sires? I wish you would assert it; for I should not be unwilling to acknowledge my relation to the Gods. But you say nothing like it; no, our resemblance to the Gods, it seems, was by chance. Must I now seek for arguments to refute this doctrine seriously? I wish I could as easily discover what is true as I can overthrow what is false.

XXXIII. You have enumerated with so ready a memory, and so copiously, the opinions of philosophers, from Thales the Milesian, concerning the nature of the Gods, that I am surprised to see so much learning in a Roman. But do you think they were all madmen who thought that a Deity could by some possibility exist without hands and feet? Does not even this consideration have weight with you when you consider what is the use and advantage of limbs in men, and lead you to admit that the Gods have no need of them? What necessity can there be of feet, without walking; or of hands, if there is nothing to be grasped? The same may be asked of the other parts of the body, in which nothing is vain, nothing useless, nothing superfluous; therefore we may infer that no art can imitate the skill of nature. Shall the Deity, then, have a tongue, and not speak — teeth, palate, and jaws, though he will have no use for them? Shall the members which nature has given to the body for the sake of generation be useless to the Deity? Nor would the internal parts be less superfluous than the external. What comeliness is there in the heart, the lungs, the liver, and the rest of them, abstracted from their use? I mention these because you place them in the Deity on account of the beauty of the human form.

Depending on these dreams, not only Epicurus, Metrodorus, and Hermachus declaimed against Pythagoras, Plato, and Empedocles, but that little harlot Leontium presumed to write against Theophrastus: indeed, she had a neat Attic style; but yet, to think of her arguing against Theophrastus! So much did the garden of

Epicurus abound with these liberties, and, indeed, you are always complaining against them. Zeno wrangled. Why need I mention Albutius? Nothing could be more elegant or humane than Phædrus; yet a sharp expression would disgust the old man. Epicurus treated Aristotle with great contumely. He foully slandered Phædo, the disciple of Socrates. He pelted Timocrates, the brother of his companion Metrodorus, with whole volumes, because he disagreed with him in some trifling point of philosophy. He was ungrateful even to Democritus, whose follower he was; and his master Nausiphanes, from whom he learned nothing, had no better treatment from him.

XXXIV. Zeno gave abusive language not only to those who were then living, as Apollodorus, Syllus, and the rest, but he called Socrates, who was the father of philosophy, the Attic buffoon, using the Latin word *Scurra*. He never called Chrysippus by any name but Chesippus. And you yourself a little before, when you were numbering up a senate, as we may call them, of philosophers, scrupled not to say that the most eminent men talked like foolish, visionary dotards. Certainly, therefore, if they have all erred in regard to the nature of the Gods, it is to be feared there are no such beings. What you deliver on that head are all whimsical notions, and not worthy the consideration even of old women. For you do not seem to be in the least aware what a task you draw on yourselves, if you should prevail on us to grant that the same form is common to Gods and men. The Deity would then require the same trouble in dressing, and the same care of the body, that mankind does. He must walk, run, lie down, lean, sit, hold, speak, and discourse. You need not be told the consequence of making the Gods male and female.

Therefore I cannot sufficiently wonder how this chief of yours came to entertain these strange opinions. But you constantly insist on the certainty of this tenet, that the Deity is both happy and immortal. Supposing he is so, would his happiness be less perfect if he had not two feet? Or cannot that blessedness or beatitude — call it which you will (they are both harsh terms, but we must mollify them by use) — can it not, I say, exist in that sun, or in this world, or in some eternal mind that has not human shape or limbs? All you say against it is, that you never saw any happiness in the sun or the world. What,

then? Did you ever see any world but this? No, you will say. Why, therefore, do you presume to assert that there are not only six hundred thousand worlds, but that they are innumerable? Reason tells you so. Will not reason tell you likewise that as, in our inquiries into the most excellent nature, we find none but the divine nature can be happy and eternal, so the same divine nature surpasses us in excellence of mind; and as in mind, so in body? Why, therefore, as we are inferior in all other respects, should we be equal in form? For human virtue approaches nearer to the divinity than human form.

XXXV. To return to the subject I was upon. What can be more childish than to assert that there are no such creatures as are generated in the Red Sea or in India? The most curious inquirer cannot arrive at the knowledge of all those creatures which inhabit the earth, sea, fens, and rivers; and shall we deny the existence of them because we never saw them? That similitude which you are so very fond of is nothing to the purpose. Is not a dog like a wolf? And, as Ennius says,

The monkey, filthiest beast, how like to man!

Yet they differ in nature. No beast has more sagacity than an elephant; yet where can you find any of a larger size? I am speaking here of beasts. But among men, do we not see a disparity of manners in persons very much alike, and a similitude of manners in persons unlike? If this sort of argument were once to prevail, Velleius, observe what it would lead to. You have laid it down as certain that reason cannot possibly reside in any but the human form. Another may affirm that it can exist in none but a terrestrial being; in none but a being that is born, that grows up, and receives instruction, and that consists of a soul, and an infirm and perishable body; in short, in none but a mortal man. But if you decline those opinions, why should a single form disturb you? You perceive that man is possessed of reason and understanding, with all the infirmities which I have mentioned interwoven with his being; abstracted from which, you nevertheless know God, you say, if the lineaments do but remain. This is not talking considerately, but at a venture; for surely you did not think what an encumbrance anything superfluous or useless is, not only in a man, but a tree. How troublesome it is to have a finger too much! And why so? Because neither use nor

ornament requires more than five; but your Deity has not only a finger more than he wants, but a head, a neck, shoulders, sides, a paunch, back, hams, hands, feet, thighs, and legs. Are these parts necessary to immortality? Are they conducive to the existence of the Deity? Is the face itself of use? One would rather say so of the brain, the heart, the lights, and the liver; for these are the seats of life. The features of the face contribute nothing to the preservation of it.

XXXVI. You censured those who, beholding those excellent and stupendous works, the world, and its respective parts — the heaven, the earth, the seas — and the splendor with which they are adorned; who, contemplating the sun, moon, and stars; and who, observing the maturity and changes of the seasons, and vicissitudes of times, inferred from thence that there must be some excellent and eminent essence that originally made, and still moves, directs, and governs them. Suppose they should mistake in their conjecture, yet I see what they aim at. But what is that great and noble work which appears to you to be the effect of a divine mind, and from which you conclude that there are Gods? "I have," say you, "a certain information of a Deity imprinted in my mind." Of a bearded Jupiter, I suppose, and a helmeted Minerva.

But do you really imagine them to be such? How much better are the notions of the ignorant vulgar, who not only believe the Deities have members like ours, but that they make use of them; and therefore they assign them a bow and arrows, a spear, a shield, a trident, and lightning; and though they do not behold the actions of the Gods, yet they cannot entertain a thought of a Deity doing nothing. The Egyptians (so much ridiculed) held no beasts to be sacred, except on account of some advantage which they had received from them. The ibis, a very large bird, with strong legs and a horny long beak, destroys a great number of serpents. These birds keep Egypt from pestilential diseases by killing and devouring the flying serpents brought from the deserts of Lybia by the south-west wind, which prevents the mischief that may attend their biting while alive, or any infection when dead. I could speak of the advantage of the ichneumon, the crocodile, and the cat; but I am unwilling to be tedious; yet I will conclude with observing that the barbarians paid divine honors to beasts because of the benefits they received from

them; whereas your Gods not only confer no benefit, but are idle, and do no single act of any description whatever.

XXXVII. “They have nothing to do,” your teacher says. Epicurus truly, like indolent boys, thinks nothing preferable to idleness; yet those very boys, when they have a holiday, entertain themselves in some sportive exercise. But we are to suppose the Deity in such an inactive state that if he should move we may justly fear he would be no longer happy. This doctrine divests the Gods of motion and operation; besides, it encourages men to be lazy, as they are by this taught to believe that the least labor is incompatible even with divine felicity.

But let it be as you would have it, that the Deity is in the form and image of a man. Where is his abode? Where is his habitation? Where is the place where he is to be found? What is his course of life? And what is it that constitutes the happiness which you assert that he enjoys? For it seems necessary that a being who is to be happy must use and enjoy what belongs to him. And with regard to place, even those natures which are inanimate have each their proper stations assigned to them: so that the earth is the lowest; then water is next above the earth; the air is above the water; and fire has the highest situation of all allotted to it. Some creatures inhabit the earth, some the water, and some, of an amphibious nature, live in both. There are some, also, which are thought to be born in fire, and which often appear fluttering in burning furnaces.

In the first place, therefore, I ask you, Where is the habitation of your Deity? Secondly, What motive is it that stirs him from his place, supposing he ever moves? And, lastly, since it is peculiar to animated beings to have an inclination to something that is agreeable to their several natures, what is it that the Deity affects, and to what purpose does he exert the motion of his mind and reason? In short, how is he happy? how eternal? Whichever of these points you touch upon, I am afraid you will come lamely off. For there is never a proper end to reasoning which proceeds on a false foundation; for you asserted likewise that the form of the Deity is perceptible by the mind, but not by sense; that it is neither solid, nor invariable in number; that it is to be discerned by similitude and transition, and that a constant supply of images is perpetually flowing on from

innumerable atoms, on which our minds are intent; so that we from that conclude that divine nature to be happy and everlasting.

XXXVIII. What, in the name of those Deities concerning whom we are now disputing, is the meaning of all this? For if they exist only in thought, and have no solidity nor substance, what difference can there be between thinking of a Hippocentaur and thinking of a Deity? Other philosophers call every such conformation of the mind a vain motion; but you term it "the approach and entrance of images into the mind." Thus, when I imagine that I behold T. Gracchus haranguing the people in the Capitol, and collecting their suffrages concerning M. Octavius, I call that a vain motion of the mind: but you affirm that the images of Gracchus and Octavius are present, which are only conveyed to my mind when they have arrived at the Capitol. The case is the same, you say, in regard to the Deity, with the frequent representation of which the mind is so affected that from thence it may be clearly understood that the Gods are happy and eternal.

Let it be granted that there are images by which the mind is affected, yet it is only a certain form that occurs; and why must that form be pronounced happy? why eternal? But what are those images you talk of, or whence do they proceed? This loose manner of arguing is taken from Democritus; but he is reproved by many people for it; nor can you derive any conclusions from it: the whole system is weak and imperfect. For what can be more improbable than that the images of Homer, Archilochus, Romulus, Numa, Pythagoras, and Plato should come into my mind, and yet not in the form in which they existed? How, therefore, can they be those persons? And whose images are they? Aristotle tells us that there never was such a person as Orpheus the poet; and it is said that the verse called Orphic verse was the invention of Cercops, a Pythagorean; yet Orpheus, that is to say, the image of him, as you will have it, often runs in my head. What is the reason that I entertain one idea of the figure of the same person, and you another? Why do we image to ourselves such things as never had any existence, and which never can have, such as Scyllas and Chimæras? Why do we frame ideas of men, countries, and cities which we never saw? How is it that the very first moment that I choose I can form representations of them in my mind? How is

it that they come to me, even in my sleep, without being called or sought after?

XXXIX. The whole affair, Velleius, is ridiculous. You do not impose images on our eyes only, but on our minds. Such is the privilege which you have assumed of talking nonsense with impunity. But there is, you say, a transition of images flowing on in great crowds in such a way that out of many some one at least must be perceived! I should be ashamed of my incapacity to understand this if you, who assert it, could comprehend it yourselves; for how do you prove that these images are continued in uninterrupted motion? Or, if uninterrupted, still how do you prove them to be eternal? There is a constant supply, you say, of innumerable atoms. But must they, for that reason, be all eternal? To elude this, you have recourse to equilibration (for so, with your leave, I will call your Ἰσονομία), and say that as there is a sort of nature mortal, so there must also be a sort which is immortal. By the same rule, as there are men mortal, there are men immortal; and as some arise from the earth, some must arise from the water also; and as there are causes which destroy, there must likewise be causes which preserve. Be it as you say; but let those causes preserve which have existence themselves. I cannot conceive these your Gods to have any. But how does all this face of things arise from atomic corpuscles? Were there any such atoms (as there are not), they might perhaps impel one another, and be jumbled together in their motion; but they could never be able to impart form, or figure, or color, or animation, so that you by no means demonstrate the immortality of your Deity.

XL. Let us now inquire into his happiness. It is certain that without virtue there can be no happiness; but virtue consists in action: now your Deity does nothing; therefore he is void of virtue, and consequently cannot be happy. What sort of life does he lead? He has a constant supply, you say, of good things, without any intermixture of bad. What are those good things? Sensual pleasures, no doubt; for you know no delight of the mind but what arises from the body, and returns to it. I do not suppose, Velleius, that you are like some of the Epicureans, who are ashamed of those expressions of Epicurus, in which he openly avows that he has no idea of any good separate from wanton and obscene pleasures, which, without a

blush, he names distinctly. What food, therefore, what drink, what variety of music or flowers, what kind of pleasures of touch, what odors, will you offer to the Gods to fill them with pleasures? The poets indeed provide them with banquets of nectar and ambrosia, and a Hebe or a Ganymede to serve up the cup. But what is it, Epicurus, that you do for them? For I do not see from whence your Deity should have those things, nor how he could use them. Therefore the nature of man is better constituted for a happy life than the nature of the Gods, because men enjoy various kinds of pleasures; but you look on all those pleasures as superficial which delight the senses only by a titillation, as Epicurus calls it. Where is to be the end of this trifling? Even Philo, who followed the Academy, could not bear to hear the soft and luscious delights of the Epicureans despised; for with his admirable memory he perfectly remembered and used to repeat many sentences of Epicurus in the very words in which they were written. He likewise used to quote many, which were more gross, from Metrodorus, the sage colleague of Epicurus, who blamed his brother Timocrates because he would not allow that everything which had any reference to a happy life was to be measured by the belly; nor has he said this once only, but often. You grant what I say, I perceive; for you know it to be true. I can produce the books, if you should deny it; but I am not now reproving you for referring all things to the standard of pleasure: that is another question. What I am now showing is, that your Gods are destitute of pleasure; and therefore, according to your own manner of reasoning, they are not happy.

XLI. But they are free from pain. Is that sufficient for beings who are supposed to enjoy all good things and the most supreme felicity? The Deity, they say, is constantly meditating on his own happiness, for he has no other idea which can possibly occupy his mind. Consider a little; reflect what a figure the Deity would make if he were to be idly thinking of nothing through all eternity but “It is very well with me, and I am happy;” nor do I see why this happy Deity should not fear being destroyed, since, without any intermission, he is driven and agitated by an everlasting incursion of atoms, and since images are constantly floating off from him. Your Deity, therefore, is neither happy nor eternal.

Epicurus, it seems, has written books concerning sanctity and piety towards the Gods. But how does he speak on these subjects? You would say that you were listening to Coruncanius or Scævola, the high-priests, and not to a man who tore up all religion by the roots, and who overthrew the temples and altars of the immortal Gods; not, indeed, with hands, like Xerxes, but with arguments; for what reason is there for your saying that men ought to worship the Gods, when the Gods not only do not regard men, but are entirely careless of everything, and absolutely do nothing at all?

But they are, you say, of so glorious and excellent a nature that a wise man is induced by their excellence to adore them. Can there be any glory or excellence in that nature which only contemplates its own happiness, and neither will do, nor does, nor ever did anything? Besides, what piety is due to a being from whom you receive nothing? Or how can you, or any one else, be indebted to him who bestows no benefits? For piety is only justice towards the Gods; but what right have they to it, when there is no communication whatever between the Gods and men? And sanctity is the knowledge of how we ought to worship them; but I do not understand why they are to be worshipped, if we are neither to receive nor expect any good from them.

XLII. And why should we worship them from an admiration only of that nature in which we can behold nothing excellent? and as for that freedom from superstition, which you are in the habit of boasting of so much, it is easy to be free from that feeling when you have renounced all belief in the power of the Gods; unless, indeed, you imagine that Diagoras or Theodorus, who absolutely denied the being of the Gods, could possibly be superstitious. I do not suppose that even Protagoras could, who doubted whether there were Gods or not. The opinions of these philosophers are not only destructive of superstition, which arises from a vain fear of the Gods, but of religion also, which consists in a pious adoration of them.

What think you of those who have asserted that the whole doctrine concerning the immortal Gods was the invention of politicians, whose view was to govern that part of the community by religion which reason could not influence? Are not their opinions subversive of all religion? Or what religion did Prodicus the Chian

leave to men, who held that everything beneficial to human life should be numbered among the Gods? Were not they likewise void of religion who taught that the Deities, at present the object of our prayers and adoration, were valiant, illustrious, and mighty men who arose to divinity after death? Euhemerus, whom our Ennius translated, and followed more than other authors, has particularly advanced this doctrine, and treated of the deaths and burials of the Gods; can he, then, be said to have confirmed religion, or, rather, to have totally subverted it? I shall say nothing of that sacred and august Eleusina, into whose mysteries the most distant nations were initiated, nor of the solemnities in Samothrace, or in Lemnos, secretly resorted to by night, and surrounded by thick and shady groves; which, if they were properly explained, and reduced to reasonable principles, would rather explain the nature of things than discover the knowledge of the Gods.

XLIII. Even that great man Democritus, from whose fountains Epicurus watered his little garden, seems to me to be very inferior to his usual acuteness when speaking about the nature of the Gods. For at one time he thinks that there are images endowed with divinity, inherent in the universality of things; at another, that the principles and minds contained in the universe are Gods; then he attributes divinity to animated images, employing themselves in doing us good or harm; and, lastly, he speaks of certain images of such vast extent that they encompass the whole outside of the universe; all which opinions are more worthy of the country of Democritus than of Democritus himself; for who can frame in his mind any ideas of such images? who can admire them? who can think they merit a religious adoration?

But Epicurus, when he divests the Gods of the power of doing good, extirpates all religion from the minds of men; for though he says the divine nature is the best and the most excellent of all natures, he will not allow it to be susceptible of any benevolence, by which he destroys the chief and peculiar attribute of the most perfect being. For what is better and more excellent than goodness and beneficence? To refuse your Gods that quality is to say that no man is any object of their favor, and no Gods either; that they neither love nor esteem any one; in short, that they not only give themselves no trouble about us, but even look on each other with the greatest indifference.

XLIV. How much more reasonable is the doctrine of the Stoics, whom you censure? It is one of their maxims that the wise are friends to the wise, though unknown to each other; for as nothing is more amiable than virtue, he who possesses it is worthy our love, to whatever country he belongs. But what evils do your principles bring, when you make good actions and benevolence the marks of imbecility! For, not to mention the power and nature of the Gods, you hold that even men, if they had no need of mutual assistance, would be neither courteous nor beneficent. Is there no natural charity in the dispositions of good men? The very name of love, from which friendship is derived, is dear to men; and if friendship is to centre in our own advantage only, without regard to him whom we esteem a

friend, it cannot be called friendship, but a sort of traffic for our own profit. Pastures, lands, and herds of cattle are valued in the same manner on account of the profit we gather from them; but charity and friendship expect no return. How much more reason have we to think that the Gods, who want nothing, should love each other, and employ themselves about us! If it were not so, why should we pray to or adore them? Why do the priests preside over the altars, and the augurs over the auspices? What have we to ask of the Gods, and why do we prefer our vows to them?

But Epicurus, you say, has written a book concerning sanctity. A trifling performance by a man whose wit is not so remarkable in it, as the unrestrained license of writing which he has permitted himself; for what sanctity can there be if the Gods take no care of human affairs? Or how can that nature be called animated which neither regards nor performs anything? Therefore our friend Posidonius has well observed, in his fifth book of the Nature of the Gods, that Epicurus believed there were no Gods, and that what he had said about the immortal Gods was only said from a desire to avoid unpopularity. He could not be so weak as to imagine that the Deity has only the outward features of a simple mortal, without any real solidity; that he has all the members of a man, without the least power to use them — a certain unsubstantial pellucid being, neither favorable nor beneficial to any one, neither regarding nor doing anything. There can be no such being in nature; and as Epicurus said this plainly, he allows the Gods in words, and destroys them in fact; and if the Deity is truly such a being that he shows no favor, no benevolence to mankind, away with him! For why should I entreat him to be propitious? He can be propitious to none, since, as you say, all his favor and benevolence are the effects of imbecility.

BOOK II.

I. When Cotta had thus concluded, Velleius replied: I certainly was inconsiderate to engage in argument with an Academician who is likewise a rhetorician. I should not have feared an Academician without eloquence, nor a rhetorician without that philosophy, however eloquent he might be; for I am never puzzled by an empty flow of words, nor by the most subtle reasonings delivered without any grace of oratory. But you, Cotta, have excelled in both. You only wanted the assembly and the judges. However, enough of this at present. Now, let us hear what Lucilius has to say, if it is agreeable to him.

I had much rather, says Balbus, hear Cotta resume his discourse, and demonstrate the true Gods with the same eloquence which he made use of to explode the false; for, on such a subject, the loose, unsettled doctrine of the Academy does not become a philosopher, a priest, a Cotta, whose opinions should be, like those we hold, firm and certain. Epicurus has been more than sufficiently refuted; but I would willingly hear your own sentiments, Cotta.

Do you forget, replies Cotta, what I at first said — that it is easier for me, especially on this point, to explain what opinions those are which I do not hold, rather than what those are which I do? Nay, even if I did feel some certainty on any particular point, yet, after having been so diffuse myself already, I would prefer now hearing you speak in your turn. I submit, says Balbus, and will be as brief as I possibly can; for as you have confuted the errors of Epicurus, my part in the dispute will be the shorter. Our sect divide the whole question concerning the immortal Gods into four parts. First, they prove that there are Gods; secondly, of what character and nature they are; thirdly, that the universe is governed by them; and, lastly, that they exercise a superintendence over human affairs. But in this present discussion let us confine ourselves to the first two articles, and defer the third and fourth till another opportunity, as they require more time to discuss. By no means, says Cotta, for we have time enough on our hands; besides that, we are now discussing a subject which should be preferred even to serious business.

II. The first point, then, says Lucilius, I think needs no discourse to prove it; for what can be so plain and evident, when we behold the heavens and contemplate the celestial bodies, as the existence of some supreme, divine intelligence, by which all these things are governed? Were it otherwise, Ennius would not, with a universal approbation, have said,

Look up to the refulgent heaven above,
Which all men call, unanimously, Jove.

This is Jupiter, the governor of the world, who rules all things with his nod, and is, as the same Ennius adds,

—— of Gods and men the sire,

an omnipresent and omnipotent God. And if any one doubts this, I really do not understand why the same man may not also doubt whether there is a sun or not. For what can possibly be more evident than this? And if it were not a truth universally impressed on the minds of men, the belief in it would never have been so firm; nor would it have been, as it is, increased by length of years, nor would it have gathered strength and stability through every age. And, in truth, we see that other opinions, being false and groundless, have already fallen into oblivion by lapse of time. Who now believes in Hippocentaurs and Chimæras? Or what old woman is now to be found so weak and ignorant as to stand in fear of those infernal monsters which once so terrified mankind? For time destroys the fictions of error and opinion, while it confirms the determinations of nature and of truth. And therefore it is that, both among us and among other nations, sacred institutions and the divine worship of the Gods have been strengthened and improved from time to time. And this is not to be imputed to chance or folly, but to the frequent appearance of the Gods themselves. In the war with the Latins, when A. Posthumius, the dictator, attacked Octavius Mamilius, the Tusculan, at Regillus, Castor and Pollux were seen fighting in our army on horseback; and since that the same offspring of Tyndarus gave notice of the defeat of Perses; for as P. Vatienus, the grandfather of the present young man of that name, was coming in the night to Rome from his government of Reate, two young men on

white horses appeared to him, and told him that King Perses was that day taken prisoner. This news he carried to the senate, who immediately threw him into prison for speaking inconsiderately on a state affair; but when it was confirmed by letters from Paullus, he was recompensed by the senate with land and immunities. Nor do we forget when the Locrians defeated the people of Crotone, in a great battle on the banks of the river Sagra, that it was known the same day at the Olympic Games. The voices of the Fauns have been often heard, and Deities have appeared in forms so visible that they have compelled every one who is not senseless, or hardened in impiety, to confess the presence of the Gods.

III. What do predictions and foreknowledge of future events indicate, but that such future events are shown, pointed out, portended, and foretold to men? From whence they are called omens, signs, portents, prodigies. But though we should esteem fabulous what is said of Mopsus, Tiresias, Amphiaraus, Calchas, and Helenus (who would not have been delivered down to us as augurs even in fable if their art had been despised), may we not be sufficiently apprised of the power of the Gods by domestic examples? Will not the temerity of P. Claudius, in the first Punic war, affect us? who, when the poultry were let out of the coop and would not feed, ordered them to be thrown into the water, and, joking even upon the Gods, said, with a sneer, "Let them drink, since they will not eat;" which piece of ridicule, being followed by a victory over his fleet, cost him many tears, and brought great calamity on the Roman people. Did not his colleague Junius, in the same war, lose his fleet in a tempest by disregarding the auspices? Claudius, therefore, was condemned by the people, and Junius killed himself. Cœlius says that P. Flaminius, from his neglect of religion, fell at Thrasimenus; a loss which the public severely felt. By these instances of calamity we may be assured that Rome owes her grandeur and success to the conduct of those who were tenacious of their religious duties; and if we compare ourselves to our neighbors, we shall find that we are infinitely distinguished above foreign nations by our zeal for religious ceremonies, though in other things we may be only equal to them, and in other respects even inferior to them.

Ought we to contemn Attius Navius's staff, with which he divided

the regions of the vine to find his sow? I should despise it, if I were not aware that King Hostilius had carried on most important wars in deference to his auguries; but by the negligence of our nobility the discipline of the augury is now omitted, the truth of the auspices despised, and only a mere form observed; so that the most important affairs of the commonwealth, even the wars, on which the public safety depends, are conducted without any auspices; the Peremnia are discussed; no part of the Acumina performed; no select men are called to witness to the military testaments; our generals now begin their wars as soon as they have arranged the Auspicia. The force of religion was so great among our ancestors that some of their commanders have, with their faces veiled, and with the solemn, formal expressions of religion, sacrificed themselves to the immortal Gods to save their country. I could mention many of the Sibylline prophecies, and many answers of the haruspices, to confirm those things, which ought not to be doubted.

IV. For example: our augurs and the Etrurian haruspices saw the truth of their art established when P. Scipio and C. Figulus were consuls; for as Tiberius Gracchus, who was a second time consul, wished to proceed to a fresh election, the first Rogator, as he was collecting the suffrages, fell down dead on the spot. Gracchus nevertheless went on with the assembly, but perceiving that this accident had a religious influence on the people, he brought the affair before the senate. The senate thought fit to refer it to those who usually took cognizance of such things. The haruspices were called, and declared that the man who had acted as Rogator of the assembly had no right to do so; to which, as I have heard my father say, he replied with great warmth, Have I no right, who am consul, and augur, and favored by the Auspicia? And shall you, who are Tuscans and Barbarians, pretend that you have authority over the Roman Auspicia, and a right to give judgment in matters respecting the formality of our assemblies? Therefore, he then commanded them to withdraw; but not long afterward he wrote from his province to the college of augurs, acknowledging that in reading the books he remembered that he had illegally chosen a place for his tent in the gardens of Scipio, and had afterward entered the Pomœrium, in order to hold a senate, but that in repassing the same Pomœrium he had

forgotten to take the auspices; and that, therefore, the consuls had been created informally. The augurs laid the case before the senate. The senate decreed that they should resign their charge, and so they accordingly abdicated. What greater example need we seek for? The wisest, perhaps the most excellent of men, chose to confess his fault, which he might have concealed, rather than leave the public the least atom of religious guilt; and the consuls chose to quit the highest office in the State, rather than fill it for a moment in defiance of religion. How great is the reputation of the augurs!

And is not the art of the soothsayers divine? And must not every one who sees what innumerable instances of the same kind there are confess the existence of the Gods? For they who have interpreters must certainly exist themselves; now, there are interpreters of the Gods; therefore we must allow there are Gods. But it may be said, perhaps, that all predictions are not accomplished. We may as well conclude there is no art of physic, because all sick persons do not recover. The Gods show us signs of future events; if we are occasionally deceived in the results, it is not to be imputed to the nature of the Gods, but to the conjectures of men. All nations agree that there are Gods; the opinion is innate, and, as it were, engraved in the minds of all men. The only point in dispute among us is, what they are.

V. Their existence no one denies. Cleanthes, one of our sect, imputes the way in which the idea of the Gods is implanted in the minds of men to four causes. The first is that which I just now mentioned — the foreknowledge of future things. The second is the great advantages which we enjoy from the temperature of the air, the fertility of the earth, and the abundance of various benefits of other kinds. The third cause is deduced from the terror with which the mind is affected by thunder, tempests, storms, snow, hail, devastation, pestilence, earthquakes often attended with hideous noises, showers of stones, and rain like drops of blood; by rocks and sudden openings of the earth; by monstrous births of men and beasts; by meteors in the air, and blazing stars, by the Greeks called *cometæ*, by us *crinitæ*, the appearance of which, in the late Octavian war, were foreboders of great calamities; by two suns, which, as I have heard my father say, happened in the consulate of Tuditanus and

Aquillius, and in which year also another sun (P. Africanus) was extinguished. These things terrified mankind, and raised in them a firm belief of the existence of some celestial and divine power.

His fourth cause, and that the strongest, is drawn from the regularity of the motion and revolution of the heavens, the distinctness, variety, beauty, and order of the sun, moon, and all the stars, the appearance only of which is sufficient to convince us they are not the effects of chance; as when we enter into a house, or school, or court, and observe the exact order, discipline, and method of it, we cannot suppose that it is so regulated without a cause, but must conclude that there is some one who commands, and to whom obedience is paid. It is quite impossible for us to avoid thinking that the wonderful motions, revolutions, and order of those many and great bodies, no part of which is impaired by the countless and infinite succession of ages, must be governed and directed by some supreme intelligent being.

VI. Chrysippus, indeed, had a very penetrating genius; yet such is the doctrine which he delivers, that he seems rather to have been instructed by nature than to owe it to any discovery of his own. "If," says he, "there is anything in the universe which no human reason, ability, or power can make, the being who produced it must certainly be preferable to man. Now, celestial bodies, and all those things which proceed in any eternal order, cannot be made by man; the being who made them is therefore preferable to man. What, then, is that being but a God? If there be no such thing as a Deity, what is there better than man, since he only is possessed of reason, the most excellent of all things? But it is a foolish piece of vanity in man to think there is nothing preferable to him. There is, therefore, something preferable; consequently, there is certainly a God."

When you behold a large and beautiful house, surely no one can persuade you it was built for mice and weasels, though you do not see the master; and would it not, therefore, be most manifest folly to imagine that a world so magnificently adorned, with such an immense variety of celestial bodies of such exquisite beauty, and that the vast sizes and magnitude of the sea and land were intended as the abode of man, and not as the mansion of the immortal Gods? Do we not also plainly see this, that all the most elevated regions are the

best, and that the earth is the lowest region, and is surrounded with the grossest air? so that as we perceive that in some cities and countries the capacities of men are naturally duller, from the thickness of the climate, so mankind in general are affected by the heaviness of the air which surrounds the earth, the grossest region of the world.

Yet even from this inferior intelligence of man we may discover the existence of some intelligent agent that is divine, and wiser than ourselves; for, as Socrates says in Xenophon, from whence had man his portion of understanding? And, indeed, if any one were to push his inquiries about the moisture and heat which is diffused through the human body, and the earthy kind of solidity existing in our entrails, and that soul by which we breathe, and to ask whence we derived them, it would be plain that we have received one thing from the earth, another from liquid, another from fire, and another from that air which we inhale every time that we breathe.

VII. But where did we find that which excels all these things — I mean reason, or (if you please, in other terms) the mind, understanding, thought, prudence; and from whence did we receive it? Shall the world be possessed of every other perfection, and be destitute of this one, which is the most important and valuable of all? But certainly there is nothing better, or more excellent, or more beautiful than the world; and not only there is nothing better, but we cannot even conceive anything superior to it; and if reason and wisdom are the greatest of all perfections, they must necessarily be a part of what we all allow to be the most excellent.

Who is not compelled to admit the truth of what I assert by that agreeable, uniform, and continued agreement of things in the universe? Could the earth at one season be adorned with flowers, at another be covered with snow? Or, if such a number of things regulated their own changes, could the approach and retreat of the sun in the summer and winter solstices be so regularly known and calculated? Could the flux and reflux of the sea and the height of the tides be affected by the increase or wane of the moon? Could the different courses of the stars be preserved by the uniform movement of the whole heaven? Could these things subsist, I say, in such a harmony of all the parts of the universe without the continued

influence of a divine spirit?

If these points are handled in a free and copious manner, as I purpose to do, they will be less liable to the cavils of the Academics; but the narrow, confined way in which Zeno reasoned upon them laid them more open to objection; for as running streams are seldom or never tainted, while standing waters easily grow corrupt, so a fluency of expression washes away the censures of the caviller, while the narrow limits of a discourse which is too concise is almost defenceless; for the arguments which I am enlarging upon are thus briefly laid down by Zeno:

VIII. "That which reasons is superior to that which does not; nothing is superior to the world; the world, therefore, reasons." By the same rule the world may be proved to be wise, happy, and eternal; for the possession of all these qualities is superior to the want of them; and nothing is superior to the world; the inevitable consequence of which argument is, that the world, therefore, is a Deity. He goes on: "No part of anything void of sense is capable of perception; some parts of the world have perception; the world, therefore, has sense." He proceeds, and pursues the argument closely. "Nothing," says he, "that is destitute itself of life and reason can generate a being possessed of life and reason; but the world does generate beings possessed of life and reason; the world, therefore, is not itself destitute of life and reason."

He concludes his argument in his usual manner with a simile: "If well-tuned pipes should spring out of the olive, would you have the slightest doubt that there was in the olive-tree itself some kind of skill and knowledge? Or if the plane-tree could produce harmonious lutes, surely you would infer, on the same principle, that music was contained in the plane-tree. Why, then, should we not believe the world is a living and wise being, since it produces living and wise beings out of itself?"

IX. But as I have been insensibly led into a length of discourse beyond my first design (for I said that, as the existence of the Gods was evident to all, there was no need of any long oration to prove it), I will demonstrate it by reasons deduced from the nature of things. For it is a fact that all beings which take nourishment and increase contain in themselves a power of natural heat, without which they

could neither be nourished nor increase. For everything which is of a warm and fiery character is agitated and stirred up by its own motion. But that which is nourished and grows is influenced by a certain regular and equable motion. And as long as this motion remains in us, so long does sense and life remain; but the moment that it abates and is extinguished, we ourselves decay and perish.

By arguments like these, Cleanthes shows how great is the power of heat in all bodies. He observes that there is no food so gross as not to be digested in a night and a day; and that even in the excrementitious parts, which nature rejects, there remains a heat. The veins and arteries seem, by their continual quivering, to resemble the agitation of fire; and it has often been observed when the heart of an animal is just plucked from the body that it palpitates with such visible motion as to resemble the rapidity of fire. Everything, therefore, that has life, whether it be animal or vegetable, owes that life to the heat inherent in it; it is this nature of heat which contains in itself the vital power which extends throughout the whole world. This will appear more clearly on a more close explanation of this fiery quality, which pervades all things.

Every division, then, of the world (and I shall touch upon the most considerable) is sustained by heat; and first it may be observed in earthly substances that fire is produced from stones by striking or rubbing one against another; that "the warm earth smokes" when just turned up, and that water is drawn warm from well-springs; and this is most especially the case in the winter season, because there is a great quantity of heat contained in the caverns of the earth; and this becomes more dense in the winter, and on that account confines more closely the innate heat which is discoverable in the earth.

X. It would require a long dissertation, and many reasons would require to be adduced, to show that all the seeds which the earth conceives, and all those which it contains having been generated from itself, and fixed in roots and trunks, derive all their origin and increase from the temperature and regulation of heat. And that even every liquor has a mixture of heat in it is plainly demonstrated by the effusion of water; for it would not congeal by cold, nor become solid, as ice or snow, and return again to its natural state, if it were not that, when heat is applied to it, it again becomes liquefied and dissolved,

and so diffuses itself. Therefore, by northern and other cold winds it is frozen and hardened, and in turn it dissolves and melts again by heat. The seas likewise, we find, when agitated by winds, grow warm, so that from this fact we may understand that there is heat included in that vast body of water; for we cannot imagine it to be external and adventitious heat, but such as is stirred up by agitation from the deep recesses of the seas; and the same thing takes place with respect to our bodies, which grow warm with motion and exercise.

And the very air itself, which indeed is the coldest element, is by no means void of heat; for there is a great quantity, arising from the exhalations of water, which appears to be a sort of steam occasioned by its internal heat, like that of boiling liquors. The fourth part of the universe is entirely fire, and is the source of the salutary and vital heat which is found in the rest. From hence we may conclude that, as all parts of the world are sustained by heat, the world itself also has such a great length of time subsisted from the same cause; and so much the more, because we ought to understand that that hot and fiery principle is so diffused over universal nature that there is contained in it a power and cause of generation and procreation, from which all animate beings, and all those creatures of the vegetable world, the roots of which are contained in the earth, must inevitably derive their origin and their increase.

XI. It is nature, consequently, that continues and preserves the world, and that, too, a nature which is not destitute of sense and reason; for in every essence that is not simple, but composed of several parts, there must be some predominant quality — as, for instance, the mind in man, and in beasts something resembling it, from which arise all the appetites and desires for anything. As for trees, and all the vegetable produce of the earth, it is thought to be in their roots. I call that the predominant quality, which the Greeks call ἡγεμονικόν; which must and ought to be the most excellent quality, wherever it is found. That, therefore, in which the prevailing quality of all nature resides must be the most excellent of all things, and most worthy of the power and pre-eminence over all things.

Now, we see that there is nothing in being that is not a part of the universe; and as there are sense and reason in the parts of it, there

must therefore be these qualities, and these, too, in a more energetic and powerful degree, in that part in which the predominant quality of the world is found. The world, therefore, must necessarily be possessed of wisdom; and that element, which embraces all things, must excel in perfection of reason. The world, therefore, is a God, and the whole power of the world is contained in that divine element.

The heat also of the world is more pure, clear, and lively, and, consequently, better adapted to move the senses than the heat allotted to us; and it vivifies and preserves all things within the compass of our knowledge.

It is absurd, therefore, to say that the world, which is endued with a perfect, free, pure, spirituous, and active heat, is not sensitive, since by this heat men and beasts are preserved, and move, and think; more especially since this heat of the world is itself the sole principle of agitation, and has no external impulse, but is moved spontaneously; for what can be more powerful than the world, which moves and raises that heat by which it subsists?

XII. For let us listen to Plato, who is regarded as a God among philosophers. He says that there are two sorts of motion, one innate and the other external; and that that which is moved spontaneously is more divine than that which is moved by another power. This self-motion he places in the mind alone, and concludes that the first principle of motion is derived from the mind. Therefore, since all motion arises from the heat of the world, and that heat is not moved by the effect of any external impulse, but of its own accord, it must necessarily be a mind; from whence it follows that the world is animated.

On such reasoning is founded this opinion, that the world is possessed of understanding, because it certainly has more perfections in itself than any other nature; for as there is no part of our bodies so considerable as the whole of us, so it is clear that there is no particular portion of the universe equal in magnitude to the whole of it; from whence it follows that wisdom must be an attribute of the world; otherwise man, who is a part of it, and possessed of reason, would be superior to the entire world.

And thus, if we proceed from the first rude, unfinished natures to the most superior and perfect ones, we shall inevitably come at last

to the nature of the Gods. For, in the first place, we observe that those vegetables which are produced out of the earth are supported by nature, and she gives them no further supply than is sufficient to preserve them by nourishing them and making them grow. To beasts she has given sense and motion, and a faculty which directs them to what is wholesome, and prompts them to shun what is noxious to them. On man she has conferred a greater portion of her favor; inasmuch as she has added reason, by which he is enabled to command his passions, to moderate some, and to subdue others.

XIII. In the fourth and highest degree are those beings which are naturally wise and good, who from the first moment of their existence are possessed of right and consistent reason, which we must consider superior to man and deserving to be attributed to a God; that is to say, to the world, in which it is inevitable that that perfect and complete reason should be inherent. Nor is it possible that it should be said with justice that there is any arrangement of things in which there cannot be something entire and perfect. For as in a vine or in beasts we see that nature, if not prevented by some superior violence, proceeds by her own appropriate path to her destined end; and as in painting, architecture, and the other arts there is a point of perfection which is attainable, and occasionally attained, so it is even much more necessary that in universal nature there must be some complete and perfect result arrived at. Many external accidents may happen to all other natures which may impede their progress to perfection, but nothing can hinder universal nature, because she is herself the ruler and governor of all other natures. That, therefore, must be the fourth and most elevated degree to which no other power can approach.

But this degree is that on which the nature of all things is placed; and since she is possessed of this, and she presides over all things, and is subject to no possible impediment, the world must necessarily be an intelligent and even a wise being. But how marvellously great is the ignorance of those men who dispute the perfection of that nature which encircles all things; or who, allowing it to be infinitely perfect, yet deny it to be, in the first place, animated, then reasonable, and, lastly, prudent and wise! For how without these qualities could it be infinitely perfect? If it were like vegetables, or even like beasts,

there would be no more reason for thinking it extremely good than extremely bad; and if it were possessed of reason, and had not wisdom from the beginning, the world would be in a worse condition than man; for man may grow wise, but the world, if it were destitute of wisdom through an infinite space of time past, could never acquire it. Thus it would be worse than man. But as that is absurd to imagine, the world must be esteemed wise from all eternity, and consequently a Deity: since there is nothing existing that is not defective, except the universe, which is well provided, and fully complete and perfect in all its numbers and parts.

XIV. For Chrysippus says, very acutely, that as the case is made for the buckler, and the scabbard for the sword, so all things, except the universe, were made for the sake of something else. As, for instance, all those crops and fruits which the earth produces were made for the sake of animals, and animals for man; as, the horse for carrying, the ox for the plough, the dog for hunting and for a guard. But man himself was born to contemplate and imitate the world, being in no wise perfect, but, if I may so express myself, a particle of perfection; but the world, as it comprehends all, and as nothing exists that is not contained in it, is entirely perfect. In what, therefore, can it be defective, since it is perfect? It cannot want understanding and reason, for they are the most desirable of all qualities. The same Chrysippus observes also, by the use of similitudes, that everything in its kind, when arrived at maturity and perfection, is superior to that which is not — as, a horse to a colt, a dog to a puppy, and a man to a boy — so whatever is best in the whole universe must exist in some complete and perfect being. But nothing is more perfect than the world, and nothing better than virtue. Virtue, therefore, is an attribute of the world. But human nature is not perfect, and nevertheless virtue is produced in it: with how much greater reason, then, do we conceive it to be inherent in the world! Therefore the world has virtue, and it is also wise, and consequently a Deity.

XV. The divinity of the world being now clearly perceived, we must acknowledge the same divinity to be likewise in the stars, which are formed from the lightest and purest part of the ether, without a mixture of any other matter; and, being altogether hot and transparent, we may justly say they have life, sense, and

understanding. And Cleanthes thinks that it may be established by the evidence of two of our senses — feeling and seeing — that they are entirely fiery bodies; for the heat and brightness of the sun far exceed any other fire, inasmuch as it enlightens the whole universe, covering such a vast extent of space, and its power is such that we perceive that it not only warms, but often even burns: neither of which it could do if it were not of a fiery quality. Since, then, says he, the sun is a fiery body, and is nourished by the vapors of the ocean (for no fire can continue without some sustenance), it must be either like that fire which we use to warm us and dress our food, or like that which is contained in the bodies of animals.

And this fire, which the convenience of life requires, is the devourer and consumer of everything, and throws into confusion and destroys whatever it reaches. On the contrary, the corporeal heat is full of life, and salutary; and vivifies, preserves, cherishes, increases, and sustains all things, and is productive of sense; therefore, says he, there can be no doubt which of these fires the sun is like, since it causes all things in their respective kinds to flourish and arrive to maturity; and as the fire of the sun is like that which is contained in the bodies of animated beings, the sun itself must likewise be animated, and so must the other stars also, which arise out of the celestial ardor that we call the sky, or firmament.

As, then, some animals are generated in the earth, some in the water, and some in the air, Aristotle thinks it ridiculous to imagine that no animal is formed in that part of the universe which is the most capable to produce them. But the stars are situated in the ethereal space; and as this is an element the most subtle, whose motion is continual, and whose force does not decay, it follows, of necessity, that every animated being which is produced in it must be endowed with the quickest sense and the swiftest motion. The stars, therefore, being there generated, it is a natural inference to suppose them endued with such a degree of sense and understanding as places them in the rank of Gods.

XVI. For it may be observed that they who inhabit countries of a pure, clear air have a quicker apprehension and a readier genius than those who live in a thick, foggy climate. It is thought likewise that the nature of a man's diet has an effect on the mind; therefore it is

probable that the stars are possessed of an excellent understanding, inasmuch as they are situated in the ethereal part of the universe, and are nourished by the vapors of the earth and sea, which are purified by their long passage to the heavens. But the invariable order and regular motion of the stars plainly manifest their sense and understanding; for all motion which seems to be conducted with reason and harmony supposes an intelligent principle, that does not act blindly, or inconsistently, or at random. And this regularity and consistent course of the stars from all eternity indicates not any natural order, for it is pregnant with sound reason, not fortune (for fortune, being a friend to change, despises consistency). It follows, therefore, that they move spontaneously by their own sense and divinity.

Aristotle also deserves high commendation for his observation that everything that moves is either put in motion by natural impulse, or by some external force, or of its own accord; and that the sun, and moon, and all the stars move; but that those things which are moved by natural impulse are either borne downward by their weight, or upward by their lightness; neither of which things could be the case with the stars, because they move in a regular circle and orbit. Nor can it be said that there is some superior force which causes the stars to be moved in a manner contrary to nature. For what superior force can there be? It follows, therefore, that their motion must be voluntary. And whoever is convinced of this must discover not only great ignorance, but great impiety likewise, if he denies the existence of the Gods; nor is the difference great whether a man denies their existence, or deprives them of all design and action; for whatever is wholly inactive seems to me not to exist at all. Their existence, therefore, appears so plain that I can scarcely think that man in his senses who denies it.

XVII. It now remains that we consider what is the character of the Gods. Nothing is more difficult than to divert our thoughts and judgment from the information of our corporeal sight, and the view of objects which our eyes are accustomed to; and it is this difficulty which has had such an influence on the unlearned, and on philosophers also who resembled the unlearned multitude, that they have been unable to form any idea of the immortal Gods except

under the clothing of the human figure; the weakness of which opinion Cotta has so well confuted that I need not add my thoughts upon it. But as the previous idea which we have of the Deity comprehends two things — first of all, that he is an animated being; secondly, that there is nothing in all nature superior to him — I do not see what can be more consistent with this idea and preconception than to attribute a mind and divinity to the world, the most excellent of all beings.

Epicurus may be as merry with this notion as he pleases; a man not the best qualified for a joker, as not having the wit and sense of his country. Let him say that a voluble round Deity is to him incomprehensible; yet he shall never dissuade me from a principle which he himself approves, for he is of opinion there are Gods when he allows that there must be a nature excellently perfect. But it is certain that the world is most excellently perfect: nor is it to be doubted that whatever has life, sense, reason, and understanding must excel that which is destitute of these things. It follows, then, that the world has life, sense, reason, and understanding, and is consequently a Deity. But this shall soon be made more manifest by the operation of these very things which the world causes.

XVIII. In the mean while, Velleius, let me entreat you not to be always saying that we are utterly destitute of every sort of learning. The cone, you say, the cylinder, and the pyramid, are more beautiful to you than the sphere. This is to have different eyes from other men. But suppose they are more beautiful to the sight only, which does not appear to me, for I can see nothing more beautiful than that figure which contains all others, and which has nothing rough in it, nothing offensive, nothing cut into angles, nothing broken, nothing swelling, and nothing hollow; yet as there are two forms most esteemed, the globe in solids (for so the Greek word σφαῖρα, I think, should be construed), and the circle, or orb, in planes (in Greek, κύκλος); and as they only have an exact similitude of parts in which every extreme is equally distant from the centre, what can we imagine in nature to be more just and proper? But if you have never raked into this learned dust to find out these things, surely, at all events, you natural philosophers must know that equality of motion and invariable order could not be preserved in any other figure. Nothing, therefore, can be

more illiterate than to assert, as you are in the habit of doing, that it is doubtful whether the world is round or not, because it may possibly be of another shape, and that there are innumerable worlds of different forms; which Epicurus, if he ever had learned that two and two are equal to four, would not have said. But while he judges of what is best by his palate, he does not look up to the "palace of heaven," as Ennius calls it.

XIX. For as there are two sorts of stars, one kind of which measure their journey from east to west by immutable stages, never in the least varying from their usual course, while the other completes a double revolution with an equally constant regularity; from each of these facts we demonstrate the volubility of the world (which could not possibly take place in any but a globular form) and the circular orbits of the stars. And first of all the sun, which has the chief rank among all the stars, is moved in such a manner that it fills the whole earth with its light, and illuminates alternately one part of the earth, while it leaves the other in darkness. The shadow of the earth interposing causes night; and the intervals of night are equal to those of day. And it is the regular approaches and retreats of the sun from which arise the regulated degrees of cold and heat. His annual circuit is in three hundred and sixty-five days, and nearly six hours more. At one time he bends his course to the north, at another to the south, and thus produces summer and winter, with the other two seasons, one of which succeeds the decline of winter, and the other that of summer. And so to these four changes of the seasons we attribute the origin and cause of all the productions both of sea and land.

The moon completes the same course every month which the sun does in a year. The nearer she approaches to the sun, the dimmer light does she yield, and when most remote from it she shines with the fullest brilliancy; nor are her figure and form only changed in her wane, but her situation likewise, which is sometimes in the north and sometimes in the south. By this course she has a sort of summer and winter solstices; and by her influence she contributes to the nourishment and increase of animated beings, and to the ripeness and maturity of all vegetables.

XX. But most worthy our admiration is the motion of those five

stars which are falsely called wandering stars; for they cannot be said to wander which keep from all eternity their approaches and retreats, and have all the rest of their motions, in one regular constant and established order. What is yet more wonderful in these stars which we are speaking of is that sometimes they appear, and sometimes they disappear; sometimes they advance towards the sun, and sometimes they retreat; sometimes they precede him, and sometimes follow him; sometimes they move faster, sometimes slower, and sometimes they do not stir in the least, but for a while stand still. From these unequal motions of the planets, mathematicians have called that the "great year" in which the sun, moon, and five wandering stars, having finished their revolutions, are found in their original situation. In how long a time this is effected is much disputed, but it must be a certain and definite period. For the planet Saturn (called by the Greeks Φαίνον), which is farthest from the earth, finishes his course in about thirty years; and in his course there is something very singular, for sometimes he moves before the sun, sometimes he keeps behind it; at one time lying hidden in the night, at another again appearing in the morning; and ever performing the same motions in the same space of time without any alteration, so as to be for infinite ages regular in these courses. Beneath this planet, and nearer the earth, is Jupiter, called Φαέθων, which passes the same orbit of the twelve signs in twelve years, and goes through exactly the same variety in its course that the star of Saturn does. Next to Jupiter is the planet Mars (in Greek, Πυρόεις), which finishes its revolution through the same orbit as the two previously mentioned, in twenty-four months, wanting six days, as I imagine. Below this is Mercury (called by the Greeks Στίλβων), which performs the same course in little less than a year, and is never farther distant from the sun than the space of one sign, whether it precedes or follows it. The lowest of the five planets, and nearest the earth, is that of Venus (called in Greek Φωσφόρος). Before the rising of the sun, it is called the morning-star, and after the setting, the evening-star. It has the same revolution through the zodiac, both as to latitude and longitude, with the other planets, in a year, and never is more than two signs from the sun, whether it precedes or follows it.

XXI. I cannot, therefore, conceive that this constant course of the planets, this just agreement in such various motions through all eternity, can be preserved without a mind, reason, and consideration; and since we may perceive these qualities in the stars, we cannot but place them in the rank of Gods. Those which are called the fixed stars have the same indications of reason and prudence. Their motion is daily, regular, and constant. They do not move with the sky, nor have they an adhesion to the firmament, as they who are ignorant of natural philosophy affirm. For the sky, which is thin, transparent, and suffused with an equal heat, does not seem by its nature to have power to whirl about the stars, or to be proper to contain them. The fixed stars, therefore, have their own sphere, separate and free from any conjunction with the sky. Their perpetual courses, with that admirable and incredible regularity of theirs, so plainly declare a divine power and mind to be in them, that he who cannot perceive that they are also endowed with divine power must be incapable of all perception whatever.

In the heavens, therefore, there is nothing fortuitous, unadvised, inconstant, or variable: all there is order, truth, reason, and constancy; and all the things which are destitute of these qualities are counterfeit, deceitful, and erroneous, and have their residence about the earth beneath the moon, the lowest of all the planets. He, therefore, who believes that this admirable order and almost incredible regularity of the heavenly bodies, by which the preservation and entire safety of all things is secured, is destitute of intelligence, must be considered to be himself wholly destitute of all intellect whatever.

I think, then, I shall not deceive myself in maintaining this dispute upon the principle of Zeno, who went the farthest in his search after truth.

XXII. Zeno, then, defines nature to be “an artificial fire, proceeding in a regular way to generation;” for he thinks that to create and beget are especial properties of art, and that whatever may be wrought by the hands of our artificers is much more skilfully performed by nature, that is, by this artificial fire, which is the master of all other arts.

According to this manner of reasoning, every particular nature is

artificial, as it operates agreeably to a certain method peculiar to itself; but that universal nature which embraces all things is said by Zeno to be not only artificial, but absolutely the artificer, ever thinking and providing all things useful and proper; and as every particular nature owes its rise and increase to its own proper seed, so universal nature has all her motions voluntary, has affections and desires (by the Greeks called ὁρμὰς) productive of actions agreeable to them, like us, who have sense and understanding to direct us. Such, then, is the intelligence of the universe; for which reason it may be properly termed prudence or providence (in Greek, πρόνοια), since her chiefest care and employment is to provide all things fit for its duration, that it may want nothing, and, above all, that it may be adorned with all perfection of beauty and ornament.

XXIII. Thus far have I spoken concerning the universe, and also of the stars; from whence it is apparent that there is almost an infinite number of Gods, always in action, but without labor or fatigue; for they are not composed of veins, nerves, and bones; their food and drink are not such as cause humors too gross or too subtle; nor are their bodies such as to be subject to the fear of falls or blows, or in danger of diseases from a weariness of limbs. Epicurus, to secure his Gods from such accidents, has made them only outlines of Deities, void of action; but our Gods being of the most beautiful form, and situated in the purest region of the heavens, dispose and rule their course in such a manner that they seem to contribute to the support and preservation of all things.

Besides these, there are many other natures which have with reason been deified by the wisest Grecians, and by our ancestors, in consideration of the benefits derived from them; for they were persuaded that whatever was of great utility to human kind must proceed from divine goodness, and the name of the Deity was applied to that which the Deity produced, as when we call corn Ceres, and wine Bacchus; whence that saying of Terence,

Without Ceres and Bacchus, Venus starves.

And any quality, also, in which there was any singular virtue was nominated a Deity, such as Faith and Wisdom, which are placed among the divinities in the Capitol; the last by Æmilius Scaurus, but Faith was consecrated before by Atilius Calatinus. You see the temple of Virtue and that of Honor repaired by M. Marcellus, erected formerly, in the Ligurian war, by Q. Maximus. Need I mention those dedicated to Help, Safety, Concord, Liberty, and Victory, which have been called Deities, because their efficacy has been so great that it could not have proceeded from any but from some divine power? In like manner are the names of Cupid, Voluptas, and of Lubentine Venus consecrated, though they were things vicious and not natural, whatever Velleius may think to the contrary, for they frequently stimulate nature in too violent a manner. Everything, then, from which any great utility proceeded was deified; and, indeed, the names I have just now mentioned are declaratory of the particular virtue of each Deity.

XXIV. It has been a general custom likewise, that men who have done important service to the public should be exalted to heaven by fame and universal consent. Thus Hercules, Castor and Pollux, Æsculapius, and Liber became Gods (I mean Liber the son of Semele, and not him whom our ancestors consecrated in such state and solemnity with Ceres and Libera; the difference in which may be seen in our Mysteries. But because the offsprings of our bodies are called "Liberi" (children), therefore the offsprings of Ceres are called Liber and Libera (Libera is the feminine, and Liber the masculine); thus likewise Romulus, or Quirinus — for they are thought to be the same — became a God.

They are justly esteemed as Deities, since their souls subsist and enjoy eternity, from whence they are perfect and immortal beings.

There is another reason, too, and that founded on natural philosophy, which has greatly contributed to the number of Deities; namely, the custom of representing in human form a crowd of Gods who have supplied the poets with fables, and filled mankind with all sorts of superstition. Zeno has treated of this subject, but it has been discussed more at length by Cleanthes and Chrysippus. All Greece was of opinion that Cœlum was castrated by his son Saturn, and that Saturn was chained by his son Jupiter. In these impious fables, a physical and not inelegant meaning is contained; for they would denote that the celestial, most exalted, and ethereal nature — that is, the fiery nature, which produces all things by itself — is destitute of that part of the body which is necessary for the act of generation by conjunction with another.

XXV. By Saturn they mean that which comprehends the course and revolution of times and seasons; the Greek name for which Deity implies as much, for he is called 279Κρόνος, which is the same with Χρόνος, that is, a "space of time." But he is called Saturn, because he is filled (*saturatur*) with years; and he is usually feigned to have devoured his children, because time, ever insatiable, consumes the rolling years; but to restrain him from immoderate haste, Jupiter has confined him to the course of the stars, which are as chains to him. Jupiter (that is, *juvans pater*) signifies a "helping father," whom, by changing the cases, we call Jove, *a juvando*. The poets call him "father of Gods and men;" and our ancestors "the most good, the

most great;" and as there is something more glorious in itself, and more agreeable to others, to be good (that is, beneficent) than to be great, the title of "most good" precedes that of "most great." This, then, is he whom Ennius means in the following passage, before quoted —

Look up to the refulgent heaven above,
Which all men call, unanimously, Jove:

which is more plainly expressed than in this other passage of the same poet —

On whose account I'll curse that flood of light,
Whate'er it is above that shines so bright.

Our augurs also mean the same, when, for the "thundering and lightning heaven," they say the "thundering and lightning Jove." Euripides, among many excellent things, has this:

The vast, expanded, boundless sky behold,
See it with soft embrace the earth enfold;
This own the chief of Deities above,
And this acknowledge by the name of Jove.

XXVI. The air, according to the Stoics, which is between the sea and the heaven, is consecrated by the name of Juno, and is called the sister and wife of Jove, because it resembles the sky, and is in close conjunction with it. They have made it feminine, because there is nothing softer. But I believe it is called Juno, *a juvando* (from helping).

To make three separate kingdoms, by fable, there remained yet the water and the earth. The dominion of the sea is given, therefore, to Neptune, a brother, as he is called, of Jove; whose name, Neptunus — as *Portunus, a portu*, from a port — is derived *a nando* (from swimming), the first letters being a little changed. The sovereignty and power over the earth is the portion of a God, to whom we, as well as the Greeks, have given a name that denotes riches (in Latin, *Dis*; in Greek, Πλούτων), because all things arise from the earth and return to it. He forced away Proserpine (in Greek called Περσεφόνη), by which the poets mean the "seed of corn," from whence comes their fiction of Ceres, the mother of Proserpine, seeking for her daughter, who was hidden from her. She is called Ceres, which is the same as Geres — *a gerendis frugibus*—"from bearing fruit," the first

letter of the word being altered after the manner of the Greeks, for by them she is called Δημήτηρ, the same as Γημήτηρ. Again, he (*qui magna vorteret*) "who brings about mighty changes" is called Mavors; and Minerva is so called because (*minueret*, or *minaretur*) she diminishes or menaces.

XXVII. And as the beginnings and endings of all things are of the greatest importance, therefore they would have their sacrifices to begin with Janus. His name is derived *ab eundo*, from passing; from whence thorough passages are called *jani*, and the outward doors of common houses are called *januæ*. The name of Vesta is, from the Greeks, the same with their Ἑστία. Her province is over altars and hearths; and in the name of this Goddess, who is the keeper of all things within, prayers and sacrifices are concluded. The *Dii Penates*, "household Gods," have some affinity with this power, and are so called either from *penus*, 281"all kind of human provisions," or because *penitus insident* (they reside within), from which, by the poets, they are called *penetrales* also. Apollo, a Greek name, is called *Sol*, the sun; and Diana, *Luna*, the moon. The sun (*sol*) is so named either because he is *solus* (alone), so eminent above all the stars; or because he obscures all the stars, and appears alone as soon as he rises. *Luna*, the moon, is so called *a lucendo* (from shining); she bears the name also of Lucina: and as in Greece the women in labor invoke Diana Lucifera, so here they invoke Juno Lucina. She is likewise called Diana *omnivaga*, not *a venando* (from hunting), but because she is reckoned one of the seven stars that seem to wander. She is called Diana because she makes a kind of day of the night; and presides over births, because the delivery is effected sometimes in seven, or at most in nine, courses of the moon; which, because they make *mensa spatia* (measured spaces), are called *menses* (months). This occasioned a pleasant observation of Timæus (as he has many). Having said in his history that "the same night in which Alexander was born, the temple of Diana at Ephesus was burned down," he adds, "It is not in the least to be wondered at, because Diana, being willing to assist at the labor of Olympias, was absent from home." But to this Goddess, because *ad res omnes veniret*—"she has an influence upon all things" — we have given the appellation of Venus, from whom the word *venustas* (beauty) is rather derived than

Venus from *venustas*.

XXVIII. Do you not see, therefore, how, from the productions of nature and the useful inventions of men, have arisen fictitious and imaginary Deities, which have been the foundation of false opinions, pernicious errors, and wretched superstitions? For we know how the different forms of the Gods — their ages, apparel, ornaments; their pedigrees, marriages, relations, and everything belonging to them — are adapted to human weakness and represented with our passions; with lust, sorrow, and anger, according to fabulous history: they have had wars and combats, not only, as Homer relates, when they have interested themselves in two different armies, but when they have fought battles in their own defence against the Titans and giants. These stories, of the greatest weakness and levity, are related and believed with the most implicit folly.

But, rejecting these fables with contempt, a Deity is diffused in every part of nature; in earth under the name of Ceres, in the sea under the name of Neptune, in other parts under other names. Yet whatever they are, and whatever characters and dispositions they have, and whatever name custom has given them, we are bound to worship and adore them. The best, the chastest, the most sacred and pious worship of the Gods is to reverence them always with a pure, perfect, and unpolluted mind and voice; for our ancestors, as well as the philosophers, have separated superstition from religion. They who prayed whole days and sacrificed, that their children might survive them (*ut superstites essent*), were called superstitious, which word became afterward more general; but they who diligently perused, and, as we may say, read or practised over again, all the duties relating to the worship of the Gods, were called *religiosi* — religious, from *relegendo*—"reading over again, or practising;" as *elegantes*, elegant, *ex eligendo*, "from choosing, making a good choice;" *diligentes*, diligent, *ex diligendo*, "from attending on what we love;" *intelligentes*, intelligent, from understanding — for the signification is derived in the same manner. Thus are the words superstitious and religious understood; the one being a term of reproach, the other of commendation. I think I have now sufficiently demonstrated that there are Gods, and what they are.

XXIX. I am now to show that the world is governed by the

providence of the Gods. This is an important point, which you Academics endeavor to confound; and, indeed, the whole contest is with you, Cotta; for your sect, Velleius, know very little of what is said on different subjects by other schools. You read and have a taste only for your own books, and condemn all others without examination. For instance, when you mentioned yesterday that prophetic old dame Πρόνοια, Providence, invented by the Stoics, you were led into that error by imagining that Providence was made by them to be a particular Deity that governs the whole universe, whereas it is only spoken in a short manner; as when it is said "The commonwealth of Athens is governed by the council," it is meant "of the Areopagus;" so when we say "The world is governed by providence," we mean "by the providence of the Gods." To express ourselves, therefore, more fully and clearly, we say, "The world is governed by the providence of the Gods." Be not, therefore, lavish of your railleries, of which your sect has little to spare: if I may advise you, do not attempt it. It does not become you, it is not your talent, nor is it in your power. This is not applied to you in particular who have the education and politeness of a Roman, but to all your sect in general, and especially to your leader — a man unpolished, illiterate, insulting, without wit, without reputation, without elegance.

XXX. I assert, then, that the universe, with all its parts, was originally constituted, and has, without any cessation, been ever governed by the providence of the Gods. This argument we Stoics commonly divide into three parts; the first of which is, that the existence of the Gods being once known, it must follow that the world is governed by their wisdom; the second, that as everything is under the direction of an intelligent nature, which has produced that beautiful order in the world, it is evident that it is formed from animating principles; the third is deduced from those glorious works which we behold in the heavens and the earth.

First, then, we must either deny the existence of the Gods (as Democritus and Epicurus by their doctrine of images in some sort do), or, if we acknowledge that there are Gods, we must believe they are employed, and that, too, in something excellent. Now, nothing is so excellent as the administration of the universe. The universe, therefore, is governed by the wisdom of the Gods. Otherwise, we

must imagine that there is some cause superior to the Deity, whether it be a nature inanimate, or a necessity agitated by a mighty force, that produces those beautiful works which we behold. The nature of the Gods would then be neither supreme nor excellent, if you subject it to that necessity or to that nature, by which you would make the heaven, the earth, and the seas to be governed. But there is nothing superior to the Deity; the world, therefore, must be governed by him: consequently, the Deity is under no obedience or subjection to nature, but does himself rule over all nature. In effect, if we allow the Gods have understanding, we allow also their providence, which regards the most important things; for, can they be ignorant of those important things, and how they are to be conducted and preserved, or do they want power to sustain and direct them? Ignorance is inconsistent with the nature of the Gods, and imbecility is repugnant to their majesty. From whence it follows, as we assert, that the world is governed by the providence of the Gods.

XXXI. But supposing, which is incontestable, that there are Gods, they must be animated, and not only animated, but endowed with reason — united, as we may say, in a civil agreement and society, and governing together one universe, as a republic or city. Thus the same reason, the same verity, the same law, which ordains good and prohibits evil, exists in the Gods as it does in men. From them, consequently, we have prudence and understanding, for which reason our ancestors erected temples to the Mind, Faith, Virtue, and Concord. Shall we not then allow the Gods to have these perfections, since we worship the sacred and august images of them? But if understanding, faith, virtue, and concord reside in human kind, how could they come on earth, unless from heaven? And if we are possessed of wisdom, reason, and prudence, the Gods must have the same qualities in a greater degree; and not only have them, but employ them in the best and greatest works. The universe is the best and greatest work; therefore it must be governed by the wisdom and providence of the Gods.

Lastly, as we have sufficiently shown that those glorious and luminous bodies which we behold are Deities — I mean the sun, the moon, the fixed and wandering stars, the firmament, and the world itself, and those other things also which have any singular virtue, and

are of any great utility to human kind — it follows that all things are governed by providence and a divine mind. But enough has been said on the first part.

XXXII. It is now incumbent on me to prove that all things are subjected to nature, and most beautifully directed by her. But, first of all, it is proper to explain precisely what that nature is, in order to come to the more easy understanding of what I would demonstrate. Some think that nature is a certain irrational power exciting in bodies the necessary motions. Others, that it is an intelligent power, acting by order and method, designing some end in every cause, and always aiming at that end, whose works express such skill as no art, no hand, can imitate; for, they say, such is the virtue of its seed, that, however small it is, if it falls into a place proper for its reception, and meets with matter conducive to its nourishment and increase, it forms and produces everything in its respective kind; either vegetables, which receive their nourishment from their roots; or animals, endowed with motion, sense, appetite, and abilities to beget their likeness.

Some apply the word nature to everything; as Epicurus does, who acknowledges no cause, but atoms, a vacuum, and their accidents. But when we say that nature forms and governs the world, we do not apply it to a clod of earth, or piece of stone, or anything of that sort, whose parts have not the necessary cohesion, but to a tree, in which there is not the appearance of chance, but of order and a resemblance of art.

XXXIII. But if the art of nature gives life and increase to vegetables, without doubt it supports the earth itself; for, being impregnated with seeds, she produces every kind of vegetable, and embracing their roots, she nourishes and increases them; while, in her turn, she receives her nourishment from the other elements, and by her exhalations gives proper sustenance to the air, the sky, and all the superior bodies. If nature gives vigor and support to the earth, by the same reason she has an influence over the rest of the world; for as the earth gives nourishment to vegetables, so the air is the preservation of animals. The air sees with us, hears with us, and utters sounds with us; without it, there would be no seeing, hearing, or sounding. It even moves with us; for wherever we go, whatever motion we make, it seems to retire and give place to us.

That which inclines to the centre, that which rises from it to the surface, and that which rolls about the centre, constitute the universal world, and make one entire nature; and as there are four sorts of bodies, the continuance of nature is caused by their reciprocal changes; for the water arises from the earth, the air from the water, and the fire from the air; and, reversing this order, the air arises from fire, the water from the air, and from the water the earth, the lowest of the four elements, of which all beings are formed. Thus by their continual motions backward and forward, upward and downward, the conjunction of the several parts of the universe is preserved; a union which, in the beauty we now behold it, must be eternal, or at least of a very long duration, and almost for an infinite space of time; and, whichever it is, the universe must of consequence be governed by nature. For what art of navigating fleets, or of marshalling an army, and — to instance the produce of nature — what vine, what tree, what animated form and conformation of their members, give us so great an indication of skill as appears in the universe? Therefore we must either deny that there is the least trace of an intelligent nature, or acknowledge that the world is governed by it. But since the universe contains all particular beings, as well as their seeds, can we say that it is not itself governed by nature? That would be the same as saying that the teeth and the beard of man are the work of nature, but that the man himself is not. Thus the effect would be understood to be greater than the cause.

XXXIV. Now, the universe sows, as I may say, plants, produces, raises, nourishes, and preserves what nature administers, as members and parts of itself. If nature, therefore, governs them, she must also govern the universe. And, lastly, in nature's administration there is nothing faulty. She produced the best possible effect out of those elements which existed. Let any one show how it could have been better. But that can never be; and whoever attempts to mend it will either make it worse, or aim at impossibilities.

But if all the parts of the universe are so constituted that nothing could be better for use or beauty, let us consider whether this is the effect of chance, or whether, in such a state they could possibly cohere, but by the direction of wisdom and divine providence. Nature, therefore, cannot be void of reason, if art can bring nothing

to perfection without it, and if the works of nature exceed those of art. How is it consistent with common-sense that when you view an image or a picture, you imagine it is wrought by art; when you behold afar off a ship under sail, you judge it is steered by reason and art; when you see a dial or water-clock, you believe the hours are shown by art, and not by chance; and yet that you should imagine that the universe, which contains all arts and the artificers, can be void of reason and understanding?

But if that sphere which was lately made by our friend Posidonius, the regular revolutions of which show the course of the sun, moon, and five wandering stars, as it is every day and night performed, were carried into Scythia or Britain, who, in those barbarous countries, would doubt that that sphere had been made so perfect by the exertion of reason?

XXXV. Yet these people doubt whether the universe, from whence all things arise and are made, is not the effect of chance, or some necessity, rather than the work of reason and a divine mind. According to them, Archimedes shows more knowledge in representing the motions of the celestial globe than nature does in causing them, though the copy is so infinitely beneath the original. The shepherd in Attius, who had never seen a ship, when he perceived from a mountain afar off the divine vessel of the Argonauts, surprised and frighted at this new object, expressed himself in this manner:

What horrid bulk is that before my eyes,
Which o'er the deep with noise and vigor flies?
It turns the whirlpools up, its force so strong,
And drives the billows as it rolls along.
The ocean's violence it fiercely braves;
Runs furious on, and throws about the waves.
Swiftly impetuous in its course, and loud,
Like the dire bursting of a show'ry cloud;
Or, like a rock, forced by the winds and rain,
Now whirl'd aloft, then plunged into the main.
But hold! perhaps the Earth and Neptune jar,
And fiercely wage an elemental war;
Or Triton with his trident has o'erthrown

His den, and loosen'd from the roots the stone;
The rocky fragment, from the bottom torn,
Is lifted up, and on the surface borne.

At first he is in suspense at the sight of this unknown object; but on seeing the young mariners, and hearing their singing, he says,

Like sportive dolphins, with their snouts they roar;

and afterward goes on,

Loud in my ears methinks their voices ring,
As if I heard the God Sylvanus sing.

As at first view the shepherd thinks he sees something inanimate and insensible, but afterward, judging by more trustworthy indications, he begins to figure to himself what it is; so philosophers, if they are surprised at first at the sight of the universe, ought, when they have considered the regular, uniform, and immutable motions of it, to conceive that there is some Being that is not only an inhabitant of this celestial and divine mansion, but a ruler and a governor, as architect of this mighty fabric.

XXXVI. Now, in my opinion, they do not seem to have even the least suspicion that the heavens and earth afford anything marvellous. For, in the first place, the earth is situated in the middle part of the universe, and is surrounded on all sides by the air, which we breathe, and which is called "aer," which, indeed, is a Greek word; but by constant use it is well understood by our countrymen, for, indeed, it is employed as a Latin word. The air is encompassed by the boundless ether (sky), which consists of the fires above. This word we borrow also, for we use *æther* in Latin as well as *aer;* though Pacuvius thus expresses it,

— This, of which I speak,
In Latin's *cœlum*, *æther* call'd in Greek.

As though he were not a Greek into whose mouth he puts this sentence; but he is speaking in Latin, though we listen as if he were speaking Greek; for, as he says elsewhere,

His speech discovers him a Grecian born.

But to return to more important matters. In the sky innumerable fiery stars exist, of which the sun is the chief, enlightening all with his refulgent splendor, and being by many degrees larger than the whole earth; and this multitude of vast fires are so far from hurting

the earth, and things terrestrial, that they are of benefit to them; whereas, if they were moved from their stations, we should inevitably be burned through the want of a proper moderation and temperature of heat.

XXXVII. Is it possible for any man to behold these things, and yet imagine that certain solid and individual bodies move by their natural force and gravitation, and that a world so beautifully adorned was made by their fortuitous concourse? He who believes this may as well believe that if a great quantity of the one-and-twenty letters, composed either of gold or any other matter, were thrown upon the ground, they would fall into such order as legibly to form the Annals of Ennius. I doubt whether fortune could make a single verse of them. How, therefore, can these people assert that the world was made by the fortuitous concourse of atoms, which have no color, no quality — which the Greeks call ποιότης, no sense? or that there are innumerable worlds, some rising and some perishing, in every moment of time? But if a concourse of atoms can make a world, why not a porch, a temple, a house, a city, which are works of less labor and difficulty?

Certainly those men talk so idly and inconsiderately concerning this lower world that they appear to me never to have contemplated the wonderful magnificence of the heavens; which is the next topic for our consideration.

Well, then, did Aristotle observe: "If there were men whose habitations had been always underground, in great and commodious houses, adorned with statues and pictures, furnished with everything which they who are reputed happy abound with; and if, without stirring from thence, they should be informed of a certain divine power and majesty, and, after some time, the earth should open, and they should quit their dark abode to come to us, where they should immediately behold the earth, the seas, the heavens; should consider the vast extent of the clouds and force of the winds; should see the sun, and observe his grandeur and beauty, and also his generative power, inasmuch as day is occasioned by the diffusion of his light through the sky; and when night has obscured the earth, they should contemplate the heavens bespangled and adorned with stars, the surprising variety of the moon in her increase and wane, the rising

and setting of all the stars, and the inviolable regularity of their courses; when," says he, "they should see these things, they would undoubtedly conclude that there are Gods, and that these are their mighty works."

XXXVIII. Thus far Aristotle. Let us imagine, also, as great darkness as was formerly occasioned by the irruption of the fires of Mount Ætna, which are said to have obscured the adjacent countries for two days to such a degree that no man could recognize his fellow; but on the third, when the sun appeared, they seemed to be risen from the dead. Now, if we should be suddenly brought from a state of eternal darkness to see the light, how beautiful would the heavens seem! But our minds have become used to it from the daily practice and habituation of our eyes, nor do we take the trouble to search into the principles of what is always in view; as if the novelty, rather than the importance, of things ought to excite us to investigate their causes.

Is he worthy to be called a man who attributes to chance, not to an intelligent cause, the constant motion of the heavens, the regular courses of the stars, the agreeable proportion and connection of all things, conducted with so much reason that our intellect itself is unable to estimate it rightly? When we see machines move artificially, as a sphere, a clock, or the like, do we doubt whether they are the productions of reason? And when we behold the heavens moving with a prodigious celerity, and causing an annual succession of the different seasons of the year, which vivify and preserve all things, can we doubt that this world is directed, I will not say only by reason, but by reason most excellent and divine? For without troubling ourselves with too refined a subtlety of discussion, we may use our eyes to contemplate the beauty of those things which we assert have been arranged by divine providence.

XXXIX. First, let us examine the earth, whose situation is in the middle of the universe, solid, round, and conglobular by its natural tendency; clothed with flowers, herbs, trees, and fruits; the whole in multitudes incredible, and with a variety suitable to every taste: let us consider the ever-cool and running springs, the clear waters of the rivers, the verdure of their banks, the hollow depths of caves, the cragginess of rocks, the heights of impending mountains, and the

boundless extent of plains, the hidden veins of gold and silver, and the infinite quarries of marble.

What and how various are the kinds of animals, tame or wild? The flights and notes of birds? How do the beasts live in the fields and in the forests? What shall I say of men, who, being appointed, as we may say, to cultivate the earth, do not suffer its fertility to be choked with weeds, nor the ferocity of beasts to make it desolate; who, by the houses and cities which they build, adorn the fields, the isles, and the shores? If we could view these objects with the naked eye, as we can by the contemplation of the mind, nobody, at such a sight, would doubt there was a divine intelligence.

But how beautiful is the sea! How pleasant to see the extent of it! What a multitude and variety of islands! How delightful are the coasts! What numbers and what diversity of inhabitants does it contain; some within the bosom of it, some floating on the surface, and others by their shells cleaving to the rocks! While the sea itself, approaching to the land, sports so closely to its shores that those two elements appear to be but one.

Next above the sea is the air, diversified by day and night: when rarefied, it possesses the higher region; when condensed, it turns into clouds, and with the waters which it gathers enriches the earth by the rain. Its agitation produces the winds. It causes heat and cold according to the different seasons. It sustains birds in their flight; and, being inhaled, nourishes and preserves all animated beings.

XL. Add to these, which alone remaineth to be mentioned, the firmament of heaven, a region the farthest from our abodes, which surrounds and contains all things. It is likewise called ether, or sky, the extreme bounds and limits of the universe, in which the stars perform their appointed courses in a most wonderful manner; among which, the sun, whose magnitude far surpasses the earth, makes his revolution round it, and by his rising and setting causes day and night; sometimes coming near towards the earth, and sometimes going from it, he every year makes two contrary reversions from the extreme point of its course. In his retreat the earth seems locked up in sadness; in his return it appears exhilarated with the heavens. The moon, which, as mathematicians demonstrate, is bigger than half the earth, makes her revolutions through the same spaces as the sun; but

at one time approaching, and at another receding from, the sun, she diffuses the light which she has borrowed from him over the whole earth, and has herself also many various changes in her appearance. When she is found under the sun, and opposite to it, the brightness of her rays is lost; but when the earth directly interposes between the moon and sun, the moon is totally eclipsed. The other wandering stars have their courses round the earth in the same spaces, and rise and set in the same manner; their motions are sometimes quick, sometimes slow, and often they stand still. There is nothing more wonderful, nothing more beautiful. There is a vast number of fixed stars, distinguished by the names of certain figures, to which we find they have some resemblance.

XLI. I will here, says Balbus, looking at me, make use of the verses which, when you were young, you translated from Aratus, and which, because they are in Latin, gave me so much delight that I have many of them still in my memory. As then, we daily see, without any change or variation,

— the rest
Swiftly pursue the course to which they're bound;
And with the heavens the days and nights go round;

the contemplation of which, to a mind desirous of observing the constancy of nature, is inexhaustible.

The extreme top of either point is call'd
The pole.
About this the two Ἄρκτοι are turned, which never set;
Of these, the Greeks one Cynosura call,
The other Helice.
The brightest stars, indeed, of Helice are discernible all night,
Which are by us Septentriones call'd.

Cynosura moves about the same pole, with a like number of stars, and ranged in the same order:

This the Phœnicians choose to make their guide
When on the ocean in the night they ride.
Adorned with stars of more refulgent light,
The other shines, and first appears at night.
Though this is small, sailors its use have found;
More inward is its course, and short its round.

XLII. The aspect of those stars is the more admirable, because,

The Dragon grim between them bends his way,
As through the winding banks the currents stray,
And up and down in sinuous bending rolls.

His whole form is excellent; but the shape of his head and the ardor of his eyes are most remarkable.

Various the stars which deck his glittering head;
His temples are with double glory spread;
From his fierce eyes two fervid lights afar
Flash, and his chin shines with one radiant star;
Bow'd is his head; and his round neck he bends,
And to the tail of Helice extends.

The rest of the Dragon's body we see at every hour in the night.

Here suddenly the head a little hides
Itself, where all its parts, which are in sight,
And those unseen in the same place unite.
Near to this head
Is placed the figure of a man that moves
Weary and sad,
which the Greeks
Engonasis do call, because he's borne
About with bended knee. Near him is placed
The crown with a refulgent lustre graced.

This indeed is at his back; but Anguitenens (the Snake-holder) is near his head:

The Greeks him Ophiuchus call, renown'd
The name. He strongly grasps the serpent round
With both his hands; himself the serpent folds
Beneath his breast, and round his middle holds;
Yet gravely he, bright shining in the skies,
Moves on, and treads on Nepa's breast and eyes.

The Septentriones are followed by —

Arctophylax, that's said to be the same
Which we Boötes call, who has the name,
Because he drives the Greater Bear along
Yoked to a wain.
Besides, in Boötes,

A star of glittering rays about his waist,
Arcturus called, a name renown'd, is placed.
Beneath which is
The Virgin of illustrious form, whose hand
Holds a bright spike.

XLIII. And truly these signs are so regularly disposed that a divine wisdom evidently appears in them:

Beneath the Bear's head have the Twins their seat,
Under his chest the Crab, beneath his feet
The mighty Lion darts a trembling flame.
The Charioteer
On the left side of Gemini we see,
And at his head behold fierce Helice;
On his left shoulder the bright Goat appears.
But to proceed —
This is indeed a great and glorious star,
On th' other side the Kids, inferior far,
Yield but a slender light to mortal eyes.
Under his feet
The horned bull, with sturdy limbs, is placed:
his head is spangled with a number of stars;
These by the Greeks are called the Hyades,

from raining; for ὕειν is to rain: therefore they are injudiciously called *Suculæ* by our people, as if they had their name from ὗς, a sow, and not from ὕω.

Behind the Lesser Bear, Cepheus follows with extended hands,
For close behind the Lesser Bear he comes.
Before him goes
Cassiopea with a faintish light;
But near her moves (fair and illustrious sight!)
Andromeda, who, with an eager pace,
Seems to avoid her parent's mournful face.
With glittering mane the Horse now seems to tread,
So near he comes, on her refulgent head;
With a fair star, that close to him appears,
A double form and but one light he wears;
By which he seems ambitious in the sky

An everlasting knot of stars to tie.
Near him the Ram, with wreathed horns, is placed;
by whom
The Fishes are; of which one seems to haste
Somewhat before the other, to the blast
Of the north wind exposed.

XLIV. Perseus is described as placed at the feet of Andromeda:

And him the sharp blasts of the north wind beat.
Near his left knee, but dim their light, their seat
The small Pleiades maintain. We find,
Not far from them, the Lyre but slightly join'd.
Next is the winged Bird, that seems to fly
Beneath the spacious covering of the sky.

Near the head of the Horse lies the right hand of Aquarius, then all Aquarius himself.

Then Capricorn, with half the form of beast,
Breathes chill and piercing colds from his strong breast,
And in a spacious circle takes his round;
When him, while in the winter solstice bound,
The sun has visited with constant light,
He turns his course, and shorter makes the night.
Not far from hence is seen
The Scorpion rising lofty from below;
By him the Archer, with his bended bow;
Near him the Bird, with gaudy feathers spread;
And the fierce Eagle hovers o'er his head.
Next comes the Dolphin;
Then bright Orion, who obliquely moves;
he is followed by
The fervent Dog, bright with refulgent stars:
next the Hare follows
Unwearied in his course. At the Dog's tail
Argo moves on, and moving seems to sail;
O'er her the Ram and Fishes have their place;
The illustrious vessel touches, in her pace,
The river's banks;
which you may see winding and extending itself to a great length.

The Fetters at the Fishes' tails are hung.
By Nepa's head behold the Altar stand,
Which by the breath of southern winds is fann'd;
near which the Centaur
Hastens his mingled parts to join beneath
The Serpent, there extending his right hand,
To where you see the monstrous Scorpion stand,
Which he at the bright Altar fiercely slays.
Here on her lower parts see Hydra raise
Herself;
whose bulk is very far extended.
Amid the winding of her body's placed
The shining Goblet; and the glossy Crow
Plunges his beak into her parts below.
Antecanis beneath the Twins is seen,
Call'd Procyon by the Greeks.

Can any one in his senses imagine that this disposition of the stars, and this heaven so beautifully adorned, could ever have been formed by a fortuitous concourse of atoms? Or what other nature, being destitute of intellect and reason, could possibly have produced these effects, which not only required reason to bring them about, but the very character of which could not be understood and appreciated without the most strenuous exertions of well-directed reason?

XLV. But our admiration is not limited to the objects here described. What is most wonderful is that the world is so durable, and so perfectly made for lasting that it is not to be impaired by time; for all its parts tend equally to the centre, and are bound together by a sort of chain, which surrounds the elements. This chain is nature, which being diffused through the universe, and performing all things with judgment and reason, attracts the extremities to the centre.

If, then, the world is round, and if on that account all its parts, being of equal dimensions and relative proportions, mutually support and are supported by one another, it must follow that as all the parts incline to the centre (for that is the lowest place of a globe) there is nothing whatever which can put a stop to that propensity in the case of such great weights. For the same reason, though the sea is higher than the earth, yet because it has the like tendency, it is collected

everywhere, equally concentres, and never overflows, and is never wasted.

The air, which is contiguous, ascends by its lightness, but diffuses itself through the whole; therefore it is by nature joined and united to the sea, and at the same time borne by the same power towards the heaven, by the thinness and heat of which it is so tempered as to be made proper to supply life and wholesome air for the support of animated beings. This is encompassed by the highest region of the heavens, which is called the sky, which is joined to the extremity of the air, but retains its own heat pure and unmixed.

XLVI. The stars have their revolutions in the sky, and are continued by the tendency of all parts towards the centre. Their duration is perpetuated by their form and figure, for they are round; which form, as I think has been before observed, is the least liable to injury; and as they are composed of fire, they are fed by the vapors which are exhaled by the sun from the earth, the sea, and other waters; but when these vapors have nourished and refreshed the stars, and the whole sky, they are sent back to be exhaled again; so that very little is lost or consumed by the fire of the stars and the flame of the sky. Hence we Stoics conclude — which Panætius is said to have doubted of — that the whole world at last would be consumed by a general conflagration, when, all moisture being exhausted, neither the earth could have any nourishment, nor the air return again, since water, of which it is formed, would then be all consumed; so that only fire would subsist; and from this fire, which is an animating power and a Deity, a new world would arise and be re-established in the same beauty.

I should be sorry to appear to you to dwell too long upon this subject of the stars, and more especially upon that of the planets, whose motions, though different, make a very just agreement. Saturn, the highest, chills; Mars, placed in the middle, burns; while Jupiter, interposing, moderates their excess, both of light and heat. The two planets beneath Mars obey the sun. The sun himself fills the whole universe with his own genial light; and the moon, illuminated by him, influences conception, birth, and maturity. And who is there who is not moved by this union of things, and by this concurrence of nature agreeing together, as it were, for the safety of the world? And

yet I feel sure that none of these reflections have ever been made by these men.

XLVII. Let us proceed from celestial to terrestrial things. What is there in them which does not prove the principle of an intelligent nature? First, as to vegetables; they have roots to sustain their stems, and to draw from the earth a nourishing moisture to support the vital principle which those roots contain. They are clothed with a rind or bark, to secure them more thoroughly from heat and cold. The vines we see take hold on props with their tendrils, as if with hands, and raise themselves as if they were animated; it is even said that they shun cabbages and coleworts, as noxious and pestilential to them, and, if planted by them, will not touch any part.

But what a vast variety is there of animals! and how wonderfully is every kind adapted to preserve itself! Some are covered with hides, some clothed with fleeces, and some guarded with bristles; some are sheltered with feathers, some with scales; some are armed with horns, and some are furnished with wings to escape from danger. Nature hath also liberally and plentifully provided for all animals their proper food. I could expatiate on the judicious and curious formation and disposition of their bodies for the reception and digestion of it, for all their interior parts are so framed and disposed that there is nothing superfluous, nothing that is not necessary for the preservation of life. Besides, nature has also given these beasts appetite and sense; in order that by the one they may be excited to procure sufficient sustenance, and by the other they may distinguish what is noxious from what is salutary. Some animals seek their food walking, some creeping, some flying, and some swimming; some take it with their mouth and teeth; some seize it with their claws, and some with their beaks; some suck, some graze, some bolt it whole, and some chew it. Some are so low that they can with ease take such food as is to be found on the ground; but the taller, as geese, swans, cranes, and camels, are assisted by a length of neck. To the elephant is given a hand, without which, from his unwieldiness of body, he would scarce have any means of attaining food.

XLVIII. But to those beasts which live by preying on others, nature has given either strength or swiftness. On some animals she has even bestowed artifice and cunning; as on spiders, some of which

weave a sort of net to entrap and destroy whatever falls into it, others sit on the watch unobserved to fall on their prey and devour it. The naker — by the Greeks called *Pinna* — has a kind of confederacy with the prawn for procuring food. It has two large shells open, into which when the little fishes swim, the naker, having notice given by the bite of the prawn, closes them immediately. Thus, these little animals, though of different kinds, seek their food in common; in which it is matter of wonder whether they associate by any agreement, or are naturally joined together from their beginning.

There is some cause to admire also the provision of nature in the case of those aquatic animals which are generated on land, such as crocodiles, river-tortoises, and a certain kind of serpents, which seek the water as soon as they are able to drag themselves along. We frequently put duck-eggs under hens, by which, as by their true mothers, the ducklings are at first hatched and nourished; but when they see the water, they forsake them and run to it, as to their natural abode: so strong is the impression of nature in animals for their own preservation.

XLIX. I have read that there is a bird called Platalea (the shoveller), that lives by watching those fowls which dive into the sea for their prey, and when they return with it, he squeezes their heads with his beak till they drop it, and then seizes on it himself. It is said likewise that he is in the habit of filling his stomach with shell-fish, and when they are digested by the heat which exists in the stomach, they cast them up, and then pick out what is proper nourishment. The sea-frogs, they say, are wont to cover themselves with sand, and moving near the water, the fishes strike at them, as at a bait, and are themselves taken and devoured by the frogs. Between the kite and the crow there is a kind of natural war, and wherever the one finds the eggs of the other, he breaks them.

But who is there who can avoid being struck with wonder at that which has been noticed by Aristotle, who has enriched us with so many valuable remarks? When the cranes pass the sea in search of warmer climes, they fly in the form of a triangle. By the first angle they repel the resisting air; on each side, their wings serve as oars to facilitate their flight; and the basis of their triangle is assisted by the wind in their stern. Those which are behind rest their necks and heads on those which precede; and as the leader has not the same relief, because he has none to lean upon, he at length flies behind that he may also rest, while one of those which have been eased succeeds him, and through the whole flight each regularly takes his turn.

I could produce many instances of this kind; but these may suffice. Let us now proceed to things more familiar to us. The care of beasts for their own preservation, their circumspection while feeding, and their manner of taking rest in their lairs, are generally known, but

still they are greatly to be admired.

L. Dogs cure themselves by a vomit, the Egyptian ibis by a purge; from whence physicians have lately — I mean but few ages since — greatly improved their art. It is reported that panthers, which in barbarous countries are taken with poisoned flesh, have a certain remedy that preserves them from dying; and that in Crete, the wild goats, when they are wounded with poisoned arrows, seek for an herb called dittany, which, when they have tasted, the arrows (they say) drop from their bodies. It is said also that deer, before they fawn, purge themselves with a little herb called hartswort. Beasts, when they receive any hurt, or fear it, have recourse to their natural arms: the bull to his horns, the boar to his tusks, and the lion to his teeth. Some take to flight, others hide themselves; the cuttle-fish vomits blood; the cramp-fish benumbs; and there are many animals that, by their intolerable stink, oblige their pursuers to retire.

LI. But that the beauty of the world might be eternal, great care has been taken by the providence of the Gods to perpetuate the different kinds of animals, and vegetables, and trees, and all those things which sink deep into the earth, and are contained in it by their roots and trunks; in order to which every individual has within itself such fertile seed that many are generated from one; and in vegetables this seed is enclosed in the heart of their fruit, but in such abundance that men may plentifully feed on it, and the earth be always replanted.

With regard to animals, do we not see how aptly they are formed for the propagation of their species? Nature for this end created some males and some females. Their parts are perfectly framed for generation, and they have a wonderful propensity to copulation. When the seed has fallen on the matrix, it draws almost all the nourishment to itself, by which the fœtus is formed; but as soon as it is discharged from thence, if it is an animal that is nourished by milk, almost all the food of the mother turns into milk, and the animal, without any direction but by the pure instinct of nature, immediately hunts for the teat, and is there fed with plenty. What makes it evidently appear that there is nothing in this fortuitous, but the work of a wise and foreseeing nature, is, that those females which bring forth many young, as sows and bitches, have many teats, and those

which bear a small number have but few. What tenderness do beasts show in preserving and raising up their young till they are able to defend themselves! They say, indeed, that fish, when they have spawned, leave their eggs; but the water easily supports them, and produces the young fry in abundance.

LII. It is said, likewise, that tortoises and crocodiles, when they have laid their eggs on the land, only cover them with earth, and then leave them, so that their young are hatched and brought up without assistance; but fowls and other birds seek for quiet places to lay in, where they build their nests in the softest manner, for the surest preservation of their eggs; which, when they have hatched, they defend from the cold by the warmth of their wings, or screen them from the sultry heat of the sun. When their young begin to be able to use their wings, they attend and instruct them; and then their cares are at an end.

Human art and industry are indeed necessary towards the preservation and improvement of certain animals and vegetables; for there are several of both kinds which would perish without that assistance. There are likewise innumerable facilities (being different in different places) supplied to man to aid him in his civilization, and in procuring abundantly what he requires. The Nile waters Egypt, and after having overflowed and covered it the whole summer, it retires, and leaves the fields softened and manured for the reception of seed. The Euphrates fertilizes Mesopotamia, into which, as we may say, it carries yearly new fields. The Indus, which is the largest of all rivers, not only improves and cultivates the ground, but sows it also; for it is said to carry with it a great quantity of grain. I could mention many other countries remarkable for something singular, and many fields, which are, in their own natures, exceedingly fertile.

LIII. But how bountiful is nature that has provided for us such an abundance of various and delicious food; and this varying with the different seasons, so that we may be constantly pleased with change, and satisfied with abundance! How seasonable and useful to man, to beasts, and even to vegetables, are the Etesian winds she has bestowed, which moderate intemperate heat, and render navigation more sure and speedy! Many things must be omitted on a subject so copious — and still a great deal must be said — for it is impossible

to relate the great utility of rivers, the flux and reflux of the sea, the mountains clothed with grass and trees, the salt-pits remote from the sea-coasts, the earth replete with salutary medicines, or, in short, the innumerable designs of nature necessary for sustenance and the enjoyment of life. We must not forget the vicissitudes of day and night, ordained for the health of animated beings, giving them a time to labor and a time to rest. Thus, if we every way examine the universe, it is apparent, from the greatest reason, that the whole is admirably governed by a divine providence for the safety and preservation of all beings.

If it should be asked for whose sake this mighty fabric was raised, shall we say for trees and other vegetables, which, though destitute of sense, are supported by nature? That would be absurd. Is it for beasts? Nothing can be less probable than that the Gods should have taken such pains for beings void of speech and understanding. For whom, then, will any one presume to say that the world was made? Undoubtedly for reasonable beings; these are the Gods and men, who are certainly the most perfect of all beings, as nothing is equal to reason. It is therefore credible that the universe, and all things in it, were made for the Gods and for men.

But we may yet more easily comprehend that the Gods have taken great care of the interests and welfare of men, if we examine thoroughly into the structure of the body, and the form and perfection of human nature. There are three things absolutely necessary for the support of life — to eat, to drink, and to breathe. For these operations the mouth is most aptly framed, which, by the assistance of the nostrils, draws in the more air.

LIV. The teeth are there placed to divide and grind the food. The fore-teeth, being sharp and opposite to each other, cut it asunder, and the hind-teeth (called the grinders) chew it, in which office the tongue seems to assist. At the root of the tongue is the gullet, which receives whatever is swallowed: it touches the tonsils on each side, and terminates at the interior extremity of the palate. When, by the motions of the tongue, the food is forced into this passage, it descends, and those parts of the gullet which are below it are dilated, and those above are contracted. There is another passage, called by physicians the rough artery, which reaches to the lungs, for the

entrance and return of the air we breathe; and as its orifice is joined to the roots of the tongue a little above the part to which the gullet is annexed, it is furnished with a sort of coverlid, lest, by the accidental falling of any food into it, the respiration should be stopped.

As the stomach, which is beneath the gullet, receives the meat and drink, so the lungs and the heart draw in the air from without. The stomach is wonderfully composed, consisting almost wholly of nerves; it abounds with membranes and fibres, and detains what it receives, whether solid or liquid, till it is altered and digested. It sometimes contracts, sometimes dilates. It blends and mixes the food together, so that it is easily concocted and digested by its force of heat, and by the animal spirits is distributed into the other parts of the body.

LV. As to the lungs, they are of a soft and spongy substance, which renders them the most commodious for respiration; they alternately dilate and contract to receive and return the air, that what is the chief animal sustenance may be always fresh. The juice, by which we are nourished, being separated from the rest of the food, passes the stomach and intestines to the liver, through open and direct passages, which lead from the mesentery to the gates of the liver (for so they call those vessels at the entrance of it). There are other passages from thence, through which the food has its course when it has passed the liver. When the bile, and those humors which proceed from the kidneys, are separated from the food, the remaining part turns to blood, and flows to those vessels at the entrance of the liver to which all the passages adjoin. The chyle, being conveyed from this place through them into the vessel called the hollow vein, is mixed together, and, being already digested and distilled, passes into the heart; and from the heart it is communicated through a great number of veins to every part of the body.

It is not difficult to describe how the gross remains are detruded by the motion of the intestines, which contract and dilate; but that must be declined, as too indelicate for discourse. Let us rather explain that other wonder of nature, the air, which is drawn into the lungs, receives heat both by that already in and by the coagitation of the lungs; one part is turned back by respiration, and the other is received into a place called the ventricle of the heart. There is

another ventricle like it annexed to the heart, into which the blood flows from the liver through the hollow vein. Thus by one ventricle the blood is diffused to the extremities through the veins, and by the other the breath is communicated through the arteries; and there are such numbers of both dispersed through the whole body that they manifest a divine art.

Why need I speak of the bones, those supports of the body, whose joints are so wonderfully contrived for stability, and to render the limbs complete with regard to motion and to every action of the body? Or need I mention the nerves, by which the limbs are governed — their many interweavings, and their proceeding from the heart, from whence, like the veins and arteries, they have their origin, and are distributed through the whole corporeal frame?

LVI. To this skill of nature, and this care of providence, so diligent and so ingenious, many reflections may be added, which show what valuable things the Deity has bestowed on man. He has made us of a stature tall and upright, in order that we might behold the heavens, and so arrive at the knowledge of the Gods; for men are not simply to dwell here as inhabitants of the earth, but to be, as it were, spectators of the heavens and the stars, which is a privilege not granted to any other kind of animated beings. The senses, which are the interpreters and messengers of things, are placed in the head, as in a tower, and wonderfully situated for their proper uses; for the eyes, being in the highest part, have the office of sentinels, in discovering to us objects; and the ears are conveniently placed in a high part of the person, being appointed to receive sound, which naturally ascends. The nostrils have the like situation, because all scent likewise ascends; and they have, with great reason, a near vicinity to the mouth, because they assist us in judging of meat and drink. The taste, which is to distinguish the quality of what we take; is in that part of the mouth where nature has laid open a passage for what we eat and drink. But the touch is equally diffused through the whole body, that we may not receive any blows, or the too rigid attacks of cold and heat, without feeling them. And as in building the architect averts from the eyes and nose of the master those things which must necessarily be offensive, so has nature removed far from our senses what is of the same kind in the human body.

LVII. What artificer but nature, whose direction is incomparable, could have exhibited so much ingenuity in the formation of the senses? In the first place, she has covered and invested the eyes with the finest membranes, which she hath made transparent, that we may see through them, and firm in their texture, to preserve the eyes. She has made them slippery and movable, that they might avoid what would offend them, and easily direct the sight wherever they will. The actual organ of sight, which is called the pupil, is so small that it can easily shun whatever might be hurtful to it. The eyelids, which are their coverings, are soft and smooth, that they may not injure the eyes; and are made to shut at the apprehension of any accident, or to open at pleasure; and these movements nature has ordained to be made in an instant: they are fortified with a sort of palisade of hairs, to keep off what may be noxious to them when open, and to be a fence to their repose when sleep closes them, and allows them to rest as if they were wrapped up in a case. Besides, they are commodiously hidden and defended by eminences on every side; for on the upper part the eyebrows turn aside the perspiration which falls from the head and forehead; the cheeks beneath rise a little, so as to protect them on the lower side; and the nose is placed between them as a wall of separation.

The hearing is always open, for that is a sense of which we are in need even while we are sleeping; and the moment that any sound is admitted by it we are awakened even from sleep. It has a winding passage, lest anything should slip into it, as it might if it were straight and simple. Nature also hath taken the same precaution in making there a viscous humor, that if any little creatures should endeavor to creep in, they might stick in it as in bird-lime. The ears (by which we mean the outward part) are made prominent, to cover and preserve the hearing, lest the sound should be dissipated and escape before the sense is affected. Their entrances are hard and horny, and their form winding, because bodies of this kind better return and increase the sound. This appears in the harp, lute, or horn; and from all tortuous and enclosed places sounds are returned stronger.

The nostrils, in like manner, are ever open, because we have a continual use for them; and their entrances also are rather narrow, lest anything noxious should enter them; and they have always a

humidity necessary for the repelling dust and many other extraneous bodies. The taste, having the mouth for an enclosure, is admirably situated, both in regard to the use we make of it and to its security.

LVIII. Besides, every human sense is much more exquisite than those of brutes; for our eyes, in those arts which come under their judgment, distinguish with great nicety; as in painting, sculpture, engraving, and in the gesture and motion of bodies. They understand the beauty, proportion, and, as I may so term it, the becomingness of colors and figures; they distinguish things of greater importance, even virtues and vices; they know whether a man is angry or calm, cheerful or sad, courageous or cowardly, bold or timorous.

The judgment of the ears is not less admirably and scientifically contrived with regard to vocal and instrumental music. They distinguish the variety of sounds, the measure, the stops, the different sorts of voices, the treble and the base, the soft and the harsh, the sharp and the flat, of which human ears only are capable to judge. There is likewise great judgment in the smell, the taste, and the touch; to indulge and gratify which senses more arts have been invented than I could wish: it is apparent to what excess we have arrived in the composition of our perfumes, the preparation of our food, and the enjoyment of corporeal pleasures.

LIX. Again, he who does not perceive the soul and mind of man, his reason, prudence, and discernment, to be the work of a divine providence, seems himself to be destitute of those faculties. While I am on this subject, Cotta, I wish I had your eloquence: how would you illustrate so fine a subject! You would show the great extent of the understanding; how we collect our ideas, and join those which follow to those which precede; establish principles, draw consequences, define things separately, and comprehend them with accuracy; from whence you demonstrate how great is the power of intelligence and knowledge, which is such that even God himself has no qualities more admirable. How valuable (though you Academics despise and even deny that we have it) is our knowledge of exterior objects, from the perception of the senses joined to the application of the mind; by which we see in what relation one thing stands to another, and by the aid of which we have invented those arts which are necessary for the support and pleasure of life. How charming is

eloquence! How divine that mistress of the universe, as you call it! It teaches us what we were ignorant of, and makes us capable of teaching what we have learned. By this we exhort others; by this we persuade them; by this we comfort the afflicted; by this we deliver the affrighted from their fear; by this we moderate excessive joy; by this we assuage the passions of lust and anger. This it is which bound men by the chains of right and law, formed the bonds of civil society, and made us quit a wild and savage life.

And it will appear incredible, unless you carefully observe the facts, how complete the work of nature is in giving us the use of speech; for, first of all, there is an artery from the lungs to the bottom of the mouth, through which the voice, having its original principle in the mind, is transmitted. Then the tongue is placed in the mouth, bounded by the teeth. It softens and modulates the voice, which would otherwise be confusedly uttered; and, by pushing it to the teeth and other parts of the mouth, makes the sound distinct and articulate. We Stoics, therefore, compare the tongue to the bow of an instrument, the teeth to the strings, and the nostrils to the sounding-board.

LX. But how commodious are the hands which nature has given to man, and how beautifully do they minister to many arts! For, such is the flexibility of the joints, that our fingers are closed and opened without any difficulty. With their help, the hand is formed for painting, carving, and engraving; for playing on stringed instruments, and on the pipe. These are matters of pleasure. There are also works of necessity, such as tilling the ground, building houses, making cloth and habits, and working in brass and iron. It is the business of the mind to invent, the senses to perceive, and the hands to execute; so that if we have buildings, if we are clothed, if we live in safety, if we have cities, walls, habitations, and temples, it is to the hands we owe them.

By our labor, that is, by our hands, variety and plenty of food are provided; for, without culture, many fruits, which serve either for present or future consumption, would not be produced; besides, we feed on flesh, fish, and fowl, catching some, and bringing up others. We subdue four-footed beasts for our carriage, whose speed and strength supply our slowness and inability. On some we put burdens,

on others yokes. We convert the sagacity of the elephant and the quick scent of the dog to our own advantage. Out of the caverns of the earth we dig iron, a thing entirely necessary for the cultivation of the ground. We discover the hidden veins of copper, silver, and gold, advantageous for our use and beautiful as ornaments. We cut down trees, and use every kind of wild and cultivated timber, not only to make fire to warm us and dress our meat, but also for building, that we may have houses to defend us from the heat and cold. With timber likewise we build ships, which bring us from all parts every commodity of life. We are the only animals who, from our knowledge of navigation, can manage what nature has made the most violent — the sea and the winds. Thus we obtain from the ocean great numbers of profitable things. We are the absolute masters of what the earth produces. We enjoy the mountains and the plains. The rivers and the lakes are ours. We sow the seed, and plant the trees. We fertilize the earth by overflowing it. We stop, direct, and turn the rivers: in short, by our hands we endeavor, by our various operations in this world, to make, as it were, another nature.

LXI. But what shall I say of human reason? Has it not even entered the heavens? Man alone of all animals has observed the courses of the stars, their risings and settings. By man the day, the month, the year, is determined. He foresees the eclipses of the sun and moon, and foretells them to futurity, marking their greatness, duration, and precise time. >From the contemplation of these things the mind extracts the knowledge of the Gods — a knowledge which produces piety, with which is connected justice, and all the other virtues; from which arises a life of felicity, inferior to that of the Gods in no single particular, except in immortality, which is not absolutely necessary to happy living. In explaining these things, I think that I have sufficiently demonstrated the superiority of man to other animated beings; from whence we should infer that neither the form and position of his limbs nor that strength of mind and understanding could possibly be the effect of chance.

LXII. I am now to prove, by way of conclusion, that every thing in this world of use to us was made designedly for us.

First of all, the universe was made for the Gods and men, and all things therein were prepared and provided for our service. For the

world is the common habitation or city of the Gods and men; for they are the only reasonable beings: they alone live by justice and law. As, therefore, it must be presumed the cities of Athens and Lacedæmon were built for the Athenians and Lacedæmonians, and as everything there is said to belong to those people, so everything in the universe may with propriety be said to belong to the Gods and men, and to them alone.

In the next place, though the revolutions of the sun, moon, and all the stars are necessary for the cohesion of the universe, yet may they be considered also as objects designed for the view and contemplation of man. There is no sight less apt to satiate the eye, none more beautiful, or more worthy to employ our reason and penetration. By measuring their courses we find the different seasons, their durations and vicissitudes, which, if they are known to men alone, we must believe were made only for their sake.

Does the earth bring forth fruit and grain in such excessive abundance and variety for men or for brutes? The plentiful and exhilarating fruit of the vine and the olive-tree are entirely useless to beasts. They know not the time for sowing, tilling, or for reaping in season and gathering in the fruits of the earth, or for laying up and preserving their stores. Man alone has the care and advantage of these things.

LXIII. Thus, as the lute and the pipe were made for those, and those only, who are capable of playing on them, so it must be allowed that the produce of the earth was designed for those only who make use of them; and though some beasts may rob us of a small part, it does not follow that the earth produced it also for them. Men do not store up corn for mice and ants, but for their wives, their children, and their families. Beasts, therefore, as I said before, possess it by stealth, but their masters openly and freely. It is for us, therefore, that nature hath provided this abundance. Can there be any doubt that this plenty and variety of fruit, which delight not only the taste, but the smell and sight, was by nature intended for men only? Beasts are so far from being partakers of this design, that we see that even they themselves were made for man; for of what utility would sheep be, unless for their wool, which, when dressed and woven, serves us for clothing? For they are not capable of anything, not even

of procuring their own food, without the care and assistance of man. The fidelity of the dog, his affectionate fawning on his master, his aversion to strangers, his sagacity in finding game, and his vivacity in pursuit of it, what do these qualities denote but that he was created for our use? Why need I mention oxen? We perceive that their backs were not formed for carrying burdens, but their necks were naturally made for the yoke, and their strong broad shoulders to draw the plough. In the Golden Age, which poets speak of, they were so greatly beneficial to the husbandman in tilling the fallow ground that no violence was ever offered them, and it was even thought a crime to eat them:

The Iron Age began the fatal trade
Of blood, and hammer'd the destructive blade;
Then men began to make the ox to bleed,
And on the tamed and docile beast to feed.

LXIV. It would take a long time to relate the advantages which we receive from mules and asses, which undoubtedly were designed for our use. What is the swine good for but to eat? whose life, Chrysippus says, was given it but as salt to keep it from putrefying; and as it is proper food for man, nature hath made no animal more fruitful. What a multitude of birds and fishes are taken by the art and contrivance of man only, and which are so delicious to our taste that one would be tempted sometimes to believe that this Providence which watches over us was an Epicurean! Though we think there are some birds — the alites and oscines, as our augurs call them — which were made merely to foretell events.

The large savage beasts we take by hunting, partly for food, partly to exercise ourselves in imitation of martial discipline, and to use those we can tame and instruct, as elephants, or to extract remedies for our diseases and wounds, as we do from certain roots and herbs, the virtues of which are known by long use and experience. Represent to yourself the whole earth and seas as if before your eyes. You will see the vast and fertile plains, the thick, shady mountains, the immense pasturage for cattle, and ships sailing over the deep with incredible celerity; nor are our discoveries only on the face of the earth, but in its secret recesses there are many useful things, which being made for man, by man alone are discovered.

LXV. Another, and in my opinion the strongest, proof that the providence of the Gods takes care of us is divination, which both of you, perhaps, will attack; you, Cotta, because Carneades took pleasure in inveighing against the Stoics; and you, Velleius, because there is nothing Epicurus ridicules so much as the prediction of events. Yet the truth of divination appears in many places, on many occasions, often in private, but particularly in public concerns. We receive many intimations from the foresight and presages of augurs and auspices; from oracles, prophecies, dreams, and prodigies; and it often happens that by these means events have proved happy to men, and imminent dangers have been avoided. This knowledge, therefore — call it either a kind of transport, or an art, or a natural faculty — is certainly found only in men, and is a gift from the immortal Gods. If these proofs, when taken separately, should make no impression upon your mind, yet, when collected together, they must certainly affect you.

Besides, the Gods not only provide for mankind universally, but for particular men. You may bring this universality to gradually a smaller number, and again you may reduce that smaller number to individuals.

LXVI. For if the reasons which I have given prove to all of us that the Gods take care of all men, in every country, in every part of the world separate from our continent, they take care of those who dwell on the same land with us, from east to west; and if they regard those who inhabit this kind of great island, which we call the globe of the earth, they have the like regard for those who possess the parts of this island — Europe, Asia, and Africa; and therefore they favor the parts of these parts, as Rome, Athens, Sparta, and Rhodes; and particular men of these cities, separate from the whole; as Curius, Fabricius, Coruncanius, in the war with Pyrrhus; in the first Punic war, Calatinus, Duillius, Metellus, Lutatius; in the second, Maximus, Marcellus, Africanus; after these, Paullus, Gracchus, Cato; and in our fathers' times, Scipio, Lælius. Rome also and Greece have produced many illustrious men, who we cannot believe were so without the assistance of the Deity; which is the reason that the poets, Homer in particular, joined their chief heroes — Ulysses, Agamemnon, Diomedes, Achilles — to certain Deities, as companions in their

adventures and dangers. Besides, the frequent appearances of the Gods, as I have before mentioned, demonstrate their regard for cities and particular men. This is also apparent indeed from the foreknowledge of events, which we receive either sleeping or waking. We are likewise forewarned of many things by the entrails of victims, by presages, and many other means, which have been long observed with such exactness as to produce an art of divination.

There never, therefore, was a great man without divine inspiration. If a storm should damage the corn or vineyard of a person, or any accident should deprive him of some conveniences of life, we should not judge from thence that the Deity hates or neglects him. The Gods take care of great things, and disregard the small. But to truly great men all things ever happen prosperously; as has been sufficiently asserted and proved by us Stoics, as well as by Socrates, the prince of philosophers, in his discourses on the infinite advantages arising from virtue.

LXVII. This is almost the whole that hath occurred to my mind on the nature of the Gods, and what I thought proper to advance. Do you, Cotta, if I may advise, defend the same cause. Remember that in Rome you keep the first rank; remember that you are Pontifex; and as your school is at liberty to argue on which side you please, do you rather take mine, and reason on it with that eloquence which you acquired by your rhetorical exercises, and which the Academy improved; for it is a pernicious and impious custom to argue against the Gods, whether it be done seriously, or only in pretence and out of sport.

BOOK III.

I. When Balbus had ended this discourse, then Cotta, with a smile, rejoined, You direct me too late which side to defend; for during the course of your argument I was revolving in my mind what objections to make to what you were saying, not so much for the sake of opposition, as of obliging you to explain what I did not perfectly comprehend; and as every one may use his own judgment, it is scarcely possible for me to think in every instance exactly what you wish.

You have no idea, O Cotta, said Velleius, how impatient I am to hear what you have to say. For since our friend Balbus was highly delighted with your discourse against Epicurus, I ought in my turn to be solicitous to hear what you can say against the Stoics; and I therefore will give you my best attention, for I believe you are, as usual, well prepared for the engagement.

I wish, by Hercules! I were, replies Cotta; for it is more difficult to dispute with Lucilius than it was with you. Why so? says Velleius. Because, replies Cotta, your Epicurus, in my opinion, does not contend strongly for the Gods: he only, for the sake of avoiding any unpopularity or punishment, is afraid to deny their existence; for when he asserts that the Gods are wholly inactive and regardless of everything, and that they have limbs like ours, but make no use of them, he seems to jest with us, and to think it sufficient if he allows that there are beings of any kind happy and eternal. But with regard to Balbus, I suppose you observed how many things were said by him, which, however false they may be, yet have a perfect coherence and connection; therefore, my design, as I said, in opposing him, is not so much to confute his principles as to induce him to explain what I do not clearly understand: for which reason, Balbus, I will give you the choice, either to answer me every particular as I go on, or permit me to proceed without interruption. If you want any explanation, replies Balbus, I would rather you would propose your doubts singly; but if your intention is rather to confute me than to seek instruction for yourself, it shall be as you please; I will either answer you immediately on every point, or stay till you have finished

your discourse.

II. Very well, says Cotta; then let us proceed as our conversation shall direct. But before I enter on the subject, I have a word to say concerning myself; for I am greatly influenced by your authority, and your exhortation at the conclusion of your discourse, when you desired me to remember that I was Cotta and Pontifex; by which I presume you intimated that I should defend the sacred rites and religion and ceremonies which we received from our ancestors. Most undoubtedly I always have, and always shall defend them, nor shall the arguments either of the learned or unlearned ever remove the opinions which I have imbibed from them concerning the worship of the immortal Gods. In matters of religion I submit to the rules of the high-priests, T. Coruncanius, P. Scipio, and P. Scævola; not to the sentiments of Zeno, Cleanthes, or Chrysippus; and I pay a greater regard to what C. Lælius, one of our augurs and wise men, has written concerning religion, in that noble oration of his, than to the most eminent of the Stoics: and as the whole religion of the Romans at first consisted in sacrifices and divination by birds, to which have since been added predictions, if the interpreters of the Sibylline oracle or the aruspices have foretold any event from portents and prodigies, I have ever thought that there was no point of all these holy things which deserved to be despised. I have been even persuaded that Romulus, by instituting divination, and Numa, by establishing sacrifices, laid the foundation of Rome, which undoubtedly would never have risen to such a height of grandeur if the Gods had not been made propitious by this worship. These, Balbus, are my sentiments both as a priest and as Cotta. But you must bring me to your opinion by the force of your reason: for I have a right to demand from you, as a philosopher, a reason for the religion which you would have me embrace. But I must believe the religion of our ancestors without any proof.

III. What proof, says Balbus, do you require of me? You have proposed, says Cotta, four articles. First of all, you undertook to prove that there “are Gods;” secondly, “of what kind and character they are;” thirdly, that “the universe is governed by them;” lastly, that “they provide for the welfare of mankind in particular.” Thus, if I remember rightly, you divided your discourse. Exactly so, replies

Balbus; but let us see what you require.

Let us examine, says Cotta, every proposition. The first one — that there are Gods — is never contested but by the most impious of men; nay, though it can never be rooted out of my mind, yet I believe it on the authority of our ancestors, and not on the proofs which you have brought. Why do you expect a proof from me, says Balbus, if you thoroughly believe it? Because, says Cotta, I come to this discussion as if I had never thought of the Gods, or heard anything concerning them. Take me as a disciple wholly ignorant and unbiassed, and prove to me all the points which I ask.

Begin, then, replies Balbus. I would first know, says Cotta, why you have been so long in proving the existence of the Gods, which you said was a point so very evident to all, that there was no need of any proof? In that, answers Balbus, I have followed your example, whom I have often observed, when pleading in the Forum, to load the judge with all the arguments which the nature of your cause would permit. This also is the practice of philosophers, and I have a right to follow it. Besides, you may as well ask me why I look upon you with two eyes, since I can see you with one.

IV. You shall judge, then, yourself, says Cotta, if this is a very just comparison; for, when I plead, I do not dwell upon any point agreed to be self-evident, because long reasoning only serves to confound the clearest matters; besides, though I might take this method in pleading, yet I should not make use of it in such a discourse as this, which requires the nicest distinction. And with regard to your making use of one eye only when you look on me, there is no reason for it, since together they have the same view; and since nature, to which you attribute wisdom, has been pleased to give us two passages by which we receive light. But the truth is, that it was because you did not think that the existence of the Gods was so evident as you could wish that you therefore brought so many proofs. It was sufficient for me to believe it on the tradition of our ancestors; and since you disregard authorities, and appeal to reason, permit my reason to defend them against yours. The proofs on which you found the existence of the Gods tend only to render a proposition doubtful that, in my opinion, is not so; I have not only retained in my memory the whole of these proofs, but even the order in which you proposed

them. The first was, that when we lift up our eyes towards the heavens, we immediately conceive that there is some divinity that governs those celestial bodies; on which you quoted this passage —

Look up to the refulgent heaven above,
Which all men call, unanimously, Jove;

intimating that we should invoke that as Jupiter, rather than our Capitoline Jove, or that it is evident to the whole world that those bodies are Gods which Velleius and many others do not place even in the rank of animated beings.

Another strong proof, in your opinion, was that the belief of the existence of the Gods was universal, and that mankind was daily more and more convinced of it. What! should an affair of such importance be left to the decision of fools, who, by your sect especially, are called madmen?

V. But the Gods have appeared to us, as to Posthumius at the Lake Regillus, and to Vatienus in the Salarian Way: something you mentioned, too, I know not what, of a battle of the Locrians at Sagra. Do you believe that the Tyndaridæ, as you called them; that is, men sprung from men, and who were buried in Lacedæmon, as we learn from Homer, who lived in the next age — do you believe, I say, that they appeared to Vatienus on the road mounted on white horses, without any servant to attend them, to tell the victory of the Romans to a country fellow rather than to M. Cato, who was at that time the chief person of the senate? Do you take that print of a horse's hoof which is now to be seen on a stone at Regillus to be made by Castor's horse? Should you not believe, what is probable, that the souls of eminent men, such as the Tyndaridæ, are divine and immortal, rather than that those bodies which had been reduced to ashes should mount on horses, and fight in an army? If you say that was possible, you ought to show how it is so, and not amuse us with fabulous old women's stories.

Do you take these for fabulous stories? says Balbus. Is not the temple, built by Posthumius in honor of Castor and Pollux, to be seen in the Forum? Is not the decree of the senate concerning Vatienus still subsisting? As to the affair of Sagra, it is a common proverb among the Greeks; when they would affirm anything strongly, they say "It is as certain as what passed at Sagra." Ought not such

authorities to move you? You oppose me, replies Cotta, with stories, but I ask reasons of you. * * *

VI. We are now to speak of predictions. No one can avoid what is to come, and, indeed, it is commonly useless to know it; for it is a miserable case to be afflicted to no purpose, and not to have even the last, the common comfort, hope, which, according to your principles, none can have; for you say that fate governs all things, and call that fate which has been true from all eternity. What advantage, then, is the knowledge of futurity to us, or how does it assist us to guard against impending evils, since it will come inevitably?

But whence comes that divination? To whom is owing that knowledge from the entrails of beasts? Who first made observations from the voice of the crow? Who invented the Lots? Not that I give no credit to these things, or that I despise Attius Navius's staff, which you mentioned; but I ought to be informed how these things are understood by philosophers, especially as the diviners are often wrong in their conjectures. But physicians, you say, are likewise often mistaken. What comparison can there be between divination, of the origin of which we are ignorant, and physic, which proceeds on principles intelligible to every one? You believe that the Decii, in devoting themselves to death, appeased the Gods. How great, then, was the iniquity of the Gods that they could not be appeased but at the price of such noble blood! That was the stratagem of generals such as the Greeks call στρατήγημα, and it was a stratagem worthy such illustrious leaders, who consulted the public good even at the expense of their lives: they conceived rightly, what indeed happened, that if the general rode furiously upon the enemy, the whole army would follow his example. As to the voice of the Fauns, I never heard it. If you assure me that you have, I shall believe you, though I really know not what a Faun is.

VII. I do not, then, O Balbus, from anything that you have said, perceive as yet that it is proved that there are Gods. I believe it, indeed, but not from any arguments of the Stoics. Cleanthes, you have said, attributes the idea that men have of the Gods to four causes. In the first place (as I have already sufficiently mentioned), to a foreknowledge of future events; secondly, to tempests, and other shocks of nature; thirdly, to the utility and plenty of things we enjoy;

fourthly, to the invariable order of the stars and the heavens. The arguments drawn from foreknowledge I have already answered. With regard to tempests in the air, the sea, and the earth, I own that many people are affrighted by them, and imagine that the immortal Gods are the authors of them.

But the question is, not whether there are people who believe that there are Gods, but whether there are Gods or not. As to the two other causes of Cleanthes, one of which is derived from the great abundance of desirable things which we enjoy, the other from the invariable order of the seasons and the heavens, I shall treat on them when I answer your discourse concerning the providence of the Gods — a point, Balbus, upon which you have spoken at great length. I shall likewise defer till then examining the argument which you attribute to Chrysippus, that "if there is in nature anything which surpasses the power of man to produce, there must consequently be some being better than man." I shall also postpone, till we come to that part of my argument, your comparison of the world to a fine house, your observations on the proportion and harmony of the universe, and those smart, short reasons of Zeno which you quote; and I shall examine at the same time your reasons drawn from natural philosophy, concerning that fiery force and that vital heat which you regard as the principle of all things; and I will investigate, in its proper place, all that you advanced the other day on the existence of the Gods, and on the sense and understanding which you attributed to the sun, the moon, and all the stars; and I shall ask you this question over and over again, By what proofs are you convinced yourself there are Gods?

VIII. I thought, says Balbus, that I had brought ample proofs to establish this point. But such is your manner of opposing, that, when you seem on the point of interrogating me, and when I am preparing to answer, you suddenly divert the discourse, and give me no opportunity to reply to you; and thus those most important points concerning divination and fate are neglected which we Stoics have thoroughly examined, but which your school has only slightly touched upon. But they are not thought essential to the question in hand; therefore, if you think proper, do not confuse them together, that we in this discussion may come to a clear explanation of the

subject of our present inquiry.

Very well, says Cotta. Since, then, you have divided the whole question into four parts, and I have said all that I had to say on the first, I will take the second into consideration; in which, when you attempted to show what the character of the Gods was, you seemed to me rather to prove that there are none; for you said that it was the greatest difficulty to draw our minds from the prepossessions of the eyes; but that as nothing is more excellent than the Deity, you did not doubt that the world was God, because there is nothing better in nature than the world, and so we may reasonably think it animated, or, rather, perceive it in our minds as clearly as if it were obvious to our eyes.

Now, in what sense do you say there is nothing better than the world? If you mean that there is nothing more beautiful, I agree with you; that there is nothing more adapted to our wants, I likewise agree with you: but if you mean that nothing is wiser than the world, I am by no means of your opinion. Not that I find it difficult to conceive anything in my mind independent of my eyes; on the contrary, the more I separate my mind from my eyes, the less I am able to comprehend your opinion.

IX. Nothing is better than the world, you say. Nor is there, indeed, anything on earth better than the city of Rome; do you think, therefore, that our city has a mind; that it thinks and reasons; or that this most beautiful city, being void of sense, is not preferable to an ant, because an ant has sense, understanding, reason, and memory? You should consider, Balbus, what ought to be allowed you, and not advance things because they please you.

For that old, concise, and, as it seemed to you, acute syllogism of Zeno has been all which you have so much enlarged upon in handling this topic: “That which reasons is superior to that which does not; nothing is superior to the world; therefore the world reasons.” If you would prove also that the world can very well read a book, follow the example of Zeno, and say, “That which can read is better than that which cannot; nothing is better than the world; the world therefore can read.” After the same manner you may prove the world to be an orator, a mathematician, a musician — that it possesses all sciences, and, in short, is a philosopher. You have often

said that God made all things, and that no cause can produce an effect unlike itself. From hence it will follow, not only that the world is animated, and is wise, but also plays upon the fiddle and the flute, because it produces men who play on those instruments. Zeno, therefore, the chief of your sect, advances no argument sufficient to induce us to think that the world reasons, or, indeed, that it is animated at all, and consequently none to think it a Deity; though it may be said that there is nothing superior to it, as there is nothing more beautiful, nothing more useful to us, nothing more adorned, and nothing more regular in its motions. But if the world, considered as one great whole, is not God, you should not surely deify, as you have done, that infinite multitude of stars which only form a part of it, and which so delight you with the regularity of their eternal courses; not but that there is something truly wonderful and incredible in their regularity; but this regularity of motion, Balbus, may as well be ascribed to a natural as to a divine cause.

X. What can be more regular than the flux and reflux of the Euripus at Chalcis, the Sicilian sea, and the violence of the ocean in those parts

where the rapid tide
Does Europe from the Libyan coast divide?

The same appears on the Spanish and British coasts. Must we conclude that some Deity appoints and directs these ebbings and flowings to certain fixed times? Consider, I pray, if everything which is regular in its motion is deemed divine, whether it will not follow that tertian and quartan agues must likewise be so, as their returns have the greatest regularity. These effects are to be explained by reason; but, because you are unable to assign any, you have recourse to a Deity as your last refuge.

The arguments of Chrysippus appeared to you of great weight; a man undoubtedly of great quickness and subtlety (I call those quick who have a sprightly turn of thought, and those subtle whose minds are seasoned by use as their hands are by labor): “If,” says he, “there is anything which is beyond the power of man to produce, the being who produces it is better than man. Man is unable to make what is in the world; the being, therefore, that could do it is superior to man. What being is there but a God superior to man? Therefore there is a

God."

These arguments are founded on the same erroneous principles as Zeno's, for he does not define what is meant by being better or more excellent, or distinguish between an intelligent cause and a natural cause. Chrysippus adds, "If there are no Gods, there is nothing better than man; but we cannot, without the highest arrogance, have this idea of ourselves." Let us grant that it is arrogance in man to think himself better than the world; but to comprehend that he has understanding and reason, and that in Orion and Canicula there is neither, is no arrogance, but an indication of good sense. "Since we suppose," continues he, "when we see a beautiful house, that it was built for the master, and not for mice, we should likewise judge that the world is the mansion of the Gods." Yes, if I believed that the Gods built the world; but not if, as I believe, and intend to prove, it is the work of nature.

XI. Socrates, in Xenophon, asks, "Whence had man his understanding, if there was none in the world?" And I ask, Whence had we speech, harmony, singing; unless we think it is the sun conversing with the moon when she approaches near it, or that the world forms an harmonious concert, as Pythagoras imagines? This, Balbus, is the effect of nature; not of that nature which proceeds artificially, as Zeno says, and the character of which I shall presently examine into, but a nature which, by its own proper motions and mutations, modifies everything.

For I readily agree to what you said about the harmony and general agreement of nature, which you pronounced to be firmly bound and united together, as it were, by ties of blood; but I do not approve of what you added, that "it could not possibly be so, unless it were so united by one divine spirit." On the contrary, the whole subsists by the power of nature, independently of the Gods, and there is a kind of sympathy (as the Greeks call it) which joins together all the parts of the universe; and the greater that is in its own power, the less is it necessary to have recourse to a divine intelligence.

XII. But how will you get rid of the objections which Carneades made? "If," says he, "there is no body immortal, there is none eternal; but there is no body immortal, nor even indivisible, or that cannot be separated and disunited; and as every animal is in its

nature passive, so there is not one which is not subject to the impressions of extraneous bodies; none, that is to say, which can avoid the necessity of enduring and suffering: and if every animal is mortal, there is none immortal; so, likewise, if every animal may be cut up and divided, there is none indivisible, none eternal, but all are liable to be affected by, and compelled to submit to, external power. Every animal, therefore, is necessarily mortal, dissoluble, and divisible."

For as there is no wax, no silver, no brass which cannot be converted into something else, whatever is composed of wax, or silver, or brass may cease to be what it is. By the same reason, if all the elements are mutable, every body is mutable.

Now, according to your doctrine, all the elements are mutable; all bodies, therefore, are mutable. But if there were any body immortal, then all bodies would not be mutable. Every body, then, is mortal; for every body is either water, air, fire, or earth, or composed of the four elements together, or of some of them. Now, there is not one of all these elements that does not perish; for earthly bodies are fragile: water is so soft that the least shock will separate its parts, and fire and air yield to the least impulse, and are subject to dissolution; besides, any of these elements perish when converted into another nature, as when water is formed from earth, the air from water, and the sky from air, and when they change in the same manner back again. Therefore, if there is nothing but what is perishable in the composition of all animals, there is no animal eternal.

XIII. But, not to insist on these arguments, there is no animal to be found that had not a beginning, and will not have an end; for every animal being sensitive, they are consequently all sensible of cold and heat, sweet and bitter; nor can they have pleasing sensations without being subject to the contrary. As, therefore, they receive pleasure, they likewise receive pain; and whatever being is subject to pain must necessarily be subject to death. It must be allowed, therefore, that every animal is mortal.

Besides, a being that is not sensible of pleasure or pain cannot have the essence of an animal; if, then, on the one hand, every animal must be sensible of pleasure and pain, and if, on the other, every being that has these sensations cannot be immortal, we may conclude

that as there is no animal insensible, there is none immortal. Besides, there is no animal without inclination and aversion — an inclination to that which is agreeable to nature, and an aversion to the contrary: there are in the case of every animal some things which they covet, and others they reject. What they reject are repugnant to their nature, and consequently would destroy them. Every animal, therefore, is inevitably subject to be destroyed. There are innumerable arguments to prove that whatever is sensitive is perishable; for cold, heat, pleasure, pain, and all that affects the sense, when they become excessive, cause destruction. Since, then, there is no animal that is not sensitive, there is none immortal.

XIV. The substance of an animal is either simple or compound; simple, if it is composed only of earth, of fire, of air, or of water (and of such a sort of being we can form no idea); compound, if it is formed of different elements, which have each their proper situation, and have a natural tendency to it — this element tending towards the highest parts, that towards the lowest, and another towards the middle. This conjunction may for some time subsist, but not forever; for every element must return to its first situation. No animal, therefore, is eternal.

But your school, Balbus, allows fire only to be the sole active principle; an opinion which I believe you derive from Heraclitus, whom some men understand in one sense, some in another: but since he seems unwilling to be understood, we will pass him by. You Stoics, then, say that fire is the universal principle of all things; that all living bodies cease to live on the extinction of that heat; and that throughout all nature whatever is sensible of that heat lives and flourishes. Now, I cannot conceive that bodies should perish for want of heat, rather than for want of moisture or air, especially as they even die through excess of heat; so that the life of animals does not depend more on fire than on the other elements.

However, air and water have this quality in common with fire and heat. But let us see to what this tends. If I am not mistaken, you believe that in all nature there is nothing but fire, which is self-animated. Why fire rather than air, of which the life of animals consists, and which is called from thence *anima*, the soul? But how is it that you take it for granted that life is nothing but fire? It seems

more probable that it is a compound of fire and air. But if fire is self-animated, unmixed with any other element, it must be sensitive, because it renders our bodies sensitive; and the same objection which I just now made will arise, that whatever is sensitive must necessarily be susceptible of pleasure and pain, and whatever is sensible of pain is likewise subject to the approach of death; therefore you cannot prove fire to be eternal.

You Stoics hold that all fire has need of nourishment, without which it cannot possibly subsist; that the sun, moon, and all the stars are fed either with fresh or salt waters; and the reason that Cleanthes gives why the sun is retrograde, and does not go beyond the tropics in the summer or winter, is that he may not be too far from his sustenance. This I shall fully examine hereafter; but at present we may conclude that whatever may cease to be cannot of its own nature be eternal; that if fire wants sustenance, it will cease to be, and that, therefore, fire is not of its own nature eternal.

XV. After all, what kind of a Deity must that be who is not graced with one single virtue, if we should succeed in forming this idea of such a one? Must we not attribute prudence to a Deity? a virtue which consists in the knowledge of things good, bad, and indifferent. Yet what need has a being for the discernment of good and ill who neither has nor can have any ill? Of what use is reason to him? of what use is understanding? We men, indeed, find them useful to aid us in finding out things which are obscure by those which are clear to us; but nothing can be obscure to a Deity. As to justice, which gives to every one his own, it is not the concern of the Gods; since that virtue, according to your doctrine, received its birth from men and from civil society. Temperance consists in abstinence from corporeal pleasures, and if such abstinence hath a place in heaven, so also must the pleasures abstained from. Lastly, if fortitude is ascribed to the Deity, how does it appear? In afflictions, in labor, in danger? None of these things can affect a God. How, then, can we conceive this to be a Deity that makes no use of reason, and is not endowed with any virtue?

However, when I consider what is advanced by the Stoics, my contempt for the ignorant multitude vanishes. For these are their divinities. The Syrians worshipped a fish. The Egyptians consecrated

beasts of almost every kind. The Greeks deified many men; as Alabandus at Alabandæ, Tenes at Tenedos; and all Greece pay divine honors to Leucothea (who was before called Ino), to her son Palæmon, to Hercules, to Æsculapius, and to the Tyndaridæ; our own people to Romulus, and to many others, who, as citizens newly admitted into the ancient body, they imagine have been received into heaven.

These are the Gods of the illiterate.

XVI. What are the notions of you philosophers? In what respect are they superior to these ideas? I shall pass them over; for they are certainly very admirable. Let the world, then, be a Deity, for that, I conceive, is what you mean by

The refulgent heaven above,
Which all men call, unanimously, Jove.

But why are we to add many more Gods? What a multitude of them there is! At least, it seems so to me; for every constellation, according to you, is a Deity: to some you give the name of beasts, as the goat, the scorpion, the bull, the lion; to others the names of inanimate things, as the ship, the altar, the crown.

But supposing these were to be allowed, how can the rest be granted, or even so much as understood? When we call corn Ceres, and wine Bacchus, we make use of the common manner of speaking; but do you think any one so mad as to believe that his food is a Deity? With regard to those who, you say, from having been men became Gods, I should be very willing to learn of you, either how it was possible formerly, or, if it had ever been, why is it not so now? I do not conceive, as things are at present, how Hercules,

Burn'd with fiery torches on Mount Œta,
as Accius says, should rise, with the flames,
To the eternal mansions of his father.

Besides, Homer also says that Ulysses met him in the shades below, among the other dead.

But yet I should be glad to know which Hercules we should chiefly worship; for they who have searched into those histories, which are but little known, tell us of several. The most ancient is he who fought with Apollo about the Tripos of Delphi, and is son of Jupiter and Lisyto; and of the most ancient Jupiters too, for we find

many Jupiters also in the Grecian chronicles. The second is the Egyptian Hercules, and is believed to be the son of Nilus, and to be the author of the Phrygian characters. The third, to whom they offered sacrifices, is one of the Idæi Dactyli. The fourth is the son of Jupiter and Asteria, the sister of Latona, chiefly honored by the Tyrians, who pretend that Carthago is his daughter. The fifth, called Belus, is worshipped in India. The sixth is the son of Alcmena by Jupiter; but by the third Jupiter, for there are many Jupiters, as you shall soon see.

XVII. Since this examination has led me so far, I will convince you that in matters of religion I have learned more from the pontifical rites, the customs of our ancestors, and the vessels of Numa, which Lælius mentions in his little Golden Oration, than from all the learning of the Stoics; for tell me, if I were a disciple of your school, what answer could I make to these questions? If there are Gods, are nymphs also Goddesses? If they are Goddesses, are Pans and Satyrs in the same rank? But they are not; consequently, nymphs are not Goddesses. Yet they have temples publicly dedicated to them. What do you conclude from thence? Others who have temples are not therefore Gods. But let us go on. You call Jupiter and Neptune Gods; their brother Pluto, then, is one; and if so, those rivers also are Deities which they say flow in the infernal regions — Acheron, Cocytus, Pyriphlegethon; Charon also, and Cerberus, are Gods; but that cannot be allowed; nor can Pluto be placed among the Deities. What, then, will you say of his brothers?

Thus reasons Carneades; not with any design to destroy the existence of the Gods (for what would less become a philosopher?), but to convince us that on that matter the Stoics have said nothing plausible. If, then, Jupiter and Neptune are Gods, adds he, can that divinity be denied to their father Saturn, who is principally worshipped throughout the West? If Saturn is a God, then must his father, Cœlus, be one too, and so must the parents of Cœlus, which are the Sky and Day, as also their brothers and sisters, which by ancient genealogists are thus named: Love, Deceit, Fear, Labor, Envy, Fate, Old Age, Death, Darkness, Misery, Lamentation, Favor, Fraud, Obstinacy, the Destinies, the Hesperides, and Dreams; all which are the offspring of Erebus and Night. These monstrous

Deities, therefore, must be received, or else those from whom they sprung must be disallowed.

XVIII. If you say that Apollo, Vulcan, Mercury, and the rest of that sort are Gods, can you doubt the divinity of Hercules and Æsculapius, Bacchus, Castor and Pollux? These are worshipped as much as those, and even more in some places. Therefore they must be numbered among the Gods, though on the mother's side they are only of mortal race. Aristæus, who is said to have been the son of Apollo, and to have found out the art of making oil from the olive; Theseus, the son of Neptune; and the rest whose fathers were Deities, shall they not be placed in the number of the Gods? But what think you of those whose mothers were Goddesses? They surely have a better title to divinity; for, in the civil law, as he is a freeman who is born of a freewoman, so, in the law of nature, he whose mother is a Goddess must be a God. The isle Astypalæa religiously honor Achilles; and if he is a Deity, Orpheus and Rhesus are so, who were born of one of the Muses; unless, perhaps, there may be a privilege belonging to sea marriages which land marriages have not. Orpheus and Rhesus are nowhere worshipped; and if they are therefore not Gods, because they are nowhere worshipped as such, how can the others be Deities? You, Balbus, seemed to agree with me that the honors which they received were not from their being regarded as immortals, but as men richly endued with virtue.

But if you think Latona a Goddess, how can you avoid admitting Hecate to be one also, who was the daughter of Asteria, Latona's sister? Certainly she is one, if we may judge by the altars erected to her in Greece. And if Hecate is a Goddess, how can you refuse that rank to the Eumenides? for they also have a temple at Athens, and, if I understand right, the Romans have consecrated a grove to them. The Furies, too, whom we look upon as the inspectors into and scourges of impiety, I suppose, must have their divinity too. As you hold that there is some divinity presides over every human affair, there is one who presides over the travail of matrons, whose name, *Natio*, is derived *a nascentibus*, from nativities, and to whom we used to sacrifice in our processions in the fields of Ardæa; but if she is a Deity, we must likewise acknowledge all those you mentioned, Honor, Faith, Intellect, Concord; by the same rule also, Hope, Juno,

Moneta, and every idle phantom, every child of our imagination, are Deities. But as this consequence is quite inadmissible, do not you either defend the cause from which it flows.

XIX. What say you to this? If these are Deities, which we worship and regard as such, why are not Serapis and Isis placed in the same rank? And if they are admitted, what reason have we to reject the Gods of the barbarians? Thus we should deify oxen, horses, the ibis, hawks, asps, crocodiles, fishes, dogs, wolves, cats, and many other beasts. If we go back to the source of this superstition, we must equally condemn all the Deities from which they proceed. Shall Ino, whom the Greeks call Leucothea, and we Matuta, be reputed a Goddess, because she was the daughter of Cadmus, and shall that title be refused to Circe and Pasiphae, who had the sun for their father, and Perseis, daughter of the Ocean, for their mother? It is true, Circe has divine honors paid her by our colony of Circæum; therefore you call her a Goddess; but what will you say of Medea, the granddaughter of the Sun and the Ocean, and daughter of Æetes and Idyia? What will you say of her brother Absyrtus, whom Pacuvius calls Ægialeus, though the other name is more frequent in the writings of the ancients? If you did not deify one as well as the other, what will become of Ino? for all these Deities have the same origin.

Shall Amphiaraus and Tryphonius be called Gods? Our publicans, when some lands in Bœotia were exempted from the tax, as belonging to the immortal Gods, denied that any were immortal who had been men. But if you deify these, Erechtheus surely is a God, whose temple and priest we have seen at Athens. And can you, then, refuse to acknowledge also Codrus, and many others who shed their blood for the preservation of their country? And if it is not allowable to consider all these men as Gods, then, certainly, probabilities are not in favor of our acknowledging the *Divinity* of those previously mentioned beings from whom these have proceeded.

It is easy to observe, likewise, that if in many countries people have paid divine honors to the memory of those who have signalized their courage, it was done in order to animate others to practise virtue, and to expose themselves the more willingly to dangers in their country's cause. From this motive the Athenians have deified

Erechtheus and his daughters, and have erected also a temple, called Leocorion, to the daughters of Leus. Alabandus is more honored in the city which he founded than any of the more illustrious Deities; from thence Stratonicus had a pleasant turn — as he had many — when he was troubled with an impertinent fellow who insisted that Alabandus was a God, but that Hercules was not; "Very well," says he, "then let the anger of Alabandus fall upon me, and that of Hercules upon you."

XX. Do you not consider, Balbus, to what lengths your arguments for the divinity of the heaven and the stars will carry you? You deify the sun and the moon, which the Greeks take to be Apollo and Diana. If the moon is a Deity, the morning-star, the other planets, and all the fixed stars are also Deities; and why shall not the rainbow be placed in that number? for it is so wonderfully beautiful that it is justly said to be the daughter of Thaumas. But if you deify the rainbow, what regard will you pay to the clouds? for the colors which appear in the bow are only formed of the clouds, one of which is said to have brought forth the Centaurs; and if you deify the clouds, you cannot pay less regard to the seasons, which the Roman people have really consecrated. Tempests, showers, storms, and whirlwinds must then be Deities. It is certain, at least, that our captains used to sacrifice a victim to the waves before they embarked on any voyage.

As you deify the earth under the name of Ceres, because, as you said, she bears fruits (*a gerendo*), and the ocean under that of Neptune, rivers and fountains have the same right. Thus we see that Maso, the conqueror of Corsica, dedicated a temple to a fountain, and the names of the Tiber, Spino, Almo, Nodinus, and other neighboring rivers are in the prayers of the augurs. Therefore, either the number of such Deities will be infinite, or we must admit none of them, and wholly disapprove of such an endless series of superstition.

XXI. None of all these assertions, then, are to be admitted. I must proceed now, Balbus, to answer those who say that, with regard to those deified mortals, so religiously and devoutly reverenced, the public opinion should have the force of reality. To begin, then: they who are called theologists say that there are three Jupiters; the first and second of whom were born in Arcadia; one of whom was the son

of Æther, and father of Proserpine and Bacchus; the other the son of Cœlus, and father of Minerva, who is called the Goddess and inventress of war; the third one born of Saturn in the isle of Crete, where his sepulchre is shown. The sons of Jupiter (Διόσκουροι) also, among the Greeks, have many names; first, the three who at Athens have the title of Anactes, Tritopatreus, Eubuleus, and Dionysus, sons of the most ancient king Jupiter and Proserpine; the next are Castor and Pollux, sons of the third Jupiter and Leda; and, lastly, three others, by some called Alco, Melampus, and Tmolus, sons of Atreus, the son of Pelops.

As to the Muses, there were at first four — Thelxiope, Acede, Arche, and Melete — daughters of the second Jupiter; afterward there were nine, daughters of the third Jupiter and Mnemosyne; there were also nine others, having the same appellations, born of Pierus and Antiopa, by the poets usually called Pierides and Pieriæ. Though *Sol* (the sun) is so called, you say, because he is *solus* (single); yet how many suns do theologists mention? There is one, the son of Jupiter and grandson of Æther; another, the son of Hyperion; a third, who, the Egyptians say, was of the city Heliopolis, sprung from Vulcan, the son of Nilus; a fourth is said to have been born at Rhodes of Acantho, in the times of the heroes, and was the grandfather of Jalysus, Camirus, and Lindus; a fifth, of whom, it is pretended, Aretes and Circe were born at Colchis.

XXII. There are likewise several Vulcans. The first (who had of Minerva that Apollo whom the ancient historians call the tutelary God of Athens) was the son of Cœlus; the second, whom the Egyptians call Opas, and whom they looked upon as the protector of Egypt, is the son of Nilus; the third, who is said to have been the master of the forges at Lemnos, was the son of the third Jupiter and of Juno; the fourth, who possessed the islands near Sicily called Vulcaniæ, was the son of Menalius. One Mercury had Cœlus for his father and Dies for his mother; another, who is said to dwell in a cavern, and is the same as Trophonius, is the son of Valens and Phoronis. A third, of whom, and of Penelope, Pan was the offspring, is the son of the third Jupiter and Maia. A fourth, whom the Egyptians think it a crime to name, is the son of Nilus. A fifth, whom we call, in their language, Thoth, as with them the first month of the

year is called, is he whom the people of Pheneum worship, and who is said to have killed Argus, to have fled for it into Egypt, and to have given laws and learning to the Egyptians. The first of the Æsculapii, the God of Arcadia, who is said to have invented the probe and to have been the first person who taught men to use bandages for wounds, is the son of Apollo. The second, who was killed with thunder, and is said to be buried in Cynosura, is the brother of the second Mercury. The third, who is said to have found out the art of purging the stomach, and of drawing teeth, is the son of Arsippus and Arsinoe; and in Arcadia there is shown his tomb, and the wood which is consecrated to him, near the river Lusium.

XXIII. I have already spoken of the most ancient of the Apollos, who is the son of Vulcan, and tutelar God of Athens. There is another, son of Corybas, and native of Crete, for which island he is said to have contended with Jupiter himself. A third, who came from the regions of the Hyperborei to Delphi, is the son of the third Jupiter and of Latona. A fourth was of Arcadia, whom the Arcadians called Nomio, because they regarded him as their legislator. There are likewise many Dianas. The first, who is thought to be the mother of the winged Cupid, is the daughter of Jupiter and Proserpine. The second, who is more known, is daughter of the third Jupiter and of Latona. The third, whom the Greeks often call by her father's name, is the daughter of Upis and Glauce. There are many also of the Dionysi. The first was the son of Jupiter and Proserpine. The second, who is said to have killed Nysa, was the son of Nilus. The third, who reigned in Asia, and for whom the Sabazia were instituted, was the son of Caprius. The fourth, for whom they celebrate the Orphic festivals, sprung from Jupiter and Luna. The fifth, who is supposed to have instituted the Trieterides, was the son of Nysus and Thyone.

The first Venus, who has a temple at Elis, was the daughter of Cœlus and Dies. The second arose out of the froth of the sea, and became, by Mercury, the mother of the second Cupid. The third, the daughter of Jupiter and Diana, was married to Vulcan, but is said to have had Anteros by Mars. The fourth was a Syrian, born of Tyro, who is called Astarte, and is said to have been married to Adonis. I have already mentioned one Minerva, mother of Apollo. Another, who is worshipped at Sais, a city in Egypt, sprung from Nilus. The

third, whom I have also mentioned, was daughter of Jupiter. The fourth, sprung from Jupiter and Coryphe, the daughter of the Ocean; the Arcadians call her Coria, and make her the inventress of chariots. A fifth, whom they paint with wings at her heels, was daughter of Pallas, and is said to have killed her father for endeavoring to violate her chastity. The first Cupid is said to be the son of Mercury and the first Diana; the second, of Mercury and the second Venus; the third, who is the same as Anteros, of Mars and the third Venus.

All these opinions arise from old stories that were spread in Greece; the belief in which, Balbus, you well know, ought to be stopped, lest religion should suffer. But you Stoics, so far from refuting them, even give them authority by the mysterious sense which you pretend to find in them. Can you, then, think, after this plain refutation, that there is need to employ more subtle reasonings? But to return from this digression.

XXIV. We see that the mind, faith, hope, virtue, honor, victory, health, concord, and things of such kind, are purely natural, and have nothing of divinity in them; for either they are inherent in us, as the mind, faith, hope, virtue, and concord are; or else they are to be desired, as honor, health, and victory. I know indeed that they are useful to us, and see that statues have been religiously erected for them; but as to their divinity, I shall begin to believe it when you have proved it for certain. Of this kind I may particularly mention Fortune, which is allowed to be ever inseparable from inconstancy and temerity, which are certainly qualities unworthy of a divine being.

But what delight do you take in the explication of fables, and in the etymology of names? — that Cœlus was castrated by his son, and that Saturn was bound in chains by his son! By your defence of these and such like fictions you would make the authors of them appear not only not to be madmen, but to have been even very wise. But the pains which you take with your etymologies deserve our pity. That Saturn is so called because *se saturat annis*, he is full of years; Mavors, Mars, because *magna vortit*, he brings about mighty changes; Minerva, because *minuit*, she diminishes, or because *minatur*, she threatens; Venus, because *venit ad omnia*, she comes to all; Ceres, *a gerendo*, from bearing. How dangerous is this method! for there are many names would puzzle you. >From what would you derive Vejupiter and Vulcan? Though, indeed, if you can derive Neptune *a nando*, from swimming, in which you seem to me to flounder about yourself more than Neptune, you may easily find the origin of all names, since it is founded only upon the conformity of some one letter. Zeno first, and after him Cleanthes and Chrysippus, are put to the unnecessary trouble of explaining mere fables, and giving reasons for the several appellations of every Deity; which is really owning that those whom we call Gods are not the representations of deities, but natural things, and that to judge otherwise is an error.

XXV. Yet this error has so much prevailed that even pernicious things have not only the title of divinity ascribed to them, but have also sacrifices offered to them; for Fever has a temple on the Palatine hill, and Orbona another near that of the Lares, and we see on the Esquiline hill an altar consecrated to Ill-fortune. Let all such errors be banished from philosophy, if we would advance, in our dispute concerning the immortal Gods, nothing unworthy of immortal beings. I know myself what I ought to believe; which is far different from what you have said. You take Neptune for an intelligence pervading the sea. You have the same opinion of Ceres with regard to the earth. I cannot, I own, find out, or in the least conjecture, what that intelligence of the sea or the earth is. To learn, therefore, the existence of the Gods, and of what description and character they are, I must apply elsewhere, not to the Stoics.

Let us proceed to the two other parts of our dispute: first, “whether there is a divine providence which governs the world;” and lastly, “whether that providence particularly regards mankind;” for these are the remaining propositions of your discourse; and I think that, if you approve of it, we should examine these more accurately. With all my heart, says Velleius, for I readily agree to what you have hitherto said, and expect still greater things from you.

I am unwilling to interrupt you, says Balbus to Cotta, but we shall take another opportunity, and I shall effectually convince you. But

* * *

XXVI.

Shall I adore, and bend the suppliant knee,
Who scorn their power and doubt their deity?

Does not Niobe here seem to reason, and by that reasoning to bring all her misfortunes upon herself? But what a subtle expression is the following!

On strength of will alone depends success;
a maxim capable of leading us into all that is bad.
Though I’m confined, his malice yet is vain,
His tortured heart shall answer pain for pain;
His ruin soothe my soul with soft content,
Lighten my chains, and welcome banishment!

This, now, is reason; that reason which you say the divine goodness has denied to the brute creation, kindly to bestow it on men alone. How great, how immense the favor! Observe the same Medea flying from her father and her country:

The guilty wretch from her pursuer flies.
By her own hands the young Absyrtus slain,
His mangled limbs she scatters o’er the plain,
That the fond sire might sink beneath his woe,
And she to parricide her safety owe.

Reflection, as well as wickedness, must have been necessary to the preparation of such a fact; and did he too, who prepared that fatal repast for his brother, do it without reflection?

Revenge as great as Atreus’ injury

Shall sink his soul and crown his misery.

XXVII. Did not Thyestes himself, not content with having defiled his brother's bed (of which Atreus with great justice thus complains,

When faithless comforts, in the lewd embrace,
With vile adultery stain a royal race,
The blood thus mix'd in fouler currents flows,
Taints the rich soil, and breeds unnumber'd woes) —

did he not, I say, by that adultery, aim at the possession of the crown? Atreus thus continues:

A lamb, fair gift of heaven, with golden fleece,
Promised in vain to fix my crown in peace;
But base Thyestes, eager for the prey,
Crept to my bed, and stole the gem away.

Do you not perceive that Thyestes must have had a share of reason proportionable to the greatness of his crimes — such crimes as are not only represented to us on the stage, but such as we see committed, nay, often exceeded, in the common course of life? The private houses of individual citizens, the public courts, the senate, the camp, our allies, our provinces, all agree that reason is the author of all the ill, as well as of all the good, which is done; that it makes few act well, and that but seldom, but many act ill, and that frequently; and that, in short, the Gods would have shown greater benevolence in denying us any reason at all than in sending us that which is accompanied with so much mischief; for as wine is seldom wholesome, but often hurtful in diseases, we think it more prudent to deny it to the patient than to run the risk of so uncertain a remedy; so I do not know whether it would not be better for mankind to be deprived of wit, thought, and penetration, or what we call reason, since it is a thing pernicious to many and very useful to few, than to have it bestowed upon them with so much liberality and in such abundance. But if the divine will has really consulted the good of man in this gift of reason, the good of those men only was consulted on whom a well-regulated one is bestowed: how few those are, if any, is very apparent. We cannot admit, therefore, that the Gods consulted the good of a few only; the conclusion must be that they consulted the good of none.

XXVIII. You answer that the ill use which a great part of mankind

make of reason no more takes away the goodness of the Gods, who bestow it as a present of the greatest benefit to them, than the ill use which children make of their patrimony diminishes the obligation which they have to their parents for it. We grant you this; but where is the similitude? It was far from Deianira's design to injure Hercules when she made him a present of the shirt dipped in the blood of the Centaurs. Nor was it a regard to the welfare of Jason of Pheræ that influenced the man who with his sword opened his imposthume, which the physicians had in vain attempted to cure. For it has often happened that people have served a man whom they intended to injure, and have injured one whom they designed to serve; so that the effect of the gift is by no means always a proof of the intention of the giver; neither does the benefit which may accrue from it prove that it came from the hands of a benefactor. For, in short, what debauchery, what avarice, what crime among men is there which does not owe its birth to thought and reflection, that is, to reason? For all opinion is reason: right reason, if men's thoughts are conformable to truth; wrong reason, if they are not. The Gods only give us the mere faculty of reason, if we have any; the use or abuse of it depends entirely upon ourselves; so that the comparison is not just between the present of reason given us by the Gods, and a patrimony left to a son by his father; for, after all, if the injury of mankind had been the end proposed by the Gods, what could they have given them more pernicious than reason? for what seed could there be of injustice, intemperance, and cowardice, if reason were not laid as the foundation of these vices?

XXIX. I mentioned just now Medea and Atreus, persons celebrated in heroic poems, who had used this reason only for the contrivance and practice of the most flagitious crimes; but even the trifling characters which appear in comedies supply us with the like instances of this reasoning faculty; for example, does not he, in the Eunuch, reason with some subtlety? —

What, then, must I resolve upon?

She turn'd me out-of-doors; she sends for me back again;

Shall I go? no, not if she were to beg it of me.

Another, in the Twins, making no scruple of opposing a received maxim, after the manner of the Academics, asserts that when a man

is in love and in want, it is pleasant

To have a father covetous, crabbed, and passionate,

Who has no love or affection for his children.

This unaccountable opinion he strengthens thus:

You may defraud him of his profits, or forge letters in his name,

Or fright him by your servant into compliance;

And what you take from such an old hunks,

How much more pleasantly do you spend it!

On the contrary, he says that an easy, generous father is an inconvenience to a son in love; for, says he,

I can't tell how to abuse so good, so prudent a parent,

Who always foreruns my desires, and meets me purse in hand,

To support me in my pleasures: this easy goodness and generosity

Quite defeat all my frauds, tricks, and stratagems.

What are these frauds, tricks, and stratagems but the effects of reason? O excellent gift of the Gods! Without this Phormio could not have said,

Find me out the old man: I have something hatching for him in my head.

XXX. But let us pass from the stage to the bar. The prætor takes his seat. To judge whom? The man who set fire to our archives. How secretly was that villany conducted! Q. Sosius, an illustrious Roman knight, of the Picene field, confessed the fact. Who else is to be tried? He who forged the public registers — Alenus, an artful fellow, who counterfeited the handwriting of the six officers. Let us call to mind other trials: that on the subject of the gold of Tolosa, or the conspiracy of Jugurtha. Let us trace back the informations laid against Tubulus for bribery in his judicial office; and, since that, the proceedings of the tribune Peduceus concerning the incest of the vestals. Let us reflect upon the trials which daily happen for assassinations, poisonings, embezzlement of public money, frauds in wills, against which we have a new law; then that action against the advisers or assisters of any theft; the many laws concerning frauds in guardianship, breaches of trust in partnerships and commissions in trade, and other violations of faith in buying, selling, borrowing, or lending; the public decree on a private affair by the Lætorian Law; and, lastly, that scourge of all dishonesty, the law against fraud,

proposed by our friend Aquillius; that sort of fraud, he says, by which one thing is pretended and another done. Can we, then, think that this plentiful fountain of evil sprung from the immortal Gods? If they have given reason to man, they have likewise given him subtlety, for subtlety is only a deceitful manner of applying reason to do mischief. To them likewise we must owe deceit, and every other crime, which, without the help of reason, would neither have been thought of nor committed. As the old woman wished

That to the fir which on Mount Pelion grew
The axe had ne'er been laid,

so we should wish that the Gods had never bestowed this ability on man, the abuse of which is so general that the small number of those who make a good use of it are often oppressed by those who make a bad use of it; so that it seems to be given rather to help vice than to promote virtue among us.

XXXI. This, you insist on it, is the fault of man, and not of the Gods. But should we not laugh at a physician or pilot, though they are weak mortals, if they were to lay the blame of their ill success on the violence of the disease or the fury of the tempest? Had there not been danger, we should say, who would have applied to you? This reasoning has still greater force against the Deity. The fault, you say, is in man, if he commits crimes. But why was not man endued with a reason incapable of producing any crimes? How could the Gods err? When we leave our effects to our children, it is in hopes that they may be well bestowed; in which we may be deceived, but how can the Deity be deceived? As Phœbus when he trusted his chariot to his son Phaëthon, or as Neptune when he indulged his son Theseus in granting him three wishes, the consequence of which was the destruction of Hippolitus? These are poetical fictions; but truth, and not fables, ought to proceed from philosophers. Yet if those poetical Deities had foreseen that their indulgence would have proved fatal to their sons, they must have been thought blamable for it.

Aristo of Chios used often to say that the philosophers do hurt to such of their disciples as take their good doctrine in a wrong sense; thus the lectures of Aristippus might produce debauchees, and those of Zeno pedants. If this be true, it were better that philosophers should be silent than that their disciples should be corrupted by a

misapprehension of their master's meaning; so if reason, which was bestowed on mankind by the Gods with a good design, tends only to make men more subtle and fraudulent, it had been better for them never to have received it. There could be no excuse for a physician who prescribes wine to a patient, knowing that he will drink it and immediately expire. Your Providence is no less blamable in giving reason to man, who, it foresaw, would make a bad use of it. Will you say that it did not foresee it? Nothing could please me more than such an acknowledgment. But you dare not. I know what a sublime idea you entertain of her.

XXXII. But to conclude. If folly, by the unanimous consent of philosophers, is allowed to be the greatest of all evils, and if no one ever attained to true wisdom, we, whom they say the immortal Gods take care of, are consequently in a state of the utmost misery. For that nobody is well, or that nobody can be well, is in effect the same thing; and, in my opinion, that no man is truly wise, or that no man can be truly wise, is likewise the same thing. But I will insist no further on so self-evident a point. Telamon in one verse decides the question. If, says he, there is a Divine Providence,

Good men would be happy, bad men miserable.

But it is not so. If the Gods had regarded mankind, they should have made them all virtuous; but if they did not regard the welfare of all mankind, at least they ought to have provided for the happiness of the virtuous. Why, therefore, was the Carthaginian in Spain suffered to destroy those best and bravest men, the two Scipios? Why did Maximus lose his son, the consul? Why did Hannibal kill Marcellus? Why did Cannæ deprive us of Paulus? Why was the body of Regulus delivered up to the cruelty of the Carthaginians? Why was not Africanus protected from violence in his own house? To these, and many more ancient instances, let us add some of later date. Why is Rutilius, my uncle, a man of the greatest virtue and learning, now in banishment? Why was my own friend and companion Drusus assassinated in his own house? Why was Scævola, the high-priest, that pattern of moderation and prudence, massacred before the statue of Vesta? Why, before that, were so many illustrious citizens put to death by Cinna? Why had Marius, the most perfidious of men, the power to cause the death of Catulus, a man of the greatest dignity?

But there would be no end of enumerating examples of good men made miserable and wicked men prosperous. Why did that Marius live to an old age, and die so happily at his own house in his seventh consulship? Why was that inhuman wretch Cinna permitted to enjoy so long a reign?

XXXIII. He, indeed, met with deserved punishment at last. But would it not have been better that these inhumanities had been prevented than that the author of them should be punished afterward? Varius, a most impious wretch, was tortured and put to death. If this was his punishment for the murdering Drusus by the sword, and Metellus by poison, would it not have been better to have preserved their lives than to have their deaths avenged on Varius? Dionysius was thirty-eight years a tyrant over the most opulent and flourishing city; and, before him, how many years did Pisistratus tyrannize in the very flower of Greece! Phalaris and Apollodorus met with the fate they deserved, but not till after they had tortured and put to death multitudes. Many robbers have been executed; but the number of those who have suffered for their crimes is short of those whom they have robbed and murdered. Anaxarchus, a scholar of Democritus, was cut to pieces by command of the tyrant of Cyprus; and Zeno of Elea ended his life in tortures. What shall I say of Socrates, whose death, as often as I read of it in Plato, draws fresh tears from my eyes? If, therefore, the Gods really see everything that happens to men, you must acknowledge they make no distinction between the good and the bad.

XXXIV. Diogenes the Cynic used to say of Harpalus, one of the most fortunate villains of his time, that the constant prosperity of such a man was a kind of witness against the Gods. Dionysius, of whom we have before spoken, after he had pillaged the temple of Proserpine at Locris, set sail for Syracuse, and, having a fair wind during his voyage, said, with a smile, “See, my friends, what favorable winds the immortal Gods bestow upon church-robbers.” Encouraged by this prosperous event, he proceeded in his impiety. When he landed at Peloponnesus, he went into the temple of Jupiter Olympius, and disrobed his statue of a golden mantle of great weight, an ornament which the tyrant Gelo had given out of the spoils of the Carthaginians, and at the same time, in a jesting manner,

he said “that a golden mantle was too heavy in summer and too cold in winter;” and then, throwing a woollen cloak over the statue, added, “This will serve for all seasons.” At another time, he ordered the golden beard of Æsculapius of Epidaurus to be taken away, saying that “it was absurd for the son to have a beard, when his father had none.” He likewise robbed the temples of the silver tables, which, according to the ancient custom of Greece, bore this inscription, “To the good Gods,” saying “he was willing to make use of their goodness;” and, without the least scruple, took away the little golden emblems of victory, the cups and coronets, which were in the stretched-out hands of the statues, saying “he did not take, but receive them; for it would be folly not to accept good things from the Gods, to whom we are constantly praying for favors, when they stretch out their hands towards us.” And, last of all, all the things which he had thus pillaged from the temples were, by his order, brought to the market-place and sold by the common crier; and, after he had received the money for them, he commanded every purchaser to restore what he had bought, within a limited time, to the temples from whence they came. Thus to his impiety towards the Gods he added injustice to man.

XXXV. Yet neither did Olympian Jove strike him with his thunder, nor did Æsculapius cause him to die by tedious diseases and a lingering death. He died in his bed, had funeral honors paid to him, and left his power, which he had wickedly obtained, as a just and lawful inheritance to his son.

It is not without concern that I maintain a doctrine which seems to authorize evil, and which might probably give a sanction to it, if conscience, without any divine assistance, did not point out, in the clearest manner, the difference between virtue and vice. Without conscience man is contemptible. For as no family or state can be supposed to be formed with any reason or discipline if there are no rewards for good actions nor punishment for crimes, so we cannot believe that a Divine Providence regulates the world if there is no distinction between the honest and the wicked.

But the Gods, you say, neglect trifling things: the little fields or vineyards of particular men are not worthy their attention; and if blasts or hail destroy their product, Jupiter does not regard it, nor do

kings extend their care to the lower offices of government. This argument might have some weight if, in bringing Rutilius as an instance, I had only complained of the loss of his farm at Formiæ; but I spoke of a personal misfortune, his banishment.

XXXVI. All men agree that external benefits, such as vineyards, corn, olives, plenty of fruit and grain, and, in short, every convenience and property of life, are derived from the Gods; and, indeed, with reason, since by our virtue we claim applause, and in virtue we justly glory, which we could have no right to do if it was the gift of the Gods, and not a personal merit. When we are honored with new dignities, or blessed with increase of riches; when we are favored by fortune beyond our expectation, or luckily delivered from any approaching evil, we return thanks for it to the Gods, and assume no praise to ourselves. But who ever thanked the Gods that he was a good man? We thank them, indeed, for riches, health, and honor. For these we invoke the all-good and all-powerful Jupiter; but not for wisdom, temperance, and justice. No one ever offered a tenth of his estate to Hercules to be made wise. It is reported, indeed, of Pythagoras that he sacrificed an ox to the Muses upon having made some new discovery in geometry; but, for my part, I cannot believe it, because he refused to sacrifice even to Apollo at Delos, lest he should defile the altar with blood. But to return. It is universally agreed that good fortune we must ask of the Gods, but wisdom must arise from ourselves; and though temples have been consecrated to the Mind, to Virtue, and to Faith, yet that does not contradict their being inherent in us. In regard to hope, safety, assistance, and victory, we must rely upon the Gods for them; from whence it follows, as Diogenes said, that the prosperity of the wicked destroys the idea of a Divine Providence.

XXXVII. But good men have sometimes success. They have so; but we cannot, with any show of reason, attribute that success to the Gods. Diagoras, who is called the atheist, being at Samothrace, one of his friends showed him several pictures of people who had endured very dangerous storms; “See,” says he, “you who deny a providence, how many have been saved by their prayers to the Gods.” “Ay,” says Diagoras, “I see those who were saved, but where are those painted who were shipwrecked?” At another time, he

himself was in a storm, when the sailors, being greatly alarmed, told him they justly deserved that misfortune for admitting him into their ship; when he, pointing to others under the like distress, asked them "if they believed Diagoras was also aboard those ships?" In short, with regard to good or bad fortune, it matters not what you are, or how you have lived. The Gods, like kings, regard not everything. What similitude is there between them? If kings neglect anything, want of knowledge may be pleaded in their defence; but ignorance cannot be brought as an excuse for the Gods.

XXXVIII. Your manner of justifying them is somewhat extraordinary, when you say that if a wicked man dies without suffering for his crimes, the Gods inflict a punishment on his children, his children's children, and all his posterity. O wonderful equity of the Gods! What city would endure the maker of a law which should condemn a son or a grandson for a crime committed by the father or the grandfather?

Shall Tantalus' unhappy offspring know
No end, no close, of this long scene of woe?
When will the dire reward of guilt be o'er,
And Myrtilus demand revenge no more?

Whether the poets have corrupted the Stoics, or the Stoics given authority to the poets, I cannot easily determine. Both alike are to be condemned. If those persons whose names have been branded in the satires of Hipponax or Archilochus were driven to despair, it did not proceed from the Gods, but had its origin in their own minds. When we see Ægistus and Paris lost in the heat of an impure passion, why are we to attribute it to a Deity, when the crime, as it were, speaks for itself? I believe that those who recover from illness are more indebted to the care of Hippocrates than to the power of Æsculapius; that Sparta received her laws from Lycurgus rather than from Apollo; that those eyes of the maritime coast, Corinth and Carthage, were plucked out, the one by Critolaus, the other by Hasdrubal, without the assistance of any divine anger, since you yourselves confess that a Deity cannot possibly be angry on any provocation.

XXXIX. But could not the Deity have assisted and preserved

those eminent cities? Undoubtedly he could; for, according to your doctrine, his power is infinite, and without the least labor; and as nothing but the will is necessary to the motion of our bodies, so the divine will of the Gods, with the like ease, can create, move, and change all things. This you hold, not from a mere phantom of superstition, but on natural and settled principles of reason; for matter, you say, of which all things are composed and consist, is susceptible of all forms and changes, and there is nothing which cannot be, or cease to be, in an instant; and that Divine Providence has the command and disposal of this universal matter, and consequently can, in any part of the universe, do whatever she pleases: from whence I conclude that this Providence either knows not the extent of her power, or neglects human affairs, or cannot judge what is best for us. Providence, you say, does not extend her care to particular men; there is no wonder in that, since she does not extend it to cities, or even to nations, or people. If, therefore, she neglects whole nations, is it not very probable that she neglects all mankind? But how can you assert that the Gods do not enter into all the little circumstances of life, and yet hold that they distribute dreams among men? Since you believe in dreams, it is your part to solve this difficulty. Besides, you say we ought to call upon the Gods. Those who call upon the Gods are individuals. Divine Providence, therefore, regards individuals, which consequently proves that they are more at leisure than you imagine. Let us suppose the Divine Providence to be greatly busied; that it causes the revolutions of the heavens, supports the earth, and rules the seas; why does it suffer so many Gods to be unemployed? Why is not the superintendence of human affairs given to some of those idle Deities which you say are innumerable?

This is the purport of what I had to say concerning "the Nature of the Gods;" not with a design to destroy their existence, but merely to show what an obscure point it is, and with what difficulties an explanation of it is attended.

XL. Balbus, observing that Cotta had finished his discourse — You have been very severe, says he, against a Divine Providence, a doctrine established by the Stoics with piety and wisdom; but, as it grows too late, I shall defer my answer to another day. Our argument

is of the greatest importance; it concerns our altars, our hearths, our temples, nay, even the walls of our city, which you priests hold sacred; you, who by religion defend Rome better than she is defended by her ramparts. This is a cause which, while I have life, I think I cannot abandon without impiety.

There is nothing, replied Cotta, which I desire more than to be confuted. I have not pretended to decide this point, but to give you my private sentiments upon it; and am very sensible of your great superiority in argument. No doubt of it, says Velleius; we have much to fear from one who believes that our dreams are sent from Jupiter, which, though they are of little weight, are yet of more importance than the discourse of the Stoics concerning the nature of the Gods. The conversation ended here, and we parted. Velleius judged that the arguments of Cotta were truest; but those of Balbus seemed to me to have the greater probability.

DE DIVINATIONE (On Divination)

Translated by W. A. Falconer

Cicero's philosophical treatise on divination is formed of two books, which he wrote in 44 BC. Taking the form of a dialogue whose interlocutors are Cicero and his brother Quintus, the work concerns itself with the various types of divination, dividing them into the "inspired" type, especially dreams, and the type which occurs via some form of skill of interpretation (i.e. haruspicy, extispicy, augury, astrology, and other oracles). The first book deals with Quintus' apology of divination, in keeping with his Stoic beliefs, whilst the second book contains Marcus' refutation of these, from his Academic philosophical standpoint. *De Divinatione* is notable as one of history's primary sources on the workings of Roman religion, as well as featuring a fragment of Cicero's poem on his own consulship.

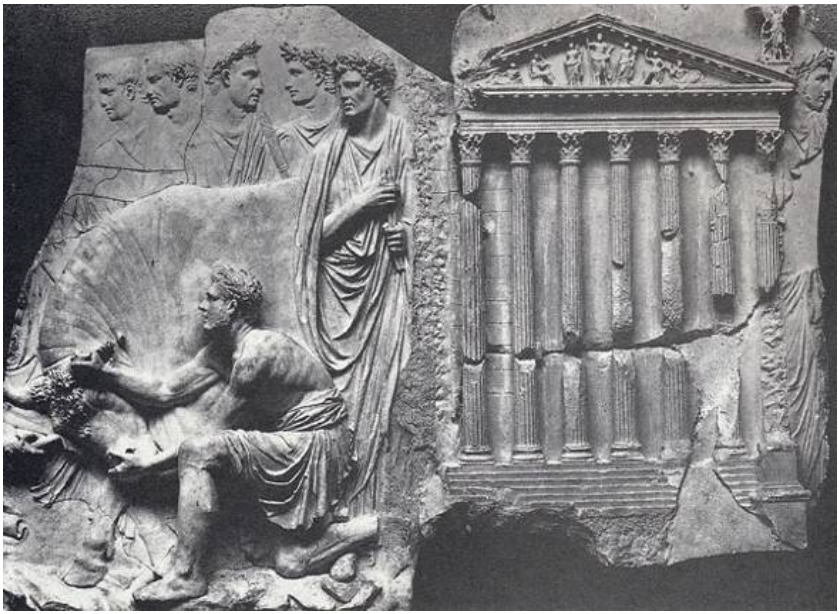

Sacrificial scene in front of the Temple of Mars Ultor. Relief from an altar of Claudian date

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INTRODUCTION

Date of Composition

This treatise was intended by Cicero to supplement his earlier work *De natura deorum*, which was finished probably in August 45 B.C. The greater part of the first book of the *De divinatione* was written (in part at least) before the assassination of Caesar, but the work was not completed and published until after that event.

The Interlocutors

The dialogue is represented as taking place between Cicero and his only brother Quintus, at Cicero's country home at Tusculum, •about ten miles from Rome.

Quintus Cicero was born about 102 B.C.; received instruction in the best schools at the Rome and in Greece; was aedile in 65; praetor in 62; governor of Asia from March 61 to April 58; and served as legatus under Pompey in Sardinia in 56, under Caesar in Gaul in 54 and 53, and under Marcus, his brother, in Cilicia, from July 51 to July 50. In the Civil War he first joined Pompey, but, after the latter's defeat, offered his services to Caesar. Quintus was fond of reading and study and devoted much of his leisure to writing. During his stay in Gaul he wrote four tragedies, which are lost. The authorship of the *Commentariolum Petitionis* is generally conceded to him. He (like his brother) died in December 43, in the proscription of the Second Triumvirate.

Plan and Sources of the Dialogue

In this treatise, as in his other philosophic works, Cicero draws his arguments chiefly from Greek sources, but develops them in his own inimitable way and illustrates them with examples from his varied experiences and from his vast stores of learning. As an adherent of the New Academy he was free to question the views of the other philosophic schools, to compare argument with argument, and to adopt that theory which seemed to him most consistent with reason.

After a thorough and impartial study of all the extant literature on the subject, from the time of Xenophanes of Colophon, a philosopher of the Eleatic school of the sixth century B.C., to that of Cratippus of his own day, and including the teachings of the Pythagoreans, the Socratics, the Peripatetics, the Epicureans and the Stoics, he became convinced that the commonly accepted belief in divination was a superstition which "should be torn up by the roots." He was himself an augur, and in his book *On the Republic* had written in favour of maintenance of the rites of augury and of auspices. But these practices were engrafted on the Roman constitution and he advocated their observance because of his belief in obedience to law and because, as a member of the aristocratic party, he thought augury and auspices the best means of controlling the excesses of democracy.

The Argument in favour of Divination

In treating the subject he proceeded, not as a special pleader, but in a truly philosophic spirit. As the chief apologists for divination he selected the Stoics, who defended it with great force and plausibility, accepted it as a part of their philosophic system, and sought to bring the world into conformity with their views. They endeavoured to unite religion with philosophy to prove that the nature of the gods is adapted to reveal the divine will through divine prophecy. The belief in a superintending care of the gods seemed to them to imply a means of communication between God and man, whereby the latter might know the divine will in advance and obey it. This means they called *Divination*, the vis divinandi of the Romans, the μαντική of the Greeks.

The arguments in the first book in favour of divination are based chiefly on the writings of Posidonius the Stoic. While many of the arguments in the second book go back to Carneades, the founder of the New Academy, the immediate source of the material is not Carneades himself (for he left no writings) but one of his disciples, probably Clitomachus, who was his successor in the New Academy and expounded his doctrines. The discussion of the Chaldean monstra in the second book, from sections 87 to 97, is derived from the Stoic Panaetius. The entire discussion is divided into two main

parts. In the first Quintus, taking the affirmative side, sets out the reasons for his belief in divination, and in the second Marcus proceeds to overwhelm his adversary with merciless logic and, with a rare display of abounding humour and sarcasm, laughs him out of court.

Quintus defends divination as "the foreknowledge and foretelling of events that happen by chance." He divides it into two classes: the first, Artificial, which depends partly on conjecture and partly on long-continued observation, and includes astrology, auspices, augury, divining by portents, prodigies, thunder, lightning, and other natural phenomena; the second, Natural, embraces divination by means of dreams and prophecies, made by persons inspired, as seers and prophets like Calchas, Cassandra, and others, and by those in a state of ecstasy or rapture, like the Pythian priestess of Apollo, whose prophetic powers were induced by exhalations from the earth. In defence of these various kinds of divination he urged the fact of their acceptance from the earliest times by every nation, and by the greatest philosophers including Pythagoras, Socrates, and Plato. He was not troubled by his inability to explain the causes of divination. Those who denied the existence of what they could not explain and were not convinced by results and by the evidence of their own senses, for the same reason should deny the power of the magnet to attract iron, or the efficacy of drugs to effect certain cures. Divination, he urges, was established by many infallible proofs: by augury, the city of Rome had been founded and the kingdom given to Romulus; by the flight of an eagle, King Deiotarus had been warned to discontinue a journey and thereby was saved from certain death; the entrails foretold Caesar's approaching fate; in a dream the Rhodian sailor had a vision of Pompey's defeat at Pharsalus. He also does not disdain the *argumentum ad hominem*, but quotes freely from his brother's poetry to show that he, too, accepts divination.

Following the method of Posidonius, Quintus sought to bring divination into conformity with the principles of philosophy in three ways; by tracing its source to God, to nature, and to fate. The reasoning for its origin from God was borrowed from Cratippus. The human soul is an emanation from the Divine Soul which pervades and governs all things. Between the Divine Soul and the human soul,

both of which are divine and eternal, there is a sympathy and a connexion which permit of communication from one to the other. The human soul when divorced from bodily influences, as in sleep and in ecstasy, is most responsive to the divine will and most endowed with divine foresight.

In discussing the origin of divination from the second source, Quintus defines Fate or εἱμαρμένη as "the orderly succession of causes wherein cause is linked to cause and every cause has its effect." Therefore nothing has happened which was not bound to happen and nothing will happen which will not find its efficient cause in nature. He who knows the links that join cause to cause, knows all the results of causes and can foretell every coming event. While such omniscience is possible only to God, yet since every cause has its sign and there are men who can often read those signs, in the lapse of time a science has been evolved from the recording of signs and the noting of the connexion between them and their results.

The argument from nature is based on the phenomena of dreams and ecstasy. The power of the soul is much enhanced when divorced from bodily sensation. Then it sees things which are invisible to it when shackled by the flesh. During frenzy or inspiration or ecstasy nature seems most to impel the human soul to prophecy.

To the objection that the forecasts of augurs, seers, soothsayers and other diviners are often erroneous, Quintus replies that the same point may be urged against experts in other arts and callings, as, for example, physicians, mariners, and statesmen.

In closing Quintus makes a qualification or partial retractation by stating that he does not countenance fortune-tellers, necromancers, snake-charmers, astrologers, or interpreters of dreams who are not true diviners.

The Argument against Divination

Marcus, in reply, first directs his attack against divination in general and adopts the reasoning of Carneades. "Divination," he says, "has no application to things perceived by the senses, which are sufficient of themselves and require no aid from divination. Nor is there any place for it in matters within the domain of science and of art.

Likewise divination has no place in resolving questions in philosophy, in dialectic or in politics. And since it is of no use in any of these cases there is no use for it anywhere." Next, he takes the Stoic definition of divination as "the foreknowledge and foretelling of things that happen by chance," and shows that since such things may or may not happen, or may happen in one way or another, they cannot be foreseen by any amount of reason or skill. But if it can be known in advance that an event is going to happen, then that event is certain and not subject to chance and, by the definition, is removed from the scope of divination.

Furthermore, even if it was possible to know the future the disadvantages would far outweigh the gain. Cicero then takes up separately the various modes of divination under their proper divisions of Artificial and Natural and shows how utterly unreasonable they are and heaps his ridicule upon them.

Manuscripts, Editions, and Translations

The best MSS. of the *De divinatione* are: V, Vindob., 10th century, and three Leyden MSS., A, B, and H, Leid., 12th century.

The text of this edition is based chiefly on that of John Davies, Cambridge, 1730, but emended in many places by readings adopted from the editions of George A. Moser, Frankfort-on-the-Main, 1828, Aug. Geise, Leipsig, 1829, and C. F. Müller, Leipzig, 1910. Many changes have also been made in Davies' spelling, punctuation and paragraphing.

[In the Teubner series, see the edition by O. Plasberg and W. Ax, Stuttgart, 1969 (1938).]a

I have consulted the following translations: C. D. Yonge, London, Bohn's series, 1848, in English; D. Goldbéry, Paris, Garnier Frères, in French; Ralph Kühner, Berlin, Langenscheidt, in German.

Among books that may be mentioned as useful in the study of *De divinatione* are the following:

C. Wachsmuth, *Die Ansichten der Stoiker über Mantik und Dämonen*.

Th. Schiche, *De fontibus librorum Ciceronis quae sunt de divinatione*.

C. Hartfelder, *Die Quellen von Cicero's De divinatione*.

A. Schmenkel, *Die philosophie der Mittleren Stoa*.

F. Malchin, *De auctoribus quibusdam qui Posidonii libros meteorologicos adhibuerunt*.

The best edition of the *De divinatione* is that of Prof. Pease, University of Illinois Press, 1923.

A. Bouché-Leclercq, *Histoire de la divination*.

J. Wight Duff, *Literary History of Rome*.

I am indebted to Dr. Gordon J. Laing of the University of Chicago for a critical reading of this translation and for many helpful suggestions.

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BOOK I

1 1 There is an ancient belief, handed down to us even from mythical times and firmly established by the general agreement of the Roman people and of all nations, that divination of some kind exists among men; this the Greeks call μαντική — that is, the foresight and knowledge of future events. A really splendid and helpful thing it is — if only such a faculty exists — since by its means men may approach very near to the power of gods. And, just as we Romans have done many other things better than the Greeks, so have we excelled them in giving to this most extraordinary gift a name, which we have derived from divi, a word meaning "gods," whereas, according to Plato's interpretation, they have derived it from furor, a word meaning "frenzy."

2 Now I am aware of no people, however refined and learned or however savage and ignorant, which does not think that signs are given of future events, and that certain persons can recognize those signs and foretell events before they occur. First of all — to seek authority from the most distant sources — the Assyrians, on account of the vast plains inhabited by them, and because of the open and unobstructed view of the heavens presented to them on every side, took observations of the paths and movements of the stars, and, having made note of them, transmitted to posterity what significance they had for each person. And in that same nation the Chaldeans — a name which they derived not from their art but their race — have, it is thought, by means of long-continued observation of the constellations, perfected a science which enables them to foretell what any man's lot will be and for what fate he was born.

The same art is believed to have been acquired also by the Egyptians through a remote past extending over almost countless ages. Moreover, the Cilicians, Pisidians, and their neighbours, the Pamphylians — nations which I once governed — think that the future is declared by the songs and flights of birds, which they regard as most infallible signs. 3 And, indeed, what colony did Greece ever send into Aeolia, Ionia, Asia, Sicily, or Italy without consulting the Pythian or Dodonian oracle, or that of Jupiter Hammon? Or what war

did she ever undertake without first seeking the counsel of the gods?

2 Nor is it only one single mode of divination that has been employed in public and in private. For, to say nothing of other nations, how many our own people have embraced! In the first place, according to tradition, Romulus, the father of this City, not only founded it in obedience to the auspices, but was himself a most skilful augur. Next, the other Roman kings employed augurs; and, again, after the expulsion of the kings, no public business was ever transacted at home or abroad without first taking the auspices. Furthermore, since our forefathers believed that the soothsayers' art had great efficacy in seeking for omens and advice, as well as in cases where prodigies were to be interpreted and their effects averted, they gradually introduced that art in its entirety from Etruria, lest it should appear that any kind of divination had been disregarded by them.

4 And since they thought that the human mind, when in an irrational and unconscious state, and moving by its own free and untrammelled impulse, was inspired in two ways, the one by frenzy and the other by dreams, and since they believed that the divination of frenzy was contained chiefly in the Sibylline verses, they decreed that ten men should be chosen from the State to interpret those verses. In this same category also were the frenzied prophecies of soothsayers and seers, which our ancestors frequently thought worthy of belief — like the prophecies of Cornelius Culleolus, during the Octavian War. Nor, indeed, were the more significant dreams, if they seemed to concern the administration of public affairs, disregarded by our Supreme Council. Why, even within my own memory, Lucius Julius, who was consul with Publius Rutilius, by a vote of the Senate rebuilt the temple of Juno, the Saviour, in accordance with a dream of Caecilia, daughter of Balearicus.

3 5 Now my opinion is that, in sanctioning such usages, the ancients were influenced more by actual results than convinced by reason. However certain very subtle arguments to prove the trustworthiness of divination have been gathered by philosophers. Of these — to mention the most ancient — Xenophanes of Colophon, while asserting the existence of gods, was the only one who repudiated divination in its entirety; but all the others, with the

exception of Epicurus, who babbled about the nature of the gods, approved of divination, though not in the same degree. For example, Socrates and all of the Socratic School, and Zeno and his followers, continued in the faith of the ancient philosophers and in agreement with the Old Academy and with the Peripatetics. Their predecessor, Pythagoras, who even wished to be considered an augur himself, gave the weight of his great name to the same practice; and that eminent author, Democritus, in many passages, strongly affirmed his belief in a presentiment of things to come. Moreover, Dicaearchus, the Peripatetic, though he accepted divination by dreams and frenzy, cast away all other kinds; and my intimate friend, Cratippus, whom I consider the peer of the greatest of the Peripatetics, also gave credence to the same kinds of divination but rejected the rest.

6 The Stoics, on the other hand (for Zeno in his writings had, as it were, scattered certain seed which Cleanthes had fertilized somewhat), defended nearly every sort of divination. Then came Chrysippus, a man of the keenest intellect, who exhaustively discussed the whole theory of divination in two books, and, besides, wrote one book on oracles and another on dreams. And following him, his pupil, Diogenes of Babylon, published one book, Antipater two, and my friend, Posidonius, five. But Panaetius, the teacher of Posidonius, a pupil, too, of Antipater, and, even a pillar of the Stoic school, wandered off from the Stoics, and, though he dared not say that there was no efficacy in divination, yet he did say that he was in doubt. Then, since the Stoics — much against their will I grant you — permitted this famous Stoic to doubt on one point will they not grant to us Academicians the right to do the same on all other points, especially since that about which Panaetius is not clear is clearer than the light of day to the other members of the Stoic school? 7 At any rate, this praiseworthy tendency of the Academy to doubt has been approved by the solemn judgement of a most eminent philosopher.

4 Accordingly, since I, too, am in doubt as to the proper judgement to be rendered in regard to divination because of the many pointed and exhaustive arguments urged by Carneades against the Stoic view, and since I am afraid of giving a too hasty assent to a proposition which may turn out either false or insufficiently established, I have determined carefully and persistently to compare

argument with argument just as I did in my three books *On the Nature of the Gods*. For a hasty acceptance of an erroneous opinion is discreditable in any case, and especially so in an inquiry as to how much weight should be given to auspices, to sacred rites, and to religious observances; for we run the risk of committing a crime against the gods if we disregard them, or of becoming involved in old women's superstition if we approve them.

5 8 This subject has been discussed by me frequently on other occasions, but with somewhat more than ordinary care when my brother Quintus and I were together recently at my Tusculan villa. For the sake of a stroll we had gone to the Lyceum which is the name of my upper gymnasium, when Quintus remarked:

"I have just finished a careful reading of the third book of your treatise, *On the Nature of the Gods*, containing Cotta's discussion, which, though it has shaken my views of religion, has not overthrown them entirely."

"Very good," said I; "for Cotta's argument is intended rather to refute the arguments of the Stoics than to destroy man's faith in religion."

Quintus then replied: "Cotta says the very same thing, and says it repeatedly, in order, as I think, not to appear to violate the commonly accepted canons of belief; yet it seems to me that, in his zeal to confute the Stoics, he utterly demolishes the gods. 9 However, I am really at no loss for a reply to his reasoning; for in the second book Lucilius has made an adequate defence of religion and his argument, as you yourself state at the end of the third book, seemed to you nearer to the truth than Cotta's. But there is a question which you passed over in those books because, no doubt, you thought it more expedient to inquire into it in a separate discussion: I refer to divination, which is the foreseeing and foretelling of events considered as happening by chance. Now let us see, if you will, what efficacy it has and what its nature is. My own opinion is that, if the kinds of divination which we have inherited from our forefathers and now practise are trustworthy, then there are gods and, conversely, if there are gods then there are men who have the power of divination."

6 10 "Why, my dear Quintus," said I, "you are defending the very citadel of the Stoics in asserting the interdependence of these two

propositions: ‘if there is divination there are gods,’ and, ‘if there are gods there is divination.’ But neither is granted as readily as you think. For it is possible that nature gives signs of future events without the intervention of a god, and it may be that there are gods without their having conferred any power of divination upon men.”

To this he replied, “I, at any rate, find sufficient proof to satisfy me of the existence of the gods and of their concern in human affairs in my conviction that there are some kinds of divination which are clear and manifest. With your permission I will set forth my views on this subject, provided you are at leisure and have nothing else which you think should be preferred to such a discussion.”

11 “Really, my dear Quintus,” said I, “I always have time for philosophy. Moreover, since there is nothing else at this time that I can do with pleasure, I am all the more eager to hear what you think about divination.”

“There is, I assure you,” said he, “nothing new or original in my views; for those which I adopt are not only very old, but they are endorsed by the consent of all peoples and nations. There are two kinds of divination: the first is dependent on art, the other on nature. 12 Now — to mention those almost entirely dependent on art — what nation or what state disregards the prophecies of soothsayers, or of interpreters of prodigies and lightnings, or of augurs, or of astrologers, or of oracles, or — to mention the two kinds which are classed as natural means of divination — the forewarnings of dreams, or of frenzy? Of these methods of divining it behoves us, I think, to examine the results rather than the causes. For there is a certain natural power, which now, through long-continued observation of signs and now, through some divine excitement and inspiration, makes prophetic announcement of the future.

7 “Therefore let Carneades cease to press the question, which Panaetius also used to urge, whether Jove had ordered the crow to croak on the left side and the raven on the right. Such signs as these have been observed for an unlimited time, and the results have been checked and recorded. Moreover, there is nothing which length of time cannot accomplish and attain when aided by memory to receive and records to preserve. 13 We may wonder at the variety of herbs that have been observed by physicians, of roots that are good for the

bites of wild beasts, for eye affections, and for wounds, and though reason has never explained their force and nature, yet through their usefulness you have won approval for the medical art and for their discoverer.

"But come, let us consider instances, which although outside the category of divination, yet resemble it very closely:

The heaving sea oft warns of coming storms,
When suddenly its depths begin to swell;
And hoary rocks, o'erspread with snowy brine,
To the sea, in boding tones, attempt reply;
Or when from lofty mountain-peak upsprings
A shrilly whistling wind, which stronger grows
With each repulse by hedge of circling cliffs.

8 "Your book, *Prognostics*, is full of such warning signs, but who can fathom their causes? And yet I see that the Stoic Boëthus has attempted to do so and has succeeded to the extent of explaining the phenomena of sea and sky. 14 But who can give a satisfactory reason why the following things occur?

Blue-grey herons, in fleeing the raging abyss of the ocean,
Utter their warnings, discordant and wild, from tremulous gullets,
Shrilly proclaiming that storms are impending and laden with terrors.
Often at dawn, when Aurora releases the frost in the dew-drops,
Does the nightingale pour from its breast predictions of evil;
Then does it threaten and hurl from its throat its incessant complaining.
Often the dark-hued crow, while restlessly roaming the seashore,
Plunges its crest in the flood, as its neck encounters the billows.

9 15 "Hardly ever do we see such signs deceive us and yet we do not see why it is so.

Ye, too, distinguish the signs, ye dwellers in waters delightful,
When, with a clamour, you utter your cries that are empty of

meaning,
Stirring the fountains and ponds with absurd and ridiculous croaking.

Who could suppose that frogs had this foresight? And yet they do have by nature some faculty of premonition, clear enough of itself, but too dark for human comprehension.

Slow, clumsy oxen, their glances upturned to the light of the heavens,
Sniff at the air with their nostrils and know it is freighted with moisture.

I do not ask why, since I know what happens.

Now ’tis a fact that the evergreen mastic, e’er burdened with leafage,
Thrice is expanding and budding and thrice producing its berries;
Triple its signs for the purpose of showing three seasons for ploughing.

16 Nor do I ever inquire why this tree alone blooms three times, or why it makes the appearance of its blossoms accord with the proper time for ploughing. I am content with my knowledge that it does, although I may not know why. Therefore, as regards all kinds of divination I will give the same answer that I gave in the cases just mentioned.

10 “I see the purgative effect of the scammony root and I see an antidote for snake-bite in the aristolochia plant — which, by the way, derives its name from its discoverer who learned of it in a dream — I see their power and that is enough; why they have it I do not know. Thus as to the cause of those premonitory signs of winds and rains already mentioned I am not quite clear, but their force and effect I recognize, understand, and vouch for. Likewise as to the cleft or thread in the entrails: I accept their meaning; I do not know their cause. And life is full of individuals in just the same situation that I am in, for nearly everybody employs entrails in divining. Again: is it

possible for us to doubt the prophetic value of lightning? Have we not many instances of its marvels? and is not the following one especially remarkable? When the statue of Summanus which stood on the top of the temple of Jupiter Optimus Maximus — his statue was then made of clay — was struck by a thunderbolt and its head could not be found anywhere, the soothsayers declared that it had been hurled into the Tiber; and it was discovered in the very spot which they had pointed out.

11 17 "But what authority or what witness can I better employ than yourself? I have even learned by heart and with great pleasure the following lines uttered by the Muse, Urania, in the second book of your poem entitled, *My Consulship*:

First of all, Jupiter, glowing with fire from regions celestial,
Turns, and the whole of creation is filled with the light of his glory;
And, though the vaults of aether eternal begird and confine him,
Yet he, with spirit divine, ever searching the earth and the heavens,
Sounds to their innermost depths the thoughts and the actions of mortals.
When one has learned the motions and variant paths of the planets,
Stars that abide in the seat of the signs, in the Zodiac's girdle,
(Spoken of falsely as vagrants or rovers in Greek nomenclature,
Whereas in truth their distance is fixed and their speed is determined,)
Then will he know that *all* are controlled by an Infinite Wisdom.
18 You, being consul, at once did observe the swift constellations,
Noting the glare of luminous stars in direful conjunction:
Then you beheld the tremulous sheen of the Northern aurora,
When, on ascending the mountainous heights of snowy Albanus,
You offered joyful libations of milk at the Feast of the Latins;
Ominous surely the time wherein fell that Feast of the Latins;
Many a warning was given, it seemed, of slaughter nocturnal;
Then, of a sudden, the moon at her full was blotted from heaven —

Hidden her features resplendent, though night was bejewelled with planets;a

Then did that dolorous herald of War, the torch of Apollo,

Mount all aflame to the dome of the sky, where the sun has its setting;

Then did a Roman depart from these radiant abodes of the living,

Stricken by terrible lightning from heavens serene and unclouded.b

Then through the fruit-laden body of earth ran the shock of an earthquake;

Spectres at night were observed, appalling and changeful of figure,

Giving their warning that war was at hand, and internal commotion;

Over all lands there outpoured, from the frenzied bosoms of prophets,

Dreadful predictions, gloomy forecasts of impending disaster.

19 And the misfortunes which happened at last and were long in their passing—

These were foretold by the Father of Gods, in earth and in heaven,

Through unmistakable signs that he gave and often repeated.

12 Now, of those prophecies made when Torquatus and Cotta were consuls,—

Made by a Lydian diviner, by one of Etruscan extraction—

All, in the round of your crowded twelve months, were brought to fulfilment.

For high-thundering Jove, as he stood on starry Olympus,

Hurled forth his blows at the temples and monuments raised in his honour,

And on the Capitol's site he unloosed the bolts of his lightning.

Then fell the brazen image of Natta, ancient and honoured:

Vanished the tablets of laws long ago divinely enacted;

Wholly destroyed were the statues of gods by the heat of the lightning.

20 Here was the Martian beast, the nurse of Roman dominion,

Suckling with life-giving dew, that issued from udders distended,

Children divinely begotten, who sprang from the loins of the War

God;
Stricken by lightning she toppled to earth, bearing with her the children;
Torn from her station, she left the prints of her feet in descending.
Then what diviner, in turning the records and tomes of the augurs,
Failed to relate the mournful forecasts the Etruscans had written?
Seers all advised to beware the monstrous destruction and slaughter,
Plotted by Romans who traced their descent from a noble ancestry;
Or they proclaimed the law's overthrow with voices insistent,
Bidding rescue the city from flames, and the deities' temples;
Fearful they bade us become of horrible chaos and carnage;
These, by a rigorous Fate, would be certainly fixed and determined,
Were not a sacred statue of Jove, one comely of figure,
High on a column erected beforehand, with eyes to the eastward;
Then would the people and venerable senate be able to fathom
Hidden designs, when that statue — its face to the sun at its rising —
Should behold from its station the seats of the people and Senate.
21 Long was the statue delayed and much was it hindered in making.
Finally, you being consul, it stood in its lofty position.
Just at the moment of time, which the gods had set and predicted,
When on column exalted the sceptre of Jove was illumined,
Did Allobrogian voices proclaim to Senate and people
What destruction by dagger and torch was prepared for our country.
13 Rightly, therefore, the ancients whose monuments you have in keeping,
Romans whose rule over peoples and cities was just and courageous,
Rightly your kindred, foremost in honour and pious devotion,
Far surpassing the rest of their fellows in shrewdness and wisdom,
Held it a duty supreme to honour the Infinite Godhead.
Such were the truths they beheld who painfully searching for

wisdom

Gladly devoted their leisure to study of all that was noble,

22 Who, in Academy's shade and Lyceum's dazzling effulgence,

Uttered the brilliant reflections of minds abounding in culture.

Torn from these studies, in youth's early dawn, your country recalled you,

Giving you place in the thick of the struggle for public preferment;

Yet, in seeking surcease from the worries and cares that oppress you,

Time, that the State leaves free, you devote to us and to learning.

"In view, therefore, of your acts, and in view too of your own verses which I have quoted and which were composed with the utmost care, could *you* be persuaded to controvert the position which I maintain in regard to divination?

23 "But what? You ask, Carneades, do you, why these things so happen, or by what rules they may be understood? I confess that I do not know, but that they do so fall out I assert that you yourself see. 'Mere accidents,' you say. Now, really, is that so? Can anything be an 'accident' which bears upon itself every mark of truth? Four dice are cast and a Venus throw results — that is chance; but do you think it would be chance, too, if in one hundred casts you made one hundred Venus throws? It is possible for paints flung at random on a canvasc to form the outlines of a face; but do you imagine that an accidental scattering of pigments could produce the beautiful portrait of Venus of Cos? Suppose that a hog should form the letter 'A' on the ground with its snout; is that a reason for believing that it would write out Ennius's poem *The Andromache*?d

"Carneades used to have a story that once in the Chian quarries when a stone was split open there appeared the head of the infant god Pan; I grant that the figure may have borne some resemblance to the god, but assuredly the resemblance was not such that you could ascribe the work to a Scopas. For it is undeniably true that no perfect imitation of a thing was ever made by chance.

14 24 " 'But,' it is objected, 'sometimes predictions are made which do not come true.' And pray what art — and by art I mean the kind

that is dependent on conjecture and deduction — what art, I say, does not have the same fault? Surely the practice of medicine is an art, yet how many mistakes it makes! And pilots — do they not make mistakes at times? For example, when the armies of the Greeks and the captains of their mighty fleet set sail from Troy, they, as Pacuvius says,

Glad at leaving Troy behind them, gazed upon the fish at play,
Nor could get their fill of gazing — thus they whiled the time away.
Meantime, as the sun was setting, high uprose the angry main:
Thick and thicker fell the shadows; night grew black with blinding rain.

Then, did the fact that so many illustrious captains and kings suffered shipwreck deprive navigation of its right to be called an art? And is military science of no effect because a general of the highest renown recently lost his army and took to flight? Again, is statecraft devoid of method or skill because political mistakes were made many times by Gnaeus Pompey, occasionally by Marcus Cato, and once or twice even by yourself? So it is with the responses of soothsayers, and, indeed, with every sort of divination whose deductions are merely probable; for divination of that kind depends on inference and beyond inference it cannot go. 25 It sometimes misleads perhaps, but none the less in most cases it guides us to the truth. For this same conjectural divination is the product of boundless eternity and within that period it has grown into an art through the repeated observation and record of almost countless instances in which the same results have been preceded by the same signs.

15 "Indeed how trustworthy were the auspices taken when you were augur! At the present time — pray pardon me for saying so — Roman augurs neglect auspices, although the Cilicians, Pamphylians, Pisidians, and Lycians hold them in high esteem. 26 I need not remind you of that most famous and worthy man, our guest-friend, King Deiotarus, who never undertook any enterprise without first taking the auspices. On one occasion after he had set out on a journey for which he had made careful plans beforehand, he returned home

because of the warning given him by the flight of an eagle. The room in which he would have been staying, had he continued on his road, collapsed the very next night. 27 This is why, as he told me himself, he had time and again abandoned a journey even though he might have been travelling for many days. By the way, that was a very noble utterance of his which he made after Caesar had deprived him of his tetrarchy and kingdom, and had forced him to pay an indemnity too. 'Notwithstanding what has happened,' said he, 'I do not regret that the auspices favoured my joining Pompey. By so doing I enlisted my military power in defence of senatorial authority, Roman liberty, and the supremacy of the empire. The birds, at whose instance I followed the course of duty and of honour, counselled well, for I value my good name more than riches.' His conception of augury, it seems to me, is the correct one.

"For with us magistrates make use of auspices, but they are 'forced auspices,' since the sacred chickens in eating the dough pellets thrown must let some fall from their beaks. 28 But, according to the writings of you augurs, a tripudium results if any of the food should fall to the ground, and what I spoke of as a 'forced augur' your fraternity calls as tripudium solistimum. And so through the indifference of the college, as Cato the Wise laments, many auguries and auspices have been entirely abandoned and lost.

16 "In ancient times scarcely any matter out of the ordinary was undertaken, even in private life, without first consulting the auspices, clear proof of which is given even at the present time by our custom of having 'nuptial auspices,' though they have lost their former religious significance and only preserve the name. For just as to-day on important occasions we make use of entrails in divining — though even they are employed to a less extent than formerly — so in the past resort was usually had to divination by means of birds. And thus it is that by failing to seek out the unpropitious signs we run into awful disasters. 29 For example, Publius Claudius, son of Appius Caecus, and his colleague Lucius Junius, lost very large fleets by going to sea when the auguries were adverse. The same fate befell Agamemnon; for, after the Greeks had begun to

Raise aloft their frequent clamours, showing scorn of augur's art,

Noise prevailed and not the omen: he then bade the ships depart.

"But why cite such ancient instances? We see what happened to Marcus Crassus when he ignored the announcement of unfavourable omens. It was on the charge of having on this occasion falsified the auspices that Gaius Ateius, an honourable man and a distinguished citizen, was, on insufficient evidence, stigmatized by the then censor Appius, who was your associate in the augural college, and an able one too, as I have often heard you say. I grant you that in pursuing the course he did Appius was within his rights as a censor, if, in his judgement, Ateius had announced a fraudulent augury. But he showed no capacity whatever as an augur in holding Ateius responsible for that awful disaster which befell the Roman people. Had this been the cause then the fault would not have been in Ateius, who made the announcement that the augury was unfavourable, but in Crassus, who disobeyed it; for the issue proved that the announcement was true, as this same augur and censor admits. But even if the augury had been false it could not have been the cause of the disaster; for unfavourable auguries — and the same may be said of auspices, omens, and all other signs — are not the causes of what follows: they merely foretell what will occur unless precautions are taken. 30 Therefore Ateius, by his announcement, did not create the cause of the disaster; but having observed the sign he simply advised Crassus what the result would be if the warning was ignored. It follows, then, that the announcement by Ateius of the unfavourable augury had no effect; or if it did, as Appius thinks, then the sin is not in him who gave the warning, but in him who disregarded it.

17 "And whence, pray, did you augurs derive that staff, which is the most conspicuous mark of your priestly office? It is the very one, indeed with which Romulus marked out the quarter for taking observations when he founded the city. Now this staffe is a crooked wand, slightly curved at the top, and, because of its resemblance to a trumpet, derives its name from the Latin word meaning 'the trumpet with which the battle-charge is sounded.' It was placed in the temple of the Salii on the Palatine hill and, though the temple was burned, the staff was found uninjured. 31 What ancient chronicler fails to mention the fact that in the reign of Tarquinius Priscus, long after the

time of Romulus, a quartering of the heavens was made with this staff by Attus Navius? Because of poverty Attus was a swineherd in his youth. As the story goes, he, having lost one of his hogs, made a vow that if he recovered it he would make an offering to the god of the largest bunch of grapes in his vineyard. Accordingly, after he had found the hog, he took his stand, we are told, in the middle of the vineyard, with his face to the south and divided the vineyard into four parts. When the birds had shown three of these parts to be unfavourable, he subdivided the fourth and last part and then found, as we see it recorded, a bunch of grapes of marvellous size.

"This occurrence having been noised abroad, all his neighbours began to consult him about their own affairs and thus greatly enhanced his name and fame. 32 The consequence was that King Priscus summoned him to his presence. The king, wishing to make trial of his skill as an augur, said to him: 'I am thinking of something; tell me whether it can be done or not.' Attus, having taken the auspices, replied that it could be done. Thereupon Tarquinius said that what he had been thinking of was the possibility of cutting a whetstone in two with a razor, and ordered the trial to be made. So the stone was brought into the comitium, and, while the king and his people looked on, it was cut in two with a razor. The result was that Tarquin employed him as his augur, and the people consulted him about their private concerns. 33 Moreover, according to tradition, the whetstone and razor were buried in the comitium and a stone curbing placed over them.

"Let us declare this story wholly false; let us burn the chronicles that contain it; let us call it a myth and admit almost anything you please rather than the fact that the gods have any concern in human affairs. But look at this: does not the story about Tiberius Gracchus found in your own writings acknowledge that augury and soothsaying are arts? He, having placed his tabernaculum, unwittingly violated augural law by crossing the pomerium before completing the auspices; nevertheless he held the consular election. The fact is well known to you since you have recorded it. Besides, Tiberius Gracchus, who was himself an augur, confirmed the authority of auspices by confessing his error; and the soothsayers, too, greatly enhanced the reputation of their calling, when brought

into the Senate immediately after the election, by declaring that the election supervisor had acted without authority.

18 34 "I agree, therefore, with those who have said that there are two kinds of divination: one, which is allied with art; the other, which is devoid of art. Those diviners employ art, who, having learned the known by observation, seek the unknown by deduction. On the other hand those do without art who, unaided by reason or deduction or by signs which have been observed and recorded, forecast the future while under the influence of mental excitement, or of some free and unrestrained emotion. This condition often occurs to men while dreaming and sometimes to persons who prophesy while in a frenzy — like Bacis of Boeotia, Epimenides of Crete and the Sibyl of Erythraea. In this latter class must be placed oracles — not oracles given by means of 'equalized lots' — but those uttered under the impulse of divine inspiration; although divination by lot is not in itself to be despised, if it has the sanction of antiquity, as in the case of those lots which, according to tradition, sprang out of the earth; for in spite of everything, I am inclined to think that they may, under the power of God, be so drawn as to give an appropriate response. Men capable of correctly interpreting all these signs of the future seem to approach very near to the divine spirit of the gods whose wills they interpret, just as scholars do when they interpret the poets.

35 "What sort of cleverness is it, then, that would attempt by sophistry to overthrow facts that antiquity has established? I fail — you tell me — to discover their cause. That, perhaps, is one of Nature's hidden secrets. God has not willed me to know the cause, but only that I should use the means which he has given. Therefore, I will use them and I will not allow myself to be persuaded that the whole Etruscan nation has gone stark mad on the subject of entrails, or that these same people are in error about lightnings, or that they are false interpreters of portents; for many a time the rumblings and roarings and quakings of the earth have given to our republic and to other states certain forewarnings of subsequent disaster. 36 Why, then, when here recently a mule (which is an animal ordinarily sterile by nature) brought forth a foal, need anyone have scoffed because the soothsayers from that occurrence prophesied a progeny of countless

evils to the state?

"What, pray, do you say of that well-known incident of Tiberius Gracchus, the son of Publius? He was censor and consul twice; beside that he was a most competent augur, a wise man and a pre-eminent citizen. Yet he, according to the account left us by his son Gaius, having caught two snakes in his home, called in the soothsayers to consult them. They advised him that if he let the male snake go his wife must die in a short time; and if he released the female snake his own death must soon occur. Thinking it more fitting that a speedy death should overtake him rather than his young wife, who was the daughter of Publius Africanus, he released the female snake and died within a few days. 19 Let us laugh at the soothsayers, brand them as frauds and impostors and scorn their calling, even though a very wise man, Tiberius Gracchus, and the results and circumstances of his death have given proof of its trustworthiness; let us scorn the Babylonians, too, and those astrologers who, from the top of Mount Caucasus, observe the celestial signs and with the aid of mathematics follow the courses of the stars; let us, I say, convict of folly, falsehood, and shamelessness the men whose records, as they themselves assert, cover a period of four hundred and seventy thousand years; and let us pronounce them liars, utterly indifferent to the opinion of succeeding generations. 37 Come, let us admit that the barbarians are all base deceivers, but are the Greek historians liars too?

"Speaking now of natural divination, everybody knows the oracular responses which the Pythian Apollo gave to Croesus, to the Athenians, Spartans, Tegeans, Argives, and Corinthians. Chrysippus has collected a vast number of these responses, attested in every instance by abundant proof. But I pass them by as you know them well. I will urge only this much, however, in defence: the oracle at Delphi never would have been so much frequented, so famous, and so crowded with offerings from peoples and kings of every land, if all ages had not tested the truth of its prophecies. For a long time now that has not been the case. 38 Therefore, as at present its glory has waned because it is no longer noted for the truth of its prophecies, so formerly it would not have enjoyed so exalted a reputation if it had not been trustworthy in the highest degree.

Possibly, too, those subterraneous exhalations which used to kindle the soul of the Pythian priestess with divine inspiration have gradually vanished in the long lapse of time; just as within our own knowledge some rivers have dried up and disappeared, while others, by winding and twisting, have changed their course into other channels. But explain the decadence of the oracle as you wish, since it offers a wide field for discussion, provided you grant what cannot be denied without distorting the entire record of history, that the oracle at Delphi made true prophecies for many hundreds of years.

20 39 "But let us leave oracles and come to dreams. In his treatise on this subject Chrysippus, just as Antipater does, has assembled a mass of trivial dreams which he explains according to Antiphon'sf rules of interpretation. The work, I admit, displays the acumen of its author, but it would have been better if he had cited illustrations of a more serious type. Now, Philistus, who was a learned and painstaking man and a contemporary of the times of which he writes, gives us the following story of the mother of Dionysius, the tyrant of Syracuse: while she was with child and was carrying this same Dionysius in her womb, she dreamed that she had been delivered of an infant satyr. When she referred this dream to the interpreters of portents, who in Sicily were called 'Galeotae,' they replied, so Philistus relates, that she should bring forth a son who would be very eminent in Greece and would enjoy a long and prosperous career.

40 "May I not recall to your memory some stories to be found in the works of Roman and of Greek poets? For example, the following dream of the Vestal Virgin is from Ennius:

The vestal from her sleep in fright awoke
And to the startled maid, whose trembling hands
A lamp did bear, thus spoke in tearful tones:
'O daughter of Eurydice, though whom
Our father loved, from my whole frame departs
The vital force. For in my dreams I saw
A man of beauteous form, who bore me off
Through willows sweet, along the fountain's brink,
To places strange. And then, my sister dear,
Alone, with halting step and longing heart,

I seemed to wander, seeking thee in vain;
There was no path to make my footing sure.
41 And then I thought my father spoke these words:
"Great sorrows, daughter, thou must first endure
Until thy fortune from the Tiber rise."
When this was said he suddenly withdrew;
Nor did his cherished vision come again,
Though oft I raised my hand to heaven's dome
And called aloud in tearful, pleading voice.
Then sleep departing left me sick at heart.'

21 42 "This dream, I admit, is the fiction of a poet's brain, yet it is not contrary to our experience with real dreams. It may well be that the following story of the dream which greatly disturbed Priam's peace of mind is fiction too:

When mother Hecuba was great with child,
She dreamed that she brought forth a flaming torch.
Alarmed at this, with sighing cares possessed,
The king and father, Priam, to the gods
Did make a sacrifice of bleating lambs.
He, seeking peace and answer to the dream,
Implored Apollo's aid to understand
What great events the vision did foretell,
Apollo's oracle, with voice divine,
Then gave this explanation of the dream:
"Thy next-born son forbear to rear, for he
Will be the death of Pergamos and Troy."

43 Grant, I repeat, that these dreams are myths and in the same category put Aeneas's dream, related in the Greek annals of our countryman, Fabius Pictor. According to Pictor everything that Aeneas did or suffered turned out just as it had been predicted to him in a dream.

22 "But let us look at examples nearer our own times. Would you dare call that famous dream of Tarquin the Proud a myth? He describes it himself in the following lines from the *Brutus* of Accius:

44 At night's approach I sought my quiet couch
To soothe my weary limbs with restful sleep.
Then in my dreams a shepherd near me drove
A fleecy herd whose beauty was extreme.
I chose two brother rams from out the flock
And sacrificed the comelier of the twain.
And then, with lowered horns, the other ram
Attacked and bore me headlong to the ground.
While there I lay outstretched and wounded sore,
The sky a wondrous miracle disclosed:
The blazing star of day reversed its course
And glided to the right by pathway new.

45 Now observe how the diviners interpreted this dream:

It is not strange, O king, that dreams reflect
The day's desires and thoughts, its sights and deeds,
And everything we say or do awake.
But in so grave a dream as yours we see
A message clearly sent, and thus it warns:
Beware of him you deem bereft of wit
And rate no higher than a stupid ram,
Lest he, with wisdom armed, should rise to fame
And drive you from your throne. The sun's changed course
Unto the state portends immediate change.
And may that prove benignant to the state;
For since the almighty orb from left to right
Revolved, it was the best of auguries
That Rome would be supreme o'er all the earth.

23 46 "But come now and let us return to foreign instances. Heraclides Ponticus, a man of learning, and both a pupil and a disciple of Plato's, relates a dream of the mother of Phalaris. She fell asleep and dreamed that, while looking at the consecrated images of the gods set up in her house, she saw the statue of Mercury pouring blood from a bowl which it held in its right hand and that the blood,

as it touched the ground, welled up and completely filled the house. The truth of the dream was subsequently established by the inhuman cruelty of her son.

"Why need I bring forth from Dinon's Persian annals the dreams of that famous prince, Cyrus, and their interpretations by the magi? But take this instance: Once upon a time Cyrus dreamed that the sun was at his feet. Three times, so Dinon writes, he vainly tried to grasp it and each time it turned away, escaped him, and finally disappeared. He was told by the magi, who are classed as wise and learned men among the Persians, that his grasping for the sun three times portended that he would reign for thirty years. And thus it happened; for he lived to his seventieth year, having begun to reign at forty.

47 "It certainly must be true that even barbarians have some power of foreknowledge and of prophecy, if the following story of Callanus of India be true: As he was about to die and was ascending the funeral pyre, he said: 'What a glorious death! The fate of Hercules is mine. For when this mortal frame is burned the soul will find the light.' When Alexander directed him to speak if he wished to say anything to him, he answered: 'Thank you, nothing, except that I shall see you very soon.' So it turned out, for Alexander died in Babylon a few days later. I am getting slightly away from dreams, but I shall return to them in a moment. Everybody knows that on the same night in which Olympias was delivered of Alexander the temple of Diana at Ephesus was burned, and that the magi began to cry out as day was breaking: 'Asia's deadly curse was born last night.' But enough of Indians and magi.

24 48 "Let us go back to dreams. Coelius writes that Hannibal wished to carry off a golden column from Juno's temple at Lacinium, but since he was in doubt whether it was solid or plated, he bored into it. Finding it solid he decided to take it away. But at night Juno came to him in a vision and warned him not to do so, threatening that if he did she would cause the loss of his good eye. That clever man did not neglect the warning. Moreover out of the gold filings he ordered an image of a calf to be made and placed on top of the column. 49 Another story of Hannibal is found in the history written in Greek by Silenus, whom Coelius follows, and who, by the way, was a very painstaking student of Hannibal's career. After his

capture of Saguntum Hannibal dreamed that Jupiter summoned him to a council of the gods. When he arrived Jupiter ordered him to carry the war into Italy, and gave him one of the divine council as a guide whom he employed when he being the march with his army. This guide cautioned Hannibal not to look back. But, carried away by curiosity, he could refrain no longer and looked back. Then he saw a horrible beast of enormous size, enveloped with snakes, and wherever it went it overthrew every tree and shrub and every house. In his amazement Hannibal asked what the monster was. The god replied that it was the desolation of Italy and ordered him to press right on and not to worry about what happened behind him and in the rear.

50 "We read in a history by Agathocles that Hamilcar, the Carthaginian, during his siege of Syracuse heard a voice in his sleep telling him that he would dine the next day in Syracuse. At daybreak the following day a serious conflict broke out in his camp between the troops of the Carthaginians and their allies, the Siculi. When the Syracusans saw this they made a sudden assault on the camp and carried Hamilcar off alive. Thus the event verified the dream.

“History is full of such instances, and so is everyday life. 51 And yet let me cite another: the famous Publius Decius, son of Quintus, and the first of that family to become consul, was military tribune in the consulship of Marcus Valerius and Aulus Cornelius while our army was being hard pressed by the Samnites. When, because of his rushing too boldly into the dangers of battle, he was advised to be more cautious, he replied, according to the annals, ‘I dreamed that by dying in the midst of the enemy I should win immortal fame.’ And though he was unharmed at that time and extricated the army from its difficulties, yet three years later, when consul, he devoted himself to death and rushed full-armed against the battle-line of the Latins. By this act of his the Latins were overcome and destroyed; and so glorious was his death that his son sought the same fate. 52 But let us come now, if you please, to the dreams of philosophers.

25 “We read in Plato that Socrates, while in prison, said in a conversation with his friend Crito: ‘I am to die in three days; for in a dream I saw a woman of rare beauty, who called me by name and quoted this verse from Homer:

Gladly on Phthia’s shore the third day’s dawn shall behold thee.’

And history informs us that his death occurred as he had foretold. That disciple of Socrates, Xenophon — and what a man he was! — records the dreams he had during his campaign with Cyrus the Younger, and their remarkable fulfilment. Shall we say that Xenophon is either a liar or a madman?

53 “And Aristotle, who was endowed with a matchless and almost godlike intellect, — is he in error, or is he trying to lead others into error in the following account of his friend, Eudemus the Cyprian? Eudemus, while on his way to Macedonia, reached Pherae, then a very famous city of Thessaly, but groaning under the cruel sway of the tyrant, Alexander. There he became so violently ill that the physicians despaired of his recovery. While sick he had a dream in which a youth of striking beauty told him that he would speedily get well; that the despot Alexander would die in a few days, and that he himself would return home five years later. And so, indeed, the first two prophecies, as Aristotle writes, were immediately fulfilled by the recovery of Eudemus and by the death of the tyrant at the hands of

his wife's brothers. But at the end of five years, when, in reliance upon the dream, he hoped to return to Cyprus from Sicily, he was killed in battle before Syracuse. Accordingly the dream was interpreted to mean that when his soul left the body it then had returned home.

54 "To the testimony of philosophers let us add that of a most learned man and truly divine poet, Sophocles. A heavy gold dish having been stolen from the temple of Hercules, the god himself appeared to Sophocles in a dream and told who had committed the theft. But Sophocles ignored the dream a first and second time. When it came again and again, he went up to the Areopagus and laid the matter before the judges who ordered the man named by Sophocles to be arrested. The defendant after examination confessed his crime and brought back the dish. This is the reason why that temple is called 'the temple of Hercules the Informer.'

26 55 "But why am I dwelling on illustrations from Greek sources when — though I can't explain it — those from our own history please me more? Now here is a dream which is mentioned by all our historians, by the Fabii and the Gellii and, most recently, by Coelius: During the Latin War when the Great Votive Games were being celebrated for the first time the city was suddenly called to arms and the games were interrupted. Later it was determined to repeat them, but before they began, and while the people were taking their seats, a slave bearing a yoke was led about the circus and beaten with rods. After that a Roman rustic had a dream in which someone appeared to him and said that he disapproved of the leader of the games and ordered this statement to be reported to the Senate. But the rustic dared not do as he was bid. The order was repeated by the spectre with a warning not to put his power to the test. Not even then did the rustic dare obey. After that his son died and the same vision was repeated the third time. Thereupon he became ill and told his friends of his dream. On their advice he was carried to the Senate-house on a litter and, having related his dream to the Senate, his health was restored and he walked home unaided. And so, the tradition is, the Senate gave credence to the dream and had the games repeated.

56 "According to this same Coelius, Gaius Gracchus told many persons that his brother Tiberius came to him in a dream when he

was a candidate for the quaestorship and said: ‘However much you may try to defer your fate, nevertheless you must die the same death that I did.’ This happened before Gaius was tribune of the people, and Coelius writes that he himself heard it from Gaius who had repeated it to many others. Can you find anything better authenticated than this dream?

27 “And who, pray, can make light of the two following dreams which are so often recounted by Stoic writers? The first one is about Simonides, who once saw the dead body of some unknown man lying exposed and buried it. Later, when he had it in mind to go on board a ship he was warned in a vision by the person to whom he had given burial not to do so and that if he did he would perish in a shipwreck. Therefore he turned back and all the others who sailed were lost.

57 “The second dream is very well known and is to this effect: Two friends from Arcadia who were taking a journey together came to Megara, and one traveller put up at an inn and the second went to the home of a friend. After they had eaten supper and retired, the second traveller, in the dead of the night, dreamed that his companion was imploring him to come to his aid, as the innkeeper was planning to kill him. Greatly frightened at first by the dream he arose, and later, regaining his composure, decided that there was nothing to worry about and went back to bed. When he had gone to sleep the same person appeared to him and said: ‘Since you would not help me when I was alive, I beg that you will not allow my dead body to remain unburied. I have been killed by the innkeeper, who has thrown my body into a cart and covered it with dung. I pray you to be at the city gate in the morning before the cart leaves the town,’ Thoroughly convinced by the second dream he met the cart-driver at the gate in the morning, and, when he asked what he had in the cart, the driver fled in terror. The Arcadian then removed his friend’s dead body from the cart, made complaint of the crime to the authorities, and the innkeeper was punished. 28 What stronger proof of a divinely inspired dream than this can be given?

58 “But why go on seeking illustrations from ancient history? I had a dream which I have often related to you, and you one which you have often told to me. When I was governor of Asia I dreamed that I

saw you on horseback riding toward the bank of some large river, when you suddenly plunged forward, fell into the stream, and wholly disappeared from sight. I was greatly alarmed and trembled with fear. But in a moment you reappeared mounted on the same horse, and with a cheerful countenance ascended the opposite bank where we met and embraced each other. The meaning of the dream was readily explained to me by experts in Asia who from it predicted those events which subsequent occurred.

59 "I come now to your dream. I heard it, of course, from you, but more frequently from our Sallustius. In the course of your banishment, which was glorious for us but disastrous to the State, you stopped for the night at a certain country-house in the plain of Atina. After lying awake most of the night, finally, about daybreak, you fell into a very profound sleep. And though your journey was pressing, yet Sallustius gave instructions to maintain quiet and would not permit you to be disturbed. But you awoke about the second hour and related your dream to him. In it you seemed to be wandering sadly about in solitary places when Gaius Marius, with his fasces wreathed in laurel, asked you why you were sad, and you replied that you had been driven from your country by violence. He then bade you be of good cheer, took you by the right hand, and delivered you to the nearest lictor to be conducted to his memorial temple, saying that there you should find safety. Sallustius thereupon, as he relates, cried out, 'a speedy and a glorious return awaits you.' He further states that you too seemed delighted at the dream. Immediately thereafter it was reported to me that as soon as you heard that it was in Marius' temple that the glorious decree of the Senate for your recall had been enacted on motion of the consul, a most worthy and most eminent man, and that the decree had been greeted by unprecedented shouts of approval in a densely crowded theatre, you said that no stronger proof could be given of a divinely inspired dream than this.

29 60 " 'Ah,' it is objected, 'but many dreams are untrustworthy.' Rather, perhaps, their meaning is hidden from us. But grant that some are untrustworthy, why do we declaim against those that trustworthy? The fact is the latter would be much more frequent if we went to our rest in proper condition. But when we are burdened

with food and drink our dreams are troubled and confused. Observe what Socrates says in Plato's *Republic*:

" 'When a man goes to sleep, having the thinking and reasoning portion of his soul languid and inert, but having that other portion, which has in it a certain brutishness and wild savagery, immoderately gorged with drink and food, then does that latter portion leap up and hurl itself about in sleep without check. In such a case every vision presented to the mind is so devoid of thought and reason that the sleeper dreams that he is committing incest with his mother, or that he is having unlawful commerce indiscriminately with gods and men, and frequently too, with beasts; or even that he is killing someone and staining his hands with impious bloodshed; and that he is doing many vile and hideous things recklessly and without shame. 61 But, on the other hand, when the man, whose habits of living and of eating are wholesome and temperate, surrenders himself to sleep, having the thinking and reasoning portion of his soul eager and erect, and satisfied by a feast of noble thoughts, and having that portion which feeds on carnal pleasures neither utterly exhausted by abstinence nor cloyed by over-indulgence — for, as a rule, the edge of thought is dulled whether nature is starved or overfed — and, when such a man, in addition, has that third portion of the soul, in which the fire of anger burns, quieted and subdued — thus having the two irrational portions under complete control — then will the thinking and reasoning portion of his soul shine forth and show itself keen and strong for dreaming and then will his dreams be peaceful and worthy of trust.' I have reproduced Plato's very words.

30 62 "Then shall we listen to Epicurus rather than to Plato? As for Carneades, in his ardour for controversy he asserts this and now that. 'But,' you retort, 'Epicurus says what he thinks.' But he thinks nothing that is ever well reasoned, or worthy of a philosopher. Will you, then, put this man before Plato or Socrates, who though they gave no reason, would yet prevail over these petty philosophers by the mere weight of their name? Now Plato's advice to us is to set out for the land of dreams with bodies so prepared that no error or confusion may assail the soul. For this reason, it is thought, the Pythagoreans were forbidden to indulge in beans; for that food produces great flatulence and induces a condition at war with a soul

in search for truth. 63 When, therefore, the soul has been withdrawn by sleep from contact with sensual ties, then does it recall the past, comprehend the present, and foresee the future. For though the sleeping body then lies as if it were dead, yet the soul is alive and strong, and will be much more so after death when it is wholly free of the body. Hence its power to divine is much enhanced by the approach of death. For example, those in the grasp of a serious and fatal sickness realize the fact that death impends; and so, visions of dead men generally appear to them and then their desire for fame is strongest; while those who have lived otherwise than as they should, feel, at such a time, the keenest sorrow for their sins.

64 "Moreover, proof of the power of dying men to prophesy is also given by Posidonius in his well-known account of a certain Rhodian, who, when on his death-bed, named six men of equal age and foretold which of them would die first, which second, and so on. Now Posidonius holds the view that there are three ways in which men dream as the result of divine impulse: first, the soul is clairvoyant of itself because of its kinship with the gods; second, the air is full of immortal souls, already clearly stamped, as it were, with the marks of truth; and third, the gods in person converse with men when they are asleep. And, as I said just now, it is when death is at hand that men most readily discern signs of the future. 65 This is illustrated by the story which I related about Callanus and by Homer's account of Hector, who, as he was dying, prophesied the early death of Achilles.

31 "It is clear that, in our ordinary speech, we should not have made such frequent use of the word praesagire, meaning 'to sense in advance, or to presage,' if the power of presaging had been wholly non-existent. An illustration of its use is seen in the following well-known line from Plautus:

My soul presaged as I left home that my leaving was in vain.

Now sagire means 'to have a keen perception.' Accordingly certain old women are called sagae, because they are assumed to know a great deal, and dogs are said to be 'sagacious.' And so one who has knowledge of a thing before it happens is said to 'presage,'

that is, to perceive the future in advance.

66 "Therefore the human soul has an inherent power of presaging or of foreknowing infused into it from without, and made a part of it by the will of God. If that power is abnormally developed, it is called 'frenzy' or 'inspiration,' which occurs when the soul withdraws itself from the body and is violently stimulated by a divine impulse, as in the following instance, where Hecuba says to Cassandra:

But why those flaming eyes, that sudden rage?
And whither fled that sober modesty,
Till now so maidenly and yet so wise?'

and Cassandra answers:

O mother, noblest of thy noble sex!
I have been sent to utter prophecies:
Against my will Apollo drives me mad
To revelation make of future ills.
O virgins! comrades of my youthful hours,
My mission shames my father, best of men.
O mother dear! great loathing for myself
And grief for thee I feel. For thou hast borne
To Priam goodly issue — saving me,
'Tis sad that unto thee the rest bring weal,
I woe; that they obey, but I oppose.

What a tender and pathetic poem, and how suitable to her character! though it is not altogether relevant, I admit. 67 However, the point which I wish to press, that true prophecies are made during frenzy, has found expression in the following lines:

It comes! it comes! that bloody torch, in fire
Enwrapped, though hid from sight these many years!
Bring aid, my countrymen, and quench its flames!
It is not Cassandra who next speaks, but a god in human form:
Already, on the mighty deep is built
A navy swift that hastes with swarms of woe,º

Its ships are drawing nigh with swelling sails,
And bands of savage men will fill our shores.

32 68 "I seem to be relying for illustrations on myths drawn from tragic poets. But you yourself are my authority for an instance of the same nature, and yet it is not fiction but a real occurrence. Gaius Coponius, a man of unusual capacity and learning, came to you at Dyrrachium while he, as praetor, was in command of the Rhodian fleet, and told you of a prediction made by a certain oarsman from one of the Rhodian quinqueremes. The prediction was that in less than thirty days Greece would be bathed in blood; Dyrrachium would be pillaged; its defenders would flee to their ships and, as they fled, would see behind them the unhappy spectacle of a great conflagration; but the Rhodian fleet would have a quick passage home. This story gave you some concern, and it caused very great alarm to those cultured men, Marcus Varro and Marcus Cato, who were at Dyrrachium at the time. In fact, a few days later Labienus reached Dyrrachium in flight from Pharsalus, with the news of the loss of the army. The rest of the prophecy was soon fulfilled. 69 For the granaries were pillaged and their contents scattered and strewn all about the streets and alleys. You and your companions, in great alarm, suddenly embarked, and as you looked back at night towards town you saw the flames of the merchant ships, which the soldiers (not wishing to follow) had set on fire. Finally, when your party had been deserted by the Rhodian fleet you realized that the prophecy had been fulfilled.

70 "As briefly as I could, I have discussed divination by means of dreams and frenzy, which, as I said, are devoid of art. Both depend on the same reasoning, which is that habitually employed by our friend Cratippus: 'The human soul is in some degree derived and drawn from a source exterior to itself. Hence we understand that outside the human soul there is a divine soul from which the human soul is sprung. Moreover, that portion of the human soul which is endowed with sensation, motion, and carnal desire is inseparable from bodily influence; while that portion which thinks and reasons is most vigorous when it is most distant from the body. 71 And so, after giving examples of true prophecies through frenzy and dreams,

Cratippus usually concludes his argument in this way:

" 'Though without eyes it is impossible to perform the act and function of sight, and though the eyes sometimes cannot perform their appointed function, yet when a person has even once so employed his eyes as to see things as they are, he has a realization of what correct vision is. Likewise, therefore, although without the power of divination it is impossible for the act and function of divining to exist, and though one with that power may sometimes be mistaken and may make erroneous prophecies, yet it is enough to establish the existence of divination that a single event has been so clearly foretold as to exclude the hypothesis of chance. But there are many such instances; therefore, the existence of divination must be conceded.'

33 72 "But those methods of divination which are dependent on conjecture, or on deductions from events previously observed and recorded, are, as I have said before, not natural, but artificial, and include the inspection of entrails, augury, and the interpretation of dreams. These are disapproved of by the Peripatetics and defended by the Stoics. Some are based upon records and usage, as is evident from the Etruscan books on divination by means of inspection of entrails and by means of thunder and lightning, and as is also evident from the books of your augural college; while others are dependent on conjecture made suddenly and on the spur of the moment. An instance of the latter kind is that of Calchas in Homer, prophesying the number of years of the Trojan War from the number of sparrows. We find another illustration of conjectural divination in the history of Sulla in an occurrence which you witnessed. While he was offering sacrifices in front of his head-quarters in the Nolan district a snake suddenly came out from beneath the altar. The soothsayer, Gaius Postumius, begged Sulla to proceed with his march at once. Sulla did so and captured the strongly fortified camp of the Samnites which lay in front of the town of Nola.

73 "Still another instance of conjectural divination occurred in the case of Dionysius, a little while before he began to reign. He was travelling through the Leontine district, and led his horse down into a river. The horse was engulfed in a whirlpool and disappeared. Dionysius did his utmost to extricate him but in vain and, so Philistus

writes, went away greatly troubled. When he had gone on a short distance he heard a whinny, looked back and, to his joy, saw his horse eagerly following and with a swarm of bees in its mane. The sequel of this portent was that Dionysius began to reign within a few days.

34 74 "Again: what a warning was given to the Spartans just before the disastrous battle of Leuctra, when the armour clanked in the temple of Hercules and his statue dripped with sweat! But at the same time, according to Callisthenes, the folding doors of Hercules' temple at Thebes, though closed with bars, suddenly opened of their own accord, and the armour which had been fastened on the temple walls, was found on the floor. And, at the same time, at Lebadia, in Boeotia, while divine honours were being paid to Trophonius, the cocks in the neighbourhood began to crow vigorously and did not leave off. Thereupon the Boeotian augurs declared that the victory belonged to the Thebans, because it was the habit of cocks to keep silence when conquered and to crow when victorious.

75 "The Spartans received many warnings given at that time of their impending defeat at Leuctra. For example, a crown of wild, prickly herbs suddenly appeared on the head of the statue erected at Delphi in honour of Lysander, the most eminent of the Spartans. Furthermore, the Spartans had set up some golden stars in the temple of Castor and Pollux at Delphi to commemorate the glorious victory of Lysander over the Athenians, because, it was said, those gods were seen accompanying the Spartan fleet in that battle. Now, just before the battle of Leuctra these divine symbols — that is, the golden stars at Delphi, already referred to — fell down and were never seen again. 76 But the most significant warning received by the Spartans was this: they sent to consult the oracle of Jupiter at Dodona as to the chances of victory. After their messengers had duly set up the vessel in which were the lots, an ape, kept by the king of Molossia for his amusement, disarranged the lots and everything else used in consulting the oracle, and scattered them in all directions. Then, so we are told, the priestess who had charge of the oracle said that the Spartans must think of safety and not of victory.

35 77 "Again, did not Gaius Flaminius by his neglect of premonitory signs in his second consulship in the Second Punic War

cause great disaster to the State? For, after a review of the army, he had moved his camp and was marching towards Arretium to meet Hannibal, when his horse, for no apparent reason, suddenly fell with him just in front of the statue of Jupiter Stator. Although the soothsayers considered this a divine warning not to join battle, he did not so regard it. Again, after the auspices by means of the tripudium had been taken, the keeper of the sacred chickens advised the postponement of battle. Flaminius then asked, 'Suppose the chickens should never eat, what would you advise in that case?' 'You should remain in camp,' was the reply. 'Fine auspices indeed!' said Flaminius, 'for they counsel action when chickens' crops are empty and inaction when chickens' crops are filled.' So he ordered the standards to be plucked up and the army to follow him. Then, when the standard-bearer of the first company could not loosen his standard, several soldiers came to his assistance, but to no purpose. This fact was reported to Flaminius, and he, with his accustomed obstinacy, ignored it. The consequence was that within three hours his army was cut to pieces and he himself was slain. 78 Coelius has added the further notable fact that, at the very time this disastrous battle was going on, earthquakes of such violence occurred in Liguria, in Gaul, on several islands, and in every part of Italy, that a large number of towns were destroyed, landslips took place in many regions, the earth sank, rivers flowed upstream, and the sea invaded their channels.

36 "Trustworthy conjectures in divining are made by experts. For instance, when Midas, the famous king of Phrygia, was a child, ants filled his mouth with grains of wheat as he slept. It was predicted that he would be a very wealthy man; and so it turned out. Again, while Plato was an infant, asleep in his cradle, bees settled on his lips and this was interpreted to mean that he would have a rare sweetness of speech. Hence in his infancy his future eloquence was foreseen. 79 And what about your beloved and charming friend Roscius? Did he lie or did the whole of Lanuvium lie for him in telling the following incident: In his cradle days, while he was being reared in Solonium, a plain in the Lanuvian district, his nurse suddenly awoke during the night and by the light of a lamp observed the child asleep with a snake coiled about him. She was greatly frightened at the sight and

gave an alarm. His father referred the occurrence to the soothsayers, who replied that the boy would attain unrivalled eminence and glory. Indeed, Pasiteles has engraved the scene in silver and our friend Archias has described it in verse.

"Then what do we expect? Do we wait for the immortal gods to converse with us in the forum, on the street, and in our homes? While they do not, of course, present themselves in person, they do diffuse their power far and wide — sometimes enclosing it in caverns of the earth and sometimes imparting it to human beings. The Pythian priestess at Delphi was inspired by the power of the earth and the Sibyl by that of nature. Why need you marvel at this? Do we not see how the soils of the earth vary in kind? Some are deadly, like that about Lake Ampsanctus in the country of the Hirpini and that of Plutonia in Asia, both of which I have seen. Even in the same neighbourhood, some parts are salubrious and some are not; some produce men of keen wit, others produce fools. These diverse effects are all the result of differences in climate and differences in the earth's exhalations. 80 It often happens, too, that the soul is violently stirred by the sight of some object, or by the deep tone of a voice, or by singing. Frequently anxiety or fear will have that effect, as it did in the case of Hesione, who

> Did rave like one by Bacchic rites made mad
> And mid the tombs her Teucer called aloud.

37 "And poetic inspiration also proves that there is a divine power within the human soul. Democritus says that no one can be a great poet without being in a state of frenzy, and Plato says the same thing. Let Plato call it 'frenzy' if he will, provided he praises it as it was praised in his *Phaedrus*. And what about your own speeches in law suits. Can the delivery of you lawyers be impassioned, weighty, and fluent unless your soul is deeply stirred? Upon my word, many a time have I seen in you such passion of look and gesture that I thought some power was rendering you unconscious of what you did; and, if I may cite a less striking example, I have seen the same in your friend Aesopus.

81 "Frequently, too, apparitions present themselves and, though

they have no real substance, they seem to have. This is illustrated by what is said to have happened to Brennus and to his Gallic troops after he had made an impious attack on the temple of Apollo at Delphi. The story is that the Pythian priestess, in speaking from the oracle, said to Brennus:

To this the virgins white and I will see.

The result was that the virgins were seen fighting against the Gauls, and their army was overwhelmed with snow.

38 "Aristotle thought that even the people who rave from the effects of sickness and are called 'hypochondriacs' have within their souls some power of foresight and of prophecy. But, for my part, I am inclined to think that such a power is not to be distributed either to a diseased stomach or to a disordered brain. On the contrary, it is the healthy soul and not the sickly body that has the power of divination. 82 The Stoics, for example, establish the existence of divination by the following process of reasoning:

" 'If there are gods and they do not make clear to man in advance what the future will be, then they do not love man; or, they themselves do not know what the future will be; or, they think that it is of no advantage to man to know what it will be; or, they think it inconsistent with their dignity to give man forewarnings of the future; or, finally, they, though gods, cannot give intelligible signs of coming events. But it is not true that the gods do not love us, for they are the friends and benefactors of the human race; nor is it true that they do not know their own decrees and their own plans; nor is it true that it is of no advantage to us to know what is going to happen, since we should be more prudent if we knew; nor is it true that the gods think it inconsistent with their dignity to give forecasts, since there is no more excellent quality than kindness; nor is it true that they have not the power to know the future; 83 therefore it is not true that there are gods and yet that they do not give us signs of the future; but there are gods, therefore they give us such signs; and if they give us such signs, it is not true that they give us no means to understand those signs — otherwise their signs would be useless; and if they give us the means, it is not true that there is no divination;

therefore there is divination.'

39 84 "Chrysippus, Diogenes, and Antipater employ the same reasoning. Then what ground is there to doubt the absolute truth of my position? For I have on my side reason, facts, peoples, and races, both Greek and barbarian, our own ancestors, the unvarying belief of all ages, the greatest philosophers, the poets, the wisest men, the builders of cities, and the founders of republics. Are we not satisfied with the unanimous judgement of men, and do we wait for beasts to give their testimony too? 85 The truth is that no other argument of any sort is advanced to show the futility of the various kinds of divination which I have mentioned except the fact that it is difficult to give the cause or reason of every kind of divination. You ask, 'Why is it that the soothsayer, when he finds a cleft in the lung of the victim, even though the other vitals are sound, stops the execution of an undertaking and defers it to another day?' 'Why does an augur think it a favourable omen when a raven flies to the right, or a crow to the left?' 'Why does an astrologer consider that the moon's conjunction with the planets Jupiter and Venus at the birth of children is a favourable omen, and its conjunction with Saturn or Mars unfavourable?' Again, 'Why does God warn us when we are asleep and fail to do so when we are awake?' Finally, 'Why is it that mad Cassandra foresees coming events and wise Priam cannot do the same?'

86 "You ask why everything happens. You have a perfect right to ask, but that is not the point at issue now. The question is, Does it happen, or does it not? For example, if I were to say that the magnet attracted iron and drew it to itself, and I could not tell you why, then I suppose you would utterly deny that the magnet had any such power. At least that is the course you pursue in regard to the existence of the power of divination, although it is established by our reading and by the traditions of our forefathers. Why, even before the dawn of philosophy, which is a recent discovery, the average man had no doubt about divination, and, since its development, no philosopher of any sort of reputation has had any different view. 87 I have already cited Pythagoras, Democritus, and Socrates and, of the ancients, I have excluded no one except Xenophanes. To them I have added the Old Academy, the Peripatetics, and the Stoics. The only

dissenter is Epicurus. But why wonder at that? for is his opinion of divination any more discreditable than his view that there is no such thing as a disinterested virtue?

40 "But is there a man anywhere who is uninfluenced by clear and unimpeachable records signed and sealed by the hand of Time? For example, Homer writes that Calchas was by far the best augur among the Greeks and that he commanded the Greek fleet before Troy. His command of the fleet I suppose was due to his skill as an augur and not to his skill in seamanshi Amphilochus and Mopsus were kings of Argos, but they were augurs too, and they founded Greek cities on the coasts of Cilicia. And even before them were Amphiaraus and Tiresias. They were no lowly and unknown men, nor were they like the person described by Ennius,

Who, for their own gain, uphold opinions that are false,

but they were eminent men of the noblest type and foretold the future by means of augural signs. In speaking of Tiresias, even when in the infernal regions, Homer says that he alone was wise, that the rest were mere wandering shadows. As for Amphiaraus, his reputation in Greece was such that he was honoured as a god, and oracular responses were sought in the place where he was buried.

89 "Furthermore, did not Priam, the Asiatic king, have a son, Helenus, and a daughter, Cassandra, who prophesied, the first by means of auguries and the other when under a heaven-inspired excitement and exaltation of soul? In the same class, as we read in the records of our forefathers, were those famous Marcian brothers, men of noble birth. And does not Homer relate that Polyidus of Corinth not only made many predictions to others, but that he also foretold the death of his own son, who was setting out for Troy? As a general rule among the ancients the men who ruled the state had control likewise of augury, for they considered divining, as well as wisdom, becoming to a king. Proof of this is afforded by our State wherein the kings were augurs; and, later, private citizens endowed with the same priestly office ruled the republic by the authority of religion.

41 90 "Nor is the practice of divination disregarded even among uncivilized tribes, if indeed there are Druids in Gaul — and there are, for I knew one of them myself, Divitiacus, the Aeduan, your guest

and eulogist. He claimed to have that knowledge of nature which the Greeks call ‘physiologia,’ and he used to make predictions, sometimes by means of augury and sometimes by means of conjecture. Among the Persians the augurs and diviners are the magi, who assemble regularly in a sacred place for practice and consultation, just as formerly you augurs used to do on the Nones. 91 Indeed, no one can become king of the Persians until he has learned the theory and the practice of the magi. Moreover, you may see whole families and tribes devoted to this art. For example, Telmessus in Caria is a city noted for its cultivation of the soothsayer’s art, and there is also Elis in Peloponnesus, which has permanently set aside two families as soothsayers, the Iamidae and the Clutidae, who are distinguished for superior skill in their art. In Syria the Chaldeans are pre-eminent for their knowledge of astronomy and for their quickness of mind.

92 “Again, the Etruscans are very skilful in observing thunderbolts, in interpreting their meaning and that of every sign and portent. That is why, in the days of our forefathers, it was wisely decreed by the Senate, when its power was in full vigour, that, of the sons of the chief men, six should be handed over to each of the Etruscan tribes for the study of divination, in order that so important a profession should not, on account of the poverty of its members, be withdrawn from the influence of religion, and converted into a means of mercenary gain. On the other hand the Phrygians, Pisidians, Cilicians, and Arabians rely chiefly on the signs conveyed by the flights of birds, and the Umbrians, according to tradition, used to do the same.

42 93 “Now, for my part, I believe that the character of the country determined the kind of divination which its inhabitants adopted. For example, the Egeans and Babylonians, who live on the level surface of open plains, with no hills to obstruct a view of the sky, have devoted their attention wholly to astrology. But the Etruscans, being in their nature of a very ardent religious temperament and accustomed to the frequent sacrifice of victims, have given their chief attention to the study of entrails. And as on account of the density of the atmosphere signs from heaven were common among them, and furthermore since that atmospheric condition caused many

phenomena both of earth and sky and also certain prodigies that occur in the conception and birth of men and cattle — for these reasons the Etruscans have become very proficient in the interpretation of portents. Indeed, the inherent force of these means of divination, as you like to observe, is clearly shown by the very words so aptly chosen by our ancestors to describe them. Because they 'make manifest' (ostendunt), 'portend' (portendunt), 'intimate' (monstrant), 'predict' (praedicunt), they are called 'manifestations,' 'portents,' 'intimations, and 'prodigies.' 94 But the Arabians, Phrygians, and Cilicians, being chiefly engaged in the rearing of cattle, are constantly wandering over the plains and mountains in winter and summer and, on that account, have found it quite easy to study the songs and flight of birds. The same is true of the Pisidians and of our fellow-countrymen, the Umbrians. While the Carians, and especially the Telmessians, already mentioned, because they live in a country with a very rich and prolific soil, whose fertility produces many abnormal growths, have turned their attention to the study of prodigies.

43 95 "But who fails to observe that auspices and all other kinds of divination flourish best in the best regulated states? And what king or people has there ever been who did not employ divination? I do not mean in time of peace only, but much more even in time of war, when the strife and struggle for safety is hardest. Passing by our own countrymen, who do nothing in war without examining entrails and nothing in peace without taking the auspices, let us look at the practice of foreign nations. The Athenians, for instance, in every public assembly always had present certain priestly diviners, whom they call manteis. The Spartans assigned an augur to their kings as a judicial adviser, and they also enacted that an augur should be present in their Council of Elders, which is the name of their Senate. In matters of grave concern they always consulted the oracle at Delphi, or that of Jupiter Hammon or that of Dodona. 96 Lycurgus himself, who once governed the Spartan state, established his laws by authority of Apollo's Delphic oracle, and Lysander, who wished to repeal them, was prevented from doing so by the religious scruples of the people. Moreover, the Spartan rulers, not content with their deliberations when awake used to sleep in a shrine of Pasiphaë which

is situated in a field near the city, in order to dream there, because they believed that oracles received in repose were true.

97 "I now return to instances at home. How many times the Senate has ordered the decemvirs to consult the Sibylline books! How often in matters of grave concern it has obeyed the responses of the soothsayers! Take the following examples: When at one time, two suns and, at another, three moons, were seen; when meteors appeared; when the sun shone at night; when rumblings were heard in the heavens; when the sky seemed to divide, showing balls of fire enclosed within; again, on the occasion of the landslip in Privernum, report of which was made to the Senate; and when Apulia was shaken by a most violent earthquake and the land sank to an incredible depth — in all these cases of portents which warned the Roman people of mighty wars and deadly revolutions, the responses of the soothsayers were in agreement with the Sibylline verses.

98 "And what of those other instances? As when, for example, the statue of Apollo at Cumae and that of Victory at Capua dripped with sweat; when that unlucky prodigy, the hermaphrodite, was born; when the river Atratus ran with blood; when there were showers frequently of stone, sometimes of blood, occasionally of earth and even of milk; and finally, when lightning struck the statue of the Centaur on the Capitoline hill, the gates and some people on the Aventine and the temples of Castor and Pollux at Tusculum and of Piety at Rome — in each of these cases did not the soothsayers give prophetic responses which were afterwards fulfilled? And were not these same prophecies found in the Sibylline books?

44 99 "In recent times, during the Marsian war, the temple of Juno Sospita was restored because of a dream of Caecilia, the daughter of Quintus Caecilius Metellus. This is the same dream that Sisenna discussed as marvellous, in that its prophecies were fulfilled to the letter, and yet later — influenced no doubt by some petty Epicurean — he goes on inconsistently to maintain that dreams are not worthy of belief. This writer, however, has nothing to say against prodigies; in fact he relates that, at the outbreak of the Marsian War, the statues of the gods dripped with sweat, rivers ran with blood, the heavens opened, voices from unknown sources were heard predicting dangerous wars, and finally — the sign considered by the soothsayers

the most ominous of all — the shields at Lanuvium were gnawed by mice.

100 "And what do you say of the following story which we find in our annals? During the Veientian War, when Lake Albanus had overflowed its banks, a certain nobleman of Veii deserted to us and said that, according to the prophecies of the Veientian books, their city could not be taken while the lake was at flood, and that if its waters were permitted to overflow and take their own course to the sea the result would be disastrous to the Roman people; on the other hand, if the waters were drained off in such a way that they did not reach the sea the result would be to our advantage. In consequence of this announcement our forefathers dug that marvellous canal to drain off the waters from the Alban lake. Later when the Veientians had grown weary of war and had sent ambassadors to the Senate to treat for peace, one of them is reported to have said that the deserter had not dared to tell the whole of the prophecy contained in the Veientian books, for those books, he said, also foretold the early capture of Rome by the Gauls. And this, as we know, did occur six years after the fall of Veii.

45 101 "Again, we are told that fauns have often been heard in battle and that during turbulent times truly prophetic messages have been sent from mysterious places. Out of many instances of this class I shall give only two, but they are very striking. Not long before the capture of the city by the Gauls, a voice, issuing from Vesta's sacred grove, which slopes from the foot of the Palatine Hill to New Road, was heard to say, 'the walls and gates must be repaired; unless this is done the city will be taken.' Neglect of this warning, while it was possible to heed it, was atoned for after the supreme disaster had occurred; for, adjoining the grove, an altar, which is now to be seen enclosed with a hedge, was dedicated to Aius the Speaker. The other illustration has been reported by many writers. At the time of the earthquake a voice came from Juno's temple on the citadel commanding that an expiatory sacrifice be made of a pregnant sow. From this fact the goddess was called Juno the Adviser. Are we, then, lightly to regard these warnings which the gods have sent and our forefathers adjudged to be trustworthy?

102 "Nor is it only to the voices of the gods that the Pythagoreans

have paid regard but also to the utterances of men which they term ‘omens.’ Our ancestors, too, considered such ‘omens’ worthy of respect, and for that reason, before entering upon any business enterprise, used to say, ‘May the issue be prosperous, propitious, lucky, and successful.’ At public celebrations of religious rites they gave the command, ‘Guard your tongues’; and in issuing the order for the Latin festival the customary injunction was, ‘Let the people refrain from strife and quarrelling.’ So too, when the sacred ceremony of purification was held by one starting on an expedition to found a colony, or when the commander-in-chief was reviewing his army, or the censor was taking his census, it was the rule to choose men with names of good omen to led the victims. Furthermore, the consuls in making a levy of troops take pains to see that the first soldier enlisted is one with a lucky name. 103 You, of course, are aware that you, both as consul at home and later as commander in the field, employed the same precaution with the most scrupulous care. In the case, too, of the prerogative tribe or century, our forefathers determined that it should be the ‘omen’ of a proper election.

46 “Now let me give some well-known examples of omens: When Lucius Paulus was consul the second time, and had been chosen to wage war against King Perses, upon returning home on the evening of the day on which he had been appointed, he noticed, as he kissed his little daughter Tertia (at that time a very small child), that she was rather sad. ‘What is the matter, Tertia, my dear? Why are you sad?’ ‘Oh! father, Persa is dead.’ Paulus clasped the child in a closer embrace and said, ‘Daughter, I accept that as an omen.’ Now ‘Persa’ was the name of a little dog that had died. 104 I heard Lucius Flaccus, the high priest of Mars, relate the following story: Metellus’ daughter, Caecilia, who was desirous of arranging a marriage for her sister’s daughter, went, according to the ancient custom, to a small chapel to receive an omen. A long time passed while the maiden stood and Caecilia was seated on a chair without any word being spoken. Finally, the former grew weary and said to her aunt: ‘Let me sit awhile on your chair.’ ‘Certainly, my child,’ said Caecilia, ‘you may have my place.’ And this was an omen of what came to pass, for in a short time Caecilia died and the girl married her aunt’s husband. I realize perfectly well that the foregoing omens may be lightly regarded and even be laughed at, but to make light of signs sent by the gods is nothing less than to disbelieve in the existence of the gods.

47 105 “Why need I speak of augurs? That is your rôle; the duty to defend auspices, I maintain, is yours. For it was to you, while you were consul, that the augur Appius Claudius declared that because the augury of safety was unpropitious a grievous and violent civil war was at hand. That war began few months later, but you brought it to an end in still fewer days. Appius is one augur of whom I heartily approve, for not content merely with the sing-song ritual of augury, he, alone, according to the record of many years, has maintained a real system of divination. I know that your colleagues used to laugh at him and call him the one time ‘a Pisidian’ and at another ‘a Soran.’ They did not concede to augury any power of prevision or real knowledge of the future, and used to say that it was a superstitious practice shrewdly invented to gull the ignorant. But the truth is far otherwise, for neither those herdsmen whom Romulus

governed, nor Romulus himself, could have had cunning enough to invent miracles with which to mislead the people. It is the trouble and hard work involved in mastering the art that has induced this eloquent contempt; for men prefer to say glibly that there is nothing in auspices rather than to learn what auspices are.

106 "Now — to employ you as often as I can as my authority — what could be more clearly of divine origin than the auspice which is thus described in your *Marius*?

Behold, from out the tree, on rapid wing,
The eagle that attends high-thundering Jove
A serpent bore, whose fangs had wounded her;
And as she flew her cruel talons pierced
Quite through its flesh. The snake, tho' nearly dead,
Kept darting here and there its spotted head;
And, as it writhed, she tore with bloody beak
Its twisted folds. At last, with sated wrath
And grievous wounds avenged, she dropped her prey,
Which, dead and mangled, fell into the sea;
And from the West she sought the shining East.
When Marius, reader of divine decrees,
Observed the bird's auspicious, gliding course,
He recognized the goodly sign foretold
That he in glory would return to Rome;
Then, on the left, Jove's thunder pealed aloud
And thus declared the eagle's omen true.

48 107 "As for that augural art of Romulus of which I spoke, it was pastoral and not city-bred, nor was it 'invented to gull the ignorant,' but received by trustworthy men, who handed it on to their descendants. And so we read in Ennius the following story of Romulus, who was an augur, and of his brother Remus, who also was an augur:

When each would rule they both at once appealed
Their claims, with anxious hearts, to augury.
Then Remus took the auspices alone
And waited for the lucky bird; while on
The lofty Aventine fair Romulus

His quest did keep to wait the soaring tribe:
Their contest would decide the city's name
As Rome or Remora. The multitude
Expectant looked to learn who would be king.
As, when the consul is about to give
The sign to start the race, the people sit
With eyes intent on barrier doors from whose
108 Embellished jaws the chariots soon will come;
So now the people, fearful, looked for signs
To know whose prize the mighty realm would be.
Meantime the fading sun into the shades
Of night withdrew and then the shining dawn
Shot forth its rays. 'Twas then an augury,
The best of all, appeared on high — a bird
That on the left did fly. And, as the sun
Its golden orb upraised, twelve sacred birds
Flew down from heaven and betook themselves
To stations set apart for goodly signs.
Then Romulus perceived that he had gained
A throne whose source and proper was augury.

49 109 "But let us bring the discussion back to the point from which it wandered. Assume that I can give no reason for any of the instances of divination which I have mentioned and that I can do no more than show that they did occur, is that not a sufficient answer to Epicurus and to Carneades? And what does it matter if, as between artificial and natural divination, the explanation of the former is easy and of the latter is somewhat hard? For the results of those artificial means of divination, by means of entrails, lightnings, portents, and astrology, have been the subject of observation for a long period of time. But in every field of inquiry great length of time employed in continued observation begets an extraordinary fund of knowledge, which may be acquired even without the intervention or inspiration of the gods, since repeated observation makes it clear what effect follows any given cause, and what sign precedes any given event.

110 "The second division of divination, as I said before, is the natural; and it, according to exact teaching of physics, must be

ascribed to divine Nature, from which, as the wisest philosophers maintain, our souls have been drawn and poured forth. And since the universe is wholly filled with the Eternal Intelligence and the Divine Mind, it must be that human souls are influenced by their contact with divine souls. But when men are awake their souls, as a rule, are subject to the demands of everyday life and are withdrawn from divine association because they are hampered by the chains of the flesh.

111 "However, there is a certain class of men, though small in number, who withdraw themselves from carnal influences and are wholly possessed by an ardent concern for the contemplation of things divine. Some of these men make predictions, not as the result of direct heavenly inspiration, but by the use of their own reason. For example, by means of natural law, they foretell certain events, such as a flood, or the future destruction of heaven and earth by fire. Others, who are engaged in public life, like Solon of Athens, as history describes him, discover the rise of tyranny long in advance. Such men we may call 'foresighted' — that is, 'able to foresee the future'; but we can no more apply the term 'divine' to them than we can apply it to Thales of Miletus, who, as the story goes, in order to confound his critics and thereby show that even a philosopher, if he sees fit, can make money, bought up the entire olive crop in the district of Miletus before it had begun to bloom. 112 Perhaps he had observed, from some personal knowledge he had on the subject, that the crop would be abundant. And, by the way, he is said to have been the first man to predict the solar eclipse which took place in the reign of Astyages.

50 "There are many things foreseen by physicians, pilots, and also by farmers, but I do not call the predictions of any of them divination. I do not even call that a case of divination when Anaximander, the natural philosopher, warned the Spartans to leave the city and their homes and to sleep in the fields under arms, because an earthquake was at hand. Then the whole city fell down in ruins and the extremity of Mount Taygetus was torn away like the stern of a ship in a storm. Not even Pherecydes, the famous teacher of Pythagoras, will be considered a prophet because he predicted an earthquake from the appearance of some water drawn from an

unfailing well.

113 “In fact, the human soul never divines naturally, except when it is so unrestrained and free that it has absolutely no association with the body, as happens in the case of frenzy and of dreams. Hence both these kinds of divination have been sanctioned by Dicaearchus and also, as I said, by our friend Cratippus. Let us grant that these two methods (because they originate in nature) take the highest rank in divination; but we will not concede that they are the only kind. But if, on the other hand, Dicaearchus and Cratippus believe that there is nothing in observation, they hold a doctrine destructive of the foundation on which many things in everyday life depend. However, since these men make us some concession — and that not a small one — in granting us divination by frenzy and dreams, I see no cause for any great war with them, especially in view of the fact that there are some philosophers who do not accept any sort of divination whatever.

114 “Those then, whose souls, spurning their bodies, take wings and fly abroad — inflamed and aroused by a sort of passion — these men, I say, certainly see the things which they foretell in their prophecies. Such souls do not cling to the body and are kindled by many different influences. For example, some are aroused by certain vocal tones, as by Phrygian songs, many by groves and forests, and many others by rivers and seas. I believe, too, that there were certain subterranean vapours which had the effect of inspiring persons to utter oracles. In all these cases the frenzied soul sees the future long in advance, as Cassandra did in the following instance:

Alas! behold! some mortal will decide
A famous case between three goddesses:
Because of that decision there will come
A Spartan woman, but a Fury too.

It is in this state of exaltation that many predictions have been made, not only in prose but also

In verse which once the fauns and bards did sing.

115 Likewise Marcius and Publicius, according to tradition, made their prophecies in verse, and the cryptic utterances of Apollo were expressed in the same form.

51 “Such is the rationale of prophecy by means of frenzy, and that

of dreams is not much unlike it. For the revelations made to seers when awake are made to us in sleep. While we sleep and the body lies as if dead, the soul is at its best, because it is then freed from the influence of the physical senses and from the worldly cares that weigh it down. And since the soul has lived from all eternity and has had converse with numberless other souls, it sees everything that exists in nature, provided that moderation and restraint have been used in eating and in drinking, so that the soul is in a condition to watch while the body sleeps. Such is the explanation of divination by dreams.

116 "At this point it is pertinent to mention Antiphon's well-known theory of the interpretation of dreams. His view is that the interpreters of dreams depending upon technical skill and not upon inspiration. He has the same view as to the interpretation of oracles and of frenzied utterances; for they all have their interpreters, just as poets have their commentators. Now it is clear that divine nature would have done a vain thing if she had merely created iron, copper, silver, and gold and had not shown us how to reach the veins in which those metals lie; the gift of field crops and orchard fruits would have been useless to the human race without a knowledge of how to cultivate them and prepare them for food; and building material would be of no service without the carpenter's art to convert it into lumber. So it is with everything that the gods have given for the advantage of mankind, there has been joined some art whereby that advantage may be turned to account. The same is true of dreams, prophecies, and oracles: since many of them were obscure and doubtful, resort was had to the skill of professional interpreters.

117 "Now there is a great problem as to how prophets and dreamers can see things, which, at the time, have no actual existence anywhere. But that question would be solved quite readily if we were to investigate certain other questions which demand consideration first. For the theory in regard to the nature of the gods, so clearly developed in the second book of your work on that subject, includes this whole question. If we maintain that theory we shall establish the very point which I am trying to make: namely, 'that there are gods; that they rule the universe by their foresight; and that they direct the affairs of men — not merely of men in the mass, but of each

individual.' If we succeed in holding that position — and for my part I think it impregnable — then surely it must follow that the gods give to men signs of coming events.

52 118 "But it seems necessary to settle the principle on which these signs depend. For, according to the Stoic doctrine, the gods are not directly responsible for every fissure in the liver or for every song of a bird; since, manifestly, that would not be seemly or proper in a god and furthermore is impossible. But, in the beginning, the universe was so created that certain results would be preceded by certain signs, which are given sometimes by entrails and by birds, sometimes by lightnings, by portents, and by stars, sometimes by dreams, and sometimes by utterances of persons in a frenzy. And these signs do not often deceive the persons who observe them properly. If prophecies, based on erroneous deductions and interpretations, turn out to be false, the fault is not chargeable to the signs but to the lack of skill in the interpreters.

"Assuming the proposition to be conceded that there is a divine power which pervades the lives of men, it is not hard to understand the principle directing those premonitory signs which we see come to pass. For it may be that the choice of a sacrificial victim is guided by an intelligent force, which is diffused throughout the universe; or, it may be that at the moment when the sacrifice is offered, a change in the vitals occurs and something is added or taken away; for many things are added to, changed, or diminished in an instant of time. 119 Conclusive proof of this fact, sufficient to put it beyond the possibility of doubt, is afforded by incidents which happened just before Caesar's death. While he was offering sacrifices on the day when he sat for the first time on a golden throne and first appeared in public in a purple robe, no heart was found in the vitals of the votive ox. Now do you think it possible for any animal that has blood to exist without a heart? Caesar was unmoved by this occurrence, even though Spurinna warned him to beware lest thought and life should fail him — both of which, he said, proceeded from the heart. On the following day there was no head to the liver of the sacrifice. These portents were sent by the immortal gods to Caesar that he might foresee his death, not that he might prevent it. Therefore, when those organs, without which the victim could not have lived, are found

wanting in the vitals, we should understand that the absent organs disappeared at the very moment of immolation.

53 120 "The Divine Will accomplishes like results in the case of birds, and causes those known as alites, which give omens by their flight, to fly hither and thither and disappear now here and now there, and causes those known as oscines, which give omens by their cries, to sing now on the left and now on the right. For if every animal moves its body forward, sideways, or backward at will, it bends, twists, extends, and contracts its members as it pleases, and performs these various motions almost mechanically; how much easier it is for such results to be accomplished by a god, whose divine will all things obey! 121 The same power sends us signs, of which history has preserved numerous examples. We find the following omens recorded: when just before sunrise the moon was eclipsed in the sign of Leo, this indicated that Darius and the Persians would be overcome in battle by the Macedonians under Alexander, and that Darius would die.g Again, when a girl was born with two heads, this foretold sedition among the people and seduction and adultery in the home. When a woman dreamed that she had been delivered of a lion, this signified that the country in which she had the dream would be conquered by foreign nations.

"Another instance of a similar kind is related by Herodotus: Croesus's son, when an infant, spoke, and this prodigy foretold the utter overthrow of his father's family and kingdom. What history has failed to record the fact that while Servius Tullius slept his head burst into flame? Therefore, just as a man has clear and trustworthy dreams, provided he goes to sleep, not only with his mind prepared by noble thoughts, but also with every precaution taken to induce repose; so, too, he, when awake, is better prepared to interpret truly the messages of entrails, stars, birds, and all other signs, provided his soul is pure and undefiled.

54 122 "It is the purity of soul, no doubt, that explains that famous utterance which history attributes to Socrates and which his disciples in their books often represent him as repeating: 'There is some divine influence' — δαιμόνιον, he called it—'which I always obey, though it never urges me on, but often holds me back.' And it was the same Socrates — and what better authority can we quote? — who was

consulted by Xenophon as to whether he should join Cyrus. Socrates, after stating what seemed to him the best thing to do, remarked: ‘But my opinion is only that of a man. In matters of doubt and perplexity I advise that Apollo’s oracle be consulted.’ This oracle was always consulted by the Athenians in regard to the more serious public questions.

123 “It is also related of Socrates that one day he saw his friend Crito with a bandage on his eye. ‘What’s the matter, Crito?’ he inquired. ‘As I was walking in the country the branch of a tree, which had been bent, was released and struck me in the eye.’ ‘Of course,’ said Socrates, ‘for, after I had had divine warning, as usual, and tried to call you back, you did not heed.’ It is also related of him that after the unfortunate battle was fought at Delium under command of Laches, he was fleeing in company with his commander, when they came to a place where three roads met. Upon his refusal to take the road that the others had chosen he was asked the reason and replied: ‘The god prevents me.’ Those who fled by the other road fell in with the enemy’s cavalry. Antipater has gathered a mass of remarkable premonitions received by Socrates, but I shall pass them by, for you know them and it is useless for me to recount them. 124 However, the following utterance of that philosopher, made after he had been wickedly condemned to death, is a noble one — I might almost call it ‘divine’: ‘I am very content to die,’ he said; ‘for neither when I left my home nor when I mounted the platform to plead my cause, did the god give any sign, and this he always does when some evil threatens me.’

55 “And so my opinion is that the power of divination exists, notwithstanding the fact that those who prophesy by means of art and conjecture are oftentimes mistaken. I believe that, just as men may make mistakes in other callings, so they may in this. It may happen that a sign of doubtful meaning is assumed to be certain or, possibly, either a sign was itself unobserved or one that annulled an observed sign may have gone unnoticed. But, in order to establish the proposition for which I contend it is enough for me to find, not many, but even a few instances of divinely inspired prevision and prophecy. 125 Nay, if even one such instance is found and the agreement between the prediction and the thing predicted is so close as to

exclude every semblance of chance or of accident, I should not hesitate to say in such a case, that divination undoubtedly exists and that everybody should admit its existence.

"Wherefore, it seems to me that we must do as Posidonius does and trace the vital principle of divination in its entirety to three sources: first, to God, whose connexion with the subject has been sufficiently discussed; secondly to Fate; and lastly, to Nature. Reason compels us to admit that all things happen by Fate. Now by Fate I mean the same that the Greeks call εἱμαρμένη, that is, an orderly succession of causes wherein cause is linked to cause and each cause of itself produces an effect. That is an immortal truth having its source in all eternity. Therefore nothing has happened which was not bound to happen, and, likewise, nothing is going to happen which will not find in nature every efficient cause of its happening. 126 Consequently, we know that Fate is that which is called, not ignorantly, but scientifically, 'the eternal cause of things, the wherefore of things past, of things present, and of things to come.' Hence it is that it may be known by observation what effect will in most instances follow any cause, even if it is not known in all; for it would be too much to say that it is known in every case. And it is probable that these causes of coming events are perceived by those who see them during frenzy or in sleep.

56 127 "Moreover, since, as will be shown elsewhere, all things happen by Fate, if there were a man whose soul could discern the links that join each cause with every other cause, then surely he would never be mistaken in any prediction he might make. For he who knows the causes of future events necessarily knows what every future event will be. But since such knowledge is possible only to a god, it is left to man to presage the future by means of certain signs which indicate what will follow them. Things which are to be do not suddenly spring into existence, but the evolution of time is like the unwinding of a cable: it creates nothing new and only unfolds each event in its order. This connexion between cause and effect is obvious to two classes of diviners: those who are endowed with natural divination and those who know the course of events by the observation of signs. They may not discern the causes themselves, yet they do discern the signs and tokens of those causes. The careful

study and recollection of those signs, aided by the records of former times, has evolved that sort of divination, known as artificial, which is divination by means of entrails, lightnings, portents, and celestial phenomena.

128 "Therefore it is not strange that diviners have a presentiment of things that exist nowhere in the material world: for all things 'are,' though, from the standpoint of 'time,' they are not present. As in seeds there inheres the germ of those things which the seeds produce, so in causes are stored the future events whose coming is foreseen by reason or conjecture, or is discerned by the soul when inspired by frenzy, or when it is set free by sleep. Persons familiar with the rising, setting, and revolutions of the sun, moon, and other celestial bodies, can tell long in advance where any one of these bodies will be at a given time. And the same thing may be said of men who, for a long period of time, have studied and noted the course of facts and the connexion of events, for they always know what the future will be; or, if that is putting it too strongly, they know in a majority of cases; or, if that will not be conceded either, then, surely, they sometimes know what the future will be. These and a few other arguments of the same kind for the existence of divination are derived from Fate.

57 129 "Moreover, divination finds another and a positive support in nature, which teaches us how great is the power of the soul when it is divorced from the bodily senses, as it is especially in sleep, and in times of frenzy or inspiration. For, as the souls of the gods, without the intervention of eyes or ears or tongue, understand each other and what each one thinks (hence men, even when they offer silent prayers and vows, have no doubt that the gods understand them), so the souls of men, when released by sleep from bodily chains, or when stirred by inspiration and delivered up to their own impulses, see things that they cannot see when they are mingled with the body. 130 And while it is difficult, perhaps, to apply this principle of nature to explain that kind of divination which we call artificial, yet Posidonius, who digs into the question as deep as one can, thinks that nature gives certain signs of future events. Thus Heraclides of Pontus records that it is the custom of the people of Ceos, once each year, to make a careful observation of the rising of the Dog-star and from such observation

to conjecture whether the ensuing year will be healthy or pestilential. For if the star rises dim and, as it were enveloped in a fog, this indicates a thick and heavy atmosphere, which will give off very unwholesome vapours; but if the star appears clear and brilliant, this is a sign that the atmosphere is light and pure and, as a consequence, will be conducive to good health.

131 "Again, Democritus expresses the opinion that the ancients acted wisely in providing for the inspection of the entrails of sacrifices; because, as he thinks, the colour and general condition of the entrails are prophetic sometimes of health and sometimes of sickness and sometimes also of whether the fields will be barren or productive. Now, if it is known by observation and experience that these means of divination have their source in nature, it must be that the observations made and records kept for a long period of time have added much to our knowledge of this subject. Hence, that natural philosopher introduced by Pacuvius into his play of *Chryses*, seems to show very scanty apprehension of the laws of nature when he speaks as follows:

The men who know the speech of birds and more
Do learn from other livers than their own—
'Twere best to hear, I think, and not to heed.

I do not know why this poet makes such a statement when only a few lines further on he says clearly enough:

Whate'er the power may be, it animates,
Creates, gives form, increase, and nourishment
To everything: of everything the sire,
It takes all things unto itself and hides
Within its breast; and as from it all things
Arise, likewise to it all things return.

Since all things have one and the same and that a common home, and since the human soul has always been and will always be, why, then, should it not be able to understand what effect will follow any cause, and what sign will precede any event?

"This," said Quintus, "is all that I had to say on divination."

58 132 "I will assert, however, in conclusion, that I do not recognize fortune-tellers, or those who prophesy for money, or necromancers, or mediums, whom your friend Appius makes it a

practice to consult.

In fine, I say, I do not care a fig
For Marsian augurs, village mountebanks,
Astrologers who haunt the circus grounds,
Or Isis-seers, or dream interpreters:
— for they are not diviners either by knowledge or skill, —
But superstitious bards, soothsaying quacks,
Averse to work, or mad, or ruled by want,
Directing others how to go, and yet
What road to take they do not know themselves;
From those to whom they promise wealth they beg
A coin. From what they promised let them take
Their coin as toll and pass the balance on.

Such are the words of Ennius who only a few lines further back expresses the view that there are gods and yet says that the gods do not care what human beings do. But for my part, believing as I do that the gods do care for man, and that they advise and often forewarn him, I approve of divination which is not trivial and is free from falsehood and trickery."

When Quintus had finished I remarked, "My dear Quintus, you have come admirably well prepared."

BOOK II

After serious and long continued reflection as to how I might do good to as many people as possible and thereby prevent any interruption of my service to the State, no better plan occurred to me than to conduct my fellow-citizens in the ways of the noblest learning — and this, I believe, I have already accomplished through my numerous books. For example, in my work entitled *Hortensius*, I appealed as earnestly as I could for the study of philosophy. And in my *Academics*, in four volumes, I set forth the philosophic system which I thought least arrogant, and at the same time most consistent and refined. 2 And, since the foundation of philosophy rests on the distinction between good and evil, I exhaustively treated that subject in five volumes and in such a way that the conflicting views of the different philosophers might be known. Next, and in the same number of volumes, came the *Tusculan Disputations*, which made plain the means most essential to a happy life. For the first volume treats of indifference to death, the second of enduring pain, the third of the alleviation of sorrow, the fourth of other spiritual disturbances; and the fifth embraces a topic which sheds the brightest light on the entire field of philosophy since it teaches that virtue is sufficient of itself for the attainment of happiness.

3 After publishing the works mentioned I finished three volumes *On the Nature of the Gods*, which contain a discussion of every question under that head. With a view of simplifying and extending the latter treatise I started to write the present volume *On Divination*, to which I plan to add a work on *Fate*; when that is done every phase of this particular branch of philosophy will be sufficiently discussed. To this list of works must be added the six volumes which I wrote while holding the helm of state, entitled *On the Republic* — a weighty subject, appropriate for philosophic discussion, and one which has been most elaborately treated by Plato, Aristotle, Theophrastus, and the entire peripatetic school. What need is there to say anything of my treatise *On Consolation*? For it is the source of very great comfort to me and will, I think, be of much help to others. I have also recently thrown in that book *On Old Age*, which I sent my friend

Atticus; and, since it is by philosophy that a man is made virtuous and strong, my *Cato* is especially worthy of a place among the foregoing books. 4 Inasmuch as Aristotle and Theophrastus, too, both of whom were celebrated for their keenness of intellect and particularly for their copiousness of speech, have joined rhetoric with philosophy, it seems proper also to put my rhetorical books in the same category; hence we shall include the three volumes *On Oratory*, the fourth entitled *Brutus*, and the fifth called *The Orator*.

2 I have named the philosophic works so far written: to the completion of the remaining books of this series I was hastening with so much ardour that if some most grievous cause had not intervened there would not now be any phase of philosophy which I had failed to elucidate and make easily accessible in the Latin tongue. For what greater or better service can I render to the commonwealth than to instruct and train the youth — especially in view of the fact that our young men have gone so far astray because of the present moral laxity that the utmost effort will be needed to hold them in check and direct them in the right way? 5 Of course, I have no assurance — it could not even be expected — that they will all turn to these studies. Would that a few may! Though few, their activity may yet have a wide influence in the state. In fact, I am receiving some reward for my labour even from men advanced in years; for they are finding comfort in my books, and by their ardour in reading are raising my eagerness for writing to a higher pitch every day. Their number, too, I learn, is far greater than I had expected. Furthermore, it would redound to the fame and glory of the Roman people to be made independent of Greek writers in the study of philosophy, 6 and this result I shall certainly bring about if my present plans are accomplished.

The cause of my becoming an expounder of philosophy sprang from the grave condition of the State during the period of the Civil War, when, being unable to protect the Republic, as had been my custom, and finding it impossible to remain inactive, I could find nothing else that I preferred to do that was worthy of me. Therefore my countrymen will pardon me — rather they will thank me — because, when the State was in the power of one man, I refused to hide myself, to quit my place, or to be cast down; I did not bear

myself like one enraged at the man or at the times; and, further, I neither so fawned upon nor admired another's fortune as to repent me of my own.

For one thing in particular I had learned from Plato and from philosophy, that certain revolutions in government are to be expected; so that states are now under a monarchy, now under a democracy, and now under a tyranny. 7 When the last-named fate had befallen my country, and I had been debarred from my former activities, I began to cultivate anew these present studies that by their means, rather than by any other, I might relieve my mind of its worries and at the same time serve my fellow-countrymen as best I could under the circumstances. Accordingly, it was in my books that I made my senatorial speeches and my forensic harangues; for I thought that I had permanently exchanged politics for philosophy. Now, however, since I have begun to be consulted again about public affairs, my time must be devoted to the State, or, rather, my undivided thought and care must be fixed upon it; and only so much time can be given to philosophy as will not be needed in the discharge of my duty to the commonwealth. But more of this at another time; now let us return to the discussion with which we started.

3 8 After my brother Quintus had delivered his views on divination, as set out in the preceding volume, and we had walked as much as we wished, we took our seats in the library in my "Lyceum," and I remarked:

"Really, my dear Quintus, you have defended the Stoic doctrine with accuracy and like a Stoic. But the thing that delights me most is the fact that you illustrated your argument with many incidents taken from Roman sources — incidents, too, of a distinguished and noble type. I must now reply to what you said, but I must do so with great diffidence and with many misgivings, and in such a way as to affirm nothing and question everything. For if I should assume anything that I said to be certain I should myself be playing the diviner while saying that no such thing as divination exists!

9 "I am impressed with the force of the questions with which Carneades used to begin his discussions: 'What are the things within the scope of divination? Are they things that are perceived by the

senses? But those are things that we see, hear, taste, smell, and touch. Is there, then, in such objects some quality that we can better perceive with the aid of prophecy and inspiration than we can with the aid of the senses alone? And is there any diviner, anywhere, who, if blind, like Tiresias, could tell the difference between white and black? Or, who, if deaf, could distinguish between different voices and different tones? Now you must admit that divination is not applicable in any case where knowledge is gained through the senses.

"Nor is there any need of divination even in matters within the domain of science and of art. For, when people are sick, we, as a general rule, do not summon a prophet or a seer, but we call in a physician. Again, persons who want to learn to play on the harp or on the flute take lessons, not from a soothsayer, but from a musician. 10 The same rule applies in literature and in other departments of learning. And do you really believe that those who are credited with powers of divining, can, for that reason, tell whether the sun is larger than the earth, and whether it is as big as it seems to be? Or whether the moon shines by its own light or by that of the sun? Or do you think that they understand the motions of the sun and moon and of the five stars, which are called 'planets'? Your reputed diviners do not claim that they can answer any of these questions; nor will they profess to tell whether geometrical figures are correctly drawn or not, for that is the business of mathematicians, not of seers.

4 "Now let us consider matters within the purview of philosophy: When the question is as to what is morally right, or morally wrong, or as to what is neither the one nor the other, do we usually have our doubts resolved by diviners? In fact, do we often consult them in such a case? 11 Certainly not, for problems of this kind belong to philosophers. Again, where the question is one of duty: who ever consults a soothsayer as to how he should demean himself towards his parents, his brothers, or his friends? or as to how he should use his wealth, his office, or his power? Such matters are usually referred to sages, not to diviners.

"Furthermore, can any of the questions of dialectic or of physics be solved by divination? For example, is there one world, or are there many worlds? What are the primary elements from which all things are derived? Such problems belong to the science of physics. Again,

suppose one should wish to know how to resolve the 'liar' fallacy, which the Greeks call 'ψευδόμενον'; or how to meet the 'heap' fallacy, known in Greek as sorites (which, if a Latin equivalent were needed, could be represented by the word acervalis, but none is needed; for, just as the word 'philosophy' and many other words are of Greek origin and are in general use as Latin words, so it is with sorites), — in both these cases the logician, and not the diviner, would speak.

"Assume, next, that the inquiry is as to the best form of government, or as to what laws or what customs are beneficial and what are harmful, will you call soothsayers out of Etruria to settle the question, or will you accept the decision of men of eminence chosen for their knowledge of statecraft? 12 But if there is no place for divination in things perceived by the senses, or in those included among the arts, or in those discussed by philosophers, or in those which have to do with government, I see absolutely no need for it anywhere. For either it ought to be of use in every case, or, at least, some department in which it may be employed should be found. But divination is not of use in every case, as my reasoning has shown; nor can any field or subject matter be found over which it may exercise control. 5 Therefore I am inclined to think that there is no such thing as divination. There is a much-quoted Greek verse to this effect:

The best diviner I maintain to be
The man who guesses or conjectures best.

Now do you think that a prophet will 'conjecture' better whether a storm is at hand than a pilot? or that he will by 'conjecture' make a more accurate diagnosis than a physician, or conduct a war with more skill than a general?

13 "But I observed, Quintus, that you prudently withdrew divination from conjectures based upon skill and experience in public affairs, from those drawn from the use of the senses and from those made by persons in their own callings. I observed, also, that you defined divination to be 'the foreknowledge and foretelling of things which happen by chance.' In the first place, that is a contradiction of what you have admitted. For the foreknowledge possessed by a physician, a pilot, and a general is of 'things which

happen by chance.' Then can any soothsayer, augur, prophet, or dreamer conjecture better than a physician, a pilot, or a general that an invalid will come safely out of his sickness, or that a ship will escape from danger, or that an army will avoid an ambuscade?

14 "And you went on to say that even the foreknowledge of impending storms and rains by means of certain signs was not divination, and, in that connexion, you quoted a number of verses from my translation of Aratus. Yet such coincidences 'happen by chance,' for though they happen frequently they do not happen always. What, then, is this thing you call divination — this 'foreknowledge of things that happen by chance' — and where is it employed? You think that 'whatever can be foreknown by means of science, reason, experience, or conjecture is to be referred, not to diviners, but to experts.' It follows, therefore, that divination of 'things that happen by chance' is possible only of things which cannot be foreseen by means of skill or wisdom. Hence, if someone had declared many years in advance that the famous Marcus Marcellus, who was consul three times, would perish in a shipwreck, this, by your definition, undoubtedly would have been a case of divination, since that calamity could not have been foreseen by means of any other skill or by wisdom. That is why you say that divination is the foreknowledge of such things as depend upon chance.

6 15 "Can there, then, be any foreknowledge of things for whose happening no reason exists? For we do not apply the words 'chance,' 'luck,' 'accident,' or 'casualty' except to an event which has so occurred or happened that it either might not have occurred at all, or might have occurred in any other way. How, then, is it possible to foresee and to predict an event that happens at random, as the result of blind accident, or of unstable chance? 16 By the use of reason the physician foresees the progress of a disease, the general anticipates the enemy's plans and the pilot forecasts the approach of bad weather. And yet even those who base their conclusions on accurate reasoning are often mistaken: for example, when the farmer sees his olive-tree in bloom he expects also, and not unreasonably, to see it bear fruit, but occasionally he is disappointed. If then mistakes are made by those who make no forecasts not based upon some

reasonable and probable conjecture, what must we think of the conjectures of men who foretell the future by means of entrails, birds, portents, oracles, or dreams? I am not ready yet to take up one by one the various kinds of divination and show that the cleft in the liver, the croak of a raven, the flight of an eagle, the fall of a star, the utterances of persons in a frenzy, lots, and dreams have no prophetic value whatever; I shall discuss each of them in its turn — now I am discussing the subject as a whole.

17 "How can anything be foreseen that has no cause and no distinguishing mark of its coming? Eclipses of the sun and also of the moon are predicted for many years in advance by men who employ mathematics in studying the courses and movements of the heavenly bodies; and the unvarying laws of nature will bring their predictions to pass. Because of the perfectly regular movements of the moon the astronomers calculate when it will be opposite the sun and in the earth's shadow — which is 'the cone of night' — and when, necessarily, it will become invisible. For the same reason they know when the moon will be directly between the earth and the sun and thus will hide the light of the sun from our eyes. They know in what sign each planet will be at any given time and at what time each day any constellation will rise and set. You see the course of reasoning followed in arriving at these predictions.

7 18 "But what course of reasoning is followed by men who predict the finding of a treasure or the inheritance of an estate? On what law of nature do such prophecies depend? But, on the other hand, if the prophecies just mentioned and others of the same class are controlled by some natural and immutable law such as regulates the movements of the stars, pray, can we conceive of anything happening by accident, or chance? Surely nothing is so at variance with reason and stability as chance? Hence it seems to me that it is not in the power even of God himself to know what event is going to happen accidentally and by chance. For if He knows, then the event is certain to happen; but if it is certain to happen, chance does not exist. And yet chance does exist, therefore there is no foreknowledge of things that happen by chance.

19 "But if you deny the existence of chance and assert that the course of everything present or future has been inevitably determined

from all eternity, then you must change your definition of divination, which you said was 'the foreknowledge of things that happen by chance.' For if nothing can happen, nothing befall, nothing come to pass, except what has been determined from all eternity as bound to happen at a fixed time, how can there be such a thing as chance? And if there is no such thing as chance, what room is there for that divination, which you termed 'a foreknowledge of things that happen by chance'? And you were inconsistent enough, too, to say that everything that is or will be is controlled by Fate! Why, the very word 'Fate' is full of superstition and old women's credulity, and yet the Stoics have much to say of this Fate of yours. A discussion on Fate is reserved for another occasion; at present I shall speak of it only in so far as it is necessary.

8 20 "Of what advantage to me is divination if everything is ruled by Fate? On that hypothesis what the diviner predicts is bound to happen. Hence I do not know what to make of the fact that an eagle recalled our intimate friend Deiotarus from his journey; for if he had not turned back he must have been sleeping in the room when it was destroyed the following night, and, therefore, have been crushed in the ruins. And yet, if Fate had willed it, he would not have escaped that calamity; and *vice versa*. Hence, I repeat, what is the good of divination? Or what is it that lots, entrails, or any other means of prophecy warn me to avoid? For, if it was the will of Fate that the Roman fleets in the First Punic War should perish — the one by shipwreck and the other at the hands of the Carthaginians — they would have perished just the same even if the sacred chickens had made a tripudium solistimum in the consulship of Lucius Junius and Publius Claudius! On the other hand, if obedience to the auspices would have prevented the destruction of the fleets, then they did not perish in accordance with Fate. But you insist that all things happen by Fate; therefore there is no such thing as divination.

21 Again, if it was the will of Fate that the Roman army should perish at Lake Trasimenus in the Second Punic War, could that result have been avoided if the consul Flaminius had obeyed the signs and the auspices which forbade his joining battle? Assuredly not. Therefore, either the army did not perish by the will of Fate, or, if it did (and you are certainly bound as a Stoic to say that it did), the

same result would have happened even if the auspices had been obeyed; for the decrees of Fate are unchangeable. Then what becomes of that vaunted divination of you Stoics? For if all things happen by Fate, it does us no good to be warned to be on our guard, since that which is to happen, will happen regardless of what we do. But if that which is to be can be turned aside, there is no such thing as Fate; so, too, there is no such thing as divination — since divination deals with things that are going to happen. But nothing is 'certain to happen' which there is some means of dealing with so as to prevent its happening.

9 22 "And further, for my part, I think that a knowledge of the future would be a disadvantage. Consider, for example, what Priam's life would have been if he had known from youth what dire events his old age held in store for him! But let us leave the era of myths and come to events nearer home. In my work *On Consolation* I have collected instances of very grievous deaths that befell some of the most illustrious men of our commonwealth. Passing by men of earlier day, let us take Marcus Crassus. What advantage, pray, do you think it would have been to him, when he was at the very summit of power and wealth, to know that he was destined to perish beyond the Euphrates in shame and dishonour, after his son had been killed and his own army had been destroyed? Or do you think that Gnaeus Pompey would have found joy in his three consulships, in his three triumphs, and in the fame of his transcendent deeds, if he had known that he would be slain in an Egyptian desert, after he had lost his army, and that following his death those grave events would occur of which I cannot speak without tears?

23 "Or what do we think of Caesar? Had he foreseen that in the Senate, chosen in most part by himself, in Pompey's hall, aye, before Pompey's very statue, and in the presence of many of his own centurions, he would be put to death by most noble citizens, some of whom owed all that they had to him, and that he would fall to so low an estate that no friend — no, not even a slave — would approach his dead body, in what agony of soul would he have spent his life!

"Of a surety, then, ignorance of future ills is more profitable than the knowledge of them. 24 For, assuming that men knew the future it cannot in any wise be said — certainly not by the Stoics — that

Pompey would not have taken up arms, that Crassus would not have crossed the Euphrates, or that Caesar would not have embarked upon the civil war. If so, then, the deaths that befell these men were not determined by Fate. But you will have it that everything happens by Fate; consequently, knowledge of the future would have done these men no good. In reality it would have entirely deprived the earlier portion of their lives of enjoyment; for how could they have been happy in reflecting what their ends would be? And so, however the Stoics turn and twist, all their shrewdness must come to naught. For, if a thing that is going to happen, may happen in one way or another, indifferently, chance is predominant; but things that happen by chance cannot be certain. But if it is certain what is going to befall me in reference to any matter and on every occasion, how do the soothsayers help me by saying that the greatest misfortunes await me?

10 25 "To the last point the Stoics make the rejoinder that 'every evil which is going to befall us is made lighter by means of religious rites.' But if nothing happens except in accordance with Fate, no evil can be made lighter by means of religious rites. Homer shows his appreciation of this fact when he represents Jupiter as complaining because he could not snatch his son Sarpedon from death when Fate forbade. The same thought is expressed in the following verses translated from a Greek poet:

That which has been decreed by Fate to be
Almighty Jove himself cannot prevent.

The whole idea of Fate in every detail is justly, as I think, the subject of derision even in Atellan farces, but in a discussion as serious as ours joking is out of place. So then let us sum up our argument: If it is impossible to foresee things that happen by chance because they are uncertain, there is no such thing as divination; if, on the contrary, they can be foreseen because they are preordained by Fate, still there is no such thing as divination, which, by your definition, deals with 'things that happen by chance.' 26 But this introductory part of my discussion has been mere skirmishing with light infantry; now let me come to close quarters and see if I cannot drive in both wings of your argument.

11 "You divided divination into two kinds, one artificial and the

other natural. ‘The artificial, you said, ‘consists in part of conjecture and in part of long-continued observation; while the natural is that which the soul has seized, or, rather, has obtained, from a source outside itself — that is, from God, whence all human souls have been drawn off, received, or poured out.’ Under the head of artificial divination you placed predictions made from the inspection of entrails, those made from lightnings and portents, those made by augurs, and by persons who depend entirely upon premonitory signs. Under the same head you included practically every method of prophecy in which conjecture was employed. 27 Natural divination, on the other hand, according to your view, is the result—‘the effusion,’ as it were — of mental excitement, or it is the prophetic power which the soul has during sleep while free from bodily sensation and worldly cares. Moreover, you derived every form of divination from three sources — God, Fate, and Nature. And although you could not give a reason for any kind of divination, still you carried on the war by marshalling an astonishing array of examples from fiction. Of such a course I wish to say emphatically that it is not becoming in a philosopher to introduce testimony which may be either true by accident, or false and fabricated through malice. You ought to have employed arguments and reason to show that all your propositions were true and you ought not to have resorted to so-called occurrences — certainly not to such occurrences as are unworthy of belief.

12 28 “In discussing separately the various methods of divination, I shall begin with soothsaying, which, according to my deliberate judgement, should be cultivated from reasons of political expediency and in order that we may have a state religion. But we are alone and for that reason we may, without causing ill-will, make an earnest inquiry into the truth of soothsaying — certainly I can do so, since in most things my philosophy is that of doubt. In the first place, then, if you please, let us make ‘an inspection’ of entrails! Now can anybody be induced to believe that the things said to be predicted by means of entrails were learned by the soothsayers through ‘long-continued observation’? How long, pray, did the observations last? How could the observations have continued for a long time? How did the soothsayers manage to agree among themselves what part of the

entrails was unfavourable, and what part favourable; or what cleft in the liver indicated danger and what promised some advantage? Are the soothsayers of Etruria, Elis, Egypt, and of Carthage in accord on these matters? Apart from such an agreement being impossible in fact, it is impossible even to imagine; and, moreover, we see some nations interpreting entrails in one way and some in another; hence there is no uniformity of practice.

29 "Surely if entrails have any prophetic force, necessarily that force either is in accord with the laws of nature, or is fashioned in some way by the will and power of the gods. But between that divine system of nature whose great and glorious laws pervade all space and regulate all motion what possible connexion can there be with — I shall not say the gall of a chicken, whose entrails, some men assert, give very clear indications of the future, but — the liver, heart, and lungs of a sacrificial ox? And what natural quality is there in the entrails which enables them to indicate the future?

13 30 "Nevertheless Democritus jests rather prettily for a natural philosopher — and there is no more arrogant class — when he says:

No one regards the things before his feet,
But views with care the regions of the sky.

And yet Democritus gives his approval to divination by means of entrails only to the extent of believing that their condition and colour indicate whether hay and other crops will be abundant or the reverse, and he even thinks that the entrails give signs of future health or sickness. O happy mortal! He never failed to have his joke — that is absolutely certain. But was he so amused with petty trifles as to fail to see that his theory would be plausible only on the assumption that the entrails of all cattle changed to the same colour and condition at the same time? But if at the same instant the liver of one ox is smooth and full and that of another is rough and shrunken, what inference can be drawn from 'the condition and colour of the entrails'?

31 "Equally amusing is your story about Pherecydes, who, after looking at some water just drawn from a well, foretold an earthquake. It would be presumptuous enough, I think, for natural philosophers to attempt to explain the cause of an earthquake after it had happened; but can they actually tell, from looking at fresh water,

that an earthquake is going to happen? Such nonsense is often heard in the schools, but one does not have to believe everything one hears. 32 But grant that these absurdities of Democritus are true — when do we ever consult entrails to learn about crops or health, or when have we acquired information on these particulars from a soothsayer after he had made an inspection of entrails? The soothsayers warn us of dangers by fire and flood and sometimes they prophesy the inheritance, sometimes the loss, of money: they discuss the favourable and the unfavourable cleft; they view the head of the liver with the utmost care from every side. If, perchance, the liver's head should be wanting they regard it as the most unpropitious sign that could have happened.

14 33 "Such signs, as I have shown before, certainly could not come within your classification of the kinds of divination 'dependent on observation.' Therefore they are not the result of immemorial usage, but they are the inventions of art — if there can be any art in the occult. But what relationship have they with the laws of nature? Assuming that all the works of nature are firmly bound together in a harmonious whole (which, I observe, is the view of the natural philosophers and especially of those men who maintain that the universe is a unit), what connexion can there be between the universe and the finding of a treasure? For instance, if the entrails foretell an increase in my fortune and they do so in accordance with some law of nature, then, in the first place, there is some relationship between them and the universe, and in the second place, my financial gain is regulated by the laws of nature. Are not the natural philosophers ashamed to utter such nonsense? And yet a certain contact between the different parts of nature may be admitted and I concede it. The Stoics have collected much evidence to prove it. They claim, for example, that the livers of mice become larger in winter; that the dry pennyroyal blooms the very day of the winter solstice, and that its seed-pods become inflated and burst and the seeds enclosed thither are sent in various directions; that at times when certain strings of the lyre are struck others sound; that it is the habit of oysters and of all shell-fish to grow with the growth of the moon and to become smaller as it wanes; and that trees are considered easiest to cut down in winter and in the dark of the moon, because they are then free

from sap.

34 “There is no need to go on and mention the seas and straits with their tides, whose ebb and flow are governed by the motion of the moon. Innumerable instances of the same kind may be given to prove that some natural connexion does exist between objects apparently unrelated. Concede that it does exist; it does not contravene the point I make, that no sort of a cleft in a liver is prophetic of financial gain. What natural tie, or what ‘symphony,’ so to speak, or association, or what ‘sympathy,’ as the Greeks term it, can there be between a cleft in a liver and a petty addition to my purse? Or what relationship between my miserable money-getting, on the one hand, and heaven, earth, and the laws of nature on the other?

15 “However, I will concede even this if you wish, though it will greatly weaken my case to admit that there is any connexion between nature and the condition of the entrails; 35 yet, suppose the concession is made, how is it brought about that the man in search of favourable signs will find a sacrifice suitable to his purpose? I thought the question insoluble. But what a fine solution is offered! I am not ashamed of you — I am actually astonished at your memory; but I am ashamed of Chrysippus, Antipater, and Posidonius who say exactly what you said: ‘The choice of the sacrificial victim is directed by the sentient and divine power which pervades the entire universe.’

“But even more absurd is that other pronouncement of theirs which you adopted: ‘At the moment of sacrifice a change in the entrails takes place; something is added or something taken away; for all things are obedient to the Divine Will.’ 36 Upon my word, no old woman is credulous enough now to believe such stuff! Do you believe that the same bullock, if chosen by one man, will have a liver without a head, and if chosen by another will have a liver with a head? And is it possible that this sudden going or coming of the liver’s head occurs so that the entrails may adapt themselves to the situation of the person who offers the sacrifice? Do you Stoics fail to see in choosing the victim it is almost like a throw of the dice, especially as facts prove it? For when the entrails of the first victim have been without a head, which is the most fatal of all signs, it often happens that the sacrifice of the next victim is altogether favourable. Pray what became of the warnings of the first set of entrails? And

how was the favour of the gods so completely and so suddenly gained?

16 "But, you say, 'Once, when Caesar was offering a sacrifice, there was no heart in the entrails of the sacrificial bull; and, and, since it would have been impossible for the victim to live without a heart, the heart must have disappeared at the moment of immolation.' 37 How does it happen that you understand the one fact, that the bull could not have lived without a heart and do not realize the other, that the heart could not suddenly have vanished I know not where? As for me, possibly I do not know what vital function the heart performs; if I do I suspect that the bull's heart, as the result of a disease, became much wasted and shrunken and lost its resemblance to a heart. But, assuming that only a little while before the heart was in the sacrificial bull, why do you think it suddenly disappeared at the very moment of immolation? Don't you think, rather, that the bull lost his heart when he saw that Caesar in his purple robe had lost his head?

"Upon my word you Stoics surrender the very city of philosophy while defending its outworks! For, by your insistence on the truth of soothsaying, you utterly overthrow physiology. There is a head to the liver and a heart in the entrails, presto! they will vanish the very second you have sprinkled them with meal and wine! Aye, some god will snatch them away! Some invisible power will destroy them or eat them up! Then the creation and destruction of all things are not due to nature, and there are some things which spring from nothing or suddenly become nothing. Was any such statement ever made by any natural philosopher? 'It is made,' you say, 'by soothsayers.' Then do you think that soothsayers are worthier of belief than natural philosophers?

17 38 "Again, when sacrifices are offered to more than one god at the same time, how does it happen that the auspices are favourable in one case and unfavourable in another? Is it not strange fickleness in the gods to threaten disaster in the first set of entrails and to promise a blessing in the next? Or is there such discord among the gods — often even among those who are nearest of kin — that the entrails of the sacrifice you offer to Apollo, for example, are favourable and of those you offer at the same time to Diana are unfavourable? When victims for the sacrifice are brought up at haphazard it is perfectly

clear that the character of entrails that you will receive will depend on the victim chance may bring. Oh! but someone will say, 'The choice itself is a matter of divine guidance, just as in the case of lots the drawing is directed by the gods!' I shall speak of lots presently; although you really do not strengthen the cause of sacrifices by comparing them to lots; but you do weaken the cause of lots by comparing them with sacrifices. 39 When I send a slave to Aequimelium to bring me a lamb for a sacrifice and he brings me the lamb which has entrails suited to the exigencies of my particular case, it was not chance, I suppose, but a god that led the slave to that particular lamb! If you say that in this case too chance is, as it were, a sort of lot in accordance with the divine will, then I am sorry that our Stoic friends have given the Epicureans so great an opportunity for laughter, for you know how much fun they make of statements like that.

40 "And they can laugh with the better grace because Epicurus, to make the gods ridiculous, represents them as transparent, with the winds blowing through them, and living between two worlds (as if between our two groves) from fear of the downfall. He further says that the gods have limbs just as we have, but make no use of them. Hence, while he takes a roundabout way to destroy the gods, he does not hesitate to take a short road to destroy divination. At any rate Epicurus is consistent, but the Stoics are not; for his god, who has no concern for himself or for anybody else, cannot impart divination to men. And neither can your Stoic god impart divination, although he rules the world and plans for the good of mankind. 41 Why then do you Stoics involve yourselves in these sophistries, which you can never explain? Members of your school, when they are more hurried than usual, generally give us this syllogism: 'If there are gods, there is divination; but there are gods, therefore there is divination.' A more logical one would be this: 'There is no divination, therefore there are no gods.' Observe how rashly they commit themselves to the proposition, 'if there is no divination, there are no gods.' I say 'rashly,' for it is evident that divination has been destroyed and yet we must hold on to the gods.

18 42 "In demolishing divination by means of entrails we have utterly demolished the soothsayer's art; for the same fate awaits

divination by means of lightnings and portents. According to your view, long-continued observation is employed in the case of lightnings, and reason and conjecture are generally employed in the case of portents. But what is it that has been observed in the case of lightnings? The Etruscans divided the sky into sixteen parts. Of course it was easy enough for them to double the four parts into which we divide it and then double that total and tell from which one of those divisions a bolt of lightning had come. In the first place, what difference does its location make? and, in the second place, what does it foretell? It is perfectly evident that, out of the wonder and fear excited in primitive man by lightning and thunderbolts, sprang his belief that those phenomena were caused by omnipotent Jove. And so we find it recorded in our augural annals: 'When Jove thunders or lightens it is impious to hold an election.' 43 This was ordained, perhaps, from reasons of political expediency; for our ancestors wished to have some excuse for not holding elections sometimes. And so lightning is an unfavourable sign only in case of an election; in all other cases we consider it the best of auspices, if it appears on the left side. But I shall speak of auspices in another connexion — now I am going to discuss lightnings.

19 "There is, then, no statement less worthy of a natural philosopher than that anything can be foretold with a certainty by uncertain signs. Of course I do not think you are credulous enough to believe that Jove's thunderbolt was made on Mount Aetna by the Cyclopes. 44 For if he had but one bolt his hurling it so often would be strange. Nor would he be able to give men so many advices by thunderbolts as to what they should or should not do. But the Stoics account for the thunderbolt thus: 'When the cold exhalations from the earth begin to circulate they become winds; when these winds enter a cloud they begin to break up and scatter its thinnest portions; if they do this very rapidly and with great violence, thunder and lightning are thereby produced. Again, when clouds collide their heat is forcibly driven out and the thunderbolt is the result.' Realizing, then, that these phenomena are due to natural causes, and happen without regularity and at no certain time, shall we look to them for signs of future events? It is passing strange, if Jupiter warns us by means of thunderbolts, that he sends so many to no purpose! 45 What,

for example, is his object in hurling them into the middle of the sea? or, as he so often does, on to the tops of lofty mountains? Why, pray, does he waste them in solitary deserts? And why does he fling them on the shores of peoples who do not take any notice of them?

20 "Oh! but you say, 'the head was found in the Tiber.' As if I contended that your soothsayers were devoid of art! My contention is that there is no divination. By dividing the heavens in the manner already indicated and by noting what happened in each division the soothsayers learn whence the thunderbolt comes and whither it goes, but no method can show that the thunderbolt has any prophetic value. However, you array those verses of mine against me:

For high-thundering Jove, as he stood on starry Olympus,
Hurtled his blows at the temples and monuments raised in his honour,
And on the Capitol's site unloosed the bolts of his lightning.

'Then,' the poem goes on to say, 'the statue of Natta, the images of the gods and the piece representing Romulus and Remus, with their wolf-nurse, were struck by a thunderbolt and fell to the ground. The prophecies made by the soothsayers from these events were fulfilled to the letter.' 46 Besides, you quote me as authority for the remarkable fact that, at the very time when proof of the conspiracy was being presented to the Senate, the statue of Jupiter, which had been contracted for two years before, was being erected on the Capitol.

" 'Will you then' — for thus you pleaded with me—'will you then persuade yourself to take sides against me in this discussion, in the face of your own writings and of your own practice?' You are my brother and on that account I shrink from recrimination. But what, pray, is causing you distress in this matter? Is it the nature of the subject? Or is it my insistence on finding out the truth? And so I waive your charge of my inconsistency — I am asking *you* for an explanation of the entire subject of soothsaying. But you betook yourself to a strange place of refuge. You knew that you would be in straits when I asked your reason for each kind of divination, and, hence, you had much to say to this effect: 'Since I see what divination does I do not ask the reason or the cause why it does it. The question is, what does it do? not, why does it do it?' As if I

would grant either that divination accomplished anything, or that it was permissible for a philosopher not to ask why anything happened!
47 It was in that same connexion that you brought force my *Prognostics*a and some samples of herbs — the scammony and aristolochia root — saying that you could see their virtue and effect but did not know the cause.

21 "But your illustrations are not pertinent at all. For example, the causes of meteorological phenomena have been investigated by Boëthusb the Stoic, whom you mentioned, and by our friend Posidonius; and even if the causes are not discovered by them, yet the phenomena themselves are capable of observation and study. But what opportunity was there for long-continued observation in the case where Natta's statue and the brazen tablets of laws were struck by lightning? 'The Nattas,' you say, 'were of the Pinarian gens and of noble birth, therefore danger was to be expected from the nobility.' So clever of Jupiter to devise such a means to warn us of danger! 'The statue of the infant Romulus,' you observe, 'was struck by a thunderbolt; hence danger was thereby predicted to the city which he founded.' How wise of Jupiter to use signs in conveying information to us! Again, you say, 'Jupiter' statue was being set up at the very time the conspiracy was being exposed.' You, of course, prefer to attribute this coincidence to a divine decree rather than to chance. The man to whom Cotta and Torquatus let the contract for the statue did not, I presume, delay the completion of his work either from lack of energy or from lack of funds, but his hand was stayed till the appointed hour by the immortal gods!

48 "I am not a hopeless sceptic on the subject of such warnings really being sent by the gods; however, I do not know that they are and I want to learn the actual facts from you. Again, when certain other events occurred as they had been foretold by diviners and I attributed the coincidence to chance, you talked a long time about chance. You said, for example, 'For the Venus-throw to result from one cast of the four dice might be due to chance; but if a hundred Venus-throws resulted from one hundred casts this could not be due to chance.'a In the first place I do not know why it could not; but I do not contest the point, for you are full of the same sort of examples — like that about the scattering of the paints and that one about the

hog’s snout,b and you had very many other examples besides. You also mentioned that myth from Carneades about the head of Panc — as if the likeness could not have been the result of chance! and as if every block of marble did not necessarily have within it heads worthy of Praxiteles! For his masterpieces were made by chipping away the marble, not by adding anything to it; and when, after much chipping, the lineaments of a face were reached, one then realized that the work now polished and complete had always been inside the block. 49 Therefore, it is possible that some such figure as Carneades described did spontaneously appear in the Chian quarries. On the other hand, the story may be untrue. Again, you have often noticed clouds take the form of a lion or a hippocentaur. Therefore it is possible for chance to imitate reality, and this you just now denied.

22 “But since entrails and lightnings have been sufficiently discussed it remains for us to examine portents, if we are to treat soothsaying in its entirety. You spoke of a mule bearing a colt. Such an event excites wonder because it seldom occurs; but if it had been impossible it would not have occurred. And it may be urged with effect against all portents that the impossible never has happened and that the possible need not excite any wonder. Now, in case of some new occurrence, ignorance of its cause is what excites our wonder; whereas, the same ignorance as to things of frequent occurrence does not. For the man who marvels that a mule has foaled does not understand how a mare foals and is ignorant of animal parturition in general. What he sees frequently causes him no astonishment even though he does not know how it happened. If something happens which he never saw before he considers it a portent. Then, which is the portent — the mule’s conception or its parturition? 50 The conception, it may be, is contrary to the usual course of nature, but the parturition follows as a necessary sequel of conception.

23 “It seems useless to say more about soothsaying. However, let us examine its origin and thus we shall very readily determine its value. The tradition is that, once upon a time, in the district of Tarquinii, while a field was being ploughed, the ploughshare went deeper than usual and a certain Tages suddenly sprang forth and spoke to the ploughman. Now this Tages, according to the Etruscan annals, is said to have had the appearance of a boy, but the wisdom of a seer. Astounded and much frightened at the sight, the rustic raised a great cry; a crowd gathered and, indeed, in a short time, the whole of Etruria assembled at the spot. Tages then spoke at length to his numerous hearers, who received with eagerness all that he had to say, and committed it to writing. His whole address was devoted to an exposition of the science of soothsaying. Later, as new facts were learned and tested by reference to the principles imparted by Tages, they were added to the original fund of knowledge.

“This is the story as we get it from the Etruscans themselves and as their records preserve it, and this, in their own opinion, is the origin of their art. 51 Now do we need a Carneades or an Epicurus to refute such nonsense? Who in the world is stupid enough to believe

that anybody ever ploughed up — which shall I say — a god or a man? If a god, why did he, contrary to his nature, hide himself in the ground to be uncovered and brought to the light of day by a plough? Could not this so-called god have delivered this art to mankind from a more exalted station? But if this fellow Tages was a man, pray, how could he have lived covered with earth? Finally, where had he himself learned the things he taught others? But really in spending so much time in refuting such stuff I am more absurd than the very people who believe it.

24 "But indeed, that was quite a clever remark which Cato made many years ago: 'I wonder,' said he, 'that a soothsayer doesn't laugh when he sees another soothsayer.' 52 For how many things predicted by them really come true? If any do come true, then what reason can be advanced why the agreement of the event with the prophecy was not due to chance? While Hannibal was in exile at the court of King Prusias he advised the king to go to war, but the king replied, 'I do not dare, because the entrails forbid.' 'And do you,' said Hannibal, 'put more reliance in piece of ox-meat than you do in a veteran commander?' Again, when Caesar himself was warned by a most eminent soothsayer not to cross over to Africa before the winter solstice, did he not cross? If he had not done so all the forces opposed to him would have effected a junction. Why need I give instances — and, in fact, I could give countless ones — where the prophecies of soothsayers either were without result or the issue was directly the reverse of the prophecy? 53 Ye gods, how many times were they mistaken in the late civil war! What oracular messages the soothsayers sent from Rome to our Pompeian party then in Greece! What assurances they gave to Pompey! For he placed great reliance in divination by means of entrails and portents. I have no wish to call these instances to mind, and indeed it is unnecessary — especially to you, since you had personal knowledge of them. Still, you are aware that the result was nearly always contrary to the prophecy. But enough on this point: let us now come to portents.

25 54 "You have cited many instances of portents from the verses which I wrote during my consulship; you adduced many others which occurred prior to the Marsian War and which are included in Sisenna's compilation, and you mentioned a great number which are

recorded by Callisthenes and which preceded the unfortunate battle of the Spartans at Leuctra. I shall, of course, speak of each of these instances separately, in so far as they require notice; but I must first discuss portents generally. Now, what is the nature of these intimations, or of this advance-information, as it were, sent out by the gods to apprise us of coming disasters? In the first place, why do immortal gods see fit to give us warning which we can't understand without the aid of interpreters? In the next place, why do they warn us of things which we cannot avoid? Why, even a mortal, if he has a proper sense of duty, does not warn his friends of imminent disasters which can in no way be escaped. Physicians, for example, although they know many times that their patients are going to die of a present disease, yet never tell them so; for a forewarning of an evil is justified only when to the warning is joined a means of escape. 55 However, then, did portents of their interpreters help the Spartans of long ago, or our Pompeian friends in more recent times? If these signs you speak of are to be considered as sent by the gods, why were they so obscure? For, if we had the right to know what was going to happen, it should have been stated to us clearly: or, if the gods did not wish us to know, they should not have told us — even in riddles.

26 "Now every sort of conjecture — and divination depends on conjecture — is often applied by the wit of man to many different and even contradictory uses. As in judicial causes the prosecutor draws one inference and the lawyer for the defendant another from the same set of facts, and yet the inferences of both are plausible; so, in all investigations in which it is customary to employ conjecture, ambiguity is found. Moreover, in the case of things that happen now by chance now in the usual course of nature (sometimes too mistakes are caused by taking appearance for reality), it is the height of folly to hold the gods as the direct agents and not to inquire into the causes of such things.

56 "You believe that the Boeotian bards at Lebadia foretold victory for the Thebans from the crowing of cocks; for cocks, you say, are wont to be silent when defeated and to crow when victorious. Do you really believe that Jupiter would have employed chickens to convey such a message to so great a state? And is it true

that these fowls are not accustomed to crow except when they are victorious? But at that time they did crow and they had not yet been victorious. 'Oh! that was a "portent," ' you say. A fine portent indeed! you talk as if a fish and not a cock had done the crowing! But come; is there any time, day or night, when they are not liable to crow? And if the pleasant sensation — or 'joy' if you will — which comes from victory causes them to crow, then, possibly, joy springing from some other source may have the same effect. 57 By the way, Democritus gives a very good explanation of why cocks crow before day. 'Their food,' he says, 'after it has been digested, is expelled from the craw and is distributed over the entire body. By the time that process is completed they have had sleep enough and begin to crow.' And then, 'in the silence of the night,' as Ennius says, 'they indulge their russet throats in song and beat their flapping wings.' In view, then, of the fact that this creature is prone to crow of its own volition at any time, and may be made to crow either by nature or by chance, how did it ever occur to Callisthenes to say that the gods conveyed prophecies to men by the crowing of cocks?

27 58 " 'Reports,' you say, 'were made to the Senate that there was a shower of blood, that the river Atratus actually flowed with blood and that the statues of the gods dripped with sweat.' You do not think for a moment that Thales, Anaxagoras, or any other natural philosopher would have believed such reports? Sweat and blood you may be sure do not come except from animate bodies. An effect strikingly like blood is produced by the admixture of water with certain kinds of soil; and the moisture which forms on the outside of objects, as we see it on our plastered walls when the south wind blows, seems to resemble sweat. Such occurrences, which in time of war appear to the timid to be most frequent and most real, are scarcely noticed in times of peace. Moreover, in periods of fear and of danger stories of portents are not only more readily believed, but they are invented with greater impunity. 59 But are we simple and thoughtless enough to think it a portent for mice to gnaw something, when gnawing is their one business in life? 'But,' you say, 'the fact that just before the Marsian War mice gnawed the shields at Lanuvium was pronounced by the soothsayers to be a very direful portent.' As if it mattered a whit whether mice, which are gnawing

something day and night, gnawed shields or sieves! Hence, by the same token, the fact that, at my house, mice recently gnawed my Plato's *Republic* should fill me with alarm for the Roman republic; or if they had gnawed my Epicurus *On Pleasure* I should have expected a rise in the market price of food!

28 60 "Are we going to be frightened at these tales of portents, whether of animal or of human birth? Not to be too verbose, all portents have one and the same explanation and it is this: whatever comes into existence, of whatever kind, must needs find its cause in nature; and hence, even though it may be contrary to experience, it cannot be contrary to nature. Therefore, explore the cause, if you can, of every strange thing that the excites your astonishment. If you do not find the cause be assured, nevertheless, that nothing could have happened without a cause, and employ the principles of natural philosophy to banish the fear which the novelty of the apparition may have occasioned. Then no earthquake or opening of the heavens, no showers of stones or blood, no shooting stars, or comets, will fill you with alarm.

61 "If I were to ask Chrysippus the causes of all the phenomena just mentioned, that distinguished writer on divination would never say that they happened by chance, but he would find an explanation for each of them in the laws of nature. For he would say: 'Nothing can happen without a cause; nothing actually happens that cannot happen; if that has happened which could have happened, then it should not be considered a portent; therefore there are no such things as portents.' Now if a thing is to be considered a portent because it is seldom seen, then a wise man is a portent; for, as I think, it oftener happens that a mule brings forth a colt than that nature produces a sage. Chrysippus, in this connexion, gives the following syllogism: 'That which could not have happened never did happen; and that which could have happened is no portent; therefore, in any view, there is no such thing as a portent.' 62 This is illustrated by the story of a clever response made by a certain diviner and interpreter of portents. A man referred to him for interpretation as a portent the fact that a snake was seen at his house, coiled about a beam. 'That was not a portent,' said the diviner; 'it would have been if the beam had been wrapped around the snake.' By this answer he said plainly

enough: ‘Nothing that can happen is to be considered a portent.’

29 “You refer to a letter, written by Gaius Gracchus to Marcus Pomponius, stating that Tiberius Gracchus, father of Gaius, caught two snakes in his house and called together the soothsayers. And why a conference about snakes rather than about lizards or mice? You answer, ‘Because we see lizards and mice every day; snakes we do not.’ As if it makes any difference how often a thing happens if it can happen at all! And yet what surprises me is this: If the release of the female snake was to be fatal to Tiberius Gracchus and that of the male was to be the death of Cornelia, why in the world did he let either snake escape? For Gaius in his letter does not state that the soothsayers expressed any opinion as to the result if neither snake had been released. ‘Be that as it may,’ you reply, ‘death overtook Gracchus.’ That is granted, but his death was caused by some very serious illness and not by the release of the snake. Besides, soothsayers are not so unlucky that their predictions never come true — even by accident!

30 63 “I should, of course, marvel at that famous story you got out of Homer about Calchas predicting the years of the Trojan War from the number of sparrows — if I believed it! In a leisure moment I thus translated what Agamemnon in Homer says about this prophecy:

Be patient, men; with fortitude endure
Your grievous tasks till we can ascertain
If what our Calchas prophesies be true,
Or only idle fancies of his breast
For all who have not left the light of day,
In gloomy shades to dwell, retain these signs
Imprinted on their minds. When Aulis first
Was decked with Grecian fleets, which carried death
For Priam, ruin for Troy, we stood about
The fountains cool and sought to please the gods
With gold-crowned bulls on smoking altars laid.
Beneath the plane-tree’s shade, whence gushed a spring,
We saw a frightful dragon, huge of size,
With mighty folds, forth from an altar come,
By Jove impelled. It seized some sparrows hid

Within the plane-tree's leafy boughs and eight
Devoured; the ninth — the mother bird — began
To flutter round and utter plaintive cries:
From her the cruel beast her vitals tore.
64 Now when the mother and her tender brood
Were slain, the son of Saturn who had sent
The dragon forth, took it away; and then
Did change its form into enduring stone.
In fear we stood and watched the monster strange,
As midst the altars of the gods it moved.
Then Calchas, full occurring, thus did speak:
'Why paralysed with sudden fear, O Greeks?
These signs divine were sent by Jove himself.
And though these tardy signs were long delayed,
Their fame and glory will for ever live.
The number of the birds ye saw destroyed
By horrid tooth, portends how many years
Of war we shall endure in front of Troy.
The tenth year Troy will fall and then her fate
Will satisfy the Greeks.' Thus Calchas spoke
And what he prophesied ye see fulfilled.

65 But, pray, by what principle of augury does he deduce years rather than months or days from the number of sparrows? Again, why does he base his prophecy on little sparrows which are not abnormal sights and ignore the alleged fact — which is impossible — that the dragon was turned to stone? Finally, what is there about a sparrow to suggest 'years'? In connexion with your story of the snake which appeared to Sulla when he was offering sacrifices, I recall two facts: first, that when Sulla offered sacrifices, as he was about to begin his march against the enemy, a snake came out from under the altar; and, second, that the glorious victory won by him that day was due not to the soothsayer's art, but to the skill of the general.

31 66 "There is nothing remarkable about the so-called portents of the kind just mentioned; but after they have happened they are brought within the field of prophecy by some interpretation Take, for

example, your stories of the grains of wheat heaped into the mouth of Midas when a boy,a and of the bees which settled on the lips of Plato,b when he was a child — they are more remarkable as guesses than as real prophecies. Besides, the incidents may have been fictitious; if not, then the fulfilment of the prophecy may have been accidental. As to that incident about Roscius it may, of course, be untrue that a snake coiled itself around him; but it is not so surprising that a snake was in his cradle — especially in Solonium where snakes are attracted in large numbers by the heat of the fireplaces. As to your statement that the soothsayers prophesied a career of unrivalled brilliancy for Roscius, it is a strange thing to me that the immortal gods foretold the glory of a future actor and did not foretell that of Africanus!

67 And you have even collected the portent-stories connected with Flaminius: 'His horse,' you say, 'stumbled and fell with him.' That is very strange, isn't it? And, 'The standard of the first company could not be pulled up.' Perhaps the standard-bearer had planted it stoutly and pulled it up timidly. What is astonishing in the fact that the horse of Dionysius came up out of the river, or that it had bees in its mane? And yet, because Dionysius began to reign a short time later — which was a mere coincidence — the event referred to is considered a portent! 'The arms sounded,' you say, 'in the temple of Hercules in Sparta; the folding-doors of the same god at Thebes, though securely barred, opened of their own accord, and the shields hanging upon the walls of that temple fell to the ground.' Now since none of these things could have happened without some exterior force, why should we say that they were brought about by divine agency rather than by chance?

32 68 "You mention the appearance — a 'sudden' appearance it was — of a crown of wild herbs on the head of Lysander's statue at Delphi.a Really? And do you think the crown of herbs appeared before their seeds were formed? Besides, the wild herbs, in my opinion, came from seeds brought by birds and were not planted by human agency. Again, imagination can make anything on top of a head look like a crown. 'At the same time,' you say, 'the golden stars in the temple of Castor and Pollux at Delphi fell down and were nowhere to be found.'b That appears to me to have been the work of

thieves rather than of gods. 69 I am indeed astonished that Greek historians should have recorded the mischievous pranks of the Dodonean ape. For what is less strange than for this hideous beast to have turned over the vase and scattered the lots? And yet the historians declare that no portent more direful than this ever befell the Spartans!

"You spoke also of the Veientine prophecy that 'if Lake Albanus overflowed and emptied into the sea, Rome would fall, but if held in check Veii would fall.' Well, it turned out that the water from the lake was drawn off — but it was drawn off through irrigation ditches — not to save the Capitol and the city, but to improve the farming lands. 'And, not long after this occurred, a voice was heard,' you say, 'warning the people to take steps to prevent the capture of Rome by the Gauls. Therefore an altar was erected on the Nova Via in honour of Aius the Speaker.' But why? Did your 'Aius the Speaker,' before anybody knew who he was, both speak and talk and from that fact receive his name? And after he had secured a seat, an altar, and a name did he become mute? Your Juno Moneta may likewise be dismissed with a question: What did she ever admonish us about except the pregnant sow?

33 70 "Enough has been said of portents; auspices remain and so do lots — I mean 'lots' that are drawn, and not those uttered by prophets, and more correctly styled 'oracles.' I shall speak of oracles when I get to natural divination. In addition I must discuss the Chaldeans. But first let us consider auspices. 'To argue against auspices is a hard thing,' you say, 'for an augur to do.' Yes, for a Marsian, perhaps; but very easy for a Roman. For we Roman augurs are not the sort who foretell the future by observing the flights of birds and other signs. And yet, I admit that Romulus, who founded the city by the direction of auspices, believed that augury was an art useful in seeing things to come — for the ancients had erroneous views on many subjects. But we see that the art has undergone a change, due to experience, education, or the long lapse of time. However, out of respect for the opinion of the masses and because of the great service to the State we maintain the augural practices, discipline, religious rites and laws, as well as the authority of the augural college.

71 "In my opinion the consuls, Publius Claudius and Lucius

Junius, who set sail contrary to the auspices, were deserving of capital punishment; for they should have respected the established religion and should not have treated the customs of their forefathers with such shameless disdain. Therefore it was a just retribution that the former was condemned by a vote of the people and that the latter took his own life. 'Flaminius,' you say, 'did not obey the auspices, therefore he perished with his army.' But a year later Paulus did obey them; and did he not lose his army and his life in the battle of Cannae? Granting that there are auspices (as there are not), certainly those which we ordinarily employ — whether by the tripudium or by the observation of the heavens — are not auspices in any sense, but are the mere ghosts of auspices.

34 " 'Quintus Fabius, I wish you to assist me at the auspices.' He answers, 'I will.' (In our forefathers' time the magistrates on such occasions used to call in some expert person to take the auspices — but in these days anyone will do. But one must be an expert to know what constitutes 'silence,' for by that term we mean 'free of every augural defect.' 72 To understand that belongs to a perfect augur.) After the celebrant has said to his assistant, "Tell me when silence appears to exist,' the latter, without looking up or about him, immediately replies, 'Silence appears to exist.' Then the celebrant says, 'Tell me when the chickens begin to eat.' 'They are eating now,' is the answer. But what are these birds they are talking about, and where are they? Someone replies, 'It's poultry. It's in a cage and the person who brought it is called "a poulterer," because of his business.' These, then, are the messengers of Jove! What difference does it make whether they eat or not? None, so far as the auspices are concerned. But, because of the fact that, while they eat, some food must necessarily fall from their mouths and strike upon the ground (terram pavire), — this at first was called terripavium, and later, terripudium; now it is called tripudium — therefore, when a crumb of food falls from a chicken's mouth a tripudium solistimum is announced to the celebrant.

35 73 "Then, how can there be anything divine about an auspice so forced and so extorted? That such a practice did not prevail with the augurs of ancient times is proven by an old ruling of our college which says, 'Any bird may make a tripudium.' There might be an

auspice if the bird were free to show itself outside its cage. In that case it might be called 'the interpreter and satellite of Jove.' But now, when shut up inside a cage and tortured by hunger, if it seizes greedily upon its morsel of pottage and something falls from its mouth, do you consider that is an auspice? Or do you believe that this was the way in which Romulus used to take the auspices? 74 Again, do you not think that formerly it was the habit of the celebrants themselves to make observation of the heavens? Now they order the poulterer, and he gives responses! We regard lightning on the left as a most favourable omen for everything except for an election, and this exception was made, no doubt, from reasons of political expediency so that the rulers of the State would be the judges of the regularity of an election, whether held to pass judgements in criminal cases, or to enact laws, or to elect magistrates.

" 'The consuls, Scipio and Figulus,' you say, 'resigned their office when the augurs rendered a decision based on a letter written by Tiberius Gracchus, to the effect that those consuls had not been elected according to augural law.' Who denies that augury is an art? What I deny is the existence of divination. But you say: 'Soothsayers have the power of divination'; and you mention the fact that, on account of the unexpected death of the person who had suddenly fallen while bringing in the report of the vote of the prerogative century, Tiberius Gracchus introduced the soothsayers into the Senate and they declared that 'the president' had violated augural law. 75 Now, in the first place, do not understand that by 'the president' they meant the president of the prerogative century, for he was dead; and, moreover, they could have told that by conjecture without the use of divination; or, in the second place, perhaps, they said so by accident which is no wise to be left out of account in cases of this kind. For what could the Etruscan soothsayers have known, either as to whether the tabernaculum had been properly placed, or as to whether the regulations pertaining to the pomerium had been observed? For my part, I agree with Gaius Marcellus, rather than with Appius Claudius — both of whom were my colleagues — and I think that, although in the beginning augural law was established from a belief in divination, yet later it was maintained and preserved

from considerations of political expediency. 36 76 But we shall discuss the latter point at greater length in other discourses; let us dismiss it for the present.

"Now let us examine augury as practised among foreign nations, whose methods are not so artificial as they are superstitious. They employ almost all kinds of birds, we only a few; they regard some signs as favourable, we, others. Deiotarus used to question me a great deal about our system of augury, and I him about that of his country. Ye gods! how much they differed! So much that in some cases they were directly the reverse of each other. He employed auspices constantly, we never do except when the duty of doing so is imposed by a vote of the people. Our ancestors would not undertake any military enterprise without consulting the auspices; but now, for many years, our wars have been conducted by pro-consuls and pro-praetors, who do not have the right to take auspices. 77 Therefore they have no tripudium and they cross rivers without first taking the auspices. What, then, has become of divining by means of birds? It is not used by those who conduct our wars, for they have not the right of auspices. Since it has been withdrawn from use in the field I suppose it is reserved for city use only!

"As to divination ex acuminibus, which is altogether military, it was wholly ignored by that famous man, Marcus Marcellus, who was consul five times and, besides, was a commander-in-chief, as well as a very fine augur. In fact, he used to say that, if he wished to execute some manoeuvre which he did not want interfered with by the auspices, he would travel in a closed litter. His method is of a kind with the advice which we augurs give, that the draught cattle be ordered to be unyoked so as to prevent a iuge auspicium. 78 What else does a refusal to be warned by Jove accomplish except either to prevent an auspice from occurring, or, if it occurs, to prevent it from being seen?

37 "Your story about Deiotarus is utterly absurd: 'He did not regret the auspices given him as he was setting out to join Pompey. They caused him to continue in the path of loyalty and friendship to the Roman people and to perform his duty; for he valued his reputation and glory more than kingdom and riches.' I dare say; but that has nothing to do with auspices. For the crow would not tell Deiotarus

that he was doing right in preparing to defend the liberty of the Roman people. He ought to have realized that of himself, and in fact he did. 79 Birds indicate that results will be unfavourable or favourable. In my view of the case Deiotarus employed the auspices of virtue, and virtue bids us not to look to fortune until the claims of honour are discharged. However, if the birds indicated that the issue would be favourable to Deiotarus they certainly deceived him. He fled from the battle with Pompey — a serious situation! He separated from Pompey — an occasion of sorrow! He beheld Caesar at once his enemy and his guest — what could have been more distressing than that? Caesar wrested from him the tetrarchy over the Trocmi and conferred it upon some obscure sycophant of his own from Pergamus; deprived him of Armenia, a gift from the Senate; accepted a most lavish hospitality at the hands of his royal host and left him utterly despoiled. But I wander too far: I must return to the point at issue. If we examine this matter from the standpoint of the results — and that was the question submitted to the determination of the birds — the issue was in no sense favourable to Deiotarus; but if we examine it from the standpoint of duty, he sought information on that score not from the auspices, but from his own conscience.

38 80 "Then dismiss Romulus's augural staff, which you say the hottest of fires was powerless to burn, and attach slight importance to the whetstone of Attus Navius. Myths would have no place in philosophy. It would have been more in keeping with your rôle as a philosopher to consider, first, the nature of divination generally, second, its origin, and third, its consistency. What, then, is the nature of an art which makes prophets out of birds that wander aimlessly about — now here, now there — and makes the action or inaction of men depend upon the song or flight of birds? and why was the power granted to some birds to give a favourable omen when on the left side and to others when on the right? Again, however, when, and by whom, shall we say that the system was invented? The Etruscans, it is true, find the author of their system in the boy who was ploughed up out of the ground; but whom have we? Attus Navius? But Romulus and Remus, both of whom, by tradition, were augurs, lived many years earlier. Are we to say that it was invented by the Pisidians, Cilicians, or Phrygians? It is your judgement, then, that

those devoid of *human* learning are the authors of a *divine* science!

39 81 " 'But,' you say, 'all kings, peoples, and nations employ auspices.' As if there were anything so absolutely common as want of sense, or as if you yourself in deciding anything would accept the opinion of the mob! How often will you find a man who will say that pleasure is not a good! Most people actually call it the highest good. Then will the Stoics abandon their views about pleasure because the crowd is against them? or do you think that the multitude follows the lead of the Stoics in very many matters? What wonder, then, if in auspices and in every kind of divination weak minds should adopt the superstitious practices which you have mentioned and should be unable to discern the truth? 82 Moreover, there is no uniformity, and no consistent and constant agreement between augurs. Ennius, speaking with reference to the Roman system of augury, said:

Then on the left, from out a cloudless sky,
Jove's thunder rolled its goodly omen forth.

But Homer's Ajax, in complaining to Achilles of some ferocious deed or other of the Trojans, speaks in this wise:

For their success Jove thunders on the right.

So we regard signs on the left as best — Greeks and barbarians, those on the right. And yet I am aware that we call favourable signs sinistra, or 'left-hand' signs, even though they may be on the right. Undoubtedly our ancestors in choosing the left side and foreign nations the right were both influenced by what experience had shown them was the more favourable quarter in most cases. 83 What a conflict this is! In view, then, of the differences between different nations in the responses, in the manner in which observations are made and in the kinds of birds and signs employed, need I assert that divination is compounded of a little error, a little superstition, and a good deal of fraud?

40 "And to these superstitions you have actually joined omens! For example: 'Aemilia told Paulus that Persa was dead and her father accepted this as an omen.' 'Caecilia said that she surrendered her seat to her sister's daughter.' Then you go on and speak of the order of silence, favete linguis and the 'prerogative,' or omen of the elections. This is indeed turning the artillery of one's eloquence and learning against oneself! For while on the watch for these 'oracles' of

yours could you be so free and calm of mind that you would have reason and not superstition to guide your course? Now, if a person in the course of his own business or conversation should make some remark, and a word spoken by him happened to apply to what you were doing or thinking, do you really believe that such an accident should cause you either fear or joy? 84 When Marcus Crassus was embarking his army at Brundisium a man who was selling Caunian figs at the harbour, repeatedly cried out 'Cauneas, Cauneas.' Let us say, if you will, that this was a warning to Crassus to bid him 'Beware of going,' and that if he had obeyed the omen he would not have perished. But if we are going to accept chance utterances of this kind as omens, we had better look out when we stumble, or break a shoe-string, or sneeze!

41 "Lots and the Chaldean astrologers remain to be discussed before we come to prophets and to dreams. 85 And pray what is the need, do you think, to talk about the casting of lots? It is much like playing at morra, dice, or knuckle-bones, in which recklessness and luck prevail rather than reflection and judgement. The whole scheme of divination by lots was fraudulently contrived from mercenary motives, or as a means of encouraging superstition and error. But let us follow the method used in the discussion of soothsaying and consider the traditional origin of the most famous lots. According to the annals of Praeneste Numerius Suffustius, who was a distinguished man of noble birth, was admonished by dreams, often repeated, and finally even by threats, to split open a flint rock which was lying in a designated place. Frightened by the visions and disregarding the jeers of his fellow-townsmen he set about doing as he had been directed. And so when he had broken open the stone, the lots sprang forth carved on oak, in ancient characters. The site where the stone was found is religiously guarded to this day. It is hard by the statue of the infant Jupiter, who is represented as sitting with Juno in the lap of Fortune and reaching for her breast, and it is held in the highest reverence by mothers.

86 "There is a tradition that, concurrently with the finding of the lots and in the spot where the temple of Fortune now stands, honey flowed from an olive-tree. Now the soothsayers, who had declared that those lots would enjoy an unrivalled reputation, gave orders that

a chest should be made from the tree and lots placed in the chest. At the present time the lots are taken from their receptacle if Fortune directs. What reliance, pray, can you put in these lots, which at Fortune's nod are shuffled and drawn by the hand of a child? And how did they ever get in that rock? Who cut down the oak-tree? and who fashioned and carved the lots? Oh! but somebody says, 'God can bring anything to pass.' If so, then I wish he had made the Stoics wise, so that they would not be so pitiably and distressingly superstitious and so prone to believe everything they hear! This sort of divining, however, has now been discarded by general usage. The beauty and age of the temple still preserve the name of the lots of Praeneste — that is, among the common people, 87 for no magistrate and no man of any reputation ever consults them; but in all other places lots have gone entirely out of use. And this explains the remark which, according to Clitomachus, Carneades used to make that he had at no other place seen Fortune more fortunate than at Praeneste. Then let us dismiss this branch of divination.

42 "Let us come to Chaldean manifestations. In discussing them Plato's pupil, Eudoxus, whom the best scholars consider easily the first in astronomy, has left the following opinion in writing: 'No reliance whatever is to be placed in Chaldean astrologers when they profess to forecast a man's future from the position of the stars on the day of his birth.' 88 Panaetius, too, who was the only one of the Stoics to reject the prophecies of astrologers, mentions Anchialus and Cassander as the greatest astronomers of his day and states that they did not employ their art as a means of divining, though they were eminent in all other branches of astronomy. Scylax of Halicarnassus, an intimate friend of Panaetius, and an eminent astronomer, besides being the head of the government in his own city, utterly repudiated the Chaldean method of foretelling the future.

89 "But let us dismiss our witnesses and employ reasoning. Those men who defend the natal-day prophecies of the Chaldeans, argue in this way: 'In the starry belt which the Greeks call the Zodiac there is a certain force of such a nature that every part of that belt affects and changes the heavens in a different way, according to the stars that are in this or in an adjoining locality at a given time. This force is variously affected by those stars which are called 'planets' or

wandering' stars. But when they have come into that sign of the Zodiac under which someone is born, or into a sign having some connexion with or accord with the natal sign, they form what is called a 'triangle' or 'square.' Now since, through the procession and retrogression of the stars, the great variety and change of the seasons and of temperature take place, and since the power of the sun produces such results as are before our eyes, they believe that it is not merely probable, but certain, that just as the temperature of the air is regulated by this celestial force, so also children at their birth are influenced in soul and body and by this force their minds, manners, disposition, physical condition, career in life and destinies are determined.

43 90 "What inconceivable madness! For it is not enough to call an opinion 'foolishness' when it is utterly devoid of reason. However, Diogenes the Stoic makes some concessions to the Chaldeans. He says that they have the power of prophecy to the extent of being able to tell the disposition of any child and the calling for which he is best fitted. All their other claims of prophetic powers he absolutely denies. He says, for example, that twins are alike in appearance, but that they generally unlike in career and in fortune. Procles and Eurysthenes, kings of the Lacedaemonians, were twin brothers. 91 But they did not live the same number of years, for the life of Procles was shorter by a year than that of his brother and his deeds were far more glorious. But for my part I say that even this concession which our excellent friend Diogenes makes to the Chaldeans in a sort of collusive way, is in itself unintelligible. For the Chaldeans, according to their own statements, believe that a person's destiny is affected by the condition of the moon at the time of his birth, and hence they make and record their observations of the stars which anything in conjunction with the moon on his birthday. As a result, in forming their judgements, they depend on the sense of sight, which is the least trustworthy of the senses, whereas they should employ reason and intelligence. For the science of mathematics which the Chaldeans ought to know, teaches us how close the moon comes to the earth, which indeed it almost touches; how far it is from Mercury, the nearest star; how much further yet it is from Venus; and what a great interval separates it from the sun, which is supposed to give it

light. The three remaining distances are beyond computation: from the Sun to Mars, from Mars to Jupiter, from Jupiter to Saturn. Then there is the distance from Saturn to the limits of heaven — the ultimate bounds of space. 92 In view, therefore, of these almost limitless distances, what influence can the planets exercise upon the moon, or rather, upon the earth?

44 "Again, when the Chaldeans say, as they are bound to do, that all persons born anywhere in the habitable earth under the same horoscope, are alike and must have the same fate, is it not evident that these would-be interpreters of the sky are of a class who are utterly ignorant of the nature of the sky? For the earth is, as it were, divided in half and our view limited by those circles which the Greeks call ὁρίζοντες, and which we may in all accuracy term finientes or *horizons*. Now these horizons vary without limit according to the position of the spectator. Hence, of necessity, the rising and setting of the stars will not occur at the same time for all persons. 93 But if this stellar force affects the heavens now in one way and now in another, how is it possible for this force to operate alike on all persons who are born at the same time, in view of the fact that they are born under vastly different skies? In those places in which we live the Dog-star rises after the solstice, in fact, several days later. But among the Troglodytes, we read, it sets before the solstice. Hence if we should now admit that some stellar influence affects persons who are born upon the earth, then it must be conceded that all persons born at the same time may have different natures owing to the differences in their horoscopes. This is a conclusion by no means agreeable to the astrologers; for they insist that all persons born at the same time, regardless of the place of birth, are born to the same fate.a

45 94 "But what utter madness in these astrologers, in considering the effect of the vast movements and changes in the heavens, to assume that wind and rain and weather anywhere have no effect at birth! In neighbouring places conditions in these respects are so different that frequently, for instance, we have one state of weather at Tusculum and another at Rome. This is especially noticeable to mariners who often observe extreme changes of weather take place while they rounding the capes. Therefore, in view of the fact that the heavens are now serene and now disturbed by storms, is it the part of

a reasonable man to say that this fact has no natal influence — and of course it has not — and then assert that a natal influence is exerted by some subtle, imperceptible, well-nigh inconceivable force which is due to the condition of the sky, which condition, in turn, is due to the action of the moon and stars?

"Again, is it no small error of judgement that the Chaldeans fail to realize the effect of the parental seed which is an essential element of the process of generation? For, surely, no one fails to see that the appearance and habits, and generally, the carriage and gestures of children are derived from their parents. This would not be the case if the characteristics of children were determined, not by the natural power of heredity, but by the phases of the moon and by the condition of the sky. 95 And, again, the fact that men who were born at the very same instant, are unlike in character, career, and in destiny, makes it very clear that the time of birth has nothing to do in determining man's course in life. That is, unless perchance we are to believe that nobody else was conceived and born at the very same time that Africanus was. For was there ever anyone like him?

46 96 "Furthermore, is it not a well-known and undoubted fact that many persons who were born with certain natural defects have been restored completely by Nature herself, after she had resumed her sway, or by surgery or by medicine? For example, some, who were so tongue-tied that they could not speak, have had their tongues set free by a cut from the surgeon's knife. Many more have corrected a natural defect by intelligent exertion. Demosthenes is an instance: according to the account given by Phalereus, he was unable to pronounce the Greek letter rho, but by repeated effort learned to articulate it perfectly. But if such defects had been engendered and implanted by a star nothing could have changed them. Do not unlike places produce unlike men? It would be an easy matter to sketch rapidly in passing the differences in mind and body which distinguish the Indians from the Persians and the Ethiopians from the Syrians — differences so striking and so pronounced as to be incredible. 97 Hence it is evident that one's birth is more affected by local environment than by the condition of the moon. Of course, the statement quoted by you that the Babylonians for 470,000 years had taken the horoscope of every child and had tested it by the results, is

untrue; for if this had been their habit they would not have abandoned it. Moreover we find no writer who says that the practice exists or who knows that it ever did exist.

47 “You observe that I am not repeating the arguments of Carneades, but those of Panaetius, the head of the Stoic school. But now on my own initiative I put the following questions: Did all the Romans who fell at Cannae have the same horoscope? Yet all had one and the same end. Were all the men eminent for intellect and genius born under the same star? Was there ever a day when countless numbers were not born? And yet there never was another Homer. 98 Again: if it matters under what aspect of the sky or combination of the stars every animate being is born, then necessarily the same conditions must affect inanimate beings also: can any statement be more ridiculous than that? Be that as it may, our good friend Lucius Tarutius of Firmum, who was steeped in Chaldaic lore, made a calculation, based on the assumption that our city’s birthday was on the Feast of Pales (at which time tradition says it was founded by Romulus), and from that calculation Tarutius even went so far as to assert that Rome was born when the moon was in the sign of Libra and from that fact unhesitatingly prophesied her destiny.b 99 What stupendous power delusion has! And was the city’s natal day also subject to the influence of the moon and stars? Assume, if you will, that it matters in the case of a child under what arrangement of the heavenly bodies it draws its first breath, does it also follow that the stars could have had any influence over the bricks and cement of which the city was built? But why say more against a theory which every day’s experience refutes? I recall a multitude of prophecies which the Chaldeans made to Pompey, to Crassus and even to Caesar himself (now lately deceased), to the effect that no one of them would die except in old age, at home and in great glory. Hence it would seem very strange to me should anyone, especially at this time, believe in men whose predictions he sees disproved every day by actual results.

48 100 “There remain the two kinds of divination which we are said to derive from nature and not from art — vaticination and dreams, — these, my dear Quintus, if agreeable to you, let us now discuss.”

“Delighted, I assure you,” said he, “for I am in entire accord with the views which you have so far expressed. To be quite frank, your argument has merely strengthened the opinion which I already had,

for my own reasoning had convinced me that the Stoic view of divination smacked too much of superstition. I was more impressed by the reasoning of the Peripatetics, of Dicaearchus, of ancient times, and of Cratippus, who still flourishes. According to their opinion there is within the human soul some sort of power—'oracular,' I might call it — by which the future is foreseen when the soul is inspired by a divine frenzy, or when it is released by sleep and is free to move at will. I should like very much to learn your views of these two classes of divination and by what arguments you disprove them."

49 101 After this statement had been made by Quintus, I began again, making a new start, so to speak:

"I am well aware, my dear Quintus, that, while you have always felt a doubt about all other kinds of divination, you approve of the two you just mentioned — divination by frenzy and divination by dreams, both of which, it is thought, flow from a soul set free. Let me, then, state my opinion of these two kinds of divination. But, first, let me examine that syllogism of the Stoics and of our friend Cratippus and see how sound it is. You stated the syllogism of Chrysippus, Diogenes, and Antipater in this way:

" 'If there are gods and they do not make clear to man in advance what the future will be, then they do not love man, or they themselves do not know what the future will be; or they think that it is of no advantage to man to know what the future will be; or they think it inconsistent with their dignity to give to man forewarnings of the future; or they, though gods, cannot give signs of human events. 102 But it is not true that the gods do not love us (for they are the friends and benefactors of the human race); nor is it true that they do not know what they themselves have determined and planned; nor is it true that it is of no advantage to us to know what is going to happen (for man would be more prudent if he knew); nor is it true that the gods think it inconsistent with their dignity to give forecasts of the future (for there is no more excellent quality than kindness); nor is it true that they have not the power to know the future; therefore, it is not true that there are gods and yet that they do not give us signs of the future; but there are gods; therefore they give us such signs; and it is not true, if they give us such signs, that they give

us no means of understanding those signs, otherwise their signs would be useless; nor, if they give us the means, is it true that there is no divination: therefore divination exists.'

103 "What keen-witted men! With how very few words they think the business dispatched! But to establish their syllogism they take propositions for granted which are not conceded at all; yet a chain of reasoning, to be valid, should proceed from premises which are not doubtful to the conclusion which is in dispute.

50 "Pray observe the neat way in which Epicurus (whom you Stoics usually call a blundering idiot) proves that what we term 'the universe' is infinite. 'That,' said he, 'which is finite has an end.' Who would deny that? Again, 'That which has an end is seen from some point outside itself.' That, too, must be granted. 'But the universe is not seen from without itself.' We cannot question the proposition either. 'Therefore, since it has no end the universe must be infinite.' 104 You see how Epicurus proceeds from admitted premises to the proposition to be established. But this you Stoic logicians do not do; for you not only do not assume premises which everybody concedes, but you even assume premises which, if granted, do not tend in the least to establish what you wish to prove. For you start with this assumption: 'If there are gods they are kindly disposed towards men.' Now who will grant you that? Epicurus? But he says that the gods do not trouble a whit about themselves or about anybody else. Is it our own Ennius? But he says with general approval and applause:

I always said that there were gods on high,
And this I never will neglect to say;
But my opinion is they do not care
What destiny befalls the human race.

To be sure he proceeds to give the reason for his opinion in succeeding lines, but there is no need to repeat them. Enough has been shown to make it clear that your Stoic friends assume as certain what is the subject of doubt and discussion.

51 105 "But the syllogism goes on to say: 'The gods are not ignorant of anything, for all things were ordained by them.' But what a heavy attack is made on this very point by scholars who deny that such and such things were ordained by the immortal gods! 'But it is

to our interest to know what is going to happen.' Yet Dicaearchus has written a large volume to prove that it is better not to know than to know the future. They say further: 'It is not inconsistent with the dignity of gods to give knowledge of the future.' But entirely consistent, I presume, for them to peer into every man's house to see what he needs! 106 'It is not true that the gods cannot know the future.' But their ability to know is denied by those who maintain that it is not certain what the future will be. Now don't you see what doubtful premises they assume to be certain and take for granted? Next they hurl this dialectical dart: 'Therefore it is not true both that there are gods and yet that they do not give signs of the future.' And of course you think that the matter is now settled. Then they make another assumption: 'But there are gods.' Even that is not conceded by everybody. 'Therefore they give signs of the future.' Not necessarily so: for they may not give us signs of the future and still be gods. 'Nor is it true that, if they give such signs, they give no means of interpreting those signs.' But it may be that they have the means and yet do not impart them to man; for why would they impart them to the Etruscans rather than to the Romans? Again, the Stoics say: 'If the gods do impart the means, that is divination.' Grant that they do (which is absurd), what is the good if we do not understand? Their conclusion is: 'Therefore there is divination.' Suppose that is their conclusion, still they have not proved it; for, as they themselves have taught us, the truth cannot be proved from false premises. Hence their entire argument falls to the ground.

52 107 "Now let us come to the argument of that most worthy gentleman, our intimate friend, Cratippus:

" 'Though without eyes,' he says, 'it is impossible to perform the act and function of sight, and though the eyes sometimes cannot perform their appointed function, yet when a person has once so employed his eyes as to see things as they are, he has a realization of what correct vision is. Likewise, too, although without the power of divination it is impossible for the act and function of divining to exist, and though one with that power may be mistaken and may make erroneous prophecies, yet to establish the existence of divination it is enough that a single event has been so clearly foretold as to exclude the hypothesis of chance. But there are many such

instances; therefore the existence of divination must be conceded.'

"Delightfully and briefly put; but after he has twice made gratuitous assumptions, even though he has found us quite generous in making concessions, yet his further assumption cannot possibly be conceded. 108 He says in substance, 'If the eyes are sometimes at fault, yet, because they have sometimes seen correctly, the power of sight resides within them; likewise if a person has once foreseen something by means of divination, yet even when he errs in his predictions, he must be held to have the power of divination.'

53 "Pray point out, my dear Cratippus, the similarity in these propositions of yours. I confess that it is not apparent to me. For the eyes in seeing correctly employ a sense conferred by nature; while the soul, if it ever has a true vision of the future, whether by vaticination or by dreams, relies upon luck or chance. This you must admit unless, perchance, you think that those who consider dreams as dreams and nothing more, are going to concede that the fulfilment of any dream was ever due to anything but luck. While we may grant your two major premises, — these the Greeks call λήμματα, but we prefer to call them by their Latin equivalent sumptiones — yet we will not grant your minor premise — which the Greeks call πρόσληψις.

109 "Cratippus states his minor premise thus; 'But there are countless instances of prophecies being fulfilled without the intervention of luck.' On the contrary, I say there isn't even one. Observe how keen the controversy grows! Now that the minor premise is denied the conclusion fails. But he retorts: 'You are unreasonable not to grant it, it is so evident.' Why 'evident'? 'Because many prophecies come true.' And what of the fact that many more don't come true? Does not this very uncertainty, which is characteristic of luck, demonstrate that their fulfilment is accounted for by luck and not by any law of nature? Furthermore, my dear Cratippus — for my controversy is with you — if that argument of yours is sound, don't you see that it is equally available in behalf of the means of divination practised by soothsayers, augurs, Chaldeans and by interpreters of lightnings, portents, and lots? For each of these classes will furnish you with at least one instance of a prophecy that came to pass. Therefore either they too are all means of divining — and this you very properly deny — or, if they are not, then, so far as I

can see, the two classes which you permit to remain are not means of divining. Hence the same reasoning employed by you to establish the two kinds which you accept may be used to establish the others which you reject.

54 110 "But what weight is to be given to that frenzy of yours, which you term 'divine' and which enables the crazy man to see what the wise man does not see, and invests the man who has lost human intelligence with the intelligence of the gods? We Romans venerate the verses of the Sibyl who is said to have uttered them while in a frenzy. Recently there was a rumour, which was believed at the time, but turned out to be false, that one of the interpreters of those verses was going to declare in the Senate that, for our safety, the man whom we had as king in fact should be made king also in name. If this is in the books, to what man and to what time does it refer? For it was clever in the author to take care that whatever happened should appear foretold because all reference to persons or time had been omitted. 111 He also employed a maze of obscurity so that the same verses might be adapted to different situations at different times. Moreover, that this poem is not the work of frenzy is quite evident from the quality of its composition (for it exhibits artistic care rather than emotional excitement), and is especially evident from the fact that it is written in what is termed 'acrostics,' wherein the initial letters of each verse taken in order convey a meaning; as, for example, in some of Ennius's verses, the initial letters form the words, Quintus Ennius Fecit, that is, 'Quintus Ennius wrote it.' That surely is the work of concentrated thought and not of a frenzied brain. 112 And in the Sibylline books, throughout the entire work, each prophecy is embellished with an acrostic, so that the initial letters of each of the lines give the subject of that particular prophecy. Such a work comes from a writer who is not frenzied, who is painstaking, not crazy. Therefore let us keep the Sibyl under lock and key so that in accordance with the ordinances of our forefathers her books may not even be read without permission of the Senate and may be more effective in banishing rather than encouraging superstitious ideas. And let us plead with the priests to bring forth from those books anything rather than a king, whom henceforth neither gods nor men will suffer to exist in Rome.

55 “But many persons in a frenzy often utter true prophecies, as Cassandra did when she said

Already on the mighty deep . . .

and when, a little later, she exclaimed,

Alas! behold! . . .

113 Then, I suppose you are going to force me to believe in myths? Let them be as charming as you please and as finished as possible in language, thought, rhythm, and melody, still we ought not to give credence to fictitious incidents or to quote them as authority. On that principle no reliance, in my opinion, should be placed in the prophecies of your Publiciusa — whoever he may have been — or in those of the Marcian bards or in those of the hazy oracles of Apollo:b some were obviously false and others mere senseless chatter and none of them were ever believed in by any man of ordinary sense, much less by any person of wisdom.

114 “ ‘Oh! but what about that oarsman in Coponius’s fleet,’ you say, ‘didn’t he truly foretell what afterwards came to pass?’ He did indeed, and the very things that all of us at the time feared would happen. For news was coming to us that the armies of Caesar and Pompey were facing each other in Thessaly. We thought that Caesar’s troops had more reckless courage because they were fighting against their country and greater strength because of their long military training. Besides there was not one of us who did not dread the outcome of the battle, but our apprehension was not openly shown and was such as not to be discreditable to men of strong character. As for that Greek sailor, is it strange if, in the extremity of his fear, he, as most people do in such cases, lost his courage, reason, and self-control? In his mental excitement and aberration, he merely stated that things would occur, which, when he was himself, he feared would come to pass. In heaven’s name, pray tell me, then, which you think was more likely to have had the power to interpret the decrees of the immortal gods — that crazy sailor, or someone of our party then on the ground — Cato, Varro, Coponius or I?

56 115 “But now I come to you,

Apollo, sacred guard of earth’s true core,

Whence first came frenzied, wild prophetic words.

Chrysippus filled a whole volume with your oracles; of these

some, as I think, were false; some came true by chance, as happens very often even in ordinary speech; some were so intricate and obscure that their interpreter needs an interpreter and the oracles themselves must be referred back to the oracle; and some so equivocal that they require a dialectician to construe them. For example, when the following oracular response was made to Asia's richest king:

When Croesus o'er the river Halys goes
He will a mighty kingdom overthrow,

Croesus thought that he would overthrow his enemy's kingdom, whereas he overthrew his own. 116 But in either event the oracle would have been true. Besides, why need I believe that this oracle was ever given to Croesus? or why should I consider Herodotus more truthful than Ennius? and was the former less able to invent stories about Croesus than Ennius was about Pyrrhus? For instance, nobody believes Ennius when he says that Apollo's oracle gave the following response to Pyrrhus:

O son of Aeacus, my prediction is
That you the Roman army will defeat.

In the first place Apollo never spoke in Latin; second, that oracle is unknown to the Greeks; third, in the days of Pyrrhus Apollo had already ceased making verses, and, finally, although "the sons of Aeacus have ever been," as Ennius says,

a stolid race,
And more for valour than for wisdom famed,

still Pyrrhus would have had sense enough to see that the equivocal line—"You the Roman army will defeat" — was no more favourable to him than to the Romans. As for that equivocal response which deceived Croesus, it might have deceived — Chrysippus, for example; but the one made to Pyrrhus wouldn't have fooled — even Epicurus!

57 117 "However, the main question is this: Why are Delphic oracles (of which I have just given you examples) not uttered at the present time and have not been for a long time?c And why are they regarded with the utmost contempt? When pressed at this point their apologists affirm that 'the long flight of time has gradually dissipated the virtue of the place whence came those subterranean exhalations

which inspired the Pythian priestess to utter oracles.' One might think that they are talking about wine or brine which do evaporate. But the question is about the virtue of a place — a virtue which you call not only 'natural' but even 'divine,' — pray how did it evaporate? 'By length of time,' you say. But what length of time could destroy a divine power? And what is as divine as a subterranean exhalation that inspires the soul with power to foresee the future — a power such that it not only sees things a long time before they happen, but actually foretells them in rhythmic verse? When did the virtue disappear? Was it after men began to be less credulous?

118 "By the way, Demosthenes, who lived nearly three hundred years ago, used to say even then that the Pythian priestess 'philippized,' in other words, that she was Philip's ally. By this expression he meant to infer that she had been bribed by Philip. Hence we may conclude that in other instances the Delphic oracles were not entirely free of guile. But, for some inexplicable cause, those superstitious and half-cracked philosophers of yours would rather appear absurd than anything else in the world. You Stoics, instead of rejecting these incredible tales, prefer to believe that a power had gradually faded into nothingness, whereas if it ever had existed it certainly would be eternal.

58 119 "There is a like error in regard to dreams. How far-fetched is the argument in their defence! 'Our souls' (according to the view of your school) 'are divine and are derived from an external source; the universe is filled with a multitude of harmonious souls; therefore, because of its divinity and its contact with other souls, the human soul during sleep foresees what is to come.' But Zeno thinks that sleep is nothing more than a contraction — a slipping and a collapse, as it were — of the human soul. Then Pythagoras and Plato, who are most respectable authorities, bid us, if we would have trustworthy dreams, to prepare for sleep by following a prescribed course in conduct and in eating. The Pythagoreans make a point of prohibiting beans, as if thereby the soul and not the belly was filled with wind! Somehow or other no statement is too absurd for some philosophers to make.

120 "Then shall we believe that the souls of sleepers while dreaming are spontaneously moved? or, as Democritus thinks, that

they are impelled to action by phantoms from without? Whether the one theory or the other be correct, the fact remains that men in sleep assume many false apparitions to be true. Likewise, to men who are sailing, stationary objects on shore seem to be moving; and also, sometimes in looking at a lamp, by some sort of optical illusion we see two flames instead of one. Why need I mention how many non-existent things are seen by men who are drunk or crazy? And if we are to put no trust in such apparitions of the waking man I do not understand why we should put any trust in dreams. Of course you may argue, if you will, about these tricks of vision as you would about dreams, and say, for example, that when stationary objects appear to be in motion, it foretells an earthquake or a sudden flight; and when the lamp's flame appears to be double it portends that insurrection and rebellion are afoot!

59 121 "By applying conjecture to the countless delusions of drunk or crazy men we may sometimes deduce what appears to be a real prophecy; for who, if he shoots at a mark all day long, will not occasionally hit it? We sleep every night and there is scarcely ever a night when we do not dream; then do we wonder that our dreams come true sometimes? Nothing is so uncertain as a cast of dice and yet there is no one who plays often who does not sometimes make a Venus-throw and occasionally twice or thrice in succession. Then are we, like fools, to prefer to say that it happened by the direction of Venus rather than by chance? And if we are to put no trust in false visions at other times I do not see what especial virtue there is in sleep to entitle its false visions to be taken as true. 122 On the other hand if nature had intended that sleepers should do what they dreamed, persons on going to bed would always have to be tied, otherwise they would commit more follies in their dreams than any madman ever did.

"And if, because of their unreality, we are to have no faith in the visions of the insane, I do not understand why we place any confidence in dreams, which are far more confused. Is it because the insane do not tell their delusions to interpreters of visions while dreamers do? I ask you this: suppose I wished to read, write, or sing, or to play on the lute, or to solve some problem in geometry, physics, or logic, must I wait for a dream, or must I depend upon the peculiar

knowledge which each of these several arts or sciences requires and without which none of them can be utilized or mastered? No; and not even if I wanted to sail a ship, would I pilot it as I might have dreamed I should; for the punishment would be immediate. 123 What would be the sense in the sick seeking relief from an interpreter of dreams rather than from a physician? Or do you think that Aesculapius and Serapis have the power to prescribe a cure for our bodily ills through the medium of a dream and that Neptune cannot aid pilots thru the same means? or think you that though Minerva will prescribe physic in a dream without the aid of a physician, yet that the Muses will not employ dreams to impart a knowledge of reading, writing, and of other arts? If knowledge of a remedy for disease were conveyed by means of dreams, knowledge of the arts just mentioned would also be given by dreams. But since knowledge of these arts is not so conveyed neither is the knowledge of medicine. The theory that the medical art was imparted by means of dreams having been disproved, the basis of a belief in dreams is utterly destroyed.

60 124 "But, though the conclusion just stated is obvious, let us now look deeper into the question. Surely you must assume, either that there is a Divine Power which, in planning for our good, gives us information by means of dreams; or that, because of some natural connexion and association — the Greeks call it συμπάθεια — interpreters of dreams know what sort of a dream is required to fit any situation and what sort of a result will follow any dream; or that neither of these suppositions is true, but that the usual result or consequence of every dream is known by a consistent system of rules based on long-continued observation. In the first place, then, it must be understood that there is no divine power which creates dreams. And indeed it is perfectly clear that none of the visions seen in dreams have their origin in the will of the gods; for the gods, for our sakes, would so interpose that we might be able to foresee the future.

125 "But how often, pray, do you find anyone who pays any attention to dreams or who understands or remembers them? On the other hand, how many treat them with disdain, and regard a belief in them as the superstition of a weak and effeminate mind! Moreover, why does God, in planning for the good of the human race, convey

his warnings by means of dreams which men consider unworthy not only of worrying about, but even of remembering? For it is impossible that God does not know how people generally regard dreams; and to do anything needlessly and without a cause is unworthy of a god and is inconsistent even with the habits of right-thinking men. And hence, if most dreams are unnoticed and disregarded, either God is ignorant of that fact, or he does a vain thing in conveying information by means of dreams; but neither supposition accords with the nature of a god, therefore, it must be admitted that God conveys no information by means of dreams.

61 126 "I also ask, if God gives us these visions as forewarnings, why does he not give them to us when we are awake rather than when we are asleep? For, whether our souls in sleep are impelled by some external and foreign force; or whether they are self-moved; or whether there is some other cause why, during sleep, we imagine ourselves seeing or hearing, or doing certain things — whatever the cause, it would apply just as well when we are awake. If the gods did send us warnings in our sleep and for our good they would do the same for us when we are awake, especially since, as Chrysippus says in replying to the Academicians, appearances seen when we are awake are much more distinct and trustworthy than those seen in dreams. It would, therefore, have been more in keeping with the beneficence of gods, in consulting for our good, to send us clear visions in our waking moments rather than unintelligible ones in our dreams. But since that is not the case, dreams ought not to be held divine. 127 And further, what is the need of a method which, instead of being direct, is so circuitous and roundabout that we have to employ men to interpret our dreams? And if it be true that God consults for our advantage he would say: 'Do this,' 'Don't do that,' and not give us visions when we are awake rather than when we are asleep.

62 "And further, would anybody dare to say that all dreams are true? 'Some dreams are true,' says Ennius, 'but not necessarily all.' Pray how do you distinguish between the two? What mark have the false and what the true? And if God sends the true, whence come the false? Surely if God sends the false ones too what is more untrustworthy than God? Besides what is more stupid than to excite

the souls of mortals with false and lying visions? But if true visions are divine while the false and meaningless ones are from nature, what sort of caprice decided that God made the one and nature made the other, rather than that God made them all, which your school denies, or that nature made them all? Since you deny that God made them all you must admit that nature made them all. 128 By 'nature,' in this connexion, I mean that force because of which the soul can never be stationary and free from motion and activity. And when, because of the weariness of the body, the soul can use neither the limbs nor the senses, it lapses into varied and untrustworthy visions, which emanate from what Aristotle terms 'the clinging remnants of the soul's waking acts and thoughts.' These 'remnants,' when aroused, sometimes produce strange types of dreams. Now if some of these dreams are true and others false, I should like very much to know by what mark they may be distinguished. If there is none, why should we listen to your interpreters? But if there is one, I am eager for them to tell me what it is, but they will grow confused when I ask and will not answer.

63 129 "The question now arises as to which is the more probable: do the immortal gods, who are of surpassing excellence in all things, constantly flit about, not only the beds, but even the lowly pallets of mortals, wherever they may be, and when they find someone snoring, throw at him dark and twisted visions, which scare him from his sleep and which he carries in the morning to a dream-expert to unravel? or does nature bring it to pass that the ever-active soul sees in sleep phantoms of what it saw when the body was awake? Which is more consonant with philosophy: to explain these apparitions by the superstitious theories of fortune-telling hags, or by an explanation based on natural causes? But even if it were possible to draw trustworthy inferences from dreams, it could not be done by those who profess to have that power; for their fraternity is composed of the most shallow and the most ignorant of men. Yet your Stoics assert that no one can be a diviner unless he is a 'wise man.'

130 "Chrysippus, indeed, defines divination in these words: 'The power to see, understand, and explain premonitory signs given to men by the gods.' 'Its duty,' he goes on to say, 'is to know in advance the disposition of the gods towards men, the manner in

which that disposition is shown and by what means the gods may be propitiated and their threatened ills averted.' And this same philosopher defines the interpretation of dreams thus: 'It is the power to understand and explain the visions sent by the gods to men in sleep.' Then, if that be true, will just ordinary shrewdness meet these requirements, or rather is there not need of surpassing intelligence and absolutely perfect learning? But I have never seen such a man.

64 131 "Therefore, even if I granted your contention as to the existence of divination — and this I will never do — still, you must realize that it would be impossible for us to find a diviner. Then what do the gods mean by sending us in our dreams visions which we cannot understand ourselves and which we cannot find anybody to interpret for us? If the gods send us these unintelligible and inexplicable dream-messages they are acting as Carthaginians and Spaniards would if they were to address our Senate in their own vernacular without the aid of an interpreter. 132 Beside, what purpose is served by dark and enigmatic dreams? Surely the gods ought to want us to understand the advice they give us for our good. 'Oh!' but you retort, 'Are poets and natural philosophers never obscure?' Indeed they are: Euphorion is even too obscure; but Homer is not. 133 Which of them, pray, is the better poet? Heraclitus is very obscure; Democritus is not so in the least: then are they to be compared? But you give me advice and for my good in words that I cannot understand. Then why do you advise me at all? That's like a doctor ordering a patient to take

A bloodless, earth-engendered thing that crawls
And bears its habitation on its back,

instead of saying in common, every-day speech, 'a snail.' Amphion, in a play by Pacuvius, speaks to the Athenians of a creature as

Four-footed, of stature short; rough, shy, and slow;
Fierce-eyed, with tiny head and serpent's neck;
When disembowelled and deprived of life,
It lives for ever in melodious song.

His meaning being too obscure the Athenians replied:

Speak plainer, else we cannot understand.

Whereupon he described it in a single word—'a tortoise.' Couldn't

you have said so at first, you cithara-player?

65 134 "A diviner was consulted by a man who had dreamed that he saw an egg hanging from the bed-cords of the bed in his sleeping-room — the story is from Chrysippus *On Dreams* — and the diviner answered, 'A treasure is buried under your bed.' The man dug, found a quantity of gold surrounded with silver and sent the diviner as much of the silver as he thought fit. The diviner then inquired, 'Do I get none of the yolk?' For, in his view, the yolk meant gold, the white of the egg, silver. Now, did no one else ever dream of an egg? If so, then why did this fellow, whoever he was, alone find a treasure by dreaming of an egg? What a lot of poor devils there are, deserving of divine assistance, who never were instructed by a dream how to find a treasure! Furthermore, why was this man given so obscure an intimation as that contained in the fancied resemblance between an egg and a treasure, instead of being as plainly directed as Simonides was when he was bidden not to go on board the ship? 135 My conclusion is that obscure messages by means of dreams are utterly inconsistent with the dignity of gods.

66 "Let us now consider dreams that are clear and direct, like the dream of the man who was killed by the innkeeper at Megara; or like that of Simonides who was warned by the man he had buried not to sail; and also like Alexander's dream, which, to my surprise, my dear Quintus, you passed by without notice: Alexander's intimate friend, Ptolemaeus, had been struck in battle by a poisoned arrow and was at the point of death from his wound and suffering the most excruciating agony. Alexander, while sitting by the bedside of his friend, fell fast asleep. Thereupon, so the story goes, he dreamed that the pet serpent of his mother Olympias appeared to him carrying a root in its mouth and, at the same time, gave him the name of a place close by where it said the root grew. This root, the serpent told him, was of such great virtue that it would effect the speedy cure of Ptolemaeus. As soon as Alexander awoke he related his dream to his friends and men were sent to find the root. It is said that when the root was found it worked the cure not only of Ptolemaeus, but also of many soldiers who had been wounded by the same kind of arrow.

136 "You, too, have drawn on history for dreams, a number of which you told. You spoke, for example, of the dreams of the mother

of Phalaris, of Cyrus the Elder, of the mother of Dionysius, of the Carthaginians Hamilcar and Hannibal, and of Publius Decius. You mentioned that much-spoken-of dream about the slave who opened the votive games, also the dream of Gaius Gracchus and the recent one of Caecilia, the daughter of Balearicus. But these are other people's dreams and hence we know nothing about them and some of them are fabrications perhaps. For who stands sponsor for them? And what have we to say of our own dreams? Of your dream of me and of my horse emerging from the river and appearing on the bank? and of my dream of Marius, attended by his laurelled fasces, ordering me to be conducted to his monument?

67 "All dreams, my dear Quintus, have one explanation and, in heaven's name, let us see that it is not set at naught by superstition and perversity. 137 Now what Marius do you think it was I saw? His 'likeness' or 'phantom,' I suppose — at least that is what Democritus thinks. Whence did the 'phantom' come? He would have it that 'phantoms' emanate from material bodies and from actual forms. Then, it was the body of Marius from which my 'phantom' came? 'No,' says Democritus, 'but from his body that was.' So that 'phantom' of Marius was pursuing me to the plains of Atina? 'Oh, but the universe is full of "phantoms"; no picture of anything can be formed in the mind except as the result of the impact of "phantoms."' 138 Then are these 'phantoms' of yours so obedient to our beck and call that they come the instant we summon them? And is this true even of the 'phantoms' of things that do not exist? For what is there so unreal and unheard of that we cannot form a mental picture of it? We even shape things which we have never seen — as the sites of towns and the faces of men. 139 Then, by your theory, when I think of the walls of Babylon or of the face of Homer, some 'phantom' of what I have in mind 'strikes upon my brain'! Hence it is possible for us to know everything we wish to know, since there is nothing of which we cannot think. Therefore no 'phantoms' from the outside steal in upon our souls in sleep; nor do 'phantoms' stream forth at all. In fact I never knew anybody who could say nothing with more ponderous gravity than Democritus.

"The soul is of such a force and nature that, when we are awake, it is active, not because of any extraneous impulse, but because of its

own inherent power of self-motion and a certain incredible swiftness. When the soul is supported by the bodily members and by the five senses its powers of perception, thought, and apprehension are more trustworthy. But when these physical aids are removed and the body is inert in sleep, the soul then moves of itself. And so, in that state, visions flit about it, actions occur and it seems to hear and say many things. 140 When the soul itself is weakened and relaxed many such sights and sounds, you may be sure, are seen and heard in all manner of confusion and diversity. Then especially do the 'remnants' of our waking thoughts and deeds move and stir within the soul. For example, in the time of my banishment Marius was often in my mind as I recalled with what great fortitude and courage he had borne his own heavy misfortunes, and this I think is the reason why I dreamed about him.

68 "As for your dream, it occurred while you were thinking and worrying about me and then you had the vision of me as I suddenly arose from the river. For in the souls of us both were 'traces of our waking thoughts,' but with some added features, of course: as, for example, my dreaming of Marius's monument and your dreaming that the horse on which I rode sank with me and then reappeared. 141 But do you suppose that there ever would have been any old woman crazy enough to believe in dreams, if by some lucky accident or chance they had not come true sometimes? But let us consider Alexander's dream of the talking serpent. The story may be true and it may be wholly false. In either case it is no miracle; for he did not hear the serpent speak, but thought he heard it and, strangest thing of all, he thought it spoke while it held the root in its mouth! But nothing seems strange to a man when he is dreaming. Now, if Alexander ever had such a vivid and trustworthy dream as this, I want to ask why he never had another one like it and why other men have not had many of the same kind? As for me, except for that dream about Marius, I really never had one that I can recall. Think then how many nights in my long life I have spent in vain! 142 Moreover, at the present time, owing to the interruption of my public labours, I have ceased my nocturnal studies, and (contrary to my former practice) I have added afternoon naps. Yet despite all this time spent in sleep I have not received a single prophecy in a dream,

certainly not one about the great events now going on. Indeed, I never seem to be dreaming more than when I see the magistrates in the forum and the Senate in its chamber.

69 "Coming now to the second branch of the present topic, is there some such natural connecting link, which, as I said before, the Greeks call συμπάθεια, that the finding of a treasure must be deduced from dreaming of an egg? Of course physicians, from certain symptoms, know the incipiency and progress of a disease; and it is claimed that from some kinds of dreams they even can gather certain indications as to a patient's health, as whether the internal humours of the body are excessive or deficient. But what natural bond of union is there between dreams, on the one hand, and treasures, legacies, public office, victory and many other things of the same kind, on the other? 143 A person, it is said, while dreaming of coition, ejected gravel. In this case I can see a relation between the dream and the result; for the vision presented to the sleeper was such as to make it clear that what happened was due to natural causes and not to the delusion. But by what law of nature did Simonides receive that vision which forbade him to sail? or what was the connexion between the laws of nature and the dream of Alcibiades in which according to history, shortly before his death, he seemed to be enveloped in the cloak of his mistress? Later, when his body had been cast out and was lying unburied and universally neglected, his mistress covered it with her mantle. Then do you say that this dream was united by some natural tie with the fate that befell Alcibiades, or did chance cause both the apparition and the subsequent event?

70 144 "Furthermore, is it not a fact that the conjectures of the interpreters of dreams give evidence of their authors' sagacity rather than afford any proof of a relation between dreams and the laws of nature? For example, a runner, who was planning to set out for the Olympic games, dreamed that he was riding in a chariot drawn by four horses. In the morning he went to consult an interpreter, who said to him, 'You will win, for that is implied in the speed and strength of horses.' Later the runner went to Antipho, who said, 'You are bound to lose, for do you not see that four ran ahead of you? And behold another runner! — for the books of Chrysippus and Antipater are full of such dreams — but to return to the runner: he reported to an

interpreter that he had dreamed of having been changed into an eagle. The interpreter said to him, ‘You are the victor, for no bird flies faster than the eagle.’ This runner also consulted Antipho. ‘Simpleton,’ said the latter, ‘don’t you see that you are beaten? For that bird is always pursuing and driving other birds before it and itself is always last.’

145 “A married woman who was desirous of a child and was in doubt whether she was pregnant or not, dreamed that her womb had been sealed. She referred the dream to an interpreter. He told her that since her womb was sealed conception was impossible. But another interpreter said, ‘You are pregnant, for it is not customary to seal that which is empty.’ Then what is the dream-interpreter’s art other than a means of using one’s wits to deceive? And those incidents which I have given and the numberless ones collected by the Stoics prove nothing whatever except the shrewdness of men who employ slight analogies in order to draw now one inference and now another. There are certain indications from the condition of the pulse and breath and from many other symptoms in sickness by means of which physicians foretell the course of a disease. When pilots see cuttle-fish leaping or dolphins betaking themselves to a haven they believe that a storm is at hand.d In such cases signs are given which are traceable to natural causes and explicable by reason, but that is far from true of the dreams spoken of a little while ago.

71 146 “In our consideration of dreams we come now to the remaining point left for discussion, which is your contention that ‘by long-continued observation of dreams and by recording the results an art has been evolved.’ Really? Then, it is possible, I suppose, to ‘observe’ dreams? If so, how? For they are of infinite variety and there is no imaginable thing too absurd, too involved, or too abnormal for us to dream about it. How, then, is it possible for us either to remember this countless and ever-changing mass of visions or to observe and record the subsequent results? Astronomers have recorded the movements of the planets and thereby have discovered an orderly course of the stars, not thought of before. But tell me, if you can, what is the orderly course of dreams and what is the harmonious relation between them and subsequent events? And by what means can the true be distinguished from the false, in view of

the fact that the same dreams have certain consequences for one person and different consequences for another and seeing also that even for the same individual the same dream is not always followed by the same result? As a rule we do not believe a liar even when he tells the truth, but, to my surprise, if one dream turns out to be true, your Stoics do not withdraw their belief in the prophetic value of that one though it is only one out of many; rather, from the character of the one true dream, they establish the character of countless others that are false.

147 "Therefore, if God is not the creator of dreams; if there is no connexion between them and the laws of nature; and finally, if, by means of observation no art of divining can be found in them, it follows that absolutely no reliance can be placed in dreams. This becomes especially evident when we consider that those who have the dreams deduce no prophecies from them; that those who interpret them depend upon conjecture and not upon nature; that in the course of the almost countless ages, chance has worked more miracles through all other agencies than through the agency of dreams; and, finally, that nothing is more uncertain than conjecture, which may be led not only into varying, but sometimes even into contradictory, conclusions.

72 148 “Then let dreams, as a means of divination, be rejected along with the rest. Speaking frankly, superstition, which is widespread among the nations, has taken advantage of human weakness to cast its spell over the mind of almost every man. This same view was stated in my treatise *On the Nature of the Gods*; and to prove the correctness of that view has been the chief aim of the present discussion. For I thought that I should be rendering a great service both to myself and to my countrymen if I could tear this superstition up by the roots. But I want it distinctly understood that the destruction of superstition does not mean the destruction of religion. For I consider it the part of wisdom to preserve the institutions of our forefathers by retaining their sacred rites and ceremonies. Furthermore, the celestial order and the beauty of the universe compel me to confess that there is some excellent and eternal Being, who deserves the respect and homage of men.

149 “Wherefore, just as it is a duty to extend the influence of true religion, which is closely associated with the knowledge of nature, so it is a duty to weed out every root of superstition. For superstition is ever at your heels to urge you on; it follows you at every turn. It is with you when you listen to a prophet, or an omen; when you offer sacrifices or watch the flight of birds; when you consult an astrologer or a soothsayer; when it thunders or lightens or there is a bolt from on high; or when some so-called prodigy is born or is made. And since necessarily some of these signs are nearly always being given, no one who believes in them can ever remain in a tranquil state of mind.

150 “Sleep is regarded as a refuge from every toil and care; but it is actually made the fruitful source of worry and fear. In fact dreams would be less regarded on their own account and would be viewed with greater indifference had they not been taken under the guardianship of philosophers — not philosophers of the meaner sort, but those of the keenest wit, competent to see what follows logically and what does not — men who are considered well-nigh perfect and infallible. Indeed, if their arrogance had not been resisted by Carneades, it is probable that by this time they would have adjudged the only philosophers. While most of my war of words has been with

these men, it is not because I hold them in especial contempt, but on the contrary, it is because they seem to me to defend their own views with the greatest acuteness and skill. Moreover, it is characteristic of the Academy to put forward no conclusions of its own, but to approve those which seem to approach nearest to the truth; to compare arguments; to draw forth all that may be said in behalf of any opinion; and, without asserting any authority of its own, to leave the judgement of the inquirer wholly free. That same method, which by the way we inherited from Socrates, I shall, if agreeable to you, my dear Quintus, follow as often as possible in our future discussions."

"Nothing could please me better," Quintus replied.

When this was said, we arose.

DE FATO (On Fate)

Translated by H. Harris Rackham

ON FATE

[1] I. ... because it relates to character, called in Greek *ethos*, while we usually term that part of philosophy 'the study of character,' but the suitable course is to add to the Latin language by giving this subject the name of 'moral science.' It is also necessary to expound the meaning and the theory of propositions, called in Greek *axiomata*; what validity these have when they make a statement about a future event and about something that may happen or may not is a difficult field of inquiry, entitled by philosophers *Peri Dynaton*; and the whole subject is *Logike*, which I call 'the theory of discourse.' The method which I pursued in other volumes, those on the Nature of the Gods, and also in those which I have published on Divination, was that of setting out a continuous discourse both for and against, to enable each student to accept for himself the view that seems to him most probable; but I was prevented by accident a from adopting it in the present discussion on the subject of Fate.

[2] For I was at my place at Puteoli, and my friend Hirtius, the consul designate, a very close friend of mine and a devoted student of the subjects that have occupied my life from boyhood, was in the neighbourhood. Consequently we were a great deal together, being engrossed as we for our part were in seeking for a line of policy that might lead to peace and concord in the state. For since the death of Caesar it had seemed as if a search was being made for every possible means of causing fresh upheavals, and we thought that resistance must be offered to these tendencies. Consequently almost all our conversation was spent in considering those matters, — and this both on many other occasions and also, on a day less occupied by engagements than usual and less interrupted by visitors, Hirtius

having come to my house, we began with our daily and regular topics of peace and tranquillity.

[3] II. These dealt with, Hirtius remarked, “What now? I hope you have not actually abandoned your oratorical exercises, though you have undoubtedly placed philosophy in front of them; well then, is it possible for me to hear something?”

“Well,” I said, “you can either hear something or say something yourself; for you are right in supposing that I have not abandoned my old interest in oratory, — indeed I have kindled it in you also, although you came to me an ardent devotee already; and moreover my oratorical powers are not diminished by the subjects that I now have in hand, but rather increased.

For there is a close alliance between the orator and the philosophical system of which I am a follower, since the orator borrows subtlety from the Academy and repays the loan by giving to it a copious and flowing style and rhetorical ornament. This being so,” I said, “as both fields of study fall within our province, to-day it shall be for you to choose which you prefer to enjoy.”

“ That is most kind of you,” rejoined Hirtius, “and exactly like what you do always; for your willingness never refuses anything to my inclination.

[4] But I am acquainted with the rhetorical discourses of your school, and have often heard and also often shall hear you in them; moreover your Tusculan Disputations show that you have adopted this Academic practice of arguing against a thesis advanced; consequently I am willing to lay down some thesis in order that I may hear the counter-arguments, if this is not disagreeable to you.”

“Can anything be disagreeable to me,” I said, “that will be agreeable to you? But you will hear me speaking as a true Roman, as one who is nervous in entering on this kind of discussion, and who is returning to these studies after a long interval.”

“I shall listen to your discourse in the same spirit as I read your writings; so begin. Let us sit down here.”

[5] III. “ ... a in some of which, for instance in the case of the poet Antipater, in that of persons born on the shortest day, or of brothers who are ill at the same time, in the cases of urine and finger-nails and other things of that kind, natural connexion operates, and this I do

not exclude — it is not a predestined compelling force at all; but in other cases there can be some elements of chance, for instance with the shipwrecked sailor we spoke of, or Icadius, or Daphitas. Some cases even seem (if the master a will excuse my saying so) to be the invention of Posidonius; at all events they are ridiculous.

For consider: suppose it was Daphitas's destiny to fall off his horse and meet his end in that way, was it off this horse, which as it was not a real horse had a name that did not belong to it? or was it against these little four-in-hands on the sword-hilt that Philip used to be warned to be on his guard? just as if it was the hilt of a sword that killed him! Again, what is there remarkable about that nameless shipwrecked sailor's having fallen into a brook? although in his case indeed our authority does write that he had been warned that he was to meet his end in the water.

Even in the case of the brigand Icadius I swear I can't see any trace of destiny; for the story does not say that he had any warning,

[6] so that if a rock from the roof of a cave did fall on his legs, what is there surprising about it? for I suppose that even if Icadius had not been in the cave at the time, that rock would have fallen all the same, since either nothing at all is fortuitous or it was possible for this particular event to have happened by fortune.

What I want to know therefore is (and this is a matter that will have a wide bearing), if there were no such word at all as fate, no such thing, no such force, and if either most things or all things took place by mere casual accident, would the course of events be different from what it is now? What is the point then of harping on fate, when everything can be explained by reference to nature and fortune without bringing fate in?

[7] IV. "But let us give Posidonius the polite dismissal that he deserves and return to the subtleties of Chrysippus. And first let us answer him on the actual influence of connexion; the other points we will go on to afterwards. We see the wide difference between the natural characters of different localities: we notice that some are healthy, others unhealthy, that the inhabitants of some are phlegmatic and as it were overcharged with moisture, those of others parched and dried up; and there are a number of other very wide differences between one place and another. Athens has a rarefied climate, which

is thought also to cause sharpness of wit above the average in the population; at Thebes the climate is dense, and so the Theban are stout and sturdy. All the same the rarefied air of Athens will not enable a student to choose between the lectures of Zeno, Arcesilas and Theophrastus, and the dense air of Thebes will not make a man try to win a race at Nemea rather than at Corinth.

[8] Carry the distinction further: tell me, can the nature of the locality cause us to take our walk in Pompey's Porch rather than in the Campus? in your company sooner than in someone else's? on the 15th of the month rather than on the 1st? Well then, just as the nature of the locality has some effect on some things but none on others, so the condition of the heavenly bodies may if you like influence some things, but it certainly will not influence everything.

You will say that inasmuch as there are differences in the natures of human beings that cause some to like sweet things, others slightly bitter things, and make some licentious and others prone to anger or cruel or proud, while others shrink in horror from vices of that sort, therefore, we are told, inasmuch as there is so wide a difference between one nature and another, what is there surprising in the view that these points of unlikeness result from different causes?

[9] V. "In putting forward this view Chrysippus fails to see the question at issue and the point with which the argument is dealing. For it does not follow that if differences in men's propensities are due to natural and antecedent causes, therefore our wills and desires are also due to natural and antecedent causes; for if that were the case, we should have no freedom of the will at all [nothing would be in our power].

But as it is, though we admit that it does not rest with ourselves whether we are quick-witted or dull, strong or weak, yet the person who thinks that it necessarily follows from this that even our choice between sitting still and walking about is not voluntary fails to discern the true sequence of cause and effect. For granted that clever people and stupid people are born like that, owing to antecedent causes, and that the same is true of the strong and the weak, nevertheless it does not follow that our sitting and walking and performing some action are also settled and fixed by primary causes.

[10] The Megarian philosopher Stilpo, we are informed, was

undoubtedly a clever person and highly esteemed in his day. Stilpo is described in the writings of his own associates as having been fond of liquor and of women, and they do not record this as a reproach but rather to add to his reputation, for they say that he had so completely mastered and suppressed his vicious nature by study that no one ever saw him the worse for liquor or observed in him a single trace of licentiousness. Again, do we not read how Socrates was stigmatized by the 'physiognomist' Zopyrus, who professed to discover men's entire characters and natures from their body, eyes, face and brow? he said that Socrates was stupid and thick-witted because he had not got hollows in the neck above the collarbone — he used to say that these portions of his anatomy were blocked and stopped up; he also added that he was addicted to women — at which Alcibiades is said to have given a loud guffaw!

[11] But it is possible that these defects may be due to natural causes; but their eradication and entire removal, recalling the man himself from the serious vices to which he was inclined, does not rest with natural causes, but with will, effort, training; and if the potency and the existence of fate is proved from the theory of divination, all of these will be done away with.

VI. "Indeed, if divination exists, what pray is the nature of the scientific observations (I use the term 'observations' to render *theoremata*) which are its source? For I do not believe that those who practise divination dispense entirely with the use of observation in foretelling future events, any more than do the practitioners of all the other sciences in pursuing their own function.

[12] Well then, here is a specimen of the observations of the astrologers : 'If (for instance) a man was born at the rising of the dogstar, he will not die at sea.' Keep a good lookout, Chrysippus, so as not to leave your position undefended; you have a great tussle about it with that stalwart logician Diodorus. For if the connexion of propositions 'If anyone was born at the rising of the dogstar, he will not die at sea' is true, the following connexion is also true, ' If Fabius a was born at the rising of the dogstar, Fabius will not die at sea.' Consequently the propositions ' Fabius was born at the rising of the dogstar ' and ' Fabius will die at sea ' are incompatible, and since that he was born at the rising of the dogstar is predicated with

certainty in the case of Fabius, the propositions ‘ Fabius exists’ and ‘ Fabius will die at sea’ are also incompatible. Therefore also ‘ Fabius exists and Fabius will die at sea ‘ is a conjunction of incompatibles, which as propounded is an impossibility. Therefore the proposition ‘ Fabius will die at sea ‘ belongs to the class of impossibilities. Therefore every false proposition about the future is an impossibility.

[13] VII. But this is a view that you, Chrysippus, will not allow at all, and this is the very point about which you are specially at issue with Diodorus. He says that only what either is true or will be true is a possibility, and whatever will be, he says, must necessarily happen, and whatever will not be, according to him cannot possibly happen. You say that things which will not be are also ‘possible ‘ — for instance it is possible for this jewel to be broken even if it never will be — , and that the reign of Cypselus at Corinth was not necessary although it had been announced by the oracle of Apollo a thousand years before. But if you are going to sanction divine prophecies of that sort, you will reckon false statements as to future events (for instance a prophecy that Africanus was not going to take Carthage) as being in the class of things impossible, and also, if a thing is truly stated about the future and it will be so, you would have to say that it is so; but the whole of this is the view of Diodorus, which is alien to your school.

[14] For if the following is a true connexion, ‘ If you were born at the rising of the dogstar you will not die at sea,’ and if the first proposition in the connexion, ‘You were born at the rising of the dogstar,’ is necessary (for all things true in the past are necessary, as Chrysippus holds, in disagreement with his master Cleanthes, because they are unchangeable and because what is past cannot turn from true into false) — if therefore the first proposition in the connexion is necessary, the proposition that follows also becomes necessary. Although Chrysippus does not think that this holds good universally; but all the same, if there is a natural cause why Fabius should not die at sea, it is not possible for Fabius to die at sea.

[15] VIII. “At this point Chrysippus gets nervous and expresses a hope that the Chaldaeans and the rest of the prophets are mistaken, and that they will not employ conjunctions of propositions putting out their observations in the form ‘If anyone was born at the rising of

the dogstar he will not die at sea,' but rather will say 'It is not the case both that some person was born at the rising of the dogstar and that that person will die at sea.' what amusing presumption! to avoid falling into the hands of Diodorus himself he tutors the Chaldaeans as to the proper form in which to set out their observations! For I ask you, if the Chaldaeans adopt the procedure of setting forth negations of indefinite conjunctions rather than indefinite sequences, why should it not be possible for doctors and geometricians and the other professions to do likewise? Take a doctor to begin with: he will not set forth a scientific principle that he has ascertained in this form, 'If a person's pulse is so and so, he has got a fever,' but rather as follows, 'It is not the case both that a person's pulse is so and so and that he has not got a fever.' And similarly a geometrician will not speak as follows, 'The greatest circles on a sphere bisect each other,' but rather as follows, 'It is not the case both that there are certain circles on the surface of a sphere that are the greatest and that these circles do not bisect each other.'

[16] What is there that cannot be carried over in that sort of way from the form of a necessary consequence to that of a negation of conjoined statements? And in fact we can express the same thing in other ways. Just now I said 'The greatest circles on a sphere bisect each other' ; but it is possible for me to say 'If certain circles on a sphere are the greatest,' and it is possible for me to say 'Because certain circles on a sphere will be the greatest.' There are many ways of stating a proposition, and none is more twisted round than this one, which Chrysippus hopes that the Chaldaeans will accommodate the Stoics by accepting. Yet none of the Chaldaeans really use that sort of language, for it is a bigger task to familiarize oneself with these contorted modes of expression than with the risings and settings of the constellations.

[17] IX. "But let us go back to the argument of Diodorus already mentioned, which they term *Peri Dynaton*, in which the meaning of the term 'possible' is investigated. Well, Diodorus holds that only what either is true or will be true is possible. This position is connected with the argument that nothing happens which was not necessary, and that whatever is possible either is now or will be, and

that it is no more possible for things that will be to alter than it is for things that have happened; but that whereas in the things that have happened this immutability is manifest, in some things that are going to happen, because their immutability is not manifest, it does not appear to be there at all, and consequently, while the statement 'This man will die of this disease' is true in the case of a man who is suffering from a deadly disease, if this same statement is made truly in the case of a man in whom so violent an attack of the disease is not manifest, none the less it will happen. It follows that no change from true to false can occur even in the case of the future. For 'Scipio will die' has such validity that although it is a statement about the future it cannot be converted into a falsehood, for it is a statement about a human being, who must inevitably die.

[18] If the form of the statement had been 'Scipio will die by violence in his bedroom at night,' the statement in that form would have been a true one, for it would have been a statement that a thing was going to happen that was going to happen, and that it was going to happen is a necessary inference from the fact that it did happen. Neither was 'Scipio will die' any truer than 'Scipio will die in that manner,' nor was it more inevitable for Scipio to die than it was for him to die in that manner, nor was it more impossible for the statement 'Scipio has been murdered' to change from a truth to a falsehood than for the statement Scipio will be murdered';

nor, these things being so, is there any reason for Epicurus's standing in terror of fate and seeking protection against it from the atoms and making them swerve out of the perpendicular? and entertaining simultaneously two utterly inexplicable propositions, one that something takes place without a cause — from which it will follow that something comes out of nothing, which neither Epicurus nor any natural philosopher allows — , the other that when two atoms are travelling through empty space one moves in a straight line and the other swerves.

[19] For it is not necessary for Epicurus to fear lest, when he admits that every proposition is either true or false, all events must necessarily be caused by fate; for the truth of a proposition of the form 'Carneades will go down to the Academy' is not due to an eternal stream of natural and necessary causation, and yet

nevertheless it is not uncaused, but there is a difference between causes accidentally precedent [by chance] and causes intrinsically containing a natural efficiency. Thus it is the case both that the statement 'Epicurus will die in the archonship of Pytharatus, at the age of seventy-two,' was always true, and also that nevertheless there were no fore-ordained causes why it should so happen, but, because it did so fall out, it was certainly going to befall by a definite series of causes.

[20] Moreover those who say that things that are going to be are immutable and that a true future event cannot be changed into a false one, are not asserting the necessity of fate but explaining the meaning of terms; whereas those who bring in an everlasting series of causes rob the human mind of freewill and fetter it in the chains of a fated necessity.

X. "But enough of these subjects; let us examine others. For Chrysippus argues thus: If uncaused motion exists, it will not be the case that every proposition (termed by the logicians an *axioma*) is either true or false, for a thing not possessing efficient causes will be neither true nor false; but every proposition is either true or false; therefore uncaused motion does not exist.

[21] If this is so, all things that take place take place by precedent causes; if this is so, all take place by fate; it therefore follows that all things that take place take place by fate.' At this point, in the first place if I chose to agree with Epicurus and to say that not every proposition is either true or false, I would rather suffer that nasty knock than agree that all events are caused by fate; for the former opinion has something to be said for it, but the latter is intolerable. Accordingly Chrysippus exerts every effort to prove the view that every *axioma* is either true or false. For just as Epicurus is afraid that if he admits this he will also have to admit that all events whatever are caused by fate (on the ground that if either of two alternatives is true from all eternity, that alternative is also certain, and if it is certain it is also necessary. This, he thinks, would prove both necessity and fate), similarly Chrysippus fears that if he fails to

maintain that every proposition is either true or false he will not carry his point that all things happen by fate and spring from eternal causes governing future events.

[22] But Epicurus thinks that the necessity of fate is avoided by the swerve of an atom; and so in addition to gravity and impact there arises a third form of motion, when the atom swerves sideways a minimal space (termed by Epicurus *elachiston*). Also he is compelled to profess in reality, if not quite explicitly, that this swerve takes place without cause; for the atom does not swerve in consequence of being struck by another atom, since how can impact between them take place if they are indivisible bodies travelling perpendicularly in straight lines by the force of gravity, as Epicurus holds? but it follows that if one is never driven aside by another, one will never even meet another; the consequence is that, even granting that the atom exists and that it swerves, the swerve is uncaused.

[23] "The reason why Epicurus brought in this theory was his fear lest, if the atom were always carried along by the natural and necessary force of gravity, we should have no freedom whatever, since the movement of the mind was controlled by the movement of the atom. The author of the atomic theory, Democritus, preferred to accept the view that all events are caused by necessity, rather than to deprive the atoms of their natural motions.

XI. Carneades showed greater insight: his doctrine was that the school of Epicurus could have maintained its cause without this fictitious swerve. For it would have been better for the dogma of the possibility of some voluntary movement of the mind to be maintained than for them to introduce the swerve, especially as they were unable to invent a cause for it; and by maintaining that dogma they could easily have withstood Chrysippus, for in admitting that no motion is uncaused they would not have been admitting that all events are due to antecedent causes, as they would have said that there are no external and antecedent causes of our volition.

[24] Therefore when we use the expression 'Somebody wishes (or does not wish) something without cause, we are perverting the

accepted convention of language; for we are using the phrase 'without cause' in the sense of without an external and antecedent cause, 'not without a cause of some kind.' Just as when we say that a vessel is empty we do not use the expression in the sense in which it is used by the natural philosophers, who hold that no absolute vacuum exists, but we employ it to mean that the vessel has (for example) no water in it, or wine, or oil, similarly when we say that the mind moves without cause we mean that it moves without an antecedent external cause, not without any cause at all. Motion without cause can be predicated of the atom itself in moving through void by reason of gravity and weight, because there is no additional cause from outside;

[25] but on the other hand, for fear lest we all be laughed at by the natural philosophers if we say that anything takes place without a cause, a distinction must be made, and the matter must be put in this way, that it is the nature of the atom itself to be kept in motion by weight and gravity, and that its nature is itself the cause of its travelling in this manner. Similarly no external cause need be sought to explain the voluntary movements of the mind; for voluntary motion possesses the intrinsic property of being in our power and of obeying us, and its obedience is not uncaused, for its nature is itself the cause of this.

[26] This being so, what is the reason why every proposition is not either true or false, if we do not allow that whatever takes place is caused by fate? The reason is, says he, that future things that have not got causes *why* they will be in the future cannot be true; therefore those that are true must necessarily have causes; accordingly when they have occurred they will have occurred by fate.

XII. That ends the business, inasmuch as you are bound to admit either that everything takes place by fate or that something can take place without a cause.

[27] Consider the statement 'Scipio will take Numantia': if an external chain of interlinked causes is not going to bring this about, can it be true in any other manner? could it have been false if it had been said innumerable ages ago? And if the statement 'Scipio will take Numantia' had not been true then, even after Numantia has fallen the statement Scipio has taken Numantia' is not true either.

Therefore is it possible for anything to have happened that was not previously going to be true? For just as we speak of past things as true that possessed true actuality at some former time, so we speak of future things as true that will possess true actuality at some following time.

[28] Yet it does not immediately follow from the fact that every statement is either true or false that there are immutable causes, eternally existing, that forbid anything to fall out otherwise than it will fall out. The causes which bring it about that statements of the form 'Cato will come into the Senate' are true statements, are fortuitous, they are not inherent in the nature of things and the order of the universe; and nevertheless 'he will come,' when true, is as immutable as 'he has come' (though we need not on that account be haunted by fear of fate or necessity), for it will necessarily be admitted that if the statement Hortensius will come to his place at Tusculum' is not true, it follows that it is false. Our opponents hold that it is neither; which is impossible.

" Nor shall we for our part be hampered by what is called the 'idle argument' — for one argument is named by the philosophers the *Argos Logos*, because if we yielded to it we should live a life of absolute inaction. For they argue as follows: If it is fated for you to recover from this illness, you will recover whether you call in a doctor or do not;

[29] similarly, if it is fated for you not to recover from this illness, you will not recover whether you call in a doctor or do not; and either your recovery or your non-recovery is fated; therefore there is no point in calling in a doctor.'

XIII. This mode of arguing is rightly called 'idle' and indolent, because the same train of reasoning will lead to the entire abolition of action from life. It is even possible to alter the form by not introducing the word 'fate' and yet to retain the same meaning, thus If the statement "You will recover from that illness" has been true from all eternity, you will recover whether you call in a doctor or do not; and similarly if the statement "You will recover from that illness" has been false from all eternity, you will not recover whether you call in a doctor or not; the conclusion following as before.

[30] This argument is criticized by Chrysippus. For, he says, there

exist in actuality two classes of facts, simple and complex. An instance of a simple fact is ‘Socrates will die at a given date’; in this case, whether he does some action or does not do it, the day of his death has been determined. But if it is fated that ‘Laius will have a son Oedipus,’ it will not be possible for the words ‘whether Laius mates with woman or does not’ to be added, for the matter is complex and condestinate’ — he gives that name to it because he thinks it is fated both that Laius will lie with a wife and that he will beget Oedipus by her: in the same way as, supposing it were said that ‘Milo will wrestle at Olympia’ and somebody replied ‘If so, he will wrestle whether he has an opponent or not,’ he would be wrong; for ‘will wrestle’ is a complex statement, because there can be no wrestling without an opponent. Therefore all captious arguments of that sort can be refuted in the same way. ‘You will recover whether you call in a doctor or do not’ is captious, for calling in a doctor is just as much fated as recovering. These connected events, as I said, are termed by Chrysippus ‘condestinate.’

[31] XIV. “Carneades refused to accept this class of things entirely, and held the view that the line of argument in question was not quite accurately thought out. In consequence he used to put his case in another manner, and did not employ any trickery; his argument ran like this: If everything takes place with antecedent causes, all events take place in a closely knit web of natural interconnexion; if this is so, all things are caused by necessity; if this is true, nothing is in our power. But something is in our power. Yet if all events take place by fate, there are antecedent causes of all events. Therefore it is not the case that whatever events take place take place by fate.’

[32] This line of argument cannot be made more rigidly conclusive. For if anybody chose to repeat the same point and to put it thus, ‘If all that will be is from eternity true, so that it must certainly turn out as it will be, events necessarily take place in a closely knit web of natural interconnexion,’ he would be talking nonsense. For it makes a great deal of difference whether a natural cause, existing from all eternity, renders future things true, or things that are going to be in the future can be understood to be true even without any natural eternity. Accordingly Carneades used to say that not even Apollo could tell any future events except those whose causes were so held

together by nature that they must necessarily happen.

[33] For what consideration could lead the god himself to say that the Marcellus who was three times consul was going to die at sea? this had indeed been true from all eternity, but it had no efficient causes.

Therefore Carneades held the view that Apollo had no knowledge even of these past events which had left behind them no trace of their passage — how much less had he knowledge of future events, for only by knowing the efficient causes of all things was it possible to know the future; therefore it was impossible for Apollo to foretell the fate of Oedipus when there were no causes fore-ordained in the nature of things making it necessary for him to murder his father, nor could he foretell anything of the sort.

XV. Hence if, while it is consistent for the Stoics, who say that all things happen by fate, to accept oracles of this sort and all the other things connected with divination, yet the same position cannot be held by those who say that the things which are going to happen in the future have been true from all eternity, observe that their case is not the same as that of the Stoics; for their position is more limited and narrow, whereas the Stoic theory is untrammelled and free.

[34] Even if it be admitted that nothing can happen without an antecedent cause, what good would that be unless it be maintained that the cause in question is a link in an eternal chain of causation? But a cause is that which makes the thing of which it is the cause come about — as a wound is the cause of death, failure to digest one's food of illness, fire of heat.

Accordingly 'cause' is not to be understood in such a way as to make what precedes a thing the cause of that thing, but what precedes it effectively: the cause of my playing tennis was not my going down into the Campus, nor did Hecuba's giving birth to Alexander make her the cause of the death of Trojans, nor was Tyndareus the cause of Agamemnon's death because he was the father of Clytemnestra. For on those lines a well-dressed traveller also will be said to have been the cause of the highwayman's robbing him of his clothes.

[35] To this class of expression belongs the phrase of Ennius -

Would that in Pelius' glade the pine-tree beams
Had never fallen to earth by axes hewn!

He might have gone even further back, 'Would that no tree had ever grown on Pelius!' and even further, 'Would that no Mount Pelius existed!' and similarly one may go on recalling preceding events in infinite regress.

Nor thence had made inception of the task
Of laying down a ship.

What is the point of recounting these past events? because what follows is this:

For were it so, my roving royal mistress,
Medea, from her home had ne'er set forth,
Heartsick and by love's cruel weapon wounded.

It was not the case that those events brought the cause of love.

[36] XVI. "But they declare that there is a difference whether a thing is of such a kind that something cannot be effected without it, or such that something must necessarily be effected by it. None of the causes mentioned therefore is really a cause, since none by its own force effects the thing of which it is said to be the cause; nor is that which is a condition of a thing's being effected a cause, but that of which the access necessarily produces the thing of which it is the cause. For at the time when the snake-bite had not yet caused Philoctetes to be afflicted with a sore, what cause was contained in the nature of things that would bring it to pass that he would be marooned on the Isle of Lemnos? whereas afterwards the cause was nearer and more closely connected with his death.

[37] Therefore it was the principle underlying the result that revealed the cause; but the proposition 'Philoctetes will be marooned on an island' had been true from all eternity, and this could not be turned from a truth into a falsehood. For it is necessary that of two contrary propositions — by contrary I here mean propositions one of which affirms something and the other denies it — of these two

propositions therefore it is necessary, *pace* Epicurus, that one should be true and the other false; for example, 'Philoctetes will be wounded' was true, and Philoctetes will not be wounded' false, for the whole of the ages of the past; unless perhaps we choose to follow the opinion of the Epicureans, who say that propositions of this sort are neither true nor false, or else, when ashamed of that, they nevertheless make the still more impudent assertion that disjunction consisting of contrary propositions are true, but that the statements contained in the propositions are neither of them true.

[38] What marvellous effrontery and pitiable ignorance of logical method! For if anything propounded is neither true nor false, it certainly is not true; but how can something that is not true not be false, or how can something that is not false not be true? We shall therefore hold to the position maintained by Chrysippus, that every proposition is either true or false; reason itself will insist both that certain things are true from all eternity and that they are not involved in a nexus of eternal causes but are free from the necessity of fate.

[39] XVII. "And my own view at all events is that, as between the two opinions held by the old philosophers, on the one hand the opinion of those who deemed that everything takes place by fate in the sense that this fate exercises the force of necessity — the opinion to which Democritus, Heraclitus, Empedocles and Aristotle adhered — and on the other hand the opinion of those who held that the movements of the mind are voluntary and not at all controlled by fate, Chrysippus stood as unofficial umpire and wished to strike a compromise, — though as a matter of fact he inclines to adhere to those who hold that the mind is released from all necessity of motion; but in employing formulae peculiar to himself he slips into such difficulties that against his will he lends support to the necessity of fate.

[40] And let us if you please examine the nature of this doctrine in connexion with the topic of assent, which I treated in my first discourse. Those old philosophers who held that everything takes place by fate used to say that assent is given perforce as the result of necessity. On the other hand those who disagreed with them released assent from bondage to fate, and maintained that if assent were made subject to fate it would be impossible to dissociate it from necessity.

They argued as follows:

If all things take place by fate, all things take place with an antecedent cause; and if desire is caused, those things which follow desire are also caused; therefore assent is also caused. But if the cause of desire is not situated within us, even desire itself is also not in our power; and if this is so, those things which are caused by desire also do not rest with us. It follows therefore that neither assent nor action is in our power. From this it results that there is no justice in either praise or blame, either honours or punishments. But as this is erroneous, they hold that it is a valid inference that not everything that takes place takes place by fate.

[41] XVIII. "But Chrysippus, since he refused on the one hand to accept necessity and held on the other hand that nothing happens without fore-ordained causes, distinguishes different kinds of causation, to enable himself at the same time to escape necessity and to retain fate. 'Some causes,' he says, 'are perfect and principal, others auxiliary and proximate. Hence when we say that everything takes place by fate owing to antecedent causes, what we wish to be understood is not perfect and principal causes but auxiliary and proximate causes.' Accordingly he counters the argument that I set out a little time ago by saying that, if everything takes place by fate, it does indeed follow that everything takes place from antecedent causes, but not from principal and perfect but auxiliary and proximate causes. And if these causes themselves are not in our power, it does not follow that desire also is not in our power. On the other hand if we were to say that all things happen from perfect and principal causes, it would then follow that, as those causes are not in our power, desire would not be in our power either.

[42] Hence the train of argument in question will be valid against those who introduce fate in such a manner as to make it involve necessity; but it will have no validity against those who do not allege perfect and principal causes as antecedent. For they think that they can easily explain the meaning of the statement that assent takes place from pre-ordained causes; for although assent cannot take place unless prompted by a sense-presentation, nevertheless since that presentation supplies a proximate and not a principal cause, this, according to Chrysippus, is explained by the theory which we stated

just now, not indeed proving that assent can take place without being aroused by any external force (for assent must necessarily be actuated by our seeing an object), but Chrysippus goes back to his roller and spinning-top, which cannot begin to move unless they are pushed or struck, but which when this has happened, he thinks, continue to move of their own nature, the roller rolling forward and the top spinning round.

[43] XIX. 'In the same way therefore,' he says, 'as a person who has pushed a roller forward has given it a beginning of motion, but has not given it the capacity to roll, so a sense-presentation when it impinges will it is true impress and as it were seal its appearance on the mind, but the act of assent will be in our power, and as we said in the case of the roller, though given a push from without, as to the rest will move by its own force and nature. If some event were produced without antecedent cause, it would not be true that all things take place by fate; but if it is probable that with all things whatever that take place there is an antecedent cause, what reason will it be possible to adduce why we should not have to admit that all things take place by fate? — only provided that the nature of the distinction and difference between causes is understood.'

[44] As this is the form in which these doctrines are set out by Chrysippus, if the people who deny that acts of assent take place by fate nevertheless would admit that those acts take place without an antecedent sense-presentation, it is a different theory; but if they allow that sense-presentations come first, yet nevertheless acts of assent do not take place by fate, because assent is not prompted by the proximate and contiguous cause stated, surely this comes to the same thing. For Chrysippus, while admitting that the proximate and contiguous cause of assent is situated in a perceived object, will not admit that this cause is necessary for the act of assenting, so that if all things take place by fate all things take place from antecedent and necessary causes; and also the thinkers who disagree with him in admitting that assent does not take place without the previous passage of sensory images will similarly say that, if everything were caused by fate in such a manner that nothing did take place without the precedent occurrence of a cause, it would have to be admitted that all things take place by fate; and from this it is easy to

understand that since both parties, when their opinion has been developed and unfolded, come to the same ultimate position, the difference between them is one of words and not of fact.

[45] And putting it broadly, inasmuch as the distinction can be made that whereas in some things it can truly be said that when certain antecedent causes have occurred it is not in our power to prevent certain results of which they were the causes from happening, yet in some things, although antecedent causes have occurred, it is nevertheless within our power to make the event turn out otherwise, — this distinction is approved by both sides; but one of the two schools holds that although fate does govern those matters in which when antecedent causes have occurred it is not in our power to make the results turn out otherwise, yet fate is not present in the case of matters which are in our power. . . . .

[46] XX. "This is the proper method of discussing this question, — one should not seek assistance from atoms that roam and swerve out of their path. 'The atom does swerve,' he says. In the first place what causes the swerve? for the motive force that they will get from Democritus is a different one, a driving force termed by him a 'blow'; from you, Epicurus, they will get the force of gravity or weight. What fresh cause therefore exists in nature to make the atom swerve (or do the atoms cast lots among them which is to swerve and which not?) or to serve as the reason for their making a very small swerve and not a large one, or for their making one very small swerve and not two or three swerves?

[47] This is wishful thinking, not investigation. For you do not say that the atom moves its position and swerves owing to being driven by an external force, nor that there has been any factor in the void through which the atom travels to cause it not to travel in a straight line, nor that any change has taken place in the atom itself to cause it not to retain the natural motion of its own weight. Accordingly although he introduced no cause to occasion this swerve of yours, nevertheless he thinks that he is talking sense when he is saying something that all men's minds scornfully reject.

[48] And in truth no one in my opinion has done more to uphold not only fate but also an all-controlling necessity, or to abolish

voluntary movements of the mind, than has this philosopher who confesses that he has been unable to withstand fate in any other way than by taking refuge in these fictitious swerves. For if one granted the existence of the atoms, although I for my part find it entirely impossible to accept that they do exist, nevertheless there would never be any explanation of those swerves that you talk of; for if it is owing to a necessity of nature that the atoms are assigned the property of travelling by force of gravity, because every heavy body must necessarily move and travel when nothing hinders it, is that alleged swerve also necessary for some atoms, or, if they choose, for all, in the order of nature? . . .”

CATO MAIOR DE SENECTUTE (On Old Age)

Translated by E. S. Shuckburgh

Written in 44 BC, when Cicero was 62 years old, this famous essay explores the subject of aging and death. It has retained its popularity due to its profound subject matter as well as its concise and elegant use of language. The essay is written as though Cato the Elder, famous for his conservatism and opposition to the Hellenisation of Rome, was lecturing to Scipio Africanus and Gaius Laelius Sapiens.

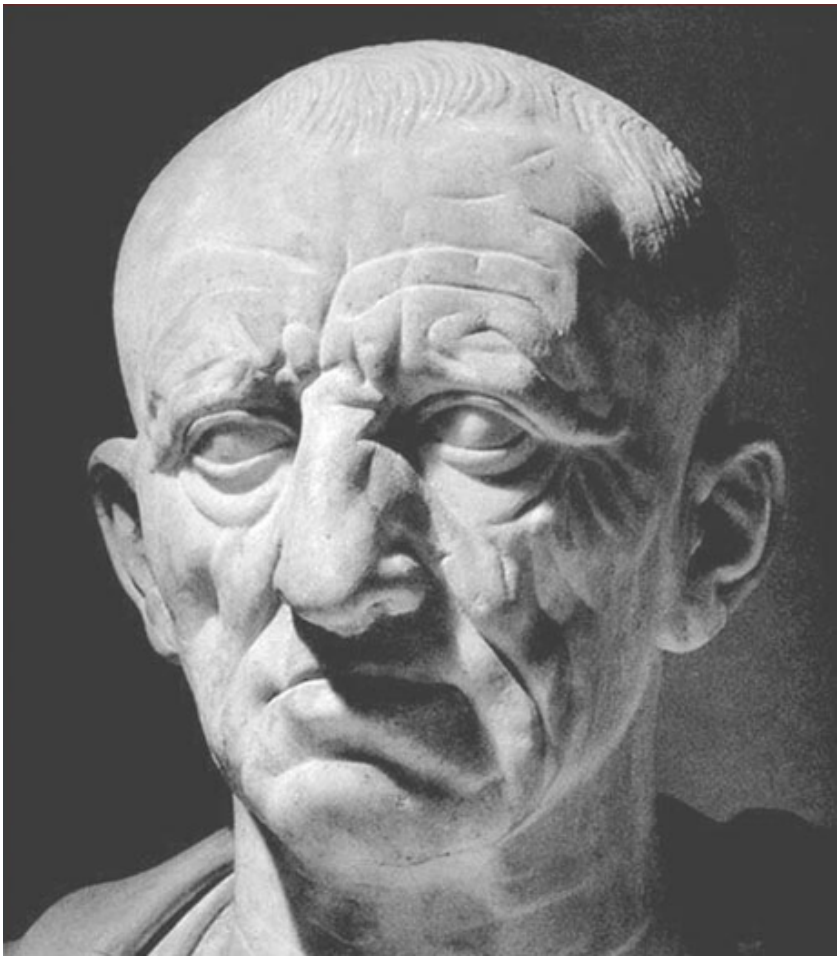

Marcus Porcius Cato (234 BC-149 BC) — Cato the Elder

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ON OLD AGE

INTRODUCTION BY JAMES S. REID

(i.) ORIGIN AND SCOPE.

1. Date and Circumstances of Composition.

The date at which the Cato Maior was written can be determined with almost perfect exactness. A mention in Cicero's work entitled *De Divinatione* shows that the Cato Maior preceded that work by a short time. The *De Divinatione* was written after the assassination of Caesar, that is, after the 15th of March in the year 44. Again, the Cato Maior is mentioned as a recent work in three letters addressed by Cicero to Atticus. The earliest of these letters was written on or about the 12th of May, 44. We shall hardly err, therefore, if we assume that Cicero composed the Cato Maior in April of the year 44. This agrees also with slight indications in the work itself. In the dedicatory introduction Cicero speaks of troubles weighing heavily on himself and Atticus. Any one who reads the letters to Atticus despatched in April, 44, will have little doubt that the troubles hinted at are the apprehensions as to the course of Antonius, from whom Cicero had personally something to fear. Atticus was using all the influence he could bring to bear on Antonius in order to secure Cicero's safety; hence Cicero's care to avoid in the dedication all but the vaguest possible allusions to politics. Had that introduction been written before Caesar's death, we should have had plain allusions (as in the prooemia of the *Academica*, the *De Finibus*, the *Tusculan Disputations*, and the *De Natura Deorum*) to Caesar's dictatorship.

The time was one of desperate gloom for Cicero. The downfall of the old constitution had overwhelmed him with sorrow, and his brief outburst of joy over Caesar's death had been quickly succeeded by disgust and alarm at the proceedings of Antonius. The deep wound caused by his daughter's death was still unhealed. It is easy to catch in the Cato Maior some echoes of his grief for her. When it is said that of all Cato's titles to admiration none is higher than the fortitude he showed in bearing the death of his son, the writer is thinking of

the struggle he himself had been waging against a like sorrow for more than a year past; and when Cato expresses his firm conviction that he will meet his child beyond the grave, we can see Cicero's own yearning for reunion with his deeply loved Tullia.

2. Greek Sources.

All Cicero's philosophical and rhetorical writings were confessedly founded more or less on Greek originals. The stores from which he principally drew in writing the Cato Maior are clearly indicated in several parts of the work. Passages from Xenophon's *Oeconomicus* are translated in Chapters 17 and 22. In Chapters 2 and 3 there is a close imitation of the conversation between Socrates and Cephalus at the beginning of Plato's *Republic*, while in Chapter 21 is reproduced one of the most striking portions of the *Phaedo*, 72 E-73 B, 78-80. The view of the divine origin and destiny of the human soul contained in the passage from the *Phaedo* is rendered by Cicero in many of his works, and was held by him with quite a religious fervor and sincerity.

Besides these instances of special indebtedness Cicero, in composing the Cato Maior, was no doubt under obligations of a more general kind to the Greeks. The form of the dialogue is Greek, and Aristotelian rather than Platonic. But further, it is highly probable that Cicero owed to some particular Greek dialogue on Old Age the general outline of the arguments he there brings forward. Many of the Greek illustrative allusions may have had the same origin, though in many cases Roman illustrations must have been substituted for Greek. Whether the dialogue by Aristo Cius, cursorily mentioned in the Cato Maior, was at all used by Cicero or not it is impossible to determine.

3. Purpose.

The Cato Maior is a popular essay in Ethics, applying the principles of philosophy to the alleviation of one of life's chief burdens, old age. In ancient times, when philosophy formed the real and only religion of the educated class, themes like this were deemed to afford

a worthy employment for the pens even of the greatest philosophers. Such essays formed the only substitute the ancients had for our Sermons. There can be no doubt of Cicero's sincerity when he says that the arguments he sets forth in the treatise had given him real comfort, and the opening words of the dedication show that he meant and hoped to administer the same comfort to his friend Atticus, who indeed acknowledged the benefit he derived from the work. When Cicero wrote the treatise he was himself sixty-two years of age, while his friend was three years older. He speaks, therefore, rather euphemistically when he says that his purpose is to lighten the trouble of an old age which is already close at hand, or at all events approaching.

But in addition to the main ethical purpose, there was, as in many of Cicero's works, a distinct political purpose. He desired to stimulate in his readers an admiration for what he regarded as the golden age of Roman politics, the era of the Punic wars, and to do this by making the contrast between that age and his own appear as striking as possible. A like double purpose is apparent throughout the *De Re Publica*, where Africanus the younger is the chief personage, and in the treatise on Friendship, where Laelius is the central figure. For the dialogue on Old Age M. Porcius Cato the Censor is selected as the principal speaker for two reasons: first, because he was renowned for the vigor of mind and body he displayed in advanced life; and secondly, because in him were conspicuously exhibited the serious simplicity, the unswerving adherence to principle, and the self-sacrificing patriotism which were the ideal Roman virtues, and which Cicero could not find among the politicians of his time.

4. Form and Language.

The Cato Maior, like most of Cicero's philosophical writings, is cast in the form of a dialogue. Among the ancients the dialogue was a common rhetorical device, especially in the presentation of abstruse subjects. The introduction of characters to conduct the discussion gave vividness and clearness to the unfolding of the argument, as well as a kind of dramatic interest to the production. In the Cato Maior and the Laelius, as generally, Cicero followed the plan of

Aristotle's dialogues (now lost) rather than that of the dialogues of Plato. In the former there was more of exposition and less of discussion than in the latter; one person stated his views on some question, and the company in attendance only made occasional remarks without attempting to debate the question. In the latter, although one person, Socrates, is everywhere prominent, others are continually drawn into the discussions, and there is a quick interchange of question and answer. The Aristotelian form was better adapted to Cicero's purposes than the Platonic; the progress of the argument was less interrupted, and thus better opportunity for a symmetrical development of the theme was afforded. Then, too, the former was more popular. The style of Aristotle had been imitated by Theophrastus and many other writers down to Cicero's time, while that of Plato had found hardly any imitators.

The editors of the Cato Maior have generally assumed that Cicero attempted to give an antique coloring to the diction of the dialogue in order to remind readers of Cato's own style. It is only necessary to read a page or two of Cato's *De Re Rustica* to have this illusion dispelled. The only things actually alleged to be archaisms are (1) the use of deponent participles as passives in §§ 4, 59, 74, a thing common enough in Cicero; (2) the occurrence of *quasi* = *quem ad modum* in § 71; (3) of *audaciter* = *audacter* in § 72; (4) of *tuerentur* for *intuerentur* in § 77; (5) of *neutiquam* in § 42; (6) of the nominative of the gerundive governing an accusative case in § 6. In every instance the notes will supply a refutation of the allegation. That Cicero should attempt to write in any style but his own is exceedingly improbable.

5. Personages.

The conversation is supposed to take place between Cato, Scipio Africanus the younger, and Laelius, in the year before Cato's death, *i.e.* 150 B.C., when he was in his eighty-fourth year, Scipio being about 35 and Laelius a few years older.

(1.) *Cato.* M. Porcius Cato was born in 234 B.C. at the ancient Latin town of Tusculum. Little is known of his family except that it was plebeian, and possessed a small patrimony in the territory of the

Sabines, close to the farm of M'. Curius Dentatus, one of Cato's great heroes and models. The heads of the family, so far as memory extended, had distinguished themselves as tough warriors and hardy farmers. Among the Sabines, who even down to the times of the Empire were famed for simplicity of manners and the practice of all the sterner virtues, Cato passed those portions of his life which were not occupied with business of state. From his earliest days he toiled in his own fields, and contented himself with the hardest rustic life. Yet even in his boyhood Cato must have passed intervals at Rome, and seen something of the great statesmen and generals of the time. He seems to have received when young as thorough an education as was possible without learning Greek, such an education as was to be obtained only in the capital. He grew up to manhood in the comparatively quiet period between the first and the second Punic wars; the most exciting event of his younger years must have been the destruction at Clastidium of the vast hordes of Celts who had swept over the northern half of Italy, almost within reach of Rome.

Cato was of the age for military service about the time of the battle of Lake Trasimenus, and entered the army then as a common soldier. The first expedition in which he is definitely said to have taken part is that of Q. Fabius Maximus Cunctator against Hannibal in Campania, in 214. This Roman commander was a man entirely after Cato's heart, and became one of his models in public life.

Before and during the early years of his soldier's life, Cato succeeded in winning some reputation as an orator, having practised first in the provincial courts near his home, and afterwards at Rome. This reputation as well as his great force of character procured for him a powerful life-long friend and patron, M. Valerius Flaccus, a statesman of the old Roman conservative-democratic school of politics, the leader of which was Fabius Cunctator. Through the influence of Flaccus, possibly with the aid of Fabius, Cato became military tribune, and served with that rank under Marcellus in Sicily, under Fabius again at the capture of Tarentum in 209, and under C. Claudius Nero at the battle of the Metaurus, where he contributed materially to that great victory.

In 204 Cato began his political career with the quaestorship. As he was a *novus homo* and a man of small private means, it was no small

distinction that he had forced his way to office in his thirtieth year. The lot assigned him as quaestor to Scipio, then in Sicily and about to cross over into Africa. The chance was most unfortunate, if for no other reason, because Cato was intimately connected with the party in the senate opposed to Scipio, which had been attempting to bring him to trial for the atrocities committed by the Roman army in southern Italy. But in addition the two men were so utterly different that there was no possibility of the quaestor standing in that filial relation to his consul, which old Roman custom required. As financial officer, Cato complained of the luxury and extravagance which Scipio allowed not only to himself but to his army. Yet the complaint was made not so much on economic as on moral grounds; it seemed to Cato that the old Roman discipline and power to endure hardships were being swept away. The dispute was ended by Scipio allowing Cato to return to Rome, some authorities say from Sicily, others from Africa. According to one writer, he came home by way of Sardinia and brought thence with him Ennius the poet.

In 199 Cato was plebeian aedile, and exercised with severity the police jurisdiction pertaining to that office, yet so as to win popular approval, since he was chosen praetor for 198 without the usual interval. The province of Sardinia was entrusted to him, and he strained every nerve to make his government present as strong a contrast as possible with the lax and corrupt administration of the nobles who took Scipio for their pattern. The troops were sternly disciplined, and law-breakers of every kind severely dealt with; in money matters the strictest economy prevailed; all gifts from provincials to Roman officers were forbidden. The praetor, the great representative of Roman power, passed from town to town attended by a single servant.

In 196 Cato was occupied with his canvass for the consulship of the year 195, to which he was elected in company with his friend Flaccus. Cato was the first *novus homo* elected since C. Flaminius, the consul of 217. It is probable, though not certain, that he paved the way to his election by carrying the first of the *leges Porciae*, restricting the right of punishing Roman citizens. During the whole of his career Cato showed a high sense of the importance of the individual *civis Romanus*.

One of the first official acts of the new consul was to deliver a set speech to the people against a proposal to repeal the Oppian law, passed twenty years before, the object of which was to prevent lavish expenditure on dress and adornments, particularly by women. We have a lively report of Cato's speech from Livy's pen, partly founded on the speech as published by Cato himself. The earnest pleading in favor of simple manners and economy failed, after having almost caused an open insurrection on the part of the women.

The two new provinces in Spain, Hispania Citerior and Ulterior, were still in a very unsettled state. The nearer province was made a consular province and assigned to Cato; the praetor who governed the farther province was also placed under Cato's jurisdiction. Before leaving Rome Cato carried a law for protecting the provincials from extortion. During the whole of his year of office he practised with the utmost exactness his principles of purity, simplicity, and economy in public affairs. He is said to have started from his house on the journey to Spain with only three servants, but when he got as far as the forum, it struck him that such an attendance was scarcely worthy of a Roman consul; so he purchased two more slaves on the spot! In the same spirit, before returning he sold his horse that the state might not be at the expense of transporting it to Italy. Cato was no less careful of the revenue than of the expenditure. He largely increased the productiveness of the mines and other property belonging to the state, and all goods captured from the enemy were sold for the benefit of the exchequer. On leaving the province Cato made an unusually large gift to each soldier, saying that it was better for all to bring home silver than for a few to bring home gold. The provincials were thoroughly content with their ruler and ever after looked on him as their best friend. The army was kept in the strictest discipline. Some disorderly conduct of the *equites* was rebuked by Cato in a bitter harangue which he afterwards published. Partly by craft, partly by good leadership in the field, Cato broke the strength of the turbulent natives and returned to enjoy a well-earned triumph. In the same year (194) a brilliant triumph was celebrated by Flamininus.

Scipio, probably uneasy at the great reputations quickly won by Flamininus and Cato, secured his second consulship for the year 194, but failed to achieve anything remarkable. Cato probably spent the

three years after his return for the most part at his Sabine farm. When the war against Antiochus broke out, he took service along with his friend Flaccus on the staff of the consul Glabrio, and by a difficult march over the mountains broke in on the king's rear, and so was chiefly instrumental in winning the great battle of Thermopylae, by which Antiochus was driven out of Greece. Immediately after the battle Cato returned home with despatches. We have dim and uncertain information that he took the field once or twice again, but his career as a soldier was practically ended.

From this time to his death, forty years later, Cato was the leading figure on the stage of Roman politics. In season and out of season he attacked abuses or innovations in speeches addressed to the senate, the people, or the courts. Soon after his return from Thessaly he struck a heavy blow at the unrepublican honor-hunting among the magistrates, of which the example had been set by P. Scipio Africanus. Most provincial governors drove their subjects into war, sent lying despatches home about their victories, and claimed a triumph. In 190 Cato attacked with success the proposal to grant a triumph to Q. Minucius Thermus, who had already triumphed over the Spaniards as praetor, and after his consulship in 193 had fought against the Ligurians. Cato's next victim was his former commander M'. Acilius Glabrio, who came forward at the same time with Cato, Marcellus (a son of the captor of Syracuse), L. Cornelius Scipio Nasica, T. Quinctius Flamininus (the conqueror of Macedonia) and Cato's friend L. Valerius Flaccus, as candidate for the censorship of 189. Cato by his violent speeches procured the trial of Glabrio for appropriating the plunder captured in Thessaly, and himself gave evidence concerning some property which had disappeared. Glabrio denounced Cato as a perjurer, but yet retired from his candidature. On this occasion Cato and Flaccus failed, Marcellus being elected as plebeian and Flamininus as patrician censor.

In the next year (188) Cato acted in the senate with the party which tried unsuccessfully to refuse the triumph to the two consuls of 189, M. Fulvius Nobilior and Cn. Manlius Vulso, the former of whom had gained none but trifling advantages over the Aetolians, while the latter had disgraced the Roman name by making war without authorization upon the Gauls of Asia Minor, and had also

suffered a humiliating defeat from some Thracian robber bands on his homeward march. Not disheartened by ill success, Cato and his friends determined to strike at higher game. L. Scipio Asiaticus (or Asiagenus), the brother of Africanus, was asserted in the senate to have appropriated 3000 talents of public money when in command against Antiochus. Legal proceedings were taken not only against Asiaticus, but against Africanus, who behaved with great violence and arrogance. In the end Africanus withdrew to his country estate, while his brother was condemned to pay a heavy fine. A death-stroke had been given to the almost kingly authority of Africanus, who never again showed his face in Rome. The proceedings against the Scipios seem to have begun in 187 and not to have been completed before 185.

Nearly twenty years had passed since the conflict between Cato and Scipio began, and now it had ended in a complete triumph for Cato. But the new modes of which Scipio was the chief patron were too strong to be conquered, and Cato spent the rest of his life in fighting a hopeless battle against them, though he fought for a time with the strongest weapons that the constitution supplied. In 184 he was censor along with Flaccus, who seems to have allowed his colleague full liberty of action. Every portion of the censor's duty was carried out on the most severe and 'old Roman' principles. Seven senators were degraded, among them L. Flamininus, an ex-consul and brother of the 'liberator of the Hellenes,' for serious misconduct, also Manilius, an ex-praetor, for no worse offence than that of having kissed his wife in presence of his daughter. M. Furius Purpurio, who had actually competed with Cato for the censorship, was punished for diverting a public aqueduct for his private advantage. Flaccus was named leader of the senate in the place of Scipio Africanus, now dead.

On reviewing the *equites*, Cato removed from that body L. Scipio and many others on various charges: this one had allowed himself to grow too fat for horsemanship; that had failed to groom his horse properly; another had neglected his farm; another again had made an untimely jest on the occasion of the review itself. With the ordinary citizens Cato dealt just as harshly. In his censorian edict he sharply reproved the extravagance prevalent at private feasts. All articles of

luxury, such as slaves purchased at fancy prices, luxurious clothing, carriages, statues, and pictures were rendered liable to heavy taxation. In this way Cato revenged himself for the repeal of the Oppian law.

In looking after the property and income of the state Cato followed the same principles he had acted on in Spain. He reduced the expenditure on public works as far as possible, and took care to sell at the full price the right to collect the revenue. Encroachments on the property of the nation were severely punished.

Not by acts only, but by constant speeches, full at once of grimness and humor, did Cato struggle against the degeneracy of his time. He concluded his period of office with a self-laudatory harangue, and assumed the title *Censorius*, while his statue was placed in the temple of the goddess Salus with an inscription affirming that he had reformed the Roman nation.

But in a very brief time all trace of Cato's activity as censor was swept away, except that afforded by the numerous life-long quarrels in which he had involved himself. In less than two years one of his victims, Purpurio, was employed by the senate on a high political mission, while another, L. Flamininus, sat among the senators at the games in defiance of Cato's sentence. Yet Cato remained by far the most powerful member of the senate. Titus Flamininus, his only important rival, quickly passed out of notice. So far as there was any democratic opposition to the senatorial oligarchy, Cato was the leader of that opposition for the remainder of his life. But at that period no great political movements agitated the state within; nearly the whole interest of the time was centred in the foreign relations of Rome. On matters of foreign policy Cato offered but little opposition to the prevailing tendencies of the age, though on particular occasions he exercised great influence. But his voice was at all times loudly heard on all questions of morality and public order. He supported the *lex Furia* and the *lex Voconia*, the object of which was to prevent the dissipation of family property, and the *lex Orchia*, directed against extravagant expenditure on feasts, also the *lex Baebia de ambitu*, the first serious attempt to check bribery. We hear also that Cato bitterly attacked Lepidus, censor in 180, for erecting a

permanent theatre in place of the movable booths before used. The building was actually pulled down. We are told that from time to time he denounced the misdoings of provincial governors. In 171 he was one of a commission of five for bringing to justice three ex-praetors who had practised all manner of corruption in Spain. Almost the last act of his life was to prosecute Galba for cruel misgovernment of the Lusitanians. The titles of Cato's speeches show that he played a great part in the deliberations of the senate concerning foreign affairs, but as his fighting days were over and he was unfitted for diplomacy, we have little explicit evidence of his activity in this direction. At the end of the third Macedonian war he successfully opposed the annexation of Macedonia. He also saved from destruction the Rhodians, who during the war had plainly desired the victory of Perseus, and in the early days, when the Roman commanders had ill success, had deeply wounded the whole Roman nation by an offer to mediate between them and the king of Macedon.

Cato had all his life retained his feeling of enmity to the Carthaginians, whom Scipio, he thought, had treated too tenderly. In 150 he was one of an embassy sent to Carthage, and came back filled with alarm at the prosperity of the city. It is said that whatever was the subject on which he was asked for his opinion in the senate, he always ended his speech with '*ceterum censeo delendam esse Carthaginem*' P. Scipio Nasica, the son-in-law of Africanus, and the representative of his policy, always shouted out the opposite opinion, thinking that the fear of Carthage had a salutary effect on the Roman populace at large. But the ideas of Cato prevailed, and a cruel policy, carried out with needless brutality, led to the extinction of Rome's greatest rival. Cato did not live to see the conclusion of the war; he died in 149, at the age of 84 or 85 years, having retained his mental and physical vigor to the last. He had two sons, one by his first wife, and one by his second wife, born when Cato was 80 years of age. The elder son, to whom many of Cato's works were addressed, died as praetor-elect, before his father. The other was grandfather of Cato Uticensis.

The literary activity of the old censor was great, though his leisure was small. In Cicero's time a collection of 150 speeches was still

extant. The titles of about 90 are still known to us, and of some we possess a few fragments. Cato's greatest work, however, was his *Origines*, the first real historical work written in Latin. His predecessors had been merely compilers of chronicles. The work was founded on laborious investigations, and comprised the history of Rome from the earliest times perhaps down to 150 B.C., as well as notices of the history of other important Italian states. Further, Cato wrote of Agriculture, to which he was enthusiastically devoted. We still have his *De Re Rustica*, a collection of maxims loosely strung together. He also composed works on law; a sort of educational encyclopaedia for his son; and a collection of witty sayings, Αποφθεγματα, drawn from Greek as well as from Roman sources.

Plutarch seems to have known a collected edition of the pungent and proverbial utterances for which the censor was famous, and for which (not for any knowledge of philosophy) he received the title of *sapiens* ('shrewd') which he bore at the end of his life. This edition, however, was not compiled by Cato himself.

In view of Cicero's treatise, the Cato Maior, it is necessary to say something of Cato's relations with the Greeks and Greek literature. The ancients give us merely vague statements that he only began to learn Greek 'in his old age.' The expression must be liberally interpreted if, as seems clear, the whole of his writings showed the influence of Greek literature. It is certain, however, that he thoroughly detested the Greek nation. This hatred was shown in acts more than once. No doubt Cato was at least a consenting party to the expulsion from Rome of Greek teachers in 161 B.C. When in 155 the famous embassy came from Athens consisting of Carneades the Academic, Critolaus the Peripatetic and Diogenes the Stoic, Cato was a prime mover of the decree by which they were removed from the city. Socrates was one of Cato's favorite marks for jests. And this is the man into whose mouth Cicero puts the utterances, but slightly veiled, of Greek wisdom!

(2.) *Scipio*. P. Cornelius Scipio Africanus, the younger, was no blood relation of the conqueror of Hannibal, but the adopted son of his son. It must be remembered, however, that adoption was much more formal and binding, and produced much closer ties in ancient than in modern times. The elder Africanus was unfortunate in his

sons. The younger of these attained to the praetorship in 174, but was immediately driven from the senate by the censors of that year on account of his disreputable life. The elder was an invalid, who never held any office except that of augur, and died at an early age. He adopted the son of L. Aemilius Paulus, the victor of Pydna; the adopted son bore the name Aemilianus in memory of his origin. Cato's son married a daughter of Paulus, so that the censor was brought into relationship with the Cornelii, whose most illustrious representative he had hated and attacked.

The young Scipio was born about 185, and when scarce 17 years old fought with daring bravery at Pydna. While still very young he showed a great devotion to study, which he retained through life. He was a thorough partisan of the new Greek learning, and grouped around him in friendship all the leaders of the Hellenistic movement. Among his dearest friends were Polybius, the Greek statesman and historian, and later Panaetius, the Stoic. In 151 B.C. when the consuls found it difficult to enlist officers and men for service in Spain, where great defeats had been suffered, Scipio volunteered, and served with great distinction as military tribune. When the war with Carthage broke out he held the same rank, and shone by comparison with his blundering superior officers. Coming to Rome in 148 he stood for the aedileship, but was elected consul for the year 147, and again for 146, when he finished the war. He is said to have grieved over the fate of Carthage, and to have dreaded any further increase of the Roman territory. In 142 Scipio was censor, and acted with almost Catonian severity. In 134, though not a candidate, he was elected to the consulship and put in command of the Roman army then besieging the city of Numantia in Spain. The war, of which this siege formed a part, had been going on for some years most disastrously for the Romans, but Scipio speedily brought it to a conclusion in 133. While before Numantia he received news of the murder of Ti. Gracchus, whose sister he had married and whose cousin he had become by adoption, but whose policy he had on the whole opposed, though he had occasionally coquetted with the democrats. This course cost him the favor of the people, and when in 131 he desired to conduct the war against Aristonicus, only two of the thirty-five tribes voted for his appointment. In 129, after a violent scene in the

senate, where he had opposed the carrying out of Ti. Gracchus' agrarian law, he was triumphantly escorted home by a crowd, composed chiefly of Italians whose interests had been threatened by the law. Next morning he was found dead in his bed. Opinion as to the cause of his death was divided at the time and so remained. In the *Laelius* the death is assumed to have been from natural causes. Elsewhere, however, Cicero adopts the view of many of Scipio's friends that he was murdered by Carbo. Carbo afterwards lent color to the suspicions by putting himself to death, in order, as was supposed, to avoid a direct prosecution. In ancient times even C. Gracchus was suspected of having thus avenged his brother's death, but no modern scholar of any rank has countenanced the suspicion.

Whether the degree of intimacy between Cato and Scipio, which Cicero assumes, ever existed or not, cannot be determined. There was much in Scipio that would attract Cato. Unlike the elder Africanus, he was severe and simple in his outward life, and though a lover of Greek and Greeks, yet attached to all that was best in the old Roman character and polity. Though an opponent of revolution, he was far from being a partisan of the oligarchy. Altogether, of all Romans, he most nearly deserved the description, 'ανηρ τετραγωνος ανευ ψογου,' 'a man four-square without reproach.' In his *De Re Publica*, Cicero points to Scipio as the ideal statesman, and often elsewhere eulogizes him as an almost perfect Roman.

(3.) *Laelius*. Gaius Laelius, born about 186, was Scipio's most distinguished officer before Carthage, and his most intimate friend throughout life. The friendship of the two was one of the most famous in antiquity, and is celebrated in the *Laelius*. Laelius was an able speaker, writer and soldier, and devoted to Greek learning, particularly to the Stoic philosophy. He is with Cicero the type of a man of culture. He, too, is one of the interlocutors in the *De Re Publica*.

(ii.) SUBJECT-MATTER.

1. *General View*.

The Cato Maior falls naturally into three parts: —

Preliminary, dedication to Atticus, §§ 1-3;

Introductory Conversation, 4-9;

Cato's Defence of Old Age, 10-85.

After § 9 Cato continues to express his views on old age without interruption to the end, and the dialogue thus becomes really a monologue.

2. *Analysis.*

Preliminary ... 1-3.

Cicero, addressing Atticus, states his purpose in writing the book and the effect of the work on himself (1, 2), the reasons for putting the sentiments on old age into the mouth of Cato, and the circumstances of the supposed conversation (3).

Introductory Conversation ... 4-9.

Scipio declares his admiration of Cato's vigorous and happy old age. Cato replies that the secret lies in following the guidance of Nature (4, 5). Laelius then asks Cato to point out the road to such an old age as his own (6). This the old man promises to do, but first remarks that the faults charged against old age are generally due to defects of character (7). Laelius suggests that prosperity makes Cato's declining years pleasant. Cato admits that there may be some truth in this, but maintains that right character alone can make old age tolerable (8, 9).

Cato's Defence of Old Age ... 10-85.

A. Introductory argument from fact. Account of celebrated old men whose lives till death were useful and happy ... 10-14

(a). Fabius Maximus ... 10-12
(b). Plato; (c). Isocrates; (d). Gorgias ... 13
(e). Ennius ... 14

B. Refutation of charges made against old age ... 15-85

Statement of the four charges commonly made against old age: it withdraws men from active life, it weakens the physical powers, it takes away capacity for enjoyment, and it involves the anticipation of death ... 15

A. Refutation of the first charge, that old age withdraws from active life.

(a). There are employments suited to old age which are as

necessary to the well-being of society as those which require greater physical powers ... 15-20

(b). The special objection that old men have weak memories is answered by showing that this is due either to an original defect or to insufficient exercise ... 21-22

(c). Argument from fact: instances of old men in public and in private life who till death were actively at work ... 23-26

B. Rebuttal of the second charge, that old age weakens the physical powers.

(a). Old age does not desire nor require the strength of youth, because it may exert influence through other means. Instances cited to show this ... 27-32

(b). Temperate habits will retain a good measure of strength till old age (33, 34); many instances of weakness in old age may be attributed to ill-health, which is common to all periods of life (35); proper care will greatly retard decay ... 33-38

C. Refutation of the third charge, that old age takes away the capacity for enjoyment

(a). The pleasures in which youth finds its keenest enjoyment are in themselves bad, and old age is beneficent in freeing from their allurements ... 39-44

(b). Old age has pleasures far more refined and satisfying than those of sense ... 45-64
Such as, those of conversation and literature (45-50); especially those of agriculture (51-61); and lastly, the exercise of influence, which old age will always possess if a rightly spent youth has preceded ...
(62-64).

(c). The special objection that old men's tempers spoil their enjoyments is met by the statement that this is the fault of character, not of age ... 65

D. Refutation of the fourth charge, that old age is unhappy because it involves the anticipation of death.

(a). Since the right aim of life is to live not long but well, death ought not to be dreaded at any age ... 66-69

(b). Old men, especially those of learning and culture, ought not to fear death ... 70-76
Because, that which is according to nature is good, and it is natural for old men to die (70-73); the process of dying is brief and almost painless (74); even young men and those without learning often set the example of despising death (75); and old age, just as the other periods of life, has finally its season of ripeness and satiety (76).

(c). Death is probably the gateway to a happy immortality ... 77-85
Tending towards proof of this are the arguments stated in Plato; viz. the rapidity of the mind's action, its powers of memory and invention, its self-activity, indivisible nature and pre-existence (78); also the arguments, attributed to Cyrus, based upon the soul's immateriality, the posthumous fame of great men and the likeness of death to sleep (79-81); the instinctive belief in immortality, so strong as even to form an incentive for action (82); and, finally, the speaker's own longing after immortality and hope of union with those whom he once knew and loved (83-85).

ON OLD AGE

And should my service, Titus, ease the weight
Of care that wrings your heart, and draw the sting
Which rankles there, what guerdon shall there he?

1. FOR I may address you, Atticus, in the lines in which Flamininus was addressed by the man,

who, poor in wealth, was rich in honour's gold,
though I am well assured that you are not, as Flamininus was,
kept on the rack of care by night and day.

For I know how well ordered and equable your mind is, and am fully aware that it was not a surname alone which you brought home with you from Athens, but its culture and good sense. And yet I have an idea that you are at times stirred to the heart by the same circumstances as myself. To console you for these is a more serious matter, and must be put off to another time. For the present I have resolved to dedicate to you an essay on Old Age. For from the burden of impending or at least advancing age, common to us both, I would do something to relieve us both though as to yourself I am fully aware that you support and will support it, as you do everything else, with calmness and philosophy. But directly I resolved to write on old age, you at once occurred to me as deserving a gift of which both of us might take advantage. To myself, indeed, the composition of this book has been so delightful, that it has not only wiped away all the disagreeables of old age, but has even made it luxurious and delightful too. Never, therefore, can philosophy be praised as highly as it deserves considering that its faithful disciple is able to spend every period of his life with unruffled feelings. However, on other subjects I have spoken at large, and shall often speak again: this hook which I herewith send you is on Old Age. I have put the whole discourse not, as Alisto of Cos did, in the mouth of Tithonus — for a mere fable would have lacked conviction — but in that of Marcus Cato when he was an old man, to give my essay greater weight. I

represent Laelius and Scipio at his house expressing surprise at his carrying his years so lightly, and Cato answering them. If he shall seem to shew somewhat more learning in this discourse than he generally did in his own books, put it down to the Greek literature of which it is known that he became an eager student in his old age. But what need of more? Cato's own words will at once explain all I feel about old age.

M. Cato. Publius Cornelius Scipio Africanus (the younger). Gaius Laelius.

2. *Scipio*. Many a time have I in conversation with my friend Gaius Laelius here expressed my admiration, Marcus Cato, of the eminent, nay perfect, wisdom displayed by you indeed at all points, but above everything because I have noticed that old age never seemed a burden to you, while to most old men it is so hateful that they declare themselves under a weight heavier than Aetna.

Cato. Your admiration is easily excited, it seems, my dear Scipio and Laelius. Men, of course, who have no resources in themselves for securing a good and happy life find every age burdensome. But those who look for all happiness from within can never think anything had which nature makes inevitable. In that category before anything else comes old age, to which all wish to attain, and at which all grumble when attained. Such is Folly's inconsistency and unreasonableness! They say that it is stealing upon them faster than they expected. In the first place, who compelled them to hug an illusion? For in what respect did old age steal upon manhood faster than manhood upon childhood? In the next place, in what way would old age have been less disagreeable to them if they were in their eight-hundredth year than in their eightieth? For their past, however long, when once it was past, would have no consolation for a stupid old age. Wherefore, if it is your wont to admire my wisdom — and I would that it were worthy of your good opinion and of my own surname of Sapiens — it really consists in the fact that I follow Nature, the best of guides, as I would a god, and am loyal to her commands. It is not likely, if she has written the rest of the play well, that she has been careless about the last act like some idle poet. But after all some "last" was inevitable, just as to the berries of a tree and the fruits of the earth there comes in the fulness of time a period of

decay and fall. A wise man will not make a grievance of this. To rebel against nature — is not that to fight like the giants with the gods?

Laelius. And yet, Cato, you will do us a very great favour (I venture to speak for Scipio as for myself) if — since we all hope, or at least wish, to become old men — you would allow us to learn from you in good time before it arrives, by what methods we may most easily acquire the strength to support the burden of advancing age.

Cato. I will do so without doubt, Laelius, especially if, as you say, it will be agreeable to you both.

Laelius We do wish very much, Cato, if it is no trouble to you, to be allowed to see the nature of the bourne which you have reached after completing a long journey, as it were, upon which we too are bound to embark.

3. *Cato*. I will do the best I can, Laelius. It has often been my fortune to bear the complaints of my contemporaries — like will to like, you know, according to the old proverb — complaints to which men like C. Salinator and Sp. Albinus, who were of consular rank and about my time, used to give vent. They were, first, that they had lost the pleasures of the senses, without which they did not regard life as life at all; and, secondly, that they were neglected by those from whom they had been used to receive attentions. Such men appear to me to lay the blame on the wrong thing. For if it had been the fault of old age, then these same misfortunes would have befallen me and all other men of advanced years. But I have known many of them who never said a word of complaint against old age; for they were only too glad to be freed from the bondage of passion, and were not at all looked down upon by their friends. The fact is that the blame for all complaints of that kind is to be charged to character, not to a particular time of life. For old men who are reasonable and neither cross-grained nor churlish find old age tolerable enough: whereas unreason and churlishness cause uneasiness at every time of life.

Laelius It is as you say, Cato. But perhaps some one may suggest that it is your large means, wealth, and high position that make you think old age tolerable: whereas such good fortune only falls to few.

Cato. There is something in that, Laelius, but by no means all. For instance, the story is told of the answer of Themistocles in a wrangle with a certain Seriphian, who asserted that he owed his brilliant position to the reputation of his country, not to his own. "If I had been a Seriphian," said he, "even I should never have been famous, nor would you if you had been an Athenian." Something like this may be said of old age. For the philosopher himself could not find old age easy to bear in the depths of poverty, nor the fool feel it anything but a burden though he were a millionaire. You may be sure, my dear Scipio and Laelius, that the arms best adapted to old age are culture and the active exercise of the virtues. For if they have been maintained at every period — if one has lived much as well as long — the harvest they produce is wonderful, not only because they never fail us even in our last days (though that in itself is supremely important), but also because the consciousness of a well-spent life and the recollection of many virtuous actions are exceedingly delightful.

4. Take the case of Q. Fabius Maximus, the man, I mean, who recovered Tarentum. When I was a young man and he an old one, I was as much attached to him as if he had been my contemporary. For that great man 5 serious dignity was tempered by courteous manners, nor had old age made any change in his character. True, he was not exactly an old man when my devotion to him began, yet he was nevertheless well on in life; for his first consulship fell in the year after my birth. When quite a stripling I went with him in his fourth consulship as a soldier in the ranks, on the expedition against Capua, and in the fifth year after that against Tarentum. Four years after that I was elected Quaestor, holding office in the consulship of Tuditanus and Cethegus, in which year, indeed, he as a very old man spoke in favour of the Cincian law "on gifts and fees."

Now this man conducted wars with all the spirit of youth when he was far advanced in life, and by his persistence gradually wearied out Hannibal, when rioting in all the confidence of youth. How brilliant are those lines of my friend Ennius on him!

> For us, down beaten by the storms of fate,
> One man by wise delays restored the State.
> Praise or dispraise moved not his constant mood,

True to his purpose, to his country's good!
Down ever-lengthening avenues of fame
Thus shines and shall shine still his glorious name.

Again what vigilance, what profound skill did he show in the capture of Tarentum! It was indeed in my hearing that he made the famous retort to Salinator, who had retreated into the citadel after losing the town: "It was owing to me, Quintus Fabius, that you retook Tarentum." "Quite so," he replied with a laugh; "for had you not lost it, I should never have recovered it." Nor was he less eminent in civil life than in war. In his second consulship, though his colleague would not move in the matter, he resisted as long as he could the proposal of the tribune C. Flaminius to divide the territory of the Picenians and Gauls in free allotments in defiance of a resolution of the Senate. Again, though he was an augur, he ventured to say that whatever was done in the interests of the State was done with the best possible auspices, that any laws proposed against its interest were proposed against the auspices. I was cognisant of much that was admirable in that great man, but nothing struck me with greater astonishment than the way in which he bore the death of his son — a man of brilliant character and who had been consul. His funeral speech over him is in wide circulation, and when we read it, is there any philosopher of whom we do not think meanly? Nor in truth was he only great in the light of day and in the sight of his fellow-citizens; he was still more eminent in private and at home. What a wealth of conversation! What weighty maxims! What a wide acquaintance with ancient history! What an accurate knowledge of the science of augury! For a Roman, too, he had a great tincture of letters. He had a tenacious memory for military history of every sort, whether of Roman or foreign wars. And I used at that time to enjoy his conversation with a passionate eagerness, as though I already divined, what actually turned out to be the case, that when he died there would be no one to teach me anything.

5. What then is the purpose of such a long disquisition on Maximus? It is because you now see that an old age like his cannot conscientiously be called unhappy. Yet it is after all true that everybody cannot be a Scipio or a Maximus, with stormings of cities, with battles by land and sea, with wars in which they themselves

commanded, and with triumphs to recall. Besides this there is a quiet, pure, and cultivated life which produces a calm and gentle old age, such as we have been told Plato's was, who died at his writing-desk in his eighty-first year; or like that of Isocrates, who says that he wrote the book called The Panegyric in his ninety-fourth year, and who lived for five years afterwards; while his master Gorgias of Leontini completed a hundred and seven years without ever relaxing his diligence or giving up work. When some one asked him why he consented to remain so long alive—"I have no fault," said he, "to find with old age." That was a noble answer, and worthy of a scholar. For fools impute their own frailties and guilt to old age, contrary to the practice of Ennui, whom I mentioned just now. In the lines —

Like some brave steed that oft before
The Olympic wreath of victory bore,
Now by the weight of years oppressed,
Forgets the race, and takes his rest —

he compares his own old age to that of a high-spirited and successful race-horse. And him indeed you may very well remember. For the present consuls Titus Flamininus and Manius Acilius were elected in the nineteenth year after his death; and his death occurred in the consulship of Caepio and Philippus, the latter consul for the second time: in which year I, then sixty-six years old, spoke in favour of the Voconian law in a voice that was still strong and with lungs still sound; while be, though seventy years old, supported two burdens considered the heaviest of all — poverty and old age — in such a way as to be all but fond of them.

The fact is that when I come to think it over, I find that there are four reasons for old age being thought unhappy: First, that it withdraws us from active employments; second, that it enfeebles the body; third, that it deprives us of nearly all physical pleasures; fourth, that it is the next step to death. Of each of these reasons, if you will allow me, let us examine the force and justice separately.

6. OLD AGE WITHDRAWS US FROM ACTIVE EMPLOYMENTS. From which of them? Do you mean from those carried on by youth and bodily strength? Are there then no old men's employments to be after all conducted by the intellect, even when bodies are weak? So then Q. Maximus did nothing; nor L. Aemilius

— our father, Scipio, and my excellent son's father-in-law! So with other old men — the Fabricii, the Guru and Coruncanii — when they were supporting the State by their advice and influence, they were doing nothing! To old age Appius Claudius had the additional disadvantage of being blind; yet it was he who, when the Senate was inclining towards a peace with Pyrrhus and was for making a treaty, did not hesitate to say what Ennius has embalmed in the verses:

Whither have swerved the souls so firm of yore?
Is sense grown senseless? Can feet stand no more?

And so on in a tone of the most passionate vehemence. You know the poem, and the speech of Appius himself is extant. Now, he delivered it seventeen years after his second consulship, there having been an interval of ten years between the two consulships, and he having been censor before his previous consulship. This will show you that at the time of the war with Pyrrhus he was a very old man. Yet this is the story handed down to us.

There is therefore nothing in the arguments of those who say that old age takes no part in public business. They are like men who would say that a steersman does nothing in sailing a ship, because, while some of the crew are climbing the masts, others hurrying up and down the gangways, others pumping out the bilge water, he sits quietly in the stern holding the tiller. He does not do what young men do; nevertheless he does what is much more important and better. The great affairs of life are not performed by physical strength, or activity, or nimbleness of body, but by deliberation, character, expression of opinion. Of these old age is not only not deprived, but, as a rule, has them in a greater degree. Unless by any chance I, who as a soldier in the ranks, as military tribune, as legate, and as consul have been employed in various kinds of war, now appear to you to be idle because not actively engaged in war. But I enjoin upon the Senate what is to be done, and how. Carthage has long been harbouring evil designs, and I accordingly proclaim war against her in good time. I shall never cease to entertain fears about her till I bear of her having been levelled with the ground. The glory of doing that I pray that the immortal gods may reserve for you, Scipio, so that you may complete the task begun by your grand-father, now dead more than thirty-two years ago; though all years to come will keep that

great man's memory green. He died in the year before my censorship, nine years after my consulship, having been returned consul for the second time in my own consulship. If then he had lived to his hundredth year, would he have regretted having lived to be old? For he would of course not have been practising rapid marches, nor dashing on a foe, nor hurling spears from a distance, nor using swords at close quarters — but only counsel, reason, and senatorial eloquence. And if those qualities had not resided in us *seniors*, our ancestors would never have called their supreme council a Senate. At Sparta, indeed, those who hold the highest magistracies are in accordance with the fact actually called "elders." But if you will take the trouble to read or listen to foreign history, you will find that the mightiest States have been brought into peril by young men, have been supported and restored by old. The question occurs in the poet Naevius's *Sport*:

> Pray, who are those who brought your State
> With such despatch to meet its fate?

There is a long answer, but this is the chief point:

> A crop of brand-new orators we grew,
> And foolish, paltry lads who thought they knew.

For of course rashness is the note of youth, prudence of old age.

7. But, it is said, memory dwindles. No doubt, unless you keep it in practice, or if you happen to be somewhat dull by nature. Themistocles had the names of all his fellow-citizens by heart. Do you imagine that in his old age he used to address Aristides as Lysimachus? For my part, I know not only the present generation, but their fathers also, and their grandfathers. Nor have I any fear of losing my memory by reading tombstones, according to the vulgar superstition. On the contrary, by reading them I renew my memory of those who are dead and gone. Nor, in point of fact, have I ever heard of any old man forgetting where he had hidden his money. They remember everything that interests them: when to answer to their bail, business appointments, who owes them money, and to

whom they owe it. What about lawyers, pontiffs, augurs, philosophers, when old? What a multitude of things they remember! Old men retain their intellects well enough, if only they keep their minds active and fully employed. Nor is that the case only with men of high position and great office: it applies equally to private life and peaceful pursuits. Sophocles composed tragedies to extreme old age; and being believed to neglect the care of his property owing to his devotion to his art, his sons brought him into court to get a judicial decision depriving him of the management of his property on the ground of weak intellect — just as in our law it is customary to deprive a paterfamilias of the management of his property if he is squandering it. There — upon the old poet is said to have read to the judges the play he had on hand and had just composed — the *Oedipus Coloneus* — and to have asked them whether they thought that the work of a man of weak intellect. After the reading he was acquitted by the jury. Did old age then compel this man to become silent in his particular art, or Homer, Hesiod, Simonides, or Isocrates and Gorgias whom I mentioned before, or the founders of schools of philosophy, Pythagoras, Democritus, Plato, Xenocrates, or later Zeno and Cleanthus, or Diogenes the Stoic, whom you too saw at Rome? Is it not rather the case with all these that the active pursuit of study only ended with life?

But, to pass over these sublime studies, I can name some rustic Romans from the Sabine district, neighbours and friends of my own, without whose presence farm work of importance is scarcely ever performed — whether sowing, or harvesting or storing crops. And yet in other things this is less surprising; for no one is so old as to think that he may not live a year. But they bestow their labour on what they know does not affect them in any case:

He plants his trees to serve a race to come,

as our poet Statius says in his Comrades. Nor indeed would a farmer, however old, hesitate to answer any one who asked him for whom he was planting: “For the immortal gods, whose will it was that I should not merely receive these things from my ancestors, but should also hand them on to the next generation.”

8. That remark about the old man is better than the following:

If age brought nothing worse than this,
It were enough to mar our bliss,
That he who bides for many years
Sees much to shun and much for tears.

Yes, and perhaps much that gives him pleasure too. Besides, as to subjects for tears, he often comes upon them in youth as well.

A still more questionable sentiment in the same Caecilius is:

No greater misery can of age be told
Than this: be sure, the young dislike the old.

Delight in them is nearer the mark than dislike. For just as old men, if they are wise, take pleasure in the society of young men of good parts, and as old age is rendered less dreary for those who are courted and liked by the youth, so also do young men find pleasure in the maxims of the old, by which they are drawn to the pursuit of excellence. Nor do I perceive that you find my society less pleasant than I do yours. But this is enough to show you how, so far from being listless and sluggish, old age is even a busy time, always doing and attempting something, of course of the same nature as each man's taste had been in the previous part of his life. Nay, do not some even add to their stock of learning? We see Solon, for instance, boasting in his poems that he grows old "daily learning something new." Or again in my own case, it was only when an old man that I became acquainted with Greek literature, which in fact I absorbed with such avidity — in my yearning to quench, as it were, a long-continued thirst — that I became acquainted with the very facts which you see me now using as precedents. When I heard what Socrates had done about the lyre I should have liked for my part to have done that too, for the ancients used to learn the lyre but, at any rate, I worked hard at literature.

9. Nor, again, do I now MISS THE BODILY STRENGTH OF A YOUNG MAN (for that was the second point as to the disadvantages of old age) any more than as a young man I missed the strength of a bull or an elephant. You should use what you have, and whatever you may chance to be doing, do it with all your might. What could be

weaker than Milo of Croton's exclamation? When in his old age he was watching some athletes practising in the course, he is said to have looked at his arms and to have exclaimed with tears in his eyes: "Ah well! these are now as good as dead." Not a bit more so than yourself, you trifler! For at no time were you made famous by your real self, but by chest and biceps. Sext. Aelius never gave vent to such a remark, nor, many years before him, Titus Coruncanius, nor, more recently, P. Crassus — all of them learned juris-consults in active practice, whose knowledge of their profession was maintained to their last breath. I am afraid an orator does lose vigour by old age, for his art is not a matter of the intellect alone, but of lungs and bodily strength. Though as a rule that musical ring in the voice even gains in brilliance in a certain way as one grows old — certainly I have not yet lost it, and you see my years. Yet after all the style of speech suitable to an old man is the quiet and unemotional, and it often happens that the chastened and calm delivery of an old man eloquent secures a hearing. If you cannot attain to that yourself, you might still instruct a Scipio and a Laelius. For what is more charming than old age surrounded by the enthusiasm of youth? Shall we not allow old age even the strength to teach the young, to train and equip them for all the duties of life? And what can be a nobler employment? For my part, I used to think Publius and Gnaeus Scipio and your two grandfathers, L. Aemilius and P. Africanus, fortunate men when I saw them with a company of young nobles about them. Nor should we think any teachers of the fine arts otherwise than happy, however much their bodily forces may have decayed and failed. And yet that same failure of the bodily forces is more often brought about by the vices of youth than of old age; for a dissolute and intemperate youth hands down the body to old age in a worn-out state. Xenophon's Cyrus, for instance, in his discourse delivered on his death-bed and at a very advanced age, says that he never perceived his old age to have become weaker than his youth had been. I remember as a boy Lucius Metellus, who having been created Pontifex Maximus four years after his second consulship, held that office twenty-two years, enjoying such excellent strength of body in the very last hours of his life as not to miss his youth. I need not speak of myself; though that indeed is an old man's way and is

generally allowed to my time of life. Don't you see in Homer how frequently Nestor talks of his own good qualities? For he was living through a third generation; nor had he any reason to fear that upon saying what was true about himself he should appear either over vain or talkative. For, as Homer says, "from his lips flowed discourse sweeter than honey," for which sweet breath he wanted no bodily strength. And yet, after all, the famous leader of the Greeks nowhere wishes to have ten men like Ajax, but like Nestor: if he could get them, he feels no doubt of Troy shortly falling.

10. But to return to my own case: I am in my eighty-fourth year. I could wish that I had been able to make the same boast as Cyrus; but, after all, I can say this: I am not indeed as vigorous as I was as a private soldier in the Punic war, or as quaestor in the same war, or as consul in Spain, and four years later when as a military tribune I took part in the engagement at Thermopylae under the consul Manius Acilius Glabrio; but yet, as you see, old age has not entirely destroyed my muscles, has not quite brought me to the ground. The Senate-house does not find all my vigour gone, nor the rostra, nor my friends, nor my clients, nor my foreign guests. For I have never given in to that ancient and much-praised proverb:

Old when young
Is old for long.

For myself, I had rather be an old man a somewhat shorter time than an old man *before* my time. Accordingly, no one up to the present has wished to see me, to whom I have been denied as engaged. But, it may be said, I have less strength than either of you. Neither have you the strength of the centurion T. Pontius: is he the more eminent man on that account? Let there be only a proper husbanding of strength, and let each man proportion his efforts to his powers. Such an one will assuredly not be possessed with any great regret for his loss of strength. At Olympia Milo is said to have stepped into the course carrying a live ox on his shoulders. Which then of the two would you prefer to have given to you — bodily strength like that, or intellectual strength like that of Pythagoras? In fine, enjoy that blessing when you have it; when it is gone, don't wish it back — unless we are to think that young men should wish their childhood back, and those somewhat older their youth! The

course of life is fixed, and nature admits of its being run but in one way, and only once; and to each part of our life there is something specially seasonable; so that the feebleness of children, as well as the high spirit of youth, the soberness of maturer years, and the ripe wisdom of old age — all have a certain natural advantage which should be secured in its proper season. I think you are informed, Scipio, what your grandfather's foreign friend Masinissa does to this day, though ninety years old. When he has once begun a journey on foot he does not mount his horse at all; when on horseback he never gets off his horse. By no rain or cold can he be induced to cover his head. His body is absolutely free from unhealthy humours, and so he still performs all the duties and functions of a king. Active exercise, therefore, and temperance can preserve some part of one's former strength even in old age.

11. Bodily strength is wanting to old age; but neither is bodily strength demanded from old men. Therefore, both by law and custom, men of my time of life are exempt from those duties which cannot be supported without bodily strength. Accordingly not only are we not forced to do what we cannot do; we are not even obliged to do as much as we can. But, it will be said, many old men are so feeble that they cannot perform any duty in life of any sort or kind. That is not a weakness to be set down as peculiar to old age: it is one shared by ill health. How feeble was the son of P. Africanus, who adopted you! What weak health he had, or rather no health at all! If that had not been the case, we should have had in him a second brilliant light in the political horizon; for he had added a wider cultivation to his father's greatness of spirit. What wonder, then, that old men are eventually feeble, when even young men cannot escape it? My dear Laelius and Scipio, we must stand up against old age and make up for its drawbacks by taking pains. We must fight it as we should an illness. We must look after our health, use moderate exercise, take just enough food and drink to recruit, but not to overload, our strength. Nor is it the body alone that must be supported, but the intellect and soul much more. For they are like lamps: unless you feed them with oil, they too go out from old age. Again, the body is apt to get gross from exercise; but the intellect becomes nimbler by exercising itself. For what Caecilius means by

“old dotards of the comic stage” are the credulous, the forgetful, and the slipshod. These are faults that do not attach to old age as such, but to a sluggish, spiritless, and sleepy old age. Young men are more frequently wanton and dissolute than old men; but yet, as it is not all young men that are so, but the bad set among them, even so senile folly — usually called imbecility — applies to old men of unsound character, not to all. Appius governed four sturdy sons, five daughters, that great establishment, and all those clients, though he was both old and blind. For he kept his mind at full stretch like a how, and never gave in to old age by growing slack. He maintained not merely an influence, but an absolute command over his family: his slaves feared him, his sons were in awe of him, all loved him. In that family, indeed, ancestral custom and discipline were in full vigour. The fact is that old age is respectable just as long as it asserts itself, maintains its proper rights, and is not enslaved to any one. For as I admire a young man who has something of the old man in him, so do I an old one who has something of a young man. The man who aims at this may possibly become old in body — in mind he never will. I am now engaged in composing the seventh book of my *Origins*. I collect all the records of antiquity. The speeches delivered in all the celebrated cases which I have defended I am at this particular time getting into shape for publication. I am writing treatises on augural, pontifical, and civil law. I am, besides, studying hard at Greek, and after the manner of the Pythagoreans — to keep my memory in working order — I repeat in the evening whatever I have said, heard, or done in the course of each day. These are the exercises of the intellect, these the training grounds of the mind: while I sweat and labour on these I don’t much feel the loss of bodily strength. I appear in court for my friends; I frequently attend the Senate and bring motions before it on my own responsibility, prepared after deep and long reflection. And these I support by my intellectual, not my bodily forces. And if I were not strong enough to do these things, yet I should enjoy my sofa — imagining the very operations which I was now unable to perform. But what makes me capable of doing this is my past life. For a man who is always living in the midst of these studies and labours does not perceive when old age creeps upon him. Thus, by slow and imperceptible degrees life

draws to its end. There is no sudden breakage; it just slowly goes out.

12. The third charge against old age is that it LACKS SENSUAL PLEASURES. What a splendid service does old age render, if it takes from us the greatest blot of youth! Listen, my dear young friends, to a speech of Archytas of Tarentum, among the greatest and most illustrious of men, which was put into my hands when as a young man I was at Tarentum with Q. Maximus. "No more deadly curse than sensual pleasure has been inflicted on mankind by nature, to gratify which our wanton appetites are roused beyond all prudence or restraint. It is a fruitful source of treasons, revolutions, secret communications with the enemy. In fact, there is no crime, no evil deed, to which the appetite for sensual pleasures does not impel us. Fornications and adulteries, and every abomination of that kind, are brought about by the enticements of pleasure and by them alone. Intellect is the best gift of nature or God: to this divine gift and endowment there is nothing so inimical as pleasure. For when appetite is our master, there is no place for self-control; nor where pleasure reigns supreme can virtue hold its ground. To see this more vividly, imagine a man excited to the highest conceivable pitch of sensual pleasure. It can be doubtful to no one that such a person, so long as he is under the influence of such excitation of the senses, will be unable to use to any purpose either intellect, reason, or thought. Therefore nothing can be so execrable and so fatal as pleasure; since, when more than ordinarily violent and lasting, it darkens all the light of the soul."

These were the words addressed by Archytas to the Samnite Caius Pontius, father of the man by whom the consuls Spurius Postumius and Titus Veturius were beaten in the battle of Caudium. My friend Nearchus of Tarentum, who had remained loyal to Rome, told me that he had heard them repeated by some old men; and that Plato the Athenian was present, who visited Tarentum, I find, in the consulship of L. Camillus and Appius Claudius.

What is the point of all this? It is to show you that, if we were unable to scorn pleasure by the aid of reason and philosophy, we ought to have been very grateful to old age for depriving us of all inclination for that which it was wrong to do. For pleasure hinders thought, is a foe to reason, and, so to speak, blinds the eyes of the

mind. It is, moreover, entirely alien to virtue. I was sorry to have to expel Lucius, brother of the gallant Titus Flamininus, from the Senate seven years after his consulship; but I thought it imperative to affix a stigma on an act of gross sensuality. For when he was in Gaul as consul, he had yielded to the entreaties of his paramour at a dinner-party to behead a man who happened to be in prison condemned on a capital charge. When his brother Titus was Censor, who preceded me, he escaped; but I and Flaccus could not countenance an act of such criminal and abandoned lust, especially as, besides the personal dishonour, it brought disgrace on the Government.

13. I have often been told by men older than myself, who said that they had heard it as boys from old men, that Gaius Fabricius was in the habit of expressing astonishment at having heard, when envoy at the headquarters of king Pyrrhus, from the Thessalian Cineas, that there was a man of Athens who professed to be a "philosopher," and affirmed that everything we did was to be referred to pleasure. When he told this to Manius Curius and Publius Decius, they used to remark that they wished that the Samnites and Pyrrhus himself would hold the same opinion. It would be much easier to conquer them, if they had once given themselves over to sensual indulgences. Manius Curius had been intimate with P. Decius, who four years before the former's consulship had devoted himself to death for the Republic. Both Fabricius and Coruncanius knew him also, and from the experience of their own lives, as well as from the action of P. Decius, they were of opinion that there did exist something intrinsically noble and great, which was sought for its own sake, and at which all the best men aimed, to the contempt and neglect of pleasure. Why then do I spend so many words on the subject of pleasure? Why, because, far from being a charge against old age, that it does not much feel the want of any pleasures, it is its highest praise.

But, you will say, it is deprived of the pleasures of the table, the heaped up board, the rapid passing of the wine-cup. Well, then, it is also free from headache, disordered digestion, broken sleep. But if we must grant pleasure something, since we do not find it easy to resist its charms, — for Plato, with happy inspiration, calls pleasure "vice's bait," because of course men are caught by it as fish by a

hook, — yet, although old age has to abstain from extravagant banquets, it is still capable of enjoying modest festivities. As a boy I often used to see Gaius Duilius the son of Marcus, then an old mali, returning from a dinner-party. He thoroughly enjoyed the frequent use of torch and flute-player, distinctions which he had assumed though unprecedented in the case of a private person. It was the privilege of his glory. But why mention others? I will come back to my own case. To begin with, I have always remained a member of a "club" — clubs, you know, were established in my quaestorship on the reception of the Magna Mater from Ida. So I used to dine at their feast with the members of my club — on the whole with moderation, though there was a certain warmth of temperament natural to my time of life; but as that advances there is a daily decrease of all excitement. Nor was I, in fact, ever wont to measure my enjoyment even of these banquets by the physical pleasures they gave more than by the gathering and conversation of friends. For it was a good idea of our ancestors to style the presence of guests at a dinner-table — seeing that it implied a community of enjoyment — a *convivium*, "a living together." It is a better term than the Greek words which mean "a drinking together," or, "an eating together." For they would seem to give the preference to what is really the least important part of it.

14. For myself, owing to the pleasure I take in conversation, I enjoy even banquets that begin early in the afternoon, and not only in company with my contemporaries — of whom very few survive — but also with men of your age and with yourselves. I am thankful to old age, which has increased my avidity for conversation, while it has removed that for eating and drinking. But if anyone does enjoy these — not to seem to have proclaimed war against all pleasure without exception, which is perhaps a feeling inspired by nature — I fail to perceive even in these very pleasures that old age is entirely without the power of appreciation. For myself, I take delight even in the old-fashioned appointment of master of the feast; and in the arrangement of the conversation, which according to ancestral custom is begun from the last place on the left-hand couch when the wine is brought in; as also in the cups which, as in Xenophon's banquet, are small and filled by driblets; and in the contrivance for cooling in summer, and for warming by the winter sun or winter fire.

These things I keep up even among my Sabine countrymen, and every day have a full dinner-party of neighbours, which we prolong as far into the night as we can with varied conversation.

But you may urge — there is not the same tingling sensation of pleasure in old men. No doubt; but neither do they miss it so much. For nothing gives you uneasiness which you do not miss. That was a fine answer of Sophocles to a man who asked him, when in extreme old age, whether he was still a lover. "Heaven forbid!" he replied; "I was only too glad to escape from that, as though from a boorish and insane master." To men indeed who are keen after such things it may possibly appear disagreeable and uncomfortable to be without them; but to jaded appetites it is pleasanter to lack than to enjoy. However, he cannot be said to lack who does not want: my contention is that not to want is the pleasanter thing.

But even granting that youth enjoys these pleasures with more zest; in the first place, they are insignificant things to enjoy, as I have said; and in the second place, such as age is not entirely without, if it does not possess them in profusion. Just as a man gets greater pleasure from Ambivius Turpio if seated in the front row at the theatre than if he was in the last, yet, after all, the man in the last row does get pleasure; so youth, because it looks at pleasures at closer quarters, perhaps enjoys itself more, yet even old age, looking at them from a distance, does enjoy itself well enough. Why, what blessings are these — that the soul, having served its time, so to speak, in the campaigns of desire and ambition, rivalry and hatred, and all the passions, should live in its own thoughts, and, as the expression goes, should dwell apart! Indeed, if it has in store any of what I may call the food of study and philosophy, nothing can be pleasanter than an old age of leisure. We were witnesses to C. Gallus — a friend of your father's, Scipio — intent to the day of his death on mapping out the sky and land. How often did the light surprise him while still working out a problem begun during the night! How often did night find him busy on what he had begun at dawn! How he delighted in predicting for us solar and lunar eclipses long before they occurred! Or again in studies of a lighter nature, though still requiring keenness of intellect, what pleasure Naevius took in his *Punic War*! Plautus in his *Truculentus* and *Pseudolus*! I even saw

Livius Andronicus, who, having produced a play six years before I was born — in the consulship of Cento and Tuditanus — lived till I had become a young man. Why speak of Publius Licinius Crassus's devotion to pontifical and civil law, or of the Publius Scipio of the present time, who within these last few days has been created Pontifex Maximus? And yet I have seen all whom I have mentioned ardent in these pursuits when old men. Then there is Marcus Cethegus, whom Ennius justly called "Persuasion's Marrow" — with what enthusiasm did we see him exert himself in oratory even when quite old! What pleasures are there in feasts, games, or mistresses comparable to pleasures such as these? And they are all tastes, too, connected with learning, which in men of sense and good education grow with their growth. It is indeed an honourable sentiment which Solon expresses in a verse which I have quoted before — that he grew old learning many a fresh lesson every day. Than that intellectual pleasure none certainly can be greater.

15. I come now to the pleasures of the farmer, in which I take amazing delight. These are not hindered by any extent of old age, and seem to me to approach nearest to' the ideal wise man's life. For he has to deal with the earth, which never refuses its obedience, nor ever returns what it has received without usury; sometimes, indeed, with less, but generally with greater interest. For my part, however, it is not merely the thing produced, but the earth's own force and natural productiveness that delight me. For received in its bosom the seed scattered broadcast upon it, softened and broken up, she first keeps it concealed therein (hence the harrowing which accomplishes this gets its name from a word meaning "to hide"); next, when it has been warmed by her heat and close pressure, she splits it open and draws from it the greenery of the blade. This, supported by the fibres of the root, little by little grows up, and held upright by its jointed stalk is enclosed in sheaths, as being still immature. When it has emerged from them it produces an ear of corn arranged in order, and is defended against the pecking of the smaller birds by a regular palisade of spikes.

Need I mention the starting, planting, and growth of vines? I can never have too much of this pleasure — to let you into the secret of what gives my old age repose and amusement. For I say nothing here of the natural force which all things propagated from the earth possess — the earth which from that tiny grain in a fig, or the grape-stone in a grape, or the most minute seeds of the other cereals and plants, produces such huge trunks and boughs. Mallet-shoots, slips, cuttings, quicksets, layers — are they not enough to fill anyone with delight and astonishment? The vine by nature is apt to fall, and unless supported drops down to the earth; yet in order to keep itself upright it embraces whatever it reaches with its tendrils as though they were hands. Then as it creeps on, spreading itself in intricate and wild profusion, the dresser's art prunes it with the knife and prevents it growing a forest of shoots and expanding to excess in every direction. Accordingly at the beginning of spring in the shoots which have been left there protrudes at each of the joints what is termed an From this the grape emerges and shows itself; which, swollen by the juice of the earth and the heat of the sun, is at first very bitter to the taste, but afterwards grows sweet as it matures; and being covered with tendrils is never without a moderate warmth, and yet is able to ward off the fiery heat of the sun. Can anything be richer in product or more beautiful to contemplate? It is not its utility only, as I said before, that charms me, but the method of its cultivation and the natural process of its growth: the rows of uprights, the cross-pieces for the tops of the plants, the tying up of the vines and their propagation by layers, the pruning, to which I have already referred, of some shoots, the setting of others. I need hardly mention irrigation, or trenching and digging the soil, which much increase its fertility. As to the advantages of manuring I have spoken in my book on agriculture. The learned Hesiod did not say a single word on this subject, though he was writing on the cultivation of the soil; yet Homer, who in my opinion was many generations earlier, represents Laertes as softening his regret for his son by cultivating and manuring his farm. Nor is it only in cornfields and meadows and vineyards and plantations that a farmer's life is made cheerful. There are the garden and the orchard, the feeding of sheep,

the swarms of bees, endless varieties of flowers. Nor is it only planting out that charms: there is also grafting — surely the most ingenious invention ever made by husbandmen.

16. I might continue my list of the delights of country life; but even what I have said I think is somewhat over long. However, you must pardon me; for farming is a very favourite hobby of mine, and old age is naturally rather garrulous — for I would not be thought to acquit it of all faults.

Well, it was in a life of this sort that Manius Curius, after celebrating triumphs over the Samnites, the Sabines, and Pyrrhus, spent his last days. When I look at his villa — for it is not far from my own — I never can enough admire the man's own frugality or the spirit of the age. As Curius was sitting at his hearth the Samnites, who brought him a large sum of gold, were repulsed by him; for it was not, lie said, a fine thing in his eyes to possess gold, but to rule those who possessed it. Could such a high spirit fail to make old age pleasant?

But to return to farmers — not to wander from my own metier. Tn those days there were senators, *i. e*. old men, on their farms. For L. Quinctius Cincinnatus was actually at the plough when word was brought him that he had been named Dictator. It was by his order as Dictator, by the way, that C. Servilius Ahala, the Master of the Horse, seized and put to death Spurius Maelius when attempting to obtain royal power. Curius as well as other old men used to receive their summonses to attend the Senate in their farm-houses, from which circumstance the summoners were called *viatores* or "travellers." Was these men's old age an object of pity who found their pleasure in the cultivation of the land? In my opinion, scarcely any life can be more blessed, not alone from its utility (for agriculture is beneficial to the whole human race), but also as much from the mere pleasure of the thing, to which I have already alluded, and from the rich abundance and supply of all things necessary for the food of man and for the worship of the gods above. So, as these are objects of desire to certain people, let us make our peace with pleasure. For the good and hard-working farmer's wine-cellar and oil-store, as well as his larder, are always well filled, and his whole farm-house is richly furnished. It abounds in pigs, goats, lambs,

fowls, milk, cheese, and honey. Then there is the garden, which the farmers themselves call their "second flitch." A zest and flavour is added to all these by hunting and fowling in spare hours. Need I mention the greenery of meadows, the rows of trees, the beauty of vineyard and olive-grove? I 'will put it briefly: nothing can either furnish necessaries more richly, or present a fairer spectacle, than well-cultivated land. And to the enjoyment of that, old age does not merely present no hindrance — it actually invites and allures to it. For where else can it better warm itself, either by basking in the sun or by sitting by the fire, or at the proper time cool itself more wholesomely by the help of shade or water? Let the young keep their arms then to themselves, their horses, spears, their foils and ball, their swimming baths and running path. To us old men let them, out of the many forms of sport, leave dice and counters; but even that as they choose, since old age can be quite happy without them.

17. Xenophon's books are very useful for many purposes. Pray go on reading them with attention, as you have ever done. In what ample terms is agriculture lauded by him in the book about husbanding one's property, which is called *Oceonomicus*! But to show you that he thought nothing so worthy of a prince as the taste for cultivating the soil, I will translate what Socrates says to Critobulus in that book:

"When that most gallant Lacedaemonian Lysander came to visit the Persian prince Cyrus at Sardis, so eminent for his character and the glory of his rule, bringing him presents from his allies, he treated Lysander in all ways with courteous familiarity and kindness, and, among other things, took him to see a certain park carefully planted. Lysander expressed admiration of the height of the trees and the exact arrangement of their rows in the quincunx, the careful cultivation of the soil, its freedom from weeds, and the sweetness of the odours exhaled from the flowers, and went on to say that what he admired was not the industry only, but also the skill of the man by whom this had been planned and laid out. Cyrus replied: 'Well, it was I who planned the whole thing these rows are my doing, the laying out is all mine; many of the trees were even planted by own hand.' Then Lysander, looking at his purple robe, the brilliance of his person, and his adornment Persian fashion with gold and many

jewels, said: ‘People are quite right, Cyrus, to call you happy, since the advantages of high fortune have been joined to an excellence like yours.’”

This kind of good fortune, then, it is in the power of old men to enjoy; nor is age any bar to our maintaining pursuits of every other kind, and especially of agriculture, to the very extreme verge of old age. For instance, we have it on record that M. Valerius Corvus kept it up to his hundredth year, living on his land and cultivating it after his active career was over, though between his first and sixth consulships there was an interval of six and forty years. So that he had an official career lasting the number of years which our ancestors defined as coming between birth and the beginning of old age. Moreover, that last period of his old age was more blessed than that of his middle life, inasmuch as he had greater influence and less labour. For the crowning grace of old age is influence.

How great was that of L. Caecilius Metellus! How great that of Atilius Calatinus, over whom the famous epitaph was placed, “Very many classes agree in deeming this to have been the very first man of the nation”! The line cut on his tomb is well known. It is natural, then, that a man should have had influence, in whose praise the verdict of history is unanimous. Again, in recent times, what a great man was Publius Crassus, Pontifex Maximus, and his successor in the same office, M. Lepidus! I need scarcely mention Paulus or Africanus, or, as I did before, Maximus. It was not only their senatorial utterances that had weight: their least gesture had it also. In fact, old age, especially when it has enjoyed honours, has an influence worth all the pleasures of youth put together.

18. But throughout my discourse remember that my panegyric applies to an old age that has been established on foundations laid by youth. From which may be deduced what I once said with universal applause, that it was a wretched old age that had to defend itself by speech. Neither white hairs nor wrinkles can at once claim influence in themselves: it is the honourable conduct of earlier days that is rewarded by possessing influence at the last. Even things generally regarded as trifling and matters of course — being saluted, being courted, having way made for one, people rising when one approaches, being escorted to and from the forum, being referred to

for advice — all these are marks of respect, observed among us and in other States — always most sedulously where the moral tone is highest. They say that Lysander the Spartan, whom I have mentioned before, used to remark that Sparta was the most dignified home for old age; for that nowhere was more respect paid to years, no-where was old age held in higher honour. Nay, the story is told of how when a man of advanced years came into the theatre at Athens when the games were going on, no place was given him anywhere in that large assembly by his own countrymen; but when he came near the Lacedaemonians, who as ambassadors had a fixed place assigned to them, they rose as one man out of respect for him, and gave the veteran a seat. When they were greeted with rounds of applause from the whole audience, one of them remarked:

"The Athenians know what is right, but will not do it." There are many excellent rules in our augural college, but among the best is one which affects our subject — that precedence in speech goes by seniority; and augurs who are older are preferred only to those who have held higher office, but even to those who are actually in possession of imperium. What then are the physical pleasures to be compared with the reward of influence? Those who have employed it with distinction appear to me to have played the drama of life to its end, and not to have broken down in the last act like unpractised players.

But, it will be said, old men are fretful, fidgety, ill-tempered, and disagreeable. If you come to that, they are also avaricious. But these are faults of character, not of the time of life. And, after all, fretfulness and the other faults I mentioned admit of some excuse — not, indeed, a complete one, but one that may possibly pass muster: they think themselves neglected, looked down upon, mocked, Besides with bodily weakness every rub is a source of pain. Yet all these faults are softened both by good character and good education. Illustrations of this may be found in real life, as also on the stage in the case of the brothers in the *Adeiphi*. What harshness in the one, what gracious manners in the other The fact is that, just as it is not every wine, so it is not every life, that turns sour from keeping, Serious gravity I approve of in old age, but, as in other things, it must be within due limits: bitterness I can in no case approve. What the

object of senile avarice may be I cannot conceive. For can there be anything more absurd than to seek more journey money, the less there remains of the journey?

19. There remains the fourth reason, which more than anything else appears to torment men of my age and keep them in a flutter — THE NEARNESS OF DEATH, which, it must be allowed, cannot be far from an old man. But what a poor dotard must he be who has not learnt in the course of so long a life that death is not a thing to be feared? Death, that is either to be totally disregarded, if it entirely extinguishes the soul, or is even to be desired, if it brings him where he is to exist forever. A third alternative, at any rate, cannot possibly be discovered. Why then should I be afraid if I am destined either not to be miserable after death or even to be happy? After all, who is such a fool as to feel certain — however young he may be — that he will be alive in the evening? Nay, that time of life has many more chances of death than ours, Young men more easily contract diseases; their illnesses are more serious; their treatment has to be more severe. Accordingly, only a few arrive at old age. If that were not so, life would be conducted better and more wisely; for it is in old men that thought, reason, and prudence are to be found; and if there had been no old men, States would never have existed at all. But I return to the subject of the imminence of death. What sort of charge is this against old age, when you see that it is shared by youth? I had reason in the case of my excellent son — as you had, Scipio, in that of your brothers, who were expected to attain the highest honours — to realise that death is common to every time of life. Yes, you will say; but a young man expects to live long; an old man cannot expect to do so. Well, he is a fool to expect it. For what can be more foolish than to regard the uncertain as certain, the false as true? “An old man has nothing even to hope.” Ah, but it is just there that he is in a better position than a young man, since what the latter only hopes he has obtained. The one wishes to live long; the other has lived long.

And yet, good heaven! what is “long” in a man’s life? For grant the utmost limit: let us expect an age like that of the King of the Tartessi. For there was, as I find recorded, a certain Agathonius at Gades who reigned eighty years and lived a hundred and twenty. But

to my mind nothing seems even long in which there is any “last,” for when that arrives, then all the past has slipped away — only that remains to which you have attained by virtue and righteous actions. Hours indeed, and days and months and years depart, nor does past time ever return, nor can the future be known. Whatever time each is granted for life, with that he is bound to be content. An actor, in order to earn approval, is not bound to perform the play from beginning to end; let him only satisfy the audience in whatever act he appears. Nor need a wise man go on to the concluding “plaudite.” For a short term of life is long enough for living well and honourably. But if you go farther, you have no more right to grumble than farmers do because the charm of the spring season is past and the summer and autumn have come. For the word “spring” in a way suggests youth, and points to the harvest to be: the other seasons are suited for the reaping and storing of the crops. Now the harvest of old age is, as I have often said, the memory and rich store of blessings laid up in easier life. Again, all things that accord with nature are to be counted as good. But what can be more in accordance with nature than for old men to die? A thing, indeed, which also beliefs young men, though nature revolts and fights against it. Accordingly, the death of young men seems to me like putting out a great fire with a deluge of water; but old men die like a fire going out because it has burnt down of its own nature without artificial means. Again, just as apples when unripe are torn from trees, but when ripe and mellow drop down, so it is violence that takes life from young men, ripeness from old. This ripeness is so delightful to me, that, as I approach nearer to death, I seem as it were to be sighting land, and to be coming to port at last after a long voyage.

20. Again, there is no fixed borderline for old age, and you are making a good and proper use of it as long as you can satisfy the call of duty and disregard death. The result of this is, that old age is even more confident and courageous than youth. That is the meaning of Solon’s answer to the tyrant Pisistratus. When the latter asked him what he relied upon in opposing him with such boldness, he is said to have replied, “On my old age.” But that end of life is the best, when, without the intellect or senses being impaired, Nature herself takes to

pieces her own handiwork which she also put together. Just as the builder of a ship or a house can break them up more easily than any one else, so the nature that knit together the human frame can also best unfasten it. Moreover, a thing freshly glued together is always difficult to pull asunder; if old, this is easily done.

The result is that the short time of life left to them is not to be grasped at by old men with greedy eagerness, or abandoned without cause. Pythagoras forbids us, without an order from our commander, that is God, to desert life's fortress and outpost. Solon's epitaph, indeed, is that of a wise man, in which he says that he does not wish his death to be unaccompanied by the sorrow and lamentations of his friends. He wants, I suppose, to be beloved by them. But I rather think Ennius says better:

None grace me with their tears, nor weeping loud Make sad my funeral rites!

He holds that a death is not a subject for mourning when it is followed by immortality.

Again, there may possibly be some sensation of dying and that only for a short time, especially in the case of an old man: after death, indeed, sensation is either what one would desire, or it disappears altogether. But to disregard death is a lesson which must be studied from our youth up; for unless that is learnt, no one can have a quiet mind. For die we certainly must, and that too without being certain whether it may not be this very day. As death, therefore, is hanging over our head every hour, how can a man ever be unshaken in soul if he fears it?

But on this theme I don't think I need much enlarge: when I remember what Lucius Brutus did, who was killed while defending his country; or the two Decii, who spurred their horses to a gallop and met a voluntary death; or M. Atilius Regulus, who left his home to confront a death of torture, rather than break the word which lie had pledged to the enemy; or the two Scipios, who determined to block the Carthaginian advance even with their own bodies; or your grandfather Lucius Paulus, who paid with his life for the rashness of his colleague in the disgrace at Cannae; or M. Marcellus, whose death not even the most bloodthirsty of enemies would allow to go without the honour of burial. It is enough to recall that our legions

(as I have recorded in my *Origins*) have often marched with cheerful and lofty spirit to ground from which they believed that they would never return. That, therefore, which young men — not only uninstructed, but absolutely ignorant — treat as of no account, shall men who are neither young nor ignorant shrink from in terror? As a general truth, as it seems to me, it is weariness of all pursuits that creates weariness of life. There are certain pursuits adapted to childhood: do young men miss them? There are others suited to early manhood: does that settled time of life called "middle age" ask for them? There are others, again, suited to that age, but not looked for in old age. There are, finally, some which belong to Old age. Therefore, as the pursuits of the earlier ages have their time for disappearing, so also have those of old age. And when that takes place, a satiety of life brings on the ripe time for death.

21. For I do not see why I should not venture to tell you my personal opinion as to death, of which I seem to myself to have a clearer vision in proportion as I am nearer to it. I believe, Scipio and Laelius, that your fathers — those illustrious men and my dearest friends — are still alive, and that too with a life which alone deserves the name. For as long as we are imprisoned in this framework of the body, we perform a certain function and laborious work assigned us by fate. The soul, in fact, is of heavenly origin, forced down from its home in the highest, and, so to speak, buried in earth, a place quite opposed to its divine nature and its immortality. But I suppose the immortal gods to have sown souls broadcast in human bodies, that there might be some to survey the world, and while contemplating the order of the heavenly bodies to imitate it in the unvarying regularity of their life. Nor is it only reason and arguments that have brought me to this belief, but the great fame and authority of the most distinguished philosophers. I used to be told that Pythagoras and the Pythagoreans — almost natives of our country, who in old times had been called the Italian school of philosophers — never doubted that we had souls drafted from the universal Divine intelligence. I used besides to have pointed out to me the discourse delivered by Socrates on the last day of his life upon the immortality of the soul — Socrates who was pronounced by the oracle at Delphi to be the wisest of men. I need say no more. I have convinced

myself, and I hold — in view of the rapid movement of the soul, its vivid memory of the past and its prophetic knowledge of the future, its many accomplishments, its vast range of knowledge, its numerous discoveries — that a nature embracing such varied gifts cannot itself be mortal. And since the soul is always in motion and yet has no external source of motion, for it is self-moved, I conclude that it will also have no end to its motion, because it is not likely ever to abandon itself. Again, since the nature of the soul is not composite, nor has in it any admixture that is not homogeneous and similar, I conclude that it is indivisible, and, if indivisible, that it cannot perish. It is again a strong proof of men knowing most things before birth, that when mere children they grasp innumerable facts with such speed as to show that they are not then taking them in for the first time, but remembering and recalling them. This is roughly Plato's argument.

22. Once more in Xenophon we have the elder Cyrus on his deathbed speaking as follows: —

"Do not suppose, my dearest sons, that when I have left you I shall be nowhere and no one. Even when I was with you, you did not see my soul, but knew that it was in this body of mine from what I did. Believe then that it is still the same, even though you see it not. The honours paid to illustrious men had not continued to exist after their death, had the souls of these very men not done something to make us retain our recollection of them beyond the ordinary time. For myself, I never could be persuaded that souls while in mortal bodies were alive, and died directly they left them; nor, in fact, that the soul only lost all intelligence when it left the unintelligent body. I believe rather that when, by being liberated from all corporeal admixture, it has begun to be pure and undefiled, it is then that it becomes wise. And again, when man's natural frame is resolved into its elements by death, it is clearly seen whither each of the other elements departs: for they all go to the place from which they came: but the soul alone is invisible alike when present and when departing. Once more, you see that nothing is so like death as sleep. And yet it is in sleepers that souls most clearly reveal their divine nature; for they foresee many events when they are allowed to escape and are left free. This shows what they are likely to be when they have

completely freed themselves from the fetters of the body. Wherefore, if these things are so, obey me as a god. But if my soul is to perish with my body, nevertheless do you from awe of the gods, who guard and govern this fair universe, preserve my memory by the loyalty and piety of your lives."

23. Such are the words of the dying Cyrus. I will now, with your good leave, look at home. No one, my dear Scipio, shall ever persuade me that your father Paulus and your two grandfathers Paulus and Africanus, or the father of Africanus, or his uncle, or many other illustrious men not necessary to mention, would have attempted such lofty deeds as to be remaindered by posterity, had they not seen in their minds that future ages concerned them. Do you suppose — to take an old man's privilege of a little self-praise — that I should have been likely to undertake such heavy labours by day and night, at home and abroad, if I had been destined to have the same limit to my glory as to my life? Had it not been much better to pass an age of ease and repose without any labour or exertion? But my soul, I know not how, refusing to be kept down, ever fixed its eyes upon future ages, as though from a conviction that it would begin to live only when it had left the body. But had it not been the case that souls were immortal, it would not have been the souls of all the best men that made the greatest efforts after an immortality of fame.

Again, is there not the fact that the wisest man ever dies with the greatest cheerfulness, the most unwise with the least? Don't you think that the soul which has the clearer and longer sight sees that it is starting for better things, while the soul whose vision is dimmer does not see it? For my part, I am transported with the desire to see your fathers, who were the object of my reverence and affection. Nor is it only those whom I knew that I long to see; it is those also of whom I have been told and have read, whom I have myself recorded in my history. When I am setting out for that, there is certainly no one who will find it easy to draw me back, or boil me up again like second Pelios. Nay, if some god should grant me to renew my childhood from my present age and once more to be crying in my cradle, I would firmly refuse; nor should I in truth be willing, after having, as it were, run the full course, to be recalled from the

winning — crease to the barriers. For what blessing has life to offer? Should we not rather say what labour? But granting that it has, at any rate it has after all a limit either to enjoyment or to existence. I don't wish to depreciate life, as many men and good philosophers have often done; nor do I regret having lived, for I have done so in a way that lets me think that I was not born in vain. But I quit life as I would an inn, not as I would a home. For nature has given us a place of entertainment, not of residence.

Oh glorious day when I shall set out to join that heavenly conclave and company of souls, and depart from the turmoil and impurities of this world! For I shall not go to join only those whom I have before mentioned, but also my son Cato, than whom no better man was ever born, nor one more conspicuous for piety. His body was burnt by me, though mine ought, on the contrary, to have been burnt by him; but his spirit, not abandoning, but ever looking back upon me, has certainly gone whither he saw that I too must come. I was thought to bear that loss heroically, not that I really bore it without distress, but I found my own consolation in the thought that the parting and separation between us was not to be for long.

It is by these means, my dear Scipio, — for you said that you and Laelius were wont to express surprise on this point, — that my old age sits lightly on me, and is not only not oppressive but even delightful. But if I am wrong in thinking the human soul immortal, I am glad to be wrong; nor will I allow the mistake which gives me so much pleasure to be wrested from me as long as I live. But if when dead, as some insignificant philosophers think, I am to be without sensation, I am not afraid of dead philosophers deriding my errors. Again, if we are not to be immortal, it is nevertheless what a man must wish — to have his life end at its proper time. For nature puts a limit to living as to everything else. Now, old age is as it were the playing out of the drama, the full fatigue of which we should shun, especially when we also feel that we have had more than enough of it.

This is all I had to say on old age. I pray that you may arrive at it, that you may put my words to a practical test.

LAELIUS DE AMICITIA (On Friendship)

Translated by E. S. Shuckburgh

This treatise on friendship was composed a year before Cicero's death in 44 BC and concerns his views and experiences of friendship. Cicero ponders the meaning of friendship by using the relationship between Scipio Aemilianus and Laelius to expound his arguments. Laelius' speech comprises the majority of the treatise and is instigated by the death of his best friend Scipio, explaining how he might bear the loss and explicating his grounds for bereavement. He enumerates the qualities required for a good friend, while also explaining the characteristics found in a bad friend, with examples from his personal life. Throughout the dialogue, Cicero emphasises the importance of virtue in friendship and how true friendship cannot exist without it.

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Date of Composition

Enough has been said in the introduction to the *Cato Maior* to show the amazing fecundity of Cicero's genius in the years 45 and 44 B.C., during which time this treatise was written. The date of its composition belongs within the year 44, but the month cannot be fixed with absolute certainty. It was written after the *Cato Maior* and after the completion of *Divination*, in which (*Div.* II.3) Cicero gives the names of his philosophic books so far written and does not mention this work. It is referred to in the second volume of *De officiis* (II.9.31), which was written in November. In a letter to Atticus (*ad Att.* XVI.13c) Cicero, on November 5, 44, asks when "Fannius, son of Marcus" (one of the interlocutors), was tribune. This inquiry suggests that he was then writing or revising the *Laelius* and tends to fix the date of composition in the autumn of 44 B.C.

2. Occasion of writing the *Laelius*

It was in the year 90 B.C. that Cicero, then just sixteen, was introduced by his father to Quintus Mucius Scaevola the augur, to receive instruction in Roman law. While he was in constant attendance on the lectures of this learned man occurred the war of the Samnites and other Italian tribes against Rome for a larger share of Roman suffrage and in the government of the Empire. This revolution was still smouldering when in 88 B.C. Publius Sulpicius, the most powerful orator of his day, became tribune of the plebs, and proposed certain reforms which resulted in the civil war between Marius and Sulla and his own break with Pompeius Strabo. It was at this exciting time that Cicero, sitting at the feet of the aged Roman lawyer Scaevola, heard him repeat, as he tells us, the discourse of Laelius on friendship. This discourse Laelius in turn had heard from his bosom friend, Scipio Africanus the Younger.

3. Time of the Dialogue and its Interlocutors

The time of the present dialogue is 129 B.C., just a few days after the mysterious death of Scipio Minor. The interlocutors are Laelius (who was also one of the interlocutors in the *Cato Maior*), and his two sons-in-law, Quintus Mucius Scaevola and Gaius Fannius.

Gaius Laelius, born in 186 B.C., was the son of a distinguished father of the same name who was the friend and companion of the elder Scipio Africanus. The younger Laelius became praetor in 145 B.C., and consul in 140, after his defeat in the previous year by Quintus Pompeius. He gained great credit as commander in the war against the Spanish chieftain, Viriathus. Next to Scipio, he was regarded as the foremost orator of his day in eloquence and purity of style. But it was as a student and man of letters that he was chiefly distinguished. His title of "the Wise" was due to his great learning and to his knowledge of philosophy. He was a pupil of Diogenes the Stoic and later, in company with Scipio, studied under Panaetius, who made his home with Scipio. Laelius was such a master of elegant diction that the plays of his poet-friend Terence, which were so much admired for the purity of their Latinity, were by many attributed in whole or in part to him.a In his culture, wisdom, evenness of temper, integrity of life, keen sense of justice, and nobility of thought and speech we find ample justification for the unstinted praise accorded him by all the writers of antiquity.

To the younger group of the Scipionic circle belong the other interlocutors of this essay, Quintus Mucius Scaevola the augur, and Gaius Fannius, son of Marcus, both sons-in-law of Laelius. Scaevola, himself a distinguished lawyer, belonged to a family of lawyers, of whom the most illustrious was his namesake and junior, the pontifex maximus. The augur was born about 157 B.C., became praetor in 121 B.C., later governor of Asia Minor, and was elected consul in 117. He lived until 88, after the overthrow of Sulpicius by Sulla. When called upon at that time to join in the decree of proscription against Marius he declared that for the sake of the few poor drops of blood in his old frame he would not consent to outlaw the man who had saved Rome and all Italy from Gauls. He was celebrated for his wit, learning, and amiability.

Gaius Fannius Strabo, who was somewhat older than his brother-in-law, Scaevola, married the younger daughter of Laelius. He was, it

is thought by Cicero (*ad Att.* XVI.13c), tribune of the plebs, 142 B.C., while Publius Africanus and Lucius Mummius were censors and Lucius Caecilius Metellus and Quintus Fabius Maximus Servilianus were consuls. He was a writer of a Roman history, highly praised by Sallust for its accuracy, but criticized by Cicero in his *Brutus* as rough in style.

4. Greek Sources of the *Laelius*

The earliest known treatise in Greek on the subject of friendship is found in the *Lysis* of Plato, whose influence is strongly reflected in the eighth and ninth books of the *Nicomachean Ethics* of Aristotle. Many of the thoughts of this work are observed in Cicero's essay, but are not necessarily borrowed from Aristotle. In section 62 of the *Laelius* he draws upon Xenophon's *Memorabilia*, by taking the words there attributed to Socrates and placing them in the mouth of Scipio. According to Diogenes Laertius and Aulus Gellius, the chief Greek source of the present essay is a lost treatise on friendship in three volumes by Theophrastus. But in the main Cicero probably was not greatly indebted to Greek writers in the composition of this book. The arrangement, plan, style and illustrations are his own. Certainly no other author of ancient or modern times has discussed the subject of friendship with so much completeness and charm as Cicero discusses it in his *Laelius*.

ON FRIENDSHIP

1. THE augur Quintus Mucius Scaevola used to recount a number of stories about his father-in-law Galus Laelius, accurately remembered and charmingly told; and whenever he talked about him always gave him the title of "the wise" without any hesitation. I had been introduced by my father to Scaevola as soon as I had assumed the *toga virilis*, and I took advantage of the introduction never to quit the venerable man's side as long as I was able to stay and he was spared to us. The consequence was that I committed to memory many disquisitions of his, as well as many short pointed apophthegms, and, in short, took as much advantage of his wisdom as I could. When he died, I attached myself to Scaevola the Pontifex, whom I may venture to call quite the most distinguished of our countrymen for ability and uprightness. But of this latter I shall take other occasions to speak. To return to Scaevola the augur. Among many other occasions I particularly remember one. He was sitting on a semicircular garden-bench, as was his custom, when I and a very few intimate friends were there, and he chanced to turn the conversation upon a subject which about that time was in many people's mouths. You must remember, Atticus, for you were very intimate with Publius Sulpicius, what expressions of astonishment, or even indignation, were called forth by his mortal quarrel, as tribune, with the consul Quintus Pompeius, with whom he had formerly lived on terms of the closest intimacy and affection. Well, on this occasion, happening to mention this particular circumstance, Scaevola detailed to us a discourse of Laelius on friendship delivered to himself and Laelius's other son-in-law Galus Fannius, son of Marcus Fannius, a few days after the death of Africanus. The points of that discussion I committed to memory, and have arranged them in this book at my own discretion. For I have brought the speakers, as it were, personally on to my stage to prevent the constant "said I" and "said he" of a narrative, and to give the discourse the air of being orally delivered in our hearing.

You have often urged me to write something on Friendship, and I quite acknowledged that the subject seemed one worth everybody's

investigation, and specially suited to the close intimacy that has existed between you and me. Accordingly I was quite ready to benefit the public at your request.

As to the *dramatis personae*. In the treatise on Old Age, which I dedicated to you, I introduced Cato as chief speaker. No one, I thought, could with greater propriety speak on old age than one who had been an old man longer than any one else, and had been exceptionally vigorous in his old age. Similarly, having learnt from tradition that of all friendships that between Gaius Laelius and Publius Scipio was the most remarkable, I thought Laelius was just the person to support the chief part in a discussion on friendship which Scaevola remembered him to have actually taken. Moreover, a discussion of this sort gains somehow in weight from the authority of men of ancient days, especially if they happen to have been distinguished. So it comes about that in reading over what I have myself written I have a feeling at times that it is actually Cato that is speaking, not I.

Finally, as I sent the former essay to you as a gift from one old man to another, so I have dedicated this *On Friendship* as a most affectionate friend to his friend. In the former Cato spoke, who was the oldest and wisest man of his day; in this Laelius speaks on friendship — Laelius, who was at once a wise man (that was the title given him) and eminent for his famous friendship. Please forget me for a while; imagine Laelius to be speaking.

Gaius Fannius and Quintus Mucius come to call on their father-in-law after the death of Africanus. They start the subject; Laelius answers them. And the whole essay on friendship is his. In reading it you will recognise a picture of yourself.

2. *Fannius*. You are quite right, Laelius! there never was a better or more illustrious character than Africanus. But you should consider that at the present moment all eyes are on you. Everybody calls you "the wise" *par excellence*, and thinks you so. The same mark of respect was lately paid Cato, and we know that in the last generation Lucius Atilius was called "the wise." But in both cases the word was applied with a certain difference. Atilius was so called from his reputation as a jurist; Cato got the name as a kind of honorary title and in extreme old age because of his varied experience of affairs,

and his reputation for foresight and firmness, and the sagacity of the opinions which he delivered in senate and forum. You, however, are regarded as wise in a somewhat different sense not alone on account of natural ability and character, but also from your industry and learning; and not in the sense in which the vulgar, but that in which scholars, give that title. In this sense we do not read of any one being called wise in Greece except one man at Athens; and he, to be sure, had been declared by the oracle of Apollo also to be "the supremely wise man." For those who commonly go by the name of the Seven Sages are not admitted into the category of the wise by fastidious critics. Your wisdom people believe to consist in this, that you look upon yourself as self-sufficing and regard the changes and chances of mortal life as powerless to affect your virtue. Accordingly they are always asking me, and doubtless also our Scaevola here, how you bear the death of Africanus. This curiosity has been the more excited from the fact that on the Nones of this month, when we augurs met as usual in the suburban villa of Decimus Brutus for consultation, you were not present, though it had always been your habit to keep that appointment and perform that duty with the utmost punctuality.

Scaevola. Yes, indeed, Laelius, I am often asked the question mentioned by Fannius. But I answer in accordance with what I have observed: I say that you bear in a reasonable manner the grief which you have sustained in the death of one who was at once a man of the most illustrious character and a very dear friend. That of course you could not but be affected — anything else would have been wholly unnatural in a man of your gentle nature — but that the cause of your non-attendance at our college meeting was illness, not melancholy.

Laelius. Thanks, Scaevola! You are quite right; you spoke the exact truth. For in fact I had no right to allow myself to be withdrawn from a duty which I had regularly performed, as long as I was well, by any personal misfortune; nor do I think that anything that can happen will cause a man of principle to intermit a duty. As for your telling me, Fannius, of the honourable appellation given me (an appellation to which I do not recognise my title, and to which I make no claim), you doubtless act from feelings of affection; but I must say that you seem to me to do less than justice to Cato. If any one was ever "wise," — of which I have my doubts, — he was. Putting aside

everything else, consider how he bore his son's death! I had not forgotten Paulus; I had seen with my own eyes Gallus. But they lost their sons when mere children; Cato his when he was a full-grown man with an assured reputation. Do not therefore be in a hurry to reckon as Cato's superior even that same famous personage whom Apollo, as you say, declared to be "the wisest." Remember the former's reputation rests on deeds, the latter's on words.

3. Now, as far as I am concerned (I speak to both of you now), believe me the case stands thus. If I were to say that I am not affected by regret for Scipio, I must leave the philosophers to justify my conduct, but in point of fact I should be telling a lie. Affected of course I am by the loss of a friend as I think there will never be again, such as I can fearlessly say there never was before. But I stand in no need of medicine. I can find my own consolation, and it consists chiefly in my being free from the mistaken notion which generally causes pain at the departure of friends. To Scipio I am convinced no evil has befallen mine is the disaster, if disaster there be; and to be severely distressed at one's own misfortunes does not show that you love your friend, but that you love yourself.

As for him, who can say that all is not more than well? For, unless he had taken the fancy to wish for immortality, the last thing of which he ever thought, what is there for which mortal man may wish that he did not attain? In his early manhood he more than justified by extraordinary personal courage the hopes which his fellow-citizens had conceived of him as a child. He never was a candidate for the consulship, yet was elected consul twice: the first time before the legal age; the second at a time which, as far as he was concerned, was soon enough, but was near being too late for the interests of the State. By the overthrow of two cities which were the most bitter enemies of our Empire, he put an end not only to the wars then raging, but also to the possibility of others in the future. What need to mention the exquisite grace of his manners, his dutiful devotion to his mother, his generosity to his sisters, his liberality to his relations, the integrity of his conduct to every one? You know all this already. Finally, the estimation in which his fellow-citizens held him has been shown by the signs of mourning which accompanied his obsequies. What could such a man have gained by the addition of a few years?

Though age need not be a burden, — as I remember Cato arguing in the presence of myself and Scipio two years before he died, — yet it cannot but take away the vigour and freshness which Scipio was still enjoying. We may conclude therefore that his life, from the good fortune which had attended him and the glory he had obtained, was so circumstanced that it could not be bettered, while the suddenness of his death saved him the sensation of dying. As to the manner of his death it is difficult to speak; you see what people suspect. Thus much, however, I may say: Scipio in his lifetime saw many days of supreme triumph and exultation, but none more magnificent than his last, on which, upon the rising of the Senate, he was escorted by the senators and the people of Rome, by the allies, and by the Latins, to his own door. From such an elevation of popular esteem the next step seems naturally to be an ascent to the gods above, rather than a descent to Hades.

4. For I am not one of these modern philosophers who maintain that our souls perish with our bodies, and that death ends all. With me ancient opinion has more weight: whether it be that of our own ancestors, who attributed such solemn observances to the dead, as they plainly would not have done if they had believed them to be wholly annihilated; or that of the philosophers who once visited this country, and who by their maxims and doctrines educated Magna Graecia, which at that time was in a flourishing condition, though it has now been ruined; or that of the man who was declared by Apollo's oracle to be "most wise," and who used to teach without the variation which is to be found in most philosophers that "the souls of men are divine, and that when they have quitted the body a return to heaven is open to them, least difficult to those who have been most virtuous and just." This opinion was shared by Scipio. Only a few days before his death — as though he had a presentiment of what was coming — he discoursed for three days on the state of the republic. The company consisted of Philus and Manlius and several others, and I had brought you, Scaevola, along with me. The last part of his discourse referred principally to the immortality of the soul; for he told us what he had heard from the elder Africanus in a dream. Now if it be true that in proportion to a man's goodness the escape from what may be called the prison and bonds of the flesh is easiest,

whom can we imagine to have had an easier voyage to the gods than Scipio? I am disposed to think, therefore, that in his case mourning would be a sign of envy rather than of friendship. If, however, the truth rather is that the body and soul perish together, and that no sensation remains, then though there is nothing good in death, at least there is nothing bad. Remove sensation, and a man is exactly as though he had never been born; and yet that this man was born is a joy to me, and will be a subject of rejoicing to this State to its last hour.

Wherefore, as I said before, all is as well as possible with him. Not so with me; for as I entered life before him, it would have been fairer for me to leave it also before him. Yet such is the pleasure I take in recalling our friendship, that I look upon my life as having been a happy one because I have spent it with Scipio. With him I was associated in public and private business; with him I lived in Rome and served abroad; and between us there was the most complete harmony in our tastes, our pursuits, and our sentiments, which is the true secret of friendship. It is not therefore in that reputation for wisdom mentioned just now by Fannius — especially as it happens to be groundless — that I find my happiness so much, as in the hope that the memory of our friendship will be lasting. What makes me care the more about this is the fact that in all history there are scarcely three or four pairs of friends on record; and it is classed with them that I cherish a hope of the friendship of Scipio and Laelius being known to posterity.

Fannius. Of course that must be so, Laelius. But since you have mentioned the word friendship, and we are at leisure, you would be doing me a great kindness, and I expect Scaevola also, if you would do as it is your habit to do when asked questions on other subjects, and tell us your sentiments about friendship, its nature, and the rules to be observed in regard to it.

Scaevola. I shall of course be delighted. Fannius has anticipated the very request I was about to make. So you will be doing us both a great favour.

5. *Laelius*. I should certainly have no objection if I felt confidence in myself. For the theme is a noble one, and we are (as Fannius has said) at leisure. But who am I? and what ability have I? What you

propose is all very well for professional philosophers, who are used, particularly if Greeks, to have the subject for discussion proposed to them on the spur of the moment. It is a task of considerable difficulty, and requires no little practice. Therefore for a set discourse on friendship you must go, I think, to professional lecturers. All I can do is to urge on you to regard friendship as the greatest thing in the world; for there is nothing which so fits in with our nature, or is so exactly what we want in prosperity or adversity.

But I must at the very beginning lay down this principle — *friendship can only exist between good men*. I do not, however, press this too closely, like the philosophers who push their definitions to a superfluous accuracy. They have truth on their side, perhaps, but it is of no practical advantage. Those, I mean, who say that no one but the "wise" is "good." Granted, by all means. But the "wisdom" they mean is one to which no mortal ever yet attained. We must concern ourselves with the facts of everyday life as we find it — not imaginary and ideal perfections. Even Gaius Fannius, Manius Curius, and Tiberius Coruncanius, whom our ancestors decided to be "wise," I could never declare to be so according to their standard. Let them, then, keep this word "wisdom" to themselves. Everybody is irritated by it; no one understands what it means. Let them but grant that the men I mentioned were "good." No, they won't do that either. No one but the "wise" can be allowed that title, say they. Well, then, let us dismiss them and manage as best we may with our own poor mother wit, as the phrase is.

We mean then by the "good" *those whose actions and lives leave no question as to their honour, purity, equity, and liberality; who are free from greed, lust, and violence; and who have the courage of their convictions*. The men I have just named may serve as examples. Such men as these being generally accounted "good," let us agree to call them so, on the ground that to the best of human ability they follow nature as the most perfect guide to a good life.

Now this truth seems clear to me, that nature has so formed us that a certain tie unites us all, but that this tie becomes stronger from proximity. So it is that fellow-citizens are preferred in our affections to foreigners, relations to strangers; for in their case Nature herself has caused a kind of friendship to exist, though it is one which lacks

some of the elements of permanence. Friendship excels relationship in this, that whereas you may eliminate affection from relationship, you cannot do so from friendship. Without it relationship still exists in name, friendship does not. You may best understand this friendship by considering that, whereas the merely natural ties uniting the human race are indefinite, this one is so concentrated, and confined to so narrow a sphere, that affection is ever shared by two persons only or at most by a few.

6. Now friendship may be thus defined: a complete accord on all subjects human and divine, joined with mutual goodwill and affection. And with the exception of wisdom, I am inclined to think nothing better than this has been given to man by the immortal gods. There are people who give the palm to riches or to good health, or to power and office, many even to sensual pleasures. This last is the ideal of brute beasts; and of the others we may say that they are frail and uncertain, and depend less on our own prudence than on the caprice of fortune. Then there are those who find the "chief good" in virtue. Well, that is a noble doctrine. But the very virtue they talk of is the parent and preserver of friendship, and without it friendship cannot possibly exist.

Let us, I repeat, use the word virtue in the ordinary acceptation and meaning of the term, and do not let us define it in high-flown language. Let us account as good the persons usually considered so, such as Paulus, Cato, Gallus, Scipio, and Philus. Such men as these are good enough for everyday life; and we need not trouble ourselves about those ideal characters which are nowhere to be met with.

Well, between men like these the advantages of friendship are almost more than I can say. To begin with, how can life be worth living, to use the words of Ennius, which lacks that repose which is to be found in the mutual good-will of a friend? What can be more delightful than to have some one to whom you can say everything with the same absolute confidence as to yourself? Is not prosperity robbed of half its value if you have no one to share your joy? On the other hand, misfortunes would be hard to bear if there were not some one to feel them even more acutely than yourself. In a word, other objects of ambition serve for particular ends — riches for use, power for securing homage, office for reputation, pleasure for enjoyment,

health for' freedom from pain and the full use of the functions of the body. But friendship embraces innumerable advantages. Turn which way you please, you will find it at hand. It is everywhere; and yet never out of place, never unwelcome. Fire and water themselves, to use a common expression, are not of more universal use than friendship. I am not now speaking of the common or modified form of it, though even that is a source of pleasure and profit, but of that true and complete friendship which existed between the select few who are known to fame. Such friendship enhances prosperity, and relieves adversity of its burden by halving and sharing it.

7. And great and numerous as are the blessings of friendship, this certainly is the sovereign one, that it gives us bright hopes for the future and forbids weakness and despair. In the face of a true friend a man sees as it were a second self. So that where his friend is he is; if his friend be rich, he is not poor; though he be weak, his friend's strength is his; and in his friend's life he enjoys a second life after his own is finished. This last is perhaps the most difficult to conceive. But such is the effect of the respect, the loving remembrance, and the regret of friends which follow us to the grave. While they take the sting out of death, they add a glory to the life of the survivors. Nay, if you eliminate from nature the tie of affection, there will be an end of house and city, nor will so much as the cultivation of the soil be left. If you don't see the virtue of friendship and harmony, you may learn it by observing the effects of quarrels and feuds. Was any family ever so well established, any State so firmly settled, as to be beyond the reach of utter destruction from animosities and factions? This may teach you the immense advantage of friendship.

They say that a certain philosopher of Agrigentum, in a Greek poem, pronounced with the authority of an oracle the doctrine that whatever in nature and the universe was unchangeable was so in virtue of the binding force of friendship; whatever was changeable was so by the solvent power of discord. And indeed this is a truth which everybody understands and practically attests by experience. For if any marked instance of loyal friendship in confronting or sharing danger comes to light, every one applauds it to the echo. What cheers there were, for instance, all over the theatre at a passage in the new play of my friend and guest Pacuvius; where the king, not

knowing which of the two was Orestes, Pylades declared himself to be Orestes, that he might die in his stead, while the real Orestes kept on asserting that it was he. The audience rose *en masse* and clapped their hands. And this was at an incident in fiction: what would they have done, must we suppose, if it had been in real life? You can easily see what a natural feeling it is, when men who would not have had the resolution to act thus themselves, shewed how right they thought it in another.

I don't think I have any more to say about friendship. If there is any more, and I have no doubt there is much, you must, if you care to do so, consult those who profess to discuss such matters.

Fannius. We would rather apply to you. Yet I have often consulted such persons, and have heard what they had to say with a certain satisfaction. But in your discourse one somehow feels that there is a different strain.

Scaevola. You would have said that still more, Fannius, if you had been present the other day in Scipio's pleasure-grounds when we had the discussion about the State. How splendidly he stood up for justice against Philus's elaborate speech.

Fannius. Ah! it was naturally easy for the justest of men to stand up for justice.

Scaevola. Well, then, what about friendship? Who could discourse on it more easily than the man whose chief glory is a friendship maintained with the most absolute fidelity, constancy, and integrity?

8. *Laclius*. Now you are really using force. It makes no difference what kind of force you use: force it is. For it is neither easy nor right to refuse a wish of my sons-in-law, particularly when the wish is a creditable one in itself.

Well, then, it has very often occurred to me when thinking about friendship, that the chief point to be considered was this: is it weakness and want of means that make friendship desired? I mean, is its object an interchange of good offices, so that each may give that in which he is strong, and receive that in which he is weak? Or is it not rather true that, although this is an advantage naturally belonging to friendship, yet its original cause is quite other, prior in time, more noble in character, and springing more directly from our nature itself? The Latin word for friendship — *amicitia* — is derived from

that for love — *amor*; and love is certainly the prime mover in contracting mutual affection. For as to material advantages, it often happens that those are obtained even by men who are courted by a mere show of friendship and treated with respect from interested motives. But friendship by its nature admits of no feigning, no pretence: as far as it goes it is both genuine and spontaneous. Therefore I gather that friendship springs from a natural impulse rather than a wish for help: from an inclination of the heart, combined with a certain instinctive feeling of love, rather than from a deliberate calculation of the material advantage it was likely to confer. The strength of this feeling you may notice in certain animals. They show such love to their offspring for a certain period, and are so beloved by them, that they clearly have a share in this natural, instinctive affection. But of course it is more evident in the case of man: first, in the natural affection between children and their parents, an affection which only shocking wickedness can sunder; and next, when the passion of love has attained to a like strength — on our finding, that is, some one person with whose character and nature we are in full sympathy, because we think that we perceive in him what I may call the beacon-light of virtue. For nothing inspires love, nothing conciliates affection, like virtue. Why, in a certain sense we may be said to feel affection even for men we have never seen, owing to their honesty and virtue. Who, for instance, fails to dwell on the memory of Gaius Fabricius and Manius Curius with some affection and warmth of feeling, though he has never seen them? Or who but loathes Tarquinius Superbus, Spurius Cassius, Spurius Maelius? We have fought for empire in Italy with two great generals, Pyrrhus and Hannibal. For the former, owing to his probity, we entertain no great feelings of enmity: the latter, owing to his cruelty, our country has detested and always will detest.

9. Now, if the attraction of probity is so great that we can love it not only in those whom we have never seen, but, what is more, actually in an enemy, we need not be surprised if men's affections are roused when they fancy that they have seen virtue and goodness in those with whom a close intimacy is possible. I do not deny that affection is strengthened by the actual receipt of benefits, as well as by the perception of a wish to render service, combined with a closer

intercourse. When these are added to the original impulse of the heart, to which I have alluded, a quite surprising warmth of feeling springs up. And if any one thinks that this comes from a sense of weakness, that each may have some one to help him to his particular need, all I can say is that, when he maintains it to be born of want and poverty, he allows to friendship an origin very base, and a pedigree, if I may be allowed the expression, far from noble. If this had been the case, a man's inclination to friendship would be exactly in proportion to his low opinion of his own resources. Whereas the truth is quite the other way. For when a man's confidence in himself is greatest, when he is so fortified by virtue and wisdom as to want nothing and to feel absolutely self-dependent, it is then that he is most conspicuous for seeking out and keeping up friendships. Did Africanus, for example, want anything of me? Not the least in the world! Neither did I of him. In my case it was an admiration of his virtue, in his an opinion, may be, which he entertained of my character, that caused our affection. Closer intimacy added to the warmth of our feelings. But though many great material advantages did ensue, they were not the source from which our affection proceeded. For as we are not beneficent and liberal with any view of extorting gratitude, and do not regard an act of kindness as an investment, but follow a natural inclination to liberality; so we look on friendship as worth trying for, not because we are attracted to it by the expectation of ulterior gain, but in the conviction that what it has to give us is from first to last included in the feeling itself.

Far different is the view of those who, like brute beasts, refer everything to sensual pleasure. And no wonder. Men who have degraded all their powers of thought to an object so mean and contemptible can of course raise their eyes to nothing lofty, to nothing grand and divine. Such persons indeed let us leave out of the present question. And let us accept the doctrine that the sensation of love and the warmth of inclination have their origin in a spontaneous feeling which arises directly the presence of probity is indicated. When once men have conceived the inclination, they of course try to attach themselves to the object of it, and move themselves nearer and nearer to him. Their aim is that they may be on the same footing and the same level in regard to affection, and be more inclined to do a

good service than to ask a return, and that there should be this noble rivalry between them. Thus both truths will be established. We shall get the most important material advantages from friendship; and its origin from a natural impulse rather than from a sense of need will be at once more dignified and more in accordance with fact. For if it were true that its material advantages cemented friendship, it would be equally true that any change in them would dissolve it. But nature being incapable of change, it follows that genuine friendships are eternal.

So much for the origin of friendship. But perhaps you would not care to hear any more.

Fannius. Nay, pray go on; let us have the rest, Laelius. I take on myself to speak for my friend here as his senior.

Scaevola. Quite right! Therefore, pray let us hear.

10. *Loelius*. Well, then, my good friends, listen to some conversations about friendship which very frequently passed between Scipio and myself. I must begin by telling you, however, that he used to say that the most difficult thing in the world was for a friendship to remain unimpaired to the end of life. So many things might intervene: conflicting interests; differences of opinion in politics; frequent changes in character, owing sometimes to misfortunes, sometimes to advancing years. He used to illustrate these facts from the analogy of boyhood, since the warmest affections between boys are often laid aside with the boyish toga; and even if they did manage to keep them up to adolescence, they were sometimes broken by a rivalry in courtship, or for some other advantage to which their mutual claims were not compatible. Even if the friendship was prolonged beyond that time, yet it frequently received a rude shock should the two happen to be competitors for office. For while the most fatal blow to friendship in the majority of cases was the lust of gold, in the case of the best men it was a rivalry for office and reputation, by which it had often happened that the most violent enmity had arisen between the closest friends.

Again, wide breaches and, for the most part, justifiable ones were caused by an immoral request being made of friends, to pander to a man's unholy desires or to assist him in inflicting a wrong. A refusal, though perfectly right, is attacked by those to whom they refuse

compliance as a violation of the laws of friendship. Now the people who have no scruples as to the requests they make to their friends, thereby allow that they are ready to have no scruples as to what they will do for their friends; and it is the recriminations of such people which commonly not only quench friendships, but give rise to lasting enmities. “In fact,” he used to say, “these fatalities overhang friendship in such numbers that it requires not only wisdom but good luck also to escape them all.”

11. With these premises, then, let us first, if you please, examine the question — how far ought personal feeling to go in friendship? For instance: suppose Coriolanus to have had friends, ought they to have joined him in invading his country? Again, in the case of Vecellinus or Spurius Maelius, ought their friends to have assisted them in their attempt to establish a tyranny? Take two instances of either line of conduct. When Tiberius Gracchus attempted his revolutionary measures he was deserted, as we saw, by Quintus Tubero and the friends of his own standing. On the other hand, a friend of your own family, Scaevola, Gains Blossius of Cumae, took a different course. I was acting as assessor to the consuls Laenas and Rupilius to try the conspirators, and Blossius pleaded for my pardon on the ground that his regard for Tiberius Gracchus had been so high that he looked upon his wishes as law. “Even if he had wished you to set fire to the Capitol?” said I. “That is a thing,” he replied, “that he never would have wished.” “Ah, but if he had wished it?” said I. “I would have obeyed.” The wickedness of such a speech needs no comment. And in point of fact he was as good and better than his word for he did not wait for orders in the audacious proceedings of Tiberius Gracchus, but was the head and front of them, and was a leader rather than an abettor of his madness. The result of his infatuation was that he fled to Asia, terrified by the special commission appointed to try him, joined the enemies of his country, and paid a penalty to the republic as heavy as it was deserved. I conclude, then, that the plea of having acted in the interests of a friend is not a valid excuse for a wrong action. For, seeing that a belief in a man’s virtue is the original cause of friendship, friendship can hardly remain if virtue he abandoned. But if we decide it to be right to grant our friends whatever they wish, and to ask them for

whatever we wish, perfect wisdom must be assumed on both sides if no mischief is to happen. But we cannot assume this perfect wisdom; for we are speaking only of such friends as are ordinarily to be met with, whether we have actually seen them or have been told about them — men, that is to say, of everyday life. I must quote some examples of such persons, taking care to select such as approach nearest to our standard of wisdom. We read, for instance, that Papus Aemilius was a close friend of Gaius Luscinus. History tells us that they were twice consuls together, and colleagues in the censorship. Again, it is on record that Manius Curius and Tiberius Coruncanius were on the most intimate terms with them and with each other. Now, we cannot even suspect that any one of these men ever asked of his friend anything that militated against his honour or his oath or the interests of the republic. In the case of such men as these there is no point in saying that one of them would not have obtained such a request if he had made it; for they were men of the most scrupulous piety, and the making of such a request would involve a breach of religious obligation no less than the granting it. However, it is quite true that Gaius Carbo and Gaius Cato did follow Tiberius Gracchus; and though his brother Caius Gracchus did not do so at the time, he is now the most eager of them all.

12. We may then lay down this rule of friendship — neither ask nor consent to do what is wrong. For the plea "for friendship's sake" is a discreditable one, and not to be admitted for a moment. This rule holds good for all wrong-doing, but more especially in such as involves disloyalty to the republic. For things have come to such a point with us, my dear Fannius and Scaevola, that we are bound to look somewhat far ahead to what is likely to happen to the republic. The constitution, as known to our ancestors, has already swerved somewhat from the regular course and the lines marked out for it. Tiberius Gracchus made an attempt to obtain the power of a king, or, I might rather say, enjoyed that power for a few months. Had the Roman people ever heard or seen the like before? What the friends and connexions that followed him, even after his death, have succeeded in doing in the case of Publius Scipio I cannot describe without tears. As for Carbo, thanks to the punishment recently inflicted on Tiberius Gracchus, we have by hook or by crook

managed to hold out against his attacks. But what to expect of the tribuneship of Caius Gracchus I do not like to forecast. One thing leads to another; and once set going, the downward course proceeds with ever-increasing velocity. There is the case of the ballot: what a blow was inflicted first by the lex Gabinia, and two years afterwards by the lex Cassia! I seem already to see the people estranged from the Senate, and the most important affairs at the mercy of the multitude. For you may be sure that more people will learn how to set such things in motion than how to stop them. What is the point of these remarks? This: no one ever makes any attempt of this sort without friends to help him. We must therefore impress upon good men that, should they become inevitably involved in friendships with men of this kind, they ought not to consider themselves under any obligation to stand by friends who are disloyal to the republic. Bad men must have the fear of punishment before their eyes: a punishment not less severe for those who follow than for those who lead others to crime. Who was more famous and powerful in Greece than Themistocles? At the head of the army in the Persian war he had freed Greece; he owed his exile to personal envy: but he did not submit to the wrong done him by his ungrateful country as he ought to have done. He acted as Coriolanus had acted among us twenty years before. But no one was found to help them in their attacks upon their fatherland. Both of them accordingly committed suicide.

We conclude, then, not only that no such confederation of evilly disposed men must be allowed to shelter itself under the plea of friendship, but that, on the contrary, it must be visited with the severest punishment, lest the idea should prevail that fidelity to a friend justifies even making war upon one's country. And this is a case which I am inclined to think, considering how things are beginning to go, will sooner or later arise. And I care quite as much what the state of the constitution will be after my death as what it is now.

13. Let this, then, be laid down as the first law of friendship, that *we should ask from friends, and do for friends', only what is good.* But do not let us wait to be asked either: let there be ever an eager readiness, and an absence of hesitation. Let us have the courage to give advice with candour. In friendship, let the influence of friends

who give good advice be paramount; and let this influence be used to enforce advice not only in plain-spoken terms, but sometimes, if the case demands it, with sharpness; and when so used, let it be obeyed.

I give you these rules because I believe that some wonderful opinions are entertained by certain persons who have, I am told, a reputation for wisdom in Greece. There is nothing in the world, by the way, beyond the reach of their sophistry. Well, some of them teach that we should avoid very close friendships, for fear that one man should have to endure the anxieties of several. Each man, say they, has enough and to spare on his own hands; it is too bad to be involved in the cares of other people. The wisest course is to hold the reins of friendship as loose as possible; you can then tighten or slacken them at your will. For the first condition of a happy life is freedom from care, which no one's mind can enjoy if it has to travail, so to speak, for others besides itself. Another sect, I am told, gives vent to opinions still less generous. I briefly touched on this subject just now. They affirm that friendships should be sought solely for the sake of the assistance they give, and not at all from motives of feeling and affection; and that therefore just in proportion as a man's power and means of support are lowest, he is most eager to gain friendships: thence it comes that weak women seek the support of friendship more than men, the poor more than the rich, the unfortunate rather than those esteemed prosperous. What noble philosophy! You might just as well take the sun out of the sky as friendship from life; for the immortal gods have given us nothing better or more delightful.

But let us examine the two doctrines. What is the value of this "freedom from care"? It is very tempting at first sight, but in practice it has in many cases to be put on one side. For there is no business and no course of action demanded from us by our honour which you can consistently decline, or lay aside when begun, from a mere wish to escape from anxiety. Nay, if we wish to avoid anxiety we must avoid virtue itself, which necessarily involves some anxious thoughts in showing its loathing and abhorrence for the qualities which are opposite to itself — as kindness for ill-nature, self-control for licentiousness, courage for cowardice. Thus you may notice that it is the just who are most pained at injustice, the brave at cowardly

actions, the temperate at depravity. It is then characteristic of a rightly ordered mind to be pleased at what is good and grieved at the reverse. Seeing then that the wise are not exempt from the heart-ache (which must be the case unless we suppose all human nature rooted out of their hearts), why should we banish friendship from our lives, for fear of being involved by it in some amount of distress? If you take away emotion, what difference remains I don't say between a man and a beast, but between a man and a stone or a log of wood, or anything else of that kind?

Neither should we give any weight to the doctrine that virtue is something rigid and unyielding as iron. In point of fact it is in regard to friendship, as in so many other things, so supple and sensitive that it expands, so to speak, at a friend's good fortune, contracts at his misfortunes. We conclude then that mental pain which we must often encounter on a friend's account is not of sufficient consequence to banish friendship from our life, any more than it is true that the cardinal virtues are to be dispensed with because they involve certain anxieties and distresses.

14. Let me repeat then, "the clear indication of virtue, to which a mind of like character is naturally attracted, is the beginning of friendship." When that is the case the rise of affection is a necessity. For what can be more irrational than to take delight in many objects incapable of response, such as office, fame, splendid buildings, and personal decoration, and yet to take little or none in a sentient being endowed with virtue, which has the faculty of loving or, if I may use the expression, loving back? For nothing is really more delightful than a return of affection, and the mutual interchange of kind feeling and good offices. And if we add, as we may fairly do, that nothing so powerfully attracts and draws one thing to itself as likeness does to friendship, it wilt at once be admitted to be true that the good love the good and attach them to themselves as though they were united by blood and nature. For nothing can be more eager, or rather greedy, for what is like itself than nature. So, my dear Fannius and Scaevola, we may look upon this as an established fact, that between good men there is, as it were of necessity, a kindly feeling, which is the source of friendship ordained by nature. But this same kindliness affects the many also. For that is no unsympathetic or selfish or exclusive virtue,

which protects even whole nations and consults their best interests. And that certainly it would not have done had it disdained all affection for the common herd.

Again, the believers in the "interest" theory appear to me to destroy the most attractive link in the chain of friendship. For it is not so much what one gets by a friend that gives one pleasure, as the warmth of his feeling; and we only care for a friend's service if it has been prompted by affection. And so far from its being true that lack of means is a motive for seeking friendship, it is usually those who being most richly endowed with wealth and means, and above all with virtue (which, after all, is a man's best support), are least in need of another, that are most openhanded and beneficent. Indeed I am inclined to think that friends ought at times to be in want of something. For instance, what scope would my affections have had if Scipio had never wanted my advice or co-operation at home or abroad? It is not friendship, then, that follows material advantage, but material advantage friendship.

15. We must not therefore listen to these superfine gentlemen when they talk of friendship, which they know neither in theory nor in practice. For who, in heaven's name, would choose a life of the greatest wealth and abundance on condition of neither loving or being beloved by any creature? That is the sort of life tyrants endure. They, of course, can count on no fidelity, no affection, no security for the goodwill of any one. For them all is suspicion and anxiety; for them there is no possibility of friendship. Who can love one whom he fears, or by whom he knows that he is feared? Yet such men have a show of friendship offered them, but it is only a fair-weather show. If it ever happen that they fall, as it generally does, they will at once understand how friendless they are. So they say Tarquin observed in his exile that he never knew which of his friends were real and which sham, until he had ceased to be able to repay either. Though what surprises me is that a man of his proud and overbearing character should have a friend at all. And as it was his character that prevented his having genuine friends, so it often happens in the case of men of unusually great means — their very wealth forbids faithful friendships. For not only is Fortune blind herself; but she generally makes those blind also who enjoy her favours. They are carried, so to

speak, beyond themselves with self-conceit and self-will; nor can anything be more perfectly intolerable than a successful fool. You may often see it. Men who before had pleasant manners enough undergo a complete change on attaining power of office. They despise their old friends: devote themselves to new.

Now, can anything be more foolish than that men who have all the opportunities which prosperity, wealth, and great means can bestow, should secure all else which money can buy — horses, servants, splendid upholstering, and costly plate — but do not secure friends, who are, if I may use the expression, the most valuable and beautiful furniture of life? And yet, when they acquire the former, they know not who will enjoy them, nor for whom they may be taking all this trouble; for they will one and all eventually belong to the strongest: while each man has a stable and inalienable ownership in his friendships. And even if those possessions, which are, in a manner, the gifts of fortune, do prove permanent, life can never be anything but joyless which is without the consolations and companionship of friends.

16. To turn to another branch of our subject. We must now endeavour to ascertain what limits are to be observed in friendship — what is the boundary-line, so to speak, beyond which our affection is not to go. On this point I notice three opinions, with none of which I agree. One is *that we should love our friend just as much as we love ourselves, and no more; another, that our affection to them should exactly correspond and equal theirs to us; a third, that a man should be valued at exactly the same rate as he values himself.* To not one of these opinions do I assent. The first, which holds that our regard for ourselves is to be the measure of our regard for our friend, is not true; for how many things there are which we would never have done for our own sakes, but do for the sake of a friend! We submit to make requests from unworthy people, to descend even to supplication; to be sharper in invective, more violent in attack. Such actions are nut creditable in our own interests, but highly so in those of our friends. There are many advantages too which men of upright character voluntarily forego, or of which they are content to be deprived, that their friends may enjoy them rather than themselves.

The second doctrine is that which limits friendship to an exact equality in mutual good offices and good feelings. But such a view reduces friendship to a question of figures in a spirit far too narrow and illiberal, as though the object were to have an exact balance in a debtor and creditor account. True friendship appears to me to be

something richer and more generous than that comes to; and not to be so narrowly on its guard against giving more than it receives. In such a matter we must not be always afraid of something being wasted or running over in our measure, or of more than is justly due being devoted to our friendship.

But the last limit proposed is the worst, namely, that a friend's estimate of himself is to be the measure of our estimate of him. It often happens that a man has too humble an idea of himself, or takes too despairing a view of his chance of bettering his fortune. In such a case a friend ought not to take the view of him which he takes of himself. Rather he should do all he can to raise his drooping spirits, and lead him to more cheerful hopes and thoughts.

We must then find some other limit. But I must first mention the sentiment which used to call forth Scipio's severest criticism. He often said that no one ever gave utterance to anything more diametrically opposed to the spirit of friendship than the author of the dictum, "You should love your friend with the consciousness that you may one day hate him." He could not be induced to believe that it was rightfully attributed to Bias, who was counted as one of the Seven Sages. It was the sentiment of some person with sinister motives or selfish ambition, or who regarded everything as it affected his own supremacy. How can a man be friends with another, if he thinks it possible that he may be his enemy? Why, it will follow that he must wish and desire his friend to commit as many mistakes as possible, that he may have all the more handles against him; and, conversely, that he must be annoyed, irritated, and jealous at the right actions or good fortune of his friends. This maxim, then, let it be whose it will, is the utter destruction of friendship. The true rule is to take such care in the selection of our friends as never to enter upon a friendship with a man whom we could under any circumstances come to hate. And even if we are unlucky in our choice, we must put up with it — according to Scipio — in preference to making calculations as to a future breach.

17. The real limit to be observed in friendship is this: the characters of two friends must be stainless. There must be complete harmony of interests, purpose, and aims, without exception. Then if the case arises of a friend's wish (not strictly right in itself) calling

for support in a matter involving his life or reputation, we must make some concession from the straight path — on condition, that is to say, that extreme disgrace is not the consequence. Something must be conceded to friendship. And yet we must not be entirely careless of our reputation, nor regard the good opinion of our fellow-citizens as a weapon which we can afford to despise in conducting the business of our life, however lowering it may be to tout for it by flattery and smooth words. We must by no means abjure virtue, which secures us affection.

But to return again to Scipio, the sole author of the discourse on friendship. He used to complain that there was nothing on which men bestowed so little pains: that every one could tell exactly how many goats or sheep he had, but not how many friends; and while they took pains in procuring the former, they were utterly careless in selecting friends, and possessed no particular marks, so to speak, or tokens by which they might judge of their suitability for friendship. Now the qualities we ought to look out for in making our selection are firmness, stability, constancy. There is a plentiful lack of men so endowed, and it is difficult to form a judgment without testing. Now this testing can only be made during the actual existence of the friend-ship; for friendship so often precedes the formation of a judgment, and makes a previous test impossible. If we are prudent then, we shall rein in our impulse to affection as we do chariot horses. We make a preliminary trial of horses. So we should of friendship; and should test our friends' characters by a kind of tentative friendship. It may often happen that the untrustworthiness of certain men is completely displayed in a small money matter; others who are proof against a small sum are detected if it be large. But even if some are found who think it mean to prefer money to friendship, where shall we look for those who put friendship before office, civil or military promotions, and political power, and who, when the choice lies between these things on the one side and the claims of friendship on the other, do not give a strong preference to the former? It is not in human nature to be indifferent to political power; and if the price men have to pay for it is the sacrifice of friendship, they think their treason will be thrown into the shade by the magnitude of the reward. This is why true friendship is very

difficult to find among those who engage in politics and the contest for office. Where can you find the man to prefer his friend's advancement to his own? And to say nothing of that, think how grievous and almost intolerable it is to most men to share political disaster. You will scarcely find anyone who can bring himself to do that. And though what Ennius says is quite true,—" the hour of need shews the friend indeed," — yet it is in these two ways that most people betray their untrustworthiness and inconstancy, by looking down on friends when they are themselves prosperous, or deserting them in their distress. A man, then, who has shewn a firm, unshaken, and unvarying friendship in both these contingencies we must reckon as one of a class the rarest in the world, and all but superhuman.

18. Now, what is the quality to look out for as a warrant for the stability and permanence of friendship? It is loyalty. Nothing that lacks this can be stable. We should also in making our selection look out for simplicity, a social disposition, and a sympathetic nature, moved by what moves us. These all contribute to maintain loyalty. You can never trust a character which is intricate and tortuous. Nor, indeed, is it possible for one to be trustworthy and firm who is unsympathetic by nature and unmoved by what affects ourselves. We may add, that he must neither take pleasure in bringing accusations against us himself, nor believe them when they are brought. All these contribute to form that constancy which I have been endeavouring to describe. And the result is, what I started by saying, that friendship is only possible between good men.

Now there are two characteristic features in his treatment of his friends that a good (which may be regarded as equivalent to a wise) man will always display. First, he will be entirely without any make-believe or pretence of feeling; for the open display even of dislike is more becoming to an ingenuous character than a studied concealment of sentiment. Secondly, he will not only reject all accusations brought against his friend by another, but he will not be suspicious himself either, nor be always thinking that his friend has acted improperly. Besides this, there should be a certain pleasantness in word and manner which adds no little flavour to friendship. A gloomy temper and unvarying gravity may be very impressive; but friendship should be a little less unbending, more indulgent and

gracious, and more inclined to all kinds of good-fellowship and good-nature.

19. But here arises a question of some little difficulty. Are there any occasions on which, assuming their worthiness, we should prefer new to old friends, just as we prefer young to aged horses? The answer admits of no doubt whatever. For there should be no satiety in friendship, as there is in other things. The older the sweeter, as in wines that keep well. And the proverb is a true one, "You must eat many a peck of salt with a man to be thorough friends with him." Novelty, indeed, has its advantage, which we must not despise. There is always hope of fruit, as there is in healthy blades of corn. But age too must have its proper position; and, in fact, the influence of time and habit is very great. To recur to the illustration of the horse which I have just now used. Every one likes *ceteris paribus* to use the horse to which he has been accustomed, rather than one that is untried and new. And it is not only in the case of a living thing that this rule holds good, but in inanimate things also; for we like places where we have lived the longest, even though they are mountainous and covered with forest. But here is another golden rule in friendship: *put yourself on a level with your friend*. For it often happens that there are certain superiorities, as for example Scipio's in what I may call our set. Now he never assumed any airs of superiority over Philus, or Rupilius, or Mummius, or over friends of a lower rank stilt. For instance, he always shewed a deference to his brother Quintus Maximus because he was his senior, who, though a man no doubt of eminent character, was by no means his equal. He used also to wish that all his friends should be the better for his support. This is an example we should all follow. If any of us have any advantage in personal character, intellect, or fortune, we should be ready to make our friends sharers and partners in it with ourselves. For instance, if their parents are in humble circumstances, if their relations are powerful neither in intellect nor means, we should supply their deficiencies and promote their rank and dignity. You know the legends of children brought up as servants in ignorance of their parentage and family. When they are recognized and discovered to be the sons of gods or kings, they still retain their affection for the shepherds whom they have for many years looked upon as their

parents. Much more ought this to be so in the case of real and undoubted parents. For the advantages of genius and virtue, and in short, of every kind of superiority, are never realized to their fullest extent until they are bestowed upon our nearest and dearest.

20. But the converse must also be observed. For in friendship and relationship, just as those who possess any superiority must put themselves on an equal footing with those who are less fortunate, so these latter must not be annoyed at being surpassed in genius, fortune, or rank. But most people of that sort are forever either grumbling at something, or harping on their claims; and especially if they consider that they have services of their own to allege involving zeal and friendship and some trouble to themselves. People who are always bringing up their services are a nuisance. The recipient ought to remember them; the performer should never mention them. In the case of friends, then, as the superior are bound to descend, so are they bound in a certain sense to raise those below them. For there are people who make their friendship disagreeable by imagining themselves undervalued. This generally happens only to those who think that they deserve to be so; and they ought to be shewn by deeds as well as by words the groundlessness of their opinion. Now the measure of your benefits should be in the first place your own power to bestow, and in the second place the capacity to bear them on the part of him on whom you are bestowing affection and help. For, however great your personal prestige may be, you cannot raise all your friends to the highest offices of the State. For instance, Scipio was able to make Publius Rupilius consul, but not his brother Lucius. But granting that you can give anyone anything you choose, you must have a care that it does not prove to be beyond his powers. As a general rule, we must wait to make up our mind about friendships till men's characters and years have arrived at their full strength and development. People must not, for instance, regard as fast friends all whom in their youthful enthusiasm for hunting or football they liked for having the same tastes. By that rule, if it were a mere question of time, no one would have such claims on our affections as nurses and slave-tutors. Not that they are to be neglected, but they stand on a different ground. It is only these mature friendships that can be permanent. For difference of character leads to difference of aims,

and the result of such diversity is to estrange friends. The sole reason, for instance, which prevents good men from making friends with bad, or bad with good, is that the divergence of their characters and aims is the greatest possible.

Another good rule in friendship is this: do not let an excessive affection hinder the highest interests of your friends. This very often happens. I will go again to the region of fable for an instance. Neoptolemus could never have taken Troy if he had been willing to listen to Lycomedes, who had brought him up, and with many tears tried to prevent his going there. Again, it often happens that important business makes it necessary to part from friends: the man who tries to baulk it, because he thinks that he cannot endure the separation, is of a weak and effeminate nature, and on that very account makes but a poor friend. There are, of course, limits to what you ought to expect from a friend and to what you should allow him to demand of you. And these you must take into calculation in every case.

21. Again, there is such a disaster, so to speak, as having to break off friendship. And sometimes it is one we cannot avoid. For at this point the stream of our discourse is leaving the intimacies of the wise and touching on the friendship of ordinary people. It will happen at times that an outbreak of vicious conduct affects either a man's friends themselves or strangers, yet the discredit falls on the friends. In such cases friendships should be allowed to die out gradually by an intermission of intercourse. They should, as I have been told that Cato used to say, rather be unstitched than toni in twain; unless, indeed, the injurious conduct be of so violent and outrageous a nature as to make an instant breach and separation the only possible course consistent with honour and rectitude. Again, if a change in character and aim takes place, as often happens, or if party politics produces an alienation of feeling (I am now speaking, as I said a short time ago, of ordinary friendships, not of those of the wise), we shall have to be on our guard against appearing to embark upon active enmity while we only mean to resign a friendship. For there can be nothing more discreditable than to be at open war with a man with whom you have been intimate. Scipio, as you are aware, had abandoned his friendship for Quintus Pompeius on my account; and again, from

differences of opinion in politics, he became estranged from my colleague Metellus. In both cases he acted with dignity and moderation, shewing that he was offended indeed, but without Tancour.

Our first object, then, should be to prevent a breach; our second, to secure that, if it does occur, our friendship should seem to have died a natural rather than a violent death. Next, we should take care that friendship is not converted into active hostility, from which flow personal quarrels, abusive language, and angry recriminations. These last, however, provided that they do not pass all reasonable limits of forbearance, we ought to put up with, and, in compliment to an old friendship, allow the party that inflicts the injury, not the one that submits to it, to be in the wrong. Generally speaking, there is but one way of securing and providing oneself against faults and inconveniences of this sort — not to be too hasty in bestowing our affection, and not to bestow it at all on unworthy objects.

Now, by "worthy of friendship" I mean those who have in themselves the qualities which attract affection. This sort of man is rare; and indeed all excellent things are rare; and nothing in the world is so hard to find as a thing entirely and completely perfect of its kind. But most people not only recognize nothing as good in our life unless it is profitable, but look upon friends as so much stock, caring most for those by whom they hope to make most profit. Accordingly they never possess that most beautiful and most spontaneous friendship which must be sought solely for itself without any ulterior object. They fail also to learn from their own feelings the nature and the strength of friendship. For every one loves himself, not for any reward which such love may bring, but because he is dear to himself independently of anything else. But unless this feeling is transferred to another, what a real friend is will never be revealed; for he is, as it were, a second self. But if we find these two instincts shewing themselves in animals, — whether of the air or the sea or the land, whether wild or tame, — first, a love of self, which in fact is born in everything that lives alike; and, secondly, an eagerness to find and attach themselves to other creatures of their own kind; and if this natural action is accompanied by desire and by something resembling human love, how much more must this be the case in

man by the law of his nature? For man not only loves himself, but seeks another whose spirit he may so blend with his own as almost to make one being of two.

22. But most people unreasonably, not to speak of modesty, want such a friend as they are unable to be themselves, and expect from their friends what they do not themselves give. The fair course is first to be good yourself, and then to look out for another of like character. It is between such that the stability in friendship of which we have been talking can be secured; when, that is to say, men who are united by affection learn, first of all, to rule those passions which enslave others, and in the next place to take delight in fair and equitable conduct, to bear each other's burdens, never to ask each other for anything inconsistent with virtue and rectitude, and not only to serve and love but also to respect each other. I say "respect"; for if respect is gone, friendship has lost its brightest jewel. And this shows the mistake of those who imagine that friendship gives a privilege to licentiousness and sin. Nature has given us friendship as the handmaid of virtue, not as a partner in guilt: to the end that virtue, being powerless when isolated to reach the highest objects, might succeed in doing so in union and partnership with another. Those who enjoy in the present, or have enjoyed in the past, or are destined to enjoy in the future such a partnership as this, must be considered to have secured the most excellent and auspicious combination for reaching nature's highest good. This is the partnership, I say, which combines moral rectitude, fame, peace of mind, serenity: all that men think desirable because with them life is happy, but without them cannot be so. This being our best and highest object, we must, if we desire to attain it, devote ourselves to virtue; for without virtue we can obtain neither friendship nor anything else desirable. In fact, if virtue be neglected, those who imagine themselves to possess friends will find out their error as soon as some grave disaster forces them to make trial of them. Wherefore, I must again and again repeat, you must satisfy your judgment before engaging your affections: not love first and judge afterwards. We suffer from carelessness in many of our undertakings: in none more than in selecting and cultivating our friends. We put the cart before the horse, and shut the stable door when the steed is stolen, in defiance of the old proverb. For, having

mutually involved ourselves in a long-standing intimacy or by actual obligations, all on a sudden some cause of offence arises and we break off our friendships in full career.

23. It is this that makes such carelessness in a matter of supreme importance all the more worthy of blame. I say "supreme importance," because friendship is the one thing about the utility of which everybody with one accord is agreed. That is not the case in regard even to virtue itself; for many people speak slightingly of virtue as though it were mere puffing and self-glorification. Nor is it the case with riches. Many look down on riches, being content with a little and taking pleasure in poor fare and dress, And as to the political offices for which some have a burning desire — how many entertain such a contempt for them as to think nothing in the world more empty and trivial!

And so on with the rest; things desirable in the eyes of some are regarded by very many as worthless. But of friendship all think alike to a man, whether those have devoted themselves to politics, or those who delight in science and philosophy, or those who follow a private way of life and care for nothing but their own business, or those lastly who have given themselves body and soul to sensuality — they all think, I say, that without friendship life is no life, if they want some part of it, at any rate, to be noble. For friendship, in one way or another, penetrates into the lives of us all, and suffers no career to be entirely free from its influence. Though a man be of so churlish and unsociable a nature as to loathe and shun the company of mankind, as we are told was the case with a certain Timon at Athens, yet even he cannot refrain from seeking some one in whose hearing he may disgorge the venom of his bitter temper. We should see this most clearly, if it were possible that some god should carry us away from these haunts of men, and place us somewhere in perfect solitude, and then should supply us in abundance with everything necessary to our nature, and yet take from us entirely the opportunity of looking upon a human being. Who could steel himself to endure such a life? Who would not lose in his loneliness the zest for all pleasures? And indeed this is the point of the observation of, I think, Archytas of Tarentum. I have it third hand; men who were my seniors told me that their seniors had told them. It was this: "If a man could ascend to heaven

and get a clear view of the natural order of the universe, and the beauty of the heavenly bodies, that wonderful spectacle would give him small pleasure, though nothing could be conceived more delightful if he had but had some one to whom to tell what he had seen." So true it is that nature abhors isolation, and ever leans upon something as a stay and support; and this is found in its most pleasing form in our closest friend.

24. But though Nature also declares by so many indications what her wish and object and desire is, we yet in a manner turn a deaf ear and will not hear her warnings. The intercourse between friends is varied and complex, and it must often happen that causes of suspicion and offence arise, which a wise man will sometimes avoid, at other times remove, at others treat with indulgence. The one possible cause of offence that must be faced is when the interests of your friend and your own sincerity are at stake. For instance, it often happens that friends need remonstrance and even reproof. When these are administered in a kindly spirit they ought to be taken in good part. But somehow or other there is truth in what my friend Terence says in his *Andria*:

Compliance gets us friends, plain speaking hate.

Plain speaking is a cause of trouble, if the result of it is resentment, which is poison of friendship; but compliance is really the cause of much more trouble, because by indulging his faults it lets a friend plunge into headlong ruin. But the man who is most to blame is he who resents plain speaking and allows flattery to egg him on to his ruin. On this point, then, from first to last there is need of deliberation and care. If we remonstrate, it should be without bitterness; if we reprove, there should be no word of insult. In the matter of compliance (for I am glad to adopt Terence's word), though there should be every courtesy, yet that base kind which assists a man in vice should be far from us, for it is unworthy of a free-born man, to say nothing of a friend. It is one thing to live with a tyrant, another with a friend. But if a man's ears are so closed to plain speaking that he cannot hear to hear the truth from a friend, we may give him up in despair. This remark of Cato's, as so many of his did, shews great acuteness: "There are people who owe more to bitter enemies than to apparently pleasant friends: the former often speak

the truth, the latter never." Besides, it is a strange paradox that the recipients of advice should feel no annoyance where they ought to feel it, and yet feel so much where they ought not. They are not at all vexed at having committed a fault, but very angry at being reproved for it. On the contrary, they ought to be grieved at the crime and glad of the correction.

25. Well, then, if it is true that to give and receive advice — the former with freedom and yet without bitterness, the latter with patience and without irritation — is peculiarly appropriate to genuine friendship, it is no less true that there can be nothing more utterly subversive of friendship than flattery, adulation, and base compliance. I use as many terms as possible to brand this vice of light-minded, untrustworthy men, whose sole object in speaking is to please without any regard to truth. In everything false pretence is bad, for it suspends and vitiates our power of discerning the truth. But to nothing it is so hostile as to friendship; for it destroys that frankness without which friendship is an empty name. For the essence of friendship being that two minds become as one, how can that ever take place if the mind of each of the separate parties to it is not single and uniform, but variable, changeable, and complex? Can anything be so pliable, so wavering, as the mind of a man whose attitude depends not only on another's feeling and wish, but on his very looks and nods?

If one says "No," I answer "No"; if "Yes," I answer "Yes." In fine, I've laid this task upon myself To echo all that's said — to quote my old friend Terence again. But he puts these words into the mouth of a Gnatho. To admit such a man into one's intimacy at all is a sign of folly. But there are many people like Gnatho, and it is when they are superior either in position or fortune or reputation that their flatteries become mischievous, the weight of their position making up for the lightness of their character. But if we only take reasonable care, it is as easy to separate and distinguish a genuine from a specious friend as anything else that is coloured and artificial from what is sincere and genuine. A public assembly, though composed of men of the smallest possible culture, nevertheless will see clearly the difference between a mere demagogue (that is, a flatterer and untrustworthy citizen) and a man of principle, standing, and solidity.

It was by this kind of flattering language that Gaius Papirius the other day endeavoured to tickle the ears of the assembled people, when proposing his law to make the tribunes re-eligible. I spoke against it. But I will leave the personal question. I prefer speaking of Scipio. Good heavens! how impressive his speech was, what a majesty there was in it! You would have pronounced him, without hesitation, to be no mere henchman of the Roman people, but their leader. However, you were there, and moreover have the speech in your hands. The result was that a law meant to please the people was by the people's votes rejected. Once more to refer to myself, you remember how apparently popular was the law proposed by Gaius Licinius Crassus "about the election to the College of Priests" in the consulship of Quintus Maximus, Scipio's brother, and Lucius Mancinus. For the power of filling up their own vacancies on the part of the colleges was by this proposal to be transferred to the people. It was this man, by the way, who began the practice of turning towards the forum when addressing the people. In spite of this, however, upon my speaking on the conservative side, religion gained an easy victory over his plausible speech. This took place in my praetorship, five years before I was elected consul, which shows that the cause was successfully maintained more by the merits of the case than by the prestige of the highest office.

26. Now, if on a stage, such as a public assembly essentially is, where there is the amplest room for fiction and half-truths, truth nevertheless prevails if it be but fairly laid open and brought into the light of day, what ought to happen in the case of friendship, which rests entirely on truthfulness? Friendship, in which, unless you both see and show an open breast, to use a common expression, you can neither trust nor be certain of anything — no, not even of mutual affection, since you cannot be sure of its sincerity. However, this flattery, injurious as it is, can hurt no one but the man who takes it in and likes it. And it follows that the man to open his ears widest to flatterers is he who first flatters himself and is fondest of himself. I grant you that Virtue naturally loves herself; for she knows herself and perceives how worthy of love she is. But I am not now speaking of absolute virtue, but of the belief men have that they possess virtue. The fact is that fewer people are endowed with virtue than wish to be

thought to be so. It is such people that take delight in flattery. When they are addressed in language expressly adapted to flatter their vanity, they look upon such empty persiflage as a testimony to the truth of their own praises. It is not then properly friendship at all when the one will not listen to the truth, and the other is prepared to lie. Nor would the servility of parasites in comedy have seemed humorous to us had there been no such things as braggart captains. "Is Thais really much obliged to me?" It would have been quite enough to answer "Much," but he must needs say "Immensely." Your servile flatterer always exaggerates what his victim wishes to be put strongly. Wherefore, though it is with those who catch at and invite it that this flattering falsehood is especially powerful, yet men even of soldier and steadier character must be warned to be on the watch against being taken in by cunningly disguised flattery. An open flatterer any one can detect, unless he is an absolute fool the covert insinuation of the cunning and the sly is what we have to be studiously on our guard against. His detection is not by any means the easiest thing in the world, for he often covers his servility under the guise of contradiction, and flatters by pretending to dispute, and then at last giving in and allowing himself to be beaten, that the person hoodwinked may think himself to have been the clearer-sighted. Now what can be more degrading than to be thus hoodwinked? You must be on your guard against this happening to you, like the man in the *Heiress*:

> How have I been befooled! no drivelling dotards
> On any stage were e'er so played upon.

For even on the stage we have no grosser representation of folly than that of short-sighted and credulous old men. But somehow or other I have strayed away from the friendship of the perfect, that is of the "wise" (meaning, of course, such "wisdom" as human nature is capable of), to the subject of vulgar, unsubstantial friendships. Let us then return to our original theme, and at length bring that, too, to a conclusion.

27. Well, then, Fannius and Mucius, I repeat what I said before. It is virtue, virtue, which both creates and preserves friendship. On it depends harmony of interest, permanence, fidelity. When Virtue has reared her head and shewn the light of her countenance, and seen and

recognised the same light in another, she gravitates towards it, and in her turn welcomes that which the other has to shew; and from it springs up a flame which you may call love or friendship as you please. Both words are from the same root in Latin; and love is just the cleaving to him whom you love without the prompting of need or any view to advantage — though this latter blossoms spontaneously on friendship, little as you may have looked for it. It is with such warmth of feeling that I cherished Lucius Paulus, Marcus Cato, Galus Gallus, Publius Nasica, Tiberius Gracchus, my dear Scipio's father-in-law. It shines with even greater warmth when men are of the same age, as in the case of Scipio and Lucius Furius, Publius Rupilius, Spurius Mummius, and myself. *En revanche*, in my old age I find comfort in the affection of young men, as in the case of yourselves and Quintus Tubero: nay more, I delight in the intimacy of such a very young man as Publius Rutilius and Aulus Verginius. And since the law of our nature and of our life is that a new generation is for ever springing up, the most desirable thing is that along with your contemporaries, with whom you started in the race, you may also teach what is to us the goal. But in view of the instability and perishableness of mortal things, we should be continually on the look-out for some to love and by whom to be loved; for if we lose affection and kindliness from our life, we lose all that gives it charm. For me, indeed, though torn away by a sudden stroke, Scipio still lives and ever wilt live. For it was the virtue of the man that I loved, and that has not suffered death. And it is not my eyes only, because I had all my life a personal experience of it, that never lose sight of it: it will shine to posterity also with undimmed glory. No one will ever cherish a nobler ambition or a loftier hope without thinking his memory and his image the best to put before his eyes. I declare that of all the blessings which either fortune or nature has bestowed upon me I know none to compare with Scipio's friendship. In it I found sympathy in public, counsel in private business; in it too a means of spending my leisure with unalloyed delight. Never, to the best of my knowledge, did I offend him even in the most trivial point; never did I hear a word from him I could have wished unsaid. We had one house, one table, one style of living; and not only were we together on foreign service, but in our tours also

and country sojourns. Why speak of our eagerness to be ever gaining some knowledge, to be ever learning something, on which we spent all our leisure hours far from the gaze of the world? If the recollection and memory of these things had perished with the man, I could not possibly have endured the regret for one so closely united with me in life and affection. But these things have not perished; they are rather fed and strengthened by reflexion and memory. Even supposing me to have been entirely bereft of them, still my time of life of itself brings me no small consolation: for I cannot have much longer now to bear this regret; and everything that is brief ought to be endurable, however severe.

This is all I had to say on friendship. One piece of advice on parting. Make up your minds to this. Virtue (without which friendship is impossible) is first; but next to it, and to it alone, the greatest of all things is Friendship.

DE OFFICIIS (On Duties)

Translated by Walter Miller

Written from October to November 44 BC in under four weeks, during Cicero's final year, *De Officiis* is a treatise divided into three books, in which he expounds his conception of the best way to live, behave and observe moral obligations, while also criticising the recently overthrown dictator Julius Caesar and his dictatorship. Cicero was at this time still active in politics, trying to prevent revolutionary forces from taking control of the Republic.

The work was written in the form of a letter to his son, who bore the same name, at that time studying philosophy in Athens. Judging from its form, it is nonetheless likely that Cicero wrote with a broader audience in mind. Although it was influenced by the Academic, Peripatetic, and Stoic schools of Greek philosophy, *De Officiis* demonstrates the influence of the Stoic philosopher Panaetius, whose most famous work *On Duties* was the principal source used by Cicero in his own work of the same name. In the first book the treatise discusses what duties are honourable, whilst the second book considers what is expedient or to one's advantage in duty and the third book explores what to do when the honourable and expedient conflict. Cicero explains that they are the same and that they only appear to be in conflict. He goes on to claim that the absence of political rights corrupts moral virtues.

In the treatise, Cicero urges his son Marcus to follow nature and wisdom, as well as politics, while warning against pleasure and indolence. Cicero's *De Officiis* relies heavily on anecdotes, much more than his other works and is written in a more leisurely and less formal style than previous writings, perhaps illustrating the rapidity with which he wrote it. Nevertheless, it continues to be one of the most popular of Cicero's works, due to its lively style and engaging

depiction of Roman political life under the Republic.

Panaetius, depicted as a medieval scholar in the Nuremberg Chronicle

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INTRODUCTION

In the *de Officiis* we have, save for the latter Philippics, the great orator's last contribution to literature. The last, sad, troubled years of his busy life could not be given to his profession; and he turned his never-resting thoughts to the second love of his student days and made Greek philosophy a possibility for Roman readers. The senate had been abolished; the courts had been closed. His occupation was gone; but Cicero could not surrender himself to idleness. In those days of distraction (46-43 B.C.) he produced for publication almost as much as in all his years of active life.

The liberators had been able to remove the tyrant, but they could not restore the republic. Cicero's own life was in danger from the fury of mad Antony and he left Rome about the end of March, 44 B.C. He dared not even stop permanently in any one of his various country estates, but, wretched, wandered from one of his villas to another nearly all the summer and autumn through. He would not suffer himself to become a prey to his overwhelming sorrow at the death of the republic and the final crushing of the hopes that had risen with Caesar's downfall, but worked at the highest tension on his philosophical studies.

The Romans were not philosophical. In 161 B.C. the senate passed a decree excluding all philosophers p. xiiand teachers of rhetoric from the city. They had no taste for philosophical speculation, in which the Greeks were the world's masters. They were intensely, narrowly practical. And Cicero was thoroughly Roman. As a student in a Greek university he had had to study philosophy. His mind was broad enough and his soul great enough to give him a joy in following after the mighty masters, Socrates, Plato, Zeno, Cleanthes, Aristotle, Theophrastus, and the rest. But he pursued his study of it, like a Roman, from a "practical" motive — to promote thereby his power as an orator and to augment his success and happiness in life. To him the goal of philosophy was not primarily to know but to do. Its end was to point out the course of conduct that would lead to success and happiness. The only side of philosophy, therefore, that could make much appeal to the Roman

mind was ethics; pure science could have little meaning for the practical Roman; metaphysics might supplement ethics and religion, without which true happiness was felt to be impossible.

Philosophical study had its place, therefore, and the most important department of philosophy was ethics. The treatise on Moral Duties has the very practical purpose of giving a practical discussion of the basic principles of Moral Duty and practical rules for personal conduct.

As a philosopher, if we may so stretch the term as to include him, Cicero avows himself an adherent of the New Academy and a disciple of Carneades. He had tried Epicureanism under Phaedrus and Zeno, Stoicism under Diodotus and Posidonius; but Philo of Larissa converted him to the New Academy.

Scepticism declared the attainment of absolute p. xiiiknowledge impossible. But there is the easily obtainable golden mean of the probable; and that appealed to the practical Roman. It appealed especially to Cicero; and the same indecision that had been his bane in political life naturally led him first to scepticism, then to eclecticism, where his choice is dictated by his bias for the practical and his scepticism itself disappears from view. And while Antiochus, the eclectic Academician of Athens, and Posidonius, the eclectic Stoic of Rhodes, seem to have had the strongest influence upon him, he draws at his own discretion from the founts of Stoics, Peripatetics, and Academicians alike; he has only contempt for the Epicureans, Cynics, and Cyrenaics. But the more he studied and lived, the more of a Stoic in ethics he became.

The cap-sheaf of Cicero's ethical studies is the treatise on Moral Duties. It takes the form of a letter addressed to his son Marcus (see Index), at this time a youth of twenty-one, pursuing his university studies in the Peripatetic school of Cratippus in Athens, and sowing for what promised to be an abundant crop of wild oats. This institution gives force and definiteness to the practical tendencies of the father's ethical teachings. And yet, be it observed, that same father is not without censure for contributing to his son's extravagant and riotous living by giving him an allowance of nearly £870 a year.

Our Roman makes no pretensions to originality in philosophic thinking. He is a follower — an expositor — of the Greeks. As the

basis of his discussion of the Moral Duties he takes the Stoic Panaetius of Rhodes (see Index), *Περὶ Καθήκοντος*, drawing also p. xivfrom many other sources, but following him more or less closely in Books I and II; Book III is more independent and much inferior. He is usually superficial and not always clear. He translates and paraphrases Greek philosophy, weaving in illustrations from Roman history and suggestions of Roman mould in a form intended to make it, if not popular, at least comprehensible, to the Roman mind. How well he succeeded is evidenced by the comparative receptivity of Roman soil prepared by Stoic doctrine for the teachings of Christianity. Indeed, Anthony Trollope labels our author the "Pagan Christian." "You would fancy sometimes," says Petrarch, "it is not a Pagan philosopher but a Christian apostle who is speaking." No less an authority than Frederick the Great has called our book "the best work on morals that has been or can be written." Cicero himself looked upon it as his masterpiece.

It has its strength and its weakness — its sane common sense and noble patriotism, its self-conceit and partisan politics; it has the master's brilliant style, but it is full of repetitions and rhetorical flourishes, and it fails often in logical order and power; it rings true in its moral tone, but it shows in what haste and distraction it was composed; for it was not written as a contribution to close scientific thinking; it was written as a means of occupation and diversion.

BOOK I

Moral Goodness

1 1 My dear son Marcus, you have now been studying a full year under Cratippus, and that too in Athens, and you should be fully equipped with the practical precepts and the principles of philosophy; so much at least one might expect from the pre-eminence not only of your teacher but also of the city; the former is able to enrich you with learning, the latter to supply you with models. Nevertheless, just as I for my own improvement have always combined Greek and Latin studies — and I have done this not only in the study of philosophy but also in the practice of oratory — so I recommend that you should do the same, so that you may have equal command of both languages. And it is in this very direction that I have, if I mistake not, rendered a great service to our countrymen, so that not only those who are unacquainted with Greek literature but even the cultured consider that they have gained much both in oratorical power and in mental training.

2 You will, therefore, learn from the foremost of present-day philosophers, and you will go on learning as long as you wish; and your wish ought to continue as long as you are not dissatisfied with the progress you are making. For all that, if you will read my philosophical books, you will be helped; my philosophy is not very different from that of the Peripatetics (for both they and I claim to be followers of Socrates and Plato). As to the conclusions you may reach, I leave that to your own judgment (for I would put no hindrance in your way), but by reading my philosophical writings you will be sure to render your mastery of the Latin language more complete. But I would by no means have you think that this is said boastfully. For there are many to whom I yield precedence in the knowledge of philosophy; but if I lay claim to the orator's peculiar ability to speak with propriety, clearness, elegance, I think my claim is in a measure justified, for I have spent my life in that profession.

3 And therefore, my dear Cicero, I cordially recommend you to read carefully not only my orations but also these books of mine on

philosophy, which are now about as extensive. For while the orations exhibit a more vigorous style, yet the unimpassioned, restrained style of my philosophical productions is also worth cultivating. Moreover, for the same man to succeed in both departments, both in the forensic style and in that of calm philosophic discussion has not, I observe, been the good fortune of any one of the Greeks so far, unless, perhaps, Demetrius of Phalerum can be reckoned in that number — a clever reasoner, indeed, and, though rather a spiritless orator, he is yet charming, so that you can recognize in him the disciple of Theophrastus. But let others judge how much I have accomplished in each pursuit; I have at least attempted both.

4 I believe, of course, that if Plato had been willing to devote himself to forensic oratory, he could have spoken with the greatest eloquence and power; and that if Demosthenes had continued the studies he pursued with Plato and had wished to expound his views, he could have done so with elegance and brilliancy. I feel the same way about Aristotle and Isocrates, each of whom, engrossed in his own profession, undervalued that of the other.

2 But since I have decided to write you a little now (and a great deal by and by), I wish, if possible, to begin with a matter most suited at once to your years and to my position. Although philosophy offers many problems, both important and useful, that have been fully and carefully discussed by philosophers, those teachings which have been handed down on the subject of moral duties seem to have the widest practical application. For no phase of life, whether public or private, whether in business or in the home, whether one is working on what concerns oneself alone or dealing with another, can be without its moral duty; on the discharge of such duties depends all that is morally right, and on their neglect all that is morally wrong in life.

5 Moreover, the subject of this inquiry is the common property of all philosophers; for who would presume to call himself a philosopher, if he did not inculcate any lessons of duty? But there are some schools that distort all notions of duty by the theories they propose touching the supreme good and the supreme evil. For he who posits the supreme good as having no connection with virtue and measures it not by a moral standard but by his own interests — if

he should be consistent and not rather at times over-ruled by his better nature, he could value neither friendship nor justice nor generosity; and brave he surely cannot possibly be that counts pain the supreme evil, nor temperate he that holds pleasure to be the supreme good.

6 Although these truths are so self-evident that the subject does not call for discussion, still I have discussed it in another connection. If, therefore, these schools should claim to be consistent, they could not say anything about duty; and no fixed, invariable, natural rules of duty can be posited except by those who say that moral goodness is worth seeking solely or chiefly for its own sake.

Accordingly, the teaching of ethics is the peculiar right of the Stoics, the Academicians, and the Peripatetics; for the theories of Aristo, Pyrrho, and Erillus have been long since rejected; and yet they would have the right to discuss duty if they had left us any power of choosing between things, so that there might be a way of finding out what duty is. I shall, therefore, at this time and in this investigation follow chiefly the Stoics, not as a translator, but, as is my custom, I shall at my own option and discretion draw from those sources in such measure and in such manner as shall suit my purpose.

7 Since, therefore, the whole discussion is to be on the subject of duty, I should like at the outset to define what duty is, as, to my surprise, Panaetius has failed to do. For every systematic development of any subject ought to begin with a definition, so that everyone may understand what the discussion is about.

3 Every treatise on duty has two parts: one, dealing with the doctrine of the supreme good; the other with the practical rules by which daily life in all its bearings may be regulated. The following questions are illustrative of the first part: whether all duties are absolute; whether one duty is more important than another; and so on. But as regards special duties for which positive rules are laid down, though they are affected by the doctrine of the supreme good, still the fact is not so obvious, because they seem rather to look to the regulation of everyday life; and it is these special duties that I propose to treat at length in the following books.

8 And yet there is still another classification of duties: we

distinguish between “mean” duty, so-called, and “absolute” duty. Absolute duty we may, I presume, call “right,” for the Greeks call it κατόρθωμα, while the ordinary duty they call καθῆκον. And the meaning of those terms they fix thus: whatever is right they define as “absolute” duty, but “mean” duty, they say, is duty for the performance of which an adequate reason may be rendered.

9 The consideration necessary to determine conduct is, therefore, as Panaetius thinks, a threefold one: first, people question whether the contemplated act is morally right or morally wrong; and in such deliberation their minds are often led to widely divergent conclusions. And then they examine and consider the question whether the action contemplated is or is not conducive to comfort and happiness in life, to the command of means and wealth, to influence, and to power, by which they may be able to help themselves and their friends; this whole matter turns upon a question of expediency. The third type of question arises when that which seems to be expedient seems to conflict with that which is morally right; for when expediency seems to be pulling one way, while moral right seems to be calling back in the opposite direction, the result is that the mind is distracted in its inquiry and brings to it the irresolution that is born of deliberation.

10 Although omission is a most serious defect in classification, two points have been overlooked in the foregoing: for we usually consider not only whether an action is morally right or morally wrong, but also, when a choice of two morally right courses is offered, which one is morally better; and likewise, when a choice of two expedients is offered, which one is more expedient. Thus the question which Panaetius thought threefold ought, we find, to be divided into five parts. First, therefore, we must discuss the moral — and that, under two sub-heads; secondly, in the same manner, the expedient; and finally, the cases where they must be weighed against each other.

4 11 First of all, Nature has endowed every species of living creature with the instinct of self-preservation, of avoiding what seems likely to cause injury to life or limb, and of procuring and providing everything needful for life — food, shelter, and the like. A common property of all creatures is also the reproductive instinct

(the purpose of which is the propagation of the species) and also a certain amount of concern for their offspring. But the most marked difference between man and beast is this: the beast, just as far as it is moved by the senses and with very little perception of past or future, adapts itself to that alone which is present at the moment; while man — because he is endowed with reason, by which he comprehends the chain of consequences, perceives the causes of things, understands the relation of cause to effect and of effect to cause, draws analogies, and connects and associates the present and the future — easily surveys the course of his whole life and makes the necessary preparations for its conduct.

12 Nature likewise by the power of reason associates man with man in the common bonds of speech and life; she implants in him above all, I may say, a strangely tender love for his offspring. She also prompts men to meet in companies, to form public assemblies and to take part in them themselves; and she further dictates, as a consequence of this, the effort on man's part to provide a store of things that minister to his comforts and wants — and not for himself alone, but for his wife and children and the others whom he holds dear and for whom he ought to provide; and this responsibility also stimulates his courage and makes it stronger for the active duties of life.

13 Above all, the search after truth and its eager pursuit are peculiar to man. And so, when we have leisure from the demands of business cares, we are eager to see, to hear, to learn something new, and we esteem a desire to know the secrets or wonders of creation as indispensable to a happy life. Thus we come to understand that what is true, simple, and genuine appeals most strongly to a man's nature. To this passion for discovering truth there is added a hungering, as it were, for independence, so that a mind well-moulded by Nature is unwilling to be subject to anybody save one who gives rules of conduct or is a teacher of truth or who, for the general good, rules according to justice and law. From this attitude come greatness of soul and a sense of superiority to worldly conditions.

14 And it is no mean manifestation of Nature and Reason that man is the only animal that has a feeling for order, for propriety, for moderation in word and deed. And so no other animal has a sense of

beauty, loveliness, harmony in the visible world; and Nature and Reason, extending the analogy of this from the world of sense to the world of spirit, find that beauty, consistency, order are far more to be maintained in thought and deed, and the same Nature and Reason are careful to do nothing in an improper or unmanly fashion, and in every thought and deed to do or think nothing capriciously.

It is from these elements that is forged and fashioned that moral goodness which is the subject of this inquiry — something that, even though it be not generally ennobled, is still worthy of all honour; and by its own nature, we correctly maintain, it merits praise even though it be praised by none.

5 15 You see here, Marcus, my son, the very form and as it were the face of Moral Goodness; "and if," as Plato says, "it could be seen with the physical eye, it would awaken a marvellous love of wisdom." But all that is morally right rises from some one of four sources: it is concerned either (1) with the full perception and intelligent development of the true; or (2) with the conservation of organized society, with rendering to every man his due, and with the faithful discharge of obligations assumed; or (3) with the greatness and strength of a noble and invincible spirit; or (4) with the orderliness and moderation of everything that is said and done, wherein consist temperance and self-control.

(15) Although these four are connected and interwoven, still it is in each one considered singly that certain definite kinds of moral duties have their origin: in that category, for instance, which was designated first in our division and in which we place wisdom and prudence, belong the search after truth and its discovery; and this is the peculiar province of that virtue. 16 For the more clearly anyone observes the most essential truth in any given case and the more quickly and accurately he can see and explain the reasons for it, the more understanding and wise he is generally esteemed, and justly so. So, then, it is truth that is, as it were, the stuff with which this virtue has to deal and on which it employs itself.

17 Before the three remaining virtues, on the other hand, is set the task of providing and maintaining those things on which the practical business of life depends, so that the relations of man to man in human society may be conserved, and that largeness and nobility of

soul may be revealed not only in increasing one's resources and acquiring advantages for one's self and one's family but far more in rising superior to these very things. But orderly behaviour and consistency of demeanour and self-control and the like have their sphere in that department of things in which a certain amount of physical exertion, and not mental activity merely, is required. For if we bring a certain amount of propriety and order into the transactions of daily life, we shall be conserving moral rectitude and moral dignity.

6 18 Now, of the four divisions which we have made of the essential idea of moral goodness, the first, consisting in the knowledge of truth, touches human nature most closely. For we are all attracted and drawn to a zeal for learning and knowing; and we think it glorious to excel therein, while we count it base and immoral to fall into error, to wander from the truth, to be ignorant, to be led astray. In this pursuit, which is both natural and morally right, two errors are to be avoided: first, we must not treat the unknown as known and too readily accept it; and he who wishes to avoid this error (as all should do) will devote both time and attention to the weighing of evidence. 19 The other error is that some people devote too much industry and too deep study to matters that are obscure and difficult and useless as well.

If these errors are successfully avoided, all the labour and pains expended upon problems that are morally right and worth the solving will be fully rewarded. Such a worker in the field of astronomy, for example, was Gaius Sulpicius, of whom we have heard; in mathematics, Sextus Pompey, whom I have known personally; in dialectics, many; in civil law, still more. All these professions are occupied with the search after truth; but to be drawn by study away from active life is contrary to moral duty. For the whole glory of virtue is in activity; activity, however, may often be interrupted, and many opportunities for returning to study are opened. Besides, the working of the mind, which is never at rest, can keep us busy in the pursuit of knowledge even without conscious effort on our part. Moreover, all our thought and mental activity will be devoted either to planning for things that are morally right and that conduce to a good and happy life, or to the pursuits of science and learning.

With this we close the discussion of the first source of duty.

7 20 Of the three remaining divisions, the most extensive in its application is the principle by which society and what we may call its "common bonds" are maintained. Of this again there are two divisions — justice, in which is the crowning glory of the virtues and on the basis of which men are called "good men"; and, close akin to justice, charity, which may also be called kindness or generosity.

The first office of justice is to keep one man from doing harm to another, unless provoked by wrong; and the next is to lead men to use common possessions for the common interests, private property for their own.

21 There is, however, no such thing as private ownership established by nature, but property becomes private either through long occupancy (as in the case of those who long ago settled in unoccupied territory) or through conquest (is in the case of those who took it in war) or by due process of law, bargain, or purchase, or by allotment. On this principle the lands of Arpinum are said to belong to the Arpinates, the Tusculan lands to the Tusculans; and similar is the assignment of private property. Therefore, inasmuch as in each case some of those things which by nature had been common property became the property of individuals, each one should retain possession of that which has fallen to his lot; and if anyone appropriates to himself anything beyond that, he will be violating the laws of human society.

22 But since, as Plato has admirably expressed it, we are not born for ourselves alone, but our country claims a share of our being, and our friends a share; and since, as the Stoics hold, everything that the earth produces is created for man's use; and as men, too, are born for the sake of men, that they may be able mutually to help one another; in this direction we ought to follow Nature as our guide, to contribute to the general good by an interchange of acts of kindness, by giving and receiving, and thus by our skill, our industry, and our talents to cement human society more closely together, man to man.

23 The foundation of justice, moreover, is good faith; — that is, truth and fidelity to promises and agreements. And therefore we may follow the Stoics, who diligently investigate the etymology of words; and we may accept their statement that "good faith" is so called

because what is promised is "made good," although some may find this derivation rather farfetched.

There are, on the other hand, two kinds of injustice — the one, on the part of those who inflict wrong, the other on the part of those who, when they can, do not shield from wrong those upon whom it is being inflicted. For he who, under the influence of anger or some other passion, wrongfully assaults another seems, as it were, to be laying violent hands upon a comrade; but he who does not prevent or oppose wrong, if he can, is just as guilty of wrong as if he deserted his parents or his friends or his country. 24 Then, too, those very wrongs which people try to inflict on purpose to injure are often the result of fear: that is, he who premeditates injuring another is afraid that, if he does not do so, he may himself be made to suffer some hurt. But, for the most part, people are led to wrong-doing in order to secure some personal end; in this vice, avarice is generally the controlling motive.

8 25 Again, men seek riches partly to supply the needs of life, partly to secure the enjoyment of pleasure. With those who cherish higher ambitions, the desire for wealth is entertained with a view to power and influence and the means of bestowing favours; Marcus Crassus, for example, not long since declared that no amount of wealth was enough for the man who aspired to be the foremost citizen of the state, unless with the income from it he could maintain an army. Fine establishments and the comforts of life in elegance and abundance also afford pleasure, and the desire to secure it gives rise to the insatiable thirst for wealth. Still, I do not mean to find fault with the accumulation of property, provided it hurts nobody, but unjust acquisition of it is always to be avoided. 26 The great majority of people, however, when they fall a prey to ambition for either military or civil authority, are carried away by it so completely that they quite lose sight of the claims of justice. For Ennius says:

"There is no fellowship inviolate,
No faith is kept, when kingship is concerned;"

and the truth of his words has an uncommonly wide application. For whenever a situation is of such a nature that not more than one

can hold pre-eminence in it, competition for it usually becomes so keen that it is an extremely difficult matter to maintain a "fellowship inviolate." We saw this proved but now in the effrontery of Gaius Caesar, who, to gain that sovereign power which by a depraved imagination he had conceived in his fancy, trod underfoot all laws of gods and men. But the trouble about this matter is that it is in the greatest souls and in the most brilliant geniuses that we usually find ambitions for civil and military authority, for power, and for glory, springing; and therefore we must be the more heedful not to go wrong in that direction.

27 But in any case of injustice it makes a vast deal of difference whether the wrong is done as a result of some impulse of passion, which is usually brief and transient, or whether it is committed wilfully and with premeditation; for offences that come through some sudden impulse are less culpable than those committed designedly and with malice aforethought.

But enough has been said on the subject of inflicting injury.

9 28 The motives for failure to prevent injury and so for slighting duty are likely to be various: people either are reluctant to incur enmity or trouble or expense; or through indifference, indolence, or incompetence, or through some preoccupation or self-interest they are so absorbed that they suffer those to be neglected whom it is their duty to protect. And so there is reason to fear that what Plato declares of the philosophers may be inadequate, when he says that they are just because they are busied with the pursuit of truth and because they despise and count as naught that which most men eagerly seek and for which they are prone to do battle against each other to the death. For they secure one sort of justice, to be sure, in that they do no positive wrong to anyone, but they fall into the opposite injustice; for hampered by their pursuit of learning they leave to their fate those whom they ought to defend. And so, Plato thinks, they will not even assume their civic duties except under compulsion. But in fact it were better that they should assume them of their own accord; for an action intrinsically right is just only on condition that it is voluntary.

29 There are some also who, either from zeal in attending to their own business or through some sort of aversion to their fellow-men, claim that they are occupied solely with their own affairs, without

seeming to themselves to be doing anyone any injury. But while they steer clear of the one kind of injustice, they fall into the other: they are traitors to social life, for they contribute to it none of their interest, none of their effort, none of their means. Now since we have set forth the two kinds of injustice and assigned the motives that lead to each, and since we have previously established the principles by which justice is constituted, we shall be in a position easily to decide what our duty on each occasion is, unless we are extremely self-centred; for indeed it is not an easy matter to be really concerned with other people's affairs; 30 and yet in Terence's play, we know, Chremes "thinks that nothing that concerns man is foreign to him." Nevertheless, when things turn out for our own good or ill, we realize it more fully and feel it more deeply than when the same things happen to others and we see them only, as it were, in the far distance; and for this reason we judge their case differently from our own. It is, therefore, an excellent rule that they give who bid us not to do a thing, when there is a doubt whether it be right or wrong; for righteousness shines with a brilliance of its own, but doubt is a sign that we are thinking of a possible wrong.

10 31 But occasions often arise, when those duties which seem most becoming to the just man and to the "good man," as we call him, undergo a change and take on a contrary aspect. It may, for example, not be a duty to restore a trust or to fulfil a promise, and it may become right and proper sometimes to evade and not to observe what truth and honour would usually demand. For we may well be guided by those fundamental principles of justice which I laid down at the outset: first, that no harm be done to anyone; second, that the common interests be conserved. When these are modified under changed circumstances, moral duty also undergoes a change and it does not always remain the same. 32 For a given promise or agreement may turn out in such a way that its performance will prove detrimental either to the one to whom the promise has been made or to the one who has made it. If, for example, Neptune, in the drama, had not carried out his promise to Theseus, Theseus would not have lost his son Hippolytus; for, as the story runs, of the three wishes that Neptune had promised to grant him the third was this: in a fit of anger he prayed for the death of Hippolytus, and the granting of this

prayer plunged him into unspeakable grief. Promises are, therefore, not to be kept, if the keeping of them is to prove harmful to those to whom you have made them; and, if the fulfilment of a promise should do more harm to you than good to him to whom you have made it, it is no violation of moral duty to give the greater good precedence over the lesser good. For example, if you have made an appointment with anyone to appear as his advocate in court, and if in the meantime your son should fall dangerously ill, it would be no breach of your moral duty to fail in what you agreed to do; nay, rather, he to whom your promise was given would have a false conception of duty if he should complain that he had been deserted in time of need. Further than this, who fails to see that those promises are not binding which are extorted by intimidation or which we make when misled by false pretences? Such obligations are annulled in most cases by the praetor's edict in equity, in some cases by the laws.

33 Injustice often arises also through chicanery, that is, through an over-subtle and even fraudulent construction of the law. This it is that gave rise to the now familiar saw, "More law, less justice." Through such interpretation also a great deal of wrong is committed in transactions between state and state; thus, when a truce had been made with the enemy for thirty days, a famous general went to ravaging their fields by night, because, he said, the truce stipulated "days," not nights. Not even our own countryman's action is to be commended, if what is told of Quintus Fabius Labeo is true — or whoever it was (for I have no authority but hearsay): appointed by the Senate to arbitrate a boundary dispute between Nola and Naples, he took up the case and interviewed both parties separately, asking them not to proceed in a covetous or grasping spirit, but to make some concession rather than claim some accession. When each party had agreed to this, there was a considerable strip of territory left between them. And so he set the boundary of each city as each had severally agreed; and the tract in between he awarded to the Roman People. Now that is swindling, not arbitration. And therefore such sharp practice is under all circumstances to be avoided.

11 Again, there are certain duties that we owe even to those who have wronged us. For there is a limit to retribution and to

punishment; or rather, I am inclined to think, it is sufficient that the aggressor should be brought to repent of his wrong-doing, in order that he may not repeat the offence and that others may be deterred from doing wrong.

34 Then, too, in the case of a state in its external relations, the rights of war must be strictly observed. For since there are two ways of settling a dispute: first, by discussion; second; by physical force; and since the former is characteristic of man, the latter of the brute, we must resort to force only in case we may not avail ourselves of discussion. 35 The only excuse, therefore, for going to war is that we may live in peace unharmed; and when the victory is won, we should spare those who have not been blood-thirsty and barbarous in their warfare. For instance, our forefathers actually admitted to full rights of citizenship the Tusculans, Aequians, Volscians, Sabines, and Hernicians, but they razed Carthage and Numantia to the ground. I wish they had not destroyed Corinth; but I believe they had some special reason for what they did — its convenient situation, probably — and feared that its very location might some day furnish a temptation to renew the war. In my opinion, at least, we should always strive to secure a peace that shall not admit of guile. And if my advice had been heeded on this point, we should still have at least some sort of constitutional government, if not the best in the world, whereas, as it is, we have none at all.

Not only must we show consideration for those whom we have conquered by force of arms but we must also ensure protection to those who lay down their arms and throw themselves upon the mercy of our generals, even though the battering-ram has hammered at their walls. And among our countrymen justice has been observed so conscientiously in this direction, that those who have given promise of protection to states or nations subdued in war become, after the custom of our forefathers, the patrons of those states.

36 As for war, humane laws touching it are drawn up in the fetial code of the Roman People under all the guarantees of religion; and from this it may be gathered that no war is just, unless it is entered upon after an official demand for satisfaction has been submitted or warning has been given and a formal declaration made. Popilius was general in command of a province. In his army Cato's son was

serving on his first campaign. When Popilius decided to disband one of his legions, he discharged also young Cato, who was serving in that same legion. But when the young man out of love for the service stayed on in the field, his father wrote to Popilius to say that if he let him stay in the army, he should swear him into service with a new oath of allegiance, for in view of the voidance of his former oath he could not legally fight the foe. So extremely scrupulous was the observance of the laws in regard to the conduct of war. 37 There is extant, too, a letter of the elder Marcus Cato to his son Marcus, in which he writes that he has heard that the youth has been discharged by the consul, when he was serving in Macedonia in the war with Perseus. He warns him, therefore, to be careful not to go into battle; for, he says, the man who is not legally a soldier has no right to be fighting the foe.

12 This also I observe — that he who would properly have been called "a fighting enemy" (perduellis) was called "a guest" (hostis), thus relieving the ugliness of the fact by a softened expression; for "enemy" (hostis) meant to our ancestors what we now call "stranger" (peregrinus). This is proved by the usage in the Twelve Tables: "Or a day fixed for trial with a stranger" (hostis). And again: "Right of ownership is inalienable for ever in dealings with a stranger" (hostis). What can exceed such charity, when he with whom one is at war is called by so gentle a name? And yet long lapse of time has given that word a harsher meaning: for it has lost its signification of "stranger" and has taken on the technical connotation of "an enemy under arms."

38 But when a war is fought out for supremacy and when glory is the object of war, it must still not fail to start from the same motives which I said a moment ago were the only righteous grounds for going to war. But those wars which have glory for their end must be carried on with less bitterness. For we contend, for example, with a fellow-citizen in one way, if he is a personal enemy, in another, if he is a rival: with the rival it is a struggle for office and position, with the enemy for life and honour. So with the Celtiberians and the Cimbrians we fought as with deadly enemies, not to determine which should be supreme, but which should survive; but with the Latins, Sabines, Samnites, Carthaginians, and Pyrrhus we fought for

supremacy. The Carthaginians violated treaties; Hannibal was cruel; the others were more merciful. From Pyrrhus we have this famous speech on the exchange of prisoners:

"Gold will I none, nor price shall ye give; for I ask none;
Come, let us not be chaff'rers of war, but warriors embattled.
Nay; let us venture our lives, and the sword, not gold, weigh the outcome.
Make we the trial by valour in arms and see if Dame Fortune
Wills it that ye shall prevail or I, or what be her judgment.
Hear thou, too, this word, good Fabricius: whose valour soever
Spared hath been by the fortune of war — their freedom I grant them.
Such my resolve. I give and present them to you, my brave Romans;
Take them back to their homes; the great gods' blessings attend you."

A right kingly sentiment this and worthy a scion of the Aeacidae.

13 39 Again, if under stress of circumstance individuals have made any promise to the enemy, they are bound to keep their word even then. For instance, in the First Punic War, when Regulus was taken prisoner by the Carthaginians, he was sent to Rome on parole to negotiate an exchange of prisoners; he came and, in the first place, it was he that made the motion in the Senate that the prisoners should not be restored; and in the second place, when his relatives and friends would have kept him back, he chose to return to a death by torture rather than prove false to his promise, though given to an enemy.

40 And again in the Second Punic War, after the Battle of Cannae, Hannibal sent to Rome ten Roman captives bound by an oath to return to him, if they did not succeed in ransoming his prisoners; and as long as any one of them lived, the censors kept them all degraded and disfranchised, because they were guilty of perjury in not returning. And they punished in like manner the one who had incurred guilt by an evasion of his oath: with Hannibal's permission this man left the camp and returned a little later on the pretext that he

had forgotten something or other; and then, when he left the camp the second time, he claimed that he was released from the obligation of his oath; and so he was, according to the letter of it, but not according to the spirit. In the matter of a promise one must always consider the meaning and not the mere words. Our forefathers have given us another striking example of justice toward an enemy: when a deserter from Pyrrhus promised the Senate to administer poison to the king and thus work his death, the Senate and Gaius Fabricius delivered the deserter up to Pyrrhus. Thus they stamped with their disapproval the treacherous murder even of an enemy who was at once powerful, unprovoked, aggressive, and successful.

41 With this I will close my discussion of the duties connected with war.

But let us remember that we must have regard for justice even towards the humblest. Now the humblest station and the poorest fortune are those of slaves; and they give us no bad rule who bid us treat our slaves as we should our employees: they must be required to work; they must be given their dues.

While wrong may be done, then, in either of two ways, that is, by force or by fraud, both are bestial: fraud seems to belong to the cunning fox, force to the lion; both are wholly unworthy of man, but fraud is the more contemptible. But of all forms of injustice, none is more flagrant than that of the hypocrite who, at the very moment when he is most false, makes it his business to appear virtuous.

This must conclude our discussion of justice.

14 42 Next in order, as outlined above, let us speak of kindness and generosity. Nothing appeals more to the best in human nature than this, but it calls for the exercise of caution in many particulars; we must, in the first place, see to it that our act of kindness shall not prove an injury either to the object of our beneficence or to others; in the second place, that it shall not be beyond our means; and finally, that it shall be proportioned to the worthiness of the recipient; for this is the corner-stone of justice; and by the standard of justice all acts of kindness must be measured. For those who confer a harmful favour upon someone whom they seemingly wish to help are to be accounted not generous benefactors but dangerous sycophants; and likewise those who injure one man, in order to be generous to

another, are guilty of the same injustice as if they diverted to their own accounts the property of their neighbours.

43 Now, there are many — and especially those who are ambitious for eminence and glory — who rob one to enrich another; and they expect to be thought generous towards their friends, if they put them in the way of getting rich, no matter by what means. Such conduct, however, is so remote from moral duty that nothing can be more completely opposed to duty. We must, therefore, take care to indulge only in such liberality as will help our friends and hurt no one. The conveyance of property by Lucius Sulla and Gaius Caesar from its rightful owners to the hands of strangers should, for that reason, not be regarded as generosity; for nothing is generous if it is not at the same time just.

44 The second point for the exercise of caution was that our beneficence should not exceed our means; for those who wish to be more open-handed than their circumstances permit are guilty of two faults: first they do wrong to their next of kin; for they transfer to strangers property which would more justly be placed at their service or bequeathed to them. And second, such generosity too often engenders a passion for plundering and misappropriating property, in order to supply the means for making large gifts. We may also observe that a great many people do many things that seem to be inspired more by a spirit of ostentation than by heart-felt kindness; for such people are not really generous but are rather influenced by a sort of ambition to make a show of being open-handed. Such a pose is nearer akin to hypocrisy than to generosity or moral goodness.

45 The third rule laid down was that in acts of kindness we should weigh with discrimination the worthiness of the object of our benevolence; we should take into consideration his moral character, his attitude toward us, the intimacy of his relation to us, and our common social ties, as well as the services he has hitherto rendered in our interest. It is to be desired that all these considerations should be combined in the same person; if they are not, then the more numerous and the more important considerations must have the greater weight.

15 46 Now, the men we live with are not perfect and ideally wise, but men who do very well, if there be found in them but the

semblance of virtue. I therefore think that this is to be taken for granted, that no one should be entirely neglected who shows any trace of virtue; but the more a man is endowed with these finer virtues — temperance, self-control, and that very justice about which so much has already been said — the more he deserves to be favoured. I do not mention fortitude, for a courageous spirit in a man who has not attained perfection and ideal wisdom is generally too impetuous; it is those other virtues that seem more particularly to mark the good man.

So much in regard to the character of the object of our beneficence.

47 But as to the affection which anyone may have for us, it is the first demand of duty that we do most for him who loves us most; but we should measure affection, not like youngsters, by the ardour of its passion, but rather by its strength and constancy. But if there shall be obligations already incurred, so that kindness is not to begin with us, but to be requited, still greater diligence, it seems, is called for; for no duty is more imperative that that of proving one's gratitude.

48 But if, as Hesiod bids, one is to repay with interest, if possible, what one has borrowed in time of need, what, pray, ought we to do when challenged by an unsought kindness? Shall we not imitate the fruitful fields, which return more than they receive? For if we do not hesitate to confer favours upon those who we hope will be of help to us, how ought we to deal with those who have already helped us? For generosity is of two kinds: doing a kindness and requiting one. Whether we do the kindness or not is optional; but to fail to requite one is not allowable to a good man, provided he can make the requital without violating the rights of others.

49 Furthermore, we must make some discrimination between favours received; for, as a matter of course the greater the favour, the greater is the obligation. But in deciding this we must above all give due weight to the spirit, the devotion, the affection that prompted the favour. For many people often do favours impulsively for everybody without discrimination, prompted by a morbid sort of benevolence or by a sudden impulse of the heart, shifting the wind. Such acts of generosity are not to be so highly esteemed as those which are performed with judgment, deliberation, and mature consideration.

But in bestowing a kindness, as well as in making a requital, the first rule of duty requires us — other things being equal — to lend assistance preferably to people in proportion to their individual need. Most people adopt the contrary course: they put themselves most eagerly at the service of the one from whom they hope to receive the greatest favours even though he has no need of their help.

16 50 The interests of society, however, and its common bonds will be best conserved, if kindness be shown to each individual in proportion to the closeness of his relationship.

But it seems we must trace back to their ultimate sources the principles of fellowship and society that Nature has established among men. The first principle is that which is found in the connection subsisting between all the members of the human race; and that bond of connection is reason and speech, which by the processes of teaching and learning, of communicating, discussing, and reasoning associate men together and unite them in a sort of natural fraternity. In no other particular are we farther removed from the nature of beasts; for we admit that they may have courage (horses and lions, for example); but we do not admit that they have justice, equity, and goodness; for they are not endowed with reason or speech.

51 This, then, is the most comprehensive bond that unites together men as men and all to all; and under it the common right to all things that Nature has produced for the common use of man is to be maintained, with the understanding that, while everything assigned as private property by the statutes and by civil law shall be so held as prescribed by those same laws, everything else shall be regarded in the light indicated by the Greek proverb: "Amongst friends all things in common."

Furthermore, we find the common property of all men in things of the sort defined by Ennius; and, though restricted by him to one instance, the principle may be applied very generally:

"Who kindly sets a wand'rer on his way
Does e'en as if he lit another's lamp by his:
No less shines his, when he his friend's hath lit."

In this example he effectively teaches us all to bestow even upon a stranger what it costs us nothing to give.

52 On this principle we have the following maxims:

"Deny no one the water that flows by;" "Let anyone who will take fire from our fire;" "Honest counsel give to one who is in doubt;"

for such acts are useful to the recipient and cause the giver no loss. We should, therefore, adopt these principles and always be contributing something to the common weal. But since the resources of individuals are limited and the number of the needy is infinite, this spirit of universal liberality must be regulated according to that test of Ennius—"No less shines his" — in order that we may continue to have the means for being generous to our friends.

17 53 Then, too, there are a great many degrees of closeness or remoteness in human society. To proceed beyond the universal bond of our common humanity, there is the closer one of belonging to the same people, tribe, and tongue, by which men are very closely bound together; it is a still closer relation to be citizens of the same city-state; for fellow-citizens have much in common — forum, temples colonnades, streets, statutes, laws, courts, rights of suffrage, to say nothing of social and friendly circles and diverse business relations with many.

But a still closer social union exists between kindred. Starting with that infinite bond of union of the human race in general, the conception is now confined to a small and narrow circle. 54 For since the reproductive instinct is by Nature's gift the common possession of all living creatures, the first bond of union is that between husband and wife; the next, that between parents and children; then we find one home, with everything in common. And this is the foundation of civil government, the nursery, as it were, of the state. Then follow the bonds between brothers and sisters, and next those of first and then of second cousins; and when they can no longer be sheltered under one roof, they go out into other homes, as into colonies. Then follow between these in turn, marriages and connections by marriage, and from these again a new stock of relations; and from this propagation and after-growth states have their beginnings. The bonds of common blood hold men fast through good-will and affection; 55 for it means much to share in common the same family traditions, the same forms of domestic worship, and the same ancestral tombs.

But of all the bonds of fellowship, there is none more noble, none more powerful than when good men of congenial character are joined in intimate friendship; for really, if we discover in another that moral goodness on which I dwell so much, it attracts us and makes us friends to the one in whose character it seems to dwell. 56 And while every virtue attracts us and makes us love those who seem to possess it, still justice and generosity do so most of all. Nothing, moreover, is more conducive to love and intimacy than compatibility of character in good men; for when two people have the same ideals and the same tastes, it is a natural consequence that each loves the other as himself; and the result is, as Pythagoras requires of ideal friendship, that several are united in one.

Another strong bond of fellowship is effected by mutual interchange of kind services; and as long as these kindnesses are mutual and acceptable, those between whom they are interchanged are united by the ties of an enduring intimacy.

57 But when with a rational spirit you have surveyed the whole field, there is no social relation among them all more close, none more close, none more dear than that which links each one of us with

our country. Parents are dear; dear are children, relatives, friends; one native land embraces all our loves; and who that is true would hesitate to give his life for her, if by his death he could render her a service? So much the more execrable are those monsters who have torn their fatherland to pieces with every form of outrage and who are and have been engaged in compassing her utter destruction.

58 Now, if a contrast and comparison were to be made to find out where most of our moral obligation is due, country would come first, and parents; for their services have laid us under the heaviest obligation; next come children and the whole family, who look to us alone for support and can have no other protection; finally, our kinsmen, with whom we live on good terms and with whom, for the most part, our lot is one.

All needful material assistance is, therefore, due first of all to those whom I have named; but intimate relationship of life and living, counsel, conversation, encouragement, comfort, and sometimes even reproof flourish best in friendships. And that friendship is sweetest which is cemented by congeniality of character.

18 59 But in the performance of all these duties we shall have to consider what is most needful in each individual case and what each individual person can or cannot procure without our help. In this way we shall find that the claims of social relationship, in its various degrees, are not identical with the dictates of circumstances; for there are obligations that are due to one individual rather than to another: for example, one would sooner assist a neighbour in gathering his harvest than either a brother or a friend; but should it be a case in court, one would defend a kinsman and a friend rather than a neighbour. Such questions as these must, therefore, be taken into consideration in every act of moral duty [and we must acquire the habit and keep it up], in order to become good calculators of duty, able by adding and subtracting to strike a balance correctly and find out just how much is due to each individual.

60 But as neither physicians nor generals nor orators can achieve any signal success without experience and practice, no matter how well they may understand the theory of their profession, so the rules for the discharge of duty are formulated, it is true, as I am doing now,

but a matter of such importance requires experience also and practice.

This must close our discussion of the ways in which moral goodness, on which duty depends, is developed from those principles which hold good in human society.

[18] 61 We must realize, however, that while we have set down four cardinal virtues from which as sources moral rectitude and moral duty emanate, that achievement is most glorious in the eyes of the world which is won with a spirit great, exalted, and superior to the vicissitudes of earthly life. And so, when we wish to hurl a taunt, the very first to rise to our lips is, if possible, something like this:

"For ye, young men, show a womanish soul, yon maiden a man's;"

and this:

"Thou son of Salmacis, win spoils that cost nor sweat nor blood."

When, on the other hand, we wish to pay a compliment, we somehow or other praise in more eloquent strain the brave and noble work of some great soul. Hence there is an open field for orators on the subjects of Marathon, Salamis, Plataea, Thermopylae, and Leuctra, and hence our own Cocles, the Decii, Gnaeus and Publius Scipio, Marcus Marcellus, and countless others, and, above all, the Roman People as a nation are celebrated for greatness of spirit. Their passion for military glory, moreover, is shown in the fact that we see their statues usually in soldier's garb.

19 62 But if the exaltation of spirit seen in times of danger and toil is devoid of justice and fights for selfish ends instead of for the common good, it is a vice; for not only has it no element of virtue, but its nature is barbarous and revolting to all our finer feelings. The Stoics, therefore, correctly define courage as "that virtue which champions the cause of right." Accordingly, no one has attained to true glory who has gained a reputation for courage by treachery and cunning; for nothing that lacks justice can be morally right.

63 This, then, is a fine saying of Plato's: "Not only must all

knowledge that is divorced from justice be called cunning rather than wisdom," he says, "but even the courage that is prompt to face danger, if it is inspired not by public spirit, but by its own selfish purposes, should have the name of effrontery rather than of courage." And so we demand that men who are courageous and high-souled shall at the same time be good and straightforward, lovers of truth, and foes to deception; for these qualities are the centre and soul of justice.

64 But the mischief is that from this exaltation and greatness of spirit spring all too readily self-will and excessive lust for power. For just as Plato tells us that the whole national character of the Spartans was on fire with passion for victory, so, in the same way, the more notable a man is for his greatness of spirit, the more ambitious he is to be the foremost citizen, or, I should say rather, to be sole ruler. But when one begins to aspire to pre-eminence, it is difficult to preserve that spirit of fairness which is absolutely essential to justice. The result is that such men do not allow themselves to be constrained either by argument or by any public and lawful authority; but they only too often prove to be bribers and agitators in public life, seeking to obtain supreme power and to be superiors through force rather than equals through justice. But the greater the difficulty, the greater the glory; for no occasion arises that can excuse a man for being guilty of injustice.

65 So then, not those who do injury but those who prevent it are to be considered brave and courageous. Moreover, true and philosophic greatness of spirit regards the moral goodness to which Nature most aspires as consisting in deeds, not in fame, and prefers to be first in reality rather than in name. And we must approve this view; for he who depends upon the caprice of the ignorant rabble cannot be numbered among the great. Then, too, the higher a man's ambition, the more easily he is tempted to acts of injustice by his desire for fame. We are now, to be sure, on very slippery ground; for scarcely can the man be found who has passed through trials and encountered dangers and does not then wish for glory as a reward for his achievements.

20 66 The soul that is altogether courageous and great is marked above all by two characteristics: one of these is indifference to

outward circumstances; for such a person cherishes the conviction that nothing but moral goodness and propriety deserves to be either admired or wished for or striven after, and that he ought not to be subject to any man or any passion or any accident of fortune. The second characteristic is that, when the soul is disciplined in the way above mentioned, one should do deeds not only great and in the highest degree useful, but extremely arduous and laborious and fraught with danger both to life and to many things that make life worth living.

67 All the glory and greatness and, I may add, all the usefulness of these two characteristics of courage are centred in the latter; the rational cause that makes men great, in the former. For it is the former that contains the element that makes souls pre-eminent and indifferent to worldly fortune. And this quality is distinguished by two criteria: (1) if one account moral rectitude as the only good; and (2) if one be free from all passion. For we must agree that it takes a brave and heroic soul to hold as slight what most people think grand and glorious, and to disregard it from fixed and settled principles. And it requires strength of character and great singleness of purpose to bear what seems painful, as it comes to pass in many and various forms in human life, and to bear it so unflinchingly as not to be shaken in the least from one's natural state of the dignity of a philosopher. 68 Moreover, it would be inconsistent for the man who is not overcome by fear to be overcome by desire, or for the man who has shown himself invincible to toil to be conquered by pleasure. We must, therefore, not only avoid the latter, but also beware of ambition for wealth; for there is nothing so characteristic of narrowness and littleness of soul as the love of riches; and there is nothing more honourable and noble than to be indifferent to money, if one does not possess it, and to devote it to beneficence and liberality, if one does possess it.

As I said before, we must also beware of ambition for glory; for it robs us of liberty, and in defence of liberty a high-souled man should stake everything. And one ought not to seek military authority; nay, rather it ought sometimes to be declined, sometimes to be resigned.

69 Again, we must keep ourselves free from every disturbing emotion, not only from desire and fear, but also from excessive pain

and pleasure, and from anger, so that we may enjoy that calm of soul and freedom from care which bring both moral stability and dignity of character. But there have been many and still are many who, while pursuing that calm of soul of which I speak, have withdrawn from civic duty and taken refuge in retirement. Among such have been found the most famous and by far the foremost philosophers and certain other earnest, thoughtful men who could not endure the conduct of either the people or their leaders; some of them, too, lived in the country and found their pleasure in the management of their private estates. 70 Such men have had the same aims as kings — to suffer no want, to be subject to no authority, to enjoy their liberty, that is, in its essence, to live just as they please.

21 So, while this desire is common to men of political ambitions and men of retirement, of whom I have just spoken, the one class think they can attain their end if they secure large means; the other, if they are content with the little they have. And, in this matter, neither way of thinking is altogether to be condemned; but the life of retirement is easier and safer and at the same time less burdensome or troublesome to others, while the career of those who apply themselves to statecraft and to conducting great enterprises is more profitable to mankind and contributes more to their own greatness and renown.

71 So perhaps those men of extraordinary genius who have devoted themselves to learning must be excused for not taking part in public affairs; likewise, those who from ill-health or for some still more valid reason have retired from the service of the state and left to others the opportunity and the glory of its administration. But if those who have no such excuse profess a scorn for civil and military offices, which most people admire, I think that this should be set down not to their credit but to their discredit; for in so far as they care little, as they say, for glory and count it as naught, it is difficult not to sympathize with their attitude; in reality however, they seem to dread the toil and trouble and also, perhaps, the discredit and humiliation of political failure and defeat. For there are people who in opposite circumstances do not act consistently: they have the utmost contempt for pleasure but in pain they are too sensitive; they are indifferent to glory, but they are crushed by disgrace and even in

their inconsistency they show no great consistency.

72 But those whom Nature has endowed with the capacity for administering public affairs should put aside all hesitation, enter the race for public office and take a hand in directing the government; for in no other way can a government be administered or greatness of spirit be made manifest. Statesmen too, no less than philosophers — perhaps even more so — should carry with them that greatness of spirit and indifference to outward circumstances to which I so often refer, together with calm of soul and freedom from care, if they are to be free from worries and lead a dignified and self-consistent life. 73 This is easier for the philosophers; as their life is less exposed to the assaults of fortune, their wants are fewer; and, if any misfortune overtakes them, their fall is not so disastrous. Not without reason, therefore, are stronger emotions aroused in those who engage in public life than in those who live in retirement, and greater is their ambition for success; the more, therefore, do they need to enjoy greatness of spirit and freedom from annoying cares.

If anyone is entering public life, let him beware of thinking only of the honour that it brings; but let him be sure also that he has the ability to succeed. At the same time, let him take care not to lose heart too readily through discouragement nor yet to be over-confident through ambition. In a word, before undertaking any enterprise, careful preparation must be made.

22 74 Most people think that the achievements of war are more important than those of peace; but this opinion needs to be corrected. For many men have sought occasions for war from the mere ambition for fame. This is notably the case with men of great spirit and natural ability, and it is the more likely to happen, if they are adapted to a soldier's life and fond of warfare. But if we will face the facts, we shall find that there have been many instances of achievement in peace more important and no less renowned than in war.

75 However highly Themistocles, for example, may be extolled — and deservedly — and however much more illustrious his name may be than Solon's, and however much Salamis may be cited as witness of his most glorious victory — a victory glorified above Solon's statesmanship in instituting the Areopagus — yet Solon's

achievement is not to be accounted less illustrious than his. For Themistocles's victory served the state once and only once; while Solon's work will be of service for ever. For through his legislation the laws of the Athenians and the institutions of their fathers are maintained. And while Themistocles could not readily point to any instance in which he himself had rendered assistance to the Areopagus, the Areopagus might with justice assert that Themistocles had received assistance from it; for the war was directed by the counsels of that senate which Solon had created.

76 The same may be said of Pausanias and Lysander. Although it is thought that it was by their achievements that Sparta gained her supremacy, yet these are not even remotely to be compared with the legislation and discipline of Lycurgus. Nay, rather, it was due to these that Pausanias and Lysander had armies so brave and so well disciplined. For my own part, I do not consider that Marcus Scaurus was inferior to Gaius Marius, when I was a lad, or Quintus Catulus to Gnaeus Pompey, when I was engaged in public life. For arms are of little value in the field unless there is wise counsel at home. So, too, Africanus, though a great man and a soldier of extraordinary ability, did no greater service to the state by destroying Numantia than was done at the same time by Publius Nasica, though not then clothed with official authority, by removing Tiberius Gracchus. This deed does not, to be sure, belong wholly to the domain of civil affairs; it partakes of the nature of war also, since it was effected by violence; but it was, for all that, executed as a political measure without the help of an army.

77 The whole truth, however, is in this verse, against which, I am told, the malicious and envious are wont to rail:

"Yield, ye arms, to the toga; to civic praises, ye laurels."

Not to mention other instances, did not arms yield to the toga, when I was at the helm of state? For never was the republic in more serious peril, never was peace more profound. Thus, as the result of my counsels and my vigilance, their weapons slipped suddenly from the hands of the most desperate traitors – dropped to the ground of their own accord! What achievement in war, then, was ever so great? 78 What triumph can be compared with that? For I may boast to you, my son Marcus; for to you belong the inheritance of that glory of

mine and the duty of imitating my deeds. And it was to me, too, that Gnaeus Pompey, a hero crowned with the honour of war, paid this tribute in the hearing of many, when he said that his third triumph would have been gained in vain, if he were not to have through my services to the state a place in which to celebrate it.

There are, therefore, instances of civic courage that are not inferior to the courage of the soldier. Nay, the former calls for even greater energy and greater devotion than the latter.

23 79 That moral goodness which we look for in a lofty, high-minded spirit is secured, of course, by moral, not by physical, strength. And yet the body must be trained and so disciplined that it can obey the dictates of judgment and reason in attending to business and in enduring toil. But that moral goodness which is our theme depends wholly upon the thought and attention given to it by the mind. And, in this way, the men who in a civil capacity direct the affairs of the nation render no less important service than they who conduct its wars: by their statesmanship oftentimes wars are either averted or terminated; sometimes also they are declared. Upon Marcus Cato's counsel, for example, the Third Punic War was undertaken, and in its conduct his influence was dominant, even after he was dead. 80 And so diplomacy in the friendly settlement of controversies is more desirable than courage in settling them on the battlefield; but we must be careful not to take that course merely for the sake of avoiding war rather than for the sake of public expediency. War, however, should be undertaken in such a way as to make it evident that it has no other object than to secure peace.

But it takes a brave and resolute spirit not to be disconcerted in times of difficulty or ruffled and thrown off one's feet, as the saying is, but to keep one's presence of mind and one's self-possession and not to swerve from the path of reason.

81 Now all this requires great personal courage; but it calls also for great intellectual ability by reflection to anticipate the future, to discover some time in advance what may happen whether for good or for ill, and what must be done in any possible event, and never to be reduced to having to say, "I had not thought of that."

These are the activities that mark a spirit strong, high, and self-reliant in its prudence and wisdom. But to mix rashly in the fray and

to fight hand to hand with the enemy is but a barbarous and brutish kind of business. Yet when the stress of circumstances demands it, we must gird on the sword and prefer death to slavery and disgrace.

24 82 As to destroying and plundering cities, let me say that great care should be taken that nothing be done in reckless cruelty or wantonness. And it is great man's duty in troublous times to single out the guilty for punishment, to spare the many, and in every turn of fortune to hold to a true and honourable course. For whereas there are many, as I have said before, who place the achievements of war above those of peace, so one may find many to whom adventurous, hot-headed counsels seem more brilliant and more impressive than calm and well-considered measures.

83 We must, of course, never be guilty of seeming cowardly and craven in our avoidance of danger; but we must also beware of exposing ourselves to danger needlessly. Nothing can be more foolhardy than that. Accordingly, in encountering danger we should do as doctors do in their practice: in light cases of illness they give mild treatment; in cases of dangerous sickness they are compelled to apply hazardous and even desperate remedies. It is, therefore, only a madman who, in a calm, would pray for a storm; a wise man's way is, when the storm does come, to withstand it with all the means at his command, and especially, when the advantages to be expected in case of a successful issue are greater than the hazards of the struggle.

The dangers attending great affairs of state fall sometimes upon those who undertake them, sometimes upon the state. In carrying out such enterprises, some run the risk of losing their lives, others their reputation and the good-will of their fellow-citizens. It is our duty, then, to be more ready to endanger our own than the public welfare and to hazard honour and glory more readily than other advantages.

84 Many, on the other hand, have been found who were ready to pour out not only their money but their lives for their country and yet would not consent to make even the slightest sacrifice of personal glory — even though the interests of their country demanded it. For example, when Callicratidas, as Spartan admiral in the Peloponnesian War, had won many signal successes, he spoiled everything at the end by refusing to listen to the proposal of those who thought he ought to withdraw his fleet from the Arginusae and

not to risk an engagement with the Athenians. His answer to them was that "the Spartans could build another fleet, if they lost that one, but he could not retreat without dishonour to himself." And yet what he did dealt only a slight blow to Sparta; there was another which proved disastrous, when Cleombrotus in fear of criticism recklessly went into battle against Epaminondas. In consequence of that, the Spartan power fell.

How much better was the conduct of Quintus Maximus! Of him Ennius says:

"One man — and he alone — restored our state by delaying.
Not in the least did fame with him take precedence of safety;
Therefore now does his glory shine bright, and it grows ever brighter."

This sort of offence must be avoided no less in political life. For there are men who for fear of giving offence do not dare to express their honest opinion, no matter how excellent.

25 85 Those who propose to take charge of the affairs of government should not fail to remember two of Plato's rules: first, to keep the good of the people so clearly in view that regardless of their own interests they will make their every action conform to that; second, to care for the welfare of the whole body politic and not in serving the interests of some one party to betray the rest. For the administration of the government, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted. Now, those who care for the interests of a part of the citizens and neglect another part, introduce into the civil service a dangerous element — dissension and party strife. The result is that some are found to be loyal supporters of the democratic, others of the aristocratic party, and few of the nation as a whole.

86 As a result of this party spirit bitter strife arose at Athens, and in our own country not only dissensions but also disastrous civil wars broke out. All this the citizen who is patriotic, brave, and worthy of a leading place in the state will shun with abhorrence; he will dedicate himself unreservedly to his country, without aiming at influence or power for himself; and he will devote himself to the state in its

entirety in such a way as to further the interests of all. Besides, he will not expose anyone to hatred or disrepute by groundless charges, but he will surely cleave to justice and honour so closely that he will submit to any loss, however heavy, rather than be untrue to them, and will face death itself rather than renounce them.

87 A most wretched custom, assuredly, is our electioneering and scrambling for office. Concerning this also we find a fine thought in Plato: "Those who compete against one another," he says, "to see which of two candidates shall administer the government, are like sailors quarrelling as to which one of them shall do the steering." And he likewise lays down the rule that we should regard only those as adversaries who take up arms against the state, not those who strive to have the government administered according to their convictions. This was the spirit of the disagreement between Publius Africanus and Quintus Metellus: there was in it no trace of rancour.

88 Neither must we listen to those who think that one should indulge in violent anger against one's political enemies and imagine that such is the attitude of a great-spirited, brave man. For nothing is more commendable, nothing more becoming in a pre-eminently great man than courtesy and forbearance. Indeed, in a free people, where all enjoy equal rights before the law, we must school ourselves to affability and what is called "mental poise"; for if we are irritated when people intrude upon us at unseasonable hours or make unreasonable requests, we shall develop a sour, churlish temper, prejudicial to ourselves and offensive to others. And yet gentleness of spirit and forbearance are to be commended only with the understanding that strictness may be exercised for the good of the state; for without that, the government cannot be well administered. On the other hand, if punishment or correction must be administered, it need not be insulting; it ought to have regard to the welfare of the state, not to the personal satisfaction of the man who administers the punishment or reproof.

89 We should take care also that the punishment shall not be out of proportion to the offence, and that some shall not be chastised for the same fault for which others are not even called to account. In administering punishment it is above all necessary to allow no trace of anger. For if any one proceeds in a passion to inflict punishment,

he will never observe that happy mean which lies between excess and defect. This doctrine of the mean is approved by the Peripatetics and wisely approved, if only they did not speak in praise of anger and tell us that it is a gift bestowed on us by Nature for a good purpose. But, in reality, anger is in every circumstance to be eradicated; and it is to be desired that they who administer the government should be like the laws, which are led to inflict punishment not by wrath but by justice.

26 90 Again, when fortune smiles and the stream of life flows according to our wishes, let us diligently avoid all arrogance, haughtiness, and pride. For it is as much a sign of weakness to give way to one's feelings in success as it is in adversity. But it is a fine thing to keep an unruffled temper, an unchanging mien, and the same cast of countenance in every condition of life; this, history tells us, was characteristic of Socrates and no less of Gaius Laelius. Philip, king of Macedon, I observe, however surpassed by his son in achievements and fame, was superior to him in affability and refinement. Philip, accordingly, was always great; Alexander, often infamously bad. There seems to be sound advice, therefore, in this word of warning: "The higher we are placed, the more humbly should we walk." Panaetius tells us that Africanus, his pupil and friend, used to say: "As, when horses have become mettlesome and unmanageable on account of their frequent participation in battles, their owners put them in the hands of trainers to make them more tractable; so men, who through prosperity have become restive and over self-confident, ought to be put into the training-ring, so to speak, of reason and learning, that they may be brought to comprehend the frailty of human affairs and the fickleness of fortune."

91 The greater our prosperity, moreover, the more should we seek the counsel of friends, and the greater the heed that should be given to their advice. Under such circumstances also we must beware of lending an ear to sycophants or allowing them to impose upon us with their flattery. For it is easy in this way to deceive ourselves, since we thus come to think ourselves duly entitled to praise; and to this frame of mind a thousand delusions may be traced, when men are puffed up with conceit and expose themselves to ignominy and ridicule by committing the most egregious blunders.

So much for this subject.

[26] 92 To revert to the original question — we must decide that the most important activities, those most indicative of a great spirit, are performed by the men who direct the affairs of nations; for such public activities have the widest scope and touch the lives of the most people. But even in the life of retirement there are and there have been many high-souled men who have been engaged in important inquiries or embarked on most important enterprises and yet kept themselves within the limits of their own affairs; or, taking a middle course between philosophers on the one hand and statesmen on the other, they were content with managing their own property — not increasing it by any and every means nor debarring their kindred from the enjoyment of it, but rather, if ever there were need, sharing it with their friends and with the state. Only let it, in the first place, be honestly acquired, by the use of no dishonest or fraudulent means; let it, in the second place, increase by wisdom, industry, and thrift; and, finally, let it be made available for the use of as many as possible (if only they are worthy) and be at the service of generosity and beneficence rather than of sensuality and excess.

By observing these rules, one may live in magnificence, dignity, and independence, and yet in honour, truth and charity toward all.

27 93 We have next to discuss the one remaining division of moral rectitude. That is the one in which we find considerateness and self-control, which give, as it were, a sort of polish to life; it embraces also temperance, complete subjection of all the passions, and moderation in all things. Under this head is further included what, in Latin, may be called decoruma (propriety); for in Greek it is called πρέπον.b Such is its essential nature, that it is inseparable from moral goodness; for what is proper is morally right, and what is morally right is proper. 94 The nature of the difference between morality and propriety can be more easily felt than expressed. For whatever propriety may be, it is manifested only when there is pre-existing moral rectitude. And so, not only in this division of moral rectitude which we have now to discuss but also in the three preceding divisions, it is clearly brought out what propriety is. For to employ reason and speech rationally, to do with careful consideration whatever one does, and in everything to discern the truth and to

uphold it — that is proper. To be mistaken, on the other hand, to miss the truth, to fall into error, to be led astray — that is as improper as to be deranged and lose one's mind. And all things just are proper; all things unjust, like all things immoral, are improper.

The relation of propriety to fortitude is similar. What is done in a manly and courageous spirit seems becoming to a man and proper; what is done in a contrary fashion is at once immoral and improper.

95 This propriety, therefore, of which I am speaking belongs to each division of moral rectitude; and its relation to the cardinal virtues is so close, that it is perfectly self-evident and does not require any abstruse process of reasoning to see it. For there is a certain element of propriety perceptible in every act of moral rectitude; and this can be separated from virtue theoretically better than it can be practically. As comeliness and beauty of person are inseparable from the notion of health, so this propriety of which we are speaking, while in fact completely blended with virtue, is mentally and theoretically distinguishable from it.

96 The classification of propriety, moreover, is twofold: (1) we assume a general sort of propriety, which is found in moral goodness as a whole; then (2) there is another propriety, subordinate to this, which belongs to the several divisions of moral goodness. The former is usually defined somewhat as follows: "Propriety is that which harmonizes with man's superiority in those respects in which his nature differs from that of the rest of the animal creation." And they so define the special type of propriety which is subordinate to the general notion, that they represent it to be that propriety which harmonizes with Nature, in the sense that it manifestly embraces temperance and self-control, together with a certain deportment such as becomes a gentleman.

28 97 That this is the common acceptation of propriety we may infer from that propriety which poets aim to secure. Concerning that, I have occasion to say more in another connection. Now, we say that the poets observe propriety, when every word or action is in accord with each individual character. For example, if Aeacus or Minos said:

"Let them hate, if only they fear,"

or:

"The father is himself his children's tomb,"

that would seem improper, because we are told that they were just men. But when Atreus speaks those lines, they call forth applause; for the sentiment is in keeping with the character. But it will rest with the poets to decide, according to the individual characters, what is proper for each; but to us Nature herself has assigned a character of surpassing excellence, far superior to that of all other living creatures, and in accordance with that we shall have to decide what propriety requires.

98 The poets will observe, therefore, amid a great variety of characters, what is suitable and proper for all — even for the bad. But to us Nature has assigned the rôles of steadfastness, temperance, self-control, and considerateness of others; Nature also teaches us not to be careless in our behaviour towards our fellow-men. Hence we may clearly see how wide is the application not only of that propriety which is essential to moral rectitude in general, but also of the special propriety which is displayed in each particular subdivision of virtue. For, as physical beauty with harmonious symmetry of the limbs engages the attention and delights the eye, for the very reason that all the parts combine in harmony and grace, so this propriety, which shines out in our conduct, engages the approbation of our fellow-men by the order, consistency, and self-control it imposes upon every word and deed.

99 We should, therefore, in our dealings with people show what I may almost call reverence toward all men — not only toward the men who are the best, but toward others as well. For indifference to public opinion implies not merely self-sufficiency, but even total lack of principle. There is, too, a difference between justice and considerateness in one's relations to one's fellow-men. It is the function of justice not to do wrong to one's fellow-men; of considerateness, not to wound their feelings; and in this the essence of propriety is best seen.

With the foregoing exposition, I think it is clear what the nature is

of what we term propriety.

100 Further, as to the duty which has its source in propriety, the first road on which it conducts us leads to harmony with Nature and the faithful observance of her laws. If we follow Nature as our guide, we shall never go astray, but we shall be pursuing that which is in its nature clear-sighted and penetrating (Wisdom), that which is adapted to promote and strengthen society (Justice), and that which is strong and courageous (Fortitude). But the very essence of propriety is found in the division of virtue which is now under discussion (Temperance). For it is only when they agree with Nature's laws that we should give our approval to the movements not only of the body, but still more of the spirit.

101 Now we find that the essential activity of the spirit is twofold: one force is appetite (that is, ὁρμή, in Greek), which impels a man this way and that; the other is reason, which teaches and explains what should be done and what should be left undone. The result is that reason commands, appetite obeys.

29 Again, every action ought to be free from undue haste or carelessness; neither ought we to do anything for which we cannot assign a reasonable motive; for in these words we have practically a definition of duty.

102 The appetites, moreover, must be made to obey the reins of reason and neither allowed to run ahead of it nor from listlessness or indolence to lag behind; but people should enjoy calm of soul and be free from every sort of passion. As a result strength of character and self-control will shine forth in all their lustre. For when appetites overstep their bounds and, galloping away, so to speak, whether in desire or aversion, are not well held in hand by reason, they clearly overleap all bound and measure; for they throw obedience off and leave it behind and refuse to obey the reins of reason, to which they are subject by Nature's laws. And not only minds but bodies as well are disordered by such appetites. We need only to look at the faces of men in a rage or under the influence of some passion or fear or beside themselves with extravagant joy: in every instance their features, voices, motions, attitudes undergo a change.

103 From all this — to return to our sketch of duty — we see that all the appetites must be controlled and calmed and that we must take

infinite pains not to do anything from mere impulse or at random, without due consideration and care. For Nature has not brought us into the world to act as if we were created for play or jest, but rather for earnestness and for some more serious and important pursuits. We may, of course, indulge in sport and jest, but in the same way as we enjoy sleep or other relaxations, and only when we have satisfied the claims of our earnest, serious tasks. Further than that, the manner of jesting itself ought not to be extravagant or immoderate, but refined and witty. For as we do not grant our children unlimited licence to play, but only such freedom as is not incompatible with good conduct, so even in our jesting let the light of a pure character shine forth. 104 There are, generally speaking, two sorts of jest: the one, coarse, rude, vicious, indecent; the other, refined, polite, clever, witty. With this latter sort not only our own Plautus and the Old Comedy of Athens, but also the books of Socratic philosophy abound; and we have many witty sayings of many men — like those collected by old Cato under the title of *Bons Mots* (or Apophthegms). So the distinction between the elegant and the vulgar jest is an easy matter: the one kind, if well timed (for instance, in hours of mental relaxation), is becoming to the most dignified person; the other is unfit for any gentleman, if the subject is indecent and the words obscene.

Then, too, certain bounds must be observed in our amusements and we must be careful not to carry things too far and, swept away by our passions, lapse into some shameful excess. Our Campus, however, and the amusements of the chase are examples of wholesome recreation.

30 105 But it is essential to every inquiry about duty that we keep before our eyes how far superior man is by nature to cattle and other beasts: they have no thought except for sensual pleasure and this they are impelled by every instinct to seek; but man's mind is nurtured by study and meditation; he is always either investigating or doing, and he is captivated by the pleasure of seeing and hearing. Nay, even if a man is more than ordinarily inclined to sensual pleasures, provided, of course, that he be not quite on a level with the beasts of the field (for some people are men only in names, not in fact) — if, I say, he is a little too susceptible to the attractions of pleasure, he hides the fact,

however much he may be caught in its toils, and for very shame conceals his appetite.

106 From this we see that sensual pleasure is quite unworthy of the dignity of man and that we ought to despise it and cast it from us; but if someone should be found who sets some value upon sensual gratification, he must keep strictly within the limits of moderate indulgence. One's physical comforts and wants, therefore, should be ordered according to the demands of health and strength, not according to the calls of pleasure. And if we will only bear in mind the superiority and dignity of our nature, we shall realize how wrong it is to abandon ourselves to excess and to live in luxury and voluptuousness, and how right it is to live in thrift, self-denial, simplicity, and sobriety.

107 We must realize also that we are invested by Nature with two characters, as it were: one of these is universal, arising from the fact of our being all alike endowed with reason and with that superiority which lifts us above the brute. From this all morality and propriety are derived, and upon it depends the rational method of ascertaining our duty. The other character is the one that is assigned to individuals in particular. In the matter of physical endowment there are great differences: some, we see, excel in speed for the race, others in strength for wrestling; so in point of personal appearance, some have stateliness, others comeliness. 108 Diversities of character are greater still. Lucius Crassus and Lucius Philippus had a large fund of wit; Gaius Caesar, Lucius's son, had a still richer fund and employed it with more studied purpose. Contemporary with them, Marcus Scaurus and Marcus Drusus, the younger, were examples of unusual seriousness; Gaius Laelius, of unbounded jollity; while his intimate friend, Scipio, cherished more serious ideals and lived a more austere life. Among the Greeks, history tells us, Socrates was fascinating and witty, a genial conversationalist; he was what the Greeks call εἴρων in every conversation, pretending to need information and professing admiration for the wisdom of his companion. Pythagoras and Pericles, on the other hand, reached the heights of influence and power without any seasoning of mirthfulness. We read that Hannibal, among the Carthaginian generals, and Quintus Maximus, among our own, were shrewd and ready at concealing their plans, covering up

their tracks, disguising their movements, laying stratagems, forestalling the enemy's designs. In these qualities the Greeks rank Themistocles and Jason of Pherae above all others. Especially crafty and shrewd was the device of Solon, who, to make his own life safer and at the same time to do a considerably larger service for his country, feigned insanity.

109 Then there are others, quite different from these, straightforward and open, who think that nothing should be done by underhand means or treachery. They are lovers of truth, haters of fraud. There are others still who will stoop to anything, truckle to anybody, if only they may gain their ends. Such, we saw, were Sulla and Marcus Crassus. The most crafty and most persevering man of this type was Lysander of Sparta, we are told; of the opposite type was Callicratidas, who succeeded Lysander as admiral of the fleet. So we find that another, no matter how eminent he may be, will condescend in social intercourse to make himself appear but a very ordinary person. Such graciousness of manner we have seen in the case of Catulus — both father and son — and also of Quintus Mucius Mancia. I have heard from my elders that Publius Scipio Nasica was another master of this art; but his father, on the other hand — the man who punished Tiberius Gracchus for his nefarious undertakings — had no such gracious manner in social intercourse [. . .], and because of that very fact he rose to greatness and fame.

Countless other dissimilarities exist in natures and characters, and they are not in the least to be criticized.

31 110 Everybody, however, must resolutely hold fast to his own peculiar gifts, in so far as they are peculiar only and not vicious, in order that propriety, which is the object of our inquiry, may the more easily be secured. For we must so act as not to oppose the universal laws of human nature, but, while safeguarding those, to follow the bent of our own particular nature; and even if other careers should be better and nobler, we may still regulate our own pursuits by the standard of our own nature. For it is of no avail to fight against one's nature or to aim at what is impossible of attainment. From this fact the nature of that propriety defined above comes into still clearer light, inasmuch as nothing is proper that "goes against the grain," as the saying is — that is, if it is in direct opposition to one's natural genius.

111 If there is any such thing as propriety at all, it can be nothing more than uniform consistency in the course of our life as a whole and all its individual actions. And this uniform consistency one could not maintain by copying the personal traits of others and eliminating one's own. For as we ought to employ our mother-tongue, lest, like certain people who are continually dragging in Greek words, we draw well-deserved ridicule upon ourselves, so we ought not to introduce anything foreign into our actions or our life in general. 112 Indeed, such diversity of character carries with it so great significance that suicide may be for one man a duty, for another [under the same circumstances] a crime. Did Marcus Cato find himself in one predicament, and were the others, who surrendered to Caesar in Africa, in another? And yet, perhaps, they would have been condemned, if they had taken their lives; for their mode of life had been less austere and their characters more pliable. But Cato had been endowed by nature with an austerity beyond belief, and he himself had strengthened it by unswerving consistency and had remained ever true to his purpose and fixed resolve; and it was for him to die rather than to look upon the face of a tyrant.

113 How much Ulysses endured on those long wanderings, when he submitted to the service even of women (if Circe and Calypso may be called women) and strove in every word to be courteous and complaisant to all! And, arrived at home, he brooked even the insults

of his men-servants and maidservants, in order to attain in the end the object of his desire. But Ajax, with the temper he is represented as having, would have chosen to meet death a thousand times rather than suffer such indignities!

If we take this into consideration, we shall see that it is each man's duty to weigh well what are his own peculiar traits of character, to regulate these properly, and not to wish to try how another man's would suit him. For the more peculiarly his own a man's character is, the better it fits him.

114 Everyone, therefore, should make a proper estimate of his own natural ability and show himself a critical judge of his own merits and defects; in this respect we should not let actors display more practical wisdom than we have. They select, not the best plays, but the ones best suited to their talents. Those who rely most upon the quality of their voice take the Epigoni and the Medus; those who place more stress upon the action choose the Melanippa and the Clytaemnestra; Rupilius, whom I remember, always played in the Antiope, Aesopus rarely in the Ajax. Shall a player have regard to this in choosing his rôle upon the stage, and a wise man fail to do so in selecting his part in life?

We shall, therefore, work to the best advantage in that rôle to which we are best adapted. But if at some time stress of circumstances shall thrust us aside into some uncongenial part, we must devote to it all possible thought, practice, and pains, that we may be able to perform it, if not with propriety, at least with as little impropriety as possible; and we need not strive so hard to attain to points of excellence that have not been vouchsafed to us as to correct the faults we have.

32 115 To the two above-mentioned characters is added a third, which some chance or some circumstance imposes, and a fourth also, which we assume by our own deliberate choice. Regal powers and military commands, nobility of birth and political office, wealth and influence, and their opposites depend upon chance and are, therefore, controlled by circumstances. But what rôle we ourselves may choose to sustain is decided by our own free choice. And so some turn to philosophy, others to the civil law, and still others to oratory, while in case of the virtues themselves one man prefers to excel in one,

another in another.

116 They, whose fathers or forefathers have achieved distinction in some particular field, often strive to attain eminence in the same department of service: for example, Quintus, the son of Publius Mucius, in the law; Africanus, the son of Paulus, in the army. And to that distinction which they have severally inherited from their fathers some have added lustre of their own; for example, that same Africanus, who crowned his inherited military glory with his own eloquence. Timotheus, Conon's son, did the same: he proved himself not inferior to his father in military renown and added to that distinction the glory of culture and intellectual power. It happens sometimes, too, that a man declines to follow in the footsteps of his fathers and pursues a vocation of his own. And in such callings those very frequently achieve signal success who, though sprung from humble parentage, have set their aims high.

117 All these questions, therefore, we ought to bear thoughtfully in mind, when we inquire into the nature of propriety; but above all we must decide who and what manner of men we wish to be and what calling in life we would follow; and this is the most difficult problem in the world. For it is in the years of early youth, when our judgement is most immature, that each of us decides that his calling in life shall be that to which he has taken a special liking. And thus he becomes engaged in some particular calling and career in life, before he is fit to decide intelligently what is best for him.

118 For we cannot all have the experience of Hercules, as we find it in the words of Prodicus in Xenophon; "When Hercules was just coming into youth's estate (the time which Nature has appointed unto every man for choosing the path of life on which he would enter), he went out into a desert place. And as he saw two paths, the path of Pleasure and the path of Virtue, he sat down and debated long and earnestly which one it were better for him to take." This might, perhaps, happen to a Hercules, "scion of the seed of Jove"; but it cannot well happen to us; for we copy each the model he fancies, and we are constrained to adopt their pursuits and vocations. But usually, we are so imbued with the teachings of our parents, that we fall irresistibly into their manners and customs. Others drift with the current of popular opinion and make especial choice of those callings

which the majority find most attractive. Some, however, as the result either of some happy fortune or of natural ability, enter upon the right path of life, without parental guidance.

33 119 There is one class of people that is very rarely met with: it is composed of those who are endowed with marked natural ability, or exceptional advantages of education and culture, or both, and who also have time to consider carefully what career in life they prefer to follow; and in this deliberation the decision must turn wholly upon each individual's natural bent. For we try to find out from each one's native disposition, as was said above, just what is proper for him; and this we require not only in case of each individual act but also in ordering the whole course of one's life; and this last is a matter to which still greater care must be given, in order that we may be true to ourselves throughout all our lives and not falter in the discharge of any duty.

120 But since the most powerful influence in the choice of a career is exerted by Nature, and the next most powerful by Fortune, we must, of course, take account of them both in deciding upon our calling in life; but, of the two, Nature claims the more attention. For Nature is so much more stable and steadfast, that for Fortune to come into conflict with Nature seems like a combat between a mortal and a goddess. If, therefore, he has conformed his whole plan of life to the kind of nature that is his (that is, his better nature), let him go on with it consistently — for that is the essence of Propriety — unless, perchance, he should discover that he has made a mistake in choosing his life work. If this should happen (and it can easily happen), he must change his vocation and mode of life. If circumstances favour such change, it will be effected with greater ease and convenience. If not, it must be made gradually, step by step, just as, when friendships become no longer pleasing or desirable, it is more proper (so wise men think) to undo the bond little by little than to sever it at a stroke. 121 And when we have once changed our calling in life, we must take all possible care to make it clear that we have done so with good reason.

But whereas I said a moment ago that we have to follow in the steps of our fathers, let me make the following exceptions: first, we need not imitate their faults; second, we need not imitate certain

other things, if our nature does not permit such imitation; for example, the son of the elder Africanus (that Scipio who adopted the younger Africanus, the son of Paulus) could not on account of ill-health be so much like his father as Africanus had been like his. If, then, a man is unable to conduct cases at the bar or to hold the people spell-bound with his eloquence or to conduct wars, still it will be his duty to practise these other virtues, which are within his reach — justice, good faith, generosity, temperance, self-control — that his deficiencies in other respects may be less conspicuous. The noblest heritage, however, that is handed down from fathers to children, and one more precious than any inherited wealth, is a reputation for virtue and worthy deeds; and to dishonour this must be branded as a sin and a shame.

34 122 Since, too, the duties that properly belong to different times of life are not the same, but some belong to the young, others to those more advanced in years, a word must be said on this distinction also. It is, then, the duty of a young man to show deference to his elders and to attach himself to the best and most approved of them, so as to receive the benefit of their counsel and influence. For the inexperience of youth requires the practical wisdom of age to strengthen and direct it. And this time of life is above all to be protected against sensuality and trained to toil and endurance of both mind and body, so as to be strong for active duty in military and civil service. And even when they wish to relax their minds and give themselves up to enjoyment they should beware of excesses and bear in mind the rules of modesty. And this will be easier, if the young are not unwilling to have their elders join them even in their pleasures.

123 The old, on the other hand, should, it seems, have their physical labours reduced; their mental activities should be actually increased. They should endeavour, too, by means of their counsel and practical wisdom to be of as much service as possible to their friends and to the young, and above all to the state. But there is nothing against which old age has to be more on its guard than against surrendering to feebleness and idleness, while luxury, a vice in any time of life, is in old age especially scandalous. But if excess in sensual indulgence is added to luxurious living, it is a twofold evil; for old age not only disgraces itself; it also serves to make the

excesses of the young more shameless.

124 At this point it is not at all irrelevant to discuss the duties of magistrates, of private individuals, [of native citizens,] and of foreigners. It is, then, peculiarly the place of a magistrate to bear in mind that he represents the state and that it is his duty to uphold its honour and its dignity, to enforce the law, to dispense to all their constitutional rights, and to remember that all this has been committed to him as a sacred trust.

The private individual ought first, in private relations, to live on fair and equal terms with his fellow-citizens, with a spirit neither servile and grovelling nor yet domineering; and second, in matters pertaining to the state, to labour for her peace and honour; for such a man we are accustomed to esteem and call a good citizen.

125 As for the foreigner or the resident alien, it is his duty to attend strictly to his own concerns, not to pry into other people's business, and under no condition to meddle in the politics of a country not his own.

In this way I think we shall have a fairly clear view of our duties when the question arises what is proper and what is appropriate to each character, circumstance, and age. But there is nothing so essentially proper as to maintain consistency in the performance of every act and in the conception of every plan.

35 126 But the propriety to which I refer shows itself also in every deed, in every word, even in every movement and attitude of the body. And in outward, visible propriety there are three elements — beauty, tact, and taste; these conceptions are difficult to express in words, but it will be enough for my purpose if they are understood. In these three elements is included also our concern for the good opinion of those with whom and amongst whom we live. For these reasons I should like to say a few words about this kind of propriety also.

First of all, Nature seems to have had a wonderful plan in the construction of our bodies. Our face and our figure generally, in so far as it has a comely appearance, she has placed in sight; but the parts of the body that are given us only to serve the needs of Nature and that would present an unsightly and unpleasant appearance she has covered up and concealed from view. 127 Man's modesty has

followed this careful contrivance of Nature's; all right-minded people keep out of sight what Nature has hidden and take pains to respond to Nature's demands as privately as possible; and in the case of those parts of the body which only serve Nature's needs, neither the parts nor the functions are called by their real names. To perform these functions — if only it be done in private — is nothing immoral; but to speak of them is indecent. And so neither public performance of those acts nor vulgar mention of them is free from indecency.

128 But we should give no heed to the Cynics (or to some Stoics who are practically Cynics) who censure and ridicule us for holding that the mere mention of some actions that are not immoral is shameful, while other things that are immoral we call by their real names. Robbery, fraud, and adultery, for example, are immoral in deed, but it is not indecent to name them. To beget children in wedlock is in deed morally right; to speak of it is indecent. And they assail modesty with a great many other arguments to the same purport. But as for us, let us follow Nature and shun everything that is offensive to our eyes or our ears. So, in standing or walking, in sitting or reclining, in our expression, our eyes, or the movements of our hands, let us preserve what we have called "propriety."

129 In these matters we must avoid especially the two extremes — our conduct and speech should not be effeminate and over-nice, on the one hand, nor coarse and boorish, on the other. And we surely must not admit that, while this rule applies to actors and orators, it is not binding upon us. As for stage-people, their custom, because of its traditional discipline, carries modesty to such a point that an actor would never step out upon the stage without a breech-cloth on, for fear he might make an improper exhibition, if by some accident certain parts of his person should happen to become exposed. And in our own custom grown sons do not bathe with their fathers, nor sons-in-law with their fathers-in-law. We must, therefore, keep to the path of this sort of modesty, especially when Nature is our teacher and guide.

36 130 Again, there are two orders of beauty: in the one, loveliness predominates; in the other, dignity; of these, we ought to regard loveliness as the attribute of woman, and dignity as the attribute of man. Therefore, let all finery not suitable to a man's dignity be kept

off his person, and let him guard against the like fault in gesture and action. The manners taught in the palaestra, for example, are often rather objectionable, and the gestures of actors on the stage are not always free from affectation; but simple, unaffected manners are commendable in both instances. Now dignity of mien is also to be enhanced by a good complexion; the complexion is the result of physical exercise. We must besides present an appearance of neatness — not too punctilious or exquisite, but just enough to avoid boorish and ill-bred slovenliness. We must follow the same principle in regard to dress. In this, as in most things, the best rule is the golden mean.

131 We must be careful, too, not to fall into a habit of listless sauntering in our gait, so as to look like carriers in festal processions, or of hurrying too fast, when time presses. If we do this, it puts us out of breath, our looks are changed, our features distorted; and all this is clear evidence of a lack of poise. But it is much more important that we succeed in keeping our mental operations in harmony with Nature's laws. And we shall not fall in this if we guard against violent excitement or depression, and if we keep our minds intent on the observance of propriety.

132 Our mental operations, moreover, are of two kinds: some have to do with thought, others with impulse. Thought is occupied chiefly with the discovery of truth; impulse prompts to action. We must be careful, therefore, to employ our thoughts on themes as elevating as possible and to keep our impulses under the control of reason.

37 The power of speech in the attainment of propriety is great, and its function is twofold: the first is oratory; the second, conversation. Oratory is the kind of discourse to be employed in pleadings in court and speeches in popular assemblies and in the senate; conversation should find its natural place in social gatherings, in informal discussions, and in intercourse with friends; it should also seek admission at dinners. There are rules for oratory laid down by rhetoricians; there are none for conversation; and yet I do not know why there should not be. But where there are students to learn, teachers are found; there are, however, none who make conversation a subject of study, whereas pupils throng about the rhetoricians everywhere. And yet the same rules that we have for words and

sentences in rhetoric will apply also to conversation.

133 Now since we have the voice as the organ of speech, we should aim to secure two properties for it: that it be clear, and that it be musical. We must, of course, look to Nature for both gifts. But distinctness may be improved by practice; the musical qualities, by imitating those who speak with smooth and articulate enunciation.

There was nothing in the two Catuli to lead one to suppose that they had a refined literary taste; they were men of culture, it is true; and so were others; but the Catuli were looked upon as the perfect masters of the Latin tongue. Their pronunciation was charming; their words were neither mouthed nor mumbled: they avoided both indistinctness and affectation; their voices were free from strain, yet neither faint nor shrill. More copious was the speech of Lucius Crassus and not less brilliant, but the reputation of the two Catuli for eloquence was fully equal to his. But in wit and humour Caesar, the elder Catulus's half-brother, surpassed them all: even at the bar he would with his conversational style defeat other advocates with their elaborate orations.

If, therefore, we are aiming to secure propriety in every circumstance of life, we must master all these points.

134 Conversation, then, in which the Socratics are the best models, should have these qualities. It should be easy and not in the least dogmatic; it should have the spice of wit. And the one who engages in conversation should not debar others from participating in it, as if he were entering upon a private monopoly; but, as in other things, so in a general conversation he should think it not unfair for each to have his turn. He should observe, first and foremost, what the subject of conversation is. If it is grave, he should treat it with seriousness; if humorous, with wit. And above all, he should be on the watch that his conversation shall not betray some defect in his character. This is most likely to occur, when people in jest or in earnest take delight in making malicious and slanderous statements about the absent, on purpose to injure their reputations.

135 The subjects of conversation are usually affairs of the home or politics or the practice of the professions and learning. Accordingly, if the talk begins to drift off to other channels, pains should be taken to bring it back again to the matter in hand — but with due

consideration to the company present; for we are not all interested in the same things at all times or in the same degree. We must observe, too, how far the conversation is agreeable and, as it had a reason for its beginning, so there should be a point at which to close it tactfully.

38 136 But as we have a most excellent rule for every phase of life, to avoid exhibitions of passion, that is, mental excitement that is excessive and uncontrolled by reason; so our conversation ought to be free from such emotions: let there be no exhibition of anger or inordinate desire, of indolence or indifference, or anything of the kind. We must also take the greatest care to show courtesy and consideration toward those with whom we converse.

It may sometimes happen that there is need of administering reproof. On such occasions we should, perhaps, use a more emphatic tone of voice and more forcible and severe terms and even assume an appearance of being angry. But we shall have recourse to this sort of reproof, as we do to cautery and amputation, rarely and reluctantly — never at all, unless it is unavoidable and no other remedy can be discovered. We may seem angry, but anger should be far from us; for in anger nothing right or judicious can be done. 137 In most cases, we may apply a mild reproof, so combined, however, with earnestness, that, while severity is shown, offensive language is avoided. Nay more; we must show clearly that even that very harshness which goes with our reproof is designed for the good of the person reproved.

The right course, moreover, even in our differences with our bitterest enemies, is to maintain our dignity and to repress our anger, even though we are treated outrageously. For what is done under some degree of excitement cannot be done with perfect self-respect or the approval of those who witness it.

It is bad taste also to talk about oneself — especially if what one says is not true — and, amid the derision of one's hearers, to play "The Braggart Captain."

39 138 But since I am investigating this subject in all its phases (at least, that is my purpose), I must discuss also what sort of house a man of rank and station should, in my opinion, have. Its prime object is serviceableness. To this the plan of the building should be adapted; and yet careful attention should be paid to its convenience and distinction.

We have heard that Gnaeus Octavius — the first of that family to be elected consul — distinguished himself by building upon the Palatine an attractive and imposing house. Everybody went to see it, and it was thought to have gained votes for the owner, a new man, in his canvass for the consulship. That house Scaurus demolished, and on its site he built an addition to his own house. Octavius, then, was the first of his family to bring the honour of a consulship to his house; Scaurus, thought the son of a very great and illustrious man, brought to the same house, when enlarged, not only defeat, but disgrace and ruin. 139 The truth is, a man's dignity may be enhanced by the house he lives in, but not wholly secured by it; the owner should bring honour to his house, not the house to its owner. And, as in everything else a man must have regard not for himself alone but for others also, so in the home of a distinguished man, in which numerous guests must be entertained and crowds of every sort of people received, care must be taken to have it spacious. But if it is not frequented by visitors, if it has an air of lonesomeness, a spacious palace often becomes a discredit to its owner. This is sure to be the case if at some other time, when it had a different owner, it used to be thronged. For it is unpleasant, when passers-by remark:

"O good old house, alas! how different
The owner who now owneth thee!"

And in these times that may be said of many a house!

140 One must be careful, too, not to go beyond proper bounds in expense and display, especially if one is building for oneself. For much mischief is done in their way, if only in the example set. For many people imitate zealously the foibles of the great, particularly in this direction: for example, who copies the virtues of Lucius Lucullus, excellent man that he was? But how many there are who have copied the magnificence of his villas! Some limit should surely be set to this tendency and it should be reduced at least to a standard of moderation; and by that same standard of moderation the comforts and wants of life generally should be regulated. But enough on this part of my theme.

141 In entering upon any course of action, then, we must hold fast

to three principles: first, that impulse shall obey reason; for there is no better way than this to secure the observance of duties; second, that we estimate carefully the importance of the object that we wish to accomplish, so that neither more nor less care and attention may be expended upon it than the case requires; the third principle is that we be careful to observe moderation in all that is essential to the outward appearance and dignity of a gentleman. Moreover, the best rule for securing this is strictly to observe that propriety which we have discussed above, and not to overstep it. Yet of these three principles, the one of prime importance is to keep impulse subservient to reason.

40 142 Next, then, we must discuss orderliness of conduct and seasonableness of occasions. These two qualities are embraced in that science which the Greeks call εὐταξία — not that εὐταξία which we translate with *moderation* [modestia], derived from *moderate*; but this is the εὐταξία by which we understand *orderly conduct*. And so, if we may call it also *moderation*, it is defined by the Stoics as follows: "Moderation is the science of disposing aright everything that is done or said." So the essence of orderliness and of right-placing, it seems, will be the same; for *orderliness* they define also as "the arrangement of things in their suitable and appropriate places." By "place of action," moreover, they mean *seasonableness of circumstance*; and the *seasonable circumstance* for an action is called in Greek εὐκαιρία, in Latin occasio (occasion). So it comes about that in this sense *moderation*, which we explain as I have indicated, is the science of doing the right thing at the right time.

143 A similar definition can be given for prudence, of which I have spoken in an early chapter. But in this part we are considering temperance and self-control and related virtues. Accordingly, the properties which, as we found, are peculiar to prudence were discussed in their proper place, while those are to be discussed now which are peculiar to these virtues of which we have for some time been speaking and which relate to considerateness and to the approbation of our fellow-men.

144 Such orderliness of conduct is, therefore, to be observed, that everything in the conduct of our life shall balance and harmonize, as in a finished speech. For it is unbecoming and highly censurable,

when upon a serious theme, to introduce such jests as are proper at a dinner, or any sort of loose talk. When Pericles was associated with the poet Sophocles as his colleague in command and they had met to confer about official business that concerned them both, a handsome boy chanced to pass and Sophocles said: "Look, Pericles; what a pretty boy!" How pertinent was Pericles's reply: "Hush, Sophocles, a general should keep not only his hands but his eyes under control." And yet, if Sophocles had made this same remark at a trial of athletes, he would have incurred no just reprimand. So great is the significance of both place and circumstance. For example, if anyone, while on a journey or on a walk, should rehearse to himself a case which he is preparing to conduct in court, or if he should under similar circumstances apply his closest thought to some other subject, he would not be open to censure: but if he should do that same thing at a dinner, he would be thought ill-bred, because he ignored the proprieties of the occasion.

145 But flagrant breaches of good breeding like singing in the streets or any other gross misconduct, are easily apparent and do not call especially for admonition and instruction. But we must even more carefully avoid those seemingly trivial faults which pass unnoticed by the many. However slightly out of tune a harp or flute may be, the fault is still detected by a connoisseur; so we must be on the watch lest haply something in our life be out of tune — nay, rather, far greater is the need for painstaking, inasmuch as harmony of actions is far better and far more important than harmony of sounds.

41 146 As, therefore, a musical ear detects even the slightest falsity of tone in a harp, so we, if we wish to be keen and careful observers of moral faults, shall often draw important conclusions from trifles. We observe others and from a glance of the eyes, from a contracting or relaxing of the brows, from an air of sadness, from an outburst of joy, from a laugh, from speech from silence, from a raising or lowering of the voice, and the like, we shall easily judge which of our actions is proper, and which is out of accord with duty and Nature. And, in the same manner, it is not a bad plan to judge of the nature of our every action by studying others, that so we may ourselves avoid anything that is unbecoming in them. For it happens

somehow or other that we detect another's failings more readily than we do our own; and so in the school-room those pupils learn most easily to do better whose faults the masters mimic for the sake of correcting them.

147 Nor is it out of place in making a choice between duties involving a doubt, to consult men of learning or practical wisdom and to ascertain what their views are on any particular question of duty. For the majority usually drift as the current of their own natural inclinations carries them; and in deriving counsel from one of these, we have to see not only what our adviser says, but also what he thinks, and what his reasons are for thinking as he does. For, as painters and sculptors and even poets, too, wish to have their works reviewed by the public, in order that, if any point is generally criticized, it may be improved; and as they try to discover both by themselves and with the help of others what is wrong in their work; so through consulting the judgment of others we find that there are many things to be done and left undone, to be altered and improved.

148 But no rules need to be given about what is done in accordance with the established customs and conventions of a community; for these are in themselves rules; and no one ought to make the mistake of supposing that, because Socrates or Aristippus did or said something contrary to the manners and established customs of their city, he has a right to do the same; it was only by reason of their great and superhuman virtues that those famous men acquired this special privilege. But the Cynics' whole system of philosophy must be rejected, for it is inimical to moral sensibility, and without moral sensibility nothing can be upright, nothing morally good.

149 It is, furthermore, our duty to honour and reverence those whose lives are conspicuous for conduct in keeping with their high moral standards, and who, as true patriots, have rendered or are now rendering efficient service to their country, just as much as if they were invested with some civil or military authority; it is our duty also to show proper respect to old age, to yield precedence to magistrates, to make a distinction between a fellow-citizen and a foreigner, and, in the case of the foreigner himself, to discriminate according to whether he has come in an official or a private capacity. In a word, not to go into details, it is our duty to respect, defend, and maintain

the common bonds of union and fellowship subsisting between all the members of the human race.

42 150 Now in regard to trades and other means of livelihood, which ones are to be considered becoming to a gentleman and which ones are vulgar, we have been taught, in general, as follows. First, those means of livelihood are rejected as undesirable which incur people's ill-will, as those of tax-gatherers and usurers. Unbecoming to a gentleman, too, and vulgar are the means of livelihood of all hired workmen whom we pay for mere manual labour, not for artistic skill; for in their case the very wage they receive is a pledge of their slavery. Vulgar we must consider those also who buy from wholesale merchants to retail immediately; for they would get no profits without a great deal of downright lying; and verily, there is no action that is meaner than misrepresentation. And all mechanics are engaged in vulgar trades; for no workshop can have anything liberal about it. Least respectable of all are those trades which cater for sensual pleasures:

"Fishmongers, butchers, cooks, and poulterers,
And fishermen,"

as Terence says. Add to these, if you please, the perfumers, dancers, and the whole *corps de ballet*.

151 But the professions in which either a higher degree of intelligence is required or from which no small benefit to society is derived — medicine and architecture, for example, and teaching — these are proper for those whose social position they become. Trade, if it is on a small scale, is to be considered vulgar; but if wholesale and on a large scale, importing large quantities from all parts of the world and distributing to many without misrepresentation, it is not to be greatly disparaged. Nay, it even seems to deserve the highest respect, if those who are engaged in it, satiated, or rather, I should say, satisfied with the fortunes they have made, make their way from the port to a country estate, as they have often made it from the sea into port. But of all the occupations by which gain is secured, none is better than agriculture, none more profitable, none more delightful, none more becoming to a freeman. But since I have discussed this

quite fully in my *Cato Major*, you will find there the material that applies to this point.

43 152 Now, I think I have explained fully enough how moral duties are derived from the four divisions of moral rectitude. But between those very actions which are morally right, a conflict and comparison may frequently arise, as to which of two actions is morally better — a point overlooked by Panaetius. For, since all moral rectitude springs from four sources (one of which is prudence; the second, social instinct; the third, courage; the fourth, temperance), it is often necessary in deciding a question of duty that these virtues be weighed against one another.

153 My view, therefore, is that those duties are closer to Nature which depend upon the social instinct than those which depend upon knowledge; and this view can be confirmed by the following argument: (1) suppose that a wise man should be vouchsafed such a life that, with an abundance of everything pouring in upon him, he might in perfect peace study and ponder over everything that is worth knowing, still, if the solitude were so complete that he could never see a human being, he would die. And then, the foremost of all virtues is wisdom — what the Greeks call σοφία; for by prudence, which they call φρόνησις, we understand something else, namely, the practical knowledge of things to be sought for and of things to be avoided. (2) Again, that wisdom which I have given the foremost place is the knowledge of things human and divine, which is concerned also with the bonds of union between gods and men and the relations of man to man. If wisdom is the most important of the virtues, as it certainly is, it necessarily follows that that duty which is connected with the social obligation is the most important duty. And (3) service is better than mere theoretical knowledge, for the study and knowledge of the universe would somehow be lame and defective, were no practical results to follow. Such results, moreover, are best seen in the safeguarding of human interests. It is essential, then, to human society; and it should, therefore, be ranked above speculative knowledge.

154 Upon this all the best men agree, as they prove by their conduct. For who is so absorbed in the investigation and study of creation, but that, even though he were working and pondering over

tasks never so much worth mastering and even though he thought he could number the stars and measure the length and breadth of the universe, he would drop all those problems and cast them aside, if word were suddenly brought to him of some critical peril to his country, which he could relieve or repel? And he would do the same to further the interests of parent or friend or to save him from danger.

155 From all this we conclude that the duties prescribed by justice must be given precedence over the pursuit of knowledge and the duties imposed by it; for the former concern the welfare of our fellow-men; and nothing ought to be more sacred in men's eyes than that.

44 And yet scholars, whose whole life and interests have been devoted to the pursuit of knowledge, have not, after all, failed to contribute to the advantages and blessings of mankind. For they have trained many to be better citizens and to render larger service to their country. So, for example, the Pythagorean Lysis taught Epaminondas of Thebes; Plato, Dion of Syracuse; and many, many others. As for me myself, whatever service I have rendered to my country — if, indeed, I have rendered any — I came to my task trained and equipped for it by my teachers and what they taught me. 156 And not only while present in the flesh memorials of their learning they continue the same service after they are dead. For they have overlooked no point that has a bearing upon laws, customs or political science; in fact, they seem to have devoted their retirement to the benefit of us who are engaged in public business. The principal thing done, therefore, by those very devotees of the pursuits of learning and science is to apply their own practical wisdom and insight to the service of humanity. And for that reason also much speaking (if only it contain wisdom) is better than speculation never so profound without speech; for mere speculation is self-centred, while speech extends its benefits to those with whom we are united by the bonds of society.

157 And again, as swarms of bees do not gather for the sake of making honeycomb but make the honeycomb because they are gregarious by nature, so human beings — and to a much higher degree — exercise their skill together in action and thought because they are naturally gregarious. And so, if that virtue [Justice] which

centres in the safeguarding of human interests, that is, in the maintenance of human society, were not to accompany the pursuit of knowledge, that knowledge would seem isolated and barren of results. In the same way, courage [Fortitude], if unrestrained by the uniting bonds of society, would be but a sort of brutality and savagery. Hence it follows that the claims of human society and the bonds that unite men together take precedence of the pursuit of speculative knowledge.

158 And it is not true, as certain people maintain, that the bonds of union in human society were instituted in order to provide for the needs of daily life; for, they say, without the aid of others we could not secure for ourselves or supply to others the things that Nature requires; but if all that is essential to our wants and comfort were supplied by some magic wand, as in the stories, then every man of first-rate ability could drop all other responsibility and devote himself exclusively to learning and study. Not at all. For he would seek to escape from his loneliness and to find someone to share his studies; he would wish to teach, as well as to learn; to hear, as well as to speak. Every duty, therefore, that tends effectively to maintain and safeguard human society should be given the preference over that duty which arises from speculation and science alone.

45 159 The following question should, perhaps, be asked: whether this social instinct, which is the deepest feeling in our nature, is always to have precedence over temperance and moderation also. I think not. For there are some acts either so repulsive or so wicked, that a wise man would not commit them, even to save his country. Posidonius has made a large collection of them; but some of them are so shocking, so indecent, that it seems immoral even to mention them. The wise man, therefore, will not think of doing any such thing for the sake of his country; no more will his country consent to have it done for her. But the problem is the more easily disposed of because the occasion cannot arise when it could be to the state's interest to have the wise man do any of those things.

160 This, then, may be regarded as settled: in choosing between conflicting duties, that class takes precedence which is demanded by the interests of human society. [And this is the natural sequence; for discreet action will presuppose learning and practical wisdom; it

follows, therefore, that discreet action is of more value than wise (but inactive) speculation.]

So much must suffice for this topic. For, in its essence, it has been made so clear, that in determining a question of duty it is not difficult to see which duty is to be preferred to any other. Moreover, even in the social relations themselves there are gradations of duty so well defined that it can easily be seen which duty takes precedence of any other: our first duty is to the immortal gods; our second, to country; our third, to parents; and so on, in a descending scale, to the rest.

161 From this brief discussion, then, it can be understood that people are often in doubt not only whether an action is morally right or wrong, but also, when a choice is offered between two moral actions, which one is morally better. This point, as I remarked above, has been overlooked by Panaetius. But let us now pass on to what remains.

BOOK II

1 1 I believe, Marcus, my son, that I have fully explained in the preceding book how duties are derived from moral rectitude, or rather from each of virtue's four divisions. My next step is to trace out those kinds of duty which have to do with the comforts of life, with the means of acquiring the things that people enjoy, with influence, and with wealth. [In this connection, the question is, as I said: (1) what is expedient, and what is inexpedient; and (2) of several expedients, which is of more and which of most importance.] These questions I shall proceed to discuss, after I have said a few words in vindication of my present purpose and my principles of philosophy.

2 Although my books have aroused in not a few men the desire not only to read but to write, yet I sometimes fear that what we term philosophy is distasteful to certain worthy gentlemen, and that they wonder that I devote so much time and attention to it.

Now, as long as the state was administered by the men to whose care she had voluntarily entrusted herself, I devoted all my effort and thought to her. But when everything passed under the absolute control of a despot and there was no longer any room for statesmanship or authority of mine; and finally when I had lost the friends who had been associated with me in the task of serving the interests of the state, and who were men of the highest standing, I did not resign myself to grief, by which I should have been overwhelmed, had I not struggled against it; neither, on the other hand, did I surrender myself to a life of sensual pleasure unbecoming to a philosopher.

3 I would that the government had stood fast in the position it had begun to assume and had not fallen into the hands of men who desired not so much to reform as to abolish the constitution. For then, in the first place, I should now be devoting my energies more to public speaking than to writing as I used to do when the republic stood; and in the second place, I should be committing to written form not these present essays but my public speeches, as I often formerly did. But when the republic, to which all my care and thought and effort used to be devoted, was no more, then, of course,

my voice was silenced in the forum and in the senate. 4 And since my mind could not be wholly idle, I thought, as I had been well-read along these lines of thought from my early youth, that the most honourable way for me to forget my sorrows would be by turning to philosophy. As a young man, I had devoted a great deal of time to philosophy as a discipline; but after I began to fill the high offices of state and devoted myself heart and soul to the public service, there was only so much time for philosophical studies as was left over from the claims of my friends and of the state; all of this was spent in reading; I had no leisure for writing.

2 5 Therefore, amid all the present most awful calamities I yet flatter myself that I have won this good out of evil — that I may commit to written form matters not at all familiar to our countrymen but still very much worth their knowing. For what, in the name of heaven, is more to be desired than wisdom? What is more to be prized? What is better for a man, what more worthy of his nature? Those who seek after it are called philosophers; and philosophy is nothing else, if one will translate the word into our idiom, than "the love of wisdom." Wisdom, moreover, as the word has been defined by the philosophers of old, is "the knowledge of things human and divine and of the causes by which those things are controlled." And if the man lives who would belittle the study of philosophy, I quite fail to see what in the world he would see fit to praise. 6 For if we are looking for mental enjoyment and relaxation, what pleasure can be compared with the pursuits of those who are always studying out something that will tend toward and effectively promote a good and happy life? Or, if regard is had for strength of character and virtue, then this is the method by which we can attain to those qualities, or there is none at all. And to say that there is no "method" for securing the highest blessings, when none even of the least important concerns is without its method, is the language of people who talk without due reflection and blunder in matters of the utmost importance. Furthermore, if there is really a way to learn virtue, where shall one look for it, when one has turned aside from this field of learning?

Now, when I am advocating the study of philosophy, I usually discuss this subject at greater length, as I have done in another of my

books. For the present I meant only to explain why, deprived of the tasks of public service, I have devoted myself to this particular pursuit.

7 But people raise other objections against me — and that, too, philosophers and scholars — asking whether I think I am quite consistent in my conduct — for although our school maintains that nothing can be known for certain, yet, they urge, I make a habit of presenting my opinions on all sorts of subjects and at this very moment am trying to formulate rules of duty. But I wish that they had a proper understanding of our position. For we Academicians are not men whose minds wander in uncertainty and never know what principles to adopt. For what sort of mental habit, or rather what sort of life would that be which should dispense with all rules for reasoning or even for living? Not so with us; but, as other schools maintain that some things are certain, others uncertain, we, differing with them, say that some things are probable, others improbable.

8 What, then, is to hinder me from accepting what seems to me to be probable, while rejecting what seems to be improbable, and from shunning the presumption of dogmatism, while keeping clear of that recklessness of assertion which is as far as possible removed from true wisdom? And as to the fact that our school argues against everything, that is only because we could not get a clear view of what is "probable," unless a comparative estimate were made of all the arguments on both sides.

But this subject has been, I think, quite fully set forth in my "Academics." And although, my dear Cicero, you are a student of that most ancient and celebrated school of philosophy, with Cratippus as your master — and he deserves to be classed with the founders of that illustrious sect — still I wish our school, which is closely related to yours, not to be unknown to you.

Let us now proceed to the task in hand.

3 9 Five principles, accordingly, have been laid down for the pursuance of duty: two of them have to do with propriety and moral rectitude; two, with the external conveniences of life — means, wealth, influence; the fifth, with the proper choice, if ever the four first mentioned seem to be in conflict. The division treating of moral rectitude, then, has been completed, and this is the part with which I

desire you to be most familiar.

The principle with which we are now dealing is that one which is called Expediency. The usage of this word has been corrupted and perverted and has gradually come to the point where, separating moral rectitude from expediency, it is accepted that a thing may be morally right without being expedient, and expedient without being morally right. No more pernicious doctrine than this could be introduced into human life.

10 There are, to be sure, philosophers of the very highest reputation who distinguish theoretically between these three conceptions, although they are indissolubly blended together; and they do this, I assume, on moral, conscientious principles. [For whatever is just, they hold, is also expedient; and, in like manner, whatever is morally right is also just. It follows, then, that whatever is morally right is also expedient.] Those who fail to comprehend that theory do often, in their admiration for shrewd and clever men, take craftiness for wisdom. But they must be disabused of this error and their way of thinking must be wholly converted to the hope and conviction that it is only by moral character and righteousness, not by dishonesty and craftiness, that they may attain to the objects of their desires.

11 Of the things, then, that are essential to the sustenance of human life, some are inanimate (gold and silver, for example, the fruits of the earth, and so forth), and some are animate and have their own peculiar instincts and appetites. Of these again some are rational, others irrational. Horses, oxen, and the other cattle, [bees,] whose labour contributes more or less to the service and subsistence of man, are not endowed with reason; of rational beings two divisions are made — gods and men. Worship and purity of character will win the favour of the gods; and next to the gods, and a close second to them, men can be most helpful to men.

12 The same classification may likewise be made of the things that are injurious and hurtful. But, as people think that the gods bring us no harm, they decide (leaving the gods out of the question) that men are most hurtful to men.

As for mutual helpfulness, those very things which we have called inanimate are for the most part themselves produced by man's

labours; we should not have them without the application of manual labour and skill nor could we enjoy them without the intervention of man. And so with many other things: for without man's industry there could have been no provisions for health, no navigation, no agriculture, no ingathering or storing of the fruits of the field or other kinds of produce. 13 Then, too, there would surely be no exportation of our superfluous commodities or importation of those we lack, did not men perform these services. By the same process of reasoning, without the labour of man's hands, the stone needful for our use would not be quarried from the earth, nor would "iron, copper, gold, and silver, hidden far within," be mined.

4 And how could houses ever have been provided in the first place for the human race, to keep out the rigours of the cold and alleviate the discomforts of the heat; or how could the ravages of furious tempest or of earthquake or of time upon them afterward have been repaired, had not the bonds of social life taught men in such events to look to their fellow-men for help? 14 Think of the aqueducts, canals, irrigation works, breakwaters, artificial harbours; how should we have these without the work of man? From these and many other illustrations it is obvious that we could not in any way, without the work of man's hands, have received the profits and the benefits accruing from inanimate things.

Finally, of what profit or service could animals be, without the cooperation of man? For it was men who were the foremost in discovering what use could be made of each beast; and to-day, if it were not for man's labour, we could neither feed them nor break them in nor take care of them nor yet secure the profits from them in due season. By man, too, noxious beasts are destroyed, and those that can be of use are captured.

15 Why should I recount the multitude of arts without which life would not be worth living at all? For how would the sick be healed? What pleasure would the hale enjoy? What comforts should we have, if there were not so many arts to master to our wants? In all these respects the civilized life of man is far removed from the standard of the comforts and wants of the lower animals. And, without the association of men, cities could not have been built or peopled. In consequence of city life, laws and customs were established, and

then came the equitable distribution of private rights and a definite social system. Upon these institutions followed a more humane spirit and consideration for others, with the result that life was better supplied with all it requires, and by giving and receiving, by mutual exchange of commodities and conveniences, we succeeded in meeting all our wants.

5 16 I have dwelt longer on this point than was necessary. For who is there to whom those facts which Panaetius narrates at great length are not self-evident — namely, that no one, either as a general in war or as a statesman at home, could have accomplished great things for the benefit of the state, without the hearty co-operation of other men? He cites the deeds of Themistocles, Pericles, Cyrus, Agesilaus, Alexander, who, he says, could not have achieved so great success without the support of other men. He calls in witnesses, whom he does not need, to prove a fact that no one questions.

And yet, as, on the one hand, we secure great advantages through the sympathetic cooperation of our fellow-men; so, on the other, there is no curse so terrible but it is brought down by man upon man. There is a book by Dicaearchus on "The Destruction of Human Life." He was a famous and eloquent Peripatetic, and he gathered together all the other causes of destruction — floods, epidemics, famines, and sudden incursions of wild animals in myriads, by whose assaults, he informs us, whole tribes of men have been wiped out. And then he proceeds to show by way of comparison how many more men have been destroyed by the assaults of men — that is, by wars or revolutions — than by any and all other sorts of calamity.

17 Since, therefore, there can be no doubt on this point, that man is the source of both the greatest help and the greatest harm to man, I set it down as the peculiar function of virtue to win the hearts of men and to attach them to one's own service. And so those benefits that human life derives from inanimate objects and from the employment and use of animals are ascribed to the industrial arts; the cooperation of men, on the other hand, prompt and ready for the advancement of our interests, is secured through wisdom and virtue [in men of superior ability]. 18 And, indeed, virtue in general may be said to consist almost wholly in three properties; the first is [Wisdom,] the ability to perceive what in any given instance is true and real, what

its relations are, its consequences, and its causes; the second is [Temperance,] the ability to restrain the passions (which the Greeks call πάθη) and make the impulses (ὁρμαί) obedient to reason; and the third is [Justice,] the skill to treat with consideration and wisdom those with whom we are associated, in order that we may through their cooperation have our natural wants supplied in full and overflowing measure, that we may ward of any impending trouble, avenge ourselves upon those who have attempted to injure us, and visit them with such retribution as justice and humanity will permit.

6 19 I shall presently discuss the means by which we can gain the ability to win and hold the affections of our fellow-men; but I must say a few words by way of preface.

Who fails to comprehend the enormous, two-fold power of Fortune for weal and for woe? When we enjoy her favouring breeze, we are wafted over to the wished-for haven; when she blows against us, we are dashed to destruction. Fortune herself, then, does send those other less usual calamities, arising, first, from inanimate Nature — hurricanes, storms, shipwrecks, catastrophes, conflagrations; second, from wild beasts — kicks, bites, and attacks. But these, as I have said, are comparatively rare. 20 But think, on the one side, of the destruction of armies (three lately, and many others at many different times), the loss of generals (of a very able and eminent commander recently), the hatred of the masses, too, and the banishment that as a consequence frequently comes to men of eminent services, their degradation and voluntary exile; think, on the other hand, of the successes, the civil and military honours, and the victories, — though all these contain an element of chance, still they cannot be brought about, whether for good or for ill, without the influence and the cooperation of our fellow-men.

With this understanding of the influence of Fortune, I may proceed to explain how we can win the affectionate cooperation of our fellows and enlist it in our service. And if the discussion of this point is unduly prolonged, let the length be compared with the importance of the object in view. It will then, perhaps, seem even too short.

21 Whenever, then, people bestow anything upon a fellow-man to raise his estate or his dignity, it may be from any one of several

motives: (1) it may be out of good-will, when for some reason they are fond of him; (2) it may be from esteem, if they look up to his worth and think him deserving of the most splendid fortune a man can have; (3) they may have confidence in him and think that they are thus acting for their own interests; or (4) they may fear his power; (5) they may, on the contrary, hope for some favour — as, for example, when princes or demagogues bestow gifts of money; or, finally, (6) they may be moved by the promise of payment or reward. This last is, I admit, the meanest and most sordid motive of all, both for those who are swayed by it and for those who venture to resort to it. 22 For things are in a bad way, when that which should be obtained by merit is attempted by money. But since recourse to this kind of support is sometimes indispensable, I shall explain how it should be employed; but first I shall discuss those qualities which are more closely allied to merit.

Now, it is by various motives that people are led to submit to another's authority and power: they may be influenced (1) by good-will; (2) by gratitude for generous favours conferred upon them; (3) by the eminence of that other's social position or by the hope that their submission will turn to their own account; (4) by fear that they may be compelled perforce to submit; (5) they may be captivated by the hope of gifts of money and by liberal promises; or, finally, (6) they may be bribed with money, as we have frequently seen in our own country.

7 23 But, of all motives, none is better adapted to secure influence and hold it fast than love; nothing is more foreign to that end than fear. For Ennius says admirably:

"Whom they fear they hate. And whom one hates, one hopes to see him dead."

And we recently discovered, if it was not known before, that no amount of power can withstand the hatred of the many. The death of this tyrant, whose yoke the state endured under the constraint of armed force and whom it still obeys more humbly than ever, though he is dead, illustrates the deadly effects of popular hatred; and the same lesson is taught by the similar fate of all other despots, of whom practically no one has ever escaped such a death. For fear is but a poor safeguard of lasting power; while affection, on the other

hand, may be trusted to keep it safe for ever.

24 But those who keep subjects in check by force would of course have to employ severity — masters, for example, toward their servants, when these cannot be held in control in any other way. But those who in a free state deliberately put themselves in a position to be feared are the maddest of the mad. For let the laws be never so much overborne by some one individual's power, let the spirit of freedom be never so intimidated, still sooner or later they assert themselves either through unvoiced public sentiment, or through secret ballots disposing of some high office of state. Freedom suppressed and again regained bites with keener fangs than freedom never endangered. Let us, then, embrace this policy, which appeals to every heart and is the strongest support not only of security but also of influence and power — namely, to banish fear and cleave to love. And thus we shall most easily secure success both in private and in public life.

Furthermore, those who wish to be feared must inevitably be afraid of those whom they intimidate. 25 What, for instance, shall we think of the elder Dionysius? With what tormenting fears he used to be racked! For through fear of the barber's razor he used to have his hair singed off with a glowing coal. In what state of mind do we fancy Alexander of Pherae lived? We read in history that he dearly loved his wife Thebe; and yet, whenever he went from the banquet-hall to her in her chamber, he used to order a barbarian — one, too, tattooed like a Thracian, as the records state — to go before him with a drawn sword; and he used to send ahead some of his bodyguard to pry into the lady's caskets and to search and see whether some weapon were not concealed in her wardrobe. Unhappy man! To think a barbarian, a branded slave, more faithful than his own wife! Nor was he mistaken. For he was murdered by her own hand, because she suspected him of infidelity.

26 And indeed no power is strong enough to be lasting if it labours under the weight of fear. Witness Phalaris, whose cruelty is notorious beyond that of all others. He was slain, not treacherously (like that Alexander whom I named but now), not by a few conspirators (like that tyrant of ours), but the whole population of Agrigentum rose against him with one accord.

Again, did not the Macedonians abandon Demetrius and march over as one man to Pyrrhus? And again, when the Spartans exercised their supremacy tyrannically, did not practically all the allies desert them and view their disaster at Leuctra, as idle spectators?

8 I prefer in this connection to draw my illustrations from foreign history rather than from our own. Let me add, however, that as long as the empire of the Roman People maintained itself by acts of service, not of oppression, wars were waged in the interest of our allies or to safeguard our supremacy; the end of our wars was marked by acts of clemency or by only a necessary degree of severity; the senate was a haven of refuge for kings, tribes, and nations; 27 and the highest ambition of our magistrates and generals was to defend our provinces and allies with justice and honour. (27) And so our government could be called more accurately a protectorate of the world than a dominion.

This policy and practice we had begun gradually to modify even before Sulla's time; but since his victory we have departed from it altogether. For the time had gone by when any oppression of the allies could appear wrong, seeing that atrocities so outrageous were committed against Roman citizens. In Sulla's case, therefore, an unrighteous victory disgraced a righteous cause. For when he had planted his spear and was selling under the hammer in the forum the property of men who were patriots and men of wealth and, at least, Roman citizens, he had the effrontery to announce that "he was selling his spoils." After him came one who, in an unholy cause, made an even more shameful use of victory; for he did not stop at confiscating the property of individual citizens, but actually embraced whole provinces and countries in one common ban of ruin.

28 And so, when foreign nations had been oppressed and ruined, we have seen a model of Marseilles carried in a triumphal procession, to serve as proof to the world that the supremacy of the people had been forfeited; and that triumph we saw celebrated over a city without whose help our generals have never gained a triumph for their wars beyond the Alps. I might mention many other outrages against our allies, if the sun had ever beheld anything more infamous than this particular one. Justly, therefore, are we being punished. For if we had not allowed the crimes of many to go unpunished, so great

licence would never have centred in one individual. His estate descended by inheritance to but a few individuals, his ambitions to many scoundrels. 29 And never will the seed and occasion of civil war be wanting, so long as villains remember that bloodstained spear and hope to see another. As Publius Sulla wielded that spear, when his kinsman was dictator, so again thirty-six years later he did not shrink from a still more criminal spear. And still another Sulla, who was a mere clerk under the former dictatorship, was under the later one a city quaestor. From this, one would realize that, if such rewards are offered, civil wars will never cease to be.

And so in Rome only the walls of her houses remain standing — and even they wait now in fear of the most unspeakable crimes — but our republic we have lost for ever. But to return to my subject: it is while we have preferred to be the object of fear rather than of love and affection, that all these misfortunes have fallen upon us. And if such retribution could overtake the Roman People for their injustice and tyranny, what ought private individuals to expect? And since it is manifest that the power of good-will is so great and that of fear is so weak, it remains for us to discuss by what means we can most readily win the affection, linked with honour and confidence, which we desire.

30 But we do not all feel this need to the same extent; for it must be determined in conformity with each individual's vocation in life whether it is essential for him to have the affection of many or whether the love of a few will suffice. Let this then be settled as the first and absolute essential — that we have the devotion of friends, affectionate and loving, who value our worth. For in just this one point there is but little difference between the greatest and the ordinary man; and friendship is to be cultivated almost equally by both.

31 All men do not, perhaps, stand equally in need of political honour, fame and the good-will of their fellow-citizens; nevertheless, if these honours come to a man, they help in many ways, and especially in the acquisition of friends.

9 But friendship has been discussed in another book of mine, entitled "*Laelius*." Let us now take up the discussion of Glory, although I have published two books on that subject also. Still, let us

touch briefly on it here, since it is of very great help in the conduct of more important business.

The highest, truest glory depends upon the following three things: the affection, the confidence, and the mingled admiration and esteem of the people. Such sentiments, if I may speak plainly and concisely, are awakened in the masses in the same way as in individuals. But there is also another avenue of approach to the masses, by which we can, as it were, steal into the hearts of all at once.

32 But of the three above-named requisites, let us look first at good-will and the rules for securing it. Good-will is won principally through kind services; next to that, it is elicited by the will to do a kind service, even though nothing happen to come of it. Then, too, the love of people generally is powerfully attracted by a man's mere name and reputation for generosity, kindness, justice, honour, and all those virtues that belong to gentleness of character and affability of manner. And because that very quality which we term moral goodness and propriety is pleasing to us by and of itself and touches all our hearts both by its inward essence and its outward aspect and shines forth with most lustre through those virtues named above, we are, therefore, compelled by Nature herself to love those in whom we believe those virtues to reside. Now these are only the most powerful motives to love — not all of them; there may be some minor ones besides.

33 Secondly, the command of confidence can be secured on two conditions: (1) if people think us possessed of practical wisdom combined with a sense of justice. For we have confidence in those who we think have more understanding than ourselves, who, we believe, have better insight into the future, and who, when an emergency arises and a crisis comes, can clear away the difficulties and reach a safe decision according to the exigencies of the occasion; for that kind of wisdom the world accounts genuine and practical. But (2) confidence is reposed in men who are just and true — that is, good men — on the definite assumption that their characters admit of no suspicion of dishonesty or wrong-doing. And so we believe that it is perfectly safe to entrust our lives, our fortunes, and our children to their care.

34 Of these two qualities, then, justice has the greater power to

inspire confidence; for even without the aid of wisdom, it has considerable weight; but wisdom without justice is of no avail to inspire confidence; for take from a man his reputation for probity, and the more shrewd and clever he is, the more hated and mistrusted he becomes. Therefore, justice combined with practical wisdom will command all the confidence we can desire; justice without wisdom will be able to do much; wisdom without justice will be of no avail at all.

10 35 But I am afraid someone may wonder why I am now separating the virtues — as if it were possible for anyone to be just who is not at the same time wise; for it is agreed upon among all philosophers, and I myself have often argued, that he who has one virtue has them all. The explanation of my apparent inconsistency is that the precision of speech we employ, when abstract truth is critically investigated in philosophic discussion, is one thing; and that employed, when we are adapting our language entirely to popular thinking, is another. And therefore I am speaking here in the popular sense, when I call some men brave, others good, and still others wise; for in dealing with popular conceptions we must employ familiar words in their common acceptation; and this was the practice of Panaetius likewise. But let us return to the subject.

36 The third, then, of the three conditions I name as essential to glory is that we be accounted worthy of the esteem and admiration of our fellow-men. While people admire in general everything that is great or better than they expect, they admire in particular the good qualities that they find unexpectedly in individuals. And so they reverence and extol with the highest praises those men in whom they see certain pre-eminent and extraordinary talents; and they look down with contempt upon those who they think have no ability, no spirit, no energy. For they do not despise all those of whom they think ill. For some men they consider unscrupulous, slanderous, fraudulent, and dangerous; they do not despise them, it may be; but they do think ill of them. And therefore, as I said before, those are despised who are "of no use to themselves or their neighbours," as the saying is, who are idle, lazy, and indifferent.

37 On the other hand, those are regarded with admiration who are thought to excel others in ability and to be free from all dishonour

and also from those vices which others do not easily resist. For sensual pleasure, a most seductive mistress, turns the hearts of the greater part of humanity away from virtue; and when the fiery trial of affliction draws near, most people are terrified beyond measure. Life and death, wealth and want affect all men most powerfully. But when men, with a spirit great and exalted, can look down upon such outward circumstances, whether prosperous or adverse, and when some noble and virtuous purpose, presented to their minds, converts them wholly to itself and carries them away in its pursuit, who then could fail to admire in them the splendour and beauty of virtue?

11 38 As, then, this superiority of mind to such externals inspires great admiration, so justice, above all, on the basis of which alone men are called "good men," seems to people generally a quite marvellous virtue — and not without good reason; for no one can be just who fears death or pain or exile or poverty, or who values their opposites above equity. And people admire especially the man who is uninfluenced by money; and if a man has proved himself in this direction, they think him tried as by fire.

Those three requisites, therefore, which were presupposed as the means of obtaining glory, are all secured by justice: (1) good-will, for it seeks to be of help to the greatest number; (2) confidence, for the same reason; and (3) admiration, because it scorns and cares nothing for those things, with a consuming passion for which most people are carried away.

39 Now, in my opinion at least, every walk and vocation in life calls for human co-operation — first and above all, in order that one may have friends with whom to enjoy social intercourse. And this is not easy, unless he is looked upon as a good man. So, even to a man who shuns society and to one who spends his life in the country a reputation for justice is essential — even more so than to others; for they who do not have it [but are considered unjust] will have no defence to protect them and so will be the victims of many kinds of wrong. 40 So also to buyers and sellers, to employers and employed, and to those who are engaged in commercial dealings generally, justice is indispensable for the conduct of business. Its importance is so great, that not even those who live by wickedness and crime can get on without some small element of justice. For if a robber takes

anything by force or by fraud from another member of the gang, he loses his standing even in a band of robbers; and if the one called the "Pirate Captain" should not divide the plunder impartially, he would be either deserted or murdered by his comrades. Why, they say that robbers even have a code of laws to observe and obey. And so, because of his impartial division of booty, Bardulis, the Illyrian bandit, of whom we read in Theopompus, acquired great power, Viriathus, of Lusitania, much greater. He actually defied even our armies and generals. But Gaius Laelius — the one surnamed "the Wise" — in his praetorship crushed his power, reduced him to terms, and so checked his intrepid daring, that he left to his successors an easy conquest. Since, therefore, the efficacy of justice is so great that it strengthens and augments the power even of robbers, how great do we think its power will be in a constitutional government with its laws and courts?

12 41 Now it seems to me, at least, that not only among the Medes, as Herodotus tells us, but also among our own ancestors, men of high moral character were made kings in order that the people might enjoy justice. For, as the masses in their helplessness were oppressed by the strong, they appealed for protection to some one man who was conspicuous for his virtue; and, as he shielded the weaker classes from wrong, he managed by establishing equitable conditions to hold the higher and the lower classes in an equality of right. The reason for making constitutional laws was the same as that for making kings. 42 For what people have always sought is equality of rights before the law. For rights that were not open to all alike would be no rights. If the people secured their end at the hands of one just and good man, they were satisfied with that; but when such was not their good fortune, laws were invented, to speak to all men at all times in one and the same voice.

This, then, is obvious: nations used to select for their rulers those men whose reputation for justice was high in the eyes of the people. If in addition they were also thought wise, there was nothing that men did not think they could secure under such leadership. Justice is, therefore, in every way to be cultivated and maintained, both for its own sake (for otherwise it would not be justice) and for the enhancement of personal honour and glory.

But as there is a method not only of acquiring money but also of investing it so as to yield an income to meet our continuously recurring expenses — both for the necessities and for the more refined comforts of life — so there must be a method of gaining glory and turning it to account. And yet, as Socrates used to express it so admirably, 43 "the nearest way to glory — a short cut, as it were — is to strive to be what you wish to be thought to be." For if anyone thinks that he can win lasting glory by pretence, by empty show, by hypocritical talk and looks, he is very much mistaken. True glory strikes deep root and spreads its branches wide; but all pretences soon fall to the ground like fragile flowers, and nothing counterfeit can be lasting. There are very many witnesses to both facts; but, for brevity's sake: I shall confine myself to one family: Tiberius Gracchus, Publius's son, will be held in honour as long as the memory of Rome shall endure; but his sons were not approved by patriots while they lived, and since they are dead they are numbered among those whose murder was justifiable.

13 If, therefore, anyone wishes to win true glory, let him discharge the duties required by justice. And what they are has been set forth in the course of the preceding book.

(13) 44 But, although the very essence of the problem is that we actually be what we wish to be thought to be, still some rules may be laid down to enable us most easily to secure the reputation of being what we are. For, if anyone in his early youth has the responsibility of living up to a distinguished name acquired either by inheritance from his father (as, I think, my dear Cicero, is your good fortune) or by some chance or happy combination of circumstances, the eyes of the world are turned upon him; his life and character are scrutinized; and, as if he moved in a blaze of light, not a word and not a deed of his can be kept a secret. 45 Those, on the other hand, whose humble and obscure origin has kept them unknown to the world in their early years ought, as soon as they approach young manhood, to set a high ideal before their eyes and to strive with unswerving zeal towards its realization. This they will do with the better heart, because that time of life is accustomed to find favour rather than to meet with opposition.

Well, then, the first thing to recommend to a young man in his

quest for glory is that he try to win it, if he can, in a military career. Among our forefathers many distinguished themselves as soldiers; for warfare was almost continuous then. The period of your own youth, however, has coincided with that war in which the one side was too prolific in crime, the other in failure. And yet, when Pompey placed you in command of a cavalry squadron in this war, you won the applause of that great man and of the army for your skill in riding and spear-throwing and for endurance of all the hardships of the soldier's life. But that credit accorded to you came to nothing along with the fall of the republic.

The subject of this discussion, however, is not your personal history, but the general theme. Let us, therefore, proceed to the sequel.

46 As, then, in everything else brain-work is far more important than mere hand-work, so those objects which we strive to attain through intellect and reason gain for us a higher degree of gratitude than those which we strive to gain by physical strength. The best recommendation, then, that a young man can have to popular esteem proceeds from self-restraint, filial affection, and devotion to kinsfolk. Next to that, young men win recognition most easily and most favourably, if they attach themselves to men who are at once wise and renowned as well as patriotic counsellors in public affairs. And if they associate constantly with such men, they inspire in the public the expectation that they will be like them, seeing that they have themselves selected them for imitation. 47 His frequent visits to the home of Publius Mucius assisted young Publius Rutilius to gain a reputation for integrity of character and for ability as a jurisconsult. Not so, however, Lucius Crassus; for, though he was a mere boy, he looked to no one else for assistance, but by his own unaided ability he won for himself in that brilliant and famous prosecution a splendid reputation as an orator. And at an age when young men are accustomed with their school exercises to win applause as students of oratory, this Roman Demosthenes, Lucius Crassus, was already proving himself in the law-courts a master of the art which he might even then have been studying at home with credit to himself.

14 48 But as the classification of discourse is a twofold one — conversation, on the one side; oratory, on the other — there can be no

doubt that of the two this debating power (for that is what we mean by eloquence) counts for more toward the attainment of glory; and yet, it is not easy to say how far an affable and courteous manner in conversation may go toward winning the affections. We have, for instance, the letters of Philip to Alexander, of Antipater to Cassander, and of Antigonus to Philip the Younger. The authors of these letters were, as we are informed, three of the wisest men in history; and in them they instruct their sons to woo the hearts of the populace to affection by words of kindness and to keep their soldiers loyal by a winning address. But the speech that is delivered in a debate before an assembly often stirs the hearts of thousands at once; for the eloquent and judicious speaker is received with high admiration, and his hearers think him understanding and wise beyond all others. And, if his speech have also dignity combined with moderation, he will be admired beyond all measure, especially if these qualities are found in a young man.

49 But while there are occasions of many kinds that call for eloquence, and while many young men in our republic have obtained distinction by their speeches in the courts, in the popular assemblies, and in the senate, yet it is the speeches before our courts that excite the highest admiration.

The classification of forensic speeches also is a twofold one: they are divided into arguments for the prosecution and arguments for the defence. And while the side of the defence is more honourable, still that of the prosecution also has very often established a reputation. I spoke of Crassus a moment ago; Marcus Antonius, when a youth, had the same success. A prosecution brought the eloquence of Publius Sulpicius into favourable notice, when he brought an action against Gaius Norbanus, a seditious and dangerous citizen. 50 But this should not be done often — never, in fact, except in the interest of the state (as in the cases of those above mentioned) or to avenge wrongs (as the two Luculli, for example, did) or for the protection of our provincials (as I did in the defence of the Sicilians, or Julius in the prosecution of Albucius in behalf of the Sardinians). The activity of Lucius Fufius in the impeachment of Manius Aquilius is likewise famous. This sort of work, then, may be done once in a lifetime, or at all events not often. But if it shall be required of anyone to conduct

more frequent prosecutions, let him do it as a service to his country; for it is no disgrace to be often employed in the prosecution of her enemies. And yet a limit should be set even to that. For it requires a heartless man, it seems, or rather one who is well-nigh inhuman, to be arraigning one person after another on capital charges. It is not only fraught with danger to the prosecutor himself, but is damaging to his reputation, to allow himself to be called a prosecutor. Such was the effect of this epithet upon Marcus Brutus, the scion of a very noble family and the son of that Brutus who was an eminent authority in the civil law.

51 Again, the following rule of duty is to be carefully observed: never prefer a capital charge against any person who may be innocent. For that cannot possibly be done without making oneself a criminal. For what is so unnatural as to turn to the ruin and destruction of good men the eloquence bestowed by Nature for the safety and protection of our fellowmen? And yet, while we should never prosecute the innocent, we need not have scruples against undertaking on occasion the defence of a guilty person, provided he be not infamously depraved and wicked. For people expect it; custom sanctions it; humanity also accepts it. It is always the business of the judge in a trial to find out the truth; it is sometimes the business of the advocate to maintain what is plausible, even if it be not strictly true, though I should not venture to say this, especially in an ethical treatise, if it were not also the position of Panaetius, that strictest of Stoics.a Then, too, briefs for the defence are most likely to bring glory and popularity to the pleader, and all the more so, if ever it falls to him to lend his aid to one who seems to be oppressed and persecuted by the influence of someone in power. This I have done on many other occasions; and once in particular, in my younger days, I defended Sextus Roscius of Ameria against the power of Lucius Sulla when he was acting the tyrant. The speech is published, as you know.

15 52 Now that I have set forth the moral duties of a young man, in so far as they may be exerted for the attainment of glory, I must next in order discuss kindness and generosity. The manner of showing it is twofold: kindness is shown to the needy either by personal service, or by gifts of money. The latter way is the easier, especially for a rich

man; but the former is nobler and more dignified and more becoming to a strong and eminent man. For, although both ways alike betray a generous wish to oblige, still in the one case the favour makes a draft upon one's bank account, in the other upon one's personal energy; and the bounty which is drawn from one's material substance tends to exhaust the very fountain of liberality. Liberality is thus forestalled by liberality: for the more people one has helped with gifts of money, the fewer one can hel But if people are generous and kind in the way of personal service — that is, with their ability and personal effort — various advantages arise: first, the more people they assist, the more helpers they will have in works of kindness; and second, by acquiring the habit of kindness they are better prepared and in better training, as it were, for bestowing favours upon many.

In one of his letters Philip takes his son Alexander sharply to task for trying by gifts of money to secure the good-will of the Macedonians: "What in the mischief induced you to entertain such a hope," he says, "as that those men would be loyal subjects to you whom you had corrupted with money? Or are you trying to do what you can to lead the Macedonians to expect that you will be not their king but their steward and purveyor?"

"Steward and purveyor" was well said, because it was degrading for a prince; better still, when he called the gift of money "corruption." For the recipient goes from bad to worse and is made all the more ready to be constantly looking for one bribe after another.b

54 It was to his son that Philip gave this lesson; but let us all take it diligently to heart.

That liberality, therefore, which consists in personal service and effort is more honourable, has wider application, and can benefit more people. There can be no doubt about that. Nevertheless, we should sometimes make gifts of money; and this kind of liberality is not to be discouraged altogether. We must often distribute from our purse to the worthy poor, but we must do so with discretion and moderation. For many have squandered their patrimony by indiscriminate giving. But what is worse folly than to do the thing you like in such a way that you can no longer do it at all? Then, too, lavish giving leads to robbery; for when through over-giving men begin to be impoverished, they are constrained to lay their hands on the property of others. And so, when men aim to be kind for the sake of winning good-will, the affection they gain from the object of their gifts is not so great as the hatred they incur from those whom they despoil.

55 One's purse, then, should not be closed so tightly that a generous impulse cannot open it, nor yet so loosely held as to be open to everybody. A limit should be observed and that limit should be determined by our means. We ought, in a word, to remember the phrase, which, through being repeated so very often by our countrymen, has come to be a common proverb: "Bounty has no bottom." For indeed what limit can there be, when those who have been accustomed to receive gifts claim what they have been in the habit of getting, and those who have not wish for the same bounty?

16 There are, in general, two classes of those who give largely: the one class is the lavish, the other the generous. The lavish are those who squander their money on public banquets, doles of meat among the people, gladiatorial shows, magnificent games, and wild-beast fights — vanities of which but a brief recollection will remain, or none at all. 56 The generous, on the other hand, are those who employ their own means to ransom captives from brigands, or who assume their friends' debts or help in providing dowries for their daughters, or assist them in acquiring property or increasing what they have. (56) And so I wonder what Theophrastus could have been thinking about

when he wrote his book on "Wealth." It contains much that is fine; but his position is absurd, when he praises at great length the magnificent appointments of the popular games, and it is in the means for indulging in such expenditures that he finds the highest privilege of wealth. But to me the privilege it gives for the exercise of generosity, of which I have given a few illustrations, seems far higher and far more certain.

How much more true and pertinent are Aristotle's words, as he rebukes us for not being amazed at this extravagant waste of money, all to win the favour of the populace. "If people in time of siege," he says, "are required to pay a mina for a pint of water, this seems to us at first beyond belief, and all are amazed; but, when they think about it, they make allowances for it on the plea of necessity. But in the matter of this enormous waste and unlimited expenditure we are not very greatly astonished, and that, too, though by it no extreme need is relieved, no dignity is enhanced, and the very gratification of the populace is but for a brief, passing moment; such pleasure as it is, too, is confined to the most frivolous, and even in these the very memory of their enjoyment dies as soon as the moment of gratification is past." [57] His conclusion, too, is excellent: "This sort of amusement pleases children, silly women, slaves, and the servile free; but a serious-minded man who weighs such matters with sound judgment cannot possibly approve of them."

And yet I realize that in our country, even in the good old times, it had become a settled custom to expect magnificent entertainments from the very best men in their year of aedileship. So both Publius Crassus, who was not merely surnamed "The Rich" but was rich in fact, gave splendid games in his aedileship; and a little later Lucius Crassus (with Quintus Mucius, the most unpretentious man in the world, as his colleague) gave most magnificent entertainments in his aedileship. Then came Gaius Claudius, the son of Appius, and, after him, many others — the Luculli, Hortensius, and Silanus. Publius Lentulus, however, in the year of my consulship, eclipsed all that had gone before him, and Scaurus emulated him. And my friend Pompey's exhibitions in his second consulship were the most magnificent of all. And so you see what I think about all this sort of thing.

17 58 Still we should avoid any suspicion of penuriousness. Mamercus was a very wealthy man, and his refusal of the aedileship was the cause of his defeat for the consulship. If, therefore, such entertainment is demanded by the people, men of right judgment must at least consent to furnish it, even if they do not like the idea. But in so doing they should keep within their means, as I myself did. They should likewise afford such entertainment, if gifts of money to the people are to be the means of securing on some occasion some more important or more useful object. Thus Orestes recently won great honour by his public dinners given in the streets, on the pretext of their being a tithe-offering. Neither did anybody find fault with Marcus Seius for supplying grain to the people at an as the peck at a time when the market-price was prohibitive; for he thus succeeded in disarming the bitter and deep-seated prejudice of the people against him at an outlay neither very great nor discreditable to him in view of the fact that he was aedile at the time. But the highest honour recently fell to my friend Milo, who bought a band of gladiators for the sake of the country, whose preservation then depended upon my recall from exile, and with them put down the desperate schemes, the reign of terror, of Publius Clodius.

The justification for gifts of money, therefore, is either necessity or expediency. 59 And, in making them even in such cases, the rule of the golden mean is best. To be sure, Lucius Philippus, the son of Quintus, a man of great ability and unusual renown, used to make it his boast that without giving any entertainments he had risen to all the positions looked upon as the highest within the gift of the state. Cotta could say the same, and Curio. I, too, may make this boast my own — to a certain extent; for in comparison with the eminence of the offices to which I was unanimously elected at the earliest legal age — and this was not the good fortune of any one of those just mentioned — the outlay in my aedileship was very inconsiderable.

60 Again, the expenditure of money is better justified when it is made for walls, docks, harbours, aqueducts, and all those works which are of service to the community. There is, to be sure, more of present satisfaction in what is handed out, like cash down; nevertheless public improvements win us greater gratitude with posterity. Out of respect for Pompey's memory I am rather diffident

about expressing any criticism of theatres, colonnades, and new temples; and yet the greatest philosophers do not approve of them — our Panaetius himself, for example, whom I am following, not slavishly translating, in these books; so, too, Demetrius of Phalerum, who denounces Pericles, the foremost man of Greece, for throwing away so much money on the magnificent, far-famed Propylaea. But this whole theme is discussed at length in my books on "The Republic."

To conclude, the whole system of public bounties in such extravagant amount is intrinsically wrong; but it may under certain circumstances be necessary to make them; even then they must be proportioned to our ability and regulated by the golden mean.

18 61 Now, as touching that second division of gifts of money, those which are prompted by a spirit of generosity, we ought to look at different cases differently. The case of the man who is overwhelmed by misfortune is different from that of the one who is seeking to better his condition, though he suffers from no actual distress. 62 It will be the duty of charity to incline more to the unfortunate, unless, perchance, they deserve their misfortune. But of course we ought by no means to withhold our assistance altogether from those who wish for aid, not to save them from utter ruin but to enable them to reach a higher degree of fortune. But, in selecting worthy cases, we ought to use judgment and discretion. For, as Ennius says so admirably,

"Good deeds misplaced, methinks, are evil deeds."

63 Furthermore, the favour conferred upon a man who is good and grateful finds its reward, in such a case, not only in his own good-will but in that of others. For, when generosity is not indiscriminate giving, it wins most gratitude and people praise it with more enthusiasm, because goodness of heart in a man of high station becomes the common refuge of everybody. Pains must, therefore, be taken to benefit as many as possible with such kindnesses that the memory of them shall be handed down to children and to children's children, so that they too may not be ungrateful. For all men detest ingratitude and look upon the sin of it as a wrong committed against themselves also, because it discourages generosity; and they regard the ingrate as the common foe of all the poor.

Ransoming prisoners from servitude and relieving the poor is a form of charity that is a service to the state as well as to the individual. And we find in one of Crassus's orations the full proof given that such beneficence used to be the common practice of our order. This form of charity, then, I much prefer to the lavish expenditure of money for public exhibitions. The former is suited to men of worth and dignity, the latter to those shallow flatterers, if I may call them so, who tickle with idle pleasure, so to speak, the fickle fancy of the rabble.

64 It will, moreover, befit a gentleman to be at the same time liberal in giving and not inconsiderate in exacting his dues, but in every business relation — in buying or selling, in hiring or letting, in relations arising out of adjoining houses and lands — to be fair, reasonable, often freely yielding much of his own right, and keeping out of litigation as far as his interests will permit and perhaps even a little farther. For it is not only generous occasionally to abate a little of one's rightful claims, but it is sometimes even advantageous. We should, however, have a care for our personal property, for it is discreditable to let it run through our fingers; but we must guard it in such a way that there shall be no suspicion of meanness or avarice. For the greatest privilege of wealth is, beyond all peradventure, the opportunity it affords for doing good, without sacrificing one's fortune.

Hospitality also is a theme of Theophrastus's praise, and rightly so. For, as it seems to me at least, it is most proper that the homes of distinguished men should be open to distinguished guests. And it is to the credit of our country also that men from abroad do not fail to find hospitable entertainment of this kind in our city. It is, moreover, a very great advantage, too, for those who wish to obtain a powerful political influence by honourable means to be able through their social relations with their guests to enjoy popularity and to exert influence abroad. For an instance of extraordinary hospitality, Theophrastus writes that at Athens Cimon was hospitable even to the Laciads, the people of his own deme; for he instructed his bailiffs to that end and gave them orders that every attention should be shown to any Laciad who should ever call at his country home.

19 65 Again, the kindnesses shown not by gifts of money but by

personal service are bestowed sometimes upon the community at large, sometimes upon individual citizens. To protect a man in his legal rights [, to assist him with counsel,] and to serve as many as possible with that sort of knowledge tends greatly to increase one's influence and popularity.

Thus, among the many admirable ideas of our ancestors was the high respect they always accorded to the study and interpretation of the excellent body of our civil law. And down to the present unsettled times the foremost men of the state have kept this profession exclusively in their own hands; but now the prestige of legal learning has departed along with offices of honour and positions of dignity; and this is the more deplorable, because it has come to pass in the lifetime of a man who in knowledge of the law would easily have surpassed all his predecessors, while in honour he is their peer. Service such as this, then, finds many to appreciate it and is calculated to bind people closely to us by our good services.

66 Closely connected with this profession, furthermore, is the gift of eloquence; it is at once more popular and more distinguished. For what is better than eloquence to awaken the admiration of one's hearers or the hopes of the distressed or the gratitude of those whom it has protected? It was to eloquence, therefore, that our fathers assigned the foremost rank among the civil professions. The door of opportunity for generous patronage to others, then, is wide open to the orator whose heart is in his work and who follows the custom of our forefathers in undertaking the defence of many clients without reluctance and without compensation.

67 My subject suggests that at this point I express once more my regret at the decadence, not to say the utter extinction, of eloquence; and I should do so, did I not fear that people would think that I were complaining on my own account. We see, nevertheless, what orators have lost their lives and how few of any promise are left, how far fewer there are who have ability, and how many there are who have nothing but presumption. But though not all — no, not even many — can be learned in the law or, eloquent as pleaders, still anybody may be of service to many by canvassing in their support for appointments, by witnessing to their character before juries and magistrates, by looking out for the interests of one and another, and

by soliciting for them the aid of jurisconsults or of advocates. Those who perform such services win the most gratitude and find a most extensive sphere for their activities.

68 Of course, those who pursue such a course do not need to be warned (for the point is self-evident) to be careful when they seek to oblige some, not to offend others. For oftentimes they hurt those whom they ought not or those whom it is inexpedient to offend. If they do it inadvertently, it is carelessness; if designedly, inconsiderateness. A man must apologize also, to the best of his ability, if he has involuntarily hurt anyone's feelings, and explain why what he has done was unavoidable and why he could not have done otherwise; and he must by future services and kind offices atone for the apparent offence.

20 69 Now in rendering helpful service to people, we usually consider either their character or their circumstances. And so it is an easy remark, and one commonly made, to say that in investing kindnesses we look not to people's outward circumstances, but to their character. The phrase is admirable! But who is there, pray, that does not in performing a service set the favour of a rich and influential man above the cause of a poor, though most worthy, person? For, as a rule, our will is more inclined to the one from whom we expect a prompter and speedier return. But we should observe more carefully how the matter really stands: the poor man of whom we spoke cannot return a favour in kind, of course, but if he is a good man he can do it at least in thankfulness of heart. As someone has happily said, "A man has not repaid money, if he still has it; if he has repaid it, he has ceased to have it. But a man still has the sense of favour, if he has returned the favour; and if he has the sense of the favour, he has repaid it."

On the other hand, they who consider themselves wealthy, honoured, the favourites of fortune, do not wish even to be put under obligations by our kind services. Why, they actually think that they have conferred a favour by accepting one, however great; and they even suspect that a claim is thereby set up against them or that something is expected in return. Nay more, it is bitter as death to them to have accepted a patron or to be called clients. 70 Your man of slender means, on the other hand, feels that whatever is done for him

is done out of regard for himself and not for his outward circumstances. Hence he strives to show himself grateful not only to the one who has obliged him in the past but also to those from whom he expects similar favours in the future — and he needs the help of many; and his own service, if he happens to render any in return, he does not exaggerate, but he actually depreciates it. This fact, furthermore, should not be overlooked — that, if one defends a wealthy favourite of fortune, the favour does not extend further than to the man himself or, possibly, to his children. But, if one defends a man who is poor but honest and upright, all the lowly who are not dishonest — and there is a large proportion of that sort among the people — look upon such an advocate as a tower of defence raised up for them. 71 I think, therefore, that kindness to the good is a better investment than kindness to the favourites of fortune.

We must, of course, put forth every effort to oblige all sorts and conditions of men, if we can. But if it comes to a conflict of duty on this point, we must, I should say, follow the advice of Themistocles: when someone asked his advice whether he should give his daughter in marriage to a man who was poor but honest or to one who was rich but less esteemed, he said: "For my part, I prefer a man without money to money without a man." But the moral sense of to-day is demoralized and depraved by our worship of wealth. Of what concern to any one of us is the size of another man's fortune? It is, perhaps, an advantage to its possessor; but not always even that. But suppose it is; he may, to be sure, have more money to spend; but how is he any the better man for that? Still, if he is a good man, as well as a rich one, let not his riches be a hindrance to his being aided, if only they are not the motive to it; but in conferring favours our decision should depend entirely upon a man's character, not on his wealth.

The supreme rule, then, in the matter of kindnesses to be rendered by personal service is never to take up a case in opposition to the right nor in defence of the wrong. For the foundation of enduring reputation and fame is justice, and without justice there can be nothing worthy of praise.

21 72 Now, since we have finished the discussion of that kind of helpful services which concern individuals, we must next take up those which touch the whole body politic and the state. Of these

public services, some are of such a nature that they concern the whole body of citizens; others, that they affect individuals only. And these latter are the more productive of gratitude. If possible, we should by all means attend to both kinds of service; but we must take care in protecting the interests of individuals that what we do for them shall be beneficial, or at least not prejudicial, to the state. Gaius Gracchus inaugurated largesses of grain on an extensive scale; this had a tendency to exhaust the exchequer. Marcus Octavius inaugurated a moderate dole; this was both practicable for the state and necessary for the commons; it was, therefore, a blessing both to the citizens and to the state.

73 The man in an administrative office, however, must make it his first care that everyone shall have what belongs to him and that private citizens suffer no invasion of their property rights by act of the state. It was a ruinous policy that Philippus proposed when in his tribuneship he introduced his agrarian bill. However, when his law was rejected, he took his defeat with good grace and displayed extraordinary moderation. But in his public speeches on the measure he often played the demagogue, and that time viciously, when he said that "there were not in the state two thousand people who owned any property." That speech deserves unqualified condemnation, for it favoured an equal distribution of property; and what more ruinous policy than that could be conceived? For the chief purpose in the establishment of constitutional state and municipal governments was that individual property rights might be secured. For, although it was by Nature's guidance that men were drawn together into communities, it was in the hope of safeguarding their possessions that they sought the protection of cities.

74 The administration should also put forth every effort to prevent the levying of a property tax, and to this end precautions should be taken long in advance. Such a tax was often levied in the times of our forefathers on account of the depleted state of their treasury and their incessant wars. But, if any state (I say "any," for I would rather speak in general terms than forebode evils to our own; however, I am not discussing our own state but states in general) — if any state ever has to face a crisis requiring the imposition of such a burden, every effort must be made to let all the people realize that they must bow to the

inevitable, if they wish to be saved. And it will also be the duty of those who direct the affairs of the state to take measures that there shall be an abundance of the necessities of life. It is needless to discuss the ordinary ways and means; for the duty is self-evident; it is necessary only to mention the matter.

75 But the chief thing in all public administration and public service is to avoid even the slightest suspicion of self-seeking. "I would," says Gaius Pontius, the Samnite, "that fortune had withheld my appearance until a time when the Romans began to accept bribes, and that I had been born in those days! I should then have suffered them to hold their supremacy no longer." Aye, but he would have had many generations to wait; for this plague has only recently infected our nation. And so I rejoice that Pontius lived then instead of now, seeing that he was so mighty a man! It is not yet a hundred and ten years since the enactment of Lucius Piso's bill to punish extortion; there had been no such law before. But afterward came so many laws, each more stringent than the other, so many men were accused and so many convicted, so horrible a war was stirred up on account of the fear of what our courts would do to still others, so frightful was the pillaging and plundering of the allies when the laws and courts were suppressed, that now we find ourselves strong not in our own strength but in the weakness of others.

22 76 Panaetius praises Africanus for his integrity in public life. Why should he not? But Africanus had other and greater virtues. The boast of official integrity belongs not to that man alone but also to his times. When Paulus got possession of all the wealth of Macedon — and it was enormous — he brought into our treasury so much money that the spoils of a single general did away with the need for a tax on property in Rome for all time to come. But to his own house he brought nothing save the glory of an immortal name. Africanus emulated his father's example and was none the richer for his overthrow of Carthage. And what shall we say of Lucius Mummius, his colleague in the censorship? Was he one penny the richer when he had destroyed to its foundations the richest of cities? He preferred to adorn Italy rather than his own house. And yet by the adornment of Italy his own house was, as it seems to me, still more splendidly adorned.

77 There is, then, to bring the discussion back to the point from which it digressed, no vice more offensive than avarice, especially in men who stand foremost and hold the helm of state. For to exploit the state for selfish profit is not only immoral; it is criminal, infamous. And so the oracle, which the Pythian Apollo uttered, that "Sparta should not fall from any other cause than avarice," seems to be a prophecy not to the Lacedaemonians alone, but to all wealthy nations as well. They who direct the affairs of state, then, can win the good-will of the masses by no other means more easily than by self-restraint and self-denial.

78 But they who pose as friends of the people, and who for that reason either attempt to have agrarian laws passed, in order that the occupants may be driven out of their homes, or propose that money loaned should be remitted to the borrowers, are undermining the foundations of the commonwealth: first of all, they are destroying harmony, which cannot exist when money is taken away from one party and bestowed upon another; and second, they do away with equity, which is utterly subverted, if the rights of property are not respected. For, as I said above, it is the peculiar function of the state and the city to guarantee to every man the free and undisturbed control of his own particular property. 79 And yet, when it comes to measures so ruinous to public welfare, they do not gain even that popularity which they anticipate. For he who has been robbed of his property is their enemy; he to whom it has been turned over actually pretends that he had no wish to take it; and most of all, when his debts are cancelled, the debtor conceals his joy, for fear that he may be thought to have been insolvent; whereas the victim of the wrong both remembers it and shows his resentment openly. Thus even though they to whom property has been wrongfully awarded be more in number than they from whom it has been unjustly taken, they do not for that reason have more influence; for in such matters influence is measured not by numbers but by weight. And how is it fair that a man who never had any property should take possession of lands that had been occupied for many years or even generations, and that he who had them before should lose possession of them?

23 80 Now, it was on account of just this sort of wrong-doing that the Spartans banished their ephor Lysander, and put their king Agis

to death — an act without precedent in the history of Sparta. From that time on — and for the same reason — dissensions so serious ensued that tyrants arose, the nobles were sent into exile, and the state, though most admirably constituted, crumbled to pieces. Nor did it fall alone, but by the contagion of the ills that starting in Lacedaemon, spread widely and more widely, it dragged the rest of Greece down to ruin. What shall we say of our own Gracchi, the sons of that famous Tiberius Gracchus and grandsons of Africanus? Was it not strife over the agrarian issue that caused their downfall and death?

81 Aratus of Sicyon, on the other hand, is justly praised. When his city had been kept for fifty years in the power of its tyrants, he came over from Argos to Sicyon, secretly entered the city and took it by surprise; he fell suddenly upon the tyrant Nicocles, recalled from banishment six hundred exiles who had been the wealthiest men of the city, and by his coming made his country free. But he found great difficulty in the matter of property and its occupancy; for he considered it most unjust, on the one hand, that those men should be left in want whom he had restored and of whose property others had taken possession; and he thought it hardly fair, on the other hand, that tenure of fifty years' standing should be disturbed. For in the course of that long period many of those estates had passed into innocent hands by right of inheritance, many by purchase, many by dower. He therefore decided that it would be wrong either to take the property away from the present incumbents or to let them keep it without compensation to its former possessors. 82 So, when he had come to the conclusion that he must have money to meet the situation, he announced that he meant to make a trip to Alexandria and gave orders that matters should remain as they were until his return. And so he went in haste to his friend Ptolemy, then upon the throne, the second king after the founding of Alexandria. To him he explained that he wished to restore constitutional liberty to his country and presented his case to him. And, being a man of the highest standing, he easily secured from that wealthy king assistance in the form of a large sum of money. And, when he had returned with this to Sicyon, he called into counsel with him fifteen of the foremost men of the city. With them he investigated the cases both of those

who were holding possession of other people's property and of those who had lost theirs. And he managed by a valuation of the properties to persuade some that it was more desirable to accept money and surrender their present holdings; others he convinced that it was more to their interest to take a fair price in cash for their lost estates than to try to recover possession of what had been their own. As a result, harmony was preserved, and all parties went their way without a word of complaint.

83 A great statesman, and worthy to have been born in our commonwealth! That is the right way to deal with one's fellow-citizens, and not, as we have already witnessed on two occasions, to plant the spear in the forum and knock down the property of citizens under the auctioneer's hammer. But yon Greek, like a wise and excellent man, thought that he must look out for the welfare of all. And this is the highest statesmanship and the soundest wisdom on the part of a good citizen, not to divide the interests of the citizens but to unite all on the basis of impartial justice. "Let them live in their neighbour's house rent-free." Why so? In order that, when I have bought, built, kept up, and spent my money upon a place, you may without my consent enjoy what belongs to me? What else is that but to rob one man of what belongs to him and to give to another what does not belong to him? 84 And what is the meaning of an abolition of debts, except that you buy a farm with my money; that you have the farm, and I have not my money?

24 We must, therefore, take measures that there shall be no indebtedness of a nature to endanger the public safety. It is a menace that can be averted in many ways; but should a serious debt be incurred, we are not to allow the rich to lose their property, while the debtors profit by what is their neighbour's. For there is nothing that upholds a government more powerfully than its credit; and it can have no credit, unless the payment of debts is enforced by law. Never were measures for the repudiation of debts more strenuously agitated than in my consulship. Men of every sort and rank attempted with arms and armies to force the project through. But I opposed them with such energy that this plague was wholly eradicated from the body politic. Indebtedness was never greater; debts were never liquidated more easily or more fully; for the hope of defrauding the

creditor was cut off and payment was enforced by law. But the present victor, though vanquished then, still carried out his old design, when it was no longer of any personal advantage to him. So great was his passion for wrongdoing that the very doing of wrong was a joy to him for its own sake even when there was no motive for it.

85 Those, then, whose office it is to look after the interests of the state will refrain from that form of liberality which robs one man to enrich another. Above all, they will use their best endeavours that everyone shall be protected in the possession of his own property by the fair administration of the law and the courts, that the poorer classes shall not be oppressed because of their helplessness, and that envy shall not stand in the way of the rich, to prevent them from keeping or recovering possession of what justly belongs to them; they must strive, too, by whatever means they can, in peace or in war, to advance the state in power, in territory, and in revenues.

Such service calls for great men; it was commonly rendered in the days of our ancestors; if men will perform duties such as these, they will win popularity and glory for themselves and at the same time render eminent service to the state.

86 Now, in this list of rules touching expediency, Antipater of Tyre, a Stoic philosopher who recently died at Athens, claims that two points were overlooked by Panaetius — the care of health and of property. I presume that the eminent philosopher overlooked these two items because they present no difficulty. At all events they are expedient. Although they are a matter of course, I will still say a few words on the subject. Individual health is preserved by studying one's own constitution, by observing what is good or bad for one, by constant self-control in supplying physical wants and comforts (but only to the extent necessary to self-preservation), by forgoing sensual pleasures, and finally, by the professional skill of those to whose science these matters belong.

87 As for property, it is a duty to make money, but only by honourable means; it is a duty also to save it and increase it by care and thrift. These principles Xenophon, a pupil of Socrates, has set forth most happily in his book entitled "Oeconomicus." When I was about your present age, I translated it from the Greek into Latin.

But this whole subject of acquiring money, investing money (I wish I could include also spending money), is more profitably discussed by certain worthy gentlemen on "Change"c than could be done by any philosophers of any school. For all that, we must take cognizance of them for they come fitly under the head of expediency, and that is the subject of the present book.

25 88 But it is often necessary to weigh one expediency against another; — for this, as I stated, is a fourth point overlooked by Panaetius. For not only are physical advantages regularly compared with outward advantages [and outward, with physical], but physical advantages are compared with one another, and outward with outward. Physical advantages are compared with outward advantages in some such way as this: one may ask whether it is more desirable to have health than wealth; [external advantages with physical, thus: whether it is better to have wealth than extraordinary bodily strength;] while the physical advantages may be weighed against one another, so that good health is preferred to sensual pleasure, strength to agility. Outward advantages also may be weighed against one another: glory, for example, may be preferred to riches, an income derived from city property to one derived from the farm. 89 To this class of comparisons belongs that famous saying of old Cato's: when he was asked what was the most profitable feature of an estate, he replied: "Raising cattle successfully." What next to that? "Raising cattle with fair success." And next? "Raising cattle with but slight success." And fourth? "Raising crops." And when his questioner said, "How about money-lending?" Cato replied: "How about murder?" From this as well as from many other incidents we ought to realize that expediencies have often to be weighed against one another and that it is proper for us to add this fourth division in the discussion of moral duty. Let us now pass on to the remaining problem.

BOOK III

The Conflict between the Right and the Expedient

1 1 Cato, who was of about the same years, Marcus, my son, as that Publius Scipio who first bore the surname of Africanus, has given us the statement that Scipio used to say that he was never less idle than when he had nothing to do and never less lonely than when he was alone. An admirable sentiment, in truth, and becoming to a great and wise man. It shows that even in his leisure hours his thoughts were occupied with public business and that he used to commune with himself when alone; and so not only was he never unoccupied, but he sometimes had no need for company. The two conditions, then, that prompt others to idleness — leisure and solitude — only spurred him on. I wish I could say the same of myself and say it truly. But if by imitation I cannot attain to such excellence of character, in aspiration, at all events, I approach it as nearly as I can; for as I am kept by force of armed treason away from practical politics and from my practice at the bar, I am now leading a life of leisure. For that reason I have left the city and, wandering in the country from place to place, I am often alone.

2 But I should not compare this leisure of mine with that of Africanus, nor this solitude with his. For he, to find leisure from his splendid services to his country, used to take a vacation now and then and to retreat from the assemblies and the throngs of men into solitude, as, into a haven of rest. But my leisure is forced upon me by want of public business, not prompted by any desire for repose. For now that the senate has been abolished and the courts have been closed, what is there, in keeping with my self-respect, that I can do either in the senate chamber or in the forum? 3 So, although I once lived amid throngs of people and in the greatest publicity, I am now shunning the sight of the miscreants with whom the world abounds and withdrawing from the public eye as far as I may, and I am often alone. But I have learned from philosophers that among evils one ought not only to choose the least, but also to extract even from these any element of good that they may contain. For that reason, I am

turning my leisure to account — though it is not such repose as the man should be entitled to who once brought the state repose from civil strife — and I am not letting this solitude, which necessity and not my will imposes on me, find me idle.

4 And yet, in my judgment, Africanus earned the higher praise. For no literary monuments of his genius have been published, we have no work produced in his leisure hours, no product of his solitude. From this fact we may safely infer that, because of the activity of his mind and the study of those problems to which he used to direct his thought, he was never unoccupied, never lonely. But I have not strength of mind enough by means of silent meditation to forget my solitude; and so I have turned all my attention and endeavour to this kind of literary work. I have, accordingly, written more in this short time since the downfall of the republic than I did in the course of many years, while the republic stood.

2 5 But, my dear Cicero, while the whole field of philosophy is fertile and productive and no portion of it barren and waste, still no part is richer or more fruitful than that which deals with moral duties; for from these are derived the rules for leading a consistent and moral life. And therefore, although you are, as I trust, diligently studying and profiting by these precepts under the direction of our friend Cratippus, the foremost philosopher of the present age, I still think it well that your ears should be dinned with such precepts from every side and that if it could be, they should hear nothing else. 6 These precepts must be laid to heart by all who look forward to a career of honour, and I am inclined to think that no one needs them more than you. For you will have to fulfil the eager anticipation that you will imitate my industry, the confident expectation that you will emulate my course of political honours, and the hope that you will, perhaps, rival my name and fame. You have, besides, incurred a heavy responsibility on account of Athens and Cratippus: for, since you have come to them for the purchase, as it were, of a store of liberal culture, it would be a great discredit to you to return empty-handed, thereby disgracing the high reputation of the city and of your master. Therefore, put forth the best mental effort of which you are capable; work as hard as you can (if learning is work rather than pleasure); do your very best to succeed; and do not, when I have put

all the necessary means at your disposal, allow it to be said that you have failed to do your part.

But enough of this. For I have written again and again for your encouragement. Let us now return to the remaining section of our subject as outlined.

7 Panaetius, then, has given us what is unquestionably the most thorough discussion of moral duties that we have, and I have followed him in the main — but with slight modifications. He classifies under three general heads the ethical problems which people are accustomed to consider and weigh: first, the question whether the matter in hand is morally right or morally wrong; second, whether it is expedient or inexpedient; third, how a decision ought to be reached, in case that which has the appearance of being morally right clashes with that which seems to be expedient. He has treated the first two heads at length in three books; but, while he has stated that he meant to discuss the third head in its proper turn, he has never fulfilled his promise. 8 And I wonder the more at this, because Posidonius, a pupil of his, records that Panaetius was still alive thirty years after he published those three books. And I am surprised that Posidonius has but briefly touched upon this subject in certain memoirs of his, and especially, as he states that there is no other topic in the whole range of philosophy so essentially important as this.

9 Now, I cannot possibly accept the view of those who say that that point was not overlooked but purposely omitted by Panaetius, and that it was not one that ever needed discussion, because there never can be such a thing as a conflict between expediency and moral rectitude. But with regard to this assertion, the one point may admit of doubt — whether that question which is third in Panaetius's classification ought to have been included or omitted altogether; but the other point is not open to debate — that it was included in Panaetius's plan but left unwritten. For, if a writer has finished two divisions of a threefold subject, the third must necessarily remain for him to do. Besides, he promises at the close of the third book that he will discuss this division also in its proper turn. 10 We have also in Posidonius a competent witness to the fact. He writes in one of his letters that Publius Rutilius Rufus, who also was a pupil of

Panaetius's, used to say that "as no painter had been found to complete that part of the Venus of Cos which Apelles had left unfinished (for the beauty of her face made hopeless any attempt adequately to represent the rest of the figure), so no one, because of the surpassing excellence of what Panaetius did complete, would venture to supply what he had left undone."

3 11 In regard to Panaetius's real intentions, therefore, no doubt can be entertained. But whether he was or was not justified in adding this third division to the inquiry about duty may, perhaps, be a matter for debate. For whether moral goodness is the only good, as the Stoics believe, or whether, as your Peripatetics think, moral goodness is in so far the highest good that everything else gathered together into the opposing scale would have scarcely the slightest weight, it is beyond question that expediency can never conflict with moral rectitude. And so, we have heard, Socrates used to pronounce a curse upon those who first drew a conceptual distinction between things naturally inseparable. With this doctrine the Stoics are in agreement in so far as they maintain that if anything is morally right, it is expedient, and if anything is not morally right, it is not expedient.

12 But if Panaetius were the sort of man to say that virtue is worth cultivating only because it is productive of advantage, as do certain philosophers who measure the desirableness of things by the standard of pleasure or of absence of pain, he might argue that expediency sometimes clashes with moral rectitude. But since he is a man who judges that the morally right is the only good, and that those things which come in conflict with it have only the appearance of expediency and cannot make life any better by their presence nor any worse by their absence, it follows that he ought not to have raised a question involving the weighing of what seems expedient against what is morally right. 13 Furthermore, when the Stoics speak of the supreme good as "living conformably to Nature," they mean, as I take it, something like this: that we are always to be in accord with virtue, and from all other things that may be in harmony with Nature to choose only such as are not incompatible with virtue. This being so, some people are of the opinion that it was not right to introduce this counterbalancing of right and expediency and that no practical instruction should have been given on this question at all.

And yet moral goodness, in the true and proper sense of the term, is the exclusive possession of the wise and can never be separated from virtue; but those who have not perfect wisdom cannot possibly have perfect moral goodness, but only a semblance of it. 14 And indeed these duties under discussion in these books the Stoics call "mean duties"; they are a common possession and have wide application; and many people attain to the knowledge of them through natural goodness of heart and through advancement in learning. But that duty which those same Stoics call "right" is perfect and absolute and "satisfies all the numbers," as that same school says, and is attainable by none except the wise man. 15 On the other hand, when some act is performed in which we see "mean" duties manifested, that is generally regarded as fully perfect, for the reason that the common crowd does not, as a rule, comprehend how far it falls short of real perfection; but, as far as their comprehension does go, they think there is no deficiency. This same thing ordinarily occurs in the estimation of poems, paintings, and a great many other works of art: ordinary people enjoy and praise things that do not deserve praise. The reason for this, I suppose, is that those productions have some point of excellence which catches the fancy of the uneducated, because these have not the ability to discover the points of weakness in any particular piece of work before them. And so, when they are instructed by experts, they readily abandon their former opinion.

4 The performance of the duties, then, which I am discussing in these books, is called by the Stoics a sort of second-grade moral goodness, not the peculiar property of their wise men, but shared by them with all mankind. 16 Accordingly, such duties appeal to all men who have a natural disposition to virtue. And when the two Decii or the two Scipios are mentioned as "brave men" or Fabricius is called "the just," it is not at all that the former are quoted as perfect models of courage or the latter as a perfect model of justice, as if we had in one of them the ideal "wise man." For no one of them was wise in the sense in which we wish to have "wise" understood; neither were Marcus Cato and Gaius Laelius wise, though they were so considered and were surnamed "the wise." Not even the famous Seven were "wise." But because of their constant observance of "mean" duties

they bore a certain semblance and likeness to wise men.

17 For these reasons it is unlawful either to weigh true morality against conflicting expediency, or common morality, which is cultivated by those who wish to be considered good men, against what is profitable; but we every-day people must observe and live up to that moral right which comes within the range of our comprehension as jealously as the truly wise men have to observe and live up to that which is morally right in the technical and true sense of the word. For otherwise we cannot maintain such progress as we have made in the direction of virtue.

So much for those who have won a reputation for being good men by their careful observance of duty.

18 Those, on the other hand, who measure everything by a standard of profits and personal advantage and refuse to have these outweighed by considerations of moral rectitude are accustomed, in considering any question, to weigh the morally right against what they think the expedient; good men are not. And so I believe that when Panaetius stated that people were accustomed to hesitate to do such weighing, he meant precisely what he said — merely that "such was their custom," not that such was their duty. And he gave it no approval; for it is most immoral to think more highly of the apparently expedient than of the morally right, or even to set these over against each other and to hesitate to choose between them.

What, then, is it that may sometimes give room for a doubt and seem to call for consideration? It is, I believe, when a question arises as to the character of an action under consideration. 19 For it often happens, owing to exceptional circumstances, that what is accustomed under ordinary circumstances to be considered morally wrong is found not to be morally wrong. For the sake of illustration, let us assume some particular case that admits of wider application — what more atrocious crime can there be than to kill a fellow-man, and especially an intimate friend? But if anyone kills a tyrant — be he never so intimate a friend — he has not laden his soul with guilt, has he? The Roman People, at all events, are not of that opinion; for of all glorious deeds they hold such an one to be the most noble. Has expediency, then, prevailed over moral rectitude? Not at all; moral rectitude has gone hand in hand with expediency.

Some general rule, therefore, should be laid down to enable us to decide without error, whenever what we call the expedient seems to clash with what we feel to be morally right; and, if we follow that rule in comparing courses of conduct, we shall never swerve from the path of duty. 20 That rule, moreover, shall be in perfect harmony with the Stoics' system and doctrines. It is their teachings that I am following in these books, and for this reason: the older Academicians and your Peripatetics (who were once the same as the Academicians) give what is morally right the preference over what seems expedient; and yet the discussion of these problems, if conducted by those who consider whatever is morally right also expedient and nothing expedient that is not at the same time morally right, will be more illuminating than if conducted by those who think that something not expedient may be morally right and that something not morally right may be expedient. But our New Academy allows us wide liberty, so that it is within my right to defend any theory that presents itself to me as most probable. But to return to my rule.

5 21 Well then, for a man to take something from his neighbour and to profit by his neighbour's loss is more contrary to Nature than is death or poverty or pain or anything else that can affect either our person or our property. For, in the first place, injustice is fatal to social life and fellowship between man and man. For, if we are so disposed that each, to gain some personal profit, will defraud or injure his neighbour, then those bonds of human society, which are most in accord with Nature's laws, must of necessity be broken. 22 Suppose, by way of comparison, that each one of our bodily members should conceive this idea and imagine that it could be strong and well if it should draw off to itself the health and strength of its neighbouring member, the whole body would necessarily be enfeebled and die; so, if each one of us should seize upon the property of his neighbours and take from each whatever he could appropriate to his own use, the bonds of human society must inevitably be annihilated. For, without any conflict with Nature's laws, it is granted that everybody may prefer to secure for himself rather than for his neighbour what is essential for the conduct of life; but Nature's laws do forbid us to increase our means, wealth, and resources by despoiling others.

23 But this principle is established not by Nature's laws alone (that is, by the common rules of equity), but also by the statutes of particular communities, in accordance with which in individual states the public interests are maintained. In all these it is with one accord ordained that no man shall be allowed for the sake of his own advantage to injure his neighbour. For it is to this that the laws have regard; this is their intent, that the bonds of union between citizens should not be impaired; and any attempt to destroy these bonds is repressed by the penalty of death, exile, imprisonment, or fine.

Again, this principle follows much more effectually directly from the Reason which is in Nature, which is the law of gods and men. If anyone will hearken to that voice (and all will hearken to it who wish to live in accord with Nature's laws), he will never be guilty of coveting anything that is his neighbour's or of appropriating to himself what he has taken from his neighbour. 24 Then, too, loftiness and greatness of spirit, and courtesy, justice, and generosity are much more in harmony with Nature than are selfish pleasure, riches, and life itself; but it requires a great and lofty spirit to despise these latter and count them as naught, when one weighs them over against the common weal. [But for anyone to rob his neighbour for his own profit is more contrary to Nature than death, pain, and the like.]

25 In like manner it is more in accord with Nature to emulate the great Hercules and undergo the greatest toil and trouble for the sake of aiding or saving the world, if possible, than to live in seclusion, not only free from all care, but revelling in pleasures and abounding in wealth, while excelling others also in beauty and strength. Thus Hercules denied himself and underwent toil and tribulation for the world, and, out of gratitude for his services, popular belief has given him a place in the council of the gods.

The better and more noble, therefore, the character with which a man is endowed, the more does he prefer the life of service to the life of pleasure. Whence it follows that man, if he is obedient to Nature, cannot do harm to his fellow-man.

26 Finally, if a man wrongs his neighbour to gain some advantage for himself he must either imagine that he is not acting in defiance of Nature or he must believe that death, poverty, pain, or even the loss of children, kinsmen, or friends, is more to be shunned than an act of

injustice against another. If he thinks he is not violating the laws of Nature, when he wrongs his fellow-men, how is one to argue with the individual who takes away from man all that makes him man? But if he believes that, while such a course should be avoided, the other alternatives are much worse — namely, death, poverty, pain — he is mistaken in thinking that any ills affecting either his person or his property are more serious than those affecting his soul.

6 This, then, ought to be the chief end of all men, to make the interest of each individual and of the whole body politic identical. For, if the individual appropriates to selfish ends what should be devoted to the common good, all human fellowship will be destroyed.

27 And further, if Nature ordains that one man shall desire to promote the interests of a fellow-man, whoever he may be, just because he is a fellow-man, then it follows, in accordance with that same Nature, that there are interests that all men have in common. And, if this is true, we are all subject to one and the same law of Nature; and, if this also is true, we are certainly forbidden by Nature's law to wrong our neighbour. Now the first assumption is true; therefore the conclusion is likewise true. 28 For that is an absurd position which is taken by some people, who say that they will not rob a parent or a brother for their own gain, but that their relation to the rest of their fellow-citizens is quite another thing. Such people contend in essence that they are bound to their fellow-citizens by no mutual obligations, social ties, or common interests. This attitude demolishes the whole structure of civil society.

Others again who say that regard should be had for the rights of fellow-citizens, but not of foreigners, would destroy the universal brotherhood of mankind; and, when this is annihilated, kindness, generosity, goodness, and justice must utterly perish; and those who work all this destruction must be considered as wickedly rebelling against the immortal gods. For they uproot the fellowship which the gods have established between human beings, and the closest bond of this fellowship is the conviction that it is more repugnant to Nature for man to rob a fellow-man for his own gain than to endure all possible loss, whether to his property or to his person . . . or even to his very soul — so far as these losses are not concerned with

justice; for this virtue is the sovereign mistress and queen of all the virtues.

29 But, perhaps, someone may say: "Well, then, suppose a wise man were starving to death, might he not take the bread of some perfectly useless member of society?" [Not at all; for my life is not more precious to me than that temper of soul which would keep me from doing wrong to anybody for my own advantage.] "Or again; supposing a righteous man were in a position to rob the cruel and inhuman tyrant Phalaris of clothing, might he not do it to keep himself from freezing to death?"

30 These cases are very easy to decide. For, if merely for one's own benefit one were to take something away from a man, though he were a perfectly worthless fellow, it would be an act of meanness and contrary to Nature's law. But suppose one would be able, by remaining alive, to render signal service to the state and to human society — if from that motive one should take something from another, it would not be a matter for censure. But, if such is not the case, each one must bear his own burden of distress rather than rob a neighbour of his rights. We are not to say, therefore, that sickness or want or any evil of that sort is more repugnant to Nature than to covet and to appropriate what is one's neighbour's; but we do maintain that disregard of the common interests is repugnant to Nature; for it is unjust. 31 And therefore Nature's law itself, which protects and conserves human interests, will surely determine that a man who is wise, good, and brave, should in emergency have the necessaries of life transferred to him from a person who is idle and worthless; for the good man's death would be a heavy loss to the common weal; only let him beware that self-esteem and self-love do not find in such a transfer of possessions a pretext for wrong-doing. But, thus guided in his decision, the good man will always perform his duty, promoting the general interests of human society on which I am so fond of dwelling.

32 As for the case of Phalaris, a decision is quite simple: we have no ties of fellowship with a tyrant, but rather the bitterest feud; and it is not opposed to Nature to rob, if one can, a man whom it is morally right to kill; — nay, all that pestilent and abominable race should be exterminated from human society. And this may be done by proper

measures; for, as certain members are amputated, if they show signs themselves of being bloodless and virtually lifeless and thus jeopardize the health of the other parts of the body, so those fierce and savage monsters in human form should be cut off from what may be called the common body of humanity.

Of this sort are all those problems in which we have to determine what moral duty is, as it varies with varying circumstances.

7 33 It is subjects of this sort that I believe Panaetius would have followed up, had not some accident or business interfered with his design. For the elucidation of these very questions there are in his former books rules in plenty, from which one can learn what should be avoided because of its immorality and what does not have to be avoided for the reason that it is not immoral at all.

We are now putting the capstone, as it were, upon our structure, which is unfinished, to be sure, but still almost completed; and, as mathematicians make a practice of not demonstrating every proposition, but require that certain axioms be assumed as true, in order more easily to explain their meaning, so, my dear Cicero, I ask you to assume with me, if you can, that nothing is worth the seeking for its own sake except what is morally right. But if Cratippus does not permit this assumption, you will still grant this at least — that what is morally right is the object most worth the seeking for its own sake. Either alternative is sufficient for my purposes; first the one and then the other seems to me the more probable, and, besides these, there is no other alternative that seems probable at all.

34 In the first place, I must undertake the defence of Panaetius on this point; for he has said, not that the truly expedient could under certain circumstances clash with the morally right (for he could not have said that conscientiously), but only that what *seemed* expedient could do so. For he often bears witness to the fact that nothing is really expedient that is not at the same time morally right, and nothing morally right that is not at the same time expedient; and he says that no greater curse has ever assailed human life than the doctrine of those who have separated these two conceptions. And so he introduced an apparent, not a real, conflict between them, not to the end that we should under certain circumstances give the expedient preference over the moral, but that, in case they ever

should get in each other's way, we might decide between them without uncertainty. This part, therefore, which was passed over by Panaetius, I will carry to completion without any auxiliaries, but fighting my own battle, as the saying is. For, of all that has been worked out on this line since the time of Panaetius, nothing that has come into my hands is at all satisfactory to me.

8 35 Now when we meet with expediency in some specious form or other, we cannot help being influenced by it. But if upon closer inspection one sees that there is some immorality connected with what presents the appearance of expediency, then one is not necessarily to sacrifice expediency but to recognize that there can be no expediency where there is immorality. But if there is nothing so repugnant to Nature as immorality (for Nature demands right and harmony and consistency and abhors their opposites), and if nothing is so thoroughly in accord with Nature as expediency, then surely expediency and immorality cannot coexist in one and the same object.

Again: if we are born for moral rectitude and if that is either the only thing worth seeking, as Zeno thought, or at least to be esteemed as infinitely outweighing everything else, as Aristotle holds, then it necessarily follows that the morally right is either the sole good or the supreme good. Now, that which is good is certainly expedient; consequently, that which is morally right is also expedient.

36 Thus it is the error of men who are not strictly upright to seize upon something that seems to be expedient and straightway to dissociate that from the question of moral right. To this error the assassin's dagger, the poisoned cup, the forged wills owe their origin; this gives rise to theft, embezzlement of public funds, exploitation and plundering of provincials and citizens; this engenders also the lust for excessive wealth, for despotic power, and finally for making oneself king even in the midst of a free people; and anything more atrocious or repulsive than such a passion cannot be conceived. For with a false perspective they see the material rewards but not the punishment — I do not mean the penalty of the law, which they often escape, but the heaviest penalty of all, their own demoralization.

37 Away, then, with questioners of this sort (for their whole tribe

is wicked and ungodly), who stop to consider whether to pursue the course which they see is morally right or to stain their hands with what they know is crime. For there is guilt in their very deliberation, even though they never reach the performance of the deed itself. Those actions, therefore, should not be considered at all, the mere consideration of which is itself morally wrong. Furthermore, in any such consideration we must banish any vain hope and thought that our action may be covered up and kept secret. For if we have only made some real progress in the study of philosophy, we ought to be quite convinced that, even though we may escape the eyes of gods and men, we must still do nothing that savours of greed or of injustice, of lust or of intemperance.

9 38 By way of illustrating this truth Plato introduces the familiar story of Gyges: Once upon a time the earth opened in consequence of heavy rains; Gyges went down into the chasm and saw, so the story goes, a horse of bronze; in its side was a door. On opening this door he saw the body of a dead man of enormous size with a gold ring upon his finger. He removed this and put it on his own hand and then repaired to an assembly of the shepherds, for he was a shepherd of the king. As often as he turned the bezel of the ring inwards toward the palm of his hand, he became invisible to everyone, while he himself saw everything; but as often as he turned it back to its proper position, he became visible again. And so, with the advantage which the ring gave him, he debauched the queen, and with her assistance he murdered his royal master and removed all those who he thought stood in his way, without anyone's being able to detect him in his crimes. Thus, by virtue of the ring, he shortly rose to be king of Lydia.

Now, suppose a wise man had just such a ring, he would not imagine that he was free to do wrongly any more than if he did not have it; for good men aim to secure not secrecy but the right.

39 And yet on this point certain philosophers, who are not at all vicious but who are not very discerning, declare that the story related by Plato is fictitious and imaginary. As if he affirmed that it was actually true or even possible! But the force of the illustration of the ring is this: if nobody were to know or even to suspect the truth, when you do anything to gain riches or power or sovereignty or

sensual gratification — if your act should be hidden for ever from the knowledge of gods and men, would you do it? The condition, they say, is impossible. Of course it is. But my question is, if that were possible which they declare to be impossible, what, pray, would one do? They press their point with right boorish obstinacy, they assert that it is impossible and insist upon it; they refuse to see the meaning of my words, "if possible." For when we ask what they would do, if they could escape detection, we are not asking whether they can escape detection; but we put them as it were upon the rack: should they answer that, if impunity were assured, they would do what was most to their selfish interest, that would be a confession that they are criminally minded; should they say that they would not do so they would be granting that all things in and of themselves immoral should be avoided.

But let us now return to our theme.

10 40 Many cases oftentimes arise to perplex our minds with a specious appearance of expediency: the question raised in these cases is not whether moral rectitude is to be sacrificed to some considerable advantage (for that would of course be wrong), but whether the apparent advantage can be secured without moral wrong. When Brutus deposed his colleague Collatinus from the consular office, his treatment of him might have been thought unjust; for Collatinus had been his associate, and had helped him with word and deed in driving out the royal family. But when the leading men of the state had determined that all the kindred of Superbus and the very name of the Tarquins and every reminder of the monarchy should be obliterated, then the course that was expedient — namely, to serve the country's interests — was so pre-eminently right, that it was even Collatinus's own duty to acquiesce in its justice. And so expediency gained the day because of its moral rightness; for without moral rectitude there could have been no possible expediency.

Not so in the case of the king who founded the city: 41 it was the specious appearance of expediency that actuated him; and when he decided that it was more expedient for him to reign alone than to share the throne with another, he slew his brother. He threw to the winds his brotherly affection and his human feelings, to secure what seemed to him — but was not — expedient; and yet in defence of his

deed he offered the excuse about his wall — a specious show of moral rectitude, neither reasonable nor adequate at all. He committed a crime, therefore, with due respect to him let me say so, be he Quirinus or Romulus.

42 And yet we are not required to sacrifice our own interest and surrender to others what we need for ourselves, but each one should consider his own interests, as far as he may without injury to his neighbour's. "When a man enters the foot-race," says Chrysippus with his usual aptness, "it is his duty to put forth all his strength and strive with all his might to win; but he ought never with his foot to trip, or with his hand to foul a competitor. Thus in the stadium of life, it is not unfair for anyone to seek to obtain what is needful for his own advantage, but he has no right to wrest it from his neighbour."

43 It is in the case of friendships, however, that men's conceptions of duty are most confused; for it is a breach of duty either to fail to do for a friend what one rightly can do, or to do for him what is not right. But for our guidance in all such cases we have a rule that is short and easy to master: apparent advantages — political preferment, riches, sensual pleasures, and the like — should never be preferred to the obligations of friendship. But an upright man will never for a friend's sake do anything in violation of his country's interests or his oath or his sacred honour, not even if he sits as judge in a friend's case; for he lays aside the rôle of friend when he assumes that of judge. Only so far will he make concessions to friendship, that he will prefer his friend's side to be the juster one and that he will set the time for presenting his case, as far as the laws will allow, to suit his friend's convenience. 44 But when he comes to pronounce the verdict under oath, he should remember that he has God as his witness — that is, as I understand it, his own conscience, than which God himself has bestowed upon man nothing more divine. From this point of view it is a fine custom that we have inherited from our forefathers (if we were only true to it now), to appeal to the juror with this formula—"to do what he can consistently with his sacred honour." This form of appeal is in keeping with what I said a moment ago would be morally right for a judge to concede to a friend. For supposing that we were bound to everything that our

friends desired, such relations would have to be accounted not friendships but conspiracies. 45 But I am speaking here of ordinary friendships; for among men who are ideally wise and perfect such situations cannot arise.

They say that Damon and Phintias, of the Pythagorean school, enjoyed such ideally perfect friendship, that when the tyrant Dionysius had appointed a day for the executing of one of them, and the one who had been condemned to death requested a few days' respite for the purpose of putting his loved ones in the care of friends, the other became surety for his appearance, with the understanding that his friend did not return, he himself should be put to death. And when the friend returned on the day appointed, the tyrant in admiration for their faithfulness begged that they would enrol him as a third partner in their friendship.

46 Well then, when we are weighing what seems to be expedient in friendship against what is morally right, let apparent expediency be disregarded and moral rectitude prevail; and when in friendship requests are submitted that are not morally right, let conscience and scrupulous regard for the right take precedence of the obligations of friendship. In this way we shall arrive at a proper choice between conflicting duties — the subject of this part of our investigation.

11 Through a specious appearance of expediency wrong is very often committed in transactions between state and state, as by our own country in the destruction of Corinth. A more cruel wrong was perpetrated by the Athenians in decreeing that the Aeginetans, whose strength lay in their navy, should have their thumbs cut off. This seemed to be expedient; for Aegina was too grave a menace, as it was close to the Piraeus. But no cruelty can be expedient; for cruelty is most abhorrent to human nature, whose lead we ought to follow. 47 They, too, do wrong who would debar foreigners from enjoying the advantages of their city and would exclude them from its borders, as was done by Pennus in the time of our fathers, and in recent times by Papius.a It may not be right, of course, for one who is not a citizen to exercise the rights and privileges of citizenship; and the law on this point was secured by two of our wisest consuls, Crassus and Scaevola. Still, to debar foreigners from enjoying the advantages of the city is altogether contrary to the laws of humanity.

There are splendid examples in history where the apparent expediency of the state has been set at naught out of regard for moral rectitude. Our own country has many instances to offer throughout her history, and especially in the Second Punic War, when news came of the disaster at Cannae, Rome displayed a loftier courage than ever she did in success; never a trace of faint-heartedness, never a mention of making terms. The influence of moral right is so potent, at it eclipses the specious appearance of expediency.

48 When the Athenians could in no way stem the tide of the Persian invasion and determined to abandon their city, bestow their wives and children in safety at Troezen, embark upon their ships, and fight on the sea for the freedom of Greece, a man named Cyrsilus proposed that they should stay at home and open the gates of their city to Xerxes. They stoned him to death for it. And yet he was working for what he thought was expediency; but it was not — not at all, for it clashed with moral rectitude.

49 After the victorious close of that war with Persia, Themistocles announced in the Assembly that he had a plan for the welfare of the state, but that it was not politic to let it be generally known. He requested the people to appoint someone with whom he might discuss it. They appointed Aristides. Themistocles confided to him that the Spartan fleet, which had been hauled up on shore at Gytheum, could be secretly set on fire; this done, the Spartan power would inevitably be crushed. When Aristides heard the plan, he came into the Assembly amid the eager expectation of all and reported that the plan proposed by Themistocles was in the highest degree expedient, but anything but morally right. The result was that the Athenians concluded that what was not morally right was likewise not expedient, and at the instance of Aristides they rejected the whole proposition without even listening to it. Their attitude was better than ours; for we let pirates go scot free, while we make our allies pay tribute.

12 Let it be set down as an established principle, then, that what is morally wrong can never be expedient — not even when one secures by means of it that which one thinks expedient; for the mere act of thinking a course expedient, when it is morally wrong, is demoralizing. 50 But, as I said above, cases often arise in which

expediency may seem to clash with moral rectitude; and so we should examine carefully and see whether their conflict is inevitable or whether they may be reconciled. The following are problems of this sort: suppose, for example, a time of dearth and famine at Rhodes, with provisions at fabulous prices; and suppose that an honest man has imported a large cargo of grain from Alexandria and that to his certain knowledge also several other importers have set sail from Alexandria, and that on the voyage he has sighted their vessels laden with grain and bound for Rhodes; is he to report the fact to the Rhodians or is he to keep his own counsel and sell his own stock at the highest market price? I am assuming the case of a virtuous, upright man, and I am raising the question how a man would think and reason who would not conceal the facts from the Rhodians if he thought that it was immoral to do so, but who might be in doubt whether such silence would really be immoral.

51 In deciding cases of this kind Diogenes of Babylonia, a great and highly esteemed Stoic, consistently holds one view; his pupil Antipater, a most profound scholar, holds another. According to Antipater all the facts should be disclosed, that the buyer may not be uninformed of any detail that the seller knows; according to Diogenes the seller should declare any defects in his wares, in so far as such a course is prescribed by the common law of the land; but for the rest, since he has goods to sell, he may try to sell them to the best possible advantage, provided he is guilty of no misrepresentation.

"I have imported my stock," Diogenes's merchant will say; "I have offered it for sale; I sell at a price no higher than my competitors — perhaps even lower, when the market is overstocked. Who is wronged?"

52 "What say you?" comes Antipater's argument on the other side; "it is your duty to consider the interests of your fellow-men and to serve society; you were brought into the world under these conditions and have these inborn principles which you are in duty bound to obey and follow, that your interest shall be the interest of the community and conversely that the interest of the community shall be your interest as well; will you, in view of all these facts, conceal from your fellow-men what relief in plenteous supplies is close at hand for them?"

"It is one thing to conceal," Diogenes will perhaps reply; not to reveal is quite a different thing. At this present moment I am not concealing from you, even if I am not revealing to you, the nature of gods or the highest good; and to know these secrets would be of more advantage to you than to know that the price of wheat was down. But I am under no obligation to tell you everything that it may be to your interest to be told."

53 "Yea," Antipater will say, "but you are, as you must admit, if you will only bethink you of the bonds of fellowship forged by Nature and existing between man and man."

"I do not forget them," the other will reply: but do you mean to say that those bonds of fellowship are such that there is no such thing as private property? If that is the case, we should not sell anything at all, but freely give everything away."

13 In this whole discussion, you see, no one says, "However wrong morally this or that may be, still, since it is expedient, I will do it"; but the one side asserts that a given act is expedient, without being morally wrong, while the other insists that the act should not be done, because it is morally wrong.

54 Suppose again that an honest man is offering a house for sale on account of certain undesirable features of which he himself is aware but which nobody else knows; suppose it is unsanitary, but has the reputation of being healthful; suppose it is not generally known that vermin are to be found in all the bedrooms; suppose, finally, that it is built of unsound timber and likely to collapse, but that no one knows about it except the owner; if the vendor does not tell the purchaser these facts but sells him the house for far more than he could reasonably have expected to get for it, I ask whether his transaction is unjust or dishonourable.

55 "Yes," says Antipater, "it is; for to allow a purchaser to be hasty in closing a deal and through mistaken judgment to incur a very serious loss, if this is not refusing 'to set a man right when he has lost his way' (a crime which at Athens is prohibited on pain of public execration), what is? It is even worse than refusing to set a man on his way: it is deliberately leading a man astray."

"Can you say," answers Diogenes, "that he compelled you to purchase, when he did not even advise it? He advertised for sale what

he did not like; you bought what you did like. If people are not considered guilty of swindling when they place upon their placards For Sale: A Fine Villa, Well Built, even when it is neither good nor properly built, still less guilty are they who say nothing in praise of their house. For there the purchaser may exercise his own judgment, what fraud can there be on the part of the vendor? But if, again, not all that is expressly stated has to be made good, do you think a man is bound to make good what has not been said? What, pray, would be more stupid than for a vendor to recount all the faults in the article he is offering for sale? And what would be so absurd as for an auctioneer to cry, at the owner's bidding, 'Here is an unsanitary house for sale'?"

56 In this way, then, in certain doubtful cases moral rectitude is defended on the one side, while on the other side the case of expediency is so presented as to make it appear not only morally right to do what seems expedient, but even morally wrong not to do it. This is the contradiction that seems often to arise between the expedient and the morally right. But I must give my decision in these two cases; for I did not propound them merely to raise the questions, but to offer a solution. 57 I think, then, that it was the duty of that grain-dealer not to keep back the facts from the Rhodians, and of this vendor of the house to deal in the same way with his purchaser. The fact is that merely holding one's peace about a thing does not constitute concealment, but concealment consists in trying for your own profit to keep others from finding out something that you know, when it is for their interest to know it. And who fails to discern what manner of concealment that is and what sort of person would be guilty of it? At all events he would be no candid or sincere or straightforward or upright or honest man, but rather one who is shifty, sly, artful, shrewd, underhand, cunning, one grown old in fraud and subtlety. Is it not inexpedient to subject oneself to all these terms of reproach and many more besides?

14 58 If, then, they are to be blamed who suppress the truth, what are we to think of those who actually state what is false? Gaius Canius, a Roman knight, a man of considerable wit and literary culture, once went to Syracuse for a vacation, as he himself used to say, and not for business. He gave out that he had a mind to purchase a little country seat, where he could invite his friends and enjoy himself, uninterrupted by troublesome visitors. When this fact was spread abroad, one Pythius, a banker of Syracuse, informed him that he had such an estate; that it was not for sale, however, but Canius might make himself at home there, if he pleased; and at the same time he invited him to the estate to dinner next day. Canius accepted. Then Pythius, who, as might be expected of a moneylender, could command favours of all classes, called the fishermen together and asked them to do their fishing the next day out in front of his villa, and told them what he wished them to do. Canius came to dinner at the appointed hour; Pythius had a sumptuous banquet prepared; there

was a whole fleet of boats before their eyes; each fisherman brought in in turn the catch that he had made; and the fishes were deposited at the feet of Pythius.

59 "Pray, Pythius," said Canius thereupon, "what does this mean? — all these fish? — all these boats?"

"No wonder," answered Pythius; "this is where all the fish in Syracuse are; here is where the fresh water comes from; the fishermen cannot get along without this estate."

Inflamed with desire for it, Canius insisted upon Pythius's selling it to him. At first he demurred. To make a long story short, Canius gained his point. The man was rich, and, in his desire to own the country seat, he paid for it all that Pythius asked; and he bought the entire equipment, too. Pythius entered the amount upon his ledger and completed the transfer. The next day Canius invited his friends; he came early himself. Not so much as a thole-pin was in sight. He asked his next-door neighbour whether it was a fishermen's holiday, for not a sign of them did he see.

"Not so far as I know," said he; "but none are in the habit of fishing here. And so I could not make out what was the matter yesterday."

60 Canius was furious; but what could he do? For not yet had my colleague and friend, Gaius Aquilius, introduced the established form to apply to criminal fraud. When asked what he meant by "criminal fraud," as specified in these forms, he could reply: "Pretending one thing and practising another" — a very felicitous definition, as one might expect from an expert in making them. Pythius, therefore, and all others who do one thing while they pretend another are faithless, dishonest, and unprincipled scoundrels. No act of theirs can be expedient, when what they do is tainted with so many vices.

15 61 But if Aquilius's definition is correct, pretence and concealment should be done away with in all departments of our daily life. Then an honest man will not be guilty of either pretence or concealment in order to buy or to sell to better advantage. Besides, your "criminal fraud" had previously been prohibited by the statutes: the penalty in the matter of trusteeships, for example, is fixed by the Twelve Tables; for the defrauding of minors, by the Plaetorian law.b The same prohibition is effective, without statutory enactment, in

equity cases, in which it is added that the decision shall be "as good faith requires." In all other cases in equity, moreover, the following phrases are most noteworthy: in a case calling for arbitration in the matter of a wife's dowry: what is "the fairer is the better"; in a suit for the restoration of a trust: "honest dealing, as between honest parties." Pray, then, can there be any element of fraud in what is adjusted for the "better and fairer"? Or can anything fraudulent or unprincipled be done, when "honest dealing between honest parties" is stipulated? But "criminal fraud," as Aquilius says, consists in false pretence. We must, therefore, keep misrepresentation entirely out of business transactions: the seller will not engage a bogus bidder to run prices up nor the buyer one to bid low against himself to keep them down; and each, if they come to naming a price, will state once for all what he will give or take. 62 Why, when Quintus Scaevola, the son of Publius Scaevola, asked that the price of a farm that he desired to purchase be definitely named and the vendor named it, he replied that he considered it worth more, and paid him 100,000 sesterces over and above what he asked. No one could say that this was not the act of an honest man; but people do say that it was not the act of a worldly-wise man, any more than if he had sold for a smaller amount than he could have commanded. Here, then, is that mischievous idea — the world accounting some men upright, others wise; and it is this fact that gives Ennius occasion to say:

"In vain is the wise man wise, who cannot benefit himself."

And Ennius is quite right, if only he and I were agreed upon the meaning of "benefit."

63 Now I observe that Hecaton of Rhodes, a pupil of Panaetius, says in his books on "Moral Duty" dedicated to Quintus Tubero that "it is a wise man's duty to take care of his private interests, at the same time doing nothing contrary to the civil customs, laws, and institutions. But that depends on our purpose in seeking prosperity; for we do not aim to be rich for ourselves alone but for our children, relatives, friends, and, above all, for our country. For the private fortunes of individuals are the wealth of the state." Hecaton could not for a moment approve of Scaevola's act, which I cited a moment ago;

for he openly avows that he will abstain from doing for his own profit only what the law expressly forbids. Such a man deserves no great praise nor gratitude.

64 Be that as it may, if both pretence and concealment constitute "criminal fraud," there are very few transactions into which "criminal fraud" does not enter; or, if he only is a good man who helps all he can, and harms no one, it will certainly be no easy matter for us to find the good man as thus defined.

To conclude, then, it is never expedient to do wrong, because wrong is always immoral; and it is always expedient to be good, because goodness is always moral.

16 65 In the laws pertaining to the sale of real property it is stipulated in our civil code that when a transfer of any real estate is made, all its defects shall be declared as far as they are known to the vendor. According to the laws of the Twelve Tables it used to be sufficient that such faults as had been expressly declared should be made good and that for any flaws which the vendor expressly denied, when questioned, he should be assessed double damages. A like penalty for failure to make such declaration also has now been secured by our jurisconsults: they have decided that any defect in a piece of real estate, if known to the vendor but not expressly stated, must be made good by him. 66 For example, the augurs were proposing to take observations from the citadel and they ordered Tiberius Claudius Centumalus, who owned a house upon the Caelian Hill, to pull down such parts of the building as obstructed the augurs' view by reason of their height. Claudius at once advertised his block for sale, and Publius Calpurnius Lanarius bought it. The same notice was served also upon him. And so, when Calpurnius had pulled down those parts of the building and discovered that Claudius had advertised it for sale only after the augurs had ordered them to be pulled down, he summoned the former owner before a court of equity to decide "what indemnity the owner was under obligation 'in good faith' to pay and deliver to him." The verdict was pronounced by Marcus Cato, the father of our Cato (for as other men receive a distinguishing name from their fathers, so he who bestowed upon the world so bright a luminary must have his distinguishing name from his son); he, as I was saying, was presiding judge and pronounced the

verdict that “since the augurs’ mandate was known to the vendor at the time of making the transfer and since he had not made it known, he was bound to make good the purchaser’s loss.”

67 With this verdict he established the principle that it was essential to good faith that any defect known to the vendor must be made known to the purchaser. If his decision was right, our grain-dealer and the vendor of the unsanitary house did not do right to suppress the facts in those cases. But the civil code cannot be made to include all cases where facts are thus suppressed; but those cases which it does include are summarily dealt with. Marcus Marius Gratidianus, a kinsman of ours, sold back to Gaius Sergius Orata the house which he himself had bought a few years before from that same Orata. It was subject to an encumbrance, but Marius had said nothing about this fact in stating the terms of sale. The case was carried to the courts. Crassus was counsel for Orata; Antonius was retained by Gratidianus. Crassus pleaded the letter of the law that “the vendor was bound to make good the defect, for he had not declared it, although he was aware of it “; Antonius laid stress upon the equity of the case, leading that, “inasmuch as the defect in question had not been unknown to Sergius (for it was the same house that he had sold to Marius), no declaration of it was needed, and in purchasing it back he had not been imposed upon, for he knew to what legal liability his purchase was subject.

68 What is the purpose of these illustrations? To let you see that our forefathers did not countenance sharp practice.

17 Now the law disposes of sharp practices in one way, philosophers in another: the law deals with them as far as it can lay its strong arm upon them; philosophers, as far as they can be apprehended by reason and conscience. Now reason demands that nothing be done with unfairness, with false pretence, or with misrepresentation. Is it not deception, then, to set snares, even if one does not mean to start the game or to drive it into them? Why, wild creatures often fall into snares undriven and unpursued. Could one in the same way advertise a house for sale, post up a notice “To be sold,” like a snare, and have somebody run into it unsuspecting?

69 Owing to the low ebb of public sentiment, such a method of procedure, I find, is neither by custom accounted morally wrong nor

forbidden either by statute or by civil law; nevertheless it is forbidden by the moral law. For there is a bond of fellowship — although I have often made this statement, I must still repeat it again and again — which has the very widest application, uniting all men together and each to each. This bond of union is closer between those who belong to the same nation, and more intimate still between those who are citizens of the same city-state. It is for this reason that our forefathers chose to understand one thing by the universal law and another by the civil law. The civil law is not necessarily also the universal law; but the universal law ought to be also the civil law. But we possess no substantial, life-like image of true Law and genuine Justice; a mere outline sketch is all that we enjoy. I only wish that we were true even to this; for, even as it is, it is drawn from the excellent models which Nature and Truth afford. 70 For how weighty are the words: "That I be not deceived and defrauded through you and my confidence in you"! How precious are these "As between honest people there ought to be honest dealing, and no deception"! But who are "honest people," and what is "honest dealing" — these are serious questions.

It was Quintus Scaevola, the pontifex maximus, who used to attach the greatest importance to all questions of arbitration to which the formula was appended "as good faith requires"; and he held that the expression "good faith" had a very extensive application, for it was employed in trusteeships and partnerships, in trusts and commissions, in buying and selling, in hiring and letting — in a word, in all the transactions on which the social relations of daily life depend; in these, he said, it required a judge of great ability to decide the extent of each individual's obligation to the other, especially when the counter-claims were admissible in most cases.

71 Away, then, with sharp practice and trickery, which desires, of course, to pass for wisdom, but is far from it and totally unlike it. For the function of wisdom is to discriminate between good and evil; whereas, inasmuch as all things morally wrong are evil, trickery prefers the evil to the good.

It is not only in the case of real estate transfers that the civil law, based upon a natural feeling for the right, punishes trickery and deception, but also in the sale of slaves every form of deception on

the vendor's part is disallowed. For by the aediles' ruling the vendor is answerable for any deficiency in the slave he sells, for he is supposed to know if his slave is sound, or if he is a runaway, or a thief. The case of those who have just come into the possession of slaves by inheritance is different.

72 From this we come to realize that since Nature is the source of right, it is not in accord with Nature that anyone should take advantage of his neighbour's ignorance. And no greater curse in life can be found than knavery that wears the mask of wisdom. Thence come those countless cases in which the expedient seems to conflict with the right. For how few will be found who can refrain from wrong-doing, if assured of the power to keep it an absolute secret and to run no risk of punishment!

18 73 Let us put our principle to the test, if you please, and see if it holds good in those instances in which, perhaps, the world in general finds no wrong; for in this connection we do not need to discuss cut-throats, poisoners, forgers of wills, thieves, and embezzlers of public moneys, who should be repressed not by lectures and discussions of philosophers, but by chains and prison walls; but let us study here the conduct of those who have the reputation of being honest men.

Certain individuals brought from Greece to Rome a forged will, purporting to be that of the wealthy Lucius Minucius Basilus. The more easily to procure validity for it, they made joint-heirs with themselves two of the most influential men of the day, Marcus Crassus and Quintus Hortensius. Although these men suspected that the will was a forgery, still, as they were conscious of no personal guilt in the matter, they did not spurn the miserable boon procured through the crime of others. What shall we say, then? Is this excuse competent to acquit them of guilt? I cannot think so, although I loved the one while he lived, and do not hate the other now that he is dead. 74 Be that as it may, Basilus had in fact desired that his nephew Marcus Satrius should bear his name and inherit his property, (I refer to the Satrius who is the present patron of Picenum and the Sabine country — and oh, what a shameful stigma it is upon the times!) And therefore it was not right that two of the leading citizens of Rome should take the estate and Satrius succeed to nothing except his uncle's name. For if he does wrong who does not ward off and repel

injury when he can — as I explained in the course of the First Book — what is to be thought of the man who not only does not try to prevent wrong, but actually aids and abets it? For my part, I do not believe that even genuine legacies are moral, if they are sought after by designing flatteries and by attentions hypocritical rather than sincere.

And yet in such cases there are times when one course is likely to appear expedient and another morally right. 75 The appearance is deceptive; for our standard is the same for expediency and for moral rectitude. And the man who does not accept the truth of this will be capable of any sort of dishonesty, any sort of crime. For if he reasons, "That is, to be sure, the right course, but this course brings advantage," he will not hesitate in his mistaken judgment to divorce two conceptions that Nature has made one; and that spirit opens the door to all sorts of dishonesty, wrong-doing, and crime.

19 Suppose, then, that a good man had such power that at a snap of his fingers his name could steal into rich men's wills, he would not avail himself of that power — no, not even though he could be perfectly sure that no one would ever suspect it. Suppose, on the other hand, that one were to offer a Marcus Crassus the power, by the mere snapping, of his fingers, to get himself named as heir, when he was not really an heir, he would, I warrant you, dance in the forum. But the righteous man, the one whom we feel to be a good man, would never rob anyone of anything to enrich himself. If anybody is astonished at this doctrine, let him confess that he does not know what a good man is. 76 If, on the other hand, anyone should desire to unfold the idea of a good man which lies wrapped up in his own mind, he would then at once make it clear to himself that a good man is one who helps all whom he can and harms nobody, unless provoked by wrong. What shall we say, then? Would he not be doing harm who by a kind of magic spell should succeed in displacing the real heirs to an estate and pushing himself into their place? "Well," someone may say, "is he not to do what is expedient, what is advantageous to himself?" Nay, verily; he should rather be brought to realize that nothing that is unjust is either advantageous or expedient; if he does not learn this lesson, it will never be possible for him to be a "good man."

77 When I was a boy, I used to hear my father tell that Gaius

Fimbria, an ex-consul, was judge in a case of Marcus Lutatius Pinthia, a Roman knight of irreproachable character. On that occasion Pinthia had laid a wager to be forfeited "if he did not prove in court that he was a good man." Fimbria declared that he would never render a decision in such a case, for fear that he might either rob a reputable man of his good name, if he decided against him, or be thought to have pronounced someone a good man, when such a character is, as he said, established by the performance of countless duties and the possession of praiseworthy qualities without number.

To this type of good man, then, known not only to a Socrates but even to a Fimbria, nothing can possibly seem expedient that is not morally right. Such a man, therefore, will never venture to think — to say nothing of doing — anything that he would not dare openly to proclaim. Is it not a shame that philosophers should be in doubt about moral questions on which even peasants have no doubts at all? For it is with peasants that the proverb, already trite with age, originated: when they praise a man's honour and honesty, they say, "He is a man with whom you can safely play at odd and even in the dark." What is the point of the proverb but this — that what is not proper brings no advantage, even if you can gain your end without anyone's being able to convict you of wrong?

78 Do you not see that in the light of this proverb no excuse is available either for the Gyges of the story or for the man who I assumed a moment ago could with a snap of his fingers sweep together everybody's inheritance at once? For as the morally wrong cannot by any possibility be made morally right, however successfully it may be covered up, so what is not morally right cannot be made expedient, for Nature refuses and resists.

20 79 "But stay," someone will object, "when the prize is very great, there is excuse for doing wrong."

Gaius Marius had been left in obscurity for more than six whole years after his praetorship and had scarcely the remotest hope of gaining the consulship. It looked as if he would never even be a candidate for that office. He was now a lieutenant under Quintus Metellus, who sent him on a furlough to Rome. There before the Roman People he accused his own general, an eminent man and one of our first citizens, of purposely protracting the war and declared

that if they would make him consul, he would within a short time deliver Jugurtha alive or dead into the hands of the Roman People. And so he was elected consul, it is true, but he was a traitor to his own good faith and to justice; for by a false charge he subjected to popular disfavour an exemplary and highly respected citizen, and that too, although he was his lieutenant and under leave of absence from him.

80 Even our kinsman Gratidianus failed on one occasion to perform what would be a good man's duty: in his praetorship the tribunes of the people summoned the college of praetors to council, in order to adopt by joint resolution a standard of value for our currency; for at that time the value of money was so fluctuating that no one could tell how much he was worth. In joint session they drafted an ordinance, defining the penalty and the method of procedure in cases of violation of the ordinance, and agreed that they should all appear together upon the rostra in the afternoon to publish it. And while all the rest withdrew, some in one direction, some in another, Marius (Gratidianus) went straight from the council-chamber to the rostra and published individually what had been drawn up by all together. And that coup, if you care to know, brought him vast honour; in every street statues of him were erected; before these incense and candles burned. In a word, no one ever enjoyed greater popularity with the masses.

81 It is such cases as these that sometimes perplex us in our consideration, when the point in which justice is violated does not seem so very significant, but the consequences of such slight transgression seem exceedingly important. For example, it was not so very wrong morally, in the eyes of Marius, to over-reach his colleagues and the tribunes in turning to himself alone all the credit with the people; but to secure by that means his election to the consulship, which was then the goal of his ambition, seemed very greatly to his interest. But for all cases we have one rule, with which I desire you to be perfectly familiar: that which seems expedient must not be morally wrong; or, if it is morally wrong, it must not seem expedient. What follows? Can we account either the great Marius or our Marius Gratidianus a good man? Work out your own ideas and sift your thoughts so as to see what conception and idea of

a good man they contain. Pray, tell me, does it coincide with the character of your good man to lie for his own profit, to slander, to overreach, to deceive? Nay, verily; anything but that!

82 Is there, then, any object of such value or any advantage so worth the winning that, to gain it, one should sacrifice the name of a "good man" and the lustre of his reputation? What is there that your so-called expediency can bring to you that will compensate for what it can take away, if it steals from you the name of a "good man" and causes you to lose your sense of honour and justice? For what difference does it make whether a man is actually transformed into a beast or whether, keeping the outward appearance of a man, he has the savage nature of a beast within?

21 Again, when people disregard everything that is morally right and true, if only they may secure power thereby, are they not pursuing the same course as he who wished to have as a father-in-law the man by whose effrontery he might gain power for himself? He thought it advantageous to secure supreme power while the odium of it fell upon another; and he failed to see how unjust to his country this was, and how wrong morally. But the father-in-law himself used to have continually upon his lips the Greek verses from the Phoenissae, which I will reproduce as well as I can — awkwardly, it may be, but still so that the meaning can be understood:

"If wrong may e'er be right, for a throne's sake
Were wrong most right: — be God in all else feared!"

Our tyrant deserved his death for having made an exception of the one thing that was the blackest crime of all. 83 Why do we gather instances of petty crime — legacies criminally obtained and fraudulent buying and selling? Behold, here you have a man who was ambitious to be king of the Roman People and master of the whole world; and he achieved it! The man who maintains that such an ambition is morally right is a madman; for he justifies the destruction of law and liberty and thinks their hideous and detestable suppression glorious. But if anyone agrees that it is not morally right to be kind in a state that once was free and that ought to be free now, and yet imagines that it is advantageous for him who can reach that

position, with what remonstrance or rather with what appeal should I try to tear him away from so strange a delusion? For, oh ye immortal gods! can the most horrible and hideous of all murders — that of fatherland — bring advantage to anybody, even though he who has committed such a crime receives from his enslaved fellow-citizens the title of "Father of his Country"? Expediency, therefore, must be measured by the standard of moral rectitude, and in such a way, too, that these two words shall seem in sound only to be different but in real meaning to be one and the same.

84 What greater advantage one could have, according to the standard of popular opinion, than to be a king, I do not know; when, however, I begin to bring the question back to the standard of truth, then I find nothing more disadvantageous for one who has risen to that height by injustice. For can occasions for worry, anxiety, fear by day and by night, and a life all beset with plots and perils be of advantage to anybody?

"Thrones have many foes and friends untrue, but few devoted friends,"

says Accius. But of what sort of throne was he speaking? Why, one that was held by right, handed down from Tantalus and Pelops. Aye, but how many more foes, think you, had that king who with the Roman People's army brought the Roman People themselves into subjection and compelled a state that not only had been free but had been mistress of the world to be his slave? 85 What stains do you think he had upon his conscience, what scars upon his heart? But whose life can be advantageous to himself, if that life is his on the condition that the man who takes it shall be held in undying gratitude and glory? But if these things which seem so very advantageous are not advantageous because they are full of shame and moral wrong, we ought to be quite convinced that nothing can be expedient that is not morally right.

22 86 And yet this very question has been decided on many occasions before and since; but in the war with Pyrrhus the decision rendered by Gaius Fabricius, in his second consulship, and by our senate was particularly striking. Without provocation King Pyrrhus

had declared war upon the Roman People; the struggle was against a generous and powerful prince, and the supremacy of power was the prize; a deserter came over from him to the camp of Fabricius and promised, if Fabricius would assure him of a reward, to return to the camp of Pyrrhus as secretly as he had come, administer poison to the king, and bring about his death. Fabricius saw to it that this fellow was taken back to Pyrrhus; and his action was commended by the senate. And yet, if the mere show of expediency and the popular conception of it are all we want, this one deserter would have put an end to that wasting war and to a formidable foe of our supremacy; but it would have been a lasting shame and disgrace to us to have overcome not by valour but by crime the man with whom we had a contest for glory.

87 Which course, then, was more expedient for Fabricius, who was to our city what Aristides was to Athens, or for our senate, who never divorced expediency from honour — to contend against the enemy with the sword or with poison? If supremacy is to be sought for the sake of glory, crime should be excluded, for there can be no glory in crime; but if it is power for its own sake that is sought, whatever the price, it cannot be expedient if it is linked with shame.

That well-known measure, therefore, introduced by Philippus, the son of Quintus, was not expedient. With the authority of the senate, Lucius Sulla had exempted from taxation certain states upon receipt of a lump sum of money from them. Philippus proposed that they should again be reduced to the condition of tributary states, without repayment on our part of the money that they had paid for their exemption. And the senate accepted his proposal. Shame upon our government! The pirates' sense of honour is higher than the senate's. "But," someone will say, "the revenues were increased, and therefore it was expedient." How long will people venture to say that a thing that is not morally right can be expedient? 88 Furthermore, can hatred and shame be expedient for any government? For government ought to be founded upon fair fame and the loyalty of allies.

On this point I often disagreed even with my friend Cato; it seemed to me that he was too rigorous in his watchful care over the claims of the treasury and the revenues; he refused everything that the farmers of the revenue asked for and much that the allies desired;

whereas, as I insisted, it was our duty to be generous to the allies and to treat the publicans as we were accustomed individually to treat our tenants — and all the more, because harmony between the orders was essential to the welfare of the republic. Curio, too, was wrong, when he pleaded that the demands of the people beyond the Po were just, but never failed to add, "Let expediency prevail." He ought rather to have proved that the claims were not just, because they were not expedient for the republic, than to have admitted that they were just, when, as he maintained, they were not expedient.

23 89 The sixth book of Hecaton's "Moral Duties" is full of questions like the following: "Is it consistent with a good man's duty to let his slaves go hungry when provisions are at famine price?"

Hecaton gives the argument on both sides of the question; but still in the end it is by the standard of expediency, as he conceives it, rather than by one of human feeling, that he decides the question of duty.

Then he raises this question: supposing a man had to throw part of his cargo overboard in a storm, should he prefer to sacrifice a high-priced horse or a cheap and worthless slave? In this case regard for his property interest inclines him one way, human feeling the other.

"Suppose that a foolish man has seized hold of a plank from a sinking ship, shall a wise man wrest it away from him if he can?" "No," says Hecaton; "for that would be unjust." "But how about the owner of the ship? Shall he take the plank away because it belongs to him?"

"Not at all; no more than he would be willing when far out at sea to throw a passenger overboard on the ground that the ship was his. For until they reach the place for which the ship is chartered, she belongs to the passengers, not to the owner."

90 "Again; suppose there were two to be saved from the sinking ship — both of them wise men — and only one small plank, should both seize it to save themselves? Or should one give place to the other?"

"Why, of course, one should give place to the other, but that other must be the one whose life is more valuable either for his own sake or for that of his country."

"But what if these considerations are of equal weight in both?"

“Then there will be no contest, but one will give place to the other, as if the point were decided by lot or at a game of odd and even.”

“Again, suppose a father were robbing temples or making underground passages to the treasury, should a son inform the officers of it?”

“Nay; that were a crime; rather should he defend his father, in case he were indicted.”

“Well, then, are not the claims of country paramount to all other duties”

“Aye, verily; but it is to our country’s interest to have citizens who are loyal to their parents.”

“But once more — if the father attempts to make himself king, or to betray his country, shall the son hold his peace?”

“Nay, verily; he will plead with his father not to do so. If that accomplishes nothing, he will take him to task; he will even threaten; and in the end, if things point to the destruction of the state, he will sacrifice his father to the safety of his country.”

91 Again he raises the question: “If a wise man should inadvertently accept counterfeit money for good, will he offer it as genuine in payment of a debt after he discovers his mistake?” Diogenes says, “Yes”; Antipater, “No,” and I agree with him.

If a man knowingly offers for sale wine that is spoiling, ought he to tell his customers? Diogenes thinks that it is not required; Antipater holds that an honest man would do so. These are like so many points of the law disputed among the Stoics. “In selling a slave, should his faults be declared — not those only which he seller is bound by the civil law to declare or have the slave returned to him, but also the fact that he is untruthful, or disposed to ramble, or steal, or get drunk?” The one thinks such faults should be declared, the other does not.

92 “If a man thinks that he is selling brass, when he is actually selling gold, should an upright man inform him that his stuff is gold, or go on buying for one shilling what is worth a thousand?”

It is clear enough by this time what my views are on these questions, and what are the grounds of dispute between the above-named philosophers.

24 The question arises also whether agreements and promises must always be kept, "when," in the language of the praetors' edicts, "they have not been secured through force or criminal fraud."

If one man gives another a remedy for the dropsy, with the stipulation that, if he is cured by it, he shall never make use of it again; suppose the patient's health is restored by the use of it, but some years later he contracts the same disease once more; and suppose he cannot secure from the man with whom he made the agreement permission to use the remedy again, what should he do? That is the question. Since the man is unfeeling in refusing the request, and since no harm could be done to him by his friend's using the remedy, the sick man is justified in doing what he can for his own life and health.

93 Again: suppose that a millionaire is making some wise man his heir and leaving him in his will a hundred million sesterces; and suppose that he has asked the wise man, before he enters upon his inheritance, to dance publicly in broad daylight in the forum; and suppose that the wise man has given his promise to do so, because the rich man would not leave him his fortune on any other condition; should he keep his promise or not? I wish he had made no such promise; that, I think, would have been in keeping with his dignity. But, seeing that he has made it, it will be morally better for him, if he believes it morally wrong to dance in the forum, to break his promise and refuse to accept his inheritance rather than to keep his promise and accept it — unless, perhaps, he contributes the money to the state to meet some grave crisis. In that case, to promote thereby the interests of one's country, it would not be morally wrong even to dance, if you please, in the forum.

25 94 No more binding are those promises which are inexpedient for the persons themselves to whom they have been given. To go back to the realm of story, the sun-god promised his son Phaethon to do for him whatever he should wish. His wish was to be allowed to ride in his father's chariot. It was granted. And before he came back to the ground he was consumed by a stroke of lightning. How much better had it been, if in his case the father's promise had not been kept. And what of that promise, the fulfilment of which Theseus required from Neptune? When Neptune offered him three wishes, he

wished for the death of his son Hippolytus, because the father was suspicious of the son's relations with his step-mother. And when this wish was granted, Theseus was overwhelmed with grief. 95 And once more; when Agamemnon had vowed to Diana the most beautiful creature born that year within his realm, he was brought to sacrifice Iphigenia; for in that year nothing was born more beautiful than she. He ought to have broken his vow rather than commit so horrible a crime.

Promises are, therefore, sometimes not to be kept; and trusts are not always to be restored. Suppose that a person leaves his sword with you when he is in his right mind, and demands it back in a fit of insanity; it would be criminal to restore it to him; it would be your duty not to do so. Again, suppose that a man who has entrusted money to you proposes to make war upon your common country, should you restore the trust? I believe you should not; for you would be acting against the state, which ought to be the dearest thing in the world to you. Thus there are many things which in and of themselves seem morally right, but which under certain circumstances prove to be not morally right: to keep a promise, to abide by an agreement, to restore a trust may, with a change of expediency, cease to be morally right.

With this I think I have said enough about those actions which masquerade as expedient under the guise of prudence, while they are really contrary to justice.

[25] 96 Since, however, in Book One we derived moral duties from the four sources of moral rectitude, let us continue the same fourfold division here in pointing out how hostile to virtue are those courses of conduct which seem to be, but really are not, expedient. We have discussed wisdom, which cunning seeks to counterfeit, and likewise justice, which is always expedient. There remain for our discussion two divisions of moral rectitude, the one of which is discernible in the greatness and pre-eminence of a superior soul, the other, in the shaping and regulation of it by temperance and self-control.

26 97 Ulysses thought his ruse expedient, as the tragic poets, at least, have represented him. In Homer, our most reliable authority, no such suspicion is cast upon him; but the tragedies charge him with trying to escape a soldier's service by feigning madness. The trick

was not morally right, but, someone may perhaps say, “It was expedient for him to keep his throne and live at ease in Ithaca with parents, wife, and son. Do you think that there is any glory in facing daily toil and danger that can be compared with a life of such tranquillity?”

Nay; I think that tranquillity at such a price is to be despised and rejected; for if it is not morally right, neither is it expedient. 98 For what do you think would have been said of Ulysses, if he had persisted in that pretended madness, seeing that, notwithstanding his deeds of heroism in the war, he was nevertheless upbraided by Ajax thus:

> “ ’Twas he himself who first proposed the oath; ye all
> Do know; yet he alone of all his vow did break;
> He feigned persistently that he was mad, that thus
> He might not have to join the host. And had not then
> Palamedes, shrewd and wise, his tricky impudence
> Unmasked, he had evaded e’en for aye his vow.”

99 Nay, for him it had been better to battle not only with the enemy but also with the waves, as he did, than to desert Greece when she was united for waging the war against the barbarians.

But let us leave illustrations both from story and from foreign lands and turn to real events in our own history. Marcus Atilius Regulus in his second consulship was taken prisoner in Africa by the stratagem of Xanthippus, a Spartan general serving under the command of Hannibal’s father Hamilcar. He was sent to the senate on parole, sworn to return to Carthage himself, if certain noble prisoners of war were not restored to the Carthaginians. When he came to Rome, he could not fail to see the specious appearance of expediency, but he decided that it was unreal, as the outcome proves. His apparent interest was to remain in his own country, to stay at home with his wife and children, and to retain his rank and dignity as an ex-consul, regarding the defeat which he had suffered as a misfortune that might come to anyone in the game of war. Who says that this was not expedient? Who, think you? Greatness of soul and courage say that it was not. 27 100 Can you ask for more competent

authorities? The denial comes from those virtues, for it is characteristic of them to await nothing with fear, to rise superior to all the vicissitudes of earthly life, and to count nothing intolerable that can befall a human being. What, then, did he do? He came into the senate and stated his mission; but he refused to give his own vote on the question; for, he held, he was not a member of the senate so long as he was bound by the oath sworn to his enemies. And more than that, he said—"What a foolish fellow," someone will say, "to oppose his own best interests"— he said that it was not expedient that the prisoners should be returned; for they were young men and gallant officers, while he was already bowed with age. And when his counsel prevailed, the prisoners were retained and he himself returned to Carthage; affection for his country and his family failed to hold him back. And even then he was not ignorant of the fact that he was going to a most cruel enemy and to exquisite torture; still, he thought his oath must be sacredly kept. And so even then, when he was being slowly put to death by enforced wakefulness, he enjoyed a happier lot than if he had remained at home an aged prisoner of war, a man of consular rank forsworn.

101 "But," you will say, "it was foolish of him not only not to advocate the exchange of prisoners but even to plead against such action!"

How was it foolish? Was it so, even if his policy was for the good of the state? Nay; can what is inexpedient for the state be expedient for any individual citizen?

28 People overturn the fundamental principles established by Nature, when they divorce expediency from moral rectitude. For we all seek to obtain what is to us expedient; we are irresistibly drawn toward it, and we cannot possibly be otherwise. For who is there that would turn his back upon what is to him expedient? Or rather, who is there that does not exert himself to the utmost to secure it? But because we cannot discover it anywhere except in good report, propriety, and moral rectitude, we look upon these three for that reason as the first and the highest objects of endeavour, while what we term expediency we account not so much an ornament to our dignity as a necessary incident to living.

102 "What significance, then," someone will say, "do we attach to

an oath? It is not that we fear the wrath of Jove, is it? Not at all; it is the universally accepted view of all philosophers that God is never angry, never hurtful. This is the doctrine not only of those who teach that God is Himself free from troubling cares and that He imposes no trouble upon others, but also of those who believe that God is ever working and ever directing His world. Furthermore, suppose Jupiter had been wroth, what greater injury could He have inflicted upon Regulus than Regulus brought upon himself? Religious scruple, therefore, had no such preponderance as to outweigh so great expediency."

"Or was he afraid that his act would be morally wrong? As to that, first of all, the proverb says, 'Of evils choose the least.' Did that moral wrong, then, really involve as great an evil as did that awful torture? And secondly, there are the lines of Accius:

Thyestes.

Hast thou broke thy faith?

Atreus.

None have I given; none give I ever to the faithless.

Although this sentiment is put into the mouth of a wicked king, still it is illuminating in its correctness."

103 Their third argument is this: just as we maintain that some things seem expedient but are not, so they maintain, some things seem morally right but are not. "For example," they contend, "in this very case it seems morally right for Regulus to have returned to torture for the sake of being true to his oath. But it proves not to be morally right, because what an enemy extorted by force ought not to have been binding."

As their concluding argument, they add: whatever is highly expedient may prove to be morally right, even if it did not seem so in advance.

These are in substance the arguments raised against the conduct of Regulus. Let us consider them each in turn.

29 104 "He need not have been afraid that Jupiter in anger would inflict injury upon him; he is not wont to be angry or hurtful."

This argument, at all events, has no more weight against Regulus's conduct than it has against the keeping of any other oath. But in taking an oath it is our duty to consider not what one may have to fear in case of violation but wherein its obligation lies: an oath is an assurance backed by religious sanctity; and a solemn promise given, as before God as one's witness, is to be sacredly kept. For the question no longer concerns the wrath of the gods (for there is no such thing) but the obligations of justice and good faith. For, as Ennius says so admirably:

"Gracious Good Faith, on wings upborne;
thou oath in Jupiter's great name!"

Whoever, therefore, violates his oath violates Good Faith; and, as we find it stated in Cato's speech, our forefathers chose that she should dwell upon the Capitol "neighbour to Jupiter Supreme and Best."

105 "But," objection was further made, "even if Jupiter had been angry, he could not have inflicted greater injury upon Regulus than Regulus brought upon himself." Quite true, if there is no evil except pain. But philosophers of the highest authority assure us that pain is not only not the supreme evil but no evil at all. And pray do not disparage Regulus, as no unimportant witness — nay, I am rather inclined to think he was the very best witness — to the truth of their doctrine. For what more competent witness do we ask for than one of the foremost citizens of Rome, who voluntarily faced torture for the sake of being true to his moral duty?

Again, they say, "Of evils choose the least" — that is, shall one "choose moral wrong rather than misfortune," or is there any evil greater than moral wrong? For if physical deformity excites a certain amount of aversion, how offensive ought the deformity and hideousness of a demoralized soul to seem! 106 Therefore, those who discuss these problems with more rigour make bold to say that moral wrong is the only evil, while those who treat them with more laxity do not hesitate to call it the supreme evil.

Once more, they quote the sentiment:

"None have I given, none give I ever to the faithless."

It was proper for the poet to say that, because, when he was

working out his Atreus, he had to make the words fit the character. But if they mean to adopt it as a principle, that a pledge given to the faithless is no pledge, let them look to it that it be not a mere loophole for perjury that they seek.

107 Furthermore, we have laws regulating warfare, and fidelity to an oath must often be observed in dealings with an enemy: for an oath sworn with the clear understanding in one's own mind that it should be performed must be kept; but if there is no such understanding, it does not count as perjury if one does not perform the vow. For example, suppose that one does not deliver the amount agreed upon with pirates as the price of one's life, that would be accounted no deception – not even if one should fail to deliver the ransom after having sworn to do so; for a pirate is not included in the number of lawful enemies, but is not included in the number of lawful enemies, but is the common foe of all the world; and with him there ought not to be any pledged word nor any oath mutually binding. 108 For swearing to what is false is not necessarily perjury, but to take an oath "upon your conscience," as it is expressed in our legal formulas, and then fail to perform it, that is perjury. For Euripides aptly says:

"My tongue has sworn; the mind I have has sworn no oath."

But Regulus had no right to confound by perjury the terms and covenants of war made with an enemy. For the war was being carried on with a legitimate, declared enemy; and to regulate our dealings with such an enemy, we have our whole fetial code as well as many other laws that are binding in common between nations. Were this not the case, the senate would never have delivered up illustrious men of ours in chains to the enemy.

30 109 And yet that very thing happened. Titus Veturius and Spurius Postumius in their second consulship lost the battle at the Caudine Forks, and our legions were sent under the yoke. And because they made peace with the Samnites, those generals were delivered up to them, for they had made the peace without the approval of the people and senate. And Tiberius Numicius and Quintus Maelius, tribunes of the people, were delivered up at the same time, because it was with their sanction that the peace had been concluded. This was done in order that the peace with the Samnites

might be annulled. And Postumius, the very man whose delivery was in question, was the proposer and advocate of the said delivery.

Many years later, Gaius Mancinus had a similar experience: he advocated the bill, introduced in accordance with a decree of the senate by Lucius Furius and Sextus Atilius, that he should be delivered up to the Numantines, with whom he had made a treaty without authorization from the senate; and when the bill was passed, he was delivered up to the enemy. His action was more honourable than Quintus Pompey's. Pompey's situation was identical with his, and yet at his own entreaty the bill was rejected. In this latter case, apparent expediency prevailed over moral rectitude; in the former cases, the false semblance of expediency was overbalanced by the weight of moral rectitude.

110 "But," they argued against Regulus, "an oath extorted by force ought not to have been binding." As if force could be brought to bear upon a brave man!

"Why, then, did he make the journey to the senate, especially when he intended to plead against the surrender of the prisoners of war?"

Therein you are criticizing what is the noblest feature of his conduct. For he was not content to stand upon his own judgment but took up the case, in order that the judgment might be that of the senate; and had it not been for the weight of his pleading, the prisoners would certainly have been restored to the Carthaginians; and in that case, Regulus would have remained safe at home in his country. But because he thought this not expedient for his country, he believed that it was therefore morally right for him to declare his conviction and to suffer for it.

When they argued also that what is highly expedient may prove to be morally right, they ought rather to say not that it "may prove to be" but that it actually is morally right. For nothing can be expedient which is not at the same time morally right; neither can a thing be morally right just because it is expedient, but it is expedient because it is morally right.

From the many splendid examples in history therefore, we could not easily point to one either more praiseworthy or more heroic than the conduct of Regulus.

31 111 But of all that is thus praiseworthy in the conduct of Regulus, this one feature above all others calls for our admiration: it was he who offered the motion that the prisoners of war be retained. For the fact of his returning may seem admirable to us, nowadays, but in those times he could not have done otherwise. That merit, therefore, belongs to the age, not to the man. For our ancestors were of the opinion that no bond was more effective in guaranteeing good faith than an oath. That is, clearly proved by the laws of the Twelve Tables, by the "sacred" laws, by the treaties in which good faith is pledged even to the enemy, by the investigations made by the censors and the penalties, imposed by them; for there were no cases in which they used to render more rigorous decisions than in cases of violation of an oath.

112 Marcus Pomponius, a tribune of the people, brought an indictment against Lucius Manlius, Aulus's son, for having extended the term of his dictatorship a few days beyond its expiration. He further charged him with having banished his own son Titus (afterward surnamed Torquatus) from all companionship with his fellow-men, and with requiring him to live in the country. When the son, who was then a young man, heard that his father was in trouble on his account, he hastened to Rome — so the story goes — and at daybreak presented himself at the house of Pomponius. The visitor was announced to Pomponius. Inasmuch as he thought that the son in his anger meant to bring him some new evidence to use against the father, he arose from his bed, asked all who were present to leave the room, and sent word to the young man to come in. Upon entering, he at once drew a sword and swore that he would kill the tribune on the spot, if he did not swear an oath to withdraw the suit against his father. Constrained by the terror of the situation, Pomponius gave his oath. He reported the matter to the people, explaining why he was obliged to drop the prosecution, and withdrew his suit against Manlius. Such was the regard for the sanctity of an oath in those days.

And that lad was the Titus Manlius who in the battle on the Anio killed the Gaul by whom he had been challenged to single combat, pulled off his torque and thus won his surname. And in his third consulship he routed the Latins and put them to flight in the battle on

the Veseris. He was one of the greatest of the great, and one who, while more than generous toward his father, could yet be bitterly severe toward his son.

32 113 Now, as Regulus deserves praise for being true to his oath, so those ten whom Hannibal sent to the senate on parole after the battle of Cannae deserve censure, if it is true that they did not return; for they were sworn to return to the camp which had fallen into the hands of the Carthaginians, if they did not succeed in negotiating an exchange of prisoners. Historians are not in agreement in regard to the facts. Polybius, one of the very best authorities, states that of the ten eminent nobles who were sent at that time, nine returned when their mission failed at the hands of the senate. But one of the ten, who, a little while after leaving the camp, had gone back on the pretext that he had forgotten something or other, remained behind at Rome; he explained that by his return to the camp he was released from the obligation of his oath. He was wrong; for deceit does not remove the guilt of perjury – it merely aggravates it. His cunning that impudently tried to masquerade as prudence was, therefore, only folly. And so the senate ordered that the cunning scoundrel should be taken back to Hannibal in chains.

114 But the most significant part of the story is this: the eight thousand prisoners in Hannibal's hands were not men that he had taken in the battle or that had escaped in the peril of their lives, but men that the consuls Paulus and Varro had left behind in camp. Though these might have been ransomed by a small sum of money, the senate voted not to redeem them, in order that our soldiers might have the lesson planted in their hearts that they must either conquer or die. When Hannibal heard this news, according to that same writer, he lost heart completely, because the senate and the people of Rome displayed courage so lofty in a time of disaster. Thus apparent expediency is outweighed when placed in the balance against moral rectitude.

115 Gaius Acilius, on the other hand, the author of a history of Rome in Greek, says that there were several who played the same trick returning to the camp to release themselves thus from the obligation of their oath, and that they were branded by the censors with every mark of disgrace.

Let this be the conclusion of this topic. For it must be perfectly apparent that acts that are done with a cowardly, craven, abject, broken spirit, as the act of Regulus would have been if he had supported in regard to the prisoners a measure that seemed to be advantageous for him personally, but disadvantageous for the state, or if he had consented to remain at home — that such acts are not expedient, because they are shameful, dishonourable, and immoral.

33 116 We have still left our fourth division comprising propriety, moderation, temperance, self-restraint, self-control.

Can anything be expedient, then, which is contrary to such a chorus of virtues? And yet the Cyrenaics, adherents of the school of Aristippus, and the philosophers who bear the name of Annicerians[o] find all good to consist in pleasure and consider virtue praiseworthy only because it is productive of pleasure. Now that these schools are out of date, Epicurus has come into vogue — an advocate and supporter of practically the same doctrine. Against such a philosophy we must fight it out "with horse and foot," as the saying is, if our purpose is to defend and maintain our standard of moral rectitude.

117 For if, as we find it in the writings of Metrodorus, not only expediency but happiness in life depends wholly upon a sound physical constitution and the reasonable expectation that it will always remain sound, then that expediency — and, what is more, the highest expediency, as they estimate it — will assuredly clash with moral rectitude. For first of all, what position will wisdom occupy in that system? The position of collector of pleasures from every possible source? What a sorry state of servitude for a virtue — to be pandering to sensual pleasure! And what will be the function of wisdom? To make skilful choice between sensual pleasures? Granted that there may be nothing more pleasant, what can be conceived more degrading for wisdom than such a rôle?

Then again, if anyone hold that pain is the supreme evil, what place in his philosophy has fortitude, which is but indifference to toil and pain? For, however many passages there are in which Epicurus speaks right manfully of pain, we must nevertheless consider not what he says, but what it is consistent for a man to say who has defined the good in terms of pleasure and evil in terms of pain.

And further, if I should listen to him, I should find that in many

passages he has a great deal to say about temperance and self-control; but "the water will not run," as they say. For how can he commend self-control and yet posit pleasure as the supreme good? For self-control is the foe of the passions, and the passions are the handmaids of pleasure.

118 And yet when it comes to these three cardinal virtues, those philosophers shift and turn as best they can, and not without cleverness. They admit wisdom into their system as the knowledge that provides pleasures and banishes pain; they clear the way for fortitude also in some way to fit in with their doctrines, when they teach that it is a rational means for looking with indifference upon death and for enduring pain. They bring even temperance in — not very easily, to be sure, but still as best they can; for they hold that the height of pleasure is found in the absence of pain. Justice totters or rather, I should say, lies already prostrate; so also with all those virtues which are discernible in social life and the fellowship of human society. For neither goodness nor generosity nor courtesy can exist, any more than friendship can, if they are not sought of and for themselves, but are cultivated only for the sake of sensual pleasure or personal advantage.

Let us now recapitulate briefly.

119 As I have shown that such expediency as is opposed to moral rectitude is no expediency, so I maintain that any and all sensual pleasure is opposed to moral rectitude. And therefore Calliphon and Dinomachus, in my judgment, deserve the greater condemnation; they imagined that they should settle the controversy by coupling pleasure with moral rectitude; as well yoke a man with a beast! But moral rectitude does not accept such a union; she abhors it, spurns it. Why, the supreme good, which ought to be simple, cannot be a compound and mixture of absolutely contradictory qualities. But this theory I have discussed more fully in another connection; for the subject is a large one. Now for the matter before us.

120 We have, then, fully discussed the problem how a question is to be decided, if ever that which seems to be expediency clashes with moral rectitude. But if, on the other hand, the assertion is made that pleasure admits of a show of expediency also, there can still be no possible union between it and moral rectitude. For, to make the most

generous admission we can in favour of pleasure, we will grant that it may contribute something that possibly gives some spice to life, but certainly nothing that is really expedient.

121 Herewith, my son Marcus, you have a present from your father — a generous one, in my humble opinion; but its value will depend upon the spirit in which you receive it. And yet you must welcome these three books as fellow-guests so to speak, along with your notes on Cratippus's lectures. But as you would sometimes give ear to me also, if I had come to Athens (and I should be there now, if my country had not called me back with accents unmistakable, when I was half-way there), so you will please devote as much time as you can to these volumes, for in them my voice will travel to you; and you can devote to them as much time as you will. And when I see that you take delight in this branch of philosophy, I shall then talk further with you — at an early date, I hope, face to face — but as long as you are abroad, I shall converse with you thus at a distance. Farewell, my dear Cicero, and be assured that, while you are the object of my deepest affection, you will be dearer to me still, if you find pleasure in such counsel and instruction.

Letters

The Roman amphitheatre at Syracuse. Cicero served as quaestor in western Sicily in 75 BC and demonstrated honesty and integrity in his dealings with the inhabitants. As a result, the grateful Sicilians asked him to prosecute Gaius Verres, their corrupt governor, who had plundered the land. The successful prosecution of Verres was a great success for Cicero.

EPISTULAE AD ATTICUM (Letters to Atticus)

Translated by Evelyn S. Shuckburgh

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BOOK 1

LETTER 1

TO ATTICUS (AT ATHENS) ROME, JULY

The state of things in regard to my candidature, in which I know that you are supremely interested, is this, as far as can be as yet conjectured. The only person actually canvassing is P. Sulpicius Galba. He meets with a good old-fashioned refusal without reserve or disguise. In the general opinion this premature canvass of his is not unfavourable to my interests; for the voters generally give as a reason for their refusal that they are under obligations to me. So I hope my prospects are to a certain degree improved by the report getting about that my friends are found to be numerous. My intention was to begin my own canvass just at the very time that Cincius tells me that your servant starts with this letter, namely, in the campus at the time of the tribunician elections on the 17th of July. My fellow candidates, to mention only those who seem certain, are Galba and Antonius and Q. Cornificius. At this I imagine you smiling or sighing. Well, to make you positively smite your forehead, there are people who actually think that Caesonius will stand. I don't think Aquilius will, for he openly disclaims it and has alleged as an excuse his health and his leading position at the bar. Catiline will certainly be a candidate, if you can imagine a jury finding that the sun does not shine at noon. As for Aufidius and Palicanus, I don't think you will expect to hear from me about them. Of the candidates for this year's election Caesar is considered certain. Thermus is looked upon as the rival of Silanus. These latter are so weak both in friends and reputation that it seems pas impossible to bring in Curius over their heads. But no one else thinks so. What seems most to my interests is that Thermus should get in with Caesar. For there is none of those at present canvassing who, if left over to my year, seems likely to be a stronger candidate, from the fact that he is Commissioner of the via Flaminia, and when that has been finished, I shall be greatly relieved to have seen him elected consul this election. Such in outline is the position of affairs in regard to candidates up to date. For myself I shall take the greatest pains to carry out all the duties of a candidate,

and perhaps, as Gaul seems to have a considerable voting power, as soon as business at Rome has come to a standstill I shall obtain a libera legatio and make an excursion in the courseof September to visit Piso, but so as not to be back later than January. When I have ascertained the feelings of the nobility I will write you word. Everything else I hope will go smoothly, at any rate while my competitors are such as are now in town. You must undertake to secure for me the entourage of our friend Pompey, since you are nearer than I. Tell him I shall not be annoyed if he doesn't come to my election. So much for that business. But there is a matter for which I am very anxious that you should forgive me. Your uncle Caecilius having been defrauded of a large sum of money by P. Varius, began an action against his cousin A. Caninius Satyrus for the property which (as he alleged) the latter had received from Varius by a collusive sale. He was joined in this action by the other creditors, among whom were Lucullus and P. Scipio, and the man whom they thought would be official receiver if the property was put up for sale, Lucius Pontius; though it is ridiculous to be talking about a receiver at this stage in the proceedings. Caecilius asked me to appear for him against satyrus. Now, scarcely a day passes that Satyrus does not call at my house. The chief object of his attentions is L Domitius, but I am next in his regard. He has been of great service both to myself and to my brother Quintus in our elections. I was very much embarrassed by my intimacy with Satyrus as well as that with Domitius, on whom the success of my election depends more than on anyone else. I pointed out these facts to Caecilius; at the same time I assured him that if the case had been one exclusively between himself and Satyrus, I would have done what he wished. As the matter actually stood, all the creditors being concerned — and that too men of the highest rank, who without the aid of anyone specially retained by Caecilius, would have no difficulty in maintaining their common cause — it was only fair that he should have consideration both for my private friendship and my present situation. He seemed to take this somewhat less courteously than I could have wished or than is usual among gentlemen; and from that time forth 'he has entirely withdrawn from the intimacy with me, which was only of a few day's standing. Pray forgive me, and

believe that I was prevented by nothing but natural kindness from assailing the reputation of a friend in so vital a point at a time of such very great distress, considering that he had shown me every sort of kindness and attention. But if you incline to the harsher view of my conduct, take it that the interests of my canvass prevented me. Yet, even granting that to be so, I think you should pardon me, “since not for sacred beast or oxhide shield.”

You see in fact the position I am in and how necessary I regard it, not only to retain but even ‘to acquire all possible sources of popularity. I hope I have justified myself in your eyes, I am at any rate anxious to have done so. The Hermathena you sent I am delighted with: it has been placed with such Charming effect that the whole gymnasium seems arranged speclally for it. I am exceedingly obliged to you.

LETTER 2

TO ATTICUS (AT ATHENS) ROME, JULY

I have to inform you that on the day of the election of L. Iulius Caesar and C. Marcius Figulus to the Consulship, I had an addition to my family in the shape of a baby boy. Terentia doing well.

Why such a time without a letter from you? I have already written to you fully about my circumstances. At this present time I am considering whether to undertake the defence of my fellow candidate, Catiline. We have a jury to our minds with full consent of the prosecutor. I hope that if he is acquitted he will be more closely united with me in the conduct of our canvass; but if the result be otherwise I shall bear it with resignation. Your early return is of great importance to me, for there is a very strong idea prevailing that some intimate friends of yours, persons of high rank, will be opposed to my election. To win me their favour I see that I shall want you very much. Wherefore be sure to be in Rome in January, as you have agreed to be.

LETTER 3

TO ATTICUS (AT ATHENS) ROME, JANUARY

I have to inform you of the death of your grandmother from pining at your long absence, and at the same time because she was afraid that the Latin towns would revolt and fail to bring the victims up the Alban Mount. I presume that L. Saufeius will send you a letter of condolence on the subject. I am expecting you here in the course of January — is it a mere rumour or does it come from letters of yours to others? For to me you have not mentioned the subject. The statues which you got for me have been landed at Caieta. I haven't seen them, for I have been unable to leave Rome. I have sent a man to clear the freightage. I am exceedingly obliged to you for having taken so much trouble to get them, and so reasonably. As to your frequent remarks in your letters about pacifying my friend, I have done everything I could and tried every expedient; but he is inveterate against you to a surprising degree, on what suspicions though I think you have been told, you shall yet learn from me when you come. I failed to restore Sallustius to his old place in his affections, and yet he was on the spot I tell you this because the latter used to find fault with me in regard to you Well, he has found by personal experience that he is not so easy to pacify, and that on my part no zeal has been lacking either on his or your behalf. I have betrothed Tulliola to C. Piso Frugi, son of Lucius.

LETTER 4

TO ATTICUS (AT ATHENS) ROME

You keep on making me expect you again and again. Only the other day, when I thought you on the point of arriving, I was suddenly put off by you till Quintilis (July). Now, however, I do think that you should Come at the time you mention if you possibly can. You will thereby be in time for my brother Quintus's election, will pay me long-deferred visit, and will settle the dispute with Acutilius. This latter Peducaeus also suggested my mentioning to you, for I think it is full time that you settled that affair. My good offices are at your service and always have been so. Here at Rome I have conducted the case of Gaius Macer with a popular approval surpassing belief and unparalleled. Though I had been inclined to take a lenient view of his case, yet I gained much more substantial advantage from the popular approval on his condemnation than I should have got from his gratitude if he had been acquitted. I am very glad to hear what you say about the Hermathena. It is an ornament appropriate to my "Academia" for two reasons: Hermes is a sign Common to all gymnasia, Minerva specially of this particular one. So I would have you, as you say, adorn the place with the other objects also, and the more the better. The statues which you sent me before I have not yet seen. They are in my villa at Formiae, whither I am at this moment thinking of going. I shall get them all transferred to my Tusculan villa. If I find myself with more than I want there I shall begin adorning Caieta. Please reserve your books, and don't despair of my being able to make them mine. If I succeed in that, I am superior to Crassus in wealth and look down on everybody's manors and pastures.

LETTER 5

TO ATTICUS (AT ATHENS) ROME

We are such intimate friends that more than almost anyone else you can appreciate the grief as well as the actual public and private loss that the death of my cousin Lucius is to me. There is absolutely no gratification which any human being can receive from the kindly character of another that I have not been accustomed to receive from him. I am sure, therefore, that you will share my grief. For, in the first place, whatever affects me affects you; and in the second place, you have yourself lost in him a friend and connexion of the highest character and most obliging disposition, who was attached to you from personal inclination, as well as from my conversation.

As to what you say in your letter about your sister, she will herself bear me witness what pains I have taken that my brother Quintus should show her proper affection. Thinking him somewhat inclined to be angry with her, I wrote to him in such a way as I thought would not hurt his feelings as a brother, while giving him some good advice as my junior, and remonstrating with him as being in the wrong. The result is that, from frequent letters since received from him, I feel confident that everything is as it ought and as we should wish it to be.

As to the frequency of my letters you have no ground for your complaint. The fact is our good sister Pomponia never informed me of there being a courier ready to take a letter. Farthermore, I never chanced to know of anyone going to Epirus, and I was not till recently informed of your being at Athens.

Again, as to the business of Acutilius which you had left in my hands. I had settled it on my first visit to Rome after your departure. But it turned out that, in the first place, there was no urgency in the matter, and, in the second place, as I felt confidence in your judgment, I preferred that Peducaeus rather than myself should advise you by letter on the subject. For having submitted my ears to Acutilius for several days (and I think you know his style), I should scarcely have regarded it as a hardship to write you a letter

describing his grumblings after patiently enduring the bore (and it was rather a bore, I can tell you) of hearing them. Moreover, though you find fault with me, allow me to observe that I have had only one letter from you, though you had greater leisure for writing, and more opportunity of sending letters.

As to what you say in your letter, “ Even if anyone is inclined to be offended with you, I ought to bring him to a better mind “ — I understand to what you allude, and I have not neglected the matter. But the truth is that the extent of his displeasure is something surprising. However, I have not omitted to say anything there was to say in your behalf: but on what points I am to hold out your wishes, I consider, ought to be my guide. If you will write me word distinctly what they are, you will find that I have had no desire to be more exacting, and in the future shall be no more yielding, than you wish.

As to the business of Tadius. He tells me that you have written him word that there was no need of farther trouble, since the property is secured by prescription. I am surprised that you do not know that in the case of a statutory wardship of an unmarried girl prescription cannot be pleaded.

I am glad you like your purchase in Epirus. What I commissioned you to get for me, and anything you see suitable to my Tusculan villa, I should be glad if you will, as you say in your letter, procure for me, only don’t put yourself to any inconvenience. The truth is, there is no other place that gives me complete rest after all my worries and hard work.

I am expecting my brother Quintus every day. Terentia has a severe attack of rheumatism. She is devoted to you, to your sister, and your mother, and adds her kindest regards in a postscript. So does my pet Tulliola. Love me, and be assured that I love you as a brother.

LETTER 6

TO ATTICUS (AT ATHENS) ROME, DECEMBER

I won't give you any excuse hereafter for accusing me of neglecting to write. It is you that must take care that with all your leisure you keep up with me.

Rabirius's house at Naples, for the improvement of which you have designs drawn out and completed in imagination, has been bought by M. Fonteius for 130,000 sesterces. I wished you to know this in case you were still hankering after it.

We may be quite satisfied, I think, with my brother's feelings towards Pomponia He is with her at present in his villa at Arpinum, and has Decimus Turanius with him, who is great in belles lettres.

The date of my father's death was the 28th of November.

That is about all my news. If you light on any articles of vertu suitable for a gymnasium, which would look well in the place you know of; please don't let them slip. I am so delighted with my Tusculan villa that I never feel really happy till I get there. Let me know exactly what you are doing and intending to do about everything.

LETTER 7

TO ATTICUS (AT ATHENS) ROME, DECEMBER

All's well at your mother's, and I keep an eye on her. I have undertaken to pay L. Cincius 20,400 sesterces to your credit on the Ides of February. Pray see that I receive at the earliest possible opportunity what you say in your letters that you have bought and secured for me. I should also be very much obliged if you would, as you promised, think over the means of securing the library for me. My hope of getting the one enjoyment which I care for, when I come to retire, depends entirely on your kindness.

LETTER 8

TO ATTICUS (AT ATHENS) ROME

All well at your house. Your mother and sister are regarded with affection by me and my brother Quintus. I have spoken to Acutilius. He says that he has not heard from his agent, and professes surprise that you should make any difficulty of his having refused to guarantee you against farther demands. As to the business of Tadius, the announcement in your letter that you have settled the matter Out of court I saw gratified and pleased him very much. That friend of mine — a most excellent man, upon my honour, and most warmly attached to me — is very angry with you. If I could but know how much you care about it, I should be able to decide how much trouble I am to take in the matter. I have paid L. Cincius the 20,400 sesterces written for the Megaric statues in accordance with your letter to me. As to your Hermae of Pentelic marble with bronze heads, about which you wrote to me — I have fallen in love with them on the spot. So pray send both them and the statues, and anything else that may appear to you to suit the place you know of, my passion, and your taste — as large a supply and as early as possible. Above all, anything you think appropriate to a gymnasium and terrace. I have such a passion for things of this sort that while I expect assistance from you, I must expect something like rebuke from others. If Lentulus has no vessel there, put them on board anyone you please. My pet Tulliola claims your present and duns me as your security. I am resolved, however, to disown the obligation rather than pay up for you.

LETTER 9

TO ATTICUS (AT ATHENS) ROME

I get letters from you far too seldom considering that you can much more easily find people starting for Rome than I to Athens: considering, too, that you are more certain of my being at Rome than I of your being at Athens. For instance, it is owing to this uncertainty on my part that this very letter is somewhat short, because not being sure as to where you are, I don't choose my confidential talk to fall into strange hands. The Megaric statues and the Hermae, which you mentioned in your letters, I am waiting for impatiently. Anything you have of the same kind which may strike you as worthy of my "Academia," do not hesitate to send, and have Complete Confidence in my money-chest. My present delight is to pick up anything particularly suitable to a "gymnasium." Lentulus promises the use of his ships. I beg you to be zealous in these matters. Thyillus begs you (and I also at his request) to get him some writings of the Eumolpidae.

LETTER 10

TO ATTICUS (AT ATHENS) TUSCULUM

"Being in my Tusculan villa" (that's for your "being in the Ceramicus") — however, I being there, a courier sent by your sister arrived from Rome and delivered me a letter from you, announcing at the same time that the courier who was going to you started that very afternoon. The result is that, though I do send an answer, I am forced by the shortness of the time to write only these few words. First, as to softening my friend's feeling towards you, or even reconciling him outright, I pledge you my word to do so. Though I have been attempting it already on my own account, I will now urge the point more earnestly and press him closer, as I think I gather from your letter that you are so set upon it. This much I should like you to realize, that he is very deeply offended; but since I cannot see any serious ground for it, I feel confident that he will do as I wish and yield to my influence. As for my statues and Hermeracles, pray put them on board, as you say in your letter, at your very earliest convenience, and anything else you light upon that may seem to you appropriate to the place you know of, especially anything you think suitable to a palaestra and gymnasium. I say this because I am sitting there as I write. so that the very place itself reminds me. Besides these, I commission you to get me some medallions to let into the walls of my little entrance-court, and two engraved stone-curbs. Mind you don't engage your library to anyone, however keen a lover you may find; for I am hoarding up my little savings expressly to secure that resource for my old age. As to my brother, I trust that all is as I have ever wished and tried to make it. There are many signs of that result — not least that your sister is enceinte. As for my election, I don't forget that I left the question entirely to you, and I have all along been telling our common friends that I have not only not asked you to come, but have positively forbidden you to do so, because I understood that it was much more important to you to carry through the business you have now in hand, than it is to me to have you at my election. I wish you therefore to feel as though you had been sent to

where you are in my interests. Nay, you will find me feeling towards you, and hear of it from others, exactly as though my success were obtained not only in your presence, but by your direct agency.

Tulliola gives notice of action against you. She is dunning me as your surety.

LETTER 11

TO ATTICUS (AT ATHENS) ROME

I was doing so before spontaneously, and have been since greatly stirred by your two letters, with their earnest expressions to the same effect. Besides, Sallustius has been always at my side to prompt me to spare no pains to induce Lucceius to be reconciled to you. But after doing everything that could be done, not only did I fail to renew his old feelings towards you, but I could not even succeed in eliciting the reason of his alienation. On his part, however, he keeps harping on that arbitration case of his, and the other matters which I knew very well before you left Rome were causing him offence. Still, he has certainly got something else fixed deeper in his mind; and this no letters from you, and no commissioning of me will obliterate as easily as you will do in a personal interview, I don't mean merely by your words, but by the old familiar expression of your face — if only you think it worth while, as you will if you will listen to me, and be willing to act with your habitual kindness. Finally, you need not wonder why it is that, whereas I intimated in my letters that I felt hopeful of his yielding to my influence, I now appear to have no such confidence; for you can scarcely believe how much more stubborn his sentiment appears to me than I expected, and how much more obstinate he is in this anger. However, all this will either be cured when you come, or will only be painful to the party in fault.

As to the sentence in your letter, "you suppose by this time I am praetor-elect," let me tell you that there is no class of people at Rome so harassed by every kind of unreasonable difficulty as candidates for office; and that no one knows when the elections will be. However, you will hear all this from Philadelphus. Pray despatch at the earliest opportunity what you have bought for my "Academia." I am surprisingly delighted with the mere thought of that place, to say nothing of its actual occupation. Mind also not to let anyone else have your books. Reserve them, as you say in your letter, for me. I am possessed with the utmost longing for them, as I am with a loathing for affairs of every other kind, which you will find in an

incredibly worse position than when you left them.

LETTER 12

TO ATTICUS (IN EPIRUS) ROME, I JANUARY

The Teucris business hangs fire, and Cornelius has not called on Terentia since. I suppose I must have recourse to Considius, Axius, and Selicius: for his nearest relations can't get a penny out of Caecilius a under twelve per cent. But to return to my first remark: I never saw anything more shameless, artful, and dilatory. "I am on the point of sending my freedman," "I have commissioned Titus" — excuses and delays at every turn! But perhaps it is a case of l'homme propose, for Pompey's advance couriers tell me that he means to move in the senate that a successor to Antonius ought to be named, and the praetor intends to bring the proposal before the people at the same time. The facts are such that I cannot defend him in view of the opinion either of the aristocrats or the people, and, what is more than anything else, that I have no wish to do so. For a thing has happened into the truth of which I charge you to look thoroughly. I have a freedman, who is a worthless fellow enough; I mean Hilarus, an accountant and a client of your own. The interpreter Valerius gives me this information about him, and Thyillus writes me word that he has been told the same story: that the fellow is with Antonius, and that Antonius, in exacting money payments, frequently remarks that a part is being collected for me, and that I have sent a freedman to look after our common interests. I felt exceedingly disturbed, and yet could not believe it; but at any rate there has been some gossip of the sort. Pray look into the whole matter, learn the truth, find out the author, and get the empty-headed idiot out of the Country, if you possibly can. Valerius mentions Cn. Plancius as the origin of this gossip. I trust you thoroughly to investigate and find out what is at the bottom of it. I have good reason to believe that Pompey is most kindly disposed to me. His divorce of Mucia is strongly approved. I suppose you have heard that P. Clodius, son of Appius, was caught in woman's clothes at Gaius Caesar's house, while the state function was going on, and that he was saved and got out by means of a maid-servant: and that the affair is causing immense scandal. I feel sure

you will be sorry for it. I have nothing else to tell you. And, indeed, at the moment of writing, I am in considerable distress: for a delightful youth, my reader Sosthenes, has just died, and his death has affected me more than that of a slave should, I think, do. Pray write often. If you have no news, write just what comes uppermost.

1 January, in the consulship of M. Messalla and M. Piso.

LETTER 13

TO ATTICUS (IN EPIRUS) ROME, 27 JANUARY

I have now received three letters from you — one by the hands of M. Cornelius, which you gave him, I think, at Three Taverns; a second which your host at Canusium delivered to me; a third dated, according to you, from on board your pinnace, when the cable was already slipped. They were all three, to use a phrase from the schools of rhetoric flavoured with the salt of learning, and illumined with the marks of affection. In these letters, indeed, I am urgently pressed by you to send answers, but what renders me rather dilatory in this respect is the difficulty of finding a trustworthy carrier. How few of these gentry are able to convey a letter rather weightier than usual without lightening it by skimming its contents! Besides, I do not always care to send whenever anyone is starting for Epirus: for I suppose that, having offered victims before your Amaltheia, you at once started for the siege of Sicyon. And yet I am not even certain when you start to visit Antonius or how much time you are devoting to Epirus. Accordingly, I don't venture to trust either Achaeans or Epirotes with a letter somewhat more outspoken than usual. Now some events have occurred since you left me worth my writing to you, but they must not be trusted to the risk of a letter being lost, opened, or intercepted.

Well, then, to begin with: I was not called upon to speak first, and the pacifier of the Allobroges was preferred to me, and though this met with some murmurs of disapprobation from the senate, I was not sorry it was done. For I am thereby freed from any obligation to show respect to an ill-conditioned man, and am at liberty to support my position in the Republic in spite of him. Besides, the second place has a dignity almost equal to that of princeps senatus, and does not put one under too much of an obligation to the consul. The third called on was Catulus; the fourth, if you want to go still farther, Hortensius. The consul himself is a man of a small and ill-regulated mind, a mere buffoon of that splenetic kind which raises a laugh even in the absence of wit: it is his face rather than his facetiousness that

causes merriment: he takes practically no part in public business, and is quite alienated from the Optimates. You need expect no service to the state from him, for he has not the will to do any, nor fear any damage, for he hasn't the courage to inflict it. His colleague, however, treats me with great distinction, and is also a zealous supporter of the loyalist party. For the present their disagreement has not come to much; but I fear that this taint may spread farther. For I suppose you have heard that when the state function was being performed in Caesar's house a man in woman's dress got in, and that the Vestals having performed the rite again, mention was made of the matter in the senate by Q. Cornificius — he was the first, so don't think that it was one of us consulars — and that on the matter being referred by a decree of the senate to the [Virgins and] pontifices, they decided that a sacrilege had been committed: that then, on a farther decree of the senate, the consuls published a bill: and that Caesar divorced his wife. On this question Piso, from friendship for P. Clodius, is doing his best to get the bill promulgated by himself (though in accordance with a decree of the senate and on a point of religion) rejected. Messalla as yet is strongly for severe measures. The loyalists hold aloof owing to the entreaties of Clodius: bands of ruffians are being got together: I myself, at first a stern Lycurgus, am becoming daily less and less keen about it: Cato is hot and eager. In short, I fear that between the indifference of the loyalists and the support of the disloyal it may be the cause of great evils to the Republic. However, your great friend — do you know whom I mean? — of whom you said in your letter that, "not venturing to blame me, he was beginning to be complimentary," is now to all appearance exceedingly fond of me, embraces me, loves and praises me in public, while in secret (though unable to disguise it) he is jealous of me. No good-breeding, no straightforwardness, no political morality, no distinction, no courage, no liberality! But on these points I will write to you more minutely at another time; for in the first place I am not yet quite sure about them, and in the next place I dare not entrust a letter on such weighty matters to such a casual nobody's son as this messenger.

The praetors have not yet drawn their lots for the provinces. The matter remains just where you left it. The description of the scenery

of Misenum and Puteoli which you ask for I will include in my speech. I had already noticed the mistake in the date, 3rd of December. The points in my speeches which you praise, believe me, I liked very much myself, but did not venture to say so before. Now, however, as they have received your approval, I think them much more “Attic” than ever. To the speech in answer to Metellus. I have made some additions. The book shall be sent you, since affection for me gives you a taste for rhetoric. What news have I for you? Let me see. Oh, yes! The consul Messalla has bought Antonius’s house for 3,400 sestertia. What is that to me? you will say. Why, thus much. The price has convinced people that I made no bad bargain, and they begin to understand that in making a purchase a man may properly use his friends’ means to get what suits his position. The Teucris affair drags on, yet I have hopes. Pray settle the business you have in hand. You shall have a more outspoken letter soon.

27 January, in the consulship of M. Messalla and M. Piso.

LETTER 14

TO ATTICUS (IN EPIRUS) ROME, 13 FEBRUARY

I fear it may seem affectation to tell you how occupied I have been; but I am so distracted with business that I have only just found time for this short letter, and that has been stolen from the most urgent engagements. I have already described to you Pompey's first public speech — it did not please the poor, nor satisfy the disloyal, nor find favour with the wealthy, nor appear sound to the loyalists; accordingly, he is down in the world. Presently, on the instigation of the consul Piso, that most insignificant of tribunes, Fufius, brought Pompey on to the platform. The meeting was in the circus Flaminius, and there was in the same place that day a crowd of market people — a kind of tiers Žtat. He asked him to say whether he approved of the jurymen being selected by the praetor, to form a panel for the praetor himself to employ. That was the regulation made by the senate in the matter of Clodius's sacrilege. Thereupon Pompey made a highly "aristocratic" speech, and replied (and at great length) that in all matters the authority of the senate was of the greatest weight in his eyes and had always been so. Later on the consul Messalla in the senate asked Pompey his opinion as to the sacrilege and the bill that had been published. His speech in the senate amounted to a general commendation of all decrees of the house, and when he sat down he said to me, "I think my answer covers your case also." When Crassus observed that Pompey had got a cheer from the idea in men's minds that he approved my consulship, he rose also to. his feet and delivered a speech in the most complimentary terms on my consulship, going so far as to say that he owed it to me that he was still a senator, a citizen, nay, a free man; and that he never beheld wife, home, or country without beholding the fruits of my conduct. In short: that whole topic, which I am wont to paint in various colours in my speeches (of which you are the Aristarchus), the fire, the sword — you know my paint-pots — he elaborated to the highest pitch. I was sitting next to Pompey. I noticed that he was agitated, either at Crassus earning the gratitude which he had himself

neglected, or to think that my achievements were, after all, of such magnitude that the senate was so glad to hear them praised, especially by a man who was the less under an obligation to praise me, because in everything I ever wrote my praise of Pompey was practically a reflection on him. This day has brought me very close to Crassus, and yet in spite of all I accepted with pleasure any compliment — open or covert — from Pompey. But as for my own speech, good heavens! how I did "put it on" for the benefit of my new auditor Pompey! If I ever did bring every art into play, I did then — period, transition, enthymeme, deduction — everything. In short, I was cheered to the echo. For the subject of my speech was the dignity of the senate, its harmony with the equites, the unanimity of Italy, the dying embers of the conspiracy, the fall in prices, the establishment of peace. You know my thunder when these are my themes. It was so loud, in fact, that I may cut short my description, as I think you must have heard it even in Epirus.

The state of things at Rome is this: the senate is a perfect Areopagus. You cannot conceive anything firmer, more grave, or more high-spirited. For when the day came for proposing the bill in accordance with the vote of the senate, a crowd of our dandies with their chin-tufts assembled, all the Catiline set, with Curio's girlish son at their head, and implored the people to reject it. Moreover, Piso the consul, who formally introduced the bill, spoke against it. Clodius's hired ruffians had filled up the entrances to the voting boxes. The voting tickets were so manipulated that no "ayes" were distributed. Hereupon imagine Cato hurrying to the rostra, delivering an admirable invective against the consul, if we can call that an ''invective" which was really a speech of the utmost weight and authority, and in fact containing the most salutary advice.

He is followed to the same effect by your friend Hortensius, and many loyalists besides, among whom, however, the contribution of Favonius was conspicuous. By this rally of the Optimates the comitia is dissolved, the senate summoned. On the question being put in a full house — in spite of the opposition of Piso, and in spite of Clodius throwing himself at the feet of the senators one after the other — that the consuls should exhort the people to pass the bill, about fifteen voted with Curio, who was against any decree being

passed; on the other side there were fully four hundred. So the vote passed. The tribune Fufius then gave in. Clodius delivered some wretched speeches to the people, in which he bestowed some injurious epithets on Lucullus, Hortensius, C. Piso, and the consul Messalla; me he only charged with having "discovered" everything. In regard to the assignation of provinces to the praetors, the hearing legations, and other business, the senate voted that nothing should be brought before it till the bill had been brought before the people. There is the state of things at Rome for you. Yet pray listen to this one thing more which has surpassed my hopes. Messalla is a superlatively good consul, courageous, firm, painstaking; he praises, shows attachment to, and imitates me. That other one (Piso) is the less mischievous because of one vice — he is lazy, sleepy, unbusinesslike, an utter fainŽant, but in intention he is so disaffected that he has begun to loathe Pompey since he made the speech in which some praise was bestowed on the senate. Accordingly, he has alienated all the loyalists to a remarkable degree. And his action is not dictated by love for Clodius more than by a taste for a profligate policy and a profligate party. But he has nobody among the magistrates like himself, with the single exception of the tribune Fufius. The tribunes are excellent, and in Cornutus we have a quasi-Cato. Can I say more?

Now to return to private matters. "Teucris" has fulfilled her promise. Pray execute the commission you undertook. My brother Quintus, who purchased the remaining three-fourths of the house in the Argiletum for 725 sestertia, is now trying to sell his Tusculan property, in order to purchase, if he can, the town house of Pacilius. Make it up with Lucceius! I see that he is all agog to stand for the consulship. I will do my best. Be careful to let me know exactly how you are, where you are, and how your business goes on.

13 February.

LETTER 15

TO ATTICUS (IN EPIRUS) ROME, 15 MARCH

You have heard that my dearest brother Quintus has got Asia; for I do not doubt that rumour has conveyed the news to you quicker than a letter from any of us. Now then, considering how desirous of a good reputation he and I have ever been, and how unusually Philhellenic we are and have the reputation of being, and considering how many there are whose enmity we have incurred for the sake of the Republic, "call to mind all your valour," to secure us the praise and affection of all concerned. I will write at greater length to you on these points in the letter which I shall give to Quintus himself. Please let me know what you have done about the business I confided to you, and also in your own affair; for I have had no letter from you since you left Brundisium. I am very anxious to hear how you are.

15 March.

LETTER 16

TO ATTICUS ROME (MAY)

You ask me what has happened about the trial, the result of which was so contrary to the general expectation, and at the same time you want to know how I came to make a worse fight of it than usual. I will answer the last first. after the manner of Homer. The fact is that, so long as I had to defend the authority of the senate, I battled with such gallantry and vigour that there were shouts of applause and crowds round me in the house ringing with my praise. Nay, if you ever thought that I showed courage in political business, you certainly would have admired my conduct in that cause. For when the culprit had betaken himself to public meetings, and had made an invidious use of my name, immortal gods! What battles! What havoc! What sallies I made upon Piso, Curio, on the whole of that set! How I fell upon the old men for their instability, on the young for their profligacy! Again and again, so help me heaven! I regretted your absence not only as the supporter of my policy, but as the spectator also of my admirable fighting. However, when Hortensius hit on the idea of a law as to the sacrilege being proposed by the tribune Fufius, in which there was no difference from the bill of the consul except as to the kind of jurymen — on that point, however, the whole question turned — and got it carried by sheer fighting, because he had persuaded himself and others that he could not get an acquittal no matter who were the jurymen, I drew in my sails, seeing the neediness of the jurors, and gave no evidence beyond what was so notorious and well attested that I could not omit it. Therefore, if you ask reason of the acquittal — to return at length to the former of the two questions — it was entirely the poverty and low character of the jury. But that this was possible was entirely the result of Hortensius's policy. In his alarm lest Fufius should veto the law which was to be proposed in virtue of a senatorial decree, he failed to see that it was better that the culprit should be left under a cloud of disgrace and dishonour than that he should be trusted to the discretion of a weak jury. But in his passionate resentment he

hastened to bring the case into court, saying that a leaden sword was good enough to cut his throat. But if you want to know the history of the trial, with its incredible verdict, it was such that Hortensius's policy is now blamed by other people after the event, though I disapproved of it from the first. When the rejection of jurors had taken place, amidst loud cheers and counter-cheers — the accuser like a strict censor rejecting the most worthless, the defendant like a kind-hearted trainer of gladiators all the best — as soon as the jury had taken their seats, the loyalists at once began to feel distrust. There never was a seedier lot round a table in a gambling hell. Senators under a cloud, equites out at elbows, tribunes who were not so much made of money as "collectors" of it, according to their official title. However, there were a few honest men in the panel, whom he had been unable to drive off it by rejection, and they took their seats among their uncongenial comrades with gloomy looks and signs of emotion, and were keenly disgusted at having to rub elbows with such rascals. Hereupon, as question after question was referred to the panel in the preliminary proceedings, the severity of the decisions passes belief: there was no disagreement in voting, the defendant carried none of his points, while the accuser got even more than he asked. He was triumphant. Need I say more? Hortensius would have it that he was the only one of us who had seen the truth. There was not a man who did not think it impossible for him to stand his trial without being condemned a thousand times over. Further, when I was produced as a witness, I suppose you have been told how the shouts of Clodius's supporters were answered by the jury rising to their feet to gather round me, and openly to offer their throats to P. Clodius in my defence. This seemed to me a greater compliment than the well-known occasion when your fellow citizens stopped Xenocrates from taking an oath in the witness-box, or when, upon the accounts of Metellus Numidicus being as usual handed round, a Roman jury refused to look at them. The compliment paid me, I repeat, was much greater. Accordingly, as the jurymen were protecting me as the mainstay of the country, it was by their voices that the defendant was overwhelmed, and with him all his advocates suffered a crushing blow. Next day my house was visited by as great a throng as that which escorted me home when I laid down the

consulship. Our eminent Areopagites then exclaimed that they would not come into court unless a guard was assigned them. The question was put to the whole panel: there was only one vote against the need of a guard. The question is brought before the senate: the decree is passed in the most solemn and laudatory terms: the jurymen are complimented: the magistrates are commissioned to carry it out: no one thought that the fellow would venture on a defence. "Tell me, ye Muses, now how first the fire befell!"

You know Bald-head, the Nanneian millionaire, that panegyrist of mine, whose complimentary oration I have already mentioned to you in a letter. In two days' time, by the agency of a single slave, and one, too, from a school of gladiators, he settled the whole business — he summoned them to an interview, made a promise, offered security, paid money down. Still farther, good heavens, what a scandal! even favours from certain ladies, and introductions to young men of rank, were thrown in as a kind of pourboire to some of the jurors. Accordingly, with the loyalists holding completely aloof, with the forum full of slaves, twenty-five jurors were yet found so courageous that, though at the risk of their lives, they preferred even death to producing universal ruin. There were thirty-one who were more influenced by famine than fame. On seeing one of these latter Catulus said to him, "Why did you ask us for a guard? Did you fear being robbed of the money?" There you have, as briefly as I could put it, the nature of the trial and the cause of the acquittal.

Next you want to know the present state of public affairs and of my own. That settlement of the Republic — firmly established by my wisdom, as you thought, as I thought by God's — which seemed fixed on a sure foundation by the unanimity of all loyalists and the influence of my consulship — that I assure you, unless some God take compassion on us, has by this one verdict escaped from our grasp: if "verdict" it is to be called, when thirty of the most worthless and dissolute fellows in Rome for a paltry sum of money obliterate every principle of law and justice, and when that which every man — I had almost said every animal — knows to have taken place, a Thalna, a Plautus, and a Spongia, and other scum of that sort decide

not to have taken place. However, to console you as to the state of the Republic, rascaldom is not as cheerful and exultant in its victory as the disloyal hoped after the infliction of such a wound upon the Republic. For they fully expected that when religion, morality, the honour of juries, and the prestige of the senate had sustained such a crushing fall, victorious profligacy and lawless lust would openly exact vengeance from all the best men for the mortification which the strictness of my consulship had branded in upon all the worst. And it is once more I — for I do not feel as if I were boasting vaingloriously when speaking of myself to you, especially in a letter not intended to be read by others — it was I once more, I say, who revived the fainting spirits of the loyalists, cheering and encouraging each personally. Moreover, by my denunciations and invectives against those corrupt jurors I left none of the favourers and supporters of that victory a word to say for themselves. I gave the consul Piso no rest anywhere, I got him deprived of Syria, which had been already plighted to him, I revived the fainting spirit of the senate and recalled it to its former severity. I overwhelmed Clodius in the senate to his face, both in a set speech, very weighty and serious, and also in an interchange of repartees, of which I append a specimen for your delectation. The rest lose all point and grace without the excitement of the contest, or, as you Greeks call it, the ἀγών. Well, at the meeting of the senate on the 15th of May, being called on for my opinion, I spoke at considerable length on the high interests of the Republic, and brought in the following passage by a happy inspiration: “Do not, Fathers, regard yourselves as fallen utterly, do not faint, because you have received one blow. The wound is one which I cannot disguise, but which I yet feel sure should not be regarded with extreme fear: to fear would show us to be the greatest of cowards, to ignore it the greatest of fools. Lentulus was twice acquitted, so was Catiline, a third such criminal has now been let loose by jurors upon the Republic. You are mistaken, Clodius: it is not for the city but for the prison that the jurors have reserved you, and their intention was not to retain you in the state, but to deprive you of the privilege of exile. Wherefore, Fathers, rouse up all your courage, hold fast to your high calling. There still remains in the Republic the old unanimity of the loyalists: their feelings have been

outraged, their resolution has not been weakened: no fresh mischief has been done, only what was actually existing has been discovered. In the trial of one profligate many like him have been detected." — But what am I about? I have copied almost a speech into a letter. I return to the duel of words. Up gets our dandified young gentleman, and throws in my teeth my having been at Baiae. It wasn't true, but what did that matter to him? "It is as though you were to say," replied I, "that I had been in disguise!" "What business," quoth he, "has an Arpinate with hot baths?" "Say that to your patron," said I, "who Coveted the watering-place of an Arpinate." For you know about the marine villa. "How long," said he, "are we to put up with this king?" "Do you mention a king," quoth I, "when Rex made no mention of you?" He, you know, had swallowed the inheritance of Rex in anticipation. "You have bought a house," says he. "You would think that he said," quoth I, "you have bought a jury." "They didn't trust you on your oath," said he. "Yes," said I, "twenty-five jurors did trust me, thirty-one didn't trust you, for they took care to get their money beforehand." Here he was overpowered by a burst of applause and broke down without a word to say.

My own position is this: with the loyalists I hold the same place as when you left town, with the tagrag and bobtail of the City I hold a much better one than at your departure. For it does me no harm that my evidence appears not to have availed. Envy has been let blood without causing pain, and even more so from the fact that all the supporters of that flagitious proceeding confess that a perfectly notorious fact has been hushed up by bribing the jury. Besides, the wretched starveling mob, the blood-sucker of the treasury, imagines me to be high in the favour of Magnus — and indeed we have been mutually united by frequent pleasant intercourse to such an extent, that our friends the boon companions of the conspiracy, the young chin-tufts, speak of him in ordinary conversation as Gnaeus Cicero. Accordingly, both in the circus and at the gladiatorial games, I received a remarkable ovation without a single cat-call. There is at present a lively anticipation of the elections, in which, contrary to everybody's wishes, our friend Magnus is pushing the claims of Aulus's son; and in that matter his weapons are neither his prestige nor his popularity, but those by which Philip said that any fortress

could be taken — if only an ass laden with gold could make its way up into it. Furthermore, that precious consul, playing as it were second fiddle to Pompey, is said to have undertaken the business and to have bribery agents at his house, which I don't believe. But two decrees have already passed the house of an unpopular character, because they are thought to be directed against the consul on the demand of Cato and Domitius — one that search should be allowed in magistrates' houses, and a second, that all who had bribery agents in their houses were guilty of treason. The tribune Lurco also, having entered on his office irregularly in view of the Aelian law, has been relieved from the provisions both of the Aelian and Fufian laws, in order to enable him to propose his law on bribery, which he promulgated with correct auspices though a cripple. Accordingly, the comitia have been postponed to the 27th of July. There is this novelty in his bill, that a man who has promised money among the tribes, but not paid it, is not liable, but, if he has paid, he is liable for life to pay 3,000 sesterces to each tribe. I remarked that P. Clodius had obeyed this law by anticipation, for he was accustomed to promise, and not pay. But observe! Don't you see that the consulship of which we thought so much, which Curio used of old to call an apotheosis, if this Afranius is elected, will become a mere farce and mockery? Therefore I think one should play the philosopher, as you in fact do, and not care a straw for your consulships!

You say in your letter that you have decided not to go to Asia. For my part I should have preferred your going, and I fear that there may be some offence given in that matter. Nevertheless, I am not the man to blame you, especially considering that I have not gone to a province myself. I shall be quite Content with the inscriptions you have placed in your Amaltheium, especially as Thyillus has deserted me and Archias written nothing about me. The latter, I am afraid, having composed a Greek poem on the Luculli, is now turning his attention to the Caecilian drama. I have thanked Antonius on your account, and I have intrusted the letter to Mallius I have heretofore written to you more rarely because I had no one to whom I could trust a letter, and was not sure of your address. I have puffed you well. If Cincius should refer any business of yours to me, I will undertake it. But at present he is more intent on his own business, in

which I am rendering him some assistance. If you mean to stay any length of time in one place you may expect frequent letters from me: but pray send even more yourself. I wish you would describe your Amaltheium to me, its decoration and its plan; and send me any poems or stories you may have about Amaltheia. I should like to make a copy of it at Arpinum. I will forward you something of what I have written. At present there is nothing finished.

LETTER 17

TO ATTICUS (IN EPIRUS) ROME, 5 DECEMBER

Your letter, in which you inclose copies of his letters, has made me realize that my brother Quintus's feelings have undergone many alternations, and that his opinions and judgments have varied widely from time to time. This has not only caused me all the pain which my extreme affection for both of you was bound to bring, but it has also made me wonder what can have happened to cause my brother Quintus such deep offence, or such an extraordinary change of feeling. And yet I was already aware, as I saw that you also, when you took leave of me, were beginning to suspect, that there was some lurking dissatisfaction, that his feelings were wounded, and that certain unfriendly suspicions had sunk deep into his heart. On trying on several previous occasions, but more eagerly than ever after the allotment of his province, to assuage these feelings, I failed to discover on the one hand that the extent of his offence was so great as your letter indicates; but on the other I did not make as much progress in allaying it as I wished. However, I consoled myself with thinking that there would be no doubt of his seeing you at Dyrrachium, or somewhere in your part of the country: and, if that happened, I felt sure and fully persuaded that everything would be made smooth between you, not only by conversation and mutual explanation, but by the very sight of each other in such an interview. For I need not say in writing to you, who know it quite well, how kind and sweet-tempered my brother is, as ready to forgive as he is sensitive in taking offence. But it most unfortunately happened that you did not see him anywhere. For the impression he had received from the artifices of others had more weight with him than duty or relationship, or the old affection so long existing between you, which ought to have been the strongest influence of all. And yet, as to where the blame for this misunderstanding resides, I can more easily conceive than write: since I am afraid that, while defending my own relations, I should not spare yours. For I perceive that, though no actual wound was inflicted by members of the family, they yet could

at least have cured it. But the root of the mischief in this case, which perhaps extends farther than appears, I shall more conveniently explain to you when we meet. As to the letter he sent to you from Thessalonica, and about the language which you suppose him to have used both at Rome among your friends and on his journey, I don't know how far the matter went, but my whole hope of removing this unpleasantness rests on your kindness. For if you will only make up your mind to believe that the best men are often those whose feelings are most easily irritated and appeased, and that this quickness, so to speak, and sensitiveness of disposition are generally signs of a good heart and lastly — and this is the main thing — that we must mutually put up with each other's gaucheries (shall I call them?), or faults, or injurious acts, then these misunderstandings will, I hope, be easily smoothed away. I beg you to take this view, for it is the dearest wish of my heart (which is yours as no one else's can be) that there should not be one of my family or friends who does not love you and is not loved by you.

That part of your letter was entirely superfluous, in which you mention what opportunities of doing good business in the provinces or the city you let pass at other times as well as in the year of my consulship: for I am thoroughly persuaded of your unselfishness and magnanimity, nor did I ever think that there was any difference between you and me except in our choice of a career. Ambition led me to seek official advancement, while another and perfectly laudable resolution led you to seek an honourable privacy. In the true glory, which is founded on honesty, industry, and piety, I place neither myself nor anyone else above you. In affection towards myself, next to my brother and immediate family, I put you first. For indeed, indeed I have seen and thoroughly appreciated how your anxiety and joy have corresponded with the variations of my fortunes. Often has your congratulation added a charm to praise, and your consolation a welcome antidote to alarm. Nay, at this moment of your absence, it is not only your advice — in which you excel — but the interchange of speech — in which no one gives me so much delight as you do — that I miss most, shall I say in politics, in which circumspection is always incumbent on me, or in my forensic labour, which I formerly sustained with a view to official promotion, and

nowadays to maintain my position by securing popularity, or in the mere business of my family? In all these I missed you and our conversations before my brother left Rome, and still more do I miss them since. Finally, neither my work nor rest, neither my business nor leisure, neither my affairs in the forum or at home, public or private, can any longer do without your most consolatory and affectionate counsel and conversation. The modest reserve which characterizes both of us has often prevented my mentioning these facts; but on this occasion it was rendered necessary by that part of your letter in which you expressed a wish to have yourself and your character "put straight" and "cleared" in my eyes. Yet, in the midst of all this unfortunate alienation and anger, there is one fortunate circumstance — that your determination of not going to a province was known to me and your other friends, and had been at various times before distinctly expressed by yourself; so that your not being his guest may be attributed to your personal tastes and judgments, not to the quarrel and rupture between you. And so those ties which have been broken will be restored, and ours which have been so religiously preserved will retain all their old inviolability.

At Rome I find politics in a shaky condition; everything is unsatisfactory and foreboding change. For I have no doubt you have been told that our friends, the equites, are all but alienated from the senate. Their first grievance was the promulgation of a bill on the authority of the senate for the trial of such as had taken bribes for giving a verdict. I happened not to be in the house when that decree was passed, but when I found that the equestrian order was indignant at it, and yet refrained from openly saying so, I

remonstrated with the senate, as I thought, in very impressive language, and was very weighty and eloquent considering the unsatisfactory nature of my cause. But here is another piece of almost intolerable coolness on the part of the equites, which I have not only submitted to, but have even put in as good a light as possible! The companies which had contracted with the censors for Asia complained that in the heat of the competition they had taken the contract at an excessive price; they demanded that the contract should be annulled. I led in their support, or rather, I was second, for it was Crassus who induced them to venture on this demand. The

case is scandalous, the demand a disgraceful one, and a confession of rash speculation. Yet there was a very great risk that, if they got no concession, they would be completely alienated from the senate. Here again I came to the rescue more than anyone else, and secured them a full and very friendly house, in which I, on the 1st and 2nd of December, delivered long speeches on the dignity and harmony of the two orders. The business is not yet settled, but the favourable feeling of the senate has been made manifest: for no one had spoken against it except the consul-designate, Metellus; while our hero Cato had still to speak, the shortness of the day having prevented his turn being reached. Thus I, in the maintenance of my steady policy, preserve to the best of my ability that harmony of the orders which was originally my joiner's work; but since it all now seems in such a crazy condition, I am constructing what I may call a road towards the maintenance of our power, a safe one I hope, which I cannot fully describe to you in a letter, but of which I will nevertheless give you a hint. I cultivate close intimacy with Pompey. I foresee what you will say. I will use all necessary precautions, and I will write another time at greater length about my schemes for managing the Republic. You must know that Lucceius has it in his mind to stand for the consulship at once; for there are said to be only two candidates in prospect. Caesar is thinking of coming to terms with him by the agency of Arrius, and Bibulus also thinks he may effect a coalition with him by means of C. Piso. You smile? This is no laughing matter, believe me. What else shall I write to you? What? I have plenty to say, but must put it off to another time. If you mean to wait till you hear, let me know. For the moment I am satisfied with a modest request, though it is what I desire above everything — that you should come to Rome as soon as possible.

5 December.

LETTER 18

TO ATTICUS (IN EPIRUS) ROME, 20 JANUARY

Believe me there is nothing at this moment of which I stand so much in need as a man with whom to share all that causes me anxiety: a man to love me; a man of sense to whom I can speak without affectation, reserve, or concealment.

For my brother is away — that most open-hearted and affectionate of men. Metellus is not a human being, but Mere sound and air, a howling wilderness.
While you, who have so often lightened my anxiety and my anguish of soul by your conversation and advice, who are ever my ally in public affairs, my confidant in all private business, the sharer in all my conversations and projects — where are you? So entirely am I abandoned by all, that the only moments of repose left me are those which are spent with my wife, pet daughter, and sweet little Cicero. For as to those friendships with the great, and their artificial attractions, they have indeed a certain glitter in the outside world, but they bring no private satisfaction. And so, after a crowded morning levŽe, as I go down to the forum surrounded by troops of friends, I can find no one out of all that crowd with whom to jest freely, or into whose ear I can breathe a familiar sigh. Therefore I wait for you, I long for you, I even urge on you to come for I have many anxieties, many pressing cares, of which I think, if I once had your ears to listen to me, I could unburden myself in the conversation of a single walk. And of my private anxieties, indeed, I shall conceal all the stings and vexations, and not trust them to this letter and an unknown letter-carrier. These, however — for I don't want you to be made too anxious — are not very painful: yet they are persistent and worrying, and are not put to rest by the advice or conversation of any friend. But in regard to the Republic I have still the same courage and purpose, though it has again and again of its own act eluded treatment. For should I put briefly what has occurred since you left, you would certainly exclaim that the Roman empire cannot be

maintained much longer. Well, after your departure our first scene, I think, was the appearance of the Clodian scandal, in which having, as I thought, got an opportunity of pruning licentiousness and keeping our young men within bounds, I exerted myself to the utmost, and lavished all the resources of my intellect and genius, not from dislike to an individual, but from the hope of not merely correcting, but of completely curing the state. The Republic received a crushing blow when this jury was won over by money and the opportunity of debauchery. See what has followed we have had a consul inflicted upon us, whom none except us philosophers can look at without a sigh. What a blow that is! Though a decree of the senate has been passed about bribery and the corruption of juries, no law has been carried; the senate has been harassed to death, the Roman knights alienated. So that one year has undermined two buttresses of the Republic, which owed their existence to me, and me alone; for it has at once destroyed the prestige of the senate and broken up the harmony of the orders. And now enter this precious year! It was inaugurated by the suspension of the annual rites of Iuventas; for Memmius initiated M. Lucullus's wife in some rites of his own! Our Menelaus, being annoyed at that, divorced his wife. Yet the old Idaean shepherd had only injured Menelaus; our Roman Paris thought Agamemnon as proper an object of injury as Menelaus. Next there is a certain tribune named C. Herennius, whom you, perhaps, do not even know — and yet you may know him, for he is of your tribe, and his father Sextus used to distribute money to your tribesmen — this person is trying to transfer P. Clodius to the plebs, and is actually proposing a law to authorize the whole people to vote in Clodius's affair in the campus. I have given him a characteristic reception in the senate, but he is the thickest-skinned fellow in the world. Metellus is an excellent consul, and much attached to me, but he has lowered his influence by promulgating (though only for form's sake) an identical bill about Clodius. But the son of Aulus, God in heaven! What a cowardly and spiritless fellow for a soldier! How well he deserves to be exposed, as he is, day after day to the abuse of Palicanus! Farther, an agrarian law has been promulgated by Flavius, a poor production enough, almost identical with that of Plotius. But meanwhile a genuine statesman is not to be found, even

“in a dream.” The man who could be one, my friend Pompey — for such he is, as I would have you know — defends his two penny embroidered toga by saying nothing. Crassus never risks his popularity by a word. The others you know without my telling you. They are such fools that they seem to expect that, though the Republic is lost, their fish-ponds will be safe. There is one man who does take some trouble, but rather, as it seems to me, with consistency and honesty, than with either prudence or ability — Cato. He has been for the last three months worrying those unhappy publicani, who were formerly devoted to him, and refuses to allow of an answer being given them by the senate. And so we are forced to suspend all decrees on other subjects until the publicani have got their answer. For the same reason I suppose even the business of the foreign embassies will be postponed. You now understand in what stormy water we are and as from what I have written to you in such strong terms you have a view also of what I have not written, come back to me, for it is time you did. And though the state of affairs to which I invite you is one to be avoided, yet let your value for me so far prevail, as to induce you to come there even in these vexatious circumstances. For the rest I will take care that due warning is given, and a notice put up in all places, to prevent you being entered on the census as absent; and to get put on the census just before the lustration is the mark of your true man of business. So let me see you at the earliest possible moment. Farewell.

20 January in the Consulship of Q. Metellus and L. Afranius.

LETTER 19

TO ATTICUS (IN EPIRUS) ROME, 15 MARCH

It is not only if I had as much leisure as you, but also if I chose to send letters as short as yours usually are, should I easily beat you and be much the more regular in writing. But, in fact, it is only one more item in an immense and inconceivable amount of business, that I allow no letter to reach you from me without its containing some definite sketch of events and the reflections arising from it. And in writing to you, as a lover of your country, my first subject will naturally be the state of the republic; next, as I am the nearest object of your affection, I will also write about myself, and tell you what I think you will not be indisposed to know. Well then, in public affairs for the moment the chief subject of interest is the disturbance in Gaul. For the Aedui—"our brethren" — have recently fought a losing battle, and the Helvetii are undoubtedly in arms and making raids upon our province. The senate has decreed that the two Consuls should draw lots for the Gauls, that a levy should be held, all exemptions from service be suspended, and legates with full powers be sent to visit the states in Gaul, and see that they do not join the Helvetii. The legates are Quintus Metellus Creticus, L. Flaccus, and lastly — a case of "rich unguent on lentils" — Lentulus, son of Clodianus.

And while on this subject I cannot omit mentioning that when among the consulars my name was the first to come up in the ballot, a full meeting of the senate declared with one voice that I must be kept in the city. The same occurred to Pompey after me; so that we two appeared to be kept at home as pledges of the safety of the Republic. Why should I look for the "bravos" of others when I get these compliments at home? Well, the state of affairs in the city is as follows. The agrarian law is being vehemently pushed by the tribune Flavius, with the support of Pompey, but it has nothing popular about it except its supporter. From this law I, with the full assent of a public meeting, proposed to omit all clauses which adversely affected

private rights. I proposed to except from its operation such public land as had been so in the consulship of P. Mucius and L. Calpurnius. I proposed to confirm the titles of holders of those to whom Sulla had actually assigned lands. I proposed to retain the men of Volaterrae and Arretium — whose lands Sulla had declared forfeited but had not allotted — in their holdings. There was only one section in the bill that I did not propose to omit, namely, that land should be purchased with this money from abroad, the proceeds of the new revenues for the next five years. But to this whole agrarian scheme the senate was opposed, suspecting that some novel power for Pompey was aimed at. Pompey, indeed, had set his heart on getting the law passed. I, however, with the full approval of the applicants for land, maintained the holdings of all private owners — for, as you know, the landed gentry form the bulk of our party's forces — while I nevertheless satisfied the people and Pompey (for I wanted to do that also) by the purchase clause; for, if that was put on a sound footing, I thought that two advantages would accrue — the dregs might be drawn from the city, and the deserted portions of Italy be repeopled. But this whole business was interrupted by the war, and has cooled off. Metellus is an exceedingly good consul, and much attached to me. That other one is such a ninny that he clearly doesn't know what to do with his purchase. This is all my public news, unless you regard as touching on public affairs the fact that a certain Herennius, a tribune, and a fellow tribesman of yours — a fellow as unprincipled as he is needy — has now begun making frequent proposals for transferring P. Clodius to the plebs; he is vetoed by many of his colleagues. That is really, I think, all the public news.

For my part, ever since I won what I may call the splendid and immortal glory of the famous fifth of December (though it was accompanied by the jealousy and hostility of many), I have never ceased to play my part in the Republic in the same lofty spirit, and to maintain the position I then inaugurated and took upon myself. But when, first, by the acquittal of Clodius I clearly perceived the insecurity and rotten state of the law courts; and, secondly, when I saw that it took so little to alienate my friends the publicani from the

senate — though with me personally they had no quarrel;

and, thirdly, that the rich (I mean your friends the fish-breeders) did not disguise their jealousy of me, I thought I must look out for some greater security and stronger support. So, to begin with, I have brought the man who had been too long silent on my achievements, Pompey himself, to such a frame of mind as not once only in the senate, but many times and in many words, to ascribe to me the preservation of this empire and of the world. And this was not so important to me — for those transactions are neither so obscure as to need and Pompey from a difference of opinion on these measures. testimony, nor so dubious as to need commendation — as to the Republic; for there were certain persons base enough to think that some misunderstanding would arise between me with him I have united myself in such close intimacy that both of us can by this union be better fortified in his own views, and more secure in his political position. However, the dislike of the licentious dandies, which had been roused against me, has been so far softened by a Conciliatory manner on my part, that they all combine to show me marked attention. In fine, while avoiding churlishness to anyone, I do not curry favour with the populace or relax any principle; but my whole course of conduct is so carefully regulated, that, while exhibiting an example of firmness to the Republic, in my own private concerns — in view of the instability of the loyalists, the hostility of the disaffected, and the hatred of the disloyal towards me — I employ a certain caution and circumspection, and do not allow myself, after all, to be involved in these new friendships so far but that the famous refrain of the cunning Sicilian frequently sounds in my ears: Keep sober and distrust these wisdom's sinews!

Of my course and way of life, therefore, you see, I think, what may be called a sketch or outline. Of your own business, however, you frequently write to me, but I cannot at the moment supply the remedy you require. For that decree of the senate was passed with the greatest unanimity on the part of the rank and file, though without the support of any of us consulars. For as to your seeing my name at the foot of the decree, you can ascertain from the decree itself that the subject put to the vote at the time was a different one, and that

this clause about “free peoples” was added without good reason. It was done by P. Servilius the younger, who delivered his vote among the last, but it cannot be altered after such an interval of time. Accordingly, the meetings, which at first were crowded, have long ceased to be held. If you have been able, notwithstanding, by your insinuating address to get a trifle of money out of the Sicyonians, I wish you would let me know. I have sent you an account of my consulship written in Greek. If there is anything in it which to a genuine Attic like yourself seems to be un-Greek or unscholarly, I shall not say as Lucullus said to you (at Panhormus, was it not?) about his own history, that he had interspersed certain barbarisms and solecisms for the express purpose of proving that it was the work of a Roman. No, if there is anything of that sort in my book, it will be without my knowledge and against my will. When I have finished the Latin version I will send it to you; and thirdly, you may expect a poem on the subject, for I would not have any method of celebrating my praise omitted by myself. In this regard pray do not quote “Who will praise his sire?” For if there is anything in the world to be preferred to this, let it receive its due meed of praise, and I mine of blame for not selecting another theme for my praise. However, what I write is not panegyric but history. My brother Quintus clears himself to me in a letter, and asserts that he has never said a disparaging word of you to anyone. But this we must discuss face to face with the greatest care and earnestness: only do come to see me again at last! This Cossinius, to whom I intrust my letter, seems to me a very good fellow, steady, devoted to you, and exactly the sort of man which your letter to me had described.

15 March.

LETTER 20

TO ATTICUS (IN EPIRUS) ROME, 13 MAY

On my return to Rome from my villa at Pompeii on the 12th of May, our friend Cincius handed me your letter dated 13th February. It is this letter of yours which I will now proceed to answer. And first let me say how glad I am that you have fully understood my appreciation of you; and next how excessively rejoiced I am that you have been so extremely reasonable in regard to those particulars in which you thought that I and mine had behaved unkindly, or with insufficient consideration for your feelings: and this I regard as a proof of no common affection, and of the most excellent judgment and wisdom. Wherefore, since you have written to me in a tone so delightful, considerate, friendly and kind, that I not only have no call to press you any farther, but can never even hope to meet from you or any other man with so much gentleness and good nature, I think the very best course I can pursue is not to say another word on the subject in my letters. When we meet, if the occasion should arise, we will discuss it together. As to what you say about politics, your suggestions indeed are both affectionate and wise, and the course you suggest does not differ substantially from my own policy — for I must neither budge an inch from the position imposed upon me by my rank, nor must I without forces of my own enter the lines of another, while that other, whom you mention in your letter, has nothing large-minded about him, nothing lofty, — nothing which is not abject and time-serving. However, the course I took was, after all, perhaps not ill-calculated for securing the tranquillity of my own life; but, by heaven, I did greater service to the Republic than, by suppressing the attacks of the disloyal, I did to myself, when I brought conviction home to the wavering mind of a man of the most splendid fortune, influence and popularity, and induced him to disappoint the disloyal and praise my acts. Now if I had been forced to sacrifice consistency in this transaction, I should not have thought anything worth that price; but the fact is that I have so worked the whole business, that I did not seem to be less consistent from my

complacency to him, but that he appeared to gain in character by his approbation of me. In everything else I am so acting, and shall continue so to act, as to prevent my seeming to have done what I did do by mere chance. My friends the loyalists, the men at whom you hint, and that "Sparta" which you say has fallen to my lot, I will not only never desert, but even if I am deserted by her, I shall still stand by my ancient creed. However, please consider this, that since the death of Catulus I am holding this road for the loyalists without any garrison or Company. For as Rhinton, I think, says: Some are stark naught, and some care not at all.

However, how our friends the fish-breeders envy me I will write you word another time, or will reserve it till we meet. But from the senate-house nothing shall ever tear me: either because that course is the right one, or because it is most to my interests, or because I am far from being dissatisfied with the estimation in which I am held by the senate.

As to the Sicyonians, as I wrote to you before, there is not much to be hoped for in the senate. For there is no one now to lay a complaint before it. Therefore, if you are waiting for that, you will find it a tedious business. Fight some other way if you can. At the time the decree was passed no one noticed who would be affected by it, and besides the rank and file of the senators voted in a great hurry for that clause. For cancelling the senatorial decree the time is not yet ripe, because there are none to complain of it, and because also many are glad to have it so, some from spite, some from a notion of its equity. Your friend Metellus is an admirable consul: I have only one fault to find with him — he doesn't receive the news from Gaul of the restoration of peace with much pleasure. He wants a triumph, I suppose. I could have wished a little less of that sort of thing: in other respects he is splendid. But the son of Aulus behaves in such a way, that his consulship is not a consulship but a stigma on our friend Magnus. Of my writings I send you my consulship in Greek completed. I have handed that book to L. Cossinius. My Latin works I think you like, but as a Greek you envy this Greek book. If others write treatises on the subject I will send them to you, but I assure you that, as soon as they have read mine, somehow or other they become

slack. To return to my own affairs, L. Papirius Paetus, an excellent man and an admirer of mine, has presented me with the books left him by Servius Claudius. As your friend Cincius told me that I could take them without breaking the lex Cincia, I told him that I should have great pleasure in accepting them, if he brought them to Italy. Wherefore, as you love me, as you know that I love you, do try by means of friends, clients, guests, or even your freedmen or slaves, to prevent the loss of a single leaf. For I am in urgent need of the Greek books which I suspect, and of the Latin books which I know, that he left: and more and more every day I find repose in such studies every moment left to me from my labours in the forum. You will, I say, do me a very great favour, if you will be as zealous in this matter as you ever are in matters in which you suppose me to feel strongly; and Paetus's own affairs I recommend to your kindness, for which he thanks you extremely. A prompt visit from yourself is a thing which I do not merely ask for, I advise it.

BOOK 2

LETTER 1

TO ATTICUS (IN GREECE) ROME, JUNE

On the 1st of June, as I was on my way to Antium, and eagerly getting out of the way of M. Metellus's gladiators, your boy met me, and delivered to me a letter from you and a history of my consulship written in Greek. This made me glad that I had some time before delivered to L. Cossinius a book, also written in Greek, on the same subject, to take to you. For if I had read yours first you might have said that I had pilfered from you. Although your essay (which I have read with pleasure) seemed to me just a trifle rough and bald, yet its very neglect of ornament is an ornament in itself, as women were once thought to have the best perfume who used none. My book, on the other hand, has exhausted the whole of Isocrates's unguent case, and all the paint-boxes of his pupils, and even Aristotle's colours. This, as you tell me in another letter, you glanced over at Corcyra, and afterwards I suppose received it from Cossinius. I should not have ventured to send it to you until I had slowly and fastidiously revised it. However, Posidonius, in his letter of acknowledgment from Rhodes, says that as he read my memoir, which I had sent him with a view to his writing on the same subject with more elaboration, he was not only not incited to write, but absolutely made afraid to do so. In a word, I have routed the Greeks. Accordingly, as a general rule, those who were pressing me for material to work up, have now ceased to bother me. Pray, if you like the book, see to there being copies at Athens and other Greek towns for it may possibly throw some lustre on my actions. As for my poor speeches, I will send you both those you ask for and some more also, since what I write to satisfy the studious youth finds favour, it seems, with you also. [For it suited my purpose — both because it was in his Philippics that your fellow citizen Demosthenes gained his reputation, and because it was by withdrawing from the mere controversial and forensic style of oratory that he acquired the character of a serious politician — to see that I too should have speeches that may properly be called consular. Of these are, first, one delivered on the 1st of January in the

senate, a second to the people on the agrarian law, a third on Otho, a fourth for Rabirius, a fifth on the Sons of the Proscribed, a sixth when I declined a province in public meeting, a seventh when I allowed Catiline to escape, which I delivered the day after Catiline fled, a ninth in public meeting on the day that the Allobroges made their revelation, a tenth in the senate on the 5th of December. There are also two short ones, which may be called fragments, on the agrarian law. This whole cycle I will see that you have. And since you like my writings as well as my actions, from these same rolls you will learn both what I have done and what I have said — or you should not have asked for them, for I did not make you an offer of them.]

You ask me why I urge you to come home, and at the same time you intimate that you are hampered by business affairs, and yet say that you will nevertheless hasten back, not only if it is needful, but even if I desire it. Well, there is certainly no absolute necessity, yet I do think you might plan the periods of your tour somewhat more conveniently. Your absence is too prolonged, especially as you are in a neighbouring country, while yet I cannot enjoy your society,

nor you mine. For the present there is peace, but if my young friend Puncher's madness found means to advance a little farther, I should certainly summon you from your present sojourn. But Metellus is offering him a splendid opposition and will continue to do so. Need I say more? He is a truly patriotic consul and, as I have ever thought, naturally an honest man. That person, however, makes no disguise, but avowedly desires to be elected tribune. But when the matter was mooted in the senate, I cut the fellow to pieces, and taunted him with his changeableness in seeking the tribuneship at Rome after having given out at Hera, in Sicily, that he was a candidate for the aedileship; and went on to say that we needn't much trouble ourselves, for that he would not be permitted to ruin the Republic any more as a plebeian, than patricians like him had been allowed to do so in my consulship. Presently, on his saying that he had completed the journey from the straits in seven days, and that it was impossible for anyone to have gone out to meet him, and that he had entered the city by night, and making a great parade of this in a public meeting, I remarked that that was nothing new for him:

seven days from Sicily to Rome, three hours from Rome to lnteramna! Entered by night, did he? so he did before! No one went to meet him? neither did anyone on the other occasion, exactly when it should have been done! In short, I bring our young upstart to his bearings, not only by a set and serious speech, but also by repartees of this sort. Accordingly, I have come now to rally him and jest with him in quite a familiar manner. For instance, when we were escorting a candidate, he asked me "whether I had been accustomed to secure Sicilians places at the gladiatorial shows?" " No," said I. "Well, I intend to start the practice," said he, "as their new patron; but my sister,

who has the control of such a large part of the consul's space, won't give me more than a single foot." "Don't grumble," said I, "about one of your sister's feet; you may lift the other also." A jest, you will say, unbecoming to a consular. I confess it, but I detest that woman — so unworthy of a consul. For A shrew she is and with her husband jars,
and not only with Metellus, but also with Fabius, because she is annoyed at their interference in this business. You ask about the agrarian law: it has completely lost all interest, I think. You rather chide me, though gently, about my intimacy with Pompey. I would not have you think that I have made friends with him for my own protection; but things had come to such a pass that, if by any chance we had quarreled, there would inevitably have been violent dissensions in the state. And in taking precautions and making provision against that, I by no means swerved from my well-known loyalist policy, but my object was to make him more of a loyalist and induce him to drop somewhat of his time-serving vacillation: and he, let me assure you, now speaks in much higher terms of my achievements (against which many had tried to incite him) than of his own. He testifies that while he served the state well, I preserved it. What if I even make a better citizen of Caesar, who has now the wind full in his sails — am I doing so poor a service to the Republic? Furthermore, if there was no one to envy me, if all, as they ought to be, were my supporters, nevertheless a preference should still be given to a treatment that would cure the diseased parts of the state,

rather than to the use of the knife. As it is, however, since the knighthood, which I once stationed on the slope of the Capitoline, with you as their standard-bearer and leader, has deserted the senate, and since our leading men think themselves in a seventh heaven, if there are bearded mullets in their fish-ponds that will come to hand for food, and neglect everything else, do not you think that I am doing no mean service if I secure that those who have the power, should not have the will, to do any harm? As for our friend Cato, you do not love him more than I do: but after all, with the very best intentions and the most absolute honesty, he sometimes does harm to the Republic. He speaks and votes as though he were in the Republic of Plato, not in the scum of Romulus. What could be fairer than that a man should be brought to trial who has taken a bribe for his verdict? Cato voted for this: the senate agreed with him. The equites declared war on the senate, not on me, for I voted against it. What could be a greater piece of impudence than the equites renouncing the obligations of their contract? Yet for the sake of keeping the friendship of the order it was necessary to submit to the loss. Cato resisted and carried his point. Accordingly, though we have now had the spectacle of a consul thrown into prison, of riots again and again stirred up, not one of those moved a finger to help, with whose support I and the consuls that immediately followed me were accustomed to defend the Republic. "Well, but," say you, "are we to pay them for their support?" What are we to do if we can't get it on any other terms? Are we to be slaves to freedmen or even slaves? But, as you say, assez de serieux! Favonius carried my tribe with better credit than his own; he lost that of Lucceius. His accusation of Nasica was not creditable, but was conducted with moderation: he spoke so badly that he appeared when in Rhodes to have ground at the mills more than at the lessons of Molon. He was somewhat angry with me because I appeared for the defence: however, he is now making up to me again on public grounds. I will write you word how Lucceius is getting on when I have seen Caesar, who will be here in a couple of days. The injury done you by the Sicyonians you attribute to Cato and his imitator Servilius. Why? did not that blow reach many excellent citizens? But since the senate has so determined, let us commend it, and not be in a minority of one. My

“Amaltheia” is waiting and longing for you. My Tusculan and Pompeian properties please me immensely, except that they have overwhelmed me — me, the scourge of debt — not exactly in Corinthian bronze, but in the bronze which is current in the market. In Gaul I hope peace is restored. My “Prognostics,” along with my poor speeches, expect shortly. Yet write and tell me what your ideas are as to returning. For Pomponia sent a message to me that you would be at Rome some time in July. That does not agree with your letter which you wrote to me about your name being put on the Census roll. Paetus, as I have already told you, has presented me with all books left by his brother. This gift of his depends upon your seeing to it with care. Pray, if you love me, take measures for their preservation and transmission to me. You could do me no greater favour, and I want the Latin books preserved with as much care as the Greek. I shall look upon them as virtually a present from yourself. I have written to Octavius: I had not said anything to him about you by word of mouth; for I did not suppose that you carried on your business in that province, or look upon you in the light of general money-lender: but I have written, as in duty bound, with all seriousness.

LETTER 2

TO ATTICUS (ON HIS WAY TO ROME) TUSCULUM (DECEMBER)

Take care of my dear nephew Cicero, I beg of you. I seem to share his illness. I am engaged on the "Constitution of Pellene," and, by heaven, have piled up a huge heap of Dicaearchus at my feet. What a great man! You may learn much more from him than from Procilius. His "Constitution of Corinth" and "Constitution of Athens " I have, I think, at Rome. Upon my word, you will say, if you read these, "What a remarkable man!" Herodes, if he had any sense, would have read him rather than write a single letter himself. He has attacked me by letter; with you I see he has come to close quarters. I would have joined a conspiracy rather than resisted one, if I had thought that I should have to listen to him as my reward. As to Lollius, you must be mad. As to the wine, I think you are right. But look here! Don't you see that the Kalends are approaching, and no Antonius? That the jury is being empanelled? For so they send me word. That Nigidius threatens in public meeting that he will personally cite any juror who does not appear? However, I should be glad if you would write me word whether you have heard anything about the return of Antonius; and since you don't mean to come here, dine with me in any case on the 29th. Mind you do this, and take care of your health.

LETTER 3

TO ATTICUS (ON HIS WAY TO ROME) ROME (DECEMBER)

First, I have good news for you, as I think. Valerius has been acquitted. Hortensius was his counsel. The verdict is thought to have been a favour to Aulus's son; and Epicrates," I suspect, has been up to some mischief. I didn't like his boots and his white leggings. What it is I shall know when you arrive. When you find fault with the narrow windows, let me tell you that you are criticising the Cyropaedeia. For when I made the same remark, Cyrus used to answer that the views of the gardens through broad lights were not so pleasant. For let α be the eye, βγ the object seen, δ and ε the rays ... you see the rest.

For if sight resulted from the impact of images, the images would be in great difficulties with a narrow entrance: but, as it is, that "effusion" of rays gets on quite nicely. If you have any other fault to find you won't get off without an answer, unless it is something that can be put right without expense.

I now come to January and my "political attitude," in which, after the manner of the Socratics, I shall put the two sides; at the end, however, as they were wont to do, the one which I approve. It is, indeed, a matter for profound refection. For I must either firmly oppose the agrarian law — which will involve a certain struggle, but a struggle full of glory — or I must remain altogether passive, which is about equivalent to retiring to Solonium or Antium; or, lastly, I must actually assist the bill, which I am told Caesar fully expects from me without any doubt. For Cornelius has been with me (I mean Cornelius Balbus, Caesar's intimate), and solemnly assured me that he meant to avail himself of my advice and Pompey's in everything, and intended to endeavour to reconcile Crassus with Pompey. In this last course there are the following advantages: a very close union with Pompey, and, if I choose, with Caesar also; a reconciliation with my political enemies, peace with the common herd, ease for my old age. But the conclusion of the third book of my own poem has a

strong hold on me: Meanwhile the tenor of thy youth's first spring,
Which still as consul thou with all thy soul
And all thy manhood heldest, see thou keep,
And swell the chorus of all good men's praise.

These verses Calliope herself dictated to me in that book, which contains much written in an "aristocratic" spirit, and I cannot, therefore, doubt that I shall always hold that The best of omens is our country's cause.

But let us reserve all this for our walks during the Compitalia. Remember the day before the Compitalia. I will order the bath to be heated, and Terentia is going to invite Pomponia. We will add your mother to the party. Please bring me Theophrastus de Ambitione from my brother's library.

LETTER 4

TO ATTICUS (AT ROME) TUSCULUM (APRIL)

I am exceedingly obliged to you for sending me Serapio's book, of which indeed, between you and me, I scarcely understood a thousandth part. I have ordered the money for it to be paid you at once, that you may not put it down to the Cost of presentation copies. But as I have mentioned the subject of money, I will beg you to try to come to a settlement with Titinius in any way you can. If he doesn't stand by his own proposal, what I should like best is that what he bought at too dear a rate should be returned, if that can be done with Pomponia's Consent: if that too is impossible, let the money be paid rather than have any difficulty. I should be very glad if you would settle this before you leave Rome, with your usual kindness and exactness.

So Clodius, you say, is for Tigranes? I only wish he would go — on the same terms as the Skepsian! But I don't grudge him the job; for a more convenient time for my taking a "free legation" is when my brother Quintus shall have settled down again, as I hope, into private life, and I shall have made certain how that "priest of the Bona Dea" intends to behave. Meanwhile I shall find my pleasure in the Muses with a mind undisturbed, or rather glad and cheerful; for it will never occur to me to envy Crassus or to regret that I have not been false to myself. As to geography, I will try to satisfy you, but I promise nothing for certain. It is a difficult business, but nevertheless, as you bid me, I will take care that this country excursion produces something for you. Mind you let me know any news you have ferreted out, and especially who you think will be the next consuls. However, I am not very curious; for I have determined not to think about politics. I have examined Terentia's woodlands. What need I say? If there was only a Dodonean oak in them, I should imagine myself to be in possession of Epirus. About the 1st of the month I shall be either at Formiae or Pompeii. If I am not at Formiae, pray, an you love me, come to Pompeii. It will be a great pleasure to me and not much out of the way for you. About the wall,

I have given Philotimus orders not to put any difficulty in the way of your doing whatever you please. I think, however, you had better call in Vettius. In these bad times, when the life of all the best men hangs on a thread, I value one summer's enjoyment of my Palatine palaestra rather highly; but, of course, the last thing I should wish would be that Pomponia and her boy should live in fear of a falling wall.

LETTER 5

TO ATTICUS (AT ROME) ANTIUM (APRIL)

I wish very much, and have long wished, to visit Alexandria, and at the same time to get away from here, where people are tired of me, and return when they have begun to feel my loss — but at such a time and at the bidding of such statesmen!

"I fear to face the men of Troy And Trojan matrons with their trailing robes." For what would my friends the Optimates say — if there are such persons left? That I bad accepted a bribe to change my views? Polydamas the first would lay the charge. I mean my friend Cato, who is as good as a hundred thousand in my eyes. What, too, will history say of me six hundred years hence? I am much more afraid of that than of the petty gossip of the men of today. But, I think, I had better lie low and wait. For if it is really offered to me, I shall be to a certain extent in a position of advantage, and then will be the time to weigh the matter. There is, upon my word, a certain Credit even in refusing. Wherefore, if Theophanes by chance has consulted you on the matter, do not absolutely decline. What I am expecting to hear from you is, what Arrius says, and how he endures being left in the lurch, and who are intended to be consuls — is it Pompey and Crassus, or, as I am told in a letter, Servius Sulpicius with Gabinius?-and whether there are any new laws or anything new at all; and, since Nepos is leaving Rome, who is to have the augurship — the one bait by which those personages could catch me! You see what a high price I put on myself! Why do I talk about such things, which I am eager to throw aside, and to devote myself heart and soul to philosophy. That, I tell you, is my intention. I could wish I had done so from the first. Now, however, that I have found by experience the hollowness of what I thought so splendid, I am thinking of doing business exclusively with the Muses. In spite of that, please give me in your next some more definite information about Curtius and who is intended to fill his place, and what is doing about P. Clodius, and, in fact, take your time and tell me everything as you promise; and pray write me word what day you think of

leaving Rome, in order that I may tell you where I am likely to be and send me a letter at once on the subjects of which I have written to you. I look forward much to hearing from you.

LETTER 6

TO ATTICUS (AT ROME) ANTIUM (APRIL)

As to my promise to you in a former letter that there should be some product of this country excursion, I cannot confirm it to any great extent: for I have become so attached to idleness that I cannot be torn from its arms. Accordingly, I either enjoy myself with books, of which I have a delightful stock at Antium, or I just count the waves — for the rough weather prevents my shrimping! From writing my mind positively recoils. For the geographical treatise, upon which I had settled, is a serious undertaking: so severely is Eratosthenes, whom I had proposed as my model, criticised by Serapio and Hipparchus: what think you will be the case if Tyrannio is added to the critics? And, by Hercules, the subject is difficult of explanation and monotonous, and does not seem to admit of as much embellishment as I thought, and, in short — which is the chief point- any excuse for being idle seems to me a good one: for I am even hesitating as to settling at Antium and spending the rest of my life there, where, indeed, I would rather have been a duovir than at Rome. You, indeed, have done more wisely in having made yourself a home at Buthrotum. But, believe me, next to that free town of yours comes the borough of the Antiates. Could you have believed that there could be a town so near Rome,

where there are many who have never seen Vatinius? Where there is no one besides myself who Cares whether one of the twenty commissioners is alive and well? Where no one intrudes upon me, and yet all are fond of me? This, this is the place to play the statesman in For yonder, not only am I not allowed to do so, but I am sick of it besides. Accordingly, I will compose a book of secret memoirs for your ear alone in the style of Theopompus, or a more acrid one still. Nor have I now any politics except to hate the disloyal, and even that without any bitterness, but rather with a certain enjoyment in writing. But to return to business: I have written to the city quaestors about my brother's affair. See what they say to it, whether there is any hope of the cash in denarii; or whether we are

to be palmed off with Pompeian cistophori. Furthermore, settle what is to be done about the wall. Is there anything else? Yes! Let me know when you are thinking of starting.

LETTER 7

TO ATTICUS (AT ROME) ANTIUM (APRIL)

About the geography I will think again and again. But you ask for two of my speeches, one of which I did not care to write out because I had ended it abruptly, the other because I did not want to praise the man I did not like. But that, too, I will see about. At all events, something shall be forth-coming to prevent your thinking that I have been absolutely idle. I am quite delighted to hear what you tell me about Publius; pray ferret out the whole story, and bring it to me you when come, and meanwhile write anything you may make out or suspect, and especially as to what he is going to do about the legation. For my part, before reading your letter, I was anxious that the fellow should go, not, by heaven, in order to avoid his impeachment — for I am wonderfully keen to try issues with him — but it seemed to me that, if he had secured any popularity by becoming a plebeian, he would thereby lose it. “Well, why did you transfer yourself to the Plebs? Was it to make a call on Tigranes? Tell me: do the kings of Armenia refuse to receive patricians?” In a word, I had polished up my weapons to teat this embassy of his to pieces. But if he rejects it, and thus moves the anger of those proposers and augurs of the lex curiata, it will be a fine sight! By Hercules, to speak the truth, our friend Publius is being treated a little contemptuously! In the first place, though he was once the only man at Caesar’s house, he is not now allowed to be one in twenty: in the next place, one legation had been promised him and another has been given. The former fine fat one for the levying of money is reserved, I presume, for Drusus of Pisaurum or for the gourmand Vatinius: this latter miserable business, which might be very well done by a courier, is given to him, and his tribuneship deferred till it suits them. Irritate the fellow, I beg you, as much as you can. The one hope of safety is their mutual disagreement, the beginning of which I have got scent of from Curio. Moreover, Arrius is fuming at being cheated out of the consulship. Megabocchus and our blood-thirsty young men are most violently hostile. May there be added to this, I pray, may

there be added, this quarrel about the augurate! I hope I shall often have some fine letters to send you on these subjects. But I want to know the meaning of your dark hint that some even of the quinqueviri are speaking out. What can it be? If there is anything in it, there is more hope than I had thought. And I would not have you believe that I ask you these questions "with any view to action," because my heart is yearning to take part in practical politics. I was long ago getting tired of being at the helm, even when it was in my power. And now that I am forced to quit the ship, and have not cast aside the tiller, but have had it wrenched out of my hands; my only wish is to watch their shipwreck from the shore: I desire, in the words of your favourite Sophocles, And safe beneath the roof
To hear with drowsy ear the plash of rain.
As to the wall, see to what is necessary. I will correct the mistake of Castricius, and yet Quintus had made it in his letter to me 15,000, while now to your sister he makes it 30,000. Terentia sends you her regards: my boy Cicero commissions you to give Aristodemus the same answer for him as you gave for his cousin, your sister's son. I will not neglect your reminder about your Amaltheia. Take care of your health.

LETTER 8

TO ATTICUS (AT ROME) ANTIUM, APRIL

When I had been eagerly expecting a letter from you as usual till evening, lo and behold a message that slaves have come from Rome. I summon them: I ask if they have any letters. “No,” say they. “What do you say,” said I, “nothing from Pomponius?” Frightened to death by my voice and look, they confessed that they had received one, and that it had been lost on the journey. Need I say more? I was intensely annoyed. For no letter has come from you for the last few days without something in it important and entertaining. In these circumstances, if there was anything in the letter dated 15th April, worth telling, pray write at once, that I may not be left in ignorance; but if there was nothing but banter, repeat even that for my benefit. And let me inform you that young Curio has been to call on me. What he said about Publius agreed exactly with your letter. He himself, moreover, wonderfully “holds our proud kings in hate.” He told me that the young men generally were equally incensed, and could not put up with the present state of things. If there is hope in them, we are in a good way. My opinion is that we should leave things to take their course. I am devoting myself to my memoir. However, though you may think me a Saufeius, I am really the laziest fellow in the worid. But get into your head my several journeys, that.you may settle where you intend to come and see me. I intend to arrive at my Formian house on the Parilia (21st April).

Next, since you think that at this time I ought to leave out luxurious Crater, on the 1st of May I leave Formiae, intending to reach Antium on the 3rd of May. For there are games at Antium from the 4th to the 6th of May, and Tullia wants to see them. Thence I think of going to Tusculum, thence to Arpinum, and be at Rome on the 1st of June. Be sure that we see you at Formiae or Antium, or at Tusculum. Rewrite your previous letter for me, and add something new.

LETTER 9

TO ATTICUS (AT ROME) ANTIUM, MAY

Caecilius the quaestor having suddenly informed me that he was sending a slave to Rome, I write these hurried lines in order to get out of you the wonderful conversations with Publius, both those of which you write, and that one which you keep dark, and assert that it would be too long to write your answer to him; and, still farther, the one that has not yet been held, which that Iuno of a woman is to report to you when she gets back from Solonium. I wish you to believe that there can be nothing I should like more. If, however, the compact made about me is not kept, I am in a seventh heaven to think that our friend the Jerusalemitish plebeian-maker will learn what a fine return he has made to my brilliant speeches, of which you may expect a splendid recantation. For, as well as I can guess, if that profligate is in favour with our tyrants, he will be able to crow not only over the "cynic consular," but over your Tritons of the fish-ponds also. For I shall not possibly be an object of anybody's jealousy when robbed of power and of my influence in the senate. If, on the other hand, he should quarrel with them, it will not suit his purpose to attack me. However, let him attack. Charmingly, believe me, and with less noise than I had thought, has the wheel of the Republic revolved more rapidly, anyhow, than it should have done owing to Cato's error, but still more owing to the unconstitutional conduct of those who have neglected the auspices, the Aelian law, the Iunian, the Licinian, the Caecilian and Didian, who have squandered all the safeguards of the constitution, who have handed over kingdoms as though they were private estates to tetrachs, and immense sums of money to a small coterie. I see plainly now the direction popular jealousy is taking, and where it will finally settle. Believe that I have learnt nothing from experience, nothing from Theophrastus, if you don't shortly see the time of our government an object of regret. For if the power of the senate was disliked, what do you think will be the case when it has passed, not to the people, but to three unscrupulous men? So let them then make whom they

choose consuls, tribunes, and even finally clothe Vatinius's men with the double-dyed purple of the priesthood, you will see before long that the great men will be not only those who have made no false step, but even he who did make a mistake, Cato. For, as to myself, if your comrade Publius will let me, I think of playing the sophist: if he forces me, I shall at least defend myself, and, as is the trick of my trade, I publicly promise to Strike back at him who first is wroth with me.

May the country only be on my side: it has had from me, if not more than its due, at least more than it ever demanded. I would rather have a bad passage with another pilot than be a successful pilot to such ungrateful passengers. But this will do better when we meet. For the present take an answer to your questions. I think of returning to Antium from Formiae on the 3rd of May. From Antium I intend to start for Tuscuium on the 7th of May. But as soon as I have retumed from Formiae (I intend to be there till the 29th of April) I will at once inform you. Terentia sends compliments, and "Cicero the little greets Titus the Athenian."

LETTER 10

TO ATTICUS (AT ROME) APPII FORUM, APRIL

Please admire my consistency. I am determined not to be at the games at Antium: for it is somewhat of a solecism to wish to avoid all suspicion of frivolity, and yet suddenly to be shown up as travelling for mere amusement, and that of a foolish kind. Wherefore I shall wait for you till the 7th of May at Formiae. So now let me know what day we shall see you. From Appii Forum, ten o'clock. I sent another a short time ago from Three Taverns.

LETTER 11

TO ATTICUS (AT ROME) FORMIAE, APRIL

I TELL you what it is: I feel myself a downright exile since arriving at Formiae. For at Antium there was never a day that I didn't know what was going on at Rome better than those who were there. For your letters used to show me not only what was doing at Rome, but the actual political situation also — and not only that, but also what was likely to happen. Now, unless I snatch a bit of news from some passing traveller, I can learn nothing at all. Wherefore, though I am expecting you in person, yet pray give this boy, whom I have ordered to hurry back to me at once, a bulky letter, crammed not only with all occurrences, but with what you think about them; and be careful to let me know the day you are going to leave Rome. I intend staying at Formiae till the 6th of May. If you don't Come there by that day, I shall perhaps see you at Rome. For why should I invite you to Arpinum? A rugged soil, yet nurse of hardy sons:
No dearer land can e'er my eyes behold.
So much for this. Take care of your health.

LETTER 12

TO ATTICUS (AT ROME) TRES TABERNAE, 19 APRIL

Are they going to deny that Publius has been made a plebeian? This is indeed playing the king, and is utterly intolerable. Let Publius send some men to witness and seal my affidavit: I will take an oath that my friend Gnaeus,

the colleague of Balbus, told me at Antium that he had been present as augur to take the auspices. Two delightful letters from you delivered at the same time! For which I do not know what I am to pay you by way of reward for good news. That I owe you for them I candidly confess. But observe the coincidence. I had just made my way from Antium on to the via Appia at Three Taverns, on the very day of the Cerealia (19th April), when my friend Curio meets me on his way from Rome. At the same piace and the same moment comes a slave from you with letters. The former asked me whether I hadn't heard the news? I said, "No." "Publius," says he, "is a candidate for the tribuneship." "You don't mean it?" "Yes, I do," says he, "and at daggers drawn with Caesar. His object is to rescind his acts." "What says Caesar?" said I. "He denies having proposed any lex for his adoption." Then he poured forth about his own hatred, and that of Memmius and Metellus Nepos. I embraced the youth and said good-bye to him, hastening to your letters. A fig for those who talk about a "living voice"! What a much clearer view I got of what was going on from your letters than from his talk! About the current rumours of the day, about the designs of Publius, about "Iuno's" trumpet calls, about Athenio who leads his roughs, about his letter to Gnaeus, about the conversation of Theophanes and Memmius. Besides, how eager you have made me to hear about the "fast" dinner party which you mention! I am greedy in curiosity, yet I do not feel at all hurt at your not writing me a description of the symposium: I would rather hear it by word of mouth. As to your urging me to write something, my material indeed is growing, as you say, but the whole is still in a state of fermentation—"new wine in the autumn." when the liquor has settled down and become clarified, I shall know better what to write.

And even if you cannot get it from me at once, you shall be the first to have it: only for some time you must keep it to yourself. You are quite right to like Dicaearchus; he is an excellent writer, and a much better citizen than these rulers of ours who reverse his name. I write this letter at four o'clock in the afternoon of the Cerealia (12th April), immediately after reading yours, but I shall despatch it, I think, tomorrow, by anyone I may chance to meet on the road. Terentia is delighted with your letter, et Ciceron le philosopite salue Titus l'homme d'Žtat."

LETTER 13

TO ATTICUS (AT ROME) FORMIAE, APRIL

What an abominable thing! No one gave you my letter written on the spot at Three Taverns in answer to your delightful letters! But the fact is that the packet into which I had put it arrived at my town house on the same day as I wrote it, and has been brought back to me to Formiae. Accordingly, I have directed the letter meant for you to be taken back again, to show you how pleased I was with yours. So you say that the talk has died out at Rome! I thought so: but, by Hercules, it hasn't died out in the country, and it has come to this, that the very country can't stand the despotism you have got at Rome. When you come to "Laestrygonia of the distant gates" — I mean Formiae — what loud murmurs! what angry souls! what unpopularity for our friend Magnus! His surname is getting as much out of fashion as the "Dives" of Crassus. Believe me, I have met no one here to take the present state of things as quietly as I do. Wherefore, credit me, let us stick to philosophy. I am ready to take my oath that there is nothing to beat it. If you have a despatch to send to the Sicyonians, make haste to Formiae, whence I think of going on the 6th of May.

LETTER 14

TO ATTICUS (AT ROME) FORMIAE, APRIL

How you rouse my curiosity as to what Bibulus says, as to your conversation with "Iuno," and even as to your "fast" dinner party! Therefore make haste to come, for my ears are thirsty for news. However, there is nothing which I think is now more to be dreaded by me than that our dear Sampsiceramus, finding himself belaboured by the tongues of all, and seeing these proceedings easy to upset, should begin striking out. For myself, I have so completely lost all nerve, that I prefer a despotism, with the existing peace, to a state of war with the best hopes in the world. As to literary composition, to which you frequently urge me, it is impossible! My house is a basilica rather than a villa, owing to the crowds of visitors from Formiae. But (you'll say) do I really compare the Aemilian tribe to the crowd in a basilica? Well, I say nothing about the common ruck —

the rest of them don't bother me after ten o'clock: but C. Arrius is my next door neighbour, or rather, he almost lives in my house, and even declares that the reason for his not going to Rome is that he may spend whole days with me here philosophizing! And then, lo and behold, on my other side is Sebosus, that friend of Catulus! Which way am I to turn? By heaven, I would start at once for Arpinum, only that I see that the most convenient place to await your visit is Formiae: but only up to the 6th of May! For you see with what bores my ears are pestered. What a splendid opportunity, with such fellows in the house, if anyone wanted to buy my Formian property! And in spite of all this am I to make good my words, "Let us attempt something great, and requiring much thought and leisure"? However, I will do something for you, and not spare my labour.

LETTER 15

TO ATTICUS (AT ROME) FORMIAE, APRIL

As you say, things are as shifting (I see) in public affairs as in your letter; still, that very variety of talk and opinion has a charm for me. For I seem to be at Rome when I am reading your letter, and, as is the regular thing in questions of such importance, to hear something first on one side and then on the other. But what I can't make out is this — what he can possibly hit upon to settle the land question without encountering opposition. Again, as to Bibulus's firmness in putting off the comitia, it only conveys the expression of his own views, without really offering any remedy for the state of the Republic. Upon my word, my only hope is in Publius!

Let him become, let him become a tribune by all means, if for no other reason, yet that you may be brought back from Epirus! For I don't see how you can possibly afford to miss him, especially if he shall elect to have a wrangle with me! -But, seriously, if anything of the sort occurs, you would, I am certain, hurry back. But even supposing this not to be the case, yet whether he runs. amuck or helps to raise the state, I promise myself a fine spectacle, if only I may enjoy it with you sitting by my side. Just as I was writing these words, enter Sebosus! I had scarcely got out a sigh when "Good day," says Arrius. This is what you call going out of town! I shall really be off to My native mountains and my childhood's haunts. In fine, if I can't be alone I would rather be with downright countryfolk than with such ultra-cockneys. However, I shall, since you don't say anything for certain, wait for you up to the 5th of May. Terentia is much pleased with the attention and care you have bestowed on her controversy with Mulvius. She is not aware that you are supporting the common cause of all holders of public land. Yet, after all, you do pay something to the publicani; she declines to pay even that, and, accordingly, she and Cicero — most conservative of boys — send their kind regards.

LETTER 16

TO ATTICUS (AT ROME) FORMIAE, 29 APRIL

On the day before the Kalends of May, when I had dined and was just going to sleep, the letter was delivered to me containing your news about the Campanian land. You needn't ask: at first it gave me such a shock that there was no more sleep for me, though that was the result of thought rather than pain. On refection, however, the following ideas occurred to me. In the first place, from what you had said in your previous letter—"that you had heard from a friend of his that a proposal was going to be made which would satisfy everybody" — I had feared some very sweeping measure, but I don't think this is anything of the sort. In the next place, by way of consolation, I persuaded myself that the hope of a distribution of land is now all centred on the Campanian territory. That land cannot support more than 5,000, 50 as to give ten iugera apiece: the rest of the crowd of expectants must necessarily be alienated from them. Besides, if there is anything that more than another could inflame the feeling of the aristocrats, who are, I notice, already irritated, it is this; and all the more that with port-dues in Italy abolished, and the Campanian land divided, what home revenue is there except the five per cent. on manumissions? And even that, I think, it will only take a single trumpery harangue, cheered by our lackeys, to throw away also. What our friend Gnaeus can be thinking of I can't imagine —

For still he blows, and with no slender pipe,
But furious blasts by no mouth-band restrained

to be induced to countenance such a measure as that. For hitherto he has fenced with these questions: "he approved Caesar's laws, but Caesar must be responsible for his proceedings in carrying them"; "he himself was satisfied with the agrarian law"; "whether it could be vetoed by a tribune or no was nothing to do with him"; "he thought the time had come for the business of the Alexandrine king to be settled"; "it was no business of his to inquire whether Bibulus had been watching the sky on that occasion or no"; "as to the publicani he had been willing to oblige that order"; "what was going to happen

if Bibulus came down to the forum at that time he could not have guessed." But now, my Sampsiceramus, what will you say to this? That you have secured us a revenue from the Antilibanus and removed that from the Campanian land? Well, how do you mean to vindicate that? "I shall coerce you," says he, "by means of Caesar's army." You won't coerce me, by Hercules, by your army so much as by the ingratitude of the so-called boni who have never made me any return, even in words, to say nothing of substantial rewards. But if I had put out my strength against that coterie, I should certainly have found some way of holding my own against them. As things are, in view of the controversy between your friend Dicaearchus and my friend Theophrastus — the former recommending the life of action, the latter the life of contemplation — I think I have already obeyed both. For as to Dicaearchus, I think I have satisfied his requirements; at present my eyes are fixed on the school which not only allows of my abstaining from business, but blames me for not having always done so. Wherefore let me throw myself, my dear Titus, into those noble studies, and let me at length return to what I ought never to have left. As to what you say about Quintus's letter, when he wrote to me he was also "in front a lion and behind a —— ." I don't know what to say about it; for in the first lines of his letter he makes such a lamentation over his continuance in his province, that no one could help being affected: presently he calms down sufficiently to ask me to correct and edit his Annals. However, I would wish you to have an eye to what you mention, I mean the duty on goods transferred from port to port. He says that by the advice of his council he has referred the question to the senate. He evidently had not read my letter, in which after having considered and investigated the matter, I had sent him a written opinion that they were not payable. If any Greeks have already arrived at Rome from Asia on that business, please look into it and, if you think it right, explain to them my opinion on the subject. If, to save the good cause in the senate, I can retract, I will gratify the publicani: but if not, to be plain with you, I prefer in this matter the interests of all Asia and the merchants; for it affects the latter also very seriously. I think it is a matter of great importance to us. But you will settle it. Are the quaestors, pray, still hesitating on the cistophorus question? If nothing better is to be had, after trying

everything in our power, I should be for not refusing even the lowest offer. I shall see you at Arpinum and offer you country entertainment, since you have despised this at the seaside.

LETTER 17

TO ATTICUS (AT ROME) FORMIAE, MAY

I QUITE agree with your letter. Sampsiceramus is getting up a disturbance. We have everything to fear. He is preparing a despotism and no mistake about it: For what else is the meaning of that sudden marriage union, the Campanian land affair, the lavish expenditure of money? If these measures were final, even then the mischief had been very great; but the nature of the case makes finality impossible. For how could these measures possibly give them any pleasure in themselves? They would never have gone so far as this unless they had been paving the way for other fatal steps. Immortal Gods!-But, as you say, at Arpinum about the 10th of May we will not weep over these questions, lest the hard work and midnight oil I have spent over my studies shall turn out to have been wasted, but discuss them together calmly. For I am not so much consoled by a sanguine disposition as by philosophic "indifference," which I call to my aid in nothing so much as in our civil and political business. Nay, more, whatever vanity or sneaking love of reputation there is lurking in me — for it is well to know one's faults — is tickled by a certain pleasurable feeling. For it used to sting me to the heart to think that centuries hence the services of Sampsiceramus to the state would loom larger than my own. That anxiety, at least, is now put to rest. For he is so utterly fallen that, in comparison with him, Curius might seem to be standing erect after his fall. But all this when we meet. Yet, as far as I can see, you will be at Rome when I come. I shall not be at all sorry for that, if you can conveniently manage it. But if you come to see me, as you say in your letter, I wish you would fish out of Theophanes how "Arabarches" is disposed to me. You will, of course, inquire with your usual zeal, and bring me the result to serve as a kind of suggestion for the line of conduct I am to adopt. From his conversation we shall be able to get an inkling of the whole situation.

LETTER 18

TO ATTICUS (ON HIS WAY TO EPIRUS) ROME

I have received several letters from you, which showed me with what eagerness and anxiety you desired to know the news. We are bound hard and fast on every side, and are no longer making any difficulty as to being slaves, but fearing death and exile as though greater evils, though they are in fact much smaller ones. Well, this is the position-one unanimously groaned over, but not relieved by a word from anyone. The object, I surmise, of the men in power is to leave nothing for anyone to lavish. The only man who opens his mouth and openly disapproves is the young Curio. He is loudly cheered, and greeted in the forum in the most complimentary manner, and many other tokens of goodwill are bestowed on him by the loyalists; while Fufius is pursued with shouts, jeers, and hisses. From such circumstances it is not hope but indignation that is increased, for you see the citizens allowed to express their sentiments, but debarred from carrying them out with any vigour. And to omit details, the upshot is that there is now no hope, I don't say of private persons, but even of the magistrates being ever free again. Nevertheless, in spite of this policy of repression,

conversation, at least in society and at dinner tables, is freer than it was. Indignation is beginning to get the better of fear, though that does not prevent a universal feeling of despair. For this Campanian law contains a cause imposing an oath to be taken by candidates in public meeting, that they will not suggest any tenure of public land other than that provided in the Julian laws. All the others take the oath without hesitation: Laterensis is considered to have shown extraordinary virtue in retiring from his canvass for the tribuneship to avoid the oath. But I don't care to write any more about politics. I am dissatisfied with myself, and cannot write without the greatest pain. I hold my own position with some dignity, considering the general repression, but considering my achievements in the past, with less courage than I should like. I am invited by Caesar in a very gentlemanly manner to accept a legation, to act as legatus to himself,

and even an “open votive legation” is offered me. But the latter does not give sufficient security, since it depends too much on the scrupulousness of Pulchellus and removes me just when my brother is returning; the former offers better security and does not prevent my returning when I please. I am retaining the latter, but do not think I shall use it. However, nobody knows about it. I don’t like running away; I am itching to fight. There is great warmth of feeling for me. But I don’t say anything positive: you will please not to mention it. I am, in fact, very anxious about the manumission of Statius and some other things, but I have become hardened by this time. I could wish, or rather ardently desire, that you were here: then I should not want advice or consolation. But anyhow, be ready to fly hither directly I call for you.

LETTER 19

TO ATTICUS (IN EPIRUS) ROME (JULY)

I have many causes for anxiety, both from the disturbed state of politics and from the personal dangers with which I am threatened. They are very numerous; but nothing gives me more annoyance than the manumission of Statius: "To think that he should have no reverence for my authority! But of authority I say nothing — that he should have no fear of a quarrel with me, to put it mildly But what I am to do I don't know, nor indeed is there so much in the affair as you would think from the talk about it. For myself, I am positively incapable of being angry with those I love deeply. I only feel vexed, and that to a surprising degree. Other vexations are on really important matters. The threats of Clodius and the conflicts before me touch me only slightly. For I think I can either confront them with perfect dignity or decline them without any embarrassment. You will say, perhaps, "Enough of dignity, like the proverb, 'Enough of the oak': an you love me, take thought for safety!" Ah, dear me, dear me, why are you not here? Nothing, certainly, could have escaped you. I, perhaps, am somewhat blinded, and too much affected by my high ideal. I assure you there never was anything so scandalous, so shameful, so offensive to all sorts, Conditions and ages of men alike, as the present state of affairs. It is more so, by Hercules, than I could have wished, but not more than I had expected. Your populares have now. taught even usually quiet men to hiss. Bibulus is praised to the skies: I don't know why, but he has the same sort of applause as his Who by delays restored alone our State.

Pompey — the man I loved — has, to my infinite sorrow, ruined his own reputation They hold no one by affection, and I fear they will be forced to use terror. I, however, refrain from hostility to their cause owing to my friendship for him, and yet I cannot approve, lest I should stultify my own past. The feeling of the people was shown as clearly as possible in the theatre and at the shows. For at the gladiators both master and supporters were overwhelmed with hisses. At the games of Apollo the actor Diphilus made a pert allusion to

Pompey, in the words: By our misfortunes thou art — Great.
He was encored countless times. When he delivered the line, The time will come when thou wilt deeply mourn
That self-same valour,
the whole theatre broke out into applause, and so on with the rest. For the verses do seem exactly as though they were written by some enemy of Pompey's to hit the time. "If neither laws nor customs can control," etc., caused great sensation and loud shouts. Caesar having entered as the applause died away, he was followed by the younger Curio. The latter received an ovation such as used to be given to Pompey when the constitution was still intact. Caesar was much annoyed. A despatch is said to have been sent flying off to Pompey at Capua. They are offended with the equites, who rose to their feet and cheered Curio, and are at war with everybody. They are threatening the Roscian law, and even the corn law. There has been a great hubbub altogether. For my part, I should have preferred their doings being silently ignored; but that, I fear, won't be allowed. Men are indignant at what nevertheless must, it seems, be put up with. The whole people have indeed now one voice, but its strength depends rather on exasperation than anything to back it up. Furthermore, our Publius is threatening me: he is hostile, and a storm is hanging over my head which should bring you post haste to town. I believe that I am still firmly supported by the same phalanx of all loyal or even tolerably loyal men which supported me when consul. Pompey displays no common affection for me. He also asserts that Clodius is not going to say a word about me. In which he is not deceiving me, but is himself deceived. Cosconius having died, I am invited to fill his place. That would indeed be a case of "invited to a dead man's place." I should have been beneath contempt in the eyes of the world, and nothing could be conceived less likely to secure that very "personal safety" of which you speak. For those commissioners are disliked by the loyalists, and so I should have retained my own unpopularity with the disloyal, with the addition of that attaching to others. Caesar wishes me to accept a legateship under him. This is a more honourable method of avoiding the danger. But I don't wish to avoid it. What do I want, then? Why, I prefer fighting. However, I have not made up my mind. Again I say, Oh that you were here!

However, if it is absolutely necessary I will summon you. What else is there to say? What else? This, I think: I am certain that all is lost. For why mince matters any longer? But I write this in haste, and,

by Hercules, in rather a nervous state. On some future occasion I will either write to you at full length, if I find a very trustworthy person to whom to give a letter, or if I write darkly you will understand all the same. In these letters I will be Laelius, you Furius; the rest shall be in riddles. Here I cultivate Caecilius, and pay him assiduous attention. I hear Bibulus's edicts have been sent to you. Our friend Pompey is hot with indignation and wrath at them.

LETTER 20

TO ATTICUS (IN EPIRUS) ROME (JULY)

I have done everything I could for Anicatus, as I understood was your wish. Numestius, in accordance with your earnestly expressed letter, I have adopted as a friend. Caecilius I look after diligently in all ways possible. Varro does all I Could expect for me. Pompey loves me and regards me as a dear friend. “Do you believe that?” you will say. I do: he quite Convinces me. But seeing that men of the world in all histories, precepts, and even verses, are for ever bidding one be on one’s guard and forbidding belief, I carry out the former —” to be on my guard “ — the latter—” to disbelieve “ — I cannot carry out. Clodius is still threatening me with danger. Pompey asserts that there is no danger. He swears it. He even adds that he will himself be murdered by him sooner than I injured.

The negotiation is going on. As soon as anything is settled I will write you word. If I have to fight, I will summon you to share in the work. If I am let alone, I won’t rout you out of your “Amaltheia.” About politics I will write briefly: for I am now afraid lest the very paper should betray me. Accordingly, in future, if I have anything more to write to you, I shall clothe it in covert language. For the present the state is dying of a novel disorder for although everybody disapproves of what has been done, complains, and is indignant about it, and though there is absolutely no difference of opinion on the subject, and people now speak openly and groan aloud, yet no remedy is applied: for we do not think resistance possible without a general slaughter, nor see what the end of concession is to be except ruin. Bibulus is exalted to the skies as far as admiration and affection go. His edicts and speeches are copied out and read. He has reached the summit of glory in a novel way. There is now nothing so popular as the dislike of the popular party. I have my fears as to how this will end. But if I ever see my way clearly in anything, I will write to you more explicitly. For yourself, if you love me as much as I am sure you do, take care to be ready to come in all haste as soon as I call for you. But I do my best, and shall do so, to make it unnecessary. I said

I would call you Furius in my letters, but it is not necessary to change your name. I'll call myself Laelius and you Atticus, but I will use neither my own hand-writing nor seal, if the letter happens to be such as I should not wish to fall into the hands of a stranger. Diodotus is dead; he has left me perhaps 1,000 sestertia. Bibulus has postponed the elections to the 18th of October, in an edict expressed in the vein of Archilochus. I have received the books from Vibius: he is a miserable poet, but yet he is not without some knowledge nor wholly useless. I am going to copy the book out and send it back.

LETTER 21

TO ATTICUS (IN EPIRUS) ROME (JULY)

Why should I write to you on the Republic in detail? It is utterly ruined; and is, so far, in a worse state than when you left it, that then a despotism seemed to be oppressing it which was popular with the multitude, and though offensive to the loyalists, yet short of actual mischief; but now all on a sudden they have become so universally hated, that I tremble to think what will be the end of it. For we have had experience of those men's resentment and violence, who have ruined everything in their anger against Cato; yet they were employing such slow poisons, that it seemed as though our end might be painless. Now, however, I fear they have been exasperated by the hisses of the crowd, the talk of the respectable classes, and the murmurs of Italy. For my part, I was in hopes, as I often used actually to say to you, that the wheel of the state chariot had made its revolution with scarcely any noise and leaving scarcely any visible rut; and it would have been so, if people could only have waited till the storm had blown over. But after sighing in secret for a long time they all began, first to groan, and at last to talk and shout. Accordingly, that friend of ours, unaccustomed to being unpopular, always used to an atmosphere of praise, and revelling in glory, now disfigured in body and broken in spirit, does not know which way to turn; sees that to go on is dangerous, to return a betrayal of vacillation; has the loyalists his enemies, the disloyal themselves not his friends. Yet see how soft-hearted I am. I could not refrain from tears when, on the 25th of July, I saw him making a speech on the edicts of Bibulus. The man who in old times had been used to bear himself in that place with the utmost confidence and dignity, surrounded by the warmest affection of the people, amidst universal favour — how humble, how cast down he was then! How ill-content with himself, to say nothing of how unpleasing to his audience! Oh, what a spectacle! No one could have liked it but Crassus — no one else in the world! Not I, for considering his headlong descent from the stars, he seemed to me have lost his footing rather than to have

been deliberately following a path; and, as Apelles, if he had seen his Venus, or Protogenes his Ialysus daubed with mud, would, I presume, have felt great sorrow, so neither could I behold without great sorrow a man, portrayed and embellished with all the colours of my art, suddenly disfigured. Although no one thought, in view of the Clodius business, that I was bound to be his friend, yet so great was my affection for him, that no amount of injury was capable of making it run dry. The result is that those Archilochian edicts of Bibulus against him are so popular, that one can't get past the place where they are put up for the crowd of readers, and so deeply annoying to him-self that he is pining with vexation. To me, by Hercules, they are distressing, both because they give excessive pain to a man whom I have always loved, and because I fear lest one so impulsive and so quick to strike, and so unaccustomed to personal abuse, may, in his passionate resentment, obey the dictates of indignation and anger. I don't know what is to be the end of Bibulus. As things stand at present he is enjoying a wonderful reputation. For on his having postponed the comitia to October, as that is a measure which is always against the popular feeling, Caesar had imagined that the assembly could be induced by a speech of his to go to Bibulus's house; but after a long harangue full of seditious suggestions, he failed to extract a word from any-one. In short, they feel that they do not possess the cordial goodwill of any section: all the more must we fear some act of violence. Clodius is hostile to us. Pompey persists in asserting that he will do nothing against me. It is risky for me to believe that, and I am preparing myself to meet his attack. I hope to have the warmest feelings of all orders on my side. I have personally a longing for you, and circumstances also demand your presence at that time. I shall feel it a very great addition to my policy, to my courage, and, in a word, to my safety, if I see you in time. Varro does all I can expect. Pompey talks like an angel. I have hopes that I shall come off with flying colours, or at any rate without being molested. Be sure and tell me how you are, how you are amusing yourself, and what settlement you have come to with the Sicyonians.

LETTER 22

TO ATTICUS (IN EPIRUS) ROME (JULY)

How I wished you had stayed at Rome! I am sure you would have stayed if you had foreseen what was going to happen. For then we should have had no difficulty in keeping "Pulchellus" in order, or at least should have known what he was going to do. As things are, he darts about, talks like a madman, never sticks to anything: threatens now this one and now that: seems likely, in reality, to do whatever turns up. When he sees how unpopular the present state of things is, he seems to intend an attack upon the authors of it; but when he again recalls their power and armies, he transfers his hostility to the loyalists. Me personally he threatens at one time with violence, at another with impeachment. With him Pompey has remonstrated, and, as he tells me himself — for I have no other evidence — has urgently remonstrated, pointing out that he would himself lie under the extreme imputation of perfidy and unprincipled conduct, if any danger to me were created by the man whom he had himself armed by acquiescing in his becoming a plebeian: that both he and Appius had pledged themselves in regard to me: if Clodius did not respect that, he should show such annoyance that everyone would understand that he valued my friendship above everything. Having said this and much else to the same effect, he told me that the fellow at first argued against it at great length and for a long time, but eventually gave way and declared that he would do nothing against his wishes. Nevertheless, he has not ceased since then speaking of me with the greatest bitterness. But even if be had not done so, I should have felt no confidence in him, but should have been making every preparation, as in fact I am doing. As it is, I am so conducting myself that every day the affections of people towards me and the strength of my position are enhanced. I don't touch politics in any shape or way; I employ myself with the greatest assiduity in pleading causes and in my regular forensic business. And this I feel is extremely gratifying, not only to those who enjoy my services, but also to the people generally. My house is crowded; I am met by

processions; the memory of my consulship is renewed; men's feelings are clearly shown: my hopes are so raised, that the struggle hanging over me seems at times one from which I need not shrink. Now is the time that I need your advice, your love and fidelity. Wherefore come post haste! Everything will be easy for me if I have you. I can carry on many negotiations through our friend Varro, which will be on firmer ground with you to back them up; a great deal can be elicited from Publius himself, and be brought to my knowledge, which cannot possibly be kept concealed from you; a great deal also — but it is absurd to enumerate particulars, when I want you for everything. I would like you to be convinced of this above all, that everything will be simplified for me if I see you: but it all turns on this coming to pass before he enters on his office. I think that if you are here while Crassus is egging on Pompey — as you can get out of Clodius himself, by the agency of "Iuno," how far they are acting in good faith — we shall escape molestation, or at any rate not be left under a delusion. You don't stand in need of entreaties or urgency from me. You understand what my wish is, and what the hour and the importance of the business demand. As to politics, I can tell you nothing except that everybody entertains the greatest detestation for those who are masters of everything. There is, however, no hope of a change. But, as you easily understand, Pompey himself is discontented and extremely dissatisfied with himself. I don't see Clearly what issue to expect: but Certainly such a state of affairs seems likely to lead to an outbreak of some sort. Alexander's books — a careless writer and a poor poet, and yet not without some useful information — I have sent back to you. I have had pleasure in admitting Numerius Numestius to my friendship, and I find him a man of character and good sense, worthy of your recommendation.

LETTER 23

TO ATTICUS (IN EPIRUS) ROME (JULY OR AUGUST)

I don?t think you have ever before read a letter of mine not written by my own hand. You will be able to gather from that how I am distracted with business. For as I had not a moment to spare and was obliged to take a walk in order to refresh my poor voice, I have dictated this while walking. The first thing, then, which I wish you to know is that our friend "Sampsiceramus? is exceedingly dissatisfied with his position, and desires to be restored to the place from which he has fallen; that he confides his annoyance to me, and is without disguise seeking for a remedy — which I don't think can be found. The second thing is that all on that side, whether promoters or mere hangers-on, are falling out of fashion, though no one opposes them: there never was a greater unanimity of feeling or talk everywhere. For myself (for I am sure you wish to know it) I take part in no political deliberations, and have devoted myself entirely to my forensic business and work. Thereby, as may easily be understood, I have frequent occasion to refer to my past achievements and to express my regret. But the brother of our "Iuno" is giving utterance to all kinds of alarming threats, and, while disclaiming them to "Sampsiceramus," makes an open avowal and parade of them to others. Wherefore, loving me as much as I know you do, if you are asleep, wake up; if you are standing, start walking; if you are walking, set off running; if you are running, take wings and fly. You can scarcely believe how much I confide in your advice and wisdom, and above all in your affection and fidelity. The importance of the interests involved perhaps demands a long disquisition, but the close union of our hearts is contented with brevity. It is of very great importance to me that, if you can't be at Rome at the elections, you should at least be here after his election is declared. Take care of your health.

LETTER 24

TO ATTICUS (IN EPIRUS) ROME (JULY OR AUGUST)

In the letter which I delivered to Numestius I begged you to come back, in the most urgent and vehement terms it was possible to use. To the speed which I then enjoined even add something if you possibly can. And yet do not be agitated, for I know you well, and am not ignorant of "how love is all compact of thought and fear." But the matter, I hope, is going to be less formidable in the end than it was at its beginning. That fellow Vettius, our old informer, promised Caesar, as far as I can make out, that he would secure young Curio being brought under some suspicion of guilt. Accordingly, he wormed his way into intimacy with the young man, and having, as is proved, often met him, at last went the length of telling him that he had resolved by the help of his slaves to make an attack upon Pompey and assassinate him. Curio reported this to his father, the latter to Pompey. The matter was reported to the senate. Vettius, on being brought in, at first denied that he had ever had any appointment with Curio. However, he did not long stick to that, but immediately Claimed the protection of the state as giving information. There was a shout of "no" to this but he went on to state that there had been a confederacy of young men under the leadership of Curio, to which Paullus had at first belonged, and Q. Caepio (I mean Brutus) and Lentulus, son of the flamen, with the privity of his father: that afterwards C. Septimius, secretary to Bibulus, had brought him a dagger from Bibulus. That made the whole thing ridiculous, as though Vettius would have been at a loss for a dagger unless the consul had given him one; and it was all the more scouted because on the 5th of May Bibulus had told Pompey to be on his guard against plots; on which occasion Pompey had thanked him. Young Curio, being brought into the senate, spoke in answer to the allegations of Vettius; and on this particular occasion the strongest thing against Vettius was his having said that the plan of the young men was to attack Pompey in the forum, with the help of Gabinius's gladiators, and that in this the ring-leader was Paullus,

who was ascertained to have been in Macedonia at that time. A decree of the senate is passed that " Vettius, having confessed to having 'worn a dagger,' should be cast into prison; that anyone releasing him would be guilty of treason to the state." The opinion generally held is that the whole affair had been arranged. Vettius was to be caught in the forum with a dagger, and his slaves also with weapons, and he was then to offer to lay an information; and this would have been carried out, had not the Curios given Pompey previous information. Presently the decree of the senate was read in public assembly. Next day, however, Caesar — the man who formerly as praetor had bidden Q. Catulus speak on the ground below — now brought Vettius on to the rostra, and placed him on an elevation to which Bibulus, though consul, was prevented from aspiring. Here that fellow said exactly what he chose about public affairs, and, having come there primed and instructed, first struck Caepio's name out of his speech, though he had named him most emphatically in the senate, so that it was easy to see that a night and a nocturnal intercession had intervened: next he named certain men on whom he had not cast even the slightest suspicion in the senate: L. Lucullus, by whom he said that C. Fannius was usually sent to him — the man who on a former occasion had backed a prosecution of Clodius; L. Domitius, whose house had been agreed on as the headquarters of the Conspirators. Me he did not name, but he said that "an eloquent consular, who lived near the consul, had said to him that there was need of some Servilius Ahala or Brutus being found." He added at the very end, on being recalled by Vatinius after the assembly had been dismissed, that he had been told by Curio that my son-in-law Piso was privy to these proceedings, as M. Laterensis also. At present Vettius is on trial for "violence" before Crassus Dives, and when condemned he intends to claim the impunity of an informer; and if he obtains that, there seem likely to be some prosecutions. I don't despise the danger, for I never despise any danger, but neither do I much fear it. People indeed show very great affection for me, but I am quite tired of life: such a scene of misery is it all. It was only the other day that we were fearing a massacre, which the speech of that gallant old man Q. Considius prevented: now this one, which we might have feared any day, has suddenly

turned up. In short, nothing can be more unfortunate than I, or more fortunate than Catulus, both in the splendour of his life and in the time of his death. However, in the midst of these miseries I keep my spirit erect and undismayed, and maintain my position in a most dignified manner and with great caution. Pompey bids me have no anxiety about Clodius, and shows the most cordial goodwill to me in everything he says. I desire to have you to suggest my policy, to be the partner in my anxieties, and to share my every thought. Therefore I have commissioned Numestius to urge you, and I now entreat you with the same or, if possible, greater earnestness, to literally fly to us. I shall breathe again when I once see you.

LETTER 25

TO ATTICUS (IN EPIRUS) ROME (JULY OR AUGUST)

When I have praised any one of your friends to you I should like you tell him that I have done so. For instance, you know I lately wrote to you about Varro's kindness to me, and that you wrote me back word that the circumstance gave you the greatest delight. But I should have preferred your writing to him and saying that he was doing all I could expect — not because he was, but in order that he might do so. For he is a man of astonishing whims, as you know, "tortuous and no wise — ."

But I stick to the rule "Follies of those in power," etc.
But, by Hercules, that other friend of yours, Hortalus — with what a liberal hand, with what candour, and in what ornate language has he praised me to the skies, when speaking of the praetorship of Flaccus and that incident of the Allobroges. I assure you nothing could have been more affectionate, complimentary, or more lavishly expressed. I very much wish that you would write and tell him that I sent you word of it. Yet why write? I think you are on your way and are all but here. For I have urged you so strongly to come in my previous letters. I am expecting you with great impatience, longing for you very much; nor do I call for you more than circumstances themselves and the state of the times. Nothing can be more desperate than the position of politics, nothing more unpopular than the authors of it. I — as I think, hope, and imagine — am safe behind a rampart of goodwill of the strongest kind. Wherefore fly to me: you will either relieve me from all annoyance or will share it. My letter is all the shorter because, as I hope, I shall be able in a very short time to talk over what I want to say face to face. Take care of your health.

BOOK 3

LETTER 1

TO ATTICUS (AT ROME) FROM THE NEIGHBOURHOOD OF THURIUM, ON THE WAY TO BRUNDISIUM, APRIL

I always thought that it was of great importance to me that you should be with me: but when I read the bill, then, indeed, I understood that there could be nothing more desirable for me than that you should overtake me as soon as possible, in order that, if after quitting Italy I should have to travel through Epirus, I might avail myself of your protection and that of your friends; or, if I had to adopt any other plan, I might come to some definite resolution in accordance with your opinion. Wherefore I beg you to do your best to overtake me promptly, which will be easier for you to do since the law about the province of Macedonia has now been passed. I would urge you at greater length were it not that with you facts speak for me.

LETTER 2

TO ATTICUS (AT ROME) NARES LUCANAE, APRIL

THE reason for having come this journey is that there was no place where I could be independent except on Sica's estate, especially till the bill is emended, and at the same time because I find that from this spot I can reach Brundisium, if you were only with me, but without you I cannot stay in those parts owing to Autronius. At present, as I said in my previous letter, if you will come to me, we shall be able to form a plan for the whole business. I know the journey is troublesome, but the whole Calamity is full of troubles. I Cannot write more, I am so heart-broken and dejected. Take Care of your health. From Nares Lucanae, 8 April.

LETTER 3

TO ATTICUS (AT ROME) Vibo, APRIL

I hope I may see the day when I shall thank you for having Compelled me to remain alive! At present I thoroughly repent it. But I beg you to come and see me at Vibo at once, to which town I have for several reasons directed my journey. But if you will only come there, I shall be able to consult you about my entire journey and exile. If you don't do so, I shall be surprised, but I feel sure you will.

LETTER 4

TO ATTICUS (AT ROME) NEAR VIBO, APRIL

I HOPE you will attribute my sudden departure from Vibo, whither I had asked you Come, to my unhappiness rather than to fickleness. A Copy of the bill for my ruin was brought to me, in which the correction of which I had been told was to the effect that I might legally remain anywhere beyond 400 miles. Since I was not allowed to go yonder, I set out towards Brundisium before the day for carrying the bill had come, both to prevent Sica, in whose house I was staying, from being ruined, and because I was prevented from residing at Malta. So now make haste to catch me up, if only I shall find any welcome there. At present I receive kind invitations. But about the rest of my journey I am nervous. Truly, my dear Pomponius, I am very sorry I consented to live: in which matter you exercised the chief influence with me. But of these things when we meet. Only be sure and come.

LETTER 5

TO ATTICUS (AT ROME) THURIUM, 10 APRIL

Terentia thanks you frequently and very warmly. That is a great comfort to me. I am the most miserable man alive, and am being worn out with the most poignant sorrow. I don't know what to write to you. For if you are at Rome, it is now too late for you to reach me; but if you are on the road, we shall discuss together all that needs to be discussed when you have overtaken me. All I ask you is to retain the same affection for me, since it was always myself you loved. For I am the same man: my enemies have taken what was mine, they have not taken myself. Take Care of your health.

From Thurium, 10 April.

LETTER 6

TO ATTICUS (AT ROME) ON THE WAY TO TARENTUM, IS APRIL

I had felt certain of seeing you at Tarentum or Brundisium, and that was of importance to me in many respects: among others, as to my being able to stay in Epirus and consult you about the future. My disappointment in this is only another item in the long list of my misfortunes. I mean to go to Asia, to Cyzicus for choice. I commend my family to you. I am very wretched and can scarcely support my life. From near Tarentum, 17 April.

LETTER 7

TO ATTICUS (AT ROME) BRUNDISIUM, 29 APRIL

I ARRIVED at Brundisium on the 17th of April. On that day your slaves delivered me your letter, and some other slaves, on the next day but one, brought me another. As to your invitation and advice to stay at your house in Epirus, your kindness is most gratifying, and far from being a novelty. It is a plan that would have exactly suited my wishes, if I might have spent all my time there: for I loathe a crowd of visitors, I can scarcely bear the light, and that solitude, especially in a spot so familiar, would have been the reverse of disagreeable. But to put up there as a mere stage in my journey! In the first place it is far out of my way, and in the next it is only four days from Autronius and the rest, and in the third place you are not there. Had I been going to reside permanently, a fortified castle would have been an advantage, but to one only passing through it is unnecessary. Why, if I had not been afraid, I should have made for Athens -there were circumstances that made me much wish to go — but as it is, I have enemies in the neighbourhood, you are not there, and I fear they might hold even that town not to be the legal distance from Italy, nor do you mention by what day I am to expect you. As to your urging me to remain alive, you Carry one point — that I should not lay violent hands upon myself: the other you cannot bring to pass — that I should not regret my policy and my continuance in life. For what is there to attach me to it, especially if the hope which accompanied me on my departure is nonexistent? I will not attempt to enumerate all the miseries into which I have fallen through the extreme injustice and unprincipled conduct, not so much of my enemies, as of those who were jealous of me, because I do not wish to stir up a fresh burst of grief in myself, or invite you to share the same sorrow. I say this deliberately — that no one was ever afflicted with so heavy a calamity, that no one had ever greater cause to wish for death; while I have let slip the time when I might have sought it most creditably. Henceforth death can never heal, it can only end my sorrow. In politics I perceive that you collect all circumstances that

you think may inspire me with a hope of a change: and though they are insignificant, yet, since you will have it so, let us have patience. In spite of what you say, you will catch us up if you make haste. For I will either come into Epirus to be near you, or I will travel slowly through Candavia. My hesitation about Epirus is not caused by vacillation on my part, but by the fact that I do not know where I am likely to see my brother. As to him, I neither know how I am to see him, nor how I shall let him go. That is the greatest and most distressing of all my distresses. I would indeed have written to you oftener, and at greater length, had it not been that sorrow, while it has affected all parts of my intellect, has above all entirely destroyed my faculty for this kind of writing. I long to see you. Take care of your health. Brundisium, 29 April.

LETTER 8

TO ATTICUS (AT ROME) THESSALONICA, 29 MAY

I wrote to you at Brundisium, when on the point of starting, the reasons for my not going to Epirus: namely, the proximity of Achaia, which was full of enemies of the most unscrupulous character, and secondly, the difficulty of leaving it when I wished to resume my journey. Added to this, while I was at Dyrrachium two messages reached me: the first, that my brother was coming from Ephesus to Athens by ship; the second, that he was coming through Macedonia by land. Accordingly, I sent a message to meet him at Athens, telling him to come thence to Thessalonica. I myself continued my journey, and arrived at Thessalonica on the 23rd of May, but have no certain intelligence about his journey except that he had left Ephesus some time ago. At present I am feeling very nervous as to what steps are being taken at Rome. Although you say in one of your letters, dated the 15th of May, that you hear that he will be vigorously prosecuted, in another you say that things are calming down. But then the latter is dated a day before the former; which makes me all the more anxious. So while my own personal sorrow is every day tearing my heart and wearing out my strength, this additional anxiety indeed scarcely leaves me any life at all. However, the voyage itself was very difficult, and he perhaps, being uncertain where I was, has taken some other course. For my freedman Phaetho saw nothing of him. Phaetho was driven by the wind from Ilium to Macedonia, and met me at Pella. How formidable other circumstances are I am fully aware, and I don't know what to say to you. I fear everything, nor is there any misery which would not seem possible in my present unfortunate position. Miserable as I still am in the midst of my heavy trials and sorrows, now that this anxiety is added to them, I remain at Thessalonica in a state of suspense without venturing upon any step whatever.

Now to answer you. I have not seen Caecilius Trypho. I comprehend from your letter what you and Pompey have been saying. That any movement in politics is impending I Cannot see as

Clearly as you either see, or perhaps only suggest for my Consolation. For, as the Case of Tigranes was passed over, all hope of a rupture is at an end. You bid me thank Varro: I will do so; also Hypsaeus. As to your advice not to go farther off till the acta of the month of May reach me, I think I shall do as you suggest. But where to stay? I have not yet come to any decision. And indeed my mind is so uneasy about Quintus, that I can determine on nothing. However, I will let you know immediately. From the incoherent nature of my letters I think you will understand the agitation of my mind, caused not so much by my misery, though I have been overwhelmed by an in-credible and unparalleled calamity, as by the recollection of my blunder. For by whose unprincipled advice I was egged on and betrayed you certainly now perceive, and oh that you had perceived it before, and had not given your whole mind to lamentation along with me! Wherefore, when you are told that I am prostrate and unmanned with grief, consider that I am more distressed at my own folly than at the result of it, in having believed a man whom I did not think to be treacherous. My writing is impeded both by the recollection of my own disasters, and by my alarm about my brother. Yes, pray look after and direct all the affairs you mention. Terentia expresses the warmest gratitude to you. I have sent you a copy of the letter which I have written to Pompey. Thessalonica, 29 May.

LETTER 9

TO ATTICUS (AT ROME) THESSALONICA, 13 JUNE

My brother Quintus having quitted Asia before the 1st of May, and arrived at Athens on the 15th, he would have to make great haste to prevent proceedings being commenced against him in his absence, supposing there to be some one who was not content with the misfortunes we have already sustained. Accordingly, I preferred that he should hurry on to Rome rather than come to me; and at the same time — for I will tell you the truth, and it will give you a notion of the extent of my wretchedness — I could not make up my mind to see him, devotedly attached to me as he is, and a man of most tender feelings, or to obtrude upon him my miseries and ruin in all their wretchedness, or to endure their being seen by him. And I was besides afraid of what certainly would have happened — that he would not have had the resolution to leave me. I had ever before my eyes the time when he would either have to dismiss his lictors,' or be violently torn from my arms. The prospect of this bitter pain I have avoided by the other bitter pain of not seeing my brother. It is all you, who advised me to continue living, that have forced me into this distressful position. Accordingly, I am paying the penalty of my error. However, I am sustained by your letter, from which I easily perceive how high your own hopes are. This did give me some consolation, but only, after all, till you passed from the mention of Pompey Because, though a provincial governor retained his lictors till he reached Rome, he was bound to go straight home or dismiss them.

to the passage beginning "Now try and win over Hortensius and men of that sort." In heaven's name, my dear Pomponius, don't you yet perceive by whose means, by whose treachery, by whose dishonest advice, I have been ruined? But all this I will discuss with you when we meet. I will only say this much, which I think you know: it is not my enemies, but my jealous rivals, that have ruined me. Now, however, if things are really as you hope, I will keep up my spirits, and will rely upon the hope on which you bid me rely.

But if, as I myself think, this proves illusory, what I was not allowed to do at the best time shall be done at a worse. Terentia often expresses her gratitude to you. For myself one of my miseries also consists in fear — the business of my unhappy brother. If I could only know how it stands, I should know what I ought to do. Personally, the hope of the advantages and of the letters you mention keeps me still, as you advise, at Thessalonica. If I get any news, I shall know what I ought to do about the rest. Yes, if, as you say in your letter, you left Rome on the 1st of June, you will soon see us. I have sent you a letter which I wrote to Pompey. Thessalonica, 15 June.

LETTER 10

TO ATTICUS (AT ROME) THESSALONICA, 17 JUNE

The public transactions up to the 25th of May I have learnt from your letter. I am waiting for the rest, as you advised, at Thessalonica; and when they arrive I shall be better able to decide where to be. For if there is any reason, if any action is being taken, if I shall see any hopes, I shall either wait in the same place or go to your house; but if, as you say, these hopes have vanished into air, I shall look out for something else. At present you do not give me any indication except the disagreement of those friends of yours, which, however, arises between them on every kind of subject rather than myself. Therefore I don't see what good it is to me. However, as long as you all will have me hope, I shall obey you. For as to your scoldings so frequent and so severe, and your saying that I am faint-hearted, I would ask you what misery is there so heavy as not to be included in my disfranchisement? Did anyone ever fall from such a high position, in so good a cause, with such endowments of genius, wisdom and popularity, with such powerful supports from all loyalists? Can I forget what I was, and not feel what I am? Of what honour, of what glory, of what children, of what means, of what a brother I am deprived? This last, indeed, to draw your attention to a new kind of disaster — though I valued him, and always had done so, more than myself — I have avoided seeing, lest I should behold his grief and mourning, or lest I-whom he had left in the highest prosperity-should obtrude myself upon him in a state of ruin and humiliation. I pass over the other particulars that are past bearing: for I am prevented by my tears. And here, let me ask, am I to be blamed for my grief, or for the unfortunate mistake of not retaining these advantages (and I could easily have done so, had not a plot for my destruction been hatched within my own walls), or at least of not losing them without losing my life at the same time? My purpose in writing these words is that you should rather console me, as you do, than think me deserving of correction or chiding; and the reason of the comparative brevity of my letters is, in the first place, that I am hindered by

outbursts of sorrow, and, in the second place, that I have news to expect from Rome rather than any to communicate myself. But when that news arrives I will let you know my plans. Pray, as you have done hitherto, write to me on as many subjects as possible, that I may not be ignorant of any possible thing there is to know. Thessalonica, 17 June.

LETTER 11

TO ATTICUS (AT ROME) THESSALONICA, 27 JUNE

I have been kept at Thessalonica up to this time as well by your letter and some good news (which, however, did not rest on the best authority), and the expectation of hearing from you all at Rome, as by the fact that you advised my doing so. When I receive the letters which I expect, if there turns out to be the hope which rumour brings me, I shall go to your house if otherwise, I will inform you of what I have done. Pray go on, as you are doing, and help me by your exertions, advice, and influence. Cease now consoling me, but yet don't chide me; for when you do that, I fail to recognize your affection and regret! Yet I believe you to be so distressed yourself at my wretchedness, that it is not within anyone's power to console you. Give your support to Quintus, my best and kindest of brothers. Pray write to me fully on everything.

27 June.

LETTER 12

TO ATTICUS (AT ROME) THESSALONICA, 17 JULY

WELL, you argue earnestly as to what hope is to be entertained, and especially through the action of the senate, and yet you mention that the clause of the bill is being posted up, in virtue of which the subject is forbidden to be mentioned in the senate. Accordingly, not a word is said about it. In these circumstances you find fault with me for distressing myself, when the fact is I am already more distressed than anybody ever was, as you know very well. You hold out hope as a consequence of the elections. What hope can there be with the same man tribune, and a consul-designate who is my enemy? But you have dealt me a blow in what you say about my speech having got abroad. Pray do your best to heal that wound, as you express it. I did indeed write one some time ago, in a fit of anger at what he had first composed against me; but I had taken such pains to suppress it, that I thought it would never get into circulation. How it has leaked out I cannot think. But since the occasion never arose for my having a word of dispute with him, and since it appears to me to be more carelessly written than my other speeches, I think it might be maintained not to be by me. Pray look after this if you think I can do anything to remedy the mischief; but if my ruin is inevitable, I don't so much care about it. I am still lying idle in the same place, without conversation, without being able to think. Though, as you say, I have "intimated" to you my desire that you should come to me, yet it is now clear to me that you are doing me useful service where you are, but could not give me even a word of relief here. I cannot write any more, nor have I anything to say: I am rather waiting to hear from you all. Thessalonica, 17 July.

LETTER 13

TO ATTICUS (AT ROME) THESSALONICA, 5 AUGUST

As to my having written you word that I meant to go to Epirus, I changed my plan when I saw that my hope was vanishing and fading away, and did not remove from Thessalonica. I resolved to remain there until I heard from you on the subject mentioned in your last letter, namely, that there was going to be some motion made in the senate on my case immediately after the elections, and that Pompey had told you so. Wherefore, as the elections are over and I have no letter from you, I shall consider it as though you had written to say that nothing has come of it, and I shall not feel annoyed at having been buoyed up by a hope which did not keep me long in suspense. But the movement, which you said in your letter that you foresaw as likely to be to my advantage, people arriving here tell me will not occur. My sole remaining hope is in the tribunes-designate: and if I wait to see how that turns out, you will have no reason to think of me as having been wanting to my own cause or the wishes of my friends. As to your constantly finding fault with me for being so overwhelmed by my misfortune, you ought to pardon me when you see that I have sustained a more crushing blow than anyone you have ever seen or heard of. As to your saying that you are told that my intellect in even affected by grief, that is not so; my intellect is quite sound. Oh that it had been as much so in the hour of danger! when I found those, to whom I thought my safety was the dearest object of their life, most bitterly and unfeelingly hostile: who, when they saw that I had somewhat lost my balance from fear, left nothing undone which malice and treachery could suggest in giving me the final push, to my utter ruin. Now, as I must go to Cyzicus,

where I shall get letters more rarely, I beg you to write me word all the more carefully of everything you may think I ought to know. Be sure you are affectionate to my brother Quintus: if in all my misery I still leave him with rights undiminished, I shall not Consider myself utterly ruined.

5 August.

LETTER 14

TO ATTICUS (AT ROME) THESSALONICA, 21 JULY

From your letter I am full of anxiety to hear what Pompey's view is of my Case, or what he professes to be his view. The elections, I presume, are over; and when they were over you say that he was of opinion that my Case should be mooted. If I seem foolish to you for entertaining hopes, it is at your bidding that I do so: yet I know that you have in your letters been usually inclined rather to Check me and my hopes. Now pray write distinctly what your view is. I know that I have fallen into this distress from numerous errors of my own. If certain accidents have in any degree corrected those errors, I shall be less sorry that I preserved my life then and am still living. Owing to the constant traffic along the road and the daily expectation of political change, I have as yet not removed from Thessalonica. But now I am being forced away, not by Plancius — for he, indeed, wishes to keep me here — but by the nature of the place, which is not at all calculated for the residence of a disfranchised man in such a state of sorrow. I have not gone to Epirus, as I had said I would, because all of a sudden the messages and letters that arrived have all indicated it to be unnecessary for me to be in the immediate neighbourhood of Italy. From this place, as soon as I have heard something about the elections, I shall set my face towards Asia, but to what particular part I am not yet certain: however, you shall know. Thessalonica, 21 July.

LETTER 15

TO ATTICUS (AT ROME) THESSALONICA, 17 AUGUST

ON the 13th of August I received four letters from you: one in which you urge me in a tone of reproof to be less weak; a second, in which you say that Crassus's freedman has told you about my anxiety and leanness; a third, in which you describe the proceedings in the senate; a fourth on the subject of Varro's assurances to you as to the friendly feelings of Pompey. To the first my answer is this: though I do grieve, yet I keep all my mental faculties, and it is precisely that which vexes me — I have no opportunity and no one with whom to employ so sound an intellect. For if you cannot find yourself separated from one individual like myself without sorrow, what do you think must be my case, who am deprived both of you and of everyone else? And if you, while still in possession of all your rights, miss me, to what an extent do you think those rights are missed by me? I will not enumerate the things of which I have been despoiled, not only because you are not ignorant of them, but also lest I should reopen my own sorrow. I only assert this, that never did anyone in an unofficial position possess such great advantages, or fall into such great miseries. Moreover, lapse of time not only does not soften this grief, it even enhances it. For other sorrows are softened by age, this one cannot but be daily increased both by my sense of present misery and the recollection of my past life. For it is not only property or friends that I miss, but myself. For what am I? But I will not allow myself either to wring your soul with my complaints, or to place my hands too often on my wounds. For as to your defence of those whom I said had been jealous of me, and among them Cato, I indeed think that lie was so far removed from that crime, that I am above all things sorry that the pretended zeal of others had more influence with me than his honesty. As for your excuses for the others, they ought to be excused in my eyes if they are so in yours. But all this is an old story now. Crassus's freedman, I think, spoke without any real sincerity. In the senate you say that the debate was satisfactory. But what about Curio? Hasn't he read that speech? I can't make out how

it got into circulation! But Axius, in describing the proceedings of the same day, does not speak so highly of Curio. But he may be omitting something; I know you have certainly not written anything except what actually occurred. Varro's talk gives me some hope of Caesar, and would that Varro himself would throw himself into the cause! Which he certainly will do both of his own accord and under pressure from you For myself if fortune ever grants me the enjoyment of you all and of my country I will at least take care that you shall above all the rest of my friends, have cause to be glad and I will so discharge all the duties of affection and friendship, which (to confess the truth) have not heretofore been conspicuous that you shall regard me as restored to yourself as much as to my brother and my children. If I have in any way sinned in my con duct to you, or rather since I have done so pardon me For I have sinned more grievously against myself. And I do not write this to you because I know you not to feel deeply for my misfortune: but certainly if it had been a matter of obligation with you, and had always been so, to love me as much as you do and have done, you would never have allowed me to lack that judgment with which you are so well supplied, nor would you have allowed me to be persuaded that the passing of the bill for the "colleges" was to our advantage. But you did nothing but weep over my sorrow, as though you were my second self. This was indeed a sign of your affection: but what might have been done, if I had earned it at your hands — the spending by you of days and nights in thinking out the Course I ought to have pursued — that was omitted, owing to my own culpable imprudence, not yours. Now if, I don't say you only, but if there had been anyone to urge me, when alarmed at Pompey's ungenerous answer, not to adopt that most degrading course — and you are the person that, above all others, could have done it — I should either have died honourably, or we should have been living today triumphant. In this you must forgive me. For I find much greater fault with myself, and only call you in question afterwards, as at once my second self and the sharer in my error; and, besides, if I am ever restored, our mistake will seem still less in my eyes, and to you at least I shall be endeared by your own kindness, since there is none on my side. There is something in the suggestion you mentioned as having been made in your conversation

with Culleo as to a privilegium, but by far the better course is to have the law repealed. For if no one vetoes it, what course can be safer? But if anyone is found to prohibit its passing, he will be equally able to veto a decree of the senate. Nor is there need for the repeal of anything else. For the previous law did not touch me: and if, on its publication, I had chosen to speak in its favour, or to ignore it, as it ought to have been ignored, it could not have done me any harm at all. It was at this point first that my judgment failed to assist me, nay, even did me harm. Blind, blind, I say, was I in laying aside my senator's toga, and in entreating the people; it was a fatal step to take before some attack had been begun upon me by name. But I am harping on the past: it is, however, for the purpose of advising you, if any action is to be taken, not to touch that law, in which there are many provisions in the interests of the people. But it is foolish for me to be laying down rules as to what you are to do and how. I only wish that something may be done! And it is on that point that your letter displays much reserve: I presume, to prevent my being too much agitated by despair. For what action do you see possible to be taken, or in what way? Through the senate? But you yourself told me that Clodius had fixed upon the doorpost of the senate-house a certain clause in the law, "that it might neither be put to the house nor mentioned." How could Domitius, therefore, say that he would bring it before the house? How came it about also that Clodius held his tongue, when those you mention in your letter both spoke on the subject and demanded that a motion should be brought in? But if you go to the people — can it be carried except with the unanimous approval of the tribunes? What about my property? What about my house? Will it be possible to have it restored? Or, if that cannot, how can I be? Unless you see these difficulties on the way to be solved, what is the hope to which you invite me? But if, again, there is no hope, what sort of life is there for me? So I await at Thessalonica the gazette of the proceedings of the 1st of August, in accordance with which I shall decide whether to take refuge on your estate, in order at once to avoid seeing people I don't want to see, to see you, according to your letter, and to be nearer at hand in case of any motion being made (and this I understand is in accordance with your view and that of my brother Quintus), or to depart for Cyzicus. Now, my dear

Pomponius, since you imparted to me none of your wisdom in time to save me, either because you had made up your mind that I had judgment enough of my own, or that you owed me nothing beyond being by my side; and since, betrayed, beguiled, and hurried into a snare as I was, I neglected all my defences, abandoned and left Italy, which was everywhere on the qui vive to defend me, and surrendered myself and mine into the hands of enemies while you looked on and said nothing, though, even if you were not my superior in mental power, you were at least in less of a fright: now, if you can, raise the fallen, and in that way assist me But if every avenue is barred, take care that I know that also, and cease at length either to scold me or to offer your kindly-meant consolations. If I had meant to impeach your good faith, I should not have chosen your roof, of all others, to which to trust myself: it is my own folly that I blame for having thought that your love for me was exactly what I could have wished it to be: for if that had been so, you would have displayed the same good faith, but greater circumspection; at least, you would have held me back when plunging headlong into ruin, and would not have had to encounter the labours which you are now enduring in saving the wrecks of my fortunes. Wherefore do be careful to look into, examine thoroughly, and write fully everything that occurs, and resolve (as I am sure you do) that I shall be some one, since I cannot now be the man I was and the man I might have been; and lastly, believe that in this letter it is not you, but myself that I have accused. If there are any people to whom you think that letters ought to be delivered in my name, pray compose them and see them delivered.

17 August.

TO ATTICUS (AT ROME) THESSALONICA, 19 AUGUST

My whole journey is in suspense till I receive letters from you all of the 1st of August. For if there turns out to be any hope, I am for Epirus: if not, I shall make for Cyzicus or some other place. Your letter is cheerful indeed, but at the same time, the oftener I read it, the more it weakens the suggested ground for hope, so that it is easy to see that you are trying to minister at once to consolation and to truth. Accordingly, I beg you to write to me exactly what you know

and exactly what you think.

19 August.

LETTER 17

TO ATTICUS (AT ROME) THESSALONICA, 4 SEPTEMBER

News of my brother Quintus of an invariably gloomy nature reached me from the 3rd of June up to the 29th of August. On that day, however, Livineius, a freedman of Lucius Regulus, came to me by the direction of Regulus himself. He announced that absolutely no notice whatever had been given of a prosecution, but that there had, nevertheless, been some talk about the son of C. Clodius. He also brought me a letter from my brother Quintus. But next day Came the slaves of Sestius, who brought me a letter from you not so positive in regard to this alarm as the Conversation of Livineius had been. I am rendered very anxious in the midst of my own endless distress, and the more so as Appius has the trial of the Case. As to other circumstances mentioned in the same letter by you in Connexion with my hopes, I understand that things are going less well than other people represent them. I, however, since we are now not far from the time at which the matter will be decided, will either go to your house or will still remain somewhere in this neighbourhood. My brother writes me word that his interests are being supported by you more than by anyone else. Why should I urge you to do what you are already doing? or offer you thanks which you do not expect? I only pray that fortune may give us the opportunity of enjoying our mutual affection in security. I am always very anxious to get your letters, in which I beg you not to be afraid of your minuteness boring me, or your plain speaking giving me pain.

4 September.

TO ATTICUS (AT ROME) THESSALONIcA (SEPTEMBER)

YOU raised no little flutter in my mind when you said in your letter that Varro had assured you as a friend that Pompey would certainly take up my case, and that as soon as he had received a letter from Caesar, which he was expecting, he would even name some one to formally carry out the business. Was that all mere talk, or was the

letter from Caesar hostile? Is there some ground for hope? You mentioned, too, that Pompey had also used the expression “after the elections.” Pray, as you can conceive the severity of the troubles by which I am prostrated, and as you must think it natural to your kindness to do so, inform me fully as to the whole state of my case. For my brother Quintus, dear good fellow, who is so much attached to me, fills his letters with hopeful expressions, fearing, I suppose, my entirely losing heart. Whereas your letters vary in tone; for you won t have me either despair or cherish rash hopes. I beseech you to let me know everything as far as you can detect the truth.

LETTER 19

TO ATTICUS (AT ROME) THESSALONICA, 15 SEPTEMBER

As long as my letters from you all continued to be of such a nature as to keep expectation alive, I was bound to Thessalonica by hope and eager longing: afterwards, when all political measures for this year appeared to me to be over, I yet determined not to go to Asia, both because a crowd of people is disagreeable to me, and because, in case any movement was set on foot by the new magistrates, I was unwilling to be far off. Accordingly, I resolved to go to your house in Epirus, not because the natural features of the country mattered to me, shunning as I do the light of day altogether, but because it will be most grateful to my feelings to set out fr?m a harbour of yours to my restoration; and, if that restoration is denied me, there is no place where I shall with greater ease either support this most wretched existence or (which is much better) rid myself of it. I shall be in a small society: I shall shake off the crowd. Your letters have never raised me to such a pitch of hope as those of others; and yet my hopes have always been less warm than your letters. Nevertheless, since a beginning has been made in the case, of whatever sort and from whatever motive, I will not disappoint the sad and touching entreaties of my best and only brother, nor the promises of Sestius and others, nor the hopes of my most afflicted wife, nor the entreaties of my most unhappy Tulliola, as well as your own loyal letter. Epirus will furnish me with a road to restoration or to that other alternative mentioned above. I beg and entreat of you, Titus Pomponius, as you see that I have been despoiled by the treachery of men of all that most adds splendour to life, of all that can most gratify and delight the soul, as you see that I have been betrayed and cast away by my own advisers, as you understand that I have been forced to ruin myself and my family-help me by your compassion, and support my brother Quintus who is still capable of being saved; protect Terentia and my children. For myself, if you think it possible that you may see me at Rome, wait for me; if not, come to see me if you can, and make over to me just so much of your land as may be covered by my

corpse. Finally, send slaves to me with letters as soon and as often as possible.

15 September.

LETTER 20

TO ATTICUS (AT ROME) THESSALONICA, 4 OCTOBER

Cicero greets Q. Caecilius Pomponianus Atticus, son of Quintus. That this is now the case, and that your uncle has done what he ought to have done, I approve in the strongest manner possible: I will say I am "glad," when circumstances shall admit of my using such a word. Ah me! how well everything would have been going if my own spirit, my own judgment, and the good faith of those on whom I relied had not failed me! But I won't review these circumstances lest I increase my sorrow. Yet I feel s"re that it occurs to your mind what a life ours was, how delightful, how dignified. To recover this, in the name of fortune, bestow all your energies, as I know you do, and take care that I keep the birthday of my return in your delightful house with you and my family. For this hope and expectation, though now put before me as being very strong, I yet wished to wait in your home in Epirus; but my letters are such as to make me think it better not to be in the same neighbourhood. What you say in your letter about my town house and about Curio's speech is exactly true. Under the general act of restoration, if only that is accorded me, everything will be included, of which I care for nothing more than for my house. But I don't give you any precise injunction, I trust myself wholly to your affection and honour. I am very glad to hear that you have extricated yourself from every embarrassment in view of so large an inheritance. As to your promise to employ your means in securing my restoration, though I am in all points assisted by you above all others, yet I quite see what a support that is, and I fully understand that you are undertaking and can carry on many departments of my cause, and do not need to be asked to do so. You tell me not to suspect that your feelings have been at all affected by acts of commission or omission on my part towards you — well, I will obey you and will get rid of that anxiety; yet I shall owe you all the more from the fact that your kind consideration for me has been on a higher level than mine for you. Please tell me in your letters whatever you see, whatever you make out, what-ever is being done

in my case, and exhort all your friends to help in promoting my recall. The bill of Sestius does not shew sufficient regard for my dignity or sufficient caution.

For the proposed law ought to mention me by name, and to Pray see to it. contain a Carefully expressed clause about my property. Thessalonica, 4 October.

LETTER 21

TO ATTICUS (AT ROME) THESSALONICA, 28 OCTOBER

It is exactly thirty days to the writing of this letter since I have heard from you. Well, my present intention is, as I have told you, to go into Epirus and there by preference to await whatever may turn up. I beg you to write to me with the utmost openness whatever you perceive to be the state of the case, and whether it is for good or evil, and also to send a letter, as you say, in my name to whomsoever you think it necessary.

28 October.

LETTER 22

TO ATTICUS (AT ROME) THESSALONICA AND DYRRACHIUM, 27 NOVEMBER

Though my brother Quintus and Piso have given me a careful account of what has been done, yet I could have wished that your engagements had not hindered you from writing fully to me, as has been your custom, what was on foot and what you understood to be the facts. Up to the present, Plancius keeps me here by his generous treatment, though I have several times already made an effort to go to Epirus. He has conceived a hope, which I do not share, that we may possibly quit the province together: he hopes that that may redound greatly to his credit. But as soon as news shall come that soldiers are on their way hither, I shall have to insist on quitting him. And as soon as I do that I will at once send you word, that you may know where I am. Lentulus, in his own peculiar zeal for my cause, which he manifests by action and promises and writings, gives me some hope of Pompey's friendly feelings. For you have often told me in your letters that the latter was wholly devoted to him. As to Metellus, my brother has written me word that by your agency as much has been accomplished as he had hoped. My dear Pomponius, fight hard that I may be allowed to live with you and my own family, and write me everything that occurs. I am heavy with sorrow and regret for all my dear ones, who have always been dearer to me than myself. Take care of your health.

Dyrrachium, 27 November. As, if I went through Thessaly into Epirus, I should have been likely to be a very long time without any intelligence, and as I have warm friends. in the people of Dyrrachium, I have come to them, after writing the former part of this letter at Thessalonica. When I turn my face from this town towards your house I will let you know, and for your part I would have you write me everything with the utmost particularity, whatever its nature. I am now expecting some definite step or the abandonment of all hope.

LETTER 23

TO ATTICUS (AT ROME) DYRRACHIUM, 29 NOVEMBER

On the 26th of November I received three letters from you, one dated 25th of October, in which you exhort me to await the month of January with a good heart, and write at length on such topics as you think tend to encourage my hopes — as to the zeal of Lentulus, the goodwill of Metellus, and the general policy of Pompey. In the second letter, contrary to your usual custom, you append no date, but give sufficient indication of the time of its writing. For the law having been published by the eight tribunes, you mention that you wrote this letter on the very same day, that is, the 29th of October, and you say what good you think that publication has done. In regard to which, if my restoration is to be despaired of along with this law, I would have you think in your affection for me that my fruitless exertions are pitiable rather than foolish: but if there is any ground for hope, try and secure that my cause may be hereafter supported with greater attention to details by the new magistrates. For this bill of the old tribunes had three clauses, of which the one relating to my return was carelessly drafted. For nothing is restored to me except my citizenship and senatorial rank: which, in the circumstances of my position, suffices me, but it does not escape your observation what special provisions will have to be made, and in what manner. The second clause is the usual one—"If anything be done in virtue of this law against other laws." But observe, my dear Pomponius, what the object of the third clause is, and by whom it has been put in. For you know that Clodius provided that it should be scarcely possible, or rather altogether impossible, for his law to be deprived of validity either by senate or people. But you must see that the penal provisions of such laws as are repealed have never been observed. For in that case hardly any law could be repealed at all — for there is no law which does not hedge itself in by trying to make repeal difficult — but when a law is repealed, so is the clause meant to prevent its repeal. Now, though this is in truth the case, since it has been the universal doctrine and practice, our eight tribunes introduced the

following clause: If any provision is contained in this bill which, in view of existing laws or plebiscites (i.e., Clodius's law), it is not lawful without incurring penalty, now or heretofore, whether to publish, repeal, amend, or supersede, or whereby he who has so published or amended would be liable to penalty or fine — such provision is not enacted by this law. And observe that this contingency did not touch the case of those eight tribunes, for they were not bound by a law emanating from their own body. Which makes one the more suspicious of some evil intention, since they have added a clause which did not affect themselves, but was against my interests: so that the new tribunes, if they happened to be somewhat timid, would think it still more necessary to employ the clause. And Clodius did not fail to notice this. For he said in the public meeting of November the third, that by this clause a limit to their legal powers was laid down for the tribunes-designate; and yet it cannot escape your notice that in no law is there a clause of the sort: whereas, if it had been necessary, everybody would have employed it in repealing a law. How this point came to escape Ninnius and the rest, pray find out, and who introduced the clause, and how it was that the eight tribunes did not hesitate to bring my case before the senate — which implies that they did not think that clause of the law binding — and were yet so cautious in their proposal for its repeal, as to be afraid (though not personally liable) of what need not be taken into Consideration, even by those who are bound by the law. This clause I would not have the new tribunes propose; however, let them only carry something, no matter what: I shall be content with the single clause recalling me, so long only as the business is done. I have for some time been feeling ashamed of writing at such length; for I fear by the time you read this it will be all up with any hopes, so that this minute criticism of mine may seem pitiable to you and ridiculous to others. But if there is any ground for hope, pray look at the law which Visellius drafted for T. Fadius. I like it very much: for that of our friend Sestius, which you say has your approbation, I don't like.

The third letter is dated 12th of November, in which you explain with wisdom and care what the circumstances are which seem to cause a postponement of my affair, and about Crassus, Pompey, and

the rest. Accordingly, I beg you, if there is any hope that the matter can be settled by the zeal of the loyalists, by the exertion of influence, and by getting numbers on our side, to endeavour to break through all difficulties at a rush, to throw your whole weight into the attempt, and incite others to do the same. But if, as I perceive from your conjectures as well as my own, there is no hope left, I beg and implore you to cherish my brother Quintus, whom I to our mutual misery have ruined, and not allow him to do anything to himself which would be to the detriment of your sister's son. My little Cicero, to whom, poor boy! I leave nothing but prejudice and the blot upon my name, pray protect to the best of your power. Terentia, that most afflicted of women, sustain by your kindness. I shall start for Epirus as soon as I have received news of the first days of the new tribunate. Pray describe fully to me in your next letter what sort of a beginning is made.

29 November.

LETTER 24

TO ATTICUS (AT ROME) DYRRACHIUM, 10 DECEMBER

When, some time ago, I received letters from you all stating that with your consent the vote for the expenses of the consular provinces had been taken, though I was nervous as to the result of the measure, I yet hoped that you saw some good reason for it beyond what I could see: but when I was informed by word of mouth and by letters that this policy of yours was strongly censured, I was much disturbed, because the hope which I had cherished, faint as it was, seemed completely destroyed. For if the tribunes are angry with us, what hope can there be? And, indeed, they seem to have reason to be angry, since they, who had undertaken my cause, have not been consulted on the measure; while by your assenting to it they have been deprived of all the legitimate influence of their office: and that though they profess that it was for my sake that they wished to have the vote for the outfit of the consuls under their control, not in order to curtail their freedom of action, but in order to attach them to my cause:

that as things stand now, supposing the consuls to choose to take part against me, they can do so without let or hindrance, but if they wish to do anything in my favour they are powerless if the tribunes object. For as to what you say in your letter, that, if your party had not consented, they would have obtained their object by a popular vote — that would have been impossible against the will of the tribunes. So I fear, on the one hand, that I have lost the favour of the tribunes; and on the other, even supposing that favour to remain, that the tie has been lost by which the consuls were to be attached. Added to this is another disadvantage, the abandonment of the weighty resolution — as, indeed, it was reported to me — that the senate should pass no decree until my case had been decided, and that, too, in the case of a measure which was not only not urgent, but even contrary to custom and unprecedented. For I think there is no precedent for voting the provincial outfit of magistrates when still only designate: so that, since in a matter like this the firm line on

which my cause had been taken up has been infringed, there is now no reason why any decree should not be passed. It is not surprising that those friends to whom the question was referred assented, for it was difficult to find anyone to express an opinion openly against proposals so advantageous to two consuls. It would in any case have been difficult not to be complaisant to such a warm friend as Lentulus, or to Metellus after the exceedingly kind way in which he put aside his quarrel with me. But I fear that, while failing to keep a hold on them, we have lost the tribunes. How this matter has occurred, and in what position the whole business stands, I would have you write to me, and in the same spirit as before: for your outspoken candour, even if not altogether pleasant, is yet what I prefer.

10 December.

LETTER 25

TO ATTICUS (?IN EPIRUS) DYRRACHIUM (DECEMBER)

After you left me I received a letter from Rome, from which I see clearly that I must rot away in this state of disfranchisement: for I can't believe (don't be offended at my saying so) that you would have left town at this juncture, if there had been the least hope left of my restoration. But I pass over this, that I may not seem to be ungrateful and to wish everything to share my own ruin. All I ask of you is what you have faithfully promised, that you will appear before the 1st of January wherever I may be.

LETTER 26

TO ATTICUS (?IN EPIRUS 1) DYRRACHIUM, JANUARY

I have received a letter from my brother Quintus inclosing the decree of the senate passed Concerning me. My intention is to await the time for legislation, and, if the law is defeated, I shall avail myself of the resolution of the senate, and prefer to be deprived of my life rather than of my Country. Make haste, I beg, to come to me.

LETTER 27

TO ATTICUS (?AT ROME) DYRRACHIUM (AFTER 25 JANUARY)

From your letter and from the bare facts I see that I am utterly ruined. I implore you, in view of my deplorable position, to stand by my family in whatever respect they shall need your help. I shall, as you say, see you soon.

BOOK 4

LETTER 1

TO ATTICUS (IN EPIRUS) ROME (SEPTEMBER)

DIRECTLY I arrived at Rome, and there was anyone to whom I could safely intrust a letter for you, I thought the very first thing I ought to do was to Congratulate you in your absence on my return. For I knew, to speak candidly, that though in giving me advice you had not been more courageous or far-seeing than myself, nor-considering my devotion to you in the past-too careful in protecting me from disaster, yet that you — though sharing in the first instance in my mistake, or rather madness, and in my ground-less terror — had nevertheless been deeply grieved at our separation, and had bestowed immense pains, zeal, care, and labour in securing my return. Accordingly, I can truly assure you of this, that in the midst of supreme joy and the most gratifying congratulations, the one thing wanting to fill my cup of happiness to the brim is the sight of you, or rather your embrace; and if I ever forfeit that again, when I have once got possession of it, and if, too, I do not exact the full delights of your charming society that have fallen into arrear in the past, I shall certainly consider myself unworthy of this renewal of my good fortune. In regard to my political position, I have resumed what I thought there would be the utmost difficulty in recovering — my brilliant standing at the bar, my influence in the senate, and a popularity with the loyalists even greater than I desired. In regard, however, to my private property — as to which you are well aware to what an extent it has been crippled, scattered, and plundered — I am in great difficulties, and stand in need, not so much of your means (which I look upon as my own), as of your advice for collecting and restoring to a sound state the fragments that remain. For the present, though I believe everything finds its way to you in the letters of your friends, or even by messengers and rumour, yet I will write briefly what I think you would like to learn from my letters above all others. On the 4th of August I started from Dyrrachium, the very day on which the law about me was carried. I arrived at Brundisium on the 5th of August. There my dear Tulliola met me on what was her own

birthday, which happened also to be the name-day of the colony of Brundisium and of the temple of Safety, near your house. This coincidence was noticed and celebrated with warm congratulations by the citizens of Brundisium. On the 8th of August, while still at Brundisium, I learnt by a letter from Quintus that the law had been passed at the comilta centuriata with a surprising enthusiasm on the part of all ages and ranks, and with an incredible influx of voters from Italy. I then commenced my journey, amidst the compliments of the men of highest consideration at Brundisium, and was met at every point by legates bearing congratulations. My arrival in the neighbourhood of the city was the signal for every soul of every order known to my nomenclator Coming out to meet me, except those enemies who could not either dissemble or deny the fact of their being such. On my arrival at the Porta Capena, the steps of the temples were already thronged from top to bottom by the populace; and while their congratulations were displayed by the loudest possible applause, a similar throng and similar applause accompanied me right up to the Capitol, and in the forum and on the Capitol itself there was again a wonderful crowd. Next day, in the senate, that is, the 5th of September, I spoke my thanks to the senators. Two days after that-there having been a very heavy rise in the price of corn, and great crowds having flocked first to the theatre and then to the senate-house, shouting out, at the instigation of Clodius, that the scarcity of corn was my doing — meetings of the senate being held on those days to discuss the corn question, and Pompey being called upon to undertake the management of its supply in the common talk not only of the plebs, but of the aristocrats also, and being himself desirous of the commission, when the people at large called upon me by name to support a decree to that effect,

I did so, and gave my vote in a carefully-worded speech. The other consulars, except Messalla and Afranius, having absented themselves on the ground that they could not vote with safety to themselves, a decree of the senate was passed in the sense of my motion, namely, that Pompey should be appealed to to undertake the business, and that a law should be proposed to that effect. This decree of the senate having been publicly read, and the people having, after the senseless and new-fangled custom that now

prevails, applauded the mention of my name, I delivered a speech. All the magistrates present, except one praetor and two tribunes, called on me to speak. Next day a full senate, including all the consulars, granted everything that Pompey asked for. Having demanded fifteen legates, he named me first in the list, and said that he should regard me in all things as a second self. The consuls drew up a law by which complete control over the corn-supply for five years throughout the whole world was given to Pompey. A second law is drawn up by Messius, granting him power over all money, and adding a fleet and army, and an impedum in the provinces superior to that of their governors. After that our consular law seems moderate indeed: that of Messius is quite intolerable. Pompey professes to prefer the former; his friends the latter. The consulars led by Favonius murmur: I hold my tongue, the more so that the pontifices have as yet given no answer in regard to my house. If they annul the consecration I shall have a splendid site. The consuls, in accordance with a decree of the senate, will value the cost of the building that stood upon it; but if the pontifices decide otherwise, they will pull down the Clodian building, give out a contract in their own name (for a temple), and value to me the cost of a site and house. So our affairs are For happy though but ill, for ill not worst. In regard to money matters I am, as you know, much embarrassed. Besides, there are certain domestic troubles, which I do not intrust to writing. My brother Quintus I love as he deserves for his eminent qualities of loyalty, virtue, and good faith. I am longing to see you, and beg you to hasten your return, resolved not to allow me to be without the benefit of your advice. I am on the threshold, as it were, of a second life. Already certain persons who defended me in my absence begin to nurse a secret grudge at me now that I am here, and to make no secret of their jealousy. I want you very much.

LETTER 2

TO ATTICUS (IN EPIRUS) ROME (OCTOBER)

If by any chance you get letters less frequently from me than from others, I beg you not to put it down to my negligence, or even to my engagements; for though they are very heavy, there can be none sufficient to stop the course of our mutual affection and of the attention I owe to you. The fact is that, since my return to Rome, this is only the second time that I have been told of anyone to whom I could deliver a letter, and accordingly this is my second letter to you. In my former I described the reception I had on my return, what my political position was, and how my affairs were For happy though but ill, for ill not worst. The despatch of that letter was followed by a great controversy about my house. I delivered a speech before the pontifices on the 29th of September. I pleaded my cause with care, and if I ever was worth anything as a speaker, or even if I never was on any other occasion, on this one at any rate my indignation at the business, and the importance of it, did add a Certain vigour to my style. Accordingly, the rising generation must not be left without the benefit of this speech, which I shall send you all the same, even if you don't want it. The decree of the pontifices was as follows: "If neither by order of the people nor vote of the plebs the party alleging that he had dedicated had been appointed by name to that function, nor by order of the people or vote of the plebs had been commanded to do so, we are of opinion that the part of the site in question may be restored to M. Tullius without violence to religion." Upon this I was at once congratulated — for no one doubted that my house was thereby adjudged to me — when all on a sudden that fellow mounts the platform to address a meeting, invited to speak by Appius, and announces at once to the people that the pontifices had decided in his favour, but that I was endeavouring to take forcible possession; he exhorts them to follow himself and Appius to defend their own shrine of Liberty. Hereupon, when even those Credulous hearers partly wondered and partly laughed at the fellow's mad folly, I resolved not to go near the place until such time as the consuls by

decree of the senate had given out the contract for restoring the colonnade of Catulus. On the 1st of October there was a full meeting of the senate. All the pontilices who were senators were invited to attend, and MarCellinus, who is a great admirer of mine, being called on to speak first, asked them what was the purport of their decree. Then M. Lucullus, speaking for all his colleagues, answered that the pontifices were judges of a question of religion, the senate of the validity of a law: that he and his colleagues had given a decision on a point of religion; in the senate they would with the other senators decide on the law. Accordingly, each of them, when asked in their proper order for their opinion, delivered long arguments in my favour. When it came to Clodius's turn, he wished to talk out the day, and he went on endlessly; however, after he had spoken for nearly three hours, he was forced by the loud expression of the senate's disgust to finish his speech at last. On the decree in accordance with the proposal of Marcellinus passing the senate against a minority of one, Serranus interposed his veto. At once both consuls referred the question of Serranus's veto to the senate. After some very resolute speeches had been delivered—"that it was the decision of the senate that the house should be restored to me": "that a contract should be given out for the colonnade of Catulus": "that the resolution of the house should be supported by all the magistrates": "that if any violence occurred, the senate would consider it to be the fault of the magistrate who vetoed the decree of the senate" — Serranus became thoroughly frightened, and Cornicinus repeated his old farce: throwing off his toga, he flung himself at his son-in-law's feet. The former demanded a night for consideration.

They would not grant it: for they remembered the 1st of January. It was, however, at last granted with difficulty on my interposition. Next day the decree of the senate was passed which I send you. Thereupon the consuls gave out a contract for the restoration of the colonnade of Catulus: the contractors immediately cleared that portico of his away to the satisfaction of all. The buildings of my house the consuls, by the advice of their assessors, valued at 2,000,000 sesterces. The rest was valued very stingily. My Tusculan villa at 500,000 sesterces: my villa at Formiae at 250,000 sesterces

— an estimate loudly exclaimed against not only by all the best men, but even by the common people. You Will say, “What was the reason?” They for their part say it was my modesty — because I would neither say no, nor make any violent expostulation. But that is not the real cause: for that indeed in itself would have been in my favour. But, my dear Pomponius, those very same men, I tell you, of whom you are no more ignorant than myself, having clipped my wings, are unwilling that they should grow again to their old size. But, as I hope, they are already growing again. Only come to me! But this, I fear, may be retarded by the visit of your and my friend Varro. Having now heard the actual course of public business, let me inform you of what I have in my thoughts besides. I have allowed myself to be made legatus to Pompey, but only on condition that nothing should stand in the way of my being entirely free either to stand, if I choose, for the censorship — if the next consuls hold a censorial election — or to assume a “votive commission” in connexion with nearly any fanes or sacred groves. For this is what falls in best with our general policy and my particular occasions. But I wished the power to remain in my hands of either standing for election, or at the beginning of the summer of going out of town: and meanwhile I thought it not disadvantageous to keep myself before the eyes of the citizens who had treated me generously. Well, such are my plans in regard to public affairs; my domestic affairs are very intricate and difficult. My town house is being built: you know how much expense and annoyance the repair of my Formian villa occasions me, which I can neither bear to relinquish nor to look at. I have advertised my Tusculan property for sale; I don’t much care for a suburban residence. The liberality of friends has been exhausted in a business which brought me nothing but dishonour: and this you perceived though absent, as did others on the spot, by whose zeal and wealth I could easily have obtained all I wanted, had only my supporters allowed it. In this respect I am now in serious difficulty. Other causes of anxiety are somewhat more of the tacenda kind. My brother and daughter treat me with affection. I am looking forward to seeing you.

LETTER 3

TO ATTICUS (IN EPIRUS) ROME, 24 NOVEMBER

I am very well aware that you long to know what is going on here, and also to know it from me, not because things done before the eyes of the whole world are better realized when narrated by my band than when reported to you by the pens or lips of others, but because it is from my letters that you get what you want — a knowledge of my feelings in regard to the occurrences, and what at such a juncture is the state of my mind, or, in a word, the conditions in which I am living. On the 3rd of November the workmen were driven from the site of my house by armed ruffians: the porticus Catuli, which was being rebuilt on a contract given out by the consuls, in accordance with a decree of the senate, and had nearly reached the roof, was battered down: the house of my brother Quintus was first smashed with volleys of stones thrown from my site, and then set on fire by order of Clodius, firebrands having been thrown into it in the sight of the whole town, amidst loud exclamations of indignation and sorrow, I will not say of the loyalists — for I rather think there are none — but of simply every human being. That madman runs riot: thinks after this mad prank of nothing short of murdering his opponents: canvasses the city street by street: makes open offers of freedom to slaves. For the fact is that up to this time, while trying to avoid prosecution,

he had a case, difficult indeed to support, and obviously bad, but still a case: he might have denied the facts, he might have shifted the blame on others, he might even have pleaded that some part of his proceedings had been legal. But after such wrecking of buildings, incendiaries, and wholesale robberies as these, being abandoned by his supporters, he hardly retains on his side Decimus the marshal, or Gellius; takes slaves into his confidence; sees that, even if he openly assassinates everyone he wishes to, he will not have a worse case before a court of law than he has at present. Accordingly, on the uth of November, as I was going down the Sacred Way, he followed me with his gang. There were shouts, stone-throwing, brandishing of

clubs and swords, and all this without a moment's warning. I and my party stepped aside into Tettius Damio's vestibule: those accompanying me easily prevented his roughs from getting in. He might have been killed himself. But I am now on a system of cure by regimen: I am tired of surgery. The fellow, seeing that what everybody called for was not his prosecution but his instant execution, has since made all your Catilines seem models of respectability. For on the 12th of November he tried to storm and set fire to Milo's house, I mean the one on Germalus: and so openly was this done, that at eleven o'clock in the morning he brought men there armed with shields and with their swords drawn, and others with lighted torches. He had himself occupied the house of P. Sulla as his headquarters from which to Conduct the assault upon Milo's. Thereupon Q. Flaccus led out some gallant fellows from Milo's other house (the Anniana): killed the most notorious bravoes of all Clodius's gang: wanted to kill Clodius himself; but my gentleman took refuge in the inner part of Sulla's house. The next thing was a meeting of the senate on the 14th. Clodius stayed at home: Marcellinus was splendid: all were keen. Metellus talked the business out by an obstructive speech, aided by Appius, and also, by Hercules! by your friend on whose firmness you wrote me such a wonderfully true letter! Sestius was fuming. Aft erwards the fellow vows vengeance on the city if his election is stopped. Marcellinus's resolution having been exposed for public perusal (he had read it from a written copy, and it embraced our entire case — the prosecution was to include his violent proceedings on the site of my house, his arson, his assault on me personally, and was to take place before the elections), he put up a notice that he intended to watch the sky during all comitial days. Public speeches of Metellus disorderly,

of Appius hot-beaded, of Publius stark mad. The upshot, however, was that, had not Milo served his notice of bad omens in the campus, the elections would have been held. On the 19th of November Milo arrived on the campus before midnight with a large company. Clodius, though he had picked gangs of runaway slaves, did not venture into the campus. Milo stopped there till midday, to everybody's great delight and his own infinite credit: the movement of the three brethren ended in their own disgrace; their violence was

crushed, their madness made ridiculous. However, Metellus demands that the obstructive notice should be served on him next day in the forum: “there was no need to come to the campus before daybreak: he would be in the c”ml’ium at the first hour of the day.” Accordingly, on the 20th Milo Came to the forum before sunrise. Metellus at the first sign of dawn was stealthily hurrying to the campus, I had almost said by by-lanes: Milo catches our friend up “between the groves” and serves his notice. The latter returned greeted with loud and insulting remarks by Q. Flaccus. The 21st was a market day. For two days no public meeting. I am writing this letter on the 23rd at three o’clock in the morning. Milo is already in possession of the campus. The candidate Marcellus is snoring so loud that I can hear him next door. I am told that Clodius’s vestibule is completely deserted: there are a few ragged fellows there and a canvas lantern. His party complains that I am the adviser of the whole business: they little know the Courage and wisdom of that hero! His gallantry is astonishing. Some recent instances of his superhuman excellence I pass over; but the upshot is this: I don’t think the election will take place. I think Publius will be brought to trial by Milo — unless he is killed first. If he once puts himself in his way in a riot, I can see that he will be killed by Milo himself. The latter has no scruple about doing it; he avows his intention; he isn’t at all afraid of what happened to me, for he will never listen to the advice of a jealous and faithless friend, nor trust a feeble aristocrat. In spirit, at any rate, I am as vigorous as in my zenith, or even more so; in regard to money I am crippled. However, the liberality of my brother I have, in spite of his protests, repaid (as the state of my finances compelled) by the aid of my friends, that I might not be drained quite dry myself. What line of policy to adopt in regard to my position as a whole, I cannot decide in your absence: wherefore make haste to town.

LETTER 4

TO ATTICUS (RETURNING FROM EPIRUS) ROME, 28 JANUARY

I was charmed to see Cincius when he called on me on the 28th of January before daybreak. For he told me that you were in Italy and that he was sending slaves to you. I did not like them to go without a letter from me; not that I had anything to say to you, especially as you are all but here, but that I might express merely this one thing — that your arrival is most delightful and most ardently wished for by me. Wherefore fly to us with the full assurance that your affection for me is fully reciprocated. The rest shall be reserved for our meeting. I write in great haste. The day you arrive, mind, you and your party are to dine with me.

LETTER 4A

TO ATTICUS (RETURNING FROM EPIRUS) ANTIUM (APRIL)

IT will be delightful if you come to see us here. You will find that Tyrannio has made a wonderfully good arrangement of my books, the remains of which are better than I had expected. Still, I wish you would send me a couple of your library slaves for Tyrannio to employ as gluers, and in other subordinate work, and tell them to get some fine parchment to make title-pieces, which you Greeks, I think, call "sillybi." But all this is only if not inconvenient to you. In any case, be sure you come yourself, if you can halt for a while in such a place, and can persuade Pilia to accompany you. For that is only fair, and Tullia is anxious that she should come. My word! You have purchased a fine troop! Your gladiators, I am told, fight superbly. If you had chosen to let them out you would have cleared your expenses by the last two spectacles. But we will talk about this later on. Be sure to come, and, as you love me, see about the library slaves.

LETTER 5

TO ATTICUS (AT ROME) ANTIUM (APRIL)

Do you really mean it? Do you think that there is anyone by whom I prefer to have what I write read and approved of before yourself? "Why, then, did I send it to anyone before you?" I was pressed by the man to whom I sent it, and had no copy. And — well! I am nibbling at what I must, after all, swallow — my "recantation " did seem to me a trifle discreditable! But good-bye to straightforward, honest, and high-minded policy! One could scarcely believe the amount of treachery there is in those leaders of the state, as they wish to be, and might be, if they had any principle of honour in them. I had felt it, known it-taken in, abandoned, and cast aside by them, as I had been! and yet my purpose still was to stick by them in politics. They were the same men as they ever had been. At last, on your advice, my eyes have been opened. You will say that your advice only extended to action, not to writing also. The truth is that I wanted to bind myself to this new combination, that I might have no excuse for slipping back to those who, even at a time when I could claim their Compassion, never cease being jealous of me. However, I kept within due limits in my subject, when I did put pen to paper. I shall launch out more copiously if he shews that he is glad to receive it, and those make wry faces who are angry at my possessing the villa which once belonged to Catulus, without reflecting that I bought it from Vettius: who say that I ought not to have built a town house, and declare that I ought to have sold.

But what is all this to the fact that, when I have delivered senatorial speeches in agreement with their own views, their chief pleasure has yet been that I spoke contrary to Pompey's wishes? Let us have an end of it. Since those who have no power refuse me their affection, let us take care to secure the affection of those who have power. You will say, "I could have wished that you had done so before." I know you did wish it, and that I have made a real ass of myself. But now the time has Come to shew a little affection for myself, since I can get none from them on any terms.

I am much obliged to you for frequently going to see my house. Crassipes swallows up my money for travelling. Tullia will go straight to your suburban villa. That seems the more convenient plan. Consequently she will be at your town house the next day: for what can it matter to you? But we shall see. Your men have beautified my library by making up the books and appending title-slips. Please thank them.

LETTER 6

TO ATTICUS (AT ROME) FROM THE COUNTRY (APRIL-MAY)

Of course I am as sorry about Lentulus as I am bound to be: we have lost a good patriot and a great man, one who to great strength of character united a culture equally profound. My consolation is a miserable one, but still it is a consolation — that I do not grieve on his account: I don't mean in the sense of Saufeius and your Epicurean friends, but, by Hercules, because he loved his country so deeply, that he seems to me to have been snatched away by a special favour of providence from its conflagration. For what could be more humiliating than the life we are living, especially mine? For as to yourself, though by nature a politician, you have yet avoided having any servitude peculiar to yourself: you merely come under an appellation common to us all. But!; who, if I say what I ought about the Republic, am looked on as mad, if what expediency dictates, as a slave, and if I say nothing, as utterly crushed and helpless — what must I be suffering? Suffer, indeed, I do, and all the more keenly that I cannot even shew my pain without appearing ungrateful. Again: what if I should choose a life of inactivity and take refuge in the harbour of retired leisure? Impossible! Rather war and the camp Am I to serve in the ranks after refusing to be a general? I suppose I must. For I perceive you, too, think so, you whom I wish that I had always obeyed. All that is left to me now is, "You have drawn Sparta: make the best of it!" But, by heavens, I can't: and I feel for Philoxenus, who preferred a return to jail. However, in my present retirement I am thinking over how to express my rejection of the old policy, and when we meet you will strengthen me in it.

I notice that you have written to me at frequent intervals, but I received all the letters at once. This circumstance increased my grief. For I had read three to begin with, in which the report of Lentulus was that he was a little better. Then came the thunderbolt of the fourth. But it is not he, as I said, who is to be pitied, but we who are so callous as to live on. You remind me to write that essay on

Hortensius: I have digressed into other subjects, but have not forgotten your charge. But, by heaven, at the first line I shrank from the task, lest I, who seem to have acted foolishly in resenting foolishly rendering his injurious treatment of me conspicuous, his intemperate conduct as a friend, should once more be if I wrote anything; and at the same time lest my high morale, manifested in my actions, should be somewhat obscured in my writing, and this mode of taking satisfaction should seem to imply a certain instability. But we shall see. Only be sure to write me something as often as possible. I sent a letter to Lucceius asking him to write the history of my consulship: be sure you get it from him, for it is a very pretty bit of writing, and urge him to use despatch, and thank him for having written me an answer saying that he would do so. Go and see my house as often as you can. Say something to Vestorius: for he is acting very liberally in regard to me.

LETTER 7

TO ATTICUS (AT ROME) ARPINUM (APRIL-MAY)

Nothing could be better timed than your letter, which much relieved the anxiety I was feeling about that excellent boy, our Quintus. Two hours earlier Chaerippus had arrived: his news was simply awful. As to what you say about Apollonius, why, heaven confound him! a Greek and turn bankrupt! Thinks he may do what Roman knights do! For, of course, Terentius is within his rights! As to Metellus — de mortuis, etc. — yet there has been no citizen die these many years past who —— . Well, I am willing to warrant your getting the money: for what have you to fear, whomsoever he made his heir, unless it were Publius? But he has, in fact, made a respectable man his heir, though he was himself —— ! Wherefore in this business you will not have to open your money-chest: another time you will be more cautious. Please see to my instructions about my house: hire some guards: give Milo a hint. The Arpinates grumble amazingly about Laterium. Well, what can I say? I was much annoyed myself, but "to words of mine he gave no heed." For the rest, take care of young Cicero and love him as always.

LETTER 8

TO ATTICUS (AT ROME) ANTIUM (APRIL-MAY)

There were many things in your letter which pleased me, but nothing more than your "dish of cheese and salt fish"! For as to what you say about the sale, Boast not yourself before you see the end,
I can find nothing in the way of a building for you in the neighbourhood. In the town there is something of the sort, though it is doubtful whether it is for sale, and, in fact, close to my own house. Let me tell you that Antium is the Buthrotum of Rome, just what your Buthrotum is to Corcyra. Nothing can be quieter, cooler, or prettier—"be this mine own dear home." Moreover, since Tyrannio has arranged my books for me, my house seems to have had a soul added to it; in which matter your Dionysius and Menophilus were of wonderful service. Nothing can be more charming than those bookcases of yours, since the title-slips have shewn off the books. Good-bye. I should like you to write me word about the gladiators, but only if they fight well, I don't want to know about them if they were failures.

8 A)

TO ATTICUS (AT ROME) TUSCULUM

(JANUARY) Apenas had scarcely left me, when your letter came. Really? Do you suppose he won't propose his law? Pray speak a little louder: I seem scarcely to have caught what you said. But let me know it at once, if it is all the same to you, that is! Well, since an additional day has been assigned to the games, I am all the more content to spend that day with Dionysius. About Trebonius I cordially agree with you. About Domitius,

I swear by Ceres that no single fig
Was e'er so like another,
as his case to mine, either in the sameness of persons, the unexpectedness of it, or the futility of the loyalists. There is one

difference — he has brought it upon himself. For as to the misfortune itself I rather think mine is the less grievous. For what could be more mortifying than that a man, who has been consul-designate, so to speak, ever since he was born, should fail in securing his election? Especially when he is the only (plebeian) Candidate, or at most had but one opponent. If it is also the fact, which I rather think it is, that he has in the register of his pocket-book some equally long pages of future, no less than of past consuls, what more humiliating position than our friend's, except that of the Republic? My first information about Natta was from your letter: I couldn't bear the man. As to your question about my poem: what if it is all agog to escape from my hands? Well? Would you permit it? About Fabius Luscus — I was just going to speak of him: the man was always very cordial to me, and I never had any cause to dislike him; for he is intelligent, very well-behaved, and serviceable enough. As I was seeing nothing of him, I supposed him to be out of town: but was told by this fellow Gavius of Firmum, that he was at Rome, and had never been away. It made a disagreeable impression on me. "Such a trifle as that?" you will say. Well, he had told me a good deal of which there could be no doubt as to these brothers of Firmum. What it is that has made him hold aloof from me, if he has done so, I have no idea. As to your advice to me to act "diplomatically" and keep to the " outside course" — I will obey you. But I want still more worldly wisdom, for which, as usual, I shall come to you. Pray smell things out from Fabius, if you can get at him, and pick the brains of your guest, and write me word on these points and all others every day. When there is nothing for you to write, write and say so. Take care of your health.

LETTER 9

TO ATTICUS (AT ROME) CUMAE, 28 APRIL

I should much like to know whether the tribunes are hindering the census by stopping business with their bad omens (for there is a rumour to that effect), and what they are doing and contriving as to the censorship altogether. I have had an interview with Pompey here. He talked a good deal to me about politics. He is not at all satisfied with himself, to judge from what he says — one is obliged to put in that proviso in his case. He thinks very little of Syria as a province; talks a good deal about Spain — here, too, I must add, "to judge from what he says," and, I think, his whole conversation requires that reservation, and to be ticketed as Phocylides did his verses — καὶ τόδε φωκυλίδου.

He expressed gratitude to you for undertaking to arrange the statues: towards myself he was, by Hercules, most effusively cordial. He even came to my Cuman house to call on me. However, the last thing he seemed to wish was that Messalla should stand for the consulship: that is the very point on which I should like to hear what you know. I am much obliged by your saying that you will recommend my fame to Lucceius, and for your frequent inspection of my house. My brother Quintus has written to tell me that, as you have that dear boy, his son Quintus, staying with you, he intends coming to your house on the 7th of May. I left my Cuman villa on the 26th of April. That night I spent at Naples with Paetus. I write this very early on the 27th, on my road to my Pompeian house.

LETTER 10

TO ATTICUS (AT ROME) CUME, 20 APRIL

At Puteoli there is a great report that Ptolemy has been restored. If you have any more certain news, I should like to know it. I am here devouring the library of Faustus. curule chair, and be taking a stroll with you rather than with the great man with whom I see I shall have to walk. But as to that walk, let fortune look to it, or god, if there is any god who cares for such things. I wish, when possible, you would come and see my walk and Spartan bath, and the buildings planned by Cyrus, and would urge Philotimus to make haste, that I may have something to match with yours in that department. Pompey came to his Cuman property on the Parilia (19th April). He at once sent a man to me with his compliments. I am going to call on him on the morning of the 20th, as soon as I have written this letter.

LETTER 11

TO ATTICUS (AT ROME) CUMAE (APRIL)

I was delighted with your two letters which I received together on the 26th. Go on with the story. I long to know all the facts of what you write about. Also I should like you to find out what this means: you can do so from Demetrius. Pompey told me that he was expecting Crassus in his Alban villa on the 27th: that as soon as he arrived, they were going at once to Rome to settle accounts with the publicani. I asked, "During the gladiatorial exhibitions?" He answered, "Before they were begun." What that means I wish you would send me word either at once, if you know, or when he has reached Rome. I am engaged here in devouring books with the aid of that wonderful fellow Dionysius, for, by Hercules, that is what he seems to me to be. He sends compliments to you and all your party.

No bliss so great as knowing all that is.
Wherefore indulge my thirst for knowledge by telling what happened on the first and on the second day of the shows: what about the Censors, what about Appius, what about that she — Appuleius of the people? Finally, pray write me word what you are doing yourself. For, to tell the truth, revolutions don't give me so much pleasure as a letter from you. I took no one out of town with me except Dionysius: yet I am in no fear of wanting conversation — so delightful do I find that youth. Pray give my book to Lucceius. I send you the book of Demetrius of Magnesia, that there may be a messenger on the spot to bring me back a letter from you.

LETTER 12

TO ATTICUS (AT ROME) CUMAE, APRIL

Egnatius is at Rome. But I spoke strongly to him at Antium about Halimetus's business. He assured me that he would speak seriously to Aquilius. You will see the man therefore, if you please. I think I can scarcely be ready for Macro: for I see that the auction at Larinum is on the Ides and the two days following. Pray forgive me for that, since you think so much of Macro. But, as you love me, dine with me on the 2nd, and bring Pilia. You must absolutely do so. On the 1st I think of dining at Crassipes' suburban villa as a kind of inn. I thus elude the decree of the senate. Thence to my town house after dinner, so as to be ready to be at Milo's in the morning. There, then, I shall see you, and shall march you on with me. My whole household sends you greeting.

LETTER 13

TO ATTICUS (AT ROME) TUSCULUM, 15 NOVEMBER

I see that you know of my arrival at Tusculum on the 14th of November. I found Dionysius there. I wish to be at Rome on the 17th. Why do I say "wish"? Rather I am forced to be so. Milo's wedding. There is some idea of an election. Even supposing that to be confirmed, I am glad to have been absent from the wrangling debates which I am told have taken place in the senate. For I should either have defended him, which would have been against my opinion, or have deserted him whom I was bound to defend. But, by Hercules, describe to me to the utmost of your power those events, and the present state of politics, and how the consuls stand this bother. I am very ravenous for news, and, to tell you the truth, I feel no confidence in anything. Our friend Crassus indeed, people say, started in his official robes with less dignity than in the old times did L. Paullus, at the same time of life as he is, and, like him, in his second consulship. What a sorry fellow! About my oratorical books, I have been working hard. They have been long in hand and much revised: you can get them copied. I again beg of you an outline sketch of the present situation, that I may not arrive in Rome quite a stranger.

LETTER 14

TO ATTICUS (ON A JOURNEY) CUMAE (MAY)

Our friend Vestorius has informed me by letter that you are believed to have left Rome on the 10th of May — later than you said that you intended — because you had not been very well. If you are now better I rejoice indeed. I wish you would write to your town house, ordering your books to be at my service just as if you were at home, especially those of Varro. For I have occasion to use some passages of those books in reference to those which I have in hand, and which, I hope, will meet with your strong approval. Pray, if by chance you have any news, principally from my brother Quintus, next from Caesar, and, finally, anything about the elections or about politics — for you have an excellent nose for such things-write and tell me about them: if you have no news, nevertheless write something. For a letter from you never yet seemed to me either ill-timed or too long-winded. But above all I beg that, when your business and your whole tour has been concluded to your mind, you will come back to us as soon as possible. Give my compliments to Dionysius. Take care of your health.

LETTER 15

TO ATTICUS (IN EPIRUS) ROME, 27 JULY

I am glad about Eutychides, who, using your old praenomen and your new nomen, will be called Titus Caecilius, just as Dionysius, from a combination of your names and mine, is Marcus Pomponius. I am, by Hercules, exceedingly gratified that Eutychides has had cause to know your kindness to me, and that the sympathy he shewed me in the time of my sorrow was neither unnoticed at the time nor afterwards forgotten by me. I suppose you were obliged to undertake your journey to Asia. For you never would have been willing, without the most urgent cause, to be so far from so many persons and things which you love so much, and which give you so much delight. But the speed of your return will shew your kindness and love for your friends. Yet I fear lest the rhetorician Clodius, by his charms, and Pituanius, that excellent scholar, as he is said to be, and now, indeed, so wholly devoted to Greek letters, may detain you. But if you would shew the feelings of a man, come back to us at the time you promised. You will, after all, be able to enjoy their society at Rome, when they get there safe. You say you desire something in the way of a letter from me: I have written, and, indeed, on many subjects — everything detailed like a journal — but, as I conjecture from your not having, as it seems, remained long in Epirus, I suppose it has not reached you. Moreover, my letters to you are generally of such a kind, that I don't like to put them in anyone's hands, unless I can feel certain that he will deliver them to you.

Now for affairs at Rome. On the 4th of July Sufenas and Cato were acquitted, Procilius condemned. From which we have learnt that our treble-distilled Areopagites care not a rush for bribery, elections, Interregnum, , or, in fact, for the state generally; but that they would rather that a father of a family were not murdered on his own hearthstone — and even that preference not very decided. There were twenty-two votes for acquittal, twenty-nine for condemnation! Publius, no doubt by an eloquent peroration in his speech for the prosecution, had quickened the feelings of the jurors! Herbalus was

in the case. and behaved as usual. I said never a word. For my little girl, who is unwell, was afraid of offending Publius's feelings. After this was over the people of Reate conducted me to their Tempe, to plead their cause against the people of Interamna before the consul and ten commissioners, because the Veline Lake, which had been drained by Manius Curius by cutting away the mountain, flowed into the Nar, by which means the famous Rosia has been reclaimed from the swamp, though still fairly moist. I lived with Axius, who took me also to visit Seven Waters. I returned to Rome on the 9th of July for the sake of Fonteius. I entered the theatre. At first I was greeted with loud and general applause — but don't take any notice of that, I was a fool to mention it — then I turned my attention to Antiphon. He had been manumitted before being brought on to the stage. Not to keep you in suspense, he bore away the palm. But there never was anything so dwarfish, so destitute of voice, so —— But keep this to yourself. However, in the Andromache he was just taller than Astyanax: among the rest he had not one of his own height. You next ask about Arbuscula: she had a great success. The games were splendid and much liked. The wild-beast hunt was put off to a future occasion. Next follow me into the campus. Bribery is raging. "and I a sign to you will tell." The rate of interest from being four per cent. on the 15th of July has gone up to eight per cent. You will say, "Well, I don't mind that." What a man! What a citizen! Memmius is supported by all Caesar's influence. The consuls have formed a coalition between him and Domitius (Calvinus) on terms which I dare not commit to paper. Pompey rages, remonstrates, backs Scaurus, but whether only ostensibly or from the heart people don't feel sure. No one takes the lead: money reduces all to the same level. Messalla's chance is at a low ebb: not because he is wanting in spirit or friends, but because this coalition of the consuls, as well as Pompey's opposition, stands in his way. I think the result will be a postponement of the elections. The tribunician candidates have taken an oath to conduct their canvass according to the direction of Cato. They have deposited with him 500 sestertia apiece, on condition that whoever Cato condemns should forfeit it, and that it should be paid over to his competitors. I write this the day before the elections are to take place. But on the 28th of July, if they have taken place, and if

the letter-carrier has not started, I will write you an account of the whole comitia: and, if they are conducted without corruption, Cato by himself will have been more efficacious than all laws and jurors put together. I have undertaken to defend Messius, who has been recalled from his legation: for Appius had named him legatus to Caesar. Servilius ordered his attendance in an edict. His jurors are to be from the tribes Pomptina, Velina, and Maecia. It is a sharp fight: however, it is going fairly well. After that I have to prepare myself for Drusus, then for Scaurus. Very high-sounding title-slips are being prepared for my speeches! Perhaps even the consuls-designate will be added to the list of my clients: and if Scaurus is not one of them, he will find himself in serious difficulties in this trial. Judging from my brother Quintus's letter, I suspect that by this time he is in Britain. I await news of him with anxiety. We have certainly gained one advantage — many unmistakable indications enable us to feel sure that we are in the highest degree liked and valued by Caesar. Please give my compliments to Dionysius, and beg and exhort him to come as soon as possible, that he may continue the instruction of my son and of myself as well.

LETTER 16

TO ATTICUS (IN EPIRUS OR ON HIS JOURNEY TO ASIA)
ROME (? 24 JUNE)

The bare fact of my letter being by the hand of an amanuensis will be a sign of the amount of my engagements. I have no fault to find with you as to the number of your letters, but most of them told me nothing except where you were, or at most shewed by the fact that they Came from you that no harm had happened to you. Of this class of letters there were two which gave me very great pleasure, dated by you from Buthrotum almost at the same time: for I was anxious to know that you had had a favourable crossing. But this constant supply of your letters did not give me so much pleasure by the richness of their contents as by their frequency. The one which your guest, M. Paccius, delivered to me was important and full of matter. I will therefore answer it. And this is the first thing I have to say: I have shewn Paccius, both by word and deed, what weight a recommendation from you has: accordingly, he is among my intimate friends, though unknown to me before. Now for the rest. Varro, of whom you write, shall be got in somewhere, if l can but find a place for him. But you know the style of my Dialogues: just as in those On the Orator, which you praise to the skies, a mention of anyone by the interlocutors was impossible, unless he had been known to or heard of by them, so in the "Dialogue on the Republic," which I have begun, I have put the discussion in the mouths of Africanus, Philus, Laelius, and Manilius. I have added two young men, Q. Tubero and P. Rutilius, and the two sons-in-law of Laelius, Scaevola and Fannius. So I am thinking how (since I employ introductions to each book, as Aristotle does in what he calls his "Exoterics") to contrive some pretext for naming your friend in a natural way, as I understand is your wish. May I only be enabled to carry out my attempt! For, as you cannot but observe, I have undertaken a subject wide, difficult, and requiring the utmost leisure — the very thing that, above all others, I lack. In those books which you commend you complain of the absence of Scaevola among the

speakers. Well, I did not withdraw him without a set purpose, but I did exactly what that god of our idolatry, Plato, did in his Republic. When Socrates had come to the Piraeus on a visit to Cephalus, a wealthy and cheerful old man, during all the introductory conversation the old man takes part in the discussion; then, after having himself made a speech very much to the point, he says that he wants to go away to attend on the religious rites, and does not return again. I believe Plato hardly thought that it would be quite natural, if he kept a man of that age any longer in a conversation so protracted. I thought that I was bound to be still more careful in the case of Scaevola, who was at the age and with the broken health as you remember he then was, and who had enjoyed such high offices, that it was scarcely in accordance with etiquette for him to be staying several days in the Tusculan villa of Crassus. Besides, the conversation in the first book was not unconnected with Scaevola's special pursuits: the other books, as you know, contain a technical discussion. In such I was unwilling that that facetious veteran, as you know he was, should take part.

As to Pilia's business, which you mention, I will see to it. For the matter is quite clear, as you say, from the information supplied by Aurelianus, and in managing it I shall have also an opportunity of glorifying myself in my Tullia's eyes. I am supporting Vestorius: for I know that it gratifies you, and I am careful that he should understand that to be the case. But do you know the sort of man he is? Though he has two such good-natured people to deal with, nothing can exceed his impracticability. Now as to what you ask about Gaius Cato. You know that he was acquitted under the lex Junia Licinia:

I have to tell you that he will be acquitted under the lex Fufia, and not so much to the satisfaction of his defenders as of his accusers. However, he has become reconciled to myself and Milo. Drusus has had notice of prosecution by Lucretius. The 3rd of July is the day fixed for challenging his jurors. About Procilius there are sinister rumours — but you know what the courts are. Hirrus is on good terms with Domitius. The senatorial decree which the present consuls have carried about the provinces—"whoever henceforth, etc." — does not seem to me likely to have any effect.

As to your question about Messalla, I don't know what to say: I have never seen candidates so closely matched. Messalla's means of support you know. Scaurus has had notice of prosecution from Triarius. If you ask me, no great feeling of sympathy for him has been roused. Still, his aedileship is remembered with some gratitude, and he has a certain hold on the country voters from the memory of his father. The two remaining plebeian candidates have compensating advantages which make them about equal: Domitius Calvinus is strong in friends, and is farther supported by his very popular exhibition of gladiators; Memmius finds favour with Caesar's veterans and relies on Pompey's client towns in Gaul. If this does not avail him, people think that some tribune will be found to push off the elections till Caesar comes back, especially since Cato has been acquitted.

I have answered your letter brought by Paccius: Now allow yourself to be scolded, if you deserve it. For you say in the letter from Buthrotum, delivered to me by C. Decimus, that you think you will have to go to Asia. There did not, by Hercules, seem to me to be anything that made it matter in the least whether you did the business by agents or in person; or anything to make you go so often and so far from your friends. But I could have wished that I had urged. this on you before you had taken any step. For I certainly should have had some influence on you. As things are, I will suppress the rest of my scolding. May it only have some effect in hastening your return! The reason of my not writing oftener to you is the uncertainty I am in as to where you are or are going to be. However, I thought I ought to give this letter to a chance messenger, because be seemed to be likely to see you. Since you think you really will go to Asia, pray tell me by what time we may expect you back, and what you have done about Eutychides.

17 AND PARTS OF 16)

TO ATTICUS (ABROAD) ROME, 1 OCTOBER

You think I imagine that I write more rarely to you than I used to do from having forgotten my regular habit and purpose, but the fact is

that, perceiving your locality and journeys to be equally uncertain, I have never entrusted a letter to anyone — either for Epirus, or Athens, or Asia, or anywhere else — unless he was going expressly to you. For my letters are not of the sort to make their non-delivery a matter of indifference; they contain so many confidential secrets that I do not as a rule trust them even to an amanuensis, for fear of some jest leaking out in some direction or another.

The consuls are in a blaze of infamy because Gaius Memmius, one of the candidates, read out in the senate a compact which he and his fellow candidate, Domitius Calvinus, had made with the consuls — that both were to forfeit to the consuls 40 sestertia apiece (in Case they were themselves elected consuls), if they did not produce three augurs to depose that they had been present at the passing of a lex curiata, which, in fact, had not been passed; and two consulars to depose to having helped to draft a decree for furnishing the consular provinces, though there had not even been a meeting of the senate at all. As this compact was alleged not to have been a mere verbal one, but to have been drawn up with the sums to be paid duly entered, formal orders for payment, and written attestations of many persons, it was, on the suggestion of Pompey, produced by Memmius, but with the names obliterated. It has made no difference to Appius — he had no character to lose! To the other consul it was a real knock-down blow, and he is, I assure you, a ruined man. Memmius, however, having thus dissolved the coalition, has lost all chance of election, and is by this time in a worse position than ever, because we are now informed that his revelation is strongly disapproved of by Caesar. Our friend Messalla and his fellow candidate, Domitius Calvinus, have been very liberal to the people. Nothing can exceed their popularity. They are certain to be consuls. But the senate has passed a decree that a "trial with closed doors" should be held before the elections in respect to each of the candidates severally. by the panels already allotted to them all. The candidates are in a great fright. But certain jurors — among them Opimius, Veiento, and Rantius — appealed to the tribunes to prevent their being called upon to act as jurors without an order of the people. The business goes on. The comitia are postponed by a decree of the senate till such time as the law for the "trial with closed doors " is carried. The day for

passing the law arrived. Terentius vetoed it. The consuls, having all along conducted this business in a half-hearted kind of way, referred the matter back to the senate. Hereupon -Bedlam! my voice being heard with the rest. “Aren’t you wise enough to keep quiet, after all?” you will say. Forgive me: I can hardly restrain myself. But, nevertheless, was there ever such a farce? The senate had voted that the elections should not be held till the law was passed: that, in case of a tribunician veto, the whole question should be referred to them afresh. The law is introduced in a perfunctory manner: is vetoed, to the great relief of the proposers: the matter is referred to the senate. Upon that the senate voted that it was for the interest of the state that the elections should be held at the earliest possible time! Scaurus, who had been acquitted a few days before, after a most elaborate speech from me on his behalf — when all the days up to the 29th of September (On which I write this) had one after the other been rendered impossible for the comitia by notices of ill omens put in by Scaevola — paid the people what they expected at his own house, tribe by tribe. But all the same, though his liberality was more generous, it was not so acceptable as that of the two mentioned above, who had got the start of him. I could have wished to see your face when you read this; for I am certain you entertain some hope that these transactions will occupy a great many weeks! But there is to be a meeting of the senate today, that is, the 1st of October — for day is already breaking. There no one will speak his mind except Antius and Favonius, for Cato is ill. Don’t be afraid about me: nevertheless, I make no promises. Is there anything else you want to know? Anything? Yes, the trials, I think. Drusus and Scaurus are believed not to have been guilty. Three candidates are thought likely to be prosecuted: Domitius Calvinus by Memmius, Messalla by Q. Pompeius Rufus, Scaurus by Triarius or by L. Caesar. “What will you be able to say for them?” quoth you. May I die if I know! In those books certainly, of which you speak so highly, I find no suggestion.

Now for the rest. From my brother’s letter I gather surprising indications of Caesar’s affection for me, and they have been confirmed by a very cordial letter from Caesar himself. The result of the British war is a source of anxiety. For it is ascertained that the

approaches to the island are protected by astonishing masses of cliff. Moreover, it is now known that there isn't a pennyweight of silver in that island, nor any hope of booty except from slaves, among whom I don't suppose you can expect any instructed in literature or music.

Paullus has almost brought his basilica in the forum to the roof, using the same columns as were in the ancient building: the part for which he gave out a contract he is building on the most magnificent scale. Need I say more? Nothing could be more gratifying or more to his glory than such a monument. Accordingly, the friends of Caesar — I mean myself and Oppius, though you burst with anger — have thought nothing of 60,000 sestertia for that monument, which you used to speak of in such high terms, in order to enlarge the forum and extend it right up to the Hall of Liberty. The claims of private owners could not be satisfied for less. We will make it a most glorious affair. For in the Campus Martius we are about to erect voting places for the comitia tributa, of marble and covered, and to surround them with a lofty colonnade a mile in circumference: at the same time the Villa Publica will also be connected with these erections. You will say: "What good will this monument do me?" But why should I trouble myself about that? I have told you all the news at Rome: for I don't suppose you want to know about the lustrum, of which there is now no hope, or about the trials which are being held under the (Cincian) law.

LETTER 18

TO ATTICUS (IN ASIA) ROME, OCTOBER

As it is, to tell you my opinion of affairs, we must put up with it. You ask me how I have behaved. With firmness and dignity. "What about Pompey," you will say, "how did he take it?" With great consideration, and with the conviction that he must have some regard for my position, until a satisfactory atonement had been made to me. "How, then," you will say, "was the acquittal secured?" It was a case of mere dummies, and incredible incompetence on the part of the accusers — that is to say, of L. Lentulus, son of Lucius, who, according to the universal murmur, acted collusively. In the next place, Pompey was extraordinarily urgent; and the jurors were a mean set of fellows. Yet, in spite of everything, there were thirty-two votes for conviction, thirty-eight for acquittal. There are the other prosecutions hanging over his head: he is by no means entirely free yet. You will say, "Well, then, how do you bear it?" With the best air possible, by heaven! and I really do plume myself on my behaviour. We have lost, my dear Pomponius, not only all the healthy sap and blood of our old constitution, but even its colour and outward show. There is no Republic to give a moment's pleasure or a feeling of security. "And is that, then," you will say, "a satisfaction to you?" Precisely that. For I recall what a fair course the state had for a short time, while I was at the helm, and what a return has been made me! It does not give me a pang that one man absorbs all power. The men to burst with envy are those who were indignant at my having had some power. There are many things which console me, without my departing an inch from my regular position; and I am returning to the life best suited to my natural disposition — to letters and the studies that I love. My labour in pleading I console by my delight in oratory. I find delight in my town house and my country residences. I do not recall the height from which I have fallen, but the humble position from which I have risen. As long as I have my brother and you with me, let those fellows be hanged, drawn, and quartered for all I care: I can play the philosopher with you. That part of my soul, in which in

old times irritability had its home, has grown completely callous. I find no pleasure in anything that is not private and domestic. You will find me in a state of magnificent repose, to which nothing contributes more than the prospect of your return. For there is no one in the wide world whose feelings are so much in sympathy with my own. But now let me tell you the rest. Matters are drifting on to an interregnum; and there is a dictatorship in the air, in fact a good deal of talk about it, which did Gabinius also some service with timid jurors. All the candidates for the consulship are charged with bribery. You may add to them Gabinius, on whom L. Sulla had served notice, feeling certain that he was in a hopeless position — Torquatus having, without success, demanded to have the prosecution. But they will all be acquitted, and henceforth no one will be condemned for any. thing except homicide. This last charge is warmly pressed, and accordingly informers are busy. M. Fulvius Nobilior has been convicted. Many others have had the wit to abstain from even putting in an appearance. Is there any more news? Yes! After Gabinius's acquittal another panel of jurors, in a fit of irritation, an hour later condemned Antiochus Gabinius, some fellow from the studio of Sopolis, a freedman and orderly officer of Gabinius, under the lex Papia. Consequently he at once remarked, "So the Republic will not acquit me under the law of treason as it did you!"

Pomptinus wants to celebrate a triumph on the 2nd of November. He is openly opposed by the praetors Cato and Servilius and the tribune Q. Mucius. For they say that no law for his imperium was ever carried: and this one too was carried, by heaven, in a stupid way. But Pomptinus will have the consul Appius on his side. Cato, however, declares that he shall never triumph so long as he is alive. I think this affair, like many of the same sort, will come to nothing. Appius thinks of going to Cilicia without a law, and at his own expense. I received a letter on the 24th of October from my brother and from Caesar, dated from the nearest Coasts of Britain on the 26th of September. Britain done with ... hostages taken no booty ... a tribute, however, imposed; they were on the point of bringing back the army. Q. Pilius has just set out to join Caesar. If you have any love for me or your family, or any truth in you, or even if you have any taste left, and any idea of enjoying all your blessings, it is really

time for you to be on your way home, and, in fact, almost here. I vow I cannot get on without you. And what wonder that I can't get on without you, when I miss Dionysius so much? The latter, in fact, as soon as the day comes, both I and my young Cicero will demand of you. The last letter I had from you was dated Ephesus, 9th of August.

LETTER 19

TO ATTICUS (ON HIS WAY TO ROME) ROME (NOVEMBER)

At last the long-expected letter from you! Back to Italy, how delightful! What wonderful fidelity to your promise! What a charming voyage! About this last, by Hercules, I was very nervous, remembering the fur wrappers of your former crossing. But, unless I am mistaken, I shall see you sooner than you say in your letter. For I believe you thought that your ladies were in Apulia, and when you find that not to be the case, what can there be to detain you there? Are you bound to give Vestorius some days, and must you go through the stale banquet of his Latin Atticism again after an interval? Nay, fly hither and visit (the remains) of that genuine Republic of ours! .. Observe my strength of mind and my supreme indifference to the Felician one-twelfth legacy, and also, by heaven, my very gratifying connexion with Caesar — for this delights me as the one spar left me from the present shipwreck — Caesar, I say, who treats your and my Quintus, heavens! with what honour, respect, and favours! It is exactly as if I were the imperator. The choice was just lately offered him of selecting any of the winter quarters, as he writes me word. Wouldn't you be fond of such a man as that? Of which of your friends would you, if not of him? But look you! did I write you word that I was legatus to Pompey, and should be outside the city from the 13th of January onwards? This appeared to me to square with many things. But why say more? I will, I think, reserve the rest till we meet,

that you may, after all, have something to look forward to. My very best regards to Dionysius, for whom, indeed, I have not merely kept a place, but have even built one. In fine, to the supreme joy of your return, a finishing stroke will be added by his arrival. The day you arrive, you and your party will, I entreat you, stay with me.

BOOK 5

LETTER 1

TO ATTICUS (AT ROME) MINTURNAE MAY

Yes, I saw well enough what your feelings were as I parted from you; what mine were I am my own witness. This makes it all the more incumbent on you to prevent an additional decree being passed, so that this mutual regret of ours may not last more than a year. As to Annius Saturninus, your measures are excellent. As to the guarantee, pray, during your stay at Rome, give it yourself. You will find several guarantees on purchase, such as those of the estates of Memmius, or rather of Attilius. As to Oppius, that is exactly what I wished, and especially your having engaged to pay him the 800 sestertia (about £ 6,400), which I am determined shall be paid in any case, even if I have to borrow to do so, rather than wait for the last day of getting in my own debts.

I now come to that last line of your letter written crossways, in which you give me a word of caution about your sister. The facts of the matter are these. On arriving at my place at Arpinum, my brother came to see me, and our first subject of conversation was yourself, and we discussed it at great length. After this I brought the conversation round to what you and I had discussed at Tusculum, on the subject of your sister. I never saw anything so gentle and placable as my brother was on that occasion in regard to your sister: so much so, indeed, that if there had been any cause of quarrel on the score of expense, it was not apparent. So much for that day. Next day we started from Arpinum. A country festival caused Quintus to stop at Arcanum; I stopped at Aquinum; but we lunched at Arcanum. You know his property there. When we got there Quintus said, in the kindest manner, "Pomponia, do you ask the ladies in; I will invite the men." Nothing, as I thought, could be more courteous, and that, too, not only in the actual words, but also in his intention and the expression of face. But she, in the hearing of us all, exclaimed, "I am only a stranger here!" The origin of that was, as I think, the fact that Statius had preceded us to look after the luncheon. Thereupon Quintus said to me, "There, that's what I have to put up with every

day!" You will say, "Well, what does that amount to?" A great deal; and, indeed, she had irritated even me: her answer had been given with such unnecessary acrimony, both of word and look. I concealed my annoyance. We all took our places at table except her. However, Quintus sent her dishes from the table, which she declined. In short, I thought I never saw anything better-tempered than my brother, or crosser than your sister: and there were many particulars which I omit that raised my bile more than they did that of Quintus himself. I then went on to Aquinum; Quintus stopped at Arcanum, and joined me early the next day at Aquinum. He told me that she had refused to sleep with him, and when on the point of leaving, she behaved just as I had seen her. Need I say more? You may tell her herself that in my judgment she shewed a marked want of kindness on that day. I have told you this story at greater length, perhaps, than was necessary, to convince you that you, too, have something to do in the way of giving her instruction and advice.

There only remains for me to beg you to complete all my commissions before leaving town; to give Pomptinus a push, and make him start; to let me know as soon as you have left town, and to believe that, by heaven, there is nothing I love and find more pleasure in than yourself. I said a most affectionate good-bye to that best of men, A. Torquatus, at Minturnae, to whom I wish you would remark, in the course of conversation, that I have mentioned him in my letter.

LETTER 2

TO ATTICUS (AT ROME) POMPEII, 10 MAY

On the 10th of May, the date of this letter, I am about to start from my Pompeian villa, intending to stay to-night with Pontius in his villa near Trebula. After that I mean to make regular days' journeys without any farther delay. While in my Cuman villa I was much gratified by a visit from our friend Hortensius. When he asked me whether he could do anything for me, I answered in general terms about everything else; but I begged him in particular to prevent, as far as in him lay, any extension of my provincial government. In this please confirm him, and tell him that I was much gratified by his visit, and by his promise to do this for me, and anything else I wanted besides. I have strongly urged the same on our friend Furnius, who, I see, will be a tribune for next year. I had a kind of miniature Rome in my Cuman villa: there was such a crowd of people in the neighbourhood. In the midst of all this our friend "Rufio," seeing that he was being watched by Vestorius, tricked that gentleman by a ruse de guerre. For he never came near me. "What!" you will say, "when Hortensius came, in spite of being in weak health and living at such a distance and being the great Hortensius, and such a crowd of people besides — do you mean to say that he didn't come? So you didn't see the fellow at all?" How could I help seeing him, when my road lay through the mart of Puteoli? There as he was, I presume, doing some business, I said "How d'ye do?" to him; and on a later occasion I bade him good-bye when he came out of his own villa and asked me whether he could do anything for me. A man like that is one to reckon ungrateful? Doesn't he rather deserve Commendation for not exerting himself to get a hearing?

But to return to my subject. Do not imagine that anything can console me for this gigantic bore, except the hope that it will not last longer than a year. Many will not believe me in this, because they judge from the habit of others. You, who know the truth, pray use every exertion; I mean, when the time comes for the question to be mooted. As soon as you return from Epirus, I beg you to write about

public affairs and tell me anything you may detect. For satisfactory intelligence has not reached as far as this as to how Caesar took the senatorial resolution being written out; and there was also a rumour about the Transpadani, that they had been bidden to elect quattuorviri. If that is the case I fear some great disturbances. But I shall learn something from Pompey.

LETTER 3

TO ATTICUS (AT ROME) THE TREBULANUM OF PONTIUS, 11 MAY

On the 10th of May I arrived at his Trebulanum to stay with Pontius There two letters from you were delivered to me, dated two days before. On that same day, as I was leaving my Pompeian villa, I had delivered a letter for you to Philotimus; nor have I at present anything to write about. Write me word what reports there are about politics, I beseech you. For in the towns I observe that there is much alarm, yet for the most part it is mere idle gossip. What you think about all this, and when the crisis will come, please let me know. What letter it is you want answered I don't know: for I have as yet received none except the two delivered to me at Trebulanum, of which the one contained the edict of P. Licinius, dated 7th May, the other an answer to mine from Minturnae How uneasy I feel, lest there should have been something more important than usual in the one which I haven't received, and to which you want an answer! With Lentulus I will bring you into favour. I like Dionysius much. Your Nicanor serve me excellently. Well, I have nothing more to say, and day is breaking. I think of going to Beneventum today. By disinterested conduct and attention to business I shall take care to satisfy all concerned.

At the house of Pontius, Trebulanum, 11 May.

LETTER 4

TO ATTICUS (AT ROME) BENEVENTUM, 12 MAY

I ARRIVED at Beneventum on the 11th of May. There I received the letter which in your previous letter (answered by me the same day from Pontius's Trebulanum) you had mentioned having sent. And, indeed, I have received two letters from you at Beneventum, one delivered to me by Funisulanus early in the morning, and a second handed to me by my secretary Tullius. I am much obliged by the pains you have taken about my first and most important commission: but your leaving town rather damps my hopes.

As to the man you mention, I am coming round in that direction, not that -, but we are forced to be content with him for want of a better. About the other one, of whom you say that he appeared to you to be not unsuitable — I am afraid my daughter could not be persuaded, and you admit that there is not a pin to choose between them. For my part, I am not unreasonable; but you will be away, and will not, therefore, have a hand in the business in my absence. For if either of. us were on the spot, some fairly satisfactory arrangement might be made with Servius, with Servilia to back him. As at present situated, even though it should be a thing I like, I don't see how I can do anything.

Now I come to the letter delivered to me by Tullius.

You have been very energetic about Marcellus. Accordingly, if the decree has passed the senate, please write me word: but if not, do your best to get the business through; for a grant must be made to me, as also to Bibulus. I have no doubt of the decree of the senate being passed without difficulty, especially considering that it is a gain to the people. As to Torquatus, excellent! As to Mason and Ligur, that will do when they have come. As to the request of Chaerippus: since in this case also you have given me no "tip," . . . "Bother your province! Must I look after him too?" Yes; but only so far as to prevent there being any obstructive "debate!" or "count!" in the senate. For as to the rest — , however, thank you for speaking to Scrofa. As to what you say about Pomptinus, I quite agree. For the

upshot is that, if he is going to be at Brundisium before the 1st of June, M. Annius and L. Tullius need not have been so much hurried. As to what you have heard from Sicinius,

I quite assent, provided only that this restriction does not apply to anyone who has done me a service. But I will turn the matter over, for I quite approve of it in principle. I will let you know what I have settled as to the plan of my journey, and also what Pompey means to do about the five prefects, when I have learnt it from himself. As to Oppius, you have acted quite rightly in having assured him of the 800 sestertia; and since you have Philotimus with you, pray see the business through; examine the account, and, as you love me, settle it before leaving town. You will have relieved me of a great anxiety.

Now I have answered all your letter: but stay! I almost omitted your being short of paper. The loss is mine, if for lack of it your letter to me is curtailed. Why, you cost me a couple of hundred sesterces: though how stingy I am in this particular the cramped nature of this page shews you: while in return I expect from you a gazette of events, rumours, or even anything you know for certain about Caesar. Be sure you give a letter to Pomptinus, as well as to others, on every imaginable topic.

LETTER 5

TO ATTICUS (AT ROME) VENUSIA, 15 MAY

I have absolutely nothing to say. I have neither any commission for you, for everything has been arranged, nor anything to relate, for nothing has happened, nor is there any room for jesting, considering my numerous anxieties. Let me only tell you that I despatch this letter on the 15th of May as I am starting from Venusia. Now on this day I feel sure something has been done in the senate. Therefore let a letter from you follow us, to inform us not only of all actual facts, but of common reports also. I shall get it at Brundisium For it is there that my plan is to await Pomptinus up to the day you mentioned in your letter. I will write out for your perusal the conversations I have with Pompey at Tarentum on the state of the Republic; although I wish to know precisely up to what time I can write to you safely, that is, how long you are going to be in Rome, so that I may know either where to direct my letters henceforth, or how to avoid sending them to no purpose. But before you leave town, in any case let the payment of the 20 sestertia and the 800 sestertia be put straight. I beg you to look upon this as of all concerns the most important and most urgent, viz., that I should complete with your assistance what I began on your advice.

LETTER 6

TO ATTICUS (AT ROME) TARENTUM, 18 MAY

I arrived at Tarentum on the 18th of May. As I had determined to wait for Pomptinus, I thought the most convenient thing was to spend those days in Pompey's society, and all the more because I saw that it gave him pleasure, for he has actually begged me to give him my company, and be at his house every day; and this I have gladly agreed to do. For I shall get many notable talks with him on the Republic, and I shall also be furnished with useful hints for this business of mine. But I begin now to be briefer in writing to you, because I am doubtful as to whether you have yet started from Rome. However, during my uncertainty as to that, I shall write something rather than allow of no letter from me reaching you as long as it is possible for it to do so. And yet I have no commission to give you, or anything to tell you. I have given you all my commissions, and I pray you carry them fully out in accordance with your promise: I will tell you any news I hear. There is one thing I shall not cease to urge as long as I think you are in town, namely, as to the debt to Caesar, that you will leave it settled and done with. I am eagerly looking for a letter from you, and especially that I may know when you go out of town.

LETTER 7

TO ATTICUS (AT ROME) TARENTUM, 21 MAY

DAY after day, or rather more and more as the days go on, I send you shorter letters. For day after day I become more suspicious of your having started for Epirus. However, to prove to you that I have not neglected what you wrote to me about, I am informed by Pompey that he intends to appoint five new prefects for each of the Spains, in order to exempt them from serving on juries. For myself, after having spent three days with Pompey, and in his house, I am starting for Brundisium on the 21st of May. In him I am quitting a noble citizen, and one most thoroughly well-prepared to ward off the dangers which are at present causing us such alarm. I shall look forward to a letter from you to tell me both what you are doing and where you are.

LETTER 8

TO ATTICUS (AT ROME) BRUNDISIUM, 1 JUNE

INDIFFERENT health, from which I have now recovered (for though ill, I had no fever), as well as waiting for Pomptinus, of whom as yet no rumour even has reached me, have kept me for these twelve days at Brundisium; but I am looking out for an opportunity to set sail. Now if you are still at Rome — for I scarcely think you can be — but if you are, I am Very anxious that you should give your attention to the following. In a letter received from Rome I am informed that my friend Milo writes to complain of my having ill-treated him in allowing Philotimus to have a share in the purchase of his property. I decided on that measure in accordance with the opinion of C. Duronius, whom I had had reason to believe exceedingly friendly to Milo, and whom I knew to be the sort of man you judge him to be. Now his object and mine too was this: first, that the property should remain under our control — lest some outsider, making the purchase at a high price, should deprive him of the slaves, a great number of which he had with him; secondly, that the settlement he had made upon Fausta should be respected. There was the farther motive, that we should ourselves have less difficulty than anyone else in saving anything that could be saved. Now I would have you look thoroughly into the whole affair: for I am frequently having letters on it written in exaggerated terms. If he complains, if he writes about it to his friends, and if Fausta takes the same line, as I told Philotimus by word of mouth, and as he undertook to do, I would not have him take part in the purchase against the will of Milo. It would not be in the least worth our while. But if there is nothing in all this, you will decide the matter. Speak with Duronius. I have written also to Camillus and Lamia, and the more so because I did not feel confident of your being in Rome. The long and short of the whole thing is this: decide as shall seem to you to be in accordance with my honour, good name, and interests.

LETTER 9

TO ATTICUS (AT ROME) ON THE ROAD TO ATHENS, 15 JUNE

I arrived at Actium on the 14th of June, after having feasted like priests of Mars both at Corcyra and the Sybota Islands, owing to your presents, which Areus as well as my friend Eutychides had prepared for us with lavish profusion and the utmost kindness. From Actium I preferred to journey by land, considering the unpleasant voyage we had had, and I did not like the idea of rounding Leucatas. To arrive, again, at Patrae in small boats, without all this paraphernalia, seemed to me somewhat undignified. Yes, your frequent exhortations have fallen on willing ears! I daily turn them over in my own mind and impress them on my staff: in fine, I will make certain of passing through this extraordinary function without the least illegality or extortion. I only hope the Parthian will keep quiet and fortune favour us! I will do my part. Pray take care to let me know what you are doing, where you mean to be from time to time, in what state you left things at Rome, and, above all, about the 820 sestertia. Put all that into one letter, carefully directed so as to be sure of reaching me in any case. But that my year of office should remain unchanged and without any addition being decreed, for this remember to take proper measures yourself and through all my friends, especially through Hortensius: for, though absent at present, when the question is not before the house, you will, as you said in one of your answers, be in town at the proper time. While pressing this upon you, I feel half-inclined to beg you also to fight against there being an inter-calation. But I don't venture to put all the burdens on your back. As for the year, stick to that at any rate. My son Cicero, the best-behaved and dearest of boys, sends you his regards. I always liked Dionysius, for my part, as you know; but I get to value him more every day, and, by Hercules, principally because he loves you, and never lets an opportunity slip of talking about you.

LETTER 10

TO ATTICUS (AT ROME) ATHENS, 27 JUNE

I ARRIVED at Athens on the 24th of June, and have now waited there three days for Pomptinus and have heard nothing as yet of his arrival. I am, believe me, wholly with you: and though I should have done so without them, yet I am thinking of you all the more vividly from being reminded by the traces of you in this place. In short, I assure you we talk of nothing else but you. But you, perhaps, would prefer to be told something about myself. Here you are then: up to now neither I nor any of my staff have been any expense to any town or individual. We receive nothing under the Julian law, nothing from any public host: my whole staff are impressed with the belief that they must have a regard for reputation. So far, well. This has been noticed with praise on the part of the Greeks and is being much talked of. For the rest, I am taking great pains, as I have perceived that you wished. But on this subject let us reserve our applause till the last act has been reached. Other circumstances are such that I frequently blame my folly for not having found some means of getting out of this business. How entirely unsuited to my character and habits! How true the proverb is, "Let the shoemaker stick to his last!" You will say, "What, already? Why, you are not actually in the business!" I know that very well, and I expect greater trouble remains: even as far as it has gone, though I bear it with cheerful brow, I think, and expression, in my inmost heart I am enduring agonies: so many instances are occurring every day of ill-temper or insolence, of foolish and senseless behaviour of every kind, both by speech and by refusal to speak. I don't give you details of these things, not because I wish to conceal them from you, but because they are difficult to explain. So you shall admire my self-restraint when I return safe and sound: I am bestowing such pains on the practice of this virtue. Well, enough of this. Though I had nothing in my mind that I intended to write about, because I haven't even the smallest idea as to what you are doing, and in what part of the world you are: nor, by Hercules, have I ever been so completely in the dark

about my own affairs, as to what has been done about the debt to Caesar or Milo's liabilities; and no one has come, I don't say from my house, but even from Rome, to enlighten me as to what is going on in politics. Wherefore, if there is anything that you know on the subjects which you may suppose that I should wish to know, I shall be very much obliged if you take the trouble to have it transmitted to me. What else is there to say? Why, nothing except this: Athens has pleased me immensely, at any rate as far as the city itself and all that adorns it are concerned, and the affection of the inhabitants towards you, and what I may call a prepossession in favour of myself: but as to its philosophy — that is very topsy-turvey, if Aristus is supposed to represent it, in whose house I am staying. For your and my friend Xeno I preferred giving up to Quintus, and yet, owing to his proximity, we spend whole days together. Pray, as soon as you possibly can, write me word of your plans, and let me know what you are doing, where you are from time to time, especially when you intend being in Rome.

II)

TO ATTICUS (AT ROME) ATHENS, 6 JULY

HALLO write so often to Rome, and not send a single line to you? Well then, hereafter, rather than consent not to send you a letter, if that can be done safely, I will send one that may never reach you. Whatever step can be taken to provide against the prolongation of my government, in the name of fortune, take, so long as you are in town. I can't describe to you the warmth of my longing for the city, or the difficulty I feel in putting up with the boredom of this business.

Marcellus's action in the case of the man of Comum was disgraceful. Even if he were not a magistrate, he was yet an inhabitant of Gallia Transpadana. So he seems to me to have given no less cause of anger to our friend Pompey than to Caesar. But this is his own look-out. I think, from what you tell me that Varro says, that Pompey certainly means to go to Spain. I entirely disapprove of it, and indeed I easily convinced Theophanes that the best course was for him not to quit Rome to go anywhere. So the Greek will put

pressure on him; and his influence is very powerful with him.

I send this letter on the 6th of July, when on the point of quitting Athens, where I have been exactly ten days. Pomptinus has arrived along with Cn. Volusius; my quaestor is here; the only one missing is your friend Tullius. I have some open vessels of Rhodes, some biremes of Mitylene, and a certain amount of despatch boats. I don't hear a word about the Parthians. For the rest, heaven preserve us! As yet our journey through Greece has roused great admiration, nor, by heaven, have I as yet a fault to find with any of my staff. They appear to me to understand my point of view and the conditions on which they accompany me. They entirely devote themselves to my reputation. For the future, if the proverb "like mistress like dog " holds good, they will certainly stick to this line of conduct. For they will not see me doing anything to give them an excuse for malpractices. But if that does not prove sufficient, I shall have to take some stronger measure. For at present I am all smiles and indulgence, and, as I hope, am making considerable progress. But I have only studied the part of "tolerator" — as our friends the Sicilians call it — for a single year. Therefore fight your best, lest if any addition is made to my time, I should turn out a scoundrel.

Now to return to your commands: praefecti are excused jury service: offer the position to whom you choose. I will not be so high and mighty as I was in the case of Appuleius. I am as fond of Xeno as you are, of which I feel sure that he is fully aware. With Patron and the rest of the (Epicurean) dunces I have established your reputation well, and, by Hercules, it is no more than you deserve. For that person told me three times over that you had written to him to say that I had taken measures about his affair in accordance with a letter from Memmius, and this pleased him very much. But Patron having urged me to request your Areopagus to cancel their minute, made in the archonship of Polycharmus, it seemed best to Xeno, and afterwards to Patron himself, that I should write to Memmius, who had started for Mitylene the day before my arrival at Athens, to induce him to write to his agents that it might be done with his free consent. For Xeno felt sure that it would be impossible to get this concession from the Areopagites if Memmius were unwilling. Now Memmius had laid aside his design of building, but he was angry

with Patron. So I wrote him a carefully expressed letter, of which I enclose you a copy.

Please comfort Pilia with a message from me. For I will tell you, though don't tell her. I received a packet which contained Pilia's letter. I abstracted, opened, and read it. It was in very sympathetic terms. The letters you got from Brundisium without one from me you must regard as having been sent when I was unwell; for don't take seriously the excuse I mentioned of expense. Take care to let me know everything, but, above all, take care of your health.

LETTER 12

TO ATTICUS (AT ROME) AT SEA (ABOUT Ist JULY)

A sea voyage is a serious business, and in the month of July too. We got to Delos on the sixth day from Athens. On the 6th of July we got from the Piraeus to Zoster, with a troublesome wind, which kept us there on the 7th. On the 8th we got to Ceos with a pleasant voyage. Thence to Gyaros with a violent wind, though it wasn't against us. Hence to Syros, and from that to Delos; we in both cases accomplished the passage quicker than we could have wished. You have had experience of Rhodian open vessels: they are the worst things in the world for rough water. Accordingly, my intention is not to be at all in a hurry, nor to stir from Delos unless I see "Gyrae?s headlands" all clear.

I wrote to Messalla at once from Gyaros, directly I heard, and also (which was my own idea) to Hortensius, for whom, indeed, I felt much sympathy. But I am very anxious to get your letter about what is said as to that verdict, and, indeed, about the political situation generally — a letter written somewhat more from the politician's point of view, for you are now, with the aid of Thallumetus, studying my books — a letter from which I may learn not what is actually happening (for that very "superior person," your client Helonius, can do that for me), but what is going to happen. By the time you read this our consuls will have been elected. You will be able to make out all about Caesar, Pompey, and the trials themselves. My own affairs, since you are staying on in Rome, pray put straight. As to the point I forgot to mention in my answer to you — as to the brickwork, and as to the water, if anything can be done, pray shew your accustomed kindness. I think the latter of very great importance from my own ideas as well as from what you say about it. So please have it done. Again, if Philippus makes any application, do exactly what you would have done in your own case. I will write at greater length to you when I have come to land; at present I am well out at sea.

LETTER 13

TO ATTICUS (AT ROME) EPHESUS (AFTER 22 JULY)

WE arrived at Ephesus on the 22nd of July, on the 620th day after the battle of Bovillae. I accomplished the voyage without alarm and without sea-sickness, but somewhat slowly, owing to the crankiness of the Rhodian open ships. About the throng of legations and private suitors, and about the extraordinary crowd of people that met me even at Samos, but to a surprising extent at Ephesus, I presume that you have heard, or—" well, what is all that to me? " The fact is, however, that the tithe-collectors, as though I had come with imperium, the Greeks, as though I were governor in Ephesus, presented themselves to me with eagerness. This will, I am sure, convince you that the professions I have been making these many years past are now being put to the test. But I shall, I hope, stick to the principles which I learnt from you, and give full satisfaction to everyone, and with the less difficulty that the contracts in my province have been settled.

I did not neglect your little affairs at Ephesus, and although Thermus before my arrival had been most courteous in his promises to all your agents, yet I introduced Philogenes and Seius to him, and recommended Xeno of Apollonis. In a word, he undertook to do everything. I besides submitted to Philogenes an account of the note of exchange, which I had negotiated with you. So enough of that. I return to affairs in the city. In the name of fortune, since you are remaining at Rome, I beg of you, use every means of supporting and fortifying the position that I am not to be left in office more than a year, without even an intercalation. Next fulfil all my commissions, and especially in regard to that domestic matter get rid of the difficulty with which you are acquainted. Next to that do so in the matter of Caesar: it was on your advice that I set my heart on him, and I do not repent. And, as you well understand how it is my nature to know and care for what is going on in public affairs — going on, do I say? nay,

rather what is going to happen — write me everything at full

length, and that with the utmost precision, and especially whether there is any breakdown in the trials that have either taken place or are about to do so. As to the water, if you are looking after it, and if Philippus is taking any steps, please attend to what is done.

LETTER 14

TO ATTICUS (AT ROME) TRALLES, 28 JULY

Until I have settled down somewhere you must not expect a long letter from me, nor always written by my own hand. As soon, however, as I have a moment to spare, you shall have both. I am now journeying along a road which is both hot and dusty. I wrote yesterday from Ephesus: this I am despatching from Tralles. I expect to be in my province on the 1st of August. From that date, if you love me, agitate for my era to begin. Meanwhile, however, the following items of news of a welcome nature have reached me: first, that the Parthians are quiet; secondly, that the contracts of the publicani have been concluded; lastly, that a mutiny among the soldiers has been suppressed by Appius, and their pay discharged up to the 13th of July. Asia has given me an extraordinarily good reception. My visit there cost no one a farthing. I trust that my staff are respecting my reputation. I am very nervous about it, however, yet hope for the best. All my staff have now joined except your friend Tullius. My idea is to go straight to the army, to devote the rest of the summer months to military affairs, the winter ones to judicial business. Pray, as you know that I have no less curiosity in politics than yourself, write me word of everything occurring or about to occur. You can do me no greater favour, except, ,indeed, that it will be the greatest favour of all if you fulfil my commissions, especially that "at my own hearth," than which you must know I have nothing more at heart. This letter reeks of hurry and dust. Future ones shall go into greater details.

LETTER 15

TO ATTICUS (AT ROME) LAODICEA, 3 AUGUST

I arrived at Laodicea on the 31st of July. From this day, therefore, count the beginning of my year. Nothing could be more warmly, more affectionately welcomed, than my arrival. But you can scarcely believe how bored I am with the business. Has not that intellectual range, which you know so well, wide enough field? and is my splendid industry likely to rust unemployed? Why, just look at this! That I should be sitting in court at Laodicea, while A. Plotius is doing so at Rome! And that, while our friend has that great army, I should have nominal command of two wretched legions! But the fact is, that it is not such things as these that I miss: it is the broad daylight of life, the forum, the city, my town house, you that I miss. But I will endure it as best I may, provided that it does not last more than a year. If there is any extension, I am lost! But this may easily be resisted, if only you are in Rome.

You ask me what I am doing. Why, upon my life, I am living at a vast expense. I am wonderfully pleased with this course. My disinterested conduct, founded on your injunctions, is so admirable, that I am afraid that the money I took up from you will have to be paid by a fresh loan. I avoid reopening any wounds inflicted by Appius, but they are patent and cannot be concealed. I am starting today, the 3rd of August, on which I despatch this letter, from Laodicea to the camp in Lycaonia: thence I think of going to the Taurus, that by means of a pitched battle with Moeragenes I may, if possible, settle the question of your slave. The saddle's on the ox: no load for us: But I shall put up with it, only, as you love me, let me be only kept a year. Mind you are in town at the right moment, to keep every senator up to the mark. I am feeling wonderfully anxious, because I have had no news of what is going on among you for a long time. Wherefore, as I have said before in my letters, see that I am kept acquainted with politics as well as everything else. I know this letter will be somewhat long in reaching you, but I am entrusting it to a familiar and intimate friend, C. Andronicus of Puteoli. You,

however, will have frequent opportunities of giving letters to the letter-carriers of the publicani by the favour of the head contractors for the pasture-tax and harbour dues of our districts.

LETTER 16

TO ATTICUS (AT ROME) CILICIA, AUGUST

Though the letter-carriers of the publicani are starting while I am actually travelling and on the road, and though I am still engaged on my progress, yet I thought I must snatch a moment to prevent your thinking me forgetful of your charge. So I have sat down actually on the road to write you in brief what follows, which really calls for a somewhat lengthy essay. Let me tell you, then, that with the highest possible reputation I entered, on the 31st of July, into a province in a state of desolation and lasting ruin; that I stayed three days at Laodicea, three at Apamea, the same at Synnada. It was the same tale everywhere: they could not pay the poll-tax: everybody's securities were sold: groans, lamentations, from the towns: acts of savagery worthy of some wild beast, rather than of a man. In short, they are absolutely weary of their life. However, the wretched towns are somewhat relieved by my costing them nothing, nor my legates, nor quaestor, nor anyone. Let me tell you that I not only refuse to accept hay, which is customarily furnished under the Julian law, but that no one of us accepts even firewood, or anything else, except four beds and a roof to cover us; in many districts we do not accept even a roof, but remain, as a rule, under canvas. Accordingly, we are greeted by extraordinary throngs from farms, villages, houses, every sort of place. By Hercules, on my mere arrival, the justice, purity, and merciful heart of your Cicero seems to give them new life: so far has he surpassed everyone's hopes. Appius, as soon as he heard of my arrival, hurried to the most distant part of the province, right up to Tarsus: there he is holding sessions. About the Parthian not a word: but, nevertheless, some who come from those parts announce that some cavalry of ours have been cut to pieces. Bibulus even now is not so much as thinking of approaching his province. People say that he is acting thus because he wishes to leave it somewhat later. We are making all haste to the camp, which is two days' journey away.

LETTER 17

TO ATTICUS (AT ROME) LYCAONIA, AUGUST

I have received a packet of letters from Rome without one from you, for which, granting you to be well and in Rome, I imagine the fault to be Philotimus's, not yours. I dictate this letter sitting in my carriage, on my way to the camp, from which I am two days' journey distant. In a few days' time I am going to have men on whom I can rely to take letters. Accordingly, I reserve myself for that. However, I will just say, though I should prefer your hearing this from others — I am so conducting myself in the province that no farthing is spent on anyone. This is owing also to the careful conduct of legates, tribunes, and prefects. For one and all entertain a surprising desire to vie with each other in maintaining my reputation. My friend Lepta is wonderful in that respect. But at present I am in a hurry: I will write everything' in full to you in a few days. The younger Deiotarus who has received the title of king from the senate, has taken my son and nephew with him to his own dominions. So long as I am in the summer camp, I thought that the safest place for the boys. Sestius has written me an account of his conversation with you about my domestic anxiety, which is a very serious one, and of what your opinion is. Pray throw yourself into that matter, and write me word what can be done and what you think. He also told me that Hortensius had said something or other about the extension of my provincial government. He promised me at Cumae that he would most energetically plead for my being kept here only a year. If you have any affection for me, strengthen this position. I cannot tell you how against the grain my absence from you is. At the same time, too, I hope that my present reputation for justice and purity will be all the more conspicuous if I quit the province early. This is what happened to Scaevola, who governed Asia only nine months. Our friend Appius, as soon as he saw that I was on the point of arriving, left Laodicea and went as far as Tarsus. There he is holding an assize, though I am actually in the province. However, I do not make any fuss about this slight upon myself; for I have enough to do in healing

the wounds which have been inflicted upon the province. This I am taking care to do with as little reflection upon him as possible: but I should like you to tell our friend Brutus that it was not very polite of him to remove to the farthest possible distance on my arrival.

LETTER 18

TO ATTICUS (IN EPIRUS) CYBISTRA, SEPTEMBER

How I wish you were in Rome, if by chance you are not there! For I have nothing to go upon except having received a letter from you dated 19th July, in which you said that, you intend going to Epirus about the 1st of August. But whether you are in Rome or Epirus, the Parthians have crossed the Euphrates under Pacorus, son of the Parthian king Orodes, with nearly all his forces. I have not yet heard of the arrival of Bibulus in Syria. Cassius is in the town of Antioch with the whole army: I am in Cappadocia, close to the Taurus, with my army near Cybistra: the enemy is in Cyrrhestica, which is the part of Syria next to my province. On these subjects I have sent a despatch to the senate. This despatch please look at, if you are in Rome, and consider whether you think it ought to be delivered; and so with many other things, or rather with all, chief of which is that there be no "slip betwixt the cup and the lip" — as the saying is — to add additional burden upon me, or an extension of my time. For, considering the weakness of my army, and the short supply of allies, especially faithful ones, my most trustworthy support is winter. If that has once come, and they have not first crossed into my province, the only thing I fear is that the senate will not allow Pompey to leave Rome, owing to the alarming state of affairs in the city. But if it sends some one else next spring, I do not trouble myself, always providing that my term of office is not prolonged. So much for you if you are at Rome. But if you are out of town, or even if you are not, the state of affairs here is this: we are in good spirits; and since, as it seems, our plans are well laid, we cherish the hope that we are strong enough also to carry them out. We have pitched our camp in a safe spot, well supplied in the matter of corn, almost commanding a view of Cilicia, convenient for shifting quarters, and with an army which, although small, is yet, I hope, entirely loyal to me; and we are about to double its numbers by the arrival of Deiotarus in full force. I have found the allies much more loyal than anyone has ever done: and they can scarcely believe their eyes when they see the mildness of

my administration and the purity of my conduct. A levy of Roman citizens is being held; corn is being carted from the country to places of safety. If, then, occasion arises, we shall defend ourselves by force; if not, by the strength of our position. Wherefore do not be alarmed. For I have you before my eyes, and I perceive, as though you were present, your affectionate solicitude for me.

Now I beg you, if it is in any way possible, supposing my affair to remain undecided up to the 1st of January, to be in Rome in January. I am quite certain of receiving no unfair treatment if you are on the spot. The consuls are my friends, the tribune Furnius is wholly devoted to me. Still there is need of your persistence, good sense, and popularity. It is a momentous crisis. But it is not decent for me to press you at greater length.

Our two Ciceros are staying with Deiotarus, but, if it shall be necessary, they will be transferred to Rhodes. Do you, if in Rome, with your accustomed punctuality, and anyhow, even if you are in Epirus, send one of your servants with letters, that both you may know what I am doing, and I what you are doing or about to do. I am doing your friend Brutus's business for him better than he would have done it himself. But I now produce my ward, and do not attempt to defend him. For they are a dilatory lot, and there is nothing to be got out of them. However, I will satisfy you, which is more difficult than satisfying Brutus himself. But in truth, I will satisfy you both.

LETTER 19

TO ATTICUS (IN EPIRUS) CILICIA, 20 SEPTEMBER

I had already sealed the letter which I presume you to have just read, one in my own handwriting and containing an account of all occurrences, when suddenly, on the 20th of September, a letter-carrier of Appius, arriving express on the forty-seventh day from Rome — oh dear! to think of the distance I am away! — delivered me your letter. From it I feel no doubt that you waited for Pompey's return from Ariminum, and have by this time started for Epirus; and I am still more afraid that in Epirus you may be having no less cause for anxiety than I am having here. As to the debt to Attilius I have written to Philotimus not to apply to Messalla for it. I am rejoiced that the fame of my progress has reached you, and I shall rejoice still more if you learn the sequel. I am very glad you find so much pleasure in your little daughter, and though I have never seen her, I yet love her dearly, and feel sure that she is charming. Good-bye! Good-bye!

I am glad you approved of what I did about the ruins in Melita in connexion with Patron and your fellow Epicureans. In saying that you were glad that the man lost his election who "opposed the uncle of your sister's son," it is a great mark of affection on your part! In the same spirit you admonished me to rejoice too. It hadn't occurred to me! "I don't believe it," quoth you. As you please: well, then, I am glad; since righteous indignation is not the same as spite.

LETTER 20

TO ATTICUS (IN EPIRUS) IN CAMP AT PINDENISSUS, 19 DECEMBER

ON the morning of the Saturnalia (17th December) the Pindenissetae surrendered to me, on the fifty-seventh day from the beginning of our investment of them. “Who the mischief are your Pindenissetae? who are they?” you will say: “I never heard their name.” Well, what am I to do? Could I turn Cilicia into an Aetolia or a Macedonia? Let me tell you this, that with an army such as mine, and in a place like this, such a big business was impossible. You shall have it all en abrŽgŽ; as you agreed in your last letter to take it. You know about my arrival at Ephesus, for you have congratulated me on my enthusiastic reception on that day, which gave me as much pleasure as anything ever did in my life. Thence, after a surprising reception in such towns as lay on my road, I arrived at Laodicea on the 31st of July. I remained there two days in the midst of great enthusiasm, and by my conciliatory language removed the rankling injuries of the last four years. I did the same afterwards during my five days stay at Apamea and three days at Synnada, five at Philomelium, ten at Iconium. Nothing could be more impartial, mild, or dignified, than my administration of justice there. Thence I came to the camp on the 24th of August; on the 28th I inspected the army at Iconium. From this camp, on receipt of serious news as to the Parthians, I started for Cilicia by way of that part of Cappadocia which borders on Cilicia, with the design of impressing upon the Armenian Artavasdes and the Parthians themselves that they were precluded from entering Cappadocia. After having been encamped for five days at Cybistra in Cappadocia, I got intelligence that the Parthians were at a long distance from that entrance into Cappadocia, and were rather threatening Cilicia. I therefore marched rapidly into Cilicia by the “Gates” of Taurus. I arrived at Tarsus on the 5th of October. Thence I pressed on to Mount Amanus, which divides Syria from Cilicia by the line of its watershed — a mountain full of immemorial enemies. Here, on the 13th of October, we cut a large number of the enemy to

pieces. We took some very strongly fortified posts by a night attack of Pomptinus's, and by one led by myself in the morning, and burnt them. I was greeted as imperator by the soldiers. For a few days we were encamped on the very spot which Alexander had occupied against Darius at Issus, a commander not a little superior to either you or me! Having stayed there five days, and having ravaged and devastated Amanus, we evacuated that place. For you know that there are things called "panics," called also "war's idle rumours." From the report of our arrival encouragement was at once given to Cassius, then confined to Antioch, and alarm inspired in the Parthians. Accordingly, as they were retiring from that town, Cassius pursued them and gained a hand-some victory. In the course of this retreat the Parthian leader, Osaces, a man in high authority, received a wound of which a few days afterwards he died. My name became very popular in Syria. Meanwhile Bibulus arrived. I suppose he wanted to be on an equality with me in the matter of this vain acclamation of imperator. In this same Mount Amanus he begins "looking for a bay-leaf in a wedding cake." But he lost the whole of his first cohort and the centurion of the first line, a man of high rank in his own class, Asinius Dento, and the other centurions of the same cohort, as well as a military tribune, Sext. Lucilius, son of T. Gavius Caepio, a man of wealth, and high position. It was really a very galling blow both in itself and in the time of its reception. I was at Pindenissus, the most strongly fortified town of Eleutherocilicia, never peaceful within living memory. The people were fierce and brave, and furnished with everything necessary for standing a siege. We surrounded it with stockade and ditch, with a huge earthwork, pent-houses, an exceedingly lofty tower, a great supply of artillery, a large body of archers. After great labour and preparation I finished the business without loss to my army, though with a large number of wounded. I am spending a merry Saturnalia, and so are my soldiers, to whom I have given up all spoil except captives: the captives were sold on the third day of the Saturnalia (I 9th December), the day on which I write this. The sum realized at the tribunal is 12,000 sestertia (about £ 96,000). I intend to hand over the army to my brother Quintus to lead hence into winter quarters in the disturbed districts. I am myself going back to Laodicea.

So much for this. But to return to points omitted. As to what you urge upon me most warmly, and which in fact is more important than anything else, namely, your anxiety that I should satisfy my carping Ligurian critic, may I die if anything could be more fastidious than my conduct. And I do not now speak of it as "self-restraint," which is a virtue considered capable of resisting pleasure: while the fact is that I never in all my life felt such pleasure as I do at my own integrity. And it is not so much the reputation I get by it — though that is of the highest — as the thing itself that delights me. In short, it was worth the trouble: I never appreciated myself or knew fully of what I was capable in this direction. I have good reason for being puffed up. Nothing could be more splendid. Meanwhile, here is a score for me! Ariobarzanes is alive and a king all owing to me. By my prudence and prestige, and by refusing to receive even the visits, to say nothing of the bribes, of the conspirators against his life, I have, merely en Passant, saved a king and a kingdom. In the meantime from Cappadocia not the value of a hair! I have recovered Brutus from his dejection, whom I love no less than you do, I had almost said, than I do you. And I almost hope that throughout my year of office not a farthing's expense will be caused to my province. There is the whole story for you.

I am now composing an official despatch to send to Rome. It will be somewhat fuller of matter than if I had sent it from Amanus. But to think that you won't be at Rome! And yet everything depends on the 1st of March. For I am afraid, if; on the question of the province coming up, Caesar shall refuse compliance, I may be kept here. If you were there when this was going on, I should not have been at all afraid. I return to the city news, which, after a long interval of ignorance, I have at length learnt from your most delightful letter received on the 16th of December. This was conveyed by your freedman Philogenes after a very long and far from safe journey. For the letter you say that you delivered to the slaves of Laenius I have not received. I am delighted about Caesar, and the decrees of the senate, and at what you expect to happen. If he gives way to these we are safe. That Seius got scorched in Plaetorius's fire does not grieve me much. I long to know why Lucceius has been so hot about Q. Cassius, and what has been done about it. For myself, as soon as I

arrive at Laodicea I am bidden to invest Quintus, your sister's son, with the toga virilis, and I will keep a more than usually careful eye upon him. Deiotarus, who has been of great assistance to me, is, according to a letter received from him, about to come to Laodicea with our two boys. I am expecting another letter from you from Epirus, that I may get a notion not only of your business life, but of your holiday also. Nicanor serves me well and receives liberal treatment at my hands. I think I shall send him to Rome with my official despatch, to secure its being conveyed with more than common promptitude, and that he may also bring me trustworthy intelligence about you and from you. That your Alexis so often puts in a greeting to me is gratifying. But why does he not treat me to a letter of his own, as my Alexis does you. I am looking out for a horn for Phaemius. But enough of this. Take care of your health, and let me know when you think of going to Rome. Good-bye! good-bye!

I have recommended your interests and your agents in very warm terms to Thermus, both in a personal interview at Ephesus and now by letter, and I gathered that he was himself very anxious to serve you. Pray, as I have often mentioned before, see about the house of Pammenes, and take care that the boy is not deprived, by any means, of what he now possesses through our joint support. I not only think that this concerns the honour of us both, but it will also gratify me personally very much.

LETTER 21

TO ATTICUS (IN EPIRUS) LAODICEA, 13 FEBRUARY

I am very glad to hear of your safe arrival in Epirus, and that, as you say, you had a pleasant voyage. I am a little annoyed at your not being in Rome at a crisis of great importance to me, but I console myself with the one reflexion, that you are having a pleasant winter there and are enjoying your rest. Gaius Cassius, brother of your friend Quintus Cassius, had sent a despatch — of which you ask me the meaning — written in a more modest strain than the later one in which he says that he had made an end of the Parthian war. It is true that the Parthians had retired from Antioch before the arrival of Bibulus, but it was from no success of our arms. At this present moment they are, as a matter of fact, wintering in Cyrrhestica, and a most serious war is impending. For the son of the Parthian king Orodes is within the Roman province, and Deiotarus, to whose son the daughter of Ariovasdes is betrothed — so he ought to know — has no doubt of the king himself intending to cross the Euphrates in full force at the beginning of summer. Besides, on the day on which Cassius's victorious despatch was read in the senate (dated the 7th of October) one was read from me also, announcing an alarm of war. My friend Axius says that my despatch made a great impression, that his was not credited. That of Bibulus had not yet been received, which I am quite sure will be thoroughly alarmist. The result of this, I fear, will be that, as Pompey is not allowed to be sent anywhere for fear of a revolution, and no attention is paid by the senate to Caesar's demands, while this knot remains to be untied, the senate will not think that I ought to quit my province till a successor has arrived, and that in such troublous times legates should not be left in charge of two such important provinces. In view of this I tremble lest my tenure should be prolonged, without even a tribune being able to stop it, and all the more so that you are not in town to interpose, as you might have done in many cases by your advice, your personal influence and activity. But you will say I am piling up anxiety for myself with my own hands. I can't help it: I wish that it may be so.

But everything causes me alarm. Though your letter that you wrote at Buthrotum in your sickness had a charming finale. “As I see and hope, there will be nothing to delay your departure from your province.” I should have preferred that you had confined yourself to “as I see”: there was no need to add “and hope.”

Again, I have received a letter written just after the triumph of Lentulus, which came with great celerity by the hands of the postmen of the publicani. In this you reiterate the same “bitter-sweet,” first saying that there will be no delay of my return, and then adding, “If anything goes wrong you will come to me.” Your doubts torture me: at the same time you may see which of your letters I have received. For the one which you say yourself that you delivered to the centurion Hermon’s servant I have not received. You have often mentioned having given a letter to Laenius’s servants. That one Laenius did deliver to me at last, on my arrival at Laodicea, the 11th of February, dated the 21st of September. I will, at once by what I say to him, and by deeds hereafter, give Laenius reason to be satisfied with your recommendation. That letter had much news that was stale, one thing that was new — about the panthers from Cibyra. I am much obliged to you for telling M. Octavius that you didn’t think I would do it. But pray henceforth, in any case of doubt, give a direct negative. The fact is that, supported by a spontaneous resolution of my own, and also, by Hercules, from the inspiration of your influence, I have surpassed everybody (and you will find this to be the case) in preserving clean hands, no less than in justice, courtesy, and mildness. Don’t. imagine that anything has ever surprised people more than the fact that not a farthing of expense has been caused to the province during my governorship, either for my public establishment or for any individual on my staff, except L Tullius. He,’ who in other respects is clean-handed enough, did take something on the road in virtue of the Julian law not as others do at every hamlet, but once only and for the day’s journey. He is the only one who has done so: and he forces me to make an exception when I say that not a farthing of expense has been caused. No one except him has taken anything. This blot I owe to our friend Q. Titinius.

At the end of the summer campaign I put my brother Quintus in charge of the winter quarters and of Cilicia. I have sent your friend

Tiberius's son-in-law Quintus Volusius — not only a safe man, but also wonderfully disinterested — to Cyprus, with orders to stay some few days there, to prevent the few Roman citizens who are in business there from saying that they have no means of legal redress: for it is illegal for Cyprians to be cited in courts out of the island. I myself started for Asia from Tarsus on the 5th of January, accompanied by an admiration, which, by heaven, it is difficult to describe, from the cities in Cilicia, and specially from the people of Tarsus. As soon, however, as I had crossed the Taurus I found our dioceses in Asia on the tiptoe of expectation: for in the six months of my administration Asia had not received a single letter of injunction from me, nor had had a single official to entertain. Now before my time that particular period had been each year a source of gain, by. the richer states paying large sums of money to be exempted from furnishing the soldiers with winter quarters. The Cyprians used to pay 200 Attic talents, from which island — I am not speaking in hyperbole, but the simple truth — not a single farthing is exacted under my administration. For these benefits, which they regard with speechless astonishment, I allow no honours, except verbal ones, to be decreed to me: statues, temples, marble chariots I forbid; nor am I a nuisance to the states in any other respect — though I may be to you by thus blowing my own trumpet. But, an you love me, put up with it! It was you who wished me to act thus. My progress through Asia was of such a nature that even the famine, which prevailed in my part of Asia at the time — the most distressing thing there is — has been in a manner a welcome event. Wherever I went, without using force, legal compulsion, or strong language, I induced both the Greeks and Roman citizens, who had cornered the wheat, to promise large quantities to the communities. On the 13th of February — the day I am despatching this letter — I have arranged to hold a court at Laodicea for the district of Cibyra and Apamea: from the 15th of March at the same place for the districts of Synnada, Pamphylia (when I will look out for a horn for Phemius), Lycaonia, Isauria. After the 15th of May I start for Cilicia, with the view of spending June there — I hope without trouble from the Parthians. July, if all goes as I wish, will be needed for my return journey through the province. I entered the province at Laodicea in the consulship of

Sulpicius and Marcellus on the 31st of July. I am due to leave it on the 30th of July. I shall first of all press my brother Quintus to allow himself to be left in charge, which will be very much against the wishes of us both. But that is the only respectable arrangement possible, especially as I cannot even now keep the excellent Pomptinus: for Postumius hurries him back to Rome, and perhaps Postumia also.

Now you know my plans. Next, let me enlighten you about Brutus. Your friend Brutus has among his intimates certain creditors of the people of Salamis in Cyprus, M. Scaptius and P. Matinius, whom he has recommended to me with more than common earnestness. I have not made the acquaintance of Matinius: Scaptius came to the camp to see me. I promised for the sake of Brutus to see that the Salaminians paid him the money. He thanked me, and asked for a prefecture. I said that I never granted one to a man engaged in business, a rule of which I have already informed you. When Cn. Pompeius asked me he accepted the propriety of this rule — I need not mention Torquatus when he asked for your friend M. Laenius, and many others. But (I said) if he wanted to be a praefectus on account of the bond, I would see to his recovering the money. He thanked me and went away. Our friend Appius had granted certain squadrons of cavalry to this Scaptius to coerce the Salaminians, and had also given him rank as praefectus. He was harrying the Salaminians. I ordered the cavalry squadrons to quit Cyprus. Scaptius felt aggrieved. In short, to keep faith with him I commanded the Salaminians, when they came to see me at Tarsus and Scaptius with them, to pay the money. They had a great deal to say about the bond, a great deal about the wrongs inflicted upon them by Scaptius. I declined to hear it. I urged them, I even asked them as a favour, in consideration of my good services to their state, to settle the business: finally I said that I would use compulsion. The men not only did not refuse, but even said that they would be paying out of my pocket: for that, since I had declined the money they had been accustomed to pay the praetor, they would in a sense be paying out of my pocket, and indeed the debt to Scaptius amounted to considerably less than the praetorian contribution. I warmly commended them: “All right,” said Scaptius, “but let us reckon the

total." Then there arose this question: One of the clauses in my customary edict was a declaration that I would not recognize more than twelve per cent. interest, besides the yearly addition to the capital of interest accrued, whereas he demanded in virtue of the deed forty-eight per cent. "What do you mean?" said I. "Can I go against my own edict?" He then produced a decree of the senate made in the consulship of Lentulus and Philippus. "The governor of Cilicia shall recognize that bond in giving judgment." I was at first horrified, for it meant the ruin of the town. I find there are two decrees of the senate in the same year about this bond. When the Salaminians wished to raise money at Rome to pay off a debt, they were prevented from doing so by the Gabinian law. Then it was that Brutus's friends, relying on his influence, offered to advance the money if they were secured by a senatorial decree. A decree is passed by Brutus's influence "That the Salaminians and those who lent the money should be indemnified." They paid the money. Afterwards it occurred to the lenders that this senatorial decree would not secure them, because the Gabinian law forbade a legal decision being based on the bond. So the other senatorial decree ("that this bond be recognized in giving judgment") is passed: not giving that particular bond more legal validity than others, but the same. When I had expounded this view, Scaptius took me aside and said that he had nothing to say against it, but that those men were under the impression that their debt was 200 talents, and he was willing to accept that sum, whereas it really amounted to somewhat less; he begs me to induce them to agree on the 200. "Very well," said I. I summon them without the presence of Scaptius. "What do you say," said I, "how much is your debt?" They answered, "One hundred and six." I refer back to Scaptius. He exclaimed loudly. "What is the use of this?" said I. "Check each other's additions." They sit down, they make their calculations: they agree to a penny. They declare themselves willing to pay: and beg him to accept the money. Scaptius again takes me aside: asks me to leave the matter as it is, undecided. I gave in to the fellow's shameless request. When the Greeks grumbled, and demanded that they might deposit the money in a temple, I did not assent. Everybody in court, exclaimed that Scaptius was the greatest knave in the world for mot being

content with twelve per cent. plus the compound interest: others said that he was the greatest fool. In my opinion he was more knave than fool. For either he was content with twelve per cent. on a good security, or he hoped for forty-eight per cent. with a bad one. That is my case; and if Brutus is not satisfied with it, I cannot see why I should regard him as a friend: I am sure that his uncle at any rate will accept it, especially as a senatorial decree has just been passed — I think since you left town — in the matter of money-lenders, that twelve per cent. simple interest was to be the rate. What a wide difference this implies you will certainly be able to reckon, if I know your fingers. And in this regard, by the way, L. Lucceius, son of Marcus, writes me a ,grumbling letter asserting that — thanks to the senate — there is the utmost danger of these decrees leading to a general repudiation. He recalls what mischief C. Iulius once did by slightly enlarging the time for payment: "public credit never received such a blow." — But to return to the matter in hand: turn over my case in your mind as against Brutus, if it may be called a case, against which nothing can be decently urged: especially as I have left it and its merits undecided.

Now for family matters. As to our "home secret," I am of your opinion — Postumia's son: since Pontidia is playing fast and loose. But I could have wished you had been there. Don't expect anything from my brother Quintus for some months; for Taurus is impassable before June, owing to the snow. I am backing up Thermus, as you ask me to do, by a great number of letters. As for P. Valerius, Deiotarus says that he has nothing, and is being supported by himself.

As soon as you know whether there is to be an intercalation at Rome or not, please write me word definitely on what day the mysteries are to take place. I am a little less eager for your letters than if you were at Rome; but yet, after all, I am eager for them.

BOOK 6

LETTER 1

TO ATTICUS (IN EPIRUS) LAODICEA, 22 FEBRUARY

I received your letter on the fifth day before the Terminalia (19th of February) at Laodicea. I was delighted to read it, for it teemed with affection, kindness, and an active and obliging temper. I will, therefore, answer it sentence by sentence — for such is your request — and I will not introduce an arrangement of my own, but will follow your order.

You say that the last letter you had of mine was from Cybistra, dated 21st September, and you want to know which of yours I have received. Nearly all you mention, except the one that you say that you delivered to Lentulus's messengers at Equotuticus and Brundisium. Wherefore your industry has not been thrown away, as you fear, but has been exceedingly well laid out, if, that is to say, your object was to give me pleasure. For I have never been more delighted with anything. I am exceedingly glad that you approve of my self-restraint in the case of Appius, and of my independence even in the case of Brutus: and I had thought that it might be somewhat otherwise. For Appius, in the course of his journey, had sent me two or three rather querulous letters, because I rescinded some of his decisions. It is exactly as if a doctor, upon a patient having been placed under another doctor, should choose to be angry with the latter if he changed some of his prescriptions. Thus Appius, having treated the province on the system of depletion, bleeding, and removing everything he could, and having handed it over to me in the last state of exhaustion, he cannot bear seeing it treated by me on the nutritive system. Yet he is sometimes angry with me, at other times thanks me; for nothing I ever do is accompanied with any reflexion upon him. It is only the dissimilarity of my system that annoys him. For what could be a more striking difference — under his rule a province drained by charges for maintenance and by losses, under mine, not a penny exacted either from private persons or public bodies? Why speak of his praefecti, staff, and legates? Or even of acts Of plunder, licentiousness, and insult? While as things

actually are, no private house, by Hercules, is governed with so much system, or on such strict principles, nor is so well disciplined, as is my whole province. Some of Appius's friends put a ridiculous construction on this, holding that I wish for a good reputation. to set Off his bad one, and act rightly, not for the sake of my own credit, but in order to cast a reflexion upon him. But if Appius, as Brutus's letter forwarded by you indicated, expresses gratitude to me, I am satisfied. Nevertheless, this very day on which I write this, before dawn, I am thinking of rescinding many of his inequitable appointments and decisions.

I now come to Brutus, whose friendship I embraced with all possible earnestness on your advice. I had even begun to feel genuine affection for him — but here I pull myself up short, lest I should offend you: for don't imagine that there is anything I wish more than to fulfil his commissions, or that there is anything about which I have taken more trouble. Now he gave me a volume of commissions, and you had already spoken with me about the same matters. I have pushed them on with the greatest energy. To begin with, I put such pressure on Ariobarzanes, that he paid him the talents which he promised me. As long as the king was with me, the business was in excellent train: later on be began to be pressed by countless agents of Pompey. Now Pompey has by himself more influence than all the rest put together for many reasons, and especially because there is an idea that he is. coming to undertake the Parthian war. However, even he has to put up with the following scale of payment: on every thirtieth day thirty-three Attic talents ([sterling]7,920), and that raised by special taxes: nor is it sufficient for the monthly interest. But our friend Gnaeus is an easy creditor: he stands out of his capital, is content with the interest, and even that not in full. The king neither pays anyone else, nor is capable of doing so: for he has no treasury, no regular income. He levies taxes after the method of Appius. They scarcely produce enough to satisfy Pompey's interest. The king has two or three very rich friends, but they stick to their own as energetically as you or I. For my part, nevertheless, I do not cease sending letters asking, urging, chiding the king. Deiotarus also has informed me that he has sent emissaries to him on Brutus's business: that they have brought him back word that he has not got the money.

And, by Hercules, I believe it is the case; nothing can be stripped cleaner than his kingdom, or be more needy than the king. Accordingly, I am thinking either of renouncing my guardianship, or, as Scaevola did on behalf of Glabrio, of stopping payment altogether — principal and interest alike. However, I have conferred the prefectures which I promised Brutus through you on M. Scaptius and L. Gavius, who were acting as Brutus's agents in the kingdom: for they were not carrying on business in my own province. You will remember that I made that condition, that he might have as many prefectures as he pleased, so long as it was not for a man in business. Accordingly, I have given him two others besides: but the men for whom he asked them had left the province. Now for the case of the Salaminians, which I see came upon you also as a novelty, as it did upon me. For Brutus never told me that the money was his own. Nay, I have his own document containing the words, "The Salaminians owe my friends M. Scaptius and P. Matinius a sum of money." He recommends them to me: he even adds, as though by way of a spur to me, that he had gone surety for them to a large amount. I had succeeded in arranging that they should pay with interest for six years at the rate of twelve per cent., and added yearly to the capital sum. But Scaptius demanded forty-eight per cent. I was afraid, if he got that,

you yourself would cease to have any affection for me. For I should have receded from my own edict, and should have utterly ruined a state which was under the protection not only of Cato, but also of Brutus himself, and had been the recipient of favours from myself. When lo and behold! at this very juncture Scaptius comes down upon me with a letter from Brutus, stating that his own property is being imperilled — a fact that Brutus had never told either me or you. He also begged that I would confer a prefecture on Scaptius. That was the very reservation that I had made to you—" not to a man in business": and if to anyone, to such a man as that — no! For he has been a praefectus to Appius, and had, in fact, had some squadrons of cavalry, with which he had kept the senate under so close a siege in their own council chamber at Salamis, that five senators died of starvation. Accordingly, the first day of my entering my province, Cyprian legates having already visited me at Ephesus, I

sent orders for the cavalry to quit the island at once. For these reasons I believe Scaptius has written some unfavourable remarks about me to Brutus. However, my feeling is this: if Brutus holds that I ought to have decided in favour of forty-eight per cent., though throughout my province I have only recognized twelve per cent., and had laid down that rule in my edict with the assent even of the most grasping money-lenders; if he complains of my refusal of a prefecture to a man in business, which I refused to our friend Torquatus in the case of your protŽgŽ Laenius, and to Pompey himself in the case of Sext. Statius, without offending either of them; if, finally, he is annoyed at my recall of the cavalry, I shall indeed feel some distress at his being angry with me, but much greater distress at finding him not to be the man that I had thought him. Thus much Scaptius will own-that he had the opportunity in my court of taking away with him the whole sum allowed by my edict. I will add a fact which I fear you may not approve. The interest ought to have ceased to run (I mean the interest allowed by my edict), but I induced the Salaminians to say nothing about that. They gave in to me, it is true, but what will become of them if Paullus comes here? However, I have granted all this in favour of Brutus, who writes very kind letters to you about me, but to me my-self, even when he has a favour to ask, writes usually in a tone of hauteur, arrogance, and offensive superiority. You, however, I hope will write to him on this business, in order that I may know how he takes what I have done. For you will tell me. I have, it is true, written you a full and careful account in a former letter, but I wished you clearly to understand that I had not forgotten what you had said to me in one of your letters: that if I brought home from this province nothing else except his goodwill, I should have done enough. By all means, since you will have it so: but I assume my dealings with him to be without breach of duty on my part. Well, then, by my decree the payment of the money to Statius is good at law: whether that is just you must judge for yourself — I will not appeal even to Cato. But don't think that I have cast your exhortations to the winds: they have sunk deeply into my mind. With tears in your eyes you urged me to be careful of my reputation. Have I ever got a letter from you without the same subject being mentioned? So, then, let who will be angry, I will endure it:

“for the right is on my side,” especially as I have given six books as bail, so to speak, for my good conduct. I am very glad you like them, though in one point-about Cn. Flavius, son of Annius — you question my history. He, it is true, did not live before the decemvirs, for he was curule aedile, an office created many years after the decemvirs. What good did he do, then, by publishing the Fasti? It is supposed that the tablet containing them had been kept concealed up to a certain date, in order that information as to days for doing business might have to be sought from a small coterie. And indeed several of our authorities relate that a scribe named Cn. Flavius published the Fasti and composed forms of pleading — so don’t imagine that I,

or rather Africanus (for he is the spokesman), invented the fact. So you noticed the remark about the “action of an actor,” did you? You suspect a malicious meaning: I wrote in all simplicity.

You say that Philotimus told you about my having been saluted imperator. But I feel sure that, as you are now in Epirus, you have received my two letters on the whole subject, one from Pindenissus after its capture, another from Laodicea, both delivered to your own messengers. On these events, for fear of accidents at sea, I sent a public despatch to Rome in duplicate by two different letter-carriers.

As to my Tullia, I agree with you, and I have written to her and to Terentia giving my consent. For you have already said in a previous letter to me, “and I could wish that you had returned to your old set.” There was no occasion to alter the letter you sent by Memnius: for I much prefer to accept this man from Pontidia, than the other from Servilia. Wherefore take our friend Saufeius into council. He was always fond of me, and now I suppose all the more so as he is bound to have accepted Appius’s affection for me with the rest of the property he has inherited. Appius often shewed how much he valued me, and especially in the trial of Bursa. Indeed you will have relieved me of a serious anxiety.

I don’t like Furnius’s proviso. For, in fact, there is no state of things that alarms me except just that of which he makes the only exception. But I should have written at great length to you on this subject if you had been at Rome. I don’t wonder that you rest all your hope of peace on Pompey: I believe that is the truth, and in my

opinion you must strike out your word “insincerity.” If my arrangement of topics is somewhat random, blame yourself: for I am following your own haphazard order.

My son and nephew are very fond of each other. They take their lessons and their exercise together; but as Isocrates said of Ephorus and Theopompus, the one wants the rein, the other the spur. I intend giving Quintus the toga virilis on the Liberalia. For his father commissioned me to do so. And I shall observe the day without taking intercalation into account. I am very fond of Dionysius: the boys, however, say that he gets into mad passions. But after all there could not be a man of greater learning, purer character, or more attached to you and me. The praises you hear of Thermus and Silius are thoroughly deserved: they conduct themselves in the most honourable manner. You may say the same of M. Nonius, Bibulus, and myself, if you like. I only wish Scrofa had had an opportunity to do the same: for he is an excellent fellow. The rest don’t do much honour to Cato’s policy. Many thanks for commending my case to Hortensius. As for Amianus, Dionysius thinks there is no hope. I haven’t found a trace of Terentius. Moeragenes has certainly been killed. I made a progress through his district, in which there was not a single living thing left. I didn’t know about this, when I spoke to your man Democritus. I have ordered the service of Rhosian ware. But, hallo! what are you thinking of? You generally serve us up a dinner of herbs on fern-pattern plates, and the most sparkling of baskets: what am I to expect you to give on porcelain? have ordered a horn for Phemius: one will be sure to turn up; I only hope he may play something worthy of it.

There is a threat of a Parthian war. Cassius’s despatch was empty brag: that of Bibulus had not arrived: when that is read I think the senate will at length be roused. I am myself in serious anxiety. If, as I hope, my government is not prolonged, I have only June and July to fear. May it be so! Bibulus will keep them in check for two months.

What will happen to the man I leave in charge, especially if it is my brother? Or, again, what will happen to me, if I don’t leave my province so soon? It is a great nuisance. However, I have agreed with Deiotarus that he should join my camp in full force. He has thirty cohorts of four hundred men apiece, armed in the Roman fashion,

and two thousand cavalry. That will be sufficient to hold out till the arrival of Pompey, who in a letter he writes to me indicates that the business will be put in his hands. The Parthians are wintering in a Roman province. Orodes is expected in person. In short, it is a serious matter. As to Bibulus's edict there is nothing new, except the proviso of which you said in your letter, "that it reflected with excessive severity on our order." I, however, have a proviso in my own edict of equivalent force, but less openly expressed (derived from the Asiatic edict of Q. Mucius, son of Publius)—" provided that the agreement made is not such as cannot hold good in equity." I have followed Scaevola in many points, among others in this — which the Greeks regard as a charta of liberty — that Greeks are to decide controversies between each other according to their own laws. But my edict was shortened by my method of making a division, as I thought it well to publish it under two heads: the first, exclusively applicable to a province, concerned borough accounts, debt, rate of interest, contracts, all regulations also referring to the publicani: the second, including what cannot conveniently be transacted without an edict, related to inheritances, ownership and sale, appointment of receivers, all which are by custom brought into court and settled in accordance with the edict: a third division, embracing the remaining departments of judicial business, I left unwritten. I gave out that in regard to that class of business I should accommodate my decisions to those made at Rome: I accordingly do so, and give general satisfaction. The Greeks, indeed, are jubilant because they have non-Roman jurors.

"Yes," you will say, "a very poor kind." What does that matter? They, at any rate, imagine themselves to have obtained "autonomy." You at Rome, I suppose, have men of high character in that capacity — Turpio the shoemaker and Vettius the broker! You seem to wish to know how I treat the publicani. I pet, indulge, compliment, and honour them: I contrive, however, that they oppress no one. The most surprising thing is that even Servilius maintained the rates of usury entered on their contracts. My line is this: I name a day fairly distant, before which, if they have paid, I give out that I shall recognize only twelve per cent.: if they have not paid, the rate shall be according to the contract. The result is that the Greeks pay at a

reasonable rate of interest, and the publicani are thoroughly satisfied by receiving in full measure what I mentioned-complimentary speeches and frequent invitations. Need I say more? They are all on such terms with me that each thinks himself my most intimate friend. However, μηδὲν αὐτοῖς — you know the rest.

As to the statue of Africanus — what a mass of confusion! But that was just what interested me in your letter. Do you really mean it? Does the present Metellus Scipio not know that his great-grandfather was never censor? Why, the statue placed at a high elevation in the temple of Ops had no inscription except CENS, while on the statue near the Hercules of Polycles there is also the inscription CENS, and that this is the statue of the same man is proved by attitude, dress, ring, and the likeness itself. But, by Hercules, when I observed in the group of gilded equestrian statues, placed by the present Metellus on the Capitol, a statue of Africanus with the name of Serapio inscribed under it, I thought it a mistake of the workman. I now see that it is an error of Metellus's. What a shocking historical blunder! For that about Flavius and the Fasti, if it is a blunder, is one shared in by all, and you were quite right to raise the question. I followed the opinion which runs through nearly all historians, as is often the case with Greek writers. For example, do they not all say that Eupolis, the poet of the old comedy, was thrown into the sea by Alcibiades on his voyage to Sicily? Eratosthenes disproves it: for he produces some plays exhibited by him after that date. Is that careful historian, Duris of Samos, laughed out of court because he, in common with many others, made this mistake? Has not, again, every writer affirmed that Zaleucus drew up a constitution for the Locrians? Are we on that account to regard Theophrastus as utterly discredited, because your favourite Timaeus attacked his statement? But not to know that one's own great-grandfather was never censor is discreditable, especially as since his consulship no Cornelius was censor in his lifetime.

As to what you say about Philotimus and the payment of the 20,600 sestertia, I hear that Philotimus arrived in the Chersonese about the 1st of January: but as yet I have not had a word from him. The balance due to me Camillus writes me word that he has received; I don't know how much it is, and I am anxious to know. However,

we will talk of this later on, and with greater advantage, perhaps, when we meet?

But, my dear Atticus, that sentence almost at the end of your letter gave me great uneasiness. For you say, “What else is there to say?” and then you go on to entreat me in most affectionate terms not to forget my vigilance, and to keep my eyes on what is going on. Have you heard anything about anyone? I am sure nothing of the sort has taken place. No, no, it can’t be! It would never have eluded my notice, nor will it. Yet that reminder of yours, so carefully worded, seems to suggest something.

As to M. Octavius, I hereby again repeat that your answer was excellent: I could have wished it a little more positive still. For Caelius has sent me a freedman and a carefully written letter about some panthers and also a grant from the states. I have written back to say that, as to the latter, I am much vexed if my course of conduct is still obscure, and if it is not known at Rome that not a penny has been exacted from my province except for the payment of debt; and I have explained to him that it is improper both for me to solicit the money and for him to receive it; and I have advised him (for I am really attached to him) that, after prosecuting others, he should be extra-careful as to his own conduct. As to the former request, I have said that it is inconsistent with my character that the people of Cibyra should hunt at the public expense while I am governor.

Lepta jumps for joy at your letter. It is indeed prettily written, and has placed me in a very agreeable light in his eyes. I am much obliged to your little daughter for so earnestly bidding you send me her love. It is very kind of Pilia also; but your daughter’s kindness is the greater, because she sends the message to one she has never seen. Therefore pray give my love to both in return. The day on which your letter was dated, the last day of December, reminded me pleasantly of that glorious oath of mine, which I have not forgotten. I was a civilian Magnus on that day.

There’s your letter completely answered! Not as you were good enough to ask, with “gold for bronze,” but tit for tat. Oh, but here is another little note, which I will not leave unanswered. Lucceius, on my word, could get a good price for his Tusculan property, unless, perchance, his flute-player is a fixture (for that’s his way), and I

should like to know in what condition it is. Our friend Lentulus, I hear, has advertised everything for sale except his Tusculan property. I should like to see these men cleared of their embarrassments, Cestius also, and you may add Caelius, to all of whom the line applies, "Ashamed to shrink and yet afraid to take." I suppose you have heard of Curio's plan for recalling Memmius. Of the debt due from Egnatius of Sidicinum I am not without some hope, though it is a feeble one. Pinarius, whom you recommended to me, is seriously ill, and is being very carefully looked after by Deiotarus. So there's the answer to your note also.

Pray talk to me on paper as frequently as possible while I am at Laodicea, where I shall be up to the 15th of May: and when you reach Athens at any rate send me letter-carriers, for by that time we shall know about the business in the city and the arrangements as to the provinces, the settlement of all which has been fixed for March.

But look here! Have you yet wrung out of Caesar by the agency of Herodes the fifty Attic talents? In that matter you have, I hear, roused great wrath on the part of Pompey. For he thinks that you have snapped up money rightly his, and that Caesar will be no less lavish in his building at the Nemus Dianie.

I was told all this by P. Vedius, a hare-brained fellow enough, but yet an intimate friend of Pompey's. This Vedius came to meet me with two chariots, and a carriage and horses, and a sedan, and a large suite of servants, for which last, if Curio has carried his law, he will have to pay a toll of a hundred sestertii apiece. There was also in a chariot a dog-headed baboon, as well as some wild asses. I never saw a more extravagant fool. But the cream of the whole is this. He stayed at Laodicea with Pompeius Vindullus. There he deposited his properties when coming to see me. Meanwhile Vindullus dies, and his property is supposed to revert to Pompeius Magnus. Gaius Vennonius comes to Vindullus's house: when, while putting a seal on all goods, he comes across the baggage of Vedius. In this are found five small portrait busts of married ladies, among which is one of the wife of your friend—" brute," indeed, to be intimate with such a fellow! and of the wife of Lepidus — as easy-going as his name to take this so calmly! I wanted you to know these historiettes by the way; for we have both a pretty taste in gossip. There is one other

thing I should like you to turn over in your mind. I am told that Appius is building a propylaeum at Eleusis. Should I be foolishly vain if I also built one at the Academy? “I think so,” you will say. Well, then, write and tell me that that is your opinion. For myself, I am deeply attached to Athens itself, I would like some memorial of myself to exist. I loathe sham inscriptions on statues really representing other people. But settle it as you please, and be kind enough to inform me on what day the Roman mysteries fall, and how you have passed the winter. Take care of your health. Dated the 765th day since the battle of Leuctra!

LETTER 2

TO ATTICUS (IN EPIRUS) LAODICEA, MAY (BETWEEN I AND 7)

YOUR freedman Philogenes having come to call on me at Laodicea, and telling me that he was on the point of setting sail to join you, I intrust him with this letter, in answer to the one which I received by Brutus's letter-carrier. And first I will answer your last page, which gave me great uneasiness — that is, the account sent you by Cincius of his conversation with Statius, in which what annoyed me most was Statius saying that the plan had my approbation. Approbation, indeed! I need say no more than this: I wish the bonds uniting our close friendship to be as numerous as possible, though none can be so close as those of personal affection. So far am I from wishing that any one tie between us should be relaxed. He, however, I have often found by actual experience, is accustomed to speak with some asperity on the subjects you mention, and I have also often succeeded in pacifying his anger. That I think you know. In the course of our recent progress, or campaign, if I may call it so, I have often seen him fly into a rage, and often calm down again. What he has written to Statius I don't know. Whatever he meant to do in such a matter, he certainly ought not to have written to a freedman. I will take the greatest care to prevent anything occurring contrary to our wishes and to what is proper. And in a case of this kind it is not enough that each should answer for himself: for instance, the most important r — le in the kindly work of this reconciliation is that of the boy, or young man, I should say, Quintus: and this I am in the habit of impressing upon him. He seems to me, indeed, to be strongly attached to his mother, as he ought to be, and wonderfully so to you.

But the boy's character, though certainly a lofty one, has yet many complications, and gives me enough to do to guide it.

Having thus in my first answered your last page, I will now return to your first. That all the Peloponnesian states possessed a seaboard is a fact that I accepted on the authority of the maps of Dicaearchus, a respectable writer, and one who has even received your

approbation. In his account of Trophonius — put into the mouth of Chaeron — he criticises the Greeks on many accounts for their persistent clinging to the sea, and he does not except any place in the Peloponnesus. Though I thought well of him as an authority — for he was a most careful inquirer, and had lived in Peloponnesus — I was yet surprised at the statement, and feeling scarcely convinced of its truth, consulted Dionysius. He was at first taken aback; but presently, as he thought no less well of Dicaearchus, than you do of C. Vestorius, and I of M. Cluvius, entertained no doubt that we should believe him. His conclusion was that Arcadia had a seaport called Lepreon; while Tenea, Aliphera, and Tritia he thought were more recent foundations; and that view he backed up by Homer's "Catalogue of the Ships," where there is no mention of them. Accordingly, I translated that passage from Dicaearchus word for word. I know the form usually employed is "Phliasii," and so take care to have it in your copies: that is the form I now have in mine. But at first I was deceived by the analogy of Ὀποῦς Πούντιοι, Σίπους Σιπούντιοι (so Φλιοῦς Φλιούντιοι Phliuntii), but I have at once corrected this.

I see that you rejoice at my equitable and disinterested administration: you would have done so still more, if you had been here. Why, in these very sessions which I have been holding at Laodicea from the 13th of February to the Ist of May for all the dioceses except that of Cilicia, I have effected astonishing results. A great number of states have been entirely released from debt, and many very sensibly relieved: all have enjoyed their own laws, and with this attainment of autonomy have quite revived. I have given them the opportunity of freeing themselves from debt, or lightening their burdens, in two ways: first, in the fact that no expense has been imposed upon them during my government — and when I say "no expense" I do not speak hyperbolically, but I mean none, not a farthing. It is almost incredible how this fact has helped them to escape from their difficulties. The other way is this. There was an astonishing amount of peculation in the states committed by the Greeks themselves — I mean their own magistrates. I personally questioned those who had been in office in the course of the last ten years. They openly confessed it: and accordingly, without being

punished by any mark of disgrace, repaid the sums of money to the communities out of their own pockets. The consequence is that, whereas the communities had paid the publicani nothing for the present quinquennium, they have now, without any signs of distress, paid them the arrears of the last quinquennium also. So I am the apple of their eye to the publicani—" A grateful set," quoth you. Yes, I have found it so. The rest of my administration of justice has not been without skill, while its lenity has been enhanced by a marvellous courtesy. The ease with which I have admitted men to my presence is a new thing in the provinces. I don't employ a chamberlain. Before daybreak I walk up and down in my house, as I used to do in old times as a candidate. This is very popular and a great convenience, nor have I found it as yet fatiguing to me, being an old campaigner in that respect. On the 15th of May I am thinking of going to Cilicia: having spent the month of June there — pray heaven, in peace! for a serious war on the part of the Parthians is threatening — I mean to devote July to my return journey. For my year of service is finished on the 3oth of July: and I am in 'great hopes that there will be no extension of my time. I have the city gazette up to the 15 of March, from which I gather that, owing to the persistence of my friend Curio, every kind of business is coming on rather than that of assigning the provinces. Therefore, as I hope, I shall see you before long.

I now come to your friend Brutus, or rather our friend, since you will have it so. Indeed, I have on my side done everything that I could accomplish in my province, or attempt in Cappadocia. Thus I have urged the king in every possible way, and continue to do so, that is to say, by letter — for I have only had him with me three or four days, and in the midst of political troubles, from which I relieved him. But, alike in our personal interviews, and afterwards by very frequent letters, I have never ceased begging and beseeching him for my sake, and advising him for his own. I have had considerable effect, but how much I do not, at this distance from him, know for certain. The Salaminians, however — for upon them I could put pressure — I have brought to consent to pay the entire debt to Scaptius, but with interest calculated at one per cent. per month, and not added to the capital each month, but only at the end of each

year. The money was actually paid down: Scaptius would not take it. What do you mean, then, by saying that Brutus is willing to lose some-thing? He had forty-eight per cent. in his bond. It could not be paid, nor, if it could, could I have allowed it. I hear, after all, that Scaptius repents his refusal. For as to the decree of the senate which he quoted—" that the money should be recoverable on the bond " — its intention was to cover the case of the Salaminians having borrowed money contrary to the lex Gabinia. For Aulus's law forbade the recovery of money so borrowed. The senate accordingly decreed that it should be recoverable on that particular bond. Now this bond has exactly the same validity as all other bonds, not a bit more. I think Brutus will acknowledge that my conduct has been quite regular and correct. I don't know about you, Cato certainly will.

But now I return to yourself. Do you really, Atticus, mean to say — you, the panegyrist of my integrity and punctilious honour—"do you venture out of your own mouth" (to quote Ennius) to ask me to give Scaptius cavalry to help him to exact the money? Would you, if you were with me — and you say in your letter that you are sometimes sore at heart to think that you are not with me — would you have suffered me to do so, even if I had wished it? "Not more than fifty," you say. There were fewer than that with Spartacus at first. What misery would they not have inflicted in so weak an island? "They would not have done it," do you say? Nay, what did they not do before my arrival? They kept the Salaminian senators shut up in their chamber for so many days, that some of them died of hunger. For Scaptius was a praefectus of Appius, and Appius allowed him some squadrons. Well, then, do you ask me — you, whose face, by heaven! is ever before my eyes when I think of duty and honour — do you, I say, ask me to allow Scaptius to be praefectus of mine? To let alone the fact that I had resolved that no man in business should be one, and with Brutus's approval of the rule — is such a fellow as that to have squadrons? Why rather than cohorts of the legions? Oh, Scaptius is spending his money, and is now cutting a great figure! The chief men of Salamis, says he, wish it. I know all about that: for they came to see me even at Ephesus, and with tears in their eyes told me of the abominable conduct of the

cavalry and of their own miseries. Accordingly, I at once sent a letter ordering the cavalry to quit Cyprus by a fixed day, and for that, among other reasons, the Salaminians have praised me to the skies in their decrees. But where was the need of cavalry? The Salaminians offer payment — unless, by heaven, we choose to use armed force to compel the payment of forty-eight per cent. interest! And shall I ever dare to read or even to touch those books again which you compliment so highly, if I have committed such an act as that? You have indulged your affection for Brutus too far in this, too far I repeat, my dearest Atticus. Perhaps I have not done so enough: and so I have told Brutus that you have written in this sense to me.

Now for the rest. I do all I can here for Appius, yet only so far as my duty allows, though with a right good will. For I don't dislike him, while to Brutus I am warmly attached, and Pompey is surprisingly urgent, of whom, by heaven, I grow fonder and fonder every day. You have heard that C. Caelius is coming here as quaestor. I don't know what it is, but I don't like that business of Pammenes. I hope to be at Athens in September. I should much like to know the dates of your tours. I understood the silly conduct of C. Sempronius Rufus from your letter written in Corcyra. In short, I am jealous of the influence of Vestorius. I wanted to go on chatting, but the day is breaking; the crowd is coming in; Philogenes is in a hurry. So good-bye, and give my love to Pilia, when you write, and to our dear Caecilia, and accept the same from my son.

LETTER 3

TO ATTICUS (IN EPIRUS) CILICIA, JUNE

THOUGH I know of nothing new having happened since I gave a letter for you to your freedman Philogenes, yet as I am sending Philotimus back to Rome, I felt obliged to write you something. And first on the subject which causes me most anxiety — not that you can help me at all, for the matter is actually in hand, and you are far away in another part of the world: And in the gulf between
Full many a wide sea's wave the south wind rolls.

The time is creeping on, as you see — for I am bound to leave the province on the 3oth of July — and no successor is named. Whom shall I leave in command of the province? Sound policy and public opinion demand my brother. First, because it is regarded as an honour: next, because no one is fitter: thirdly, because he is the only ex-praetor I have. For Pomptinus, in accordance with an agreement and bargain — for he accompanied me on that condition — has already left me. No one thinks my quaestor fit for the post. For he is unsteady, loose, and has an itching palm. However, in regard to my brother, the first point is, that I do not think I could persuade him to do it: for he dislikes a province. And, by heaven, nothing can be more disagreeable and tiresome. Then again, suppose him not to like to say no to me, what about my own duty to him? Seeing that a serious war is believed to be actually going on in Syria, and is thought likely to spread into this province, while there is here no adequate protection, and the ordinary supplies for the year only have been voted, would it seem consistent with natural affection to leave my brother, or with proper prudence to leave some fainŽant? You see, therefore, that I am in great anxiety, and much at a loss as to the course to take. In short, I never ought to have undertaken the business at all. What a much better "province" is yours! You will leave it whenever you choose, if indeed you have not already done so, and you can put anyone you choose in charge of Thesprotia and Chaonia! However, I have not yet seen Quintus, so as to be quite

sure, if I made up my mind to it, whether he could be induced; nor, if he could, am I certain what my real wishes are. That is how this matter stands. The rest is as yet all praise and thanks — worthy of the books you praise so highly. Communities have been put on a sound footing, the publicani have been thoroughly satisfied, no one has been insulted, some few have suffered by a judicial edict, at once just and strict, yet in no case does anyone venture to complain; there has been a campaign deserving of a triumph, but in this matter too I shall do nothing in a spirit of self-seeking, nothing at all indeed without your advice. The last word of the play — the handing over of my province — is the difficulty. But this some god will direct.

About events in the city you, of course, know more than I: your news are more frequent and more authentic. I am myself vexed not to get information by a letter from you. For reports of an unpleasant nature reach me here about Curio and about Paullus — not that I see anything to fear as long as Pompey can stand or even sit: if he only recover his health! But, by heaven! I am vexed for Curio and Paullus, my own familiar friends! Please, therefore, send me, if you are in Rome or when you get there, a sketch-plan of the whole position of public affairs to meet me on my way,

by which I may mould my conduct, and consider beforehand in what spirit to approach the city. For it is something that a man on his arrival should not be a foreigner and stranger.

And then — what I had almost forgotten to mention — about your friend Brutus. I have done everything I could for him, as I often mentioned to you in my letters. The Cyprians were ready to pay the money. But Scaptius was not content with twelve per cent. and compound interest reckoned yearly. Ariobarzanes was not more inclined to accommodate Pompey for his own sake, than Brutus for mine. But I cannot pledge myself for him, for he is a very poor sovereign, and I am at so great a distance from him, that my only weapons are letters, and with these I have not ceased to ply him. The upshot is this: Brutus, in proportion to the amount of the debt, has been treated more liberally than Pompey. For Brutus this year there has been secured about a hundred talents; Pompey has had two hundred promised in six months. Again, in the business of Appius I can scarcely express the extent of my concessions to Brutus. Why

should I trouble myself, then? His friends are men of straw — Matinius and Scaptius — the latter of whom, because he did not get some squadrons of cavalry from me wherewith to bully Cyprus, as he had done before my governorship, is perhaps angry with me; or because he is not a praefectus, an office which I bestowed on no one engaged in business, not even on C. Vennonius, who was my intimate friend, or on M. Laenius, who was yours. To this principle, which I communicated to you at Rome, I have stuck. But of what has a man to complain, who, when he might have taken the money, refused to do so? The other Scaptius (who is in Cappadocia) I think I have fully satisfied. Having received the office of military tribune from me, which I had offered him in consequence of a letter from Brutus, he afterwards wrote me word that he did not wish to avail himself of it. There is a certain Gavius, who, after my offering him a praefectura on the request of Brutus, said and did a good deal meant to reflect upon me — one of Publius Clodius's sleuthhounds! He neither paid me the compliment of joining my escort when I was quitting Apamea, nor on his subsequently visiting the camp and being about to leave it did he ask me "whether I had any commands," and made no secret of being, I don't know why, no friend to me. If I had regarded such a fellow as one of my praefecti, what would you have thought of me? Was I, who, as you know, never would put up with insolence from the most powerful of men, to endure it from this led-captain? Yet it is more than "putting up with" a man to bestow on him a place of profit and honour. So, then, this Gavius, when he saw me at Apamea, as he was starting for Rome, addressed me in a tone I should scarcely have ventured to adopt to Culleolus: "Will you be good enough to tell me," said he, "where I am to look for the allowances of a praefectus?" I answered more mildly than those present thought I should have done, that it was not my practice to give allowances to those whom I had not actually employed. He went off in a rage. If Brutus can be affected by the talk of such a windbag as this, you may love him all to yourself, you will have no rival in me. But I think he will behave as he ought. However, I wished you to be acquainted with the facts of the case, and I have told Brutus the story with the greatest minuteness. Generally speaking (between ourselves), Brutus has never written me a letter, not even the last one

about Appius, in which there was not something haughty and distant. But you often have on your lips (from Lucilius): “Then Granius too Thinks highly of himself and loathes proud kings.” However, in that matter he usually stirs my laughter rather than my bile; but he evidently doesn’t sufficiently consider what he is writing, and to whom. The young Quintus, I think, and indeed I am sure, read your letter addressed to his father. For he is accustomed, and that by my advice, to open his father’s letters, in case there is anything that ought to be known. Now in that letter there was the same remark about your sister as in your letter to me. Imagine the boy’s distress! He told me of his sorrow with tears in his eyes. In short, he shewed me clearly how dutiful, sweet-tempered, and kind he was, which makes me the more hope that nothing unbecoming will occur. So I wished you to know it. I will not omit the following either. Young Hortensius, at the time of the gladiatorial exhibition at Apamea, behaved in a scandalous and disgraceful manner. For his father’s sake I asked him to dinner the day he arrived, and for his father’s sake also went no farther. He remarked that he would wait for me at Athens, that we might leave the country together. “All right,” said I: for what could I say? After all, I don’t think he meant what he said. I hope not, indeed, lest I should offend his father, of whom, by heaven, I am exceedingly fond. But if he is to be in my suite, I will so manage him as to avoid giving offence where I least wish to do so. That is all: no, there is this — please send me the speech of Quintus Celer against M. Servilius. Send me a letter as soon as possible. If there is no news, let me know there is none at least by a letter-carrier of yours. Love to Pilia and your daughter. Take care of your health.

LETTER 4

TO ATTICUS (AT ROME) TARSUS, JUNE

I arrived at Tarsus on the 5th of June. There I was disturbed on many accounts — a serious war in Syria; serious cases of brigandage in Cilicia; difficulty in fixing on any definite scheme of administration, considering that only a few days remained of my year of office; and, greatest difficulty of all, the necessity, according to the decree of the senate, of leaving some one at the head of the province. No one could be less suitable than the quaestor Mescinius — for of Caelius I don't hear a word. Far the best course appears to be to leave my brother Quintus with imperium. But in doing that many disagreeable consequences are involved — our separation, the risk of a war, the ill-conduct of the soldiers, hundreds of others. What a nuisance the whole business is! But let fortune look to it, since any great exercise of reason is out of the question. As for you, since by this time, I hope, you are safe at Rome, you will as usual be good enough to look after everything which you may understand to affect my interests, especially in regard to my Tullia, about whose marriage I have written to Terentia my decision, since you were in Greece. In the next place, see to the honour to be decreed to me: for owing to your absence from Rome, I fear that the motion in the senate, in virtue of my despatch, was not sufficiently pressed. The following I will write to you in a more enigmatical style than usual-your sagacity will smell out the meaning: my wife's freedman — you know whom I mean — seemed to me, from a remark he casually let fall the other day, to have cooked his accounts as to the purchase of the property of the Crotonian tyrannicide. I really fear that you may kave noticed something. Pray on your sole responsibility, examine thoroughly into the matter and make the remainder completely secure.

I cannot express the extent of my fear. Pray let a letter from you fly to meet me. I write this in haste, being on the march, and with the army. Love to Pilia, and the prettiest of maids, Caecilia.

LETTER 5

TO ATTICUS (AT ROME) TARSUS, 26 JUNE

By this time you must surely be in Rome; and I rejoice at your safe arrival there, if it is so. As long, in fact, as you were absent from town, you seemed to me farther removed from me than if you were at home, for my own affairs were less known to me, and so were those of the state. Wherefore, though I hope by the time you read this to be far advanced on my way home, pray send letters frequently, and as talkative as possible on every kind of subject, to meet me: above all, on the subject on which I wrote to you before: my wife's freedman, as in our meetings and conversations he continually stammered and seemed at a loss, appeared to me to have a little cooked the accounts of the Crotonian." Please run that to earth, as is your wont; but still more the following: When leaving the city of the seven hills he handed in an account of two debts of 24 and 48 minae due to Camillus: and entered himself as liable for 24 minae from the Crotonian's estate, and 48 from the property in the Chersonese. And having received in legacies two sums of 640 minae, of this he says that not a penny has been paid, though it was all due on the 1st of the 2nd month: but that Milo's freedman, the namesake of Conon's father (Timotheus), had entirely failed to provide for the payment of the money. In regard, then, to this money, if possible secure the whole amount, and if not, don't neglect the interest calculated from the above-mentioned day. I have felt much alarm about this all the days I had to endure him. For he visited me to survey the situation, and almost with a hope of something turning up. But when he gave up that hope he quitted me without reason assigned, and with the remark: "I yield, 'Twere shame to linger here. And he flung in my teeth the proverb, "Never refuse a good offer." See to the surplus, and do the best that can be done in the matter.

Although I am now almost at the end of my year's full term of office — for there are only thirty-three days left — I am yet overpowered with anxiety for the province to the highest possible degree. For as Syria is in a war fever, and Bibulus has the burden of

an extreme anxiety as to the war in the midst of such bitter private sorrow, and as his legates, quaestor, and friends write to me to come to his aid, though I have only a weak army (the auxiliaries are certainly good, Galatians, Pisidians, Lycians — for they are the flower of my force), yet I thought it my duty to keep my army as near as possible to the enemy, as long as the decree of the senate allowed me to remain governor of the province. But what pleases me most is that Bibulus is not importunate; he writes to me about everything rather than this, and the day of my departure is insensibly creeping on. When that arrives there is another "problem " — who to put in charge, unless my quaestor Caidus shall have arrived, of whom as yet I have had no certain intelligence. I should like, by Hercules, to compose a longer letter, but I neither have anything to tell you, nor can I jest for anxiety. Good-bye, therefore, and give my love to the little maid "Atticula" and our Pilia.

LETTER 6

TO ATTICUS (AT ROME) (SIDA, II AUGUST?)

WHILE employed in my province in doing everything for the honour of Appius, I suddenly became his accuser's father-in-law. "Heaven prosper it," you say. So say I, and I am sure you wish it. But believe me, it was the last thing I expected: in fact, I had even sent confidential messengers to my wife and daughter in regard to Tiberius Nero, who had made proposals to me; but they arrived at Rome after the betrothal had taken place. However, I hope this will be better. I understand that the ladies are much pleased with the young man's accommodating temper and courtesy. As for the rest, pick no holes!

But you now! Corn doles to Athens? Do you approve of this? However, my treatise at any rate did not forbid it: for that was not a largess to citizens, but a gift to hosts. Yet do you bid me think about the "propylon" for the Academy, though Appius has abandoned his idea about Eleusis? I am sure you grieve for Hortensius. I am heart-broken myself: for I had resolved to live on very intimate terms with him. I have put Caelius in command of the province: a mere boy, you will say, and perhaps empty-headed, with neither solidity nor self-control. I agree: but nothing else was possible. The letter, indeed, which I received from you a good while ago, in which you said that you "hesitated" as to what I ought to do about leaving a substitute, gave me a twinge, for I saw your reasons for your "hesitation," and I had the very same. Hand over my province to a mere boy? Well, to my brother, then? The latter was against my interest: for there was no one except my brother whom I could prefer to my quaestor without casting a slur on him, especially as he was of noble birth. Nevertheless, as long as the Parthians appeared to be threatening, I had resolved to leave my brother, or even to remain myself, contrary to the decree of the senate, for the sake of the Republic. But when by incredible good fortune they had dispersed, all my hesitation was at an end. I saw what people would say: "What, leave his brother! is this what he calls not holding his province more than a year? Did not

the senate, again, intend that the governors of provinces should be those who had not had them before? Yet this man has held one for three years!" So here are my reasons for the public ear. What am I to give you privately? I should never have been without anxiety as to something happening from ill-temper, violent language, or carelessness, as will happen in this world. Again, if his son did anything — a mere lad and a lad full of self-confidence? What a distress it would have been! His father was resolved not to part with him, and was annoyed with you for expressing an opinion that he should do so. But as to Caelius, as things are, I don't say that I don't care about his antecedents, but at any rate I care much less. Then there is this consideration: Pompey — so strong a man and in so secure a position — selected Q. Cassius without regard to the lot; Caesar did the same in the case of Antony: was I to put such a slight on one regularly assigned me by lot, as to make him act as a spy on any man I left in command? No, the course I adopted was the better one, and for it there are many precedents, and certainly it is more suited to my advanced time of life. But, good heavens! what credit I have given you in his eyes! I read him the letter written, not by you, but by your amanuensis. My friends' letters summon me to a triumph — a thing which, in view of the resuscitation of my reputation, I do not think I ought to neglect. Wherefore, my dear Atticus, do begin to wish it too, that I may look somewhat less foolish.

LETTER 7

TO ATTICUS (AT ROME) TARSUS, JUNE (AFTER THE 26TH)

QUINTUS the younger has managed to reconcile his father to your sister. He shewed real filial feeling in the matter; and though it is true that I earnestly exhorted him to do so, yet my persuasion fell on willing ears Your letter moved us both very strongly. Well! I feel confident that things are as we wish. I have written to you twice about money matters in Greek, and enigmatically — if the letters have but reached you. Of course no active step is to be taken. Yet, by putting plain questions to him about Milo's debts, and by urging him to fulfil his obligations to me, you will do some good. I have ordered my quaestor Mescinius to await me at Laodicea, that I may be able, in accordance with the Julian law, to leave two copies of my accounts complete in two cities. I then intend to go to Rhodes for the sake of the boys, thence as soon as possible to Athens, though the Etesian winds are strong against me. But I wish to get home while the present magistrates are in office, whose good disposition to myself I have experienced in the matter of the supplication. Nevertheless, be sure you send a letter to meet me, to tell me whether in your opinion there is any reason on the score of politics for my delaying my return. Tiro would have written to you, only I left him seriously ill at Issus. But I have news that he is better. Nevertheless I am distressed. For nothing can exceed that young man's purity of conduct and attention to business.

LETTER 8

TO ATTICUS (AT ROME) EPHESUS, I OCTOBER

JUST as I had resolved to write to you and had actually taken up my pen, Batonius came to me straight from his ship to my house at Ephesus, and gave me your letter on the 29th of September. I am delighted with the pleasant nature of your voyage, with Pilia's opportune appearance, and also, by Hercules, with her remarks about Tullia's marriage.

Batonius, however, brought news about Caesar that is really terrifying, and he enlarged still more on the subject in Conversation with Lepta. I hope what he said was false, but it is certainly alarming: that he would on no account dismiss his army; that Of the magistrates-elect the praetors, Cassius the tribune, Lentulus the consul, side with him; that Pompey is thinking of leaving the city. But look here! are you very sorry for the man that is wont to think himself more than a match for the uncle of your sister's son? But what men to be beaten by! However, to business. The Etesian winds have much retarded me. Exactly twenty days, too, were swallowed up by the Rhodian open ship. On the 1st of October, as I am embarking to leave Ephesus, I give this letter to L. Tarquitius, who is leaving the harbour at the same time, but is sailing faster than I am. I am forced to wait for fair weather owing to the open ships and other war vessels of the Rhodians; nevertheless, nothing can exceed the hurry I am in. As to the payment to the Puteolanian, many thanks. Now please look into affairs at Rome, and see what steps you think I ought to take as to the triumph, to which my friends invite me. If it had not been that Bibulus, who, as long as there was a single enemy in Syria, never set foot out of doors any more than he did out of his house at Rome, was exerting himself to get a triumph, I should have been quite indifferent on the matter. Now, however, "'twere base to say no word." But look into the whole matter, that we may be able to decide on our course the day we meet. This is long enough, considering my haste, and that I am giving the letter to a man who will arrive with me, or only a little before me. My son sends his

kindest regards to you. Pray give the same from us both to Pilia and your daughter.

LETTER 9

TO ATTICUS (AT ROME) ATHENS, 15 OCTOBER

IMMEDIATELY on my landing in the Piraeus, on the 14th of October, I received your letter from the hand of my slave Acastus. Having been long looking forward to it, I was surprised, as soon as I looked at the letter before breaking the seal, at its brevity; when I opened it I was again surprised at the cramped handwriting, for your letters are generally supremely well-written and clear, and, to make a long story short, I understood from the fact of your writing like that, that you had arrived at Rome on the 19th of September in a fit of fever. Much disturbed — but not more than I was bound to be — I at once questioned Acastus. He said that both you and he thought, and his impression was confirmed by what your people at Rome told him, that it could not be anything serious. This appeared to be supported by an expression used by you at the end of your letter, that you wrote while suffering from a" slight touch of fever." Yet it roused my gratitude, as well as my surprise, that you should, in spite of it, have written to me with your own hand. So enough about this. For I hope, considering your prudence and temperate life, and, by heaven, I feel confident — as Acastus bids me — that by this time you are as well as I could wish.

I am glad you have got my letter from Turranius. Keep an eye, an you love me, and a very keen one, upon the ambition of that cooker of accounts. This legacy again — which I swear is a source of great grief to me, for I loved the man-this legacy of Precius don't let him lay a single finger upon. You will say that I shall want some ready money for the expenses of the triumph, which, as you advise, you shall find me neither weakly vain in seeking, nor over-modest in declining. I gather from your letter that Turranius told you that I had handed over my province to my brother. Do you think I so entirely failed to grasp the wise caution of your letter? You said your judgment was in "suspense." What could have called for your hesitation, if there had been any reason whatever for deciding that a brother should be left in command, and such a brother? I took your

meaning to be “dogmatic rejection,” not “suspension of judgment.” You urged in regard to the young Quintus, that I should not leave him in any case. “You tell me my own dream.” The same points occurred to us both, just as though we had talked it over together. It was the only thing to be done, and your “long suspension of judgment” relieved me of all doubt. But I fancy you have already a letter on this subject written in more detail. I intend to send off letter-carriers tomorrow, who I think will arrive sooner than our friend Saufeius. But it was scarcely decent that he should arrive without a letter from me to you. In your turn, pray fulfil your promise of writing fully to me of my Tulliola, that is, of Dolabella, of politics — which I foresee will be in a very dangerous situation — of the censors, and especially what is taking place about the statues and pictures, whether the matter will be brought before the Senate. I write this on the 15th of October, on which day, you tell me, Caesar is going to bring four legions to Placentia. Pray, what is to become of us? My post on the Acropolis of Athens seems to me at present the best one.

BOOK 7

LETTER 1

TO ATTICUS (AT ROME) ATHENS (16 OCTOBER)

I did, in fact, give L. Saufeius a letter, and to you alone, because, though I had not sufficient time for writing, I was yet unwilling that a man so intimate with you should reach you without a letter from me. But considering the deliberate pace adopted by philosophers, I think the present letter will reach you first. If, however, you have already received the former, you are aware that I arrived at Athens on the 14th of October: that on disembarking at the Piraeus, I received your letter from the hands of Acastus: that I was much disturbed at your having arrived at Rome with a fever on you, but was reassured by Acastus bringing the news I wished for as to your convalescence; that I was, however, horrified at what your letter told me of Caesar's legions; and urged you to take care that the "φιλοτιμία" of him you wot of does us no injury. Lastly, on a subject on which I had long ago written to you, but Turranius had misinformed you at Brundisium — as I learnt from a letter received from that excellent man Xeno — I explained briefly why I had not placed my brother at the head of my province. Such was nearly the substance of that letter. Now for the rest. In the name of fortune, do devote all the affection with which you have blessed me, and all the wisdom you possess — which in my judgment is unrivalled on every subject — to considering my entire position. For I think I foresee such a violent struggle — unless the same god, who relieved me from fear of a Parthian war by a stroke of luck beyond what I had ventured to hope, shall now shew regard for the Republic — such a struggle, I say, as there has never been before. Well! this is a misery which I share with all the world. I don't bid you reflect on that. It is my own, particular "problem" that I would beg you to take up. Don't you see that it was on your advice that I sought the friend-ship of both? Yes, and I could wish that I had listened to your most friendly hints from the beginning: But in my breast my heart thou couldst not sway. Yet at length, after all, you did persuade me to embrace the one, because he had done me eminent service, and the other, because he was so

powerful. I did so, therefore: and by shewing them every kind of attention contrived that neither of them should regard anyone with more affection than myself. My idea, in fact, was this — if I were allied with Pompey, I should not hereafter be compelled to take any improper step in politics, nor, if I agreed with Caesar, have to fight with Pompey: for their union was so close. Now there is impending, as you shew, and as I see, a mortal combat between them. Each of them, again, regards me as his own, unless by any chance one of them is playing a part. Pompey, of course, has no doubt: for he rightly judges that his present view of politics has my approbation. From each, however, I received a letter, at the same time as yours, of a kind calculated to shew that neither values anyone in the world above myself. But what am I to do? I don't mean in the last resort of all-for, if it shall come to downright war, I see clearly that it is better to be beaten with the one, than to conquer with the other — but as to what will be in actual debate when I arrive: that he be not a candidate without returning to Rome — that he dismiss his army. "Speak, Marcus Tullius I" What am I to say? "Wait, please, till I have an interview with Atticus?" It is no time for shuffling. Against Caesar? What is to become of all our mutual pledges? For the fact is that I helped him to secure this privilege, having been asked by Caesar himself at Ravenna to induce Caelius, the tribune, to bring in the bill. By Caesar himself, do I say? Nay, by our friend Gnaeus also, in that immortal third consulship of his. Shall I change my opinions? "I fear to face" not only Pompey, but also Trojan men and women. Polydamas will be the first to blame.

Who is he? Why, you yourself, the applauder of my acts and writings. So it seems, then, that during the last two consulships of the Marcelli I have avoided this trap, when the subject of Caesar's province was before the senate, only to fall now into the very jaws of the danger. Therefore let some one else be called upon flrst for his vote — I am well pleased to be busying myself on something to secure my triumph, and to have an unimpeachable excuse for remaining outside the city. Nevertheless, they will do their best to elicit my opinion. You will perhaps laugh at what I am now going to say. How I wish I were still lingering in my province! I clearly had better have done so, if this was impending. Though nothing could be

less pleasant. For I wish you, by the way, to know this — all those virtues displayed at the beginning of my government, which you, too, in your letters, used to praise to the skies, were only skin deep. How far from an easy thing is virtue! Nay,

how difficult a lasting affectation of it! For whereas I thought it equitable and a thing of which to be proud, that out of the sum decreed to me for the year's expenses, I left my quaestor C. Caelius enough to last a year, and paid back into the treasury 1,000,000 sesterces (£8,000), my staff grumbled, thinking that the whole of this money ought to have been divided among them — that I might be found a better friend of the treasuries of the Phrygians and Cilicians than of our own. But they did not move me: for my reputation had supreme weight with me. Nevertheless, there is no mark of honour in my power to bestow on any of them that I have omitted. However, all this, to use the phrase of Thucydides, is a digression, though not without its point. For your part, pray think over my position: in the first place, by what contrivance I may preserve Caesar's good will; in the second, as to my triumph, which, unless the state of the Republic hinders it, I see is feasible. I judge both from my friends' letters and from the supplicatio; for the man who voted against it really voted for more, than if he had voted all the triumphs in the world. Moreover, only one man voted with him who is my intimate friend — Favonius; and another who is annoyed with me — Hirrus. Moreover, Cato was both on the committee for drawing out the decree, and also sent me a very gratifying letter as to his vote. Nevertheless, Caesar, in sending me his congratulations on the supplicatio, exults over Cato's vote, and yet does not mention what he really said in delivering it, but merely remarks that he voted against my supplicatio. To return to Hirrus. You have begun softening his feelings towards me. Complete the process. You have Scrofa and Silius with you; I have already written to them, and to Hirrus himself. For he had mentioned to them in obliging terms that he could have hindered the decree, but was unwilling to do so: nevertheless, he agreed with Cato — my very warm friend — when he delivered his vote in terms highly complimentary to me, but remarked that I had not written to him while writing to everyone

else. It was quite true: for he and Crassipes were the only people to whom I had not written. So much for public affairs. To return to domestic business, I wish to dissociate myself from that man, He is a complete juggler — a regular son of Laertes: But what is past I leave, though grieved at heart. Let us get what remains on a sound footing. This money, coming from Precius to begin with — which adds anxiety to my regret — whatever it amounts to, I do not wish to be mixed up with the accounts of mine of which that fellow has the handling. I have written to Terentia, and to Philotimus himself; to say that whatever money I should collect for the adornment of my expected triumph I should deposit with you. Thus I think there will be no feeling of resentment; but as they choose! Here is another task for you — to consider how I am to set about this business. You gave some indication on this subject in a letter dated from Epirus or Athens, and I will back you up in the course you proposed.

LETTER 2

TO ATTICUS (AT ROME) BRUNDISIUM, 25 NOVEMBER

I arrived at Brundisium on the 24th of November, after a sea passage of your fortunate kind: so delightfully Blew from Epirus the softest of breezes-Onchesmites.

There ‘s a spondaic hexameter for you! You may pass it off as your own before any of our young poets you choose. The state of your health gives me much uneasiness. For your letter indicates that you are really suffering. I, however, knowing your courage, strongly suspect that there is something which absolutely compels you to give in and almost exhausts your strength, although your Pamphilus informed me that one fit of quartan ague had departed, and that another less serious one was approaching. Terentia, indeed, who entered the gate at the same time as I entered the port of Brundisium, told me that L. Pontius had informed her at Trebulanum that that too had left you. If this is the case, it answers, by heaven, to my highest wishes, and I expect that you have obtained it by your prudence and temperate habits.

I now come to your Ietters, great budgets of which have reached me at the same time, one more delightful than the other, at any rate those that were in your own handwriting. For while I like the handwriting of Alexis, for its excellent imitation of your own, yet I don’t like it for its indication that you are not well. And talking of him, I have left Tiro in at Patrae, a young man, as you know, and add, if you please, of excellent character. I have never seen a better. Accordingly, I miss him very much. Though he did not think himself seriously il, I am yet anxious, and rest my greatest hopes in the assiduous attention of Manius Curius, of which Tiro has spoken in his letters and many have told me by word of mouth. Moreover, Curius himself felt how much you wished tbat I should like him. And, in fact, I took great delight in his society: there is a natural vein of humour in the man that is very attractive. I am carrying home his will sealed up with the signets of two Ciceros and of the praetorian staff. In their presence he declared you heir to one-tenth, and me to

one-fortieth. At Actium in Corcyra Alexis made me a splendid present. Nothing could prevent Quintus Cicero from going to see the river Thyamis. I am glad you find such delight in your little daughter, and are convinced of the doctrine as to "the natural instinct for procreation." For in the absence of this instinct there can be no natural tie uniting man and man, and, without that, social life is impossible. "Heaven prosper what we do," quoth Carneades, somewhat indecently, and yet with more modesty than our countryman Lucius and Patro — who in referring everything to a selfish motive, and denying that anything is ever done for another's sake, and teaching that a man's only motive for being virtuous is to avoid evil consequences to himself, not because right is right, do not perceive that they are describing a crafty man, not a good one. But all this, I think, is discussed in those books which you encourage me by praising.

To return to business. How anxious I was for the letter, which you said that you gave to Philoxenus! For you had told me that it contained an account of Pompey's conversation at Naples. Patro delivered it to me at Brundisium, having received it, I presume, at Corcyra. Notbing could bave been more delightful. For it contained information about politics, about the great man's opinion as to my uprightness, about the kind feeling towards me which he manifested in what he said about the triumph. But what pleased me more than anything else was to learn that you had visited him to ascertain what his disposition was towards me. This, I say, gave me the greatest pleasure of all. As to the triumph, I never felt any great desire for it till Bibulus's utterly bare faced despatch, which was followed by a supplicatio voted in the most complimentary terms. If he had really done what he stated in his despatch, I should have rejoiced and been in favour of bestowing honour upon him. But as it is — that he, who never set foot outside the city gate as long as the enemy was west of the Euphrates, should be specially honoured, and that I, on whose army he depended entirely, should not be able to obtain a similar honour, is an insult to us: I say "us," because I include you. Accordingly, I will leave no stone unturned, and, as I hope, shall succeed. But if you had been in good health, I should already have got rid of certain difficulties. But, I hope, you will soon recover.

About the debt to Numerius I am much obliged to you. I am longing to know what Hortensius has done, and what Cato is doing: the latter, it is true, has been disgracefully spiteful to me. He gave his testimony to my integrity, equity, clemency, good faith, which I did not ask for: what I did ask for he withheld. Accordingly, in his letter of congratulation, containing also every kind of promise, how Caesar exults over the slight put upon me by Cato's signal ingratitude! Cato, too, who votes twenty days' supplicatio to Bibulus! Pardon me, I cannot and will not put up with this. I am itching to answer all your letters, but it is unnecessary: for I shall see you directly. However, I must just telI you about Chrysippus — for about the other fellow (a mere mechanic) I am less surprised. Yet there could not be a more rascally trick than his either. But Chrysippus — that he, whom I liked seeing and held in honour for his tincture of letters, should abandon my boy without my knowledge! I say nothing about many other things of which I am told; I say nothing of his embezzlements; but I cannot put up with his absconding. It seemed to me the most unprincipled thing in the world. Accordingly, I have availed myself of that ancient expedient of Drusus when praetor, as it is said, in the case of a man who on being manumitted declined to take the same oaths. I denied having manumitted those men, especially as there was no one present at the time by whom their manumission could legally be maintained. Tell me what you think of that: I will abide by your opinion. The most eloquent by far of all your letters I have not answered, that in which you speak of the dangers of the Republic. What was I to write back? I was much upset. But the Parthians prevent my being much afraid, who suddenly retreated, leaving Bibulus half dead with fright.

LETTER 3

TO ATTICUS (AT ROME) TREBULANUM (VILLA OF PONTIUS), 9 DECEMBER

ON the 6th of December I reached Aeculanum, and there read the letter from you which Philotimus delivered to me. The first glance at it gave me pleasure from seeing that it was in your own handwriting, and presently I was extraordinarily delighted at its extreme minuteness and attention to detail. To begin with, you say you disagree with Dicaearchus: but although I sought with the greatest eagerness, and with your approbation, not to remain more than a year in my province, this was not brought about by any exertions on my part. For let me tell you that no proposal was ever made in the senate about any of us governors of provinces, to the effect that we should remain in them beyond the term mentioned in the decree: so that I cannot now be blamed even for having been a shorter time in the province than was perhaps for the good of the public service. But the common expression "Perhaps it was all for the best" seems to come in pat, as though it were made for the case. For whether a peace can possibly be patched up, or the victory of the loyalists secured, I should wish in either case to lend a helping hand, or at any rate not to be wholly out of it. But if; on the contrary, the loyalists are beaten, I should have been beaten with them, wherever I was. Wherefore the rapidity of my return should be no cause for regret. If, again, the idea of a triumph had not been suggested to me — an idea which you also approve-you certainly would not have found me fall much short of the ideal statesman sketched in the sixth book of my Republic. Well, what would you have me do, you who have devoured those books? Indeed, even now, I shall not scruple to throw this hope aside, great as it is, if it turns out to be the better course. The two things indeed cannot be done at the same time-to canvass for a triumph, and to speak with independence on politics. But do not doubt for a moment that the more righteous course will have the preference in my eyes. For as to your opinion, that it is more advantageous, whether for my personal safety, or as enabling me to serve the state, to retain my

imperium — that we will discuss when we meet. For it is a matter requiring serious consideration, though to a great extent I agree with you. About my loyalty to the Republic I thank you for feeling no doubt: and I also quite endorse your judgment that, considering my services to him, and considering what he has done for others, Caesar has been by no means overliberal in his conduct to me. Your explanation of that fact also is the true one, and agrees strikingly with what you say has been done in the case of Fabius and Caninius. Even if things had been different, and he had been profuse in his liberality to me, yet that "Guardian goddess of the city," whom you mention in your letter, would have compelled me to remember the inscription upon her statue, and would not have allowed me to imitate Volcatius and Servius, who satisfy you, but would have compelled me to entertain sentiments and maintain some course worthy of myself: which, indeed, I would have done, if I could, in a different way from that in which I must now act. It is for their own supremacy that these men are now contending, but it is at the risk of the constitution. For if it is the constitution that is being now defended by Caesar, why was it not defended in his own consulship? Why was I, in whose cause the safety of the constitution was involved, not defended in the next year? Why was his imperium extended, or why in that particular way? Why was such a fight made that the ten tribunes should propose a law allowing him to be a candidate in his absence? Owing to these measures he has become so strong, that there is only one citizen with sufficient force to resist him; and I wish that he had refused to grant him all this power, rather than resist him now when he is so strong.

But since it has come to this pass, I will not ask, as you say: Where is the hull that once the Atreidae owed? The one hull for me will be that which has Pompey for steersman. Yes, that is just as you say. "What is to happen when the consul says: "Your vote, Marcus Tullius?" I shall answer in a word: "I vote with Gnaeus Pompeius." Nevertheless, in private, I shall exhort Pompey to keep the peace. For my opinion is that there is the most imminent danger. Of course you are better informed as being in the city. But my view of the situation is this: we have to do with a man of the most consummate boldness, and in the highest state of preparation: all who have been

condemned, or branded with infamy, or who deserve condemnation and infamy, are on his side; nearly all the young men; all the lowest city rabble; some influential tribunes, including Gaius Cassius; all who are overwhelmed with debt, who I find are more numerous than I thought. The only thing this cause lacks is merit: it has everything else in abundance. On our side everyone is doing everything he can to avert an appeal to arms, of which the result is in all cases uncertain, while on this particular occasion there is reason to fear its going the other way. Bibulus has quitted his province, and has left Veiento in charge of it. I hear he will be somewhat slow on his return journey. In complimenting him Cato remarked that the only people he did not envy were those whose political position admitted of no improvement, or at any rate little. Now for private affairs: for I have pretty well answered your letters on politics, both the one you wrote in your suburban villa, and that which you wrote subsequently. So now I am coming to private affairs. Still, there is one thing more-about Caelius. So far from his affecting my opinion, I am strongly of opinion that he must himself be sorry for having changed his views. But how came it that those properties of Lucceius were conveyed to him? I wonder you passed that over. As to Philotimus, I will do as you advise. But I was not expecting to have the accounts from him, which he submitted to you, but the balance which he himself, at Tusculum, wished me to enter in my day-book with my own hand, and for which he also gave me a bill in Asia in his own handwriting. If he paid the sum which be declared to you to be the amount of my debt, he would still owe me as much again, and more. But in business of this kind, if only the state of public affairs permit, I shall not henceforth expose myself to blame; nor, by heaven, was I really careless about it in former times, but my time was swallowed up by a crowd of friends. Accordingly, I shall have the benefit, as you promise, of your assistance and advice, and yet shall not, I hope, be troublesome to you. You need not alarm yourself about the splints I made my staff wear. They have pulled themselves together of their own accord from admiration of my upright conduct. But no one had given me a greater surprise than the man of whom you think so meanly. He had been at the beginning, and at this day still is, excellent. But just at the moment of leaving the province he indicated

to me that he had hoped for something. He did not, however, cling to the idea, upon which he had allowed his mind to dwell for a time, but quickly returned to his better self, and being much affected by the extremely high honours bestowed on him by me, he looked upon them as more valuable than any money. I have received his will from Curius, and am bringing it with me. I am informed of the legacies Hortensius has to pay. I am now eager to know the man's position, and what properties he is putting up to auction. For I don't know why, since Caelius has monopolized the Porta Flumentana, I should not make myself owner of Puteoli.

Now for the word Piraeea: in using it I exposed myself to severer criticism for writing Peiraeea instead of Piraeum — which is the form adopted by all our countrymen-than for adding an in. For I did not prefix the preposition to the word as the name of a town, but of a locality: and, after all, our friend Dionysius, and Nicias of Cos, who is with me, did not consider the Piraeus to be a town. But I will see to it. The fact is that, if I have made a mistake, it is in not speaking of it as a town, but as a place; and for having followed, I don't say Caecilius (mane ut ex portu in Piraeum), for he is a poor authority for Latinity, but Terence, whose plays, owing to the elegance of their language, were thought to be written by Laelius. He says, "Heri aliquot adulescentuli coimus in Piraeum"; and also, "Mercator hoc addebati...captam e Sunio." Now if we choose to consider demes to be towns, Sunium is as much a town as Piraeus. But since you are by way of being a grammarian,

you will relieve me of much vexation if you solve me this knotty point. He sends me courteous letters. Balbus does the same for him. I am resolved not to swerve a finger's breadth from the most absolute loyalty in any direction. But you know the balance he has against me. Do you think, then, that some one will twit me with it, if I am lukewarm in opposition, or that he will demand repayment if I am overvigorous? What solution can you find to this? "Pay him," you say. Well, then, I will borrow from Caelius. However, pray turn this matter over in your mind. For I imagine, if I have at any time made a fine speech in defence of the constitution, that your Tartessian friend will say to me as I am leaving the house, "Be so good as to direct the money to be paid." What else is there to say? Why, this. My son-in-

law makes himself very agreeable to me, to Tullia, and to Terentia. He has any amount whether of ability or culture. We must be content. Other points in his character, with which you are acquainted, must be tolerated. For you know the men whom we bave [rejected], who all, except the one about whom we negotiated through you, think that I am making money. For no one will advance them any on their own credit. But of this when we meet; for it is a subject for a long talk. My hope of Tiro's recovery is centred on Manius Curius, to whom I said in a letter that you will be very gratefui to him.

Pontius's Villa at Trebula, 9 December.

LETTER 4

TO ATTICUS (AT ROME) (FORMIAE II DECEMBER)

DIONYSIUS was burning with desire to be with you, and I have accordingly sent him, but, by Hercules, with great reluctance. However, I was obliged to give way. I have found him, indeed, both a good scholar (which I knew before> and a man of high character, very obliging, careful too of my reputation, honest, and — not to give him only the praise that suits a freedman — a thoroughly good man.

I saw Pompey on the 10th of December: we were together perhaps two hours. He seemed to me to be much delighted at my return: urged me to a claim a triumph: undertook to do his part: warned me not to enter the senate until I had gained my object, for fear of alienating some tribune by the speeches I delivered. Need I say more? In cordiality of mere language nothing could have been more explicit. On the political situation, however, the tone of his remarks assumed the existence of downright war. He held out no hope of maintaining peace: "he had felt before that Caesar was alienated from him, he had recently become quite sure of it. Hirtius, Caesar's most intimate friend, had been in the neighbourhood, but had not called on him. Moreover, Hirtius having arrived in the evening of the 6th of December, and Balbus having arranged to visit Scipio on the 7th, before daybreak, Hirtius started to rejoin Caesar late in the previous night." This seemed to him to be a clear "symptom" of alienation. In short, nothing else consoles me but the opinion that the man, to whom even his enemies have assigned a second consulship, and fortune has given supreme power, will not be so mad as to put these advantages in danger. But if he once begins to run amuck, I verily have many fears which I do not venture to put into writing. However, as the matter stands at present, I think of approaching the city on the 3rd of January.

LETTER 5

TO ATTICUS (AT ROME) (FORMIAE, DECEMBER)

I have received several letters from you at the same time, and though I am in receipt of later news from visitors, they yet gave me much pleasure. For they shewed your zeal and kindness. I am disturbed by your illness, and Pilia's having fallen ill of the same complaint must, I think, cause you all the more anxiety. So take care, both of you, to get well. I see that you are interested about Tiro. Though he is serviceable to me in a thousand ways, when he is well, in every department of my business and my studies, yet my anxiety for his recovery is founded on his own kindness and high character, rather than on my convenience. Philogenes never said a word to me about Luscenius. As to other matters, you have Dionysius with you. I wonder that your sister has not come to Arcanum. I am glad you approve my decision as to Chrysippus. I have no intention of going to Tusculum at such a time as this. It is out of the way for people coming to meet me, and has other disadvantages. But from Formiae I mean to go to Tarracina on the 29th of December. Thence to Pomptina Summa, thence to Pompey's Alban villa, and so to the city on the 3rd, my birthday. The political situation gives me greater terror every day. For the loyalists are not, as people think, united. How many Roman knights, how many senators, have I seen prepared to inveigh against the whole policy, and especially the progress through Italy now being made by Pompey. What we want is peace. From a victory,

among many evil results, one, at any rate, will be the rise of a tyrant. But we will talk of this together before long. At present I have absolutely nothing to write to you about — either in politics (for neither of us knows more than the other) or in domestic affairs, which are equally known to us both. The only thing left is to jest, if this personage will allow us. For I am one who thinks it more expedient to yield to his demands than to fight. For it is too late in the day to be resisting a man, whom we have been nursing up against ourselves these ten years past. "What will be your view, then?" say

you. None, of course, except in accordance with yours: nor shall I express any till I have accomplished or laid aside my own affair of the triumph. So take care of your health. Do at length shake off your quartan fever by exercising the prudence in which no one surpasses you.

LETTER 6

TO ATTICUS (AT ROME) (FORMIAE, DECEMBER)

I have absolutely nothing to say to you. You know everything, nor can I expect any fresh news from you. Let me, then, merely maintain my old habit of never letting anyone going to you depart without a letter. At the political situation I am thoroughly alarmed, and up to now I have found hardly anyone not convinced that it would be better to yield to Caesar's demand than to fight. That demand, it is true, shameless as it is, is more serious than we thought. But why begin resisting him now? For naught more dreadful is upon us now. than when we voted his additional five years, or when we allowed his being a candidate in his absence: for we did not, I presume, give him arms then, that we might have a well-furnished enemy to fight with now! You will say, "What, then, will be your view?" Not the one I shall express. For my real view will be "anything rather than fight": I shall say exactly what Pompey does. And that I shall do from no abject cowardice: but once more it is a very serious evil to the constitution, and less allowable perhaps in my case than in that of others, that in matters of such importance I should differ from Pompey.

LETTER 7

TO ATTICUS (AT ROME) (FORMIAE, DECEMBER)

"Dionysius, a most excellent fellow — as I, too, have reason to know — and also a very good scholar and warmly devoted to you, arrived in Rome on the 16th of January and delivered me a letter from you." Those are your exact words about Dionysius in your letter. You don't add, "and he expressed his gratitude to you." And yet he certainly ought to have done so, and, if he had, you are always so good-natured that you would have added it to your sentence. However, any palinode in regard to him is made impossible for me, owing to the character I gave him in my last letter. Let him, then, pass for an excellent man. I am obliged to him for one thing at least — he has given me this opportunity also of knowing him thoroughly. Philogenes was quite correct in what he wrote to you: for he has paid the money due. I wished him to have the use of the money as long as he legally could; accordingly, he has kept it fourteen months. I hope Pomptinus is recovering and as to having entered the city, as you say in your letter, I feel somewhat anxious as to what he means by it. For he would not have done so except for some weighty reason. As the 2nd of January is the Compitalia, I don't want to arrive at Pompey's Alban villa on that day, for fear of inconveniencing his servants. I shall do so, therefore, on the 3rd, and go thence to the city on the 4th. I don't know on what day your quartan fit is due; but I am very unwilling that you should be disturbed to the detriment of your health. As to my triumph, unless Caesar has been secretly intriguing by means of the tribunes who are in his interest, everything else appears to be going smoothly. My mind however is supremely calm, and regards the whole thing with utter indifference: the more so that I am told by many that Pompey and his council have determined to send me to Sicily on the ground of my having imperium. That is worthy of Abdera! For neither has the senate decreed nor the people ordered me to have imperium in Sicily. But if the state delegates this to Pompey why should he send me rather than some unofficial person? So, if the possession of this imperium is going to be a

nuisance to me, I shall avail myself of the first city gate I came to. For as to what you say, that my coming is awaited with astonishing interest, and that none of the loyalists, or even the semi loyalists, have any doubt about what I am likely to do — I don't understand whom you mean by the "loyalists" — I know of none — that is to say no class of such men: for of course, there are individuals who are loyalists; but when it is a case of politic divisions what we have to look for is classes and sets of loyalists. Do you regard the senate as loyalist when it is owing to it that the provinces have no governors' with imperium? For Curio would never have held out if negotiations with him had been set on foot — a measure which the senate refused to adopt with the result that no successor was named to Caesar. Or the publicani who, having never been staunch, are now warmly in favour of Caesar? Or the financiers or the farmers, whose chief interest is peace? Unless you can suppose such men to dread being under royal rule, who have never declined it, so long only as they were left in peace and quiet. Well then! Do I approve of votes being taken for a man who is retaining an army beyond the legal day? For my part, I say no; nor in his absence either. But when the former was granted him, so was the latter. "Why, do you approve of the ten years' grant, and of the way in which the law was carried?" If I do, then I approve of my own banishment, and the loss of the Campanian land, and of the adoption of a patrician by a plebeian, of a Gaditanian by a Mytilenean; I approve of the wealth of Labienus and Mamurra, of the pleasure-grounds and Tusculan villa of Balbus. But the fountain-head of all these things is the same. We should have resisted him when he was weak, and that would have been easy. Now we are confronted by eleven legions, cavalry at his desire, the Transpadani, the city rabble, all these tribunes, a rising generation corrupted as we see, a leader of such influence and audacity. With such a man we must either fight a pitched battle, or admit his candidature in virtue of the law. "Fight," say you, "rather than be a slave." To what end? To be proscribed, if beaten: to be a slave after all, if victorious? "What do you mean to do, then?" say you. Just what animals do, who when scattered follow the flocks of their own kind. As an ox follows a herd, so shall I follow the loyalists or whoever are said to be loyalists, even if they take a disastrous course. What the best course

is in this unfortunate dilemma I see clearly. For no one can be certain of the result when once we come to fighting: but everyone is certain that, if the loyalists are beaten, this man will not be more merciful than Cinna in the massacre of the nobility, nor less rapacious than Sulla in confiscating the property of the rich. I have been talking politics with you all this time, and I would have gone on doing so, had not my lamp failed me. The upshot is this: “ Your vote, M. Tullius!” “I vote with Gnaeus Pompeius: that is, with Titus Pomponius.” Pray give my regards to Alexis, that very accomplished boy, unless perchance he has become a man during my absence, for he seemed on the point of doing so.

LETTER 8

TO ATTICUS (AT ROME) (FORMIAE, 26 DECEMBER)

WHAT need was there to speak so strongly about Dionysius? Wouldn't the slightest hint from you have been enough for me? The fact is, your silence had roused all the more suspicion in me, first because your usual custom is to cement friendship by testifying to mutual goodwill, and secondly because I was told that he had spoken to others in a different tone. However, I am quite convinced that the truth is as you say. Accordingly, my feelings towards him are what you wish them to be. The day on which your fit was due I had noted for myself, from a letter which you wrote in the early stages of your feverish attack, and I had calculated that, as things are, you could come to the Alban villa to meet me on the 3rd of January without inconvenience. But pray do nothing to injure your health. For what does one day or another matter? I see that by Livia's will Dolabella, takes a third between himself and two others, but is ordered to change his name. Here is a problem in politics for you — can a young man of rank properly change his name in accordance with a woman's will? We shall be able to solve that question in a more scientific spirit, when we know to about how much a third of a third amounts.

What you thought would be the case — that I should see Pompey before arriving at Rome — has happened. For he caught me up near the Lavernium on the 25th. We came together to Formiae and from two o'clock till evening had a private conversation. As to your question whether there is any hope of making peace, as far as I could gather from a long and exhaustive discourse of Pompey's, he hasn't even the wish for it. His view is this: if he becomes consul, even after dismissing his army, there will be a bouleversement of the constitution. Besides, he thinks that when Caesar is told that preparations against him are being pushed on energetically, he will throw aside the consulship for this year and prefer retaining his army and province. But if Caesar were to act such a mad part, he entertained a low opinion of his power, and felt confident in his own

and the state's resources. The long and the short of it was that, although intestine war " was often in my thoughts, yet I felt my anxiety removed while I listened to a man of courage, military skill, and supreme influence, discoursing like a statesman on the dangers of a mock peace. Moreover, we had in our hands the speech of Antony, delivered on the 21st of December, which contained an invective against Pompey, beginning from his boyhood, a complaint as to those who had been condemned, and a threat of armed intervention. On reading this Pompey remarked, "What do you think Caesar himself will do, if he obtains supreme power in the state, when his quaestor — a man of no influence or wealth-dares to talk like that?" In short, he appeared to me not merely not to desire the peace you talk of, but even to fear it. However, he is, I think, somewhat shaken in his idea of abandoning the city by the scandal it would cause. My chief vexation is that I must pay the money to Caesar, and devote what I had provided for the expenses of my triumph to that. For it is "an ugly business to owe money to a political opponent." But this and much besides when we meet.

LETTER 9

TO ATTICUS (AT ROME) (FORMIAE, 27 DECEMBER)

AM I to receive," quoth you, "a letter from you every single day?" Yes! if I find anyone to give it to, every day. "But you are all but here in person." Well, when I have arrived, I will stop writing. I see that one of your letters has not reached me. While my friend L. Quintius was conveying it, he was wounded and robbed near the tomb of Basilus. Please consider, therefore, whether there was anything in it which I ought to know, and at the same time "solve this strictly political problem." Seeing that it is necessary, EITHER that Caesar should be allowed to stand for the consulship while he still holds his army (whether by the favour of senate or tribunes); OR that Caesar should be persuaded to hand over his province and army, and so become consul; OR, if he cannot be persuaded to do so, that the election should be held without admitting his name as candidate; OR, if he employs tribunes to prevent that, and yet makes no warlike move, that there must be an interregnum; OR, if on the ground of his legal candidateship having been ignored he moves up his army, that we must fight him with arms, while he must begin hostilities either at once before we are prepared, or as soon as his friends have their demand for having him recognized as a candidate at the election refused: but that he will either have the one excuse for an appeal to arms (that his candidature is ignored), or will have an additional one, if it chances that some tribune, when vetoing the senate or stirring up the people, is censured, or hampered by a senatorial decree, or forcibly removed, or driven out of the city, or flies to him, alleging that he has been so driven out: SEEING finally, that, if war is once begun, we must either defend the city, or abandon it and try to cut him off from supplies and other resources: consider, I say, which of these evils, some one of which we must confront, you think the least.

You will no doubt say "to persuade him to hand over his army, and so become consul." Well, certainly against this proposal, supposing him to submit so far, nothing can be said: and, since he doesn't succeed in getting his candidature acknowledged while he

still retains his army, I wonder he does not do so. For us, however, as certain persons think, nothing is more to be dreaded than his becoming consul. “But I would prefer his being consul on these terms to his being so with an army,” you will say. Certainly. But even on “these terms,” I tell you, there is one who thinks it a grave evil. Nor is there any remedy against it: we must submit if he insists upon it. Imagine him consul a second time after our experience of his former consulship! “Why, comparatively weak as he was then,” you say, “he was more powerful than the whole state.” What, then, do you think will be the case now? Moreover, if he is consul, Pompey is resolved to be in Spain. What a sad state of things, when the very worst alternative is just the one which cannot be rejected, and the one which, if he adopts it, would at once secure him the highest favour with all the loyalists!

Let us, then, put this out of the question. They say that he cannot be induced to accept it. Which is the worst of the other alternatives? Why, to concede to him what, according to the same authority, is his most impudent demand. For could anything be more impudent? “You have held a province for ten years, a time not granted you by the senate, but assumed by yourself with the help of violence and sedition: this period — not assigned by the law, but by your own caprice — has passed. Let us, however, grant that it was by the law: a decree is made for naming your successor: you cry halt and say, “Take my candidature into consideration.” Rather, do you take us into consideration. Are you to have an army longer than the vote of the people gave it you? “You must fight unless you grant it.” Certainly — to quote Pompey again — and with a fair prospect either of conquering or of dying free men. Moreover, if fight we must, the time depends on chance, the plan on circumstances. Therefore I do not worry you on that point. In regard to what I have said, pray make any suggestion that occurs to you: for my part, I am on the rack day and night.

LETTER 10

TO ATTICUS (AT ROME) OUTSIDE THE WALLS OF ROME, 17 JANUARY

I have suddenly resolved to leave town before daybreak, to avoid all gazing and gossip, especially with my bay-decked lictors. For the rest, I don't know, by heaven, what to do now or in the future: such is the agitation into which I am thrown by the infatuation of our party's most insane decision. But what counsel should I offer you, you whose advice I am myself anxious to receive? What plan our Gnaeus has adopted, or is adopting, I don't know: as yet he is cooped up in the towns and in a state of lethargy. If he makes a stand in Italy, we shall all be together: if he abandons it, I shall have to reconsider the matter. Up to now, unless I am out of my senses, his proceedings are all fatuous and rash. Yes, pray write to me frequently just anything that comes into your head.

ii)

TO ATTICUS (AT ROME) (IN CAMPANIA) 19 JANUARY

WHAT in the world does it mean? What is going on? I am quite in the dark. "We are in occupation of Cingulum," says some one; "we have lost Ancona." "Labienus has abandoned Caesar." Are we talking of an imperator of the Roman people, or of a Hannibal? Madman! Miserable wretch, that has never seen even a shadow of virtue! And he says that he is doing all this "to support his honour"! How can there be any "honour" where there is no moral right? Can it be morally right to have an army without commission from the state? To seize cities inhabited by one's fellow citizens, as a means of attacking one's own country? To be contriving abolition of debts, restoration of exiles, hundreds of other crimes For royalty, the first of things divine? Let him keep his fortune, and welcome! By heaven, I would rather have one hour of basking in your free sun than all the royalties of that kind in the world, or rather I would die a thousand

times Sooner than once take an idea of that sort into my mind: “What if you should take the fancy?” say you. Well, everyone’s wishes are free: but I regard the mere wish as a greater misfortune than the cross. There is one greater misfortune still — to attain such a wish. But enough of this. It is a kind of relief to philosophize thus much in the midst of such troubles. To return to our friend. In the name of fortune, what do you think of Pompey’s plan? I mean in abandoning the city? For I am at a loss to explain it. Nothing, again, could be more irrational. Do you mean to abandon the city? Then you would have done the same if the Gauls were upon us. “The Republic,” says he, “does not depend on brick and mortar.” No, but it does depend on altars and hearths. “Themistocles did the same.” Yes, for one city was incapable of resisting the flood of the whole East. But Pericles did not so act, about fifty years afterwards, for he abandoned everything except the walls. Our own country men in the old times held the citadel, though the rest of the city was taken: Such deeds of fame — so poets told —

Our fathers wrought in days of old.

On the other hand, I gather from the indignation aroused in the municipia, and the conversation of those whom I meet, that this plan is likely to prove successful in a way. There is an extraordinary outcry — I don’t know what people are saying with you, but pray let me know — at the city being without magistrates or senate. In fact, there is a wonderfully strong feeling at Pompey’s being in flight. Indeed, the point of view is quite changed: people are now for making no concessions to Caesar. Expound to me what all this means. My department is a very quiet one. For Pompey wishes me to be a kind of “president” of the whole of this Campanian seacoast, to superintend the levy, and hold the chief command. Accordingly, I meditate being continually on the move. I think you must see by this time what Caesar’s aim, what the disposition of the people, and the general position of affairs are. Pray write and tell me about them, and that, too, as often as possible, since they are continually shifting. For I find relief both in writing to you and in reading your letters.

LETTER 12

TO ATTICUS (AT ROME) FORMIAE, 22 JANUARY

As yet I have received only one letter from you dated the 19th, and in it you indicated that you had written another, which I have not received. But I beg you to write as often as possible, not only whatever you know or have been told, but also what you suspect, and above all what you think I ought to do or not to do. You ask me to be sure to let you know what Pompey is doing: I don't think he knows himself, certainly none of us do. I saw the consul Lentulus at Formiae on the 21st; I have seen Libo. Nothing but terror and uncertainty everywhere! Pompey is on the road to Larinum; for there are some cohorts there, as also at Luceria and Teanum, and in the rest of Apulia. After that nobody knows whether he means to make a stand anywhere, or to cross the sea. If he stays in Italy, I am afraid he cannot have a dependable army: but if he goes away, where I am to go or stay, or what I am to do, I don't know. For the man, whose "Phalarism" you dread, will, I think, spare no form of brutality: nor will the suspension of business, nor the departure of senate and magistrates, nor the Closing of the treasury Cause him to pause. But all this, as you say, we shall know before long. Meanwhile, forgive my writing to you at such length and so often. For I find some relief in it, and at the same time want to draw a letter from you, and above all some advice as to what I am to do and how to conduct myself. Shall I commit myself wholly to this side? I am not deterred by the danger, but I am bursting with vexation. Such a want of all plan! so utterly opposed in every respect to my advice! Am I to procrastinate and trim, and then join the winning side, the party in power? "I dread to face the Trojans," and I am held back from that course by the duty not only of a citizen, but also of a friend, though my resolution is often weakened by pity for my children. Do, therefore, though equally anxious yourself; write something to a man in this state of utter uncertainty, and especially what you think I ought to do in case of Pompey's quitting Italy. Manius Lepidus, for his part — for we have been together-draws the line at that, and so does L. Torquatus I

am hampered, among many other things, by my lictors: I have never seen such a hopeless entanglement. Accordingly, I don't expect anything positive from you, but merely your present impression. In fact, I want to know what the precise difficulty in your mind is. It is all but certain that Labienus has abandoned him. If it could only have been possible that on coming to Rome Labienus had found magistrates and a senate there, he would have been of eminent service to our cause.. For it would have been Clear that loyalty to the Republic had caused him to hold one who was his friend guilty of treason. This is clear even now, but of less practical advantage: for there is no one to be of advantage to, and I expect him to feel some dissatisfaction — unless perchance it is not true, after all, that he has abandoned Caesar. For myself; I am convinced that it is true. Pray, though you say you confine yourself to the limits of your own house, do give me a sketch of the City. Is Pompey missed? Is there any appearance of a feeling against Caesar? What, too, is your opinion as to Terentia and Tullia? Should they stay at Rome, or join me, or seek some place of safety? On this, and indeed on any other point, pray write to me, or rather keep on writing.

LETTER 13

TO ATTICUS (AT ROME) MINTURNAE, 23 JANUARY

As to the business of Vennonius, I agree with you. Labienus I regard as a "demigod." There has been no political stroke this long time past more brilliant. If he has done no other good, he has at least given him pain. But as a matter of fact, I do think that some good has been done to the cause. I am charmed also with Piso, whose judgment on his son-in-law I think will have weight. But you perceive the nature of the war. It is only a civil war in the sense that it has originated from the unscrupulous boldness of one unprincipled citizen, not as arising from a division of sentiment between the citizens generally. But that man is strong in the possession of an army, he commands the allegiance of many by the prospects he holds out and the promises he makes: nothing that anyone possesses is beyond the scope of his desires. To such a man as this the city has been abandoned, without any garrison to protect it, crammed with every kind of wealth. What would you not have to fear from the man who regards those temples and roofs, not as constituting his fatherland? but as objects for plunder? What his proceedings are going to be, and how they are to be put into any shape, without senate and without magistrates, I cannot tell. He will not be able to keep up even a pretence of constitutional action. For us, however-where shall we be able to raise our heads or when? How utterly incapable our general is you yourself observe, in having had no intelligence of the state of affairs even in Picenum: and how devoid of any plan of campaign, the facts are witness. For, to say nothing of other mistakes committed during the last ten years, could any terms be worse than such a flight? Nor, indeed, have I any idea what he is contemplating at this moment, though I never cease asking again and again by letter. Everyone agrees that he is in a state of abject alarm and agitation. Accordingly, as far as I can see, there is no garrison — to organize which he was kept at the city walls-nor any place where a garrison could be posted. His whole hope rests on the two legions somewhat treacherously retained, and almost to be regarded as belonging to another. For as

yet, indeed, those whom he is enlisting are men reluctant to serve and averse from fighting. While the time for making terms has been let slip. I do not see what is going to happen. At any rate we, or our leader, have allowed things to come to this pass, that, having left harbour without a rudder, we must let ourselves drift before the storm. So I hesitate as to what to do with my son and nephew: sometimes I think I had better despatch them to Greece. For Tullia and Terentia, again — when I see a vision of barbarians arriving in the city — I am filled with all kinds of alarm; but when I think of Dolabella, I breathe again somewhat. But pray consider what you think ought to be done: in the first place, with an eye to their safety — for I must regard their security as requiring to be considered in a different light from my own-secondly, with a view to popular opinion, that I may not be blamed for deciding that they should remain at Rome, when the loyalists generally are flying from it. Nay, even you and Peducaeus — for he has written to me — must take care what you' do. You are men of such shining characters, that the same line of conduct is expected from you as from the noblest citizens. But I can safely leave this to you, since it is to you that I look for advice for myself and my family. All I have to add is to ask you to find out, as far' as you can, what is going on,

and to write me word of it, and — what I expect from you even more — tell me what you are yourself able to conjecture. "The best prophet," you know. Pardon my running on like this: it is a relief to me when writing to you, and draws a letter from you.

LETTER 13A

TO ATTICUS (AT ROME) MINTURNAE, 24 JANUARY

I didn't guess your riddle: it is more obscure than Plato's number. However, I have made it out now: you meant the Oppii of Velia by your succones (blood-suckers). I wavered about it a long time; but when I hit on the solution, the rest became clear and quite agreed with Terentia's total.

I saw L. Caesar at Minturnae early on the 23rd of January with his utterly absurd message — he is not a human being, but a broom with the binding off. I think Caesar himself must have acted with the purpose of throwing ridicule on the affair, in trusting a message on matters so important to such a man as this — unless, perchance, he never did intrust it, and the fellow has, without warrant, made use of some conversation which he picked up as a message. Labienus, a man of noble character in my opinion, arrived at Teanum on the 22nd. There he met Pompey and the consuls. What their conversation was, and what arrangement was come to, I will write and tell you when I know for certain. Pompey set off from Teanum in the direction of Larinum on the 23rd. He stopped that day at Venafrum. Labienus seems to have brought no little courage to our side. But I haven't yet anything to tell you from these parts: I expect rather to hear news from you — what intelligence from Caesar reaches Rome, how he takes Labienus's desertion, what Domitius is doing among the Marsi, Thermus at Iguvium, P. Attius at Cingulum; what the feeling of the city folk is, what your own conjecture as to the future: on all these points pray write frequently, and tell me what your opinion is about my ladies, and what you intend doing yourself. If I had been writing with my own hand, this letter would have been longer, but I dictated it owing to my eyes being inflamed.

LETTER 14

TO ATTICUS (AT ROME) CALES, 25 JANUARY

I WRITE this letter, though suffering from slight inflammation of the eyes, when on the point of quitting Cales for Capua. L. Caesar brought Caesar's message to Pompey on the 23rd, while the latter was at Teanum with the consuls. His proposal was accepted, but on condition of his withdrawing his garrisons from the towns which he had occupied outside his province. If he did this, they said in their answer that we would return to Rome and conclude the negotiation in the senate. I hope for the present we have peace: for he is not quite easy about his mad enterprise, nor our general as to the amount of his forces. Pompey has directed me to come to Capua and assist the levy, to which the Campanian settlers do not make a very eager response. Caesar's gladiators at Capua, about whom I gave you some incorrect information on the authority of a letter from A. Torquatus, Pompey has very adroitly distributed among the heads of families, two to each. There were 5,000 shields in the school: they were said to be contemplating breaking out. Pompey's measure was a very wise precaution for the safety of the state. As to our ladies, in whom I include your sister, pray consider whether they can stay at Rome with propriety, when other ladies of the same rank have left town. I have said this to them and to yourself in a previous letter. I would like you to urge upon them to leave the city, especially as I have properties on the sea-coast — now under my presidency — on which they might reside in tolerable comfort, considering all things. For if I get into any difficulty about my son-in-law, though I am not bound to be responsible for him, yet it is made worse by my women folk having remained in Rome longer than others. Please let me know what you and Sextus are thinking of doing as to leaving town, and what your opinion is on the whole situation. For my part, I never cease urging peace, which, however unfair, is better than the justest war in the world. But this is in the hands of fortune.

LETTER 15

TO ATTICUS (AT ROME) CAPUA, 26 JANUARY

EVER since I left Rome I have not let a single day pass without sending you something by way of letter; not because I had anything particularly to write about, but in order that I might chat with you in my absence, than which — since I cannot do so face to face-nothing gives me greater pleasure. On arriving at Capua on the 25th — the day before I write this — I met the consuls and many members of the senate. All were anxious that Caesar should stand by his offer, with the addition of withdrawing his garrisons. Favonius alone disapproved of any conditions being imposed on us by him; but he was not listened to in the discussion. For even Cato himself now prefers slavery to fighting. However, he says that he wishes to be in the senate when the terms are debated, if Caesar can be induced to withdraw his garrisons. So he is not eager about going to Sicily — the very thing most wanted: but he does wish to be in the senate, where I fear he will only do mischief. Postumius, moreover, who was definitely named in the senatorial decree to go to Sicily at once and succeed Furfanius, says that he will not go without Cato, and thinks very highly of his own personal service and influence in the senate. Accordingly, this duty has fallen to Fannius. He is being sent in advance to Sicily with imperium. In our discussions a great variety of opinion is expressed. Most declare that Caesar will not abide by his offer, and say that these demands were only thrown in by him to prevent our making the necessary preparations for war. I, however, am of opinion that he will carry out the withdrawal of the garrisons. For he will have gained his point if he is elected consul, and gained it with less crime than that of his first step. But we must put up with the blow: for we are scandalously unprepared both in regard to soldiers and money. All the latter, indeed-not only private money in the city, but the public money in the treasury also — we have left for him. Pompey has started to join the Appian legions. He has Labienus with him. I am anxious to hear what you think of these events. I am thinking of returning to Formiae at once.

LETTER 16

TO ATTICUS (AT ROME) CALES, 28 JANUARY

I think all your letters have reached me, but the first batch was out of their proper order, the rest in the order in which they were sent by Terentia. About Caesar's message and the arrival of Labienus, and about the consuls' and Pompey's answer, I told you in the letter of the 26th of January from Capua, and I put a good deal more information into the same packet. At present we are in suspense on two points: first, what Caesar will do when he has received the answer intrusted to L. Caesar to take to him; and, secondly, what Pompey is doing now. The latter, indeed, writes me word that in a few days he will have a strong army, and leads me to hope that, if he makes his way into Picenum, we shall return to Rome. He has got Labienus with him, who has no doubt about the weakness of Caesar's forces; and Pompey is in much better spirits since his arrival. I have been ordered to Capua by the consuls on the 5th of February. I left Capua for Formiae on the 28th of January. On that day having received your letter at Cales about three o'clock in the afternoon, I am writing this on the spot. About Terentia and Tullia I agree with you, and I have written to tell them to apply to you. If they have not yet started, there is no occasion for their disturbing themselves until we see how affairs stand.

LETTER 17

TO ATTICUS (AT ROME) FORMIAE, 2 FEBRUARY

YOUR letter is both welcome and delightful. I thought of sending the boys to Greece when there seemed an idea of Pompey's flying from Italy: for I should have made for Spain, which would not have been equally suitable for them. For yourself and Sextus, it seems to me that even now you may remain with propriety at Rome. For you are not at all bound to be my Pompey's friends. For no one ever did more to detract from the value of city property! Do you see that I am absolutely joking? You ought now to know what answer L. Caesar is taking back from Pompey, and what sort of a letter he is conveying from him to Caesar: for they were drawn up and despatched with the express purpose of being exposed for public perusal. 'On this point I blamed Pompey in my own heart for having trusted our friend Sestius with the writing of a despatch so important and certain to come into everybody's hands, though he has a very good style of his own. Accordingly, I never read anything more "Sestian." Nevertheless, it is made quite clear from Pompey's despatch that nothing is denied to Caesar, and that all his demands are conceded to the full: he will be a sheer madman if he declines the very proposals which it required the most consummate impudence ever to have made! Pray, who are you to say, "If he goes to Spain," "if he dismisses the garrisons"? Nevertheless, the concession is being made: with less dignity, indeed, at this time of day — for it is after the Republic has actually been violated by him and its territory invaded-than if he had some time back obtained his demand to be reckoned a candidate; and yet I doubt his being content even with these concessions. For, after giving that message to L. Caesar, he ought, until he received the answer, to have somewhat relaxed his warlike movements, whereas he is said to be at this moment more active than ever. Trebatius, indeed, writes to say that on the 22nd of January he was asked by him to write to me, urging me to remain at the city walls: that I could not oblige him more. This was put at great length. I calculated by reckoning the days that, as soon as Caesar

heard of my departure, he began to be anxious lest we should all leave town. Therefore I have no doubt he has written to Piso, and also to Servius. One thing I am surprised at, that he has not written to me himself; nor opened his communication with me through Dolabella or Caelius: not that I disdain a letter from Trebatius, whom I know to be singularly attached to me. I wrote back to Trebatius — for I wouldn't write to Caesar himself; as he had not written to me — pointing out how difficult that course was for me at such a time as this; that I was, however, at my own country seat and had not undertaken any levy or any active part in the affair. By this I shall abide, as long as there is any hope of peace. But if war really begins, I shall not be wanting to my duty or position, after despatching my boys to Greece. For I perceive that all Italy will be blazing with war. Such the mischief that is caused partly by disloyal, partly by jealous citizens! But how far this will go I shall learn within the next few days by his answer to mine. Then I will write to you at greater length, if there is going to be war: but if there is to be peace, or even a truce, I shall, I hope, see you in person. On the 2nd of February, on which I write this, I am expecting the ladies at my Formian house, whither I have returned from Capua. I

had written to them on your advice to remain at Rome; but I hear that there is some increase of panic in the city. I mean to be at Capua on the 5th of February, in accordance with orders from the consuls. Whatever news reaches me here from Pompey I will let you know at once, and shall expect a letter from you as to what is going on at Rome.

LETTER 18

TO ATTICUS (AT ROME) FORMIAE, 3 FEBRUARY

On the 2nd of February our ladies came to Formiae and reported to me your services to them replete with the most affectionate kindness. I wished them, till we knew whether we were to have a dishonourable peace or an unhappy war, to remain in my Formian villa, and our two boys with them. I myself, with my brother, am starting for Capua on the 3rd of February, on which I despatch this letter, to join the consuls, having been ordered to be there on the 5th. Pompey's answer is said to be popular and to have received the approbation of a public meeting. I thought that would be the ease. If Caesar refuses to accept that he will be entirely discredited: if he accepts it! "Which, then, do you prefer?" you will say. I would have answered the question if I knew what our state of preparation was. It is reported here that Cassius has been driven from Ancona, and that city occupied by our men. If there is to be war, that will be an advantage. As for Caesar himself; say that, though he sent L. Caesar with a message as to making peace, he continues holding levies with the greatest activity, occupying posts, securing them with garrisons. What an unprincipled bandit! What a disgrace to the Republic, hardly to be outweighed by any relief from war! But let us cease anger, bow to circumstances, and accompany Pompey to Spain. It is the best of a bad job, since we failed to avert that man's second consulship from the state, even when we had the opportunity. But enough of this.

I forgot to write to you about Dionysius before; but I have come to the conclusion to wait till Caesar's answer is known, so that, if I return to the city, he should await me there, but, if there is any delay, I should summon him to join me. Of course I know what his duty will be in case I have to fly, and what will be the conduct becoming a man of learning and a friend: but I don't expect too much in this way from Greeks. However, if; as I hope will not be the case, I have to send for him, pray see that I am not troubling an unwilling man. Quintus is anxious to pay you his debt by drawing on Egnatius, and Egnatius is neither unwilling nor short of cash; but when the state of

things is such that Quintus Titinius — of whom we are seeing a good deal-declares that he has no money for personal expenses, and has yet announced to his debtors that they may go on with the same interest, and when L Ligur is said to have done the same, and when Quintus at this crisis has no cash in hand, and is neither able to get any from Egnatius nor to raise a new loan, he is surprised that you do not take into consideration this general tightness of the money market. For my part, though I obey the pseudo-Hesiodic maxim, "Judge not," etc., especially in the case of yourself; whom I have never seen to act unreasonably, yet I am affected by his tale of woe. Whatever this amounts to, I thought you ought to know it.

LETTER 19

TO ATTICUS (AT ROME) FORMIAE 3 FEBRUARY

I have nothing to tell you Why, I didn't even send you a letter which I composed last night. For it was full of hopeful expressions, because I had just been told of the spirit shewn at the public meeting, and was still in the belief that he would abide by the terms, especially as they were of his own proposing. But here, this 3rd of February, I have received in the morning a letter from you, one from Philotimus, another from Furnius, with one from Curio to Furnius, in which Curio ridicules the mission of L. Caesar. I think we are completely trapped, nor do I know what plan to adopt. But it isn't about myself that I am anxious: what to do about the boys is what puzzles me. However, as I write this I am on the point of starting for Capua, that I may have a better opportunity of ascertaining Pompey's position.

LETTER 20

TO ATTICUS (AT ROME) CAPUA, 5 FEBRUARY

I have no choice but to be brief. I have given up all hope of peace, and as to war, our men are not stirring a finger. Don't, pray, suppose that our consuls care for anything less than that: though it was in hopes of hearing something and learning what preparations we were making that I came to meet them in a pelting rain on the 4th, according to orders. They, however, had not arrived, and were expected on the 5th-empty-handed and unprepared. Pompey, again, is said to be at Luceria, and on his way to join some cohorts of the Appian legions, which are far from being in a very satisfactory state. But he, they say, is hurrying along and is expected at Rome every hour, not to fight a battle — for who is there to fight with?-but to prevent the flight from town. For myself; if it is to be in Italy—"if die I must," etc.! I don't ask your advice about that: but if it is to be outside Italy — what can I do? On the side of remaining there are the winter-season, my lictors, the improvidence and carelessness of our leaders: on the side of flight, my friendship for Pompey, the claims of the loyalist cause, the disgrace of having anything to do with a tyrant; as to whom it is uncertain whether he will copy Phalaris or Pisistratus. Pray unravel these perplexities for me, and help me with your advice, though I expect by this time you are in a warm corner yourself at Rome. However, do the best you can. If I learn anything fresh today, I will let you know. For the consuls will be here directly on the 5th, the date they fixed themselves. I shall look for a letter from you every day. But do answer this as soon as you can. I left the ladies and the two boys at Formiae.

LETTER 21

TO ATTICUS (AT ROME) CALES, 8 FEBRUARY

ABOUT our misfortunes you hear sooner than I: for they flow from Rome. As for anything good, there is none to be expected from this quarter. I arrived at Capua for the 5th of February, in accordance with the order of the consuls. Late on that day Lentulus arrived; the other consul had absolutely not come on the 7th. For I left Capua on that day and stayed at Cales. From that town I am sending this letter, before daybreak, on the 8th. What I ascertained while at Capua was that the consuls are no good: that no levy is being held anywhere. For the recruiting officers do not venture to shew their faces, with Caesar close at hand, and our leader, on the contrary, nowhere and doing nothing; nor do recruits give in their names. It is not goodwill to the cause, but hope that is wanting. As to our leader Gnaeus — what an inconceivably miserable spectacle! What a complete breakdown! No courage, no plan, no forces, no energy! I will pass over his most discreditable flight from the city, his abject speeches in the towns, his ignorance not only of his opponent's, but even of his own resources — but what do you think of this? On the 7th of February the tribune C. Cassius came with an order from him to the consuls that they should go to Rome, remove the money from the reserve treasury, and immediately quit the town. After leaving the City they are to return! Under what guard? They are to Come out of the City! Who is to give them leave to do so? The Consul (Lentulus) wrote back to say that Pompey must himself first make his way into Picenum. But the fact is, that district has already been entirely lost. No one knows that except myself, who have learnt it from a letter of Dolabella's. I have no manner of doubt but that Caesar is all but actually in Apulia, and our friend Gnaeus already on board ship. What I am to do is a great "problem," though it would have been no problem to me, had not everything been most disgracefully mismanaged, and without consulting me in any way; problem, however, it is, as to what it is my duty to do. Caesar himself urges me to promote peace. But his letter is dated before he began his violent proceedings. Dolabella and

Caelius both say that he is well satisfied with my conduct. I am on the rack of perplexity. Assist me by your advice if you can, but all the same look after your own interests to the utmost of your power. In such a total upset I have nothing to say to you. I am looking for a letter from you.

LETTER 22

TO ATTICUS (AT ROME) FORMIAE, 9 FEBRUARY

I CAN see that there is not a foot of ground in Italy which is not in his power. About Pompey I know nothing, and I think he will be caught, unless he has already embarked. What incredible rapidity! Whereas our general's — but I cannot find fault with him without sorrow, for whom I am in an agony of anxiety. You have good reason for fearing a massacre: not that anything could be less in Caesar's interest, with a view to the permanency of his victory and supremacy, but I can see at whose bidding he is likely to act. To be safe, my opinion is that we must go. As to those Oppii of yours, I don't know what to advise. Do what seems to you to be best. You should speak to Philotimus, and besides, you will have Terentia on the 13th. But what am I to do? On what land or sea am I to follow a man, when I don't even know where he is? After all, how can I do so by land? And by sea — whither? Shall I surrender myself to Caesar then? Suppose I could do so with safety — and many advise it — could I with honour also? Assuredly not. Am I, again, to ask advice of you, as my custom is? There is no way out of the tangle. Still, if anything occurs to your mind, please write, and tell me also what you mean to do yourself.

LETTER 23

TO ATTICUS (AT ROME) FORMIAE, 10 FEBRUARY

On the 9th of February, in the evening, I received a letter from Philotimus saying that "Domitius has a strong force; cohorts from Picenum, under Lentulus and Thermus, have effected a junction with Domitius's army; Caesar's advance can be stopped: he is himself afraid of that; the courage of the loyalists at Rome is raised; the disloyal are in dismay." For my part, I fear that these are dreams. However, Manius Lepidus, L. Torquatus, Gaius Cassius, who are staying with me at Formiae, are quite restored to life by Philotimus's letter. I, however, am afraid that the truer account is this: that we are all now practically captives; that Pompey is on the point of abandoning Italy, of whom, indeed (what a bitter pill to swallow'.), Caesar is said to be actually in pursuit. Caesar pursue Pompey? What, to kill him? Merciful heavens! and don't we rush as one man to throw our bodies in the way? You, too, must sigh at that! But what are we to do? We are utterly beaten, trapped and taken.

However, after reading Philotimus's letter, I changed my plan as to the ladies, whom, as I wrote you word, I intended sending back to Rome. It has occurred to my mind that it would give rise to much talk to the effect that I already shewed my opinion about the fortunes of the party, and that, regarding it as desperate, I had in this return of my ladies made a kind of first step towards my own return. As for myself, however, I agree with you that I should not commit myself to an indefinite and dangerous flight, by which I should do no good to the Republic or to Pompey, for whom I can die with as much cheerfulness as loyalty. I will remain, therefore. But to go on living —— !

You ask what is going on here. The whole business of Capua, and the levy in this neighbourhood, are at a standstill. There is complete despair. Everybody is preparing to fly, unless some such incident occurs as Pompey effecting a junction of his forces with those of Domitius. But I think we shall know all about it in two or three days. I send you a copy of Caesar's letter to me; for you asked for it. Many

have written to tell me that he is much pleased with me. I don't mind that, so long as I abstain — as I have as yet-from doing anything discreditable.

LETTER 24

TO ATTICUS (AT ROME) FORMIAE, II FEBRUARY

PHILOTIMUS's letter did not give me over much pleasure, but it did very much so to the people about here. Behold, the next day a letter to Cassius from Capua, sent by his friend Lucretius, announcing that Nigidius had arrived at Capua from Domitius, bringing the intelligence that Vibullius, with a small body of soldiers, was hastening from Picenum to join Pompey, that Caesar was marching rapidly at his heels, that Domitius had not three thousand men. I feel no doubt of Pompey being in full retreat — I only hope he may escape. I have given up the idea of flying, in accordance with your opinion.

LETTER 25

TO ATTICUS (AT ROME) FORMIAE, 11 FEBRUARY

AFTER I had sent you a gloomy and, I fear, true letter about Lucretius's letter to Cassius, forwarded here from Capua, Cephalio arrived from you with one more cheerful in tone, but yet not very confident, as is usual with you. I can believe anything more easily than that Pompey — as you assert-has an army. Nobody brings such a report here, but rather everything opposite to my wishes. What a wretched anomaly! When he was in the wrong, he always got his way; now that he is eminently in the right, he fails entirely. How can I explain it, except by saying that he knew how to do the former — for it was not difficult — but not the latter. For to rule a free state in the right way was a difficult art! But I hourly expect full information, and then I will at once write you word.

LETTER 26

TO ATTICUS (AT ROME) FORMIAE, 13 FEBRUARY

No, my experience does not tally with yours, as you express it in the sentence beginning "As often as I begin to feel elated." The fact is that I am at this moment somewhat elated, and especially by letters from Rome respecting Domitius and the Picentine cohorts. Everything has become more cheerful in the course of the last two days. Accordingly, the flight for which I was preparing has been stopped. Caesar's threats, If with tomorrow's light I find you here, are flouted. The report about Domitius is good, about Atranius splendid. Thank you for your most friendly advice to keep myself uncommitted as long as possible. You add that I should not give the impression of being too much inclined to the evil side: certainly I may possibly seem to be doing so. I refused to take a leading part in a Civil war, as long as negotiations for peace were going on, not because it was not a just one, but because former conduct of mine, which was much more fully justified, had done me harm. I was, of course, quite unwilling to have as my enemy a man to whom our own leader had offered a second consulship and a triumph — and in what high-flown terms! "In consideration of the extraordinary brilliancy of your achievements." I am well aware both of whom to be afraid and on what grounds. But if there is to be war, as I see there will be, I shall not fail to play my part.

As to the twenty sestertia, Terentia has answered you. I did not wish to trouble Dionysius as long as I thought that I should be on the move. However, I made no answer to your frequent remarks about his duty to me, because I expected day after day to be able to settle what was to be done. At present, as far as I can see, the boys are certain to pass the winter in my Formian villa. And I? I can't tell. For if there is war, I am resolved to be with Pompey. Whatever I learn for certain I will take care you know. I think there will be a most horrible war, unless, as you suggest, some Parthian incident comes to the front.

BOOK 8

LETTER 1

TO ATTICUS (AT ROME) FORMIAE, 16 FEBRUARY

AFTER I had despatched a letter to you, I received one from Pompey. I would have sent you the letter itself; had not my brother's servant been in such a hurry to start. I will send it, therefore, tomorrow. The rest of it contained the operations in Picenum; about what Vibullius had written to him; about the levy held by Domitius — all of which are known to you, but yet were not so flourishing as Philotimus's letter had represented. But at the end of Pompey's letter there was a sentence in his own handwriting: "I am of opinion that you should come to Luceria; you will not be safer anywhere else." The interpretation I put on this is that he considers the towns in this district and the sea-coast as abandoned, nor am I surprised at a man, who has given up the head, having no regard for the other limbs. I wrote back at once and sent the letter by one of my establishment upon whom I could rely, saying that I did not want to know where I should be safest: if he wished me to come to Luceria for his own sake or for that of the Republic, I would come at once; and I urged him to keep a hold upon the seacoast, if he wished to be supplied with corn from the provinces. I see that it is no use my writing this. But as before in regard to keeping the city, so in regard to not abandoning Italy, I put my opinion on record. I perceive, indeed, that the plan is to concentrate all forces at Luceria, and even that not as a permanent centre, but that, if hard pressed, we are to abandon that also. You need not, therefore, be much surprised at my not being very enthusiastic about engaging in a cause, in which no provision has ever been sought for making peace or securing victory, but from the first for a discreditable and calamitous flight. I must go, to encounter any danger that chance may bring with those who are reputed to be loyalists, rather than be thought to disagree with loyalists. Yet I foresee that before long the city will be crammed with the "loyalists," that is, the fine gentlemen and men of property-crammed chock full, indeed, when these municipal towns have been abandoned. And I would be in their number if I had not these

confounded lictors. Nor should I be dissatisfied to have as my companions Manius Lepidus, L. Volcatius, and Servius Sulpicius: not one of them is a greater fool than L. Domitius, nor more of a weathercock than Appius Claudius. The one person who makes me hesitate is Pompey, not from his personal importance, but for old sake's sake. For what weight can he have in this controversy? When we were all alarmed at Caesar, he, for his part, was devoted to him: now that he has begun to be alarmed at him, he thinks that everybody ought to be his enemy. However, I shall go to Luceria, and yet perhaps my arrival will not give him any satisfaction. For I shall not be able to conceal my disapproval of what has been done up to this time. If I could sleep I wouldn't have pestered you with such long letters. If you are similarly affected, pray pay me back in kind.

LETTER 2

TO ATTICUS (AT ROME) FORMIAE, 17 FEBRUARY

THANK you all round-both for writing to tell me the remarks you had heard, and for not believing what reflected upon my energy, and, lastly, for letting me know your opinion. I wrote only one letter to Caesar from Capua in answer to the remonstrance he addressed to me on the subject of his gladiators. My letter was short but expressed in friendly terms. So far from containing any attack upon Pompey, it mentioned him in the most complimentary terms. This exactly corresponded with my sentiment in favour of his making terms with Pompey. If he has sent that letter anywhere, let him placard it for everyone to read with all my heart. I am writing a second letter to him on the same day as I write this to you. I cannot do otherwise than write, since he has written to me both by his own hand and by that of Balbus. I am sending you a copy of it. I don't think there is anything for you to find fault with. If there is, suggest how I am to escape criticism. "Don't write at all," you will say; "how better elude those who want to make up a story?" Well, I will follow your advice as long as it is possible. You exhort me to remember my deeds, words, and even my writings: it is truly friendly on your part, and I thank you warmly for it; but you appear to me to take a different view from mine as to what is right and suitable to my character in this controversy. For in my opinion nothing more discreditable was ever done in any nation by anyone professing to be a statesman and leader, than the course taken by our friend. I am sorry for him. He abandoned the city, that is, his country, for which, and in which, it would have been a glorious thing to die. You don't seem to me to appreciate the magnitude of this disaster: for you are at this moment in your own town house. Yes, but you cannot remain there any longer except by the consent of the vilest of men. Can anything be more humiliating, more shameful than that? We are wandering about in distress with wives and children. All our hopes are dependent on the life of one man, who has a dangerous illness every year. We are not expelled, but summoned from our country, which we have left

not to be safe-guarded till our return, but to be plundered and fired. There are not so very many with me, nor in suburban houses, nor suburban parks, nor in the city itself — and if they are there now, they soon will not be. I meanwhile shall not stay even at Capua, but at Luceria, and shall, of course, abandon the care of the sea-coast at once. I shall wait to see what Afranius and Petreius do: for Labienus lacks distinction. Here you will hint that that is just what you find lacking in me. I say nothing about myself. I will leave that to others. In these circumstances, indeed, where is it to be found? All you loyalists are sticking to your houses, and will do so. In the old times didn't every loyalist come forward to support me? Who does so now in this war, for so it must now be called? As yet Vibullius has covered himself with glory. You will learn all about that from Pompey's letter: in which please notice the passage at which you will find a mark of attention. You will see what Vibullius himself thinks about our friend Gnaeus. What, then, is the point of all this talk? Why, I am capable of dying cheerfully for Pompey: I value him more than anyone in the world. But, for all that, I do not think that all hope for the Republic is centred in him. You express an opinion also considerably different from your usual one, that I must even quit Italy if he does so: a step which, in my judgment, is of advantage neither to the Republic nor to my children, and, what is more, neither right nor morally justifiable. But why do you say, "Will you be able to endure the sight of a tyrant?" As though it mattered whether I heard of him or saw him; or as though I needed to look for any better precedent than that of Socrates, who at the time of the Thirty never set foot out of the city gate. I have personally also a special motive for remaining, concerning which I wish to heaven I might some time have a talk with you. After writing this on the 17th, by the same lamp as that in which I burnt your letter, I am leaving Formiae to join Pompey, with some prospect of being of use if there is any question of peace, but if it is to be war — what good shall I be?

LETTER 3

TO ATTICUS (AT ROME) CALES, 18-19 FEBRUARY

A PREY to the gravest and most depressing anxieties, though I am precluded from discussing the question with you personally, I have, nevertheless, resolved to seek your advice. The whole question in debate is this: if Pompey quits Italy, which I suspect that he is about to do, what do you think I ought to do? To assist you in giving me advice, I will state briefly what occurs to my mind on either side. Pompey's very great services in securing my restoration and the intimacy existing between us, as well as the interests of the Republic themselves, lead me to the conclusion that my policy or, if you choose, my fortune must be united with his. Then there is this: if I stay here and desert that company of most loyal and illustrious citizens, I must come under the power of one man: and although he shews by many instances that he is well disposed to me — and you yourself know what precautions I took in that direction, because I suspected the storm that was hanging over our heads-yet I must look at the matter in two lights: first, how far I can trust him; and, secondly, however certain I may be that he will be my friend, whether it is the action of a brave man and a good citizen to remain in a city, in which, after having enjoyed the highest offices and commands, after having performed the most important services, and been invested with the most august priesthood, he is to become a mere name,

and to incur danger, not perchance unaccompanied by some disgrace, if Pompey ever restores the constitution. So much for that side. Now for the other. Our friend Pompey has shewn neither wisdom nor courage in anything that he has done: I may add that he has acted in every case against my counsel and advice. I put out of the question the old scores: how he fostered Caesar against the Republic, promoted, armed him; assisted him in the passing of laws by violence and against the auspices; supported the addition of farther Gaul to his provinces; married his daughter; acted as augur at the adoption of Publius Clodius; shewed greater zeal in effecting my

recall than in preventing my exile; supported the extension of Caesar's provincial government; championed his cause at every point in his absence; actually in his third consulship, when he started being a defender of the constitution, yet urged the ten tribunes to propose the bill allowing Caesar's candidature in his absence; confirmed the same privilege in a certain law of his own, and resisted the consul Marcus Marcellus when he proposed to fix the end of Caesar's government on the 1st of March. Well, to pass over all this, what could be more discreditable, more ill-considered, than this departure from the city, or I should rather call it this most shameful, most unprincipled flight? What terms could there be that were not preferable to the abandonment of one's country? The terms offered were bad. I confess it: but could anything be worse than this? But (you say) he will recover the Republic. When? What preparation has been made for realizing that hope? Is not Picenum lost? Is not the road to the city laid open? Is not all money public and private, handed over to his opponent? In fact, there is no cause to support, no forces to support it, no rallying point for those who wish the constitution maintained. Apulia has been selected, the most sparsely peopled district of Italy, and the most widely removed from the point of attack in this war: it is evident that, from sheer desperation, the object in view is flight and the facilities of a sea-coast. I undertook Capua with reluctance, not because I desired to shirk that duty, but because it was in a cause in which there was no openly expressed grievance on the part of the orders in the state or of private individuals, though there was some-far from keen, as usual — on the part of the Optimates; and because, as I saw for myself, the multitude and the lowest of the people were inclined to the other side, while many were eager simply for change. I told Pompey himself that I would undertake no duty without a guard and money. Accordingly, I had practically nothing to do at all, because, from the first, I saw that his sole object was flight. If I am to follow that flight now, whither am I to go? Not with him; for when I started to join him, I learnt that Caesar was in such a position that I could not reach Luceria safely. I should have to sail by the Mare Inferum, without definite direction and in the worst possible weather. Again, am I to take my brother, or only my son without him, or how? Either alternative involves very

great difficulty, and the keenest distress of mind. Again, what kind of attack will he employ against us and our property in our absence? Something more violent than in the case of others, for he will perhaps think that he has a chance of winning popularity by damaging us. Consider, again, these fetters — I mean my laurelled fasces — what a nuisance to carry them out of Italy! Moreover, what place, even suppose I enjoy a calm passage, will be safe for me till I reach Pompey? By what route, again, or whither to go, I have no idea.

If, on the other hand, I keep my ground and find some footing on this side, I shall have done what L. Philippus did during the tyranny of Cinna, as well as L. Flaccus and Q. Mucius. Though it turned out unhappily in the case of the latter, he used, nevertheless, to say that he foresaw the result (a result which did actually happen), but preferred it to approaching the walls of his native city in arms. Thrasybulus acted differently and perhaps better. But yet there are good grounds for Mucius's line of policy and opinion, as well as for that of the other, namely, to temporize, when necessary, and not to let slip an opportunity when it is given. But even if I adopt this course, those same fasces involve a difficulty. For suppose he is my friend, which is uncertain, but suppose he is, he will offer me the triumph. Not to accept I fear will get me into trouble with him, to accept I fear will appear scandalous to the loyalists. "What a difficult and insoluble problem!" you say. And yet I must solve it. For what can possibly be done else? Don't think me more inclined to remain, because I have used more words on that side. It may very well be, as happens in many investigations, that one side has the superiority in words, the other in truth. Wherefore please give me your advice, on the understanding that I am considering a most important matter with impartiality. There is a vessel at Caieta ready for me, and another at Brundisium. But here come couriers, as I am in the act of writing these words at Cales before daybreak: here comes a letter stating that Caesar has reached Corfinium, that Domitius is inside Corfinium with a strong force eager to fight. I can't believe that our friend Gnaeus will go so far as to abandon Domitius, though he has sent Scipio in advance to Brundisium with two cohorts, and has written to the consuls saying that he wishes the legion enrolled by Faustus to be

taken to Sicily by a consul. But it will be shameful if Domitius is abandoned when imploring to be relieved. There is a certain hope, no great one in my mind, but warmly entertained in these parts, that Afranius has fought a battle with Trebonius in the Pyrenees; that Trebonius has been repulsed; that your friend Fadius also has come over with his cohorts. The chief hope, however, is that Afranius is on his way hither with large forces. If that is the case, we shall perhaps stay in Italy. However, since Caesar's line of march was uncertain, as he was thought to be intending to go either in the direction of Capua or Luceria, I am sending Lepta with a letter to Pompey, and am returning myself to Formiae to avoid falling in with anyone. I wished you to know this, and I am writing in a somewhat quieter frame of mind than I mentioned just Now: my object being not to put forward a judgment of my own, but to ask yours.

LETTER 4

TO ATTICUS (AT ROME) FORMIAE, 22 FEBRUARY (MORNING)

DIONYSIUS, whom I look upon as your man rather than mine-for though I knew very well what his character was, I yet stood by your judgment rather than my own-without any respect even for your recommendation several times repeated in my hearing, has given himself airs in view of what he thinks will be the state of my fortune. The course of that fortune, however, as far as it can be affected by human wisdom, I shall pilot with a certain amount of skill. What honour, what consideration, what recommendation even to others (the contemptible fellow!) has he not had at my hands? Why, I even preferred to have my judgment attacked by my brother Quintus, and by the world in general, rather than not praise him to the skies: and that my young Ciceros should have some supplementary lessons from myself, rather than look out for another master for them. Good heavens! what a letter I wrote to him! what respect, what affection did it express! You would have said that it was an invitation addressed to a Dicaearchus or an Aristoxenus, not to the greatest windbag and worst teacher in the world. "But he has a good memory." He shall find I have a better! He answered my letter in a tone which I never used to anyone whose case I declined. I always used to say, "If I can," "If I am not prevented by a previous engagement": I never had a defendant so low, so mean, so clearly guilty, so utterly a stranger to myself, that I refused him with the abruptness which he has used without disguise or reserve to me. I never saw such gross ingratitude, a vice which embraces every other. But enough and to spare about him. I have a vessel ready: yet I wait for a letter from you, to know what answer it will contain to the case I put to you for advice. You are aware that at Sulmo Gaius Attius, the Paelignian, has opened the gates to Antony; though there were five cohorts there, and that Q. Lucretius has escaped from the town; that Gnaeus is on his way to Brundisium; that Domitius has been abandoned. It's all over.

LETTER 5

TO ATTICUS (AT ROME) FORMIAE, 22 FEBRUARY (EVENING)

HAVING written you a letter before daybreak of the 22nd about Dionysius, on the evening of the same day Dionysius himself arrived, induced by your influence, I suspect. For what else am I to think? However, it is his way to repent when he has done anything intemperate: and he never was more insane than in this business. For — a circumstance I did not mention to you before — I heard afterwards that at the third milestone from the city he took fright, after Venting his horns' vain fury on the air, I mean, after uttering a number of curses, which, as the saying is, I hope may come home to roost! But see what a good-natured man I am! I put into the packet along with the letter to you one addressed to him, written with great warmth: this I should like returned to me, and for that sole reason I have sent my body-servant Pollix to Rome. I am therefore writing to you that, if it has by any chance been delivered to you, you would take care to have it sent back to me, lest it should come into his hands. If there had been any news I would have written it. I am in anxious suspense as to the affair at Corfinium, which will decide the fate of the Republic. Pray see that the packet addressed to Manius Curius is conveyed to him, and recommend Tiro to Curius, and ask him to supply him with any money he requires.

LETTER 6

TO ATTICUS (AT ROME) FORMIAE, 23 FEBRUARY

When I had already sealed the letter to you which I intended to despatch over night, as I did — for it was written in the evening-C. Sosius, the praetor, came to Formiae on a visit to my neighbour Manius Lepidus, whose quaestor he once was. He brought me a copy of Pompey's letter to the consuls. I have received a despatch from L. Domitius on the 17th of February. I append a copy. Now, without my saying a word, I know you understand of your own accord how important it is to the Republic that all troops should be concentrated in one place at the earliest possible time. Pray, if you think it right, make an effort to join me as early as possible, and leave a garrison for Capua of such strength as you may determine to be sufficient.

Then he added a copy of Domitius's letter, which I sent yesterday. Good heavens! how I trembled with excitement! How anxious I am as to what is going to happen. Yet I do hope that Magnus will justify his name in the terror he inspires when he arrives. I have even some hope that, as carelessness and negligence have been our only stumbling block at present, operations will now be conducted with courage and due attention.

One thing, by Hercules, has given me pleasure. I have recently heard that the quartan fever has left you. Upon my life, I could not have been more glad if it had happened to me. Tell Pilia that it is not fair for her to have her fever any longer; it is a reflexion on your perfect sympathy! I hear that Tiro has got rid of his second attack. But I see that he has raised money for his expenses from others;

whereas I had asked Curius to supply him with what was necessary. I prefer to think Tiro's modesty in fault rather than the illiberality of Curius.

LETTER 7

TO ATTICUS (AT ROME) FORMIAE, 23 FEBRUARY

There is only one thing left to complete our friend's disgrace-failure to relieve Domitius. "But nobody doubts that he intends going to his relief." I don't think he will. "Will he, then, abandon such an illustrious citizen, and those whom you know to be with him, and that when he himself has thirty cohorts?" Yes, he will, unless I am entirely mistaken. He has become alarmed beyond belief. He looks to nothing except flight; in which you think — for I see what your opinion is — that I ought to be his companion. I, however, know from whom to fly, but not whom to follow. As to my remark, which you praise and declare to be memorable, that I preferred defeat with Pompey to victory with those others, it is quite true: I do prefer it — but it is with the Pompey as he was then, or as I thought him. But with a Pompey who flies before he knows from whom he is flying, or whither, who has betrayed our party, who has abandoned his country, and is about to abandon Italy — if I did prefer it, I have got my wish: I am defeated. For the rest, I cannot stand the sight of what I never had any fear of seeing, nor of the man on whose account I have to give up not only my friends, but my own past. I have written to Philotimus about furnishing me with money for the journey, either from the Mint — for no one pays ready money now — or from your comrades the Oppii.

LETTER 8

TO ATTICUS (AT ROME) FORMIAE, 24 FEBRUARY

What a disgraceful and, for that reason, what a miserable thing! For, in my opinion, that which is disgraceful is ultimately, or rather is alone, miserable. He had fostered Caesar, and then, all on a sudden, had begun to be afraid of him: he had declined any terms of peace: he had made no preparation for war: he had abandoned the city: he had lost Picenum by his own fault: he had blocked himself up in Apulia: he was preparing to go to Greece: he was going to leave us without a word, entirely uninformed of a move on his part so important and so unprecedented. Lo and behold, there is suddenly sprung on us a letter from Domitius to him, and one from him to the consuls. I thought honour had flashed before his eyes, and that he — the real man he ought to be — had exclaimed: So let them try each sleight they may against me,

And every craft their cunning can devise:

The right is on my side.

But our hero, bidding a long good-bye to honour, takes himself to Brundisium, while Domitius, they say, and those with him, on hearing of this, surrendered. What a lamentable thing! Distress prevents my writing any more to you. I wait for a letter from you.

LETTER 9

TO ATTICUS (AT ROME) FORMIAE, 25 FEBRUARY

YOU say my letter has been widely published: well, I don't care. Nay, I myself allowed several people to take a copy of it. For suchi s the nature of events that have already happened and are about to happen, that I wished my sentiments as to keeping the peace to be put on record. Now, while exhorting Caesar of all people to keep it, I could see no better way of influencing him than by saying that it was suitable to his wisdom. If I called that wisdom "admirable," seeing that I was urging him to the preservation of our country, I am not afraid of being thought guilty of flattery, when for such an object I would gladly have thrown myself at his feet. Where, again, my expression is "bestow some of your time" — that does not refer to peace, but it is a request to him to reflect in some degree on my own case and on my obligations. As to my protesting that I have taken no part in the war, though that has been proved by facts, yet I mentioned it that my persuasions might have the greater weight, and my expressing approval of his claim has the same object. But what is the use of discussing this now? I only wish it had done any good! Nay, I should not object to have the letter read in public meeting, since Pompey himself, when also writing to Caesar, put up for public perusal the despatch in which are the words "Considering the extraordinary brilliancy of your achievements." What! more brilliant than his own, or those of Africanus? "Circumstances made it necessary to say so." Well, since two men of your character are going to meet him at the fifth milestone, pray, to what does he pledge himself, what is he doing or going to do? With what greater confidence will he rely upon the merits of his case, when he sees you, and men like you, not only in crowds, but with smiles on your faces, and congratulations on your lips? "Are we, then, doing wrong?" Not at all, as far as you are concerned. Yet, nevertheless, there is an end of all distinguishing between the signs of genuine and pretended feeling. What decrees of the senate do I foresee!-But I have spoken more openly than I intended.

I mean to be at Arpinum on the 28th, then to go the round of my country houses, which I have no hope of ever seeing again. Your "frank" policy — which is yet not without a spice of caution to suit the times-has my warm approbation. Lepidus, for his part — for we spend almost every day together, much to his gratification-never liked the idea of leaving Italy, Tullus much less. For letters from him frequently pass from others to me. But it is not so much their opinions that move me: for they have given much fewer pledges to the Republic than I have: it is your influence, by Hercules, that has the greatest weight with me; for it suggests a means of retrieving the past and of securing the present. But I appeal to you: what could be more wretched than that the one gains applause in the worst possible cause, the other nothing but anger in the best? That the one is esteemed the preserver of his enemies, the other the betrayer of his friends? And, by heaven, however much I love our Gnaeus, as I do and am bound to do, yet I cannot commend him for failing to relieve such men. For if it was fear, what could be more cowardly? If, as some think, it was because he thought that his own position would be improved by their massacre, what could be more unfair? But a truce to these reflexions: I only increase my grief by recalling them.

On the evening of the 24th Balbus the younger called on me, hastening on a secret mission to the consul Lentulus from Caesar, with a letter, a message, and a promise of a province, to induce him to return to Rome. I don't think he will be persuaded except by a personal interview. Balbus also told me that Caesar wished, above all things, to catch up Pompey (I believe that much), and to be reconciled to him. This latter I do not believe, and I much fear that all this clemency is only an elaborate preparation for a Cinna-like massacre. The elder Balbus, indeed, writes me word that Caesar would wish nothing better than to live in safety, with Pompey as chief citizen. You believe that, I suppose!

But while I am writing these words (25th February), Pompey may have reached Brundisium; for he started in light marching order in advance of his legions on the 19th, from Luceria. But this portent is a man of frightful vigilance, rapidity, and energy. I haven't an idea what will happen.

LETTER 10

TO ATTICUS (AT ROME) FORMIAE, 26 FEBRUARY

When Dionysius, much to my surprise, arrived at my house, I spoke to him with the utmost candour. I put before him my circumstances; asked him what he had in his mind to do: said that I would not press him for anything against his will. He answered that he did not know where such money as he possessed was to be found. Some could not pay, from others it was not yet due. He gave me certain other reasons, connected with his poor slaves, for his being unable to stay with me. I gave in to him. I discharged him from farther attendance, with regret as a master for the boys, but with satisfaction as an ungrateful fellow. I wished you to know the facts, and what my opinion of his conduct was.

LETTER 11

TO ATTICUS (AT ROME) FORMIAE, 27 FEBRUARY

You think me thoroughly upset by a violent mental struggle. I am so, indeed, but not by one so violent as you perhaps imagine. For all my anxiety is lightened as soon as I have either made up my mind, or found on reflexion that a solution is impossible. However, one may express regret. Well, I do so, after all, from one day's end to another. But considering the uselessness of this, I dread being an absolute discredit to my philosophy and my writings: I therefore spend all my time in considering what the virtue of that ideal character is, which, according to you, I have delineated in my books with considerable care. Do you remember, then, that ideal "director of the commonwealth" to whom we would refer all questions? In the fifth book, I think it is, Scipio thus speaks: For as the object of a pilot is a successful voyage, of a physician bodily health, of a commander victory, so the object of such a director of the commonwealth is the happiness of the citizens, that it should be secure in means of defence, opulent in material resources, splendid in reputation, untarnished in its virtue. For my idea of him is that he should carry to perfection the work which is the greatest and best among men.

Such a conception never occurred to our friend Gnaeus in former times, and least of all in this controversy. Supremacy has been the object of both; there has been no idea of securing the happiness and virtue of the citizens. Nor, indeed, did he abandon the city because he was unable to protect it, nor Italy because he was driven from it; but his idea from the first was to stir up every land and sea, to rouse foreign princes, to bring barbarous tribes in arms into Italy, to collect the most formidable armies possible. For some time past a kind of royalty like Sulla's has been the object in view, and this is the eager desire of many who are with him. Do you suppose that some understanding between the two, some bargain has been impossible? Today it is still possible. But the object of neither is our happiness: both want to be kings. This brief exposition of the situation I have made in response to your invitation: for you wished me to explain to

you my sentiments as to these unhappy circumstances. I speak "prophetically," then, my dear Atticus, not in vague denunciation like hers, whom no one believed, but foreseeing in imagination:

E'en now upon the mighty deep, etc. What I can prophesy, I repeat, is much the same: such an Iliad of miseries is there hanging over our heads. Besides, my position is worse than that of those who have crossed the sea with Pompey in this, that they fear one or the other; I fear both. "Why have I stayed, then?" you will say. From obedience to you, if you like, or from failing to meet him in person, or because it was a juster course. You will see, I tell you, our poor Italy trodden under foot next summer, or in the hands of the slaves of both leaders gathered from the four corners of the earth. It is not a proscription (which is said to have been frequently threatened in the talk at Luceria) that is so much to be feared, as a general destruction: so vast are the forces which I see will take part in the conflict on both sides. That is my conjecture of what is to happen. But you perhaps looked for something consoling from me. I can find nothing of the sort. Nothing can exceed the misery, ruin, and disgrace. You ask me what Caesar said in his letter to me. The usual thing: he was much obliged by my having remained neutral, and begged me to continue to do so. The younger Balbus brought me a message to the same effect. The latter was on his way to visit the consul Lentulus with a letter from Caesar, and promises of rewards if he would return to Rome. But, when I calculate the days, I think he will have crossed over before he could be met by Balbus. I wished you to appreciate the slovenly style of Pompey's two letters sent to me, and my great care in writing my answer. I am sending you copies of them. I am anxious to see what this dash of Caesar's upon Brundisium through Apulia accomplishes. Oh that it might turn out something like the Parthian affair! As soon as I hear anything I will let you know: on your part, pray let me know what the loyalists are saying; I hear there are crowds of them at Rome. I know, of course, that you don't go abroad; still you must hear a great deal. I remember a book being brought you by Demetrius of Magnesia, dedicated to you, "On Concord." Please send it to me. You see in what direction my thoughts are turning.

LETTER 11A

POMPEY TO CICERO (AT FORMIAE LUCERIA, 10 FEBRUARY

QUINTUS FABIUS came to me on the 10th of February. He brings me word that L. Domitius, with twelve cohorts of his own and with fourteen brought to him by Vibullius, were on the march to join me: that his intention was to quit Corfinium on the 9th of February, that Gaius Hirrus with five cohorts was coming up behind him. My opinion is that you should join me at Luceria. For here I think you will be safest.

LETTER 11B

TO POMPEY (AT LUCERIA) FORMIAE, 15 FEBRUARY

M. CICERO, imperator, greets Gnaeus Magnus, proconsul. On the 15th of February I received your letter at Formiae, informing me that what had happened in Picenum was much more satisfactory than had been before reported to us; and I was glad to hear of the courage and activity of Vibullius. Up to this time, though I have continued living on this coast, of which I was put in command, yet I have kept a vessel in readiness. For the news that kept reaching me, and the anxious fears that I was entertaining, were of such a kind that I thought myself bound to follow any counsel you might give me. At present our hopes are stronger, thanks to your influence and policy. If you think that Tarracina and the sea-coast can be held, I am ready to remain in it, though there are no garrisons in the towns. There is, in fact, no one of senatorial rank in this part of the country except M. Eppius, whom I directed to remain at Minturnae, a man of vigilant and painstaking character. For that gallant and influential man, L. Torquatus, is not with me at Formiae: I think he has started to join you. Anyhow, according to your most recent directions, I went to Capua on the same day as you left Teanum Sidicinum: for you had expressed the wish that I should superintend operations there in conjunction with the praetor M. Considius. On my arrival in that town, I saw that Titus Ampius was holding a levy with the greatest energy, that Libo was taking over the men from him, who is also a man of very great energy and influence in that colony. I remained at Capua as long as the consuls did. I visited Capua a second time, in accordance with an order of the consuls, on the 5th of February. After staying there three days I returned to Formiae. At present I am ignorant of your designs and plan of campaign. If you think that this coast is to be held, which offers many advantages and is an important district, with illustrious citizens residing in it, and is capable, I think, of being held, there must be some one to command in it. But if everything is to be concentrated in one spot, I feel no hesitation about joining you at once. I wish for nothing more earnestly than

that, and so I told you the day we quitted the city. For my part, I do not trouble myself about anyone's thinking that I have as yet been less active than I ought, so long as you do not think so: nevertheless, if, as I am convinced is the case, we have to fight, I feel confident of being able to justify myself to all the world. I have sent my connexion M. Tullius to you, to receive a letter, if you think it well to write to me.

LETTER 11C

POMPEY TO CICERO (AT FORMIAE) CANUSIUM, 20 FEBRUARY

IF you are well, I am glad. I was pleased to read your letter; for I recognized your old gallantry still in defending the public safety. The consuls have joined my army in Apulia. I strongly urge you, in the name of your unique and unbroken zeal for the service of the state, to join us also, that by our united counsels we may support and aid the violated Republic. My opinion is that you should travel by the Appian road, and come with all speed to Brundisium.

LETTER 11D

TO POMPEY (AT BRUNDISIUM) FORMIAE, 27 FEBRUARY

When I sent you the letter which was delivered to you at Canusium, I had no idea that you were about to cross the sea in the service of the Republic, and I was in great hopes that we might eventually be able, while in Italy, to effect an arrangement — the most advantageous thing of all in my opinion — or to defend the Republic without the least loss of dignity. Meanwhile, before my letter could have reached you, being informed of your design from your message sent through Decimus Laelius to the consuls, I did not wait for a letter from you to reach me, but with all promptitude began my journey to join you in Apulia with my brother Quintus and our sons. When I had reached Teanum Sidicinum your intimate friend Gaius Messius, and several others besides, told me that Caesar was on his march to Capua, and was going to halt that very day at Aesernia. I was much disturbed, because, if that were so, I thought not only that my journey was barred, but that I myself was fairly caught. So I went no farther than Cales at that time, intending to wait there, rather than elsewhere, till something certain was reported to me from Aesernia in regard to this information. But at Cales a copy of your letter to Lentulus, the consul, was brought to me. The substance of this was that you had received a despatch from L. Domitius on the 17th of February, a copy of which you appended, and added that it was of the utmost importance to the state, that all forces should concentrate in one place as early as possible, and that he should leave a sufficient garrison at Capua. When I read this letter I thought, and everybody else agreed with me, that you were about to proceed in full force to Corfinium, to which place, since Caesar was encamped against it, I did not think that there was a safe road for me. Whilst waiting in the greatest suspense for farther news, I heard two items of intelligence at the same time — what had happened at Corfinium, and that you had commenced your march to Brundisium: and though neither I nor my brother had any hesitation as to hurrying on to Brundisium, we were warned by many coming from Samnium and Apulia to be on

our guard against being intercepted by Caesar, since, having started for the same district as that to which we were going, he was likely to arrive at his destination even quicker than we could. That being the case, neither I nor my brother, nor any of our friends, thought it right by rashness on our part to run the risk of injuring not only ourselves, but the state also; especially as we felt sure that, even if the road proved safe to ourselves, we could not, after all, possibly catch you up so late as this. Meanwhile I received a letter from you dated Canusium, 20th of February, in which you urged me to make still more haste to Brundisium. As I received this on the 27th, I felt sure that you had already arrived at Brundisium, and I saw that the road there was entirely closed to us, and that we were as completely prisoners as those at Corfinium. For I do not count as prisoners those only who have fallen into the hands of armed men, but those also quite as much who, being barred from certain districts, find themselves between garrisons and within the lines of another.

That being so, my first and greatest desire would have been never to have been separated from you, and, indeed, I shewed you my wish when I resigned the charge of Capua: which I did not do to escape a burden, but because I saw that that city could not be held without troops, and I did not wish to meet with the mischance which I grieve to see has befallen some very gallant gentlemen. Since, however, I had not the good fortune to be with you, would that I had been kept informed of your design! For I could not possibly guess it, being always accustomed to think that the last thing in the world to happen would be that this cause of the Republic should fail in Italy, while we had you as our leader. Not, however, that I am now finding any fault with your policy, but I lament the fortune of the Republic; and yet, if I fail to see your object, I do not on that account feel less certain that you have done nothing without the most careful calculation. I think you remember what my opinion has ever been, in the first place, as to maintaining peace at any price, however unfair; in the second, as to the city-for as to Italy, you had never given me any indication of your purpose.

But I do not claim for myself that my policy ought to have prevailed: I followed yours, and that not only for the sake of the Republic — of which I despaired, and which has already been

overthrown, and cannot be restored without a most mischievous civil war — but I wanted you: it was with you that I wished to be; nor will I omit any opportunity of securing that, if any such occurs. I was quite aware that in the whole controversy I was failing to satisfy men who had set their hearts on war. For, in the first place, I openly avowed that I preferred peace to everything, not because I was not afraid of the same things as they were, but because I regarded them as less formidable than civil war. In the second place, after the war had begun, when I saw that conditions of peace were being offered you, and a conciliatory and liberal answer was being returned by you to those proposals, I took my special case into consideration, a consideration which I thought in view of your kindness to me I should have no difficulty in justifying in your eyes. For I remembered that I was the one man who, in return for the most eminent services to the state, had suffered the most afflicting and cruel punishment; the one man who, if I offended him — to whom, in spite of our being actually in arms, a second consulship and a most splendid triumph was being offered-would be exposed to the same contests as before: for my person seems ever to present a favourite mark for the attacks of disloyal citizens. Nor were my suspicions premature: threats of this sort have been openly made to me: and I was not so much afraid of them, if I had to face them, as convinced that I ought to avoid them, if that could be done with honour.

You have now a resumŽ, as brief as possible, of my policy during the time that there was any hope of peace: for the time following events made me powerless. But I have an easy answer to those who find fault with me. I have never been more devoted to Caesar than they, nor they more devoted to the Republic than I. The difference between them and me is this: while they are loyal citizens, and I deserve the same honourable title, I wished the controversy settled by diplomacy (as I know you did too), they wished it settled by arms. But since the latter method has won the day, I will take care that the Republic shall not miss in me the spirit of a citizen, nor you that of a friend.

LETTER 12

TO ATTICUS (AT ROME) FORMIAE, 28 FEBRUARY

THE inflammation in my eyes is somewhat more troublesome even than before. However, I preferred dictating this letter to letting Fadius Gallus, who is a very affectionate friend of us both, have no line to deliver to you. Yesterday, indeed, I wrote with my own hand, as best I could, the letter whose prophecy I hope may be falsified. The motive, however, of the present letter is not only to prevent any day passing without writing to you, but the more reasonable one of inducing you to devote a little time to me. It won't take you long, and so I do much wish to have your view explained to me in such a way, that I may thoroughly understand it. I have not yet committed myself in any respect. I have been guilty of no omission which does not admit of a sound, not merely a plausible, excuse. For certainly I did not make a mistake when I refused to accept the charge of Capua without a garrison, in my wish to escape not only the crime of failure, but the suspicion of treachery as well; nor when, after the terms had been brought by L. Caesar and Fabatus, I was careful not to offend a man to whom Pompey was offering a consulship and triumph, though both were in arms. Nor, indeed, can anyone fairly find fault with my last step in not crossing the sea. For on this measure, though it was a thing to be considered, I have not had the opportunity of embarking. For I had no right to suspect what he was going to do, especially as from Pompey's own letter — as I see was your own opinion also — I felt no doubt of his intention to go to the relief of Domitius. In point of fact, I preferred to have a longer time to consider what was the right course and what I ought to do. First of all, then, I wish you would write and tell me more distinctly — though you have already made it pretty clear — what you think of all this; and, secondly, that you would look into the future and give me a sketch of what you think ought to be my r™le, and where you think I could be of most service to the Republic; whether a pacific part is required, or whether everything depends on a man of war. And, indeed, though my standard is always duty, I yet remember the

advice you once gave me, which, if I had followed, I should not have endured the sad disaster of that crisis in my life. I remember what you urged me to do on that occasion through Theophanes, through Culleo, and I have often recalled it with a sigh. Therefore let me at last revert to the calculation, which I then rejected, and see how I may follow a course which will not simply aim at glory, but will conduce somewhat more to my safety also. But I make no stipulation with you. I want you to write me your opinion in plain terms. I want you also to investigate with all the diligence you can — and you will have men through whom you can do so — what our friend Lentulus and Domitius are doing or intending to do, what their present bearing is, whether they find fault with anyone, or are angry with anyone. Why do I say "anyone"? I mean, of course, Pompey. Certainly Pompey lays all the blame on Domitius, as may be seen in his letter, of which I send you a copy. These things, then, be so good as to look into, and, as I asked you in a previous letter, send me the book "On Concord," by Demetrius of Magnesia, which he sent you.

LETTER 12A

POMPEY TO THE CONSULS LUCERIA, 17 FEBRUARY

GNAEUS MAGNUS, proconsul, greets the consuls, C. Marcellus and L. Lentulus. Being of opinion that if we were scattered we could neither be of service to the state, nor protect ourselves, I sent a despatch to L. Domitius that, if possible, he should join me with all his men, and that, if he felt doubtful about himself, he should send me the nineteen cohorts which were on the march to join me from Picenum. What I feared has taken place: Domitius is surrounded, and is not in sufficient force to form a camp, because he has my nineteen and his own twelve cohorts distributed among three towns — for he has stationed some at Alba and some at Sulmo — and he cannot now extricate himself even if he wished. In these circumstances I am, I can assure you, in extreme anxiety. I am eager to relieve men who are so numerous and of such high position from the danger of a siege, and yet I cannot go to their assistance, because I do not think that we can trust these two legions to go there — of whom, after all, I have not been able to keep together more than fourteen cohorts; for I have sent two to Brundisium, and I did not think that Canusium ought to be left in my absence without a garrison. I had told Decimus Laelius to suggest to you, as I hope for an increase to my numbers, that one of you should join me, the other go to Sicily with the force you have collected at Capua and the neighbourhood of Capua, and the soldiers whom Faustus has recruited: that Domitius with his own twelve cohorts should form a junction with the same, and that all other forces of every description should muster at Brundisium, and be shipped thence to Dyrrachium. But as it is, since at this juncture I cannot go, any more than you, to the relief of Domitius, he must extricate himself by crossing the mountains, and I must be careful not to allow the enemy to get near these fourteen cohorts, whose loyalty is doubtful, or to catch me up on the march. Wherefore I have determined — and I find that Marcellus and other senators who are here agree with me — to march the force I have with me to Brundisium. I urge you to collect

all the troops that you can collect, and come to me at Brundisium also as promptly as possible. I think you should use the arms, which you were intending to send to me, to arm the soldiers whom you have with you: if you will have all arms that may be to spare carted to Brundisium, you will have done the state excellent service. Please let my men know about this. I have sent word to the praetors P. Lupus and C. Coponius, to join you and take whatever men they have to you.

LETTER 12B

POMPEY TO L. DOMITIUS AHENOBARBUS (IN CORFINIUM)

LUCERIA (BETWEEN 10 AND 16 FEBRUARY) I am much surprised at not hearing from you, and that I am informed of public affairs by others rather than yourself. We cannot be on equal terms with our opponent if our army is scattered: with forces concentrated I hope we may be of service to the Republic and the common safety. Wherefore, as you had arranged-according to Vibullius's letter to me of the 9th of February — to start from Corfinium with your army and join me, I am at a loss to understand why you have changed your design. For the reason mentioned to me in Vibullius's despatch is quite inadequate — that you have delayed because you had received intelligence of Caesar having left Firmum and arrived at Castrum Truentinum. For the nearer the opponent begins to approach, the prompter ought you to have been in effecting a junction with me, before Caesar had the opportunity of preventing your march or throwing himself between us. Wherefore I once more earnestly entreat and exhort you, as I have not ceased in my former despatches to demand, that you should come to Luceria on the first day possible, before the forces, which Caesar has begun collecting, become concentrated in one spot, and so separate you from us. But if certain individuals are preventing your march, in order to preserve their own country seats, it is only fair that you should concede my request and be careful to send me the cohorts, which have arrived from Picenum and Camerinum, leaving all their property behind them.

LETTER 12C

POMPEY TO L. DOMITIUS AHENOBARBUS (IN CORFINIUM)

LUCERIA, 16 FEBRUARY GNAEUS POMPRIUS, proconsul, salutes Lucius Domitius, proconsul. M. Calenius has brought me a despatch from you dated the 16th of February, in which you say that your intention is to watch Caesar, and, if he commences his march upon me by the coast road, to come to me with speed into Samnium; but that, if he spends time about the towns in your district, you wish to resist him in case of his approaching you. I think your plan is spirited and gallant; but I am compelled to be more solicitous as to whether we may not, if divided, be unequal to our opponent; since he has large forces and is likely soon to have larger. For a man of your foresight ought not to reckon how many cohorts Caesar has at this moment against you, but what amounts of infantry and cavalry he is likely to collect before long. This is proved in my eyes by a letter from Bussenius to me, in which he says — as I learn from other letters also — that Curio is drawing the garrisons in Umbria and Etruria together, and marching to join Caesar. Now if all these forces are combined, even suppose a detachment is sent to Alba, and another threatens you, and though Caesar should not offer battle, but should remain on the defensive in his own strongholds, you will still be at a stand, and will not be able, isolated with a force the size of yours, to offer a resistance to such vast numbers sufficient even to allow of your foraging for corn. Wherefore I strongly urge you to come here as soon as possible with your entire force. The consuls have decided to do so. I sent a message to you by M. Tuscilius to say that we must take care that the two legions should not, without the cohorts from Picenum, be allowed to come within sight of Caesar. Wherefore do not disturb yourself if you hear that I am making a backward movement, should Caesar chance to advance towards me: for I think I must by all means avoid being caught in the toils and prevented from stirring. For I cannot construct a camp owing to the season and the disposition of my soldiers, nor is it proper to call in the garrisons from all the towns, lest I should be left without a place

of retreat. Accordingly, I have not mustered more than fourteen Cohorts at Luceria. The consuls are about to bring in all garrisons to me, or are going to Sicily. For I must either have an army sufficiently strong to make me feel sure of being able to break out, or hold districts of such a kind as to enable us to act on the defensive. At the present time we have neither, for Caesar has occupied a large part of Italy, and we have an army neither as well-appointed nor as large as he has. We must therefore be careful and look to the main interests of the Republic. I urge on you again and again to come to me at the earliest opportunity with your whole force. We may even now restore the fortunes of the state, if we conduct our operations in common: if we are divided we shall be weak. I am quite satisfied of this.

After I had written the above, Sicca brought me a despatch and message from you. You urged me to come to you: I do not think that I can do so, because I don't feel great confidence in these legions.

LETTER 12D

POMPEY TO L. DOMITIUS AHENOBARBUS (IN CORFINIUM)
LUCERIA, 17 FEBRUARY

I RECEIVED a despatch from you on the 17th of February, in which you say that Caesar has pitched his camp near Corfinium. What I thought and warned you of is now taking place, namely, that at present he would not give you battle, and yet would hem you in by concentrating all his forces, to prevent the road to me being open to you, and your being able to unite your troops, formed of the strongest loyalists, with the legions of whose fidelity we are doubtful. I am therefore all the more disturbed by your letter. For I am not sufficiently confident in the good disposition of the soldiers, whom I now have with me, to risk a battle involving the safety of the state, nor have the levies made by the consuls as yet come in. Wherefore do your best, if it is still by any means possible, to extricate yourself, and Come here as soon as you can, before our opponent is joined by all his forces. For it is neither possible for the new levies to arrive here quickly, nor, if they had arrived, can it escape your observation how impossible it is to trust men, who are not even acquainted with each other, against veteran legions.

LETTER 13

TO ATTICUS (AT ROME) FORMIAE, I MARCH

Take the handwriting of my secretary as a sign of my eyes being inflamed, and let the same fact excuse my brevity, though at this particular time I have nothing to write. We are hanging entirely on news from Brundisium. If Caesar has caught our friend Gnaeus, there is a dubious hope of peace; but if the latter has got across beforehand, there is a fear of a fatal war. But do you see upon what sort of man the Republic has fallen? How clear-sighted, how alert, how well prepared! By heaven, if he puts no one to death, nor despoils anyone of anything, he will be most adored by those who had feared him most. The burgesses of the country towns, and the country people also, talk a great deal to me. They don't care a farthing for anything but their lands, their poor villas, their paltry pence. And now observe the reaction: the man in whom they once trusted they now dread: the man they dreaded they worship. What grave mistakes and vices on our side are accountable for this I cannot think of without sorrow. However, I have already written to tell you what I thought was threatening; and I am now waiting for a letter from you.

LETTER 14

TO ATTICUS (AT ROME) FORMIAE, 2 MARCH

I feel sure that my daily packets must bore you, especially as I don't inform you of anything new, nor, in fact, am able to hit upon any novel sentiment to express. But if I went out of my way needlessly to send letter-carriers to you with these empty epistles, I should indeed be foolish: as it is, when people are going to Rome, especially people about the house, I cannot reconcile myself to sending nothing by way of a letter to you; and besides, believe me, I find a relief in a time of such unhappiness in, as it were, talking to you; and much more so when I read letters from you. I certainly feel it to be true that there has been no period since our panic flight that less demanded a continuance of our correspondence, because no news reaches either Rome or this place, which is only two or three days journey from Brundisium: whereas Brundisium is the cardinal point of the whole struggle in this first campaign. I am therefore racked with suspense about it. But we shall know all before the 15th. For I observe that Caesar started from Corfinium on the afternoon of the same day — that is, the 21st of February — as that on the morning of which Pompey left Canusium. But Caesar moves so rapidly, and encourages the speed of his men with such bounties, that I fear he may have approached Brundisium quicker than may be convenient. You will say, "What good, then, do you do by anticipating an annoyance, which you are to ascertain three days hence?" None indeed. But, as I said before, I like above all things talking to you, and at the same time I want to tell you that my plan of procedure, which I thought quite fixed, is somewhat shaken. The precedents, of which you approve, don't altogether satisfy me. For what gallant action on their part in the service of the state has there ever been? Or who expects anything praiseworthy from them? Nor, by heaven, do I see anything commendable in those who have crossed the sea to prepare a war, intolerable as things were here-for I foresee the extent and destructive nature of that war. But there is one man who shakes my resolution, whose companion in flight, whose partner in the

recovery of the constitution, I think myself bound to be. “Do you change your opinion as often as that, then?” I speak to you as to myself: and who is there that in a matter of such importance does not; argue with himself in a variety of ways? At the same time I also desire to elicit your opinion:

if it is the same, that I may be strengthened in my resolution; if it has changed, that I may conform mine to yours. Certainly, in regard to my present doubt, it concerns me to know what Domitius and our friend Lentulus intend doing. As to Domitius, we hear contradictory rumours: at one time that he is at Tibur not by any means leaping for joy, at another that he, with the Lepidi has come to the walls of the city, which also I find not to be true. For Lepidus says that he has made his way somewhere by secret roads — is it to hide himself or to reach the sea? Lepidus himself does not know. He knows nothing either about the younger Domitius. He adds a very annoying particular; that a considerable sum of money which Domitius had at Corfinium had not been restored to him. Of Lentulus I hear nothing. Please inquire into these matters, and report to me.

LETTER 15

TO ATTICUS (AT ROME) FORMIAE, 3 MARCH

On the 3rd of March Aegypta delivered me your letters, one, an old one, dated 26th of February, which you say that you intrusted to Pinarius, whom I have not seen. In this you say that you are waiting to learn how Vibullius, who had been sent in advance, is getting on, who did not obtain an interview with Caesar at all (I observe in your second letter that you are aware of this), and how I mean to receive Caesar when he returns. I design to avoid meeting him at all. You mention also your intended retreat from Rome and the change in your way of life, in the necessity of which I agree, and you say that you don't know whether Domitius retains his fasces. When you know, please inform me.

So much for your first letter. There followed two, both dated the 28th of February, which completely dislodged me from my old resolve, which, however, I told you was beginning to totter. I am not shaken by your expression, "incensed with Jove himself," for there is danger in the angry passions of both; and though victory, of course, is uncertain, yet now the worse side seems to me to be the better prepared. Nor am I influenced by the consuls, who are themselves more easily moved than feather or leaf. Consideration of duty tortures me, and has all this while been torturing me, with indecision. To remain is certainly the more cautious policy, to cross the sea is considered the more honourable. Sometimes I prefer that many should think that I have acted incautiously, rather than a few think that I had acted dishonourably. You ask me about Lepidus and Tullus; they, indeed, have made up their minds to meet Caesar at Rome, and to come into the senate.

Your most recent letter is dated on the 1st of March, in which you express a wish that there might be a meeting between them, and say that you do not despair of peace. But at the moment of writing I am of opinion that they will not meet, and that, if they do, Pompey will not yield to any offer of terms. You appear to have no doubt, if the consuls cross, what I ought to do. They are certainly going to cross,

or rather, as a matter of fact, have already crossed. But remember that, with the exception of Appius,

there is hardly one who has not a legal right to cross. For they either have imperium, as Pompey, Scipio, Sufenas, Fannius, Voconius, Sestius, the consuls themselves — who have by immemorial custom the right to visit all provinces or they are their legates. But I decide on nothing. As to what your opinion is, and pretty well what is the right course, I am clear. I would have written at greater length, if I had been able to do so with my own hand. But I think I shall be able to do so in a couple of days. I am sending you a copy of Cornelius Balbus's letter received on the same day as yours, that you may sympathize with me, when you see me treated with such mockery.

LETTER 15A

L. CORNELIUS BALBUS TO CICERO (AT FORMIAE) ROME, FEBRUARY

I entreat you, my dear Cicero, to undertake a task and a project in the highest degree worthy of your high character — to recall Caesar and Pompey to their former cordiality,

who have been alienated by the treachery of others. Believe me, Caesar will not only put himself in your hands, but will also consider himself under the deepest obligation to you, if you throw yourself into this task. I wish Pompey would do the same, but that he Can at this time of day be induced to accept any terms is rather a matter for wishes than hopes. But when he has recovered from his agitation and alarm, I shall begin to have some hope that your influence with him may prove to be of the greatest avail. In having expressed a wish that my friend the consul Lentulus should remain at Rome you have obliged Caesar, and, believe me, myself also in the highest degree. For I value him so greatly, that he holds as high a place in my regard as Caesar himself: and if he had only allowed me to talk with him as usual, and had not again and again shewed himself wholly averse from conversation with me, I should have been less unhappy than I am. For you must not suppose that anyone at this crisis is more painfully affected than I am by seeing a man, whom I love more than myself, resolved in his consulship to be anything in the world rather than a consul. If he will only deign to take your advice and to believe us in regard to Caesar, and to serve the rest of his consulship at Rome, I shall even begin to hope that by the advice of the senate — acting at your suggestion, and with him to bring the matter formally before it — Pompey and Caesar may be reconciled. If that is done, I shall think that I have not lived in vain. I feel sure that you will entirely approve of what Caesar did about Corfinium. Considering the circumstances, nothing better could have occurred than a settlement being made without a drop of blood. I am much gratified by the pleasure you express at the visit of my dear (and your dear) Balbus. Whatever Balbus has told you about Caesar, and whatever Caesar has written, I am sure the latter will convince you by his acts

— whatever measure of success he may have — that he has written with the most absolute sincerity.

LETTER 16

TO ATTICUS (AT ROME) FORMIAE, 4 MARCH

I have provided for everything except a secret and safe journey to the Upper Sea. For I cannot venture upon this (Lower) Sea at this season of the year. But by what route am I to get to the place, on which my thoughts are set, and to which the circumstances of the case call me? I must not delay my departure, lest anything should hinder it and tie me here. It is not, in truth, that man who attracts me, as is thought to be the case: I long ago knew him to be the most incapable of politicians, I now know him also to be the least capable of generals. It is not he, therefore, that attracts me, but it is the common talk reported to me by Philotimus. He says I am being torn to pieces by the Optimates. Ye Gods! Optimates indeed! See how they are rushing to meet Caesar, and parading their loyalty to him! Why, the country towns are offering him prayers as though he were a god, and not sham ones, as those offered on behalf of the other when he was ill. But the simple fact is that whatever mischief this Pisistratus abstains from doing is as much a subject for gratitude, as if he had prevented some one else from doing it. They hope the one will be lenient, they believe the other to be enraged. What complimentary processions from the towns! What honours voted! Pure fright, you will say. Yes, I daresay; but they are still more afraid of the other. The artful clemency of the one delights, the angry temper of the other alarms, them. Those on the roll of the 360 jurors, who used to be particularly fond of our friend Gnaeus, and one or other of whom I see every day, are horrified at some of his Lucerian doings. So I want to know what sort of Optimates these are to force me abroad, while they remain at home themselves. However, be they who they may, "I fear the Trojans." Yet I see clearly with what a prospect I am starting; and I am joining myself with a man better prepared to devastate Italy than to win a victory, and have only a master to expect. And, indeed, at the moment of writing this (4th March) I am in momentary expectation of some news from Brundisium. But why do I say some news? It is news of his shameful flight thence that I

expect, and of the route which the victor is taking on his return and of his destination. When I have got that news, if Caesar come by the Appia, I think of retiring to Arpinum.

BOOK 9

LETTER 1

TO ATTICUS (AT ROME) FORMIAE, 6 MARCH

Although by the time you read this I think I shall know what has happened at Brundisium — for Gnaeus left Canusium on the 21st of February, and I write on the 6th of March, the fourteenth day after his removing from Canusium — yet I am kept in painful suspense as to what each hour may bring, and am wondering that nothing even by way of rumour has reached me. There is a surprising silence. But perhaps all this is mere idle curiosity about what, after all, must soon be known. One thing worries me, that I cannot at present make out where our friend P. Lentulus and Domitius are. Now I want to know, in order the easier to find out their intentions, whether they are going to Pompey, and if so, by what route and when. The city, indeed, I am told, is now crammed full of Optimates. I hear that Sosius and Lupus are sitting in court, whom our friend Gnaeus thought would arrive at Brundisium before himself. From these parts there is a general exodus. Even Manius Lepidus, with whom I am used to spend the day, is thinking of starting tomorrow. For myself, I am stopping on at Formiae in order to get quicker intelligence. Then I am for Arpinum. Thence, by whatever road there is least chance of meetings, to the Upper Sea, leaving behind or altogether giving up my lictors. For I am told that by some loyalists, who are now and have often been before a protection to the commonwealth, my staying in Italy is disapproved, and that at their entertainments (beginning pretty early in the day too) many severe reflexions are being made upon me! Evidently, then, the thing to do is to leave the country, to wage war on Italy by land and sea, to rouse the hatred of the disloyal against us once more, which had become extinct, and to follow the advice of a Lucceius and Theophanes! For others have some reason for going: Scipio, for instance, starts for Syria, the province allotted to him, or is accompanying his son-in-law, in either case with an honourable pretext, or, if you like, is avoiding the wrath of Caesar. The Marcelli, for their part, had they not feared the sword of Caesar, would have remained: Appius has the same reason for fear, and that, too, in

connexion with a recent quarrel. Except him and Q. Cassius, the rest are legates, Faustus is a proquaestor: I am the only one who might take either one course or the other. Added to this, there is my brother, whom it is not fair to involve in this adventure, considering that Caesar would be still more angry with him. But I cannot induce him to stay behind. This concession I shall make to Pompey, as in duty bound: for as far as I am concerned no one else influences me — nor the talk of the loyalists, who do not really exist, nor the cause which has been Conducted with timidity and will be conducted with crime. To one man, one alone, I make this concession, and that, too, without any request from him, and though — as he says — he is not defending his own cause, but that of the state. I should like much to know what you are thinking of doing as to crossing into Epirus.

LETTER 2

TO ATTICUS (AT ROME) FORMIAE, 7 MARCH

THOUGH on the 7th of March (the day, I think, for your fever fit) I am expecting a longer letter from you, yet I think I ought to answer even the short one which you wrote on the 4th, just before your attack. You say that you are glad that I have stayed in Italy, and that you are of the same opinion as before. But in a former letter you seemed to me to have no doubt about my going, always provided that Gnaeus embarked with an adequate following, and that the consuls crossed also. Have you forgotten this, or did I misunderstand you, or have you changed your opinion? But I shall either ascertain your opinion from the letter I am now expecting, or I shall draw another letter from you. No news as yet from Brundisium.

LETTER 2A

TO ATTICUS (AT ROME) FORMIAE, 8 MARCH

WHAT a difficult, what a hopeless thing! You pass over no point in giving your advice, and yet how completely you fail to reveal what your real opinion is! You are glad that I am not with Pompey, and yet you suggest how dibcreditable it would be for me to be in the House when any attack is made on him; yet shocking to approve his conduct. Certainly. To speak against him, then? "God forbid!" say you. What, then, is to be done, if the one course is criminal, the other exposed to punishment? "You will obtain permission," say you, "from Caesar to absent yourself and live in retirement." Am I to implore this permission, then? How humiliating! What if I fail to get it? Again, you say, "The question of your triumph will be unprejudiced." What if this very thing is used to put pressure upon me? Should I accept it? What a disgrace! Should I decline it? Caesar will think that I am repudiating his whole policy, as formerly in the case of the land commission. Why, in excusing himself, he always throws the whole blame for what then happened on me, saying that I was so bitterly opposed to him, that I would not accept even an honour at his hands. With how much greater irritation will he take a similar proceeding from me now? It will, of course, be greater in proportion as this honour is greater than the former, and he is himself in a stronger position.

But you say that you have no doubt I am in very bad odour with Pompey by this time: I don't see why that should be the case, particularly at this time. Shall a man who never told me anything about his plan, till after he had lost Corfinium, complain of my not having come to Brundisium, when Caesar lay between me and Brundisium? In the next place, complaint on his side he must know to be barred. He considers that I was clearer sighted than he about the weakness of the municipal towns, the levies, the maintenance of peace, the city, money, and the need of occupying Picenum. If, on the other hand, I don't go when it is in my power, he will have some right to be angry with me: and I shrink from that, not for fear of his

hurting me — for what could he do? And Who is a slave who does not fear to die? But because I have a horror of ingratitude. I feel confident,

therefore, that my arrival in his camp, whenever it takes place, will, as you say, be welcome enough. For as to what you say, “If Caesar acts with more moderation you will reconsider your advice to me “- how can he help behaving ruthlessly? Character, previous career, the very nature of his present undertaking, his associates, the strength of the loyalists, or even their firmness, all forbid it.

I had scarcely read your letter, when Curtius Postumus called on me as he was hurrying to join Caesar, talking of nothing but fleets and armies—”Caesar was going to seize the Spains, occupy Asia, Sicily, Africa, Sardinia, and was promptly pursuing Pompey into Greece.” I must start, therefore, with the view of sharing not so much in a war as in a stampede. For I shall never be able to stand the gossip of your folk at Rome, whatever they are, for loyalists they are not, in spite of their name. Nevertheless, it is precisely that which I want to know — what they say; and I earnestly entreat you to make inquiries and inform me. As yet I am entirely ignorant of what has happened at Brundisium: when I know, I shall shape my plans in the light of facts and circumstances, but I shall consult you.

LETTER 3

TO ATTICUS (AT ROME) FORMIAE, 9 MARCH

THE son of Domitius passed through Formiae on the 8th of March, hurrying to his mother at Naples, and on my slave Dionysius putting some earnest questions to him about his father, he bade him tell me that he was outside the city. I, however, had been told that he had gone either to join Pompey or into Spain. What the truth of the matter is I should like very much to know: for it affects the question on which I am now deliberating, that, if Domitius, at any rate, has failed to find an exit from Italy, Gnaeus should understand that my own departure from Italy is not easy, occupied as it now is throughout with arms and garrisons, especially in the winter season. For if it had been a more convenient season of the year, I might have sailed even on the Lower Sea. As it is, a passage is impossible except by the Upper Sea, to which my road is closed. Be good enough to inquire, therefore, about both Domitius and Lentulus. No rumour has come as yet from Brundisium, and today is the 9th, on which (or on the day before) I

imagine that Caesar has reached Brundisium. For he halted at Arpi on the 1st. But if you choose to believe Postumus, he was intending to pursue Gnaeus. For by a calculation of the state of the weather and days he concluded that the latter had already crossed. I said I didn't think Caesar would have crews: Postumus felt confident on that point, and all the more, because Caesar's liberality had been heard of by shipowners. But it cannot now be long before I learn the entire state of affairs at Brundisium.

LETTER 4

TO ATTICUS (AT ROME) FORMIAE 12 MARCH

Although any feeling of repose is for me confined to the time I spend in writing to you or reading a letter from you, yet I am myself at a loss for a subject for my letters, and I feel certain that the same is the case with you. For the topics usually filling familiar letters, written with an easy mind, are excluded by the critical nature of these times; while those connected with the crisis we have already worn threadbare. Nevertheless, not to surrender myself wholly to sorrowful reflexions, I have selected certain theses, so to speak, which have at once a general bearing on a citizen's duty, and a particular relation to the present crisis:

Ought one to remain in one's country when under a tyrant? If one's country is under a tyrant ought one to labour at all hazards for the abolition of the tyranny, even at the risk of the total destruction of the city? Or ought we to be on our guard against the man attempting the abolition, lest he should rise too high himself?

Ought one to assist one's country when under a tyrant by seizing opportunities and by argument rather than by war?

Is it acting like a good citizen to quit one's country when under a tyrant for any other land, and there to remain quiet,

or ought one to face any and every danger for liberty's sake?

Ought one to wage war upon and besiege one's native town, if it is under a tyrant?

Even if one does not approve an abolition of a tyranny by war, ought one still to enroll oneself in the ranks of the loyalists?

Ought one in politics to share the dangers of one's benefactors and friends, even though one does not think their general policy to be wise?

Should a man who has done conspicuous services to his country, and on that very accounnt has been shamefully treated and exposed to envy, voluntarily place himself in danger for his country, or may he be permitted at length to take thought for himself and those nearest and dearest to him, giving up all political struggles against

the stronger party?

By keeping myself at work on questions such as these, and discussing both sides both in Greek and Latin, I at once distract my mind for a time from its anxieties, and at the same time attempt the solution of a problem now very much to the point. But I fear you may find me unseasonable; for if the bearer of this keeps up the proper pace, it will reach you exactly on your ague day.

LETTER 5

TO ATTICUS (AT ROME) FORMIAE, 10 MARCH

ON your birthday you wrote me a letter full of advice, and not only shewing the greatest kindness to me, but also the most admirable wisdom. Philotimus delivered it to me the day after receiving it from you. The points you put are indeed of extreme difficulty — the journey to the Upper Sea, a voyage by the Lower, a departure to Arpinum, lest I should seem to have avoided Caesar, a continuance at Formiae, lest I should seem to have put myself forward to congratulate him — but nothing is more distressing than the sight of those things, which, I tell you, must before long be seen. Curtius Postumus has been with me: I told you how oppressive he was. Q. Fufius also has been to see me. What a triumphant look! What assurance! Post haste for Brundisium: denouncing the crime of Pompey, the recklessness and folly of the senate. If I can't stand such things in my own villa, shall I be able to put up with Curtius in the senate-house? But suppose me to endure this with good temper, what will be the sequel of the usual "Speak, Marcus Tullius"? To say nothing of the Republican cause, which I look upon as lost, both from the wounds inflicted on it and the cures prepared for them, what am I to do about Pompey? With whom — for why should I deny it?-I am downright angry. For I am always more affected by the causes of events than by the events themselves. Therefore, turning over these disastrous events in my mind — and what could be more disastrous!-or rather, coming to the conclusion that they are his doing and his fault, I feel more hostile to him than to Caesar himself: just as our ancestors decided that the day of the battle of the Allia was more fatal than that of the capture of the city, because the latter evil was the result of the former; and accordingly the one day is even now regarded as accursed, while the other is generally unknown — so I, remembering the errors of ten years, among which was also that year which ruined me, without his defending me (not to put it more strongly), and being fully aware of the rashness, incompetence, and carelessness of the present management, felt my anger growing. But

that is all forgotten now. It is of his kindness that I think, and also of my own position. I understand-later, indeed, than I could have wished, thanks to the letters and conversations of Balbus — I see plainly, I repeat, that the one object now, nay, the one object from the beginning, was the death of Pompey. As for me, therefore, since Homer's hero, when his goddess mother said to him, "For next to Hector's death thy doom is fixed," answered his mother: Death, then! since fate allowed me not to save
The friend I loved.

What should I do for one who was not merely a "friend," but a "benefactor" also? One, too, of such a great character, and engaged in such a great cause? Why, in truth, I regard such duties as worth the loss of life. In your Optimates, however, I have no sort of confidence, and henceforth do not devote myself either to their service. I see how they are surrendering themselves to Caesar, and will continue to do so in the future. Do you suppose that those decrees of the municipalities as to Pompey's illness are to be compared with these congratulations now offered to Caesar on his victory? "All terror," you will say. Yes, but they themselves assert that they were alarmed on the former occasion. However, let us wait to see what has happened at Brundisium, Perhaps from that may come a change of plan and in the tone of my letters.

LETTER 6

TO ATTICUS (AT ROME) FORMIAE, 11 MARCH

NOTHING as yet from Brundisium. Balbus has written from Rome that he thinks that the consul Lentulus has by this time crossed, and that the younger Balbus did not succeed in getting an interview with him; because the young man heard this news at Canusium, and had written to him from that town. He says, too, that the six cohorts which were at Alba had joined Curius by the Minucian road: that Caesar had written to tell him that, and he would himself be shortly at the city. Therefore I shall follow your advice, and shall not go into hiding at Arpinum at the present time, although, as I wished to give my son his toga virilis at Arpinum, I contemplated leaving this excuse for Caesar. But perhaps that very thing would offend him —"Why not at Rome rather?" And after all, if meet him I must, I would rather it were here than anywhere. Then I shall consider the rest, that is, whither and by what road and when I am to go. Domitius, I hear, is at Cosa, ready, too, I am told, to set sail: if to Spain I don't approve, if to join Gnaeus I commend him: he had better go anywhere than have to see Curtius, of whom, though his patron, I cannot stand the sight. What, then, am I to say of the rest? But, I suppose, we had better keep quiet, lest we prove our own error, who, while loving the city, that is, our country, and while thinking that the matter would be patched up, have so managed matters as to be completely intercepted and made prisoners.

I had written thus far when a letter arrived from Capua, as follows: Pompey has crossed the sea with all the men he had with him. The total is 30,000; besides the consuls, two tribunes of the plebs, and the senators who were with him, all with wives and children. He is said to have embarked on the 4th of March. Since that day the north wind has prevailed. They say that he disabled or burnt all such ships as he did not use.

On this subject a letter has been received at Capua by L. Metellus, the tribune, from his mother-in-law Clodia, who has herself crossed.

I was anxious and full of pain before, as, of course, the bare facts of the case compelled, when I found myself unable to unravel the mystery by any consideration; but now, when Pompey and the consuls have left Italy, I am not merely pained, I am burning with indignation: Reason deserts her throne,
And I am torn with grief.

Believe me, I really am beside myself to think of the dishonour I have brought upon myself. That I, in the first place, should not be with Pompey, whatever plan he has followed, nor, in the second place, with the loyalists, however imprudently managed their cause! Especially, too, when those very persons, for whose sake I was somewhat timid in trusting myself to fortune-wife, daughter, son, and nephew-prefered that I should follow that design, and thought that my present plan was discreditable and unworthy of me. For, as to my brother Quintus, whatever I determined upon he said that he considered right, and he accepted it with the most absolute acquiescence.

I am reading over your letters from the beginning of the business. They somewhat relieve me. The earliest ones warn and entreat me not to be precipitate. The next indicate that you are glad that I stayed. Whilst reading themI feel less base, but only while I read them. Presently grief and the "vision of shame" rises again. Wherefore, my dear Titus, pray pluck out this sorrow from my mind, or at least mitigate it by consoling words or advice, or by anything you can. But what could you or any human being do? It is now almost beyond the power of God.

For my part, my object now, as you advise and think possible, is to obtain leave from Caesar to absent myself when any motion is being made against Pompey in the senate. But I fear I may not obtain the concession. Furnius has arrived from Caesar. To shew you the sort of men we are following, he tells me that the son of Q. Titinius is with Caesar, but that the latter thanks me even more than I could wish. What, however, it is that he asks of me, expressed indeed, for his part, in few words, but still en grand seigneur, you may learn from his own letter. How distressed I am at your ill-health: if we had only

been together, you would at least not have wanted advice. For “two heads,” you know.

But don’t let us cry over spilt milk: let us do better for the future. Up to this time I have been mistaken in two particulars: at the beginning I hoped for peace, and, if that were once gained, was prepared to be content with the life of a private citizen, and an old age freed from anxiety: and later, I found that a bloody and destructive war was being undertaken by Pompey. Upon my honour, I thought it shewed a better man and a better citizen to suffer any punishment whatever rather than, I don’t say to lead, but even to take part in such bloody work. I think it would have been better even to die than to be with such men. I shall bear any result with greater courage than such a pain.

LETTER 6A

IULIUS CAESAR TO CICERO (AT FORMIAE) NEAR BRUNDISIUM, 7 MARCH

HAVING merely seen our friend Furnius, and not having been able conveniently either to speak or to listen to him, as I was in haste and on the march, after sending my legions in advance, I yet could not omit writing to you, and sending him to thank you: though this last I have often done, and think I shall have occasion to do so still oftener — so great are your services to me. Above all, I beg of you, as I feel sure that I shall be coming to the city walls before long, that I may see you there to enable me to avail myself of your advice, influence, position, and support of every kind. I will return to what I said at first: be kind enough to pardon my haste and the brevity of my letter. You will learn every-thing else from Furnius.

LETTER 7

TO ATTICUS (AT ROME) FORMIAE, 13 MARCH

I wrote you a letter on the 12th of March, but the messenger to whom I intended to give it did not start on that day. But there did arrive that very day that "swiftfoot" mentioned by Salvius. He brought me your full and very interesting letter, which did, so to speak, put just a drop of life into me: for wholly restored I can't say that I am. But you have clearly done the main thing. Yes, believe me, a prosperous issue for me is not now my aim at all: for I see plainly that we can never have our constitution, either while these two men are both alive, or with this one remaining. Accordingly, I no longer entertain any hope of repose for myself, nor refuse to contemplate any amount of sorrow. The one thing I do positively dread is doing, or, I should say, having done anything dishonourable. So be assured that your letter was wholesome for me, and I don't only mean this longer one-the most explicit and complete possible — but also the shorter one, in which what gave me the most intense pleasure was the statement that my policy and action had the approval of Sextus. I am exceedingly obliged to you, of whose affection to myself and keen sense of what is right I am well aware.

Your longer letter, indeed, relieved not only myself, but all my party from painful feelings. So I will follow your advice and remain at Formiae: I shall thus avoid the scandal of a meeting with him outside the city, or, if I see him neither here nor there, giving him the impression of his having been intentionally avoided by me. As to your advice to ask him to allow me to shew the same consideration for Pompey, as I have shewn to himself — that you will see from the letters of Balbus and Oppius, of which I sent you copies, I have been doing all the time. I send you also Caesar's letter to them, written in quite a sane frame of mind, considering the insanity of the whole business. If, on the other hand, Caesar will not make this concession to me, I see your opinion is that my r™le should be that of the peacemaker. In this it is not the danger that I fear — for with so many hanging over my head, why not settle the matter by choosing

the most honourable?-but what I do fear is embarrassing Pompey; and that he should turn upon me The monster Gorgon's petrifying glare. For our friend Pompey has set his heart to a surprising degree on imitating Sulla's reign. I am not speaking without book, I assure you. He never made less of a secret of anything. "With such a man," you will say, "do you wish to be associated?" I follow personal obligation, not the cause: as I did in the case of Milo, and in — but there is no need to go into that. "Is not the cause, then, a good one?" Nay, the best: but it will be conducted, remember, in the most criminal way. The first plan is to choke off the city and Italy by starving them; the next, to devastate the country with sword and fire, and not to keep their hands off the money of the wealthy. But seeing that I fear the same from Caesar's side, without any good to be got on Pompey's, I think my better course is to stay at home, and there await whatever comes. Yet I hold myself to be under so great an obligation to him, that I do not venture to incur the charge of ingratitude. However, you have yourself fully stated what is to he said in defence of that course.

As to the triumph, I quite agree with you: it will not cost me a moment's hesitation or a pang to throw it utterly aside. I much like your idea that, while I am moving about the country, "the moment for sailing " may suddenly present itself. " If only," say you, "Pompey shews a resolute front enough." He is even more resolute than I thought. You may pin your faith on him. I promise you that, if he wins, he will not leave a tile on any roof in Italy! "You his ally, then?" Yes, by Hercules, against my own judgment, and against the warnings of all history; and — not so much to help his side, as to avoid seeing what is going on here — I am anxious to quit the country. For pray don't imagine that the mad proceedings of the party in Italy will be endurable or all of one kind. I need hardly, however, point out to you, that when laws, jurors, law courts, and senate are abolished, neither the fortunes of individuals nor the revenues of the state will suffice for the licentious desires, the shameless demands, the extravagances, and the necessities of so many men in the lowest depths of poverty. Let me depart, therefore, never mind by what kind of voyage-that, indeed, shall be as you please — but anyhow let me depart. For I, at least, shall be able to

satisfy your curiosity on one point, as to what has been done at Brundisium. I am very glad-if one can be glad of anything now — to hear that my conduct up to this has the approval of the loyalists, and that they are aware of my not having started. As to Lentulus, I will make more careful inquiry: I have given orders about it to Philotimus, a man of courage and even too strong an Optimate. The last thing I have to say is this: supposing you are now at a loss for something to write about — for any other subject is out of the question, and what more can be found to say on this?-yet, as there is no lack of ability (I mean it, by Heaven!) or affection on your part, which latter also adds a spur to my own intellect, pray maintain your practice of writing all you possibly can. I am a little vexed at your not inviting me to Epirus; I shouldn't give much trouble as a guest! But good-bye; for as you must have your walk and anointing, so I must have some sleep. In fact, your letter has made sleep possible for me.

LETTER 7A

L. CORNELIUS BALBUS AND GAIUS OPPIUS TO CICERO (AT FORMIAE)

ROME, 3 MARCH To say nothing of humble people like ourselves, even in the case of the most important persons designs are generally judged by the majority of mankind by their result, and not their intention: yet, relying on your goodness of heart, we will offer you, on the point as to which you have written to us, the advice which seems to us to be the soundest; and if it is not sensible advice, yet it will at least proceed from absolute good faith and good feeling. If we knew from his own lips that Caesar — as in our judgment we think he should do — would try directly he arrived in Rome to effect a reconciliation between himself and Pompey, we should urge you to resolve upon taking part in the negotiation, in order to facilitate and add an air of dignity to the business through the ties which bind you to both parties. Or if, on the contrary, we thought that Caesar would not do so, and if we knew that he wished to go to war with Pompey, we would never persuade you to bear arms against a man who had done you very great services, just as we have ever begged you not to engage in a war against Caesar. But since,

even now, what Caesar intends doing is for us a matter of opinion rather than of knowledge, all we can say is this: we do not think it consistent with your position or your universally acknowledged good faith to bear arms against either one or the other, considering your intimate connexions with both; and we have no doubt that Caesar with his usual kindness, will very warmly approve this course. However, if you wish it, we will write to Caesar, and ask to be informed what he means to do in the circumstances. On receiving an answer from him, we will at once write and tell you what our sentiments are, and will convince you that we give you the advice which seems to us to conduce most to your own position, not to Caesar's policy. And this we feel certain that Caesar, with his usual liberality in making allowance for his friend, will approve.

7b)

C. CORNELIUS BALBUS TO CICERO (AT FORMIAE)

ROME, 6 MARCH

IF you are well, I am glad. After sending you the letter written in conjunction with Oppius, I have received one from Caesar, of which I am sending you a copy. From this you will be able to see how desirous he is for a reconciliation between himself and Pompey, and how averse from every thought of cruelty. That such are his sentiments I

am, as in duty bound, greatly rejoiced. As to yourself, you? good faith, and your piety, I entertain the same opinion as you do yourself, my dear Cicero — that your reputation and duty cannot admit of your bearing arms against a man from whom you avow having received so much kindness. I have full assurance that Caesar, as might be expected from his extraordinary kindness, will approve of this course, and I know for certain that you will satisfy him to the full by undertaking no command in the war against him, and by not associating yourself with his adversaries. And it is not only in the case of a man of such a high position and character as yourself that he will accept this as sufficient, but even in my own case he has volunteered the concession, that I should not serve in any camp that shall, in the future, be opposed to either Lentulus or Pompey, to whom I am under very great obligations; and he has told me that he will be satisfied with my performing civil functions for him, which I am at liberty to perform for them also if I choose. Accordingly, I am now at Rome acting for Lentulus generally, taking his business upon me, and doing for them all that duty, honour, and piety demand. But, by heaven, the hope of their coming to terms, which I had given up, I now think not entirely desperate, since Caesar is minded as we are bound to wish him to be. In the circumstances my opinion is, if you think well, that you should write to him and ask him for protection, as, with my full approbation, you asked it from Pompey at the Milonian crisis. I will engage, if I am right in my judgment of Caesar, that he will take more thought for your dignity than for his own advantage. I am no certain judge of the wisdom of the advice I am now giving you, but at least I am sure that whatever I write to you I write from an uncommon affection and friendly disposition; because upon my life — which I would forfeit to save Caesar — I value you so highly, that I regard few as equally dear as yourself.

When you have come to some conclusion on this matter, let me hear from you. For I am uncommonly anxious that you may find it possible to make good your kindly intentions to both sides; which, by heaven, I feel sure you will do. Take care of your health.

7 C)

CAESAR TO C. OPPIUS AND CORNELIUS BALBUS (AT ROME) ARPI, 1 MARCH

I am very glad that your letter expresses such strong approval of what happened at Corfinium. I shall be glad to follow your advice, and all the more so, that I had spontaneously resolved to display the greatest clemency and to do my best to reconcile Pompey. Let us try in this way if we can recover the affections of all parties, and enjoy a lasting victory; for others, owing to their cruelty, have been unable to avoid rousing hatred, or to maintain their victory for any length of time, with the one exception of Lucius Sulla, whom I have no intention of imitating. Let this be our new method of conquering-to fortify ourselves by mercy and generosity. As to how that may be secured, certain ideas suggest themselves to my mind, and many more may be hit upon. I beg you to take these matters into consideration. I have taken Pompey's prefect Numerius Magius. Of course I kept to my policy, and caused him at once to be set at liberty. I have now had two of Pompey's prefects of engineers in my hands, and have set them both at liberty. If they wish to be grateful, they will be bound to advise Pompey to prefer my friendship to that of the men who have ever been most bitterly hostile both to him and myself, by whose intrigues the Republic has been reduced to its present position.

LETTER 8

TO ATTICUS (AT ROME) FORMIAE, 14 MARCH

As we were at dinner on the 14th, and after nightfall indeed, Statius arrived with a short letter from you. You ask about L. Torquatus: not only Lucius, but Aulus also, has left the country, the latter a good many days ago. You mention the sale of prisoners at Reate: I am sorry that the seeds of a proscription should be sown in the Sabine district. I too had been informed that there were numerous senators at Rome. Can you give any reason why they ever left town? In these parts there is a notion-founded on conjecture rather than on message or despatch — that Caesar will be at Formiae on the 22nd of March. I could wish I

had Homer's Minerva here disguised as Mentor, to say to her: "How shall I go then, O Mentor, and how shall I bear me before him?" I never had a harder problem to solve. Still I am trying to solve it, and I shall not be unprepared as far as is possible in a bad business. But look after your health, for I reckon that yesterday was your ague day.

LETTER 9

TO ATTICUS (AT ROME) FORMIAE, 17 MARCH

I RECEIVED three letters from you on the 16th of March. They were dated on the 12th, 13th, and 14th. So I will answer each in its order of time. I quite agree with you in thinking Formiae the best of all places for me to stay. I also agree with you about the Upper Sea, and I am very desirous, as I told you in a previous letter, to discover how I may without annoying Caesar avoid taking any part whatever in the conduct of public affairs. You praise me for saying that I put away the memory of my friend's past and his shortcomings. I really do so: nay, I even forget those very injuries inflicted by him upon myself which you mention. So much more influence do I choose gratitude for kindness to have with me, than resentment for injury. Let me act, then, according to your opinion, and summon up all my energies. The fact is, I am philosophizing all the time I am riding about the country, and in the course of my expeditions I never cease meditating on my theses. But some of them are very difficult of solution. As to the Optiinates, be it as you will: but you know the proverb,

"Dionysius at Corinth." The son of Titinius is with Caesar. You seem to have a kind of fear that I do not like your counsels: the fact, however, is that nothing else gives me any pleasure except your advice and your letters. Pray, therefore, keep to your word: do not cease writing to me whatever occurs to you: you can do me no greater favour.

I now come to your second. You are quite right to be incredulous about the number of Pompey's men. Clodia just doubled them in her letter. It was all a lie also about disabling the ships. You praise the consuls: so do I as far as their spirit is concerned, but I blame their policy. For by their departure the negotiation for peace was rendered impossible, which I for one was meditating. Accordingly, after this I sent you back Demetrius's book "On Concord," and gave it to Philotimus. Nor have I any doubt left of a murderous war impending, which will begin with a famine. And yet I am vexed that I am not

taking part in such a war! A war in which wickedness is certain to attain such dimensions, that, whereas it is a crime not to support one's parents, our leaders will think themselves entitled to starve to death the supreme and holiest of parents-their country! And this fear is not with me a matter of conjecture: I have heard their actual words. The whole object of collecting this fleet from Alexandria, Colchis, Tyre, Sidon, Aradus, Cyprus, Pamphylia, Lycia, Rhodes, Chios, Byzantium,

Lesbos, Zmyrna, Miletus, Cos, is to intercept the supplies of Italy and blockade the Corn — growing provinces. Then, again, in what a state of anger will Pompey come! and especially with the very men most anxious for his safety, as though he had been abandoned by those whom he, in fact, abandoned himself. Accordingly, in my state of doubt as to what it is right for me to do, my feeling of obligation to Pompey becomes a very weighty motive: if that feeling were away, it were better in my eyes to perish in my country, than to ruin it in the attempt to save it. About the north wind it is clearly as you say: I am afraid Epirus may be harassed. But what part of Greece do you suppose will not be plundered? For Pompey gives out openly, and demonstrates to his soldiers, that he will outdo Caesar even in his liberality. It is an excellent suggestion of yours that, when I do see Caesar, I should not speak with too much tolerance, but rather with a grave severity. I clearly ought to do so. I am thinking of Arpinum, but not till I have had my meeting with him; thus avoiding being absent when he arrives, or having to hurry backwards and forwards along a detestably bad road. I am told, as you say in your letter, that Bibulus has arrived and started back again on the I4th. You were expecting Philotimus, you say in your third letter. But he only left me on the 15th. That was why you got my letter in reply to yours rather late, though I wrote the answer at once. I agree with what you say about Domitius — he is at Cosa, and no one knows what his design is. Yes, that basest, meanest fellow in the world, who says that a consular election can be held by a praetor, is the same as he always was in constitutional matters. So of course that was what Caesar meant by saying in the letter, of which I sent you a copy, "that he wished to avail himself of my advice , (well, well! that is a mere generality), "of my popularity" (that's empty flattery — but I

suppose he adopts that tone with a view to my influencing certain senatorial votes), “of my position” (perhaps he means my vote as a consular). He finishes up by saying “of my help in every particular.” I had already begun to suspect from your letter that this was the real meaning of it, or something very like it. For it is of great importance to him that there should not be an interregnum: and that he secures, if the consuls are “created” by the praetor. However, it is on record in our augural books that, so far from consuls being legally capable of being created by a praetor, the praetors themselves cannot be so created, and that there is no precedent for it: that it is illegal in case of the consuls, because it is not legal for the greater imperium to be proposed to the people by the less; in case of the praetors, because their names are submitted to the people as colleagues of the consuls, to whom belongs the greater imperium. Before long he will be demanding that my vote in the college should be given, and he won’t be content with Galba, Scaevola, Cassius, and Antonius: Then let the wide earth gape and swallow me But you see what a storm is impending. Which of the senators have crossed the sea I will tell you when I know for certain. About the corn-supply you are quite right, it cannot possibly be managed without a revenue: and you have good reason for fearing the clamorous demands of Pompey’s entourage, and an unnatural war. I should much like to see my friend Trebatius, though, as you say, he is in despair about everything. Pray urge him to make haste and come: for it will be a great convenience to see him before Caesar’s arrival. As to the property at Lanuvium, as soon as I heard of Phamea’s death, I conceived the wish-provided the constitution was to survive — that some one of my friends should buy it, yet I never thought of you, the greatest of my friends. For I knew that you usually wanted to know how many years’ purchase it was worth, and what was the value of the fixtures, and I had seen your digamma not only at Rome, but also at Delos. After all, however, I value it, pretty as it is, at less price than it was valued in the consulship of Marcellinus, when I thought-owing to the house I possessed at that time at Antium — that those little pleasure-grounds would suit me better, and be less expensive, than repairing my Tusculan house. I was then willing to give 500 sestertia (about £4,000) for them. I made an offer through a third person, which he

refused, when he was putting it up for sale at Antium. But in these days I presume all such properties are gone down in value, owing to the dearness of money. It will suit me exactly, or rather us, if you buy it. But don't be put off by the late owner's follies: it is really a lovely place. However, all such properties appear to me to be now doomed to desolation. I have answered your three letters, but am expecting others. For up to this time it is letters from you that have kept me going.

The Liberalia (17th March).

LETTER 10

TO ATTICUS (AT ROME) FORMIAE, 18 MARCH

I have nothing to write about: for I have heard no news and I answered all your letters yesterday. But as uneasiness of mind not only deprives me of sleep, but prevents my even keeping awake without extreme pain, I have begun this letter to you — I can't tell what about, and I have no subject to hand — that I may in a manner have a talk with you, the one thing which gives me any repose. I think I have been a fool from the beginning, and the one thing that torments me is that I did not follow Pompey, like any private in the ranks, when, in every part of his policy, he was losing his footing, or rather rushing headlong to ruin. On the 17th of January I could see that he was thoroughly frightened. On that very day I detected his design. From that moment he forfeited my confidence, and never ceased committing one blunder after another. Meanwhile, never a line to me; no thought of anything but flight. Need I say more? As in love affairs men lose all fancy for women who are dirty, stupid, and indelicate, even so, the indecency of his flight and mismanagement put me off from my love for him. For in no respect was he acting in a way to make it proper for me to join his flight. Now love again rises: now my regret for him is more than I can bear: now I can get no good out of books, literature, or philosophy. So earnestly as I gaze across the sea, do I long, like Plato's bird, to fly away. I am being punished, indeed I am, for my rashness. Yet what did that rashness amount to? What have I done without the most anxious consideration? If his only object had been flight, I could have fled with the utmost pleasure, but it was the nature of the war, beyond measure sanguinary and widespread, the future of which men do not yet realize, that I shrank from with horror. What threats to the towns, to individual loyalists personally, to everybody, in fact, who stayed in Rome! How often did I hear" Sulla could do it, why not I?" For myself I was haunted with the reflexions: it was unrighteous of Tarquinius to stir up Porsena and Octavius Mamilius against his country; impious in Coriolanus to seek aid from the Volsci; righteous

in Themistocles to prefer death; Hippias, son of Pisistratus, who fell in the battle of Marathon bearing arms against his country, was Criminal. But it may be said that Sulla, Marius, and Cinna had right on their side: rather I should perhaps admit that they had a technical justification; yet what could be more cruel and bloody than their use of victory? It was the nature of the war that I shrank from, and the more so because I saw that even bloodier work was being imagined and prepared. I — whom some called the preserver of this city, some its parent — I to bring against it armies of the Getae, Armenians, and Colchians! I to inflict famine on my fellow citizens, devastation upon Italy! Caesar, to begin with, I reflected was mortal, and in the next place might also come to an end in many ways: but the City and our people I thought ought to be preserved, as far as in us lay, for ever: and, after all, I pleased myself by hoping that some accommodation would be reached rather than the one of these men commit such a crime, or the other such an abomination. The matter is now wholly changed, and so are my feelings. The sun, as you said in one of your letters, seems to me to have disappeared from the universe. As in the case of a sick man one says, "While there is life there is hope," so, as long as Pompey was in Italy, I did not cease to hope. It is the present situation, the present, I say, that has baffled my calculations. And to confess the truth, my age, now after my long day's labour sloping towards an evening of repose, has relaxed my energies by suggesting the charms of family life. But now, however dangerous the experiment of attempting to fly hence, that experiment shall at least be made. I ought, perhaps, to have done so before. But the considerations I have mentioned held me back, and above all things your influence. For when I got to this point in my letter, I

unrolled the volume of your letters, which I keep under seal and preserve with the greatest care. Now there were in the letter dated by you the 21st of January the following expression: "But let us first see what Gnaeus is about, and in what direction his plans are drifting. Now, if he does abandon Italy, he will be acting certainly improperly, and, in my opinion, unwisely too. But it will be time enough, when he does that, to make a change in our policy." This you write on the fourth day after our quitting the city Next on the 23rd of January: "May our friend Gnaeus only not abandon Italy, as

he has unwisely done Rome!" On the same day you write a second letter, in which you answer my application for advice in the plainest terms. This is what you say: "To come to the point on which you ask my opinion If Gnaeus quits Italy, I think you should return to the city: for what limit can there be to such a trip abroad as that?" This is what I could not get over: and I now see that attached to a most humiliating flight, which you euphemistically call a "trip abroad," is an unlimited war. Then follows your prophecy of the 25th of January: "If Pompey remains in Italy, and no terms are come to, I think there will be an unusually long war: but if he abandons Italy, I think that there awaits us in the future a really 'truceless' war." It is in such a war, then, that I am forced to be an abettor-one that is both truceless and with fellow citizens. Again, on the 7th of February, when you had heard more particulars of Pompey's designs, you end a certain letter thus; "For my part, if Pompey quits Italy, I should not advise your doing the same. For you will be running a very great risk and be doing no good to the Republic, to which you may be of some service hereafter if you remain." What patriot or statesman would not such advice, backed by the weight of wisdom and friendship, have moved? Next, on the 11th of February, you again answer my request for advice thus: "You ask me whether I advise flight, or defend delay, and consider it the better course: for the present, indeed, my opinion is that a sudden departure and hurried start would be, both for yourself and Gnaeus useless and dangerous, and I think it better that you should be separate and each on his own watchtower. But, on my honour, I think it disgraceful for us to be thinking of flight!" This "disgraceful" measure our friend Gnaeus had contemplated two years ago: for so long a time past has his mind been set on playing the Sulla and indulging in proscriptions. Then, as I think, after you had written to me again in somewhat more general terms, and I had taken certain expressions of yours as advising me to leave Italy, you warmly disavow any such meaning on the 19th of February. "I certainly have not indicated in any letter of mine that, if Gnaeus quits Italy, you should do so with him: or, if I did so express myself, I was, I don't say inconsistent, but mad." In another passage of the same letter you say: "Nothing is left for him but flight, in which I do not think, and never have thought, that you, should share." This whole

question again you discuss in greater detail in a letter of the 22nd of February: “If M. Lepidus and L. Volcatius stay, I think you should stay also: with the understanding, however, that, if Pompey survives and makes a stand anywhere, you should leave this inferno, and be more content to be beaten in the contest along with him, than reign with Caesar in the sink of iniquity which will evidently prevail here.” You adduce many arguments to support this opinion. Then at the end you say: “What if Lepidus and Volcatius depart? In that case I doubt. So I think you must acquiesce in whatever happens and whatever you have done.” If you had felt doubt before, you have now, at any rate, no hesitation, since those two are still in Italy. Again, when the flight had become an accomplished fact, on the 25th of February: “Meanwhile, I feel no doubt you had better remain at Formiae. That will be the most suitable place for waiting to see what turns up.” On the 1st of March, when Pompey had been four days at Brundisium: “We shall be able to deliberate then no longer, it is true, with quite free hands, but certainly less fatally committed than if you had taken the great plunge in his company.” Then on the 4th of March, though writing briefly, because it was the eve of your attack of ague, you yet use this expression: “I will write at greater length tomorrow; however, speaking generally, I will say this — that I do not repent my advice as to your staying, and though with great anxiety, yet, because I think it involves less evil than your starting would do, I abide by my opinion and rejoice that you have stayed.” Moreover,

when I was now in great pain, and was fearing that I had been guilty of a base act, on the 5th of March you say: “After all, I am not sorry that you are not with Pompey. Hereafter, if it turns out to be necessary, there will be no difficulty: and at whatever time it takes place, it will be welcome to him. But I speak on the understanding that, if Caesar goes on as he has begun, and acts with sincerity, moderation, and wisdom, I shall have thoroughly to reconsider the position, and to look with greater care into what is for our advantage to do.” On the 9th of March you say that our friend Peducaeus also approves of my having kept quiet; and his opinion has great weight with me. From these expressions in your letters I console myself with the belief that as yet I have done no wrong. Only pray justify your advice. There is no need to do so as far as I am concerned, but I want

others to be in the same boat as myself. If I have done nothing wrong in the past, I will maintain the same blamelessness in the future. Only pray continue your exhortation that direction, and assist me by communicating your thoughts. Nothing has as yet been heard here about Caesar's return. For myself, I have got thus much good by writing this letter: I have read through all yours, and have found repose in that.

LETTER 11

TO ATTICUS (AT ROME) FORMIAE 20 MARCH

Do you know that our friend Lentulus is at Puteoli? Having been told this by a passer-by, who said that he had recognized him on the Appia upon his partly drawing the curtain of his sedan, though it was in itself probable, I yet sent some servants to Puteoli to inquire and take him a letter. He was discovered with some difficulty, as he was keeping himself concealed in his villa, and he sent me back an answer containing wonderful expressions of gratitude to Caesar; but as to his own plans he said that he had given C. Caecius a message for me. I am expecting him today, that is, the 20th of March. Matius also came to see me on the Quinquatrus (19th of March), a man, by Hercules, as he seemed to me, of moderate and sensible views. Certainly he has always been regarded as a promoter of peace. How strongly he appealed to me to disapprove what, is going on in Italy! How fearful of that inferno, as you call it! In the course of a long conversation I shewed him Caesar's letter to me, the one of which I have sent you a copy before, and asked him to explain the sentence in it—"he wished to avail himself of my advice, influence, position, and help in all ways." He replied that he had no doubt that he wanted my help and my influence for effecting a pacification. I only wish I could effect and carry through some politic move in the present distressing circumstances of the state! For his part, Matius felt confident that that was Caesar's feeling, and promised that he would promote it. However, on the day previous Crassipes had been with me, who said that he had quitted Brundisium on the 6th of March and had left Pompey there: and the same news was brought also by those who quitted that place on the 8th. They one and all, even Crassipes — who is a sensible enough man to take note of what was going on — tell the same story of threatening speeches, alienation from the Optimates, hostility to the municipal towns, undisguised proscriptions — Sullas pure and simple. What things Lucceius says, and the whole posse of Greeks, and Theophanes at their head! And yet there is no hope of safety except in them: and I am keeping my

mind on the watch, and passing sleepless nights, and yearning to be with men exactly the opposite of myself, in order to escape the abominations going on here! For there — what crime do you suppose Scipio, Faustus, Libo will stick at, whose creditors are said to be actually arranging to sell them up? What do you suppose they are likely to do to the citizens, if they turn out the winning side? Moreover, what a poltroon our Gnaeus is! They tell me he is thinking of Egypt, Arabia Felix, and Mesopotamia, and has now quite abandoned Spain. The reports are outrageous, but they may possibly be untrue: yet at best all is lost here, and far from safe there. I am beginning to pine for a letter from you. Since our flight there has never been so long a break in them. I send you a copy of my letter to Caesar, by which I think I shall do some good.

LETTER 11A

TO CAESAR (IN APULIA) FORMIAE, 19-20 MARCH

ON reading your letter, handed to me by our friend Furnius, in which you ask me to come to the city walls, I was not so much surprised at your wishing "to avail yourself of my advice and position," but what you meant by speaking of my "influence and assistance" I did ask myself. My thoughts, however, were so far dominated by my hope, that I was induced to think that you wished to consult for the tranquillity, peace, and harmony of our fellow citizens: and for a policy of that kind I regarded both my natural disposition and my public character as sufficiently well adapted. If this is the case, and if you are at all anxious to preserve our common friend Pompey, and to reconcile him to yourself and the Republic, you will assuredly find no one better calculated than myself for supporting such measures. For, as soon as opportunity offered, I pleaded for peace both to him and the senate; nor since the commencement of hostilities have I taken any part whatever in the war; and I have held the opinion that by that war you are being wronged, in that men who were hostile to and jealous of you were striving to prevent your enjoying an office granted you by the favour of the Roman people. But as at that period I was not only personally a supporter of your rights, but also advised everybody else to assist you, so at the present moment I am strongly moved by consideration for the position of Pompey. It is now a good number of years ago since I picked out you two as the special objects of my political devotion, and — as you still are of my warm personal affection. Wherefore I ask you, or rather entreat you, and appeal to you with every form of prayer, that in the midst of your very great preoccupations you would yet spare some part of your time to reflect how by your kindness I may be enabled to do what goodness and gratitude, and, in point of fact, natural affection demand, by remembering the extreme obligation under which I stand. If these considerations only affected myself, I should yet have hoped to secure your assent; but, in my opinion, it concerns both your own honour and the public interest that I-a friend to peace and to you

both-should, as far as you are concerned, be maintained in a position best calculated to promote harmony between you and among our fellow citizens.

Though I have thanked you before in regard to Lentulus,

for saving the man who saved me, yet after reading a letter from him, in which he speaks with the utmost gratitude of your generous treatment and kindness to him, I felt that the safety you gave him was given to me also: and if you perceive my gratitude in his case, pray take means to allow me to shew the same in the case of Pompey.

LETTER 12

TO ATTICUS (AT ROME) FORMIAE, 20 MARCH

I HAD just read your letter on the 20th, when a packet was brought me from Lepta saying that Pompey had been completely invested, that even the channels of the harbour were blocked up with vessels. Upon my honour, tears prevent my thinking of or writing the rest. I send you a copy. What wretches we have been! Why did we not follow his fortunes to the end? Oh, here's the same news from Matius and Trebatius,who have been met by Caesar's letter-bearers at Minturnae. I feel so wracked with misery that I long for an end like that of Mucius. Yet how honourable, how clear is your advice, how thoroughly thought out, in regard to my journey by land as well as by sea, and my meeting and conversation with Caesar! There is honour and caution alike in every word. Your invitation to Epirus, too, how kindly, how courteous, how brotherly it is! I am surprised at Dionysius, who has been treated with greater honour in my family than Panaetius was in Scipio's: yet my unfortunate position has been regarded by him with the foulest contempt. I detest the fellow, and always shall. I only wish I could be even with him! But his own character will be his punishment. Yes, pray, now of all times turn over in your mind what I ought to do. An army of the Roman people is actually surrounding Gnaeus Pompeius: it has inclosed him with foss and palisade; it is preventing his escape. Are we alive? Is our city still intact? Are the praetors presiding in the courts, the aediles making preparations for their games, the Optimates entering their investments, I myself sitting quietly looking on? Am I to make an effort to reach Pompey like a madman? Am I to appeal to the loyalty of the municipal towns? The loyalists won't follow me, the careless will laugh me to scorn, the revolutionists-especially now that they are successful and fully armed-will use main force to me. What is your opinion, then? Have you any advice to give as to how to put an end to this most wretched state of existence? It is now that I feel the pang, the torture — now that some one is found to think me either wise or lucky for not having gone. My feeling is the reverse. For

while I was never willing to be the partner of his victory, I should have preferred having been associated with his disaster. Why, then, should I now appeal to your letter, to your wisdom, or your kindness? It is all over. Nothing can help me now: for I have now nothing even to wish for, except to be set free by some merciful stroke of the enemy.

LETTER 13

TO ATTICUS (AT ROME) FORMIAE, 23 MARCH

"'Tis no true tale " — as I think — that about the ships. For in that case what would have been the meaning of Dolabella's words in his letter, dated from Brundisium on the 13th of March, when he mentioned it as a success on the part of Caesar that Pompey was in full retreat, and was going to sail with the first favourable wind? This is quite inconsistent with those letters, of which I have already sent you copies. Here, indeed, they talk of nothing but disaster. But we have no more recent authority, and of this particular fact no better one, than Dolabella.

I have received your letter of the 22nd of March, in which you propose to postpone all plans till we know what has happened. Of course that is quite right: and meanwhile it is impossible not merely to settle but even to consider any plan. However, this letter of Dolabella's inclines me to recur to my original ideas. For on the day before the Quinquatrus (18th of March) the weather was splendid, and I suppose he has taken advantage of it. That prŽcis of your advice was not made by me by way of reproach to you, but rather to console myself. For the evils of the time were not causing me so much vexation, as the idea of my having done wrong and acted rashly. I have now got rid of that idea, since my actions and plans coincide with your suggestions. You remark in your letter that it is rather my avowal of Pompey's services, than the actual amount of them, that makes me seem to be under an obligation to him. That is true: I have always magnified them, and the more so that I might prevent his thinking that I remembered his earlier conduct. However much I might remember this, I should yet be bound to follow the example he set at that time. He gave me no aid when he might have done so. True: but afterwards he was my friend, and a very warm one, I don't at all know why. Therefore I too will be his friend. Nay, more, there is this analogy in our two cases, that we have been betrayed by the same people. But oh, that it had been in my power to render him as important a service, as he was able to render me! After

all, I am exceedingly grateful for what he did; yet, at the present moment, I neither know how to help him, nor, if I could, should I think I ought to assist him while preparing to engage on such an execrable war. Only I don't wish to hurt his feelings by remaining here. I should neither have the resolution, by Hercules! to watch the events, which you can even now foresee in imagination, nor to take part in those unhappy measures. But I was all the slower to depart, from the difficulty of imagining a voluntary departure when there is no hope of a return. For I see that Caesar is so well equipped with infantry, cavalry, fleets, and Gallic auxiliaries. About these last I suppose Matius was talking big, but he certainly said that 10,000 infantry and 6,ooo cavalry promised their services at their own expense for ten years. But grant this to be gasconnade. He certainly has great forces, and he will not merely have the revenue of Italy, but the property of the citizens. Add to this the man's own self-confidence and the weakness of the loyalists, who, in fact, because they think Pompey deservedly enraged with them, have, as you expressed it, become disgusted with the game. Yes, but I could have wished that you had indicated who these men were. The fact is that Caesar, because he has done much less than he threatened, is regarded with affection; while in every direction those who loved Pompey now cease to do so. The municipal towns, in fact, and the Romans living in the country fear Pompey, and are still attached to Caesar. Accordingly, the latter is so well prepared that, even if he proves unable to win a victory, I yet cannot see how he can be beaten himself. For myself, I am not so much afraid of Caesar's sorcery, as of his power of compulsion. "For the requests of tyrants," as Plato says,"you know, partake of the nature of commands."

I see you don't like a place of residence for me without a port. Neither do I: but the fact is I have there both a means of concealment and a trusty band of followers. If I could have had the same at Brundisium, I should have preferred it. But concealment is impossible there. However, as you say, when we know! I am not very careful to excuse myself to, the loyalists. For what dinners they are giving and attending, according to Sextus's letter to me! How splendid, how early! But let them be as loyalist as they please, they are not more so than we are. I should have cared more for their

opinion, if they had shewn more courage.

I was wrong about Phamea's estate at Lanuvium. I was dreaming of one near Troja. I wanted it for Quintus; but it is too dear. I should, however, have liked to buy that one, if I had seen any prospect of enjoying it. What, frightful news we are reading every day you will understand from the small roll inclosed in this packet. Our friend Lentulus is at Puteoli, distracted with doubt, he too, as Caecius tells me, as to what to do. He is in terror of a contretemps like that at Corfinium. He thinks that he had done his duty to Pompey, and is affected by Caesar's magnanimous treatment, but still more, after all, by the outlook in the future.

Can you endure this? It is a lamentable business altogether, but nothing can be more lamentable than this: Pompey has sent N. Magius to negotiate a peace, and yet is being besieged. I could not have believed it, but I have a letter from Balbus, of which I inclose a copy. Read it, I beg of you, and especially the last clause of the excellent Balbus himself, to whom our Gnaeus presented a site for a suburban villa, and whom he often preferred, did he not? to everyone of us! Accordingly, the poor man is in a state of painful anxiety. But to save you the trouble of reading the same thing twice, I refer you to the letter itself. Hope of peace, however, I have none. Dolabella in his letter dated the 15th of March breathes nothing but war. Let us stick, then, to the same resolution, formed in sorrow and despair, since nothing can be more lamentable than this.

LETTER 13A

BALBUS TO CICERO (AT FORMIAE) ROME, 20 MARCH

Caesar has sent me a very short note, of which I append a copy. From the shortness of the letter you will be able to gather that he is much occupied, or he would not have written so briefly on so important a subject. If I get any farther intelligence I will at once write you word

. CAESAR TO OPPIUS AND CORNELIUS

On the 9th of March I reached Brundisium. I have pitched my camp under the walls. Pompey is at Brundisium. He sent Numerius Magius to me to negotiate for peace. I answered as I thought right. I wished you to know this at once. As soon as I see any prospect of success in coming to terms, I will at once inform you of it.

You can imagine, my dear Cicero, my state of torturing anxiety, after having again conceived some hope of peace, lest any circumstance should prevent their coming to terms. For I earnestly wish it, which is all I can do at this distance. If I were only there, I might perhaps possibly seem of some use in the matter; as it is, I am wracked with anxious suspense.

LETTER 14

TO ATTICUS (AT ROME) FORMIAE, 25 MARCH

I had sent you, on the 24th of March, a copy of a letter from Balbus to me and of Ceasar's to him. Lo and behold, on the same day I receive a letter from Q. Pedius, from Capua, telling me that Caesar had written to him on the 14th of March in the following words: "Pompey keeps himself in the town. Our camp is at the gates. We are attempting a difficult operation, and one which will occupy many days, owing to the depth of the sea; but nevertheless it is the best thing for us to do. We are throwing out moles from both headlands at the mouth of the harbour, in order to compel Pompey to take the forces he has at Brundisium across as soon as possible, or to prevent his getting out at all."

Where is the peace, as to which Balbus said that he was in a state of anxiety? Could there be anything more vindictive, more ruthless? Moreover, a certain person told me on good authority that Caesar gives out that he is avenging Cn. Carbo, M. Brutus, and all those on whom Sulla, with Pompey's assistance, had wreaked his cruelty; that Curio was doing nothing under his leadership which Pompey had not done under Sulla's; that he was seeking the restoration of those whose exile had not been inflicted upon them by earlier laws, while Pompey had restored men who had been traitors to their country; that he complained of the violence used to secure Milo's exile, but that, nevertheless, he would harm no one unless he appeared in array against him.

This is the story told by a certain Baebius, who left Curio on the 13th, a man who is not without some sense, but yet not capable of inventing this out of his own head. I am quite at a loss what to do. From Brundisium, indeed, I suppose Pompey has already started. Whatever has happened, we shall know in two days. I haven't a line from you, not even by Anteros. No wonder: for what is there for us to write about? Nevertheless, I don't omit a single day.

P.S — After this letter was written, I got a letter from Lepta before daybreak dated from Capua on the 15th of March. Pompey

has embarked from Brundisium, but Caesar will be at Capua on the 26th of March.

LETTER 15

TO ATTICUS (AT ROME) FORMIAE, 25 MARCH

AFTER I had despatched the letter informing you that Caesar would be at Capua on the 26th, I received one from Capua saying that he would be in Curio's Alban villa on the 28th. When I have seen him I shall go to Arpinum. If he grants me the indulgence I ask for, I shall avail myself of his terms: if not, I shall take my own line without consulting anyone but myself. Caesar, as he has informed me, has stationed a legion at Brundisium, Tarentum, and Sipontum respectively. He appears to me to be closing up exits by sea, and yet himself to have his eyes on Greece rather than on Spain. But these considerations are still remote. For the present I am at once excited by the idea of meeting him (and that is now close at hand), and alarmed as to his first political steps. For he will, I presume, want a decree of the senate, and also a decree of the augurs: we shall be hurried off to Rome or molested, if we hold aloof, with a view of either the praetor holding an election of consuls or naming a dictator, neither of which is constitutional. Although, if Sulla was able to secure being named dictator by an interrex, why should he not be able to do so? I see no way out of it, except either meeting the fate of Q. Mucius from the one, or of L. Scipio from the other. By the time you read this, I shall perhaps have had my interview with him. "Endure! still worse a fate" — no, not even my own old misfortune! In that case there was a hope of a speedy return, there was universal remonstrance. In the present instance I am eager to quit the country, with what hope of return I cannot ever conceive. Again, not only is there no remonstrance on the part of townsmen and countryfolk, but, on the contrary, they are actually afraid of Pompey as bloodthirsty and enraged. Nevertheless, nothing makes me more wretched than to have stayed here, and there is nothing that I more earnestly desire than to fly away, not so much to share in a war as in a flight. But you were for putting off all plans until such time as we knew what had happened at Brundisium. Well, we now know: but we are as undecided as ever. For I can scarcely hope that he will grant me this

indulgence; although I have many fair pleas for obtaining it. However, I will at once send you a verbatim report of everything he says to me and I to him. Pray strive with all the affection you have for me to assist me by your caution and wisdom. Caesar is travelling hither at such a pace, that I am unable to have an interview even with Titus Rebilus, apparently, that he will go to Pompey, but he doesn't want to say so clearly.

as I had settled upon doing. I have to conduct the whole business without preparation. Yet, as the hero in the Odyssey says: Some my own heart, and some will God suggest. Whatever I do you shall know promptly. The demands of Caesar sent to Pompey and the consuls, for which you ask, I do not possess: nor did Lucius Caesar bring them in writing. I sent you at the time an account from which you might gather what the demands were. Philippus is at Naples, Lentulus at Puteoli. As to Domitius, continue your inquiries as to where he is, and what he contemplates doing.

You say that I have written more bitterly about Dionysius than suits my character. See what an old-fashioned man I am! I thought, upon my honour, that you would be annoyed at this affair more than I was myself. For, besides the fact that I think you ought to be moved by an injury done me by anyone, this man has also in a certain sense outraged yourself in having behaved badly to me. But what account you should take of this it is for you to judge. However, in this matter I don't wish to lay any burden upon you. For my part, I always thought him half cracked, now I think him a scoundrel and a good-for-nothing besides: and yet, after all, not a worse enemy to me than to himself. What you said to Philargyrus was quite right: you certainly have a clear and good case in proving that I had been abandoned rather than had abandoned. When I had already despatched my letter on the 25th, the servants whom I had sent with Matius and Trebatius brought me a letter, of which this is a copy: MATIUS AND TREBATIUS TO CICERO IMPERATOR.

After leaving Capua we heard, while on the road, that Pompey, with all the forces he had, started from Brundisium on the 15th of March: that Caesar next day entered the town, made a speech, hurried thence for Rome, intending to be at the city before the 1st of April and to remain there a few days, and then to start for Spain. We

thought it the proper thing to do, since we were assured of Caesar's approach, to send your servants back to you, that you might be informed of it as early as possible. We do not forget your charges, and we will carry them out as circumstances shall demand. Trebatius is making great exertions to reach you before Caesar. After this letter had been written we received tidings that Caesar would stop at Beneventum on the 25th of March, at Capua on the 26th, at Sinuessa on the 27th. We think you may depend on this.

LETTER 16

TO ATTICUS (AT ROME) FORMIAE, 26 MARCH

Though I have nothing to write to you about, yet I send you this that I may not omit a single day. On the 27th it is announced that Caesar will stop at Sinuessa. I received a letter from him on the 26th, in which he now talks of looking forward to my "resources," not my "aid," as in his former letter. I had written to compliment him on the moderation of his conduct at Corfinium, and he answered me as follows: CAESAR IMPERATOR TO CICERO IMPERATOR.

You judge me quite accurately — for my character is well known to you — when you say that nothing is more remote from my disposition than cruelty. For myself, as I take great delight in this policy for its own sake, so your approval of my action gives me a triumphant feeling of gladness. Nor am I shaken by the fact that those, who were allowed to go free by me, are said to have departed with the intention of renewing the war against me: for there is nothing I like better than that I should be what I am, they what they are. I should be much obliged if you would meet me at the city, that I may, as ever, avail myself in all matters of your counsels and resources. Let me assure you that nothing gives me more pleasure than the presence of your son-in-law Dolabella. This additional favour I shall owe to him : for it will be impossible for him to act otherwise, considering his great kindness, his feeling, and his cordial goodwill towards myself.

LETTER 17

TO ATTICUS (AT ROME) FORMIAE, 27 MARCH

I am expecting Trebatius on the 27th, the day I write this letter. From his report and the letter from Matius I shall consider what line to take in my conversation with Caesar. What an unfortunate crisis! I feel no doubt that he will urge me to come to the city. For he ordered a notice to be put up at Formiae, among other places, that he desired a full meeting of the senate on the 1st. Well, then, ought I to refuse him? But why anticipate? I will write you word at once of all that occurs. I will judge from what he says whether I am to go to Arpinum or elsewhere. I want to give my son his toga virilis. I think of doing it there. Pray consider what should be my next step, for troubles have made me stupid. I should like to know from Curius whether you have received any news of Tiro. For to me Tiro has himself written in such a tone as to alarm me about his health. Those, too, who come from those parts report that he is in a critical condition. This anxiety, in the midst of my other great ones, gives me much uneasiness: for in my present position his services, as well as his fidelity, would have been of great advantage.

LETTER 18

TO ATTICUS (AT ROME) ARPINUMum 29 MARCH

I FOLLOWED your advice in both particulars: for I spoke in such a manner as rather to gain his respect than his thanks, and I stuck to the resolution of not going to Rome. I found myself mistaken in one respect — in thinking that he would be easily satisfied. I never saw anything less so. He kept remarking that he was condemned by my decision, that the rest would be the slower to come, if I did not do so. I remarked that their case was unlike mine. After much discussion he said, "Come, then, and discuss the question of peace." . " At my own discretion?" said I. "Am I to prescribe to you?" said he. "My motion will be this," said I, "that the senate disapproves of any going to Spain or taking armies across to Greece, and," I added, "I shall make many regretful marks as to Gnaeus." Thereupon he said, "Of course, I don't wish such things said." "So I supposed," said I, "but I must decline being present there, because I must either speak in this sense, and say many things which I could not possibly pass over, if present, or I must not come at all." The upshot was that, by way of ending the discussion, he requested that I would think it over. I couldn't say no to that. So we parted. I feel certain, therefore, that he has no love for me. But I felt warm satisfaction with myself, which hasn't been the case for some time past. For the rest, good heavens! What a crew! What an inferno! to use your word. . What a gang of bankrupts and desperadoes! What is one to say of a son of Servius, a son of Tullus having been in the camp by which Pompey was besieged? Six legions! He is extra-ordinarily vigilant, extraordinarily bold: I see no limit to the mischief. Now, at any rate, it is time for you to bring out your counsels. This is where you drew the line. Yet his closing remark in our interview, which I had almost forgotten to mention, was very offensive, that "if he was not allowed to avail himself of my counsels, he would avail himself of such as he could, and would scruple at nothing." "So you have seen with your own eyes," say you, "that the man is such as you described him to be. Did it cost you a sigh?" Yes, indeed. "Tell me the rest." Well, he went straight off to

his villa at Pedum, I to Arpinum. Next I await the “twittering swallow” — to which you refer.

“Come,” you will say, “don’t cry over spilt milk: even the leader himself, whom we are following, has made many mistakes.”

But I wait for a letter from you. For you can’t say, as in former ones, “Let us see how this turns out.” The final test was to be our meeting, and in that I feel certain I have offended him. All the more prompt must be my next step. Pray send me a packet, and full of politics! I am very anxious for a letter from you.

LETTER 19

TO ATTICUS (AT ROME) ARPINUM, 1 APRIL

BEING debarred from Rome, I gave my son his toga virilis at Arpinum in preference to any other place, and my fellow townsmen were gratified at the compliment: though I observed everywhere that both they and others whom I passed in my journey were in low spirits and much dejected. So melancholy and shocking is the contemplation of this tremendous disaster. Levies are being held, the men are being drafted into winter quarters. These are measures which, even when taken by loyal citizens at a time of regular war and with due consideration, are yet in themselves a source of annoyance — how unpopular do you suppose they are in the present instance, when they are being carried out by men of reckless character, in an abominable civil war, and in the most offensive manner? Don't imagine that there is a single scoundrel in Italy who is not to be found among them. I saw them en masse at Formiae. I never, by Hercules! believed them to be human beings, and I knew them all: but I had never seen them collected in one place. Let us go, then, whither we have resolved to go, and leave all that is ours behind us. Let us start to join him, to whom our arrival will give greater satisfaction than if we had been together from the first. For at that time we were in the highest hopes, now I, at any rate, have none; nor has anyone except myself left Italy, unless he regarded Caesar as his personal enemy. Nor, by Hercules! do I do this for the sake of the Republic, which I regard as completely abolished: but to prevent anyone thinking me ungrateful to the man, who relieved me from the miseries which he had himself inflicted upon me: and at the same time because I cannot endure the sight of what is happening, or of what is certain to happen. Why, I believe that by this time some decrees of the senate have been passed, I hope they may be in the sense of Volcatius's proposal. But what does it matter? Everyone's opinion is the same. But Servius will be the most implacable of all, for he has sent his son with Pontius Titinianus to crush, or at any rate to capture, Gnaeus Pompeius. Yet the latter acts from a motive

of fear: but the former? But let us cease shewing temper, and let us at last thoroughly realize that we have nothing left, except what I could least have wished-life. As for us, since the Upper Sea is beset, we will sail by the Lower, and if it turns out to be difficult to start from Puteoli, we will make for Croton or Thurii, and like good citizens, devoted to our country, we will play the pirate. I don't see any other way of carrying on this war. We will go to Egypt and ensconce ourselves there. We cannot possibly be his match on land: of peace there is no assurance. But enough of these lamentations. Pray give a letter to Cephalio on everything that has been done, and even about what men say, unless they have become entirely tongue-tied. I have followed your advice, and especially in the fact that, in my interview with him, I both maintained my proper dignity and stuck to my refusal to go to Rome. As to the rest, pray write to me with the most particular care — for by this time the worst has come to the worst — what course you approve, and what your opinion is. There can, of course, be now no hesitation: still, if anything does occur to you, or rather whatever occurs to you, pray write me word.

BOOK 10

LETTER 1

TO ATTICUS (AT ROME) LATERIUM, 3 APRIL

Having arrived at my brother's house at Laterium on the 3rd of April, I received your letter and felt a moment of relief — a thing that hadn't happened to me since these disasters. For I value very highly your approval of my firmness of mind and my course of action. As your announcement that our friend Sextus also approves, the joy that that gives me is as though I imagined myself to be receiving the approbation of his father, for whom I always had a peculiar and special regard. It was he, as I am often accustomed to recall, who, in old times, on the famous 5th of December, when I said, "What to do then, Sextus?" answered me by quoting: Ah, not a coward's death, nor shorn of fame,
But after some high deed to live for aye.

His influence, therefore, is still living for me, and his son, who is extremely like him, has the same importance in my eyes as he once had. Pray give him my very kindest regards.

You certainly defer giving advice, though not to a very distant date; for I imagine by this time that that suborned peacemaker has had his say, and that some decision has been arrived at in the convention of senators — for I don't consider it a senate- nevertheless, you do keep one in suspense as to what it is to be, yet the less so because I feel no hesitation as to what we ought to do. For when you write word that a legion and Sicily are being offered to Flavius, and that that business is already being carried out, what crimes must you think are partly being actually proposed and meditated, partly will crop up in the future? I, for my part, shall disregard the law of Solon — your countryman, and presently, I think, to be mine — who punished by disfranchisement the man who, in a case of civil disturbance, took neither side. Unless you think otherwise, I shall hold aloof both from the one and the other. But one of the two courses is more decidedly resolved upon in my mind, and yet I will not anticipate. I shall await your advice and the

letter (unless you have by this time sent another) which I asked you to deliver to Cephalio. You say, not because you have heard it from anyone else, but because it is your personal belief, that I shall be drawn into any negotiation there may be about peace. I have no idea at all of any negotiation for peace being possible, since it is Caesar's most fixed determination, if he can, to strip Pompey of his army and province, unless, perchance, that well-paid friend of yours can persuade him to keep quiet long enough to allow commissioners to go and return. I see nothing to hope for or to think of as possible. Nevertheless, this is itself a point for an honest man to consider: it is important and among the problems of l'haute politique — whether one ought to appear at the council-board of a tyrant, if he is going to discuss some subject good in itself. Wherefore, if anything should turn up of a sort to lead to my being summoned — which for my part does not give me any anxiety, for I have said what I intended saying about peace, and Caesar himself emphatically repudiated it — but if anything should turn up, write and tell me in any case what you think I ought to do. For nothing has as yet occurred to me requiring more deliberation. I rejoice that you are pleased with the words of Trebatius, a good man and a good citizen; and your own frequent exclamation of "excellent" has been the one thing up to now that has given me pleasure. I am looking eagerly for a letter from you which, indeed, I feel sure is already on its way. You, along with Sextus, have maintained the same dignified resolve as youenjoin upon me. Your friend Celer is rather a man of learning than of good sense. What Tullia has told you about our young men is true. What you mention in your letter does not appear to me to be so formidable in fact as in sound. It is this state of distraction in which we now are that is a kind of death. I had two alternatives before me — either to continue active political life among the disloyal with freedom of action, or to side with the loyalists at whatever risk. Let me either follow the fool-hardy counsels of the loyalists, or attack the reckless measures of the disloyal. Either is dangerous: but what I am now doing is discreditable and yet not safe. I think that your friend who sent his son to Brundisium to negotiate a peace (I am quite of your opinion as to peace, that it is a palpable pretence, and that war is being prepared with the utmost energy) will be commissioned, not

myself; of which as yet no word, to my great relief, has been said. I therefore think it the less necessary to write, or even to consider what I should do, if I should happen to be commissioned.

LETTER 2

TO ATTICUS (AT ROME) ARCANUM, 6 APRIL

HAVING received your letter on the 5th of April, which Cephalio brought, and intending to stop the next day at Minturnae meaning to start back thence at once, I broke my journey at my brother's house at Arcanum, in order that, until I got more certain intelligence, I might be in a more retired place, and yet all the preparations should go on which do not require my presence. The "twitterer" is now here, and I am all eagerness to be gone; and yet I have no idea of destination or route. But these points I and those who understand such things will have to settle. Yet pray, to the best of your power, continue to aid us as before with your advice. Things are in an impossible tangle. Everything has to be left to chance. We are struggling along without any hope. If anything better turns up, it will be a surprise. I would rather Dionysius, of whom Tullia has written me word, had not set out to join me. The truth is that it is not a suitable time, nor do I wish that my discomforts-especially considering their gravity-should furnish a spectacle to a man who is not my friend, and I don't want you to be at enmity with him on my account.

LETTER 3

TO ATTICUS (AT ROME) ARCANUM, 7 APRIL

THOUGH I have absolutely nothing to write about, yet there are these remaining points which I want to know-whether Caesar has started; in what position he has left the city; in Italy itself, whom he has placed at the head of each region or department of business; and who were sent to Pompey and the consuls as peace commissioners, in accordance with the decree of the senate? So to ascertain these facts I make a point of sending this letter to you. You will be doing me, therefore, a great service, and one I shall be grateful for, if you will inform me on these points and any other that it is necessary to know. I shall stay in Arcanum until I get the information.

LETTER 3A

TO ATTICUS (AT ROME) ARCANUM, 7 APRIL

I am dictating this letter on the 7th of April — the second on the same day — and I wrote a longer one the day before with my own hand. They say that you have appeared at the Regia, and I don't blame you, seeing that I have not shrunk from incurring the like criticism. But I await a letter from you. I really don't see now what I have to expect, but nevertheless, even if there is nothing to say, I should like you to write and tell me only that; Caesar writes to say that he excuses my non-appearance, and declares that he doesn't take it at all amiss. I am not disturbed by what he tells me about Tullus and Servius, that they have grumbled at his not having given them the same licence as he did to me Absurd fellows! To send their sons to besiege Gnaeus Pompeius, and then to scruple about coming to the senate themselves. I However, I am sending you a copy of Caesar's letter.

LETTER 4

TO ATTICUS (AT ROME) CUMAE, 14 APRIL

I have received a large number of letters from you on the same day, all carefully written; one, however, which amounts to a volume, deserving to be read again and again, as I am doing. The labour of writing it was not thrown away, and I am excessively obliged to you. Wherefore, as long as circumstances allow of it, that is, as long as you know where I

am, I earnestly beg of you to repeat the experiment as often as possible. Yes, indeed: let there be once for all an end, if possible, to these daily lamentations, or at any rate some sort of restraint in them, which at least is possible. For it is not now the rank, the honours, or the position in life which I have lost that I am thinking of; but what I have actually attained to, the services I have performed, the reputation in which I have lived: in fine, the difference, even in these disastrous circumstances, between myself and those through whom I have lost all. These are the men who thought that, without expelling me from the state, they could not maintain the free gratification of their desires; and you see to what this close alliance and unprincipled coalition of theirs has come!

The one leader is in a fever of mad fury and crime: there is no slackening with him: his hand grows heavier every day. Not long ago. he expelled Pompey from Italy. Now on one side of the empire he is for pursuing him, on the other for stripping him of his province. He no longer refuses, he even in a sense demands, to have the title of tyrant, as he already is one in fact. The other — the man who once upon a time did not so much as raise me up when I threw myself at his feet — the man who said he could do nothing against Caesar's wish — having evaded the hand and sword of his father-in-law, is now preparing war by land and sea: not an unjust one on his part indeed, but both righteous and even necessary, but yet one fatal to his fellow citizens unless he prove victorious, fraught with disaster even if he is victorious.

Not only do I not rate the achievements of these supreme

commanders as superior to my own: I do not even consider that their present position is any better, though they seem to be in a very brilliant one, and I to be struggling with a harder fate. For who can be happy who has caused either the abandonment or the invasion of his country? And if, as you remind me, I was right in saying in these books that the only good was virtue, the only evil vice, certainly both those men are in the highest degree miserable, for to both the safety and dignity of their country have always been subordinate to their own power and their private advantage. I am therefore sustained by the purity of my conscience, when I reflect that I either performed the most eminent services to the state, when I had the power, or at least never harboured any but loyal thoughts; and that the republic has been wrecked by precisely the storm which I foresaw fourteen years ago. With such feelings, then, as my companions, shall I set out, not indeed without a bitter pang, and that, not so much for my own or my brother's sake (for our life is practically over) as for our sons, for whom at times it seems to me that we were bound to have secured, among other things, the integrity of the constitution. Of them the one, because he is not after all more dutiful than he is, gives me extraordinary pain: while the other — Oh dear Oh dear! it is the keenest sorrow of my life — corrupted no doubt by our system of indulgence, has gone very far, to a point indeed which I do not venture to describe. I am expecting, too, a letter from you: for you said that you would write at greater length when you had seen the young man himself. All my indulgent conduct to him has been accompanied with considerable strictness, and it is not one only or a small peccadillo of his that I have come down upon, but many and very serious ones; his father's gentleness to him also ought to have secured his affection, rather than such unfeeling disrespect. The fact is that his writing to Caesar caused us such serious annoyance, that, while we concealed it from you, we yet, I think, made his own life unpleasant. This recent journey of his, however, and his pretence of loyalty to us I do not venture to characterize. I only know that after visiting Hirtius he was invited to an interview by Caesar, that he talked to him about my feeling as being entirely opposed to his own views, and of my design of quitting Italy. Even this I do not write with confidence. Well, it is not my fault, it is his natural disposition

that must cause us alarm. It was this that corrupted Curio and the son of Hortensius, not their fathers' fault. My brother is prostrate with grief, and is not so much afraid for his own life as for mine. To this misery pray, pray, bring any consolations that you can; above all I should prefer one — the assurance that the story told us is false or exaggerated. If it is true, I don't see what is to happen in our present state of life, when we are practically exiles. For if the Republic had still had any existence, I should have been at no loss what to do either by way of severity or indulgence. Whether it is the influence of anger, or pain, or fear, I have written this in a tone of greater severity than either your affection for him or mine would seem to warrant. If it is true, you must pardon me: if false, I shall be only too glad to be relieved of my mistake by you. But whatever the truth of the matter may be, you must not attribute any blame to his uncle or father.

I had written so far when a message was brought from Curio's house that he was coming to call on me. He had arrived at his Cuman villa yesterday, that is, the 13th. If his conversation, therefore, furnishes me with any subject worth writing to you, I will append it to this letter.

Curio passed by my villa and sent me a message to say that he was coming presently, and hurried on to Puteoli to make a public speech there. He made his speech, returned, and paid me a very long visit. Monstrous! You know our friend: he made no concealments. To begin with, he said that it was absolutely certain that all who had been condemned under the lex Pompeia were being recalled, and that accordingly he would avail himself of their services in Sicily. As to the Spains, he had no doubt about their being Caesar's; and from them Caesar would himself march with an army wherever Pompey was: that an end would be put to the whole mischief by the latter's death: that in an access of anger Caesar had really wished the tribune Metellus to be killed, and that it was within an ace of being done:

if it had been done, there would have followed a serious massacre: that a great many people advised one: that Caesar himself was not by taste or nature averse from bloodshed, but thought clemency would win him popularity: if, however, he once lost the affection of the people, he would be cruel: he was, again, much disturbed by finding that he had caused ill-feeling among the populace itself by taking the

treasury, and therefore that, though he had quite made up his mind to address the people before leaving Rome, he had not ventured to do so, and had started with very disturbed feelings. When again I asked what he saw in the future, what final result, and what sort of a constitution, he openly confessed that there was no hope left. He expressed fear of Pompey's fleet, and said that, if it put out to sea, he should abandon Sicily. "What is the meaning of your lictors?" said I. " If derived from the senate, why laurelled? If from Caesar, why six?" "I wanted," said he, "to get my authority from a decree of the senate, though by a snatch vote, for it could not be done otherwise. But Caesar now dislikes the senate much more than ever. 'Everything,' he says, 'will in future come from me."' "But why six? " "Because I did not want twelve; I might have had them." Then I said, "How I wish I had asked him for what I hear Philippus has succeeded in getting! But I was afraid to senate, because his enemies put up the tribune L. Caecilius Metellus to veto every proposal (Caesar, B.C. i 33).

ask, as I had made no concession to him." "He would have gladly given you leave," said he: "indeed, consider that you have obtained it; for I will write and tell him, exactly as you like, that we have spoken on the subject. What does it matter to him, since you do not attend the senate, where you are? Nay, at this very moment you would not have damaged his cause in the least by having quitted Italy." In answer to this I said that I was looking out for some retired and solitary spot, chiefly because I still had lictors. He commended my design. "What do you say to this, then?" said I. "My course to Greece lies through your province, since the coast of the Mare Superum is guarded by troops." "Nothing I should like better," said he. On this subject he spoke at great length and in a very courteous tone. So then I have gained this much, that I can sail not only in safety, but even without concealment. All other subjects of discussion he put off till the next day; and, if any of them seem worth a letter, I will write and tell you. But there are some things which I omitted to ask him: whether Caesar intended to wait for an interregnum, or what he meant by saying, as he did, that he was offered the consulship, but refused it for the next year. And there are other points on which I will question him. To crown all he swore —

as he usually makes no difficulty of doing — that Caesar must be very fond of me. “Why, what,” continued he, “did Dolabella write to me?” “Pray tell me what.” He then declared that Dolabella had written to say that, for having desired me to come to the city, Caesar had thanked him warmly, and not only expressed approbation, but joy. In short, I was relieved. For the suspicion of domestic treachery and of the conversation with Hirtius was removed. How I long for young Quintus to be worthy of us, and how I encourage myself to believe what is in his favour! But need he have visited Hirtius? There is, no doubt, some motive or other; but I would wish it as slight as possible. And, after all, I am surprised at his not yet having returned. But we shall see about all this. Please put the Oppii at Terentia’s service. For that is the only danger in the city now. For myself, however, give me the benefit of your advice, as to whether I should go to Rhegium by land, or start straight from this place on board ship, and on other points; for I am still staying here. I shall have something to write to you about as soon as I have seen Curio again. Pray be as careful as ever to let me know how Tiro is.

LETTER 5

TO ATTICUS (AT ROME) CUMAE, 16 APRIL

ABOUT my plans as a whole I have written to you, I think, before in sufficient detail. About the day of my departure I can state nothing for certain, except this: not before the new moon. Curio's conversation on the second day's inter-view amounted to much the same, except that he indicated still more candidly that he did not see what was to be the end of the business.

As to your charge to me to control Quintus ... 'tis a case of asking for Arcadia. However, I will omit nothing. And would that you — but I will not be over troublesome. I at once forwarded the packet to Vestorius, and, indeed, he was always asking for it. Vettienus was more obliging in what he said to you than in what he had written to me. But I cannot wonder enough at the man's carelessness. For Philotimus having told me that he could buy that lodge of Canuleius for 50 sestertia, and could get it for even less, if I asked Vettienus to act, I did ask the latter to obtain a deduction from that sum if he could. He promised to do so. He told me that he had bought it for 30 sestertia, and asked me to let him know to whom I wished it conveyed; saying that the day for payment was the 13th of November. I wrote back somewhat crossly, and yet with a familiar jest. For the present, as he is acting handsomely, I refrain from finding any fault with the man, and I have written to tell him that you have given me full information. Pray let me know about your journey, what you are thinking of doing, and when.

16 April.

LETTER 6

TO ATTICUS (AT ROME) CUMAE APRIL (BEFORE THE 27TH)

UP to this time the only thing stopping me is the weather. I am not going in for any sharp practice. Let what will happen in Spain, nevertheless my decision stands-partons! I have explained all my ideas to you in a previous letter. Therefore this is a short one, as also because I am in haste and more busy than usual. As to young Quintus, “I am doing my best” — you know the rest. Your next piece of advice is at once friendly and wise: but everything else will be plain sailing, if I only keep on my guard against him. It is no easy task: there are many perplexing traits in his character: no simplicity, no straightforwardness. I could wish that you.had undertaken the management of the young man. For his father is too indulgent: whenever I tighten the rein, he slackens it again. If I had been able to act without his father, I should have controlled him: and this you can do. But I excuse you: it is, I say, no light task. I regard it as certain that Pompey is going through Illyricum into Gaul. By what route and whither I am to go now, I shall consider.

LETTER 7

TO ATTICUS (AT ROME) CUMAE (LATE IN APRIL)

YES, I quite approve of your staying in Apulia and Sipontum, and of your avoiding committing yourself; and I do not think your case is on all fours with mine. Not but that in regard to the constitution the right course is the same for us both — but there is now no question of the constitution. It is a contest of rival kings, in which the more moderate king, and the more virtuous and clean-handed of the two, has been defeated, the one, too, whose defeat involves the necessary destruction of the very name of the Roman people: while, if he does conquer, he will use his victory after the manner and precedent of Sulla. Therefore in this quarrel you must not openly profess adherence to either side, and must wait on events. My position, however, is different, because, being under the bond of an obligation, I cannot shew myself ungrateful, and yet do not meditate being at the seat of war, but at Malta or some similar retired place. "Do you do nothing to help the man," you will say, "to whom you do not wish to be ungrateful?" Nay, I think he would perhaps have been glad if I had done less. But as to this we shall see. Let me only get out of the country, and I have a better opportunity of doing so now that Dolabella is on the Adriatic, Curio in the Sicilian straits. However, I have had a certain revival of hope from the fact that Servius Sulpicius wishes an interview with me. I have sent my freedman Philotimus with a letter to him: if he chooses to play the man, we ever. Curio has been staying with me: his idea is that Caesar is in low water from having offended the multitude: and he was nervous about going to Sicily, if Pompey should begin naval operations.

I gave it to young Quintus when he returned! I perceive that it was a piece of avarice on his part, and a hope of a large bounty. This is a serious evil enough, but the crime which I feared I hope he did not commit. However, I think you are convinced that this vice has not arisen from my indulgence, but from his natural disposition: still I will school and control him. As to the Oppii of Velia, please consult with Philotimus, and arrange as you think proper. I shall look on

Epirus as at my service, but I seem destined to quite a different voyage.

LETTER 8

TO ATTICUS (AT ROME) CUMAE, 2 MAY

THE state of affairs itself, as well as your remark and my own observation, make it clear that the time has come to put an end to our correspondence on subjects which it would be dangerous to have intercepted. But as my dear Tullia keeps writing to me begging me to wait and see how things go in Spain, and always adds that this is your opinion also, and since I have gathered this also from your own letter, I do not think it out of place to write and tell you what I think on that point. This advice of yours would be prudent, as it seems to me, only if I intended to shape my course of policy in accordance with the result of the Spanish affair, which is impossible. For it is inevitable either that Caesar — what I should like best — is driven from Spain, or that the campaign there will be a protracted one, or (as he seems to feel certain) that he gets Spain into his hands. If he is driven out, how can I then join Pompey with any grace or honour, when I should think even Curio himself would desert to him? If, again, the war is protracted, what am I to wait for, and how long? The only alternative is, if we are beaten in Spain, to keep quiet. My view is quite the other way. For I think myself more bound to abandon Caesar when he is victorious than when he is beaten, and not more when his success is still uncertain, than when he is quite sure of it. For, if Caesar conquers, I foresee massacre, an attack on private wealth, a recall of exiles, repudiation of debts, promotion to office of the lowest dregs, and a despotism intolerable, I don't say to any Roman, but even to a Persian. Will it be possible for my indignation to remain silent? Will my eyes be able to endure the sight of myself delivering my vote by the side of Gabinius — or, in fact, of his being called on before me? Of your client Sext. Clodius in attendance? Of C. Ateius's client Plaguleius? And so on with the whole list. But why collect the names of my opponents, when I shall be unable to see in the senate-house without pain my friends whom I have defended, or to associate with them without dishonour. Nay, what if I am not even sure that I shall be allowed to come? His

friends write me word that he is by no means satisfied with my conduct in not having appeared in the senate. Am I, nevertheless, to think about making advances to him with a risk to myself, after refusing to be united to him when it was to my advantage? Besides, observe that the decision of the whole controversy does not depend on Spain, unless you really think that Pompey will throw down his arms if that is lost! On the contrary, his view is entirely that of Themistocles: for he holds that the master of the sea must inevitably be master of the empire. Accordingly, his object has never been to retain Spain for its own sake: the equipment of a fleet has always been his first care. He will take to the sea, therefore, as soon as the season permits, with an enormous fleet, and will approach the shores of Italy: and what then will be our position who remain there doing nothing? It will be impossible for us to be any longer neutral. Shall we resist the fleet then? What could be a greater crime, or even so great? In fact, what could be more ignominious? I did not shrink from opposing Caesar when I was isolated: shall I do so now with the support of Pompey and the rest of the nobles? If, however, putting the question of duty aside, I must take account of danger: it is, if I do wrong, that there is danger from these last, from him, if I do right: nor in such miserable circumstances can any policy be discovered so free from danger, as to make me doubt that I should shun doing disgracefully, when it is dangerous, what I should have shunned doing, even had it been safe. "Not if I had crossed the sea along with Pompey?" That was impossible in any case: you have only to count the days. But all the same — for let me confess the truth (I do not even atttempt concealment), supposing it possible — I was mistaken in a point in which, perhaps, I ought not to have been mistaken: I thought that there would be a reconciliation, and in that case I did not want to have Caesar incensed with me, while he was friends with Pompey. For I had learnt to see how exactly alike they were. It was from dread of this that I drifted into this waiting policy. But now I have everything to gain by hastening, everything to lose by delay. And, nevertheless, my dear Atticus, there are auguries also which incite me to action with a certain hope, and no doubtful one, auguries not such as our college derives from Attus, hut those of Plato on tyrants. For I see clearly that he can by no possibility keep

his position much longer without bringing on his own collapse, even though we do not exert ourselves: seeing that at the very heyday of his success, and with the charm of novelty upon him, in six or seven days, he brought upon himself the bitterest hatred even of that needy and reckless city rabble itself and had to drop so quickly two of his assumptions — of clemency in the case of Metellus, of wealth in the matter of the treasury. Of what sort, again, will he find his confederates or subordinates, whichever you please to call them, if those are to rule provinces, of whom not one could manage his own estate two months? I need not enumerate all the points, which no one sees more clearly than yourself. Still, put them before your eyes: you will at once understand that this despotism can scarcely last six months. If I turn out to be mistaken in this, I will bear it, as many most illustrious men, eminent in the state, have borne it, unless you should actually think that I prefer the fate of Sardanapalus — to die in his own bed, rather than in an exile, as was the fate of Themistocles: who though he had been — in the words of Thucydides—" the best judge on the shortest reflexion of the question of the moment, and, in regard to the future, by much the shrewdest at conjecturing what was to happen," yet fell into misfortunes which he would have avoided, if nothing had ever escaped him. Though he was a man, as the same writer says, "who, however obscure the subject, saw the better and the worse course more clearly than anyone, yet did not see how to avoid the jealousy of the Lacedaemonians, nor of his own fellow citizens, nor what promise to make to Artaxerxes. Nor would that night have been so fatal to Africanus, nor that day of Sulla's triumph so disastrous to Gaius Marius, the craftiest of men, if neither of them had ever been mistaken. However, I encourage myself by that prophetic utterance (of Plato) which I mentioned. I am not deceived about it, nor will it happen otherwise. Fall he must, either by the hands of his opponents or by his own, who, indeed, is his own most dangerous enemy. I only hope it may happen while we are still alive. Yet it is time for us to be thinking of that continuous life of the future, not of this brief span of our own. But if anything happens to me before that occurs, it will not have made much difference to me whether I live to see it, or have seen it long before. That being so, I must not allow myself to submit

to men, against whom the senate armed me with authority “to see that the Republic took no harm.”

All my interests have been confided to you, though they need no recommendation of mine, considering your affection for me. Nor, by Hercules, can I hit upon anything to write: for I am sitting waiting “sailing orders.” Yet I never felt more bound to tell you anything than that none of all the delightful services you have done has been more grateful to my feelings, than your most delicate and careful attentions to my Tullia. She has herself been exceedingly charmed with them — as I have been no less. What high qualities she has shewn! How admirably she faces the public disaster! How admirably her domestic difficulties! What spirit she has displayed in the matter of my departure! She loves me dearly, she has the deepest sympathy with my feelings — yet she will have me act rightly and preserve my reputation. But don’t let me enlarge too much on this theme, lest I should at this juncture rouse my own self-pity. If you get any surer intelligence about Spain, or anything else, pray write and tell me while I am still in the country; and, perhaps, at the moment of my departure I shall send you some intelligence, the more so that Tullia thinks that you are at present not thinking of leaving Italy. I must put before Antony, as I did before Curio, my wish to reside in Malta, and my determination not to take part in this civil war. I only hope I may find him as complaisant and good-natured to me as I did Curio. He is said to be intending to come to Misenum on the 2nd, that is, today: but he has sent me a disagreeable letter in advance, of which I inclose a copy.

LETTER 8A

M. ANTONIUS TO CICERO (AT CUMAE) CAMPANIA (END OF APRIL)

HAD I not been warmly attached to you — much more warmly, indeed, than you suppose — I should not have been alarmed at the rumour which has reached me about you, especially as I thought it was without foundation. But just because I am so exceedingly devoted to you, I cannot conceal the fact that even a report, however groundless, is a serious thing in my eyes. I cannot believe that you are about to cross the sea, considering how highly you value Dolabella and your dear Tullia, and how highly you are valued by me, to whom, by heaven, your rank and reputation are almost dearer than they are to yourself. Nevertheless, I did not think that it would be friendly in me not to be rendered anxious by the talk even of men of low character. And, indeed, I have been the more zealous, because I considered that I had thrust upon me a somewhat difficult part to play, owing to the misunderstanding between us, which was the result of jealousy on my part rather than of any wrong done me by you. For I want to convince you that no one is dearer to me than you are, except my Caesar, and that my conviction at the same time is that Caesar gives M. Cicero a very high place among his friends. Wherefore, my dear Cicero, I beg you not to take any compromising step; and not to place any reliance on the man who, to do you a favour, first inflicted an injury upon you; and, on the other hand, not to fly from one who, even supposing he loses all affection for you — which is impossible — will yet desire your safety and your highest honour. I have taken pains to send my most intimate friend Calpurnius to you, that you may know that your life and honour are great objects with me.

LETTER 8B

CAESAR TO CICERO (AT FORMIAE) ON THE ROAD TO SPAIN, 16 APRIL

CAEsAR imperator greets Cicero imperator. Although I had come to the conclusion that you were not likely to do anything unadvisedly or imprudently, yet, being made anxious by common report, I thought that I ought to write to you and to appeal to you, in the name of our mutual kindness, not to go anywhere now that fortune has declared in my favour, that you had not thought yourself bound to go even when it was still uncertain. For you will have at once committed a somewhat serious offence against our friendship, and have adopted a course far from beneficial to yourself: since you will make it clear that you have not followed fortune — for all the good luck has notoriously been on our side, all the bad on theirs-nor the merits of the cause, for they are the same now as when you judged it best not to assist at their deliberations: but you will shew that you have condemned some act of mine, and that is the heaviest blow you can inflict on me. In the name of our friendship, I beg you not to do so. Finally, what can be more becoming to a good man, and a peaceable and quiet citizen, than to hold aloof from civil strife? It is a thing some would have been glad to do, but could not on account of the danger. For yourself, when you have satisfied yourself as to the evidence which my life furnishes, and the decision at which my friendship for you has arrived, you will find nothing at once safer and more honourable than to abstain entirely from active intervention in the fray. On the march, 16 April.

LETTER 9

TO ATTICUS (AT ROME) CUMAE, 3 MAY

THE arrival of Philotimus — why, what a fellow! how insipid! what lies he keeps telling for Pompey!-frightened all my party to death. For myself, I have become hardened. None of my party doubted that Caesar had curtailed his marches: according to him, he is absolutely flying. None doubted Petreius having effected a junction with Afranius: he brings no tidings of the kind. In short, they have also been convinced of this — that Pompey, at the head of a large force, had marched into Germany by way of Illyricum; for that was announced on good authority. Well, then, I must make for Malta, I think, until we get fresh news from Spain. This, indeed, I almost think from Caesar's own letter that I may do with his approval: for he says that I cannot take a more honourable or safer course than to abstain from the combat altogether. You will say, "What has become, then, of that resolution of yours, which you described in your last?" It is here, and still unchanged. But would that I had to decide for my own person only! The tears of my family at times weaken my resolution, who beseech me to wait for the result in Spain. Caelius's letter, indeed, which was expressed in moving terms, containing an identical appeal — that I would not so rashly abandon my property, my only son, and all my family — our boys read with floods of tears. Though my own son is, in fact, the braver of the two, and for that very reason affects me more violently. His only anxiety is for my dignity. To Malta, then, and thence wherever it shall seem good! However, even now pray write something, and especially if there is any news from Afranius. On my part, if I have any conversation with Antony, I will write and tell you the result. Yet I will be cautious as to trusting him, as you warn me. For the policy of entire concealment is difficult, and dangerous into the bargain. I intend to wait for Servius Sulpicius till the 15th; both Postumia and his son Servius urge me to do so. I am glad your quartan ague is better. I send you also a copy of Caelius's letter.

LETTER 10

TO ATTICUS (AT ROME) CUMAE, 3 MAY

How blind of me not to have seen this before! I send you Antony's letter. After I had written again and again to say that I was not entertaining any plans against Caesar, that I remembered my son-in-law, remembered our friendship, that, if I had been otherwise minded, I might have been with Pompey, but that, as I had to my disgust to move about accompanied by lictors, I wished to be away from Italy, but had not made up my mind even to that — see what an admonitory tone he adopts in reply! Your decision is perfectly right. For the man who wishes to be neutral remains in the country: he who leaves it appears to express a judgment on one side or the other. But it is not my duty to determine whether a particular person has the right to go or not. Caesar has assigned me my r™le, which is that I should not allow anyone at all to quit Italy. Therefore it matters little that I approve your idea in the present instance, since I have, nevertheless, no power to grant you any exemption. My opinion is that you should communicate with Caesar direct and ask his leave. I feel no doubt that you will obtain it, especially as you promise that you will take our friendship into consideration. There is a Laconic despatch for you! In any case I will wait for the man himself. He is to arrive on the 3rd, that is, today. Tomorrow, therefore, he will perhaps come to see me. I will test him: I will listen to what he has to say: I will declare loudly that I am in no hurry, that I will communicate with Caesar. I will lie perdu somewhere with the smallest number of attendants possible: at any rate, let these men be ever so reluctant to allow it, from this country I will wing my way, and oh that it might be to Curio! Don't mistake what I say. Something worthy of me shall be effected. This is a new and heavy anxiety: I am much distressed by your strangury. Take medical advice, I beseech you, whilst it is in an early stage. I am delighted with your letter about the Massilians. I beg you to let me know if you get any news. I should have liked to have Ocella with me, if I could manage it without any concealment; and I had extracted from

Curio a promise that I should. Here I am waiting for Servius Sulpicius, for I am requested to do so by his wife and son, and I think it is necessary to see him. Antony, for his part, is carrying about Cytheris with him with his sedan open, as a second wife. There are, besides, seven sedans in his train, containing friends female or male See in what disgraceful circumstances we are being done to death: and doubt, if you can, that if Caesar returns victorious, he will use the sword. For my part, I will withdraw myself in a cock-boat, if I can't get a ship, from their parricidal proceedings. But I shall know more when I have had my interview with him. Our young nephew I cannot help loving, but I see clearly that he does not love me. I never saw a case of such want of principle, of such aversion to his own relations, and of such brooding over mysterious designs. What an overpowering number of anxieties! But it will be my care, as it is now, to correct him. His natural abilities are admirable: it is his character that wants attention.

LETTER 11

TO ATTICUS (AT ROME) CUMAE, 4 MAY

AFTER I had sealed my previous packet, I changed my mind about intrusting it to the man to whom I had intended doing so, because he was a stranger. Accordingly, it was not despatched the same day. Meanwhile Philotimus arrived and delivered me a letter from you. What you say in it about my brother does not, indeed, shew as much firmness on his part as one could wish, yet it does not imply any , any treachery, or any obstinate aversion from good, nothing that you cannot turn in any direction you please in one conversation. In short, he holds all his family in great affection-even those with whom he is too often angry — me he loves more dearly than himself. His having written about his boy in one tone to you, and in another to the boy's mother, I see no reason to blame. I am vexed at what you say about the journey and your sister, and the more so that the state of my affairs is such that I can apply no remedy to those things. For I certainly would have done so. But you see my unfortunate position and the desperate state of my affairs. His financial position is not of such a nature — for I hear frequently from him personally — as to prevent his being eager to repay you, and being really anxious on that point. But if such a man as Q. Axius, because I am thus in exile, does not pay me thirteen sestertia, which I lent his son, and pleads the hardness of the times, if Lepta and everybody else do the same, it is wont to make me feel some surprise when he tells me that he is being pressed for an insignificant sum of twenty sestertia. For you, of course, see what his difficulties are. However, he is directing the money to be paid in any case to your order. Do you think him slow or close in business of that kind? No one is less so. Enough about my brother. As for his son: his father has always spoilt him, but his indulgence is not responsible for his being untruthful, or grasping, or wanting in affection for his family, though it perhaps does make him headstrong and self-willed, as well as aggressive. Accordingly, these latter also are traits in his character, which are the results of over-indulgence, but they are pardonable — we must admit-considering

what young men are nowadays. Those traits, however, which to me, at least, who love him, are more distressing than the very evils surrounding us, do not arise from excessive compliance on my part: for they have roots of their own, which, however, I would assuredly have torn up, had I been allowed to do so. But my circumstances are such that I must put up with anything. My own son I keep under control without difficulty. He is the most tractable boy possible; but my remorseful pity for him makes me less determined in politics, and the more he desires me to be staunch, the more I fear turning out a cruel father to him.

However, Antony arrived yesterday in the evening. Presently perhaps he will call on me, or, maybe, will not take even that trouble, since he has written to say what it is his pleasure should be done. But you shall know the result at once. Secrecy is my only course now. What can I do about the boys? Shall I trust them to a small vessel? What sort of courage do you think I shall have in the voyage? Why, I remember while sailing in that open Rhodian vessel in the summer how anxious I was: what do you think will be the case in a small despatch boat in the dangerous season of the year? Misery on every side! Trebatius is with me, a right good man and good citizen. What frightful news he brings me, good heavens! Is even Balbus thinking, then, of an entrŽe into the senate? But I will give him a letter himself for you tomorrow. Yes, I believe Vettienus is, as you say, friendly to me. I answered him with rather a peppery jest, because he wrote to me somewhat abruptly about providing for payment of the money. Pray smooth him down, if he took it less good-temperedly than one could wish. I addressed him as monetalis, because he addressed me as proconsul. But as he is a good fellow and attached to me, let me keep my affection for him too. Farewell.

LETTER 12

TO ATTICUS (AT ROME) CUMAE, 5 MAY

WHAT is to become of me? Who is there, I don't say more unfortunate, but in a more degraded position? Antony says that he has received express orders about me, and, nevertheless, he has as yet not been to see me, but told Trebatius this fact. What am I to do now? Nothing succeeds with me, and the plans which I form with the greatest care are just those which fail in the most shocking manner. Why, I thought when I had got Curio' s consent, that I had succeeded entirely. He had written about me to Hortensius. Reginus was wholly in my interests. I

never imagined that Antony would have anything to do with the western sea. Which way am I to turn now? I am watched on every side. But enough of tears! Well, then, I must steal away and creep stealthily into some merchant vessel: I must not expose myself to the suspicion of having connived at my being prevented from going. I must make for Sicily. If I once get there, I shall then have a greater step in my power. If things would only go as they should in Spain! However, I only hope the news about Sicily may prove true: but as yet we have had no luck. The Sicilians are said to have rallied round Cato, to have begged him to hold out, making all manner of promises. Affected by this, he is said to have begun holding a levy. I don't believe it, however distinguished the authority! I am aware that this province was at least capable of being held. However, we shall presently have news from Spain. We have C. Marcellus here, who is entertaining the same thoughts as myself, either sincerely, or making a good pretence of doing so. I have not, however, seen him personally, but have been told this by one of his most intimate friends. Pray send me any news you have: if I take any active step, I will at once let you know. I will treat young Quintus with more strictness. Would that I could do any good! However, pray some time or other tear up the letters in which I have written about him in a tone of severity, for fear of anything getting out at any time. I will do the same with yours.

I am still waiting for Servius, nor do I hear anything satisfactory from him. You shall know whatever does occur.

Without doubt I must confess to having made a mistake. For the first time? Or on one subject? Nay, the more deeply I have reflected on a thing, the more unwisely has its execution invariably been. But The past is past: though grieved, I'll let it be. Let us only take care not to come to grief in the future.

Well, you bid me make provision for my journey. What am I to provide? The possible accidents cover so wide a field, that, if I shrink from them, I must remain stationary with dishonour and sorrow; if I pay no heed to them, there is danger of my falling into the hands of unprincipled men. Only see in what a miserable position I am! At times I think that I should absolutely desire to receive some injury, however mortifying, from the Caesarians, to convince people that I have become an object of hatred to the tyrant. But if the voyage, on which I set my hopes, had been open to me, I would have certainly effected something, as you wish and advise, to justify my delay. But the closeness of the watch set upon me is surprising, and even Curio himself is an object of suspicion. So the two alternatives are to take the high hand, or to act secretly. If the former, I must have favourable weather. The latter means concealment from those men: and if any contretemps occurs in doing that, you must see in what an undignified position I shall be. I am at the mercy of circumstances, and must not shrink from a somewhat bold course. I often think of Caelius, and, if ever I have the like opportunity, I will not let it slip. I hope Spain is safe. The action of the Massilians is at once glorious in itself, and a proof to me that things are going well in Spain. They would not have been so bold, if it had been otherwise: and they would be sure to know, for they are close at hand as well as careful. Again, I am glad of your remark as to the popular dislike expressed in the theatre. Even these legions, which he took over in Italy, I can see are very much disaffected to him. However, he has no worse enemy than himself. I quite agree with your dread that he may run amuck. If he once feels desperate, he certainly will do so. All the more reason for effecting something in the spirit (and, I hope, with better fortune) of Caelius. But one thing at a time: whatever it may be, you shall at once know all about it. I will furnish young Quintus

with supplies, as you request, and will undertake the Arcadian task, or the whole Peloponnesus, if you like. Yes: he has ability, if he had but character. . .. And if he hasn't any as yet, he may acquire it, or virtue is not teachable, which I cannot be persuaded to believe.

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TO ATTICUS (AT ROME) CUMAE, 7 MAY

YOUR letter was very gratifying to my Tullia, and, by Hercules, to me also. A letter from you always brings a ray of hope. Pray write, therefore, and if you can suggest anything hopeful, don't omit to do so. No, don't be afraid of Antony's lions. He is a charming fellow! Just listen to a statesman's conduct of affairs! He sent round a letter summoning ten leading men and the quatttuorviri from the muncipal towns. They came to his villa in the morning. In the first place, he remained asleep till nine o'clock. Then on the announcement that the men had arrived from Naples and Cumae — for Caesar is angry with these towns — he ordered them to come again next day: he wanted to take a bath and to cure a looseness of the bowels. This was yesterday. Today, however, he purposes crossing to Aenaria. He intends promising the exiles there that they shall be recalled.

But enough of that. To return to ourselves: I have received a letter from Q. Axius. Thanks, about Tiro. Vettienus is a good fellow. I have repaid Vestorius. Servius is said to have stopped at Minturnae on the 6th of May, today he is to stop with C. Marcellus in his villa at Liternum. Early tomorrow, therefore, he will see me and will give me a theme for a letter to you. For at the present moment I can't think of anything to write to you about. One thing does surprise me, that Antony has not sent me even a message, especially as he has paid a great deal of attention to me. No doubt he is charged with some still sterner order as to me. He doesn't wish to say "No" to me face to face. I never meant to ask him the favour, nor, if he had granted it, should I have trusted his word. However, I will think out some plan. Please tell me any news from the Spains: for by this time it will be possible for some to be heard: and everybody's idea is that, if all is well there, there will be no more trouble. I, however, don't

regard our cause as won if we retain them, nor utterly desperate if we lose them. Silius and Ocella and the rest, I suppose, are detained. I observe that you also are hindered by Curtius, though, as I think, you have a passport.

LETTER 14

TO ATTICUS (AT ROME) CUMAE, 8 MAY

WHAT a miserable state of existence! To be so long in fear is a greater evil than the very thing which is feared. Servius having arrived, as I told you before, on the 15th of May came to see me next day. Not to keep you in suspense, we arrived at no conclusion as to our policy. I never saw anybody so completely beside himself with fear; and yet, by Hercules, he feared nothing that was not a legitimate object of fear: "Pompey was angry with him, Caesar no friend to him: the victory of either one or the other was alarming, both because of the cruel nature of the one, the unscrupulousness of the other, and also because of the financial embarrassment of both, which could be relieved from no source except that of the property of private persons." And these remarks were accompanied with such floods of tears, that I wondered they had not run dry from such protracted misery. For my part, even the inflammation of the eyes, which prevents my writing to you with my own hand, is not accompanied with a single tear, but is very often troublesome from keeping me awake. Wherefore any consolations you can think of collect and write, not from philosophy and books — for of that I have a stock at home, though somehow or other the medicine is less potent than the disease: rather search for such news as that about Spain or Marseilles. Servius, indeed, brings a very satisfactory report about them, and also tells me that there is good authority for the story of the two legions. That is the sort of news, if you have any, and more like it. And, indeed, something must be heard before many days are over.

But I return to Servius. We in the end adjourned our conversation to the next day: but he is slow about leaving Italy. "He would much rather die in his own bed, whatever is to happen." He feels a painful hesitation as to his son's service at Brundisium. There was one thing that he declared with the utmost determination: if the condemned men were restored, he would go into exile. To this I replied that "that would certainly take place; and what was already being done was no

less offensive," and I mentioned a number of instances. However, these arguments did not increase his resolution, only his terror: so that I think he is rather to be kept in the dark about my plan, than invited to adopt the same. So there is not much to be got from him. In obedience to your hint I will turn my thoughts to Caelius.

LETTER 15

TO ATTICUS (AT ROME) CUMAE, 12 MAY

WHILST Servius was still with me, Cephalio arrived with your letter of the 10th, which inspired me with a strong hope of a change for the better in regard to the eight cohorts; for those, too, which are stationed in these parts are said to be wavering. On the same day Funisulanus brought me a letter from you, in which the same news was repeated still more positively. I gave him full satisfaction as to his own business, ascribing the full credit to you. Up to this time I have had reason to be discontented with him, for he owes me a large sum of money and is not considered to be well off. Now he says he will pay me: that a man to whom he had lent money was slow in paying; that, if you have in your hands what his debtor has paid, you are to give it to letter-carriers for me. The amount you will learn from Philotimus's man Eros. But let us return to more important matters. The Caelian plan, which is your idea, is coming to fruition. Accordingly, I am distracted as to whether to wait for a favourable wind. What is wanted is a standard: men will flock to it. I quite agree with your advice to set out openly, and so I think I shall start. Meanwhile, however, I am awaiting a letter from you. Servius's advice doesn't ease matters at all. Every kind of objection is obtruded in every opinion he utters. I never knew anyone more timid except Gaius Marcellus, who is sorry that he was ever consul. What a mean fellow! why, he is even said to have encouraged Antony to prevent my departure, in order, I suppose, to stay himself with greater decency. Antony, however, started for Capua on the 10th. He sent me a message to say that he had been deterred by a feeling of shame from calling on me, because he thought that I was angry with him. So I shall go, and in the way, too, which you think right, unless some hope shall have been meanwhile presented to me of undertaking some still more important part. But that will scarcely be the case so soon. Alienus the praetor, however, thinks that some one of his colleagues would do it, if I don't. Anyone you please, so long as it is some one.

In regard to your sister, I commend you. As to the young Quintus, I am doing all I can. I hope things are better. As to my brother Quintus, let me tell you that he is in considerable anxiety about raising money to pay his debt, but as yet has squeezed nothing out of L. Egnatius. Axius is modest about the twelve sestertia! For he repeatedly put in his letter a request that I would pay Gallius whatever he wanted. Could I have done otherwise, if he had not mentioned it? And, in fact, I often promised: but he wanted that round sum promptly. They should have rather come to my assistance at this time of difficulty, heaven confound them! However, more of this another time. I am very glad that you, and Pilia too, are relieved of your quartan ague. Whilst bread and other stores are being got on board, I intend to make an excursion to my Pompeian villa. Please thank Vettienus for his kindness. If you can find anyone to bring it, send me a letter before I leave the country.

LETTER 16

TO ATTICUS (AT ROME) CUMAE, 14 MAY

I HAD just despatched a letter to you on a variety of subjects, when Dionysius arrived at my house very early in the morning. I would not only have shewn myself placable to him, but would have pardoned him altogether, had he arrived in the frame of mind described by you. For in your letter received at Arpinum you said that he was coming and was prepared to do whatever I wished. For my part, I wished, or rather desired, that he should stay with me: and it was because, on his coming to my Formian villa, he had refused point blank to do so, that I used to write to you somewhat sharply about him. Well, he said very little, but the upshot of his remarks was that I must excuse him, that his private affairs prevented his going with me. I answered shortly: I felt much pained: I quite understood that my position roused his contempt. You will perhaps be surprised, but I assure you that I feel this to be among the heaviest blows which this crisis has inflicted upon me. I hope he may be loyal to you: that is equivalent to wishing you to remain prosperous: he will be so, just as long as you are.

I hope my design will be free of all risk: for, on the one hand, I have kept it dark; and, on the other, I shall not, I think, be very closely watched. May I only have a voyage such as I wish! For all the rest — as far, that is, as they can be provided for by prudence-measures shall be taken. Pray, as long as I am in the country, write and tell me not only anything you know or have heard, but also what you foresee will happen. Cato, who might have held Sicily without any trouble-and, if he had held it, all loyalists would have joined him — sailed from Syracuse on the 23rd of April, as Curio has written to tell me. I only hope, as the phrase is, that Cotta may hold Sardinia; for there is rumour going about. Oh, if that were to be so, what a stigma on Cato! In order to allay suspicion of my leaving the country, or of what I

am thinking of doing, I started for my Pompeian villa on the 12th of May, with a view of staying there, while the necessary

preparations for my voyage were being made. On my arrival at my villa people came to see me: “The centurions of the three cohorts stationed at Pompeii” — this is what our friend Ninnius reported to me—”wished to visit me the next day: they were desirous of putting themselves and the town in my hands.” I, however, I can tell you, was off from my villa next morning before daybreak, to prevent them having any opportunity of seeing me at all. For what was the good of three cohorts? Or even if there were more, what equipment had they? I thought, indeed, of those exploits of Caelius, which I found mentioned in your letter received as soon as I arrived at my Cuman villa, which I did on the same day: yet at the same time it might have been a trap to catch me. I therefore removed all suspicion. But while I was on my return journey, Hortensius had arrived and had turned out of his road to call on Terentia, and used very courteous expressions about me. However, I believe I shall see him; for he has sent a servant to tell me that he is coming to my house. This is better behaviour than that of my fellow augur Antony, among whose lictors an actress is riding in a sedan. As you are free of your quartan ague, and have not only got rid of your new disease, but also of your cold, be sure you present yourself before me in Greece full of vigour, and meanwhile let me have something by way of a letter.

LETTER 17

TO ATTICUS (AT ROME) CUMAE, 16 MAY

ON the 14th Hortensius came to call on me after I had written my letter. I only wish the rest of his conduct had been the same. You could hardly conceive such Žpanouissement! I mean, I can tell you, to make use of it. Then came Serapion with your letter, before opening which I remarked to him that you had written to me about him before, as you had done. Then, after opening the letter, I told him the rest of your compliment to the last syllable: and, by Hercules, I esteem him to be a good, learned, and honest man. And, what is more, I think of using his ship and taking him with me on my voyage. The inflammation in my eyes frequently recurs, not, indeed, to a very painful extent, but enough to prevent my writing. I am glad that your health is re-established, both from your old complaint and your more recent troubles. I could wish I had Ocella with me. For I think the weather here is going to be slightly calmer. At present the equinox is delaying us, which has been very stormy. After that, if there is a brisk wind, I can only hope that Hortensius may remain in the same mind: since up to this time nothing could exceed his courtesy. You wonder at what I said about a "passport," as though I had insinuated some grave charge or other against you. For you say you "can't make out how it ever came into my mind." Well, since you had mentioned in your letter that you were thinking of leaving the country, and since I had been told that no one could do so without one, I thought, of course, that you had one, and also because you had taken out a passport for the boys. That was the ground of my belief, and, nevertheless, I wish you would write and tell me what you are thinking of doing, and above all what news is now stirring.

16 May.

LETTER 18

TO ATTICUS (AT ROME) CUMAE, 19 MAY

My Tullia was confined on the 19th of May — a boy, a seven months' child. I have reason to be thankful that she had a good delivery. The child itself is a poor little weakling. An astonishingly dead calm has as yet kept me from starting, and has been a greater impediment than the watch kept upon me. For all that talk of Hortensius was mere persiflage. The truth will turn out to be this: that most dissolute of men has been corrupted by his freedman Salvius. Accordingly, henceforth I shall not write and tell you what I am going to do, but only what I have done. For all the eavesdroppers of Corycus seem to be listening to what I say. Do you, however, I beg, continue to tell me any news there are of Spain, or anything else; but don't expect a letter from me, except when I have arrived at my wished-for destination, or in case I can send anything during my voyage. Even this I write with fear and trembling: so slowly and heavily does everything drag on. The foundation was badly laid, the rest follows suit. I am now making for Formiae: perhaps the Furies will follow me there too. However, to judge from Balbus's conversation with you, my idea of Malta does not find favour. Can you doubt, therefore, that he regards me as an enemy? I have, to be sure, written to Balbus telling him that you had mentioned to me in a letter both his kindly feeling and his suspicion. I thanked him. On the second point I cleared myself with him. Did you ever know anyone more unlucky? I won't say more, lest I should make you suffer too. I am overpowered with the thought that the time has come when I no longer have the power of acting either with courage or with prudence.

BOOK 11

LETTER 1

TO ATTICUS (AT ROME) EPIRUS (JANUARY)

I have received from you the sealed document conveyed by Anteros. I could gather nothing from it about my domestic affairs. What gives me the most painful anxiety about them is the fact that the man who has acted as my steward is not at Rome, nor do I know where in the wide world he is. My one hope of preserving my credit and property is in your most thoroughly proved kindness; and if ill this unhappy and desperate crisis you still maintain that, I shall have greater courage to endure these dangers which are shared with me by the rest of the party. I adjure and intreat you to do so. I have in Asia in cistophori money amounting to 2,200,000 sesterces (about £17,600). By negotiating a bill of exchange for that sum you will have no difficulty in maintaining my credit. If indeed I had not thought that I was leaving that quite clear — in reliance on the man on whom you have long since known that I ought to have no reliance — I should have stayed in Italy for some little time longer, and should not have left my finances embarrassed: and I have been the longer in writing to you because it was a long time before I understood what the danger to be feared was. I beg you again and again to undertake the protection of my interests in all respects, so that, supposing the men with whom I now am to survive, I may along with them remain solvent, and credit your kindness with my safety.

LETTER 2

TO ATTICUS (AT ROME) EPIRUS, 5 FEBRUARY

I received your letter on the 4th of February, and on the same day formally accepted the inheritance in accordance with the will. Of my many and most distressing anxieties one is removed, if; as you say, this inheritance is sufficient to maintain my credit and reputation; though even without any inheritance I am aware that you would have defended them by all means at your disposal. As to what you say about the dowry, I adjure you, in the name of all the gods, to undertake that whole business and protect the poor girl, whom my default and carelessness have reduced to distress, by the aid of funds belonging to me, if there are such, of your own if you can do so without inconvenience. You say that she is without any means: pray do not allow that state f things to continue. Why, what are the payments that have swallowed up the rents of my estates? For instance, one ever told me that the sixty sestertia, which you mention, had been deducted from the dowry; for I should never have allowed it. But this is the smallest of the frauds from which I have suffered: of which sorrow and tears prevent my writing to you. Of the money deposited in Asia I have called in nearly half. It seemed likely to be safer where it now is than in the hands of the publicani. You exhort me to be of good courage: I could have wisheded that you were able to allege some reason for my being so. But if to my other misfortunes there has been added the confiscation of my town house, which Chrysippus told me was in contemplation (you gave me no hint of it), who is he now in all the world in a worse plight than myself? I beg and beseech you, — pardon me, I can write no more.

You must see what a crushing weight of sorrow mine is. If it were only such as is common to me with the rest of those who are regarded as being in the same position as myself, my error had seemed less grave and therefore more easy to bear. As it is, there is no consolation, unless you secure (if it is not now too late to secure it) that I have no special loss or wrong inflicted upon me. I have been somewhat slow in sending back your letter-carrier, because there was

no opportunity of getting him across. Pray send letters in my name to any to whom you think it right to do so. You know my intimates. If they remark on the absence of my signet or handwriting, pray tell them that I have avoided using either owing to the military pickets.

LETTER 3

TO ATTICUS (AT ROME) CAMP OF POMPEY IN EPIRUS, 13 JUNE

What is going on here you will be able to ascertain from the bearer of your letter. I have detained him longer than I otherwise should, because I am in daily expectation of something happening, and even now I have, after all, no other motive for despatching him except the subject on which you asked for an answer from me, namely, my wish as to the 1st of July. Both courses are dangerous-either the risk of so large a sum of money at so critical a time, or the divorce, of which you speak, while the result of the campaign is still uncertain. Wherefore, I leave this, as I do other things, as absolutely as possible to your care and kindness, and to her consideration and wishes, for whose interests-poor girl I-I should have consulted better, if I had formerly deliberated with you personally on our safety and property rather than by letter.

You say that in the common misfortune there is no danger threatening me more than anyone else. Well, there is some consolation certainly in that; yet there are also after all many circumstances peculiar to myself, which you must certainly see to be very dangerous and such as I might very easily have avoided. However, they will be less grave, if, as is the case at present, they are mitigated by your management and activity. The money is lodged with Egnatius. There, as far as I am concerned, let it remain. The present state of things cannot, I think, last long: so that I shall presently be able to know what it is most necessary to do. I am, however, hard put to it for every kind of thing, because he with whom I am is in straits too, and I have lent him a large sum of money, under the idea that, when things are settled, that measure will be to my honour also.

Yes, please, as before, if there are any persons whom you think ought to have a letter from me, compose one yourself. Remember me to your family. Take care of your health. First and foremost, as you say in your letter, by every means in your power be careful to

see that nothing is wanting to her, on whose account you know that I am most unhappy.

From the cam June.

LETTER 4

TO ATTICUS (AT ROME) (DYRRACHIUM, JULY)

I have received your letter by Isidorus, and two written subsequently. From the last in date I learn that the property did not sell. Pray, therefore, see that she is supplied by you. As to the estate at Frusino, always provided that I am destined to enjoy it, it will be a great convenience to me. You Complain of not getting a letter from me. My difficulty is lack of matter: I have nothing worth putting into a letter, for I am not at all satisfied with anything that is happening or anything that is being done. Oh that I had originally talked the matter over with you, instead of writing! Your property here, as far as I can, I protect with these people. The rest Celer will see to. Up to this time I have avoided every kind of function, the more so that it is impossible for anything to be done in a way suitable to my character and fortunes.

You ask what fresh news there is. You will be able to learn from Isidorus. What remains to be done does not appear more difficult. Yes, pray, as you say in your letter, continue to give your attention to what you know to be my greatest wish. I am overpowered with anxiety, the result of which is extreme physical weakness also. When that is removed I shall join the man who is conducting the business, and is in a most hopeful state of mind. Brutus is friendly: he is extremely enthusiastic in the cause. This is as far as I can go on paper with prudence. Good-bye.

About the second instalment, pray consider with every possible care what ought to be done, as I mentioned in the letter conveyed to you by Pollex.

LETTER 5

TO ATTICUS (AT ROME) BRUNDISIUM (4 NOVEMBER)

What the reasons were, and how distressing, peremptory, and unprecedented, which influenced me and compelled me to follow an impulsive feeling, so to speak, rather than deliberate thought, I cannot tell you in writing without the utmost anguish of mind. They were so powerful as to effect what you see. Accordingly I cannot think of anything to say to you about my affairs or to ask of you. The actual result and the upshot of the whole business is before you. I have myself gathered from your letters-both the one written in conjunction with others, and the one in your own name — that (as I saw independently) being in a manner unnerved by the unexpected turn of affairs, you are trying to find other methods of protecting me. You say in your letter that you think I ought to come nearer, and make my journey through the towns by night: but I cannot at all see how that can possibly be done. For neither have I suitable stopping-places, in which I could possibly pass all the hours of daylight, nor for the object which you have in view does it much matter whether men see me in a town or on the road. However, I will consider even this, as I shall other plans, to see how it can be most advantageously managed. For myself, owing to my extraordinary uneasiness both of body and mind, I have been incapable of composing numerous letters: I have only answered those who have written to me. Pray write to Basilus and to others to whom you think it proper-even to Servilius — in my name, and say whatever you think right. As to the long interval during which I have written nothing at all to you, you will understand from this letter that what I lacked was a subject to write about, not willingness to write. You ask about Vatinius. I should not have wanted attentions from him nor from anyone else either, if they could have found any way to be of use to me. Quintus was completely alienated from me at Patrae His son came thither also from Corcyra. From that place I presume that they have started with the rest.

LETTER 6

TO ATTICUS (AT ROME) BRUNDISIUM, 27 NOVEMBER

I perceive that you are anxious both for your own and for our common fortunes, and above all for me and my sorrow, which, so far from being lessened by the association of yours with it, is thereby actually increased. Assuredly your sagacity has led you to divine the exact consolation that gives me the greatest relief. For you express approval of my policy, and say that in the circumstances what I did was the best thing I could do. You also add — what is of smaller importance in my eyes than your own opinion, and yet is not unimportant — that everybody else, everybody that is that matters, approves the step I have taken. If I thought that to be the case, it would lessen my pain. "Believe me," you say. I believe you of course, but I know how anxious you are to soothe my pain. Of abandoning the war I have not repented for a moment. So bloodthirsty were their sentiments, so close their alliance with barbarous tribes, that a scheme of proscription was formed-not against individuals, but whole classes — and the conviction was universally entertained by them that the property of you all was the prize of his victory. I say "you" advisedly: for even as to you personally there were never any but the harshest ideas. Wherefore I shall never repent of my decision: what I do repent of is my plan of procedure. I could have wished that I had rather remained in some town until invited to Italy. I should have exposed myself to less remark and have felt less pain; this particular regret would not have been wringing my heart. To lie idle at Brundisium is vexatious in every point of view. As to coming nearer the city, as you advise, how can I do so without the lictors given me by the people? They cannot be taken from me as long as I am possessed of my civil rights. These lictors, as a temporary measure, when approaching the town, I caused to mingle with the crowd with only sticks in their hands, to prevent any attack on the part of the soldiery. Since then I have confined myself to my house. I wrote to ask Oppius and Balbus to turn over in their minds as to how they thought that I should approach Rome. I

think they will advise my doing so. For they undertake that Caesar will be anxious not only to preserve, but to enhance my position, and they exhort me to be of good courage, and to hope for the most distinguished treatment in all respects. This they pledge themselves to and affirm. Yet I should have felt more sure of it, if I had remained where I was. But I am harping upon what is past. Look therefore, I beg of you, to what remains to be done and investigate the case in conjunction with them; and if you think it necessary and they approve, let Trebonius and Pansa and anyone else be called into council, that Caesar's approbation of my step may be the better secured as having been taken in accordance with the opinion of his own friends, and let them write and tell Caesar that whatever I have done I have done in accordance with their judgment.

My dear Tullia's ill-health and weakness frightens me to death. I gather that you are shewing her great attention, for which I am deeply grateful.

I never had any doubt about what would be the end of Pompey. Such a complete despair of his success had taken possession of the minds of all the kings and nations, that I thought this would happen wherever he landed. I cannot but lament his fall: for I know him to have been honest, pure, and a man of principle.

Am I to condole with you about Fannius? He used to indulge in mischievous talk about your remaining at Rome: while L. Lentulus had promised himself Hortensius's town house, Caesar's suburban villa, and an estate at Baiae. This sort of thing is going on upon this side in precisely the same way. The only difference is that in the former case there was no limit. For all who remained in Italy were held to be enemies. But I should like to talk over this some time or other when my mind is more at ease. I am told that my brother Quintus has started for Asia, to make his peace. About his son I have heard nothing. But ask Caesar's freedman Diochares, who brought the letter you mention from Alexandria. I have not seen him. He is said to have seen Quintus on his way — or perhaps in Asia itself. I am expecting a letter from you, as the occasion demands. Pray take care to get it conveyed to me as soon as possible.

27 November.

LETTER 7

TO ATTICUS (AT ROME) BRUNDISIUM, 17 DECEMBER

I am much obliged for your letter, in which you have set forth with great care all that you thought had any bearing on my position. Is it the case then, as you say in your letter, that your friends think that I should retain my lictors on the ground that Sestius has been allowed to do so? But in his case I don't consider that his own lictors have been allowed him, but that lictors have been given him by Caesar himself. For I am told that he refuses to acknowledge any decrees of the Senate passed after the withdrawal of the tribunes. Wherefore he will be able without forfeiting his consistency to acknowledge my lictors. However, why should I talk about lictors, who am all but ordered to quit Italy? For Antony has sent me a copy of Caesar's letter to him, in which he says that "he has been told that Cato and L. Metellus had come to Italy, with the intention of living openly at Rome: that he disapproved of that, for fear of its being the cause of disturbances: and that all are forbidden to come to Italy except those whose case he had himself investigated." And on this point the language of the despatch is very strong. Accordingly, Antony in his letter to me begged me to excuse him: "he could not but obey that letter." Then I sent L. Lamia to him, to point out that Caesar had told Dolabella to write and bid me come to Italy at the first opportunity: that I had come in consequence of his letter. Thereupon he made a special exception in his edict of myself and Laelius by name. I had much rather he had not done that; for the exception itself could have been made without mentioning names. Oh, what endless, what formidable dangers! However, you are doing your best to mitigate them: and not without success, — the very fact that you take such pains to lessen my distress lessens it. Pray do not get tired of doing so as frequently as possible. Now, you will best succeed in your object, if you can persuade me to think that I have not entirely forfeited the good opinion of the loyalists. And yet what can you do in that regard? Nothing, of course. But if circumstances do give you any opportunity, that is what will best be able to console me. I see

that at present this is impossible, but if any thing should turn up in the course of events, as in the present instance! It used to be said that I ought to have left the country with Pompey. His death has disarmed criticism on that sin of omission. But of all things the one most found wanting in me is that I have not gone to Africa. Now my view of the question was this, — I did not think that the constitution ought to be defended by foreign auxiliaries drawn from the most treacherous race, especially against an army that had been frequently victorious. They perhaps disapprove that view. For I hear that many loyalists have arrived in Africa, and I know that there were many there before. On this point I am much pressed. Here again I must trust to luck, — that Some of them, or, if possible, all should be found to prefer their personal safety. For if they stick to their colours and prevail, you perceive what my position will be. You will say, "What about them, if they are beaten?" Such a blow is more creditable to them. These are the thoughts that torture me. You did not explain in your letter why you do not prefer Sulpicius's policy to mine. Though it is not so reputable that of Cato, yet it is free from danger and vexation. The last case is that of those who remain in Achaia. Even they are in a better position than I am, in two respects: there are many together in one place; and, when they do come to Italy, they will come straight back to Rome. Pray continue your present efforts to soften these difficulties and to secure the approbation of as many as possible. You apologize for not coming to me: I however am well acquainted with your reasons, and I also think it to my advantage that you should be where you are, if only to make to the proper people — as you are actually doing — the representations that have to be made in my behalf. Above all pray observe this. I believe that there are a number of people who have reported or will report to Caesar either that I repent of the course I have adopted, or do not approve of what is now going on: and, though both statements are true, yet they are made by them from an unfriendly feeling to me, not because they have perceived them to be so. In regard to this everything depends on Balbus and Oppius supporting my cause, and on Caesar's kind disposition towards me being confirmed by frequent letters from them. Pray do your utmost to secure that. A second reason for my not wishing you to leave Rome is that you mention in your letter that

Tullia implores your help. What a misfortune I What am I to say? What can I wish? I will be brief: for a sudden flood of tears stops me. I leave it to you. Do as you think right. Only be careful that at such a crisis as this there may be no danger to her safety. Pardon me, I beseech you: I cannot dwell on this topic any longer for tears and grief. I will only say that nothing is more soothing to my feelings than your affection for her.

I am obliged to you for seeing to letters being sent to those to whom you think it necessary. I have seen a man who says that he saw young Quintus at Samos, and his father at Sicyon. They will easily obtain their pardons. I only hope that, as they will have seen Caesar first, they may choose to aid me with him as much as I should have wished to aid them, if I had had the power! You ask me not to be annoyed if there are any expressions in your letter likely to give me pain. Annoyed! Nay, I implore you to write everything to me with complete candour, as you do, and to do so as often as possible. Good-bye.

15 December.

LETTER 8

TO ATTICUS (AT ROME) BRUNDISIUM, 25 DECEMBER

Though you of course see for yourself with what heavy anxieties I am consumed, yet you will be enlightened on that point by Lepta and Trebatius. I am being severely punished for my rashness, which you wish me to consider prudence; and I do not wish to prevent your maintaining that view and mentioning it in letters as often as possible. For your letter gives me sensible relief at such a time as this. You must exert yourself to the utmost by means of those who are favourably disposed to me and are influential with Caesar, especially by means of Balbus and Oppius, to induce them to write on my behalf as zealously as possible. For I am being attacked, as I hear, both by certain persons who are with him and by letter. We must counteract them as vigorously as the importance of the matter demands. Fufius is there, a very bitter enemy of mine. Quintus has sent his son not only to plead on his own behalf, but also to accuse me. He gives out that he is being assailed by me before Caesar, though Caesar himself and all his friends refute this. Indeed he never stops, wherever he is, heaping every kind of abuse upon me. Nothing has ever happened to me so much surpassing my worst expectations, nothing in these troubles that has given me so much pain. People who say that they heard them from his own lips, when he was publicly talking at Sicyon in the hearing of numerous persons, have reported some abominable things to me. You know his style, perhaps have even had personal experience of it: well, it is all now turned upon me. But I increase my sorrow by mentioning it, and perhaps do the same to you. Wherefore I return to what I was saying: take care that Balbus sends someone expressly for this purpose. Pray have letters sent in my name to whom you choose. Good-bye.

25 December.

LETTER 9

TO ATTICUS (AT ROME) BRUNDISIUM, 3 JANUARY

Yes, it is quite as you say: I have acted both incautiously and in too great a hurry; nor have I any hope, seeing that I am only allowed to remain by special clauses of exemption in the edicts. If these had not been secured by your industry and kindness, I might have betaken myself to some lonely places. As it is, I can't even do that. For how does my having come before the new tribuneship help me, if' my having come at all is of no service to me? Or what am I to expect from a man who was never friendly to me,

when my ruin and humiliation are now secured by an actual law? Already Balbus's letters to me become daily less cordial, and a great number from many hands reach Caesar, perhaps against me. I am perishing by my own fault. It is not chance that has caused me any misfortune, everything has been incurred by my own mistakes. The fact is that when I saw what sort of war it was going to be, and that universal unreadiness and feebleness were pitted against men in the highest state of preparation, I had made up my mind to a policy, not so much courageous, as one that I of all men was justified in adopting. I gave in to my relations, or rather, I obeyed them. What the real sentiments of one of them was-his whom you recommend to my forbearance — you will learn from his own letters, which he has sent to you and others. I should never have opened them, had it not been for the following circumstance. The bundle was brought to me. I untied it to see whether there was any letter for me. There was none. There was one for Vatinius, and another for Ligurius. I ordered them to be delivered to these persons. They immediately came to me boiling with indignation, loudly exclaiming against "the villain." They read me the letters full of every kind of abuse of me. Ligurius raved: said, that he knew that Quintus was detested by Caesar, and yet that the latter had not only favoured him, but had also given him all that money out of compliment to me. Thus outraged I determined to ascertain what he had said in his letters to the rest. For I thought it would be fatal to Quintus himself if such a

villainy on his part became generally known. I found that they were of the same kind. I am sending them to you, and if you think that it is for his interest that they should be delivered, please to deliver them. It won't do me any harm. For as to their having had their seals broken, Pomponia possesses his signet, I think. When he displayed that exasperation at the beginning of our voyage, he grieved me so deeply that I was quite prostrate after it, and even now he is said to be working not so much for himself as against me. So I am hard pressed by every kind of misery, and can hardly bear up against it, or rather cannot do so at all. Of these miseries there is one which outweighs all the others — that I shall leave that poor girl deprived of patrimony and every kind of property. Wherefore pray see to that, according to your promise: for I have no one else to whom to commend her, since I have discovered that the same treatment is prepared for her mother as for me. But, in case you don't find me here when you come, still consider that she has been commended to you with due solemnity, and soften her uncle in regard to her as much as you can. I am writing this to you on my birthday: on which day would that I had never been born, or that nothing had afterwards been born of the same mother I Tears prevent my writing more.

LETTER 10

TO ATTICUS (AT ROME) BRUNDISIUM, 19 JANUARY

My distresses, already past calculation, have received an addition by the news brought to me of the elder and younger Quintus. My connexion Publius Terentius was employed as deputy master of his company in Asia in collecting the harbour dues and the pasture rents. He saw the younger Quintus at Ephesus on the 8th of December, and entertained him warmly for the sake of our friendship, and on asking some questions about me, he tells me that Quintus replied that he was bitterly opposed to me, and shewed him a roll containing a speech which he intended to deliver against me before Caesar. Terentius says that he dissuaded him from such a senseless proceeding at great length; and that afterwards at Patrae the elder Quintus talked a great deal to him in a similar strain of treachery. The latter's furious state of mind you have been able to gather from the letters which I sent on to you. I know these things are painful to you: they are positive torture to me, and the more so that I don't think I shall have the opportunity of even remonstrating with them.

As to the state of things in Africa, my information is widely different from your letter. They say that nothing could be sounder or better organized. Added to that, there is Spain, an alienated Italy, a decline in the loyalty and the strength of the legions, total disorder in the city. Where can I find any repose except in reading your letters? And they would certainly have been more frequent, had you had anything to say by which you thought that my distress might be relieved. But nevertheless I beg you not to omit writing to tell me whatever occurs; and, if you can't absolutely hate the men who have shewn themselves so cruelly hostile to me, yet do rebuke them: not with the view of doing any good, but to make them feel that I am dear to you. I will write at greater length to you when you have answered my last. Good-bye.

19 January.

II)

TO ATTICUS (AT ROME) BRUNDISIUM, 8 MARCH

Worn out at length by the agony of my excessive sorrows, even if I had anything that I ought to say to you, I should not find it easy to write it; but as it is, I am still less able to do so because there is nothing worth the trouble of writing, especially as there is not even a gleam of hope of things being better. Accordingly, I no longer look forward to hearing even from you, though your letters always contain something that I like to hear. Therefore pray do go on writing, whenever you have a bearer at hand: though I have nothing to say in answer to your last, which nevertheless I received some time ago. For in the now long interval I can see that there has been a general change; that the right cause is strong; that I am being severely punished for my folly. The thirty sestertia which I received from Gnaeus Sallustius are to be paid to Publius Sallustius. Please see that they are paid without delay. I have written on that subject to Terentia. Even this sum is now almost used up: therefore concert measures with her to get me money to go on with. I shall perhaps be able to raise some even here, if I am assured that I shall have something to my credit at Rome. But until I knew that I did not venture to raise a farthing. You see my position all round: there is no sort of misfortune which I am not both enduring and expecting. For this state of things my grief is the heavier in proportion as my fault is the greater. He in Achaia never ceases maligning me. Clearly your letter has done no good. Good-bye.

8 March.

LETTER 12

TO ATTICUS (AT ROME) BRUNDISIUM, 8 MARCH (EVENING)

Cephalio delivered me a letter from you in the evening of the 8th of March. Now on the morning of the same day I had already despatched the letter-carriers, to whom I had given a letter for you. However, after reading your letter I thought I must write something in answer, more especially as you shew that you are anxious as to what explanation I intend to offer Caesar of my journey at the time that I left Italy. I have no need of any new explanation. For I have repeatedly written to him, and have charged various people to tell him, that I was unable, much as I wished it, to stand out against people's talk; and much more to the same effect. For there is nothing I should less like than that be should think that in a matter of such importance I did not act on my independent judgment. I afterwards received a letter from Cornelius Balbus the younger, saying that Caesar regarded my brother Quintus as having "sounded the signal" for my retreat — for that was his expression. I was not at the time aware of what Quintus had written about me to many; but he had spoken and acted to my face with great bitterness, in spite of which I yet wrote to Ceasar in these words:

I am no less anxious for my brother Quintus than for myself: but I do not venture in such a position as mine to recommend him to you. Yet this at least I will venture to ask of you — thus much I can do — I beg you not to think that he did anything to diminish the constancy of my service, or lessen my affection to you. Believe rather that he always advised our union; and was the companion, not the leader, of my journey. Wherefore in other matters pray give him all the credit that your own kindness and your mutual friendship demand. I earnestly and repeatedly entreat you not to let me stand in his light with you.

Wherefore if I ever do meet Caesar — though I have no doubt of his being lenient to Quintus, and that he has already made his intention clear — I after all shall be consistent with myself. But, as

far as I can see, my anxiety must be much more in regard to Africa, which, in fact, you say is growing daily stronger, though rather in a way to make one hope for conditions of peace than victory. Would to heaven it were so! But my view of the facts is far different, and I think that you yourself agree with me, but write in a different sense, not to deceive but to encourage me, especially now that Spain is also joined to Africa. You advise me to write to Antony and the rest. If you think anything of the sort necessary, please do as you have often done: for nothing occurs to me as needing to be written. You have been told that I am in better spirits — what can you think when you see added to my other causes of uneasiness these fine doings of my son-in-law. However, don't cease doing what you can in that direction-namely,,

writing to me, even if you have nothing to write about. For a letter from you always conveys something to me. I have accepted the inheritance of Galeo. I presume the form of acceptance was simple, as none has been sent me.

LETTER 13

TO ATTICUS (AT ROME) BRUNDISIUM (APRIL)

I have not received anything by way of a letter as yet from Muraena's freedman. Publius Siser delivered the one which I am now answering. You mention a letter from the elder Servius; also you say that certain persons announce the arrival of Quintus in Syria — neither is true. You want to know how the several persons who have arrived here are or have been disposed towards me: I have not found any of them ill-disposed; but I know, of course, that you are alive to the importance of this fact to me. For myself, while the whole position is intolerably painful, nothing is more so than the fact that what I have always wished not to happen now appears the only thing for my security. They say that the elder Publius Lentulus is at Rhodes, the younger at Alexandria, and it is certain that Gaius Cassius has left Rhodes for Alexandria. Quintus writes to me to apologize in language much more irritating than when he was accusing me most violently. For he says that he understands from your letter that you disapprove of his having written to many persons with severity about me, and that therefore he is sorry for having hurt your feelings, but that he had done so on good grounds. Then he sets down — but in most indecent terms — the reasons for his having so acted. But neither at the present juncture, nor before, would he have betrayed his hatred for me, had he not seen that I was a ruined man. And oh that I had come nearer to you, even if I had made the journeys by night, as you suggested! As it is, I cannot conceive either where or when I am likely to see you.

As to my co-heirs to the property of Fufidius, there was no occasion for you to write to me: for their demand is in itself equitable, and whatever arrangement you had made I should have regarded as right and proper. As to the repurchase of the property at Frusino, you have for some time past been acquainted with my wishes. Although my affairs were then in a better position, and I was not expecting such a desperate situation, I am nevertheless in the same mind. Please see how it may be brought about. And I beg you

to consider, to the best of your ability, whence I may raise the necessary funds. Such means as I had I transferred to Pompey at a time when it seemed a prudent thing to do. At that time, therefore, I took up money from your steward as well as borrowing from other sources; the time when Quintus writes to complain that I never gave him a farthing — I who was never asked for it by him, or had myself set eyes on the money. But pray see what can be scraped together, and what advice you would give on all points. You know the ins and outs of it. Grief prevents my writing more. If there is anything you think ought to be written to anybody in my name, pray do as usual: and whenever you find anybody to whom you can intrust a letter for me, I beg you not to omit doing so. Good-bye.

LETTER 14

TO ATTICUS (AT ROME) BRUNDISIUM (APRIL)

The candour of your letter does not offend me, because you do not endeavour even tentatively to console me, as was your wont, under the weight of public and personal misfortunes, but acknowledge that that is now impossible. For things are not even as they were before, when, if nothing else, I thought that I had comrades and partners in my policy. For now all the petitioners in Achaia and in Asia also, who have received no pardon, and even those who have, are said to be about to sail into Africa. So I have no one now except Laelius to share my error: and even he is in a better position than I am in that he has been received back. But about myself I have no doubt Caesar has written to Balbus and to Oppius, by whom, if they had had anything pleasant to report, I should have been informed, and they would have spoken to you. Pray have some talk with them on this point, and write me word of their answer not that any security granted by Caesar is likely to have any certainty, still one will be able to consider things and make some provision for the future. Though I shun the sight of all, especially with such a son-in-law as mine, yet in such a state of misery I can't think of anything else to wish.

Quintus is going on in the old way, as both Pansa and Hirtius have written to tell me — and he is also said to be making for Africa with the rest.

I will write to Minucius at Tarentum and send him your letter: I will write and tell you if I come to any settlement. I should have been surprised at your being able to find thirty sestertia, had there not been a good surplus from the sale of the Fufidian estates. But my eager desire now is for yourself, to see whom, if it is in any way possible (and circumstances make it desirable), I am very anxious. The last act is being played: what its nature is it is easy to estimate at Rome, more difficult here.

LETTER 15

TO ATTICUS (AT ROME) BRUNDISIUM, 14 MAY

As you give me good and sufficient reasons why I cannot see you at this time, I beg you to tell me what I ought to do. For it seems to me that, though Caesar is holding Alexandria, he is ashamed even to send a despatch on the operations there. Whereas these men in Africa seem to be on the point of coming over here: so, too, the Achaean refugees seem to intend returning from Asia to join them, or to stay in some neutral place. What therefore do you think I ought to do? I quite see that it is difficult to advise. For I am the only one (or with one other) for whom neither a return to the one party is possible, nor a gleam of hope visible from the other. But nevertheless I should like to know what your opinion is, and that was the reason among others why I wished to see you, if it could be managed.

I wrote before to tell you that Minucius had only paid twelve sestertia: please see that the balance is provided.

Quintus wrote to me not only without any strong appeal for pardon, but in the most bitter style, while his son did so with astonishing malignity. No sorrow can be imagined with which I am not crushed. Yet everything is more bearable than the pain caused by my error: that is supreme and abiding. If I were destined to have the partners in that error that I expected, it would nevertheless be but a poor consolation. But the case of all the rest admits of some escape, mine of none. Some because they were taken prisoners, others because their way was barred, avoid having their loyalty called in question, all the more so, of course, now that they have extricated themselves and joined forces again. Why, even the very men who of their own free will went to Fufius can merely be counted wanting in courage. Finally, there are many who will be taken back, in whatever way they return to that party. So you ought to be the less astonished that I cannot hold up against such violent grief. For I am the only one whose error cannot be repaired, except perhaps Laelius — but what alleviation is that to me? — for they say that even Gaius Cassius has changed his mind about going to Alexandria. I write this to you, not

that you may be able to remove my anxiety, but to know whether you have any suggestion to make in regard to the distresses that are sapping my strength, to which are now added my son-in-law, and the rest that I am prevented by my tears from writing. Nay, even Aesop's son wrings my heart. There is absolutely nothing wanting to make me the most unhappy of men. But to return to my first question — what do you think I ought to do? Should I remove secretly to some place nearer Rome, or should I cross the sea? For remaining here much longer is out of the question.

Why could no settlement he come to about the property of Fufidius? For the arrangement was one about which there is not usually any dispute, when the portion which is thought of the less value can be made up by putting the property up to auction among the heirs. I have a motive for asking the question: for I suspect that my co-heirs think that my position is doubtful, and therefore prefer allowing the matter to remain unsettled. Good-bye.

15 May.

LETTER 16

TO ATTICUS (AT ROME) BRUNDISIUM, 3 JUNE

IT is by no fault of mine this time — for I did commit an error formerly — that the letter you forward brings me no consolation. For it is written in a grudging spirit, and gives rise to strong suspicions of not really being from Caesar, suspicions which I think have occurred to yourself. About going to meet him I will do as you advise. The fact is that there is no belief prevalent as to his coming, nor do those who arrive from Asia say that anything has been heard about a peace, the hope of which caused me to fall into this trap. I see no reason for entertaining hopes, especially in the present circumstances, when such disaster has been sustained in Asia, in Illyricum, in the Cassius affair, in Alexandria itself, in the city, in Italy. In my opinion, even if he is going to return (he is said to be still engaged in war) the business will be all settled before his return.

You say that a certain feeling of exultation on the part of the loyalists was roused on hearing of the receipt of this letter: you of course omit nothing in which you think that there is any consolation; but I cannot be induced to believe that any loyalist could think that any salvation has been of such value in my eyes, as to make me ask it of Caesar — much less should I be likely to do so now that I have not a single partner even in this policy. Those in Asia are waiting to see how things turn out. Those in Achaia also keep dangling before Fufius the hope that they will petition for pardon. These men had at first the same reason for fear as I had, and the same policy. The check at Alexandria has improved their position, it has ruined mine. Wherefore I now make the same request to you as in my previous letter, that, if you can see in the midst of this desperate state of things what you think I ought to do, you would tell me of it. Supposing me to be received back by this party, which you see is not the case, yet, as long as there is war, I cannot think what to do or where to stay: still less, if I am rejected by them. Accordingly, I am anxious for a letter from you, and beg you to write to me without hesitation.

You advise me to write to Quintus about this letter of Caesar's: I

would have done so, if it had been in any way one agreeable to me; although I have received a letter from a certain person in these words: “Considering the evil state of things, I am pretty comfortable at Patrae: I should be still more so, if your brother spoke of you in terms suited to my feelings.” You say that Quintus writes you word that I never answer his letters. I have only had one from him; to that I gave an answer to Cephalio, who, however, was kept back several months by bad weather. I have already told you that the young Quintus has written to me in the most offensive terms.

The last thing I have to say is to beg you, if you think it a right thing to do and what you can undertake, to communicate with Camillus and make a joint representation to Terentia about making a will. The state of the times is a warning to her to take measures for satisfying all just claims upon her. Philotimus tells me that she is acting in an unprincipled way. I can scarcely believe it, but at any rate, if there is anything that can be done, measures should be taken in time. Pray write to me on every sort of subject, and especially what you think about her, in regard to whom I need your advice, even though you fail to hit upon any plan: I shall take that to mean that the case is desperate.

3 June.

LETTER 17

TO ATTICUS (AT ROME) BRUNDISIUM, 14 JUNE

I am giving this letter to another man's letter-carriers, who are in a hurry to start; that, and the fact that I am about to send my own, accounts for its brevity. My daughter Tullia reached me on the 12th of June, and expatiated at great length on your attention and kindness to her, and gave me three letters. I, however, have not got the pleasure from her own virtue, gentleness, and affection which I ought to get from a matchless daughter, but have even been overwhelmed with extraordinary sorrow, to think that a character like hers should be involved in circumstances of such distress, and that that should occur from no fault of hers, but from my own consummate folly. Accordingly, I am not expecting from you now either consolation, which I see you desire to offer, or advice, which is impossible of adoption; and I understand on many occasions from your previous, as well as from your last letters, that you have tried everything practicable.

LETTER 17A

I am thinking of sending my son with Sallustius to Caesar. As for Tullia, I see no motive for keeping her with me any longer in such a sad state of mutual sorrow. Accordingly, I am going to send her back to her mother as Soon as she will herself consent to go. In return for the letter which you wrote in the consolatory style, pray consider that I have made the only answer which you will yourself understand to have been possible. You say that Oppius has had some talk with you: what he said does not at all disagree with my suspicion about it. But I have no doubt that it would be impossible to persuade that party that their proceedings could have my approval, whatever language I were to hold. However, I will be as moderate as I can. Although what it should matter to me that I incur their odium I don't understand. I perceive that you are prevented by a good reason from coming to see us, and that is a matter of great regret to me. There is no news of Caesar having left Alexandria; but all agree that no one has come from there either since the 15th of March, and that he has written no letters since the 13th of December. This shews you that there was nothing genuine about that letter of the 9th of February — which would have been quite unimportant, even if it had been genuine. I am informed that L. Terentius has left Africa and come to Paestum. What his mission is, or how he got out of the country, or what is going on in Africa, I should like to know. For he is said to have been passed out by means of Nasidius. What it all means pray write me word if you discover it. I will do as you say about the ten sestertia. Good-bye.

14 June.

LETTER 18

TO ATTICUS (AT ROME) BRUNDISIUM, 19 JUNE

ABOUT Caesar's departure from Alexandria there is as yet no rumour, and, on the contrary, there is an opinion that he is in serious difficulties. Accordingly, I shall not send my son, as I had intended, and I beg you to get me out of this place. For any punishment is less galling than a continuance here. On this subject I have written both to Antony and to Balbus and Oppius. For whether there is to be war in Italy, or whether he will employ his fleet, in either case this is the last place for me. Perhaps it will be both: certainly there will be one or the other. I understood clearly from Oppius's remarks, which you reported to me, what the anger of that party against me is: but I beg you to divert it. I expect nothing at all now that is not unhappy. But nothing can be more abominable than the place in which I now am. Wherefore I would like you to speak both to Antony and to the Caesarians with you, and get the matter through for me as well as you can, and write to me on all subjects as soon as possible. Good-bye.

19 June.

LETTER 19

TO ATTICUS (AT ROME) BRUNDISIUM, 22 JULY

As I had the opportunity of giving a letter to your servants I would not pass it by, though I have nothing to say. You yourself write to me more rarely than you used, and more briefly: I suppose because you have nothing to say which you suppose that I can read or hear with pleasure. But indeed I would have you write, whatever and of what kind soever it may be. The fact is that there is only one thing capable of exciting a wish in me — the chance of negociation for peace: and of that I have absolutely no hope. But because from time to time you hint faintly at it, you compel me to hope for what hardly admits of a wish.

Philotimus is announced for the 13th of August. I have no farther information about him. Please let me have an answer to my previous letter to you. All the time I need is just enough to allow of my taking some precautions — I who never took any. Good-bye.

22 July.

LETTER 20

TO ATTICUS (AT ROME) BRUNDISIUM, 15 AUGUST

On the 14th of August Gaius Trebonius arrived from Seleucia Pieria after twenty-seven days' journey, to tell me that at Antioch he saw the younger Quintus in Caesar's company along with Hirtius: that they had got all they wanted in regard to the elder Quintus, and that without any trouble. I should have been more rejoiced at this if the concessions to myself conveyed any certainty of hope. But, in the first place, there are others, and among them Quintus, father and son, from whom I have reason to entertain other fears; and, in the next place, grants made by Caesar himself as absolute master are again within his power to revoke. He has pardoned even Sallustius: he is said to refuse absolutely no one. This in itself suggests the suspicion that judicial investigation is held over for another time. M. Gallius, son of Quintus, has restored Sallustius his slaves. He came to transport the legions to Sicily: he said that Caesar intends to go thither straight from Patrae. If he does that I shall come to some place nearer Rome, which I could wish I had done before. I am eagerly waiting for your answer to my last letter, in which I asked for your advice. Good-bye.

15 August.

LETTER 21

TO ATTICUS (AT ROME) BRUNDISIUM, 25 AUGUST

On the 25th of August I received a letter from you dated the 19th, and I experienced on reading his epistle a very painful renewal of the sorrow which had been long ago caused me by Quintus's misconduct, but which I had by this time shaken off. Though it was impossible for you not to send me that letter, yet I should have preferred that it had not been sent.

In regard to what you say about the will, please consider what should be done and how. In regard to the money, she has herself written in the sense of my previous letter to you, and, if it is necessary, I will draw on the sum you mention.

Caesar does not seem likely to be at Athens by the 1st of September. Many things are said to detain him in Asia, 'above all Pharnaces. The 12th legion, which Sulla visited first, is said to have driven him off with a shower of stones. It is thought that none of the legions will stir. Caesar, people think, will go straight to Sicily from Patrae But if that is so, he must necessarily come here. Yet I should have preferred his going from there; for in that case I should have got away somehow or other. As it is, I fear I must wait for him, and, among other misfortunes, my poor Tullia must also endure the unhealthy climate of the place. You advise me to make my actions square with the time: I would have done so, had circumstances allowed of it, and had it been in any way possible. But in view of the prodigious blunders made by myself, and the wrongs inflicted upon me by my relations, there is no possibility of doing anything or keeping up any pretext worthy of my character. You compare the Sullan period: but, if we regard the principle of that movement, it was everything that was most eminent; where it failed was in a want of moderation in its execution. The present movement, on the other hand, is of such a character, that I forget my own position, and much prefer the general advantage to that of the party, with whose interests I have identified my own. Nevertheless pray write to me as often as possible, and the more so that no one else writes; and yet, if

everybody did, I should still look forward to your letters most. You say that Caesar will be more kindly disposed to Quintus thanks to me: I have already told you that he at once granted everything to the younger Quintus and said never a word about me. Goodbye.

LETTER 22

TO ATTICUS (AT ROME) BRUNDISIUM (LATE IN AUGUST)

BALBUS'S letter-carrier delivered me the packet with all promptness. I say this because I have a letter from you in which you seem to fear that I have not received those letters, which in fact I could wish had never been delivered to me. For they increased my misery, and, if they had fallen into anyone else's hands, they would not have inflicted any fresh harm upon me. For what can be more universally notorious than his rage against me and the sort of letter he writes?-a kind of letter which even Caesar appears to have sent to his friends at Rome, not because he was shocked at his unprincipled conduct, but, I believe, to make my miserable position better known. You say that you are afraid that they will do Quintus harm, and that you are trying to remedy the mischief. Why! Caesar did not even wait to be asked about him. I don't mind that; but what I mind more is that the favours granted to myself have no stability.

Sulla, I believe, will be here tomorrow with Messalla. They are hurrying to Caesar after being driven away by the soldiers, who say that they will go nowhere until they' have got what was promised them. Therefore he will come here, though slowly: for, though he is keeping on the move, he devotes many days to the several towns. Moreover, Pharnaces, whatever course he takes, must cause him delay. What, then, do you think I should do? For by this time I am scarcely strong enough physically to endure the unhealthiness of this climate, because it adds bodily suffering to mental pain. Should I commission these two who are going to him, to make my excuses, and myself go nearer Rome? I beg you to consider it, and as hitherto, in spite of frequent requests, you have declined to do, aid me by your advice. I know that it is a difficult question; but it is a choice of evils, and it is of great importance to me that I should see you. If that could be brought about, I should certainly make some advance. As to the will, as you say, pray attend to

LETTER 23

TO ATTICUS (AT ROME) BRUNDISIUM, 9 JULY

On the subject on which I wrote to ask you to consult with Camillus, he has himself written to say that you have spoken to him. I am waiting for a letter from you — but I do not see how it can be changed if it is other than it should be. But having received a letter from him, I wanted one from you, though I think that you have not been informed on the subject I only hope that you are well! For you mentioned that you were suffering from a sort of illness. A certain Agusius arrived from Rhodes on the 8th of July. He brings word that young Quintus started to join Caesar on the 29th of May, that Philotimus arrived at Rhodes on the day previous, and had a letter for me. You will hear what Agusius himself has to say: but he is travelling rather slowly. Therefore I have contrived to give this to some one who goes quickly. I don't know what that letter Contains, but my brother Quintus offers me cordial congratulations. For my part, considering my egregious blunder, I cannot even imagine anything happening that can be endurable to me.

I beg you to think about my poor girl, and about what I wrote to you in my last — that some money should be got together to avert destitution, and about the will itself. The other thing also I could have wished that I had done before, but I was afraid of taking any step. The best alternative in a very bad business was a divorce. I should then have behaved something like a man — on the ground either of his proposals for abolition of debts, or his night assaults on houses, or his relations with Metella, or his ill conduct generally: and then I should not have lost the money, and should have shewn myself to possess some manly indignation. I quite remember your letter, but I also remember the circumstance of the time: yet anything would have been better. As it is, indeed, he seems to intend to divorce her: for I am told about the statue of Clodius. To think that a son-in-law of mine, of all people in the world, should do that, or propose the abolition of debts! I am of opinion, therefore, and so are you, that a notice of divorce should be sent by her. He will perhaps claim the

third instalment. Consider, therefore, whether the divorce should be allowed to originate with him, or whether we should anticipate him. If I can do so by any means, even by travelling at night, I will try to see you. Meanwhile, pray write to me about these matters, and anything else which it may be my interest to know. Good-bye.

LETTER 24

TO ATTICUS (AT ROME) BRUNDISIUM, 6 AUGUST

What you said some time ago in a letter to me, and about me to Tullia — with a view of its reaching me also — feel to be true. It adds to my misery, though I thought no addition possible, that, when most flagrantly wronged, I cannot with impunity shew, not only any anger, but even vexation. Let me, therefore, put up with that. But when I have swallowed it, I shall yet have to endure the very things which you warn me to be on my guard against. For the blunder I have committed is such, that, whatever the final settlement and the sentiments of the people may be, its result seems likely to be the same.

Here I take the pen into my own hands; for what follows must be treated more confidentially. See, I beg you, even now to the will, which was made at the time when she began to be in difficulties. She did not trouble you, for she never asked you even a question, nor me either. But assuming this to be the case, you will be able — as you have now got to the point of speaking about it — to suggest to her to deposit it with some one, whose position is not affected by the result of this war. For my part, I should prefer you to everybody, if she agreed in wishing it. But the fact is, I keep the poor woman in the dark as to this particular fear of mine.

About my other suggestion, I know, of course, that nothing can be sold at present: but they might be stowed away and concealed, so as to be out of reach of the impending crash. For as to what you say about my fortune and yours being at Tullia's service — I have no doubt as to yours, but what can there be of mine?

Again, about Terentia — I omit innumerable other points — what can go beyond this? You wrote to her to send me a bill of twelve sestertia (about £94), saying that that was the balance of the money. She sent me ten, with a note declaring that to be the balance. When she has deducted such a petty sum from so trifling a total, you can feel pretty sure what she has done in the case of a very large transaction. Philotimus not only does not come himself, but does not

inform me even by letter or messenger what he has done. People coming from Ephesus bring word that they saw him there going into court on some private suits of his own, which are themselves perhaps — for so it seems likely — being postponed till the arrival of Caesar. Accordingly, I presume either that he has nothing which he considers that there need be any hurry about conveying to me, or that I am such an object of contempt in my misfortunes, that, even if he has anything, he does not trouble himself about conveying it until he has settled all his own concerns. This annoys me very much, but not so much as I think it ought. For I consider that nothing matters less to me than the nature of any communication from that quarter. I feel sure you understand why I say that. You advise me to accommodate my looks and words to the circumstances of the time. It is difficult to do so, yet I would have put that restraint upon myself, had I thought that it was of any importance to me.

You say that you think that the African affair may be patched up. I wish you had told me why you think so: for my part, nothing occurs to my mind to make me think it possible. However, pray write and tell me if there is anything to suggest any consolation: but if, as I am clear, there is nothing of that nature, write and tell me even that fact. I, on my side, will write you word of anything which reaches me first. Good-bye.

6 August.

LETTER 25

TO ATTICUS (AT ROME) BRUNDISIUM, 5 JULY

I have no difficulty in agreeing with your letter, in which you point out at considerable length that there is no advice by which I can be aided by you. At least there is no consolation capable of relieving my sorrow. For nothing has been brought upon me by chance — for that would have been endurable — but I have created it all by those mistakes and miserable conditions of mind and body, to which I only wish those nearest and dearest to me had preferred to apply remedies! Therefore, since I have no ray of hope either of advice from you or of any consolation, I will not ask you for them in future. I would only ask one thing of you — that you should not omit writing to me whatever comes into your mind, whenever you have anyone to whom you can give a letter, and as long as there shall be anyone to whom to write, which won't be very long. There is a rumour of a doubtful sort that Caesar has quitted Alexandria. It arose from a letter from Sulpicius, which all subsequent messengers have confirmed. Since it makes no difference to me, I don't know whether I should prefer this news being true or false. As to what I said some time ago to you about Terentia's will, I should like it preserved in the custody of the Vestals.

I am worn out and harassed to death by the folly of this most unhappy girl. I don't think there was ever such a creature born. If any measure of mine can do her any good, I should like you to tell me of it. I can see that you will have the same difficulty as you had before in giving me advice — but this is a matter that causes me more anxiety than everything else. I was blind to pay the second instalment. I wish I had done otherwise: but that's past and done with. I beg of you that, considering the ruinous state of affairs, if any money can be collected or got together and put in safe hands, from sale of plate and the fairly abundant furniture, you would take steps to do so. For I think that the worst is hard upon us, that there will be no making of peace, and that the present regime will collapse even without an opponent. Speak to Terentia also on this subject, if you

think it right, at some convenient opportunity. I can’t write all I have to say. Good-bye.

5 July.

BOOK 12

LETTER 1

TO ATTICUS (IN HIS SUBURBAN VILLA) ARPINUM, 24 NOVEMBER

ON the eleventh day from my parting from you I write this notelet on the point of quitting my villa before daybreak. Today I think of being at my house at Anagnia, tomorrow at Tusculum: there I stay one day. On the 27th, therefore, I start to meet you as arranged. And oh! that I might hurry straight to the embrace of my Tullia and to the lips of Attica! Pray write and tell me what those same lips are prattling of, so that I may know it while I am halting in my Tusculan villa: or, if she is ruralizing, what she writes to you. Meanwhile, send her by letter or give her yourself my kind love, as also to Pilia. But all the same, though we are to meet directly, write to me if you have anything to say.

Just as I was folding up this letter, your courier arrived late at night with a letter from you. I have read it: I am, of course, very sorry to hear of Attica's feverish attack. Everything else that I wanted to know I learn from your letter. As to your saying that "a little fire in the morning is an old man's luxury" — it is still more an old man's way to be a trifle forgetful! I had appointed the 26th for Axius, the 27th for you, and the 28th (the day of my reaching Rome) for Quintus. Pray consider that settled. There is no change. "Then what was the use of my writing?" What is the use of our talking when we meet and prattle about anything that occurs to us? A causerie is, after all, something: for, even though there is nothing in it substantial, there is a certain charm in the mere fact of our talking together. [The rest of the letters of this year are, with one or two exceptions, formal letters of introduction or recommendation. They do not admit of being dated, as to month or day.]

LETTER 2

TO ATTICUS (IN THE COUNTRY) ROME (APRIL)

Well, all the same, there are reports here that Statius Murcus has been lost at sea, that Asinius reached land to fall into the hands of the soldiers, that fifty ships have been carried ashore at Utica by the contrary wind now prevailing, that Pompeius is nowhere to be seen and has not been in the Balearic isles at all, as Paciaecus asserts. But there is absolutely no confirmation of any single thing. I have told you what people have been saying in your absence. Meanwhile, there are games at Praeneste. Hirtius and all that set were there. Indeed, the games lasted eight days. What dinners! what gaiety! Meantime, perhaps the great question has been settled. What astonishing people! But — you say — Balbus is actually building; for what does he care? But, if you ask my opinion, is not life all over with a man who makes only pleasure, and not right, his aim? You meanwhile slumber on. The time has come to solve the problem, if you mean td do anything. If you want to know what I think — I think "enjoy while you can." But why run on? I shall see you soon, and indeed I hope you will come straight to me when you get back. For I will arrange a day for Tyrannio at the same time, and anything else suitable. (Horace, Od. ii. i). He had been with Caesar from the first. In B.C. 47, while Caesar was at Alexandria, he was tribune, but was now again with him in Africa.

LETTER 3

TO ATTICUS (AT ROME) TUSCULUM, 13 JUNE

I regard you as the one man who is less of a flatterer than myself, and if we both are sometimes such towards some one else, we are never so to each other. So listen to what I say in all plainness and sincerity. May I perish, my dear Atticus, if, I don't say my Tusculan villa- where in other respects I am very happy — but even "the islands of the blest" are in my eyes worth an absence of so many days from you. Wherefore let us harden ourselves to endure these three days- assuming you to be in the same state of feeling as myself, which is surely the case. But I should like to know whether you are coming today immediately after the auction, or on what day. Meanwhile I am busy with my books, and am much inconvenienced by not having Vennonius's history.

However, not to omit business altogether, that debt which Caesar assigned to me admits of being recovered in three ways: first, purchase at the auction — but I would rather lose it, although, let alone the disgrace, that is as good as losing it. Secondly, a bond payable a year hence from the purchaser — but who is there I can trust, and when will that "year of Meton" come? Thirdly, accepting half down on the proposal of Vettienus. Look into the matter therefore.

And indeed I am afraid Caesar may now not have the auction at all, but when the games are over will hurry off to the aid of (Q. Pedius), lest such a great man should be treated with neglect But I will see to it. Pray take good care of Attica, and give her and Pilia, as well as Tullia, the kindest messages from me.

LETTER 4

TO ATTICUS (AT ROME) TUSCULUM, 14 JUNE

What a welcome and delightful letter! Need I say more? It is a red-letter day with me after all. For I was made anxious by Tiro's telling me that you seemed to him somewhat flushed. I will therefore add one day to my stay here, in accordance with your wish. But that about Cato is a problem requiring an Archimedes. I cannot succeed in writing what your guests can possibly read, I don't say with pleasure, but even without irritation. Nay, even if I keep clear of his senatorial speeches, and of every wish and purpose which he entertained in politics, and chose in merely general terms to eulogise his firmness and consistency, even this in itself would be no pleasant hearing for your friends. But that great man cannot be praised as he really deserves unless the following topics are dilated upon: his having seen that the present state of things was to occur, his having exerted himself to prevent them, and his having quitted life to avoid seeing what has actually happened. What point is there in these on which I could possibly secure the approval of Aledius? But, I beseech you, be careful about your health and bring the prudence, which you apply to all matters, to bear before everything else on getting well.

LETTER 5

TO ATTICUS (AT ROME) TUSCULUM (JULY)

"Quintus the elder for the fourth time" (or rather for the thousandth time) —— is a fool, for being rejoiced at his son's appointment as a Lupercus, and at Statius — that he may see his family overwhelmed with a double dishonour! I may add a third in the person of Philotimus. What unparalleled folly, unless indeed mine can beat it! But what impudence to ask a subscription from you for such a purpose! Granted that he did not come to a "fount athirst," but a "Peirene" and a "holy well-spring of Alphaeus " — to drain you as though you were a fountain, as you say, and that, too, at a time when you are so seriously embarrassed! Where will such conduct end? But that's his affair. I am much pleased with my Cato: but so is Lucilius Bassus with his compositions.

LETTER 5A

TO ATTICUS (AT ROME) TUSCULUM, 31 MAY

Yes, inquire about Caelius as you say; I know nothing. We ought to ascertain his character, not only his means. Do the same as to Hortensius and Verginius, if you feel any doubt: yet I don't think you will easily find anybody more eligible, as far as I can see. Yes, negotiate with Mustela in the manner you suggest, when Crispus arrives. I have written to tell Avius to inform Piso of the facts, with which he is well acquainted, as to the gold. For I quite agree with you: that business has dragged on too long, and we must now call in money from all directions. I have no difficulty in seeing that you neither do nor think of anything but what is to my interests, and that it is by my business that your eagerness to visit me is foiled. But I imagine you by my side, not merely because you are employed in my service, but also because I seem to see how you are acting. And, indeed, not a single hour which you devote to my business escapes my observation.

LETTER 5B

I see that Tubulus was praetor in the consulship of Lucius Metellus and Quintus Maximus. At present I should like to ascertain in what Consulship Publius Scaevola, the Pontifex Maximus, was tribune. I think it was in that of Caepio and Pompeius: for he was praetor in the year of Lucius Furius and Sextus Atilius. Please therefore tell me the year of Tubulus's tribunate, and, if you Can, on what charge he was tried. And pray look to see whether Lucius Libo, who brought in the bill about Servius Galba, was tribune in the consulship of Censorinus and Manilius, or T. Quinctius and Manius Acilius. Also I am puzzled about Brutus's epitome of the history of Fannius. I put down what I found at the end of that epitome, and taking it as my guide, I stated that Fannius — the author of the history-was son-in-law to Laelius. But you proved to demonstration that I was wrong. Now Brutus and Fannius refute you. However, I had good authority — that of Hortensius — for my statement as it appears in the "Brutus." Please therefore set this matter right.

LETTER 5C

TO ATTICUS (AT ROME) TUSCULUM, 12 JUNE

I have sent Tiro to meet Dolabella. He will be returning to me on the 13th. I shall expect you the next day. I see that you regard my dear Tullia's interests as of the first importance. I beg you earnestly to let it be so. So then she is still completely uncommitted; for so you say in your letter. Though I had to avoid the Kalends, and shun the "originals" of the Nicasiones, and had to balance my accounts, yet there was nothing to make up for my absence from you. When I was at Rome and thought every moment that I was going to catch a sight of you, even so every day the hours of waiting seemed long. You know I am by no means a flatterer, and so I considerably understate my feelings.

LETTER 6

TO ATTICUS (AT ROME) ROME, THE SECOND INTERCALARY MONTH

As to Caelius, please see that there is no defect in the gold. I don't know anything about such matters. But at any rate there is quite enough loss on exchange. If to this is added gold...but why need I talk? You will see to it. That is a specimen of the style of Hegesias, which Varro commends.

Now I come to Tyrannio. Do you really mean it? Was this fair? Without me? Why, how often, though quite at leisure, did I yet refuse without you? How will you excuse yourself for this? The only way of course is to send me the book; and I beg you earnestly to do so. And yet the book itself will not give me more pleasure than your admiration of it has already done. For I love everyone who "loves learning," and I rejoice at your feeling such a great admiration for that essay on a minute point. However, you are that sort of man in everything. You want to know, and that is the only food of the intellect. But pray what did you get that contributed to your summum bonum from that acute and grave essay? However, I am talking too much, and you have been occupied in some business which is perhaps mine: and in return for that dry basking of yours in the sun, of which you took such full advantage on my lawn, I shall ask of you in return some sunshine and a good dinner. But I return to what I was saying. The book, if you love me, send me the book! It is certainly yours to give, since indeed it was dedicated to you. "What, Chremes, Have you such leisure from your own affairs " as even to read my "Orator"? Well done! I am pleased to hear it, and shall be still more obliged if, not only in your own copy, but also in those meant for others, you will make your scribes alter "Eupolis" to "Aristophanes."

Caesar again seemed to me to smile at your word quaeso, as being somewhat "fanciful" and cockneyfied. But he bade you to have no anxiety in such a cordial manner, that he relieved me of all feeling of doubt. I am sorry that Attica's ague is so lingering, but since she has

now got rid of shivering fits, I hope all is well.

LETTER 7

TO ATTICUS (AT ROME) TUSCULUM (SECOND INTERCALARY MONTH?)

I have already written all you want in a note and given it to Eros, briefly, but even more than you ask. In it I have spoken about my son, of whose idea you gave me the first hint. I said to him in the most liberal manner what I should like you, if it is convenient to you, to learn from his own mouth. But why put it off? I explained to him that you had reported to me his wishes and what means he required: "He wished to go to Spain; he wanted a liberal allowance." As to a liberal allowance, I said that he should have as much as Publius gave his son, and the flamen Lentulus gave his. As to Spain, I put before him two objections, first, the one I mentioned to you, the fear of adverse criticism—"Was it not enough that we abandoned the war? Must we even fight on the other side?" And secondly, that he would certainly be annoyed at being surpassed by his cousin in intimacy with Caesar and every kind of favour. I could wish that he would take advantage of my liberality, rather than of his own freedom of action: nevertheless, I gave the permission: for I had been given to understand that you were not much against it. I will think over the subject earnestly, and beg that you will do the same. It is an important step: to stay at home involves no complications, the other course is risky. But we will see. About Balbus I had already written in the note, and I think of doing as you suggest as soon as he returns. But if he is somewhat slow in coming, I shall in any case be three days at Rome: and, oh! I forgot to say, Dolabella also will be with me.

LETTER 8

TO ATTICUS (AT ROME) TUSCULUM (SECOND INTERCALARY MONTH)

As to my son, my plan meets with wide approval. I have got a suitable travelling companion for him. But let us first see about getting the first instalment. For the day is fast approaching, and Dolabella is hurrying away. Write and tell me, pray, what Celer reports Caesar to have settled about the candidates. Does the great man think of going to the plain of the Fennel or to the plain of Mars? And, finally, I should very much like to know whether there is any positive necessity for my being at Rome for the comitia: for I must do what Pilia wishes, and anyhow what Attica does.

LETTER 9

TO ATTICUS (AT ROME) ASTURA (27 JULY)

YES, indeed, I should have been very comfortable here, and more so every day, had it not been for the reason which I mentioned to you in my previous letter Nothing could be pleasanter than the solitude of this place, except for the occasional inroads of the "son of Amyntas." What a bore he is with his endless babble! In other respects don't imagine that anything could be more delightful than this villa. But all this doesn't deserve a longer letter, and I have nothing else to say and am very sleepy.

LETTER 10

TO ATTICUS (AT ROME) ASTURA (28 JULY)

GOOD heavens, how sad about Athamas! As for your sorrow, it shews a kind heart, but it must be firmly kept within bounds. There are many ways to arrive at consolation, but the straightest is this: let reason secure what time is certain to secure. Let us however take care of Alexis, the living image of Tiro — whom I have sent back to Rome ill; and if "the hill " is infected with some epidemic let us transfer him to my house along with Tisamenus. The whole upper story of my house is vacant, as you know. I think this is very much to the purpose.

LETTER 11

TO ATTICUS (AT ROME) TUSCULUM (SECOND INTERCALARY MONTH)

I am sorry to hear about Seius. But we must put up with whatever is natural to man. Why, what are we ourselves, and how long are we destined to feel for such things? Let me look to what is more within my control-yet, after all, not much more so — namely, what I am to do about the senate. And, not to omit anything, Caesonius has written to me to say that Sulpicius's wife Postumia has been to call on him. As to the daughter of Pompeius Magnus, I wrote you back word that I wasn't thinking about her at the present moment. That other lady whom you mention I think you know. I never saw anything uglier. But I am soon to be in town. Therefore we'll talk about it.

P.S. After I had sealed my packet I received your letter. I am glad to hear that Attica is so cheerful; I am sorry for the slight attack.

LETTER 12

TO ATTICUS (AT ROME) ASTURA (16 MARCH)

As to the dowry, make a clean sweep of the business all the more. To transfer the debt to Balbus is a rather high and mighty proceeding. Settle it on any terms. It is discreditable that the matter should hang fire from these difficulties. The "island" at Arpinum might suit a real "dedication," but I fear its out-of-the-way position would diminish the honour of the departed. My mind is therefore set on suburban pleasure-grounds: but I will wait to inspect them when I Come to town. As to Epicurus, it shall be as you please: though I intend to introduce a change in future into this sort of impersonation. You would hardly believe how keen certain men are for this honour. I shall therefore fall back on the ancients: that can create no jealousy. I have nothing to say to you; but in spite of that, I have resolved to write every day, to get a letter out of you. Not that I expect anything definite from your letters, but yet somehow or another I do expect it. Wherefore, whether you have anything or nothing to say, yet write something and — take care of yourself.

LETTER 13

TO ATTICUS (AT ROME) ASTURA (7 MARCH)

I am disturbed about Attica, though I agree with Craterus. Brutus's letter, full of wisdom and affection as it is, has yet cost me many tears. This solitude is less painful to me than the crowds of Rome. The only person I miss is yourself; but although I find no more difficulty in going on with my literary work than if I were at home, yet that passionate unrest haunts and never quits me, not, on my word, that I encourage it, I rather fight against it: still it is there. As to what you say about Appuleius, I don't think that there is any need for your exerting yourself, nor for applying to Balbus and Oppius, to whom he undertook to make things right, and even sent me a message to say that he would not be troublesome to me in any way. But see that my excuse of ill-health for each separate day is put in. Laenas undertook this. Add C. Septimius and L Statilius. In fact, no one, whomsoever you ask, will refuse to make the affidavit. But if there is any difficulty, I will come and make a sworn deposition myself of chronic ill-health. For since I am to absent myself from the entertainments, I would rather be thought to do so in virtue of the augural law, than in consequence of grief. Please send a reminder to Cocceius, for he does not fulfil his promise: while I am desirous of purchasing some hiding-place and refuge for my sorrow.

LETTER 14

TO ATTICUS (AT ROME) ASTURA (8 MARCH)

I wrote to you yesterday about making my excuses to Appuleius. I think there is no difficulty. No matter to whom you apply, no one will refuse. But see Septimius, Laenas, and Statilius about it. For three are required. Laenas, however, undertook the whole business for me. You say that you have been dunned by Iunius: Cornificius is certainly a man of substance, yet I should nevertheless like to know when I am said to have given the guarantee, and whether it was for the father or son. None the less pray do as you say, and interview the agents of Cornificius and Appuleius the land-dealer.

You wish me some relaxation of my mourning: you are kind, as usual, but you can bear me witness that I have not been wanting to myself. For not a word has been written by anyone on the subject of abating grief which I did not read at your house. But my sorrow is too much for any consolation. Nay, I have done what certainly no one ever did before me — tried to console myself by writing a book, which I will send to you as soon as my amanuenses have made copies of it. I assure you that there is no more efficacious consolation. I write all day long, not that I do any good, but for a while I experience a kind of check, or, if not quite that — for the violence of my grief is overpowering-yet I get some relaxation, and I try with all my might to recover composure, not of heart, yet, if possible, of countenance. When doing that I sometimes feel myself to be doing wrong, sometimes that I shall be doing wrong if I don't. Solitude does me some good, but it would have done me more good, if you after all had been here: and that is my only reason for quitting this place, for it does very well in such miserable circumstances. And even this suggests another cause of sorrow. For you will not be able to be to me now what you once were: everything you used to like about me is gone. I wrote to you before about Brutus's letter to me: it contained a great deal of good sense, but nothing to give me any comfort. As to his asking in his letter to you whether I should like him to come to see me — by all means: he would be sure to give me

some help, considering his strong affection for me. If you have any news, pray write and tell me, especially as to when Pansa goes. I am sorry about Attica: yet I believe in Craterus. Tell Pilia not to be anxious: my sorrow is enough for us all.

LETTER 15

TO ATTICUS (AT ROME) ASTURA (9 MARCH)

SINCE you do not approve of a standing plea of ill-health, please see that my excuse is made each day to Appuleius. In this lonely place I have no one with whom to converse,

and plunging into a dense and wild wood early in the day I don't leave it till evening. Next to you, I have no greater friend than solitude. In it my one and only conversation is with books. Even that is interrupted by tears, which I fight against as long as I can. But as yet I am not equal to it. I will answer Brutus, as you advise. You will get the letter tomorrow. Whenever you have anyone to take it, write me a letter.

LETTER 16

TO ATTICUS (AT ROME) ASTURA (10 MARcH)

I DON'T wish you to come to me to the neglect of your business. Rather I will come to you, if you are kept much longer. And yet I should never have gone so far as to quit your sight, had it not been that I was getting absolutely no relief from anything. But if any alleviation had been possible, it would have been in you alone, and as soon as it will be possible from anyone, it will be from you. Yet at this very moment I cannot stand being without you. But to stay at your town house was not thought proper, and it was impossible at mine; nor, if I had stopped at some place nearer Rome, should I have been with you after all. For the same reason would have hindered you from being with me, as hinders you now. As yet nothing suits me better than this solitude, which I fear Philippus will destroy: for he arrived at his villa yesterday evening. Writing and study do not soften my feelings, they only distract them.

LETTER 17

TO ATTICUS (AT ROME) ASTURA (12 MARCH)

MARCIANUS has written to tell me that my excuse was made to Appuleius by Laterensis, Naso, Laenas, Torquatus, Strabo: please see that a letter is sent to each of them in my name, thanking them for their kindness. As for the assertion of Flavius that more than twenty-five years ago I gave a guarantee for Cornificius, though he is a man of substance, and Appuleius is a respectable dealer in land, yet I should like you to take the trouble to ascertain by inspecting the ledgers of my fellow guarantors whether it is so. For before my aedileship I had no dealings with Cornificius, yet it may be the case all the same, but I should like to be sure. And call upon his agents for payment, if you think it right to do so. However, what does it matter to me? Yet, after all Write and tell me of Pansa's departure for his province when you know. Give my love to Attica, and take good care of her, I beseech you. My compliments to Pilia.

LETTER 18

TO ATTICUS (AT ROME) ASTURA (11 MARCH)

To fly from recollections, which make my soul smart as though it were stung, I take refuge in recalling my plans to your memory. Pray pardon me, whatever you think of this one. The fact is that I find that some of the authors, whom I am now continually reading, suggest as a proper thing to do just what I have often discussed with you, and for which I desire your approval. I mean about the shrine-pray think of it as earnestly as your affection for me should suggest. About the design I do not feel any doubt, for I like that of Cluatius, nor about the building of it at all — for to that I have made up my mind: but about the site I do sometimes hesitate. Pray therefore think over it. To the fullest capacity of such an enlightened age, I am quite resolved to consecrate her memory by every kind of memorial borrowed from the genius of every kind of artist, Greek or Latin. This may perhaps serve to irritate my wound: but I look upon myself as now bound by a kind of vow and promise. And the infinite time during which I shall be non-existent has more influence on me than this brief life, which yet to me seems only too long. For though I have tried every expedient, I find nothing to give me peace of mind. For even when I was composing that essay, of which I wrote to you before, I was in a way nursing my sorrow. Now I reject every consolation, and find nothing more endurable than solitude, which Philippus did not, as I feared, disturb. For after calling on me yesterday, he started at once for Rome. The letter which, in accordance with your advice, I have written to Brutus I herewith send you. Please see it delivered to him with your own. However, I am sending you a copy of it, in order that, if you disapprove, you should not send it. You say my domestic affairs are being managed properly: please tell me what they are. For there are some points on which I am expecting to hear. See that Cocceius does not play me false. For Libo's promise, mentioned by Eros in his letter, I regard as secure. As to my capital, I trust Sulpicius, and, of course, Egnatius. About Appuleius why need you trouble yourself, when my excuse is

so easily made? Your coming to me, as you shew an intention of doing, may, I fear, be difficult for you. It is a long journey, and when you went away again, which you will perhaps have to do very quickly, I should be unable to let you go without great pain. But all as you choose. Whatever you do will in my eyes be right, and done also in my interest.

LETTER 18A

TO ATTICUS (AT ROME) ASTURA (13 MARCH)

HAVING learnt yesterday from the letters of others of Antony's arrival, I was surprised to find no mention of it in yours. But perhaps it was written the day before it was sent. It does not matter to me: yet my own idea is that he has hurried back to save his securities. You say that Terentia speaks about the witnesses to my will: in the first place, pray believe that I am not paying attention to things of that sort, and that I have no leisure for business which is either unimportant or fresh. Yet, after all, where is the analogy between us? She did not invite as witnesses those whom she thought would ask questions unless they knew the contents of her will. Was that a danger applicable to me? Yet, after all, let her do as I do. I will hand over my will for anyone she may select to read: she will find that nothing could have been in better taste than what I have done about my grandson. As for my not having invited certain witnesses: in the first place, it did not occur to me; and, in the second place, it did not occur to me because it was of no consequence. You know, if you have not forgotten, that I told you at the time to bring some of your friends: what need of a great many was there? For my part, I had bidden members of my household. At the time it was your opinion that I ought to send word to Silius: hence it came about that a message was sent to Publilius. But neither was necessary. This matter you will handle as you shall think right.

LETTER 19

TO ATTICUS (AT ROME) ASTURA (14 MARCH)

THIS is certainly a lovely spot, right in the sea, and within sight of Antium and Cerceii: but in view of the whole succession of owners — who in the endless generations to come may be beyond counting, supposing the present empire to remain — I must think of some means to secure it being made permanent by consecration. For my part, I don't want large revenues at all, and can put up with a little. I think sometimes of purchasing some pleasure-grounds across the Tiber, and principally for the reason that I don't think that there is any other position so much frequented. But what particular pleasure-grounds I shall purchase we will consider when we are together; but it must be on condition that the temple is finished this summer. Nevertheless, settle the contract with Apella of Chius for the columns. What you say about Cocceius and Libo I quite approve, especially as to my jury-service. If you have seen light at all about the question of my guarantee, and what after all Cornificius's agents say, I should like to know about it: but I don't wish you, when you are so busy, to bestow much trouble on that affair.

About Antony, Balbus also in conjunction with Oppius wrote me a full account, and said that you had wished them to write to save me from anxiety. I have written to thank them. I should wish you to know however, as I have already written to tell you, that I was not alarmed by that news, and am not going to be alarmed by any in future. If Pansa has started for his province today, as you seemed to expect, begin telling me henceforward in your letters what you are expecting about the return of Brutus, that is to say, about what days. You will be easily able to guess that, if you know where he is. I note what you say to Tiro about Terentia: pray, my dear Atticus, undertake that whole business. You perceive that there is at once a question of duty on my part involved — of which you are cognizant- and, as some think, of my son's pecuniary interest. For myself, it is the former point that affects my feelings much the more strongly: it is more sacred in my eyes and more important, especially as I do not

think we can count on the latter as being either sincerely intended or what we can rely upon.

LETTER 20

TO ATTICUS (AT ROME) ASTURA (15 MARCH)

You don't yet appear to me to be fully aware how indifferent I have been about Antony, and how impossible it is for anything of that sort now to disturb me. I wrote to you about Terentia in my letter of yesterday. You exhort me-Saying that other people look for it also — to hide the fact that my grief is as deep as it is. Could I do so more than by spending whole days in literary composition? Though my, purpose in doing so is not to hide, but rather to soften and heal my feelings: yet, if I don't do myself any good, I at least do what keeps up appearances. I write the less fully to you because I am waiting your answer to my letter of yesterday. What I most want to hear is about the temple,

and also something about Terentia. Pray tell me in your next whether Cn. Caepio, father of Claudius's wife Servilia, perished in the shipwreck before or after his father's death: also whether Rutilia died in the lifetime of her son C. Cotta, or after his death. These facts affect the book I have written "On the Lessening of Grief."

LETTER 21

TO ATTICUS (AT ROME) ASTURA (17 MARCH)

I have read Brutus's letter, and hereby return it to you. it was not at all a well-informed answer to the criticisms which you had sent him. But that is his affair. Yet it is discreditable that he should be ignorant of this. He thinks that Cato was the first to deliver his speech as to the punishment of the conspirators, whereas everyone except Caesar had spoken before him. And whereas Caesar's own speech, delivered from the praetorian bench, was so severe, he imagines that those of the consulars were less so-Catulus, Servilius, the Luculli, Curio, Torquatus, Lepidus, Gellius, Volcatius, Figulus, Cotta, Lucius Caesar, Gaius Piso, Manius Glabrio, and even the consuls-designate Silanus and Muraena. "Why, then," you may say, "was the vote on Cato's motion?" Because he had expressed the same decision in clearer and fuller words. Our friend Brutus again confines his commendation of me to my having brought the matter before the senate, without a word of my having unmasked the plot, of my having urged that measures should be taken, of having made up my mind on the subject before I brought it before the senate. It was because Cato praised these proceedings of mine to the skies, and moved that they should be put on record, that the division took place on his motion. Brutus again thinks he pays me a high compliment in designating me as "the most excellent consul." Why, what opponent ever put it in more niggardly terms? But to your other criticisms what a poor answer! He only asks you to make the correction as to the decree of the senate. He would have done that much even at the suggestion of his copyist. But once more that is his affair.

As to the suburban pleasure-grounds, as you approve of them, come to some settlement. You know my means.

If, however, we get any more out of Faberius, there is no difficulty. But even without him I think I can get along. The pleasure-grounds of Drusus at least are for sale, perhaps those of Lamia and Cassius also. But this when we meet.

About Terentia I can say nothing more to the point than you say in

your letter. Duty must be my first consideration: if I have made any mistake, I would rather that I had reason to be dissatisfied with her than she with me. A hundred sestertia have to be paid to Ovia, wife of C. Lollius. Eros says he can't do it without me: I suppose because some land has to pass at a valuation between us. I could wish that he had told you. For if the matter, as he writes, is arranged, and he is not lying on that very point, it could have been settled by your agency. Pray look into and settle the business.

You urge me to reappear in the forum: that is a place which I ever avoided even in my happier days. Why, what have I to do with a forum when there are no law courts, no senate-house, and when men are always obtruding on my sight whom I cannot see with any patience? You say people call for my presence at Rome, and are unwilling to allow me to be absent, or at any rate beyond a certain time: I assure you that it is long since I have valued your single self higher than all those people. Nor do I undervalue myself even, and I much prefer abiding by my own judgment than by that of all the rest. Yet, after all, I go no farther than the greatest philosophers think allowable, all whose writings of whatever kind bearing on that point I have not only read — which is itself being a brave invalid and taking one's physic — but have transcribed in my own essay. That at least did not look like a mind crushed and prostrate. From the use of these remedies do not call me back to the crowds of Rome, lest I have a relapse.

LETTER 22

TO ATTICUS (AT ROME) ASTURA (18 MARCH)

I DO not recognize your usual consideration for me in throwing the whole burden upon my shoulders in regard to Terentia. For those are precisely the wounds which I cannot touch without a loud groan. Therefore I beg you to make the fairest settlement in your power. Nor do I demand of you anything more than you can do; yet it is you alone who can see what is fair.

As to Rutilia, since you seem to be in doubt, please write and tell me when you ascertain the truth, and do so as soon as possible. Also whether Clodia survived her son Decimus Brutus, the ex-consul. The former may be ascertained from Marcellus, or at any rate from Postumia; the latter from M. Cotta or Syrus or Satyrus.

As to the suburban pleasure-grounds, I am particularly urgent with you. I must employ all my own means, and those of men whom I know will not fail to help me: though I shall be able to do it with my own. I have also some property which I could easily sell. But even if I don't sell, but pay the vendor interest on the purchase money — though not for more than a year — I can get what I want if you will assist me. The most readily available are those of Drusus, for he wants to sell. The next I think are those of Lamia; but he is away. Nevertheless, pray scent out anything you can. Silius does not make any use of his either, and he will be very easily satisfied by being paid interest on the purchase money. Manage the business your own way; and do not consider what my purse demands-about which I care nothing — but what I want.

LETTER 23

TO ATTICUS (AT ROME) ASTURA (19 MARCH)

I thought that your letter was going to tell me some news, to judge from the opening sentence, which said that though I did not care about what was going on in Spain, you would yet write and tell me of it: but in point of fact you only answered my remark about the forum and senate-house. "But your town-house," you say, "is a forum." What do I want with a town-house itself, if I have no forum? Ruined, ruined, my dear Atticus! That has been the case for a long while, I know: but it is only now that I confess it, when I have lost the one thing that bound me to life. Accordingly, I seek solitude: and yet, if any necessity does take me to Rome, I shall try, if I possibly can — and I know I can — to let no one perceive my grief except you, and not even you if it can by any means be avoided. And, besides, there is this reason for my not coming. You remember the questions Aledius asked you. If they are so troublesome even now, what do you think they will be, if I come to Rome? Yes, settle about Terentia in the sense of your letter; and relieve me from this addition — though not the heaviest — to my bitter sorrows. To shew you that, though in mourning, I am not prostrate, listen to this. You have entered in your Chronicle the consulship in which Carneades and the famous embassy came to Rome. I want to know now what the reason of it was. It was about Oropus I think, but am not certain. And if so, what were the points in dispute? And farther, who was the best known Epicurean of that time and head of the Garden at Athens? Also who were the famous political writers at Athens? These facts too, I think, you can ascertain from the book of Apollodorus.

I am sorry to hear about Attica; but since it is a mild attack, I feel confident of all going well. About Gamala I had no doubt. For why otherwise was his father Ligus so fortunate? For what could I say of myself, who am in-capable of having my grief removed, though all my wishes should be gratified. I had heard of the price put on Drusus's suburban pleasure-grounds, which you mention, and, as I think, it was yesterday that I wrote to you about it: but be the price

what it may, what one is obliged to have is a good bargain. In my eyes, whatever you think — for I know what I think of myself — it brings a certain alleviation, if not of sorrow, yet of my sense of solemn obligation. I have written to Sicca because he is intimate with L. Cotta. If we don't come to terms about pleasure-grounds beyond the Tiber, Cotta has some at Ostia in a very frequented situation, though confined as to space. Enough, however, and more than enough for this purpose. Please think the matter over. And don't be afraid of the cost of the pleasure-grounds. I don't want plate, nor rich furniture coverings, nor particular picturesque spots: I want this. I perceive too by whom I can be aided. But speak to Silius about it. There's no better fellow. I have also given Sicca a commission. He has written back to say that he has made an appointment with him. He will therefore write and tell me what he has arranged, and then you must see to it.

LETTER 24

TO ATTICUS (AT ROME) ASTURA (20 MARCH)

I am much obliged to Aulus Silius for having settled the business: for I did not wish to disavow him, and yet I was nervous as to what I could afford. Settle about Ovia on the terms you mention. As to my son, it seems time to arrange. But I want to know whether he can get a draft changed at Athens, or whether he must take the money with him. And with regard to the whole affair, pray consider how and when you think that he ought to go. You will be able to learn from Aledius whether Publilius is going to Africa, and when: please inquire and write me word.

To return to my own triflings, pray inform me whether Publius Crassus, son of Venuleia, died in the lifetime of his father P. Crassus the ex-consul, as I seem to remember that he did, or after it. I also want to know about Regillus, son of Lepidus, whether I am right in remembering that his father survived him. Pray settle the business about Cispius, as also about Precius. As to Attica — capital! Give my kind regards to her and Pilia.

LETTER 25

TO ATTICUS (AT ROME) ASTURA (21 MARCH)

Sicca has written to me fully about Silius, and says that he has reported the matter to you — as you too mention in your letter. I am satisfied both with the property and the terms, only I should prefer paying ready money to assigning property at a valuation. For Silius will not care to have mere show-places: while, though I can get on with my present rents, I can scarcely do so with less. How am I to pay ready money? You can get 600 sestertia (about £4,800) from Hermogenes, especially if it is absolutely necessary, and I find I have 6oo in hand. For the rest of the purchase money I will even pay interest to Silius, pending the raising of the money from Faberius or from some debtor of Faberius. I shall besides get some from other quarters. But manage the whole business yourself. I, in fact, much prefer these suburban pleasure-grounds to those of Drusus: and the latter have never been regarded as on a level with them. Believe me, I am actuated by a single motive, as to which I know that I am infatuated. But pray continue as before to indulge my aberration. You talk about a "solace for my old age": that is all over and done with; my objects now are quite different.

LETTER 26

TO ATTICUS (AT ROME) ASTURA, 22 MARCH

SICCA says in his letter that, even if he has not concluded the business with Aulus Silius, he is coming to me on the 23rd. Your engagements are sufficient excuse in my eyes, for I know what they are. Of your wish to be with me, or rather your strong desire and yearning, I feel no doubt. You mention Nicias: if I were in a frame of mind to enjoy his cultivated conversation, there is no one whom I would have preferred to have with me. But solitude and retirement are now my proper sphere. And it was because Sicca is likely to be content with them, that I am the more looking forward to his visit. Besides, you know how delicate our friend Nicias is, how particular about his comforts and his habitual diet. Why should I consent to be a nuisance to him, when I am not in a state of mind to receive any pleasure from him? However, I am gratified by his wish. Your letter was all on one subject, as to which I have resolved to make no answer. For I hope I have obtained your consent to relieve me of that vexation. Love to Pilia and Attica.

LETTER 27

TO ATTICUS (AT ROME) ASTURA, 23 MARCH

As to the bargain with Silius, though I am acquainted with the terms, still I expect to hear all about it today from Sicca. Cotta's property, with which you say that you are not acquainted, is beyond Silius's villa, which I think you do know: it is a shabby and very small house, with no farm land, and with sufficient ground for no purpose except for what I want it. What I am looking out for is a frequented position. But if the bargain for Silius's pleasure-grounds is completed, that is, if you complete it — for it rests entirely with you — there is of course no occasion for us to be thinking about Cotta's. As to my son, I will do as you say: I will leave the date to him. Please see that he is able to draw for what money he needs. If you have been able to get anything out of Aledius, as you say, write me word. I gather from your letter, as you certainly will from mine, that we neither of us have anything to say. Yet I cannot omit writing to you day after day on the same subjects — now worn threadbare — in order to get a letter from you. Still, tell me anything you know about Brutus. For I suppose he knows by this time where to expect Pansa. If; as usual, on the frontier of his province, it seems likely that he will be at Rome about the 1st of April. I could wish that it might be later: for I have many motives for shunning the city. Accordingly, I am even thinking whether I should draw up some excuse to present to him. That I see might easily be found. But we have time enough to think about it. Love to Pilia and Attica.

LETTER 28

TO ATTICUS (AT ROME) ASTURA (24 MARCH)

I have learnt nothing more about Silius from Sicca in conversation than I knew from his letter: for he had written in full detail If; therefore, you have an interview with him, write and tell me your views. As to the subject on which you say a message was sent to me, whether it was sent or not I don't know; at any rate not a word has reached me. Pray therefore go on as you have begun, and if you come to any settlement on such terms as to satisfy her — though I, for my part, think it impossible-take my son with you on your visit, if you think it right. It is of some importance to him to seem to have wished to do something to please. I have no interest in it beyond what you know, which I regard as important.

You call upon me to resume my old way of life: well, it had long been my practice to bewail the republic, and that I was still doing, though somewhat less violently, for I had something capable of giving me ease. Now I positively pursue the old way of life and old employments; nor do I think that in that matter I ought to care for the opinion of others. My own feeling is more in my eyes than the talk of them all. As to finding consolation for myself in literature, I am content with my amount of success. I have lessened the outward signs of mourning: my sorrow I neither could, nor would have wished to lessen if I could.

About Triarius you rightly interpret my wishes. But take no step unless the family are willing. I love him though he is no more, I am guardian to his children, I am attached to the whole household. As to the business of Castricius, — if Castricius will accept a sum for the slaves, and that at the present value of money, certainly nothing could be more advantageous. But if it has come to the point of his taking the slaves themselves away, I don't think it is fair,

as you ask me to tell you what I really think: for I don't want my brother Quintus to have any trouble, and in that I think I have gathered that you agree with me. If Publilius is waiting for the aequinox — as you say that Aledius tells you — I think he must be

on the point of sailing. He told me, however, that he was going by way of Sicily. Which of the two it is, and when, I should like to know. And I should like you some time or other, when convenient to yourself, to see young Lentulus, and assign to his service such of the slaves as you may think right. Love to Pilia and Attica.

LETTER 29

TO ATTICUS (AT ROME) ASTURA, 25 MARCH

SILIUS, you say, sees you today. Tomorrow therefore, or rather as soon as you can, you will write and tell me, if there is anything to tell after you have seen him. I neither avoid Brutus, nor after all expect any consolation from him. But there are reasons for my not wishing to be at Rome at the present juncture; and if those reasons remain in force, I must find some excuse with Brutus, and as at present advised they seem likely to remain in force. About the suburban pleasure-grounds do, I beseech you, come to some conclusion. The main point is what you know it to be. Another thing is that I want something of the sort for myself: for I cannot exist in a crowd, nor yet remain away from you. For this plan of mine I find nothing more suitable than the spot you mention, and on that matter pray tell me what you advise.

I am quite convinced — and the more so because I perceive that you think the same — that I am regarded with warm affection by Oppius and Balbus. Inform them how strongly and for what reason I wish to have suburban pleasure-grounds, and that it is only possible if the business of Faberius is settled; and ask them therefore whether they will promise the future payment. Even if I must sustain some loss in taking ready money, induce them to go as far as they can in the matter — for payment in full is hopeless. You will discover, in fact, whether they are at all disposed to assist my design. If they are so, it is a great help; if not, let us push on in any way we can. Look upon it — as you say in your letter — as a solace for my old age, or as a pro-vision for my grave. The property at Ostia is not to be thought of. If we can't get this one — and I don't think Lamia will sell — we must try that of Damasippus.

LETTER 30

TO ATTICUS (AT ROME) ASTURA, 27 MARCH

I am trying to think of something to say to you; but there is nothing. The same old story every day. I am much obliged to you for going to see Lentulus. Assign some slaves to his service: I leave the number and choice of them to you. As to Silius being willing to sell, and on the question of price, you seem to be afraid first that he won't sell, and secondly not at that price. Sicca thought otherwise; but I agree with you. Accordingly, by his advice I wrote to Egnatius. Silius wishes you to speak to Clodius: you have my full consent; and it is more convenient that you should do so than, as he wished me to do, that I should write to Clodius myself. As to the slaves of Castricius I think Egnatius is making a very good bargain, as you say that you think will be the case. With Ovia pray let some settlement be made. As you say it was night when you wrote, I expect more in today's letter.

LETTER 31

TO ATTICUS (AT ROME) ASTURA (29 MARCH)

SICCA expresses surprise at Silius having changed his mind. He makes his son the excuse, and I don't think it a bad one, for he is a son after his own heart. Accordingly, I am more surprised at your saying that you think he will sell, if we would include something else which he is anxious to get rid of, as he had of his own accord determined not to do so. You ask me to fix my maximum price and to say how muck I prefer those pleasure grounds of Drusus. I have never set foot in them. I know Coponius's villa to be old and not very spacious, the wood a fine one, but I don't know what either brings in, and that after all I think we ought to know. But for me either one or the other is to be valued by my occasion for it rather than by the market price. Pray consider whether I could acquire them or not. If I were to sell my claim on Faberius, I don't doubt my being able to settle for the grounds of Silius even by a ready money payment, if he could only be induced to sell. If he had none for sale, I would have recourse to Drusus, even at the large price at which Egnatius told you that he was willing to sell. For Hermogenes can give me great assistance in finding the money. But I beg you to allow me the disposition of an eager purchaser; yet, though I am under the influence of this eagerness and of my sorrow, I am willing to be ruled by you.

LETTER 32

TO ATTICUS (AT ROME) ASTURA, 28 MARCH

EGNATIUS has written to me. If he has said anything to you, as the matter can be settled most conveniently through him, please write and tell me. I think too that the negotiation should be pressed. For I don't see any possibility of coming to terms with Silius. Love to Pilia and Attica.

What follows is by my own hand. Pray see what is to be done. Publilia has written to tell me that her mother, on the advice 'of Publilius, is coming to see me with him and that she will come with them if I will allow it: she begs me in many words of intreaty that she may be allowed to do so, and that I would answer her letter. You see what an unpleasant business it is. I wrote back to say that it would be even more painful than it was when I told her that I wished to be alone, and that therefore I did not wish her to come to see me at this time. I thought that, if I made no answer, she would come with her mother: now I don't think she will. For it is evident that her letter is not her own composition. Now this is the very thing I wish to avoid, which I see will occur-namely, that they will come to my house: and the one way of avoiding it is to fly away. I would rather not, but I must. I beg you to find out the last day I can remain here without being caught. Act, as you say, with moderation.

I would have you propose to my son, that is, if you think it fair, to adapt the expenses of this sojourn abroad to what he would have been quite content with, if; as he thought of doing, he had remained at Rome and hired a house — I mean to the rents of my property in the Argiletum and Aventine And in making that proposal to him, pray arrange the rest of the business for our supplying him with what he needs from those rents. I will guarantee that neither Bibulus nor Acidinus nor Messalla, who I hear are to be at Athens,

will spend more than the sum to be received from these rents. Therefore, please investigate who the tenants are and what their rent is, and take care that the tenant is a man to pay to the day. See also what journey money and outfit will suffice. There is Certainly no

need of a carriage and horses at Athens. For such as he wants for the journey there is enough and to spare at home, as you observe yourself.

LETTER 33

TO ATTICUS (AT ROME) ASTURA (26 MARCH)

As I wrote to you yesterday, if Silius is the sort of man you think and Drusus will not be obliging, I would have you approach Damasippus. He, I think, has broken up his property on the Tiber into lots of I don't know how many acres apiece, with a fixed price for each, the amount of which is not known to me. Write and tell me therefore whatever you have settled upon. I am very much troubled about our dear Attica's ill-health: it almost makes me fear that some indiscretion has been committed. Yet the good character of her tutor, the constant attention of her doctor, and the careful conduct in every particular of the whole establishment forbid me on the other hand to entertain that suspicion. Take care of her therefore. I can write no more.

LETTER 34

TO ATTICUS (AT ROME) ASTURA, 30 MARCH

I could get on here even without Sicca — for Tiro is better — very comfortably considering my troubles, but as you urge me to take care not to be caught (from which I am to understand that you are unable to fix a day for the departure I mentioned), I thought it would be more convenient to go to Rome, which I see is your opinion also. Tomorrow therefore I shall be in Sicca's suburban villa; thence, as you advise, I think I shall stay in your house at Ficulea. We will talk about the subject you mention when we meet, as I am coming in person. I am extraordinarily touched by your kindness, thoroughness, and wisdom, both in carrying out my business and in forming and suggesting plans to me in your letters. However, if you come to any understanding with Silius, even on the very day on which I am to arrive at Sicca's house, please let me know, and above all, what part of the site he wishes to withdraw from the sale. You say "the farthest" — take care that it isn't the very spot, for the sake of which I thought about the matter at all. I enclose a letter from Hirtius just received, and written in a kindly spirit.

LETTER 35

TO ATTICUS (AT ROME) (IN SICCA'S SUBURBAN VILLA, 1 OR 2 MAY?)

BEFORE I left your house last it never occurred to me that if a sum was spent on the monument in excess of some amount or other allowed by the law, the same sum has to be paid to the exchequer. This would not have disturbed me at all, except that somehow or another-perhaps unreasonably — I should not like it to be known by any name except that of a "shrine." That being my wish, I fear I cannot accomplish it without a change of site. Consider, please, what to make of this. For though I am feeling the strain less than I did, and have almost recovered my equanimity, yet I want your advice. Therefore I beg you again and again-more earnestly than you wish or allow yourself to be intreated by me — to give your whole mind to considering this question.

LETTER 36

TO ATTICUS (AT ROME) ASTURA (2 MAY)

I WISH to have a shrine built, and that wish cannot be rooted out of my heart. I am anxious to avoid any likeness to a tomb, not so much on account of the penalty of the law as in order to attain as nearly as possible to an apotheosis. This I could do if I built it in the villa itself, but, as we often observed to each other, I dread the changes of owners. Wherever I constructed it on the land, I think I could secure that posterity should respect its sanctity. These foolish ideas of mine — for I confess them to be so-you must put up with: for I don't feel such confidence in taking even myself into my own confidence as I do in taking you. But if you approve of the idea, the site, and the plan, pray read the law and send it to me. If any method of evading it occurs to you, I will adopt it.

If you are writing to Brutus at all, reproach him, unless you think you had better not, for not staying at my Cuman villa for the reason he gave you. For when I come to think of it I am of opinion that he couldn't have done anything ruder. Finally, if you think it right to carry out the idea of the shrine as we began, pray urge on Cluatius and stir him up: for even if we decide on a different site, I think I must avail myself of his labour and advice. Perhaps you'll be at your villa tomorrow.

LETTER 37

TO ATTICUS (AT ROME) ASTURA (4 MAY)

I received two letters from you yesterday, the first delivered on the previous day to Hilarus, the other on the same day to a letter-carrier; and I learnt from my freedman Aegypta, on the same day, that Pilia and Attica were quite well. Thanks for Brutus's letter. He wrote me a letter also, which did not reach me till the 13th day. I am sending you that letter itself, and the copy of my answer to it.

As to the shrine, if you don't find me some sort of suburban pleasure-grounds, which you really must find me, if you value me as highly as I am sure you do, I much approve of your suggestion as to the Tusculan site. However acute in hitting on plans you may be, as you are, yet unless you had been very anxious for me to secure what I greatly wished, that idea could never have come into your head so aptly. But somehow or other what I want is a frequented spot. So you must manage to get me some suburban pleasure-grounds. This is best to be found on Scapula's land: besides, there is the nearness to the city, so that you can go there without spending the whole day at the villa. Therefore, before you leave town, I should much like you to call on Otho, if he is at Rome. If it comes to nothing, I shall succeed in making you angry with me, however accustomed you are to putting up with my folly. For Drusus at least is willing to sell. So, even if nothing else turns up, it will be my own fault if I don't buy. Pray take care that I don't make a mistake in this business. The only way of making certain of that is our being able to get some of Scapula's land. Also let me know how long you intend being in your suburban villa. With Terentia I need your power of conciliation as well as your influence. But do as you think right. For I know that whatever is to my interest is a subject of more anxiety to you than to myself.

LETTER 37A

TO ATTICUS (AT ROME) ASTURA (5 MAY)

Hirtius has written to tell me that Sextus Pompieus has quitted Cordova and fled into Northern Spain, and that Gnaeus has fled I don't know whither, nor do I care. I know nothing more. Hirtius wrote from Narbo on the 18th of April. You mention Caninius's shipwreck as though the news was doubtful. Please write, therefore, if there is any more certain intelligence. You bid me dismiss my melancholy: you will have done much to remove it if you secure me a site for the shrine. Many thoughts occur to me in favour of an apotheosis; but I must certainly have a site. Therefore, go and call on Otho also.

LETTER 38

TO ATTICUS (AT ROME) ASTURA (MAY)

I have no doubt that your being overwhelmed with business accounts for your not sending me a letter. But what a rascal not to wait for your convenience, when that was the sole motive for my having sent him! By this time, unless anything has happened to detain you, I suspect that you are in your suburban villa. But I am here, writing from one day's end to another without getting any relief, though I do at any rate distract my thoughts. Asinius Pollio has written to me about my infamous relation. The younger Balbus told me about him pretty plainly, Dolabella in dark hints, and now Pollio has done so with the utmost openness. I should have been much annoyed, if there had been room in my heart for any new sorrow. Yet, could there be anything more blackguardly? What a dangerous fellow! Though in my eyes indeed- But I must restrain my indignation! As there is nothing that is pressing, only write to me if you have time.

LETTER 38A

TO ATTICUS (AT ROME) ASTURA (7 MAY)

You think that by this time my composure of spirit ought to be en evidence, and you say that certain persons speak with more severity of me than either you or Brutus repeat in your letters: if anybody supposes me to be crushed in spirit and unmanned, let them know the amount of my literary labours and their nature. I believe, if they are only reasonable men, they would think, if I am so far recovered as to bring a disengaged mind to writing on difficult subjects, that I am not open to their criticism; or if I have selected a diversion from sorrow in the highest degree noble and worthy of a scholar, that I even deserve to be praised. But though I do everything I can to relieve my sorrow, pray bring to a conclusion what I see that you are as much concerned about as I am myself. I regard this as a debt, the burden of which cannot be lightened unless I pay it, or see a possibility of paying it, that is, unless I find a site such as I wish. If Scapula's heirs, as you say that Otho told you, think of cutting up the pleasure-grounds into four lots, and bidding for them between themselves, there is of course no room for a purchaser. But if they are to come into the market we will see what can be done. For that ground once belonging to Publicius, and now to Trebonius and Cusinius, has been suggested to me. But you know it is a town building site. I don't like it at all. Clodia's I like very much, but I don't think they are for sale. As to Drusus's pleasure-grounds, though you say that you dislike them, I shall take refuge in them after all, unless you find something. I don't mind the building, for I shall build nothing that I should not build even if I don't have them. "Cyrus, books IV and V" pleased me about as much as the other works of Antisthenes — a man of acuteness rather than of learning.

LETTER 39

TO ATTICUS (AT A VILLA NEAR ROME) ASTURA (8 MAY)

As the letter-carrier arrived without a letter from you, I imagined the your reason for not writing was what you mentioned yesterday in the very epistle to which I am now replying. Yet, after all, I was expecting to hear something from you about Asinius Pollio's letter. But I am too apt to judge of your leisure by my own. However, if nothing imperative occurs, I absolve you from the necessity of writing, unless you are quite at leisure. About the letter-carriers I would have done as you suggest, had there been any letters positively necessary, as there were some time ago, when, though the days were shorter, the carriers nevertheless arrived every day up to time, and there was something to say-about Silius, Drusus, and certain other things. At present, if Otho had not cropped up, there would have been nothing to write about: and even that has been deferred. Nevertheless, I feel relieved when I talk to you at a distance, and much more even when I read a letter from you. But since you are out of town — for so I suppose — and there is no immediate necessity for writing, there shall be a lull in our letters, unless anything new turns up.

LETTER 40

TO ATTICUS (IN HIS SUBURBAN VILLA) ASTURA (9 MAY)

What the nature of Caesar's invective in answer to my panegyric is likely to be, I have seen clearly from the book, which Hirtius has sent me, in which he collects Cato's faults, but combined with very warm praise of myself. Accordingly, I have sent the book to Musca with directions to give it to your copyists. As I wish it to be made public: to facilitate that please give orders to your men. I often try my hand at an "essay of advice." I can't hit upon anything to say: and yet I have by me Aristotle and Theopompus "to Alexander." But where is the analogy? They were writing what was at once honourable to themselves and acceptable to Alexander. Can you find any similar circumstance in my case? For my part nothing occurs to me. You say in your letter that you fear that both our popularity and influence will suffer by such mourning as mine. I don't know what people object to or expect. That I should not grieve? How can that be? That I should not be prostrated? Who was ever less so? While I was finding consolation in your house, who was ever refused admittance to me? Who ever came to see me who felt any awkwardness? I came to Astura from your house. Those cheerful friends of yours who find fault with me cannot read as much as I have written. Well or ill is not the question: but the substance of my writings was such as no one could have composed who was broken down in spirit. I have been thirty days in your suburban villa. Who ever failed to find me at home or reluctant to converse? At this very moment the amount of my reading and writing is such that my people find a holiday more laborious than I do working days. If anyone wants to know why I am not at Rome,—"because it is the vacation." Or why I am not staying at the humble places of mine on this coast, which are now in season, —"because I should have been annoyed by the crowd of visitors there." I am therefore staying at the place, where the man who considered Baiae the queen of watering-places used year after year to spend this part of the season. When I come to Rome I will give no cause for unfavourable remark either by my look or my conversation.

That cheerfulness by which I used to temper the sadness of the situation I have lost for ever; but firmness and fortitude either of heart or speech will not be found wanting. As to Scapula's pleasure-grounds, it seems possible that as a favour, partly to you and partly to me, we might secure their being put up to auction. Unless that is done, we shall be cut out. But if we come to a public auction, we shall outbid Otho's means by our eagerness. For as to what you say about Lentulus, he is not solvent. If only the Faberian business is certain, and you are making an effort, as I am sure you are doing, we shall get what we want. You ask how long I am staying on here. Only a few days: but I am not certain. As soon as I have settled, I will write to you: and write to me yourself, and tell me how long you intend to be in your suburban villa. The day on which I am sending this to you, I have the same news as you give me about Pilia and Attica, both by letter and messenger.

LETTER 41

TO ATTICUS (AT OR NEAR ROME) ASTURA (11 MAY)

I have nothing to write about. However, I want to know where you are: if you are out of town or about to be so, when you intend to return. Please, therefore, let me know. And, as you wish to be informed when I leave this place, I write to tell you that I have arranged to stay at Lanuvium on the 16th, thence next day at Tusculum or Rome. Which of the two I am going to do you shall know on the day itself. You know how misery is inclined to grumble. It is not at all in regard to yourself, yet I feel a restless desire as to the shrine. I don't say unless it is built, but unless I see it being built — I venture to say this much, and you will take it as you ever do words of mine — my vexation will redound upon you, not that you deserve that it should do so; but you will have to endure what I say, as you endure and always have endured everything that affects me. Pray concentrate all your methods of consoling me upon this one thing. If you want to know my wishes, they are these: first Scapula's, second Clodia's; then, if Silius refuses and Drusus does not behave fairly, the property of Cusinius and Trebonius. I think there is a third owner; I know for certain that Rebilus was one. If however you are for Tusculum, as you hinted in one of your letters, I will agree to your suggestion. Pray bring this business to a conclusion in any case, if you wish me to feel consoled. You are already finding fault with me in somewhat severer terms than is customary with you; but you do so with the utmost affection, and perhaps tired out by my weakness. Yet all the same, if you wish me to be consoled, this is the very greatest of consolations and, if you would know the truth, the only one.

If you have read Hirtius's letter, which appears to me to be a kind of "first sketch" of the invective which Caesar has composed against Cato, please let me know, when you can conveniently do so, what you think of it. To return to the shrine: unless it is finished this summer, which you perceive is all before us, I shall not consider myself cleared of positive guilt.

LETTER 42

TO ATTICUS (AT ROME OR A SUBURBAN VILLA) ASTURA (10 MAY)

I never desired you to have a regular day for writing: for I understood the state of things you mention, and yet I suspected or rather was quite aware that there was nothing for you to tell me. On the 10th of the month, indeed, I think you must be out of town and quite see that you have no news to give. However, I shall continue sending you a letter nearly every day. For I prefer writing for nothing to your not having a carrier at hand to whom to give a letter, if anything does turn up which you think I ought to know. Accordingly, I have received on the 10th your letter with its dearth of news. For what was there for you to send? To me however that was not unpleasing, whatever it contained, even if I learnt nothing else but that you had nothing to tell me. Yet, after all, you did say something-about Clodia. Where then is she, and when does she arrive? I like her property so much, that I put it next to Otho's above all others. But I don't think that she will sell, for she likes it and is rich: and as for that other, you are quite aware of the difficulty. But pray let us exert ourselves to hit upon some way of obtaining what I desire. I think of leaving this place on the 16th: but it will be either to Tusculum or my town house, and thence perhaps to Arpinum. when I know for certain I will write you word.

LETTER 43

TO ATTICUS (AT ROME) ASTURA (12 MAY)

IT has occurred to me to remind you to do the very thing which you are doing. For I think you can transact the business you have in hand more conveniently at home by preventing any interruption. For myself, I intend, as I told you before, to stay at Lanuvium on the 16th, and thence to go to Tusculum or Rome. You shall know which of the two. You say truly that this erection will be a consolation to me. Thank you for saying so: but it is a consolation to a degree beyond what you can conceive. It is a sufficient proof of how keenly desirous I am for it, that I venture to confess it to you, though I think you do not approve of it so very warmly. But you must put up with my aberration in this matter. Put up with it, do I say? Nay, you must even assist it. About Otho I feel uncertain: perhaps because I am eager for it. But after all the property is beyond my means, especially with a competitor in the field anxious to purchase, rich, and one of the heirs. The next to my taste is Clodia's. But if that can't be secured, make any bargain you please. I regard myself as under a more sacred obligation than anyone ever was to any vow. See also about the pleasure-grounds of Trebonius, though the owners are away. But, as I said yesterday, please also consider the Tusculan suggestion, lest the summer slip away. That must not be allowed on any account.

LETTER 44

TO ATTICUS (AT ROME) ASTURA, 13 MAY

THAT Hirtius wrote to you in an agitated tone about me does not trouble me — for he meant it kindly — and that you did not forward me his letter troubles me much less. For that was even kinder of you. His book which he sent me about Cato I wish to be published by your copyists, to enhance Cato's reputation from the nature of their invectives.

So you are negotiating through Mustela: well, he is well suited for the purpose, and much attached to me since the affair of Pontianus. Therefore make some bargain or other. Why, what else is wanted except an opening for a purchaser? And that could be secured by means of any one of the heirs. But I think Mustela will accomplish that, if you ask him. For myself, you will have secured for me not only a site for the purpose I have at heart, but also a solace for my old age. For the properties of Silius and Drusus do not seem to me to be sufficiently suited to a paterfamilias. What! spend whole days in the country house! My preference therefore is-first Otho's, second Clodia's. If neither of them comes off; we must try and outwit Drusus, or have recourse to the Tusculan site. You have acted prudently in shutting yourself in your house. But pray finish off your business and let me find you once more at leisure. I leave this place for Lanuvium, as I told you, on the 16th. Next day I shall be at Tusculum. For I have well disciplined my feelings, and perhaps conquered them, if only I keep to it. You shall know, therefore, perhaps tomorrow, at the latest the day after.

But what does this mean, pray? Philotimus reports that Pompeius is not invested at Carteia, and that a serious war remains to be fought. Oppius and Balbus had sent me a copy of a letter written to Clodius of Patavium on this investment, saying that they thought it was so. It is just like Philotimus to act the second-rate Fulvinius. Nevertheless, tell me anything you know. About the shipwreck of Caninius also I want to know the truth.

While here I have finished two long treatises. It was the only way

I had to give my unhappiness the slip, if I may use the expression. As for you, even if you have nothing to tell, as I foresee will be the case, still write to say that you have nothing to say — so long as you don't use these exact words.

LETTER 45

TO ATTICUS (AT ROME) TUSCULUM, 17 MAY

As to Attica, — excellent! Your depression makes me uneasy, though you say in your letter that it is nothing. I shall find being at Tusculum all the more convenient that I shall get letters from you more frequently and shall see you personally from time to time. In other respects life was more tolerable at Astura, but the thoughts that re-open my wounds do not give me greater pain here than there; though after all, wherever I am, they are ever with me. I mentioned your "neighbour " Caesar to you because I learnt about it from your own letter. I would rather he shared temples with Quirinus than with "Safety." Yes, publish Hirtius, For I entertained precisely the opinion expressed in your letter, that while our friend's ability was shewn by it, the purpose of discrediting Cato was rendered ridiculous.

LETTER 46

TO ATTICUS (AT ROME) ASTURA, 15 MAY

I SHALL conquer my feelings, I think, and go from Lanuvium to Tusculum. For either I must for ever give up the use of that property — for the sorrow will remain unchanged, only somewhat less evident — or I must regard it as immaterial whether I go now or ten years hence. For it will not remind me a whit more vividly than the thoughts by which I am racked day and night. What then, you will say, can literature do nothing for you? In this particular I fear rather the reverse. For perhaps I should have been less sensitive without it. In a cultivated mind there is no coarse fibre, no insensibility. Yes, do come as you suggest, but not if it is inconvenient to you. One letter and its answer will be enough. I will even come to see you if necessary. So that shall be as you find it possible.

LETTER 47

TO ATTICUS (AT ROME) LANUVIUM (16 MAY)

ABOUT Mustela do as you say in your letter, though it is a big business. All the more am I inclining to Clodia. However, in either case we must find out about the money due from Faberius. On that subject it will do no harm if you talk to Balbus, telling him indeed — what is the fact — that we neither will nor can buy unless we recover that debt, and should not venture upon it whilst any doubt remained on that point. But when is Clodia to be at Rome, and at what do you value her property? My eyes are quite turned in her direction: not but that I should prefer the other, but it is a serious venture; and it is besides difficult to outbid one who is at once eager, rich, and an heir. Though in the matter of eagerness I shall yield to none; in other respects we are in a weaker position. But of this when we meet.

LETTER 48

TO ATTICUS (AT ROME) LANUVIUM (17 MAY)

YES, go on to publish Hirtius's book. As to Philotimus, I think the same as you do. I can see that the market value of your house will go up with Caesar for a neighbour. I am expecting my letter-carrier today: he will give me news of Pilia and Attica. I can easily believe that you are glad to be at home. But I should like to know how much you have still to do, or whether you have finished by this time. I expect you at Tusculum, and the more because you wrote word to Tiro that you were coming, and added that you thought it necessary.

LETTER 49

TO ATTICUS (AT ROME) TUSCULUM, 19 MAY

I FELT all along how much good your presence was doing me, but I feel it much more since your departure.

Wherefore, as I wrote to you before, either I must come bodily to you or you to me, as may be possible. Yesterday, not much after you left my house, I think, some men from the city, as they seemed, brought me a message and a letter from "Gaius Marius, son of Gaius, grandson of Gains," written at great length: "they begged me in the name of our relationship to them, in the name of the famous Marius on whom I had composed a poem, in the name of the eloquence of his grandfather L. Cassius, to undertake his defence," — he then stated his case in full detail. I wrote back to say that he had no need of counsel, as all power was in the hands of his relation Caesar, who was a most excellent and fair-minded man, but that I would support him.

What times we live in! To think that Curtius should be hesitating as to whether he should stand for the consulship! But enough of this. I am anxious about Tiro. But I shall know directly how he is: for I sent a man yesterday to see, to whom also I entrusted a letter for you. I enclose a letter for my son. Please let me know what day is advertised for the sale of the pleasure-grounds.

LETTER 50

TO ATTICUS (AT ROME) TUSCULUM, 18 MAY

As your arrival cheered, so your departure has depressed me. Wherefore, as soon as you can, that is, after attending Sextus's auction, repeat your visit. Even one day will do me good, to say nothing of the pleasure. I would come to Rome myself, that we might enjoy each other's society, if I could see my way on a certain matter.

LETTER 51

TO ATTICUS (AT ROME) TUSCULUM, 20 MAY

TIRO is come back sooner than I hoped. Nicias has also arrived, and I hear that Valerius is coming today. However many they may be, I shall still be more alone than if you were here by yourself. But I expect you, at any rate after you have done with Peducaeus. You however give some hints of an earlier date; but that must be as you find it possible. As to Vergilius, it is as you say. Yet what I should like to know is when the auction is to be. I see you are of opinion that the letter should be sent to Caesar. Well! I was very much of that opinion also, and the more so that there is not a word in it unbecoming the most loyal of citizens, that is, as loyal as the state of the times permit, to which all political writers teach us that we must bow. But observe, I stipulate that your Caesarian friends read it first. So please see to it. But unless you clearly understand that they approve, it must not be sent. Now you will detect whether they really approve or only pretend to do so. Pretence will in my eyes be equivalent to rejection. You must probe that question.

Tiro told me what you thought ought to be done about Caerellia: that it was unbecoming to me to be in debt; that you were in favour of an assignment:

Fear this and not the other? passing strange! But this and much besides when we meet. However, we must suspend the payment of the debt to Caerellia till we know about Meton and Faberius.

LETTER 52

TO ATTICUS (AT ROME) TUSCULUM, 21 MAY

You know L. Tullius Montanus, who has gone abroad with my son. I have received a letter from his sister's husband saying that Montanus owes Plancus twenty-five sestertia (about £200) as security for Flaminius; and that you had received some request from Montanus on that subject. I should be much obliged if you could assist him either by making an application to Plancus, if that is necessary, or by any other way. I think myself bound to do something for him. If it happens that you know more about the business than I do, or if you think application should be made to Plancus, please write and tell me, that I may know how the matter stands and what sort of application ought to be made. I am waiting to hear what you have done about the letter to Caesar. About Silius I don't so very much care. Yes, you must secure either the grounds of Scapula or Clodia. But you seem to have some hesitation about Clodia — is it as to the time of her return or as to whether her grounds are for sale? But what is this I hear of Spinther having divorced his wife? As to the Latin language, set your mind at ease. You will say—"What, when you write on such subjects?"

They are translations. They don't cost so much trouble therefore; I only contribute the language, in which I am well provided.

LETTER 53

TO ATTICUS (AT ROME) TUSCULUM (22 MAY)

THOUGH I have nothing to write about to you, I write all the same, because it makes me think that I am talking to you. I have Nicias and Valerius with me here. I am expecting a letter from you early today. Perhaps there will be another in the afternoon, unless your Epirus correspondence hinders you, which I do not wish to interrupt. I am sending you letters for Marcianus and Montanus. Please put them into the same packet, unless you chance to have already despatched it.

BOOK 13

LETTER 1

TO ATTICUS (AT ROME) TUSCULUM, 23 MAY

In your letter to my son you spoke with a serious gravity, and yet with a moderation which nothing could surpass. It is exactly what I should have wished. Your letters to the Tullii also are extremely wise. So either these letters will fulfil their object or we must think of other measures.

As to money moreover I perceive that you are making every effort or rather have done so. If you succeed, I shall owe the suburban pleasure-grounds to you. There is indeed no other kind of property that I should prefer, principally of course for the purpose which I have resolved to carry out. And in regard to this you relieve my impatience by your promise, or rather your undertaking as to this summer. In the second place, there is nothing that can possibly be better adapted for my declining years and for an alleviation of my melancholy. My eagerness for this drives me at times to wish to spur you on. But I suppress the impulse: for I have no doubt that, when you know me to be very much set on a thing, your eagerness will surpass my own. Accordingly I look upon it as already done.

I am anxious to hear what those friends of yours decide as to the letter to Caesar. Nicias is as devoted to you as he is bound to be, and is greatly delighted at your remembering him. I am indeed strongly attached to our friend Peducaeus. For I have on the one hand transferred to him all the esteem which I had for his father, and on the other I love him for his own sake as much as I loved the other, — but it is you that I love the most for wishing us to be thus mutually attached. If you inspect the pleasure-grounds and tell me about the letter, you will give me something to write to you about: if not, I shall yet write something. For a subject will never be quite wanting.

LETTER 2

TO ATTICUS (AT ROME) TUSCULUM (24 MAY)

Your promptitude pleases me better than the contents of your letter. For what could be more insulting? However,

I am by this time hardened to such things, and have divested myself of all human feelings. I look forward to your letter today, not that I expect anything new, for what should there be? But all the same —

LETTER 2A

TO ATTICUS (AT ROME) TUSCULUM (27 MAY)

Please order the letters to be delivered to Oppius and Balbus; and, by the way, see Piso whenever you can about the gold. If Faberius comes to town, you will please see that I am credited with the right amount, if there is to be any crediting at all. You will learn what it is from Eros. Ariarathes son of Ariobarzanes has come to Rome. He wants, I suppose, to buy some kingdom from Caesar. For, as at present situated, he hasn't a foot of ground to call his own. After all, our friend Sextus — as a sort of official entertainer-has monopolized him, for which I am not sorry. However, as I am very intimate with his brothers, owing to the great services I did them, I am writing to invite him to stay in my house. As I was sending Alexander for that purpose, I have given him this letter to take.

LETTER 2B

TO ATTICUS (AT ROME) TUSCULUM, 29 MAY

So the auction of Peducaeus is tomorrow. Come when you can, therefore. Although perhaps Faberius will delay you; yet as soon as you are free. Our friend Dionysius complains loudly, and with some justice after all, that he is so long away from his pupils. He has written a long letter to me, and I believe also to you. In my opinion he will be still longer away. Yet I could have wished it were otherwise, for I miss him much. I am hoping for a letter from you: that is, not just yet, for I am writing this answer early in the morning.

LETTER 3

TO ATTICUS (AT ROME) TUSCULUM, 30 MAY

Yes, the debtors you mention appear to be so satisfactory that my only hesitation arises from the fact that you seem to have doubts. The fact is, I don't like your referring the matter to me. What! was I to manage my own business without your advice? But, after all, I quite understand that you do so more from your habitual caution than because you doubt the soundness of the debtors. The fact is, you don't think well of Caelius, and you don't want a multiplicity of debtors. In both sentiments I concur. We must therefore be content with the present list. Sooner or later, indeed, you would have had to go security for me even in the auction with which we are now concerned. All then shall be provided from my own pocket: but as to the delay in getting in the debts, I think — if we do but hit upon what we want — that a time of grace may be obtained from the auctioneer, and at any rate from the heirs.

See about Crispus and Mustela, and let me know what the share of the two is. I had already been informed of the arrival of Brutus; for my freedman Aegypta brought me a letter from him. I am sending it to you, because it is expressed in obliging terms.

LETTER 4

TO ATTICUS (AT ROME) TUSCULUM, I JUNE

I have received the result of your kind labours as to the ten legates. I agree with you about Tuditanus; it was his son that was quaestor the year after the consulship of Mummius.

Well, since you repeatedly ask me whether I am satisfied about the debtors, I also repeatedly tell you in answer that I am satisfied. If you can come to any settlement with Piso, do so. For I think Avius will fulfil his obligations. I wish you could come before Brutus; but if you can't, at least stay with me when he comes to Tusculum. It is of great importance to me that we should be together. And you will be able to ascertain the day if you tell your servant to ask.

LETTER 5

TO ATTICUS (AT ROME) TUSCULUM, 2 JUNE

I had thought that Spurius Mummius was one of the ten legates; but he was, of course — as was natural — a legatus to his brother. For he was at the capture of Corinth. I am sending "Torquatus" to you. Yes, do talk to Silius, as you suggest, and urge him on. He said the day for payment was not in May; he didn't deny that it was the day you mention. But pray be careful about this business, as you always are. As to Crispus and Mustela — of course: as soon as you have come to any settlement. As you promise to be with me by the time Brutus comes, that's enough: especially as the intervening days are being spent in important business of my own.

LETTER 6

TO ATTICUS (AT ROME) ASTURA (16 MARCH)

ABOUT the aqueduct you did quite right. You may perhaps find that I am not liable to the pillar-tax. However, I think I was told by Camillus that the law had been altered. What more decent answer can be given to Piso than the absence of Cato's guardians? Nor was it only from the heirs of Herennius that he borrowed money, as you know, for you discussed the matter with me, but also from the young Lucullus: and this money his guardian had raised in Achaia. I mention this because it is one element in the case also. But Piso is behaving well about it, for he says that he will do nothing against my wishes. So when we meet, as you say, we will settle how to untangle the business. You ask me for my letter to Brutus: I haven't got a copy of it, but it is in existence all the same, and Tiro says that you ought to have it. To the best of my recollection, along with his letter of remonstrance I sent you my answer to it also. Pray see that I am not troubled by having to serve on a jury.

LETTER 6A

TO ATTICUS (AT ROME) TUSCULUM (4 JUNE)

The Tuditanus you mention — great-grandfather of Hortensius — I was quite unacquainted with, and I had imagined it to have been the son, who at that time could not have been a legatus. I hold it to be certain that Spurius Mummius was at Corinth. For the Spurius of our time, lately dead, frequently used to recite to me his letters written in witty verse sent to his friends from Corinth. But I feel sure he was legatus to his brother, not one of the ten. And, besides, I have been taught that it was not the custom of our ancestors to nominate on a commission men who were related to the imperators, as we — in our ignorance of the best principles of government, or rather from carelessness of them-sent Marcus Lucullus and Lucius Muraena and others closely connected with him as commissioners to Lucius Lucullus. But it is exceedingly natural that he should have been among the first of his brother's legates. What an amount of trouble you have taken — in busying yourself with such matters as these, in clearing up my difficulties, and in being much less earnest in your own business than in mine!

LETTER 7

TO ATTICUS (AT ROME) TUSCULUM (9 JUNE)

Sestius came to see me yesterday and so did Theopompus. He told me that a letter had arrived from Caesar to the effect that he was resolved to remain at Rome, and that he gave as his reason the one mentioned in my letter — for fear of his laws being disregarded if he were away, just as his sumptuary law had been. That is reasonable, and is what I had suspected. But one must give in to your friends, unless you think I might urge this same conclusion. He also told me that Lentulus had certainly divorced Metella. But you know all that better than I. Write back therefore anything you choose, so long as you write some-thing. For at the moment I cannot think of anything you are likely to write about, unless by any chance you have seen your way at all in regard to Mustela, or have had an interview with Silius.

LETTER 7A

Brutus arrived at his Tusculan villa yesterday between four and five in the afternoon. Today therefore he will see me, and I could have wished that you were here. I have myself given orders that he should be told that you had waited for his arrival as long as you could and would come if you were told of it, and that I would inform you at once, as I hereby do.

LETTER 8

TO ATTICUS (AT ROME) TUSCULUM (8 JUNE)

I have absolutely nothing to say to you. For you have only just left me, and shortly after your departure have sent me back my note-book. Please see that the accompanying packet is delivered to Vestorius, and instruct some one to inquire whether there is any land of Quintus Staterius's, on his Pompeian or Nolan properties, for sale. Please send me Brutus's epitome of the annals of Caelius; and ask Philoxenus for Panaetius "On Foresight." Be sure I see you and your party on the thirteenth.

LETTER 9

TO ATTICUS (AT ROME) TUSCULUM (JUNE I 7)

You had only just left me yesterday when Trebonius arrived and a little later Curtius — the latter merely intending to call, but he stayed on being pressed. We have Trebatius with us. Early this morning Dolabella arrived. We had much talk to a late hour in the day. I cannot exaggerate its cordial and affectionate tone. However, we came at last to the subject of Quintus. He told me many things beyond words-beyond expression: but there was one of such a kind that, had it not been notorious to the whole army, I should not have ventured, I don't say to dictate to Tiro, but even to write it with my own hand. But enough of that. Very opportunely, while I had Dolabella with me Torquatus arrived; and in the kindest manner Dolabella repeated to him what I had been saying. For I had been just speaking with very great earnestness in his cause, an earnestness which seemed to gratify Torquatus. I am waiting to hear what news you have about Brutus. However, Nicias thinks that the matter is settled, but that the divorce does not find favour.

All the more am I anxious for the same thing as you are. For if any scandal has been caused, this step may put it right. I must go to Arpinum: for in the first place my small property there needs putting straight, and in the second place I fear I may not be able to leave town when once Caesar has come, as to whose arrival Dolabella has the same opinion as you had-founded on your letter from Messalla. When I have got there and ascertained what amount of business there is to do, I will write and tell you the days of my return journey.

LETTER 10

TO ATTICUS (AT ROME) TUSCULUM (JUNE 20)

I am not at all surprised either at your sorrow in regard to Marcellus or at your misgiving as to increased sources of danger. For who would have feared such a thing as this — a thing that had never happened before and which nature seemed to forbid the possibility of happening? Therefore there is nothing that may not be feared.

But this is an historical slip of yours — the last person I should have expected to make it — that "I am the sole remaining consular." Why, what do you think of Servius? However, this survival has of course no value of any sort-especially to me, who think that their fate is no less happy than my own. For what am I, and what influence do I possess? Is it at home or abroad? Well, if it had not occurred to me to write my poor books, I shouldn't have known what to do with myself. Yes, as you say, I think I must dedicate to Dolabella some treatise of a more general kind and more political in tone. Something certainly I must compose for him; for he is very desirous that I should do so. If Brutus takes any step, pray be careful to let me know. I think he ought to do it as soon as possible, especially if he has made up his mind. He will thereby either entirely stop, or at any rate mitigate, any little talk there may be about it. For there are people who talk even to me. But he will settle these things best himself, especially if he also consults you. I intend starting on the 21st: for I have nothing to do here, nor, by Hercules! there either, or anywhere: yet there, after all, there is something. Today I am expecting Spinther; for Brutus has sent him to me. He writes to clear Caesar in regard to the death of Marcellus — on whom no suspicion would have fallen, even if his assassination had been the consequence of a plot. As it is, as there is no doubt whatever about Magius. Does not his madness account for the whole thing? I don't clearly understand what he means. Please explain therefore. However, for myself my only doubt is as to the cause of Magius's mad fury. Marcellus had even gone security for him. No doubt that is the true explanation — he was insolvent. I suppose he had asked

some indulgence from Marcellus, who — as was his way — had answered him somewhat decidedly.

LETTER 11

TO ATTICUS (AT ROME) ARPINUM, 22 JUNE

"Not the same look."

I thought I shouldn't mind. It was quite the reverse, when I found myself more widely separated from you. But I had to do it, both in order to settle the small rents of my properties, and to avoid burdening Brutus with the necessity of shewing me attention. For at a future time we shall be able to keep up our acquaintance at Tusculum on easier terms. But at the present juncture, when he wanted to see me every day and I could not go to him, he was losing all enjoyment of his Tusculan villa. Please therefore write and tell me whether Servilia has arrived, whether Brutus has taken any decided step, even if he has determined on doing so, and when he starts to meet Caesar- anything in fact that I ought to know. If you can, call on Piso: you see how pressing it is. Yet only if it is no inconvenience to you.

LETTER 12

TO ATTICUS (AT ROME) ARPINUM (23 JUNE)

Your letters about our dear Attica stung me to the heart. However, they also healed the wound. For the fact that you consoled yourself in the same letter gave me sufficient assurance to alleviate my distress. You have given my speech for Ligarius a famous start. Henceforth, whenever I write anything, I shall intrust the advertising to you. As to what you say in your letter about Varro, you are aware that heretofore my speeches and writings of that nature have been composed in a way that made the introduction anywhere of Varro impossible. But when I began these more literary works, Varro had already announced to me a dedication of an important treatise. Two years have passed, and that "Callippides," though perpetually on the move, has not advanced a yard. I, on the other hand, am preparing to return anything he sent me, "measure and all and even better" — if I had but the power: for even Hesiod adds the proviso "if you can."

As things stand at present I have plighted to Brutus, as you advised, my treatise de Finibus, of which I think very highly, and you wrote to say that he was not unwilling to accept it. So let us transfer to Varro my Academica, in which the speakers are men of rank, as far as that goes, but being in no respect men of learning are made to speak with a subtlety beyond them. It contains the doctrines of Antiochus, with which he is in full agreement. I will make it up to Catulus and Lucullus in some other work. However, this depends on your approval, so pray write me an answer on this point.

I have had a letter from Vestorius about the auction of Brinnius's estate. He says that the direction of the business has been unanimously confided to me — they presumed evidently that I should be at Rome or at Tusculum on the 24th of June. Please therefore speak to my co-heir, your friend Spurius Vettius, or to our friend Labeo, to put off the auction a short time, and say that I shall be at Tusculum about the 7th of July. Yes, please settle with Piso.

You have Eros with you. Let us give our whole minds to Scapula's pleasure-grounds. The day is close at hand.

LETTER 13

TO ATTICUS (AT ROME) ARPINUM (24 JUNE)

Under the influence of your letter-because you wrote to me on the subject of Varro — I have taken my Academica bodily from men of the highest rank and transferred it to our friend and contemporary. I have also rearranged it so as to form four books instead of two. They Certainly have a more imposing effect than the previous edition, yet after all a good deal has been cut out. But I should much like you to write and tell me how you discovered that he wished it. This much at any rate I long to know — of whom you perceived him to have been jealous: unless perchance it was Brutus! By heaven, that's the last straw! However, I should be glad to know. The books themselves have left my hands — unless I am deceived by the usual author's self-love — so well elaborated, that there is nothing on the subject even among Greek writers to be compared with them. Pray do not be annoyed at your own loss in having had the treatise on the Academics now in your hands copied out in vain. This second edition, after all, will be much more brilliant, concise, and better. In these circumstances, however, I don't know which way to turn. I wish to satisfy Dolabella's earnest desire. I don't see my way to anything, and at the same time "I fear the Trojans." Now, even if I do hit on something, shall I be able to escape adverse criticism? I must therefore be idle or strike out some other kind of subject.

But why concern ourselves about these trivialities? Pray tell me how my dear Attica is. She causes me deep anxiety. But I pore over your letter again and again: I find comfort in it. Nevertheless, I wait anxiously for a fresh one.

LETTER 14

TO ATTICUS (AT ROME) ARPINUM (25 JUNE)

Brinnius's freedman — my coheir-has written to tell me that the joint heirs wish, if lam willing, that he and Sabinus Albius should come to see me. I won't have that at any price: the inheritance isn't worth it. Nevertheless they will be easily able to be present at the day of the sale — it is on the 9th 'of July — if they meet me at my Tusculan villa on the morning of the 6th. But if they wish to postpone the day of sale farther, they can do so for two or three days, or any time they choose. It makes no difference. Therefore, unless these gentlemen have started, please keep them from doing so. If any more news about Brutus or about Caesar has come to your knowledge, pray write and tell me.

I should like you again and again to consider the question as to whether you think what I have written should be sent to Varro. Although it is not altogether without interest to yourself personally; for let me tell you that you have been put in as a third interlocutor in that dialogue. In my opinion, then, we ought to think the matter over. Though the names have been entered, they can be crossed out or changed.

LETTER 15

TO ATTICUS (AT ROME) ARPINUM (26 JUNE)

Pray let me know how our dear Attica is. For this is the third day since I received any letter from you. I am not surprised at that, for no one has come here; and there was perhaps no reason for sending. Accordingly, I have not anything to write about. But on the day on which I give this letter to Valerius I am expecting one of my men. If he arrives and brings anything from you, I see that I shall have no lack of subject-matter for a letter.

LETTER 16

TO ATTICUS (AT ROME) ARPINUM (27 JUNE)

THough my object was to find streams and solitary spots, in order the easier to keep up my spirits, I have not as yet stirred a foot outside my villa: so violent and persistent is the rain which we are having. The "Academic treatise" I have transferred bodily to Varro. At one time it was in the mouths of Catulus, Lucullus, and Hortensius. Next, as there seemed a lack of appropriateness in that, because those men were notoriously, I don't say ill-educated, but unversed in those particular subjects, immediately upon my arrival at the villa I transferred the same discourses to Cato and Brutus. Then came your letter about Varro. The argument of Antiochus seemed to suit him better than anyone else. Yet, after all, I should like you to write and say, first, whether you wish me to dedicate anything to him, and if so, whether this particular treatise.

What about Servilia? Has she yet arrived? Brutus, too, is he taking any steps, and when? About Caesar, what news? I shall arrive by the 7th of July, as I said. Yes, come to a settlement with Piso, if you can.

LETTER 17

TO ATTICUS (AT ROME) ARPINUM, 28 JUNE

I was expecting some news from Rome on the 27th, so I could wish that you had given your men some message. As you have not, I have only the same questions to ask as before: What is Brutus doing? Or, if he has already taken any step, is there any news from Caesar? But why talk of these things which I care less about? What I am anxious to know is how Attica is. Though your letter — which however is now rather out of date-bids me hope for the best, yet I am anxious for something recent. You see what advantage there is in our being near each other. By all means let us get suburban pleasure-grounds: we seemed to be conversing with each other when I was in my Tusculan villa — so frequent was the interchange of letters. But that at least will soon be the case again. Meanwhile, acting on your hint, I have completed some books-really quite clever ones - addressed to Varro. Nevertheless I await your answer to what I wrote to you: first, how you learnt that he wanted something of the sort from me, since he has never, for all his extraordinary literary activity, addressed a line to me: secondly, of whom he was jealous, unless I am to think it to be Brutus. For if he is not jealous of him, much less can he be so of Hortensius or of the interlocutors in the de Republica. I should like you to make this quite clear to me: especially whether you abide by your opinion that I should send him what I have written, or whether you think it unnecessary. But of this when we meet.

LETTER 19

TO ATTICUS (AT ROME) ARPINUM, 29 JUNE

Hilarus the copyist had just left me on the 28th, to whom I had delivered a letter for you, when your letter-carrier arrived with yours dated the day before: in which the sentence that pleased me most was, "Our dear Attica begs you not to be cast down," and that in which you say that all danger is over. To my speech for Ligarius I see that your authority has served as an excellent advertisement. For Balbus and Oppius have written to say that they like it extremely, and have therefore sent that poor little speech to Caesar. So this is what you meant by what you wrote to me before. As to Varro, I should not be influenced by the motive you mention, that is, to avoid being thought fond of great men — for my principle has always been not to include any living person among the interlocutors of my dialogues. But as you say that it is desired by Varro and that he will value it highly, I have composed the books and finished a complete review of the whole Academic philosophy in four books — how well I can't say, but with a minute care which nothing could surpass. In them the arguments so brilliantly deduced by Antiochus against the doctrine of ἀκαταληψία (impossibility of attaining certainty) I have assigned to Varro. To them I answer in person. You are the third personage in our conversation. If I had represented Cotta and Varro as keeping up the argument, according to the suggestion contained in your last letter, I should have been myself a persona muta. This is often the case with graceful effect in ancient dramatis personae — for instance, Heraclides did it in many of his dialogues, and so did I in the six books of the de Republica. So again in my three books de Oratore with which I am fully satisfied. In these too the persons represented are of such a character that silence on my part was natural. For the speakers are Antonius, the veteran Catulus, Gaius Iulius, the brother of Catulus, Cotta, and Sulpicius. The conversation is represented as taking place when I was a mere boy, so that I could have no part in it. On the other hand, my writings in the present period follow the Aristotelian fashion — the conversation of the

other characters is so represented as to leave him the leading part. My five books de Finibus were so arranged as to give L. Torquatus the Epicurean arguments, Marcus Cato the Stoic, Marcus Piso the Peripatetic. I thought that could rouse no jealousy, as all those persons were dead. This new work Academica, as you know, I had divided between Catulus, Lucullus, and Hortensius. It was quite inappropriate to their characters: for it was more learned than anything they would appear likely to have ever dreamed of. Accordingly, I no sooner read your letter about Varro than I caught at the idea as a godsend. For there could be nothing more appropriate than Varro to that school of philosophy, in which he appears to me to take the greatest pleasure, and that my part should be such as to avoid the appearance of having arranged to give my side of the argument the superiority. For in fact the arguments of Antiochus are very convincing. As carefully translated by me they retain all the acuteness of Antiochus, with the polish peculiar to the language of our countrymen — if there is indeed any such to be found in me. But pray consider carefully whether I ought to present these books to Varro. Certain objections occur to me — but of those when we meet.

LETTER 20

TO ATTICUS (AT ROME) ARPINUM (2 JULY)

I have received a letter of consolation from Caesar, dated 31st of May, at Hispalis. I did not understand the nature of the bill published for extending the boundaries of the City: I should much like to know about it. I am glad that Torquatus is satisfied with what I have done for him, and I will not cease adding to those services. To the speech for Ligarius it is not now either possible to add a clause about Tubero's wife and step-daughter — for the speech is by this time very widely known-nor do I wish to annoy Tubero: for he is astonishingly sensitive. You certainly had a good audience! For my part, though I get on very comfortably in this place, I nevertheless long to see you. So I shall be with you as I arranged. I suppose you have met my brother. I am therefore anxious to know what you said to him. As to "reputation," I am not at all inclined to trouble myself, though I did say foolishly in that letter that it was "better than anything else." For it is not a thing for me to be anxious about. And don't you see how truly philosophical this sentiment is—"that every man is bound not to depart a nail's breadth from the strict path of conscience"? Do you think that it is all for nothing that I am now engaged in these compositions? I would not have you feel distressed by that remark, which amounted to nothing. For I return to the same point again. Do you suppose that I care for anything in the whole question except not to be untrue to my past? I am striving, forsooth, to maintain my reputation in the courts! Not in them I trust! I only wish I could bear my home sorrows as easily as I can disregard that! But do you think that I had set my heart on something that has not been accomplished? Self-praise is no commendation: still, though I cannot fail to approve of what I did then, yet I can with a good grace refrain from troubling myself about it, as in fact I do. But I have said too much on a trivial subject.

LETTER 21

TO ATTICUS (AT ROME) ASTURA, 28 JULY

I have despatched a very bulky letter to Hirtius which I recently wrote at Tusculum. That which you have sent me I will answer another time. For the present I prefer other subjects. What can I do about Torquatus unless I hear something from Dolabella? As soon as I do you shall know at once. I expect letter-carriers from him today, or at latest tomorrow. As soon as they arrive they shall be sent on to you. I am expecting to hear from Quintus. For as I was starting from Tusculum on the 25th, as you know, I sent letter-carriers to him. Now to return to business: the word inhibere suggested by you, which I thought very attractive, I am now strongly against. For it is an entirely nautical word. Of course I knew that, but I thought that the vessel was "held up" (sustineri) when the rowers were ordered inhibere. But that that is not the case I learnt yesterday, when a ship was being brought to land opposite my villa. For when ordered inhibere the rowers don't hold up the vessel, they backwater. Now that is a meaning as remote as possible from ἐποχή ("suspension of judgment"). Wherefore pray let it stand in the book as it was. Tell Varro this also, if by any chance he has made an alteration. One can't have a better authority than Lucilius: "Bring to a halt (sustineas) chariot and horses, as oft doth a skilful driver." Again, Carneades always uses the guard (προβολη) of a boxer and the pulling up (retentio) of a charioteer as metaphorical expressions for "suspension of judgment" (ἐποχή): but the inhibitio of rowers connotes motion, and indeed an unusually violent one — the action of the oars driving the vessel backwards. You see how much more eager and interested I am on this point than either about rumours or about Pollio. Tell me too about Pansa, whether there is any confirmation — for I think it must have been made public: also about Critonius, whatever is known, and at least about Metellus and Balbinus.

LETTER 21A

TO ATTICUS (AT ROME) ARPINUM (JUNE 30)

Now just tell me — do you think it right, to begin with, to publish at all without an order from me? Hermodorus himself used not to do that — the man who made a practice of circulating Plato's books, whence came the line: "In note-books Hermodorus makes his gain." And again: do you think it right to shew it to anyone before Brutus, to whom, on your advice, I dedicate it? For Balbus has written to tell me that you have allowed him to take a copy of the fifth book of the de Finibus, in which, though I have not made very many alterations, yet I have made some. I shall be very much obliged to you if you will keep back the other books, so that Balbus may not have what is uncorrected, and Brutus what is stale. But enough of that, lest I seem "to make a fuss about trifles." Yet, in the present circumstances, these things are of the utmost consequence in my eyes. For what else is there to care about? What I have written I am in such haste to send to Varro, as you advise, that I have already despatched it to Rome to be copied out. This you shall have at once, if you so wish. For I have written to tell the copyists that your men should have permission to make a copy of them if you chose. Please, however, keep it to yourself till I see you, as you always do with the greatest care when you have been told by me to do so. But how did it escape me to tell you? Caerellia — wonderfully inflamed no doubt by a zeal for philosophy — is taking a copy from yours: she already has those very books of the de Finibus. Now I assure you — though I am mortal and fallible — that she did not get them from mine, for they have never been out of my sight: and so far from my men having made two copies, they scarcely completed one copy of each book. However, I don't charge your men with any dereliction of duty, and so I would have you think: for I omitted to say that I did not wish them to get abroad yet. Dear me! what a time I am talking about trifles! The fact is, I have nothing to say on business. About Dolabella I agree with you. Yes, I will meet my co-heirs, as you suggest, at my Tusculan villa. As to Caesar's arrival, Balbus writes

to say that it will not be before the 1st of August. I am very glad to hear about Attica, that her attack is lighter and less serious, and that she bears it cheerfully. You mention that idea of ours, in which I am as earnest as yourself. As far as my knowledge goes, I strongly approve of the man, the family, and the fortune. What is most important of all, though I don't know him personally, I hear nothing but good of him, among others recently from Scrofa. We may add, if that is of any consequence, that he is better born even than his father. Therefore when we meet I will talk about it, and with a predisposition in favour of him. I may add that I am — as I think you know-with good reason attached to his father, and have been so for a long time past, more even than not only you but even he himself is aware.

LETTER 22

TO ATTICUS (AT ROME) ARPINUM (4 JULY)

As to Varro, I had my reasons for being so particular to ascertain your opinion. Certain objections occur to me, but of them when we meet. For yourself, I have introduced your name with the greatest possible pleasure, and I shall do it still more frequently; for from your last letter I have for the first time satisfied myself that you are not unwilling that it should be so. About Marcellus, Cassius had written to me before; Servius sent details. What a melancholy thing! To return to my subject. There are no hands in which I would rather my writings were than yours: but I wish them not to be published before we both agree upon doing so. For my part, I absolve your copyists from all blame, nor do I find any fault with you; and yet, after all, what I mentioned in a previous letter was a breach of this understanding — that Caerellia had certain of my writings which she could only have had from you. As for Balbus, I quite understand that it was necessary to gratify him: only I don't like either Brutus being given anything stale, or Balbus anything unfinished. I will send it to Varro as soon as I see you, if you approve. Why I have hesitated about it, however, I will tell you when we meet. I fully approve of your calling in the money from the debtors assigned to me. I am sorry that you are being troubled about Ovia's estate. It is a great nuisance about our friend Brutus: but such is life! The ladies, however, don't shew very good feeling in their hostile attitude to each other — though both of them do all that propriety requires. There was nothing in the possession of my secretary Tullius for you to demand if there had been I would have instructed you to do so. The fact is that he holds no money that was set apart for the vow, though there is something of mine in his hands. That sum I have resolved to transfer to this purchase. So we were both right — I in telling you where it was, he in denying it to you. But let us at once pounce upon this very money also. In the case of a shrine for human beings I don't think well of a grove, because it is not much frequented: yet there is something to say for it. However, this point

too shall be settled in accordance with your opinion, as everything else is. I shall come to town the day I fixed: and I hope to heaven you will come the same day. But if anything prevents you — for a hundred things may do so — at any rate the next day. Why, think of the co-heirs, and of my being left to their tender mercies without your cunning! This is the second letter I have had without a word about Attica. However, I put a very hopeful construction on that. I don't lay the blame on you, but on her, that there isn't so much as a "kind regards." However, give my kindest, both to her and Pilia, and don't in spite of all hint that I am angry. I am sending you Caesar's letter, in case you have not read it.

LETTER 23

TO ATTICUS (AT ROME) TUSCULUM, 10 JULY

Your morning letter of yesterday I answered at once. I will now answer your evening letter. I had rather that Brutus had asked me to come to Rome. For it would have been fairer, considering that a journey both unexpected and long was before him. And, by heaven! nowadays, as the state of our feelings forbids our getting on frankly together — for I certainly need not tell you what constitutes being "good company "-I should be glad if our meeting were at Rome rather than at Tusculum.

The books dedicated to Varro won't be long delayed. They are completed, as you have seen. There only remains the correction of the mistakes of the copyists. About these books you know that I had some hesitation, but I leave it to you. Also those I am dedicating to Brutus the copyists have in hand. Yes, as you say in your letter, get my business through. However, Trebatius says that everybody makes that rebate you mention; what, then, do you suppose those fellows will do? You know the gang. So settle the affair without any friction. You'd scarcely believe how indifferent I am about such things. I solemnly declare to you, and pray believe me, that those trumpery properties are more a bore than a pleasure to me. For I grieve more at not having anyone to whom to transmit them than at being in want of immediate cash. And so Trebatius says that he told you. Now perhaps you were afraid that I should be sorry to hear your report. That was like your kindness, but believe me I am now quite indifferent about those things. Wherefore devote your energies to these conferences: get your knife well in and finish the business. When talking to Polla consider that you are talking with that fellow Scaeva, and don't imagine that men who are accustomed to try to lay hands on what is not owed to them will abate anything that is. Only see that they keep their day, and even as to that be easy with them.

LETTER 24

TO ATTICUS (AT ROME) TUSCULUM (11 JULY)

What is this about Hermogenes Clodius having said that Andromenes told him that he had seen my son at Corcyra? I supposed that you must have heard it. Didn't he then give any letter even to him? Or didn't he see him? Pray therefore let me know. What answer am I to give you about Varro? You have the four parchment rolls in your hands: whatever you do I shall approve. It isn't after all a case of "fearing the Trojans." Why should I? But I am more afraid of his own disapprobation of the business. But since you undertake it — I shall sleep on both ears.

About the "abatement" I have answered your full and careful letter. Please therefore settle the business, and that too without hesitation or reserve. This ought and must be done.

LETTER 25

TO ATTICUS (AT ROME) TUSCULUM, 12 JULY

About Andromenes, I thought what you say was the case. For you would have known and told me. Yet your letter is so full of Brutus, that you don't say a word about yourself. But when do you think he is coming? For I intend to arrive in Rome on the 14th. I meant in my letter to tell Brutus — but since you say that you have read it, I was not perhaps quite clear — that I understood from your letter that he did not wish me to come to Rome now out of compliment as it were to himself. But since my arrival in town is now approaching, pray take care that the Ides (the 15th) don't prevent him from being at Tusculum if that suits his convenience. For I am not likely to want him at the auction. In a business of that kind why are you not sufficient by yourself? But I do want him at the making of my will. This, however, I wish to be on another day, that I may not appear to have come to Rome for that express purpose. I have written to Brutus, therefore, to say that there was not the occasion for his presence on the 15th, which I had contemplated. So I should like you to direct the whole of this business in such a way as to prevent our inconveniencing Brutus in any particular, however small.

But pray, why in the world are you in such a fright at my bidding you send the books to Varro at your own risk? Even at this eleventh hour, if you have any doubt, let me know. Nothing can be more finished than they are. I want Varro to take a part in them, especially as he desires it himself: but he is, as you know, Keen-eyed for faults, to blame the blameless prone. The expression of his face often occurs to me as he perhaps complains, for instance, that in these books my side in the argument is defended at greater length than his own. That, on my honour, you will find not to be the case if you ever get your holiday in Epirus — for at present my works have to give place to Alexion's business letters. But after all I don't despair of the book securing Varro's approval, and I am not sorry that my plan should be persisted in, as I have gone to some expense in long paper; but I say again and again — it shall be done at your risk.

Wherefore, if you have any hesitation, let us change to Brutus, for he too is an adherent of Antiochus. What an excellent likeness of the Academy itself, with its instability, its shifting views, now this way and now that! But, please tell me, did you really like my letter to Varro? May I be hanged if I ever take so much trouble again about anything! Consequently I did not dictate it even to Tiro, who usually takes down whole periods at a breath, but syllable by syllable to Spintharus.

LETTER 26

TO ATTICUS (AT ROME) ASTURA, 14 MAY

ABOUT Vergilius's share I quite approve. Settle it that way therefore. And indeed it will be my first choice, next to Clodia. If neither comes off, I fear I shall cast prudence to the winds and go for Drusus. My eagerness for the object with which you are acquainted deprives me of all self-control. Accordingly, I come back again and again to the idea of Tusculum. Anything rather than not have it completed this summer. For myself, considering my circumstances, there is no place where I can live at greater ease than Astura. But because my people — I suppose from being unable to endure my melancholy — are in a hurry to get to Rome, though there is nothing to prevent my staying on, yet, as I told you, I shall leave this place, that I may not appear altogether stranded. But whither? From Lanuvium my endeavour is to go to Tusculum. But I will let you know at once. Yes, please write the letters for me. The amount I write is in fact beyond belief — for I work in the night hours also, as I cannot sleep. Yesterday I even finished a letter to Caesar; for you thought I ought to do so. There was no harm in its being written, in case you thought that it was by any chance needed. As things stand now, there is certainly no necessity to send it. But that is as you shall think good. However, I will send you a copy perhaps from Lanuvium, unless it turns out that I come to Rome. But you shall know tomorrow.

LETTER 27

TO ATTICUS (AT ROME) TUSCULUM (25 MAY)

I had always determined, and on very good grounds, that your friends should read my letter to Caesar before it was sent. If I had acted otherwise, I should have been wanting in courtesy to them, and almost rash in regard to my own danger in case my letter should prove offensive to him. Now your friends have acted frankly, and have obliged me by not suppressing their opinion; but best of all by suggesting so many alterations, that I have no reason for writing it all over again. And yet, in the matter of the Parthian war, what ought I to have kept in view except what I thought was Caesar's wish? What, in fact, was the point of my letter at all except to say smooth things to him? Do you suppose that if I had wanted to give him the advice which I thought best, I should have been at a loss for language? Therefore the whole letter is altogether superfluous. For when no great "hit" is possible, and a "miss," however slight, would bring unpleasant consequences, what need to run the risk? Especially as it occurs to me that, as I have not written to him before, he will think that I should probably not have written had not the war been over. Moreover, I fear his thinking that I meant this as a sop for my "Cato." There is no more to be said. I am extremely sorry I wrote it; nor could anything in this affair have fallen out more in accordance with my wishes, than to find that my intrusion is not approved. For I should have found myself also involved with that party, and among them with your relative. But to return to the pleasure-grounds. I absolutely will not have you go to them unless entirely convenient to yourself. There is no hurry. Whatever happens let us devote our efforts to Faberius. How ever, tell me the day of the auction, if you know it. The bearer of this has just come from Cumae, and as he reported that Attica was quite recovered, and said that he had a letter from her, I have sent him straight to you.

LETTER 28

TO ATTICUS (AT ROME) TUSCULUM (26 MAY)

As you are going to inspect the pleasure-grounds today, I shall hear of course tomorrow what you think of them. About Faberius again you will write when he has arrived. As to the letter to Caesar, believe my solemn assertion, -I cannot! Nor is it the dishonour of the thing that deters me, though it ought to do so most of all. For where is the disgrace of flattery, in view of the disgrace of living at all? But as I began by saying, it is not the dishonour that deters me: and, indeed, I only wish it could — for then I should have been the man I ought to be — but I cannot think of anything to say. For those exhortations addressed to Alexander by men of eloquence and learning-think of the circumstances in which they were delivered! Here was a young man fired with ambition for the purest glory, desiring to have some suggestions made to him as to how to win undying fame, and they exhort him to follow honour.

There is no lack of something to say in such a case. But what can I say? Nevertheless, I had roughhewn what seemed to me a kind of model. Because there were some things in it which were slightly coloured beyond the actual facts-present and past-adverse criticism is provoked, and I am not sorry for it. For if that letter had reached its destination, believe me, I should have repented it. Why, don't you see that even that famous pupil of Aristotle, distinguished for the very best ability and the most perfect conduct, no sooner got the title of king than he became haughty, cruel, and ungovernable? Well now, do you think that this god of the procession, this messmate of Quirinus, is likely to be gratified by temperate letters such as I should write? In truth, I would rather that he felt annoyed at not receiving what I had not written, than disapprove of what I had. In fine, let it be as he pleases. What was goading me on to action, at the time I put the "Archimedian problem" before you, is now all gone. By Heaven, I am now actually desirous — and much more earnestly — of that same misfortune of which I was then afraid, or any other he chooses. Unless anything else prevents you, pray come to me: you

will be very welcome. Nicias having been urgently summoned by Dolabella — for I read the letter-has gone against my will, yet at the same time on my advice. What follows I have written with my own hand.

While I was by way of questioning Nicias about other matters in regard to men of learning, we fell upon the subject of Thalna. He did not speak highly of his genius, but said that he was steady and of good character. But what follows did not seem to me to be satisfactory. He said that he knew him to have lately tried to marry Cornificia, daughter of Quintus, who was quite an old woman and had often been married before: that the ladies did not accept his proposal because they found that his property did not amount to more than 800 sestertia. I thought you ought to know this.

LETTER 29

TO ATTICUS (AT ROME) TUSCULUM (27 MAY)

I was informed about the suburban pleasure-grounds by your letter and by Chrysippus. In the villa, the vulgarity of which I have known of old, I see that nothing or very little has been changed: however, he praises the larger bath, and says that of the smaller one winter apartments might be made. Therefore, a small covered passage will have to be added, the building of which on the same scale as the one I constructed at Tusculum will cost about half less in that district. For the erection of the fane also, which I desire, nothing could be better suited than the grove which I used to know. But at that time it was not at all frequented, now I hear it is very much so. I couldn't have anything I should like better. In this matter "in heaven's name indulge my whim." All I have to say more is — if Faberius pays his debt, don't stop to inquire the price: outbid Otho. I don't think, however, that he will lose his head about it, for I think I know the man. Moreover, I am told that he has been so hard hit, that I don't think that he is a buyer. Otherwise would he have let it come to the hammer? But why discuss that? If you get the money from Faberius, let us purchase even at a high price: if not, we can't do it even at a low one. So then we must go to Clodia. From her also I seem to have more hope, because, in the first place,

the property is much less costly, and in the next place, Dolabella's debt seems so safe that I feel certain of being also able to get ready money to pay for it. Enough about the pleasure-gardens. Tomorrow I shall see you, or hear some reason for your not coming: I expect it will be in connexion with Faberius. But do come, if you can.

LETTER 30

TO ATTICUS (AT ROME) TUSCULUM, 28 MAY

I am sending you back Q. Cicero's letter. How hard-hearted of you not to be agitated by his dangers! He has something to say against me also. I am sending you half the letter. For the other half, with the account of his achievements, I think you have in duplicate. I have sent a letter-carrier to Cumae today. I have given him your letter to Vestorius, which you had given Pharnaces. I had just sent Demeas to you when Eros arrived, but there was nothing new in the letter he brought except that the auction was to last two days. So you will come after it is over, as you say; and I hope with the Faberius affair settled. But Eros says that he won't settle today: he thinks he will tomorrow morning. You must be very polite to him. But such flatteries are almost criminal. I shall see you, I hope, the day after tomorrow. If you can do so from any source, find out who Mummius's ten legates were. Polybius doesn't give their names. I remember the consular Albinus and Spurius Mummius: I think Hortensius told me Tuditanus; but in Libo's annals Tuditanus was praetor fourteen years after Mummius's Consulship. That certainly doesn't square with it. I have in my mind a Political Conference, to be held at Olympia or where you will, after the manner of your friend Dicaearchus.

LETTER 31

TO ATTICUS (AT ROME) TUSCULUM, 28 MAY

On the morning of the 28th Demeas handed me a letter written the day before, according to which I should expect you today or tomorrow. But while longing for your arrival, it is I after all, as I think, who will hinder you. For I don't suppose the Faberius business will be so promptly settled, even if it is ever to be so, as not to cause some delay. Come when you can then, since your arrival is still deferred. I should be much obliged if you would send me the books of Dicaearchus which you mention: add also the book of the "Descent." As to the letter to Caesar, my mind is made up. And yet the very thing which your friends assert that be writes — that he will not go against the Parthians until everything is settled at home — is exactly the advice I gave all through that letter. I told him to do whichever he chose: that he might rely on my support. No doubt he is waiting for that, and is not likely to do anything except on my advice! Pray let us dismiss all such follies, and let us at least be half-free. That we can obtain by holding our tongues and living in retirement.

Yes, approach Otho as you suggest, and finish that business, my dear Atticus: for I can hit on no other place where I can at once keep away from the forum and enjoy your society. As to the price however, the following occurs to me. Gaius Albanius is the nearest neighbour: he bought 1,000 iugera of M. Pilius, as far as I can remember, for 11,500 sestertia. Prices are lower all round now. But we must add a great desire to buy, in which, with the exception of Otho, I do not think we shall have any competitor. But you will be able to influence him personally: you could have done so still more easily if you had had Canus with you. What vulgar gluttony! I am ashamed of his father. Write by return if you want to say anything.

LETTER 32

TO ATTICUS (AT ROME) TUSCULUM, 29 MAY

Having received a second letter from you today I did not wish you to be content with only one from me. Yes, pray do as you say about Faberius. For on our success in that depends entirely what I have in my mind. If that idea had never occurred to me I should, believe me, have been as in different to that as I am about everything else. Wherefore as you are doing at present — and I am sure it cannot be improved upon-push the matter on: don't let it rest: carry it through. Please send me both the books of Dicaearchus — on the "Soul" and on the "Descent." I can't find his "Tripoliticus" and his letter to Aristoxenus. I should be specially glad to have these three books; they would bear upon what I have in my mind. "Torquatus" is at Rome: I have ordered it to be given to you. "Catulus" and "Lucullus" I think you have already. To these books a new preface has been added, in which both of them are spoken of with commendation. I wish you to have these compositions, and there are some others. You didn't quite understand what I said to you about the ten legates, I suppose, because I wrote in shorthand. What I wanted to know was about Tuditanus. Hortensius once told me that he was one of the ten. I see in Libo's annals that he was praetor in the consulship of P. Popilius and P. Rupilius. Could he have been a legatus fourteen years before he was praetor, unless his quaestorship was very late in life? And I don't think that that was so. For I notice that he easily obtained which Polybius was employed to explain to the inhabitants. The labours of the commissioners occupied six months, and Polybius thinks that they did a very noble piece of work in the way of constitution-building. Hence Cicero meant to choose them as speakers in a dialogue on constitutions, which, however, was never composed (Polyb. 39.15-16).

the curule magistracies in his regular years. However, I did not know that Postumius, whose statue you say you remember in the Isthmus, was one of them. He is the man who was consul with L. Lucullus. I have to thank you for this addition of a very suitable

person to my “Conference.” So please see to the rest, if you can, that I may make a fine show even with my dramatis personae.

LETTER 33

TO ATTICUS (AT ROME) TUSCULUM, 3 JUNE

Astonishing carelessness! Do you suppose that Balbus and Faberius only once told me that the return was made?

Why, I even sent a man at their bidding to make the return. For they said that that was what the law required. My freedman Philotimus made the return. I believe you know my copyist. But write, and tell me too that it has been settled. I am sending a letter to Faberius as you think I ought. But with Balbus I think you have come to some arrangement in the Capitol today.

I have no scruple about Vergilius: for I am not bound to consider him, and if I purchase, what right will he have to expostulate? But see that he is not in Africa when the time comes, like Caelius. As to the debt, please look into the matter along with Cispius: but if Plancus bids, then a difficulty arises. Yes, both of us wish you to come here, but this business on which you are engaged must on no account be abandoned. I am very glad to hear you say that you hope that Otho can be outbidden. As to the assignment on valuation we will consider, as you say, when we have begun discussing terms: although he did not say a word in his letter, except about the amount of land. Yes, talk to Piso, in case he may be able to do anything. I have received Dicaearchus's book, and I am waiting for his "Descent." If you will commission some one, he will find the information in the book containing the decrees of the senate in the consulship of Gnaeus Cornelius and Lucius Mummius. Your opinion about Tuditanus is very reasonable, that at the time that he was at the siege of Corinth — for Hortensius did not speak at random — he was quaestor or military tribune, and I rather think it was so. You will be able to ascertain from Antiochus, of course, in what year he was quaestor or military tribune. If he was neither,

hunt him up and see whether he was among the praefecti or the attachŽs-always provided that he was engaged in that war at all.

LETTER 33A

TO ATTICUS (AT ROME) TUSCULUM (9 JULY)

We were talking of Varro...talk of a wolf, you know. For he arrived at my house, and at such an hour of the day has married or is going to marry Porcia, daughter of Cato and widow of Bibulus. Naturally the Caesarians thought it a dangerous alliance, and especially his mother Servilia — the warm friend and perhaps mistress of Caesar. Cicero says that it is a pity the two ladies are unfriendly to each other, but, he adds, they keep up appearances and do all that their respective positions demand.

that he had to be kept But I didn't quite "tear his cloak" in my efforts to keep him (for I remember that expression of yours), and they were a large party and I was not prepared. How did that help me? Soon after came Gaius Capito with Titus Carrinas. I hardly laid a finger on their cloaks; yet they stopped, and very ˆ propos (though by chance) Capito fell to talking about the enlargement of the city: the Tiber is to be diverted, starting from the Milvian bridge along the Vatican Hills: the Campus Martius is to be covered with buildings; while the Vatican plain is to become a kind of new Campus Martius. "What do you say?" said I, "why, I was going to the auction, to secure Scapula's pleasure-grounds if I could safely do so." "Don't do anything of the sort," said he, "for the law will be carried. Caesar wishes it." I didn't betray any annoyance at the information, but I am annoyed at the scheme. What do you say to it? But I needn't ask: you know what a quidnunc Capito is, always finding some mare's nest: he is as bad as Camillus. So let me know about the 15th: for it is that business which is bringing me to Rome: I had combined some other pieces of business with it, which, however, I shall be easily able to do two or three days later. However, I don't want you to be tired out with travelling: I even excuse Dionysius. As to what you say in your letter about Brutus, I have left him quite free to do as he likes as far as I am concerned: for I wrote yesterday to tell him that I had no occasion for his assistance on the 15th.

LETTER 34

TO ATTICUS (AT ROME) ASTURA, 26 JULY

I arrived at Astura on the evening of the 25th. For in order to avoid the heat I had rested three hours at Lanuvium. Pray, if it won't be a trouble to you, contrive that I shall not have to come to Rome before the 5th of next month-you can arrange it by means of Egnatius Maximus. Above all, come to a settlement with Publilius in my absence: as to which, write and tell me what people say. "Much the people, of course, concern themselves about that!" No, by heaven, I don't suppose they do. For it is already a nine days' wonder. But I wanted to fill my page. I need say no more, for I am all but with you unless you put me off. For I have written to you about the pleasure-grounds.

LETTER 35

TO ATTICUS (AT ROME) TUSCULUM, 13 JULY

What a disgraceful thing! A countryman of yours enlarges the city, which he had never seen two years ago, and regards it as too small to hold the great man, too! So I am longing for a letter from you on the subject.

You say that you will hand the books to Varro as soon as he comes to town. So by this time they have been presented and the matter is out of your hands. Ah, well, if you could but know what a risk you are running I Or perhaps my letter has caused you to put it off; though you had not read it when you wrote your last. I am therefore in a flutter to know how the matter stands.

About Brutus's affection and the walk you had together, though you have nothing new to tell me, only the old story, yet the oftener I hear it the more I like it. It gives me the greater gratification that you find pleasure in it, and I feel all the surer of it that it is you who report it.

LETTER 37

TO ATTICUS (AT ROME) TUSCULUM, 2 AUGUST

THIS is my second letter today. As to Xenon's debt to you and the forty sestertia due to you in Epirus, no arrangement could be more convenient or suitable than what you suggest in your letter. Balbus the younger had made the same suggestion to me in conversation.

I have absolutely no news except that Hirtius has kept up a keen controversy with Quintus on my behalf: that the latter talks violently in all kinds of places and especially at dinner parties: that much of this talk is directed against me, but that he also falls upon his father. Nothing he says, however, has a greater vraisemblance than his assertion that we are bitterly opposed to Caesar: that we are neither of us to be trusted, while I personally ought to be regarded with suspicion-this would have been truly terrible had I not perceived that our monarch knew that I had no courage left. Lastly, that my son is being bullied by me. But that he may say as much as he chooses.

I am glad I had handed Porcia's funeral oration to Lepta's letter-carrier before I got your letter. Take care then, as you love me, that it is sent to Domitius and Brutus — if it is going to be sent — in the form you mention.

About the gladiators and the other things, which you call in your letter "airy nothings," give me particulars day by day. I should wish, if you think it right, to apply to Balbus and Offilius. About giving notice of the auction I myself spoke to Balbus. He agreed — I presume that Offilius has a complete inventory, and so has Balbus — well, he agreed that it should be on an early day and at Rome: but that, if Caesar's arrival was delayed, it might be put off from day to day. But the latter seems to be on the point of arriving. Therefore consider the whole business: for Vestorius is content.

LETTER 38

TO ATTICUS (AT ROME) TUSCULUM, 4 AUGUST

As I was writing against the Epicureans before daybreak, I scratched a hasty note to you by the same lamp and in the same breath, and despatched it also before daybreak. Then, after going to sleep again and getting up at sunrise, a letter from your sister's son is put into my hands, which I herewith send to you in the original copy. It begins with a gross insult. But perhaps he didn't stop to think. Well, this is how it begins: "Whatever can be said to your discredit I" He will have it that much can be said to my discredit, but says that he does not endorse it. Could anything be in worse taste? Well, you shall read the rest — for I send it on to you — and judge for yourself. My belief is that it was because the fellow was disturbed by the daily and persistent compliments of our friend Brutus — the expression of which by him in regard to us has been reported to me by a very large number of people — that he has at length deigned to write to me and to you. Please let me know if that is so. For what he has written to his father about me I don't know. About his mother, how truly filial! "I had wished," he says, "to be with you as much as possible, and that a house should be taken for me; and I wrote to you to that effect. You have neglected to do it. Therefore we shall see much less of each other: for I cannot bear the sight of your house; you know why." The reason to which he alludes, his father tells me, is hatred of his mother. Now, my dear Atticus, assist me with your advice: Scale the high-built wall shall I By justice pure and verity? That is, shall I openly renounce and disown the fellow, or shall I proceed "by crooked wiles"? For as was the case with Pindar, "My mind divided cannot hit the truth." On the whole the former is best suited to my character, the latter to the circumstances of the time. However, consider me as accepting whatever decision you have come to. What I am most afraid of is being caught at Tusculum. In the crowd of the city these things would be less difficult. Shall I go to Astura then? What if Caesar suddenly arrives? Help me with your advice, I beg. I will follow your decision, whatever it may be.

LETTER 39

TO ATTICUS (AT ROME) TUSCULUM, 5 AUGUST

What astonishing duplicity! He writes to his father that he must abstain from entering his house on account of his mother: to his mother he writes a letter full of affection! My brother however is taking it more easily, and says that his son has reason for being angry with him. But I am following your advice: for I see that your opinion is in favour of "crooked ways." I shall come to Rome, as you think I ought, but sorely against the grain: for I cling strongly to my writing. "You will find Brutus," say you, "on the same journey." No doubt. But had it not been for this affair, that inducement would not have overcome my reluctance. For he has not come from a quarter which I should have preferred, nor has he been long away, nor has he written a syllable to me. But after all I am anxious to know what the net result of his trip has been to him. Please send me the books of which I wrote to you before, and especially Phaedrus "On Gods" and...

LETTER 40

TO ATTICUS (AT ROME) TUSCULUM (7 AUGUST)

REALLY? Does Brutus say that Caesar is going to join the Optimates? That's good news! But where will he find them? Unless he should by chance hang himself. But what about Brutus? You say, "It is no good." What became, then, of that chef-d'oeuvre of yours which I saw in his "Parthenon"-I mean the Ahala and Brutus pedigree? But what is he to do?

That's excellent hearing! "Not even has the prime author of the whole black business a good word to say of our nephew." Why, I was beginning to be afraid that even Brutus was fond of him. For that seemed the meaning of the sentence in his letter to me: "But I could wish that you had a taste of his conversations with me." But, as you say, of this when we meet. And yet, which do you advise me to do? Am I to hurry to meet him or to stay where I am? The fact is, I am glued to my books, and on the other hand don't want to entertain him here. His father, as I am told, is gone as far as Saxa to meet him in a high state of exasperation. He went in such an angry frame of mind that I was forced to remonstrate. But then I am much of a weather-cock myself. So we must wait and see. However, please consider your view as to my coming to Rome and the whole situation; if it appears plain to you tomorrow, let me know early in the day.

LETTER 41

TO ATTICUS (AT ROME) TUSCULUM (8 AUGUST)

Yes, I sent Quintus the letter for your sister. When he complained that his son was on bad terms with his mother, and said that on that account he intended to give up the house to his son, I told him that the latter had written a becoming letter to his mother, but not a word to you. He expressed surprise at the former, but said that in regard to you the fault was his own, because he had frequently written in indignant terms to his son as to your unfairness to him. In this respect he says that his feelings have softened; so I read him your letter, and on the "crooked paths" principle indicated that I would not stand in the way. The fact is, we went on to talk of Cana. Certainly, if that were decided upon, it would be necessary for me to act thus. But, as you say, we must have some regard to our dignity, and both of us ought to take the same line, although the wrongs he has done me are the more serious, or at least the more notorious, of the two. If however Brutus also has some reasons to allege, all hesitation is at an end. But of this when we meet: for it is a very serious business and needs great caution. Tomorrow therefore, unless I get something from you this evening.

LETTER 42

TO ATTICUS (AT ROME) TUSCULUM (END OF DECEMBER)

He has been to see me and with a very dejected air. Said I to him: "Why so gloomy?" "Can you ask," said he, "when I am about to start on a journey, and a journey to the seat of war — a journey, too, that is not only dangerous, but discreditable as well? " "What is the compulsion, then?" said I. "Debt," said he, "and yet I haven't even money enough for the journey." At this point I took a hint from your kind of eloquence. I held my tongue. He went on: "But what gives me most pain is my uncle. " "Why is that?" said I. "Because he is angry with me," said he. "Why do you allow him to be so," said I-for I prefer using that word to "Why do you incur it?" "I won't allow it," said he, "for I will remove the reason." "Excellent!" said I; "but if it won't be disagreeable to you, I should like to know what the reason is." "Because, while hesitating as to whom to marry, I vexed my mother, and consequently him too. However, nothing can make up for doing that in my eyes. I will do what they wish." "I wish you good luck," I said, "and I commend your resolution. But when is it to be?" "Oh, I don't care about the time," he said, "since I accept the thing." "Well, my opinion is," said I, "that you should do it before starting. You will thus oblige your father also." "I will do as you think right," said he. This was the end of our conversation.

But listen to me! You know the 3rd of January is my birthday. You must come to dinner therefore.

I had written thus far, when lo and behold comes a summons to Rome from Lepidus. I suppose the augurs want me for consecrating a temple-site. Well, I must go. Don't let's have any rumpus. I shall see you therefore. [The following letters of introduction cannot be dated. They probably were written early in the year.]

LETTER 43

TO ATTICUS (AT ROME) TUSCULUM, 14 JULY

Yes, I shall avail myself of the postponement of the day; and it was exceedingly kind of you to inform me, especially as I received the letter at a time when I wasn't expecting one, and you wrote it from your seat at the games. I have in any case some matters of business to attend to at Rome, but I will settle them two days later.

LETTER 44

TO ATTICUS (AT ROME) TUSCULUM (20 JULY)

What a delightful letter! Though the procession was odious, it is nevertheless not odious "to know everything" — even about Cotta. The people were splendid not to clap even the figure of Victory owing to its impious neighbour. Brutus has been to see me, and is very strongly in favour of my writing something to Caesar. I assented, but this procession puts me off it.

Well, after all, did you venture to make the presentation to Varro? I am anxious for his opinion: but when will he read it through?

As to Attica, I quite approve: for it is something that her melancholy should be relieved both by taking part in the spectacle, as well as by the feeling of its sacred associations and the general talk about it.

Please send me a Cotta; I have got a Libo with me, and I had already possessed a Casca. Brutus brought me a message from Titus Ligarius that the mention of L. Corfidius in my speech for Ligarius was a mistake of mine. But it was only what is called "a lapse of memory." I knew that Corfidius was very closely connected with the Ligarii, but I see now that he was already dead. Please therefore instruct Pharnaces, Antaeus, and Salvius to erase that name from all the copies.

LETTER 45

TO ATTICUS (AT ROME) TUSCULUM, 11 AUGUST

Lamia came to see me after your departure and brought me a letter which he had received from Caesar. This letter, though dated earlier than that brought by Diochares, yet made it quite clear that he would arrive before the Roman games. At the end of the letter there was a sentence ordering him to make all necessary preparations for the games, and not allow him to hurry back for nothing. Certainly from this letter it seemed beyond doubt that he would come before that day, and Lamia said that Balbus thought so too after reading that letter.

I perceive I have thus some additional days holiday, but pray, as you love me, let me know how many. You will be able to ascertain from Baebius and your other neighbour Egnatius. You exhort me to spend these days in an exposition of philosophy. You are spurring a willing horse, but you see that I am obliged to have Dolabella constantly with me on the days you mention. But had I not been detained by this business of Torquatus, there would have been a sufficient number of days to allow of making an excursion to Puteoli and returning in time. Lamia indeed has heard from Balbus, as it seems, that there is a large sum of ready money in the house, which ought to be divided as soon as possible, as well as a great amount of silver plate: that the auction of everything except the real property ought to take place at the first possible opportunity. Please write and tell me your opinion. For my part, if I had to pick out a man from the whole world, I couldn't easily have selected anyone more painstaking, obliging, or, by heaven, more zealous to serve me than Vestorius. I have written him a very full and frank letter, and I suppose you have done the same. I think that is enough. What do you say? My only uneasiness is the fear of seeming too careless. So I shall wait for a letter from you.

LETTER 46

TO ATTICUS (AT ROME) TUSCULUM, 12 AUGUST

POLLEX, for his part, having appointed to meet me by the 13th of August, has in fact done so at Lanuvium on the 12th. But he was true to his name — a thumb and not a finger, he pointed to nothing. You must get your information, therefore, from his own lips. I have been to call on Balbus; for Lepta, being anxious about his own contract for the wine, had induced me to go and see him. He was staying in that villa at Lanuvium which he has made over to Lepidus. The first thing he said to me was: "I recently received a letter from Caesar, in which he positively asserts that he will arrive before the Roman games." I read the letter. There was a good deal about my "Cato." He says that by repeatedly reading it he had increased his command of language: when he had read the "Cato" of Brutus he thought himself eloquent. Next I learnt from him that acceptance of Cluvius's inheritance (oh, careless Vestorius!) was to be an unconditional acceptance in the presence of Witnesses within sixty days. I was afraid I should have to send for Vestorius. As it is, I need only send him a commission to accept on my order. This same Pollex therefore shall go. I also discussed the question of Cluvius's suburban pleasure-grounds with Balbus. Nothing could be more liberal: he said that he would write to Caesar at once: but that Cluvius had left Terentia a legacy of fifty sestertia (£48o), charged on Hordeonius's share, as also money for his tomb and many other things, but that my share had no charge on it. Pray give Vestorius a gentle rebuke. What could be less proper than that the druggist Plotius should have employed his servants to give Balbus full particulars so long in advance, while he gave me none even by my own? I am sorry about Cossinius; I was very fond of him. I will assign to Quintus whatever surplus there is after paying my debts and purchases. The latter I expect will force me to borrow more. About the house at Arpinum I know nothing. P.S.-There is no occasion for you to scold Vestorius. For after I had sealed this packet my letter-carrier arrived after dark bearing a letter from him with full particulars and a copy of the will.

LETTER 47

TO ATTICUS (AT ROME) TUSCULUM, 15 AUGUST

"When your order, Agamemnon, reached my ears," not "to come" — for that, too, I should have done, had it not been for Torquatus — but to write, "I at once" gave up what I

had begun, threw aside what I had in hand, and "hewed out a model of thy design." I wish you would ascertain from Pollex the state of my accounts. It is not becoming that my son should be straitened in this his first year at Athens. Afterwards we will be more particular in keeping down his expenses. Pollex also must be sent back to Puteoli, in order that Vestorius may accept the inheritance. It is clear that I must not go there, both for the reasons mentioned in your letter and because Caesar is near at hand. Dolabella writes to say that he is coming to see me on the 14th. What a tiresome instructor!

LETTER 47A

TO ATTICUS (AT ROME) ASTURA, 30 JULY

YESTERDAY evening I got a letter from Lepidus dated Antium, for he was there in a house which I sold him. He asks me earnestly to be in the senate on the 1st, saying that I shall greatly gratify both Caesar and himself by so doing. I think, for my part, that there is nothing in it: for perhaps Oppius would have said something to you, as Balbus is ill. However, I preferred to come for nothing rather than be absent if I was wanted: I should have regretted it afterwards. So today I shall be at Antium; tomorrow, at my town house before noon. Pray dine with me, if nothing prevents you, on the 31st and bring Pilia. I hope you have settled with Publilius. I mean to hurry back to Tusculum on the 1st; for I prefer all negotiations with them to go on in my absence. I am sending you my brother Quintus's letter; it is not indeed a very kind response to mine, but still sufficient to satisfy you, as I imagine. That is your affair.

LETTER 48

TO ATTICUS (AT ROME) TUSCULUM, 2 AUGUST

YESTERDAY, in the midst of the noise, I seem to have caught a remark of yours, that you were coming to Tusculum. Oh, that it may be so! Oh, that it may! I repeat. But only if convenient to yourself. Lepta begs me to hurry to Rome if he wants me in any way. For Babullius is dead. Caesar, I imagine, is heir to a twelfth — though I don't know anything for certain as yet — but Lepta to a third. Now he is in a fright that he may not be allowed to keep the inheritance. His fear is unreasonable, but nevertheless he is afraid. So if he does summon me, I will hurry to town: if he doesn't, it won't be in any way necessary. Yes, send Pollex as soon as you can. I am sending you Porcia's funeral oration corrected: I have been expeditious in order that, if it is by any chance being sent to Domitius's son or to Brutus, it may be this edition that is sent. If it isn't inconvenient to you I should like you to see to this very carefully; and please send me the funeral orations written by Marcus Varro and Ollius, at any rate that of Ollius. For though I have read the latter, I want to have a second taste of it. There are some things in it that I can scarcely believe that I have read.

LETTER 49

TO ATTICUS (AT ROME) TUSCULUM (20 AUGUST)

First, health to Attica, whom I imagine to be in the country, so I wish her much health, as also to Pilia. If there is anything fresh about Tigellius, let me know it. He is — as Fadius Gallus has written me word — bringing up a most unfair accusation against me, on the ground that I left Phamea in the lurch after having undertaken to plead his cause. This cause, indeed, I had undertaken against the sons of Gnaeus Octavius, much against my will — but I did also wish well to Phamea. For, if I remember rightly, when I was standing for the consulship he sent me a promise through you to do anything he could; and I was no less mindful of that courtesy than if I had availed myself of it. He called on me and told me that the arbitrator had arranged to take his case on the very day on which the jury were bound by the Pompeian law to consider their verdict on our friend Sestius. For you are aware that the days in those suits have been fixed by law. I replied that he was not ignorant of my obligations to Sestius: if he selected any other day he chose, I would not fail to appear for him. So on that occasion he left me in a rage. I think I told you about it. I didn't trouble myself, of course, nor did I think that the wholly groundless anger of a man not in the least connected with me required any attention from me. But the last time I was in Rome I told Gallus what I had heard, without however mentioning the younger Balbus. Gallus made it his business to go into the matter, as he writes me word. He says that the allegation of Tigellius is that I suspect him because I have it on my conscience that I left Phamea in the lurch. Wherefore all I ask you to do is to get anything you can from our friend the younger Balbus, but not to trouble yourself about me. It is a sop to one's dignity to have some one to hate without restraint and not to be a slave to everybody (as the man was not "asleep to everybody"). Yet, by heaven, as you know very well, those men are rather acting as slaves to me, if to pay a man constant attentions is being a slave.

LETTER 50

TO ATTICUS (AT ROME) TUSCULUM (22 AUGUST)

YOU gave me a hint in one of your letters, that I should set about writing a letter to Caesar on a larger scale. Balbus also recently, at our meeting at Lanuvium, informed me that he and Oppius had written to tell Caesar that I had read his books against Cato and warmly admired them. Accordingly, I have composed an epistle to Caesar to be transmitted to Dolabella. But I sent a copy of it to Oppius and Balbus, and wrote also to them, saying that they should only order it to be transmitted to Dolabella, if they themselves approved of the copy. So they have written back to say that they never read anything better, and they have ordered my letter to be delivered to Dolabella.

Vestorius has written to ask me to authorize the conveyance — as far as I am concerned — of the estate of Brinnius to a slave of their own for a certain Hetereius, to enable him to make the conveyance himself in due form to Hetereius at Puteoli. If you think it is all right send that slave to me. For I presume that Vestorius has written to you also.

As to Caesar's arrival, I have had the same information in a letter from Oppius and Balbus as from you. I am surprised that you have not yet had any conversation with Tigellius. For instance, I should much like to know how much he got-yet, after all, I don't care a straw. Where do you think I ought to go, if it is not to be Alsium? And in fact I have written to Murena to ask him to put me up, but I think he has started with Matius. Sallustius therefore shall have the burden of my entertainment.

After I had written the above line, Eros informed me that Murena had answered him with the greatest kindness. Let him be our host, therefore. For Silius has no cushions: while Dida, I believe, has given up his whole villa to guests.

LETTER 51

TO ATTICUS (AT ROME) TUSCULUM, 24 AUGUST

THE reason of my not sending you at the time a copy of the letter which I wrote to Caesar was that I forgot. Neither was the motive what you suspected it to have been-shame of appearing in your eyes to be ridiculously time-serving nor, by heaven, did I write otherwise than I should have written to an equal and a man like myself. For I really do think well of those books of his, as I told you when we met. Accordingly, I wrote without any flattery, and at the same time in such a tone as I think will give him as much pleasure to read it as possible.

At last I have certain news of Attica. So please congratulate her all over again. Tell me all about Tigellius, and that promptly; for I am feeling uneasy. Now listen to this: Quintus arrives tomorrow, but whether at my house or yours I don't know. He wrote me word that he would be at Rome on the 25th. But I have sent a man to invite him here: though, by heaven, I must come to Rome, lest Caesar should make a descent there before me.

LETTER 52

TO ATTICUS (AT ROME) PUTEOLI, 21 DECEMBER

WELL, I have no reason after all to repent my formidable guest! For he made himself exceedingly pleasant. But on his arrival at the villa of Philippus on the evening of the second day of the Saturnalia, the villa was so choke full of soldiers that there was scarcely a dining-room left for Caesar himself to dine in. Two thousand men, if you please! I was in a great taking as to what was to happen the next day; and so Cassius Barba came to my aid and gave me guards. A camp was pitched in the open, the villa was put in a state of defence. He stayed with Philippus on the third day of the Saturnalia till one o'clock, without admitting anyone. He was engaged on his accounts, I think, with Balbus. Then he took a walk on the beach. After two he went to the bath. Then he heard about Mamurra without changing countenance. He was anointed: took his place at the table. He was under a course of emetics, and so ate and drank without scruple and as suited his taste. It was a very good dinner, and well served, and not only so, but "Well cooked, well seasoned food, with rare discourse: A banquet in a word to cheer the heart." Besides this, the staff were entertained in three rooms in a very liberal style. The freedmen of lower rank and the slaves had everything they could want. But the upper sort had a really recherchŽ dinner. In fact, I shewed that I was somebody. However, he is not a guest to whom one would say, "Pray look me up again on your way back." Once is enough. We didn't say a word about politics. There was plenty of literary talk. In short, he was pleased and enjoyed himself. He said he should stay one day at Puteoli, another at Baiae. That's the story of the entertainment, or I might call it the billeting on me — trying to the temper, but not seriously inconvenient. I am staying on here for a short time and then go to Tusculum. When he was passing Dolabella's villa, the whole guard formed up on the right and left of his horse, and nowhere else. This I was told by Nicias.

BOOK 14

LETTER 1

TO ATTICUS (AT ROME) MATIUS'S SUBURBAN VILLA, 7 APRIL

I have come on a visit to the man, of whom I was talking to you this morning. His view is that "the state of things is perfectly shocking: that there is no way out of the embroglio. For if a man of Caesar's genius failed, who can hope to succeed?" In short, he says that the ruin is complete. I am not sure that he is wrong but then he rejoices in it, and declares that within twenty days there will be a rising in Gaul: that he has not had any conversation with anyone except Lepidus since the Ides of March: finally that these things can't pass off like this. What a wise man Oppius is, who regrets Caesar quite as much, but yet says nothing that can offend any loyalist! But enough of this. Pray don't be idle about writing me word of anything new, for I expect a great deal. Among other things, whether we can rely on Sextus Pompeius; but above all about our friend Brutus, of whom my host says that Caesar was in the habit of remarking: "It is of great importance what that man wishes; at any rate, whatever he wishes he wishes strongly": and that he noticed, when he was pleading for Deiotarus at Nicaea, that he seemed to speak with great spirit and freedom. Also — for I like to jot down things as they occur to me — that when on the request of Sestius I went to Caesar's house, and was sitting waiting till I was called in, he remarked: "Can I doubt that I am exceedingly disliked, when Marcus Cicero has to sit waiting and cannot see me at his own convenience? And yet if there is a good-natured man in the world it is he; still I feel no doubt that he heartily dislikes me." This and a good deal of the same sort. But to my purpose. Whatever the news, small as well as great, write and tell me of it. I will on my side let nothing pass.

LETTER 2

TO ATTICUS (AT ROME) TUSCULUM, 8 APRIL

I received two letters from you yesterday. The first informed me of the scene in the theatre and at Publilius's mime — a good sign of the unanimous feeling of the people at large. Indeed the applause given to Lucius Cassius appeared to me even a trifle effusive.

Your second letter was about our friend Bald-pate. He has no tendency to savage measures, as you imagine. For he has advanced, though not very far.

I have been detained rather a long time by his talk: but as to what I told you in my last, perhaps I did put it obscurely. It was this. He said Caesar remarked to him, on the occasion of my calling on him at the request of Sestius and having to sit waiting: "Do you suppose I am such a fool as to think that this man, good-natured as he is, can like me, when he has to sit all this time waiting on my convenience?"

Well then, there is your Bald-pate bitterly opposed to the public peace, that is, to Brutus.

I go to Tusculum today; tomorrow at Lanuvium; thence I think of staying at Astura. I shall be glad to see Pilia, but I could have wished for Attica also. However, I forgive you. Kind regards to both.

LETTER 3

TO ATTICUS (AT ROME) TUSCULUM (9 APRIL)

Your letter has a peaceful tone. I hope it may last! for Matius declared it impossible. Here are my builders who went to Rome to purchase corn, and returning empty-handed, bring a loud report that at Rome all corn is being collected into Antony's quarters. It must certainly be a mere panic rumour; for you would have written to tell me about it. Balbus's man Corumbus has not as yet put in an appearance. I know him by name very well; for he is said to be a skilful architect. The motive of inviting you to witness the sealing of wills is, I think, evident: they want me to think that the disposition of their property is of this kind. I don't know why they should not be sincere as well. But what does it matter to me? However, try and get scent of what Antony's disposition is. Yet I am inclined to think that he is more occupied with his banquets than with any mischievous designs. If you have any news of practical importance, write and tell me: if not, at any rate tell me whom the people cheered in the theatre and the latest bons mots of the mimes. Love to Pilia and Attica.

LETTER 4

TO ATTICUS (AT ROME) LANUVIUM (10 APRIL)

What news do you suppose I get now at Lanuvium? But I suspect that at Rome you hear something fresh every day. Matters are coming to a crisis: for when Matius talks like that, what do you think the rest will do? My vexation is that — as never happened before in any free state — the constitution has not been recovered along with liberty. It makes one shudder to hear their talk and their threats. Moreover, I am afraid of a rising in Gaul also, as well as of the line Sextus Pompeius may take. But come one, come all, the Ides of March console me. Moreover, our "heroes," as far as anything decisive could be accomplished by their unaided efforts, accomplished it in the most glorious and most magnificent manner. The rest requires material resources and troops, neither of which we possess. So far I am giving you information: It is your turn now to send me — promptly anything fresh that occurs — for I expect something every day — and if there is nothing fresh, nevertheless let us keep up our habit of allowing no break in our interchange of notes. I certainly will allow none.

LETTER 5

TO ATTICUS (AT ROME) ASTURA (11 APRIL)

I hope you are now as well as I could wish — for you were fasting owing to a slight indisposition: still, I should like to know how you are. Among good signs is Calvena's annoyance at being an object of suspicion to Brutus. It will be a bad symptom if the legions come from Gaul with their ensigns. What think you as to those that were already in Spain — won't they make the same demands? As also those that Annius has taken across thither? I didn't mean Annius, I meant to say C. Asinius. It was a slip of memory. A fine embroglio the Gambler has brought about! For that conspiracy of Caesar's freedmen would have been easily put down, if Antony had had his wits about him. How foolishly scrupulous I was not to accept a free legation before the vacation! I didn't wish to appear to shirk this ferment: for if it had been possible for me to remedy it, I should certainly have been bound to stick to my post. But you see what sort of magistrates we have — if magistrates they are to be called. You see, after all, the tyrant's hangers — on in enjoyment of imperium, you see his armies, his veterans on our flank! All these are materials easily fanned into a flame. While the men who ought not merely to be hedged round, but to be protected by the watchful care of all the world, you see merely made the objects of commendation and affection, but confined within the walls of their houses. Yet they — whatever their position — are happy. It is the state that is wretched.

But I should like to know something about the arrival of Octavius. Is there a great flocking to visit him, any suspicion of a coup on his part? I don't expect it myself: still I should like to know the truth whatever it is.

I write this to you on the point of starting from Astura, 11th of April.

LETTER 6

TO ATTICUS (AT ROME) FUNDI, 12 APRIL

On the 12th I received your letter at Fundi while at dinner. First — you are better: second — you give better news. For that was a disquieting report about the legions coming. As for Octavius, it is of no consequence. I want to hear about Marius: I thought he had been got rid of by Caesar. Antony's conversation with our "heroes" is not unsatisfactory in the circumstances. But after all the only thing so far that gives me any pleasure is the Ides of March. For as I am at Fundi with my friend Ligur, I am vexed to the heart that the estate of a Sextilius is in the hands of a rascally Curtilius. And in mentioning that instance I include a whole class of similar cases. For what can be more contemptible than that we should maintain the measures which caused us to detest him? Are we also to have the consuls and tribunes which he chooses for the next two years? I see no possibility of my taking part in the administration of affairs. For could there be a more flagrant solecism than that the tyrannicides should be exalted to the skies, the tyrant's administrative acts defended? But you see what sort of consuls and other magistrates we have — if they are to be called magistrates! You see the indifference of the loyalists. In the municipal towns they are jumping for joy. In fact I can't describe to you how rejoiced they are, how they flock to see me, how eager they are to hear me speak on the state of the Republic. Meanwhile, however, we can get no decrees out of the senate. The result of our policy is that we stand in awe of the conquered party. I write this to you after the dessert has been put on the table. More another time, and more exclusively political. Mind you let me know how you are and what is going on.

LETTER 7

TO ATTICUS (AT ROME) FORMIAE, 15 APRIL

On the 14th I saw Paullus at Caieta. He told me some really odious stories about Marius, and the state of the Republic. From you of course I have nothing, for none of my letter-carriers have arrived. But I hear that our friend Brutus has been seen near Lanuvium. Where in the world is he going to be? For I want to know all about this, as well as everything else. I write this at the moment of leaving my Formian villa on the 15th, intending to be at Puteoli the next day.

I have had a very well written and pretty long letter from my son. Other things may be put on, but the classic style of his letter shews that he is improving in scholarship. Now I beg you earnestly — a point on which I recently spoke to you — to see that he is not in want of anything. That is a duty on my part, and also concerns my reputation and position: which I perceive is your opinion also. Of course if I go to Greece in July, as is my present intention, everything will be easier; but as the present state of affairs makes it impossible to be sure of what is consistent with my honour, or within my power, or to my interest to do, pray make it your business to see that we give him an allowance on the most honourable and liberal scale. Pray, as usual, think over these or other matters of importance to me, and write and tell me anything that concerns me, or, if there is nothing, then anything that comes into your head.

LETTER 8

TO ATTICUS (AT ROME) SINUESSA, 15 APRIL

Yes, you thought when you wrote that I was already in my seaside houses, and I received your letter on the 15th, whilst in my little lodge at Sinuessa. As to Marius, excellent! Yet I sympathize with the grandson of Lucius Crassus. I am glad that Antony's conduct is so much approved even by our friend Brutus. For as to your saying that Iunia has brought a letter written in a moderate and friendly spirit — Paullus showed me one which he had received from his brother, at the end of which he said that he knew there was a plot forming against himself, and that he had ascertained it on undoubted authority. I wasn't pleased with that, and Paullus much less so. I am not sorry for the Queen's flight. I should like you to tell me what Clodia has done. See to the business of the Byzantine's, as everything else, and send for Pelops to come and see you. I will, as you ask, see to the fellows at Baiae and all that lot, about whom you wish to know; and when I have seen how things stand, I will write and tell you everything. What the Gauls, the Spaniards, and Sextus Pompeius are doing I am anxious to hear. You will of course make all that clear to me, as you have done everything else. I am not sorry that your slight attack of sickness has given you an excuse for taking a holiday; for as I read your letter I thought you had had a short rest. Always write and tell me everything about Brutus, where he is, what he is thinking of doing. I do hope that by this time he is able even without a guard to wander in safety in any part of the city. But after all —

LETTER 9

TO ATTICUS (AT ROME) PUTEOLI, 18 APRIL

I have learnt a good deal about public affairs from your letters, a considerable batch of which I received at the same time from the freedman of Vestorius. However, to your questions I shall make a short answer. I must premise that I am delighted with the Cluvian estate. As to your question about the reason for my having sent for Chrysippus — two of my shops have fallen down and the rest are cracking. So not only the tenants but the very mice have migrated. Other people call this a misfortune, I don't call it even a nuisance. Oh Socrates and Socratic philosophers, I shall never be able to thank you enough! Good heavens, how paltry such things are in my eyes! But after all I am adopting a plan of building on the suggestion and advice of Vestorius, which will convert this loss into a gain.

Here there is a great crowd of visitors and there will, I hear, be a greater still. Our two consuls-designate forsooth! Good God, the tyranny survives though the tyrant is dead! We rejoice at his assassination, yet support his acts! Accordingly, M. Curtius criticises us with such severity that one feels ashamed to be alive. And not without reason: for it had been better to die a thousand deaths than to endure the present state of things, which seems to me likely to be more than a passing phase. Balbus too is here and often at my house. He has had a letter from Vetus, dated on the last day of the year, announcing that "when he was investing Caecilius Bassus, and was on the point of compelling him to surrender, the Parthian Pacorus arrived with an immense force: that accordingly Bassus was snatched from his hands, for which he blames Volcatius." Accordingly, I think that a war there is imminent. But that will be the affair of Dolabella and Nicias. Balbus also gives better news from Gaul. He has a letter dated twenty-one days back announcing that the Germans and the tribes there, on hearing about Caesar's death, sent legates to Aurelius, who was put in command by Hirtius, promising obedience. In short, everything speaks of peace in those parts, contrary to what Calvena said to me.

LETTER 10

TO ATTICUS (AT ROME) CUMAE, 19 APRIL

CAN it be true? Is this all that our noble Brutus has accomplished — that he should have to live at Lanuvium, and Trebonius should have to slink to his province by by-roads? That all the acts, memoranda, words, promises, and projects of Caesar should have more validity than if he were still alive? Do you remember that on that very first day of the retreat upon the Capitol I exclaimed that the senate should be summoned into the Capitoline temple? Good heavens, what might have been effected then, when all loyalists — even semi-loyalists — were exultant, and the brigands utterly dismayed! You lay the blame on the Liberalia.

What was possible at the time? Our case had long been hopeless. Do you remember that you explained that it was all over with us, if he were allowed a funeral? But he was even burnt in the forum, and a funeral oration was pronounced over him in moving terms, and a number of slaves and starvelings instigated to attack our houses with firebrands. What next! They even have the impudence to say: "You utter a word against the will of Caesar?" These and other things like them I cannot endure, and accordingly I am thinking of wandering away "from land to land." Your land, however, is too much in the eye of the wind.

Is your sickness quite gone by this time? I rather judged so from the tone of your letter.

I return to the case of the veterans-your Tebassi, Scaevae, and Frangones. Do you suppose these men feel any confidence in retaining their grants so long as our party have any footing in the state? They have found it possessed of more resolution than they expected. They, I presume, are devoted to the cause of public tranquillity rather than supporters of robbery! But when I wrote to you about Curtilius and the estate of Sextilius, I must be understood to have included Censorinus, Messalla, Plancus, Postumus, and the whole lot. It had been better to have risked destruction — which would never have befallen us — when Caesar was killed, rather than

to have lived to see this sort of thing.

Octavius arrived at Naples on the 18th of April. There Balbus called on him early next day, and on the same day came to see me at Cumae, with the information that he intended to accept the inheritance, but that, as you say, there will be a fine scrimmage with Antony. Your business about Buthrotum is receiving, as it is bound to do, and will continue to receive my attention. You ask me whether Cluvius's legacy is reaching one hundred sestertia yet. It seems to be approaching that. At least I made eighty the first year.

My brother Quintus writes to me with heavy complaints of his son, chiefly because he is now taking his mother's part, whereas in old times when she was kind to him he was on bad terms with her. He sent me a very hot letter against him. If you know what the young man is doing, and have not yet left Rome, I wish you would write me word, and, by Hercules, on any other matter besides. I find great pleasure in your letters.

LETTER 11

TO ATTICUS (AT ROME) (PUTEOLI) 21 APRIL

THE day before yesterday I sent you a fairly long letter. Now I will answer your last. I only wish to heaven Brutus would stay at Astura. You mention the "intemperance" of the Caesarians. Did you expect anything else? For my part, I look for worse things. For when I read his speech "Concerning so great a man," "Concerning a most illustrious citizen," I can scarcely contain myself; yet all that sort of thing is now really ludicrous. But remember this: the habit of delivering unprincipled speeches is being fostered to such a pitch that our — I won't say heroes — our gods, while sure of eternal glory, will yet not escape prejudice or even danger. They, however, have a great consolation in the consciousness of a most magnificent and noble deed: what consolation is there for us, who, though the tyrant is slain, are not free? But let fortune look to this, since reason is not at the helm. What you say about my son is very gratifying — God bless him! I am exceedingly obliged to you for arranging that he should have an allowance ample for the amenities as well as the necessaries of life; and I emphatically beg you to continue to do so. About the Buthrotians your idea is quite right. I am not losing sight of that affair. I will undertake to plead the entire case, and I perceive that it daily grows simpler. As to the Cluvian inheritance, since in all business of mine you even surpass me in interest — I may tell you that the total is approaching one hundred-sestertia. The fall of the houses did not depreciate the value of the property: I am not sure that it didn't increase it. I have here with me Balbus, Hirtius, and Pansa. Octavius has lately arrived at the next villa to mine, that of Philippus. He is quite devoted to me. Spinther is staying with me today: he goes early tomorrow.

LETTER 12

TO ATTICUS (AT ROME) PUTEOLI, 22 APRIL

Ah, my dear Atticus, I fear the Ides of March have brought us nothing beyond exultation, and the satisfaction of our anger and resentment. What news reaches me from Rome! What things are going on here under my eyes! Yes, it was a fine piece of work, but inconclusive after all! You know how fond I am of the Sicilians, and what an honour I consider it to be their patron. Caesar granted them many privileges with my full approval, though their having the ius Latinum was intolerable; yet, after all —

But look at Antony! For an enormous bribe he has put up a law — alleged to have been Carried at the comitia by the dictator, granting the Sicilians full Roman citizenship; though while he was alive there was never a word said about it. Again: take the case of my client Deiotarus, isn't it exactly parallel? He, of course, deserved any kingdom you please, but not through Fulvia. There are hundreds of similar cases. However, I come back to this: shall I not be able to maintain in some degree the case of Buthrotium — a case so clear, so fully supported by witnesses, and so intrinsically just? And indeed all the more so that Antony is being so lavish in his grants? Octavius here treats me with great respect and friendliness. His own people addressed him as "Caesar," but Philippus did not, so I did not do so either. I declare that it is impossible for him to be a good citizen. He is surrounded by such a number of people, who even threaten our friends with death. He says the present state of things is unendurable. But what do you think of it, when a boy like that goes to Rome, where our liberators cannot be in safety. They indeed will always be illustrious, and even happy, from the consciousness of their great deed. But for us, unless I am mistaken, we shall be ruined. Therefore I long to leave the country and go "Where of the Pelopidae," etc. I don't like even these consuls-designate, who have actually forced me to give them some declamations, to prevent my having any rest even at the seaside. But that's what I get by being too good-natured. For in old times declamation was in a manner a necessity of my

existence: now, however things turn out, it is not so. For what a long time now have I had nothing to write to you about! Yet I do write, not to give you any pleasure by this letter, but to extract one from you. Pray write on every sort of thing, but anyhow about Brutus, whatever there is to say. I write this on the 22nd of April, while dining with Vestorius, a man who has no idea of philosophy, but is well versed in figures.

LETTER 13

TO ATTICUS (AT ROME) PUTEOLI, 26 APRIL

YOUR letter of the 19th did not reach me till the seventh day. In it you ask me (and even seem to think I can't answer) which of the two I like best-hills and a fine view or a walk along a flat coast. Well, it is quite true that, as you say, the charm of both spots is so great, that I can't make up my mind which is to be preferred. But 'tis no time to think of dainty fare,

When heaven upon us rolls this cloud of woe:
We look and shudder — is it life or death?

For though you have sent me important and welcome news about Decimus Brutus having joined his legions, in which I see the promise of very great things. Nevertheless, if there is to be a civil war, as there is sure to be, if Sextus Pompeius is going to remain in arms — as I know for certain he will — what I am to do I am at loss to conceive. For it will not be allowable now, as it was in Caesar's war, to go neither to the one nor to the other. For anyone that this party shall believe to have rejoiced at Caesar's death — and we all of us shewed our joy in the most open way — they will consider in the light of a public enemy: and that means a formidable massacre. The only resource is to go to the camp of Sextus Pompeius or perhaps to that of Brutus. It is a tiresome step and quite unsuitable to our time of life, Considering the uncertainty of war, and somehow or another I can say to you and you to me: "My son, the deeds of war are not for you:

Seek rather thou the witching works of" — speech.

But I will leave all this to chance, which in such matters is more powerful than design. For ourselves let us only take care — a thing which is within our power — that we bear whatever happens with courage and philosophy, remember that we are but mortal, and allow literature to console us much, but the Ides of March most of all.

Now join me in the deliberation which is distracting my mind, owing to the many conflicting arguments which occur to me on

either side. Shall I start for Greece, as I had determined, with a libera legatio? Thereby I seem to avoid a considerable risk of impending massacre, but to be likely to expose myself to some reproach for having deserted the state at such a grave crisis. If on the other hand I remain, I perceive that I shall be in danger indeed, but I suspect that an opportunity may occur of my being able to benefit the republic. There is also a consideration of a private nature, namely, that I think it of great importance for confirming my son in his good resolutions that I should go to Athens, and I had no other motive for my journey at the time when I contemplated accepting a libera legatio from Caesar. Therefore pray take under your consideration the whole question, as you always do in anything which you think touches my interests.

Now I return to your letter. You say that there are rumours that I am about to sell my property on the Lake; while I am going to convey my bijou villa — and that at a fancy price — to my brother Quintus, for him to bring home, as young Quintus has told you, the rich heiress Aquilia. The real truth is that I have no thoughts of selling unless I find something that pleases me better; while Quintus has no idea of purchasing at this time. He is quite bothered enough by his obligation to repay the dowry. To marriage, moreover, he has such a distaste that he assures me that nothing can be pleasanter than a bed to oneself. But enough of that. I return to the downcast or rather to the non-existent republic. Marcus Antonius has written to me about the recall of Sextus Clodius — in what a complimentary manner, as far as I am concerned, you may see from his letter, for I am sending you a copy. But you will at the same time have no difficulty in recognizing the unprincipled and improper nature of his proposal, — so mischievous in fact that it sometimes makes one wish Caesar back again. For measures which Caesar would never have taken or sanctioned are now produced from his forged minutes. However, I made no difficulty about it to Antony: for of course, having once made up his mind that he may do what he chooses, he would have done it all the same if I had refused. So I inclose a copy of my letter also.

LETTER 13A

M. ANTONIUS TO CICERO (AT PUTEOLI) SOUTH ITALY, ABOUT 24 APRIL

I was prevented by my engagements, and by your own sudden departure from town, from mentioning to you a request by word of mouth, which I fear will have less weight in your eyes owing to its not being personally presented. But if your liberality answers to the opinion which I have always entertained of you I shall rejoice. I asked Caesar for the restoration of Sextus Clodius. I obtained my request. It was in my mind even at the time only to avail myself of the favour if you did not object. I am therefore the more anxious to be allowed to do it now with your acquiescence. But if you shew yourself sternly inclined towards his distressing and ruinous position, I will not contest the matter with you though I consider myself bound to carry out a minute of Caesar's. But, by Hercules, if you are inclined to take a large-hearted philosophical and kindly view of my proceedings, you will certainly shew your good nature and will wish P. Clodius, a boy of very great promise, to feel that you have not been inveterate to his father's friends. I beg you to suffer it to be seen that you quarrelled with his father on public grounds only. Of this family you can have no reason for thinking meanly. It is of course more to our honour, and more agreeable to our feelings, to give up quarrels undertaken on public grounds than those that are the result of personal prejudice. Let me then at once lead the youth to think and be convinced, while his mind is young and impressionable, that enmities are not to be transmitted to another generation. Although your fortunes, my dear Cicero, are now, I feel assured, removed from every danger, nevertheless I think you would prefer spending a peaceful and honoured old age rather than one full of anxiety. Finally, I claim a right to ask this favour of you myself; for I have omitted nothing that I could do for your sake. But if I don't obtain it I shall not make this grant to Clodius as far as I am concerned, in order that you may understand what weight your authority has with me, and may on that account shew yourself all the more placable.

LETTER 13B

TO M. ANTONIUS (AT ROME) PUTEOLI, 26 APRIL

THE request you make to me by letter I have only one reason for wishing that you had made personally. For in that case you would have been able to perceive my affection for you not merely by my language, but from my "expression, eyes, and brow" — as the phrase goes. For while I have always loved you — incited thereto at first by your zeal in my service and then by your actual favours — so in these times the interests of the state have so recommended me to you, that there is no one whom I regard with warmer affection. Moreover, the very affectionate and complimentary tone of your letter had such an effect upon me that I felt as though I were not doing you a favour, but receiving one from you, when you qualified your request by an assurance that you would not restore a personal enemy of mine, who was a friend of your own, if I did not wish it, though you could have done so without any trouble. Of course, my dear Antony, I give you my free consent, besides acknowledging that by expressing yourself as you have done you have treated me with the utmost liberality and courtesy. And while I should have thought it my duty to have granted what you ask without reserve, whatever the circumstances, I now grant it as a concession to my own feelings and inclination. For I never had a spark, I won't' say of bitterness, in me, but even of sternness or severity beyond what the service of the state required. I may add that even against Clodius himself my exasperation has never been extravagant, and I have always held that the friends of my enemies were not proper objects for attack, especially those in a lower position of life. Nor ought we ourselves to be deprived of such supporters.

As for the boy Clodius, I think it is your duty to imbue what you call "his young and impressionable" mind with the conviction that no vindictive feelings remain between our families. I fought P. Clodius, since I was supporting the interests of the state, he his own. Upon the merits of our controversies the state has decided. If he were now alive, I should have had no cause of contention with him remaining.

Wherefore, since you put this request to me with the reservation that you will not avail yourself of what is undoubtedly within your power against my wishes, please grant this to the boy also as a present from me, if you think it right. Not because a man of my age need suspect any danger from a boy of his, nor because a man in my position has reason to shrink from any controversy, but that we may be still more closely united than we have as yet been: for owing to the intervention of these feuds your heart has been more open to me than your house. But enough of this. I will only add, that I shall always zealously do without hesitation whatever I think to be your wish and to your advantage.

LETTER 14

TO ATTICUS (AT ROME) PUTEOLI, 27 APRIL

"Oh tell me o'er your tale again." Our nephew Quintus at the Parilia wearing a garland? Was he alone? You certainly mention Lamia also, which does utterly astonish me, but I am eager to know who the others were: although I am quite sure that there was no one that wasn't a traitor. Please therefore make this clearer. For myself, it chanced that I had just despatched a fairly long letter to you on the 26th, when about three hours later I received yours, which was also very bulky. So I needn't write to tell you that I

had a hearty laugh over your witty and amusing remarks about Vestorius's "sect" and the Puteolian custom of the Pheriones.

Now about things more "political." You defend the two Brutuses and Cassius as though I were finding fault with them: whereas the fact is I cannot praise them enough. lt was the weak points in the situation, not in the individuals, that I reviewed. For though the tyrant has been removed, I see that the tyranny remains. For instance, things which Caesar never intended to do are being done: as in the case of Clodius — in regard to which I have full assurance not only that Caesar was not likely to have done it himself, but that he would have actually forbidden it. The next will be Vestorius's old foe Rufio, Victor whose name was never in Caesar's minutes, and so on with the rest — who shall we not see restored? We could not endure being his slaves; we are the humble servants of his memorandum books.

As to the senate of the 17th of March — who was strong enough to refuse to attend? Suppose that could somehow have been done: when I did attend, could I possibly speak with freedom? Wasn't it on every ground necessary, seeing that I had nothing to protect me, to speak up for the veterans who were there with arms in their hands? You can bear me witness that I never approved of that lingering on the Capitol. Well, was that the fault of the Brutuses? Not at all, but of those other dull brutes, who think themselves cautious and wise, who thought it enough in some cases to rejoice, in others to congratulate,

in none to persevere. But let us leave the past: let us bestow all our care and power of protection on our heroes, and, as you advise, let us be content with the Ides of March. Yet though they gave our friends-those inspired heroes — an entrance to heaven, they have not given the Roman people liberty. Recall your own words. Don't you remember exclaiming that all was lost if Caesar had a public funeral? Wisely said! Accordingly, you see what has been the issue of it.

So you say that on the 1st of June Antony means to bring the allotment of provinces before the senate, and to propose taking the Gauls himself. Well, will the senate be free to pass a decree? If it is, then I shall rejoice that liberty has been recovered. If not, what will that change of masters have brought me except the joy with which I feasted my eyes on the just execution of a tyrant? You mention plundering going on at the temple of Ops. I, too, was a witness to that at the time. Yes in truth, we have been freed by heroic champions with the result that we are not free after all! So theirs is the glory, ours the fault. And do you advise me to write history? To record the outrageous crimes of the men by whom we are still held down? Shall I be able to refrain from complimenting those very persons, who have asked you to act as their witness? And it isn't, by heaven, the petty gain that moves me; but it is painful to attack with invectives men who have shewn me personal goodwill, whatever their character.

However, as you say, I shall be able to determine my whole line of conduct with greater clearness by the 1st of June. I shall attend on that day and shall strive by every means and exertion in my power-with the assistance of your influence and popularity and the essential justice of the cause — to get a decree through the senate about the Buthrotians in the sense of your letter. The plan of which you bid me think I will of course think over, though I had already in my previous letter Commended it to your consideration. But here are you seeking-just as though the Constitution were already recovered — to give back their just rights to your neighbours of Marseilles. These rights may possibly be restored to them by arms — though I do not know how far we can rely on them — they cannot be so by anybody's influence.

P.S. The short letter written by you afterwards was very agreeable to me — that about Brutus's letter to Antony, and also his to you. It seems possible that things may be better than they have been hitherto. But I must take measures as to my present position and as to where to go immediately.

LETTER 15

TO ATTICUS (AT ROME) CUMAE, 1 MAY

My admirable Dolabella! For now I call him mine. Before this, believe me, I had my secret doubts. It is indeed a notable achievement-execution from the rock, on the cross, removal of the column, the contract given out for paving the whole spot. In short-positively heroic! He seems to me to have put an end to that artificial pretence of regret, which up to this time was daily growing, and which, if it became deeply rooted, I feared might prove dangerous to our tyrannicides. As it is, I entirely agree with your letter and hope for better things: though I cannot stand those people who, while pretending to desire peace, defend unprincipled proceedings: but we can't have everything at once. Things are beginning to go better than I had expected: and of course I will not leave the country till you think I may do so with honour. Brutus certainly I will always be ready to serve at any time or place, and that I should have done, even if there were no ties between us, for the sake of his unparalleled and extraordinary character. I put this whole villa and all that it contains at the service of our dear Pilia, being myself on the point of departing this 1st of May for my house at Pompeii. How I wish you could persuade Brutus to stay at Astura.

LETTER 16

TO ATTICUS (AT ROME) PUTEOLI, 3 MAY

I despatch this letter on the 3rd of May, when on the point of embarking on a rowing boat from the Cluvian pleasure-grounds, after having handed over to Pilia my villa on the Lucrine lake, its servants, and bailiffs. I myself on that day am threatening the cheese-and-sardine dishes of my friend Paetus. In a very few days I shall go to Pompeii, and afterwards shall return to my domains at Puteoli and Cumae. What desirable spots in other respects, yet owing to the crowd of visitors almost to be shunned!

But to come to business. What a gallant coup de main of my Dolabella! What a magnificent display! For my part I never cease mingling praise and exhortation in writing to him. Yes, you are quite right in the opinion you express in all your letters about the action as well as the man. In my opinion our friend Brutus might walk through the forum even with a gold crown on his head. For who would venture to assault him with the fear of the cross and the rock before their eyes? Especially as this transaction has been so loudly cheered and so heartily approved by the very mob?

Now, my dear Atticus, do make things all right for me. I want, as soon as I have done fully all that Brutus requires of me, to make an excursion into Greece. It is much to my son's interest, or rather to mine, or by heaven to that of us both, that I should drop in upon him in his studies. For in the letter of Leonides which you forwarded to me, what is there, after all, to give us any great pleasure? I shall never think the boy's report satisfactory while it contains such a phrase as "as he is going on at present." These are not the words of confidence, but rather of anxiety. Moreover, I had charged Herodes to write to me in detail; but as yet I have not had a line from him. I fear he had nothing to say which he thought would be pleasant for me to know. I am much obliged to you for having written to Xeno. It concerns my duty as well as my reputation that my son should not be in any way short of means. I hear that Flaminius Flamma is at Rome. I have written to tell him that I have given you a written

commission to speak to him about the business of Montanus. Please see that the letter I have sent him is delivered, and — if quite convenient to yourself — have a personal interview with him. I think, if there is a spark of shame in the man, he will see that the payment is not deferred to my loss. As to Attica you have done me a great kindness in seeing that I knew of her recovery before I knew that she had been unwell.

LETTER 17

TO ATTICUS (AT ROME) POMPEII, 3 MAY

I arrived at my Pompeian villa on the 3rd of May, having on the day before — as I wrote to tell you — established Pilia in my villa at Cumae. There, as I was at dinner, the letter was put into my hands which you had delivered to your freedman Demetrius on the 3oth of April. It contained much that was wise; still, as you remarked yourself, you had to allow that every plan depended entirely on fortune. Therefore on these matters we will consult on the spot and when we meet. As to the Buthrotian business, I wish to heaven I could have an interview with Antony! I am sure I should effect a great deal. But people think he Won't budge from Capua, whither I fear he has gone for a purpose very mischievous to the state. Lucius Caesar was of this opinion also, whom I saw yesterday in a very bad state of health at Naples. So I shall have to raise a debate on this subject and settle it on the 1st of June. But enough of this. The younger Quintus has written a very unpleasant letter to his father, which was delivered to him on our arrival at Pompeii. The chief point, however, was that he would not put up with Aquilia as a stepmother. Perhaps that was excusable. But what do you think of his saying "that he had hitherto owed everything to Caesar, nothing to his father, and for the future looked to Antony?" What an abandoned rascal! But we'll see to it.

I have written letters to our friend Brutus, to Cassius, and Dolabella. I send you copies; not that I hesitate as to whether they should be delivered — for I am clearly of opinion that they should be, and I have no doubt that you will be of the same opinion.

Pray, my dear Atticus, supply my son with as much as you think right, and allow me to impose this burden upon you. All you have done up to the present time has been exceedingly acceptable to me. My unpublished book I have not yet polished up to my satisfaction. The additional matter which you wish introduced must wait for a second volume of some kind. I think, however — and I would have you believe me when I say so — that it was safer to attack that

abominable party while the tyrant was alive than now that he is dead. For in a manner he was surprisingly tolerant of me. Now, whichever way we turn, we are confronted not merely by Caesar's enactments, but also by those which he merely contemplated. Since Flamma has arrived, please see about Montanus. I think the business should be on a better footing.

LETTER 17A

TO P. CORNELIUS DOLABELLA POMPEII, 3 MAY

Though I am quite content, my dear Dolabella, with the glory you have earned, and feel it to be a source of great exultation and pleasure, yet I Cannot help confessing that it adds a finishing stroke to my joy that popular opinion associates my name with your praises. I meet a great many people every day, for large numbers of men of rank are collected in this district for their health, besides a goodly crowd of friends of mine from the country towns. Well, I have met none who did not with one consent praise you to the skies, adding in the same breath a very warm expression of thanks to me. For they say that they have no doubt that it is in obedience to my precepts and advice that you are shewing yourself to be a most eminent citizen and brilliant consul. Though I can answer such men with the most absolute truth that what you are doing you do on your own judgment and your own initiative, and do not need any man's advice, yet I neither admit outright the truth of their remark, lest I should detract from your glory by making it Seem to have sprung entirely from my advice, nor do I deny it entirely either. For I am even too covetous of honour. And, after all, it is no disparagement to your dignity — as it was not to that of Agamemnon himself the "king of kings" — to have some Nestor to assist you in forming your plans. Whereas it redounds to my glory that as still a young man you should have a brilliant reputation as a Consul while being, so to speak, a pupil of my school.

Lucius Caesar, for instance, when I visited him on his sick bed at Naples, though racked with pains all over his body, scarcely got the formal words of greeting out of his mouth before he exclaimed: "Oh my dear Cicero, I congratulate you on having an influence with Dolabella, such as if I had had with my sister's son, we might now have been safe. Your Dolabella indeed I both congratulate and thank — for he is the only man since your consulship that I can with any truth call a consul." Then he proceeded to say a great deal about the occurrence, and how you had managed the affair, declaring that no

more splendid and brilliant act had ever been done, nor one more beneficial to the state. And this was the observation of everyone.

Now, I beg of you to allow me to accept this quasi-inheritance, so to speak, of another man's glory, and to permit me to some extent to be a sharer in your reputation. However, my dear Dolabella — for this is only my joke — it would give me greater pleasure to divert the full stream of my glories, if I may be said to have any, upon you, than to draw off any part of yours. For while I have always had the warm attachment to you which you have had every opportunity of appreciating, by your recent acts I have been so inflamed that nothing can exceed the ardour of my attachment. For there is nothing, believe me, fairer, more beautiful, or more attractive than virtue. I have always, as you know, loved Marcus Brutus for his eminent ability, his very agreeable manners, and unequalled honesty and consistency. Nevertheless, on the Ides of March my affection was so much enhanced, that I was surprised to find an addition possible in what I had looked upon as having long ago reached its height. Who could have thought that any addition was possible to my affection for you? Yet so great an addition has been made that I seem to myself never to have loved before, only to have liked. Wherefore what need to exhort you to support your position and reputation? Shall I quote to you the examples of illustrious men, as people usually do when exhorting another.

I have none to quote more illustrious than yourself. You must imitate yourself, vie with yourself. It is not even admissible after such great achievements for you to fail to be like yourself.

This being so, exhortation is superfluous. What is called for is rather congratulation. For it has been your good fortune — as I think it has never been anyone else's — to inflict the most severe punishment, not only without exciting ill feeling, but with full popular approval, and to the greatest and most universal satisfaction of aristocrat and plebeian alike. If this were merely a stroke of luck in your case I should have congratulated your good fortune; but it is in fact the result of a certain largeness of spirit, ability, and prudence. For I read your speech. It was wisdom itself. So well did you feel your way in first approaching and then avoiding the points of the case, that by universal consent the time for striking the blow seemed

naturally to arise from the facts. So you have freed the city from danger and the state from terrorism, and not only done a useful service in view of the present emergency, but have set a precedent. Wherefore you ought to understand that the constitution depends on you, and that you are bound not only to protect, but to honour the men who laid the foundation of liberty. But of such matters at greater length when we meet, which I hope will be soon. For you, my dear Dolabella, since you are preserving the Republic and us, take care to guard your own life with every possible precaution.

LETTER 18

TO ATTICUS (AT ROME) POMPEII, 9 MAY

You are always going on at me for what you consider my extravagance in praising Dolabella's achievement to the skies. Now, though I do highly approve of what he did, I was after all led to speak of it in such high terms by first one and then another letter from you. But Dolabella has entirely lost your favour for the same reason which has made me very bitter with him too. A brazen-faced fellow indeed! He should have paidon the 1st of January: he has not paid yet, and that though he has freed himself from a vast load of debt by the handwriting of Faberius, and has sought an "opening"in the temple of Ops. For a pun is permissible, lest you should think me very much upset. And, in fact, I wrote to him very early in the morning of the 8th. On the same day I received a letter from you at Pompeii — which had travelled very quickly, for it reached me on the third day. But, as I wrote you word on that very day, I sent Dolabella a fairly stinging letter. Even if that does no good, I think he will at any rate be unable to face me when we meet.

I think you have settled the business of Albius. As to the debt from Patulcius, your having come to my aid is most kind, and exactly like everything you are always doing. But I seem to have deserted Eros, who is the very man to settle that business, for it was owing to his serious mistake that they went wrong in their accounts. But I will see to that when I meet him. As to Montanus, as I have often mentioned to you before, you will please see to the whole business. I am not at all surprised that Servius spoke to you in a tone of despair as he was leaving town, and I am not a whit behind him in his despairing view of the situation. What our friend Brutus, that unequalled hero, is going to do in the forum, if he does not intend to come to the senate on the 1st of June, I cannot imagine. But he will settle that himself better than I can. Judging from the measures I see in course of preparation, I conclude that little good was done by the Ides of March. Accordingly, I think of going to Greece more and more every day. For I don't see what good I can do my friend Brutus,

who — as he writes me word — is contemplating exile for himself. The letter of Leonides did not give me much pleasure. About Herodes I agree with you. I could wish I had read that of Saufeius. I am thinking of leaving Pompeii on the 10th of May.

LETTER 19

TO ATTICUS (AT ROME) POMPEII, 8 MAY

Being in my Pompeian villa on the 7th of May I received two letters from you, the first dated five days ago, the second three. I will therefore answer the earlier one first. How glad I am that Barnaeus delivered my letter at the nick of time! Yes, with Cassius as before. It is, however, a lucky coincidence that I had just done what you advise me to do. Five days ago I wrote to him and sent you a copy of my letter. But after I had been thrown into a great state of despair by Dolabella's avarice — to use your expression — lo and behold, arrives a letter from Brutus and one from you. He is meditating exile: I, however, see before me a different port, and one better suited to my time of life. Though, of course, I should prefer entering it with Brutus in prosperity and the constitution on a sound footing. As it is indeed, you are right in saying that we have now no choice in the matter. For you agree with me that my age is unsuitable to a camp, especially in a civil war. Marcus Antonius merely said about Clodius, in answer to my letter, that my leniency and placability had been very gratifying to him, and would be a source of great pleasure to myself.

But Pansa seems to be fuming about Clodius as well as about Deiotarus. His words are stern enough, if you choose to believe them. Nevertheless, he is not sound — as I think — on the subject of- Dolabella's achievement, of which he loudly expresses His disapproval. As to the men with the garlands, when your sister's son was reproved by his father, he wrote back to say that he had worn a garland in honour of Caesar, that he had laid it aside as a sign of mourning; lastly, that he -was quite content to be vilified for loving Caesar even when dead. To Dolabella I have written cordially, as you said that you thought I ought to do. I have also done so to Sicca. I don't lay the responsibility of this upon you: I don't want you to incur his wrath. I recognize Servius's style of talk, in which I see more of timidity than wisdom. But since we have all been frightened out of our wits, I have nothing to say against Servius. Publilius has

taken you in. For Caerellia was sent here by them as their envoy; but I convinced her without difficulty that what she asked was not even legal, to say nothing of my disliking it. If I see Antony I will seriously press the case of Buthrotum.

I come now to your later letter, though I have already answered you in regard to Servius. You say that I am "making a good deal of Dolabella's achievement." Well, by heaven, it is my genuine opinion that it could not be surpassed in the circumstances and actual state of affairs. But after all, whatever credit I give him is founded on what you wrote. However, I agree with you that it would be a still greater "achievement" on his part, if he paid me what he owes me. I should like Brutus to stay at Astura. You praise me for coming to no decision about leaving Italy till I see how affairs at Rome are likely to turn out. But I have changed my mind about that. I shall not, however, do anything till I have seen you. I am pleased that our dear Attica thanks me for what I have done for her mother. I have in fact put the whole villa and store-room at her service, and am thinking of going to see her on the 11th. Please give my love to Attica. I will take good care of Pilia.

LETTER 20

TO ATTICUS (AT ROME) PUTEOLI, II MAY

From Pompeii I came by boat to the hospitable house of my friend Lucullus on the 10th, about nine o'clock in the morning. On disembarking I received your letter which your letter-Carrier is said to have taken to my house at Cumae, dated the 7th of May. Next day, leaving Lucullus, I arrived at my house at Puteoli about the same hour. There I found two letters from you, one dated the 7th, the other the 9th. So now take my answer to all three.

First, thank you for what you have done on my behalf both as to the payment and the business with Albius. Next,

as to your Buthrotum. When I was at my Pompeian villa, Antony came to Misenum: but left it for Samnium before I heard of his arrival. You must not build too much hope on him. Accordingly, I shall have to see to Buthrotum at Rome. L. Antonius's speech-shocking! Dolabella's-famous! By all means let him keep his money, so long as he pays on the Ides. I am sorry for dear Tertia's miscarriage: we want as many Cassii produced as Bruti. I wish it may be true about the Queen and that Caesar of hers.

I have answered your first letter: I now Come to your second. I will see to the Quinti and Buthrotum when I come, as you say. Thank you for supplying my son. You think me mistaken in my idea that the constitution depends on Brutus. The truth is that it will all go or will be saved by him and his friends. You urge me to send you a written copy of a speech to the people. Well, here, my dear Atticus, you may take it from me as a general maxim applicable to the affairs in which we have had a fairly wide experience — no one ,whether poet or orator, ever yet thought anyone else better than himself This is the case even with bad ones. What can you expect of the brilliant and accomplished Brutus. I had actual experience of him recently in the matter of the edict. I drafted one on your request. I liked mine, he his. Nay, more, when in answer to what I may almost call his en treaties I had dedicated my book "On the best Style of Oratory" to him, he wrote not only to me, but to you also,

to say that he did not agree with my choice of style. Wherefore, pray, let each man write for himself: Each man has the best of wives:
So have I.
That you have a sweeter love, I deny.

It is not well put, for it is by Atilius, the most wooden of poets. And I only hope he may be allowed to deliver a speech at all! If he can but shew himself in the city with safety, it will be a triumph for us. For if he sets up as a leader in a new civil war, no one will follow him, or only such as can be easily beaten.

Now for your third letter. I am glad that Brutus and Cassius liked my letter. Accordingly, I have written back to them. They want Hirtius made a better citizen by my influence. Well, I am doing my best, and his language is very satisfactory, but he passes his time and almost shares houses with Balbus, who also uses loyalist language. What to believe of that I must leave you to determine. I see that you are much pleased with Dolabella; I am eminently so. I saw a good deal of Pansa at Pompeii. He quite convinced me of the soundness of his views and his desire for peace. I can see plainly that a pretext for war is being sought. I quite approve of the edict of Brutus and Cassius. You wish me to turn over in my mind what course I think they ought to take. We must adapt our plans to circumstances, which you see change every hour. Dolabella seems to me to have done a great deal of good both by that first move of his and by this speech against Antonius. Certainly there is progress. Now, too, we seem likely to have a leader; which is the one thing the country towns and loyal citizens want. Do you allude to Epicurus and venture to quote: “Engage not in politics “? Does not the frown of our Brutus warn you off from such talk? The younger Quintus, as you say, is Antony’s right hand. By his means, therefore, we shall get what we want. I am anxious to hear, in case Lucius Antonius has introduced Octavius to a public meeting, as you think he will, what kind of speech he has made. I can add no more, for Cassius’s letter-carrier is just about to start. I am going directly to call on Pilia; thence to dinner with Vestorius by boat. Best love to Attica.

LETTER 21

TO ATTICUS (AT LANUVIUM) PUTEOLI (AT THE TABLE OF VESTORIUS), I I MAY

Only a little while ago I had sent you a letter by Cassius's letter-carrier, when my own letter-carrier arrived on the 11th, and, marvellous to say, without a letter from you. But I soon concluded that you had been at Lanuvium. Eros, however, made great haste to have Dolabella's letter delivered to me. It was not about my money — for he had not received my letter: but he wrote in answer to the letter of which I sent you a copy. It was very well expressed. Balbus, however, came to see me immediately after I had despatched Cassius's letter-carrier. Good heavens! how plainly he shewed his dread of peace! You know, too, what a reserved fellow he is, yet he told me Antony's plans. That he was making the round of the veterans, to induce them to confirm Caesar's acta, and to take an oath that they would do so; to secure that they all had arms; and that two commissioners should inspect them every month. He also grumbled about the prejudice existing against himself, and his whole conversation indicated an affection for Antony. In a word, there is nothing sound about him. For my part, I feel certain that things have a warlike look. For that deed was done with the courage of men, but the imprudence of a child. For who can fail to see that an heir to the tyranny has been left? Now what can be more irrational than To fear the one, nor dread at all the other? Nay, at this very moment there are many circumstances of a paradoxical character. What about the mother of the tyrannicide retaining the Neapolitan villa of Pontius? I must read over again and again my Cato Maior, which is dedicated to you. For old age is spoiling my temper. Everything puts me in a rage. But for me life is over. The rising generation must look to it. Take care of my affairs, as you always do.

I write, or rather dictate this, after the dessert has been put on the table at the house of Vestorius. Tomorrow I am thinking of dining with Hirtius — the sole survivor indeed of our set of five. That is my way of bringing him Over to the Optimates. It is all nonsense: for

there is not one of that party who does not dread a period of peace. Wherefore let us look out our winged-sandals! For I prefer anything to a camp. Pray give my best love to Attica. I am anxious to hear of Octavius's speech and anything else, but specially whether Dolabella has the true money chink, or has gone in for "repudiation" in regard to my debt also.

LETTER 22

TO ATTICUS (AT ROME) PUTEOLI, 14 MAY

Having been informed by Pilia that letter-carriers were starting for you on the 15th, I scrawl these few lines. First then I want you to know that I am leaving this place for Arpinum on the 17th of May. So please direct there if there is anything to write after this: though I shall be with you almost immediately myself. For I am anxious that before I arrive at Rome very careful inquiry should be made as to what is going to happen. However, I fear that my presentiments are not wide of the mark. It is in truth quite plain what these fellows are at. For my pupil, who dines with me today, is much devoted to the victim of our Brutus's dagger: and if you ask my opinion, I see very plainly their attitude — they dread peace. Moreover, their constant theme is that "a man of the most illustrious character has been killed: that by his death the constitution has been thoroughly shaken: that his acta will be rendered nugatory as soon as we cease to be frightened: that his clemency did him harm; and that if he had not shewn it, nothing of the sort would have befallen him." It strikes me therefore, that if Pompeius arrives with a strong army — as is reasonable to expect — there will certainly be war. This idea haunts my imagination and terrifies me. For we shall not now be able to do what you did on the former occasion. For I made no secret of my triumphant joy. In the next place, they talk of our ingratitude. It certainly will be impossible for me on any grounds to take up the position which was then possible for you and many others. Must I then put a good face on it and go to the camp? A thousand times better die, especially at my time of life. Accordingly,

the Ides of March do not console me so much as they did: for they involve a serious blunder, unless our young heroes By other noble deeds wipe out this shame. But if you have any brighter hope as being more in the way of hearing news and being cognizant of their plans, pray write me word and at the same time turn over in your mind what I ought to do about taking a "votive legation." The fact is that in these parts many warn me against appearing in the senate on

the 1st of June. Troops are said to be secretly collecting for that day, and that too against the men who seem to me likely to be safer anywhere than in the senate.

BOOK 15

LETTER 1

TO ATTICUS (AT ROME) PUTEOLI, 17 MAY

How sad about Alexio! you would scarcely believe the extent to which it has afflicted me; and, by heaven! not from the point of view suggested by most people to me—"Where will you go for a physician now?" For what need have I of a physician? Or if I do need one, is there such a dearth of them? It is his affection for me, his culture, his gracious manners that I miss. Then there is this consideration — what is there that we may not fear when a man of such temperate habits, of such eminence as a physician, is carried off by such a sudden illness? But to all such thoughts the only consolation is that the conditions of our birth forbid us to shrink from anything to which flesh is heir.

As to Antony, I have already told you that I did not meet him. For he came to Misenum while I was at my Pompeian house, and left it before I knew of his arrival. But, as it happened, Hirtius was with me at Puteoli when I was reading your letter. I read it out to him and stated the case. As at first advised he would make no concession. At last, however, he said that I should be judge, not only in this matter but of the whole of his administration as consul. With Antony again I will put the case in such a way as to make him perceive that, if he does what we want in that business, I shall be wholly his in the future. I hope Dolabella is in town. Let us return to our heroes, of whom you shew that you have good hopes owing to the moderate tone of their edicts. Now, when Hirtius left my house at Puteoli on the 16th of May for Naples, to visit Pansa, I had a clear view of his whole mind. For I took him aside and exhorted him earnestly to preserve the peace. He could not of course say that he did not wish for peace: but he indicated that he was no less afraid of our side appealing to arms than of Antony doing so: and that after all both sides had reason to be on their guard, but that he feared the arms of both. I needn't go on: there is nothing sound about him. As to the younger Quintus, I agree with you: at any rate your charming letter to him gave the greatest pleasure to his father. Caerellia, indeed, I had

no difficulty in convincing. She did not seem to me to be very anxious for it, and if she had been, I certainly should not have done so. As to the lady whom you say has been troublesome to you, I am quite surprised that you listened to her at all. For because I spoke in complimentary terms of her in the presence of friends and in the hearing of her three sons, and your daughter, does the rest follow? What is the point of — Why should I pace the streets with features masked? Isn't the mask of old age itself ugly enough?

You say that Brutus asks me to come to Rome before the 1st. He has written to me to the same effect, and perhaps I will do so. But I don't at all know why he wishes it. For what advice can I offer him, when I am at a loss what plan to adopt myself, and when he has done more for his own undying fame than for our peace? About the Queen the gossip will die out. As to Flamma, pray do what you can.

LETTER 1A

TO ATTICUS (AT ROME) ARPINUM, 18 MAY

I wrote to you yesterday as I was leaving Puteoli, and I then paid a visit to my villa at Cumae. There I saw Pilia looking quite well. Nay, more, I saw her afterwards in the town of Cumae: for she had come to a funeral which I also attended. Our friend Gnaeus Lucullus was burying his mother. I stayed therefore that day in the lodge at Sinuessa, and when on the point of starting early the next day for Arpinum I dash off this letter. However, I have nothing new to tell you or to ask you; unless by chance you think the following is to the point. Our friend Brutus has sent me his speech delivered at the public meeting on the Capitol, and has asked me to correct it before publication without any regard to his feelings. It is, I may add, a speech of the utmost finish as far as the sentiments are concerned, and in point of language not to be surpassed. Nevertheless, if I had had to handle that cause, I should have written with more fire. But the theme and the character of the writer being as you see, I was unable to correct it. For, granting the kind of orator that our Brutus aims at being, and the opinion he entertains of the best style of speech, he has secured an unqualified success. Nothing could be more finished. But I have always aimed, rightly or wrongly, at something different. However, read the speech yourself, unless indeed you have read it already, and tell me what you think of it. However, I fear that, misled by your surname, you will be somewhat hyper-Attic in your criticism. But if you will only recall Demosthenes's thunder, you will understand that the most vigorous denunciation is consistent with the purest Attic style. But of this when we meet. For the present my only wish is that Metrodorus should not go to you without a letter, nor with one that had nothing in it.

LETTER 2

TO ATTICUS (AT ROME) VESCIA, 18 MAY

After despatching a letter to you on the 18th of May as I was starting from the lodge at Sinuessa, I stopped at the villa at Vescia. There a letter-carrier delivered me a letter from you in which you say more than enough about Buthrotum; for that business is not a source of more anxiety to you than to me. It is but right that you should care for my business, I for yours. Wherefore I have taken up that matter with the determination to regard it as of the first importance.

I know from your letter and others that Lucius Antonius had delivered a miserably poor speech, but I don't know its purport: for you say nothing in your letter. About Menedemus — that's a good thing! Yes, Quintus certainly habitually says what you mention in your letter. I am relieved to find that you approve of my resolution of not writing the sort of thing which you once demanded of me,

and you will approve all the more when you read the speech of which I have written to you today. What you say of the legions is true. But you do not appear to me to have sufficiently convinced yourself of it, when you retain a hope that the business of our friends at Buthrotum can be settled by the senate. In my opinion — for I can see as far as that — I don't think we are likely to prevail. But supposing me to be mistaken in that view, you will not be disappointed about Buthrotum. As to Octavius's speech my opinion agrees with yours: and I don't like his grand set-out for the games, nor Matius and Postumius acting as his agents for them. Saserna is a worthy colleague. But all those fellows, as you perceive, are as much afraid of peace as we are of war. I should like to be the means of relieving Balbus of the popular prejudice against him, but he does not even himself feel any confidence of that being possible. So he is thinking of other measures.

I am rejoiced that you find the first book of my Tusculan Disputations arm you against the fear of death: there is, in fact, no other refuge either better or more available. I am not sorry that Flamma uses language that is satisfactory. What the case of the

people of Tyndaris is, about which he is anxious, I do not know: yet they are men whom I shall be glad to assist. The circumstances you mention appear to agitate our "last of five," especially the withdrawal of public money. I am sorry about Alexio: but since he had fallen into so painful a disease, I think he must be esteemed fortunate. Yet I should like to know whom he appointed heirs in the second reversion and the day for acceptance named in the will.

LETTER 3

TO ATTICUS (AT ROME) ARPINUM, 22 MAY

ON the 22nd I received two letters from you at Arpinum, in which you answered two of mine. One was dated the 18th, the other the 21st. First, then, to the earlier of the two. Yes, do make an excursion to Tusculum, as you say, where I think I shall arrive on the 27th. You say we must yield to the victors. Not I indeed. There are many things I prefer to that. For as to the proceedings in the temple of Apollo in the consulship of Lentulus and Marcellus which you recall-neither the merits of the case nor the circumstances are the same, especially as you say that Marcellus and others are leaving town. So when we meet we must scent out the truth and make up our minds whether it is possible for us to stay at Rome with safety. The inhabitants of the new community cause me anxiety. For I am in a very embarrassing position. But all that is of small importance: I am treating more serious things than that with disdain.

I know all about Calva's will, a mean shabby fellow! Thank you for attending to the auction of Demonicus.

About (Manlius) I wrote some time ago to Dolabella with the most minute care, if only my letter reached him. I am very anxious for his success and I am in duty bound to be so.

Now for the later of your two letters. I know all I want to know about Alexio. Hirtius is altogether devoted to you. I wish things were going worse with Antony than they are. About the younger Quintus, as you say, assez! About his father I will discuss when we meet. Brutus I wish to assist in every way within my power. About his little speech — I see you think the same as I do. But I don't understand why you would have me compose one as though delivered by Brutus, when he has already published his own. How would that do, pray? Should my theme be — a tyrant most righteously put to death? I shall have to say much, and write much, but in a different manner, and at another time. About Caesar's chair, well done the tribunes! Well done, too, the fourteen rows of knights! I am very glad Brutus has been staying at my house: I only hope he was comfortable and

stayed a good long time.

LETTER 4

TO ATTICUS (AT ROME) ARPINUM, 24 MAY

ON the 24th of May about four o'clock in the afternoon a letter-carrier arrived from Q. Fufius. He brought me some sort of a note from him expressing a wish that I would restore my favour to him. It was very awkwardly expressed, as is his way: unless perchance the truth is that everything one doesn't like has the appearance of being awkwardly done. My answer was one which I think you will approve.

I will reply to your later and fuller letter first. Good! Why, if even Carfulenus does so — le dŽluge!

Antony's policy — as you describe it — is revolutionary, and I hope he will carry it out by popular vote rather than by decree of the senate! I think he will do so. But to my mind his whole policy seems to point to war, since the province is being wrested from Decimus Brutus. Whatever my estimate of the latter's resources, I do not think that this can be done without war. But I don't desire it, for the Buthrotians are being sufficiently secured as it is! Do you laugh? In good truth I am vexed that they do not rather owe it to my persistence, activity, and influence.

You say you don't know what our men are to do. Well, that difficulty has been troubling me all along. Accordingly, I was a fool, I now see, to be consoled by the Ides of March. The fact is, we shewed the courage of men, the prudence of children. The tree was felled, but not cut up by the roots. Accordingly, you see how it is sprouting up. Let us go back, then, to the Tusculan Arguments — since you often quote them. Let us keep Saufeius in the dark about you. I will never blab. You send me a message from Brutus asking

on what day I am to arrive at Tusculum. On the 27th of May, as I wrote you word before. And then, in fact, I should like very much to see you as soon as possible. For I think I shall have to go to Lanuvium, and shan't get off without a great deal of talk. But I will see to it.

I now come back to your earlier letter. I will pass over the first clause about the Buthrotians, for That in my heart of hearts is fixed. I only hope, as you say, we may have some opportunity of acting in the matter. You must be very keen about Brutus's speech, considering the length at which you discuss it again. Would you have me treat the subject after he has actually produced a written oration on it? Am I to write without being asked by him? That would be putting one's oar in with a vengeance I Nothing could be ruder. But some thing, say you, in the style of Heracleides. Well, I don't decline that much: but it is necessary first to settle on a line of argument, and secondly to wait for a more suitable time for writing. For think what you will of me (though of course I should like you to think as well as possible), if things go on as they seem to be doing-you will not be vexed at my saying it — I feel no pleasure in the Ides of March. For Caesar would never have come back: fear would not have forced us to confirm his acts. Or supposing me to join Saufeius's school and abandon the doctrines of the Tusculans, I was so high in his favour (whom may the gods confound though dead!) that to a man of my age he was not a master to be shunned, since the slaying of the master has not made us free men. I blush-believe me. But I have written the words, and will not erase them. I only wish it had been true about Menedemus. About the Queen I hope it may turn out to be true. The rest when we meet, and especially as to what our heroes are to do, and even what I am to do myself if Antony means to blockade the senate with soldiers. If I had given this letter to his letter-carrier I feared he would open it. So I send it with special care: for I was obliged to answer yours.

LETTER 4A

TO ATTICUS (AT ROME) ARPINUM, 24 MAY

How I wish that you could have accomplished your purpose for Brutus! I am accordingly writing to him. I am sending Tiro to Dolabella with a letter and a message. Send for him to see you and write if you have anything you wish to say. But lo and behold a request from L. Caesar is suddenly sprung on me to go to Nemus to see him, or to write and tell him when I should wish him to come; because Brutus thinks he ought to have an interview with me. What a disagreeable and puzzling business! I think therefore that I shall go, and thence to Rome, unless I change my plans. At present I only write briefly to you, for I have not yet heard anything from Balbus. I am anxious therefore for a letter from you, and not telling me only of what has been done, but also what is going to happen.

LETTER 5

TO ATTICUS (AT ROME) TUSCULUM, 27 MAY

MY letter-carrier has come back from Brutus, and has brought me a letter both from him and from Cassius. They are very earnest to have my advice-Brutus, indeed, wants to know which of the two courses I recommend. What a miserable state of things! I am quite uncertain what to say to them. So I think I shall try silence, unless you think I had better not. But if anything occurs to you, pray write and tell me. Cassius, however, begs and entreats me earnestly to bring Hirtius over to the right side as much as possible. Do you think he is in his right senses? Ashes and dust
Is all our trust.

I inclose his letter. Balbus also writes to the same effect as you do as to the province of Brutus and Cassius to be assigned by decree of the senate. And Hirtius, too, says that he shall absent himself. For he is now in his Tusculan villa, and is earnestly advising me to keep away. He does so because of the danger which he asserts to have threatened even him: I, however-even supposing there to be no danger — am so far from caring to avoid Antony's suspicion and his thinking me displeased at his success, that the very cause of my unwillingness to come to Rome is to avoid seeing him. Our friend Varro, however, has sent me a letter — I don't know from whom, for he had erased the name — in which it was asserted that the veterans whose claims are postponed — for a certain number had been disbanded — are using most mutinous language, declaring that those who are thought to be against their party will find themselves in great danger at Rome. What then will be "our coming and going, our look and our gait," among such fellows? Nay, if Lucius Antonius — as you tell me — is attacking Decimus Brutus, and the rest our heroes, what am I to do? How am I to bear myself? In short, I have made up my mind — at any rate, if things don't alter — to absent myself from a city in which I once not only flourished in the highest position, but even when a subject enjoyed one of some sort. However, I have not so much resolved to quit Italy — about which I will consult you — as

not to come to Rome.

LETTER 6

TO ATTICUS (AT ROME) TUSCULUM, 25 JUNE

OUR friend Brutus has, as well as Cassius, written to me to urge that I should bring over Hirtius to the right side as much as possible. I neither knew that he entertained loyal sentiments, nor did I feel any confidence in being able to improve him in that respect by my influence: for though he is perhaps somewhat irritated with Antony, he is devotedly attached to the cause. Nevertheless, I wrote to him and commended to him the maintenance of the civil position of Brutus and Cassius. I wished you to know the nature of his answer, in case you might entertain the same opinion as myself, namely, that that party are even now afraid of those heroes of ours having perhaps more courage than they actually do retain. Hirtius to his friend Cicero.

You want to know whether I have yet returned from the country. Am I to be skewing indifference, when all the world is in a state of excitement? I in fact have left town because it is my belief that my absence is more advantageous than my presence. I despatch this letter to you when on the point of starting for my Tusculan villa. Don't imagine me to be so indefatigable as to hurry back by the 5th. I can't see that there is anything now requiring my attention, especially as provision for safety has been made for so many years in advance. How I wish that Brutus and Cassius may be induced by your entreaties not to enter upon any hot-headed design, as easily as they can obtain a like promise from you in regard to myself! For you say that they have written what you mention when on the point of leaving the country. Why or whither are they going? Stop them, I beseech you, Cicero: and don't allow the present settlement to be entirely undone, which, on my honour, is being shaken by plunder, arson, and murder. Let them only take precautions against absolute danger: don't let them attempt anything beyond. I assure you they will gain nothing more by the most spirited policy than by resolutely playing the waiting game, so long as they remain on the alert. For things here are in a state of transition, and cannot from their very

nature last long as they are. If a struggle occurs they have means to strike an ugly blow. What your hopes are for them write and tell me at my Tusculan villa.

There is Hirtius's letter. I said in answer that they were not contemplating anything more stirring than usual; and I assured him of it. I wanted you to know this, for what it was worth. Just as I had sealed this letter Balbus writes to say that Servilia has returned to town, and assures him tnat they do not intend to leave the country. So now I am looking forward to a letter from you 15.7

TO ATTICUS (AT ROME) TUSCULUM, 29 MAY

Thank you for those letters, which have given me great pleasure, especially that of my friend Sextus. You will say: "Yes, because he compliments you." I suppose, by Hercules, that it is partly the reason: but all the same, even before I came to that passage, I was greatly delighted both by his sentiments on politics and his style of writing. Servius, however, the peacemaker, and his young secretary seem to have undertaken a mission and to be on their guard against all possible quibbles of the law. However, what they ought to have been afraid of was not "the joining hands in legal claim," but what follows. Pray write.

LETTER 8

TO ATTICUS (AT ROME) TUSCULUM, 31 MAY

SINCE you left me I have had two letters from Brutus, without anything new in them. Also one from Hirtius, who says that the veterans are much incensed with him. I am still uncertain what to do about the 1st. I am therefore sending Tiro, and with Tiro a number of men, to each one of whom pray give a letter as each event occurs. I have written also to Antony about a legation, for fear that, if I only wrote to Dolabella, that quick-tempered man might be stirred up to wrath. As, however, he is said to be somewhat difficult of approach, I have written to Eutrapelus, asking him to forward my letter to him, saying that I want a legatio. A votive legation would be the more honour-able of the two, but I could manage with either one or the other. I beg you again and again to consider your own position. If possible I should like to talk it over with you; if you cannot meet me, we shall attain the same object by letter. Graeceius writes me word that C. Cassius has written to tell him that men are being got ready to send armed to my Tusculan villa. I scarcely think that this is true: but, nevertheless, I must take precautions and have sundry other villas ready. But tomorrow will bring us something for reflexion on that subject.

LETTER 9

TO ATTICUS (AT ROME) TUSCULUM, 2 JUNE

ON the evening of the 2nd I received a letter from Balbus telling me that there would be a meeting of the senate on the 5th, in order to appoint Brutus to the superintendence of the corn-supply in Asia, Cassius in Sicily. What an indignity! To begin with, to take any appointment from that party, and then, if they must take some office, such a subordinate one as that, which could be done by legati! And yet I don't feel sure that it isn't better than sitting idle on the banks of his Eurotas. But these things will be governed by fortune. He says also that a decree is going to be passed at the same meeting for assigning provinces to them and other ex-praetors. This is certainly better than his "Persian Portico" — for I would not have you imagine that I mean a Sparta farther off than Lanuvium. "Are you laughing," you ask, "in such grave matters?" What am I to do? I am tired of lamenting. Good heavens, what a fright the first page of your letter gave me! Why, how did that warlike outbreak in your house come about? But I rejoice that that storm-cloud at any rate has passed quickly away. I am very anxious to hear how you sped on that conciliatory mission — it was a melancholy as well as a difficult one. For the knot cannot be untied: we are so completely hemmed in by every kind of force. For myself, the letter of Brutus, which you shew me that you have read, has caused me so much agitation that, though I was already at a loss which course to adopt, I am yet rendered still less ready to act from distress of mind. But I will write more fully when I have your news. For the present I have nothing to say, and the less so that I am doubtful of your getting even this letter. For it is uncertain whether the letter-carrier will find you. I am very anxious for a letter from you.

LETTER 10

TO ATTICUS (AT ROME) TUSCULUM, 6 JUNE

WHAT an affectionate letter from Brutus! How unlucky for you that you are unable to go to see him! Yet, what am I to say? That they should accept the favour of that party? What could be more degrading? That they should attempt some move? They neither have the courage nor — as things are now — the power. Well, suppose they take my advice and do nothing. Who can guarantee their safety? For if any severe measure is taken as to Decimus, what kind of life will our heroes lead, even supposing no one actually attacks them? Again, not to preside at his own games, what could be a greater indignity? To give them the duty of purchasing corn-isn't that a case of "Dion's embassy"? Is there a more menial office in the public service? Even advice in such a matter is absolutely dangerous to those who give it. However, I might neglect that consideration if I were only doing some good. But why put my foot in, if it is all for nothing? Since he is availing himself of his mother's advice, not to say prayers, why should I put my oar in? Nevertheless, I will consider what style of letter to write. For hold my tongue I cannot. Therefore I will send a letter at once to Antium or Circeii.

LETTER 11

TO ATTICUS (AT ROME) ANTIUM, 8 JUNE

I reached Antium on the 8th. Brutus was delighted at my arrival. Thereupon in the presence of a large party-Servilia, dear Tertia, and Porcia — he asked me my opinion. Favonius was there too. I had thought over what to say as I was on the road, and now advised him to avail himself of the corn-purchasing office in Asia. I urged that all we could now do was to consult for his safety: that on him depended the defence of the constitution itself. I had just got well into my speech when Cassius came in. I repeated the same remarks. At this point Cassius with a determined look in his eyes-you would have said he was breathing war-declared that "he would not go to Sicily. Was he to accept as a favour what was meant as an insult?" "What are you going to do then?" said I. He replied that he would go to Achaia. "And you, Brutus?" said I. "To Rome, if you think it right," said he. "I don't think so at all," said I, "for you will not be safe." "But if I could be there safely, would you think I ought to go?" "Yes," said I, "and that you should not go to a province either now or after your praetorship. But I do not advise your trusting yourself to the city." Then I stated the reasons, which will doubtless occur to you, why he was not likely to be safe there. Then followed a long conversation in which they complained — and especially Cassius — that opportunities had been let slip. They were especially hard upon Decimus. I said that they should not harp on the past, but I agreed with them all the same. When, however, I had begun discussing what ought to have been done — my topics were the old ones and such as are in everybody's mouth-without touching upon the question as to whether some one else ought to have been attacked, I said that the senate should have been summoned, the people already burning with excitement should have been still farther roused, that the whole government of the state should have been taken in hand by them. At that point your friend Servilia exclaims: "That indeed I never heard anyone—" Here I stopped her. But I not only think that Cassius will go, for Servilia promised to see that this corn-commissionership

should be cut out of the senatorial decree, but Brutus also was quickly induced to give up that foolish talk of being determined to go to Rome. He accordingly settled that the games should be given in his name without his presence. He, however, appeared to me to wish to start for Asia from Antium. In short, I got no satisfaction from my journey except the consciousness of having done my duty. For it was impossible for me to allow him to quit Italy without my having had an interview with him. Barring the discharge of this obligation of duty and affection, I could only ask myself: What doth thy journey here avail thee, seer? In good truth I found a ship with timbers all started, or rather gone to pieces. No plan, no system, no method! Accordingly, though I had no doubt before, I am now more bent than ever "to fly away" — and that at the first chance — Where deeds and fame of the Pelopidae
May greet my ears no more.

But look here! Not to keep you in the dark, Dolabella named me his legatus on the 2nd of June. That announcement reached me yesterday evening. Even you did not approve of my having a "votive legation." And indeed it would have been absurd for me to be discharging the vows made in case of the constitution being maintained, after that constitution had been overthrown. Besides "free legations" have, I think, a fixed limit of time by the Julian law, and an addition is difficult to secure. The sort of legation I want is one that admits of my coming back or going out as I choose: and that is now secured to me. Very pleasant too is the privilege of exercising this right for five years. Yet why think about five years? If I am not deceived the end is not far off. But absit omen.

LETTER 12

TO ATTICUS (AT ROME) ASTURA, 10 JUNE

I am glad to hear about Buthrotum. But I had sent Tiro, as you bade me, to Dolabella with a letter. What harm can it do? About our friends at Antium I think my last letter was sufficiently full and explicit. It must have convinced you that they intended to take no active step, but to avail themselves of Antony's insulting favour. Cassius would have nothing to do with the corn business. Servilia said that she would get it cut out of the senatorial decree. Our friend Brutus, however, assumes very tragic airs and says-after agreeing with me that he cannot be safe at Rome — that he will start for Asia as soon as he has handed over the equipment for the games to those who are to hold them, for he prefers to give them, though he won't be present at them. He is collecting vessels. He is full of his voyage. Meanwhile they intend to stay where they are. Brutus indeed says that he will visit Astura. Lucius Antonius on his part writes to me in a courteous tone bidding me have no anxiety. I owe him one favour, perhaps I shall owe him another if he comes to my Tusculan house. What unendurable worries! Yet we do endure them after all. "Which of the Bruti (oh rightly named!) is to blame for this?" In Octavianus, as I have perceived, there is no little ability and spirit; and he seems likely to be as well disposed to our heroes as I could wish. But what confidence one can feel in a man of his age, name, inheritance, and upbringing may well give us pause. His stepfather, whom I have seen at Astura, thinks none at all. However, we must foster him and — if nothing else-keep him apart from Antony. Marcellus will be doing admirable service if he gives him good advice. Octavian seemed to me to be devoted to him: but he has no great confidence in Pansa and Hirtius. His disposition is good, if it does but last.

LETTER 13

TO ATTICUS (AT ROME) PUTEOLI, 25 OCTOBER

On the 25th I received two letters from you. I will therefore answer the earlier one first. I agree with you: but I would neither lead the van or bring up the rear, and yet be on that side in sympathy. I am sending you my speech. As to whether it is to be kept locked up or published, I leave the decision to you. But when shall we see the day when you shall think that it ought to be published? I cannot see the possibility of the truce which you mention. Better a masterly silence, which I think I shall employ. You say that two legions have arrived at Brundisium: you in Rome get all news first. So please write and tell me whatever you hear. I am anxious for Varro's "Dialogue." I am now all for writing something in the Heracleides style, especially as you like it so much. But I should like to know the sort you want. As to what I said to you before (or "previously" — as you prefer to express it), you have, to confess the honest truth, made me keener for writing. For to your own opinion, with which I was already acquainted, you have added the authority of Peducaeus — a very high one in my eyes, and among the most weighty. I will therefore do my best to prevent your feeling the lack either of industry or accuracy on my part.

Yes, as you suggest in your letter, I am keeping up with Vettienus and Faberius. I don't think Clodius meant any harm, although. But it is all one! As to the maintenance of liberty-surely the most precious thing in the world — I agree with you. So it is Caninius Gallus's turn now, is it? What a rascal he is! That's the only word for him. Oh cautious Marcellus! I am the same-yet not after all the most cautious of men!

I have answered your longer and earlier letter. Now for the shorter and later one — what answer am I to make except that it was a most delightful one? Events in Spain are going very well. If I do but see Balbilius safe and sound, I shall have a support for my old age. As to the estate of Annius your opinion is mine. Visellia shews me great attention. But that's the way of the world. Of Brutus you say that you

know nothing: but Servilia says that Marcus Scaptius has arrived, and that he will pay her a secret visit at her house without any parade, and that I shall know everything. Meanwhile, she also tells me that a slave of Bassus has arrived to announce that the legions at Alexandria are in arms; that Bassus is being summoned; Cassius's arrival looked for with eagerness. In short, the Republic seems about to recover its legitimate authority. But no shouting before we are out of the wood! You know what adepts in rascality and how reckless these fellows are.

Dolabella is a fine fellow! Although, as I am writing this with the dessert on the table, I am told that he had arrived at Baiae, he nevertheless wrote to me from Formiae — a letter which reached me just as I had left the bath-saying that he had done his best about assigning debtors to me. He lays the blame on Vettienus. Of course he is up to some dodge, like a true business man. But he says that our friend Sestius has undertaken the whole affair. He indeed is an excellent man and very much attached to us. Still, I am at a loss to know what in the world Sestius can do in a business like this which any one of us could not do. But if anything unexpected happens, please let me know. If; on the other hand, the business, as I think, is hopeless, write all the same. It won't disturb me at all. I am here philosophizing — what else could I do? I am composing a brilliant essay "On Duties": and addressing it to my son. For on what subject should a father address a son in preference? After that I shall begin other subjects. In short, this tour shall have something to shew for itself. People expect Varro today or tomorrow. I, however, am hurrying off to Pompeii, not because anything can be more beautiful than this place, but interrupters are less troublesome there.

But do tell me distinctly what was the charge against Myrtilus, for I hear that he has been executed. Is it discovered who suborned him? As I am writing these words I imagine that the speech is being delivered to you. Dear, dear! how nervous I am as to what you think of it! And yet, what does it matter to me? For it is not likely to get abroad unless the constitution has been restored. And as to that I do not venture to say what I hope in a letter.

LETTER 14

TO ATTICUS (AT ROME) TUSCULUM, 26 JUNE

ON the 26th I received a letter from Dolabella, a copy of which I inclose. He says in it that he has acted in all ways to your satisfaction. I wrote back at once thanking him at some length. However, to prevent his wondering why I should do the same a second time, I explained that the reason was that I had not been able previously to get any information from you when we were together. However, to cut the matter short, my answer was as follows: Cicero to his friend Dolabella, consul. Having on a previous occasion been informed by a letter from our friend Atticus of the great liberality and the very great kindness which you had shewn him; and you having yourself written to tell me of your having done everything that we wished, I wrote to thank you in language meant to shew that you could have done me no greater favour. But when Atticus himself came to see me with the express purpose of declaring his gratitude to you, whose really eminent and surprising kindness in the business of the Buthrotians and marked affection for himself he had thoroughly appreciated, I could not be restrained from giving a more open expression to the same feeling on my part in this letter. Let me assure you, my dear Dolabella, that of all your kindnesses and services to me — eminent as they are — the most generous and gratifying in my eyes is this, that you have made Atticus understand how much I love you and you me. For the rest, though the claims and political existence of the Buthrotians have been set on a firm foundation by you, I would wish you — for I always want to make my favours secure — to resolve that, having been taken under your care and frequently recommended by me, they shall continue to enjoy the support of your influence and active assistance. That will be sufficient protection to the Buthrotians for ever, and you will have set both Atticus and myself free from great Care and anxiety if you undertake in compliment to me to resolve that they shall always enjoy your defence. I warmly and repeatedly entreat you to do so.

After writing this letter I devoted myself to my treatise, which,

however, I fear will require to be scored by your red wax in a good number of places. I have been so distracted and hindered by engrossing thoughts.

LETTER 15

TO ATTICUS (AT ROME) ASTURA, 13 JUNE

CONFOUND Lucius Antonius, if he makes himself trouble some to the Buthrotians! I have drawn out a deposition which shall be signed and sealed whenever you please. As for the money of the Arpinates, if the aedile. L. Fadius asks for it, pay him back every farthing. In a previous letter I mentioned to you a sum of 110 sestertia to be paid to Statius. If, then, Fadius applies for the money, I wish it paid to him, and to no one except Fadius. I think that amount was put into my hands, and I have written to Eros to produce it. I can't stand the Queen: and the voucher for her promises, Hammonius, knows that I have good cause for saying so. What she promised, indeed, were all things of the learned sort and suitable to my character-such as I could avow even in a public meeting. As for Sara, besides finding him to be an unprincipled rascal, I also found him inclined to give himself airs to me. I only saw him once at my house. And when I asked him politely what I could do for him, he said that he had come in hopes of finding Atticus. The Queen's insolence, too, when she was living in Caesar's trans-Tiberine villa, I cannot recall without a pang. I won't have anything to do therefore with that lot. They think not so much that I have no spirit, as that I have scarcely any proper pride at all. My leaving Italy is hindered by Eros's way of doing business. For whereas from the balances struck by him on the 5th of April I ought to be well off; I am obliged to borrow, while the receipts from those paying properties of mine I think have been put aside for building the shrine. But I have charged Tiro to see to all this, whom I am sending to Rome for the express purpose.

I did not wish to add to your existing embarrassments. The steadier the conduct of my son, the more I am vexed at his being hampered. For he never mentioned the subject to me — the first person to whom he should have done so. But he said in a letter to Tiro that he had received nothing since the 1st of April — for that was the end of his financial year. Now I know that your own kind feeling always caused you to be of opinion that he ought to be treated

not only with liberality, but with splendour and generosity, and that you also considered that to be due to my position. Wherefore pray see — I would not have troubled you if I could have done it through anyone else — that he has a bill of exchange at Athens for his year's allowance. Eros will pay you the money. I am sending Tiro on that business. Pray therefore see to it, and write and tell me any idea you may have on the subject.

LETTER 16

TO ATTICUS (AT ROME) ASTURA, II JUNE

AT length a letter-carrier from my son! And, by Hercules, a letter elegantly expressed, shewing in itself some progress. Others also give me excellent reports of him. Leonides, however, still sticks to his favourite “at present.” But Herodes speaks in the highest terms of him. In short, I am glad even to be deceived in this matter, and am not sorry to be credulous. Pray let me know if Statius has written to you anything of importance to me. situation-Marcus for refusing to include Antony in the assassination, or Decimus for not using the troops which he possessed as governor of Cisalpine Gaul against Antony.

LETTER 16A

TO ATTICUS (AT ROME) ASTURA (12 JUNE)

I TELL you what! this is a lovely place-retired at any rate and, if you want to write anything, free from anyone to spy you out. But somehow or other “home is sweet “: and my feet draw me back to Tusculum. And after all one seems very soon likely to have enough of the somewhat artificial charms of this pretty coast. I am also for my part afraid of rain, if our prognostics are true; for the frogs are loudly “discoursing.” Please let me know where and on what day I can see Brutus.

LETTER 17

TO ATTICUS (AT ROME) ASTURA, 14 JUNE

I received two letters on the 14th, one dated the same day, the other the day before. First, then, to the earlier one. Yes, tell me about Brutus when you know. I am informed about the pretended terror of the consuls. For Sicca had-with loyal warmth indeed, but somewhat confusedly-already informed me of that suspicion also. Well, what is your opinion? Is it, "Never refuse a good offer "? For I haven't a word from Siregius. I don't like it. I am very much annoyed that anyone was informed about your neighbour Plaetorius before myself. As to Syrus, you acted with wisdom. You will, I think, have no difficulty in keeping Lucius Antonius off by means of his brother. I told you not to pay Antro, but you had not received my letter telling you not to pay anyone but L. Fadius. I am not at all angry with Arabio about Sittius. I don't think of starting on my journey unless my accounts are all square, and I think you agree with me in that. So much for your earlier letter.

Now for the other. It is like your usual kindness to serve Servilia, that is, Brutus. As to the Queen I am glad you don't feel anxious, and that you accept the evidence. For the accounts furnished by Eros, I have both gone into them myself and have summoned him to come to me. I am exceedingly obliged by your promise to furnish my son with what is needful. Messalla, on his way from Lanuvium, called on me; he had just come from Athens and gave me a wonderfully good report of him. And upon my word his own letter was so affectionate and well-written, that I shouldn't shrink from reading it before company: which makes me all the more desirous of indulging him. I don't think Sestius is annoyed about Bucilianus. When Tiro once gets back I think of going to Tusculum. Pray write at once and tell me anything I ought to know.

LETTER 18

TO ATTICUS (AT ROME) ON THE ROAD TO TUSCULUM, 15 JUNE

THOUGH I think I told you sufficiently fully what I needed and what I wanted you to do, if it was convenient to you, nevertheless, having started on the 15th, and while on board the boat in the lake, I came to the conclusion that I must send Tiro to you, that he might take part in the business affairs now in progress. I am also writing to Dolabella telling him that if he has no objection I wished to start, and asking him for an order for sumpter mules for the journey. Considering the circumstances — for I quite understand that, what with the Buthrotians and what with Brutus, "you are distracted with business, while I suspect that the trouble and even the superintendence of the latter's costly games falls to a great extent on you — well, as far as circumstances will admit, give me some little of your services: for I don't want much. In my opinion the state of affairs points to bloodshed, and that at a near date. You see what the men are, you see how they are arming. I really don't think I am safe. But if you think otherwise, I should like you to write to me. For I should much prefer staying at home if I can do so safely.

LETTER 19

TO ATTICUS (AT ROME) TUSCULUM, AFTER 16 JUNE

WHAT need is there for any farther venture on behalf of the Buthrotians? I ask, because you remark that all your trouble has been thrown away. Why again is Brutus returning? I am grieved, on my honour, that you have been so distracted. You have to thank those ten land-commissioner fellows for that. Yes, that was a tough piece of business, but it had to be borne, and I am exceedingly obliged to you. As to taking up arms — I never saw anything more patent. So let me be off; as you say. I don't know what Theophanes wants with an interview: he has already written to me, and I answered him as best I could. However, he writes to say that he wants to call on me, to discuss some business of his own and certain matters affecting myself. I am anxious for a letter from you. Pray take care that nothing rash is done. Statius has written to tell me that Quintus Cicero has spoken to him in very strong terms, saying that he cannot put up with the present state of affairs: that he is resolved to go over to Brutus and Cassius. Of course I am now anxious to learn all about this: I am quite unable to explain its meaning. It may be that he is angry with Antony about something; it may be that he now wants some new chance of distinguishing himself; it may be a mere passing fancy. And, indeed, it is doubtless that. All the same I am nervous about it and his father is quite upset. For he knows what he used to say about Antony: in fact he said to me what won't bear repetition. I cannot conceive what he has got in his head. I shall only have such commissions from Dolabella as I choose — that is, none at all. Tell me about Gaius Antonius — did he wish to be on the land-commission? He was at any rate worthy of such a company. As to Menedemus it is as you say. Pray keep me acquainted with everything.

LETTER 20

TO ATTICUS (AT ROME) TUSCULUM, ABOUT 20 JUNE

I have thanked Vettienus, for nothing could have been kinder. Let Dolabella give me any commissions he chooses, even to take a message to Nicias. For who, as you say, will care to ask questions? Or does anyone with any sense in his head doubt that my departure is an act of despair,

and not really a legation? You say that men are using certain extremist expressions about public affairs, and that too men of sound loyalty. Well, ever since I heard of his speaking of the tyrant in a public meeting as "that most illustrious man," I began to have qualms of doubt: but when along with you I saw our heroes at Lanuvium with no hope of life but what they received from Antony, I gave it up for lost. And so, my dear Atticus, I would have you receive what I am going to say with the same courage as that with which I write it. Regarding the kind of death experienced by Catulus as shocking, and yet as in a manner already pronounced against us by Antony, I have resolved to escape from this net, not with a view to flight, but with a hope of a better sort of death. For this Brutus is entirely to blame. You say that Pompeius has been received at Carteia, so we shall presently see an army sent against him. Which camp am I to join then? For Antony makes neutrality impossible. The one is weak, the other criminal. Let us make haste therefore. But help me to make up my mind-Brundisium or Puteoli? Brutus for his part is starting somewhat suddenly, but wisely. I feel it a good deal, for when shall I see him again. But such is life. Even you cannot see him. Heaven confound that dead man for ever meddling with Buthrotum! But let us leave the past. Let us look to what there is to do.

The accounts of Eros, though I have not yet seen him personally, I yet know pretty thoroughly from his own letter and Tiro's report. You say that I must raise a fresh loan for five months, that is, till the 1st of November, of 200 sestertia: that on that day a certain sum of money falls in owed by Quintus. As Tiro tells me that you would not

have me come to Rome on that business, please see, if it does not bore you too much, where to raise the money and put it down to my account. That is what I see for the present to be necessary. As to other details I will demand a stricter account from Eros himself-among other things as to the rents of the dower properties. If these are faithfully collected for the benefit of my son, though I wish him more liberally provided, yet he will have pretty well as much as he needs. And indeed I see that I shall want some journey-money also. But my son will be paid from these properties as the money comes in. I, on the contrary, need a lump sum. The fact is that though that trembler at shadows appears to me to have his eye on massacre, I am nevertheless not going to budge unless the payment of the money is arranged. But whether it has been arranged or not I shall learn when I see you. I thought this ought to be written by my own hand, and I have accordingly so written it. Yes, you are right about Fadius — not in any case to anyone else. Please answer this today.

LETTER 21

TO ATTICUS (AT ROME) TUSCULUM, 21 JUNE

Let me tell you this-Quintus the elder is jumping for joy. For his son has written to say that he desired to desert to Brutus, because, when Antony charged him to secure his being made dictator, and to seize some fort, he refused. He says also that he refused for fear of hurting his father's feelings: and that ever since Antony had been his enemy. "Thereupon," says he, "I pulled myself together for fear he should do you some injury. So I smoothed him down: and indeed got 400 sestertia from him in cash, and a promise of more." Statius, moreover, writes word that the young man desires to share his father's house. This is a wonderful story, and my brother is in raptures with it. Did you ever know a greater fraud?

You were both quite right to hesitate as to the affair of Canus. I had had no suspicion about the deeds — I thought her dowry had been repayed in full. I shall look forward to hearing what you postpone mentioning in order to discuss it when we meet. Keep my letter-carriers as long as you like: for I know you are busy. As to Xeno — quite right! I will send you what I am writing when I have finished it. You told Quintus that you had sent him a letter: no one had brought one. Tiro says that you don't now approve of my going by Brundisium, and indeed that you say some-thing about soldiers there. Well, I had already settled in my mind upon Hydruntum; for your saying that it was only a five hours' voyage had great weight with me. But to start from this side — what a weary voyage! But I shall see. I have had no letter from you on the 21st. Naturally; for what is there new to say any longer? Therefore come as soon as you can. I am in haste, lest Sextus Pompeius should get here first. They say he is on his way.

LETTER 22

TO ATTICUS (AT ROME) TUSCULUM (23 JUNE)

I congratulate ourselves that young Quintus has gone out of town: he won't be a nuisance to us. I believe Pansa is using satisfactory language. For I know that he has always been closely united with Hirtius. I think he will be a very warm friend to Brutus and Cassius if — it turns out to be expedient. But when will he ever see them? And that he will be opposed to Antony — but when and on what grounds? How long are we to be fooled? However, I wrote you word that Sextus Pompeius was coming, not because he was actually near, but because he was certainly contemplating that move and because he was not shewing any signs of abandoning arms. Doubtless, if he goes on, war is a certainty. On this side too our dear lover of Cytheris thinks no one sure of his life unless he gains a victory. What has Pansa to say to this? Which side will he take if there is war, as I think there will be? But of this and other things when we meet, that is, today — as you say in your letter — or tomorrow.

LETTER 23

TO ATTICUS (AT ROME) TUSCULUM (24 JUNE)

I am wonderfully distracted, yet not with pain: but a thou-sand opposite ideas about my journey occur to me. “How long is that to go on?” you will say. Why, until I finally commit myself, that is, till I am actually on board ship. If Pansa has written an answer to your letter, I will send you mine and his together. I am expecting Silius, for whom I have drawn up a memorandum. Send any news. I am writing to Brutus, about whose journey I should like to hear something also from you, if you know anything.

LETTER 24

TO ATTICUS (AT ROME) TUSCULUM, 25 JUNE

THE letter-carrier whom I sent to Brutus came straight back without stopping on the 25th. Servilia told him that Brutus had started at half-past six in the morning. I was much annoyed at my letter not being returned. Silius has not arrived. I have drawn up a statement of his case: I in-close that document to you. I should like to know on what day to expect you.

LETTER 25

TO ATTICUS (AT ROME) TUSCULUM (28 JUNE)

As to my journey various opinions are expressed: for I have a great number of visitors. But pray throw yourself heart and soul into that question. It is a serious matter. Do you approve of my idea of returning by the 1st of January? My mind is quite open on the subject-only provided that I do not give offence. I should like to know also the day on which the Olympic games begin. As you say in your letter, chance will decide the plan of my journey. Don't let me make up my mind, therefore. For a winter voyage is detestable, and it was on that account I asked you the day of the mysteries. Brutus, as you say, I imagine that I shall probably see. I think of leaving this place on the 30th.

LETTER 26

TO ATTICUS (AT ROME) ARPINUM, 2 JULY

I see that you have done all you can about Quintus's business. For his part, he is hesitating whether to oblige Lepta or to damage his son's credit. I have heard it whispered that Lucius Piso wants to go abroad as a legate in virtue of a forged decree of the senate. I should like to know the truth. That letter-carrier, whom I told you that I sent to Brutus, returned to me at Anagnia on the night of the 3oth of June, and brought me a letter, which contained that same request — as unlike as could possibly be conceived to his usually conspicuous good sense — that I should be present at his games. I wrote back of course to say, first, that I have already started on my journey, so that it is no longer in my power to do so: and secondly, that it would be the strangest paradox that, while I have not set foot in Rome since this arming began — and that, not so much from consideration of my personal danger as of my self-respect — I should suddenly come to the games. For to be giving games at such a crisis is honourable enough for him, because he can't help it; but for me to attend them, as it is not necessary, so neither is it honourable. Of course I eagerly desire them to be largely attended and as popular as possible, and I feel sure they will be so; and I bargain with you to send me an account of how they are received from the very first hour they begin, and thenceforth all that happens day by day to their close. But enough of the games.

The remainder of his letter may indeed be regarded in two different lights, yet, nevertheless, he does at times emit some sparks of manly courage. I want you to be able to express what you think of it, and therefore inclose a copy of the letter: though our letter-carrier told me that he had brought a letter from you also from Brutus, and that it had been forwarded to you from Tusculum. I have arranged my journeys so as to be at Puteoli on the 7th of July. For though I am in a great hurry, I mean to take every precaution humanly possible as to my voyage.

Please free Marcus Aelius from his anxiety: tell him that my idea

was that a few feet along the edge of the land — and that under the surface-would have some sort of easement upon them: and that I absolutely objected to it, and did ‘not think that anything could make up for it. But, as you suggest, put it as gently as possible, rather by way of relieving him of anxiety than giving him any suspicion of my being annoyed. So also about Tullius’s debt, speak to Cascellius in a liberal spirit. It’s a small matter, but I am obliged to you for attending to it. It was a bit of rather sharp practice. And if he had taken me in at all, as he nearly did-only that you were too many for him — I should have been seriously annoyed. So, whatever is to be the result, I would prefer the transaction being stayed. Remember that an eighth share of the aedes Tullianae near the temple of Strenia, is due to Caerellia: see that it is conveyed to her at the highest price bid at the auction. I think that was 380 sestertia.

If there is any news, even if you foresee anything that you think likely to happen, pray write and tell me as often as possible. As I have already Charged you to do, pray remember to apologize to Varro for the late arrival of my letter. What terms your friend Mundus has made with Marcus Ennius about the will I should like you to tell me — for I always like to know things.

Arpinum, 2nd July.

LETTER 27

TO ATTICUS (AT ROME) ARPINUM, 3 JULY

I am glad that you advise me to do precisely what I did of my own accord yesterday. For when I despatched my letter to you on the 2nd, I gave the same letter-carrier one for Sestius written in very warm terms. As for him, his intention of escorting me to Puteoli is polite; in complaining about me he is unfair. For I was not so much bound to wait for him until he got back from Cosa, as he was not to have gone there until he had seen me, or to have hastened his return. For he knew that I was in a hurry to start, and he had written to say that he would join me at Tusculum.

I am much moved at your having wept after parting from me. If you had done so in my presence, I should perhaps have entirely abandoned my design of going abroad. But it was a great thing that you were consoled by the hope of a speedy reunion. That, indeed, is the hope that supports me more than anything else. You shall not want letters from me. I will write you a full account of Brutus. I will before long send you a book of mine "On Glory." I will hammer out something in the vein of Heracleides to be treasured up in your secret stores. I haven't forgotten about Plancus. Attica has a good right to grumble. I am much obliged for your informing me about Bacchis and the garlands for the statues. Do not omit anything hereafter, I don't say of so much importance, but even of so little. I won't forget about either Herodes or Mettius, or anything else which I have the least idea of your wishing. What a scandalous person your sister's son is! As I am writing this he arrives at the witching hour of evening while I am at dinner. Take care of your health.

LETTER 28

TO ATTICUS (AT ROME) ARPINUM, 3 JULY

As I wrote to you yesterday I have settled to arrive at Puteoli on the 7th. There then I shall look for a letter from you daily, and especially about the games, about which you must also write to Brutus. I have a letter from him which I could scarcely make out, of which I sent you a copy yesterday. Pray make my excuses to Attica, and take all the blame upon yourself. Assure her all the same that I am taking away with me an affection for her that has undergone no change.

LETTER 29

TO ATTICUS (AT ROME) FORMIAE, 6 JULY

I send you Brutus's letter. Good heavens, what helplessness! You will understand when you have read it. About the celebration of Brutus's games I agree with you. No, don't go to see M. Aelius at his house, but speak to him wherever you may chance to meet him. About the moiety of Tullius's debt consult Marcus Axianus, as you suggest. Your arrangement with Cosianus — first rate! For your disentanglement of my own affairs and yours at the same time — thanks! I am glad my legation is approved. Heaven send that your promises are fulfilled! For what could be more gratifying to me and mine? But I feel misgiving about her, of whom you make an exception. When I have met Brutus, I will send you a full account. About Plancus and Decimus, I wish it may be so! I wouldn't have Sextus throw away his shield. About Mundus tell me anything you learn.

So I have answered all your news. Now for my own. The younger Quintus is going to escort me as far as Puteoli — what an admirable loyalist! you might call him a Favonius — Asinius. He has two motives for doing so: my society, and a wish to make terms with Brutus and Cassius. But what say you? For I know you are intimate with the Othones. Quintus says that Tutia offers herself to him, as a divorce has been arranged. His father asked me what sort of reputation she had. I said — for I didn't know why he asked the question — that I had never heard anything except about her looks and her father. "But why do you ask?" said I. Then he said that his son wanted her. Thereupon, though I felt disgusted, I said that I didn't believe those stories. His aim — for that is the truth — is to make our friend no allowance. But the lady says she won't be baulked by the like of him. However, I suspect young Quintus is, as usual, romancing. But please make inquiries — for you can easily do so — and let me know.

Pray what's this all about? When I had already sealed this letter some Formians who were dining with me told me that the day before

I write this — that is, on the 5th — they had seen our Buthrotian commissioner Plancus With downcast look and bare of ornament; and that his poor slaves said that he and the land-grabbers had been turned out of the Country by the Buthrotians. Well done they I But please write me a full account of the whole affair.

BOOK 16

LETTER 1

TO ATTICUS (AT ROME) PUTEOLI, 8 JULY

I arrived at Puteoli on the 7th. I write this on the following day as I am crossing to Nesis. But on the day of my arrival, as I was at dinner Eros brought me your letter. Is it really so? "Nones ofJuly!" The gods confound them! But one might rage all day long. What could be a greater insult to Brutus than "July"? I come back to my old quousque tandem? I have never seen anything worse. But what is this, pray, about the land-grabbers being cut to pieces at Buthrotum? How also came Plancus to be on the run day and night — for that is whispered to me? I am very anxious to know what it means. I am glad that my going abroad is commended: I must try and get my staying at home praised also. That the Dymaeans should harry the sea after being expelled from their lands is no wonder. There seems to be some protection in making the voyage in company with Brutus. But I think his vessels are small. However, I shall know all about it directly, and will write to you tomorrow. As to Ventidius, I think it is a canard. As to Sextus, it is regarded as certain that he is giving in. If this is true, we must submit to being slaves even without a civil war. What are we to say then? Is our hope in Pansa and the 1st of January? That's all moonshine, considering the drunken and drowsy habits of these men. About the 230 sestertia-capital! Let my son's accounts be put straight. For Ovius has just arrived and his report is much to my satisfaction: among other things it is by no means bad that seventy-two sestertia is enough, and quite liberal, but that Xeno furnishes him very sparingly and stingily. You say that your bill of exchange amounted to more than the rent of the town lots. Well, let the year in which he had the additional expense of the journey be credited with the balance. From the 1st of April next let his allowance be kept to the eighty sestertia. For the town lots now produce that amount. We must see to some settlement for him when he is back in Rome. For I don't think that he could endure that woman as a mother-in-law. About my Cuman villa I aid "no" to Pindarus.

Now let me inform you of my motive for sending you a letter-carrier. Young Quintus promises me that he will be a regular Cato. But both father and son urged me to guarantee this to you, though with the understanding that you shouldn't believe it till you had practical proof of it yourself. I will give him a letter such as he desires. Don't let it influence your opinion. I am writing this to prevent your supposing that I am convinced. Heaven send that he carries out his promises!

It will be a satisfaction to everyone concerned. But I-well, I will say nothing more. He starts on the 10th. He says he is making a consignment of debts for the 15th, but that he is being very hard pressed. You will judge from my letter what answer to give him. I will write at greater length when I have seen Brutus and am sending Eros back. I quite accept my dear Attica's apology, and love her dearly Give my kind regards to her and Pilia.

LETTER 2

TO ATTICUS (AT ROME) PUTEOLI, 11 JULY

ON the 10th I received two letters, one from my own letter-carrier and the other from that of Brutus. The story about the Buthrotians was widely different in these parts, but that is only one of the many inconveniences with which one must put up.. I am sending Eros back sooner than I intended; that there might be some one to pay Hortensius, and those in fact with whom he says that he has fixed the 15th as the day of settlement Hortensius, however, is shameless in his demand; for nothing is due to him except in virtue of the third instalment, payable on the 1st of August — and of this very instalment the greater part has been paid him considerably before the day. But Eros will see to this on the 15th. As for Publilius, however, I think there ought to be no delay in paying him the amount for which a draft is due. But when you come to look at the concessions I have made from my legal rights in having paid in ready money 200 of the balance of 400 sestertia, and in now giving a note for the remainder, you will be able, if you think right, to say to him that he ought to wait my convenience in consideration of my having surrendered such a considerable proportion of my legal right. But, my very dear Atticus — you see how insinuatingly I put it — do pray transact, direct, and steer all my business without waiting for directions from me. For though my balances are sufficient for the discharge of debts, still it often happens that debtors don't come up to time. If anything of that sort occurs, don't regard anything as of more importance than my reputation. Preserve my credit not only by raising a fresh loan, but even by selling if necessary. Brutus was gratified by your letter. For I spent several hours with him at Nesis shortly after having received your letter. He seemed delighted with your account of the Tereus, and to be more obliged to Accius than to Antony. In my eyes, however, the better the news the more annoyance and regret I feel that the Roman people uses up its hands in clapping, rather than in defending the constitution. To my mind, indeed, that party appears to be even more inspired to give an

immediate display of their own disloyalty. However, “so that they feel a pang, no matter what.” I am not sorry to hear your remark about my designs being daily more commended, and I was looking forward to hear what you had to say about it. For I myself was hearing remarks made in different senses. Nay, more, I was letting it drag on expressly to avoid coHimitting myself as long as possible. But since I am being turned out with a pitchfork, I am now thinking of going to Brundisium. For the avoidance of the legions is easier and more certain than that of the pirates, who are said to be shewing themselves. Sestius was expected on the 10th, but he has not come, as far as I know. Cassius has arrived with his little fleet. On the uth, after having seen him, I am thinking of going to Pompeii and thence to Aeculanum. You know the rest of the road. As to Tutia — that’s what I thought. About Aebutius, I don’t believe it, but I do not care any more than you do. I have written of course to Plancus and Oppius, since you asked me to do so. But don’t think it necessary to deliver the letters, if you consider it better not. For, as they have acted entirely from consideration for you, I fear my letters may appear superfluous — at any rate to Oppius, whom I know to be devotedly attached to you. However, just as you choose. As you say that you mean to winter in Epirus, I shall be very grateful if you arrive there before the time comes at which by your advice I am to return to Italy. Write to me as often as possible: if it is on matters of little importance, employ any messenger you get hold of; but if it is more urgent, send one of your own men. If I get safe to Brundisium, I shall attempt something in the vein of Heracleides. I am sending you my de Gloria. You will therefore please to keep it under lock and key as usual: but let select passages be marked for Salvius at least to read when he has got some fitting hearers at a dinner party. I like them much; I should wish you to do the same. Goodbye! Good-bye!

LETTER 3

TO ATTICUS (AT ROME) POMPEII, 17 JULY

YOU acted wisely — I am now at length answering the letter you sent me after meeting Lucius Antonius at Tibur — well then, you acted wisely in surrendering and even going so far as to thank him. For certainly, as you say, we shall be stripped of the constitution sooner than of our property. Your saying that you take more and more delight in my essay on Old Age increases my energy in writing. You say that you are expecting Eros not to come to you empty-handed. I am glad that you were not disappointed in that expectation: but nevertheless I am sending you the same essay somewhat more carefully revised — and it is indeed the original copy itself with interlineations and corrections in many places. Get this copied on large paper and read it privately to your guests, but, as you love me, when they are cheerful and have had a good dinner, lest they vent their wrath on me, though really angry with you. With my son I only hope things are as I am told. About Xeno I shall learn when I see him: however, I don't think he has acted in any way with carelessness or meanness. About Herodes I will do as you charge me, and I shall get information as to what you mention from Saufeius and Xeno.

As to young Quintus, I am glad that you got my letter sent by my letter-carrier before the one delivered by himself — though in any case you would not have been taken in. Yet, after all-well, I am anxious to hear what he said to you and what you said in your turn: I don't doubt you both spoke characteristically. But I hope Curius will deliver that letter to me. He is in himself indeed an attractive person and a man I like, but now he will have the crowning grace of your recommendation.

I have answered your letter sufficiently. Now listen to what, though I know it is not necessary to write, I yet am going to write. Many things distress me in my departure-first and foremost, by heaven, that I am being separated from you. But I am also distressed by the fatigue of the voyage, so unsuitable not only to my time of

life, but also to my rank. Moreover, the time of my departure is rather ridiculous. I am leaving peace to return to war; and the season which might have been spent in my favourite country places — so prettily built and so full of charm — I am wasting on a foreign tour. The consolations are that I shall either do my son some good, or make up my mind how much good he is capable of receiving. In the next place you will — as I hope and as you promise-presently be there. If that happens indeed things will be better all round. But what gives me more uneasiness than anything is the making up of my balances. Though they have been put straight, yet since Dolabella's debt is on the list, and among the debtors assigned to me are some unknown persons, I feel quite at sea, and this matter gives me more uneasiness than everything else. Accordingly, I don't think I have been wrong to write to Balbus more openly than usual, to ask him that, if it should so happen that the debts did not come in at the proper time, he should come to the rescue; and telling him that I had commissioned you, in case of such an occurrence, to communicate with him. Please do so, if you think proper, and all the more if you are starting for Epirus.

I write this when on the point of embarking from my Pompeian house with three ten-oared pinnaces. Brutus is still at Nesis, Cassius at Naples. Can you love Deiotarus and yet dislike Hieras? When Blesamius came to me about it, though he was charged not to take any step except on the advice of our friend Sextus Peducaeus, he never communicated with him or with any one of our party. I should like to kiss our dear Attica, far off as she is, so delighted was I with the good wishes she sent me by you. Please give her mine in return and many of them, and the. same to Pilia.

LETTER 4

TO ATTICUS (AT ROME) PUTEOLI, 10 JULY

So, as I told you yesterday — or perhaps I should say today, for Quintus said he should not reach you till the second day — I went to Nesis on the 8th. Brutus was there. How hurt he was by the "Nones of July"! He was really surprisingly upset. Accordingly, he said that he should write orders to advertise the beast-hunt, which is to follow the games of Apollo, as to take place on the "3rd day before the Ides of Quinctilis." Libo came in while I was there. He said that Philo, a freedman of Pompey's, and Hilarus, a freedman of his own, had come from Sextus Pompeius with a letter addressed to the consuls, or whatever they are called. He read us a copy of it, to see if anything occurred to us. There were a few ill-expressed sentences: in other respects it was written with considerable dignity and without violence. The only addition we decided upon was that instead of being addressed "to the consuls" only, it should be addressed "to consuls, praetors, tribunes of the plebs, and senate," for fear the consuls should decline to produce a letter addressed to themselves personally. They also report that Sextus has been at New Carthage with only one legion, and that on the very day on which he captured the town of Barea he received the news about Caesar. That after the capture of the town there was great rejoicing and recovery of spirits, and people flocked to him from every side; but that he returned to the six legions which he had left in lower Spain. He also wrote to Libo saying that be cared for nothing unless he were allowed to return to his own house. The upshot of his demands was that all armies wherever stationed should be disbanded. That is nearly all about Sextus.

Though I have been asking questions of everybody about the Buthrotians, I cannot find out the truth. Some say the land-grabbers were badly mauled, others that Plancus for a sum of money abandoned them and fled. So I don't see how I am to know the truth of the matter unless I get some sort of letter at once.

The route to Brundisium, about which I was hesitating, appears

now to be out of the question: for the legions are said to be arriving there. But the voyage from this place is not without its suspicion of dangers. Therefore I am making up my mind to a joint voyage. I found Brutus more advanced in his preparations than I had been told was the case. For both he and Domitius have some really good two-banked galleys; there are also some fine vessels belonging to Sestius, Bucilianus, and others. For, as to the fleet of Cassius, which is a really fine one, I don't count on that beyond the Sicilian Strait. One thing does cause me some little uneasiness — that Brutus seems to be in no great hurry. In the first place he is waiting for news as to the completion of his games; in the next place, as far as I can understand, he is likely to make the voyage slowly, stopping at several points. However, I think it is better to sail slowly than not to sail at all. And if; when we have got some distance on, things seem more certain we shall take advantage of the Etesian winds.

LETTER 5

TO ATTICUS (AT ROME) PUTEOLI, 9 JULY

BRUTUS is anxious for a letter from you. I told him about the Tereus of Accius, though he had heard it before. He thought that it was the Brutus. But, after all, some whisper of a report had reached him that at the opening of the Greek games the attendance had been small, at which for one I was not surprised. For you know my opinion of Greek games. But now listen to what is of more importance than everything else. Young Quintus stayed with me several days, and if I had wished it would have been quite willing to stay longer. But as far as his visit went you could hardly believe how much delighted I was with him in every particular, but especially in the point in which he used most to disappoint me. For he has become such an entirely changed man-partly by certain writings of mine on which I am now engaged, and partly by my constantly talking to him and impressing my maxims upon him — that he is really going to be all that I wish in politics. After having not only declared this to me, but also thoroughly convinced me of it, he implored me at great length to guarantee to you that he would in the future be worthy of you and of us. And he didn't ask you to believe this at once, but that you should only restore your affection to him when you had seen it with your own eyes. Had he not convinced me of this, and had I not made up my mind that what I am saying might be relied upon, I would not have done what I am going to tell you. I took the young man with me to see Brutus. The latter was so convinced of what I am telling you, that he took upon himself to believe in him independently, and would have none of me as guarantee. He praised him and spoke of you in the most friendly tone, and dismissed him with embraces and kisses. Wherefore, though I have more reason to congratulate you than to prefer any request to you, yet I do also request you that if there appeared to be certain irregularities in his conduct heretofore, owing to the weakness of youth, you should believe that he has now rid himself of them, and should trust me when I say that your influence will contribute much, or I should

rather say more than anything else, to make his decision permanent.

Though I made frequent hints to Brutus about our sailing together, he didn't seem to catch at the suggestion as eagerly as I had expected. I thought him in an uneasy frame of mind, and indeed he was so-especially about the games. But when I had got back to my villa Gnaeus Lucceius, who sees a good deal of Brutus, told me that he was hesitating a great deal as to his departure, not from any change of policy, but because he was waiting to see if any-thing turned up. So I am doubting whether I shall direct my steps to Venusia and there wait to hear about the legions: and if they do not come, as some expect — go on to Hydruntum: but if neither port is safe-come back to where I am. Do you think I am joking? Upon my life you are the only tie that keeps me here. For take a careful view of the situation: but do it before I have cause to blush for my conduct. Ah! Lepidus's notice of his inauguration days is just like him, and just suits with my plan of return. Your letter conveys a strong motive for my starting for Greece. And oh, that I might find you there! But it must be as you think most to your advantage. I am anxious for a letter from Nepos. Can he really want my books, when he thinks the subjects on which I plume myself not worth reading? Yes — as you say: in form and face
Ajax the flower of all the Grecian host
Next to the flawless son whom Thetis bore.
You are the "flawless" one — he is one of the "immortals." There is no collection of my letters in existence: but Tiro has something like seventy. Moreover, there are some to be got from you. I ought to look through and correct them. They shall not be published till I have done so. Brundisium, at which latter Atticus warned him he might meet the legions of Antony. Neutrum, i.e., neither Brundisium nor Hydruntum.

LETTER 6

TO ATTICUS (AT ROME) VIBO, 25 JULY

As yet — for I have got as far as Sicca's house at Vibo — I have prosecuted my voyage with more comfort than energy. For the greater part has been done by rowing, and there have been no nor'-nor'-easters. That has been rather lucky, for there were two bays to be crossed, that of Paestum and that of Vibo. We crossed both with sheets taut. I arrived at Sicca's house therefore on the eighth day from Pompeii, having rested one day at Velia. There I stayed at our friend Talna's house, and couldn't possibly have been received more hospitably-especially as Talna himself was away from home. So on the 24th I went to Sicca's house. There I found myself quite at home. So I put on an extra day to my visit. But I think when I reach Rhegium I shall consider — being On long and weary sea voyage bent whether to make for Patrae on a merchant vessel or to go as far as Tarentine Leucopetra on packet-boats, and thence to Corcyra: and if on the ship of burden, whether to go from the strait direct or from Syracuse. On this point I will write to you from Rhegium. By heaven, Atticus, it often occurs to me to ask: What boots it you to journey hither thus? Why am I not with you? Why do I not see my pretty villas-those sweet eyes of Italy? But it is enough and to spare that I am losing you. And from what am I running away? Is it danger? But of that at the present moment, if I do not mistake, there is none. For it is precisely to that which you use your influence to bid me return. For you say that my quitting the country is praised to the skies, but only on the understanding that I return before the 1st of January. That I shall certainly try to do; for I had rather be at home even in fear, than at Athens without it. But look out to see to what things at Rome are tending, and either write me news of them or, as I should much prefer, bring it with you in person. Enough of this.

I hope you will not be annoyed at my next request, which I know is a subject of more anxiety to you than to myself: in heaven's name, set straight and clear up my debtor and creditor accounts. I have left an excellent balance, but there is need of careful attention. See that

my co-heirs are paid for the Cluvian property on the 1st of August; and what terms I ought to make with Publilius. He ought not to press, as I am not taking full advantage of my legal privileges: but, after all, I much wish him also to be satisfied. Terentia, again — what am I to assign to her? Pay her even before the day if you can. But if — as I hope-you are quickly coming to Epirus, I beg you to provide before you start for what I owe on security, to put it straight and leave it fully discharged.

But enough on these matters, and I fear you will think too much. Now just notice my carelessness. I have sent you a book "On Glory": but there is the same preface in it as in the third book of the Academics. That results from the fact that I keep a volume of prefaces. From it I am accustomed to select one when I have begun some treatise. So being at the time at Tusculum, as I did not remember that I had already used that preface, I put it into the book which I sent you. When, however, I was reading the Academics on board ship, I noticed my mistake. Accordingly, I have written out a new preface, and am sending it to you. Please cut the other one off and glue this on. Give my love to Pilia and Attica, my pet and darling.

LETTER 7

TO ATTICUS (AT ROME) ON BOARD SHIP, 19 AUGUST

Having started on the 6th of August from Leucopetra — for that was to be my port of embarkation — when I had made about 300 furlongs, I was driven back upon that same Leucopetra by a violent south wind. While waiting there for a change of wind — I was staying in the villa of our friend Valerius, where I am quite at home and comfortable-certain men of high rank from Rhegium came thither, having lately returned from Rome, among others a friend of our Brutus, who (as he told me) had left Brutus at Naples. They brought, first, an edict of Brutus and Cassius; secondly, intelligence that there would be a full meeting of the senate on the 1st, and that a despatch had been sent by Brutus and Cassius to all ex-Consuls and ex-praetors asking them to be present. They announced also that there was a great hope of Antony yielding, an arrangement being Come to, and our partisans returning to Rome. They added also that I was wanted, and that my absence was being somewhat unfavourably criticised. On hearing these news I without hesitation threw aside my design of leaving the country, which, by heaven! I had never really liked. When, however, I read your letter, I was of course surprised that you had so entirely changed your opinion, but I thought that you must have some good reason for it. However, though you had never advised nor urged my leaving the country, you had at least expressed approval of my doing so, provided that I returned to Rome by the 1st of January. The result of that would have been that I should have been abroad as long as the danger seemed less imminent, but have returned to find everything in a blaze. But this advice, however short-sighted, I have no claim to resent; because in the first place what I did was in accordance with my own opinion; and in the second place, even if it were adopted on your suggestion, for what is an adviser responsible except good faith? It is the following expression of yours at which I cannot sufficiently wonder: “Can you with honour, you who talk of a noble death — can you with honour abandon your country?” Was I abandoning it, or did I seem to you at that time to be

abandoning it? Why, you not only did not forbid my doing what I was doing, but even expressed approval. Still severer is what you say afterwards: “I wish you would elaborate for me some prŽcis of the reasons justifying your action.” Is it really so, my dear Atticus? Does my action need a defence, and with you of all people, who expressed such strong approval of it? I of course will compose the defence which you require, but addressed to some one of those against whose wish and advice I started. Vet, what need now of a prŽcis? If I had persevered, there would have been such need. “But,” say you, “this very fact is an instance of vacillation.” No philosopher ever yet — and there has been a great deal written upon the subject-defined a mere change of plan as vacillation. So next you say: “For if the change had been made by our friend Phaedrus, your defence would have been easy. As it is, what answer are we to make?” So then my action was one which I could not justify to Cato, that is, was criminal and disgraceful — is that so? I only wish you had been of that opinion from the first! You would have been my Cato, as you ever are! But your last sentence is the most I might say exasperating: “For our friend Brutus says nothing ‘-that is to say, does not venture to remonstrate with a man of my age. I can’t imagine what else you Can mean by those words, and by heaven that is it! For on the 17th of August, on my arrival at Velia, Brutus heard of it. He was with his ships in the river Hales, three miles north of Velia. He immediately walked over to see me. Good heavens! with what transports of delight at my return, or rather at my abandonment of the journey, did he pour out all that he had repressed before! It made me recall those words of yours, “For our friend Brutus holds his tongue.” But what he most regretted was that I had not been in the senate on the 1st of August. He praised Piso to the skies, but remarked that he was delighted at my having avoided two grounds of reproach. One of these I was well aware that I was incurring by this journey — that of despairing of and abandoning the Republic. Many people remonstrated with me upon it with tears in their eyes, and I was unable to console them by promising a quick return. The other was one in regard to which Brutus and his following — and its number was large-were much pleased: I mean that I escaped the reproach of being thought to be going to attend the Olympic games. There Could

be nothing more unbecoming than this at any period of the Republic, but at this particular crisis it would have been entirely unjustifiable. So I am grateful to the South wind for having saved me from such a scandal. There you have the avowed motives for my turning back. They are indeed sound and weighty ones, but none could be really sounder than what you yourself said in another letter: "Take measures in case of any creditor you may have, that there is enough to pay every man his due. For owing to the feat of war the money market is wonderfully tight." I read that letter when I was in the middle of the strait, with the result that I could think of no way of making such provision, except by being on the spot to support my own credit. But enough of this, the rest when we meet. I got hold of Antony's edict from Brutus and read it, as well as our friends' splendid answer to it. But I do not clearly see the use or object of these edicts: and I am not now, as Brutus thought I ought to do, coming to Rome with a view of entering upon politics. For what can be done? Did anyone back up Piso? Did he come to the house again next day himself? But after all a man of my age ought not to be far from his place of burial, as people say. But, I beseech you, what is this that I hear from Brutus? He said that you had written to say that Pilia was suffering from paralysis. I was much alarmed, although he added that you also said that you hoped she was better. I devoutly trust so! Give her my very kindest remembrances, as also to my dearest Attica.

I write this at sea on my way to my Pompeian villa. 19 August.

LETTER 8

TO ATTICUS (AT ROME) PUTEOLI, 2 NOVEMBER

When I know what day I am coming to town I will let you know. I must expect some hindrances, and there is illness among my household. On the evening of the 1st I got a letter from Octavian. He is entering upon a serious undertaking. He has won over to his views all the veterans at Casilinum and Calatia. And no wonder: he gives a bounty of 500 denarii apiece. Clearly, his view is a war with Antony under his leadership. So I perceive that before many days are over we shall be in arms. But whom are we to follow? Consider his name, consider his age! Again, to begin with, he demands a secret interview with me, at Capua of all places! It is really quite childish if he supposes that it can be kept private. I have written to explain to him that it is neither necessary nor practicable. He sent a certain Caecina of Volaterrae to me, an intimate friend of his own, who brought me the news that Antony was on his way towards the city with the legion Alauda, was imposing a money contribution on the municipal towns, and was marching at the head of the legion with colours flying. He wanted my opinion whether he should start for Rome with his army of 3,000 veterans, or should hold Capua, and so intercept Antony's advance, or should join the three Macedonian legions now sailing by the Mare Superum, which he hopes are devoted to himself. They refused to accept a bounty offered them by Antony, as my informant at least says. They even used grossly insulting language to him, and moved off when he attempted to address them. In short, Octavian offers himself as our military leader, and thinks that our right policy is to stand by him. On my part I advised his making for Rome. For I think that he will have not only the city mob, but, if he can impress them with confidence, the loyalists also on his side. Oh, Brutus, where are you? What an opportunity you are losing I For my part I did not foresee this, but I thought that something of the sort would happen. Now, I desire to have your advice. Shall I come to Rome or stay on here? Or am I to fly to Arpinum? There is a sense of security about that place! My

opinion is — Rome, lest my absence should be remarked, if people think that a blow has been struck. Unravel this difficulty. I was never in greater perplexity.

LETTER 9

TO ATTICUS (AT ROME) PUTEOLI, NOVEMBER

Two letters on the same day from Octavian! His present view is that I should come to Rome at once: and that he wishes to act through the senate. I told him that a meeting of the senate was impossible before the 1st of January: and I believe it is really so. But he adds also: "And by your advice." In short, he insists: while I "suspend judgment." I don't trust his youth. I am in the dark as to his disposition. I am not willing to do anything without your friend Pansa. I am afraid of Antony succeeding, and I don't like going far from the sea: and at the same time I fear some great coup without my being there. Varro, for his part, doesn't like the youth's plan. I don't agree with him. He has forces on which he can depend. He can count on Decimus Brutus, and is making no secret of his intentions. He is organizing his men in companies at Capua; he is paying them their bounty-money. War seems to be ever coming nearer and nearer. Do answer this letter. I am surprised that my letter-carrier left Rome on the 1st without anything from you.

LETTER 10

TO ATTICUS (AT ROME) SINUESSA, 8 NOVEMBER

On the 7th I arrived at my lodge at Sinuessa. On the same day it was the common talk that Antony was going to halt at Casilinum. So I changed my plan: for I had resolved to go straight along the Appian road to home. He would have easily caught me up; for they say he travels with Caesarian rapidity. I therefore turned off at Minturnae by the road to Arpinum. I made up my mind to stay on the 9th at Aquinum or in Arcanum. Now then, my dear Atticus, give your whole mind to this anxious consideration: for it is a very grave business. There are three alternatives: am I to remain at Arpinum, or to remove nearer town, or to come to Rome? Which ever you think right, I will do. But answer at once: I am waiting eagerly for a letter from you.

Morning, 8 November, at Sinuessa.

LETTER 11

TO ATTICUS (AT ROME) PUTEOLI, 5 NOVEMBER

I RECEIVED two letters from you on the 5th, one dated on the 1st, the other on the day previous. So first for the earlier one. I am delighted that you like my pamphlet, from which you have picked the plums. They seem all the more brilliant to my eyes for your approval of them. For I was mortally afraid of those little red wax wafers of yours As to Sicca, it is as you say. I could scarcely refrain from the subject you mention. So I will pass over the matter lightly, and without fixing any opprobrium upon Sicca and Septimia, only just enough to let our children's children know, without any Lucilian ambiguity, that Antony had had children by the daughter of Fadius Gallus. And I only wish I may live to see the day when that oration may have such free circulation in Rome as to find its way even into Sicca's house. "But we must have a return to the state of things under the triumvirs!" Hang me, if that isn't a good joke! However, please read it to Sextus Peducaeus, and write and tell me his opinion of it. Better his one than ten thousand in my eyes. Be on your guard against the appearance of Calenus and Calvena on the scene. You fear that I shall think you long-winded. who less so? As Aristophanes thought of the iambics of Archilochus — the longest letter from you ever seems the best. As to your "admonishing me " — why, even if you reprimanded me, I should bear it not merely with patience, but with real pleasure, for in your reprimand there were both wisdom and kindly purpose. Therefore I shall cheerfully correct faults pointed out by you. I will write "by the same right as you did the property of Rubrius," instead of "the property of Scipio": and I will soften down my excessive praise of Dolabella. Yet, after all, there seems a very neat piece of irony in saying "that he had fought three battles against his fellow citizens." Again, I prefer your suggestion: "It is the most inequitable thing in the world that this man should be living" to "What could be more inequitable?" I am not jealous of your admiring Varro's Peplographia. But I haven't yet got out of him his "Essay in the style

of Heracleides." You urge me to write. It is very friendly of you, but the fact is I do nothing else. I am very sorry to hear of your cold. Pray attend to it with all your accustomed care. I am very glad my "Oh Titus" does you good. The "men of Anagnia" are Mustela, captain of his ruffians, and Laco who is a notorious toper. The book for which you ask me I will polish up and send you.

Now for your later letter. The de Officiis — as far as Panaetius goes — I have completed in two books. His treatise is in three. But at the beginning he had defined the cases in which duty has to be determined to be three: one when we deliberate as to whether a thing is right or wrong; another whether it is expedient or inexpedient; and a third when there seems to be a contest between the right and the expedient; on what principle we are to decide-as, for instance, in the case of Regulus, it was right to return, expedient to stay. Well, having begun by defining these three categories, he discussed the first two in brilliant style; on the third he promised an essay in due course, but never wrote it. That topic was taken up by Posidonius. I, however, both sent for the latter's book, and also wrote to Athenodorus Calvus to send me an analysis of it. I am now waiting for this, and I should be obliged if you would give him a reminder and ask him to send it as soon as possible. In that treatise there are remarks upon "relative duty." As to your question about the title, I have no doubt about officium representing καθῆκον — unless you have something else to suggest — but the fuller title is de Officiis. Finally, I address it to my son. It seemed to me to be not inappropriate.

About Myrtilus you make all clear. Oh, what a vivid picture you always give of that set! Does he really try to implicate Decimus Brutus? Heaven confound them! I have not gone into hiding at Pompeii, as I told you I should do. In the first place owing to the weather, which has been most abominable; and in the second because I get a letter from Octavian every day, begging me to undertake the business, to come to Capua, once more to save the Republic, and in any case to go at once to Rome:

Ashamed to shrink and yet afraid to take. After all, his action has been extremely vigorous, and still is so. He will come to Rome with a large body of men, but he is very green. He thinks he can have a

meeting of the senate at once. Who will come to it? Who, if he does come, will venture to oppose Antony in the present undecided state of things? On the 1st of January he will perhaps be a protection to them, or before that time a pitched battle will perhaps be fought. The municipal towns shew astonishing enthusiasm for the boy. For instance, on his way into Samnium he came to Cales and stopped at Teanum. There was a wonderful procession to meet him, and loud expressions of encouragement. Would you have thought that? It makes me resolve to go to Rome earlier than I had intended. As soon as I have made up my mind, I will write.

Though I have not yet read the terms of agreement — for Eros has not yet arrived-yet I would have you settle the business on the 12th. I shall be able to send letters to Catina, Tauromenium, and Syracuse with greater ease, if Valerius the interpreter will send me the names of the influential people. For such men vary from time to time, and our special friends are mostly dead. However, I have written some circular letters for Valerius to use if he chooses, or he must send me names. About the holidays for Lepidus's inauguration, Balbus tells me that they will extend to the 30th. I shall look anxiously for a letter from you, and I think I shall learn about that little affair of Torquatus. I am forwarding you a letter from Quintus, to shew you how strongly attached he is to the youth, whom it vexes him that you do not love enough. As Attica is inclined to be merry — the best sign in children-give her a kiss for me.

LETTER 12

TO ATTICUS (AT ROME) PUTEOLI (6 NOVEMBER)

I send you a copy of a letter from Oppius, because of its great kindness. As to Ocella, while you are dallying about and never writing me a line I have taken the law into my own hands. So I think I shall be at Rome on the 12th. It seems to me to be better to be there for nothing, though it may not be absolutely necessary, than not to be there if it is. And at the same time I am afraid of being cut off from a return. For Antony may be already on his way thither, for there are various rumours afloat, and many of them which I only wish were true. There is, however, nothing certain But for my part, whatever the truth may be, I would rather be with you than be in suspense both for you and myself, owing to my absence from you. But what am I to say to you? Cheer up! As to Varro's Heracleidean work — it is really rather comic! I was never so tickled with anything. But this and other things when we meet.

LETTER 13

TO ATTICUS (AT ROME) AQUINUM, 10 NOVEMBER

What a wonderful coincidence! On the 8th, having got up before daybreak to quit my lodge at Sinuessa, and having just before dawn reached the Tiretian bridge at Minturnae, where the road to Arpinum branches off, there met me a letter-carrier, who found me On long, long voyage bent. I at once exclaimed, "Here! anything from Atticus?" I wasn't able at first to read it: for I had sent away the torches and there wasn't sufficient daylight. As soon, however, as it grew light-having already written a letter to you — I began reading the earlier of your two. It certainly is the most charming letter in the world. May I perish if I do not write and exactly what I think: I never read anything kinder. So I will come when you call me, only provided that you support me. At first, however, I thought nothing could be more at cross purposes than that you should send me such an answer to the letter in which I asked for your advice. Then there is your second letter, in which you advise me to go By windy Mimas towards the Psyrian isle, that is, leaving the Appian Way ˆ gauche. Accordingly, I stay this day at Aquinum. It was a somewhat weary journey and a bad road. I despatch this letter next day, as I am leaving Aquinum.

THE letter of Eros compelled me very much against my will to let - go. Tiro will tell you about the affair. Pray consider what ought to be done. And also please say whether it is possible for me to come nearer town — for I should prefer being at Tusculum or in some suburban residence — or whether I must remove to a still greater distance. Write frequently, for there will be somebody to take a letter every day. You ask my advice besides as to what I think you ought to do. It is difficult to say at this distance. However, if the two are equally matched-stay where you are. Otherwise, the mischief will spread, and that will even reach us. Then we must put our heads together.

LETTER 13A

TO ATTICUS (AT ROME) ARPINUM, II NOVEMBER

I am eagerly waiting for your advice. I am afraid of being absent when it may be more honourable to be present: yet I dare not come without proper precautions. About Antony's march I am now told something different from what I wrote to you. Please therefore unravel the whole mystery and let me have trustworthy intelligence. As to the rest, what am I to say to you? I am very keen in the study of history — for your suggestion inspires me beyond belief. But it can neither be begun nor finished without your aid. When we meet, therefore, we will hold conference on that subject at any rate. For the present, I should be glad if you would write me word in what consulship Gaius Fannius, son of Marcus, was tribune. I think I have heard that it was in the censorship of P. Africanus and L. Mummius. So I want to know if it was so. Pray send me news of every political development —— entirely trustworthy and definite.

From Arpinum, 11 November.

LETTER 14

TO ATTICUS (AT ROME) ARPINUM (NOVEMBER)

I have absolutely nothing to write about. For when I was at Puteoli there was always something new about Octavian,

much also that was false about Antony. However, in regard to what you have said in your letters — for I received three from you on the 11th — I quite agree with you that, if Octavian gets much power, the acta of the tyrant will be confirmed much more decisively than they were in the temple of Tellus, and that this will be against the interests of Brutus. Yes, but if he is beaten, you perceive that Antony becomes intolerable: so that you can't tell which to prefer.

What a rascal that letter-carrier of Sestius is! He said he would be at Rome on the day after leaving Puteoli. You advise me to move cautiously. Yes, I agree with you; though I had once other ideas. I am not influenced by Philippus or Marcellus. For their position is different; and if it isn't, it is nevertheless thought so. But though that young man has plenty of spirit, he lacks prestige. Nevertheless, consider whether I can be safely in my house at Tusculum, and whether it would be better for me to be there. I should prefer it: for then I shall be up to date in my information. Or had I better stay here when Antony arrives?

But to turn to another subject — I am quite satisfied that what the Greeks call καθῆκον (duty) we call officium. Now, why should you doubt of this being also applicable to the language of public life? Don't we speak of the officium of consuls, of senate, or of an imperator? It is eminently applicable: if not, suggest some other word.

I am very sorry to hear your news about the son of Nepos. I am much disturbed and sincerely sorry. I did not know that he had a son at all. I have lost Caninius — a man who, as far as I am concerned, was the reverse of ungrateful. There is no occasion for you to whip up Athenodorus: he has sent me a very good prŽcis. Pray use every possible means to get rid of your cold. The great-grandson of your grandfather writes to the grandson of my father, that after the

Nones, in which I made my, famous coup, he intends to unfold the story of the temple of Ops, and that too in the face of the whole people. You will look out, therefore, and write me word. I am anxious to hear the criticism of Sextus.

LETTER 15

TO ATTICUS (AT ROME) ARPINUM (BETWEEN I I NOVEMBER AND 9 DECEMBER)

Don't put it down to idleness that I do not write with my own hand — and yet, by heaven, do put it down to idleness; for I have no other excuse to give: and, after all, I think I recognize the hand of Alexis in your letters. But to come to business. If Dolabella had not treated me in the most dishonourable manner, I should perhaps have considered whether to be somewhat easy with him or to press for my strict rights. As it is, however, I even rejoice that an opportunity has been presented me of making both him and everybody else perceive that I have become alienated from him. I will avow it openly, and shew indeed that it is not only for my own sake, but for that of the Republic also, that I detest him: because, after having undertaken under my advice to support it, he has not only deserted it for a money bribe, but has also, as far as in him lay, contributed to its ruin. Well, you ask what proceedings I wish to be taken. As soon as the day comes, I should like them to be of such a nature as to make it natural for me to be at Rome. But in regard to that, as in regard to everything else, I will yield to your opinion. On the main question, however, I wish the matter pressed with all vigour and severity. Though it does not look well to call upon sureties for payment, yet I would have you consider how far such a step is justifiable. For it is open to me, with a view to his sureties being eventually called upon, to bring his agents into the case. I am sure the latter will not defend the suit. Though, if they do, I am aware that the sureties are thereby relieved from obligation. But I think that it would be a stigma on him not to free his agents from a debt for which he gave security; and that my character requires me to enforce my right without inflicting signal disgrace upon him. Pray write and tell me what you think of this. I have no doubt that you will conduct the whole case with all proper mildness.

I return to public affairs. I have received-heaven knows — many a prudent word from you under the head of politics, but never anything wiser than your last letter: "Though that youth is powerful and has

given Antony a fine check: yet, after all, we must wait to see the end." Why, what a speech! It has been sent to me. He qualifies his oath by the words: "So may I attain to the honours of my father!" and at the same time he held out his right hand in the direction of his statue. Nec servatoribus istis! But, as you say in your letter, the most certain source of danger I see to be the tribuneship of this Caesar of ours. This is what I spoke about to Oppius. When he urged me to open my arms to the young man, the whole cause, and the levy of veterans, I replied that I could by no means do so unless I was completely satisfied that he would be not only not hostile to the tyrannicides, but actually their friend. When he remarked that it would be so, I said, "What is our hurry then? For Octavian does not require my services till the 1st of January: whereas we meanwhile shall learn his disposition before the 13th of December in the case of Casca." He cordially assented. Wherefore, so far so good. For the rest you shall have a letter-carrier every day, and, as I think, you will have something to write to me every day. I inclose a copy of Lepta's letter, from which I gather that that braggart captain has lost his footing. But you will judge when you read it.

P.S. — When I had already sealed this letter I got one from you and Sextus. Nothing could be more delightful and loving than Sextus's letter. For yours was only a short note. Your previous one was fuller of matter. Your advice is as prudent as it is friendly — that I should remain in this neighbourhood by preference, until I hear how the present movements end. But for myself, my dear Atticus, it isn't the Republic that at this moment gives me great anxiety-not because there is anything dearer than it in my eyes or ought to be so, but Hippocrates himself forbids medical treatment in desperate cases. So good-bye to all that! It is my personal property that affects me. Property, do I say? Nay, rather my personal reputation. For great as my balances are, I have not yet realized enough even to pay Terentia. Terentia, do I say? You know that we some time ago settled to pay twenty-five sestertia for the debt to Montanus. My son, from a very keen sense of honour, asked us to pay this out of his allowance: and very liberal too it was of him, as you also thought. I promised him, and told Eros to earmark it. Not only did he not do so; but Aurelius was forced to raise a fresh loan at a most oppressive rate of interest.

For as to the debt to Terentia, Tiro wrote me word that you said that there would be cash from Dolabella. I believe that he misunderstood you — if ever a man did misunderstand — or rather that he did not understand anything about it. For you wrote and told me the answer made by Cocceius, and so did Eros in nearly the same words.

We must come therefore to Rome — however hot the conflagration. For personal insolvency is more discreditable than public disaster. Accordingly, on the other subjects, on which you wrote to me in a most charming style, I was too completely upset to be able to reply in my usual way. Give your mind to enabling me to extricate myself from the anxiety in which I now am. By what measures I am to do so, some ideas do occur to my mind, but I can settle nothing for certain until I have seen you. Why should I be less safe at Rome than Marcellus? But that is not now the question; nor is that the thing about which I am chiefly anxious. You see what is occupying my thoughts. I am with you directly therefore.

LETTER 16

TO ATTICUS (AT ROME) ARPINUM, BEFORE THE 6TH OF JULY

I have read your most delightful letter. I have written and despatched one to Plancus. I shall learn from Tiro himself what Plancus said to him. You will be able to give closer attention to the negotiation with your sister now that you have obtained a relaxation of that other engrossing business of yours.

LETTER 16A

TO L. MUNATIUS PLANCUS (AT ROME) (ARPINUM BEFORE 6TH OF JULY)

MARCUS Cicero greets Lucius Munatius Plancus, praetor-designate. I know you are fond of our friend Atticus, while for my society you show so much taste that upon my word I think I have few friends so attentive and affectionate. For to our ancestral ties — so close, old, and legitimate — a great additional force has been added by your personal kind feeling towards me and an equal and mutual one on my part towards you. Now you are acquainted with the case of the Buthrotians, for I have often pleaded it and clearly set it forth in your hearing. Its history is as follows. As soon as we observed that the territory of Buthrotum was declared confiscate, Atticus in great alarm drew up a petition. He put that in my hands to present to Caesar: for I happened to be going to dine with him on that day. I presented that petition to Caesar. He approved of the plea and wrote in answer to Atticus saying that his demand was fair. He, however, warned him that the Buthrotians must pay their arrears to the day. Atticus in his eager desire for the preservation of the state paid the money out of his own pocket. That being done I approached Caesar, stated the Buthrotian case, and obtained a decree of the most generous nature, which was countersigned by men of the highest rank. In these circumstances I own that I used to be surprised at Caesar allowing a number of men who had cast greedy eyes on the Buthrotian territory to hold meetings; and that he not only allowed that, but even put you at the head of the land-commission. Accordingly, on my remonstrating with him, and indeed so often that I incurred a rebuke from him for not trusting his fidelity to his word, he told both Marcus Messalla and Atticus himself not to be alarmed, and made no concealment of the fact that he did not wish — for he was fond of popularity, as you know — to hurt the feelings of those who were in possession; but since they had already crossed the sea, he would see to their being removed to some other land. This is what happened while he was alive. Well, after Caesar's death, as soon as the consuls

in accordance with a decree of the senate began hearing cases, what I have just told you was laid before them. They admitted the plea without any hesitation and said that they would send you a despatch. However, my dear Plancus, though I did not doubt that a senatorial decree, a law, and the decision and despatch of the consuls would have the greatest weight with you, and although I quite understood that you wished to please Atticus himself, yet in view of our friendship and mutual goodwill I have ventured to beg of you, what your own unique kindness and exquisite goodness of heart would be sure to obtain from you. It is that, what I feel sure you will do of your own accord, you should out of compliment to me do with heartiness, completeness, and speed. No one is a warmer, more charming, or dearer friend than Atticus is to me. Formerly it was only his money, and that a very large sum, that was at stake: now it concerns his credit also, that he should by your assistance maintain what he had secured by the exertion of great industry and influence both in Caesar's lifetime and after it. If I obtain this favour from you, I should wish you to consider that I shall construe your liberality as a personal benefit of the highest kind to myself. I will attend with zeal and diligence to whatever I may think is your wish or to your interest. Take care of your health.

LETTER 16B

TO GNAEUS MUNATIUS PLANCUS (AT ROME) JULY

I have already written to request you that the cause of the Buthrotians having received the approval of the consuls, to whom authority had been given both by a law and a senatorial decree, "that they should investigate, determine, and decide on Caesar's acta," you would support that decision and relieve both our friend Atticus — whom I know you to be anxious to serve — and myself, who am no less anxious than he, from all trouble. For as the whole business has been completed with much care and much labour, it now rests with you that we should be able to make as early an end as possible to our anxiety. Although I am well aware that a man of your wisdom must see that, if the decrees of the consuls which have been delivered as to Caesar's acta are not observed, a most chaotic state of things will be the result. The fact is that though many of Caesar's arrangements — as was inevitable in the multitude of his occupations — are not now thought good, I am yet accustomed to sup-port them with the utmost vigour for the sake of peace and quietness. I think you ought by all means to do the same, though this letter is not meant to persuade but to prefer a request. Therefore, my dear Plancus, I beg and beseech you with an earnestness and a heartiness beyond which, upon my honour, I cannot plead any cause, to carry on,

treat, and settle this business in such a way that what we have obtained from the consuls without any hesitation, owing to their great kindness and the justice of our cause, you will not only acquiesce, but even rejoice, in our having secured. What your disposition towards Atticus is you have often shewn him to his face, as well as myself. If you do this you will have put me — always closely allied to you by personal feeling and inherited friendship- under the greatest possible obligation. I ask you earnestly and repeatedly to do so.

LETTER 16C

TO GAIUS CAPITO (IN EPIRUS) (JULY)

I never thought that I should have to come to you as a suppliant. But, by heaven, I am not sorry that an opportunity has been given me to test your affection. You know how highly I value Atticus. Pray do me this favour also: forget for my sake that he wished support given to his own friend who happened to be an opponent of yours, when that person's reputation was at stake. That you should grant this pardon is demanded by your own sense of fairness; for every man is bound to support his own friends. In the next place, if you love me — I put Atticus out of the question — let this be a concession made entirely to your Cicero your value for whom you constantly avow, in order that I may now unmistakably understand, what I have always thought, that I am deeply loved by you.

By a decree — which I in company of many men of the highest rank countersigned-Caesar freed the Buthrotians, and indicated to us that, since the assignees of land had crossed the sea, he would send a despatch stating into what district they were to be taken. After that, as chance would have it, he met with a sudden death. Then, as you know — for you were present when the consuls were bound by a sena tonal decree to decide on Caesar's acta — the business was deferred by them to the 1st of June. To the decree of the senate there was added a law passed on the 2nd of June, which gave the consuls power to decide on "all things appointed, decreed, done by Caesar." The case of the Buthrotians was brought before the consuls. The decree of Caesar was read and many other minutes of Caesar's were also produced. The consuls by the advice of their assessors pronounced judgment in favour of the Buthrotians. They commissioned Plancus. Now, my dear Capito — as I know how much influence you always exercise over those with whom you are associated, especially over a man of the extreme good nature and kindness of Plancus — use every exertion, strain every nerve, or rather every power of fascination, to secure that Plancus, who, I hope, is likely to be very good to us, should become still better by

your means. In any case the facts are of such a nature, in my opinion, that without anyone's influence Plancus, considering his character and practical wisdom, is himself not likely to hesitate in sup-porting a decision of the consuls, to whom by a law as well as a senatorial decree the inquiry into and decision of the matter has been committed. More especially so as — if this kind of judicial investigation is discredited — the acta of Caesar seem likely to be called in question, the maintenance of which is desired not only by those whose personal interests are concerned, but for the sake of peace by those also who do not approve of them. This being the case, it is yet to our interest that Plancus should act with a ready and obliging disposition. And he will certainly do so, if you display that fortiter in re of which I have had frequent examples, and that suaviter in modo in which no one is your equal. I earnestly beg you to do so.

LETTER 16D

TO GAIUS CUPIENNIUS (JULY)

I valued your father very highly, and he also shewed me remarkable attention and affection, nor, by heaven, had I ever any doubt of your affection for me. For my part I have never ceased feeling it for you. Therefore I beg you with more than common earnestness to help in relieving the state of Buthrotum; and take pains to induce our friend Plancus at the earliest opportunity to ratify and approve the decree of the consuls which they made in favour of the Buthrotians, since they had the power of settling the matter both by a law and a senatorial decree. I beg you, my dear Cupiennius, earnestly and repeatedly to do so.

LETTER 16E

TO GNAEUS MUNATIUS PLANCUS (IN EPIRUS) (JULY)

CICERO to Plancus, praetor-designate. Pardon me for writing to you frequently on the same subject, in spite of having already written on it with the greatest minuteness. I do not do so, my dear Plancus, from distrust of your right feeling or of our friendship. The reason is the great amount of property of our friend Atticus — and now of his credit also — involved in his being proved able to maintain a measure ratified by Caesar, witnessed and countersigned by ourselves as being present at the execution of Caesar's decrees and answers to petitions. And I appeal especially to you, because the whole control over that business is in your hands, I don't say to approve, but to approve with zeal and cheerfulness of what the consuls have decreed in virtue of Caesar's decrees and promises. It is impossible for me to be more grateful for anything than I shall be for that. But although I hope that by the time you receive this letter what I asked of you in my previous letter will have been granted, yet I will not make an end of asking until I have received intelligence of your having actually done what I am looking forward to with strong hope. Further, I feel confident of being able to employ a different style of letter, and to thank you for an instance of your extreme kindness. If that comes to pass I would have you think that it is not so much Atticus — whose interests at stake are very large — as myself, who am equally anxious, that will be under an obligation to you.

LETTER 16F

TO GAIUS CAPITO (IN EPIRUS) (JULY)

I do not doubt that you are wondering and even feeling annoyed at my frequently pressing you on the same topic. Atticus — my most intimate friend and in every respect most closely united with me — has a very great interest at I know how ready you are to serve your friends, and bow ready your friends are to serve you. I know the kindness of your heart. I know how charming you are to your friends. Now no one can help us in this business more than you. The thing itself also is as certain as that ought to be which the consuls have decided on the advice of their assessors, after investigating it on the authority of a law and a decree of the senate. Still we regard everything as depending on the liberality of your friend Plancus: whom indeed I consider certain to confirm a consular decision, both as a private duty and in loyalty to the constitution, and also to do so cheerfully for my sake. Give us your assistance, therefore, my dear Capito: I earnestly and repeatedly beg you to do so.

EPISTULAE AD QUINTUM FRATREM (Letters to his brother Quintus)

Translated by Evelyn S. Shuckburgh

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BOOK 1

LETTER 1

To Quintus in Asia, from Rome, December 60 BC

1

Though I have no doubt that many messengers, and even common rumour, with its usual speed, will anticipate this letter, and that you will already have heard from others that a third year has been added to my loss and your labour, yet I thought you ought to receive from me also the news of this tiresome circumstance. For not in one, but in several of my previous letters, in spite of others having given up the idea in despair, I gave you hope of being able at an early date to quit your province, not only that I might as long as possible cheer you with a pleasurable belief, but also because I and the praetors took such pains in the matter, that I felt no misgiving as to the possibility of its being arranged. As it is, since matters have so turned out that neither the praetors by the weight of their influence, nor I by my earnest efforts, have been able to prevail, it is certainly difficult not to be annoyed, yet our minds, practised as they are in conducting and supporting business of the utmost gravity, ought not to be crushed or weakened by vexation. And since men ought to feel most vexed at what has been brought upon them by their own fault, it is I who ought in this matter to be more vexed than you. For it is the result of a fault on my part, against which you had protested both in conversation at the moment of your departure, and in letters since, that your successor was not named last year. In this, while consulting for the interests of our allies, and resisting the shameless conduct of some merchants, and while seeking the increase of our reputation by your virtues, I acted unwisely, especially as I made it possible for that second year to entail a third. And as I confess the mistake to have been mine, it lies with your wisdom and kindness to remedy it, and to see that my imprudence is turned to advantage by your careful performance of your duties. And truly, if you exert yourself in every direction to earn men's good word, not with a view to rival others, but henceforth to surpass yourself, if you rouse your whole mind and

your every thought and care to the ambition of gaining a superior reputation in all respects, believe me, one year added to your labour will bring us, nay, our posterity also, a joy of many years' duration. Wherefore I begin by entreating you not to let your soul shrink and be cast down, nor to allow yourself to be overpowered by the magnitude of the business as though by a wave; but, on the contrary, to stand upright and keep your footing, or even advance to meet the flood of affairs. For you are not administering a department of the state, in which fortune reigns supreme, but one in which a well-considered policy and an attention to business are the most important things. But if I had seen you receiving the prolongation of a command in a great and dangerous war, I should have trembled in spirit, because I should have known that the dominion of fortune over us had been at the same time prolonged. As it is, however, a department of the state has been entrusted to you in which fortune occupies no part, or, at any rate, an insignificant one, and which appears to me to depend entirely on your virtue and self-control. We have no reason to fear, as far as I know, any designs of our enemies, any actual fighting in the field, any revolts of allies, any default in the tribute or in the supply of corn, any mutiny in the army: things which have very often befallen the wisest of men in such a way, that they have been no more able to get the better of the assault of fortune than the best of pilots a violent tempest. You have been granted profound peace, a dead calm: yet if the pilot falls asleep, it may even so overwhelm him, though if he keeps awake it may give him positive pleasure. For your province consists, in the first place, of allies of a race which; of all the world, is the most civilized; and, in the second place, of Citizens, who, either as being publicani are very closely connected with me, or, as being traders who have made money, think that they owe the security of their property to my consulship.

2

But it may be said that among even such men as these there occur serious disputes, many wrongful acts are committed, and hotly contested litigation is the result. As though I ever thought that you had no trouble to contend with! I know that the trouble is

exceedingly great, and such as demands the very greatest prudence; but remember that it is prudence much more than fortune on which, in my opinion, the result of your trouble depends. For what trouble is it to govern those over whom you are set, if you do but govern yourself? That may be a great and difficult task to others, and indeed it is most difficult: to you it has always been the easiest thing in the world, and indeed ought to be so, for your natural disposition is such that, even without discipline, it appears capable of self-control; whereas a discipline has, in fact, been applied that might educate the most faulty of characters. But while you resist, as you do, money, pleasure, and every kind of desire yourself, there will, I am to be told, be a risk of your not being able to suppress some fraudulent banker or some rather over-extortionate tax-collector! For as to the Greeks, they will think, as they behold the innocence of your life, that one of the heroes of their history, or a demigod from heaven, has come down into the province. And this I say, not to induce you to act thus, but to make you glad that you are acting or have acted so. It is a splendid thing to have been three years in supreme power in Asia without allowing statue, picture, plate, napery, slave, anyone's good looks, or any offer of money — all of which are plentiful in your province — to cause you to swerve from the most absolute honesty and purity of life. What can be imagined so striking or so desirable as that a virtue, a command over the passions, a self-control such as yours, are not remaining in darkness and obscurity, but have been set in the broad daylight of Asia, before the eyes of a famous province, and in the hearing of all nations and peoples? That the inhabitants are not being ruined by your progresses, drained by your charges, agitated by your approach? That there is the liveliest joy, public and private, wheresoever you come, the city regarding you as a protector and not a tyrant, the private house as a guest and not a plunderer?

3

But in these matters I am sure that mere experience has by this time taught you that it is by no means sufficient to have these virtues yourself, but that you must keep your eyes open and vigilant, in order that in the guardianship of your province you may be considered to

vouch to the allies, the citizens, and the state, not for yourself alone, but for all the subordinates of your government. However, you have in the persons of your legati men likely to have a regard for their own reputation. Of these in rank, position, and age Tubero is first; who, I think, particularly as he is a writer of history, could select from his own Annals many whom he would like and would be able to imitate. Allienus, again, is ours, as well in heart and affection, as in his conformity to our principles. I need not speak of Gratidius: I am sure that, while taking pains to preserve his own reputation, his fraternal affection for us makes him take pains for ours also. Your quaestor is not of your own selection, but the one assigned you by lot. He is bound both to act with propriety of his own accord, and to conform to the policy and principles which you lay down. But should any one of these adopt a lower standard of conduct, you should tolerate such behaviour, if it goes no farther than a breach, in his private capacity, of the rules by which he was bound, but not if it goes to the extent of employing for gain the authority which you granted him as a promotion. For I am far from thinking, especially since the moral sentiments of the day are so much inclined to excessive laxity and self-seeking, that you should investigate every case of petty misconduct, and thoroughly examine every one of these persons; but that you should regulate your confidence by the trustworthiness of its recipient. And among such persons you will have to vouch for those whom the Republic has itself given you as companions and assistants in public affairs, at least within the limits which I have before laid down.

4

In the case, however, of those of your personal staff or official attendants whom you have yourself selected to be about you — who are usually spoken of as a kind of praetor's cohort — we must vouch, not only for their acts, but even for their words. But those you have with you are the sort of men of whom you may easily be fond when they are acting rightly, and whom you may very easily check when they show insufficient regard for your reputation. By these, when you were raw to the work, your frank disposition might possibly have

been deceived — for the better a man is the less easily does he suspect others of being bad — now, however, let this third year witness an integrity as perfect as the two former, but still more wary and vigilant. Listen to that only which you are supposed to listen to; don't let your ears be open to whispered falsehoods and interested suggestions. Don't let your signet ring be a mere implement, but, as it were, your second self: not the minister of another's will, but a witness of your own. Let your marshal hold the rank which our ancestors wished him to hold, who, looking upon this place as not one of profit, but of labour and duty, scarcely ever conferred it upon any but their freedmen, whom they indeed controlled almost as absolutely as their slaves. Let the lictor be the dispenser of your clemency, not his own; and let the fasces and axes which they carry before you constitute ensigns rather of rank than of power. Let it, in fact, be known to the whole province that the life, children, fame, and fortunes of all over whom you preside are exceedingly dear to you. Finally, let it be believed that you will, if you detect it, be hostile not only to those who have accepted a bribe, but to those also who have given it. And, indeed, no one will give anything, if it is made quite clear that nothing is usually obtained from you through those who pretend to be very influential with you. Not, however, that the object of this discourse is to make you over-harsh or suspicious towards your staff. For if any of them in the course of the last two years has never fallen under suspicion of rapacity, as I am told about Caesius and Chaerippus and Labeo — and think it true, because I know them — there is no authority, I think, which may not be entrusted to them, and no confidence which may not be placed in them with the utmost propriety, and in anyone else like them. But if there is anyone of whom you have already had reason to doubt, or concerning whom you have made some discovery, in such a man place no confidence, intrust him with no particle of your reputation.

5

If, however, you have found in the province itself anyone, hitherto unknown to us, who has made his way into intimacy with you, take care how much confidence you repose in him; not that there may not

be many good provincials, but, though we may hope so, it is risky to be positive. For everyone's real character is covered by many wrappings of pretence and is concealed by a kind of veil: face, eyes, expression very often lie, speech most often of all. Wherefore, how can you expect to find in that class any who, while foregoing for the sake of money all from which we can scarcely tear ourselves away, will yet love you sincerely and not merely pretend to do so from interested motives? I think, indeed, it is a hard task to find such men, especially if we notice that the same persons care nothing for almost any man out of office, yet always with one consent show affection for the praetors. But of this class, if by chance you have discovered any one to be fonder of you — for it may so happen — than of your office, such a man indeed gladly admit upon your list of friends: but if you fail to perceive that, there is no Class of people you must be more on your guard against admitting to intimacy, just because they are acquainted with all the ways of making money, do everything for the sake of it, and have no consideration for the reputation of a man with whom they are not destined to pass their lives. And even among the Greeks themselves you must be on your guard against admitting close intimacies, except in the case of the very few, if such are to be found, who are worthy of ancient Greece. As things now stand, indeed, too many of them are untrustworthy, false, and schooled by long servitude in the arts of extravagant adulation. My advice is that these men should all be entertained with courtesy, but that close ties of hospitality or friendship should only be formed with the best of them: excessive intimacies with them are not very trustworthy — for they do not venture to oppose our wishes — and they are not only jealous of our countrymen, but of their own as well.

6

And now, considering the caution and care that I would show in matters of this kind — in which I fear I may be somewhat over-severe — what do you suppose my sentiments are in regard to slaves? Upon these we ought to keep a hold in all places, but especially in the provinces. On this head many rules may be laid down, but this is at once the shortest and most easily maintained —

that they should behave during your progresses in Asia as though you were travelling on the Appian way, and not suppose that it makes any difference whether they have arrived at Tralles or Formiae. But if, again, any one of your slaves is conspicuously trustworthy, employ him in your domestic and private affairs; but in affairs pertaining to your office as governor, or in any department of the state, do not let him lay a finger. For many things which may, with perfect propriety, be in-trusted to slaves, must yet not be so entrusted, for the sake of avoiding talk and hostile remark. But my discourse, I know not how, has slipped into the didactic vein, though that is not what I proposed to myself originally. For what right have I to be laying down rules for one who, I am fully aware, in this subject especially, is not my inferior in wisdom, while in experience he is even my superior? Yet, after all, if your actions had the additional weight of my approval, I thought that they would seem more satisfactory to yourself. Wherefore, let these be the foundations on which your public character rests: first and foremost your own honesty and self-control, then the scrupulous conduct of all your staff, the exceedingly cautious and careful selection in regard to intimacies with provincials and Greeks, the strict and unbending government of your slaves. These are creditable even in the conduct of our private and everyday business: in such an important government, where morals are so debased and the province has such a corrupting influence, they must needs seem divine. Such principles and conduct on your part are sufficient to justify the strictness which you have displayed in some acts of administration, owing to which I have encountered certain personal disputes with great satisfaction, unless, indeed, you suppose me to be annoyed by the complaints of a fellow like Paconius — who is not even a Greek, but in reality a Mysian or Phrygian — or by the words of Tuscenius, a madman and a knave, from whose abominable jaws you snatched the fruits of a most infamous piece of extortion with the most complete justice.

7

These and similar instances of your strict administration in your province we shall find difficulty in justifying, unless they are

accompanied by the most perfect integrity: wherefore let there be the greatest strictness in your administration of justice, provided only that it is never varied from favour, but is kept up with impartiality. But it is of little avail that justice is administered by yourself with impartiality and care, unless the same is done by those to whom you have entrusted any portion of this duty. And, indeed, in my view there is no very great variety of business in the government of Asia: the entire province mainly depends on the administration of justice. In it we have the whole theory of government, especially of provincial government, clearly displayed: all that a governor has to do is to show consistency and firmness enough, not only to resist favouritism, but even the suspicion of it. To this also must be added courtesy in listening to pleaders, consideration in pronouncing a decision, and painstaking efforts to convince suitors of its justice, and to answer their arguments. It is by such habits that C. Octavius has recently made himself very popular; in whose court, for the first time, the lictor did not interfere, and the marshal kept silence, while every suitor spoke as often and as long as he chose. In which conduct he would perhaps have been thought over-lax, had it not been that this laxity enabled him to maintain the following in stance of severity. The partisans of Sulla were forced to restore what they had taken by violence and terrorism. Those who had made inequitable decrees, while in office, were now as private citizens forced to submit to the principles they had established. This strictness on his part would have been thought harsh, had it not been rendered palatable by many sweetening influences of courtesy. But if this gentleness was sufficient to make him popular at Rome, where there is such haughtiness of spirit, such unrestrained liberty, such unlimited licence of individuals, and, in fine, so many magistrates, so many means of obtaining protection, such vast power in the hands of the popular assembly, and such influence exercised by the senate, how welcome must a praetor's courtesy be in Asia, in which there is such a numerous body of citizens and allies, so many cities, so many communities, all hanging on one man's nod, and in which there are no means of protection, no one to whom to make a complaint, no senate, no popular assembly! Wherefore it requires an exalted character, a man who is not only equitable from natural impulse, but

who has also been trained by study and the refinements of a liberal education, so to conduct himself while in the possession of such immense power, that those over whom he rules should not feel the want of any other power.

8

Take the case of the famous Cyrus, portrayed by Xenophon, not as an historical character, but as a model of righteous government, the serious dignity of whose character is represented by that philosopher as combined with a peculiar courtesy. And, indeed, it is not without reason that our hero Africanus used perpetually to have those books in his hands, for there is no duty pertaining to a careful and equitable governor which is not to be found in them. Well, if he cultivated those qualities, though never destined to be in a private station, how carefully ought those to maintain them to whom power is given with the understanding that it must be surrendered, and given by laws under whose authority they must once more come? In my opinion all who govern others are bound to regard as the object of all their actions the greatest happiness of the governed. That this is your highest object, and has been so since you first landed in Asia, has been published abroad by Consistent rumour and the conversation of all. It is, let me add, not only the duty of one who governs allies and citizens, but even of one who governs slaves and dumb animals, to serve the interests and advantage of those under him. In this point I notice that everyone agrees that you take the greatest pains: no new debt is being contracted by the states, while many have been relieved by you from a heavy and long-standing one. Several cities that had become dilapidated and almost deserted — of which one was the most famous state in Ionia, the other in Caria, Samus and Halicarnassus — have been given a new life by you: there is no party fighting, no civil strife in the towns: you take care that the government of the states is administered by the best class of citizens: brigandage is abolished in Mysia; murder suppressed in many districts; peace is established throughout the province; and not only the robberies usual on highways and in country places, but those more numerous and more serious ones in towns and temples, have

been completely stopped: the fame, fortunes, and repose of the rich have been relieved of that most oppressive instrument of praetorial rapacity-vexatious prosecution; the expenses and tribute of the states are made to fall with equal weight on all who live in the territories of those states: access to you is as easy as possible: your ears are open to the complaints of all: no man's want of means or want of friends excludes him, I don't say from access to you in public and on the tribunal, but -even from your house and chamber: in a word, throughout your government there is no harshness or cruelty-everywhere clemency, mildness, and kindness reign supreme.

9

What an immense benefit, again, have you done in having liberated Asia from the tribute exacted by the aediles, a measure which cost me some violent controversies! For if one of our nobles complains openly that by your edict, "No moneys shall be voted for the games," you have robbed him of 200 sestertia, what a vast sum of money would have been paid, had a grant been made to the Credit of every magistrate who held games, as had become the regular custom! However, I stopped these Complaints by taking up this position — what they think of it in Asia I don't know, in Rome it meets with no little approval and praise — I refused to accept a sum of money which the states had decreed for a temple and monument in our honour, though they had done so with the greatest enthusiasm in view both of my services and of your most valuable benefactions; and though the law contained a special and distinct exception in these words, "that it was lawful to receive for temple or monument"; and though again the money was not going to be thrown away, but would be employed on decorating a temple, and would thus appear to have been given to the Roman people and gift in its favour, I determined that I must not accept it, for the immortal Gods rather than to myself — yet, in spite of its having desert, law, and the wishes of those who offered the this reason among others, namely, to prevent those, to whom such an honour was neither due nor legal, from being jealous. Wherefore adhere with all your heart and soul to the policy which you have hitherto adopted — that of being devoted

to those whom the senate and people of Rome have committed and entrusted to your honour and authority, of doing your best to protect them, and of desiring their greatest happiness. Even if the lot had made you governor of Africans, or Spaniards, or Gauls — uncivilized and barbarous nations — it would still have been your duty as a man of feeling to consult for their interests and advantage, and to have contributed to their safety. But when we rule over a race of men in which civilization not only exists, but from which it is believed to have spread to others, we are bound to repay them, above all things, what we received from them. For I shall not be ashamed to go so far — especially as my life and achievements have been such as to exclude any suspicion of sloth or frivolity — as to confess that, whatever I have accomplished, I have accomplished by means of those studies and principles which have been transmitted to us in Greek literature and schools of thought. Wherefore, over and above the general good faith which is due to all men, I think we are in a special sense under an obligation to that nation, to put in practice what it has taught us among the very men by whose maxims we have been brought out of barbarism.

10

And indeed Plato, the fountain-head of genius and learning, thought that states would only be happy when scholars and philosophers began being their rulers, or when those who were their rulers had devoted all their attention to learning and philosophy. It was plainly this union of power and philosophy that in his opinion might prove the salvation of states. And this perhaps has at length fallen to the fortune of the whole empire: certainly it has in the present instance to your province, to have a man in supreme power in it, who has from boyhood spent the chief part of his zeal and time in imbibing the principles of philosophy, virtue, and humanity. Wherefore be careful that this third year, which has been added to your labour, may be thought a prolongation of prosperity to Asia. And since Asia was more fortunate in retaining you than I was in my endeavour to bring you back, see that my regret is softened by the exultation of the province. For if you have displayed the very greatest activity in

earning honours such as, I think, have never been paid to anyone else, much greater ought your activity to be in preserving these honours. What I for my part think of honours of that kind I have told you in previous letters. I have always regarded them, if given indiscriminately, as of little value, if paid from interested motives, as worthless: if, however, as in this case, they are tributes to solid services on your part, I hold you bound to take much pains in preserving them. Since, then, you are exercising supreme power and official authority in cities, in which you have before your eyes the consecration and apotheosis of your virtues, in all decisions, decrees, and official acts consider what you owe to those warm opinions entertained of you, to those verdicts on your character, to those honours which have been rendered you. And what you owe will be to consult for the interests of all, to remedy men's misfortunes, to provide for their safety, to resolve that you will be both called and believed to be the "father of Asia."

11

However, to such a resolution and deliberate policy on your part the great obstacle are the publicani: for, if we oppose them, we shall alienate from ourselves and from the Republic an order which has done us most excellent service, and which has been brought into sympathy with the Republic by our means; if, on the other hand, we comply with them in every case, we shall allow the complete ruin of those whose interests, to say nothing of their preservation, we are bound to consult. This is the one difficulty, if we look the thing fairly in the face, in your whole government. For disinterested conduct on one's own part, the suppression of all inordinate desires, the keeping a check upon one's staff, courtesy in hearing causes, in listening to and admitting suitor — all this is rather a question of credit than of difficulty: for it does not depend on any special exertion, but rather on a mental resolve and inclination. But how much bitterness of feeling is caused to allies by that question of the publicani we have had reason to know in the case of citizens who, when recently urging the removal of the port-dues in Italy, did not complain so much of the dues themselves, as of certain extortionate conduct on the part of

the collectors. Wherefore, after hearing the grievances of citizens in Italy, I can comprehend what happens to allies in distant lands. To conduct oneself in this matter in such a way as to satisfy the publicani especially when contracts have been undertaken at a loss, and yet to preserve the allies from ruin, seems to demand a virtue with something divine in it, I mean a virtue like yours. To begin with, that they are subject to tax at all, which is their greatest grievance, ought not to be thought so by the Greeks, because they were so subject by their own laws without the Roman government. Again, they cannot despise the word publicanus, for they have been unable to pay the assessment according to Sulla's poll-tax without the aid of the publican. But that Greek publicani are not more considerate in exacting the payment of taxes than our own may be gathered from the fact that the Caunii, and all the islands assigned to the Rhodians by Sulla, recently appealed to the protection of the senate, and petitioned to be allowed to pay their tax to us rather than to the Rhodians. Wherefore neither ought those to revolt at the name of a publicanus who have always been subject to tax, nor those to despise it who have been unable to make up the tribute by themselves, nor those to refuse his services who have asked for them. At the same time let Asia reflect on this, that if she were not under our government, there is no calamity of foreign war or internal strife from which she would be free. And since that government cannot possibly be maintained without taxes, she should be content to purchase perpetual peace and tranquillity at the price of a certain proportion of her products.

12

But if they will fairly reconcile themselves to the existence and name of publican, all the rest may be made to appear to them in a less offensive light by your skill and prudence. They may, in making their bargains with the publicani, not have regard so much to the exact conditions laid down by the censors as to the convenience of settling the business and freeing themselves from farther trouble. You also may do, what you have done splendidly and are still doing, namely, dwell on the high position of the *publicani*, and on your obligations

to that order, in such a way as — putting out of the question all considerations of your *imperium* and the power of your official authority and dignity — to reconcile the Greeks with the *publicani*; and to beg of those, whom you have served eminently well, and who owe you everything, to suffer you by their compliance to maintain and preserve the bonds which unite us with the *publicani*. But why do I address these exhortations to you, who are not only capable of carrying them out of your own accord without anyone's instruction, but have already to a great extent thoroughly done so? For the most respectable and important companies do not cease offering me thanks daily, and this is all the more gratifying to me because the Greeks do the same. Now it is an achievement of great difficulty to unite in feeling things which are opposite in interests, aims, and, I had almost said, in their very nature. But I have not written all this to instruct you — for your wisdom requires no man's instruction — but it has been a pleasure to me while writing to set down your virtues, though I have run to greater length in this letter than I could have wished, or than I thought I should.

13

There is one thing on which I shall not cease from giving you advice, nor will I, as far as in me lies, allow your praise to be spoken of with a reservation. For all who come from your province do make one reservation in the extremely high praise which they bestow on your virtue, integrity, and kindness — it is that of sharpness of temper. That is a fault which, even in our private and everyday life, seems to indicate want of solidity and strength of mind; but nothing, surely, can be more improper than to combine harshness of temper with the exercise of supreme power. Wherefore I will not undertake to lay before you now what the greatest philosophers say about anger, for I should not wish to be tedious, and you can easily ascertain it yourself from the writings of many of them: but I don't think I ought to pass over what is the essence of a letter, namely, that the recipient should be informed of what he does not know. Well, what nearly everybody reports to me is this: they usually say that, as long as you are not out of temper, nothing can be pleasanter than you are, but that when

some instance of dishonesty or wrong-headedness has stirred you, your temper rises to such a height that no one can discover any trace of your usual kindness. Wherefore, since no mere desire for glory, but circumstances and fortune have brought us upon a path of life which makes it inevitable that men will always talk about us, let us be on our guard, to the utmost of our means and ability, that no glaring fault may be alleged to have existed in us. And I am not now urging, what is perhaps difficult in human nature generally, and at our time of life especially, that you should change your disposition and suddenly pluck out a deeply-rooted habit, but I give you this hint: if you cannot completely avoid this failing, because your mind is surprised by anger before cool calculation has been able to prevent it, deliberately prepare yourself beforehand, and daily reflect on the duty of resisting anger, and that, when it moves your heart most violently, it is just the time for being most careful to restrain your tongue. And that sometimes seems to me to be a greater virtue than not being angry at all. For the latter is not always a mark of superiority to weakness, it is sometimes the result of dullness; but to govern temper and speech, however angry you may be, or even to hold your tongue and keep your indignant feelings and resentment under control, although it may not be a proof of perfect wisdom, yet requires no ordinary force of character. And, indeed, in this respect they tell me that you are now much more gentle and less irritable. No violent outbursts of indignation on your part, no abusive words, no insulting language are reported to me: which, while quite alien to culture and refinement, are specially unsuited to high power and place. For if your anger is implacable, it amounts to extreme harshness; if easily appeased, to extreme weakness. The latter, however, as a choice of evils, is, after all, preferable to harshness.

14

But since your first year gave rise to most talk in regard to this particular complaint — I believe because the wrong-doing, the covetousness, and the arrogance of men came upon you as a surprise, and seemed to you unbearable-while your second year was much milder, because habit and refection, and, as I think, my letters also,

rendered you more tolerant and gentle, the third ought to be so completely reformed, as not to give even the smallest ground for anyone to find fault. And here I go on to urge upon you, not by way of exhortation or admonition, but by brotherly entreaties, that you would set your whole heart, care, and thought on the gaining of praise from everybody and from every quarter. If, indeed, our achievements were only the subject of a moderate amount of talk and commendation, nothing eminent, nothing beyond the practice of others, would have been demanded of you. As it is, however, owing to the brilliancy and magnitude of the affairs in which we have been engaged, if we do not obtain the very highest reputation from your province, it seems scarcely possible for us to avoid the most violent abuse. Our position is such that all loyalists support us, but demand also and expect from us every kind of activity and virtue, while all the disloyal, seeing that we have entered upon a lasting war with them, appear contented with the very smallest excuse for attacking us. Wherefore, since fortune has allotted to you such a theatre as Asia, completely packed with an audience, of immense size, of the most refined judgment, and, moreover, naturally so capable of conveying sound, that its expressions of opinion and its remarks reach Rome, put out all your power, I beseech you, exert all your energies to appear not only to have been worthy of the part we played here, but to have surpassed everything done there by your high qualities.

15

And since chance has assigned to me among the magistracies the conduct of public business in the city, to you that in a province, if my share is inferior to no one's, take care that yours surpasses others. At the same time think of this: we are not now working for a future and prospective glory, but are fighting in defence of what has been already gained; which indeed it was not so much an object to gain as it is now our duty to defend. And if anything in me could be apart from you, I should desire nothing more than the position which I have already gained. The actual fact, however, is that unless all your acts and deeds in your province correspond to my achievements, I

shall think that I have gained nothing by those great labours and dangers, in all of which you have shared. But if it was you who, above all others, assisted me to gain a most splendid reputation, you will certainly also labour more than others to enable me to retain it. You must not be guided by the opinions and judgments of the present generation only, but of those to come also: and yet the latter will be a more candid judgment, for it will not be influenced by detraction and malice. Finally, you should think of this — that you are not seeking glory for yourself alone (and even if that were the case, you still ought not to be careless of it, especially as you had determined to consecrate the memory of your name by the most splendid monuments), but you have to share it with me, and to hand it down to our children. In regard to which you must be on your guard lest by any excess of carelessness you should seem not only to have neglected your own interests, but to have begrudged those of your family also.

16

And these observations are not made with the idea of any speech of mine appearing to have roused you from your sleep, but to have rather "added speed to the runner". For you will continue to compel all in the future, as you have compelled them in the past, to praise your equity, self-control, strictness, and honesty. But from my extreme affection I am possessed with a certain insatiable greed for glory for you. However, I am convinced that, as Asia should now be as well-known to you as each man's own house is to himself, and since to your supreme good sense such great experience has now been added, there is nothing that affects reputation which you do not know as well as possible yourself, and which does not daily occur to your mind without anybody's exhortation. But I, who when I read your writing seem to hear your voice, and when I write to you seem to be talking to you, am therefore always best pleased with your longest letter, and in writing am often somewhat prolix myself. My last prayer and advice to you is that, as good poets and painstaking actors always do, so you should be most attentive in the last scenes and conclusion of your function and business, so that this third year

of your government, like a third act in a play, may appear to have been the most elaborated and most highly finished. You will do that with more ease if you will think that I, whom you always wished to please more than all the world besides, am always at your side, and am taking part in everything you say and do. It remains only to beg you to take the greatest care of your health, if you wish me and all your friends to be well also. Farewell.

LETTER 2

To Quintus in Asia, from Rome, 26 October 59 BC

Statius arrived at my house on the 25th October. His arrival gave me uneasiness, because you said in your letter that you would be plundered by your household in his absence. However, I thought it a very happy circumstance that he anticipated the expectation of his arrival, and the company that would have assembled to meet him, if he had left the province with you, and had not appeared before. For people have exhausted their remarks, and many observations have been made and done with of the "Nay, but I looked for a mighty man" kind, which I am glad to have all over before you come. But as for the motive for your sending him — that he might clear himself with me — that was not at all necessary. For, to begin with, I had never suspected him, nor in what I wrote to you about him was I expressing my own judgment; but since the interest and safety of all of us who take part in public business depends, not on truth alone, but on report also, I wrote you word of what people were saying, not what I thought myself. How prevalent and how formidable that talk was Statius ascertained himself on his arrival. For he was present when certain persons at my house gave vent to some complaints on that very subject, and had the opportunity of perceiving that the observations of the malevolent were being directed at himself especially. But it used to annoy me most when I was told that he had greater influence with you, than your sober time of life and the wisdom of a governor required. How many people, do you suppose, have solicited me to give them a letter of introduction to Statius? How often, do you suppose, has he himself, while talking without reserve to me, made such observations as, "I never approved of that," "I told him so," "I tried to persuade him," "I warned him not to"? And even if these things show the highest fidelity, as I believe they do, since that is your judgment, yet the mere appearance of a freedman or slave enjoying such influence cannot but lower your dignity: and the long and short of it is — for I am in duty bound not to say anything without good grounds, nor to keep back anything

from motives of policy — that Statius has supplied all the material for the gossip of those who wished to decry you; that formerly all that could be made out was that certain persons were angry at your strictness; but that after his manumission the angry had something to talk about.

Now I will answer the letters delivered to me by L. Caesius, whom, as I see you wish it, I will serve in every way I can. One of them is about Zeuxis of Blaundus, whom you say was warmly recommended to you by me though a most notorious matricide. In this matter, and on this subject generally, please listen to a short statement, lest you should by chance be surprised at my having become so conciliatory towards Greeks. Seeing, as I did, that the complaints of Greeks, because they have a genius for deceit, were allowed an excessive weight, whenever I was told of any of them making complaint of you, I appeased them by every means in my power. First, I pacified the Dionysopolitans, who were very bitter: whose chief man, Hermippus, I secured not only by my conversation, but by treating him as a friend. I did the same to Hephaestus of Apameia; the same to that most untrustworthy fellow, Megaristus of Antandrus; the same to Nicias of Smyrna; I also embraced with all the courtesy I possessed the most trumpery of men, even Nymphon of Colophon. And all this I did from no liking for these particular people, or the nation as a whole: I was heartily sick of their fickleness and obsequiousness, of feelings that are not affected by our kindness, but by our position.

But to return to Zeuxis. When he was telling me the same story as you mention in your letter about what M. Cascellius had said to him in conversation, I stopped him from farther talk, and admitted him to my society. I cannot, however, understand your virulence when you say that, having sewn up in the parricide's-sack two Mysians at Smyrna, you desired to display a similar example of your severity in the upper part of your province, and that, therefore, you had wished to inveigle Zeuxis into your hands by every possible means. For if he had been brought into court, he ought perhaps not to have been allowed to escape: but there was no necessity for his being hunted out and inveigled by soft words to stand a trial, as you say in your letter — especially as he is one whom I learn daily, both from his

fellow citizens and from many others, to be a man of higher character than you would expect from such an obscure town as his. But, you will say, it is only Greeks to whom I am indulgent. What! did not I do everything to appease L. Caecilius? What a man! how irritable! how violent! In fact, who is there except Tuscenius, whose case admitted of no cure, have I not softened? See again, I have now on my hands a shifty, mean fellow, though of equestrian rank, called Catienus: even he is going to be smoothed down. I don't blame you for having been somewhat harsh to his father, for I am quite sure you have acted with good reason: but what need was there of a letter of the sort which you sent to the man himself? "That the man was rearing the cross for himself from which you had already pulled him off once; that you would take care to have him smoked to death, and would be applauded by the whole province for it." Again, to a man named C. Fabius — for that letter also T. Catienus is handing round —"that you were told that the kidnapper Licinius, with his young kite of a son, was collecting taxes." And then you go on to ask Fabius to burn both father and son alive if he can; if not, to send them to you, that they may be burnt to death by legal sentence. That letter sent by you in jest to C. Fabius, if it really is from you, exhibits to ordinary readers a violence of language very injurious to you.

Now, if you will refer to the exhortations in all my letters, you will perceive that I have never found fault with you for anything except harshness and sharpness of temper, and occasionally, though rarely, for want of caution in the letters you write. In which particulars, indeed, if my influence had had greater weight with you than a somewhat excessive quickness of disposition, or a certain enjoyment in indulging temper, or a faculty for epigram and a sense of humour, we should certainly have had no cause for dissatisfaction. And don't you suppose that I feel no common vexation when I am told how Vergilius is esteemed, and your neighbour C. Octavius? I For if you only excel your neighbours farther up country, in Cilicia and Syria, that is a pretty thing to boast of! And that is just the sting of the matter, that though the men I have named are not more blameless than yourself, they yet outdo you in the art of winning favour, though they know nothing of Xenophon's Cyrus or Agesilaus; from which kings, in the exercise of their great office, no

one ever heard an irritable word. But in giving you this advice, as I have from the first, I am well aware how much good I have done.

Now, however, as you are about to quit your province, pray do leave behind you — as I think you are now doing — as pleasant a memory as possible. You have a successor of very mild manners; in other respects, on his arrival, you will be much missed. In sending letters of requisition, as I have often told you, you have allowed yourself to be too easily persuaded. Destroy, if you can, all such as are inequitable, or contrary to usage, or contradictory to others. Statius told me that they were usually put before you ready written, read by himself, and that, if they were inequitable, he informed you of the fact: but that before he entered your service there had been no sifting of letters; that the result was that there were volumes containing a selection of letters, which were usually adversely criticised. On this subject I am not going to give you any advice at this time of day, for it is too late; and you cannot but be aware that I have often warned you in various ways and with precision. But I have, on a hint from Theopompus, entrusted him with this message to you: do see by means of persons attached to you, which you will find no difficulty in doing, that the following classes of letters are destroyed — first, those that are inequitable; next, those that are contradictory; then those expressed in an eccentric or unusual manner; and lastly, those that contain reflections on anyone. I don't believe all I hear about these matters, and if, in the multiplicity of your engagements, you have let certain things escape you, now is the time to look into them and weed them out. I have read a letter said to have been written by your nomenclator Sulla himself, which I cannot approve: I have read some written in an angry spirit. But the subject of letters comes in pat: for while this sheet of paper was actually in my hands, L. Flavius, praetor-designate and a very intimate friend, came to see me. He told me that you had sent a letter to his agents, which seemed to me most inequitable, prohibiting them from taking anything from the estate of the late L. Octavius Naso, whose heir L. Flavius is, until they had paid a sum of money to C. Fundanius; and that you had sent a similar letter to the Apollonidenses, not to allow any payment on account of the estate of the late Octavius till the debt to Fundanius had been discharged. It seems to me hardly likely that

you have done this; for it is quite unlike your usual good sense. The heir not to take anything? What if he disowns the debt? What if he doesn't owe it at all? Moreover, is the praetor wont to decide whether a debt is due? Don't I, again, wish well to Fundanius? Am I not his friend? Am I not touched with compassion? No one more so: but in certain matters the course of law is so clear as to leave no place for personal feeling. And Flavius told me that expressions were used in the letter, which he said was yours, to the effect that you would "either thank them as friends, or make yourself disagreeable to them as enemies." In short, he was much annoyed, complained of it to me in strong terms, and begged me to write to you as seriously as I could. This I am doing, and I do strongly urge you again and again to withdraw your injunction to Flavius's agents about taking money from the estate, and not to lay any farther injunction on the Apollonidenses contrary to the rights of Flavius. Pray do everything you can for the sake of Flavius and, indeed, of Pompey also. I would not, upon my honour, have you think me liberal to him at the expense of any inequitable decision on your part: but I do entreat you to leave behind you some authority, and some memorandum of a decree or of a letter under your hand, so framed as to support the interests and cause of Flavius. For the man, who is at once very attentive to me, and tenacious of his own rights and dignity, is feeling extremely hurt that he has not prevailed with you either on the grounds of personal friendship or of legal right; and, to the best of my belief, both Pompey and Caesar have, at one time or another, commended the interests of Flavius to you, and Flavius has written to you personally, and certainly I have. Wherefore, if there is anything which you think you ought to do at my request, let it be this. If you love me, take every care, take every trouble, and insure Flavius's cordial thanks both to yourself and myself. I cannot use greater earnestness in making any request than I use in this.

As to what you say about Hermias, it has been in truth a cause of much vexation to me. I wrote you a letter in a rather unbrotherly spirit, which I dashed off in a fit of anger and now wish to recall, having been irritated by what Lucullus's freedman told me, immediately after hearing of the bargain. For this letter, which was not expressed in a brotherly way, you ought to have brotherly feeling

enough to make allowance. As to Censorinus, Antonius, the Cassii, Scaevola — I am delighted to hear from you that you possess their friendship. The other contents of that same letter of yours were expressed more strongly than I could have wished, such as your "with my ship at least well trimmed" and your "die once for all." You will find those expressions to be unnecessarily strong. My scoldings have always been very full of affection. They mention certain things for complaint, but these are not important, or rather, are quite insignificant. For my part, I should never have thought you deserving of the least blame in any respect, considering the extreme purity of your conduct, had it not been that our enemies are numerous. Whatever I have written to you in a tone of remonstrance or reproach I have written from a vigilant caution, which I maintain, and shall maintain; and I shall not cease imploring you to do the same. Attalus of Hypaepa has begged me to intercede with you that you should not prevent his getting the money paid which has been decreed for a statue of Q. Publicius. In which matter I both ask as a favour and urge as a duty, that you should not consent to allow the honour of a man of his character, and so close a friend of mine, to be lowered or hindered by your means. Furthermore, Licinius, who is known to you, a slave of my friend Aesopus, has run away. He has been at Athens, living in the house of Patron the Epicurean as a free man. Thence he has made his way to Asia. Afterwards a certain Plato of Sardis, who is often at Athens, and happened to be at Athens at the time that Licinius arrived there, having subsequently learnt by a letter from Aesopus that he was an escaped slave, arrested the fellow, and put him into confinement at Ephesus; but whether into the public prison, or into a slave mill, we could not clearly make out from his letter. But since he is at Ephesus, I should be obliged if you would trace him in any manner open to you, and with all care either [send him] or bring him home with you. Don't take into consideration the fellow's value: such a good-for-nothing is worth very little; but Aesopus is so much vexed at his slave's bad conduct and audacity, that you can do him no greater favour than by being the means of his recovering him.

Now for the news that you chiefly desire. We have so completely lost the constitution that Cato, a young man of no sense, but yet a

Roman citizen and a Cato, scarcely got off with his life because, having determined to prosecute Gabinius for bribery, when the praetors could not be approached for several days, and refused to admit anyone to their presence, he mounted the rostra in public meeting and called Pompey an "unofficial dictator." No one ever had a narrower escape of being killed. From this you may see the state of the whole Republic. People, however, show no inclination to desert my cause. They make wonderful professions, offers of service, and promises: and, indeed, I have the highest hopes and even greater spirit — so that I hope to get the better in the struggle, and feel confident in my mind that, in the present state of the Republic, I need not fear even an accident. However, the matter stands thus: if Clodius gives notice of an action against me, the whole of Italy will rush to my support, so that I shall come off with many times greater glory than before; but if he attempts the use of violence, I hope, by the zeal not only of friends but also of opponents, to be able to meet force with force. All promise me the aid of themselves, their friends, clients, freedmen, slaves, and, finally, of their money. Our old regiment of loyalists is warm in its zeal and attachment to me. If there were any who had formerly been comparatively hostile or lukewarm, they are now uniting themselves with the loyalists from hatred to these despots. Pompey makes every sort of promise, and so does Caesar: but my confidence in them is not enough to induce me to drop any of my preparations. The tribunes-designate are friendly to us. The consuls-designate make excellent professions. Some of the new praetors are very friendly and very brave citizens-Domitius, Nigidius, Memmius, Lentulus — the others are loyalists also, but these are eminently so. Wherefore keep a good heart and high hopes. However, I will keep you constantly informed on particular events as they occur from day to day.

LETTER 3

To Quintus on his way to Rome, from Thessalonica, 15 June 58 BC

Brother! Brother! Brother! did you really fear that I had been induced by some angry feeling to send slaves to you without a letter? Or even that I did not wish to see you? I to be angry with you! Is it possible for me to be angry with you? Why, one would think that it was you that brought me low! Your enemies, your unpopularity, that miserably ruined me, and not I that unhappily ruined you! The fact is, the much-praised consulate of mine has deprived me of you, of children, country, fortune; from you I should hope it will have taken nothing but myself. Certainly on your side I have experienced nothing but what was honourable and gratifying: on mine you have grief for my fall and fear for your own, regret, mourning, desertion. Not wish to see you? The truth is rather that I was unwilling to be seen by you. For you would not have seen your brother-not the brother you had left, not the brother you knew, not him to whom you had with mutual tears bidden farewell as he followed you on your departure for your province: not a trace even or faint image of him, but rather what I may call the likeness of a living corpse. And oh that you had sooner seen me or heard of me as a corpse! Oh that I could have left you to survive, not my life merely, but my undiminished rank! But I call all the gods to witness that the one argument which recalled me from death was, that all declared that to some extent your life depended upon mine. In which matter I made an error and acted Culpably. For if I had died, that death itself would have given clear evidence of my fidelity and love to you. As it is, I have allowed you to be deprived of my aid, though I am alive, and with me still living to need the help of others; and my voice, of all others, to fail when dangers threatened my family, which had so often been successfully used in the defence of the merest strangers. For as to the slaves coming to you without a letter, the real reason (for you see that it was not anger) was a deadness of my faculties, and a seemingly endless deluge of tears and sorrows. How many tears do you suppose these

very words have Cost me? As many as I know they will cost you to read them! Can I ever refrain from thinking of you or ever think of you without tears? For when I miss you, is it only a brother that I miss? Rather it is a brother of almost my own age in the charm of his companionship, a son in his consideration for my wishes, a father in the wisdom of his advice! What pleasure did I ever have without you, or you without me? And what must my case be when at the same time I miss a daughter: How affectionate! how modest! how clever! The express image of my face, of my speech, of my very soul! Or again a son, the prettiest boy, the very joy of my heart? Cruel inhuman monster that I am, I dismissed him from my arms better schooled in the world than I could have wished: for the poor child began to understand what was going on. So, too, your own son, your own image, whom my little Cicero loved as a brother, and was now beginning to respect as an elder brother! Need I mention also how I refused to allow my unhappy wife — the truest of helpmates — to accompany me, that there might be some one to protect the wrecks of the calamity which had fallen on us both, and guard our common children? Nevertheless, to the best of my ability, I did write a letter to you, and gave it to your freedman Philogonus, which, I believe, was delivered to you later on; and in this I repeated the advice and entreaty, which had been already transmitted to you as a message from me by my slaves, that you should go on with your journey and hasten to Rome. For, in the first place, I desired your protection, in case there were any of my enemies whose cruelty was not yet satisfied by my fall. In the next place, I dreaded the renewed lamentation which our meeting would cause : while I could not have borne your departure, and was afraid of the very thing you mention in your letter — that you would be unable to tear yourself away. For these reasons the supreme pain of not seeing you — and nothing more painful or more wretched could, I think, have happened to the most affectionate and united of brothers-was a less misery than would have been such a meeting followed by such a parting. Now, if you can, though I, whom you always regarded as a brave man, cannot do so, rouse yourself and collect your energies in view of any contest you may have to confront. I hope, if my hope has anything to go upon, that your own spotless character and the love of your fellow

citizens, and even remorse for my treatment, may prove a certain protection to you. But if it turns out that you are free from personal danger, you will doubtless do whatever you think can be done for me. In that matter, indeed, many write to me at great length and declare that they have hopes; but I personally cannot see what hope there is, since my enemies have the greatest influence, while my friends have in some cases deserted, in others even betrayed me, fearing perhaps in my restoration a censure on their own treacherous conduct. But how matters stand with you I would have you ascertain and report to me. In any case I shall continue to live as long as you shall need me, in view of any danger you may have to undergo: longer than that I cannot go on in this kind of life. For there is neither wisdom nor philosophy with sufficient strength to sustain such a weight of grief. I know that there has been a time for dying, more honourable and more advantageous; and this is not the only one of my many omissions, which, if I should choose to bewail, I should merely be increasing your sorrow and emphasizing my own stupidity. But one thing I am not bound to do, and it is in fact impossible-remain in a life so wretched and so dishonoured any longer than your necessities, or some well-grounded hope, shall demand. For I, who was lately supremely blessed in brother, children, wife, wealth, and in the very nature of that wealth, while in position, influence, reputation, and popularity, I was inferior to none, however distinguished — I cannot, I repeat, go on longer lamenting over myself and those dear to me in a life of such humiliation as this, and in a state of such utter ruin. Wherefore, what do you mean by writing to me about negotiating a bill of exchange? As though I were not now wholly dependent on your means! And that is just the very thing in which I see and feel, to my misery, of what a culpable act I have been guilty in squandering to no purpose the money which I received from the treasury in your name, while you have to satisfy your creditors out of the very vitals of yourself and your son. However, the sum mentioned in your letter has been paid to M. Antonius, and the same amount to Caepio. For me the sum at present in my hands is sufficient for what I contemplate doing. For in either case-whether I am restored or given up in despair — I shall not want any more money. For yourself, if you are molested, I think you

should apply to Crassus and Calidius. I don't know how far Hortensius is to be trusted. Myself, with the most elaborate pretence of affection and the closest daily intimacy, he treated with the most utter want of principle and the most consummate treachery, and Q. Arrius helped him in it: acting under whose advice, promises, and injunctions, I was left helpless to fall into this disaster. But this you will keep dark for fear they might injure you. Take care also — and it is on this account that I think you should Cultivate Hortensius himself by means of Pomponius — that the epigram on the *lex Aurelia* attributed to you when Candidate for the aedileship is not proved by false testimony to be yours. For there is nothing that I am so afraid of as that, when people understand how much pity for me your prayers and your acquittal will rouse, they may attack you with all the greater violence. Messalla I reckon as really attached to you : Pompey I regard as still pretending only. But may you never have to put these things to the test! And that prayer I would have offered to the gods had they not ceased to listen to prayers of mine. However, I do pray that they may be content with these endless miseries of ours; among which, after all, there is no discredit for any wrong thing done-sorrow is the beginning and end, sorrow that punishment is most severe when our conduct has been most unexceptionable. As to my daughter and yours and my young Cicero, why should I recommend them to you, my dear brother? Rather I grieve that their orphan state will cause you no less sorrow than it does me. Yet as long as you are uncondemned they will not be fatherless. The rest, by my hopes of restoration and the privilege of dying in my fatherland, my tears will not allow me to write! Terentia also I would ask you to protect, and to write me word on every subject. Be as brave as the nature of the case admits. Thessalonica, 13 June.

LETTER 4

To Quintus at Rome, from Thessalonica, August 58 BC

I beg you, my dear brother, if you and all my family have been ruined by my single misfortune, not to attribute it to dishonesty and bad conduct on my part, rather than to shortsightedness and the wretched state I was in. I have committed no fault except in trusting those whom I believed to be bound by the most sacred obligation not to deceive me, or whom I thought to be even interested in not doing so. All my most intimate, nearest and dearest friends were either alarmed for themselves or jealous of me: the result was that all I lacked was good faith on the part of my friends and caution on my own. 1 But if your own blameless character and the compassion of the world prove sufficient to preserve you at this juncture from molestation, you can, of course, observe whether any hope of restoration is left for me. For Pomponius, Sestius, and my son-in-law Piso have caused me as yet to stay at Thessalonica, forbidding me, on account of certain impending movements, to increase my distance. But in truth I am awaiting the result more on account of their letters than from any firm hope of my own. For what can I hope with an enemy possessed of the most formidable power, with my detractors masters of the state, with friends unfaithful, with numbers of people jealous? However, of the new tribunes there is one, it is true, most warmly attached to me — Sestius — and I hope Curius, Milo, Fadius, Fabricius; but still there is Clodius in violent opposition, who even when out of office will be able to stir up the passions of the mob by the help of that same gang, and then there will be found some one also to veto the bill. Such a state of things was not put before me when I was leaving Rome, but I often used to be told that I was certain to return in three days with the greatest *éclat*. “What made you go, then?” you will say. What, indeed! Many circumstances concurred to throw me off my balance — the defection of Pompey, the hostility of the consuls, and of the praetors also, the timidity of the publicani, the armed bands. The tears of my friends prevented me seeking refuge in death, which would certainly

have been the best thing for my honour, the best escape from unbearable sorrows. But I have written to you on this subject in the letter I gave to Phaetho. Now that you have been plunged into griefs and troubles, such as no one ever was before, if the compassion of the world can lighten our common misfortune, you will, it seems, score a success beyond belief! But if we are both utterly ruined — ah me-I shall have been the absolute destruction of my whole family, to whom I used to be at least no discredit! But pray, as I said in a previous letter to you, look into the business, test it thoroughly, and write to me with the candour which our situation demands, and not as your affection for me would dictate. I shall retain my life as long as I shall think that it is in your interest for me to do so, or that it ought to be preserved with a view to future hope. You will find Sestius most friendly to us, and I believe that Lentulus, the coming consul, will also be so for your sake. However, deeds are not so easy as words. You will see what is wanted and what the truth is. On the whole, supposing that no one takes advantage of your unprotected position and our common calamity, it is by your means, or not at all, that something may be effected. But even if your enemies have begun to annoy you, don't flinch: for you will be attacked by legal process, not by swords. However, I hope that this may not occur. I beg you to write me back word on all subjects, and to believe that though I have less spirit and resource than in old times, I have quite as much affection and loyalty.

BOOK 2

LETTER 1

To Quintus in Sardinia, from Rome, 10 December 57 BC

The letter which you have already read I had sent off in the morning. But Licinius was polite enough to call on me in the evening after the senate had risen, that, in case of any business having been done there, I might, if I thought good, write an account of it to you. The senate was fuller than I had thought possible in the month of December just before the holidays. Of us consulars there were P. Servilius, M. Lucullus, Lepidus, Volcatius, Glabrio: the two consuls-designate; the praetors. We were a really full house: two hundred in all. Lupus had excited some interest. He raised the question of the Campanian land in considerable detail. He was listened to in profound silence. You are not unaware what material that subject affords. He omitted none of the points which I had made in this business. There were some sharp thrusts at Caesar, some denunciations of Gellius, some appeals to the absent Pompey. After concluding his speech at a late hour, he said that he would not ask for our votes lest he might burden us with a personal controversy; he quite understood the sentiments of the senate from the denunciations of past times and the silence on the present occasion. Milo spoke. Lupus begins the formula of dismissal, when Marcellinus says: "Don't infer from our silence, Lupus, what we approve or disapprove of at this particular time. As far as I am concerned, and I think it is the same with the rest, I am only silent because I do not think it suitable that the case of the Campanian land should be debated in Pompey's absence." Then Lupus said that he would not detain the senate. Racilius rose and began bringing before the house the case of the pro-posed prosecutions. He calls upon Marcellinus, of course, first; who, after complaining in serious tones of the Clodian incendiaries, massacres, and stonings, proposed a resolution that "Clodius himself should, under the superintendence of the *praetor urbanus*, have his jury allotted to him; that the elections should be held only when the allotment of jurors had been completed; that whoever stopped the trials would be acting against the interests of the state." The proposal having been received with

warm approval, Gaius Cato — as did also Cassius — spoke against it, with very emphatic murmurs of disapprobation on the part of the senate, when he proposed to hold the elections before the trials. Philippus supported Lentulus. After that Racilius called on me first of the unofficial senators for my opinion. I made a long speech upon the whole story of P. Clodius's mad proceedings and murderous violence: I impeached him at considerable length, and, by Hercules with no little as though he were on his trial, amidst frequent murmurs of approbation from the whole senate. My speech was praised oratorical skill by Antistius Vetus, who also supported the priority of the legal proceedings, and declared that he should consider it of the first importance. The senators were crossing the floor in support of this view, when Clodius, being called on, began trying to talk out the sitting. He spoke in furious terms of having been attacked by Racilius in an unreasonable and discourteous manner. Then his roughs on the Graecostasis and the steps of the house suddenly raised a pretty loud shout, in wrath, I suppose, against Q. Sextilius and the other friends of Milo. At this sudden alarm we broke up with loud expressions of indignation on all sides. Here are the transactions of one day for you: the rest, I think, will be put off to January. Of all the tribunes I think Racilius is by far the best: Antistius also seems likely to be friendly to me: Plancius, of course, is wholly ours. Pray, if you love me, be careful and cautious about sailing in December.

LETTER 2

To Quintus in Sardinia, from Rome, 18 January 56 BC

It was not from the multiplicity of business, though I am very much engaged, but from a slight inflammation of the eyes that I was induced to dictate this letter, and not, as is my usual habit, write it with my own hand. And, to begin with, I wish to excuse myself to you on the very point on which I accuse you. For no one up to now has asked me "whether I have any commands for Sardinia" — I think you often have people who say, "Have you any commands for Rome?" As to what you have said in your letters to me about the debt of Lentulus and Sestius, I have spoken with Cincius. However the matter stands, it is not the easiest in the world. But surely Sardinia must have some special property for recalling one's memory of the past. For just as the famous Gracchus — as augur — after arriving in that province remembered something that had happened to him, when holding the elections in the Campus Martius, in violation of the auspices, so you appear to me to have recalled at your ease in Sardinia the design of Numisius and the debts due to Pomponius. As yet I have made no purchase. Culleo's auction has taken place: there was no purchaser for his Tusculan property. If very favourable terms were to be offered, I should perhaps not let it slip About your building I do not fail to press Cyrus. I hope he will do his duty But everything goes on somewhat slowly owing to the prospect of that madman's aedileship. For it seems that the legislative assembly will take place without delay it has been fixed for the 20th of January. However I would not have you uneasy. Every precaution shall be taken by me In regard to the Alexandrine king, a decree of the senate was passed declaring it dangerous to the Republic that he should be restored "with a host." The point remaining to be decided in the senate being whether Lentulus or Pompey should restore him, Lentulus seemed on the point of carrying the day. In that matter I did justice to my obligations to Lentulus marvellously well, while at the same time splendidly gratifying Pompey's wishes: but the detractors of Lentulus Contrived to talk the matter out by obstructive speeches.

Then followed the comitial days, on which a meeting of the senate was impossible. What the villainy of the tribunes is going to accomplish I cannot guess; I suspect, however, that Caninius will carry his bill by violence. In this business I cannot make Out what Pompey really wishes. What his entourage desire everybody sees. Those who are financing the king are openly advancing sums of money against Lentulus. There seems no doubt that the commission has been taken out of Lentulus's hands, to my very great regret, although he has done many things for which I might, if it were not for superior considerations, be justly angry with him. I hope, if it is consistent with your interests, that you will embark as soon as possible, when the weather is fair and settled, and come to me. For there are countless things, in regard to which I miss you daily in every possible way. Your family and my own are well.

LETTER 3

To Quintus in Sardinia, from Rome, 12 February 56 BC

I have already told you the earlier proceedings; now let me describe what was done afterwards. The legations were postponed from the 1st of February to the 13th. On the former day our business was not brought to a settlement. On the 2nd of February Milo appeared for trial. Pompey came to support him. Marcellus spoke on being called upon by me. We came off with flying colours. The case was adjourned to the 7th. Meanwhile (in the senate), the legations having been postponed to the 13th, the business of allotting the quaestors and furnishing the outfit of the praetors was brought before the house. But nothing was done, because many speeches were interposed denouncing the state of the Republic. Gaius Cato published his bill for the recall of Lentulus, whose son thereupon put on mourning. On the 7th Milo appeared. Pompey spoke, or rather wished to speak. For as soon as he got up Clodius's ruffians raised a shout, and throughout his whole speech he was interrupted, not only by hostile cries, but by personal abuse and insulting remarks. However, when he had finished his speech — for he showed great courage in these circumstances, he was not cowed, he said all he had to say, and at times had by his Commanding presence even secured silence for his words — well, when he had finished, up got Clodius. Our party received him with such a shout — for they had determined to pay him out — that he lost all presence of mind, power of speech, or control over his countenance. This went on up to two o'clock — Pompey having finished his speech at noon — and every kind of abuse, and finally epigrams of the most outspoken indecency were uttered against Clodius and Clodia. Mad and livid with rage Clodius, in the very midst of the shouting, kept putting questions to his claque: "Who was it who was starving the commons to death?" His ruffians answered, "Pompey." "Who wanted to be sent to Alexandria?" They answered, "Pompey." "Who did they wish to go?" They answered, "Crassus." The latter was present at the time with no friendly feelings to Milo. About three o'clock, as though at a

given signal, the Clodians began spitting at our men. There was an outburst of rage. They began a movement for forcing us from our ground. Our men charged: his ruffians turned tail. Clodius was pushed off the rostra: and then we too made our escape for fear of mischief in the riot. The senate was summoned into the Curia: Pompey went home. However, I did not myself enter the senate-house, lest I should be obliged either to refrain from speaking on matters of such gravity, or in defending Pompey (for he was being attacked by Bibulus, Curio, Favonius, and Servilius the younger) should give offence to the loyalists. The business was adjourned to the next day. Clodius fixed the Quirinalia (17th of February) for his prosecution. On the 8th the senate met in the temple of Apollo, that Pompey might attend. Pompey made an impressive speech. That day nothing was concluded. On the 9th in the temple of Apollo a decree passed the senate "that what had taken place on the 7th of February was treasonable." On this day Cato warmly inveighed against Pompey, and throughout his speech arraigned him as though he were at the bar. He said a great deal about me, to my disgust, though it was in very laudatory terms. When he attacked Pompey's perfidy to me, he was listened to in profound silence on the part of my enemies. Pompey answered him boldly with a palpable allusion to Crassus, and said outright that "he would take better precautions to protect his life than Africanus had done, whom C. Carbo had assassinated." Accordingly, important events appear to me to be in the wind. For Pompey understands what is going on, and imparts to me that plots are being formed against his life, that Gaius Cato is being supported by Crassus, that money is being supplied to Clodius, that both are backed by Crassus and Curio, as well as by Bibulus and his other detractors: that he must take extraordinary precautions to prevent being overpowered by that demagogue-with a people all but wholly alienated, a nobility hostile, a senate ill-affected, and the younger men corrupt. So he is making his preparations and summoning men from the country. On his part, Clodius is rallying his gangs: a body of men is being got together for the Quirinalia. For that occasion we are considerably in a majority, owing to the forces brought up by Pompey himself: and a large contingent is expected from Picenum and Gallia, to enable us to throw out Cato's bills also about Milo and

Lentulus. On the 10th of February an indictment was lodged against Sestius for bribery by the informer Cn. Nerius, of the Pupinian tribe, and on the same day by a certain M. Tullius for riot. He was ill. I went at once, as I was bound to do, to his house, and put myself wholly at his service: and that was more than people expected, who thought that I had good cause for being angry with him. The result is that my extreme kindness and grateful disposition are made manifest both to Sestius himself and to all the world, and I shall be as good as my word. But this same informer Nerius also named Cn. Lentulus Vatia and C. Cornelius to the commissioners. On the same day a decree passed the senate "that political clubs and associations should be broken up, and that a law in regard to them should be brought in, enacting that those who did not break off from them should be liable to the same penalty as those convicted of riot." On the 11th of February I spoke in defence of Bestia on a charge of bribery before the praetor Cn. Domitius, in the middle of the forum and in a very crowded court; and in the course of my speech I came to the incident of Sestius, after receiving many wounds in the temple of Castor, having been preserved by the aid of Bestia. Here I took occasion to pave the way beforehand for a refutation of the charges which are being got up against Sestius, and I passed a well-deserved encomium upon him with the cordial approval of everybody. He was himself very much delighted with it. I tell you this because you have often advised me in your letters to retain the friendship of Sestius. I am writing this on the 12th of February before daybreak the day on which I am to dine with Pomponius on the occasion of his wedding. Our position in other respects is such as you used to cheer my despondency by telling me it would be-one of great dignity and popularity: this is a return to old times for you and me effected, my brother, by your patience, high character, loyalty, and, I may also add, your conciliatory manners. The house of Licinius, near the grove of Piso, has been taken for you. But, as I hope, in a few months' time, after the 1st of July, you will move into your own. Some excellent tenants, the Lamim, have taken your house in Carinae. I have received no letter from you since the one dated Olbia. I am anxious to hear how you are and what you find to amuse you, but above all to see you your-self as soon as possible. Take care of

your health, my dear brother, and though it is winter time, yet reflect that after all it is Sardinia that you are in.

LETTER 4

To Quintus in Sardinia, from Rome, March 56 BC

Our friend Sestius was acquitted on the 4th of March, and, what was of great importance to the Republic — that there should be no appearance of difference of opinion in a case of that sort — was acquitted unanimously. As to what I had often gathered from your letters, that you were anxious about — that I should not leave any loophole for abuse to an unfriendly critic on the score of my being ungrateful, if I did not treat with the utmost indulgence his occasional wrong-headedness — let me tell you that in this trial I established my character for being the most grateful of men. For in conducting the defence I satisfied in the fullest manner possible a man of difficult temper, and, what he above all things desired, I cut up Vatinius (by whom he was being openly attacked) just as I pleased, with the applause of gods and men. And, farther, when our friend Paullus was brought forward as a witness against Sestius, he affirmed that he would lay an information against Vatinius if Licinius Macer hesitated to do so, and Macer, rising from Sestius's benches, declared that he would not fail. Need I say more? That impudent swaggering fellow Vatinius was overwhelmed with confusion and thoroughly discredited. That most excellent boy, your son Quintus, is getting on splendidly with his education. I notice this the more because Tyrannio gives his lessons in my house. The building of both your house and mine is being pushed on energetically. I have caused half the money to be paid to your contractor. I hope before winter we may be under the same roof. As to our Tullia, who, by Hercules, is very warmly attached to you, I hope I have settled her engagement with Crassipes. There are two days after the Latin festival which are barred by religion. Otherwise the festival of luppiter Latiaris has come to an end. The affluence which you often mention I feel the want of to a certain extent; but while I welcome it if it comes to me, I am not exactly beating the covert for it. I am building in three places, and am patching up my other houses. I live somewhat more lavishly than I used to do. I am obliged to do so. If I

had you with me I should give the builders full swing for a while. But this too (as I hope) we shall shortly talk over together. The state of affairs at Rome is this: Lentulus Marcellinus is splendid as consul, and his colleague does not put any difficulty in his way: he is so good, I repeat, that I have never seen a better. He deprived them of aH the comitial days for even the Latin festival is being repeated, nor were thanks-giving days wanting. In this way the passing of most mischievous laws is prevented, especially that of Cato, on whom, however, our friend Milo played a very pretty trick. For that defender of the employment of gladiators and beast-fighters had bought some beast-fighters from Cosconius and Pomponius, and had never appeared in public without them in their full armour. He could not afford to maintain them, and accordingly had great difficulty in keeping them together. Milo found this out. He commissioned an individual, with whom he was not intimate, to buy this troop from Cato without exciting his suspicion. As soon as it had been removed, Racilius — at this time quite the only real tribune-revealed the truth, acknowledged that the men had been purchased for himself — for this is what they had agreed — and put up a notice that he intended to sell "Cato's troop." This notice caused much laughter. Accordingly, Lentulus has prevented Cato from going on with his laws, and also those who published bills of a monstrous description about Caesar, with no tribune to veto them. Caninius's proposal, indeed, about Pompey has died a natural death. For it is not approved of in itself, and our friend Pompey is also spoken of with great severity for the breach of his friendship with Publius Lentulus. He is not the man he was. The fact is that to the lowest dregs of the populace his support of Milo gives some offence, while the aristocrats are dissatisfied with much that he omits to do, and find fault with much that he does. This is the only point, however, in which I am not pleased with Marcellinus — that he handles him too roughly. Yet in this he is not going counter to the wishes of the senate: consequently I am the more glad to withdraw from the senate-house and from politics altogether. In the courts I have the same position as I ever had: never was my house more crowded. One untoward circumstance has occurred owing to Milo's rashness — the acquittal of Sext. Clodius — whose prosecution at this particular

time, and by a weak set of accusers, was against my advice. In a most Corrupt panel his conviction failed by only three votes. Consequently the people clamour for a fresh trial, and he must surely be brought back into court. For people will not put up with it, and seeing that, though pleading before a panel of his own kidney, he was all but condemned, they look upon him as practically condemned. Even in this matter the unpopularity of Pompey was an obstacle in our path. For the votes of the senators were largely in his favour, those of the knights were equally divided, while the *tribuni aerarii* voted for his condemntion. But for this contretemps I am consoled by the daily condemnations of my enemies, among whom, to my great delight, Servius got upon the rocks: the rest are utterly done for. Gaius Cato declared in public meeting that he would not allow the elections to be held, if he were deprived of the days for doing business with the people. Appius has not yet returned from his visit to Caesar. I am looking forward with extraordinary eagerness to a letter from you. Although I know the sea is still closed, yet they tell me that certain persons have, nevertheless, arrived from Olbia full of your praises, and declaring you to be very highly thought of in the province. They said also that these persons reported that you intended to cross as soon as navigation became possible. That is what I desire: but although it is yourself, of course, that I most look forward to, yet meanwhile I long for a letter. Farewell, my dear brother.

LETTER 5

To Quintus in Sardinia, from Rome, 8 April 56 BC

I have already sent you a letter containing the information of my daughter Tullia having been betrothed to Crassipes on the 4th of April, and other intelligence public and private. The following are the events since then. On the 5th of April, by a decree of the senate, a sum of money amounting to 40,000 *sestertia* (about £320,000) was voted to Pompey for the business of the corn-supply. But on the same day there was a vehement debate on the Campanian land, the senators making almost as much noise as a public meeting. The shortness of money and the high price of corn increased the exasperation. Nor will I omit the following: the members of the colleges of the *Capitolini* and the *Mercuriales* expelled from their society a Roman knight named M. Furius Flaccus, a man of bad character: the expulsion took place when he was at the meeting, and though he threw himself at the feet of each member. On the 6th of April, the eve of my departure from town, I gave a betrothal party to Crassipes. That excellent boy, your and my Quintus, was not at the banquet owing to a very slight indisposition. On the 7th of April I visited Quintus and found him quite restored. He talked a good deal and with great feeling about the quarrels between our wives. What need I say more? Nothing could have been pleasanter. Pomponia, however, had some complaints to make of you also: but of this when we meet. After leaving your boy I went to the site of your house: the building was going on with a large number of workmen. I urged the contractor Longilius to push on. He assured me that he had every wish to satisfy us. The house will be splendid, for it can be better seen now than we could judge from the plan: my own house is also being built with despatch. On this day I dined with Crassipes. After dinner I went in my sedan to visit Pompey at his suburban villa. I had not been able to call on him in the daytime as he was away from home. However, I wished to see him, because I am leaving Rome tomorrow, and he is on the point of starting for Sardinia. I found him at home and begged him to restore you to us as soon as possible.

“Immediately,” he said. He is going to start, according to what he said, on the 11th of April, with the intention of embarking at Livorno or Pisa. Mind, my dear brother, that, as soon as he arrives, you seize the first opportunity of setting sail, provided only that the weather is favourable. I write this on the 8th of April before daybreak, and am on the point of starting on my journey, with the intention of stopping today with Titus Tititis at Anagnia. Tomorrow I think of being at Laterium, thence, after five days in Arpinum, going to my Pompeian house, just looking in upon my villa at Cumae on my return journey, with the view — since Milo’s trial has been fixed for the 7th of May — of being at Rome on the 6th, and of seeing you on that day, I hope, dearest and pleasantest of brothers. I thought it best that the building at Arcanum should be suspended till your return. Take good care, my dear brother, of your health, and come as soon as possible.

LETTER 6

To Quintus returning from Sardinia, from Rome, May 56 BC

How delighted I was to get your letter! It had been expected by me at first, it is true, only with longing, but recently with alarm also. And, in fact, let me tell you that this is the only letter which has reached me since the one brought me by your sailor and dated Olbia. But let everything else, as you say, be reserved till we can talk it over together. One thing, however, I cannot put off: on the 15th of May the senate covered itself with glory by refusing Gabinius a *supplicatio*. Procilius vows that such a slight was never inflicted on anyone. Out of doors there is much applause. To me, gratifying as it is on its own account, it is even more so because it was done when I was not in the house. For it was an unbiassed judgment of the senate, without any attack or exercise of influence on my part. The debate previously arranged for the 15th and 16th, namely, the question of the Campanian land, did not come on. In this matter I don't quite see my way. But I have said more than I meant to say: for it is best reserved till we meet. Good-bye, best and most longed — for of brothers! Fly to me. Our boys both share my prayer: of course, you will dine with me the day of your arrival.

LETTER 7

To Quintus in the country, from Rome, February 55 BC

I thought you would like my book: that you like it as much as you say I am greatly delighted. As to your hint about my Urania and your advice to remember the speech of lupiter, which comes at the end of that book, I do indeed remember it, and that whole passage was aimed at myself rather than at the rest of the world. Nevertheless, the day after you started I went long before daybreak with Vibullius to call on Pompey; and upon addressing him on the subject of the works and inscriptions in your honour, he answered me very kindly, gave me great hopes, said he would like to talk to Crassus about it, and advised me to do so too. I joined in escorting Crassus to his house on his assuming the consulate: he undertook the affair, and said that Clodius would at this juncture have something that wanted to get by means of himself and Pompey: he thought that, if I did not baulk Clodius's views, I might get what I wanted without any opposition. I left the matter entirely in his hands and told him that I would do exactly as he wished. Publius Crassus the younger was present at this conversation, who, as you know, is very warmly attached to me. What Clodius wants is an honorary mission (if not by decree of the senate, then by popular vote) to Byzantium or to Brogitarus, or to both. There is a good deal of money in it. It is a thing I don't trouble myself about much, even if I don't get what I am trying to get. Pompey, however, has spoken to Crassus. They seem to have taken the business in hand. If they carry it through, well and good: if not, let us return to my "Iupiter." On the 11th of February a decree passed the senate as to bribery on the motion of Afranius, against which I had spoken when you were in the house. To the loudly expressed disapprobation of the senate the consuls did not go on with the proposals of those who, while agreeing with Afranius's motion, added a rider that after their election the praetors were to remain private citizens for sixty days. On that day they unmistakably threw over Cato. In short, they manage everything their own way, and wish all the world to understand it to be so.

LETTER 8

To Quintus at Rome, from Cumae, April 55 BC

Afraid that you will interrupt me — you? In the first place, if I were as busy as you think, do you know what interruption means? Have you taken a lesson from Ateius? So help me heaven, in my eyes you give me a lesson in a kind of learning which I never enjoy unless you are with me. Why, that you should talk to me, interrupt me, argue against me, or converse with me, is just what I should like. Nothing could be more delightful! Never, by Hercules, did any crazy poet read with greater zest his last composition than I listen to you, no matter what business is in hand, public or private, rural or urban. But it was all owing to my foolish scrupulousness that I did not carry you off with me when I was leaving town. You confronted me the first time with an unanswerable excuse — the health of my son: I was silenced. The second time it was both boys, yours and mine: I acquiesced. Now comes a delightful letter, but with this drop of gall in it — that you seem to have been afraid, and still to be afraid, that you might bore me. I would go to law with you if it were decent to do so; but, by heaven! if ever I have a suspicion of such a feeling on your part, I can only say that I shall begin to be afraid of boring you at times, when in your company. [I perceive that you have sighed at this. 'Tis the way of the world: "But if you lived on earth" ... I will never finish the quotation and say, "Away with all care!"] Marius, again, I should certainly have forced into my sedan — I don't mean that famous one of Ptolemy that Anicius got hold of: for I remember when I was conveying him from Naples to Baiae in Anicius's eight-bearer sedan, with a hundred armed guards in our train, I had a real good laugh when Marius, knowing nothing of his escort, suddenly drew back the curtains of the sedan — he was almost dead with fright and I with laughing: well, this same friend, I say, I should at least have carried off; to secure, at any rate, the delicate charm of that old-fashioned courtesy, and of a conversation which is the essence of culture. But I did not like to invite a man of weak health to a villa practically without a roof, and which even now it would be a

compliment to describe as unfinished. It would indeed be a special treat to me to have the enjoyment of him here also. For I assure you that the neighbourhood of Marius makes the sunshine of that other country residence of mine. I will see about getting him put up in the house of Anicius. For I myself, though a student, can live with workpeople in the house. I get this philosophy, not from Hymettus, but from Arpinum. Marius is feebler in health and constitution. As to interrupting my book — I shall take from you just so much time for writing as you may leave me I only hope you'll leave me none at all, that my want of progress may be set down to your encroachment rather than to my idleness! In regard to politics, I am sorry that you worry yourself too much, and are a better citizen than Philoctetes, who, on being wronged himself, was anxious for the very spectacle that I perceive gives you pain. Pray hasten hither: I will console you and wipe all sorrow from your eyes: and, as you love me, bring Marius. But haste, haste, both of you! There is a garden at my house.

LETTER 9

To Quintus in the Country, from Rome, February 54 BC

Your note by its strong language has drawn out this letter. For as to what actually occurred on the day of your start, it supplied me with absolutely no subject for writing. But as when we are together we are never at a loss for something to say, so ought our letters at times to digress into loose chat. Well then, to begin, the liberty of the Tenedians has received short shrift, no one speaking for them except myself, Bibulus, Calidius, and Favonius. A complimentary reference to you was made by the legates from Magnesia ad Sipylum, they saying that you were the man who alone had resisted the demand of L. Sestius Pansa. On the remaining days of this business in the senate, if anything occurs which you ought to know, or even if there is nothing, I will write you something every day. On the 12th I will not fail you or Pomponius. The poems of Lucretius are as you say — with many flashes of genius, yet very technical. But when you return, ... if you succeed in reading the *Empedoclea* of Sallustius, I shall regard you as a hero, yet scarcely human.

LETTER 10

To Quintus in the Country, from Rome, February 54 BC

I am glad you like my letter: however, I should not even now have had anything to write about, if I had not received yours. For on the 12th, when Appius had got together a thinly-attended meeting of the senate, the cold was so great that he was compelled by the general clamour to dismiss us. As to the Commagenian, because I have blown that proposition to the winds, Appius makes wonderful advances to me both personally and through Pomponius; for he sees that if I adopt a similar style of discussion in the other business, February will not bring him anything in. And certainly I did chaff him pretty well, and not only wrenched from his grasp that petty township of his — situated in the territory of Zeugma on the Euphrates — but also raised a loud laugh by my satire on the man's purple-edged toga, which he had been granted when Caesar was consul. "His wish," said I, "for a renewal of the same honour, to save the yearly re-dying of his purple-edged toga, I do not think calls for any decree of the house; but you, my lords, who could not endure that the Bostrian should wear the *toga praetexta*, will you allow the Commagenian to do so?" You see the style of chaff, and the line I took. I spoke at length against the petty princeling, with the result that he was utterly laughed out of court. Alarmed by this exhibition, as I said, Appius is making up to me For nothing could be easier than to explode the rest of his proposals. But I will not go so far as to trip him up, lest he appeal to the god of hospitality, and summon all his Greeks — it is they who make us friends again. I will do what Theopompus wants. I had forgotten to write to you about Caesar: for I perceive what sort of letter you have been expecting. But the fact is, he has written word to Balbus that the little packet of letters, in which mine and Balbus's were packed, had been so drenched with rain that he was not even aware that there was a letter from me. He had, however, made out a few words of Balbus's letter, to which he answered as follows: "I perceive that you have written something about Cicero, which I have not fully made out: but, as far I could

guess, it was of a kind that I thought was more to be wished than hoped for." Accordingly, I afterwards sent Caesar a duplicate copy of the letter. Don't be put off by that passage about his want of means. In answer to it I wrote back saying that he must not stop payment from any reliance on my money chest, and descanted playfully on that subject, in familiar terms and yet without derogating from my dignity. His good feeling towards us, however, according to all accounts, is marked. The letter, indeed, on the point of which you expect to hear, will almost coincide with your return: the other business of each day I will write on condition of your furnishing me with letter-carriers. However, such cold weather is threatening, that there is very great danger that Appius may find his house frost-bitten and deserted!

LETTER 11

To Quintus in the Country, from Rome, 15 February 54 BC

Your "black snow" made me laugh, and I am very glad that you are in a cheerful frame of mind and ready for a joke. As to Pompey, I agree with you, or rather you agree with me. For, as you know, I have long been singing the praises of your Caesar. Believe me, he is very close to my heart, and I am not going to let him slip from his place. Now for the history of the Ides (13th). It was Caelius's tenth day. Domitius had not obtained a full panel. I am afraid that foul ruffian, Servius Pola, will appear for the prosecution. For our friend Caelius has a dead set made at him by the Clodian gens. There is nothing certain as yet, but I am afraid. On the same day there was a full house for the case of the Tyrians: the *publicani* of Syria appeared in large numbers against them. Gabinius was abused roundly: the *publicani* were also denounced by (the consul) Domitius for having escorted him on his start on horseback. Our friend Lucius Lamia was somewhat insolent: for on Domitius saying, "It is your fault, equites of Rome, that such things have happened: for you give verdicts laxly," he said, "Yes, we give verdicts, but you senators give evidence of character." Nothing was done that day: the house stood adjourned at nightfall. On the comitial days which follow the Quirinalia (17th February), Appius holds the view that he is not prevented by the *lex Pupia* from holding a meeting of the senate, and that by the *lex Gabinia* he is even compelled to have a meeting for the legations from the 1st of February to the 1st of March. And so the elections are supposed to be put off till March. Nevertheless, on these comitial days the tribunes say that they will bring forward the case of Gabinius. I collect every item of intelligence, that I may have some news to tell you: but, as you see, I am short of material. Accordingly, I return to Callisthenes and Philistus, in whom I see that you have been wallowing. Callisthenes is a commonplace and hackneyed piece of business, like a good many Greeks. The Sicilian is a first-rate writer, terse, sagacious, concise, almost a minor Thucydides; but which of his two books you have — for there are two works — I

don’t know. That about Dionysius is my favourite. For Dionysius himself is a magnificent intriguer, and was familiarly known to Philistus. But as to your postscript — are you really going in for writing history? You have my blessing on your project: and since you furnish me with letter-carriers, you shall hear today’s transactions on the Lupercalia (15th February). Enjoy yourself with our dear boy to your heart’s content.

LETTER 12

To Quintus in Gaul, from Cumae, May 54 BC

I have up to now received two letters from you, one just as I was leaving town, the other dated Ariminum: others which you say in your letter that you have sent I have not received. I am having a fairly pleasant time (except that you are not here) at Cumae and [w:Pompeii|Pompeii]], and intend staying in these parts till the 1st of June. I am writing the treatise of which I spoke to you, *On the Republic*, a very bulky and laborious work. But if it turns out as I wish, it will be labour well bestowed, and if not I shall toss it into the very sea which I have before my eyes as I write, and set to work on something else; since to do nothing is beyond my power. I will carefully observe your instruction both as to attaching certain persons to myself and not alienating certain others. But my chief care will be to see your son, or rather our son, if possible, every day at any rate, and to watch the progress of his education as often as possible; and, unless he declines my help, I will even offer to be his instructor, a practice to which I have become habituated in the leisure of these days while bringing my own boy, the younger Cicero, on. Yes, do as you say in your letter, what, even if you had not said so, I know you do with the greatest care — digest, follow up, and carry out my instructions. For my part, when I get to Rome, I will let no letter-carrier of Caesar go without a letter for you. During these days you must excuse me: there has been no one to whom I could deliver a letter until the present bearer M. Orfius, a Roman knight, a man that is my friend as well from personal consideration as because he comes from the *municipium* of Atella, which you know is under my patronage. Accordingly, I recommend him to you with more than common warmth, as a man in a brilliant position in his own town and looked up to even beyond it. Pray attach him to yourself by your liberal treatment of him: he is a military tribune in your army. You will find him grateful and attentive. I earnestly beg you to be very friendly to Trebatius.

LETTER 13

To Quintus in Gaul, from Rome, 13 June 54 BC

On the 2nd of June, the day of my return to Rome, I received your letter dated Placentia: then next day another dated Blandeno, along with a letter from Caesar filled full of courteous, earnest, and pleasant expressions. These expressions are indeed valuable, or rather most valuable, as tending very powerfully to secure our reputation and exalted position in the state. But believe me — for you know my heart — that what I value most in all this I already possess, that is, first of all, your active contribution to our common position; and, secondly, all that warm affection of Caesar for me, which I prefer to all the honours which he desires me to expect at his hands. His letter too, despatched at the same time as your own — which begins by saying what pleasure your arrival and the renewed memory of our old affection had given him, and goes on to say that he will take care that, in the midst of my sorrow and regret at losing you, I shall have reason to be glad that you are with him of all people — gave me extraordinary delight. Wherefore you, of course, are acting in a truly brotherly spirit when you exhort me, though, by heaven, I am now indeed forward enough to do so, to concentrate all my attentions upon him alone. Yes, I will do so, indeed, with a burning zeal: and perhaps I shall manage to accomplish what is frequently the fortune of travellers when they make great haste, who, if they have got up later than they intended, have, by increasing their speed, arrived at their destination sooner than if they had waked up before daylight. Thus I, since I have long overslept myself in cultivating that great man, though you, by heaven, often tried to wake me up, will make up for my slowness with horses and (as you say he likes my poem) a poet's chariots. Only let me have Britain to paint in colours supplied by yourself, but with my own brush. But what am I saying? What prospect of leisure have I, especially as I remain at Rome in accordance with his request? But I will see. For perhaps, as usual, my love for you will overcome all difficulties. For my having sent Trebatius to him he even thanks me in very witty and

polite terms, remarking that there was no one in the whole number of his staff who knew how to draw up a recognizance. I have asked him for a tribuneship for M. Curtius — since Domitius (the consul) would have thought that he was being laughed at, if my petition had been addressed to him, for his daily assertion is that he hasn't the appointment of so much as a military tribune: he even jested in the senate at his colleague Appius as having gone to visit Caesar, that he might get from him at least one tribuneship. But my request was for next year, for that was what Curtius wished. Whatever line you think I ought to take in politics and in treating my opponents, be sure I shall take, and shall be "gentler than any ear-lap". Affairs at Rome stand thus: there is some hope of the elections taking place, but it is an uncertain one. There is some latent idea of a dictatorship, but neither is that confirmed. There is profound calm in the forum, but it is rather the calm of decrepitude than content. The opinions I express in the senate are of a kind to win the assent of others rather than my own:

Such the effects of miserable war.

LETTER 14

To Quintus in Gaul, from Rome, July 54 BC

Well! this time I'll use a good pen, well-mixed ink, and superfine paper. For you say you could hardly read my previous letter, for which, my dear brother, the reason was none of those which you suppose. For I was not busy, nor agitated, nor out of temper with some one: but it is always my way to take the first pen that turns up and use it as if it were a good one.

But now attend, best and dearest of brothers, to my answer to what you wrote in this same short letter in such a very business-like way. On this subject you beg that I should write back to you with brotherly candour, without concealment, or reserve, or consideration for your feelings — I mean whether you are to hasten home, as we had talked of, or to stay where you are, if there is any excuse for doing so, in order to extricate yourself from your embarrassments. If, my dear Quintus, it were some small matter on which you were asking my opinion, though I should have left it to you to do what you chose, I should yet have shown you what mine was. But on this subject your question amounts to this — what sort of year I expect the next to be? Either quite undisturbed as far as we are concerned, or at any rate one that will find us in the highest state of preparation for defence. This is shown by the daily throng at my house, my reception in the forum, the cheers which greet me in the theatre. My friends feel no anxiety, because they know the strength of my position in my hold upon the favour both of Caesar and Pompey. These things give me entire confidence. But if some furious outbreak of that madman occurs, everything is ready for crushing him. This is my feeling, my deliberate opinion: I write to you with entire confidence. I bid you have no doubts, and I do so with no intention of pleasing you, but with brotherly frankness. Therefore, while I should wish you to come at the time you arranged, for the sake of the pleasure we should have in each other's society, yet I prefer the course you yourself think the better one. I, too, think these objects of great importance — ample means for yourself and extrication from

your load of debt. Make up your mind to this, that, free from embarrassments, we should be the happiest people alive if we keep well. For men of our habits the deficiency is small, and such as can be supplied with the greatest ease, granted only that we keep our health.

There is an enormous recrudescence of bribery. Never was there anything equal to it. On the 15th of July the rate of interest rose from four to eight per cent, owing to the compact made by Memmius with the consul Domitius: I wish Scaurus could get the better of it. Messalla is very shaky. I am not exaggerating — they arrange to offer as much as 10,000 *sestertia* for the vote of the first century. The matter is a burning scandal. The candidates for the tribuneship have made a mutual compact — having deposited 500 *sestertia* apiece with Cato, they agree to conduct their canvass according to his direction, with the understanding that anyone offending against it is to be condemned by him. If this election then turns out to be pure, Cato will have been of more avail than all laws and jurors put together.

LETTER 15

To Quintus in Britain, from Rome, September 54 BC

When you receive a letter from me by the hand of an *amanuensis*, you may be sure that I have not even a little leisure; when by my own — a little. For let me tell you that in regard to causes and trials in court, I have never been closer tied, and that, too, at the most unhealthy season of the year, and in the most oppressively hot weather. But these things, since you so direct me, I must put up with, and must not seem to have come short of the ideas and expectations which you and Caesar entertain of me, especially since, even if it were somewhat difficult not to do that, I am yet likely from this labour to reap great popularity and prestige. Accordingly, as you wish me to do, I take great pains not to hurt anyone's feelings, and to secure being liked even by those very men who are vexed at my close friendship with Caesar, while by those who are impartial, or even inclined to this side, I may be warmly courted and loved. When some very violent debates took place in the senate on the subject of bribery for several days, because the candidates for the consulship had gone to such lengths as to be past all bearing, I was not in the house. I have made up my mind not to attempt any cure of the political situation without powerful protection. The day I write this Drusus has been acquitted on a charge of collusion by the *tribuni aerarii*, in the grand total by four votes, for the majority of senators and *equites* were for condemnation. On the same day I am to defend Vatinius. That is an easy matter. The *comitia* have been put off to September. Scaurus's trial will take place immediately, and I shall not fail to appear for him. I don't like your "Sophoclean Banqueters" at all, though I see that you played your part with a good grace. I come now to a subject which, perhaps, ought to have been my first. How glad I was to get your letter from Britain! I was afraid of the ocean, afraid of the coast of the island. The other parts of the enterprise I do not underrate; but yet they inspire more hope than fear, and it is the suspense rather than any positive alarm that renders me uneasy. You, however, I can see, have a splendid subject for

description, topography, natural features of things and places, manners, races, battles, your commander himself — what themes for your pen! I will gladly, as you request, assist you in the points you mention, and will send you the verses you ask for, that is, “An owl to Athens”. But, look you ! I think you are keeping me in the dark. Tell me, my dear brother, what Caesar thinks of my verses. For he wrote before to tell me he had read my first book. Of the first part, he said that he had never read anything better even in Greek: the rest, up to a particular passage, somewhat “careless” — that is his word. Tell me the truth — is it the subject-matter or the “style” that he does not like? You needn’t be afraid: I shall not admire myself one whit the less. On this subject speak like a lover of truth, and with your usual brotherly frankness.

BOOK 3

LETTER 1

To Quintus in Britain, from Rome or Arpinum, 28 September 54 BC

After extraordinarily hot weather — I never remember greater heat — I have refreshed myself at Arpinum, and enjoyed the extreme loveliness of the river during the days of the games, having left my tribesmen under the charge of Philotimus. I was at Arcanum on the 10th of September. There I found Mescidius and Philoxenus, and saw the water, for which they were making a course not far from your villa, running quite nicely, especially considering the extreme drought, and they said that they were going to collect it in much greater abundance. Everything is right with Herus. In your Manilian property I came across Diphilus outdoing himself in dilatoriness. Still, he had nothing left to construct, except baths, and a promenade, and an aviary. I liked that villa very much, because its paved colonnade gives it an air of very great dignity. I never appreciated this till now that the colonnade itself has been all laid open, and the columns have been polished. It all depends — and this I will look to — upon the stuccoing being prettily done. The pavements seemed to be being well laid. Certain of the ceilings I did not like, and ordered them to be changed. As to the place in which they say that you write word that a small entrance hall is to be built — namely, in the colonnade — I liked it better as it is. For I did not think there was space sufficient for an entrance hall; nor is it usual to have one, except in those buildings which have a larger court; nor could it have bedrooms and apartments of that kind attached to it. As it is, from the very beauty of its arched roof, it will serve as an admirable summer room. However, if you think differently, write back word as soon as possible. In the bath I have moved the hot chamber to the other corner of the dressing-room, because it was so placed that its steam-pipe was immediately under the bedrooms. A fair-sized bedroom and a lofty winter one I admired very much, for they were both spacious and well-situated — on the side of the promenade nearest to the bath. Diphilus had placed the columns out of the perpendicular, and not

opposite each other. These, of course, he shall take down; he will learn some day to use the plumb-line and measure. On the whole, I hope Diphilus's work will be completed in a few months: for Caesius, who was with me at the time, keeps a very sharp lookout upon him. Thence I started straight along the via Vitularia to your Fufidianum, the estate which we bought for you a few weeks ago at Arpinum for 100,000 sesterces. I never saw a shadier spot in summer-water springs in many parts of it, and abundant into the bargain. In short, Caesius thought that you would easily irrigate fifty jugera of the meadow land. For my part, I can assure you of this, which is more in my line, that you will have a villa marvellously pleasant, with the addition of a fish-pond, spouting fountains, a palaestra, and a shrubbery. I am told that you wish to keep this Bovillae estate. You will determine as you think good. Calvus said that, even if the control of the water were taken from you, and the right of drawing it off were established by the vendor, and thus an easement were imposed on that property, we could yet maintain the price in case we wished to sell. He said that he had agreed with you to do the work at three sesterces a foot, and that he had stepped it, and made it three miles. It seemed to me more. But I will guarantee that the money could nowhere be better laid out. I had sent for Cillo from Venafrum, but on that very day four of his fellow servants and apprentices had been crushed by the falling in of a tunnel at Venafrum. On the 13th of September I was at Laterium. I examined the road, which appeared to me to be so good as to seem almost like a high road, except a hundred and fifty paces — for I measured it myself from the little bridge at the temple of Furina, in the direction of Satricum. There they had put down dust, not gravel (this shall be changed), and that part of the road is a very steep incline. But I understood that it could not be taken in any other direction, particularly as you did not wish it to go through the property of Locusta or Varro. The latter alone had made the road very well where it skirted his own property. Locusta hadn't touched it but I will call on him at Rome, and think I shall be able to stir him up, and at the same time I shall ask M. Taurus, who is now at Rome, and whom I am told promised to allow you to do so, about making a watercourse through his property. I much approved of your steward

Nicephorius, and I asked him what orders you had given about that small building at Laterium, about which you spoke to me. He told me in answer that he had himself contracted to do the work for sixteen *sestertia*, but that you had afterwards made many additions to the work, but nothing to the price, and that he had therefore given it up. I quite approve, by Hercules, of your making the additions you had determined upon; although the villa as it stands seems to have the air of a philosopher, meant to rebuke the extravagance of other villas. Yet, after all, that addition will be pleasing. I praised your landscape gardener: he has so covered everything with ivy, both the foundation-wall of the villa and the spaces between the columns of the walk, that, upon my word, those Greek statues seemed to be engaged in fancy gardening, and to be showing off the ivy. Finally, nothing can be cooler or more mossy than the dressing-room of the bath. That is about all I have to say about country matters. The gardener, indeed, as well as Philotimus and Cincius are pressing on the ornamentation of your town house; but I also often look in upon it myself, as I can do without difficulty. Wherefore don't be at all anxious about that.

As to your always asking me about your son, of course I "excuse you"; but I must ask you to "excuse" me also, for I don't allow that you love him more than I do. And oh that he had been with me these last few days at Arpinum, as he had himself set his heart on being, and as I had no less done! As to Pomponia, please write and say that, when I go out of town anywhere, she is to come with me and bring the boy. I'll do wonders with him, if I get him to myself when I am at leisure: for at Rome there is no time to breathe. You know I formerly promised to do so for nothing. What do you expect with such a reward as you promise me? I now come to your letters which I received in several packets when I was at Arpinum. For I received three from you in one day, and, indeed, as it seemed, despatched by you at the same time — one of considerable length, in which your first point was that my letter to you was dated earlier than that to Caesar. Oppius at times cannot help this: the reason is that, having settled to send letter-carriers, and having received a letter from me, he is hindered by something turning up, and obliged to despatch them later than he had intended; and I don't take the trouble to have the day altered on a letter which I have once handed to him. You

write about Caesar's extreme affection for us. This affection you must on your part keep warm, and I for mine will endeavour to increase it by every means in my power. About Pompey, I am carefully acting, and shall continue to act, as you advise. That my permission to you to stay longer is a welcome one, though I grieve at your absence and miss you exceedingly, I am yet partly glad. What you can be thinking of in sending for such people as Hippodamus and some others, I do not understand. There is not one of those suburban estate. However, there is no reason for your fellows that won't expect a present from you equal to a classing my friend Trebatius with them. I sent him to Caesar, and Caesar has done all I expected. If he has not done quite what he expected himself, I am not bound to make it up to him, and I in like manner free and absolve you from all claims on his part. Your remark, that you are a greater favourite with Caesar every day, is a source of undying satisfaction to me. As to Balbus, who, as you say, promotes that state of things, he is the apple of my eye. I am indeed glad that you and my friend Trebonius like each other. As to what you say about the military tribuneship, I, indeed, asked for it definitely for Curtius, and Caesar wrote back definitely to say that there was one at Curtius's service, and chided me for my modesty in making the request. If I have asked one for anyone else — as I told Oppius to write and tell Caesar — I shall not be at all annoyed by a refusal, since those who pester me for letters are annoyed at a refusal from me. I like Curtius, as I have told him, not only because you asked me to do so, but from the character you gave of him; for from your letter I have gathered the zeal he shewed for my restoration. As for the British expedition, I conclude from your letter that we have no occasion either for fear or exultation. As to public affairs, about which you wish Tiro to write to you, I have written to you hitherto somewhat more carelessly than usual, because I knew that all events, small or great, were reported to Caesar. I have now answered your longest letter.

Now hear what I have to say to your small one. The first point is about Clodius's letter to Caesar. In that matter I approve of Caesar's policy, in not having given way to your request so far as to write a single word to that Fury. The next thing is about the speech of Calventius "Marius". I am surprised at your saying that you think I

ought to answer it, particularly as, while no one is likely to read that speech, unless I write an answer to it, every schoolboy learns mine against him as an exercise. My books, all of which you are expecting, I have begun, but I cannot finish them for some days yet. The speeches for Scaurus and Plancius which you clamour for I have finished. The poem to Caesar, which I had begun, I have cut short. I will write what you ask me for, since your poetic springs are running dry, as soon as I have time.

Now for the third letter. It is very pleasant and welcome news to hear from you that Balbus is soon coming to Rome, and so well accompanied! and will stay with me continuously till the 15th of May. As to your exhorting me in the same letter, as in many previous ones, to ambition and labour, I shall, of course, do as you say: but when am I to enjoy any real life?

Your fourth letter reached me on the 13th of September, dated on the 10th of August from Britain. In it there was nothing new except about your *Erigona*, and if I get that from Oppius I will write and tell you what I think of it. I have no doubt I shall like it. Oh yes I had almost forgotten to remark as to the man who, you say in your letter, had written to Caesar about the applause given to Milo — I am not unwilling that Caesar should think that it was as warm as possible. And in point of fact it was so, and yet that applause, which is given to him, seems in a certain sense to be given to me.

I have also received a very old letter, but which was late in coming into my hands, in which you remind me about the temple of Tellus and the colonnade of Catulus. Both of these matters are being actively carried out. At the temple of Tellus I have even got your statue placed. So, again, as to your reminder about a suburban villa and gardens, I was never very keen for one, and now my town house has all the charm of such a pleasure-ground. On my arrival in Rome on the 18th of September I found the roof on your house finished: the part over the sitting-rooms, which you did not wish to have many gables, now slopes gracefully towards the roof of the lower colonnade. Our boy, in my absence, did not cease working with his rhetoric master. You have no reason for being anxious about his education, for you know his ability, and I see his application. Everything else I take it upon myself to guarantee, with full

consciousness that I am bound to make it good.

As yet there are three parties prosecuting Gabinius: first, L. Lentulus, son of the flamen, who has entered a prosecution for *lèse majesté*; secondly, Tib. Nero, with good names at the back of his indictment; thirdly, C. Memmius the tribune in conjunction with L. Capito. He came to the walls of the city on the 19th of September, undignified and neglected to the last degree. But in the present state of the law courts I do not venture to be confident of anything. As [[w:Cato the Younger|Cato] is unwell, he has not yet been formally indicted for extortion. Pompey is trying hard to persuade me to be reconciled to him, but as yet he has not succeeded at all, nor, if I retain a shred of liberty, will he succeed. I am very anxious for a letter from you. You say that you have been told that I was a party to the Coalition of the consular candidates — it is a lie. The compacts made in that coalition, afterwards made public by Memmius, were of such a nature that no loyal man ought to have been a party to them; nor at the same time was it possible for me to be a party to a coalition from which Messalla was excluded, who is thoroughly satisfied with my conduct in every particular, as also, I think, is Memmius. To Domitius himself I have rendered many services, which he desired and asked of me. I have put Scaurus under a heavy obligation by my defence of him. It is as yet very uncertain both when the elections will be and who will be consuls.

Just as I was folding up this epistle letter-carriers arrived from you and Caesar (20th September) after a journey of twenty days. How anxious I was! How painfully I was affected by Caesar's most kind letter! But the kinder it was, the more sorrow did his loss occasion me. But to turn to your letter. To begin with, I reiterate my approval of your staying on, especially as, according to your account, you have consulted Caesar on the subject. I wonder that Oppius has anything to do with Publius, for I advised against it. Farther on in your letter you say that I am going to be made *legatus* to Pompey on the 13th of September: I have heard nothing about it, and I wrote to Caesar to tell him that neither Vibullius nor Oppius had delivered his message to Pompey about my remaining at home. Why, I know not. However, it was I who restrained Oppius from doing so, because it was Vibullius who should take the leading part in that matter: for

with him Caesar had communicated personally, with Oppius only by letter. I indeed can have no “second thoughts” in matters connected with Caesar. He comes next after you and our children in my regard, and not much after. I think I act in this with deliberate judgment, for I have by this time good cause for it, yet warm personal feeling no doubt does influence me also.

Just as I had written these last words — which are by my own hand — your boy came in to dine with me, as Pomponia was dining out. He gave me your letter to read, which he had received shortly before — a truly Aristophanic mixture of jest and earnest, with which I was greatly charmed. He gave me also your second letter, in which you bid him cling to my side as a mentor. How delighted he was with those letters! And so was I. Nothing could be more attractive than that boy, nothing more affectionate to me! — This, to explain its being in another handwriting, I dictated to Tiro while at dinner.

Your letter gratified Annalis very much, as showing that you took an active interest in his concerns, and yet assisted him with exceedingly candid advice. Publius Servilius the elder, from a letter which he said he had received from Caesar, declares himself highly obliged to you for having spoken with the greatest kindness and earnestness of his devotion to Caesar. After my return to Rome from Arpinum I was told that Hippodamus had started to join you. I cannot say that I was surprised at his having acted so discourteously as to start to join you without a letter from me: I only say this, that I was annoyed. For I had long resolved, from an expression in your letter, that if I had anything I wished conveyed to you with more than usual care, I should give it to him: for, in truth, into a letter like this, which I send you in an ordinary way, I usually put nothing that, if it fell into certain hands, might be a source of annoyance. I reserve myself for Minucius and Salvius and Labeo. Labeo will either be starting late or will stay here altogether. Hippodamus did not even ask me whether he could do anything for me. T. Penarius sends me a kind letter about you: says that he is exceedingly charmed with your literary pursuits, conversation, and above all by your dinners. He was always a favourite of mine, and I see a good deal of his brother. Wherefore continue, as you have begun, to admit the young man to

your intimacy. From the fact of this letter having been in hand during many days, owing to the delay of the letter-carriers, I have jotted down in it many various things at odd times, as, for instance, the following. Titus Anicius has mentioned to me more than once that he would not hesitate to buy a suburban property for you, if he found one. In these remarks of his I find two things surprising: first, that when you write to him about buying a suburban property, you not only don't write to me to that effect, but write even in a contrary sense; and, secondly, that in writing to him you totally forget his letters which you showed me at Tusculum, and as totally the rule of Epicharmus, "Notice how he has treated another": in fact, that you have quite forgotten, as I think, the lesson conveyed by the expression of his face, his conversation, and his spirit. But this is your concern. As to a suburban property, be sure to let me know your wishes, and at the same time take care that that fellow doesn't get you into trouble. What else have I to say? Anything? Yes, there is this: Gabinius entered the city by night on the 27th of September, and today, at two o'clock, when he ought to have appeared on his trial for lèse majesté, in accordance with the edict of C. Alfius, he was all but crushed to the earth by a great and unanimous demonstration of the popular hatred. Nothing could exceed his humiliating position. However, Piso comes next to him. So I think of introducing a marvellous episode into my second book — Apollo declaring in the council of the gods what sort of return that of the two commanders was to be, one of whom had lost, and the other sold his army. From Britain I have a letter of Caesar's dated the 1st of September, which reached me on the 27th, satisfactory enough as far as the British expedition is concerned, in which, to prevent my wondering at not getting one from you, he tells me that you were not with him when he reached the coast. To that letter I made no reply, not even a formal congratulation, on account of his mourning. Many, many wishes, dear brother, for your health.

LETTER 2

To Quintus in Gaul, from Rome, October 54 BC

In the evening of the 10th of October Salvius started on board ship for Ostia with the things you wished sent to you from home. On that same day Memmius gave Gabinius such a splendid warming in public meeting that Calidius couldn't say a word for him. Tomorrow (which is strictly the day after tomorrow, for I am writing before daybreak) there is a trial before Cato for the selection of his prosecutor between Memmius, Tiberius Nero, and Gaius and Lucius, sons of M. Antonius. I think the result will be in favour of Memmius, though a strong case is being made out for Nero. In short, he is in a fairly tight fix, unless our friend Pompey, to the disgust of gods and men, upsets the whole concern. Let me give you a specimen of the fellow's impudence, and extract something amusing from the public disasters. Gabinius having given out wherever he came that he was demanding a triumph, and having suddenly, the excellent general! invaded the city of his enemies by night, did not venture to enter the senate. Meanwhile, exactly on the tenth day, on which he was bound to report the number of the enemy and of his own soldiers who had been killed, he slunk into the house, which was very thinly attended. When he made as if to go out, he was stopped by the consuls. The publicani were introduced. The fellow was assailed on every side, and my words stinging him more than all, he lost patience, and in a voice quivering with anger called me "Exile." Thereupon — Heavens I never had such a compliment paid me in all my life — the senate rose up to a man with a loud shout and made a menacing movement in his direction : the publicani made an equal noise and a similar movement. In fine, they all behaved exactly as you would have done. It is the leading topic of conversation out of the house. However, I refrain from prosecuting, with difficulty, by Hercules! yet refrain I do: either because I don't want to quarrel with Pompey — the impending question of Milo is enough in that direction — or because we have no jurors worthy of the name. I fear a fiasco: besides, there is the ill-will of certain persons to me, and I am afraid

my conducting the prosecution might give him some advantage: besides, I do not despair of the thing being done both without me and yet partly through my assistance. All the candidates for the consulships have had prosecutions for bribery lodged against them: Domitius Calvinus by Memmius (the tribune), Memmius (the candidate) by Q. Acutius, an excellent young man and a good lawyer, Messalla by Q. Pompeius, Scaurus by Triarius. The affair causes great commotion, because it is a plain alternative between shipwreck for the men concerned or for the laws. Pressure is being applied to prevent the trials taking place. It looks like an interregnum again. The consuls desire to hold the *comitia*: the accused don't wish it, and especially Memmius, because he hopes that Caesar's approach may secure him the consulship. But he is at a very low ebb. Domitius, with Messalla as his colleague, I think is a certainty. Scaurus has lost his chance. Appius declares that he will relieve Lentulus even without a curiate law, and, indeed, he distinguished himself amazingly that day (I almost forgot to mention it) in an attack upon Gabinius. He accused him of *lèse majesté*, and gave the names of his witnesses without Gabinius answering a word. That is all the public news. At home all is well: your house itself is being proceeded with by the contractors with fair expedition.

LETTER 3

To Quintus in Gaul, from Rome, October 54 BC

The writing of an amanuensis must show you the amount of my engagements. I assure you that no day passes without my appearing for the defence of some one. Accordingly, all composition or reflexion I reserve for the hour of my walk. So stands my business: matters at home, however, are everything I could wish. Our boys are well, diligent in their studies, and affectionate to me and each other. The decoration of both of our houses is still in hand: but your rural works at Arcanum and Laterium are now completed. For the rest, as to the water and the road, I went into the case thoroughly, in a certain letter of mine, without omitting anything. But, in truth, the anxiety which is now giving me great uneasiness and pain is that for a period of fifty days I have heard nothing from you or from Caesar — nothing has found its way from those parts, either in the shape of a letter, or even of a rumour. Moreover, both the sea and land out there make me uneasy, and I never cease imagining, as one does when one's affections are deeply involved, all that I least desire. Wherefore I do not, indeed, for the present ask you to write me an account of yourself and your doings, for that you never omit doing when possible, but I wish you to know this — that I have scarcely ever been so anxious for anything as at the moment of writing I am for a letter from you. Now for what is going on in politics. One day after another for the comitia is struck out by notices of bad omens, to the great satisfaction of all the loyalists: so great is the scandal in which the consuls are involved, owing to the suspicion of their having bargained for a bribe from the candidates. The four candidates for the consulship are all arraigned : their cases are difficult of defence, but I shall do my best to secure the safety of our friend Messalla — and that is inseparable from the acquittal of the others. Publius Sulla has accused Gabinius of bribery — his stepson Memmius his cousin Caecilius, and his son Sulla backing the indictment. L. Torquatus put in his claim to the conduct of the prosecution, and, to everybody's satisfaction, failed to establish it. You ask, "What will become of

Gabinius?" We shall know in three days' time about the charge of *lèse majesté*. In that case he is at a disadvantage from the hatred entertained by all classes for him; witnesses against him as damaging as can be: accusers in the highest degree inefficient: the panel of jurors of varied character: the president a man of weight and decision — Alfius: Pompey active in soliciting the jurors on his behalf. What the result will be I don't know; I don't see, however, how he can maintain a position in the state. I shew no rancour in promoting his destruction, and await the result with the utmost good temper. That is nearly all the news. I will add this one item: your boy (who is mine also) is exceedingly devoted to his rhetoric master Paeonius, a man, I think, of great experience in his profession, and of very good character. But you are aware that my method of instruction aims at a somewhat more and philosophical style. Accordingly I, for my part, am unwilling that his course of training should be interrupted, and the boy himself seems to be more drawn to that declamatory style, and to like it better; and as that was the style in which I was myself initiated, let us allow him to follow in my path, for I feel sure it will eventually bring him to the same point; nevertheless, if I take him with me somewhere in the country, I shall guide him to the adoption of my system and practice. For you have held out before me a great reward, which it certainly shall not be my fault if I fail to fully obtain. I hope you will write and tell me most carefully in what district you are going to pass the winter, and what your prospects are.

LETTER 4

To Quintus in Gaul, from Rome, 24 October 54 BC

Gabinius has been acquitted. Nothing could be more absolutely futile than his accuser, Lentulus, and the backers of the indictment, or more corrupt than the jury. Yet, after all, had it not been for incredible exertions and entreaties on Pompey's part, and even an alarming rumour of a dictatorship, he would not have been able to answer even Lentulus; for even as it was, with such an accuser and such a jury, he had thirty-two votes out of seventy recorded against him. This trial is altogether so scandalous, that he seems certain to be convicted in the other suits, especially in that for extortion. But you must see that the Republic, the senate, the law courts are mere ciphers, and that not one of us has any constitutional position at all. What else should I tell you about the jurors? Two men of praetorian rank were on the panel — Domitius Calvinus, who voted for acquittal so openly that everybody could see; and Cato, who, as soon as the voting tablets had been counted, withdrew from the ring of people, and was the first to tell Pompey the news. Some people — for instance, Sallust — say that I ought to have been the prosecuting counsel. Was I to have exposed myself to such a jury as this? What would have been my position, if he had escaped when I conducted the case? But there were other considerations which influenced me. Pompey would have looked upon it as a contest with me, not for that man's safety, but for his own position: he would have entered the city; it would have become a downright quarrel; I should have seemed like a Pacideianus matched with the Samnite Aeserninus</ref>Two gladiators, one incomparably superior to the other.</ref> — he would, perhaps, have bitten off my ear, and at least he would have become reconciled to Clodius. For my part, especially if you do not disapprove of it, I strongly approve my own policy. That great man, though his advancement had been promoted by unparalleled exertions on my part, and though I owed him nothing, while he owed me all, yet could not endure that I should differ from him in politics&mdashto put it mildly — and, when in a less powerful

position, showed me what he could do against me when in my zenith. At this time of day, when I don't even care to be influential, and the Republic certainly has no power to do anything, while he is supreme in everything, was I to enter upon a contest with him? For that is what I should have had to have done. I do not think that you hold me bound to have undertaken it. "Then, as an alternative," says the grave Sallust, "you should have defended him, and have made that concession to Pompey's earnest wish, for he begged you very hard to do so." An ingenious friend is Sallust, to give me the alternative of a dangerous quarrel or undying infamy! I, however, am quite pleased with the middle course which I have steered; and another gratifying circumstance is that, when I had given my evidence with the utmost solemnity, in accordance with my honour and oath, the defendant said that, if he retained his right to remain in the city, he would repay me, and did not attempt to cross-question me.

As to the verses which you wish me to compose, it is true that I am deficient in industry in regard to them, which requires not only time, but also a mind free from all anxiety, but I am also wanting in inspiration. For I am not altogether without anxiety as to the coming year, though without fear. At the same time, and, upon my word, I speak without irony, I consider you a greater master of that style of writing than myself. As to filling up your Greek library, effecting interchanges of books, and purchasing Latin books, I should be very glad that your wishes should be carried out, especially as they would be very useful to me. But I have no one to employ for myself in such a business: for such books as are really worth getting are not for sale, and purchases cannot be effected except by an agent who is both well-informed and active. However, I will give orders to Chrysippus and speak to Tyrannio. I will inquire what Scipio has done about the treasury. I will see that what seems to be the right thing is done. As to Ascanio, do what you like: I shall not interfere. As to a suburban property, I commend your not being in a hurry, but I advise your having one. I write this on the 24th of October, the day of the opening of the games, on the point of starting for my Tusculan villa, and taking my dear young Cicero with me as though to school (a school not for sport, but for learning), since I did not wish to be at any greater distance from town, because I purposed supporting

Pomptinus's claim of a triumph on the 3rd of November. For there will be, in fact, some little difficulty; as the praetors, Cato and Servilius, threaten to forbid it, though I don't know what they can do. For he will have on his side Appius the consul, some praetors and tribunes. Still, they do threaten — and among the foremost Q. Scaevola, "breathing war." Most delightful and dearest of brothers, take good care of your health.

LETTER 5&6

To Quintus in Gaul, from Tusculum, October or November 54 BC

You ask me what I have done about the books which I begun to write when in my Cuman villa: I have not been idle and am not being idle now; but I have frequently changed the whole plan and arrangement of the work. I had already completed two books, in which I represented a conversation taking place on the Novendialia held in the consulship of Tuditanus and Aquilius, between Africanus, shortly before his death, and Laelius, Philus, Manilius, P. Rutilius, Q. Tubero, and Laelius's sons-in-law, Fannius and Scaevola; a conversation which was extended to nine days and the same number of books "On the best Constitution of the State" and "On the best Citizen." The work was excellently composed, and the rank of the speakers added considerable weight to the style. But when these books were read to me in the presence of Sallustius at Tusculum, it was suggested to me by him that a discourse on such subjects would come with much greater force if I were myself the speaker on the Republic, especially as I was a no mere Heraclides Ponticus, but an ex-consul, and one who had been engaged in the most important affairs in the state: that when I put them in the mouth of men of such ancient date they would have an air of unreality: that I had shewn good taste in my books about the science of rhetoric in keeping the dialogue of the orators apart from myself, and yet had attributed it to men whom I had personally seen: and, finally, that Aristotle delivers in the first person his essays "On the Republic" and "On the Eminent Man." I was influenced the more by this from the fact that I was unable to touch on the most important commotions in our state, because they were subsequent to the age of the speakers. Moreover, my express object then was not to offend anyone by launching into the events of my own time: as it is, I shall avoid that and at the same time be the speaker with you. Nevertheless, when I come to Rome I will send you the dialogues as they originally stood. For I fancy that those books will convince you that they have not been abandoned by

me without some chagrin.

I am extremely gratified by Caesar's affection of which you write to me. The offers which he holds out I do not much reckon on, nor have I any thirst for honours or longing for glory; and I look forward more to the continuation of his kindness than to the fulfillment of his promises. Still, I live a life so prominent and laborious that I might seem to be expecting the very thing that I deprecate. As to your request that I should compose some verses, you could hardly believe, my dear brother, how short of time I am: nor do I feel much moved in spirit to write poetry on the subject you mention. Do you really come to me for disquisitions on things that I can scarcely conceive even in imagination — you who have distanced everybody in that style of vivid and descriptive writing? Yet I would have done it if I could, but, as you will assuredly not fail to notice, for writing poetry there is need of a certain freshness of mind of which my occupations entirely deprive me. I withdraw myself, it is true, from all political anxiety and devote myself to literature; still, I will hint to you what, by heaven, I specially wished to have concealed from you. It cuts me to the heart, my dearest brother, to the heart, to think that there is no Republic, no law courts, and that my present time of life, which ought to have been in the full bloom of senatorial dignity, is distracted with the labours of the forum or eked out by private studies, and that the object on which from boyhood I had set my heart,

Far to excel, and tower above the crowd,

is entirely gone: that my opponents have in some cases been left unattacked by me, in others even defended: that not only my sympathies, but my very dislikes, are not free: and that Caesar is the one man in the world who has been found to love me to my heart's Content, or even, as others think, the only one who was inclined to do so. However, there is none of all these vexations of such a kind as to be beyond the reach of many daily consolations; but the greatest of consolations will be our being together. As it is, to those other sources of vexation there is added my very deep regret for your absence. If I had defended Gabinius, which Pansa thought I ought to have done, I should have been quite ruined: those who hate him — and that is entire orders — would have begun to hate me for the sake

of their hatred for him. I confined myself, as I think with great dignity, to doing only that which all the world saw me do. And to sum up the whole case, I am, as you advise, devoting all my efforts to tranquillity and peace. As to the books: Tyrannio is a slow-coach: I will speak to Chrysippus, but it is a laborious business and requires a man of the utmost industry. I find it in my own case, for, though I am as diligent as possible, I get nothing done. As to the Latin books, I don't know which way to turn — they are copied and exposed for sale with such a quantity of errors! However, whatever can possibly be done I will not neglect to do. Gaius Rebilus, as I wrote to you before, is at Rome. He solemnly affirms his great obligations to you, and reports well of your health. I think the question of the treasury was settled in my absence. When you speak of having finished four tragedies in sixteen days, I presume you are borrowing from some one else? And do you deign to be indebted to others after writing the Electra and the Troades? Don't be idle; and don't think the proverbial *gnôthi seauton* was only meant to discourage vanity: it means also that we should be aware of our own qualities. But pray send me these tragedies as well as the *Erigona*. I have now answered your last two letters.

LETTER 7

To Quintus in Gaul, from Tusculum, November 54 BC

At Rome, and especially on the Appian road as far as the temple of Mars, there is a remarkable flood. The promenade of Crassipes has been washed away, pleasure grounds, a great number of shops. There is a great sheet of water right up to the public fish-pond. That doctrine of Homer's is in full play:

The days in autumn when in violent flood
Zeus pours his waters, wroth at sinful men

— for it falls in with the acquittal of Gabinius —

Who wrench the law to suit their crooked ends
And drive out justice, recking naught of Gods.

But I have made up my mind not to care about such things. When I get back to Rome I will write and tell you my observations, and especially about the dictatorship, and I will also send a letter to Labienus and one to Ligurius. I write this before daybreak by the carved wood lamp-stand, in which I take great delight, because they tell me that you had it made when you were at Samos. Good-bye, dearest and best of brothers.

LETTER 8

To Quintus in Gaul, from Rome, November 54 BC

The earlier of your two letters is full of irritability and complainings, and you say you gave another of the same sort the day before to Labienus, who has not yet arrived — but I have nothing to say in answer to it, for your more recent letter has obliterated all trace of vexation from my mind. I will only give you this hint and make this request, that in the midst of your vexations and labours you should recall what our notion was as to your going to Caesar. For our object was not the acquisition of certain small and unimportant gains. For what was there of that kind which we should have thought worth the price of our separation? What we sought was the strongest possible security for the maintenance of our entire political position by the countenance of a man of the highest character and most commanding influence. Our interest is not so much in the acquisition of sums of money, as in the realization of this hope: all else that you get is to be regarded only as a security against actual loss. Wherefore, if you will frequently turn your thoughts back upon what we originally proposed to ourselves and hoped to do, you will bear with less impatience the labours of military service of which you speak and the other things which annoy you, and, nevertheless, will resign them whenever you choose. But the right moment for that step is not yet come, though it is now not far off. Furthermore, I give you this hint — don't commit anything at all to writing, the publication of which would be annoying to us. There are many things that I would rather not know than learn at some risk. I shall write at greater length to you with a mind less preoccupied, when my boy Cicero is, as I hope he will be, in a good state of health. Pray be careful to let me know to whom I should give the letter which I shall then send you — to Caesar's letter-carriers, for him to forward them direct to you, or to those of Labienus? For where your Nervii dwell, and how far off, I have no idea. I derived great pleasure from your letter describing the courage and dignity displayed (as you say) by Caesar in his extreme sorrow. You bid me finish the poem in his honour which I had begun; and

although I have been diverted from it by business, and still more by my feelings, yet, since Caesar knows that I did begin something, I will return to my design, and will complete in these leisure days of the "supplications," during which I greatly rejoice that our friend Messalla and the rest are at last relieved from worry. In reckoning on him as certain to be consul with Domitius, you are quite in agreement with my own opinion. I will guarantee Messalla to Caesar: but Memmius Cherishes a hope, founded on Caesar's return to Italy, in which I think he is under a mistake. He is, indeed, quite out of it here. Scaurus, again, has been long ago thrown over by Pompey. The business has been put off: the *comitia* postponed and postponed, till we may expect an *interregnum*. The rumour of a dictator is not pleasing to the aristocrats; for myself, I like still less what they say. But the proposal, as a whole, is looked upon with alarm, and grows unpopular. Pompey says outright that he doesn't wish it: to me previously he used not personally to deny the wish. Hirrus seems likely to be the proposer. Ye gods! what folly! How in love with himself and without — a rival! He has commissioned me to choke off Caelius Vinicianus, a man much attached to me. Whether Pompey wishes it or not, it is difficult to be sure. However, if it is Hirrus who makes the proposal, he will not convince people that he does not wish it. There is nothing else being talked about in politics just now; at any rate, nothing else is being done. The funeral of the son of Serranus Domesticus took place in very melancholy circumstances on the 23rd of November. His father delivered the funeral Oration which I composed for him. Now about Milo. Pompey gives him no support, and is all for Gutta, saying also that he will secure Caesar on his side. Milo is alarmed at this, and no wonder, and almost gives up hope if Pompey is created dictator. If he assists anyone who vetoes the dictatorship by his troop and bodyguard, he fears he may excite Pompey's enmity: if he doesn't do so, he fears the proposal may be carried by force. He is preparing games on a most magnificent scale, at a cost, I assure you, that no one has ever exceeded. It is foolish, on two or even three accounts, to give games that were not demanded — he has already given a magnificent show of gladiators: he cannot afford it: he is only an executor, and might have reflected that he is now an executor, not an aedile. That is about

all I had to write. Take care of yourself, dearest brother.

LETTER 9

To Quintus in Gaul, from Rome, November or December 54 BC

In regard to Gabinius, I had not to carry out any of the measures which you suggested with such affectionate solicitude. “May the earth swallow me” rather, etc.! I acted with very great dignity and also with the greatest consideration. I neither bore hardly on him nor helped him. I gave strong evidence, in other respects I did not stir. The disgraceful and mischievous result of the trial I bore with the utmost serenity. And this is the advantage which, after all that has happened, has accrued to me — that I am not even affected in the least by those evils in the state and the licentious conduct of the shameless, which used formerly to make me burst with indignation: for anything more abandoned than the men and the times in which we are living there cannot be. Accordingly, as no pleasure can possibly be got from politics, I don’t know why I should lose my temper. Literature and my favourite studies, along with the retirement of my country houses, and above all our two boys, furnish my enjoyments. The one man who vexes me is Milo. But I hope an end will be put to my anxieties by his getting the consulship: and to obtain this for him I shall struggle as hard as I did for my own, and you, I am sure, will continue to give assistance from over there. In his case other things are all secure, unless it is snatched from his grasp by downright violence: it is about his means that I am frightened:

For he is now beyond all bearing mad,

to spend 1,000,000 sesterce on his games. His want of prudence in this one particular I shall put up with as well as I can, and you should be strong-minded enough to do the same. In mentioning the changes to be expected next year, I didn’t mean you to understand me to refer to domestic alarms: the reference was wholly to the state of the Republic, in which, though not charged with any actual duty, I can scarcely discharge myself from all anxiety. Yet how cautious I would have you be in writing you may guess from the fact that I do not mention in my letters to you even open acts of disorder in the state,

lest my letter should be intercepted and give offence to the feelings of anyone. Wherefore, as far as domestic affairs are concerned, I would have you be quite easy: in politics I know how anxious you always are. I can see that our friend Messalla will be consul, if by means of an interrex, without any prosecution, if by that of a dictator, without danger of conviction. He is not disliked by anyone. Hortensius's warm support will stand him in good stead. Gabinius's acquittal is looked upon as a general act of indemnity. *En passant*: nothing has, after all, been done as yet about a dictatorship. Pompey is out of town; Appius is intriguing darkly; Hirrus is paving the way: there are many tribunes calculated on to veto it: the people are indifferent: the leading men disinclined to it: I don't stir a finger. I am exceedingly obliged for your promises as to slaves, and I am indeed, as you say, shorthanded both at Rome and on my estates. But pray do nothing for my convenience unless it entirely suits your own, and your means. About the letter of Vatinius I laughed heartily. But though I know I am being watched by him, I can swallow his hatred and digest it too. You urge me to "finish": well, I have finished what, in my own opinion at least, is a very pretty "epic" on Caesar, but I am in search of a trustworthy letter-carrier, lest it should share the fate of your *Erigona* — the only personage who has missed a safe journey from Gaul during Caesar's governorship.

What? because I had no good stone was I to pull down the whole building? — a building which I like better every day of my life: the lower court especially and the chambers attached to it are admirable. As to Arcanum, it is a building worthy of Caesar, or, by heaven, of some one even more tasteful still. For your statues, *palaestra*, fish-pond, and conduit are worthy of many Philotimuses, and quite above your Diphiluses. But I will visit them personally, as well as sending men to look after them and giving orders about them. As to the will of Felix, you will complain more when you know all. For the document which he believed himself to have sealed, in which your name was most certainly entered as heir to a twelfth, this, by a mistake of his own and of his slave Sicura, he did not seal: while the one which he did not intend to seal he did seal. But let it go hang, so long as we keep well! I am as devoted to your son Cicero as you can wish, and as he deserves, and as I am bound to be. However, I am

letting him leave me, both to avoid keeping him from his teachers, and because his mother is leaving, without whom I am very much alarmed as to the boy's large appetite. Yet, after all, we see a great deal of each other. I have now answered all your letters. Dearest and best of brothers, good-bye.

EPISTULAE AD BRUTUM (Letters to Brutus)

Translated by Evelyn S. Shuckburgh

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BOOK 1

LETTER 1

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (LATE IN MAY)

L. Clodius, tribune-designate, is much attached to me, or, to speak with more empressement, loves me dearly. And when I am assured of that I feel certain — for you know me — that you will conclude that I love him: for nothing seems to me less human than not to give an answering affection to those by whom one's love is challenged. He seemed to me to suspect, much to his chagrin, that some unfavourable report had reached you from his friends, or rather through his enemies, by which your feelings were alienated from him. It is not my habit, my dear Brutus, as I think you know, to make rash statements about another man. It is a risky thing to do, owing to the secret feelings and complicated natures of mankind But I have seen to the bottom of Clodius's heart: I know it, and have formed my judgment of it. There are many proofs of it, but such as I need not write down, for I want you to regard this as a solemn deposition rather than a letter. He has been promoted by Antony — though a large share even of that very favour has its origin in you — and accordingly he would wish his safety so long as it is compatible with ours. But he fully understands — for he is no fool, as you are aware — that matters have come to such a point that both cannot be preserved; accordingly he prefers us. As to yourself, indeed, he both speaks and feels in the most affectionate manner.

Wherefore, if anyone has written to you or spoken to you by word of mouth disparagingly of him, I beg you again and again to believe me rather than them. I have greater opportunity of judging than any such casual observer, and I am more devoted to you. Make up your mind that Clodius is most warmly attached to you, and is such a citizen as a man of the greatest sense and most ample fortune is bound to be.

LETTER 2

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (LATE IN MAY)

WHEN I had already written and sealed a despatch to you, a letter from you was delivered to me full of startling intelligence. But the most surprising of all was that Dolabella had sent five cohorts into the Chersonese. Is he so flush of troops that a man who was said to be in flight from Asia is now attempting to get a foothold in Europe? With five cohorts, moreover, what did he think that he could do when you had five legions, a splendid body of cavalry, and very large auxiliary forces? These same cohorts, I hope, by this time are in your hands, since that outlaw has been so insensate. I strongly commend your policy in not having moved your army from Apollonia and Dyrrachium, until you heard of the flight of Antony, of Decimus Brutus having broken out of Mutina, and of the victory of the Roman people. Accordingly, in saying that you had afterwards resolved to lead your army into the Chersonese, and not to suffer the government of the Roman people to be a laughingstock to an enemy stained with the worst of crimes, you are acting in the interests of your own position and of the Republic. You speak of an outbreak in the fourteenth legion on account of Gaius Antonius; you will excuse my saying that I am in sympathy with the severity of the soldiers rather than with yours.

LETTER 2A

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME, 17 APRIL

I rejoice that you have found the army and cavalry well affected to you. About Dolabella, as you remark, you will inform me' if you hear any news. In regard to this, I am pleased to think that I foresaw how independent your judgment would be as to making war on Dolabella. That, as I saw clearly at the time, was of great importance to the state, and, as I now am of opinion, of great importance to your own position.

You say in your letter that I have not hurried myself at all in making attacks on the Antonies; and you go on to commend me for it. I have no doubt that you think so; but I can in no sense admit the justice of the distinction you draw, when you say that more vigour should be used in preventing civil wars, than in wreaking vengeance upon the vanquished. I strongly differ from you, Brutus, and I do not admit your clemency doctrine. A salutary sternness is superior to the empty show of clemency. But if we choose the r™le of clemency we shall never have any lack of civil wars. However, that is more your concern than mine. For myself I can say, like the father in the Trinummus of Plautus, My time is all but past: 'tis you this most concerns.

You will be crushed, believe me, Brutus, unless you take proper precautions. For you won't always have the same people, nor the same senate, nor the same leader of the senate. Regard these words as uttered by the oracle of the Pythian Apollo. Nothing can be truer.

17 April.

LETTER 3

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME, 21 APRIL

OUR cause seems in a better position: for I feel sure that you have had letters telling you what has happened. The consuls have shewn themselves to be the sort of men I have often described them in my letters. In the youthful Caesar indeed there is a surprising natural strain of virtue. Pray heaven we may govern him in the flush of honours and popularity as easily as we have held him up to this time I That is certainly a more difficult thing, but nevertheless I have no mistrust. For the young man has been convinced, and chiefly by my arguments, that our safety is his work, and that at least, if he had not diverted Antony from the city, all would have been lost. Three or four days indeed before this glorious news, the city, struck by a sudden panic, was for pouring out with wives and children to seek you. The same city on the 20th of April, with its fears all dispelled, would rather that you came here than go to you. On that day in very truth I reaped the most abundant harvest of my great labours and my many sleepless nights — that is, at least, if there is a harvest in genuine and well-grounded glory. For I was surrounded by a concourse of people as great as our city can contain, by whom I was escorted to the Capitol and placed upon the rostra amidst the loudest cheers and applause. I have no vanity in me — and indeed I ought to have none: yet after all a unanimous feeling of all orders, thanks, and congratulations do move my heart, because it is a thing to be proud of that in the hour of the people's preservation I should be the people's hero. But these things I would rather you heard from others. Pray inform me of your own doings and plans with the greatest exactness; and do be careful that your generosity does not bear the appearance of weakness. This is the sentiment of the senate, and of the people, that no enemies ever more richly deserved condign punishment than those citizens who have taken up arms against their country in this war. Indeed in every speech I make in the senate I call for vengeance upon them and attack them amidst the applause of all loyal citizens. What your view of this is I must leave you to judge for

yourself: my opinion is that all three brothers stand on one and the same ground.

LETTER 3A

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME, 27 APRIL

WE have lost two consuls-good men enough; yes, at any rate good men. As for Hirtius, he fell in the moment of victory, having also won a great battle only a few days before. For Pansa had retreated, after receiving wounds which put him out of action. Decimus Brutus and Caesar are in pursuit of the remnants of the enemy. All, moreover, have been declared "enemies," who followed the party of Antony: and that decree of the senate most people interpret as applying also to those whom you have captured or who have surrendered to you. For my part I refrained from urging any severity, though I proposed a decree referring to Gaius Antonius by name: for I had made up my mind that the senate ought to be informed by you of the merits of his case.

27 April.

LETTER 4

M. IUNIUS BRUTUS TO CICERO (AT ROME) DYRRACHIUM (7 MAY)

MY joy at hearing of the success of our friend Decimus Brutus and the Consuls it is easier for you to imagine than for me to write. I have nothing but praise and pleasure for everything that has occurred, but especially for the fact that the sortie of Brutus not only proved his own salvation, but also a very great assistance to the victory.

You remark that all the three Antonies stand on one and the same ground, and that it rests with me to decide what view I take. Well, my only conclusion is that the decision in regard to those citizens who have fought and not been killed rests with the senate or the Roman people. "Ah, but," you will say, "you are wrong to begin with in calling men citizens whose feelings to the state are those of enemies." On the contrary, I am acting with the strictest justice. For that which the senate has not yet voted, nor the Roman people ordained — that I do not take upon myself to prejudge, nor do I claim to decide it on my own authority. From this position I do not budge-from the man, whom circumstances did not compel me to put to death, I have not wrested anything in a spirit of cruelty, nor have I given him any indulgence from mere weakness; but I have retained him in my power until the end of the war. I consider it much the more honourable course, and one which the Republic can with more safety concede, not to press heavily on the unfortunate, rather than to indulge men of influence in what is calculated to inflame their ambition and arrogance. In this matter, Cicero, you — who have done the most splendid and gallant services, and are most deeply beloved by all on private and public grounds alike-seem to me too ready to believe what you hope; and the moment anyone has done anything well, to be ready to give and concede everything to him. As though it were not quite possible that a mind should be corrupted by bribery and perverted to evil. You are so good-natured that you won't be angry at receiving this hint, especially as it concerns the common safety. You will act, however, as it may seem best to you.

Even I, when you have admonished me...

LETTER 4A

M. IUNIUS BRUTUS TO CICERO (AT ROME) CAMP IN EPIRUS, 15 MAY

... Now, Cicero, now is the time for action, lest we turn out to have rejoiced in vain at the defeat of Antony, and lest it is always to be a case of cutting out one mischief for another to grow worse than the former. No reverse can now find us unprepared or otiose, in which everyone will not be to blame, and especially yourself, whose influence the senate and Roman people not only allow to be so great, but even desire to be the very greatest that one man's can be in a free state. And this influence you ought to maintain not only by good intentions but also by prudent conduct. Now the prudence, with which you are richly endowed, does not fail you in any respect except as to moderation in bestowing honours. All other endowments you possess in such profusion, that your excellences will stand comparison with any of the heroes of old. The only outcome of your grateful and generous heart that people feel to be wanting is a more cautious and better regulated liberality. For the senate ought to grant nothing to anybody which may serve as a precedent or justification to the ill-disposed. For instance, I am afraid in regard to the consulship that your friend Caesar will think that he has mounted to a higher position by means of your decrees than he will be willing to descend from, if he is once made consul. But if Antony regarded the working machinery of kingly power left by another as an opportunity for seizing kingly power for himself, what do you suppose a man's feelings will be who shall conceive himself justified in aspiring to any kind of office, not on the authority of a slain tyrant, but on that of the senate itself? Wherefore I shall reserve my compliments to your good nature and foresight till I begin to have proof that Caesar will be content with the extra-constitutional honours that he has already received. "Do you mean, then," you will say, "to make me liable for another man's misconduct?" Yes, certainly for another's, if its occurrence might have been prevented by foresight. And oh that you may clearly see the depth of my alarm in regard to him!

P.S.-After writing the above I have been informed that you have been elected consul. I shall indeed begin to imagine that I have before my eyes a complete and self-sustained Republic, when I see that. Your son is well, and has been sent in advance into Macedonia with the cavalry.

15 May, in camp.

LETTER 5

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME (5 MAY)

ON the 27th of April, when the speeches were being delivered in the senate as to the proceedings to be taken against the men who had been adjudged public enemies, Servilius referred among others to the case of Ventidius, and also advised that Cassius should conduct the war against Dolabella. I spoke in support of this, and added to the motion that you, if you thought it expedient and to the public advantage, should direct your attack upon Dolabella: and that if you could not do so with advantage to the public service, or if you thought that it was to the interests of the state, you should keep your army in the district in which it now is. The senate could not have paid you a greater compliment than leaving you to decide what you thought to be for the benefit of the state. For my own part my feeling is that, if Dolabella has a body of troops, if he has a camp, if he has any footing anywhere, it concerns your honour and position that you should go against him. As to the forces in the hands of our friend Cassius we know nothing, for we have had no despatch from him personally, nor has any news reached us upon which we can rely. But how important it is that Dolabella should be crushed you certainly fully appreciate, both that he may be punished for his crime, and that there may be no place of refuge for the ringleaders of the outlaws after their rout at Mutina. And indeed that this has all along been my opinion you may recollect from my previous letter — though at that time our only harbour of refuge was in your camp, and we were looking to your army to save us from destruction. Much more, now that we have been freed as I hope from absolute danger, ought we to devote ourselves to crushing Dolabella. But think the matter over carefully, decide it wisely, and — if you deem it right-let me know what you have resolved and what you are actually doing. I wish my son Cicero to be co-opted into your college. I think in the circumstances that in the election of sacerdotes candidates might be voted for in their absence: for it has been done even before this. For instance, Gaius Marius, though he was in Cappadocia, was created an

augur under the lex Domitia; nor has any law since made that illegal. There is even a clause in the lex Julia — the most recent legislation on the subject of the priesthoods — in these words: “the candidate and anyone for whom votes shall be taken.” This clearly indicates that votes can be taken for one who does not act as a candidate. I have written to my son on this subject telling him to follow your advice, as in all other things. It is for you again to decide about Domitius and our friend Cato. But however legal it may be for votes to be taken for a man in his absence, yet it is easier in every way for those who are on the spot. While if you have resolved that you must go to Asia, we shall have no means of summoning our friends to the comitia. Certainly I think that everything would have been more expeditiously done if Pansa were alive: for he would have at once held the election of his colleague, and then the comitia of the sacerdotes would have been held before those of the praetors. As it is, I foresee a long delay on account of the auspicia; for as long as there is a single patrician magistrate left the auspicia cannot revert to the senate. It is certainly a serious complication. Pray write and tell me your views on the whole question.

5 May.

LETTER 6

M. IUNIUS BRUTUS TO CICERO (AT ROME) IMA CANDAVIA,

19 MAY Don't expect me to thank you. From the closeness of our intimacy, which has now reached the highest possible point of friendship, that ought long ago to have become superfluous. Your son is not in my quarters; we shall meet in Macedonia. His orders were to lead the cavalry from Ambracia by way of Thessaly, and I have written to him to meet me at Heraclea. When I see him; as you consent, I will settle with him about his return for his candidature, or rather his recom mendation to the office. I commend to your protection with the utmost warmth Pansa's physician Glyco, who is married to the sister of my freedman Achilles. I am told that he is suspected by Torquatus in regard to Pansa's death, and is in custody as a murderer. Nothing could be more incredible: for who lost more than he did by Pansa's death? Besides he is a well-conducted moral man, whom even personal advantage would seem unlikely to tempt to crime. I beg you, and that with great earnestness — for my Achilles is as anxious about it as he is bound to be — to rescue him from prison and be his preserver. This I regard as affecting my duty as a private man as nearly as anything else could do.

While I was actually writing this letter to you a despatch was delivered to me from Satrius, a legate of Gaius Trebonius, saying that Dolabella had been defeated and put to flight by Tillius and Deiotarus. I am sending you a Greek letter of a certain Cicereius to Satrius. Our friend Flavius in a dispute that he has with the people of Dyrrachium about an inheritance has named you as arbitrator: I beg you, Cicero, as does Flavius also, to settle this business. There is no doubt that the town owed money to the man who made Flavius his heir, nor do the Dyrrachini deny it, but they allege that they received from Caesar a remission of their debt. Don't allow your friends to do a wrong to a friend of mine.

19 May, in camp at Ima Candavia.

LETTER 7

M. IUNIUS BRUTUS TO CICERO (AT ROME) (MACEDONIA, LATTER PART OF MAY)

No one can better judge than you how dear Lucius Bibulus ought to be to me, considering his great struggles and anxieties on behalf of the Republic. Accordingly, his own excellence as well as our intimacy ought to make him your friend. I think myself therefore obliged to write at the less length: for a wish of mine ought to influence you, provided that it is equitable and is conceived in fulfilment of a necessary duty. He has resolved to stand for the place of Pansa. I beg you therefore to nominate him. You cannot do a favour to any man more closely attached than we are to you, nor can you nominate a more deserving man than Bibulus. What need to write about Domitius and Appuleius, seeing that they are most warmly recommended to you by their own merits? To Appuleius certainly you are bound to lend the protection of your influence — but Appuleius's praises shall be sung in the special letter he brings with him. Do not fail to take Bibulus to your bosom — a man, believe me, who may develop into the sort of character to deserve your most select praises.

LETTER 8

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (MAY-JUNE)

I SHALL recommend many to you, and it is inevitable that I should do so — for it is always the best men and best citizens that are most inclined to follow your judgment; and it is for your approval that all brave men desire to work and study with activity; and finally everyone thinks that my influence and favour have very great weight with you. But I recommend to you Gaius Nasidienus — a burgher of Suessa — with an earnestness beyond which I cannot go about anyone. In the war in Crete under Metellus he led the eighth "first line": afterwards he was employed in the management of his property. At this period, influenced by the party divisions in the state, and by your pre-eminent position, he wishes to gain some distinction by your means. I am recommending to you, Brutus, a man of courage, a man of good character, and —

if that is at all to the point — of wealth also. I shall be very much obliged if you treat him so as to enable him to thank me for favours received from you.

LETTER 9

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (8 JUNE)

I would have performed the function, which you performed in my own time of mourning, and have written you a letter of consolation, had I not known that you did not stand in need of those remedies in your sorrow with which you relieved mine. And I should hope that you will now more easily heal your own wound than you then could mine. It is, moreover, quite unlike a man as great as you are not to be able to do himself what be has enjoined on another. For myself, the arguments which you had collected, as well as your personal influence, deterred me from excessive indulgence in grief: for when I seemed to you to be bearing my sorrow with less firmness than was becoming to a man, and especially one accustomed to console others, you wrote upbraiding me in sharper terms than were usual with you. Accordingly, putting a high value on your opinion, and having a wholesome awe of it, I pulled myself together and regarded what I had learnt, read, and been taught as being the weightier by the addition of your authority. And at that time, Brutus, I owed nothing except to duty and nature: you now have to regard the people and the stage — to use a common expression. For since the eyes not only of your army, but of all the citizens, and I ought almost to say of all the world, are fixed on you, it is not at all seemly that the man who makes us all braver should himself seem weakened in mind. To sum up: you have met with a sorrow — for you have lost a thing unparalleled in the world — and you must needs suffer from so severe a wound, lest the fact of having no sense of sorrow should be a greater misfortune than sorrow itself: but that you should do so in moderation is advantageous to others, necessary for yourself. I would have written at greater length, had not even this been already too much. We are expecting you and your army, without which-even if everything else succeeds to our wishes — we seem likely to be scarcely as free as we could desire. On the whole political situation I will write at greater length, and perhaps with more certainty, in the letter which I think of handing to our friend Vetus.

LETTER 10

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (JUNE)

I have no letter as yet from you — not so much as a rumour — to shew that you are aware of the resolution of the senate and are bringing your army into Italy. That you should do so, and with all speed, the Republic urgently requires: for the internal mischief daily grows more serious, and we are in difficulties from enemies at home no less than from those abroad. The former have, it is true, always existed from the beginning of the war, but they were then more easily crushed. The senate was then in a more resolute frame of mind, roused to action not only by the motions which I brought forward, but also by my earnest exhortations. Pansa was then in the senate very strenuous and bold in his attacks upon all men of that sort, and especially his father-in-law. As consul his courage never failed him from the beginning, nor his loyalty at the end. The conduct of the war at Mutina left nothing to complain of in Caesar, though some few points in Hirtius. The fortune of this war is For happy though but ill, for ill not worst. The Republic was victorious: Antony's forces were cut to pieces, and he himself driven out of the country. Then came so many mistakes on the part of Decimus Brutus, that in a certain sense the victory slipped through our fingers. Our generals did not pursue the demoralized, unarmed, wounded enemy, and time was granted to Lepidus to give us a taste of that fickleness, which we had had many occasions to know before, in a more disastrous field. The armies of Brutus and Plancus are good but raw; their auxiliary forces of Gauls are very numerous and very loyal. But certain persons by most unprincipled letters and misleading agents and messages induced Caesar — up to that time wholly governed by my advice, and personally possessed of brilliant ability and admirable firmness of character — to entertain a very confident hope of the consulship. As soon as I discovered that, I never ceased offering him advice by letter in his absence, and remonstrating with his connexions who were in town, and who seemed to be supporting his ambition; nor in the senate did I hesitate to lay bare the sources of a

most criminal plot. Nor indeed do I remember a better disposition on the part of senate or magistrates. For in the case of voting an extra-constitutional office to a man of power, or rather of super-eminent power — since power now depends on force and arms — it never yet happened that no tribune, no one in any other office, no private senator was found to support it. But in spite of this firmness and manly spirit, the city was after all in a state of anxiety. For we are flouted, Brutus, both by the airs assumed by the soldiers and the arrogance of their commander. Each man claims to be powerful in the Republic in proportion to his physical force. Reason, moderation, law, custom, duty — all go for nothing: as do the judgment and opinion of their fellow citizens, and their respect for the verdict of posterity. It was because I foresaw all this long ago that I was on the point of flying from Italy at the time when the report of the edicts issued by you and Cassius recalled me. You also roused my spirits, Brutus, at Velia. For though it vexed me to be going to a city from which you who freed it were an exile — which had also happened to me formerly in a similar danger, though with more melancholy result-yet I continued my journey and reached Rome, and without any guard to protect me I shook the power of Antony, and encouraged by my influence and advice the protecting force offered by Caesar against his treasonable arms. And if Caesar keeps his word and follows my counsel, I think we shall have protection enough. But if the counsels of the disloyal have greater weight than mine, or if the weakness of his time of life proves unequal to the strain of the business, our whole hope is in you. Wherefore fly hither, I beseech you, and put the last touch to the freedom of a state, which you liberated by courage and high spirit rather than by any fortunate coincidence. Men of all sorts will crowd round you. Write and urge Cassius to do the same. Hope of liberty is nowhere to be found except in the headquarters of your two camps. We have, it is true,

generals and armies in the west on which we Can rely. The protecting force of the young Caesar, for instance, I regard at present as trustworthy: but so many are trying to shake his loyalty that at times I am mortally afraid of his giving way.

That is a complete view of the political situation, as it exists at the moment at which I write. I could wish that it might improve as we go

on: but if otherwise — which God forbid! I shall grieve for the sake of the Republic, which ought to have been immortal: but for myself — what a brief span of life is left!

LETTER 11

M. IUNIUS BRUTUS TO CICERO (AT ROME) DYRRACHIUM (MAY)

ANTISTIUS VETUS is so devoted to the Republic that I feel no doubt of his shewing himself in the case both of Caesar and Antony a most determined champion of the common liberty, if he ever gets the opportunity. For the man who, meeting P. Dolabella in Achaia in possession of infantry and cavalry, preferred incurring any danger from the treachery of an utterly unscrupulous outlaw to being thought either to have been compelled to give money, or to have given it voluntarily to a most abandoned and unprincipled man-he, I say, has not only promised but has paid us 2,000 Sestertia out of his own pocket, and, what is much more valuable, has presented himself in person and has joined us. I have been desirous to persuade him to remain in my camp in military command and to support the Republic. But he has made up his mind that he is bound to go home after having dismissed his army. He assured us, however, that he would return promptly in the position of legatus, unless the consuls intended holding the praetorian elections; for with a man of his political views, I was urgent that he should not postpone the time of his canvass. What this man has done ought to be approved by everybody, at any rate by those who believe that this army is of great moment to the state, by you all the more so in proportion as you defend our liberty with greater spirit and fame, and are sure to enjoy a higher position if the result of our plans is what we desire it to be. I also ask you, my dear Cicero, as a personal favour, and with the confidence of a friend, to love Vetus and to desire the highest promotion for him. For though nothing can turn him from his purpose, he will yet be capable of being incited by your praises and kindness still more to embrace and hold fast your principles. I shall be very grateful if it is so.

LETTER 12

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME
(BEGINNING OF JULY)

Though I am immediately about to give a letter to Messalla Corvinus, yet I could not let our friend Vetus reach you without a letter from me. The Republic, Brutus, is in the most imminent peril, and though victorious we are forced to begin the struggle once more. This is the result of the crime and infatuation of M. Lepidus. At such a time, while many things afflict me owing to the anxiety I feel for the Republic, yet nothing has given me greater vexation than to be unable to grant the petitions of your mother and sister: for as to yourself — which is of the greatest importance in my eyes — I think that I shall have no difficulty in satisfying you. The fact is that the position of Lepidus cannot on any consideration be separated from that of Antony, and in the judgment of all is even a worse one, both because he had been complimented by the senate with the most splendid honours, and had even sent an excellent despatch to the senate a few days before. Suddenly he not only receives the remnants of the enemy, but begins a war by land and sea with the greatest ferocity, the result of which is still in the balance. Therefore, while we are asked to shew consideration to his children, no guarantee is offered that we shall not undergo the most extreme penalties, if their father —

which God forbid — is victorious. Not indeed that I fail to consider how cruel it is that the crimes of parents should be expiated by the punishment of sons. But it is an excellent doctrine in law that affection for children should make parents more loyal to the Republic: therefore it is Lepidus that is Cruel to his children, not he who declares Lepidus a public enemy. Nay, even if he laid down his arms and was condemned for vis — a prosecution in which he would have no defence to offer-his sons would have met with the same disaster by the confiscation of his property. However, what your mother and sister deprecate in the case of his children, that very thing and measures more cruel still are what Lepidus, Antony, and the rest

denounce against us. Therefore our chief hope at this time is in you and your army. It is of very great importance both to the highest interests of the Republic and to your own glory and political position that — as I wrote to say before-you should come to Italy at the earliest possible Opportunity: for the Republic stands sorely in need both of your material forces and of your counsel. I have gladly, in pursuance of what you said in your letter, opened my arms to Vetus as his affection and his extreme loyalty to you deserved, and I have found him most zealous and devoted both to yourself and the Republic. My son I hope shortly to see: for I feel confident that he will promptly come to Italy in your train.

LETTER 13

M. IUNIUS BRUTUS TO CICERO (AT ROME) MACEDONIA, I JULY

The fear which others entertain makes me nervous about M. Lepidus. If he has wrenched himself from us — which I hope it will turn out that people have suspected about him hurriedly and without good grounds — I beg and beseech you, Cicero, appealing to our close friendship and your kindness to me, to forget that my sister's children are the sons of Lepidus, and to consider that I have succeeded to the place of their father. If I can induce you to do that, there is certainly nothing that you will hesitate to undertake for them. Some people live on one sort of terms with their relations, others on another, but I cannot do enough for my sister's children to satisfy my affection or duty. What consideration is there, moreover, which either the loyalists can shew me — if I am but worthy of some consideration from them — or what can I promise my mother and sister and these children, if Brutus being their uncle has no weight with you and the senate against the fact of Lepidus being their father? I am neither able for anxiety and vexation to write at great length to you, nor ought I to do so. For in a matter of so much importance and so vitally affecting me, if I need words in order to move your interest and confirm your resolution, there is no hope that you will do what I wish or what you are in duty bound to do. Therefore don't expect a lengthy petition from me. Only fix your eyes on me, who have a good right to obtain this service from you, either on private grounds from Cicero the man — and the closest of my friends — or from the consular, all private ties put aside. What you mean to do please write and tell me as soon as possible.

1 July, in camp.

LETTER 14

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME, II JULY

YOURS was a very short letter. “Short” do I say? Rather it was not a letter at all. Brutus write to me in three lines at such a crisis as this? I would rather have written nothing at all. And you talk of not hearing from me! Which of your men ever came to you without a letter from me? And what epistle of mine had not something of weight in it? And if they have not reached you, I think that your family letters cannot have done So either. You say that you will give a longer letter to my son. So far, so good: but even this one ought to have had more matter in it. Now upon your writing to me about my son’s quitting you, I immediately bustled my letter-carriers off with a letter to my son telling him that, even if he came to Italy, he should return to you: for nothing could be more gratifying to me and nothing more honourable to him. However, I had several times written to tell him that the election to the sacred colleges had by great exertions on my part been put off to another year. This I had taken pains to do for the sake of my son, and also for that of Domitius, Cato, Lentulus, and the Bibuli — as I wrote to tell you. But of course when you sent me that stingy little note this was not yet known to you. Wherefore I urge you, my dear Brutus, with all my might not to send my son from your side, and to bring him home with you in person, which if you have any regard for the Republic, for which you were born, you ought to do at once. For the war has revived — and a very serious one — owing to the crime of Lepidus: while Caesar’s army, which was in an excellent state, is not only of no service, but even makes it necessary for your army to be summoned. If that once reaches Italy there will not be a single citizen, deserving to be called such, who will not find his way to your camp. It is true that Decimus Brutus has effected a splendid junction with Plancus, yet you are not ignorant how uncertain are men’s feelings when infected with party spirit, how uncertain the results of battles. Nay, even if we conquer, as I hope, nevertheless the public service will require a great deal of guidance from your wisdom and your influence. Come to our help,

therefore, in God's name, and that as soon as possible: and assure yourself that you did not do better service to your country by the Ides of March, on which you shook the yoke of slavery from your fellow citizens, than you will do if you now arrive in good time.

11 July.

LETTER 15

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME (MIDDLE OF JULY)

You have Messalla with you. What letter, therefore, can I write with such minute care as to enable me to explain to you what is being done and what is occurring in public affairs, more thoroughly than he will describe them to you, who has at once the most intimate knowledge of everything,

and the talent for unfolding and conveying it to you in the best possible manner? For beware of thinking, Brutus — for though it is unnecessary for me to write to you what you know already, yet I cannot pass over in silence such eminence in every kind of greatness-beware of thinking, I say, that he has any parallel in honesty and firmness, care and zeal for the Republic. So much so that in him eloquence — in which he is extraordinarily eminent-scarcely seems to offer any opportunity for praise. Yet in this accomplishment itself his wisdom is made more evident; with such excellent judgement and with so much acuteness has he practised himself in the most genuine style of rhetoric. Such also is his industry, and so great the amount of midnight labour that he bestows on this study, that the chief thanks would not seem to be due to natural genius, great as it is in his case. But my affection carries me away: for it is not the purpose of this letter to praise Messalla, especially to Brutus; to whom his excellence is not less known than it is to me, and these particular accomplishments of his which I am praising even better. Grieved as I was to let him go from my side, my one consolation was that in going to you who are to me a second self; he was performing a duty and following the path of the truest glory. But enough of this I now come, after a long interval of time, to a certain letter of yours, in which, while paying me many compliments, you find one fault with me — that I was excessive and, as it were, extravagant in proposing votes of honour. That is your criticism: another's, perhaps, might be that I was too stern in inflicting punishment and exacting penalties, unless by chance you blame me for both. If that is so, I desire that

my principle in both these things should be very clearly known to you. And I do not rely solely on the dictum of Solon, who was at once the wisest of the Seven and the only lawgiver among them. He said that a state was kept together by two things-reward and punishment. Of course there is a certain moderation to be observed in both, as in everything else, and what we may call a golden mean in both these things. But I have no intention to dilate on such an important subject in this place.

But what has been my aim during this war in the motions I have made in the senate I think it will not be out of place to explain. After the death of Caesar and your ever memorable Ides of March, Brutus, you have not forgotten what I said had been omitted by you and your colleagues, and what a heavy cloud I declared to be hanging over the Republic. A great pest had been removed by your means, a great blot on the Roman people wiped out, immense glory in truth acquired by yourselves: but an engine for exercising king. y power had been put into the hands of Lepidus and Antony, of whom the former was the more fickle of the two, the latter the more corrupt, but both of whom dreaded peace and were enemies to quiet. Against these men, inflamed with the ambition of revolutionizing the state, we had no protecting force to oppose. For the fact of the matter was this: the state had become roused as one man to maintain its liberty; I at the time was even excessively warlike; you, perhaps with more wisdom, quitted the city which you had liberated, and when Italy offered you her services declined them. Accordingly, when I saw the city in the possession of parricides, and that neither you nor Cassius could remain in it with safety, and that it was held down by Antony's armed guards, I thought that I too ought to leave it: for a city held down by traitors, with all opportunity of giving aid cut off, was a shocking spectacle. But the same spirit as always had animated me, staunch to the love of country, did not admit the thought of a departure from its dangers. Accordingly, in the very midst of my voyage to Achaia, when in the period of the Etesian gales a south wind — as though remonstrating against my design — had brought me back to Italy, I saw you at Velia and was much distressed: for you were on the point of leaving the country, Brutus — leaving it, I say, for our friends the Stoics deny that wise men ever "flee." As soon as

I reached Rome I at once threw myself in opposition to Antony's treason and insane policy: and having roused his wrath against me, I

began entering upon a policy truly Brutus-like — for this is the distinctive mark of your family — that of freeing my country. The rest of the story is too long to tell, and must be passed over by me, for it is about myself. I will only say this much: that this young Caesar, thanks to whom we still exist, if we would confess the truth, was a stream from the fountain-head of my policy. To him I voted honours, none indeed, Brutus, that were not his due, none that were not inevitable. For directly we began the recovery of liberty, when the divine excellence of even Decimus Brutus had not yet bestirred itself sufficiently to give us an indication of the truth, and when our sole protection depended on the boy who had shaken Antony from our shoulders, what honour was there that he did not deserve to have decreed to him? However, all I then proposed for him was a complimentary vote. of thanks, and that too expressed with moderation. I also proposed a decree conferring imperium on him, which, although it seemed too great a compliment for one of his age, was yet necessary for one commanding an army — for what is an army without a commander with imperium? Philippus proposed a statue; Servius at first proposed a licence to stand for office before the regular time. Servilius afterwards proposed that the time should be still farther curtailed. At that time nothing was thought too good for him.

But somehow men are more easily found who are liberal at a time of alarm, than grateful when victory has been won. For when that most joyful day of Decimus Brutus's relief from blockade had dawned on the Republic and happened also to be his birthday, I proposed that the name of Brutus should be entered in the fasti under that date. And in that I followed the example of our ancestors, who paid this honour to the woman Laurentia, at whose altar in the Velabrum you pontiffs are accustomed to offer sacrifice. And when I proposed this honour to Brutus I wished that there should be in the fasti an eternal memorial of a most welcome victory: and yet on that very day I discovered that the ill-disposed in the senate were somewhat in a majority over the grateful. In the course of those same days I lavished honours — if you like that word-upon the dead

Hirtius, Pansa, and even Aquila. And who has any fault to find with that, unless he be one who, no sooner an alarm is over, forgets the past danger? There was added to this grateful memorial of a benefit received some consideration of what would be for the good of posterity also; for I wished that there should exist some perpetual record of the popular execration of our most ruthless enemies. I suspect that the next step does not meet with your approbation. It was disapproved by your friends, who are indeed most excellent citizens, but inexperienced in public business. I mean my proposing an ovation for Caesar. For myself; however — though I am perhaps wrong, and I am not a man who believes his own way necessarily right — I think that in the course of this war I never took a more prudent step. The reason for this I must not reveal, lest I should seem to have a sense of favours to come rather than to be grateful for those received. I have said too much already: let us look at other points. I proposed honours to Decimus Brutus, and also to Lucius Plancus. Those indeed are noble spirits whose spur to action is glory but the senate also is wise to avail itself of any means-provided that they are honourable — by which it thinks that a particular man can be induced to support the Republic. But — you say — I am blamed in regard to Lepidus: for, having placed his statue on the rostra, I also voted for its removal. I tried by paying him a compliment to recall him from his insane policy. The infatuation of that most unstable of men rendered my prudence futile. Yet all the same more good was done by demolishing the statue of Lepidus, than harm by putting it up.

Enough about honours; now I must say a few words about penalties. For I have gathered from frequent expressions in your letters that in regard to those whom you have conquered in war, you desire that your clemency should be praised. I hold, indeed, that you do and say nothing but what becomes a philosopher. But to omit the punishment of a crime — for that is what "pardoning" amounts to-even if it is endurable in other cases, is mischievous in a war like this. For there has been no civil war, of all that have occurred in the state within my memory, in which there was not certain to be some form of constitution remaining, whichever of the two sides prevailed. In this war, if we are victorious, I should not find it easy to affirm

what kind of constitution we are likely to have; if we are conquered, there will certainly never be any. I therefore proposed severe measures against Antony, and severe ones also against Lepidus, and not so much out of revenge as in order that I might for the present prevent unprincipled men by this terror from attacking their country, and might for the future establish a warning for all who were minded to imitate their infatuation. However, this proposal was not mine more than it was everybody's. The point in it which had the appearance of cruelty was that the penalty extended to the children who did not deserve any. But that is a thing of long standing and characteristic of all states. For instance, the children of Themistocles were in poverty. And if the same penalty attaches to citizens legally condemned in court, how could we be more indulgent to public enemies? What, moreover, can anyone say against me when he must confess that, had that man conquered, he would have been still more revengeful towards me?

Here you have the principles which dictated my senatorial proposals, at any rate in regard to this class of honours and penalties. For, in regard to other matters, I think you have been told what opinions I have expressed and what votes I have given. But all this is not so very pressing What is really pressing, Brutus, is that you should come to Italy with your army as soon as possible. There is the greatest anxiety for your arrival. Directly you reach Italy all classes will flock to you. For whether we win the victory — and we had in fact won a most glorious one, only that Lepidus set his heart on ruining everything and perishing himself with all his friends-there will be need of your counsel in establishing some form of constitution. And even if there is still some fighting left to be done, our greatest hope is both in your personal influence and in the material strength of your army. But make haste, in ,God's name! You know the importance of seizing the right moment, and of rapidity What pains I am taking in the interests of your sister's children, I hope you know from the letters of your mother and sister. In undertaking their Cause I shew more regard to your affection, which is very precious to me, than, as some think, to my own consistency. But there is nothing in which I more wish to be and to seem consistent than in loving you.

LETTER 16

M. IUNIUS BRUTUS TO CICERO (AT ROME) MACEDONIA (MAY)

I have read an extract from your letter to Octavius which was sent me by Atticus. Your zeal and care for my safety gave me no novel pleasure; for it is not merely a matter of habit, but of daily habit, to be told of you that you have said or done something in defence of my position which displayed your fidelity and complimentary opinion of me. But that same extract of your letter to Octavius about us caused me a distress as great as my heart is capable of feeling. For you thank him in the name of the Republic in such terms! With such abject and whispering humbleness-why must I write the word? I blush to think of my position and high estate, yet I must write it-you commend our safety to him! Could any death be worse disaster? You, in fact,. avow that the slavery is not abolished, only the master changed! Recall your words and dare to say that those prayers are not the prayers of an enslaved subject to a tyrant. The one and only thing-you say — that is demanded and expected of him is that he consent to the safety of those citizens, of whom the loyalists and the people have a good opinion. What? If he doesn't consent, shall we not be safe? And yet it is better not to be than to be by his favour.

Upon my honour I do not think that all the gods are so hostile to the safety of the Roman people, that we need entreat Octavius for the safety of any citizen, not to say for "the liberators of the world" — for there is a certain advantage in using strong language, and at any rate there is a propriety in doing so to people who do not know what every man ought to fear or to aim at.

Do you confess, Cicero, that Octavius has this power, and are you his friend? Or, if you regard me with affection, do you wish me to appear at Rome, when in order to do so safely I have had to be recommended to that boy? Why do you thank him, if you think he has to be asked to allow and suffer us to keep our lives? Is it to be

regarded as a favour that he has preferred to be himself rather than a second Antony, to whom we had to make petitions like that? Does anyone address to the destroyer of another's tyranny, and not rather to its successor, a prayer that those who have done the most splendid services to their country may be allowed their lives? This is mere weakness and a counsel of despair. And the fault is not yours more than everyone else's. It was this that egged on Caesar to desire royalty, and induced Antony after his death to aim at occupying the place of the dead man, and has at the present moment put that boy of yours on such a pedestal, as to make you think that he must be absolutely entreated to grant life to such men as us, and that we shall even now be able to enjoy a bare safety from the pity of one man, and by nothing else whatever. But if we had remembered that we were Romans, these dregs of mankind would not have conceived the ambition of playing the tyrant with more boldness than we should have forbidden it: nor would Antony have had his ambition more roused by Caesar's royalty, than his fears excited by Caesar's death. For yourself; a consular and the avenger of such abominable crimes — and I fear that by their suppression the mischief was only postponed by you for a short time — how can you contemplate your own achievements, and at the same time countenance, or at any rate endure these things with such abject humbleness as to have the air of countenancing them? Again, what was your private and personal quarrel with Antony? Why, it was just because he made this very claim — that our safety should be asked as a favour from him; that we should hold our civil rights on sufferance — we from whom he had himself received his freedom; that he should be absolute in the Republic — it was for these reasons that you thought we must take up arms to prevent his playing the tyrant. Was the object of doing so that, when he had been prevented, we should have to petition another man to allow himself to be put in his place? Or was it that the Republic should be its own master and at its own disposal? Surely: unless we are to suppose that our objection was not to slavery but to the terms of our slavery! And yet, not only had we the opportunity of supporting our high estate with Antony as a liberal master, but even of enjoying rewards and honours as his partners to the top of our ambition: for what would he have refused to men, whose

submissiveness he saw would be the greatest bulwark of his tyranny? But nothing seemed sufficient to make us barter our honour and freedom.

This very boy, whom the name of Caesar appears to instigate against the slayers of Caesar, what would he give, if there were a chance of such traffic, to be as powerful with our support, as he certainly will be when we choose life for its own sake, and the possession of money, and the title of consulars! But Caesar will have perished in vain: for why did we rejoice at his death, if we were to become none the less slaves when he is dead? No one else cares about these things, but may the gods and goddesses take from me every. thing sooner than the resolution of never conceding what I would not endure in Caesar — I won't say to the heir of the man I killed, but even to my father himself if he were to come to life again-namely, that he should, without a protest from me, be more powerful than the laws and the senate.

Are you so deluded as to think that the rest of the world will be' free from one without whose consent there is no footing for us in Rome? Moreover, how can you possibly get what you ask? For you ask that he would consent to our safety: do we therefore appear likely to accept safety, since we have accepted life? But how can we accept it, if we previously give up position and liberty? Do you count the fact of living at Rome as complete citizenship? It is circumstance, not the particular place of residence, that must secure me that. I was neither properly a full citizen while Caesar was alive, except when I had resolved upon doing that deed; nor can I ever be anywhere an exile so long as I abhor servitude and submission to insult worse than every other evil. To ask a man who has adopted a tyrant's name as his own for the safety of the avengers and destroyers of the tyranny — is not this to fall back into the very dungeon from which you have just escaped? Why, in Greek states when tyrants are put down their sons are included under the same punishment. Am I to desire to see a state, or to regard it as a state at all, which is incapable of recovering even a freedom handed down by its ancestors and rooted in its very being, and which is more afraid of the name of a slain tyrant in the person of a mere boy, than confident in itself; though seeing the very man who possessed the most over-weening power

removed by the valour of a few? For myself — do not henceforth recommend me to your Caesar, nor yourself either, if you will listen to me. You must have a great value for the few years that your time of life allows you, if for their sake you are going to be a suppliant to that boy of yours. Again, take care that those very splendid attacks which you have made and are still making upon Antony, instead of getting you credit for courage, are not misinterpreted into a belief that you are afraid. For if you think Octavius the sort of person from whom to make petitions for our safety, you will be thought not to have fled from a master, but to have looked out for a more agreeable master. Of your praising him for his conduct up to this time I quite approve, for it deserves to be praised, provided that he adopted these measures against the tyrannical power of another and not in support of his own. But when you shew your opinion that he is not only to be allowed so much power, but is even to have so much tendered to him by yourself; as to be petitioned not to refuse us our lives, you are making a very bad bargain with him, for you are giving away to him the very thing of which the Republic seemed to be in possession through him. And it does not occur to you that, if Octavius deserves those honours for waging war on Antony, to those who have cut up that mischief by the roots — of which the present position is but the last trace — the Roman people will never give what is an adequate reward of their service, though it should heap everything it had to give upon them at once. See too how much more awake people are to actual fear than to the memory of past terrors. Because Antony is still alive and in arms, while in regard to Caesar what could and was bound to be done is all over and cannot be undone, Octavius is the man whose decision as to us is awaited by the Roman people; we are in such a position that one man has to be petitioned to enable us to live. I however — to return to your policy — so far from being the sort of man to supplicate, am one forcibly to coerce those who demand that supplications should be addressed to them. If I can't do that, I will withdraw far from the servile herd and will for myself regard as Rome wherever I am able to be free. I shall feel only pity for men like yourself; if neither age nor honours nor the example of other men's courage has been able to lessen your clinging to life. For my part I shall only think myself happy if I abide with firmness and

persistency in the idea that my patriotism has had its reward: for what is there better than the memory of good actions, and for a man-wanting nothing except liberty — to disregard the vicissitudes of human life? But at any rate I will not yield to the yielders, nor be conquered by those who are willing to be conquered themselves. I will try every expedient, every plan: and I will never desist from the attempt to rescue our country from slavery. If the luck follows which ought to follow, I shall rejoice: if not, I shall rejoice all the same, for on what better deeds or thoughts can my life be spent than on those which are directed to the liberation of my fellow citizens? For you, Cicero, I beg and entreat you not to give in to fatigue or despair. In warding off actually existing evils ever seek to discover those that will occur if they are not prevented, and so prevent their creeping in upon us. Consider that the brave and independent spirit, with which as consul and now as a consular you have vindicated the freedom of the state, ceases to exist if a consistent and even tenor of conduct is not preserved. For I confess that tried virtue is in a harder position than virtue that is unknown. We exact good deeds as a debt: we assail the reverse with anger in our hearts, as though we were cheated by such men. So, for instance, though it is a most laudable thing that Cicero should resist Antony, yet because the consul of that time is thought naturally to guarantee the consular of today, no one admires him. And if this same Cicero when dealing with others has distorted his judgment, which he kept unshaken with such steadiness and high spirit in routing Antony, he will not only snatch the glory of future action from his own grasp, but will even force his past career to fade from sight (for there is nothing which is truly great in itself; unless it is deliberate and systematic), because no one is under a greater obligation to love the Republic and to be the champion of liberty, whether we regard his ability or his great past or the eager demands upon him from all the world. Wherefore Octavius ought not to be petitioned to consent to our safety. Rather do you rouse yourself to the fixed belief that the state in which you have performed the most splendid services will be free and honoured, if only the people have leaders in their resistance to the plots of traitors.

LETTER 17

M. IUNIUS BRUTUS TO ATTICUS (AT ROME) MACEDONIA (MAY)

YOU say in your letter that Cicero wonders at my never making any remark about his political actions. Since you ask me, under compulsion from you I will set down my sentiments. I know that Cicero does everything with the best intentions — for what could be clearer to me than his devotion to the Republic? But he, the acutest of men, appears to me in certain things to have acted with a want of — shall I call it tact or disinterestedness?-in spite of the fact that he has not scrupled to incur the enmity of Antony at the height of his power on behalf of the Republic. I don't know what to set down on paper for you except the one thing: that the boy's ambition and unscrupulousness have been rather provoked than repressed by Cicero: and that he carries this indulgence to such a pitch that he does not abstain from abusive remarks-remarks which recoil upon himself with double force, because he put more than a single person to death, and ought rather to confess himself a murderer than to taunt Casca as he does, and because he imitates in Casca's case the conduct of Bestia. Pray, because we are not always bragging of the Ides of March, as he always has his Nones of December on his lips, is Cicero in any better position for vilifying a most glorious deed than Bestia and Clodius were for their habitual attacks upon his consulship? Our friend Cicero boasts to me that he has, though a civilian, successfully faced the war of Antony. What good is that to me, if as a price for crushing Antony succession into Antony's position is demanded, and if the avenger of that evil comes forward as the supporter of another destined to have a deeper foundation and to strike deeper roots, unless we prevent it? Granted that his present policy proceeds from fear-shall we say of tyranny, or of a tyrant, or of Antony? Well, but I feel no gratitude to one who, to avoid being the slave of a bad-tempered master, does not deprecate slavery itself-nay, rather proposes to give him a triumph and pay for his men, and by all manner of decrees instigates him not to shrink from coveting the high position of the man whose name he has adopted. Is this

worthy of a consular or of a Cicero? Since I have not been allowed to be silent, you will have to read what must necessarily give you annoyance, for I am conscious myself of the pain with which I have written this to you; nor am I ignorant what your sentiments as to the situation are, and how desperate also you think the possibility of its cure. Nor, by heaven, do I blame you, Atticus. For your age, your habits, and your children make you unenterprising — a fact which I gathered also from our friend Flavius. But I return to Cicero. What is the difference between Salvidienus and him? What greater honour could he have proposed in the senate? Cicero is afraid," you will say, "even now of the remnant of the civil war." Does anyone then, while fearing a war nearly concluded, think that neither the tyrannical power of 'the victorious army's commander nor the rashness of the boy is at all alarming? Or is his motive for this very action the idea that now, owing to the greatness of his power, every kind of honour must be spontaneously offered to him? How strange is the blindness of fear! While taking precautions against what you dread, actually to invite danger and to bring it upon you, though you might perhaps have avoided it altogether! We are over-fearful of death, exile, and poverty: I think that these things are the worst of evils in Cicero's eyes, and that while he has people from whom to get what he wants, and by whom to be made much of and flattered, he has no aversion to servitude, if it be but tempered by a show of respect — if there can be any respect in what is the last and most wretched degradation. Therefore, though Octavius call Cicero "father," consult him in everything, praise and thank him, nevertheless the truth will come out that words do not agree with deeds. For what can be more contrary to common sense than to regard a man as a father, who is not even reckoned as free? For my part, I set no store by those accomplishments with which I know Cicero to be better furnished than anyone else: for what good to him are the speeches on behalf of his country's liberty, the essays on dignity, death, exile, poverty, which he has composed with the utmost wealth of language? What a much truer view Philippus seems to have of those things, when he refused all compliments to his own stepson, than Cicero has, who pays them to one who has no connexion with him! Let him cease then from absolutely insulting our misfortunes by his boastful

language; for what does it profit us that Antony has been conquered, if the only result of his defeat is to leave his place open to another? However, even now there is a note of uncertainty in your letter. Long live Cicero — as he may well do — to cringe and serve! if he is not ashamed to think of his age nor his honour, nor his great past. For myself, at any rate, there is no condition of servitude, however favourable, which will deter me from waging war on the principle: that is, on royalty, unconstitutional magistracies, absolutism, and power that aims at being above the laws. Though Antony may be a good man, as you say in your letter-which, however, has never been my opinion — yet the law of our ancestors was that no one, not even a father, should be an absolute master. Unless I had been as deeply attached to you as Cicero believes that Octavius is devoted to him, I should not have written this to you. I am grieved to think that as you read this you are getting angry — for you are most affectionate to all your friends, and especially to Cicero: but assure yourself of this, that my personal goodwill to Cicero is in no way modified, though my opinion is largely so, for you cannot ask a man to judge except from what seems to him to be truth in each case. I could have wished that you had mentioned in your letter what arrangements were being made for the betrothal of our dear Attica: I might have said something to you of what I felt about the matter. I am not surprised that you are anxious about Porcia's health. Lastly, I will gladly do what you ask, for my sisters ask me the same, and I know the man and his views.

LETTER 18

TO M. IUNIUS BRUTUS (IN MACEDONIA) ROME, 27 JULY

AFTER I had often urged you by letter to come as soon as possible to the aid of the state, and to bring your army into Italy, and when I thought that your relatives had no doubt on that subject, I was asked by that most prudent and careful lady your mother — whose every thought and care are directed and devoted to you — to call on her on the 24th of July, which, as in duty bound, I at once did. On my arrival, I found Casca, Labeo, and Scaptius there. Well, she opened the subject and asked me my opinion, whether we should ask you to come to Italy, and whether we thought that to your advantage, or whether it were better that you should put it off and stay where you were. I answered — as was my real opinion — that it was of the highest advantage to your position and reputation to bring help at the first possible moment to the tottering and almost prostrate Republic. For what disaster do you think is wanting in a war, in which the victorious armies refuse to pursue a flying enemy, and in which an officer with imperium in full possession of his rights, enjoying the most splendid honours and the most ample fortune, with wife and children, with you and Cassius related to him by marriage, has yet proclaimed war on the Republic? How can I use the words "in such unanimity of senate and people," when such fatal mischief abides within our very walls? But the bitterest sorrow which is affecting me as I write this is that, whereas the Republic accepted me as a surety for that youth, or, I might almost say, that boy, I seem scarcely able to make my promise good. Truly, a guarantee for another's feeling and sentiment, especially in affairs of the greatest importance, is more onerous and difficult than one for money. For money can be paid, and a loss of property is bearable. But how are you to make good what you have guaranteed to the state, unless he for whom you undertook the obligation is willing that it should be fulfilled? However, I shall retain even him, I hope, in spite of many adverse influences. For he seems to have a character of his own, though he is at the pliable time of life, and there are many prepared to corrupt

him, who hope that, by holding out before him the glamour of false honour, the sight of a naturally good intelligence may be blinded. Accordingly, to my other labours has been added the task of applying every engine to the keeping of a hold upon the young man, that I may not incur a reputation for rashness. However, where is the rashness? I bound the man, for whom I gave the guarantee, more tightly than I did myself; nor can the state regret my having given a guarantee for one who in the actual campaign was rendered more resolute by my promise, as well as from his own disposition. But, unless I am mistaken, the greatest difficulty in the Republic is the want of money. For the loyalists grow daily more callous to the call for property tax. All that was collected by the one per cent. income tax, owing to the shameless returns made by the wealthy, is exhausted by the bounties given to two legions: whereas endless expenses are hanging over us, both for the armies now protecting us, and for yours — for our friend Cassius seems able to come home very well provided. But of this and many other things I desire to talk to you when we meet, and that as soon as possible. About your sister's sons, Brutus, I did not wait for you to write. As a matter of fact, the state of the times itself — for the war will be protracted-guarantees that the case will be left for you to decide. But from the very first, though I could not divine the long continuance of the war, I pleaded the cause of the boys in the senate, as I think you Can have learnt from your mother's letter. Nor will there ever arise any circumstance in which I shall not, even at the risk of my life, say and do whatever I think is your wish and to your interest.

BOOK 2

LETTER 1

TO MARCUS IUNIUS BRUTUS (IN MACEDONIA) ROME (MARCH-APRIL)

AT the time of my writing this it is thought that the decisive hour has arrived. For melancholy despatches and messages are arriving about our friend Decimus Brutus. For my part I am not excessively alarmed by them, for I cannot possibly distrust such armies and leaders as we now have. Nor do I agree with the majority of people: for I do not think ill of the loyalty of the consuls, which has been the subject of great suspicion. In certain particulars I do find them wanting in prudence and promptitude. If they had displayed those qualities we should long ago have recovered the constitution. For you are not ignorant of the importance of times and seasons in public affairs, and what a difference it makes whether the same thing is settled, undertaken, carried out before or after a particular period. If all the decrees expressed in severe language during this civil disturbance had been passed on the day on which I spoke in their favour, and had not been postponed from day to day, or not been delayed and put off from the moment that their execution was undertaken, we should not now be at war. I have made good, Brutus, every duty to the state, to which a man was bound, who occupied the station in which I have been placed by the judgment of the senate and people. And I am not speaking now of those duties which alone, of course, can be positively demanded of every human being — good faith, vigilance, patriotism. Such duties there is no one who is not bound to make good. But I think that a man who speaks among the leading members of the senate is bound to display wisdom also. And since I have involved myself in the heavy responsibility of taking the helm of state, I should think myself no less deserving of reproach, if it was against its true interests that I advised the senate, than if I did so with insincerity. All things actually transacted, or which are in the Course of being transacted, I know are carefully written out for your benefit. But there is one thing I should like you to learn from me — that my heart is at the seat of war, and seeks no means of retreat, unless it

chance that the interest of the state compels me to do so. The feelings of the majority, however, look to you and Cassius. wherefore, my dear Brutus, prepare yourself to believe that, if at this time a success is achieved, you will have to reform the constitution; if a reverse is sustained, your task will be its restoration.

LETTER 2

TO MARCUS IUNIUS BRUTUS (IN MACEDONIA) ROME, 11 APRIL

YOU have had the opportunity of learning Plancus's splendid loyalty to the Republic, his legions, auxiliaries, and forces from his own letter, a copy of which I think has been sent to you. The fickleness and inconstancy of your relative Lepidus, who, next to his own brother, holds his relations by marriage as his deadliest foes, and his feelings perpetually hostile to the constitution, I think you have clearly perceived from the letters of your family. As for me, I am restlessly waiting for news. The decisive hour is upon us: for our whole hope depends on relieving Decimus Brutus, for whom I am greatly alarmed. Here in Rome I have my tribune Titius. Cicero wishes to make Plancus look upon it as unimportant. It probably, however, contributed to confirm his intention of joining Antony, as he eventually did.

hands full with that madman Servilius. I have endured him longer than is consistent with my position, but I have done so for the sake of the Republic, for fear of giving unprincipled citizens some one — who, lunatic as he is, is yet a man of rank-round whom to rally. They are doing so none the less, and I do not think that he is a man who ought to be wholly alienated from the Republic. But I have come to the end of my tolerance of him. For he has begun giving himself such airs, that he regards no one as free. In the case of Plancus, however, he flamed up with extraordinary anger, and for two days maintained so fierce a controversy with me, and was so crushed by me, that I hope I have permanently brought him to a more reasonable frame of mind. In the midst of this controversy too, on the 9th of April, a letter was handed to me in the senate from our friend Lentulus, telling me about Cassius, about his legions, and about Syria. I immediately read it aloud, whereupon Servilius and several besides looked somewhat small. For there are a good many distinguished men who cherish the most disloyal sentiments: but what annoyed Servilius most bitterly was that the senate agreed to my motion about Plancus. It is a

portentous thing in the Republic, but to what end...

LETTER 3

M. IUNIUS BRUTUS TO CICERO (AT ROME) DYRRACHIUM, I APRIL

I am anxiously expecting the letter which you wrote after you received the news of my movements and of the death of Trebonius. For I feel certain that you will expound your plan of action. By a shocking crime we have at once lost a most loyal citizen and have been driven from the possession of a province, the recovery of which is easy. But its subsequent recovery will not relieve the scandal and crime. Antonius is still in my camp; but, on my honour, I am much affected by the man's entreaties, and I fear a violent outbreak in some quarter may carry him off. I am really distracted with indecision. But if I knew your opinion, I should cease to be anxious: for I should be persuaded that it was the best thing to be done. Wherefore at the earliest possible moment let me know what your opinion is. Our friend Cassius holds Syria and the legions stationed in it, having indeed been actually invited to come by Murcus, Marcius, and the army itself. I have written to my sister Tertia and my mother, not to publish this most admirable and fortunate achievement of Cassius before they knew what your advice was and you thought it right. I have read two of your speeches, one delivered on the 1st of January, the other against Calenus. You are, of course, waiting for my praise of them at this time of day! I cannot decide whether it is your courage or your genius that is the more admirably displayed in these pamphlets. I quite agree in their having even the title of Philippics by which you jestingly described them in one of your letters.

The two things which I want are money and more men. The latter — the sending some part of the soldiers now in Italy to me — you can accomplish either by a secret arrangement with Pansa or by bringing the matter before the senate. The former can be got from the senate direct. This is still more necessary, and not more so for my army than for that of the other commanders. This makes me the more regret that we have lost Asia: which I am told is being so harassed by Dolabella that his murder of Trebonius no longer appears the most cruel thing he has done. Antistius Vetus, however, has come to my

aid with money. Your son Cicero is giving me such ion by his industry, endurance, hard work, and high courage, in short, by every kind of service, that he seems to me never to forget for a moment whose son he is. Therefore, as I cannot by any possibility think more highly than I already do of one who is the dearest object of your affection, pay my sagacity the compliment of believing that he will not have to trade upon your reputation for the attainment of the same offices as his father held before him.

1 April, Dyrrachium.

LETTER 4

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME, 12 APRIL

AFTER I had given Scaptius a letter for you on the morning of the 11th of April, I received one from you in the evening of the same day, dated from Dyracchium on the 1st of April. Accordingly, on the morning of the 12th, having been informed by Scaptius that the men to whom I had given the letter the day before had not started and were going at once, I have dashed off this brief note in the midst of the turmoil of my morning levŽe. I am delighted with the news about Cassius, and I congratulate the Republic, and also myself, for having proposed in the senate, in spite of Pansa's opposition and anger, that Cassius should make war upon Dolabella. And indeed I boldly maintained that he was already engaged in that war without any decree of ours. About you also I said on that occasion what I thought ought to be said. This speech shall be transmitted to you, since I perceive that you like my "Philippics." You ask my advice as to Gaius Antonius: my opinion is that he should be kept under arrest till we know the fate of Decimus Brutus. From the letter you addressed to me it appears that Dolabella is harassing Asia and behaving in a most abominable manner there. You have mentioned also to several people that Dolabella has been prevented from landing by the Rhodians. But if he has approached Rhodes, I think he must have abandoned Asia. If that is so, I think you should stay where you are. But if he once gets a hold of that province, believe me it will not be right for you to do so, but I think you will have to go to Asia to attack him. As to your saying that you are in want of two necessary things-money and more men — it is difficult to see what to suggest. For I can't think of any resources upon which you can draw, except those which the senate has assigned to you by its decree — that you should raise loans from the cities. As to more men also, I do not see what can possibly be done. For so far from Pansa sparing you any of his own army or levy, he is even annoyed that so many are going to you as volunteers: because, as I believe, he thinks that he cannot have too great a force; but, as many suspect, because he doesn't wish

you to be too strong either. But this is a suspicion which I do not share. You say in your letter that you have written to Tertia and your mother not to disclose the achievements of Cassius until I think it right. I understand your motive to be a fear lest the feelings of Caesar's party — as that party is still called-should be violently affected. But before your letter was received, the facts had been heard and were quite public property. Your letter-carriers also had brought letters to many of your intimate friends. Therefore there is no need to suppress the truth, especially as it is impossible to do so. Besides, even if it had been possible, I should have thought that it should be spread broadcast rather than be kept concealed. As to my son, if he has all the good in him which you describe, I am of course as delighted as I am bound to be, and if you exaggerate it from affection for him, the mere fact of your being attached to him rejoices me more than I can say.

LETTER 5

TO M. IUNIUS BRUTUS (AT DYRRACHIUM) ROME, 16 APRIL

I BELIEVE that your friends — to not one of whom do I yield in affection to you — have written to tell you what despatches were read in the senate on the 13th of April from you, and at the same time from Antony. But though there was no need for us all to repeat the same story, yet it is necessary that I should write and tell you my feeling, deliberate opinion, and sentiments as to the nature of this war generally. My object, Brutus, in imperial politics has always been the same as your own: my policy in certain points-not in all-has perhaps been somewhat more drastic. You know that it was always my opinion that the Republic should be delivered not only from a tyrant but from a tyranny also. You took a more indulgent view-to your own undying honour, no doubt. But which was the better course we have felt to our bitter sorrow, and are still feeling to our grave peril. More recently you have directed all your efforts to secure peace — which could not be brought about by mere words — I to secure liberty, which is impossible without peace. But my view was that peace itself could be brought about by war and arms. There was no want of enthusiasts who were eager to fight, but we checked their enthusiasm and damped their ardour. And so it had come to such a pass that, had not some god inspired Caesar Octavianus with that resolution, we must necessarily have fallen under the power of Marcus Antonius, the most abandoned and depraved of men, with whom you see at this very moment in what a desperate contest we are engaged. Now that, of course, would never have occurred if Antony had not been spared at that time. But I pass over these reflexions: for the deed which you performed-ever memorable and all but divine-disarms all criticism, for it is one which can never be even praised in terms adequate to its merit.

You lately came to the front again with a look of stern resolve. In a brief time you collected by your unaided exertions an army, forces, sufficient legions. Great heavens! What a message, what a despatch! What exultation was there in the senate, what an outburst of

cheerfulness in the city! I never saw anything praised with such complete unanimity. There was some anxiety about the remnants of Antony's forces, whom you had deprived for the most part of his cavalry and legions. But that was happily relieved. For your next despatch, which was read in the senate, clearly sets forth the excellence both of com mander and soldiers, and the good service done by your staff-among others, by my son. And if your friends here had thought it right that a motion should be brought before the senate in consequence of its despatch, and had it not come at a time of great confusion, just after the departure of the consul Pansa, a regular vote of thanks and one due to the immortal gods would have been passed.

Lo and behold, on the 13th of April, early in the morning comes Pilius Celer in hot haste — what a man, good heavens! How trustworthy and consistent! What an honest politician! He brings two letters, one in your name, a second in that of Antony. He hands them to the tribune Sevilius. Sevilius passed them on to Cornutus. They are read in the senate. "ANTONIUS PROCONSUL! "-There was as much surprise expressed as though the words read had been "DOLABELLA IMPERATOR"; from whom indeed letter-carriers have arrived, but no one of the position of Pilius to venture to produce a despatch and to hand it to the magistrates. Your despatch is read. It was short indeed, but very indulgent in its reference to Antonius. The senate was greatly astonished. And I could not see my way clearly as to what I ought to do. Was I to declare it a forgery? What if you had acknowledged it? Was I to assert its genuineness? That will be a reflexion on your official position. So I let that day pass without saying anything. But next day, when there had begun to be much talk about it, and Pilius had made himself offensively conspicuous, the first step was after all taken by me. I said a great deal about "the proconsul" Antonius. Sestius backed me up.

Afterwards, in private conversation with me, he dwelt on the danger he inferred for his own son and mine if they bore arms against "a proconsul." You know the sort of man he is. However, he did not shrink from supporting the contention. Others also spoke. Our friend Labeo, for instance, remarked that there was neither any seal of yours on the despatch, nor any date affixed, and that you had not written to

your friends, as was your custom. By this he meant to argue that the despatch was a forgery, and, if you would know the truth, he was thought to be convincing.

Now, Brutus, you must take into consideration the whole question of the war. I notice that you take pleasure in lenient measures, and think that the most advantageous line to take. It is an admirable sentiment: but it is for other circumstances and other times that a place for clemency generally is and ought to be reserved. As things are now, Brutus, what is actually being done? The hope of the needy and the ruined is the plunder of the temples of the immortal gods; and what depends upon the issue of this war is neither more nor less than our bare existence. Who is it that we are sparing, or what is our object? Are we then consulting for the interests of those, whose victory means that not a trace of us will be left? For what difference is there between Dolabella and any one of the three Antonies? If we spare any of the latter, we have been harsh in the case of Dolabella. That the senate and Roman people take this view is partly the result of the mere facts of the case, but for the most part has been brought about by my advice and influence. If you disapprove this policy, I will speak up for your opinion, but I shall not abandon my own. From you men expect neither weakness nor cruelty. An obvious mean between these is that you should be stern to the leaders, placable to the soldiers. I should like my son, my dear Brutus, to be as much as possible by your side He will find no better school of virtue than the contemplation and imitation of you.

16 April.

EPISTULAE AD FAMILIARES (Letters to his friends)

Translated by Evelyn S. Shuckburgh

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BOOK 1

LETTER 1

TO P. LENTULUS SPINTHER (IN CILICIA) ROME, 13 JANUARY

Whatever attention or affection I may shew you , though it may seem sufficient in the eyes of others, can never seem sufficient in my own. For such has been the magnitude of your services to me that, inasmuch as you never rested till my affair was brought to a conclusion, while I cannot effect the same in your cause, I regard my life as a burden. The difficulties are these. The king's agent, Hammonius, is openly attacking us by bribery. The business is being carried out by means of the same money-lenders as it was when you were in town. Such people as wish it done for the king's sake — and they are few — are all for intrusting the business to Pompey. The senate supports the trumped — up religious scruple, not from any respect to religion, but from ill-feeling towards him, and disgust at the king's outrageous bribery. I never cease advising and instigating Pompey — even frankly finding fault with and admonishing him — to avoid what would be a most discreditable imputation. But he really leaves no room for either entreaties or admonitions from me. For, whether in everyday conversation or in the senate, no one could support your cause with greater eloquence, seriousness, zeal, and energy than he has done, testifying in the highest terms to your services to himself and his affection for you. Marcellinus, you know, is incensed with his flute-playing majesty. In everything, saving and excepting this case of the king, he professes the intention of being your champion. We take what he gives: nothing can move him from his motion as to the religious difficulty, which he made up his mind to bring, and has, in fact, brought several times before the senate. The debate up to the Ides (for I am writing early in the morning of the Ides) has been as follows: Hortensius and I and Lucullus voted for yielding to the religious scruple as far as concerned the army, for otherwise there was no possibility of get ting the matter through, but, in accordance with the decree already passed on your own motion, were for directing you to restore the king, "so far as you may do so

without detriment to the state": so that while the religious difficulty prohibits the employment of an army, the senate might still retain you as the person authorized. Crassus votes for sending three legates, not excluding Pompey: for he would allow them to be selected even from such as are at present in possession of imperlum. Bibulus is for three legates selected from men without imperium. The other consulars agree with the latter, except Servilius, who says that he ought not to be restored at all: and Volcatius, who on the motion of Lupus votes for giving the business to Pompey: and Afranius, who agrees with Volcatius. This last fact increases the suspicion as to Pompey's wishes: for it was noticed that Pompey's intimates agreed with Volcatius. We are in a very great difficulty: the day seems going against us. The notorious colloguing and eagerness of Libo and Hypsaeus, and the earnestness displayed by Pompey's intimates, have produced an impression that Pompey desires it; and those who don't want him to have it are at the same time annoyed with your having put power into his hands. I have the less influence in the case because I am under an obligation to you. Moreover, whatever influence I might have had is extinguished by the idea people entertain as to Pompey's wishes, for they think they are gratifying him. We are in much the same position as we were long before your departure: now, as then, the sore has been fomented secretly by the king himself and by the friends and intimates of Pompey, and then openly irritated by the consulars, till the popular prejudice has been excited to the highest pitch. All the world shall recognize my loyalty, and your friends on the spot shall see my affection for you though you are absent. If there were any good faith in those most bound to shew it, we should be in no difficulty at all.

LETTER 2

TO P. LENTULUS SPINTHER (IN CILICIA) ROME, 15 JANUARY

NOTHING was done on the 13th of January in the senate, because the day was to a great extent spent in an altercation between the consul Lentulus and the tribune Caninius. On that day I also spoke at considerable length, and thought that I made a very great impression on the senate by dwelling on your affection for the house. Accordingly, next day we resolved that we would deliver our Opinions briefly: for it appeared to us that the feelings of the senate had been softened towards us — the result not only of my speech, but of my personal appeal and application to individual senators. Accordingly, the first proposition, that of Bibulus, having been delivered, that three legates should restore the king: the second, that of Hortensius, that you should restore him without an army: the third, that of Volcatius, that Pompey should do it, a demand was made that the proposal of Bibulus should be taken in two parts. As far as he dealt with the religious difficulty — a point which was now past being opposed — his motion was carried; his proposition as to three legates was defeated by a large majority. The next was the proposition of Hortensius. Thereupon the tribune Lupus, on the ground that he had himself made a proposal about Pompey, starts the contention that he ought to divide the house before the consuls. His speech was received on all sides by loud cries of "No": for it was both unfair and unprecedented. The consuls would not give in, and yet did not oppose with any vigour. Their object was to waste the day, and in that they succeeded for they saw very well that many times the number would vote for the proposal of Hortensius, although they openly professed their agreement with Volcatius. Large numbers were called upon for their opinion, and that, too, with the assent of the consuls: for they wanted the proposal of Bibulus carried. This dispute was protracted till nightfall, and the senate was dismissed. I happened to be dining with Pompey on that day, and I seized the opportunity — the best I have ever had, for since your

departure I have never occupied a more honourable position in the senate than I had on that day — of talking to him in such a way, that I think I induced him to give up every other idea and resolve to support your claims. And, indeed, when I actually hear him talk, I acquit him entirely of all suspicion of personal ambition: but when I regard his intimates of every rank, I perceive, what is no secret to anybody, that this whole business has been long ago corruptly manipulated by a certain coterie, not without the king's own consent and that of his advisers. I write this on the 15th of January, before daybreak. Today there is to be a meeting of the senate. We shall maintain, as I hope, our position in the senate as far as it is possible to do so in such an age of perfidy and unfair dealing.

As to an appeal to the people on the subject, we have, I think, secured that no proposition can be brought before them without neglect of the auspices or breach of the laws, or, in fine, without downright violence. The day before my writing these words a resolution of the senate on these matters of the most serious character was passed, and though Cato and Caninius vetoed it, it was nevertheless written out. I suppose it has been sent to you. On all other matters I will write and tell you what has been done, whatever it is, and I will see that everything is carried out with the most scrupulous fairness as far as my caution, labour, attention to details, and influence can secure it.

LETTER 3

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (? JANUARY)

M. Cicero presents his compliments to P. Lentulus, proconsul. Aulus Trebonius, who has important business in your province, both of wide extent and sound, is an intimate friend of mine of many years standing. As before this. he has always, both from his brilliant position and the recommendations of myself and his other friends, enjoyed the highest popularity in the province, so at the present time, trusting to your affection for me and our close ties, he feels sure that this letter of mine will give him a high place in your esteem. That he may not be disappointed in tbat hope I earnestly beg of you, and I commend to you all his business concerns, his freedmen, agents, and servants; and specially that you will confirm the decrees made by T. Ampius in his regard, and treat him in all respects so as to convince him that my recommendation is no mere ordinary one.

LETTER 4

TO P. LENTULUS SPINTHER (IN CILICIA) ROME, JANUARY

Though in the senate of the 15th of January we made a most glorious stand, seeing that on the previous day we had defeated the proposal of Bibulus about the three legates, and the only contest left was with the proposal of Volcatius, yet the business was spun out by our opponents by various obstructive tactics. For we were carrying our view in a full senate, in spite of the multifarious devices and inveterate jealousy of those who were for transferring the cause of the king from you to some one else. That day we found Curio very bitterly opposed, Bibulus much more fair, almost friendly even. Caninius and Cato declared that they would not propose any law before the elections. By the lex Pupia, as you know, no senate could be held before the 1st of February, nor in fact during the whole of February, unless the business of the legations were finished or adjourned. However,

the Roman people are generally of opinion that the pretext of a trumped — up religious scruple has been introduced by your jealous detractors, not so much to hinder you, as to prevent anyone from wishing to go to Alexandria with a view of getting the command of an army. However, everyone thinks that the senate has had a regard for your position. For there is no one that is ignorant of the fact that it was all the doing of your opponents that no division took place: and if they, under the pretext of a regard for the people, but really from the most unprincipled villainy, attempt to carry anything, I have taken very good care that they shall not be able to do so without violating the auspices or the laws, or, in fact, without absolute violence. I don't think I need write a word either about my own zeal or the injurious proceedings of certain persons. For why should I make any display myself-since, if I were even to shed my blood in defence of your position, I should think that I had not covered a tithe of your services to me? Or why complain of the injurious conduct of others, which I cannot do without the deepest pain? I cannot at all pledge myself to you as to the effect of open violence, especially

with such feeble magistrates but, open violence out of the question, I can assure you that you will retain your high position, if the warmest affections both of the senate and the Roman people can secure it to you.

LETTER 5A

TO P. LENTULUS SPINTHER (IN CILICIA) ROME, FEBRUARY

Though the first wish of my heart is that my warmest gratitude to you should be recognized first of all by yourself and then by everybody else, yet I am deeply grieved that such a state of things has followed your departure as to give you occasion, in your absence, to test the loyalty and good disposition towards you both of myself and others. That you see and feel that men are shewing the same loyalty in main taining your position as I experienced in the matter of my restoration, I have understood from your letter. Just when I was depending most securely on my policy, zeal, activity, and influence in the matter of the king, there was suddenly sprung on us the abominable bill of Cato's, to hamper all our zeal and withdraw our thoughts from a lesser anxiety to a most serious alarm. However, in a political upset of that kind, though there is nothing that is not a source of terror, yet the thing to be chiefly feared is treachery: and Cato, at any rate, whatever happens, we have no hesitation in opposing. As to the business of Alexandria and the cause of the king, I can only promise you thus much, that I will to the utmost of my power satisfy both you, who are absent, and your friends who are here. But I fear the king's cause may either be snatched from our hands or abandoned altogether, and I cannot easily make up my mind which of the two alternatives I would least wish. But if the worst comes to the worst, there is a third alternative, which is not wholly displeasing either to Selicius or myself-namely, that we should not let the matter drop, and yet should not allow the appointment, in spite of our protests, to be transferred to the man to whom it is now regarded as practically transferred. We will take the utmost care not to omit struggling for any point that it seems possible to maintain, and not to present the appearance of defeat if we have in any case failed to maintain it. You must shew your wisdom and greatness of mind by regarding your fame and high position as resting on your virtue, your public services, and the dignity of your character, and by believing that, if the perfidy of certain individuals has deprived you of any of those

honours which fortune has lavished on you, it will be more injurious to them than to you. I never let any opportunity slip either of acting or thinking for your interests. I avail myself of the aid of Q. Selicius in everything: nor do I think that there is any one of all your friends either shrewder, or more faithful, or more attached to you.

LETTER 5B

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (FEBRUARY)

WHAT is being done and has been done here I imagine you know from letters of numerous correspondents and from messengers but what are still matters for conjecture, and seem likely to take place, I think I ought to write and tell you. After Pompey had been roughly treated with shouts and insulting remarks, while speaking before the people on the 7th of February in defence of Milo, and had been accused in the senate by Cato in exceedingly harsh and bitter terms amidst profound silence, he appeared to me to be very much upset in his mind. Accordingly, he seems to me to have quite given up any idea of the Alexandrine business-which, as far as we are concerned, remains exactly where it was, for the senate has taken nothing from you except what, owing to the same religious difficulty, cannot be granted to anyone else. My hope and my earnest endeavour now is that the king, when he understands that he cannot obtain what he had in his mind-restoration by Pompey — and that, unless restored by you, he will be abandoned, and neglected, should pay you a visit. This he will do without any hesitation, if Pompey gives the least hint of his approval. But you know that man's deliberate ways and obstinate reserve. However, I will omit nothing that may contribute to that result. The other injurious proceedings instituted by Cato I shall, I hope, have no difficulty in resisting. I perceive that none of the consulars are friendly to you except Hortensius and Lucullus; the rest are either hostile,

without openly shewing it, or undisguisedly incensed. Keep a brave and high spirit, and feel Confident that the result will be to utterly repulse the attack of a most Contemptible fellow, and to retain your high position and fame.

LETTER 6

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (FEBRUARY)

What is going on you will learn from Polijo, who not only was engaged in all the transactions, but was the leader in them. In my own deep distress, occasioned by the course your business has taken, I am chiefly consoled by the hope which makes me strongly suspect that the dishonest practices of men will be defeated both by the measures of your friends and by mere lapse of time, which must have a tendency to weaken the plans of your enemies and of traitors. In the second place, I derive a ready consolation from the memory of my own dangers, of which I see a refiexion in your fortunes. For though your position is attacked in a less important particular than that which brought mine to the ground, yet the analogy is so strong, that I trust you will pardon me if I am not frightened at what you did not yourself consider ought to cause alarm. But shew yourself the man I have known you to be, to use a Greek expression, "since your nails were soft." The injurious conduct of men will, believe me, only make your greatness more conspicuous. Expect from me the greatest zeal and devotion in everything: I will not falsify your expectation.

LETTER 7

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (OCTOBER)

I have read your letter in which you say that you are obliged for the frequent information I give you about all current events, and for the clear proof you have of my kindness to yourself. The latter — the regarding you with warm affection — it is my duty to do, if I wish to maintain the character which you desired for me; the former it is a pleasure to do, namely, separated as we are by length of space and time, to converse with you as frequently as possible by means of letters. But if this shall occur less frequently than you expect, the reason will be that my letters are of such a kind that I dare not trust them to everybody promiscuously. As often as I get hold of trustworthy persons to whom I may safely deliver them, I will not omit to do so. As to your question about each particular person's loyalty and friendly feelings towards you, it is difficult to speak in regard to individuals. I can venture on this one assertion, which I often hinted to you before, and now write from close observation and knowledge — that certain persons, and those, above all others, who were most bound and most able to help you, have been exceedingly jealous of your claims: and that, though the point in question is different, your present position is exceedingly like what mine was some time ago in this, that those whom you had attacked on public grounds now openly assail you, while those whose authority, rank, and policy you had defended, are not so much mindful of your kindness as enemies to your reputation. In these circumstances, as I wrote you word before, I perceive that Hortensius is very warmly your friend, Lucullus anxious to serve you: while of the magistrates L. Racilius shews special loyalty and affection. For my taking up the cudgels for you, and advocating your claims, would seem in the eyes of most people to be the measure of my obligation to you rather than of my deliberate opinion. Besides these I am, in fact, not able to bear witness to any one of the consulars shewing zeal or kindness or friendly feeling towards you. For you are aware that Pompey, who is very frequently accustomed, not on my instigation but of his own

accord, to confide in me about you, did not often attend the senate during these discussions. It is true your last letter, as I could easily conceive, was very gratifying to him. To me, indeed, your reasonableness, or rather your extreme wisdom, seemed not only charming, but simply admirable. For by that letter you retained your hold on a man of lofty character, who was bound to you by the signal generosity of your conduct towards him, but who was entertaining some suspicions that, owing to the impression prevailing among certain persons as to his own ambitious desires, you were alienated from him. I always thought that he wished to support your reputation, even in that very dubious episode of Caninius's proposal; but when he had read your letter, I could plainly see that he was thinking with his whole soul of you, your honours, and your interests. Wherefore look upon what I am going to write as written after frequent discussions with him, in accordance with his opinion, and with the weight of his authority. It is this: "That, since no senatorial decree exists taking the restoration of the Alexandrine king out of your hands, and since the resolution written out upon that restoration (which, as you are aware, was vetoed) to the effect that no one was to restore the king at all, has rather the weight of a measure adopted by men in anger than of a deliberate decision of the senate — you can yourself see, since you are in possession of Cilicia and Cyprus, what it is within your power to effect and secure; and that, if circumstances seem to make it possible for you to occupy Alexandria and Egypt, it is for your own dignity and that of the empire that, after having first placed the king at Ptolemais or some neighbouring place, you should proceed with fleet and army to Alexandria, in order that, when you have secured it by restoring peace and placing a garrison in it, Ptolemy may go back to his kingdom: thus it will be brought about that he is restored at once by your agency, as the senate originally voted, and without a 'host,' as those who are scrupulous about religion said was the order of the Sibyl."

But though both he and I agreed in this decision, we yet thought that men would judge of your policy by its result: if it turns out as we wish and desire everybody will say that you acted wisely and courageously if any hitch occurs, those same men will say that you acted ambitiously and rashly. Wherefore what you really can do it is

not so easy for us to judge as for you who have Egypt almost within sight For us, our view is this if you are certain that you can get possession of that kingdom, you should not delay: if it is doubtful, you should not make the attempt. I can guarantee you this, that, if you succeed, you will be applauded by many while abroad, by all when you return. I see great danger in any failure, on account of the senatorial resolution and the religious scruple that have been introduced into the question. But for me, as I exhort you to snatch at what is certain to bring you credit, so I warn you against running any risks, and I return to what I said at the beginning of my letter — that men will judge all you do, not so much from the policy which prompted it as from its result. But if this method of procedure appears to you to be dangerous, our opinion is that, if the king fulfils his obligations to those of your friends, who throughout your province and sphere of government have lent him money, you should assist him both with troops and supplies: such is the nature and convenient situation of your province, that you either secure his restoration by giving him aid, or hinder it by neglecting to do so. In carrying out this policy you will perceive better and more easily than anyone else what the actual state of affairs, the nature of the case, and the circumstances of the hour admit: what our opinion was I thought that I was the person, above all others, to tell you.

As to your congratulations to myself on my present position, on my intimacy with Milo, on the frivolity and impotency of Clodius — I am not at all surprised that, like a first-rate artist, you take pleasure in the brilliant works of your own hands. However, people's wrong-headedness — I don't like to use a harsher word — surpasses belief; they might have secured me by their sympathy in a cause in which they were all equally interested, yet they have alienated me by their jealousy: for by their carping and most malicious criticisms I must tell you that I have been all but driven from that old political standpoint of mine, so long maintained, not, it is true, so far as to forget my position, but far enough to admit at length some consideration for my personal safety also. Both might have been amply secured if there had been any good faith, any solidity in our consulars: but such is the frivolity of most of them, that they do not so much take pleasure in my political consistency, as offence at my

brilliant position. I am the more outspoken in writing this to you, because you lent your support, not only to my present position, which I obtained through you, but also long ago to my reputation and political eminence, when they were, so to speak, but just coming into existence; and at the same time because I see that it was not, as I used formerly to think, my want of curule pedigree that excited prejudice: for I have noticed in your case, one of the noblest of the land, a similar exhibition of base jealousy, and though they did not object to class you among the oblesse, they were unwilling that you should take any higher flight. I rejoice that your fortune has been unlike mine: for there is a great difference between having one's reputation lowered and one's personal safety abandoned to the enemy. In my case it was your noble conduct that prevented me from being too much disgusted with my own; for you secured that men should consider more to have been added to my future glory than had been taken from my present fortune. As for you — instigated both by your kindness to myself and my affection for you, I urge you to use all your care and industry to obtain the full glory, for which you have burned with such generous ardour from boyhood, and never, under anyone's injurious conduct, to bend that high spirit of yours, which I have always admired and always loved. Men have a high opinion of you; they loudly praise your liberality; they vividly remember your consulship. You must surely perceive how much more marked, and how much more prominent these sentiments will be, if backed up by some considerable repute from your province and your government. However, in every administrative act which you have to perform by means of your army and in virtue of your imperium, I would have you reflect on these objects long before you act, prepare yourself with a view to them, turn them over in your mind, train yourself to obtain them, and convince yourself that you can with the greatest ease maintain the highest and most exalted position in the state. This you have always looked for, and I am sure you understand that you have attained it. And that you may not think this exhortation of mine meaningless or adopted without reason, I should explain that the consideration which has moved me to make it was the conviction that you required to be warned by the incidents, which our careers have had in common, to be careful for the rest of your life as to

whom to trust and against whom to be on your guard.

As to your question about the state of public affairs — there is the most profound difference of opinion, but the energy is all on one side. For those who are strong in wealth, arms, and material power, appear to me to have scored so great a success from the stupidity and fickleness of their opponents, that they are now the stronger in moral weight as well. Accordingly, with very few to oppose them, they have got everything through the senate, which they never expected to get even by the popular vote without a riot: for a grant for military pay and ten legates have been given to Caesar by decree, and no difficulty has been made of deferring the nomination of his successor, as required by the Sempronian law. I say the less to you on this point because this position of public affairs is no pleasure to me: I mention it, however, in order to urge you to learn, while you can do so without suffering for it, the lesson which I myself, though devoted from boyhood to every kind of reading, yet learnt rather from bitter experience than from study, that we must neither consider our personal safety to the exclusion of our dignity, nor our dignity to the exclusion of our safety.

In your congratulations as to my daughter and Crassipes I am obliged to you for your kindness, and do indeed expect and hope that this connexion may be a source of pleasure to us. Our dear Lentulus, a young man who gives such splendid promise of the highest qualities, be sure you instruct both in those accomplishments which you have yourself ever been forward in pursuing, and also, above all, in the imitation of yourself: he can study in no better school than that. He holds a very high place in my regard and affection, as well because he is yours, as because he is worthy of such a father, and because he is devoted to me, and has always been so.

LETTER 8

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (JANUARY)

What debates have taken place in the senate, what determination has been come to in your business, and what Pompey has undertaken to do, all this you will best learn from Marcus Plaetorius, who has not only been engaged in these matters, but has even taken the lead in them, and left nothing undone which the greatest affection for you, the greatest good sense, and the greatest care could do. From the same man you will ascertain the general position of public affairs, which are of such a nature as is not easy to put in writing. They are, it is true, all in the power of our friends, and to such an extent that it does not seem probable that the present generation will witness a change. For my part, as in duty bound, as you advised, and as personal affection and expediency compel, I am attaching myself to the fortunes of the man whose alliance you thought you must court when my fortunes were in question. But you must feel how difficult it is to put away a political conviction, especially when it happens to be right and proved up to the hilt. However, I conform myself to the wishes of him from whom I cannot dissent with any dignity: and this I do not do, as perhaps some may think, from insincerity; for deliberate purpose and, by heaven! affection for Pompey are so powerful with me, that whatever is to his interest, and whatever he wishes, appears to me at once to be altogether right and reasonable. Nor, as I think, would even his opponents be wrong if, seeing that they cannot possibly be his equals, they were to cease to struggle against him. For myself I have another consolation — my character is such that all the world thinks me justified beyond all others, whether I support Pompey's views, or hold my tongue, or even, what is above everything else to my taste, return to my literary pursuits. And this last I certainly shall do, if my friendship for this same man permits it. For those objects which I had at one time in view, after having held the highest offices and endured the greatest fatigues — the power of intervening with dignity in the debates of the senate, and a free hand in dealing with public affairs — these have been

entirely abolished, and not more for me than for all. For we all have either to assent to a small clique, to the utter loss of our dignity, or to dissent to no purpose. My chief object in writing to you thus is that you may consider carefully what line you will also take yourself. The whole position of senate, law courts, and indeed of the entire constitution has undergone a complete change. The most we can hope for is tranquillity: and this the men now in supreme power seem likely to give us, if certain persons shew somewhat more tolerance of their despotism. The old consular prestige, indeed, of a courageous and consistent senator we must no longer think of: that has been lost by the fault of those who have alienated from the senate both an order once very closely allied to it, and an individual of the most illustrious character. But to return to what more immediately affects your interests — I have ascertained that Pompey is warmly your friend, and with him as consul, to the best of my knowledge and belief, you will get whatever you wish. In this he will have me always at his elbow, and nothing which affects you shall be passed over by me. Nor, in fact, shall I be afraid of boring him, for he will be very glad for his own sake to find me grateful to him. I would have you fully persuaded that there is nothing, however small, affecting your welfare that is not dearer to me than every interest of my own. And entertaining these sentiments, I can satisfy myself indeed, as far as assiduity is concerned, but in actual achievement I cannot do so, just because I cannot reach any proportion of your services to me, I do not say by actual return in kind, but by any return even of feeling. There is is a report that you have won a great victory. Your despatch is anxiously awaited, and I have already talked to Pompey about it. When it arrives, I will shew my zeal by calling on the magistrates and members of the senate: and in everything else which may concern you, though I shall strive for more than I can achieve, I shall yet do less than I ought.

LETTER 9

TO P. LENTULUS SPINTHER (IN CILICIA) ROME (OCTOBER)

M. Cicero desires his warmest regards to P. Lentulus, imperator. Your letter was very gratifying to me, from which I gathered that you fully appreciated my devotion to you: for why use the word kindness, when even the word "devotion" itself, with all its solemn and holy associations, seems too weak to express my obligations to you? As for your saying that my services to you are gratefully accepted, it is you who in your overflowing affection make things, which cannot be omitted without criminal negligence, appear deserving of even gratitude. However, my feelings towards you would have been much more fully known and conspicuous, if during all this time that we have been separated, we had been together, and together at Rome. For precisely in what you declare your intention of doing — what no one is more capable of doing, and what I confidently look forward to from you — that is to say, in speaking in the senate, and in every department of public life and political activity, we should together have been in a very strong position (what my feelings and position are in regard to politics I will explain shortly, and will answer the questions you ask), and at any rate I should have found in you a supporter, at once most warmly attached and endowed with supreme wisdom, while in me you would have found an adviser, perhaps not the most unskillful in the world, and at least both faithful and devoted to your interests. However, for your own sake, of course, I rejoice, as I am bound to do, that you have been greeted with the title of Imperator, and are holding your province and victorious army after a successful campaign. But certainly, if you had been here, you would have enjoyed to a fuller extent and more directly the benefit of the services which I am bound to render you. Moreover, in taking vengeance on those whom you know in some cases to be your enemies, because you championed the cause of my recall, in others to be jealous of the splendid position and renown which that measure brought you, I should have done you yeoman's service as your associate. However, that perpetual enemy of his own friends, who, in

spite of having been honoured with the highest compliments on your part, has selected you of all people for the object of his impotent and enfeebled violence, has saved me the trouble by punishing himself. For he has made attempts, the disclosure of which has left him without a shred, not only of political position, but even of freedom of action. And though I should have preferred that you should have gained your experience in my case alone, rather than in your own also, yet in the midst of my regret I am glad that you have learnt what the fidelity of mankind is worth, at no great cost to yourself, which I learnt at the price of excessive pain. And I think that I have now an opportunity presented me, while answering the questions you have addressed to me, of also explaining my entire position and view. You say in your letter that you have been informed that I have become reconciled to Caesar and Appius, and you add that you have no fault to find with that. But you express a wish to know what induced me to defend and compliment Vatinius. In order to make my explanation plainer I must go a little farther back in the statement of my policy and its grounds. Well, Lentulus! At first — after the success of your efforts for my recall — I looked upon myself as having been restored not alone to my friends, but to the Republic also; and seeing that I owed you an affection almost surpassing belief, and every kind of service, however great and rare, that could be bestowed on your person, I thought that to the Republic, which had much assisted you in restoring me, I at least was bound to entertain the feeling which I had in old times shewed merely from the duty incumbent on all citizens alike, and not as an obligation incurred by some special kindness to myself. That these were my sentiments I declared to the senate when you were consul, and you had yourself a full view of them in our conversations and discussions. Yet from the very first my feelings were hurt by many circumstances, when, on your mooting the question of the full restoration of my position, I detected the covert hatred of some and the equivocal attachment of others. For you received no support from them either in regard to my monuments, or the illegal violence by which, in common with my brother, I had been driven from my house; nor, by heaven, did they shew the goodwill which I had expected in regard to those matters which, though necessary to me

owing to the shipwreck of my fortune, were yet regarded by me as least valuable — I mean as to indemnifying me for my losses by decree of the senate. And though I saw all this — for it was not difficult to see — yet their present conduct did not affect me with so much bitterness as what they had done for me did with gratitude. And therefore, though according to your own assertion and testimony I was under very great obligation to Pompey, and though I loved him not only for his kindness, but also from my own feelings, and, so to speak, from my unbroken admiration of him, nevertheless, without taking any account of his wishes, I abode by all my old opinions in politics. With Pompey sitting in court, upon his having entered the city to give evidence in favour of Sestius, and when the witness Vatinius had asserted that, moved by the good fortune and success of Caesar, I had begun to be his friend, I said that I preferred the fortune of Bibulus, which he thought a humiliation, to the triumphs and victories of everybody else; and I said during the examination of the same witness, in another part of my speech, that the same men had prevented Bibulus from leaving his house as had forced me from mine: my whole cross-examination, indeed, was nothing but a denunciation of his tribuneship;

and in it I spoke throughout with the greatest freedom and spirit about violence, neglect of omens, grants of royal titles. Nor, indeed, in the support of this view is it only of late that I have spoken. I have done so consistently on several occasions in the senate. Nay, even in the consulship of Marcellinus and Philippus, on the 5th of April the senate voted on my motion that the question of the Campanian land should be referred to a full meeting of the senate on the 15th of May. Could I more decidedly invade the stronghold of his policy, or shew more clearly that I forgot my own present interests, and remembered my former political career? On my delivery of this proposal a great impression was made on the minds not only of those who were bound to have been impressed, but also of those of whom I had never expected it. For, after this decree had passed in accordance with my motion, Pompey, without shewing the least sign of being offended with me, started for Sardinia and Africa, and in the course of that journey visited Caesar at Luca. There Caesar complained a great deal about my motion, for he had already seen Crassus at Ravenna also,

and had been irritated by him against me. It was well known that Pompey was much vexed at this, as I was told by others, but learnt most definitely from my brother. For when Pompey met him in Sardinia, a few days after leaving Luca, he said: "You are the very man I want to see; nothing could have happened more conveniently. Unless you speak very strongly to your brother Marcus, you will have to pay up what you guaranteed on his behalf." I need not go on. He grumbled a great deal: mentioned his own services to me: recalled what he had again and again said to my brother himself about the "acts" of Caesar, and what my brother had undertaken in regard to me; and called my brother himself to witness that what he had done in regard to my recall he had done with the consent of Caesar: and asked him to commend to me the latter's policy and claims, that I should not attack, even if I would not or could not support them. My brother having conveyed these remarks to me, and Pompey having, nevertheless, sent Vibullius to me with a message, begging me not to Commit myself on the question of the Campanian land till his return, I reconsidered my position and begged the state itself, as it were, to allow me, who had suffered and done so much for it, to fulfil the duty which gratitude to my benefactors and the pledge which my brother had given demanded, and to suffer one whom it had ever regarded as an honest citizen to shew himself an honest man. Moreover, in regard to all those motions and speeches of mine which appeared to be giving offence to Pompey, the remarks of a particular set of men, whose names you must surely guess, kept on being reported to me; who, while in public affairs they were really in sympathy with my policy, and had always been so, yet said that they were glad that Pompey was dissatisfied with me, and that Caesar would be very greatly exasperated against me. This in itself was vexatious to me: but much more so was the fact that they used, before my very eyes, so to embrace, fondle, make much of, and kiss my enemy — mine do I say? rather the enemy of the laws, of the law courts, of peace, of his country, of all loyal men — that they did not indeed rouse my bile, for I have utterly lost all that, but imagined they did. In these circumstances, having, as far as is possible for human prudence, thoroughly examined my whole position, and having balanced the items of the account, I arrived at a final result of

all my reflexions, which, as well as I can, I will now briefly put before you.

If I had seen the Republic in the hands of bad or profligate citizens, as we know happened during the supremacy of Cinna, and on some other occasions, I should not under the pressure, I don't say of rewards, which are the last things to influence me, but even of danger, by which, after all, the bravest men are moved, have attached myself to their party, not even if their services to me had been of the very highest kind. As it is, seeing that the leading statesman in the Republic was Pompey, a man who had gained this power and renown by the most eminent services to the state and the most glorious achievements, and one of whose position I had been a supporter from my youth up, and in my praetorship and consulship an active promoter also, and seeing that this same statesman had assisted me, in his own person by the weight of his influence and the expression of his opinion, and, in conjunction with you, by his counsels and zeal, and that he regarded my enemy as his own supreme enemy in the state — I did not think that I need fear the reproach of inconsistency, if in some of my senatorial votes I somewhat changed my standpoint, and contributed my zeal to the promotion of the dignity of a most distinguished man, and one to whom I am under the highest obligations. In this sentiment I had necessarily to include Caesar, as you see, for their policy and position were inseparably united. Here I was greatly influenced by two things — the old friendship which you know that I and my brother Quintus have had with Caesar, and his own kindness and liberality, of which we have recently had clear and unmistakable evidence both by his letters and his personal attentions. I was also strongly affected by the Republic itself, which appeared to me to demand, especially considering Caesar's brilliant successes, that there should be no quarrel maintained with these men, and indeed to forbid it in the strongest manner possible. Moreover, while entertaining these feelings, I was above all shaken by the pledge which Pompey had given for me to Caesar, and my brother to Pompey. Besides, I was forced to take into consideration the state maxim so divinely expressed by our master Plato—"Such as are the chief men in a republic, such are ever wont to be the other citizens." I called to mind that in my consulship, from

the very 1st of January, such a foundation was laid of encouragement for the senate, that no one ought to have been surprised that on the 5th of December there was so much spirit and such commanding influence in that house. I also remember that when I became a private citizen up to the consulship of Caesar and Bibulus, when the opinions expressed by me had great weight in the senate, the feeling among all the loyalists was invariable. Afterwards, while you were holding the province of hither Spain with Imperium and the Republic had no genuine consuls, but mere hucksters of provinces, mere slaves and agents of sedition, an accident threw my head as an apple of discord into the midst of contending factions and civil broils. And in that hour of danger, though a unanimity was displayed on the part of the senate that was surprising, on the part of all Italy surpassing belief, and of all the loyalists unparalleled, in standing forth in my defence, I will not say what happened — for the blame attaches to many, and is of various shades of turpitude — I will only say briefly that it was not the rank and file, but the leaders, that played me false. And in this matter, though some blame does attach to those who failed to defend me, no less attaches to those who abandoned me: and if those who were frightened deserve reproach, if there are such, still more are those to be blamed who pretended to be frightened. At any rate, my policy is justly to be praised for refusing to allow my fellow citizens (preserved by me and ardently desiring to preserve me) to be exposed while bereft of leaders to armed slaves, and for preferring that it should be made manifest how much force there might be in the unanimity of the loyalists, if they had been permitted to champion my cause before I had fallen, when after that fall they had proved strong enough to raise me up again. And the real feelings of these men you not only had the penetration to see, when bringing forward my case, but the power to encourage and keep alive. In promoting which measure — I will not merely not deny, but shall always remember also and gladly proclaim it — you found certain men of the highest rank more courageous in securing my restoration than they had been in preserving me from my fall: and, if they had chosen to maintain that frame of mind, they would have recovered their own commanding position along with my salvation. For when the spirit of the loyalists had been renewed by your consulship, and they bad

been roused from their dismay by the extreme firmness and rectitude of your official conduct; when, above all, Pompey's support had been secured; and when Caesar, too, with all the prestige of his brilliant achievements, after being honoured with unique and unprecedented marks of distinction and compliments by the senate, was now supporting the dignity of the house, there could have been no opportunity for a disloyal citizen of outraging the Republic.

But now notice, I beg, what actually ensued. First of all, that intruder upon the women's rites, who had shewn no more respect for the Bona Dea than for his three sisters, secured immunity by the votes of those men who, when a tribune wished by a legal action to exact penalties from a seditious citizen by the agency of the loyalists, deprived the Republic of what would have been hereafter a most splendid precedent for the punishment of sedition. And these same persons, in the case of the monument, which was not mine, indeed — for it was not erected from the proceeds of spoils won by me, and I had nothing to do with it beyond giving out the contract for its construction — well, they allowed this monument of the senate's to have branded upon it the name of a public enemy, and an inscription written in blood. That those men wished my safety rouses my liveliest gratitude, but I could have wished that they had not chosen to take my bare safety into consideration, like doctors, but, like trainers, my strength and complexion also! As it is, just as Apelles perfected the head and bust of his Venus with the most elaborate art, but left the rest of her body in the rough, so certain persons only took pains with my head, and left the rest of my body unfinished and unworked. Yet in this matter I have falsified the expectation, not only of the jealous, but also of the downright hostile, who formerly conceived a wrong opinion from the case of Quintus Metellus, son of Lucius — the most energetic and gallant man in the world, and in my opinion of surpassing courage and firmness — who, people say, was much cast down and dispirited after his return from exile. Now, in the first place, we are asked to believe that a man who accepted exile with entire willingness and remarkable cheerfulness, and never took any pains at all to get recalled, was crushed in spirit about an affair in which he had shewn more firmness and constancy than anyone else, even than the pre-eminent M. Scaurus himself! But, again, the

account they had received, or rather the conjectures they were indulging in about him, they now transferred to me, imagining that I should be more than usually broken in spirit: whereas, in fact, the Republic was inspiring me with even greater courage than I had ever had before, by making it plain that I was the one citizen it could not do without; and by the fact that while a bill proposed by only one tribune had recalled Metellus, the whole state had joined as one man in recalling me — the senate leading the way, the whole of Italy following after, eight of the tribunes publishing the bill, a consul putting the question at the centuriate assembly, all orders and individuals pressing it on, in fact, with all the forces at its command. Nor is it the case that I afterwards made any pretension, or am making any at this day, which can justly offend anyone, even the most malevolent: my only effort is that I may not fail either my friends or those more remotely connected with me in either active service, or counsel, or personal exertion. This course of life perhaps offends those who fix their eyes on the glitter and show of my professional position, but are unable to appreciate its anxieties and laboriousness.

Again, they make no concealment of their dissatisfaction on the ground that in the speeches which I make in the senate in praise of Caesar I am departing from my old policy. But while giving explanations on the points which I put before you a short time ago, I will not keep till the last the following, which I have already touched upon. You will not find, my dear Lentulus, the sentiments of the loyalists the same as you left them — strengthened by my consulship, suffering relapse at intervals afterwards, crushed down before your consulship, revived by you: they have now been abandoned by those whose duty it was to have maintained them: and this fact they, who in the old state of things as it existed in our day used to be called Optimates, not only declare by look and expression of countenance, by which a false pretence is easiest supported, but have proved again and again by their actual sympathies and votes. Accordingly, the entire view and aim of wise citizens, such as I wish both to be and to be reckoned, must needs have undergone a change. For that is the maxim of that same great Plato, whom I emphatically regard as my master: “Maintain a political controversy only so far as

you can convince your fellow citizens of its justice: never offer violence to parent or fatherland." He, it is true, alleges this as his motive for having abstained from politics, because,

having found the Athenian people all but in its dotage, and seeing that it could not be ruled by persuasion, or by anything short of compulsion, while he doubted the possibility of persuasion, he looked upon compulsion as criminal. My position was different in this: as the people was not in its dotage, nor the question of engaging in politics still an open one for me, I was bound hand and foot. Yet I rejoiced that I was permitted in one and the same cause to support a policy at once advantageous to myself and acceptable to every loyalist. An additional motive was Caesar's memorable and almost superhuman kindness to myself and my brother, who thus would have deserved my support whatever he undertook; while as it is, considering his great success and his brilliant victories, he would seem, even if he had not behaved to me as he has, to claim a panegyric from me. For I would have you believe that, putting you aside, who were the authors of my recall, there is no one by whose good offices I would not only confess, but would even rejoice, to have been so much bound.

Having explained this matter to you, the questions you ask about Vatinius and Crassus are easy to answer. For, since you remark about Appius, as about Caesar, "that you have no fault to find," I can only say that I am glad you approve my policy. But as to Vatinius, in the first place there had been in the interval a reconciliation effected through Pompey, immediately after his election to the praetorship, though I had, it is true, impugned his canditature in some very strong speeches in the senate, and yet not so much for the sake of attacking him as of defending and complimenting Cato. Again, later on, there followed a very pressing request from Caesar that I should undertake his defence. But my reason for testifying to his character I beg you will not ask, either in the case of this defendant or of others, lest I retaliate by asking you the same question when you come home: though I can do so even before you return: for remember for whom you sent a certificate of character from the ends of the earth. However, don't be afraid, for those same persons are praised by

myself, and will continue to be so. Yet, after all, there was also the motive spurring me on to undertake his defence, of which, during the trial, when I appeared for him, I remarked that I was doing just what the parasite in the Eunuchus advised the captain to do: As oft as she names Phaedria, you retort
With Pamphila. If ever she suggest,
'Do let us have in Phaedria to our revel:'
Quoth you, 'And let us call on Pamphila
To sing a song.' If she shall praise his looks,
Do you praise hers to match them: and, in fine,
Give tit for tat, that you may sting her soul.
So I asked the jurors, since certain men of high rank, who had also done me very great favours, were much enamoured of my enemy, and often under my very eyes in the senate now took him aside in grave consultation, now embraced him familiarly and cheerfully — since these men had their Publius, to grant me another Publius, in whose person I might repay a slight attack by a moderate retort. And, indeed, I am often as good as my word, with the applause of gods and men. So much for Vatinius. Now about Crassus. I thought I had done much to secure his gratitude in having, for the sake of the general harmony, wiped out by a kind of voluntary act of oblivion all his very serious injuries, when he suddenly undertook the defence of Gabinius, whom only a few days before he had attacked with the greatest bitterness. Nevertheless, I should have borne that, if he had done so without casting any offensive reflexions on me. But on his attacking me, though I was only arguing and not inveighing against him, I fired up not only, I think, with the passion of the moment — for that perhaps would not have been so hot — but the smothered wrath at his many wrongs to me, of which I thought I had wholly got rid, having, unconsciously to myself, lingered in my soul, it suddenly shewed itself in full force. And it was at this precise time that certain persons (the same whom I frequently indicate by a sign or hint), while declaring that they had much enjoyed my outspoken style, and had never before fully realized that I was restored to the Republic in all my old character, and when my conduct of that controversy had gained me much credit outside the house also, began saying that they were glad both that he was now my enemy, and that those who were

involved with him would never be my friends. So when their ill-natured remarks were reported to me by men of most respectable character, and when Pompey pressed me as he had never done before to be reconciled to Crassus, and Caesar wrote to say that he was exceedingly grieved at that quarrel, I took into consideration not only my circumstances, but my natural inclination: and Crassus, that our reconciliation might, as it were, be attested to the Roman people, started for his province, it might almost be said, from my hearth. For he himself named a day and dined with me in the suburban villa of my son-in-law Crassipes. On this account, as you say that you have been told, I supported his cause in the senate, which I had undertaken on Pompey's strong recommendation, as I was bound in honour to do.

I have now told you with what motives I have supported each measure and cause, and what my position is in politics as far as I take any part in them: and I would wish you to make sure of this — that I should have entertained the same sentiments, if I had been still perfectly uncommitted and free to choose. For I should not have thought it right to fight against such overwhelming power, nor to destroy the supremacy of the most distinguished citizens, even if it had been possible; nor, again, should I have thought myself bound to abide by the same view, when circumstances were changed and the feelings of the loyalists altered, but rather to bow to circumstances. For the persistence in the same view has never been regarded as a merit in men eminent for their guidance of the helm of state; but as in steering a ship one secret of the art is to run before the storm, even if you cannot make the harbour; yet, when you can do so by tacking about, it is folly to keep to the course you have begun rather than by changing it to arrive all the same at the destination you desire: so while we all ought in the administration of the state to keep always in view the object I have very frequently mentioned, peace combined with dignity, we are not bound always to use the same language, but to fix our eyes on the same object. Wherefore, as I laid down a little while ago, if I had had as free a hand as possible in everything, I should yet have been no other than I now am in politics. When, moreover, I am at once induced to adopt these sentiments by the

kindness of certain persons, and driven to do so by the injuries of others, I am quite content to think and speak about public affairs as I conceive best conduces to the interests both of myself and of the Republic. Moreover, I make this declaration the more openly and frequently, both because my brother Quintus is Caesar's legate, and because no word of mine, however trivial, to say nothing of any act, in support of Caesar has ever transpired, which he has not received with such marked gratitude, as to make me look upon myself as closely bound to him. Accordingly, I have the advantage of his popularity, which you know to be very great, and his material resources, which you know to be immense, as though they were my own. Nor do I think that I could in any other way have frustrated the plots of unprincipled persons against me, unless I had now combined with those protections, which I have always possessed, the goodwill also of the men in power. I should, to the best of my belief, have followed this same line of policy even if I had had you here. For I well know the reasonableness and soberness of your judgment: I know your mind, while warmly attached to me, to be without a tinge of malevolence to others, but on the contrary as open and candid as it is great and lofty. I have seen certain persons conduct themselves towards you as you might have seen the same persons conduct themselves towards me. The same things that have annoyed me would certainly have annoyed you. But whenever I shall have the enjoyment of your presence, you will be the wise critic of all my plans: you who took thought for my safety will also do so for my dignity. Me, indeed, you will have as the partner and associate in all your actions, sentiments, wishes — in fact, in everything; nor shall I ever in all my life have any purpose so steadfastly before me, as that you should rejoice more and more warmly every day that you did me such eminent service.

As to your request that I would send you any books I have written since your departure, there are some speeches, which I will give Menocritus, not so very many, so don't be afraid! I have also written — for I am now rather withdrawing from oratory and returning to the gentler Muses, which now give me greater delight than any others, as they have done since my earliest youth — well, then, I have written in the Aristotelian style, at least that was my aim, three books in the

form of a discussion in dialogue On the Orator, which, I think, will be of some service to your Lentulus. For they differ a good deal from the current maxims, and embrace a discussion on the whole oratorical theory of the ancients, both that of Aristotle and Isocrates. I have also written in verse three books On my own Times, which I should have sent you some time ago, if I had thought they ought to be published — for they are witnesses, and will be eternal witnesses, of your services to me and of my affection — but I refrained because I was afraid, not of those who might think themselves attacked, for I have been very sparing and gentle in that respect, but of my benefactors, of whom it were an endless task to mention the whole list. Nevertheless, the books, such as they are, if I find anyone to whom I can safely commit them, I will take care to have conveyed to you: and as far as that part of my life and conduct is concerned, I submit it entirely to your judgment. All that I shall succeed in accomplishing in literature or in learning — my old favourite relaxations — I shall with the utmost cheerfulness place before the bar of your criticism, for you have always had a fondness for such things. As to what you say in your letter about your domestic affairs, and all you charge me to do, I am so attentive to them that I don't like being reminded, can scarcely bear, indeed, to be asked without a very painful feeling. As to your saying, in regard to Quintus's business, that you could not do anything last summer, because you were prevented by illness from crossing to Cilicia, but that you will now do everything in your power to settle it, I may tell you that the fact of the matter is that, if he can annex this property, my brother thinks that he will owe to you the consolidation of this ancestral estate. I should like you to write about all your affairs, and about the studies and training of your son Lentulus (whom I regard as mine also) as confidentially and as frequently as possible, and to believe that there never has been anyone either dearer or more congenial to another than you are to me, and that I will not only make you feel that to be the case, but will make all the world and posterity itself to the latest generation aware of it.

Appius used some time back to repeat in conversation, and afterwards said openly, even in the senate, that if he were allowed to carry a law in the comitia curiata, he would draw lots with his

colleague for their provinces; but if no curiatian law were passed, he would make an arrangement with his colleague and succeed you: that a curiatian law was a proper thing for a consul, but was not a necessity: that since he was in possession of a province by a decree of the senate, he should have imperium in virtue of the Cornelian law until such time as he entered the city. I don't know what your several connexions write to you on the subject: I understand that opinion varies. There are some who think that you can legally refuse to quit your province, because your successor is named without a curiatian law: some also hold that, even if you do quit it, you may leave some one behind you to conduct its government. For myself, I do not feel so certain about the point of law — although there is not much doubt even about that — as I do of this, that it is for your greatest honour, dignity, and independence, which I know you always value above everything, to hand over your province to a successor without any delay, especially as you cannot thwart his greediness without rousing suspicion of your own. I regard my duty as twofold — to let you know what I think, and to defend what you have done.

P.S. — I had written the above when I received your letter about the publicanito whom I could not but admire the justice of your conduct. I could have wished that you had been able by some lucky chance to avoid running counter to the interests and wishes of that order, whose honour you have always promoted. For my part, I shall not cease to defend your decrees: but you know the ways of that class of men; you are aware how bitterly hostile they were to the famous Q. Scaevola himself. However, I advise you to reconcile that order to yourself, or at least soften its feelings, if you can by any means do so. Though difficult, I think it is, nevertheless, not beyond the reach of your sagacity.

LETTER 10

TO L. VALERIUS (IN CILICIA) ROME

M. Cicero wishes health to L. Valerius, learned in the law. For why I should not pay you this compliment I don't know, especially considering that in these times one may employ impudence to supply the place of learning. I have written to our friend Lentulus, thanking him earnestly in your name. But I could wish that you would now cease using my letter of introduction and at last come back to us, and prefer a city where you are of some account, to a place where you appear to be the only man of legal learning. However, those who come from where you are either say you are proud because you give no "opinions," or insulting because you give bad ones. But I am now longing to crack a joke with you face to face. So come as soon as ever you can, and don't go and visit your native Apulia, that we may have the joy of welcoming your safe return. For if you go there, like another Ulysses, you will not recognize any of your friends.

BOOK 2

LETTER 1

TO C. SCRIBONIUS CURIO (IN ASIA) ROME (JANUARY OR FEBRUARY)

Though I am sorry that you have suspected me of neglect, yet it was not so annoying to me to have my lack of attention found fault with, as delightful to have it missed by you; especially as in the particular point on which you accuse me I happen to be innocent, while in shewing that you miss a letter from me, you avow an affection for me, of which, indeed, I was fully aware, but which, nevertheless, is very soothing and gratifying to my feelings. The fact is that I have never let anyone go, so long, that is, as I thought him likely to reach you, without giving him a letter. Why, was there ever such an untiring correspondent as I? From you, however, I have received two, or at the most three letters — and those extremely brief. Wherefore, if you are a harsh judge of me, I shall find you guilty on precisely the same charge. But if you don't want me to do that, you will have to be considerate to me. However, enough about writing; for I am not afraid of failing to satiate you with my correspondence, especially if you shew a just appreciation of my zeal in that department. I have been grieved on the one hand at your long absence from us, because I have lost the advantage of a most delightful intimacy; and yet on the other hand I rejoice at it, because while on this foreign service you have gained all your objects with infinite credit to yourself, and because in all you have undertaken fortune has answered to my wishes. There is one injunction, a very short one, which my unspeakable affection for you compels me to give you. Such lofty expectations are entertained of your spirit, shall I say? or of your ability, that I cannot refrain from imploring and beseeching you to return to us with a character so finished, as to be able to support and maintain the expectations which you have excited. And since no loss of memory will ever obliterate my recollection of your services to me, I beg you not to forget that, whatever increase of fortune or position may befall you, you would not have been able to attain it, had you not as a boy obeyed my most

faithful and affectionate counsels. Wherefore it will be your duty to shew me such affection, that my age — now on the decline — may find repose in your devotion and youth.

LETTER 2

TO C. SCRIBONIUS CURIO (IN ASIA) ROME (?FEBRUARY)

I have been deprived of a strong witness to my extreme affection for you in the person of your most illustrious father: who would have been fortunate above the common lot, both in his own memorable achievements and in the possession of such a son as yourself, had it been granted him to see you before his departure from life. But I hope our friendship stands in no need of witnesses. Heaven bless your inheritance to you! You will at least have in me one to whom you are as dear and as precious as you have been to your father.

LETTER 3

TO C. SCRIBONIUS CURIO (IN ASIA) ROME (?FEBRUARY)

Rupa was not backward in his wish to promise an exhibition of gladiators in your name, but neither I nor any of your friends approved of anything being done in your absence which would tie your hands when you returned. For my part, I will either write you my opinion at greater length later on, or, to give you no opportunity of preparing an answer to it, I will take you unprepared and state my view by word of mouth against yours. I shall thus either bring you over to my opinion, or at least leave in your mind a record of my view, so that, if at any time (which heaven forbid!) you may see cause to repent of your decision, you may be able to recall mine. Briefly, be assured that your return will find the state of things to be such, that you may gain the highest possible honours in the state more easily by the advantages with which you are endowed by nature, study, and fortune, than by gladiatorial exhibitions. The power of giving such things stirs no feeling of admiration in anyone; for it is wholly a question of means, and not of character — and there is nobody who is not by this time sick and tired of them. But I am not acting as I said I would do, for I am embarking on a statement of the reasons for my opinion. So I will put off this entire discussion to your arrival. Believe me, you are expected with the greatest interest, and hopes are entertained of you such as can only be entertained of the highest virtue and ability. If you are as prepared for this as you ought to be — and I feel certain you are — you will be bestowing on us, your friends, on the whole body of your fellow citizens, and on the entire state, the most numerous and most excellent of exhibitions. You will certainly become aware that no one can be dearer or more precious than you are to me.

LETTER 4

TO C. SCRIBONIUS CURIO (IN ASIA) ROME (?MAY)

You are aware that letters are of many kinds; but there is one kind which is undeniable, for the sake of which, indeed, the thing was invented, namely, to inform the absent of anything that is to the interest of the writer or recipient that they should know. You, however, certainly don't expect a letter of that kind from me. For of your domestic concerns you have members of your family both to write and to act as messengers. Besides, in my personal affairs there is really nothing new. There are two other kinds of letters which give me great pleasure: the familiar and sportive, and the grave and serious. Which of these two I ought least to employ I do not understand. Am I to jest with you by letter? Upon my word, I don't think the man a good citizen who could laugh in times like these. Shall I write in a more serious style? What could be written of seriously by Cicero to Curio except public affairs? And yet, under this head, my position is such that I neither dare write what I think, nor choose to write what I don't think. Wherefore, since I have no subject left to write about, I will employ my customary phrase, and exhort you to the pursuit of the noblest glory. For you have a dangerous rival already in the field, and fully prepared, in the extraordinary expectation formed of you and this rival you will vanquish with the greatest ease, only on one condition — that you make up your mind to put out your full strength in the cultivation of those qualities, by which the noble actions are accomplished, upon the glory of which you have set your heart. In support of this sentiment I would have written at greater length had not I felt certain that you were sufficiently alive to it of your own accord; and I have touched upon it even thus far, not in order to fire your ambition, but to testify my affection.

LETTER 5

TO C. SCRIBONIUS CURIO (ON HIS WAY FROM ASIA) ROME (?JUNE)

The state of business here I dare not tell even in a letter. And though, wherever you are, as I have told you before, you are in the same boat, yet I congratulate you on your absence, as well because you don't see what we see, as because your reputation is placed on a lofty and conspicuous pinnacle in the sight of multitudes both of citizens and allies; and it is conveyed to us by neither obscure nor uncertain talk, but by the loud and unanimous voice of all. There is one thing of which I cannot feel certain — whether to congratulate you, or to be alarmed for you on account of the surprising expectation entertained of your return; not because I am at all afraid of your not satisfying the world's opinion, but, by heaven, lest, when you do come, there may be nothing for you to preserve: so universal is the decline and almost extinction of all our institutions. But even thus much I am afraid I have been rash to trust to a letter wherefore you shall learn the rest from others. However, whether you have still some hope of the Republic, or have given it up in despair, see that you have ready, rehearsed and thought out in your mind, all that the citizen and the man should have at his command who is destined to restore to its ancient dignity and freedom a state crushed and overwhelmed by evil times and profligate morals.

LETTER 6

TO C. SCRIBONIUS CURIO (ARRIVED IN ITALY) ROME (? JULY)

News had not yet reached me of your arrival in Italy when I sent Sext. Villius, an intimate of my friend Milo, with this letter to you. But nevertheless, since your arrival was thought to be approaching, and it was ascertained that you had already started from Asia Romewards, the importance of my subject made me dismiss any fear of being premature in sending you this letter, for I was exceedingly anxious that it should reach you as soon as possible. If the obligations, Curio, had only been on your side, and as great as they are usually proclaimed by you rather than as valued by me, I should have been more shy of coming to you for any request of importance which I might have to make. For it is very disagreeable to a modest man to ask a great favour from one whom he thinks under an obligation to himself, lest he should seem rather to demand than to ask what he is seeking, and to regard it more in the light of a debt than of a favour. But since your kindnesses to me were known to the whole world, or rather I should say were made especially prominent and valuable by the very novelty of my circumstances; and since it is the mark of a generous heart to be willing, when much is owed, to reckon the debt at its highest;

I did not hesitate to prefer to you by letter a petition for what was of the highest importance and most vital consequence to me of anything in the world. For I was not afraid of being unable to support your kindnesses to me, even though they were beyond calculation: especially as I felt confident that there was no amount of favour for which my heart was incapable of finding room when receiving it, or for which in repayment it could not make a full and brilliant return. I have concentrated and embarked all my zeal, all my efforts, all the care and industry of which I am capable, my every thought, in fact, my whole heart and soul, on securing Milo's consulship; and I have made up my mind that in this matter I ought to look not merely for the profit arising from an act of kindness, but also for the credit of

disinterested affection. Nor do I think that anyone was ever so anxious about his own personal safety and his own fortunes as I am for his election, on which I have made up my mind that all my interests depend. To him I see clearly that, if you choose, you can render such substantial help that we need ask for nothing else. We have on our side all these advantages: the favour of the loyalists won since his tribunate on account of his supporting me (as I hope you understand); that of the common multitude on account of the splendour of his gladiatorial exhibitions and the liberality of his disposition; the favour of the young men and of those influential in securing votes, won by his own eminent powers of captivation, shall I call it? or his diligence in that department; lastly, my own electoral support, which, if it is not very powerful, is at any rate regarded as only right, due and proper, and on that account is perhaps influential also. What we want is a leader, and what I may call a controller, or, so to speak, a pilot of those winds which I have described: and if we had to select one such out of the whole world, we should have no one to compare with you. Wherefore, if (as I am sure you can) you can regard me as a grateful, as an honest man, from the mere fact that I am thus eagerly exerting myself for Milo, if, in fine, you think me worthy of your kindness, I do ask you this favour — that you come to the rescue of this anxiety of mine and this crisis in my reputation, or, to put it with greater truth, that you will devote your zeal to what is all but a question of life and death to me. As to Titus Annius himself, I promise you this much — that if you resolve to embrace his cause, you will never have anyone of greater spirit, solidity, firmness, or affection to yourself. While to me you will have given so much additional honour and prestige, that I shall have no difficulty in acknowledging you to have been as effective in supporting my reputation as you were in securing my safety.

Did I not know that you must be fully aware, while writing this letter to you, under what a weight of obligation I am labouring, how strongly I am bound to work in this election for Milo, not only with every kind of exertion, but even with downright fighting, I should have written at greater length. As it is, I hand over and commit the business, the cause, and myself wholly and entirely into your hands. Of one thing be sure: if I obtain this help from you, I shall owe you

almost more than I owe Milo himself; for my personal safety, in which I have been conspicuously aided by him, has not been as dear to me as the sacred duty of returning the favour will be delightful. That object I feel confident that your aid, and yours alone, will enable me to secure.

LETTER 7

TO C. SCRIBONIUS CURIO (IN ROME) CILICIA, 10 DECEMBER

It is not usual to find fault with a tardy congratulation, especially if it has been omitted by no negligence: for I am far off, and news reaches me slowly. However, I both congratulate you and heartily wish that your tribunate may redound to your lasting reputation; and I exhort you to direct and control everything by your own good sense, and not allow yourself to be carried away by suggestions of others. There is no one who can give you wiser advice than you can give yourself: you will never make a slip, if you listen to your own heart. I don't write this inconsiderately: I am fully conscious to whom I am writing: I know your courage, I know your good sense. I am not afraid of your acting timidly or foolishly, if you maintain what you feel in your own heart to be right. To what a political situation you have, I don't say fallen, but come — for it is by your own deliberate choice and not by chance that you have brought your tribuneship into the very midst of a crisis — you, of course, perceive. I do not doubt that you are considering how decisive in politics is the choice of seasons, how rapidly events shift, how uncertain are results, how pliable are men's wills, what treachery, what falseness, there is in life. But I beseech you, Curio, give your whole heart and mind, not to any new principle, but to that which I mentioned at the beginning of my letter: commune with your own thoughts, take your own self into council, listen to yourself, obey your-self. It is not easy to find anyone capable of giving better advice to another than you are: to yourself, at any rate, no one will give better. Good heavens! why am I not there to be, if you will, the spectator of your glory, or the sharer, or partner, or assistant in your counsels? Although of this you do not in the least stand in need, yet, after all, the greatness and intensity of my affection would have secured my being of some use to you by my advice. I will write at greater length to you at another time: for within the next few days I intend to send some letter-carriers from my own establishment, that, since I have performed a public service with

good results and to my own satisfaction, I may in one despatch give an account to the senate of the events of the whole summer. As to your election to the priesthood, you will learn from the letter which I delivered to your freedman Thraso how much trouble I have taken, and how difficult a matter it has been to deal with and maintain. For yourself, Curio, in the name of your uncommon affection for me, and my own unparalleled one for you, I beg you not to allow any extension of time to be made in my case to this burden of a province. I urged this on you when I was with you, and when I had no idea that you were going to be tribune this year, and I have often made the same request by letter; but then it was made to you as a member of the senate, who was yet a young man of the highest rank and the greatest popularity, now it is to I tribune, and that tribune a Curio: not to get any novel decree — which is usually somewhat more difficult — but to prevent any novelty: to support both a decree of the senate and laws, and to allow the terms under which I left Rome to remain as they are. This I earnestly beg of you again and again.

LETTER 8

TO M. CAELIUS RUFUS (AT ROME) ATHENS, 6 JULY

What! Do you suppose that I meant you to send me an account of gladiatorial matches, of postponements of trials, of robberies by Chrestus, and such things as, when I am at Rome, nobody ventures to retail to me? See what a high opinion I have of you — and not, indeed, undeservedly, for I have never yet known anyone with keener political instincts — I don't care for your writing to me even the daily occurrences in the most important affairs of the state, unless there is something specially affecting myself. Other people will write about them; many will convey news of them: common report itself will bring many of them to my ears. Therefore it is not things past or present that I expect from you, but things to come — for you are a man who sees far in front of you — so that, having got a view of the ground plan of the Republic from your pen, I may satisfy myself as to what the future building is to be. As yet, however, I have no fault to find with you; for it is impossible for you to see farther than any one of us, and especially myself, who have spent several days with Pompey in conversation exclusively political, which neither can nor ought to be committed to writing. Only take this as certain, that Pompey is an admirable citizen, and prepared in courage and wisdom alike to meet every contingency that needs to be provided against in the political situation. Wherefore devote yourself to him: he will receive you, believe me, with open arms. For he takes the same view, as we ever do, as to who are good and bad citizens. After spending exactly ten days in Athens, and having seen a great deal of our friend Caninius Gallus,

I am starting on my journey today, the 6th of July, the day on which I send you this letter. All interests of mine I desire to have the benefit of your greatest attention, but nothing more so than that the time of my provincial government should not be extended. That is all in all to me. When, how, and by whose means this is to be worked, you will settle best for yourself.

LETTER 9

TO M. CAELIUS RUFUS (AT ROME) CILICIA (NOVEMBER)

M. CICERO, proconsul, greets M. Caelius, curule aedile elect. First of all, as in duty bound, I congratulate you and express my delight at the rank which you have already attained, and your hopes of advancement in the future. It is somewhat late in the day: that, however, does not arise from my negligence, but from my ignorance of everything that is going on. For I am in a district where, partly from its distance, and partly from brigandage, all news is as late as possible in arriving. Besides congratulating you, I can scarcely find words to thank you for having had an election calculated, as you said in your letter, to give us an endless fund of laughter. And so, as soon as I heard the news, I imagined myself in that man's skin — you know whom I mean — and personified to myself all that "rising generation" about which he is always talking so big. "'Tis hard to say " — looking at you in my mind's eye the while, though far away, and as though I were talking to you face to face — By heaven, how great,
How grand the feat!

But since it had surpassed my expectation, I began the quotation: A glad surprise
Before my eyes.
In fact, I all on a sudden stepped out "gay as gay can be," and when I was rebuked for being all but silly from excess of joy, I quoted in my defence, "Beyond all measure to express delight," etc.' In short, while laughing at him, I almost became another like him. But I will write more about this, and much else besides about you and to you, as soon as I have got a minute to spare. Meanwhile however, my dear Rufus, I am deeply attached to you — you whom fortune gave me to be the promoter of my dignity, and such a scourge, not of my enemies only, but of my jealous rivals also, that they had reason to be sorry in some cases for their evil deeds, and in others even for their stupidities.

LETTER 10

TO M. CAELIUS RUFUS (AT ROME) PINDENISSUS, 26 NOVEMBER

M. CICERO, imperator, greets M. Caelius, curule aedile elect. Just see how letters fail to reach me! For I cannot be induced to believe that you have not sent me any letter since your election to the aedileship, considering the importance of the fact and the congratulation for which it called: on your account, because it was what I was hoping for, on that of Hillus (you see I lisp) because it was what I had not expected. However, be assured that I have received no letter from you since that glorious election, which transported me with delight. This makes me fear that the same may happen to my letter. For my part, I have never sent a single packet home without an enclosure for you, and nothing can be more delightful and beloved than you are to me. But let us return (not "weturn," for I have lost my lisp) to business.

It is as you desired. For you could have wished me, you say, to have no more trouble than just enough for the laurel. You are afraid of the Parthians, because you have no confidence in the forces at my disposal. Well, the course of affairs has been as follows. On the announcement of a Parthian invasion, relying on certain difficulties in the country and on the natural features of the mountains, I led my army to Amanus, supported by a fairly good contingent of auxiliary forces, and by a certain prestige attaching to my reputation among populations who had no personal knowledge of me. For one often hears in these parts, "Is that the man by whom the city — ,whom the senate — ?" You can imagine the rest. By the time I had arrived at Amanus, which is a mountain common to me and Bibulus, the dividing line being the watershed, our friend Cassius, to my great joy, had repulsed the enemy from Antioch: Bibulus had taken over his province. Meanwhile, with my full forces I harassed the population of Amanus, our immemorial foes. Many were killed and taken prisoners, the rest were scattered: the fortified Strongholds were taken by surprise and burnt. Accordingly, after a complete

victory, having been acclaimed imperator at Issus — in which place, as I have often been told by you, Clitarchus related to you that Darius was conquered by Alexander — I drew off my army to the most disturbed part of Cilicia. There for the past twenty-five days I have been assailing a very strongly fortified town called Pindenissus with earthworks, pent-houses, towers, and with such great resources and energy, that the only thing now wanting to the attainment of the most glorious renown is the credit of taking the town; and if, as I hope, I do take it, I will then at Once send an official despatch. For the present I content myself with writing this to you, to give you hope of attaining your wish. But to return to the Parthians, the present summer has had the fairly fortunate result I have mentioned: for the next, there is much cause for alarm. Wherefore, my dear Rufus, be vigilant: in the first place, that I may have a successor: but if that shall turn out to be, as you write, too much of a business, then, what is easy enough, that no additional period be imposed. About politics I expect in your letters, as I have said before, current events and, even more, conjectures of the future. Wherefore I beg you earnestly to write me an account of everything in the greatest detail.

LETTER 11

TO M. CAELIUS RUFUS (CURULE AEDILE) LAODICEA, 4 APRIL

WOULD you have supposed that words could possibly fail me, and not only oratorical words, such as you advocates use, but even this common vernacular which I employ? Still, fail me they do, and for this reason — I am surprisingly anxious as to what decree may pass about the provinces. An astonishing yearning for the city possesses me, an incredible longing for my friends and for you among the first, and at the same time a weariness of a province, either because I seem to have gained so much reputation, that an accession to it is now not so much to be sought, as some change of fortune to be feared; or because the whole business is one unworthy of my powers, able and accustomed as I am to sustain more important burdens in the public service; or, again, because an alarm of a serious war is hanging over us, which I seem likely to avoid by quitting my province on the day appointed. The panthers are being energetically attended to by the ordinary hunters in accordance with my orders: but there is a great scarcity of them, and such as there are, I am told, complain loudly that they are the only things for which traps are set in all my province, and they are said in consequence to have resolved to quit our province for Caria. However, the business is being pushed on zealously, and especially by Patiscus. All that turn up shall be at your service, but how many that is I don't in the least know. I assure you I am much interested in your aedileship: the day itself reminds me of it; for I am writing on the very day of the Megalensia. Please write the fullest particulars as to the state of politics in general: for I shall look on information from you as the most trustworthy I get.

LETTER 12

TO M. CAELIUS RUFUS (CURULE AEDILE) CILICIA, JUNE

I am much worried by events in the city. Such stormy meetings are reported to me, such a disturbed Quinquatrian holiday: for what has happened since I have not yet heard. But after all nothing worries me so much as the being debarred in the midst of these troubles from having a laugh with you at the comic points in them. These are, in fact, numerous, but I dare not trust them to paper. What annoys me is that I have not as yet received a line from you on these subjects. Wherefore, though by the time you read this letter I shall have finished my year of office, pray, nevertheless, send a letter to meet and enlighten me on all public affairs, that I may not arrive home an utter stranger. No one can do this better than you. Your friend Diogenes, a steady good man, has left me in company with Philo for Pessinus. They are on their way to visit Adiatorix, where they are fully prepared to find neither kindness nor a full exchequer.

The City, the City, my dear Rufus — stick to that and live in its full light! Residence elsewhere — as I made up my mind in early life — is mere eclipse and obscurity to those whose energy is capable of shining at Rome. Knowing this thoroughly, would that I had been true to my convictions! Before heaven, I do not compare all the advantages of a province put together with one stroll and one conversation with you. I hope I have gained a reputation for integrity. I had that, however, quite as much from rejecting as from administering a province. “But what about the hope of a triumph?” say you. I had already had a sufficiently glorious triumph: I never ought to have been so long separated from all that I love best. But I shall, I hope, soon see you. Mind you send some letters to meet me worthy of yourself.

LETTER 13

TO M. CAELIUS RUFUS (CURULE AEDILE) LAODICEA, MAY

THOUGH{ your letters are rare (perhaps they don't all reach me), yet I always receive them with delight. For instance, the last received — how sensible it is! How kind and instructive! Though in all points I had made up my mind that I must act as you advise, yet my plans are confirmed when I see that farseeing and faithful advisers agree with me. I am very fond of Appius, as I have often remarked to you in the course of conversation, and I perceived that the moment our quarrel was at an end he began to like me. For when consul he shewed me great respect, and as a friend he has made himself agreeable, and has taker great interest in my pursuits. That good services on my side were in truth not wanting you are witness, and are supported now, I think, by Phania coming in pat, like a character in a farce; and, by heaven! I valued him still more from perceiving that he was attached to you. You know that I am now wholly Pompey's: you understand that Brutus is the object of my warm affection. What is there to prevent my wishing to embrace a man who has all the advantages of youth, wealth, honours, genius, children, relations, marriage connexions, and friends: especially as he is my colleague, and in regard even to the reputation and learning of the college shews great value for me? I write at the greater length on this subject, because your letter hints a kind of doubt as to my feelings towards him. I suppose you have been told something: it is false, believe me, if you have. My official principles and policy present certain points of contrast with his method of administering the province. From that circumstance, perhaps, people have suspected that this contrast arises from estrangement of feeling, not mere difference of opinion. I have, however, never done or said anything with the object of lessening his reputation. Moreover, since this trouble that has come upon him from the rash act of our Dolabella, I am putting myself forward as his apologist and defender.

Your letter mentioned "a lethargy on the state." I am very glad to hear it, and rejoice that our friend has been frozen by the public

tranquillity. Your last page, in your own handwriting, was like a dagger in my heart. What! Curio now standing up for Caesar? Who had ever expected it? No one but myself! For, as I live, I thought that would happen. Immortal gods! How I yearn for the laugh we should have over it together! My intention is, since I have finished hearing my cases, have enriched the states, have secured for the publicani even the arrears of the last quinquennium without a murmur from the allies, and have made myself agreeable to private persons from the highest to the lowest, to start for Cilicia on the 15th of May, and, as soon as I have reached the summer quarters and have got the troops established in them, to quit the province in accordance with the senatorial decree. I desire to see you while still aedile; and the city, as well as all my friends, and you among the first, inspire me with extraordinary longing.

LETTER 14

TO M. CAELIUS RUFUS (AT ROME) LAODICEA (FEBRUARY)

I am very intimate with M. Fadius, a most excellent man an& most accomplished scholar, and I am wonderfully attached to him, as well for his great talents and consummate learning, as for the singular modesty of his behaviour. Pray take up his business as though it were my own. I know you distinguished advocates: one must commit a murder if one wishes the benefit of your services: but in the case of this man I will accept no excuse. You will throw up every other engagement, if you love me, when Fadius desires your services. I am eagerly looking out and longing for news from Rome, and before all I desire to know how you are: for, owing to the severity of the winter, it is now a long time since any news found its way to us.

LETTER 15

TO M. CAELIUS RUFUS (AT ROME) (ASIA) AUGUST

NOTHING could have been more correct or wise than your dealings with Curio as to my supplicatio: and, by Hercules, the business was settled exactly as I wished, both from its speed and because the person whom it irritated — the rival, I

mean, of us both — voted with the man who complimented my achievements in terms of extraordinary praise. Wherefore let me tell you I have hopes of the next step: so be prepared for it. I am glad in the first place to hear your compliments to Dolabella, and in the second place to find that you like him. For what you say of the possibility of his being reformed by Tullia's good sense, I know to what letter of your own it is an answer. What if you were to read the letter which I wrote to Appius at the time after reading yours? But what would you have? It is the way of the world. What is done is done, and heaven prosper it! I hope I shall find him an agreeable son-in-law, and in that respect your kindness will be of much assistance.

Politics make me very anxious. I am fond of Curio: I wish Caesar to shew himself an honest man: I could die for Pompey: but after all nothing is dearer in my sight than the Republic itself. In this you are not making yourself very Conspicuous, for you seem to me to have your hands tied — by being at once a good citizen and a good friend. On quitting my province, I have put my quaestor Caelius in command. "A mere boy," say you. Yes, but a quaestor, a young man of high rank, and in accordance with nearly universal precedent: for there was no one who had held higher office for me to put in that position. Pomptinus had departed long ago: my brother Quintus could not be induced: moreover, if I had left him, enemies would have said that I had not really left the province at the end of a year, in accordance with the decree of the senate, since I left a second self behind me. Perhaps they might even have added, that the senate had ordered that those should govern provinces who had not done so before; whereas my brother had governed Asia for three years. In fine, I have now no anxieties: if I had left my brother behind, I

should have been afraid of everything. Lastly, not so much of my own initiative, as following the precedent set by the two most powerful men of the day, who have secured the allegiance of all the Cassii and Antonii, I have not so much been desirous to attract a young man to myself, as unwilling to repel him You must needs praise this policy of mine: for it cannot now be changed. You did not write clearly enough to me about Ocella, and it was not mentioned in the gazette. Your doings are so well known, that even on the other side of Mount Taurus the story of Matrinius was heard. Unless the Etesian winds delay me, I shall, I hope, see you before long.

LETTER 16

TO M. CAELIUS RUFUS (IN GAUL) CUMAE (MAY)

Your letter would have given me great pain, had it not been that by this time reason itself has dispelled all feelings of annoyance, and had not my mind, from long despair of public safety, become callous to any new sorrow. Nevertheless, I do not know how it happened that you conceived from my former letter the suspicion which you mention in yours. For what did it contain beyond a lamentation over the state of the times, which do not cause me greater anxiety than they do you? For I know the keenness of your intellect too well to suppose that you do not see what I see myself. What surprises me is that, knowing me as thoroughly as you ought to do, you could be induced to think, that I was either so shortsighted as to abandon a fortune in the ascendant for one on the wane and all but entirely sunk; or so inconsistent as to throw away the favour already gained of a man at the height of prosperity, and so be untrue to myself, and — a thing which I have from the beginning and ever since avoided — take part in a civil war. What, then, do you mean by my "lamentable" design? Is it that of retiring, perhaps, to some secluded spot? For you know how it not only turns my stomach — as it used at one time to turn yours also — but sickens my very eyes to see the insolent conduct of mere upstarts. I have the additional of the procession of lictors, and the title of imperator, by which I am addressed. If I had been without that burden, I should have been content with any retreat, however humble, in Italy. But these laurelled fasces of mine not only attract the eyes, but now also provoke the remarks of the malevolent. And though that is so, I yet never thought of leaving the country without the approbation of your party. But you know my small estates: I am obliged to stay on them, not to be troublesome to my friends. Now the fact of my finding it pleasantest to reside in my marine villa causes some to suspect me of an intention to embark on a voyage: and, after all, perhaps I should not have been unwilling to do so, had I been able to reach peace: for how could I consistently sail to war: especially against a man who, I

hope, has forgiven me, on the side of a man who by this time cannot possibly forgive me?

In the next place, you might without any difficulty have understood my feeling at the time of your visit to me in my Cuman villa. For I did not conceal from you what Titus Ampius had said: you saw how I shrank from leaving the city after hearing it. Did I not assure you that I would endure anything rather than quit Italy to take part in a civil war? What, then, has occurred to make me change my resolve? Has not everything been rather in favour of my abiding by my opinion? Pray believe me in this — and I am sure you do think so-that among these miseries I seek for nothing but that people should at length understand that I have preferred peace to everything: that, when that was given up in despair, my first object was to avoid actual civil war. Of this consistent conduct I think I shall never have cause to repent. I remember, for instance, that our friend Q. Hortensius used to plume himself on this particular thing, that he had never taken any part in a civil war. In this matter my credit will be more brilliant, because it was attributed to want of spirit in his case: in mine I do not think that this idea can possibly be entertained. Nor am I terrified by the considerations which you put before me, with the most complete fidelity and affection, with the view of alarming me. For there is no sort of violence that does not seem to be hanging over the heads of all in this world-wide convulsion; and this, indeed, I would with the greatest pleasure have averted from the Republic at the cost of my private and domestic losses, even those against which you bid me be on my guard. To my son, whom I rejoice to see enjoying your affection, I shall leave, if the Republic survives in any shape, a sufficiently noble inheritance in the memory of my name: but if it entirely disappears, nothing will happen to him apart from the rest of the citizens. You ask me to have some regard to my son-in-law-a most excellent young man, and very dear to me: can you doubt, when you know how much I regard both him, and of course my dear Tullia, that this subject gives me the keenest anxiety? The more so, that in the universal disaster I yet used to flatter myself with this little grain of hope, that my, or rather our, Dolabella would be freed from those embarrassments which he had brought upon himself by his own liberality. Pray ask him how he got through the settling

days, while he was in the city. How disagreeable they were to him, and how derogatory to myself as his father-in-law! Accordingly, I am neither waiting for the result of the Spanish campaign, as to which I am fully convinced that the truth is as you say, nor am I meditating any astute policy. If there is ever to be a state, there will be doubtless a place for me: but if there is not, you will yourself, as I think, make for the same lonely retreats in which you will hear that I have taken up my abode. But perhaps I am talking wildly, and all these troubles will end better. For I remember the expressions of despair among those who were old men when I was a youth: perhaps I am now imitating them, and indulging in the usual weakness of my time of life. I wish it may be so. But nevertheless!-I suppose you have heard that a purple-bordered toga is being woven for Oppius. For our friend Curtius thinks of a double-dyed one: but the hand that should dye it keeps him waiting. I put in this seasoning of joke to shew you that, in spite of my indignation, I am still in the habit of laughing. As to what you say in your letter about Dolabella, I advise you to look to it as closely as if your own interests were at stake. My last remark shall be this: I shall do nothing wild or inconsiderate. However, I beg you, in whatever country I may be, to protect me and my children, as our friendship and your honour demand.

LETTER 17

TO GNAEUS SALLUSTIUS (PROQUAESTOR IN SYRIA)
TARSUS, 18 JULY

Your orderly delivered me your letter at Tarsus on the 17th of July, and I will now proceed to answer it, as I perceive is your wish, in detail. About my successor I have heard nothing, and I don't think there will be one. There is no reason for my not leaving the province to the day, especially as all fear from the Parthians is removed. I am strongly inclined to stop nowhere. I think I shall go to Rhodes for the sake of the boys, but of even that I am not certain. I wish to arrive outside the city as soon as possible, yet the course of politics and events in Rome will guide the course of my journey. Your successor cannot in any case make such haste as to enable you to meet me in Asia. As to delivering the copies of accounts, your non-delivery of them, for which you say Bibulus gave you licence, is no inconvenience to me: but I scarcely think you are justified in so doing by the Julian law, which Bibulus disregards on a certain settled principle, but which I think you ought certainly to observe. You say that the garrison ought not to have been withdrawn from Apamea; I see that others think the same, and I am much annoyed that rather unpleasant remarks have been made by my ill-wishers. As to whether the Parthians have crossed or not I perceive that you are the only man who has any doubt. Accordingly, all the garrisons, which I had raised to a state of great effectiveness I have been induced by the positive assertions I hear made to dismiss. As to my quaestor's accounts, it was neither reasonable that I should send them to you, nor were they then made up. I think of depositing them at Apamea. Of the booty taken by me no one, except the quaestors of the city — that is, the Roman people — has touched or will touch a farthing. At Laodicea I think I shall accept sureties for all public money, so that both I and the people may be insured against loss in transit. As to what you say about the 100,000 drachmae, in a matter of that kind no concession to anyone is possible on my part. For every sum of money is either treated as booty, in which case it is administered by the praefecti or it

is paid over to me, in which case it is administered by the quaestor. You ask me what my opinion is as to the legions which the senate has ordered for Syria. I had my doubts before about their coming; now I feel no doubt, if news is received in time of there being peace in Syria, that they will not come. I see that Marius, the successor to the province, will be slow in coming precisely because the Senate has decreed that he should accompany the legions.

There's the answer to one letter. Now for the second. You ask me to recommend you as earnestly as possible to Bibulus. In this matter inclination on my part is not wanting, but it seems to me to be a proper opportunity for expostulating with you: for you are the only man of all Bibulus's staff who never informed me of his complete and causeless alienation from me. For a number of people reported to me that, when there was a great alarm at Antioch, and great hopes were entertained of me and my army, he was accustomed to say that they would prefer to endure any-thing rather than be thought to have wanted my help. I am not at all annoyed that, from the loyalty due from a quaestor to his praetor, you say nothing of this: although I was informed of the treatment you are receiving. He, for his part, when writing to Thermus about the Parthian war, never sent me a line, though he knew that the danger from that war specially affected me. The only subject on which he wrote to me was the augurship of his son: in regard to which I was induced by compassion, and by the friendly feelings I had always entertained to Bibulus, to be at the pains of writing to him with the greatest cordiality. If he is universally ill-natured — which I never thought — I am the less offended by his conduct to me: but if he is on special bad terms with me, a letter from me will do you no good. For instance, in his despatch to the senate, Bibulus took the whole credit for matters in which we both had a share. He says in it that he had secured that the rate of exchange should be to the public advantage. Again — and this is wholly my doing — the declining to employ Transpadane auxiliaries he mentions as a concession of his own, also to the profit of the people. On the other hand, when a thing is entirely his own doing, he brings me into it: "When WE demanded more corn for the auxiliary cavalry" he writes. Surely, again, it is the mark of a small mind, and one which from sheer ill-nature is poor and mean, that

because the senate conferred the title of king on Ariobarzanes through me, and commended him to me, he in his despatch does not call him king, but the “son of king Ariobarzanes.” Men of this temper are all the worse if favours are asked of them. Nevertheless, I have yielded to your wish, and have written him a letter, with which you can do what you like when you have received it.

LETTER 18

TO Q. MINUCIUS THERMUS (PROPRAETOR OF ASIA)
LAODICEA (MAY)

I am exceedingly glad that such services as I have rendered to Rhodon, and any other kindnesses I have done you and yours, have pleased you, the most grateful of men; and let me assure you that I feel greater interest every day in promoting your position, though, indeed, you have yourself so enhanced it by the purity and lenity of your administration, that it seems scarcely to admit of any increase. But as I think over your plans, I am more and more convinced every day of the soundness of the advice which I originally gave our friend Ariston, when he came to see me, that you would be incurring dangerous enmity, if a young man of powerful connexions and high birth received a slight from you. And, by heaven! it certainly will be a slight: for you have no one with you of higher official rank. The man himself, too, to say nothing of his high birth, has claims superior to those of the excellent and unimpeachable officers, your legates, in this special particular, that he is a quaestor and your quaestor. That no individual can, however provoked, do you any harm I quite see; yet I would not like you to have three brothers, of the highest birth, energetic, and not without eloquence, angry with you at once, especially on any good ground: men too whom I see will be successively tribunes during the next three years. Who knows, again, what sort of times await the Republic? In my opinion, they will be stormy. Why should I wish you to incur the alarms which tribunes can cause, especially when, without exciting remark from anyone, you can give the preference to a quaestor over legates of only quaestorian rank? And if he shews himself worthy of his ancestors, as I hope and trust he may do, the credit will to a certain extent be yours: if, on the other hand, he comes to grief in any way, the discredit will be all his, not yours at all. I thought, as I am on the point of starting for Cilicia, that I ought to write and tell you what occurred to me as being for your interests. Whatever you decide upon doing I pray heaven to prosper. But if you will listen to me, you

will avoid enmities, and take measures for your tranquillity in the future.

LETTER 19

TO C. CAELIUS CALDUS (APPOINTED QUAESTOR FOR CILICIA) (CILICIA, JUNE)

M. Tullius Cicero, imperator, son of Marcus, grandson of Marcus, greets C. Caelius Caldus, son of Lucius, grandson of Gaius, quaestor. When I first received the most welcome intelligence that the lot had assigned you to me as quaestor,

I hoped that this chance would be a source of greater pleasure the longer you were with me in the province. For it appeared to me of great importance that the connexion between us, thus formed by fortune, should be supplemented by personal intercourse. When subsequently I failed to hear anything from yourself, or to receive a letter from anyone else as to your arrival, I began to fear, what I still fear may be the case, that I should have left the province before you arrived in it. However, when I was in camp in Cilicia, I received a letter from you on the 21st of June, expressed in the most cordial terms, and sufficiently manifesting your kindness and abilities. But it contained no indication of day or place of writing, nor of the time at which I might expect you; nor was the person who delivered it to me the one to whom you had given it: for then I might have ascertained from him where and when it was despatched. In spite of this uncertainty, I yet thought that I must contrive to send some of my orderlies and lictors to you with a letter. If you receive it in anything like time, you will be doing me a very great favour if you will join me in Cilicia as soon as you can. For though, of course, what your cousin Curius, who is, as you know, a very great ally of mine, and also what your relative and my most intimate friend C. Vergilius, have written to me about you with the greatest earnestness has, of course, very great importance in my eyes — as a serious recommendation of such very warm friends is bound to have — yet your own letter, and especially what you say about your own position and our connexion, has, to my mind, the greatest weight of all. No quaestor could have been assigned to me that would have been more welcome. Wherefore whatever marks of distinction I can shew you,

shall be shewn, demonstrating to all the world that I fully recognize your own and your ancestors' high position. I shall be better able to do this, if you join me in Cilicia, which I think is very much to my interest and that of the state, and above all to your own.

BOOK 3

LETTER 1

TO APPIUS CLAUDIUS PULCHER (IN CILICIA) ROME

Cicero to Appius, imperator. Could the Republic itself speak and tell you of its state, you would not learn it more easily from its own lips than from your freedman Phania: he is a man of such clear insight, as well as (in a good sense) of such keen curiosity! Wherefore he shall explain everything to you: for that will suit me best by enabling me to curtail my letter, and will be more prudent for me in view of other circumstances. But in regard to my good feeling towards you, though you can learn it from this same Phania, yet I think that I also have personally something I ought to say on the subject. For assure yourself of this — that you are exceedingly dear to me, from the many attractions of your character, your kindness, and the goodness of your heart, but also because from your letter, as well as from the remarks of many, I understand that all my conduct towards you has been most warmly appreciated by you. And since that is so, I will take means to make up for the great loss of time, which we have sustained from this interruption of our intercourse, by the liberality, the frequency, and the importance of my services; and that I think I shall do, since you would have it be so, by no means against the grain, or as the phrase is, "against the will of Minerva" — a goddess by the way whom, if I shall chance to get possession of a statue of her from your stock, I shall not simply designate "Pallas," but "Appias." Your freedman Cilix was not well known to me before, but when he delivered me your kind and affectionate letter, he confirmed the courteous expressions of that letter by his own words. I was much gratified by his speech, when he described to me your feelings and the remarks which you were daily making about me. In short, within two days he became my intimate friend, without, how ever, my ceasing to regret Phania deeply. When you send the latter back to Rome, which I imagine you intend speedily to do, pray give him instructions as to all matters which you wish to be transacted or looked after by me.

I commend L. Valerius the lawyer to you very strongly; not,

however, in his capacity of lawyer: for I wish to take better precautions for him than he does for others. I am really fond of the man: he is one of my closest and most intimate friends. In a general way he expresses nothing but gratitude to you; but he also says that a letter from me will have very great influence with you. I beg you again and again that he may not find himself mistaken.

LETTER 2

TO APPIUS CLAUDIUS PULCHER (IN CILICIA) ROME (BEFORE MAY)

Though, contrary to my own wishes, and to my surprise, it has turned Out that I am obliged to go to a province with imperium, in the midst of many various anxieties and reflexions one consolation occurs to me, that you could have no more friendly successor than I am to you, nor I take over a province from anyone more inclined to hand it over in good order and free from difficulties. And if you, too, entertain the same expectation as to my goodwill towards you, you will certainly never find yourself mistaken. In the name of our intimate union and of your own extraordinary kindness, I again and again beg and beseech you most earnestly, in whatever particulars shall lie in your power — and there are very many in which you will be able to do so — to provide and take measures for my interests. You see that by the decree of the senate I am forced to take a province. If you will, as far as you have the power, hand it over to me as free as possible from difficulties, you will greatly facilitate what I may call the running of my official course. What it may be in your power to do in that direction I leave to you: I confine myself to earnestly begging you to do what occurs to you as being in my interest, I would have written at greater length to you, had either such kindness as yours looked for a longer address, or the friendship between us admitted of it, or had it not been that the matter spoke for itself and required no words. I would have you convinced of this — that if I shall be made aware that my interests have been consulted by you, you will yourself receive from that circumstance a great and abiding satisfaction. [Farewell.]

LETTER 3

TO APPIUS CLAUDIUS PULCHER (IN CILICIA)
BRUNDISIUM, 24 MAY

UPON my arrival at Brundisium on the 22nd of May, your legate Q. Fabius Vergilianus was awaiting me, and by your direction put before me what had already occurred, not to me, whom it chiefly concerned, but to the whole Senate — that the province you are holding required a stronger garrison. In fact, nearly all the senators expressed themselves in favour of a reinforcement being enlisted in Italy for my legions and those of Bibulus. Upon Sulpicius declaring that he would not allow that measure, we protested indeed at great length, but so unanimous was the wish of the senate for our early start, that we were obliged to conform to it; and we did so accordingly. As things are now, I beg you, as I did in the letter I gave to your letter-carriers at Rome, that you will make it your object, in consideration of the very intimate union of our sentiments, to bestow attention and care on those details wherein an out-going provincial governor can consult for the advantage of a successor, who is joined to him by the closest ties of interest and affection; so that the whole world may see that I could not have succeeded anyone more kindly disposed to me, nor you have handed over the province to a warmer friend.

From the despatch intended to be read in the senate, of which you have sent me a copy, I had gathered that a large number of soldiers had been dismissed by you; but this same Fabius has pointed out that you had thought of doing so, but at the moment of his leaving you, the number of soldiers was still intact. If that is so, you will be doing me a very great favour if you make as small a reduction as possible in the scanty forces you already have: and I imagine that the decrees of the senate passed on this subject have been sent to you. For myself, so highly do I esteem you, that I shall approve of whatever you have done; but I feel confident that you also will do what you will perceive to be most in my interest. I am waiting for my legate C. Pomptinus at Brundisium, and I presume that he will arrive there

before the 1st of June. And as soon as he has come I shall avail myself of the first opportunity of sailing that is offered me.

LETTER 4

TO APPIUS CLAUDIUS PULCHER (IN CILICIA)
BRUNDISIUM, 5 JUNE

ON the 4th of June, being at Brundisium, I received your letter stating that you had instructed L. Clodius with what you wished him to say to me. I am much looking forward to his arrival, that I may learn at the earliest possible moment the message he is bringing from you. My warm feeling and readiness to serve you, though I hope they are already known to you by many instances, I shall yet manifest in those circumstances above all others, in which I shall be able to give the most decisive proof that no one's reputation and position is dearer to me than yours. On your side, both Q. Fabius Vergilianus and C. Flaccus, son of Lucius, and — in stronger terms than anyone else — M. Octavius, son of Gneius, have shewed me that I am highly valued by you. This I had already judged to be the case on many grounds, but above all from that book on Augural Law, of which, with its most affectionate dedication, you have made me a most delightful present. On my part, all the services which belong to the closest relationship shall be ever at your command. For ever since you began feeling attachment to me, I have learnt daily to value you more highly, and now there has been added to that my intimacy with your relations — for there are two of them of different ages whom I value very highly, Cn. Pompeius, father-in-law of your daughter, and M. Brutus, your son-in-law — and, lastly, the membership of the same college, especially as that has been stamped by such a complimentary expression of your approval, seems to me to have supplied a bond of no ordinary strength towards securing a union of feeling between us. But I shall not only, if I come across Clodius, write you at greater length after talking with him, but shall also take pains myself to see you as soon as possible. Your saying that your motive for staying in the province was the hope of having an interview with me, to tell you the honest truth, is very agreeable to me.

LETTER 5

TO APPIUS CLAUDIUS PULCHER (IN CILICIA) TRALLES, 28 JULY

I ARRIVED at Tralles on the 27th of July. There I ‘found L. Lucilius waiting for me with your letter and message; than whom you could have sent no man either more friendly to me, or, as I think, better suited to give the information I wanted, or endowed with more practical wisdom himself. For myself, I read your letter with great pleasure, and also listened carefully to Lucilius. For two reasons all mention of past services is now superfluous: first, because you think so — for you say in your letter that you thought what I wrote to you about our mutual services, though gratifying to you, was unnecessary, considering how far back they go — and, secondly, because our friendship is well established and our fidelity tried: I will therefore pass over that subject, though I will yet express the thanks which I owe you. For I have observed and learnt from your letter that in all your proceedings you kept in view the object of consulting for my interests, and of settling beforehand and, so to speak, prearranging everything which would make my administration easier and less complicated. When I tell you that this kindness on your part excites the liveliest gratitude in me, it naturally follows that I wish you to think that it will ever be and is now an object dear to me, that first of all you and your friends, and then all the rest of the world also, should know that I am your very warm friend. If there are any people who are not clear on that point as yet, I think it is rather that they don’t wish us to entertain such feelings than that they are-ignorant of our doing so. But I am sure they will not be ignorant of it: for the persons taking part in our drama will not be obscure, nor its action unimportant. But I wish all this to be shewn in performance rather than in anything said or written.

You say that the route I have planned out makes you somewhat doubtful whether you are likely to see me in the province. The facts are these. When talking to your freedman Phania at Brundisium, I remarked in the course of conversation that I should be glad to go to

that part of the province first, which I thought would best meet your wishes. Whereupon he informed me that, as it was your wish to leave by sea, it would be very convenient to you if I approached the maritime portion of the province on board ship. I said I would do so: and so I should have done, had not our friend L. Clodius told me at Corcyra that I must by no means do so: that you would be at Laodicea to meet me when I arrived. That was a much shorter and more convenient route for me, especially as I thought that it was your preference. Your plans were afterwards changed. In these circumstances it will be easiest for you to arrange what is to be done: I will lay before you what my plan is. On the 31st of July I expect to be at Laodicea: I shall remain there for a very few days to get in some money due to me on an exchequer bill of exchange. I shall then direct my course to the army, so as to be at Iconium, as I think, about the 13th of August. But if I am now making any mistake in thus writing — for I am at some distance both from my sphere of duty and the localities — as soon as I have begun my farther progress, I will employ the swiftest messengers, and write as often as I possibly can, to put before you the whole scheme of my days and routes. I have neither the courage nor the right to lay any burden upon you. Yet, as far as it may be so without inconvenience to you, it is really of great importance to both of us that I should see you before you leave. If any accident, however, makes this impossible, you may yet feel certain of all the services that I can render you, exactly as if I had seen you. As to my own affairs, I shall not give you any written commissions until I have given up all hope of a personal interview. You tell me that you asked Scaevola to take charge of the province in your absence until my arrival. I saw him at Ephesus, and he spent the three days of my stay at Ephesus with me in a very cordial manner; but I did not hear a word from him indicating any commission given him by you. I only wish he could have obeyed your wishes: for I don't think he was unwilling to do so.

LETTER 6

TO APPIUS CLAUDIUS PULCUER (AT TARSUS) WITH THE ARMY IN CAPPADOCIA (29 AUGUST)

When I compare my course of action with yours, though in maintaining our friendship I do not allow myself greater credit than I do you, yet I am more satisfied with my conduct than with yours. For at Brundisium I asked Phania — and I imagined that I saw clearly his fidelity to you and knew what a high place he had in your confidence — to tell me to what part of the province he thought you would like me to come in taking over the succession. Having been answered by him that I could not please you more than by going by sea to Sida, although the arrival there was not very dignified and much less convenient for me on many accounts, I yet said that I would do so. Again, having met L. Clodius in Corcyra — a man so closely attached to you, that in talking to him I seemed to be talking to you — I told him that I meant to arrange for my first arrival to be at the point at which Phania had requested that it should be. Thereupon, after thanking me, he begged me very strongly to go straight to Laodicea: that you wished to be on the very frontier of the province, in order to quit it at the first moment: nay, that, had I not been a successor whom you were anxious to see, you would most likely have quitted before you were relieved. And this last agreed with the letter which I had received in Rome, from which I thought that I perceived how much in a hurry you were to depart. I answered Clodius that I would do so, and with much greater pleasure than if I had had to do what I had promised Phania. Accordingly, I changed my plan and at once sent a letter in my own writing to you; and this, I learnt from your letter, reached you in very good time. With my conduct I am, for my part, quite satisfied; for nothing could be more cordial. Now, on the other hand, consider your own. Not only were you not at the place where you might have seen me earliest, but you had gone such a distance as made it impossible for me to overtake you even, within the thirty days fixed by, I think, the Cornelian law. Such a course of action on your part must appear to those who are

ignorant of our feelings to each other to indicate one who, to put it at the mildest, is a stranger and desirous of avoiding a meeting, while mine must seem that of the most closely united and affectionate of friends. And, after all, before reaching my province, I received a letter from you, in which, though you informed me that you were starting for Tarsus, you yet held out no uncertain hope of my meeting you. Meanwhile, certain persons, I am ready to believe out of spite — for that is a vice widely spread and to be found in many — yet who had managed to get hold of some plausible grounds for their gossip, being unacquainted with the constancy of my feelings, tried to alienate my affection from you, by saying that you were holding an assize at Tarsus, were issuing many enactments, deciding actions, delivering judgments, though you might have guessed that your successor had by this time taken over your province — things (they remarked) not usually done even by those who expect to be relieved shortly. I was not moved by the talk of such persons; nay, more, I assure you, that if you performed any official act, I was prepared to consider myself relieved from trouble, and to rejoice that from being a government of a year, which I regarded as too long, it had been reduced nearly to one of eleven months, if in my absence the labour of one month were subtracted. One thing, however, to speak candidly, does disturb me — that, considering the weakness of my military force, the three cohorts which are at their fullest strength should be absent, and that I should not know where they are. But what causes me most annoyance of all is that I do not know where I am likely to see you, and have been the slower to write to you, because I was expecting you in person. from day to day; and meanwhile I did not receive so much as a letter to tell me what you were doing or where I was to see you. Accordingly, I have sent you the commander of my reserve — men, Decimus Antonius, a gallant officer and possessed of my fullest confidence, to take over the cohorts, if you think well, in order that, before the suitable season of the year is gone, I may be able to accomplish something practical. It was in that department that I had hoped, both from our friendship and your letter, to have the advantage of your advice, of which I do not even now despair. But the truth is that, unless you write to me, I cannot even guess when or where I am to see you. For my part, I will

take care that friends and enemies alike understand that I am most warmly attached to you: of your feelings towards me you do appear to have given the ill-disposed some grounds for ‘thinking differently: if you will put that straight I shall be much obliged to you. That you may also be able to calculate at what place you may meet me without a breach of the Cornelian law, note this — I entered the province on the last day of July: I am on my way to Cilicia through Cappadocia: I break up the camp from Iconium on this last day of August. With these facts before you, if you think by reckoning days and routes you may meet me, please settle at what place that may be most conveniently done, and on what day.

LETTER 7

TO APPIUS CLAUDIUS PULCHER (AT ROME) LAODICEA (FEBRUARY)

I will write to you at greater length when I have got more leisure. I write this in haste, Brutus's messengers having come to me at Laodicea and told me that they are hurrying off to Rome. Accordingly, I am giving them no letters except for you and Brutus. Commissioners from Appia have handed me in a roll from you full of most ill-founded complaints of my having hindered their building by a rescript. Moreover, in the same letter you ask me to grant them permission to go on building as soon as possible, lest they should be stopped by winter; and at the same time you complain of my forbidding them to raise a tax till I granted them leave to do so after investigation: for you say that it was tantamount to stopping the work, seeing that I could not hold such investigation till after my return from Cilicia at winter time.

Hear my answer to all these charges, and see how much fairness there is in your expostulation. In the first place, on my being approached by persons professing that unbearable exactions were being made upon them, what unfairness was there in my writing to forbid their proceeding till I had investigated the facts and the merits of the case? In my not being able to do so till winter? For that is what you say in your letter. As though for purposes of investigation I must go to them, and not they come to me! "Such a long way off;" you say. What! at the time you delivered that letter to them, in which you remonstrated with me against preventing them from finishing their building before winter, did you suppose that they would not come to me? However, on that point, at least, they made a ridiculous blunder: for the letter they brought with them asking to be allowed to carry on the work in the summer, they delivered to me after midwinter. But let me tell you, first, that the number of those appealing against the tax is far in excess of those who wish it levied; and, second, that I will, nevertheless, do what I may suppose you to wish. So much for the Appiani.

I have been informed by Pausanias, Lentulus's freedman and my marshal, that you had complained to him of my not having gone to meet you. I treated you with contempt, you think,' and my conduct was the height of arrogance! Your servant having come to me nearly at midnight and announced that you intended coming to meet me at Iconium before daybreak, and it being uncertain by which of the two roads (for there were two), I sent your most intimate friend Varro to meet you by one, and Q. Lepta, my captain of engineers, by the other. I charged them both to hasten back to me first, in order that I might start to meet you. Lepta came hurrying back and told me that you had already passed my camp. I came in all haste to Iconium. The rest you already know. Was I likely not to try and meet you? You — an Appius Claudius — an imperator — in spite of immemorial custom — lastly (and this is the strongest point of all) a friend t Considering, too, that in such matters of etiquette I am usually even too precise for my official rank and position. But enough of this. Pausanias also told me that you said, "What an Appius went to meet a Lentulus, a Lentulus an Ampius, and a Cicero refuse to meet an Appius?" Heavens! do even you — a man, in my opinion, of supreme good sense, of great learning, of the widest knowledge of affairs, and I may add a man of politeness (which the Stoics are quite right in counting among the virtues) — do you, I say, suppose that any Appiusism or Lentulusism has more influence with me than the distinctions bestowed by virtue? Before I had earned what are held by mankind to be the most splendid honours, I yet was never dazzled by those high-sounding names of yours: it was the men who had bequeathed them to you that I regarded as great. But when I had so obtained and so administered the highest offices of state, as to make me think that there was nothing left for me to acquire in furtherance of my honour or glory, I hoped that I had become, never indeed the superior, but at least the equal of you nobles. Nor, by Hercules, did I perceive that Pompey, whom I put above anybody who has ever lived, nor P. Lentulus, whom I put above myself, take any other view. If you think otherwise, you will not go wrong if, in order to understand what high birth and nobility are, you would study somewhat more carefully what Athenodorus, son of Sardon, says on this subject. But to return to the point — I would have you believe

that I am not only your friend, but your very warm friend. I will assuredly by every act of kindness in my power make it possible for you to judge that to be unmistakably the case. As for yourself, however, if your object is to be thought, in my absence, to be under a less heavy obligation to me, I free you from that anxiety: For by my side are those

To honour me, and, chief, right-counselling Zeus.

If, however, you are by nature prone to spy out faults, you will not, indeed, succeed in making me less zealous for you; but you will succeed in making me rather more indifferent as to how you take my goodwill. I write this to you with some candour, relying on the consciousness of my services and my friendly feeling, which, as it was deliberately adopted, I shall preserve as long as you are willing that I should do so.

LETTER 8

TO APPIUS CLAUDIUS PULCHER (AT ROME) CILICIA, 8 OCTOBER

ALTHOUGH, as far as I have been able to gather from your letter, I see that you won't read this till you are at the gates of Rome, when the extremely reckless gossip of provincials will have become quite stale, yet, as you have written to me at such length about what unprincipled men are saying, I thought I ought to be careful to give your letter a brief answer. Two clauses of your epistle, however, must in a manner be passed over in silence: for they contain nothing that is definite or precise, beyond saying that alike by my looks and my silence I had shown that I was no friend to you: and that this had been made unmistakable both on my judicial seat, when business was going on, and at certain social parties. I can well understand that there is nothing in all this; yet, though there is nothing in it, I fail to understand even what the allegation is. I know thus much, indeed — that many observations of a very marked character, made by me both from the high official seat and on the level of private intercourse, which were exceedingly complimentary to you, and indicated an anxious desire to acknowledge the close ties between us, might have with strict truth been reported to you. For as to the legates, what could I have done in better taste or with greater regard to equity, than to diminish the expenses of states that were in great financial distress, and yet at the same time to detract nothing from your honour, especially as it was in answer to the petition of the states themselves? For I had not been aware of the scale on which deputations were being sent on your account. When I was at Apamea, the head men of many states informed me that large sums were being voted for legates, though the states were insolvent At this, many thoughts occurred to me at once. First, I did not think that you — a man of wisdom, and, to use the jargon of the day, a man of "culture " — took any pleasure in deputations of that sort: and I believe I argued to that effect at some length in court at Synnada. In the first place (I said) Appius Claudius was commended to the senate and people of

Rome, not by the evidence of the people of Midaeium (for it was in that state that the subject was started), but in the natural course of things: and, in the second place, I had seen many cases in which deputations had come to Rome to commend certain persons, but I never remembered any instance of a hearing being granted them, to deliver their panegyric at any particular time or place I was pleased (I said) with their display of feeling in being grateful to you for your services; but their whole idea appeared to me quite superfluous. If, however, they wished by that measure to show their zeal, I should commend any man who did it at his own expense; should allow of it if the expense to the state did not exceed the law; should refuse permission if it were unlimited. Well, what fault can be found with that? The only possible one is what you go on to say — that certain persons considered my edict to have been expressly framed with a view to hinder these deputations of yours. Really, I think it is not so much those who argue thus who do me a wrong, as he who opens his ears to such a proposition. I drew up my edict at Rome: I never added a word to it except a clause which the publicani in their interview with me at Samos, asked me to transfer word for word from your edict to my own. The clause referring to the diminishing the expenses of the states was very carefully worded; and in that clause there are some new provisions advantageous to the states, with which I am greatly pleased: but this clause, which has given birth to the suspicion of my elaborating something meant to be offensive to you, is taken from former edicts. For I was not so foolish as to hold that men were being deputed on their own private affairs, who were being sent, in the first place, in your interests while you were still in possession of imperium; and, in the second place, were being sent to deliver a vote of thanks, not in any private assembly, but in the council chamber of the whole world, the senate. Nor when I ordered that no one was to go without my leave, did I exclude those from doing so who might be unable to follow me to the camp and across the Taurus. That, in fact, is the most ridiculous thing in your letter: for what need was there for their following me to the camp or crossing the Taurus, when I arranged my journey from Laodicea as far as Iconium, with the express object of the magistrates and legates of all the dioceses north of Taurus, and of all the states there,

meeting me? Unless you suppose that no deputations were arranged till I had crossed the Taurus! That is certainly not so. For when I was at Laodicea, at Apamea, at Synnada, at Philomelium, at Iconium, in all of which towns I made some stay, there were ready waiting for me all the deputations of that kind. And yet I would have you know this, that I made no decree about diminishing or wholly remitting the expense of embassies, except such as the head men of the states asked for — that quite unnecessary expenses should not be added to the selling of the contract for the tribute, and the very galling exaction (as you know) of the poll-tax and door-tax. Now, when at the instigation not only of justice but of pity, I undertook to relieve from their distress the states that had been ruined, and ruined, too, chiefly through their own magistrates, I could not be indifferent to that source of unnecessary expense. For your part, if observations of that nature were reported to you in regard to me, you ought not to have believed them. But if you like this way of attributing to others whatever occurs to your own mind, you are introducing a style of conversation between friends which is not very courteous. Whereas if I had ever had any thought of casting a slur on your reputation in the province, I should not have referred to your son-in-law, nor to your freedman at Brundisium, nor to your prefect of engineers at Corcyra, as to where you wished me to come. Wherefore, on the advice of the greatest philosophers, who have written most brilliantly on the conduct of friendship, you may banish all expressions such as "they argued," "I maintained in opposition," "they said so," "I denied it." Do you suppose that I have never been told anything about you? Not even this — that, after having desired me to come to Laodicea, you yourself crossed the Taurus? That on the same days as I was holding assizes at Apamea, Synnada, and Philomelium you were doing so at Tarsus? I will say no more, lest I should seem to be doing exactly what I blame in you. I will only say this, and I feel it: if you feel in your own heart what you say that others are remarking, you are much to blame: but if others say these things to you, you are not entirely without fault in listening to them. My conduct in every particular of our friendship will be found to be consistent and sincere. But if anyone tries to make out that I had some ulterior object in view, could there be a better example of my supposed

cunning than that, having always defended you while abroad — and that though I had no idea of ever requiring your defence while abroad myself — I should now give you the best possible excuse for abandoning me in my absence from town? I except from this denial one species of conversation, in which on very many occasions something is said, such as I presume you would prefer not being said — I mean when any abusive remark is made about any of your legates, prefects, or military tribunes. But even in regard to this nothing, by Hercules, has occurred in my hearing of a graver character, or reflecting on more persons, than what Clodius mentioned to me at Corcyra, when under that head he made a very loud complaint that you had been unfortunate in the dishonesty of others. Such observations as these, seeing that they are frequently made, and do not reflect, in my opinion, on your personal honour, I have never provoked, but neither have I exerted myself to repress them. If there is anyone who thinks that no man is ever sincerely reconciled with another, he does not prove our want of sincerity, but betrays his own, and at the same time shows that he thinks no worse of me than he does of you. But if, again, there is anyone who dislikes my administration in the province, and considers himself injured by a certain dissimilarity between my arrangements and yours — the fact being that we have both acted conscientiously, though we took different lines — such a man I do not care to have for a friend. Your liberality, as became a great noble, was on a larger scale in the province; if mine is somewhat more restricted — though your second year, owing to the hardness of the times, somewhat clipped the wings of your generous and bountiful nature — men ought not to be surprised, since I have always been naturally disinclined to be lavish at the expense of others, and am influenced by the same hard times as others are, That I am sour to them to keep my conscience sweet. Your giving me information about affairs in the city was pleasant to me, both for its own sake, and because you showed your intention of keeping all my commissions in mind. Among them there is one that I beg you to regard as supreme — see that to the business in which I am now engaged there should be no addition made either of responsibility or time; and to ask Hortensius, our fellow augur and friend, if ever he has thought or done anything for my sake, to give

up this two-year proposal of his also, than which nothing could be more unfriendly to me. To give you the information you want about my proceedings, I left Tarsus on the 7th of October for Amanus. I write this on the day after that in camp, in the territory of Mopsuhestia. Whatever I do I will write and tell you, nor will I ever send a letter home to my family without adding one directed to be delivered to you. As to your question about the Parthians, I think they were not Parthians at all. The Arabs who were there with a semi-Parthian equipment, are said to have all gone back. People say that there is no enemy in Syria. Pray write to me as often as possible about both your own and my affairs, and on the state of the Republic generally. About the last I am the more anxious, because I gather from your letter that our friend Pompey is about to go to Spain.

LETTER 9

TO APPIUS CLAUDIUS PULCHER (AT ROME) LAODICEA, FEBRUARY

AT last! A letter worthy of Appius Claudius, full of kindness, cordiality, and consideration! No doubt the sight of the city restored your old city-bred courtesy. For the letters which you sent me on your journey before leaving Asia — one about my forbidding legates to start for Rome, the other about stopping the building operations at Appia — were very unpleasant reading for me. Accordingly, conscious of my unbroken friendliness to you, I wrote back with some little irritation. However, when I read the letter you gave to my freedman Philotimus, I saw and understood that there were many persons in the province who did not wish us to entertain the feelings towards each other which we actually were entertaining; but that as soon as you approached the city, or rather as soon as you saw your relatives, you ascertained from them how loyal I had been to you in your absence, how careful and unremitting in fulfilling all my obligations to you. Accordingly, you can imagine how much I value that sentence in your letter, "If anything occurs affecting your position, though that is hardly possible, yet, if it does, I will return your favours in full." That, however, will be an easy task for you: for there is nothing impossible for zeal and kindness, or rather affection. For my part, though I always myself thought that it would be so, and was frequently assured of it in letters, I yet was extremely delighted by the announcement in your letter of your strong, or rather certain, hope of a triumph. And, indeed, it was not because it made it the easier for me to obtain one — for that would be a motive truly Epicurean — but, by Hercules, because the splendour of your position is dear to me in itself and for itself Wherefore, as you have more people than others have whom you know to be starting for this province — for they nearly all come to you to ask if you have any commands — you will very greatly oblige me if you will send me a letter, as soon as you have obtained what you confidently expect and I heartily wish. If the process of making up their minds and the

dilatory proceedings of the long bench, as our friend Pompey calls it, deprive you of this or that particular day (for what more can they do?), yet your high claims will hold the field. But if you care for me, if you wish me to care for you, write to me, that I may enjoy the delight as soon as possible. I should wish you also to pay me the promised addition to your former present. I am both anxious to complete my knowledge of augural law,

and am also, by Hercules, incredibly delighted with attentions and presents from you. As for the wish you express for something of the same sort from me, I certainly must consider the best style of composition to repay you for your gift: for it is assuredly not my way — putting as I do, and as you often observe with surprise, so much energy into the task of writing — to let myself be thought to have been slack about it, especially in a case involving a charge not simply of slackness, but of ingratitude as well. However, I will see about it. The promise you make, I beg you, in the name of your good faith and energetic character, as well as in that of our friendship — no affair of yesterday, but now a thoroughly established fact — to take measures to fulfil, and to exert yourself to secure a supplicatio being voted in my honour in as complimentary terms and at as early a date as possible. I certainly sent my despatch later than I could have wished, in regard to which the difficulty of navigation was not the only irritating circumstance: I believe, in fact, that my despatch arrived just when the senate was in vacation. But this I did under your influence and by your advice, and I think I was quite right not to send a despatch the very moment I was greeted as imperator, but only when other services had been performed and the summer campaign was concluded. You will then, I hope, see to these matters, as you profess your intention of doing, and will regard myself, my affairs, and my friends as recommended to your care.

LETTER 10

TO APPIUS CLAUDIUS PULCHER (AT ROME) LAODICEA, MAY

WHEN information reached me of the rash measure of those who were causing you trouble, although I was at first greatly disturbed at the news, since nothing could have happened more contrary to my expectation, yet when I had collected my thoughts, the sequel seemed to me to present no difficulty, because I felt great confidence in you and your friends, and many reasons occurred to me for thinking that this trouble would redound to your honour. One thing I was really sorry for, when I saw that a most certain and most thoroughly deserved triumph had been snatched from you by this step on the part of your jealous rivals. But if you rate it at the value which I have always thought should be put upon it, you will be acting wisely and will come off victorious, the chagrin of your enemies furnishing you with the most complete of triumphs. For I see clearly that the effect of your energy, power, and wisdom will be to make your enemies bitterly repent their ill-considered measure. As for myself, I solemnly promise and vow before heaven that in support of your dignity — I prefer that word to "safety " — I will in this province, which you once governed, undertake and carry through the duties and role of an intercessor by my entreaties, of a relation by my exertions, of a man beloved (I hope) among the states by the exertion of my influence, of an imperator by using the full weight of my office. I would have you both demand and expect everything of me: I shall surpass your expectations by my services. Q. Servilius delivered me a very short letter from you, which yet seemed to me unnecessarily long: for I think myself wronged in being asked. I could have wished that no such occasion had arisen for you to see how highly I, how highly Pompey (who, as is only right, is ever the first of men to me), how highly Brutus values you: though you might have perceived it in our daily intercourse, as you will now. But since the occasion has arisen, if I omit anything in my power, I shall confess to a crime and a disgrace. Pomptinus, who has been treated

by you with eminent and exemplary good faith, and of whose obligations to you I am a witness, has shewn that he remembers you with all the affection which you can justly claim. He left me, much against my will, under the pressure of urgent private affairs, yet, when he saw that it was of importance to you, though on the point of embarking at Ephesus, he returned to Laodicea. When I see that you are likely to command innumerable instances of similar zeal in your service, I can have no manner of doubt that your present anxiety will eventually strengthen your position. If, indeed, you succeed in getting censors elected, and if you conduct your censorship as you both ought and can, I am convinced that you will be for all time a tower of strength not only to your-self, but to all your family. Pray fight and strive that there be no prolongation of my office, so that, when I have done all you want for you here, I may have the opportunity there also of giving practical expression to my goodwill to you. What you tell me of the support offered you by all men and all ranks does not at all surprise me, and is exceedingly grateful to my feelings: the same account has reached me from my various friends. Accordingly, it gives me great satisfaction, not only that a proper tribute is paid to you — whose friendship to me is a source of pleasure as well as honour — but also, in truth, that there is still left in our country an almost unanimous feeling of affection for gallant and energetic men: which in my eyes has ever been the one reward for my own days of labour and nights of toil. It has, I confess, caused me great surprise that this young man — whom I have twice defended to the utmost of my power on capital charges — should be so headstrong as, when entering on a course of hostility to you, to forget the patron of his fortunes and whole career; especially considering that you had enough and to spare of every kind, whether of honour or material support, while he himself, to put it at the lowest, has large deficiencies in these respects. Some silly and childish talk of his had been already reported to me by our friend M. Caelius; about which talk also I have had many communications from you. For myself, I should have been much more inclined to break off an old connexion with a man who had entered on a course of hostility to you, than to make a new one. For you ought not to doubt the warmth of my feelings towards you: it is notorious to

everyone in the province, and was not less so in Rome. Nevertheless, a certain suspicion is hinted at in your letter, and a doubt on your part, in regard to which the present is not a suitable time to remonstrate with you, yet the occasion requires that I should clear myself. For when, pray, did I hinder any embassy being sent to Rome to convey an encomium upon you? Or, supposing me to be your declared enemy, how could I have done anything less likely to injure you, or how, if your secret enemy, have more openly betrayed my hostility? But if I had been as perfidious as those who attribute these motives to us, yet I at least should not have been such a fool as to betray either an enmity which I wished to conceal, or a burning desire to wound where it was impossible to damage you. I remember certain persons coming to me from Phrygia Epictetos, to inform me that some excessive sums were being voted for the expenses of some legates. To them I expressed an opinion, rather than gave an order, that votes for such expenses should conform as closely as possible to the lex Cornelia. And that I did not insist even on that is testified by the accounts of the boroughs, in which each entered as paid to your legates what they severally chose. But what a pack of lies has been foisted on you by a set of the most untrustworthy of men! Not only that the votes were cancelled, but that, when the legates had actually started, the money was demanded and forcibly recovered from their agents, and that many were thus prevented from going at all! I should have expressed some discontent and expostulated with you, had it not been, as I before observed, that I preferred at the present juncture to clear myself rather than accuse you, and thought this the more proper course. So not a word about you and your having believed it: but about myself I will say a few words as to why you ought not to have believed it. For if you hold me to be a good man, if you hold me to be worthy of the studies and philosophy to which I have devoted myself from boyhood, if you hold it proven in circumstances of the greatest gravity that my courage is fairly high and my wisdom none of the worst, you ought to know that there is nothing in my conduct as a friend — I don't say treacherous, designing, or deceitful — but even mean or cold. But if you choose to imagine me to be dark and mysterious, what could be less consonant with such a character than to disdain the friendship of a man in the highest possible position, or

to attack his reputation in a province, after defending his credit at home? Or to display one's hostility where it was impossible to damage him, or to select for an occasion of treachery what would give the clearest indication of dislike, but would be the least effectual in inflicting a blow upon him? What reason, moreover, was there for my being so implacable to you, when my own brother had informed me that you had not been really hostile to me, even at a time when the assumption of such a part had almost been forced upon you? When, however, we had by mutual desire renewed our friendship, can you mention any request which you made to me during your consulship in vain, whether it was something you wished me to do, or a vote you wished me to support in the senate? What charge did you give me as I was seeing you off at Puteoli, in which I have not more than fulfilled your expectation by my energetic exertions? Again, if it is above everything the mark of selfish cunning to judge everything by the standard of one's own advantage, what could better suit my interests than the close alliance with a man of the highest rank and greatest official dignity, whose wealth, ability, sons, marriage connexions, blood-relations, could all greatly promote my honour, or, I may say, my security? All these advantages, after all, I did aim at in seeking your friendship — which I did not seek from any selfish cunning, but rather because I had some sound sense. Again, how powerful are those bonds in which I am the most willing of prisoners! — sympathy of tastes, charm of social intercourse, the refined pleasures of our life and its environment, our interchange of ideas in conversation, our deeper studies. And these all belong to private life. What about public ties between us? Our famous reconciliation, in which any inadvertence even is impossible without a suspicion of perfidy; our colleagueship in the most illustrious priesthood — in which, in the opinion of our ancestors, not only was no breach of friendship possible without impiety, but no election even into the college was permissible, if a man were on had terms with any of the existing members. But to pass over these ties, numerous and important as they are, was there ever anyone who valued another, or could or ought to value another, as highly as I do Cu. Pompeius, your daughter's father-in-law? For if services are to count — I consider that I owe him the restoration of country,

children, life, rank, and, in a word, of myself. If the charm of social intercourse — what friendship between two consulars in our city was ever closer than ours? If those tokens of affection and kindness — what confidence has he ever withheld from me? What has he failed to discuss with me? What motion affecting himself in the senate has he wished should, in his absence, be moved by anyone else? What marks of honour has he not desired me to receive in the most complimentary form? Finally, with what courtesy, with what forbearance, did he endure my vehement pleading for Milo, though at times opposed to his own proposals! With what hearty zeal did he take measures to prevent my being reached by the hostile feelings aroused at that juncture, protecting me by his ad vice, his influence, and finally by his arms! At that crisis, indeed, such was his steadfastness, such his magnanimity, that, to say nothing of crediting some Phrygian or Lycaonian, as you did in the case of the legates, he would not believe malevolent remarks about me even from men of the highest rank. Therefore, as his son is your son-in-law, and as I am well aware, besides this connexion by marriage, how dear you are to Cn. Pompeius, and how precious in his sight, what ought my feelings towards you to be? Especially as he has written me such a letter that, had I been your enemy, as I am your most affectionate friend, I should have been softened towards you, and have surrendered myself to the wishes and authority of a man to whom I owed so much.

But enough of this: it has been expressed already, perhaps, at greater length than was necessary. Let me now tell you what I have actually done and arranged. . .. And these things I am doing, and shall continue to do, rather in support of your dignity, than as a means of averting danger from you. For I shall soon, I hope, hear of your being censor; and the duties of that office, which require the greatest resolution and tact, I think you should meditate upon with greater earnestness and care than upon what I am doing here on your behalf.

LETTER 11

TO APPIUS CLAUDIUS PULCHER (AT ROME) CILICIA, JUNE

M. CICERO to Appius Pulcher, (as I hope) censor. Being in camp on the river Pyramus, I received two letters from you at the same time, forwarded by Q. Servilius from Tarsus. One of them was dated 5th of April, the other, which seemed to me the more recent, was not dated. I will therefore answer the former first, in which you tell me been long ago informed of this by letters, messages, and in fine by common rumour, for nothing could be more notorious — not because anyone had expected a different result, but because, as a rule, no report about men of illustrious reputation gets out without making a stir — yet your letter increased the satisfaction I felt in the news, not only because it spoke in clear terms and with greater fullness than the talk of the common people, but also because I felt more really like congratulating you when I heard your own story from yourself. Accordingly, I embraced you in imagination, since you were not here, and, kissing the actual letter, I also congratulated myself. For compliments paid by the whole people, the senate, and the jurors to ability, energy, and virtue (perhaps I flatter myself in imagining myself possessed of these) I look upon as paid to myself also. Nor is it the splendid result of your trial so much as the perverted intelligence of your enemies that excites my wonder. "Bribery or maiestas," you will say, "what does it matter which?" Nothing substantially: for the former you have never touched, and the latter you have promoted rather than injured. But the fact is that maiestas (in spite of Sulla) is of such a vague nature as to permit of the safe denunciation of anyone: while bribery is a word of such definite meaning that either the accusation or the defence must be discreditable. For how can there be any doubt as to whether bribery has been employed or not? Now, who ever suspected your successive elections? How unlucky that I wasn't there! What roars of laughter I would have caused! But as to the trial for malestas, there were two things that gave me very great pleasure in your letter: one was your saying that you were defended by the Republic itself — for even if

good and gallant citizens were as plentiful as possible, it still ought to preserve men like you; while in the actual state of affairs it is more bound than ever to do so, when there is such a dearth of such men in every office and every age, that a state so bereaved ought to welcome guardians like you with open arms: the other is your wonderfully high praise of the good faith and good feeling of Pompey and Brutus. I am delighted at their honourable conduct and cordial kindness, both because they are your relations and my very dear friends, and also because one of them is the first of men of every age and country, while the other has long been the first of our younger men, and will soon, I hope, be first of all the citizens. As to having the witnesses who took bribes punished with ignominy by their several states, unless something has already been done by the agency of Flaccus, it shall be done by mine on my return journey through Asia.

Now I come to your second letter. You send me a sketch-plan, so to speak, of the state of things affecting us both, and of the whole condition of politics: in this I am much relieved by the sagacity of your letter. For I perceive that the dangers ahead are at once less formidable than I feared, and the safeguards greater, if; as you say, all the real strength of the state has devoted itself to Pompey as its leader: and I perceived at the same time that your spirit was alert and keen in the defence of the Republic, and I experienced a wonderful pleasure from the energy which made you determine, in spite of very pressing engagements, that the state of the Republic should be known to me by your means. Certainly: keep the books on the augural science for the time when we take a holiday together; for when I wrote dunning you for the performance of your promise, I thought of you as being outside the walls and enjoying the most complete leisure. As it is, however, instead of your augural books, I shall expect all your speeches complete. Decimus Tullius, to whom you gave a message for me, has not yet been to see me, nor have I at present any of your friends with me; only my own, who, however, are all yours. I don't understand what you mean by my "somewhat angry letter." I have written to you twice, clearing myself carefully, and only gently finding fault with you for having been too ready to believe things about me. This is a kind of expostulation which seems to me proper for a friend; but if you don't like it, I won't employ it

again.

But if, as you say, the letter was ill expressed, be sure it was not mine. For as Aristarchus denies any verse he doesn't like to be Homer's, so pray do you (excuse the joke) consider nothing that is ill expressed to be mine. Farewell, and in your censorship, if you are now censor, as I hope you are, think often of your ancestor.

LETTER 12

TO APPIUS CLAUDIUS PULCHER (AT ROME) SIDA, 3 AUGUST

I WILL first congratulate you — for that is what the order of events demands: and then I will speak of myself. I do warmly congratulate you on the result of the trial for bribery, and not on what nobody ever had any doubt about — your acquittal — but on the fact which, the better citizen, the more illustrious man, the more loyal friend you are, the greater the marks of virtue and industry distinguishing you, is the -more to be wondered at, namely, that no secret ill-will was found lurking even in the concealment of the ballot bold enough to attack you. It is a fact scarcely consistent with the circumstances, the men, and the morals of our day. I have not been so much struck by anything for a long time past.

Now as to myself — for a moment put yourself in my place, and imagine yourself to be just what I am. If you have no difficulty in finding something to say, don't excuse my hesitation. I, indeed, would hope for myself and my Tullia, as you most kindly and politely express your wishes, that what has been done by my family without my knowledge may turn out to our happiness. But that the marriage happened to take place at that particular time — I hope and desire that it may not be wholly without happiness, yet after all it is your wisdom and kindness which gives me more ground for that hope than the opportuneness of it.

Accordingly, I cannot think how to end what I have begun to say; for I ought not to make any gloomy remark on an event which you honour with your felicitations, and yet after all there is something in it which stings me. But in this matter there is one thing of which I am not afraid of your not being fully aware that what was done was done by others, to whom I have left a charge that during my absence they should not refer to me, but should act on their own judgment. Here I am met by the question, "What would you have done if you had been at home?" I should have approved of the match; as to the time, I should have done nothing without your consent, or without

consulting you. You see how I have all this time been sweating under the hard task of finding how to maintain what I am bound to maintain, and yet not offend you. Relieve me, then, of this burden: for I think I have never handled a more difficult cause. Be sure of this in any case: had I not at that very time already completed the whole business with the greatest zeal for the maintenance of your highest reputation — although I think my old affection for you admits of no addition — yet when this marriage was announced to me, I should have defended your honour, not indeed with greater zeal, but more keenly, openly, and markedly.

On my way from my province, after the conclusion of my year of command, as I was approaching Sida on board ship, accompanied by Q. Servilius, a letter from home was delivered to me on the 3rd of August. I at once told Servilius — for he seemed somewhat put out — that he might expect greater exertions on my part in all ways. In short: I have not become at all better disposed to you than I was, but I have become much more energetic in declaring my good disposition. For as our old difference made me more on my guard against giving any ground for thinking our reconciliation feigned, so this new marriage connexion gives me fresh anxiety to avoid the appearance of any diminution of my extreme affection for you.

LETTER 13

TO APPIUS CLAUDIUS PULCHER (AT ROME) ASIA (AUGUST)

JUST as though I divined that some day or other I should have to ask for your zealous support, I worked hard for your reputation when the question of your actions was on the tapis. However, I will not disguise the truth: you have given more than you got. For every single person has written to tell me that, not only by the weight of your eloquence and your senatorial vote — which from such a man were quite enough for me — but also by personal exertion, by offer of advice, by coming to my house and calling on my friends, you left nothing, however troublesome, for anyone else to do. All this is a much greater honour to me than the thing itself for which the trouble is being taken. For the outward rewards of virtue many have attained without possessing virtue: but such great zeal from such men as you virtue alone' can secure. Accordingly, I set before my-self as the profit to be derived from our friendship that friendship itself, than which nothing can be more fruitful, especially in those studies to which we have both devoted ourselves. For I profess myself to be both your ally in politics, on which our sentiments agree, and closely united in daily life, which we devote to such accomplishments' and studies. I could have wished that fate had so ordained it that you could value all my family as highly as I do yours. Even as to this, however, I have a sort of intuition which prevents my despairing. But this does not touch you: the burden is wholly mine. I wish you to clearly understand that in this change of circumstances something has been added to my affection towards you — to which no addition seemed possible — rather than anything detracted from it. when I write this I hope you are already censor. My letter is all the shorter and more modest as being addressed to a "director of morals."

BOOK 4

LETTER 1

TO SERVIUS SULPICIUS RUFUS (AT ROME) CUMAE, APRIL (TOWARDS THE END)

Mv intimate friend Gaius Trebatius has written to me to say that you have inquired of him where I was, and that you regretted that, owing to the state of your health, you had not seen me after my arrival at the city walls, and that at the present time you wished, if I came nearer, to consult with me on what was the duty of us both. Oh that it had been possible, Servius, for us to converse before the ruin — that is the word! — had been completed. We should surely have contributed some assistance to the falling Republic. For I am fully informed, though absent myself, that, foreseeing these disasters long before, you were the supporter of peace both during and after your consulship. I, however, though approving your policy and holding the same opinion myself, was unable to do any good. For I arrived late in the day; I was isolated; I was regarded as imperfectly acquainted with the facts: I had suddenly plunged into a scene of mad passion for war. Now, since it seems impossible for us to furnish any support to the Republic, if there is any measure within our power to take in our own particular interests — I don't mean to maintain our old position, but to express our grief in the manner most honourable to ourselves-there is no one in the world with whom I should think it proper to confer in preference to yourself. For you do not forget the examples of the most illustrious men — whom we ought to resemble — nor the maxims of the greatest philosophers, whom you have always worshipped. And, in fact, I should myself have written to you before to warn you that your going to the senate — or rather to the convention of senators — would have no result, had I not been afraid of annoying the man who was urging me to imitate you. Him indeed I gave clearly to understand, when he asked me to attend the senate, that I should say precisely what you said about peace, and about the Spains. You see how the matter stands: the whole world is parcelled out among men in military command, and is ablaze with war: the city, without laws, law courts, justice, or

credit, has been abandoned to plunder and fire. Accordingly, nothing occurs to me, I don't say to hope, but scarcely even to venture to wish. If, however, you, in your supreme wisdom, think it of any advantage that we should have a discussion, though I am thinking of going still farther from the city, the very name of which I do not now like to hear mentioned, I will yet come nearer; and I have instructed Trebatius not to decline to bring any message you wished to send me: and I should like you to do so, or to send me any of your own friends that you can trust, so that you may not be obliged to leave the city, or I to approach it. I pay you the same high compliment as I perhaps claim for myself, in feeling sure that whatever we mutually agree upon, will have the approbation of all the world. Farewell.

LETTER 2

TO SERVIUS SULPICIUS RUFUS (AT ROME) CUMAE, 28 APRIL

I received your letter on the 28th of April, while at my Cuman villa. As soon as I had read it I perceived that Philotimus, considering that he had, as you say, received verbal instructions from you on every point, had made a great mistake in not having come to me personally, but sending your letter, which I understood to have been the shorter because you had imagined that he would deliver it. However, after I had read your letter, your wife Postumia and our dear Servius called on me. Their opinion was that you should come to Cumae, and they even urged me to write and tell you so. You ask what my advice is: it is of such a nature, that it is easier to adopt it myself than to give it to another. What measure could I venture to urge on a man possessed of your supreme influence and knowledge of affairs? If we ask what is most right, the answer is plain: if what is expedient, it is doubtful. But if we are the men we really ought to be-holding, that is, the faith that nothing is expedient except what is right and virtuous-there can be no doubt as to what we ought to do. You express your opinion that my case is closely connected with yours. Well, at least we both made the same mistake, though with the very best intentions. For both of us continually advised a peaceful solution; and since nothing was more to Caesar's advantage, we thought that we were obliging him by supporting peace. How grossly mistaken we have been, and to what a pass things have come, you now see. Nor do you only perceive what is actually going on and what has gone on, but also what the course of affairs and the ultimate result will be. Therefore you must either approve the measures now being taken, or be a party to them in spite of disapproving them. The one alternative in my eyes is discreditable, the other is dangerous as well. I can only come, therefore, to one conclusion — that I ought to quit the country. All that I have, I think, to consider in so departing is the method to adopt, and the country to which to go. Surely there never were circumstances of greater distress, or even a question more difficult to

settle. For no decision is possible that does not fall foul of some great difficulty. For you, my opinion is — if you will agree with me — that, if you have made up your mind as to what you think you ought to do, in a way which separates your plan from mine, you should save yourself the trouble of the journey here but if there is anything you wish to impart to me, I shall expect you. Of course, I should like you to come as soon as you can conveniently to yourself, as I perceived was the wish both of Servius and Postumia. Farewell.

LETTER 3

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME
(OCTOBER OR NOVEMBER)

Many daily report to me that you are in a state of great anxiety, and in the midst of miseries affecting all alike are suffering, as it were, a special personal sorrow. Though not surprised at this, and to a certain extent sharing in it myself, yet I am sorry that a man of your all but unequalled wisdom does not rather feel pleasure in his own blessings, than vexation at other people's misfortunes. For myself; though I do not yield to anyone in sorrow experienced from the ruin and destruction of the constitution, yet I now find many Sources of consolation, and above all in the consciousness of the policy which I pursued. For far in advance I foresaw the coming storm, as it were from a watchtower, and that not altogether spontaneously, but much more owing to your warnings and denunciations. For, though I was absent during the greater part of your consulship, yet in spite of that absence I was well informed of your sentiments in taking precautions against and predicting this disastrous war, and I was myself present in the first period of your consulship, when, after passing in review all the civil wars, you warned the senate in the most impressive terms, both to fear those they remembered, and to feel assured, since the last generation had been so cruel — to an extent up to that time unprecedented in the Republic — that whoever thenceforth overpowered the Republic by arms would be much more difficult to endure. For what is done on a precedent, they Consider as even legally justifiable: but they add and Contribute something, or rather a great deal, of their own to it. Wherefore you must remember that those who have not followed your authority and advice have fallen by their own folly, when they might have been saved by prudence like yours. You will say: "What consolation is that to me in the midst of such gloom and what I may call the ruins of the Republic?" Certainly it is a sorrow scarce admitting of consolation: so complete is the loss and the hopelessness of recovery. But, after all, both in Caesar's judgment and the people's estimate your righteousness,

wisdom, and lofty character shine out like some torch when all the rest have gone out. This ought to go a long way towards alleviating your unhappiness. As to absence from your family, that should be the less distressing to you from the fact that you are at the same time absent from many severe annoyances. All of these I would have now mentioned in detail, had I not scrupled to enlighten you on certain particulars, from not seeing which you appear to me to be in a happier position than we who see them. I think that any consolation from me is properly confined to your being informed by a very affectionate friend of those facts by which your uneasiness could be relieved. Other sources of consolation, not unknown to me nor the least significant-indeed, as I think, by far the greatest — are centred in yourself: and by daily testing them I so completely recognize their soundness that they seem to me to be positively life-giving.

Again, I recall the fact that from the earliest dawn of manhood you have been most absolutely devoted to all kinds of philosophical study, and have with the utmost zeal and care learnt all the maxims of the wisest men which concern a right conduct of life. These indeed are useful as well as delightful, even in the highest state of prosperity: but in such times as these we have nothing else to give us peace of mind. I will not be in any way presumptuous, nor exhort a man so richly endowed with professional knowledge and natural ability, to return to those arts to which, from the earliest period of your life, you have devoted your industry.

I will only say, what I hope you think to be right, that for myself, seeing that for the art to which I had devoted myself there was now no place either in forum or senate-house, I have bestowed my every thought and every effort on philosophy. For your professional knowledge - eminent and unrivalled as it is — no sphere much better has been left than for mine. Wherefore, though I do not presume to advise you, I have persuaded myself that you also were engaged in pursuits which, even if they were not exactly profitable yet served to withdraw the mind from anxiety. Your son Servius indeed is engaged in all liberal studies, and especially in those in which I have mentioned that I find peace of mind, with conspicuous success. In my affection for him in fact I yield to no one in the world but yourself, and he repays me with gratitude. In this matter he thinks, as

one may easily see, that in shewing me attention and regard, he is at the same time doing what will give you the greatest pleasure.

LETTER 4

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME (OCTOBER)

I ACCEPT your excuse for having frequently sent me a letter in duplicate, but I accept it only so far as you attribute to the carelessness or untrustworthiness of those who take them from you that they do not reach me: that part of your excuse in which you say that you frequently send me letters containing the same words from "poverty of language" — that is your expression — I neither understand nor acknowledge. And I myself, whom you declare in joke (as I take it) to possess a rich store of language, admit that I am not very badly off for words: for there is no occasion for "mock-modesty": yet I too — and that without "mock-modestly" — easily yield to the refinement and dainty simplicity of your style. As to your policy, mentioned in your letter, in not de clining this command of Achaia, as I always had approved of it, much more did I do so after reading your last letter. For all the reasons which you mention are thoroughly sound, and in the highest degree worthy of your character and wisdom. As to your thinking that the matter has turned out otherwise than you expected, in that I do not at all agree with you. The fact is this: the disorganization and confusion are so great, the general dilemma and collapse caused by a most shocking war are so complete, that each man thinks the place where he happens to be the most wretched in the world. That is why you feel dissatisfied with your policy, and why only we who are still at home appear to you to be happy: while on the contrary to us you seem, not indeed entirely free from distress, but happy in comparison with ourselves. And in fact your lot is better than ours in this: you venture to say in your letter what is giving you pain; we cannot do even that much safely. Nor is this the fault of the victor, whose moderation cannot be surpassed, but of the victory itself, which in the case of civil wars is always offensive. In one point I have had the better of you — that I knew of the recall of your colleague Marcellus a little before you did; and also, by Hercules, that I saw how that matter was actually

managed. For be assured that since these unhappy events, that is, since the appeal to arms was begun, nothing else has been transacted with any proper dignity. For, in the first place, Caesar himself, after inveighing against the "bitter spirit" shewn by Marcellus — for that was the term he used — and having commended in the most complimentary terms your fairness as well as your wisdom, all on a sudden unexpectedly concluded by saying that "he would not refuse a request of the senate for Marceflus, even in view of tbe character of the individual." In the next place, the senate had arranged, as soon as the case of Marcellus had been mentioned by L. Piso, and Gaius Marcellus had thrown himself at Caesar's feet, that it should rise en masse and approach Caesar in a suppliant attitude. Ask no questions: -this day appeared to me to be so fair that I seemed to be seeing some shadow of a reviving Republic. Accordingly, when all who were called up before had moved a vote of thanks to Caesar, except Volcatius — for he said that if he had been in Caesar's place he would not have done it-I, when called on, abandoned my resolution. For I had determined, not, by Hercules, from lack of interest, but because I missed my old position in the house, to maintain unbroken silence. This resolution of mine gave way before Caesar's magnanimity and the senate's display of devotion. I therefore delivered a speech of thanks to Caesar at some length, and I am afraid that I have robbed myself of an honourable abstention from business in other cases as well, which was my one consolation in misfortune. However, since I have avoided offending him, who perhaps would have thought, if I never opened my mouth, that I regarded the constitution as in abeyance, I will do this without transgressing the bounds of moderation; or rather I shall keep some way this side of them, so as to satisfy his wishes without infringing upon my literary employments. For, though from my earliest youth every branch of study and liberal learning, and above all philosophy has been a delight to me, yet this taste grows stronger daily: partly, I presume, because my time of life is , now at its full maturity for wisdom, and partly owing to the .corruption of the times, which makes everything else incapable of relieving my mind of its sorrows. From a similar pursuit I gather from your letter that you are being distracted by business. But, after all, by this time the night hours will

help you somewhat. Your, or rather our, Servius is exceedingly attentive to me; and I am charmed not only with his universal integrity and the remarkable excellence of his character, but also by his devotion to study and learning. He often discusses with me whether you should stay where you are or quit your province. At present my opinion is that we should do nothing except Just what Caesar appears to wish. Things are in such a state that, supposing you to be at Rome, nothing could possibly give you any pleasure except your own family. As for the rest, the best feature in the situation is Caesar himself: all else is of such a kind, that, if you must do one or the other, you would prefer hearing to seeing them. This advice of mine is not at all consonant with my feelings, for I long to see you, but I am consulting for your own interests.

LETTER 5

SERVIUS SULPICIUS TO CICERO (AT ASTURA) ATHENS (MARCH)

WHEN I received the news of your daughter Tullia's death, I was indeed as much grieved and distressed as I was bound to be, and looked upon it as a calamity in which I shared. For, if I had been at home, I should not have failed to be at your side, and should have made my sorrow plain to you face to face. That kind of consolation involves much distress and pain, because the relations and friends, whose part it is to offer it, are themselves overcome by an equal sorrow. They cannot attempt it without many tears, so that they seem to require consolation themselves rather than to be able to afford it to others. Still I have decided to set down briefly for your benefit such thoughts as have occurred to my mind, not because I suppose them to be unknown to you, but because your sorrow may perhaps hinder you from being so keenly alive to them.

Why is it that a private grief should agitate you so deeply? Think how fortune has hitherto dealt with us. Reflect that W& have had snatched from us what ought to be no less dear to human beings than their children-country, honour, rank, every political distinction. What additional wound to your feelings could be inflicted by this particular loss? Or where is the heart that should not by this time have lost all sensibility and learn to regard everything else as of minor importance? Is it on her account, pray, that you sorrow? How many times have you recurred to the thought — and I have often been struck with the same idea — that in times like these theirs is far from being the worst fate to whom it has been granted to exchange life for a painless death? Now what was there at such an epoch that could greatly tempt her to live? What scope, what hope, what heart's Solace? That she might spend her life with some young and distinguished husband? How impossible for a man of your rank to select from the present generation of young men a son-in-law, to whose honour you might think yourself safe in trusting your child! Was it that she might bear children to cheer her with the sight of their vigorous youth? who might by their own character maintain the

position handed down to them by their parent, might be expected to stand for the offices in their order, might exercise their freedom in supporting their friends? What single one of these prospects has not been taken away before it was given? But, it will be said, after all it is an evil to lose one's children. Yes, it is: only it is a worse one to endure and submit to the present state of things.

I wish to mention to you a circumstance which gave me no common consolation, on the chance of its also proving capable of diminishing your sorrow. On my voyage from Asia, as I was sailing from Aegina towards Megara, I began to survey the localities that were on every side of me. Behind me was Aegina, in front Megara, on my right Piraeus, on my left Corinth: towns which at one time were most flourishing, but now lay before my eyes m ruin and decay. I began to reflect to myself thus: "Hah! do we mannikins feel rebellious if one of us perishes or is killed — we whose life ought to be still shorter — when the corpses of so many towns lie in helpless ruin? Will you please, Servius, restrain yourself and recollect that you are born a mortal man?" Believe me, I was no little strengthened by that reflexion. Now take the trouble, if you agree with me, to put this thought before your eyes. Not long ago all those most illustrious men perished at one blow: the empire of the Roman people suffered that huge loss: all the provinces were shaken to their foundations. If you have become the poorer by the frail spirit of one poor girl, are you agitated thus violently? If she had not died now, she would yet have had to die a few years hence, for she was mortal born. You, too, withdraw soul and thought from such things, and rather remember those which become the part you have played in life: that she lived as long as life had anything to give her; that her life outlasted that of the Republic; that she lived to see you — her own father-praetor, consul, and augur; that she married young men of the highest rank; that she had enjoyed nearly, every possible blessing; that,

when the Republic fell, she departed from life. What fault have you or she to find with fortune on this score? In fine, do not forget that you are Cicero, and a man accustomed to instruct and advise others; and do not imitate bad physicians, who in the diseases of others profess to understand the art of healing, but are unable to prescribe for themselves. Rather suggest to yourself and bring home

to your own mind the very maxims which you are accustomed to impress upon others. There is no sorrow beyond the power of time at length to diminish and soften: it is a reflexion on you that you should wait for this period, and not rather anticipate that result by the aid of your wisdom. But if there is any consciousness still existing in the world below, such was her love for you and her dutiful affection for all her family, that she certainly does not wish you to act as you are acting. Grant this to her-your lost one! Grant it to your friends and comrades who mourn with you in your sorrow! Grant it to your country, that if the need arises she may have the use of your services and advice.

Finally — since we are reduced by fortune to the necessity of taking precautions on this point also — do not allow anyone to think that you are not mourning so much for your daughter as for the state of public affairs and the victory of others. I am ashamed to say any more to you on this subject, lest I should appear to distrust your wisdom. Therefore I will only make one suggestion before bringing my letter to an end. We have seen you on many occasions bear good fortune with a noble dignity which greatly enhanced your fame: now is the time for you to convince us that you are able to bear bad fortune equally well, and that it does not appear to you to be a heavier burden than you ought to think it. I would not have this be the only one of all the virtues that you do not possess.

As far as I am concerned, when I learn that your mind is more composed, I will write you an account of what is going on here, and of the condition of the province. Good-bye.

LETTER 6

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) (FICULEA, APRIL)

YES, indeed, my dear Servius, I would have wished — as you say — that you had been by my side at the time of my grievous loss. How much help your presence might have given me, both by consolation and by your taking an almost equal share in my sorrow, I can easily gather from the fact that after reading your letter I experienced a great feeling of relief. For not only was what you wrote calculated to soothe a mourner, but in offering me consolation you manifested no slight sorrow of heart yourself. Yet, after all, your son Servius by all the kindnesses of which such a time admitted made it evident, both how much he personally valued me, and how gratifying to you he thought such affection for me would be. His kind offices have of course often been pleasanter to me, yet never more acceptable. For myself again, it is not only your words and (I had almost said) your partnership in my sorrow that consoles me, it is your character also. For I think it a disgrace that I should not bear my loss as you — a man of such wisdom-think it should be borne. But at times I am taken by surprise and scarcely offer any resistance to my grief, because those consolations fail me, which were not wanting in a similar misfortune to those others, whose examples I put before my eyes. For instance, Quintus Maximus, who lost a son who had been consul and was of illustrious character and brilliant achievements, and Lucius Paullus, who lost two within seven days, and your kinsman Gallus and M. Cato, who each lost a son of the highest character and valour;-all lived in circumstances which permitted their own great position, earned by their public services, to assuage their grief. In my case, after losing the honours which you yourself mention, and which I had gained by the greatest possible exertions, there was only that one solace left which has now been torn away. My sad musings were not interrupted by the business of my friends, nor by the management of public affairs: there was nothing I cared to do in the forum: I could not bear the sight of the senate-house; I

thought — as was the fact — that I had lost all the fruits both of my industry and of fortune. But while I thought that I shared these losses with you and certain others, and while I was conquering my feelings and forcing myself to bear them with patience, I had a refuge, one bosom where I could find repose, one in whose conversation and sweetness I could lay aside all anxieties and sorrows. But now, after such a crushing blow as this, the wounds which seemed to have healed break out afresh. For there is no republic now to offer me a refuge and a consolation by its good fortunes when I leave my home in sorrow, as there once was a home to receive me when I returned saddened by the state of public affairs. Hence I absent myself both from home and forum, because home can no longer console the sorrow which public affairs cause me, nor public affairs that which I suffer at home. All the more I look forward to your coming, and long to see you as soon as possible. No reasoning can give me greater solace than a renewal of our intercourse and conversation. However, I hope your arrival is approaching, for that is what I am told. For myself, while I have many reasons for wishing to see you as soon as possible, there is this one especially — that we may discuss beforehand on what principles we should live through this period of entire submission to the will of one man who is at once wise and liberal, far, as I think I perceive, from being hostile to me, and very friendly to you. But though that is so, yet it is a matter for serious thought what plans, I, don't say of action, but of passing a quiet life by his leave and kindness, we should adopt. Good-bye.

LETTER 7

TO M. CLAUDIUS MARCELLUS (AT MITYLENE) ROME (SEPTEMBER)

Though I am aware that as yet you have maintained a policy of a nature that I do not venture to rebuke-not that I do not myself disagree with it, but because I judge you to be so wise a man, that I do not presume to prefer my view to yours-nevertheless, both the antiquity of our friendship and your eminent affection for me, which I have known from your childhood, have urged me to write to you what I believed would make for your personal security, and thought was not inconsistent with your honour. I have a vivid recollection that you were wise enough to discern the first signs of these disasters long before they occurred, and that you administered the consulship with the utmost splendour and in the most loyal spirit. But I also was conscious of this — that you were not satisfied with the policy of the civil war, nor with Pompey's forces, nor the nature of his army, and were always deeply distrustful of it: in which sentiment I think you remember that I also shared. Accordingly, you did not take much part in active service, and I always strove not to do so. For we were not fighting with the weapons with which we might have prevailed-deliberation, weight of character, and the righteousness of our cause, in all of which we had the superiority — but with muscles and brute force, in which we were not his equals. Accordingly, we were beaten, or, if worth cannot really be beaten, at least we were crushed and rendered powerless. And in this no one can do otherwise than highly praise your resolution, in that with all hope of victory you cast aside all desire of keeping up the contest also; and shewed that a wise man and a good citizen takes the first steps in a civil war with reluctance, but with pleasure declines taking the last. Those who did not adopt the same course as yourself I perceive to have split up into two classes. Either they endeavoured to renew the war — and these have betaken themselves to Africa: or, like myself, they trusted themselves to the victor. Your course was a kind of compromise between the two, since you perhaps regarded the second as

cowardice, the first as blind obstinacy. I confess that by most people, or I should say by everybody, your plan has been judged to be wise, by many even magnanimous and courageous. But your policy, as it seems to me at least, has a certain limit, especially as in my opinion nothing is wanting to your being able to keep your entire fortune, except your own willingness to do so. For I have gathered that there is nothing else which causes him who is now all-powerful to feel any hesitation, except the fear that you would not regard it as a favour at all. As to which there is no occasion for me to say what I think, since my conduct speaks for itself. However, even if you had already made up your mind, that you preferred being absent from Rome to seeing what was repugnant to your feelings, yet you ought to have reflected that, wherever you were, you would be in the power of the man from whom you were fleeing. And even if he were likely to make no difficulty about allowing you to live in peace and freedom while deprived of property and country, you ought yet to have reflected whether you preferred living at Rome and in your own house, whatever the state of affairs, to living at Mitylene or Rhodes. But seeing that the power of the man whom we fear is so widely extended, that it has embraced the whole world, do you not prefer being in your own house without danger to being in another man's with danger? For my part, if I must face death, I would rather do so at home and in my native country, than in a foreign and alien land. This is the sentiment of all who love you, of whom the number is as great as your eminent and shining virtues deserve. We have also regard for your property, which we are unwilling to see scattered. For, though it can receive no injury destined to be lasting, because neither the present master of the Republic, nor the Republic itself, will allow it, yet I don't want to see an attack made by certain banditti upon your possessions: and who these are I would have ventured to write, had I not felt sure that you understand. Here the anxieties, nay, the copious and perpetual tears of one man, your excellent brother Gaius Marcellus, plead for your pardon: I come next him both in anxiety and sorrow, but in actual prayers am somewhat slow, because I have not the right of entree to Caesar, being myself in need of intercession. We have only the influence which the conquered have, yet in counsel and zeal we are not

wanting to Marcellus. By your other relations my help is not asked. I am prepared for anything.

LETTER 8

TO M. CLAUDIUS MARCELLUS (AT MITYLENE) ROME (SEPTEMBER)

I do not venture to advise a man of your consummate wisdom, nor to offer encouragement to a man of the highest spirit and the most conspicuous gallantry-certainly not to console him in any way whatever. For if you bear what has happened as lam told you do, I ought rather to congratulate you on your manliness than console your sorrow. But if these great disasters to the state are breaking your heart, I have no ingenuity to spare for finding consolations for you, when I cannot console myself. All that remains, therefore, for me to do is at every point so to display and guarantee my services, and to be in such a way ready to undertake whatever your friends may wish, as to shew that I hold myself your debtor not only for everything that is within my power to do, but also for what is beyond it. Nevertheless, please to consider that in what follows I have given you a warning, or (if you like) expressed an opinion, or from affection for you have been unable to refrain from saying — that you, as I do myself, should make up your mind, if there is to be a republic at all, that the first place in it is your due in everybody's judgment as well as in actual fact, though you are necessarily yielding to the circumstances of the hour: but if there is none, that after all this is the place best fitted for living even in exile. For if we are seeking freedom, what place is free from the master's hand? But if all we want is Some place, no matter of what sort, what residence is pleasanter than one's own home? But believe me, even the man who now dominates everything favours men of talent: moreover, he opens his arms to high birth and lofty position, as far as circumstances and his own party needs allow. But I have said more than I intended. I return, therefore, to that one fact — that I am yours, and will be by the side of your friends, always provided that they are yours: if not, I will in any case satisfy the claims of our attachment and affection in all particulars. Good-bye.

LETTER 9

TO M. CLAUDIUS MARCELLUS (AT MITYLENE) ROME (SEPTEMBER)

Though it is only a very few days ago that I gave Quintus Mucius a letter for you written at considerable length, in which I set forth in what state of mind I thought you ought to be, and what I thought you ought to do, yet, since your freedman Theophilus was starting, of whose fidelity and affection to you I had satisfied myself, I was unwilling that he should reach you without a letter from me. On the same considerations, then, as I did in my previous letter, I again and again exhort you, to make up your mind to become a resident member of the Republic, whatever its nature may be, at the earliest possible time. You will perhaps see many things disagreeable to your feelings, but not more after all than you daily hear. Moreover, you are not the man to be affected by the sense of sight alone, and to be less afflicted when you learn the same things by the ear, which indeed are usually even magnified by imagination. But — you object — you will yourself be obliged to say something you do not feel, or to do something you do not approve. To begin with, to yield to circumstances, that is to submit to necessity, has ever been held the part of a wise man: in the next place, things are not — as matters now stand at least — quite so bad as that. You may not be able, perhaps, to say what you think: you may certainly hold your tongue. For authority of every kind has been committed to one man. He consults nobody but himself, not even his friends. There would not have been much difference if he whom we followed were master of the Republic. Can we think that the man who in a time of war, when we were all united in the same danger, consulted only himself and a certain clique of wholly incompetent persons, was likely to be more communicative in the hour of victory, than he had been when the result was still uncertain? And do you think that a man who in your consulship would never be guided by your consummate wisdom, nor, when your brother was administering the consulship under your inspiration, ever condescended to consult you two, would now, if he

were in sole power, be likely to want suggestions from us?

Everything in civil war is wretched; of which our ancestors never even once had experience, while our generation has now had it repeatedly: but nothing, after all, is more wretched than victory itself, which, even if it fall to the better men, yet renders them more savage and ruthless, so that, even if they are not such by nature, they are compelled to become so by the necessity of the case. For a conqueror is forced, at the beck of those who won him his victory, to do many things even against his inclination. Were you not wont to foresee simultaneously with myself how bloody that victory was likely to be? Well, would you at that time also have absented yourself from your country for fear of seeing what you disapproved? "No," you will say, "for then I should have been in possession of wealth and my proper position." Ah, but it had been consistent with a virtue such as yours to regard your personal interests as among the most insignificant concerns, and to be more profoundly affected by those of the state. Again, what is to be the end of your present policy? For up to now your conduct is approved, and, as far as such a business admits of it, your good fortune also is commended: your conduct, because while you engaged in the first part of the war under compulsion, you shewed your wisdom by refusing to follow it to the bitter end: your good fortune, because by an honourable retirement you have maintained both the dignity and the reputation of your character. Now, however, it is not right that you should feel any place more to your taste than your native land; nor ought you to love it less because it has lost some of its comeliness, but rather to pity it, and not deprive it of the light of your countenance also, when already bereft of many illustrious sons. Finally, if it was the sign of high spirit not to be a supplicant to the victor, is it not perhaps a sign of pride to spurn his kindness? If it was the act of a wise man to absent himself from his country, is it not perhaps a proof of insensibility not to regret her? And, if you are debarred from enjoying a public station, is it not perhaps folly to refuse to enjoy a private one? The crowning argument is this: even if your present mode of life is more convenient, you must yet reflect whether it is not less safe. The sword owns no law: but in foreign lands there is even less scruple as to committing a crime. I am personally so anxious for your safety,

that in this respect I take rank with your brother Marcellus, or at any rate come next to him. It is your business to take measures for your own interests, civil rights, life, and property.

LETTER 10

TO M. CLAUDIUS MARCELLUS (AT MITYLENE) ROME (JANUARY)

THOUGH I have nothing fresh to say to you, and am now beginning more to expect a letter from you, or rather to see you in person, yet, as Theophilus was starting, I could not refrain from giving him some sort of letter. Do your best, then, to come at the earliest Opportunity: your coming, believe me, will be welcomed not only by us, I mean by your personal friends, but by absolutely everybody. I say this because it occurs to me sometimes to be a little afraid that you have a fancy for postponing your departure. Now, had you had no other sense than that of eyesight, I should have sympathized with you in your shrinking from the sight of certain persons: but since what is heard is not much less distressing than what is seen, while I suspected that your early arrival much concerned the safety of your property, and was of importance in every point of view, I thought I ought to give you a hint on the subject. But as I have shewn you my opinion, I will leave the rest to your own wisdom. Still, pray let me know about when to expect you.

LETTER 11

MARCUS MARCELLUS TO CICERO (AT ROME) MITYLENE (OCTOBER)

That your influence has ever had the greatest weight with me everything that has occurred has given you reason to know, but nothing so clearly as the recent transaction. For though C. Marcellus, my very affectionate cousin, not only advised me, but besought me in moving terms, he failed to persuade me. It was only your letter that induced me to follow the advice that you and he gave in preference to every other. Your letters describe to me the nature of the debate in the senate. Though your congratulation is exceedingly acceptable to me, because it proceeds from the kindest of hearts, yet there is one thing still more delightful and gratifying to me — namely, that while I have so few friends, relations, or connexions to take a sincere interest in my safety, I have had reason to know that you desire my company and have shewn in a practical way an unparalleled devotion to my interest. Everything else is as you say. And considering the state of the times, I was well content to be out of it ill. I take the truth, indeed, to be that without the kind-ness of such gallant men and true friends no one, whether in adversity or prosperity, can live a real life. Accordingly, I congratulate myself on this. But for yourself, I will prove to you in a practical manner that you have been loyal to a man who loves you most deeply.

LETTER 12

SERVIUS SULPICIUS RUFUS TO CICERO (AT TUSCULUM) ATHENS, 31 MAY

Servius sends many good wishes to Cicero. Though I know that I shall be giving you no very pleasant news,

yet since chance and nature bear the sway among us men, I thought it incumbent on me to give you information of whatever kind it might be. On the 23rd of May, on sailing into the Piraeus, I met my colleague M. Marcellus, and spent the day there in order to enjoy his society. Next day, when I parted from him with the design of going from Athens to Boeotia, and finishing what remained of my legal business, he told me that he intended to sail round Cape Malea and make for Italy. On the third day after that, just as I was intending to start from Athens, at the tenth hour of the night my friend Publius Postumius called on me with the information that my colleague M. Marcellus just after dinner had been stabbed with a dagger by his friend P. Magius Cilo, and had received two wounds, one in the stomach, a second in the head behind the ear; but that hopes were entertained that he might survive; and that Magius had killed himself afterwards. He added that he had been sent by Marcellus to tell me this, and to ask me to send some physicians. Accordingly, I summoned some physicians, and immediately started just as day was breaking. When I was not far from Piraeus, a slave of Acidinus met me bearing a note containing the information that Marcellus had expired a little before daybreak. So there is a man of most illustrious character cut off in a most distressing manner by the vilest of men. His personal enemies had spared him in consideration of his character; but one of his own friends was found to inflict death upon him. However, I continued my journey to his tent. There I found two freedmen and a few slaves: they said the rest had run away in terror, because their master had been killed in front of the tent. I was obliged to carry him back to the city in the same litter in which I had ridden down and to use my own bearers: and there, considering the means at my disposal at Athens, I saw to his having an honourable funeral. I could not induce the Athenians to grant him a place of

burial within the city, as they alleged that they were prevented by religious scruples from doing so; and it is a fact that they had never granted that privilege to anyone. But they allowed us, which was the next best thing, to bury him in any gymnasium we chose. We chose a place in the most famous gymnasium in the world — that of the Academy — and there we burnt the body, and afterwards saw to these same Athenians giving out a contract for the construction of a marble monument over him. So I think I have done all for him alive and dead required by our colleagueship and close connexion. Goodbye.

31 May, Athens.

LETTER 13

TO P. NIGIDIUS FIGULUS (IN EXILE) ROME (? SEPTEMBER)

Though I have for some time past been on the look-out as to what I had best write to you , not only does no definite subject occur to me, but even the usual style of letter seems impossible. For of one department and habitual element in those letters, which we used to write in the days of our prosperity, the state of the times has violently deprived us, and fortune has ordained that I should be unable to write or so much as to think of anything of the sort. There only remained a certain gloomy and wretched style of letter, and one suited to the state of the times: that, too, fails me. In it there is bound to be either a promise of some assistance, or some consolation for your sorrow. I had no such promise to give: for, cast down by a similar blow of fortune, I am myself supporting my disasters by the aid of others, and it more frequently occurs to my mind to complain that I am living as I do, than to rejoice that I am alive. For although no signal injury has been inflicted upon me personally apart from others, and although it has never occurred to my mind to wish for anything in such circumstances which Caesar has not spontaneously offered me, yet nevertheless I am being so worn out with anxieties, that I regard myself as doing wrong in the mere fact of remaining alive. For I have lost not only many very intimate associates whom either death has snatched from me, or exile torn away, but also all the friends whose affection my former successful defence of the Republic, accomplished with your aid, had gained for me. I am in the very midst of their shipwrecked fortunes and the confiscation of their property; and I not only hear — which in itself would have been bad enough — but I have before my very eyes the sharpest of all pangs, the actual sight of the ruin of those men by whose aid in old times I quenched that conflagration. And in the city in which I once enjoyed such popularity, influence, and glory, I am now entirely deprived of all these. I retain, indeed, Caesar's supreme kind-ness: but that cannot make up for violence and a complete upset of the established order of things. Therefore, being shorn of all to which nature and

taste and habit had accustomed me, I present no pleasant object either to others, as it seems to me, or to myself. For, being inclined by nature to be always actively employed in some task worthy of a man, I have now no scope, not merely for action, but even for thought. And I, who in old times was able to help men, who were either obscure or even guilty, am now unable to make even a kind promise to Publius Nigidius — the most eminent man of the day for learning and purity of character, who formerly enjoyed the highest popularity, and at any rate was a most affectionate friend to me.

Therefore from that kind of letter I am forcibly debarred. The only thing left is to console you and to put before you some considerations by which I may endeavour to distract your thoughts from your afflictions. But, if anyone ever had, you have the gift in the highest degree of consoling either yourself or another. Therefore upon that part of the subject which proceeds from profound reason and philosophy I will not touch: I will leave it entirely to you. What is becoming to a brave and wise man, what solidity of character, what a lofty mind, what a past such as yours, what studies and accomplishments, in which you have been eminent from boyhood, demand of you — that you will see for yourself. I only undertake to assure you of what I am able to gather and perceive, from being at Rome and watching affairs anxiously and with attention: it is that you will not be long in the distressing circumstances in which you are at present; but that in those, nevertheless, which I share with you, you will perhaps be permanently. I think I perceive, to begin with, that the mind of him who is now all-powerful is inclined to grant your restoration. I am not writing at random. The less familiar I am with him, the more minute am I in my inquiries. It is in order that he may feel less difficulty in returning a sterner answer to those with whom he is still more angry, that he is as yet slower than he otherwise would have been in releasing you from your distressing position. His close friends, indeed, and those who are most liked by him, both speak and think of you with surprising kindness. Then there is in your favour the wish of the common people, or I should rather say a consensus of all classes. Even that which for the present, indeed, is most powerless of all, but which hereafter must necessarily be powerful, I mean the Republic itself, will with all the strength it may

possess enforce your claim before long, believe me, upon those very men by whom it is now held in bondage.

I come round, then, to the point of even making you a promise, which in the first instance I refrained from doing. For I will both open my arms to his most familiar friends, who are very fond of me and are much in my society, and will worm my way into his intimacy, which up to this time my scruples have closed to me, and I will at least follow up all the paths by which I shall think it possible to arrive at the object of our wishes. In all this department I will do more than I venture to write. And other things, which I know for certain to be at your service at the hands of many, are in the highest state of preparation on my side. There is no one article of property belonging to me which I would choose to have my own rather than yours. On this point, and indeed on the whole subject, I write the less liberally, because I prefer your hoping, what I feel sure will be the case, that you will be in the enjoyment of your own again. It remains for me to beg and beseech you to keep up your spirits to the highest pitch, and not to remember those maxims only which you have learnt from other great men, but those also which you have yourself produced by your genius and industry. If you review these, you will at once hope for the best, and endure philosophically what happens, of whatsoever kind it may be. But you know this better than I, or rather than anyone. For my part, whatever I

understand to be to your interests I will attend to with the greatest zeal and activity, and will preserve the memory of what you did for me at the saddest period of my life.

LETTER 14

TO GNAEUS PLANCIUS (IN CORCYRA) ROME (JANUARY)

I have received two letters from you, dated Corcyra. In one of these you congratulated me because you had heard, as you say, that I was enjoying my former position; in the other you said that you wished what I had done might turn out well and prosperously. Well, certainly, if they entertain honest sentiments on public affairs and to get good men to agree with them constitute a "position," then I do hold my position. But if "position" depends upon the power of giving effect to your opinion, or in fine of supporting it by freedom of speech, then I have not a trace of my old position left: and it is great good fortune if I am able to put sufficient restraint upon myself to endure without excessive distress what is partly upon us already and partly threatens to come. That is the difficulty in a war of this kind: its result shews a prospect of massacre on the one side, and slavery on the other. In this danger it affords me no little consolation to remember that I foresaw all this at the time when I was feeling greatly alarmed even at our successes-not merely at our reverses — and perceived at what immense risk the question of constitutional right was to be decided in arms. And if in that appeal to arms those had conquered, to whom, induced by the hope of peace and not the desire for war, I had given in my adhesion, I nevertheless was well aware how bloody the victory of men swayed by anger, rapacity, and overbearing pride was certain to be: while if they had been conquered, what a clean sweep would be surely made of citizens, some of the highest rank, some too of the highest character, who, when I predicted these things and advised the measures best for their safety, preferred that I should be considered over-timid rather than moderately wise.

For your congratulations on what I have done, I am sure you speak your real wishes: but at such an unhappy time as this I should not have taken any new step, had it not been that at my return I found my domestic affairs in no better order than those of the state. For when, owing to the misconduct of those, to whom, considering my

never-to-be-forgotten services, my safety and my fortune ought to have been their dearest object, I saw nothing safe within the walls of my house, nothing that was not the subject of some intrigue, I thought it was time to protect myself by the fidelity of new relations against the treachery of the old. But enough, or rather too much, about my own affairs.

As to yours, I would have you feel as you ought to do, namely, that you have no reason to fear any measure directed specially against yourself. For if there is to be some constitution, whatever it may be, I see clearly that you will be free of all danger: for I perceive that the one party is reconciled to you, the other has never been angry with you. However, of my disposition towards you I would have you make up your mind that, whatever steps I understand to be required — though I see my position at this time and the limits of my powers — I will yet be ready with my active exertions and advice, and at least with zeal, to support your property, your good name, and your restoration. Pray be exceedingly careful on your part to let me know both what you are doing and what you think of doing in the future.

LETTER 15

TO GNAEUS PLANCIUS (EXILE IN CORCYRA) ROME (SEPTEMBER)

I have received your very short note, from which I was not able to learn what I wanted to know, but did learn what I was sure of already. For I did not gather with how much courage you were bearing our common misfortunes: while the strength of your affection for me I had no difficulty in seeing. But the latter I had known before. If I had known the former, 'I would have adapted my letter to it. However, though I have already written all that I thought ought to be written, I yet considered that at such a crisis as this I ought briefly to warn you not to think that you are in any danger special to yourself. We are all in great danger, but yet in one that is common to us all. So you ought neither to demand a position peculiar to yourself and distinct, nor to refuse one in which we all share. Wherefore let us keep the same mutual regard as we always had; which I may hope in your case and guarantee in my own.

BOOK 5

LETTER 1

Q. METELLUS CELER TO CICERO CISALPINE GAUL

Q. Metellus Celer, son of Quintus, proconsul, greets M. Tullius Cicero. If you are well I am glad. I had thought, considering our mutual regard and the reconciliation effected between us, that I was not likely to be held up to ridicule in my absence, nor my brother attacked by you in his civil existence and property for the sake of a mere word. If his own high character was not a sufficient protection to him, yet either the position of our family, or my own loyal conduct to you and the Republic ought to have been sufficient to support him. As it is I see that he has been ruined and I abandoned by the last people in the world who ought to have done so. I am accordingly in sorrow and wearing mourning dress, while actually in command of a province and army and conducting a war. And seeing that your conduct in this affair has neither been reasonable nor in accordance with the milder methods of old times, you must not be surprised if you live to repent it. I did not expect to find you so fickle towards me and mine. For myself, meanwhile, neither family sorrow nor ill-treatment by any individual shall withdraw me from the service of the state.

LETTER 2

TO Q. METELLUS (IN CISALPINE GAUL) ROME

M. Tullius, son of Marcus, to Q. Metellus Celer, son of Quintus, proconsul wishes health. If you and the army are well I shall be glad. You say in your letter that you "thought, considering our mutual regard and the reconciliation effected between us, that you were not likely to be held up to ridicule by me." To what you refer I do not clearly understand, but I suspect that you have been informed that, while arguing in the senate that there were many who were annoyed at my having saved the state, I said that your relations, whose wishes you had been unable to withstand, had induced you to pass over in silence what you had made up your mind you ought to say in the senate in my praise. But while saying so I also added this — that the duty of supporting the Republic had been so divided between us that I was defending the city from internal treachery and the crime of its own citizens, you Italy from armed enemies and covert conspiracy yet that this association in a task so noble and so glorious had been imperilled by your relations, who, while you had been complimented by me in the fullest and most laudatory terms, had been afraid of any display of mutual regard on your part being put to my credit. As this sentence betrayed how much I had looked forward to your speech, and how mistaken I had been in that expectation, my speech caused some amusement, and was received with a moderate amount of laughter; but the laugh was not against you, it was rather at my mistake, and at the open and naive confession of my eagerness to be commended by you. Surely it cannot but be a compliment to you that in the hour of my greatest triumph and glory I yet wished for some testimony of approval from your lips. As to your expression, "considering our mutual regard " — I don't know your idea of what is "mutual" in friendship; mine is an equal interchange of good feeling. Now if I were to mention that I passed over a province for your sake, you might think me somewhat insincere; for, in point of fact, it suited my convenience, and I feel more and more every day of my life the advantage and pleasure which I have received from that

decision. But this I do say — the moment I had announced in public meeting my refusal of a province, I began at once thinking how I might hand it on to you. I say nothing as to the circumstances of your allotment: I only wish you to suspect that nothing was done in that matter by my colleague without my cognizance. Recall the other circumstances: how promptly I summoned the senate on that day after the lots had been drawn, at what a length I spoke about you. You yourself said at the time that my speech was not merely complimentary to you, but absolutely a reflection on your colleagues. Further, the decree of the senate passed on that day has such a preamble that, so long as it is extant, there can never be any doubt of my services to you. Subsequently, when you had gone out of town; I would have you recall my motions in the senate, my speeches in public meetings, my letters to yourself. And having reviewed all these together, I would like you to judge yourself whether you think that your approach to Rome the last time you came quite showed an adequate return for all these services. Again, as to your expression, "the reconciliation effected between us " — I do not understand why you speak of "reconciliation" in the case of a friendship that had never been broken. As to what you say, that your brother Metellus ought not "to have been attacked by me for a mere word," in the first place I would like to assure you that your feeling and fraternal partiality — so full of human kindness and natural affection — meet with my warmest approbation; in the next place I must claim your indulgence if I have in any matter opposed your brother in the interests of the Republic, for my devotion to the Republic is paramount. If however, it is my personal safety that I have defended against a most ruthless assault of his, I think you should be content that I make no complaint even to you of your brother's injurious conduct. Now, when I had become aware that he was deliberately making every preparation to use his tribunician office to my ruin, I appealed to your wife Claudia and your sister Mucia (of whose kindness to me for the sake of my friendship with Pompey I had satisfied myself by many instances) to deter him from that injurious conduct. And yet, as I am sure you have heard, on the last day of December he inflicted upon me — a consul and the preserver of my country — an indignity such as was never inflicted upon the most

disloyal citizen in the humblest office: that is to say, he deprived me when laying down my office of the privilege of addressing the people — an indignity, however, which after all redounded to my honour. For, upon his forbidding me to do anything but take the oath, I pronounced an oath at once the most absolutely true and the most glorious in a loud voice — an oath which the people swore also in a loud voice to be absolutely true. Though I had actually suffered this signal indignity, I yet on that same day sent common friends to Metellus to persuade him to alter his resolution; to whom he answered that he was no longer free to do so. And, in fact, a short time previously he had said in a public meeting that a man who had punished others without trial ought not himself to be allowed the privilege of speech. What a model of consistency! What an admirable citizen! So he deemed the man who had saved the senate from massacre, the city from the incendiary, Italy from war, deserving of the same penalty as that inflicted by the senate with the unanimous approval of all loyal citizens, upon those who had intended to set fire to the city, butcher magistrates and senate, and stir up a formidable war! Accordingly, I did withstand your brother Metellus to his face: for on the 1st of January, in the senate, I maintained a debate with him on the state of the Republic, such as taught him that he had to contend with a man of courage and firmness. On the 3rd of January, on again opening the debate, he kept harping on me and threatening me at every third word of his speech; nor could any intention be more deliberate than his was to overthrow me by any means in his power, not by calm and judicial argument, but by violence and mere browbeating. If I had not shown some boldness and spirit in opposing his intemperate attack, would not everyone have concluded that the courage I had displayed in my consulship was the result of accident rather than design? If you did not know that Metellus was contemplating these measures in regard to me you must consider that you have been kept in the dark by your brother on matters of the utmost importance: if, on the other hand, he did entrust any part of his designs to you, then surely I ought to be regarded by you as a man of placable and reasonable temper for not addressing a word of reproach to you even on such occurrences as these Understanding then that it was by no “mere word” (as you

express it) of Metellus that I was roused, but by his deliberate policy and extraordinary animosity towards me next observe my forbearance — if "forbearance" is the name to be given to irresolution and laxity under a most galling indignity. I never once delivered a vote in a speech against your brother every time a motion was before the house I assented without rising to those whose proposal appeared to me to be the mildest. I will also add that, though in the circumstances there was no obligation upon me to do so, yet so far from raising objections I actually did my best to secure that my enemy,

because he was your brother, should be relieved from penalties by a decree of the senate. Wherefore I have not "attacked" your brother, but only defended myself from your brother's attack; nor have I been "fickle" (to quote your word), but, on the contrary, so constant, that I remained faithful to my friendship to you, though left without any sign of kindness from you. For instance, at this moment, though your letter amounts almost to a threat, I am writing back an answer such as you see. I not only pardon your vexation, I even applaud it in the highest degree; for my own heart tells me how strong is the influence of fraternal affection. I ask you in your turn to put a liberal construction upon my vexation, and to conclude that when attacked by your relatives with bitterness, with brutality, and without cause, I not only ought not to retract anything, but, in a case of that kind, should even be able to rely upon the aid of yourself and your army. I have always wished to have you as a friend: I have taken pains to make you understand that I am a warm friend to you. I abide by that sentiment, and shall abide by it as long as you will let me; and I shall more readily cease to be angry with your brother for love of you, than I shall from anger with him abate in the smallest degree my kindness for you.

LETTER 3

TO CICERO FROM Q. METELLUS NEPOS (IN SPAIN)

The insults of a most outrageous person, with which he loads me in frequent public speeches, are alleviated by your kind services to me; and as they are of little weight as coming from a man of that character, they are regarded by me with contempt, and I am quite pleased by an interchange of persons to regard you in the light of a cousin. Him I don't wish even to remember, though I have twice saved his life in his own despite. Not to be too troublesome to you about my affairs, I have written to Lollius as to what I want done about my provincial accounts, with a view to his informing and reminding you. If you can, I hope you will preserve your old goodwill to me.

LETTER 4

TO Q. METELLUS THE CONSUL (AT ROME) DYRRACHIUM (JANUARY)

A letter from my brother Quintus, and one from my friend Titus Pomponius, had given me so much hope, that I depended on your assistance no less than on that of your colleague. Accordingly, I at once sent you a letter in which, as my present position required, I offered you thanks and asked for the continuance of your assistance. Later on, not so much the letters of my friends, as the conversation of travellers by this route, indicated that your feelings had undergone a change; and that circumstance prevented my venturing to trouble you with letters. Now, however, my brother Quintus has sent me a copy which he had made of your exceedingly kind speech delivered in the senate. Induced by this I have attempted to write to you, and I do ask and beg of you, as far as I may without giving you offence, to preserve your own friends along with me, rather than attack me to satisfy the unreasonable vindictiveness of your connexions. You have, indeed, conquered yourself so far as to lay aside your own enmity for the sake of the Republic: will you be induced to support that of others agaznst the interests of the Republic? But if you will in your clemency now give me assistance, I promise you that I will be at your service henceforth: but if neither magistrates, nor senate, nor people are permitted to aid nie, owing to the violence which has proved too strong for me, and for the state as well, take care lest — though you may wish the opportunity back again for retaining all and sundry in their rights-you find yourself unable to do so, because there will be nobody to be retained.

LETTER 5

TO C. ANTONIUS (IN MACEDONIA) ROME, JANUARY

M. Cicero wishes health to Gaius Antonius, son of Marcus, Imperator. Though I had resolved to write you nothing but formal letters of introduction (not because I felt that they had much weight with you, but to avoid giving those who asked me for them an idea that there had been any diminution in our friendship), yet since Titus Pomponius is starting for your province, who knows better than anyone else all that I feel and have done for you, who desires your friendship and is most devotedly attached to me, I thought I must write something, especially as I had no other way of satisfying Pomponius himself. Were I to ask from you services of the greatest moment, it ought not to seem surprising to anyone: for you have not wanted from me any that concerned your interests, honour, or position. That no return has been made by you for these you are the best witness: that something even of a contrary nature has proceeded from you I have been told by many. I say "told," for I do not venture to say "discovered," lest I should chance to use the word which people tell me is often falsely attributed to me by you. But the story which has reached my ears I would prefer your learning from Pomponius (who was equally hurt by it) rather than from my letter. How singularly loyal my feelings have been to you the senate and Roman people are both witnesses. How far you have been grateful to me you may yourself estimate: how much you owe me the rest of the world estimates. I was induced to do what I did for you at first by affection, and afterwards by consistency. Your future, believe me, stands in need of much greater zeal on my part,

greater firmness and greater labour. These labours, unless it shall appear that I am throwing away and wasting my pains, I shall support with all the strength I have; but if I see that they are not appreciated, I shall not allow you — the very person benefited — to think me a fool for my pains. What the meaning of all this is you will be able to learn from Pomponius. In commending Pomponius to you, although I am sure you will do anything in your power for his own

sake, yet I do beg that if you have any affection for me left, you will display it all in Pomponius's business. You can do me no greater favour than that.

LETTER 6

TO P. SESTIUS (IN MACEDONIA) ROME, DECEMBER

Decius the copyist has been to see me, and begged me to try and secure that no successor should be appointed to you this turn. Though I regarded him as a man of good character and attached to you, yet, remembering the tenor of your previous letter to me, I could not feel certain that the wishes of a cautious man of the world like yourself had undergone so complete a change. But after your wife Cornelia had called on Terentia, and I had had a conversation with Q. Cornelius, I took care to be present at every meeting of the senate, and found that the greatest trouble was to make Fufius the tribune, and the others to whom you had written, believe me rather than your own letters. The whole business has, after all, been postponed till January, but there is no difficulty about it. Roused by your congratulations — for in a letter sometime ago you wished me good luck on the completion of my purchase of a house from Crassus — I have bought that very house for 3,500 sestertia, a good while subsequent to your congratulation. Accordingly, you may now look upon me as being so deeply in debt as to be eager to join a conspiracy if anyone would admit me! But, partly from personal dislike they shut their doors in my face and openly denounce me as the punisher of conspiracy, partly are incredulous and afraid that I am setting a trap for them! Nor do they suppose that a man can be short of money who has relieved the money-lenders from a state of siege. In point of fact, money is plentiful at six per cent., and the success of my measures has caused me to be regarded as a good security. Your own house, and all the details of its construction, I have examined and strongly approve. As for Antonius, though everyone notices his want of attention to my interests, I have nevertheless defended him in the senate with the utmost earnestness and persistence, and have made a strong impression on the senate by my language as well as by my personal prestige. Pray write to me more frequently.

LETTER 7

TO CN. POMPEIUS MAGNUS ROME

M. Tullius Cicero, son of Marcus, greets Cn. Pompeius, son of Cneius, Imperator.

If you and the army are well I shall be glad. From your official despatch I have, in common with everyone else, received the liveliest satisfaction; for you have given us that strong hope of peace, of which, in sole reliance on you, I was assuring everyone. But I must inform you that your old enemies — now posing as your friends — have received a stunning blow by this despatch, and, being disappointed in the high hopes they were entertaining, are thoroughly depressed. Though your private letter to me contained a somewhat slight expression of your affection, yet I can assure you it gave me pleasure: for there is nothing in which I habitually find greater satisfaction than in the consciousness of serving my friends; and if on any occasion I do not meet with an adequate return, I am not at all sorry to have the balance of kindness in my favour. Of this I feel no doubt — even if my extraordinary zeal in your behalf has failed to unite you to me — that the interests of the state will certainly effect a mutual attachment and coalition between us. To let you know, however, what I missed in your letter I will write with the candour which my own disposition and our common friendship demand. I did expect some congratulation in your letter on my achievements, for the sake at once of the ties between us and of the Republic. This I presume to have been omitted by you from a fear of hurting anyone's feelings. But let me tell you that what I did for the salvation of the country is approved by the judgment and testimony of the whole world. You are a much greater man than Africanus, but I am not much inferior to Laelius either; and when you come home you will recognize that I have acted with such prudence and spirit, that you will not be ashamed of being coupled with me in politics as well as in private friendship.

LETTER 8

TO M. LICINIUS CRASSUS (ON HIS WAY TO SYRIA) ROME (JANUARY)

I have no doubt all your friends have written to tell you what zeal I displayed on the —— in the defence, or you might call it the promotion, of your official position. For it was neither half-hearted nor inconspicuous, nor of a sort that could be passed over in silence. In fact, I maintained a controversy against both the consuls and many consulars with a vehemence such as I have never shewn in any cause before, and I took upon myself the standing defence of all your honours, and paid the duty I owed to our friendship — long in arrears, but interrupted by the great complexity of events — to the very utmost. Not, believe me, that the will to shew you attention and honour was ever wanting to me; but certain pestilent persons — vexed at another's fame — did at times alienate you from me, and sometimes changed my feelings towards you. But I have got the opportunity, for which I had rather wished than hoped, of shewing you in the very height of your prosperity that I remember our mutual kindness and am faithful to our friendship. For I have secured not only that your whole family, but that the entire city should know that you have no warmer friend than myself. Accordingly, that most noble of women, your wife, as well as your two most affectionate, virtuous, and popular sons, place full confidence in my counsel, advice, zeal, and public actions; and the senate and Roman people understand that in your absence there is nothing upon which you can so absolutely count and depend as upon my exertions, care, attention, and influence in all matters which affect your interests. What has been done and is being done in the senate I imagine that you are informed in the letters from members of your family. For myself, I am very anxious that you should think and believe that I did not stumble upon the task of supporting your dignity from some sudden whim or by chance, but that from the first moment of my entering on public life I have always looked out to see how I might be most closely united to you. And, indeed, from that hour I never remember

either my respect for you, or your very great kindness and liberality to me, to have failed. If certain interruptions of friendship have occurred, based rather on suspicion than fact, let them, as groundless and imaginary, be uprooted from our entire memory and life. For such is your character, and such I desire mine to be, that, fate having brought us face to face with the same condition of public affairs, I would fain hope that our union and friendship will turn out to be for the credit of us both. Wherefore how much consideration should in your judgment be shewn to me, you will yourself decide, and that decision, I hope, will be in accordance with my position in the state. I, for my part, promise and guarantee a special and unequaled zeal in every service which may tend to your honour and reputation. And even if in this I shall have many rivals, I shall yet easily surpass them all in the judgment of the rest of the world as well as that of your sons, for both of whom I have a particular affection; but while equally well-disposed to Marcus, I am more entirely devoted to Publius for this reason, that, though he always did so from boyhood, he is at this particular time treating me with the respect and affection of a second father.

I would have you believe that this letter will have the force of a treaty, not of a mere epistle; and that I will most sacredly observe and most carefully perform what I hereby promise and undertake. The defence of your political position which I have taken up in your absence I will abide by, not only for the sake of our friendship, but also for the sake of my own character for consistency. Therefore I thought it sufficient at this time to tell you this that if there was anything which I understood to be your wish or for your advantage or for your honour, I should do it without waiting to be asked; but that if I received a hint from yourself or your family on any point, I should take care to convince you that no letter of your own or any request from any of your family has been in vain. Wherefore I would wish you to write to me on all matters, great, small, or indifferent, as to a most cordial friend; and to bid your family so to make use of my activity, advice, authority, and influence in all business matters — public or private, forensic or domestic, whether your own or those of your friends, guests, or clients — that, as far as such a thing is possible, the loss of your presence may be lessened by my labour.

LETTER 9

P. VATINIUS TO CICERO (AT ROME) NARONA, II JULY

Vatinius imperator to his friend Cicero greeting. If you are well, I am glad. I and the army are well. If you keep up your old habit of pleading causes for the defence, Publius Vatinius presents himself as a client and wishes a case pleaded on his behalf. You will not, I presume, repulse a man when in office, whom you accepted when in danger. While for myself, whom should I select or call upon in preference to one whose defence taught me how to win?

Should I have any fear that he, who in support of my political existence disregarded the coalition of the most powerful men in the state, will fail to hunt down and crush beneath your feet the slanders and jealousies of a set of malignant nobodies? Wherefore, if you retain your old affection for me, undertake me bodily, and look upon this burden and service to whatever it may amount, as what you are bound to undertake and support on behalf of my political position. You know that my success is such as somehow or other easily to find detractors-not, by heaven! from any fault of my own: but what does that matter, if nevertheless by some fatality it does happen? If it turns out that there is anyone who desires to prevent the compliment being paid me, I beg you to let me count upon your usual good feeling to defend me in my absence. I append for your perusal an exact copy of my despatch to the senate on the result of my operations. I am told that your slave — the runaway reader — is with the Vardaei. You gave me no instructions about him; I, however, gave orders by anticipation that he should be hunted down by land and sea, and I shall certainly find him for you, unless he has escaped to Dalmatia, and even thence I will extract him sooner or later. Be sure you maintain your affection for me. Good-bye.

11 July, Narona.

LETTER 10A

P. VATINIUS TO CICERO (AT ROME) NARONA (JANUARY)

If you are well I am glad; I am also well. I have not yet fished out anything about your Dionysius; and the less so, because the Dalmatian cold, which forced me out of that country, has again frozen me here. However, I will not give up till I have sooner or later got hold of him. Yet after all you are always setting me some hard task. You wrote something or other to me about Catilius — earnestly pleading for his pardon. Don't talk about our friend Sextus Servilius, for by heaven I am as fond of him as you are. But are these the sort of clients, and these the sort of causes which you undertake? Catilius — the cruellest fellow in the world, who has murdered, abducted, ruined so many free-born men, matrons, citizens of Rome! Who has laid waste so many countries! The fellow — half-ape and not worth twopence — took up arms against me, and I have taken him prisoner in war. But after all, my dear Cicero, what can I do? I swear to you that I desire to do anything you ask. My sentence upon him and this punishment which I was going to inflict on him as my prisoner, I freely remit in deference to your request. But what am I to say to those who demand his punishment for the plunder of their property, the capture of their ships, the murder of their brothers, sons, and parents? Even if I had, by Jove, the impudence of Appius, into whose place in the college I was elected, I could not face that out. What is to be done then? I will do my best to carry out anything that I know you wish. He is being defended by Q. Volusius, a pupil of your own, if that fact may chance to rout his enemies. That is his best hope.

Pray defend me at Rome if there is any occasion for it. Caesar is still treating me unfairly. He still doesn't bring any motion before the senate about the supplication in my honour, or about my Dalmatian campaign: as though my operations in Dalmatia did not in truth most thoroughly deserve a triumph! For if I have to wait until I finish the whole war, there are thirty ancient cities in Dalmatia; those which the Dalmatians have themselves annexed are more than sixty. If no supplication is to be decreed in my honour unless I storm all these, then I am on a very different footing from all other commanders.

LETTER 10B

P. VATINIUS TO CICERO (AT ROME) NARONA, 5 DECEMBER.

AFTER the thanksgiving had been decreed in my honour I started for Dalmatia. I stormed and took six fortified towns. The largest of them, indeed, I have had practically to storm four times for I took four towers and four walls and their entire citadel, which snow, cold, and rain forced me to evacuate. It was mortifying to be obliged thus to abandon a town already taken and a war practically finished. Wherefore I beg you, if there is any occasion for it, to plead my cause with Caesar, and to regard it as your duty to defend my character in every respect, with the full Conviction that you have no more devoted friend than myself. Good-bye.

5 December, Narona.

LETTER 11

TO PUBLIUS VATINIUS (IN ILLYRICUM) ROME (OCTOBER OR NOVEMBER)

I am not surprised that you appreciate my services, for I know you to be the most grateful man in the world, and that I have never ceased to declare. For you have not merely felt grateful, you have shewn it in practice also by the most complete return possible. Therefore, in all your remaining concerns, you shall find that I have the same zeal and the same goodwill to you.

You commend to me that most honourable lady your wife Pompeia. I therefore at once spoke to Sura on reading your letter, and bade him tell her from me to let me know anything she wanted done, and to say that I would do it with the greatest zeal and assiduity. And this I will do, and if it seems necessary I will call upon her personally. Please write and tell her not to consider anything to be so great or so small, as to seem to me difficult or beneath my notice. Everything which I may do in your interest will appear to me at once unlaborious and honourable.

As to Dionysius, as you love me, settle the business. Whatever pledge you give him I will make good. If; however, he shews himself the villain that he is, you will lead him captive in your triumph. Confound the Dalmatians who are giving you all this trouble! But, as you say, they will soon be taken prisoners, and will add a lustre to your campaign, for they have always been considered a warlike people.

LETTER 12

TO L. LUCCEIUS ARPINUM (APRIL)

I have often tried to say to you personally what I am about to write, but was prevented by a kind of almost clownish bashfulness. Now that I am not in your presence I shall speak out more boldly: a letter does not blush. I am inflamed with an inconceivably ardent desire, and one, as I

think, of which I have no reason to be ashamed, that in a history written by you my name should be conspicuous and frequently mentioned with praise. And though you have often shewn me that you meant to do so, yet I hope you will pardon my impatience. For the style of your composition, though I had always entertained the highest expectations of it, has yet surpassed my hopes, and has taken such a hold upon me, or rather has so fired my imagination, that I was eager to have my achievements as quickly as possible put on record in your history. For it is not only the thought of being spoken of by future ages that makes me snatch at what seems a hope of immortality, but it is also the desire of fully enjoying in my lifetime an authoritative expression of your judgment, or a token of your kindness for me, or the charm of your genius. Not, however, that while thus writing I am unaware under what heavy burdens you are labouring in the portion of history you have undertaken, and by this time have begun to write. But because I saw that your history of the Italian and Civil Wars was now all but finished, and because also you told me that you were already embarking upon the remaining portions of your work, I determined not to lose my chance for the want of suggesting to you to consider whether you preferred to weave your account of me into the main context of your history, or whether, as many Greek writers have done-Callisthenes, the Phocian War; Timaeus, the war of Pyrrhus; Polybius, that of Numantia; all of whom separated the wars I have named from their main narratives-you would, like them, separate the civil conspiracy from public and external wars. For my part, I do not see that it matters much to my reputation, but it does somewhat concern my impatience, that you

should not wait till you come to the proper place, but should at once anticipate the discussion of that question as a whole and the history of that epoch. And at the same time, if your whole thoughts are engaged on one incident and one person, I can see in imagination how much fuller your material will be, and how much more elaborately worked out. I am quite aware, however, what little modesty I display, first, in imposing on you so heavy a burden (for your engagements may well prevent your compliance with my request), and in the second place, in asking you to shew me off to advantage. What if those transaCtions are not in your judgment so very deserving of Cornmendation? Yet, after all, a man who has once passed the border-line of modesty had better put a bold face on it and be frankly impudent. And so I again and again ask you outright, both to praise those actions of mine in warmer terms than you perhaps feel, and in that respect to neglect the laws of history. I ask you, too, in regard to the personal predilection, on which you wrote in a certain introductory chapter in the most gratifying and explicit terms — and by which you shew that you were as incapable of being diverted as Xenophon's Hercules by Pleasure — not to go against it, but to yield to your affection for me a little more than truth shall justify./ But if I can induce you to undertake this, you will have, I am persuaded, matter worthy of your genius and your wealth of language. For from the beginning of the conspiracy to my return from exile it appears to me that a moderate-sized monograph might be composed, in which you will, on the one hand, be able to utilize your special knowledge of civil disturbances, either in unravelling the causes of the revolution or in proposing remedies for evils, blaming lishing the righteousness of what you approve by explaining meanwhile what you think deserves denunciation, and estabthe principles on which they rest: and on the other hand, if you think it right to be more outspoken (as you generally do), you will bring out the perfidy, intrigues, and treachery of many people towards me. For my vicissitudes will supply you in your composition with much variety, which has in itself a kind of charm, capable of taking a strong hold on the imagination of readers, when you are the writer. For nothing is better fitted to interest a reader than variety of Circumstance and vicissitudes of fortune, which, thought he reverse

of welcome to us in actual experience, will make very pleasant reading: for the untroubled recollection of a past sorrow has a charm of its own. To the rest of the world, indeed, who have had no trouble themselves, and who look upon the misfortunes of others without any suffering of their own, the feeling of pity is itself a source of pleasure. For what man of us is not delighted, though feeling a certain compassion too, with the death-scene of Epa minondas at Mantinea? He, you know, did not allow the dart to be drawn from his body until he had been told, in answer to his question, that his shield was safe, so that in spite of the agony of his wound he died calmly and with glory. Whose interest is not roused and sustained by the banishment and return of Themistocles? Truly the mere chronological record of the annals has very little charm for us-little more than the entries in the fasti: but the doubtful and varied fortunes of a man, frequently of eminent character, involve feelings of wonder, suspense, joy, sorrow, hope, fear: if these fortunes are crowned with a glorious death, the imagination is satisfied with the most fascinating delight which reading can give. ‘Therefore it will be more in accordance with my wishes if you come to the resolution to separate from the main body of your narrative, in which you embrace a continuous history of events, what I may call the drama of my actions and fortunes: for it includes varied acts, and shifting scenes both of policy and circumstance. Nor am I afraid of appearing to lay snares for your favour by flattering suggestions, when I declare that I desire to be complimented and mentioned with praise by you above all other writers. For you are not the man to be ignorant of your own powers, or not to be sure that those who withhold their admiration of you are more to be accounted jealous, than those who praise you flatterers. Nor, again, am I so senseless as to wish to be consecrated to an eternity of fame by one who, in so consecrating me, does not also gain for himself the glory which rightfully belongs to genius. For the famous Alexander himself did not wish to be painted by Apelles, and to have his statue made by Lysippus above all others, merely from personal favour to them, but because he thought that their art would be a glory at once to them and to himself. And, indeed, those artists used to make images of the person known to strangers: but if such had never existed, illustrious men would yet be

no less illustrious. The Spartan Agesilaus, who would not allow a portrait of himself to be painted or a statue made, deserves to be quoted as an example quite as much as those who have taken trouble about such representations: for a single pamphlet of Xenophon's in praise of that king has proved much more effective than all the portraits and statues of them all. And, moreover, it will more redound to my present exultation and the honour of my memory to have found my way into your history, than if I had done so into that of others, in this, that I shall profit not only by the genius of the writer — as Timoleon did by that of Timaeus, Themistocles by that of Herodotus — but also by the authority of a man of a most illustrious and well-established character, and one well known and of the first repute for his conduct in the most important and weighty matters of state; so that I shall seem to have gained not only the fame which Alexander on his visit to Sigeum said had been bestowed on Achilles by Homer, but also the weighty testimony of a great and illustrious man. For I like that saying of Hector in Naevius, who not only rejoices that he is "praised," but adds, "and by one who has himself been "praised." But if I fail to obtain my request from you, which is equivalent to saying, if you are by some means prevented — for I hold it to be out of the question that you would refuse a request of mine — I shall perhaps be forced to do what certain persons have often found fault with, wnte my own panegyric, a thing, after all, which has a precedent of many illustrious men. But it will not escape your notice that there are the following drawbacks in a composition of that sort: men are bound, when writing of themselves, both to speak with greater reserve of what is praiseworthy, and to omit what calls for blame. Added to which such writing carries less conviction, less weight; many people, in fine, carp at it, and say that the heralds at the public games are more modest, for after having placed garlands on the other recipients and proclaimed their names in a loud voice, when their own turn comes to be presented with a garland before the games break up, they call in the services of another herald, that they may not declare themselves victors with their own voice. I wish to avoid all this, and, if you undertake my cause, I shall avoid it: and, accordingly, I ask you this favour. But why, you may well ask, when you have already often assured me that you intended to

record in your book with the utmost minuteness the policy and events of my consulship, do I now make this request to you with such earnestness and in so many words? The reason is to be found in that burning desire, of which I spoke at the beginning of my letter, for something prompt: because I am in a flutter of impatience, both that men should learn what I am from your books, while I am still alive, and that I may myself in my lifetime have the full enjoyment of my little bit of glory. What you intend doing on this subject I should like you to write me word, if not troublesome to you. For if you do undertake the subject, I will put together some notes of all occurrences: but if you put me off to some future time, I will talk the matter over with you. Meanwhile, do not relax your efforts, and thoroughly polish what you have already on the stocks, and continue to love me.

LETTER 13

TO L. LUCCEIUS ASTURA (MARCH)

Although the consolation contained in your letter is in itself exceedingly gratifying to me — for it displays the greatest kindness joined to an equal amount of good sense-yet quite the greatest profit which I received from that letter was the assurance that you were shewing a noble disdain of human vicissitudes, and were thoroughly armed and prepared against fortune. And I assert it to be the highest compliment to philosophy that a man should not depend upon externals, nor allow his calculations as to the happiness or unhappiness of his life to be governed by anything outside himself. Now this conviction, though it had never been altogether lost — for it had sunk deep — had yet by the violence of tempests and a combination of misfortunes been considerably shaken and loosened at its roots. I see that you are for giving it support, and I also feel that by your last letter you have actually done so, and that with considerable success. Therefore, in my opinion, I ought to repeat this often, and not merely hint to you, but openly to declare, that nothing could be more acceptable to me than your letter. But while the arguments which you have collected with such taste and learning help to console me, yet nothing does so more than the clear perception I have got of the unbending firmness and unshaken confidence of your spirit, not to imitate which I think would be an utter disgrace. And so I consider that I am even braver than yourself — who give me lessons in courage — in this respect, that you appear to me still to cherish a hope that things will be some day better: at least "the changes and chances of gladiatorial combats" and your illustrations, as well as the arguments collected by you in your essay, were meant to forbid me entirely to despair of the republic. Accordingly, in one respect it is not so wonderful that you should be braver, since you still cherish hope: in another it is surprising that you should still have any hope. For what is there that is not so weakened as to make you acknowledge it to be practically destroyed and extinct? Cast your eye upon all the limbs of the republic, with

which you are most intimately acquainted: you will not find one that is not broken or enfeebled. I would have gone into details, if I had seen things more clearly than you see them, or had been able to mention them without sorrow: though in accordance with your lessons and precepts all sorrow ought to be put away. Therefore I will bear my domestic misfortunes in the spirit of your admonition, and those of the state perhaps with even a little more courage than even you, who admonish me. For you are supported, as you say, by some hope; but I shall keep up my courage though I despair of everything, as in spite of that you exhort and admonish me to do. Yes, you give me pleasant reminders of what my conscience tells me I have done, and of those achievements which I performed with you among my foremost supporters. For I did for my country at least not less than I was bound to do, certainly more than was demanded from the spirit or wisdom of any one human being. Pray pardon my saying something about myself. You wished me to be relieved from my sorrow by thinking over these things. Well, even by mentioning them I obtain alleviation. Therefore, according to your advice, I will withdraw myself to the best of my power from all sorrows and anguish, and fix my mind on those topics by which prosperity receives an added charm, and adversity a support. I will be in your society also exactly as much as our respective age and health will allow; and if we cannot be together as much as we desire, we will so enjoy our union of hearts and community of tastes as to seem never separated.

LETTER 14

L. LUCCEIUS TO CICERO (AT ASTURA) ROME (9 MAY)

If you are well, I am glad: I am as usual, or even a little worse than usual. I have often wished to see you. I was surprised to find that you have not been at Rome since your departure: and I am still surprised at it. I don't feel certain as to the exact motive which withdraws you from Rome. If it is solitude that charms you, provided that you write or carry on some of your accustomed pursuits, I rejoice, and have no fault to find with your resolution. For nothing can be pleasanter than that, I don't mean merely in such unhappy and grievous times as these, but even when everything is peaceful and answerable to our wishes. Especially if your mind is either so far wearied as to need repose after heavy engagements, or so richly endowed as ever to be producing something capable of charming others and adding brilliancy to your own reputation. If, however, as you indicate, you have surrendered yourself to tears and melancholy thoughts, I grieve that you are grieving and suffering: I cannot — if you permit me to say what I really think-altogether acquit you of blame. For reflect: will you be the only man not to see what is as clear as day, you whose acuteness detects the most profound secrets? Will you fail to understand that you do no good by daily lamentations? Will you fail to understand that the sorrow is doubled, which your wisdom expects you to remove? Well, if I cannot prevail upon you by persuasion, I put it to you as a personal favour and as a special request, that, if you care to do anything for my sake, you would free yourself from the bonds of that sorrow and return to our society and to your ordinary way of life, whether that which we share in common with you, or that which is characteristic of and peculiar to yourself. My desire is not to worry you, if I cannot give you pleasure, by a display of earnestness on my part: what I desire is to prevent you from abiding by your present purpose. At present these two opposite desires do somewhat puzzle me — I should wish you either in regard to the latter of them to yield to my advice, or in regard to the former not to feel any annoyance with me. Good-bye.

LETTER 15

TO L. LUCCEIUS (AT ROME) ASTURA (MAY)

YOUR perfect affection manifests itself in every sentence of the last letter which I received from you: not that it was anything new to me, but all the same it was grateful to my feelings and all that I could desire. I should have called it "delightful," had not that word been lost to me for ever: and not for that one reason which you imagine, and in regard to which you chide me severely, though in the gentlest and most affectionate terms, but because what ought to have been the remedies for that sorrow are all gone. Well then! Am I to seek comfort with my friends? How many of them are there? You know — for they were common to us both. Some of them have fallen, others I know not how have grown callous. With you indeed I might have gone on living, and there is nothing I should have liked better. Long-standing affection, habit, community of tastes — what tie, I ask, is there lacking to our union? Is it possible then for us to be together? Well, by Hercules, I know not what prevents it: but, at any rate, we have not been so hitherto, though we were neighbours at Tusculum and Puteoli, to say nothing of Rome; where, as the forum is a common meeting-place, nearness of residence does not matter. But by some misfortune our age has fallen upon circumstances, which, just when we ought to be at the very height of prosperity, make us ashamed even of being alive. For what had I to fly to when deprived of everything that could afford me distinction or console my feelings at home or in public life? Literature, I suppose. Well, I devote myself to that without ceasing. But in some indefinable way literature itself seems to shut me out from harbour and refuge, and as it were to reproach me for continuing a life in which there is nothing but extension of utter wretchedness. In these circumstances, do you wonder at my keeping away from the city, in which my own house has no pleasure to offer me, while the state of affairs, the men, the forum, and the senate-house are all utterly repulsive to me? Accordingly, what I seek from literature, on which I spend my whole time, is not a lasting cure but a brief oblivion of pain. But if you and

I had done what on account of our daily fears it never occurred to us to do, we should have been always together, and neither would your weak health have annoyed me, nor my sorrow you. Let us aim at securing this as far as it may be possible: for what could suit both of us better? I will see you therefore at an early day.

LETTER 16

TO TITIUS (ROME)

Though of all the world I am by far the least fitted to offer you consolation, because your sorrow has caused me so much pain that I needed consolation myself; yet since my sorrow was farther removed from the acuteness of the deepest grief than your own, I have resolved that our close connexion and my warm feelings for you make it incumbent on me not to be so long silent in what causes you such deep mourning, but to offer some reasonable consolation such as may suffice to lighten, if it could not wholly heal your sorrow. Now there is a source of consolation-hackneyed indeed to the last degree — which we ought ever to have on our lips and in our hearts: we should remember that we are men, born under the conditions which expose our life to all the missiles of fortune; and we must not decline life on the conditions under which we were born, nor rebel so violently under mischances which we are unable to avoid by any precautions; and by recalling what has happened to others we should reflect that nothing strange has betided us. But neither these, nor other sources of consolation, which have been employed by the greatest philosophers and have been recorded in literature, ought, it seems, to be of so much avail, as the position of the state itself and the disruption of these evil times, which make those the happiest who have never had children, and those who have lost them at such a crisis less miserable than if they had done so when the Republic was in a good state, or indeed had any existence at all. But if your own loss affects you, or if you mourn at the thought of your own position, I do not think that you will find that grief easy to remove in its entirety. If on the other hand what wrings your heart is grief for the miserable fate of those who have fallen — a thought more natural to an affectionate heart — to say nothing of what I have repeatedly read and heard, that there is no evil in death, after which if any sensation remains it is to be regarded as immortality rather than death, while if it is all lost, it follows that nothing must be regarded as misery which is not felt-yet this much I can assert, that confusions are brewing,

disasters preparing and threatening the Republic, such that whoever has left them cannot possibly, as it seems to me, be in the wrong. For what place is there now, I don't say for conscience, uprightness, virtue, right feeling, and good qualities, but for bare freedom and safety? By Heaven, I have never been told of any young man or boy having died in this most unhealthy and pestilent year, who did not seem to me to be rescued by the immortal gods from the miseries of this world and from a most intolerable condition of life. Wherefore, if this one idea can be removed from your mind, so as to convince you that no evil has happened to those you loved, your grief will have been very much lessened. For there will then only be left that single strain of sorrow which will not be concerned with them, but will have reference to yourself alone: in regard to which it is not consonant with a high character and wisdom such as you have displayed from boyhood, to show excessive sorrow for a misfortune that has befallen you, when it does not at all involve misery or evil to those whom you have loved. In fact, the qualities you have displayed both in private and public business entail the necessity of preserving your dignity and supporting your character for consistency. For that which length of time is sure to bring us of itself — which removes the bitterest sorrows by the natural process of decay — we ought to anticipate by reflexion and wisdom. Why, if there never was a woman so weak-minded on the death of her children, as not sooner or later to put a period to her mourning, certainly we men ought to anticipate by reflexion what lapse of time is sure to bring, and not to wait for a cure from time, when we can have it on the spot from reason. If I have done you any good by this letter, I think that I have accomplished a desirable object: but if by chance it has been of no avail, I hold that I have done the duty of one who wishes you all that is best and loves you very dearly. Such a one I would have you think that I have been, and believe that I shall be to you in the future.

LETTER 17

TO P. SITTIUS (IN EXILE) ROME

It was not because I had forgotten our friendship, or had any intention of breaking off my correspondence, that I have not written to you of late years. The reason is that the earlier part of them was a period of depression owing to the disaster which had befallen the Republic and myself, while the later period, with your own most distressing and undeserved misfortune, has made me reluctant to write. Since, however, a sufficiently long period has now elapsed, and I have recalled with greater distinctness your high character and lofty courage, I thought it not inconsistent with my purposes to write this to you. For my part, my dear P. Sittius, I defended you originally, when an attempt was made in your absence to bring you into odium and under a criminal charge; and when a charge against you was involved in the accusation and trial of your most intimate friend, I took the very greatest care to safeguard your position and justify you. And, again also, on this last occasion, soon after my return to Rome, though I found that your case had been put on a footing far different from what I should have advised, if I had been there, still I omitted nothing that could contribute to your security. And though on that occasion the ill-feeling arising from the price of corn, the hostility of certain persons, not only to yourself, but to all your friends as well, the unfairness of the whole trial, and many other abuses in the state, had greater influence than the merits of your case or than truth itself, I yet did not fail to serve your son Publius with active assistance, advice, personal influence, and direct testimony. Wherefore, as I have carefully and religiously fulfilled all the other offices of friendship, I thought I ought not to omit that of urging upon you and beseeching you to remember that you are a human being and a gallant man — that is, that you should bear philosophically accidents which are common to all and incalculable, which none of us mortals can shun or forestall by any means whatever: should confront with courage such grief as fortune brings: and should reflect that not in our state alone, but in all others that have acquired an

empire, such disasters have in many Instances befallen the bravest and best from unjust verdicts. Oh that I were writing untruly when I say, that you are exiled from a state in which no man of foresight can find anything to give him pleasure! As for your son, again, I fear that, if I write nothing to you, I may seem not to have borne testimony to his high qualities as they deserve; while on the other hand, if I write fully all I feel, I fear that my letter may irritate the smart of your regret. But, after all, your wisest course will be to regard his loyalty, virtue, and steady conduct as being in your possession, and as accompanying you wherever you may be: for, in truth, what we embrace in imagination is no less ours than what we see before our eyes. Wherefore not only ought his brilliant qualities and extreme affection for you to afford you great consolation, but so also ought I and others of your friends who value you, and always will do so, not for your position, but your worth; and so, above all else, ought your own conscience, when you reflect that you have not deserved anything that has befallen you, and when you consider besides that the wise are distressed by guilt, not by mischance — by their own ill-doing, not by the misconduct of others. For my part, I shall omit no opportunity either of consoling or alleviating your present position; for the recollection of our old friendship, and the high character and respectful attentions of your son, will keep me in mind of that duty. If you, on your part, will mention by letter anything you want, I will take care that you shall not think that you have written in vain.

LETTER 18

TO T. FADIUS (IN EXILE) ROME

Although I too, who am desirous of consoling you, stand in need of consolation myself — for nothing for a long time past has so deeply afflicted me as your disaster — nevertheless I do strongly not only exhort, but even beg and implore you, with all the earnestness that my affection dictates, to summon all your energies, to shew a manly courage, and to reflect under what conditions all mortals, and in what times we particularly, have been born. Your virtue has given you more than fortune has taken away: for you have obtained what not many "new men" have obtained; you have lost what many men of the highest rank have lost. Finally, a state of legislation, law courts, and politics generally appears to be imminent, such that the man would seem to be the most fortunate who has quitted such a republic as ours with the lightest possible penalty. As for you, however — since you retain your fortune and children, with myself and others still very closely united to you, whether by relationship or affection — and since you are likely to have much opportunity of living with me and all your friends — and since, again, your condemnation is the only one out of so many that is impugned, because, having been passed by one vote (and that a doubtful one), it is regarded as a concession to a particular person's overwhelming power — for all these reasons, I say, you ought to be as little distressed as possible at the inconvenience that has befallen you. My feeling towards yourself and your children will always be such as you wish, and such as it is in duty bound to be.

LETTER 19

TO L. MESCINIUS RUFUS CUMAE, APRIL (END)

Though I never doubted your great affection for me, yet I learn it better every day of my life, and I never forget what you once said in a letter, that you would be more zealous in shewing me attention than you had been in the province (though, to my mind, nothing could exceed your loyalty in the province), in proportion as your judgment could now be more independent. Accordingly, your former letter gave me great pleasure, because it shewed me that my arrival was affectionately looked forward to by you, and that, when things turned out differently from what you had expected, you were greatly rejoiced at the line I took. So, also, this last letter is extremely valuable to me from the expression at once of your judgment and your affection: of your judgment, because I learn that, as all gallant and good men are bound to do, you hold nothing to be expedient except what is right and virtuous; of your affection, because you promise to stand by me, whatever course of policy I shall adopt. Nothing could be more gratifying to me, nor, as I think, more honourable to yourself. My own course has long been decided. I have not written to tell you of it before, not because you were one to be kept in the dark, but because the communication of a policy at such a time seems in a certain sense to be an exhortation to duty, or rather a summons to share in either danger or labour. Seeing, however, that your goodwill, kindness, and affection for me are what they are, I gladly embrace such a heart. But I do so on this condition, for I will not abandon my habitual modesty in asking favours: if you do what you profess, I shall be grateful; if not, I shall pardon you, and consider that you were unable to deny the latter to your fears, the former to me. For it is in sober earnest an extremely difficult case. The right thing to do is clear: as to the expedient thing, though it is obscure, yet, if we are the men we ought to be, that is, worthy of our philosophical studies, we cannot entertain a doubt that the most advantageous course is the course of strictest honour. Wherefore, if you determine to join me, come at once. But if you wish to act with

me and to go to the same place, but cannot do so just yet, I will keep you fully informed on every point. Whichever way you decide I shall look upon you as my friend, but as the closest possible friend if you decide on the course which I desire.

LETTER 20

TO MESCINIUS RUFUS OUTSIDE ROME (JANUARY)

I would have done my very best to meet you, if you had chosen to come to the place arranged. Wherefore, although from regard to my convenience you were unwilling to disturb me, I should wish you to believe that, if you had sent me word, I should have preferred your wish to my own convenience. In reply to your letter, I Should have been able to write to you on the details more conveniently, if my secretary, M. Tullius, had been with me. lie, I feel certain, at any rate in making up the accounts — I cannot speak of other things-did not knowingly do anything adverse to your interest or your reputation. And in the next place I can assure you that, if the old rule and ancient custom as to giving in accounts had been in force, I should never have given them in until I had first checked and made them up with you, as our close official connexion demanded. What I should have done outside Rome, had the old custom remained in force, that I did in the province, because, by the Julian law, it was necessary to leave accounts in the province and to give in a verbatim copy of them at the treasury. I did not do this with a view of forcing you to adopt my calculation; but I put a great confidence in you, and shall never be sorry that I did so. For I handed over my secretary to your entire control — of whom I now see that you entertain suspicions — and you joined your brother M. Mindius with him in the business. The accounts were made up, in my absence, under your eye, to which I did nothing whatever beyond reading them. When I received a copy from my secretary, I regarded it as received from your brother. If that was a compliment, I could not pay you a greater one: if it was an instance of confidence, I have shewn you almost more than I shewed myself: if my duty had been to see that nothing was entered in them that was not for your honour and advantage, there was no one to whom I could have intrusted them in preference to the man to whom I did do so. At any rate, I merely obeyed the law by depositing copies of the accounts made up and audited in two cities, Laodicea and Apamea, which I regarded as the two chief cities (for it had to be the

chief cities). So then to this point my first reply is that, though for good and sufficient reasons I have made haste to give in the accounts at the treasury, yet I should have waited for you, had I not considered that depositing the accounts in the province was tantamount to giving them in at the treasury.

As to what you say of Volusius, that has nothing to do with the accounts. I have been advised by experts-among them by C Camillus, the best lawyer of the day and a very kind friend of mine — that the debt (the amount was not 3,000 sestertia, as you say, but 1,900) could not be transferred from Valerius to Volusius, and that the sureties of Valerius were liable. For a sum of money had been paid us in the name of Valerius as purchaser: the balance I entered in the accounts. But your proposal robs me of the fruit of my liberality, of my activity, and even (what, after all, I do not much care about) of a moderate amount of good sense: of my liberality, because you prefer to suppose my legate and my prefect, Q. Lepta, to have been relieved from a most serious calamity by the good offices of my secretary rather than of myself, and that though they ought never to have been made liable: of my activity, because you suppose that in regard to so important a duty, I may say so grave a danger, I neither knew anything nor took any thought — that my secretary made any entry he chose without even going through the form of reading it over to me: of my good sense, because you think that an arrangement, which had been thought out by me with no little acuteness, had been practically not thought of at all. The fact of the matter is that the release of Volusius was my own design, and I also formed the plan for relieving the securities of Valerius and Tit. Marius himself from so heavy a loss. And this scheme has not only the approval of everybody, but their warm commendation, and, if you wish to know the real truth, I perceived that my secretary was the one person who did not like it. But it was my view that, so long as the People got its own, a good man should consult for the interests of so large a number-whether of friends or fellow citizens. As regards Lucceius, the arrangement Come to, at the suggestion of Pompey, was that the money should be deposited in a temple. I acknowledged that as having been done on my order. This money Pompey has employed, as Sestius did that deposited by you. But this,

I am aware, does not affect you. I should have been sorry to have omitted to record your having deposited the money in the temple on my order, had not that sum been attested by records of the most solemn and precise nature — stating to whom it was paid, by what decree of the senate, and in virtue of what written order from you and from myself it had been handed over to P. Sestius. Seeing that these facts had been put on record in so many ways, that a mistake in regard to them was impossible, I did not make an entry, which after all had no reference to you. However, I wish now I had made the entry, since I see that you regret its not having been done.

I quite agree as to your being obliged, as you Say, to enter this transaction, and your balance will not differ at all from mine by your doing so. You may add also, "on my authority," which, though I did not add it, I have no reason for denying, nor should deny, had there been any such reason, and had you declined to add it. Again, as to the sum of 900,000 sesterces: that, at any rate, was entered in accordance with your own or your brother's wishes. However, if there is any entry (for the posting of the public ledger is not Completed) which I can correct even now in my accounts, I must consider — since I have not taken advantage of the decree of the senate — what grace the laws allow me. Anyhow, you were not bound to make the entry you have made in regard to the amount collected tally with my accounts, unless I am mistaken-for there are others with more technical knowledge than myself. But pray do not doubt my doing everything that I think to be for your interests or in accordance with your wish, if I possibly can.

As to what you say about the list for good-service rewards, you must know that I have returned the names of my military tribunes and prefects, and the members of the staff — at least of my own staff. In this matter, indeed, I made a mistake. I thought that the time allowed me for giving in their names was unlimited: I was afterwards in-formed that it had to be done within thirty days of handing in my accounts. I am very sorry that this list for good-service rewards was not reserved to enhance your credit rather than mine, since I have no promotion to work for. However, in regard to the centurions and the subalterns of the military tribunes, nothing has yet been done, for good-service rewards of that class have no time limit by law.

The last item is the 100,000 sesterces, in regard to which I remember receiving a letter from you from Myrina acknowledging the mistake to be not mine, but yours. The mistake — if mistake it was — appeared to have originated with your brother and Tullius. But since it could not be corrected — for I had already deposited my accounts and quitted my province — I believe I answered you as politely as the warmth of my feelings dictated and my financial outlook at the time allowed. But I did not either then consider that I was bound by the polite tone of my letter, nor do I now think that I was bound to have regarded your letter about the 100 sestertia in the light in which men regard dunning letters received in times like these. At the same time you ought to take this into consideration. The whole sum of money legally coming to me I deposited with the publicani at Ephesus. It amounted to 2,200,000 sesterces (about £17,600). The whole of it has been appropriated by Pompey. Whether I submit to that with patience or the reverse, you at least ought to take the loss of 100 sestertia (about £800) with equanimity, and to reckon that just so much the less has come into your pocket from your own allowances or my liberality. But even if you had debited me with this 100 sestertia, yet your kindness and affection for me is such that you would not wish to distrain on me at such a time as this: for, however much I wished the money paid in cash, I have not the wherewithal. But regard this as a joke, just as I do what you said. However, as soon as Tullius comes back from the country, I will send him to you, if you think that will be any good. I have no reason for wishing this letter not to be torn up.

LETTER 21

TO L. MESCINIUS RUFUS ROME, APRIL

I was gratified by your letter which told me, what I thought to be the case even without any letter, that you were inspired with a very eager desire to see me. I gladly accept the compliment, but I do not yield to you in the strength 9f the wish: for may I have all my heart's desire, as I ardently long to be with you! Even at the time when I had a greater wealth of good citizens, agreeable men, and attached friends about me, there was yet no one whose Society I enjoyed more than yours, and few whose I enjoyed as much. But at the present time, since some have died, others are away, and others changed in feeling, upon my honour, a single day devoted to you will bring a richer return of pleasure than all this time given to most of those with whom I am forced to live. For do not imagine that solitude — and even that, after all, I am not allowed to en-joy — is not pleasanter than the talk of those who crowd my house, with one or at most two exceptions. Accordingly, I fly to that refuge, which I think you should also seek — my darling studies: and, in addition to them, the consciousness of the principles I have maintained. For I am a man, as you will have no difficulty in conceiving, who have never acted for my own interests in preference to those of my fellow citizens: a man of whom, if he whom you never loved — for you loved me — had not been jealous, he would now have been in prosperity, and so would all the loyalists. I am he whose wish was that no man's brute force should be preferred to peace with honour. And again, when I perceived that the very appeal to arms, which I had always dreaded, was to influence the result more than that union of all loyalists (of which I again was the author), I preferred accepting a peace on any terms whatever that were safe to a combat with the stronger. But all this and much else when we meet, as we soon shall. For after all there is nothing to keep me at Rome except the expectation of news from Africa: for the campaign there seems to me to have come to a point when the decisive stroke cannot be far off. Now whatever that news may be, I suppose it is of some importance to me that I should

not be out of the way of consulting my friends: I don't, indeed, see clearly what the precise importance is, but nevertheless it must be of some. In fact, it has come to this, that though there is a wide difference between the merits of the two contending sides, I should imagine there will not be much difference between the way they will use their victory. But my courage, which has perhaps been somewhat weak while the result was undecided, now that all is lost, has greatly recovered its tone. You, too, did much to strengthen it by your previous letter, from which I learnt how bravely you were bearing your injurious treatment: and it was helpful to me to find that your lofty character, as well as your literary studies, had stood you in good stead. For I will be candid: I used to think you somewhat lacking in spirit, as indeed most of us were, who have lived the life of free men in a state that was itself wealthy and free. But as we were moderate in the old prosperity, so ought we to endure now with courage what is not a mere reverse of fortune, but a total loss of it: to the end that we may get this amount of good at least in the midst of the gravest ills, that, while even in prosperity we were bound to disregard death (seeing that it will bring with it an absence of all sensation), at this time and with these distresses we ought not only to disregard, but even to wish for it. If you have any regard for me, continue to enjoy your leisure and convince yourself that, except misconduct and crime — of which you have been and always will be clear-nothing can happen to a man that can soil his honour or should rouse his fear. For my part, if it shall seem feasible, I will come to see you before long: if anything happens to make a change in my plans necessary, I will at once let you know. Don't allow your eagerness to see me induce you to move in your present weak state of health, without first asking me by letter what I want you to do. Pray go on loving me as before, and devote yourself to your health and peace of mind.

BOOK 6

LETTER 1

TO AULUS MANLIUS TORQUATUS (AT ATHENS)

ROME (JANUARY) Though the universal upset is such that each man thinks his position the worst possible, and that there is no one who does not wish to be anywhere but where he is, yet I feel no doubt that at the present moment the most miserable place for a good man to be in is Rome. For though wherever any man is, he must have the same feeling and the same pang from the ruin that has overtaken the fortunes both of himself and of the state, yet, after all, one's eyes add to the pain, which force us to see what others only hear, and do not allow us to turn our thoughts from our miseries. Therefore, though you must necessarily be pained by the absence of many objects, yet from that particular sorrow, with which I am told that you are specially overpowered — that you are not at Rome — pray free your mind. For though you must feel great uneasiness at being without your family and your surroundings, yet, after all, the objects of your regret are maintaining all their rights. They could not maintain them better, if you were here, nor are they in any special danger. Nor ought you, when thinking of your family, to demand any special favour of fortune for yourself, or to refuse to bear what is common to all. In regard to yourself personally, Torquatus, your duty is to think over everything, but not to take counsel with despair or fear. For it is not the case that the man, who has as yet been harsher to you than your character deserved, has given no signs of softened feeling towards you. But, after all, that person himself, of whom your safety is being asked, is far from having the way to secure his own clear and plain before him. And while the results of all wars are uncertain, I perceive that from the victory of the one side there is no danger for you, seeing that such danger has nothing to do with the general overthrow, while from the victory of the other I feel sure that you yourself have never had any fear. I must therefore conclude that the very thing which I count as a consolation — the common danger to the state — is what is chiefly torturing you. That is an evil so great that, however philosophers may talk, I fear it admits of no real

consolation being found, except that which is exactly proportioned to the strength and mettle of each man's mind. For if right thinking and right doing are sufficient to secure a good and happy life, I fear that it is impious to call a man miserable who can support himself by the consciousness of having acted on the best motives. For neither do I consider that we abandoned country and children and property at that time from the hope of the rewards of victory on the contrary, I think we were following a just and sacred duty, due at once to the Republic and our own honour-neither, at the time we did so, were we so mad as to feel certain of victory. Wherefore, if that has happened, of which, when we were entering upon the cause, the possibility was fully before us, we ought not to be crushed in spirit, as though something had happened which we never contemplated as possible. Let us then take the view, which reason and truth alike enjoin, that in this life we should not feel ourselves bound to guarantee anything except to do nothing wrong: and that, since we are free from that imputation, we should bear every misfortune incident to humanity with calmness and good temper. And so my discourse amounts to this, that, though all be lost, virtue should shew that she can after all support herself. But if there is some hope of a public recovery, you certainly ought not to be without your share in it, whatever the constitution of the future is to be.

And yet, as I write this, it occurs to me that I am the man whose despair you were wont to blame, and whom you used your influence to rouse from a state of hesitation and anxiety. It was at a time, indeed, when it was not the goodness of our cause, but the wisdom of our policy with which I was dissatisfied. For I saw that, when too late, we were opposing arms which had long before been rendered formidable by ourselves, and I grieved that a constitutional question should be settled by spears and swords, not by consultation and the weight of our influence. Nor, when I said that those things would occur, which actually did do so, was I divining the future. I was only expressing a fear lest what I saw to be possible and likely to be ruinous, if it did occur, should happen; especially as, if I had to promise one way or the other about the result and end of the campaign, what did actually occur would have been the more obvious promise for me to make. For the points in which we had the

advantage were not those which appear on the field of battle, while in the use of arms and the vigour of our soldiers we were at a disadvantage. But pray shew the spirit now which you thought that I ought to have shewn then. I write this because on my making all sorts of inquiries about you from your freedman Philargyrus, he told me with feelings, as I thought, of the utmost devotion to you, that at times you were apt to be excessively anxious. You ought not to be so, nor to doubt either that, if any form of constitution is restored, you will have your due place in it, or that, if it is gone for ever, you will be in no worse position than the rest. The present position, indeed, which is one of alarm and suspense for us all, you ought to bear with the greater calm-ness of spirit from the fact that you are living in a city which gave birth to and fostered a systematic rule of life, and that you have with you in Servius Sulpicius one for whom you have always had a singular affection: one who no doubt consoles you by his kindness and wisdom; whose example and advice, if we had followed, we should have remained at peace under Caesar's supremacy, rather than have taken up arms and submitted to a conqueror.

But perhaps I have treated these points at too great a length: the following, which are more important, I will express more briefly. There is no one to whom I owe more than to yourself. Those, to whom I was indebted to an extent of which you are aware, the result of this war has snatched from me. My position at the present moment I fully understand. But since there is no one so utterly prostrate as not to be able, if he gives his whole attention to what he is doing, to accomplish and carry out something, I should wish you to consider as deservedly at the service of yourself and your children, of course all my zeal, but also all my powers of counsel and action.

LETTER 2

TO AULUS MANLIUS TORQUATUS (AT ATHENS) (FICULEA, 20 APRIL)

I BEG you not to think that forgetfulness of you is the cause of my writing to you less often than I used to do; but either illness-from which however I am now recovering — or absence from the city, which prevents my knowing who is starting to where you are. Wherefore I would have you make up your mind that I always remember you with the most perfect affection, and regard all your interests as of no less concern to me than my own. That your case has experienced more vicissitudes than people either wished or expected is not, believe me, in these bad times a thing to give you anxiety. For it is inevitable that the republic should either be burdened by an unending war, or should at last recover itself by its cessation, or should utterly perish. If arms are to carry the day, you have no need to fear either the party by whom you are being taken back, nor that which you actually assisted; if — when arms are either laid down by a composition or thrown down from sheer weariness — the state ever recovers its breath, you will be permitted to enjoy your position and property. But if universal ruin is to be the result, and the end is to be what that very clear-sighted man Marcus Antonius used long ago to fear when he suspected that all this misfortune was impending, there is this consolation — a wretched one indeed, especially for such a citizen and such a man as yourself, but yet the only one we can have — that no one may make a private grievance of what affects all alike. If, as I am sure you will, you rightly conceive the meaning of these few words — for it was not proper to trust more to an epistle-you will certainly understand even without a letter from me that you have something to hope, nothing under this or any definite form of the constitution to fear. If there is general ruin, as you would not wish, even if you could, to survive the republic, you must bear your fortune, especially one which involves no blame to you. But enough of this. Pray write and tell me how you are and where you intend to stay, that I may know where to write or come.

LETTER 3

TO AULUS MANLIUS TORQUATUS (AT ATHENS) ROME (JANUARY)

IN my former letter I was somewhat lengthy, more from warmth of affection than because the occasion demanded it. For neither did your virtue require fortifying by me, nor were my own case and position of such a nature as to allow of my encouraging another when in want of every source of encouragement myself. On the present occasion I ought to he briefer. For if there was no need of so many words then, there is no more need of them now, or if there was need of them then, what I said is enough, especially as there has been nothing new to add. For though I am every day told some items of news, which I think are conveyed to you, yet the upshot is the same, as is also the result: a result which I see as clearly in my mind as what I actually see with my eyes; and yet in truth I see nothing that I am not well assured that you see also. For though no one can prophesy the result of a battle, yet the result of a war I can see: and if not that, yet at least this — since one or the other side must win — how victory on the one side or the other will be used. And having a clear grasp of this, what I see convinces me that no evil will occur, if that shall have happened to me, even before, which is held out as the most formidable of all terrors. For to live on the terms on which one would then have to live, is a most miserable thing, while no philosopher has asserted death to be a miserable thing even for a prosperous man. But you are in a city in which the very walls of the houses seem capable of telling you these things, even at greater length and in nobler style. I assure you of this — though the miseries of others supply but a poor consolation — that you are now in no greater danger than anyone else, either of those who went away, or of those who remained. The one party are now in arms, the other in terror of the conqueror. But this, I repeat, is a poor consolation. There is another, which I hope you use, as I certainly do: I will never, while hive, let any-thing give me pain, so long as I have done nothing wrong: and if I cease to live, I shall cease to have any sensation. But to write this to

you is again a case of “an owl to Athens.” To me both you and your family and all your interests are, and while I live will be, the subject of the greatest concern. Good-bye.

LETTER 4

TO AULUS MANLIUS TORQUATUS (AT ATHENS) ROME (JANUARY)

I have no news to give you, and if there is some after all, I know that you are usually informed of it by your family. About the future, however, difficult as it always is to speak, you may yet sometimes get nearer the truth by conjecture, when the matter is of the kind whose issue admits of being foreseen. In the present instance I think that I perceive thus much, that the war will not be a protracted one, though even as to that there are some who think I am wrong. For myself, even as I write this, I believe that something decisive has occurred, not that I know it for certain, but because the conjecture is an easy one. For while all chances in war are open, and the results of all battles are uncertain, yet on this occasion the forces on both sides are so large, and are said to be in such a state of preparation for a pitched battle, that whichever of the two conquers it will be no matter of surprise. It is an opinion that grows daily stronger that even if there is considerable difference in the merits of the causes of the combatants, there will yet be little difference in the way in which they will use their victory. Of the one side we have now had a pretty full experience: of the other there is no one that does not reflect how much reason there is to fear an armed victor inflamed with rage.

On this point, if I appear to increase your anxiety while I ought to have been lightening it by consolation, I confess that I can find no consolation for our common disasters except that one, which after all — if you can avail yourself of it — is the highest and the one to which I have daily greater recourse: namely, that the consciousness of good intentions is the greatest consoler of misfortune, and that there is no serious evil except misconduct. As from this last we are so far removed, that our sentiments have been absolutely unimpeachable, while it is the result of our policy, not the policy itself, which is criticised: and as we have fulfilled all our obligations, let us bear what has happened without excessive grief. But I do not take upon myself, after all, to console you for misfortunes affecting

all alike. Rightly to console them requires a greater intelligence, and to bear them requires unique courage. But anyone can easily shew you why you ought not to feel any sorrow peculiar to yourself. For as to Caesar's decision concerning your restoration, though he has been somewhat slower in relieving you than I had thought he would be, I have no doubt whatever. As to the other party, I do not think that you are at a loss to know my sentiments. Finally, there is the pain that you feel at being so long absent from your family. It is distressing, especially considering the character of your sons, than which nothing can be more charming. But, as I said in my last letter, the state of things is such that everyone thinks his own position the most miserable of all, and most dislikes being precisely where he is. For my part, I consider that the most wretched of all are we who are at Rome, not merely because in all misfortunes it is more painful to see than to hear, but also because we are more exposed to all the risks of sudden perils, than if we were out of town. For myself however, who set up to console you, my feelings have become softened, not so much by literature, to which I have always been devoted, as by lapse of time. You remember how keen my sorrow was. In regard to that the first consolation is that I shewed greater foresight than the rest, when I desired to have peace on any terms however inequitable. And although this was from chance, and not from any prophetic powers of mine, yet I take pleasure in this poor reputation for wisdom. Another source of consolation common to us both is that, if I am called upon to end my life, I shall not be torn from a republic such as I should grieve to lose, especially as I shall then be beyond all consciousness. An additional consolation is my age and the fact that my life is now all but over, which both gives me pleasure in reflecting upon its honourably accomplished career, and forbids my fearing any violence at a period to which nature herself has now almost brought me. Lastly, considering what a great man, or rather what great men, fell in that war, it seems shameless to decline to share the same fortune, if circumstances render it necessary. For my part, I regard everything as possible for myself, nor is there any evil too great for me to believe to be hanging over my head. But since there is more evil in fear than in the thing itself which is feared, I cease to indulge in it, especially as that now hangs over me, in which there will not

only be no pain, but also the end of all pain. But I have said enough, or rather more than was needed. It is not love of talking, however, but affection for you that makes my letters too long. I was sorry to hear that Servius had left Athens; for I do not doubt that your daily meeting, and the conversation of a man at once most intimate and of the highest character and wisdom have been a great alleviation to you. Pray keep up your spirits, as you ought and are accustomed to do, by your own virtue. For myself, I shall look after everything with zeal and diligence which I may think to be in accordance with your wishes or for the interests of your self and your family. In doing so I shall imitate your goodness to me, I shall never equal your services.

LETTER 5

TO AULUS CAECINA (IN SICILY) ROME (JANUARY)

EVERY time I see your son — and that is nearly every day — I promise him my zealous and active support, without any reserve as to labour, prior engagement, or time: but the exertion of my interest or favour with this reservation, "as far as I have the opportunity or power." Your book has been read and is still being read by me with attention, and kept under lock and key with the greatest care. Your prospects and fortunes are of the highest concern to me. They seem to me to grow brighter and less complicated every day: and I can see that many are much interested in them, of whose zeal, 'as well as of his own hopes, I feel certain that your son has written fully to you. But as to those particulars, in which I am reduced to conjecture, I do not take upon myself to profess greater foresight than I am convinced that your own eyes and your own intelligence give you: but all the same, as it may. very well be that your reflexions on those points are somewhat agitated, I think it is incumbent upon me to explain my opinions. It is neither in the nature of things nor the ordinary revolutions of time that a position such as either your own or that of the rest should be protracted, or that so outrageous an injustice should be persistently maintained in so good a cause and in the case of such good citizens. In which matter, in addition to the hope which your own case gives me to a degree beyond the common — I don't mean only from your high position and admirable character, for these are distinctions which you share with others-there are the claims which brilliant genius and eminent virtue make peculiar to yourself. And to these, by Hercules, he in whose power we are allows much weight. Accordingly, you would not have remained even a moment in your present position, had it not been that he thought himself to have been insulted by precisely that accomplishment of yours, in which he takes delight. But this feeling is softening every day, and those who live with him hint to me, that this very opinion which he entertains of your genius will do you a great deal of good with him. Wherefore, in the first place, keep up your spirits and courage: for

your birth, education, learning, and character in the world demand that you should do so. In the next place, entertain the most certain hopes for the reasons which I have given you. On my side, indeed, I would have you feel sure that everything I can do is most completely at your service and at that of your sons: for this is no more than our longstanding friendship, and my invariable conduct to my friends, and your many kindnesses to me demand.

LETTER 6

TO AULUS CAECINA (IN EXILE) ROME (SEPTEMBER)

I am afraid you may think me remiss in my attentions to you, which, in view of our close union resulting from many mutual services and kindred tastes, ought never to be lacking. In spite of that I fear you do find me wanting in the matter of writing. The fact is, I would have sent you a letter long ago and on frequent occasions, had I not, from expecting day after day to have some better news for you, wished to fill my letter with congratulation rather than with exhortations to courage. As it is, I shall shortly, I hope, have to congratulate you: and so I put off that subject for a letter to another time. But in this letter I think that your courage — which I am told and hope is not at all shaken-ought to be repeatedly braced by the authority of a man, who, if not the wisest in the world, is yet the most devoted to you: and that not with such words as I should use to console one utterly crushed and bereft of all hope of restoration, but as to one of whose rehabilitation I have no more doubt than I remember that you had of mine. For when those men had driven me from the Republic, who thought that it could not fall while I was on my feet, I remember hearing from many visitors from Asia, in which country you then were, that you were emphatic as to my glorious and rapid restoration. If that system, so to speak, of Tuscan augury which you had inherited from your noble and excellent father did not deceive you, neither will our power of divination deceive me; which I have acquired from the writings and maxims of the greatest savants, and, as you know, by a very diligent study of their teaching, as well as by an extensive experience in managing public business, and from the great vicissitudes of fortune which I have encountered. And this divination I am the more inclined to trust, from the fact that it never once deceived me in the late troubles, in spite of their obscurity and confusion. I would have told you what events I foretold, were I not afraid to be thought to be making up a story after the event. Yet, after all, I have numberless witnesses to the fact that I warned Pompey not to form a union with Caesar, and afterwards not to sever it. By this

union I saw that the power of the senate would be broken, by its severance a civil war be provoked. And yet I was very intimate with Caesar, and had a very great regard for Pompey, but my advice was at once loyal to Pompey and in the best interests of both alike. My other predictions I pass over; for I would not have Caesar think that I gave Pompey advice, by which, if he had followed it, Caesar himself would have now been a man of illustrious character in the state indeed, and the first man in it, but yet not in possession of the great power he now wields. I gave it as my opinion that he should go to Spain; and if he had done so, there would have been' no civil war at all. That Caesar should be allowed to stand for the consulship in his absence I did not so much contend to be constitutional, as that, since the law had been passed by the people at the instance of Pompey himself when consul, it should be done. The pretext for hostilities was given. What advice or remonstrance did I omit, when urging that any peace, even the most inequitable, should be preferred to the most righteous war? My advice was overruled, not so much by Pompey — for he was affected by it — as by those who, relying on him as a military leader, thought that a victory in that war would be highly conducive to their private interests and personal ambitions. The war was begun without my taking any active part in it; it was forcibly removed from Italy, while I remained there as long as I could. But honour had greater weight with me than fear: I had scruples about failing to support Pompey's safety, when on a certain occasion he had not failed to support mine. Accordingly, overpowered by a feeling of duty, or by what the loyalists would say, or by a regard for my honour-whichever you please-like Amphiaraus in the play, I went deliberately, and fully aware of what I was doing, "to ruin full displayed before my eyes." In this war there was not a single disaster that I did not foretell. Therefore, since, after the manner of augurs and astrologers, I too, as a state augur, have by my previous predictions established the credit of my prophetic power and knowledge of divination in your eyes, my prediction will justly claim to be believed. Well, then, the prophecy I now give you does not rest on the flight of a bird nor the note of a bird of good omen on the left-according to the system of our augural college-nor from the normal and audible pattering of the corn of the sacred chickens. I have other

signs to note; and if they are not more infallible than those, yet after all they are less obscure or misleading. Now omens as to the future are observed by me in what I may call a two fold method: the one I deduce from Caesar himself, the other from the nature and complexion of the political situation. Caesar's characteristics are these: a disposition naturally placable and clement — as delineated in your brilliant book of "Grievances " — and a great liking also for superior talent, such as your own. Besides this, he is relenting at the expressed wishes of a large number of your friends, which are well-grounded and inspired by affection, not hollow and self-seeking. Under this head the unanimous feeling of Etruria will have great influence on him.

Why, then — you may ask — have these things as yet had no effect? Why, because he thinks if he grants you yours, he cannot resist the applications of numerous petitioners with whom to all appearance he has juster grounds for anger. "What hope, then," you will say, "from an angry man?" Why, he knows very well that he will draw deep draughts of praise from the same fountain, from which he has been already — though sparingly-bespattered. Lastly, he is a man very acute and farseeing: he knows very well that a man like you — far and away the greatest noble in an important district of Italy, and in the state at large the equal of any one of your generation, however eminent, whether in ability or popularity or reputation among the Roman people-cannot much longer be debarred from taking part in public affairs. He will be unwilling that you should, as you would sooner or later, have time to thank for this rather than his favour.

So much for Caesar. Now I will speak of the nature of the actual situation. There is no one so bitterly opposed to the cause, which Pompey undertook with better intentions than provisions, as to venture to call us bad citizens or dishonest men. On this head I am always struck with astonishment at Caesar's sobriety, fairness, and wisdom. He never speaks of Pompey except in the most respectful terms. "But," you will say, "in regard to him as a public man his actions have often been bitter enough." Those were acts of war and victory, not of Caesar. But see with what open arms he has received us! Cassius he has made his legate; Brutus governor of Gaul;

Sulpicius of Greece; Marcellus, with whom he was more angry than with anyone, he has restored with the utmost consideration for his rank. To what, then, does all this tend? The nature of things and of the political situation will not suffer, nor will any Constitutional theory-whether it remain as it is or is changed-permit, first, that the civil and personal position of all should not be alike when the merits of their cases are the same; and, secondly, that good men and good citizens of unblemished character should not return to a state, into which so many have returned after having been condemned of atrocious crimes.

That is my prediction. If I had felt any doubt about it I would not have employed it in preference to a consolation which would have easily enabled me to support a man of spirit. It is this. If you had taken up arms for the Republic — for so you then thought — with the full assurance of victory, you would not deserve special commendation. But if; in view of the uncertainty attaching to all wars, you had taken into consideration the possibility of our being beaten, you ought not, while fully prepared to face success, to be yet utterly unable to endure failure. I would have urged also what a consolation the consciousness of your action, what a delightful distraction in adversity, literature ought to be. I would have recalled to your mind the signal disasters not only of men of old times, but of those of our own day also, whether they were your leaders or your comrades. I would even have named many cases of illustrious foreigners: for the recollection of what I may call a common law and of the conditions of human existence softens grief. I would also have explained the nature of our life here in Rome, how bewildering the disorder, how universal the chaos: for it must needs cause less regret to be absent from a state in disruption, than from one well-ordered. But there is no occasion for anything of this sort. I shall soon see you, as I hope, or rather as I clearly perceive, in enjoyment of your civil rights. Meanwhile, to you in your absence, as also to your son who is here — the express image of your soul and person, and a man of unsurpassable firmness and excellence — I have long ere this both promised and tendered practically my zeal, duty, exertions, and labours: all the more so now that Caesar daily receives me with more open arms, while his intimate friends distinguish me above everyone.

Any influence or favour I may gain with him I will employ in your service. Be sure, for your part, to support yourself not only with courage, but also with the brightest hopes.

LETTER 7

AULUS CAECINA TO CICERO (AT ROME) SICILY (JANUARY)

FOR my book not having been delivered to you so quickly, forgive my timidity, and pity my position. My son, I am told, was very much alarmed at the book being put in circulation, and with reason — since it does not matter so much in what spirit it is written, as in what spirit it is taken — for fear lest a stupid thing like that should stand in my light, and that too when I am still suffering for the sins of my pen. In that matter my fate has been a strange one: for whereas a slip of the pen is cured by erasure, and stupidity is punished by loss of reputation, my mistake is corrected by exile: though my greatest crime is having spoken ill of the enemy when engaged in active service. There was no one on our side, I presume, who did not pray for victory for himself; no one who, even when offering sacrifice for something else, did not breathe a wish for Caesar's speedy defeat. If he imagines that not to be the case, he is a very fortunate man. If he does know it, and has no delusion on the subject, why be angry with a man who has written something against his views, when he has pardoned all those who offered every sort of petition to the gods against his safety?

But to return to my subject, the cause of my fear was this. I have written about you, on my honour, sparingly and timidly, not merely checking myself, but almost beating a retreat. Now everyone knows that this style of writing ought not merely to be free, but even vehement and lofty. One is thought to have a free hand in attacking another, yet you must take care not to fall into mere violence: it is not open to one to praise oneself, lest the result should be the vice of egotism: there is no other course than to praise the man, on whom any blame that you may cast is necessarily set down to weakness or jealousy. And I rather think that you will like it all the better, and think it more suited to your present position. For what I could not do in good style, it was in my power first of all not to touch upon, and, as next best, to do so as sparingly as possible. But after all I did check myself: I softened many phrases, cut out many, and a very

large number I did not write down at all. Then, as in a ladder, if you were to remove some rounds, cut out others, leave some loosely fastened, you would be contriving the means of a fall, not preparing a way of ascent, just so with a writer's genius: if it is at once hampered and frustrated by so many disadvantages, what can it produce worth listening to or likely to satisfy? When, indeed, I come to mention Caesar himself, I tremble in every limb, not from fear of his punishing, but of his criticising me. For I do not know Caesar thoroughly. What do you think of a courage that talks thus to itself? "He will approve of this: that expression is open to suspicion." "What if I change it to this? But I fear that will be worse." Well, suppose I am praising some one: "Shan't I offend him?" Or when I am criticising some one adversely: "What if it is against his wish?" "He punishes the pen of a man engaged in a campaign: what will he do to that of a man conquered and not yet restored?"

You yourself add to my alarm, because in your Orator you shield yourself under the name of Brutus, and try to make him a party to your apology. When the universal "patron" does this, what ought I to do — an old client of yours, and now everyone's client? Amidst such misgivings therefore created by fear, and on the rack of such blind suspicion, when most of what one writes has to be adapted to what one imagines are the feelings of another, not to one's own judgment, I feel how difficult it is to come off successfully, though you have not found the same difficulty, because your supreme and surpassing genius has armed you for every eventuality. Nevertheless, I told my son to read the book to you, and then to take it away, or only to give it to you on condition that you would promise to correct it, that is, if you would give it a totally new complexion.

About my journey to Asia, though the necessity for my making it was very urgent, I have obeyed your commands. Why should I urge you to exert yourself for me? You are fully aware that the time has come when my case must be decided. There is no occasion, my dear Cicero, for you to wait for my son. He is a young man: he cannot from his warmth of feeling, or his youth, or his timidity, think of all necessary measures. The whole business must rest on you: you is all my hope. Your acuteness enables you to hit upon the measures which Caesar likes, and which win his favour. Everything must originate

with you, and be brought to the desired conclusion by you. You have great influence with Caesar himself, very great with all his friends. If you will convince yourself of this one thing, that your duty is not merely to do what you are asked — though that is a great and important thing — but that the whole burden rests on you, you will carry it through: unless — which I don't believe — my misfortunes make me too inconsiderate, or my friendship too bold, in placing this burden upon you. But your lifelong habits suggest an excuse for both: for from your habit of exerting yourself for your friends, your intimates have come not so much to hope for that favour at your hands, as to demand it as a right. As for my book, which my son will give you, I beg that you will not let it out of your hands, or that you will so correct it as to prevent it doing me any harm.

LETTER 8

TO AULUS CAECINA (IN SICILY) ROME, DECEMBER

LARGUS, who is devoted to you, having told me that the 1st of January was the limit fixed for you, and having my-self noticed that any ordinance made by Balbus and Oppius in Caesar's absence was usually ratified by him, I urged upon them with warmth to grant me as a favour that you should be permitted to remain in Sicily as long as we wished. Though they have been in the habit of freely promising me anything which was not calculated to hurt the feelings of that party, or even of refusing it and giving a reason for their refusal, to this request or rather demand of mine they gave no immediate answer. However, they came to see me again the same day: they granted me permission for you to remain in Sicily as long as you chose: they said that they would answer for your not prejudicing your interests at all by doing so. Now, since you know what you have licence to do, I think you ought to know what my Opinion is. After this business had been settled I received a letter from you asking my advice as to whether you should settle in Sicily, or go to look after the remains of your business in Asia. This deliberation on your part did not appear to me to tally with the words of Largus. For in his conversation with me he had implied that you were forbidden to stay in Sicily: you, on the other hand, are deliberating, as though the permission had been given. But, for my part, whether the former or the latter is the case, I am for your staying in Sicily. The nearness of the locality is of advantage, either for securing your recall, because of the frequency of letters and messengers, or for a rapid return, when either that point, as I hope it will be, is gained or some other plan arranged. Therefore I am strongly in favour of your staying. I will be very earnest in recommending you to T. Furfanius Postumus, who is a friend of mine, and to his legates, who are also friends, when they come here: at present they are all at Mutina. They are excellent men, fond of men like you, and on intimate terms with me. Whatever occurs to me that I think likely to be to your advantage, I will do without being

asked: if there is anything I don't know, at the first hint of it I will surpass the zeal of everybody. Although I shall speak to Furfanius personally about you in such a way as to render a letter from me to him quite unnecessary for you, yet, as your relations have decided that you should have a letter of mine to give him, I have complied with their wish. I append a copy of the letter.

LETTER 9

TO T. FURFANIUS (PROCONSUL IN SICILY) ROME

No intimacy or friendship could be closer than that which I have always had with Aulus Caecina. For I was constantly in the society of that illustrious and gallant man his father: and my affection for this man also from his childhood has been such as to make the intimacy between us close as it is possible to have with anyone-partly because he seemed to me to give great promise of supreme excellence, honesty, and eloquence; and partly because he lived with me in the most complete sympathy, not only from our mutual services of friendship, but also from a community of literary tastes. I need not write at greater length. How bound I am to protect his safety and property by every means in my power you see. It only remains, since I know from many circumstances what your sentiments are as to the fortune of the loyalists and the disasters to the Republic, that I should beg nothing of you except that to the goodwill, which you are sure spontaneously to entertain towards him, there may be added a supplement proportionate to the value which I know you have for me. You cannot oblige me more than by doing this. Good-bye.

LETTER 10A

TO TREBIANUS (IN EXILE) ROME (SEPTEMBER)

Of the value I feel and always have felt for you, and of the value which I know you feel for me, I am myself the witness. Two things cause me as much anxiety as my misfortunes always caused you. The first is your policy, or perhaps I should say your misfortune, in remaining too long in the prosecution of a civil war; the second, that the recovery of your property and position is slower than is fair and than I could have wished. Accordingly, I have opened my whole heart to Postumulenus, Sestius, and (most frequently) to our friend Atticus, and recently to your freedman Theudas, and have repeated to them separately on several occasions, that by whatever means I could I desired to do all that you and your sons could wish. And I would have you write and tell your family that, as far at least as it lies in my power, they should regard my efforts, advice, property, and fidelity as at their service for all purposes. If my influence and favour were as great as they ought to be in a state which I have served so well, you too would now be what you were, worthy in the highest degree of any rank, and at least easily first of your own ordo. But, since at the same time and in the same cause we have both of us lost our position, the things mentioned above, which are still mine to promise, and those also which I seem to myself to be partially retaining as reliques, so to speak, of my old rank-these I hereby promise you. For Caesar himself; as I have been able to gather by many circumstances, is not estranged from me, and nearly all his most intimate friends, bound to me as it happens by important services rendered by me in the past, are constant in their attentions and visits to me. Accordingly, if I find any opening for mooting the subject of your fortunes, that is, of your restoration to civil rights, on which everything depends — and I am daily more induced to hope for it from what these men say — I will do so personally and exert myself to the uttermost. It is not necessary to enter into details: I tender you my zeal and goodwill without reserve. But it is of great importance to me that all your friends should — as they may by a

letter from you — know this, that everything which is Cicero's is at the service of Trebianus. To the same effect is it that they should believe that there is nothing too difficult for me to undertake with pleasure for you.

LETTER 10B

TO TREBIANUS (IN EXILE) ROME (SEPTEMBER)

I would have sent you a letter before, if I had been able to hit upon the best sort to write: for at such a crisis the duty of friends is either to console or to make promises. I did not offer consolation, because I was told by many of the fortitude and wisdom with which you were bearing the hardship of the present situation, and how thoroughly you were consoled by the consciousness of your actions and policy. If that is the case, you are reaping a rich reward of your excellent studies, in which I know that you have ever been engaged, and I exhort you again and again to continue this line of conduct. At the same time, see here! You are a man deeply versed in what is recorded not only of particular examples, but in ancient history generally, while I am not quite ignorant of them either; but, though less deeply read than I could wish, I have had an even greater experience than I could have desired in actual affairs and practical business. Well, I pledge my word to you, that this indignation and this injurious treatment will not last long. For, in the first place, the man himself who has the chief power appears to me to be daily inclining insensibly towards just views and natural equity; and, in the second place, the merits of our cause itself are of such a kind, that It must necessarily revive and be renewed along with the Republic, which cannot possibly be kept down for ever. In fact, every day something is done in a spirit of greater Clemency and liberality than we feared would be the case. And since such things depend upon shifting circumstances,

often minute, I will look out for every chance, and will not pass over any opportunity of helping and relieving you. Accordingly, that second style of letter which I mentioned will daily, I hope, become easier to adopt-enabling me to make promises also. That I should prefer doing practically rather than in mere words. I would have you be convinced of this — that you have more friends than others who are and have been in the same misfortune as yourself, as far at least as I have been able to ascertain; and that I yield to no one of them.

Be sure you keep up a brave and lofty spirit. That depends on yourself alone: what depends on fortune will be guided by circumstances and provided for by prudent measures on our part.

LETTER 11

TO TREBIANUS (IN EXILE) (ROME, JUNE)

Hitherto I have felt nothing more than a natural affection for Dolabella: I was under no obligation to him — for it never chanced to be necessary — and he was in my debt for my having stood by him in his hours of danger. Now, however, I have become bound to him by so strong an obligation — for having previously in regard to your property, and on the present occasion in the matter of your recall, gratified me to the fullest possible degree — that I can owe no one more than I do him. In regard to this matter, while I warmly congratulate you, I wish you to congratulate rather than thank me. The latter I do not in the least desire, the former you will be able to do with truth. For the rest, since your high character and worth have secured your return to your family, you will be acting in a manner worthy of your wisdom and magnanimity if you forget what you have lost, and think of what you have recovered. You will be living with your family; you will be living with us; you have gained more in personal consideration than you have lost in property: though of course your recovered position would have been a greater source of pleasure to you, if there had been any constitution left. Our friend Vestorius tells me in a letter that you express very great gratitude to me. This avowal on your part is, of course, very gratifying to me, and I have nothing to say against your making it, whether to others, or by heaven! to our friend Siro: for what one does one likes to have approved most by the wisest men. I desire to see you at the earliest opportunity.

LETTER 12

TO T. AMPIUS BALBUS (RECALLED FROM EXILE) ROME (SEPTEMBER)

I congratulate you, my dear Balbus, and with sincerity. Yet I am not so foolish as to wish you to indulge in a passing and groundless exultation, and then to be suddenly depressed and rendered so prostrate, that nothing could afterwards raise your spirits or restore your equanimity. I have pleaded your cause with greater openness than was quite consistent with my present position. For the unfortunate fact itself of my influence having been weakened was overcome by my affection for you and my unbroken love towards you, which has always been most carefully cultivated by yourself. Everything that was promised in regard to your return and restoration has been fulfilled, and is now secure and fully ratified. I have seen it with my own eyes, have had full information, have been personally a witness to it. For very opportunely I have all Caesar's intimate friends so closely knit to me by association and kindly feeling, that next to him they look upon me as first. Pansa, Hirtius, Balbus, Oppius, Matius, all make it clear in this matter that they have a unique regard for me. But if I had had to do it by my own exertions, I should not have regretted having made the attempt in whatever way the exigencies of the situation demanded. But I have not, in fact, made any special concessions to the situation: my old intimacy with all these men comes in here, with whom I have never ceased urging your claims. But Pansa, who is exceedingly zealous on your behalf and anxious to oblige me, I have regarded as my mainstay in this business, as being influential with Caesar no less from his character than from personal predilection. Tillius Cimber, again, has quite satisfied me. Yet, after all, the petitions which have weight with Caesar are not those which proceed from personal considerations, but those which are dictated by duty: and, as that was the case with Cimber, he had more influence than he could have had in anyone else's behalf. The passport has not been issued at once, owing to the amazing rascality of certain persons, who would have been bitterly

annoyed at a pardon being granted to you, whom that party call the "bugle of the civil war" — and a good many observations to the same effect are made by them, as though they were not positively glad of that war having occurred. Wherefore it seemed best to carry on the business with Some secrecy, and by no means to let it get abroad that your affair was settled. But it will be so very shortly, and I have no doubt that by the time you read this letter the matter will have been completed. The fact is that Pansa, a man whose character and word can be trusted, not only assured me of it, but also undertook that he would very quickly get the passport. Nevertheless, I resolved that this account should be sent you, because from Eppuleia's report and Ampia's tears I gathered that you were less confident than your letter would suggest Moreover, they thought that in their absence from your side you would be in much more serious anxiety. Wherefore I thought it of very great importance, for the sake of alleviating your pain and sorrow, that you should have stated for certain what was in fact certain.

You know that hitherto it has been my habit to write to you rather in the tone of one consoling a man of courage and wisdom, than as holding out any sure hope of restoration beyond that which, in my opinion, was to be expected from the Republic itself as soon as the present excitement died down. Remember your writings, in which you always shewed me a spirit at once great and firmly prepared to endure whatever might happen. Nor was I surprised at that, since I remembered that you had been engaged in public affairs from your earliest youth, and that your terms of office had coincided with the most dangerous crises in the safety and fortunes of the community, and that you entered on this very war not solely with the idea of being in prosperity if victorious, but also, if it so happened, of bearing it philosophically if beaten. In the next place, since you devote your time to recording the deeds of brave men, you ought to think yourself bound to abstain from doing anything to prevent your shewing yourself exactly like those whom you commend. But this is a style of talk better suited to the position from which you have now escaped: for the present merely prepare yourself to endure with us the state of things here. If I could find any remedy for that, I would impart the same to you.. But our one refuge is philosophy and

literature, to which we have always been devoted. In the time of our prosperity these seemed only to be an enjoyment, now they are our salvation also. But, to return to what I said at first, I have no doubt of everything having been accomplished in the matter of your restoration and return.

LETTER 13

TO Q. LIGARIUS (IN EXILE) ROME (SEPTEMBER)

Although in your present circumstances I was bound, in view of our friendship, to write you some word either of consolation or support, yet up to this time I had omitted doing so, because I did not think myself able by mere words either to soften or remove your grief. When, however, I began to entertain a strong hope that it would not be long before we had you here in full enjoyment of your civil rights, I could not refrain from declaring my opinion and wishes to you. To begin with, then, I will say this, of which I have a clear knowledge and full perception — that Caesar will not be very obdurate to you. For circumstances, as well as the lapse of time and public opinion, and — as it seems to me — even his own natural disposition, daily render him more indulgent. And that I not only perceive in the case of others, but I am also told it in regard to yourself by his most intimate friends, to whom, ever since the news from Africa first arrived, I have never ceased in conjunction with your brothers to make representations. Thanks indeed to their virtue and piety and their unique affection for you, their constant and unremitting care for your safety are having such good effect, that I think there is now no indulgence that Caesar himself will not grant you. But if this comes to pass somewhat less quickly than we wish, the reason is that, owing to the multiplicity of his business, interviews with him have been somewhat difficult to obtain. At the same time, being unusually angered at the resistance in Africa, he seems resolved to keep those in suspense somewhat longer, by whom he considers himself to have been involved in the worry of a more protracted struggle. But even this, I understand, he daily regards in a more forgiving and placable spirit. Wherefore, believe me,

and remember that I said so to you, that you will not be much longer in your distressing position. Having told you my opinion, I will shew what my wishes are in regard to you by deeds rather than by words. If I were as powerful as I ought to be in a Republic, to which my services have been such as you estimate them, you

certainly would not have now been in your present disadvantageous position: for the same cause has ruined my influence which has brought your safety into danger. But nevertheless, whatever the shadow of my old position, whatever the remains of my popularity shall be able to effect, all my zeal, advice, efforts, and fidelity shall be ever at the service of your most excellent brothers. Be sure, on your part, to keep the brave spirit which you have always kept. First, for the reasons which I have mentioned: and, secondly, because your wishes and sentiments about the Republic have ever been such as not only to warrant a hope of prosperity now, but even, if everything goes wrong, to make it after all incumbent on you, from a consciousness of your actions and policy, to bear whatever happens with the greatest resolution and spirit.

LETTER 14

TO Q. LIGARIUS (IN EXILE) ROME, 26 NOVEMBER

I assure you that I am employing every effort and all my care and zeal in securing your recall . For, to say nothing of the fact that I have always been deeply attached to you, the signal loyalty and love of your brothers, who have the same place as yourself in the warmest feelings of my heart, suffer me to neglect no task or opportunity of displaying my fidelity and zeal towards you. But what I am doing and have done for you, I prefer your learning from their letters rather than from mine. But what my hopes are, or what I feel confident of, and consider as certain in regard to your recall, that I wish you to be informed of by myself. For if there is anyone who is nervous in matters of moment and danger, and who is always more inclined to fear a reverse than to hope for success, I am that man, and if it is a fault, I confess that I am not without it. However, on the fifth day before the Kalends of the first intercalary month, I went at the request of your brothers to wait on Caesar at his morning reception, and endured all the humiliation and bore of securing an entrŽe and an inter-view with him. When your brothers had thrown themselves at his feet, and I had said what the merits of the case and your position demanded, I went away with a conviction — gathered not only from the tone of Caesar's reply, which was gentle and courteous, but also from his eyes and expression, and many other signs besides, which it was easier to observe than it is to write — that I need have no doubt about your recall. Wherefore be sure you keep up your spirit and courage, and as you bore the stormiest times with philosophy, meet calmer weather with cheerfulness. However, I will attend to your business as though it were one of the most difficult possible: and on your behalf, as I have already done, I will with all the pleasure in life present my supplications not only to Caesar, but also to all his friends, whom I have learnt to be warmly attached to myself. Good-bye.

LETTER 15

TO L. MINUCIUS BASILUS (?ON THE CAPITOL) ROME (15 MARCH, B.C. 44)

I congratulate you ! For myself I am rejoiced! I love you: I watch over your interests: I desire to be loved by you and to be informed of how you are, and what is being done.

LETTER 16

AULUS POMPEIUS BITHYNICUS TO CICERO (AT ROME) SICILY (MARCH)

If I had not personally many valid causes for friendship with you , I would have referred to the origin of that friendship which began with our fathers. But that is, I think, only to be done by those who have not kept up a paternal friendship by any good offices themselves. I shall be content therefore with our own personal friendship, in reliance on which I beg you to protect me in my absence, with the assurance that no kindness on your part will ever fade from my mind. Good-bye.

LETTER 17

TO AULUS POMPEIUS BITHYNICUS (IN SICILY) CAMPANIA (APRIL)

For every reason I am anxious for the constitution to be at length put on a sound footing; but, believe me, an additional motive for desiring it still more is supplied me by the promise conveyed in your letter. You say in it that, if that is ever the case, you will pass your time in my society. Such a wish on your part is highly gratifying to me, and is entirely in accord with our close friendship and with the opinion your illustrious father entertained of me. For believe me when I say that others, who have had at times or still have the opportunity, may be more closely united to you by the amount of their services than I am, but that in friendship no one can be so. Accordingly, I am gratified both by your recollection of our intimacy and by your wish to increase it.

LETTER 18

TO QUINTUS LEPTA ROME (JANUARY)

Immediately on the receipt of the letter from your servant Seleucus I sent a note to Balbus asking him what the provision of the law was. He answered that auctioneers in actual business were excluded from being municipal counsellors, retired auctioneers were not excluded. Wherefore certain friends of yours and mine need not be alarmed, for it would have been intolerable, while those who were now acting as haruspices were put on the roll of the senate at Rome, all who had ever been auctioneers should be excluded from becoming counsellors in the municipal towns.

There is no news from Spain. However, it is ascertained to be true that Pompey has a great army: for Caesar has himself sent me a copy of a despatch from Paciaecus, in which the number was reckoned as eleven legions. Messalla has also written to Quintus Salassus to say that his brother Publius Curtius has been put to death by Pompey's order in the presence of the army, for having, as he alleged, made a compact with certain Spaniards, that if Pompey entered a particular town to get corn, they should arrest him and take him to Caesar. As to your business in regard to your being a guarantee for Pompey, when your fellow guarantor Galba

— a man generally very careful in money matters-comes back to town, I will at once consult with him to see whether anything can be done, as he seems inclined to have confidence in me.

I am much delighted that you approve so highly of my Orator. My own view of it is that I have put into that book all the critical power I possessed in the art of speaking. If the book is such as you say that you think it to be, then I too am somewhat. If not, then I do not decline to allow the same deduction to be made from my reputation for critical judgment as is to be made from the book. I am desirous that our dear Lepta should take pleasure in such writings. Though his age is not yet ripe for them, yet it is not unprofitable that his ears should ring with the sound of such language.

I am kept at Rome in any case by Tullia's confinement; but when

she gets as well again as I can wish, I am still detained till I can get the first instalment of the dowry out of Dolabella's agents. Besides, by Hercules, I am not so much of a traveller as I used to be. My building and my leisure satisfy me entirely. My town house is now equal to any one of my villas: my leisure is more complete than the loneliest spot in the world could supply. So I am not hindered even in my literary employments, in which I am plunged without interruption. Wherefore I think that I shall see you here before you see me there. Let our dearest Lepta learn his Hesiod by heart, and have ever on his lips: On virtue's threshold god sets sweat and toil.

LETTER 19

TO QUINTUS LEPTA (AT ROME) ASTURA (ABOUT THE END OF JULY)

I am glad Macula has done his duty. His Falernian villa always seemed to me suitable for a place of call, if only it is enough roofed in to receive our retinue. In other respects I don't otherwise than like the situation. But I shall not on that account desert your Petrinian villa, for both the house and the picturesqueness of its situation make it suitable for residence rather than for a temporary lodging. As to some official management of these "royal" exhibitions, I have spoken to Oppius; for I have not seen Balbus since you left. He has such a bad fit of the gout that he declines visits. On the whole you would, in my opinion, be certainly acting more wisely if you did not undertake it; for your object in incurring all that labour you will in no wise attain. For the number of his intimate entourage is so great, that it is more likely that some one of them should drop off than that there should be an opening for anyone new, especially for one who has nothing to offer but his active service, in which Caesar will consider himself — if indeed he knows anything about it — to have conferred a favour rather than received one. However, we should look out for something, but something which may give you some distinction; otherwise I think that you not only ought not to seek for it, but should even avoid it. For myself, I think I shall pro-long my stay at Astura until Caesar's return, whenever that may be. Good-bye.

LETTER 20

TO C. TORANIUS (IN CORCYRA) TUSCULUM (JULY)

Three days ago I delivered a letter for you to the servants of Gnaeus Plancius. I shall therefore be briefer, and as I tried to console you before, on the present occasion I shall offer you some advice. I think your wisest course is to wait where you are until you can ascertain what you ought to do. For, over and above the danger of a long voyage in winter and along a coast very ill-furnished with harbours, which you will thus have avoided, there is this point also of no small importance — that you can start at a moment's notice from where you are as soon as you get any certain intelligence. There is besides no reason for your being all agog to present yourself to them on their way home. Several other fears occur to me which I have imparted to our friend Cilo.

To cut a long story short: in your present unfortunate position you could be in no more convenient spot from which to transfer yourself with the greatest facility and despatch whithersoever it shall be necessary for you to go. Thus, if Caesar gets home up to time, you will be at hand. But if — for many accidents may happen-something either stops or delays him, you will be in a place to get full information. This I am strongly of opinion is your better course. For the future, as I have repeatedly impressed on you by letter, I would have you convince yourself that in regard to your position you have nothing to fear beyond the calamity common to the whole state. And though that is exceedingly serious, yet we have lived in such a way and are at such a time of life, that we ought to bear with Courage whatever happens to us without fault on our part. Here in Rome all your family are in good health, and with the most perfect loyalty regret your absence, and retain their affection and respect for you., Mind you take care of your health and do not move from where you are without full consideration.

LETTER 21

TO C. TORANIUS (IN CORCYRA) (ROME? MARCH?)

Although at the moment of my writing this letter, the end of this most disastrous war appears to be approaching, and already some decisive blow to have been struck, yet I daily mention that you were the one man in that immense army who agreed with me and I with you, and that we two alone saw what terrible evil was involved in that war. For when all hope of peace was shut out, victory itself was likely to be calamitous in its results, since it meant death if you were on the losing, and slavery if on the winning, side. Accordingly I, whom at the time those brave and wise men the Domitii and Lentuli declared to be frightened — and I was so without doubt, for I feared that what actually happened would occur — am now in my turn afraid of nothing, and am prepared for anything that may happen. So long as any precaution seemed possible, I was grieved at its being neglected. Now, however, when all is ruined, when no good can be done by wise policy, the only plan seems to be to bear with resignation whatever occurs: especially as death ends all, and my conscience tells me that, as long as I was able to do so, I consulted for the dignity of the republic and, when that was lost, determined to save its existence. I have written thus much, not with the object of talking about myself, but that you, who have been most closely united with me in sentiment and purpose, might entertain the same thoughts: for it is a great consolation to remember, even when there has been a disaster, that your presentiments were after all right and true. And I only hope we may eventually enjoy some form of constitution, and may live to compare the anxieties which we endured at the time when we were looked upon as timid, because we said that what has actually happened would do so. For your own fortunes I assure you that you have nothing to fear beyond the destruction affecting the republic in general; and of me I would have you think as of one who, to the best of his ability, will ever be ready with the utmost zeal to support your safety and that of your children. Good-bye.

LETTER 22

TO CN. DOMITIUS AHENOBARBUS (IN ITALY) ROME (MAY)

It was not the fact of your never having written to me since your arrival in Italy that deterred me from writing to you. The reason was that I could not think of any promise to make you in my present state of complete destitution, or of any advice to give you, being quite at a loss myself as to what policy to pursue, or of any consolation to offer in the midst of such grave disasters. Although things here are in no way improved, and, in fact, are continually becoming more and more desperate, yet I preferred sending you a colourless letter to not sending you one at all. For myself, if I had perceived that you had undertaken a task in the cause of the Republic greater than you were able to make good, I should yet to the best of my ability have counselled you to accept life on such terms as were offered you and were actually available. But since you have decided that to your policy, righteously and courageously adopted, there should be the same limit as fortune herself had laid down as the finishing point of our struggles, I beg and implore you, in the name of our old union and friendship, and in the name of my extreme affection for you and your no less strong one for me, to preserve yourself alive for us, for your mother, your wife, and all near and dear to you, to whom you have ever been the object of the deepest affection. Consult for the safety of yourself and of those who hang upon you. The lessons gathered from the wisest of philosophers, and grasped and remembered by you from your youth up with such brilliant success — all these put in practice at this crisis. Sorrow for those you have lost — so closely connected with you by the warmest affection and the most constant kindness-bear, if not without pain, yet at least with courage. What I can do I know not, or rather I feel how helpless I am; but this, nevertheless, I do promise: whatever I shall conceive to conduce to your safety and honour, I will do with the same zeal, as you have ever shewn and practically employed in what concerned my fortunes. I have conveyed this expression of my warm feelings for you to your mother, the noblest of women and the most devoted

of mothers. Whatever you write to me I will do, as far as I shall understand your wishes. But even if you fail to write, I shall yet with the utmost zeal and care do what I shall think to be for your interest. Good-bye.

BOOK 7

LETTER 1

TO M. MARIUS (AT CUMAE) ROME (OCTOBER?)

If some bodily pain or weakness of health has prevented your coming to the games, I put it down to fortune rather than your own wisdom: but if you have made up your mind that these things which the rest of the world admires are only worthy of contempt, and, though your health would have allowed of it, you yet were unwilling to come, then I rejoice at both facts — that you were free from bodily pain, and that you had the sound sense to disdain what others causelessly admire. Only I hope that some fruit of your leisure may be forthcoming, a leisure, indeed, which you had a splendid opportunity of enjoying to the full, seeing that you were left almost alone in your lovely country. For I doubt not that in that study of yours, from which you have opened a window into the Stabian waters of the bay, and obtained a view of Misenum, you have spent the morning hours of those days in light reading, while those who left you there were watching the ordinary farces half asleep. The remaining parts of the day, too, you spent in the pleasures which you had yourself arranged to suit your own taste, while we had to endure whatever had met with the approval of Spurius Maecius. On the whole, if you care to know, the games were most splendid, but not to your taste. I judge from my own. For, to begin with, as a special honour to the occasion, those actors had come back to the stage who, I thought, had left it for their own. Indeed, your favourite, my friend Aesop, was in such a state that no one could say a word against his retiring from the profession. On beginning to recite the oath his voice failed him at the words "If I knowingly deceive." Why should I go on with the story? You know all about the rest of the games, which hadn't even that amount of charm which games on a moderate scale generally have: for the spectacle was so elaborate as to leave no room for cheerful enjoyment, and I think you need feel no regret at having missed it. For what is the pleasure of a train of six hundred mules in the "Clytemnestra," or three thousand bowls in the "Trojan Horse," or gay-coloured armour of infantry and cavalry in some

battle? These things roused the admiration of the vulgar; to you they would have brought no delight. But if during those days you listened to your reader Protogenes, so long at least as he read anything rather than my speeches, surely you had far greater pleasure than any one of us. For I don't suppose you wanted to see Greek or Oscan plays, especially as you can see Oscan farces in your senate-house over there, while you are so far from liking Greeks, that you generally won't even go along the Greek road to your villa. Why, again, should I suppose you to care about missing the athletes, since you disdained the gladiators? in which even Pompey himself confesses that he lost his trouble and his pains. There remain the two wild-beast hunts, lasting five days, magnificent — nobody denies it — and yet, what pleasure can it be to a man of refinement, when either a weak man is torn by an extremely powerful animal, or a splendid animal is transfixed by a hunting spear? Things which, after all, if worth seeing, you have often seen before; nor did I, who was present at the games, see anything the least new. The last day was that of the elephants, on which there was a great deal of astonishment on the part of the vulgar crowd, but no pleasure whatever. Nay, there was even a certain feeling of compassion aroused by it, and a kind of belief created that that animal has something in common with mankind. However, for my part, during this day, while the theatrical exhibitions were on, lest by chance you should think me too blessed, I almost split my lungs in defending your friend Caninius Gallus. But if the people were as indulgent to me as they were to Aesop, I would, by heaven, have been glad to abandon my profession and live with you and others like us. The fact is I was tired of it before, even when both age and ambition stirred me on, and when I could also decline any defence that I didn't like; but now, with things in the state that they are, there is no life worth having. For, on the one hand, I expect no profit of my labour; and, on the other, I am sometimes forced to defend men who have been no friends to me, at the request of those to whom I am under obligations. Accordingly, I am on the look-out for every excuse for at last managing my life according to my own taste, and I loudly applaud and vehemently approve both you and your retired plan of life: and as to your infrequent appearances among us, I am the more resigned to that because, were

you in Rome, I should be prevented from enjoying the charm of your society, and so would you of mine, if I have any, by the overpowering nature of my engagements; from which, if I get any relief — for entire release I don't expect — I will give even you, who have been studying nothing else for many years, some hints as to what it is to live a life of cultivated enjoyment. Only be careful to nurse your weak health and to continue your present care of it, so that you may be able to visit my country houses and make excursions with me in my litter. I have written you a longer letter than usual, from superabundance, not of leisure, but of affection, because, if you remember, you asked me in one of your letters to write you something to prevent you feeling sorry at having missed the games. And if I have succeeded in that, I am glad: if not, I yet console myself with this reflexion, that in future you will both come to the games and come to see me, and will not leave your hope of enjoyment dependent on my letters.

LETTER 2

TO M. MARIUS (IN CAMPANIA) ROME (DECEMBER)

I will look after your commission carefully. But, sharp man that you are, you have given your commission to the very person above all others whose interest it is that the article should fetch the highest possible price! However, you have been far-sighted in fixing beforehand how far I am to go. But if you had left it to me, I am so much attached to you that I would have made a bargain with the heirs: as it is, since I know your price, I will put up some one to bid rather than let it go for less. But a truce to jesting! I will do your business with all care, as in duty bound. I feel sure you are glad about Bursa, but your congratulations are too half-hearted. For you suppose, as you say in your letter, that, owing to the fellow's meanness, I don't look upon it as a matter of much rejoicing. I would have you believe that I am more pleased with this verdict than with the death of my enemy. For, in the first place, I would rather win by legal process than by the sword; in the second place, by what brings credit to a friend than by what involves his condemnation. And, above all, I was delighted that the support of the loyalists was given to me so decisively against the influence exerted to an incredible degree by a most illustrious and powerful personage. Finally — though, perhaps, you won't think it likely — I bated this man much more than the notorious Clodius himself. For the latter I bad attacked, the former I had defended. The latter, too, though the very existence of the Republic was to be risked in my person, had yet a certain great object in view; nor was it wholly on his own initiative, but with the support of those who could not be safe as long as I was so. But this ape of a fellow, in sheer wantonness, had selected me as an object for his invectives, and had persuaded certain persons who were jealous of me that he would always be a ready instrument for an attack upon me. Wherefore I bid you rejoice with all your heart: a great stroke has been struck. Never were any citizens more courageous than those who ventured to vote for his condemnation, in the teeth of the immense power of the man by whom the jurors had

themselves been selected. And this they never would have done had not my grievance been theirs also. Here, in Rome, I am so distracted by the number of trials, the crowded courts, and the new legislation, that I daily offer prayers that there may be no intercalation, so that I may see you as soon as possible.

LETTER 3

TO M. MARIUS (AT POMPEII) ROME (LATE IN MAY)

Very often, as I reflect upon the miseries in which we have all alike been living these many years past, and, as far as I can see, are likely to be living, lam wont to recall that time when we last met: nay, I remember the exact day. Having arrived at my Pompeian villa on the evening of the 12th of May, in the consulship of Lentulus and Marcellus, you came to see me in a state of anxiety. What was making you uneasy was your reflexion both on my duty and my danger. If I remained in Italy, you feared my being wanting to my duty: if I set out to the camp, you were agitated by the thought of my danger. At that time you certainly found me so unnerved as to be unable to unravel the tangle and see what was best to be done. Nevertheless, I preferred to be ruled by honour and reputation, rather than to consider the safety of my life. Of this decision I afterwards repented,

not so much on account of the danger I incurred, as because of the many fatal weaknesses which I found on arrival at my destination. In the first place, troops neither numerous nor on a proper war footing; in the second place, beyond the general and a few others — I am speaking of the men of rank — the rest, to begin with, greedy for plunder in conducting the war itself, and moreover so bloodthirsty in their talk, that I shuddered at the idea of victory itself: and, lastly, immense indebtedness on the part of the men of the highest position. In short, there was nothing good except the cause.

Despairing of victory when I saw these things, I first began advising a peace, which had always been my policy; next, finding Pompey vehemently opposed to that idea, I proceeded to advise him to protract the war. Of this he at times expressed approval, and seemed likely to adopt the suggestion; and he perhaps would have done so, had it not been that as a result of a certain engagement he began to feel confidence in his soldiers. From that day forth that eminent man ceased to be anything of a general. He accepted battle against the most highly seasoned legions with an army of raw

recruits and hastily collected men. Having been shamefully beaten, with the loss also of his camp, he fled alone.

This I regarded as the end of the war, as far as I was concerned, nor did I imagine that, having been found unequal to the struggle while still unbeaten, we should have the upper hand after a crushing defeat. I abandoned a war in which the alternatives were to fall on the field of battle, or to fall into some ambush, or to come into the conqueror's hands, or to take refuge with Iuba, or to select some place of residence as practically an exile, or to die by one's own hand. At least there was no other alternative, if you had neither the will nor the courage to trust yourself to the victor. Now, of all these alternatives I have mentioned, none is more en-durable than exile, especially to a man with clean hands, when no dishonour attaches to it: and I may also add, when you lose a city, in which there is nothing that you can look at without pain. For my part, I preferred to remain with my own family — if a man may nowadays call anything his own — and also on my own property. What actually happened I foretold in every particular. I came home, not because that offered the best condition of life, but that after all, if some form of a constitution remained, I might be there as though in my own country, and if not, as though in exile. For inflicting death on myself there seemed no adequate reason: many reasons why I should wish for it. For it is an old saying, "When you cease to be what once you were, there is no reason why you should wish to live." But after all it is a great consolation to be free of blame, especially as I have two things upon which to rely for support-acquaintance with the noblest kind of learning and the glory of the most brilliant achievements: of which the former will never be torn from me while I live, the latter not even after my death.

I have written these things to you somewhat fully, and have bored you with them, because I knew you to be most devoted both to myself and to the Republic. I wished you to be acquainted with my entire views, that in the first place you might know that it was never a wish of mine that any one individual should have more power than the Republic as a whole; but that, when by some one's fault a particular person did become so powerful as to make resistance to him impossible, I was for peace: that when the army was lost, as well

as the leader in whom alone our hopes had been fixed, I wished to put an end to the war for the rest of the party also: and, when that proved impossible, that I did so for myself. But that now, if our state exists, I am a citizen of it; if it does not, that I am an exile in a place quite as suited for the position, as if I had betaken myself to Rhodes or Mytilene.

I should have preferred to discuss this with you personally, but as the possibility of that was somewhat remote, I determined to make the same statement by letter, that you might have something to say, if you ever fell in with any of my critics. For there are men who, though my death would have been utterly useless to the state, regard it as a crime that I am still alive, and who I am certain think that those who perished were not numerous enough. Though, if these persons had listened to me, they would now, however unfair the terms of peace, have been living in honour; for while inferior in arms they would have been superior in the merits of their cause. Here's a letter somewhat more wordy than perhaps you would have wished; and that I shall hold to be your opinion, unless you send me a still longer one in reply. If I can get through with some business which I wish to settle, I shall, I hope, see you before long.

LETTER 4

TO M. MARIUS (AT HIS VILLA NEAR STABIAE) CUMAE, 16 NOVEMBER

ON the 16th I came to my Cuman villa along with your friend Libo, or rather I should say our friend. I think of going on at once to my Pompeian, but I will give you notice beforehand. I always wish you to be in good health, but especially while I am here. For you see how much we are likely to be together. Wherefore, if you have an appointment with the gout, pray defer it to another day. So take care to be well and expect me in two or three days' time.

LETTER 5

TO CAESAR (IN GAUL) ROME (FEBRUARY)

Cicero greets Caesar, Imperator. Observe how far I have convinced myself that you are my second self, not only in matters which concern me personally, but even in those which concern my friends. It had been my intention to take Gaius Trebatius with me for whatever destination I should be leaving town, in order to bring him home again honoured as much as my zeal and favour could make him. But when Pompey remained at home longer than I expected, and a certain hesitation on my part (with which you are not unacquainted) appeared to hinder, or at any rate to retard, my departure, I presumed upon what I will now explain to you. I begin to wish that Trebatius should look to you for what he had hoped from me, and, in fact, I have been no more sparing of my promises of goodwill on your part than I had been wont to be of my own. Moreover, an extraordinary coincidence has occurred which seems to support my opinion and to guarantee your kindness. For just as I was speaking to our friend Balbus about this very Trebatius at my house, with more than usual earnestness, a letter from you was handed to me, at the end of which you say: "Miscinius Rufus, whom you recommend to me, I will make king of Gaul, or, if you choose, put him under the care of Lepta. Send me some one else to promote." I and Balbus both lifted our hands in surprise: it came so exactly in the nick of time, that it appeared to be less the result of mere chance than something providential. I therefore send you Trebatius, and on two grounds, first that it was my spontaneous idea to send him, and secondly because you have invited me to do so. I would beg you, dear Caesar, to receive him with such a display of kindness as to concentrate on his single person all that you can be possibly induced to bestow for my sake upon my friends. As for him I guarantee — not in the sense of that hackneyed expression of mine, at which, when I used it in writing to you about Milo, you very properly jested, but in good Roman language such as sober men use — that no honester, better, or more modest man exists. Added to this, he is at

the top of his profession as a jurisconsult, possesses an unequaled memory, and the most profound learning. For such a man I ask neither a tribuneship, prefecture, nor any definite office, I ask only your goodwill and liberality: and yet I do not wish to prevent your complimenting him, if it so please you, with even these marks of distinction. In fact, I transfer him entirely from my hand, so to speak, to yours, which is as sure a pledge of good faith as of victory. Excuse my being somewhat importunate, though with a man like you there can hardly be any pretext for it — however, I feel that it will be allowed to pass. Be careful of your health and continue to love me as ever.

LETTER 6

TO C. TREBATIUS TESTA (IN GAUL) CUMAE (APRIL)

In all my letters to Caesar or Balbus there is a sort of statutory appendix containing a recommendation of you, and not one of the ordinary kind, but accompanied by some signal mark of my warm feeling towards you. See only that you get rid of that feeble regret of yours for the city and city ways, and carry out with persistence and courage what you had in your mind when you set out. We, your friends, shall pardon your going away for that purpose as much as
The wealthy noble dames who held the Corinthian peak
pardoned Medea, whom, with hands whitened to the utmost with chalk, she persuaded not to think ill of her for being absent from her fatherland: for Many have served themselves abroad and served the state as well;
Many have spent their lives at home to be but counted fools.
In which latter category you would have certainly been, had I not forced you abroad. But I will write more another time. You who learnt to look out for others, look out, while in Britain, that you are not yourself taken in by the charioteers; and, since I have begun quoting the Medea, remember this line: The sage who cannot serve himself is vainly wise I ween.
Take care of your health.

LETTER 7

TO C. TREBATIUS TESTA (ON HIS WAY TO GAUL) CUMAE (APRIL OR MAY)

For my part, I never cease recommending you, but I am eager to know from you how far my recommendation is of service. My chief hope is in Balbus, to whom I write about you with the greatest earnestness and frequency. It often excites my wonder that I don't hear from you as often as from my brother Quintus. In Britain I am told there is no gold or silver. If that turns out to be the case, I advise you to capture a war-chariot and hasten back to us at the earliest opportunity. But if — letting Britain alone — we can still obtain what we want, take care to get on intimate terms with Caesar. In that respect my brother will be of much use to you, so will Balbus, but most of all, believe me, your own modesty and industry. You have an imperator of the most liberal character, your age is exactly the best one for employment, and your recommendation at any rate is quite unique, so that all you have to fear is not doing yourself full justice.

LETTER 8

TO C. TREBATIUS TESTA (IN GAUL) ROME (JUNE)

Caesar has written me a very courteous letter saying that he has not yet seen as much of you as he could wish, owing to his press of business, but that he certainly will do so. I have answered his letter and told him how much obliged I shall be if he bestows on you as much attention, kindness, and liberality as he can. But I gathered from your letters that you are in somewhat too great a hurry: and at the same time I wondered why you despised the profits of a military tribuneship, especially as you are exempted from the labour of military duty. I shall express my discontent to Vacerra and Manilius: for I dare not say a word to Cornelius, who is responsible for your unwise conduct, since you profess to have learnt legal wisdom from him. Rather press on your opportunity and the means put into your hands, than which none better will ever be found. As to what you say of the jurist Precianus, I never cease recommending you to him; for he writes me word that you owe him thanks. Be sure to let me know to what that refers. I am waiting for a letter from you dated “Britain.”

LETTER 9

TO C. TREBATIUS TESTA (IN GAUL) ROME (SEPTEMBER)

It is a long time since I heard how you were getting on: for you don't write, nor have I written to you for the last two months. As you were not with my brother Quintus I did not know where to send a letter, or to whom to give it. I am anxious to know how you are and where you mean to winter. For my part, my opinion is that you should do so with Caesar; but I have not ventured to write to him owing to his mourning. I would rather you put off your return to us, so long as you come with fuller pockets. There is nothing to make you hurry home, especially since "Battara" is dead. But you are quite capable of thinking for yourself. I desire to know what you have settled.
There is a certain Cn. Octavius or Cn. Cornelius, a friend of yours,
Of highest race begot, a son of Earth.
He has frequently asked me to dinner, because he knows that you are an intimate friend of mine. At present he has not succeeded in getting me: however, I am much obliged to him.

LETTER 10

TO C. TREBATIUS TESTA (IN GAUL) ROME (NOVEMBER)

I have read your letter which informs me that our Caesar considers you a great lawyer. You must be glad to have found a country where you have the credit of knowing something. But if you had gone to Britain also, I feel sure that there would not have been in all that great island anyone more learned in the law than you. However — you won't mind my laughing, for you invited me to do so — I am becoming positively a little jealous of you! That you should have been actually sent for by a man whom other people — not because of his pride, but of his many engagements — cannot venture to approach!

But in that letter you told me nothing about your success, which, by heaven, is of no less concern to me than my own. I am very much afraid you may be frozen in your winter quarters: and therefore I think you ought to use a good stove. Mucius and Manilius "concur" in this opinion, especially on the ground of your being short of military cloaks. However, I am told that you are having a sufficiently warm time of it where you are — news which made me much alarmed for you. However, in military matters you are much more cautious than at the bar, seeing that you wouldn't take a swim in the ocean, fond of swimming as you are, and wouldn't take a look at the British charioteers, though in old time I could never cheat you even out of a blind-folded gladiator. But enough of joking. You know how earnestly I have written to Caesar about you; I know bow often. Yet, in truth, I have lately ceased doing so, lest I should appear to distrust the kindness of a man who has been most liberal and affectionate to me. However, in the very last letter I wrote I thought he ought to be reminded. I did so. Please tell me what effect it had, and at the same time tell me about your position in general and all your plans. For I am anxious to know what you are doing, what you are expecting, how long your separation from us you think is to last. I would wish you to believe that the one consolation, enabling me to

bear your absence, is the knowledge that it is for your advantage. But if that is not so, nothing can be more foolish than both the one and the other of us: me for not inducing you to come back to Rome — you for not flying thither. By heavens, our conversation, whether serious or jesting, will be worth more not only than the enemy, but even than our "brothers" the Haedui. Wherefore let me know about everything as soon as possible: I'll be some use by comfort, rede, or peif.

LETTER 11

TO C. TREBATIUS TESTA (IN GAUL) ROME (JANUARY OR FEBRUARY)

If you had not left Rome before, you certainly would have left it now. For who wants a lawyer when there are so many interregna? I shall advise all defendants in civil suits to ask each interrex for two adjournments for obtaining legal assistance. Do you think that I have taken a pretty good hint from you as to civil procedure? But come! How are you? What is happening? For I notice in your letter a tendency to be even jocose. These are better signs than the signa in my Tusculan villa. But I want to know what it means. You say, indeed, that you are consulted by Caesar, but I should have preferred his consulting by you. If that is taking place, or you think it likely to take place, by all means persevere in your military service and stay on: I shall console myself for my loss of you by the hope that it will be your gain: but if, on the other hand, things are not paying with you, come back to us. For either something will turn up sooner or later here, or, if not, one conversation between you and me, by heaven, will be worth more than all the Samobrivae in the world. Finally, if you return speedily, there will be no talk about it; but if you stay away much longer without getting anything, I am in terror not only of Laberius, but of our comrade Valerius also. For it would make a capital character for a farce — a British lawyer! I am not laughing though you may laugh, but, as usual, when writing to you, I jest on the most serious subject. Joking apart, I advise you in the most friendly spirit, that if you hold a position for yourself worthy of my introduction, you should put up with the loss of my society and farther your own career and wealth: but if things are stagnant with you there, come back to us. In spite of everything you will get all you want, by your own good qualities certainly, but also by my extreme affection for you.

LETTER 12

TO C. TREBATIUS TESTA (IN GAUL) ROME (?FEBRUARY)

I was wondering what had made you cease writing to me. My friend Pansa has informed me that you have become an Epicurean! What a wonderful camp yours must be! What would you have done if I had sent you to Tarentum instead of Samobriva? I was already a little doubtful about you, when I found you supporting the same doctrine as my friend Selius! But on what ground will you support the principles of civil law, if you act always in your own interest and not in that of your fellow citizens? What, too, is to become of the legal formula in cases of trust, "as should be done among honest men"? For who can be called honest who does nothing except on his own behalf? What principle will you lay down "in dividing a common property," when nothing can be "common" among men who measure all things by their own pleasure? How, again, can you ever think it right to swear by Jupiter lapis, when you know that Jupiter cannot be angry with anyone? What is to become of the people of Ulubrae, if you have decided that it is not right to take part in civic business? Wherefore, if you are really and truly a pervert from our faith, I am much annoyed; but if you merely find it convenient to humour Pansa, I forgive you. Only do write and tell us how you are, and what you want me to do or to look after for you.

LETTER 13

TO C. TREBATIUS TESTA (IN GAUL) ROME; 4 MARCH

Did you suppose me to be so unjust as to be angry with you from the idea that you were not sufficiently persevering and were too eager to return, and do you think that that is the reason of my long silence? I was certainly annoyed by the uneasiness of your spirits, which your first letters conveyed to me; but there was absolutely no other reason for the interruption of my own, except my complete ignorance of your address. Are you still, at this time of day, finding fault with me, and do you refuse to accept my apology? Just listen to me, my dear Testa! Is it money that is making you prouder, or the fact that your commander-in-chief consults you? May I die if I don't believe that such is your vanity that you would rather be consulted by Caesar than gilded

by him! But if both reasons are true, who will be able to put up with you except myself, who can put up with anything? But to return to our subject — I am exceedingly glad that you are content to be where you are, and as your former state of mind was vexatious, so your present is gratifying, to me. I am only afraid that your special profession may be of little advantage to you: for, as I am told, in your present abode They lay no claim by joining lawful hands,
But Challenge right with steel.
But you are not wont to be called in to assist at a "forcible entry." Nor have you any reason to be afraid of the usual proviso in the injunction, "into which you have not previously made entry by force and armed men," for I am well assured that you are not a man of violence. But to give you some hint as to what you lawyers call "securities," I opine that you should avoid the Treviri; I hear they are real tresviri capitales — deadly customers: I should; have preferred their being tresviri of the mint! But a truce to jesting for the present. Pray write to me in the fullest detail of all that concerns you.

4 March.

LETTER 14

TO C. TREBATIUS TESTA (IN GAUL) ROME (?MARCH)

Chrysippus Vettius, a freedman of the architect Cyrus, made me think that you had not quite forgotten me; for he has brought me a greeting in your words. You have grown a mighty fine gentleman, that you can't take the trouble of writing a letter to me — a man, I might almost say, of your own family! But if you have forgotten how to write, all the fewer clients will lose their causes by having you as their advocate! If you have forgotten me, I will take the trouble of paying you a visit where you are, before I have quite faded out of your mind. If it is a terror of the summer camp that is disheartening you, think of some excuse to get off, as you did in the Case of Britain. I was glad to hear one thing from that same Chrysippus, that you were on friendly terms with Caesar. But, by Hercules, I should have preferred, as I might fairly have expected, to be informed of your fortunes as frequently as possible from your own letters. And this would certainly have been the case, if you had been more forward to learn the laws of friendship than of suits in court. But this is all jest in your own vein, and to some degree in mine also. I love you very dearly, and I both wish to be loved by you and feel certain that I am.

LETTER 15

TO C. TREBATIUS TESTA (IN GAUL) ROME

How wayward people are who love may be gathered from this: I was formerly annoyed that you were discontented at being where you are: now, on the contrary, it stings me to the heart that you write that you are quite happy there. For I did not like your not being pleased at my recommendation,

and now I am vexed that you can find anything pleasant without me. But, after all, I prefer enduring your absence to your not getting what I hope for you. However, I cannot say how pleased I am that you have become intimate with that most delightful man and excellent scholar, C. Matius. Do your best to make him as fond of you as possible. Believe me, you can bring nothing home from your province that will give you greater pleasure. Take care of your health.

LETTER 16

TO C. TREBATIUS TESTA (IN GAUL) ROME (NOVEMBER)

In the “Trojan Horse,” just at the end, you remember the words, Too late they learn wisdom.

You, however, old man, were wise in time. Those first snappy letters of yours were foolish enough, and then —— ! I don’t at all blame you for not being over-curious in regard to Britain. For the present, however, you seem to be in winter quarters somewhat short of warm clothing, and therefore not caring to stir out: Not here and there, but everywhere,

Be wise and ware:
No sharper steel can warrior bear.

If I had been by way of dining out, I would not have failed your friend Cn. Octavius; to whom, however, I did remark upon his repeated invitations, “Pray, who are you?” But, by Hercules, joking apart, he is a pretty fellow: I could have wished you had taken him with you! Let me know for certain what you are doing and whether you intend coming to Italy at all this winter. Balbus has assured me that you will be rich. Whether he speaks after the simple Roman fashion, meaning that you will be well supplied with money, or according to the Stoic dictum, that “all are rich who can enjoy the sky and the earth,” I shall know hereafter. Those who come from your part accuse you of pride, because they say you won’t answer men who put questions to you. However, there is one thing that will please you: they all agree in saying that there is no better lawyer than you at Samarobriva!

LETTER 17

TO C. TREBATIUS TESTA (IN GAUL) ROME (SEPTEMBER)

From what I gather from your letter I have thanked my brother Quintus, and can besides at last heartily commend you, because you at length seem to have come to some fixed resolution. For I was much put out by your letters in the first months of your absence, because at times you seemed to me — pardon the expression — to be light-minded in your longing for the city and city life, at others timid in undertaking military work, and often even a little inclined to presumption — a thing as unlike your usual self as can be. For, as though you had brought a bill of exchange, and not a letter of recommendation to your commander-in-chief, you were all in a hurry to get your money and return home; and it never occurred to you that those who went to Alexandria with real bills of exchange have as yet not been able to get a farthing. If I looked only to my own interests, I should wish, above all things, to have you with me: for I used to find not only pleasure of no ordinary kind in your society, but also much advantage from your advice and active assistance. But since from your earliest manhood you had devoted yourself to my friendship and protection, I thought it my duty not only to see that you came to no harm, but to advance your fortunes and secure your promotion. Accordingly, as long as I thought I should be going abroad to a province, I am sure you remember the voluntary offers I made you. After that plan had been changed, perceiving that I was being treated by Caesar with the highest consideration, and was regarded by him with unusual affection, and knowing as I did his incredible liberality and unsurpassed loyalty to his word, I recommended you to him in the weightiest and most earnest words at my command.

And he accepted this recommendation in a gratifying manner, and repeatedly indicated to me in writing and shewed you by word and deed, that he had been powerfully affected by my recommendation. Having got such a man as your patron, if you believe me to have any insight, or to be your well-wisher, do not let him go; and if by chance something at times has annoyed you, when from being busy or in

difficulties he has seemed to you somewhat slow to serve you, hold on and wait for the end, which I guarantee will be gratifying and honourable to you. I need not exhort you at any greater length: I only give you this warning, that you will never find a better opportunity, if you let this slip, either of securing the friendship of a most illustrious and liberal man, or of enjoying a wealthier province or a more suitable time of life. “Quintus Cornelius concurred,” as you say in your law books. I am glad you didn’t go to Britain, because you have been saved some hard work, and I the necessity of listening to your stories about that expedition. Pray write to me at full length as to where you are going to winter, and what your hopes and present position are.

LETTER 18

TO C. TREBATIUS TESTA (IN GAUL) A VILLA IN THE AGER POMPTINUS, 8 APRIL

I have received several letters from you at the same time, written at various times, in which everything else gave me great pleasure; for they shewed that you were now sustaining your military service with a brave spirit, and were a gallant and resolute man. These are qualities which for a short time I felt to be lacking in you, though I attributed your uneasiness not so much to any weakness of your own spirit, as to your feeling your absence from us. Therefore go on as you have begun: endure your service with a stout heart: believe me, the advantages you will gain are many; for I will reiterate my recommendation of you, though I shall wait for the right moment of doing so. Be assured that you are not more anxious that your separation from me should be as profitable as possible to yourself than I am. Accordingly, as your "securities" are somewhat weak, I have sent you one in my poor Greek, written by my own hand. For your part, I should wish you to keep me informed of the course of the war in Gaul: for the less warlike my informant, the more inclined I am to believe him.

But to return to your letters. Everything else (as I said) is prettily written, but I do wonder at this: who in the world sends several identical letters, when he writes them with his own hand? For your writing on paper that has been used before, I commend your economy: but I can't help wondering what it was that you preferred to rub out of this bit of paper rather than not write such poor stuff as this — unless it were, perhaps, some of your legal formulas. For I don't suppose you rub out my letters to replace them with your own. Can it mean that there is no business going on, that you are out of work, that you haven't even a supply of paper? Well, that is entirely your own fault, for taking your modesty abroad with you instead of leaving it behind here with us. I

will commend you to Balbus, when he starts to join you, in the good old Roman style. Don't be astonished if there is a somewhat

longer interval than usual between my letters: for I intend being out of town in April. I write this letter in the Pomptine district, having put up at the villa of M. Aemilius Philemo, from which I could hear the noise of my clients, I mean those you confided to me For at Ulubrae it is Certain that an enormous mass of frogs have bestirred themselves to do me honour. Take care of your health.

8 April, from the Ager Pomptinus.

P.S. — Your letter which I received from L. Arruntius I have torn up, though it didn't deserve it for it had nothing in it which might not have been safely read in a public meeting. But not only did Arruntius say that such were your orders, but you had appended a similar injunction to your letter. Well, be it so! I am surprised at your not having written anything to me since, especially as you are in the midst of such stirring events.

LETTER 19

TO GAIUS TREBATIUS (AT ROME) RHEGIUM, 28 JULY

SEE how greatly I value you: and it is no more than your due, for I do not surpass you in affection. However, what I almost refused, or at any rate did not give you, when you were with me, I could not make up my mind to continue to owe you now that you are away. Accordingly, no sooner had I begun my voyage from Velia than I set to work to translate Aristotle's Topica, having been reminded by the sight of a city so warmly attached to you. I send you this book from Rhegium written in as clear a style as the subject admitted. But if certain parts appear to you to be somewhat obscure, you must reflect that no art can be learnt out of books without some one to explain it and without some practical exercise in it. You will not have to go far for an instance. Can the art of you jurisconsults be learnt out of books? Though there are a great number of them, they yet require a teacher and actual practice. However, if you read this with attention and repeatedly, you will be able to grasp the whole subject by yourself — at least so far as to understand it. But that such loci communes should at once occur to your own mind upon any question being proposed, you can only secure by practice. To this, indeed, I shall keep you, if I get home safe and find things safe at Rome.

28 July, Rhegium.

LETTER 20

TO GAIUS TREBATIUS (AT ROME) VELIA, 20 JULY

Velia seemed to me the more charming because I perceived that you were popular there. But why name you, who are a universal favourite? Even your friend Rufio, upon my word, was as much in request as though he had been one of us. But I don't blame you for having taken him away to superintend your building operations; for although Velia is as valuable as the Lupercal, yet I would rather be where you are than own all your property here. If you will listen to me, as you usually do, you will keep this paternal estate — for the Velians seemed a little afraid that you wouldn't — and will not abandon that noble stream, the Hales, nor desert the Papirian mansion — though that other has a famous lotus which attracts even foreign visitors, but which would after all much improve your view if it were cut down. But, above all, it seems a most desirable thing, especially in such times as these, to have as a refuge in the first place a town whose citizens are attached to you, and in the second place a house and lands of your own, and that in a retired, healthy, and picturesque spot. And this, my dear Trebatius, is to my interest also, I think. But keep well and see to my affairs, and expect me home D.V. before the winter. I carried off from Sextus Fadius, Nico's pupil, the essay of Nico's "On Over-eating." What a pleasant doctor! And what a ready scholar am I in such a school as that! But our friend Bassus kept me in the dark about that book: not so you, it seems. The wind is rising. Take care of yourself.

Velia, 20th July.

LETTER 21

TO C. TREBATIUS TESTA (AT ROME) (TUSCULUM, JUNE)

I have explained Silius's case to you. He has since been to see me. When I told him that in your opinion we might safely make that stipulation, "In case the praetor Q. Caepio, in accordance with his edict, has granted me possession of Turpilia's estate," he remarked, that Servius's doctrine was that a will made by a party who had not the legal power of making one was no will, and Ofilius concurred. He said he had had no talk with you, and asked me to commend his cause to your care. There is no better man, my dear Testa, nor anyone more attached to me than Publius Silius, yourself however excepted.

You will therefore very much oblige me if you will go to him and volunteer your services: and if you love me, do so as soon as possible. I beg you warmly and repeatedly to do this. xvi. 7. He didn't wish it to be thought that he was going to Greece to attend the Olympic games.

LETTER 22

TO C. TREBATIUS TESTA (AT ROME) (?TUSCULUM, JUNE)

YOU jeered at me yesterday amidst our cups, for having said that it was a disputed point whether an heir could lawfully prosecute on an embezzlement which had been committed before he became the owner. Accordingly, though I returned home full of wine and late in the evening, I marked the section in which that question is treated and caused it to be copied out and sent to you. I wanted to convince you that the doctrine which you said was held by no one was maintained by Sextus Aelius, Manius Manilius, Marcus Brutus. Nevertheless, I concur with Scaevola and Testa.

LETTER 23

TO M. FADIUS GALLUS ROME (MAY)

I had only just arrived from Arpinum when your letter was delivered to me; and from the same bearer I received a letter from Arrianus, in which there was this most liberal offer, that when he came to Rome he would enter my debt to him on whatever day I chose. Pray put yourself in my place: is it consistent with your modesty or mine, first to prefer a request as to the day, and then to ask more than a year's credit? But, my dear Gallus, everything would have been easy, if you had bought the things I wanted, and only up to the price that I wished. However, the purchases which, according to your letter, you have made shall not only be ratified by me, but with gratitude besides: for I fully understand that you have displayed zeal and affection in purchasing (because you thought them worthy of me) things which pleased yourself — a man, as I have ever thought, of the most fastidious judgment in all matters of taste. Still, I should like Damasippus to abide by his decision: for there is absolutely none of those purchases that I care to have. But you, being unacquainted with my habits, have bought four or five of your selection at a price at which I do not value any statues in the world. You compare your Bacchae with Metellus's Muses. Where is the likeness? To begin with, I should never have considered the Muses worth all that money, and I think all the Muses would have approved my judgment: still, it would have been appropriate to a library, and in harmony with my pursuits. But Bacchae! What place is there in my house for them? But, you will say, they are pretty. I know them very well and have often seen them. I would have commissioned you definitely in the case of statues known to me, if I had decided on them. The sort of statues that I am accustomed to buy are such as may adorn a place in a palaestra after the fashion of gymnasia. What, again, have I, the promoter of peace, to do with a statue of Mars? I am glad there was not a statue of Saturn also: for I should have thought these two statues had brought me debt! I should have preferred some representation of Mercury: I might then, I suppose,

have made a more favourable bargain with Arrianus. You say you meant the table-stand for yourself; well, if you like it, keep it. But if you have changed your mind I will, of course, have it. For the money you have laid out, indeed, I would rather have purchased a place of call at Tarracina, to prevent my being always a burden on my host. Altogether I perceive that the fault is with my freedman, whom I had distinctly commissioned to purchase certain definite things, and also with Iunius, whom I think you know, an intimate friend of Arrianus. I have constructed some new sitting-rooms in a miniature colonnade on my Tusculan property. I want to ornament them with pictures: for if I take pleasure in anything of that sort it is in painting. However, if I am to have what you have bought, I should like you to inform me where they are, when they are to be fetched, and by what kind of conveyance. For if Damasippus doesn't abide by hs decision, I shall look for some would-be Damasippus, even at a loss.

As to what you say about the house, as I was going out of town I intrusted the matter to my daughter Tullia: for it was at the very hour of my departure that I got your letter. I also discussed the matter with your friend Nicias, because he is, as you know, intimate with Cassius. On my return, however, before I got your last letter, I asked Tullia what she had done. She said that she had approached Licinia (though I think Cassius is not very intimate with his sister), and that she at once said that she could not venture, in the absence of her husband (Dexius is gone to Spain), to change houses without his being there and knowing about it. I am much gratified that you should value association with me and my domestic life so highly, as, in the first place, to take a house which would enable you to live not only near me, but absolutely with me, and, in the second place, to be in such a hurry to make this change of residence. But, upon my life, I do not yield to you in eagerness for that arrangement. So I will try every means in my power. For I see the advantage to myself, and, indeed, the advantages to us both. If I succeed in doing anything, I will let you know. Mind you also write me word back on everything, and let me know, if you please, when I am to expect you.

LETTER 24

TO M. FADIUS GALLUS (AT ROME) TUSCULUM (AUGUST)

I find the traces of your affection whichever way I turn: for instance, quite recently in the matter of Tigellius. I perceived from your letter that you had taken a great deal of trouble. I therefore thank you for your kind intention. But I must say a few words on the subject. Cipius I think it was who said, "I am not asleep to everybody." Thus I too, my dear Gallus, am not a slave to everybody. Yet what, after all, is this slavery? In old times, when I was thought to be exercising royal power, I was not treated with such deference as I am now by all Caesar's most intimate friends, except by this fellow. I regard it as something gained that I no longer endure a fellow more pestilent than his native land, and I think his value has been pretty well appraised in the Hipponactean verses of Licinius Calvus. But observe the cause of his anger with me. I had undertaken Phamea's cause, for his own sake, because he was an intimate friend. Phamea came to me and said that the arbitrator had arranged to take his case on the very day on which the jury were obliged to consider their verdict in regard to P. Sestius. I answered that I could not possibly manage it: but that if he selected any other day he chose, I would not fail to appear for him. He, however, knowing that he had a grandson who was a fashionable flutist and singer, left me, as I thought, in a somewhat angry frame of mind. There is a pair of "Sardians-for-sale" for you, one more worthless than the other. You now know my position and the unfairness of that swaggerer. Send me your "Cato": I am eager to read it: that I haven't read it yet is a reflexion on us both.

LETTER 25

TO M. FADIUS GALLUS (AT ROME) TUSCULUM (AUGUST)

You lament having torn up the letter: don't vex yourself, it is all safe. You can get it from my house whenever you please. For the warning you give me I am much obliged, and I beg you will always act thus. For you seem to fear that, unless I keep on good terms with him, I may laugh "a real Sardinian laugh." But look out for yourself. Hands off: our master is coming sooner than we thought. I fear we Catonian blockheads may find ourselves on the block. My dear Gallus, don't imagine that anything could be better than that part of your letter which begins: "Everything else is slipping away." This in your ear in confidence: keep it to yourself: don't tell even your freed-man Apelles. Besides us two no one talks in that tone.

Whether it is well or ill to do so, that is my look-out: but whatever it is, it is our speciality. Work on then, and don't stir a nail's breadth, as they say, from the pen; for it is the creator of eloquence: and for my part I now devote a considerable part of the night to it also.

LETTER 26

TO M. FADIUS GALLUS (AT ROME) TUSCULUM

(? DECEMBER) Having been suffering for nine days past from a severe disorder of the bowels, and being unable to convince those who desired my services that I was ill because I had no fever, I fled to my Tusculan villa, after having, in fact, observed for two days so strict a fast as not even to drink a drop of water. Accordingly, being thoroughly reduced by weakness and hunger, I was more in want of your services than I thought mine could be required by you. For myself, while skrinking from all illnesses, I especially shrink from that in regard to which the Stoics attack your friend Epicurus for saying that "he suffered from strangury and pains in the bowels" — the latter of which complaints they attribute to gluttony, the former to a still graver indulgence. I had been really much afraid of dysentery. But either the change of residence, or the mere relaxation of anxiety, or perhaps the natural abatement of the complaint from lapse of time, seems to me to have done me good. However, to prevent your wondering how this Came about, or in what manner I let myself in for it, I must tell you that the sumptuary law, supposed to have introduced plain living, was the origin of my misfortune. For whilst your epicures wish to bring into fashion the products of the earth, which are not forbidden by the law, they flavour mushrooms, petits choux, and every kind of pot-herb so as to make them the most tempting dishes possible. Having fallen a victim to these in the augural banquet at the house of Lentulus, I was seized with a violent diarrhoea, which, I think, has been checked today for the first time. And so I, who abstain from oysters and lampreys without any difficulty, have been beguiled by beet and mallows. Henceforth, therefore, I shall be more cautious. Yet, having heard of it from Anicius — for he saw me turning sick — you had every reason not only for sending to inquire, but even for coming to see me. I am thinking of remaining here till I am thoroughly restored, for I have lost both strength and flesh. However, if I can once get completely rid of my complaint, I shall, I hope, easily recover these.

LETTER 27

TO TITUS FADIUS GALLUS (IN EXILE) ROME (?)

I am surprised at your finding fault with me, when etiquette forbids it. Even if there had been no such obstacle, you ought not to have done it. “Why I shewed you attention in your consulship” — and then you go on to say that Caesar will certainly recall you. Well, you have a great deal to say, but nobody believes you. You allege that you stood for the tribuneship for my sake. I wish you had always been a tribune, then you would not have wanted anyone to intervene! You say that I dare not speak what I think, on the ground that I did not give a sufficiently spirited answer to a shameless request of yours. I write thus to shew you that even in that peculiar style of composition, in which you desire to be forcible, you are nil. But if you had presented your grievance to me in a reasonable spirit, I should have cleared myself in your eyes with readiness and ease: for I am not ungrateful for what you have done, but vexed with what you have written. Now I do wonder that you think me, the cause of everyone else’s freedom, to be but a slave. For if the information — as you call it — which you gave me was false, what do I owe you? If true, you are the best witness of what the Roman people owe me.

LETTER 28

TO MANIUS CURIUS (IN ACHAIA) ROME (AUGUST)

I remember the time when I thought you foolish for associating with your friends over there rather than with us: for a residence in this city-while it was still a city at all-was much better suited to your culture and refinement than all the Peloponnesus put together, to say nothing of Patrae. Now, however, on the contrary you seem to me to have been long-sighted for having settled in Greece when things here were in a desperate condition, and at the present crisis not only to be wise for being abroad, but happy as well. And yet what man of any discernment can be happy at present? But what you, who could do so, have secured by the use of your feet-removal to a place "Where of the Pelopidae" (you know the rest)-I am getting by a different method. For, after giving myself up to the reception of my friends which is more crowded than it used to be, precisely because they imagine that in a citizen of honest sentiments they see a rare bird of good omen, I bury myself in my library. Accordingly, I am completing works of an importance which you will perhaps appreciate. For in a certain talk I had with you at your house, when you were finding fault with my gloom and despair, I understood you to say, that you could not recognize the old high spirit in my books. But, by Hercules, at that time I was mourning for the Republic — which by its services to me, and no less by mine to it, was dearer to me than my life. And even now, though not only is reason (which ought to be more powerful than anything) consoling me, but also time which cures even fools, yet I am nevertheless grieving that the general interests are in such a state of collapse, that no hope even is left of any future improvement. Not that in the present instance the fault is his, in whose power everything is — unless by any chance that very fact is not as it should be — but some things by accident and others by my own fault also have so fallen out, that complaint on my part for the past is barred. Hope for the future I see none. Therefore I return to what I said at first: you have left all this wisely, if you did so by design; luckily, if by accident.

LETTER 29

MANIUS CURIUS TO CICERO (AT ROME) PATRAE, 29 OCTOBER

If you are well, I am glad; for I am yours by usus, Atticus's in full dominium. therefore the usufruct of me is yours, the ownership his. If indeed he puts us up for sale in one lot, he won t make much of us. But what an addition to my selling price will be my declaration that whatever I am or have, and whatever position I enjoy in the world, is all owing to you! Wherefore, my dear Cicero, persevere in your constant care for my welfare, and recommend me in a letter of introduction of the finest brand to the successor of Sulpicius. I shall thereby have greater facility in obeying your maxims, and of seeing you to my joy by the spring, and of breaking up my establishment and bringing my belongings safely home. But, my dear distinguished friend, do not shew this letter to Atticus. Let him continue to regard me as heart and soul his, and not as one who "whitewashes two walls out of the same pot." So, patron mine, good-bye to you, and give Tiro kind regards from me.

29 October.

LETTER 30

TO MANIUS CURIUS (AT PATRAE) ROME (JANUARY)

No, I now neither urge nor ask you to return home. Nay, I am longing myself to fly away and to arrive somewhere, where "I may hear neither the name nor the deeds of the Pelopidae." You could scarcely believe how disgraceful my conduct appears to me in countenancing the present state of things. Truly, I think you foresaw long ago what was impending, at the time when you fled from Rome. Though these things are painful even to hear of; yet after all hearing is more bearable than seeing. At any rate you were not on the Campus Martius when, the comitia for the quaestors being opened at 7 o'clock in the morning, the curule chair of Q. Maximus — whom that party affirmed to be consul — was set in its place, and then on his death being announced was removed: whereupon Caesar, who had taken the auspices as for a comitia tributa, held a comitia centuriata, and between 12 and 1 o'clock announced the election of a consul to hold office till the 1st of January, which was the next day. Thus I may inform you that no one breakfasted in the consulship of Caninius. However, no mischief was done while he was consul, for he was of such astonishing vigilance that throughout his consulship he never had a wink of sleep. You think this a joke, for you are not here. If you had been you would not have refrained from tears. There is a great deal else that I might tell you; for there are countless transactions of the same kind. I in fact could not have endured them had I not taken refuge in the harbour of Philosophy, and had I not had my friend Atticus as a companion in my studies. You say you are his by right of ownership and legal bond, but mine in regard to enjoyment and profit: well, I am content with that, for a man's property may be defined as that which he enjoys and of which he has the profit. But of this another time at greater length.

Acilius, who has been despatched to Greece with the legions, is under a great obligation to me — for he has been twice successfully defended by me on a capital charge. He is not a man either of an ungrateful disposition, and pays me very constant attention. I have

written to him in very strong terms about you, and am attaching the letter to this packet. Please let me know how he has taken it, and what promises he has made you.

LETTER 31

TO MANIUS CURIUS (AT PATRAE) ROME (FEBRUARY)

I had no difficulty in gathering from your letter, what I have always been anxious for, that I am very highly valued by you, and that you are fully aware how dear you are to me. As, then, we are both convinced of that, it remains for us to enter upon a rivalry of good offices. In that contest I shall be equally content to surpass you or to be surpassed by you. I am not displeased to find that there was no need for my letter being handed to Acilius. I gather from your letter that you had no great occasion for the services of Sulpicius, because your affairs had been so much reduced in magnitude, that they had "neither head nor feet." I could wish that they had "feet," that you might come back to Rome some day. For you see that the old fountain of humour has run dry, so that by this time our poet Pomponius might say with good reason:

We only guard — a dwindling band —
The ancient fame of Attic land.
So he is your successor, I his. Come, therefore, I beg, lest the seed for the harvest of wit perish along with the republic.

LETTER 32

TO P. VOLUMNIUS EUTRAPELUS (AT ROME) CILICIA (DECEMBER)

Owing to your having in familiar style, as you were quite entitled to do, dropped your praenomen in your letter to me, I was at first doubtful whether it did not come from Volumnius the senator, with whom I am very intimate, but presently the εὐτραπελία of the letter itself convinced, me that it was yours. In that letter I was delighted with everything except this: you are not shewing yourself a very energetic agent in maintaining my rights in my mines of (Attic) salt. For you say that, ever since my departure, everybody's bons mots, and among those even Sestius's, are fathered on me.

What! do you allow that? Don't you stand up for me? Don't you protest? Why, I did hope that I had left my bons mots with such a clear stamp on them, that their style might be recognized at a glance. But as there is so much scum in the city, that nothing can be so graceless as not to seem graceful to some one, do your best, an you love me, to maintain, on your solemn affidavit, that they are none of mine, unless sharp double meaning, subtle hyperbole, neat pun, laughable παρὰ προσδοκίαν — unless everything else, in fact, which I set forth in the person of Antonius in my second book de Oratore, shall appear en rŽglŽ and really witty. For as to your complaints about the law courts I care much less. Let all the defendants, for what I care, go hang! If Selius himself is eloquent enough to establish his freedom, I don't trouble myself. But my prerogative of wit, please let us defend by any amount of injunctions. In that department you are the only rival I fear: I don't think anything of the rest. Do you suppose I am laughing at you? I never knew before that you were so sharp! But, by Hercules, joking apart, I did think your letter very witty and neatly turned. But those particular stories, laughable as they in fact were, did not, all the same, make me laugh. For I am anxious that the friend to whom you refer should have as much weight as possible in his tribuneship, both for his own sake — for, as you know, he is a great favourite of mine — and also, by Hercules,

for that of the Republic, which, however, ungrateful to myself it may be, I shall never cease to love. You, however, my dear Volumnius, since you have begun doing so, and now see also that it gives me pleasure, write to me as often as possible about affairs in the city, about politics. I like the gossiping style of your letter. Farther — more, speak seriously to Dolabella, whom I see and believe to be very anxious for my regard, and to be most affectionately disposed towards me: encourage him in that disposition, and make him wholly mine; not, by Hercules, that there is anything lacking in him, but as I am very much set upon it, I don't think I am showing too much anxiety.

LETTER 33

TO P. VOLUMNIUS EUTRAPELUS ROME (JULY)

You don't lose much by not being present at my oratorical lectures. You say you would have been envious of Hirtius, if you had not loved him: you had no reason for being envious; unless it was of his own eloquence by any chance that you were envious rather than of his being my pupil. The fact is, my dearest Volumnius, I am either a complete failure, or feel myself to be so, now that those members of my set, by whose support (joined with your applause) I once flourished, are lost: so that if I ever did produce anything worthy of my reputation, let us sigh that, as Philoctetes says in Accius, "These arrows now are fleshed — all glory lost." But, after all, things will be more cheerful with me all round if you come: though you will come, as you understand without my telling you, to what I may call an immense bombardment of business. If I can once deal with this as I wish, I will really say a long good-bye to both forum and senate-house, and devote a great deal of time to you and our common friends, I mean your Cassius and our Dolabella — or rather I should call them both ours — who are fascinated with the same studies and find me a very indulgent listener. To carry this on we need your refined and polished judgment, and that deeper tinge of literature by which you often make me feel somewhat diffident of myself while speaking. For I have quite made up my mind, if only Caesar will either allow or order it, to lay aside that r™le in which I have often won even his approval, and to throw myself entirely into the obscurity of literature, and in company of other devotees of it to enjoy the most honourable kind of leisure. For you, I could have wished that you had not felt afraid of my being much bored with reading your letter, if' as you say, you chance to send me a somewhat long one; and I should like you henceforth to make up your mind that the longer a letter from you is, the better I shall like it.

BOOK 8

LETTER 1

M. CAELIUS RUFUS TO CICERO (ON HIS JOURNEY TO CILICIA) ROME, 24 MAY-1 JUNE

As I promised you on the eve of your departure to write a full and careful account of all that went on in the city, I have taken pains to secure a man to describe everything so fully, that I fear his industry in this respect may appear to you somewhat overdone. Although you know your own curiosity, and how men abroad delight in being informed of even the most insignificant things that are going on at home, still in this point I must ask you for a favourable construction — that you should not hold me guilty of giving myself airs in thus performing the duty, because I have delegated this task to another. Not at all because it was not the most delightful thing possible to me — busy as I am and, as you know, the laziest man in the world at writing letters — to keep my memory of you fresh: but the size of the packet itself, which I am sending you, will, in my opinion, easily plead my excuse. It would have required considerable leisure not only to copy out all these details, but even to take notice of them: for the packet Contains all the decrees of the senate, edicts, gossip, and reports. If this specimen does not meet your wishes, let me know, that I may not spend money only to bore you. If anything of unusual importance occurs in public business, which these clerks cannot easily get at, I will myself carefully write you an account of how it was done, what was thought of it, and what is expected to be its result. For the present there is nothing which causes much anticipation. For those rumours as to the admission of the Transpadani to the comitia died out after reaching Cumae: when I got to Rome I didn't find that there was the slightest whisper about it. Besides, Marcellus has not as yet brought before the senate the subject of a successor to the Gallic provinces, and has (as he told me himself) postponed that motion to the 1st of June. He has gone far to bring up again the talk about him which was prevalent when we were in Rome. But pray if; as you wished to do, you have found Pompey at home, write me a full account of what you thought of him, what he said to you, and what wishes he professed to entertain — for he is

accustomed to think one thing and say another, and yet is not clever enough to conceal his real aims. As to Caesar, there are frequent and rather ugly reports — at any rate, people keep arriving with mysterious whispers: one says that he has lost his cavalry, which, in my opinion, is without doubt an invention: another says that the seventh legion has had a drubbing, that he himself is besieged among the Bellovaci, and cut off from his main army. But neither is there anything known for certain as yet, nor are even these uncertain rumours publicly bruited abroad after all — they are mentioned as open secrets among the small clique with which you are acquainted; but Domitius, with his finger on his lips, hints at them. On the 24th of May, the quidnuncs of the rostra, Confound them! spread a loud report that you had been assassinated on your journey by Q. Pompeius. Since I happened to know that Q. Pompeius was dieting himself at Bauli, and was fasting to such an extent that I was sorry for him, I was not agitated, and I only wished that we might compound by this lie for all dangers that might be threatening you. Your friend Plancus, for his part, is at Ravenna, and though he has been presented with a large douceur by Caesar, he is neither wealthy nor well set up. Your books on the Republic are in universal vogue.

LETTER 2

M. CAELIUS RUFUS TO CICERO (ON HIS JOURNEY) ROME, JUNE

It is certainly true, I tell you, that he has been acquitted — I was in court when the verdict was announced — and that, too, by all three orders, and by a unanimous vote in each order. "Well, that is entirely their concern," say you. No, by Hercules! For nothing ever happened so unexpected, or so scandalous in the eyes of everybody. Nay, even I, though I countenanced him with all my might for friendship's sake, and had prepared myself to condole with him, was thunderstruck when it occurred, and thought I must be under some hallucination. What do you suppose, then, was the feeling of others? Why, they attacked the jurors with a storm of disapproving shouts, and made it quite plain that this was more than they could stand. Accordingly, now that he is left to the mercies of the Licinian law, he seems to be in greater danger than ever. Besides this, on the day after the acquittal, Hortensius came into Curio's theatre — I suppose that we might share in his rejoicing! Whereupon you had Tumult sore,
Wild uproar,
Thunder bellowing in the clouds,
Tempest hissing through the shrouds.
This was the more noticed from the fact that Hortensius had reached old age without ever having been hissed, but on this occasion 'got it heartily enough to serve anyone for the whole of his life, and to make him sorry he had won his case. Of politics I have nothing to tell you. The active proceedings of Marcellus have died away, not from lack of energy, as it seems to me, but from policy. As to the consular elections, public opinion is quite at a loss. For myself, I have chanced upon one competitor who is noble and one who acts the noble: for M. Octavius, son of Gnaeus, and C. Hirrus are standing with me. I tell you this because I know that it was on account of Hirrus that you were anxiously waiting for news of my election. However, as soon as you learn of my having been returned, I beg you

to be taking measures as to the panthers. I recommend Sittius's bond to your attention. I gave the first batch of notes on the events in the city to L. Castrinius Pietus, the second to the bearer of this letter.

LETTER 3

M. CAELIUS RUFUS TO CICERO (ON HIS WAY TO CILICIA) ROME, JUNE

Is it so? Have I won? And do I send you frequent letters, which, as you were leaving, you said I should never take the trouble to do for you? It is even so, that is to say, if the letters I send reach you. And, indeed, I am all the more energetic about this because, being at leisure, I have nowhere to spend my little holiday with any pleasure. When you were at Rome I had an unfailing and most delightful resource for an idle day — to spend the holiday with you. I miss this exceedingly, so that not only do I feel myself to be all alone, but now you are gone a desert seems to have been created at Rome; and I who in my carelessness omitted paying you a visit on many days, when you were here, am now daily tortured to think that I have not got you to run to. But, above all, my rival Hirrus takes care that I should look for you day and night.

You can imagine how vexed that rival of yours for the augurship is, and how he tries to conceal the fact that I am a surer candidate than himself. That you should receive the news about him which you wish at the earliest possible moment, I desire, on my honour, more for your sake than my own. For as to myself, if I am elected, I shall perhaps be so with a colleague richer than myself: but even this is so delightful, that, if it really does happen to me, I can never all my life long lack something to smile at. Is it really worth while? Yes! by Hercules. M. Octavius is unable to do much to soften the hostile feelings — and they are many — which spoil Hirrus's chances. As to the services of your freedman Philotimus and the property of Milo, I have taken care that Philotimus should satisfy Milo in his absence, as well as his family, by the most absolutely straightforward conduct, and that your character should not suffer as far as his good faith and activity are concerned. What I now have to ask of you is that, if (as I hope) you get any leisure, you would compose some treatise dedicated to me, to shew me that you care for me. "How did that come into your head," say you, "a modest man like you?" I desire that out of your numerous writings there should be something extant

handing down to posterity also the record of our friendship. “What sort of thing do you want?” I suppose you will ask. You, who are acquainted with every school of thought, will hit upon the suitable thing sooner than I. Only let it be of a kind that has some appropriateness to me, and let it contain practical instruction, that it may be widely used.

LETTER 4

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME, 1 AUGUST

I envy you: such a budget of startling news is conveyed every day to you over there! First, the acquittal of Messalla, then his condemnation: the election of C. Marcellus to the consulship: M. Calidius, after losing his election, impeached by the two Gallii: P. Dolabella made one of the quindecimviri. There is only one thing I don't envy you for — that you have lost a most interesting spectacle, and did not see the expression on the face of Lentulus Crus when he lost. But what a come down for him! He had been so confident, had made so sure of it! Dolabella himself had been so doubtful! And, by Hercules, if our friends the equites had not been too sharp-eyed, he would have won almost by the retirement of his opponent. The next item I don't think will surprise you, that Servaeus, after becoming tribune-designate, has been condemned. C. Curio is candidate for the vacancy thus made by him. It is remarkable how much alarm he inspires in many people, who don't know him and his easy-going character; but, as I hope and desire, and to judge from his present attitude, he will prefer to side with the loyalist party and the senate. In his present frame of mind he is bubbling over with this intention. The root and origin of this feeling is that Caesar, who generally spares no expense in attaching to himself the friendship of the lowest characters, has treated him with very marked neglect. And in this there does seem to me to be a touch of humour — which has been noticed also to a great extent by the rest — that Curio, who never acts on any fixed plan, should be thought to be following a deliberate policy and a deep design in evading the counsels of those who had exerted themselves to oppose his election to the tribuneship — I mean the Laelii and Antonii and powerful men of that stamp.

There has been a somewhat longer interval than usual between this and my last letter, because the successive postponements of the elections kept me more than usually busy, and forced me to wait day after day for their result, that I might give you the information when all was over. I have waited to the 1st of August. There have been

some hitches in the praetorian elections. Moreover, what will be the result of my own election I do not know: that of the plebeian Aediles' election indeed has, as far as Hirrus is concerned, amounted to a strong expression of opinion in my favour. For that foolish proposition of his (which we laughed at of old), and the promulgation of a law for the appointment of a dictator, brought M. Caelius Vinicianus suddenly to the ground, and caused him to be loudly hooted when down. This was followed by a general demand that, after that, Hirrus should not be elected curule aedile. I hope that you will speedily hear about me the news you have hoped for, and about him what you have scarcely ventured to hope.

As to politics, I had by this time ceased to hope for any new development; but at a meeting of the senate in the temple of Apollo on the 22nd of July, upon a motion being brought before it in reference to the pay of Pompey's soldiers, mention was made of the legion with which Pompey had furnished C. Caesar — in what division was it reckoned, for what purpose was it required? Pompey having answered that "it was in Gaul," he was compelled to say that "he would withdraw the legion." He didn't say this at once, but only on the subject being brought forward and under a fire of invective from his detractors. He was then asked about the appointment of a successor to C. Caesar; and on this point a resolution was passed that "Cn. Pompeius should return to the city as soon as possible, in order that the question of the succession to the provinces might be debated while he was in the house." For Pompey was on the point of starting for Ariminum to join the army; and in fact did go at once. I think that business will come on on the 13th of August. Some conclusion will be come to for certain, or a scandalous exercise of the veto will hinder it. For in the course of the debate Pompey let fall the expression, "Everybody ought to be obedient to the senate." For my part, however, there is nothing I look forward to so much as to hearing Paullus delivering his vote first as consul-elect.

I remind you often about Sittius's bond, for I am anxious that you should understand that it is of great importance to me: so also about the panthers, that you should send for some natives of Cibyra, and see that they are shipped to me. Besides this, we have been told, and it is now regarded as certain, that the king of Egypt is dead. Take

care to write to me what policy you recommend to me, what the condition of that kingdom is, and who has charge of it.

1 August.

LETTER 5

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME (AUGUST)

How far you are anxious about the peaceful state of your province and the neighbouring regions I don't know: for myself, I am in great suspense. For if we could only arrange matters in such a fashion, that the war should just be of a magnitude to correspond with your forces, and that we should gain just enough success for a triumph, without encountering the serious contest awaiting you, then nothing could be so much to be wished. As it is, if the Parthian stirs at all, I know that the struggle will not be a slight one. Moreover, your army is scarcely large enough to hold a single pass. No one, however, takes that into account; but everything is expected from a man at the head of a public department, as though he had been refused nothing which was required to put him in the most absolute state of preparation. Added to this, I don't see any chance of a successor being named for you, owing to the controversy about the Gauls. Although on this point I think you have settled in your own mind what to do, nevertheless, to enable you to settle it the earlier, I thought, as I now foresee that contingency, that I ought to keep you informed. For you know the way things commonly go: a settlement of the Gauls will be passed; some one' will be found to veto it; then up will get some one else to veto the other provinces, unless the senate is allowed to pass a vote about them all without interference. This is the sort of game that will be kept up briskly and long, and so long that more than two years will be wasted in these intrigues. If I had any news in politics to tell you, I would have followed my usual habit of carefully retailing in my letter not only what had happened, but also what I expected to be the result of it. In point of fact, everything seems to have stuck, so to speak, in the ditch. Marcellus is trying to push that same motion about the provinces, but has not as yet succeeded in getting a quorum. If, after this year is over, Curio as tribune, and the same motion about the provinces come upon the stage, you cannot fail to see how easy it will be to stop all business, and how much Caesar, and those who care nothing for the Republic when their own interests

are involved, hope that it may be so.

LETTER 6

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME, FEBRUARY

I RAVE no doubt the news has reached you of Appius being impeached by Dolabella. But there is by no means the feeling against him which I had expected. For the truth is, Appius acted with a good deal of sense. No sooner did Dolabella appear at the tribunal, than he entered the city and gave up his demand for a triumph. By thus acting he at once took the edge off popular talk, and shewed himself also to be better prepared than his accuser had expected.

His chief hope is now in you. I know you don't dislike him. It is now in your power to attach him to you as strongly as you choose. If you had never had a quarrel with him, you would now have had a freer hand in the whole business: as it is, if you push legality to the proverbial extreme, you must be on your guard against being thought not to have been quite candid and sincere in renouncing your hostility. In this respect you will certainly be on safe ground in doing him a favour, if so minded; for no one will say that you have been debarred from doing a duty by the influence of intimacy and friendship. It occurs to my mind that, between the application to the praetor and the formal notice of impeachment, Dolabella's wife has divorced him. 'I remember the commission you gave me as you were leaving: I think you have not forgotten what I wrote to you. It is not as yet the time for entering into farther details. I can only give you this hint: if you like the suggestion, do not, nevertheless, at the present moment betray your sentiments, but wait to see how he comes out of this case. Take care that it does not bring discredit on you if it leaks out: assuredly, if any expression of your feeling were to crop up now, it would gain a greater notoriety than is either decent or expedient. Nor will he be able to hold his tongue on a circumstance which chimed in so pat with his hopes, and which will reflect so much additional lustre upon him in conducting the prosecution: especially as he is the sort of man to be scarcely able to refrain, even though he knew it was ruinous to himself to mention the fact. Pompey is said to be very anxious on Appius's behalf, so

much so that it is even thought that he means to send one or other of his sons to you.

Here we are all for his acquittal, and, by Hercules, every disclosure that could reflect disgrace or dishonour on him has been carefully barred. Our consuls are indeed energetic: they haven't been able to get a single decree through the senate, except the one for the Latin festival! Our friend Curio's tribuneship is deadly dull — as cold as ice. In short, I can hardly express to you the flatness of everything at Rome. If it had not been for a good fight I am having with the shopkeepers and water companies, a lethargy would have settled upon the state. If the Parthians don't make it warm for you, we here are stiff with cold. However, Bibulus has done his best: without the help of the Parthians he has managed to lose a poor cohort or two in Amanus. So it is reported here.

I said just now that Curio was much in the cold: well, he is now getting warm I for he is being pulled to pieces with a hot fire of criticism. For, just because he did not get his way about intercalation, he has with the most outrageous levity ratted to the popular party, and begun speaking up for Caesar, and has made a great parade of a road law, not much unlike Rullus's agrarian law, and another about the sale of provisions, which enacts that the aediles should measure goods. He had not done this when I wrote the first part of my letter. Pray, if you render any assistance to Appius, let me have some of the credit. I advise you not to commit yourself in regard to Dolabella: that is the course most conducive at once to the proposal to which I am referring, to your own position, and to your reputation for fairness-It will be a disgrace to you if I have no Greek panthers.

LETTER 7

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME (FEBRUARY)

How soon you want to quit your province I don't know; for myself, the greater your success up to now, the more shall I be tormented by the danger of a Parthian war, as long as you remain where you are, for fear some alarm should dissipate the laughter in which I usually indulge. This letter is shorter than usual, but the letter-carrier of the publicani was in a hurry, and I was suddenly called upon for it. I had already delivered a longer one to your freedman. Moreover, absolutely nothing new has happened, unless you would like my letter to be filled with such anecdotes as the following (and I am sure you would): The younger Cornificius has betrothed himself to Orestilla's daughter Paulla Valeria, sister of Triarius, has divorced her husband without cause alleged, on the very day he was to arrive from his province. She is going to marry D. Brutus. She has yet given no notice to the pontifices. Servius Ocella would never have convinced anybody that he was an adulterer, if he had not been twice caught in three days. You will ask where? In the last place, by Hercules, I should have wished! I leave you something to find out from others. And I rather like the idea of an imperator questioning one person after another with what woman so-and — so has been caught.

LETTER 8

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME (OCTOBER)

Though I have some political news for you, yet I don't think I have anything to tell you that you will be more glad to hear than this: I have to inform you that C. Sempronius Rufus — Rufus, your pet darling — has been convicted of vexatious prosecution with universal applause. You ask, in what case? Well, he indicted M. Tuccius (who had formerly prosecuted him) after the Roman games for illegal violence under the lex Plotia. His object was this: he saw that, unless some defendant were put on the list for trial whose case could take priority, he would have to stand his own trial this year. Moreover, he had no doubt what would happen to him. This prosecution was a small favour he preferred to do to his accuser more than anyone else! Accordingly, without anyone backing his indictment, he came down into the forum and indicted Tuccius. As soon as I heard of it, I hurried without waiting for a summons to the defendant's bench. I rose, and without saying a word on the merits of the case, I showed up his whole character and career, even bringing in the matter of Vestorius, and telling the story of his having surrendered to you as a favour "whatever Vestorius held contrary to his own legal rights."

The following hotly contested case is also at present taking up the attention of the forum. M. Servilius had, as was to be expected from his previous conduct, become utterly bankrupt, and had nothing left which he was not prepared to sell to anybody, and when he became my client had already exposed himself to the most violent scandal. But when Pausanias initiated proceedings against him for "fraudulent possession of the money" (I acting as counsel for the defence), the praetor Laterensis declined to allow the action. Then Q. Pilius, the connexion of our friend Atticus, initiated proceedings against him for extortion. Much talk at once arose about the case, and strong remarks began to be made about a conviction. Moved by this storm of popular feeling, Appius the younger laid an information as to a sum of money having been transferred from his father's estate to

Servilius, and stated that 81 sestertia (about £648) had been deposited to enable him to secure the collusive failure of the prosecution. You are surprised at this folly; nay, what would you have said if you had heard him conducting the case, and the admissions which he made, foolish in the extreme as far as he was himself concerned, and positively shameful as regards his father? The jury called upon to consider their verdict was the same as that which had assessed the damages in the former case. The votes having turned out to be equal, Laterensis, from imperfect acquaintance with the laws, announced the verdict of each of the decuriae separately, and finally, according to the custom of the praetors, gave the decision "for the defendant." After leaving the court, Servilius being thenceforth regarded as acquitted, Laterensis read the 101st clause of the law, which contains the words "The verdict of the majority of the jurors shall be good and decisive." He thereupon did not enter him on the records as acquitted, but only entered a statement of the verdict of the several decuriae. Upon Appius, however, applying for a new trial, he said that he had consulted L. Lollius and would record the facts. So that now, being neither acquitted nor condemned, Servilius will be at the disposal of Pilius for an action for extortion, with a reputation already damaged. For Appius, though he had already sworn that there was no collusion, did not venture to dispute the right to prosecute with Pilius, and has himself had proceedings begun against him for extortion by the Servilii, besides having been indicted for violence by a creature of his own, Sextius Tettius. They are a worthy pair!

As for political business, for many days past nothing at all has been done, owing to the suspense as to the arrangements to be made about the Gauls. At last, however, after frequent postponements and serious debates, and when Pompey's wishes had been clearly seen to incline in the direction of passing a decree for Caesar quitting his province after the 1st of March next, a decree of the senate was passed, which I hereby send you, and some resolutions which were reduced to writing. Resolutions of the Senate.

Twenty-ninth of September; in the temple of Apollo; the following assisted in drawing up the decree: L. Domitius Ahenobarbus, son of Gnaeus, of the Fabian tribe; Q. Caecilius

Metellus Pius Scipio, son of Quintus, of the Fabian tribe; L. Villius Annalis, son of Lucius, of the Pomptinian tribe; C. Septimius, son of Titus, of the tribe Quirina; C. Lucilius Hirrus, son of Gaius, of the tribe Pupinia; C. Scribonius Curio, son of Gaius, of the tribe Popilia; L. Atteius Capito, son of Lucius, of the tribe Aniensis; M Eppius, son of Marcus, of the tribe Terentina.

Seeing that M Marcellus, the consul has made mention of the consular provinces, on that subject the senators have voted as follows: L. Paullus, C. Marcellus, the consuls, shall when they have entered on their office, on the first of the month of March that is about to fall within their year of office, bring the matter of the consular provinces before the senate, and shall not from the first of March bring any motion before the senate in preference thereto; nor shall anything be brought before the senate in conjunction therewith by the consuls. And for the sake of that business they shall hold meetings of the senate, comitial days notwithstanding; and shall draw up decrees of the senate. And when that business is being brought before the senate by the consuls, they may bring into the house those of the senators who are among the three hundred and sixty jurors without incurring penalties thereby. If on that matter it is necessary to bring any resolution before the people or plebs, Ser. Sulpicius and M Marcellus, the consuls, the praetors, and the tribunes of the plebs, to whichever of them it seems good, shall bring it before the people or plebs. But if they shall fail to bring it, whosoever are next in office shall bring it before people or plebs.

No one vetoed.

Twenty-ninth of September; in the temple of Apollo; the following assisted at drawing up the decree; L. Domitius Ahenobarbus, son of Gnaeus, of the Fabian tribe; Q. Caecilius Metellus Pius Scipio, son of Quintus of the Fabian tribe; L. Villius Annalis, son of Lucius, of the Pomptinian tribe; C. Septimius, son of Titus, of the tribe Quirina; C. Lucilius Hirrus, son of Gaius, of the tribe Pupinia; C. Scribonius Curio, son of Gaius, of the tribe Popilia; L. Atteius Capito, son of Lucius, of the tribe Aniensis; M Eppius, son of Marcus, of the tribe Terentina.

Seeing that M Marcellus, the consul has made mention of the consular provinces, on that subject the senators voted as follows: The

senate is of opinion that none of those who have the power of vetoing or staying proceedings ought to offer any hindrance to a motion being brought before the house concerning the Republic of the Roman people, the Quirites, or a decree of the senate being made: whoso shall have so hindered or prohibited, the senate is of opinion that he has acted against the Republic. If anyone shall veto this decree, the senate orders that its resolution shall be committed to writing, and that the matter shall thereupon be brought before the senate (and people).

C. Caelius, L. Vinicius, P. Cornelius, C. Vibius Pansa, tribunes, vetoed this decree.

Ordered also by the senate concerning the soldiers now in the army of Gaius Caesar. as to those of them who have served their full time or have pleas to allege whereby they ought to be discharged, a motion shall be brought before the house to take cognizance of them and to look into their cases. If anyone vetoes this decree, ordered that the resolution be reduced to writing, and a motion brought before this house thereon.

C. Caelius, C. Pansa, tribunes, vetoed this decree of the senate.

Ordered also by the senate that into the province of Cilicia, into the eight remaining provinces administered by ex-praetors with authority of praetor, those who have been praetors and have not been to a province with imperium, such of them as in accordance with the decree of the senate are due to be sent into province as propraetors, shall be sent into provinces as by lot shall be assigned. If from the category of these, thus due to be sent into provinces, there be not sufficient in number to go into the said provinces, then from whichever in each case is the senior college of praetors who have not been to provinces, they shall in like manner go to provinces by lot.- if they are not sufficient to make up the number, then the members of the college next in order shall have their names put into the lottery, until such time as the number is made up to such number as is due to be sent into provinces. If anyone vetoes this decree of the senate, let the resolution be reduced to writing.

C. Caelius, C. Pansa, tribunes, vetoed this decree of the senate.

The following observation also of Cn. Pompeius attracted attention, and gave people a very great feeling of security, when he

said that he could not, without unfairness, settle anything about Caesar's provinces before the 1st of March, but that after the 1st of March he would not hesitate. When asked, what if anyone on that date vetoed it, he said that it made no difference whether Caesar refused to obey the senate, or secured some one to prevent the senate passing a decree. "What if," said some one else, "he shall determine both to be consul and to keep his army?" To which he answered — with what mildness!—"What if my son should choose to strike me with his stick?" By such words as these he has made people think that some negotiation was going on between Pompey and Caesar. And so I think Caesar is minded to adopt one of two alternatives — either to remain in his province, and not be a candidate this next year, or, if he succeeds in getting elected, to leave his province. Curio is preparing to oppose him at every point. What he can do I don't know. I clearly see this, that if Curio keeps his wits about him, even though he effects nothing, he cannot possibly come utterly to grief. Curio treats me in a very gentlemanly way, and has forced a troublesome business on me by his present. For if he had not given me those African beasts, which had been imported for him to use at his games,

the thing might have been omitted. Now, however, since give games I must, I would beg you, as I have often asked you before, to see that I have some beasts from your parts. I also commend to your attention the bond held by Sittius. I am sending my freedman Philo and the Greek Diogenes to Cilicia, to whom I have entrusted a message and a letter to you. Pray be so good as to give them, and the business on which I have sent them, your special attention. For in the letter, which I have given them for you, I have stated in detail how extremely important it is to me.

LETTER 9

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME, 2 SEPTEMBER

"Is that the way you have treated Hirrus?" quoth you. Nay, if you only knew how easy it was, what an absence of even the shadow of a struggle, you would be ashamed that he ever ventured to come forward as a rival candidate with you. However, after his defeat, he keeps a smiling face, plays the honest citizen, and delivers his votes against Caesar; blames the delay; attacks Curio, too, with considerable violence has quite changed his habits since his defeat. Besides, he who has hitherto never shown his face in the forum, and has had little to do with the law courts, now pleads cases of slaves claiming freedom, though seldom after midday. I told you in one of my letters that the business of the provinces was to be settled on the 13th of August: well, the trial of Marcellus, consul-designate, interfered with that. The matter was postponed till the 1st of September. They haven't even been able to make a house. I send this letter on the 2nd of September, up to which date nothing has been decided any more than before. As far as I can see this question will be transferred to next year unsettled, and, as well as I can guess, you will have to leave some one behind you to take charge of the province. For the appointment of a successor is not freed from difficulties, now that it is sought to put the Gauls, the assignment of which is vetoed, under the same category as the rest of the provinces. I have no doubt of this being the case: and it has made me the more determined to write to you, that you might prepare yourself for this eventuality.

In nearly every letter I have mentioned the subject of the panthers to you. It will be a disgrace to you that Patiscus has sent ten panthers to Curio, and that you should not send many times more. And these very beasts, as well as ten more from Africa, Curio has presented to me, lest you should think that he does not know how to make any presents except landed estates. If you will only not forget, and send for some men of Cibyra, and also transmit a letter to Pamphylia — for it is there that they are said to be mostly captured — you will

effect what you choose. I am all the more earnest about this now, because I think I shall have to furnish the exhibition entirely apart from my colleague. Pray lay this injunction upon yourself. It is your way to take much trouble willingly, as it is mine for the most part to take none. In this business you have nothing to do but speak — that is, to give an order and a commission. For as soon as the beasts have been captured, you have men to feed and transport them in those whom I have sent over on the affair of Sittius's bond. I think also that, if you give me any hope in your letters, I shall send some more men across.

I recommend to you M. Feridius, a Roman knight, a son of a friend of mine, a good and active young man, who is about to arrive in your province on business of his own, and I beg you to count him among the number of your friends. He wishes that certain lands, from which their townships draw revenue, should by your favour (which you can easily and honourably grant) be relieved from this burden: you will have obliged men who are both grateful and honest.

I would not have you think that Favonius owed his defeat to the men of the pavement; all the most respectable men abstained from voting for him. Your friend Pompey plainly objects to Caesar keeping a province with an army, and being at the same time consul. However, the motion he himself made in the senate was that no decree ought to be passed at this time. Scipio's was, that the question of Gallic provinces should be brought before the house on 1st March, and no other question combined with it. This motion made Cornelius Balbus pull a long face, and I know that he remonstrated with Scipio. Calidius, in conducting his defence, was very eloquent; in bringing his accusation, rather ineffective.

LETTER 10

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME, 15 NOVEMBER

I have been much disturbed by the despatches of C. Cassius and Deiotarus For Cassius has written to say that the forces of the Parthians are across the Euphrates: Deiotarus that they started for our province by way of Commagene. For my part, my chief alarm has been on your account, knowing as I do what your state of preparation in the way of an army is, lest this inroad should in any way endanger your prestige. For I should have had some fear for your life, even if you had had a more adequate army: as it is, the slenderness of your forces made me forbode a retreat, not a battle, on your part. What view people would take of that, and how far what you were compelled to do would be likely to be considered satisfactory — about this I am still feeling anxious, and shall not cease to be alarmed till I hear of your having reached Italy. But the news of the passage of the Parthians has given rise to various suggestions. One man is for sending Pompey, another against Pompey's removal from the city, another for sending Caesar with his own army, another the consuls; no one, however, is for sending any who are in Rome without office by a senatorial decree. The consuls, moreover, for fear of this decree being passed for their leaving Rome in military uniform, or of the business being transferred to some one else, which would involve a slight upon themselves as having been passed over, are so unwilling to have any meeting of the senate at all, that they are getting a reputation for a want of energy in public business. But whether it is carelessness, or slackness, or the fear which I have suggested, behind this pretence of moderation there is concealed a disinclination to a province. No despatch has arrived from you, and had not that of Deiotarus followed his, it was beginning to be believed that Cassius, in order to represent devastation caused by himself as the work of the Parthians, invented 'the war, sent some Arabs into the province, and told the senate that they were Parthians. Wherefore I advise you to describe minutely and cautiously the state of things in your part of the world, whatever it is, that you may not be said either to have been

filling some particular person's sails, or to have kept back what it was important to know. We have now come to the last period of the year: for I write this letter on the 15th of November. I see plainly that nothing can be done before the 1st of January. You know how slow and ineffective Marcellus is, and how dilatory Servius. What sort of men do you suppose they are, or how can they possibly do what is against their inclination, when things which they so wish they yet carry on so languidly as to give the impression of not wishing them? Again, when the new magistrates come into office, if there is a Parthian war, this question will take up their first months. But if; on the other hand, there turns out to be no war, or only one such as you or Your successors can manage with a small reinforcement, I Perceive that Curio will bestir himself with two objects: first, to take something away from Caesar; and, secondly, to bestow something on Pompey, however insignificant and valueless the contribution may be. Moreover, Paullus talks about the province with irrational violence. His intemperance will be resisted by our friend Furnius: about several others I cannot form an opinion. This is all I know: other possible events I cannot yet decipher. I know that time brings many developments and upsets many arrangements: but whatever is going to happen will be confined within these limits. I have this addition to make to the proceedings of Curio — his proposal as to the Campanian land: as to which they say that Caesar is indifferent, but that Pompey is much opposed, lest it should be unoccupied and at Caesar's disposal when he returns. As to your leaving your province, I cannot promise to take treasures to get a successor appointed: but I will at least pledge myself that your time is not prolonged. It is for you to consider whether, if the state of affairs, if the senate urge you to stay, if a refusal on our part cannot decently be made, you choose to persevere in your determination. My only business is to remember with what solemnity at your departure you laid the injunction on me not to allow of its happening.

LETTER 11

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME, JUNE

Your "thanksgiving" has given us some sharp twinges, though they have not lasted long: for we came to a serious deadlock. The fact is, Curio, who is very fond of you, finding that every device was being employed to deprive him of comitial days, declared that nothing would induce him to allow the thanksgiving to pass the senate, lest he should appear to have thrown away by his own blundering the advantage he had obtained by the infatuation of Paullus, and should be regarded as having sold the cause of the Republic. Accordingly, we have had to adopt a compromise, and the consuls have pledged themselves not to hold the thanksgiving this year. Plainly you have reason to thank both consuls: Paullus certainly the rather of the two. For Marcellus answered him that he did not build much on those thanksgivings; Paullus said that in any case he would not hold them this year. I was told that Hirrus meant to talk out the decree. I got hold of him: he not only did not do so, but when the vote for the victims was brought forward, and he could have put a spoke in our wheel, if he had called for a count, he held his tongue. He merely signified his agreement with Cato, who, while speaking of you in complimentary terms, voted against the thanksgiving. Favonius made a third with them. Wherefore you must thank everybody according to his peculiar idiosyncrasy and principles: these three, because they only shewed their wishes instead of making speeches, and because when they might have hindered they shewed no fight; and Curio, because he deviated from his own line of obstructive policy for your sake. For Furnius and Lentulus, as in duty bound, just as though they were personally affected, went round with me and took trouble in the matter. I can also speak in high terms of the exertions and earnestness of Cornelius Balbus. For he both spoke in strong terms to Curio, saying that, if he acted otherwise, he would be inflicting an injury on Caesar, and also managed to create a feeling of mistrust as to Curio's sincerity. Some voted for the decree who really wished for a decision un-favourable to you — such as the Domitii, the Scipios; and when they interposed in this matter with the

design of provoking his veto, Curio made a very neat reply. “He was all the more happy,” he said, “not to veto the decree, because he saw that certain persons who voted for it did not wish it carried.”

As for politics, every controversy centres on one point — the provinces. In this matter Pompey as yet seems to have thrown all his weight on the side of the senate’s wish that Caesar should leave his province on the 13th of November. when it was held, or whether it was held at all, and he would be influenced by the convenience of public business.

Curio is resolved to submit to anything rather than allow this: he has given up all his other proposals. Our people, whom you know so well, do not venture to push matters to extremes. The situation turns entirely on this: Pompey, professing not to be attacking Caesar, but to be making an arrangement which he considers fair to him, says that Curio is deliberately seeking pretexts for strife. However, he is strongly against, and evidently alarmed at, the idea of Caesar becoming consul-designate before handing over his army and province. He is being attacked with some violence, and his whole second consulship is being roughly criticised by Curio. Mark my words — if they push their suppression of Curio to extremes, Caesar will interpose in favour of the vetoing tribune; if, as it seems they will do, they shrink from this, Caesar will stay in his province as long as he chooses. The vote given by each is in the memorandum of city events from which pick out what is worth reading: skip much, especially the hissing at the games and accounts of funerals and other unimportant gossip. It has a good deal worth knowing. The fact is, I prefer erring on the side of telling what you don’t want, to passing over anything necessary. I am glad that you have interested yourself in the business of Sittius. But since you suspect the men I sent to you of being of doubtful fidelity, please act as my agent yourself.

LETTER 12

M. CAELIUS RUFUS TO CICERO (ON HIS JOURNEY HOME) ROME, SEPTEMBER

I am ashamed to confess to you and to complain of the injuries done me by Appius — that most ungrateful of men, who begins to hate me because he is under great obligations to me; and since, in his avarice, he could not constrain himself to pay his debt, he has declared a secret war against me, yet not so secret either but that many people reported it to, me, and I myself observed without difficulty that he was harbouring evil thoughts of me. When, however, I discovered that he had been tampering with the college, then that he had been openly colloguing with certain persons,

deliberating with L Domitius — at present my bitterest enemy — and expressing a wish to offer this trifling favour to 'Cn. Pompeius, I could not prevail on myself to upbraid him personally, or to beg one, whom I considered owed his life to me, to refrain from injuring me. What, then, could I do? However, I spoke to several of his friends, who were acquainted with my services to him. When I perceived that he did not think me even worth conciliating, I preferred putting myself under an obligation to his colleague — a man very much out of sympathy with me, and not likely to be very well-disposed to me, owing to my friendship with you — rather than endure the sight of that ape. When he ascertained this, he flew into a rage and kept exclaiming that I was looking for an excuse for hostility, in order that, since he had not done what I wanted in regard to the money, I might cover my attack upon him by this show of a personal quarrel. Since then he has not ceased egging on Servius Pola to accuse me, and concerting measures with Domitius. And when they were not successful in securing anyone to accuse me under any law, they wanted me to be attacked under a law which gave them no ground for saying a word. Their impudence was so boundless, that they secured an information being laid against me under the Scantinian law at the very height of the Circensian games, in which I was presiding. Scarcely had Pola got the words out of his mouth, when I laid an information under the same law against the censor Appius. I

never saw a more successful stroke. For it has been approved by the people, and not all the lowest of them, to such an extent, that the scandal has given Appius greater pain than the legal proceedings. Besides this, I have started an action for recovering a shrine now within the wails of his house.

I am much disturbed by the detention of the slave who takes this letter to you. For since the receipt of your last he has been more than forty days in town. I don't know what to say to you. You know that Domitius dreads the day of election. I am looking forward much to your return and desire to see you as soon as possible. I beg you to feel as much vexed at my wrongs, as you think I ever grieve at, and try to avenge yours.

LETTER 13

M. CAELIUS RUFUS TO CICERO (IN CILICIA) ROME (JUNE)

I CONGRATULATE YOU on a son-in-law who is, on my word, the best of men: for that is my opinion of him. Some other blemishes in his character, by which he has hitherto stood in his own light, are already shaken off by age; and, if any remain, I feel sure that they will be quickly removed by your society and influence, and by the modesty of Tullia. For he is not obstinate in vice, nor blunted beyond the power of understanding the higher life. Last, but not least, I am very fond of him.

You will be eager, my dear Cicero, to hear that our friend Curio had a fine conclusion to his veto of the decrees concerning the provinces. For on a motion in regard to the veto being brought before the house — a motion ordered by decree of the senate — and when M. Marcellus had proposed that the tribunes should be remonstrated with, a full senate voted a direct negative. The fact is that Pompey is now so out of sorts, that he can scarcely find anything to suit him. They have come round to this — that Caesar is to be allowed to stand for the consulship without giving up army or provinces. How Pompey is likely to endure this I will write you word as soon as I know. What is to happen to the Republic, if lie resists this in arms or ignores it, that will be the concern of you rich seniors. At the moment of my writing Hortensius is dying.

LETTER 14

M. CAELIUS RUFUS TO CICERO (ON HIS JOURNEY HOME) ROME, SEPTEMBER

TAKING Arsaces prisoner and storming Seleucia was not worth your missing the spectacle of events which have been going on here. Your eyes would never have ached again, if you had only seen Domitius's look when he lost the election. It was a very full comitia, and the voting was evidently on party lines: a very few voted from motives of personal connexion or obligation. Accordingly, Domitius is most bitterly angry with me. He never hated any one even of his own friends so much as he does me: and all the more so that he thinks the augurship has been snatched from him unfairly, and that I am at the bottom of it. Now he is furious that people are so much rejoiced at his vexation, and that there was only one man more zealous for Antony than I was. For the young Cn. Domitius himself has given notice- of action against the young Cn. Saturninus — who is very unpopular owing to his past life. The trial is now imminent, with good hope, too, of an acquittal, after the acquittal of Sextus Peducaeus. As to high politics — I have often told you in my letters that I see no chance of peace lasting a year; and the nearer the struggle comes, which must come, the clearer does that danger appear. The point, on which the men in power are bound to fight, is this - Cn. Pompeius has made up his mind not to allow C. Caesar to become consul, except on condition of his first handing over his army and provinces: while Caesar is fully persuaded that he cannot be safe if he quits his army. He, however, proposes as a compromise that both should give up their armies. So that mighty love and unpopular union of theirs has not degenerated into mere secret bickering, but is breaking out into open war. Nor can I conceive what line to take in my own conduct — and I feel sure that this doubt will exercise you a good deal also — for between myself and these men there are ties of affection and close connexion, since it is the cause, not the men, that I dislike. I think you are alive to this rule, that men ought in a case of home differences, so long as the contest is carried on constitutionally without an appeal to arms, to follow the party

most in the right: when it comes to war and the camp, the stronger party; and to make up one's mind that the safer course is the better. In this quarrel I perceive that Cn. Pompeius has on his side the senate and the iudices: that Caesar will be joined by all whose past life gives them reason to be afraid, or their future no reason to hope: that there is no comparison between their armies. On the whole, there is time enough to weigh the forces of both, and to choose sides.

I almost forgot what above everything else I was bound to write to you. Do you know that the censor Appius is doing marvels? Busying himself about statues, pictures, land-owning, and debt with the greatest vigour? He is persuaded that his censorship is a kind of soap or soda. I think he is wrong: while he is meaning to wash off stains, he is really exposing all his veins and vitals. Hurry home, in the name of gods and men! Come as quickly as you can to enjoy a laugh, that a trial under the Scantinian law should be before Drusus, and that Appius should be making regulations about statues and pictures. Believe me, you ought to make haste. Our friend Curio is thought to have acted prudently in his concession as to Pompey's money for his troops. In a word, you want my opinion as to the future. Unless one or the other of these two goes to the Parthian war, I see that a violent quarrel is impending, which the sword and main force will decide. Both are prepared in resolution and forces. If it could only be transacted without extreme danger, fortune is preparing for you a great and enjoyable spectacle.

LETTER 15

M. CAELIUS RUFUS TO CICERO (AT FORMIAE) NORTH ITALY, FEBRUARY (LATE)

DID you ever see a more futile person than your friend Pompey, for having stirred up all this dust, without any stuff in him, after all? And, on the other hand, did you ever read or hear of anyone prompter in action than our Caesar, and more moderate in victory? Why! Do you think that our soldiers, who in the most inclement and frozen districts, in the severest winter weather, have successfully finished a war at a walk, have been fed on the pick of the orchard? "What, then," say you, "is it all glory with you?" Nay, if you only knew how anxious I am, you would laugh at this glory of mine, which, after all, has nothing to do with me. I can't explain matters to you unless we meet, and I hope that will soon take place. For as soon as he has driven Pompey out of Italy, Caesar has resolved to summon me to Rome: and I look upon that as good as done, unless Pompey has preferred being besieged in Brundisium. Upon my life, the chief motive I have for hurrying there is my ardent desire to see you and impart all my thoughts. And what a lot I have! Goodness! I am afraid that, as usual, I shall forget them all when I do see you. But what have I done to be obliged to retrace my steps to the Alps? It is all because the Intemelli are in arms, and that on some trumpery excuse. Bellienus, a slave of Demetrius, who was commanding a garrison there, seized one Domitius — a man of rank and a friend of Caesar's — for a bribe, and strangled him. The tribe rushed to arms: and I have got to go there with my cohorts over the snow. All over the world, say you, the Domitii are coming to grief. I could have wished that our descendant of Venus had shewn as much resolution in the case of your Domitius, as the son of Psecas did in this one. Give my love to your son.

LETTER 16

M. CAELIUS RUFUS TO CICERO (AT FORMIAE) ON THE ROAD TO SPAIN,

(16) APRIL Being mortally alarmed by your letter, in which you shewed that your mind was filled with gloomy ideas, without saying outright what they were, and yet betraying the kind of action which you were contemplating, I write this letter to you on the spot. In the name of your fortunes and your children, my dear Cicero, I beg and beseech you not rashly to imperil your safety and security. I protest in the name of gods and men, and of our friendship, that I told you beforehand, and that my warning was not given inconsiderately, but that after meeting Caesar, and ascertaining what his view would be, if he gained the victory, I informed you of it. If you think that Caesar will maintain the same policy in letting his adversaries go and offering terms, you are mistaken. His thoughts, and even his words, forebode nothing but severity and cruelty. He left town incensed with the senate: he was thoroughly roused by the recent tribunician intercessions: there will be no place, by heaven,

for mediation. Wherefore, if you love yourself, if you love your only son, if your family and your remaining hopes are dear to you: if I, or that excellent man your son-in-law, have any influence with you — and you surely ought not to wish to ruin us, in order to force us to choose between loathing and abandoning the cause, on the triumph of which our safety depends, or harbouring an unnatural wish against your safety. Finally consider this: whatever offence your hesitation has caused Pompey you have already incurred; it would be a piece of most consummate folly to act against Caesar now that he is victorious, when you refused to attack him while his fortunes were doubtful — to join the men after they have been driven into flight, whom you refused to follow when they were holding their ground. Take care lest, while feeling ashamed of not being a good enough Optimate, you fail to select the best course for yourself. But if I can't persuade you to take my advice in toto, at least wait till it is known how we get on in the Spanish provinces, which I have to tell you will be ours as soon as Caesar arrives. What hope your people have when

the Spains are lost I don't know. Of what, then, you can be thinking to join men in so desperate a position, on my honour, I cannot imagine. What you told me, though not in so many words, Caesar had already heard, and he had scarcely said "good morning!" to me when he mentioned what he had heard about you. I said I did not know anything about it, but yet begged him to write you a letter as the best method of inducing you to stay in the country. He is taking me into Spain with him. For if he were not doing so, before going to Rome, I should have hastened to visit you, wherever you were, and should have pressed this upon you personally, and tried with might and main to keep you from going. Pray, my dear Cicero, reflect again and again, and do not utterly ruin yourself and all your family, nor knowingly, and with your eyes open, put yourself into a situation from which you can see no possible retreat. But if, on the one hand, you are shaken by the remarks of the Optimates, or, on the other, are unable to endure the intemperance and offensive behaviour of certain persons, I think you should select some town not affected by the war, while this controversy is being fought out, which will be settled almost directly. If you do this, you will, in my opinion have acted wisely, and will not offend Caesar.

LETTER 17

M. CAELIUS RUFUS TO CICERO (IN EPIRUS) ROME (FEBRUARY OR MARCH)

To think that I was in Spain rather than at Formiae when you started to join Pompey I Oh that Appius Claudius had been on our side, or Gaius Curio on yours! It was my friendship for the latter that gradually edged me on to this infernal party — for I feel that my good sense was destroyed between anger and affection. You too-when, being on the point of starting for Ariminum, I came at night to visit you — in the midst of your giving me messages for Caesar about peace, and playing your r™le of fine citizen, you quite forgot your duty as a friend and took no thought of my interests. And I am not saying this because I have lost confidence in this cause, but, believe me, I'd rather die than see these fellows here. Why, if people were not afraid of your men being bloodthirsty, we should long ago have been driven out of Rome. For here, with the exception of a few moneylenders, there is not a man or a class that is not Pompeian. Personally, I have brought it about that the masses above all, and — what was formerly ours — the main body of citizens should be now on your side. "Why did I do so?" quoth you. Nay, wait for what is to come: I'll make you conquer in spite of yourselves. You shall see me play the part of a second Cato. You are asleep, and do not appear to me as yet to understand where we are open to attack, and what our weak point is. And I shall act thus from no hope of reward, but, what is ever the strongest motive with me, from indignation and a feeling of having been wronged. What are you doing over there? Are you Waiting for a battle? That's Caesar's strongest point. I don't know about your forces; ours have become thoroughly accustomed to fighting battles and making light of cold and hunger.

BOOK 9

LETTER 1

TO M. TERENTIUS VARRO ROME (?)

From a letter of yours, which Atticus read to me, I learnt what you were doing and where you were; but when we were likely to see you, I could gain no idea at all from the letter. However, I am beginning to hope that your arrival is not far off. I wish it could be any consolation to me! But the fact is, I am overwhelmed by so many and such grave anxieties, that no one but the most utter fool ought to expect any alleviation: yet, after all, perhaps you can give me some kind of help, or I you. For allow me to tell you that, since my arrival in the city, I have effected a reconciliation with my old friends, I mean my books: though the truth is that I had not abandoned their society because I had fallen out with them, but because I was half ashamed to look them in the face. For I thought, when I plunged into the maelstrom of civil strife, with allies whom I had the worst possible reason for trusting, that I had not shewn proper respect for their precepts. They pardon me: they recall me to our old intimacy, and you, they say, have been wiser than I for never having left it. Wherefore, since I find them reconciled, I seem bound to hope, if I once see you, that I shall pass through with ease both what is weighing me down now, and what is threatening. Therefore in your company, whether you choose it to be in your Tusculan or Cuman villa, or, which I should like least, at Rome, so long only as we are together, I will certainly contrive that both of us shall think it the most agreeable place possible.

LETTER 2

TO M. TERENTIUS VARRO (AT TUSCULUM) ROME (APRIL, AFTER THE 20TH OF APRIL)

Caninius, our common friend, having called upon me very late in the evening, and having told me that he was starting to join you in the morning, I told him that I would have something for him to take, and begged him to Call for it in the morning. I finished my letter in the night, but he never Came: I supposed that he had forgotten. Nevertheless, I should have sent you the letter itself by my own letter-carriers, had I not heard from the same friend next day that you were starting from your Tusculan villa in the morning. But now look at, this! All on a sudden a few days later, when I wasn't in the least expecting it, Caninius Called on me in the morning, and said that he was starting to join you at once. Though that letter was now stale, especially considering the importance of the news that have since arrived, yet I was unwilling that my night's work should be thrown away, and gave it as it was to Caninius: but I spoke to him as to a man of learning and one warmly attached to you, and I presume that he has conveyed my words to you.

However, I give you the same counsel that I give myself — to avoid men's eyes, if we find it difficult to avoid their tongues. For those who give themselves airs about the victory regard us in the light of defeated enemies: while those who are vexed at our friends' defeat regret that we remain alive. You will ask perhaps why, this being the state of things in the city, I have not left town like yourself? You, I presume, you, who surpass both me and others in the clearness of your perceptions, divined it all! Nothing of course escaped you! Why, who is so much of a Lynceus as, in such pitchy darkness, never to stumble on anything, never to blunder against anything anywhere? For my part, it long ago occurred to my mind how pleasant a thing it would be to go out of town somewhere, so as to avoid seeing and hearing what is being done and said here. But I had certain misgivings: my idea was that everyone who met me on the road would, as it suited his particular point of view, suspect, or,

even if he did not suspect it, would say: “This fellow is either frightened, and therefore is running away, or he is meditating some move and has a ship ready prepared.” In fact, even the man whose suspicion was the least malicious, and who perhaps knew me best, would have thought my motive for going was that my eyes could not endure the sight of certain persons. From some such misgivings as these I am as yet staying on at Rome, and after all, long habit has insensibly covered over the wound and deadened my indignation.

That is the explanation of my policy. For yourself, then, what I think you should do is this: remain in retirement where you are until such time as this exultation is past boiling point, and at the same time till we hear particulars of the decisive struggle: for decisive I think it was. But it will make all the difference what the feeling of the conqueror is, and how the campaign has ended. Though I am able to make a shrewd guess, still I wait, after all, for information. Nor, indeed, would I have you starting for Baiae until rumour has shouted itself hoarse. For it will be more to our credit, even when we do quit the city, to be thought to have come to that neighbourhood rather to weep than to swim. But you know all this better than I. Only let us abide by our resolve to live together in pursuit of those studies of ours, from which we formerly sought only pleasure, but now seek also the preservation of our lives. And if anyone wishes for our services-not merely as architects, but also as workmen to build up the constitution-let us not refuse to assist, but rather hasten with enthusiasm to the task. And if, on the other hand, no one will employ us, let us compose and read “Republics.” And if we cannot do so in the senate-house and forum, yet at least (after the example of the most learned of the ancients) on paper and in books let us govern the state, and investigate its customs and laws. These are my views. You will very much oblige me if you will write and tell me what you mean to do and what your opinion is.

LETTER 3

TO M. TERENTIUS VARRO (AT TUSCULUM) ROME (ABOUT THE 18TH OF APRIL)

Though I have nothing to say to you, yet I could not let Caninius go to you without taking anything from me. What, then, shall I say for choice? What I think you wish, that I am coming to you very soon. Yet pray consider whether it is quite right for us to be in a place like that when public affairs are in such a blaze. We shall be giving those persons an excuse for talking, who don't know that, wherever we are, we keep the same style and the same manner of life. But what does it matter? Anyhow, we shall give rise to gossip. We ought, forsooth, to take great pains, at a time when society at large is wallowing in every kind of immorality and abomination, to prevent our abstention from active life, whether indulged in alone or together, from being unfavourably remarked upon! For my part, I shall join you, and snap my fingers at the ignorance of these Philistines. For, however miserable the present state of affairs — and nothing can be more so- yet, after all, our studies seem in a way to produce a richer harvest now than of old, whether it is because we can now find relief in nothing else, or because the severity of the disease makes the need of medicine felt, and its virtue is now manifested, which we used not to feel while we were in good health. 'But why these words of wisdom to you now, who have them at hand home-grown—"an owl to Athens? " Only, of course, to get you to write me an answer, and wait for my coming. Pray do so therefore.

LETTER 4

TO M. TERENTIUS VARRO (?AT CUMAE) TUSCULUM (JUNE)

About things “possible,” let me tell you my opinion agrees with Diodorus. Wherefore, if you are to come, be assured that your coming is “necessary,” but if you are not, then it is “impossible” that you should come. Now see which opinion pleases you the more, that of Chrysippus or the one which our teacher Diodotus could not stomach. But on these points also we will talk when we are at leisure: that too is “possible,” according to Chrysippus. I am much obliged to you about Coctius: for that is just what I had commissioned Atticus to do. Yes, if you don’t come to me, I shall take a run to you. If you have a garden in your library, everything will be complete.

LETTER 5

TO M. TERENTIUS VARRO (AT TUSCULUM) ROME (LATE IN MAY)

Yes, I think the 5th of next month will be in very good time, both in consideration of the state of public affairs and of the season of the year. Wherefore I approve of that day: and will myself accordingly aim at the same. I should not have thought that we ought to repent of our policy, even if those who did not adopt it were not now repentant. For our guiding star was not advantage, but duty: and what we abandoned was not duty, but a hopeless task. So we shewed greater sensitiveness to honour than those who never stirred from home, and greater reasonableness than those who did not return home when all was lost. But nothing irritates me so much as the severe Criticism of the do-nothings, and I am more inclined to feel scrupulous about those who fell in the war, than to trouble myself about those who are angry with us for being alive. If I find a spare moment for coming to Tusculum before the 5th, I will see you there: if not, I will follow you to your Cuman villa, and give you notice beforehand, that the bath may be got ready.

LETTER 6

TO M. TERENTIUS VARRO (AT TUSCULUM) ROME (JUNE)

Our friend Caninius has brought a message from you bidding me write and tell you whatever I thought you ought to know. Well then, Caesar's arrival of course is occupying men's minds, and of that you are yourself not unaware. However, he having written, I presume, to say that he intended to come to his villa at Alsium, his friends wrote to him not to do so: that many people would annoy him, and he himself annoy many: they thought it would be more convenient for him to land at Ostia. I do not myself understand what difference it makes; but yet Hirtius told me that both he and Balbus and Oppius had written to him to do so-men, as I have reason to know, who are attached to you. I wanted you to learn this, that you might know where to prepare yourself a lodging, or rather that you might do so in both places: for what he is going to do is uncertain. At the same time I have shewn you that I am intimate with these men and admitted to their counsels And I don't see any reason for avoiding that. It is one thing to bear what one must bear, another to approve what one ought not to approve. Though for my part I do not know why I should not approve, with the exception of the first steps in the movement: for they were within the control of men's wills. I saw of course (you were abroad) that our friends desired war, whereas Caesar did not so much desire it as not fear it (wherefore the first steps were deliberate, the rest merely consequential), and that it must needs be that either this party or that should win. I know that you always lamented with me, when we saw, first, that frightful alternative — the destruction of one or the other army and leader; and, secondly, that the most dreadful evil of all was victory in a civil war, which indeed I dreaded even if it declared on the side of those whom I had joined. For the veriest do-nothings were uttering bloodthirsty threats, and they were offended both by your feelings and my words. At this moment, indeed, if our men had prevailed, they would have been exceedingly violent; for there were some who were very angry with us, as though forsooth we had adopted any resolution as to our own preservation

which we had not decided to be good for them also; or as though it were more for the advantage of the state that they should fly to the protection of the beasts, than either die out of hand, or continue to live, if not with the best prospect, yet at least with some. But, it may be said, we are living in a distracted republic. Who denies it? But this is their look-out, who secured no resources for the various phases of life.

Well, it was to arrive at this point that my preface has extended to a greater length than I intended. For as I have ever regarded you as a great man, because in the face of these storms you are nearly the only one safely in port, and are reaping the best fruits of philosophy-namely, to fix your mind upon and handle themes, the study and delight of which are to be preferred to all their employments and pleasures: so I consider these days you are spending at Tusculum to be a specimen of true life, and I would with pleasure resign all the wealth in the world to anybody on condition of being allowed, without the interruption of violence, to live a life like yours. And this, indeed, I imitate to the best of my ability, and with the utmost delight find repose in the studies which we both pursue. For who will grudge us this privilege, that, when our country either cannot or will not employ our services, we should return to that way of life, which many learned men have, perhaps wrongly, but still have thought was to be preferred even to public business? These studies, in the opinion of some eminent men, involve a kind of furlough from public duties: why then, when the state allows it, should we not enjoy them to the full? But I have more than fulfilled Caninius's demand; for he quite legitimately asked me for anything I knew which you didn't: but I am telling you what you know better than I myself who tell it. I will accordingly do what I was asked, that is, prevent your being ignorant of anything that is in your way connected with this crisis which I may hear.

LETTER 7

TO M. TERENTIUS VARRO (AT TUSCULUM) ROME (MAY)

I was dining with Seius when a letter was delivered to each of us from you. Yes, I really think it is high time. For as to the personal motive in what I said before, I will own the cunning of my heart — I wanted you to be somewhere near in case of anything good turning up: "two heads," you know. At present, seeing that it is all over and done, we should not hesitate to go over, horse, foot, and artillery! For when I heard about L. Caesar the younger, I said to myself: What will he do for me, his sire? Accordingly, I do not cease dining out with the members of the party now in power. What else should I do? One must go with the times. But a truce to jesting, especially as we have nothing to laugh at: With fearsome tumult shakes wild Afric's shore. Accordingly, there is nothing "undesirable" which I do not fear. But, in answer to your question as to when, by what road, and whither — I as yet know nothing. You suggest Baiae — but some doubt whether he will not come by way of Sardinia. For that particular one of his estates he has not inspected as yet. It is the worst of them all, nevertheless he does not despise it. For my part, I am on the whole more inclined to think that he will come through Sicily to Velia: but we shall know directly; for Dolabella is on his way home: he, I suppose, will be our instructor: "Scholars are often wiser than their teachers." But nevertheless, if I can ascertain what you have settled, I will accommodate my policy to yours before anyone else's. Wherefore I am anxious for a letter from you.

LETTER 8

TO M. TARENTIUS VARRO (With a copy of the Academica)
TUSCULUM (JULY 11?)

To demand a gift, even if a man has promised it, is more than even a nation will generally do, unless under great provocation: nevertheless I have so much looked forward to your present that I venture to remind you of it, though not to press for it. So I have sent you four reminders who are not afflicted with excessive modesty: for you know how brazen-faced the New Academy is. Accordingly, I am sending ambassadors enlisted from its ranks, who I fear may by chance lodge a demand, though I have only commissioned them to ask a favour. I have been waiting in fact for a long time now, and have been holding back, so as not to address any work to you before I had received something from you, in order that I might repay you as nearly as possible in your own coin. But as you were somewhat slow in doing it — that is, as I construe it, somewhat unusually careful — I could not refrain from making manifest by such literary composition as I was capable of producing the union of our tastes and affections. I have therefore composed a dialogue purposing to be held between us in my villa at Cumae, Pomponius being there also. I have assigned to you the doctrines of Antiochus, which I thought I understood to have your approval; I have taken those of Philo for myself. I imagine that when you read it you will be surprised at our holding a conversation, which we never did hold; but you know the usual method of dialogues. At some future time, my dear Varro, we shall — if such is your pleasure-have many a long conversation of our own also. It may perhaps be some time hence: but let the fortune of the state excuse the past; it is our business to secure this ourselves. And oh that we might pursue these studies together in a time of tranquillity and with the constitution established on some basis, which if not good may be at any rate definitely fixed! Though in that case there would be other calls upon us-honourable responsibilities and political activities. As things are now, however, what is there to induce us to live without these studies? In my eyes indeed, even with

them, it is barely worth while: when they are withdrawn, not even so much as that. But of this when we meet, and often hereafter. I hope your change of houses and new purchase may turn out everything you can desire. I think you were quite right to make them. Be careful of your health.

LETTER 9

DOLABELLA TO CICERO (IN EPIRUS) CAESAR'S CAMP IN EPIRUS (MAY OR JUNE)

If you are well, I am glad. I am quite well, and so is our dear Tullia. Terentia has been rather unwell, but I am assured that she has now recovered. In all other respects things are quite as they should be at your house. Though at no time did I deserve to be suspected by you of acting from party motives rather than from a regard to your interests, when I urged you either to join Caesar and myself, or at least to retire from open war, especially since victory has already inclined in our favour, it is now not even possible that I should create any other impression than that of urging upon you what I could not, with due regard to my duty as your son-in-law, suppress. On your part, my dear Cicero, pray regard what follows-whether you accept or reject the advice — as both conceived and written with the best possible intention and the most complete devotion to yourself.

You observe that Pompey is not secured either by the glory of his name and achievements, or by the list of client kings and peoples, which he was frequently wont to parade: and that even what has been possible for the rank and file, is impossible for him, — to effect an honourable retreat: driven as he has been from Italy, the Spanish provinces lost, a veteran army captured, and now finally inclosed by his enemy's lines. Such disasters I rather think have never happened to a Roman general. Wherefore employ all your Wisdom in considering what either he or you have to hope. For thus you will most easily adopt the policy which will be to your highest advantage. Yet I do beg this of you, — that if Pompey succeeds in avoiding this danger and taking refuge with his fleet, you should consult for your own interests, and at length be your own friend rather than that of anyone else in the world. You have by this time satisfied the claims of duty or friendship, whichever you choose to call it: you have fulfilled all obligations to your party also, and to that constitution to which you are devoted. It remains to range ourselves with the constitution as now existing, rather than, while striving for the old one, to find ourselves with none at all. Wherefore my desire is,

dearest Cicero, that, supposing Pompey to be driven from this district also and compelled to seek other quarters, you should betake yourself to Athens or any peaceful city you choose. If you decide to do so, pray write and tell me, that I may, if I possibly can, hurry to your side. Whatever marks of consideration for your rank have to be obtained from the commander-in-chief, such is Caesar's kindness, that it will be the easiest thing in the world for you to obtain them from him yourself: nevertheless, I think that a petition from me also will not be without considerable weight with him. I trust to your honour and kindness also to see that the letter-carrier whom I send to you may be enabled to return to me, and bring me a letter from you.

LETTER 10

TO P. CORNELIUS DOLABELLA (IN SPAIN) ROME (JANUARY)

I DID not venture to allow our friend Salvius to go without a letter to you; yet, by Hercules, I have nothing to say except that I love you dearly: of which I feel certain that you do not doubt without my writing a word. In any case I ought rather to expect a letter from you, than you one from me. For there is nothing going on at Rome such as you would care to know: unless it would interest you to know that I am acting as arbitrator between our friend Nicias and Vidius! The latter puts forward in two lines, I think, a claim for money advanced to Nicias: the former, like a second Aristarchus, obelizes them. I am to be in the position of a critic of old days, and to judge whether they really are the poet's or are interpolations. I imagine you putting in here: "Have you forgotten, then, those mushrooms which you had at Nicias's dinner, and the big dishes joined to Septima's learned talk?" What! do you think my old preciseness so entirely knocked out of me, that there is no trace of my former regard for appearances to be seen even in the forum? However, I will see our delightful boon companion through his little trouble, nor will I, by securing his condemnation, give you the opportunity of re storing him, that Plancus Bursa may have some one to teach him his rudiments.

But what am I doing? Though I have no means of knowing whether you are in a quiet state of mind, or, as generally happens in war, are involved in some more important anxiety or occupation, yet I drift on farther and farther. So when I shall have ascertained for certain that you are in the vein for a laugh, I will write at greater length. However, I want you to know this, that the people have been very anxious about the death of Publius Sulla before they knew it for certain. Since then they have ceased to inquire how he perished: they think in knowing that they know enough. For the rest I bear it with equanimity: the only thing I fear is lest Caesar's auctions should have received a blow.

TO P. CORNELIUS DOLABELLA (AT BAIAE) PUTEOLI (DECEMBER)

I congratulate our favourite Baiae on its becoming, as you say, a healthy place; unless perchance it is fond of and flatters you and, so long as you are there, has forgotten its usual habits. If that is really so, it doesn't at all surprise me that sky and land are foregoing their usual evil effects.

My poor little speech for Deiotarus, for which you asked, I have with me, though I thought I had not. Accordingly I am sending it to you. Please read it with the understanding that it is a slight and weak case and not much worthy of being committed to writing. But I wished to send an old host and friend a small present — of loose texture and coarse thread — as his own presents usually are . As for yourself, I would have you shew wisdom and courage, in order that the moderation and dignity of your bearing may throw discredit on the unfair treatment you have met with from others.

LETTER 11

TO P. CORNELIUS DOLABELLA (IN SPAIN) (FICULEA, 20 APRIL)

I HAD rather that even my own death had been the cause of your being without a letter from me than the misfortune which has so grievously afflicted me. I should have borne it at least with greater firmness if I had had you; for your wise conversation, no less than your marked affection for me, would have been a support. But since I am about, as I think, to see you before long, you shall find that though much broken I am yet in a state to receive great assistance from you; not that I am so crushed as to be unable to remember my manhood, or to think it right to give in to fortune. But in spite of that the old cheerfulness and gaiety, in which you took more delight than anybody else, have all been taken from me. Nevertheless, you will find in me the same fortitude and firmness — if I ever had these qualities — as you left.

You say that you have to fight my battles: I don't so much care about my detractors being refuted by you, as I wish it to be known — as is plainly the case — that I retain your affection. I urge you repeatedly to let it be so, and to pardon the brevity of my letter; for in the first place I think I shall see you very shortly, and in the second place I have not yet sufficiently recovered my calmness for writing.

LETTER 12

TO P. CORNELIUS DOLABELLA (AT BAIAE) PUTEOLI (DECEMBER)

I congratulate our favourite Baiae on its becoming, as you say, a healthy place; unless perchance it is fond of and flatters you and, so long as you are there, has forgotten its usual habits. If that is really so, it doesn't at all surprise me that sky and land are foregoing their usual evil effects.

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LETTER 13

TO P. CORNELIUS DOLABELLA (IN SPAIN) (ROME, FEBRUARY)

C. SUBERNIUS of Cales is both my friend and very closely connected with Lepta, who is a very intimate friend of mine. Having for the express purpose of avoiding the war one to Spain with M. Varro before it began, with a view of being in a province in which none of us had thought that there was likely to be any war after the defeat of Afranius, he found himself plunged into the precise evils which he had done his very best to avoid. For he was overtaken by a sudden war, which being set in motion by Scapula was afterwards raised to such serious proportions by Pompey, that it became impossible for him to extricate himself from that unhappy affair. M. Planius Heres, also of Cales, and also a very close friend of our friend Lepta, is in much the same position. These two men, therefore, I commend to your protection with a care, zeal, and heartfelt anxiety beyond which I cannot go in commending anyone. I wish it for their own sake, and in this matter I am also strongly influenced by motives of humanity no less than by friendship. For since Lepta is so anxious that his fortunes would seem to be at stake, I cannot but be in a state of anxiety next or even equal to his. Therefore, although I have often had proof of how much you loved me, yet I would have you be convinced that I shall have no better opportunity than this of judging that to be so. I therefore ask you, or, if you allow it, I implore you to save from disfranchisement two unhappy men, who owe their loss of citizenship to fortune — which none can avoid-rather than to any fault of their own. Be so good as to allow me by your help to bestow this favour both on the men themselves, who are my friends, and also on the municipium of Cales, with which I have strong ties, and lastly upon Lepta, whom I regard more than all the rest. What I am going to say I think is not much to the point, yet, after all, there is no harm in saying it. The property of one of them is very small, of the other scarcely up to the equestrian standard. Wherefore, seeing that Caesar, with his usual high-mindedness, has granted them their lives, and

since there is very little else that can be taken from them, do secure these men their return, if you love me as much as I am sure you do. The only possible difficulty is the long journey; which their motive for not shirking is their desire to be with their families and to die at home. That you do your best and exert yourself, or rather that you carry it through — for as to your ability to do it I have no doubt — I strongly and repeatedly entreat you.

LETTER 14

TO P. CORNELIUS DOLABELLA POMPEII, 3 MAY

Though I am quite content, my dear Dolabella, with the glory you have earned, and feel it to be a source of great exultation and pleasure, yet I Cannot help confessing that it adds a finishing stroke to my joy that popular opinion associates my name with your praises. I meet a great many people every day, for large numbers of men of rank are collected in this district for their health, besides a goodly crowd of friends of mine from the country towns. Well, I have met none who did not with one consent praise you to the skies, adding in the same breath a very warm expression of thanks to me. For they say that they have no doubt that it is in obedience to my precepts and advice that you are shewing yourself to be a most eminent citizen and brilliant consul. Though I can answer such men with the most absolute truth that what you are doing you do on your own judgment and your own initiative, and do not need any man's advice, yet I neither admit outright the truth of their remark, lest I should detract from your glory by making it Seem to have sprung entirely from my advice, nor do I deny it entirely either. For I am even too covetous of honour. And, after all, it is no disparagement to your dignity — as it was not to that of Agamemnon himself the "king of kings" — to have some Nestor to assist you in forming your plans. Whereas it redounds to my glory that as still a young man you should have a brilliant reputation as a Consul while being, so to speak, a pupil of my school.

Lucius Caesar, for instance, when I visited him on his sick bed at Naples, though racked with pains all over his body, scarcely got the formal words of greeting out of his mouth before he exclaimed: "Oh my dear Cicero, I congratulate you on having an influence with Dolabella, such as if I had had with my sister's son, we might now have been safe. Your Dolabella indeed I both congratulate and thank — for he is the only man since your consulship that I can with any truth call a consul." Then he proceeded to say a great deal about the occurrence, and how you had managed the affair, declaring that no

more splendid and brilliant act had ever been done, nor one more beneficial to the state. And this was the observation of everyone.

Now, I beg of you to allow me to accept this quasi-inheritance, so to speak, of another man's glory, and to permit me to some extent to be a sharer in your reputation. However, my dear Dolabella — for this is only my joke — it would give me greater pleasure to divert the full stream of my glories, if I may be said to have any, upon you, than to draw off any part of yours. For while I have always had the warm attachment to you which you have had every opportunity of appreciating, by your recent acts I have been so inflamed that nothing can exceed the ardour of my attachment. For there is nothing, believe me, fairer, more beautiful, or more attractive than virtue. I have always, as you know, loved Marcus Brutus for his eminent ability, his very agreeable manners, and unequalled honesty and consistency. Nevertheless, on the Ides of March my affection was so much enhanced, that I was surprised to find an addition possible in what I had looked upon as having long ago reached its height. Who could have thought that any addition was possible to my affection for you? Yet so great an addition has been made that I seem to myself never to have loved before, only to have liked. Wherefore what need to exhort you to support your position and reputation? Shall I quote to you the examples of illustrious men, as people usually do when exhorting another.

I have none to quote more illustrious than yourself. You must imitate yourself, vie with yourself. It is not even admissible after such great achievements for you to fail to be like yourself.

This being so, exhortation is superfluous. What is called for is rather congratulation. For it has been your good fortune — as I think it has never been anyone else's — to inflict the most severe punishment, not only without exciting ill feeling, but with full popular approval, and to the greatest and most universal satisfaction of aristocrat and plebeian alike. If this were merely a stroke of luck in your case I should have congratulated your good fortune; but it is in fact the result of a certain largeness of spirit, ability, and prudence. For I read your speech. It was wisdom itself. So well did you feel your way in first approaching and then avoiding the points of the case, that by universal consent the time for striking the blow seemed

naturally to arise from the facts. So you have freed the city from danger and the state from terrorism, and not only done a useful service in view of the present emergency, but have set a precedent. Wherefore you ought to understand that the constitution depends on you, and that you are bound not only to protect, but to honour the men who laid the foundation of liberty. But of such matters at greater length when we meet, which I hope will be soon. For you, my dear Dolabella, since you are preserving the Republic and us, take care to guard your own life with every possible precaution.

LETTER 15

TO L. PAPIRIUS PAETUS (AT NAPLES) ROME (SEPTEMBER)

I will answer two letters of yours: one which I received four days ago from Zethus, a second which your letter-carrier Phileros brought. From your former letter I gathered that you were much gratified by my anxiety about your health, and I rejoice that you have been convinced of it. But, believe me, you will never see it in its full reality from a letter. For though I perceive that I am being sought out and liked by a considerable number of people — a thing it is impossible for me to deny — there is not one of them all nearer to my heart than yourself. For that you love me, and have done so for a long while and without interruption, is indeed a great thing, or rather the greatest, but it is shared with you by many: but that you are yourself so lovable, so gracious, and so delightful in every way — that you have all to yourself. Added to that is your wit, not Attic, but more pungent than that of the Attics, good Roman wit of the true old city style. Now I — think what you will of it — am astonishingly attracted by witticisms, above all of the native kind, especially when I see that they were first infected by Latinism, when the foreign element found its way into the city, and now-a-days by the breeched and Transalpine tribes also, so that no trace of the old-fashioned style of wit can be seen. Accordingly when I see you, I seem — to confess the truth — to see all the Granii, the Lucilii, as well as the Crassi and Laelii. Upon my life, I have no one left but you in whom I can recognize any likeness of the old racy cheerfulness. And when to these graces of wit there is added your strong affection for me, do you wonder that I have been so severely alarmed at so grave a blow to your health?

In your second letter you say in self-defence that you did not advise me against the purchase at Naples, but recommended caution. You put it politely, and I did not regard it in any other fight. However, I gathered the same idea as I do from this letter, that you did not think it open to me to take the course which I thought I might-namely, to abandon politics here, not indeed entirely, but to a

great extent. You quote Catulus and all that period. Where is the analogy? I did not myself at that time desire to absent myself for any length of time from the guardianship of the constitution: for I was sitting at the helm and holding the rudder; whereas now I have scarcely a place in the hold. Do you suppose the number of senatorial decrees will be any the less if I am at Naples? While I am at Rome and actually haunting the forum, senatorial decrees are written out in the house of your admirer, my intimate friend. And whenever it occurs to him, I am put down as backing a decree, and am informed of its having reached Armenia and Syria, professing to have been made in accordance with my vote, before any mention has been made of the business at all. And, indeed, I would not have you think that I am joking about this; for I assure you I have had letters from kings at the other end of the earth, thanking me for having voted for giving them the royal title, as to whom I was not only ignorant of their having been called kings, but of their very existence even. What, then, am I to do? After all, as long as this friend of ours-this guardian of morals — is here, I will follow your advice: but directly he goes away I am off to your mushrooms. If I have a house there, I will make the expenses allowed for a day by the sumptuary law last over ten days. But if I don't find anything to suit me, I have made up my mind to reside with you: for I know I could not please you more. I am beginning to despair of Sulla's house, as I told you in my last, but I have not, after all, quite given it up. Pray do what you suggest, inspect it with some builders. If there is no defect in walls or roof, the rest will meet my views very well.

LETTER 16

TO L. PAPIRIUS PAETUS (AT NAPLES) TUSCULUM (JULY)

I was charmed with your letter , in which, first of all, what I loved was the tenderness which prompted you to write, in alarm lest Silius should by his news have caused me any anxiety. About this news, not only had you written to me before — in fact twice, one letter being a duplicate of the other-shewing me clearly that you were upset, but I also had answered you in full detail, in order that I might, as far as such a business and such a crisis admitted, free you from your anxiety, or at any rate alleviate it. But since you shew in your last also how anxious you are about that matter-make up your mind to this, my dear Paetus: that whatever could possibly be accomplished by art — for it is not enough nowadays to contend with mere prudence, a sort of system must be elaborated-however, whatever could be done or effected towards winning and securing the goodwill of those men I have done, and not, I think, in vain. For I receive such attentions, such politenesses from all Caesar's favourites as make me believe myself beloved by them. For, though genuine love is not easily distinguished from feigned, unless some crisis occurs of a kind to test faithful affection by its danger, as gold in the fire, there are other indications of a general nature. But I only employ one proof to convince me that I am loved from the heart and in sincerity-namely, that my fortune and theirs is of such a kind as to preclude any motive on their part for pretending. In regard, again, to the man who now possesses all power, I see no reason for my being alarmed: except the fact that, once depart from law, everything is uncertain; and that nothing can be guaranteed as to the future which depends on another man's will, not to say caprice. Be that as it may, personally his feelings have in no respect been wounded by me. For in that particular point I have exhibited the greatest self-control. For, as in old times I used to reckon that to speak without reserve was a privilege of mine, since to my exertions the existence of liberty in the state was owing, so, now that that is lost, I think it is my duty to say nothing calculated to offend either his wishes or those of his

favourites. But if I want to avoid the credit of certain keen or witty epigrams, I must entirely abjure a reputation for genius, which I would not refuse to do, if I could. But after all Caesar himself has a very keen critical faculty, and, just as your cousin Servius — whom I consider to have been a most accomplished man of letters — had no difficulty in saying: "This verse is not Plautus's, this is—"because he had acquired a sensitive ear by dint of classifying the various styles of poets and habitual reading, so I am told that Caesar, having now completed his volumes of bons mots, if anything is brought to him as mine, which is not so, habitually rejects it. This he now does all the more, because his intimates are in my company almost every day. Now in the course of our discursive talk many remarks are let fall, which perhaps at the time of my making them seem to them wanting neither in literary flavour nor in piquancy. These are conveyed to him along with the other news of the day: for so he himself directed. Thus it comes about that if he is told of anything besides about me, he considers that he ought not to listen to it. Wherefore I have no need of your Oenomaus, though your quotation of Accius's verses was very much on the spot. But what is this jealousy, or what have I now of which anyone can be jealous? But suppose the worst. I find that the philosophers, who alone in my view grasp the true nature of virtue, hold that the wise man does not pledge himself against anything except doing wrong; and of this I consider myself clear in two ways, first in that my views were most absolutely correct; and second because, when I found that we had not sufficient material force to maintain them, I was against a trial of strength with the stronger party. Therefore, so far as the duty of a good citizen is concerned, I am certainly not open to reproach. What remains is that I should not say or do anything foolish or rash against the men in power: that too, I think, is the part of the wise man. As to the rest — what this or that man may say that I said, or the light in which he views it, or the amount of good faith with which those who continually seek me out and pay me attention may be acting — for these things I cannot be responsible. The result is that I console myself with the consciousness of my uprightness in the past and my moderation in the present, and apply that simile of Accius's not to jealousy, but to fortune, which I hold — as being inconstant and frail

— ought to be beaten back by a strong and manly soul, as a wave is by a rock. For, considering that Greek history is full of examples of how the wisest men endured tyrannies either at Athens or Syracuse, when, though their countries were enslaved, they themselves in a certain sense remained free — am I to believe that I cannot so maintain my position as not to hurt anyone's feelings and yet not blast my own character?

I now come to your jests, since as an afterpiece to Accius's Oenomaus, you have brought on the stage, not, as was his wont, an Atellan play, but, according to the present fashion, a mime. What's all this about a pilot-fish, a denarius, and a dish of salt fish and cheese? In my old easy-going days I put up with that sort of thing: but times are changed. Hirtius and Dolabella are my pupils in rhetoric, but my masters in the art of dining. For I think you must have heard, if you really get all news, that their practice is to declaim at my house, and mine to dine at theirs. Now it is no use your making an affidavit of insolvency to me: for when you had some property, petty profits used to keep you a little too close to business; but as things are now, seeing that you are losing money so cheerfully, all you have to do, when entertaining me, is to regard yourself as accepting a "composition"; and even that loss is less annoying when it comes from a friend than from a debtor. Yet, after all, I don't require dinners superfluous in quantity: only let what there is be first-rate in quality and recherchŽ. I remember you used to tell me stories of Phamea's dinner. Let yours be earlier, but in other respects like that. But if you persist in bringing me back to a dinner like your mother's, I should put up with that also. For I should like to see the man who had the face to put on the table for me what you describe, or even a polypus-looking as red as Iupiter Miniatus. Believe me, you won't dare. Before I arrive the fame of my new magnificence will reach you: and you will be awestruck at it. Yet it is no use building any hope on your hors d'oeuvre. I have quite abolished that: for in old times I found my appetite spoilt by your olives and Lucanian sausages. But why all this talk? Let me only get to you. By all means — for I wish to wipe away all fear from your heart — go back to your old cheese-and-sardine dish. The only expense I shall cause you will be that you will have to have the bath heated. All the

rest according to my regular habits. What I have just been saying was all a joke.

As to Selicius's villa, you have managed the business carefully and written most wittily. So I think I won't buy. For there is enough salt and not enough savour.

LETTER 17

TO L. PAPIRIUS PAETUS (AT NAPLES) ROME (AUGUST)

Aren't you a ridiculous fellow for asking me what I think will be done about those municipal towns and lands, when our friend Balbus has been staying with you? As though I were likely to know what he doesn't, and as though, when I do know anything, it is not from him that I always learn it. Nay rather, if you love me, tell me what is going to be done about us: for you have had in your power one from whom you could have learnt it either sober or at any rate drunk. But for myself, I do not ask you for such information: in the first place, because I put it down as so much gain that I have been left alive for the last four years, if gain it is to be called, and if it is life to survive the Republic; and, in the second place, because I think that I myself know what is going to happen. For whatever the stronger chooses will be done, and the stronger will always be the sword. We ought, accordingly, to be content with any concession made to us, whatever it is; the man who was unable to endure this ought to have died.

They are measuring the territory of Veii and Capena. This is not far from my Tusculan property. However, I don't at all alarm myself. I enjoy while I may: I only wish it may last. If that does not turn out to be the case, yet, since I in my courage and philosophy thought that nothing was better than to remain alive, I cannot but love the man by whose kindness I gained that object. But even if he should desire the continuance of a republic, such as perhaps he wishes and we ought all to pray for, he yet does not know how to do it: so completely has he entangled himself with many other people.

But I am going too far. I forgot that I am writing to you. However, let me assure you of this, that not only I, who am not in his confidence, but even the leader himself is unable to say what is going to happen. For, while we are his slaves, he is a slave to circumstances: and so neither can he possibly be sure of what circumstances will demand, nor we of what he is designing. The reason that I did not send you this answer before was not because I

am usually idle, especially in the matter of writing, but because, as I had no certainty about anything, I did not choose to cause you either anxiety from the hesitation, or hope from the confidence of my words. However, I will add this, which is the most absolute truth, that during the present crisis I have not heard a word about the danger you mention. In any case you will be bound, like the man of sense that you are, to hope for the best, prepare yourself for the worst, and bear whatever happens.

LETTER 18

TO L. PAPIRIUS PAETUS (AT NAPLES) TUSCULUM (JULY)

Being quite at leisure in my Tusculan villa, because I had sent my pupils to meet him, that they might at the same time present me in as favourable a light as possible to their friend, I received your most delightful letter, from which I learnt that you approved my idea of having begun — now that legal proceedings are abolished and my old supremacy in the forum is lost — to keep a kind of school, just as Dionysius, when expelled from Syracuse, is said to have opened a school at Corinth. In short, I too am delighted with the idea, for I secure many advantages. First and foremost, I am strengthening my position in view of the present crisis, and that is of primary importance at this time. How much that amounts to I don't know: I only see that as at present advised I prefer no one's policy to this, unless, of course, it had been better to have died. In one's own bed, I confess it might have been, but that did not occur: and as to the field of battle, I was not there. The rest indeed-Pompey, your friend Lentulus, Afranius — perished ingloriously. But, it may be said, Cato died a noble death. Well, that at any rate is in our power when we will: let us only do our best to prevent its being as necessary to us as it was to him. That is what I am doing. So that is the first thing I had to say. The next is this: I am improving, in the first place in health, which I had lost from giving up all exercise of my lungs. In the second place, my oratorical faculty, such as it was, would have completely dried up, had I not gone back to these exercises. The last thing I have to say, which I rather think you will consider most important of all, is this: I have now demolished more peacocks than you have young pigeons) You there revel in Haterian law-sauce, I here in Hirtian hot-sauce. Come then, if you are half a man, and learn from me the maxims which you seek: yet it is a case of" a pig teaching Minerva." But it will be my business to see to that: as for you, if you can't find purchasers for your foreclosures and so fill your pot with denarii back you must come to Rome. It is better to die of indigestion here, than of starvation there. I see you have lost

money: I hope these friends of yours have done the same. You are a ruined man if you don't look out. You may possibly get to Rome on the only mule that you say you have left, since you have eaten up your pack horse. Your seat in the school, as second master, will be next to mine: the honour of a cushion will come by-and-by.

LETTER 19

TO L. PAPIRIUS PAETUS (AT NAPLES) ROME (AUGUST)

What I you don't budge from your mischievous humour? You hint that Balbus was contented with very plain fare: your insinuation seems to be that when kings are so abstemious, much more ought mere consulars to be so. You don't know that I fished everything out of him; for he came straight from the city gate to my house — and I am not surprised that he did not prefer going to his own house, but that he didn't go to his own belle amie! However, my first three words were "How's our Paetus?" In answer he swore that he had never had a pleasanter visit anywhere. If you earned that compliment by your conversation, I will bring you a pair of ears no less discriminating: but if by your dainty fare, I beg you not to think stutterers worth more than men of eloquence. One thing after another stops me every day. But if I ever get myself sufficiently free to be able to come to your parts, I won't let you think that you haven't sufficient notice from me.

LETTER 20

TO L. PAPIRIUS PAETUS (AT NAPLES) ROME (AUGUST)

I was doubly charmed by your letter, first because it made me laugh myself' and secondly because I saw that you could still laugh. Nor did I in the least object to being overwhelmed with your shafts of ridicule, as though I were a light skirmisher in the war of wits. What I am vexed at is that I have not been able, as I intended, to run over to see you: for you would not have had a mere guest, but a brother-in-arms. And such a hero! not the man whom you used to do for by the hors d'oeuvre. I now bring an unimpaired appetite to the egg, and so the fight is maintained right up to the roast veal. The compliments you used to pay me in old times—"What a contented person!" "What an easy guest to entertain! " — are things of the past. All my anxiety about the good of the state, all meditating of speeches to be delivered in the senate, all getting up of briefs I have cast to the winds. I have thrown myself into the camp of my old enemy Epicurus — not, however, with a view to the extravagance of the present day, but to that refined splendour of yours — I mean your old style when you had money to spend (though you never had more landed estate). Therefore prepare! You have to deal with a man, who not only has a large appetite, but who also knows a thing or two. You are aware of the extravagance of your bourgeois gentilhomme. You must forget all your little baskets and your omelettes. I am now so far advanced in the art that I frequently venture to ask your friend Verrius and Camillus to dinner — what dandies! how fastidious! But think of my audacity: I even gave Hirtius a dinner, without a peacock however. In that dinner my cook could not imitate him in anything but the hot sauce.

So this is my way of life nowadays: in the morning I receive not only a large number of "loyalists," who, how ever, look gloomy enough, but also our exultant conquerors here, who in my case are quite prodigal in polite and affectionate attentions. When the stream of morning callers has ebbed, I wrap myself up in my books, either writing or reading. There are also some visitors who listen to my

discourses under the belief of my being a man of learning, because I am a trifle more learned than themselves. After that all my time is given to my bodily comfort. I have mourned for my country more deeply and longer than any mother for her only son. But take care, if you love me, to keep your health, lest I should take advantage of your being laid up to eat you out of house and home. For I am resolved not to spare you even when you are ill.

LETTER 21

TO PAPIRIUS PAETUS (AT NAPLES) ROME (ABOUT OCTOBER)

You don't say so! You think yourself a madman for imitating the thunder of my eloquence, as you call it? You certainly would have been beside yourself if you had failed to do so: but since you even beat me at it, you ought to jeer at me rather than at yourself. So you had no need of that quotation from Trabea, rather the fiasco was mine. But, after all, what do you think of my style in letters? Don't I talk with you in the vulgar tongue? Why, of course one doesn't write always in the same style. For what analogy has a letter with a speech in court or at a public meeting? Nay, even as to speeches in court, it is not my practice to handle all in the same style. Private causes and such as are of slight importance we plead in simpler language; those that affect a man's civil existence or reputation, of course, in a more ornate style: but letters it is our custom to compose in the language of everyday life. Well, but letting that pass, how did it come into your head, my dear Paetus, to say that there never was a Papirius who was not a plebeian? For, in fact, there were patrician Papirii, of the lesser houses, of whom the first was L. Papirius Mugillanus, censor with L. Sempronius Atratinus — having already been his colleague in the consulship — in the 312th year of the city. But in those days they were called Papisii. After him thirteen sat in the curule chair before L. Papirius Crassus, who was the first to drop the form Papisius. This man was named dictator, with L. Papirius Cursor as Master of the Horse, in the 415th year of the city, and four years afterwards was consul with Kaeso Duilius. Cursor came next to him, a man who held a very large number of offices; then comes L. Masso, who rose to the aedileship; then a number of Massones. The busts of these I would have you keep — all patricians. Then follow the Carbones and Turdi. These latter were plebeians, whom I opine that you may disregard. For, except the Gaius Carbo who was assassinated by Damasippus, there has not been one of the Carbones who was a good and useful citizen. We knew Gnaeus Carbo and his

brother the wit: were there ever greater scoundrels? About the one who is a friend of mine, the son of Rubrius, I say nothing. There have been those three brothers Carbo — Gaius, Gnaeus, Marcus. Of these, Marcus, a great thief, was condemned for malversation in Sicily on the accusation of Publius Flaccus: Gaius, when accused by Lucius Crassus, is said to have poisoned himself with cantharides; he behaved in a factious manner as tribune, and was also thought to have assassinated Publius Africanus. As to the other, who was put to death by my friend Pompey at Lilybaeum, there was never, in my opinion, a greater scoundrel. Even his father, on being accused by M. Antonius, is thought to have escaped condemnation by a dose of shoemaker's vitriol. Wherefore my opinion is that you should revert to the patrician Papirii: you see what a bad lot the plebeians were.

LETTER 22

TO L. PAPIRIUS PAETUS (AT NAPLES) (ROME, JULY?)

I like modesty in language: you prefer plain speaking. The latter I know was the doctrine of Zeno, a man by heaven! of keen insight, though our Academy had a serious quarrel with him. However, as I say, the Stoic doctrine is to call everything by its right name. They argue as follows: nothing is obscene, nothing unfit to be expressed: for if there is anything disgraceful in obscenity, it consists either in the thing meant or in the word: there is no third alternative. Now it is not in the thing meant. Accordingly, in tragedies as well as in comedies there is no concealment.

For Comedy, take the character in the Demiurgus: you know the monologue beginning "Lately by chance," and you remember how Roscius recited, "So naked has she left me": the whole speech is covert in language, in meaning is very immodest. As for tragedy, what do you say to this: "The woman who" — notice the expression —"uses more than one bed." Or again, "He dared intrude upon her bed, Pheres." Or again: A virgin I, and sheer against my will
Did luppiter achieve his end by force.
"Achieve his end" is a decent way of putting it; and yet it means the same as a coarser word, which however no one would have endured. You see then that though the thing meant is the same, yet, because the words are not so, there is thought to be no impropriety. Therefore obscenity is not in the thing meant: much less is it in the expressions. For if the thing meant by a word is not improper, the word which signifies it cannot be improper. For instance, you call the anus by another name; why not by its own? If mention of it is improper, don't mention it even under another name. If not, do so for choice by its own. The ancients called a tail a penis; whence comes the word penicillus ("paint-brush"), from its similarity in appearance. Nowadays penis is regarded as an obscene word. "But," you will say, "the famous Piso Frugi in his 'Annals' complains of young men being given up to lust (peni)." What you call in your letter by its own

name, he, with more reserve, calls penis. Yes; but it is because many use the word in that sense that it has become as obscene as the word you used. Again, suppose we use the common phrase: "When we (cum nos) desired to visit you" — does that suggest obscenity? I remember once in the senate an eloquent consular expressing himself thus:

"Am I to say that this or that is the greater culpability?" Could it have been expressed more obscenely? "Not so," you say, "for he did not mean it in that sense." Therefore obscenity does not consist in the word used: I have shewn that it does not do so in the thing meant: therefore it does not exist anywhere. How entirely decent is the expression: "To exert oneself for children "? Even fathers beg their sons to do so, though they do not venture to mention the name of the "exertion." Socrates was taught the lyre by a very famous musician named Connus: do you think the name obscene? When we use the numeral terni there is no suggestion of obscenity: but if I speak of bini there is. "Only to Greeks," you will say. That shews that there is nothing obscene in a word, for I know Greek and yet use the word bini to you; and you assume that I am speaking Greek and not Latin. Again, we may speak without impropriety of "rue" (ruta) and "mint" (menta); but if I wish to use the diminutive of menta (mentula)-as one can perfectly well use that of ruta (rutula)-that is a forbidden word. So we may, without a breach of good manners, use the diminutive of tectoria (tectoriola); but if you try to do the same with pavimenta (pavimentula), you find yourself pulled up. Don't you see, then, that these are nothing but empty distinctions? That impropriety exists neither in word nor thing, and therefore is non-existent?

The fact is that we introduce obscene meaning into words in themselves pure. For instance, is not the word divisio beyond reproach? Yet in it there is a word (visium or visio, "a stench") which may have an improper meaning, to which the last syllables of the word intercapedo (pedo iripow) correspond. Are we, therefore, to regard these words as obscene? Again, we make a ridiculous distinction: if we say, "So-and — so strangled his father," we don't prefix any apologetic word. But if we use the word of Aurelia or Lollia we must use such an apology. Nay, more, words that are not

obscene have come to be considered so. The word “grind,” he says, is shameful; much more the word “knead.” And yet neither is obscene. The world is full of fools. Testes is quite a respectable word in a Court of law: elsewhere not too much so. Again, “Lanuvinian bags “ is a decent phrase; not so “bags” of Cliternum.

Again, can the same thing be at one time decent, at another indecent? Suppose a man to break wind — it is an outrage on decency. Presently he will be in a bath naked, and you will have no fault to find. Here is your Stoic decision—”The wise man will call a spade a spade.”

What a long commentary on a single word of yours! I am pleased that you have no scruple in saying anything to me. For my own part I maintain and shall maintain Plato’s modesty: and accordingly, in my letter to you, I have expressed in veiled language what the Stoics express in the broadest: for they say that breaking wind should be as free as a hiccough. All honour then to the Kalends of March! Love me and keep yourself well.

LETTER 23

TO L. PAPIRIUS PAETUS (AT NAPLES) CUMAE, 17 NOVEMBER

I ARRIVED yesterday at my Cuman villa, tomorrow I shall perhaps come to see you. But as soon as I know for certain, I will send you word a little beforehand. However, M. Caeparius, who met me on the road at the Gallinarian wood, told me you were in bed with the gout. I was sorry to hear it, as in duty bound; nevertheless, I resolved to come to you, for the sake not only of seeing you and paying you a visit, but even of dining with you: for I don't suppose you have a cook who is gouty also. Expect therefore a guest, who is far from being a gourmet, and is a foe to extravagant dinners.

LETTER 24

TO LUCIUS PAPIRIUS PAETUS (AT NAPLES) ROME (FEBRUARY)

Your friend Rufus, on whose behalf you have now twice written to me, I would have assisted to the best of my power, even if he had done me an injury, when I saw that you were so anxious in his favour. Since, however, both from your letter and from one which he has himself written to me, I perceive and am convinced that my safety has been a matter of much anxiety to him, I cannot fail to be his friend: and that not solely from your recommendation which has deservedly the greatest weight with me — but also from my own feeling and deliberate judgment For I wish you to know, my dear Paetus, that your own letter was the -origin of suspicion, caution, and careful inquiry on my part; and I afterwards received other letters from many quarters which were of like tone to yours. For both at Aquinum and Fabrateria plots were laid against me, of which I perceive that you have had some information; and as though these men divined how much trouble I was likely to give them, their design was nothing short of my complete ruin. Being then totally unsuspicious of this, I should have been more off my guard, had I not received this hint from you. Therefore that friend of yours requires no recommendation with me. Heaven send that the future of the Republic be such as to make it possible for him to appreciate my extreme gratitude! But enough of this.

I am sorry to hear that you have given up going out to dinner: for you have deprived yourself of a great source of amusement and pleasure. Again, I am even afraid-you'll allow me to speak frankly — that you will unlearn and partly forget that habit of yours — the giving of little dinners! For if even when you had models on which to form yourself, you made so little progress in the art, what am I to expect of you now? Spurinna, indeed, when I told him about it and described your former way of living, pointed out the serious danger to the state if you did not recur to your old habits with the first breath of Spring. It might, he said, be endured at this time of year, if you

could not stand the cold! But, by Hercules, my dear Paetus, without joking I advise you to cultivate the society of good, agreeable, and affectionate friends, for that is the secret of happiness. Nothing, I say, is more satisfying or contributes more to a happy life. And I do not found this on mere pleasure, but on the social intercourse and companionship, and that unbending of the mind which is best secured by familiar conversation, nowhere found in a more captivating form than at dinner-parties. This is more wisely indicated by us Latins than by the Greeks. The latter talk oσυμπόσια and σύνδειπνα, that is, "drinkings together" and "suppings together," we of "living together" (convivium), because in no other circumstance is life more truly lived than in company. Do you see I am using philosophy to try and lure you back to dinners? Take care of your health: that you will secure with least difficulty by dining out. But pray, as you love me, don't suppose that because I write jestingly I have cast off all care for the state. Be assured, my dear Paetus, that I work for nothing, care for nothing all day and night except the safety and freedom of my fellow citizens. I omit no occasion of warning, pleading, adopting precautions. In fact, my feeling is that, if I have to give my very life to this task and to pushing these measures, I shall think myself supremely fortunate. Goodbye! Good-bye!

LETTER 25

TO L. PAPINIUS PAETUS (AT ROME) LAODICEA (FEBRUARY)

Your letter has made me a consummate general: I had really no idea that you were so accomplished a tactician. I see you have been poring over the treatises of Pyrrhus and Cineas. So I am thinking of obeying your maxims: more than that, I mean to have some light vessels on the coast: against your Parthian horse they say that no better equipment can be discovered. But why jest? You don't know what a great general you are talking to! The Cyropaedeia, which I had well thumbed over, I have thoroughly exemplified throughout my command. But we will have our joke out when we meet, and that I hope before very long. Now listen to the word of command, or rather "attention!" as they used to say in old times. With M. Fadius, as I think you know, I am very intimate, and I am much attached to him, as well from his extreme honesty and singular modesty of behaviour, as from the fact that I am accustomed to find him of the greatest help in the controversies which I have with your fellow tipplers the Epicureans. He came to see me at Laodicea, and I wanted him to stay with me, but he was suddenly agitated by a most distressing letter containing the announcement that an estate near Herculaneum, of which he is joint owner, had been advertised for sale by his brother Q. Fadius. M. Fadius was exceedingly annoyed at this, and thought that his brother (who is not a wise man) had taken that extreme step at the instigation of his own private enemies. In these circumstances, my dear Paetus, as you love me, take the whole case in hand and free Fadius from his distress. We want you to use your influence, to offer your advice, or even to make it a matter of personal favour. Don't let brothers go to law and engage in a suit discreditable to both. Two of Fadius's enemies are Mato and Pollio. Need I say more? I really cannot, by Hercules, express in writing how much I shall be obliged to you if you put Fadius at his ease. He thinks that this depends on you, and makes me think so also.

LETTER 26

TO L. PAPIRIUS PAETUS (AT NAPLES) ROME (AUGUST?)

I have just lain down to dinner at three o'clock, when I scribble a copy of this note to you in my pocket-book. You will say, "where?" With Volumnius Eutrapelus. One place above me is Atticus, one below Verrius, both friends of yours. Do you wonder that our slavery is made so gay? Well, what am I to do? I ask your advice as the pupil of a philosopher. Am I to be miserable, to torment myself? What should I get by that? And, moreover, how long? "Live with your books," say you. Well, do you suppose that I do anything else? Or could I have kept alive, had I not lived with my books? But even to them there is, I don't say a surfeit, but a certain limit. When I have left them, though I care very little about my dinner — the one problem which you put before the philosopher Dion — still, what better to do with my time before taking myself off to bed I cannot discover.

Now listen to the rest. Below Eutrapelus lay Cytheris. At such a party as that, say you, was the famous Cicero, "To whom all looked with rev'rence, on whose face Greeks turned their eyes with wonder?" To tell you the truth, I had no suspicion that she would be there. But, after all, even the Socratic Aristippus himself did not blush when he was taunted with having Lais as his mistress: "Yes," quoth he, "Lais is my mistress, but not my master." It is better in Greek; you must make a translation yourself, if you want one. As for myself, the fact is that that sort of thing never had any attraction for me when I was a young man, much less now I am an old one. I like a dinner party. I talk freely there, whatever comes upon the tapis, as the phrase is, and convert sighs into loud bursts of laughter. Did you behave better in jeering at a philosopher and saying, when he invited anyone to put any question he chose, that the question you asked the first thing in the morning was: "Where shall I dine?" The blockhead thought that you were going to inquire whether there was one heaven or an infinite number! What did you care about that? "Well, but, in heaven's name — you will say to me—"was a dinner a great matter

to you, and there of all places?”

Well then, my course of life is this. Every day something read or written: then, not to be quite churlish to my friends, I dine with them, not only without exceeding the law, but even within it, and that by a good deal. So you have no reason to be terrified at the idea of my arrival. You will receive a guest of moderate appetite, but of infinite jest.

BOOK 10

LETTER 1

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME (SEPTEMBER)

In the first place I have been out of town intending to embark for Greece: and in the next place, having been recalled by the voice of the Republic from the very midst Of my journey, I have never been let alone by Marcus Antonius, whose — I won't call it insolence, for that is a mere everyday fault — but whose brutal tyranny is such that he cannot endure not only any man's voice, but even any man's look to be free. Therefore I am exceedingly anxious-not about my life indeed, for I have nothing left to do for that, whether you regard my age or my achievements or (if that, too, is to the purpose) my glory — but it is for my country that I am uneasy, and first and foremost about the time that we have to wait for your consulship, my dear Plancus, which is so long that one scarcely ventures to hope to be able to keep undergraduate life at Athens. It, however, labours under the disadvantage of being a report sent home by the young man himself rather than by his tutors — an arrangement that would suit many students in all universities. The account of his reformation is therefore perhaps a little too rosy.

alive up to that point in the history of the Republic. For what hope can there be in a state in which everything is held down by the arms of the most violent and headstrong of men: in which neither senate nor people has any power of control: in which there are neither laws nor law courts — in fact, no shadow or trace even of a constitution. But as I suppose a complete gazette of public affairs is transmitted to you, there is no reason why I should enter into details. However, the affection which I conceived for you when you were a boy, and have not only maintained but have even increased, seemed to demand that I should admonish and exhort you to devote yourself heart and soul to the service of the Republic. If it survives till your term of office, all will be plain sailing. But that it should so survive demands not only great assiduity and care on your part, but also great good fortune.

But to begin with we shall have you with us, I hope, a considerable time before that day: and in the next place-over and above the consideration which I am bound to have for the interests of the Republic — I also so completely give myself up to supporting your dignity, that I direct all the skill, zeal, devotion, exertion, labour, and attention of which I am capable to the promotion of your high position. It is thus, I am convinced, that I shall most readily do my duty both to the Republic, which I love above everything, and to our friendship, which I think it my most sacred duty to foster.

I am not surprised that our friend Furnius is valued by you as highly as his own kindness and worth deserve. I rejoice that it is so, and I would have you believe that whatever mark of confidence and favour you bestow on him, I regard as having been bestowed by you upon myself.

LETTER 2

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME
(AFTER 19 SEPTEMBER?)

No zeal which our close connexion could command in support of the complimentary vote to you would have been wanting on my part, had I been able to enter the senate with safety or dignity. But neither can anyone who freely expresses his opinion on politics appear there without danger, when there is absolutely no restraint upon the employment of armed men, nor do I think it consistent with my dignity to speak in a place where these armed men hear me more distinctly and from a shorter distance than senators. Accordingly, in private affairs you shall not have to complain of any lack of service or zeal on my part: nor indeed in public affairs either will I ever fail to appear in support of your dignity, if my presence is ever actually necessary, even at the risk of danger to myself. But in matters which can be equally well carried out, even though I am not there, I must ask you to allow me to consider my own safety and dignity.

LETTER 3

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME (SEPTEMBER)

I was very glad to see Furnius for his own sake, but all the more glad because in listening to him I seemed to be listening to you. He vividly described your valour in war, the justice of your administration in the province, and the wisdom you displayed in every department. He mentioned besides — what our association and intimacy had not left me ignorant of — the courtesy of your manners, as well also as your very liberal conduct to himself. All these were very pleasant hearing to me: the last roused my gratitude also.

I have had, my dear Plancus, a close bond of friendship with your family, formed a considerable time before you were born, a personal affection for you from your boyhood, and, when you grew up, an intimacy begun from inclination on my part and from deliberate judgment on yours. For these reasons I take extraordinary pains to support your political position, which I am convinced ought to be associated with my own. You have attained to the highest distinctions in every department, virtue shewing the way, and fortune marching by your side. And these you have won though you had many detractors, whom you have baffled by your talents and industry. At present, if you will listen to me — who love you dearly and yield to no one in his claim to be a closer and older friend -you will look for every advancement in the rest of your life from the best possible settlement of the constitution. You know of course — for it could not possibly have escaped you — that there has been a period during which people thought you too much inclined to yield to the circumstances of the time. I should have thought so, too, had I thought that you approved of the things to which you submitted. But as I well knew your real sentiments, I considered that it was only that you saw the limits of your power. Now the case is different. The decision on all points is in your own hands and is unfettered. You are consul-designate: at the prime of life: a first-rate orator. And all this

when the state is unusually destitute of men of this sort. In the name of Heaven, throw yourself heart and soul into the measures calculated to bring you reputation and glory. The one path to glory, especially at a time like this, when the Republic has been harassed to death for so many years, is that of honest administration. It was my personal affection that impelled me to write this to you, rather than any idea of your needing admonition and precept. For I know that you imbibed them from the same fountains as myself. Therefore I will put a period to these exhortations. For the present I thought I should only give a hint — rather to shew you my affection than to display my wisdom. Meanwhile I will attend with zeal and minute care to whatever I think will affect your high position.

LETTER 4

L. MUNATIUS PLANCUS TO CICERO (AT ROME) GALLIA COMATA

(NOVEMBER) I was very much pleased with your letters, which I note as having been written in consequence of what Furnius said to you. The excuse for not having written before which I have to offer is that I was told that you had left the country; nor did I learn of your return much before your own letter told me of it. I say this, because I do not think that I can omit any attention to you, however insignificant, without the very gravest breach of duty. For being careful to pay such attentions I have innumerable reasons, whether I look to the close ties between our fathers, or my reverence for you which began with my childhood, or your mutual affection for me. Wherefore, my dear Cicero; as far as our respective ages permit, Convince yourself that you are the one man whose society has enabled me to maintain the purity of life of which my father gave me an example. Therefore all the counsels you give are, in my eyes, inspired not more by wisdom — though in that they are supreme- than by loyal friendship, which I gauge by person. It was either never renewed, or subsequent letters have been all lost. These are the last words that have come to us of a correspondence between two men among the most remarkable existing for its continuity, as well as for its candour and complete unreserve. The remainder of the correspondence, though it carries us through almost the most momentous and exciting months ever experienced in Rome, has indeed all the agitation and stir of life, but lacks the note of complete confidence and self-revelation of the letters to Atticus.

my own heart. Supposing me then to be otherwise minded, your reprimand at any rate would have been sufficient to stop me: or supposing me to be hesitating, your exhortation would have sufficed to force me to follow the course which you thought to be the most honourable. As it is, however, what is there to draw me in a different direction? Whatever advantages I possess, whether bestowed upon me by the kindness of fortune or acquired by my own labour, though your affection induces you to value them with partial kindness, are

yet so great in the judgment even of my bitterest opponent, that they lack nothing but the good opinion of the world. Wherefore, if you were ever sure of anything, be sure of this — whatever effort my bodily strength, whatever provision my mental powers, whatever impression my personal influence, are capable of making — all these shall ever be at the service of the Republic. Your sentiments are not unknown to me: and if I had the opportunity — as I wish with all my heart I had — of seeing you face to face, I should never have dissented from your policy; nor even as it is will I allow any act of mine to deserve your just rebuke. I am anxiously awaiting news from every quarter, to learn what goes on in Cisalpine Gaul, or in the city, when January comes. Meanwhile my greatest anxiety and concern here are lest, instigated by the malpractices of others, these tribes should regard our difficulty as their opportunity. But if my success equals my deserts, I shall at any rate satisfy the expectations both of yourself, which is my chief ambition, and of all loyalists.

LETTER 5

TO L. MUNATIUS PLANCUS (IN TRANSALPINE GAUL)
ROME (DECEMBER)

I have received a letter from you in duplicate, which in itself shews me how careful you are: for I understood that you were anxious that a letter which I most ardently desired should reach my hands. From this letter I received a double satisfaction, such that it is difficult for me to decide by any comparison, whether to regard your affection for me or your loyalty to the Republic as the more valuable. As a general truth affection for one's country is, in my judgment at least, the greatest thing of all; but personal love and sympathy find certainly a softer place in our heart. Therefore your recalling the friendship of our fathers and the affection which you have bestowed on me from your childhood, and all the other circumstances accompanying that feeling, gave me the keenest pleasure. Again, the revelation of the sentiments which you entertain towards the Republic and intend to maintain was most delightful to me, and my joy was all the greater because it came in addition to what you had said before. Accordingly, my dear Plancus, I do not merely exhort you — I go so far as actually to entreat you — as I did in the letter to which you have made such an exceedingly kind answer — to throw yourself with all your soul and with every impulse of your heart into the cause of the Republic. There is nothing that can bring you higher reward or greater glory, nor is there anything that a human being can do more splendid or brilliant than to deserve well of the Republic. I say this because as yet — for your consummate kindness and wisdom permit me to speak my sentiments with candour — you seem to have accomplished the most splendid achievements with the support of fortune; and though you could not have done so without personal merit, yet to a great extent those achievements are commonly put down to fortune and the circumstances of the time. But in a crisis of such supreme difficulty as the present, whatever help you give to the Republic will be wholly and peculiarly your own. You could scarcely believe how all citizens, except the rebel party, detest

Antony. High hopes are placed on you and your army-great expectations. In heaven's name, do not let slip the opportunity for gaining such popularity and glory! I counsel you as a father might a son: I am as eager for your honour as for my own: I exhort you with the fervour inspired by my country's cause and the knowledge of your devoted friendship.

LETTER 6

TO L. MUNATIUS PLANCUS (IN GAUL) ROME, 20 MARCH

WHAT our friend Furnius reported as to your disposition towards the Republic was highly pleasing to the senate and most cordially approved of by the Roman people. But your despatch, which was read in the senate, did not seem at all to harmonize with the verbal report of Furnius. For you are for peace, though that illustrious man your colleague is being actually besieged by the most abandoned outlaws, who ought to beg for peace after laying down their arms; or if they demand it with arms in their hands, we must attain that peace by victory, not by making terms. But how your despatch about peace, or that of Lepidus, has been received you will be able to learn from that honourable man your brother, and from Gaius Furnius. However, my affection for you has made me anxious that, although you are not yourself wanting in sagacity, and although you have the goodwill and loyal wisdom of your brother and Furnius ever at your side, yet, Considering the many ties between us, some injunction should reach you with the cachet of my authority also. Well then believe me, my dear Plancus, that all the steps in official promotion which you have hitherto attained — and they are of the most honourable nature-will convey nothing but the empty titles of office without the true marks of dignity, unless you throw in your lot with the liberty of the Roman people and the authority of the senate. Separate yourself, I beseech you, at length from those to whom you have been bound, not by your own deliberate judgment, but by the chains of circumstance. Many in the confusion of public affairs have received the title of consulars, not one of whom is regarded as really a consular, unless he has shewn the true spirit of a consular towards the state. This is the sort of man that you are bound to be, first in withdrawing yourself from association with disloyal citizens extremely unlike yourself; next in giving your services as supporter, champion, leader to the senate and the whole loyalist party; and lastly in making up your mind that peace does not consist in merely laying aside arms, but in dispelling the fear of arms and slavery. If

this is your policy and these your sentiments, you will not only be a consul and a consular, but also a great consul and a great consular. If not, in these splendid titles of office there will not only be no dignity, there will be the extremity of dishonour. Under the influence of my warm feeling for you I write these words with somewhat unusual gravity. But you will find them to be true, if you put them to the test of practice — the only method worthy of you.

20 March.

LETTER 7

L. MUNATIUS PLANCUS TO CICERO (AT ROME) GALLIA COMATA (23 MARCH)

I would have written you a longer letter about my plans and given you an account of all my movements in greater detail, to convince you more fully that I have done every-thing for the Republic which your exhortation first suggested to me, and which I took upon myself to perform — for I always wished for your approval as much as for your love, and did not so much secure you as my defender in case of committing a fault, as wish for you as a trumpeter of my services — but two circumstances make me more brief. The first is that I have fully stated everything in my public despatch. The second is that I have ordered Marcus Varisidius, a Roman knight and my intimate friend, to go home in person and visit you: so that from him you might learn every particular. I can assure you on my honour that I have been feeling very considerable vexation at seeing others anticipating me in the winning of reputation; but I have put a restraint upon myself until I could succeed in doing something worthy both of my consulship and of what you and your friends expect of me. And, if fortune does not play me false, I hope I shall succeed in making men feel now and remember hereafter that I have been a very great protection to the constitution. I beg you to give firm support to my position, and to make me still more energetic in the future by the actual fruition of those advantages, by the hope of which you inspired me to aim at glory. I feel convinced that your power is as great as your will. See that you keep well and return my affection.

LETTER 8

L. MUNATIUS PLANCUS TO THE MAGISTRATES AND SENATE

GALLIA COMATA (23 MARCH) PLANCUS, imperator, consul-designate, greets the Consuls, praetors, tribunes of the plebs, the senate, the people and commons of Rome.

In case anyone thinks that I have kept public expectation and the hopes of the state as to my disposition too long in suspense, I think I must offer an explanation to such a man before proceeding to promise anything to anybody as to my future services. For I do not wish to have the appearance of having made up for a previous error, but to be delivering in the fullness of time the long-cherished sentiments of a loyal heart. It did not escape me that at a time of such profound public anxiety and such great political confusion the profession of loyal sentiments is a most profitable thing to make, and I saw that a considerable number of people had secured high honours by that means. But since fortune had brought me to such a pass as to force me to choose between making premature promises, and thereby of my own act raising up formidable obstacles to the accomplishment of any useful service, or putting a restraint upon myself in that respect, and thereby having better opportunities of rendering aid, I chose a course better calculated to secure the public safety than my own reputation. For who is there that in the high position I at present enjoy, and after a life such as I think the world knows mine to have been, and with the prospects which I actually possess, could submit to anything degrading or set his heart upon anything likely to be mischievous? But I required a considerable time, heavy labours, and great expense in order finally to make good my promises to the Republic and all loyal citizens, and in order not to approach the task of aiding my country with no equipment except good intentions, but with the requisite resources. I had to secure the loyalty of my army, which had been often tampered with by the offer of great bounties, and to persuade it to look to the state for moderate rewards, rather than to a single person for unlimited ones. The loyalty also of numerous tribes had to be secured, which in the previous year had

been laid under obligations by bounties and grants of compensations; and they had to be convinced that such rewards were shadowy, and that they must try to obtain the same privileges from more constitutional sources. I had also to sound the intentions of the other commanders of neighbouring provinces and armies, and induce them to join me in championing freedom in conjunction with the majority,' rather than that we should share with the minority a victory disastrous to the world at large. Moreover, I had to take precautions for my own safety by increasing my army and multiplying the number of my auxiliaries, in order that, while making no secret of my sentiments, I might yet incur no danger by its being publicly known, even though some objected, which side I meant to embrace. Accordingly, I shall never deny that, in order to arrive at the accomplishment of these designs, I have, contrary to my inclinations, pretended to feelings that I did not entertain, and with pain dissembled those that I did. For I saw from what had befallen my colleague the danger of a premature revelation of intentions by a loyal but unprepared citizen.

On this account I have given my legate Gaius Furnius — a gallant and energetic officer-still fuller instructions by word of mouth than are contained in this despatch, to the end that they might reach you with greater secrecy, and I might remain in greater security. And I have instructed him as to what is required for strengthening the public safety and properly equipping myself. And from this it may be understood that the care of the defence of our country's highest interests has not for long past been suffered to sleep in my breast. By the blessing of heaven we are now in a better state of preparation in every particular, and we wish all the world not merely to have good hopes, but to feel certain, of us. I have five legions under colours, united by their own loyalty and excellence to the Republic with the most absolute fidelity, and at 'the same time devoted to me in response to my liberal treatment of them. I have a province in the best possible state from the unanimous consent of all its tribes, and inspired by the keenest emulation in its display of loyalty. My cavalry and auxiliary, forces are as numerous as the tribes in this country can raise in defence of their own safety and liberty. For myself I am fully prepared either to defend my province, or to go

wheresoever the Republic calls me, or to hand over army, auxiliaries, and province. Or I would not even decline to bear the whole brunt of the war in my own person, provided that by my own disaster I might secure the safety of my country or delay its danger. I am making these promises when all difficulties have been already solved, and the political crisis is over, I shall rejoice in the benefit to my country, though I thereby lose my chance of earning reputation. But if I am to find myself involved in a share of dangers still at their most unabated height, I commend the defence of my policy to, impartial judges against the detraction of the envious. As for the reward of my own services, that is sufficiently secured in the safety of the state. Yet I think I ought to ask you to regard as commended to your consideration those who have followed my lead, and still more their duty to you, and have been proof against the deception of any promises or the terror of any threats.

LETTER 9

L. MUNATIUS PLANCUS TO CICERO (AT ROME) NEAR VIENNE IN GALLIA NARBONENSIS (27 APRIL)

I am glad that I made no rash promise to you, and that you did not pledge yourself to anything for me without good ground. At any rate you have the stronger evidence of my affection for you in the fact that I wished my plans to be known to you sooner than to anyone else. I hope you clearly perceive that additions to my services are being made every day. I undertake that you shall know it still better. As far as I am concerned, my dear Cicero — as surely as I hope that the state may be relieved through me of the evils that threaten it — though I regard with respect the rewards and honours which you senators have it in your power to bestow — worthy surely to be compared with immortality — yet even without them I am not likely to slacken at all in my zeal and persistence. Unless in the crowd of the most loyal citizens my enthusiasm has been conspicuous and my exertion eminent, I do not desire any accession to my honour by the votes of your house. I covet no honour for myself — it is against such covetousness that I am myself fighting. I am quite content that you should have the decision both of its amount and of its season. A citizen can never think honour paid him by his country either too late or insufficient. I got my army across the Rhone on the 26th of April by forced marches. I sent forward a thousand cavalry from Vienne by a shorter route. If I am not delayed by Lepidus, I shall myself leave nothing to be desired in the way of speed. If; however, he puts himself across my line of march, I shall take such measures as seem necessary. I am bringing a force thoroughly satisfactory as to numbers, nature, and loyalty. I beg you for your affection, as you know that it will be only mutual.

LETTER 10

TO L. MUNATIUS PLANCUS (N GALLIA COMATA) ROME, 30 MARCH

THOUGH I had been fully informed by our friend Furnius as to your sentiments and your, policy in regard to the Republic, yet the perusal of your letter has enabled me to form a clearer judgment of your whole mind. Wherefore, though the entire fortune of the state is depending on the result of one battle — which I think by the time that you read these words will have been already decided-yet by the mere report of your sentiments which has gained currency you have earned great applause. Accordingly, it we had had a consul at Rome, the senate would have put on record in terms highly complimentary to you how much your contemplated movement and the preparations you have made are appreciated. And for that the time has not only not passed, but in my opinion is not even yet fully ripe. For in my eyes the only compliment worthy the name is that which is offered and given to illustrious men, not in hope of future advantage, but for important services actually rendered. Wherefore, if only some form of a state exists in which the light of honour is, capable of displaying its brightness, there are no honours, believe me, however splendid, with which you will not be lavishly endowed. Now this honour, which can be truly so called, is not meant to impart a momentary impulse, but is the reward of unvarying excellence. Wherefore, my dear Plancus, throw yourself heart and soul into the pursuit of glory: come to your country's rescue; relieve your colleague; support the unanimous desire and the wonderfully united aspiration of all nations. You will find in me a supporter of your policy, a promoter of your dignity, in every particular your most loving and faithful friend. For to the other reasons for our being united by love, mutual good services, and long habit, there is now added devotion to our country: and that has been sufficient to make me prefer your life to my own.

30 March.

LETTER 11

L. MUNATIUS PLANCUS TO CICERO (AT ROME) GALLIA NARBONENSIS (APRIL)

I GIVE you undying thanks, and shall do so as long as I live: since I cannot promise to repay you. For I do not think that I can possibly make a return for such great services as yours, unless by chance, as you remarked in such eloquent and impressive words in your letter, you will consider me to have repaid you as long as I remember them. If it had been a question of your own son's position, you could not have acted at any rate more affectionately. Your first motions in the senate proposing unlimited rewards for me, your later ones made to square with circumstances and the wishes of my friends, your constant and formal speeches about me, and your wordy-warfare on my behalf with my detractors-these are all most thoroughly known to me. I must be more than commonly careful to shew myself as a citizen worthy of your praise, mindful and grateful as your friend. For the future see that your bounty is not wasted; and if by results and facts you find that I am the man you wished me to be, defend me and take up my cause. Having crossed the Rhone with my troops, and having sent forward my brother with 3,000 cavalry, while I was myself on the march for Mutina, I was told on the road of the battle that had taken place, and of Brutus and Mutina being relieved. I saw that Antony and the remains of his force had no other place of retreat except in this district, and that he had two hopes in view-one of Lepidus himself; the other of his army. As a certain fraction of my army is as infatuated as those who were with Antony, I recalled my cavalry. I halted in the country of the Allobroges myself; that I might be as completely prepared for every eventuality as the situation required. If Antony comes into this district without forces, I think I am strong enough by myself to resist him, and to carry on the business of the country in accordance with the judgment of your house, even though he be admitted by the army of Lepidus. But if he brings some of his forces with him, and if the tenth veteran legion, which, having been recalled to its duty by my exertion, is now with the others, relapses into its old mad conduct, nevertheless I

will do my best to prevent any loss; and I hope I shall prevent it, provided that forces from Rome are sent across, and by forming a junction with me find it easier to crush these abandoned men. This much I will promise you, my dear Cicero, that no vigour or careful attention shall be wanting on my part. I would to heaven there was no anxiety left, but if there is, I will not fall short of any man's loyalty or perseverance on behalf of you all. I am indeed doing my best to induce Lepidus to share this policy with me, and I am promising to defer to him in every way, if he will only consent to regard the interests of the Republic. I am employing as coadjutors and go-betweens in this negotiation my brother, and Laterensis, and our friend Furnius. I will not be stopped by private quarrels from coming to an understanding with my bitterest foe on behalf of the safety of the Republic. But if I am unsuccessful, nevertheless I will do what you wish with the greatest determination, and perhaps with some addition of reputation to myself. Take care of your health, and give me love for love.

LETTER 12

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME, 11 APRIL

ALTHOUGH on public grounds I ought to be extremely rejoiced that you have given the state so much protection and so much aid in what is almost a desperate crisis, yet while I shall embrace you with my whole heart as conqueror if the constitution be restored, still what causes me a great part of my joy is the position you occupy, which I perceive is and will be of the most splendid kind. For do not imagine that any despatch was ever read in the senate which gave greater satisfaction than yours. And that was the result not only of what I may call the brilliancy of your services to the Republic, but also of the loftiness of your language and sentiments. To me, indeed, it was nothing new, for I knew you, remembered the promises contained in your private letter to myself, and had a thorough acquaintance with your views from our friend Furnius. But to the senate your words seemed beyond what they had expected, not because it had ever doubted your good intentions, but because it had not thoroughly realized how much you could do nor how far you were willing to go. Accordingly, when Marcus Varisidius handed me your letter early in the morning of the 7th of April, and I had read it, I felt an amazing thrill of joy; and as a great crowd of the most distinguished men and citizens were escorting me from my house, I at once made them all sharers in my pleasure. Meanwhile our friend Munatius came as usual to see me. Well, I handed him your letter, for as yet he knew nothing about you, Varisidius having come to me before anyone else, saying that such were your orders. A little later Munatius also allowed me to read the letter you had sent him, as well as your public despatch. We decided to transmit the despatch at once to the city praetor Cornutus, who, in the absence of the consuls, was, according to traditional custom, performing the consular functions. A meeting of the senate was at once summoned and there was a large attendance, owing to the rumour and general anticipation in regard to your despatch. After your despatch had been read a religious

difficulty was suggested to Cornutus, because the pullarii informed him that he had not taken the auspices with the proper formalities, and that was confirmed by our augural college. Accordingly, business was postponed to the next day. Well, on that day I had a warm debate with Servilius in defence of your position. He had exercised his influence to get his motion put first, but a large majority of senators quitted him and voted directly against it. But when my motion, which was put second, was being largely supported, at the request of Servilius it was vetoed by P. Titius. The business was deferred till the next day. Servilius came prepared "to fight Iupiter himself," in whose temple the debate was to be held. How I crushed him, and with what fiery eloquence I brought the vetoing Titius upon his knees, I would rather you learnt from the letters of others. Take this one fact from mine. The senate could not have been more resolute and firm or better disposed to your glory than it was on this occasion. Not that the senate is a bit more friendly to you than the whole body of citizens. For there is a surprising unanimity of feeling among the entire Roman people, with the united aspiration of all conditions and classes, in favour of recovering the public liberty. Go on, then, as you have begun, to make your name immortal! And as for all those empty shows of glory, founded on the most unsubstantial badges of external splendour, despise them; and regard them as short-lived, counterfeit, and perishable. True glory rests on virtue,

which is shewn to the highest advantage by services done to the state. You have the most excellent Opportunity for performing these. Since you have embraced it and still possess it, see that the state owes you as much as you owe the state. You will find in me not only a supporter of your high position, but a promoter of its increase. That much I think I owe both to the Republic, which is dearer to me than life itself, and to our friendship. And in these exertions, which I have consecrated to the support of your position, I have found a great pleasure in the still clearer view I have gained of the wisdom and loyalty of Titus Munatius — though I knew these before — as displayed in his extraordinary devotion and activity in your service.

11 April.

LETTER 13

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME (10 MAY)

From the first moment that the opportunity was given me of promoting your position, I omitted nothing that was calculated to do you honour, whether in the way of substantial reward for valour or of complimentary words. That you will be able to learn from the decree of the senate itself: for it was drawn up word for word as I delivered my motion from a written copy; which motion was carried by a full senate with great enthusiasm and striking unanimity. Although I clearly gathered from your letter to me that you cared more for the approval of good men than for the outward badges of distinction, yet I thought that we ought to take into calculation-even if you made no demand — how much was due to you from the Republic. See that you make the end tally with the beginning. For the man who crushes Antony will have finished the war. Just so Homer did not give either Ajax or Achilles the title of" city-sacker," but Ulysses.

LETTER 14

TO L. MUNATIUS PLANCUS (IN GALLIA COMATA) ROME, 5 MAY

WHAT a pleasant report it was that we received two days before that of the victory of the support you were bringing up, of your zeal, your rapid movements, and the forces at your disposal! And yet even now that the enemy have been repulsed our whole hope is in you. For the most notorious ringleaders of those outlaws are said to have escaped from the battle of Mutina. Now it is no less satisfactory to wipe out the last part of an invasion than to drive off the first. As for me, I am anxiously looking for a letter from you, and my anxiety is shared by many. I am in hopes, too, that Lepidus — warned by the present state of public affairs-wilt act with you and the Republic. Therefore, my dear Plancus, make it your special aim that not a single spark of that most abominable war be left alight. If this is accomplished, you will have done the state a service more than human and will also win imperishable honour for yourself.

5 May.

LETTER 15

L. MUNATIUS PLANCUS TO CICERO (AT ROME) CULARO (Modern Grenoble), 13 MAY

What has happened since my last letter was written I thought it for the public service that you should know. My persevering attention has, I hope, borne some fruit both for myself and the Republic. For by a continual interchange of messages I urged Lepidus, laying aside all Controversies and admitting a reconciliation between us, to join me in coming to the rescue of the Republic; to have regard for himself; his children, and the city, as more precious than one abandoned and humiliated outlaw: and I promised him that he should find me thoroughly at his command in every undertaking if he did so. I have made some way with him; and accordingly he has by our intermediary Laterensis pledged his word to me that he will make war on Antony, if he fails to prevent his entrance into his province. He has asked me to join him and combine our forces. He is the more urgent on that point because Antony for his part is said to be strong in cavalry, while Lepidus himself is not even moderately equipped in that respect. For even from the small number that he did possess, ten of the best a few days ago had deserted to my camp. When I was informed of these facts I did not delay: I thought that Lepidus was to be encouraged in the path of loyalty. I saw what my arrival was likely to effect, either because I could, as I reckoned, pursue and crush his cavalry with mine, or because I might, I thought, by bringing my army up, reform and put pressure upon that part of Lepidus's army which was disaffected and disloyal to the state. Accordingly, having made a bridge in a single day across the Isara — a very large river which bounds the territory of the Allobroges — I got my army across on the 12th of May. Having, however, received information that Lucius Antonius with cavalry and some cohorts had been sent in advance and had arrived at Forum Iulli, I sent my brother with 4,000 cavalry on the 13th of May to meet him. I am going to follow him with four legions in fighting order and the rest of my cavalry as quickly as I can march. If the good fortune of the Republic aids us even to a moderate degree, we

shall here find an end to the presumption of a set of ruffians and to our own anxiety. But if that outlaw gets timely warning of our approach and retreats into Italy, it will be the business of Brutus to meet him, who will not, I know, lack either strategy or courage. However, if that happens, I shall send my brother with the cavalry in pursuit of him, to protect Italy from being looted. Take care of your health and return my affection.

LETTER 16

TO L. MUNATIUS PLANCUS (AT CULARO) ROME (27 MAY)

Never within living memory have I seen anything happen, Plancus, more glorious, more welcome, or more exactly in the nick of time, than your despatch. For it was delivered to Cornutus in a full meeting of the senate just after he had read aloud the cold and shuffling despatch of Lepidus. Immediately after it yours was read and was received with loud cheers. For it was not only most welcome for the actual news it contained and the zeal and good services to the state which it implied, but its language and sentiments were also most impressive. Cries were raised that Cornutus should at once bring forward a motion arising from your despatch. He said that he wished time for consideration. When this had brought down on him a severe remonstrance from the whole senate, five of the tribunes brought forward a motion. Servilius being called upon voted for postponing the business. I then delivered an opinion with which they all agreed to a man. What it was you will learn from the decree itself. As for you, though you are in no want of prudence, or rather have enough and to spare, you ought yet to resolve to refer nothing here, nor in the midst of such sudden and pressing emergencies to think yourself bound to ask advice from the senate. Be your own senate, and follow wherever the interest of the public service shall lead you. Let it be your object that we hear of some brilliant operation by you before we thought that it was going to happen. I pledge my word to you that whatever you achieve the senate will accept as having been done not merely with loyal intention, but also with wisdom.

LETTER 17

L. MUNATIUS PLANCUS TO CICERO (AT ROME) NEAR FORUM VOCONII, 20 MAY

ON the 15th of May Antony reached Forum Iulii with his advanced guard. Ventidius is two days' march behind him. Lepidus is encamped at Forum Voconii, which is twenty-four miles from Forum Iulli, and has settled to await me there, as he has himself written to tell me. But if neither Lepidus himself nor fortune disappoints me in any way, I pledge myself to finish this business quickly in the manner in which you in the senate desire. I told you in a previous letter that my brother was ill, worn out by continuous work and rapid movements. Nevertheless, as soon as he could set foot to ground, considering that his restored health was not his own more than the state's, he was for leading the forlorn hope everywhere. But I have not merely urged, I have forced him to start for Rome — partly on the grounds that in his state of health he was more likely to wear himself to death than to assist me in camp, and partly because I thought that the Republic, having been left bare by the most regrettable death of the consuls, required the presence of such an eminent citizen as praetor for the conduct of city business. But if any of you at Rome disapprove, let it be known that it was I that lacked prudence in counsel, not he fidelity to his country. After all, Lepidus did what I wanted him to do — he sent me Apella to hold as a hostage of his good faith and of his co-operation in the public service. In that business I was well satisfied with the services of L. Gellius, whom I employed as my last emissary to Lepidus. I think that I ascertained him to be attached to the Republic, and it will give me pleasure to testify to him and to all who serve the state well. Take care of your health, return my affection for you, and defend my position, if I deserve it, as you have done up to this time with remarkable kindness.

LETTER 18

L. MUNATIUS PLANCUS TO CICERO (AT ROME) GAUL, 18 MAY

WHAT I had in my mind when Laevus and Nerva quitted me you have been able to ascertain by the letter which I forwarded by them and from these men personally, who have taken part in all my actions and consultations- There has happened to me what usually does happen to a man of honour and one who is desirous of doing his duty to the state, in fact to all good men, that I preferred to pursue a dangerous course with an approving conscience, rather than a safe one which might lay me open to some reproach. Accordingly, after the departure of his legates, as Lepidus in two successive letters begged me to join him, and Laterensis still more strongly begged me to do so in terms almost of entreaty-shewing no dread of anything except what causes me also some alarm, the fickleness and untrustworthy temper of his army — I thought I ought not to hesitate about hurrying to his assistance and confronting the common danger. Now the safe course for me was to wait on the IsŽre till Dec. Brutus got his army across the mountains, and to go to meet the enemy with a colleague in sympathy with my views and an army in full accord and well-affected to the had not opposed Antony's passage, and indeed seems to have joined him (App. B.C. 3.83).

Republic, as his soldiers are. Nevertheless I knew that if Lepidus while entertaining loyal ideas came to any harm, it would all be laid to the charge either of my obstinacy or my timidity. I saw plainly that this would' be so, if I either failed to relieve a man closely united with the Republic, though on bad terms with myself, or had myself withdrawn from the struggle in a war of such moment. So I preferred to run the risk, and to see whether my presence might afford Lepidus protection and render his army better-affected, rather than appear over-cautious. At any rate I think there never was anyone more anxious, without any fault of his own, than myself. For the very situation which was causing me no hesitation, supposing Lepidus's army away, in the present state of things brings me great anxiety and involves great risk. For if it had been my fortune to encounter

Antony first, he would not, by heaven, have held his ground an hour. So confident do I feel in myself and so completely do I despise his demoralized forces and the division of Ventidius the mule-man. But I cannot but shudder at the idea of some hidden wound, which may cause mischief before it can be known and treated. But certainly unless I had remained on the same ground Lepidus himself and the well-affected part of his army would have incurred great danger. The unscrupulous enemy also would have secured a great accession of force, if they had withdrawn any of his troops from Lepidus. And if my arrival has stopped these things occurring I shall thank my stars and my own firmness, which incited me to make this experiment. Therefore on the 20th of May I broke up my camp on the IsŽre: I left the bridge standing, however, which I had constructed over that river, with a fort placed at each end of it; and in them I stationed strong garrisons, that there might be a means of crossing without delay ready for Brutus and his army when he came. I shall myself, I hope, in eight days from the despatch of this letter effect a junction with the forces of Lepidus.

LETTER 19

TO L. MUNATIUS PLANCUS (IN GAUL) ROME (27 MAY)

THOUGH I do not look for formal thanks from you, since I know that you are most grateful in fact and from your heart, nevertheless — for I must confess the truth — they were very gratifying to me. For I seem to see, as though it were something actually visible to the eye, that I am beloved by you. You will say, "What did you think before?" Well,

I always knew it, but never with greater clearness. Your despatch was wonderfully liked by the senate, both for the facts it contained, which were of the utmost importance and significance, indicating supreme courage and consummate strategy, and also for the impressiveness of its sentiments and language. But, my dear Plancus, push on with all your might and finish the last struggles of the war. In this you will find the greatest popularity and glory. Of course the object of all my desires is the Republic: but, by heaven, I am by this time tired out with my efforts to save it, and am now not more earnest in favour of my country than of your glory. To win that the immortal gods have now given you a unique opportunity, as I hope. Embrace it, I beseech you. For the man who crushes Antony will have brought a most abominable and dangerous war to an end.

LETTER 20

TO L. MUNATIUS PLANCUS (IN GAUL) ROME, 29 MAY

ALL the news from your part of the world is so uncertain that nothing occurs to me to say to you. For at one time reports of Lepidus are satisfactory, at another the reverse. However, of you the report is unvarying — that you can be neither hoodwinked nor beaten. The credit for the latter is to a certain extent fortune's, for the former it wholly belongs to your own good sense. But I have received a letter from your colleague dated the 15th of May, in which he said that you had written to tell him that Antony was not being received by Lepidus. I shall feel more certain of this if you give me the same information in a letter, but perhaps you do not venture to do so owing to the ill-grounded cheerfulness of your former letter. But as it was possible for you, my dear Plancus, to make a mistake — for who escapes doing so?-so no one can fail to see that it was impossible that you should be taken in. Now, however, even the plea of being mistaken has been taken away —"Twice on the same stone," you know, is a fault reproved by a common proverb. But if the truth is as you have written to your colleague, we are freed from all anxiety; yet we shall not be so until you inform us that it is the Case. My opinion indeed, as I have often told you in my letters, is that the man who extinguishes the last embers of this part of the war will be the real victor in the whole war, and I both hope and believe that you will be the man. I am not at all surprised and am deeply gratified that my zeal on your behalf, which certainly Could not have been surpassed, has been as pleasant to your feelings as I thought it would be. You will find it indeed to be greater and more effective still, if things go well with you there.

29 May.

LETTER 21

L. MUNATIUS PLANCUS TO CICERO (AT ROME) CAMP ON THE ISARA, 15 MAY

I should have been ashamed of the contradictory nature of my despatches, had not this depended on the caprices of another. I had adopted every possible precaution for enabling me, by combining with Lepidus for the defence of the Republic, to resist these ruffians with less anxiety to you all at Rome. I conceded everything he demanded and volunteered much besides, and two days ago I wrote to tell you that I felt sure of finding Lepidus loyal, and that I should conduct the war in consultation with him. I trusted to his own handwriting, and to the personal assurances of Laterensis, who was then in my camp and was entreating me to be reconciled to Lepidus and to trust him. I was not long allowed to entertain good hopes of him. At least I have taken precautions, and will continue to do so, that the fortune of the Republic does not suffer from any credulity on my part. When after constructing a bridge in a single day I had got my army across the Isara, using all the rapidity which the gravity of the situation demanded, because he had written to me with his own hand asking me to hasten my arrival, I was met by his orderly bringing a despatch in which he warned me not to come, saying that lie could finish the affair independently, and that I should meanwhile wait for him on the Isara. I will tell you what my idea on the spur of the moment was. I had resolved to go all the same, thinking that what he was trying to avoid was having anyone to share in his glory. I thought that I could avoid trenching at all upon the reputation of a poor-spirited man, and yet could be at hand on some convenient ground, so as to be able to render prompt aid in case of any reverse. This was my idea in the innocence of my heart. But Laterensis, who is a thoroughly honourable man, sent me a letter in his own handwriting, expressing excessive despair of himself; of the army, of the good faith of Lepidus, and complaining that he had been thrown over. In this letter also he openly warned me to be on my guard against being taken in: said that he had been true to his word: and begged me not to abandon the Republic. I have sent a copy of his

original letter to Titius. The original documents themselves, both those in which I believed, and those in which I thought no confidence was to be placed, I will give to Laevus Cispius — who was cognizant of all these transactions — to take home.

An additional complication is that when Lepidus harangued his men, the soldiers who are disaffected in themselves and have been also tampered with by their officers-your Canidii, Rufreni, and all that lot, whose names you shall know when needful-joined in shouting, excellent fellows! "that they desired peace and would not fight with anybody, after two distinguished consuls had been lost, so many citizens killed in defence of their country, and when finally all had been declared public enemies, and had their property confiscated." As this outbreak was neither punished nor allayed by Lepidus, I saw that I had been infatuated and rash to come here, and expose my thoroughly loyal army, my very numerous auxiliaries, the leading men of Gaul, and my whole province to those two combined armies. I saw, too, that had I been overpowered in these circumstances, and dragged down the Republic with me into ruin, my death would not only have been without honour, but without even pity. Therefore I am about to return, and will not allow the possibility of such great advantages being presented to such scoundrels. I will take care to keep my army on advantageous ground, to protect my province, even though Lepidus's army has joined in the defection, not to commit myself to anything, until you send reinforcements from home, and to defend the constitution here with the same good fortune as has been done elsewhere. At the same time, no one was ever more ready to fight a pitched battle, if occasion presents itself; or to stand a siege, if it turns out to be necessary; or to die, if so it happens, in your defence. Wherefore I urge upon you, my dear Cicero, to see to an army being sent across to this district as soon as possible, and to hasten that measure before the enemy consolidates his strength and our men begin to be shaken in their allegiance. If that is done promptly, traitors will be destroyed, and the victory will remain with the Republic. Take care of your health and love me.

LETTER 21A

L. MUNATIUS PLANCUS TO CICERO (AT ROME) CAMP ON THE ISARA (15 MAY)

NEED I write to you in vindication of my brother, gallant citizen and thoroughly prepared for every kind of duty as he is? His hard work has brought on a feverish attack, which is persistent and rather troublesome. As soon as he is well enough he will not hesitate to hurry back to Rome, so as not to be wanting in his duty to the Republic anywhere. I pray you to consider that the defence of my position is committed to you. I have no occasion for any ambition: I have in you a most devoted friend and — what I always desired- possessed now of the greatest influence. It is for you to consider the extent and time of your favours to me. The only request I make to you is that you give me Hirtius's place both in your affection and in the privilege of shewing you attentions.

LETTER 22

TO L. MUNATIUS PLANCUS (AT CULARO) ROME (END OF JUNE)

In you and your colleague is our every hope, with the blessing of heaven. With the cordial union existing between you, which was manifested in your joint despatch, both the senate and the whole body of citizens were delighted. You mention in your letter to me the subject of the land commission. If the senate had been consulted on the matter I should have supported whoever made the proposal most complimentary to you — and that person would have certainly been myself. But when, owing to the slowness with which opinions were expressed, and the delay thus caused to business, the motions brought before the senate did not reach a settlement, it seemed best to myself and your brother Plancus to avail ourselves of the senatorial decree, as to which you will have learnt from your brother's letter who it was that prevented its being drawn up exactly in accordance with our wishes. But if you find anything wanting in that decree or in other things, still assure yourself that the affection for you among all loyalists is so great, that no kind of position can be imagined, however splendid, which is not at your disposal. I am exceedingly anxious to hear from you, and to hear such news as I most desire.

LETTER 23

L. MUNATIUS PLANCUS TO CICERO (AT ROME) CULARO,

6 JUNE NEVER by heaven! my dear Cicero, shall I repent of encountering the greatest dangers for my country, provided that, if anything happen to me, I escape the reproach of rashness. I confess that I should have made a slip from imprudence, if I had ever believed at the bottom of my heart in Lepidus. For credulity is an error rather than a crime, and indeed the honester the man the more easily does it find its way into his mind. But it was not by this defect that I was all but taken in: for I knew Lepidus thoroughly. What was it, then? It was over-scrupulousness — the most dangerous thing in war — that compelled me to incur this risk. For, if I had stopped there, I was afraid of being thought by some of my detractors both to have been too obstinate in my quarrel with Lentulus, and to be actually fostering the war by my waiting policy. Accordingly, I brought up my forces almost to within sight of Lepidus and Antony, and leaving a space between us of forty miles I took up a position with the design of being able either to approach them with speed or to retire in safety. In selecting my ground I secured two advantages, a river in my front, which would delay an enemy in crossing it, and the Vocontii close at hand, through whose territory my road would be kept open without fear of treachery. Lepidus, having given up hope of my arrival, which he was very anxious to secure, effected a junction with Antony on the 29th of May, and on the same day they advanced against me. When they were twenty miles off I got news of this. By the blessing of heaven I managed to retire with speed without this movement having any appearance of a flight: without a single soldier or horseman or particle of baggage being lost or being intercepted by those hot-headed outlaws. Accordingly, on the 4th of June I got my whole force across the Isara and broke the bridge which I had constructed, that my men might have time to pull themselves together, and that I might meanwhile effect a junction with my colleague, whom I am expecting in three days from the date of this letter. I will always acknowledge the fidelity and eminent loyalty to the Republic of my friend Laterensis. But certainly his

excessive consideration for Lepidus made him somewhat less acute in his view of these dangers. It is true that when he saw that he had been duped, he tried to lay the hands upon himself which he would have done better to have armed against Lepidus. In this attempt, however, he was interrupted, and is still alive, and is said to be likely to live: but of this after all I have no certain information. It was a great chagrin to those parricides that I escaped from their clutches: for they were coming inspired by the same madness against me as against their country. Their temper also had been embittered by recent events-because I had not ceased lashing Lepidus, urging him to put an end to the war; because I rejected the idea of conferences; because I had forbidden legates sent to me under the guarantee of Lepidus to come into my presence; because I had captured Gaius Catius Vestinus, a military tribune, sent by Antony to him with, a despatch, and had treated him as an enemy. And in all this I have at least this satisfaction, that at any rate the more eager they were to get me the more annoyance has their failure caused them. It is your part, my dear Cicero, to, continue as before using all your vigilance and energy in reinforcing us who are at the actual seat of war. Let Caesar come with the best troops he has, or, if any circumstance prevents him from coming himself, let his army be sent. For it is a question of considerable peril for himself. All the ruffian element that was at any time likely to join the camp against their country has now combined. In defence, then, of the city's bare existence, why should we not employ all the resources at our disposal? But if you at Rome don't fail me, certainly, as far as I am concerned, I shall in all respects do my whole duty and something more to the Republic. For you, my dear Cicero, I love you more every day of my life, and every day your services sharpen my anxiety not to forfeit any of your affection or good opinion. I pray that I may be permitted by a personal display of my devotion and duty to make your kindnesses a subject of greater gratification to yourself.

6 June, Cularo, in the country of the Allobroges.

LETTER 24

L. MUNATIUS PLANCUS TO CICERO (AT ROME) CAMP NEAR CULARO, 28 JULY

I cannot refrain from thanking you in view of the course of events and of your services. But, by heaven! I blush to do it. For an intimacy as close as that which you have wished me to have with you seems not to require any formal thanks, nor do I willingly pay the poor recompense of words in return for your supreme kindness, and I would rather, when we meet, prove my gratitude by my respect, my obedience to your wishes, and my constant attentions. But if to live on is my fate, in this same respect, obedience to your wishes, and constant attentions, I will surpass all your beloved friends and even your devoted relatives. For whether your affection for me and your opinion of me are likely to bring me greater reputation in perpetuity or greater daily pleasure, I should find it hard to decide.

You have concerned yourself as to the bounties to the soldiers; whom I wished to be rewarded by the senate, not to enhance my own power — for I am conscious of entertaining no thoughts except for the common benefit — but first of all, because in my opinion they deserved it; next, because I wished them to be still more closely attached to the Republic in view of all eventualities; and lastly, in order that I might guarantee their continuing as completely proof against all attempts to tamper with their loyalty, as they have been up to this time.

As yet we have kept everything here in statu quo. And this policy of ours, though I know how eager men are and with reason for a decisive victory, is yet, I hope, approved of by you. For if any disaster happens to these armies, the Republic has no great forces in reserve to resist any sudden attack or raid of the parricides. The amount of our forces I presume is known to you. In my camp there are three legions of veterans, one of recruits perhaps the finest of all: in the camp of Decimus Brutus there is one veteran legion, a second of two-years'-service men, eight of recruits. Therefore the whole force taken together is very strong in numbers, in stamina inferior.

For how much it is safe to trust to raw levies in the field we have had too frequent experience. To the strength of these armies of ours, if there was added either the African army which consists of veterans, or that of Caesar, we should hazard the safety of the Republic on a battle without any uneasiness. Now, as to Caesar, we see that he is considerably the nearer of the two. I have therefore never ceased importuning him by letter, and he has uniformly replied that he is coming without delay: while all the time I perceive that he has given up that idea and has taken up some other scheme. Nevertheless, I have sent our friend Furnius to him with a message and a letter, in case he may be able to do some good. You know, my dear Cicero, that in regard to love for Caesar you and I are partners, either because, being one of Iulius Caesar's intimates, I was obliged-while he was alive — to look after the boy and shew him affection; or because he was himself, as far as I could make out, of a very orderly and kindly disposition; or because, after such a remarkable friendship as existed between me and Iulius Caesar, it seems discreditable that I should not regard as a son one who was adopted into that position by his decision and by that of your house alike. Yet after all — and whatever I write to you I write rather in sorrow than in anger — the fact that Antony is alive today, that Lepidus is with him, that they have far from contemptible armies, that they are hopeful and bold — for all these they may thank Caesar. I will not go back to old matters, but from the moment that he gave out that he was coming to me, if he had chosen to come, the war would at once have either been put an end to, or, to their very great loss, have been thrust back into Spain, which is most hostile in sentiment to them. What idea or whose advice has withdrawn him from such great glory, which was at the same time required by his interests and needful for his safety, and has turned his attention to the thought of a two-months' consulship, entailing a great and general panic, and demanded in a peremptory and offensive manner — I cannot conjecture. It seems to me that in this matter his relations could exercise considerable influence both for his sake and for that of the Republic: most of all, as I think, could you also do so, since he is more obliged to you than anyone else is except myself — for I shall never forget that the obligations I owe you are exceedingly great and numerous. I

commissioned Furnius to urge these considerations upon him. But if I prove to have as great an influence with him as I ought to have, I shall have done him a great service himself. Meanwhile we are maintaining the war at a disadvantage, because we do not think an engagement the safest Solution of the difficulty, and yet will not allow the Republic to suffer greater loss by our retirement. But if either Caesar has bethought himself; or the African legions have come promptly, we will relieve you of anxiety on this side. I beg you to continue to honour me with your regard, and to believe that I am peculiarly at your service.

28 July, in camp.

LETTER 25

TO GAIUS FURNIUS (IN GAUL WITH PLANCUS) ROME
(26-30 MAY)

IF it is of importance to the Republic — as is the general belief — that you should complete the work in the same spirit as you have begun to do it and have actually done it, and that you should take part in the important operations for extinguishing the last sparks of the war, I think you can do nothing better or more laudable or more to your honour: and in my opinion this labour, activity, and patriotic spirit on your part is to be preferred to any hurrying on of the praetorship. For I would not have you ignorant of the amount of reputation which you have gained. Believe me, it is second only to Plancus, and that too on the testimony of Plancus himself, as well as by the report and knowledge of everybody else. Wherefore, if there is still any labour left for you to perform, my opinion is that you should throw yourself into it with energy. What can be more to your honour? And what is to be preferred to honour? But if you think that you have done all you are bound to do for the state, I think you should come with all speed to the comitia, for they are likely to take place early: provided only that this hurry to secure office does not detract in any way from the glory which we have secured. There have been many very illustrious men who, being abroad on the public service, have missed their proper year for canvassing. And this is easier in our case, because this is not the year marked out for you, on the principle that if you had been aedile your year would have been two years later. As it is, you will appear not to omit any of the customary observance, and what is a quasi-statutory period of canvassing. Moreover, I foresee that with Plancus consul (although even without him your path would be clear) your canvass would be after all more brilliant, provided that the campaign on which you are now engaged shall have been brought to the conclusion we desire. On the whole I don't think that there is much need for me to write any more, considering your great prudence and judgment, yet nevertheless I was unwilling that you should be ignorant of my

opinion: the upshot of which is that I would rather you should judge of everything by consideration for your true position than from the chance of official promotion, and should look for your reward in a lasting reputation rather than in a rapid attainment of the praetorship. This was the gist of what I said in my house at a conference with my brother Quintus, Caecina, and Calvisius — all men most devoted to you — your freedman Dardanus being also present. My speech seemed to be approved by all of them. But after all you will judge best for yourself.

LETTER 26

TO GAIUS FURNIUS (IN THE CAMP OF PLANCUS) ROME (END OF JUNE)

After reading your letter in which you state that Narbonensis must be abandoned or a dangerous battle fought, the former course seemed to me the more formidable, which I am glad to hear has been avoided. You mention the Cordial union of Plancus and Decimus Brutus: in that I place my strongest hope of victory. As to the loyalty of the Gauls, we shall some day learn, as you say, by whose exertions that has been roused. But, believe me, we already know it. Therefore, most delightful as your letter was, I felt a little vexed at the end of it. For you say that if the elections are fixed for August you will hurry home: if they are already over you will come still sooner, "that you may not any longer play the fool and risk your life as well." Oh, my dear Furnius, how completely you fail to grasp your position, though so readily understanding other people's! Do you really suppose that you are now a candidate, or do you Contemplate hurrying home to the elections; or, if they are over, to live at your own house that — as you say—"you may not be the biggest fool alive and in danger as well "? I don't think these are your real sentiments; for I know your keenness for glory. But if you do really think as you write, I don't blame you more than I do my own opinion of you. Can it be that an untimely haste for an office of the most trivial and commonplace kind — if you get it in the same way as most people do — will withdraw you from the pursuit of such glorious deeds, for which all the world is rightly and sincerely praising you to the skies? The question, good heavens! is whether you become praetor at this election or the next, not whether you are to serve the Republic so as to be thought worthy above all men of every kind of honour! Is it that you are ignorant of the height to which you have climbed, or that you think it worthless? If you are ignorant, I forgive you: the fault is ours. But if you are not, is any praetorship more attractive in your eyes than duty for which few, or than glory for which all, strive? On this point I and Calvisius — a man of very sound judgment and most

devoted to you — daily find fault with you. As to the comitia — as you are depending on them — we are doing our best, thinking it for many reasons to be for the benefit of the Republic, to put them off till January. So then victory and health to you!

LETTER 27

TO MARCUS AEMILIUS LEPIDUS (IN NARBONENSIS) ROME, 20 MARCH

SINCE from my extreme goodwill to you it is a matter of much concern to me that you should enjoy the most splendid political position possible, I was much vexed that you did not thank the senate, though you had been complimented by that body with its highest honours. I am rejoiced that you are desirous of promoting peace between fellow citizens; but if you keep it free from servitude you will be acting in the interests both of the state and of your own position. But if the peace of which you speak is to put an unprincipled person once more in possession of unrestricted tyranny, let me assure you that all sound-feeling men are resolved to prefer death to slavery. So in my opinion you will be acting with more wisdom if you do not commit yourself to promoting a pacification, which has the approval of neither senate, nor people, nor any loyalist. But you will be told this by others or will be informed of it by letter. Your own good sense will shew you what is best to be done.

LETTER 27A

M. ANTONIUS TO HIRTIUS AND CAESAR THE CAMP AT MUTINA (MARCH)

THE news of the death of Gaius Trebonius caused me as much regret as joy. One cannot help being glad that a wicked wretch has given satisfaction to the ashes and bones of a most illustrious man, and that Divine Providence has manifested its power before the end of one revolving year in the punishment, or immediate prospect of the punishment, of parricide. On the other hand, one cannot repress a sigh that Dolabella at such a time as this should be adjudged a public enemy for having killed a murderer; and that the Roman people should care more for the son of a mere man-about-town than for Gaius Caesar. But the most painful thing of all, Aulus Hirtius, is that you who were ennobled by the favours of Caesar and left by him in a position which surprises yourself — and that you, young sir, who owe everything to his name — are acting in a way to sanction Dolabella's condemnation and to release this pestilent fellow from his state of siege. In order, I suppose, that Brutus and Cassius may be all-powerful! The fact is, you regard the present situation as you did the former, when you used to speak of Pompey's camp as "the senate." You have taken Cicero as your leader, who was beaten then; you are strengthening Macedonia with troops; you have intrusted Africa to Varus, who had been twice made a prisoner; you have sent Cassius to Syria; you have allowed Casca to be tribune; you have withdrawn the revenue given by Iulius to the Luperci; you have by decree of the senate abolished colonies of veterans which were established by law; you are promising the Massilians to refund what was taken from them by the right of war; you give out that no living Pompeian comes under the lex Hirtia; you have supplied M. Brutus with money sent by Appuleius; you have commended the executions of Petrus had a copy of it which he read in the senate on the 20th of March, when there was a proposal made to send a second embassy to Antony. Cicero accompanied it with a running comment of abuse, meant to shew that it was hopeless to deal with Antony. It puts

forcibly Antony's case, and therefore I have thought it well to insert it here. It is extracted from the thirteenth Philippic.

and Menedemus, who were presented with the citizenship and were beloved by Caesar. You have taken no notice of the expulsion of Theopompus by Trebonius and of his flying stripped of everything to Alexandria; you have Servius Galba in your camp armed with the self-same dagger. You have got together an army of soldiers who are either legally mine, or who have served their time, on the pretext of destroying the murderers of Caesar, and yet have forced them contrary to their expectations to assist in endangering the lives of their own quaestor or commander or fellow soldiers. In fact what have you not consented to or done which Gnaeus Pompeius would do, if he could come to life again, or his son if he could regain his home? Lastly, you say that there can be no peace, unless I either allow Decimus Brutus to march out or supply him with corn. Do you mean to tell me that this is the opinion of the veterans who have not yet committed themselves, even though you have been corrupted by flattery and insidious gifts to come here? But, you will say, it is besieged soldiers that you are attempting to relieve. Them I have no objection to spare and to allow to go wherever you order them, on the one condition that they give him up to the death he has so richly deserved. You say in your letter that mention has been made in the senate of a pacification, and that five consulars have been appointed as legates. It is difficult to believe that the men who violently repelled me, though I offered the most equitable terms, and was thinking nevertheless of mitigating even them, should be entertaining any thoughts of moderation or be likely to act with common charity. It is scarcely likely even that men who have declared Dolabella a public enemy for a most righteous act should be capable of sparing us who are at one with him in heart.

Wherefore I would have you consider which of the two courses is in the better taste and the more advantageous to your party — to punish the death of Trebonius or that of Caesar: and whether it is more right that we should meet as foes and so allow the Pompeian cause so often defeated to revive, or that we should come to terms and so avoid being a laughing-stock to our enemies, who will be the gainers whichever of us perishes? Such a spectacle as this Fortune

herself as yet has shunned. She has not seen, that is, two armies of the same body politic fighting like gladiators with Cicero for a trainer, who has been so far successful as to deceive you both by the same formal honours by which he has boasted of having deceived Caesar. For my part I am resolved not to submit to the degradation of myself or my friends, nor to desert the party which Pompey hated, nor to allow the veterans to be turned out of their homes, nor to be dragged off one by one to punishment, nor to break the faith which I pledged to Dolabella, nor to violate my compact with that devoted patriot Lepidus, nor to betray Plancus who is a sharer in my policy.

If the immortal gods, as I hope they will, aid me in my plain and honest course, I shall survive with satisfaction to myself; but if a different fate awaits me, I feel an anticipatory pleasure in the punishment which will befall you. For if the Pompeians are so arrogant in defeat, I would rather you than I should experience what they will be in victory. In fact the upshot of my decision is this: I am ready to put up with the injuries done to my party, if they will either consent to forget that they are Caesar's assassins, or are prepared to join us in avenging his death. I cannot believe in legates approaching a place which is being at the same time menaced by war. When they have arrived I shall learn their demands.

LETTER 28

TO GAIUS TREBONIUS (IN ASIA) ROME, 2 FEBRUARY

How I could wish that you had invited me to that most glorious banquet on the Ides of March! We should have had no leavings! While, as it is, we are having such a trouble with them, that the magnificent service which you men then did the state leaves room for some grumbling. In fact, for Antony's having been taken out of the way by you — the best of men — and that it was by your kindness that this pest still survives, I sometimes do feel, though perhaps I have no right to do so, a little angry with you. For you have left behind an amount of trouble which is greater for me than for everyone else put together.

For as soon as a meeting of the senate could be freely held, after Antony's very undignified departure, I returned to that old courage of mine, which along with that gallant taking over the province, as though he were "succeeding" to the governorship, without allowing his predecessor even the thirty days beyond his year given him by the Julian law.

citizen, your father, you ever had upon your lips and in your heart. For the tribunes having summoned the senate for the 20th of December, and having brought a different piece of business before it, I reviewed the situation as a whole, and spoke with the greatest fire, and tried all I could to recall the now languid and wearied senate to its ancient and traditional valour, more by an exhibition of high spirit than of eloquence.

This day and this earnest appeal from me were the first things that inspired the Roman people with the hope of recovering its liberty. And had not I supposed that a gazette of the city and of all acts of the senate was transmitted to you, I would have written you out a copy with my own hand, though I have been overpowered with a multiplicity of business. But you will learn all that from others. From me you shall have a brief narrative, and that a mere summary. Our senate is courageous, but the consulars are partly timid, partly disaffected. We have had a great loss in Servius. Lucius Caesar

entertains the most loyal sentiments, but, being Antony's uncle, he refrains from very strong language in the senate. The consuls are splendid. Decimus Brutus is covering himself with glory. The youthful Caesar is behaving excellently, and I hope he will go on as he has begun. You may at any rate be sure of this — that, had he not speedily enrolled the veterans, and had not the two legions transferred themselves from Antony's army to his command, and had not Antony been confronted with that danger, there is no crime or cruelty which he would have omitted to practise. Though I suppose these facts to have been told you, yet I wished you to know them still better. I will write more when I get more leisure.

LETTER 29

TO APPIUS CLAUDIUS (IN EXILE) ROME, 6 JULY

OF my zeal for you and your restoration I think you have learnt from the letters of your friends, whom I know for certain that I have satisfied in the most complete manner possible; nor do I yield to them-eminently devoted as they are to you — in my wishes for your safety. They are obliged to yield to me the credit of having at this particular time greater power than they of furthering your recall And this I have never ceased and never will cease to do. I have already to a very great degree succeeded, and have laid the foundations of your restoration. Be sure to keep a good heart and high courage, and trust me not to fail you in anything. July 6.

LETTER 30

SERVIUS SULPICIUS GALBA TO CICERO (AT ROME)

CAMP NEAR MUTINA, 16 APRIL ON the 15th of April, the day on which Pansa was to arrive at the camp of Hirtius, with the former of whom I was — for I had gone along the road a hundred miles to hasten his arrival-Antony brought out two legions, the second and the thirty-fifth, and two praetorian cohorts, one his own and the other that of Silanus, and a party of reservists. He confronted us with such a force because he thought that we had only four legions of recruits. But in the course of the night, in order to enable us to reach the camp in greater safety, Hirtius had sent us the Martian legion — which I usually command — and two praetorian cohorts. As soon as Antony's horsemen came in sight, neither the Martian legion nor the cavalry could be held back. The rest of us were obliged to follow them, as we could not stop them. Antony was keeping his men under cover at Forum Gallorum, and did not wish it to be known that he had the legions. He was allowing none but his cavalry and light-armed men to be seen. When Pansa saw that the legion was advancing in spite of him, he ordered two legions of recruits to follow his lead. As soon as we had got past the narrow ground of marsh and forest, our line was drawn up, consisting of twelve cohorts. The two legions had not yet come up. All on a sudden Antony brought his forces out of the village on to the field, and without waiting charged. At first the fighting was as keen as it was possible for it to be on both sides: although the right wing, on which I was with eight cohorts of the Martian legion, had at the first brush put Antony's thirty-fifth legion to flight, so that it advanced more than five hundred paces beyond the line from its original ground. Accordingly, when the cavalry attempted to outflank our wing, I began to retire and to throw my light-armed troops in the way of the Moorish cavalry, to prevent their charging my men in the rear. Meanwhile, I became conscious that I was between two bodies of Antony's troops, and that Antony was himself some way on my rear. I at once galloped towards the legion of recruits that was on its way

up from camp, with my shield slung behind my back. Antony's men set off in pursuit of me; while our own men began pouring in a volley of pila. It was a stroke of good luck that I got safely out of it, for I was soon recognized by our men. On the Aemilian road itself, where Caesar's praetorian cohort was stationed, the fight was protracted. The left wing, being somewhat weak, consisting of two cohorts of the Martian legion and a praetorian cohort, began to give ground, because it was in danger of being outflanked by the cavalry, in which Antony is exceedingly strong. When all our lines had retired, I began retiring myself towards the camp on the extreme rear. Antony, regarding himself as having won the victory, thought that he could capture our camp. But when he reached it he lost a large number of men without accomplishing anything. The news having reached Hirtius, he met Antony as he was returning to his own camp with twenty veteran cohorts, and destroyed or put to flight his whole force, on the same ground as the battle had been fought, namely, at Forum Gallorum. Antony, with his cavalry, reached his camp near Mutina at the fourth hour after sunset. Hirtius returned to the camp, from which Pansa had issued, where he had left the two legions which had been assaulted by Antony. Thus Antony has lost the greater part of his veteran forces. This, however, naturally could not be accomplished without some loss in our praetorian cohorts and the Martian legion. Two eagles and sixty colours of Antony's have been brought in. It is a great victory.

16 April, in camp.

LETTER 31

C. ASINIUS POLLIO TO CICERO (AT ROME) CORDUBA, 16 MARCH

You ought not to think it at all surprising that I have written nothing to you on public affairs since war broke out. For the pass of the Castulonian Mountains, which has always delayed my letter-carriers, though it has now become still more dangerous from the increase of banditti, is yet by no means so grave a hindrance as the parties which, stationed at every available position at both ends, spy out my letter-carriers and detain them. Accordingly, if I didn't get letters by sea, I should be entirely ignorant of what was going on at Rome. Now, however, having got an opportunity, since navigation has begun, I shall write to you with the greatest eagerness and as frequently as I can. There is no danger of my being affected by the conversation of the man, whom — though there is no one who can bear the sight of him-men can yet never hate as much as he deserves. For he is so utterly detestable in my eyes that everything I have to do with him is odious to me. Moreover, my actual disposition and pursuits incline me to desire peace and liberty. Accordingly, I have often bitterly mourned over that first step in the civil war. Since, however, it was impossible for me to be neutral, because I had bitter enemies on both sides, I shunned the camp, in which I knew for certain that I should not be safe from the plots of my personal enemy. Being thus compelled to go to the last place to which I desired to go, that I might not be lost in the crowd, I boldly confronted dangers without any hesitation. To Caesar, indeed, who regarded me as one of his oldest friends, though he had not known me until he had reached his own splendid position, I was attached with the utmost devotion and fidelity. What I was permitted to do in harmony with my own opinion I did in such a manner as to procure the warmest approbation of all the best men. When I acted under orders, I did so with so much deliberation and in such a spirit as made it evident that I was an unwilling recipient of the commands. But the wholly undeserved odium roused by my conduct sufficed to

teach me the charm of liberty and the wretchedness of life under a tyranny. Accordingly, if the object of the present proceedings is to bring everything once more under the power of a single person, whoever he is, I avow myself his enemy: nor is there any danger which I would shun or deprecate on behalf of liberty. But the consuls have neither by senatorial decree nor by despatch given me any instructions as to what I was to do. For I have only received one despatch from Pansa, and that not till the 15th of March, in which he urges me to write a letter to the senate declaring that I and my army will be at its disposal.. But seeing that Lepidus was making speeches and writing to tell everybody that he was at one with Antony, this was the most awkward possible step for me to take. For by what road was I to lead my legions through his province against his will? Or if I had effected the rest of the journey, could I take wings and fly over the Alps, which are occupied by his force? Add to this the impossibility of a despatch getting through on any terms: for letter-carriers are examined in countless places, and finally are even detained by Lepidus. No one will question the sincerity of my public pronouncement at Corduba, that I would hand over the province to no one who did not arrive with a commission from the senate. For why need I describe the violent controversies I have had about handing over the thirtieth legion? And if I had handed it oyer, who does not know how much less effective in serving the state I was likely to be? For I assure you that it is the most gallant and best fighting legion in existence. Wherefore make up your mind that I am, to begin with a man most strongly in favour of peace — for I am seriously desirous that all citizens should be unmolested — and in the second place one prepared to assert my own and the state's freedom alike. Your admitting my friend into the list of yours is more gratifying to me than you can think: yet I am envious of his walking and jesting with you. You will ask me how much I value that. If ever I am allowed to enjoy leisure you shall find out from experience: for I will never budge a step from your side. One thing does profoundly surprise me — that you have never written to tell me whether I could better serve the Republic by remaining in my province or by leading my army into Italy. For my part, though it is safer and less laborious to remain, yet because I see that at such a

crisis there is much more occasion for legions than for provinces (especially such as can be recovered without difficulty) I have resolved, as things are now, to start with my army. For the restt, you will learn everything from my despatch to Pansa, for I am inclosing a copy of it for your perusal. 16 March, Corduba.

LETTER 32

C. ASINIUS POLLIO TO CICERO (AT ROME) CORDUBA, 8 JUNE

MY quaestor Balbus having amassed from the public taxes a large sum of ready money, a great amount of bullion, and a still greater amount of silver, has withdrawn from Gades without even paying the soldiers, and after being detained three days off Calpe by bad weather, on the 1st of June crossed into the kingdom of Bogudes, with a very pretty bit of money in his pocket. With the rumours now going about I don't yet know whether he intends to return to Gades or to go to Rome — for at every fresh piece of news he changes his plans in the most contemptible manner. But besides his peculations and violent robberies and flogging of allies, he has done the following — as he is himself accustomed to boast — in imitation of Caesar. At the games which he gave at Gades, on the last day of the show, he presented the actor Herennius Gallus with a gold ring and formally conducted him to a seat in the fourteen rows — for he had arranged that number of rows for men of equestrian rank. He also caused his office as one of the quattuorviri to be continued beyond the year: he held elections for two years in two following days, that is, he declared whom he chose elected: he recalled exiles, not those of recent times, but of that period in which the senate was massacred or expelled by rebels in the proconsulship of Sextus Varus. The next thing, at any rate, is not covered by a precedent of Caesar's: he put on the stage a "Roman drama" representing his own expedition to solicit the proconsul Lucius Lentulus, and, what is more, whilst it was being acted he burst into tears, affected by the memory of his own adventures. At the gladiatorial Contests, moreover, there was the case of the old Pompeian soldier named Fadius. Because this man, having been pressed into the gladiatorial school, and having fought twice without pay, refused to bind himself as a professional gladiator, and threw himself on the protection of the people, he first of all sent a squadron of Gallic horse to charge the people — for stones were thrown at him as Fadius was being dragged off — and then, having seized him, he half buried him in the

school and burnt him alive. While this was being done he walked about after dinner without his boots, with tunic ungirdled, and his hands behind his back, and in answer to the unhappy man crying out " I am a born Roman citizen," he replied: "Off with you then, and appeal to the people " He also exposed Roman citizens to the beasts, among them a certain travelling pedlar — a very well-known character at Hispalis from his misshapen body. This is the kind of monster with whom I have had to deal. But more about him when we meet. For the present the important thing is to make up your minds what you want me to do. I have three strong legions, one of which — the twenty-eighth-Antonius tried to get to join him by promising that on the day it arrived in camp he would give each soldier 500 denarii, and the same bounty in case of victory as to his own legions. And of such bounties who thinks that there will be any limit or end?- Nevertheless I have managed to retain it though in a most restless state: nor should I have retained it, if I had kept it united and stationary, for certain cohorts have actually mutinied. My other legions also he has not ceased to solicit by letters and unlimited promises. Nor, indeed, has Lepidus been less urgent with me — in letters of his own and from Antony — to send them the thirtieth legion. So the army which I have refused to part with at any price, or to weaken from fear of the dangers portended in case they were victorious, you ought to consider to have been retained and preserved for the Republic, and to believe that I was prepared to obey any future commands of yours, since I have obeyed those which you have given. For I have kept my province in peace and my army under my own control: I have not quitted the borders of my province in any direction: I have not despatched a single soldier anywhere-not only of the legions, but even of the auxiliaries; and such of the cavalry as I have detected in trying to get out of the country I have punished. For these acts I shall think myself sufficiently rewarded if the Republic is safe. But if the Republic and the majority of the senate had known me as well as they ought, they would have got greater advantages out of me. A despatch which I have addressed to Balbus, since he is at this moment in the province, I am sending for your perusal. Also if you will care to read a "Roman drama," ask my friend Cornelius Gallus for it. Corduba, 8 June.

LETTER 33

C. ASINIUS POLLIO TO CICERO (AT ROME) CORDUBA (MAY-JUNE)

IF you are well, I am glad. I am also well. Lepidus caused me to be later than I should have been in receiving intelligence of the battles fought near Mutina, for he detained my letter-carriers for nine days. However, it is almost a thing to be desired, that one should be as late as possible in hearing of such a calamity to the Republic, especially for those who can do no good or offer any cure for it. And oh! that by the same decree by which you summoned Plancus and Lepidus into Italy, you had also ordered me to come! Assuredly the Republic would not have sustained this blow. At which, if certain persons rejoice for the moment, because both officers and veterans of Caesar's party appear to have perished, it is yet inevitable that they will presently have cause to mourn, when they contemplate the havoc of Italy. For the flower and main stock of our soldiers have been destroyed, if at least the news reaching me is in any degree true. Nor do I fail to perceive of how much service to the Republic I was likely to have been, had I come to Lepidus: for I should have dispelled all his hesitation, especially with the aid of Plancus. But it was clearly necessary for me to smooth down a man who writes me the sort of letter which I inclose for your perusal, exactly in the same tone as the harangues which he is said to have delivered at Narbo, if I wished to have any provisions during a march through his province. Besides I was afraid, if the battle took place before I had accomplished my purpose, that my detractors would put an exactly opposite interpretation on my patriotic design on account of my friendship with Antony, which after all was not greater than that with Plancus. Therefore in April having embarked two letter-carriers on two separate ships at Gades, I wrote to you and the consuls and Octavian, requesting to be informed how I could do the best service to the Republic. But, as I calculate the time, the ships started from Gades on the very day on which Pansa fought his battle: for that was the first day since the winter that navigation was possible. And by heaven, being far from any suspicion of the coming civil outbreak, I

had put the legions into winter quarters in remote parts of Lusitania. Moreover, both sides were in such a hurry to fight, as though they were afraid of the war being settled without the greatest possible damage to the Republic. However, if such haste was necessary, I perceive that the strategy of Hirtius was in all respects that of a consummate general. At present I have the following news from Lepidus's district of Gaul by letter and messengers: that Pansa's army has been cut to pieces; that Pansa has died of his wounds: that in the same battle the Martian legion was annihilated, and L. Tabatus, Gaius Peducaeus, and Decimus Carfulenus killed: that in the battle fought by Hirtius both the fourth legion and all Antony's alike were cut to pieces, as well as those of Hirtius; that the fourth, indeed, after also capturing Antony's camp were annihilated by the fifth: that there Hirtius also and Pontius Aquila perished: that Octavian also is said to have fallen — for this if true, which God forbid! I am exceedingly grieved: that Antony has abandoned the siege of Mutina with disgrace, but has 5,000 cavalry, three legions fully armed and organized, and one commanded by Publius Bagiennus: that Ventidius also with the seventh, eighth, and ninth legions has effected a junction with him: and that if Antony finds nothing to hope for from Lepidus, he will have recourse to extreme measures, and raise not only the native tribes, but also the slaves: that Parma has been sacked: that L. Antonius has occupied the pass of the Alps. very doubtful whether this military organization of the equites existed at this time in reality. It was elaborated by Augustus some years later. Now if these things are true, not one of us ought to be idle or wait for a decree from the senate. For the situation forces all to aid in quenching such a dreadful conflagration, who wish the Empire, or in fact the very name, of the Roman people, to survive. For I hear that Decimus Brutus has only seventeen cohorts, and two weak legions of recruits, which Antony had enrolled. However, I have no doubt the survivors of Hirtius's army are all flocking to him. For I don't think there is much hope in a levy, especially as, nothing can be more risky than that Antony should have time given him for concentration. The season of the year too gives me more freedom of action, because the corn is by this time in the fields or in the farmhouses. Therefore in my next letter my plans shall be explained:

for I do not wish to fail in duty to or to survive the Republic. However, what vexes me most is the length and dangerous nature of the journey to my quarters, the result of which is that no news reaches me till the fortieth day after the event, or even later.

LETTER 34

M. AEMILIUS LEPIDUS TO CICERO (AT ROME) PONS ARGENTEUS (18 MAY)

If you are well, I am glad. I am well. Having been informed that Antony, after sending Lucius Antonius in advance with a detachment of his cavalry, was coming with his forces into my province, I moved with my army from the confluence of the Rhone and determined to oppose them. Accordingly, I have come by daily marches to Forum Voconii, and to the east of that town I have pitched a camp on the river Argens opposite the Antonians. Publius Ventidius has united his three legions with him and has pitched a camp still farther to the east. Antony had before this junction the fifth legion, and a large number of men drawn from the other legions, but without arms. He has a large force of cavalry: for it got away after the battle without loss, so that there are more than five thousand troopers. A large number of infantry and cavalry have deserted to me from him, and his force is shrinking every day. Silanus and Culleo have abandoned him. Although they had done me a serious wrong in having joined Antony contrary to my wish, yet for kindness' sake, and in view of our close connexion, I have granted them their lives, but I am not employing them, nor allowing them to remain in camp, and I have not given them any command. As far as this war is concerned, I shall not be wanting in my duty to the senate nor to the Republic. I will keep you acquainted with my future proceedings.

LETTER 34A

M. AEMILIUS LEPIDUS TO CICERO (AT ROME) PONS ARGENTEUS, 22 MAY

M. LEPIDUS, a second time imperator, Pontifex Maximus, greets Marcus Tullius Cicero. Though at every period we have vied with each other, in the interchange of good offices in a manner worthy of our mutual friendship, and have both been careful to keep them up, still I have no doubt that in such a sudden disturbance of political affairs some reports about me have been conveyed to you in groundless rumours by my detractors, sufficient greatly to agitate your mind in view of your devotion to the Republic. That you have been cautious in receiving them, and have not judged it right to believe them without inquiry, I have been informed by my agents. This is exceedingly gratifying to me, as it is bound to be. For I remember what on a previous occasion your kindness prompted you to do in order to promote and enhance my position: and it will ever remain fixed in my heart. I earnestly beg of you, my dear Cicero, if you have proof of my life and of my zeal in the most careful performance of public duties being worthy of the name of Lepidus, to expect equal or even more splendid services in the future, and to think accordingly that I am one who deserves the protection of your authority, in proportion as your good services make me deeper in your debt. Goodbye.

22 May, in camp at the bridge over the Argens.

LETTER 35

M. AEMILIUS LEPIDUS TO THE MAGISTRATES AND SENATE

PONS ARGENTEUS, 30 MAY M. Lepidus, second time imperator, Pontifex Maximus, greets the praetors, tribunes, the senate, populace, and plebs of Rome.

If you and your children are well, I am glad. I and my army are well. I call gods and men to witness, fathers of the senate, what my feelings and sentiments have ever been towards the Republic, and how I have thought nothing of more importance than the common safety and liberty. And this I should shortly have demonstrated to you, had not fortune snatched from me the power of following my own policy. For my whole army broke out into a mutiny, by way of retaining its traditional principle of preserving fellow citizens and the general peace, and — to confess the truth-compelled me to undertake to defend the lives and civil rights of so large a number of Roman citizens. And in regard to this matter, I beg and beseech you, fathers of the senate, to forget private quarrels and to consult for the highest interests of the Republic, and not to regard the compassionate feelings of myself and my army in the light of a crime. But if you take the lives and political position of all into consideration, you will consult better for yourselves and the Republic.

30 May, from Pons Argenteus.

BOOK 11

LETTER 1

DECIMUS BRUTUS TO M. BRUTUS AND C. CASSIUS (ON THE CAPITOL) ROME, 17 MARCH

I write to let you know our position. Yesterday evening Hirtius called on me, and told me about the disposition of Antony. It is of course as bad and untrustworthy as possible. For he said that he could not give me my province, and did not think that it was safe for any of us to remain in Rome, considering the extreme irritation of the soldiery and the common people. I think you are aware that both these allegations are false, and that the truth is what Hirtius affirmed, namely, that Antony is afraid that, if we got even a moderate assistance in support of our position, there would be no part left for them to play in the state. Being in these straits I determined to demand a free legation for myself and the rest of us, in order to obtain a decent excuse for leaving the City. He promised that he would procure it, but I don't feel sure that he will do so; for people are so unreasonable and the set against us is so strong. Even if they granted our request, I yet think that before long we should be declared public enemies and forbidden water and fire.

"What, then," you say, "is your advice?" We must yield to fortune: we must quit Italy I think, and retire to Rhodes or some place or other in the world. If any improvement occurs we will return to Rome. If things go only fairly well we will live in exile; if the worst comes to the worst, we will have recourse to extreme measures in our support. Perhaps it will here occur to one of you — why should we wait for the worst, rather than make some attempt at once? Because we have no one to depend upon for safety except Sextus Pompeius and Caecilius Bassus, who I think are likely to be still more determined when they hear the news about Caesar. It will be soon enough for us to join them when we know their strength. If you wish me to give any undertaking for Cassius and yourself, I will give it: for Hirtius demands that I should do so. I beg you to answer this letter as promptly as possible — for I have no doubt that Hirtius will inform me on these points before ten o'clock — and tell me where

we can meet and to what place you wish me to come.

After my last Conversation with Hirtius I decided to ask that we should be allowed to remain at Rome under the protection of a state guard. I don't think they will concede that; for we shall be casting a grave slur upon them. However, I thought I must not omit to make any demand which I considered equitable.

LETTER 2

BRUTUS AND CASSIUS TO M. ANTONIUS (AT ROME) LANUVIUM (LATE IN MAY)

Brutus and Cassius, praetors, to M. Antonius, consul. If we had not been convinced of your honour and kind feeling to ourselves, we should not have written this letter to you. And this being the state of your mind, you will, we feel sure, receive it with all possible favour. Our correspondents inform us that a crowd of veterans has already collected at Rome, and that there will be a much greater one there by the 1st of June. If we entertained any doubt or fear of you, we should be untrue to ourselves. But since we have put ourselves in your hands, and under your advice have dismissed our friends from the country towns, and done so by a circular letter as well as by an edict, we have a claim to be admitted to your confidence, especially in a matter which touches ourselves.

Wherefore we beg you to let us know what your feeling towards us is: whether you think that we shall be safe in the midst of such a crowd of veteran soldiers, who, we hear, even think of replacing the altar. That is a thing which we think that hardly anyone can wish or approve, who desires our safety and honour. The result shews clearly that our aim from the first was peace, and that we have had no other object than the liberty of all. No one can beguile us except yourself, and that is a course of conduct quite alien to your virtue and honour. But no one else has the means of deceiving us: for it is you alone that we have trusted and intend to trust. Our friends are disturbed by a very great alarm on our account. For though they have every confidence in your good faith, they yet cannot help reflecting that the crowd of veteran soldiers can be more easily moved by others in any particular direction, than they can be held back by you. We ask you to write back and explain everything. For the suggestion that notice has been given to the veterans to appear, because you intended to bring in a law about their pensions in June, is wholly inadequate and meaningless. For whom do you think likely to hinder it, since in regard to ourselves we have made up our minds to do nothing whatever? We ought not to be thought by anyone too greedy of life,

since nothing can happen to us without general disaster and confusion.

LETTER 3

M. BRUTUS AND C. CASSIUS TO M. ANTONIUS THE CONSUL

NAPLES, 4 AUGUST If you are well, we are glad. We have perused a letter from you very closely corresponding to your edict-insulting, threatening, and not at all such as should have been addressed to us by you. We have not, Antonius, used any words of insult to you, nor did we suppose that you would be surprised if as praetors and men of such rank we had demanded in an edict something of a consul. But if you feel indignation at our having ventured to do so, at least allow us to feel aggrieved that even this much is refused by you to a Brutus and a Cassius. For as to the holding of levies and demanding money contributions, tampering with armies and sending couriers across sea — of which you say that you have not complained — we of course believe that your action has been dictated by the best motives. Nevertheless, we do not acknowledge any one of these allegations, and we feel surprised that, after restraining your tongue on these matters, you have not been able to refrain from taunting us in your anger with the death of Caesar. Rather consider yourself how intolerable it is that praetors are not allowed for the sake of peace and liberty to announce in an edict that they waive their rights, without the consul threatening them with armed violence. By relying on arms you cannot daunt us: for it is neither right nor fitting for us to allow our courage to be overborne by any danger, nor ought Antonius to expect to tyrannize over those by whose action he is a free man. If other considerations impelled us to wish for a civil war, your letter would not have had any effect upon the question: for words of menace have no weight with free men. But you know full well that we cannot be driven in any direction, and perhaps you use menaces in that matter to give what is the result of our deliberate judgment the appearance of fear. Our feeling is that, while we desire you to have a great and honourable position in a free state, and do not challenge you to any quarrel, we yet value our liberty higher than your friendship. Consider again and again what you are taking upon yourself, what you are capable of

maintaining, and be careful to consider not how long Caesar lived, but how long he reigned. We pray the gods that your designs may be for the safety of the Republic; if not, we hope that they may damage your-self as little as is consistent with its safety and honour.

4 August.

LETTER 4

DECIMUS BRUTUS TO CICERO (AT PUTEOLI) GALLIA CISALPINA (1 NOVEMBER)

Decimus Brutus, imperator, consul-designate, sends regards to Marcus Cicero. If I had had any doubt about your friendly feeling towards myself, I should have begged you at great length to defend my political position. But I

am, in fact, convinced that you are earnest On my behalf. I went on an expedition against the Alpine tribes, not so much because I aimed at the title of imperator, as from a wish to content my soldiers and to render them efficient for supporting our policy. And this, I think, I have accomplished; for they have had practical proof both of my open-handed disposition and of my courage. I fought with the most warlike tribes in the country: I took numerous strong places, and laid waste a wide stretch of country. I had good grounds for sending my despatch to the senate. Assist us by your senatorial support: in doing so you will to a great degree be serving the interests of the state.

LETTER 5

TO DECIMUS BRUTUS (IN CISALPINE GAUL) ROME (DECEMBER)

MARCUS CICERO to Decimus Brutus, imperator, consul-designate. At the time that our common friend Lupus reached Rome, and during his few days' residence there, I was in the part of the country in which I thought I should be safest. That was the reason of Lupus returning to you without a letter from me, though he had nevertheless seen to yours being conveyed to me. I arrived at Rome, however, on the 9th of December, and my first object was an immediate visit to Pansa. His report of you was everything I could desire. Wherefore you require no encouragement, since in the execution of that great deed-surely the greatest known to history-you required none. Yet I think I ought briefly to point out that the Roman people looks entirely to you, and places on you its whole hope of eventually recovering its liberty. If you — as I am sure is the case-remember day and night how great a deed you have done, you certainly will not forget what great ones remain for you to do. For if the man now gets hold of your province — a man with whom I was always on friendly terms till I found that he was not only openly at war with the Republic, but glad to be so — I can see no hope of safety left. Wherefore I join my prayers to those of the people and senate of Rome, beseeching you to free the Republic from a tyrannical despotism, in order that you may end as you began. This is your task, this the part you have to play. It is from you that the state or rather all nations of the world-not only expect this, but even demand it. Since, however, as I said above, you do not need encouragement, I will not waste many words upon it. I will do no more than promise you — as in duty bound — all my services, zeal, care, and thought, which will henceforth be devoted to enhancing your fame and glory. Therefore pray convince yourself of this: not only for the sake of the Republic, which is dearer to me than life itself, but also because I am devoted to you personally and desire the farther improvement of your political position, I will nowhere fail to support your loyal policy,

your greatness, or your glory.

LETTER 6

TO DECIMUS BRUTUS (AT MUTINA) ROME, 20 DECEMBER

OUR friend Lupus, having reached Rome on the sixth day from Mutina, came to call on me next morning and delivered your message to me in the most explicit terms and gave me your letter. When you commend the defence of your political position to me, I regard you as at the same time commending to me my own, which, by heaven, I do not regard as dearer to me than yours. Wherefore you will be doing me the greatest favour, if you will regard it as a settled thing that no counsel or zeal on my part will ever be wanting in the promotion of your reputation. The tribunes of the plebs having given notice of a meeting of the senate for the 20th of December, and designing to make a proposal for the protection of the consuls-designate, though I had resolved not to attend the senate before the 1st of January, yet as your edict also was put up on that same day, I thought that it would be shocking either that a meeting of the senate should be held without any mention being made of your brilliant services to the Republic — which would have been the case had I been absent — or that, if anything complimentary to you were said, I should not be there to support it. Accordingly, I went to the senate early, and when that was observed there was a very full house. The motion I made in regard to you in the senate, and the speech I made in a very crowded public meeting, I should prefer your learning from the letters of others. Pray make up your mind that I will ever undertake and support with the greatest zeal every measure tending to enhance your political position, splendid as it already is in itself. I know that I shall have many companions in that policy, yet I shall aim at taking the lead in it.

LETTER 7

TO DECIMUS BRUTUS (IN CISALPINE GAUL) ROME, 19 DECEMBER

LUPUS having brought both Libo and your cousin Servius to see me at my town house, I think that you will have learnt from Marcus Seius, who was present at our conversation, what opinion I expressed. The rest you will be able to learn from Graeceius, though he did stay long behind Seius. But the head and front of it all is that I wish you most carefully to notice and to remember that you must not wait to be authorized by the senate in preserving the safety of the Roman people, for the senate is not yet free. If you do so, in the first place you condemn your own action, for you freed the Republic without any public authority — which makes it still more glorious- and, in the second place, you decide that this young man, or rather this boy, Caesar has acted without justification in having assumed such a grave public responsibility on his own initiative. Lastly, you convict of madness those who are indeed rustics, but yet are most gallant soldiers and loyal citizens — in the first place veterans who have served with you of old, and in the next place the Martian and the fourth legions, which have adjudged their own consul to be a public enemy and have transferred their services to the support of the safety of the Republic. The wishes of the senate must be regarded as its authorization, since that authorization is prevented by fear. Lastly, you have now twice espoused this cause: first on the Ides of March, and again recently by collecting a new army and new forces. Wherefore you ought to be prepared for everything, and inspired with the resolution not to decline doing anything without instructions, but to do what will secure universal praise and the greatest admiration.

LETTER 8

TO DECIMUS BRUTUS (AT MUTINA) ROME (JANUARY)

Your wife Paulla sent a message asking me "whether I had anything to send to you," at a time when I had nothing particular to say. For everything is in a state of suspense because we are waiting for the return of the ambassadors, of whose success there is as yet no news. However, I thought I ought to write and tell you this much: the senate and people of Rome are very anxious about you, not merely for the sake of their own security, but also for that of your political position. In fact the affection in which your name is held is remarkable, and the love of all the citizens for you is unparalleled. For they rest great hopes in you, and feel confident that as you formerly freed the Republic from a tyrant you will now free it from a tyranny. A levy is being held in Rome and throughout Italy, if it is to be called a levy, when all offer themselves spontaneously. Such is the enthusiasm which has taken possession of men's minds from a yearning for liberty and a loathing for their long-continued slavery. On other matters we ought by this time to be expecting a despatch from you telling us what you and our friend Hirtius are doing, and my dear Caesar, both of whom I hope will be before long united to you in the fellowship of victory. All that remains for me to say is what I prefer your learning from the letters of your family, as I hope you do — that I am not failing in any particular to support your position, and will never do so.

LETTER 9

DECIMUS BRUTUS TO CICERO (AT ROME) REGIUM LEPIDI, 29 APRIL

WHAT a loss the Republic has sustained by the death of Pansa you must be well aware. In these circumstances you must use your influence and foresight to prevent our opponents hoping to regain their strength now that the consuls have been removed. I will take care that Antony is unable to keep any footing in Italy. I am following him in hot haste. I hope that I shall secure two things — that Ventidius does not slip past me nor Antony remain in Italy. I specially beg you to send instructions to that shiftiest of men Lepidus, that he may not be in a position to renew the war against me if Antony effects a junction with him. For as to Asinius Pollio, I think you are quite clear as to what he will do. The legions of Lepidus and Asinius are numerous, good, and strong. And I don't write this to you because I know that the same facts escape your notice, but because I am most thoroughly convinced that Lepidus will never go straight-should you by chance have any doubt on that point! I beg you also to keep Plancus up to the mark, who will — I hope-stick to the Republic now that Antony has been defeated. If Antony has got himself across the Alps, I have resolved to station a force on the Alps and to keep you informed of everything.

29 April, in camp at Regium.

[The next day's march of Decimus Brutus ended at Parma. There he found that Antony had been some days before him, and had plundered the town to supply his army. Two words of a despatch from Parma — Parmenses miserrimos, "Oh most wretched people of Parma " — are preserved and numbered in some editions Fam. 11.13b. See p.288; Phil. 14.9.]

LETTER 10

DECIMUS BRUTUS TO CICERO (AT ROME) DERTONA, 5 MAY

I DO not think that the Republic owes me more than I owe you. You have good assurance of my being capable of greater gratitude to you than those misguided persons shew me: and that if after all my words seem to be dictated by the exigencies of the hour, I prefer your approval to that of all those people on the other side. For your judgment of us proceeds from an independent and sincere feeling: they are debarred from that by malice and jealousy. Let them interpose to prevent my receiving marks of honour, so long as they do not prevent the public service being properly conducted by me. The extreme danger in which that now stands I will explain as briefly as I can. To begin with, you cannot fail to observe what a confusion in city business is caused by the death of the consuls, and how much ambition this vacancy in the office inspires in men. I think I have written as much as can be committed to paper. For I know to whom I am writing. I now return to Antony, who, though when he fled he had only a handful of unarmed infantry, seems, by breaking open slave-barracks and requisitioning every kind of human being, to have made up a very Considerable number. To this has been added the force of Ventidius, which after accomplishing a difficult march across the Apennines has reached Vada and has there affected a junction with Antony. There is a very considerable number of veterans and fully armed soldiers with Ventidius. Antony's plan of campaign must certainly be either to join Lepidus, if Lepidus will have him; or to keep behind the lines of the Apennines and Alps, and to lay waste the district which he has invaded by sending out parties of cavalry, of which he has large numbers; or to draw back into Etruria, since that part of Italy has no army in it. But if Caesar had listened to me and crossed the Apennines, I should have reduced Antony to such straits, that he would have been ruined by failure of provisions rather than by the sword. But neither can anyone control Caesar, nor can Caesar control his own army-both most disastrous facts. These things being so, I won't hinder anybody, as far as I am concerned, from

interposing, as I said before. It alarms me to think how these difficulties are to be removed, and, when they are removed by you, of the fresh hindrances that may intervene. I am already unable to feed and pay my men. When I undertook the task of freeing the Republic I had more than 40,000 sestertia in money. So far from any part of my private property remaining unencumbered, I have by this time loaded all my friends with debt. I am now supporting a force amounting to seven legions, you can imagine with what difficulty. Not if I had all the treasures of Varro, could I stand the expense. As soon as I have any certain information about Antony I will let you know. Pray continue to love me with the assurance that I entertain the same feeling for you.

5 May, in camp, Dertona.

LETTER 11

DECIMUS BRUTUS TO CICERO (AT ROME) STATIELLAE,

6 MAY DECIMUS BRUTUS, imperator, consul-designate, salutes Marcus Cicero. I have received a letter from you which is a duplicate of that brought by my own servants. I consider that I owe you a debt that it is difficult to repay. I write to tell you what is going on here. Antony is on the march his object is to reach Lepidus. He hasn't given up hope even of Plancus yet, as I gather from some of his papers which have fallen into my hands, in which he noted the names of the men he was sending to Asinius, to Lepidus, to Plancus. I, however, did not hesitate what to do. I at once sent messengers to Plancus, and in the course of a couple of days I expect ambassadors from the Allobroges and the whole of Gaul, whom I shall encourage to remain loyal and shall send home again. Pray make provision for all necessary measures at Rome, that they may be conducted as you would wish them to be, and with advantage to the Republic. People's malice against me pray frustrate if you can. If you can't, console yourself with the reflexion that they cannot move me from the position I have taken up by any amount of abuse.

6 May, in camp, in the district of Statiellae.

LETTER 12

TO DECIMUS BRUTUS (NEAR POLLENTIA) ROME
(BETWEEN 14 AND 19 MAY)

I have received three letters from you on the same day: one a short one which you had intrusted to Volumnius Flaccus; two of greater length, one of which the letter-carrier of Titus Vibius brought, the other was forwarded to me by Lupus. To judge from your letters and from what Graeceius says, the war, so far from being extinguished, i& hotter than ever. However, I feel sure that your eminent wisdom makes it clear to you that, if Antony gets any firm foothold, all those brilliant services of yours to the state will come to nothing. For the news that reached Rome, and what everybody believed, was that Antony had fled with a small body of men, who were without arms, panic-stricken, and utterly demoralized. But if he is in such a position, as Graeceius tells me, that he cannot be offered battle without risk, he appears to me not to have fled from Mutina, but merely to have changed the seat of war. Accordingly, there is a general revulsion of feeling. Some people even grumble at your not having pursued him: they think that he might have been crushed if expeditious measures had been taken. It is ever the way with a populace, and above all with that of Rome — they vent their freedom without restraint on the very man who secured it for them. All the same, we must take care that there is no just cause of complaint. The fact is this: that man will have finished the war, who has crushed Antony. The point of that remark I would rather leave you to grasp than express it more openly myself.

LETTER 13

DECIMUS BRUTUS TO CICERO (AT ROME) POLLENTIA (12 MAY)

I am not going to thank you any more; for when one can make a man no return in deeds, it is impossible to satisfy his just claims by mere words. I want you to notice what I have on my hands. For your insight is so great that you will take in the whole situation, if you read my letter with care. I was unable, my dear Cicero, to pursue Antony at once for the following reasons. I had no cavalry, no transport animals; I did not know that Hirtius was dead; I did not know that Aquila was dead; I couldn't put any confidence in Caesar without first visiting and holding a conversation with him. So passed the first day. Next day early I was summoned by Pansa to Bononia. While I was on the way news was brought to me that he was dead. I hurried back to my poor little force — for I can call it so with truth. It was most woefully reduced and in the very worst condition from want of every kind of necessary. Antony thus got two days start of me. He made much longer marches, as being in retreat, than I could in pursuit. For he marched in loose order, I in close. Wherever he came he broke open the slave-barracks and forcibly requisitioned the men. He never made any halt anywhere till he reached Vada. I would like you to know about this place. It lies between the Apennines and the Alps, very difficult to reach by a march. When I was thirty miles from it, and when Ventidius had already effected a junction with him, a public speech delivered by Antony was reported to me, in which he began entreating his men to follow him across the Alps, telling them that he had an understanding with Marcus Lepidus. There was some murmuring, and from a good many of Ventidius's men — for Antony has very few of his own — that it was their duty to perish or conquer in Italy; and they began begging him to allow them to march to Pollentia. Not being able to withstand them, he arranged to begin his march the next day. When I received this intelligence I at once sent forward five cohorts to Pollentia and directed my march to that place. My advanced guard arrived at Pollentia an hour before Trebellius with his cavalry. I was greatly

delighted: for I think that this constitutes a victory. ...

LETTER 13A

[DECIMUS BRUTUS AND L. MUNATIUS PLANCUS TO THE SENATE AND MAGISTRATES] (CULARO, ABOUT 9 JUNE)

...they had hoped, because they neither thought that the four legions of Plancus were a match for their forces, nor believed that an army could be brought across the Alps from Italy with such speed. Yet the Allobroges themselves with the whole body of cavalry — sent forward by us with that express purpose — have been able to hold them in check up to now in a confident manner enough: and when we arrive we feel sure that they will be still more easily held up.

Nevertheless, if they have by any chance crossed the Isara, we shall take the greatest care to prevent loss to the public service. We would have you be of high courage and entertain the best hopes of the public safety, since you see our armies united in complete sympathy and prepared for any and every service on your behalf. Nevertheless you must not relax in your earnest attention, and you must do your best to enable us in defence of your safety to confront, in the highest state of preparation both as to men and other necessaries, the utterly abominable combination of our enemies, who have in fact suddenly converted the forces, which they had long been collecting under pretence of serving the state, to the purpose of endangering their country.

LETTER 14

TO DECIMUS BRUTUS (AT EPOREDIA) ROME (MAY, LATE)

I am wonderfully pleased, my dear Brutus, that you approve of my policy and sentiments about the decemvirs, and about complimenting the young man. But what does it matter? Believe me — a man not given to brag — I am now, Brutus, quite in the cold shade. For my weapon was the senate: that has now gone to pieces. Your splendid breaking out from Mutina, and the flight of Antony after his army had been cut to pieces, had given us such a bright hope of certain victory, that the spirits of all have begun to flag, and those old fiery contests of mine seem to be, as it were, a mere fighting with shadows. But to return to business. People who know them say that the Martia and the fourth legion cannot by any persuasion whatever be brought over to you. As to the money you want, some means can be taken for that, and shall be taken. About summoning Marcus Brutus and keeping Caesar to protect Italy, I agree with you. But, as you say, you have some detractors. I have no difficulty in rebutting them, yet they do hamper one. We are expecting the legions from Africa. But people are surprised at the war in your parts being renewed. Nothing was ever more unexpected. For when the victory was announced on your birthday, we saw the Republic freed for many generations. These new alarms undo all that has gone before. Now you said in your letter to me of the 15th of May that you had lately heard from Plancus that Antony was not being received by Lepidus. If that is so, everything will be easier. If otherwise, there is a serious business on hand, the result of which I do not dread. It is your part of the play. I cannot do more than I have done. You, however, I desire — as I also hope — to see become the greatest and most illustrious man in the world.

LETTER 15

TO DECIMUS BRUTUS (AT CULARO?) ROME (JUNE)

THOUGH your letter was most gratifying to me, yet it was still more gratifying that in the midst of your great stress of business you commissioned your colleague Plancus to write and make your excuses to me; which he did with due care.

But to me nothing can be more touching than your politeness and Careful attention. Your junction with your Colleague and your harmonious relations announced in your joint despatch were gladly welcomed by the senate and Roman people. For the rest, go on, my dear Brutus, and henceforth vie, not with others, but with yourself. I need write no more, especially to you, whose teaching I follow in being brief. I anxiously await a letter from you, and above all such a one as I hope and pray for.

LETTER 16

TO DECIMUS BRUTUS (AT EPOREDIA) ROME (MAY-JUNE)

IT is of very great importance at what time you receive this letter-whether when you are suffering any anxiety or when you are free from all distress. Accordingly, I have instructed the bearer to be careful as to the time of its delivery. For just as in personal intercourse those who visit us at an inconvenient time are often troublesome, so do letters cause annoyance if delivered unseasonably. If, however, as I hope, nothing is vexing or hampering you, and if the messenger charged with it selects the time of approaching you with tact and discretion, I feel confident that I shall have no difficulty in obtaining from you what I desire. Lucius Lamia is a candidate for the praetorship. I am particularly intimate with him. There is a friendship of very old standing and very close between us, and what is of the greatest weight of all is that he is supremely delightful in a social point of view. Besides that, I am under great obligations to him for kindness and good offices. For in the Clodian period, being at the head of the equestrian order and fighting with the greatest gallantry in defence of my safety, he was banished from Rome by the consul Gabinius, a thing that had never before that time happened to any Roman citizen at Rome. When the Roman people remembers this, it is most discreditable that I should forget it. Therefore, my dear Brutus, persuade yourself that I am a candidate for the praetorship: for though Lamia is in a brilliant position and extremely popular, and conducted his aedileship with most magnificent liberality, yet I have taken up his cause as if these things were not so. In these circumstances, if you value me as highly as I feel sure you do, since you control certain centuries of the equites, among whom you are all-powerful, send word to our friend Lupus to secure the votes of those centuries for us. Though there is nothing that I do not expect from you, Brutus, yet there is nothing in which you can more oblige me than this.

LETTER 17

TO DECIMUS BRUTUS (AT EPOREDIA) ROME (MAY-JUNE)

THERE is no one with whom I am more intimate than Lucius Lamia. His — I won't call them attentions, but good services, to me are great, and are most thoroughly well known to the Roman people. After administering the aedileship with most splendid liberality, he is now a candidate for the praetorship, and everybody is aware that he is not deficient either in position or popularity. But there is such an energetic canvass going on that I am thoroughly alarmed about the whole business, and think myself bound to back up Lamia. How much help you can give me in that affair I have no difficulty in seeing, nor indeed have I any doubt of how much you are willing to do for my sake. Pray therefore, my dear Brutus, convince yourself that I can make no request of you with greater earnestness, and that you cannot oblige me more than by assisting Lamia in his canvass with all your influence and all your zeal. I warmly beg you to do so.

LETTER 18

TO DECIMUS BRUTUS (NEAR VERCELLAE) ROME, 19 MAY

THOUGH from the message which you gave to Galba and Volumnius for the senate I have a good guess as to what you thought was the danger ahead, yet the message seemed to me to be less confident than suited the victory gained by yourself and the Roman people. The senate, however, my dear Brutus, is resolute and has resolute leaders. It was therefore somewhat hurt that it should be considered timid and spiritless by you, whom it considered the bravest of men. For considering that even when you were invested everybody retained the most confident hope in your valour, though Antony was in full vigour, who could be afraid of anything after he had been defeated and you released? Nor, indeed, are we afraid of Lepidus. For who in the world could expect him to be such a madman as, after saying in the midst of a most formidable war that he desired peace, to proclaim war against the Republic after the ardently desired peace had been obtained? And I do not doubt your seeing farther ahead than we can. But nevertheless a renewal of alarm so soon after the thanksgiving which we offered at all the temples in your name does cause bitter disappointment. Therefore, for my part, my wish is — as it is my hope — that Antony has been entirely ruined and crushed: but if he has by chance collected some forces, he shall feel that the senate is not without wisdom, nor the Roman people without valour, nor the Republic — as long as you are alive — without a general.

19 May.

LETTER 19

DECIMUS BRUTUS TO CICERO (AT ROME) VERCELLAE, 21 MAY

I SHOULD wish you to read over first the despatch which I have sent the senate and make any alterations you think right. You will notice that I could not avoid writing it: for while I thought that the fourth and Martian legions would be serving with me, in accordance with the motion of Drusus and Paullus, with the support of you senators, I thought I need not much concern myself about anything else. In present circumstances, however, when I am accompanied by the most ill-equipped raw recruits, it is inevitable that I should be much alarmed both on my own account and on yours. The people of Vicetia shew very great attention to me and Marcus Brutus. I beg you to see that no wrong is done them in the senate on the question concerning their home-born slaves. They have a very strong case, are very loyal to the Republic, and have a class of men opposed to them seditious and extremely idle.

LETTER 20

DECIMUS BRUTUS TO CICERO (AT ROME) EPOREDIA, 24 MAV

WHAT I don't do for myself my love for you and your kindnesses to me force me to do — to fear. For though I have often heard the story before, and never thought lightly of it, quite recently Segulius Labeo — and it was exactly like him-tells me that he has been in Caesar's company, and that there was a great deal of talk about you. That Caesar himself had no complaint to make against you, except as to an epigram which he said that you uttered: "that the young man must be complimented, honoured, and — got rid of." He said that he did not mean to give them the chance of getting rid of him. I believe for my part that Labeo told him this epigram or made it up himself, and that it was not mentioned first by the young man. As for the veterans, Labeo would have me believe that their language is abominable, that you are in imminent danger from them, and that they are exceedingly indignant at neither Caesar nor myself being among the ten commissioners, and at everything being put in the hands of your party. Having heard these stories, and being already on the march, I did not think that I ought to allow myself to cross the Alps until I knew what was going on with you in Rome. For as to your danger, believe me they hope by swaggering language and threats of danger to make great profit for themselves, when they have cowed you and egged on the young man, and that all that talk about your epigram has one origin-their desire to do as good a stroke of business as possible. Not, however, that I wouldn't have you be cautious and avoid traps: for nothing can be dearer and more precious to me than your life. Take care that you are not forced to be still more afraid by being timid, and that you meet the wishes of the veterans by whatever means that can be done. First, do what they want about the commission of ten. Next, as to rewards, vote, if you think good, that the lands of those veteran soldiers who have served with Antony be transferred to them by both Caesar and myself. As for the coinage, tell them that the senate with deliberation, and after a full investigation of the money, will authoritatively settle that

business. For the four legions to whom you in the senate have voted that lands should be given, I see there will be enough land to draw upon from the confiscations of Sulla and the territory of Capua. I think these lands should be given to the legions share and share alike, or by drawing lots. It is no particular wisdom of mine that makes me write this to you, but my love for you and my yearning for peace, which cannot be firmly secured without you. Unless it is absolutely necessary I shall not quit Italy. I am arming and preparing my legions. I hope that I shall have an army that will not be very unfit to grapple with all chances of fortune and all attacks of men. From the army commanded by Pansa Caesar does not intend to allow a legion to join me. Please answer this letter at once, or if the matter is very confidential, and one which you think I ought to know, send one of your men.

24 May, Eporedia.

LETTER 21

TO DECIMUS BRUTUS (AT EPOREDIA) ROME, 4 JUNE

THE gods confound your friend Segulius, the greatest scoundrel that exists, or has existed, or ever will exist! What? Do you mean that he only told you, or that he told Caesar? Why, he never let anyone go, with whom he could get in a word, without telling that same story! Nevertheless, I am as much obliged to you, my dear Brutus, as I ought to be for wishing me to know that piece of folly, whatever it amounted to. For you gave a great proof of your affection thereby. As to what this same Segulius says of you and Caesar not being among the commission of ten, would to heaven I were not either! For what could be a greater bore? However, when I expressed an opinion that a motion should be made about those who were in command of armies, the usual lot in the senate shouted "No!" Accordingly, you were all left out in spite of my vehement opposition. Therefore let us pay no regard to Segulius, who is always on the look-out for revolutionary bonnes fortunes — not that he has devoured his own, for he never had any, but he has made a hearty meal on this last tit-bit. Again, you say that what you would not do for yourself, you do for me —

namely, be somewhat alarmed. Best and dearest of men, I free you from all fear for me! For I shall not be caught napping in any affairs that admit of being foreseen. In regard to those which will admit of no precautions I do not much trouble myself. For I should be shameless if I asked more than a human being can have bestowed on him by nature. When you bid me take care lest by a timid line of policy I may be compelled to fear still more, you speak like the wise man and affectionate friend that you are. But pray believe that, as everyone knows you to be eminent in this particular excellence-never, that is, to be frightened, never to lose your head — so I come near this high quality of yours. Wherefore I will fear nothing and be on my guard about everything. But be careful, my dear Brutus, that it is not your fault if I am afraid of anything. For, encouraged by your resources and your consulship, even if we had been timid by nature,

we should yet have shaken off all fear, especially as everyone would have been convinced, and I above all, that we were regarded by you with unique affection. I warmly approve of your policy about the four legions, and about the assignation of lands by both of you. Accordingly, when some of my colleagues were nibbling at the land business, I upset the whole affair and caused it to be reserved entirely for your decision. If there is anything to say more than usually secret, and, as you express it, more "confidential," I will send some one by whom the letter may be conveyed with greater fidelity.

4 June.

LETTER 22

TO DECIMUS BRUTUS (AT CULARO?) ROME, 6 JULY

I have a friendship with Appius Claudius, son of Gaius, founded on many good services on his part and correspond ing ones on mine. I ask you with more than usual earnestness, for the sake either of your own kindness or for mine, that you determine that his safety shall be secured by your influence. I wish you, as you are known to be the most gallant of men, to be considered also the most merciful. It will be a great feather in your cap that a young man of the highest rank has been restored by your favour. His claim ought to be all the stronger from the fact that it was from filial feeling that he joined Antony in gratitude for his father's restitution. wherefore, though you will have an excuse to plead that is not entirely sound, yet you will be able to bring one forward that at 'east is plausible. Your nod can retain in the fu;l rights of citizenship a man of the highest birth, of the greatest ability, and one besides who is full of kindness and gratitude. I ask you to do this with a heartfelt earnest-ness beyond which I cannot go in making any request.

LETTER 23

DECIMUS BRUTUS TO CICERO (AT ROME) EPOREDIA, 25 MAY

WE are all well here, and I shall do my best to make us better. Lepidus seems to us to be fairly well disposed. Having got rid of every fear, we ought to consult for the interests of the state with freedom. But if everything else went wrong, yet with three such great armies devoted to the service of the Republic in full force, you ought to have the high courage which you have always kept, and can now by the blessing of fortune increase. As to what I told you under my hand in my previous letter — it is all mere talk meant to bluff you. If you once get the bit between your teeth, may I die if all of them put together will be able to stand against you when you start speaking. As I told you in my last letter, I shall remain in Italy till a letter from you reaches me.

25 May, Eporedia.

LETTER 24

TO DECIMUS BRUTUS (AT EPOREDIA) ROME, 6 JUNE

I tell you what: I used to be somewhat irritated at the brevity of your letters. Now I think myself over-talkative.

I will therefore imitate you. What a volume in a few words — that you are quite well and will take measures to be daily better; that Lepidus is well-disposed, and that we ought to have confidence in their armies! If I had been nervous, that letter would still have wiped away all fear from my heart. But, as you advise, I have taken the bit between my teeth: for when I rested every hope on you, in spite of your being closely invested, what do you think that I do now? I desire now, Brutus, to make over to you my sleepless watchfulness, though without diminishing my own firm policy. You say that, if the enemy permits it, you will stay in Italy till you get a letter from me. You are not wrong: for much happens at Rome: but if the war can be finished by your arrival on the scene, let that be your first care. The money that was most readily available has been decreed to you. You have a very warm friend in Servius: I never fail to support you.

6 June.

LETTER 25

TO DECIMUS BRUTUS (AT CULARO?) ROME, 10 JUNE

As I was waiting day after day for a letter from you, our friend Lupus suddenly gave me notice to write to you if I wanted to say anything. But I, though I had nothing to say — for I knew the gazette was being sent to you, and I was also told that the chatter of a letter with nothing in it was disagreeable to you — have aimed at brevity, following your teaching. Be it known to you then that our every hope rests on you and your colleague. As to M. Brutus we have as yet nothing certain: but I never stop calling on him in my confidential correspondence to come and take his share in the war in which we are all engaged. Would to heaven he were already here! We should have less reason to fear the danger within the city, which is really serious. But what am I doing? I am not imitating your laconic style; I am already beginning a second page of paper. Victory and health to you!

18 June.

LETTER 26

DECIMUS BRUTUS TO CICERO (AT ROME) IN CAMP (NEAR CULARO), 3 JUNE

IN the midst of excessive sorrow I find consolation in the fact that the world now knows that it was not without cause that I feared what has actually occurred. Let them consider whether to bring the legions from Africa or not, and also from Sardinia; and whether to summon Marcus Brutus or not; and whether to give or decree me pay for my soldiers. I am sending a despatch to the senate. Believe me that unless all these measures are taken as described in my despatch, we shall be in the greatest danger. I beseech you to see to whom to intrust the business of bringing the legions to me. What is necessary is loyalty and speed.

3 June, from camp.

LETTER 27

TO C. MATIUS (AT ROME) TUSCULUM (END OF AUGUST)

I have not yet been able to make up my mind whether Trebatius — kind man and devoted friend of us both-brought me more pain or pleasure. The fact is that I having reached Tusculum in the evening, early next day he called on me: though he was not fully recovered. I scolded him for not being sufficiently considerate of his weak health: but he said that nothing had been more wearisome to him than waiting to see me. “Nothing fresh happened, has there?” said I. Then he told me of your grievance. But before I answer it I will put before you a few facts. As far back as I can remember I have no older friend than your-self. But after all the length of a friendship is something in which many others share. Not so warmth of affection. I became attached to you the first day I knew you, and formed the opinion that you were attached to me. After that your absence — which was a very prolonged one — my own official career, and the different line we took in life did not allow our inclinations to be cemented by a constant intercourse. Nevertheless, I had proof of your affection for me many years before the civil war, when Caesar was in Gaul. For you secured what you were strongly of opinion was to my advantage and not without advantage to Caesar himself — that the latter should like me, pay me attention, and rate me among his friends. I pass over instances in those times of words, letters, and various communications of the most friendly character passing between us. For a more dangerous crisis followed: and at the beginning of the civil war, when you were on your way to Brundisium to join Caesar, you came to call on me at Formiae. How much that implies in itself, to begin with, especially at such a crisis! And in the next place, do you suppose that I have forgotten your advice, conversation, and kindly interest? And in these I remember that Trebatius took part. Nor, again, have I for gotten the letter you sent me after you had met Caesar in the district, if I remember rightly, of Trebula. Then followed the period in which whether you call it shame or duty or fortune compelled me to go abroad to join Pompey. What service or

zeal was wanting on your part, either towards myself when away from town, or my family, who were still there? Whom did all my family regard as more warmly attached either to me or to themselves?

I came to Brundisium: do you suppose that I have forgotten with what speed you flew to me from Tarentum, as soon as you heard of it? Or, of how patiently you sat by my side, talked to me, and strengthened my courage, which had been broken by the dread of the universal ruin? At length our residence at Rome began: could anything be more intimate than we were? In questions of the first importance I consulted you as to my attitude towards Caesar, and in other matters availed myself of your good offices. Setting Caesar aside, whom else but me did you so far distinguish as to visit constantly at home, where you often spent many hours in the most delightful conversation? And it was then too, if you remember, that you instigated me to write these philosophical works. After Caesar's return, was there any object dearer to you than that I should be on the terms of closest friendship with him? And this you had accomplished.

To what end, therefore, is this preamble which has run to greater length than I anticipated? Why, to explain my surprise that you, who were bound to have known all this, should have believed me capable of having done anything incompatible with our friendship. For besides these facts, which are well attested and as clear as the day, I could mention many others of a more secret nature, such as I can hardly express in words. Everything about you gives me pleasure: but above all your surpassing fidelity in friendship, the prudence, trustworthiness and consistency of your character, as well as the charm of your manners, the cultivation of your intellect, and your knowledge of literature.

This being understood, I return to your statement of grievance. That you voted for that law I at first refused to believe. In the next place, if I had believed it, I should never have believed that you did so without some sound reason. Your rank makes it inevitable that whatever you do should be noticed: while the ill-nature of the world causes certain things to be represented in a harsher light than your actions have really warranted. If you never hear such observations I

don’t know what to say. For my part, whenever I hear them I defend you, as I know that I am always defended by you against my detractors. Now my line of defence is twofold. There are some statements which I meet with a blank denial, as about that very vote of yours. Others I defend on the ground of the loyalty and kindness of your motives, as in regard to the superintendence of the games. But it does not escape a mind so highly cultivated as yours that, if Caesar was a tyrant — as I think he was-two opposite theories are capable of being maintained in regard to your services. One is mine — when I hold that your loyalty and kindness are to be commended for shewing affection to a friend, even after his death. The opposite theory, advanced by some, is that the liberty of our country is to be preferred to the life of a friend. From such discussions as these I only wish that the arguments I have advanced had come to your ears! Two other points, which above everything else redound to you reputation, no one could put oftener and with more satisfaction than I do: that your voice was the strongest both against beginning the civil war, and for moderation in victory. And in this I have never found anyone who did not agree with me. Therefore I am grateful to our friend Trebatius for giving me an excuse for writing this letter. And if you do not believe in it, you will thereby condemn me as wanting in duty and good feeling: than which nothing can be more discreditable to me or more foreign to your own character.

LETTER 28

C. MATIUS TO CICERO (AT TUSCULUM) ROME (AUGUST)

Your letter gave me great pleasure by convincing me that your opinion of me was what I had hoped and wished that it should be. And although I had no doubt about that, yet, as I valued it very highly, I was anxious that it should remain intact. I was, moreover, conscious in my own mind of having done nothing calculated to wound the feelings of any good man. Therefore I was all the less inclined to believe that a man of your many splendid qualities could be induced to adopt any opinion inconsiderately, especially as my good feeling towards you had always been, and still was, heartfelt and uninterrupted. As then I know this to be as I wished it to be, I will now answer the charges, which — as was natural from your unparalleled kindness and our friendship-you have often rebutted in my behalf.

Now I am well acquainted with the allegations made against me since Caesar's death. People blame me for shewing grief at the death of a dear friend, and expressing my indignation that the man whom I loved had been killed. For they say that country should be preferred to friendship, as though they had actually proved that his death has been beneficial to the Republic. Well, I will speak frankly. I confess that I have not attained to that height of philosophy. For in the political controversy it was not Caesar that I followed, but it was a friend whom — though disapproving of what was being done — I yet refused to desert. Nor did I ever approve of a civil war, nor of the motive of the quarrel, which in fact I strove my utmost to have nipped in the bud. Accordingly, when my friend was victorious I was not fascinated by the charm either of promotion or of money-rewards upon which others, though less influential with him than I was, seized with such intemperate avidity. In fact, even my own personal property was curtailed by the law of Caesar, thanks to which most of those who now exult in Caesar's death maintained their position in the state. I was as anxious that conquered citizens should be spared as I was for my own safety. Wishing therefore the preservation of all, could I fail to be indignant that the man by whose means that

preservation had been secured had perished? Especially when the very same men had caused both the feeling against him. and the death which befell him. “Well then,” say they, “you are assailed for venturing to shew your disapprobation of our deed.” What unheard — of tyranny! One party are to boast of a crime, others are not to be allowed even to grieve at it with impunity! Why, even slaves have always been free to fear, to rejoice, and to grieve at their own will rather than at the behest of another-emotions of which, to judge from the frequent remarks of your champions of liberty, they are now endeavouring to deprive us by force. But they are throwing away their labour. I shall never be deterred from duty and humanity by the threats of any danger. For I have convinced myself that an honourable death is never to be shunned, is often even to be sought. But why are they angry with me for wishing them to repent of what they have do e? For I desire Caesar’s death to be regretted by all. ‘But,” say they, “I ought as a citizen to desire the safety of the Republic.” If my past life and future hopes do not prove me — without my saying a word — to desire that, I do not expect to convince them by anything I can say. Therefore I ask you with more than usual earnestness to regard facts as more convincing than words; and if you think it good for the world that right should prevail, to believe that I can have nothing in common with criminals. The principles which I maintained as a young man, when I might have had some excuse for going wrong, am I now that my life is drawing to its close entirely to change and with my own lips to give the lie to my whole career? I will not do so! Yet I will not act in a way to cause offence farther than by avowing my grief at the hard fate of one so deeply loved, and a man of such extraordinary distinction. But if I were otherwise disposed I would never deny what I was doing, lest I should get the reputation of being at once unscrupulous in committing crime, and timid and false in disavowing it.

“But,” say they, “I superintended the games given by the young Caesar in honour of Caesar’s victory.” That is a matter of private obligation with no constitutional significance. Yet, after all, a service which I was bound to render to the memory of a dear friend even after his death, I could not refuse to the request of a young man of

very great promise and in the highest degree worthy of Caesar.

I have also frequently been to the house of the consul Antonius to pay my respects. Yes, and those who now regard me as unpatriotic you will find going there in crowds to prefer some petition or to pocket some bounty. But what insolence is this that, whereas Caesar never interfered with my being intimate with whom I chose, even with those whom he personally disliked, these men who have torn my friend from me should now endeavour by their captious remarks to prevent my loving whom I choose? But I have no fear either of the regularity of my life not being sufficient to protect me hereafter, or of those very men who hate me for my constancy to Caesar not preferring to have friends like me rather than like themselves. For myself, if I get what I like, I shall spend the remainder of my life in retirement at Rhodes: but if some accident intervenes, though I am at Rome I shall always desire the right to prevail. I am very much obliged to our friend Trebatius, for having shewn me your true-hearted and affectionate feeling towards myself, and for having given me additional reasons for being still more bound to cultivate and respect a man for whom I have always felt a spontaneous affection. Good-bye, and do not cease to love me.

LETTER 29

TO GAIUS OPPIUS (AT ROME) (ANAGNIA, JULY)

WHEN I was hesitating — as my friend Atticus knows-about the entire idea of my journey, because many considerations on both sides kept occurring to my mind, your judgment and advice had great weight in clearing away all feeling of hesitation: for not only did your letter express your opinion frankly, but Atticus also conveyed to me what you had said by word of mouth. It has ever been my opinion that nothing could exceed your wisdom in conceiving or your honesty in imparting advice. I had a supreme instance of this when I

wrote to consult you at the beginning of the civil war as to what you thought I ought to do — go to Pompey, or stay in Italy. You advised me to consider what was due to my position. That told me plainly what your opinion was; and I admired your honesty and conscientiousness in giving advice. For though you thought that your dearest friend would wish it to be otherwise, your duty to me was of superior importance in your eyes to his wishes. For my part, even before that time I was attached to you, and always felt that you were attached to me. And when I was abroad and in the midst of great dangers, I remember that both I myself in my absence and my family who were at home enjoyed your attentions and protection. Again, after my return I can call all who usually observe such things to witness on what intimate terms you have been with me, and what feelings I have both entertained and avowed in regard to you. But the weightiest expression of your judgment as to my honour and consistency was given by you when, after Caesar's death, you devoted yourself heart and soul to my friendship. If I fail to justify that judgment by displaying the warmest affection for you and serving you in every possible way, I shall regard myself as a monster of ingratitude. Pray, my dear Oppius, maintain your love for me — though, after all, I say this more because it is usual to say it, than from an idea that you need to be reminded — and continue to protect all my interests. As to what they are I have charged Atticus to enlighten you. As soon as I have secured a little leisure you may

expect a longer letter from me. Take good care to keep well; you cannot oblige me more than by doing that.

BOOK 12

LETTER 1

TO GAIUS CASSIUS LONGINUS (AT ANTIUM) POMPEII, 3 MAY.

Believe me, Cassius, I never cease thinking about you and our dear Brutus, that is, about the entire Republic, all hope for which depends on you two and Decimus Brutus. That hope indeed I now myself feel to be improved owing to the very splendid administration of my dear Dolabella. For that mischief in the city was gradually extending and becoming day by day so confirmed, that I felt uneasy both for the city and the peace in it. But that mutiny has now been put down in such a way that I think we shall be secured for all time, at any rate from that most degrading of dangers. Things still remaining to be done are both important and numerous; but they all rest with you three. However, let me expound each in its turn. Well then, as far as we have gone as yet, we seem not to have been freed from a tyranny — only from a tyrant: for though the tyrant has been killed, we obey his every nod. And not only so, but measures which he himself, had he been alive, would not have taken, we allow to pass on the plea that they were meditated by him. And to this indeed I see no limit: decrees are fastened up; immunities are granted; immense sums of money are squandered; exiles are being recalled; forged decrees of the senate are being entered in the aerarium. Surely then nothing has been accomplished except to dispel the indignation at our slavery and the resentment against an unprincipled man: the Republic still lies involved in the confusions into which he brought it. These are all questions demanding your solution; and you must not think that the Republic has had all it can claim from you three. It has had indeed more than it ever occurred to me to desire, but it is not content yet. Its demands are great in proportion to the greatness of your spirits and of your services. Up to the present it has avenged its injuries by the death of the tyrant through your hands: nothing more. Which of its dignities has it recovered? Is it that it now obeys the man in his grave whom it could not endure in his life-time? Do we support the rough drafts of a man, whose laws we ought to have torn down from

the walls? “But” — you will say—”we so decreed in the senate.” Yes, we did so as a concession to the exigencies of the time, which always been of decisive importance in politics. But they are abusing our concession without moderation or gratitude. However, of this and much else before long when we meet. Meanwhile, I would have you feel fully persuaded that, both for the sake of the Republic — always the object of my greatest devotion — and for the sake of our mutual affection, your position in the state is the object of the greatest importance in my eyes. Take great care of your health.

LETTER 2

TO C. CASSIUS LONGINUS (NEAR PUTEOLI) ROME
(SEPTEMBER)

I am much delighted that my expression of opinion and my speech have your approval. If one might speak like that more often, there would be no trouble about recovering freedom and the constitution. But that infatuated and unprincipled fellow-much worse than the man whom you declared to have been put to death for his flagrant iniquity — is seeking an excuse for a massacre, and accuses me of being the instigator of Caesar's assassination, with no other motive than that of inciting the veterans against me.

I don't dread that danger, so long as he associates the glory of the deed which you and your fellows wrought with my reputation. Accordingly, we can none of us come to the senate in safety: neither Piso, who was the first to inveigh against him, without anyone to support him; nor I, who did the same a month afterwards; nor Publius Servilius, who followed me closely. For that gladiator is seeking for a chance of using the sword, and thought that he was going to begin with me on the 19th of September, on which day he came primed after studying his speech for many days in the villa of Metellus. But what sort of "study" was possible in brothels and drunken riots? The result was that in everybody's eyes, as I wrote you word before, he seemed to be but vomiting in his usual way, not speaking. Wherefore in reference to your remark that you felt confident that some good might be done by my influence and eloquence, I may say that some little good-considering the enormity of the evil-has been done. For the Roman people fully under-stand that there are three ex-consuls, who, because they have thought honestly on politics and ventured to speak freely, cannot come in safety to the senate. Nor can you expect anything more than that: for your relative is greatly delighted with his new marriage connexion; and so he no longer cares about the games, and is bursting with envy at the applause given to your brother. Your other brother-in-law has been smoothed down by the new hatch of Caesar's minutes. Still

these things are endurable. But the next is intolerable — that there is a man who thinks that his son is to be consul in the year of yourself and Brutus, and for that reason avows his subservience to this bandit. For my friend Lucius Cotta, yielding to some fatal despair, now. comes less frequently to the senate: Lucius Caesar, a most loyal and gallant citizen, is hindered by ill-health: Servius Sulpicius, a man of the greatest influence and the most excellent sentiments, is not in town. As for the rest, the consuls-designate excepted, pardon me if I do not reckon, them consulars. These are the leaders of our public policy. Few enough even if things were all going well — what think you in the present disastrous position? Wherefore our sole hope is in you. And if your motive for not coming to Rome is that you cannot do so safely — there is none in you either. But if you are meditating some stroke worthy of your glory, — I pray that I may live to see it. But if that cannot be, yet at least the Republic will shortly recover its legal rights by' your means. I am not failing to support your friends, nor shall I do so. If they refer to me for anything, my goodwill to you and my-good faith shall be made manifest.

LETTER 3

TO C. CASSIUS LONGINUS (NEAR PUTEOLI) ROME
(BETWEEN 2 AND 9 OCTOBER)

YOUR friend daily becomes madder. To begin with, he has caused "To the father for his eminent services" to be inscribed on the statue which he has placed on the rostra, so that you are now condemned not only as murderers, but as parricides. But why do I say "you"? Rather I should say "we" are condemned: for that madman asserts that I was the head and front of that most glorious deed of yours. Would that I had been! He would not have been troubling us now. But it is you and your fellows who are responsible for this: and since it is past and done with, I only wish I had some advice to give you. But the fact is, I cannot feel satisfied even of what I myself ought to do. For what is possible against force without having any force oneself? Now the gist of this policy of theirs is to punish the death of Caesar. Accordingly, on the 2nd of October, being introduced to an assembly by Cannutius, Antony got indeed a very sorry reception: still, he did deliver himself of remarks about the saviours of the country which ought only to have been made about traitors. As to me, indeed, he declared outright both that you had acted and that Cannutius was acting in everything on my advice. You may judge of the rest from the fact that they have deprived your legatus of his travelling money. What explanation of that do you suppose that they give? They say, forsooth, that it is being conveyed to a public enemy! What a grievous thing, that we could not endure a master, and yet are slaves to a fellow slave! Yet after all, though my will is better than my hopes, there does remain even now some hope in your valour. But where to get forces? As to the future I would rather you consulted your own feelings, than listened to words of mine.

LETTER 4

TO C. CASSIUS LONGINUS (IN SYRIA) ROME, 2 FEBRUARY

I could wish that you had invited me to the banquet of the Ides of March: there would have been nothing left over! As it is, your leavings give me much trouble-yes, me more than anybody. Though our consuls are splendid, our consulars are utterly shameful. Though the senate is courageous, it is the lowest in rank that are most so. Nothing, indeed, can surpass the resolute bearing of the people, and of all Italy with one accord. Nothing, on the other hand, can well be more scandalous and unprincipled than our emissaries Philippus and Piso. For having been sent to deliver to Antony certain definite orders, in accordance with the vote of the senate, upon his refusing to comply with one of them, they have brought back to us some intolerable demands on his part. The result is that my house is thronged, and that though I am supporting a sound constitutional measure, I have now become a popular hero.

But what you are doing or intending to do, even where you are, I do not know. Report will have it that you are in Syria. But there is no confirmation of it. About M. Brutus, as he is less remote, news seems more trustworthy. Dolabella is being soundly abused by the wits for being so prompt in relieving you before you had been full thirty days in Syria. So all are agreed that he ought not to be admitted into Syria. You and Brutus are both highly commended because you are thought to have collected an army beyond what was hoped. I would have written at greater length, had I known the facts and the real state of the case. As it is, what I write is founded on common opinion and rumour. I am anxiously longing for a letter from you. Good-bye.

LETTER 5

TO GAIUS CASSUS LONGINUS (IN SYRIA) ROME (FEBRUARY)

I SUPPOSE that the winter has as yet prevented us from getting any certain news from you, as to what you are doing, and above all where you are. Nevertheless, it is the general talk — the wish, no doubt, is father to the thought — that you are in Syria and in possession of forces. That statement finds the readier belief that it seems likely in itself. Our friend Brutus for his part has gained a brilliant reputation: for his achievements have been so great and unexpected that, while welcome in themselves, their distinction was enhanced by their rapidity. But if you command the extent of territory which we suppose, the Republic has gained very strong supports. For from the nearest shore of Greece as far as Egypt we shall have been put under the protection of the authority and forces of the most loyal citizens. However, unless I am mistaken, as the situation now stands, the ultimate decision of the whole war seems to rest with Decimus Brutus. If he, as we hope, breaks cut from Mutina, I think there will be a complete collapse of the war. The forces at present besieging him are very small, because Antony is occupying Bononia with a large army. Our friend Hirtius, moreover, is at Claterna, Caesar at Forum Cornelium, both with a strong army; while Pansa has collected large forces at Rome from the levy in Italy. Winter has at present prevented any movement. Hirtius seems likely to do nothing, as he tells me in frequent letters, without careful preparation. Except Bononia, Regium Lepidi, and Parma, we have the whole of Gaul devoted heart and soul to the constitution. Even your clients the Transpadani we find attached to the cause with surprising unanimity. The senate, with the exception of the consulars, is most resolute, but of the consulars Lucius Caesar alone is loyal and honest. By the death of Servius Sulpicius we have lost a great support For the rest, some are inactive and some disloyal A certain number are envious of the reputation of those whom they see to be held in honour in the Republic. But the unanimity of the Roman people and the whole of

Italy is wonderful. This is pretty well all which I wanted you to know. My present hope and prayer is that the sun of your valour may shine forth from those regions of the East.

LETTER 6

TO C. CASSIUS LONGINUS (IN SYRIA) ROME (1-7 APRIL)

THE political situation at the time of my writing these lines you will learn from Gaius Titius Strabo, a man of character and of the most excellent political sentiments: I need not add “and very desirous of your company,” for he has left the country to join you in preference to everyone else, abandoning house and fortune. His own arrival will be a sufficient recommendation of him in your eyes. I would have you realize the fact and have no doubt about it, that the only chance of finding refuge left for loyalists depends on you and Brutus, in the case — which I hope may not occur — of any reverse being sustained. At the moment of my writing the decisive moment has arrived. For Decimus Brutus is at his last gasp at Mutina: if he has been relieved, the victory is ours. But if not — which God forbid -we shall all of us hurry with one accord to you. Therefore be prepared in courage and material forces for the great task of recovering the constitution in its full completeness. Good-bye.

LETTER 7

TO GAIUS CASSIUS LONGINUS (IN SYRIA) ROME (EARLY IN MARCH)

WITH what zeal I have defended your political position, both in the senate and before the people, I would rather you learnt from your family than from me: and my proposal would have been carried in the senate, had it not been for the strong opposition of Pansa. After having made that proposal in the senate I was introduced to a public meeting by the tribune M. Servilius. I said what I could about you in a voice loud enough to fill the whole forum, and with such cheering and acclamation from the people, that I have never seen anything like it. Pray pardon me for acting in this against the wish of your mother-in-law. The lady is timid and was afraid of Pansa's feelings being hurt. In the public meeting in fact Pansa stated that your own mother also and your brother were against my making that motion. But I was not moved by these things. My mind was set on other objects. It was the Republic of which I was thinking, of which I have always thought, and of your position and glory. Now I hope that you will redeem the pledges which I gave both in senate and before the people at considerable length. For I promised and almost pledged myself that you had not waited and would not wait for any decrees of ours, but would yourself defend the constitution in your own way. And although we have not yet had any intelligence either of where you are or what forces you have, yet I have made up my mind that all the resources and troops in that part of the world are in your hands, and feel confident that by your means the province of Asia has been already recovered for the Republic. Take care to surpass yourself in promoting your own glory. Good-bye.

LETTER 8

TO GAIUS CASSIUS LONGINUS (IN SYRIA) ROME (JUNE)

THE crime of your relative Lepidus and the extreme fickleness and levity of his conduct I think that you will have learnt from the gazette of the senate, which I am assured is sent to you. Accordingly, after once finishing the war we have a renewed war upon our hands, and our whole hope is in Decimus Brutus and Plancus. If you would have the real truth, it is in you and our friend M. Brutus, not only for immediate safety, if, what I trust may not be the case, any reverse occurs, but also for securing a permanent liberty. We at Rome have gratifying intelligence about Dolabella, but it does not rest on good authority. Let me assure you that you are the hero of the hour, both from present impressions and future expectations. With this knowledge before your eyes, be sure that you aim at the highest achievement. There is nothing which the Roman people does not think can be accomplished and sustained by you.

LETTER 9

TO C. CASSIUS LONGINUS (IN SYRIA) ROME (JUNE)

THE brevity of your letter makes me the briefer in mine, and, to speak the honest truth, I can think of nothing to say. For what is going on with us I know for certain is conveyed to you in the gazette, what is going on with you we don't know. For just as though Asia were under blockade, nothing reaches us except rumours of Dolabella being crushed. These rumours are persistent enough, but they as yet lack confirmation. As for us, when we thought the war finished, we have suddenly been brought into the most extreme anxiety by your relative Lepidus. Therefore convince yourself that the chief hope of the Republic rests on you and your forces. We have, it is true, trustworthy armies: but nevertheless, though everything should go well, as I hope it will, it is of great importance that you should come. For the hope of the Republic is small — I shrink from saying "none" — but whatever it is, it is plighted to the year of your consulship.

LETTER 10

TO GAIUS CASSIUS LONGINUS (IN SYRIA) ROME
(BEGINNING OF JULY)

LEPIDUS, your marriage relation, and my friend, was on the 30th of June declared a public enemy by a unanimous vote of the senate, as well as all who with him deserted the Republic. To them, however, a chance of returning to their right minds was given up to the 1st of September. The senate was very resolute, but chiefly in reliance on your aid There is, in fact, a very grave war in progress at the moment of my writing this, owing to the crime and instability of Lepidus. We daily hear satisfactory intelligence about Dolabella, but as yet by mere rumour-without definite source or confirmation. But though that is the case, still the letter which I have received from you dated from camp on the 7th of May has persuaded the whole city to believe that he has already been crushed, and that you are on your way to Italy with an army, so that, if affairs in these parts are settled as we wish, we may rely on your counsel and influence; and if there is any mishap — as will occur in war — we may rely on your army. This army, indeed, I will compliment by all the means in my power. The time for that will be when it has begun to be known what amount of aid it is likely to give to the Republic, or what amount it has already given. For at present we are only told of attempts-excellent indeed and most glorious — but we wait to hear of some decisive action: which for my own part I feel sure has taken place or is near doing so. Nothing can be more glorious than your valour and high spirit. Therefore we long to see you as soon as possible in Italy. We shall think that we have the Republic, if we have you. We had gained a splendid victory, had not Lepidus received Antony when he was without provisions or arms and in flight. Therefore Antony was never such an object of dislike to the state as Lepidus is now. For the former stirred up war when the Republic was in a revolutionary state, the latter when victory had been crowned by peace. Opposed to this war we have the consuls-designate. In them we have indeed high hopes, but owing to the uncertainty of the results of battles, we are in

all the anxiety of suspense. Assure yourself; therefore, that everything depends on you and Marcus Brutus, and that you are both anxiously expected, Brutus indeed now momentarily. And if; as I hope, your arrival finds our enemies conquered, yet your authority will enable the Republic to raise its head and once more to stand on some tolerable foundation. For there will be many things demanding reform, even if the Republic shall seem fairly well released from the criminal attempts of its enemies.

LETTER 11

GAIUS CASSIUS TO CICERO (AT ROME) TARICHEA (PALESTINE), 7 MARCH

If you are well, I am glad. I and the army are well. I have to inform you that I went to Syria to join the imperators Lucius Murcus and Quintus Crispus. Those gallant gentlemen and excellent citizens, having heard what was going on at Rome, handed over their armies to me and are themselves now assisting me with the greatest gallantry in the public service. Also I have to report that the legion which was under the command of Quintus Caecilius Bassus has joined me, and that the four legions which Aulus Allienus led from Egypt have also been handed over to me. In these circumstances I do not think that you require urging to defend me in my absence and the public interests, as far as in you lies. I wish you to know that neither you nor the senate are without trustworthy support to enable you to defend the constitution with the highest hopes and the firmest courage. Of the rest you will be informed by Lucius Carteius, my intimate friend. Good-bye.

7 March, in camp at Tarichea.

LETTER 12

C. CASSIUS LONGINUS TO CICERO (AT ROME) SYRIA, 7 MAY

IF you are well, I am glad. I also am well. I have read your letter in which I recognized your uncommon affection for me. For you seemed not merely to wish me well — as you always have done on private arid public grounds alike — but to have involved yourself'in very grave responsibility and to be exceedingly anxious about us. Therefore, because in the first place I thought that you would believe that we could not remain inactive when the Republic was crushed: and in the second place because, as you suspected that we were moving, I thought you would be anxious as to our safety and the result of the operations, as soon as I received the legions brought by Aulus Allienus from Egypt, I wrote to you and sent a number of messengers to Rome. I also wrote a despatch to the senate, which I said was not to be delivered until it had been read to you — if by any chance my messengers have chosen to obey me. If these letters have not reached you, I have no doubt that Dolabella, who seized the government of Asia after the abominable murder of Treboinius, has caught my letter-carriers and intercepted the despatches. I have now under me all the Roman forces in Syria. I have been delayed for a short time whilst providing the promised pay for the soldiers. I am only just free from that difficulty. I beg you to consider that the defence of my position is committed to you, as you know full well that I have declined no danger and no labour in the service of my country: as on your suggestion and advice I have taken up arms against the most, unscrupulous outlaws: as I have not only collected armies to defend the Republic and liberty, but have also rescued them from the most bloodthirsty tyrants. If Dolabella had anticipated me in getting hold of these armies he would have strengthened Antony's hands, not only by their actual arrival, but also by giving him reason to think 'and expect that they were coming. For which achievements defend my soldiers, since you understand that they have done wonderfully, good service to the state, and secure' that they do not regret having preferred to make the Republic the object

of their labours rather than the hope of booty and plunder. Maintain. also the position of the imperators Murcus and Crispus as far as lies in your power. For Bassus was desperately unwilling to hand over his, legion' to me. Had not his soldiers in spite of him sent agents to me, he would have kept Apamea closed until it had been stormed. I make these remarks to you not only in the name of the Republic, which has always been the object of your deepest affection, 'but also in the name of our friendship, which I feel 'sure has the greatest weight with you. Believe me that this army is at the service of the senate and all the 'most loyal citizens, and above all of yourself. For from continually being told of your patriotism they regard you with wonderful devotion and affection. And if they come to understand that their interests engage your attention, they will also regard themselves as owing ydu everything. Since writing this- letter I have been informed that Dolabella has arrived in Cilicia with his forces. I shall start for Cilicia. Whatever I succeed in doirig I will take care to let you know promptly. I can only hope that we may be as fortunate as our services to the state deserve. Keep well, and love me.

7 May, in camp.

LETTER 13

CASSIUS PARMENSIS TO CICERO (AT ROME) CROMMYUACRIS IN CYPRUS, 13 JUNE

If you are well, I am glad. I am well. I rejoice not only at the safety and victory of the Republic, but also at the revival of your glorious reputation. That as the noblest of consulars you have surpassed yourself as the noblest of consuls I am at once delighted and unable to wonder sufficiently. A certain special favour of destiny has been shewn to your virtue — of which we have often had practical proofs. For your toga has been more fortunate than everyone else's arms; and has now once more rescued the Republic, when all but conquered, from the hands of its enemies, and restored it to us. So now we shall live free men: now we shall have you — greatest of all citizens and most beloved by me, as you discovered in the darkest hour of the public fortunes — now, I say, we shall have you as a witness to our love both to you and to the Republic, which is so closely bound up with you. And that which you often promised that you would suppress while we were slaves, and would say of me when likely to be to my service, now, I shall not so much desire to be said as to be felt by you. For I would not wish to be commended by you to the good opinion of others more than to have been commended to your own in a manner worthy of my deserts, that you may judge these recent acts of mine to have been no mere hasty impulses or departures from principle, but in harmony with those lines of thought of which you are a witness; and may think that I deserve to be brought forward prominently by yourself, as giving promise of doing excellent service to my country. You, Marcus Tullius, have children and relatives worthy of you and deservedly most beloved by you. Next to them those also ought to be dear to you in public life who emulate your special branch of learning, of whom I wish you a goodly store: yet after all I don't regard myself as excluded, however great the crowd. You will always have room to receive me, and to employ me in everything you wish and approve. Of the goodness of my disposition perhaps you have already been convinced: my ability, certainly, such as it is, our prolonged

servitude has allowed to appear less than after all it really is.

From the sea-coast of the province of Asia and from the islands we have launched all the ships we could; we have levied rowers, with great Opposition on the part of the cities, yet with fair rapidity; and we have pursued Dolabella's fleet, which is commanded by Lucius Figulus. This officer, by frequently holding out hopes of deserting to us, and yet keeping continually edging away, has by his most recent move got to Corycus, and having closed the harbour, is beginning to offer resistance. Abandoning that fleet, because we thought it better to make our way to the camp, and because there was another fleet coming, which Tillius Cimber had collected in the previous year, and the quaestor Turullius was commanding, we made for Cyprus. The information I got there I am anxious to tell you as quickly as possible. It is this: Dolabella has been actually invited not only by the people of Tarsus, the worst of allies, but also by the Laodiceans, who are still more disaffected. By the number of Greek soldiers which he has got from both these states, he has secured what looks like an army. He has a camp pitched outside the town of Laodicea, and has pulled down a part of the wall and united his camp with the town. Our friend Cassius with ten legions and twenty auxiliary cohorts, and cavalry 4,000 strong, has a camp pitched twenty miles away at Paltus, and thinks that he can win without a battle: for in Dolabella's quarters corn is already twelve drachmae the medimnus. Unless he manages to get some brought in by the ships of Laodicea, he must soon perish of hunger. That he should not be able to get any in we can easily secure between us — that is, Cassius's fleet, which is a fairly large one under the command of Sextilius Rufus, and the three which I, Turullius, and Patiscus have brought up. I would have you be hopeful, and feel sure that, as you at Rome have relieved the Republic from its difficulties, so on our part it can be quickly relieved by us. Good-bye.

13 June, Cyprus, off Crommyuacris.

LETTER 14

P. CORNELIUS LENTULUS SPINTHER TO CICERO (AT ROME) PERGA, 29 MAY

Having been to see our friend Brutus and discovered that he was not coming to Asia for some time, I returned to Asia to finish off the arrears of my business and to transmit the money to Rome as soon as possible. Meanwhile I was informed that Dolabella's fleet was in Lycia, and more than a hundred ships of burden, on board which his army might be embarked; and that Dolabella's plan was that, if he was disappointed of his hopes of getting possession of Syria, he should take ship and make for Italy, and there join the Antonies and the other outlaws. That so alarmed me that, throwing all other business aside, I endeavoured to reach these ships with a fleet of fewer and smaller vessels. And had I not been hindered by the Rhodians, that force would have perhaps been entirely destroyed. After all, it was to a great extent put out of action; for the fleet itself was scattered in all directions by the terror of our approach, the soldiers and officers took flight, the ships of burden, to the last vessel, fell into our hands. At least, I think I have secured — what was causing the greatest alarm — that Dolabella cannot reach Italy, nor make your difficulties greater by reinforcing his allies. How completely the Rhodians thought that it was all over with us and the Republic you will learn from my public despatch. And indeed I have written much more mildly about their delusion than I found it in real fact to be. But do not be surprised at my having mentioned them in my despatch at all, for their infatuation is really surprising. I was not moved by any private wrong received from them at any time; it was their ill-will in a matter involving our lives, their violent adherence to the other side, the persistent disrespect shewn by them to all the best loyalists, that were intolerable to me. Yet after all I don't think that they were all bad men: but that same party of them who in old times refused to receive my father in his flight, L. Lentulus, Pompey, and other men of the greatest distinction, these same men, I say, as though by some fatality are now either actual magistrates or have those who are in office in their power. And so they shew the same

proud obstinacy in their malice. That the evil propensities of these men should sooner or later be checked, and that we should not allow them to increase by impunity, is not only to the advantage of the Republic, but absolutely necessary. I hope you will continue as before to defend my position whenever you get an opportunity, and in the senate and elsewhere give your Support to my reputation. Since Asia has been assigned by decree to the consuls, and they have been allowed until their arrival to commit the administration to the magistrates now in possession, I beg you to ask them to select me before anyone else for this position, and to commit the administration of Asia to me till one or the other of them arrives. For there is no reason for their hurrying hither during their year of office or sending an army. For Dolabella is in Syria, and, as you have foreseen in your prophetic soul and have foretold, Cassius will crush him while they are on their way. For Dolabella has had the gates of Antioch shut in his face and got a good beating in trying to storm it. Not trusting in any other city, he has betaken himself to Laodicea, on the sea-coast of Syria. There I hope he will speedily pay the penalty of his crime: for he has no place of refuge, nor will he much longer be able there to stand out against an army as large as that of Cassius. I even hope that Dolabella has by this time been overpowered and crushed. Wherefore I don't suppose that Pansa and Hirtius will hurry themselves to go to their provinces whilst they are consuls, but will conduct the consulship at Rome. Therefore, if you will ask them to give me the administration of Asia in the meantime, I hope you may be able to get it for me. Besides, Pansa and Hirtius promised me personally, and wrote to me when I was away, and Pansa faithfully promised our friend Verrius that he would see to no successor being appointed for me during their consulship. It is not, upon my honour, from any special desire of a province that I wish my period of office prolonged; for this province has been to me the source of much labour, danger, and loss. And I am very anxious that I may not have undergone all these in vain, nor be forced to leave it before I wind up what, in spite of my diligence, there still remains to be done. For if I had been able to send the whole sum which I have levied, I should have asked to be relieved. As it is, I want to get in and make up what I have advanced to Cassius, what I have lost by the death of

Trebonius, or by the cruelty of Dolabella, or the perfidy of those who have not kept their word with me and the Republic. And this cannot be done unless I have time. Pray take care — as is your habit — that I get my wish through you. I think my services to the state have been sufficient to give me a right to expect not only the reward of this province, but as much as Cassius and the two Bruti got, not only because I shared in that glorious deed and the danger of it, but also from the zeal and integrity of my conduct now. For I was the first to defy the laws passed by Antony; I was the first to bring over Dolabella's cavalry to the Republic and hand them on to Cassius; I was the first to hold a levy to protect the common safety against a most criminal Conspiracy. I was the sole cause of Syria and the armies in it being put under the authority of Cassius and the Republic. For unless I had handed to Cassius such a large sum of money and such strong forces, and with such promptitude, he would not have even had the courage to enter Syria, and at this moment no less dangers would have been threatening the Republic from Dolabella than from Antony. And then, too, I did all this though I was a club-fellow and most intimate friend of Dolabella, most closely allied in blood to the Antonies, and, moreover, in possession of a province by their favour; yet, "loving my country more," I was the first to proclaim war against men who were all my friends. Though I am aware that these things have as yet not brought me much profit, nevertheless I do not despair, nor shall I be prevented by fatigue from abiding not merely in my passion for freedom, but also in labour and dangers. Still, after all, if I am encouraged by some just and well-deserved credit through the good offices of the senate and aristocracy, I shall enjoy a greater prestige with others, and be able to be so much the more serviceable to the Republic. I could not see your son when I visited Brutus, because he had already started with the cavalry into winter quarters, but upon my honour I am rejoiced at the reputation he enjoys, both for your sake and his, and especially for mine. For he is like a brother to me, as being your son and worthy of you. Good-bye.

29 May, Perga.

LETTER 15

P. LENTULUS, PROQUAESTOR, PROPRAETOR, TO THE CONSULS, PRAETORS, TRIBUNES, SENATE, AND ROMAN PEOPLE PERGA, 29 MAY-2 JUNE

If you and your children are well, I am glad. I am well. Asia having been overrun by the criminal proceedings of Dolabella, I betook myself to the neighbouring province of Macedonia and to those defences of the Republic which the honourable citizen Marcus Brutus had under his command, and urged that the province of Asia and its revenues should be restored to your authority by those who could do so most promptly. This alarmed Dolabella, and therefore, after plundering the province, seizing its revenues, selecting Roman citizens especially to beggar and sell up, he quitted Asia quicker than the protecting force could be brought into it. I therefore did not think it necessary to delay any longer, nor to wait for the garrison, and I conceived that I ought to return at the earliest opportunity to my duty, in order that I might both collect the arrears of revenue and call in the money I had deposited, and ascertain as soon as possible what part of it had been seized, or by whose fault that had occurred, and inform you about the whole affair.

Meanwhile on my voyage by the island route into Asia I

was met by the information that Dolabella's fleet was in Lycia, and that the Rhodians had a number of vessels fully equipped and ready launched. Accordingly, with the ships which either I had brought with me or the proquaestor Patiscus had secured — a man very closely united to me both by intimate friendship and political sympathies — I diverted my course to Rhodes, trusting in your authority and the decree of the senate, by which you had declared Dolabella a public enemy, and also in the treaty which had been renewed with them in the consulship of M. Marcellus and Servius Sulpicius, in which the Rhodians had sworn to have the same enemies as the senate and Roman people. However, I found myself entirely mistaken. For so far from our strengthening our fleet by any assistance from them, our soldiers were even warned off by the Rhodians from city, harbour, the roadstead outside the city, from

purchasing provisions, and finally even from taking in water; while I myself was only just allowed to approach in a single boat. This insult and derogation from the dignity, not only of my official position, but also of the imperial position of the Roman people, I did not resent, because from an intercepted despatch I had learnt that Dolabella, if he had despaired of Syria and Egypt — as was certain to happen-was prepared to embark on board his ships with all his outlaws and all his money and make for Italy; and that for that purpose also some transports, not one of which was less than 2,000 amphorae burden, collected in Lycia were being guarded by his fleet. Dismayed by the alarming nature of this report, fathers of the senate, I preferred to submit to the insult and to try first every means, though involving personal indignities. Therefore, being in accordance with their wishes introduced into the city and senate, I pleaded the cause of the Republic with the greatest earnestness of which I was capable, and stated the whole danger of the situation which threatened us, if that outlaw embarked with all his forces. But I found the Rhodians to be so utterly misguided, that they thought the loyalists were the weakest of all parties: that they were more ready to disbelieve in the existing unanimity and agreement of all orders in the defence of liberty: that they were confident that the tolerance of the senate and the aristocracy was even now what it had been before, and that no one would have the Courage to declare Dolabella a public enemy: in fact that they regarded as true all the figments of the traitors rather than what had really taken place and was being stated by me. It was with these views that even before my arrival, after the atrocious murder of Trebonius and numerous other abominable crimes, two embassies from them had gone to Dolabella, and that too contrary to all precedent, it being against their own laws, and in spite of the prohibition of the then existing magistrates. Though they might easily have applied a remedy for this crisis, they refused to do so. I don't know whether it was, as they give out, from fear for the lands which they possess on the continent, or from the infatuation or tolerance of a few politicians who on previous occasions equally insulted men of the highest rank and now do so to those actually in the chief offices, without precedent and without provocation from us. They refused — I say — in spite of the danger threatening us who

were on the spot, and of that which threatened Italy and our city, if that murderer with his crew of outlaws sailed to Italy after being expelled from Asia and Syria. Some of us even suspected the magistrates of having detained us and of having wasted time until Dolabella's fleet was informed of our arrival. And this suspicion was deepened by several things that occurred afterwards, especially by the fact that Dolabella's legates Sextus Marius and Gaius Titius suddenly quitted the fleet on the Lycian coast and fled on board a ship of war, abandoning the transports, in the collection of which they had spent considerable time and labour. Accordingly, when we arrived at Lycia from Rhodes with the ships then in our possession, we took over the transports and sent them back to their owners. Thus we ceased to feel what had been our chief fear — that Dolabella might find means to reach Italy with his outlaws. We pursued his flying fleet as far as Sida, which is the farthest district of my province. There I ascertained that some of Dolabella's ships had scattered and fled, that the rest had made for Syria and Cyprus. These being thus dispersed, as I knew that the very large fleet of the eminent citizen and general Cassius would be ready to meet him in Syria, I returned to my official duties: as I shall do my best, fathers of the senate, to give you and the Republic the full benefit of my zeal and industry; and as to money — I will collect as much as I can and with the greatest possible promptness, and will send it by every means in my power. When I have made a tour of my province and have ascertained who have been faithful to us and to the Republic in safeguarding the money which I deposited with them, and who are guilty of actually handing over public money and by this gift entering into a partnership with Dolabella in his crimes, I will inform you. And if you will pass a severe sentence, should it so please you, upon these men and back me up by the weight of your authority, I shall be able with greater ease both to collect the arrears of revenue and keep that already collected safe. Meantime, in order more thoroughly to protect the revenues and to defend my province from ill-treatment, I have enrolled a guard formed of volunteers and only such as was absolutely necessary.

After I had written this despatch, about thirty soldiers, whom Dolabella had enlisted in Asia, escaping from Syria arrived in

Pamphylia. They brought word that Dolabella bad arrived at Antioch in Syria: that not being admitted he made several attempts to force an entry, but had always been repulsed with great loss; and accordingly after losing about 600 men, abandoning his sick, he retreated by night from Antioch towards Laodicea: that in that night nearly all his Asiatic soldiers deserted him: that of these about 800 returned to Antioch and surrendered to the officers commanding the city who had been left there by Cassius: that the rest crossed Mount Amanus and descended into Cilicia, to which number they said that they also belonged themselves:

finally, that Cassius with his whole force was reported to be four days' march from Laodicea at the time when Dolabella was pressing on to that town. Wherefore I feel sure that a most villainous outlaw will be punished sooner than I thought.

2 June, Perga.

LETTER 16

GAIUS TREBONIUS TO CICERO ATHENS, 25 MAY

IF you are well, I am glad. I arrived at Athens on the 22nd of May, and there, as I was very anxious to do, I saw your son devoting himself to the best kinds of learning, and enjoying an excellent reputation for steadiness. How much pleasure that gave me you can imagine without a word from me: for you are not ignorant of my high esteem for you, and how much our very old friendship and very sincere affection make me rejoice in everything good that happens to you, however small, to say nothing of such a great blessing as this. Do not imagine, my dear Cicero, that I send you this report merely to please you. Nothing could be more popular with everybody at Athens than your young man-indeed I should call him ours, for I can have no interest disconnected with yourself. Nor could there be greater devotion than his to the studies which you love above everything, that is, to the most excellent. Accordingly, as I can do with sincerity, I am delighted to congratulate you — and myself quite as much — that we have in him, whom we should be obliged to love in any case, whatever his conduct, one whom we can love with pleasure as well. In the course of conversation he remarked to me that he would like to visit Asia, and was not only invited but pressed by me to do so if possible while I was governing the province. You ought to have no doubt that in affection and love I shall be a father to him in your place. Another thing I shall take care of is that Cratippus accompanies him, that you may not imagine him in Asia as taking a complete holiday from the studies to which he is inspired by your admonitions. For though I see that he is fully prepared, and has already taken a great stride in that direction, I will not omit my exhortations, to induce him to make farther progress every day by learning and keeping himself in practice.

What you at home are doing in politics I am at the moment of despatching this quite ignorant. I hear rumours of certain revolutionary proceedings: but I hope they are false, that we may at length have the enjoyment of liberty and peace-two things that up to now have really never fallen to my lot. However, as I got a brief time

of repose during my voyage, I have composed a trifle to send you, as I had designed to do. I have included in it a bon mot of yours which implied a high compliment to myself, and have added a footnote ascribing it to you. In these poor verses, if I seem to you in certain passages to be un peu libre, the abominable character of the man against whom I am too freely inveighing will plead my excuse. You will also pardon my passion, which is no more than is right against people of that kind, both as men and as citizens. Again, why should Lucilius have been allowed to claim this amount of liberty any more than ourselves? For even if his wrath against the objects of his attack was as keen as ours, those objects themselves were certainly not more deserving of being attacked with all that freedom of speech. In return I claim your promise of being introduced in one of your dialogues at the earliest opportunity. For I feel certain that, if you write anything about Caesar's death, you will not allow me to sustain the least distinguished part either in actual deed or in the expression of your affection. Good-bye. I commend my mother and family to your care.

Athens, 25 May.

LETTER 17

TO Q. CORNIFICIUS (IN THE EAST) ROME (SEPTEMBER)

Cicero's compliments to his colleague Cornificius. I am exceedingly gratified by your remembrance of me as indicated by your letter. I beg you to retain it, not because I have any doubt of your constancy, but because such is the customary request. We have had news of some disturbances in Syria; and as they are nearer you than me, I am more concerned at them for your sake than for my own. At Rome, though there is the most profound tranquillity, you would prefer to have some salutary business of the right sort on foot. And I hope it will be so, for I see that Caesar is anxious for it. Allow me to inform you that, seizing upon what I venture to call the opportunity of your absence and the greater freedom that it gives me, I am writing with more than usual boldness: and the rest, indeed, are perhaps such as even you would allow to pass; but the last thing I wrote was "On the best Style of Speech," on which subject I have often suspected that your taste differed somewhat from mine, though not more than a learned man might differ somewhat from another who was also not without some learning. To this book I should like you to give the support of your approval, if possible from a sincere feeling, but if not at least out of friendship. I will tell your people that, if they choose, they may copy it out and send it to you. For I think that, even if you don't quite agree with its contents, yet, in the lonely spot in which you now are, whatever is produced by me will give you some pleasure.

You recommend your reputation and political position to my care. You follow the general fashion in so doing; but I would have you believe both that I consider the affection between us, which I understand to be mutual, to have a supreme claim upon me; and that my opinion as to your supreme ability, your devotion to the highest learning, and your prospect of the most exalted rank is such that I class no one above you and put very few on an equality with you.

LETTER 18

TO Q. CORNIFICIUS (IN SYRIA) ROME (OCTOBER)

I will answer the end part of your last letter first — for I have noticed that that is what you great orators occasionally do. You express disappointment at not getting letters from me; whereas I never fail to send one whenever I am informed by your family that somebody is going to you. I think I gather from your letter that you are not likely to take any step rashly, nor to decide on any plan before you know in what direction that fellow Caecilius Bassus is likely to break out. That is what I had hoped, for I felt confidence in your wisdom, and now your very welcome letter makes me quite secure. And I beg you as a special favour that you will, as often as you can, make it possible for me to know what you are doing, what is being done, and also what you intend to do. Although I felt much distressed at your leaving me, I consoled myself at the time by thinking that you were going to a scene of the most profound tranquillity, and were leaving the cloud of serious troubles overhanging us. In both cases the actual truth has been the reverse. Where you are a war has broken out: with us there has followed a period of peace. Yet, after all, it is a peace in which, had you been here, there would have been many things that would not have pleased you, things in fact which do not please Caesar himself. In truth, this is always among the results of civil wars — that it is not only what the victor wishes that is done: concessions have also to be made to those by whose aid the victory was won. For my part, I have become so hardened that at our friend Caesar's games I saw T. Plancus and listened to the poems of Laberius and Publilius with the utmost sangfroid There is nothing I feel the lack of so much as of some one with whom to laugh at these things in a confidential and philosophic spirit. You will be the man, if you will only come as soon as possible. That you should do so I think is important to yourself as well as to me.

LETTER 19

TO Q. CORNIFICIUS (IN SYRIA) ROME (?DECEMBER)

I read your letter with very great pleasure. The most gratifying thing in it was to learn that mine had reached your hands; for I felt no doubt that you would find pleasure in reading it. I was afraid it would not reach you. I learn from your letter that the war now raging in Syria and the province of Syria itself have been put in your hands by Caesar. I hope it may turn out to your honour and success. I feel confident that it will do so, for I have full reliance both on your activity and prudence. But what you say as to the suspicion of a Parthian invasion caused me great uneasiness. For I was able to conjecture the amount of your forces, and your letter confirms my calculation. Therefore I can only hope that that nation will not move until the legions reach you, which I hear are on their way But if you have not forces adequate for the struggle, do not forget to follow the policy of M. Bibulus, who kept himself shut up in a very strongly fortified and well-supplied town, as long as the Parthians were in the province. But you will settle these points better on the spot, and in view of the actual circumstances. For myself, I shall continue to feel anxious as to what you are doing, until I know what you have done. I have never had anyone to whom to give a letter without giving one. I beg you to do the same, and above all, when you write to your family, to assure them of my devotion to you.

LETTER 20

TO QUINTUS CORNIFICIUS (IN CAMPANIA) ROME

Your letter gave me great pleasure, except for the contempt it expressed for my little lodge at Sinuessa. This insult my bijou villa will much resent unless you make full and complete amends at Cumae and Pompeii. Pray do so, and go on loving me and bombarding me with letters of some sort. For I am better at reply than at challenging. But if you continue idle about it, as you are at present, I shall have at you; and your want of spirit shall not produce inactivity in me. More when I have leisure: I scribble these lines while in the senate.

LETTER 21

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME

MY friend Gaius Anicius, a man possessed of every sort of accomplishment, has on urgent private affairs received a free legation to go to Africa. I should be glad if you would render him every kind of assistance and would take pains to enable him to settle his business as satisfactorily as possible. Especially — what is most valuable in his eyes — I request you to have an eye to his dignity. And I ask that of you, because I myself when in a province was accustomed without being asked to be careful to assign lictors to all senators. That is a compliment which I had myself received, and I knew that it was habitually done by the most distinguished men. Therefore, my dear Cornificius, pray do this, and in all other respects, if you love me, consult for his dignity and his property. You will exceedingly oblige me by doing so. Take pains to keep well.

LETTER 22

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME (20-31 DECEMBER)

HERE at Rome we are waging war with the most abandoned, gladiator in the world, our colleague Antony, but not on equal terms, for it is words against arms. Nay, he even goes so far as to make speeches against you: but he won't do that with impunity, for he will be made to feel what sort of men he has attacked. For myself, I imagine that all public occurences are detailed to you in the letters of others: what you should learn from me is the future, as to which the conjecture is not difficult. It is a scene of universal depression: the loyalists have no leader, and our tyrannicides are in remote regions. Pansa both entertains excellent sentiments and speaks with courage. Our friend Hirtius is somewhat slow in recovering his health. What will happen I do not know at all: my one hope, however, is that the Roman people will at last shew itself worthy of its ancestors. I at least will stand by the Republic, and whatever happens — as long as I have nothing for which to blamee myself — I will bear with a brave heart. This at least I will do to the best of my ability: I will support your reputation and political position. 12.22a On the 20th of December a very full meeting of the senate supported my motion, which among other matters of great importance confirmed the retention of the provinces by the actual holders, and prohibited their being handed over to any successors, except those nominated by a decree of the senate. This motion was made by me in the interests of the Republic, but also, I assure you, with the primary object of sustaining your position. Therefore I beg you for the sake of our affection, I exhort you in the name of the Republic, not to suffer anyone to exercise any jurisdiction in your province,

and to act in all respects with an eye to your official position, which is paramount to everything. I will be frank with you, as our friendship demands. If you had obeyed my letter in the case of Sempronius, you would have received the loudest praise from everybody. But that is past and is not very important: but that you

should keep your province in its obedience to the Republic is a matter of great gravity. I would have written more had not your letter-carriers been in a hurry. So please make my excuses to our friend Chaerippus.

LETTER 23

TO Q. CORNIFICIUS (IN AFRICA) ROME (MIDDLE OF OCTOBER)

Tratorius has explained to me the whole state of the case regarding your governorship and the position of your province. How many intolerable things are being done in all quarters! But considering your high rank, the treatment accorded to you is still less endurable. For because you put up with these things in the loftiness of your spirit and character without excessive irritation, they none the less call for your vengeance, even though they do not sting your heart. But of this at a future time.

I feel sure that a gazette of transactions in the city reaches you. If I had not thought so I would have written an account of them myself, and first and foremost of the attempt made by Octavianus. In regard to this the common people think it a charge trumped up by Antony, as an excuse for making an inroad upon the young man's money. Men of the world, however, and loyalists both believe that it took place and approve of it. In short, I have great hopes of him. There is nothing he may not be expected to do in future for fame and glory's sake. Antonius, however, our whilom intimate friend, feels himself to be the object of such violent dislike, that though he caught the assassins within his own doors, he does not venture to make the fact public. On the 9th of October he set out to meet the four Macedonian legions, which his idea is to win over to his side by money-bounties, to lead them to the city, and station them as fetters for our necks.

There is the state of the Republic for you, if a republic can be said to exist in a camp. And in this matter I often lament your fortune in not being old enough ever to have had a taste of a sound and healthy republic. And up to this time indeed it was at least possible to hope: now even that is snatched from us. For what hope can there be, when Antony ventures to say in a public meeting that Cannutius is "seeking a place for himself with men, for whom as long as he was alive there could be no place in the state "?

For my part I bear these things, and in fact all that can befall a

mortal, in such a way as to make me grateful to philosophy, which not only diverts me from anxious thoughts, but also arms me against all assaults of fortune. And you too, I think, should do the same: and believe that to a man who is clear of all wrong-doing nothing is to be reckoned an evil. But you understand this better than I.

I always thought highly of our friend Tratorius, but I have been specially struck by his eminent fidelity, activity, and good sense in your business affairs. Take care of your health: nothing you can do could please me more than that.

LETTER 24

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME (JANUARY)

I OMIT no opportunity — as is indeed my bounden duty-not only of sounding your praises, but even of securing you marks of distinction. But my exertions on your behalf I prefer being known to you from the letters of your family rather than from my own. Nevertheless, I exhort you, on your part, to throw yourself heart and soul into the cause of the Republic. This is the proper task of a spirit and a character such as yours: it is this which is called for by the hope, which you ought to entertain, of enhancing your position. But on this point at greater length at another time. For at the moment of writing this everything is in a state of suspense. The ambassadors have not yet returned, whom the senate sent, not to beg for peace, but to proclaim war in case he did not comply with the message of its emissaries. Nevertheless, as soon as the opportunity was afforded me, I spoke in defence of the constitution in my old style. I put myself forward as a leader of the senate and Roman people: nor have I since thus undertaking the cause of freedom lost a single moment in supporting the common safety and liberty. But this, too, I should prefer your learning from others. I commend Titus Pinarius to you — my most intimate friend-with an earnestness beyond which I cannot go. I am very much attached to him for all his high qualities as well as for the tastes which we have in common. He is managing the accounts and business affairs of our friend Dionysius, of whom you are very fond, while I regard him as one of the first of men. This recommendation ought not to require any word of mine, yet I make it all the same. Pray therefore let me learn from Pinarius's letters — that most grateful of men — of your kind ness both to him and Dionysius.

LETTER 25

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME (ABOUT THE 20TH OF MARCH)

ON the 17th of March I received your letter, which your son handed to me on the 21st day — as he said-from its despatch. Neither on that nor the following day was there any meeting of the senate. On the Quinquatrus Minervae (19th of March) before a full house I pleaded your cause-not unfavoured by Minerva herself.For in fact on that very day the senate decreed that my statue of Minerva, which a storm had thrown down, should be restored. Pansa read your despatch. It was followed by strong expression of approval from the senate, to my great joy and the great chagrin of the "Minotaur "-I mean Calvisius and Taurus; and a decree was passed about you in complimentary terms. A demand was even made that these men should have some stigma inflicted upon them, but Pansa was for milder measures. For myself, my dear Cornificius, on the day (the 20th of December) on which I first conceived a hope of freedom and, while everybody else shrank from beginning, laid the foundations of a recovered constitution — on that very day, I say, I made careful provision and calculation for the maintenance of your position. For it was for my motion as to the retention of the provinces that the senate voted. Nor indeed did I subsequently cease from discrediting the man, who to your great injury and to the discredit of the Republic was retaining the province, though he had himself left it. Accordingly, he was unable to stand out against my frequent, or rather daily attacks upon him, and unwillingly returned to Rome: and was driven not from a mere hope, but from what was now a certainty and an actual possession, by my most righteous and dignified invective. That you have employed your eminent courage in successfully retaining your position, and have been complimented by the greatest honours a province can bestow, is a subject of lively satisfaction to me.

As to your defence of yourself in regard to Sempronius, I accept

your explanation; for that was a dark period of servitude. I, the supporter of your policy and champion of your position, enraged at the position of affairs and despairing of freedom, was on the point of hurrying off to Greece, when the Etesian winds, like loyal citizens, refused to further me in my desertion of the Republic, and a south wind blowing in my teeth carried me back by his strongest blast to your fellow tribesmen of Rhegium. And so from thence I hurried at full speed-sail and oar together — to my country; and the day after my arrival was the one free man in a nation of slaves. I delivered such an invective against Antony that he could not bear it, and vented all his vinous madness on my devoted head, and endeavoured at one time to entice me to give him an excuse for bloodshed, at another tried to entrap me. But I hunted him belching and vomiting into the toils of Caesar Octavianus. For that illustrious youth collected for himself a protecting force — at first in favour of our party, and subsequently in that of the supreme state. And if it hadn't been for him, Antony's return from Brundisium would have sealed the fate of Rome. The events which followed I think you know. But to return to the point from which I have strayed. I accept your explanation as to Sempronius: for you could have no fixed principle of procedure in the midst of such complete disorganization. But time has passed and taught a different way;

And nobler manners asks our nobler day,

as Terence says. Wherefore, my dear Quintus, embark with us, and even approach the helm. All loyalists are now in the same boat, which we are doing our best to keep in the straight course. Pray heaven for a prosperous voyage! But whatever the winds may be, skill on my part at least shall not be wanting: for to what beyond that can virtue pledge itself? For your part keep a good heart and lofty spirit, and reflect that your whole position must needs stand and fall with the Republic.

LETTER 25A

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME (MAY)

You recommend P. Lucceius to me, whom I will assist in whatever ways I shall have the power. Yes indeed, it is a most unfortunate time in which to have lost our colleagues Hirtius and Pansa, whose consular administration was beneficial to the Republic, when, though relieved from the Antonian violence, it has not yet been put on a thoroughly sound footing. For my part, if the power is given me, I shall continue to defend it, though by this time I am desperately weary. But no amount of fatigue ought to stand in the way of duty and honour. However, enough of this. I would rather you learnt about me from others than myself. What I hear of you exactly answers to my wishes. About Cn. Minucius, whom in one of your letters you praised to the skies, there are somewhat unfavourable rumours. What the truth of the matter is, and in general what is going on in your province, please let me know.

LETTER 26

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME

Quintus Turius, who was a banker in Africa, a good and honourable man, made Certain men of like character to himself his heirs-Gnaeus Saturninus, Sextus Aufidius, Quintus Considius Gallus, Lucius Servilius Postumus, Gaius Rubellius. From what these men have said to me, I have gathered that what they require is a letter of thanks rather than of recommendation. For they spoke of having experienced such great kindness at your hands, that I came to the conclusion that you had already done more for them than I should venture to ask. However, I will venture: for I know how much weight a recommendation of mine has with you. Therefore I beg you to allow the liberality, which you have already displayed without any letter from me, to receive a finishing touch as complete as possible by this one. The chief point, however, of my recommendation is that you should not allow Eros Turius, the freedman of Quintus Turius, to possess himself of the property left by the latter, as up to the present time he has done; and that you should regard these men in all other matters as most warmly commended by me. You will derive much pleasure from their high position and grateful attentions. I beg you repeatedly to be kind enough to do this.

LETTER 27

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME

Sextus Aufidius does not leave my closest friends far behind in the attentions which he shews to me, and in social distinction is second to no Roman knight. His character, too, is so nicely balanced and tempered, that the strictest decorum is in him united with the most large-hearted kindness. I commend this man's African business to you with a warmth and heartiness beyond which I cannot go in such a commendation. You will be doing me a very great favour, if you will take the trouble to make him understand that my letter has had very great influence with you. I earnestly beg you, my dear Cornificius, to do so.

LETTER 28

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME (MARCH)

I agree with you that the men whom you say in your letter are threatening Lilybaeum ought to have been punished on the spot; but you feared, you say, being thought to be giving too free a rein to vengeance. That is as much as to say, you feared being thought a high-minded citizen, too courageous, too worthy of yourself. I am obliged to you for renewing the partnership with me — inherited from your father — in working for the best interests of the state. That partnership, my dear Cornificius, will always be kept up between us. I am obliged also by your thinking that I needed no thanks on your behalf. For there ought to be no question of thanks between you and me. The senate would have been more frequently called upon to compliment you, if in the absence of the consuls it had been ever summoned except for the consideration of some fresh complication. Accordingly, neither in the business of the 20 sestertia, nor of the 700 sestertia, can anything be now done in the senate. I think, however, that in virtue of the original senatorial decree you must raise the money by impost or loan. What is going on in political matters I expect you know from the letters of those whose duty it is to send you copies of the acta. I am in good heart. In prudence, vigilance, and labour I am not wanting. To all enemies of the constitution I avow my most uncompromising hostility. Even now the situation does not appear to be a very difficult one, and it would have been quite free from difficulty had it not been for misconduct in certain quarters. [The three following letters of introduction to Cornificius probably belong to the early part of this year, but cannot be dated.]

LETTER 29

TO QUINTUS CORNIFICIUS (IN AFRICA) ROME

NOT you only, who are most intimately acquainted with all my concerns, but nobody in all Rome I think is ignorant of the great friendship existing between me and Lucius Lamia. For it was displayed before a large audience at the time of his being banished from the city by the consul Aulus Gabinius for having supported my recall with freedom and courage. Nor was that the first origin of our affection, but it was just because of its long standing and depth that he did not hesitate to confront any danger on my behalf. To these acts of kindness, or, as I should rather call them, these claims upon my gratitude, an intimate intercourse is to be added, so exceedingly charming, that there is literally no one in whom I take more delight. I do not suppose in these circumstances that you are at a loss to imagine what the terms of my commendation of him will be. For you know well what words are the natural expression of such a strong affection. Consider me to have employed them all. I would merely wish to assure you that if you support Lamia's business, agents, freedmen, or slaves in anything whatever that they may require, you will be obliging me more than if that kindness of yours had affected my own property. Nor do I doubt that even without a recommendation from me you — who are so excellent a judge of men — are certain to do everything with enthusiasm for Lamia's own sake. However, I have been told that you think Lamia assisted in drawing up some senatorial decree which militated against your position. But the fact is, he did not assist in drawing up any decree whatever in that consulship. In the next place, all kinds of bogus decrees were at that time being deposited in the aerarium, unless you should actually suppose that I assisted in drawing up that decree about Sempronius — though I wasn't even in town, as I told you in my letter about it at the time just after it occurred. But enough of this. I beg you repeatedly, my dear Cornificius, to look upon all business of Lamia's as mine, and take pains to make him understand that this commendation has been of great service to him. You cannot oblige

me more. Take care of your health.

LETTER 30

TO Q. CORNIFICIUS (IN AFRICA) ROME (JUNE)

Is it really so? Does no one bring a letter from me to you except suitors? There are a good many of that sort certainly: for you have created the impression that no one is effectively recommended to you without a letter from me. But who among all your friends ever told me of anyone to whom I could intrust a letter without my doing so? Or what greater pleasure have I than writing to you or reading a letter from you, since I am debarred from talking to you? What troubles me more than anything is that I am so overwhelmed with business as not to have the power of writing to you whenever I choose. For I should have bombarded you, not with mere letters, but with whole volumes, with which, however, I ought to have been first challenged by you to respond. For though you are busy, yet you have more leisure than I have, or, if you haven't any leisure either, don't cast modesty to the winds and vex me by demanding more frequent letters, when you only write to me yourself at long intervals. For though I was before this distracted with the most constant engagements, arising from the fact that I consider the safety of the state to require my every thought and care, yet at this present moment I am much more distracted than ever. For as an illness is more serious when after imagining themselves cured invalids suffer a relapse, so is our distress more acute when, after fighting a successful battle and almost putting an end to the contest, we are struggling with a recrudescence of the same war. But enough of this. Assure yourself, my dear Cornificius, that I am not so feeble-minded, not to say unfeeling, as to be Capable of being surpassed by you in good offices or affection. I never doubted it indeed, but Chaerippus has all the same made your affection to me much more evident. What an excellent fellow! He always suited my taste, but now I find him quite delightful. It was not merely your sentiments and words that he conveyed to me: he brought vividly before me your every look. So don't be afraid of my having been annoyed with you for treating me as you do the rest of the world. I have indeed desired a letter from you addressed

exclusively to myself, but it was never unreasonably, and always in an affectionate spirit. As to the money which you say you are spending and have spent on your army, I can do absolutely nothing to aid you, because the senate is made helpless by the loss of both consuls, and the treasury is in incredible straits for money, which is being called in on every side to satisfy the promises made to the soldiers who have done such excellent public service. Even this I think cannot be done without a property tax. That business of Attius Dionysius I think amounts to nothing, for Tratorius said nothing to me about it. As to Publius Lucceius I don't in any way yield to you in zealous interest: for he is a close friend of mine. But when I asked the liquidators for a postponement, they satisfied me that they were prevented from granting it both by the agreement that had been come to and by their oath. Wherefore in my opinion Lucceius must appear. However, if he has obeyed the letter I wrote to him, he ought to be at Rome by the time you read this. As to the other matters you mention,

and especially as to money, you wrote in ignorance of Pansa's death about certain grants which you thought that you might get from him through me. In which you would not have been disappointed had he been alive, for he was attached to you. But after his death I fail to see what can be done. As to Venuleius, Latinus, and Horatius, I much commend you. The next thing you say, however, I don't approve — that in order to soften the matter for them you have deprived your legates also of their lictors: for in outward marks of honour they ought not to be put on a level with men who deserve to be disgraced; and I think that those three men ought in virtue of the senate's decree, if they do not quit the province, to be compelled to do so. This is what I had to say in answer to the letter which I received in duplicate. For the rest, be assured that my own political position is not dearer to me than yours.

BOOK 13

LETTER 1

TO GAIUS MEMMIUS (IN EXILE AT MITYLENE) ATHENS, JULY

THOUGH I had not quite made up my mind whether the prospect of seeing you at Athens was painful or pleasant-because your undeserved calamity would have caused me sorrow, yet the philosophic spirit with which you bear it delight — nevertheless, I should have preferred to have seen you. For I do not feel the pain much less when you are out of sight, while such pleasure as is possible would at any rate have been greater had I seen you. Therefore I shall not hesitate to endeavour to see you whenever I shall be conveniently able to do so. Meanwhile, such business as can be put before you by letter, and, as I think, can be brought to a conclusion, I will put before you now at once I will preface my request by asking you not to do anything for my sake against your own inclination; but if the matter is one which is important to me, and in no way of much importance to yourself, still only grant it in case of having first made up your mind to do so cheerfully. I am in thorough sympathy with Patron the Epicurean, except that I differ from him widely in philosophy. But not only at the very beginning in Rome, when he was paying attention to you as well as all your friends, did he also cultivate my acquaintance with special care, but recently also, after having gained all that he wanted in the way of personal profit and reward, he has continued to regard me as almost the first of his supporters and friends. Besides this, he was introduced and recommended to me by Phaedrus, who, when I was a boy and before I knew Philo, was highly valued by me as a philosopher, and afterwards as, at any rate, a good, agreeable, and kindly man. This Patron, therefore, having written to me at Rome, begging me to reconcile you to him, and to ask you to grant him some ruined house or other once belonging to Epicurus, I did not write to you on the subject, because I did not want any plan of building which you might have to be hampered by a recommendation of mine. On my arrival at Athens, however, having been asked by the same person to write to

you on the subject, I have granted his request, because all your friends agreed in saying that you had given up that building idea. If this is so, and if it is now of no importance to you, I would ask you, if some little offence has been caused you by the wrong-headedness of certain persons — and I know the class of men — to take a lenient view of the matter, either from your own great natural kindness or, if you like, out of compliment to me. For my part, if you ask me what I think about it myself, I neither see why he is so anxious for it, nor why you make difficulties; I only feel that it is much less natural for you to trouble yourself without reason, than for him to do so. However, I am sure that Patron's line of argument and the merits of his case are known to you. He says that he has to maintain his own honour and duty, the sanctity of a will, the prestige of Epicurus, the solemn injunction of Phaedrus, the home, the dwelling-place, the footprints of famous men. We may ridicule the man's entire life and the system which he follows in philosophy, if we take upon ourselves to find fault with what he is now contending for. But, by Hercules, since I am not very unfriendly to him or to others who find pleasure in such things, I think we must be indulgent to him for being so very keen about it. For even if he is wrong in this, it is a fault of the head, not the heart. But to come to the point — for I must mention this sooner or later — I love Pomponius Atticus as a second brother. Nothing can be dearer or more delightful than he is to me. Atticus, then-not that he is of their sect (for he is cultivated to the highest degree in all liberal learning), but he is very fond of Patron, and was much attached to Phaedrus — presses this upon me as he has never done anything else, though he is the very reverse of self-seeking, the last person in the world to be troublesome in making requests; and he feels no doubt of my being able to obtain this favour from you on the slightest hint, even if you still had the intention of building. In the present circumstances, however, if he hears that you have laid aside your plan of building and that yet I have not obtained this favour from you, he will think, not, indeed, that you have been ungenerous towards me, but that I have been careless in what concerned himself. Wherefore I beg you to write word to your agents that the decree of the Areopagites, which they call a "minute," may be canceled with your free consent. But I return to what I said at first. Before making

up your mind to do this, I would have you be sure that you do it for my sake with a willing heart. At any rate have no doubt of this: if you do what I ask, I shall take it as a very great favour. Farewell.

LETTER 2

TO GAIUS MEMMIUS (IN MITYLENE) (LAODICEA, MAY?)

I am very intimate with C. Avianius Evander, who is at present lodging in your treasure-chamber, as well as with his patron M. Aemilius. I ask you, therefore, with more than common earnestness, to give him any accommodation you can, without causing yourself inconvenience, as to his place of residence. For owing to his having many orders on hand for a number of people, it would hurry him very much if he were forced to quit your house on the 1st of July. My modesty will not allow me to use more words in preferring my request: yet I feel sure that, if it is not inconvenient, or not very much so, you will feel as I should have felt if you had asked a favour of me. I, at any rate, shall be extremely obliged to you.

LETTER 3

TO GAIUS MEMMIUS (IN MITYLENE) (LAODICEA, MAY?)

AULUS FUFIUS is an intimate friend of mine, and most attentive and attached to me. He is a good scholar, a very good-natured man, and in the highest degree worthy of your friendship. Pray treat him as you promised me personally you would. It will oblige me in the very highest degree possible. You will also bind him to you himself for ever by the strongest ties of affection and respect.

LETTER 4

TO Q. VALERIUS ORCA (IN ETRURIA) ROME (AUTUMN)

Marcus Cicero greets Quintus Valerius, son of Quintus, legatus pro praetore. I have very close ties with the townsmen of Volaterrae. In fact, having received great kindness from me, they repaid me to the full: for they never failed me either in my prosperity or my adversity. And even if there were no special reason for our union, yet, having a very warm affection for you, and feeling that you have a high value for me, I should have warned and urged you to have a regard for their fortunes, especially as their case for the retention of civil rights is unusually strong: first, because by the blessing of heaven they contrived to elude the vindictive measures of the Sullan epoch; and secondly, because my defence of them in my consulship received the hearty approval of the Roman people. For the tribunes having promulgated an exceedingly unfair law about their lands, I easily persuaded the senate and people of Rome to allow citizens, whom fortune had spared, to retain their rights. This policy of mine was confirmed by the agrarian law of Gaius Caesar in his first consulship, which freed the territory and town of Volaterrae from all danger for ever. This makes me feel sure that a man who seeks the support of new adherents will wish that old benefits conferred by him should be maintained. It is only therefore what your prudence would dictate, either to keep to the precedent set by the man to whose party and authority you have with so much personal honour adhered, or at least to reserve the whole case for his decision. There is one thing about which you can have no hesitation: you would wish to have a town of such sound and well-established credit and of so honourable a character for ever bound to you by a service of the highest utility on your part.

Thus far the purpose of my words is to exhort and persuade you. What remains will be of the nature of a personal request. For I don't wish you to think that I offer you advice for your own sake only, but that I am also preferring a request to you and asking for what is of consequence to myself. Well then, you will oblige me in the highest

degree, if you decide that the Volaterrani are to be left intact in every respect and in full possession of their rights. Their homes and houses, their property and fortunes — which have already been preserved by the immortal gods, as well as by the most eminent citizens of our Republic with the warmest approval of the Roman people — I commend to your honour, justice, and liberality. If circumstances had granted me the power, proportionate to my old influence, of defending the Volaterrani in the same way as I was accustomed to protect my friends, there is no service, no struggle in fact calculated to be of use to them, that I would have omitted. But since I feel sure that with you I have no less influence than I ever had with all the world, I beg you in the name of close ties and of the mutual and equal goodwill existing between us, to serve the people of Volaterrae in such a way as to make them think that you have been set over that business by a special interposition of providence, as the one man with whom I, their undeviating supporter, was able to exert the greatest influence.

LETTER 5

TO Q. VALERIUS ORCA (IN ETRURIA) ROME (AUTUMN)

CICERO greets Q. Valerius, legatus pro praetore. I am not sorry that my friendship for you is known as widely as possible. Not, however, that I wish on that plea — as you may well believe — to prevent your carrying out the business you have undertaken with good faith and activity, to the satisfaction of Caesar, who has intrusted to you a matter of great importance and difficulty. For though I am besieged with petitions from men who are assured of your kindness to me, I am always careful not to embarrass you in the performance of your duty by any self-seeking on my part.

I have been very intimate with Gaius Curtius from our earliest days. I was grieved at the most undeserved calamity which befell him and the others in the Sullan epoch: and when it appeared that those who had suffered a similar wrong, though they lost all their property, were yet allowed by universal consent to return to their native country, I supported the removal of his disability. This man has a holding in the territory of Volaterrae, having betaken himself to it as a kind of salvage from shipwreck. Recently also Caesar has selected him for a seat in the senate — a rank which he can scarcely maintain if he loses this holding. Now it is a great hardship that, having been raised in rank, he should occupy an inferior position in regard to wealth, and it is not at all consistent that a man who is a senator by Caesar's favour should be dispossessed of land which is being divided by Caesar's order. But I don't so much care to write at length on the legal merits of the case, lest I should be thought to have had influence with you owing to its strength rather than from your personal feeling for me. Wherefore I beg you with more than common earnestness to look upon Gaius Curtius's affair as mine; and whatever you do for my sake, I beg you to consider, though you have done it for Gaius Curtius, that I have from your hand what he has obtained through my influence. I reiterate this request with warmth.

LETTER 6

TO Q. VALERIUS ORCA (PROCONSUL IN AFRICA) ROME (MAY)

If you are well I shall be glad. I am quite well. I presume that you will remember that, when escorting you on the commencement of your official journey, I mentioned to you in the presence of Publius Cuspius, and also afterwards urged you privately at some length, that whomsoever I might recommend to you as connexions of his, you should regard as among connexions of my own. You, as was to be expected from your extreme regard and uninterrupted attentions to me, undertook to do this for me with the utmost liberality and kindness. Cuspius, who is most careful in his duties towards all connected with him, takes a surprising interest in the well-being of certain persons of your province, because he has been twice in Africa when presiding over the very large concerns of his revenue-company. Accordingly, this patronage of his, which he exercises on their behalf, I am accustomed as far as I can to back up by such means and influence as I possess. Wherefore I thought it necessary to explain to you in this letter why I give letters of introduction to all the friends of Cuspius. In future letters I will merely append the mark agreed upon between you and me, and at the same time indicate that he is one of Cuspius's friends. But the recommendation which I have resolved to subscribe to in this present letter, let me tell you, is more serious than any of them. For P. Cuspius has pressed me with particular earnestness to recommend Lucius Iulius to you as warmly as possible. I appear to be barely able to satisfy his eagerness by using the words which I generally use when most in earnest. He asks for something out of the common way from me, and thinks I have a special knack in that style of writing. I have promised him to produce a masterpiece of commendation — a specimen of my choicest work. Since I cannot reach that standard, however, I would beg you to make him think that some astonishing effect has been produced by the style of my letter. You will secure that, if you treat him with all the liberality which your kindness can suggest and your

official power make feasible — I don't mean merely in the way of material assistance, but also in words and even in looks: and what influence such things have in a province I could have wished that you had already learnt by experience, though I have an idea that you soon will do so. This man himself, whom I am recommending to you, I believe to be thoroughly worthy of your friendship, not only because Cuspius says so (though that should be enough), but because I know the keenness of his judgment of men and in the selection of his friends. I shall soon be able to judge what has been the effect of this letter, and shall, I feel certain, have reason to thank you. For myself, I shall with zeal and care see to all that I think to be your wish or to concern your interests. Take care of your health.

LETTER 6A

TO Q. VALERIUS ORCA (PROCONSUL IN AFRICA) ROME (MAY)

P. Cornelius, who delivers you this letter, has been recommended to me by P. Cuspius, for whose sake you are thoroughly informed from me how much I desire and am bound to do. I earnestly beg you that Cuspius may have as great, early, and frequent occasion as possible to thank me for this introduction.

LETTER 7

TO GAIUS CLUVIUS (IN CISALPINE GAUL) ROME
(AUTUMN)

WHEN on your departure for Gaul you called at my house, as was natural from our close connexion and the great courtesy you have always shewn to me, I spoke to you about the land in Gaul which paid rent to the municipal town of Atella; and I indicated to you how warmly interested I was in the welfare of that town. Since your departure, however; as a question has arisen as to a matter of great importance to this most respectable town-very closely connected with me — and as to the performance of a duty on my part, I thought I ought to write to you in more explicit terms. I am quite aware, however, of the nature of the circumstances' and the limits of your power, and clearly understand that what Caesar has assigned to you is the transaction of a certain business, not the exercise of judicial powers. Therefore I only ask of you as much as I think that you have both the power and the will to do for my sake. And to begin with I would have you consider — what is the fact — that the whole wealth of the town consists of that rent, while in the present state of affairs it is hard-pressed by very serious burdens, and is labouring under the greatest difficulties. Although this seems to be a misfortune common to many others, I assure you that certain special calamities have befallen this particular municipality, which I don't specify for fear that, while bewailing the miseries of my own connexions. I should seem to be casting a reflexion upon certain persons upon whom I have no wish to do so. Accordingly, if I had' not had a strong hope of our being able to secure the approval of Gaius Caesar for the plea of this town, there would have been no reason for my making an effort at this time to secure any favour from you. But because I feel sure that he will take into consideration both the respectability of the town and the justice of its case, and also its good disposition towards himself, I have not hesitated to urge upon you to reserve this cause for his decision. This request I should nevertheless have made to you if I had never heard of your having done anything of the sort; yet I

did conceive a stronger hope of gaining my request when I was told that the people of Regium had obtained the same favour from you. Although these latter have a certain connexion with you, yet your affection for me compels me to hope that the indulgence you extend to your own friends you will also extend to mine: especially as these are the only ones for whom I prefer the request, whereas I have a considerable number of connexions who are in a similarly hard case. Though I think you believe that I am not doing this without good reason, and am not influenced by a frivolous and selfish motive in preferring this request, yet I would have you believe my definite assertion, that I owe a very great deal to this municipality, and that there has been no time either of my prosperity or adversity in which its zeal for my service has not been displayed in a remarkable manner. Wherefore again and again, in the name of our close union and of your unbroken and eminent affection for me, I ask and implore this of you with no common earnestness. Since you understand that the fortunes of a town are involved, which is very closely connected with me by ties of relationship, interchange of services and affection, do, if we obtain from Caesar what we hope, allow us to consider that we have obtained it by your kindness. But if we do not,. instead of that allow us to consider that at least you have done your best to enable us to obtain it. By doing this you will not only have greatly obliged me, but by a signal service you will have bound to yourself and your family men of the highest character, a number of the most honourable as well as the most grateful people, eminently worthy of being connected with you.

LETTER 8

TO MARCUS RUTILIUS (IN ETRURIA) ROME (AUTUMN)

As I was conscious of how much I valued you, and had had practical proof of your kind feeling towards me, I did not hesitate to make a request to you which it was incumbent upon me to make. How much I value P. Sestius I know in my own heart; how much I am bound to value him is known both to you and all the world. Having learnt from others that you were very much attached to me, he asked me to write in very explicit terms to you about the affair of Gaius Albinius, a member of the senate, whose daughter is the mother of L. Sestius, a young man of very high character, the son of P. Sestius. My reason for writing this letter is to inform you that not only am I anxious on behalf of P. Sestius, but that Sestius is so also on behalf of Albinius. The case is this: Gaius Albinius received some properties from M. Laberius on a valuation, properties which Laberius had bought from Caesar forming part of the property of Plotius. If I should say that it was not in the interests of the state that those properties should be divided, I should appear to be trying to enlighten you rather than to be asking a favour of you. Nevertheless, since it is Caesar's will that the sales and assignments of land effected by Sulla should hold good, in order to give the impression of greater security to his own, pray what security can Caesar's own sales have, if properties are divided which he himself caused to be sold? However, that is a difficulty for your own wisdom to consider. My plain request to you — and I could not make it with greater earnestness or in a juster cause or more from the bottom of my heart — is that you should spare Albinius and not lay a finger on the properties of Laberius. You will not only cause me great delight, but will in a certain sense raise my reputation also, if I am the cause of Publius Sestius satisfying the claims of a man very closely connected with me, since I owe him more than anyone else in the world. I warmly and repeatedly beg you to do so. You cannot do me a greater favour: you shall have reason to know that I am exceedingly obliged by it.

LETTER 9

TO P. FURIUS CRASSIPES (QUAESTOR OF BITHYNIA)
CILICIA

Although in a personal interview I recommended as earnestly as I could to you the publicani of Bithynia, and though I gathered that by your own inclination, no less than from my recommendation, you were anxious to promote the advantage of that company in every way within your power, yet, since those interested thought it of great importance to them that I should inform you by letter what my feeling towards them was, I have not hesitated to write you this. For I wish you to believe that, while I have ever had the greatest pleasure in doing as much as possible for the order of publicani generally, yet this particular company of Bithynia has my special good wishes. The company, owing to the rank and birth of its members, constitutes a very important section of the state for it is made up of members of the other companies; and it so happens that a very large number of this company are on extremely intimate terms with me, and especially the man who is at the present time at the head of the business, P. Rupilius, son of Publius, of the tribe Menenia, the master of that company. Such being the case, I beg you with more than common earnestness to protect Cn. Pupius, who is an employee of this company, by every sort of kindness and liberality within your power; and to secure, as you easily may, that his services shall be as satisfactory as possible to the company, while at the same time determining that the property and interests of the partners — as to which I am well aware how much power a quaestor possesses — should be secured and promoted. While you will in this be doing me a very great favour, I can at the same time from personal experience give you my promise, and pledge my word for it, that you will find the partners of the Bithynia company mindful of and grateful for any service you have rendered them.

LETTER 10

TO M. IUNIUS BRUTUS (IN CISALPINE GAUL) ROME (? JANUARY)

As Marcus Varro was starting to join you as your quaestor, I did not think that he stood in need of any recommendation: for I thought him sufficiently recommended to you by the custom of our ancestors, which ordained — as you are doubtless aware — that this connexion of a quaestor with his chief should be as nearly as possible that of sons to their father. But as he has convinced himself that a letter from me, carefully expressed in regard to him, would be likely to have great weight with you, and as he pressed me warmly to write as fully as possible, I preferred to do what an intimate friend thought to be of so much importance to himself.

I will shew you, then, that I am bound to act thus. From his first entrance into public life M. Terentius attached himself to me. Presently, when he had established his position, two additional reasons appeared to increase my warm feelings towards him: one was the fact that he was engaged in the same pursuit as myself, that which still forms my greatest delight, displaying, as you are aware, both genius and no lack of industry; the second was that he early embarked on the companies of publicani-unfortunately, as it turned out, for he suffered very heavy losses: still, the interests of an order to which I was very closely bound being thus shared by us both made our friendship all the stronger.

Once more, after an honourable and creditable career on both benches, just before the recent revolution he became a candidate for office, and looked upon that as the most honourable fruit of his toil.

Again, in the late crisis he went from my house at Brundisium with a message and letter for Caesar: in which affair I had clear proof of his affection in undertaking the business, and of his good faith in carrying it through and bring mg me back an answer. I had intended to speak separately as to his uprightness and high character, but it seems to me that in thus beginning with a statement of the reason for my loving him, I have in that statement already said enough about

his uprightness. Nevertheless, I do promise as a separate thing, and pledge my word, that he will be at once delightful and useful to you. For you will find him a steady, sensible man, as far removed as possible from any self-seeking, and, moreover, a man of the most laborious and industrious character.

Now it is no business of mine to promise what you must form your own judgment upon, when you have become well acquainted with him: yet, after all, in forming new connexions the first approach is always of consequence, and by what kind of introduction the door of friendship, so to speak, is opened. This is what I wished to effect by the present letter: though the tie between a quaestor and his chief ought in itself to have effected it. Vet it will not, after all, be any the weaker by this addition. Be careful, therefore, if you value me as highly as Varro thinks, and I feel that you do, to let me know as soon as possible that my recommendation has done him as much service as he himself hoped, and I had no doubt, that it would.

LETTER 11

TO M. IUNIUS BRUTUS (IN CISALPINE GAUL) ROME (?)

I have observed that you take great pains to allow nothing which concerns me to be unknown to you; I therefore feel no doubt that you know not only to what municipium I belong, but also how careful I am to defend the interests of my fellow townsmen of Arpinum. Now their entire income and resources, which enable them to keep their temples and other public buildings in repair, depend upon the rents which they own in the province of Gallia. To visit these estates, to collect the moneys owed by the tenants, and generally to investigate and provide for the management of the whole property, we are sending a commission of Roman knights, Quintus Fufidius, son of Quintus, Marcus Faucius, son of Marcus, Quintus Mamercius, son of Quintus. be explained as "advocate and juryman," for the use of subsellia for the seats of the jury is doubtful, and for the praetor (in a civil suit) it would be "tribunal." I beg you with more than common earnestness, in the name of our friendship, that you would have an eye to this affair, and take pains that as far as you are concerned the business of the municipium may be transacted with as little difficulty, and finished as promptly, as possible; and that you would treat the persons themselves, whose names I have given, with all the honour and kindness which characterize you. By doing so you will have attached men of honour to your person, and have put a most grateful municipium under an obligation to you for your kind service. For myself, you will have done me a more than common favour, because, while it has been my invariable custom to protect my fellow townsmen's interests, this particular year has a special claim upon my attention and service to them. For this year I

have, for the sake of settling the affairs of the municipium, consented that my son, and nephew, and M. Caesius — a very intimate friend of mine-should be aediles; for that and no other is the magistrate customarily elected in our municipium. You will have contributed to the reputation of these last, if the public business of the municipium should, thanks to your kindness and attention, turn

out to have been well managed. I beg you warmly and repeatedly to do this.

LETTER 12

TO M. IUNIUS BRUTUS (IN CISALPINE GAUL) ROME (?)

IN another letter I have commended our commissioners from Arpinum in a body as earnestly as I could. In this with still greater earnestness I commend Q. Fufidius to you separately-with whom I have ties of all kinds-not to detract at all from the former commendation, but to put in this one in addition. He has two special claims on me: he is a stepson of M. Caesius, who is a very intimate friend and close connexion of mine; and he served under me in Cilicia as a military tribune, in which office he conducted himself in such a way as to make me feel that I had received a kindness from him, rather than conferred one. He is besides — which is of very great weight with you — by no means without taste for our favourite studies. Wherefore I would have you admit him to your society without the least reserve, and take pains to make his labour on this commission — which he has undertaken to his own inconvenience and at my instigation — as complete a success as possible. For he wishes, as the best men naturally do, to earn the utmost possible credit both from me, who urged him to undertake it, and from the municipium. This he will succeed in doing, if by this recommendation of mine he secures your good services.

LETTER 13

TO M. IUNIUS BRUTUS (IN CISALPINE GAUL) ROME (?)

L. CASTRONIUS PAETUS, a long way the most important citizen of the municipium of Luca, is honourable, high-minded, very obliging, and, in short, a really good man, adorned with excellent qualities, and, if that is at all to the point, with ample means to boot. He is, moreover, very intimate with me; so much so, that there is no one in the senate to whom he is more attentive than myself. Anything you do to oblige him will be a source of pleasure to yourself, and at any rate will be gratefully received by me.

LETTER 14

TO M. IUNIUS BRUTUS (IN CISALPINE GAUL) ROME (?)

I am very intimate with L. Titius Strabo, one of the most honourable and accomplished of the Roman knights. Services of every sort which belong to the closest intimacy have been interchanged between myself and him. P. Cornelius in your province owes him a sum of money. That case has been referred by Volcatius, the praetor urbanus, for trial in Gaul. I beg you more earnestly than if it were business of mine — in proportion as it is more honourable to take trouble about one's friends' money than one's Own — to see to the matter being concluded. Take it in hand personally, settle it, and do your best — so far as it shall appear to you to be fair and right — that Strabo's freedman, who has been sent to represent him, may bring the matter to a conclusion on the most favourable terms possible and get at the money. You will thus be doing me a very great favour, and at the same time will yourself have reason to know that L. Titius is in the highest degree worthy of your friendship. That you may bestow attention upon this, as you usually do on everything which you know me to wish, I warmly and repeatedly entreat you.

LETTER 15

TO C. IULIUS CAESAR (IN SPAIN) ASTURA (MARCH)

Cicero to Caesar, imperator. I recommend Precilius to your special favour, the son of a connexion of your own, a very intimate friend of mine, and a most excellent man. For the young man himself I have an extraordinary affection on account of his rectitude, culture, and the spirit and affection he has displayed to myself: but of his father also I have had practical reason to know and thoroughly learn what a warm friend he has ever been to me. Now see! — this is the man that more than anyone else has been used to ridicule and chide me for not attaching myself to you, especially when invited to do so by you in the most Complimentary manner: But in my breast my heart he ne'er could move. For I heard our nobles shouting: Be staunch, and unborn men shall speak thee fair.
He spake, and on him fell black clouds of woe.
However, these same men give me consolation also: they wish even now — though once singed — to inflame me with the fire of glory, and speak thus: "Nay, not a coward's death nor shorn of fame, But after some high deed to live for aye." But they move me less than of yore, as you see.

Accordingly from the high style of Homer I transfer myself to the true maxims of Euripides: Out on the sage that cannot guide himself! This is a verse that the elder Precilius praises to the skies, and says that a man may be able to see both "before and behind," and yet Still may excel and rise above the crowd. But to return to what I began with: you will greatly oblige me, if you give this young man the benefit of the kindness which so distinguishes you, and will add to what I think you would do for the sake of the Precilii themselves as much as my recommendation may be worth. I have adopted a new style of letter to you, that you might understand that my recommendation is no common one.

LETTER 16

CICERO TO CAESAR (IN SPAIN) ROME (FEBRUARY)

OF all our men of rank there is no one of whom I have been fonder than of Publius Crassus the younger; and though I have had very great hopes of him from his earliest years, I began at once to entertain brilliant ideas of his abilities when I was informed of your high opinion of him. His freedman Apollonius I always valued and thought well of even when Crassus was alive: for he was very attentive to Crassus and extremely well suited to promote his best tastes: and, accordingly, was much liked by him. But after the death of Crassus he seemed the more worthy of admission to my confidence and friendship, because he regarded it as his duty to be attentive and polite to those whom the late Crassus had loved and by whom he had been beloved. Accordingly, he came to stay with me in Cilicia, and in many particulars his fidelity and good sense were of great use to me; and, as I think, he rendered you all the service in the Alexandrine war that was within the range of ability and fidelity. Hoping that you would think the same, he has started to join you in Spain — chiefly indeed on his own initiative, but also on my advice. I did not promise him a letter of recommendation, not because I doubted its weight with you, but because he did not seem to want any, for he had been on active service in your army, and had been put on your staff from respect to the memory of Crassus. And if he did choose to avail himself of introductions, I saw that he could accomplish that by means of others. It is a testimony to my opinion of him, which he values highly and which I also have found to have weight with you, that I hereby give him with pleasure. Well, then, I have found him to be well instructed and devoted to the highest pursuits, and that from a boy. For he lived much at my house from his boyhood along with the Stoic Diodotus, a man in my opinion of the most profound learning. At present, fired with admiration of your achievements, he desires to write a history of them in Greek. I think he is capable of doing it. He has great genius: great experience: for a long time past he has been engaged in that branch of study and literature: he is wonderfully eager to do justice to the immortal fame

of your glorious achievements. You have here the record of my opinion, but your supreme wisdom will enable you to decide with much greater ease upon this point. Yet, after all, though I said I would not do so, I recommend him to you. Whatever favour you shew him will be more than ordinarily gratifying to me.

LETTER 17

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

Manius Curius, who has a bank at Patrae has given me many weighty reasons for being attached to him. My friendship with him is of very old standing, dating from his first entrance into public life: and at Patrae on many previous occasions, and particularly during the late unhappy war, his house was put entirely at my disposal, and if there had been any occasion, I should have used it as my own. But my strongest tie to him is of what I may call a more sacred, obligation- is that he is a very close friend of my friend Atticus, and distinguishes him above everybody by his attentions and affection. If you are by any chance already acquainted with him, I think that I am too late in doing what I am now doing. For he is so cultivated and polite a man, that I should regard him as already sufficiently recommended to you by his own Character. Yet, if this is so, I beg you earnestly that any inclination, which you have already conceived for him before getting my letter, may be enhanced to the highest possible degree by my recommendation. But if; owing to his retiring character, he has not put himself in your way or you have not yet become sufficiently acquainted with him, or if there is any reason of any sort for his wanting a warmer recommendation, I hereby recommend him to you, with a zeal as great and for reasons as sound as I could have for recommending anyone in the world. And I shall be acting in this as those are bound to act who recommend conscientiously and disinterestedly: for I shall be pledging my word to you, or rather I do hereby pledge my word and take upon me to promise, that the character of Manius Curius, and his culture no less than his honesty, are of such a nature that, if once he becomes known to you, you will think him deserving of your friendship and of such an earnest recommendation. I, at any rate, shall be exceedingly gratified, if I find that this letter has had the weight with you which, as I write, I feel confident that it will have.

LETTER 18

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I WILL not allow that your most kind and courteous letter to Atticus — whom I see to be transported with delight-was more gratifying to him than to myself. For, though it was almost equally pleasing to us both, yet I was the more struck with admiration of the two. You would, of course, have made a courteous answer to Atticus if asked, or at least reminded: but (as for my part I never doubted that you would do) you spontaneously wrote to him, and, without his expecting it, offered him so warm an expression of goodwill. On this subject not only ought I not to ask you to be more zealous in that respect for my sake also — for nothing could go beyond your promises — but I should be wrong even to thank you, since you have acted for his own sake and on your own initiative. However, I will say this, that I am exceedingly gratified at what you have done. For such appreciation on your part of a man who has a place apart in my affections cannot fail to be supremely delightful to me: and, that being so, it of course excites my gratitude. But all the same, since considering our intimacy a faux pas in writing to you is allowable to me, I will do both the things that I said that I ought not to do. In the first place, to what you have shewn that you will do for the sake of Atticus I would have you make as large an addition as our mutual affection can suggest: in the second place, though I said just now that I feared to thank you, I now do so outright: and I would wish you to believe that, under whatever obligations you place Atticus, whether in regard to his affairs in Epirus or elsewhere, I shall consider myself to be equally bound to you by them.

LETTER 19

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

WITH Lyso of Patrae I have indeed a long-standing tie ot hospitality — a tie which, I think, ought to be conscientiously maintained. That is a position shared by many others: but I never was so intimate with any other foreigner, and that intimacy has been so much enhanced both by many services on his part and by an almost daily intercourse, that nothing could now be closer than ours is. He stayed a year at Rome almost living in my house, and though we were in great hopes that, in consequence of my letter and recommendation, you would take great pains in doing what you have actually done, namely, protect his property and fortune in his absence; yet, as everything was in the power of one man, and as Lyso had been engaged on our side and was under our protection, we were in daily dread of something happening. However, his own brilliant character, and the zeal of myself and others of his hosts, have secured all that we wished from Caesar, as you will learn from Caesar's despatch to you.

In view of this, I not only do not in any way abate the earnestness of my recommendation to you, on the ground of having now got everything we wanted, but I rather urge all the more strongly that you should admit him to your confidence and intimacy. When his position was less secure I pressed you on the point with rather less boldness, being afraid that something might happen to him of a nature beyond even your power to remedy. Now that his pardon is secured, I ask you with the greatest earnestness and anxiety to do all you can. Not to go into details, I commend his whole establishment to you, and among them his young son, whom. my client Cn. Maenius Gemellus, having been during his exile made a citizen of Patrae, adopted according to the laws of the town. Pray therefore support his legal claim to the inheritance. The main point is that you should admit Lyso, whom I have found to be a most excellent and grateful man, to your society and friendship. If you do so, I do not doubt that, in shewing him affection and in afterwards recommending him to other people, you will come to the same

conclusion about him and entertain the same feeling towards him that I do. I am very eager that you should do this, but I am also afraid lest, if you shall appear to have done less than the very best for him in some particular, he should think that I have not written earnestly enough, rather than that you have forgotten me. How much you value me he has had the opportunity of learning both from our everyday conversations and from your letters.

LETTER 20

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I am intimate with the physician Asciapo of Patrae. I found his society very agreeable, as well as his medical skill, which I have had experience of in the illnesses of my household. He gave me every satisfaction both by his knowledge of his profession and by his kindness. I therefore commend him to you, and beg you to see that he understands that I have written cordially about him, and that my recommendation has been of great service to him. It will be doing me a great favour.

LETTER 21

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

M. Aemilius Avianius has always from his earliest manhood shewn me attention and affection. He is both a good and cultivated man, and worthy of your favour in every kind of employment. If I had thought that he was at Sicyon, and had I not been told that he was still staying where I left him at Cibyra, there had been no necessity for my writing at any greater length to you about him. For he would of himself have secured your affection by his own character and culture without anyone's recommendation, in as great a degree as he enjoys mine and that of all his other friends. But as I suppose him to be away, I commend with more than common earnestness his family at Sicyon and his property, especially his freedman C. Avianius Hammonius, whom indeed I commend to you on his own account also. For, while he has earned my esteem by his remarkable loyalty and fidelity to his patron, he has also done me personally some valuable services, and stood by me in the time of my greatest distress with a fidelity and affection as great as though I had myself liberated him. Accordingly, I beg you to support Hammonius for himself; as well as in his patron's business, and to go so far as to like and reckon among your friends both his agent, whom I am commending to you, and Avianius himself. You will find him modest and serviceable, and worthy of your affection. Good-bye.

LETTER 22

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I am very fond of T. Manlius, a banker at Thespiae; for he always paid me respect, and was most constant in his attentions, and has besides some taste for our branch of learning. I may add that Varro Murena is very desirous that everything should be done for him; who yet thought that, though he felt confidence in a letter of his own in which he had commended Manlius to you, some additional advantage would be gained by a recommendation from me. For myself; both my intimacy with Manlius and Varro s eagerness have induced me to write to you as seriously as I could. You will therefore do me a very great favour, if you will regard this recommendation as one calling for your utmost consideration, that is, if you will assist and honour Titus Manlius in the highest degree in every way consistent with your honour and character. Finally, from his exceedingly grateful and cultivated character, I undertake that you will reap all the benefit you are accustomed to expect from good men's services.

LETTER 23

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I am very intimate with L. Cossinius, your friend and fellow tribesman. For not only is there a long-standing acquaintance between us personally, but my friend Atticus has caused my relations with Cossinius to become still closer. Accordingly, the whole family of Cossinius is attached to me, and especially his freedman L. Cossinius Anchialus, a man who possesses the high esteem both of his patron and his patron's friends, of whom I am one. I recommend him to you as I would a freedman of my own, and as though he held the same position with me as he does with his patron. If he did I could not recommend him with greater warmth. Wherefore you will do me a very great favour, if you will admit him to your friendship and assist him in anything in which he may need your help, as far as you can do so without inconvenience. That will be both very gratifying to me and hereafter a source of pleasure to yourself: for you will find that he is eminently honest, cultivated, and attentive.

LETTER 24

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

As it gave me great pleasure before to find that you had remembered my earnest recommendation of Lyso, my host and friend, so also, when I found from his letter that he had been the object of your undeserved suspicion, I was exceedingly rejoiced that I had been so earnest in recommending him. For he writes me word that my recommendation has been of the greatest assistance to him, as he says that a report had been brought you of his being in the habit of speaking disrespectfully of you at Rome. And though he writes word that your good nature and kindness of heart have enabled him to clear himself on that point, yet, first of all, as in duty bound, I thank you warmly that my letter has had such influence with you as to cause you on its perusal to lay aside all that irritating suspicion which you had entertained of Lyso. In the next place, I would have you believe me, when I assert that I write this not more in the name of Lyso than of everybody else — that no one has ever mentioned you except in the terms of the highest respect. As for Lyso, indeed, while he was with me every day and almost lived with me, not only because he thought that I liked hearing it, but also because it gave him still more pleasure to say it himself; he used to speak to me in praise of everything you did and said. Wherefore, though he is now being treated by you in a way that makes a recommendation from me unnecessary, and makes him think that he has got all he wants by means of one letter from me, yet I do beg of you with no common earnestness to continue to receive him with kindness and liberality. I would have written a description of his character, as I did in my previous letter, had I not thought that by this time he was sufficiently well known to you by his own merits.

LETTER 25

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

Hegesaretus of Larisa, who was honoured by signal favours from me in my consulship, was not unmindful or ungrateful, and treated me afterwards with very great respect. I recommend him to you with great earnestness as my guest-friend, as my intimate acquaintance, as a grateful person, as a man of high character, as holding the chief position in his own state, and, lastly, as being worthy in the highest degree of your intimacy. I shall be very grateful if you take the trouble to make him understand that this recommendation of mine has had great weight with you.

LETTER 26

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

My connexion with L. Mescinius is that which arises from the fact that he was my quaestor. But this tie — which I, in accordance with the usage of antiquity, have ever regarded as a strong one — he has rendered more complete by his personal excellence and kindness. Accordingly, nothing could more intimate and more pleasant to myself than my intercourse with him. Now, although he seemed to feel certain that you would be pleased to do all you honourably could for him for his own sake, he yet hoped that a letter from me would also have great weight with you. He judged that to be the case for himself; but as he was very intimate with me he had also often heard me say how delightful and close our union was. I ask you, therefore, with all the earnestness with which you understand that I ought to ask on behalf of a man so near and dear to me, to facilitate and settle the business matters which he has in Achaia arising from the fact 'of his being the heir of his cousin M. Mindius, late a banker at Elis, not only by your legal prerogative and authority, but also by your influence and advice. For I have directed ,those to whom I have intrusted my business, that in all 'points which give rise to dispute, they were to appeal to you as arbitrator and — so far as was consistent with your convenience — as final judge. That you should in compliment to me undertake that business, I earnestly and repeatedly beg of you. There is one other point in which you will particularly oblige me, if you don't think it inconsistent with your position; it is that, as the controversy is with a senator, you should refer to Rome such of the parties as prove too stubborn to allow the business to be settled without an issue being tried. That you might be able to do that with the less hesitation, I have secured a despatch to you from the consul M. Lepidus, not conveying any order — for that I did not think consonant with your position — but to a certain extent and in a manner commendatory. I would have mentioned how well invested such a favour is sure to be in the case of Mescinius, had I not, in the first place, felt certain that you knew, and had I not also

been asking for myself: for I would have you believe that I am quite as anxious about his interests as he is himself. But while I am eager that he should come by his own without difficulty, I am also anxious that he should think that he owes his success in no small degree to my recommendation.

LETTER 27

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I FREQUENTLY send you letters of this kind, which are replicas of each other, in thanking you for paying such prompt attention to my letters of introduction. I have done so in the cases of others and shall often, as I see, have occasion to do so again. Nevertheless I will not spare labour, and, as you jurisconsults are in the habit of doing in your formulae, I will in my letters "state the same case in a different manner." Well then, C. Avianius Hammonius has written to me with profuse thanks in his own name and in .that of his patron Aemilius Avianius, saying that neither he him self; who was on the spot, nor the property of his absent patron, could have been treated with greater liberality or consideration. That was gratifying to me for the sake of those whom I had recommended to you, induced thereto by our very close friendship and union — for M. Aemilius is one of my most intimate and closest friends, a man eminently attached and bound to me by great services on my part, and about the most grateful of all those who appear to be under some obligation to me. But it is much more gratifying that you should be so disposed towards me as to do more for my friends than I perhaps could have done if I had been on the spot, I presume, because I should have been more doubtful what to do for their sake, than you are what to do for mine. But this I do not doubt — that you feel that you have obliged me. I only ask you to believe that those persons also are grateful: I pledge you my word and solemnly assert that it is so. Wherefore pray do your best that, whatever business they have on hand, they may get it settled whilst you still governing Achaia. I am living on the pleasantest and most harmonious terms with your son Servius, and derive great pleasure from his natural abilities and signal industry, as well as from his virtuous and straightforward character.

LETTER 28

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

THOUGH I take pleasure in asking you for anything that any one of my friends requires, yet I take much greater in thanking you, when you have done something on my recommendation, as you are always doing. For it is beyond belief what thanks I get from all, even from those who have been recommended by me to you with only moderate warmth. Every instance gives me gratification, but none 30 much as that of L. Mescinius. For he told me that directly you had read my letter you promised his agents all they wanted, and have in fact been much better than your word. In that matter therefore — for I think I ought to say it again and again — I would have you believe that I am excessively obliged to you. I am, indeed, all the more delighted at this, because I see clearly that you will get the highest pleasure from Mescinius himself. For he is not only a man of virtue and uprightness, very serviceable and exceedingly attentive, but he has also the same literary pursuits as ourselves, which in old times were our recreation, but now are life itself. For the future I would have you supplement your kindnesses to him in all things consonant with your character. There are two things which I ask of you specifically: first, that if any undertaking has to be given "against farther claims on that head," you would see to its being given on my security: and, in the second place, seeing that his inheritance consists almost entirely of the property appropriated by Oppia, who was once Mindius's wife, that you should give your assistance and concert measures for bringing her over to Rome. If she thinks that is going to be done, in my opinion, we shall settle the business. I beg you again and again to enable us to do that. What I said above I now solemnly confirm and take upon myself to guarantee — that you will find what you have done in the past and are going to do in the future for the sake of Mescinius so well invested, as to convince you that you have bestowed your kindness on the most grateful, the most delightful man in the world. For this is the addition which I desire to what you have done for my sake.

LETTER 28A

TO SERVIUS SULPICIUS RUFUS (IN ACHAIA) ROME

I DO not think, on the one hand, that the Lacedaemonians doubt being sufficiently recommended to your honour and justice by their own and their ancestors' reputation, and I, on the other, knowing you as well as I do, had no doubt of the rights and deserts of the several nations being thoroughly well known to you. Accordingly, when Philippus the Lacedaemonian begged me to recommend the city to you, though I remembered that I was under all sorts of obligations to it, I nevertheless answered that Lacedaemonians needed no recommendation with you. Accordingly, I would have you believe that, considering the disturbed state of the times, I look upon all the cities of Achaia as being happy in having you as their governor; and that I also think that, knowing thoroughly as you do not only our own records but also all those of Greece, you are and will be a friend to the Lacedaemonians. Wherefore I only ask this of you, that, when you do for the Lacedaemonians what your honour, high position, and justice shall demand, you should let them know — if you think it right — that you are not other-wise than glad to find that what you are doing is gratifying to me also. For it affects my loyalty that they should think that I am attentive to their interests. I again and again urge this upon you with warmth.

LETTER 29

TO L. MUNATIUS PLANCUS (IN AFRICA) ROME (?)

I have no doubt of your knowing that, among the connexions bequeathed to you by your father, there was no one more closely united to you than myself, not only for the reasons which give an appearance of close attachment, but also for those which are kept in operation by actual intimacy and association, which you know to have existed between me and your father in the highest degree and with the greatest mutual gratification. Starting from that origin my personal affection enhanced the ancestral friendship, and the more so that I perceived, as soon as your time of life admitted of your forming an independent judgment as to the value you should attach to this or that person, that I at once began to receive from you marks of respect, regard, and affection. To this was added the bond — in itself no slight one — of common studies, and of such studies and accomplishments as, in their very nature, serve to bind together men who have the same tastes in close ties of intimacy also.

I imagine you must be waiting to see to what this elaborate prelude is tending. To begin with, let me assure you that this resume' of facts has not been made by me without good and sufficient reason. I am exceedingly intimate with C. Ateius Capito. You know what the ups and downs of my fortunes have been. In every position of honour or of difficulty of mine, Capito's courage, active assistance, influence, and even money were ever at my service, supplied my occasions, and were ready for every crisis. He had a relation named Titus Antistius. While this man was serving in Macedonia as quaestor, according to the lot, and had had no successor appointed, Pompey arrived in that province at the head of an army. Antistius could do nothing. For if he had had things his own way, there is nothing he would have preferred to going back to Capito, for whom he had a filial affection, especially as he knew how much he valued Caesar and had always done so. But, being taken by surprise, he only engaged in the business as far as he was unable to refuse. When money was being Coined at Apollonia, I cannot say that he presided

at the mint, nor can I deny that he was engaged in it; but it was not for more than two or three months. After that he held aloof from the camp: he avoided official employment of every sort. I would have you believe me on this point as an eye-witness: for he used to see my melancholy during that campaign, he used to talk things over with me without reserve. Accordingly, he withdrew into hiding in central Macedonia at as great a distance as he could from the camp, so as to avoid not only taking command in any department, but even being on the spot. After the battle he retired to Bithynia to a friend's house named Aulus Plautius. When Caesar saw him there he did not say a single rough or angry word to him; and bade him come to Rome. Immediately after that he had an illness from which he never recovered. He arrived at Corcyra ill, and there died. By a will which he had made at Rome in the consulship of Paulus and Marcellus, Capito was made his heir to five-sixths of his estate: as regards the other sixth, the heirs were men whose share may be confiscated without a word of complaint from anyone. That amounts to thirty sestertia. This is a matter for Caesar to consider. But in the name of our ancestral friendship, in the name of our mutual affection, in the name of our common studies and the close identity in the whole current of our existence, I do ask and entreat you, my dear Plancus, with an anxiety and warmth beyond which I cannot go in any matter, to exert yourself, to put out your best energies, and to secure that by my recommendation, your own zeal, and Caesar's indulgence, Capito may obtain possession of his kinsman's legacy. Everything that I could possibly have got from you in this your hour of highest favour and influence, I shall regard you as having voluntarily bestowed upon me, if I obtain this object. There is a circumstance, of which Caesar has the best means of judging, which I hope will assist you- Capito always shewed respect and affection for Caesar. But Caesar can himself bear witness to this: I know the excellence of his memory: so I don't give you any instructions. Do not pledge yourself to Caesar on Capito's behalf, any farther than you shall perceive that he remembers. For my part, I will submit to you what I have been able to put to the test in my own case: you must judge of its importance for yourself. You are not ignorant of the side and the cause which I have supported in politics, by the aid of what

individuals and orders I have maintained myself, and by whom I have been fortified. Believe me when I say this: if I have done anything in the late war itself which was not quite to Caesar's taste — though I am well aware that Caesar knows me to have done so quite against my will — I have done it by the advice, instigation, and influence of others. But in so far as I have been more moderate and reasonable than anyone else of that party, I have been so by the influence of Capito more than anyone else: and if my other connexions had been like him, I should perhaps have done the State some good, certainly I should have done a great deal to myself. If you accomplish this object, my dear Plancus, you will confirm my expectations as to your kind feeling towards myself, and you will by your eminent service have bound Capito himself to you as a friend — a man of the most grateful and obliging disposition, and of the most excellent character.

LETTER 30

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

THERE is a certain L. Manlius Sosis. He is a native of Catina; but along with the rest of the people of Naples became a Roman citizen, and is a member of the council at Naples, as he had been enrolled as a citizen of that municipality before the citizenship was granted to the Italian allies. His brother has lately died at Catina. I don't think he is likely to have any dispute about the inheritance, and he is at this moment in possession of the property. But as he has besides some business of old standing in his native Sicily, I commend to you both this inheritance from his brother and all other of his concerns, and above all the man himself as being of the highest character and very intimate with myself, accomplished in those studies of literature and philosophy which form my chief delight. I beg you, therefore, to understand that, whether he has or has not come to Sicily, he is one of my most intimate and closely united friends, and to treat him in such a way as to make him understand that my recommendation has been of great service to him.

LETTER 31

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

I am very intimate with Gaius Flavius, an honourable and accomplished Roman knight. For he was a great friend of my son-in-law Gaius Piso, and both he and his brother L. Flavius pay me very constant attention. Wherefore I would wish you, out of consideration for me, to treat Gaius Flavius with the utmost possible respect and liberality, in whatever ways you can do so with honour and due regard for your position. You cannot possibly oblige me more than by so doing. But besides that, I assure you — and I don't say this from any ulterior motive, but influenced by the truth no less than by friendship and personal connexion — that you will extract great pleasure from the services and assiduity of Gaius Flavius, as also from his brilliant position and popularity among his own friends. Good-bye.

LETTER 32

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

IN the town of Halesa, so well known for its wealth and high character, I have some friends very closely united to me by the ties of hospitality and intimacy named M. Clodius Archagethus and C. Clodius Philo. But I am afraid that, owing to the number of people I recommend to you, I may appear to be putting all my recommendations on the same footing from some ulterior motive. Still, I would have you believe that this family and these members of it are united to me by a long-standing friendship, by mutual services, and by goodwill. Therefore I beg you, with more than common earnestness, to oblige them in every way, as far as your honour and official position shall allow you. You will exceedingly oblige me by doing so.

LETTER 33

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

I am exceedingly intimate with Gnaeus Otacilius Naso, certainly as much so as with any man of his order. For in our daily intercourse I am greatly delighted with his kindness and honesty. You need not stop to see in what precise words I recommend a man to you, with whom I am as intimate as I have said. He has some business in your province, which is being managed by his freedmen Hilarus, Antigonus, and Demostratus. These men and all Naso's affairs I commend to you as though they were my own. I shall feel very grateful if I learn that this recommendation has had great weight with you. Good-bye.

LETTER 34

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

I have ties of hospitality with Lyson, son of Lyson, of Lilybaeum, dating from the times of his grandfather. I

continue to receive strong proofs of his regard, and have ascertained him to be worthy of his father and grandfather. Wherefore I recommend him to you with more than common earnestness, and warmly beg you to be at the trouble to make him feel that my recommendation has been of the utmost assistance to him and very greatly to his honour.

LETTER 35

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

C. Avianius Philoxenus shewed me hospitality in old times, and beyond that is also an intimate friend, whom Caesar as a favour to me enrolled among the citizens of New Comum. He took the name of Avianius, because his most intimate friend was Flaccus Avianius, a man, as I think you know, who was a very dear friend of mine. I mention all these facts to shew you that this recommendation of mine is no ordinary one. I therefore beg you to oblige him in everything which you can do without inconvenience, to consider him as one of your friends, and to make him feel that this letter of mine has been of great service to him. You will oblige me in no common degree by so doing.

LETTER 36

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

WITH Demetrius Megas I have ancient ties of hospitality, and a friendship such as I had with no other Sicilian. Dolabella at my request procured him citizenship from Caesar, and I was present when it was bestowed. Accordingly his name is now P. Cornelius. And when, on account of certain infamous persons who used to sell grants from him, Caesar ordered the tablet containing the names of those who had received citizenship to be taken down, he told the same Dolabella in my hearing that he had nothing to fear as to Megas, and that his grant to him held good. I wished you to know this in order that you might reckon him as a Roman citizen; and in all other respects I commend him to you with an earnestness beyond which I have not gone with respect to anyone. You will do me the very greatest favour if you shew him by your treatment of him that my recommendation has been greatly to his honour.

LETTER 37

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

I recommend Hippias, son of Philoxenus, of Calacta, to you with more than common earnestness. His property, as the matter has been reported to me, is held by the state for a debt which is not properly his, contrary to the laws of the Calactini. If that is so, even without any recommendation from me, the merits of the case itself ought to secure him your assistance. But however the matter stands, I beg you as a compliment to me to expedite his case, and both in this and in all other matters to oblige him as far as your honour and position will allow. It will be doing me a very great favour.

LETTER 38

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

L. Bruttius a Roman knight, a young man of every sort of accomplishment, is among my most intimate friends, and shews me very constant attention. I have had a great friendship with his father from the time of my Sicilian quaestorship. In point of fact Bruttius is at this moment staying with me at Rome: still I recommend his house, his property, and his agents to you with an earnestness beyond which I cannot go in such a recommendation. You will exceedingly oblige me if you take the trouble to let Bruttius feel, as I have assured him will be the case, that my recommendation has been of great assistance to him.

LETTER 39

TO MANIUS ACILIUS GLABRIO (IN SICILY) ROME

AN old connexion grew up between the Titurnian family and myself. Of this family the last survivor is M. Titurnius Rufus, whom I am bound to protect with every possible care and attention. It is then in your power to make him think that he has a sufficient protector in me. Wherefore I recommend him to you with more than common earnestness, and I beg you to make him feel that this recommendation has been of great assistance to him. You will very greatly oblige me by doing so.

LETTER 40

TO Q. ANCHARIUS (PROCONSUL IN MACEDONIA) ROME

Lucius and Gaius, sons of Lucius Aurelius, with whom, as with their excellent father, I am most intimately acquainted, I recommend to you with more than usual earnestness, as young men endowed with the best qualities, as being very closely allied to myself, and as being in the highest degree worthy of your friendship. If any recommendations of mine have ever had influence with you, as I know that many have had much, I beg you to let this one have it. If you treat them with honour and kindness, you will not only have attached to yourself two very grateful and excellent young men, but you will also have done me the very greatest favour.

LETTER 41

TO L. CULLEOLUS (IN ILLYRICUM) ROME

IN what you have done for the sake of L. Lucceius, I wish you to be fully aware that you have obliged a man who will be exceedingly grateful; and that, while this is very much the case with Lucceius himself, so also Pompey as often as he sees me — and he sees me very often-thanks you in no common terms. I add also, what I know will be exceedingly gratifying to you, that I am myself immensely delighted with your kindness to Lucceius. For the rest, though I have no doubt that as you acted before for my sake, so now, for the sake of your own consistency, you will abide by your liberal intentions, yet I reiterate my request to you with all earnestness, that what you first gave us reason to hope, and then actually carried out, you would be so good as to see extended and brought to a final completion by your means. I assure you, and I pledge my credit to it, that such a course will be exceedingly gratifying to both Lucceius and Pompey, and that you will be making a most excellent investment with them. About politics, and about the business going on here, and what we are all thinking about, I wrote to you in full detail a few days ago, and delivered the letter to your servants. Farewell.

LETTER 42

TO L. CULLEOLUS (IN ILLYRICUM) ROME

My friend L. Lucceius, the most delightful fellow in the world, has expressed in my presence amazingly warm thanks to you, saying that you have given most complete and liberal promises to his agents. Since your words have roused such gratitude in him, you may imagine how grateful he will be for the thing itself, when, as I hope, you will have performed your promise. In any case the people of Bullis have shown that they intend to do Lucceius right according to the award of Pompey. But we have very great need of the additional support of your wishes, influence, and praetorian authority. That you should give us these I beg you again and again. And this will be particularly gratifying to me, because Lucceius's agents know, and Lucceius himself gathered from your letter to him, that no one's influence has greater weight with you than mine. I ask you once more, and reiterate my request, that he may find that to be the case by practical experience.

LETTER 43

TO QUINTUS GALLUS (?IN ASIA) ROME

THOUGH I hope that I shall have many occasions for observing, what after all I have long ago observed, that I am beloved by you, yet you have now before you a case in which you have a ready means of shewing your goodwill towards me. Lucius Oppius, son of Marcus Philomelius, is a banker, and my intimate friend. I commend him to you in a special manner, and all the more so, that while I like the man himself, he is also manager of the business of L. Egnatius Rufus, my most intimate friend among the Roman knights, and one most closely united to me both by daily association and by very numerous and very important services. I therefore beg you to shew affection for Oppius who is with you, and protect the interests of Egnatius who is not, as earnestly as if it were my own business. In order to aid your memory I should like you to give him some sort of writing to be returned to you in the province. Write it in such a way that whenever you read it you may easily recall the earnestness of this recommendation of mine. I beg you warmly and repeatedly to do this.

LETTER 44

TO Q. GALLUS (IN ASIA?) ROME

Although from your letter and from that of my very intimate friend L. Oppius I am assured that you are mindful of my recommendation, and though, in view of your very great kindness to me and our intimacy I am not at all surprised at that, nevertheless I reiterate my recommendation of L. Oppius, who is with you, and of the' business affairs of my most intimate friend, L. Egnatius, who is not. He is so closely allied and so intimate with me, that I could not be more anxious if it were my own affair. Therefore you will very greatly oblige me if you take care that he understands that I am as much beloved by you as I think I am myself. You cannot possibly oblige me more, and I beg you warmly to do so.

LETTER 45

TO APPULEIUS (PROQUAESTOR IN ASIA) ROME

Lucius Egnatius is my most intimate friend among the Roman knights. I commend to you his slave Anchialus and his banking business in Asia as earnestly as if I were commending my own business. For I would have you believe that there is not only a close daily intercourse between us, but also important mutual services. Wherefore I reiterate my request that you will see that he understands that I have written to you with sufficient earnestness: for as to your goodwill towards me he had no doubt. I beg you again and again to do so. Good-bye.

LETTER 46

TO APPULEIUS (IN ASIA) ROME

Lucius Nostius Zoilus is a co-heir with me, and besides that the heir of his patron. I state these two facts both to shew you that I have reason to be his friend, and to convince you that he must be an honest man to have received such a compliment from his patron. I therefore recommend him to you as though he were a member of my house-hold. I shall be very grateful if you will take pains to make him understand that my recommendation has been of great service to him with you.

LETTER 47

TO P. SILIUS NERVA (IN BITHYNIA) ROME

Why should I recommend one whom you already like? But in spite of that I write this to you that you may thereby be assured that I not only like, but really love him. Of all your services, which are many and great, the most acceptable to me will be your treating Egnatius in such a way as to make him feel that he is loved by me, and I by you. I reiterate this request with warmth. Our plans have no doubt fallen through. Let us console ourselves therefore with the hackneyed reflexion, “perhaps it is all for the best.” But of this when we meet. Go on as you have begun-loving me and feeling certain that I love you.

LETTER 48

TO SEXTILIUS RUFUS (QUAESTOR IN CILICIA) ROME

I commend all the Cyprians to you, but more especially the Paphians. Anything you can do to oblige the latter will be regarded with great gratitude by me. I have the more pleasure in commending them to you because I think it will conduce to your reputation (of which I am ever a supporter), as you are the first to enter the island as a quaestor, if you establish precedents for others to follow. You will, I hope, secure this with greater ease if you decide to follow the law of your connexion Publius Lentulus, and the regulations made by myself. This course I feel sure will redound to your honour.

LETTER 49

TO M. CURIUS (A PROCONSUL) ROME

Q. Pompeius, son of Sextus, has become my intimate friend from many causes of long standing. As he has often in the past been accustomed to defend his material interests, as well as his reputation and influence, by my recommendations, so on the present occasion assuredly, with you as governor of the province, he ought to be able to feel that he has never had a warmer recommendation to anyone. Wherefore I beg you with more than ordinary earnestness that, as you ought in view of our close friendship to regard all my friends as your own, you would give the bearer so high a place in your regard, that he may feel that nothing could have been more to his interest and honour than my recommendation. Farewell.

LETTER 50

TO MANIUS ACILIUS GLABRIO (IN ACHAIA) ROME (JANUARY)

I am presuming upon your regard for me, which you made me clearly perceive all the time we were at Brundisium, to write to you in a familiar style and as though I had a claim to do so, if there is any matter as to which I am specially anxious. Manius Curius, who is a banker at Patrae is an intimate friend of mine. No union could be closer than ours. He has done me many kindnesses, and I have done him many also. Above all, there is the strongest mutual affection between us. That being the case, if you have anything to hope from my friendship, if you wish to make the good offices and kindnesses which you bestowed on me at Brundisium still more a subject of gratitude to me (though I am already exceedingly grateful), if you perceive that I am beloved by all your family, pray extend and enlarge your favours to me so far as to keep Manius Curius safe and sound — as the phrase goes — unharmed and free from every sort of annoyance, loss, and molestation. I pledge you my word, and all your friends will be my guarantees for it, that you will reap very great advantage and very high satisfaction from my friendship and from your own kindness.

LETTER 51

TO P. CAESIUS ROME

I commend P. Messienus to you, a Roman knight, a man adorned by every kind of accomplishment, and very intimate with me. This recommendation is meant to be of the most earnest kind possible; and in the name of our own friendship and that of our fathers, I beg you to receive him into your confidence and to protect his property and reputation. You will have secured a good man and one worthy of your friendship, and you will have greatly obliged me.

LETTER 52

TO Q. MARCIUS REX (IN SICILY?) ROME (AFTER B.C. 47)

Aulus Licinius Aristoteles of Melita has been my guest-friend for many years past, and is besides united to me by a very frequent and friendly intercourse. This being the case I feel sure that he is sufficiently recommended to you, For many people have told me that my recommendation has great weight with you. I secured this man's liberation from Caesar. For he had been constantly with us, and stuck even longer to that side than I did myself. This I think will make you think all the better of him. See therefore, my dear Rex, that he understands my letter to have been of very great service to him.

LETTER 53

TO Q. MINUCIUS THERMUS (PROPRAETOR ASIA) CILICIA

I have long been very intimate with L. Genucilius Curvus, who is a very excellent man and of an exceedingly grateful disposition. I recommend him to you without reserve, and introduce him to you, in the first place, that you may give him facilities generally in all his affairs, so far as your honour and position will allow — and, indeed, that will be in everything, for he will never ask anything of you inconsistent with his own character, or, indeed, with yours.

But in a special manner also I commend to your protection his business concerns in Hellespontus: first, to enable him to maintain the privilege in regard to land-holding, which the state of Parium gave him by decree, and which he has always maintained without dispute; and, in the second place, that you should, in case of his being involved in a suit with a Hellespontian, refer it to that diocese. However, I do not think that, having recommended him with the utmost earnestness to you in general, I need go into particular cases affecting him. The upshot is this: whatever attention, kindness, or mark of honour you bestow on Genucilius, I shall consider that you have bestowed on me and my interests.

LETTER 54

TO Q. MINUCIUS THERMUS (PROPRAETOR OF ASIA)
LAODICEA (MARCH)

I am obliged to you for many instances of your attention to my recommendations, but above all for your very courteous treatment of M. Marcilius, son of my friend and interpreter. He has arrived at Laodicea, and in an interview with me has expressed great gratitude to you, and to myself on your account. I therefore ask you as a farther favour, that, as you find your kindness well laid out and meeting with gratitude from those persons, you would be still more ready to oblige them, and would endeavour, as far as your honour shall permit, to prevent the young man's mother-in-law from being prosecuted. I recommended Marcilius to you before with some earnestness: I do so now with still greater, because, in a long course of his service as apparitor, I have found his father Marcilius to be peculiarly and almost incredibly trustworthy, disinterested, and scrupulous.

LETTER 55

TO Q. MINUCIUS THERMUS (IN ASIA) CILICIA

Although, when I spoke to you at Ephesus of the business of my legate M. Anneius, I gathered that you were strongly inclined to do anything for his own sake, nevertheless, I value M. Anneius so highly, and think that you value me so highly, that I do not hesitate to allow my recommendation to be added as a finishing stroke to your existing willingness to serve him. For, though I have long been attached to M. Anneius — as I have practically shown by offering him a legation unasked, after having refused many who asked for it — yet, since he has been associated with me in war and the conduct of military affairs, I have come to know that his courage, good sense, honour, and loyalty to myself are so eminent, that I now value him as highly as anyone in the world. You know that he has a suit with the people of Sardis: I explained the merits of the case to you at Ephesus: but you will, nevertheless, inquire into it more easily and satisfactorily on the spot. As to the rest, by Hercules, I long hesitated what exactly to write to you. For your manner of deciding questions at law is justly celebrated, and known to your high credit. We, again, have no need of anything in this case, but that you should decide the question according to your usual principles. But yet, since I am fully aware how great the influence of a praetor is — especially a praetor whose character for honesty, firmness, and equity is acknowledged on all hands — I do ask of you, in the name of our very close intimacy and of the many mutual good services, which have benefited us both equally, by a display of cordiality, by an exercise Of influence, and by an exertion of zeal to convince M. Anneius, not only that you are his friend (this he does not doubt, for he has often remarked it to me), but that you have been made much more his friend by this letter of mine. Finally, I don't think you feel any hesitation as to how well you will be investing your kindness with a man of the most grateful disposition and most excellent principles.

LETTER 56

TO Q. MINUCIUS THERMUS (IN ASIA) CILICIA

Cluvius of Puteoli is very attentive to and intimate with me. He believes that, having business in your province, unless, during your governorship, he has secured it by a letter of recommendation from me, he will have to put it down as lost and hopeless. Well, now, since so heavy a burden is laid on me by a very kind friend, I will also lay a burden on you, warranted by your eminent services to me; and yet in doing so I am unwilling to be troublesome to you. The people of Mylasa and Alabanda owe Cluvius money. Euthydemus told me, when I was at Ephesus, that he would see that ecdici were sent from Mylasa to Rome.

That has not been done. I hear that legates have been sent; but I prefer ecdici, in order that some settlement may be made. Therefore I beg you to order them and the Alabandians to send ecdici to Rome. Besides this, Philocles of Alabanda has mortgaged some property to Cluvius. The time of the mortgage has expired. I would like you to see that he either gives up possession of the property mortgaged and surrenders it to Cluvius's agents, or pays the money; and farther, that the people of Heraclea and Bargylia, who are also in his debt, should either pay the money or give him a lien on their revenues. The people of Caunus also owe him money, but they allege that they have placed the money on deposit. I should like you to investigate that, and, if you ascertain that they have not deposited the money, either by edict or decree, to see that Cluvius's claim to interest is secured to him by your decision. I am the more anxious on these points, because the interests of our friend Cn. Pompeius is involved also, and because he appears to me to be even more anxious about it than Cluvius himself. I am very desirous that he should be satisfied with my exertions on his behalf. On these matters I earnestly and repeatedly ask your assistance.

LETTER 57

TO Q. MINUCIUS THERMUS {PROPRAETOR IN ASIA)
LAODICEA, MARCH

The more I am assured every day by letters and messages that a serious war is on foot in Syria, the more earnest am I in my request to you, in the name of our close friendship, that you would send back my legate M. Anneius to me at the earliest possible moment. For by his activity, wisdom, and knowledge of military affairs I well know that both I and the state can receive the most important assistance. Indeed, had it not been of such urgent importance to him, he would never have been induced to quit me, nor I to let him go. I think of starting for Cilicia about the 1st of May. Before that day M. Anneius is bound to rejoin me. The request which I pressed upon you very earnestly, both in a personal interview and by letter, I now reiterate — that you should take pains to enable him to settle the business he has with the Sardians as the justice of his case and the dignity of his character demand. I gathered from your remarks, when I conversed with you at Ephesus, that you were ready to do anything for the sake of M. Anneius himself. Yet I should wish you to think that you could not oblige me more than by letting me see that he has settled his business to his satisfaction owing to your support, and I beg you again and again to see that done at the earliest possible time.

LETTER 58

TO C. TITUS RUFUS (PRAETOR URBANUS) LAODICEA (FEBRUARY)

L. Custidius is my fellow tribesman, fellow townsman, and intimate friend. He has a suit at law, which he is about to bring before you. I limit my recommendation of him to you — as your honour and my modesty demand — to asking for him a ready access to you: that in all just demands he may be successful without any reluctance on your part, and may have reason to know that my friendship, though I am very far away, is of service to him, especially with you. That is what I beg of you again and again to do.

LETTER 59

TO C. CURTIUS PEDUCAEANUS (PRAETOR) LAODICEA (FEBRUARY)

I am particularly attached to M. Fadius and see a very great deal of him, and my intimacy with him is of very old standing. In the suit in which he is engaged I don't ask for your decision — you will, as your honour and position demand, stand by your edict and the principles of administration you have established — but only that he may have as ready an approach to you as possible, may obtain his just rights without reluctance on your part, and may find by experience that my friendship, even though I am far away, is of use to him, especially with you. This much I do earnestly and repeatedly ask of you.

LETTER 60

TO C. MUNATIUS (IN A PROVINCE) ROME

L. Livineius Trypho is to begin with a freedman of my most intimate friend L. Regulus (whose disaster makes me more than ever anxious to do him some service — for as far as feeling goes I could not be warmer): but I also am attached to his freedman on his own account, for he shewed me very great kindness at that time in my career, when I was best able to see men's real goodwill and fidelity. I recommend him to you with all the warmth that one who is grateful and not oblivious should use in recommending those who have done him good service. You will have greatly gratified me if he is made to feel that in confronting many dangers for my security, and often undertaking voyages in the depths of winter, he has also put you under an obligation in view of your kind feeling towards me.

LETTER 61

TO P. SILIUS NERVA (PROPRAETOR OF BITHYNIA AND PONTUS) CILICIA

I think you know that I was very intimate with T. Pinnius. This fact he testified by his will, for he appointed me both a guardian and an heir in the second degree. To his son, who is attached to me and is a man of learning and good character, the people of Nicaea owe a large sum of money, amounting to eight million sesterces (about £64,000), and, as I am informed, they are especially anxious to pay him. I shall be much obliged therefore — for not only the other guardians, who know how highly you value me, but the boy himself also are convinced that you will do anything for me — if you will take the trouble to see, as far as your honour and position will allow, that as large a part of the money as possible is paid to Pinnius on account of the people of Nicaea.

LETTER 62

TO P. SILIUS NERVA (IN BITHYNIA) CILICIA

I was very much obliged to you in the business of Atilius — for though I was late in the field I managed by your kindness to save a respectable Roman knight — and, by Hercules, I always did believe that you were one on whom I could rely, owing to the attachment to and rare friendship with Lamia common to us both. Accordingly, first of all I offer you my thanks for having freed me from all annoyance; then I follow this up with a piece of impudence — but I will make up for it: for I will always pay you attention and stand up for you with the utmost energy. Pray, if you care for me, be sure you hold my brother Quintus in the same regard as you do me. By so doing you will crown your kindness and greatly enhance it.

LETTER 63

TO P. SILIUS NERVA (PROPRAETOR OF BITHYNIA AND PONTUS) LAODICEA, FEBRUARY

I never thought that I could possibly be at a 1055 for words, but I certainly am so in writing a letter of commendation for M. Laenius. I will, therefore, state the case to you in a few words, yet enough to shew you my feelings. Both I and my dearest brother have a value for M. Laenius which passes belief. This arises, indeed, from his very numerous services to us, but also from his extreme honesty and the eminent correctness of his conduct. It is with the greatest reluctance that I am parting with him, as well on account of our close intimacy and the charm of his society, as because I am glad to have the advantage of his candid and sound advice. But I am afraid that you will be thinking that the words, for which I said that I was at a loss, are already more than enough. I commend him to you with all the warmth you perceive that I am bound to feel for one of whom I use such language as the above: and I ask you earnestly and repeatedly to facilitate his business in your province, and to give him personally any information you think you fairly can. You will find him most reasonable and gentlemanlike. Therefore I beg you to send him back to me as soon as possible, disembarrassed and free, with his business accomplished as far as it lies in your hands. You will very greatly oblige me and my brother by so doing.

LETTER 64

TO P. SILIUS NERVA (IN BITHYNIA) CILICIA

My friend Nero thanks me in terms of quite astonishing and incredible warmth, saying that no mark of honour which could have been given him was omitted by you. You will be richly rewarded by him, for he is the most grateful young fellow in the world. But, by heaven, I too am exceedingly obliged to you: for of all our men of rank I value none more than him. And so, if you do what he wished me to ask of you, I shall be supremely obliged: first, in the matter of Pausanias of Alabanda, if you would keep the business back till Nero arrives — I have gathered that he is very interested in him, and so I put this request strongly — and next if you would regard as specially commended to your care the people of Nysa, whom Nero regards as his special friends and is most energetic in protecting and defending, so that this city may feel that its best protection consists in Nero being its patron. I have often recommended Servilius Strabo to you: I now do so with the greater earnestness that Nero has taken up his case. I only ask you to push on the business, so as not to leave an innocent man a prey to the greed of some governor unlike yourself. This will be a favour to me; but I shall also consider it an instance of your natural kindness. The upshot of this letter is that you should advance Nero in all possible ways, as you have started doing and have done. Your province, unlike this of mine, offers a wide theatre for displaying the glorious reputation of a young man of high birth, genius, and disinterested conduct. Wherefore, if he enjoys your support, as I am sure he will do and has done, he will be enabled to secure and bind to his interests most respectable bodies of clients which are a heritage from his ancestors. In this respect, if you give him your assistance, with the man himself you will have made a splendid investment of your kindness, but you will also have exceedingly obliged me.

LETTER 65

TO P. SILIUS NERVA (PROPRAETOR OF BITHYNIA AND PONTUS) CILICIA

I am very intimate and in constant communication with P. Terentius Hispo, who is engaged in the collection of the pasture-dues as deputy-manager, and many important services, equally advantageous to us both, have been interchanged between us. It is of capital importance to his reputation to settle the contracts with the remaining states. I don't forget that we tried to do that at Ephesus, but were quite unable to get the assent of the Ephesians. But since, as is the general opinion, and, as I understand, you have secured as well by your singular uprightness, as by your kindness and gentleness, that the slightest expression of your wish meets with the readiest consent of the Greeks to any object you have in view, I beg you with more than common earnestness, for the sake of my credit, to determine that Hispo shall gain this distinction. I may add that I am closely connected with the partners in the pasture company, not only because that company as a body is my client, but also because I am very intimate with most of the individual partners. By acting thus you will not only have assisted my friend Hispo in consequence of a recommendation of mine, and given the company still greater confidence in me, but you will yourself also receive the most ample reward from the regard of this most gratefully disposed man, as well as the thanks of the partners, who are men of the highest position, and you will have done me personally a very great kindness. Pray be assured that in your whole province and the whole sphere of your government there is nothing that you can do that could gratify me more.

LETTER 66

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

I SHOULD not have undertaken to recommend Aulus Caecina to you, who is a client of your family in a very special sense, as I was fully aware how loyal to your friends and how indulgent to men in exile you were ever wont to be, had not both the memory of his father, with whom I was exceedingly intimate, and his own misfortune affected me as that of a man most closely united to me by mutual interests and good services of every kind was bound to do. I ask with all my might as a favour from you — with an earnestness indeed and heartfelt anxiety beyond which I cannot go in asking anything — that you would allow a letter from me to add a finishing stroke to what, without anyone's recommendation, you would have spontaneously done for a man of such high and noble character, labouring under so heavy a calamity. Let it induce you to be even more zealous in assisting him in whatever ways you may have the power of doing so. If you had been at Rome, we should — as I think — have even secured Aulus Caecina's recall by your assistance. Of this, after all, I still have a strong hope, relying on the forgiving nature of your colleague. For the present, as in reliance on your sense of justice he has concluded your province to be his safest harbour of refuge, I beg and beseech you again and again to assist him in collecting the remnants of his old business, and to protect and watch over him in all other matters. You can do nothing that will oblige me more.

LETTER 67

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

IN all my province of Cilicia, to which, as you know, were joined three Asiatic dioceses, I was not more intimate with anyone than with Andron, son of Artemon, of Laodicea, and in that city I regarded him both as a guest and as a man eminently adapted to my way of life and habits. I learnt, Indeed, to value him at a much higher rate, after I left the province, because I discovered by many instances that he was grateful and did not forget me. Accordingly, I was most delighted to see him at Rome. For it does not escape your observation, having done favours to a great number of people in that province, what proportion of them are found to shew gratitude. My object in writing, therefore, is both that you should understand that I do not take this trouble without good reason, and that you should yourself decide that he is worthy of being admitted to your society. You will therefore have done me a very great favour, if you make it clear to him how highly you value me, that is, if you accord him your patronage and assist him in whatever matter you can consistently with your own honour and convenience. This will be a very great gratification to me, and I ask you again and again to do so.

LETTER 68

TO P. SERVILIUS ISAURICUS (IN ASIA) ROME (SEPTEMBER)

I was exceedingly obliged by your letter giving me an account of your voyages. For you indicated your recollection of our friendship, than which nothing could be more grateful to my feelings. For the future you will oblige me still more if you will write to me in a friendly way about public affairs, that is, the state of your province, and the details of your administration. Although I shall be sure to hear of these things from many people, considering your distinguished position, nevertheless I should be extremely glad to learn them from a letter of your own. For my part, I shall not often write to you my sentiments on imperial politics owing to the risk of a letter of that kind; but of what is actually being done I will frequently inform you Still I seem to hope that our colleague Caesar will be careful to see that we have a constitution of some kind. It was of great importance that you should take part in his deliberations: but if it is more for your interests, that is, better for your reputation, that you should govern Asia and protect a part of the empire which has suffered from misgovernment, I also am bound to prefer that course which will best serve you and your glory. For my part, I will attend with the greatest zeal and activity to whatever I think likely to be of importance to your position; and first and foremost I will guard with every kind of respectful attention your most illustrious father, as I am bound to do in view of our long standing friendship, of the kindnesses received by me from your family, and of his own noble character.

LETTER 69

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

C. Curtius Mithres is in fact, as you know, a freedman of my very intimate friend Postumus, but he pays me as much attention and respect as he does his own patron himself. At Ephesus, as often as I was in that town, his house was as open to me as my own, and many things occurred which gave me occasion to learn his affection and fidelity to myself. Accordingly, if either I or any of my friends had occasion for anything in Asia, it has been my habit to write to him, and to use his services and fidelity as well as his house and means as though they were my own. I tell you this at the greater length, to make you understand that I am not writing conventionally or for unworthy motives, but as I should do for a man with whom I am intimate and have very close ties. My request to you, therefore, is that in the lawsuit in which he is engaged with a certain Colophonian as to the possession of an estate, you should in compliment to me afford him every assistance in your power, as far as your honour and convenience will allow: though my knowledge of his reasonable character assures me that he will never be an embarrassment to you. If by means of my recommendation and his own uprightness he secures your good opinion, he will think that he has gained all he desires. I therefore earnestly beg you again and again to accord him your patronage and put him on the list of your friends. On my side, whatever I think that you wish or is to your interest, I will see to with zeal and activity.

LETTER 70

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

YOUR affection for me is so notorious that many seek to be recommended to you by my means. Now I grant that favour at times indiscriminately, but generally only to close friends, as in the present instance: for I am very intimate and very closely connected with T. Ampius Balbus. His freedman T. Ampius Menander, a man of strict morals, good conduct, and highly thought of both by his patron and myself, I commend to you with no common warmth. You will do me a very great favour, if you will oblige him in any matters consistent with your own convenience. I earnestly ask you again and again to do so.

LETTER 71

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

IT is inevitable that I should recommend many persons to you, for everyone knows our intimacy and your kindly feeling towards me. Nevertheless, though I am bound to wish well to all whom I recommend, yet I have not the same reason to do so in the case of all. Titus Agusius was by my side during the most miserable time of my life, and was the companion of all my journeys, voyages, labours, and dangers: nor would he now have left my side, had I not granted him permission. Therefore I recommend him to you as one of my own household and of those most closely united to me. You will very much oblige me if you make him feel by your treatment of him that this recommendation has been of great service and assistance to him.

LETTER 72

TO P. SERVILIUS VATIA ISAURICUS (IN ASIA) ROME

IN an interview with you in your suburban villa I commended to you the property, investments, and estates in Asia of my friend Caerellia as earnestly as I could, and you promised me with the greatest liberality to do everything possible in a manner consonant with your unbroken and eminent services to me. I hope you remember the fact: I know that it is your habit to do so. Nevertheless, Caerellia's agents have written to me to say that, Owing to the wide extent of your province and the multiplicity of your engagements, you need to be frequently reminded. I ask you, therefore, to remember that you promised me in the amplest terms that you would do everything your honour would allow. In my opinion — but it is a matter for yourself to consider and decide-you have now an excellent Opportunity of obliging Caerellia in accordance with the decree of the senate passed in regard to the heirs of C. Vennonius. That decree you. will interpret in the light of your own wisdom. For I know that the authority of that order has always been great in your eyes. For the rest, please believe that in whatever particulars you may have done kindnesses to Caerellia, you will be very greatly obliging me.

LETTER 73

TO Q. PHILIPPUS (PROCONSUL OF ASIA) ROME

I congratulate you on your safe return to your family from your province, without loss to your reputation or to the state. But if I had seen you at Rome I should also have thanked you for having looked after L. Egnatius, my most intimate friend, who is still absent, and L. Oppius, who is here. With Antipater of Derbe I have become not merely on visiting terms, but really very intimate. I have been told that you are exceedingly angry with him, and I was very sorry to hear it. I have no means of judging the merits of the case, only I am persuaded that a man of your character has done nothing without good reason. However, I do beg of you again and again that, in consideration of our old friendship, you will, for my sake if for anyone's, grant his sons, who are in your power, their liberty, unless you consider that in doing so your reputation may be injured. If I had thought that, I would never have made the request, for your fame is of more importance in my eyes than any friendship with him. But I persuade myself — though I may possibly be mistaken — that this measure will bring you honour rather than abuse. What can be done in the matter, and what you can do for my sake (for as to your willingness I feel no doubt), I should be obliged by your informing me, if it is not too much trouble to you.

LETTER 74

TO Q. PHILIPPUS (PROCONSUL IN ASIA) ROME

Though, considering your attention to me and our close ties, I have no doubt of your remembering my recommendation, yet I again and again recommend to you the same L. Oppius, my intimate friend who is now in Rome, and the business of L. Egnatius, my very intimate friend who is now abroad. With the latter my connexion and intimacy are so strong, that I could not be more anxious if the business were my own. Wherefore I shall be highly gratified if you take the trouble to make him feel that I have as high a place in your affections as I think I have. You cannot oblige me more than by doing so: and I beg you warmly to do it.

LETTER 75

TO TITUS TITIUS, A LEGATUS ROME

Though I have no doubt that my first introduction retains its full value in your eyes, I yet yield to the request of a man with whom I am very intimate, C. Avianius Flaccus, for whose sake I not only desire, but am in duty bound to secure every possible favour. In regard to him I both spoke earnestly to you in a personal interview — on which occasion you answered me with the greatest kindness — and have written with full particulars to you on a previous occasion; but he thinks it to his interest that I should write to you as often as possible. Wherefore I would have you pardon me if in compliance with his wishes, I shall appear to be at all forgetful of the stability of your character. What I beg of you is this — that you would accommodate Avianius as to the place and time for landing his corn: for which he obtained by my influence a three years' licence whilst Pompey was at the head of that business. The chief thing is — and you can therein lay me under the greatest obligation — that you should have convinced Avianius that I enjoy your affection, since he thinks himself secure of mine. You will greatly oblige me by doing this.

LETTER 76

TO THE QUATTUORVIRI AND DECURIONES OF [? FABRATERIA] ROME

I have so many reasons for being intimate with Quintus Hippius, that nothing can be more closely united than we are with each other. If that were not so, I should have maintained my usual resolution of not being troublesome to you in any matter. For in fact you are my best witnesses that, though I was convinced that there was nothing I might not obtain at your hands, I have never wished to be burdensome to you. I therefore beg you again and again with warmth that you would for my sake treat Gaius Valgius Hippianus as liberally as possible, and come to such a settlement, that he may be able to hold without obligation or charge the estate in the territory of Fregellae which he purchased from you. If I obtain that favour from you I shall consider that I have received a very signal kindness at your hands.

LETTER 77

TO P. SULPICIUS RUFUS (IN ILLYRICUM) ROME (AUTUMN)

Marcus Cicero sends warmest greeting to Publius Sulpicius , imperator. Though in these times it is not my custom to appear often in the senate, yet, when I read your letter, I made up my mind that I could not omit supporting the honour proposed for you, with due regard to the claims of our old friendship and of the many acts of kindness that have passed between us. Accordingly, I attended and had great pleasure in voting for the supplicatio in your honour, nor in the future will I at any time fail to support your interests, character, or public position. So, that your family may be aware of this feeling of mine towards you, pray write and tell them that in anything you need they should not hesitate to inform me of it as a matter of right.

I strongly commend Marcus Bolanus to you as an excellent and gallant man, highly accomplished in every way, and an old friend of my own. You will much oblige me if you will take care to make him understand that this introduction has been of great service to him. He will himself convince you of his excellent character and grateful disposition: and I promise you that you will reap great pleasure from his friendship.

Once more I beg you with more than common earnestness, in the name of our friendship and your unbroken zeal in my service, to bestow some pains on the following matter also. Dionysius, a slave of mine who had the care of my library, worth a large sum of money, having purloined a large number of books, and thinking that he could not escape punishment, absconded. He is in your province: my friend Marcus Bolanus and many others saw him at Narona; but they believed his assertion that I had given him his freedom. If you would take the trouble to restore this man to me, I can’t tell you how much obliged I shall be to you. It is a small matter in itself; yet my vexation is serious. Bolanus will inform you where he is and what can be done. If I recover the man by your means, I shall consider myself to have received a great kindness at your hands.

LETTER 78

TO AULUS ALLIENUS (IN SICILY) ROME

DEMOCRITUS of Sicyon is not only my guest-firend, but also very intimate with me, as is not often the case with such men, especially if they are Greeks. For his honesty and virtue are of the highest kind, and he is exceedingly liberal and attentive to his guest-friends, and distinguishes me above the rest by his respect, attentions, and affection. You must regard him as the leading man not only of his fellow citizens, but almost of all Achaia. For such a man I do no more than open the door and pave the way to an acquaintance with you: when you once know him, your natural disposition is such that you will decide him to be worthy of your friendship and society. What I ask of you, then, is that on reading this letter you should accord him your patronage, and promise to do everything for him for my sake. For the rest, if; as I feel sure will be the case, you ascertain him to be deserving of your friendship and society, I ask you to receive him with open arms, to love him, and to regard him as one of your own family. That will be a more than common favour to me. Good-bye.

LETTER 79

TO AULUS ALLIENUS (IN SICILY) ROME

I THINK, in the first place, that you know the value I have for C. Avianius Flaccus, and, in the next place, I have heard from himself — a most excellent and grateful man-with what liberality he has been treated by you. His sons-quite worthy of their father and close friends of my own, occupying a special place in my affection — I recommend to you with an earnestness beyond which I cannot go in recommending anyone. Gaius Avianius is in Sicily; Marcus is with us. I beg you to promote the social standing of the former, who is with you, and to defend the property of both. You cannot oblige me more by anything you do in your province. I beg you warmly and repeatedly to do so.

BOOK 14

LETTER 1

TO TERENTIA PARTLY WRITTEN AT THESSALONICA, PARTLY AT DYRRACHIUM, 28 NOVEMBER

Greetings to his Terentia, Tulliola, and Cicero. I learn, both from the letters of many and the conversation of all whom I meet, that you are shewing a virtue and courage surpassing belief; and that you give no sign of fatigue in mind or body from your labours. Ah me! To think that a woman of your virtue, fidelity, uprightness, and kindness should have fallen into such troubles on my account! And that my little Tullia should reap such a harvest of sorrow from the father, from whom she used to receive such abundant joys! For why mention my boy Cicero, who from the first moment of conscious feeling has been made aware of the bitterest sorrows and miseries? And if, as you say, I had thought these things the work of destiny, I could have borne them somewhat more easily, but they were really all brought about by my own fault, in thinking myself beloved by those who were really jealous of me, and in not joining those who really wanted me. But if I had followed my own judgment, and had not allowed the observations of friends, who were either foolish or treacherous, to have such great influence with me, we should have been living at the height of bliss. As it is, since friends bid us hope, I will do my best to prevent my weakness of health from failing to second your efforts. I fully understand the magnitude of the difficulty, and how much easier it will turn out to have been to stay at home than to get back. However, if we have all the tribunes on our side, if we find Lentulus as zealous as he appears to be, if, finally, we have Pompey and Caesar, there is no reason to despair. About our slaves, we will do what you say is the opinion of our friends. As to this place, by this time the epidemic has taken its departure; but while it lasted, it did not touch me. Plancius, the kindest of men, desires me to stay with him and still keeps me from departing. I wanted to be in a less frequented district in Epirus, to which neither Hispo nor soldiers would come, but as yet Plancius keeps me from going; he hopes that he may possibly quit his province for Italy in

my company. And if ever I see that day, and come once more into your arms, and if I ever recover you all and myself, I shall consider that I have reaped a sufficient harvest both of your piety and my own. Piso's kindness, virtue, and affection toward us all are so great that nothing can surpass them. I hope his conduct may be a source of pleasure to him, a source of glory I see clearly that it will be. I did not mean to find fault with you about my brother Quintus, but I wished that you all, especially considering how few there are of you, should be as closely united as possible. Those whom you wished me to thank I have thanked, and told them that my information came from you. As to what you say in your letter, my dear Terentia, about your intention of selling the village, alas! in heaven's name, what will become of you? And if the same ill-fortune continues to pursue us, what will become of our poor boy? I cannot write the rest — so violent is my outburst of weeping, and I will not reduce you to the same tearful condition. I only add this: if my friends remain loyal to me, there will be no lack of money; if not, you will not be able to effect our object out of your own purse. In the name of our unhappy fortunes, beware how we put the finishing stroke to the boy's ruin. If he has something to keep him from absolute want, he will need only moderate character and moderate luck to attain the rest. See to your health, and mind you send me letter-carriers, that I may know what is going on and what you are all doing. I have in any case only a short time to wait. Give my love to Tulliola and Cicero. Good-bye.

Dyrrachium, 27 November. P.S.-I have come to Dyrrachium both because it is a free state, very kindly disposed to me, and the nearest point to Italy. But if the crowded condition of the place offends me, I shall take myself elsewhere and I will write you word.

LETTER 2

TO TERENTIA (AT ROME) THESSALONICA, 5 OCTOBER

GREETINGS to Terentia, and Tulliola, and Cicero. Don't suppose that I write longer letters to anyone else, unless some one has written at unusual length to me, whom I think myself bound to answer. For I have nothing to write about, and there is nothing at such a time as this that I find it more difficult to do. Moreover, to you and my dear Tulliola I cannot write without many tears. For I see you reduced to the greatest misery — the very people whom I desired to be ever enjoying the most complete happiness, a happiness which it was my bounden duty to secure, and which I should have secured if I had not been such a coward. Our dear Piso I love exceedingly for his noble conduct. I have to the best of my ability encouraged him by letter to proceed, and thanked him, as I was bound to do. I gather that you entertain hopes in the new tribunes. We shall have reason to depend on that, if we may depend on Pompey's goodwill, but yet I am nervous about Crassus. I gather that you have behaved in every respect with the greatest courage and most loyal affection, nor am I surprised at it; but I grieve that the position should be such that my miseries are relieved by such heavy ones on your part. For a kind friend of ours, Publius Valerius, has told me in a letter which I could not read without violent weepmg, how you had been dragged from the temple of Vesta to the Valerian bank. To think of it, my dear, my love!

You from whom everybody used to look for help! That you, my Terentia, should now be thus harassed, thus prostrate in tears and humiliating distress! And that this should be brought about by my fault, who have preserved the rest of the citizens only to perish myself! As to what you say about our town house, or rather its site, I shall not consider myself fully restored, until it has also been restored for me.

However, these things are not yet within our grasp. I am only sorry that you, impoverished and plundered as you are, should be called upon to bear any part of the present expenses. Of course, if the

business is successfully accomplished we shall get everything back: but if the same evil fortune keeps us down, will you be so foolish as to throw away even the poor remains of your fortune? I beseech you, my life, as far as expense goes, allow others to bear it, who are well able if they are only willing to do so; and do not, as you love me, try your delicate constitution. For I have you day and night before my eyes: I see you eagerly undertaking labours of every kind: I fear you cannot endure them. Yet I see that everything depends on you! Wherefore, to enable us to attain what you hope and are striving for, attend carefully to your health. J don't know to whom to write except to those who write to me, or to those about whom you say something in your letters. I will not go farther off, since that is your wish, but pray send me a letter as often as possible, especially if there is anything on which we may safely build our hope. Good-bye, my loves, good-bye!

Thessalonica, 5 October.

LETTER 3

TO TERENTIA (AT ROME) DYRRACHIUM, 29 NOVEMBER

Greetings to his Terentia, Tulliola, and Cicero. I have received three letters from the hands of Aristocritus, which I almost obliterated with tears. For I am thoroughly weakened with sorrow, my dear Terentia, and it is not my own miseries that torture me more than yours — and yours, my children! Moreover, I am more miserable than you in this, that whereas the disaster is shared by us both, yet the fault is all my own. It was my duty to have avoided the danger by accepting a legation, or to resist it by careful management and the resources at my command, or to fall like a brave man. Nothing was more pitiful, more base, or more unworthy of myself than the line I actually took. Accordingly, it is with shame as well as grief that I am overpowered. For I am ashamed of not having exhibited courage and care to a most excellent wife and most darling children. I have, day and night, before my eyes the mourning dresses, the tears of you all, and the weakness of your own health, while the hope of recall presented to me is slender indeed. Many are hostile, nearly all jealous. To expel me had been difficult, to keep me out is easy. However, as long as you entertain any hope, I will not give way, lest all should seem lost by my fault. As to your anxiety for my personal safety, that is now the easiest thing in the world for me, for even my enemies desire me to go on living in this utter wretchedness. I will, however, do as you bid me. I have thanked the friends you desired me to thank, and I have delivered the letters to Dexippus, and have mentioned that you had informed me of their kindness. That our Piso has shewn surprising zeal and kindness to us I can see for myself, but everybody also tells me of it. God grant that I may be allowed, along with you and our children, to enjoy the actual society of such a son-in-law! For the present our one remaining hope is in the new tribunes, and that, too, in the first days of their office; if the matter is allowed to get stale, it is all over with us. It is for that reason that I have sent Aristocritus back to you at once, in order that you may be able to write to me on the spot as to the first official steps taken, and the

progress of the whole business; although I have also given Dexippus orders to hurry back here at once, and I have sent a message to my brother to despatch letter-carriers frequently. For the professed object of my being at Dyrrachium at the present juncture is that I may hear as speedily as possible what is being done; and I am in no personal danger, for this town has always been defended by me. When I am told that enemies are on their way here I shall retire into Epirus. As to your coming to me, as you say you will if I wish it — for my part, knowing that a large part of this burden is supported by you, I should like you to remain where you are. If you succeed in your attempt I must come to you: but if, on the other hand — but I needn't write the rest. From your first, or at most, your second letter, I shall be able to decide what I must do. Only be sure you tell me everything with the greatest minuteness, although I ought now to be looking out for some practical step rather than a letter. Take care of your health, and assure yourself that nothing is or has ever been dearer to me than you are. Good-bye, my dear Terentia, whom I seem to see before my eyes, and so am dissolved in tears. Good-bye!

29 November.

LETTER 4

TO TERENTIA, TULLIOLA, AND YOUNG CICERO (AT ROME)
BRUNDISIUM, 29 APRIL

Yes, I do write to you less often than I might, because, though I am always wretched, yet when I write to you or read a letter from you, I am in such floods of tears that I cannot endure it. Oh, that I had clung less to life! I should at least never have known real sorrow, or not much of it, in my life. Yet if fortune has reserved for me any hope of recovering at any time any position again, I was not utterly wrong to do so: if these miseries are to be permanent, I only wish, my dear, to see you as soon as possible and to die in your arms, since neither gods, whom you have worshipped with such pure devotion, nor men, whom I have ever served, have made us any return. I have been thirteen days at Brundisium in the house of M. Laenius Flaccus, a very excellent man, who has despised the risk to his fortunes and civil existence in comparison to keeping me safe, nor has been induced by the penalty of a most iniquitous law to refuse me the rights and good offices of hospitality and friendship. May I some time have the opportunity of repaying him! Feel gratitude I always shall. I set out from Brundisium on the 29th of April, and intend going through Macedonia to Cyzicus. What a fall! What a disaster! What can I say? Should I ask you to come — a woman of weak health and broken spirit? Should I refrain from asking you? Am I to be without you, then? I think the best course is this: if there is any hope of my restoration, stay to promote it and push the thing on: but if, as I fear, it proves hopeless, pray come to me by any means in your power. Be sure of this, that if I have you I shall not think myself wholly lost. But what is to become of my darling Tullia? You must see to that now: I can think of nothing. But certainly, however things turn out, we must do everything to promote that poor little girl's married happiness and reputation. Again, what is my boy Cicero to do? Let him, at any rate, be ever in my bosom and in my arms. I can't write more. A fit of weeping hinders me. I don't know how you have got on; whether you are left in possession of anything, or have

been, as I fear, entirely plundered. Piso, as you say, I hope will always be our friend. As to the manumission of the slaves you need not be uneasy. To begin with, the promise made to yours was that you would treat them according as each severally deserved. So far Orpheus has behaved well, besides him no one very markedly so. With the rest of the slaves the arrangement is that, if my property is forfeited, they should become my freedmen, supposing them to be able to maintain at law that status. But if my property remained in my ownership, they were to continue slaves, with the exception of a very few. But these are trifles. To return to your advice, that I should keep up my courage and not give up hope of recovering my position, I only wish that there were any good grounds for entertaining such a hope. As it is, when, alas! shall I get a letter from you? Who will bring it me? I would have waited for it at Brundisium, but the sailors would not allow it, being unwilling to lose a favourable wind. For the rest, put as dignified a face on the matter as you can, my dear Terentia. Our life is over: we have had our day: it is not any fault of ours that has ruined us, but our virtue. I have made no false step, except in not losing my life when I lost my honours. But since our children preferred my living, let us bear every-thing else, however intolerable. And yet I, who encourage you, cannot encourage myself. I have sent that faithful fellow Clodius Philhetaerus home, because he was hampered with weakness of the eyes. Sallustius seems likely to outdo everybody in his attentions. Pescennius is exceedingly kind to me; and I have hopes that he will always be attentive to you. Sica had said that he would accompany me; but he has left Brundisium. Take the greatest possible care of your health, and believe me that I am more affected by your distress than my own. My dear Terentia, most faithful and best of wives, and my darling little daughter, and that last hope of my race, Cicero, good-bye!

29 April, from Brundisium.

LETTER 5

TO TERENTIA (AT ROME) ATHENS, 16 OCTOBER

If you and my darling Tullia are well, I and my dearest boy Cicero are so too. On the 14th of October I arrived at Athens, after experiencing unfavourable winds and a slow and unpleasant voyage. As I was disembarking, Acastus met me with letters, the 21st day since his start, which is very active travelling. I received one from you, in which you tell me that you fear your previous letters did not reach me. I got them all: you have shewn the greatest energy in writing me full accounts of everything, and I am exceedingly obliged to you. I was not surprised that the letter brought by Acastus was short: for you are expecting me, or rather us, immediately in person: and we are anxious to reach you at the earliest possible time, though I am fully aware to what a state of public affairs I am coming: for the letters brought me by Acastus from many of my friends have shewn me that things look warlike, so that when I do arrive I shall not be able to cloak my sentiments. But since there is no shirking fate, I shall make the more haste, that I may consider the whole crisis with greater ease. Pray, as well as your health will permit, come as far as you can to meet me. As to the inheritance from Precius — I am deeply grieved at it, for I loved the man — I wish you to see to this: if the auction takes place before my arrival, let Pomponius, or, if he can't, Camillus act for us. As soon as I am safe at home I will look after the rest of the business myself. But if you have already started from Rome, still see that this arrangement is made. Dearest, sweetest Terentia, as you love me, take care, all of you, of your health. Good-bye.

LETTER 6

TO TERENTIA EPIRUS, 15 JULY

It is not very often that there is anyone to whom I can entrust a letter, nor have I anything that I am willing to write. From your letter last received I understand that no estate has been able to find a purchaser. Wherefore pray consider how the person may be satisfied whose claims you know that I wish satisfied. As for the gratitude which our daughter expresses to you, I am not surprised that your services to her are such, that she is able to thank you on good grounds. If Pollex has not yet started, turn him out as soon as you can. Take care of your health.

15 July. [There is now a break in the correspondence for more than three months, in the course of which the fate of the Republic was decided. On the 7th of July, Caesar, after Pompey had pierced his lines and inflicted a defeat upon him, retreated into Thessaly. Pompey's exultant followers forced him to follow, and on the 9th of August the battle of Pharsalia drove Pompey to his retreat and death in Egypt, and made Caesar master of the Empire. The fleet, indeed, still held out, and took those of the Pompeians who had not been in the battle or had escaped from it to Africa and Spain. But Cicero (who was with the fleet at Corcyra) refused to join in continuing the war, and after staying some time at Patrae returned to Brundisium, having, it appears, received Caesar's permission through Dolabella to do so. At Brundisium, however, he waited many months, not venturing to approach Rome till Caesar's will was known. It is during his residence at Brundisium that the next thirty-three letters are written. The dates are according to the unreformed calendar — in advance of the true time as much perhaps as two months.)

LETTER 7

TO TERENTIA (AT CUMAE) FORMIAE, 7 JUNE

ALL those uneasy feelings and melancholy thoughts, by which I kept you in such extreme distress, which makes me more uneasy than anything — as well as Tulliola, who is dearer to me than life itself-I have got rid of and ejected. The reason of it all I discovered the day after I parted from you. I threw up sheer bile during the night: I was at once so much relieved, that I really think some god worked the cure. Pray make full and pious acknowledgment to the god (Apollo or Aesculapius), according to your wont. I hope I have a very good ship. I write this at the moment of embarkation. Presently I will compose a large number of letters to our friends, to whose protection I will commend you and our dear Tulliola with the greatest earnestness. I would have added exhortations to you with a view to raising your courage, had I not known that you were more courageous than any man. And, after all, I hope affairs are of such a nature, that I may venture to expect you to be as comfortable as possible there, and myself to be at last likely, in company with men like-minded with myself, to be acting in defence of our country. Let your first care be your health: next, if it seems to you possible, make use of the villas farthest removed from men in arms. You can with advantage use the place at Arpinum with your town establishment, if the price of food goes up. Our charming young Cicero sends his warmest love. Good-bye, good bye.

7 June

LETTER 8

TO TERENTIA (AT ROME) POMPEY'S CAMP IN EPIRUS, 2 JUNE

If you are well, I am glad. I am well. Pray be very careful about your illness: for I have been informed by both letter and messenger that you have suddenly contracted fever. I am much obliged for your prompt information as to Caesar's despatch. Continue, pray, in future to inform me of any news I ought to know, whatever occurs. Take care of your health. Good-bye.

2 June.

LETTER 9

TO TERENTIA (AT ROME) BRUNDISIUM (17 DECEMBER)

Sorrow for the illness both of Dolabella and Tullia is an addition to my other miseries. Every single thing goes wrong, and I don't know what to think or do about anything. Pray take care of your own and Tullia's health. Good-bye.

LETTER 10

TO TERENTIA (AT ROME) BRUNDISIUM, 9 JULY

I wrote my wishes to Pomponius later than I ought to have done If you will have a talk with him, you will learn what they are. There is no need of being more explicit, seeing that I have written to him. On that business and on all others pray let me have a letter from you. Take good care of your health. Good-bye.

9 July.

LETTER 11

TO TERENTIA (AT ROME) BRUNDISIUM, 14 JUNE

If you are well, I am glad. I am well. Our dear Tullia reached me on the 12th of June, by whose perfect excellence and unsurpassed gentleness I felt my sorrow even heavier than before, to think that my want of prudence was the cause of her being in a position far removed from that which her dutiful affection and high character might claim. It is in my mind to send our son to Caesar, and Gnaeus Sallustius with him. If he starts I will let you know. Take great care of your health. Good — bye.

14 June.

LETTER 12

TO TERENTIA (AT ROME) BRUNDISIUM, 4 NOVEMBER

You say that you are glad of my safe arrival in Italy. I only hope you may continue to be glad. But I am afraid that, disordered as I was by mental anguish and the signal injuries which I have received, I have taken a step involving complications which I may find some difficulty in unravelling. Wherefore do your best to help me: yet what you can do I cannot think. It is no use your starting on a journey at such a time as this. The way is both long and unsafe; and I don't see what good you can do me if you do come. Good-bye.

Brundisium, 4 November.

LETTER 13

TO TERENTIA (AT ROME) BRUNDISIUM, 10 JULY

In reference to what I said to you in my last about divorcing Tullia's husband, I don't know what force he has at his back at such a time as this, or what power of stirring up the populace. If he can be dangerous when roused to anger, do nothing. But yet it is possible that he will take the first step. But you must judge after a review of the whole business, and do what you think least distressing in a most distressing business. Good-bye.

10 July.

LETTER 14

TO TERENTIA AND TULLIA (AT ROME) MINTURNAE, 23 JANUARY

TULLIUS to Terentia, her father to Tullia, his two sweethearts, and Cicero to his excellent mother and darling sister, send warm greetings. If you are well, we are so too. It is now for you to consider, and not for me only, what you must do. If Caesar means to come to Rome in a peaceable manlier, you can stay at home with safety for the present: but if in his madness he is going to give up the city to plunder, I fear Dolabella himself may not be able to protect us sufficiently. Besides, I am alarmed lest we should be cut off from you, so that when you do wish to leave town you may be prevented. There is one other thing, which you are in the best position to observe yourselves-are other ladies of your rank remaining in Rome? If not, it deserves consideration whether you can do so with propriety. As things stand at present indeed, always provided that I am allowed to hold this district, you will be able to stay with me or on one of our estates with the greatest comfort. There is another thing I am afraid of-a want of provisions in the city before long. On these points pray consult with Pomponius, with Camillus, with anybody you think right: above all don't be frightened. Labienus has made things better for us. Piso, too, is helpful in quitting the city and declaring his own son-in-law guilty of treason. Do you, dear hearts, write to me as often as possible, and tell me how you are and what is going on around you. Quintus and his son and Rufus send their love. Good-bye 23 January, Minturnae.

LETTER 15

TO TERENTIA (AT ROME) BRUNDISIUM, 19 JUNE

If you are well, I am glad. I had resolved, as I told you in a previous letter, to send our son to meet Caesar, but I have changed my mind, because I hear nothing of his coming. On other matters, though there is nothing new, yet you will be able to learn from Sicca what my wishes are, and what I think necessary at such a time as this. I am still keeping Tullia with me. Take great care of your health. Good-bye.

19 June.

LETTER 16

TO TERENTIA (AT ROME) BRUNDISIUM, 4 JANUARY

If you are well, I am glad. I am well. Though my circumstances are such that I have no motive for expecting a letter from you or anything to tell you myself, yet somehow or another I do look for letters from you all, and do write to you when I have anyone to convey it. Volumnia ought to have been more attentive to you than she has been, and even what she has done she might have done with greater zeal and caution. However, there are other things for us to be more anxious about and vexed at. These latter distress me quite as much as was desired by those who forced me to act against my better judgment. Take care of your health.

4 January.

LETTER 17

TO TERENTIA (AT ROME) BRUNDISIUM (25 DECEMBER)

If you are well, I am glad. I am well. If I had had anything to write to you about, I would have done so at greater length and more frequently. As it is, you see the state of my affairs. What the state of my feelings is you will be able to learn from Lepta and Trebatius. Be sure you take care of your own and Tullia's health. Good-bye.

LETTER 18

TO TERENTIA AND TULLIA (AT ROME) FORMIAE, 22 JANUARY

TULLIUS to his wife, and her father to his dearest daughter, and Cicero to his mother and sister, send warm greetings. I think, my darlings, you should carefully consider and reconsider what to do, whether to stay at Rome, or to join me, or seek some place of safety. This is not a point for my consideration alone, but for yours also. What occurs to me is this: you may be safe at Rome under Dolabella's protection, and that Circumstance may prove serviceable to us in case of any violence or plunder Commencing. But, on the other hand, I am shaken in this idea by seeing that all the loyalists have left Rome and have the ladies of their families with them. Again, the district in which I now am consists of towns and estates also which are in my power, so you could be a good deal with me, and, if you quitted me, Could very conveniently stay in domains belonging to us. I cannot as yet quite make up my mind which of the two is the better course for you to take. Please observe for yourselves what other ladies of your rank are doing, and be careful not to be cut off from the power of leaving town when you do wish to do so. I would have you carefully consider it again and again with each other and with your friends. Tell Philotimus to secure the house with barricades and a watch. Also please organize a regular service of letter-carriers, so that I may hear something from you every day. Above all attend to your health, if you wish me to maintain mine.

Formiae, 22 January.

LETTER 19

TO TERENTIA (AT ROME) BRUNDISIUM (27 NOVEMBER)

In the midst of my terrible sorrows Tullia's ill-health causes me acute agony. But about that I need not write to you at any greater length; for you, I know well, are no less anxious than myself. You wish me to come nearer the city, and I see that I must do so. I would have done it even before, but many difficulties prevented me, which are not even now removed. However, I am expecting a letter from Pomponius: please see that it is conveyed to me as soon as possible. Be sure you take care of your health.

LETTER 20

TO TERENTIA (AT ROME) VENUSIA, I OCTOBER

I think I shall arrive at my house at Tusculum either on the 7th or the day after. See that everything is ready there. For there will perhaps be several others with me, and we shall stay there a considerable time, I think. If there is no basin in the bath, have one put in: and so with every-thing necessary for supporting life and health. Good-bye.

1 October, from Venusia.

LETTER 21

TO TERENTIA (AT ROME) POMPEY'S CAMP IN EPIRUS (JUNE)

If you are well, I am glad. I am well. Do your best to recover. As far as time and circumstance permit, provide for and conduct all necessary business, and as often as possible write to me on all points. Good-bye.

LETTER 22

TO TERENTIA (AT ROME) BRUNDISIUM, I SEPTEMBER

If you are well, I am glad. I am well. I am expecting my letter-carriers any time today. If they come, I shall perhaps learn what I shall have to do, and will at once let you know. Take good care of your health. Good-bye.

1 September.

LETTER 23

TO TERENTIA (AT ROME) BRUNDISIUM, 12 AUGUST

If you are well, I am glad. I am well. At last I have Caesar's letter, and a kind enough one it is. He himself is said to be coming quicker than was thought. When I have made up my mind whether to go to meet him or await him here, I will let you know. I should like you to send letter-carriers at the first opportunity. Take good care of your health. Good-bye.

12 August.

LETTER 24

TO TERENTIA (AT ROME) BRUNDISIUM, 11 AUGUST

If you are well, I am glad. I am well. Neither about Caesar's coming nor of the letter, of which Philotimus is said to be the bearer, have I as yet any certain intelligence. If I do get any such, I will inform you promptly. Be sure you take good care of your health. Good-bye.

11 August.

BOOK 15

LETTER 1

TO THE MAGISTRATES AND SENATE CILICIA, 22 SEPTEMBER

M. Tullius Cicero, son of Marcus, proconsul, greets the consuls, praetors, tribunes, and senate. If you are well, I am glad. I and the army are well.

Although I had undoubted assurance that the Parthians had crossed the Euphrates with nearly all their forces, yet, believing that more definite information could be sent you on these points by the proconsul M. Bibulus, I concluded that it was not incumbent on me to mention in a public despatch reports reaching me concerning the province of another. Having since then, however, received information on the most unquestionable authority-from legates, messengers, and despatches — whether I considered the importance of the matter itself, or the fact of not having yet heard of Bibulus's arrival in Syria, or that the conduct of this war was almost as much my business as that of Bibulus, I came to the conclusion that it was my duty to write you word of what had reached my ears. The legates of king Antiochus of Commagene were the first to inform me that large bodies of Parthians had begun to cross the Euphrates. On the receipt of this report, as there were certain persons who thought that full credit could not be given to that sovereign, I made up my mind that I must wait for more trustworthy information. On the 18th of September, whilst marching into Cilicia at the head of my army, on the frontier between Lycaonia and Cappadocia, a despatch was handed to me from Tarcondimotus, who is considered to be the most faithful ally and the most devoted friend of the Roman people beyond Mount Taurus, announcing that Pacorus, son of Orodes, the king of the Parthians, had crossed the Euphrates with a very large body of Parthian cavalry, and had pitched his camp at Tyba, and that consequently a very serious commotion had been caused in the province of Syria. On the same day a despatch on the same subject reached me from Iamblichus, phylarch of the Arabians, who is generally considered to be well-disposed and friendly to our

Republic. Though I was fully aware that, on receipt of this information, our allies were unsettled in their feelings and wavering from the expectation of political change, I yet hoped that those whom I had already visited, and who had seen the mildness and purity of my administration, had been made more devoted to the Roman people, and that Cilicia, too, would become more certainly loyal when it had once felt the advantage of my equitable rule. Acting at once from this motive, and also with a view to put down those of the Cilicians who are in arms, and to show the enemy in Syria that the army of the Roman people, so far from retiring on receipt of that news, was actually approaching nearer, I determined to lead it right up to Mount Taurus. But if my authority has any weight with you — especially in matters which you only know by report, but which are all but passing under my eyes — I strongly urge and advise you to take measures for the defence of these provinces: it is over-late already, but better late than never. For myself, you are well aware how slenderly supplied and how imperfectly furnished with troops, in view of the expected gravity of this war, you have despatched me. And it was not from the blindness of vanity, but from a modest scruple as to refusing, that I did not decline this business. For I have never considered any danger so formidable, as to make me wish to avoid it in preference to obeying your will. But at this moment the matter is of such a nature, that unless you promptly despatch into these provinces an army on the same scale as you are wont to employ for the most important war, there is the most imminent danger of our having to give up all those provinces, on which the revenues of the Roman people depend. Again, there is this reason for your not resting any hopes on a levy in the province — that men are not numerous, and that such as there are fly in every direction at the first alarm. Again, what this class of soldier is worth in his opinion has been shown by that gallant officer, M. Bibulus: for, though you had granted him leave to hold a levy in Asia, he has declined to do so. For auxiliaries raised from the allies, owing to the harshness and injustice of our rule, are either so weak that they can do us little service, or so disaffected to us that it seems improper to expect anything from them or trust anything to them. Both the loyalty and the forces, whatever their amount, of king Deiotarus I reckon as

being at our service. Cappadocia has nothing to give. Other kings and despots are not to be relied upon either in regard to their resources or their loyalty. For myself, in spite of this short supply of soldiers, I shall certainly show no lack of courage, nor, I hope, of prudence either. What will happen is uncertain. I pray that I may be able to secure my safety! I will certainly secure my honour.

LETTER 2

TO THE MAGISTRATES AND SENATE CYBISTRA (SEPTEMBER)

M. Tullius Cicero, son of Marcus, greets the consuls, praetors, tribunes, and senate. If you are well, I am glad. I and the army are well.

Having entered the province on the last day of July, not having been able to arrive earlier owing to the difficulty of the journey both by land and sea, I thought the thing most suitable to my office, and most conducive to the public welfare, was to provide everything affecting the army and its active service. These arrangements having been made by me with more care and energy than means or sufficient supplies, and messages and letters reaching me nearly every day concerning an invasion of the province of Syria by the Parthians, I thought that I ought to direct my march through Lycaonia, the Isaurians, and Cappadocia. For there was very strong reason to conjecture that, should the Parthians endeavour to quit Syria and invade my province, they would march through Cappadocia, as being most completely open to them. Accordingly, I marched with the army through that part of Cappadocia which borders on Cilicia, and pitched my camp at Cybistra, which is a town at the foot of Mount Taurus, in order that Artavasdes, the Armenian king, whatever his disposition, might know that an army of the Roman people was not far from his frontier; and that I might have in as close contact as possible king Deiotarus, a sovereign who is most loyal and devoted to our Republic, since his advice and material support might be of assistance to the public interests. Having my camp in this place, and having sent the cavalry into Cilicia — in order that my arrival, having been notified to the communities in that region, might confirm the loyal dispositions of all, and at the same time that I might get early information of what was going on in Syria —

I thought I ought to give the three days of my stay in that camp to a high and necessary duty. For, seeing that a formal resolution of yours had imposed upon me the duty of protecting king Ariobarzanes

(surnamed Eusebes and Philorhomaeus), of defending the personal safety of that sovereign and the integrity of his dominions, and of being the guardian of king and kingdom alike: and seeing that you had appended a declaration that the safety of that sovereign was a matter of great concern to the people and senate — a decree such as had never been passed by our house concerning any king before — I thought myself bound to report the expression of your opinion to the king, and to promise him my protection and a faithful and energetic support, in order that, as his personal safety and the integrity of his dominions had been commended to my care, he might communicate to me anything he wished to be done. Having, in the presence of my council, communicated these things to the king, he began his reply by the proper expression of his warmest thanks to you: and then went on to thank me also, saying that he looked upon it as a very great and honourable distinction that his personal safety should be a matter of concern to the senate and people of Rome, and that I should exhibit such energy as to put beyond doubt my own good faith and the weight of your recommendation. And, indeed, at this first interview, he also assured me of what I was very delighted to hear, that he neither knew nor had a suspicion of any plots either against his own life or against his kingdom. After I had congratulated him and said that I rejoiced to hear it, and yet had advised him as a young man to remember the disaster of his father's death, to protect himself with vigilance, and, in accordance with the injunction of the senate, to take measures for his safety, he then left me and returned to the town of Cybistra. However, next day he came to visit me in the camp, accompanied by his brother Ariarathes and some elder men, who had been his father's friends. In a state of agitation and with tears in his eyes — his brother and friends showing the same signs of distress — he began appealing to my good faith and the charge imposed on me by you. On my asking with surprise what had occurred, he said that "information of an undoubted conspiracy had been communicated to him,

which had been withheld from him before my arrival, because those who might have denounced it to him had kept silence through fear, but that now, relying upon my protection several persons had boldly informed him of what they knew: that among these his most

devoted brother had told him" (a story which the latter repeated in my hearing) "that he had been solicited to aim at becoming king: that so long as his brother was alive he could not accept that suggestion; but that from fear of the danger he had never revealed the circumstance." After this speech I advised the king that he should take every precaution to preserve his life; and I exhorted the friends, who had enjoyed the confidence of his father and grandfather, to guard the life of their sovereign with all care and vigilance, warned by his father's most lamentable murder. Upon the king asking me for some cavalry and cohorts from my army, though I was fully aware that in view of your senatorial decree I was not only authorized, but even bound to comply, yet, since the public interests demanded, owing to the news daily arriving from Syria, that I should lead the army as soon as possible to the frontiers of Cilicia — and since the king, now that the plot had been denounced, seemed not to be in need of an army of the Roman people, but to be capable of defending himself by his own resources, I urged him to learn his first lesson in the art of ruling by taking measures to preserve his life: that upon those by whom he had discovered that a plot was being laid against him he should exercise his sovereign rights: punish those who must be punished, relieve the rest from fear: use the protection of my army rather to inspire fear in the guilty than to keep up a state of civil war: the result would be no doubt that all, having been made acquainted with the decree of the senate, would understand that in accordance with your resolution I should protect the king if necessary.

Having thus encouraged him, I broke up my camp there, and began my march into Cilicia, leaving behind me on my departure from Cappadocia an impression that by your policy my arrival, owing to a strange and almost providential accident, had relieved from an actual plot a sovereign to whom you had given unsolicited that title in most complimentary terms, whom you had entrusted to my honour,

and whose safety you had declared in a decree to be a matter of great concern to you. I thought it was not improper that my despatch should inform you of this circumstance, in order that you might learn from what almost happened that you had long before taken the precautions necessary to prevent it: and I have been all the more

ready to give you the information, because in king Ariobarzanes I think I have detected such signs of virtue and ability, as well as of good faith and loyalty to you, that you appear to have had good reason for all the care and energy you have devoted to his protection.

LETTER 3

TO M. PORCIUS CATO (AT ROME) ICONIUM, 28 AUGUST

Ambassadors sent to me by Antiochus of Commagene having arrived at the camp at Iconium on the 28th of August,

and having announced to me that the son of the king of the Parthians, whose wife was the sister of the king of the Armenians, had arrived on the Euphrates with a very large force of Parthians, and a great host of other nations besides, and had actually begun the passage of the Euphrates, and that it was reported that the Armenian king was about to make a raid upon Cappadocia — I thought that, considering our close friendship, I ought to write and tell you this news. I have sent no public despatch for two reasons: first, because the ambassadors said that the Commagenian himself had at once sent messengers and a despatch to the senate; and, secondly, because I believed that M. Bibulus, proconsul of Syria, who started thither by sea from Ephesus about the 13th of August, seeing that he had had the wind in his favour, had by this time arrived in his own province, and I thought that the senate was sure to get more definite information on all points in a despatch from him. For myself, considering the circumstances and the gravity of the war, my chief anxiety is to retain by my own leniency and purity, and the loyalty of our allies, what I can scarcely hope to retain by the amount of my forces and material resources. I would beg you, on your part, to continue your habitual affection for me and the defence of me in my absence.

LETTER 4

TO M. PORCIUS CATO (AT ROME) CILICIA (JANUARY)

Your own immense prestige and my unvarying belief in your consummate virtue have convinced me of the great importance it is to me that you should be acquainted with what I have accomplished, and that you should not be ignorant of the equity and disinterestedness with which I protected our allies and governed my province. For if you knew these facts, I thought I should with greater ease secure your approval of my wishes.

Having entered my province on the last day of July, and seeing that the time of year made it necessary for me to make all haste to the army, I spent but two days at Laodicea, four at Apamea, three at Synnada, and the same at Philomelium. Having held largely attended assizes in these towns, I freed a great number of cities from very vexatious tributes, excessive interest, and fraudulent debt. Again, the army having before my arrival been broken up by something like a mutiny, and five cohorts — without a legate or a — military tribune, and, in fact, actually without a single centurion- having taken up its quarters at Philomelium, while the rest of the army was in Lycaonia, I ordered my legate M. Anneius to bring those five cohorts to join the main army; and, having thus got the whole army together into one place, to pitch a camp at Iconium in Lycaonia This order having been energetically executed by him, I arrived at the camp myself on the 24th of August, having meanwhile, in accordance with the decree of the senate, collected in the intervening days a strong body of reserve men, a very adequate force of cavalry, and a contingent of volunteers from the free peoples and allied sovereigns. While this was going on, and when, after reviewing the army, I had on the 28th of August begun my march to Cilicia, some legates sent to me by the sovereign of Commagene announced, with every sign of panic, yet not without some foundation, that the Parthians had entered Syria. On hearing this I was rendered very anxious both for Syria and my own province, and, in fact, for all the rest of Asia. Accordingly, I made up my mind that

I must lead the army through the district of Cappadocia, which adjoins Cilicia. For if I had gone straight down into Cilicia, I could easily indeed have held Cilicia itself, owing to the natural strength of Mount Amanus — for there are only two defiles opening into Cilicia from Syria, both of which are capable of being closed by insignificant garrisons owing to their narrowness, nor can anything be imagined better fortified than is Cilicia on the Syrian side — but I was disturbed for Cappadocia, which is quite open on the Syrian side, and is surrounded by kings, who, even if they are our friends in secret, nevertheless do not venture to be openly hostile to the Parthians. Accordingly, I pitched my camp in the extreme south of Cappadocia at the town of Cybistra, not far from Mount Taurus, with the object at once of covering Cilicia, and of thwarting the designs of the neighbouring tribes by holding Cappadocia. Meanwhile, in the midst of this serious commotion and anxious expectation of a very formidable war, king Deiotarus, who has with good reason been always highly honoured in your judgment and my own, as well as that of the senate — a man distinguished for his goodwill and loyalty to the Roman people, as well as for his eminent courage and wisdom — sent legates to tell me that he was on his way to my camp in full force. Much affected by his zeal and kindness, I sent him a letter of thanks, and urged him to hasten. However, being detained at Cybistra five days while maturing my plan of campaign, I rescued king Ariobarzanes, whose safety had been entrusted to me by the senate on your motion, from a plot that, to his surprise, had been formed against him: and I not only saved his life, but I took pains also to secure that his royal authority should be respected Metras and Athenaeus (the latter strongly commended to me by yourself), who had been exiled owing to the persistent enmity of queen Athenais, I restored to a position of the highest influence and favour with the king. Then, as there was danger of serious hostilities arising in Cappadocia in case the priest, as it was thought likely that he would do, defended himself with arms — for he was a young man, well furnished with horse and foot and money, and relying on those all who desired political change of any sort — I contrived that he should leave the kingdom: and that the king, without civil war or an appeal to arms, with the full authority of the court thoroughly secured,

should hold the kingdom with proper dignity. Meanwhile, I was informed by despatches and messengers from many sides, that the Parthians and Arabs had approached the town of Antioch in great force, and that a large body of their horsemen, which had crossed into Cilicia, had been cut to pieces by some squadrons of my cavalry and the praetorian cohort then on garrison duty at Epiphanea. Wherefore, seeing that the forces of the Parthians had turned their backs upon Cappadocia, and were not far from the frontiers of Cilicia, I led my army to Amanus with the longest forced marches I could. Arrived there, I learnt that the enemy had retired from Antioch, and that Bibulus was at Antioch. I thereupon informed Deiotarus, who was hurrying to join me with a large and strong body of horse and foot, and with all the forces he could muster, that I saw no reason for his leaving his own dominions, and that in case of any new event, I would immediately write and send to him. And as my intention in coming had been to relieve both provinces, should occasion arise, so now I proceeded to do what I had all along made up my mind was greatly to the interest of both provinces, namely, to reduce Amanus, and to remove from that mountain an eternal enemy. So I made a feint of retiring from the mountain and making for other parts of Cilicia: and having gone a day's march from Amanus and pitched a camp, on the 12th of October, towards evening,

at Epiphanea, with my army in light marching order I effected such a night march, that by dawn on the 13th I was already ascending Amanus. Having formed the cohorts and auxiliaries into several columns of attack — I and my legate Quintus (my brother) commanding one, my legate C. Pomptinus another, and my legates M. Anneius and L. Tullius the rest — we surprised most of the inhabitants, who, being cut off from all retreat, were killed or taken prisoners. But Erana, which was more like a town than a village, and was the capital of Amanus, as also Sepyra and Commoris, which offered a determined and protracted resistance from before daybreak till four in the afternoon Pomptinus being in command in that part of Amanus — we took, after killing a great number of the enemy, and stormed and set fire to several fortresses. After these operations we lay encamped for four days on the spurs of Amanus, near the Arae Alexandri, and all that time we devoted to the destruction of the

remaining inhabitants of Amanus, and devastating their lands on that side of the mountain which belongs to my province. Having accomplished this, I led the army away to Pindenissus, a town of the Eleutherocilices. And since this town was situated on a very lofty and strongly fortified spot, and was inhabited by men who have never submitted even to the kings, and since they were offering harbourage to deserters, and were eagerly expecting the arrival of the Parthians, I thought it of importance to the prestige of the empire to suppress their audacity, in order that there might be less difficulty in breaking the spirits of all such as were anywhere disaffected to our rule. I encircled them with a stockade and trench: I beleaguered them with six forts and huge camps: I assaulted them by the aid of earthworks, pent-houses, and towers: and having employed numerous catapults and bowmen, with great personal labour, and without troubling the allies or costing them anything, I reduced them to such extremities that, after every region of their town had been battered down or fired, they surrendered to me on the fifty-seventh day. Their next neighbours were the people of Tebara, no less predatory and audacious: from them after the capture of Pindenissus I received hostages. I then dismissed the army to winter quarters; and I put my brother in command, with orders to station the men in villages that had either been captured or were disaffected.

Well now, I would have you feel convinced that, should a motion be brought before the senate on these matters, I shall consider that the highest possible compliment has been paid me, if you give your vote in favour of a mark of honour being bestowed upon me. And as to this, though I am aware that in such matters men of the most respectable character are accustomed to ask and to be asked, yet I think in your case that it is rather a reminder than a request which is called for from me. For it is you who have on very many occasions complimented me in votes which you delivered, who have praised me to the skies in conversation, in panegyric, in the most laudatory speeches in senate and public meeting: you are the man to whose words I ever attached such weight as to hold myself in possession of my utmost ambition, if your lips joined the chorus of my praise. It was you finally, as I recollect, who said, when voting against a supplicatio in honour of a certain illustrious and noble person, that

you would have voted for it, if the motion had related to what he had done in the city as consul. It was you, too, who voted for granting me a supplicatio, though only a civilian, not as had been done in many instances, "for good services to the state," but, as I remember, "for having saved the state." I pass over your having shared the hatred I excited,

the dangers I ran, all the storms that I have encountered, and your having been entirely ready to have shared them much more fully if I had allowed it; and finally your having regarded my enemy as your own; of whose death even-thus shewing me clearly how much you valued me — you manifested your approval by supporting the cause of Milo in the senate. On the other hand, I have borne a testimony to you, which I do not regard as constituting any claim on your gratitude, but as a frank expression of genuine opinion: for I did not confine myself to a silent admiration of your eminent virtues — who does not admire them? But in all forms of speech, whether in the senate or at the bar; in all kinds of writing, Greek or Latin; in fine, in all the various branches of my literary activity, I proclaimed your superiority not only to contemporaries, but also to those of whom we have heard in history.

You will ask, perhaps, why I place such value on this or that modicum of congratulation or compliment from the senate. I will be frank with you, as our common tastes and mutual good services, our close friendship, nay, the intimacy of our fathers demand. If there ever was anyone by natural inclination, and still more, I think, by reason and reflexion, averse from the empty praise and comments of the vulgar, I am certainly the man. Witness my consulship, in which, as in the rest of my life, I confess that I eagerly pursued the objects capable of producing true glory: mere glory for its own sake I never thought a subject for ambition. Accordingly, I not only passed over a province after the votes for its outfit had been taken, but also with it an almost certain hope of a triumph and finally the priesthood, though, as I think you will agree with me, I could have obtained it without much difficulty, I did not try to get. Yet after my unjust disgrace — always stigmatized by you as a disaster to the Republic, and rather an honour than a disaster to myself — I was anxious that some very signal marks of the approbation of the senate and Roman

people should be put on record.

Accordingly, in the first place, I did subsequently wish for the augurship, about which I had not troubled myself before; and the compliment usually paid by the senate in the case of success in war, though passed over by me in old times, I now think an object to be desired. That you should approve and support this wish of mine, in which you may trace a strong desire to heal the wounds inflicted upon me by my disgrace, though I a little while ago declared that I would not ask it, I now do earnestly ask of you: but only on condition that you shall not think my humble services paltry and insignificant, but of such a nature and importance, that many for far less signal successes have obtained the highest honours from the senate. I have, too, I think, noticed this — for you know how attentively I ever listen to you — that in granting or withholding honours you are accustomed to look not so much to the particular achievements as to the character, the principles and conduct of commanders. Well, if you apply this test to my case, you will find that, with a weak army, my strongest support against the threat of a very formidable war has been my equity and purity of conduct. With these as my aids I accomplished what I never could have accomplished by any amount of legions: among the allies I have created the warmest devotion in place of the most extreme alienation; the most complete loyalty in place of the most dangerous disaffection; and their spirits fluttered by the prospect of change I have brought back to feelings of affection for the old rule.

But I have said too much of myself, especially to you, in whom singly the grievances of all our allies alike find a listener. You will learn the truth from those who think themselves restored to life by my administration. And while all with nearly one consent will praise me in your hearing as I most desire to be praised, so will your two chief client states — the island of Cyprus and the kingdom of Cappadocia

— have something to say to you about me also. So, too, I think, will Deiotarus, who is attached to you with special warmth. Now, if these things are above the common run, and if in all ages it has been rarer to find men capable of conquering their own desires than capable of conquering an enemy's army, it is quite in harmony with

your principles, when you find these rarer and more difficult virtues combined with success in war, to regard that success itself as more complete and glorious.

I have only one last resource — philosophy: and to make her plead for me, as though I doubted the efficacy of a mere request: philosophy, the best friend I have ever had in ail my life, the greatest gift which has been bestowed by the gods upon mankind. Yes! this common sympathy in tastes and studies — our inseparable devotion and attachment to which from boyhood have caused us to become almost unique examples of men bringing that true and ancient philosophy (which some regard as only the employment of leisure and idleness) down to the forum, the council chamber, and the very camp itself — pleads the cause of my glory with you: and I do not think a Cato can, with a good conscience, say her nay. Wherefore I would have you convince yourself that, if my despatch is made the ground of paying me this compliment with your concurrence, I shall consider that the dearest wish of my heart has been fulfilled owing at once to your influence and to your friendship.

LETTER 5

M. PORCIUS CATO TO CICERO (IN CILICIA) ROME (JUNE)

I gladly obey the call of the state and of our friendship, in rejoicing that your virtue, integrity, and energy, already known at home in a most important crisis, when you were a civilian, should be maintained abroad with the same painstaking care now that you have military command. Therefore what I could conscientiously do in setting forth in laudatory terms that the province had been defended by your wisdom; that the kingdom of Ariobarzanes, as well as the king himself, had been preserved; and that the feelings of the allies had been won back to loyalty to our empire — that I have done by speech and vote. That a thanksgiving was decreed I am glad, if you prefer our thanking the gods rather than giving you the credit for a success which has been in no respect left to chance, but has been secured for the Republic by your own eminent prudence and self-control. But if you think a thanksgiving to be a presumption in favour of a triumph, and therefore prefer fortune having the credit rather than yourself, let me remind you that a triumph does not always follow a thanksgiving; and that it is an honour much more brilliant than a triumph for the senate to declare its opinion, that a province has been retained rather by the uprightness and mildness of its governor, than by the strength of an army or the favour of heaven: and that is what I meant to express by my vote. And I write this to you at greater length than I usually do write, because I wish above all things that you should think of me as taking pains to convince you, both that I have wished for you what I believed to be for your highest honour, and am glad that you have got what you preferred to it. Farewell: continue to love me; and by the way you conduct your home-journey, secure to the allies and the Republic the advantages of your integrity and energy.

LETTER 6

TO M. PORCIUS CATO (AT ROME) (ASIA, SEPTEMBER)

RIGHT glad am I to be praised" — says Hector, I think, in Naevius —"by thee, reverend senior, who hast thyself been praised." For certainly praise is sweet that comes from those who themselves have lived in high repute. For myself, there is nothing I should not consider myself to have attained either by the congratulation contained in your letter, or the testimony borne to me in your senatorial speech: and it was at once the highest compliment and the greatest gratification to me, that you willingly conceded to friendship, what you transparently conceded to truth. And if, I don't say all, but if many were Catos in our state — in which it is a matter of wonder that there is even one — what triumphal chariot or laurel should I have compared with praise from you? For in regard to my feelings, and in view of the ideal honesty and subtilty of your judgment, nothing can be more complimentary than the speech of yours, which has been copied for me by my friends. But the reason of my wish, for I will not call it desire, I have explained "to you in a 'former letter. And even if it does not appear to you to be entirely sufficient, it at any rate leads to this conclusion not that the honour is one to excite excessive desire, but yet is one which, if offered by the senate, ought certainly not to be rejected. Now I hope that that House, considering the labours I have undergone on behalf of the state, will not think me undeserving of an honour, especially one that has become a matter of usage. And if this turns out to be so, all I ask of you is that — to use your own most friendly words — since you have paid me what in your judgment is the highest compliment, you will still "be glad" if I have the good fortune to get what I myself have preferred. For I perceive that you have acted, felt, and written in this sense: and the facts themselves shew that the compliment paid me of a supplicatio was agreeable to you, since your name appears on the decree: for decrees of the senate of this nature are, I am aware, usually drawn out by the warmest friends of the man concerned in the honour. I shall, I hope, soon see you, and may it be in a better

state of political affairs than my fears forbode!

LETTER 7

TO GAIUS CLAUDIUS MARCELLUS (CONSUL DESIGNATE)
(LYCAONIA, SEPTEMBER)

I was exceedingly rejoiced to hear of your election as consul , and pray that the gods may bless your office to you, and that it may be administered by you in a manner worthy of your own and your father's position. For I have always loved and regarded you, as well as having had reason to know your exceeding affection for myself in all the course of my chequered fortunes. Moreover, having by numerous acts of kindness from your father been both defended in times of adversity and honoured in times of prosperity, I not only am, but am bound to be, devoted to your family, especially as from your most revered and excellent mother I have been fully aware of having received greater services in support of my safety and position than were to be expected from a lady. Wherefore I beg you with more than common earnestness to continue to regard and support me in my absence.

LETTER 8

TO GAIUS CLAUDIUS MARCELLUS (AUGUR) (LYCAONIA, SEPTEMBER)

That your son Marcellus has been elected consul, and that you have experienced the joy which you above all things desired, give me extraordinary pleasure, and that both for his own sake, and because in my opinion you richly deserve every success of the best sort: for I have had reason to know your unexampled goodness to me both in weal and woe; in fact, I have experienced the greatest kindness and the most eager support from your whole family, whether it were a question of my civil existence or official advancement. Wherefore I shall be much obliged if you will congratulate for me that most revered and excellent lady, your wife Iunia. From yourself I ask your habitual regard and support in my absence.

LETTER 9

TO M. CLAUDIUS MARCELLUS (CONSUL) (LYCAONIA, SEPTEMBER)

I am exceedingly glad that by the election of Gaius Marcellus to the consulate you have reaped the reward of your loyalty to your friends, your patriotic spirit, and your own most brilliant and excellent consulship. I have no doubt about the feelings of those at home: for myself, indeed, distant as I am and sent by your own action to the other end of the earth, I am praising you, by Hercules, up to the skies with the most sincere and well-deserved compliments. For as I have had from boyhood a singular affection for you, while you have ever wished and judged me to be a man of the widest influence, so by this achievement, whether due to yourself or the favourable judgment of the Roman people concerning you, my affection for you has become warmer and stronger, and I feel the greatest delight when I am told by people of the greatest wisdom and men of the highest character, that in word and deed, in tastes and principles, I am like you or you are like me. If you will add one thing to the eminent achievements of your consulship-the securing of some one to succeed me at the earliest possible opportunity, or the prevention of any addition being made to the time which you defined in virtue both of a senatorial decree and of the law — I shall consider that I shall owe you everything. Take care of your health and let me have your regard and support in my absence. The news that has reached me about the Parthians, as I do not think it necessary at present to send an official despatch about them, I have resolved not to communicate to you as my intimate friend, for, as I was addressing a consul, it might be considered that I was writing officially.

LETTER 10

TO L. CLAUDIUS MARCELLUS (CONSUL) CILICIA
(JANUARY)

Since the dearest wish of my heart has come to pass, that of all the Marcelli and even the Marcellini — for the good feeling of your whole family and name towards me has ever been extraordinary — since, I say, it has come to pass that your possession of the consulship enables you to satisfy the views of all your family, that consulship in which it also happens that my public services and the glory and distinction accompanying them have fallen, I ask you a favour which it is very easy for you to grant, since the senate, I believe, is not averse, namely, to see to a senatorial decree being passed in as complimentary terms as possible when my despatch is read. Had the ties between you and me been less than those between me and all the members of your family, I would have made those my spokesmen to you, by whom you know well that I am regarded with special affection. The kindnesses done me by your father are very eminent, nor could anyone have been a warmer friend to my personal safety or my political position. As for your brother, I don't think that there is anyone who does not know how much he values and has ever valued me. In fact, your whole house has always honoured me with the most important services of every kind. Nor, indeed, have you yielded to any of your family in affection for me. Wherefore I ask you, with more than common earnestness, to determine that, as far as you are concerned, I shall receive the highest possible compliment, and to consider that in voting a supplicatio and in all other matters you have sufficient motive for defending my reputation.

LETTER 11

TO C. CLAUDIUS MARCELLUS (CONSUL) (ASIA, AUGUST)

How much trouble you have taken as to the honour to be bestowed on me, and how far your conduct as consul in complimenting me and promoting my dignity has been exactly the same as — in common with your ancestors and your whole family — it had always been before, though facts spoke for themselves, I have nevertheless been informed by letters from all my friends. Accordingly, there is no service so great that I am not bound and fully purposed zealously and gladly to do in your interests. For it makes a great difference who the man is to whom one is under an obligation: but there is no one to whom I preferred to be under an obligation before yourself, to whom, while common interests and kindnesses received both from your father and yourself had already closely united me, there is now added what in my opinion is the strongest bond of all, the fact that your present and past administration of the Republic (the thing dearest to me in the world) is of such a nature, that I cannot disown an obligation to you in my single person as great as that which all loyalists put together owe you. Wherefore I wish you the success which you deserve, and which I feel confident you will have. Unless my voyage, which falls in precisely with the Etesian winds, delays me, I hope to see you shortly.

LETTER 12

TO L. AEMILIUS PAULLUS (CONSUL-DESIGNATE)
(LYCAONIA, SEPTEMBER)

THOUGH I never doubted that the Roman people, considering your eminent services to the Republic and the splendid position of your family, would enthusiastically elect you consul by a unanimous vote, yet I had a feeling of intense exultation when the news reached me; and I pray the gods to render your official career fortunate, and that your office may be administered by you in a manner worthy of your own and your ancestors' position. And would that it had been in my power to have been at home to see that most wished — for day, and to have rendered you the service and support which your magnificent services and kindness to me deserved! But since the unexpected and unlooked — for accident of my having to take a province has deprived me of that opportunity, yet, that I may be enabled to see you as consul actually administering the state in a manner worthy of your position, I earnestly beg you to take care to prevent my being treated unfairly, or any additional time being added to my year's term of office. If you do that, you will abundantly crown your former kindnesses to me.

LETTER 13

TO L. AEMILIUS PAULLUS (CONSUL) CILICIA, JANUARY

IT has been one of the strongest wishes of my heart to be in Rome with you on many accounts, but especially that you might have clearly before your eyes, both during your canvass and your actual administration, how eager I was to fulfil my obligation to you. And, indeed, as far as your canvass was concerned, it always seemed to me to be plain sailing, yet I nevertheless wished to give some actual aid. In your consulship truly I am anxious that you should have still less difficulty, yet I am vexed to think that I, as consul, had a full view of your zealous kindness when you were a young man, whilst you cannot have one of mine now that I am so far advanced in life. But there has been, I think, a kind of fatality ordaining that you should always have the opportunity of advancing my honour, while I never had anything-except the wish — enabling me to repay you. My consulship and my restoration alike you honoured by your support. It has happened that the occasion for my performing active public service has fallen in your consulship. Accordingly, though your brilliant position and high rank, as well as my own great office and high reputation, would seem to demand that I should urge you, and beg you at some length, to see to a decree of the senate being passed on the subject of my services in as complimentary terms as possible, yet I do not venture to put it strongly to you, lest I should appear to have forgotten your habitual kindness to me, or should admit the thought of your having forgotten. Accordingly, I will do as I think you would wish, and confine my petition to a few words, when it is made to a man that all the world knows has done me eminent service. If others had been consuls, you are the man of all others, Paullus, to whom I should have sent asking you to secure for me their warmest support. As it is, the chief power and greatest influence being in your hands, and our close connexion being known to everybody, I do beg you warmly, that you should see to a decree being passed in regard to my services in as complimentary terms and as speedily as possible. That these services deserve honour and congratulation you will learn

from the despatch which I have addressed officially to you, your colleague, and the senate. I would further beg you to undertake the support of my other interests of every kind, and above all of my reputation. And let it be among your first concerns, as I asked you in a previous letter also, to prevent any extension of time in my tenure of office. I am eager to see you while you are still consul, and to gain all I hope for in your consulship, whether here or at home. Farewell.

LETTER 14

TO C. CASSIUS LONGINUS (PROQUAESTOR IN SYRIA)
CILICIA, JANUARY

M. CICERO, imperator, greets C. Cassius, proquaestor. You introduce M. Fadius to me as a friend, but I make no fresh acquisition in him; for it is now many years since he has been among my cherished possessions, and valued by me for his exceeding kindness and attentions. Nevertheless, the discovery of his attachment to you has made him still dearer to me. So, though your letter did some good, yet a still more powerful recommendation was my clear perception and recognition of his own warm feeling for you. However, I will take every pains to do for Fadius what you ask. It is yourself that I could wish for many reasons had been able to visit me: in the first place, that I might see you after so long a separation — a man whom I have long valued so highly; in the second place, that I might offer my personal congratulations, as I have already done by letter; thirdly, that we might consult together on whatever matters we wished, you on yours, I on mine; and lastly, that our friendship, which has been kept up by the interchange of signal services on both sides, but has had its continuity interrupted by periods of separation, might be greatly strengthened. Since this was not to be, we will avail ourselves of what letters can do for us, and shall, though separated, attain almost the same objects as we should have done if we had met face to face. One satisfaction, of course, that which arises from the actual sight of you, cannot be obtained by the help of letters: the other, the pleasure, I mean, of congratulating you, though more meagre than it would have been, if I could have seen your face while offering my congratulations, I have nevertheless already experienced and now give myself again: and I do indeed congratulate you both on the splendour of your services, and also for their opportuneness, in that at the moment of your departure from it you have been followed by the loudest praises and the liveliest gratitude of your province. My third point — that we might have consulted each other about our affairs — that let us do equally by

letter. On every other account I am strongly of opinion that you ought to hasten your return to Rome. For things there, as I left them, shewed no signs of a storm as far as you are concerned, and owing to your recent very splendid victory I imagine that your arrival will be attended by greatŽclat. But if the difficulties under which your relations are labouring are no more than you can combat, hasten home: nothing could be nobler or more popular: but if they are more serious, take care that your return does not fall at a most inopportune moment. You are the sole judge on this point, for you alone know your powers. If you are strong enough to do it, you are sure of praise and popularity: if you are clearly not strong enough, it will be easier for you to support popular remark by staying away. For myself, however, the request I make to you in this letter is the same as that in my previous one — that you should exert yourself to the utter-most to prevent any extension of time being made to my provincial government, which both by decree of the senate and by the law was to be of one year's duration. I press this upon you with warmth, because I consider my entire fortunes to depend upon it. You have Paullus to support you — my friend, and a very warm one: you have Curio and Furnius. I beg you to exert yourself, with the assurance that it is every-thing in the world to me. My last point was the strengthening of our friendship. On that there is no need of more words. You sought my society in your boyhood: I for my part ever thought that you would be a credit to me. You were, moreover, a protection to me in the darkest hour of my fortunes. To these facts I may now add the very close intimacy which has sprung up since you left town between me and your relative Brutus. Therefore, in the talents and high character which distinguish you both, I believe that I have a very great reserve of pleasure and honour in store. t beg you earnestly to ratify this expectation, and also to write to me at once, and as often as possible after your arrival at Rome.

LETTER 15

TO GAIUS CASSIUS (IN ASIA?) BRUNDISIUM (AUGUST OR EARLY SEPTEMBER)

ALTHOUGH both of us, from a hope of peace and a loathing for Civil bloodshed, desired to hold aloof from an obstinate prosecution of war, nevertheless, since I think I was the first to adopt that policy, I am perhaps more bound to give you satisfaction on that point, than to expect it from you. Although, as I am often wont to recall in my own mind, my intimate talk with you and yours with me led us both to the Conclusion that it was reasonable that, if not the cause as a whole, yet at least our judgment should be decided by the result of one battle. Nor does anyone ever sincerely criticise this opinion of ours, except those who think it better that the constitution should be utterly destroyed, rather than remain in a maimed and weakened state. I, on the Contrary, saw of course no personal hope from its destruction, much from its surviving fragments. But a state of things has followed which makes it more surprising that those events were possible, than that we did not foresee what was going to happen, and were unable with our merely human faculties to prophesy it. For my part, I confess that my view was that, when that battle had been fought, which seemed as it were to be the last word of fate, the conquerors would desire measures to be taken for the safety of the community at large, the conquered for their own. But both of these policies I regarded as depending on the promptness of the victor. If that promptness had been displayed, Africa would have experienced the same indulgence which Asia and Achaia too have witnessed, you yourself, as I think, acting as agent and intercessor. But the hours having been allowed to slip away-always most precious, and never more so than in civil wars — the year that intervened induced some to hope for victory, others to think lightly of the defeat itself. And the blame for all this mischief is on the shoulders of fortune. For who would have thought such a serious delay as that of the Alexandrian war was going to be added to the war already fought, or that a princeling like that Pharnaces of yours was going to cause a panic in

Asia.

For ourselves, however, though our policy was the same, our fortune has been different. For you have adopted the r™le of taking an active part in his councils, and of thus keeping yourself in a position to foresee what was going to happen, which more than anything else relieves one's anxiety. I, who was in a hurry to see Caesar in Italy — for that is what I thought would happen-and, when he returned after sparing many of the most honourable men, to "spur the willing horse" (as the phrase goes) in the direction of peace, am now most widely separated from him, and have been so all along. Moreover, I am living in the hearing of the groans of Italy and the most heartrending complaints in Rome: to which we might perhaps have contributed some alleviation, I in my way, you in yours, and everyone in his own, if only the chief man had been there. Wherefore I would have you, in view of your unbroken affection for me, write and tell me what you know, what you feel, and what you think I am to expect or ought to do. A letter from you will be of great value in my eyes, and would that I had obeyed that first one, which you sent me from Luceria! For I should then have retained my position without any of this distress. [Between the date of the last letter to Terentia (1 September) and that of the next (1 October) Caesar had landed at Tarentum, and, meeting Cicero, who was coming to greet him, alighted from his carriage, embraced him, had a long conversation with him on the road, and gave him free leave to live where he chose. Cicero seems to have at once started for his favourite round of visits to his villas, and then gone to Rome. This is the end, then, of the episode in his life connected with the Civil War. Henceforth, till Caesar's assassination, he lives a comparatively retired and literary life, seldom appearing in the senate or as an advocate.]

LETTER 16

TO C. CASSIUS LONGINUS (AT BRUNDISIUM) ROME (JANUARY)

I think you must be a little ashamed at this being the third letter inflicted on you before I have a page or a syllable from you. But I will not press you: I shall expect, or rather exact, a longer letter. For my part, if I had a messenger always at hand, I should write even three an hour. For somehow it makes you seem almost present when I write anything to you, and that not "by way of phantoms of images," as your new friends express it, who hold that "mental pictures" are caused by what Catius called "spectres" — for I must remind you that Catius Insuber the Epicurean, lately dead, calls "spectres" what the famous Gargettius, and before him Democritus, used to call "images." Well, even if my eyes were capable of being struck by these "spectres," because they spontaneously run in upon them at your will, I do not see how the mind can be struck. You will be obliged to explain it to me, when you return safe and sound, whether the "spectre" of you is at my command, so as to occur to me as soon as I have taken the fancy to think about you; and not only about you, who are in my heart's core, but supposing I begin thinking about the island of Britain — will its image fly at once into my mind? But of this later on. I am just sounding you now to see how you take it. For if you are angry and annoyed, I shall say more and demand that you be restored to the sect from which you have been ejected by "violence and armed force." In an injunction of this sort the words "within this year" are not usually added. Therefore, even if it is now two or three years since you divorced Virtue, seduced by the charms of Pleasure, it will still be open for me to do so. And yet to whom am I speaking? It is to you, the most gallant of men, who ever since you entered public life have done nothing that was not imbued to the utmost with the highest principle. In that very sect of yours I have a misgiving that there must be more stuff than I thought, if only because you accept it. "How did that come into your head?" you will say. Because I had nothing else to say. About

politics I can write nothing: for I don’t choose to write down my real opinions.

LETTER 17

TO C. CASSIUS LONGINUS (AT BRUNDISIUM) ROME (JANUARY)

YOU have most unreasonable letter-carriers, though I am not personally angry with them. But, after all, when they are leaving me they demand a letter, when they come to me they bring none. And even as to the former, they would have consulted my convenience better if they had given me some interval for writing; but they come to me with their travelling caps on, declaring that their company is waiting for them at the city gate. Therefore you must pardon me: you shall have here another short note, but expect full details presently. Yet why should I apologize to you, when your men come to me with empty hands and return to you with letters. Here — for after all I will write something to you — we have the death of P. Sulla the elder: according to some from an attack of footpads, according to others from an attack of indigestion. The people don't trouble themselves, for they are assured that he is dead and burnt. Your philosophy will enable you to bear this; though we have lost a well-known "feature of the city." People think that Caesar will be vexed for fear of his auctions becoming flat. Mindius Marcellus and Attius the paintseller are delighted at having lost a rival bidder.

There is no news from Spain, and a very great anxiety for some: the rumours are rather gloomy, but are not authenticated. Our friend Pansa left town in military array on the 29th of December. It is enough to convince anyone of what you have recently begun to doubt, that "the good is desirable for its own sake." For because he has relieved many of their misfortunes, and has shewn humanity in these evil times, he was attended by an extraordinary display of affection on the part of good men. I very much approve of your having stayed on at Brundisium, and I am very glad you have done so, and, by Hercules, I think that you will act wisely if you don't trouble yourself about vain things. Certainly I, who love you, shall be glad if it is so. And pray, next time you are sending a packet home, don't forget me. I will never allow anyone, if I know it, to go

to you without a letter from me.

LETTER 18

TO C. CASSIUS LONGINUS (AT BRUNDISIUM) ROME
(JANUARY?)

MY letter would have been longer, had not the messenger come for it when he was just on the point of starting for you. It would have been longer also if it had any persiflage in it, for we cannot be serious with safety. “Can we laugh, then?” you will say. No, by Hercules, not very easily. Yet other means of distraction from our troubles we have none. “Where, then,” you will say, “is your philosophy?” Yours indeed is in the kitchen, mine in the schools. For I

am ashamed of being a slave. Accordingly, I pose as being busy about other things, to avoid the reproach of Plato. We have no Certain intelligence from Spain as yet — in fact, no news at all. For my sake I am sorry that you are out of town, for your own I am glad. But your letter-carrier is getting clamorous. Good-bye then, and love me as you have done from boyhood.

LETTER 19

C. CASSIUS LONGINUS TO CICERO (AT ROME) BRUNDISIUM (JANUARY)

If you are well, I am glad. There is nothing, by Hercules, that I more like doing on this tour of mine than writing to you: for I seem to be talking and joking with you in person. Nor does this Come to pass owing to Catius's "images": for which expression I will in my next retort on you by quoting such a number of ill-educated Stoics, that you will acknowledge Catius to have been a true-born Athenian. That our friend Pansa left the city in military array with such expressions of goodwill from everybody, I rejoice both for his own sake and also, by Hercules, for the sake of all our party. For I hope that people will understand how odious cruelty is to everybody, and how attractive honesty and clemency: and that the objects which bad men seek and desire above everything come spontaneously to the good. For it is difficult to persuade men that "the good is desirable for its own sake": but that "pleasure" and "peace of mind" are obtained by virtue, justice, and "the good" is both true and convincing. In fact, Epicurus himself says-from whom all your Catiuses and Amafiniuses, those poor translators of his words, proceed—"to live pleasantly is impossible without living well and justly." So it is that Pansa, whose summum bonum is "pleasure," keeps his virtue; and those too who are called by you "pleasure-lovers" are "lovers of the good" and "lovers of the just," and practise and maintain all the virtues. Accordingly Sulla, whose judgment we are bound to respect, seeing that philosophers disagreed, did not ask what was good, but bought up all goods indifferently: whose death, by Hercules, I have borne with some fortitude! Nor will Caesar, after all, allow us to feel his loss very long: for he has plenty of condemned persons to restore for us in his place, nor will he be without some one to bid at his auctions as long as Sulla's son is in his sight.

Now for public affairs. Write and tell me what is going on in Spain. Upon my life I feel anxious, and prefer to have our old and merciful master rather than a new and bloodthirsty one. You know

what a fool Gnaeus is: you know how he thinks cruelty is courage: you know how he always thinks that we laugh at him. I am afraid he will want to retort the joke in rustic fashion with a blow of the sword. If you love me, write and say what is happening. Dear, dear, how I wish I knew whether you read this with an anxious or a quiet mind! For then I should at the same time know what it becomes me to do. Not to be too wearisome, I will say good-bye. Love me as ever. If Caesar has conquered, expect me with all speed.

LETTER 20

TO GAIUS TREBONIUS (ON HIS WAY TO ASIA) (ROME OR TUSCULUM (?), APRIL)

My orator — for that is the title I have given it — I have handed to your Sabine servant. His nationality made me think that he was a proper person to whom to give it: unless he too has availed himself of the licence of candidates and has suddenly adopted this surname. However, the modesty of his look and the gravity of his conversation seemed to me to smack somewhat of Cures. But enough about Sabinus.

Since at your departure, my dear Trebonius, while wishing to aid me to bear with greater patience my warm regret for your absence, you only poured a good deal of oil on the fire of my love for you, pray bombard me with frequent letters on the understanding that I will do the same to you. There are, however, two reasons why you should be more regular in performing that service than myself: First, that in old days those remaining at Rome were accustomed to write on public affairs to their friends in the provinces; whereas you are now bound to write to us: for the Republic is there. Secondly, because I have the opportunity of serving you during your absence in other ways, while I do not see how you can do that for me except by letters. But you must write on other matters to me afterwards; at present the first thing I desire to know is what sort of journey you are having; where you have seen our friend Brutus, how long you have been together. Presently, when you have got farther on your way, you must write to me about military affairs, and the whole business, that I may know how we stand. I shall not look upon any information as certain except what I get from your letters. Take care of your health, and preserve your old supreme affection for me.

LETTER 21

TO GAIUS TREBONIUS (IN SPAIN) ROME (DECEMBER?)

I found pleasure in reading your letter, and a very great one in reading your book: yet in the midst of that pleasure I experienced this sorrow, that, after having inflamed my desire of increasing the closeness of our intercourse — for as far as affection goes no addition was possible-you at once quit us, and inspire me with such deep regret, as to leave me but one consolation, namely, that our mutual regret for each other's absence may be softened by long and frequent letters. This I can guarantee not only from myself to you, but also from you to me. For you left no doubt in my mind as to how much you were attached to me. I will pass over what you did in the sight of the whole state, when you took upon you a share of my quarrels, when you defended me in your public speeches, when as quaestor you stood by the consuls in what was at once my cause and that of the constitution, when as quaestor again you refused to submit to the tribune, and that though your colleague was for obeying him. Yet, to forget your recent services (which I shall always remember), what anxiety for me did you shew during the war, what joy at my return, what anxiety, what pain, when my anxieties and sorrows were reported to you! Lastly, the fact that you had meant to come to Brundisium to see me had you not been suddenly sent to Spain — to omit, I say, all this, which in my eyes must be as precious as my own life and safety, what a strong profession of affection does the book which you have sent me convey I First, because you think any utterance of mine to be witty, though others perhaps do not: and, secondly, because those mots, whether witty or the reverse, become extraordinarily attractive as you tell them. In fact, even before they come to me, your readers have all but exhausted their power of laughter. But if in making this compilation there was no more compliment than the inevitable fact of your having thought for so long a time exclusively about me, I should be hard-hearted indeed if I did not love you. Seeing, however, that what you have taken the trouble to write you could never have planned without a very strong

affection, I cannot deem that anyone is dearer to himself than I am to you: to which affection would that I could respond in other ways! I will at least do so in affection on my part: with which, after all, I feel certain you will be fully satisfied.

Now I come to your letter, which, though written in full and gratifying terms, there is no reason why I should answer at great length. For, in the first place, I did not send that letter to Calvus, any more than the one you are now reading, with an idea of its getting abroad. For I write in one style what I expect that the persons addressed only, in another what I expect that many, will read. In the next place, I praised his genius in higher terms than you think could have been done with sincerity. To begin with, it was because that was my real opinion. He had a subtle and active mind: he adhered to a certain definite style, in which, though his judgment was at fault-generally his strong point — he yet attained his aim. He had great and uncommon learning: force he had not. It was in that direction, therefore, that I tried to rouse his energies. Now, in stimulating and whetting a man's intellect nothing is more efficacious than to mingle praise with exhortation. That is my judgment on Calvus, and the motive of my letter: motive, in that I praised in order to stimulate him; judgment, in that I thought very highly of his ability.

It only remains to follow your journey with affectionate interest, to look forward to your return with hope, to cherish you while absent in memory, and to alleviate our regret by an interchange of letters. I should wish you often to recall your kindnesses and good services to me; for while you may, and I may not, forget them without positive crime, you will have reason, not only to think me an honest man, but also to believe that you are deeply loved by me.

BOOK 16

LETTER 1

TO TIRO (ILL AT PATRAE) ON THE VOYAGE FROM PATRAE TO ALYZIA (3 NOVEMBER)

GREETINGS to their dear Tiro from Tullius and my son, brother, and nephew. I did not think I should miss you so much, but I really cannot do without you: and though it is of great consequence to securing my triumph that I should arrive at the city wall as early as possible, yet I feel guilty for having left you: but as you seemed to have made up your mind that you quite determined not to sail till you had recovered your strength, I expressed approval of your plan,

nor do I now retract it, if you are still of the same way of thinking. If; however, after having taken food, you think you can overtake me, you must decide for yourself. I have sent Mario to you with directions to rejoin me as soon as possible with you, or, if you are still delayed, to return at once. But pray be fully assured of this: if it is compatible with your state of health, my first desire is to have you with me: if; however, you are certain that a short stay at Patrae is necessary for your convalescence, my first desire is that you should be well. If you set sail at once, you will catch us up at Leucas: but if you determine to stay to confirm your health, pray take particular care to secure suitable fellow travelers, weather, and ship. Be especially careful, dear Tiro, as you love me, not to allow Mario's arrival or this letter to influence you. If you do what will best conduce to your recovery, you will be most strictly obeying my wishes. In considering these matters let your own heart be your guide. I miss you: yes! but I also love you, Love prompts the wish to see you in good heath; the other motive would make me wish to see you as soon as possible. The former is therefore to be preferred. Accordingly, let your first care be to get well: of the innumerable services you have done me this will be the most acceptable.

3 November.

LETTER 2

TO TIRO (AT PATRAE) ALYZIA, 5 NOVEMBER

I cannot express to you in a letter, nor do I wish to do so, what my feelings are. I will merely say, that the greatest possible pleasure both to yourself and me will be to see you as soon as possible in restored health. We arrived at Alyzia on the third day after leaving you. That place is 120 stades south of Leucas. At Leucas I am expecting either to receive you, or a letter from you by the hands of Mario. Let your efforts to be well be as strong as your affection for me, or as you know mine to be for you.

5 November, Alyzia.

LETTER 3

TO TIRO (AT PATRAE) ALYZIA, 6 NOVEMBER

AT Alyzia, from which I sent my last letter to you, we have stayed one day, because Quintus had not caught us up. That was the 5th of November. Just as we are starting from thence, before daybreak of the 6th, I despatch this to you. Pray, as you love us all, and especially me, who taught you, get well. I am looking forward with very great anxiety, first of all, of course, for yourself, in default of that for Mario with a letter from you. We are all eager, especially myself, to see you as soon as possible, but only, dear Tiro, if fully recovered. Wherefore don't hurry at all. It will be enough if you are well the day I see you. I can get on without your services. I want you to be well, first of all for your own sake, and then for mine, dear Tiro. Good-bye.

LETTER 4

TO TIRO (AT PATRAE) LEUCAS, 7 NOVEMBER

WARMEST greeting from Tullius, his son, brother, and nephew to Tiro. Your letter gave me varied emotions. I was much agitated by the first page, a little cheered by the second. So I am now quite clear that, until you are entirely recovered, you should not risk a journey either by sea or land. I shall see you quite soon enough, if I see you thoroughly restored to health. Yes, what you say in your e letter about the doctor being well thought of; I am also told about him. Yet I am far from satisfied with his treatment. For you ought not to have had soup given you when suffering from weak digestion. However, I have written to him with great earnestness, as also to Lyso. To Curius, indeed, that most agreeable, attentive, and kindly of men, I have written at great length. Among other things I have asked him to transfer you from where you are to his own house, if you wished it. For I fear our friend Lyso is somewhat careless: first, because all Greeks are so, and secondly because, though he got a letter from me, he has sent me no e answer. However, you speak well of him: you must therefore yourself decide what is best to be done. I do beg you, dear Tiro, not to spare expense in anything whatever necessary for your health. I have written to Curius to honour your draft to any amount: something, I think, ought to be paid to the doctor himself to make him more zealous. Your services to me are past counting — at home, in the forum, at Rome, in my province: in private and public business, in my literary studies and compositions. But there is one service you can render me that will surpass them all-gratify my hopes by appearing before me well and strong! I think, if you are recovered, you will have a most charming voyage home with the quaestor Mescinius. He is not without culture, and is, I thought, attached to you. And while health should be your first and most careful consideration, consider also bow to secure a safe voyage, dear Tiro. I wouldn't have you hurry yourself now in any way whatever. I care for nothing but your safety. Be assured, dear Tiro, that no one loves me without loving you; and though it is you and I

who are most directly concerned in your recovery, yet it is an object of anxiety to many. Up to this time, in your desire never to leave me in the lurch, you have never had the opportunity of getting strong. Now there is nothing to hinder you: throw everything aside, be a slave to your body. I shall consider the amount of attention you pay to your health the measure of your regard for me. Good-bye, dear Tiro, good-bye good-bye, and good health to you! Lepta and all the rest send their kind regards. Good-bye!

Leucas, 7 November.

LETTER 5

TO TIRO (AT PATRAE) OFF LEUCAS, 7 NOVEMBER

Tullius and his son, Quintus and his son, send warm greetings to Tiro, gentlest and best of men. See what a fascination you possess! We have been two hours at Thyreum. My host Xenomenes is as fond of you as if he had been brought up with you. He has promised to supply you with everything you want: I think he will do so. I should like him, if you are better, to transport you to Leucas, that you might complete your cure there. See what Curius, Lyso, and the doctor think of it. I intended to send Mario back to you, that you might despatch him to me when you were a little better: but I reflected that Mario could only bring me one letter, while I was anxious for several. So you will be able (and pray do so, if you love me) to make Acastus go down to the harbour every day: there will be plenty of people to whom you may safely intrust a letter, and who will be pleased to convey it to me. For my part, I will not omit anyone who is going to Patrae. I place all my reliance for your proper treatment on Curius. Nothing can be kinder than he is, or more attached to me. Put yourself entirely in his hands. I would rather see you a little later strong and well, than at once in a feeble state. Devote yourself, therefore, exclusively to getting well. I will look after everything else. Good-bye again and again.

Just starting from Leucas, 7 November.

LETTER 6

TO TIRO (AT PATRAE) ACTIUM, 7 NOVEMBER

Tullius and his son, Quintus and his son, send warm greetings to Tiro. I write this letter, the third I have written to you the same day, rather in maintenance of my rule, having found some one to whom to give it, than because I have anything to say. The upshot is this: let your attention to yourself be as great as your affection for me. To your innumerable services to me add this, which will be more acceptable to me than them all. When you have taken, as I hope, full account of your health, then see about your voyage also. Send a letter to me by everyone who is going to Italy, and I will not pass over anyone going to Patrae. Take care, good care of yourself, dear Tiro. Since you missed the chance of sailing with me, there is no reason for your being in a hurry or taking thought for anything except getting well. Good-bye! good-bye!

Actium, 7 November (evening).

LETTER 7

TO TIRO (AT PATRAE) CORCYRA, 16 NOvEMBER

Cicero and his son greet Tiro. This is the seventh day of my detention at Corcyra, while Quintus — father and son — are at Buthrotum. I am wonderfully anxious about your health. But I am not surprised at getting no letter from you; for a voyage from your present residence requires winds, such that, if they were blowing now, we should not be loitering at Corcyra. So then take care of yourself and get strong, and, as soon as your health and the time of year allow of your sailing without discomfort, come to us who love you dearly. No one loves us without having a regard for you. Your arrival is eagerly expected, and you will find an affectionate welcome from everyone. Take care of your health. Again and again, dear Tiro, good-bye!

Corcyra, 16 November.

LETTER 8

Q. CICERO TO TIRO (AT PATRAE) (CAMPANIA, JANUARY)

I am very anxious about your health, for though those who come from you announce that your complaint is not dangerous though lingering, yet, consoling as that is, it involves the great anxiety of a prolonged absence from us of one whose usefulness and charm I appreciate by their loss. Yet though I long with my whole heart to see you, I still earnestly beg you not to trust yourself to so long a voyage and a winter journey, unless you are quite strong, and not to set sail at all without careful consideration. Even in houses and towns it is difficult to avoid cold when one is unwell, to say nothing of escaping the inclemency of the weather at sea and on the road. Cold to the tender skin is deadliest foe, says Euripides. I don't know what you think of him as an authority. I look upon his verses as so many solemn affidavits. If you love me, make sure of your recovery, and come to us well and strong as soon as possible. Love us all, and good-bye. The son of Quintus sends his regards.

LETTER 9

TO TIRO (AT PATRAE) BRUNDISIUM, 26 NOVEMBER

CICERO and his son greet Tiro warmly. We parted from you, as you know, on the 2nd of November. We arrived at Leucas on the 6th of November, on the 7th at Actium. There we were detained till the 8th by a storm. Thence on the 9th we arrived at Corcyra after a charming voyage. At Corcyra we were detained by bad weather till the 15th. On the 16th we continued our voyage to Cassiope, a harbour of Corcyra, a distance of 120 stades. There we were detained by winds until the 22nd. Many of those who in this interval impatiently attempted the crossing suffered shipwreck. On the 22nd, after dinner, we weighed anchor. Thence with a very gentle south wind and a clear sky, in the course of that night and the next day we arrived in h"gh spirits on Italian soil at Hydrus, and with the same wind next day — that is, the 24th of November — at 10 o'clock in the morning we reached Brundisium, and exactly at the same time as ourselves Terentia (who values you very highly) made her entrance into the town. On the 26th, at Brundisium, a slave of Cn. Plancius at length delivered to me the ardently expected letter from you, dated the 13th of November. It greatly lightened my anxiety: would that it had entirely removed it! However, the physician Asclapo positively asserts that you will shortly be well. What need is there for me at this time of day to exhort you to take every means to re-establish your health? I know your good sense, temperate habits, and affection for me: I am sure you will do everything you can to join me as soon as possible. But though I wish this, I would not have you hurry yourself in any way. I could have wished you had shirked Lyso's concert, for fear of incurring a fourth fit of your seven-day fever. But since you have preferred to consult your politeness rather than your health, be careful for the future. I have sent orders to Curius for a douceur to be given to the physician, and that he should advance you whatever you want, engaging to pay the money to any agent he may name. I am leaving a horse and mule for you at Brundisium. At Rome I fear that the 1st of January will be the beginning of serious disturbances. I

shall take a moderate line in all respects. It only remains to beg and entreat you not to set sail rashly-seamen are wont to hurry things for their own profit: be cautious, my dear Tiro: you have a wide and difficult sea before you. If you can, start with Mescinius; he is usually cautious about a sea passage: if not, travel with some man of rank, whose position may give him influence over the ship-owner. If you take every precaution in this matter and present yourself to us safe and sound, I shall want nothing more of you. Good-bye, again and again, dear Tiro! I am writing with the greatest earnestness about you to the physician, to Curius, and to Lyso. Good-bye, and God bless you.

LETTER 10

TO TIRO CUMAE, 19 MAY

I of course wish you to Come to me, but I dread the journey for you. You have been most seriously ill: you have been much reduced by a low diet and purgatives, and the ravages of the disease itself. After dangerous illnesses, if some mistake is made, drawbacks are usually dangerous. Moreover, to the two days on the road which it will have taken you to reach Cumae, there will have to be added at once five more for your return journey to Rome. I mean to be at Formiae on the 30th: be sure, my dear Tiro, that I find you there strong and well. My poor studies, or rather ours, have been in a very bad way owing to your absence. However, they have looked up a little owing to this letter from you brought by Acastus. Pompey is staying with me at the moment of writing this, and seems to be cheerful and enjoying himself. He asks me to read him something of ours, but I told him that without you the oracle was dumb. Pray prepare to renew your services to our Muses. My promise shall be performed on the day named: for I have taught you the etymology of fides. Take care to make a complete recovery. I shall be with you directly. Good-bye.

19 May.

LETTER 11

TO TIRO (AT PATRAE) OUTSIDE ROME, 12 JANUARY

CICERO and his son, Terentia, Tullia, Quintus and his son, send warm greetings to Tiro. Though I miss your ever-ready help at every turn yet it is not for my sake so much as for yours that I grieve at your illness. But now that the violence of your disease has abated so far as to become a quartan fever — for so Curius writes me word — I hope that with care you will soon become stronger. Only be sure-as becomes a man of your good sense — to think of nothing for the present except how to get well in the best possible way. I know how your regret at being absent worries you, but all difficulties will disappear, if you get well. I would not have you hurry, for fear of your suffering from sea-sickness in your weak state, and finding a winter voyage dangerous. I arrived at the city walls on the 4th of January. Nothing could be more complimentary than the procession that came out to meet me; but I found things in a blaze of civil discord, or rather civil war. I desired to find a cure for this, and, as I think, could have done so; but I was hindered by the passions of particular persons, for on both sides there are those who desire to fight. The long and short of it is that Caesar himself — once our friend — has sent the senate a menacing and offensive despatch, and is so insolent as to retain his army and province in spite of the senate, and my old friend Curio is backing him up. Farthermore, our friend Antonius and Q. Cassius, having been expelled from the house, though without any violence, left town with Curio to join Caesar, directly the senate had passed the decree ordering " consuls, praetors, tribunes, and us proconsuls to see that the Republic received no damage." Never has the state been in greater danger: never have disloyal citizens had a better prepared leader. On the whole, however, preparations are being pushed on with very great activity on our side also. This is being done by the influence and energy of our friend Pompey, who now, when it is too late, begins to fear Caesar. In spite of these exciting incidents, a full meeting of the senate clamoured for a triumph being granted me: but the consul

Lentulus, in order to enhance his service to me, said that as soon as he had taken the measures necessary for the public safety, he would bring forward a motion on the subject. I do nothing in a spirit of selfish ambition, and consequently my influence is all the greater. Italy has been marked out into districts, shewing for what part each of us is to be responsible. I have taken Capua. That is all I wanted to tell you. Again and again I urge you to take care of your health, and to write to me as often as you have anyone to whom to give a letter. Good-bye, good-bye 12 January.

LETTER 12

TO TIRO (AT PATRAE) CAPUA, 27 JANUARY

How seriously my personal safety and that of all loyalists is imperilled, as well as that of the whole senate and Republic, you may judge from the fact that we have abandoned our town houses, and the very city itself, to plunder and conflagration. Matters have come to such a pitch that, unless some god or some accident intervenes, we cannot possibly be saved. For my part, ever since I arrived at the city, I have never ceased promoting in thought, word, and deed everything that made for peace: but a strange mad passion for fighting has inflamed not only the disloyal, but even those who are reckoned loyalists, though I loudly proclaim that nothing can be more lamentable than a civil war. Accordingly, when Caesar yielded to the promptings of what may be called downright insanity, and — forgetting his name and his honours — had successively occupied Ariminum, Pisaurum, Ancona, and Arretium, I left the city. On the wisdom or courage of such a step it is useless to argue. You see how we stand now. The upshot is, proposals are received from Caesar that Pompey should go to Spain: that the levies already completed and our garrisons should be disbanded: that he will hand over farther Gaul to Domitius, hither Gaul to Considius Nonianus (these are the men to whom these provinces have been allotted): that he will come to canvass for the consulship, and no longer demand that his candidature be admitted in his absence: that he will be in town as candidate for the legal three nundinae. We accept the proposals, but on the condition that he withdraws his garrisons from the places he has occupied, so that a meeting of the senate may be held at Rome to discuss these same proposals in security. If he does this, there is hope of a peace — not a creditable one, for we accept terms from him, but anything is better than to be as we are. If; on the other hand, he declines to abide by his terms, everything is ready for war, but of a kind that he cannot possibly maintain-especially as he will have shirked terms proposed by himself — provided only that we cut him off from all power of approaching the city. This we hope can be

done: for we are holding levies on a large scale, and we think that he is afraid, if he once begins a march upon the city, that he may lose the Gauls, both of which, with the exception of the Transpadani, are bitterly hostile to him: and on the side of Spain he has six legions and a large force of auxiliaries under Afranius and Petreius on his rear. If he persists in his madness it seems possible that he may be crushed — if it can only be done without losing Rome! He has, again, received a very severe blow in the fact that Titus Labienus, who occupied the most influential position in his army, has declined to be a partner in his crime. He has abandoned him and is with us, and many are said to intend doing the same. I as yet am president of the sea-coast from Formiae. I refused any more important function, that my letters and exhortations to peace might have greater influence with Caesar. If; however, war does break out, I see that I shall have to take command of a camp and a definite number of legions. I have another trouble in the fact that my son-in-law Dolabella is with Caesar.

I wished you to know these facts, but don't let them agitate you and retard your recovery. I have recommended you with great earnestness to Aulus Varro, whom I know to be warmly attached to me and very fond of you,

asking him to interest himself in your health and your voyage, and generally to take you under his charge and look after you. I feel certain he will do all this, for he promised to do so, and spoke to me in the kindest manner. Pray, since you were unable to be with me at the time I most wanted your help and fidelity, do not hurry or allow yourself to embark upon a voyage while ill, or in bad weather. I shall never think you come late if you come well and strong. As yet I have seen no one who had seen you since M. Volusius, who handed me your letter. I don't wonder at this, for I don't think my letters either can reach you in such stormy weather. But do your best to recover, and, when you do recover, only sail when you can do so with safety. My son is at Formiae, Terentia and Tullia at Rome. Take care of yourself.

Capua, 27 January.

LETTER 13

TO TIRO (CUMAE)

10 APRIL I shall consider that I have everything possible from you, if I see you in good health. I am awaiting the arrival of Andricus, whom I sent to you, with the utmost anxiety. Do take pains to recover, if you love me: and as soon as you have thoroughly reestablished your health, come to me. Good-bye.

10 April.

LETTER 14

TO TIRO (CUMAE)

11 APRIL Andricus arrived a day later than I expected him, and accordingly I had a night of terror and unhappiness. Your letter does not make me at all more certain of your state, and yet it did revive me. I can take pleasure in nothing; can employ myself in no literary work, which I cannot touch till I have seen you. Give orders to promise the doctor any fee he chooses to ask. I wrote to that effect to Ummidius. I am told that your mind is ill at ease, and that the doctor says this is what makes you ill. If you care for me, rouse from their sleep your studies and your culture, which make you the dearest object of my affection. It is your mind that requires strengthening now, in order that your body may also recover. Pray do it both for your own and my sake. Keep Acastus with you to help to nurse you. Preserve yourself for me. The day for the fulfillment of my promise is at hand, and I will be true to it, if you only come. Good-bye, good-bye!

11 April, noon.

LETTER 15

TO TIRO (CUMAE)

12 APRIL Aegypta arrived on the 12th of April. Though he brought the news that you were entirely without fever and were pretty well, yet he caused me anxiety by saying that you had not been able to write to me: and all the more so because Hermia, who ought to have arrived on the same day, has not done so. I am incredibly anxious about your health. If you will relieve me from that, I will liberate you from every burden. I would have written at greater length, if I had thought that you were now capable of taking any pleasure in reading a letter. Concentrate your whole intelligence, which I value above everything, upon preserving yourself for your own and my benefit. Use your utmost diligence, I repeat, in nursing your health. Good-bye.

P.S. — When I had finished the above Hermia arrived. I have your letter written in a shaky hand, and no wonder after so serious an illness. I am sending Aegypta back to stay with you, because he is by no means without feeling, and seems to me to be attached to you, and with him a cook for your especial use. Good-bye!

LETTER 16

Q. CICERO TO HIS BROTHER (GAUL?)

As I hope to see you again, my dear Marcus, and my own son Cicero, and your Tulliola and your son I am delighted about Tiro. He was much too good for his position and I am truly glad that you preferred that he should be our freedman and friend rather than our slave. Believe me when I read your letter and his I jumped for joy and I both thank and congratulate you, for if the fidelity and good character of my own Statius is a delight to me, how much more valuable must those same qualities be in your man since there is added to them knowledge of literature conversational powers, and culture, which have advantages even over those useful virtues! I have all sorts of most conclusive reasons for loving you: and here is another one, either for what you have done, or, if you choose, for your perfect manner of announcing it to me. Your letter shewed me your whole heart. I have promised Sabinus's servants all they asked, and I will perform my promise.

LETTER 17

TO TIRO (AT ROME) ASTURA (29 JULY)

I see what you are about: you want your letters also to be collected into books. But look here! You set up to be a standard of correctness in my writings — how came you to use such an unauthorized expression as “by faithfully devoting myself to my health”? How does fideliter come in there? The proper habitat of that word is in what refers to duty to others — though it often migrates to spheres not belonging to it. For instance: “learning,” “house,” “art,,’ “land,” can be called fidelis, granting, as Theophrastus holds, that the metaphor is not pushed too far. But of this when we meet. Demetrius called on me, from whose company to Rome I escaped with considerable adroitness. It is plain that you could not have seen him; he will be in town tomorrow, so you will see him. I myself think of starting early the day after. Your ill-health makes me very anxious, but devote yourself to its cure and omit no means. If you do that, consider that you are with me and are giving me the most complete satisfaction. Thank you for attending to Cuspius; for I am much interested in him. Good-bye.

LETTER 18

TO TIRO (AT TUSCULUM) ROME (DECEMBER)

WHAT do you say? Ought it not be so? I think it ought for my part. The word SUO ought also to be added. But, if you please, let us avoid exciting prejudice, which however I have myself often neglected. I am glad the sweating has done you good. If only Tusculum has done so also, good heavens! what a charm that would add to the place in my eyes! But if you love me, as you do, or make a very pretty imitation of doing — an imitation which quite answers its purpose-well, however that may be, nurse your health now, to which, while devoting yourself to my service, you have not been devoted enough. You know what it requires-good digestion, freedom from fatigue, moderate walking, friction of the skin, easy operation of the bowels. Be sure you come back looking well. That would make me still fonder of Tusculum as well as of you. Stir up Parhedrus to hire the garden for himself: by doing so you will keep the actual gardener up to the mark. That utter scoundrel Helico used to pay a thousand sesterces, when there was no hot-bed, no water turned on, no wall, no garden-shed. Is he to have the laugh of us, after we have spent all that money?

Warm the fellow up, as I do Motho and so get plenty of flowers. What arrangement is being made about the Crabra, though now indeed we have enough water and to spare, I should yet wish to know. I will send the sun-dial and books, if the weather is dry. But have you no books with you, or are you composing in the Sophoclean vein? Mind you have something to shew for your labour. Caesar's friend Aulus Ligurius is dead: he was a good man and a good friend to me. Let me know when we are to expect you. Take great care of youself. Good-bye.

LETTER 19

TO TIRO (AT ROME) TUSCULUM (AUGUST)

I am anxious to hear from you on many points, but much more to see you in person. Restore me Demetrius's friendship,

and anything else you can that is worth having. I don't say a word to stir you up about the Aufidian debt: I know you are looking after it. But settle the business. If that is what is detaining you, I accept the excuse; if it is not, fly to me. I am very anxious for a letter from you. Good-bye.

LETTER 20

TO TIRO (AT TUSCULUM) ROME (DECEMBER)

Upon my life, my dear Tiro, your health makes me very uneasy. But I feel confident that if you continue to take the same care as you have begun to do, you will soon be strong. Arrange the books, get the catalogue made when it pleases Metrodorus, since you have to live according to his orders. Settle with the gardener as you think right. You can go to see the gladiators on the first, and return home next day. And I think that is what you had better do. But as you please. Take great care of yourself, if you love me. Good-bye.

LETTER 21

M. CICERO (THE YOUNGER) TO TIRO ATHENS (AUGUST)

After I had been anxiously expecting letter-carriers day after day, at length they arrived forty-six days after they left you. Their arrival was most welcome to me: for while I

took the greatest possible pleasure in the letter of the kindest and most beloved of fathers, still your most delightful letter put a finishing stroke to my joy. So I no longer repent of having suspended writing for a time, but am rather rejoiced at it; for I have reaped a great reward in your kindness from my pen having been silent. I am therefore exceedingly glad that you have unhesitatingly accepted my excuse. I am sure, dearest Tiro, that the reports about me which reach you answer your best wishes and hopes. I will make them good, and will do my best that this belief in me, which day by day becomes more and more en evidence, shall be doubled. Wherefore you may with confidence and assurance fulfil your promise of being the trumpeter of my reputation. For the errors of my youth have caused me so much remorse and suffering, that not only does my heart shrink from what I did, my very ears abhor the mention of it. And of this anguish and sorrow I know and am assured that you have taken your share. And I don't wonder at it! for while you wished me all success for my sake, you did so also for your own; for I have ever meant you to be my partner in all my good fortunes. Since, therefore, you have suffered sorrow through me, I will now take care that through me your joy shall be doubled. Let me assure you that my very close attachment to Cratippus is that of a son rather than a pupil: for though I enjoy his lectures, I am also specially charmed with his delightful manners. I spend whole days with him, and often part of the night: for I induce him to dine with me as often as possible. This intimacy having been established, he often drops in upon u& unexpectedly while we are at dinner, and laying aside the stiff airs of a philosopher joins in our jests with the greatest possible freedom. He is such a man — so delightful, so distinguished — that you should take pains to make his acquaintance at the earliest possible opportunity. I need hardly mention Bruttius, whom I never allow to

leave my, side. He is a man of a strict and moral life, as well as being the most delightful company. For in him fun is not divorced from literature and the daily philosophical inquiries which we make in common. I have hired a residence next door to him, and as far as I can with my poor pittance I subsidize his narrow means. Farthermore, I have begun practising declamation in Greek with Cassius; in Latin I like having my practice with Bruttius. My intimate friends and daily company are those whom Cratippus brought with him from Mitylene — good scholars, of whom he has the highest opinion. I also see a great deal of Epicrates, the leading man at Athens, and Leonides, and other men of that sort. So now you know how I am going on.

You remark in your letter on the character of Gorgias. The fact is, I found him very useful in my daily practice of declamation; but I subordinated everything to obeying my father's injunctions, for he had written ordering me to give him up at once. I wouldn't shilly-shally about the business, for fear my making a fuss should cause my father to harbour some suspicion. Moreover, it occurred to me that it would be offensive for me to express an opinion on a decision of my father's. However, your interest and advice are welcome and acceptable. Your apology for lack of time I quite accept; for I know how busy you always are. I air very glad that you have bought an estate, and you have my best wishes for the success of your purchase. Don't be surprised at my congratulations coming in at this point in my letter, for it was at the corresponding point in yours that you told me of your purchase. You are a man of property! You must drop your city manners: you have become a Roman country-gentleman. How clearly I have your dearest face before my eyes at this moment! For I seem to see you buying things for the farm, talking to your bailiff, saving the seeds at dessert in the corner of your cloak. But as to the matter of money, I am as sorry as you that I was not on the spot to help you. But do not doubt, my dear Tiro, of my assisting you in the future, if fortune does but stand by me; especially as I know that this estate has been purchased for our joint advantage. As to my commissions about which you are taking trouble-many thanks! But I beg you to send me a secretary at the earliest opportunity — if possible a Greek; for he will save me a great deal of trouble in

copying out notes. Above all, take care of your health, that we may have some literary talk together hereafter. I commend Anteros to you.

LETTER 22

TO TIRO (AT ROME) ASTURA (27 JULY)

I hope from your letter that you are better, at any rate I desire it. Devote your whole energies to that, and don't have any uneasy feeling that you are acting against my wishes in staying away. You are with me if you are taking care of yourself. Therefore I would rather you were doing duty to your health than to my eyes and ears. For though it gives me pleasure both to hear and see you, it will give me much more pleasure If you are well. I am being idle here, because I don't write without an amanuensis; but I find extreme pleasure in reading. As you are on the spot,

if there is anything in my handwriting which the copyists can't make out, please instruct them. There is at least one inserted passage somewhat difficult to decipher, which I often find it hard to make out myself-about Cato when he was four years old. Look after the dinner table, as you have been doing. Tertia will come so long as Publius is not there. Your friend Demetrius was never quite a Demetrius of Phalerum, but now he has become a regular Billienus. Accordingly, I appoint you my representative: you will look after him. Although, after all: about those men-you know the rest. However, if you do have any conversation with him, write and tell me, that I may have something to put into a letter, and may have as long a one as possible from you to read. Take care of your health, my dear Tiro: you can't oblige me more than by doing that.

LETTER 23

TO TIRO (AT ROME) TUSCULUM (21 JUNE)

WELL, settle about the tax-return if you can: though this particular money is not properly liable to such a return. However — no matter! Balbus writes to say that he has such a violent catarrh that he has lost his voice. As to Antonius and his law-it's all one. Let them only leave me my country life. I have written to Bithynicus. I must leave you to make your own reflexions on Servilius — for you rather want to live to be an old man. As for me, our dear Atticus, having once noticed that I was in a panic, thinks that it is always so with me, and does not see with what a panoply of philosophy I am now armed. In fact he creates alarm by being frightened himself. After all I really do wish to keep up my friendship with Antony, which has now lasted a long time without a quarrel, and I will write to him, but not till I have seen you. Yet I don't want to call you off from looking after your bond-every man for himself!

I am expecting Lepta ...tomorrow. To qualify the bitter rue of his talk I shall want the sweet marjoram of yours. Good-bye.

LETTER 24

TO TIRO (AT ROME) ARPINUM (NOVEMBER)

Though I sent Harpalus this morning, yet since I had a man to whom I could safely intrust a letter, in spite of there being nothing new to say, I determined to write repeatedly to you on the same subjects: not because I did not feel confidence in your assiduity, but because the gravity of the business leaves me no rest. The top and tail (or, as the Greek proverb has it, the prow and stern) of my motive in sending you from my side was that you might put my financial affairs straight. Let Ofilius and Aurelius in any case be paid. If you can't get the whole sum out of Flamma, get a part of it: above all, see that the installment (from Dolabella) is duly paid on the 1st of January. Settle about the assignment of debts: see to the ready-money payments. So much for my private concerns. On public affairs send me all trustworthy intelligence: what Octavian, what Antony is doing; what the general opinion is; what you think is going to happen. I can scarcely pre vent myself hurrying to Rome. But, hush! I am waiting anxiously for a letter from you. Yes, Balbus was at Arpinum on the day you were told, and the next day came Hirtius. Both I think were bound for the waters. But it is all one to me! Take care that Dolabella's agents are reminded. Dun Papia also. Good-bye.

LETTER 25

M. CICERO (THE YOUNGER) TO TIRO (AT ROME) ATHENS (OCTOBER)

Though your excuse for suspending your letter-writing is reasonable and sufficient, yet I beg you not to do it oftener. For though I get information about politics from rumours and the regular news, and my father always writes fully to me about his own wishes in regard to me, yet a letter written to me by you on any and every thing, however minute, has always been most delightful to me. Therefore, though there is nothing I miss so much as a letter from you, don't fulfil your obligation to write by sending an excuse rather than by regularity in actual letters. Good-bye.

LETTER 26

QUINTUS CICERO TO TIRO (TIME AND PLACE UNCERTAIN)

I have castigated you, at least with the silent reproach of my thoughts; because this is the second packet that has arrived without a letter from you. You cannot escape the penalty for this crime by your own advocacy: you will have to call Marcus to your aid, and don't be too sure that even he, though he should compose a speech after long study and a great expenditure of midnight oil, would be able to establish your innocence. In plain terms, I beg you to do as I remember my mother used to do. It was her custom to put a seal on wine-jars even when empty to prevent any being labelled empty that had been surreptitiously drained. In the same way I beg you, even if you have nothing to write about, to write all the same, lest you be thought to have sought a cover for idleness: for I always find the news in your letters trustworthy and welcome. Love me, and goodbye.

LETTER 27

QUINTUS CICERO TO TIRO (AT ROME) (FROM THE COUNTRY, LATE IN DECEMBER)

YOUR letter contained a remarkable castigation of my idleness. For what my brother had written in more reserved terms — no doubt from modesty and haste-you have written to me without mincing matters and in accordance with the facts. This is specially the case in regard to the consuls-designate, whom I know thoroughly to be compact of vice and the most womanish weakness. If they do not quit the helm, there is the greatest danger of universal shipwreck. You could scarcely believe what I know of those men having done in the summer camp in face of the Gallic laager. And that ruffian Antony, unless some firm step is taken, will win them over by the infection of his vices. We must make a stand by aid of the tribunes or by an understanding between unofficial persons. For as to those two fellows — they are scarcely fit, the one to have charge of Caesena, the other of the vaults of Cossutius's wine-shops. You, as I have said, are the apple of my eye. I shall be with you all on the 30th; and as for yourself, if I meet you as I come in the forum itself, I shall cover you with kisses. Love me, and good-bye.

Poetry

The Curia Julia in the Roman Forum, the seat of the imperial Senate and the site of the former Curia Cornelia senate house, in which Cicero delivered many of his famous orations.

Inside the Curia Julia today

DE CONSULATU SUO (On Cicero's Consulship)

Translated by W. W. Ewbank

Composed in 60 BC, the *De Consulatu Suo* was an epic poem written by Cicero, which was produced at a time when the orator was keen to glorify and defend his actions as consul when foiling the Catlininarian conspiracy. The poem only survives in fragments, most likely due to the criticism it received in antiquity for Cicero's self-praise and his lack of ability in verse, in stark contrast to his high achievements as an orator of prose.

DE CONSULATU SUO

Lit by celestial fire, long years ago,
Jove on his course illumined all the world,
pervading earth and sky with holy mind
pent and confined in heaven's infinite wastes
wherein man's life and understanding lives.
And if to scan the movements of the stars
upon their wandering courses be thy wish,
to see which constellation harbours each —
though Greeks in error claim they roam at will
whereas spaced out they take an ordered course —
not one thou'lt see which does not now appear
by godlike inspiration clearly marked.
For first, when consul, thine it was to view
the constellations speeding on their way,
the ominous conjuncture of bright stars
and many a sparkling comet's brilliant glare,
what time thou did'st behold on Alba's hill
her snow-capped mounds and graced the Latin rites
with joyous stream of milk. Thou did'st believe
the turmoil of the night brought wild confusion;
since with that fateful time the Latin feast
did almost coincide, when veiled the Moon
her face, shining with massed array of splendour,
and suddenly upon that star-decked night was all extinguished.
What thoughts were thine when Phoebus' fiery disc,
stern messenger of war, scaled heaven's heights,
sought heaven's slope, then downwards sank to rest?
Or when a Roman struck by ruthless bolt
forsook the realms of light, though fair the day,
or when again the teeming earth did quake?
Many a dread shape now appeared by night
which war and revolution prophesied:
many a rune foretelling dire mishap
Seers inspired proclaimed throughout the land.

Repeatedly by bright and constant signs
did Jove himself predict to earth and sky
that all would one day chance which now at length
the course of rolling years hath brought to pass.
Each word the Lydian seer of Tuscan race
had spake three years before was ratified,
gathered within the limits of thy year.
For Jove himself with thunder from on high,
leaning from starred Olympus, once took aim
at mounds and temples sacred to himself,
and fired his shrine upon the Capitol.
Then Natta's brazen statue was o'erthrown
(of ancient date and noble cast it was),
and from Jove's hallowed care the laws escaped,
whilst forms of gods his blazing bolt destroyed.
Here stood the woodland nurse of Roman name,
the wolf of Mars who suckled his twin babes
with life-giving milk, drained from swollen breasts.
She and her sons, struck by the flaming bolt,
lay shattered there, with imprint only left
where foot was torn away. Who then thought not
on records and writings wise of Tuscan race,
and from their rolls unearthed dread oracles?
Bitter the baneful scourge they bade be shunned,
sprung from citizen stock of high repute.
The death of every law their constant theme.
Warning they gave to rescue from the flames
the city and the temples of her gods,
and to fear destructive ruin's deadly train.
These the decrees relentless fate enjoined
unless Jove's form, divinely fair, should first
on lofty pillar face the radiant east:
then should the state and holy Senate share
the power to penetrate these secret plots,
if, turned toward the rising of the Sun,
Jove gaze on rich and poor man's home alike.
Slowly the form took shape, though long delayed,

but in thy year at last it stood aloft.
When came the appointed hour decreed by time,
Jove clothed with light his sceptre, throned on high,
and foreign lips to one and all revealed
that train of ruin for thy country laid by fire and sword.
The ancients, then, whose records ye observe,
who governed city states by wise restraint,
did well to worship with especial zeal
the gods' undying power: well, too, the men
of thine own age whose loyal devotion won
for them a foremost place, whose wisdom too
hath far transcended that of every man.
With careful thought they plumbed those hidden depths,
who passed a life of peace, delighting much
in noble studies, and did oft declaim
the brilliant logic of a fertile mind
in bright Lyceum and the shady Grove.
Recalled thence in the heyday of thy youth,
thy country hailed thee Honour's champion.
Yet thou didst lay all anxious care aside
who served the Muses and thy country's need.

BOOK III

This path from early youth to consulship
with brave determination hast thou trod.
'Forward!' Of worthy men thus strive to win
greater renown and praise.

Spurious Works

Ancient ruins at Tusculum in the Alban Hills, in the Latium region, where Cicero owned his celebrated villa.

RHETORICA AD HERENNIUM (To the Tribune Publius Sulpicius Rufus)

Translated by Harry Caplan

Formerly attributed to Cicero, but now regarded as being of unknown authorship, the *Rhetorica ad Herennium* is the oldest surviving Latin handbook on rhetoric, dating from circa 90 BC. It became the most popular book on rhetoric during the Middle Ages and the Renaissance and was commonly used, along with Cicero's *De Inventione*, to teach rhetoric. The work focuses on the practical applications and examples of rhetoric and was also the first book to teach this subject in a thoroughly structured and disciplined form.

The *Rhetorica ad Herennium* teaches an oratorical style that flourished in the previous century to the book's composition, promoting revolutionary advances in Roman literature and oratory. According to the author, there are three types of causes that a speaker would address:

- Demonstrativum, where there is praise or condemnation of a particular person
- Deliberativum, where policy is discussed
- Iudiciale, where legal controversies are addressed

The treatise suggests that in a standard format argument, there are six steps, which are still closely followed today in any five part essay:

1. Exordium, in which the writer uses relevant generalities, anecdotes, quotes, or analogies to capture attention and then connects them to the specific topic.
2. Narratio, in which the author succinctly states what will be the argument, thesis or point that is to be

proven

3. Divisio, in which the author outlines the main points, or reviews the debate to clarify what needs to be discussed further
4. Confirmatio,which sets out the arguments (often three) for the thesis that the author supports as well as evidence supporting them
5. Refutatio, which sets out and refutes the opposing arguments
6. Conclusio, which is a summary of the argument, describing the urgency of the viewpoint and actions that could be taken

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INTRODUCTION

The Greek art of rhetoric was first naturalized at Rome in the time of the younger Scipio, and Latin treatises on the subject were in circulation from the time of the Gracchi. But the books by Cato, Antonius, and the other Roman writers have not come down to us, and it is from the second decade of the first century B.C. that we have, in the treatise addressed to Gaius Herennius, the oldest Latin Art preserved entire. Like Cicero's incomplete *De Inventione*, which belongs close to it in time, this work reflects Hellenistic rhetorical teaching. Our author, however, gives us a Greek art in Latin dress, combining a Roman spirit with Greek doctrine. It is a technical manual, systematic and formal in arrangement; its exposition is bald, but in greatest part clear and precise. Indeed the writer's specific aims are to achieve clarity and conciseness, and to complete the exposition of his subject with reasonable speed. He seeks clarity through the use of Roman terms, and of specially selected examples; he seeks conciseness by keeping practical needs always in view, by scrupulously avoiding irrelevant matter, and by presenting methods and principles, not a host of particular illustrations of a given point.

The fact that the treatise appeared, from Jerome's time on, as a work by Cicero gave it a prestige which it enjoyed for over a thousand years. Because of its position in the MSS. following *De Inventione* it was in the twelfth century called *Rhetorica Secunda*; perhaps because of a belief that Cicero wrote the treatise to replace his juvenile *De Inventione*, it was later called *Rhetorica Nova*. But Cicero never refers to any work of his which might be identified with our treatise; the disparaging reference in *De Oratore* 1.2.5 to those "crude and incomplete" essays of his youth is obviously to the two books *De Inventione*. The picture we draw of our author does not fit the early Cicero, and his doctrines in many crucial instances, as will be seen later, are in sharp contrast with those of *De Inventione*. Furthermore, the thought and style of the work are unworthy of the mature Cicero. Finally Quintilian (who often cites *De Inventione*), and similarly Gellius, Marius Victorinus, Servius, and Cassiodorus show no acquaintance with any Ciceronian work of this nature.

Although the belief in Ciceronian authorship has still not entirely disappeared, all the recent editors agree that the attribution is erroneous.

The first to doubt that the treatise was worthy of Ciceronian authorship was Lorenzo Valla (middle *saec.* XV). Then Raphael Regius in 1491 positively divorced the work from Cicero's name. The question of authorship has occupied the attention of scholars at intervals ever since, but has never been settled to the satisfaction of all. It is wisest, I believe, to ascribe the work to an unknown author, although a good many reputable scholars have made out a case, at first glance attractive, for assigning it to a rhetorician named Cornificius. These rely on citations in Quintilian which correspond with passages in Book 4 of our treatise. Cornificius is mentioned, and always with disapproval, in the following places:

In 5.10.2 Quintilian, discussing *arguments*, criticizes Cornificius for calling a Conclusion from Incompatibles contrarium; contrarium appears in our treatise as a *figure* (of diction).

In 9.2.27 Quintilian tells us that oratio libera — which he would allow to be called a figure only if it is simulated and artfully designed — is by Cornificius called licentia; licentia is the term used by our author (4.xxxvi.48) for a figure which, in one form, fulfils Quintilian's requirements.

In 9.3.69-71 Quintilian, dealing with adnominatio, gives three examples of flat punning to be avoided, not imitated; Cornificius, he says, calls this word-play traductio. Two of these examples are used by our author, one to illustrate traductio (4.xiv.21), but the other to illustrate adnominatio (4.xxi.29). To meet this real difficulty, the advocates of Cornifician authorship maintain that adnominatio and traductio are brought together by Quintilian because they are indeed kindred figures, but these scholars are forced also to blame Quintilian for casual excerpting at this point, or for drawing upon his memory — a charge had to prove against so careful a workman.

In 9.3.91 Quintilian criticizes Cornificius and Rutilius for regarding finitio, which is no figure at all, as a figure of diction; definitio, somewhat differently characterized, appears as a figure of diction in our treatise (4.xxv.35).

In 9.3.98 Quintilian tells us that Cornificius lists ten figures of

diction of which the first five must be regarded as figures of thought: interrogatio (*cf.* 4.xv.22), ratiocinatio (4.xvi.23), subiectio (4.xxiii.33), transitio (4.xxvi.35), occultatio (4.xxvii.37), and the other five as not figures at all: sententia (4.xvii.24), membrum (4.xix.26), articuli (articulus = 4.xix.26), interpretatio (4.xxviii.38), conclusio (4.xxx.41).8 These all appear in our treatise, in the places indicated in parentheses.

Quintilian mentions Cornificius in two other places. In 3.1.21, sketching the history of writers on rhetoric, he says: "Cornificius wrote a great deal (non pauca) on the same subject (rhetoric), Stertinius something, and the elder Gallio a little. But the predecessors of Gallio, Celsus and Laenas, and in our day Verginius, Pliny, and Tutilius wrote with greater care. And even today there are distinguished authors. . . ." To this passage may be joined 9.3.89, where Cornificius appears in a list of authors who devoted whole books (non partem operis . . . sed proprie libros) to the discussion of figures: "Caecilius, Dionysius, Rutilius, Cornificius, Visellius, and a number of others, although there are living authors whose glory will match theirs."

An examination of these passages, especially in their context, leads us to several conclusions. First, Cornificius lived after the time of Cicero and near (but before) Quintilian's own day. In 3.1.8 ff. Quintilian is obviously preserving a chronological order: Cornificius appears after Cicero (rather than immediately after Antonius) and before the writers aetatis nostrae. Again, in 9.3.91 and 9.3.98-9 Cornificius, Caecilius, and Rutilius are mentioned following discussions of Cicero. Finally, in 9.3.89 Cornificius is listed with writers of the Augustan age, and we assume that he was contemporary with them or flourished soon after them. It would seem preposterous to place a writer of Marian times in this group.

We further conclude that Cornificius was the author of a special book on figures, and that this is the source from which Quintilian makes his citations in Book 9. That Cornificius produced additional work in the field of rhetoric is possible; the phrase non pauca in 3.1.21, however, does not permit us to be certain whether this was in the form of a complete Art of rhetoric, or of several works on single parts of the subject.

Cornificius, then, lived in a later period than our author, and so cannot have written the *Rhetorica ad Herennium*. The book by Cornificius which Quintilian cites is not the *Rhetorica ad Herennium*, and there is no evidence that Quintilian knew or made use of our treatise. The agreements between Cornificius' work and our author's we explain by assuming a common source, and we should remember, too, that some of the matter, especially some of the examples, shared by both can be classed among the commonplaces of the subject.

Who, finally, was the real author? We have no evidence to determine that when, and so must assign the work to an *auctor incertus*.

The original title is as unknown to us as the name of the author. Marx, on the basis of the introductory remarks in Book 1, suggests, with plausibility, that this might have been *De Ratione Dicendi*, which was also the title of Antonius' treatise on rhetoric.

Our author dedicates his work to Gaius Herennius; we know several Herennii of this period, but no one definitely identifiable with the addressee. Marx, influenced by the apparent fact that the work remained unnoticed for five hundred years, believed that it was intended only for private use, and not for publication, but this hypothesis does not receive universal acceptance.

As we have said, the treatise is altogether Greek in doctrine. The Rhodian rhetor who represents its original source sought to bind rhetoric to philosophy, and the book as it stands is a synthesis of various teachings: pre-Aristotelian (Isocratean and "Anaximenean"), Aristotelian and Peripatetic, Stoic, Hermagorean, and possibly Epicurean. Hellenistic theorists selected from all schools what they needed, and indeed some of the precepts were by then a common possession. We must remark, too, in our author's case thoroughly practical motives to which he constantly gives expression. The notes in the present volume attempt in many instances to indicate the ties by which he is bound to the traditions of different schools. To illustrate briefly, and almost at random: the threefold purpose of the Direct Opening is pre-Aristotelian doctrine; the concept of the officia oratoris is Aristotelian; the "virtues" of Style go back to Theophrastus; the detailed treatment of Delivery belongs probably to

post-Theophrastan theory; the discussion of Solecism and Barbarism shows a debt to Stoicism; the definition of rhetoric is Hermagorean, and so too, though in modified form, is our author's status system — indeed every art which had a status system was beholden to Hermagoras; the opposition to amphibolies may be Epicurean; and in the case of some principles the Sophists and Plato play an originating or participating rôle.

The precepts are often illustrated by excellent examples, many of them allusions to the recent and the contemporary political scene, especially the Marsic and Marian Wars, and many bringing back to life the older Roman eloquence. Of the older Latin orators, our author shows special admiration for Gaius Gracchus and Crassus (4.i.2, 4.ii.2), but he tells us that Cato, Tiberius Gracchus, Laelius, Scipio, Porcina, and Antonius also commonly serve as models in the field of style. Poets and historians, too, may be models (4.v.7); he has praise for Ennius and Pacuvius (4.iv.7), but he does not hesitate to use these poets and Plautus and the historian Coelius Antipater in illustration of faults of argumentation or of style. Examples of figures of speech (whose sources he does not name) are drawn from Greek authors as well; the speeches of Demosthenes (especially *De Corona*) and Aeschines are special favourites, but sayings originated by Homer, Simonides, Pythagoras, Isocrates, Socrates, Theophrastus, Aristarchus, Apollonius ὁ μαλακός, and others also appear, as do references to Greek mythology. The author's experience and mastery of Greek literature, however, do not seem to have been great; this Greek lore was transmitted to him from the schools.

The schools emphasized declamation and the study of models, and the treatise is in this respect an image of school practice. Declamatory exercises — the author again and again stresses the importance of exercise — are represented in the form of progymnasmata of various types (including training in epideictic), of deliberative question (deliberationes, suasoriae), and of judicial cases (causae, controversiae). The deliberative questions are all taken from events of Roman history, none of them antedating the war with Hannibal. Of the judicial cases drawn from Roman history, almost all date from the end of the Jugurthine War to the end of the Marian War; a number are also Greek in origin, and occasionally are altered

to fit Roman conditions. Our author doubtless used collections of declamations current in his day. The organization of the treatise is rather complicated. The author is heir to two structural schemes — the pre-Aristotelian, based on the partes of the discourse (μόρια λόγου), and the Peripatetic, based on the five officia (ἔργα) of rhetoric. In his discussion of judicial oratory — which held the foreground in Hellenistic rhetoric, and claims most of his attention — both schemes are fused, "in order to make the subject easier to understand" (1.iii.4), and with interesting results. The partes are treated under Invention, and not, as in the Peripatetic system, under Disposition. Disposition, which is therefore narrow in scope and rather sterile, becomes an adjunct of Invention (3.ix.16), and is treated directly after it, where in the Peripatetic structure we should expect a discussion of Style. The Types of Issue are subjoined to Proof, which is one of the partes, and not as in Aristotle a primary and central function of the whole art. The discussion of the deliberative and epideictic kinds, on the other hand, is more in line with the Peripatetic method: in both cases Invention receives first consideration, and then comes the Development of the cause based on the parts of the discourse.

Each book has a Preface and a Conclusion, which, by brief summaries and transitions characteristic of lecture or text-book style, serve to tie the parts together, and to keep the plan of the work clear in the reader's mind.

The first two books deal with Invention in judicial causes; Invention in deliberative and epideictic speaking is discussed much more briefly in a part of Book 3. Disposition is also accorded little space for the reasons set forth above. But the treatment of Delivery, Memory, and Style is of special interest and importance.

The doctrine of Delivery had been developed in post-Aristotelian times, and our author is familiar with books on the subject. He is dissatisfied with these and wishes to treat the subject with greater care and completeness than had characterized the work of his predecessors (3.xi.19). In the section which he devotes to Delivery two observations will present themselves to the modern student of public speaking. The rules are for the most part prescriptive; the speaker is told precisely what use of voice, pause, and gesture he

ought consciously to make in a variety of situations. And secondly, the doctrine represents a salutary reaction against Asianism; piercing exclamations and the continual use of the full voice are more than once reprehended (3.xii.21 ff.), and the speaker is more than once warned against imitating the delivery of the stage-actor (3.xiv.24, xv.26).

The section on Memory is our oldest surviving treatment of the subject. Based on visual images and "backgrounds," the mnemotechnical system which it presents exerted an influence traceable to modern times. Here too the author refers to previous writers on the subject in order to combat their theory; he specifies that these are Greek, but he does not mention any of them by name.

In Book 4 we have the oldest systematic treatment of Style in Latin, indeed the oldest extant inquiry into the subject after Aristotle. It offers, furthermore, the oldest extant division of the kinds of Style into three, and the oldest extant formal study of figures. Our author gives more space to Style than to any other of the departments of rhetoric, and much more to ornatus — which is limited to the figures — than to the other aspects of Style. The exceptionally large enumeration of figures is of course more in accord with Isocratean than with Aristotelian doctrine; our author, together with the younger Gorgias (through the translation by Rutilius), provides us with an important source for our knowledge of Hellenistic theory in this field. The treatment of the figures is not always bald and jejune, despite their formal array. Occasionally our author writes good literary criticism; read for example the advice, anti-Asian in character, which he gives on the use of the Gorgianic figures (4.xxi.32). He is often sensitive to the effect which a figure of speech, well-used, can work upon the hearer. He never advocates the tricky cunning which would have justified the scorn that Longinus (*De Sublim.*, ch. 17) expressed for the "petty figures (σχημάτια) of the rhetorical craftsman." His counsel is for moderation and the consideration of propriety — in the use of Apostrophe (4.xv.22), Maxims (4.xvvi.25), Disjunction (4.xxvii.38), Onomatopoeia (4.xxxi.42), Metaphor (4.xxxiv.45), and Comparison (4.xlviii.61). The author is not always at ease among technical terms (see 4.vii.10, and also 4.x.15 and 4.xi.16), since not all of these had yet become

stable in Latin. Inasmuch as a like difficulty attends the translation of his terms into English, I have thought it my duty to readers to use the terms most familiar to them; accordingly in rendering the names for the figures I have, abandoning strict consistency, used the English derivatives of the author's terms wherever possible, or the accepted English equivalents, and have employed terms of Greek origin where their use was indicated.

A number of questions concerning the treatise are vigorously debated. How old was the author when the work was composed? Is the treatise nothing but the notes of lectures delivered by his Latin teacher? Does our author favour the populares? What is his philosophical bias, if any? And most baffling, what relation does the treatise bear to Cicero's *De Inventione*?

Whereas in the 19c it was customary to praise our author for "manly independence of thought," it is now, especially since Marx' work appeared, common to make him out an uncritical and very young man, or a boy, who copied down, virtually word for word, the lectures of his Latin teacher, and worked these up with only slight additions, mostly represented by the Introductions and Conclusions to the several Books. The style does show puerilities, and signs of immaturity are sought and found here and there in the thought. But not everything labelled as puerile by some critics justifies the label, and in some degree the charge would have to be shared by the teacher. The confusion between student and teacher arises necessarily from the theory that we have here only a student's notebook. Actually our author seems old enough to have spent (consuevimus, 1.i.1) time in philosophical studies, older enough than his kinsman Herennius to have composed the book for his use, and to encourage him in industry (1.i.1; 2.xxxi.50; 3.xxxiv.40; 4.lvi.69), and to make plans for the future — he expects to write on Grammar (4.xii.17), on Military Science and State Administration (3.ii.3), on Memory (3.xvi.28), and (if encouraged) against the dialecticians (2.xi.16). We have no reason to believe that when he speaks of the pressure of private affairs (1.i.1) and the demands of his occupations (1.xvii.27) he is merely following a literary convention or indulging in rhetorical fiction. He charges Greek writers with childish argumentation in respect to the use of examples (4.iii.4), warns

against puerilities in the use of Isocolon and Paronomasia (4.xx.27, xxx.32), and finds recourse to amphibolies silly (2.xi.16). His apologies for slow progress and references to the magnitude of his task and the care he has devoted to it (*e.g.*, 1.xvii.27; 2.xxxi.50) are inconsistent with the picture of one who is merely working over dictated material. He professes to have taken pains in assembling his material (conquisite conscripsimus, 1.xxxi.50, and studiose collegimus, 4.69), and this seems to imply the use of sources, although we cannot know how wide this use or how comprehensive his study of them may have been.

Lecture notes doubtless form the core of the treatise, but the author probably made use of other sources as well, and worked the matter over with some degree of independence. Some of the very incongruities that we find in the treatise may derive precisely from this weaving together of material drawn from a number of places. Dependence on his teacher is explicit only in connection with a disputed point, on the number of Types of Issue (1.x.1). We go too far if we assume that the precepts all belong to the teacher and very little more than the Introductions and Conclusions to the author. And one wonders how the teacher would have regarded the release of his own work, even if only for private use, as the work of his pupil.

Does our author favour the Popular party? It is believed that his teacher may have belonged to the school of L. Plotius Gallus and the rhetores Latini. These teachers of public speaking, whose identity and innovations remain obscure to us, apparently as a matter of principle taught their subject in Latin, rigidly suppressing the Greek language; they probably were Marian in sympathy and had as students only the sons of the populares. Our author can indeed in his examples praise or sympathize with the Gracchi, Saturninus, Drusus, and Sulpicius (2.xxviii.45; 4.xxii.31; 4.lv.68; 4.xv.22), and advise us to bring our adversaries into contempt by revealing their high birth (1.v.8), but he can likewise accuse Gaius Gracchus of promoting panics (4.xxviii.38), praise Caepio's attack on Saturninus as patriotic conduct (1.xii.21; 2.xii.17), warn Saturninus against the excesses of the popular mob (4.liv.67), attribute the future revival of prosperity to the Conservatives (4.xxxiv.45), and regard their slaughter as a disaster (4.viii.12). The themes of the causae are variously Popular

and Conservative in spirit, and we must infer that our author took his material where he found it and used it to suit his primary purpose — technical instruction in the art of rhetoric. If he really belonged to the Popular party, then he still must have believed in giving the Conservative cause a hearing.

Nor again should our author's attitude to the Greeks be represented as an antagonism approaching hatred. True, he deliberately takes most of his historical *exempla* from Roman history, repeatedly finds fault with the methods of Greek rhetoricians (1.i.1; 3.xxiii.38; 4.i.1), and suppresses the names of Greek writers whose examples he uses in Book 4. But he also omits the names of Roman authors whose examples he uses in that Book. Furthermore, he professes to know Greek books, occasionally uses Greek technical terms and other Greek words, and praises the Greeks for their invention of the art of rhetoric (4.vii.10).

A few traces of Epicureanism in the work have given rise to the notion that our author was an adherent of that school of philosophy. A maxim of Epicurus, in altered form, is quoted without attribution (4.xvii.24); in another example, religion and the fear of death are listed among the motives that impel men to crime (2.xxi.34); and the dialecticians are censured for their love of ambiguities (2.xi.16). But, as the notes in the present volume illustrate, the examples are drawn from the literature of various philosophical schools — a condition one would expect, inasmuch as manuals of rhetoric reflecting diverse schools were then extant, and these manuals may well have had much material in common.

But the most vexing problem — and, as Norden says, one of the most interesting in the history of Roman literature — concerns the relations between our treatise and *De Inventione*. We are not even sure of the respective dates of composition. The reference in *De Oratore* 1.2.5 to the "essays . . . which slipped out of the notebooks of my boyhood, or rather of my youth" does not enable us to fix upon a particular year for the composition of *De Inventione*, but internal evidence points to *c.* 91 B.C. By this we mean only that the work contains no reference to any event that took place during or after the Marsic War. Cicero may, of course, have worked the material into its final form later. When he published the book remains uncertain;

allowing even for the possibility that in the passage above Cicero understated his years with ironic intent, we may not suppose a date much after 86 B.C. Likewise on internal evidence we assign our treatise to *c.* 86-82 B.C. The reference in 1.xv.25 to the death of Sulpicius, which took place in the year 88, supplies us with a *terminus post quem* for the composition of Book 1. 4.liv.68 contains a reference to Marius' seventh consulship, which he held in the year 86. And since nothing in the work mirrors the conditions which obtained in the state under Sulla — for instance, the first illustration in 4.xxxv.47 reflects a jury system still comprising both senators and equites — we may set the year 82 as the *terminus ante quem*. But again these dates regard only the contents; our author could have collected his examples by the year 82 and have composed the treatise later — not much later, probably, for he is eager to complete the work and send it to Herennius. It seems then likely, though not certain, that *De Inventione* was composed before our treatise.

Agreements are so frequent that obviously there is a close tie between the two works. Some precepts are set forth in virtually the same language, and some of the illustrations are identical. This is not the place to enumerate these likenesses, nor the differences, which are even more striking; the treatises have been compared in several studies, but the last word on the subject has not yet been said. I may here only review recent opinion. No one now believes that our author used *De Inventione*. On the other hand, the belief that Cicero used the *Rhetorica ad Herennium* still finds adherents; but since it is probable that Cicero's work antedates our treatise, we hesitate to accept this notion. Other critics postulate a common source. That both authors had a single Greek original in common is not acceptable, for it would be unbelievable that two independent translators should have rendered their text in precisely the same words; furthermore, the illustrations from Roman writers shared by both make such a solution impossible.

Or did both make direct use of the same Latin source? This view is popular, and takes two forms: (1) that both had the same Latin teacher, the differences being explained by the assumption that they heard this teacher at different times — our author later, and when the teacher had changed his mind on a number of points; and that Cicero

used other sources in addition; (2) that both used the same Latin manual, our author only this manual, and without many changes — except for certain transposition and abridgements, some omission of examples, and slight additions (*e.g.*, the Introductions and Conclusions) — and Cicero with greater alterations; and that Cicero further used Hermagoras. Marx, on the other hand, finds that the contrast between the two works is too sharp to permit a theory either of direct dependence or of a single immediate common source, whether teacher or manual; he posits two Latin teachers, and behind these, two Rhodian masters who advocated opposing doctrines, our author inheriting the older theory and Cicero a fuller and more recent system.

Without accepting Marx' thesis that the treatise is entirely a set of lecture notes — for I would assign more of the work to the author than Marx allows — I believe that something like his hypothesis is required. The differences between the two works seem to rule out a single immediate common source; the likenesses we may best refer to the use by both authors (or by their teachers) of Latin treatises like the *De ratione Dicendi* of Antonius. We cannot appraise the influence of these older Latin arts of rhetoric which are lost to us, but it may well have been considerable.

Our main difficulty when we compare the two works is in explaining the following coincidence. In 1.vi.9 our author distinguishes three occasions (tempora) for the use of the Subtle Approach, and in 1.ix.16 maintains that this is his own innovation; in *De Inventione* 1.xvii.23, however, a like threefold classification occurs, but instead of occasions we have "motives" (causae). Again diverse explanations are offered, but in the end we are, I believe, forced either to accept Marx' view that the classification is of Greek origin or to take the author's words at their face value. Marx finds the context here thoroughly Greek, even though we do not know any specific Greek source for the threefold classification, and hurls the charge of fraud and impudence at our author; the principle, he is sure, originated with the Rhodian rhetor whose doctrines our author followed, and Cicero in his turn received it from his own teacher in a modified form. Some of those who, like Marx, consider our treatise merely lecture notes, and yet wish to absolve the writer of the charge

of fraud, make the point that he may not have known that his teacher had borrowed the precept from a Greek source; but the notion that the author did not know Greek well enough for his purposes would require proof. Schanz and others believe that Cicero borrowed the principle from our treatise, but that hypothesis would be more acceptable if we could be certain that the *Rhetorica ad Herennium* was actually published and available to Cicero before his publication of *De Inventione*. As a matter of fact, the precept appears in a somewhat different setting in *De Inventione*, where its use is confined to the admirabile kind of cause. Our author doubtless depends on a Greek source for his general treatment of the doctrine of the Subtle Approach. Yet he always writes with practical motives, and on this particular point specifically says that his purpose is to provide a sure and lucid theory. When, therefore, he claims as an innovation the slight distinction between tempora and causae, we find him guilty, not of fraud, but of the exaggerated self-esteem which is also elsewhere characteristic of him.

The chief basis of Marx' charge of deceit is provided by the Introduction to Book 4, considered in relation to the examples used in that Book. This Proem, organized and developed like a chria according to the rules of the classroom, is rather graceful and learned; in language, too, it is smoother than the purely technical parts of the treatise; and its contents are Greek in character. Marx and others contend that it did not belong in this place originally, but was in its main outlines taken from a Greek source, inserted here, and made over to seem a Latin product. In this Preface our author presents a long argument against a theory, which he labels as Greek, of using borrowed examples, and promises to give only those of his own creation (except in the case of faulty ones). But the execution does not fulfil the promise, for he then proceeds actually to use borrowed examples, and without naming his sources, many of which are Greek. The author (or rather his teacher) thus got into trouble when, having used a Greek art which employed borrowed examples, he tried to adjust to it the contrary precepts of another Greek author who created his own examples. This is the person, say his critics, who in 1.i.1 accuses Greek writers of futile self-assertion.

According to another interpretation, which is intended to save the

honour of both student and teacher, the young student here put down the notes of a lecture once delivered by his teacher, thinking this to be an appropriate place, but being no master of Greek, he was unaware that his teacher had in the rest of what comprises his Book 4 taken so many examples from Greek sources.

It seems best, however, to grant the author some degree of literary individuality, and to regard his claim to the use of his "own" examples as at least an honest one. The notion that he did not know Greek well enough for his purpose is gratuitous. To be sure, one cannot deny the contradiction between promise and fulfilment, nor assign to the author more than a relatively small share in the fashioning of the Proem, the Greek origin of which is obvious. But he made good use of this Proem, which as it stands coheres well enough with the text that follows it he would naturally use material that he had heard or read, perhaps not always knowing where he had picked it up; and what is more likely, he may have considered his free translation of the Greek examples and alteration of the Latin a large enough task to justify his feeling that they were now his own. He is sometimes adroit in transposing the original examples and adjusting them to Roman conditions. The claim to originality becomes then a pardonable, or at least an understandable, exaggeration, rather than evidence of misrepresentation.

Since the treatise stands near the beginnings of Latin prose, its style has been the subject of close study. The faults have received special attention, especially those resulting from the author's quest for variety and for refinements in forms and constructions — for example, abundantia, artificially balanced clauses, the love of synonyms, of word-play, hyperbata, and asyndeta, the inflated language of the Conclusions to each Book, and other extravagances of rhetorical style; also the awkward transitions and the author's tendency merely to reiterate, under the guise of remarks concluding the treatment of a precept, what he has already said. Further peculiarities are the arbitrary use of pronouns, the omission of subjects of verbs in the infinitive, the mixture of present and future in the sequence of tenses, the frequent employment of the first person future active indicative, of substantives in -io, of the ut . . . ne construction, and of the indicative in indirect questions. The dry style

of the precepts usually contrasts with the lively and smooth style of the examples. Although the style is in general not highly developed nor fluent, and there are several passages of which the meaning is obscure, our author in greatest part achieves, as I have said, his aim of clarity. It would not be fair to class his treatise with the crude textbooks (libri agrestes) disparaged in *De Oratore* 2.3.10. The language is up to a point "plebeian" and there are puerilities, but some of the qualities thus designated are rather to be assigned to what we may call the schoolmaster's manner and to the nature of technical, textbook style. Some of the irregularities perhaps also derive from the author's desire to make haste and to be brief, and from the process of translation; here and there the language betrays a Greek origin.

Our author is fond of periods formed with rhythmic clausulae. It is another echo of the school practice of his time that the dichoree, favourite of Asianic style, plays the chief rôle, but other cadences are also frequent. In the examples illustrating the three types of style in Book 4, rhythms are chosen with a fair degree of taste so as to correspond to the character of the different types.

We may say that the style is within limits archaic, and sometimes reminiscent of Roman comedy; yet today it is no longer set in such sharp contrast as formerly to Ciceronian style. Kroll looks upon it as having been formed on the same principles as those of the Roman orators whom Cicero regarded as his own forerunners.

In the present century it has been customary to undervalue the treatise because of its shortcomings — which in large part are those inherent in the nature of a textbook — even as its virtues were often exaggerated in the nineteenth century, when more than one critic (*e.g.*, Chaignet) held the work up as superior to Quintilian's *Training of an Orator*. Regarded from a historical point of view, the treatise presents no strikingly novel system; for us, however, it has literary importance because it is our only complete representative of the system it teaches. We may further readily admit that the work lacks the larger philosophical insight of Aristotle's *Rhetoric*, but that is not to deny its excellence as a practical treatise of the kind doubtless used by Roman orators. It is, moreover, itself not without usefulness for the modern student of the art. We ought now to redress the

balance, to recognize that, though Greek in origin and inspiration, it marks a significant stage in Roman rhetorical theory, to assign due value especially to Book 4, and to bear in mind that the work exerted a beneficent influence for hundreds of years. One of the distinguished modern students of rhetoric, Spengel, called it "a book more precious than gold."

Later History

Interpreting a *subscriptio* in MS. H, Marx assumed that the book first came to light in Africa in the middle of the fourth century and was soon thereafter brought to Lombardy. Therefore the first references to it appear late — in Jerome (in works written in the years A.D. 395 and 402), Rufinus (late fifth century), Grillius (late fifth century), and Priscian (early sixth century). MSS. of the M class were known to Servatus Lupus, as we learn from a letter he wrote in 829 or 830, and indeed our oldest extant MSS., which belong to that class, date from the ninth and tenth centuries. Later the treatise was much used, abstracted, annotated, and interpolated; it shared favour with Cicero's *De Inventione*, which, as against modern taste, seems to have been preferred to his *De Oratore*. The great number of MSS. of the *Ad Herennium* — we have more than a hundred — is in itself an index of its popularity. Complete commentaries began to appear as early, perhaps, as the twelfth century, translations as early as the thirteenth. The full story, however, of the influence which the treatise enjoyed in education and in the poetry and prose of the Middle Ages and Renaissance has yet to be worked out.

Translations

The MSS. containing mediaeval translations of the treatise have not yet been adequately studied; several versions in Western vernaculars doubtless remain to be brought to light. We may, however, mention the compendium in Italian that is associated with the names of both Guidotto da Bologna and Bono Giamboni (*Fiore di rettorica* or *Rettorica nuova di Tullio*), which in its original form was composed before 1266, and the French rendering (of both our treatise and

Cicero's *De Inventione*) made by Jean d'Antioche de Harens in 1282. Enrique de Villena translated the work into Castilian in 1427. And the Greek version of the section on Memory in Book 3 (reprinted in Marx, *ed. maior*, pp54-59) has been assigned, without strong evidence in either case, to Maximus Planudes (early *saec.* 14) or Theodore Gaza (*saec.* 15).

The following translations belong to modern times:

French:

Paul Jacob, Paris 1652, 1670 (*Les Oeuvres de Cicéron*, tr. by Pierre du Ryer *et al.*, vol. 1).

J. N. Demeunier, Paris 1783 (*Oeuvres de Cicéron, trad. nouvelle*, vol. 1).

J. B. Levée, Paris 1816 (*Oeuvres Complètes de Cicéron, trad. en Français*, vol. 1).

J. V. LeClerc, Paris 1821, 1827 (*Oeuvres Complètes de Cicéron*, vol. 1 Pt. 2, 2nd ed.), and later eds.

L. Delcasso, Paris 1826 (in *Bibliothèque Latine-Française*, ed. C. L. Panckoucke, vol. 1), and later eds.

Thibaut, Paris 1881 (*Oeuvres Complètes de Cicéron*, ed. J. M. N. D. Nisard, vol. 1).

Henri Bornecque, Paris .

German:

Christian Walz, Stuttgart 1842 (in *Römische Prosaiker in neuen Übersetzungen* 22.3354-3532).

Karl Kuchtner, Munich 1911.

So far as the present translator knows, the treatise has not hitherto been completely translated into English; a rendering of Ray Nadeau of Book 1, based on Kayser's edition of 1854, appears in *Speech Monographs* 16 (1949), 57-68.

Editions

The *editio princeps* was issued in Venice in 1470 by Nicolaus Jenson, under the editorship of Omnibonus Leonicenus. At least twenty-eight other editions appeared in the fifteenth century, several with commentaries. For the long list of editions that followed until the year 1834 the reader may be referred to J. C. Orelli's *Onomasticon Tullianum* in the Orelli-Baiter edition of Cicero's Works (Zurich 1836), vol. 6, pp197, 215, 218, and 223. Of the nineteenth-century editions that appeared thereafter, we must list C. L. Kayser's separate edition, Leipzig (Teubner) 1854, and his Tauchnitz edition (among Cicero's Works), Leipzig 1860; G. F. Friedrich's edition, Leipzig (Teubner) 1884; and especially the excellent *editio maior* by Friedrich Marx, Leipzig (Teubner) 1894. This last, together with Marx' *editio minor*, Leipzig (Teubner) 1923, forms the basis of the text used by the present translator, who acknowledges also the profit derived from the critical notes in both editions and from the Prolegomena and Index in the *editio maior* — a debt which will be obvious in many places. Marx' work represents a great advance in the study of our treatise, and on it all students, even when they reject his conclusions on certain points, now base their investigations.

The Text

The text depends on two groups of MSS. — an older group, M(utili), whose archetype contained lacunae and corruptions, and a younger, E(xpleti). The lacunae in M are filled out in E in part from another

tradition. The Expleti derive from an archetype of perhaps the twelfth century; for that recension three aids were used: a MS. of class M, a lost *integer*, and the recensionist's own conjectures and emendations.

In a number of places the text cannot be restored with certainty. At times the readings of M, especially when the text is corrupt and cannot otherwise be filled out, must give way to those of E. Neither M nor E can be followed alone throughout, and often the decision between the two is hard to make. As Marx says, each reading must be examined in accordance with the editor's conception of the author's habits of writing. To be sure E, which contains many conjectures made in the Middle Ages, must be used with caution, but even Marx, an editor of praiseworthy conservatism, adopts many of its readings. I have found it advisable to follow M in a number of cases where Marx followed E, but most of my changes from Marx have favoured E. The text in the present edition rests on that of Marx, *editio minor*; an apparatus is supplied only for those places where I deviate from the text of that edition.

In the apparatus *Mx* stands for Marx, *ed. minor*, 1923; *Mx ed. mai.* for his edition of 1894.

Marx constructed his text on the basis of the following MSS.:

M(utili): lacking Bk. I, chaps. 1-5

H
Herbipolitanus (*saec.* 9/10)

P
Parisinus 7714 (9)

B
Bernensis (9.10)

C
Corbiensis (or Leninopolitanus) (9.10)

Π
Parisinus 7231 (12)

M
consensus of H P B C Π

E(xpleti)

b
Bambergensis (12/13)

l
Leidensis (12)

d
Darmstadiensis (12/13)

v
Vossianus (12/13)

p
Parisinus 7696 (12)

E
consensus of b l d

The reader is referred to Marx, *ed. maior*, pp10 ff., and the Preface to the *ed. minor*, for a description of the MSS. The stemma that appears on the next page is taken from of the *ed. minor*.

The spelling in the present text differs in a number of places from that of Marx' editions. As some critics have charged, Marx at times went out of his way to set up archaic or unusual spellings (some of which he formed from *corruptelae*). My changes — not as a rule noted in the apparatus — have, I believe, sound support in the MSS.; and in several instances — which are noted — I have felt that the MSS. should not be allowed to determine forms regarded as incorrect. A completely uniform orthography, for example in the assimilation of prepositions, has not been sought.

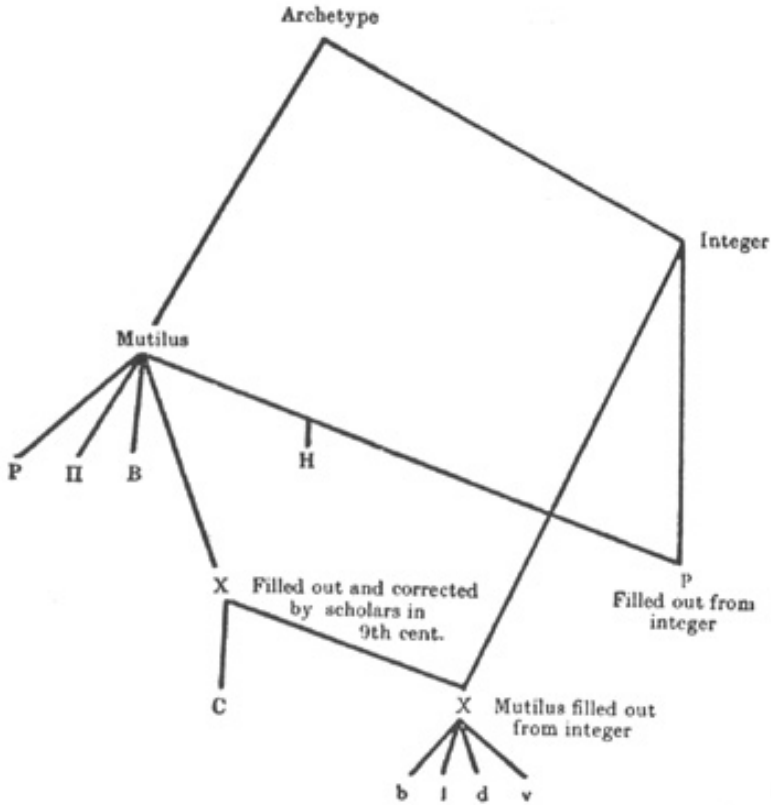

In closing this Introduction, I wish to express the thanks I owe to a number of friends at Cornell University for generous assistance. To Professor Ernst Levy of the University of Washington I am indebted for his kindness in answering several questions on Roman Law.

BOOK I

1 1 My private affairs keep me so busy that I can hardly find enough leisure to devote to studies, and the little that is vouchsafed to me I have usually preferred to spend on philosophy. Yet your desire, Gaius Herennius, has spurred me to compose a work on the Theory of Public Speaking, lest you should suppose that in a matter which concerns you I either lacked the will or shirked the labour. And I have undertaken this project the more gladly because I knew that you had good grounds in wishing to learn rhetoric, for it is true that copiousness and facility in expression bear abundant fruit, if controlled by proper knowledge and a strict discipline of the mind.

That is why I have omitted to treat those topics which, for the sake of futile self-assertion, Greek writers have adopted. For they, from fear of appearing to know too little, have gone in quest of notions irrelevant to the art, in order that the art might seem more difficult to understand. I, on the other hand, have treated those topics which seemed pertinent to the theory of public speaking. I have not been moved by hope of gain or desire for glory, as the rest have been, in undertaking to write, but have done so in order that, by my painstaking work, I may gratify your wish. To avoid prolixity, I shall now begin my discussion of the subject, as soon as I have given you this one injunction: Theory without continuous practice in speaking is of little avail; from this you may understand that the precepts of theory offered ought to be applied in practice.

2 2 The task of the public speaker is to discuss capably those matters which law and custom have fixed for the uses of citizenship, and to secure as far as possible the agreement of his hearers. There are three kinds of causes which the speaker must treat: Epideictic, Deliberative, and Judicial. The epideictic kind is devoted to the praise or censure of some particular person. The deliberative consists in the discussion of policy and embraces persuasion and dissuasion. The judicial is based on legal controversy, and comprises criminal prosecution or civil suit, and defence.

Now I shall explain what faculties the speaker should possess, and then show the proper means of treating these causes.

3 The speaker, then, should possess the faculties of Invention, Arrangement, Style, Memory, and Delivery. Invention is the devising of matter, true or plausible, that would make the case convincing. Arrangement is the ordering and distribution of the matter, making clear the place to which each thing is to be assigned. Style is the adaptation of suitable words and sentences to the matter devised. Memory is the firm retention in the mind of the matter, words, and arrangement. Delivery is the graceful regulation of voice, countenance, and gesture.

All these faculties we can acquire by three means: Theory, Imitation, and Practice. By theory is meant a set of rules that provide a definite method and system of speaking. Imitation stimulates us to attain, in accordance with a studied method, the effectiveness of certain models in speaking. Practice is assiduous exercise and experience in speaking.

Since, then, I have shown what causes the speaker should treat and what kinds of competence he should possess, it seems that I now need to indicate how the speech can be adapted to the theory of the speaker's function.

3 4 Invention is used for the six parts of a discourse: the Introduction, Statement of Facts, Division, Proof, Refutation, and Conclusion. The Introduction is the beginning of the discourse, and by it the hearer's mind is prepared for attention. The Narration or Statement of Facts sets forth the events that have occurred or might have occurred. By means of the Division we make clear what matters are agreed upon and what are contested, and announce what points we intend to take up. Proof is the presentation of our arguments, together with their corroboration. Refutation is the destruction of our adversaries' arguments. The Conclusion is the end of the discourse, formed in accordance with the principles of the art.

Along with the speaker's functions, in order to make the subject easier to understand, I have been led also to discuss the parts of a discourse, and to adapt these to the theory of Invention. It seems, then, that I must at this juncture first discuss the Introduction.

5 Given the cause, in order to be able to make a more appropriate Introduction, we must consider what kind of cause it is. The kinds of causes are four: honourable, discreditable, doubtful, and petty. A

cause is regarded as of the honourable kind when we either defend what seems to deserve defence by all men, or attack what all men seem in duty bound of the attack; for example, when we defend a hero, or prosecute a parricide. A cause is understood to be of the discreditable kind when something honourable is under attack or when something discreditable is being defended. A cause is of the doubtful kind when it is partly honourable and partly discreditable. A cause is of the petty kind when the matter brought up is considered unimportant.

4 6 In view of these considerations, it will be in point to apply the theory of Introductions to the kind of cause. There are two kinds of Introduction: the Direct Opening, in Greek called the Proimion, and the Subtle Approach, called the Ephodos. The Direct Opening straightway prepares the hearer to attend to our speech. Its purpose is to enable us to have hearers who are attentive, receptive, and well-disposed. If our cause is of the doubtful kind, we shall build the Direct Opening upon goodwill, so that the discreditable part of the cause cannot be prejudicial to us. If our cause is of the petty kind, we shall make our hearers attentive. If our cause is of the discreditable kind, unless we have hit upon a means of capturing goodwill by attacking our adversaries, we must use the Subtle Approach, which I shall discuss later. And finally, if our cause is of the honourable kind, it will be correct either to use the Direct Opening or not to use it. If we wish to use it, we must show why the cause is honourable, or else briefly discuss what matters we are going to discuss. But if we do not wish to use the Direct Opening, we must begin our speech with a law, a written document, or some argument supporting our cause.

7 Since, then, we wish to have our hearer receptive, well-disposed, and attentive, I shall disclose how each state can be brought about. We can have receptive hearers if we briefly summarise the cause and make them attentive; for the receptive hearer is one who is willing to listen attentively. We shall have attentive hearers by promising to discuss important, new, and unusual matters, or such as appertain to the commonwealth, or to the hearers themselves, or to the worship of the immortal gods; by bidding them listen attentively; and by enumerating the points we are going to discuss. 8 We can by four methods make our hearers well-disposed: by discussing our own

person, the person of our adversaries, that of our hearers, and the facts themselves.

5 From the discussion of our own person we shall secure goodwill by praising our services without arrogance and revealing also our past conduct toward the republic, or toward our parents, friends, or the audience, and by making some reference to . . . provided that all such references are pertinent to the matter in question; likewise by setting forth our disabilities, need, loneliness, and misfortune, and pleading for our hearers' aid, and at the same time showing that we have been unwilling to place our hope in anyone else.

From the discussion of the person of our adversaries we shall secure goodwill by bringing them into hatred, unpopularity, or contempt. We shall force hatred upon them by adducing some base, high-handed, treacherous, cruel, impudent, malicious, or shameful act of theirs. We shall make our adversaries unpopular by setting forth their violent behaviour, their dominance, factiousness, wealth, lack of self-restraint, high birth, clients, hospitality, club allegiance, or marriage alliances, and by making clear that they rely more upon these supports than upon the truth. We shall bring our adversaries into contempt by presenting their idleness, cowardice, sloth, and luxurious habits.

From the discussion of the person of our hearers goodwill is secured if we set forth the courage, wisdom, humanity, and nobility of past judgements they have rendered, and if we reveal what esteem they enjoy and with what interest their decision is awaited.

From the discussion of the facts themselves we shall render the hearer well-disposed by extolling our own cause with praise and by contemptuously disparaging that of our adversaries.

6 9 Now I must explain the Subtle Approach. There are three occasions on which we cannot use the Direct Opening, and these we must consider carefully: (1) when our cause is discreditable, that is, when the subject itself alienates the hearer from us; (2) when the hearer has apparently been won over by the previous speakers of the opposition; (3) or when the hearer has become wearied by listening to the previous speakers.

If the cause has a discreditable character, we can make our Introduction with the following points: that the agent, not the action,

ought to be considered; that we ourselves are displeased with the acts which our opponents say have been committed, and that these are unworthy, yes, heinous. Next, when we have for a time enlarged upon this idea, we shall show that nothing of the kind has been committed by us. Or we shall set forth the judgement rendered by others in an analogous case, whether that cause be of equal, or less, or greater importance; then we shall gradually approach our own cause and establish the analogy. The same result is achieved if we deny an intention to discuss our opponents or some extraneous matter and yet, by subtly inserting the words, do so.

10 If the hearers have been convinced, if our opponent's speech has gained their credence — and this will not be hard for us to know, since we are well aware of the means by which belief is ordinarily effected — if, then, we think belief has been effected, we shall make our Subtle Approach to the cause by the following means: the point which our adversaries have regarded as their strongest support we shall promise to discuss first; we shall begin with a statement made by the opponent, and particularly with that which he has made last; and we shall use Indecision, along with an exclamation of astonishment: "What had I best say?" or "To what point shall I first reply?"

If the hearers have been fatigued by listening, we shall open with something that may provoke laughter — a fable, a plausible fiction, a caricature, an ironical inversion on the meaning of a word, an ambiguity, innuendo, banter, a naïvety, an exaggeration, a recapitulation, a pun, an unexpected turn, a comparison, a novel tale, a historical anecdote, a verse, or a challenge or a smile of approbation directed at some one. Or we shall promise to speak otherwise than as we have prepared, and to talk as others usually do; we shall briefly explain what the other speakers do and what we intend to do.

7 11 Between the Subtle Approach and the Direct Opening there is the following difference. The Direct Opening should be such that by the straightforward methods I have prescribed we immediately make the hearer well-disposed or attentive or receptive; whereas the Subtle Approach should be such that we effect all these results covertly, through dissimulation, and so can arrive at the same vantage-point in

the task of speaking. But though this three-fold advantage — that the hearers constantly show themselves attentive, receptive, and well-disposed to us — is to be secured throughout the discourse, it must in the main be won by the Introduction to the cause.

Now, for fear that we may at some time use a faulty Introduction, I shall show what faults must be avoided. In the Introduction of a cause we must make sure that our style is temperate and that the words are in current use, so that the discourse seems unprepared. An Introduction is faulty if it can be applied as well to a number of causes; that is called a banal Introduction. Again, an Introduction which the adversary can use no less well is faulty, and that is called a common Introduction. That Introduction, again, is faulty which the opponent can turn to his own use against you. And again that is faulty which has been composed in too laboured a style, or is too long; and that which does not appear to have grown out of the cause itself in such a way as to have an intimate connection with the Statement of Facts; and, finally, that which fails to make the hearer well-disposed or receptive or attentive.

8 Concerning the Introduction I have said enough; next let me turn to the Narration or Statement of Facts. 12 There are three types of Statement of Facts. It is one type when we set forth the facts and turn every detail to our advantage so as to win the victory, and this kind appertains to the causes on which a decision is to be rendered. There is a second type which often enters into a speech as a means of winning belief or incriminating our adversary or effecting a transition or setting the stage for something. The third type is not used in a cause actually pleaded in court, yet affords us convenient practice for handling the first two types more advantageously in actual cases. 13 Of such narratives there are two kinds: one based on the facts, the other on the persons.

The kind of narrative based on the exposition of the facts presents three forms: legendary, historical, and realistic. The legendary tale comprises events neither true nor probable, like those transmitted by tragedies. The historical narrative is an account of exploits actually performed, but removed in time from the recollection of our age. Realistic narrative recounts imaginary events, which yet could have occurred, like the plots of comedies.

A narrative based on the persons should present a lively style and diverse traits of character, such as austerity and gentleness, hope and fear, distrust and desire, hypocrisy and compassion, and the vicissitudes of life, such as reversal of fortune, unexpected disaster, sudden joy, and a happy outcome. But it is in practice exercises that these types will be worked out. How we should handle that type of Statement of Facts which belongs in actual causes I am about to explain.

9 14 A Statement of Facts should have three qualities: brevity, clarity, and plausibility. Since we know that these qualities are essential, we must learn how to achieve them.

We shall be able to make the Statement of Facts brief if we begin it at the place at which we need to begin; if we do not try to recount from the remotest beginning; if our Statement of Facts is summary and not detailed; if we carry it forward, not to the furthermost point, but to the point to which we need to go; if we use no digressions and do not wander from the account we have undertaken to set forth; and if we present the outcome in such a way that the facts that have preceded can also be known, although we have not spoken of them. For example, if I should say that I have returned from the province, it would also be understood that I had gone to the province. And in general it is better to pass by not only that which weakens the cause but also that which neither weakens nor helps it. Furthermore, we must guard against repeating immediately what we have said already, as in the following: "Simo came from Athens to Megara in the evening; when he came to Megara, he laid a trap for the maiden: after laying the trap he ravished her then and there."

15 Our Statement of Facts will be clear if we set forth the facts in the precise order in which they occurred, observing their actual or probable sequence and chronology. Here we must see that our language is not confused, involved, or unfamiliar, that we do not shift to another subject, that we do not trace the affair back to its remotest beginning, nor carry it too far forward, and that we do not omit anything pertinent. And our Statement of Facts will be clear if we follow the precepts on brevity that I have laid down, for the shorter the Statement of Facts, the clearer will it be and the easier to follow.

16 Our Statement of Facts will have plausibility if it answer the requirements of the usual, the expected, and the natural; if account is strictly kept of the length of time, the standing of the persons involved, the motives in the planning, and the advantages offered by the scene of action, so as to obviate the argument in refutation that the time was too short, or that there was no motive, or that the place was unsuitable, or that the persons themselves could not have acted or been treated so. If the matter is true, all these precautions must none the less be observed in the Statement of Facts, for often the truth cannot gain credence otherwise. And if the matter is fictitious, these measures will have to be observed all the more scrupulously. Fabrication must be circumspect in those matters in which official documents or some person's unimpeachable guaranty will prove to have played a rôle.

In what I have thus far said I believe that I agree with the other writers on the art of rhetoric except for the innovations I have devised on Introductions by the Subtle Approach. I alone, in contrast with the rest, have distinguished three occasions for the Subtle Approach, so as to provide us with a thoroughly sure method and a lucid theory of Introductions. 10 Now as to the rest, since I must discuss the finding of arguments, a matter that makes unique demands upon the art of the speaker, I shall endeavour to exhibit an industry in research such as the importance of the subject demands — as soon as I have prefixed a few remarks on the Division of the cause.

17 The Division of the cause falls into two parts. When The Statement of Facts has been brought to an end, we ought first to make clear what we and our opponents agree upon, if there is agreement on the points useful to us, and what remains contested, as follows: "Orestes killed his mother; on that I agree with my opponents. But did he have the right to commit the deed, and was he justified in committing it? That is in dispute." Likewise in reply: "They admit that Agamemnon was killed by Clytemnestra; yet despite this they say that I ought not to have avenged my father."

Then, when we have done this, we should use the Distribution. The Distribution has two parts: the Enumeration and the Exposition. We shall be using the Enumeration when we tell by number how

many points we are going to discuss. The number ought not to exceed three; for otherwise, besides the danger that we may at some time include in the speech more or fewer points than we enumerated, it instils in the hearer the suspicion of premeditation and artifice, and this robs the speech of conviction. The Exposition consists in setting forth, briefly and completely, the points we intend to discuss.

18 Now let me pass to Proof and Refutation. The entire hope of victory and entire method of persuasion rest on proof and refutation, for when we have submitted our arguments and destroyed those of the opposition, we have, of course, completely fulfilled the speaker's function. 11 We shall, then, be enabled to do both if we know the Type of Issue which the cause presents. Others make these Types of Issue four. My teacher thought that there were three, and intending thereby to subtract any of the types they had discovered, but to demonstrate that one type which they should have taught as single and uncompounded they had divided into with distinct and separate types. The Issue is determined by the joining of the primary plea of the defence with the charge of the plaintiff. The Types of Issue are then, as I have said above, three: Conjectural, Legal, and Juridical.

The Issue is Conjectural when the controversy concerns a question of fact, as follows: In the forest Ajax, after realizing what in his madness he had done, fell on his sword. Ulysses appears, perceives that Ajax is dead, draws the bloody weapon from corpse. Teucer appears, sees his brother dead, and his brother's enemy with bloody sword in hand. He accuses Ulysses of a capital crime. Here the truth is sought by conjecture. The controversy will concern the fact. And that is why the Issue in the cause is called Conjectural.

19 The Issue is Legal when some controversy turns upon the letter of a text or arises from an implication therein. A Legal Issue is divided into six subtypes: Letter and Spirit, Conflicting Laws, Ambiguity, Definition, Transference, and Reasoning from Analogy.

A controversy from Letter and Spirit arises when the framer's intention appears to be at variance with the letter of the text, as follows: Suppose a law which decrees that whoever have abandoned their ship in a storm shall lose all rights of title, and that their ship, if saved, and cargo as well, belong to those who have remained on board. Terrified by the storm's violence, all deserted the ship and

took to the boat — all except one sick man who, on account of his illness, could not leave the ship and escape. By sheer chance the ship was driven safely to harbour. The invalid has come into possession of the ship, and the former owner claims it. Here is a Legal Issue based on Letter and Spirit.

20 Controversy results from Conflicting Laws when one law orders or permits a deed while another forbids it, as follows: A law forbids one who has been convicted of extortion to speak before the Assembly. Another law commands the augur to designate in the Assembly the candidate for the place of a deceased augur. A certain augur convicted of extortion has designated the candidate for the place of a deceased augur. A penalty is demanded of him. Here is a Legal Issue established from Conflicting Laws.

12 A controversy is created by Ambiguity when a text presents two or more meanings, as follows: The father of a family, when making his son his heir, in his will bequeathed silver vessels to his wife: "Let my heir give my wife thirty pounds' weight of silver vessels, 'such as shall be selected'." After his death the widow asks for some precious vessels of magnificent relief-work. The son contends that he owes her thirty pounds' weight of vessels "such as shall be selected" *by him*. Here is a Legal Issue established from Ambiguity.

21 A cause rests on Definition when the name by which an act should be called is in controversy. The following is an example: When Lucius Saturninus was about to introduce the grain law concerning the five-sixths as, Quintus Caepio, who was city quaestor during that time, explained to the Senate that the treasury could not endure so great a largess. The Senate decreed that if Saturninus should propose that law before the people he would appear to be doing so against the common weal. Saturninus proceeded with his motion. His colleagues interposed a veto; nevertheless he brought the lot-urn down for the vote. Caepio, when he sees Saturninus presenting his motion against the public welfare despite his colleagues' veto, attacks him with the assistance of some Conservatives, destroys the bridges, throws down the ballot boxes, and blocks further action on the motion. Caepio is brought to trial for treason. The Issue is Legal, and is established from Definition, for we are defining the actual term when we investigate what constitute

treason.

22 A controversy is based on Transference when the defendant maintains that there must be a postponement of time or a change of plaintiff or judges. This subtype of Issue the Greeks use in the proceedings before judges, we generally before the magistrate's tribunal. We do, however, make some use of it in judicial proceedings. For example, if some one is accused of embezzlement, alleged to have removed silver vessels belonging to the state from a private place, he can say, when he has defined theft and embezzlement, that in his case the action ought to be one for theft and not embezzlement. This subtype of Legal Issue rarely presents itself in judicial proceedings for the following reasons: in a private action there are counterpleas accepted by the praetor, and the plaintiff's fails unless he has had a cause of action; in public investigations the laws provide that, if it suits the defendant, a decision is first passed on whether the plaintiff is, or is not, permitted to make the charge.

13 23 The controversy is based on Analogy when a matter that arises for adjudication lacks a specifically applicable law, but an analogy is sought from other existing laws on the basis of a certain similarity to the matter in question. For example, a law reads: "If a man is raving mad, authority over his person and property shall belong to his agnates, or to the members of his gens." Another law reads: "He who has been convicted of murdering his parent shall be completely wrapped and bound in a leather sack and thrown into a running stream." Another law: "As the head of a family has directed regarding his household or his property, so shall the law hold good." Another law: "If the head of a family dies intestate, his household and property shall belong to his agnates, or to the members of his gens." Malleolus was convicted of matricide. Immediately after he had received sentence, his head was wrapped in a bag of wolf's hide, the "wooden shoes" were put upon his feet, and he was led away to prison. His defenders bring tablets into the jail, write his will in his presence, witnesses duly attending. The penalty is exacted of him. His testamentary heirs enter upon their inheritance. Malleolus' younger brother, who had been one of the accusers in his trial, claims his inheritance by the law of agnation. Here no one specific law is

adduced, and yet many laws are adduced, which for the basis for a reasoning by analogy to prove that Malleolus had or had not the right to make a will. It is a Legal Issue established from Analogy.

I have explained the types of Legal Issue. Now let me discuss the Juridical Issue.

14 24 An Issue is Juridical when there is agreement on the act, but the right or wrong of the act is in question. Of this Issue there are two subtypes, one called Absolute, the other Assumptive.

It is an Absolute Issue when we contend that the act in and of itself, without our drawing on any extraneous considerations, was right. For example, a certain mime abused the poet Accius by name on the stage. Accius sues him on the ground of injuries. The player makes no defence except to maintain that it was permissible to name a person under whose name dramatic works were given to be performed on the stage.

The Issue is Assumptive when the defence, in itself insufficient, is established by drawing on extraneous matter. The Assumptive subtypes are four: Acknowledgement of the Charge, Rejection of the Responsibility, Shifting of the Question of Guilt, Comparison with the Alternative Course.

The Acknowledgement is the defendant's plea for pardon. The Acknowledgement includes the Exculpation and the Plea for Mercy. The Exculpation is the defendant's denial that he acted with intent. Under Plea of Exculpation are three subheads: Ignorance, Accident, and Necessity; accident, as in the case of Caepio before the tribunes of the plebs on the loss of his army; ignorance, as in the case of the man who, before opening the tablets of the will by the terms of which his brother's slave had been manumitted, exacted punishment of the slave for having slain his master; necessity, as in the case of the soldier who overstayed his leave because the floods had blocked the roads. It is a Plea for Mercy when the defendant confesses the crime and premeditation, yet begs for compassion. In the courts this is rarely practicable, except when we speak in defence of one whose good deeds are numerous and notable; for example, interposing as a commonplace in amplification: "Even if he had done this, it would still be appropriate to pardon him in view of his past services; but he does not at all beg for pardon." Such a cause, then, is not admissible

in the courts, but is admissible before the Senate, or a general, or a council.

15 25 A cause rests on the Shifting of the Question of Guilt when we do not deny our act but plead that we were driven to it by the crimes of others, as in the case of Orestes when he defended himself by diverting the issue of guilt from himself to his mother.

A cause rests on the Rejection of the Responsibility when we repudiate, not the act charged, but the responsibility, and either transfer it to another person or attribute it to some circumstance. An example of the transference of responsibility to another person: if an accusation should be brought against the confessed slayer of Publius Sulpicius, and he should defend his act by invoking an order of the consuls, declaring that they not only commanded the act but also gave reason why it was lawful. An example of attribution to a circumstance: if a person should be forbidden by a plebiscite to do what a will has directed him to do.

A cause rests on Comparison with the Alternative Course when we declare that it was necessary for us to do one or the other of the two things, and that the one we did was the better. This cause is of the following sort: Gaius Popilius, hemmed in by the Gauls, and quite unable to escape, entered into a parley with the enemy's chiefs. He came away with consent to lead his army out on condition that he abandon his baggage. He considered it better to lose his baggage than his army. He led out his army and left the baggage behind. He is charged with treason.

16 I believe that I have made clear what the Types of Issue are and what are their subdivisions. Now I must illustrate the proper ways and means of treating these, first indicating what both sides in a cause ought to fix upon as the point to which the complete economy of the entire speech should be directed.

26 Immediately upon finding the Type of Issue, then, we must seek the Justifying Motive. It is this which determines the action and comprises the defence. Thus Orestes (for the sake of clarity, to adhere to this particular action) confesses that he slew his mother. Unless he had advanced a Justifying Motive for the act, he will have ruined his defence. He therefore advances one; were it not interposed, there would not even be an action. "For she," says he,

“had slain my father.” Thus, as I have shown, the Justifying Motive is what comprises the defence; without it not even the slightest doubt could exist which would delay his condemnation.

Upon finding the Motive advanced in Justification we must seek the Central Point of the Accusation, that is, that which comprises the accusation and is presented in opposition to the Justifying Motive of the defence which I have discussed above. This will be established as follows: When Orestes has used the Justifying Motive: “I had the right to kill my mother, for she had slain my father,” the prosecutor will use his Central Point: “Yes, but not by your hand ought she to have been killed or punished without a trial.”

From the Justifying Motive of the defence and the Central Point of the Accusation must arise the Question for Decision, which we call the Point to Adjudicate and the Greeks the krinomenon. That will be established from the meeting of the prosecutor’s Central Point and the defendant’s Justifying Motive, as follows: When Orestes says that he killed his mother to avenge his father, was it right for Clytemnestra to be slain by her son without a trial? This, then, is the proper method of finding the Point to Adjudicate. Once the Point to Adjudicate is found, the complete economy of the entire speech ought to be directed to it.

17 27 The Points to Adjudicate will be found in this way in all Types of Issue and their subdivisions, except the conjectural. Here the Justifying Motive for the act is not in question, for the act is denied, near is the Central Point of the Accusation sought, for no Justifying Motive has been advanced. Therefore the Point to Adjudicate is established from the Accusation and the Denial, as follows: Accusation: “You killed Ajax.” Denial: “I did not.” The Point to Adjudicate: Did he kill him? The complete economy of both speeches must, as I have said above, be directed to this Point to Adjudicate. If there are several Types of Issue or their subdivisions in one cause, there will also be several Points to Adjudicate, but all these, too, will be determined by a like method.

I have taken great pains to discuss briefly and clearly the matters that have had to be treated up to this point. Now, since this Book has grown to sufficient length, it will be more convenient in turn to expound other matters in a second Book, so that the great amount of

material may not tire you and slacken your attention. If I dispatch these matters too slowly for your eagerness, you will have to attribute that to the magnitude of the subject and also to the demands of my other occupations. Yet I shall make speed, and compensate by diligence for the time taken up by my affairs, to the end that, by this gift, in token of your courtesy towards me and my own interest in you, I may grant your desire in most bountiful measure.

BOOK II

1 1 In the preceding Book, Herennius, I briefly set forth the causes with which the speaker must deal, and also the functions of his art to which he may well devote his pains, and the means by which he can most easily fulfil these functions. But since it was impossible to treat all the topics at once, and I had primarily to discuss the most important of them in order that the rest might prove easier for you to understand, I therefore decided to write first upon those that are the most difficult.

There are three kinds of causes: Epideictic, Deliberative, and Judicial. By far the most difficult is the judicial; that is why, I have disposed of this kind first of all. Of the five tasks of the speaker Invention is the most important and the most difficult. That topic too I shall virtually have disposed of in the present Book; small details will be postponed to Book III.

2 I first undertook to discuss the six parts of a discourse. In the preceding Book I spoke about the Introduction, the Statement of Facts, and the Division, at no greater length than was necessary nor with less clarity than I judged you desired. I had next to discuss Proof and Refutation, conjointly. Hence I expounded the different Types of Issue and their subdivisions, and this at the same time showed how the Type of Issue and its subdivision are to be found in a given cause. Then I explained how the Point to Adjudicate is properly sought; this found, we must see that the complete economy of the entire speech is directed to it. After that I remarked that there are not a few causes to which several Types of Issue or their subdivisions are applicable.

2 It remained for me, as it seemed, to show by what method we can adapt the means of invention to each type of issue or its subdivision, and likewise what sort of technical arguments (which the Greeks call epicheiremata) one ought to seek or avoid; both of these departments belong to Proof and Refutation. Then finally I have explained what kind of Conclusions to speeches one ought to employ; the Conclusion was the last of the six parts of a discourse.

First, then, I shall investigate how we should handle causes

representing each Type of Issue, and of course shall give primary consideration to that type which is the most important and most difficult.

3 In a Conjectural cause the prosecutor's Statement of Facts should contain, intermingled and interspersed in it, material inciting suspicion of the defendant, so that no act, no word, no coming or going, in short nothing that he has done may be thought to lack a motive. The Statement of Facts of the defendant's counsel should contain a simple and clear statement, and should also weaken suspicion.

The scheme of the Conjectural Issue includes six divisions: Probability, Comparison, Sign, Presumptive Proof, Subsequent Behaviour, and Confirmatory Proof. I shall explain the meaning of each of these terms.

Through Probability one proves that the crime was profitable to the defendant, and that he has never abstained from this kind of foul practice. The subheads under Probability are Motive and Manner of Life.

The Motive is what led the defendant to commit the crime, through the hope it gave him of winning advantages or avoiding disadvantages. The question is: Did he seek some benefit from the crime — honour, money, or power? Did he wish to satisfy some passion — love or a like overpowering desire? Or did he seek to avoid some disadvantage — enmities, ill repute, pain, or punishment? 3 4 Here the prosecutor, if the hope of gaining an advantage is in question, will disclose his opponent's passion; if the avoidance of a disadvantage is in question, he will enlarge upon his opponent's fear. The defendant's counsel, on the other hand, will, if possible, deny that there was a motive, or will at least vigorously belittle its importance; then he will say that it is unfair to bring under suspicion of wrongdoing every one to whom some profit has come from an act.

5 Next the defendant's Manner of Life will be examined in the light of his previous conduct. First the prosecutor will consider whether the accused has ever committed a similar offence. If he does not find any, he will seek to learn whether the accused has ever incurred the suspicion of any similar guilt; and it will devolve upon

him to make every effort to relate the defendant's manner of life to the motive which he has just exposed. For example, if the prosecutor contends that the motive for the crime was money, let him show that the defendant has always been covetous; if the motive was public honour, ambitious; he will thus be able to link the flaw in the defendant's character with the motive for the crime. If he cannot find a flaw consistent with the motive, let him find one that is not. If he cannot show that the defendant is covetous, let him show that he is a treacherous seducer; in short, if he possibly can, let him brand the defendant with the stigma of some one fault, or indeed, of as many faults as possible. Then, he will say, it is no wonder that the man who in that other instance acted so basely should have acted so criminally in this instance too. If the adversary enjoys a high reputation for purity and integrity, the prosecutor will say that deeds, not reputation, ought to be considered; that the defendant has previously concealed his misdeeds, and he will make it plain that the defendant is not guiltless of misbehaviour. The defendant's counsel will first show his client's upright life, if he can; if he cannot, he will have recourse to thoughtlessness, folly, youth, force, or undue influence. On these matters . . . censure ought not to be imposed for conduct extraneous to the present charge. If the speaker is seriously handicapped by the man's baseness and notoriety, he will first take care to say that false rumours have been spread about an innocent man, and will use the commonplace that rumour ought not to be believed. If none of these pleas is practicable, let him use the last resource of defence; let him say that he is not discussing the man's morals before censors, but the charges of his opponents before jurors.

4 6 Comparison is used when the prosecutor shows that the act charged by him against his adversary has benefited no one but the defendant; or that no one but his adversary could have committed it; or that the adversary could not have committed it, or at least not so easily, by other means; or that, blinded by passion, his adversary failed to see any easier means. To meet this point the defendant's counsel ought to show that the crime benefited others as well, or that others as well could have done what is imputed to his client.

By Signs one shows that the accused sought an opportunity favourable to success. Sign has six divisions: the Place, the Point of

Time, the Duration of Time, the Occasion, the Hope of Success, the Hope of Escaping Detection.

7 The Place is examined as follows: Was it frequented or deserted, always a lonely place, or deserted then at the moment of the crime? A sacred place or profane, public or private? What sort of places are adjacent? Could the victim have been seen or heard? I should willingly describe in detail which of these points is serviceable to the defence, and which to the prosecution, were it not that any one would in a given cause find this easy to determine. For of Invention it is only the first principles which ought to originate in theory; all the rest will readily be supplied by practice.

The Point of Time is examined as follows: In what season of the year, in what part of the day — whether at night or in the daytime — at what hour of the day or night, is the act alleged to have been committed, and why at such a time?

The Duration of Time will be considered in the following fashion: Was it long enough to carry this act through, and did the defendant know that there would be enough time to accomplish it? For it is only of slight importance that he had enough time to carry out the crime if he could not in advance have known or have forecast that that would be so.

The Occasion is examined as follows: Was it favourable for the undertaking, or was there a better occasion which was either let pass or not awaited?

Whether there was any Hope of Success will be investigated as follows: Do the above-mentioned signs coincide? Especially, do power, money, good judgement, foreknowledge, and preparedness appear on one side, and is it proved that on the other there were weakness, need, stupidity, lack of foresight, and unpreparedness? Hereby one will know whether the defendant should have had confidence in his success or not.

What Hope there was of Escaping Detection we seek to learn from confidants, eye-witnesses, or accomplices, freemen or slaves or both.

5 8 Through Presumptive Proof guilt is demonstrated by means of indications that increase certainty and strengthen suspicion. It falls into three periods: preceding the crime, contemporaneous with the

crime, following the crime.

In respect to the period preceding the crime, one ought to consider where the defendant was, where he was seen, whether he made some preparation, met any one, said anything, or showed any sign of having confidants, accomplices, or means of assistance; whether he was in a place, or there at a time, at variance with his custom. In respect to the period contemporaneous with the crime, we shall seek to learn whether he was seen in the act; whether some noise, outcry, or crash was heard; or, in short, whether anything was perceived by one of the senses — sight, hearing, touch, smell, or taste. In respect to the period following the crime, one will seek to discover whether after the act was completed there was left behind anything indicating that a crime was committed, or by whom it was committed. Indicating that it was committed: for example, if the body of the deceased is swollen and black and blue it signifies that the man was killed by poison. Indicating by whom it was committed: for example, if a weapon, or clothing, or something of the kind was left behind, or a footprint of the accused was discovered; if there was blood on his clothes; or if, after the deed was done, he was caught or seen in the spot where the crime is alleged to have been perpetrated.

For Subsequent Behaviour we investigate the signs which usually attend guilt or innocence. The prosecutor will, if possible, say that his adversary, when come upon, blushed, paled, faltered, spoke uncertainly, collapsed, or made some offer — signs of a guilty conscience. If the accused has done none of these things, the prosecutor will say his adversary had even so far in advance calculated what would actually happen to him that he stood his ground and replied with the greatest self-assurance — signs of audacity, and not of innocence. The defendant's counsel, if his client has shown fear, will say that he was moved, not by a guilty conscience, but by the magnitude of his peril; if his client has not shown fear, counsel will say that he was unmoved because he relied on his innocence.

6 9 Confirmatory Proof is what we employ finally, when suspicion has been established. It has special and common topics. The special topics are those which only the prosecution, or those which only the defence, can use. The common topics are those which are used now

by the defence, and now by the prosecution, depending on the case. In a conjectural cause the prosecutor uses a special topic when he says that wicked men ought not to be pitied, and expatiates upon the atrocity of the crime. The defendant's counsel uses a special topic when he tries to win pity, and charges the prosecutor with slander. These topics are common to both prosecution and defence: to speak for or against witnesses, for or against the testimony given under torture, for or against presumptive proof, and for or against rumours.

In favour of witnesses we shall speak under the heads: (a) authority and manner of life of the witnesses, and (b) the consistency of their evidence. Against witnesses, under the heads: (a) their base manner of living; (b) the contradictory character of their testimony; (c) if we contend that what they allege to have happened either could not have happened or did not happen, or that they could not have known it, or that it is partiality which inspires their words and inferences. These topics will appertain both to the discrediting and to the examination of witnesses.

7 10 We shall speak in favour of the testimony given under torture when we show that it was in order to discover the truth that our ancestors wished investigations to make use of torture and the rack, and that men are compelled by violent pain to tell all they know. Moreover, such reasoning will have the greater force if we give the confessions elicited under torture an appearance of plausibility by the same argumentative procedure as is used in treating any question of fact. And this, too, we shall have to do with the evidence of witnesses. Against the testimony given under torture we shall speak as follows: In the first place, our ancestors wished inquisitions to be introduced only in connection with unambiguous matters, when the true statement in the inquisition could be recognized and the false reply refuted; for example, if they sought to learn in what place some object was put, or if there was in question something like that which could be seen, or be verified by means of footprints, or be perceived by some like sign. We then shall say that pain ought not to be relied upon, because one person is less exhausted by pain, or more resourceful in fabrication, than another, and also because it is often possible to know or divine what the presiding justice wishes to hear, and the witness knows that when he has said this his pain will be at

an end. Such reasoning will find favour, if, by a plausible argument, we refute the statements made in the testimony given under torture; and to accomplish this we should use the divisions under the Conjectural Issue which I have set forth above.

11 In favour of presumptive proof, signs, and the other means of increasing suspicion it is advantageous to speak as follows: When there is a concurrence of many circumstantial indications and signs that agree with one another, the result ought to appear as clear fact, not surmise. Again, signs and presumptive proof deserve more credence than witnesses, for these first are presented precisely as they occurred in reality, whereas witnesses can be corrupted by bribery, or partiality, or intimation, or animosity. Against presumptive proof, signs, and the other provocatives of suspicion we shall speak in the following fashion: we shall show that nothing is safe from attack by suspicion, and then we shall weaken each and every reason for suspicion and try to show that it applies to us no more than to any one else; it is a shameful outrage to consider suspicion and conjecture, in the absence of witnesses, as sufficiently corroborative.

8 12 We shall speak in favour of rumour by saying that a report is not wont to be created recklessly and without some foundation, and that there was no reason for anybody wholly to invent and fabricate one; and, moreover, if other rumours usually are lies, we shall prove by argument that this one is true. We shall speak against rumours if we first show that many rumours are false, and cite examples of false report; if we say that the rumours were the invention of our enemies or of other men malicious and slanderous by nature; and if we either present some story invented against our adversaries which we declare to be in every mouth, or produce a true report carrying some disgrace to them, and say we yet have no faith in it for the reason that any person at all can produce and spread any disgraceful rumour or fiction about any other person. If, nevertheless, a rumour seems highly plausible, we can destroy its authority by logical argument.

Because the Conjectural Issue is the hardest to treat and in actual causes needs to be treated most often, I have the more carefully examined all its divisions, in order that we may not be hindered by even the slightest hesitation or blunder, if only we have applied these precepts of theory in assiduous practice. Now let me turn to the

subtypes of Legal Issue.

9 13 When the intention of the framer appears at variance with the letter of a text, speaking in support of the letter we shall employ the following topics: first, after the Statement of Facts, a eulogy of the framer and then the reading aloud of the text; next the questioning of our adversaries: Are they duly aware that this text was in a law, will, contract, or any other document involved in the cause?; then a comparison of the text with the admitted act of our adversaries: Which should the judge follow — a document carefully draughted, or an interpretation cunningly invented? After that the interpretation devised and given to the text by our adversaries will be disparaged and weakened. Then the question will be raised: What risk would the writer have run by adding an entry of that kind had he really intended it, or was it impossible to write it out in full? Then we shall ascertain the writer's situation and present the reason why he had in mind what he wrote, and show that that text is clear, concise, apt, complete, and planned with precision. Thereupon we shall cite examples of judgements rendered in favour of the text, although adversaries raised the issue of spirit and intention. Finally, we shall show the danger of departing from the letter of the text. The commonplace here is that against one who, though confessing that he has violated the mandates of a statute or the directions of a will, yet seeks to defend his act.

10 14 In favour of the intention we shall speak as follows: first we shall praise the framer for deft conciseness in having written only what was necessary; he did not think it necessary to write what could be understood without a text. Next we shall say that to follow the words literally and to neglect the intention is the method of a pettifogger. Then, we shall contend, the letter either cannot be carried out, or at least not without violation of Statute Law, Legal Custom, the Law of Nature, or Equity — all these, as no one will deny, the writer wished to be most strictly observed; but on the contrary, what we have done is absolutely just. Further, the interpretation of our adversaries is either no interpretation, or is unreasonable, unjust, impracticable, or inconsistent with past or subsequent interpretations, or is in disagreement with the common law or with other generally binding rules of law or with previous decisions. Next we shall cite

instances of decisions rendered in favour of the intention and contrary to the letter, and then read and explain laws or contracts which had been written down in concise form and yet in which the intention of the framer is understood. The commonplace here is that against one who reads a text and does not interpret the writer's intention.

15 When two laws conflict, we must first see whether they have been superseded or restricted, and then whether their disagreement is such that one commands and the other prohibits, or one compels and the other allows. It will be a weak defence indeed for a person to say that he failed to do what one law ordained, because another law made it optional; for obligation is more binding than mere permission. So also it is a meagre defence for a person to show that he has observed the obligation of a law which has been superseded or restricted, without heeding the obligation of the later law. After these considerations we shall at once pass to the exposition, reading, and warm recommendation of the law favourable to us. Then we shall elucidate the intention of the opposing law and appropriate it for the advantage of our cause. Finally, we shall take over the theory of Law from the Absolute Juridical Issue, and examine with which side the departments of Law hold; this subtype of a Juridical Issue I shall discuss later.

11 16 If a text is regarded as ambiguous, because it can be interpreted in two or more meanings, the treatment is as follows: first we must examine whether it is indeed ambiguous; then we must show how it would have been written if the writer had wished it to have the meaning which our adversaries give to it; next, that our interpretation is practicable, and practicable in conformity with the Honourable and the Right, with Statute Law, Legal Custom, the Law of Nature, or Equity; of our adversaries' interpretation the opposite is true; and the text is not ambiguous since one well understands which is the true sense. There are some who think that for the development of this kind of cause a knowledge of amphibolies as taught by the dialecticians is highly useful. I, however, believe that this knowledge is of no help at all, and is, I may even say, a most serious hindrance. In fact these writers are on the lookout for all amphibolies, even for such as yield no sense at all in one of the two interpretations.

Accordingly, when some one else speaks, they are his annoying hecklers, and when he writes, they are his boring and also misty interpreters. And when they themselves speak, wishing to do so cautiously and deftly, they prove to be utterly inarticulate. Thus, in their fear to utter some ambiguity while speaking, they cannot even pronounce their own names. Indeed I shall refute the childish opinions of these writers by the most straightforward proofs whenever you wish. For the present it has not been out of place to make this protest, in order to express my contempt for the wordy learning of this school of inarticulateness.

12 17 When we deal with the Issue of Definition, we shall first briefly define the term in question, as follows: "He impairs the sovereign majesty of the state who destroys the elements constituting its dignity. What are these, Quintus Caepio? The suffrage of the people and the counsel of the magistracy. No doubt, then, in demolishing the bridges of the Comitium, you have deprived the people of their suffrage and the magistracy of their counselling." Likewise, in reply: "He impairs the sovereign majesty of the state who inflicts damage upon its dignity. I have not inflicted, but rather prevented, damage, for I have saved the Treasury, resisted the licence of wicked men, and kept the majesty of the state from perishing utterly." Thus the meaning of the term is first explained briefly, and adapted to the advantage of our cause; then we shall connect our conduct with the explanation of the term; finally, the principle underlying the contrary definition will be refuted, as being false, inexpedient, disgraceful, or harmful — and here we shall borrow our means from the departments of Law treated under the Absolute Juridical Issue, which I shall soon discuss.

18 In causes based on Transference we first examine whether one has the right to institute an action, claim, or prosecution in this matter, or whether it should not rather be instituted at another time, or under another law, or before another examiner. The pertinent means will be provided by Statute Law, Legal Custom, and Equity, which I shall discuss in connection with the Absolute Juridical Issue.

In a cause based on Analogy we shall first seek to know whether there exists any like text or decision on matters of greater, less, or like importance; next whether that matter is in fact like or unlike the

matter in question; then whether the absence of a text concerning the matter here involved was intentional, because the framer was unwilling to make any provision, or because he thought that there was provision enough thanks to the similar provisions in the other legal texts.

On the subdivisions of the Legal Issue I have said enough; now I shall turn back to the Juridical.

13 19 We shall be dealing with an Absolute Juridical Issue when, without any recourse to a defence extraneous to the cause, we contend that the act itself which we confess having committed was lawful. Herein it is proper to examine whether the act was in accord with the Law. We can discuss this question, once a cause is given, when we know the departments of which the Law is constituted. The constituent departments, then, are the following: Nature, Statute, Custom, Previous Judgements, Equity, and Agreement.

To the Law of Nature belong the duties observed because of kinship or family loyalty. In accordance with this kind of Law parents are cherished by their children, and children by their parents.

Statute Law is that kind of Law which is sanctioned by the will of the people; for example, you are to appear before the court when summoned to do so.

Legal Custom is that which, in the absence of any statute, is by usage endowed with the force of statute law; for example, the money you have deposited with a banker you may rightly seek from his partner.

It is a Previous Judgement what on the same question a sentence has been passed or a decree interposed. These are often contradictory, according as one judge, praetor, consul, or tribune of the plebs has determined differently from another; and it often happens that on the very same matter one has decree or decided differently from another. For example, Marcus Drusus, city praetor, granted an action on breach of contract against an heir, whereas Sextus Julius refused to do so. Again, Gaius Caelius, sitting in judgement, acquitted of the charge of injury the man who had by name attacked the poet Lucilius on the stage, while Publius Mucius condemned the man who had specifically named the poet Lucius Accius. 20 Therefore, because different past judgements can be

offered for a like case, we shall, when this comes to pass, compare the judges, the circumstances, and the number of decisions.

The Law rests on Equity when it seems to agree with truth and the general welfare; for example, a man who is more than sixty years old, and pleads illness, shall substitute an attorney for himself. Thus according to circumstances and a person's status virtually a new kind of Law may well be established.

It is Law founded on Agreement if the parties have made some contract between themselves — if there is some covenant between parties. There are agreements which must be observed according to statutes, as for example: "When parties have contract on the matter, party shall plead; if they do not have contract, party shall state outline of cause in the Comitium or the Forum before midday." There are also agreements which, independently of statutes, are binding by virtue of the covenant itself; these are said to obtain at Law.

These, then, are the divisions of Law by means of which one should demonstrate the injustice or establish the justice of an act — which we see to be the end sought in an Absolute Juridical cause.

14 21 When Comparison is used to examine whether it was better to do that which the defendant says he did, or that which the prosecutor says should have been done, it will be proper first to ascertain from the conflict which was the more advantageous, that is, more honourable, practicable, and profitable. Next we ought to discover whether the defendant himself should have decided which was the more advantageous, or whether the right to determine this belonged to others. Then the prosecutor, in accordance with the procedure in a conjectural cause, will interpose a suspicion leading to the belief that the defendant had not by his act intended to prefer the better to the worse, but had carried out the business with wilful fraud on some plausible ground. Let the defendant's counsel, on his side, refute the conjectural argument referred to above. Then the question will be whether this development could have been prevented from reaching such a pass. 22 These points thus treated, the prosecutor will use the commonplace against one who has preferred the disadvantageous to the advantageous when he lacked the right of decision. The defendant's counsel, on his part, will use a commonplace in the form

of complaint against those who deem it equitable to prefer the ruinous to the advantageous; and at the same time let him ask the accusers, and the jurors themselves, what they would have done had they been in the defendant's place, and he will set before their eyes the time, the place, the circumstances, and the defendant's deliberations.

15 Shifting the Question of Guilt takes place when the defendant refers the reason for his act to the crime committed by others. First we must examine whether the Law permits the shifting of the issue of guilt to another; next we must see whether the offence which is being imputed to another is as serious as that with which the defendant is charged; then whether the defendant ought to have transgressed in the same way as another had previously; next, whether a judicial decision ought not to have been rendered before he committed his act; then, in the absence of a judicial decision on the offence which is being imputed to another, whether a decision ought now to be rendered on a matter which has never become to trial. Here the prosecutor's commonplace is against one who believes that violence ought to prevail over judicial decisions. Furthermore, he will ask his adversaries what would happen if everyone else should do the same as they, and should inflict punishment upon persons who have not been convicted, contending that the adversaries have set the example. What if the accuser himself had wished to do likewise? The defendant's counsel will set forth the atrocity of the crime committed by those to whom he is shifting the issue of guilt; he will present before the eyes of the hearers the circumstances, the place, and the time so that they may think that it was either impossible or inexpedient for the matter to come to trial.

16 23 Through the Acknowledgement we plead for pardon. The Acknowledgement includes the Exculpation and the Plea for Mercy.

The Exculpation is our denial that we acted with intent. Subheads under Plea of Exculpation are Necessity, Accident, and Ignorance. These are to be explained first, and then, as it seems, it will be best to return to the Plea for Mercy. One must first consider whether it was the defendant's fault that he was brought to this necessity. After that we must inquire what means he had to avoid or lighten this superior force. Next, did he who offers necessity as an excuse try to do, or to

contrive, what he could against it? Then, cannot some grounds for suspicion be drawn from the procedure in a conjectural issue, which would signify that the deed attributed to necessity was premeditated? Finally, if there was some extreme necessity, is it proper to deem this a sufficient excuse?

24 If the defendant says that he erred through ignorance, the first question will be: Could he or could he not have been uninformed? Next, did he or did he not make an effort to inform himself? Then, is his ignorance attributable to accident or to his own fault? For a person who declares that his reason fled because of wine or love or anger, will appear to have lacked comprehension through fault of character rather than ignorance; he will therefore not justify himself on the ground of ignorance, but will taint himself with guilt. Finally, by means of the procedure in a conjectural issue, we shall seek to discover whether he was or was not informed, and consider whether ignorance should be sufficient justification when it is established that the deed was committed.

When the cause of the crime is attributed to accident, and counsel for the defence maintains that his client should be pardoned on that ground, it appears that all the points to be considered are precisely those prescribed above for necessity; for all these three divisions of Exculpation are so closely interrelated that virtually the same rules can be applied to them all.

Commonplaces in these causes are the following: that of the prosecutor against one who confesses a crime, yet holds the jurors up by prolix speech-making; for the defence, on humanity and pity, that it is the intention which should always be considered, and that unintentional acts ought not to be regarded as crimes.

17 25 We shall use the Plea for Mercy when we confess the crime without attributing it to ignorance, chance, or necessity, and yet beg for pardon. Here the ground for pardoning is sought in the following topics: if it seems evident that the good deeds of the suppliant have been more numerous or more weighty than the bad; if he is endowed with some virtue, or with good birth; if there is any hope that he will be of service in the event that he departs unpunished; if the suppliant himself is shown to have been gentle and compassionate in power; if in committing his mistakes he was moved not by hatred or cruelty,

but by a sense of duty and right endeavour; if on a similar ground others also have been pardoned; if, in the event that we acquit him, no peril from him appears likely to be our lot in the future; if as a result of that acquittal no censure will accrue either from our fellow-citizens or from some other state. 26 Commonplaces: on humanity, fortune, pity, and the mutability of things. All these commonplaces, reversed, will be used by the adversary, what will also amplify and recount the defendant's transgressions. Such a cause is not admissible in the courts, as I showed in Book I, but because it is admissible either before the Senate or a council, I have decided that I should not pass it over.

When we wish to Reject the Responsibility, we shall throw the blame for our crime either upon some circumstance or upon another person. If upon a person, we must first examine whether the person to whom the responsibility is transferred had as much influence as the defendant will represent; next, whether the defendant could somehow have resisted this influence honourably or safely; and, even if the conditions are in fullest measure such as the defendant represents them to be, whether it is nevertheless proper to make allowances to him just because he acted on another's persuasion. Then we shall turn the controversy into one of fact and examine in detail whether there was premeditation. If the responsibility is transferred to some circumstance, virtually these same precepts and all those that I have set forth on Necessity are to be observed.

18 27 Since I believe that I have fully shown what arguments are advantageous used in each type of judicial cause, it seems to follow that I should explain how to develop these arguments elegantly and completely. To be sure, it is in general not hard to devise matter which should serve to support a cause, but to polish what has been devised and to give it a ready delivery is very hard. Indeed it is this faculty which keeps us from dwelling longer than necessary on the same topics, from returning again and again to the same place, abandoning a chain of argument before it has been completed, and making an inappropriate transition to the next argument. By the following method, therefore, we can ourselves remember what we have said in each place, and the hearer can perceive and remember the distribution of the parts in the whole cause and also in each

particular argument.

28 The most complete and perfect argument, then, is that which is comprised of five parts: the Proposition, the Reason, the Proof of the Reason, the Embellishment, and the Résumé. Through the Proposition we set forth summarily what we intend to prove. The Reason, by means of a brief explanation subjoined, sets forth the causal basis for the Proposition, establishing the truth of what we are urging. The Proof of the Reason corroborates, by means of additional arguments, the briefly presented Reason. Embellishment we use in order to adorn and enrich the argument, after the Proof has been established. The Résumé is a brief conclusion, drawing together the parts of the argument.

Hence, to make the most complete use of these five parts, we shall develop an argument as follows:

19 "We shall show that Ulysses had a motive in killing Ajax."

"Indeed he wished to rid himself of his bitterest enemy, from whom, with good cause, he feared extreme danger to himself.

"He saw that, with Ajax alive, his own life would be unsafe; he hoped by the death of Ajax to secure his own safety; it was his habit to plan an enemy's destruction by whatsoever wrongful means, when he could not by rightful, as the undeserved death of Palamedes bears witness. Thus the fear of danger encouraged him to slay the man from whom he dreaded vengeance, and, in addition, the habit of wrong-doing robbed him of his scruples at undertaking the evil deed.

29 "Now not only do all men have a motive even in their least peccadillos, but certainly they are attracted by some sure reward when they enter upon crimes which are by far the most heinous. If the hope of gaining money has led many a man to wrongdoing, if from greed for power not a few have tainted themselves with crime, if numerous men have trafficked for a paltry profit with arrant deceit, who will find it strange that Ulysses, when under stress of acute terror, did not refrain from crime? A hero most brave, most upright, most implacable against his foes, harassed by a wrong, roused to anger — him the frightened, malevolent, guilt-conscious, guileful man wished to destroy; the treacherous man did not wish his bitter enemy to stay alive. To whom, pray, will this seem strange? For when we see wild beasts rush eagerly and resolutely to attack one

another, we must not think it incredible that this creature, too — a wild, cruel, inhuman spirit — set out passionately to destroy his enemy; especially since in beasts we see no reasoning, good or bad, while he, we know, always had designs, ever so many, and ever so base."

30 "If, then, I have promised to give the motive which impelled Ulysses to enter upon the crime, and if I have shown that the reckoning of a bitter enmity and the fear of danger were the factors, it must unquestionably be acknowledged that he had a motive for his crime."

An argument comprised of the five parts is, then, the most complete, but its use is not always necessary. There is a time when the Résumé should be dispensed with — if the matter is brief enough to be readily embraced by the memory. There is a situation, too, in which the Embellishment should be omitted — if the matter proves to be too meagre for amplification and adornment. And if the argument is brief and the matter also slight or insignificant, then both the Embellishment and the Résumé should be left out. This rule which I have just set forth is to be observed for the last two parts in every argument. The fullest argument, therefore, is fivefold, the briefest threefold, and the mean fourfold, lacking either the Embellishment or the Résumé.

20 31 Defective arguments are of two kinds: one can be refuted by the adversary, and so belongs to the cause proper; the other, although likewise invalid, does not need to be refuted. If I do not add examples, you will be unable clearly to distinguish those arguments which it is proper to refute in rebuttal, and those which it is proper to ignore in disdainful silence and to abstain from refuting. This knowledge of defective arguments will confer a double advantage. It will warn us to avoid a fault in arguing, and teach us skilfully to reprehend a fault not avoided by others.

Since, then, I have shown that a perfect and full argument consists of five parts, let us consider the faults to be avoided in each single part of the argument, so that we may ourselves be able to shun these faults, and by the following rules test the argument of our adversaries in all its parts and undermine it in some one of these.

32 The Proposition is defective when an assertion based on some

one part or on a majority of individuals, but not necessarily applicable to all, is referred to all, as if one should argue as follows: "All the poor would rather do wrong and acquire riches than do right and remain poor." If a speaker has presented this sort of Proposition in an argument, without caring to ask of what nature the Reason or the Proof of the Reason is to be, we shall easily refute his Proposition by showing that what is true of one dishonest poor man is being falsely and unjustly applied to all the poor.

33 Again, the Proposition is defective when a rare occurrence is declared to be absolutely impossible, as follows: "No one can fall in love at a single glance, or as he is passing by." For inasmuch as some have fallen in love at first sight, and yet the speaker has said "no one," it is of no significance whatsoever that the experience occurs but rarely, provided we understand that it sometimes does occur, or even only that it can occur.

21 Again, the Proposition is defective when we submit that we have made a complete enumeration of the possibilities and pass by some pertinent one, as follows: "Since, then, it is established that the man was killed, he must have been killed by robbers, or by enemies, or by you, whom in his will he made part-heir. In that place robbers have never been seen. He had no enemy. If he was not killed by robbers, of whom there were none, nor by enemies, of whom he had none, it remains that he was slain by you." We shall refute a Proposition of this type by showing that others besides those whom the speaker has enumerated could have undertaken the crime. Here, for example, when he has said that the murder must have been committed by robbers, or by enemies, or by us, we shall say that it could have been committed by the man's slaves or by our co-heirs. When we have in this way upset the enumeration made by our accusers, we have left ourselves wider room for defence. This then is another mistake always to be avoided in the Proposition — the omission of some pertinent item when we think that we have included all.

34 Again, the Proposition is defective if it is based on a false enumeration and we present fewer possibilities than there are in reality, as follows: "There are two things, men of the jury, which ever impel men to crime: luxury and greed." "But what about love?,"

some one will say, “ambition, superstition, the fear of death, the passion for power, and, in short, the great multitude of other motives?” Again the enumeration is false when the possibilities are fewer than we present, as follows: “There are three emotions that agitate all men: fear, desire, and worry.” Indeed it had been enough to say fear and desire, since worry is necessarily conjoined with both.

22 Again, the Proposition is defective if it traces things too far back, as follows: “Stupidity is the mother and matter of all evils. She gives birth to boundless desires. Furthermore, boundless desires have neither end nor limit. They breed avarice. Avarice, further, drives men to any crime you will. Thus it is avarice which has led our adversaries to take this crime upon themselves.” Here what was said last was enough for a Proposition, lest we copy Ennius and the other poets, who are licensed to speak as follows: “O that in Pelion’s woods the firwood timbers had not fallen to the ground, cut down by axes, and that therefrom had not commenced the undertaking to begin the ship which now is named with the name of Argo, because in it sailed the picked Argive heroes who were seeking the golden fleece of the ram from the Colchians, with guile, at King Pelias’ command. For then never would my mistress, misled, have set foot away from home.” Indeed here it were adequate, if poets had a care for mere adequacy, to say: “Would that my misled mistress had not set foot away from home.” In the Proposition, then, we must also carefully guard against this tracing of things back to their remotest origin; for the Proposition does not, like many others, need to be refuted, but is on its own account defective.

23 35 The Reason is defective if it is inappropriate to the Proposition because either weak or groundless. It is weak when it does not conclusively demonstrate the correctness of the Proposition, as in Plautus: “To reprove a friend for a fault that deserves reproof is a thankless task, but in season useful and profitable.” That is the Proposition. Let us see what Reason is presented: “For today I shall severely reprove my friend for a fault that much deserves reproof.” His reckoning of what is useful is based on what he himself is about to do, and not on what it is proper to do. A Reason is groundless when it rests on a false supposition, as follows: “One must not flee from love, for it engenders the truest friendship.” Or as follows:

“One must spurn philosophy, for it produces inactivity and sloth.” If all these Reasons were not false, we should also be obliged to admit the truth of their Propositions.

36 Again, a Reason is weak if the causal basis which it submits for the Proposition is not a compelling one. For example, Pacuvius: “The goddess Fortune is mad, blind, and stupid, some philosophers maintain. They declare that she stands upon a revolving globe of stone; whither Chance impels the stone, thither, they say, does Fortune fall. She is blind, they repeat, for that she fails wholly to perceive whereto she attaches herself. Moreover they declare that she is mad because she is cruel, uncertain, and inconstant; stupid because she knows not how to tell worthy from unworthy. But there are other philosophers who, on the contrary, deny that in our wretched life there any such thing as Fortune; there is, they say, Blind Accident. That this is more like the truth, is proved by the actual experience of life; even as Orestes now was king, and now became a beggar. Surely by the shipwreck of his property was this brought to pass, and did not befall by Chance or Fortune.” Pacuvius here uses a weak Reason when they say that it is truer to ascribe the guidance of events to Accident rather than to Fortune, for whichever of these philosophical theories you hold, it could have happened that one who had been a king became a beggar.

24 37 Again, a Reason is weak when it appears to be presented as the Reason, but says precisely the same as was said in the Proposition, as follows: “A great evil to mankind is greed, for the reason that men wrestle with great and many ills on account of the boundless passion for money.” Here the reason merely repeats in other words what has been said in the Proposition.

Again, a Reason is weak if the causal basis which it submits for the Proposition is inadequate to the demands of the subject, as follows: “Wisdom is useful because the wise have been in the habit of cultivating a sense of duty.” Or, “It is useful to have true friends, for thus you may have persons with whom you can jest.” In Reasons of this kind the Proposition is supported not by a universal or absolute reason, but by a feeble one.

Again, the Reason is weak if it can at choice be applied to another Proposition, as in the case of Pacuvius, who presents the same reason for calling Fortune blind as for calling her stupid.

38 In the Proof of the Reason, there are many faults to be avoided in our discourse and also to be watched for in that of our adversaries. These must be considered the more carefully because an accurate Proof of the Reason supplies the most cogent support of the whole argument.

Students in the rhetorical schools, therefore, in Proving the Reason, use a Dilemma, as follows: “You treat me, father, with undeserved wrong. For if you think Cresphontes wicked, why did you give me to him for wife? But if he is honourable, why do you force me to leave such a one against his will and mine?” Such a Dilemma will either be reversed against the user, or be rebutted in a single term. Reversed, as follows: “My daughter, I do not treat you with any undeserved wrong. If he is honourable, I have given him you in marriage; but if he is wicked, I shall by divorce free you from your ills.” It will be a rebuttal in a single term if one or the other alternative is confuted, as follows: “You say: ‘For if you think Cresphontes wicked, why did you give me to him for wife?’ I thought him honourable. I erred. Too late I came to know him, and knowing him, I fly from him.” 25 39 Thus the rebuttal of a dilemma of this type is twofold: the first fuller, the second easier to invent.

Again, the Proof of the Reason is faulty when we misapply a sign designating a variety of things in such a way as to indicate specifically a single thing, as follows: “Since he is pale, he must have been sick,” or: “She must have become a mother, since she is holding a baby boy in her arms.” These indications do not of themselves offer definite proof, but if there is concurrence of other like indications, such signs increase probability not a little.

Again, there is a fault when that which is directed against the adversary can as well fit some one else or the speaker himself, as follows: “Wretched are they who marry wives.” “Yet you have married a second.”

Again, that is faulty which presents a banal defence, as follows: “He was led into crime by anger — or youth — or love.” For if excuses of this sort are admitted, the greatest crimes will escape unpunished.

Again it is a fault to assume as certain, on the ground that “it is universally agreed upon,” a thing which is still in dispute, as follows: “Ho! Look you, the gods who guide the movements of the beings that dwell above and below keep peace among themselves and join in concord.” Thus Thesprotus, as Ennius has presented him, uses this example on his own authority, as though he had already demonstrated the fact by reasons sufficiently conclusive.

40 Again, that is faulty which appears to be pronounced too late, as it were, and after the matter has been concluded, as follows: “If it had entered my mind, fellow-citizens, I should not have been guilty of allowing the matter to come to such a pass, for I should have done this or that; but at the time this thought escaped me.”

Again, there is a fault when that which stands as a manifest transgression is yet cloaked by some defence, as follows: “When all men were seeking you out and you had a most prosperous kingdom, I forsook you; now that all have deserted you, I, alone, in greatest peril, prepare to restore you.”

26 Again, that is faulty which can be taken in another sense than the speaker intended; for example, if some influential demagogue should in a speech before the Assembly say: “It is better to submit to kings than to bad laws.” In fact, these words, though they may be uttered by way of amplification without sinister intent, are

nevertheless because of the speaker's influence sure to breed a terrible suspicion.

41 Again, it is a fault to use false or general definitions; false, as if one should say that there is no injury except in the form of battery or of insulting language; general, like that which can be equally well applied to something else, as if one should say: "An informer, in short, is worthy of death; for he is a wicked and dangerous citizen." The speaker has offered a definition no more appropriate to an informer than to a thief, assassin, or traitor.

Again, it is a fault to advance proof what has been put in question, as if one should charge another with theft, and accordingly declare that he is a wicked, greedy, and deceitful man — and the evidence for this is that he has stolen from the speaker.

Again, it is a fault to refute one disputed point by another disputed point, as follows: "You should not be satisfied, Censors, when this defendant says that he was unable to be present as he had sworn he would be. I ask, would he have given this same excuse to the tribe of the soldiers if he had failed to appear for military duty?" This is faulty because a matter not clearly settled or adjudged, but entangled with difficulties and based on a like point of dispute is cited as an example.

42 Again, a fault is present when a matter about which there is the sharpest controversy is not clearly settled and is allowed to pass as though it were agreed upon, as follows: "Plainly speaks the oracle's response if you would understand. He commands that the arms be given to a warrior such as was he who bore them, should we be zealous to take Pergamum. This warrior I profess to be. It is but fair that I have the use of my cousin's arms and that they be awarded me, either because I am his kin or, if you will, because I rival him in valour."

Again, it is a fault to be inconsistent with oneself in one's own discourse and to contradict what one has said before, as follows: "On what ground shall I impeach him?", and then to develop this thought by the following reflection: "For if he has a conscience, why should you impeach an honourable man? But if he has a shameless character, to what avail then would you impeach one who, when he has heard the charge, deems it of little account?" 27 He seems to

have provided himself with a sound enough reason for not making the accusation. What does he say next? “Now at last I will finish you off from the very first thread.”

43 Again, that is faulty which is said against the convictions of the judge or the audience — if the party to which they are devoted, or men whom they hold dear, should be attacked, or the sentiments of the hearer outraged by some fault of this kind.

Again, it is a fault not to prove everything which in the Proposition you have promised to prove.

Again, one must beware of talking on a different subject from the one in dispute — and in regard to this kind of fault one must take care not to add anything to, or omit anything from, the subject, and not to change the question at issue and turn to quite another; like the case of Zethus and Amphion in Pacuvius — their controversy, begun on the subject of music, ends in a disputation on the theory of wisdom and the utility of virtue.

Again, care must be taken that the prosecutor’s charge shall not bear on one point, and the Exculpation of the defence on another. Many speakers on the side of the defence are often intentionally guilty of this irrelevance when pressed by the difficulties of their cause; for example, if a man accused of having sought a magistracy by bribery should say that in the army he had often received military gifts from generals. If we carefully watch for this fault in the speech of our adversaries we shall often detect that they have nothing to say to the point.

44 Again, it is a fault to disparage an art or science or any occupation because of the faults of those engaged in it, as in the case of those who blame rhetoric because of the blameworthy life of some orator.

Again, it is a fault, when you establish that a crime was committed, to believe you are thereby proving that it was committed by a specific person, as follows: “It is established that the corpse was disfigured, swollen, and discoloured; therefore the man was killed by poison.” Then, if the speaker concentrates, as many do, on proving that poison was administered, he will be harassed by a not insignificant fault. The question is not whether the crime was committed, but who committed it.

28 45 Again, it is a fault in making a comparison to bring out one term and either suppress mention of the other, or treat it rather cursorily; for example, if in deciding by a comparison whether it is better for the populace to receive, or not to receive, wheat, the speaker should on the one hand really take care to enumerate the benefits, but on the other should pass over the disadvantages and whatever he wishes to suppress, or should mention only those disadvantages which are least serious.

Again, it is a fault in making a comparison to think it necessary to disparage one thing when you praise the other; for example, if the question should arise, who are to be held in greater honour for services to the Roman republic, the Albensians or the Pinnensian Vestini, and the speaker should attack one or the other. Indeed it is not necessary, if you prefer one, to disparage the other; for you can manage, when you have given greater praise to one, to allot some portion of praise to the other, so that you may not be thought to have combated the truth under influence of partiality.

Again, it is a fault to build upon a name or appellation a dispute which usage can best decide. For example, Sulpicius had opposed his veto to the recall of the exiles who had not been permitted to plead their cause; later he changed his mind, and proposing the same law, said he was offering a different proposal, because he had changed the name. For, he said, he was recalling not "exiles," but "those ejected by violence" — as though the dispute concerned the name by which to call those people, or as though all to whom water and fire have been formally forbidden are not called exiles. True, we perhaps excuse Sulpicius if he had a reason for doing this. Yet let us understand that it is a fault to raise a controversy on account of a change in names.

29 46 Since Embellishment consists of similes, examples, amplifications, previous judgements, and the other means which serve to expand and enrich the argument, let us consider the faults which attach to these.

A Simile is defective if it is inexact in any aspect, and lacks a proper ground for the comparison, or is prejudicial to him who presents it.

An Example is defective if it is either false, and hence refutable,

or base, and hence not to be imitated, or if it implies more or less than the matter demands.

The citing of a Previous Judgement will be faulty if the judgement applies to an unlike matter, or one not in dispute, or if it is discreditable, or is of such a kind that previous decisions either in greater number or of greater appropriateness can be offered by our adversaries.

Again, it is a fault, when our adversaries admit a fact, to devote an argument to establishing it as a fact; for it should rather be amplified.

Again, it is a fault to amplify what one should prove; for example, if a man should charge another with homicide, and before he has presented conclusive arguments, should amplify the crime, avowing that there is nothing more shameful than homicide. The question is, in fact, not whether the deed is or is not shameful, but whether it was committed.

The Résumé is defective if it does not include every point in the exact order in which it has been presented; if it does not come to a conclusion briefly; and if the summary does not leave something precise and stable, so as to make clear what the Proposition was, then what has been established by the Reason, by the Proof of the Reason, and by the argument as a whole.

30 47 Conclusions, among the Greeks called epilogoi, are tripartite, consisting of the Summing Up, Amplification, and Appeal to Pity. We can in four places use a Conclusion: in the Direct Opening, after the Statement of Facts, after the strongest argument, and in the Conclusion of the speech.

The Summing Up gathers together and recalls the points we have made — briefly, that the speech may not be repeated in entirety, but that the memory of it may be refreshed; and we shall reproduce all the points in the order in which they have been presented, so that the hearer, if he has committed them to memory, is brought back to what he remembers. Again, we must take care that the Summary should not be carried back to the Introduction or the Statement of Facts. Otherwise the speech will appear to have been fabricated and devised with elaborate pains so as to demonstrate the speaker's skill, advertise his wit, and display his memory. Therefore the Summary must take its beginning from the Division. Then we must in order

and briefly set forth the points treated in the Proof and Refutation.

Amplification is the principle of using Commonplaces to stir the hearers. To amplify an accusation it will be most advantageous to draw commonplaces from ten formulae.

48 (1) The first commonplacea is taken from authority, when we call to mind of what great concern the matter under discussion has been to the immortal gods, or to our ancestors, or kings, states, barbarous nations, sages, the Senate; and again, especially how sanction has been provided in these matters by laws.

(2) The second commonplaceb is used when we consider who are affected by these acts on which our charge rest; whether all men, which is a most shocking thing; or our superiors, such as are those from whom the commonplace of authority is taken; or our peers, those in the same situation as we with respect to qualities of character, physical attributes, and external circumstances; or our inferiors, whom in all these respects we excel.

(3) By means of the third commonplace we ask what would happen if the same indulgence should be granted to all culprits, and show what perils and disadvantages would ensue from indifference to this crime.

(4) By means of the fourth commonplace we show that if we indulge this man, many others will be the more emboldened to commit crimes — something which the anticipation of a judicial sentence has hitherto checked.

(5) By the fifth commonplacea we show that if once judgement is pronounced otherwise than as we urge, there will be nothing which can remedy the harm or correct the jurors' error. Here it will be in point for us to make a comparison with other mistakes, so as to show that other mistakes can either be moderated by time or corrected designedly, but that so far as the present mistake is concerned, nothing will serve either to alleviate or to amend it.

49 (6) By means of the sixth commonplaceb we show that the act was done with premeditation, and declare that for an intentional crime there is no excuse, although a rightful plea of mercy is provided for an unpremeditated act.

(7) By means of the seventh commonplacec we show it is a foul crime, cruel, sacrilegious, and tyrannical; such a crime as the

outraging of women, or one of those crimes that incite wars and life-and-death struggles with enemies of the state.

(8) By means of the eighth commonplace we show that it is not a common but a unique crime, base, nefarious, and unheard-of, and therefore must be the more promptly and drastically avenged.

(9) The ninth commonplace consists of comparison of wrongs, as when we shall say it is a more heinous crime to debauch a free-born person than to steal a sacred object, because the one is done from unbridled licentiousness and the other from need.

(10) By the tenth commonplace we shall examine sharply, incriminatingly, and precisely, everything that took place in the actual execution of the deed and all the circumstances that usually attend such an act, so that by the enumeration of the attendant circumstances the crime may seem to be taking place and the action to unfold before our eyes.

31 50 We shall stir Pity in our hearers by recalling the vicissitudes of fortune; by comparing the prosperity we once enjoyed with our present adversity; by enumerating and explaining the results that will follow for us if we lose the case; by entreating those whose pity we seek to win, and by submitting ourselves to their mercy; by revealing what will befall our parents, children, and other kinsmen through our disgrace, and at the same time showing that we grieve not because of our own straits but because of their anxiety and misery; by disclosing the kindness, humanity, and sympathy we have dispensed to others; by showing that we have ever, or for a long time, been in adverse circumstances; by deploring our fate or bad fortune; by showing that our heart will be brave and patient of adversities. The Appeal to Pity must be brief, for nothing dries more quickly than a tear.

In the present Book I have treated virtually the most obscure topics in the whole art of rhetoric; therefore this Book must end here. The remaining rules, so far as seems best, I shall carry over to Book III. If you study the material that I have presented, both with and without me, with care equal to the pains I have taken in assembling it, I, on my part, shall reap the fruit of my labour in your sharing the knowledge with me, and you, on yours, will praise my diligence and rejoice in the learning you have acquired. You will have greater understanding of the precepts of rhetoric, and I shall be more eager to

discharge the rest of my task. But that this will be so I know quite well, for I know you well. Let me turn at once to the other rules, so that I may gratify your very proper wish — and this it gives me the greatest pleasure to do.

BOOK III

1 1 In the preceding Books I have, as I believe, shown amply enough how to apply the Invention of topics to any judicial cause. The method of finding causes I now carry over to the present Book, in order that I may as speedily as possible discharge my task of explaining to you all the rules of Invention.

Four departments of rhetoric are left us to consider. Three are treated in the present Book: Arrangement, Delivery, and Memory. Style, because it seems to require a fuller treatment, I prefer to discuss in Book IV, which I hope to complete quickly and send to you, so that you may not lack anything on the art of rhetoric. Meanwhile you will learn all the principles I first set forth, with me, when you wish, and at times without me, by reading, so that you may in no way be kept from equal progress with me towards the mastery of this useful art. It is now for you to give attention, while I resume progress towards our goal.

2 2 Deliberative speeches are either of the kind in which the question concerns a choice between two courses of action, or of the kind in which a choice among several is considered. An example of a choice between two courses of action: Does it seem better to destroy Carthage, or to leave her standing? An example of a choice among several: If Hannibal, when recalled to Carthage from Italy, should deliberate whether to remain in Italy, or return home, or invade Egypt and seize Alexandria.

Again, a question under deliberation is sometimes to be examined on its own account; for example, if the Senate should deliberate whether or not to redeem the captives from the enemy. Or sometimes a question becomes one for deliberation and inquiry on account of some motive extraneous to the question itself; for example, if the Senate should deliberate whether to exempt Scipio from the law so as to permit him to become consul while under age. And sometimes a question comes under deliberation on its own account and then provokes debate even more because of an extraneous motive; for example, if in the Italic War the Senate should deliberate whether or not to grant citizenship to the Allies. In causes in which the subject

of itself engenders the deliberation, the entire discourse will be devoted to the subject itself. In those in which an extraneous motive gives rise to the deliberation, it is this motive which will have to be emphasized or depreciated.

3 The orator who gives counsel will through his speech properly set up Advantage as his aim, so that the complete economy of his entire speech may be directed to it.

Advantage in political deliberation has two aspects: Security and Honour.

To consider Security is to provide some plan or other for ensuring the avoidance of a present or imminent danger. Subheads under Security are Might and Craft, which we shall consider either separately or conjointly. Might is determined by armies, fleets, arms, engines of war, recruiting of man power, and the like. Craft is exercised by means of money, promises, dissimulation, accelerated speed, deception, and the other means, topics which I shall discuss at a more appropriate time, if ever I attempt to write on the art of war or on state administration.

The Honourable is divided into the Right and the Praiseworthy. The Right is that which is done in accord with Virtue and Duty. Subheads under the Right are Wisdom, Justice, Courage, and Temperance. Wisdom is intelligence capable, by a certain judicious method, of distinguishing good and bad; likewise the knowledge of an art is called Wisdom; and again, a well-furnished memory, or experience in diverse matters, is termed Wisdom. Justice is equity, giving to each thing what it is entitled to in proportion to its worth. Courage is the reaching for great things and contempt for what is mean; also the endurance of hardship in expectation of profit. Temperance is self-control that moderates our desires.

3 4 We shall be using the topics of Wisdom in our discourse if we compare advantages and disadvantages, counselling the pursuit of the one and the avoidance of the other; if we urge a course in a field in which we have a technical knowledge of the ways and means whereby each detail should be carried out; or if we recommend some policy in a matter whose history we can recall either from direct experience or hearsay — in this instance we can easily persuade our hearers to the course we wish by adducing the precedent.

We shall be using the topics of Justice if we say that we ought to pity innocent persons and suppliants; if we show that it is proper to repay the well-deserving with gratitude; if we explain that we ought to punish the guilty; if we urge that faith ought zealously to be kept; if we say that the laws and customs of the state ought especially to be preserved; if we contend that alliances and friendships should scrupulously be honoured; if we make it clear that the duty imposed by nature toward parents, gods, and fatherland must be religiously observed; if we maintain that ties of hospitality, clientage, kinship, and relationship by marriage must inviolably be cherished; if we show that neither reward nor favour nor peril nor animosity ought to lead us astray from the right path; if we say that in all cases a principle of dealing alike with all should be established. With these and like topics of Justice we shall demonstrate that an action of which we are sponsors in Assembly or council is just, and by their contraries we shall demonstrate that an action is unjust. As a result we shall be provided with the same commonplaces for both persuasion and dissuasion.

5 When we invoke as motive for a course of action steadfastness in Courage, we shall make it clear that men ought to follow and strive after noble and lofty actions, and that, by the same token, actions base and unworthy of the brave ought therefore to be despised by brave men and considered as beneath their dignity. Again, from an honourable act no peril or toil, however great, should divert us; death ought to be preferred to disgrace; no pain should force an abandonment of duty; no man's enmity should be feared in defence of truth; for country, for parents, guest-friends, intimates, and for the things justice commands us to respect, it behoves us to brave any peril and endure any toil.

We shall be using the topics of Temperance if we censure the inordinate desire for office, money, or the like; if we restrict each thing to its definite natural bounds; if we show how much is enough in each case, advise against going too far, and set the due limit to every matter.

6 Virtues of this kind are to be enlarged upon if we are recommending them, but depreciated if we are urging that they be disregarded, so that the points which I have made above will be

belittled. To be sure, no one will propose the abandonment of virtue, but let the speaker say that the affair is not of such a sort that we can put any extraordinary virtue to the test; or that the virtue consists rather of qualities contrary to those here evinced. Again, if it is at all possible, we shall show that what our opponent calls justice is cowardice, and sloth, and perverse generosity; what he has called wisdom we shall term impertinent, babbling, and offensive cleverness; what he declares to be temperance we shall declare to be inaction and lax indifference; what he has named courage we shall term the reckless temerity of a gladiator.

4 7 The Praiseworthy is what produces an honourable remembrance, at the time of the event and afterwards. I have separated the Praiseworthy from the Right, not because the four categories which I list under the appellative Right usually fail to engender this honourable remembrance, but because, although the praiseworthy has its source in the right, we must nevertheless in speaking treat one apart from the other. Indeed we should pursue the right not alone for the sake of praise; but if praise accrues, the desire to strive after the right is doubled. When, therefore, a thing is shown to be right, we shall show that it is also praiseworthy, whether in the opinion of qualified persons (if, for example, something should please a more honourable class of men, and be disapproved by a lower class), or of certain allies, or all our fellow citizens, or foreign nations, or our descendants.

Such being the division of topics in deliberative speaking, I must briefly explain how to develop the cause as a whole.

The Introduction may be made by means of the Direct Opening or of the Subtle Approach, or by the same means as in a judicial cause. If there happens to be a Statement of Facts, the same method will properly be followed in the narrative.

8 Since in causes of this kind the end is Advantage, and Advantage is divided into the consideration of Security and the consideration of Honour, if we can prove that both ends will be served, we shall promise to make this twofold proof in our discourse; if we are going to prove that one of the two will be served, we shall indicate simply the one thing we intend to affirm. If, now, we say that our aim is Security, we shall use its subdivisions, Might and

Strategy. For that which, in instructing, I have, in order to give clarity and emphasis called Craft, we shall in speaking call by the more honourable name of Strategy. If we say that our counsel aims at the Right, and all four categories of Right apply, we shall use them all. If these categories do not all apply, we shall in speaking set forth as many as do.

We shall use Proof and Refutation when we establish in our favour the topics explained above, and refute the contrary topics. The rules for developing an argument artistically will be found in Book II. 5 But if it happens that in a deliberation the counsel of one side is based on the consideration of security and that of the other on honour, as in the case of those who, surrounded by Carthaginians, deliberate on a course of action, then the speaker who advocates security will use the following topics: Nothing is more useful than safety; no one can make use of his virtues if he has not based his plans upon safety; not even the gods help those who thoughtlessly commit themselves to danger; nothing ought to be deemed honourable which does not produce safety. 9 One who prefers the considerations of honour to security will use the following topics: Virtue ought never to be renounced; either pain, if that is feared, or death, if that is dreaded, is more tolerable than disgrace and infamy; one must consider the shame which will ensue — indeed neither immortality nor a life everlasting is achieved, nor is it proved that, once this peril is avoided, another will not be encountered; fortune, though, habitually favours the brave; not he who is safe in the present, but he who lives honourably, lives safely — whereas he who lives shamefully cannot be secure for ever.

As a general rule we employ virtually the same Conclusions in these as in judicial causes, except that here especially it is useful to present examples from the past in the greatest possible number.

6 10 Let us now turn to the Epideictic kind of cause. Since epideictic includes Praise and Censure, the topics on which praise is founded will, by their contraries, serve us as the bases for censure. The following, then, can be subject to praise: External Circumstances, Physical Attributes, and Qualities of Character.

To External Circumstances belong such as can happen by chance, or by fortune, favourable or adverse: descent, education, wealth,

kinds of power, titles to fame, citizenship, friendships, and the like, and their contraries. Physical Attributes are merits or defect bestowed upon the body by nature: agility, strength, beauty, health, and their contraries. Qualities of Character rest upon our judgement and thought: wisdom, justice, courage, temperance, and their contraries. 11 Such, then, in a cause of this kind, will be our Proof and Refutation.

The Introduction is drawn from our own person, or the person we are discussing, or the person of our hearers, or from the subject-matter itself.

From our own person: if we speak in praise, we shall say that we are doing so from a sense of duty, because ties of friendship exist; or from goodwill, because such is the virtue of the person under discussion that every one should wish to call it to mind; or because it is appropriate to show, from the praise accorded him by others, what his character is. If we speak in censure, we shall say that we are justified in doing so, because of the treatment we have suffered; or that we are doing so from goodwill, because we think it useful that all men should be apprised of a wickedness and a worthlessness without parallel; or because it is pleasing to show by our censure of others what conduct is pleasing to ourselves.

When we draw our Introduction from the person being discussed: if we speak in praise, we shall say that we fear our inability to match his deeds with words; all men ought to proclaim his virtues; his very deeds transcend the eloquence of all eulogists. If we speak in censure, we shall, as obviously we can by the change of a few words, and as I have demonstrated just above, express sentiments to the contrary effect.

12 When the Introduction is drawn from the person of the hearers: if we speak in praise, we shall say that since we are not delivering an encomium amongst people unacquainted with the man, we shall speak but briefly, to refresh their memories; or if they do not know him, we shall try to make them desire to know a man of such excellence; since the hearers of our eulogy have the same zeal for virtue as the subject of the eulogy had or now has, we hope easily to win the approval of his deeds from those whose approval we desire. The opposite, if it is censure: we shall say that since our hearers

know the man, we shall confine ourselves to a few words on the subjects of his worthlessness; but if they do not, we shall try to make them know him, in order that they may avoid his wickedness; since our hearers are unlike the subject of our censure, we express the hope that they will vigorously disapprove his way of life.

When the Introduction is drawn from the subject-matter itself: we shall say that we do not know what to praise in particular; we fear that in discussing a number of things we shall pass by even more; and add whatever will carry like sentiments. The sentiments opposite to these are drawn upon, if we censure.

7 13 If the Introduction has been developed in accordance with any of the methods just mentioned, there will be no need for a Statement of Facts to follow it; but if there is occasion for one, when we must recount with either praise or censure some deed of the person discussed, the instructions for Stating the Facts will be found in Book I.

The Division we shall make is the following: we shall set forth the things we intend to praise or censure; then recount the events, observing their precise sequence and chronology, so that one may understand what the person under discussion did and with what prudence and caution. But it will first be necessary to set forth his virtues or faults of character, and then to explain how, such being his character, he has used the advantages or disadvantages, physical or external circumstances. The following is the order we must keep when portraying a life:

(1) External Circumstances: Descent — in praise: the ancestors of whom he is sprung; if he is of illustrious descent, he has been their peer or superior; if of humble descent, he had had his support, not in the virtues of his ancestors, but in his own. In censure: if he is of illustrious descent, he has been a disgrace to his forebears; if of low descent, he is none the less a dishonour even to these. Education — in praise: that he was well and honourably trained in worthy studies throughout his boyhood. In censure: . . .

14 (2) Next we must pass to the Physical Advantages: if by nature he has impressiveness and beauty, these have served him to his credit, and not, as in the case of others, to his detriment and shame; if he has exceptional strength and agility, we shall point out that these

were acquired by worthy and diligent exercise; if he has continual good health, that was acquired by care and by control over his passions. In censure, if the subject has this physical advantages, we shall declare that he has abused what, like the meanest gladiator, he has had by chance and nature. If he lacks them, we shall say that to his own fault and want of self-control is his lack of every physical advantage, beauty apart, attributable.

(3) Then we shall return to External Circumstances and consider his virtues and defects of Character evinced with respect to these: Has he been rich or poor? What kinds of power has he wielded? What have been his titles to fame? What his friendships? Or what his private feuds, and what act of bravery has he performed in conducting these feuds? With what motive has he entered into feuds? With what loyalty, goodwill, and sense of duty has he conducted his friendships? What character of man has he been in wealth, or in poverty? What has been his attitude in the exercise of his prerogatives? If he is dead, what sort of death did he die, and what sort of consequences followed upon it? 8 15 In all circumstances, moreover, in which human character is chiefly studied, those four above-mentioned virtues of character will have to be applied. Thus, if we speak in praise, we shall say that one act was just, another courageous, another temperate, and another wise; if we speak in censure, we shall declare that one was unjust, another intemperate, another cowardly, and another stupid.

From this arrangement it is now no doubt clear how we are to treat the three categories of praise and censure — with the added proviso that we need not use all three for praise or for censure, because often not all of them even apply, and often, too, when they do, the application is so slight that it is unnecessary to refer to them. We shall therefore need to choose those categories which seem to provide the greatest force.

Our Conclusions will be brief, in the form of a Summary at the end of the discourse; in the discourse itself we shall by means of commonplaces frequently insert brief amplifications.

Nor should this kind of cause be the less strongly recommended just because it presents itself only seldom in life. Indeed when a task may present itself, be it only occasionally, the ability to perform it as

skilfully as possible must seem desirable. And if epideictic is only seldom employed by itself independently, still in judicial and deliberative causes extensive sections are often devoted to praise or censure. Therefore let us believe that this kind of cause also must claim some measure of our industry.

Now that I have completed the most difficult part of rhetoric — thoroughly treating Invention and applying it to every kind of cause — it is time to proceed to the other parts. I shall therefore next discuss the Arrangement.

9 16 Since it is through the Arrangement that we set in order the topics we have invented so that there may be a definite place for each in the delivery, we must see how kind of method one should follow in the process of arranging. The kinds of Arrangement are two: one arising from the principles of rhetoric, the other accommodated to particular circumstances.

Our Arrangement will be based on the principles of rhetoric when we observe instructions that I have set forth in Book I — to use the Introduction, Statement of Facts, Division, Proof, Refutation, and Conclusion, and in speaking to follow the order enjoined above. It is likewise on the principles of the art that we shall be basing our Arrangement, not only of the whole case throughout the discourse, but also of the individual arguments, according to Proposition, Reason, Proof of the Reason, Embellishment, and Résumé, as I have explained in Book II. 17 This Arrangement, then, is twofold — one for the whole speech, and the other for the individual arguments — and is based upon the principles of rhetoric.

But there is also another Arrangement, which, when we must depart from the order imposed by the rules of the art, is accommodated to circumstance in accordance with the speaker's judgement; for example, if we should begin our speech with the Statement of Facts, or with some very strong argument, or the reading of some documents; or if straightway after the Introduction we should use the Proof and then the Statement of Facts; or if we should make some other change of this kind in the order. But none of these changes ought to be made except when our cause demands them. For if the ears of the audience seem to have been deafened and their attention wearied by the wordiness of our adversaries, we can

advantageously omit the Introduction, and begin the speech with either the Statement of Facts or some strong argument. Then, if it is advantageous — for it is not always necessary — one may recur to the idea intended for the Introduction. 10 If our cause seems to present so great a difficulty that no one can listen to the Introduction with patience, we shall begin with the Statement of Facts and then recur to the idea intended for the Introduction. If the Statement of Facts is not quite plausible, we shall begin with some strong argument. It is often necessary to employ such changes and transpositions when the cause itself obliges us to modify with art the Arrangement prescribed by the rules of the art.

18 In the Proof and Refutation of arguments it is appropriate to adopt an Arrangement of the following sort: (1) the strongest arguments should be placed at the beginning and at the end of the pleading; (2) those of medium force, and also those that are neither useless to the discourse nor essential to the proof, which are weak if presented separately and individually, but become strong and plausible when conjoined with the others, should be placed in the middle. For immediately after the facts have been stated the hearer waits to see whether the cause can by some means be proved, and that is why we ought straightway to present some strong argument. (3) And as for the rest, since what has been said last is easily committed to memory, it is useful, when ceasing to speak, to leave some very strong argument fresh in the hearer's mind. This arrangement of topics in speaking, like the arraying of soldiers in battle, can readily bring victory.

11 19 Many have said that the faculty of greatest use to the speaker and the most valuable for persuasion is Delivery. For my part, I should not readily say that any one of the five faculties is the most important; that an exceptionally great usefulness resides in the delivery I should boldly affirm. For skilful invention, elegant style, the artistic management of the parts comprising the case, and the careful memory of all these will be of no more value without delivery, than delivery alone and independent of these. Therefore, because no one has written carefully on this subject — all have thought it scarcely possible for voice, mien, and gesture to be lucidly described, as appertaining to our sense-experience — and because

the mastery of delivery is a very important requisite for speaking, the whole subject, as I believe, deserves serious consideration.

Delivery, then, includes Voice Quality and Physical Movement. Voice Quality has a certain character of its own, acquired by method and application. 20 It has three aspects: Volume, Stability, and Flexibility. Vocal volume is primarily the gift of nature; cultivation augments it somewhat, but chiefly conserves it. Stability is primarily gained by cultivation; declamatory exercise augments it somewhat, but chiefly conserves it. Vocal flexibility — the ability in speaking to vary the intonations of the voice at pleasure — is primarily achieved by declamatory exercise. Thus with regard to vocal volume, and in a degree also to stability, since one is the gift of nature and the other is acquired by cultivation, it is pointless to give any other advice than that the method of cultivating the voice should be sought from those skilled in this art. 12 It seems, however, that I must discuss stability in the degree that it is conserved by a system of declamation, and also vocal flexibility (this is especially necessary to the speaker), because it too is acquired by the discipline of declamation.

21 We can, then, in speaking conserve stability mainly by using for the Introduction a voice as calm and composed as possible. For the windpipe is injured if filled with a violent outburst of sound before it has been soothed by soft intonations. And it is appropriate to use rather long pauses — the voice is refreshed by respiration and the windpipe is rested by silence. We should also relax from continual use of the full voice and pass to the tone of conversation; for, as the result of changes, no one kind of tone is spent, and we are complete in the entire range. Again, we ought to avoid piercing exclamations, for a shock that wounds the windpipe is produced by shouting which is excessively sharp and shrill, and the brilliance of the voice is altogether used up by one outburst. Again, at the end of the speech it is proper to deliver long periods in one unbroken breath, for then the throat becomes warm, the windpipe is filled, and the voice, which has been used in a variety of tones, is restored to a kind of uniform and constant tone. How often must we be duly thankful to nature, as here! Indeed what we declare to be beneficial for conserving the voice applies also to agreeableness of delivery, and, as a result, what benefits our voice likewise finds favour in the hearer's taste. 22 A

useful thing for stability is a calm tone in the Introduction. What is more disagreeable than the full voice in the Introduction to a discourse? Pauses strengthen the voice. They also render the thoughts more clear-cut by separating them, and leave the hearer time to think. Relaxation from a continuous full tone conserves the voice, and the variety gives extreme pleasure to the hearer too, since now the conversational tone holds the attention and now the full voice rouses it. Sharp exclamation injures the voice and likewise jars the hearer, for it has about it something ignoble, suited rather to feminine outcry than to manly dignity in speaking. At the end of the speech a sustained flow is beneficial to the voice. And does not this, too, most vigorously stir the hearer at the Conclusion of the entire discourse? Since, then, the same means serve stability of the voice and agreeableness of delivery, my present discussion will have dealt with both at once, offering as it does the observations that have seemed appropriate on stability, and the related observations on agreeableness. The rest I shall set forth somewhat later, in its proper place.

13 23 Now the flexibility of the voice, since it depends entirely on rhetorical rules, deserves our more careful consideration. The aspects of Flexibility are Conversational Tone, Tone of Debate, and Tone of Amplification. The Tone of Conversation is relaxed, and is closest to daily speech. The Tone of Debate is energetic, and is suited to both proof and refutation. The Tone of Amplification either rouses the hearer to wrath or moves him to pity.

Conversational Tone comprises four kinds: the Dignified, The Explicative, the Narrative, and the Facetious. The Dignified, or Serious, Tone of Conversation is marked by some degree of impressiveness and by vocal restraint. The Explicative in a calm voice explains how something could or could not have been brought to pass. The Narrative sets forth events that have occurred or might have occurred. The Facetious can on the basis of some circumstance elicit a laugh which is modest and refined.

In the Tone of Debate are distinguishable the Sustained and the Broken. The Sustained is full-voiced and accelerated delivery. The Broken Tone of Debate is punctuated repeatedly with short, intermittent pauses, and is vociferated sharply.

24 The Tone of Amplification includes the Hortatory and the Pathetic. The Hortatory, by amplifying some fault, incites the hearer to indignation. The Pathetic, by amplifying misfortunes, wins the hearer over to pity.

Since, then, vocal flexibility is divided into three tones, and these in turn subdivide into eight others, it appears that we must explain what delivery is appropriate to each of these eight subdivisions.

14 (1) For the Dignified Conversational Tone it will be proper to use the full throat but the calmest and most subdued voice possible, yet not in such a fashion that we pass from the practice of the orator to that of the tragedian. (2) For the Explicative Conversational Tone one ought to use a rather thin-toned voice, and frequent pauses and intermissions, so that we seem by means of the delivery itself to implant and engrave in the hearer's mind the points we are making in our explanation. (3) For the Narrative Conversational Tone varied intonations are necessary, so that we seem to recount everything just as it took place. Our delivery will be somewhat rapid when we narrate what we wish to show was done vigorously, and it will be slower when we narrate something else done in leisurely fashion. Then, corresponding to the content of the words, we shall modify the delivery in all the kinds of tone, now to sharpness, now to kindness, or now to sadness, and now to gaiety. If in the Statement of Facts there occur any declarations, demands, replies, or exclamations of astonishment concerning the facts we are narrating, we shall give careful attention to expressing with the voice the feelings and thoughts of each personage. 25 (4) For the Facetious Conversational Tone, with a gentle quiver in the voice, and a slight suggestion of a smile, but without any trace of immoderate laughter, one ought to shift one's utterance smoothly from the Serious Conversational Tone to the tone of gentlemanly jest.

Since the Tone of Debate is to be expressed either through the Sustained or the Broken, when the (5) Sustained Tone of Debate is required, one ought moderately to increase the vocal volume, and, in maintaining an uninterrupted flow of words, also to bring the voice into harmony with them, to inflect the tone accordingly, and to deliver the words rapidly in a full voice, so that the voice production can follow the fluent energy of the speech. (6) For the Broken Tone

of Debate we must with deepest chest tones produce the clearest possible exclamations, and I advise giving as much time to each pause as to each exclamation.

For (7) the Hortatory Tone of Amplification we shall use a very thin-toned voice, moderate loudness, an even flow of sound, frequent modulations, and the utmost speed. (8) For the Pathetic Tone of Amplification we shall use a restrained voice, deep tone, frequent intermissions, long pauses, and marked changes.

15 On Voice Quality enough has been said. Now it seems best to discuss Physical Movement.

26 Physical Movement consists in a certain control of gesture and mien which renders what is delivered more plausible. Accordingly the facial expression should show modesty and animation, and the gestures should not be conspicuous for either elegance or grossness, lest we give the impression that we are either actors or day labourers. It seems, then, that the rules regulating bodily movement ought to correspond to the several divisions of tone comprising voice. To illustrate: (1) For the Dignified Conversational Tone, the speaker must stay in position when he speaks, lightly moving his right hand, his countenance expressing an emotion corresponding to the sentiments of the subject — gaiety or sadness or an emotion intermediate. (2) For the Explicative Conversational Tone, we shall incline the body forward a little from the shoulders, since it is natural to bring the face as close as possible to our hearers when we wish to prove a point and arouse them vigorously. (3) For the Narrative Conversational Tone, the same physical movement as I have just set forth for the Dignified will be appropriate. (4) For the Facetious Conversational Tone, we should by our countenance express a certain gaiety, without changing gestures.

27 (5) For the Sustained Tone of Debate, we shall use a quick gesture of the arm, a mobile countenance, and a keen glance. (6) For the Broken Tone of Debate, one must extend the arm very quickly, walk up and down, occasionally stamp the right foot, and adopt a keen and fixed look.

(7) For the Hortatory Tone of Amplification, it will be appropriate to use a somewhat slower and more deliberate gesticulation, but otherwise to follow the procedure for the Sustained Tone of Debate.

(8) For the Pathetic Tone of Amplification, one ought to slap one's thigh and beat one's head, and sometimes to use a calm and uniform gesticulation and a sad and disturbed expression.

I am not unaware how great a task I have undertaken in trying to express physical movements in words and portray vocal intonations in writing. True, I was not confident that it was possible to treat these matters adequately in writing. Yet neither did I suppose that, if such a treatment were impossible, it would follow that what I have done here would be useless, for it has been my purpose my to suggest what ought to be done. The rest I shall leave to practice. This, nevertheless, one must remember: good delivery ensures that what the orator is saying seems to come from his heart. 16 28 Now let me turn to the treasure-house of the ideas supplied by Invention, to the guardian of all the parts of rhetoric, the Memory.

The question whether memory has some artificial quality, or comes entirely from nature, we shall have another, more favourable, opportunity to discuss. At present I shall accept as proved that in this matter art and method are of great importance, and shall treat the subject accordingly. For my part, I am satisfied that there is an art of memory — the grounds of my belief I shall explain elsewhere. For the present I shall disclose what sort of thing memory is.

There are, then, two kinds of memory: one natural, and the other the product of art. The natural memory is that memory which is imbedded in our minds, born simultaneously with thought. The artificial memory is that memory which is strengthened by a kind of training and system of discipline. But just as in everything else the merit of natural excellence often rivals acquired learning, and art, in its turn, reinforces and develops the natural advantages, so does it happen in this instance. The natural memory, if a person is endowed with an exceptional one, 29 is often like this artificial memory, and this artificial memory, in its turn, retains and develops the natural advantages by a method of discipline. Thus the natural memory must be strengthened by discipline so as to become exceptional, and, on the other hand, this memory provided by discipline requires natural ability. It is neither more nor less true in this instance than in the other arts that science strives by the aid of innate ability, and nature by the aid of the rules of art. The training here offered will therefore

also be useful to those who by nature have a good memory, as you will yourself soon come to understand. But even if these, relying on their natural talent, did not need our help, we should still be justified in wishing to aid the less well-endowed. Now I shall discuss the artificial memory.

The artificial memory includes backgrounds and images. By backgrounds I mean such scenes as are naturally or artificially set off on a small scale, complete and conspicuous, so that we can grasp and embrace them easily by the natural memory — for example, a house, an intercolumnar space, a recess, an arch, or the like. An image is, as it were, a figure, mark, or portrait of the object we wish to remember; for example, if we wish to recall a horse, a lion, or an eagle, we must place its image in a definite background. 30 Now I shall show what kind of backgrounds we should invent and how we should discover the images and set them therein.

17 Those who know the letters of the alphabet can thereby write out what is dictated to them and read aloud what they have written. Likewise, those who have learned mnemonics can set in backgrounds what they have heard, and from these backgrounds deliver it by memory. For the backgrounds are very much like wax tablets or papyrus, the images like letters, the arrangement and disposition of the images like the script, and the delivery is like the reading. We should therefore, if we desire to memorize a large number of items, equip ourselves with a large number of backgrounds, so that in these we may set a large number of images. I likewise think it obligatory to have these backgrounds in a series, so that we never by confusion in their order be prevented from following the images — proceeding from any background we wish, whatsoever its place in the series, and whether we go forwards or backwards — nor from delivering orally what has been committed to the backgrounds. 18 For example, if we should see a great number of our acquaintances standing in a certain order, it would not make any difference to us whether we should tell their names beginning with the person standing at the head of the line or at the foot or in the middle. So with respect to the backgrounds. If these have been arranged in order, the result will be that, reminded by the images, we can repeat orally what we committed to the backgrounds, proceeding in either direction from any background we

please. 31 That is why it also seems best to arrange the backgrounds in a series.

We shall need to study with special care the backgrounds we have adopted so that they may cling lastingly in our memory, for the images, like letters, are effaced when we make no use of them, but the backgrounds, like wax tablets, should abide. And that we may by no chance err in the number of backgrounds, each fifth background should be marked. For example, if in the fifth we should set a golden hand, and in the tenth some acquaintance whose first name is Decimus, it will then be easy to station like marks in each successive fifth background. 19 Again, it will be more advantageous to obtain backgrounds in a deserted than in a populous region, because the crowding and passing to and fro of people confuse and weaken the impress of the images, while solitude keeps their outlines sharp. Further, backgrounds differing in form and nature must be secured, so that, thus distinguished, they may be clearly visible; for if a person has adopted many intercolumnar spaces, their resemblance to one another will so confuse him that he will no longer know what he has set in each background. And these backgrounds ought to be of moderate size and medium extent, for when excessively large they render the images vague, and when too small often seem incapable of receiving an arrangement of images. 32 Then the backgrounds ought to be neither too bright nor too dim, so that the shadows may not obscure the images nor the lustre make them glitter. I believe that the intervals between backgrounds should be of moderate extent, approximately thirty feet; for, like the external eye, so the inner eye of thought is less powerful when you have moved the object of sight too near or too far away.

Although it is easy for a person with a relatively large experience to equip himself with as many and as suitable backgrounds as he may desire, even a person who believes that he finds no store of backgrounds that are good enough, may succeed in fashioning as many such as he wishes. For the imagination can embrace any region whatsoever and in it at will fashion and construct the setting of some background. Hence, if we are not content with our ready-made supply of backgrounds, we may in our imagination create a region for ourselves and obtain a most serviceable distribution of

appropriate backgrounds.

On the subject of backgrounds enough has been said; let me now turn to the theory of images.

20 33 Since, then, images must resemble objects, we ought ourselves to choose from all objects likenesses for our use. Hence likenesses are bound to be of two kinds, one of subject-matter, the other of words. Likenesses of matter are formed when we enlist images that present a general view of the matter with which we are dealing; likenesses of words are established when the record of each single noun or appellative is kept by an image.

Often we encompass the record of an entire matter by one notation, a single image. For example, the prosecutor has said that the defendant killed a man by poison, has charged that the motive for the crime was an inheritance, and declared that there are many witnesses and accessories to this act. If in order to facilitate our defence we wish to remember this first point, we shall in our first background form an image of the whole matter. We shall picture the man in question as lying ill in bed, if we know his person. If we do not know him, we shall yet take some one to be our invalid, but a man of the lowest class, so that he may come to mind at once. And we shall place the defendant at the bedside, holding in his right hand a cup, and in his left tablets, and on the fourth finger a ram's testicles. In this way we can record the man who was poisoned, the inheritance, and the witnesses. 34 In like fashion we shall set the other counts of the charge in backgrounds successively, following their order, and whenever we wish to remember a point, by properly arranging the patterns of the backgrounds and carefully imprinting the images, we shall easily succeed in calling back to mind what we wish.

21 When we wish to represent by images the likenesses of words, we shall be undertaking a greater task and exercising our ingenuity the more. This we ought to effect in the following way:

Iam domum itionem reges Atridae arant.

"And now their home-coming the kings, the sons of Atreus, are making ready."

If we wish to remember this verse, in our first background we should put Domitius, raising hands to heaven while he is lashed by the Marcii Reges — that will represent "Iam domum itionem reges" ("And now their home-coming the kings,"); in the second background, Aesopus and Cimber, being dressed as for the rôles of Agamemnon and Menelaüs in *Iphigenia* — that will represent "Atridae parant" ("the sons of Atreus, making ready"). By this method all the words will be represented. But such an arrangement of images succeeds only if we use our notation to stimulate the natural memory, so that we first go over a given verse twice or three times to ourselves and then represent the words by means of images. In this way art will supplement nature. For neither by itself will be strong enough, though we must note that theory and technique are much the more reliable. I should not hesitate to demonstrate this in detail, did I not fear that, once having departed from my plan, I should not so well preserve the clear conciseness of my instruction.

35 Now, since in normal cases some images are strong and sharp and suitable for awakening recollection, and others so weak and feeble as hardly to succeed in stimulating memory, we must therefore consider the cause of these differences, so that, by knowing the cause, we may know which images to avoid and which to seek.

22 Now nature herself teaches us what we should do. When we see in everyday life things that are petty, ordinary, and banal, we generally fail to remember them, because the mind is not being stirred by anything novel or marvellous. But if we see or hear something exceptionally base, dishonourable, extraordinary, great, unbelievable, or laughable, that we are likely to remember a long time. Accordingly, things immediate to our eye or ear we commonly forget; incidents of our childhood we often remember best. Nor could this be so for any other reason than that ordinary things easily slip from the memory while the striking and novel stay longer in mind. 36 A sunrise, the sun's course, a sunset, are marvellous to no one because they occur daily. But solar eclipses are a source of wonder because they occur seldom, and indeed are more marvellous than lunar eclipses, because these are more frequent. Thus nature shows that she is not aroused by the common, ordinary event, but is moved

by a new or striking occurrence. Let art, then, imitate nature, find what she desires, and follow as she directs. For in invention nature is never last, education never first; rather the beginnings of things arise from natural talent, and the ends are reached by discipline.

37 We ought, then, to set up images of a kind that can adhere longest in the memory. And we shall do so if we establish likenesses as striking as possible; if we set up images that are not many or vague, but doing something; if we assign to them exceptional beauty or singular ugliness; if we dress some of them with crowns or purple cloaks, for example, so that the likeness may be more distinct to us; or if we somehow disfigure them, as by introducing one stained with blood or soiled with mud or smeared with red paint, so that its form is more striking, or by assigning certain comic effects to our images, for that, too, will ensure our remembering them more readily. The things we easily remember when they are real we likewise remember without difficulty when they are figments, if they have been carefully delineated. But this will be essential — again and again to run over rapidly in the mind all the original backgrounds in order to refresh the images.

23 38 I know that most of the Greeks who have written on the memory have taken the course of listing images that correspond to a great many words, so that persons who wished to learn these images by heart would have them ready without expending effort on a search for them. I disapprove of their method on several grounds. First, among the innumerable multitude of words it is ridiculous to collect images for a thousand. How meagre is the value these can have, when out of the infinite store of words we shall need to remember now one, and now another? Secondly, why do we wish to rob anybody of his initiative, so that, to save him from making any search himself, we deliver to him everything searched out and ready? Then again, one person is more struck by one likeness, and another more by another. Often in fact when we declare that some one form resembles another, we fail to receive universal assent, because things seem different to different persons. The same is true with respect to images: one that is well-defined to us appears relatively inconspicuous to others. 39 Everybody, therefore, should in equipping himself with images suit his own convenience. Finally, it is the instructor's duty to teach the proper method of search in each case, and, for the sake of greater clarity, to add in illustration some one or two examples of its kind, but not all. For instance, when I discuss the search for Introductions, I give a method of search and do not draught a thousand kinds of Introductions. The same procedure I believes be followed with respect to images.

24 Now, lest you should perchance regard the memorizing of words either as too difficult or as of too little use, and so rest content with the memorizing of matter, as being easier and more useful, I must advise you why I do not disapprove of memorizing words. I believe that they who wish to do easy things without trouble and toil must previously have been trained in more difficult things. Nor have I included memorization of words to enable us to get verse by rote, but rather as an exercise whereby to strengthen that other kind of memory, the memory of matter, which is of practical use. Thus we may without effort pass from this difficult training to ease in that other memory. 40 In every discipline artistic theory is of little avail without unremitting exercise, but especially in mnemonics theory is

almost valueless unless made good by industry, devotion, toil, and care. You can make sure that you have as many backgrounds as possible and that these conform as much as possible to the rules; in placing the images you should exercise every day. While an engrossing preoccupation may often distract us from our other pursuits, from this activity nothing whatever can divert us. Indeed there is never a moment when we do not wish to commit something to memory, and we wish it most of all when our attention is held by business of special importance. So, since a ready memory is a useful thing, you see clearly with what great pains we must strive to acquire so useful a faculty. Once you know its uses you will be able to appreciate this advice. To exhort you further in the matter of memory is not my intention, for I should appear either to have lacked confidence in your zeal or to have discussed the subject less fully than it demands.

I shall next discuss the fifth part of rhetoric. You might rehearse in your mind each of the first four divisions, and — what is especially necessary — fortify your knowledge of them with exercise.

BOOK IV

1 1 Inasmuch as in the present Book, Herennius, I have written about Style, and wherever there was need of examples, I have used those of my own making, and in so doing have departed from the practice of the Greek writers on the subject, I must in a few words justify my method. And that I make this explanation from necessity, and not from choice, is sufficiently indicated by the fact that in the preceding Books I have said nothing by way either of preface or of digression. Now, after a few indispensable observations, I shall, as I undertook to do, discharge my task of explaining to you the rest of the art. But you will more readily understand my method when you have learned what the Greeks say.

On several grounds they think that, after they have given their own precepts on how to embellish style, they must for each kind of embellishment offer an example drawn from a reputable orator or poet. And their first ground is that in doing so they are prompted by modesty, because it seems a kind of ostentation not to be content to teach the art, but to appear desirous themselves of creating examples artificially. That, they say, would be showing themselves off, not showing what the art is. 2 Hence it is in the first place a sense of shame which keeps us from following this practice, for we should appear to be approving of ourselves alone, to be prizing ourselves, scorning and scoffing at others. For when we can take an example from Ennius, or offer one from Gracchus, it seems presumptuous to neglect these and to have recourse to our own examples.

In the second place, examples, they say, serve the purpose of testimony; for, like the testimony of a witness, the example enforces what the precept has suggested and only to a slight degree effected. Would not a man be ridiculous, then, if in a trial or in a domestic procedure he should contest the issue on the basis of his own personal testimony? For an example is used just like testimony to prove a point; it should properly therefore be taken only from a writer of highest reputation, lest what ought to serve as proof of something else should itself require proof. In fact, inventors of examples must either prefer themselves to all others and esteem their

own products most of all, or else deny that the best examples are those taken from the orators or poets of highest reputation. If they should set themselves above all others, they are unbearably conceited; if they should grant to any others a superiority over themselves and yet not believe that the examples of these others excel their own, they cannot explain why they concede this superiority.

2 And furthermore, does not the very prestige of the ancients not only lend greater authority to their doctrine but also sharpen in men the desire to imitate them? Yes, it excites the ambitions and whets the zeal of all men when the hope is implanted in them of being able by imitation to attain to the skill of a Gracchus or a Crassus.

3 Finally, they say, the highest art resides in this: in your selecting a great diversity of passages widely scattered and interspersed among so many poems and speeches, and doing this with such painstaking care that you can list examples, each according to its kind, under the respective topics of the art. If this could be accomplished by industry alone, we should yet deserve praise for not having avoided such a task; but actually, without the highest art it cannot be done. For who, unless he has a consummate grasp of the art of rhetoric, could in so vast and diffuse a literature mark and distinguish the demands of the art? Laymen, reading good orations and poems, approve the orators and poets, but without comprehending what has called forth their approval, because they cannot know where that which especially delights them resides, or what it is, or how it was produced. But he who understands all this, and selects examples that are most appropriate, and reduces to individual principles of instruction everything that especially merits inclusion in his treatise, must needs be a master artist in this field. This, then, is the height of technical skill — in one's own treatise to succeed also in using borrowed examples!

4 When the Greeks make such assertions, they influence us more by their prestige than by the truth of their argument. For what I really fear is that some one may consider the view contrary to mine adequately recommended because its supporters are the very men who invented this art and are now by reason of their antiquity quite universally esteemed. If, however, leaving the prestige of the

ancients out of consideration, they are willing to compare all the arguments, point for point, they will understand that we need not yield to antiquity in everything.

3 First, then, let us beware lest the Greeks offer us too childish an argument in their talk about modesty. For if modesty consists in saying nothing or writing nothing, why do they write or speak at all? But if they do write something of their own, then why does modesty keep them from composing, themselves, everything they write? It is as if some one should come to the Olympic games to run, and having taken a position for the start, should accuse of impudence those who have begun the race — should himself stand within the barrier and recount to others how Ladas used to run, or Boïscus in the Isthmian games. These Greek rhetoricians do likewise. When they have descended into the race-course of our art, they accuse of immodesty those who put in practice the essence of the art; they praise some ancient orator, poet, or literary work, but without themselves daring to come forth into the stadium of rhetoric. 5 I should not venture to say so, yet I fear that in their very pursuit of praise for modesty they are impudent. Some one may say to them: "Now what do you mean? You are writing a treatise of your own; you are creating new precepts for us; you cannot confirm these yourself; so you borrow examples from others. Beware of acting impudently in seeking to extract from the labour of others praise for your own name." Indeed, if the ancient orators and poets should take the books of these rhetoricians and each remove therefrom what belongs to himself, the rhetoricians would have nothing left to claim as their own.

"But," they say, "since examples correspond to testimony, it is proper that, like testimony, they should be taken from men of the highest reputation." First and foremost, examples are set forth, not to confirm or to bear witness, but to clarify. When I say there is a figure of speech which, for instance, consists of like-ending words, and take this example from Crassus: quibus possumus et debemus, I am setting up, not testimony, but an example. The difference between testimony and example is this: by example we clarify the nature of our statement, while by testimony we establish its truth. 6 Furthermore, the testimony must accord with the proposition, for otherwise it cannot confirm the proposition. But the rhetoricians'

performance does not accord with what they propose. How so? In that they promise to write a treatise of the art, and then mostly bring forward examples from authors who were ignorant of the art. Now who can give authority to his writings on the art unless he writes something in conformity with the art? Their performance is at variance with what they seem to promise; for when they undertake to write the rules of their art, they appear to say that they have themselves invented what they are teaching to others, but when they actually write, they show us what others have invented.

4 "But," say they, "this very choice from among many is difficult." What do you mean by difficult? That it requires labour? Or that it requires art? The laborious is not necessarily the excellent. There are many things requiring labour which you would not necessarily boast of having done — unless, to be sure, you thought it a glorious feat to have transcribed by your own hand whole dramas or speeches! Or do you say that that kind of thing requires exceptional art? Then beware of appearing inexperienced in greater matters, if you are going to find the same delight in a petty thing as in a great. Doubtless no one quite uncultivated can select in this way; yet many who lack the highest art can. 7 For any one at all who has heard more than a little about the art, especially in the field of style, will be able to discern all the passages composed in accordance with the rules; but the ability to compose them only the trained man will possess. It is as if you should wish to choose maxims from the tragedies of Ennius, or messengers' reports from the tragedies of Pacuvius; if, however, just because no one who is quite illiterate can do this, you should suppose that having done it, you are most highly cultivated, you would be foolish, because any person moderately well-read could do it easily. In the same fashion if, having chosen from orations or poems examples marked by definite tokens of art, you should suppose that your performance gives proof of superlative art on the ground that no ignoramus is capable of it, you would be in error, because by this token that you offer we see only that you have some knowledge, but we shall need still other tokens to convince us that you know a great deal. Now if to discern what is written artistically proves your mastery of the art, then a far better proof of this mastery is to write artistically yourself. For though the artistic writer will find it easy to

discern what has been skilfully written by others, the facile chooser of examples will not necessarily write with skill himself. And even if it is an especial mark of artistic skill, let them employ this faculty at another time, and not when they themselves should be conceiving, creating, and bringing forth. In short, let them devote their artistic power to this purpose — to win esteem as worthy themselves to be chosen as models by others, rather than as good choosers of others who should serve as models for them.

Against the contentions of those who maintain that we should use borrowed examples I have said enough. Now let us see what can be said from my own particular point of view.

5 Accordingly I say that they are not only at fault in borrowing examples, but make an even greater mistake in borrowing examples from a great number of sources. And let us first look at my second point. Were I granting that we should borrow examples, I should establish that we ought to select from one author alone. In the first place, my opponents would then have no ground for opposing this procedure, for they might choose and approve whom they would, poet or orator, to supply them with examples for all cases, one on whose authority they could rely. Secondly, it is a matter of great concern to the student whether he should believe that every one can attain the sum total of qualities, or that no one can, or that one individual can attain one quality and another individual another quality. For if the student believes that all qualities can exist in one man, he himself will strive for a mastery of them all. But if he despairs of this achievement, he will occupy himself in acquiring a few qualities, and with these be content. Nor is this surprising, since the teacher of the art himself has been unable to find all the qualities in one author. Thus, when examples have been drawn from Cato, the Gracchi, Laelius, Scipio, Galba, Porcina, Crassus, Antonius, and the rest, and some as well from the poets and historians, the learner will necessarily believe that the totality could have been taken only from them all, and that barely a few examples could have been taken from only one. 8 He will therefore be content with emulating some one author and distrust his own single power to possess the sum total of qualities possessed by all the authors. Now it is disadvantageous for the student to believe that one person cannot possess all qualities;

and so I say, no one would fall into this opinion if the rhetoricians had drawn examples from one author alone. Actually, the fact that the writers on rhetoric have presented neither their own examples nor those of some single author, or even two, but have borrowed from all the orators and poets, is a sign that they themselves have not believed that any one individual can be brilliant in all the branches of style. Moreover, should any one wish to show that the art of rhetoric is of no benefit for speaking, he might well in support employ the argument that no one man has been able to master all the branches of rhetoric. Is it not ridiculous for a rhetorician himself to approve by his own judgement what thus supports the theory of those who utterly condemn the art of rhetoric?

I have, then, shown that if examples were always to be borrowed, the borrowing should have been from one author. 6 9 Now we shall learn from the following that they should not have been borrowed at all.

Above all, an example which is cited by a writer on an art should be proof of his own skill in that art. It is as if a merchant selling purple or some other commodity should say: "Buy of me, but I shall borrow from some one else a sample of this to show you." So do these very people who offer merchandise for sale go in search of a sample of it elsewhere; they say: "We have piles of wheat," but have not a handful of grain to show as a sample. If Triptolemus, when dispensing seed to mankind, had himself borrowed it from other men, or if Prometheus, wishing to distribute fire amongst mortals, had himself gone about with an urn begging a few coals of his neighbours, he would have appeared ridiculous. Do not these schoolmasters, teachers of public speaking to all the world, see that they are acting absurdly when they seek to borrow the very thing they offer to bestow? If any one should say that he has discovered the richest of deeply hidden springs, and tell of the discovery while suffering extreme thirst and lacking the wherewithal to slake his thirst, would he not be a laughingstock? When these writers declare that they are not only the masters of the springs, but are themselves the wellsprings of eloquence, and when it is their duty to water the talents of all, do they not think it will be laughable if, whilst making the offer to do so, they are themselves parched with drought? Not

thus did Chares learn from Lysippus how to make statues. Lysippus did not show him a head by Myron, arms by Praxiteles, a chest by Polycleitus. Rather with his own eyes would Chares see the master fashioning all the parts; the works of the other sculptors he could if he wished study on his own initiative. These writers believe that students of this subject can be better taught by another method.

7 10 Furthermore, borrowed examples simply cannot be so well adapted to the rules of the art because in speaking each single topic is in general touched lightly, so that the art may not be obvious. In instructing, on the other hand, one must cite examples that are draughted expressly to conform to the pattern of the art. It is afterwards, in speaking, that the orator's skill conceals his art, so that it may not obtrude and be apparent to all. Thus as to the end that the art may be better understood is it preferable to use examples of one's own creation.

Finally, I have been led to this method by another consideration also — the remoteness from our own usage of the technical terms I have translated from the Greek. For concepts non-existent among us could not have familiar appellations. The translated terms, therefore, must seem rather harsh at first — that will be a fault of the subject, not mine. The rest of my treatise will be devoted to examples. If, however, these which I have here set down had been borrowed from other sources, the result would have been that anything apt in this book would not be mine, but whatever is a little rough or strange would be assigned to me as my own particular contribution. So I have escaped this disadvantage also.

On these grounds, although esteeming the Greeks as the inventors of the art, I have not followed their theory of examples. Now it is time to turn to the principles of Style.

I shall divide the teaching of Style into two parts. First I shall state the kinds to which oratorical style should always confine itself, then I shall show what qualities style should always have.

8 11 There are, then, three kinds of style, called types, to which discourse, if faultless, confines itself: the first we call the Grand; the second, the Middle; the third, the Simple. The Grand type consists of a smooth and ornate arrangement of impressive words. The Middle type consists of words of a lower, yet not of the lowest and most

colloquial, class of words. The Simple type is brought down even to the most current idiom of standard speech.

A discourse will be composed in the Grand style if to each idea are applied the most ornate words that can be found for it, whether literal or figurative; if impressive thoughts are chosen, such as are used in Amplification and Appeal to Pity; and if we employ figures of thought and figures of diction which have grandeur — these I shall discuss later. The following will be an example of this type of style:

12 "Who of you, pray, men of the jury, could devise a punishment drastic enough for him who has plotted to betray the fatherland to our enemies? What offence can compare with this crime, what punishment can be found commensurate with this offence? Upon those who had done violence to a freeborn youth, outraged the mother of a family, wounded, or — basest crime of all — slain a man, our ancestors exhausted the catalogue of extreme punishments; while for this most savage and impious villainy they bequeathed no specific penalty. In other wrongs, indeed, injury arising from another's crime extends to one individual, or only to a few; but the participants in this crime are plotting, with one stroke, the most horrible catastrophes for the whole body of citizens. O such men of savage hearts! O such cruel designs! O such human beings bereft of human feeling! What have they dared to do, what can they now be planning? They are planning how our enemies, after uprooting our fathers' graves, and throwing down our walls, shall with triumphant cry rush into the city; how when they have despoiled the temples of the gods, slaughtered the Conservatives and dragged all others off into slavery, and when they have subjected matrons and freeborn youths to a foeman's lust, the city, put to the torch, shall collapse in the most violent of conflagrations! They do not think, these scoundrels, that they have fulfilled their desires to the utmost, unless they have gazed upon the piteous ashes of our most holy fatherland. Men of the jury, I cannot in words do justice to the shamefulness of their act; yet that disquiets me but little, for you have no need of me. Indeed your own hearts, overflowing with patriotism, readily tell you to drive this man, who would have betrayed the fortunes of all, headlong from this commonwealth, which he would have buried under the impious domination of the foulest of enemies."

9 13 Our discourse will belong to the Middle type if, as I have said above, we have somewhat relaxed our style, and yet have not descended to the most ordinary prose, as follows:

"Men of the jury, you see against whom we are waging war — against allies who have been wont to fight in our defence, and together with us to preserve our empire by their valour and zeal. Not only must they have known themselves, their resources, and their manpower, but their nearness to us and their alliance with us in all affairs enabled them no less to learn and appraise the power of the Roman people in every sphere. When they had resolved to fight against us, on what, I ask you, did they rely in presuming to undertake the war, since they understood that much the greater part of our allies remained faithful to duty, and since they saw that they had at hand no great supply of soldiers, no competent commanders, and no public money — in short, none of the things needful for carrying on the war? Even if they were waging war with neighbours on a question of boundaries, even if in their opinion one battle would decide the contest, they would yet come to the task in every way better prepared and equipped than they are now. It is still less credible that with such meagre forces they would attempt to usurp that sovereignty over the whole world which all the civilized peoples, kings, and barbarous nations have accepted, in part compelled by force, in part of their own will, when conquered either by the arms of Rome or by her generosity. Some one will ask: 'What of the Fregellans? Did they not make the attempt on their own initiative?' Yes, but these allies would be less ready to make the attempt precisely because they saw how the Fregellans fared. For inexperienced peoples, unable to find in history a precedent for every circumstance, are through imprudence easily led into error; whilst those who know what has befallen others can easily from the fortunes of these others draw profit for their own policies. Have they, then, in taking up arms, been impelled by no motive? Have they relied on no hope? Who will believe that any one has been so mad as to dare, with no forces to depend on, to challenge the sovereignty of the Roman people? They must, therefore, have had some motive, and what else can this be but what I say?"

10 14 Of the Simple type of style, which is brought down to the

most ordinary speech of every day, the following will serve as an example:

"Now our friend happened to enter the baths, and, after washing, was beginning to be rubbed down. Then, just as he decided to go down into the pool, suddenly this fellow turned up. 'Say, young chap,' said he, 'you slaveboys have just beat me; you must make it good.' The young man grew red, for at his age he was not used to being hailed by a stranger. This creature started to shout the same words, and more, in a louder voice. With difficulty the youth replied: 'Well, but let me look into the matter.' Right then the fellow cries out in that tone of his that might well force blushes from any one; this is how aggressive and harsh it is — a tone certainly not practised in the neighbourhood of the Sundial, I would say, but backstage, and in places of that kind. The young man was embarrassed. And no wonder, for his ears still rang with the scoldings of his tutor, and he was not used to abusive language of this kind. For where would he have seen a buffoon, with not a blush left, who thought of himself as having no good name to lose, so that he could do anything he liked without damage to his reputation?"

15 Thus the examples themselves are enough to make clear the types of style. For one arrangement of words is of the simple type, another again belongs to the grand, and another belongs to the middle.

But in striving to attain these styles, we must avoid falling into faulty styles closely akin to them. For instance, bordering on the Grand style, which is in itself praiseworthy, there is a style to be avoided. To call this the Swollen style will prove correct. For just as a swelling often resembles a healthy condition of the body, so, to those who are inexperienced, turgid and inflated language either in new or in archaic words, or in clumsy metaphors, or in diction more impressive than the theme demands, as follows: "For he who by high treason betrays his nature land will not have paid a condign penalty albeit hurl'd into gulfs Neptunian. So pursue ye this man, who hath builded mounts of war, destroyed the plains of peace." Most of those who fall into this type, straying from the type they began with, are misled by the appearance of grandeur and cannot perceive the tumidity of the style.

11 16 Those setting out to attain at Middle style, if unsuccessful, stray from the course and arrive at an adjacent type, which we call the Slack because it is without any sinews and joints; accordingly I may call it the Drifting, since it drifts to and fro, and cannot get under way with resolution and virility. The following is an example: "Our allies, when they wished to wage war with us, certainly would have deliberated again and again on what they could do, if they were really acting of their own accord and did not have many confederates from here, evil men and bold. For they are used to reflecting long, all who wish to enter upon great enterprises." Speech of this kind cannot hold the hearer's attention, for it is altogether loose, and does not lay hold of a thought and encompass it in a well-rounded period.

Those who cannot skilfully employ that elegant simplicity of diction discussed above, arrive at a dry and bloodless kind of style which may aptly be called the Meager. The following is an example: "Now this fellow came up to this lad in the baths. After that he says: 'Your slaveboy here has beat me.' After that the lad says to him: "I'll think about it.' Afterwards this fellow called the lad names and shouted louder and louder, while a lot of people were there." This language, to be sure, is mean and trifling, having missed the goal of the Simple type, which is speech composed of correct and well-chosen words.

Each type of style, the grand, the middle, and the simple, gains distinction from rhetorical figures, which I shall discuss later. Distributed sparingly, these figures set the style in relief, as with colours; if packed in close succession, they set the style awry. But in speaking we should vary the type of style, so that the middle succeeds the grand and the simple the middle, and then again interchange them, and yet again. Thus, by means of the variation, satiety is easily avoided.

12 17 Since I have discussed the types to which style should confine itself, let us now see what qualities should characterize an appropriate and finished style. To be in fullest measure suitable to the speaker's purpose such a style should have three qualities: Taste, Artistic Composition, and Distinction.

Taste makes each and every topic seem to be expressed with purity and perspicuity. The subheads under Taste are Correct Latinity

and Clarity.

It is Correct Latinity which keeps the language pure, and free of any fault. The faults in language which can mar its Latinity are two: the Solecism and the Barbarism. A solecism occurs if the concord between a word and one before it in a group of words is faulty. A barbarism occurs if the verbal expression is incorrect. How to avoid these faults I shall clearly explain in my tract on grammar.

Clarity renders language plain and intelligible. It is achieved by two means, the use of current terms and of proper terms. Current terms are such as are habitually used in everyday speech. Proper terms are such as are, or can be, the designations specially characteristic of the subject of our discourse.

18 Artistic Composition consists in an arrangement of words which gives uniform finish to the discourse in every part. To ensure this virtue we shall avoid the frequent collision of vowels, which makes the style harsh and gaping, as the following: "Bacae aeneae amoenissime inpendebant." We shall also avoid the excessive recurrence of the same letter, and this blemish the following verse will illustrate — for at this juncture, in considering faults, nothing forbids me to use examples from others:

O Tite, tute, Tati, tibi tanta, tyranne, tulisti.

And this verse of the same poet:

quoiquam quicquam quemquam, quemque quisque conveniat, neget.

And again, we shall avoid the excessive repetition of the same word, as follows:

Nam cuius rationis ratio non extet, ei
rationi ratio non est fidem habere admodum;

Again, we shall not use a continuous series of words with like case endings, as follows:

Flentes, plorantes, lacrimantes, obtestantes.

Again, we shall avoid the dislocation of words, unless it is neatly effected — and this I shall discuss later. Coelius persists in this fault,

as the following illustrates: “In priore libro has res ad te scriptas, Luci, misimus, Aeli.” One should likewise avoid a long period, which does violence both to the ear of the listener and to the breathing of the speaker.

These vices of composition avoided, we must devote the rest of our efforts to conferring Distinction upon the style.

13 (18) To confer distinction upon style is to render it ornate, embellishing it by variety. The divisions under Distinction are Figures of Diction and the Figures of Thought. It is a figure of diction if the adornment is comprised in the fine polish of the language itself. A figure of thought derives a certain distinction from the idea, not from the words.

* * *

19 Epanaphora occurs when one and the same word forms successive beginnings for phrases expressing like and different ideas, as follows: “To you must go the credit for this, to you are thanks due, to you will this act of yours bring glory.” Again: “Scipio razed Numantia, Scipio destroyed Carthage, Scipio brought peace, Scipio saved the state.” Again: “You venture to enter the Forum? You venture to face the light? You venture to come into the sight of these men? Dare you say a word? Dare you make a request of them? Dare you beg off punishment? What can you say in your defence? What do you dare to demand? What do you think should be granted to you? Have you not violated your oath? Have you not betrayed your friends? Have you not raised your hand against your father? Have you not, I ask, wallowed in every shame?” This figure has not only much charm, but also impressiveness and vigour in highest degree; I therefore believe that it ought to be used for both the embellishment and the amplification of style.

In Antistrophe we repeat, not the first word in successive phrases, as in Epanaphora, but the last, as follows: “It was by the justice of the Roman people that the Carthaginians were conquered, by its force of arms that they were conquered, by its generosity that they were conquered.” Again: “Since the time when from our state concord disappeared, liberty disappeared, good faith disappeared, friendship disappeared, the common weal disappeared.” Again: “Gaius Laelius was a self-made man, a talented man, a learned man,

to good men and good endeavour a friendly man; and so in the state he was the first man." Again: "Is it acquittal by these men that you are demanding? Then it is their perjury that you are demanding, it is their neglect of their reputation that you are demanding, it is the surrender of the laws of the Roman people to your caprice that you are demanding."

14 20 Interlacement is the union of both figures, the combined use of Antistrophe and Epanaphora, which are explained above; we repeat both the first word and the last in a succession of phrase, as follows: "Who are they who have often broken treaties? The Carthaginians. Who are they who have waged war with severest cruelty? The Carthaginians. Who are they who have marred the face of Italy? The Carthaginians. Who are they who now ask for pardon? The Carthaginians. See then how appropriate it is for them to gain their request." Again: "One whom the Senate has condemned, one whom the Roman people has condemned, one whom universal public opinion has condemned, would you by your votes acquit such a one?"

Transplacement makes it possible for the same word to be frequently reintroduced, not only without offence to good taste, but even so as to render the style more elegant, as follows: "One who has nothing in life more desirable than life cannot cultivate a virtuous life." Again: "You call him a man, who, had he been a man, would never so cruelly have sought another man's life. But he was his enemy. Did he therefore wish thus to avenge himself upon his enemy, only to prove himself his own enemy?" Again: "Leave riches to the rich man, but as for you, to riches prefer virtue, for if you will but compare riches with virtue, riches will in your eyes prove scarcely worthy to be the lackeys of virtue."

21 To the same type of figure belongs that which occurs when the same word is used first in one function, and then in another, as follows: "Why do you so zealously concern yourself with this matter, which will cause you much concern?" Again: "To be dear to you would bring me joy — if only I take care it shall not in anguish cost me dear." Again: "I would leave this place, should the Senate give me leave."

In the four kinds of figures which I have thus far set forth, the

frequent recourse to the same word is not dictated by verbal poverty; rather there inheres in the repetition an elegance which the ear can distinguish more easily than words can explain.

15 Antithesis occurs when the style is built upon contraries, as follows: “Flattery has pleasant beginnings, but also brings on bitterest endings.” Again: “To enemies you show yourself conciliatory, to friends inexorable.” Again: “When all is calm, you are confused; when all is in confusion, you are calm. In a situation requiring all your coolness, you are on fire; in one requiring all your ardour, you are cool. When there is need for you to be silent, you are uproarious; when you should speak, you grow mute. Present, you wish to be absent; absent, you are eager to return. In peace, you keep demanding war; in war, you yearn for peace. In the Assembly, you talk of valour; in battle, you cannot for cowardice endure the trumpet’s sound.” Embellishing our style by means of this figure we shall be able to give it impressiveness and distinction.

22 Apostrophe is the figure which expresses grief or indignation by means of an address to some man or city or place or object, as follows: “It is you I now address, Africanus, whose name even in death means splendour and glory to the state! It is your famous grandsons who by their own blood have fed the cruelty of their enemies.” Again: “Perfidious Fregellae, how quickly, because of your crime, you have wasted away! As a result, of the city whose brilliance but yesterday irradiated Italy, scarce the debris of the foundations now remains.” Again: “Plotters against good citizens, villains, you have sought the life of every decent man! Have you assumed such power for your slanders thanks to the perversions of justice?” If we use Apostrophe in its proper place, sparingly, and when the importance of the subject seems to demand it, we shall instill in the hearer as much indignation as we desire.

Not all Interrogation is impressive or elegant, but that Interrogation is, which, when the points against the adversaries’ cause have been summed up, reinforces the argument that has just been delivered, as follows: “So when you were doing and saying and managing all this, were you, or were you not, alienating and estranging from the republic the sentiments of our allies? And was it, or was it not, needful to employ some one to thwart these designs of

yours and prevent their fulfilment?”

16 23 Through the figure, Reasoning by Question and Answer, we ask ourselves the reason for every statement we make, and seek the meaning of each successive affirmation, as follows: “When our ancestors condemned a woman for one crime, they considered that by this single judgement she was convicted of many transgressions. How so? Judged unchaste, she was also deemed guilty of poisoning. Why? Because, having sold her body to the basest passion, she had to live in fear of many persons. Who are these? Her husband, her parents, and the others involved, as she sees, in the infamy of her dishonour. And what then? Those whom she fears so much she would inevitably wish to destroy. Why inevitably? Because no honourable motive can restrain a woman who is terrified by the enormity of her crime, emboldened by her lawlessness, and made heedless by the nature of her sex. Well now, what did they think of a woman found guilty of poisoning? That she was necessarily also unchaste? Why? because no motive could more easily have led her to this crime than base love and unbridled lust. Furthermore, if a woman’s soul had been corrupted, they did not consider her body chaste. Now then, did they observe this same principle with respect to men? Not at all. And why? Because men are driven to each separate crime by a different passion, whereas a woman is led into all crimes by one sole passion.” Again: “It is a good principle which our ancestors established, of not putting to death any king captured by force of arms. Why is this so? Because it were unfair to use the advantage vouchsafed to us by fortune to punish those whom the same fortune had but recently placed in the highest station. But what of the fact that he has led an army against us? I refuse to recall it. Why? Because it is characteristic of a brave man to regard rivals for victory as enemies, but when they have been vanquished to consider them as fellow men, in order that his bravery may avail to put an end to the war, and his humanity to advance peace. But had that king prevailed, he would not, would he, have done the same? No, no doubt he would have been less wise. Why, then, do you spare him? Because it is my habit to scorn, not emulate, such folly.” 24 This figure is exceedingly well adapted to a conversational style, and both by its stylistic grace and the anticipation of the reasons, holds the

hearer's attention.

17 A Maxim is a saying drawn from life, which shows concisely either what happens or ought to happen in life, for example: "Every beginning is difficult." Again: "Least in the habit of giving reverence to the virtues is he who has always enjoyed the favours of fortune." Again: "A free man is that man to be judged who is a slave to no base habit." Again: "As poor as the man who had not enough is the man who cannot have enough." Again: "Choose the noblest way of living; habit will make it enjoyable." Simple maxims of this sort are not to be rejected, because, if no reason is needed, the brevity of the statement has great charm. But we must also favour that kind of maxim which is supported by an accompanying reason, as follows: "All the rules for noble living should be based on virtue, because virtue alone is within her own control, whereas all else is subject to the sway of fortune." Again: "Those who have cultivated a man's friendship for his wealth one and all fly from him as soon as his wealth has slipped away. For when the motive of their intercourse has disappeared, there is nothing left which can maintain that friendship."

There are also maxims which are presented in double form. Without a reason, as follows: "They who in prosperity think to have escaped all the onslaughts of fortune are mistaken; they who in favourable times fear a reversal are wise in their forethought." 25 With a reason, as follows: "They who think that the sins of youth deserve indulgence are deceived, because that time of life does not constitute a hindrance to sound studious activities. But they act wisely who chastise the young with especial severity in order to inculcate at the age most opportune for it the desire to attain those virtues by which they can order their whole lives." We should insert maxims only rarely, that we may be looked upon as pleading the case, not preaching morals. When so interspersed, they will add much distinction. Furthermore, the hearer, when he perceives that an indisputable principle drawn from practical life is being applied to a cause, must give it his tacit approval.

18 Reasoning by Contraries is the figure which, of two opposite statements, uses one so as neatly and directly to prove the other, as follows: "Now how should you expect one who has ever been hostile

to his own interests to be friendly to another's?" Again: "Now why should you think that one who is, as you have learned, a faithless friend, can be an honourable enemy? Or how should you expect a person whose arrogance has been insufferable in private life, to be agreeable and not forget himself when in power, and one who in ordinary conversation and among friends has never spoken the truth, to refrain from lies before public assemblies?" Again: "Do we fear to fight them on the level plain when we have hurled them down from the hills? When they outnumbered us, they were no match for us; now that we outnumber them, do we fear that they will conquer us?" 26 This figure ought to be brief, and completed in an unbroken period. Furthermore, it is not only agreeable to the ear on account of its brief and complete rounding-off, but by means of the contrary statement it also forcibly proves what the speaker needs to prove; and from a statement which is not open to question it draws a thought which is in question, in such a way that the inference cannot be refuted, or can be refuted only with much the greatest difficulty.

19 Colon or Clause is the name given to a sentence member, brief and complete, which does not express the entire thought, but is in turn supplemented by another colon, as follows: "On the one hand you were helping your enemy." That is one so-called colon; it ought then to be supplemented by a second: "And on the other you were hurting your friend." This figure can consist of two cola, but it is neatest and most complete when composed of three, as follows: "You were helping your enemy, you were hurting your friend, and you were not consulting your own best interests." Again: "You have not consulted the welfare of the republic, nor have you helped your friends, nor have you resisted your enemies."

It is called a Comma or Phrase when single words are set apart by pauses in staccato speech, as follows: "By your vigour, voice, looks you have terrified your adversaries." Again: "You have destroyed your enemies by jealousy, injuries, influence, perfidy." There is this difference in onset between the last figure and the one preceding: the former moves upon its object more slowly and less often, the latter strikes more quickly and frequently. Accordingly in the first figure it seems that the arm draws back and the hand whirls about to bring the sword to the adversary's body, while in the second his body is as it

were pierced with quick and repeated thrusts.

27 A Period is a close-packed and uninterrupted group of words embracing a complete thought. We shall best use it in three places: in a Maxim, in a Contrast, and in Conclusion. In a Maxim as follows: "Fortune cannot much harm him who has built his support more firmly upon virtue than upon chance." In a Contrast, as follows: "For if a person has not placed much hope in chance, what great harm can chance do to him?" In a Conclusion, as follows: "But if Fortune has her greatest power over those who have committed all their plans to chance, we should not entrust our all with her, lest she gain too great a domination over us." In these three types a compact style is so necessary for the force of the period that the orator's power seems inadequate if he fails to present the Maxim, Contrast, or Conclusion in a press of words. But in other cases as well it is often proper, although not imperative, to express certain thoughts by means of periods of this sort.

20 We call Isocolon the figure comprised of cola (discussed above) which consist of a virtually equal number of syllables. To effect the isocolon we shall not count the syllables — for that is surely childish — but experience and practice will bring such a facility that by a sort of instinct we can produce again a colon of equal length to the one before it, as follows: "The father was meeting death in battle; the son was planning marriage at his home. These omens wrote grievous disasters." Again: "Another man's prosperity is the gift of fortune, but this man's good character has been won by hard work." 28 In this figure it may often happen that the number of syllables seems equal without being precisely so — as when one colon is shorter than the other by one or even two syllables, or when one colon contains more syllables, and the other contains one or more longer or fuller-sounding syllables, so that the length or fullness of sound of these matches and counterbalances the greater number of syllables in the other.

The figure called Homoeoptoton occurs when in the same period two or more words appear in the same case, and with like termination, as follows: "Hominem laudem egentem virtutis, abundantem felicitatis?" Again: "Huic omnis in pecunia spes est, a sapientia est animus remotus; diligentia conparat divitias, neglegentia

corrumpit animum, et tamen, cum ita vivit, neminem prae se ducit hominem."

Homoeoteleuton occurs when the word endings are similar, although the words are indeclinable, as follows: "You dare to act dishonourably, you strive to talk despicably; you live hatefully, you sin zealously, you speak offensively." Again: "Blusteringly you threaten; cringingly you appease."

These two figures, of which one depends on like word endings and the other on like case endings, are very much of a piece. And that is why those who use them well generally set them together in the same passage of a discourse. One should effect this in the following way: "Perditissima ratio est amorem petere, pudorem fugere, diligere formam, neglegere famam." Here the declinable words close with like case endings, and those lacking cases close with like terminations.

21 29 Paronomasia is the figure in which, by means of a modification in sound, or change of letters, a close resemblance to a given verb or noun is produced, so that similar words express dissimilar things. This is accomplished by many different methods: (1) by thinning or contracting the same letter, as follows: "Hic qui se magnifice iactat atque ostentat, venīt antequam Romam venĭt;" (2) and by the reverse: "Hic quos homines alea vincĭt, eos ferro statim vincīt;" (3) by lengthening the same letter, as follows: "Hinc ăvium dulcedo ducit ad āvium;" (4) by shortening the same letter: "Hic, tametsi videtur esse honoris cupidus, tantum tamen cūriam diligit quantum Cŭriam?"; (5) by adding letters, as follows: "Hic sibi posset temperare, nisi amori mallet obtemperare"; (6) and now by omitting letters, as follows: "Si lenones vitasset tamquam leones, vitae tradidisset se"; (7) by transposing letters, as follows: "Videte, iudices, utrum homini navo an vano credere malitis"; (8) by changing letters, as follows: "Deligere oportet quem velis diligere."

These are word-plays which depend on a slight change or lengthening or transposition of letters, and the like. 22 30 There are others also in which the words lack so close a resemblance, and yet are not dissimilar. Here is an example of one kind of such word-plays: “Quid veniam, qui sim, quem insimulem, cui prosim, quae postulem, brevi cognoscetis.” For in this example there is a sort of resemblance among certain words, not so complete, to be sure, as in the instances above, yet sometimes serviceable. An example of another kind: “Demus operam, Quirites, ne omnino patres conscripti circumscripti putentur.” In this paronomasia the resemblance is closer than in the preceding, yet is not so close as in those above, because some letters are added and some at the same time removed.

There is a third form of paronomasia, depending on a change of case in one or more proper nouns. 31 In one noun, as follows: “Alexander of Macedon with consummate toil from boyhood trained his mind to virtue. Alexander’s virtues have been broadcast with fame and glory throughout world. All men greatly feared Alexander, yet deeply loved him. Had longer life been granted Alexander, the Macedonian lances would have flown across the ocean.” Here a single noun has been inflected, undergoing changes of case. Several different nouns, with change of case, will produce a paronomasia, as follows: “An undeserved death by violence prevented Tiberius Gracchus, while guiding the republic, from abiding longer therein. There befell Gaius Gracchus a like fate, which of a sudden tore from the bosom of the state a hero and staunch patriot. Saturninus, victim of his faith in wicked men, a treacherous crime deprived of life. O Drusus, your blood bespattered the walls of your home, and your mother’s face. They were only now granting to Sulpicius every concession, yet soon they suffered him not to live, nor even to be buried.”

32 These last three figures — the first based on like case inflections, the second on like word endings, and the third on paronomasia — are to be used very sparingly when we speak in an actual cause, because their invention seems impossible without labour and pains. 23 Such endeavours, indeed, seem more suitable for a speech of entertainment than for use in an actual cause. Hence

the speaker's credibility, impressiveness, and seriousness are lessened by crowding these figures together. Furthermore, apart from destroying the speaker's authority, such a style gives offence because these figures have grace and elegance, but not impressiveness and beauty. Thus the grand and beautiful can give pleasure for a long time, but the neat and graceful quickly sate the hearing, the most fastidious of the senses. If, then, we crowd these figures together, we shall seem to be taking delight in a childish style; but if we insert them infrequently and scatter them with variations throughout the whole discourse, we shall brighten our style agreeably with striking ornaments.

33 Hypophora occurs when we enquire of our adversaries, or ask ourselves, what the adversaries can say in their favour, or what can be said against us; then we subjoin what ought or ought not to be said — that which will be favourable to us or, by the same token, be prejudicial to the opposition, as follows: "I ask, therefore, from what source has the defendant become so wealthy? Has an ample patrimony been left to him? But his father's goods were sold. Has some bequest come to him? That cannot be urged; on the contrary he has even been disinherited by all his kin. Has he received some award from a civil action, whether in the older or the more recent form of procedure? Not only is that not the case, but recently he himself lost a huge sum on a wager at law. Therefore, if, as you all see, he has not grown rich by these means, either he has a gold mine in his home, or he has acquired monies from an illicit source."

24 Another example: "Time and time again, men of the jury, have I observed that numerous defendants look for support in some honourable deed which not even their enemies can impeach. My adversary can do no such thing. Will he take refuge in his father's virtue? On the contrary, you have taken your oath and condemned him to death. Or will he turn to his own life? What life, and wherein lived honourably? Why, the life that this man has lived before your eyes is known to all of you. Or will he enumerate his kinsmen, by whom you should be moved? But he has not any. He will produce friends? But there is no one who does not consider it disgraceful to be called that fellow's friend." Again: "Your enemy, whom you considered to be guilty, you doubtless summoned him to trial? No,

for you slew him while he was yet unconvicted. Did you respect the laws which forbid this act? On the contrary, you decided that they did not even exist in the books. When he reminded you of your old friendship, were you moved? No, you killed him nevertheless, and with even greater eagerness. And then when his children grovelled at your feet, were you moved to pity? No, in your extreme cruelty you even prevented their father's burial." 34 There is much vigour and impressiveness in this figure because, after having posed the question, "What ought to have been done", we subjoin that that was not done. Thus it becomes very easy to amplify the baseness of the act.

In another form of same figure we refer the hypophora to our own person, as follows: "Now what should I have done when I was surrounded by so great a force of Gauls? Fight? But then our advance would have been with a small band. Furthermore, we held a most unfavourable position. Remain in camp? But we neither had reinforcements to look for, nor the wherewithal to keep alive. Abandon the camp? But we were blocked. Sacrifice the lives of the soldiers? But I thought I had accepted them on the stipulation that so far as possible I should preserve them unharmed for their fatherland and their parents. Reject the enemy's terms? But the safety of the soldiers has priority over that of the baggage." The result of an accumulation of this kind of hypophora is to make it seem obvious that of all the possibilities nothing preferable to the thing done could have been done.

25 Climax is the figure in which the speaker passes to the following word only after advancing by steps to the preceding one, as follows: "Now what remnant of the hope of liberty survives, if those men *may* do what they *please*, if they *can* do what they *may*, if they *dare* do what they *can*, if they *do* what they *dare*, and if you *approve* what they *do*?" Again: "I did not conceive this without counselling it; I did not counsel it without myself at once undertaking it; I did not undertake it without completing it; nor did I complete it without winning approval of it." Again: "The industry of Africanus brought him excellence, his excellence glory, his glory rivals." Again: "The empire of Greece belonged to the Athenians; the Athenians were overpowered by the Spartans; the Spartans were

overcome by the Thebans; the Thebans were conquered by the Macedonians; and the Macedonians in a short time subdued Asia in war and joined her to the empire of Greece." 35 The constant repetition of the proceeding word, characteristic of this figure, carries a certain charm.

Definition in brief and clear-cut fashion grasps the characteristic qualities of a thing, as follows: "The sovereign majesty of the republic is that which comprises the dignity and grandeur of the state." Again: "By an injury is meant doing violence to some one, to his person by assault, or to his sensibilities by insulting language, or to his reputation by some scandal." Again: That is not economy on your part, but greed, because economy is careful conservation of one's own goods, and greed is wrongful covetousness of the goods of others." Again: "That act of yours is not bravery, but recklessness, because to be brave is to disdain toil and peril, for a useful purpose and after weighing the advantages, while to be reckless is to undertake perils like a gladiator, suffering pain without taking thought." Definition is accounted useful for this reason: it sets forth the full meaning and character of a thing so lucidly and briefly that to express it in more words seems superfluous, and to express it in fewer is considered impossible.

26 Transition is the name given to the figure which briefly recalls what has been said, and likewise briefly sets forth what is to follow next, thus: "You know how he has just been conducting himself towards his fatherland; now consider what kind of son he has been to his parents." Again: "My benefactions to this defendant you know; now learn how he has requited me." This figure is not without value for two ends: it reminds the hearer of what the speaker has said, and also prepares him for what is to come.

36 Correction retracts what has been said and replaces it with what seems more suitable, as follows: "But if the defendant had asked his hosts, or rather had only hinted, this could easily have been accomplished." Again: "After the men in question had conquered, or rather had been conquered — for how shall I call that a conquest which has brought more disaster than benefit to the conquerors?" Again: "O Virtue's companion, Envy, who art wont to pursue good men, yes, even to persecute them." This figure makes an impression

upon the hearer, for the idea when expressed by an ordinary word seems rather feebly stated, but after the speaker's own amendment it is made more striking by means of the more appropriate expression. "Then would it not be preferable," some one will say, "especially in writing, to resort to the best and choicest word at the beginning?" Sometimes this is not preferable, when, as the change of word will serve to show, the thought is such that in rendering it by an ordinary word you seem to have expressed it rather feebly, but having come to a choicer word you make the thought more striking. But if you had at once arrived at this word, the grace neither of the thought nor of the word would have been noticed.

27 37 Paralipsis occurs when we say that we are passing by, or do not know, or refuse to say that which precisely now we are saying, as follows: "Your boyhood, indeed, which you dedicated to intemperance of all kinds, I would discuss, if I thought this the right time. But at present I advisedly leave that aside. This too I pass by, that the tribunes have reported you as irregular in military service. Also that you have given satisfaction to Lucius Labeo for injuries done him I regard as irrelevant to the present matter. Of these things I say nothing, but return to the issue in this trial." Again: "I do not mention that you have taken monies from our allies; I do not concern myself with your having despoiled the cities, kingdoms, and homes of them all. I pass by your thieveries and robberies, all of them." This figure is useful if employed in a matter which is not pertinent to call specifically to the attention of others, because there is advantage in making only an indirect reference to it, or because the direct reference would be tedious or undignified, or cannot be made clear, or can easily be refuted. As a result, it is of greater advantage to create a suspicion by Paralipsis than to insist directly on a statement that is refutable.

Disjunction is used when each of two or more clauses ends with a special verb, as follows: "By the Roman people Numantia was destroyed, Carthage razed, Corinth demolished, Fregellae overthrown. Of no aid to the Numantines was bodily strength; of no assistance to the Carthaginians was military science; of no help to the Corinthians was polished cleverness; of no avail to the Fregellans was fellowship with us in customs and in language." Again: "With

disease physical beauty fades, with age it dies." In this example we see both clauses, and in the preceding each several clause ending with a special verb.

38 Conjunction occurs when both the previous and the succeeding phrases are held together by place and the verb between them, as follows: "Either with disease physical beauty fades, or with age."

It is Adjunction when the verb holding the sentence together is placed not in the middle, but at the beginning or the end. At the beginning, as follows: "Fades physical beauty with disease or age." At the end, as follows: "Either with disease or age physical beauty fades."

Disjunction is suited to elegant display, and so we shall use it moderately, that it may not cloy; Conjunction is suited to brevity, and hence is to be used more frequently. These three figures spring from a single type.

28 Reduplication is the repetition of one or more words for the purpose of Amplification or Appeal to Pity, as follows: "You are promoting riots, Gaius Gracchus, yes, civil and internal riots." Again: "You were not moved when his mother embraced your knees? You were not moved?" Again: "You now even dare to come into the sight of these citizens, traitor to the fatherland? Traitor, I say, to the fatherland, you dare come into the sight of these citizens?" The reiteration of the same word makes a deep impression upon the hearer and inflicts a major wound upon the opposition — as if a weapon should repeatedly pierce the same part of the body.

Synonymy or Interpretation is the figure which does not duplicate the same word by repeating it, but replaces the word that has been used by another of the same meaning, as follows: "You have overturned the republic from its roots; you have demolished the state from its foundations." Again: "You have impiously beaten your father; you have cruelly laid hands upon your parent." The hearer cannot but be impressed when the force of the first expression is renewed by the explanatory synonym.

39 Reciprocal Change occurs when two discrepant thoughts are so expressed by transposition that the latter follows from the former although contradictory to it, as follows: "You must eat to live, not live to eat." Again: "I do not write poems, because I cannot write the

sort I wish, and I do not wish to write the sort I can." Again: "What can be told of that man is not being told; what is being told of him cannot be told." Again: "A poem ought to be a painting that speaks; a painting ought to be a silent poem." Again: "If you are a fool, for that reason you should be silent; and yet, although you should be silent, you are not for that reason a fool." One cannot deny that the effect is neat when in juxtaposing contrasted ideas the words also are transposed. In order to make this figure, which is hard to invent, quite clear, I have subjoined several examples — so that, well understood, it may be easier for the speaker to invent.

29 Surrender is used when we indicate in speaking that we yield and submit the whole matter to another's will, as follows: "Since only soul and body remain to me, now that I am deprived of everything else, even these, which alone of many goods are left me, I deliver up to you and to your power. You may use and even abuse me in your own way as you think best; with impunity make your decision upon me, whatever it may be; speak and give a sign — I shall obey." Although this figure is often to be used also in other circumstances, it is especially suited to provoking pity.

40 Indecision occurs when the speaker seems to ask which of two or more words he had better use, as follows: "At that time the republic suffered exceedingly from — ought I to say — the folly of the consuls, or their wickedness, or both." Again: "You have dared to say that, you of all men the — by what name worthy of your character shall I call you?"

Elimination occurs when we have enumerated the several ways by which something could have been brought about, and all are then discarded except the one on which we are insisting, as follows: "Since it is established that the estate you claim as yours was mine, you must show that you took possession of it as vacant land, or made it your property by right of prescription, or bought it, or that it came to you by inheritance. Since I was on the premises, you could not have taken possession of it as vacant land. Even by now you cannot have made it your property by right of prescription. No sale is disclosed. Since I am alive, my property could not have come to you by inheritance. It remains, then, that you have expelled me by force from my estate." 41 This figure will furnish the strongest support to

conjectural arguments, but unlike most other figures, it is not one which we can use at will, for in general we can use it only when the very nature of the business gives us the opportunity.

30 Asyndeton is a presentation in separate parts, conjunctions being suppressed, as follows: “Indulge your father, obey your relatives, gratify your friends, submit to the laws.” Again: “Enter into a complete defence, make no objection, give your slaves to be examined, be eager to find the truth.” This figure has animation and great force, and is suited to concision.

Aposiopesis occurs when something is said and then the rest of what the speaker had begun to say is left unfinished, as follows: “The contest between you and me in unequal because, so far as concerns me, the Roman people — I am unwilling to say it, lest by chance some one think me proud. But you the Roman people has often considered worthy of disgrace.” Again: “You dare to say that, who recently at another’s home — I shouldn’t dare tell, lest in saying things becoming to you, I should seem to say something unbecoming to me.” Here a suspicion, unexpressed, becomes more telling than a detailed explanation would have been.

Conclusion, by means of a brief argument, deduces the necessary consequences of what has been said or done before, as follows: “But if the oracle had predicted to the Danaans that Troy could not be taken without the arrows of Philoctetes, and these arrows moreover served only to smite Alexander, then certainly killing Alexander was the same as taking Troy.”

31 42 There remain also ten Figures of Diction, which I have intentionally not scattered at random, but have separated from those above, because they all belong in one class. They indeed all have this in command, that the language departs from the ordinary meaning of the words and is, with a certain grace, applied in another sense.

Of these figures the first is Onomatopoeia, which suggests to us that we should ourselves designate with a suitable word, whether for the sake of imitation or expressiveness, a thing which either lacks a name or has an inappropriate name. For the sake of imitation, as follows: our ancestors, for example, said “roar,” “bellow,” “murmur,” “hiss;” for the sake of expressiveness, as follows: “after this creature attacked the republic, there was a hullabaloo among the

first men of the state." This figure is to be used rarely, lest the frequent recurrence of the neologism breed aversion; but if it is used appropriately and sparingly, then the novelty, far from offending, even gives distinction to the style.

Antonomasia or Pronomination designates by a kind of adventitious epithet a thing that cannot be called by its proper name; for example, if some one speaking of the Gracchi should say: "Surely the grandsons of Africanus did not behave like this!"; or again, if some one speaking of his adversary should say: "See now, men of the jury, how your Sir Swashbuckler there has treated me." In this way we shall be able, not without elegance, in praise and in censure, concerning physical attributes, qualities of character, or external circumstances, to express ourselves by using a kind of epithet in place of the precise name.

32 43 Metonymy is the figure which draws from an object closely akin or associated an expression suggesting the object meant, but not called by its own name. This is accomplished by substituting the name of the greater thing for that of the lesser, as if one speaking of the Tarpeian Rock should term it "the Capitoline"; . . . ; or by substituting the name of the thing invented for that of the inventor, as if one should say "wine" for "Liber," "wheat" for "Ceres"; ". . . ;" or the instrument for the possessor, as if one should refer to the Macedonians as follows: "Not so quickly did the Lances get possession of Greece," and likewise, meaning the Gauls: "nor was the Transalpine Pike so easily driven from Italy"; the cause for the effect, as if a speaker, wishing to show that some one has done something in war, should say: "Mars forced you to do that"; or effect for cause, as when we call an art idle because it produces idleness in people, or speak of numb cold because cold produces numbness. Content will be designated by means of container as follows: "Italy cannot be vanquished in warfare nor Greece in studies"; for here instead of Greeks and Italians the lands that comprise them are designated. Container will be designated by means of content: as if one wishing to give a name to wealth should call it gold or silver or ivory. It is harder to distinguish all these metonymies in teaching the principle than to find them when searching for them, for the use of metonymies of this kind is abundant not only amongst the poets and

orators but also in everyday speech.

Periphrasis is a manner of speech used to express a simple idea by means of a circumlocution, as follows: “The foresight of Scipio crushed the power of Carthage.” For here, if the speaker had not designed to embellish the style, he might simply have said “Scipio” and “Carthage.”

44 Hyperbaton upsets the word order by means either of Anastrophe or Transposition. By Anastrophe, as follows: “Hoc vobis deos immortales arbitror dedisse virtute pro vestra.” By Transposition, as follows: “Instabilis in istum plurimum fortuna valuit. Omnes invidiose eripuit bene vivendi casus facultates.” A transposition of this kind, that does not render the thought obscure, will be very useful for periods, which I have discussed above; in these periods we ought to arrange the words in such a way as to approximate a poetic rhythm, so that the period can achieve perfect fullness and the highest finish.

33 Hyperbole is a manner of speech exaggerating the truth, whether for the sake of magnifying or minifying[o] something. This is used independently, or with comparison. Independently, as follows: “But if we maintain concord in the state, we shall measure the empire’s vastness by the rising and the setting of the sun.” Hyperbole with comparison is formed from either equivalence or superiority. From equivalence, as follows: “His body was as white as snow, his face burned like fire.” From superiority, as follows: “From his mouth flowed speech sweeter than honey.” Of the same type is the following: “So great was his splendour in arms that the sun’s brilliance seemed dim by comparison.”

Synecdoche occurs when the whole is known from a small part or a part from the whole. The whole is understood from a part in the following: “Were not those nuptial flutes reminding you of his marriage?” Here the entire marriage ceremony is suggested by one sign, the flutes. A part from the whole, as if one should say to a person who displays himself in luxurious garb or adornment: “You display your riches to me and vaunt your ample treasures.” 45 The plural will be understood from the singular, as follows: “To the Carthaginian came aid from the Spaniard, and from that fierce Transalpine. In Italy, too, many a wearer of the toga shared the same

sentiment." In the following the singular will be understood from the plural: "Dread disaster smote his breasts with grief; so, panting, from out his lungs' very depth he sobbed for anguish." In the first example more than one Spaniard, Gaul, and Roman citizen are understood, and in this last only one breast and one lung. In the former the quantity is minified for the sake of elegance, in the latter exaggerated for the sake of impressiveness.

Catachresis is the inexact use of a like and kindred word in place of the precise and proper one, as follows: "The power of man is short," or "small height," or "the long wisdom in the man," or "a mighty speech," or "to engage in a slight conversation." Here it is easy to understand that words of kindred, but not identical, meaning have been transferred on the principle of inexact use.

34 Metaphor occurs when a word applying to one thing is transferred to another, because the similarity seems to justify this transference. Metaphor is used for the sake of creating a vivid mental picture, as follows: "This insurrection awoke Italy with sudden terror"; for the sake of brevity, as follows: "The recent arrival of an army suddenly blotted out the state"; for the sake of avoiding obscenity, as follows: "Whose mother delights in daily marriages"; for the sake of magnifying, as follows: "No one's grief or disaster could have appeased this creature's enmities and glutted his horrible cruelty"; for the sake of minifying, as follows: "He boasts that he was of great help because, when we were in difficulties, he lightly breathed a favouring breath"; for the sake of embellishment, as follows: "Some day the prosperity of the republic, which by the malice of wicked men has withered away, will bloom again by the virtue of the Conservatives." They say that a metaphor ought to be restrained, so as to be a transition with good reason to a kindred thing, and not seem an indiscriminate, reckless, and precipitate leap to an unlike thing.

46 Allegory is a manner of speech denoting one thing by the letter of the words, but another by their meaning. It assumes three aspects: comparison, argument, and contrast. It operates through a comparison when a number of metaphors originating in a similarity in the mode of expression are set together, as follows: "For when dogs act the part of wolves, to what guardian, pray, are we going to

entrust our herds of cattle?" An Allegory is presented in the form of argument when a similitude is drawn from a person or place or object in order to magnify or minify, as if one should call Drusus a "faded reflection of the Gracchi." An Allegory is drawn from a contrast if, for example, one should mockingly call a spendthrift and voluptuary frugal and thrifty. Both in this last type, based on a contrast, and in the first above, drawn from a comparison, we can through the metaphor make use of argument. In an Allegory operating through a comparison, as follows: "What says this king — our Agamemnon, or rather, such is his cruelty, our Atreus?" In an Allegory drawn from a contrast: for example, if we should call some undutiful man who has beaten his father "Aeneas," or an intemperate and adulterous man "Hippolytus."

This is substantially all I have thought it necessary to say on the Figures of Diction. Now the subject itself directs me to turn next to the Figures of Thought.

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35 47 Distribution occurs when certain specified rôles are assigned among a number of things or persons, as follows: "Whoever of you, men of the jury, loves the good name of the Senate, must hate this man, for his attacks upon that body have always been most insolent. Whoever of you wishes the equestrian order to be most resplendent in the state, must want this person to have paid the severest penalty, so that he may not be, through his personal shame, a stain and disgrace to a most honourable order. You who have parents, must prove by your punishment of this creature that undutiful men do not find favour with you. You who have children, must set forth an example to show how great are the punishments that have been provided in our state for men of that stamp." Again, "The Senate's function is to assist the state with counsel; the magistracy's is to execute, by diligent activity, the Senate's will; the people's to choose and support by its votes the best measures and the most suitable men." Again, "The duty of the prosecutor is to bring the charges; that of the counsel for the defence to explain them away and rebut them; that of the witness to say what he knows or has heard; that of the

presiding justice to hold each of these to his duty. Therefore, Lucius Cassius, if you allow a witness to argue and to attack by means of conjecture, passing beyond what he knows or has heard, you will be confusing the rights of a prosecutor with those of a witness, you will be encouraging the partiality of a dishonest witness, and you will be ordaining for the defendant that he defend himself twice." This figure has richness, for it embraces much in little and, by assigning to each his duty, severally distinguishes a number of entities.

36 48 It is Frankness of Speech when, talking before those to whom we owe reverence or fear, we yet exercise our right to speak out, because we seem justified in reprehending them, or persons dear to them, for some fault. For example: "You wonder, fellow citizens, that every one abandons your interests? That no one undertakes your cause? That no one declares himself your defender? Blame this upon yourselves; cease to wonder. Why indeed should not every one avoid and shun this situation of your making? Bethink yourselves of those whom you have had for defenders; set their devotion before your eyes, and next consider what has become of them all. Then remember that thanks to your — to speak aright — indifference, or cowardice rather, all these men have been murdered before your eyes, and thanks to your own votes their enemies have reached the highest estate." Again: "Now what was your motive, men of the jury, in hesitating to pass sentence on this abominable man, or in allowing him a new trial? Were not the facts charged as plain as day? Were they not all proved by witnesses? Was not the answer, on the other hand, feeble and trifling? Did you at this point fear that in condemning him at the first hearing you would be considered cruel? While avoiding a reproach for cruelty, which you would have been far from incurring, you have incurred another reproach — you are considered timid and cowardly. You have met with very great losses, private and public, and now when even greater losses seem to impend, you sit and yawn. During the day you wait for night, at night you wait for day. Every day some troublesome and unpleasant news is announced — yet even now will you temporize longer with the author of these our ills, and nourish him for the destruction of the republic; will you keep him in the commonwealth as long as you can?"

37 49 If Frank Speech of this sort seems too pungent, there will be many means of palliation, for one may immediately thereafter add something of this sort: “I here appeal to your virtue, I call on your wisdom, I bespeak your old habit,” so that praise may quiet the feelings aroused by the frankness. As a result, the praise frees the hearer from wrath and annoyance, and the frankness deters him from error. This precaution in speaking, as in friendship, if taken at the right place, is especially effective in keeping the hearers from error and in presenting us, the speakers, as friendly both to the hearers and to the truth.

There is also a certain kind of frankness in speaking which is achieved by a craftier device, when we remonstrate with the hearers as they wish us to remonstrate with them, or when we say “we fear how the audience may think” something which we know they all will hear with acceptance, “yet the truth moves us to say it none the less.” I shall add examples of both these kinds. Of the former, as follows: “Fellow citizens, you are of too simple and gentle a character; you have too much confidence in every one. You think that every one strives to perform what he has promised you. You are mistaken, and now for a long time you have been kept back by false and groundless hope, in your fatuity choosing to seek from others what lay in your power, rather than take it yourselves.” Of the latter kind of Frank Speech the following will be an example: “I enjoyed a friendship with this person, men of the jury, yet of that friendship — although I fear how you are going to receive what I shall say, I will yet say it — you have deprived me. Why? Because, in order to win your approval, I have preferred to consider your assailant as an enemy rather than as a friend.”

50 Thus this figure called Frankness of Speech will, as I have shown, be handled in two ways: with pungency, which, if too severe, will be mitigated by praise; and with reticence, discussed above, which does not require mitigation, because it assumes the guise of Frank Speech and is of itself agreeable to the hearer’s frame of mind.

38 Understatement occurs when we say that by nature, fortune, or diligence, we or our clients possess some exceptional advantage, and, in order to avoid the impression of arrogant display, we moderate and soften the statement of it, as follows: “This, men of the jury, I

have the right to say — that, by labour and diligence I have contrived to be no laggard in the mastery of military science." If the speaker had here said "be the best" he might have spoken the truth, but would have seemed arrogant. He has now said quite enough both to avoid envy and to secure praise. Again: "Was it then because of avarice or of need that he entered upon the crime? Avarice? But he was most generous to his friends, and that is a sign of generosity, a virtue opposed to avarice. Need? But his father left him a patrimony that was — I do not wish to exaggerate — not the smallest." Here again, calling the patrimony "large" or "very large" was avoided. This, then, is the precaution we shall take in setting forth the exceptional advantages which we or our clients enjoy. For things of this sort, if you handle them indiscreetly, in life provoke jealousy and in a speech antipathy. Therefore just as by circumspection we escape jealousy in life, so by prudence we avoid antipathy in speaking.

39 51 Vivid Description is the name for the figure which contains a clear, lucid, and impressive exposition of the consequences of an act, as follows: "But, men of the jury, if by your votes you free this defendant, immediately, like a lion released from his cage, or some foul beast loosed from his chains, he will slink and prowl about in the forum, sharpening his teeth to attack every one's property, assaulting every man, friend and enemy, known to him or unknown, now despoiling a good name, now attacking a life, now bringing ruin upon a house and its entire household, shaking the republic from its foundations. Therefore, men of the jury, cast him out from the state, free every one from fear, and finally, think of yourselves. For if you release this creature without punishment, believe me, gentlemen, it is against yourselves that you will have let loose a wild and savage beast."

Again: "For if you inflict a heavy penalty upon the defendant, men of the jury, you will at once by a single judgement have taken many lives. His aged father, who has set the entire hope of his last years on this young man, will have no reason for wishing to stay alive. His small children, deprived of their father's aid, will be exposed as objects of scorn and contempt to their father's enemies. His entire household will collapse under this undeserved calamity. But his enemies, when once they have won the bloody palm by the

most cruel of victories, will exult over the miseries of these unfortunates, and will be found insolent on the score of deeds as well as of words."

Again: "For none of you, fellow citizens, fails to see what miseries usually follow upon the capture of a city. Those who have borne arms against the victors are forthwith slain with extreme cruelty. Of the rest, those who by reason of youth and strength can endure hard labour are carried off into slavery, and those who cannot are deprived of life. In short, at one and the same time a house blazes up by the enemy's torch, and they whom nature or free choice has joined in the bonds of kinship or of sympathy are dragged apart. Of the children, some are torn from their parents' arms, others murdered on their parents' bosom, still others violated at their parents' feet. No one, men of the jury, can, by words, do justice to the deed, nor reproduce in language the magnitude of the disaster."

With this kind of figure either indignation or pity can be aroused, when the consequences of an act, taken together as a whole, are concisely set forth in a clear style.

40 52 Division separates the alternatives of a question and resolves each by means of a reason subjoined, as follows: "Why should I now reproach you in any way? If you are an upright man, you have not deserved reproach; if a wicked man, you will be unmoved." Again: "Why should I now boast of my deserts? If you remember them, I shall weary you; if you have forgotten them, have been ineffective in action, and therefore what could I effect by words?" Again: "There are two things which can urge men to illicit gain: poverty and greed. That you were greedy in the division with your brother we know, that you are poor and destitute we now see. How, therefore, can you show that you had no motive for the crime?" There is the following difference between the present kind of Division and that other which forms the third part of a discourse, and which I treated in Book I, next after Statement of Facts: the former Division operates through the Enumeration or Exposition of the topics to be discussed throughout the whole discourse; whereas here the Division at once unfolds itself, and by briefly adding the reasons for the two or more parts, embellishes the style.

Accumulation occurs when the points scattered throughout the

whole cause are collected in one place so as to make the speech more impressive or sharp or accusatory, as follows: “From what vice, I ask, is this defendant free? What ground have you for wishing to acquit him of the suit? He is the betrayer of his own self-respect, and the waylayer of the self-respect of others; covetous, intemperate, irascible, arrogant; disloyal to his parents, ungrateful to his friends, troublesome to his kin; insulting to his betters, disdainful of his equals and mates, cruel to his inferiors; in short he is intolerable to every one.”

53 Of the same kind is that other Accumulation, which is very useful in city council cases, when the implications, which were petty and weak because expressed separately, are collected in one place and so seem to make the subject evident and not dubious, as follows: “Do not, therefore, men of the jury, do not consider singly the things I have said, but join them all together and combine them into one.

41 “If the defendant profited from the victim’s death; if also his life is full of dishonour, his heart most avaricious, and his family fortune very meagre; and if that crime benefited no one but him; and if no one else could have done the deed with equal skill, or he himself could not have done it by methods more apt; if he neglected nothing that was necessary for the crime, and did nothing that was not necessary; and if he not only sought the most suitable place, but also a favourable occasion for entering upon the crime, and the most opportune moment for undertaking it; if he spent the longest period of time in executing it, and not without the greatest hope of concealing and completing it; and besides, if, before the victim was murdered, the defendant was seen, alone, in the place in which the murder was committed; if soon afterward, during the very commission of the crime, the voice of the victim was heard; if it is established that then, after the murder, the defendant returned home, at dead of night; that on the next day he spoke of the man’s murder haltingly and inconsistently — if all these indications are proved, partly by witnesses, and partly by the confessions upon torture which have been adduced in confirmation, and by public opinion, which, born of evidence, must necessarily be true; then, gentlemen, it is your duty to gather all these indications into one, and arrive at definite knowledge, not suspicion, of the crime. To be sure, some one or two

of these things can by chance have happened in such a way as to throw suspicion upon this defendant; but for everything to coincide from first to last, he must have been a participant in the crime. This cannot be the result of chance." This figure has force, and in a city council issue is almost always essential; in the other types of causes and indeed in all discourse it is to be used occasionally.

42 54 Refining consists in dwelling on the same topic and yet seeming to say something ever new. It is accomplished in two ways: by merely repeating the same idea, or by descanting upon it. We shall not repeat the same thing precisely — for that, to be sure, would weary the hearer and not refine the idea — but with changes. Our changes will be of three kinds: in the words, in the delivery, and in the treatment.

Our changes will be verbal when, having expressed the idea once, we repeat it once again or oftener in other, equivalent terms, as follows: "No peril is so great that a wise man would think it ought to be avoided when the safety of the fatherland is at stake. When the lasting security of the state is in question, the man endowed with good principles will undoubtedly believe that in defence of the fortunes of the republic he ought to shun no crisis of life, and he will ever persist in the determination eagerly to enter, for the fatherland, any combat, however great the peril to life."

Our changes will reside in the delivery if now in the tone of conversation, now in an energetic tone, and now in variation after variation of voice and gesture, repeating the same ideas in different words, we also change the delivery quite strikingly. This cannot be described with complete effectiveness, and yet it is clear enough. Hence there is no need of illustration.

55 The third kind of change, accomplished in the treatment, will take place if we transfer the thought into the form of Dialogue or into the form of Arousal.

43 Dialogue — which I shall soon more fully discuss in its place and shall now touch upon briefly, as far as may be sufficient for the present purpose — consists in putting in the mouth of some person language in keeping with his character, as follows (for the sake of greater clarity, to continue the same theme as above): "The wise man will think that for the common weal he ought to undergo every peril.

Often he will say to himself: ‘Not for self alone was I born, but also, and much more, for the fatherland. Above all, let me spend my life, which I owe to fate, for the salvation of my country. She has nourished me. She has in safety and honour reared me even to this time of life. She has protected my interests by good laws, the best of customs, and a most honourable training. How can I adequately repay her from whom I have received these blessings?’ According as the wise man often says this to himself, when the republic is in danger, he on his part will shun no danger.”

Again, the idea is changed in the treatment by means of a transfer to the form of Arousal, when not only we ourselves seem to speak under emotion, but we also stir the hearer, thus: “Who is possessed of reasoning power so feeble, whose soul is bound in such straits of envy, that he would not heap eager praise upon this man and judge him most wise, a man who for the salvation of the fatherland, the security of the state, and the prosperity of the republic eagerly undertakes and gladly undergoes any danger, no matter how great or terrible? 56 For my part, my desire to praise this man adequately is greater than my power to do so, and I am sure that this feeling of inadequacy is shared by all of you.”

The theme, then, will be varied in speaking in these three ways: in the words, in the delivery, in the treatment. In the treatment we shall vary the theme by two means: by Dialogue and by Arousal.

But when we descant upon the same theme, we shall use a great many variations. Indeed, after having expressed the theme simply, we can subjoin the Reason, and then express the theme in another form, with or without the Reasons; next we can present the Contrary (all this I have discussed under Figures of Diction); then a Comparison and an Example (about these I shall say more in their place); 44 and finally the Conclusion (the essential details of which were discussed in Book II, when I showed how one should bring arguments to a close; in this Book I have explained the nature of that figure of diction which is called Conclusion). A Refinement of this sort, which will consist of numerous figures of diction and of thought, can therefore be exceedingly ornate.

The following, then, will illustrate a treatment in seven parts — to continue the use of the same theme for my example, in order that you

may know how easily, by the precepts of rhetoric, a simple idea is developed in a multiple manner:

57 “The wise man will, on the republic’s behalf, shun no peril, because it may often happen that if a man has been loath to perish for his country it will be necessary for him to perish with her. Further, since it is from our country that we receive all our advantages, no disadvantage incurred on her behalf is to be regarded as severe.

“I say, then, that they who flee from the peril to be undergone on behalf of the republic act foolishly, for they cannot avoid the disadvantages, and are found guilty of ingratitude towards the state.

“But on the other hand they who, with peril to themselves, confront the perils of the fatherland, are to be considered wise, since they render to their country the homage due her, and prefer to die for many of their fellow citizens instead of with them. It is extremely unjust to give back to nature, when she compels, the life you have received from nature, and not to give to your country, when she calls for it, the life you have preserved thanks to your country; and when you can die for fatherland with the greatest manliness and honour, to prefer to live in disgrace and cowardice; and when you are willing to face danger for friends and parents and your other kin, to refuse to run the risk for the republic, which embraces all these and that most holy name of fatherland as well.

“He who in a voyage prefers his own to his vessel’s security, deserves contempt. No less blameworthy is he who in a crisis of the republic consults his own in preference to the common safety. For from the wreck of a ship many of those on board escape unharmed, but from the wreck of the fatherland no one can swim to safety.

“It is this that, in my opinion, Decius well understood, who is said to have devoted himself to death, and, in order to save his legions, to have plunged into the midst of the enemy. He gave up his life, but did not throw it away; for at the cost of a very cheap good he redeemed a sure good, of a small good the greatest good. He gave his life, and received his country in exchange. He lost his life, and gained glory, which, transmitted with highest praise, shines more and more every day as time goes on.

“But if reason has shown and illustration confirmed that it is fitting to confront danger in defence of the republic, they are to be esteemed wise who do not shrink from any peril when the security of the fatherland is at stake.”

58 It is of these types, then, that Refining consists. I have been led to discuss it at rather great length because it not only gives force and distinction to the speech when we plead a cause, but it is by far our most important means of training for skill in style. It will be advantageous therefore to practise the principles of Refining in exercises divorced from a real cause, and in actual pleading to put them to use in the Embellishment of an argument, which I discussed in Book II.

45 Dwelling on the Point occurs when one remains rather long upon, and often returns to, the strongest topic on which the whole cause rests. Its use is particularly advantageous, and is especially characteristic of the good orator, for no opportunity is given the hearer to remove his attention from this strongest topic. I have been unable to subjoin a quite appropriate example of the figure, because this topic is not isolated from the whole cause like some limb, but like blood is spread through the whole body of the discourse.

Through Antithesis contraries will meet. As I have explained above, it belongs either among the figures of diction, as in the following example: “You show yourself conciliatory to your

enemies, inexorable to your friends"; or among the figures of thought, as in the following example: "While you deplore the troubles besetting him, this knave rejoices in the ruin of the state. While you despair of your fortunes, this knave alone grows all the more confident in his own." Between these two kinds of Antithesis there is this difference: the first consists in a rapid opposition of words; in the other opposing thoughts ought to meet in a comparison.

59 Comparison is a manner of speech that carries over an element of likeness from one thing to a different thing. This is used to embellish or prove or clarify or vilify. Furthermore, corresponding to these four aims, it has four forms of presentation: Contrast, Negation, Detailed Parallel, Abridged Comparison. To each single aim in the use of Comparison we shall adapt the corresponding form of presentation.

46 In the form of a contrast, in order to embellish, Comparison is used as follows: "Unlike what happens in the palaestra, where he who receives the flaming torch is swifter in the relay race than he who hands it on, the new general who receives command of an army is not superior to the general who retires from its command. For in the one case it is an exhausted runner who hands the torch to a fresh athlete, whereas in this it is an experienced commander who hands over the army to an inexperienced." This could have been expressed quite simply, clearly, and plausibly without the Comparison, as follows: "They say that usually it is inferior generals who take over the command of armies from superior." But the Comparison is used for embellishment, so as to secure a certain distinction for the style. It is moreover presented in the form of a contrast. For a Comparison in the form of a contrast is used when we deny that something else is like the thing we are asserting to be true.

In the form of a negation and for the purpose of proof, Comparison will be used as follows: "Neither can an untrained horse, however well-built by nature, be fit for the services desired of a horse, nor can an uncultivated man, however well-endowed by nature, attain to virtue." This idea has been rendered more plausible, for it becomes easier to believe that virtue cannot be secured without culture, when we see that not even a horse can be serviceable if untrained. Thus the Comparison is used for the purpose of proof, and

moreover is presented in the form of a negation, as is clear from the first word of the Comparison.

47 60 A comparison will be used also for greater clarity — the presentation being in abridged form — as follows: “In maintaining a friendship, as in a foot-race, you must train yourself not only so that you succeed in running as far as is required, but so that, extending yourself by will and sinew, you easily run beyond that point.” Indeed this Comparison serves to make more obvious the poor reasoning evinced by the detractors of those who, for example, are protectors of a friend’s children after his death; for a runner ought to have enough speed to carry him beyond the goal, and a friend so much good will that in the devotion of friendship he may reach even beyond what his friend is capable of perceiving. The Comparison is moreover presented in abridged form, for one term is not detached from the other as in the other form, but the two are conjoined and intermingled in the presentation.

A Comparison will be used for vividness, and be set forth in the form of a detailed parallel, as follows: “Let us imagine a player on the lyre who has presented himself on the stage, magnificently garbed, clothed in a gold-embroidered robe, with purple mantle interlaced in various colours, wearing a golden crown illumined with large gleaming jewels, and holding a lyre covered with golden ornaments and set off with ivory. Further, he has a personal beauty, presence, and stature that impose dignity. If, when by these means he has roused a great expectation in the public, he should in the silence he has created suddenly give utterance to a rasping voice, and this should be accompanied by a repulsive gesture, he is the more forcibly thrust off in derision and scorn, the richer his adornment and the higher the hopes he has raised. In the same way, a man of high station, endowed with great and opulent resources, and abounding in all the gifts of fortune and the emoluments of nature, if he yet lacks virtue and the arts that teach virtue, will so much the more forcibly in derision and scorn be cast from all association with good men, the richer he is in the other advantages, the greater his distinction, and the higher the hopes he has raised.” This Comparison, by embellishing both terms, bringing into relation by a method of parallel description the one man’s ineptitude and the other’s lack of

cultivation, has set the subject vividly before the eyes of all. Moreover the Comparison is presented in the form of a detailed parallel because, once the similitude has been set up, all like elements are related.

48 61 In Comparisons we must carefully see to it that when we present the corresponding idea for the sake of which we have introduced the figure we use words suited to the likeness. The following is an example: "Just as when the swallows are with us in summer time, and when driven by the frost retire, . . ." Keeping the same comparison, and using Metaphor, we now say: "so false friends are with us in a peaceful season of our life, and as soon as they have seen the winter of our fortune, they fly away, one and all." But the invention of Comparisons will be easy if one can frequently set before one's eyes everything animate and inanimate, mute and articulate, wild and tame, of the earth, sky, and sea, wrought by art, chance, or nature, ordinary or unusual, and can amongst these hunt out some likeness which is capable of embellishing or proving or clarifying or vivifying. The resemblance between the two things need not apply throughout, but must hold on the precise point of comparison.

49 62 Exemplification is the citing of something done or said in the past, along with the definite naming of the doer or author. It is used with the same motives as a Comparison. It renders a thought more brilliant when used for no other purpose than beauty; clearer, when throwing more light upon what was somewhat obscure; more plausible, when giving the thought greater verisimilitude; more vivid, when expressing everything so lucidly that the matter can, I may almost say, be touched by the hand. I would have added individual specimens of each type had I not under Refining demonstrated the nature of Exemplification, and, under Comparison, made clear the motives for its use. Therefore I have been unwilling to make my discussion of it either too brief for it to be understood, or too long once it is understood.

Simile is the comparison of one figure with another, implying a certain resemblance between them. This is used either for praise or censure. For praise, as follows: "He entered the combat in body like the strongest bull, in impetuosity like the fiercest lion." For censure,

so as to excite hatred, as follows: “That wretch who daily glides through the middle of the Forum like a crested serpent, with curved fangs, poisonous glance, and fierce panting, looking about him on this side and that for some one to blast with venom from his throat — to smear it with his lips, to drive it in with his teeth, to spatter it with his tongue.” To excite envy, as follows: “That creature who flaunts his riches, loaded and weighed down with gold, shouts and raves like a Phrygian eunuch-priest of Cybele or like a soothsayer.” To excite contempt, as follows: “That creature, who like a snail silently hides and keeps himself in his shell, is carried off, he and his house, to be swallowed whole.”

63 Portrayal consists in representing and depicting in words clearly enough for recognition the bodily form of some person, as follows: “I mean him, men of the jury, the ruddy, short, bent man, with white and rather curly hair, blue-grey eyes, and a huge scar on his chin, if perhaps you can recall him to memory.” This figure is not only serviceable, if you should wish to designate some person, but also graceful, if fashioned with brevity and clarity.

50 Character Delineation consists in describing a person’s character by the definite signs which, like distinctive marks, are attributes of that character; for example, if you should wish to describe a man who is not actually rich but parades as a moneyed man, you would say: “That person there, men of the jury, who thinks it admirable that he is called rich, see now first with what an air he surveys us. Does he not seem to you to be saying: ‘I’d gladly give you clients’ doles, if you didn’t try my patience!’ Yes, once he has propped his chin on his left hand he thinks that he dazzles the eyes of all with gleam of his jewelry and the glitter of his gold. When he turns to his slave boy here, his only one — I know him, and you do not, I think — he calls him now by one name, now by another, and now by a third: ‘Ho there, you, Sannio,’ says he, ‘come here, see that these barbarians don’t turn things upside down,’ so that unknowing hearers may think he is selecting one slave from among many. Whispering in the boy’s ear he tells him either to arrange the dining-couches at home, or to ask his uncle for an Ethiop to attend him to the baths, or to station the Asturian thoroughbred before his front door, or to make ready some other flimsy stage property which

should set off his vainglory. Then he shouts, that all may hear: ‘See to it that the money is carefully counted before nightfall, if possible.’ The boy, by this time well knowing his master’s character, says: ‘You had better send more slaves over there if you want the counting done today.’ ‘Go then,’ he answers, ‘take with you Libanus and Sosia.’ ‘Very good, sir.’

“Then by chance come guests, whom the rascal had invited while travelling abroad in splendour. By this event the man is, you may be sure, quite embarrassed, but he still does not desist from his natural fault. ‘You do well,’ says he, ‘to come, but you would have done better to go straight to me at my house.’ ‘That we would have done,’ say they, ‘had we known your house.’ ‘But surely it was easy to find that out from anyone. Still, come with me.’

“They follow. In the meanwhile all his conversation is spent in boasting. He asks: ‘How are the crops in the fields?’ They say that because his villas have been burnt, he cannot go to them, and does not yet dare rebuild them, ‘although on my Tusculan estate, to be sure, I have commenced an insane undertaking — to build on the same foundations.’

51 64 “While saying this he comes to a certain house in which a banqueting club was to meet on that very day. As if in fact he knew the owner, the rascal now enters the house with his guest. ‘Here,’ says he, ‘is where I live.’ He scrutinizes the silver which had been laid out, inspects the dining-couch which had been spread, and indicates his approval. A little slave boy comes up. They say aloud to the man that the master is about to arrive; would he wish to leave? ‘Indeed?’ says the man. ‘Let us be off, my friends. My brother has arrived from the Falernian country. I shall go to meet him. Do come here at four o’clock.’ The guests depart. The rascal rushes posthaste to his own home. They, as he had bidden, come at four o’clock. They ask for him, discover whose house it is, and, hoodwinked, betake themselves to an inn.

“They see the man the next day, tell him their story, make their complaint and their accusation. He assures them that they had been deceived by the similarity of the place and had missed their way by a whole street; he had, to the prejudice of his health, waited for them late into the night. To his boy Sannio he had given the job of

borrowing vessels, coverings, and servants, and the little slave, not wanting in cleverness, had quite energetically and artfully procured all these. The rascal leads his guest to his home. He says he has accommodated one of his friends with the loan of his largest mansion for a wedding. The boy reports that the silver is being recalled; the lender had misgivings. 'Off with you,' says our man, 'I have obliged him with a mansion, I have given him my household of slaves. Does he want the silver, too? And yet, although I have guests, let him use it; we shall be content with Samian.'

"Why should I tell what he next brings to pass? Such is the character of the man that what he effects by empty boasting and showing-off in one day I could hardly recount if I talked a whole year."

65 Character Delineations of this kind which describe the qualities proper to each man's nature carry very great charm, for they set before our eyes a person's whole character, of the boastful man, as I undertook to illustrate, or the envious or pompous man, or the miser, the climber, the lover, the voluptuary, the thief, the public informer — in short, by such delineation any one's ruling passion can be brought into the open.

52 Dialogue consists in assigning to some person language which as set forth conforms with his character, for example: "When the city overflowed with soldiers, and all the citizens, oppressed by fear, kept themselves at home, this fellow appeared in military cloak, armed with a sword, in his hand a javelin. Three young men, equipped like him, follow behind. Suddenly he bursts into the house, and in a loud voice shouts: 'Where is he, the wealthy owner of this house? Why has he not appeared before me? Why are you silent?' At this all are struck dumb with terror. The wife of the unhappy man, bursting into tears, throws herself at this creature's feet, and says: 'By all that is dearest to you in life, I pray you, pity us. Destroy not anew them that are destroyed. Use your good fortune kindly. We too have enjoyed good fortune. Remember that you are human.' 'Why do you not surrender him to me and cease wailing into my ears? He shall not escape.'

"Meanwhile word of this person's arrival and of his clamorous threats of death is brought to the master of the house. Immediately

upon receipt of these tidings, ‘Hark, Gorgias,’ he says to the attendant of his children, ‘hide them, defend them, see that you bring them up safe to young manhood.’ Hardly had he uttered these words when, behold, this person appears, and says: ‘You are still here, rash fool? Has not my voice frightened you to death? Appease my enmity and sate my wrath with your blood.’ The master, with proud spirit, replies: ‘I feared I might really be conquered. Now I see: You do not wish to contend with me in a trial at law, where failure brings shame, and success glory. You wish to kill me. True, I shall be killed, but I will die unconquered.’ ‘Sententious even at the point of death! You do not wish to beg your life of me when you see I have you in my power?’ Then the woman: ‘Nay, truly he begs and implores you. I plead with you, be moved to pity. And do you, in heaven’s name, clasp his knees. He has you in his power. He has prevailed over you, and do you now prevail over your spirit.’ ‘Why do you not cease, my wife,’ says he, ‘to utter words unworthy of me? Be silent, and attend to your tasks. And you, why do you not, once for all, rob me of life, and yourself, by my death, of every hope of enjoying life?’ The intruder thrust the weeping woman from him, and as the master began to say something or other, worthy, I am sure, of his manliness, buried the sword in his side.”

I think that in this example the language assigned to each person was appropriate to his character — a precaution necessary to maintain in Dialogue.

There are likewise Hypothetical Dialogues, as follows: “Indeed what do we think those people will say if you have passed this judgement? Will not every one say as follows:

strength, and Corinth with her polished culture, could not shake, do you now suffer to be trod upon and trampled underfoot by worthless weaklings?' " Again: "But if that great Lucius Brutus should now come to life again and appear here before you, would he not use this language? 'I banished kings; you bring in tyrants. I created liberty, which did not exist; what I created you do not wish to preserve. I, at peril of my life, freed the fatherland; you, even without peril, do not care to be free.' " Personification may be applied to a variety of things, mute and inanimate. It is most useful in the divisions under Amplification and in Appeal to Pity.

67 Emphasis is the figure which leaves more to be suspected than has been actually asserted. It is produced through Hyperbole, Ambiguity, Logical Consequence, Aposiopesis, and Analogy.

The emphasis is produced through Hyperbole when more is said than the truth warrants, so as to give greater force to the suspicion, as follows: "Out of so great a patrimony, in so short a time, this man has not laid by even an earthen pitcher wherewith to seek a fire for himself."

The emphasis is produced through Ambiguity when a word can be taken in two or more senses, but yet is taken in that sense which the speaker intends; for example, if you should say concerning a man who has come into many legacies: "Just look out, you, who look out for yourself so profitably." 54 Even as we must of those ambiguities which render the style obscure, so must we seek those which produce an emphasis of this sort. It will be easy to find them if we know and pay heed to the double and multiple meanings of words.

Emphasis by Logical Consequence is produced when one mentions the things that follow from a given circumstance, thus leaving the whole matter in distrust; for example, if you should say to the son of a fishmonger: "Quiet, you, whose father used to wipe his nose with his forearm."

The emphasis is produced through Aposiopesis if we begin to say something and then stop short, and what we have already said leaves enough to arouse suspicion, as follows: "He who so handsome and so young, recently at a stranger's house — I am unwilling to say more."

The emphasis is produced through Analogy, when we cite some analogue and do not amplify it, but by its means intimate what we

are thinking, as follows: “Do not, Saturninus, rely too much on the popular mob — unavenged lie the Gracchi.”

This figure sometimes possesses liveliness and distinction in the highest degree; indeed it permits the hearer himself to guess what the speaker has not mentioned.

68 Conciseness is the expressing of an idea by the very minimum of essential words, as follows: “On his way he took Lemnus, then left a garrison at Thasus, after that destroyed the Bithynian city, Cius; next, returning to the Hellespont, he forthwith occupies Abydus.” Again: “Just recently consul, next he was first man of the state; then he sets out for Asia; next he is declared a public enemy and exiled; after that he is made general-in-chief and finally consul for the seventh time.” Conciseness expresses a multitude of things within the limits of but a few words, and is therefore to be used often, either when the facts do not require a long discourse or when time will not permit dwelling upon them.

55 It is Ocular Demonstration when an event is so described in words that the business seems to be enacted and the subject to pass vividly before our eyes. This we can effect by including what has preceded, followed, and accompanied the event itself, or by keeping steadily to its consequences or the attendant circumstances, as follows: As soon as Gracchus saw that the people were wavering, in their fear that he might, by the Senate’s decree, be moved to change his mind, he ordered a convocation of the Assembly. In the meanwhile, this fellow, filled with wicked and criminal designs, bounds out of the temple of Jupiter. In a sweat, with eyes blazing, hair bristling, toga awry, he begins to quicken his pace, several other men joining him. While the herald is asking attention for Gracchus, the fellow, beside himself, plants his heel on a bench, breaks off a leg of it with his right hand, and orders the others to do likewise. When Gracchus begins a prayer to the gods, these creatures in a rush attack him, coming together from all quarters, and a man in the crowd shouts: ‘Fly, Tiberius, fly! Don’t you see? Look behind you, I say!’ Then the fickle mob, stricken with sudden fear, take to flight. But this fellow, frothing crime from his mouth, breathing forth cruelty from the depth of his lungs, swings his arm, and, while Gracchus wonders what it means, but still does not move from the place where he stood,

strikes him on the temple. Gracchus does not impair his inborn manliness by a single cry, but falls without uttering a sound. The assassin, bespattered with the pitiable blood of the bravest of heroes, looks about him as if he had done a most admirable deed, gaily extends his murderous hand to his followers as they congratulate him, and betakes himself to the temple of Jupiter." 69 Through this kind of narrative Ocular Demonstration is very useful in amplifying a matter and basing on it an appeal to pity, for its sets forth the whole incident and virtually brings it before our eyes.

56 I have here carefully collected all the principles of embellishing style. If, Herennius, you exercise yourself diligently in these, your speaking will possess impressiveness, distinction, and charm. As a result you will speak like a true orator, and the product of your invention will not be bare and inelegant, nor will it be expressed in commonplace language.

Now let us again and again jointly insist (for the matter will concern us both) upon our seeking, constantly and unremittingly, by study and exercise, to master the theory of the art. Others find this difficult for three main areas: they have no one with whom it is a pleasure to practise, or they lack self-confidence, or they do not know the right path to follow. For us none of these difficulties exists. We practise together gladly because of our friendship, which, originating in blood relationship, has in addition been strengthened by the study of philosophy. We are not without self-confidence, both because we have made no little progress, and because there are other and better studies which we pursue in life more intently, so that even if, in public speaking, we have not reached our goal, we shall miss but a little of the wholly perfect life. And finally, we know the path to follow, because from these books no principle of rhetoric has been omitted.

Indeed I have shown how in every type of cause one ought to find ideas. I have told how it is proper to arrange these. I have disclosed the method of delivery. I have taught how we can have a good memory. I have explained the means by which to secure a finished style. If we follow these principle our Invention will be keen and prompt, our Arrangement clear and orderly, our Delivery impressive and graceful, our Memory sure and lasting, our Style brilliant and

charming. In the art of rhetoric, then, there is no more. All these faculties we shall attain if we supplement the precepts of theory with diligent practice.

COMMENTARIOLUM PETITIONIS (Essay on Running for Consul)

Translated by Evelyn S. Shuckburgh

The *Commentariolum Petitionis* is a brief handbook on running for the Consulship, believed at one point to have been written by Cicero, circa 65 BC, as a guide for his brother Marcus Tullius Cicero in his campaign to be elected. Nevertheless, the essay does not provide any information that a man of politics such as Cicero would not already know, and is written in a highly rhetorical fashion and so the authenticity has been disputed. Many scholars now believe that it was in fact written by a Roman in the Imperial times, between the periods of Augustus and Trajan, as a purely rhetorical exercise.

Essay on Running for Consul

1 Although you have all the accomplishments within the reach of human genius, experience, or acuteness, yet I thought it only consistent with my affection to set down in writing what occurred to my mind while thinking, as I do, day and night on your canvass, not with the expectation that you would learn anything new from it, but that the considerations on a subject, which appeared to be disconnected and without system, might be brought under one view by a logical arrangement.

Consider what the state is : what it is you seek: who you are that seek it. Almost every day as you go down to the forum you should say to yourself, “I am a novus homo,” “I am a candidate for the consulship,” “This is Rome.” For the “newness” of your name you will best compensate by the brilliancy of your oratory. That has ever carried with it very great political distinction. A man who is held worthy of defending consulars cannot be thought unworthy of the consulship. Wherefore, since your reputation in this is your starting-point, since whatever you are, you are from this, approach each individual case with the persuasion that on it depends as a whole your entire reputation. See that those aids to natural ability, which I know are your special gifts, are ready for use and always available; and remember what Demetrius wrote about the hard work and practice of Demosthenes; and, finally, take care that both the number and rank of your friends are unmistakable. For you have such as few novi homines have had,Äîall the publicani, nearly the whole equestrian order, many municipal towns specially devoted to you, many persons who have been defended by you, men of every order, many collegia, and, besides these, a large number of the rising generation who have become attached to you in their enthusiasm for rhetoric, and, finally, your friends who visit you daily in large numbers and with such constant regularity. See that you retain these advantages by reminding these persons, by appealing to them, and by using every means to make them understand that this, and this only, is the time for those who are in your debt to shew their gratitude, and for those who wish for your services in the future to place you under

an obligation. It also seems possible that a “new man” may be much assisted by the fact that he has the good wishes of men of high rank, and especially of consulars. It is a point in your favour that you should be thought worthy of this position and rank by the very men to whose position and rank you are wishing to attain. All these men must be canvassed with care, agents must be sent to them, and they must be convinced that we have always been at one with the Optimates in our political sentiments, that we have never been demagogues in the very least : that if we seem ever to have said anything in the spirit of that party, we did so with the view of attracting Cn. Pompeius, that we might have the man of the greatest influence either actively on our side in our canvass, or at least not opposed to us. Furthermore, take pains to get on your side the young men of high rank, or retain the affection of those you already have. They will contribute much to your political position. You have very many; make them feel how much you think depends on them: if you induce those to be positively eager who are merely not disinclined, they will be of very great advantage to you.

2 It is also a great set-off to your “newness,” that the nobles who are your competitors are of a such a kind that no one can venture to say that their nobility ought to stand them in greater stead than your high character. For instance, who could think of P. Galba and L. Cassius, though by birth of the highest rank, as candidates for the consulship? You see, therefore, that there are men of the noblest families, who from defect of ability are not your equals. But, you will say, Catiline and Antonius are formidable. Rather I should say that a man of energy, industry, unimpeachable character, great eloquence, and high popularity with those who are the ultimate judges, should wish for such rivals,Äîboth from their boyhood stained with blood and lust, both of ruined fortunes. Of one of them we have seen the property put up for sale, and actually heard him declare on oath that at Rome he could not contend with a Greek or obtain an impartial tribunal. We know that he was ejected from the senate by the judgment of genuine censors : in our praetorship we had him as a competitor, with such men as Sabidius and Panthera to back him, because he had no one else to appear for him at the scrutiny. Yet in this office he bought a mistress from the slave market

whom he kept openly at his house. Moreover, in his canvass for the consulship, he has preferred to be robbing all the innkeepers, under the disgraceful pretext of a libera legatio, rather than to be in town and supplicate the Roman people. But the other! Good heavens what is his distinction ? Is he of equally noble birth ? No. Is he richer? No. In manliness, then? How do you make that out? Why, because while the former fears his own shadow, this man does not even fear the laws!,ÄîA man born in the house of a bankrupt father, nurtured in the society of an abandoned sister, grown to manhood amidst the massacre of fellow citizens, whose first entrance to public life was made by the slaughter of Roman knights For Sulla had specially selected Catiline to command that band of Gauls which we remember, who shore off the heads of the Titinii and Nannii and Tanusii : and while with them he killed with his own hands the best man of the day, his own sister's husband, Quintus Caecilius, who was a Roman eques, a man belonging to no party, always quiet by inclination, and then so from age also.

3 Why should I speak of him as a candidate for the consulship, who caused M. Marius, a man most beloved by the Roman people, to be beaten with vine-rods in the sight of that Roman people from one end of the City to the other,Äîforced him up to the tomb,Äîrent his frame with every kind of torture, and while he was still alive and breathing, cut off his head with his sword in his right hand, while he held the hairs on the crown of his head with his left, and carried off his head in his own hand with streams of blood flowing through his fingers ? A man who afterwards lived with actors and gladiators on such terms that the former ministered to his lust, the latter to his crimes,Äîwho never approached a place so sacred or holy as not to leave there, even if no actual crime were committed, some suspicion of dishonour founded on his abandoned character,Äîa man whose closest friends in the senate were the Curii and the Annii, in the auction rooms the Sapalae and Carvilii, in the equestrian order the Pompilii and Vettii,Äîa man of such consummate impudence, such abandoned profligacy, in fine, such cunning and success in lasciviousness, that he corrupted young boys when almost in the bosoms of their parents? Why should I after this mention Africa to you, or the depositions of the witnesses? They are well

known,Äîread them again and again yourself. Nevertheless, I think that I should not omit to mention that he left that court in the first place as needy as some of the jurors were before the trial, and in the second place the object of such hatred, that another prosecution against him is called for every day. His position is such that he is more likely to be nervous even if you do nothing, than contemptuous if you start any proceedings.

What much better fortune in your canvass is yours than that which not long ago fell to the lot of another "new man", Gaius Caelius! He had two men of the highest rank as competitors, but they were of such a character that their rank was the least of their recommendations,Äîgenius of the highest order, supreme modesty, very numerous public services, most excellent methods of conducting a canvass, and diligence in carrying them out. And yet Caelius, though much inferior in birth, and superior in hardly anything, beat one of them. Wherefore, if you do what your natural ability and studies, which you have always pursued, enable you to do, what the exigencies of your present position require, what you are capable of doing and are bound to do, you will not have a difficult struggle with competitors who are by no means so conspicuous for their birth as notorious for their vices. For what citizen can there be found so ill-affected as to wish by one vote to draw two daggers against the Republic? 4 Having thus set forth what advantages you have and might have to set against your "newness," I think I ought now to say a word on the importance of what you are trying for. You are seeking the consulship, an office of which no one thinks you unworthy, but of which there are many who will be jealous. For, while by birth of equestrian rank, you are seeking the highest rank in the state, and yet one which, though the highest, reflects much greater splendour on a man of courage eloquence and pure life than on others. Don't suppose that those who have already held that office are blind to the political position you will occupy, when once you have obtained the same. I suspect, however, that those who, though born of consular families, have not attained the position of their ancestors will unless they happen to he strongly attached to you feel 'some' jealousy. Even "new men" who have been praetors I think, unless under great obligations to you, will not

like to be surpassed by you in official rank. Lastly, in the populace itself, I am sure it will occur to you how many are envious, how many, from the precedents of recent years, are averse to “new men.” It must also needs be that some are angry with you in consequence of the causes which you have pleaded. Nay, carefully consider this also, whether, seeing that you have devoted yourself with such fervour to the promotion of Pompey’s glory you can suppose certain men to be your friends on that account. Wherefore, seeing that you are seeking the highest place in the state, and at the same time that there do exist sentiments opposed to you, you must positively employ every method and all your vigilance, labour, and attention to business.

5 Again, the canvass for office resolves itself into an activity of two kinds, of which one is concerned with the loyalty of friends, the other with the feelings of the people. The loyalty of friends must be secured by acts of kindness and attention by length of time, and by an easy and agreeable temper. But this word “friends” has a wider application during a canvass than in other times of our life. For whosoever gives any sign of an inclination to you, or habitually visits at your house must be put down in the category of friends. But yet the most advantageous thing is to be beloved and pleasant in the eyes of those who are friends on the more regular grounds of relationship by blood or marriage, of membership of the same club or of some close tie or other. Farther, you must take great pains that, in proportion as a man is most intimate and most closely connected with your household, he should love you and desire your highest honour,Äîas, for instance, your tribesmen, neighbours, clients, and finally your freedmen and even your slaves for nearly all the talk which forms one’s public reputation emanates from domestic sources. In a word, you must secure friends of every class : for show,Äîmen conspicuous for their office or name, who, even if they do not give any actual assistance in canvassing, yet add some dignity to the candidate; to maintain your just rights,Äîmagistrates, consuls first and then tribunes to secure the votes of the centuries,Äîmen of eminent popularity. Those who either have gained or hope to gain the vote of a tribe or century, or any other advantage, through your influence, take all pains to collect and secure. For during recent years men of ambition have exerted themselves with all their might and

main to become sure of getting from their tribesmen what they sought. Do you also do your very best, by every means in your power, to make such men attached to you from the bottom of their hearts and with the most complete devotion. If, indeed, men were as grateful as they ought to be, all this should be ready to your hand, as I trust in fact that it is. For within the last two years you have put under an obligation to you four clubs of men who have the very greatest influence in promoting an election, those of C. Fundanius, Q. Gallius, C. Cornelius, C. Orchivius. When they committed the defence of these men to you, I am acquainted with what their clubsmen undertook and promised you to do, for I was present at the interview. Wherefore you must insist at the present juncture on exacting from them your due by reminding them, appealing to them, solemnly assuring them, and taking care that they thoroughly understand that they will never have any other opportunity of shewing their gratitude. I cannot doubt that these men, from hope of your services in the future as well as from the benefits recently received, will be roused to active exertions. And speaking generally, since your candidature is most strongly supported by that class of friendships which you have gained as a counsel for the defence, take care that to all those, whom you have placed under this obligation to you, their duty should in every case be clearly defined and set forth. And as you have never been in any matter importunate with them, so be careful that they understand that you have reserved for this occasion all that you consider them to owe you.

6 But since men are principally induced to shew goodwill and zeal at the hustings by three considerations,Äîkindness received, hope of more, personal affection and good feeling,Äîwe must take notice how best to take advantage of each of these. By very small favours men are induced to think that they have sufficient reason for giving support at the poll, and surely those you have saved (and their number is very large) cannot fail to understand that, if at this supreme crisis they fail to do what you wish, they will never have anyone's confidence. And though this is so, nevertheless they must be appealed to, and must even be led to think it possible that they, who have hitherto been under an obligation to us, may now put us under an obligation to them. Those, again, who are influenced by

hope (a class of people much more apt to be scrupulously attentive) you must take care to convince that your assistance is at their service at any moment, and to make them understand that you are carefully watching the manner in which they perform the duties they owe you, and to allow no mistake to exist as to your clearly perceiving and taking note of, the amount of support coming from each one of them. The third class which I mentioned is that of spontaneous and sincere friends, and this class you will have to make more secure by expressions of your gratitude; by making your words tally with the motives which it shall appear to you influenced them in taking up your cause ; by shewing that the affection is mutual ; and by suggesting that your friendship with them may ripen into intimacy and familiar intercourse. In all these classes alike consider and weigh carefully the amount of influence each possesses, in order to know both the kind of attention to pay to each, and what you are to expect and demand from each. For certain men are popular in their own neighbourhoods and towns ; there are others possessed of energy and wealth, who, even if they ,have not heretofore sought such popularity, can yet easily obtain it at the moment for the sake of one to whom they owe or wish to do a favour. Your attention to such classes of men must be such as to shew them that you clearly understand what is to be expected from each, that you appreciate what you are receiving, and remember what you have received. There are, again, others who either have no influence or are positively disliked by their tribesmen, and have neither the spirit nor the ability to exert themselves on the spur of the moment : be sure you distinguish between such men, that you may, not be disappointed in your expectation of support by placing over-much hope on some particular person.

7 But although you ought to rely on and be fortified by, friendships already gained and firmly secured, yet in the course of the canvass itself very numerous and useful friendships are acquired. For among its annoyances a candidature has this advantage : you can without loss of dignity, as you cannot in other affairs of life, admit whomsoever you choose to your friendship to whom if you were at any other time to offer your society, you would be thought guilty of an eccentricity; whereas during a canvass, if you don’t do so with

many, and take pains about it besides, you would be thought to be no use as a candidate at all. Moreover, I can assure you of this, that there is no one unless he happens to be bound by some special tie to some one of your rivals, whom you could not induce, if you took pains, to earn your affection by his good services, and to seize the opportunity of putting you under an obligation,Äîlet him but fully understand that you value him highly, that you really mean what you say, that he is making a good investment, and that there will accrue from it not only a brief and electioneering friendship, but a firm and lasting one. There will be no one, believe me, if he has anything in him at all, who will let slip this opportunity offered of establishing a friendship with you, especially when by good luck you have competitors whose friendship is one to be neglected or avoided, and who not only are unable to secure what I am urging you to secure, but cannot even make the first step towards it. For how should Antonius make the first step towards attaching people to himself, when he cannot even call them, unaided, by their proper names? I, for one, think that there can be no greater folly than to imagine a man solicitous to serve you whom you don't know by sight. Extraordinary indeed must be the fame, the political position and extent of the public services of that man whom entire strangers, without supporters to back him, would elect to office. That a man without principle or energy, without doing any good service, and without ability, lying under a cloud of discredit, and without friends, should beat a man fortified with the devotion of a numerous circle and by the good opinion of all, cannot possibly occur except from gross negligence.

8 Wherefore see that you have the votes of all the centuries secured to you by the number and variety of your friends. The first and most obvious thing is that you should embrace the Roman senators and knights, and the active and popular men of all the other orders. There are many city men of good business habits, there are many freedmen engaged in the forum who are popular and energetic: these men try with all your might both personally and by common friends, as far as you can, to make eager in your behalf; seek them out, send agents to them, shew them that they are putting you under the greatest obligation. After that review the entire city, all colleges, districts, neighbourhoods. If you attach to yourself the leading men

of these, you will by their means easily keep a hold upon the multitude. When you have done that, take care to have in your mind a chart of all Italy laid out according to the tribe of each town, and]earn it by heart, so that you may not allow any municipium, colony, prefecture, or, in a word, any spot in Italy to exist, in which you have not a sufficient foothold. Inquire also for and trace out individuals in every region, inform yourself about them, seek them out, strengthen their resolution, secure that in their own neighbourhoods they shall canvass for you, and be as it were candidates in your interest. They will wish for you as a friend, if they once see that their friendship is an object with you. Make sure that they do understand this by directing your speech specially to this point. Men of country towns, or from the country, think themselves in the position of friends if we of the city know them by name : if, however, they think that they are besides securing some protection for themselves, they do not let slip the opportunity of being obliging. Of such people others in town, and above all your rivals, don't so much as know the existence : you know about them and will easily recognize them, without which friendship is impossible. Nor is such recognition enough (though it is a great thing) unless some hope of material advantage and active friendship follows, for your object is not to be looked upon as a mere "nomenclator," but as a sincere friend also. So when you have both got the favour of these same men in the centuries, who from the means they have taken to secure their personal objects enjoy most popularity among their fellow tribesmen; and have made those all desirous of your success who have influence in any section of their tribe, owing to considerations attaching to their municipality or neighbourhood or college, then you may allow yourself to entertain the highest hopes.

Again, the centuries of the knights appear to me capable of being won over, if you are careful, with considerably more ease. Let your first care be to acquaint yourself with the knights ; for they are comparatively few : then make advances to them, for it is much easier to gain the friendship of young men at their time of life. Then again, you have on your side the best of the rising generation, and the most devoted to learning. Moreover, as the equestrian order is yours, they will follow the example of that order, if only you take the

trouble to confirm the support of those centuries, not only by the general good affection of the order, but also by the friendships of individuals. Finally, the hearty zeal of the young in canvassing for votes, appearing at various places, bringing intelligence, and being in attendance on you in public are surprisingly important as well as creditable.

9 And since I have mentioned "attendance," I may add that you should be careful to see large companies every day of every class and order; for from the mere number of these a guess may well be made as to the amount of support you are likely to have in the campus itself. Such visitors are of three kinds: one consists of morning callers who come to your house, a second of those who escort you to the forum, a third of those who attend you on your canvass. In the case of the morning callers, who are less select and, according to the prevailing fashion, come in greater numbers, you must contrive to make them think that you value even this slight attention very highly. Let those who shall come to your house see that you notice it; shew your gratification to such of their friends as will repeat it to them ; frequently mention it to the persons themselves. It often happens that people, when they visit a number of candidates, and observe that there is one who above the rest notices these attentions, devote themselves to him ; leave off visiting the others ; little by little become devoted to one instead of being neutral, and from sham turn out real supporters. Furthermore, carefully remember this, if you have been told or have discovered that a man who has given you his promise is "dressing for the occasion," as the phrase goes, make as though you had neither heard it nor knew it ; if any offers to clear himself to you, because he thinks himself suspected, assert roundly that you have never doubted his sincerity and have no right to doubt it. For the man who thinks that he is not giving satisfaction can never be a friend. You ought, however, to know each man's real feeling, in order to settle how much confidence to place in him.

Secondly, of those who escort you to the forum: since this is a greater attention than a morning call, indicate and make clear that it is still more gratifying to you, and as far as it shall lie in your power go down to the forum at fixed times. The daily escort by its numbers produces a great impression and confers great personal distinction.

The third class is that of numbers perpetually attending you on your canvass. See that those who do so spontaneously understand that you regard yourself as for ever obliged by their extreme kindness : from those, on the other hand, who owe you this attention, frankly demand that, as far as their age and business allow, they should constantly be in personal attendance, and that those who are unable to accompany you in person should find relations to take their place in performing this duty. I am very anxious, and think it extremely important, that you should always be surrounded by large numbers. Besides, it confers a great reputation and great distinction to be accompanied by those who by your exertions have been defended, preserved, and acquitted in the law courts. Put this demand fairly before them, that, since by your means and without any payment some have retained their property, others their honour, others their civil existence and entire fortunes, and since there will never be any other time at which they can shew their gratitude, they should remunerate you by this service. 10 And since the point now in discussion is entirely a question of the loyalty of friends, I must not, I think, pass over one caution. Deception, intrigue, and treachery are everywhere. This is not the time for a formal disquisition on the indications by which a true friend may be distinguished from a false: al that is in place now is to give you a hint. Your exalted character has compelled many to pretend to be your friends while really jealous of you. Wherefore remember the saying of Epicharmus, “the muscle and bone of wisdom is to believe nothing rashly.” Again, when you have got the feelings of your friends in a sound state, you must then acquaint yourself with the attitude and varieties of your detractors and opponents. There are three : first, those whom you have attacked second, those who dislike you without definite reason ; third, those who are warm friends of your competitors. As to those attacked by you while pleading a friend’s cause against them, frankly excuse yourself; remind them of the ties constraining you; give them reason to hope that you will act with equal zeal and loyalty in their cases, if they become your friends. As for those who dislike you without reason, do your best to remove that prejudice either by some actual service, or by holding out hopes of it, or by indicating your kindly feeling towards them. As for those whose wishes are against you

owing to friendship for your competitors, gratify them also by the same means as the former, and, if you can get them to believe it, shew that you are kindly disposed to the very men who are standing against you.

11 Having said enough about securing friendships, I must now speak on another department of a candidate's task, which is concerned with the conciliation of the people. This demands a knack of remembering names, insinuating manners, constant attendance, liberality, the power of setting a report afloat and creating a hopeful feeling in the state. First of all, make the faculty you possess of recognizing people conspicuous, and go on increasing and improving it every day. I don't think there is anything so popular or so conciliatory. Next, if nature has denied you some quality, resolve to assume it, so as to appear to be acting naturally. Although nature has great force, yet in a business lasting only a few months it seems probable that the artificial may be the more effective. For though you are not lacking in the courtesy which good and polite men should have, yet there is great need of a flattering manner which, however faulty and discreditable in other transactions of life, is yet necessary during a candidateship. For when it makes a man worse by truckling, it is wrong; but when only more friendly, it does not deserve so harsh a term ; while it is absolutely necessary to a candidate, whose face and expression and style of conversation have to be varied and accommodated to the feelings and tastes of everyone he meets. As for "constant attendance," there is no need of laying down any rule, the phrase speaks for itself. It is, of course, of very great consequence not to go away anywhere; but the real advantage of such constant attendance is not only the being at Rome and in the forum, but the pushing one's Canvass assiduously, the addressing oneself again and again to the same persons, the making it impossible (as far as your power goes) for anyone to say that he has not been asked by you, and earnestly and carefully asked. Liberality is, again, of wide application ; it is shewn in regard to the management of your private property, which, even if it does not actually reach the multitude, yet, if spoken of with praise by friends, earns the favour of the multitude. It may also be displayed in banquets, which you must take care to attend yourself and to cause your friends to attend, whether open

ones or those confined to particular tribes. It may, again, be displayed in giving practical assistance, which I would have you render available far and wide : and be careful therein to be accessible to all by day and night, and not only by the doors of your house, but by your face and countenance, which is the door of the mind for, if that shews your feelings to be those of reserve and concealment, it is of little good to have your house doors open. For men desire not only to have promises made them, especially in their applications to a candidate, but to have them made in a liberal and complimentary manner. Accordingly, it is an easy rule to make, that you should indicate that whatever you are going to do you will do with heartiness and pleasure; it is somewhat more difficult, and rather a concession to the necessities of the moment than to your inclination, that when you cannot do a thing you should [either promise] or put your refusal pleasantly : the latter is the conduct of a good man, the former of a good candidate. For when a request is made which we cannot grant with honour or without loss to ourselves, for instance, if a man were to ask us to appear in a suit against a friend, a refusal must be given in a gentlemanly way: you must point out to him that your hands are tied, must shew that you are exceedingly sorry, must convince him that you will make up for it in other ways.

12 I have heard a man say about certain orators, to whom he had offered his case, "that he had been better pleased with the words of the one who declined, than of the one who accepted." So true it is that men are more taken by look and words than by actual services. [This latter course, however, you will readily approve : the former it is somewhat difficult to recommend to a Platonist like you, but yet I will have regard for your present circumstances.] For even those to whom you are forced by any other tie to refuse your advocacy may yet quit you mollified and with friendly feelings. But those to whom you only excuse a refusal by saying that you are hindered by the affairs of closer friends, or by cases more important or previously undertaken, quit you with hostile feelings, and are one and all disposed to prefer an insincere promise to a direct negative from you. C. Cotta, a master in the art of electioneering, used to say that, "so long as the request was not directly contrary to moral duty, he used to promise his assistance to all to bestow it on those with whom

he thought it would be most advantageously invested: he did not refuse anyone, because something often turned up to prevent the person whom he promised from availing himself of it, and it often also occurred that he himself was less engaged than he had thought at the time nor could anyone's house be full of suitors who only undertook what he saw his way to perform: by some accident or other the unexpected often happens, while business, which you have believed to be actually in hand, from some cause or other does not come off: moreover, the worst that can happen is that the man to whom you have made a false promise is angry." This last risk, supposing you to make the promise, is uncertain, is prospective, and only affects a few; but, if you refuse, the offence given is certain, immediate, and more widely diffused. For many more ask to be allowed to avail themselves of the help of another than actually do so. Wherefore it is better that some of them should at times be angry with you in the forum than all of them perpetually at your own house : especially as they are more inclined to be angry with those who refuse, than with a man whom they perceive to be prevented by so grave a cause as to be Compatible with the desire to fulfil his promise if he possibly could. But that I may not appear to have abandoned my own classification, since the department of a candidate's work on which I am now dilating is that which refers to the populace, I insist on this, that all these observations have reference not so much to the feelings of friends as to popular rumour. Though there is something in what I say which comes under the former head,Äîsuch as answering with kindness, and giving zealous assistance in the business and the dangers of friends,Äîyet in this part of my argument I am speaking of the things which enable you to win over the populace: for instance, the having your house full of visitors before daybreak, the securing the affection of many by giving them hope of your support the contriving that men should leave you with more friendly feelings than they came, the filling the ears of as many as possible with the most telling words.

13 For my next theme must be popular report, to which very great attention must be paid. But what I have said throughout the foregoing discourse applies also to the diffusion of a favourable report: the reputation for eloquence; the favour of the publicani and equestrian

order; the goodwill of men of rank; the crowd of young men; the constant attendance of those whom you have defended; the number of those from municipal towns who have notoriously come to Rome on your account the observations which men make in your favour,Äîthat you recognize them, address them politely, are assiduous and earnest in canvassing; that they speak and think of you as kind and liberal; the having your house full of callers long before daybreak ; the presence of large numbers of every class ; that your look and speech give satisfaction to all, your acts and deeds to many; that everything is done which can be done by hard work, skill, and attention, not to cause the fame arising from all these displays of feeling to reach the people, but to bring the people itself to share them. You have already won the city populace and the affections of those who control the public meetings by your panegyric of Pompey, by undertaking the cause of Manilius, by your defence of Cornelius. We must not let those advantages be forgotten, which hitherto no one has had without possessing at the same time the favour of the great. We must also take care that everyone knows that Cn. Pompeius is strongly in your favour, and that it emphatically suits his purpose that you should win your election. Lastly, take care that your whole candidature is full of √©clat, brilliant, splendid, suited to the popular taste, presenting a spectacle of the utmost dignity and magnificence. See also, if possible, that some new scandal is started against your competitors for crime or looseness of life or corruption, such as is in harmony with their characters.

Above all in this election you must see that the Republic entertains a good hope and an honourable opinion of you. And yet you must not enter upon political measures in senate-house and public meeting while a candidate: you must hold such things in abeyance, in order that from your lifelong conduct the senate may judge you likely to be the supporter of their authority; the Roman knights, along with the loyalists and wealthy, judge you from your past to be eager for peace and quiet times; and the people think of you as not likely to be hostile to their interests from the fact that in your style of speaking in public meetings, and in your declared convictions, you have been on the popular side. 14 This is what occurred to me to say on the subject of these two morning reflexions,

which I said you ought to turn over in your mind every day as you went down to the forum: “I am a novus homo,” “I am a candidate for the consulship.” There remains the third, “This is Rome,” a city made up of a combination of nations, in which many snares, much deception, many vices enter into every department of life: in which you have to put up with the arrogant pretensions, the wrong-headedness, the ill-will, the hauteur, the disagreeable temper and offensive manners of many. I well understand that it requires great prudence and skill for a man, living among social vices of every sort, so many and so serious, to avoid giving offence, causing scandal, or falling into traps, and in his single person to adapt himself to such a vast variety of character, speech, and feeling. Wherefore, I say again and again, go on persistently in the path you have begun: put yourself above rivalry in eloquence; it is by this that people at Rome are charmed and attracted, as well as deterred from obstructing a man’s career or inflicting an injury upon him. And since the chief plague spot of our state is that it allows the prospect of a bribe to blind it to virtue and worth, be sure that you are fully aware of your own strength, that is, understand that you are the man capable of producing in the minds of your rivals the strongest fear of legal proceeding and legal peril. Let them know that they are watched and scrutinized by you : they will be in terror of your energy, as well as of your influence and power of speech, and above all of the affection of the equestrian order towards you. But though I wish you to hold out this before them, I do not wish you to make it appear that you are already meditating an action, but to use this terror so as to facilitate the gaining of your object: and, in a word, in this contest strain every nerve and use every faculty in such a way as to secure what we seek. I notice that there are no elections so deeply tainted with corruption, but that some centuries return men closely connected with them without receiving money. Therefore, if we are as vigilant as the greatness of our object demands, and rouse our well-wishers to put forth all their energies; and if we allot to men of influence and zeal in our service their several tasks; if we put before our rivals the threat of legal proceedings ; if we inspire their agents with fear, and by some means check the distributors, it is possible to secure either that there shall be no bribery or that it shall be ineffectual.

These are the points that I thought, not that I knew better than you, but that I could more easily than you,Äîin the pressing state of your present engagements,Äîcollect together and send you written out. And although they are written in such terms as not to apply to all candidates for office, but to your special case and to your particular election, yet I should be glad if you would tell me of anything that should be corrected or entirely struck out, or that has been omitted. For I wish this little essay “on the duties of a candidate” to be regarded as complete in every respect.

The Latin Texts

Ruins at Laodicea, in the early Roman province of Cilicia. Cicero's refusal to support the triumvirate and his constant attacks on Caesar resulted in his retreat from politics and reluctant acceptance of a promagistracy in Cilicia. He was absent from Italy as proconsul of Cilicia from May 51 to November 50 BC. Accompanied by his brother Quintus as a legate, he was mostly spared from warfare due to internal conflict among the Parthians, yet for storming a mountain fortress he acquired the title of imperator.

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PRO QUINCTIO (On Behalf of Publius Quinctius)

M. TVLLI CICERONIS PRO P. QVINCTIO ORATIO

I. Quae res in civitate duae plurimum possunt, eae contra nos ambae faciunt in hoc tempore, summa gratia et eloquentia; quarum alterum, C. Aquili, vereor, alteram metuo. Eloquentia Q. Hortensi ne me in dicendo impediat, non nihil commoveor, gratia Sex. Naevi ne P. Quinctio noceat, id vero non mediocriter pertimesco. Neque hoc tanto opere querendum videretur, haec summa in illis esse, si in nobis essent saltem mediocria; verum ita se res habet, ut ego, qui neque usu satis et ingenio parum possum, cum patrono disertissimo comparer, P. Quinctius, cui tenues opes, nullae facultates, exiguae amicorum copiae sunt, cum adversario gratiosissimo contendat. Illud quoque nobis accedit incommodum, quod M. Iunius, qui hanc causam aliquotiens apud te egit, homo et in aliis causis exercitatus et in hac multum ac saepe versatus, hoc tempore abest nova legatione impeditus, et ad me ventum est qui, ut summa haberem cetera, temporis quidem certe vix satis habui ut rem tantam, tot controversiis implicatam, possem cognoscere. Ita quod mihi consuevit in ceteris causis esse adiumento, id quoque in hac causa deficit. Nam, quod ingenio minus possum, subsidium mihi diligentia comparavi; quae quanta sit, nisi tempus et spatium datum sit, intellegi non potest. Quae quo plura sunt, C. Aquili, eo te et hos qui tibi in consilio sunt meliore mente nostra verba audire oportebit, ut multis incommodis veritas debilitata tandem aequitate talium virorum recreetur. Quod si tu iudex nullo praesidio fuisse videbere contra vim et gratiam solitudini atque inopiae, si apud hoc consilium ex opibus, non ex veritate causa pendetur, profecto nihil est iam sanctum atque sincerum in civitate, nihil est quod humilitatem cuiusquam gravitas et virtus iudicis consoletur. Certe aut apud te et hos qui tibi adsunt veritas valebit, aut ex hoc loco repulsa vi et gratia locum ubi consistat reperire non poterit.

II. Non eo dico, C. Aquili, quo mihi veniat in dubium tua fides et constantia, aut quo non in his quos tibi advocavisti viris lectissimis civitatis spem summam habere P. Quinctius, debeat. Quid ergo est?

Primum magnitudo periculi summo timore hominem adficit, quod uno iudicio de fortunis omnibus decernit, idque dum cogitat, non minus saepe ei venit in mentem potestatis quam aequitatis tuae, propterea quod omnes quorum in alterius manu vita posita est saepius illud cogitant, quid possit is cuius in dicione ac potestate sunt quam quid debeat facere. Deinde habet adversarium P. Quinctius verbo Sex. Naevium, re ura huiusce aetatis homines disertissimos, fortissimos, florentissimos nostrae civitatis, qui communi studio summis opibus Sex Naevium defendunt, si id est defendere, cupiditati alterius obtemperare quo is facilius quem velit iniquo iudicio opprimere possit. Nam quid hoc iniquius aut indignius, C. Aquili, dici aut commemorari potest, quam me qui caput alterius, famam fortunasque defendam priore loco causam dicere? cum praesertim Q. Hortensius qui in hoc iudicio partis accusatoris obtinet contra me sit dicturus, cui summam copiam facultatemque dicendi natura largita est. Ita fit ut ego qui tela depellere et volneribus mederi debeam tum id facere cogar cum etiam telum adversarius nullum iecerit, illis autem id tempus impugnandi detur cum et vitandi illorum impetus potestas adempta nobis erit et, si qua in re, id quod parati sunt facere, falsum crimen quasi venenatum aliquod telum iecerint, medicinae faciendae locus non erit. Id accidit praetoris iniquitate et iniuria, primum quod contra omnium consuetudinem iudicium prius de probro quam de re maluit fieri, deinde quod ita constituit id ipsum iudicium ut reus, ante quam verbum accusatoris audisset, causam dicere cogeretur. Quod eorum gratia et potentia factum ao est qui, quasi sua res aut honos agatur, ita diligenter Sex. Naevi studio et cupiditati morem gerunt et in eius modi rebus opes suas experiuntur, in quibus, quo plus propter virtutem nobilitatemque possunt, eo minus quantum possint debent ostendere.

Cum tot tantisque difficultatibus adfectus atque adflictus in tuam, C. Aquili fidem, veritatem, misericordiam P. Quinctius confugerit, cum adhuc ei propter vim adversariorum non ius par, non agendi potestas; eadem, non magistratus aequus reperiri potuerit, cum ei summam per iniuriam omnia inimica atque infesta fuerint, te, C. Aquili, vosque qui in consilio adestis, orat atque obsecrat ut multis iniuriis iactatam atque agitatam aequitatem in hoc tandem loco consistere et confirmari patiamini.

III. Id quo facilius facere possitis, dabo operam ut a principio res quem ad modum gesta et contracta sit cognoscatis. C. Quinctius fuit P. Quincti huius frater, sane ceterarum rerum pater familias et prudens et attentus, una in re paulo minus consideratus, qui societatem cum Sex. Naevio fecerit, viro bono, verum tamen non ita instituto ut iura societatis et officia certi patris familias nosse posset; non quo ei deesset ingenium; nam neque parum facetus scurra Sex. Naevius neque inhumanus praeco umquam est existimatus. Quid ergo est? Cum ei natura nihil melius quam vocem dedisset, pater nihil praeter libertatem reliquisset, vocem in quaestum contulit, libertate usus est quo impunius dicax esset. Qua re quidem socium tibi eum velles adiungere nihil erat nisi ut in tua pecunia condisceret qui pecuniae fructus esset; tamen inductus consuetudine ac familiaritate Quinctius fecit, ut dixi, societatem earum rerum quae in Gallia comparabantur. Erat ei pecuaria res ampla et rustica sane bene culta et fructuosa. Tollitur ab atriis Liciniis atque a praeconum consessu in Galliam Naevius et trans Alpis usque transfertur. Fit magna mutatio loci, non ingeni. Nam qui ab adulescentulo quaestum sibi instituisset sine impendio, postea quam nescio quid impendit et in commune contulit, mediocri quaestu contentus esse non poterat. Nec mirum, si is qui vocem venalem habuerat ea quae voce quaesiverat magno sibi quaestui fore putabat. Itaque hercule haud mediocriter de communi quodcumque poterat ad se in privatam domum sevocabat; qua in re ita diligens erat quasi ei qui magna fide societatem gererent arbitrium pro socio condemnari solerent. Verum his de rebus non necesse habeo dicere ea quae me P. Quinctius cupit commemorare; tametsi causa postulat, tamen quia postulat, non flagitat praeteribo.

IV. Cum annos iam compluris societas esset, et cum saepe suspectus Quinctio Naevius fuisset neque ita commode posset rationem reddere earum rerum quas libidine, non ratione gesserat, moritur in Gallia Quinctius, cum adesset Naevius, et moritur repentino. Heredem testamento reliquit hunc P. Quinctium ut, ad quem summus maeror morte sua veniebat, ad eundem summus honos quoque perveniret. Quo mortuo, nec ita multo post, in Galliam proficiscitur Quinctius, ibi cum isto Naevio familiariter vivit. Annum fere una sunt, cum et de societate multa inter se communicarent et de

tota illa ratione atque re Gallicana; neque interea verbum ullum interposuit Naevius aut societatem sibi quippiam debere aut privatim Quinctium debuisse. Cum aeris alieni aliquantum esset relictum, quibus nominibus pecuniam Romae curari oporteret, auctionem in Gallia P. hic Quinctius Narbone se facturum esse proscribit earum rerum quae ipsius erant privatae. Ibi tum vir optimus Sex. Naevius hominem multis verbis deterret ne auctionetur; eum non ita commode posse eo tempore quo proscripsisset vendere; Romae sibi nummorum facultatem esse, quam, si saperet, communem existimaret pro fraterna illa necessitudine et pro ipsius adfinitate; nam P. Quincti consobrinam habet in matrimonio Naevius et ex ea liberos. Quia, quod virum bonum facere oportebat, id loquebatur Naevius, credidit Quinctius eum qui orationem bonorum imitaretur facta quoque imitaturum; auctionem velle facere desistit, Romam proficiscitur; decedit ex Gallia Romam simul Naevius. Cum pecuniam C. Quinctius P. Scapulae debuisset, per te, C. Aquili, decidit P. Quinctius quid liberis eius dissolveret. Hoc eo per te agebatur quod propter aerariam rationem non satis erat in tabulis inspexisse quantum deberetur, nisi ad Castoris quaesisses quantum solveretur. Decidis statuisque tu propter necessitudinem quae tibi cum Scapulis est quid eis ad denarium solveretur.

V. Haec omnia Quinctius agebat auctore et consuasore Naevio. Nec mirum, si eius utebatur consilio cuius auxilium sibi paratum putabat; non modo enim pollicitus erat in Gallia sed Romae cotidie, simul atque sibi hic adnuisset numeraturum se dicebat. Quinctius porro istum posse facere videbat, debere intellegebat, mentiri, quia causa cur mentiretur non erat, non putabat; quasi domi nummos haberet, ita constituit Scapulis se daturum; Naevium certiorem facit, rogat ut curet quod dixisset. Tum iste vir optimus vereor ne se derideri putet quod iterum iam dico “optimus” — qui hunc in summas angustias adductum putaret, ut eum suis condicionibus in ipso articulo temporis adstringeret, assem sese negat daturum, nisi prius de rebus rationibusque societatis omnibus decidisset et scisset sibi cum Quinctio controversiae nihil futurum. “Posterius,” inquit, “ista videbimus,” Quinctius; “nunc hoc velim cures, si tibi videtur, quod dixisti.” Negat se alia ratione facturum; quod promisisset, non plus sua referre quam si, cum auctionem venderet, domini iussu

quippiam promisisset. Destitutione illa perculsus Quinctius a Scapulis paucos dies aufert, in Galliam mittit ut ea quae proscripserat venirent, deteriore tempore absens auctionatur, Scapulis difficiliore condicione dissolvit. Tum appellat ultro Naevium ut, quoniam suspicaretur aliqua de re fore controversiam, videret ut quam primum et quam minima cum molestia tota res transigeretur. Dat iste amicum M. Trebellium, nos communem necessarium, qui istius domi erat eductus et quo utebatur iste plurimum, propinquum nostrum, Sex. Alfenum. Res convenire nullo modo poterat, propterea quod hic mediocrem iacturam facere cupiebat, iste mediocri praeda contentus non erat. Itaque ex eo tempore res esse in vadimonium coepit. Cum vadimonia saepe dilata essent et cum aliquantum temporis in ea re esset consumptum neque quicquam profectum esset, venit ad vadimonium Naevius.

VI. Obsecro, C. Aquili vosque qui adestis in consilio, ut diligenter attendatis, ut singulare genus fraudis et novam rationem insidiarum cognoscere possitis. Ait se auctionatum esse in Gallia; quod sibi videretur se vendidisse; curasse ne quid sibi societas deberet; se iam neque vadari amplius neque vadimonium promittere; si quid agere secum velit Quinctius, non recusare. Hic cum rem Gallicanam cuperet revisere, hominem in praesentia non vadatur; ita sine vadimonio disceditur. Deinde Romae dies XXX fere Quinctius commoratur; cum ceteris quae habebat vadimonia differt ut expeditus in Galliam proficisci posset; proficiscitur. Roma egreditur ante diem II kalend. Februarias Quinctius Scipione et Norbano coss. Quaeso ut eum diem memoriae mandetis. L. Albius Sex. filius Quirina, vir bonus et cum primis honestus, una profectus est. Cum venissent ad Vada Volaterrana quae nominantur, vident perfamiliarem Naevi, qui ex Gallia pueros venalis isti adducebat, L. Publicium; qui, ut Romam venit, narrat Naevio quo in loco viderit Quinctium. Quod ubi ex Publicio audivit, pueros circum amicos dimittit, ipse suos necessarios ab atriis Liciniis et a faucibus macelli corrogat ut ad tabulam Sextiam sibi adsint hora secunda postridie. Veniunt frequentes. Testificatur iste P. QVINCTIVM NON STETISSE, ET STETISSE SE; tabulae maxime signis hominum nobilium consignantur, disceditur. Postulat a Burrieno praetore Naevius ut ex edicto bona possidere liceat; iussit bona proscribi eius quicum familiaritas fuerat, societas erat, adfinitas

liberis istius vivis divelli nullo modo poterat. Qua ex re intellegi facile potuit nullum esse officium tam sanctum atque sollemne quod non avaritia comminuere ac violare soleat. Etenim si veritate amicitia, fide societas, pietate propinquitas colitur, necesse est iste qui amicum, socium, adfinem fama ac fortunis spoliare conatus est vanum se et perfidiosum et impium esse fateatur. Libellos Sex. Alfenus, procurator P. Quincti, familiaris et propinquus Sex. Naevi, deicit, servolum unum quem iste prenderat abducit, denuntiat sese procuratorem esse, istum aequum esse famae fortunisque P. Quincti consulere et adventum eius exspectare; quod si facere nolit atque imbiberit eius modi rationibus illum ad suas condiciones perducere, sese nihil precari et, si quid agere velit, iudicio defendere. Haec dum Romae geruntur, Quinctius interea contra ius, consuetudinem, edicta praetorum de saltu agroque communi a servis communibus vi detruditur.

VII. Existima, C. Aquili, modo et ratione omnia Romae Naevium fecisse, si hoc quod per litteras istius in Gallia gestum est recte atque ordine factum videtur. Expulsus atque eiectus e praedio Quinctius accepta insigni iniuria confugit ad C. Flaccum imperatorem, qui tunc erat in provincia, quem, ut ipsius dignitas poscit, honoris gratia nomino. Is eam rem quam vehementer vindicandam putarit ex decretis eius poteritis cognoscere. Alfenus interea Romae cum isto gladiatore vetulo cotidie pugnabat; utebatur populo sane suo, propterea quod iste caput petere non desinebat. Iste postulabat ut procurator iudicatum solvi satis daret; negat Alfenus aequum esse procuratorem satis dare, quod reus satis dare non deberet, si ipse adesset. Appellantur tribuni; a quibus cum esset certum auxilium petitum, ita tum disceditur ut Idibus Septembribus P. Quinctium sisti Sex. Alfenus promitteret.

VIII. Venit Romam Quinctius, vadimonium sistit. VIII. Iste, homo acerrimus, bonorum possessor, expulsor, ereptor, annum et sex mensis nihil petit, quiescit, condicionibus hunc quoad potest producit, a Cn. Dolabella denique praetore postulat ut sibi Quinctius iudicatum solvi satis det ex formula: QVOD AB EO PETAT QVOIVS EX EDICTO PRAETORIS BONA DIES XXX POSSESSA SINT. Non recusabat Quinctius quin ita satis dare iuberetur, si bona possessa essent ex edicto. Decernit — quam

aequum, nihil dico, unum hoc dico, novum; et hoc ipsum tacuisse mallem, quoniam utrumque quivis intellegere potuit sed iubet P. Quinctium sponsionem cum Sex. Naevio facere: SI BONA SVA EX EDICTO P. BVRRIENI PRAETORIS DIES XXX POSSESSA NON ESSENT. Recusabant qui aderant tum Quinctio, demonstrabant de re iudicium fieri oportere ut aut uterque inter se aut neuter satis daret; non necesse esse famam alterius in iudicium venire. Clamabat porro ipse Quinctius sese idcirco nolle satis dare ne videretur iudicasse bona sua ex edicto possessa esse; sponsionem porro si istius modi faceret, se, id quod nunc evenit, de capite suo priore loco causam esse dicturum. Dolabella — quem ad modum solent homines nobiles, seu recte seu perperam facere coeperunt, ita in utroque excellunt ut nemo nostro loco natus adsequi possit — iniuriam facere fortissime perseverat; aut satis dare aut sponsionem iubet facere, et interea recusantis nostros advocatos acerrime submoveri.

IX. Conturbatus sane discedit Quinctius; neque mirum, cui haec optio tam misera tamque iniqua daretur ut aut ipse se capitis damnaret, si satis dedisset, aut causam capitis, si sponsionem fecisset, priore loco diceret. Cum in altera re causae nihil esset quin secus iudicaret ipse de se, quod iudicium gravissimum est, in altera spes esset ad talem tamen virum iudicem veniendi, unde eo plus opis auferret quo minus attulisset gratiae, sponsionem facere maluit; fecit; te iudicem, C. Aquili, sumpsit, ex sponso egit. In hoc summa iudici causaque tota consistit.

Iudicium esse, C. Aquili, non de re pecuniaria, sed de fama fortunisque P. Quincti vides. Cum maiores ita constituerint ut, qui pro capite diceret, is posteriore loco diceret, nos inaudita criminatione accusatorum priore loco causam dicere intellegis. Eos porro qui defendere consuerunt vides accusare, et ea ingenia conuerti ad perniciem quae antea versabantur in salute atque auxilio ferendo. Illud etiam restiterat quod hesterno die fecerunt, ut te in ius educerent, ut nobis tempus quam diu diceremus praestitueres; quam rem facile a praetore impetrassent, nisi tu quod esset tuum ius et officium potestasque docuisses. Neque nobis adhuc praeter te quisquam fuit, ubi nostrum ius contra illos obtineremus, neque illis umquam satis fuit illud obtinere quod probari omnibus posset; ita sine iniuria potentiam levem atque inopem esse arbitrantur.

X. Verum quoniam tibi instat Hortensius ut eas in consilium, a me postulat ne dicendo tempus absumam, queritur priore patrono causam defendente numquam perorari potuisse, non patiar istam manere suspicionem nos rem iudicari nolle; neque illud mihi adrogabo, me posse causam commodius demonstrare quam antea demonstrata sit, neque tamen tam multa verba faciam, propterea quod et ab illo qui tum dixit iam informata causa est et a me, qui neque excogitare neque pronuntiare multa possum, brevitas postulatur, quae mihimet ipsi amicissima est; faciam quod te saepe animadverti facere, Hortensi; totam causae meae dictionem certas in partis dividam. Tu id semper facis, quia semper potes, ego in hac causa faciam, propterea quod in hac videor posse facere; quod tibi natura dat ut semper possis, id mihi causa concedit ut hodie possim. Certos mihi finis terminosque constituam, extra quos egredi non possim, si maxime velim, ut et mihi sit propositum de quo dicam, et Hortensius habeat exposita ad quae respondeat, et tu, C. Aquili, iam ante animo prospicere possis quibus de rebus auditurus sis.

Negamus te bona P. Quincti, Sex. Naevi, possedisse ex edicto praetoris. In eo sponsio facta est. Ostendam primum causam non fuisse cur a praetore postulares ut bona P. Quincti possideres, deinde ex edicto te possidere non potuisse, postremo non possedisse. Quaeso, C. Aquili vosque qui estis in consilio, ut quid pollicitus sim diligenter memoriae mandetis; etenim rem facilius totam accipietis, si haec memineritis, et me facile vestra existimatione revocabitis, si extra hos cancellos egredi conabor quos mihi ipse circumdedi. Nego fuisse causam cur postularet, nego ex edicto possidere potuisse, nego possedisse. Haec tria cum docuero, peroraro.

XI. Non fuit causa cur postularet. Qui hoc intellegi potest? Quia Sex. Naevio neque ex societatis ratione neque privatim quicquam debuit Quinctius. Quis huic rei testis est? Idem qui acerrimus adversarius; in hanc rem te, te inquam, testem, Naevi, citabo. Annum et eo diutius post mortem C. Quincti fuit in Gallia tecum simul Quinctius. Doce te petisse ab eo istam nescio quam innumerabilem pecuniam, doce aliquando mentionem fecisse, dixisse deberi; debuisse concedam. Moritur C. Quinctius qui tibi, ut ais, certis nominibus grandem pecuniam debuit. Heres eius P. Quinctius in Galliam ad te ipsum venit in agrum communem, eo denique ubi non

modo res erat sed ratio quoque omnis et omnes litterae. Quis tam dissolutus in re familiari fuisset, quis tam neglegens, quis tam tui, Sexte, dissimilis qui, cum res ab eo quicum contraxisset recessisset et ad heredem pervenisset, non heredem, cum primum vidisset, certiorem faceret, appellaret, rationem adferret, si quid in controversiam veniret, aut intra parietes aut summo iure experiretur? Itane est? quod viri optimi faciunt, si qui suos propinquos ac necessarios caros et honestos esse atque haberi volunt, id Sex. Naevius non faceret, qui usque eo fervet ferturque avaritia ut de suis commodis aliquam partem velit committere ne quam partem huic propinquo suo ullius ornamenti relinquat? et is pecuniam, si qua deberetur, non peteret qui, quia, quod debitum numquam est, id datum non est, non pecuniam modo verum etiam hominis propinqui sanguinem vitamque eripere conatur? Huic tum molestus esse videlicet noluisti quem nunc respirare libere non sinis, quem nunc interficere nefarie cupis, eum tum pudenter appellare nolebas. Ita credo; hominem propinquum, tui observantem, virum bonum, pudentem, maiorem natu nolebas aut non audebas appellare; saepe, ut fit, cum ipse te confirmasses, cum statuisses mentionem de pecunia facere, cum paratus meditatusque venisses, homo timidus virginali verecundia subito ipse te retinebas; excidebat repente oratio; cum cuperes appellare, non audebas, ne invitus audiret. Id erat profecto.

XII. Credamus hoc, Sex. Naevium, cuius caput oppugnet, eius auribus pepercisse. Si debuisset, Sexte, petisses, et petisses statim; si non statim, paulo quidem post; si non paulo, at aliquanto; sex quidem illis mensibus profecto; anno vertente sine controversia. Anno et sex mensibus vero, cum tibi cotidie potestas hominis fuisset admonendi, verbum nullum facis; biennio iam confecto fere appellas. Quis tam perditus ac profusus nepos non adesa iam sed abundanti etiam pecunia sic dissolutus fuisset ut fuit Sex. Naevius? Cum hominem nomino, satis mihi videor dicere. Debuit tibi C. Quinctius, numquam petisti; mortuus est ille, res ad heredem venit; cum eum cotidie videres, post biennium denique appellas. Dubitabitur utrum sit probabilius, Sex. Naevium statim si quid deberetur petiturum fuisse, an ne appellaturum quidem biennio? Appellandi tempus non erat? At tecum plus annum vixit. In Gallia agi non potuit? At et in provincia

ius dicebatur et Romae iudicia fiebant. Restat ut aut summa neglegentia tibi obstiterit aut unica liberalitas. Si neglegentiam dices, mirabimur, si bonitatem, ridebimus; neque praeterea quid possis dicere invenio. Satis est argumenti nihil esse debitum Naevio, quod tam diu nihil petivit.

XIII. Quid si hoc ipsum quod nunc facit ostendo testimonio esse nihil deberi? Quid enim nunc agit Sex. Naevius? qua de re controversia est? quod est hoc iudicium in quo iam biennium versamur? quid negoti geritur in quo ille tot et talis viros defatigat? Pecuniam petit. Nunc denique? verum tamen petat; audiamus. De rationibus et controversiis societatis volt diiudicari. Sero, verum aliquando tamen; concedamus. "Non," inquit, "id ago, C. Aquili, neque in eo nunc laboro. Pecunia mea tot annos utitur P. Quinctius. Vtatur sane; non peto." Quid igitur pugnas? an, quod saepe multis in locis dixisti ne in civitate sit, ne locum suum quem adhuc honestissime defendit obtineat, ne numeretur inter vivos, ut decernat de vita et ornamentis suis omnibus, apud iudicem causam priore loco dicat et, eam cum orarit, tum denique vocem accusatoris audiat? Quid? hoc quo pertinet? ut ocius ad tuum pervenias? At si id velles, iam pridem actum esse poterat. Vt honestiore iudicio conflictere? At sine summo scelere P. Quinctium, propinquum tuum, iugulare non potes. Vt facilius iudicium sit? At neque C. Aquilius de capite alterius libenter iudicat et Q. Hortensius contra caput non didicit dicere. Quid a nobis autem, C. Aquili, refertur? Pecuniam petit; negamus deberi. Iudicium fiat statim; non recusamus. Num quid praeterea? Si veretur ut res iudicio facto parata sit, iudicatum solvi satis accipiat; quibus a me verbis satis acceperit, isdem ipse, quod peto, satis det. Actum iam potest esse, C. Aquili; iam tu potes liberatus discedere molestia prope dicam non minore quam Quinctius.

Quid agimus, Hortensi? quid de hac condicione dicimus? Possumus aliquando depositis armis sine periculo fortunarum de re pecuniaria disceptare? possumus ita rem nostram persequi ut hominis propinqui caput incolume esse patiamur? possumus petitoris personam capere, accusatoris deponere? "Immo," inquit, "abs te satis accipiam; ego autem tibi satis non dabo."

XIV. Quis tandem nobis ista iura tam aequa discribit? quis hoc

statuit, quod aequum sit in Quinctium, id iniquum esse in Naevium? “Quincti bona,” inquit, “ex edicto praetoris possessa sunt.” Ergo, id ut confitear, postulas ut, quod numquam factum esse iudicio defendimus, id, proinde quasi factum sit, nostro iudicio confirmemus? Inveniri ratio, C. Aquili, non potest ut ad suum quisque quam primum sine cuiusquam dedecore, infamia pernicieque perveniat? Profecto, si quid deberetur, peteret; non omnia iudicia fieri mallet quam unum illud unde haec omnia iudicia nascuntur. Qui inter tot annos ne appellarit quidem Quinctium, cum potestas esset agendi cotidie, qui, quo tempore primum agere coepit, in vadimoniis differendis tempus omne consumpserit, qui postea vadimonium quoque missum fecerit, hunc per insidias vi de agro communi deiecerit, qui, cum de re agendi nullo recusante potestas fuisset, sponsionem de probro facere maluerit, qui, cum revocetur ad id iudicium unde haec nata sunt omnia, condicionem aequissimam repudiet, fateatur se non pecuniam sed vitam et sanguinem petere, is non hoc palam dicit: “mihi si quid deberetur, peterem atque adeo iam pridem abstulissem; nihil hoc tanto negotio, nihil tam invidioso iudicio, nihil tam copiosa advocatione uterer, si petendum esset; extorquendum est invito atque ingratis; quod non debet, eripiendum atque exprimendum est; de fortunis omnibus P. Quinctius deturbandus est; potentes, diserti, nobiles omnes advocandi sunt; adhibenda vis est veritati, minae iactentur, pericula intendantur, formidines opponantur, ut his rebus aliquando victus et perterritus ipse se dedat?” Quae me hercule omnia, cum qui contra pugnent video, et cum illum consessum considero, adesse atque impendere videntur neque vitari ullo modo posse; cum autem ad te, C. Aquili, oculos animumque rettuli, quo maiore conatu studioque aguntur, eo leviora infirmioraque existimo. Nihil igitur debuit, ut tu ipse praedicas.

Quid si debuisset? continuone causa fuisset cur a praetore postulares ut bona possideres? Non opinor id quidem neque ius esse neque cuiquam expedire. Quid igitur demonstrat? Vadimonium sibi ait esse desertum.

XV. Ante quam doceo id factum non esse, libet mihi, C. Aquili, ex offici ratione atque ex omnium consuetudine rem ipsam et factum simul Sex. Naevi considerare. Ad vadimonium non venerat, ut ais, is

quicum tibi adfinitas, societas, omnes denique causae et necessitudines veteres intercedebant. Ilicone ad praetorem ire convenit? continuone verum fuit postulare ut ex edicto bona possidere liceret? ad haec extrema et inimicissima ium tam cupide decurrebas ut tibi nihil in posterum quod gravius atque crudelius facere posses reservares? Nam quid homini potest turpius, quid viro miserius aut acerbius usu venire? quod tantum evenire dedecus, quae tanta calamitas inveniri potest? Pecuniam si cuipiam fortuna ademit aut si alicuius eripuit iniuria, tamen, dum existimatio est integra, facile consolatur honestas egestatem. At non nemo aut ignominia adfectus aut iudicio turpi convictus bonis quidem suis utitur, alterius opes, id quod miserrimum est, non exspectat, hoc tamen in miseriis adiumento et solacio sublevatur. Cuius vero bona venierunt, cuius non modo illae amplissimae fortunae sed etiam victus vestitusque necessarius sub praeconem cum dedecore subiectus est, is non modo ex numero vivorum exturbatur, sed, si fieri potest, infra etiam mortuos amandatur. Etenim mors honesta saepe vitam quoque turpem exornat, vita ita turpis ne morti quidem honestae locum relinquit. Ergo hercule, cuius bona ex edicto possidentur, huius omnis fama et existimatio cum bonis simul possidetur; de quo libelli in celeberrimis locis proponuntur, huic ne perire quidem tacite obscureque conceditur; cui magistri fiunt et domini constituuntur, qui qua lege et qua condicione pereat pronuntient, de quo homine praeconis vox praedicat et pretium conficit, huic acerbissimum vivo videntique funus indicitur, si funus id habendum est quo non amici conveniunt ad exsequias cohonestandas, sed bonorum emptores ut carnifices ad reliquias vitae lacerandas et distrahendas.

XVI. Itaque maiores nostri raro id accidere voluerunt, praetores ut considerate fieret comparaverunt. Viri boni cum palam fraudantur, cum experiendi potestas non est, timide tamen et pedetemptim istuc descendunt vi ac necessitate coacti, inviti, multis vadimoniis desertis, saepe inlusi ac destituti; considerant enim quid et quantum sit alterius bona proscribere. Iugulare civem ne iure quidem quisquam bonus volt, mavolt commemorari se cum posset perdere pepercisse, quam cum parcere potuerit perdidisse. Haec in homines alienissimos, denique in inimicissimos viri boni faciunt et hominum existimationis et communis humanitatis causa, ut, cum ipsi nihil alteri scientes

incommodarint, nihil ipsis iure incommodi cadere possit. Ad vadimonium non venit. Quis? Propinquus. Si res ista gravissima sua sponte videretur, tamen eius atrocitas necessitudinis nomine levaretur. Ad vadimonium non venit. Quis? Socius. Etiam gravius aliquid ei deberes concedere, quicum te aut voluntas congregasset aut fortuna coniunxisset.

Ad vadimonium non venit. Quis? Is, qui tibi praesto semper fuit. Ergo in eum qui semel hoc commisit, ut tibi praesto non esset, omnia tela coniecisti quae parata sunt in eos qui permulta male agendi causa fraudandique fecerunt? Si dupondius tuus ageretur, Sex. Naevi, si in parvola re captionis aliquid vererere, non statim ad C. Aquilium aut ad eorum aliquem, qui consuluntur, cucurrisses? cum ius amicitiae, societatis, adfinitatis ageretur, cum offici rationem atque existimationis duci conveniret, eo tempore tu non modo non ad C. Aquilium aut L. Lucilium rettulisti, sed ne ipse quidem te consuluisti, ne hoc quidem tecum locutus es: "Horae duae fuerunt: Quinctius ad vadimonium non venit. Quid ago?" Si me hercule haec tecum duo verba fecisses: "Quid ago?" respirasset cupiditas atque avaritia, paulum aliquid loci rationi et consilio dedisses, tu te conlegisses, non in eam turpitudinem venisses ut hoc tibi esset apud talis viros confitendum, qua tibi vadimonium non sit obitum, eadem te hora consilium cepisse hominis propinqui fortunas funditus evertere.

XVII. Ego pro te nunc hos consulo post tempus et in aliena re, quoniam tu in tua re, cum tempus erat, consulere oblitus es; quaero abs te, C. Aquili, L. Lucili, P. Quinctili, M. Marcelle: vadimonium mihi non obiit quidam socius et adfinis meus quicum mihi necessitudo vetus, controversia de re pecuniaria recens intercedit; postulone a praetore ut eius bona mihi possidere liceat, an, cum Romae domus eius, uxor, liberi sint, domum potius denuntiem? Quid est quod hac tandem de re vobis possit videri? Profecto, si recte vestram bonitatem atque prudentiam cognovi, non multum me fallit, si consulamini, quid sitis responsuri: primum exspectare, deinde, si latitare ac diutius ludificare videatur, amicos convenire, quaerere quis procurator sit, domum denuntiare. Dici vix potest quam multa sint quae respondeatis ante fieri oportere quam ad hanc rationem extremam necessario devenire.

Quid ad haec Naevius? Ridet scilicet nostram amentiam, qui in vita sua rationem summi offici desideremus et instituta virorum bonorum requiramus. “Quid mihi,” inquit, “cum ista summa sanctimonia ac diligentia? viderint,” inquit, “ista officia viri boni, de me autem ita considerent: non quid habeam sed quibus rebus invenerim quaerant, et quem ad modum natus et quo pacto educatus sim. Memini; vetus est, “de scurra multo facilius divitem quam patrem familias fieri posse.” Haec ille, si verbis non audet, re quidem vera palam loquitur. Etenim si volt virorum bonorum instituto vivere, multa oportet discat ac dediscat, quorum illi aetati utrumque difficile est.

XVIII. “Non dubitavi,” inquit, “cum vadimonium desertum esset, bona proscribere.” Improbe; verum, quoniam tu id tibi adrogas et concedi postulas, concedamus. Quid si numquam deservit, si ista causa abs te tota per summam fraudem et malitiam victa est, si vadimonium omnino tibi cum P. Quinctio nullum fuit? quo te nomine appellemus? Improbum? At etiam si desertum vadimonium esset, tamen in ista postulatione et proscriptione bonorum improbissimus reperiebare. Malitiosum? Non negas. Fraudulentum? Iam id quidem adrogas tibi et praeclarum putas. Audacem, cupidum, perfidiosum? Volgaria et obsoleta sunt; res autem nova atque inaudita. Quid ergo est?

Vereor me hercule ne aut gravioribus utar verbis quam natura fert, aut levioribus quam causa postulat. Ais esse vadimonium desertum. Quaesivit a te, statim ut Romam rediit, Quinctius quo die vadimonium istuc factum esse diceres. Respondisti statim: Nonis Febr. Discedens in memoriam redit Quinctius quo die Roma in Galliam profectus sit; ad ephemeridem revertitur: invenitur dies profectionis pridie kal. Febr. Nonis Febr. si Romae fuit, causae nihil dicimus quin tibi vadimonium promiserit. Quid? hoc inveniri qui potest? Profectus est una L. Albius, homo cum primis honestus; dicet testimonium. Prosecuti sunt familiares et Albium et Quinctium; dicent hi quoque testimonium. Litterae P. Quincti, testes tot, quibus omnibus causa iustissima est cur scire potuerint, nulla cur mentiantur, cum astipulatore tuo comparabuntur.

Et in hac eius modi causa P. Quinctius laborabit et, diutius in tanto metu miser periculoque versabitur? et vehementius eum gratia

adversarii perterrebit quam fides iudicis consolabitur? Vixit enim semper inculte atque horride; natura tristi ac recondita fuit; non ad solarium, non in campo, non in conviviis versatus est; id egit ut amicos observantia, rem parsimonia retineret; antiquam offici rationem dilexit cuius splendor omnis his moribus obsolevit. At si in causa pari discedere inferior videretur, tamen esset non mediocriter conquerendum; nunc in causa superiore ne ut par quidem sit postulat, inferiorem se esse patitur, dumtaxat usque eo ne cum bonis, fama fortunisque omnibus Sex. Naevi cupiditati crudelitatique dedatur.

XIX. Docui quod primum pollicitus sum, C. Aquili, causam omnino cur postularet non fuisse, quod neque pecunia debebatur et, si maxime deberetur, commissum nihil esset qua re ad istam rationem perveniretur. Attende nunc ex edicto praetoris bona P. Quincti possideri nullo modo potuisse. Recita edictum. QVI FRAVDATIONIS CAVSA LATITARIT. Non est is Quinctius; nisi si latitant qui ad negotium suum relicto procuratore proficiscuntur. CVI HERES NON EXSTABIT. Ne is quidem. QVI EXSILI CAVSA SOLVM VERTERIT. ... Quo tempore existimas oportuisse, Naevi, absentem Quinctium defendi aut quo modo? tum cum postulabas ut bona possideres? Nemo adfuit; neque enim quisquam divinare poterat te postulaturum, neque quemquam attinebat id recusare quod praetor non fieri, sed ex edicto suo fieri iubebat. Qui locus igitur absentis defendendi procuratori primus datus est? Cum proscribebas. Ergo adfuit, non passus est, libellos deiecit Sex. Alfenus; qui primus erat offici gradus, servatus est a procuratore summa cum diligentia.

Videamus quae deinde sint consecuta. Hominem P. Quincti deprehendis in publico, conaris abducere; non patitur Alfenus, vi tibi adimit, curat ut domum reducatur ad Quinctium. Hic quoque summe constat procuratoris diligentis officium. Debere tibi dicis Quinctium, procurator negat; vadari vis, promittit; in ius vocas, sequitur; iudicium postulas, non recusat.

Quid aliud sit absentem defendi ego non intellego. At quis erat procurator? Credo aliquem electum hominem egentem, litigiosum, improbum, qui posset scurrae divitis cotidianum convicium sustinere. Nihil minus; eques Romanus locuples, sui negoti bene gerens, denique is quem, quotiens Naevius in Galliam profectus est, procuratorem Romae reliquit.

XX. Et audes, Sex. Naevi negare absentem defensum esse Quinctium, cum eum defenderit idem qui te solebat? et, cum is iudicium acceperit pro Quinctio cui tu et rem et famam tuam commendare proficiscens et concredere solebas, conaris hoc dicere, neminem exstitisse qui Quinctium iudicio defenderet?" Postulabam," inquit, "ut satis daret." Iniuria postulabas. "Ita iubebare"; recusabat Alfenus. "Ita, verum praetor decernebat." — Tribuni igitur appellabantur.—"Hic te", inquit, "teneo; non est istud iudicio pati neque iudicio defendere, auxilium a tribunis petas." Hoc ego, cum attendo qua prudentia sit Hortensius, dicturum esse eum non arbitror. Cum autem antea dixisse audio et causam ipsam considero, quid aliud dicere possit non reperio. Fatetur enim libellos Alfenum deiecisse, vadimonium promisisse, iudicium quin acciperet in ea ipsa verba quae Naevius edebat non recusasse" ita tamen, more et instituto, per eum magistratum qui auxili causa constitutus est. Aut haec facta non sint necesse est aut C. Aquilius, talis vir, iuratus hoc ius in civitate constituat: cuius procurator non omnia iudicia acceperit quae quisque in verba postularit, cuius procurator a praetore tribunos appellare ausus sit, eum non defendi, eius bona recte possideri posse, ei misero, absenti, ignaro fortunarum suarum omnia vitae ornamenta per summum dedecus et ignominiam deripi convenire. Quod si probari- nemini potest, illud certe probari omnibus necesse est, defensum esse iudicio absentem Quinctium. Quod cum ita sit, ex edicto bona possessa non sunt. At enim tribuni plebis ne audierunt quidem. Fateor, si ita est, procuratorem decreto praetoris oportuisse parere. Quid? si M. Brutus intercessurum se dixit palam, nisi quid inter ipsum Alfenum et Naevium conveniret, videturne intercessisse appellatio tribunorum non morae, sed auxili causa?

XXI. Quid deinde fit? Alfenus, ut omnes intellegere possent iudicio defendi Quinctium, ne qua subesse posset aliena aut ipsius officio aut huius existimatione suspicio, viros bonos compluris advocat, testatur isto audiente se pro communi necessitudine id primum petere ne quid atrocius in P. Quinctium absentem sine causa facere conetur; sin autem inimicissime atque infestissime contendere perseveret, se paratum esse omni recta atque honesta ratione defendere quod petat non deberi; se iudicium id quod edat accipere.

Eius rei condicionisque tabellas obsignaverunt viri boni complures. Res in dubium venire non potest. Fit rebus omnibus integris neque proscriptis neque possessis bonis ut Alfenus promittat Naevio sisti Quinctium. Venit ad vadimonium Quinctius. Iacet res in controversiis isto calumniante biennium, usque dum inveniretur qua ratione res ab usitata consuetudine recederet et in hoc singulare iudicium causa omnis concluderetur.

Quod officium, C. Aquili, commemorari procuratoris potest quod ab Alfeno praeteritum esse videatur? quid adfertur qua re P. Quinctius negetur absens esse defensus? An vero id quod Hortensium, quia nuper iniecit et quia Naevius semper id clamitat, dicturum arbitror, non fuisse Naevio parem certationem cum Alfeno illo tempore, illis dominantibus? Quod si velim confiteri, illud, opinor, concedent, non procuratorem P. Quincti neminem fuisse, sed gratiosum fuisse. Mihi autem ad vincendum satis est fuisse procuratorem quicum experiretur; qualis is fuerit, si modo absentem defendebat per ius et per magistratum, nihil ad rem arbitror pertinere.

"Erat," inquit, "illarum partium." Quid ni? qui apud te esset eductus; quem tu a puero sic instituisses ut nobili ne gladiatori quidem faveret. Si, quod tu semper summe cupisti, idem volebat Alfenus, ea re tibi cum eo par contentio non erat? "Bruti," inquit, "erat familiaris; itaque is intercedebat." Tu contra Burrieni qui iniuriam decernebat, omnium denique illorum qui tum et poterant per vim et scelus plurimum et, quod poterant, id audebant. An omnis tu istos vincere volebas qui nunc tu ut vincas tanto opere laborant? Aude id dicere non palam, sed ipsis quos advocasti. Tametsi nolo eam rem commemorando renovare cuius omnino rei memoriam omnem tolli funditus ac deleri arbitror oportere;

XXII. unum illud dico: Si propter partium studium potens erat Alfenus, potentissimus Naevius; si fretus gratia postulabat aliquid iniquius Alfenus, multo iniquiora Naevius impetrabat. Neque enim inter studium vestrum quicquam, ut opinor, interfuit; ingenio, vetustate, artificio tu facile vicisti. Vt alia omittam, hoc satis est: Alfenus cum eis et propter eos periit quos diligebat, tu, postquam qui tibi erant amici non poterant vincere, ut amici tibi essent qui vincebant effecisti.

Quod si tum par tibi ius cum Alfeno fuisse non putas, quia tamen

aliquem contra te advocare poterat, quia magistratus aliqui reperiebatur apud quem Alfeni causa consisteret, quid hoc tempore Quinctio statuendum est? cui neque magistratus adhuc aequus inventus est neque iudicium redditum est usitatum, non condicio, non sponsio, non denique ulla umquam intercessit postulatio, mitto aequa, verum ante hoc tempus ne fando quidem audita. De re pecuniaria cupio contendere.—"Non licet." — At ea controversia est.

"Nihil ad me attinet; causam capitis dicas oportet." — Accusa ubi ita necesse est.—"Non," inquit, "nisi tu ante novo modo priore loco dixeris." — Dicendum necessario est.—"Praestituentur horae ad arbitrium nostrum, iudex ipse coercebitur." — Quid tum?—"Tu aliquem patronum invenies, hominem antiqui offici, qui splendorem nostrum et gratiam neglegat; pro me pugnabit L. Philippus, eloquentia, gravitate, honore florentissimus civitatis, dicet Hortensius, excellens ingenio, nobilitate, existimatione, aderunt autem homines nobilissimi ac potentissimi, ut eorum frequentiam et consessum non modo P. Quinctius qui de capite decernit, sed quivis qui extra periculum sit perhorrescat." Haec est iniqua certatio, non illa qua tu contra Alfenum equitabas; huic ne ubi consisteret quidem contra te locum reliquisti. Qua re aut doceas oportet Alfenum negasse se procuratorem esse, non deiecisse libellos, iudicium accipere noluisse, aut, cum haec ita facta sint, ex edicto te bona P. Quincti non possedisse concedas.

XXIII. Etenim si ex edicto possedisti, quaero cur bona non venierint, cur ceteri sponsores et creditores non convenerint; nemone fuit cui deberet Quinctius? Fuerunt, et complures fuerunt, propterea quod C. frater aliquantum aeris alieni reliquerat. Quid ergo est? Homines erant ab hoc omnes alienissimi et eis debebatur, neque tamen quisquam inventus est tam insignite improbus qui violare P. Quincti existimationem absentis auderet; unus fuit, adfinis, socius, necessarius, Sex. Naevius, qui, cum ipse ultro deberet, quasi eximio praemio sceleris eito cupidissime contenderet ut per se adflictum atque eversum propinquum suum non modo honeste partis bonis verum etiam communi luce privaret. Vbi erant ceteri creditores? denique hoc tempore ubi sunt? Quis est qui fraudationis causa latuisse dicat, quis qui absentem defensum neget esse Quinctium? Nemo invenitur. At contra omnes, quibuscum ratio huic aut est aut

fuit, adsunt, defendunt, fides huius multis locis cognita ne perfidia Sex. Naevi derogetur laborant.

In huius modi sponsionem testis dare oportebat ex eo numero qui haec dicerent: “vadimonium mihi deservit, me fraudavit, a me nominis eius quod infitiatus esset diem petivit; ego experiri non potui, latitavit, procuratorem nullum reliquit. Horum nihil dicitur. Parantur testes qui hoc dicant. Verum, opinor, viderimus, cum dixerint. Vnum tamen hoc cogitent, ita se gravis esse ut, si veritatem volent retinere, gravitatem possint obtinere; si eam neglexerint, ita levis esse ut omnes intellegant non ad obtinendum mendacium, sed ad verum probandum auctoritatem adiuvare.

XXIV. Ego haec duo quaero, primum qua ratione Naevius susceptum negotium non transegerit, hoc est cur bona quae ex edicto possidebat non vendiderit, deinde cur ex tot creditoribus alius ad istam rationem nemo accesserit, ut necessario confiteare neque tam temerarium quemquam fuisse, neque te ipsum id quod turpissime suscepisses perseverare et transigere potuisse. Quid si tu ipse, Sex. Naevi, statuisti bona P. Quincti ex edicto possessa non esse?

Opinor, tuum testimonium, quod in aliena re leve esset, id in tua, quoniam contra te est, gravissimum debet esse. Emisti bona Sex. Alfeni L. Sulla dictatore vendente; socium tibi in his bonis edidisti Quinctium. Plura non dico. Cum eo tu voluntariam societatem coibas qui te in hereditaria societate fraudarat, et eum iudicio tuo comprobabas quem spoliatum fama fortunisque omnibus arbitrabare?

Diffidebam me hercule, C. Aquili, satis animo certo et confirmato me posse in hac causa consistere. Sic cogitabam, cum contra dicturus esset Hortensius et cum me esset attente auditurus Philippus, fore uti permultis in rebus timore prolaberer. Dicebam huic Q. Roscio, cuius soror est cum P. Quinctio, cum a me peteret et summe contenderet ut propinquum suum defenderem, mihi perdifficile esse contra talis oratores non modo tantam causam perorare sed omnino verbum facere conari. Cum cupidius instaret, homini pro amicitia familiarius dixi mihi videri ore durissimo esse qui praesente eo gestum agere conarentur; qui vero cum ipso contenderent, eos, etiam si quid antea recti aut venusti habere visi essent, id amittere; ne quid mihi eiusdem modi accideret, cum contra talem artificem dicturus essem, me vereri.

XXV. Tum mihi Roscius et alia multa confirmandi mei causa dixit, ut me hercule, si nihil diceret, tacito ipso officio et studio, quod habebat erga propinquum suum, quemvis commoveret — etenim cum artifex eius modi sit ut solus videatur dignus esse qui in scaena spectetur, tum vir eius modi est ut solus dignus esse videatur qui eo non accedat — verum tamen: "Quid? si," inquit, "habes eius modi causam ut hoc tibi planum sit faciendum, neminem esse qui possit biduo aut summum triduo DCC milia passuum ambulare, tamenne vereris ut possis hoc contra Hortensium contendere?" "Minime," inquam, "sed quid id ad rem?" "Nimirum," inquit, "in eo causa consistit." Quo modo? Docet me eius modi rem et factum simul Sex. Naevi quod, si simul proferretur, satis esse deberet. Quod abs te, C. Aquili, et a vobis qui adestis in consilio, quaeso ut diligenter attendatis; profecto intellegetis illinc ab initio cupiditatem pugnasse et audaciam, hinc veritatem et pudorem quoad potuerit restitisse. Bona postulas ut ex edicto possidere liceat. Quo die? Te ipsum, Naevi, volo audire; volo inauditum facinus ipsius qui id commisit voce convinci. Dic, Naevi, diem. "Ante diem V Kalend. intercalaris." Bene ais. Quam longe est hinc in saltum vestrum Gallicanum? Naevi, te rogo. MDCC milia passuum." Optime. De saltu deicitur Quinctius — quo die? possumus hoc quoque ex te audire? Quid taces? dic, inquam, diem. Pudet dicere; intellego; verum et sero et nequiquam pudet.

Deicitur de saltu, C. Aquili, pridie kalend. intercalaris; biduo post aut, ut statim de iure aliquis cucurrerit, non toto triduo DCC milia passuum conficiuntur. O rem incredibilem! o cupiditatem inconsideratam! o nuntium volucrem! Administri et satellites Sex. Naevi Roma trans Alpis in Sebagninos biduo veniunt. O hominem fortunatum qui eius modi nuntios seu potius Pegasos habeat!

XXVI. Hic ego, si Crassi omnes cum Antoniis exsistant, si tu, L. Philippe, qui inter illos florebas, hanc causam voles cum Hortensio dicere, tamen superior sim necesse est; non enim, quem ad modum putatis, omnia sunt in eloquentia; est quaedam tamen ita perspicua veritas ut eam infirmare nulla res possit. An, ante quam postulasti ut bona possideres, misisti qui curaret ut dominus de suo fundo a sua familia vi deiceretur? Vtrumlibet elige; alterum incredibile est, alterum nefarium, et ante hoc tempus utrumque inauditum. DCC milia passuum vis esse decursa biduo? dic. Negas — ante igitur misisti. Malo; si enim illud diceres, improbe mentiri viderere; cum hoc confiteris, id te admisisse concedis quod ne mendacio quidem tegere possis. Hoc consilium Aquilio et talibus viris tam cupidum, tam audax, tam temerarium probabitur? Quid haec amentia, quid haec festinatio, quid haec immaturitas tanta significat? non vim, non scelus, non latrocinium, non denique omnia potius quam ius, quam officium, quam pudorem? Mittis iniussu praetoris. Quo consilio? Iussurum sciebas. Quid? cum iussisset, tum mittere nonne poteras? Postulaturus eras. Quando? Post dies XXX. Nempe si te nihil impediret, si voluntas eadem maneret, si valeres, denique si viveres.

Praetor scilicet iussisset. Opinor, si vellet, si valeret, si ius diceret, si nemo recusaret, qui ex ipsius decreto et satis daret et iudicium accipere vellet. Nam, per deos immortalis! si Alfenus procurator P. Quincti tibi tum satis daret et iudicium accipere vellet, denique omnia quae postulares facere voluisset, quid ageres? revocares eum quem in Galliam miseras? At hic quidem iam de fundo expulsus, iam a suis dis penatibus praeceps eiectus, iam, quod indignissimum est, suorum servorum manibus nuntio atque imperio tuo violatus esset. Corrigeres haec scilicet tu postea. De cuiusquam vita dicere audes qui hoc concedas necesse est, ita te caecum cupiditate et avaritia fuisse ut, cum postea quid futurum esset ignorares, accidere autem multa possent, spem malefici praesentis in incerto reliqui temporis eventu conlocares? Atque haec perinde loquor, quasi ipso illo tempore, cum te praetor iussisset ex edicto possidere, si in possessionem misisses, debueris aut potueris P. Quinctium de possessione deturbare.

XXVII. Omnia sunt, C. Aquili, eius modi quivis ut perspicere

possit in hac causa improbitatem et gratiam cum inopia et veritate contendere. Praetor te quem ad modum possidere iussit? Opinor, ex edicto. Sponsio quae in verba facta est? SI EX EDICTO PRAETORIS BONA P. QVINCTI POSSESSA NON SVNT. Redeamus ad edictum. Id quidem quem ad modum iubet possidere? Numquid est causae, C. Aquili, quin, si longe aliter possedit quam praetor edixit, iste ex edicto non possederit, ego sponsione vicerim? Nihil, opinor. Cognoscamus edictum. QVI EX EDICTO MEO IN POSSESSIONEM VENERINT. De te loquitur, Naevi, quem ad modum tu putas; ais enim te ex edicto venisse; tibi quid facias definit, te instituit, tibi praecepta dat. EOS ITA VIDETVR IN POSSESSIONE ESSE OPORTERE. Quo modo? QVOD IBIDEM RECTE CVSTODIRE POTERVNT, ID IBIDEM CVSTODIANT; QVOD NON POTERVNT, ID AVFERRE ET ABDVCERE LICEBIT. Quid tum? DOMINVM, inquit, INVITVM DETRVDERE NON PLACET. Eum ipsum qui fraudandi causa latitet, eum ipsum quem iudicio nemo defenderit, eum ipsum qui cum omnibus creditoribus suis male agat, invitum de praedio detrudi vetat.

Proficiscenti tibi in possessionem praetor ipse, Sex. Naevi, palam dicit: “ita possideto ut tecum simul possideat Quinctius, ita possideto ut Quinctio vis ne adferatur.” Quid? tu id quem ad modum observas? Mitto illud dicere, eum qui non latitaret, cui Romae domus, uxor, liberi, procurator esset, eum qui tibi vadimonium non deservisset; haec omnia mitto; illud dico, dominum expulsum esse de praedio, domino a familia sua manus adlatas esse ante suos Lares familiaris; hoc dico ...

...

IVL. SEVERIAN, JJ: Sic Cicero pro Quinctio adversarii definitionem ex opinione hominum reprehendit: Si qui unum aliquem fundum quavis ratione possideat, ipsum autem dominum patiatur cetera praedia tenere, is, inquit, ut opinor, praedium non bona videatur alterius possidere. Et ponit definitionem suam: Quid est, inquit, possidere? Nimirum in possessione esse earum rerum quae possunt eo tempore possideri. Probat Naevium non bona sed

praedium; possedisse: Cum domus erat, inquit, Romae, servi, in ipsa Gallia privata P. Quincti praedia, quae numquam ausus es possidere; et colligit: Quod si bona P. Quincti possideres, possidere omnia eo iure deberes.

...

XXVIII.
... Naevium ne appellasse quidem Quinctium, cum simul esset et experiri posset cotidie; deinde quod omnia iudicia difficillima cum summa sua invidia maximoque periculo P. Quincti fieri mallet quam illud pecuniarium iudicium quod uno die transigi posset; ex quo uno haec omnia nata et profecta esse concedit. Quo in loco condicionem tuli, si vellet pecuniam petere, P. Quinctium iudicatum solvi satis daturum, dum ipse, si quid peteret, pari condicione uteretur. Ostendi quam multa ante fieri convenerit quam hominis propinqui bona possideri postularentur, praesertim cum Romae domus eius, uxor, liberi essent et procurator aeque utriusque necessarius. Docui, cum desertum esse dicat vadimonium, omnino vadimonium nullum fuisse; quo die hunc sibi promisisse dicat, eo die ne Romae quidem eum fuisse; id testibus me pollicitus sum planum facturum qui et scire deberent et causam cur mentirentur non haberent. Ex edicto autem non potuisse bona possideri demonstravi, quod neque fraudandi causa latitasset neque exsili causa solum vertisse diceretur. Reliquum est ut eum nemo iudicio defenderit. Quod contra copiosissime defensum esse contendi non ab homine alieno neque ab aliquo calumniatore atque improbo, sed ab equite Romano, propinquo ac necessario suo, quem ipse Sex. Naevius procuratorem relinquere antea consuesset; neque eum, si tribunos appellarit, idcirco minus iudicio pati paratum fuisse, neque potentia procuratoris Naevio ius ereptum; contra istum potentia sua tum tantum modo superiorem fuisse, nunc nobis vix respirandi potestatem dare.

XXIX. Quaesivi quae causa fuisset cur bona non venissent, cum ex edicto possiderentur. Deinde illud quoque requisivi qua ratione ex tot creditoribus nemo neque tum idem fecerit neque nunc contra dicat, omnesque pro P. Quinctio pugnent, praesertim cum in tali

iudicio testimonia creditorum existimentur ad rem maxime pertinere. Postea sum usus adversarii testimonio, qui sibi eum nuper edidit socium quem, quo modo nunc intendit, ne in vivorum quidem numero tum demonstrat fuisse. Tum illam incredibilem celeritatem seu potius audaciam protuli; confirmavi necesse esse aut biduo DCC milia passuum esse decursa aut Sex. Naevium diebus compluribus ante in possessionem misisse quam postularet uti ei liceret bona possidere. Postea recitavi edictum quod aperte dominum de praedio detrudi vetaret; in quo constitit Naevium ex edicto non possedisse, cum confiteretur ex praedio vi detrusum esse Quinctium. Omnino autem bona possessa non esse constitui, quod bonorum possessio spectetur non in aliqua parte, sed in universis quae teneri et possideri possint. Dixi domum Romae fuisse quo iste ne aspirarit quidem, servos compluris, ex quibus iste possederit neminem, ne attigerit quidem; unum fuisse quem attingere conatus sit; prohibitum quievisse. In ipsa Gallia cognostis in praedia privata Quincti Sex. Naevium non venisse; denique ex hoc ipso saltu quem per vim expulso socio possedit servos privatos Quincti non omnis eiectos esse. Ex quo et ex ceteris dictis, factis cogitatisque Sex Naevi quivis potest intellegere istum nihil aliud egisse neque nunc agere nisi uti per vim, per iniuriam, per iniquitatem iudici totum agrum, qui communis est, suum facere possit.

XXX. Nunc causa perorata res ipsa et periculi magnitudo, C. Aquili, cogere videtur, ut te atque eos qui tibi in consilio sunt obsecret obtesteturque P. Quinctius per senectutem ac solitudinem suam nihil aliud nisi ut vestrae naturae bonitatique obsequamini, ut, cum veritas cum hoc faciat, plus huius inopia possit ad misericordiam quam illius opes ad crudelitatem. Quo die ad te iudicem venimus, eodem die illorum minas quas ante horrebamus neglegere coepimus. Si causa cum causa contenderet, nos nostram perfacile cuivis probaturos statuebamus; quod vitae ratio cum ratione vitae decerneret, idcirco nobis etiam magis te iudice opus esse arbitrati sumus. Ea res nunc enim in discrimine versatur, utrum possitne se contra luxuriem ac licentiam rusticana illa atque inculta parsimonia defendere an deformata atque ornamentis omnibus spoliata nuda cupiditati petulantiaeque addicatur. Non comparat se tecum gratia P. Quinctius, Sex. Naevi, non opibus, non facultate

contendit; omnis tuas artis quibus tu magnus es tibi concedit; fatetur se non belle dicere, non ad voluntatem loqui posse, non ab adflicta amicitia transfugere atque ad florentem aliam devolare, non profusis sumptibus vivere, non ornare magnifice splendideque convivium, non habere domum clausam pudori et sanctimoniae, patentem atque adeo expositam cupiditati et voluptatibus; contra sibi ait officium, fidem, diligentiam, vitam omnino semper horridam atque aridam cordi fuisse. Ista superiora esse ac plurimum posse his moribus sentit. Quid ergo est? Non usque eo tamen ut in capite fortunisque hominum honestissimorum dominentur ei qui relicta virorum bonorum disciplina et quaestum et sumptum Galloni sequi maluerunt atque etiam, quod in illo non fuit, cum audacia perfidiaque vixerunt. Si licet vivere eum quem Sex. Naevius non volt, si est homini honesto locus in civitate invito Naevio, si fas est respirare P. Quinctium contra nutum dicionemque Naevi, si, quae pudore ornamenta sibi peperit, ea potest contra petulantiam me defendente obtinere, spes est etiam hunc miserum atque infelicem aliquando tandem posse consistere. Sin et poterit Naevius id quod libet, et ei libebit id quod non licet, quid agendum est? qui deus appellandus est? cuius hominis fides imploranda est? qui denique questus, qui luctus, qui maeror dignus inveniri in calamitate tanta potest?

XXXI. Miserum est exturbari fortunis omnibus, miserius est iniuria; acerbum est ab aliquo circumveniri, acerbius a propinquo; calamitosum est bonis everti calamitosius cum dedecore; funestum est a forti atque honesto viro iugulari, funestius ab eo cuius vox in praeconio quaestu prostitit; indignum est a pari vinci aut superiore, indignius ab inferiore atque humiliore; luctuosum est tradi alteri cum bonis, luctuosius inimico; horribile est causam capitis dicere, horribilius priore loco dicere. Omnia circumspexit Quinctius, omnia periclitatus est, C. Aquili; non praetorem modo a quo ius impetraret invenire non potuit, atque adeo ne unde arbitratu quidem suo postularet, sed ne amicos quidem Sex. Naevi, quorum saepe et diu ad pedes iacuit stratus obsecrans per deos immortalis, ut aut secum iure contenderent aut iniuriam sine ignominia sibi imponerent. Denique ipsius inimici voltum superbissimum subiit, ipsius Sex. Naevi lacrimans manum prehendit in propinquorum bonis proscribendis exercitatam, obsecravit per fratris sui mortui cinerem, per nomen

propinquitatis, per ipsius coniugem et liberos, quibus propior P. Quinctio nemo est, ut aliquando misericordiam caperet, aliquam, si non propinquitatis, at aetatis suae, si non hominis, at humanitatis rationem haberet, ut secum aliquid integra sua fama qualibet, dum modo tolerabili, condicione transigeret. Ab ipso repudiatus, ab amicis eius non sublevatus, ab omni magistratu agitatus atque perterritus, quem praeter te appellet habet neminem; tibi se, tibi suas omnis opes fortunasque commendat, tibi committit existimationem ac spem reliquae vitae. Multis vexatus contumeliis, plurimis iactatus iniuriis non turpis ad te sed miser confugit; e fundo ornatissimo eiectus, ignominiis omnibus appetitus, cum illum in paternis bonis dominari videret, ipse filiae nubili dotem conficere non posset, nihil alienum tamen vita superiore commisit.

Itaque hoc te obsecrat, C. Aquili, ut, quam existimationem, quam honestatem in iudicium tuum prope acta iam aetate decursaque attulit, eam liceat ei secum ex hoc loco efferre, ne is de cuius officio nemo umquam dubitavit LX denique anno dedecore, macula turpissimaque ignominia notetur, ne ornamentis eius omnibus Sex. Naevius pro spoliis abutatur, ne per te fiat quo minus, quae existimatio P. Quinctium usque ad senectutem produxit, eadem usque ad rogum prosequatur.

PRO ROSCIO AMERINO (In Defense of Sextus Roscius of Ameria)

M. TVLLI CICERONIS PRO SEX. ROSCIO AMERINO ORATIO

[1] Credo ego vos, iudices, mirari, quid sit, quod, cum tot summi oratores hominesque nobilissimi sedeant, ego potissimum surrexerim, is, qui neque aetate neque ingenio neque auctoritate sim cum his, qui sedeant, comparandus. Omnes hi, quos videtis adesse in hac causa, iniuriam novo scelere conflatam putant oportere defendi, defendere ipsi propter iniquitatem temporum non audent. Ita fit, ut adsint propterea, quod officium sequuntur, taceant autem idcirco, quia periculum vitant. [2] Quid ergo? Audacissimus ego ex omnibus? Minime. An tanto officiosior quam ceteri? Ne istius quidem laudis ita sum cupidus, ut aliis eam praereptam velim. Quae me igitur res praeter ceteros impulit, ut causam Sex. Rosci reciperem? Quia, si qui istorum dixisset, quos videtis adesse, in quibus summa auctoritas est atque amplitudo, si verbum de re publica fecisset, id, quod in hac causa fieri necesse est, multo plura dixisse, quam dixisset, putaretur. [3] Ego autem si omnia, quae dicenda sunt, libere dixero, nequaquam tamen similiter oratio mea exire atque in volgus emanare poterit. Deinde quod ceterorum neque dictum obscurum potest esse propter nobilitatem et amplitudinem neque temere dicto concedi propter aetatem et prudentiam. Ego si quid liberius dixero, vel occultum esse propterea, quod nondum ad rem publicam accessi, vel ignosci adulescentiae meae poterit; tametsi non modo ignoscendi ratio verum etiam cognoscendi consuetudo iam de civitate sublata est. [4] Accedit iIla quoque causa, quod a ceteris forsitan ita petitum sit, ut dicerent, ut utrumvis salvo officio se facere posse arbitrarentur; a me autem ei contenderunt, qui apud me et amicitia et beneficiis et dignitate plurimum possunt, quorum ego nec benivolentiam erga me ignorare nec auctoritatem aspernari nec voluntatem neglegere debebam. [5] His de causis ego huic causae patronus exstiti, non electus unus, qui maximo ingenio, sed relictus ex omnibus, qui minimo periculo possem dicere, neque uti satis firmo praesidio defensus Sex. Roscius,

verum uti ne omnino desertus esset. Forsitan quaeratis, qui iste terror sit et quae tanta formido, quae tot ac talis viros impediat, quo minus pro capite et fortunis alterius, quem ad modum consuerunt, causam velint dicere. Quod adhuc vos ignorare non mirum est propterea, quod consulto ab accusatoribus eius rei, quae conflavit hoc iudicium, mentio facta non est. [6] Quae res ea est? Bona patris huiusce Sex. Rosci, quae sunt sexagiens, quae de viro fortissimo et clarissimo L. Sulla, quem honoris causa nomino, duobus milibus nummum sese dicit emisse adulescens vel potentissimus hoc tempore nostrae civitatis, L. Cornelius Chrysogonus. Is a vobis, iudices, hoc postulat, ut, quoniam in alienam pecuniam tam plenam atque praeclaram nullo iure invaserit, quoniamque ei pecuniae vita Sex. Rosci obstare atque officere videatur, deleatis ex animo suo suspicionem omnem metumque tollatis; sese hoc incolumi non arbitratur huius innocentis patrimonium tam amplum et copiosum posse obtinere, damnato et eiecto sperat se posse, quod adeptus est per scelus, id per luxuriam effundere atque consumere. Hunc sibi ex animo scrupulum, qui se dies noctesque stimulat ac pungit, ut evellatis, postulat, ut ad hanc suam praedam tam nefariam adiutores vos profiteamini.

[7] Si vobis aequa et honesta postulatio videtur, iudices, ego contra brevem postulationem adfero et, quo modo mihi persuadeo, aliquanto aequiorem. Primum a Chrysogono peto, ut pecunia fortunisque nostris contentus sit, sanguinem et vitam ne petat; deinde a vobis, iudices, ut audacium sceleri resistatis, innocentium calamitatem levetis et in causa Sex. Rosci periculum, quod in omnis intenditur, propulsetis. [8] Quod si aut causa criminis aut facti suspicio aut quaelibet denique vel minima res reperietur, quam ob rem videantur illi non nihil tamen in deferendo nomine secuti, postremo si praeter eam praedam, quam dixi, quicquam aliud causae inveneritis, non recusamus, quin illorum libidini Sex. Rosci vita dedatur. Sin aliud agitur nihil nisi, ut eis ne quid desit, quibus satis nihil est, si hoc solum hoc tempore pugnatur, ut ad illam opimam praeclaramque praedam damnatio Sex. Rosci velut cumulus accedat, nonne cum multa indigna tum vel hoc indignissimum est vos idoneos habitos, per quorum sententias iusque iurandum id adsequantur, quod antea ipsi scelere et ferro adsequi consuerunt? Qui ex civitate in senatum propter dignitatem, ex senatu in hoc consilium delecti estis propter

severitatem, ab his hoc postulare homines sicarios atque gladiatores, non modo ut supplicia vitent, quae a vobis pro maleficiis suis metuere atque horrere debent, verum etiam ut spoliis ex hoc iudicio ornati auctique discedant?

[9] His de rebus tantis tamque atrocibus neque satis me commode dicere neque satis graviter conqueri neque satis libere vociferari posse intellego. Nam commoditati ingenium, gravitati aetas, libertati tempora sunt impedimento. Huc accedit summus timor, quem mihi natura pudorque meus attribuit, et vestra dignitas et vis adversariorum et Sex. Rosci pericula. Quapropter vos oro atque obsecro, iudices, ut attente bonaque cum venia verba mea audiatis.

[10] Fide sapientiaque vestra fretus plus oneris sustuli quam ferre me posse intellego. Hoc onus si vos aliqua ex parte adlevabitis, feram ut potero studio et industria, iudices; sin a vobis, id quod non spero, deserar, tamen animo non deficiam et id quod suscepi, quoad potero perferam. Quod si perferre non potero, opprimi me onere offici malo quam id, quod mihi cum fide semel impositum est aut propter perfidiam abicere aut propter infirmitatem animi deponere.

[11] Te quoque magno opere, M. Fanni, quaeso, ut, qualem te iam antea populo Romano praebuisti, cum huic eidem quaestioni iudex praeesses, talem te et nobis et rei publicae hoc tempore impertias. Quanta multitudo hominum convenerit ad hoc iudicium, vides; quae sit omnium mortalium exspectatio, quae cupiditas, ut acria ac severa iudicia fiant, intellegis. Longo intervallo iudicium inter sicarios hoc primum committitur, cum interea caedes indignissimae maximaeque factae sunt; omnes hanc quaestionem te praetore manifestis maleficiis cotidianoque sanguine dignissimam sperant futuram.

[12] Qua vociferatione in ceteris iudiciis accusatores uti consuerunt, ea nos hoc tempore utimur qui causam dicimus. Petimus abs te, M. Fanni, a vobisque, iudices, ut quam acerrime maleficia vindicetis, ut quam fortissime hominibus audacissimis resistatis, ut hoc cogitetis, nisi in hac causa, qui vester animus sit, ostendetis, eo prorumpere hominum cupiditatem et scelus et audaciam, ut non modo clam, verum etiam hic in foro ante tribunal tuum, M. Fanni, ante pedes vestros, iudices, inter ipsa subsellia caedes futurae sint. [13] Etenim quid aliud hoc iudicio temptatur nisi, ut id fieri liceat? Accusant ei qui in fortunas huius invaserunt, causam dicit is, cui

praeter calamitatem nihil reliquerunt; accusant ei, quibus occidi patrem Sex. Rosci bono fuit, causam dicit is, cui non modo luctum mors patris attulit, verum etiam egestatem; accusant ei, qui hunc ipsum iugulare summe cupierunt, causam dicit is, qui etiam adhoc ipsum iudicium cum praesidio venit, ne hic ibidem ante oculos vestros trucidetur; denique accusant ei, quos populus poscit, causam dicit is, qui unus relictus ex illorum nefaria caede restat.

[14] Atque ut facilius intellegere possitis, iudices, ea, quae facta sunt indigniora esse, quam haec sunt, quae dicimus, ab initio res, quem ad modum gesta sit, vobis exponemus, quo facilius et huius hominis innocentissimi miserias et illorum audacias cognoscere possitis et rei publicae calamitatem.

[15] Sex. Roscius, pater huiusce, municeps Amerinus fuit, cum genere et nobilitate et pecunia non modo sui municipi, verum etiam eius vicinitatis facile primus, tum gratia atque hospitiis florens hominum nobilissimorum. Nam cum Metellis, Serviliis, Scipionibus erat ei non modo hospitium, verum etiam domesticus usus et consuetudo, quas, ut aequum est, familias honestatis amplitudinisque gratia nomino. Itaque ex suis omnibus commodis hoc solum filio reliquit; nam patrimonium domestici praedones vi ereptum possident, fama et vita innocentis ab hospitibus amicisque paternis defenditur. [16] Hic cum omni tempore nobilitatis fautor fuisset, tum hoc tumultu proximo, cum omnium nobilium dignitas et salus in discrimen veniret, praeter ceteros in ea vicinitate eam partem causamque opera, studio, auctoritate defendit. Etenim rectum putabat pro eorum honestate se pugnare, propter quos ipse honestissimus inter suos numerabatur. Postea quam victoria constituta est ab armisque recessimus, cum proscriberentur homines atque ex omni regione caperentur ei, qui adversarii fuisse putabantur, erat ille Romae frequens atque in foro et in ore omnium cotidie versabatur, magis ut exsultare victoria nobilitatis videretur quam timere, ne quid ex ea calamitatis sibi accideret.

[17] Erant ei veteres inimicitiae cum duobus Rosciis Amerinis, quorum alterum sedere in accusatorum subselliis video, alterum tria huiusce praedia possidere audio; quas inimicitias si tam cavere potuisset, quam metuere solebat, viveret. Neque enim, iudices, iniuria metuebat. Nam duo isti sunt T. Roscii, quorum alteri Capitoni

cognomen est, iste, qui adest, Magnus vocatur, homines eius modi: Alter plurimarum palmarum vetus ac nobilis gladiator habetur, hic autem nuper se ad eum lanistam contulit, quique ante hanc pugnam tiro esset quod sciam, facile ipsum magistrum scelere audaciaque superavit. [18] Nam cum hic Sex. Roscius esset Ameriae, T. autem iste Roscius Romae, cum hic filius adsiduus in praediis esset cumque se voluntate patris rei familiari vitaeque rusticae dedisset, iste autem frequens Romae esset, occiditur ad balneas Pallacinas rediens a cena Sex. Roscius. Spero ex hoc ipso non esse obscurum, ad quem suspicio malefici pertineat; verum id, quod adhuc est suspiciosum, nisi perspicuum res ipsa fecerit, hunc adfinem culpae iudicatote.

[19] Occiso Sex. Roscio primus Ameriam nuntiat Mallius Glaucia quidam, homo tenuis, libertinus, cliens et familiaris istius T. Rosci, et nuntiat domum non fili, sed T. Capitonis inimici; et cum Post horam primam noctis occisus esset, primo diluculo nuntius hic Ameriam venit; decem horis nocturnis sex et quinquaginta milia passuum cisiis pervolavit, non modo ut exoptatum inimico nuntium primus adferret, sed etiam cruorem inimici quam recentissimum telumque paulo ante e corpore extractum ostenderet. [20] Quadriduo quo haec gesta sunt res ad Chrysogonum in castra L. Sullae Volaterras defertur; magnitudo pecuniae demonstratur; bonitas praediorum nam fundos decem et tris reliquit, qui Tiberim fere omnes tangunt huius inopia et solitudo commemoratur; demonstrant, cum pater huiusce Sex. Roscius, homo tam splendidus et gratiosus, nullo negotio sit occisus, perfacile hunc hominem incautum et rusticum et Romae ignotum de medio tolli posse; ad eam rem operam suam pollicentur. [21] Ne diutius teneam, iudices, societas coitur. Cum nulla iam proscriptionis mentio fieret, cum etiam, qui antea metuerant, redirent ac iam defunctos sese periculis arbitrarentur, nomen refertur in tabulas Sex. Rosci, hominis studiosissimi nobilitatis; manceps fit Chrysogonus; tria praedia vel nobilissima Capitoni propria traduntur, quae hodie possidet; in reliquas omnis fortunas iste T. Roscius nomine Chrysogoni, quem ad modum ipse dicit, impetum facit. Haec omnia, iudices, imprudente L. Sulla facta esse certo scio. [22] Neque enim mirum, cum eodem tempore et ea, quae praeterita sunt, reparet et ea, quae videntur instare, praeparet, cum et pacis constituendae rationem et belli gerendi potestatem solus habeat, cum omnes in unum

spectent, unus omnia gubernet, cum tot tantisque negotiis distentus sit, ut respirare libere non possit, si aliquid non animadvertat, cum praesertim tam multi occupationem eius observent tempusque aucupentur ut, simul atque ille despexerit, aliquid huiusce modi moliantur. Huc accedit, quod, quamvis ille felix sit, sicut est, tamen in tanta felicitate nemo potest esse in magna familia, qui neminem neque servum neque libertum improbum habeat. [23] Interea iste T. Roscius, vir optimus, procurator Chrysogoni, Ameriam venit, in praedia huius invadit, hunc miserum, luctu perditum, qui nondum etiam omnia paterno funeri iusta solvisset, nudum eicit domo atque focis patriis disque penatibus praecipitem, iudices, exturbat, ipse amplissimae pecuniae fit dominus. Qui in sua re fuisset egentissimus, erat, ut fit, insolens in aliena; multa palam domum suam auferebat; plura clam de medio removebat, non pauca suis adiutoribus large effuseque donabat, reliqua constituta auctione vendebat.

[24] Quod Amerinis usque eo visum est indignum, ut urbe tota fletus gemitusque fieret. Etenim multa simul ante oculos versabantur, mors hominis florentissimi, Sex. Rosci, crudelissima, fili autem eius egestas indignissima, cui de tanto patrimonio praedo iste nefarius ne iter quidem ad sepulcrum patrium reliquisset, bonorum emptio flagitiosa, possessio, furta, rapinae, donationes. Nemo erat, qui non audere omnia mallet quam videre in Sex. Rosci, viri optimi atque honestissimi, bonis iactantem se ac dominantem T. Roscium. [25] Itaque decurionum decretum statim fit, ut decem primi proficiscantur ad L. Sullam doceantque eum, qui vir Sex. Roscius fuerit, conquerantur de istorum scelere et iniuriis, orent, ut et illius mortui famam et fili innocentis fortunas conservatas velit. Atque ipsum decretum, quaeso, cognoscite. [Decretum decurionum.] Legati in castra veniunt. Intellegitur, iudices, id quod iam ante dixi, imprudente L. Sulla scelera haec et flagitia fieri. Nam statim Chrysogonus et ipse ad eos accedit et homines nobilis adlegat, qui peterent, ne ad Sullam adirent, et omnia Chrysogonum, quae vellent, esse facturum pollicerentur. [26] Usque adeo autem ille pertimuerat, ut mori mallet, quam de his rebus Sullam doceri. Homines antiqui, qui ex sua natura ceteros fingerent, cum ille confirmaret sese nomen Sex. Rosci de tabulis exempturum, praedia vacua filio traditurum, cumque id ita futurum T. Roscius Capito, qui in decem legatis erat,

appromitteret, crediderunt; Ameriam re inorata reverterunt. Ac primo rem differre cotidie ac procrastinare isti coeperunt, deinde aliquanto lentius nihil agere atque deludere, postremo, id quod facile intellectum est, insidias vitae huiusce Sex. Rosci parare neque sese arbitrari posse diutius alienam pecuniam domino incolumi obtinere. [27] Quod hic simul atque sensit, de amicorum cognatorumque sententia Romam confugit et sese ad Caeciliam, Nepotis sororem, Baliarici filiam, quam honoris causa nomino, contulit, qua pater usus erat plurimum; in qua muliere, iudices, etiam nunc, id quod omnes semper existimaverunt, quasi exempli causa vestigia antiqui offici remanent. Ea Sex. Roscium inopem, eiectum domo atque expulsum ex suis bonis, fugientem latronum tela et minas recepit domum hospitique oppresso iam desperatoque ab omnibus opitulata est. Eius virtute, fide, diligentia factum est, ut hic potius vivus in reos quam occisus in proscriptos referretur.

[28] Nam postquam isti intellexerunt summa diligentia vitam Sex. Rosci custodiri neque sibi ullam caedis faciendae potestatem dari, consilium ceperunt plenum sceleris et audaciae, ut nomen huius de parricidio deferrent, ut ad eam rem aliquem accusatorem veterem compararent, qui de ea re posset dicere aliquid, in qua re nulla subesset suspicio, denique ut, quoniam crimine non poterant, tempore ipso pugnarent. Ita loqui homines: ‘Quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset; huic autem patronos propter Chrysogoni gratiam defuturos; de bonorum venditione et de ista societate verbum esse facturum neminem; ipso nomine parricidi et atrocitate criminis fore, ut hic nullo negotio tolleretur, cum ab nullo defensus esset.’ [29] Hoc consilio atque adeo hac amentia impulsi, quem ipsi, cum cuperent, non potuerunt occidere, eum iugulandum vobis tradiderunt.

Quid primum querar aut unde potissimum, iudices, ordiar aut quod aut a quibus auxilium petam? Deorumne immortalium, populine Romani, vestramne, qui summam potestatem habetis, hoc tempore fidem implorem? [30] Pater occisus nefarie, domus obsessa ab inimicis, bona adempta, possessa, direpta, fili vita infesta, saepe ferro atque insidiis appetita. Quid ab his tot maleficiis sceleris abesse videtur? Tamen haec aliis nefariis cumulant atque adaugent, crimen incredibile confingunt, testis in hunc et accusatores huiusce pecunia

comparant; hanc condicionem misero ferunt, ut optet, utrum malit cervices T. Roscio dare an insutus in culleum per summum dedecus vitam amittere. Patronos huic defuturos putaverunt; desunt; qui libere dicat, qui cum fide defendat, id quod in hac causa satis est, non deest profecto, iudices. [31] Et forsitan in suscipienda causa temere impulsus adulescentia fecerim; quoniam quidem semel suscepi, Iicet, hercules, undique omnes minae, terrores periculaque impendeant omnia, succurram ac subibo. Certum est deliberatumque, quae ad causam pertinere arbitror, omnia non modo dicere, verum etiam libenter, audacter libereque dicere; nulla res tanta exsistet, iudices, ut possit vim mihi maiorem adhibere metus quam fides. [32] Etenim quis tam dissoluto animo est, qui, haec cum videat, tacere ac neglegere possit? Patrem meum, cum proscriptus non esset, iugulastis, occisum in proscriptorum numerum rettulistis, me domo mea per vim expulistis, patrimonium meum possidetis. Quid voltis amplius? Etiamne ad subsellia cum ferro atque telis venistis, ut hic aut iuguletis aut condemnetis?

[33] Hominem longe audacissimum nuper habuimus in civitate C. Fimbriam et, quod inter omnis constat, nisi inter eos, qui ipsi quoque insaniunt, insanissimum. Is cum curasset, in funere C. Mari ut Q. Scaevola volneraretur, vir sanctissimus atque ornatissimus nostrae civitatis, de cuius laude neque hic locus est, ut multa dicantur, neque plura tamen dici possunt, quam populus Romanus memoria retinet, diem Scaevolae dixit, postea quam comperit eum posse vivere. Cum ab eo quaereretur, quid tandem accusaturus esset eum, quem pro dignitate ne laudare quidem quisquam satis commode posset, aiunt hominem, ut erat furiosus, respondisse: “Quod non totum telum corpore recepisset.” Quo populus Romanus nihil vidit indignius nisi eiusdem viri mortem, quae tantum potuit, ut omnis occisus perdiderit et adflixerit; quos quia servare per compositionem volebat, ipse ab eis interemptus est. [34] Estne hoc illi dicto atque facto Fimbriano simillimum? Accusatis Sex. Roscium. Quid ita? Quia de manibus vestris, quia se occidi passus non est. Illud, quia in Scaevola factum est, magis indignum videtur, hoc, quia fit a Chrysogono, non est ferendum. Nam per deos immortalis! Quid est in hac causa, quod defensionis indigeat? Qui locus ingenium patroni requirit aut oratoris eloquentiam magno opere desiderat? Totam causam, iudices,

explicemus atque ante oculos eitam consideremus; ita facillime, quae res totum iudicium contineat et quibus de rebus nos dicere oporteat et quid vos sequi conveniat, intellegetis.

[35] Tres sunt res, quantum ego existimare possum, quae obstent hoc tempore Sex. Roscio, crimen adversariorum et audacia et potentia. Criminis confictionem accusator Erucius suscepit, audaciae partis Roscii sibi poposcerunt, Chrysogonus autem, is qui plurimum potest, potentia pugnat. De hisce omnibus rebus me dicere oportere intellego. Quid igitur est? [36] Non eodem modo de omnibus, ideo quod prima illa res ad meum officium pertinet, duas autem reliquas vobis populus Romanus imposuit; ego crimen oportet diluam, vos et audaciae resistere et hominum eius modi perniciosam atque intolerandam potentiam primo quoque tempore exstinguere atque opprimere debetis.

[37] Occidisse patrem Sex. Roscius arguitur. Scelestum, di immortales, ac nefarium facinus atque eius modi, quo uno maleficio scelera omnia complexa esse videantur! Etenim si, id quod praeclare a sapientibus dicitur, voltu saepe laeditur pietas, quod supplicium satis acre reperietur in eum, qui mortem obtulerit parenti? Pro quo mori ipsum, si res postularet, iura divina atque humana cogebant. [38] In hoc tanto, tam atroci, tam singulari maleficio, quod ita raro exstitit, ut, si quando auditum sit, portenti ac prodigi simile numeretur, quibus tandem tu, C. Eruci, argumentis accusatorem censes uti oportere? Nonne et audaciam eius, qui in crimen vocetur, singularem ostendere et mores feros immanemque naturam et vitam vitiis flagitiisque omnibus deditam, et denique omnia ad perniciem profligata atque perdita? Quorum tu nihil in Sex. Roscium ne obiciendi quidem causa contulisti.

[39] Patrem occidit Sex. Roscius. Qui homo? Adulescentulus corruptus et ab hominibus nequam inductus? Annos natus maior quadraginta. Vetus videlicet sicarius, homo audax et saepe in caede versatus. At hoc ab accusatore ne dici quidem audistis. Luxuries igitur hominem nimirum et aeris alieni magnitudo et indomitae animi cupiditates ad hoc scelus impulerunt. De luxuria purgavit Erucius, cum dixit hunc ne in convivio quidem ullo fere interfuisse. Nihil autem umquam debuit. Cupiditates porro quae possunt esse in eo, qui, ut ipse accusator obiecit, ruri semper habitarit et in agro colendo

vixerit? Quae vita maxime disiuncta a cupiditate et cum officio coniuncta est. [40] Quae res igitur tantum istum furorem Sex. Roscio obiecit? 'Patri' inquit 'non placebat.' Patri non placebat? quam ob causam? necesse est enim eam quoque iustam et magnam et perspicuam fuisse. Nam ut illud incredibile est, mortem oblatam esse patri a filio sine plurimis et maximis causis, sic hoc veri simile non est, odio fuisse parenti filium sine causis multis et magnis et necessariis. [41] Rursus igitur eodem revertamur et quaeramus, quae tanta vitia fuerint in unico filio, qua re is patri displiceret. At perspicuum est nullum fuisse. Pater igitur amens, qui odisset eum sine causa quem procrearat? At is quidem fuit omnium constantissimus. Ergo illud iam perspicuum profecto est, si neque amens pater neque perditus filius fuerit, neque odi causam patri neque sceleris filio fuisse.

[42] 'Nescio' inquit 'quae causa odi fuerit; fuisse odium intellego qui antea, cum duos filios haberet, illum alterum qui mortuus est secum omni tempore volebat esse, hunc in praedia rustica relegarat.' Quod Erucio accidebat in mala nugatoriaque accusatione, idem mihi usu venit in causa optima. Ille quo modo crimen commenticium confirmaret non inveniebat, ego res tam levis qua ratione infirmem ac diluam reperire non possum. [43] Quid ais, Eruci? tot praedia tam pulchra, tam fructuosa Sex. Roscius filio suo relegationis ac supplici gratia colenda ac tuenda tradiderat? Quid? hoc patres familiae qui liberos habent, praesertim homines illius ordinis ex municipiis rusticanis, nonne optatissimum sibi putant esse filios suos rei familiari maxime servire et in praediis colendis operae plurimum studique consumere? [44] An amandarat hunc sic ut esset in agro ac tantum modo aleretur ad villam, ut commodis omnibus careret? Quid? si constat hunc non modo colendis praediis praefuisse sed certis fundis patre vivo frui solitum esse, tamenne haec a te vita eius rusticana relegatio atque amandatio appellabitur? Vides, Eruci, quantum distet argumentatio tua ab re ipsa atque a veritate. Quod consuetudine patres faciunt, id quasi novum reprehendis; quod benivolentia fit, id odio factum criminaris; quod honoris causa pater filio suo concessit, id eum supplici causa fecisse dicis. [45] Neque haec tu non intellegis, sed usque eo quid arguas non habes, ut non modo tibi contra nos dicendum putes verum etiam contra rerum

naturam contraque consuetudinem hominum contraque opiniones omnium.

At enim, cum duos filios haberet, alterum a se non dimittebat, alterum ruri esse patiebatur. Quaeso, Eruci, ut hoc in bonam partem accipias; non enim exprobrandi causa sed commonendi gratia dicam. [46] Si tibi fortuna non dedit, ut patre certo nascerere, ex quo intellegere posses, qui animus patrius in liberos esset, at natura certe dedit, ut humanitatis non parum haberes; eo accessit studium doctrinae, ut ne a litteris quidem alienus esses. Ecquid tandem tibi videtur, ut ad fabulas veniamus, senex ille Caecilianus minoris facere Eutychum, filium rusticum, quam illum alterum, Chaerestratum? nam, ut opinor, hoc nomine est alterum in urbe secum honoris causa habere, alterum rus supplici causa relegasse? [47] 'Quid ad istas ineptias abis?' inquies. Quasi vero mihi difficile sit quamvis multos nominatim proferre, ne longius abeam, vel tribulis vel vicinos meos qui suos liberos quos plurimi faciunt agricolas adsiduos esse cupiunt. Verum homines notos sumere odiosum est, cum et illud incertum sit velintne ei sese nominari, et nemo vobis magis notus futurus sit quam est hic Eutychus, et certe ad rem nihil intersit utrum hunc ego comicum adulescentem an aliquem ex agro Veienti nominem. Etenim haec conficta arbitror esse a poetis ut effictos nostros mores in alienis personis expressamque imaginem vitae cotidianae videremus. [48] Age nunc, refer animum sis ad veritatem et considera non modo in Umbria atque in ea vicinitate sed in his veteribus municipiis quae studia a patribus familias maxime laudentur; iam profecto te intelleges inopia criminum summam laudem Sex. Roscio vitio et culpae dedisse. Ac non modo hoc patrum voluntate liberi faciunt sed permultos et ego novi et, nisi me fallit animus, unus quisque vestrum qui et ipsi incensi sunt studio quod ad agrum colendum attinet, vitamque hanc rusticam, quam tu probro et crimini putas esse oportere, et honestissimam et suavissimam esse arbitrantur. [49] Quid censes hunc ipsum Sex. Roscium quo studio et qua intellegentia esse in rusticis rebus? Ut ex his propinquis eius, hominibus honestissimis, audio, non tu in isto artificio accusatorio callidior es quam hic in suo. Verum, ut opinor, quoniam ita Chrysogono videtur qui huic nullum praedium reliquit, et artificium obliviscatur et studium deponat licebit. Quod tametsi miserum et

indignum est, feret tamen aequo animo, iudices, si per vos vitam et famam potest obtinere; hoc vero est quod ferri non potest, si et in hanc calamitatem venit propter praediorum bonitatem et multitudinem et quod ea studiose coluit, id erit ei maxime fraudi, ut parum miseriae sit quod aliis coluit non sibi, nisi etiam quod omnino coluit crimini fuerit.

[50] Ne tu, Eruci, accusator esses ridiculus, si illis temporibus natus esses cum ab aratro arcessebantur qui consules fierent. Etenim qui praeesse agro colendo flagitium putes, profecto illum Atilium quem sua manu spargentem semen qui missi erant convenerunt hominem turpissimum atque inhonestissimum iudicares. At hercule maiores nostri longe aliter et de illo et de ceteris talibus viris existimabant itaque ex minima tenuissimaque re publica maximam et florentissimam nobis reliquerunt. Suos enim agros studiose colebant, non alienos cupide appetebant; quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et populi Romani nomen auxerunt. [51] Neque ego haec eo profero quo conferenda sint cum hisce de quibus nunc quaerimus, sed ut illud intellegatur, cum apud maiores nostros summi viri clarissimique homines qui omni tempore ad gubernacula rei publicae sedere debebant tamen in agris quoque colendis aliquantum operae temporisque consumpserint, ignosci oportere ei homini qui se fateatur esse rusticum, cum ruri adsiduus semper vixerit, cum praesertim nihil esset quod aut patri gratius aut sibi iucundius aut re vera honestius facere posset.

[52] Odium igitur acerrimum patris in filium ex hoc, opinor, ostenditur, Eruci, quod hunc ruri esse patiebatur. Numquid est aliud? ‘Immo vero’ inquit ‘est; nam istum exheredare in animo habebat.’ Audio; nunc dicis aliquid quod ad rem pertineat; nam illa, opinor, tu quoque concedis levia esse atque inepta: ‘Convivia cum patre non inibat.’ Quippe, qui ne in oppidum quidem nisi perraro veniret. ‘Domum suam istum non fere quisquam vocabat.’ Nec mirum, qui neque in urbe viveret neque revocaturus esset. [53] Verum haec tu quoque intellegis esse nugatoria; illud quod coepimus videamus, quo certius argumentum odi reperiro nullo modo potest. ‘Exheredare pater filium cogitabat.’ Mitto quaerere qua de causa; quaero qui scias; tametsi te dicere atque enumerare causas omnis oportebat, et id erat certi accusatoris officium qui tanti sceleris argueret explicare

omnia vitia ac peccata fili quibus incensus parens potuerit animum inducere ut naturam ipsam vinceret, ut amorem illum penitus insitum eiceret ex animo, ut denique patrem esse sese oblivisceretur; quae sine magnis huiusce peccatis accidere potuisse non arbitror. [54] Verum concedo tibi ut ea praetereas quae, cum taces, nulla esse concedis; illud quidem, voluisse exheredare, certe tu planum facere debes. Quid ergo adfers qua re id factum putemus? Vere nihil potes dicere; finge aliquid saltem commode ut ne plane videaris id facere quod aperte facis, huius miseri fortunis et horum virorum talium dignitati inludere. Exheredare filium voluit. Quam ob causam? 'Nescio.' Exheredavitne? 'Non.' Quis prohibuit? 'Cogitabat.' Cogitabat? cui dixit? 'Nemini.' Quid est aliud iudicio ac legibus ac maiestate vestra abuti ad quaestum atque ad libidinem nisi hoc modo accusare atque id obicere quod planum facere non modo non possis verum ne coneris quidem? [55] Nemo nostrum est, Eruci, quin sciat tibi inimicitias cum Sex. Roscio nullas esse; vident omnes qua de causa huic inimicus venias; sciunt huiusce pecunia te adductum esse. Quid ergo est? Ita tamen quaestus te cupidum esse oportebat ut horum existimationem et legem Remmiam putares aliquid valere oportere.

[56] Accusatores multos esse in civitate utile est, ut metu contineatur audacia; verum tamen hoc ita est utile, ut ne plane inludamur ab accusatoribus. Innocens est quispiam, verum tamen, quamquam abest a culpa, suspicione tamen non caret; tametsi miserum est, tamen ei, qui hunc accuset, possim aliquo modo ignoscere. Cum enim aliquid habeat, quod possit criminose ac suspiciose dicere, aperte ludificari et calumniari sciens non videatur. Qua re facile omnes patimur esse quam plurimos accusatores, quod innocens, si accusatus sit, absolvi potest, nocens, nisi accusatus fuerit, condemnari non potest; utilius est autem absolvi innocentem quam nocentem causam non dicere. Anseribus cibaria publice locantur et canes aluntur in Capitolio, ut significent si fures venerint. At fures internoscere non possunt, significant tamen, si qui noctu in Capitolium venerint et quia id est suspiciosum, tametsi bestiae sunt, tamen in eam partem potius peccant, quae est cautior. Quod si luce quoque canes latrent, cum deos salutatum aliqui venerint, opinor, eis crura suffringantur, quod acres sint etiam tum, cum suspicio nulla sit.

[57] Simillima est accusatorum ratio. Alii vestrum anseres sunt, qui tantum modo clamant, nocere non possunt, alii canes, qui et latrare et mordere possunt. Cibaria vobis praeberi videmus; vos autem maxime debetis in eos impetum facere, qui merentur. Hoc populo gratissimum est. Deinde, si voletis, etiam tum cum verisimile erit aliquem commisisse, in suspicione latratote; id quoque concedi potest. Sin autem sic agetis ut arguatis aliquem patrem occidisse neque dicere possitis aut qua re aut quo modo, ac tantum modo sine suspicione latrabitis, crura quidem vobis nemo suffringet, sed, si ego hos bene novi, litteram illam cui vos usque eo inimici estis ut etiam Kal. omnis oderitis ita vehementer ad caput adfigent ut postea neminem alium nisi fortunas vestras accusare possitis.

[58] Quid mihi ad defendendum dedisti, bone accusator? quid hisce autem ad suspicandum? 'Ne exheredaretur, veritus est.' Audio, sed qua de causa vereri debuerit, nemo dicit. 'Habebat pater in animo.' Planum fac. Nihil est; non quicum deliberaverit, quem certiorem fecerit, unde istud vobis suspicari in mentem venerit. Cum hoc modo accusas, Eruci, nonne hoc palam dicis: 'Ego quid acceperim scio, quid dicam nescio; unum illud spectavi quod Chrysogonus aiebat neminem isti patronum futurum; de bonorum emptione deque ea societate neminem esse qui verbum facere auderet hoc tempore'? Haec te opinio falsa in istam fraudem impulit; non me hercules verbum fecisses, si tibi quemquam responsurum putasses.

[59] Operae pretium erat, si animadvertistis, iudices, neglegentiam eius in accusando considerare. Credo, cum vidisset qui homines in hisce subselliis sederent, quaesisse num ille aut ille defensurus esset; de me ne suspicatum quidem esse, quod antea causam publicam nullam dixerim. Postea quam invenit neminem eorum qui possunt et solent ita neglegens esse coepit ut, cum in mentem veniret ei, resideret, deinde spatiaretur, non numquam etiam puerum vocaret, credo, cui cenam imperaret, prorsus ut vestro consessu et hoc conventu pro summa solitudine abuteretur. Peroravit aliquando, adsedit; surrexi ego. [60] Respirare visus est quod non alius potius diceret. Coepi dicere. Usque eo animadverti, iudices, eum iocari atque alias res agere ante quam Chrysogonum nominavi; quem simul atque attigi, statim homo se erexit, mirari visus est. Intellexi quid eum pepugisset. Iterum ac tertio nominavi. Postea homines cursare

ultro et citro non destiterunt, credo, qui Chrysogono nuntiarent esse aliquem in civitate qui contra voluntatem eius dicere auderet; aliter causam agi atque ille existimaret, aperiri bonorum emptionem, vexari pessime societatem, gratiam potentiamque eius neglegi, iudices diligenter attendere, populo rem indignam videri. [61] Quae quoniam te fefellerunt, Eruci, quoniamque vides versa esse omnia, causam pro Sex. Roscio, si non commode, at libere dici, quem dedi putabas defendi intellegis, quos traditurus sperabas vides iudicare, restitue nobis aliquando veterem tuam illam calliditatem atque prudentiam, confitere huc ea spe venisse quod putares hic latrocinium, non iudicium futurum. De parricidio causa dicitur; ratio ab accusatore reddita non est quam ob causam patrem filius occiderit. [62] Quod in minimis noxiis et in his levioribus peccatis quae magis crebra et iam prope cotidiana sunt vel maxime et primum quaeritur, quae causa malefici fuerit, id Erucius in parricidio quaeri non putat oportere. In quo scelere, iudices, etiam cum multae causae convenisse unum in locum atque inter se congruere videntur, tamen non temere creditur, neque levi coniectura res penditur, neque testis incertus auditur, neque accusatoris ingenio res iudicatur. Cum multa antea commissa maleficia, cum vita hominis perditissima, tum singularis audacia ostendatur necesse est, neque audacia solum sed summus furor atque amentia. Haec cum sint omnia, tamen exstent oportet expressa sceleris vestigia, ubi, qua ratione, per quos, quo tempore maleficium sit admissum. Quae nisi multa et manifesta sunt, profecto res tam scelesta, tam atrox, tam nefaria credi non potest.

[63] Magna est enim vis humanitatis; multum valet communio sanguinis; reclamitat istius modi suspicionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura qui tantum immanitate bestias vicent ut, propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit, cum etiam feras inter sese partus atque educatio et natura ipsa conciliet.

[64] Non ita multis ante annis aiunt T. Caelium quendam Terracinensem, hominem non obscurum, cum cenatus cubitum in idem conclave cum duobus adulescentibus filiis isset, inventum esse mane iugulatum.Cum neque servus quisquam reperiretur neque liber ad quem ea suspicio pertineret, id aetatis autem duo filii propter

cubantes ne sensisse quidem se dicerent, nomina filiorum de parricidio delata sunt. Quid poterat tam esse suspiciosum? neutrumne sensisse? ausum autem esse quemquam se in id conclave committere eo potissimum tempore cum ibidem essent duo adulescentes filii qui et sentire et defendere facile possent? Erat porro nemo in quem ea suspicio conveniret. [65] Tamen, cum planum iudicibus esset factum aperto ostio dormientis eos repertos esse, iudicio absoluti adulescentes et suspicione omni liberati sunt. Nemo enim putabat quemquam esse qui, cum omnia divina atque humana iura scelere nefario polluisset, somnum statim capere potuisset, propterea quod qui tantum facinus commiserunt non modo sine cura quiescere sed ne spirare quidem sine metu possunt.

[66] Videtisne quos nobis poetae tradiderunt patris ulciscendi causa supplicium de matre sumpsisse, cum praesertim deorum immortalium iussis atque oraculis id fecisse dicantur, tamen ut eos agitent Furiae neque consistere umquam patiantur, quod ne pii quidem sine scelere esse potuerunt? Sic se res habet, iudices: magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis; ex quo si qua macula concepta est, non modo elui non potest verum usque eo permanat ad animum ut summus furor atque amentia consequatur. [67] Nolite enim putare, quem ad modum in fabulis saepenumero videtis, eos qui aliquid impie scelerateque commiserint agitari et perterreri Furiarum taedis ardentibus. Sua quemque fraus et suus terror maxime vexat, suum quemque scelus agitat amentiaque adficit, suae malae cogitationes conscientiaeque animi terrent; hae sunt impiis adsiduae domesticaeque Furiae quae dies noctesque parentium poenas a consceleratissimis filiis repetant. [68] Haec magnitudo malefici facit ut, nisi paene manifestum parricidium proferatur, credibile non sit, nisi turpis adulescentia, nisi omnibus flagitiis vita inquinata, nisi sumptus effusi cum probro atque dedecore, nisi prorupta audacia, nisi tanta temeritas ut non procul abhorreat ab insania. Accedat huc oportet odium parentis, animadversionis paternae metus, amici improbi, servi conscii, tempus idoneum, locus opportune captus ad eam rem; paene dicam, respersas manus sanguine paterno iudices videant oportet, si tantum facinus, tam immane, tam acerbum crediturí sunt. [69] Qua re hoc quo minus est credibile, nisi ostenditur,

eo magis est, si convincitur, vindicandum.

Itaque cum multis ex rebus intellegi potest maiores nostros non modo armis plus quam ceteras nationes verum etiam consilio sapientiaque potuisse, tum ex hac re vel maxime quod in impios singulare supplicium invenerunt. Qua in re quantum prudentia praestiterint eis qui apud ceteros sapientissimi fuisse dicuntur considerate. [70] Prudentissima civitas Atheniensium, dum ea rerum potita est, fuisse traditur; eius porro civitatis sapientissimum Solonem dicunt fuisse, eum qui leges quibus hodie quoque utuntur scripserit. Is cum interrogaretur cur nullum supplicium constituisset in eum qui parentem necasset, respondit se id neminem facturum putasse. Sapienter fecisse dicitur, cum de eo nihil sanxerit quod antea commissum non erat, ne non tam prohibere quam admonere videretur. Quanto nostri maiores sapientius! qui cum intellegerent nihil esse tam sanctum quod non aliquando violaret audacia, supplicium in parricidas singulare excogitaverunt ut, quos natura ipsa retinere in officio non potuisset, ei magnitudine poenae a maleficio summoverentur. Insui voluerunt in culleum vivos atque ita in flumen deici.

[71] O singularem sapientiam, iudices! Nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse cui repente caelum, solem, aquam terramque ademerint ut, qui eum necasset unde ipse natus esset, careret eis rebus omnibus ex quibus omnia nata esse dicuntur? Noluerunt feris corpus obicere ne bestiis quoque quae tantum scelus attigissent immanioribus uteremur; non sic nudos in flumen deicere ne, cum delati essent in mare, ipsum polluerent quo cetera quae violata sunt expiari putantur; denique nihil tam vile neque tam volgare est cuius partem ullam reliquerint. [72] Etenim quid tam est commune quam spiritus vivis, terra mortuis, mare fluctuantibus, litus eiectis? Ita vivunt, dum possunt, ut ducere animam de caelo non queant, ita moriuntur ut eorum ossa terra non tangat, ita iactantur fluctibus ut numquam adluantur, ita postremo eiciuntur ut ne ad saxa quidem mortui conquiescant. Tanti malefici crimen, cui maleficio tam insigne supplicium est constitutum, probare te, Eruci, censes posse talibus viris, si ne causam quidem malefici protuleris? Si hunc apud bonorum emptores ipsos accusares eique iudicio Chrysogonus praeesset, tamen diligentius paratiusque

venisses. [73] Utrum quid agatur non vides, an apud quos agatur? Agitur de parricidio quod sine multis causis suscipi non potest; apud homines autem prudentissimos agitur qui intellegunt neminem ne minimum quidem maleficium sine causa admittere. Esto, causam proferre non potes. Tametsi statim vicisse debeo, tamen de meo iure decedam et tibi quod in alia causa non concederem in hac concedam fretus huius innocentia. Non quaero abs te qua re patrem Sex. Roscius occiderit, quaero quo modo occiderit. Ita quaero abs te, C. Eruci: quo modo, et sic tecum agam ut meo loco vel respondendi vel interpellandi tibi potestatem faciam vel etiam, si quid voles, interrogandi. [74] Quo modo occidit? ipse percussit an aliis occidendum dedit? Si ipsum arguis, Romae non fuit; si per alios fecisse dicis, quaero quos? Servosne an liberos? Si liberos, quos homines? indidemne Ameria an hosce ex urbe sicarios? Si Ameria, qui sunt ei? cur non nominantur? si Roma, unde eos noverat Roscius qui Romam multis annis non venit neque umquam plus triduo fuit? ubi eos convenit? qui conlocutus est? quo modo persuasit? 'Pretium dedit'; cui dedit? per quem dedit? unde aut quantum dedit? Nonne his vestigiis ad caput malefici perveniri solet? Et simul tibi in mentem veniat facito quem ad modum vitam huiusce depinxeris; hunc hominem ferum atque agrestem fuisse, numquam cum homine quoquam conlocutum esse, numquam in oppido constitisse.

[75] Qua in re praetereo illud quod mihi maximo argumento ad huius innocentiam poterat esse, in rusticis moribus, in victu arido, in hac horrida incultaque vita istius modi maleficia gigni non solere. Ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur. In urbe luxuries creatur, ex luxuria exsistat avaritia necesse est, ex avaritia erumpat audacia, inde omnia scelera ac maleficia gignuntur; vita autem haec rustica quam tu agrestem vocas parsimoniae, diligentiae, iustitiae magistra est.

[76] Verum haec missa facio; illud quaero, is homo qui, ut tute dicis, numquam inter homines fuerit, per quos homines hoc tantum facinus, tam occultum, absens praesertim, conficere potuerit. Multa sunt falsa, iudices, quae tamen argui suspiciose possunt; in his rebus si suspicio reperta erit, culpam inesse concedam. Romae Sex. Roscius occiditur, cum in agro Amerino esset filius. Litteras, credo, misit alicui sicario qui Romae noverat neminem. Arcessivit aliquem.

Quem aut quando? Nuntium misit. Quem aut adquem? Pretio, gratia, spe, promissis induxit aliquem. Nihil horum ne confingi quidem potest; et tamen causa de parricidio dicitur.

[77] Reliquum est ut per servos id admiserit. O, di immortales, rem miseram et calamitosam! Quid? In tali crimine quod innocenti saluti solet esse ut servos in quaestionem polliceatur, id Sex. Roscio facere non licet? Vos qui hunc accusatis omnis eius servos habetis; unus puer victus cotidiani administer ex tanta familia Sex. Roscio relictus non est. Te nunc appello, P. Scipio, te, M. Metelle; vobis advocatis, vobis agentibus aliquotiens duos servos paternos in quaestionem ab adversariis Sex. Roscius postulavit; meministisne T. Roscium recusare? Quid? ei servi ubi sunt? Chrysogonum, iudices, sectantur; apud eum sunt in honore et in pretio. Etiam nunc ut ex eis quaeratur ego postulo, hic orat atque obsecrat. [78] Quid facitis? cur recusatis? Dubitate etiam nunc, iudices, si potestis, a quo sit Sex. Roscius occisus, ab eone qui propter illius mortem in egestate et in insidiis versatur, cui ne quaerendi quidem de morte patris potestas permittitur, an ab eis qui quaestionem fugitant, bona possident, in caede atque ex caede vivunt. Omnia, iudices, in hac causa sunt misera atque indigna; tamen hoc nihil neque acerbius neque iniquius proferri potest: mortis paternae de servis paternis quaestionem habere filio non licet! Ne tam diu quidem dominus erit in suos dum ex eis de patris morte quaeratur? Veniam, neque ita multo postea, ad hunc Iocum; nam hoc totum ad Roscios pertinet, de quorum audacia tum me dicturum pollicitus sum, cum Eruci crimina diluissem.

[79] Nunc, Eruci, ad te venio. Conveniat mihi tecum necesse est, si ad hunc maleficium istud pertinet, aut ipsum sua manu fecisse, id quod negas, aut per aliquos liberos aut servos. Liberosne? quos neque ut convenire potuerit neque qua ratione inducere neque ubi neque per quos neque qua spe aut quo pretio potes ostendere. Ego contra ostendo non modo nihil eorum fecisse Sex. Roscium sed ne potuisse quidem facere, quod neque Romae multis annis fuerit neque de praediis umquam temere discesserit. Restare tibi videbatur servorum nomen, quo quasi in portum reiectus a ceteris suspicionibus confugere posses; ubi scopulum offendis eius modi ut non modo ab hoc crimen resilire videas verum omnem suspicionem in vosmet ipsos recidere intellegas. [80] Quid ergo est quo tamen

accusator inopia argumentorum confugerit? ‘Eius modi tempus erat’ inquit ‘ut homines volgo impune occiderentur; qua re hoc tu propter multitudinem sicariorum nullo negotio facere potuisti.’ Interdum mihi videris, Eruci, una mercede duas res adsequi velle, nos iudicio perfundere, accusare autem eos ipsos a quibus mercedem accepisti. Quid ais? volgo occidebantur? Per quos et a quibus? Nonne cogitas te a sectoribus huc adductum esse? Quid postea? Nescimus per ista tempora eosdem fere sectores fuisse collorum et bonorum? [81] Ei denique qui tum armati dies noctesque concursabant, qui Romae erant adsidui, qui omni tempore in praeda et in sanguine versabantur, Sex. Roscio temporis illius acerbitatem iniquitatemque obicient et illam sicariorum multitudinem in qua ipsi duces ac principes erant huic crimini putabunt fore? qui non modo Romae non fuit sed omnino quid Romae ageretur nescivit, propterea quod ruri adsiduus, quem ad modum tute confiteris, fuit.

[82] Vereor ne aut molestus sim vobis, iudices, aut ne ingeniis vestris videar diffidere, si de tam perspicuis rebus diutius disseram. Eruci criminatio tota, ut arbitror, dissoluta est; nisi forte exspectatis ut illa diluam quae de peculatu ac de eius modi rebus commenticiis inaudita nobis ante hoc tempus ac nova obiecit; quae mihi iste visus est ex alia oratione declamare quam in alium reum commentaretur; ita neque ad crimen parricidi neque ad eum qui causam dicit pertinebant; de quibus quoniam verbo arguit, verbo satis est negare. Si quid est quod ad testis reservet, ibi quoque nos, ut in ipsa causa, paratiores reperiet quam putabat.

[83] Venio nunc eo quo me non cupiditas ducit sed fides. Nam si mihi liberet accusare, accusarem alios potius ex quibus possem crescere; quod certum est non facere, dum utrumvis licebit. Is enim mihi videtur amplissimus qui sua virtute in altiorem locum pervenit; non qui ascendit per alierius incommodum et calamitatem. Desinamus aliquando ea scrutari quae sunt inania; quaeramus ibi maleficium ubi et est et inveniri potest; iam intelleges, Eruci, certum crimen quam multis suspicionibus coarguatur, tametsi neque omnia dicam et leviter unum quidque tangam. Neque enim id facerem, nisi necesse esset, et id erit signi me invitum facere, quod non persequar longius quam salus huius et mea fides postulabit.

[84] Causam tu nullam reperiebas in Sex. Roscio; at ego in T. Roscio reperio. Tecum enim mihi res est, T. Rosci, quoniam istic sedes ac te palam adversarium esse profiteris. De Capitone post viderimus, si, quem ad modum paratum esse audio, testis prodierit; tum alias quoque suas palmas cognoscet de quibus me ne audisse quidem suspicatur. L. Cassius ille quem populus Romanus verissimum et sapientissimum iudicem putabat identidem in causis quaerere solebat ‘cui bono’ fuisset. Sic vita hominum est ut ad maleficium nemo conetur sine spe atque emolumento accedere. [85] Hunc quaesitorem ac iudicem fugiebant atque horrebant ei quibus periculum creabatur ideo quod, tametsi veritatis erat amicus, tamen natura non tam propensus ad misericordiam quam applicatus ad severitatem videbatur. Ego, quamquam praeest huic quaestioni vir et contra audaciam fortissimus et ab innocentia dementissimus, tamen facile me paterer vel illo ipso acerrimo iudice quaerente vel apud

Cassianos iudices, quorum etiam nunc ei quibus causa dicenda est nomen ipsum reformidant, pro Sex. Roscio dicere. [86] In hac enim causa cum viderent illos amplissimam pecuniam possidere, hunc in summa mendicitate esse, illud quidem non quaererent, cui bono fuisset, sed eo perspicuo crimen et suspicionem potius ad praedam adiungerent quam ad egestatem. Quid si accedit eodem ut tenuis antea fueris? quid si ut avarus? quid si ut audax? quid si ut illius qui occisus est inimicissimus? num quaerenda causa quae te ad tantum facinus adduxerit? Quid ergo horum negari potest? Tenuitas hominis eius modi est ut dissimulari non queat atque eo magis eluceat quo magis occultatur. [87] Avaritiam praefers qui societatem coleris de municipis cognatique fortunis cum alienissimo. Quam sis audax, ut alia obliviscar, hinc omnes intellegere potuerunt quod ex tota societate, hoc est ex tot sicariis, solus tu inventus es qui cum accusatoribus sederes atque os tuum non modo ostenderes sed etiam offerres. Inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias concedas necesse est. [88] Restat, iudices, ut hoc dubitemus, uter potius Sex. Roscium occiderit, is ad quem morte eius divitiae venerint, an is ad quem mendicitas, is qui antea tenuis fuerit, an is qui postea factus sit egentissimus, is qui ardens avaritia feratur infestus in suos, an is qui semper ita vixerit ut quaestum nosset nullum, fructum autem eum solum quem labore peperisset, is qui omnium sectorum audacissimus sit, an is qui propter fori iudiciorumque insolentiam non modo subsellia verum etiam urbem ipsam reformidet, postremo, iudices, id quod ad rem mea sententia maxime pertinet, utrum mimicus potius an fillus.

[89] Haec tu, Eruci, tot et tanta si nanctus esses in reo, quam diu diceres? quo te modo iactares! tempus hercule te citius quam oratio deficeret. Etenim in singulis rebus eius modi materies est ut dies singulos possis consumere. Neque ego non possum; non enim tantum mihi derogo, tametsi nihil adrogo, ut te copiosius quam me putem posse dicere. Verum ego forsitan propter multitudinem patronorum in grege adnumerer, te pugna Cannensis accusatorem sat bonum fecit. Multos caesos non ad Trasumennum lacum, sed ad Servilium vidimus.

[90] “Quis ibi non est volneratus ferro Phrygio?”

Non necesse est omnis commemorare Curtios, Marios, denique

Memmios quos iam aetas a proeliis avocabat, postremo Priamum ipsum senem, Antistium quem non modo aetas sed etiam leges pugnare prohibebant. Iam quos nemo propter ignobilitatem nominat, sescenti sunt qui inter sicarios et de veneficiis accusabant; qui omnes, quod ad me attinet, vellem viverent. Nihil enim mali est canes ibi quam plurimos esse ubi permulti observandi multaque servanda sunt. [91] Verum, ut fit, multa saepe imprudentibus imperatoribus vis belli ac turba molitur. Dum is in aliis rebus erat occupatus qui summam rerum administrabat, erant interea qui suis volneribus mederentur; qui, tamquam si offusa rei publicae sempiterna nox esset, ita ruebant in tenebris omniaque miscebant; a quibus miror ne quod iudiciorum esset vestigium non subsellia quoque esse combusta; nam et accusatores et iudices sustulerunt. Hoc commodi est quod ita vixerunt ut testis omnis, si cuperent, interficere non possent; nam, dum hominum genus erit, qui accuset eos non deerit; dum civitas erit, iudicia fient. Verum, ut coepi dicere, et Erucius, haec si haberet in causa quae commemoravi, posset ea quamvis diu dicere, et ego, iudices, possum; sed in animo est, quem ad modum ante dixi, leviter transire ac tantum modo perstringere unam quamque rem, ut omnes intellegant me non studio accusare sed officio defendere.

[92] Video igitur causas esse permultas quae istum impellerent; videamus nunc ecquae facultas suscipiendi malefici fuerit. Ubi occisus est Sex. Roscius? Romae. Quid? tu, T. Rosci, ubi tunc eras? Romae. Verum quid ad rem? et alii multi. Quasi nunc id agatur quis ex tanta multitudine occiderit, ac non hoc quaeratur, eum qui Romae sit occisus utrum veri similius sit ab eo esse occisum qui adsiduus eo tempore Romae fuerit, an ab eo qui multis annis Romam omnino non accesserit. [93] Age nunc ceteras quoque facultates consideremus. Erat tum multitudo sicariorum, id quod commemoravit Erucius, et homines impune occidebantur. Quid? ea multitudo quae erat? Opinor, aut eorum qui in bonis erant occupati, aut eorum qui ab eis conducebantur ut aliquem occiderent. Si eos putas qui alienum appetebant, tu es in eo numero qui nostra pecunia dives es; sin eos quos qui leviore nomine appellant percussores vocant, quaere in cuius fide sint et clientela; mihi crede, aliquem de societate tua reperies; et, quicquid tu contra dixeris, id cum defensione nostra contendito; ita facillime causa Sex. Rosci cum tua

conferetur. [94] Dices: ‘Quid postea, si Romae adsiduus fui?’ Respondebo: ‘At ego omnino non fui.’ ‘Fateor me sectorem esse, verum et alii multi.’ ‘At ego, ut tute arguis, agricola et rusticus.’ ‘Non continuo, si me in gregem sicariorum contuli, sum sicarius.’ ‘At ego profecto qui ne novi quidem quemquam sicarium longe absum ab eius modi crimine.’ Permulta sunt quae dici possunt qua re intellegatur summam tibi facultatem fuisse malefici suscipiendi; quae non modo idcirco praetereo quod te ipsum non libenter accuso verum eo magis etiam quod, si de illis caedibus velim commemorare quae tum factae sunt ista eadem ratione qua Sex. Roscius occisus est, vereor ne ad pluris oratio mea pertinere videatur.

[95] Videamus nunc strictim, sicut cetera, quae post mortem Sex. Rosci abs te, T. Rosci, facta sunt; quae ita aperta et manifesta sunt ut medius fidius, iudices, invitus ea dicam. Vereor enim, cuicuimodi es, T. Rosci, ne ita hunc videar voluisse servare ut tibi omnino non pepercerim. Cum hoc vereor et cupio tibi aliqua ex parte quod salva fide possim parcere, rursus immuto voluntatem meam; venit enim mihi in mentem oris tui. Tene, cum ceteri socii tui fugerent ac se occultarent, ut hoc iudicium non de illorum praeda sed de huius maleficio fieri videretur, potissimum tibi partis istas depoposcisse ut in iudicio versarere et sederes cum accusatore? Qua in re nihil aliud adsequeris nisi ut ab omnibus mortalibus audacia tua cognoscatur et impudentia. [96] Occiso Sex. Roscio quis primus Ameriam nuntiat? Mallius Glaucia, quem iam antea nominavi, tuus cliens et familiaris. Quid attinuit eum potissimum nuntiare quod, si nullum iam ante consilium de morte ac de bonis eius inieras nullamque societatem neque sceleris neque praemi cum homine ullo coieras, ad te minime omnium pertinebat? ‘Sua sponte Mallius nuntiat.’ Quid, quaeso, eius intererat? An, cum Ameriam non huiusce rei causa venisset, casu accidit ut id quod Romae audierat primus nuntiaret? Cuius rei causa venerat Ameriam? ‘Non possum’ ,inquit ‘divinare.’ Eo rem iam adducam ut nihil divinatione opus sit. Qua ratione T. Roscio Capitoni primo nuntiavit? Cum Ameriae Sex. Rosci domus uxor liberique essent, cum tot propinqui cognatique optime convenientes, qua ratione factum est ut iste tuus cliens, sceleris tui nuntius, T. Roscio Capitoni potissimum nuntiaret?

[97] Occisus est a cena rediens; nondum lucebat cum Ameriae

scitum est. Quid hic incredibilis cursus, quid haec tanta celeritas festinatioque significat? Non quaero quis percusserit; nihil est, Glaucia, quod metuas; non excutio te; si quid forte ferri habuisti, non scrutor; nihil ad me arbitror pertinere; quoniam cuius consilio occisus sit invenio, cuius manu sit percussus non laboro. Unum hoc sumo quod mihi apertum tuum scelus resque manifesta dat: Ubi aut unde audivit Glaucia? qui tam cito scivit? Fac audisse statim; quae res eum nocte una tantum itineris contendere coegit? quae necessitas eum tanta premebat ut, si sua sponte iter Ameriam faceret, id temporis Roma proficisceretur, nullam partem noctis requiesceret?

[98] Etiamne in tam perspicuis rebus argumentatio quaerenda aut coniectura capienda est? Nonne vobis haec quae audistis cernere oculis videmini, iudices? non illum miserum, ignarum casus sui, redeuntem a cena videtis, non positas insidias, non impetum repentinum? non versatur ante oculos vobis in caede Glaucia? non adest iste T. Roscius? non suis manibus in curru conlocat Automedontem illum, sui sceleris acerbissimi nefariaeque victoriae nuntium? non orat ut eam noctem pervigilet, ut honoris sui causa laboret, ut Capitoni quam primum nuntiet? [99] Quid erat quod Capitonem primum scire vellet? Nescio, nisi hoc video, Capitonem in his bonis esse socium; de tribus et decem fundis tris nobilissimos fundos eum video possidere. [100] Audio praeterea non hanc suspicionem nunc primum in Capitonem conferri; multas esse infamis eius palmas, hanc primam esse tamen lemniscatam quae Roma ei deferatur; nullum modum esse hominis occidendi quo ille non aliquot occiderit, multos ferro, multos veneno. Habeo etiam dicere quem contra morem maiorum minorem annis LX de ponte in Tiberim deiecerit. Quae, si prodierit atque a eo cum prodierit scio enim proditurum esse audiet. [101] Veniat modo, explicet suum volumen illud quod ei planum facere possum Erucium conscripsisse; quod aiunt illum Sex. Roscio intentasse et minitatum esse se*

[102] Alter ex ipsa caede volucrem nuntium Armeriam ad socium atque adeo magistrum suum misit ut, si dissimulare omnes cuperent se scire ad quem maleficium pertineret, tamen ipse apertum suum scelus ante omnium oculos poneret. Alter, si dis immortalibus placet, testimonium etiam in Sex. Roscium dicturus est; quasi vero id nunc agatur, utrum is quod dixerit credendum, ac non quod fecerit

vindicandum sit. Itaque more maiorum comparatum est ut in minimis rebus homines amplissimi testimonium de sua re non dicerent. [103] Africanus qui suo cognomine declarat tertiam partem orbis terrarum se subegisse tamen, si sua res ageretur, testimonium non diceret; nam illud in talem virum non audeo dicere: Si diceret, non crederetur. Videte nunc quam versa et mutata in peiorem partem sint omnia. Cum de bonis et de caede agatur, testimonium dicturus est is qui et sector est et sicarius, hoc est qui et illorum ipsorum bonorum de quibus agitur emptor atque possessor est et eum hominem occidendum curavit de cuius morte quaeritur. [104] Quid? tu, vir optime, ecquid habes quod dicas? mihi ausculta: vide ne tibi desis; tua quoque res permagna agitur. Multa scelerate, multa audaciter, multa improbe fecisti, unum stultissime, profecto tua sponte non de Eruci sententia: nihil opus fuit te istic sedere. Neque enim accusatore muto neque teste quisquam utitur eo qui de accusatoris subsellio surgit. Huc accedit quod paulo tamen occultior atque tectior vestra ista cupiditas esset. Nunc quid est quod quisquam ex vobis audire desideret, cum quae facitis eius modi sint ut ea dedita opera a nobis contra vosmet ipsos facere videamini?

[105] Age nunc illa videamus, iudices, quae statim consecuta sunt. Ad Volaterras in castra L. Sullae mors Sex. Rosci quadriduo quo is occisus est Chrysogono nuntiatur. Quaeritur etiam nunc quis eum nuntium miserit? nonne perspicuum est eundem qui Ameriam? Curat Chrysogonus ut eius bona veneant statim; qui non norat hominem aut rem. At qui ei venit in mentem praedia concupiscere hominis ignoti quem omino numquam viderat? Soletis, cum aliquid huiusce modi audistis, iudices, continuo dicere: ‘Necesse est aliquem dixisse municipem aut vicinum; ei plerumque indicant, per eos plerique produntur.’ Hic nihil est quod suspicione occupetis. Non enim ego ita disputabo: [106] ‘Veri simile est Roscios istam rem ad Chrysogonum detulisse; erat enim eis cum Chrysogono iam antea amicitia; nam cum multos veteres a maioribus Roscii patronos hospitesque haberent, omnis eos colere atque observare destiterunt ac se in Chrysogoni fidem et clientelam contulerunt.’ [107] Haec possum omnia vere dicere, sed in hac causa coniectura nihil opus est; ipsos certo scio non negare ad haec bona Chrysogonum accessisse impulsu suo. Si eum qui indici causa partem acceperit oculis cernetis,

poteritisne dubitare, iudices, qui indicarit? Qui sunt igitur in istis bonis quibus partem Chrysogonus dederit? Duo Roscii. Num quisnam praeterea? Nemo est, iudices. Num ergo dubium est quin ei obtulerint hanc praedam Chrysogono qui ab eo partem praedae tulerunt?

[108] Age nunc ex ipsius Chrysogoni iudicio Rosciorum factum consideremus. Si nihil in ista pugna Roscii quod operae pretium esset fecerant, quam ob causam a Chrysogono tantis praemiis donabantur? si nihil aliud fecerunt nisi rem detulerunt, nonne satis fuit eis gratias agi, denique, ut perliberaliter ageretur, honoris aliquid haberi? Cur tria praedia tantae pecuniae statim Capitoni dantur? cur quae reliqua sunt iste T. Roscius omnia cum Chrysogono communiter possidet? Nonne perspicuum est, iudices, has manubias Rosciis Chrysogonum re cognita concessisse?

[109] Venit in decem primis legatus in castra Capito. Vos totam vitam naturam moresque hominis ex ipsa legatione cognoscite. Nisi intellexeritis, iudices, nullum esse officium, nullum ius tam sanctum atque integrum quod non eius scelus atque perfidia violarit et imminuerit, virum optimum esse eum iudicatote. [110] Impedimento est quo minus de his rebus Sulla doceatur, ceterorum legatorum consilia et voluntatem Chrysogono enuntiat, monet ut provideat ne palam res agatur, ostendit, si sublata sit venditio bonorum, illum pecuniam grandem amissurum, sese capitis periculum aditurum; illum acuere, hos qui simul erant missi fallere, illum identidem monere ut caveret, hisce insidiose spem falsam ostendere, cum illo contra hos inire consilia, horum consilia illi enuntiare, cum illo partem suam depecisci, hisce aliqua fretus mora semper omnis aditus ad Sullam intercludere. Postremo isto hortatore, auctore, intercessore ad Sullam legati non adierunt; istius fide ac potius perfidia decepti, id quod ex ipsis cognoscere poteritis, si accusator voluerit testimonium eis denuntiare, pro re certa spem falsam domum rettulerunt. [111] In privatis rebus si qui rem mandatam non modo malitiosius gessisset sui quaestus aut commodi causa verum etiam neglegentius, eum maiores summum admisisse dedecus existimabant. Itaque mandati constitutum est iudicium non minus turpe quam furti, credo, propterea quod quibus in rebus ipsi interesse non possumus, in eis operae nostrae vicaria fides amicorum supponitur; quam qui laedit,

oppugnat omnium commune praesidium et, quantum in ipso est, disturbat vitae societatem. Non enim possumus omnia per nos agere; alius in alia est re magis utilis. Idcirco amicitiae comparantur ut commune commodum mutuis officiis gubernetur. [112] Quid recipis mandatum, si aut neglecturus aut ad tuum commodum conversurus es? cur mihi te offers ac meis commodis officio simulato officis et obstas? Recede de medio; per alium transigam. Suscipis onus offici quod te putas sustinere posse; quod maxime videtur grave eis qui minime ipsi leves sunt. Ergo idcirco turpis haec culpa est, quod duas res sanctissimas violat, amicitiam et fidem. Nam neque mandat quisquam fere nisi amico neque credit nisi ei quem fidelem putat. Perditissimi est igitur hominis simul et amicitiam dissolvere et fallere eum qui laesus non esset, nisi credidisset. [113] Itane est? in minimis rebus qui mandatum neglexerit, turpissimo iudicio condemnetur necesse est, in re tanta cum is cui fama mortui, fortunae vivi commendatae sunt atque concreditae, ignominia mortuum, inopia vivum adfecerit, is inter honestos homines atque adeo inter vivos numerabitur? In mmimis privatisque rebus etiam neglegentia in crimen mandati iudiciumque infamiae vocatur, propterea quod, si recte fiat, illum neglegere oporteat qui mandarit non illum qui mandatum receperit; in re tanta quae publice gesta atque commissa sit qui non neglegentia privatum aliquod commodum laeserit sed perfidia legationis ipsius caerimoniam polluerit maculaque adfecerit, qua is tandem poena adficietur aut quo iudicio damnabitur? [114] Si hanc ei rem privatim Sex. Roscius mandavisset ut cum Chrysogono transigeret atque decideret, inque eam rem fidem suam, si quid opus esse putaret, interponeret, ille qui sese facturum recepisset, nonne, si ex eo negotio tantulum in rem suam convertisset, damnatus per arbitrum et rem restitueret et honestatem omnem amitteret? [115] Nunc non hanc ei rem Sex. Roscius mandavit sed, id quod multo gravius est, ipse Sex. Roscius cum fama vita bonisque omnibus a decurionibus publice T. Roscio mandatus est; et ex eo T. Roscius non paululum nescio quid in rem suam convertit sed hunc funditus evertit bonis, ipse tria praedia sibi depectus est, voluntatem decurionum ac municipum omnium tantidem quanti fidem suam fecit.

[116] Videte iam porro cetera, iudices, ut intellegatis fingi

maleficium nullum posse quo iste sese non contaminarit. In rebus minoribus socium fallere turpissimum est aequeque turpe atque illud de quo ante dixi; neque iniuria, propterea quod auxilium sibi se putat adiunxisse qui cum altero rem communicavit. Ad cuius igitur fidem confugiet, cum per eius fidem laeditur cui se commiserit? Atque ea sunt animadvertenda peccata maxime quae difficillime praecaventur. Tecti esse ad alienos possumus, intimi multa apertiora videant necesse est; socium cavere qui possumus? quem etiam si metuimus, ius offici laedimus. Recte igitur maiores eum qui socium fefellisset in virorum bonorum numero non putarunt haberi oportere. [117] At vero T. Roscius non unum rei pecuniariae socium fefellit, quod, tametsi grave est, tamen aliquo modo posse ferri videtur, verum novem homines honestissimos, eiusdem muneris, legationis, offici mandatorumque socios, induxit, decepit, destituit, adversariis tradidit, omni fraude et perfidia fefellit; qui de scelere suspicari eius nihil potuerunt, socium offici metuere non debuerunt, eius malitiam non viderunt, orationi vanae crediderunt. Itaque nunc illi homines honestissimi propter istius insidias parum putantur cauti providique fuisse; iste qui initio proditor fuit, deinde perfuga, qui primo sociorum consilia adversariis enuntiavit, deinde societatem cum ipsis adversariis coiit, terret etiam nos ac minatur tribus praediis, hoc est praemiis sceleris, ornatus. In eius modi vita, iudices, in his tot tantisque flagitiis hoc quoque maleficium de quo iudicium est reperietis. [118] Etenim quaerere ita debetis: ubi multa avare, multa audacter, multa improbe, multa perfidiose facta videbitis, ibi scelus quoque latere inter illa tot flagitia putatote. Tametsi hoc quidem minime latet quod ita promptum et propositum est ut non ex illis maleficiis quae in illo constat esse hoc intellegatur verum ex hoc etiam, si quo de illorum forte dubitabitur, convincatur. Quid tandem, quaeso, iudices? num aut ille lanista omnino iam a gladio recessisse videtur aut hic discipulus magistro tantulum de arte concedere? Par est avaritia, similis improbitas, eadem impudentia, gemina audacia.

[119] Etenim, quoniam fidem magistri cognostis, cognoscite nunc discipuli aequitatem. Dixi iam antea saepe numero postulatos esse ab istis duos servos in quaestionem. Tu semper, T. Rosci, recusasti. Quaero abs te: ‘Eine qui postulabant indigni erant qui impetrarent, an is te non commovebat pro quo postulabant, an res ipsa tibi iniqua

videbatur?' Postulabant homines nobilissimi atque integerrimi nostrae civitatis quos iam antea nominavi; qui ita vixerunt talesque a populo Romano putantur ut quicquid dicerent nemo esset qui non aequum putaret. Postulabant autem pro homine miserrimo atque infelicissimo qui vel ipse sese in cruciatum dari cuperet, dum de patris morte quaereretur. [120] Res porro abs te eius modi postulabatur ut nihil interesset, utrum eam rem recusares an de maleficio confiterere. Quae cum ita sint, quaero abs te quam ob causam recusaris. Cum occiditur Sex. Roscius ibidem fuerunt. Servos ipsos, quod ad me attinet, neque arguo neque purgo; quod a vobis oppugnari video ne in quaestionem dentur, suspiciosum est; quod vero apud vos ipsos in honore tanto sunt, profecto necesse est sciant aliquid, quod si dixerint perniciosum vobis futurum sit. 'In dominos quaeri de servis iniquum est.' At non quaeritur; Sex. enim Roscius reus est; neque enim, cum de hoc quaeritur, in dominos quaeritur; vos enim dominos esse dicitis. 'Cum Chrysogono sunt.' Ita credo; litteris eorum et urbanitate Chrysogonus ducitur ut inter suos omnium deliciarum atque omnium artium puerulos ex tot elegantissimis familiis lectos velit hos versari, homines paene operarios, ex Amerina disciplina patris familiae rusticani. [121] Non ita est profecto, iudices; non est veri simile ut Chrysogonus horum litteras adamarit aut humanitatem, non ut rei familiaris negotio diligentiam cognorit eorum et fidem. Est quiddam quod occultatur; quod quo studiosius ab istis opprimitur et absconditur, eo magis eminet et apparet. [122] Quid igitur? Chrysogonus suine malefici occultandi causa quaestionem de eis haberi non volt? Minime, iudices; non in omnis arbitror omnia convenire. Ego in Chrysogono, quod ad me attinet, nihil eius modi suspicor; neque hoc mihi nunc primum in mentem venit dicere. Meministis me ita distribuisse initio causam: in crimen cuius tota argumentatio permissa Erucio est, et in audaciam cuius partes Rosciis impositae sunt. Quicquid malefici, sceleris, caedis erit, proprium id Rosciorum esse debebit. Nimiam gratiam potentiamque Chrysogoni dicimus et nobis obstare et perferri nullo modo posse et a vobis, quoniam potestas data est, non modo infirmari verum etiam vindicari oportere. [123] Ego sic existimo, qui quaeri velit ex eis quos constat, cum caedes facta sit, adfuisse, eum cupere verum inveniri; qui id recuset, eum profecto, tametsi verbo

non audeat, tamen re ipsa de maleficio suo confiteri. Dixi initio, iudices, nolle me plura de istorum scelere dicere quam causa postularet ac necessitas ipsa cogeret. Nam et multae res adferri possunt, et una quaeque earum multis cum argumentis dici potest. Verum ego quod invitus ac necessario facio neque diu neque diligenter facere possum. Quae praeteriri nullo modo poterant, ea leviter, iudices, attigi, quae posita sunt in suspicionibus de quibus, si coepero dicere, pluribus verbis sit disserendum, ea vestris ingeniis coniecturaeque committo.

[124] Venio nunc ad illud nomen aureum Chrysogoni sub quo nomine tota societas latuit; de quo, iudices, neque quo modo dicam neque quo modo taceam reperire possum. Si enim taceo, vel maximam partem relinquo; sin autem dico, vereor ne non ille solus, id quod ad me nihil attinet, sed alii quoque plures laesos se putent. Tametsi ita se res habet ut mihi in communem causam sectorum dicendum nihil magno opere videatur; haec enim causa nova profecto et singularis est. [125] Bonorum Sex. Rosci emptor est Chrysogonus. Primum hoc videamus: eius hominis bona qua ratione venierunt aut quo modo venire potuerunt? Atque hoc non ita quaeram, iudices, ut id dicam esse indignum, hominis innocentis bona venisse si enim haec audientur ac libere dicentur, non fuit tantus homo Sex. Roscius in civitate ut de eo potissimum conqueramur verum ego hoc quaero: Qui potuerunt ista ipsa lege quae de proscriptione est, sive Valeria est sive Cornelia non enim novi nec scio verum ista ipsa lege bona Sex. Rosci venire qui potuerunt? [126] Scriptum enim ita dicunt esse: UT AUT EORUM BONA VENEANT QUI PROSCRIPTI SUNT; quo in numero Sex. Roscius non est: AUT EORUM QUI IN ADVERSARIORUM PRAESIDIIS OCCISI SUNT. Dum praesidia ulla fuerunt, in Sullae praesidiis fuit; postea quam ab armis omnes recesserunt, in summo otio rediens a cena Romae occisus est. Si lege, bona quoque lege venisse fateor. Sin autem constat contra omnis non modo veteres leges verum etiam novas occisum esse, bona quo iure aut quo modo aut qua lege venierint quaero.

[127] In quem hoc dicam quaeris, Eruci? Non in eum quem vis et putas; nam Sullam et oratio mea ab initio et ipsius eximia virtus omni tempore purgavit. Ego haec omnia Chrysogonum fecisse dico, ut ementiretur, ut malum civem Sex. Roscium fuisse fingeret, ut eum

apud adversarios occisum esse diceret, ut his de rebus a legatis Amerinorum doceri L. Sullam passus non sit. Denique etiam illud suspicor, omnino haec bona non venisse; id quod postea, si per vos, iudices, licitum erit, aperietur. [128] Opinor enim esse in lege quam ad diem proscriptiones venditionesque fiant, nimirum Kalendas Iunias. Aliquot post mensis et homo occisus est et bona venisse dicuntur. Profecto aut haec bona in tabulas publicas nulla redierunt nosque ab isto nebulone facetius eludimur quam putamus, aut, si redierunt, tabulae publicae corruptae aliqua ratione sunt; nam lege quidem bona venire non potuisse constat. Intellego me ante tempus, iudices, haec scrutari et prope modum errare qui, cum capiti Sex. Rosci mederi deheam, reduviam curem. Non enim laborat de pecunia, non ullius rationem sui commodi ducit; facile egestatem suam se laturum putat, si hac indigna suspicione et ficto crimine liberatus sit. [129] Verum quaeso a vobis, iudices, ut haec pauca quae restant ita audiatis ut partim me dicere pro me ipso putetis, partim pro Sex. Roscio. Quae enim mihi indigna et intolerabilia videntur quaeque ad omnis, nisi providemus, arbitror pertinere, ea pro me ipso ex animi mei sensu ac dolore pronuntio; quae ad huius vitae casum causamque pertinent et quid hic pro se dici velit et qua condicione contentus sit iam in extrema oratione nostra, iudices, audietis.

[130] Ego haec a Chrysogono mea sponte remoto Sex. Roscio quaero, primum qua re civis optimi bona venierint, deinde qua re hominis eius qui neque proscriptus neque apud adversarios occisus est bona venierint, cum in eos solos lex scripta sit, deinde qua re aliquanto post eam diem venierint quae dies in lege praefinita est, deinde cur tantulo venierint: Quae omnia si, quem ad modum solent liberti nequam et improbi facere, in patronum suum voluerit conferre, nihil egerit; nemo est enim qui nesciat propter magnitudinem rerum multa multos partim improbante, partim imprudente L. Sulla commisisse. [131] Placet igitur in his rebus aliquid imprudentia praeteriri? Non placet, iudices, sed necesse est. Etenim si Iuppiter Optimus Maximus cuius nutu et arbitrio caelum terra mariaque reguntur saepe ventis vehementioribus aut immoderatis tempestatibus aut nimio calore aut intolerabili frigore hominibus nocuit, urbis delevit, fruges perdidit, quorum nihil pernicii causa divino consilio sed vi ipsa et magnitudine rerum factum putamus, at

contra commoda quibus utimur qua fruimur spiritumque quem ducimus ab eo nobis dari atque impertiri videmus, quid miramur, iudices, L. Sullam, cum solus rem publicam regeret orbemque terrarum gubernaret imperique maiestatem quam armis receperat iam legibus confirmaret, aliqua animadvertere non potuisse? nisi hoc mirum est quod vis divina adsequi non possit, si id mens humana adepta non sit. [132] Verum ut haec missa faciam quae iam facta sunt, ex eis quae nunc cum maxime fiunt nonne quivis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum? qui Sex. Rosci nomen deferendum curavit, cuius honoris causa accusare se dixit Erucius . . .

In vico Pallacinae] Locus ubi cenaverat Roscius. Maxime metuit] Sullam scilicet. Derivat tamen et ait se] id est suspicionem suam in alium deducit. Hoc enim dicebat Cbrysogonus: 'Non quia timui ne mihi tollerentur bona Rosci ideo eius praedia dissipavi, sed, quia aedificabam, in Veientanam ideo de his transtuli.' Manu praedia praediis] Praediis, occasione, quem ad modum dicimus: 'fac ad manum illum codicem'. Hic ego audire istos cupio] In hoc capite de potentia Chrysogoni invidiam facit, ut enumeret singula deliciarum genera, quod habeat pluris possessiones, mancipia, quae omnia dicit de rapinis ipsum habere. [Schol. Gron. . 14.]

. . . aptam et ratione dispositam se habere existimant, qui in Sallentinis aut in Bruttiis habent unde vix ter in anno audire nuntium possunt.

[133] Alter tibi descendit de Palatio et aedibus suis; habet animi causa rus amoenum et suburbanum, plura praeterea praedia neque tamen ullum nisi praeclarum et propinquum. Domus referta vasis Corinthiis et Deliacis, in quibus est authepsa illa quam tanto pretio nuper mercatus est ut qui praetereuntes quid praeco enumeraret audiebant fundum venire arbitrarentur. Quid praeterea caelati argenti, quid stragulae vestis, quid pictarum tabularum, quid signorum, quid marmoris apud illum putatis esse? Tantum scilicet quantum e multis splendidisque familiis in turba et rapinis coacervari una in domo potuit. Familiam vero quantam et quam variis cum artificiis habeat quid ego dicam? [134] Mitto hasce artis volgaris, coquos, pistores, lecticarios; animi et aurium causa tot homines habet ut cotidiano cantu vocum et nervorum et tibiarum nocturnisque conviviis tota

vicinitas personet. In hac vita, iudices, quos sumptus cotidianos, quas effusiones fieri putatis, quae vero convivia? honesta, credo, in eius modi domo, si domus haec habenda est potius quam officina nequitiae ac deversorium flagitiorum omnium. [135] Ipse vero quem ad modum composito et dilibuto capillo passim per forum volitet cum magna caterva togatorum videtis, iudices; videtis ut omnis despiciat, ut hominem prae se neminem putet, ut se solum beatum, solum potentem putet. Quae vero efficiat et quae conetur si velim commemorare, vereor, iudices, ne quis imperitior existimet me causam nobilitatis victoriamque voluisse laedere. Tametsi meo iure possum, si quid in hac parte mihi non placeat, vituperare; non enim vereor ne quis alienum me animum habuisse a causa nobilitatis existimet

[136] Sciunt ei qui me norunt me pro mea tenui infirmaque parte, postea quam id quod maxime volui fieri non potuit, ut componeretur, id maxime defendisse ut ei vincerent qui vicerunt. Quis enim erat qui non videret humilitatem cum dignitate de amplitudine contendere? quo in certamine perditi civis erat non se ad eos iungere quibus incolumibus et domi dignitas et foris auctoritas retineretur. Quae perfecta esse et suum cuique honorem et gradum redditum gaudeo, iudices, vehementerque laetor eaque omnia deorum voluntate, studio populi Romani, consilio et imperio et felicitate L. Sullae gesta esse intellego. [137] Quod animadversum est in eos qui contra omni ratione pugnarunt, non debeo reprehendere; quod viris fortibus quorum opera eximia in rebus gerendis exstitit honos habitus est, laudo. Quae ut fierent idcirco pugnatum esse arbitror meque in eo studio partium fuisse confiteor. Sin autem id actum est et idcirco arma sumpta sunt ut homines postremi pecuniis alienis locupletarentur et in fortunas unius cuiusque impetum facerent, et id non modo re prohibere non licet sed ne verbis quidem vituperare, tum vero in isto beIlo non recreatus neque restitutus sed subactus oppressusque populus Romanus est. [138] Verum longe aliter est; nil horum est, iudices. Non modo non Iaedetur causa nobilitatis, si istis hominibus resistetis, verum etiam ornabitur. Etenim qui haec vituperare volunt Chrysogonum tantum posse queruntur; qui laudare volunt concessum ei non esse commemorant. Ac iam nihil est quod quisquam aut tam stultus aut tam improbus sit qui dicat: ‘Vellem quidem liceret; hoc

dixissem.' Dicas licet. 'Hoc fecissem.' Facias licet; nemo prohibet. 'Hoc decrevissem.' Decerne, modo recte; omnes approbabunt. 'Hoc iudicassem.' Laudabunt omnes, si recte et ordine iudicaris. [139] Dum necesse erat resque ipsa cogebat, unus omnia poterat; qui postea quam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta. Quam si retinere volunt ei qui reciperarunt in perpetuum poterunt obtinere; sin has caedis et rapinas et hos tantos tamque profusos sumptus aut facient aut approbabunt nolo in eos gravius quicquam ne ominis quidem causa dicere, unum hoc dico: nostri isti nobiles nisi vigilantes et boni et fortes et misericordes erunt, eis hominibus in quibus haec erunt ornamenta sua concedant necesse est. [140] Quapropter desinant aliquando dicere male aliquem locutum esse, si qui vere ac libere locutus sit, desinant suam causam cum Chrysogono communicare, desinant, si ille laesus sit, de se aliquid detractum arbitrari, videant ne turpe miserumque sit eos qui equestrem splendorem pati non potuerunt servi nequissimi dominationem ferre posse. Quae quidem dominatio, iudices, in aliis rebus antea versabatur, nunc vero quam viam munitet et quod iter adfectet videtis, ad fidem, ad ius iurandum, ad iudicia vestra, ad id quod solum prope in civitate sincerum sanctumque restat. [141] Hicne etiam sese putat aliquid posse Chrysogonus? hicne etiam potens esse volt? O rem miseram atque acerbam! Neque me hercules hoc indigne fero, quod verear ne quid possit, verum quod ausus est, quod speravit sese apud talis viros aliquid ad perniciem posse innocentis, id ipsum queror. Idcircone exspectata nobilitas armis atque ferro rem publicam reciperavit ut ad libidinem suam liberti servolique nobilium bona fortunas vitasque nostras vexare possent? [142] Si id actum est, fateor me errasse qui hoc maluerim, fateor insanisse qui cum illis senserim; tametsi inermis, iudices, sensi. Sin autem victoria nobilium ornamento atque emolumento rei publicae populoque Romano debet esse, tum vero optimo et nobilissimo cuique meam orationem gratissimam esse oportet. Quod si quis est qui et se et causam laedi putet, cum Chrysogonus vituperetur, is causam ignorat, se ipsum probe novit; causa enim splendidior fiet, si nequissimo cuique resistetur, ille improbissimus Chrysogoni fautor qui sibi cum illo rationem communicatam putat laeditur, cum ab hoc splendore causae separatur.

[143] Verum haec omnis oratio, ut iam ante dixi, mea est, qua me uti res publica et dolor meus et istorum iniuria coegit. Sex. Roscius horum nihil indignum putat, neminem accusat, nihil de suo patrimonio queritur. Putat homo imperitus morum, agricola et rusticus, ista omnia quae vos per Sullam gesta esse dicitis more, lege, iure gentium facta; culpa liberatus et crimine nefario solutus cupit a vobis discedere; [144] si hac indigna suspicione careat, animo aequo se carere suis omnibus commodis dicit. Rogat oratque te, Chrysogone, si nihil de patris fortunis amplissimis in suam rem convertit, si nulla in re te fraudavit, si tibi optima fide sua omnia concessit, adnumeravit, appendit, si vestitum quo ipse tectus erat anulumque e digito suum tibi tradidit, si ex omnibus rebus se ipsum nudum neque praeterea quicquam excepit, ut sibi per te liceat innocenti amicorum opibus vitam in egestate degere. [145] Praedia mea tu possides, ego aliena misericordia vivo; concedo, et quod animus aequus est et quia necesse est. Mea domus tibi patet, mihi clausa est; fero. Familia mea maxima tu uteris, ego servum habeo nullum; patior et ferendum puto. Quid vis amplius? quid insequeris, quid oppugnas? qua in re tuam voluntatem laedi a me putas? ubi tuis commodis officio? quid tibi obsto? Si spoliorum causa vis hominem occidere, spoliasti; quid quaeris amplius? si inimicitiarum, quae sunt tibi inimicitiae cum eo cuius ante praedia possedisti quam ipsum cognosti? si metus, ab eone aliquid metuis quem vides ipsum ab se tam atrocem iniuriam propulsare non posse? sin, quod bona quae Rosci fuerunt tua facta sunt, idcirco hunc illius filium studes perdere, nonne ostendis id te vereri quod praeter ceteros tu metuere non debeas ne quando liberis proscriptorum bona patria reddantur?

[146] Facis iniuriam, Chrysogone, si maiorem spem emptionis tuae in huius exitio ponis quam in eis rebus quas L. Sulla gessit. Quod si tibi causa nulla est cur hunc miserum tanta calamitate adfici velis, si tibi omnia sua praeter animam tradidit nec sibi quicquam paternum ne monumenti quidem causa reservavit, per deos immortalis! quae ista tanta crudelitas est, quae tam fera immanisque natura? Quis umquam praedo fuit tam nefarius, quis pirata tam barbarus ut, cum integram praedam sine sanguine habere posset, cruenta spolia detrahere mallet? [147] Scis hunc nihil habere, nihil audere, nihil posse, nihil umquam contra rem tuam cogitasse, et tamen oppugnas

eum quem neque metuere potes neque odisse debes nec quicquam iam habere reliqui vides quod ei detrahere possis. Nisi hoc indignum putas, quod vestitum sedere in iudicio vides quem tu e patrimonio tamquam e naufragio nudum expulisti. Quasi vero nescias hunc et ali et vestiri a Caecilia Baliarici filia, Nepotis sorore, spectatissima femina, quae cum patrem clarissimum, amplissimos patruos, ornatissimum fratrem haberet, tamen, cum esset mulier, virtute perfecit ut, quanto honore ipsa ex illorum dignitate adficeretur, non minora illis ornamenta ex sua laude redderet.

[148] An, quod diligenter defenditur, id tibi indignum facinus videtur? Mihi crede, si pro patris huius hospitiis et gratia vellent omnes huic hospites adesse et auderent libere defendere, satis copiose defenderetur; sin autem pro magnitudine iniuriae proque eo quod summa res publica in huius periculo temptatur haec omnes vindicarent, consistere me hercule vobis isto in loco non liceret. Nunc ita defenditur, non sane ut moleste ferre adversarii debeant neque ut se potentia superari putent. [149] Quae domi gerenda sunt, ea per Caeciliam transiguntur, fori iudicique rationem M. Messala, ut videtis, iudices, suscepit; qui, si iam satis aetatis ac roboris haberet, ipse pro Sex. Roscio diceret. Quoniam ad dicendum impedimento est aetas et pudor qui ornat aetatem causam mihi tradidit quem sua causa cupere ac debere intellegebat, ipse adsiduitate, consilio, auctoritate, diligentia perfecit ut Sex. Rosci vita erepta de manibus sectorum sententiis iudicum permitteretur. Nimirum, iudices, pro hac nobilitate pars maxima civitatis in armis fuit; haec acta res est ut ei nobiles restituerentur in civitatem qui hoc facerent quod facere Messalam videtis, qui caput innocentis defenderent, qui iniuriae resisterent, qui quantum possent in salute alterius quam in exitio mallent ostendere; quod si omnes qui eodem loco nati sunt facerent, et res publica ex illis et ipsi ex invidia minus laborarent.

[150] Verum si a Chrysogono, iudices, non impetramus ut pecunia nostra contentus sit, vitam ne petat, si ille adduci non potest ut, cum ademerit nobis omnia quae nostra erant propria, ne lucem quoque hanc quae communis est eripere cupiat, si non satis habet avaritiam suam pecunia explere, nisi etiam crudelitati sanguis praebitus sit, unum perfugium, iudices, una spes reliqua est Sex. Roscio eadem quae rei publicae, vestra pristina bonitas et misericordia. Quae si

manet, salvi etiam nunc esse possumus; sin ea crudelitas quae hoc tempore in re publica versata est vestros quoque animos id quod fieri profecto non potest duriores acerbioresque reddit, actum est, iudices; inter feras satius est aetatem degere quam in hac tanta immanitate versari. [151] Ad eamne rem vos reservati estis, ad eamne rem delecti ut eos condemnaretis quos sectores ac sicarii iugulare non potuissent? Solent hoc boni imperatores facere cum proelium committunt, ut in eo loco quo fugam hostium fore arbitrentur milites conlocent, in quos si qui ex acie fugerint de improviso incidant. Nimirum similiter arbitrantur isti bonorum emptores vos hic, talis viros, sedere qui excipiatis eos qui de suis manibus effugerint. Di prohibeant, iudices, ne hoc quod maiores consilium publicum vocari voluerunt praesidium sectorum existimetur! [152] An vero, iudices, vos non intellegitis nihil aliud agi nisi ut proscriptorum liberi quavis ratione tollantur, et eius rei initium in vestro iure iurando atque in Sex. Rosci periculo quaeri? Dubium est ad quem maleficium pertineat, cum videatis ex altera parte sectorem, inimicum, sicarium eundemque accusatorem hoc tempore, ex altera parte egentem, probatum suis filium, in quo non modo culpa nulla sed ne suspicio quidem potuit consistere? Numquid hic aliud videtis obstare Roscio nisi quod patris bona venierunt?

[153] Quod si id vos suscipitis et eam ad rem operam vestram profitemini, si idcirco sedetis ut ad vos adducantur eorum liberi quorum bona venierunt, cavete, per deos immortalis! iudices, ne nova et multo crudelior per vos proscriptio instaurata esse videatur. Illam priorem quae facta est in eos qui arma capere potuerunt tamen senatus suscipere noluit, ne quid acrius quam more maiorum comparatum est publico consilio factum videretur, hanc vero quae ad eorum liberos atque ad infantium puerorum incunabula pertinet nisi hoc iudicio a vobis reicitis et aspernamini, videte, per deos immortalis! quem in locum rem publicam perventuram putetis!

[154] Homines sapientes et ista auctoritate et potestate praeditos qua vos estis ex quibus rebus maxime res publica laborat, eis maxime mederi convenit. Vestrum nemo est quin intellegat populum Romanum qui quondam in hostis lenissimus existimabatur hoc tempore domestica crudelitate laborare. Hanc tollite ex civitate, iudices, hanc pati nolite diutius in hac re publica versari; quae non

modo id habet in se mali quod tot civis atrocissime sustulit verum etiam hominibus lenissimis ademit misericordiam consuetudine incommodorum. Nam cum omnibus horis aliquid atrociter fieri videmus aut audimus, etiam qui natura mitissimi sumus adsiduitate molestiarum sensum omnem humanitatis ex animis amittimus.

PRO Q. ROSCIO COMOEDO (In Defense of Quintus Roscius Gallus the Comic actor)

M. TVLLI CICERONIS PRO ROSCIO COMODEO ORATIO

[1] . . . . malitiam naturae crederetur. Is scilicet vir optimus et singulari fide praeditus in suo iudicio suis tabulis testibus uti conatur. Solent fere dicere qui per tabulas hominis honesti pecuniam expensam tulerunt: ‘egone talem virum corrumpere potui, ut mea causa falsum in codicem referret?’ Exspecto quam mox Chaerea hac oratione utatur: ‘egone hanc manum plenam perfidiae et hos digitos meos impellere potui ut falsum perscriberent nomen?’ Quod si ille suas proferet tabulas, proferet suas quoque Roscius. Erit in illius tabulis hoc nomen, at <in> huius non erit. [2] Cur potius illius quam huius credetur? — Scripsisset ille, si non iussu huius expensum tulisset? — Non scripsisset hic quod sibi expensum ferre iussisset? Nam quem ad modum turpe est scribere quod non debeatur, sic improbum est non referre quod debeas. Aeque enim tabulae condemnantur eius qui verum non rettulit et eius qui falsum perscripsit. Sed ego copia et facultate causae confisus vide quo progrediar. Si tabulas C. Fannius accepti et expensi profert suas in suam rem suo arbitratu scriptas, quo minus secundum illum iudicetis non recuso. [3] Quis hoc frater fratri, quis parens filio tribuit ut, quodcumque rettulisset, id ratum haberet? Ratum habebit Roscius; profer; quod tibi fuerit persuasum, huic erit persuasum, quod tibi fuerit probatum, huic erit probatum. Paulo ante M. Perpennae, P. Saturi tabulas poscebamus, nunc tuas, C. Fanni Chaerea, solius flagitamus et quo minus secundum eas lis detur non recusamus; quid ita non profers? Non conficit tabulas? [4] Immo diligentissime. Non refert parva nomina in codices? Immo omnis summas. Leve et tenue hoc nomen est? HS cccicccc sunt. Quo modo tibi tanta pecunia extraordinaria iacet? quo modo HS cccicccc in codice accepti et expensi non sunt? Pro di immortales! essene quemquam tanta audacia praeditum qui, quod nomen referre in tabulas timeat, id petere audeat, quod in codicem iniuratus referre noluerit, id iurare in litem non dubitet, quod sibi probare non possit, id persuadere alteri

conetur!

[5] Nimium cito ait me indignari de tabulis; non habere se hoc nomen in codicem accepti et expensi relatum confitetur, sed in adversariis patere contendit. Vsque eone te diligis et magnifice circumspicis ut pecuniam non ex tuis tabulis sed <ex> adversariis petas? Suum codicem testis loco recitare adrogantiae est; suarum perscriptionum et liturarum adversaria proferre non amentia est? [6] Quod si eandem vim, diligentiam auctoritatemque habent adversaria quam tabulae, quid attinet codicem instituere, conscribere, ordinem conservare, memoriae tradere litterarum vetustatem? Sed si, quod adversariis nihil credimus, idcirco codicem scribere instituimus, quod etiam apud omnis leve et infirmum est, id apud iudicem grave et sanctum esse ducetur? [7] Quid est quod neglegenter scribamus adversaria? quid est quod diligenter conficiamus tabulas? qua de causa? Quia haec sunt menstrua, illae sunt aeternae; haec delentur statim, illae servantur sancte; haec parvi temporis memoriam, illae perpetuae existimationis fidem et religionem amplectuntur; haec sunt disiecta, illae sunt in ordinem confectae. Itaque adversaria in iudicium protulit nemo; codicem protulit, tabulas recitavit. Tu, C. Piso, tali fide, virtute, gravitate, auctoritate ornatus ex adversariis pecuniam petere non auderes. [8] Ego quae clara sunt consuetudine diutius dicere non debeo; illud vero quod ad rem vehementer pertinet, quaero: quam pridem hoc nomen, Fanni, in adversaria rettulisti? Erubescit, quid respondeat nescit, quid fingat extemplo non habet. Sunt duo menses iam, dices. Tamen in codicem accepti et expensi <referri> debuit. Amplius sunt sex menses. Cur tam diu iacet hoc nomen in adversariis? Quid si tandem amplius triennium est? quo modo, cum omnes qui tabulas conficiant menstruas paene rationes in tabulas transferant, tu hoc nomen triennium amplius in adversariis iacere pateris? [9] Vtrum cetera nomina in codicem accepti et expensi digesta habes an non? Si non, quo modo tabulas conficis? si etiam, quam ob rem, cum cetera nomina in ordinem referebas, hoc nomen triennio amplius, quod erat in primis magnum, in adversariis relinquebas? Nolebas sciri debere tibi Roscium; cur scribebas? Rogatus eras ne referres; cur in adversariis scriptum habebas?

Sed haec quamquam firma esse video, tamen ipse mihi satis facere non possum, nisi a C. Fannio ipso testimonium sumo hanc pecuniam

ei non deberi. Magnum est quod conor, difficile est quod polliceor; nisi eundem et adversarium et testem habuerit Roscius, nolo vincat. [10] Pecunia tibi debebatur certa, quae nunc petitur per iudicem, in qua legitimae partis sponsio facta est. Hic tu si amplius HS nummo petisti, quam tibi debitum est, causam perdidisti, propterea quod aliud est iudicium, aliud est arbitrium. Iudicium est pecuniae certae, arbitrium incertae; ad iudicium hoc modo venimus ut totam litem aut obtineamus aut amittamus; ad arbitrium hoc animo adimus ut neque nihil neque tantum quantum postulavimus consequamur. Ei rei ipsa verba formulae testimonio sunt. [11] Quid est in iudicio? Derectum, asperum, simplex: si paret HS iccc dari — . Hic nisi planum facit HS iccc ad libellam sibi deberi, causam perdit. Quid est in arbitrio? Mite, moderatum: qvantvm aeqvivs et melivs sit dari. Ille tamen confitetur plus se petere quam debeatur, sed satis superque habere dicit quod sibi ab arbitro tribuatur. Itaque alter causae confidit, alter diffidit. [12] Quae cum ita sint, quaero abs te quid ita de hac pecunia, de his ipsis HS iccc, de tuarum tabularum fide compromissum feceris, arbitrum sumpseris qvantvm aeqvivs et melivs sit dari repromittiqve si pareat. Quis in hanc rem fuit arbiter? Vtinam is quidem Romae esset! Romae est. Vtinam adesset in iudicio! Adest. Vtinam sederet in consilio C. Pisonis! Ipse C. Piso est. Eundemne tu arbitrum et iudicem sumebas? eidem et infinitam largitionem remittebas et eundem in angustissimam formulam sponsionis concludebas? Quis umquam ad arbitrum, quantum petiit, tantum abstulit? Nemo; quantum enim aequius esset sibi dari, petiit. De quo nomine ad arbitrum adisti, de eo ad iudicem venisti! [13] Ceteri cum ad iudicem causam labefactari animadvertunt, ad arbitrum confugiunt, hic ab arbitro ad iudicem venire est ausus! qui cum de hac pecunia tabularum fide arbitrum sumpsit, iudicavit sibi pecuniam non deberi.

Iam duae partes causae sunt confectae; adnumerasse sese negat, expensum tulisse non dicit, cum tabulas non recitat. Reliquum est ut stipulatum se esse dicat; praeterea enim quem ad modum certam pecuniam petere possit non reperio. Stipulatus es — ubi, quo die, quo tempore, quo praesente? quis spopondisse me dicit? Nemo. [14] Hic ego si finem faciam dicendi, satis fidei et diligentiae meae, satis causae et controversiae, satis formulae et sponsioni, satis etiam iudici fecisse videar cur secundum Roscium iudicari debeat. Pecunia petita

est certa; cum tertia parte sponsio facta est. Haec pecunia necesse est aut data aut expensa lata aut stipulata sit. Datam non esse Fannius confitetur, expensam latam non esse codices Fanni confirmant, stipulatam non esse taciturnitas testium concedit. [15] Quid ergo est? Quod et reus is est cui et pecunia levissima et existimatio sanctissima fuit semper, et iudex est is quem nos non minus bene de nobis existimare quam secundum nos iudicare velimus, et advocatio ea est quam propter eximium splendorem ut iudicem unum vereri debeamus, perinde ac si in hanc formulam omnia iudicia legitima, omnia arbitria honoraria, omnia officia domestica conclusa et comprehensa sint, perinde dicemus. Illa superior fuit oratio necessaria, haec erit voluntaria, illa ad iudicem, haec ad C. Pisonem, illa pro reo, haec pro Roscio, illa victoriae, haec bonae existimationis causa comparata.

[16] Pecuniam petis, Fanni, a Roscio. Quam? dic audacter et aperte. Vtrum <quae> tibi ex societate debeatur, an quae ex liberalitate huius promissa sit et ostentata? Quorum alterum est gravius et odiosius, alterum levius et facilius. Quae ex societate debeatur? Quid ais? Hoc iam neque leviter ferendum est neque neglegenter defendendum. Si qua enim sunt privata iudicia summae existimationis et paene dicam capitis, tria haec sunt, fiduciae, tutelae, societatis. Aeque enim perfidiosum et nefarium est fidem frangere quae continet vitam, et pupillum fraudare qui in tutelam pervenit, et socium fallere qui se in negotio coniunxit. [17] Quae cum ita sint, quis sit qui socium fraudarit et fefellerit consideremus; dabit enim nobis iam tacite vita acta in alterutram partem firmum et grave testimonium. Q. Roscius? Quid ais? nonne, ut ignis in aquam coniectus continuo restinguitur et refrigeratur, sic refervens falsum crimen in purissimam et castissimam vitam conlatum statim concidit et exstinguitur? Roscius socium fraudavit! Potest hoc homini huic haerere peccatum? qui me dius fidius — audacter dico — plus fidei quam artis, plus veritatis quam disciplinae possidet in se, quem populus Romanus meliorem virum quam histrionem esse arbitratur, qui ita dignissimus est scaena propter artificium ut dignissimus sit curia propter abstinentiam. [18] Sed quid ego ineptus de Roscio apud Pisonem dico? Ignotum hominem scilicet pluribus verbis commendo. Estne quisquam omnium mortalium de quo melius existimes tu? estne quisquam qui

tibi purior, pudentior, humanior, officiosior liberaliorque videatur? Quid? tu, Saturi, qui contra hunc venis, existimas aliter? nonne, quotienscumque in causa in nomen huius incidisti, totiens hunc et virum bonum esse dixisti et honoris causa appellasti? quod nemo nisi aut honestissimo aut amicissimo facere consuevit. [19] Qua in re mihi ridicule es visus esse inconstans qui eundem et laederes et laudares, et virum optimum et hominem improbissimum esse diceres. Eundem tu et honoris causa appellabas et virum primarium esse dicebas et socium fraudasse arguebas? Sed, ut opinor, laudem veritati tribuebas, crimen gratiae concedebas; de hoc, ut existimabas, praedicabas, Chaereae arbitratu causam agebas.

Fraudavit Roscius! Est hoc quidem auribus animisque omnium absurdum. Quid si tandem aliquem timidum, dementem, divitem, inertem nactus esset qui experiri non posset? [20] Tamen incredibile esset. Verum tamen quem fraudarit videamus. C. Fannium Chaeream Roscius fraudavit! Oro atque obsecro vos qui nostis, vitam inter se utriusque conferte, qui non nostis, faciem utriusque considerate. Nonne ipsum caput et supercilia illa penitus abrasa olere malitiam et clamitare calliditatem videntur? non ab imis unguibus usque ad verticem summum, si quam coniecturam adfert hominibus tacita corporis figura, ex fraude, fallaciis, mendaciis constare totus videtur? qui idcirco capite et superciliis semper est rasis ne ullum pilum viri boni habere dicatur; cuius personam praeclare Roscius in scaena tractare consuevit, neque tamen pro beneficio ei par gratia refertur. Nam Ballionem illum improbissimum et periurissimum lenonem cum agit, agit Chaeream; persona illa lutulenta, impura, invisa in huius moribus, natura vitaque est expressa. Qui quam ob rem Roscium similem sui in fraude et malitia existimarit, mihi <vix> videtur, nisi forte quod praeclare hunc imitari se in persona lenonis animadvertit. [21] Quam ob rem etiam atque etiam considera, C. Piso, quis quem fraudasse dicatur. Roscius Fannium! Quid est hoc? probus improbum, pudens impudentem, periurum castus, callidum imperitus, liberalis avidum? Incredibile est. Quem ad modum, si Fannius Roscium fraudasse diceretur, utrumque ex utriusque persona veri simile videretur, et Fannium per malitiam fecisse et Roscium per imprudentiam deceptum esse, sic, cum Roscius Fannium fraudasse arguatur, utrumque incredibile est, et Roscium quicquam per

avaritiam appetisse et Fannium quicquam per bonitatem amisisse.

[22] Principia sunt huius modi; spectemus reliqua. HS iccc Q. Roscius fraudavit Fannium. Qua de causa? Subridet Saturius, veterator, ut sibi videtur; ait propter ipsa HS iccc. Video; sed tamen cur ipsa HS iccc tam vehementer concupierit quaero; nam tibi, M. Perpenna, <tibi> C. Piso, certe tanti non fuissent ut socium fraudaretis. Roscio cur tanti fuerint causam requiro. Egebat? Immo locuples erat. Debebat? Immo in suis nummis versabatur. Avarus erat? Immo etiam ante quam locuples <esset>, semper liberalissimus munificentissimusque fuit. [23] Pro deum hominumque fidem! qui HS iccc cccicccc quaestus facere noluit — nam certe HS iccc cccicccc merere et potuit et debuit, si potest Dionysia HS cccicccc cccicccc merere — is per summam fraudem et malitiam et perfidiam HS iccc appetiit? Et illa fuit pecunia immanis, haec parvola, illa honesta, haec sordida, illa iucunda, haec acerba, illa propria, haec in causa et in iudicio conlocata. Decem his annis proximis HS sexagiens honestissime consequi potuit; noluit. Laborem quaestus recepit, quaestum laboris reiecit; populo Romano adhuc servire non destitit, sibi servire iam pridem destitit. [24] Hoc tu umquam, Fanni, faceres? et si hos quaestus recipere posses, non eodem tempore et gestum et animam ageres? Dic nunc te ab Roscio HS iccc circumscriptum esse, qui tantas et tam infinitas pecunias non propter inertiam laboris sed propter magnificentiam liberalitatis repudiarit! Quid ego nunc illa dicam quae vobis in mentem venire certo scio? Fraudabat te in societate Roscius! Sunt iura, sunt formulae de omnibus rebus constitutae, ne quis aut in genere iniuriae aut <in> ratione actionis errare possit. Expressae sunt enim ex unius cuiusque damno, dolore, incommodo, calamitate, iniuria publicae a praetore formulae, ad quas privata lis accommodatur. [25] Quae cum ita sint, cur non arbitrum pro socio adegeris Q. Roscium quaero. Formulam non noras? Notissima erat. Iudicio gravi experiri nolebas? Quid ita? propter familiaritatem veterem? Cur ergo laedis? Propter integritatem hominis? Cur igitur insimulas? Propter magnitudinem criminis? Itane vero? quem per arbitrum circumvenire non posses, cuius de ea re proprium non erat iudicium, hunc per iudicem condemnabis, cuius de <ea> re nullum est arbitrium? Quin tu hoc crimen aut obice ubi licet agere, aut iacere noli ubi non oportet. Tametsi iam hoc tuo testimonio crimen

sublatum est. Nam quo tu tempore illa formula uti noluisti, nihil hunc in societatem fraudis fecisse indicasti. Dic enim, tabulas habes an non? Si non habes, quem ad modum pactio est? si habes, cur non nominas? [26] Dic nunc Roscium abs te petisse ut familiarem suum sumeres arbitrum! Non petiit. Dic pactionem fecisse ut absolveretur! Non pepigit. Quaere qua re sit absolutus! Quod erat summa innocentia et integritate. Quid enim factum est? Venisti domum ultro Rosci, satis fecisti; quod temere commisisti, in iudicium ut denuntiares, rogasti ut ignosceret; te adfuturum negasti, debere tibi ex societate nihil clamitasti. Iudici hic denuntiavit; absolutus est. Tamen fraudis ac furti mentionem facere audes? Perstat in impudentia. 'Pactionem enim,' inquit, 'mecum fecerat.' Idcirco videlicet ne condemnaretur. Quid erat causae cur metueret ne condemnaretur? — Res erat manifesta, furtum erat apertum.

[27] Cuius rei furtum factum erat? Exorditur magna cum exspectatione veteris histrionis exponere societatem. 'Panurgus,' inquit, 'fuit Fanni; is fit ei cum Roscio communis.' Hic primum questus est non leviter Saturius communem factum esse gratis cum Roscio, qui pretio proprius fuisset Fanni. Largitus est scilicet homo liberalis et dissolutus et bonitate adfluens Fannius Roscio. Sic puto. [28] Quoniam ille hic constitit paulisper, mihi quoque necesse est paulum commorari. Panurgum tu, Saturi, proprium Fanni dicis fuisse. At ego totum Rosci fuisse contendo. Quid erat enim Fanni? Corpus. Quid Rosci? Disciplina. Facies non erat, ars erat pretiosa. Ex qua parte erat Fanni, non erat HS #, ex qua parte erat Rosci, amplius erat HS cccicccc iccc; nemo enim illum ex trunco corporis spectabat sed ex artificio comico aestimabat; nam illa membra merere per se non amplius poterant duodecim aeris, disciplina quae erat ab hoc tradita locabat se non minus HS cccicccc iccc. [29] O societatem captiosam et indignam, ubi alter HS #, alter cccicccc iccc quod sit in societatem adfert! nisi idcirco moleste pateris quod HS # tu ex arca proferebas, HS cccicccc iccc ex disciplina et artificio promebat <Roscius>. Quam enim spem et exspectationem, quod studium et quem favorem secum in scaenam attulit Panurgus, quod Rosci fuit discipulus! Qui diligebant hunc, illi favebant, qui admirabantur hunc, illum probabant, qui denique huius nomen audierant, illum eruditum et perfectum existimabant. Sic est volgus; ex veritate pauca, ex

opinione multa aestimat. [30] Quid sciret ille perpauci animadvertebant, ubi didicisset omnes quaerebant; nihil ab hoc pravum et perversum produci posse arbitrabantur. Si veniret ab Statilio, tametsi artificio Roscium superaret, aspicere nemo posset; nemo enim, sicut ex improbo patre probum filium nasci, sic a pessimo histrione bonum comoedum fieri posse existimaret. Quia veniebat a Roscio, plus etiam scire quam sciebat videbatur. Quod item nuper in Erote comoedo usu venit; qui postea quam e scaena non modo sibilis sed etiam convicio explodebatur, sicut in aram confugit in huius domum, disciplinam, patrocinium, nomen: itaque perbrevi tempore qui ne in novissimis quidem erat histrionibus ad primos pervenit comoedos. [31] Quae res extulit eum? Vna commendatio huius; qui tamen Panurgum illum, non solum ut Rosci discipulus fuisse diceretur domum recepit, sed etiam summo cum labore, stomacho miseriaque erudivit. Nam quo quisque est sollertior et ingeniosior, hoc docet iracundius et laboriosius; quod enim ipse celeriter arripuit, id cum tarde percipi videt, discruciatur. Paulo longius oratio mea provecta est hac de causa ut condicionem societatis diligenter cognosceretis.

[32] Quae deinde sunt consecuta? ‘Panurgum,’ inquit, ‘hunc servum communem, Q. Flavius Tarquiniensis quidam interfecit. In hanc rem,’ inquit, ‘me cognitorem dedisti. Lite contestata, iudicio damni iniuria constituto tu sine me cum Flavio decidisti.’ Vtrum pro dimidia parte an pro <re> tota? planius dicam: utrum pro me an et pro me et pro te? Pro me; potui exemplo multorum; licitum est; iure fecerunt multi; nihil in ea re tibi iniuriae feci. Pete tu tuum, exige et aufer quod debetur; suam quisque partem iuris possideat et persequatur.—’At enim tu tuum negotium gessisti bene.’ — Gere et tu tuum bene.—’Magno <tu> tuam dimidiam partem decidisti.’ — Magno et tu tuam partem decide.—’HS Q. tu abstulisti.’ — Sit ita hoc, vero HS Q. tu aufer. [33] Sed hanc decisionem Rosci oratione et opinione augere licet, re et veritate mediocrem et tenuem esse invenietis. Accepit enim agrum temporibus eis cum iacerent pretia praediorum; qui ager neque villam habuit neque ex ulla parte fuit cultus; qui nunc multo pluris est quam tunc fuit. Neque id est mirum. Tum enim propter rei publicae calamitates omnium possessiones erant incertae, nunc deum immortalium benignitate omnium fortunae

sunt certae; tum erat ager incultus sine tecto, nunc est cultissimus cum optima villa. [34] Verum tamen, quoniam natura tam malivolus es, numquam ista te molestia et cura liberabo. Praeclare suum negotium gessit Roscius, fundum fructuosissimum abstulit; quid ad te? Tuam partem dimidiam, quem ad modum vis, decide. Vertit hic rationem et id quod probare non potest fingere conatur. 'De tota re,' inquit, 'decidisti.'

Ergo huc universa causa deducitur, utrum Roscius cum Flavio de sua parte an de tota societate fecerit pactionem. [35] Nam ego Roscium, si quid communi nomine tetigit, confiteor praestare debere societati. — Societatis, non suas litis redemit, cum fundum a Flavio accepit. — Quid ita satis non dedit amplius assem neminem petiturum? Qui de sua parte decidit, reliquis integram relinquit actionem, qui pro sociis transigit, satis dat neminem eorum postea petiturum. Quid ita Flavio sibi cavere non venit in mentem? nesciebat videlicet Panurgum fuisse in societate. Sciebat. Nesciebat Fannium Roscio esse socium. — Praeclare; nam iste cum eo litem contestatam habebat. [36] Cur igitur decidit et non restipulatur neminem amplius petiturum? cur de fundo decedit et iudicio non absolvitur? cur tam imperite facit ut nec Roscium stipulatione adliget neque a Fannio iudicio se absolvat? [37] Est hoc primum et ex condicione iuris et ex consuetudine cautionis firmissimum et gravissimum argumentum, quod ego pluribus verbis amplecterer, si non alia certiora et clariora testimonia in causa haberem.

Et ne forte me hoc frustra pollicitum esse praedices, te, te inquam, Fanni, ab tuis subselliis contra te testem suscitabo. Criminatio tua quae est? Roscium cum Flavio pro societate decidisse. Quo tempore? Abhinc annis xv. Defensio mea quae est? Roscium pro sua parte cum Flavio transegisse. Repromittis tu abhinc triennium Roscio. Quid? recita istam restipulationem clarius. Attende, quaeso, Piso; Fannium invitum et huc atque illuc tergiversantem testimonium contra se cogo dicere. Quid enim restipulatio clamat? qvod a flavio abstvlero, partem dimidiam inde roscio me solvtvrvm spondeo. Tua vox est, Fanni. [38] Quid tu auferre potes a Flavio, si Flavius nihil debet? quid hic porro nunc restipulatur quod iam pridem ipse exegit? quod vero Flavius tibi daturus est, qui Roscio omne quod debuit dissolvit? Cur in re tam vetere, in negotio iam confecto, in societate dissoluta nova

haec restipulatio interponitur? quis est huius restipulationis scriptor, testis arbiterque? Tu, Piso; tu enim Q. Roscium pro opera <ac> labore, quod cognitor fuisset, quod vadimonia obisset, rogasti ut Fannio daret HS cccicccc hac condicione ut, si quid ille exegisset a Flavio, partem eius dimidiam Roscio dissolveret. Satisne ipsa restipulatio dicere tibi videtur aperte Roscium pro se decidisse? [39] At enim forsitan hoc tibi veniat in mentem, repromisisse Fannium Roscio, si quid a Flavio exegisset, eius partem dimidiam, sed omnino exegisse nihil. Quid tum? Non exitum exactionis, sed initium repromissionis spectare debes. Neque, si ille id exsequendum <non iudicavit>, non, quod in se fuit, iudicavit Roscium suas, non societatis litis redemisse. Quid si tandem planum facio post decisionem veterem Rosci, post repromissionem recentem hanc Fanni HS cccicccc Fannium a. Q. Flavio Panurgi nomine abstulisse? tamen diutius inludere viri optimi existimationi, Q. Rosci, audebit?

[40] Paulo ante quaerebam, id quod vehementer ad rem pertinebat, qua de causa Flavius, cum de tota lite faceret pactionem, neque satis acciperet a Roscio neque iudicio absolveretur a Fannio; nunc vero, id quod mirum et incredibile est, requiro: Quam ob rem, cum de tota re decidisset cum Roscio, HS cccicccc separatim Fannio dissolvit? Hoc loco, Saturi, quid pares respondere scire cupio; utrum omnino Fannium <a> Flavio HS cccicccc non abstulisse an alio nomine et alia de causa abstulisse. [41] Si alia de causa, quae ratio tibi cum eo intercesserat? Nulla. Addictus erat tibi? Non. Frustra tempus contero. ‘Omnino,’ inquit, ‘HS cccicccc a Flavio non abstulit neque Panurgi nomine neque cuiusquam.’ Si planum facio post hanc recentem stipulationem Rosci HS cccicccc a Flavio te abstulisse, numquid causae est quin ab iudicio abeas turpissime victus? Quo teste igitur hoc planum faciam? [42] Venerat, ut opinor, haec res in iudicium. Certe. Quis erat petitor? Fannius. Quis reus? Flavius. Quis iudex? Cluvius. Ex his unus mihi testis est producendus qui pecuniam datam dicat. Quis est ex his gravissimus? Sine controversia qui omnium iudicio comprobatus est iudex. Quem igitur ex his tribus a me testem exspectabis? petitorem? Fannius est; contra se numquam testimonium dicet. Reum? Flavius est. Is iam pridem est mortuus; si viveret, verba eius audiretis. Iudicem? Cluvius est. Quid is dicit? HS cccicccc Panurgi nomine Flavium Fannio dissolvisse. Quem tu si ex

censu spectas, eques Romanus est, si ex vita, homo clarissimus est, si ex fide, iudicem sumpsisti, si ex veritate, id quod scire potuit et debuit dixit. [43] Nega, nega nunc equiti Romano, homini honesto, iudici tuo credi oportere! Circumspicit, aestuat, negat nos Cluvi testimonium recitaturos. Recitabimus. Erras; inani et tenui spe te consolaris. Recita testimonium T. Manili et C. Lusci Ocreae, duorum senatorum, hominum ornatissimorum qui ex Cluvio audierunt. <Testimonivm T. Manili et C. Lvsci Ocreae.> Vtrum dicis Luscio et Manilio, an etiam Cluvio non esse credendum? Planius atque apertius dicam. Vtrum Luscius et Manilius nihil de HS cccicccc ex Cluvio audierunt, an Cluvius falsum Luscio et Manilio dixit? Hoc ego loco soluto et quieto sum animo et quorsom recidat responsum tuum non magno opere laboro; firmissimis enim et sanctissimis testimoniis virorum optimorum causa Rosci communita est. [44] Si iam tibi deliberatum est quibus abroges fidem iuris iurandi, responde. Manilio et Luscio negas esse credendum? Dic, aude; est tuae contumaciae, adrogantiae vitaeque universae vox. Quid exspectas quam mox ego Luscium et Manilium dicam ordine esse senatores, aetate grandis natu, natura sanctos et religiosos, copiis rei familiaris locupletis et pecuniosos? Non faciam; nihil mihi detraham, cum illis exactae aetatis severissime fructum quem meruerunt retribuam. Magis mea adulescentia indiget illorum bona existimatione quam illorum severissima senectus desiderat meam laudem. [45] Tibi vero, Piso, diu deliberandum et concoquendum est utrum potius Chaereae iniurato in sua lite, an Manilio et Luscio iuratis in alieno iudicio credas. Reliquum est ut Cluvium falsum dixisse Luscio et Manilio contendat. Quod si facit, qua impudentia est, eumne testem improbabit quem iudicem probarit? ei negabit credi oportere cui ipse crediderit? eius testis ad iudicem fidem infirmabit cuius propter fidem et religionem iudicis testis compararit? quem ego si ferrem iudicem, refugere non deberet, cum testem producam, reprehendere audebit?

[46] ‘Dicit enim,’ inquit, ‘iniuratus Luscio et Manilio.’ Si diceret iuratus, crederes? At quid interest inter periurum et mendacem? Qui mentiri solet, peierare consuevit. Quem ego ut mentiatur inducere possum, ut peieret exorare facile potero. Nam qui semel a veritate deflexit, hic non maiore religione ad periurium quam ad mendacium

perduci consuevit. Quis enim deprecatione deorum, non conscientiae fide commovetur? Propterea, quae poena ab dis immortalibus periuro, haec eadem mendaci constituta est; non enim ex pactione verborum quibus ius iurandum comprehenditur, sed ex perfidia et malitia per quam insidiae tenduntur alicui, di immortales hominibus irasci et suscensere consuerunt. [47] At ego hoc ex contrario contendo: levior esset auctoritas Cluvi, si diceret iuratus, quam nunc est, cum dicit iniuratus. Tum enim forsitan improbis nimis cupidus videretur, qui qua de re iudex fuisset testis esset; nunc omnibus non iniquis necesse est castissimus et constantissimus esse videatur, qui id quod scit familiaribus suis dicit.

[48] Dic nunc, si potes, si res, si causa patitur, Cluvium esse mentitum! Mentitus est Cluvius? Ipsa mihi veritas manum iniecit et paulisper consistere et commorari coegit. Vnde hoc totum ductum et conflatum mendacium est? Roscius est videlicet homo callidus et versutus. Hoc initio cogitare coepit: ‘quoniam Fannius a me petit HS iccc, petam a C. Cluvio, equite <Romano>, ornatissimo homine, ut mea causa mentiatur, dicat decisionem factam esse quae facta non est, HS cccicccc a Flavio data esse Fannio quae data non sunt.’ Est hoc principium improbi animi, miseri ingeni, nullius consili. [49] Quid deinde? Postea quam se praeclare confirmavit, venit ad Cluvium. Quem hominem? levem? Immo gravissimum. Mobilem? Immo constantissimum. Familiarem? Immo alienissimum. Hunc postea quam salutavit, rogare coepit blande et concinne scilicet: ‘mentire mea causa, viris optimis, tuis familiaribus, praesentibus dic Flavium cum Fannio de Panurgo decidisse qui nihil transegit; dic HS cccicccc dedisse qui assem nullum dedit.’ Quid ille respondit? ‘Ego vero cupide et libenter mentiar tua causa, et, si quando me peierare <vis>, ut paululum tu compendi facias, paratum fore scito; non fuit causa cur tantum laborem caperes et ad me venires; per nuntium hoc quod erat tam leve transigere potuisti.’ [50] Pro deum hominumque fidem! hoc aut Roscius umquam a Cluvio petisset, si HS miliens in iudicium haberet, aut Cluvius Roscio petenti concessisset, si universae praedae particeps esset? vix me dius fidius tu, Fanni, a Ballione aut aliquo eius simili hoc et postulare auderes et impetrare posses. Quod cum est veritate falsum, tum ratione quoque est incredibile; obliviscor enim Roscium et Cluvium viros esse primarios; improbos temporis

causa esse fingo. [51] Falsum subornavit testem Roscius Cluvium! Cur tam sero? cur cum altera pensio solvenda esset, non tum cum prima? nam iam antea HS iccc dissolverat. Deinde, si iam persuasum erat Cluvio ut mentiretur, cur potius HS cccicccc quam cccicccc cccicccc cccicccc data dixit Fannio <a> Flavio, cum ex restipulatione pars eius dimidia Rosci esset? Iam intellegis, C. Piso, sibi soli, societati nihil Roscium petisse. Hoc quoniam sentit Saturius esse apertum, resistere et repugnare contra veritatem non audet, aliud fraudis et insidiarum in eodem vestigio deverticulum reperit.

[52] 'Petisse,' inquit, 'suam partem Roscium a Flavio confiteor, vacuam et integram reliquisse Fanni concedo; sed, quod sibi exegit, id commune societatis factum esse contendo.' Quo nihil captiosius neque indignius potest dici. Quaero enim potueritne Roscius ex societate suam partem petere necne. Si non potuit, quem ad modum abstulit? si potuit, quem ad modum non sibi exegit? nam quod sibi petitur, certe alteri non exigitur. [53] An ita est: si quod universae societatis fuisset petisset, quod tum redactum esset aequaliter omnes partirentur; nunc cum petierit quod suae partis esset, non quod tum abstulit soli sibi exegit? Quid interest inter eum qui per se litigat et eum qui cognitor est datus? Qui per se litem contestatur, sibi soli petit, alteri nemo potest, nisi qui cognitor est factus. Itane vero? cognitor si fuisset tuus, quod vicisset iudicio, ferres tuum; <cum> suo nomine petiit, quod abstulit, tibi non sibi exegit? [54] Quod si quisquam petere potest alteri qui cognitor non est factus, quaero, quid ita, cum Panurgus esset interfectus et lis contestata cum Flavio damni iniuria esset, tu in eam litem cognitor Rosci sis factus, cum praesertim ex tua oratione quodcumque tibi peteres huic peteres, quodcumque tibi exigeres, id in societatem recideret. Quod si ad Roscium nihil perveniret quod tu a Flavio abstulisses, nisi te in suam litem dedisset cognitorem, ad te pervenire nihil debet quod Roscius pro sua parte exegit, quoniam tuus cognitor non est factus. [55] Quid enim huic rei respondere poteris, Fanni? Cum de sua parte Roscius transegit cum Flavio, actionem tibi tuam reliquit an non? Si non reliquit, quem ad modum HS cccicccc ab eo postea exegisti? si reliquit, quid ab hoc petis quod per te persequi et petere debes? Simillima enim et maxime gemina societas hereditatis est; quem ad modum socius in societate habet partem, sic heres in hereditate habet

partem. Vt heres sibi soli non coheredibus petit, sic socius sibi soli non sociis petit; et quem ad modum uterque pro sua parte petit, sic pro sua parte dissolvit, heres ex ea parte qua hereditatem adiit, socius ex ea qua societatem coiit. [56] Quem ad modum suam partem Roscius suo nomine condonare potuit Flavio, ut eam tu non peteres, sic, cum exegit suam partem et tibi integram petitionem reliquit, tecum partiri non debet, nisi forte tu perverso more quod huius est ab alio extorquere non potes, huic eripere potes. Perstat in sententia Saturius, quodcumque sibi petat socius, id societatis fieri. Quod si ita est, qua, malum, stultitia fuit Roscius, qui ex iuris peritorum consilio et auctoritate restipularetur a Fannio diligenter ut eius quod exegisset a Flavio dimidiam partem sibi dissolveret, si quidem sine cautione et repromissione nihilo minus id Fannius societati, hoc est Roscio, debebat? * * * * * * * * *

PRO TULLIO (On Behalf of Tullius)

1. A a sra, ratores, turos adversarios arbitrarer tantam caedem et tam atrocem ad familiam suam pertinere. itaque animo soluto a cura et a cogitatione veneram, quod intellegebam facile id me testibus planum facere posse. nunc vero postea quam non modo confessus est vir primarius, L. Quin . . .

Roughly six lines of eighty characters are missing.

borabam ut, quod arguebam, id factum esse ostenderem; nunc in eo consumenda est oratio ut ne adversarii, quod infitiari nullo modo potuerunt, cum maxime cuperent, id cum confessi sunt, meliore loco esse videantur. itaque tum vestrum difficilius iudicium, mea facilis defensio fore videbatur. ego enim omnia in tes . . .

Seven lines are missing

quid est facilius quam de eo qui confitetur iudicare? mihi autem difficile est satis copiose de eo dicere quod nec atrocius verbis demonstrari potest quam re ipsa est, neque apertius oratione mea fieri quam ipsorum confessione factum est.

[3] Cum in hac re quam commemoravi mihi mutanda ratio defensionis . . .

Seven lines are missing

minus diligenter illius existimationem quam rem M. Tulli viderer defendere. nunc quoniam Quinctius ad causam pertinere putavit res ita multas, falsas praesertim et inique confictas, proferre de vita et moribus et existimatione M. Tulli, multis de causis mihi Fabius debebit ignoscere, si minus eius famae parcere videbor quam antea consului. Six lines are missing.

2. Pri . . .. . . ore putavit ad officium suum pertinere adversario nulla in re parcere, quid me oportet Tullium pro Tullio facere, homine coniuncto mecum+ non minus animo quam nomine? ac mihi magis illud laborandum videtur, recuperatores, ut quod antea nihil in istum dixi probarm, quam in eo reprehendar quod hoc tempore respondeo. verum et tum id feci quod oportuit, et nunc faciam quod necesse est. nam cum esset de re pecuniaria controversia, quod damnum datum M. Tullio diceremus, alienum mea natura videbatur quicquam de existimatione P. Fabi dicere, non quia res postulare non

videretur. quid ergo est? tametsi postulat causa, tamen, nisi plane cogit ingratiis, ad male dicendum non soleo descendere. nunc cum coactus dicam, si quid forte dicam, tamen id ipsum verecunde modiceque faciam, tantum ut, quoniam sibi me non esse inimicum potuit priore actione Fabius iudicare, nunc M. Tullio fidelem certumque amicum esse cognoscat.

3. Vnum hoc abs te, L. Quincti, pervelim impetrare — quod tametsi eo volo quia mihi utile est, tamen abs te idcirco quia aequum est, postulo — ut ita tibi multum temporis ad dicendum sumas ut his aliquid ad iudicandum relinquas. namque antea non defensionis tuae modus, sed nox tibi finem dicendi fecit; nunc, si tibi placere potest, ne idem facias, id abs te postulo. neque hoc idcirco postulo quod te aliquid censeam praeterire oportere aut non quam ornatissime et copiosissime dicere, verum ut semel una quaque de re dicas; quod si facies, non vereor ne dicendo dies eximatur.

iudicium vestrum est, recuperatores, Qvantae pecvniae paret dolo malo familiae P. Fabi vi hominibvs armatis coactisve damnvm datvm esse M. Tvllio. eius rei taxationem nos fecimus; aestimatio vestra est; iudicium datum est in quadruplum.

4. Cum omnes leges omniaque iudicia quae paulo graviora atque asperiora videntur esse ex improborum iniquitate et iniuria nata sunt, tum hoc iudicium paucis hisce annis propter hominum malam consuetudinem nimiamque licentiam constitutum est. nam cum multae familiae dicerentur in agris longinquis et pascuis armatae esse caedisque facere, cumque ea consuetudo non solum ad res privatorum sed ad summam rem publicam pertinere videretur, M. Lucullus, qui summa aequitate et sapientia ius dixit, primus hoc iudicium composuit et id spectavit ut omnes ita familias suas continerent ut non modo armati damnum nemini darent verum etiam lacessiti iure se potius quam armis defenderent; et cum sciret de damno legem esse Aquiliam, tamen hoc ita existimavit, apud maiores nostros cum et res et cupiditates minores essent et familiae non magnae magno metu continerentur ut perraro fieret ut homo occideretur, idque nefarium ac singulare facinus putaretur, nihil opus fuisse iudicio de vi coactis armatisque hominibus; quod enim usu non veniebat, de eo si quis legem aut iudicium constitueret, non tam prohibere videretur quam admonere.

5. his temporibus cum ex bello diuturno atque domestico res in eam consuetudinem venisset ut homines minore religione armis uterentur, necesse putavit esse et in universam familiam iudicium dare, quod a familia factum diceretur, et recuperatores dare, [11] ut quam primum res iudicaretur, et poenam graviorem constituere, ut metu comprimeretur audacia, et illam latebram tollere: 'damnum iniuria.' quod in aliis causis debet valere et valet lege Aquilia, id ex huius modi damno quod vi per servos armatos datum esset . . .

Seven short lines of thirty characters are missing.

ipsi statuerent quo tempore possent suo iure arma capere, manum cogere, homines occidere. Cum iudicium ita daret ut hoc solum in iudicium veniret, videreturne vi hominibus coactis armatisve damnum dolo malo familiae datum, neque illud adderet 'inivria,' putavit se audaciam improborum sustulisse, cum spem defensionis nullam reliquisset.

6. quoniam quod iudicium et quo consilio constitutum sit cognostis, nunc rem ipsam, ut gesta sit, dum breviter vobis demonstro, attendite. fundum habet in agro Thurino M. Tullius+ paternum, recuperatores, quem se habere usque eo non moleste tulit, donec vicinum eius modi nactus est qui agri finis armis proferre mallet quam iure defendere. nam P. Fabius nuper emit agrum de C. Claudio senatore, cui fundo+ erat+ adfinis M. Tullius, sane magno, dimidio fere pluris incultum exustis villis omnibus quam quanti integrum atque ornatissimum carissimis pretiis ipse Claudius . . .

Eleven lines are missing.

clam circumscripsisse isti a consulari Macedonia et Asia. etiam illud addam quod ad rem pertinet: imperatore mortuo pecuniam nescio quo modo quaesitam dum volt in praedio ponere, non posuit, sed abiecit. nihil adhuc m . . .

Ten lines are missing.

. . am calamitate vicinorum corrigit, et quod stomachum suum damno Tulli lere conatus est.

7. est in eo agro centuria quae Populiana nominatur, recuperatores, quae semper M. Tulli fuit, quam etiam pater pos . . .

Eleven lines are missing.

posita esse et ad fundum eius convenire. ac primum, quod eum negoti totius et emptionis suae paenitebat, fundum proscripsit; eum

autem emptum habebat cum socio Cn. Acerronio, viro op. . . .

Eleven lines are missing.

modum proscripsisse. hominem appellat. iste sane adroganter quod commodum fuit respondit. Nequedum finis auctor demonstraverat. mittit ad procuratorem litteras et ad vilicum Tullius . . . Ten lines are missing. facturum negavit; illis absentibus finis Acerronio demonstravit neque tamen hanc centuriam Populianam vacuam tradidit. Acerronius, quo modo potuit, se de tota re ex . . .

Eleven lines are missing.

8. mine eius modi semustilatus effugit. adducit iste interea in saltum homines electos maximis animis et viribus et eis arma quae cuique habilia atque apta essent comparat, prorsus ut quivis intellegeret non eos ad rem rusticam, verum ad caedem ac pugnam comparari. brevi illo tempore Q. Cati Aemiliani, hominis honesti, quem vos nostis, duo homines occiderunt; multa alia fecerunt; passim vagabantur armati, non obscure, sed ut plane intellegere viderentur ad quam rem parati essent; agros, vias denique infestas habebant. venit in Thurinum interea Tullius. deinde iste pater familias Asiaticus beatus, novus arator et idem pecuarius, cum ambularet in agro, animadvertit in hac ipsa centuria Populiana aedificium non ita magnum servumque M. Tulli Philinum. ‘quid vobis,’ inquit, ‘istic negoti in meo est?’ servus respondit pudenter, at non stulte, dominum esse ad villam; posse eum cum eo disceptare si quid vellet. rogat Fabius Acerronium — nam ibi tum erat — ut secum simul veniat ad Tullium. venitur. ad villam erat Tullius. appellat Fabius ut aut ipse Tullium deduceret aut ab eo deduceretur. dicit deducturum se Tullius, vadimonium Fabio Romam promissurum. manet in ea condicione Fabius. mature disceditur.

9. proxima nocte, iam fere cum lux adpropinquaret, ad illud aedificium de quo antea dixi, quod erat in centuria Populiana, servi P. Fabi frequentes armatique veniunt; introitum ipsi sibi manuque patefaciunt; homines magni preti servos M. Tulli nec opinantis adoriuntur; quod facile factu fuit, neque tam multos neque repugnantis multi armati paratique occidunt tantumque odi crudelitatisque uerunt ut eos omnis gurgulionibus insectis relinquerent, ne, si quem semivivum ac spirantem etiam reliquissent, minor eis honor haberetur; praeterea tectum villamque disturbant.

hanc rem tam atrocem, tam indignam, tam repentinam nuntiat M. Tullio Philinus, quem antea nominavi, qui graviter saucius e caede effugerat. Tullius statim dimittit ad amicos, quorum ex vicinitate Thurina bona atque honesta copia praesto fuit. omnibus acerba res et misera videbatur. Cum amici in comm . . .

Major break — end of one manuscript.

turbarunt.

10. audite, quaeso, in eas res quas commemoro hominum honestorum testimonium. haec+ quae mei testes dicunt, fatetur adversarius eos vere dicere; quae mei testes non dicunt, quia non viderunt nec sciunt, ea dicit ipse adversarius. nostri testes dicunt occisos homines; cruorem in locis pluribus, deiectum aedificium se vidisse dicunt; nihil amplius. quid Fabius? Horum nihil negat. quid ergo addit amplius? Suam familiam fecisse dicit. quo modo? vi hominibus armatis. quo animo? Vt id fieret quod factum est. quid est id? Vt homines M. Tulli occiderentur. quod ergo eo animo factum est ut homines unum in locum convenirent, ut arma caperent, ut certo consilio certum in locum proficiscerentur, ut idoneum tempus eligerent, ut caedem facerent, id si voluerunt et cogitarunt et perfecerunt, potestis eam voluntatem, id consilium, id factum a dolo malo seiungere? at istuc totum ‘dolo malo’ additur in hoc iudicio eius causa qui agit, non illius quicum agitur. id ut intellegatis, recuperatores, quaeso ut diligenter attendatis; profecto quin ita sit non dubitabitis.

11. si ita iudicium daretur ut id concluderetur quod a familia factum esset, si quae familia ipsa in caede interesse noluisset et homines aut servos aut liberos coegisset aut conduxisset, totum hoc iudicium et praetoris severitas dissolveretur. nemo enim potest hoc iudicare, qua in re familia non interfuisset, in ea re eam ipsam familiam vi armatis hominibus damnum dedisse. ergo, id quia poterat fieri et facile poterat, idcirco non satis habitum est quaeri quid familia ipsa fecisset, verum etiam illud, quid familiae dolo malo factum esset. nam cum facit ipsa familia vim armatis coactisve hominibus et damnum cuipiam dat, id dolo malo fieri necesse est; cum autem rationem init ut ea fiat, familia ipsa non facit, fit autem dolo malo eius. ergo addito ‘dolo malo’ actoris et petitoris fit causa copiosior. Vtrum enim ostendere potest, sive eam ipsam familiam

sibi damnum dedisse, sive consilio et opera eius familiae factum esse, vincat necesse est.

12. videtis praetores per hos annos interdicere hoc modo, me et M. Claudium: Vnde dolo malo tvo, M. Tvlli, M. Clavdivs avt familia avt procvrator eivs vi detrvsvs est, cetera ex formula. si, ubi ita interdictum est et sponsio facta, ego me ad iudicem sic defendam vi me deiecisse confitear, dolo malo negem, ecquis me audiat? non opinor equidem, quia, si vi deieci M. Claudium, dolo malo deieci; in vi enim dolus malus inest, et Claudio utrumvis satis est planum facere, vel se a me ipso vi deiectum esse vel me consilium inisse ut vi deiceretur. plus igitur Claudio, cum interdicitur, unde dolo malo meo vi deiectus sit, quam si daretur, unde a me vi deiectus esset. nam in hoc posteriore, nisi ipse egomet deiecissem, vincerem sponsionem; in illo priore, ubi dolus malus additur, sive consilium inissem, sive ipse deiecissem, necesse erat te dolo malo meo vi deiectum iudicari.

13. hoc persimile atque adeo plane idem est in hoc iudicio, recuperatores. quaero enim abs te, si ita iudicium datum esset: Qvantae pecvniae paret a familia P. Fabii hominibvs armatis damnvm M. Tvllio datvm, quid haberes quod diceres? nihil, opinor. fateris enim omnia et familiam P. Fabi fecisse et vi hominibus armatis fecisse. quod additum est ‘dolo malo,’ id te adiuvare putas in quo opprimitur et excluditur omnis tua defensio? nam si additum id non esset ac tibi libitum esset ita defendere, tuam familiam non fecisse, vinceres, si id probare potuisses. nunc, sive illa defensione uti voluisses sive hac qua uteris, condemneris necesse est; nisi putamus eum cium venire qui consilium inierit, illum qui fecerit non venire, cum consilium sine facto intellegi possit, factum sine consilio non possit. an, quod factum eius modi est ut sine occulto consilio, sine nocte, sine vi, sine damno alterius, sine armis, sine caede, sine maleficio fieri non potuerit, id sine dolo malo factum iudicabitur? an, qua in re praetor illi improbam defensionem tolli voluit, in ea re mihi difficiliorem actionem factam putabitis?

14. hic mihi isti singulari ingenio videntur esse qui et id quod mihi contra illos datum est ipsi adripiunt et scopulo atque saxis pro portu stationeque utuntur. nam in dolo malo volunt delitiscere, in quo, non modo cum omnia ipsi fecerunt quae fatentur, verum etiam si per alios

id fecissent, haererent ac tenerentur. ego non in una re sola, quod mihi satis est, neque in universa re solum, sed singillatim in omnibus dolum malum exstare dico. consilium capiunt ut ad servos M. Tulli veniant; dolo malo faciunt. arma capiunt; dolo malo faciunt. tempus ad insidiandum atque celandum idoneum eligunt; dolo malo faciunt. vi in tectum inruunt; in ipsa vi dolus est. occidunt homines, tectum diruunt; nec homo occidi nec consulto alteri damnum dari sine dolo malo potest. ergo si omnes partes sunt eius modi ut in singulis dolus malus haereat, universam rem et totum facinus sine dolo malo factum iudicabitis?

15. quid ad haec Quinctius? sane nihil certum neque unum, in quo non modo possit verum putet se posse consistere. primum enim illud inict, nihil posse dolo malo familiae fieri. hoc loco non solum fecit ut defenderet Fabium, sed ut omnino huiusce modi iudicia dissolveret. nam si venit id in iudicium de familia quod omnino familia nulla potest committere, nullum est iudicium, absolvantur omnes de mili causa necesse est, bona me hercule! si hoc solum esset, tamen vos, tales viri, nolle deberetis maximam rem coniunctam cum summa re publica fortunisque privatorum, severissimum iudicium maximaque ratione compositum per vos videri esse dissolutum. sed non id solum agitur . . .

end of this MS. Priscian 6.1.5

hoc iudicium sic exspectatur ut non unae rei statui, sed omnibus constitui putetur. . . .ego intellego, et tamen dicendum est ad ea quae dixit Quinctius, non quo ad rem pertineat, sed ne quid, quia a me praetermissum sit, pro concesso putetur.

16. dicis oportere quaeri, homines M. Tulli iniuria occisi sint necne. de quo hoc primum quaero, venerit ea res in hoc iudicium necne. si non venit, quid attinet aut nos dicere aut hos quaerere? si autem venit, quid attinuit te tam multis verbis a praetore postulare ut adderet in iudicium ‘inivria,’ et, quia non impetrasses, tribunos pl. appellare et hic in iudicio queri praetoris iniquitatem, quod de iniuria non addidisset? haec cum praetorem+ postulabas+, cum tribunos appellabas, nempe dicebas, potestatem tibi fieri oportere ut, si posses, recuperatoribus persuaderes non esse iniuria M. Tullio damnum datum. quod ergo ideo in iudicium addi voluisti, ut de eo tibi apud recuperatores dicere liceret, eo non addito nihilo minus tamen ita

dicis, quasi id ipsum a quo ess es impetraris?

17. at quibus verbis in decernendo Metellus usus est ceteri quos appellasti? nonne haec omnium fuit oratio, quod vi hominibus armatis coactisve familia fecisse diceretur, id tametsi nullo iure fieri potuerit, tamen se nihil addituros? et recte, recuperatores. nam cum perfugio nullo constituto tamen haec scelera servi audacissime faciant, domini impudentissime confiteantur, quid censetis fore, si praetor iudicet eius modi caedis fieri iure posse? an quicquam interest utrum magistratus peccato defensionem constituant an peccandi potestatem licentiamque permittant? etenim, recuperatores, non damno commoventur magistratus ut in haec verba iudicium dent. nam id esset, nec recuperatores potius darent quam iudicem nec in universam familiam, sed in eum cum nominatim ageretur, nec in quadruplum, sed in duplum, et 'damnvm' adderetur 'inivria.' neque enim is qui hoc iudicium dedit, de ceteris damnis ab lege Aquilia recedit, in quibus nihil agitur nisi damnum, qua de re praetor animum debet advertere.

18. in hoc iudicio videtis agi de vi, videtis agi de hominibus armatis, videtis aedificiorum expugnationes, agri vastationes, hominum trucidationes, incendia, rapinas, sanguinem in iudicium venire, et miramini satis habuisse eos qui hoc iudicium dederunt id quaeri, utrum haec tam acerba, tam indigna, tam atrocia facta essent necne, non utrum iure facta an iniuria? non ergo praetores a lege Aquilia recesserunt, quae de damno est, sed de vi et armis severum iudicium constituerunt, nec ius et iniuriam quaeri nusquam putarunt oportere, sed eos qui armis quam iure agere maluissent de iure et iniuria disputare noluerunt. neque ideo de iniuria non addiderunt quod in aliis rebus non adderent, sed ne ipsi iudicarent posse homines servos iure arma capere et manum cogere, neque quod putarent, si additum esset, posse hoc talibus viris persuaderi non iniuria factum, sed ne quod tamen scutum dare in iudicio viderentur eis quos propter haec arma in iudicium vocavissent.

19. fuit illud interdictum apud maiores nostros de vi quod hodie quoque est: Vnde tv avt familia avt procvrator tvvs illvm avt familiam avt procvratorem illivs in hoc anno vi deiecisti. deinde additur illius iam hoc causa quicum agitur: cvm ille possideret, et hoc amplius: qvod nec vi nec clam nec precario possideret. multa dantur

ei qui vi alterum detrusisse dicitur; quorum si unum quodlibet probare iudici potuerit, etiam si confessus erit se vi deiecisse, vincat necesse est vel non possedisse eum qui deiectus sit, vel vi ab se possedisse, vel clam, vel precario. ei qui de vi confessus esset tot defensiones tamen ad causam obtinendam maiores reliquerunt.

20. age illud alterum interdictum consideremus, quod item nunc est constitutum propter eandem iniquitatem temporum nimiamque hominum . . .

Major break in the text.

boni debent dicere. atque ille legem mihi de xii tabulis recitavit, quae permittit ut furem noctu liceat occidere et luce, si se telo defendat, et legem antiquam de legibus sacratis, quae iubeat inpune occidi eum qui tribunum pl. pulsaverit. nihil, ut opinor, praeterea de legibus. qua in re hoc primum quaero, quid ad hoc iudicium recitari istas leges pertinuerit. num quem tribunum pl. servi M. Tulli pulsaverunt? non opinor. num furatum domum P. Fabi noctu venerunt? ne id quidem. num luce furatum venerunt et se telo defenderunt? dici non potest. ergo istis legibus quas recitasti certe non potuit istius familia servos M. Tulli occidere.

21. ‘non,’ inquit, ‘ad eam rem recitavi, sed ut hoc intellegeres, non visum esse maioribus nostris tam indignum istuc nescio quid quam tu putas, hominem occidi.’ at primum istae ipsae leges quas recitas, ut mittam cetera, significant quam noluerint maiores nostri, nisi cum pernecesse esset, hominem occidi. ista lex sacrata est, quam rogarunt armati, ut inermes sine periculo possent esse. qua re non iniuria, quo magistratu munitae leges sunt, eius magistratus corpus legibus vallatum esse voluerunt. Furem, hoc est praedonem et latronem, luce occidi vetant xii tabulae; cum intra parietes tuos hostem certissimum teneas, nisi se telo defendit, inquit, etiam si cum telo venerit, nisi utetur telo eo ac repugnabit, non occides; quod si repugnat, ‘endoplorato,’ hoc est conclamato, ut aliqui audiant et conveniant. quid ad hanc clementiam addi potest, qui ne hoc quidem permiserint, ut domi suae caput suum sine testibus et arbitris ferro defendere liceret?

22. quis est cui magis ignosci conveniat, quoniam me ad xii tabulas revocas, quam si quis quem imprudens occiderit? nemo, opinor. haec enim tacita lex est humanitatis ut ab homine consili, non

fortunae poena repetatur. tamen huiusce rei veniam maiores non dederunt. nam lex est in xii tabulis: si telvm manv fvgit ma< gis qvam iecit> . . .

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Iulius Rufinianus (H. .21).

si qui furem occiderit, iniuria occiderit. quam ob rem? quia ius constitutum nullum est. quid, si se telo defenderit? non iniuria. quid ita? quia constitutum est.

23. . . tamen per vim factum esset, tamen in eo ipso loco qui tuus esset, non modo servos M. Tulli occidere iure non potuisti verum etiam, si tectum hoc insciente aut per vim demolitus esses quod hic in tuo aedificasset et suum esse defenderet, id vi aut clam factum iudicaretur. tu ipse iam statue quam verum sit, cum paucas tegulas deicere impune familia tua non potuerit, maximam caedem sine fraude facere potuisse. ego ipse tecto illo disturbato si hodie postulem, quod vi aut clam factum sit, tu aut per arbitrum restituas aut sponsione condemneris necesse est; nunc hoc probabis viris talibus, cum aedificium tuo iure disturbare non potueris quod esset, quem ad modum tu vis, in tuo, homines qui in eo aedificio fuerint te tuo iure potuisse occidere?

24. ‘at servus meus non comparet, qui visus est cum tuis; at casa mea est incensa a tuis.’ quid ad haec respondeam? ostendi falsa esse; verum tamen confitebor. quid postea? hoc sequitur, ut familiam M. Tulli concidi oportuerit? vix me hercule ut corium peti, vix ut gravius expostulari; verum ut esses durissimus, agi quidem usitato iure et cotidiana actione potuit. quid opus fuit vi, quid armatis hominibus, quid caede, quid sanguine? ‘at enim oppugnatum me fortasse venissent.’ haec est illorum in causa perdita extrema non oratio neque defensio, sed coniectura et quasi divinatio. illi oppugnatum venturi erant? quem? Fabium. quo consilio? Vt occiderent. quam ob causam? quid ut proficerent? qui comperisti? et ut rem perspicuam quam paucissimis verbis agam, dubitari hoc potest, recuperatores, utri oppugnasse videantur, qui ad villam venerunt, an qui in villa manserunt? qui occisi sunt, an ei ex quorum numero saucius factus est nemo? qui cur facerent, causa non fuit, an ei qui fecisse se confitentur? verum ut hoc tibi credam, metuisse te ne oppugnarere, quis hoc statuit umquam, aut cui concedi sine summo omnium

periculo potest, ut eum iure potuerit occidere a quo metuisse se dicat ne ipse posterius occideretur?

DIVINATIO IN CAECILIUM (Against Quintus Caecilius in the process for selecting a prosecutor)

M. TVLLI CICERONIS DIVINATIO IN CAECILIUM ORATIO

[I] [1] si quis vestrum, iudices, aut eorum qui adsunt, forte miratur me, qui tot annos in causis iudiciisque publicis ita sim versatus ut defenderim multos, laeserim neminem, subito nunc mutata voluntate ad accusandum descendere, is, si mei consili causam rationemque cognoverit, una et id quod facio probabit, et in hac causa profecto neminem praeponendum mihi esse actorem putabit. [2] Cum quaestor in Sicilia fuissem, iudices, itaque ex ea provincia decessissem ut Siculis omnibus iucundam diuturnamque memoriam quaesturae nominisque mei relinquerem, factum est uti cum summum in veteribus patronis multis, tum non nullum etiam in me praesidium suis fortunis constitutum esse arbitrarentur. quare nunc populati atque vexati cuncti ad me publice saepe venerunt, ut suarum fortunarum omnium causam defensionemque susciperem. me saepe esse pollicitum, saepe ostendisse dicebant, si quod tempus accidisset, quo tempore aliquid a me requirerent, commodis eorum me non defuturum. [3] venisse tempus aiebant non iam ut commoda sua, sed ut vitam salutemque totius provinciae defenderem; sese iam ne deos quidem in suis urbibus ad quos confugerent habere, quod eorum simulacra sanctissima C. Verres ex delubris religiosissimis sustulisset; quas res luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis efficere potuisset, eas omnis sese hoc uno praetore per triennium pertulisse; rogare et orare ne illos supplices aspernarer quos me incolumi nemini supplices esse oporteret.

[II] [4] tuli graviter et acerbe, iudices, in eum me locum adduci ut aut eos homines spes falleret qui opem a me atque auxilium petissent, aut ego, qui me ad defendendos homines ab ineunte adulescentia dedissem, tempore atque officio coactus ad accusandum traducerer. dicebam habere eos actorem Q. Caecilium, qui praesertim

quaestor in eadem provincia post me quaestorem fuisset. quo ego adiumento sperabam hanc a me posse molestiam demoveri, id mihi erat adversarium maxime; nam illi multo mihi hoc facilius remisissent si istum non nossent, aut si iste apud eos quaestor non fuisset. [5] adductus sum, iudices, officio, fide, misericordia, multorum bonorum exemplo, vetere consuetudine institutoque maiorum, ut onus huius laboris atque offici non ex meo, sed ex meorum necessariorum tempore mihi suscipiendum putarem. quo in negotio tamen illa me res, iudices, consolatur, quod haec quae videtur esse accusatio mea non potius accusatio quam defensio est existimanda. defendo enim multos mortalis, multas civitates, provinciam Siciliam totam; quam ob rem, quia mihi unus est accusandus, prope modum manere in instituto meo videor et non omnino a defendendis hominibus sublevandisque discedere. [6] quodsi hanc causam tam idoneam, tam inlustrem, tam gravem non haberem, — si aut hoc a me Siculi non petissent aut mihi cum Siculis causa tantae necessitudinis non intercederet, et hoc quod facio me rei publicae causa facere profiterer, ut homo singulari cupiditate, audacia, scelere praeditus, cuius furta atque flagitia non in Sicilia solum, sed in Achaia, Asia, Cilicia, Pamphylia, Romae denique ante oculos omnium maxima turpissimaque nossemus, me agente in iudicium vocaretur, — quis tandem esset qui meum factum aut consilium posset reprehendere?

[III] [7] quid est, pro deum hominumque fidem, in quo ego rei publicae plus hoc tempore prodesse possim? quid est quod aut populo Romano gratius esse debeat, aut sociis exterisque nationibus optatius esse possit, aut saluti fortunisque omnium magis accommodatum sit? populatae, vexatae, funditus eversae provinciae, socii stipendiariique populi Romani adflicti, miseri, iam non salutis spem sed solacium exiti quaerunt. [8] qui iudicia manere apud ordinem senatorium volunt, queruntur accusatores se idoneos non habere: qui accusare possunt, iudiciorum severitatem desiderant. populus Romanus interea, tametsi multis incommodis difficultatibusque adfectus est, tamen nihil aeque in re publica atque illam veterem iudiciorum vim gravitatemque requirit. iudiciorum desiderio tribunicia potestas efflagitata est, iudiciorum levitate ordo quoque alius ad res iudicandas postulatur, iudicum culpa atque

dedecore etiam censorium nomen, quod asperius antea populo videri solebat, id nunc poscitur, id iam populare et plausibile factum est. [9] in hac libidine hominum nocentissimorum, in populi Romani cotidiana querimonia, iudiciorum infamia, totius ordinis offensione, cum hoc unum his tot incommodis remedium esse arbitrarer, ut homines idonei atque integri causam rei publicae legumque susciperent, fateor me salutis omnium causa ad eam partem accessisse rei publicae sublevandae quae maxime laboraret. [10] nunc quoniam quibus rebus adductus ad causam accesserim demonstravi, dicendum necessario est de contentione nostra, ut in constituendo accusatore quid sequi possitis habeatis. ego sic intellego, iudices: cum de pecuniis repetundis nomen cuiuspiam deferatur, si certamen inter aliquos sit cui potissimum delatio detur, haec duo in primis spectari oportere, quem maxime velint actorem esse ii quibus factae esse dicantur iniuriae, et quem minime velit is qui eas iniurias fecisse arguatur.

[IV] [11] in hac causa, iudices, tametsi utrumque esse arbitror perspicuum, tamen de utroque dicam, et de eo prius quod apud vos plurimum debet valere, hoc est de voluntate eorum quibus iniuriae factae sunt; quorum causa iudicium de pecuniis repetundis est constitutum. Siciliam provinciam C. Verres per triennium depopulatus esse, Siculorum civitates vastasse, domos exinanisse, fana spoliasse dicitur. adsunt, queruntur Siculi universi; ad meam fidem, quam habent spectatam iam et cognitam, confugiunt; auxilium sibi per me a vobis atque a populi Romani legibus petunt; me defensorem calamitatum suarum, me ultorem iniuriarum, me cognitorem iuris sui, me actorem causae totius esse voluerunt. [12] Vtrum, Q. Caecili, hoc dices, me non Siculorum rogatu ad causam accedere, an optimorum fidelissimorumque sociorum voluntatem apud hos gravem esse non oportere? si id audebis dicere, quod C. Verres, cui te inimicum esse simulas, maxime existimari vult, Siculos hoc a me non petisse, primum causam inimici tui sublevabis, de quo non praeiudicium, sed plane iudicium iam factum putatur, quod ita percrebruit, Siculos omnis actorem suae causae contra illius iniurias quaesisse. [13] hoc si tu, inimicus eius, factum negabis, quod ipse, cui maxime haec res obstat, negare non audet, videto ne nimium familiariter inimicitias exercere videare. deinde sunt testes viri

clarissimi nostrae civitatis, quos omnis a me nominari non est necesse: eos qui adsunt appellabo, quos, si mentirer, testis esse impudentiae meae minime vellem. scit is qui est in consilio, C. Marcellus, scit is quem adesse video, Cn. Lentulus Marcellinus; quorum fide atque praesidio Siculi maxime nituntur, quod omnino Marcellorum nomini tota illa provincia adiuncta est. [14] hi sciunt hoc non modo a me petitum esse, sed ita saepe et ita vehementer esse petitum ut aut causa mihi suscipienda fuerit aut officium necessitudinis repudiandum. sed quid ego his testibus utor, quasi res dubia aut obscura sit? adsunt homines ex tota provincia nobilissimi, qui praesentes vos orant atque obsecrant, iudices, ut in actore causae suae deligendo vestrum iudicium ab suo iudicio ne discrepet. omnium civitatum totius Siciliae legationes adsunt praeter duas civitates; quarum duarum si adessent, duo crimina vel maxima minuerentur quae cum his civitatibus C. Verri communicata sunt. [15] at enim cur a me potissimum hoc praesidium petiverunt? si esset dubium petissent necne, dicerem cur petissent: nunc vero, cum id ita perspicuum sit ut oculis iudicare possitis, nescio cur hoc mihi detrimento esse debeat, si id mihi obiciatur, me potissimum esse delectum. [16] verum id mihi non sumo, iudices, et hoc non modo in oratione mea non pono, sed ne in opinione quidem cuiusquam relinquo, me omnibus patronis esse praepositum. non ita est; sed unius cuiusque temporis, valetudinis, facultatis ad agendum ducta ratio est. mea fuit semper haec in hac re voluntas et sententia, quemvis ut hoc mallem de iis qui essent idonei suscipere quam me, me ut mallem quam neminem.

[V] [17] reliquum est iam ut illud quaeramus, cum hoc constet, Siculos a me petisse, ecquid hanc rem apud vos animosque vestros valere oporteat, ecquid auctoritatis apud vos in suo iure repetundo socii populi Romani, supplices vestri, habere debeant. de quo quid ego plura commemorem? quasi vero dubium sit quin tota lex de pecuniis repetundis sociorum causa constituta sit; [18] nam civibus cum sunt ereptae pecuniae, civili fere actione et privato iure repetuntur. haec lex socialis est, hoc ius nationum exterarum est, hanc habent arcem, minus aliquanto nunc quidem munitam quam antea, verum tamen si qua reliqua spes est quae sociorum animos consolari possit, ea tota in hac lege posita est; cuius legis non modo a

populo Romano, sed etiam ab ultimis nationibus iam pridem severi custodes requiruntur. [19] quis ergo est qui neget oportere eorum arbitratu lege agi quorum causa lex sit constituta? Sicilia tota si una voce loqueretur, hoc diceret: ‘quod auri, quod argenti, quod ornamentorum in meis urbibus, sedibus, delubris fuit, quod in una quaque re beneficio senatus populique Romani iuris habui, id mihi tu, C. Verres, eripuisti atque abstulisti; quo nomine abs te sestertium miliens ex lege repeto.’ si universa, ut dixi, provincia loqui posset, hac voce uteretur: quoniam id non poterat, harum rerum actorem quem idoneum esse arbitrata est ipsa delegit. [20] in eius modi re quisquam tam impudens reperietur qui ad alienam causam, invitis iis quorum negotium est, accedere aut adspirare audeat?

[VI] si tibi, Q. Caecili, hoc Siculi dicerent: ‘te non novimus, nescimus qui sis, numquam te antea vidimus; sine nos per eum nostras fortunas defendere cuius fides est nobis cognita,’ nonne id dicerent quod cuivis probare deberent? nunc hoc dicunt, utrumque se nosse; alterum se cupere defensorem esse fortunarum suarum, alterum plane nolle. [21] cur nolint, etiamsi taceant, satis dicunt; verum non tacent. tamen iis invitissimis te offeres? tamen in aliena causa loquere? tamen eos defendes qui se ab omnibus desertos potius quam abs te defensos esse malunt? tamen iis operam tuam pollicebere qui te neque velle sua causa nec, si cupias, posse arbitrantur? cur eorum spem exiguam reliquarum fortunarum, quam habent in legis et in iudici severitate positam, vi extorquere conaris? cur te interponis invitissimis iis quibus maxime lex consultum esse vult? cur, de quibus in provincia non optime es meritus, eos nunc plane fortunis omnibus conaris evertere? cur iis non modo persequendi iuris sui, sed etiam deplorandae calamitatis adimis potestatem? [22] nam te actore quem eorum adfuturum putas, quos intellegis non ut per te alium, sed ut per alium aliquem te ipsum ulciscantur laborare?

[VII] at enim solum id est, ut me Siculi maxime velint: alterum illud, credo, obscurum est, a quo Verres minime se accusari velit. ecquis umquam tam palam de honore, tam vehementer de salute sua contendit quam ille atque illius amici ne haec mihi delatio detur? sunt multa quae Verres in me esse arbitratur, quae scit in te, Caecili, non esse; quae cuius modi in utroque nostrum sint, paulo post

commemorabo; [23] nunc tantum id dicam quod tacitus tu mihi adsentiare, nullam rem in me esse quam ille contemnat, nullam in te quam pertimescat. itaque magnus ille defensor et amicus eius tibi suffragatur, me oppugnat; aperte ab iudicibus petit ut tu mihi anteponare, et ait hoc se honeste sine ulla invidia ac sine ulla offensione contendere. 'non enim,' inquit, 'illud peto quod soleo, cum vehementius contendi, impetrare: reus ut absolvatur non peto, sed ut potius ab hoc quam ab illo accusetur, id peto. da mihi hoc; concede quod facile est, quod honestum, quod non invidiosum; quod cum dederis, sine ullo tuo periculo, sine infamia illud dederis, ut is absolvatur cuius ego causa laboro.' [24] et ait idem, ut aliquis metus adiunctus sit ad gratiam, certos esse in consilio quibus ostendi tabellas velit; id esse perfacile; non enim singulos ferre sententias, sed universos constituere; ceratam uni cuique tabellam dari cera legitima, non illa infami ac nefaria. atque is non tam propter Verrem laborat quam quod eum minime res tota delectat; videt enim, si a pueris nobilibus, quos adhuc elusit, si a quadruplatoribus, quos non sine causa contempsit semper ac pro nihilo putavit, accusandi voluntas ad viros fortis spectatosque homines translata sit, sese in iudiciis diutius dominari non posse.

[VIII] [25] huic ego homini iam ante denuntio, si a me causam hanc vos agi volueritis, rationem illi defendendi totam esse mutandam, et ita mutandam ut, meliore et honestiore condicione quam qua ipse vult uti, imitetur homines eos quos ipse vidit amplissimos, L. Crassum et M. Antonium, qui nihil se arbitrabantur ad iudicia causasque amicorum praeter fidem et ingenium adferre oportere. nihil erit quod me agente arbitretur iudicium sine magno multorum periculo posse corrumpi. [26] ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror, ut mihi non unus homo improbus opprimendus sit, id quod Siculi petiverunt, sed omnino omnis improbitas, id quod populus Romanus iam diu flagitat, exstinguenda atque delenda sit: in quo ego quid eniti aut quid efficere possim, malo in aliorum spe relinquere quam in oratione mea ponere. [27] tu vero, Caecili, quid potes? quo tempore aut qua in re non modo ceteris specimen aliquod dedisti, sed tute tui periculum fecisti? in mentem tibi non venit quid negoti sit causam publicam sustinere, vitam alterius totam explicare atque eam non modo in

animis iudicum, sed etiam in oculis conspectuque omnium exponere, sociorum salutem, commoda provinciarum, vim legum, gravitatem iudiciorum defendere?

[IX] cognosce ex me, quoniam hoc primum tempus discendi nactus es, quam multa esse oporteat in eo qui alterum accuset; ex quibus si unum aliquod in te cognoveris, ego iam tibi ipse istuc quod expetis mea voluntate concedam. primum integritatem atque innocentiam singularem; nihil est enim quod minus ferendum sit quam rationem ab altero vitae reposcere eum qui non possit suae reddere. [28] hic ego de te plura non dicam: unum illud credo omnis animum advertere, te adhuc a nullis nisi ab Siculis potuisse cognosci; Siculos hoc dicere, cum eidem sint irati cui tu te inimicum esse dicis, sese tamen te actore ad iudicium non adfuturos. quare negent ex me non audies: hos patere id suspicari quod necesse est. illi quidem, ut est hominum genus nimis acutum et suspiciosum, non te ex Sicilia litteras in Verrem deportare velle arbitrantur, sed, quod isdem litteris illius praetura et tua quaestura consignata sit, asportare te velle ex Sicilia litteras suspicantur. [29] deinde accusatorem firmum verumque esse oportet. Eum ego si te putem cupere esse, facile intellego esse non posse. nec ea dico, quae si dicam tamen infirmare non possis, te, antequam de Sicilia decesseris, in gratiam redisse cum Verre; Potamonem, scribam et familiarem tuum, retentum esse a Verre in provincia, cum tu decederes; M. Caecilium, fratrem tuum, lectissimum atque ornatissimum adulescentem, non modo non adesse neque tecum tuas iniurias persequi, sed esse cum Verre et cum illo familiarissime atque amicissime vivere. sunt et haec et alia in te falsi accusatoris signa permulta, quibus ego nunc non utor: hoc dico, te, si maxime cupias, tamen verum accusatorem esse non posse. [30] video enim permulta esse crimina quorum tibi societas cum Verre eius modi est ut ea in accusando attingere non audeas.

[X] queritur Sicilia tota C. Verrem ab aratoribus, cum frumentum sibi in cellam imperavisset, et cum esset tritici modius HS II, pro frumento in modios singulos duodenos sestertios exegisse. Magnum crimen, ingens pecunia, furtum impudens, iniuria non ferenda! ego hoc uno crimine illum condemnem necesse est: tu, [31] Caecili, quid facies? utrum hoc tantum crimen praetermittes an obicies? si obicies, idne alteri crimini dabis quod eodem tempore in eadem provincia tu

ipse fecisti? audebis ita accusare alterum ut quo minus tute condemnere recusare non possis? sin praetermittes, qualis erit tua ista accusatio, quae domestici periculi metu certissimi et maximi criminis non modo sponsionem, verum etiam mentionem ipsam pertimescat? [32] emptum est ex senatus consulto frumentum ab Siculis praetore Verre, pro quo frumento pecunia omnis soluta non est. grave est hoc crimen in Verrem, grave me agente, te accusante nullum; eras enim tu quaestor, pecuniam publicam tu tractabas, ex qua, etiamsi cuperet praetor, tamen ne qua deductio fieret magna ex parte tua potestas erat. huius quoque igitur criminis te accusante mentio nulla fiet: silebitur toto iudicio de maximis et notissimis illius furtis et iniuriis. mihi crede, Caecili, non potest in accusando socios vere defendere is qui cum reo criminum societate coniunctus est. [33] mancipes a civitatibus pro frumento pecuniam exegerunt. quid? hoc Verre praetore factum est solum? non, sed etiam quaestore Caecilio. quid igitur? daturus es huic crimini quod et potuisti prohibere ne fieret et debuisti, an totum id relinques? ergo id omnino Verres in iudicio suo non audiet quod, cum faciebat, quem ad modum defensurus esset non reperiebat.

[XI] atque ego haec quae in medio posita sunt commemoro: sunt alia magis occulta furta, quae ille, ut istius, credo, animos atque impetus retardaret, benignissime cum quaestore suo communicavit. [34] haec tu scis ad me esse delata; quae si velim proferre, facile omnes intellegent vobis inter vos non modo voluntatem fuisse coniunctam, sed ne praedam quidem adhuc esse divisam. quapropter si tibi indicium postulas dari quod tecum una fecerit, concedo, si id lege permittitur; sin autem de accusatione dicimus, concedas oportet iis qui nullo suo peccato impediuntur quo minus alterius peccata demonstrare possint. [35] ac vide quantum interfuturum sit inter meam tuamque accusationem. ego etiam quae tu sine Verre commisisti Verri crimini daturus sum, quod te non prohibuerit, cum summam ipse haberet potestatem: tu contra ne quae ille quidem fecit obicies, ne qua ex parte coniunctus cum eo reperiare. quid? illa, Caecili, contemnendane tibi videntur esse, sine quibus causa sustineri, praesertim tanta, nullo modo potest? aliqua facultas agendi, aliqua dicendi consuetudo, aliqua in foro, iudiciis, legibus aut ratio aut exercitatio?

[XII] [37] de te, Caecili, — iam mehercule hoc extra hanc contentionem certamenque nostrum familiariter tecum loquar, — tu ipse quem ad modum existimes vide etiam atque etiam, et tu te collige, et qui sis et quid facere possis considera. Putasne te posse de maximis acerbissimisque rebus, cum causam sociorum fortunasque provinciae, ius populi Romani, gravitatem iudici legumque susceperis, tot res tam gravis, tam varias voce, memoria, consilio, ingenio sustinere? [38] Putasne te posse quae C. Verres in quaestura, quae in legatione, quae in praetura, quae Romae, quae in Italia, quae in Achaia, Asia Pamphyliaque peccarit, ea, quem ad modum locis temporibusque divisa sint, sic criminibus et oratione distinguere? Putasne posse, id quod in eius modi reo maxime necessarium est, facere ut, quae ille libidinose, quae nefarie, quae crudeliter fecerit, ea aeque acerba et indigna videantur esse his qui audient atque illis visa sunt qui senserunt? [39] Magna sunt ea quae dico, mihi crede; noli haec contemnere. dicenda, demonstranda, explicanda sunt omnia, causa non solum exponenda, sed etiam graviter copioseque agenda est; perficiendum est, si quid agere aut proficere vis, ut homines te non solum audiant, verum etiam libenter studioseque audiant. in quo si te multum natura adiuvaret, si optimis a pueritia disciplinis atque artibus studuisses et in his elaborasses, si litteras Graecas Athenis non Lilybaei, Latinas Romae non in Sicilia didicisses, tamen esset magnum tantam causam, tam exspectatam, et diligentia consequi et memoria complecti et oratione expromere et voce ac viribus sustinere. [40] fortasse dices: ‘quid ergo? haec in te sunt omnia?’ Vtinam quidem essent! verum tamen ut esse possent magno studio mihi a pueritia est elaboratum. quodsi ego haec propter magnitudinem rerum ac difficultatem adsequi non potui, qui in omni vita nihil aliud egi, quam longe tu te ab his rebus abesse arbitrare, quas non modo antea numquam cogitasti, sed ne nunc quidem, cum in eas ingrederis, quae et quantae sint suspicari potes?

[XIII] [41] ego qui, sicut omnes sciunt, in foro iudiciisque ita verser ut eiusdem aetatis aut nemo aut pauci pluris causas defenderint, et qui omne tempus quod mihi ab amicorum negotiis datur in his studiis laboribusque consumam, quo paratior ad usum forensem promptiorque esse possim, tamen ita mihi deos velim propitios ut, cum illius mihi temporis venit in mentem quo die citato reo mihi

dicendum sit, non solum commoveor animo, sed etiam toto corpore perhorresco. [42] iam nunc mente et cogitatione prospicio quae tum studia hominum, qui concursus futuri sint, quantam exspectationem magnitudo iudici sit adlatura, quantam auditorum multitudinem infamia C. Verris concitatura, quantam denique audientiam orationi meae improbitas illius factura sit. quae cum cogito, iam nunc timeo quidnam pro offensione hominum, qui illi inimici infensique sunt, et exspectatione omnium et magnitudine rerum dignum eloqui possim. [43] tu horum nihil metuis, nihil cogitas, nihil laboras: si quid ex vetere aliqua oratione, 'Iovem ego optimum maximum,' aut 'vellem, si fieri potuisset, iudices,' aut aliquid eius modi ediscere potueris, praeclare te paratum in iudicium venturum arbitraris. [44] ac si tibi nemo responsurus esset, tamen ipsam causam, ut ego arbitror, demonstrare non posses: nunc ne illud quidem cogitas, tibi cum homine disertissimo et ad dicendum paratissimo futurum esse certamen, quicum modo disserendum, modo omni ratione pugnandum certandumque sit. cuius ego ingenium ita laudo ut non pertimescam, ita probo ut me ab eo delectari facilius quam decipi putem posse.

[XIV] numquam ille me opprimet consilio, numquam ullo artificio pervertet, numquam ingenio me suo labefactare atque infirmare conabitur; novi omnis hominis petitiones rationesque dicendi; saepe in isdem, saepe in contrariis causis versati sumus; ita contra me ille dicet, quamvis sit ingeniosus, ut non nullum etiam de suo ingenio iudicium fieri arbitretur. [45] te vero, Caecili, quem ad modum sit elusurus, quam omni ratione iactaturus, videre iam videor; quotiens ille tibi potestatem optionemque facturus sit ut eligas utrum velis — factum esse necne, verum esse an falsum — utrum dixeris, id contra te futurum. qui tibi aestus, qui error, quae tenebrae, di immortales, erunt, homini minime malo! quid? cum accusationis tuae membra dividere coeperit et in digitis suis singulas partis causae constituere? quid? cum unum quidque transigere, expedire, absolvere? ipse profecto metuere incipies ne innocenti periculum facessieris. [46] quid? cum commiserari, conqueri, et ex illius invidia deonerare aliquid et in te traicere coeperit, commemorare quaestoris cum praetore necessitudinem constitutam, morem maiorum, sortis religionem, poterisne eius orationis subire invidiam? vide modo,

etiam atque etiam considera. mihi enim videtur periculum fore ne ille non modo verbis te obruat, sed gestu ipso ac motu corporis praestringat aciem ingeni tui, teque ab institutis tuis cogitationibusque abducat. [47] atque huiusce rei iudicium iam continuo video futurum. si enim mihi hodie respondere ad haec quae dico potueris, si ab isto libro, quem tibi magister ludi nescio qui ex alienis orationibus compositum dedit, verbo uno discesseris, posse te et illi quoque iudicio non deesse et causae atque officio tuo satis facere arbitrabor; sin mecum in hac prolusione nihil fueris, quem te in ipsa pugna cum acerrimo adversario fore putemus?

[XV] esto, ipse nihil est, nihil potest; at venit paratus cum subscriptoribus exercitatis et disertis. est tamen hoc aliquid, tametsi non est satis; omnibus enim rebus is qui princeps in agendo est ornatissimus et paratissimus esse debet. verum tamen L. Appuleium esse video proximum subscriptorem, hominem non aetate sed usu forensi atque exercitatione tironem. [48] deinde, ut opinor, habet alienum, hunc tamen a subselliis; qui quid in dicendo posset numquam satis attendi, in clamando quidem video eum esse bene robustum atque exercitatum. in hoc spes tuae sunt omnes; hic, si tu eris actor constitutus, totum iudicium sustinebit. ac ne is quidem tantum contendet in dicendo quantum potest, sed consulet laudi et existimationi tuae, et ex eo quod ipse potest in dicendo aliquantum remittet, ut tu tamen aliquid esse videare. Vt in actoribus Graecis fieri videmus, saepe illum qui est secundarum aut tertiarum partium, cum possit aliquanto clarius dicere quam ipse primarum, multum submittere, ut ille princeps quam maxime excellat, sic faciet alienus; tibi serviet, tibi lenocinabitur, minus aliquanto contendet quam potest. [49] iam hoc considerate, cuius modi accusatores in tanto iudicio simus habituri, cum et ipse alienus ex ea facultate, si quam habet, aliquantum detracturus sit, et Caecilius tum denique se aliquid futurum putet, si alienus minus vehemens fuerit et sibi primas in dicendo partis concesserit. quartum quem sit habiturus non video, nisi quem forte ex illo grege moratorum, qui subscriptionem sibi postularunt cuicumque vos delationem dedissetis: [50] ex quibus alienissimis hominibus ita paratus venis ut tibi hospes aliquis sit recipiendus. quibus ego non sum tantum honorem habiturus ut ad ea quae dixerint certo loco aut singillatim uni cuique respondeam: sic

breviter, quoniam non consulto sed casu in eorum mentionem incidi, quasi praeteriens satis faciam universis.

[XVI] tantane vobis inopia videor esse amicorum ut mihi non ex his quos mecum adduxerim, sed de populo subscriptor addatur? vobis autem tanta inopia reorum est ut mihi causam praeripere conemini potius quam aliquos ad columnam Maeniam vestri ordinis reos reperiatis? ‘custodem’, inquit, ‘Tullio me adponite’. [51] quid? mihi quam multis custodibus opus erit, si te semel ad meas capsas admisero? qui non solum ne quid enunties, sed etiam ne quid auferas custodiendus sis. sed de isto custode toto sic vobis brevissime respondebo, non esse hos talis viros commissuros ut ad causam tantam a me susceptam, mihi creditam, quisquam subscriptor me invito adspirare possit; etenim fides mea custodem repudiat, diligentia speculatorem reformidat. verum ut ad te, Caecili, redeam, quam multa te deficiant vides: quam multa sint in te quae reus nocens in accusatore suo cupiat esse, profecto iam intellegis. [52] quid ad haec dici potest? non enim quaero quid tu dicturus sis; video mihi non te, sed hunc librum esse responsurum, quem monitor tuus hic tenet; qui si te recte monere volet, suadebit tibi ut hinc discedas neque mihi verbum ullum respondeas. quid enim dices? an id quod dictitas, iniuriam tibi fecisse Verrem? arbitror; neque enim esset veri simile, cum omnibus Siculis faceret iniurias, te illi unum eximium cui consuleret fuisse. [53] sed ceteri Siculi ultorem suarum iniuriarum invenerunt; tu dum tuas iniurias per te, id quod non potes, persequi conaris, id agis ut ceterorum quoque iniuriae sint impunitae atque inultae; et hoc te praeterit, non id solum spectari solere, qui debeat, sed etiam illud, qui possit ulcisci; in quo utrumque sit, eum superiorem esse, in quo alterutrum, in eo non quid is velit, sed quid facere possit, quaeri solere. [54] quodsi ei potissimum censes permitti oportere accusandi potestatem cui maximam C. Verres iniuriam fecerit, utrum tandem censes hos iudices gravius ferre oportere, te ab illo esse laesum, an provinciam Siciliam esse vexatam ac perditam? opinor, concedes multo hoc et esse gravius et ab omnibus ferri gravius oportere. concede igitur ut tibi anteponatur in accusando provincia; nam provincia accusat cum is agit causam quem sibi illa defensorem sui iuris, ultorem iniuriarum, actorem causae totius adoptavit.

[XVII] [55] at eam tibi C. Verres fecit iniuriam quae ceterorum quoque animos possit alieno incommodo commovere. minime; nam id quoque ad rem pertinere arbitror, qualis iniuria dicatur quae causa inimicitiarum proferatur. cognoscite ex me; nam iste eam profecto, nisi plane nihil sapit, numquam proferet. Agonis quaedam est Lilybitana, liberta Veneris Erycinae, quae mulier ante hunc quaestorem copiosa plane et locuples fuit. ab hac praefectus Antoni quidam symphoniacos servos abducebat per iniuriam, quibus se in classe uti velle dicebat. tum illa, ut mos in Sicilia est omnium Veneriorum et eorum qui a Venere se liberaverunt, ut praefecto illi religionem Veneris nomine obiceret, dixit et se et sua Veneris esse. [56] Vbi hoc quaestori Caecilio, viro optimo et homini aequissimo, nuntiatum est, vocari ad se Agonidem iubet; iudicium dat statim, SI PARET EAM SE ET SVA VENERIS ESSE DIXISSE. iudicant recuperatores id quod necesse erat; neque enim erat cuiquam dubium quin illa dixisset. iste in possessionem bonorum mulieris intrat, ipsam Veneri in servitutem adiudicat; deinde bona vendit, pecuniam redigit. ita dum pauca mancipia Veneris nomine Agonis ac religione retinere vult, fortunas omnis libertatemque suam istius iniuria perdidit. Lilybaeum Verres venit postea; rem cognoscit, factum improbat, cogit quaestorem suum pecuniam, quam ex Agonidis bonis redegisset, eam mulieri omnem adnumerare et reddere. [57] est adhuc, id quod vos omnis admirari video, non Verres, sed Q. Mucius. quid enim facere potuit elegantius ad hominum existimationem, aequius ad levandam mulieris calamitatem, vehementius ad quaestoris libidinem coercendam? summe haec omnia mihi videntur esse laudanda. sed repente e vestigio ex homine tamquam aliquo Circaeo poculo factus est Verres; rediit ad se atque ad mores suos; nam ex illa pecunia magnam partem ad se vertit, mulieri reddidit quantulum visum est.

[XVIII] [58] hic tu si laesum te a Verre esse dicis, patiar et concedam; si iniuriam tibi factam quereris, defendam et negabo; denique de iniuria quae tibi facta sit neminem nostrum graviorem iudicem esse oportet quam te ipsum, cui facta dicitur. si tu cum illo postea in gratiam redisti, si domi illius aliquotiens fuisti, si ille apud te postea cenavit, utrum te perfidiosum an prevaricatorem existimari mavis? video esse necesse alterutrum, sed ego tecum in eo non pugnabo quo

minus utrum velis eligas. [59] quodsi ne iniuriae quidem, quae tibi ab illo facta sit, causa remanet, quid habes quod possis dicere quam ob rem non modo mihi, sed cuiquam anteponare? nisi forte illud, quod dicturum te esse audio, quaestorem illius fuisse. quae causa gravis esset, si certares mecum uter nostrum illi amicior esse deberet: in contentione suscipiendarum inimicitiarum ridiculum est putare causam necessitudinis ad inferendum periculum iustam videri oportere. [60] etenim si plurimas a tuo praetore iniurias accepisses, tamen eas ferendo maiorem laudem quam ulciscendo mererere; cum vero nullum illius in vita rectius factum sit quam id quod tu iniuriam appellas, hi statuent hanc causam, quam ne in alio quidem probarent, in te iustam ad necessitudinem violandam videri? qui si summam iniuriam ab illo accepisti, tamen, quoniam quaestor eius fuisti, non potes eum sine ulla vituperatione accusare; si vero non ulla tibi facta est iniuria, sine scelere eum accusare non potes. quare cum incertum sit de iniuria, quemquam horum esse putas qui non malit te sine vituperatione quam cum scelere discedere?

[XIX] [61] ac vide quid differat inter meam opinionem ac tuam. tu cum omnibus rebus inferior sis, hac una in re te mihi anteferri putas oportere, quod quaestor illius fueris: ego, si superior omnibus rebus esses, hanc unam ob causam te accusatorem repudiari putarem oportere. sic enim a maioribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere; nullam neque iustiorem neque graviorem causam necessitudinis posse reperiri quam coniunctionem sortis, quam provinciae, quam offici, quam publici muneris societatem. [62] quam ob rem si iure posses eum accusare, tamen, cum is tibi parentis numero fuisset, id pie facere non posses; cum vero neque iniuriam acceperis et praetori tuo periculum crees, fatearis necesse est te illi iniustum impiumque bellum inferre conari. etenim ista quaestura ad eam rem valet, ut elaborandum tibi in ratione reddenda sit quam ob rem qui quaestor eius fueris accuses, non ut ob eam ipsam causam postulandum sit ut tibi potissimum accusatio detur. neque fere umquam venit in contentionem de accusando qui quaestor fuisset, quin repudiaretur. [63] itaque neque L. Philoni in C. Servilium nominis deferendi potestas est data, neque M. Aurelio Scauro in L. Flaccum, neque Cn. Pompeio in T. Albucium; quorum nemo propter indignitatem repudiatus est, sed ne libido

violandae necessitudinis auctoritate iudicum comprobaretur. atque ille Cn. Pompeius ita cum C. Iulio contendit, ut tu mecum; quaestor enim Albuci fuerat, ut tu Verris; Iulius hoc secum auctoritatis ad accusandum adferebat quod, ut hoc tempore nos ab Siculis, sic tum ille ab Sardis rogatus ad causam accesserat. semper haec causa plurimum valuit, semper haec ratio accusandi fuit honestissima, pro sociis, pro salute provinciae, pro exterarum nationum commodis inimicitias suscipere, ad periculum accedere, operam, studium, laborem interponere.

[XX] [64] etenim si probabilis est eorum causa qui iniurias suas persequi volunt (qua in re dolori suo, non rei publicae commodis serviunt), quanto illa honestior causa est, quae non solum probabilis videri sed etiam grata esse debet, nulla privatim accepta iniuria sociorum atque amicorum populi Romani dolore atque iniuriis commoveri! nuper cum in P. Gabinium vir fortissimus et innocentissimus L. Piso delationem nominis postularet, et contra Q. Caecilius peteret isque se veteres inimicitias iam diu susceptas persequi diceret, cum auctoritas et dignitas Pisonis valebat plurimum, tum illa erat causa iustissima, quod eum sibi Achaei patronum adoptarant. [65] etenim cum lex ipsa de pecuniis repetundis sociorum atque amicorum populi Romani patrona sit, iniquum est non eum legis iudicique actorem idoneum maxime putari quem actorem causae suae socii defensoremque fortunarum suarum potissimum esse voluerunt. an quod ad commemorandum est honestius, id ad probandum non multo videri debet aequius? Vtra igitur est splendidior, utra inlustrior commemoratio, ‘accusavi eum cui quaestor fueram, quicum me sors consuetudoque maiorum, quicum me deorum hominumque iudicium coniunxerat,’ an ‘accusavi rogatu sociorum atque amicorum, delectus sum ab universa provincia qui eius iura fortunasque defenderem’? dubitare quisquam potest quin honestius sit eorum causa apud quos quaestor fueris, quam eum cuius quaestor fueris accusare? [66] clarissimi viri nostrae civitatis temporibus optimis hoc sibi amplissimum pulcherrimumque ducebant, ab hospitibus clientibusque suis, ab exteris nationibus, quae in amicitiam populi Romani dicionemque essent, iniurias propulsare eorumque fortunas defendere. M. Catonem illum sapientem, clarissimum virum et prudentissimum, cum multis gravis

inimicitias gessisse accepimus propter Hispanorum, apud quos consul fuerat, iniurias. [67] nuper Cn. Domitium scimus M. Silano diem dixisse propter unius hominis Aegritomari, paterni amici atque hospitis, iniurias.

[XXI] neque enim magis animos hominum nocentium res umquam ulla commovit quam haec maiorum consuetudo longo intervallo repetita ac relata, sociorum querimoniae delatae ad hominem non inertissimum, susceptae ab eo qui videbatur eorum fortunas fide diligentiaque sua posse defendere. [68] hoc timent homines, hoc laborant, hoc institui atque adeo institutum referri ac renovari moleste ferunt; putant fore ut, si paulatim haec consuetudo serpere ac prodire coeperit, per homines honestissimos virosque fortissimos, non imperitos adulescentulos aut illius modi quadruplatores leges iudiciaque administrentur. [69] cuius consuetudinis atque instituti patres maioresque nostros non paenitebat tum cum P. Lentulus, is qui princeps senatus fuit, accusabat M'. Aquilium subscriptore C. Rutilio Rufo, aut cum P. Africanus, homo virtute, fortuna, gloria, rebus gestis amplissimus, posteaquam bis consul et censor fuerat, L. Cottam in iudicium vocabat. iure tum florebat populi Romani nomen, iure auctoritas huius imperi civitatisque maiestas gravis habebatur. nemo mirabatur in Africano illo, quod in me nunc, homine parvis opibus ac facultatibus praedito, simulant sese mirari, cum moleste ferunt: [70] 'quid sibi iste vult? accusatoremne se existimari, qui antea defendere consuerat, nunc praesertim, ea iam aetate, cum aedilitatem petat?' ego vero et aetatis non modo meae sed multo etiam superioris, et honoris amplissimi puto esse et accusare improbos et miseros calamitososque defendere. et profecto aut hoc remedium est aegrotae ac prope desperatae rei publicae iudiciisque corruptis et contaminatis paucorum vitio ac turpitudine, homines ad legum defensionem iudiciorumque auctoritatem quam honestissimos et integerrimos diligentissimosque accedere; aut, si ne hoc quidem prodesse poterit, profecto nulla umquam medicina his tot incommodis reperietur. [71] nulla salus rei publicae maior est quam eos qui alterum accusant non minus de laude, de honore, de fama sua quam illos qui accusantur de capite ac fortunis suis pertimescere. itaque semper ii diligentissime laboriosissimeque accusarunt qui se ipsos in discrimen existimationis venire arbitrati sunt.

[XXII] quam ob rem hoc statuere, iudices, debetis, Q. Caecilium, de quo nulla umquam opinio fuerit nullaque in hoc ipso iudicio exspectatio futura sit, qui neque ut ante collectam famam conservet neque uti reliqui temporis spem confirmet laborat, non nimis hanc causam severe, non nimis accurate, non nimis diligenter acturum. habet enim nihil quod in offensione deperdat; ut turpissime flagitiosissimeque discedat, nihil de suis veteribus ornamentis requiret. [72] A nobis multos obsides habet populus Romanus, quos ut incolumis conservare, tueri, confirmare ac recuperare possimus, omni ratione erit dimicandum. habet honorem quem petimus, habet spem quam propositam nobis habemus, habet existimationem multo sudore labore vigiliisque collectam, ut, si in hac causa nostrum officium ac diligentiam probaverimus, haec quae dixi retinere per populum Romanum incolumia ac salva possimus; si tantulum offensum titubatumque sit, ut ea quae singillatim ac diu collecta sunt uno tempore universa perdamus. [73] quapropter, iudices, vestrum est deligere quem existimetis facillime posse magnitudinem causae ac iudici sustinere fide, diligentia, consilio, auctoritate. vos si mihi Q. Caecilium anteposueritis, ego me dignitate superatum non arbitrabor: populus Romanus ne tam honestam, tam severam diligentemque accusationem neque vobis placuisse neque ordini vestro placere arbitretur, providete.

IN VERREM (Against Gaius Verres)

M. TVLLI CICERONIS ORATIONES IN VERREM

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IN C. VERREM ORATIO. ACTIO PRIMA.

[1] Quod erat optandum maxime, iudices, et quod unum ad invidiam vestri ordinis infamiamque iudiciorum sedandam maxime pertinebat, id non humano consilio, sed prope divinitus datum atque oblatum vobis summo rei publicae tempore videtur. Inveteravit enim iam opinio perniciosa rei publicae, vobisque periculosa, quae non modo apud populum Romanum, sed etiam apud exteras nationes, omnium sermone percrebruit: his iudiciis quae nunc sunt, pecuniosum hominem, quamvis sit nocens, neminem posse damnari. Nunc, in ipso discrimine ordinis iudiciorumque vestrorum, cum sint parati qui contionibus et legibus hanc invidiam senatus inflammare conentur, [reus] in iudicium adductus est [C. Verres], homo vita atque factis omnium iam opinione damnatus, pecuniae magnitudine sua spe et praedicatione absolutus. Huic ego causae, iudices, cum summa voluntate et expectatione populi Romani, actor accessi, non ut augerem invidiam ordinis, sed ut infamiae communi succurrerem. Adduxi enim hominem in quo reconciliare existimationem iudiciorum amissam, redire in gratiam cum populo Romano, satis facere exteris nationibus, possetis; depeculatorem aerari, vexatorem Asiae atque Pamphyliae, praedonem iuris urbani, labem atque perniciem provinciae Siciliae. De quo si vos vere ac religiose iudicaveritis, auctoritas ea, quae in vobis remanere debet, haerebit; sin istius ingentes divitiae iudiciorum religionem veritatemque perfregerint, ego hoc tam adsequar, ut iudicium potius rei publicae, quam aut reus iudicibus, aut accusator reo, defuisse videatur.

[2] Equidem, ut de me confitear, iudices, cum multae mihi a C. Verre insidiae terra marique factae sint, quas partim mea diligentia devitarim, partim amicorum studio officioque repulerim; numquam tamen neque tantum periculum mihi adire visus sum, neque tanto opere pertimui, ut nunc in ipso iudicio. Neque tantum me exspectatio accusationis meae, concursusque tantae multitudinis (quibus ego rebus vehementissime perturbor) commovet, quantum istius insidiae nefariae, quas uno tempore mihi, vobis, M’. Glabrioni, populo Romano, sociis, exteris nationibus, ordini, nomini denique senatorio, facere conatur: qui ita dictitat, eis esse metuendum, qui quod ipsis

solis satis esset surripuissent; se tantum eripuisse, ut id multis satis esse possit; nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecunia possit. Quod si quam audax est ad conandum, tam esset obscurus in agendo, fortasse aliqua in re nos aliquando fefellisset. Verum hoc adhuc percommode cadit, quod cum incredibili eius audacia singularis stultitia coniuncta est. Nam, ut apertus in corripiendis pecuniis fuit, sic in spe corrumpendi iudici, perspicua sua consilia conatusque omnibus fecit. Semel, ait, se in vita pertimuisse, tum cum primum a me reus factus sit; quod, cum e provincia recens esset, invidiaque et infamia non recenti, sed vetere ac diuturna flagraret, tum, ad iudicium corrumpendum, tempus alienum offenderet. Itaque, cum ego diem in Siciliam inquirendi perexiguam postulavissem, invenit iste, qui sibi in Achaiam biduo breviorem diem postularet, — non ut is idem conficeret diligentia et industria sua quod ego meo labore et vigiliis consecutus sum, etenim ille Achaicus inquisitor ne Brundisium quidem pervenit; ego Siciliam totam quinquaginta diebus sic obii, ut omnium populorum privatorumque literas iniuriasque cognoscerem; ut perspicuum cuivis esse posset, hominem ab isto quaesitum esse, non qui reum suum adduceret, sed qui meum tempus obsideret.

[3] Nunc homo audacissimus atque amentissimus hoc cogitat. Intellegit me ita paratum atque instructum in iudicium venire, ut non modo in auribus vestris, sed in oculis omnium, sua furta atque flagitia defixurus sim. Videt senatores multos esse testis audaciae suae; videt multos equites Romanos frequentis praeterea civis atque socios, quibus ipse insignis iniurias fecerit. Videt etiam tot tam gravis ab amicissimis civitatibus legationes, cum publicis auctoritatibus convenisse. Quae cum ita sint, usque eo de omnibus bonis male existimat, usque eo senatoria iudicia perdita profligataque esse arbitratur, ut hoc palam dictitet, non sine causa se cupidum pecuniae fuisse, quoniam in pecunia tantum praesidium experiatur esse: sese (id quod difficillimum fuerit) tempus ipsum emisse iudici sui, quo cetera facilius emere postea posset; ut, quoniam criminum vim subterfugere nullo modo poterat, procellam temporis devitaret. Quod si non modo in causa, verum in aliquo honesto praesidio, aut in alicuius eloquentia aut gratia, spem aliquam conlocasset, profecto non haec omnia conligeret atque aucuparetur; non usque eo

despiceret contemneretque ordinem senatorium, ut arbitratu eius deligeretur ex senatu, qui reus fieret; qui, dum hic quae opus essent compararet, causam interea ante eum diceret. Quibus ego rebus quid iste speret et quo animum intendat, facile perspicio. Quam ob rem vero se confidat aliquid perficere posse, hoc praetore, et hoc consilio, intellegere non possum. Unum illud intellego (quod populus Romanus in reiectione iudicum iudicavit), ea spe istum fuisse praeditum ut omnem rationem salutis in pecunia constitueret; hoc erepto praesidio, ut nullam sibi rem adiumento fore arbitraretur.

[4] Etenim quod est ingenium tantum, quae tanta facultas dicendi aut copia, quae istius vitam, tot vitiis flagitiisque convictam, iampridem omnium voluntate iudicioque damnatam, aliqua ex parte possit defendere? Cuius ut adulescentiae maculas ignominiasque praetetream, quaestura [primus gradus honoris] quid aliud habet in se, nisi [Cn. Carbonem spoliatum] a quaestore suo pecunia publica nudatum et proditum consulem? desertum exercitum? relictam proviciam? sortis necessitudinem religionemque violatam? Cuius legatio exitium fuit Asiae totius et Pamphyliae: quibus in provinciis multas domos, plurimas urbis, omnia fana depopulatus est, tum cum [in Cn. Dolabellam] suum scelus illud pristinum renovavit et instauravit quaestorium; cum eum, cui et legatus et pro quaestore fuisset, et in invidiam suis maleficiis adduxit, et in ipsis periculis non solum deseruit, sed etiam oppugnavit ac prodidit. Cuius praetura urbana aedium sacrarum fuit publicorumque operum depopulatio; simul in iure dicundo, bonorum possessionumque, contra omnium instituta, addictio et condonatio.

Iam vero omnium vitiorum suorum plurima et maxima constituit monumenta et indicia in provincia Sicilia; quam iste per triennium ita vexavit ac perdidit ut ea restitui in antiquum statum nullo modo possit; vix autem per multos annos, innocentisque praetores, aliqua ex parte recreari aliquando posse videatur. Hoc praetore, Siculi neque suas leges, neque nostra senatus consulta, neque communia iura tenuerunt. Tantum quisque habet in Sicilia, quantum hominis avarissimi et libidinosissimi aut imprudentiam subterfugit, aut satietati superfuit.

[5] Nulla res per triennium, nisi ad nutum istius, iudicata est: nulla res cuiusquam tam patria atque avita fuit, quae non ab eo, imperio

istius, abiudicaretur. Innumerabiles pecuniae ex aratorum bonis novo nefarioque instituto coactae; socii fidelissimi in hostium numero existimati; cives Romani servilem in modum cruciati et necati; homines nocentissimi propter pecunias iudicio liberati; honestissimi atque integerrimi, absentes rei facti, indicta causa damnati et eiecti; portus munitissimi, maximae tutissimaeque urbes piratis praedonibusque patefactae; nautae militesque Siculorum, socii nostri atque amici, fame necati; classes optimae atque opportunissimae, cum magna ignominia populi Romani, amissae et perditae. Idem iste praetor monumenta antiquissima, partim regum locupletissimorum, quae illi ornamento urbibus esse voluerunt, partim etiam nostrorum imperatorum, quae victores civitatibus Siculis aut dederunt aut reddiderunt, spoliavit, nudavitque omnia. Neque hoc solum in statuis ornamentisque publicis fecit; sed etiam delubra omnia, sanctissimis religionibus consecrata, depeculatus est. Deum denique nullum Siculis, qui ei paulo magis adfabre atque antiquo artificio factus videretur, reliquit. In stupris vero et flagitiis, nefarias eius libidines commemorare pudore deterreor; simul illorum calamitatem commemorando augere nolo, quibus liberos coniugesque suas integras ab istius petulantia conservare non licitum est.

At enim haec ita commissa sunt ab isto, ut non cognita sint ab hominibus? Hominem arbitror esse neminem qui nomen istius audierit, quin facta quoque eius nefaria commemorare possit; ut mihi magis timendum sit, ne multa crimina praetermittere, quam ne qua in istum fingere, existimer. Neque enim mihi videtur haec multitudo, quae ad audiendum convenit, cognoscere ex me causam voluisse, sed ea, quae scit, mecum recognoscere.

[6] Quae cum ita sint, iste homo amens ac perditus alia mecum ratione pugnat. Non id agit, ut alicuius eloquentiam mihi opponat; non gratia, non auctoritate cuiusquam, non potentia nititur. Simulat his se rebus confidere, sed video quid agat (neque enim agit ocultissime); proponit inania mihi nobilitatis, hoc est, hominum adrogantium, nomina; qui non tam me impediunt quod nobiles sunt, quam adiuvant quod noti sunt. Simulat se eorum praesidio confidere, cum interea aliud quiddam iam diu machinetur.

Quam spem nunc habeat in manibus, et quid moliatur, breviter iam, iudices, vobis exponam: sed prius, ut ab initio res ab eo

constituta sit, quaeso, cognoscite. Ut primum e provincia rediit, redemptio est huius iudici facta grandi pecunia. Mansit in condicione atque pacto usque ad eum finem, dum iudices reiecti sunt. Postea quam reiectio iudicum facta est — quod et in sortitione istius spem fortuna populi Romani, et in reiciendis iudicibus mea diligentia, istorum impudentiam vicerat — renuntiata est tota condicio. Praeclare se res habebat. Libelli nominum vestrorum, consilique huius, in manibus erant omnium. Nulla nota, nullus color, nullae sordes videbantur his sententiis adlini posse: cum iste repente, ex alacri atque laeto, sic erat humilis atque demissus, ut non modo populo Romano, sed etiam sibi ipse, condemnatus videretur.

Ecce autem repente, his diebus paucis comitiis consularibus factis, eadem illa vetera consilia pecunia maiore repetuntur; eaedemque vestrae famae fortunisque omnium insidiae per eosdem homines comparantur. Quae res primo, iudices, pertenui nobis argumento indicioque patefacta est: post, aperto suspicionis introitu, ad omnia intima istorum consilia sine ullo errore pervenimus.

[7] Nam, ut Hortensius consul designatus, domum reducebatur e Campo, cum maxima frequentia ac multitudine fit obviam casu ei multitudini C. Curio; quem ego hominem honoris [potius quam contumeliae] causa nominatum volo. Etenim ea dicam, quae ille si commemorari noluisset, non tanto in conventu, tam aperte palamque dixisset: quae tamen a me pedetentim cauteque dicentur; ut et amicitiae nostrae et dignitatis illius habita ratio esse intellegatur.

Videt ad ipsum fornicem Fabianum in turba Verrem: appellat hominem, et ei voce maxima gratulatur: ipsi Hortensio, qui consul erat factus, propinquis necessariisque eius, qui tum aderant, verbum nullum facit: cum hoc consistit; hunc amplexatur; hunc iubet sine cura esse. “Renuntio,” inquit, “tibi, te hodiernis comitiis esse absolutum.” Quod cum tam multi homines honestissimi audissent, statim ad me defertur: immo vero, ut quisque me viderat, narrabat. Aliis illud indignum, aliis ridiculum, videbatur: ridiculum eis qui istius causam in testium fide, in criminum ratione, in iudicum potestate, non in comitiis consularibus, positam arbitrabantur: indignum eis, qui altius aspiciebant, et hanc gratulationem ad iudicium corrumpendum spectare videbant. Etenim sic ratiocinabantur, sic honestissimi homines inter se et mecum

loquebantur: aperte iam et perspicue nulla esse iudicia. Qui reus pridie iam ipse se condemnatum putabat, is, postea quam defensor eius consul est factus, absolvitur! Quid igitur? quod tota Sicilia, quod omnes Siculi, omnes negotiatores, omnes publicae privataeque litterae Romae sunt, nihilne id valebit? nihil, invito consule designato! Quid? iudices non crimina, non testis, non existimationem populi Romani sequentur? Non: omnia in unius potestate ac moderatione vertentur.

[8] Vere loquar, iudices: vehementer me haec res commovebat. Optimus enim quisque ita loquebantur: iste quidem tibi eripietur: sed nos non tenebimus iudicia diutius. Etenim quis poterit, Verre absoluto, de transferendis iudiciis recusare? Erat omnibus molestum: neque eos tam istius hominis perditi subita laetitia, quam hominis amplissimi nova gratulatio, commovebat. Cupiebam dissimulare me id moleste ferre: cupiebam animi dolorem vultu tegere, et taciturnitate celare. Ecce autem, illis ipsis diebus, cum praetores designati sortirentur, et M. Metello obtigisset, ut is de pecuniis repetundis quaereret, nuntiatur mihi tantam isti gratulationem esse factam, ut is domum quoque pueros mitteret, qui uxori suae nuntiarent.

Sane ne haec quidem mihi res placebat: neque tamen, tanto opere quid in hac sorte metuendum mihi esset, intellegebam. Unum illud ex hominibus certis, ex quibus omnia comperi, reperiebam: fiscos compluris cum pecunia Siciliensi, a quodam senatore ad equitem Romanum esse translatos: ex his quasi decem fiscos ad senatorem illum relictos esse, comitiorum meorum nomine: divisores omnium tribuum noctu ad istum vocatos. Ex quibus quidam, qui se omnia mea causa debere arbitrabatur, eadem illa nocte ad me venit: demonstrat, qua iste oratione usus esset: commemorasse istum, quam liberaliter eos tractasset [etiam] antea, cum ipse praeturam petisset, et proximis consularibus praetoriisque comitiis: deinde continuo esse pollicitum, quantam vellent pecuniam, si me aedilitate deiecissent. Hic alios negasse audere; alios respondisse, non putare id perfici posse: inventum tamen esse fortem amicum, ex eadem familia, Q. Verrem, Romilia, ex optima divisorum disciplina, patris istius discipulum atque amicum, qui, HS quingentis milibus depositis, id se perfecturum polliceretur: et fuisse tum non nullos, qui se una

facturos esse dicerent. Quae cum ita esset, sane benevolo animo me, ut magno opere caverem praemonebat.

[9] Sollicitabar rebus maximis uno atque eo perexiguo tempore. Urgebant comitia; et in his ipsis oppugnabar grandi pecunia. Instabat iudicium: ei quoque negotio fisci Sicilienses minabantur. Agere quae ad iudicium pertinebant libere, comitiorum metu deterrebar: petitioni toto animo servire, propter iudicium non licebat. Minari denique divisoribus ratio non erat, propterea quod eos intellegere videbam me hoc iudicio districtum atque obligatum futurum. Atque hoc ipso tempore Siculis denuntiatum esse audio, primum ab Hortensio, domum ad illum ut venirent: Siculos in eo sane liberos fuisse; qui quam ob rem arcesserentur cum intellegerent, non venisse. Interea comitia nostra, quorum iste se, ut ceterorum hoc anno comitiorum, dominum esse arbitrabatur, haberi coepta sunt. Cursare iste homo potens, cum filio blando et gratioso, circum tribus: paternos amicos, hoc est divisores, appellare omnes et convenire. Quod cum esset intellectum et animadversum, fecit animo libentissimo populus Romanus, ut cuius divitiae me de fide deducere non potuissent, ne eiusdem pecunia de honore deicerer.

Postea quam illa petitionis magna cura liberatus sum, animo coepi multo magis vacuo ac soluto, nihil aliud nisi de iudicio agere et cogitare. Reperio, iudices, haec ab istis consilia inita et constituta, ut, quacumque posset ratione, res ita duceretur, ut apud M. Metellum praetorem causa diceretur. In eo esse haec commoda: primum M. Metellum amicissimum; deinde Hortensium consulem non [solum, sed] etiam Q. Metellum, qui quam isti sit amicus attendite: dedit enim praerogativam suae voluntatis eius modi, ut isti pro praerogativis eam reddidisse videatur.

An me taciturum tantis de rebus existimavistis? et me, in tanto rei publicae existimationisque meae periculo, cuiquam consulturum potius quam officio et dignitati meae? Arcessit alter consul designatus Siculos: veniunt non nulli, propterea quod L. Metellus esset praetor in Sicilia. Cum iis ita loquitur: se consulem esse; fratrem suum alterum Siciliam provinciam obtinere, alterum esse quaesiturum de pecuniis repetundis; Verri ne noceri possit multis rationibus esse provisum.

[10] Quid est, quaeso, Metelle, iudicium corrumpere, si hoc non

est? testis, praesertim [Siculos], timidos homines et adflictos, non solum auctoritate deterrere, sed etiam consulari metu, et duorum praetorum potestate? Quid faceres pro innocente homine et propinquo, cum propter hominem perditissimum atque alienissimum de officio ac dignitate decedis, et committis, ut, quod ille dictitat, alicui, qui te ignoret, verum esse videatur?

Nam hoc Verrem dicere aiebant, te non fato, ut ceteros ex vestra familia, sed opera sua consulem factum. Duo igitur consules et quaesitor erunt ex illius voluntate. "Non solum effugiemus" inquit "hominem in quaerendo nimium diligentem, nimium servientem populi existimationi, M'. Glabrionem: accedet etiam nobis illud. iudex est M. Caesonius, conlega nostri accusatoris, homo in rebus iudicandis spectatus et cognitus, quem minime expediat esse in eo consilio quod conemur aliqua ratione corrumpere: propterea quod iam antea, cum iudex in iuniano consilio fuisset, turpissimum illud facinus non solum graviter tulit, sed etiam in medium protulit. Hunc iudicem ex Kal. ianuariis non habebimus. Q. Manlium, et Q. Cornificium, duos severissimos atque integerrimos iudices, quod tribuni plebis tum erunt, iudices non habebimus. P. Sulpicius, iudex tristis et integer, magistratum ineat oportet Nonis Decembribus. M. Crepereius, ex acerrima illa equestri familia et disciplina; L. Cassius ex familia cum ad ceteras res tum ad iudicandum severissima; Cn. Tremellius, homo summa religione et diligentia, — tres hi, homines veteres tribuni militares sunt designati: ex Kal. ianuariis non iudicabunt. Subsortiemur etiam in M. Metelli locum, quoniam is huic ipsi quaestioni praefuturus est. Ita secundum Kalendas ianuarias, et praetore et prope tot consilio commutato, magnas accusatoris minas, magnamque exspectationem iudici, ad nostrum arbitrium libidinemque eludemus."

Nonae sunt hodie Sextiles: hora VIII. convenire coepistis. Hunc diem iam ne numerant quidem. Decem dies sunt ante ludos votivos, quos C. Pompeius facturus est. Hi ludi dies quindecim auferent: deinde continuo Romani consequentur. Ita prope XL. diebus interpositis, tum denique se ad ea quae a nobis dicta erunt responsuros esse arbitrantur: deinde se ducturos, et dicendo et excusando, facile ad ludos Victoriae. Cum his plebeios esse coniunctos; secundum quos aut nulli aut perpauci dies ad agendum

futuri sunt. Ita defessa ac refrigerata accusatione, rem integram ad M. Metellum praetorem esse venturam: quem ego hominem, si eius fidei diffisus essem, iudicem non retinuissem. Nunc tamen hoc animo sum, ut eo iudice quam praetore hanc rem transigi malim; et iurato suam quam iniurato aliorum tabellas committere.

[11] Nunc ego, iudices, iam vos consulo, quid mihi faciendum putetis. Id enim consili mihi profecto taciti dabitis, quod egomet mihi necessario capiendum intellego. Si utar ad dicendum meo legitimo tempore, mei laboris industriae, diligentiaeque capiam fructum; et [ex accusatione] perficiam ut nemo umquam post hominum memoriam paratior, vigilantior, compositior ad iudicium venisse videatur. Sed, in hac laude industriae meae, reus ne elabatur summum periculum est. Quid est igitur quod fieri possit? Non obscurum, opinor, neque absconditum. Fructum istum laudis, qui ex perpetua oratione percipi potuit, in alia tempora reservemus: nunc hominem tabulis, testibus, privatis publicisque litteris auctoritatibusque accusemus. Res omnis mihi tecum erit, Hortensi. Dicam aperte: si te mecum dicendo ac diluendis criminibus in hac causa contendere putarem, ego quoque in accusando atque in explicandis criminibus operam consumerem; nunc, quoniam pugnare contra me instituisti, non tam ex tua natura quam ex istius tempore et causa [malitiose], necesse est istius modi rationi aliquo consilio obsistere. Tua ratio est, ut secundum binos ludos mihi respondere incipias; mea, ut ante primos ludos comperendinem. Ita fit ut tua ista ratio existimetur astuta, meum hoc consilium necessarium.

[12] Verum illud quod institueram dicere, mihi rem tecum esse, huius modi est. Ego cum hanc causam Siculorum rogatu recepissem, idque mihi amplum et praeclarum existimassem, eos velle meae fidei diligentiaeque periculum facere, qui innocentiae abstinentiaeque fecissent; tum suscepto negotio, maius quiddam mihi proposui, in quo meam in rem publicam voluntatem populus Romanus perspicere posset. Nam illud mihi nequaquam dignum industria conatuque meo videbatur, istum a me in iudicium, iam omnium iudicio condemnatum, vocari, nisi ista tua intolerabilis potentia, et ea cupiditas qua per hosce annos in quibusdam iudiciis usus es, etiam in istius hominis desperati causa interponeretur. Nunc vero, quoniam haec te omnis dominatio regnumque iudiciorum tanto opere delectat,

et sunt homines quos libidinis infamiaeque suae neque pudeat neque taedeat, — qui, quasi de industria, in odium offensionemque populi Romani inruere videantur, — hoc me profiteor suscepisse, magnum fortasse onus et mihi periculosissimum, verum tamen dignum in quo omnis nervos aetatis industriaeque meae contenderem.

Quoniam totus ordo paucorum improbitate et audacia premitur et urgetur infamia iudiciorum, profiteor huic generi hominum me inimicum accusatorem, odiosum, adsiduum, acerbum adversarium. Hoc mihi sumo, hoc mihi deposco, quod agam in magistratu, quod agam ex eo loco ex quo me populus Romanus ex Kal. ianuariis secum agere de re publica ac de hominibus improbis voluit: hoc munus aedilitatis meae populo Romano amplissimum pulcherimumque polliceor. Moneo, praedico, ante denuntio; qui aut deponere, aut accipere, aut recipere, aut polliceri, aut sequestres aut interpretes corrumpendi iudici solent esse, quique ad hanc rem aut potentiam aut impudentiam suam professi sunt, abstineant in hoc iudicio manus animosque ab hoc scelere nefario.

[13] Erit tum consul Hortensius cum summo imperio et potestate; ego autem aedilis, hoc est, paulo amplius quam privatus. Tamen huius modi haec res est, quam me acturum esse polliceor, ita populo Romano grata atque iucunda, ut ipse consul in hac causa prae me minus etiam (si fieri possit) quam privatus esse videatur. Omnia non modo commemorabuntur, sed etiam, eitis certis rebus agentur, quae inter decem annos, postea quam iudicia ad senatum translata sunt, in rebus iudicandis nefarie flagitioseque facta sunt. Cognoscet ex me populus Romanus quid sit, quam ob rem, cum equester ordo iudicaret, annos prope quinquaginta continuos, in nullo iudice [equite Romano iudicante] ne tenuissima quidem suspicio acceptae pecuniae ob rem iudicandam constituta sit: quid sit quod, iudiciis ad senatorium ordinem translatis, sublataque populi Romani in unum quemque vestrum potestate, Q. Calidus damnatus dixerit, minoris HS triciens praetorium hominem honeste non posse damnari: quid sit quod, P. Septimio senatore damnato, Q. Hortensio praetore, de pecuniis repetundis lis aestimata sit eo nomine, quod ille ob rem iudicandam pecuniam accepisset; quod in C. Herennio, quod in C. Popilio, senatoribus, qui ambo peculatus damnati sunt; quod in M. Atilio, qui de maiestate damnatus est, hoc planum factum sit, eos

pecuniam ob rem iudicandam accepisse; quod inventi sint senatores, qui, C. Verre praetore urbano sortiente, exirent in eum reum, quem incognita causa condemnarent; quod inventus sit senator, qui, cum iudex esset, in eodem iudicio et ab reo pecuniam acciperet quam iudicibus divideret, et ab accusatore, ut reum condemnaret. iam vero quo modo illam labem, ignominiam, calamitatemque totius ordinis conquerar? hoc factum esse in hac civitate, cum senatorius ordo iudicaret, ut discoloribus signis iuratorum hominum sententiae notarentur? Haec omnia me diligenter severeque acturum esse, polliceor.

[14] Quo me tandem animo fore putatis, si quid in hoc ipso iudicio intellexero simili aliqua ratione esse violatum at commissum? cum planum facere multis testibus possim, C. Verrem in Sicilia, multis audientibus, saepe dixisse, "se habere hominem potentem, cuius fiducia provinciam spoliaret: neque sibi soli pecuniam quaerere, sed ita triennium illud praeturae Siciliensis distributum habere, ut secum praeclare agi diceret, si unius anni quaestum in rem suam converteret; alterum patronis et defensoribus traderet; tertium illum uberrimum quaestuosissimumque annum totum iudicibus reservaret."

Ex quo mihi venit in mentem illud dicere (quod apud M'. Glabrionem nuper cum in reiciundis iudicibus commemorassem, intellexi vehementer populum Romanum commoveri), me arbitrari, fore uti nationes exterae legatos ad populum Romanum mitterent, ut lex de pecuniis repetundis iudiciumque tolleretur. Si enim iudicia nulla sint, tantum unum quemque ablaturum putant, quantum sibi ac liberis suis satis esse arbitretur: nunc, quod eius modi iudicia sint, tantum unum quemque auferre, quantum sibi, patronis, advocatis, praetori, iudicibus, satis futurum sit: hoc profecto infinitum esse: se avarissimi hominis cupiditati satisfacere posse, nocentissimi victoriae non posse.

O commemoranda iudicia, praeclaramque existimationem nostri ordinis! cum socii populi Romani iudicia de pecuniis repetundis fieri nolunt, quae a maioribus nostris sociorum causa comparata sunt. An iste umquam de se bonam spem habuisset, nisi de vobis malam opinionem animo imbibisset? Quo maiore etiam (si fieri potest) apud vos odio esse debet, quam est apud populum Romanum, cum in avaritia, scelere, periurio, vos sui similis esse arbitretur.

[15] Cui loco (per deos immortalis!), iudices, consulite ac providete. Moneo praedicoque — id quod intellego — tempus hoc vobis divinitus datum esse, ut odio, invidia, infamia, turpitudine, totum ordinem liberetis. Nulla in iudiciis severitas, nulla religio, nulla denique iam existimantur esse iudicia. Itaque a populo Romano contemnimur, despicimur: gravi diuturnaque iam flagramus infamia. Neque enim ullam aliam ob causam populus Romanus tribuniciam potestatem tanto studio requisivit; quam cum poscebat, verbo illam poscere videbatur, re vera iudicia poscebat. Neque hoc Q. Catulum, hominem sapientissimum atque amplissimum, fugit, qui (Cn. Pompeio, viro fortissimo et clarissimo, de tribunicia potestate referente), cum esset sententiam rogatus, hoc initio est summa cum auctoritate usus: "Patres conscriptos iudicia male et flagitiose tueri: quod si in rebus iudicandis, populi Romani existimationi satis facere voluissent, non tanto opere homines fuisse tribuniciam potestatem desiderturos." Ipse denique Cn. Pompeius, cum primum contionem ad urbem consul designatus habuit, ubi (id quod maxime exspectari videbatur) ostendit se tribuniciam potestatem restituturum, factus est in eo strepitus, et grata contionis admurmuratio. Idem in eadem contione cum dixisset "populatas vexatasque esse provincias; iudicia autem turpia ac flagitiosa fieri; ei rei se providere ac consulere velle;" tum vero non strepitu, sed maximo clamore, suam populus Romanus significavit voluntatem.

[16] Nunc autem homines in speculis sunt: observant quem ad modum sese unus quisque nostrum gerat in retinenda religione, conservandisque legibus. Vident adhuc, post legem tribuniciam, unum senatorem hominem vel tenuissimum esse damnatum: quod tametsi non reprehendunt, tamen magno opere quod laudent non habent. Nulla est enim laus, ibi esse integrum, ubi nemo est qui aut possit aut conetur corrumpere. Hoc est iudicium, in quo vos de reo, populus Romanus de vobis iudicabit. In hoc homine statuetur, possitne, senatoribus iudicantibus, homo nocentissimus pecuniosissimusque damnari. Deinde est eius modi reus, in quo homine nihil sit, praeter summa peccata maximamque pecuniam; ut, si liberatus sit, nulla alia suspicio, nisi ea quae turpissima est, residere possit. Non gratia, non cognatione, non aliis recte factis, non denique aliquo mediocri vitio, tot tantaque eius vitia sublevata esse

videbuntur.

Postremo ego causam sic agam, iudices: eius modi res, ita notas, ita testatas, ita magnas, ita manifestas proferam, ut nemo a vobis ut istum absolvatis per gratiam conetur contendere. Habeo autem certam viam atque rationem, qua omnis illorum conatus investigare et consequi possim. Ita res a me agetur, ut in eorum consiliis omnibus non modo aures hominum, sed etiam oculi [populi Romani] interesse videantur. Vos aliquot iam per annos conceptam huic ordini turpitudinem atque infamiam delere ac tollere potestis. Constat inter omnis, post haec constituta iudicia, quibus nunc utimur, nullum hoc splendore atque hac dignitate consilium fuisse. Hic si quid erit offensum, omnes homines non iam ex eodem ordine alios magis idoneos (quod fieri non potest), sed alium omnino ordinem ad res iudicandas quaerendum arbitrabuntur.

[17] Quapropter, primum ab dis immortalibus, quod sperare mihi videor, hoc idem, iudices, opto, ut in hoc iudicio nemo improbus praeter eum qui iampridem inventus est reperiatur: deinde si plures improbi fuerint, hoc vobis, hoc populo Romano, iudices, confirmo, vitam (mehercule) mihi prius, quam vim perseverantiamque ad illorum improbitatem persequendam defuturam.

Verum, quod ego laboribus, periculis, inimicitiisque meis, tum cum admissum erit dedecus severe me persecuturum esse polliceor, id ne accidat, tu tua auctoritate, sapientia, diligentia, M'. Glabrio, potes providere. Suscipe causam iudiciorum: suscipe causam severitatis, integritatis, fidei, religionis: suscipe causam senatus, ut is, hoc iudicio probatus, cum populo Romano et in laude et in gratia esse possit. Cogita qui sis, quo loco sis, quid dare populo Romano, quid reddere maioribus tuis, debeas: fac tibi paternae legis [Aciliae] veniat in mentem, qua lege populus Romanus de pecuniis repetundiis optimis iudiciis severissimisque iudicibus usus est. Circumstant te summae auctoritates, quae te oblivisci laudis domesticae non sinant; quae te noctis diesque commoneant, fortissimum tibi patrem, sapientissimum avum, gravissimum socerum fuisse. Qua re si [Glabrionis] patris vim et acrimoniam ceperis ad resistendum hominibus audacissimis; si avi [Scaevolae] prudentiam ad prospiciendas insidias, quae tuae atque horum famae comparantur; si soceri [Scauri] constantiam, ut ne quis te de vera et certa possit

sententia demovere; intelleget populus Romanus, integerrimo atque honestissimo praetore, delectoque consilio, nocenti reo magnitudinem pecuniae plus habuisse momenti ad suspicionem criminis quam ad rationem salutis.

[18] Mihi certum est, non committere ut in hac causa praetor nobis consiliumque mutetur. Non patiar rem in id tempus adduci, ut [Siculi], quos adhuc servi designatorum consulum non moverunt, cum eos novo exemplo universos arcesserent, eos tum lictores consulum vocent; ut homines miseri, antea socii atque amici populi Romani, nunc servi ac supplices, non modo ius suum fortunasque omnis eorum imperio amittant, verum etiam deplorandi iuris sui potestatem non habeant. Non sinam profecto, causa a me perorata [quadraginta diebus interpositis], tum nobis denique responderi, cum accusatio nostra in oblivionem diuturnitate adducta sit: non committam, ut tum haec res iudicetur, cum haec frequentia totius Italiae Roma discesserit; quae convenit uno tempore undique, comitiorum, ludorum, censendique causa. Huius iudici et laudis fructum, et offensionis periculum, vestrum; laborem sollicitudinemque, nostram; scientiam quid agatur, memoriamque quid a quoque dictum sit, omnium puto esse oportere.

Faciam hoc non novum, sed ab eis qui nunc principes nostrae civitatis sunt ante factum, ut testibus utar statim: illud a me novum, iudices, cognoscetis, quod ita testis constituam, ut crimen totum explicem; ut, ubi id [interrogando] argumentis atque oratione firmavero, tum testis ad crimen adcommodem: ut nihil inter illam usitatam accusationem atque hanc novam intersit, nisi quod in illa tunc, cum omnia dicta sunt, testes dantur; hic in singulas res dabuntur; ut illis quoque eadem interrogandi facultas, argumentandi dicendique sit. Si quis erit, qui perpetuam orationem accusationemque desideret, altera actione audiet: nunc id, quod facimus — ea ratione facimus, ut malitiae illorum consilio nostro occurramus — necessario fieri intellegat. Haec primae actionis erit accusatio.

Dicimus C. Verrem, cum multa libidinose, multa crudeliter, in civis Romanos atque in socios, multa in deos hominesque nefarie fecerit tum praeterea quadrigentiens sestertium ex Sicilia contra leges abstulisse. Hoc testibus, hoc tabulis privatis publicisque

auctoritatibus ita vobis planum faciemus, ut hoc statuatis, etiam si spatium ad dicendum nostro commodo, vacuosque dies habuissemus, tamen oratione longa nihil opus fuisse.

Dixi.

ACTIONIS IN C. VERREM SECVNDAE. LIBER PRIMVS.

[1] Neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse, C.Verrem altera actione responsurum non esse neque ad iudicium adfuturum. Quae fama non idcirco solum emanarat quod iste certe statuerat ac deliberaverat non adesse, verum etiam quod nemo quemquam tam audacem, tam amentem, tam impudentem fore arbitrabatur qui tam nefariis criminibus, tam multis testibus convictus ora iudicum aspicere aut os suum populo Romano ostendere auderet.

[2] Est idem Verres qui fuit semper, ut ad audendum proiectus, sic paratus ad audiendum. Praesto est, respondet, defenditur; ne hoc quidem sibi reliqui facit ut, in rebus turpissimis cum manifesto teneatur, si reticeat et absit, tamen impudentiae suae pudentem exitum quaesisse videatur. Patior, iudices, et non moleste fero me laboris mei, vos virtutis vestrae fructum esse laturos. Nam si iste id fecisset quod prius statuerat, ut non adesset, minus aliquanto quam mihi opus esset cognosceretur quid ego in hac accusatione comparanda constituendaque elaborassem; vestra vero laus tenuis plane atque obscura, iudices, esset.

[3] Neque enim hoc a vobis populus Romanus exspectat neque eo potest esse contentus, si condemnatus sit is qui adesse noluerit,et si fortes fueritis in eo quem nemo sit ausus defendere. Immo vero adsit, respondeat; summis opibus, summo studio potentissimorum hominum defendatur; certet mea diligentia cum illorum omnium cupiditate, vestra integritas cum illius pecunia, testium constantia cum illius patronorum minis atque potentia: tum demum illa omnia victa videbuntur cum in contentionem certamenque venerint.

[4] Absens si esset iste damnatus, non tam sibi consuluisse quam invidisse vestrae laudi videretur. Neque enim salus ulla rei publicae maior hoc tempo re reperiri potest quam populum Romanum intellegere, diligenter reiectis ab accusatore iudicibus, socios, leges, rem publicam senatorio consilio maximo posse defendi; neque tanta fortunis omnium pernicies ulla potest accidere quam opinione populi

Romani rationem veritatis, integritatis, fidei, religionis ab hoc ordine abiudicari.

[5] Itaque mihi videor, iudices, magnamet maxime aegram et prope depositam rei publicae partem suscepisse, neque in eo magis meae quam vestrae laudi existimationique servisse. Accessi enim ad invidiam iudiciorum levandam vituperationemque tollendam, ut, cum haec res pro voluntate populi Romani esset iudicata, aliqua ex parte mea diligentia constituta auctoritas iudiciorum videretur, postremo ut esset hoc iudicatum, ut finis aliquando iudiciariae controversiae constitueretur.

[6] Etenim sine dubio, iudices, in hac causa ea res in discrimen adducitur.Reus est enim nocentissimus; qui si condemnatur, desinent homines dicere his iudiciis pecuniam plurimum posse; sin absolvitur, desinemus nos de iudiciis transferendis recusare. Tametsi de absolutione istius neque ipse iam sperat nec populus Romanus metuit: de impudentia singulari, quod adest, quod respondet, sunt qui mirentur. Mihi pro cetera eius audacia atque amentia ne hoc quidem mirandum videtur; multa enimet in deoset in homines impie nefarieque commisit, quorum scelerum poenis agitatur et a mente consilioque deducitur.

[7] Agunt eum praecipitem poenae civium Romanorum, quos partim securi percussit, partim in vinculis necavit, partim implorantis iuta libertatis et civitatis in crucem sustulit. Rapiunt eum ad supplicium di patrii, quod iste inventus est qui e complexu parentum abreptos filios ad necem duceret, et parentis pretium pro sepultura liberum posceret. Religiones vero caerimoniaeque omnium sacrorum fanorumque violatae, simulacraque deorum, quae non modo ex suis templis ablata sunt sed etiam iacent in tenebris ab isto retrusa atque abdita, consistere eius animum sine furore atque amentia non sinunt.

[8] Neque iste mihi videtur se ad damnationem solum offerte, neque hoc avaritiae supplicio communi, qui se tot sceleribus obstrinxerit, contentus esse: singularem quandam poenam istius immanis atque importuna natura desiderat. Non id solum quaeritur ut isto damnato bona restituantur iis quibus erepta sunt, sed et religiones deorum immortalium expiandae et civium Romanorum cruciatus multorumque innocentium sanguis istius supplicio luendus est.

[9] Non enim furem sed ereptorem, non adulterum sed expugnatorem pudicitiae, non sacrilegum sed hostem sacrorum religionumque, non sicarium sed crudelissimum carnificem civium sociorumque in vestrum iudicium adduximus, ut ego hunc unum eis modi reum post hominum memoriam fuisse arbitrer cui damnari expediret. Nam quis hoc non intellegit, istum absolutum dis hominibusque invitis tamen ex manibus populi Romani eripi nullo modo posse? Quis hoc non perspicit, praeclare nobiscum actum iri si populus Romanus istius unius supplicio contentus fuerit, ac non sic statuerit, non istum maius in sese scelus concepisse — cum fana spoliarit, cum tot homines innocentis necarit, cum civis Romanos morte, cruciatu, cruce adfecerit, cum praedonum duces accepta pecunia dimiserit — quam eos, si qui istum tot tantis tam nefariis sceleribus coopertum iurati sententia sua liberarint?

[10] Non est, non est in hoc homine cuiquam peccandi locus, iudices; non is est reus, non id tempus, non id consilium, (metuo ne quid adrogantius apud talis viros videar dicere:) ne actor quidem est is cui reus tam nocens, tam perditus, tam convictus aut occulte subripi aut impune eripi possit. His ego iudicibus non probabo C. Verrem contra leges pecuniam cepisse? Sustinebunt tales viri se tot senatoribus, tot equitibus Romanis, tot civitatibus, tot hominibus honestissimis ex tam inlustri provincia, tot populorum privatorumque litteris non credidisse, tantae populi Romani voluntati restitisse?

[11] Sustineant: reperiemus, si istum vivum ad aliud iudicium perducere poterimus, quibus probemus istum in quaestura pecuniam publicam Cn. Carboni consuli datam avertisse, quibus persuadeamus istum alieno nomine a quaestoribus urbanis, quod priore actione didicistis, pecuniam abstulisse; erunt qui et in eo quoque audaciam eius reprehendant, quod aliquot nominibus de capite quantum commodum fuerit frumenti decumani detraxerit; erunt etiam fortasse, iudices, qui illum eius peculatum vel acerrime vindicandum putent, quod iste M. Marcelli et P. Africani monumenta, quae nomine illorum, re vera populi Romani et erant et habebantur, ex fanis religiosissimis et ex urbibus sociorum atque amicorum non dubitarit auferre.

[12] Emerserit ex peculatus etiam iudicio: meditetur de ducibus hostium quos accepta pecunia liberavit, videat quid de illis

respondeat quos in eorum locum subditos domi suae reservavit, quaerat non solum quem ad modum nostro crimini, verum etiam quo pacto suae confessioni possit mederi, meminerit se priore actione, clamore populi Romani infesto atque inimico excitatum, confessum esse duces praedonum a se securi non esse percussos, se iam tum esse veritum ne sibi crimini daretur eos ab se pecunia liberatos; fateatur, id quod negari non potest, se privatum hominem praedonum duces vivos atque incolumis domi suae, posteaquam Romam redierit, usque dum per me licuerit retinuisse. Hoc in illo maiestatis iudicio si licuisse sibi ostenderit, ego oportuisse concedam. Ex hoc quoque evaserit: proficiscar eo quo me iam pridem vocat populus Romanus.

[13] De iure enim libertatis et civitatis suum putat esse iudicium, et recte putat. Confringat iste sane vi sua consilia senatoria, quaestiones omnium perrumpat, evolet ex vestra severitate: mihi credite, artioribus apud populum Romanum Iaqueis tenebitur. Credet bis equitibus Romanis populus Romanus qui ad vos ante producti testes ipsis inspectantibus ab isto civem Romanum, qui cognitores homines honestos daret, sublatum esse in crucem dixerunt;

[14] Credent omnes v et xxx tribus homini gravissimo atque ornatissimo, M. Annio, qui se praesente civem Romanum securi percussum esse dixit; audietur a populo Romano vir primarius, eques Romanus, L. Flavius, qui suum familiarem Herennium, negotiatorem ex Africa, cum eum Syracusis amplius centum cives Romani cognoscerent lacrimantesque defenderent, pro testimonio dixit securi esse percussum; probabit fidem et auctoritatem et religionem suam L. Suettius, homo omnibus ornamentis praeditus, qui iuratus apud vos dixit multos civis Romanos in lautumiis istius imperio crudelissime per vim morte esse multatos. Hanc ego causam cum agam beneficio populi Romani de loco superiore, non vereor ne aut istum vis ulla ex populi Romani suffragiis eripere, aut a me ullum munus aedilitatis amplius aut gratius populo Romano esse possit.

[15] Quapropter omnes in hoc iudicio conentur omnia; nihil est iam quod in hac causa peccare quisquam, iudices, nisi vestro periculo possit. Mea quidem ratio cum in praeteritis rebus est cognita, tum in reliquis explorata atque provisa est. Ego meum studium in rem publicam iam illo tempore ostendi cum longo intervallo veterem consuetudinem rettuli, et rogatu sociorum atque amicorum populi

Romani, meorum autem necessariorum, nomen hominis audacissimi detuli. Quod meum factum lectissimi viri atque ornatissimi, quo in numero e vobis complures fuerunt, ita probaverunt ut ei qui istius quaestor fuisset, et ab isto laesus inimicitias iustas persequeretur, non modo deferendi nominis, sed ne subscribendi quidem, cum id postularet, facerent potestatem.

[16] In Siciliam sum inquirendi causa profectus; quo in negotio industriam meam celeritas reditionis, diligentiam multitudo litterarum et testium declaravit, pudorem vero ac religionem quod, cum venissem senator ad socios populi Romani, qui in ea provincia fuissem, ad hospites meos ac necessarios causae communis defensor deverti potius quam ad eos qui a me auxilium petivissent. Nemini meus adventus labori aut sumptui neque publice neque privatim fuit: vim in inquirendo tantam habui quantam mihi lex dabat, non quantam habere poteram istorum studio quos iste vexarat.

[17] Romam ut ex Sicilia redii, cum iste atque istius amici, homines lauti et urbani, sermones eius modi dissipassent, quo animos testium retardarent, me magna pecunia a vera accusatione esse deductum, tametsi probabatur nemini, quod et ex Sicilia testes erant ii qui quaestorem me in provincia cognoverant, et hinc homines maxime inlustres, qui, ut ipsi noti sunt, sic nostrum unum quemque optime norunt, tamen usque eo timui ne quis de mea fide atque integritate dubitaret donec ad reiciundos iudices venimus. Sciebam in reiciundis iudicibus non nullos memoria nostra pactionis suspicionem non vitasse, cum in ipsa accusatione eorum industria ac diligentia probaretur.

[18] Ita reieci iudices ut hoc constet, post hunc statum rei publicae quo nunc utimur simili splendore et dignitate consilium nullum fuisse. Quam iste laudem communem sibi ait esse mecum; qui cum P. Galbam iudicem reiecisset, M. Lucretium retinuit, et cum eius patronus ex eo quaereret cur suos familiarissimos, Sex. Peducaeum, Q. Considium, Q. Iunium reici passus esset, respondit “quod eos in iudicando nimium sui iuris sententiaeque cognosset”.

[19] Itaque iudicibus reiectis sperabam iam onus meum vobiscum esse commune; putabam non solum notis sed etiam ignotis probatam meam fidem esse et diligentiam. quod me non fefellit; nam comitiis meis, cum iste infinita largitione contra me uteretur, populus

Romanus iudicavit istius pecuniam, quae apud me contra fidem meam nihil potuisset, apud se contra honorem meum nihil posse debere. Quo quidem die primum, iudices, citati in hunc reum consedistis, quis tam iniquus huic ordini fuit, quis tam novarum rerum iudiciorum iudicumque cupidus qui non aspectu consessuque vestro commoveretur?

[20] Cum in eo vestra dignitas mihi fructum diligentiae referret, id sum adsecutus, ut una hora qua coepi dicere reo audaci, pecunioso, profuso, perdito spem iudici corrumpendi praeciderem; ut primo die testium tanto numero citato populus Romanus iudicaret isto absoluto rem publicam stare non posse; ut alter dies amicis istius ac defensoribus non modo spem victoriae sed etiam voluntatem defensionis auferret, ut tertius dies sic hominem prosterneret ut morbo simulato non quid responderet, sed quem ad modum non responderet, deliberaret. Deinde reliquis diebus his criminibus, his testibus, et urbanis et provincialibus, sic obrutus atque oppressus est ut his ludorum diebus interpositis nemo istum comperendinatum, sed condemnatum iudicaret.

[21] Quapropter ego quod ad me attinet, iudices, vici; non enim spolia C. Verris, sed existimationem populi Romani concupivi. Meum fuit cum causa accedere ad accusandum: quae causa fuit honestior, quam a tam inlustri provincia defensorem constitui et deligi? rei publicae consulere: quid tam e re publica quam in tanta invidia iudiciorum adducere hominem cuius damnatione totus ordo cum populo Romano et in laude et in gratia posset esse? ostendere ac persuadere hominem nocentem adductum esse: quis est in populo Romano qui hoc non ex priore actione abstulerit, omnium ante damnatorum scelera, furta, flagitia, si unum in locum conferantur, vix cum huius parva parte aequari conferrique posse?

[22] Vos quod ad vestram famam existimationem salutemque communem pertinet, iudices, prospicite atque consulite: splendor vester facit ut peccare sine summo rei publicae detrimento ac periculo non possitis. Non enim potest sperare populus Romanus esse alios in senatu qui recte possint iudicare, vos si non potueritis: necesse est, cum de toto ordine desperarit, aliud genus hominum atque aliam rationem iudiciorum requirat. Hoc si vobis ideo levius videtur quod putatis onus esse grave et incommodum iudicare,

intellegere debetis primum interesse utrum id onus vosmet ipsi reieceritis, an, quod probare populo Romano fidem vestram et religionem non potueritis, eo vobis iudicandi potestas erepta sit; deinde etiam illud cogitare, quanto periculo venturi simus ad eos iudices quos propter odium nostri populus Romanus de nobis voluerit iudicare.

[23] Verum vobis dicam id quod intellexi, iudices. Homines scitote esse quosdam quos tantum odium nostri ordinis teneat ut hoc palam iam dictitent, se istum, quem sciant esse hominem improbissimum, hoc uno nomine absolvi velle ut ab senatu iudicia per ignominiam turpitudinemque auferantur. Haec me pluribus verbis, iudices, vobiscum agere coegit non timor meus de vestra fide, sed spes illorum nova, quae cum Verrem a porta subito ad iudicium retraxisset, non nulli suspicati sunt non sine causa illius consilium tam repente esse mutatum.

[24] Nunc ne novo querimoniae genere uti possit Hortensius et ea dicere, opprimi reum de quo nihil dicat accusator, nihil esse tam periculosum fortunis innocentium quam tacere adversarios; et ne aliter quam ego velim meum laudet ingenium, cum dicat me, si multa dixissem, sublevaturum fuisse eum quem contra dicerem, quia non dixerim, perdidisse: morem illi geram, utar oratione perpetua, non quo iam hoc sit necesse, verum ut experiar utrum ille ferat molestius me tunc tacuisse an nunc dicere.

[25] Hic tu fortasse eris diligens ne quam ego horam de meis legitimis horis remittam; nisi omni tempore quod mihi lege concessum est abusus ero, querere, deum atque hominum fidem implorabis, circumveniri C. Verrem quod accusator nolit tam diu quam diu liceat dicere. Quod mihi lex mea causa dedit, eo mihi non uti non licebit? Nam accusandi mihi tempus mea causa datum est, ut possem oratione mea crimina causamque explicare: hoc si non utor, non tibi iniuriam facio, sed de meo iure aliquid et commodo detraho. “Causam enim”, inquit, “cognosci oportet”: ea re quidem quod aliter condemnari reus, quamvis sit nocens, non potest. Id igitur tu moleste tulisti, a me aliquid factum esse quo minus iste condemnari posset? nam causa cognita possunt multi absolvi, incognita quidem condemnari nemo potest.

[26] “Adimo enim comperendinatum”: quod habet lex in se

molestissimum, bis ut causa dicatur — quod aut mea causa potius est constitutum quam tua, aut nihilo tua potius quam mea. Nam si bis dicere est commodum, certe utriusque commune est; si eum qui posterius dixit opus est redargui, accusatoris causa, ut bis ageretur, constitutum est. Verum, ut opinor, Glaucia primus tulit ut comperendinaretur reus; antea vel iudicari primo poterat vel amplius pronuntiari. Utram igitur putas legem molliorem? Opinor, illam veterem, qua vel cito absolvi vel tarde condemnari licebat. Ego tibi illam Aciliam legem restituo, qua lege multi semel accusati, semel dicta causa, semel auditis testibus condemnati sunt, nequaquam tam manifestis neque tantis criminibus quantis tu convinceris. Puta te non hac tam atroci, sed illa lege mitissima causam dicere. Accusabo; respondebis; testibus editis ita mittam in consilium ut, etiamsi lex ampliandi faciat potestatem, tamen isti turpe sibi existiment non primo iudicare.

[27] Verum si causam cognosci opus est, parumne cognita est? Dissimulamus, Hortensi, quod saepe experti in dicendo sumus. Quis nos magnopere attendit umquam in hoc quidem genere causarum, ubi aliquid ereptum aut ablatum a quopiam dicitur? Nonne aut in tabulis aut in testibus omnis exspectatio iudicum est? Dixi prima actione me planum esse facturum C. Verrem HS quadringentiens contra leges abstulisse. Quid? hoc planius egissem, si ita narrassem?" Dio quidam fuit Halaesinus, qui, cum eius filio praetore C. Sacerdote hereditas a propinquo permagna venisset, nihil habuit tum neque negoti neque controversiae. Verres simul ac tetigit provinciam, statim Messana litteras dedit, Dionem evocavit, calumniatores ex sinu suo adposuit qui illam hereditatem Veneri Erycinae commissam esse dicerent; hac de re ostendit se ipsum cogniturum."

[28] Possum deinceps totam rem explicare, deinde ad extremum id quod accidit dicere, Dionem HS deciens centena milia numerasse ut causam certissimam obtineret; praeterea greges equarum eius istum abigendos curasse, argenti, vestis stragulae quod fuerit curasse auferendum. Haec neque cum ego dicerem neque cum tu negares, magni momenti nostra esset oratio. Quo tempore igitur auris iudex erigeret animumque attenderet? Cum Dio ipse prodiret, cum ceteri qui tum in Sicilia negotiis Dionis interfuissent, cum per eos ipsos dies per quos causam Dio diceret reperiretur pecunias sumpsisse

mutuas, nomina sua exegisse, praedia vendidisse; cum tabulae virorum bonorum proferrentur; cum qui pecuniam Dioni dederunt dicerent se iam tum audisse eos nummos sumi ut Verri darentur; cum amici, hospites, patroni Dionis, homines honestissimi, haec eadem se audisse dicerent.

[29] Opinor, cum haec fierent, tum vos audiretis, sicut audistis: tum causa agi vere videretur. Sic a me sunt acta omnia priore actione ut in criminibus omnibus nullum esset in quo quisquam vestrum perpetuam accusationem requireret. Nego esse quicquam a testibus dictum quod aut vestrum cuipiam esset obscurum aut cuiusquam oratoris eloquentiam quaereret. Etenim sic me ipsum egisse memoria tenetis ut in testibus interrogandis omnia crimina proponerem et explicarem, ut, cum rem totam in medio posuissem, tum denique testem interrogarem. Itaque non modo vos, quibus est iudicandum, nostra crimina tenetis, sed etiam populus Romanus totam accusationem causamque cognovit. Tametsi ita de meo facto loquor quasi ego illud mea voluntate potius quam vestra iniuria adductus fecerim.

[30] Interposuistis accusatorem qui, cum ego mihi c et x dies solos in Siciliam postulassem, c et viii sibi in Achaiam postularet. Mensis mihi tris cum eripuissetis ad agendum maxime adpositos, reliquum omne tempus huius anni me vobis remissurum putastis, ut, cum horis nostris nos essemus usi, tu binis ludis interpositis quadragesimo post die responderes, deinde ita tempus duceretur ut a M'. Glabrione praetore et a magna parte horum iudicum ad praetorem alium iudicesque alios veniremus.

[31] Hoc si ego non vidissem, si me non omnes noti ignotique monuissent id agi, id cogitari, in eo elaborari ut res in illud tempus reiceretur, credo, si meis horis in accusando uti voluissem, vererer ne mihi crimina non suppeterent, ne oratio deesset, ne vox viresque deficerent, ne, quem nemo prima actione defendere ausus esset, eum ego bis accusare non possem. Ego meum consilium cum iudicibus tum populo Romano probavi: nemo est qui alia ratione istorum iniuriae atque impudentiae potuisse obsisti arbitretur. Etenim qua stultitia fuissem, si, quam diem qui istum eripiendum redemerunt in cautione viderunt - cum ita caverent, "si post Kalendas Ianuarias in consilium iretur" -, in eam diem ego, cum potuissem vitare,

incidissem?

[32] Nunc mihi temporis eius quod mihi ad dicendum datur, quoniam in animo est causam omnem exponere, habenda ratio est diligenter. Itaque primum illum actum istius vitae turpissimum et flagitiosissimum praetermittam. Nihil a me de pueritiae suae flagitiis peccatisque audiet, nihil ex illa impura adulescentia sua; quae qualis fuerit aut meministis, aut ex eo quem sui simillimum produxit recognoscere potestis. Omnia praeteribo quae mihi turpia dictu videbuntur, neque solum quid istum audire, verum etiam quid me deceat dicere considerabo. Vos, quaeso, date hoc et concedite pudori meo ut aliquam partem de istius impudentia reticere possim.

[33] Omne illud tempus quod fuit antequam iste ad magistratus remque publicam accessit, habeat per me solutum ac liberum. Sileatur de nocturnis eius bacchationibus ac vigiliis; lenonum, aleatorum, perductorum nulla mentio fiat; damna, dedecora, quae res patris eius, aetas ipsius pertulit, praetereantur; lucretur indicia veteris infamiae; patiatur eius vita reliqua me hanc tantam iacturam criminum facere.

[34] Quaestor Cn. Papirio consuli fuisti abhinc annos quattuordecim. Ex ea die ad hanc diem quae fecisti in iudicium voco: hora nulla vacua a furto, scelere, crudelitate, flagitio reperietur. Hi sunt anni consumpti in quaestura et legatione Asiatica et praetura urbana et praetura Siciliensi; quare haec eadem erit quadripertita distributio totius accusationis meae. Quaestor ex senatus consulto provinciam sortitus es: obtigit tibi consularis, ut cum consule Cn. Carbone esses eamque provinciam obtineres. Etat tum dissensio civium, de qua nihil sum dicturus quid sentire debueris: unum hoc dico, in eius modi tempore ac sorte statuere te debuisse utrum malles sentire atque defendere. Carbo graviter ferebat sibi quaestorem obtigisse hominem singulari luxuria atque inertia; verum tamen ornabat eum beneficiis officiisque omnibus. Ne diutius teneam, pecunia attributa, numerata est: profectus est quaestor in provinciam: venit exspectatus in Galliam ad exercitum consularem cum pecunia. Simul ac primum ei occasio visa est — cognoscite hominis principium magistratuum gerendorum et rei publicae administrandae -, aversa pecunia publica quaestor consulem, exercitum, sortem, provinciamque deseruit.

[35] Video quid egerim: erigit se, sperat sibi auram posse aliquam adflari in hoc crimine voluntatis adsensionisque eorum quibus Cn. Carbonis mortui nomen odio sit, quibus illam relictionem proditionemque consulis sui gratam sperat fore. Quasi vero id cupiditate defendendae nobilitatis aut studio partium fecerit, ac non apertissime consulem, exercitum, provinciamque compilarit et propter impudentissimum furtum aufugerit! est enim obscurum et eius modi factum eius ut possit aliquis suspicari C. Verrem, quod ferre novos homines non potuerit, ad nobilitatem, hoc est ad suos, transisse, nihil fecisse propter pecuniam!

[36] Videamus rationes quem ad modum rettulerit: iam ipse ostendet quam ob rem Cn. Carbonem reliquerit, iam se ipse indicabit. Primum brevitatem cognoscite: accepi inquit, viciens ducenta triginta quinque milia quadringentos decem et septem nummos. dedi stipendio, frumento, legatis, pro quaestore, cohorti praetoriae hs mille sescenta triginta quinque milia quadringentos decem et septem nummos. reliqui arimini hs sescenta milia. Hoc est rationes referre? hoc modo aut ego aut tu, Hortensi, aut quisquam omnium rettulit? Quid hoc est? quae impudentia, quae audacia? quod exemplum ex tot hominum rationibus relatis huiusce modi est? Illa tamen HS sescenta milia, quae ne falso quidem potuit quibus data essent describere, quae se Arimini scribit reliquisse, quae ipsa HS sescenta milia reliqua facta sunt, neque Carbo attigit neque Sulla vidit neque in aerarium relata sunt. Oppidum sibi elegit Ariminum, quod tum, cum iste rationes referebat, oppressum direptumque erat: non suspicabatur, id quod nunc sentiet, satis multos ex illa calamitate Ariminensium testis nobis in hanc rem reliquos esse.

[37] Recita denuo. P. Lentulo L. Triario quaestoribus urbanis res rationum relatarum. recita. ex senatus consulto. Ut hoc pacto rationem referre liceret, eo Sullanus repente factus est, non ut honos et dignitas nobilitati restitueretur. Quodsi illinc inanis profugisses, tamen ista tua fuga nefaria proditio consulis tui conscelerata iudicaretur. “Malus civis, improbus consul, seditiosus homo Cn. Carbo fuit. “ Fuerit aliis: tibi quando esse coepit? Posteaquam tibi pecuniam, rem frumentariam, rationes omnis suas exercitumque commisit. Nam si tibi antea displicuisset, idem fecisses quod anno post M. Piso. Quaestor cum L. Scipioni consuli obtigisset, non attigit

pecuniam, non ad exercitum profectus est; quod de re publica sensit, ita sensit ut nec fidem suam nec morem maiorum nec necessitudinem sortis laederet.

[38] Etenim si haec perturbare omnia ac permiscere volumus, totam vitam periculosam, invidiosam, infestamque reddemus — si nullam religionem sors habebit, nullam societatem coniunctio secundae dubiaeque fortunae, nullam auctoritatem mores atque instituta maiorum. Omnium est communis inimicus qui fuit hostis suorum. Nemo umquam sapiens proditori credendum putavit. Ipse Sulla, cui adventus istius gratissimus esse debuit, ab se hominem atque ab exercitu suo removit: Beneventi esse iussit apud eos quos suis partibus amicissimos esse intellegebat, ubi iste summae rei causaeque nocere nihil posset. Ei postea praemia tamen liberaliter tribuit, bona quaedam proscriptorum in agro Beneventano diripienda concessit, habuit honorem ut proditori, non ut amico fidem.

[39] Nunc quamvis sint homines qui mortuum Cn. Carbonem oderint, tamen hi debent non quid illi accidere voluerint, sed quid ipsis in tali re metuendum sit cogitare. Commune est hoc malum, communis metus, commune periculum. Nullae sunt occultiores insidiae quam eae quae latent in simulatione offici aut in aliquo necessitudinis nomine. Nam eum qui palam est adversarius facile cavendo vitare possis; hoc vero occultum intestinum ac domesticum malum non modo non exsistit, verum etiam opprimit antequam prospicere atque explorare potueris. Itane vero?

[40] Tu cum quaestor ad exercitum missus sis, custos non solum pecuniae sed etiam consulis, particeps omnium rerum consiliorumque fueris, habitus sis in liberum loco, sicut mos maiorum ferebat, repente relinquas, deseras, ad adversarios transeas? O scelus, o portentum in ultimas terras exportandum! Non enim potest ea natura quae tantum facinus commiserit hoc uno scelere esse contenta: necesse est semper aliquid eius modi moliatur, necesse est in simili audacia perfidiaque versetur.

[41] Itaque idem iste, quem Cn. Dolabella postea C. Malleolo occiso pro quaestore habuit — haud scio an maior etiam haec necessitudo fuerit quam illa Carbonis, ac plus iudicium voluntatis valere quam sortis debeat -, idem in Cn. Dolabellam qui in Cn. Carbonem fuit. Nam quae in ipsum valebant crimina contulit in

illum, causamque illius omnem ad inimicos accusatoresque detulit; ipse in eum cui legatus, cui pro quaestore fuerat, inimicissimum atque improbissimum testimonium dixit. Ille miser cum esset Cn. Dolabella, cum proditione istius nefaria, tum improbo ac falso eiusdem testimonio, tum multo ex maxima parte istius furtorum ac flagitiorum invidia conflagravit.

[42] Quid hoc homine faciatis aut ad quam spem tam perfidiosum, tam importunum animal reservetis? qui in Cn. Carbone sortem, in Cn. Dolabella voluntatem neglexerit ac violarit, eosque ambo non modo deseruerit sed etiam prodiderit atque oppugnarit. Nolite, quaeso, iudices, brevitate orationis meae potius quam rerum ipsarum magnitudine crimina ponderare; mihi enim properandum necessario est, ut omnia vobis quae mihi constituta sunt possim exponere.

[43] Quam ob rem quaestura istius demonstrata primique magistratus et furto et scelere perspecto, reliqua attendite. In quibus illud tempus Sullanarum proscriptionum ac rapinarum praetermittam; neque ego istum sibi ex communi calamitate defensionem ullam sinam sumere, suis eum certis propriisque criminibus accusabo. Quam ob rem hoc omni tempore Sullano ex accusatione circumscripto legationem eius praeclaram cognoscite.

[44] Posteaquam Cn. Dolabellae provincia Cilicia constituta est, o di immortales, quanta iste cupiditate, quibus adlegationibus illam sibi legationem expugnavit! id quod Cn. Dolabellae principium maximae calamitatis fuit. Nam ut est profectus, quacumque iter fecit, eius modi fuit, non ut legatus populi Romani, sed ut quaedam calamitas pervadere videretur. In Achaia — praetermittam minora omnia, quorum simile forsitan alius quoque aliquid aliquando fecerit; nihil dicam nisi singulare, nisi id quod, si in alium reum diceretur, incredibile videretur — magistratum Sicyonium nummos poposcit. Ne sit hoc crimen in Verrem: fecerunt alii. Cum ille non daret, animadvertit: improbum, sed non inauditum.

[45] Genus animadversionis videte: quaeretis ex quo genere hominem istum iudicetis. Ignem ex lignis viridibus atque umidis in loco angusto fieri iussit: ibi hominem ingenuum, domi nobilem, populi Romani socium atque amicum, fumo excruciatum semivivum reliquit. Iam quae iste signa, quas tabulas pictas ex Achaia sustulerit, non dicam hoc loco: est mihi alius locus ad hanc eius cupiditatem

demonstrandam separatus. Athenis audistis ex aede Minervae grande auri pondus ablatum; dictum est hoc in Cn. Dolabellae iudicio. Dictum? etiam aestimatum. Huius consili non participem C. Verrem, sed principem fuisse reperietis.

[46] Delum venit. Ibi ex fano Apollinis religiosissimo noctu clam sustulit signa pulcherrima atque antiquissima, eaque in onerariam navem. suam conicienda curavit. Postridie cum fanum spoliatum viderent ii qui Delum incolebant, graviter ferebant; est enim tanta apud eos eius fani religio atque antiquitas ut in eo loco ipsum Apollinem natum esse arbitrentur. Verbum tamen facere non audebant, ne forte ea res ad Dolabellam ipsum pertineret. Tum subito tempestates coortae sunt maximae, iudices, ut non modo proficisci cum cuperet Dolabella non posset sed vix in oppido consisteret: ita magni fluctus eiciebantur. Hic navis illa praedonis istius, onusta signis religiosis, expulsa atque eiecta fluctu frangitur; in litore signa illa Apollinis reperiuntur; iussu Dolabellae reponuntur. Tempestas sedatur, Dolabella Delo proficiscitur.

[47] Non dubito quin, tametsi nullus in te sensus humanitatis, nulla ratio umquam fuit religionis, nunc tamen in metu periculoque tuo tuorum tibi scelerum veniat in mentem. Potestne tibi ulla spes salutis commoda ostendi, cum recordaris in deos immortalis quam impius, quam sceleratus, quam nefarius fueris? Apollinemne tu Delium spoliare ausus es? Illine tu templo tam antiquo, tam sancto, tam religioso manus impias ac sacrilegas adferre conatus es? Si in pueritia non iis artibus ac disciplinis institutus eras ut ea quae litteris mandata sunt disceres atque cognosceres, ne postea quidem, cum in ea ipsa loca venisti, potuisti accipere id quod est proditum memoria ac litteris, Latonam ex longo errore et fuga gravidam et iam ad pariendum temporibus exactis confugisse Delum atque ibi Apollinem Dianamque peperisse?

[48] Qua ex opinione hominum illa insula eorum deorum sacra putatur, tantaque eius auctoritas religionis et est et semper fuit ut ne Persae quidem, cum bellum toti Graeciae, dis hominibusque, indixissent, et mille numero navium classem ad Delum adpulissent, quicquam conarentur aut violare aut attingere. Hoc tu fanum depopulari, homo improbissime atque amentissime, audebas? Fuit ulla cupiditas tanta quae tantam exstingueret religionem? Et si tum

haec non cogitabas, ne nunc quidem recordaris nullum esse tantum malum quod non tibi pro sceleribus tuis iam diu debeatur?

[49] In Asiam vero postquam venit, quid ego adventus istius prandia, cenas, equos muneraque commemorem? Nihil cum Verre de cotidianis criminibus acturus sum: Chio per vim signa pulcherrima dico abstulisse, item Erythris et Halicarnasso. Tenedo — praetereo pecuniam quam eripuit — Tenem ipsum, qui apud Tenedios sanctissimus deus habetur, qui urbem illam dicitur condidisse, cuius ex nomine Tenedus nominatur, hunc ipsum, inquam, Tenem pulcherrime factum, quem quondam in comitio vidistis, abstulit magno cum gemitu civitatis.

[50] Illa vero expugnatio fani antiquissimi et nobilissimi Iunonis Samiae quam luctuosa Samiis fuit, quam acerba toti Asiae, quam clara apud omnis, quam nemini vestrum inaudita de qua expugnatione cum legati ad C. Neronem in Asiam Samo venissent, responsum tulerunt eius modi querimonias, quae ad legatos populi Romani pertinerent, non ad praetorem sed Romam deferri oportere. Quas iste tabulas illinc, quae signa sustulit! quae cognovi egomet apud istum in aedibus nuper, cum obsignandi gratia venissem.

[51] Quae signa nunc, Verres, ubi sunt? illa quaero quae apud te nuper ad omnis columnas, omnibus etiam intercolumniis, in silva denique disposita sub divo vidimus. Cur ea, quam diu alium praetorem cum iis iudicibus quos in horum locum subsortitus esses de te in consilium iturum putasti, tam diu domi fuerunt: postea quam nostris testibus nos quam horis uti malle vidisti, nullum signum domi reliquisti praeter duo quae in me diis aedibus sunt, quae ipsa Samo sublata sunt? Non putasti me tuis familiarissimis in hanc rem testimonia de nuntiaturum, qui tuae domi semper fuissent, ex quibus quaererem, signa scirentne fuisse quae non essent?

[52] Quid tum hos de te iudicaturos arbitratus es, cum viderent te iam non contra accusatorem tuum, sed contra quaestorem sectoremque pugnare? Qua de re Charidemum Chium testimonium priore actione dicere audistis, sese, cum esset trierarchus et Verrem ex Asia decedentem prosequeretur iussu Dolabellae, fuisse una cum isto Sami, seseque tum scire spoliatum esse fanum Iunonis et oppidum Samum; posteaque se causam apud Chios civis suos Samiis accusantibus publice dixisse, eoque se esse absolutum quod planum

fecisset ea quae legati Samiorum dicerent ad Verrem, non ad se pertinere.

[53] Aspendum vetus oppidum et nobile in Pamphylia scitis esse, plenissimum signorum optimorum. Non dicam illinc hoc signum ablatum esse et illud. hoc dico, nullum te Aspendi signum, Verres, reliquisse, omnia ex fanis, ex locis publicis, palam, spectantibus omnibus, plaustris evecta exportataque esse. Atque etiam illum Aspendium citharistam, de quo saepe audistis id quod est Graecis hominibus in proverbio, quem omnia "intus canere" dicebant, sustulit et in intimis suis aedibus posuit, ut etiam illum ipsum suo artificio superasse videatur.

[54] Pergae fanum antiquissimum et sanctissimum Dianae scimus esse: id quoque a te nudatum ac spoliatum esse, ex ipsa Diana quod habebat auri detractum atque ablatum esse dico. Quae, malum, est ista tanta audacia atque amentia! Quas enim sociorum atque amicorum urbis adisti legationis iure et nomine, si in eas vi cum exercitu imperioque invasisses, tamen, opinor, quae signa atque ornamenta ex iis urbibus sustulisses, haec non in tuam domum neque in suburbana amicorum, sed Romam in publicum deportasses.

[55] Quid ego de M. Marcello loquar, qui Syracusas, urbem ornatissimam, cepit? quid de L. Scipione, qui bellum in Asia gessit Antiochumque, regem potentissimum, vicit? quid de Flaminino, qui regem Philippum et Macedoniam subegit? quid de L. Paulo, qui regem Persen vi ac virtute superavit? quid de L. Mummio, qui urbem pulcherrimam atque ornatissimam, Corinthum, plenissimam rerum omnium, sustulit, urbisque Achaiae Boeotiaeque multas sub imperium populi Romani dicionemque subiunxit? Quorum domus, cum honore ac virtute florerent, signis et tabulis pictis erant vacuae; at vero urbem totam templaque deorum omnisque Italiae partis illorum donis ac monumentis exornatas videmus.

[56] Vereor ne haec forte cuipiam nimis antiqua et iam obsoleta videantur; ita enim tum aequabiliter omnes erant eius modi ut haec laus eximiae virtutis et innocentiae non solum hominum, verum etiam temporum illorum esse videatur. P. Servilius, vir clarissimus, maximis rebus gestis, adest de te sententiam laturus: Olympum vi, copiis, consilio, virtute cepit, urbem antiquam et omnibus rebus auctam et ornatam. Recens exemplum fortissimi viri profero; nam

postea Servilius imperator populi Romani Olympum urbem hostium cepit quam tu in isdem illis locis legatus quaestorius oppida pacata sociorum atque amicorum diripienda ac vexanda curasti.

[57] Tu quae ex fanis religiosissimis per scelus et latrocinium abstulisti, ea nos videre nisi in tuis amicorumque tuorum tectis non possumus: P. Servilius quae signa atque ornamenta ex urbe hostium vi et virtute capta belli lege atque imperatorio iure sustulit, ea populo Romano adportavit, per triumphum vexit, in tabula publica ad aerarium perscribenda curavit. Cognoscite ex litteris publicis hominis amplissimi diligentiam. Recita. rationes relatae P. Servili. Non solum numerum signorum, sed etiam unius cuiusque magnitudinem, figuram, statum litteris definiri vides. Certe maior est virtutis victoriaeque iucunditas quam ista voluptas quae percipitur ex libidine et cupiditate. Multo diligentius habere dico Servilium praedam populi Romani quam te tua furta notata atque perscripta.

[58] Dices tua quoque signa et tabulas pictas ornamento urbi foroque populi Romani fuisse. Memini; vidi simul cum populo Romano forum comitiumque adornatum ad speciem magnifico ornatu, sed sensum cogitationemque acerbo et lugubri; vidi conlucere omnia furtis tuis, praeda provinciarum, spoliis sociorum atque amicorum. Quo quidem tempore, iudices, iste spem maximam reliquorum quoque peccatorum nactus est; vidit enim eos qui iudiciorum se dominos dici volebant harum cupiditatum esse servos.

[59] Socii vero nationesque exterae spem omnem tum primum abiecerunt rerum ac fortunarum suarum, propterea quod casu legati ex Asia atque Achaia plurimi Romae tunc fuerunt, qui deorum simulacra ex suis fanis sublata in foro venerabantur, itemque cetera signa et ornamenta cum cognoscerent, alia alio in loco lacrimantes intuebantur. Quorum omnium hunc sermonem tum esse audiebamus, nihil esse quod quisquam dubitaret de exitio sociorum atque amicorum, cum quidem viderent in foro populi Romani, quo in loco antea qui sociis iniurias fecerant accusari et condemnari solebant, ibi esse palam posita ea quae ab sociis per scelus ablata ereptaque essent.

[60] Hic ego non arbitror illum negaturum signa se plurima, tabulas pictas innumerabilis habere; sed, ut opinor, solet haec quae rapuit et furatus est non numquam dicere se emisse, quoniam quidem in

Achaiam, Asiam, Pamphyliam sumptu publico et legationis nomine mercator signorum tabularumque pictarum missus est. Habeo et ipsius et patris eius accepti tabulas omnis, quas diligentissime legi atque digessi, patris, quoad vixit, tuas, quoad ais te confecisse. Nam in isto, iudices, hoc novum reperietis. Audimus aliquem tabulas numquam confecisse; quae est opinio hominum de Antonio falsa, nam fecit diligentissime; verum sit hoc genus aliquod, minime probandum. Audimus alium non ab initio fecisse, sed ex tempore aliquo coepisse; est aliqua etiam huiusce rei ratio. Hoc vero novum et ridiculum est, quod hic nobis respondit cum ab eo tabulas postularemus, usque ad M. Terentium et C. Cassium consules confecisse, postea destitisse.

[61] Alio loco hoc cuius modi sit considerabimus; nunc nihil ad me attinet; horum enim temporum in quibus nunc versor habeo tabulas et tuas et patris. Plurima signa pulcherrima, plurimas tabulas optimas deportasse te negare non potes. Atque utinam neges! Unum ostende in tabulis aut tuis aut patris tu emptum esse: vicisti. Ne haec quidem duo signa pulcherrima quae nunc ad impluvium tuum stant, quae multos annos ante valvas Iunonis Samiae steterunt, habes quo modo emeris, haec, inquam, duo quae in aedibus tuis sola iam sunt, quae sectorem exspectant, relicta ac destituta a ceteris signis.

[62] At, credo, in hisce solis rebus indomitas cupiditates atque effrenatas habebat: ceterae libidines eius ratione aliqua aut modo continebantur. Quam multis istum ingenuis, quam multis matribus familias in illa taetra atque impura legatione vim attulisse existimatis? Ecquo in oppido pedem posuit ubi non plura stuprorum flagitiorumque suorum quam adventus sui vestigia reliquerit? Sed ego omnia quae negari poterunt praetermittam; etiam haec quae certissima sunt et clarissima relinquam; unum aliquod de nefariis istius factis eligam, quo facilius ad Siciliam possim aliquando, quae mihi hoc oneris negotique imposuit, pervenire.

[63] Oppidum est in Hellesponto Lampsacum, iudices, in primis Asiae provinciae clarum et nobile; homines autem ipsi Lampsaceni cum summe in omnis civis Romanos officiosi, tum praeterea maxime sedati et quieti, prope praeter ceteros ad summum Graecorum otium potius quam ad ullam vim aut tumultum adcommodati. Accidit, cum iste a Cn. Dolabella efflagitasset ut se ad regem Nicomedem

regemque Sadalam mitteret, cumque iter hoc sibi magis ad quaestum suum quam ad rei publicae tempus adcommodatum depoposcisset, ut illo itinere veniret Lampsacum cum magna calamitate et prope pernicie civitatis. Deducitur iste ad lanitorem quendam hospitem, comitesque eius item apud ceteros hospites conlocantur. Ut mos erat istius, atque ut eum suae libidines flagitiosae facere admonebant, statim negotium dat illis suis comitibus, nequissimis turpissimisque hominibus, uti videant et investigent ecqua virgo sit aut mulier digna quam ob rem ipse Lampsaci diutius commoraretur.

[64] Erat comes eius Rubrius quidam, homo factus ad istius libidines, qui miro artificio, quocumque venerat, haec investigare omnia solebat. Is ad eum rem istam defert, Philodamum esse quendam, genere, honore, copiis, existimatione facile principem Lampsacenorum; eius esse filiam, quae cum patre habitaret propterea quod virum non haberet, mulierem eximia pulchritudine; sed eam summa integritate pudicitiaque existimari. Homo, ut haec audivit, sic exarsit ad id quod non modo ipse numquam viderat, sed ne audierat quidem ab eo qui ipse vidisset, ut statim ad Philodamum migrare se diceret velle. Hospes lanitor, qui nihil suspicaretur, veritus ne quid in ipso se offenderetur, hominem summa vi retinere coepit. Iste, qui hospitis relinquendi causam reperire non posset, alia sibi ratione viam munire ad stuprum coepit; Rubrium, delicias suas, in omnibus eius modi rebus adiutorem suum et conscium, parum laute deversari dicit; ad Philodamum deduci iubet.

[65] Quod ubi est Philodamo nuntiatum, tametsi erat ignarus quantum sibi ac liberis suis iam tum mali constitueretur, tamen ad istum venit; ostendit munus illud suum non esse; se, cum suae partes essent hospitum recipiendorum, tum ipsos tamen praetores et consules, non legatorum adseculas, recipere solere. Iste, qui una cupiditate raperetur, totum illius postulatum causamque neglexit; per vim ad eum, qui recipere non debebat, Rubrium deduci imperavit. Hic Philodamus, posteaquam ius suum obtinere non potuit, ut humanitatem consuetudinemque suam retineret laborabat. Homo, qui semper hospitalissimus amicissimusque nostrorum hominum existimatus esset, noluit videri ipsum illum Rubrium invitus domum suam recepisse; magnifice et ornate, ut erat in primis inter suos copiosus, convivium comparat; rogat Rubrium ut quos ei commodum

sit invitet, locum sibi soli, si videatur, relinquat; etiam filium suum, lectissimum adulescentem, foras ad propinquum suum quendam mittit ad cenam.

[66] Rubrius istius comites invitat; eos omnis Verres certiores facit quid opus esset. Mature veniunt, discumbitur. Fit sermo inter eos, et invitatio ut Graeco more biberetur; hortatur hospes, poscunt maioribus poculis, celebratur omnium sermone laetitiaque convivium. Posteaquam satis calere res Rubrio visa est, "Quaeso", inquit, "Philodame, cur ad nos filiam tuam non intro vocari iubes?" Homo, qui et summa gravitate et iam id aetatis et parens esset, obstipuit hominis improbi dicto. Instare Rubrius. Tum ille, ut aliquid responderet, negavit moris esse Graecorum ut in convivio virorum accumberent mulieres. Hic tum alius ex alia parte, "Enim vero ferendum hoc quidem non est; vocetur mulier!" et simul servis suis Rubrius ut ianuam clauderent et ipsi ad foris adsisterent imperat.

[67] Quod ubi ille intellexit, id agi atque id parari ut filiae suae vis adferretur, servos suos ad se vocat; his imperat ut se ipsum neglegant, filiam defendant; excurrat aliquis qui hoc tantum domestici mali filio nuntiet. Clamor interea fit tota domo; pugna inter servos Rubri atque hospitis; iactatur domi suae vir primarius et homo honestissimus; pro se quisque manus adfert; aqua denique ferventi a Rubrio ipso Philodamus perfunditur. Haec ubi filio nuntiata sunt, statim exanimatus ad aedis contendit, ut et vitae patris et pudicitiae sororis succurreret; omnes eodem animo Lampsaceni, simul ut hoc audierunt, quod eos cum Philodami dignitas tum iniuriae magnitudo movebat, ad aedis noctu convenerunt. Hic lictor istius Cornelius, qui cum eius servis erat a Rubrio quasi in praesidio ad auferendam mulierem conlocatus, occiditur; servi non nulli vulnerantur; ipse Rubrius in turba sauciatur. Iste, qui sua cupiditate tantos tumultus concitatos videret, cupere aliqua evolare, si posset.

[68] Postridie homines mane in contionem conveniunt; quaerunt quid optimum factu sit; pro se quisque, ut in quoque erat auctoritatis plurimum, ad populum loquebatur; inventus est nemo cuius non haec et sententia esset et oratio, non esse metuendum, si istius nefarium scelus Lampsaceni ulti vi manuque essent, ne senatus populusque Romanus in eam civitatem animadvertendum putaret; quodsi hoc iure legati populi Romani in socios nationesque exteras uterentur, ut

pudicitiam liberorum servare ab eorum libidine tutam non liceret, quidvis esse perpeti satius quam in tanta vi atque acerbitate versari.

[69] Haec cum omnes sentirent, et cum in eam rationem pro suo quisque sensu ac dolore loqueretur, omnes ad eam domum in qua iste deversabatur profecti sunt; caedere ianuam saxis, instare ferro, ligna et sarmenta circumdare ignemque subicere coeperunt. Tunc cives Romani, qui Lampsaci negotiabantur, concurrunt; orant Lampsacenos ut gravius apud eos nomen legationis quam iniuria legati putaretur; sese intellegere hominem illum esse impurum ac nefarium, sed quoniam nec perfecisset quod conatus esset, neque futurus esset Lampsaci postea, levius eorum peccatum fore si homini scelerato pepercissent quam si legato non pepercissent.

[70] Sic iste multo sceleratior et nequior quam ille Hadrianus aliquanto etiam felicior fuit. Ille, quod eius avaritiam cives Romani ferre non potuerunt, Uticae domi suae vivus exustus est, idque ita illi merito accidisse existimatum est ut laetarentur omnes neque ulla animadversio constitueretur: hic sociorum ambustus incendio tamen ex illa flamma periculoque evolavit, neque adhuc causam ullam excogitare potuit quam ob rem commiserit, aut quid evenerit, ut in tantum periculum veniret. Non enim potest dicere, “cum seditionem sedare vellem, cum frumentum imperarem, cum stipendium cogerem, cum aliquid denique rei publicae causa gererem, quod acrius imperavi, quod animadverti, quod minatus sum.” Quae si diceret, tamen ignosci non oporteret, si nimis atrociter imperando sociis in tantum adductus periculum videretur.

[71] Nunc cum ipse causam illius tumultus neque veram dicere neque falsam confingere audeat, homo autem ordinis sui frugalissimus, qui tum accensus C. Neroni fuit, P. Tettius, haec eadem se Lampsaci cognosse dixerit, vir omnibus rebus ornatissimus, C. Varro, qui tum in Asia militum tribunus fuit, haec eadem ipse se ex Philodamo audisse dicat, potestis dubitare quin istum fortuna non tam ex illo periculo eripere voluerit quam ad vestrum iudicium reservare? Nisi vero illud dicet, quod et in Tetti testimonio priore actione interpellavit Hortensius — quo tempore quidem signi satis dedit, si quid esset quod posset dicere, se tacere non posse, ut, quam diu tacuit in ceteris testibus, scire omnes possemus nihil habuisse quod diceret: hoc tum dixit, Philodamum et filium eius a C. Nerone esse damnatos.

[72] De quo ne multa disseram tantum dico, secutum id esse Neronem et eius consilium: quod Cornelium lictorem occisum esse constaret, putasse non oportere esse cuiquam ne in ulciscenda quidem iniuria hominis occidendi potestatem. In quo video Neronis iudicio non te absolutum esse improbitatis, sed illos damnatos esse caedis. Verum ista damnatio tamen cuius modi fuit? Audite, (Paco, iudices, et aliquando miseremini sociorum et ostendite aliquid iis in vestra fide praesidi esse oportere. Quod toti Asiae iure occisus videbatur istius ille verbo lictor, re vera minister improbissimae cupiditatis, pertimuit iste ne Philodamus Neronis iudicio liberaretur; rogat et orat Dolabellam ut de sua provincia decedat, ad Neronem proficiscatur; se demonstrat incolumem esse non posse, si Philodamo vivere atque aliquando Romam venire licuisset.

[73] Commotus est Dolabella: fecit id quod multi reprehenderunt, ut exercitum, provinciam, bellum relinqueret, et in Asiam hominis nequissimi causa in alienam provinciam proficisceretur. Posteaquam ad Neronem venit, contendit ab eo ut Philodami causam cognosceret. Venerat ipse qui esset in consilio et primus sententiam diceret; adduxerat etiam praefectos et tribunos militaris suos, quos Nero omnis in consilium vocavit; erat in consilio etiam aequissimus iudex ipse Verres; erant non nulli togati creditores Graecorum, quibus ad exigendas pecunias improbissimi cuiusque legati plurimum prodest gratia.

[74] Ille miser defensorem reperire neminem poterat; quis enim esset aut togatus, qui Dolabellae gratia, aut Graecus, qui eiusdem vi et imperio non moveretur? Accusator autem adponitur civis Romanus de creditoribus Lampsacenorum; qui si dixisset quod iste iussisset, per eiusdem istius lictores a populo pecuniam posset exigere. Cum haec omnia tanta contentione, tantis copiis agerentur; cum illum miserum multi accusarent, nemo defenderet; cumque Dolabella cum suis praefectis pugnaret in consilio, Verres fortunas agi suas diceret, idem testimonium diceret, idem esset in consilio, idem accusatorem parasset — haec cum omnia fierent, et cum hominem constaret occisum, tamen tanta vis istius iniuriae, tanta in isto improbitas putabatur ut de Philodamo amplius pronuntiaretur.

[75] Quid ego nunc in altera actione Cn. Dolabellae spiritus, quid huius lacrimas et concursationes proferam, quid C. Neronis, viri

optimi atque innocentissimi, non nullis in rebus animum nimium timidum atque demissum? qui in illa re quid facere oporteret non habebat, nisi forte, id quod omnes tum desiderabant, ut ageret eam rem sine Verre et sine Dolabella. Quicquid esset sine his actum, omnes probarent; tum vero quod pronuntiatum est non per Neronem iudicatum, sed per Dolabellam ereptum existimabatur. Condemnatur enim perpaucis sententiis Philodamus et eius filius. Adest, instat, urget Dolabella ut quam primum securi feriantur, quo quam minime multi ex illis de istius nefario scelere audire possent.

[76] Constituitur in foro Laodiceae spectaculum acerbum et miserum et grave toti Asiae provinciae, grandis natu parens adductus ad supplicium, ex altera parte filius, ille quod pudicitiam liberorum, hic quod vitam patris famamque sororis defenderat. Flebat uterque non de suo supplicio, sed pater de fili morte, de patris filius. Quid lacrimarum ipsum Neronem putatis profudisse? quem fletum totius Asiae fuisse, quem luctum et gemitum Lampsacenorum? securi esse percussos homines innocentis nobilis, socios populi Romani atque amicos, propter hominis flagitiosissimi singularem nequitiam atque improbissimam cupiditatem!

[77] Iam iam, Dolabella, neque me tui neque tuorum liberorum, quos tu miseros in egestate atque in solitudine reliquisti, misereri potest. Verresne tibi tanti fuit ut eius libidinem hominum innocentium sanguine lui velles? Idcircone exercitum atque hostem relinquebas ut tua vi et crudelitate istius hominis improbissimi pericula sublevares? Quod enim eum tibi quaestoris in loco constitueras, idcirco tibi amicum in perpetuum fore putasti? nesciebas ab eo C. Carbonem consulem, cuius re vera quaestor fuerat, non modo relictum sed etiam spoliatum auxiliis, pecunia, nefarie oppugnatum et proditum? Expertus igitur es istius perfidiam tum cum ipse se ad inimicos tuos contulit, cum in te homo ipse nocens acerrimum testimonium dixit, cum rationes ad aerarium nisi damnato te referre noluit.

[78] Tantaene tuae, Verres, libidines erunt ut eas capere ac sustinere non provinciae populi Romani, non nationes exterae possint? Tune quod videris, quod audieris, quod concupieris, quod cogitaris, nisi id ad nutum tuum praesto fuerit, nisi libidini tuae cupiditatique paruerit, immittentur homines, expugnabuntur domus,

civitates non modo pacatae, verum etiam sociorum atque amicorum ad vim atque ad arma confugient, ut ab se atque a liberis suis legati populi Romani scelus ac libidinem propulsare possint? Nam quaero abs te circumsessusne sis Lampsaci, coeperime domum in qua deversabare illa multitudo incendere, voluerintne legatum populi Romani comburere vivum Lampsaceni? Negare non potes; habeo enim testimonium tuum quod apud Neronem dixisti, habeo quas ad eundem litteras misisti. Recita hunc ipsum locum de testimonio. Testimonium C. Verris in Artemidorum. non multo post in domum.

[79] Bellumne populo Romano Lampsacena civitas facere conabatur? deficere ab imperio ac nomine nostro volebat? Video enim et ex iis quae legi et audivi intellego, in qua civitate non modo legatus populi Romani circumsessus, non modo igni, ferro, manu, copiis oppugnatus, sed aliqua ex parte violatus sit, nisi publice satis factum sit, ei civitati bellum indici atque inferri solere.

[80] Quae fuit igitur causa cur cuncta civitas Lampsacenorum de contione, quem ad modum tute scribis, domum tuam concurreret? Tu enim neque in litteris quas Neroni mittis, neque in testimonio causam tanti tumultus ostendis ullam. Obsessum te dicis, ignem adlatum, sarmenta circumdata lictorem tuum occisum esse dicis, prodeundi tibi in publicum potestatem factam negas-. causam huius tanti tertoris occultas. Nam si quam Rubrius iniuriam suo nomine ac non impulsu tuo et tua cupiditate fecisset, de tui comitis iniuria questum ad te potius quam te oppugnatum venirent. Cum igitur quae causa illius tumultus fuerit testes a nobis producti dixerint, ipse celarit, nonne causam hanc quam nos proposuimus cum illorum testimonia tum istius taciturnitas perpetua confirmat?

[81] Huic homini parcetis igitur, iudices, cuius tanta peccata sunt ut ii quibus iniurias fecerit neque legitimum tempus exspectare ad ulciscendum neque vim tantam doloris in posterum differre potuerint? Circumsessus es. A quibus? A Lampsacenis. Barbaris hominibus, credo, aut iis qui populi Romani nomen contemnerent. Immo vero ab hominibus et natura et consuetudine et disciplina lenissimis, porro autem populi Romani condicione sociis, fortuna servis, voluntate supplicibus: ut perspicuum sit omnibus, nisi tanta acerbitas iniuriae, tanta vis sceleris fuisset ut Lampsaceni moriendum sibi potius quam perpetiendum putarent, numquam illos in eum

locum progressuros fuisse ut vehementius odio libidinis tuae quam legationis metu moverentur.

[82] Nolite, per deos immortalis, cogere socios atque exteras nationes hoc uti perfugio, quo, nisi vos vindicatis, utentur necessario! Lampsacenos in istum numquam ulla res mitigasset nisi eum poenas Romae daturum credidissent: etsi talem acceperant iniuriam, quam nulla lege satis digne persequi possent, tamen incommoda sua nostris committere legibus et iudiciis quam dolori suo permittere maluerunt. Tu mihi, cum circumsessus a tam inlustri civitate sis propter tuum scelus atque flagitium, cum coegeris homines miseros et calamitosos quasi desperatis nostris legibus et iudiciis ad vim, ad manus, ad arma confugere, cum te in oppidis et civitatibus amicorum non legatum populi Romani, sed tyrannum libidinosum crudelemque praebueris, cum apud exteras nationes imperi nominisque nostri famam tuis probris flagitiisque violaris, cum te ex ferro amicorum populi Romani eripueris atque ex flamma sociorum evolaris, hic tibi perfugium speras futurum? Erras: ut huc incideres, non ut hic conquiesceres, illi te vivum exire passi sunt.

[83] Et ais iudicium esse factum te iniuria circumsessum esse Lampsaci, quod Philodamus cum filio condemnatus sit. Quid, si doceo, si planum facio teste homine nequam, verum ad hanc rem tamen idoneo — te ipso, inquam, teste docebo te huius circumsessionis tuae causam et culpam in alios transtulisse, neque in eos, quos tu insimularas, esse animadversum. iam nihil te iudicium Neronis adiuvat. Recita quas ad Neronem litteras misit. epistula C. Verris ad Neronem. Themistagoras et Thessalus -. Themistagoram et Thessalum scribis populum concitasse. Quem populum? Qui te circumsedit, qui te vivum comburere conatus est. Ubi hos persequeris, ubi accusas, ubi defendis ius nomenque legati? in Philodami iudicio dices id actum?

[84] Cedo mihi ipsius Verris testimonium: videamus quid idem iste iuratus dixerit. Recita. Ab accusatore rogatus respondit in hoc iudicio non persequi: sibi in animo esse alio tempore persequi. Quid igitur te iuvat Neronis iudicium, quid Philodami damnatio? Legatus cum esses circumsessus, cumque, quem ad modum tute ad Neronem scripsisti, populo Romano communique causae legatorum facta esset insignis iniuria, non es persecutus: dicis tibi in animo esse alio

tempore persequi. Quod fuit id tempus? quando es persecutus? Cur imminuisti ius legationis, cur causam populi Romani deseruisti ac prodidisti, cur iniurias tuas coniunctas cum publicis reliquisti? Non te ad senatum causam deferre, non de tam atrocibus iniuriis conqueri, non eos homines qui populum concitarant consulum litteris evocandos curare oportuit?

[85] Nuper M. Aurelio Scauro postulante, quod is Ephesi se quaestorem vi prohibitum esse dicebat quo minus e fano Dianae servum suum, qui in illud asylum confugisset, abduceret, Pericles Ephesius, homo nobilissimus, Romam evocatus est, quod auctor illius iniuriae fuisse arguebatur: tu, si te legatum ita Lampsaci tractatum esse senatum docuisses ut tui comites vulnerarentur, lictor occideretur, ipse circumsessus paene incenderere, eius autem rei duces et auctores et principes fuisse, quos scribis, Themistagoram et Thessalum, quis non commoveretur, quis non ex iniuria quae tibi esset facta sibi provideret, quis non in ea re causam tuam, periculum commune agi arbitraretur? Etenim nomen legati eius modi esse debet quod non modo inter sociorum iura, sed etiam inter hostium tela incolume versetur.

[86] Magnum hoc Lampsacenum crimen est libidinis atque improbissimae cupiditatis: accipite nunc avaritiae prope modum in suo genere non levius. Milesios navem poposcit, quae eum praesidi causa Myndum prosequeretur: illi statim myoparonem egregium de sua classe ornatum atque armatum dederunt. Hoc praesidio Myndum profectus est. Nam quid a Milesiis lanae publice abstulerit, item de sumptu in adventum, de contumeliis et iniuriis in magistratum Milesium tametsi dici cum vere tum graviter et vehementer potest, tamen dicere praetermittam eaque omnia testibus integra reservabo: illud, quod neque taceri ullo modo neque dici pro dignitate potest, cognoscite.

[87] Milites remigesque Miletum Myndo pedibus reverti iubet: ipse myoparonem pulcherrimum de decem Milesiorum navibus electum L. Magio et L. Fannio, qui Myndi habitabant, vendidit. Hi sunt homines quos nuper senatus in hostium numero habendos censuit: hoc illi navigio ad omnis populi Romani hostis usque ab Dianio ad Sinopam navigaverunt.O di immortales, incredibilem avaritiam singularemque audaciam! Navem tu de classe populi Romani, quam

tibi Milesia civitas ut te prosequeretur dedisset ausus es vendere? Si te magnitudo malefici, si hominum existimatio non movebat, ne illud quidem cogitabas, huius improbissimi furti sive adeo nefariae praedae tam inlustrem ac tam nobilem civitatem testem futuram?

[88] An quia tum Cn. Dolabella in eum, qui ei myoparoni praefuerat Milesiisque rem gestam renuntiarat, animadvertere tuo rogatu conatus est, renuntiationemque eius, quae erat in publicas litteras relata illorum legibus, tolli iusserat, idcirco te ex hoc crimine elapsum esse arbitrabare? Multum te ista fefellit opinio, et quidem multis in locis. Semper enim existimasti, et maxime in Sicilia, satis cautum tibi ad defensionem fore, si aut referri aliquid in litteras publicas vetuisses, aut quod relatum esset tolli coegisses. Hoc quam nihil sit, tametsi ex multis Siciliae civitatibus priore actione didicisti, tamen etiam in hac ipsa civitate cognosce. Sunt illi quidem dicto audientes, quam diu adsunt ii qui imperant: simul ac discesserunt, non solum illud perscribunt quod tum prohibiti sunt, sed etiam causam adscribunt cur non tum in litteras relatum sit.

[89] Manent istae litterae Mileti, manent, et dum erit illa civitas manebunt. Decem enim navis iussu L. Murenae populus Milesius ex pecunia vectigali populo Romano fecerat, sicut pro sua quaeque parte Asiae ceterae civitates. Quam ob rem unam ex decem, non praedonum repentino adventu sed legati latrocinio, non vi tempestatis sed hac horribili tempestate sociorum amissam in litteras publicas rettulerunt.

[90] Sunt Romae legati Milesii, homines nobilissimi ac principes civitatis, qui tametsi mensem Februarium et consulum designatorum nomen exspectant, tamen hoc tantum facinus non modo negare interrogati, sed ne producti quidem reticere poterunt: dicent, inquam, et religione adducti et domesticarum legum metu, quid illo myoparone factum sit, ostendent C. Verrem, in ea classe quae contra piratas aedificata sit, piratam ipsum consceleratum fuisse. C. Malleolo, quaestore Cn. Dolabellae, occiso duas sibi hereditates venisse arbitratus est, unam quaestoriae procurationis, nam a Dolabella statim pro quaestore iussus est esse; alteram tutelae, nam cum pupilli Malleoli tutor esset, in bona eius impetum fecit.

[91] Nam Malleolus in provinciam sic copiose profectus erat ut domi prorsus nihil relinqueret; praeterea pecunias occuparat apud

populos et syngraphas fecerat, argenti optimi caelati grande pondus secum tulerat, nam ille quoque sodalis istius erat in hoc morbo et cupiditate; grande pondus argenti, familiam magnam, multos artifices, multos formosos homines reliquit. Iste quod argenti placuit invasit; quae mancipia voluit abduxit; vina ceteraque quae in Asia facillime comparantur, quae ille reliquerat, asportavit; reliqua vendidit, pecuniam exegit.

[92] Cum ad HS viciens quinquiens redegisse constaret, ut Romam rediit, nullam litteram pupillo, nullam matri eius, nullam tutoribus reddidit; servos artifices pupilli cum haberet domi, circum pedes autem homines formosos et litteratos, suos esse dicebat, se emisse. Cum saepius mater et avia pueri postularent uti, si non redderet pecuniam nec rationem daret, diceret saltem quantum pecuniae Malleoli deportasset, a multis efflagitatus aliquando dixit HS deciens; deinde in codicis extrema cera nomen infimum in flagitiosa litura fecit; expensa Chrysogono servo HS sescenta milia, accepta pupillo Malleolo rettulit. Quo modo ex deciens HS sescenta sint facta, quo modo DC eodem modo quadrarint ut illa de Cn. Carbonis pecunia reliqua HS sescenta facta sint, quo modo Chrysogono expensa lata sint, cur id nomen infimum in lituraque sit, vos existimabitis.

[93] Tamen HS sescenta milia cum accepta rettulisset, HS quinquaginta milia soluta non sunt; homines, posteaquam reus factus est, redditi alii, alii etiam nunc retinentur; peculia omnium vicariique retinentur. Haec est istius praeclara tutela. En cui tuos liberos committas, en memoriam mortui sodalis, en metum vivorum existimationis! Cum tibi se tota Asia spoliandam ac vexandam praebuisset, cum tibi exposita esset omnis ad praedandum Pamphylia, contentus his tam opimis rebus non fuisti? manus a tutela, manus a pupillo, manus a sodalis filio abstinere non potuisti? Iam te non Siculi, non aratores, ut dictitas, circumveniunt, non hi qui decretis edictisque tuis in te concitati infestique sunt: Malleolus a me productus est et mater eius atque avia, quae miserae flentes eversum a te puerum patriis bonis esse dixerunt.

[94] Quid exspectas? an dum ab inferis ipse Malleolus exsistat, atque abs te officia tutelae sodalitatis familiaritatisque flagitet? Ipsum putato adesse. Homo avarissime et spurcissime, redde bona sodalis filio, si non quae abstulisti, at quae confessus es! Cur cogis sodalis

filium hanc primam in foro vocem cum dolore et querimonia emittere? cur sodalis uxorem, sodalis socrum, domum denique totam sodalis mortui contra te testimonium dicere? cur pudentissimas lectissimasque feminas in tantum virorum conventum insolitas invitasque prodire cogis? Recita omnium testimonia. Testimonium matris et aviae.

[95] Pro quaestore vero quo modo iste commune Milyadum vexarit, quo modo Lyciam, Pamphyliam, Pisidiam Phrygiamque totam frumento imperando, aestimando, hac sua, quam tum primum excogitavit, Siciliensi aestimatione adflixerit, non est necesse demonstrare verbis: hoc scitote, cum iste civitatibus frumentum, coria, cilicia, saccos imperaret, neque ea sumeret proque iis rebus pecuniam exigeret — his nominibus solis Cn. Dolabellae HS ad triciens litem esse aestimatam. Quae omnia, etiamsi voluntate Dolabellae fiebant, per istum tamen omnia gerebantur.

[96] Consistam in uno nomine; multa enim sunt ex eodem genere. Recita. De litibus aestimatis Cn. Dolabellae pr pecuniae redactae. quod a communi milyadum -. Te haec coegisse, te aestimasse, tibi pecuniam numeratam esse dico, eademque vi et iniuria, cum pecunias maximas cogeres, per omnis partis provinciae te tamquam aliquam calamitosam tempestatem pestemque pervasisse demonstro.

[97] Itaque M. Scaurus, qui Cn. Dolabellam accusavit, istum in sua potestate ac dicione tenuit. Homo adulescens cum istius in inquirendo multa furta ac flagitia cognosset, fecit perite et callide; volumen eius rerum gestarum maximum isti ostendit; ab homine quae voluit in Dolabellam abstulit; istum testem produxit; dixit iste quae velle accusatorem putavit. Quo ex genere mihi testium qui cum isto furati sunt, si uti voluissem, magna copia fuisset; qui ut se periculo litium, coniunctione criminum liberarent, quo ego vellem descensuros pollicebantur.

[98] Eorum ego voluntatem omnium repudiavi; Non modo proditori, sed ne perfugae quidem locus in meis castris cuiquam fuit. Forsitan meliores illi accusatores habendi sint, qui haec omnia fecerunt. Ita est; sed ego defensorem in mea persona, non accusatorem maxime laudari volo.Rationes ad aerarium, antequam Dolabella condemnatus est, non audet referre; impetrat a senatu ut dies sibi prorogaretur, quod tabulas suas ab accusatoribus bellae

obsignatas diceret, proinde quasi exscribend testatem non haberet. Solus est hic qui numquam res ad aerarium referat. Audistis quaestoriam ratio tribus versiculis relatam; legationis, non nisi condemnato et eiecto eo qui posset reprehendere; nunc denique praeturae, quam ex senatus consulto statim referre debuit, usque ad hoc tempus non rettulit.

[99] Quaestores se in tu exspectare dixit, proinde quasi non, ut quaesto praetore possit rationem referre — ut tu, Hortensi, ut omnes -, eodem modo sine quaestore praetor. Dixit Dolabellam impetrasse. Omen magis patribus conscriptis quam causa placuit: probaverunt. Verum quae quoque iam pridem venerunt: cur non rettulisti? Illarum rationum ex ea faece legationis quaestori tuae procurationis illa sunt nomina, quae Dolabella cessario sunt aestimata. Ex litibus aestimatis Dolabellae pp et pro pr.

[100] Quod minus Dolabella Verri acceptum rettulit quam Verres illi expensum tulerit quingenta triginta quinque milia, et quod plus feci labella Verrem accepisse quam iste in suis tabulis habuit HS ducenta triginta duo milia, et quod plus frumenti fecit accepisse istum, HS deciens et octingenta milia, tu homo castissimus aliud in tabulis habebas. Hinc extraordinariae pecuniae, quas nullo duce tamen a ex particula investigamus, redundarunt, hinc ratio Q. et Cn. Postumis Curtiis multis nominibus, quorum in tabulis iste habet nullum; hinc HS quater deciens P. Tadio numeratum Athenis testibus planum faciam; hinc empta apertissime praetura, nisi forte id etiam dubium est, quo modo iste praetor factus sit.

[101] Homo scilicet aut industria aut opera probata aut frugalitatis existimatione praeclara aut denique, id quod levissimum est, adsiduitate, qui ante quaesturam cum meretricibus lenonibusque vixisset, quaesturam ita gessisset quem ad modum cognovistis, Romae post quaesturam illam nefariam vix triduum constitisset, absens non in oblivione iacuisset sed in adsidua commemoratione omnibus omnium flagitiorum fuisset, is repente, ut Romam venit, gratiis praetor factus est. Alia porro pecunia ne accusaretur data. Cui sit data, nihil ad me, nihil ad rem pertinere arbitror: datam quidem esse tum inter omnis recenti negotio facile constabat.

[102] Homo stultissime et amentissime, tabulas cum conficeres et cum extraordinariae pecuniae crimen subterfugere velles, satis te

elapsurum omni suspicione arbitrabare si, quibus pecuniam credebas, iis expensum non ferres, neque in tuas tabulas ullum nomen referres, cum tot tibi nominibus acceptum Curtii referrent? Quid proderat tibi te expensum illis non tulisse? an tuis solis tabulis te causam dicturum existimasti?

[103] Verum ad illam iam veniamus praeclaram praeturam, criminaque ea quae notiora sunt his qui adsunt quam nobis qui meditati ad dicendum paratique venimus; in quibus non dubito quin offensionem neglegendae vitare atque effugere non possim. Multi enim ita dicent, "De illo nihil dixit in quo ego interfui; illam iniuriam non attigit quae mihi aut quae amico meo facta est, quibus ego in rebus interfui." His omnibus qui istius iniurias norunt, hoc est populo Romano universo, me vehementer excusatum volo non neglegentia mea fore ut multa praetermittam, sed quod alia testibus integra reservari velim, multa autem propter rationem brevitatis ac temporis praetermittenda existimem. Fatebor etiam illud invitus, me prorsus, cum iste punctum temporis nullum vacuum peccato praeterire passus sit, omnia quae ab isto commissa sint non potuisse cognoscere. Quapropter ita me de praeturae criminibus auditote ut ex utroque genere, et iuris dicendi et sartorum tectorum exigendorum, ea postuletis quae maxime digna sint eo reo cui parvum ac mediocre obici nihil oporteat.

[104] Nam ut praetor factus est, qui auspicato a Chelidone surrexisset, sortem nactus est urbanae provinciae magis ex sua Chelidonisque quam ex populi Romani voluntate. Qui principio qualis in edicto constituendo fuerit cognoscite. R Annius Asellus mortuus est C. Sacerdote praetore. Is cum haberet unicam filiam neque census esset, quod eum natura hortabatur, lex nulla prohibebat, fecit ut filiam bonis suis heredem institueret. Heres erat filia. Faciebant omnia cum pupilla, leges, aequitas, voluntas patris, edicta praetorum, consuetudo iuris eius quod erat tum cum Asellus est mortuus.

[105] Iste praetor designatus — utrum admonitus an temptatus an, qua est ipse sagacitate in bis rebus, sine duce ullo, sine indice pervenerit ad hanc improbitatem, nescio: vos tantum hominis audaciam amentiamque cognoscite — appellat heredem L. Annium, qui erat institutus secundum filiam (non enim mihi persuadetur istum

ab illo prius appellatum); dicit se posse ei condonare edicto hereditatem; docet hominem quid possit fieri. Illi bona res, huic vendibilis videbatur. Iste, tametsi singulari est audacia, tamen ad pupillae matrem submittebat; malebat pecuniam accipere, ne quid novi ediceret, quam ut hoc edictum tam improbum et tam inhumanum interponeret.

[106] Tutores pecuniam praetori si pupillae nomine dedissent, grandem praesertim, quem ad modum in rationem inducerent, quem ad modum sine periculo suo dare possent, non videbant; simul et istum fore tam improbum non arbitrabantur; saepe appellati pernegaverunt. Iste ad arbitrium eius cui condonabat hereditatem ereptam a liberis quam aequum edictum conscripserit, quaeso, cognoscite. cum intellegam legem Voconiam-. Quis umquam crederet mulierum adversarium Verrem futurum? an ideo aliquid contra mulieres fecit ne totum edictum ad Chelidonis arbitrium scriptum videretur? Cupiditati hominum ait se obviam ire. Quis potius non modo his temporibus, sed etiam apud maiores nostros? quis tam remotus fuit a cupiditate? Dic, quaeso, cetera; delectat enim me hominis gravitas, scientia iuris, praetoris auctoritas. Recita. Qui ab A. Postumio Q. Fulvio censoribus postve ea testamentum fecit fecerit.

[107] Fecit fecerit”? quis umquam edixit isto modo? quis umquam eius rei fraudem aut periculum proposuit edicto, quae neque post edictum reprehendi neque ante edictum provideri potuit? Iure, legibus, auctoritate omnium qui consulebantur testamentum P. Annius fecerat non improbum, non inofficiosum, non inhumanum: quodsi ita fecisset, tamen post illius mortem nihil de testamento illius novi iuris constitui oporteret. Voconia lex te videlicet delectabat. Imitatus esses ipsum illum C. Voconium, qui lege sua hereditatem ademit nulli neque virgini neque mulieri: sanxit in posterum, qui post eos censores census esset, ne quis heredem virginem neve mulierem faceret.

[108] In lege Voconia non est “fecit fecerit”, neque in ulla praeteritum tempus reprehenditur nisi eius rei quae sua sponte tam scelerata et nefaria est ut, etiamsi lex non esset, magnopere vitanda fuerit. Atque in his ipsis rebus multa videmus ita sancta esse legibus ut ante facta in iudicium non vocentur; Cornelia testamentaria,

nummaria, ceterae complures, in quibus non ius aliquod novum populo constituitur, sed sancitur ut, quod semper malum facinus fuerit, eius quaestio ad populum pertineat ex certo tempore.

[109] De iure vero civili si quis novi quid instituit, is non omnia quae ante acta sunt rata esse patietur? Cedo mihi leges Atinias, Furias, Fusias, ipsam, ut dixi, Voconiam, omnis praeterea de iure civili: hoc reperies in omnibus statui ius quo post eam legem populus utatur. Qui plurimum tribuunt edicto, praetoris edictum legem annuam dicunt esse: tu edicto plus amplecteris quam lege. Si finem edicto praetoris adferunt Kalendae Ianuariae, cur non initium quoque edicti nascitur a Kalendis Ianuariis? an in eum annum progredi nemo poterit edicto quo praetor alius futurus est, in illum quo alius praetor fuit regredietur?

[110] Ac si hoc iuris, non unius hominis causa edixisses, cautius composuisses. Scribis, qui heredem fecit fecerit. Quid, si plus legarit quam ad heredem heredesve perveniat? quod per legem Voconiam ei qui census non sit licet; cur hoc, cum in eodem genere sit, non caves? Quia non generis, sed hominis causam verbis amplecteris, ut facile appareat te pretio, non iure esse commotum. Atque hoc si in posterum edixisses, etsi minus esset nefarium, tamen esset improbum; sed tum vituperari posset, in discrimen venire non posset; nemo enim committeret. Nunc est eius modi edictum ut quivis intellegat non populo esse scriptum, sed P. Anni secundis heredibus.

[111] Itaque cum abs te caput illud tam multis verbis mercennarioque prooemio esset ornatum, ecquis inventus est postea praetor quid idem illud ediceret? Non modo nemo edixit, sed ne metuit quidem quisquam ne quis ediceret. Nam post te praetorem multi in isdem causis fuerunt; in his nuper Annaea de multorum propinquorum sententia, pecuniosa mulier, quod censa non erat, testamento fecit heredem filiam. iam hoc magnum iudicium hominum de istius singulari improbitate, quod C. Verres sua sponte instituisset, id neminem metuisse ne quis reperiretur qui istius institutum sequi vellet; solus enim tu inventus es cui satis non fuerit corrigere testamenta vivorum, nisi etiam rescinderes mortuorum.

[112] Tu ipse ex Siciliensi edicto hoc sustulisti; voluisti, ex improviso si quae res nata esset, ex urbano edicto decernere. Quam postea tu tibi defensionem relinquebas, in ea maxime offendisti, cum

tuam auctoritatem tute ipse edicto provinciali repudiabas. Atque ego non dubito quin, ut mihi, cui mea filia maxime cordi est, res haec acerba videtur atque indigna, sic uni cuique vestrum, qui simili sensu atque indulgentia filiarum commovemini. Quid enim natura nobis iucundius, quid carius esse voluit? quid est dignius in quo omnis nostra diligentia indulgentiaque consumatur?

[113] Homo importunissime, cur tantam iniuriam P. Annio mortuo fecisti? cur hunc dolorem cineri eius atque ossibus inussisti, ut liberis eius bona patria — voluntate patris, iure, legibus tradita — eriperes, et cui tibi esset commodum condonares? Quibuscum vivi bona nostra partimur, iis praetor adimere nobis mortuis bona fortunasque poterit? nec petitionem, inquit, nec possessionem dabo. Eripies igitur pupillae togam praetextam, detrahes ornamenta non solum fortunae sed etiam ingenuitatis? Miramur ad arma contra istum hominem Lampsacenos isse, miramur istum de provincia decedentem clam Syracusis profugisse? Nos si alienam vicem pro nostra iniuria doleremus, vestigium istius in foro nullum esset relictum.

[114] Pater dat filiae, prohibes; leges sinunt, tamen te interponis! De suis bonis ita dat ut ab iure non abeat; quid habes quod reprehendas? Nihil, opinor. At ego concedo; prohibe, si potes, si habes qui te audiat, si potest tibi dicto audiens esse quisquam. Eripias tu voluntatem mortuis, bona vivis, ius omnibus? Hoc populus Romanus non manu vindicasset, nisi te huic tempori atque huic iudicio reservasset? Posteaquam ius praetorium constitutum est, semper hoc iure usi sumus: si tabulae testamenti non proferrentur, tum ut, uti quemque potissimum heredem esse oporteret, si is intestatus mortuus esset, ita secundum eum possessio daretur. Quare hoc sit aequissimum facile est dicere, sed in re tam usitata satis est ostendere omnis antea ius ita dixisse, et hoc vetus edictum translaticiumque esse.

[115] Cognoscite hominis aliud in re vetere edictum novum, et simul, dum est unde ius civile discatur, adulescentis in disciplinam ei tradite: mirum est hominis ingenium, mira prudentia. Minucius quidam mortuus est ante istum praetorem; eius testamentum erat nullum; lege hereditas ad gentem Minuciam veniebat. Si habuisset iste edictum, quod ante istum et postea omnes habuerunt, possessio Minuciae genti esset data: si quis testamento se heredem esse

arbitraretur quod tum non exstaret, lege ageret in hereditatem, aut, pro praede litis vindiciarum cum satis accepisset, sponsionem faceret et ita de hereditate certaret. Hoc, opinor, iure et maiores nosui et nos semper usi sumus.

[116] Videte ut hoc iste correxerit. Componit edictum his verbis ut quivis intellegere possit unius hominis causa conscriptum esse, tantum quod hominem non nominat; causam quidem totam perscribit, ius, consuetudinem, aequitatem, edicta omnium neglegit. ex edicto urbano. si de hereditate ambigitur — si possessor sponsionem non faciet. iam quid id ad praetorem, uter possessor sit? nonne id quaeri oportet, utrum possessorem esse oporteat? Ergo, quia possessor est, non moves possessione: si possessor non esset, non dares? Nusquam enim scribis, neque tu aliud quicquam edicto amplecteris nisi eam causam pro qua pecuniam acceperas.

[117] Iam hoc ridiculum est: si de hereditate ambigitur et tabulae testamenti obsignatae non minus multis signis quam e lege oportet ad me proferentur, secundum tabulas testamenti potissimum possessionem dabo. Hoc translaticium est: sequi illud oportet, si tabulae testamenti non proferentur. Quid ait? Se ei daturum qui se dicat heredem esse. Quid ergo interest proferantur necne? Si protulerit, uno signo ut sit minus quam ex lege oportet, non des possessionem: si omnino tabulas non proferet, dabis? Quid nunc dicam? neminem umquam hoc postea alium edixisse? valde sit mirum neminem fuisse qui istius se similem dici vellet. Ipse in Siciliensi edicto hoc non habet; exegerat enim iam mercedem; item ut illo edicto de quo ante dixi, in Sicilia de hereditatum possessionibus dandis edixit idem quod omnes Romae praeter istum. Ex edicto Siciliensi. si de hereditate ambigitur -.

[118] Ac, per deos immortalis! quid est quod de hoc dici possit? Iterum enim iam quaero abs te, sicut modo in illo capite Anniano de mulierum hereditatibus, nunc in hoc de hereditatum possessionibus, cur ea capita in edictum provinciale transferre nolueris. Utrum digniores homines existimasti eos qui habitant in provincia quam nos qui aequo iure uteremur, an aliud Romae aequum est, aliud in Sicilia? Non enim hoc potest hoc loco dici, multa esse in provinciis aliter edicenda; non de hereditatum quidem possessionibus, non de mulierum hereditatibus. Nam in in utroque genere video non modo

ceteros, sed te ipsum totidem verbis edixisse quot verbis edici Romae solet. Quae Romae magna cum infamia pretio accepto edixeras, ea sola te, ne gratis in provincia male audires, ex edicto Siciliensi sustulisse video.

[119] Et cum edictum totum eorum arbitratu, quam diu fuit designatus, componeret qui ab isto ius ad utilitatem suam nundinarentur, tum vero in magistratu contra illud ipsum edictum suum sine ulla religione decernebat. Itaque L. Piso multos codices implevit earum rerum in quibus ita intercessit, quod iste aliter atque ut edixerat decrevisset; quod vos oblitos esse non arbitror, quae multitudo, qui ordo ad Pisonis sellam isto praetore solitus sit convenire; quem iste conlegam nisi habuisset, lapidibus coopertus esset in foro. Sed eo leviores istius iniuriae videbantur quod erat in aequitate prudentiaque Pisonis paratissimum perfugium, quo sine labore, sine molestia, sine impensa, etiam sine patrono homines uterentur.

[120] Nam, quaeso, redite in memoriam, iudices, quae libido istius in iure dicundo fuerit, quae varietas decretorum, quae nundinatio, quam inanes domus eorum omnium qui de iure civili consuli solent, quam plena ac referta Chelidonis; a qua muliere cum erat ad eum ventum et in aurem eius insusurratum, alias revocabat eos inter quos iam decreverat, decretumque mutabat, alias inter aliquos contrarium sine ulla religione decernebat ac proxumis paulo ante decreverat.

[121] Hinc illi homines erant qui etiam ridiculi inveniebantur ex dolore; quorum alii, id quod saepe audistis, negabant mirandum esse ius tam nequam esse Verrinum; alii etiam frigidiores erant, sed quia stomachabantur ridiculi videbantur esse, cum Sacerdotem exsecrabantur qui Verrem tam nequam reliquisset. Quae ego non commemorarem — neque enim perfacite dicta neque porro hac severitate digna sunt -, nisi vos illud vellem recordari, istius nequitiam et iniquitatem tum in ore vulgi atque in communibus proverbiis esse versatam.

[122] In plebem vero Romanam utrum superbiam prius commemorem an crudelitatem? Sine dubio crudelitas gravior est atque atrocior. Oblitosne igitur hos putatis esse quem ad modum sit iste solitus virgis plebem Romanam concidere? Quam rem etiam tribunus plebis in contione egit, cum eum quem iste virgis ceciderat

in conspectum populi Romani produxit; cuius rei recognoscendae faciam vobis suo tempore potestatem.

[123] Superbia vero quae fuerit quis ignorat? quem ad modum iste tenuissimum quemque contempserit, despexerit, liberum esse numquam duxerit? P. Trebonius viros bonos et honestos compluris fecit heredes; in iis fecit suum libertum. Is A. Trebonium fratrem habuerat proscriptum. Ei cum cautum vellet, scripsit ut heredes iurarent se curaturos ut ex sua cuiusque parte ne minus dimidium ad A. Trebonium illum proscriptum perveniret. Libertus iurat; ceteri heredes adeunt ad Verrem, docent non oportere se id iurare facturos esse quod contra legem Corneliam esset, quae proscriptum iuvari vetaret; impetrant ut ne iurent; dat his possessionem. Id ego non reprehendo; etenim erat iniquum homini proscripto egenti de fraternis bonis quicquam dari. Libertus, nisi ex testamento patroni iurasset, scelus se facturum arbitrabatur;

[124] Itaque ei Verres possessionem hereditatis negat se daturum, ne posset patronum suum proscriptum iuvare, simul ut esset poena quod alterius patroni testamento obtemperasset. Das possessionem ei qui non iuravit; concedo; praetorium est. Adimis tu ei qui iuravit; quo exemplo? Proscriptum iuvat; lex est, poena est. Quid ad eum qui ius dicit? utrum reprehendis quod patronum iuvabat eum qui tum in miseriis erat, an quod alterius patroni mortui voluntatem conservabat, a quo summum beneficium accepetat? Utrum horum reprehendis? Et hoc tum de sella vir optimus dixit: “Equiti Romano tam locupleti libertinus homo sit heres?” O modestum ordinem, quod illinc vivus surrexerit!

[125] Possum sescenta decreta proferre in quibus, ut ego non dicam, pecuniam intercessisse ipsa decretorum novitas iniquitasque declarat; verum ut ex uno de ceteris coniecturam facere possitis, id quod priore actione didicistis, audite. C. Sulpicius Olympus fuit; is mortuus est C. Sacerdote praetore, nescio an antequam Verres praeturam petere coeperit; fecit heredem M. Octavium Ligurem. Ligus hereditatem adiit; possedit Sacerdote praetore sine ulla controversia. Posteaquam Verres magistratum iniit, ex edicto istius, quod edictum Sacerdos non habuerat, Sulpici patroni filia sextam partem hereditatis ab Ligure petere coepit. Ligus non aderat. L. frater eius causam agebat; aderant amici, propinqui. Dicebat iste, nisi cum

muliere decideretur, in possessionem se ire iussurum. L. Gellius causam Liguris defendebat; docebat edictum eius non oportere in eas hereditates valere quae ante eum praetorem venissent; si hoc tum fuisset edictum, fortasse Ligurem hereditatem aditurum non fuisse. Aequa postulatio, summa hominum auctoritas pretio superabatur.

[126] Venit Romam Ligus; non dubitabat quin, si ipse Verrem convenisset, aequitate causae, auctoritate sua commovere hominem posset. Domum ad eum venit, rem demonstrat, quam pridem sibi hereditas venisset docet; quod facile homini ingenioso in causa aequissima fuit, multa quae quemvis commovere possent dixit; ad extremum petere coepit ne usque eo suam auctoritatem despiceret gratiamque contemneret ut se tanta iniuria adficeret. Homo Ligurem accusare coepit, qui in re adventicia atque hereditaria tam diligens, tam attentus esset; debere eum aiebat suam quoque rationem ducere; multa sibi opus esse, multa canibus suis, quos circa se haberet. Non possum illa planius commemorare quam ipsum Ligurem pro testimonio dicere audistis.

[127] Quid est, Verres? utrum ne his quidem testibus credetur, an haec ad rem non pertinent? non credemus M. Octavio, non L. Liguri? quis nobis credet, cui nos? quid est quod planum fieri testibus possit, si hoc non fit? An id quod dicunt leve est? Nihil levius quam praetorem urbanum hoc iuris in suo magistratu constituere, omnibus quibus hereditas venerit coheredem praetorem esse oportere. An vero dubitamus quo ore iste ceteros homines inferiores loco, auctoritate, ordine, quo ore homines rusticanos ex municipiis, quo denique ore, quos numquam liberos putavit, libertinos homines solitus sit appellare, qui ob ius dicendum M. Octavium Ligurem, hominem ornatissimum loco, ordine, nomine, virtute, ingenio, copiis, poscere pecuniam non dubitavit?

[128] In sartis tectis vero quem ad modum se gesserit quid ego dicam? Dixerunt qui senserunt; sunt alii qui dicant; notae res ac manifestae prolatae sunt et proferentur. Dixit Cn. Fannius, eques Romanus, frater germanus Q. Titini, iudicis tui, tibi pecuniam se dedisse. Recita. Cn. Fanni testimonium. Nolite Cn. Fannio dicenti credere, noli, inquam, tu, Q. Titini, Cn. Fannio, fratri tuo, credere; dicit enim rem incredibilem; C. Verrem insimulat avaritiae et audaciae, quae vitia videntur in quemvis potius quam in istum

convenire. Dixit Q. Tadius, homo familiarissimus patris istius, non alienus a matris eius genere et nomine; tabulas protulit, quibus pecuniam se dedisse ostendit. Recita. Nomina Q. Tadi. testimonium Q. Tadi. Ne Tadi quidem tabulis nec testimonio credemus? Quid igitur in iudiciis sequemur? Quid est aliud omnibus omnia peccata et maleficia concedere nisi hoc, hominum honestorum testimoniis et virorum bonorum tabulis non credere?

[129] Nam quid ego de cotidiano sermone querimoniaque populi Romani loquar, de istius impudentissimo furto seu potius novo ac singulari latrocinio? ausum esse in aede Castoris, celeberrimo clarissimoque monumento — quod templum in oculis cotidianoque aspectu populi Romani positum est, quo saepe numero senatus convocatur, quo maximarum rerum frequentissimae cotidie advocationes fiunt — in eo loco in sermone hominum audaciae suae monumentum aeternum relinquere.

[130] Aedem Castoris, iudices, P. Iunius habuit tuendam de L. Sulla Q. Metello consulibus. Is mortuus est; reliquit pupillum parvum filium. Cum L. Octavius C. Aurelius consules aedis sacras locavissent neque potuissent omnia sarta tecta exigere, neque ii praetores quibus erat negotium datum, C. Sacerdos et M. Caesius, factum est senatus consultum, quibus de sartis tectis cognitum et iudicatum non esset, ut C. Verres R Caelius praetores cognoscerent et iudicarent. Qua potestate iste permissa sic abusus est ut ex Cn. Fannio et ex Q Tadio cognovistis, verum tamen cum esset omnibus in rebus apertissime impudentissimeque praedatus, hoc voluit clarissimum relinquere indicium latrociniorum suorum, de quo non audire aliquando sed videre cotidie possemus.

[131] Quaesivit quis aedem Castoris sartam tectam deberet tradere. Iunium ipsum mortuum esse sciebat; scire volebat ad quem illa res pertineret. Audit pupillum esse filium. Homo qui semper ita palam dictitasset, pupillos et pupillas certissimam praedam esse praetoribus, optatum negotium sibi in sinum delatum esse dicebat. Monumentum illa amplitudine, illo opere, quamvis sartum tectum integrumque esset, tamen aliquid se inventurum in quo moliri praedarique posset arbitrabatur.

[132] L. Habonio aedem Castoris tradi oportebat: is casu pupilli luni tutor erat testamento patris: cum eo sine ullo intertrimento

convenerat iam quem ad modum traderetur. Iste ad se Habonium vocat; quaerit ecquid sit quod a pupillo traditum non sit, quod exigi debeat. Cum ille, id quod erat, diceret facilem pupillo traditionem esse, signa et dona comparere omnia, ipsum templum omni opere esse integrum, indignum isti videri coepit ex tanta aede tantoque opere se non opimum praeda, praesertim a pupillo, discedere.

[133] Venit ipse in aedem Castoris, considerat templum; videt undique tectum pulcherrime laqueatum, praeterea cetera nova atque integra. Versat se; quaerit quid agat. Dicit quidam ex illis canibus quos iste Liguri dixerat esse circa se multos, "Tu, Verres, hic quod moliare nihil habes, nisi forte vis ad perpendiculum columnas exigere. " Homo omnium rerum imperitus quaerit, quid sit "ad perpendiculum": dicunt ei fere nullam esse columnam quae ad perpendiculum esse possit. "Nam mehercule", inquit, "sic agamus; columnae ad perpendiculum exigantur."

[134] Habonius, qui legem nosset — qua in lege numerus tantum columnarum traditur, perpendiculi mentio fit nulla — et qui non putaret sibi expedire ita accipere, ne eodem modo tradendum esset, negat id sibi deberi, negat oportere exigi. Iste Habonium quiescere iubet et simul ei non nullam spem societatis ostendit; hominem modestum et minime pertinacem facile coercet; columnas ita se exacturum esse confirmat.

[135] Nova res atque improvisa pupilli calamitas nuntiatur statim C. Mustio, vitrico pupilli, qui nuper est mortuus, M. Iunio patruo, P. Titio tutori, homini frugalissimo; hi rem ad virum primarium summo officio ac virtute praeditum, M. Marcellum, qui erat pupilli tutor, deferunt. Venit ad Verrem M. Marcellus; petit ab eo pro sua fide ac diligentia pluribus verbis ne per summam iniuriam pupillum lunium fortunis patriis conetur evertere. Iste, qui iam spe atque opinione praedam illam devorasset, neque ulla aequitate orationis neque auctoritate M. Marcelli commotus est; itaque quem ad modum ostendisset se id exacturum esse respondit.

[136] Cum sibi omnis ad istum adlegationes difficilis, omnis aditus arduos ac potius interclusos viderent — apud quem non ius, non aequitas, non misericordia, non propinqui oratio, non amici voluntas, non cuiusquam auctoritas, non gratia valeret — statuunt id sibi esse optimum factu, quod cuivis venisset in mentem, petere auxilium a

Chelidone, quae isto praetore non modo in iure civili privatorumque omnium controversiis populo Romano praefuit, verum etiam in bis sartis tectisque dominata est.

[137] Venit ad Chelidonem C. Mustius, eques Romanus, publicanus, homo cum primis honestus; venit M. Iunius, patruus pueri, frugalissimus homo et castissimus; venit homo summo pudore, summo officio, spectatissimus ordinis sui, P. Titius tutor. O multis acerbam, o miseram atque indignam praeturam tuam! Ut omittam cetera, quo tandem pudore talis viros, quo dolore meretricis domum venisse arbitramini? qui numquam ulla condicione istam turpitudinem subissent nisi offici necessitudinisque ratio coegisset. Veniunt, ut dico,ad Chelidonem. Domus erat plena; nova iura, nova decreta, nova iudicia petebantur. “Mihi det possessionem, mihi ne adimat, in me iudicium ne der, mihi bona addicat.” Alii nummos numerabant, ab aliis tabellae obsignabantur; domus erat non meretricio conventu sed praetoria turba referta.

[138] Simul ac potestas primum data est, adeunt hi quos dixi. Loquitur C. Mustius, rem demonstrat, petit auxilium, pecuniam pollicetur. Respondit illa ut meretrix non inhumaniter; libenter ait se facturam, et se cum isto diligenter sermocinaturam; reverti iubet. Tum discedunt: postridie revertuntur. Negat illa posse hominem exorari; permagnam eum dicere ex illa re pecuniam confici posse. Vereor ne quis forte de populo, qui priore actione non adfuit, haec, quia propter insignem turpitudinem sunt incredibilia, fingi a me arbitretur. Ea vos antea, iudices, cognovistis.

[139] Dixit iuratus P. Titius, tutor pupilli Iuni, dixit M. Iunius tutor et patruus; Mustius dixisset, si viveret, sed recenti re de Mustio auditum est;dixit L. Domitius, qui cum sciret me ex Mustio vivo audisse, quod eo sum usus plurimum (etenim iudicium, quod prope omnium fortunarum suarum C. Mustius habuit, me uno defendente vicit), cum hoc, ut dico, sciret L. Domitius, me scire ad eum res omnis Mustium solitum esse deferre, tamen de Chelidone reticuit quoad potuit, alio responsionem suam derivavit. Tantus in adulescente clarissimo ac principe iuventutis pudor fuit ut aliquam diu, cum a me premeretur, omnia potius responderet quam Chelidonem nominaret; primo necessarios istius ad eum adlegatos esse dicebat, deinde aliquando coactus Chelidonem nominavit.

[140] Non te pudet, Verres, eius mulieris arbitratu gessisse praeturam quam L. Domitius ab se nominari vix sibi honestum esse

arbitrabatur? Reiecti a Chelidone capiunt consilium necessarium, ut suscipiant ipsi negotium. Cum Habonio tutore, quod erat vix HS quadraginta milium, transigunt HS ducentis milibus. Defert ad istum rem Habonius: ut sibi videatur, satis grandem pecuniam et satis impudentem esse. Iste, qui aliquanto plus cogitasset, male accipit verbis Habonium, negat eum sibi illa decisione satis facere posse; ne multa, locaturum se esse confirmat.

[141] Tutores haec nesciunt; quod actum erat cum Habonio, putant id esse certissimum; nullam maiorem pupillo metuunt calamitatem. Iste vero non procrastinat; locare incipit non proscripta neque edicta die, alienissimo tempore, ludis ipsis Romanis, foro ornato. Itaque renuntiat Habonius illam decisionem tutoribus. Accurrunt tamen ad tempus tutores; digitum tollit Iunius patruus; isti color immutatus est, vultus, oratio, mens denique excidit. Quid ageret coepit cogitare; si opus pupillo redimeretur, si res abiret ab eo mancipe quem ipse adposuisset, sibi nullam praedam esse. Itaque excogitat — quid? Nihil ingeniose, nihil ut quisquam posset dicere, “Improbe, verum callide”-, nihil ab isto vafrum, nihil veteratorium exspectaveritis; omnia aperta, omnia perspicua reperientur, impudentia, amentia, audacia.

[142] “Si pupillo opus redimitur, mihi praeda de manibus eripitur. Quod est igitur remedium? quod? Ne liceat pupillo redimere.” Ubi illa consuetudo in bonis praedibus praediisque vendundis omnium consulum, censorum, praetorum, quaestorum denique, ut optima condicione sit is cuia res sit, cuium periculum? Excludit eum solum cui prope dicam soli potestatem factam oportebat. Quid enim? quisquam ad meam pecuniam me invito adspirat, quisquam accedit? Locatur opus id quod ex mea pecunia reficiatur; ego me refecturum dico; probatio futura est tua, qui locas; praedibus et praediis populo cautum est; et, si non putas cautum, scilicet tu, praetor, in mea bona quos voles immittes, me ad meas fortunas defendendas accedere non sines.

[143] Operae pretium est legem ipsam cognoscere; dicetis eundem conscripsisse qui illud edictum de hereditate. Recita. Lex operi faciundo. quae Pupilli Iuni -. Dic, dic, quaeso, clarius. C. Verres praetor urbanus addidit. Corriguntur leges censoriae! Quid enim? video in multis veteribus legibus, Cn. Domitius L. Metellus censores

addiderunt, L. Cassius Cn. Servilius censores addiderunt: vult aliquid eius modi C. Verres. Dic: quid addidit? Recita. qui de L. Marcio M. Perperna censoribus — socium ne admittito neve partem dato neve redimito. Quid ita? ne vitiosum opus fieret? At erat probatio tua. Ne parum locuples esset? At erat et esset amplius, si velles, populo cautum praedibus et praediis.

[144] Hic te si res ipsa, si indignitas iniuriae tuae non commovebat, si pupilli calamitas, si propinquorum lacrimae, si D. Bruti, cuius praedia suberant, periculum, si M. Marcelli tutoris auctoritas apud te ponderis nihil habebat, ne illud quidem animadvertebas, eius modi fore hoc peccatum tuum quod tu neque negare posses — in tabulas enim legem rettulisti — neque cum defensione aliqua confiteri? Addicitur opus HS DLX milibus, cum tutores HS cciDD ccid cciDD cciDD id opus ad illius iniquissimi hominis arbitrium se effecturos esse clamarent.

[145] Etenim quid erat operis? Id quod vos vidistis; omnes illae columnae, quas dealbatas videtis, machina adposita nulla impensa deiectae eisdemque lapidibus repositae sunt. Hoc tu HS DLX milibus locavisti. Atque in illis columnis dico esse quae a tuo redemptore commotae non sint; dico esse ex qua tantum tectorium vetus deiectum sit et novum inductum. Quodsi tanta pecunia columnas dealbari putassem, certe numquam aedilitatem petivissem.

[146] At ut videatur tamen res agi et non eripi pupillo: Si quid operis causa rescideris, reficito. Quid erat quod rescinderet, cum suo quemque loco lapidem reponeret? qui redemerit satis det damni infecti ei qui a vetere redemptore accepit. Deridet, cum sibi ipsum iubet satis date Habonium. Pecunia praesens solvetur- Quibus de bonis? Eius qui, quod tu HS DLX milibus locasti, se HS cciDD cciDD cciDD cciDD effecturum esse clamavit. Quibus de bonis? Pupilli, cuius aetatem et solitudinem, etiamsi tutores non essent, defendere praetor debuit. Tutoribus defendentibus non modo patrias eius fortunas, sed etiam bona tutorum ademisti.

[147] Hoc opus bonum suo cuique facito. Quid est “suo cuique”? Lapis aliqui caedendus et adportandus fuit machina sua; nam illo non saxum, non materies ulla advecta est; tantum operis in ista locatione fuit quantum paucae operae fabrorum mercedis tulerunt, et manuspretium machinae. Utrum existimatis minus operis esse unam

columnam efficere ab integro novam nullo lapide redivivo an quattuor illas reponere? Nemo dubitat quin multo maius sit novam facere. Ostendam in aedibus privatis longa difficilique vectura columnas singulas ad impluvium HS cciDD cciDD non minus magnas locatas. Sed ineptum est de tam perspicua eius impudentia pluribus verbis disputare, praesertim cum iste aperte tota lege omnium sermonem atque existimationem contempserit, qui etiam ad extremum adscripserit: rediviva sibi habeto; quasi quicquam redivivi ex opere illo tolleretur ac non totum opus ex redivivis constitueretur. At enim si pupillo redimi non licebat non necesse erat rem ad ipsum pervenire; poterat aliquis ad id negotium de populo accedere. Omnes exclusi sunt non minus aperte quam pupillus. Diem praestituit operi faciundo Kalendas Decembris, locat circiter Idus Septembris; angustiis temporis excluduntur omnes.

[149] Quid ergo? Habonius istam diem quo modo adsequitur? Nemo Habonio molestus est neque Kalendis Decembribus neque Nonis neque Idibus; denique aliquanto ante in provinciam iste proficiscitur quam opus effectum est. Posteaquam reus factus est, primo negabat se opus in acceptum referre posse; cum instaret Habonius, in me causam conferebat, quod eum codicem obsignassem. Petit a me Habonius et amicos adlegat: facile impetrat. Iste, quid ageret, nesciebat; si in acceptum non rettulisset, putabat se aliquid defensionis habiturum; Habonium porro intellegebat rem totam esse patefacturum — tametsi quid poterat esse apertius quam nunc est? Ut uno minus teste ageret, Habonio opus in acceptum rettulit quadriennio post quam diem operi dixerat.

[150] Hac condicione, si quis de populo redemptor accessisset, non esset usus; cum die ceteros redemptores exclusisset, tum in eius arbitrium ac potestatem venire nolebant qui sibi ereptam praedam arbitraretur. Nunc ne argumentemur, quo ista pecunia pervenerit: facit ipse indicium. Primum cum vehementius cum eo D. Brutus contenderet, qui de sua pecunia HS DLX milia numeravit, quod iam iste ferre non poterat, opere addicto, praedibus acceptis de HS DLX milibus remisit D. Bruto HS cx milia. Hoc, si aliena res esset, certe facere non potuisset. Deinde nummi numerati sunt Cornificio, quem scribam suum ftiisse negare non potest. Postremo ipsius Haboni tabulae praedam illam istius fuisse clamant. Recita. nomina haboni.

[151] Hic etiam priore actione Q. Hortensius pupillum Iunium praetextatum venisse in vestrum conspectum et stetisse cum patruo testimonium dicente questus est, et me populariter agere atque invidiam commovere, quod puerum producerem, clamitavit. Quid erat, Hortensi, tandem in illo puero populare, quid invidiosum? Gracchi, credo, aut Saturnini aut alicuius hominis eius modi produxeram filium, ut nomine ipso et memoria patris animos imperitae hominis de plebe Romana, filius, quem pater moriens cum tutoribus et propinquis, tum legibus, tum aequitati magistratuum, tum iudiciis vestris commendatum putavit.

[152] Hic istius scelerato nefarioque latrocinio bonis patriis fortunisque omnibus spoliatus venit in iudicium, si nihil aliud, saltem ut eum cuius opera ipse multos annos esset in sordibus paulo tamen obsoletius vestitum videret. Itaque tibi, Hortensi, non illius aetas, sed causa, non vestitus, sed fortuna popularis videbatur, neque te tam commovebat quod ille cum toga praetexta, quam quod sine bulla venerat. Vestitus enim neminem commovebat is quem illi mos et ius ingenuitatis dabat; quod ornamentum pueritiae pater dederat, indicium atque insigne fortunae, hoc ab isto praedone ereptum esse graviter tum et acerbe homines ferebant.

[153] Neque erant illae lacrimae populares magis quam nostrae, quam tuae, Q. Hortensi, quam horum qui sententiam laturi sunt, ideo quod communis est causa, commune periculum; communi praesidio talis improbitas tamquam aliquod incendium restinguendum est. Habemus enim liberos parvos; incertum est quam longa cuiusque nostrum vita futura sit; consulere vivi ac prospicere debemus ut illorum solitudo et pueritia quam firmissimo praesidio munita sit. Quis est enim qui tueri possit liberum nostrorum pueritiam contra improbitatem magistratuum? Mater, credo. Scilicet magno praesidio fuit Anniae pupillae mater, femina primaria: minus illa deos hominesque implorante iste infanti pupillae fortunas patrias ademit. Tutoresne defendent? Perfacile vero apud istius modi praetorem, a quo M. Marcelli tutoris in causa pupilli luni et oratio et voluntas et auctoritas repudiata est!

[154] Quaerimus etiam quid iste in ultima Phrygia, quid in extremis Pamphyliae partibus fecerit, qualis in bello praedonum praedo ipse fuerit qui in foro populi Romani pirata nefarius reperiatur?

Dubitamus quid iste in hostium praeda molitus sit, qui manubias sibi tantas ex L. Metelli manubiis fegerit, qui maiore pecunia quattuor columnas dealbandas quam ille omnis aedificandas locaverit? Exspectemus quid dicant ex Sicilia testes? Quis umquam templum illud aspexit quin avaritiae tuae, quin iniuriae, quin audaciae testis esset? quis a signo Vortumni in circum Maximum venit quin is uno quoque gradu de avaritia tua commoneretur? quam tu viam tensarum atque pompae eius modi exegisti ut tu ipse illa ire non audeas. Te putet quisquam, cum ab Italia freto diiunctus esses, sociis temperasse, qui aedem Castoris testem tuorum furtorum esse volueris? quam populus Romanus cotidie, iudices etiam tum cum de te sententiam ferent, videbunt.

[155] Atque etiam iudicium in praetura publicum exercuit; non enim praetereundum est ne id quidem. Petita multa est apud istum praetorem a Q. Opimio; qui adductus est in iudicium, verbo quod, cum esset tribunus plebis, intercessisset contra legem Corneliam, re vera quod in tribunatu dixisset contra alicuius hominis nobilis voluntatem. De quo iudicio si velim dicere omnia, multi appellandi laedendique sint, id quod mihi non est necesse; tantum dicam, paucos homines, ut levissime appellem, adrogantes hoc adiutore Q. Opimium per ludum et iocum fortunis omnibus evertisse.

[156] Is mihi etiam queritur quod a nobis IX solis diebus prima actio sui iudici transacta sit, cum apud ipsum tribus horis Q. Opimius, senator populi Romani, bona, fortunas, ornamenta omnia amiserit? cuius propter indignitatem iudici saepissime est actum in senatu ut genus hoc totum multarum atque eius modi iudiciorum tolleretur. iam vero in bonis Q. Opimi vendendis quas iste praedas, quam aperte, quam improbe fecerit, longum est dicere: hoc dico, nisi vobis id hominum honestissimorum tabulis planum fecero, fingi a me hoc totum temporis causa putatote.

[157] Iam qui ex calamitate senatoris populi Romani, cum praetor iudicio eius praefuisset, spolia domum suam referre et manubias detrahere conatus sit, is ullam ab sese calamitatem poterit deprecari? Nam de subsortitione illa luniana iudicum nihil dico. Quid enim? contra tabulas quas tu protulisti audeam dicere? Difficile est; non enim me tua solum et iudicum auctoritas, sed etiam anulus aureus scribae tui deterret. Non dicam id quod probare difficile est; hoc

dicam quod ostendam multos ex te viros primarios audisse, cum diceres ignosci tibi oportere quod falsum codicem protuleris; nam qua invidia C. Iunius conflagravit, ea, nisi providisses, tibi ipsi tum pereundum fuisset.

[158] Hoc modo iste sibi et saluti suae prospicere didicit referendo in tabulas et privatas et publicas quod gestum non esset, tollendo quod esset, et semper aliquid demendo, mutando, interpolando; eo enim usque progreditur ut ne defensionem quidem maleficiorum suorum sine aliis maleficiis reperire possit. Eius modi subsortitionem homo amentissimus suorum quoque iudicum fore putavit per sodalem suum Q. Curtium, iudicem quaestionis; cui ego nisi vi populi atque hominum clamore atque convicio restitissein, ex hac decuria vestra, cuius mihi copiam quam largissime factam oportebat, quos iste adnuerat in suum consilium sine causa subsortiebatur.

ACTIONIS IN C. VERREM SECVNDAE. LIBER SECVNDVS

[1] Multa mihi necessario, iudices, praetermittenda sunt, ut possim aliquo modo aliquando de his rebus quae meae fidei commissae sunt dicere. Recepi enim causam Siciliae: ea me ad hoc negotium provincia attraxit. Ego tamen hoc onere suscepto et recepta causa Siciliensi amplexus animo sum aliquanto amplius. Suscepi enim causam totius ordinis, suscepi causam rei publicae, quod putabam tum denique recte iudicari posse si non modo reus improbus adduceretur, sed etiam diligens ac firmus accusator ad iudicium veniret.

[2] Quo mihi maturius ad Siciliae causam veniendum est relictis ceteris eius furtis atque flagitiis, ut et viribus quam integerrimis agere et ad dicendum temporis satis habere possim. Atque antequam de incommodis Siciliae dico, pauca mihi videntur esse de provinciae dignitate, vetustate, utilitate dicenda. Nam cum omnium sociorum provinciarumque rationem diligenter habere debetis, tum praecipue Siciliae, iudices, plurimis iustissimisque de causis, primum quod omnium nationum exterarum princeps Sicilia se ad amicitiam fidemque populi Romani adplicavit. Prima omnium, id quod ornamentum imperi est, provincia est appellata; prima docuit maiores nostros quam praeclarum esset exteris gentibus imperare ; sola fuit ea fide benivolentiaque erga populum Romanum ut civitates eius insulae, quae semel in amicitiam nostram venissent, numquam postea deficerent, pleraeque autem et maxime inlustres in amicitia perpetuo manerent.

[3] Itaque maioribus nostris in Africam ex hac provincia gradus imperi factus est; neque enim tam facile opes Carthaginis tantae concidissent nisi illud et rei frumentariae subsidium et receptaculum classibus nostris pateret. Quare P. Africanus Carthagine deleta Siculorum urbis signis monumentisque pulcherrimis exornavit, ut, quos victoria populi Romani maxime laetari arbitrabatur, apud eos monumenta victoriae plurima conlocaret.

[4] Denique ille ipse M. Marcellus, cuius in Sicilia virtutem hostes, misericordiam victi, fidem ceteri Siculi perspexerunt, non solum

sociis in eo bello consuluit, verum etiam superatis hostibus temperavit. Vrbem pulcherrimam Syracusas, — quae cum manu munitissima esset, tum loci natura terra ac mari clauderetur, — cum vi consilioque cepisset, non solum incolumem passus est esse, sed ita reliquit ornatam ut esset idem monumentum victoriae, mansuetudinis, continentiae, cum homines viderent et quid expugnasset et quibus pepercisset et quae reliquisset: tantum ille honorem habendum Siciliae putavit ut ne hostium quidem urbem ex sociorum insula tollendam arbitraretur.

[5] Itaque ad omnis res sic illa provincia semper usi sumus ut, quicquid ex sese posset efferre, id non apud nos nasci, sed domi nostrae conditum iam putaremus. Quando illa frumentum quod deberet non ad diem dedit? quando id quod opus esse putaret non ultro pollicita est? quando id quod imperaretur recusavit? Itaque ille M. Cato Sapiens cellam penariam rei publicae nostrae, nutricem plebis Romanae Siciliam nominabat. Nos vero experti sumus Italico maximo difficillimoque bello Siciliam nobis non pro penaria cella, sed pro aerario illo maiorum vetere ac referto fuisse ; nam sine ullo sumptu nostro, coriis, tunicis, frumentoque suppeditando, maximos exercitus nostros vestivit, aluit, armavit.

[6] Quid? illa quae forsitan ne sentiamus quidem, iudices, quanta sunt! quod multis locupletioribus civibus utimur, quod habent propinquam fidelem fructuosamque provinciam, quo facile excurrant, ubi libenter negotium gerant; quos illa partim mercibus suppeditandis cum quaestu compendioque dimittit, partim retinet, ut arare, ut pascere, ut negotiari libeat, ut denique sedes ac domicilium conlocare; quod commodum non mediocre rei publicae est, tantum civium numerum tam prope a domo tam bonis ftuctuosisque rebus detineri.

[7] Et quoniam quasi quaedam praedia populi Romani sunt vectigalia nostra atque provinciae, quem ad modum vos propinquis vestris praediis maxime delectamini, sic populo Romano iucunda suburbanitas est huiusce provinciae. Iam vero hominum ipsorum, iudices, ea patientia virtus frugalitasque est ut proxime ad nostram disciplinam illam veterem, non ad hanc quae nunc increbruit videantur accedere: nihil ceterorum simile Graecorum, nulla desidia, nulla luxuries, contra summus labor in publicis privatisque rebus,

summa parsimonia, summa diugentia. Sic porro nostros homines diligunt ut iis solis neque publicanus neque negotiator odio sit.

[8] Magistratuum autem nostrorum iniurias ita multorum tulerunt ut numquam ante hoc tempus ad aram legum praesidiumque vestrum publico consilio confugerint, tametsi et illum annum pertulerant qui sic eos adflixerat ut salvi esse non possent, nisi C. Marcellus quasi aliquo fato venisset, ut bis ex eadem familia salus Siciliae constitueretur, et post M. Antoni infinitum illud imperium senserant. Sic a maioribus suis acceperant, tanta populi Romani in Siculos esse beneficia ut etiam iniurias nostrorum hominum perferendas putarent.

[9] In neminem civitates ante hunc testimonium publice dixerunt; hunc denique ipsum pertulissent, si humano modo, si usitato more, si denique uno aliquo in genere peccasset. Sed cum perferre non possent luxuriem, crudelitatem, avaritiam, superbiam, cum omnia sua commoda, iura, beneficia senatus populique Romani unius scelere ac libidine perdidissent, hoc statuerunt, aut illius iniurias per vos ulcisci ac persequi, aut, si vobis indigni essent visi quibus opem auxiliumque ferretis, urbis ac sedes suas relinquere, quandoquidem agros iam ante istius iniuriis exagitati reliquissent.

[10] Hoc consilio ab L. Metello legationes universae petiverunt ut quam primum isti succederet, hoc animo totiens apud patronos de suis miseriis deplorarunt, hoc commoti dolore postulata consulibus, quae non postulata sed in istum crimina viderentur esse, ediderunt. Fecerunt etiam ut me, cuius fidem continentiamque cognorant, prope de vitae meae statu dolore ac lacrimis suis deducerent ut ego istum accusarem, a quo mea longissime ratio voluntasque abhorrebat ; quamquam in hac causa multo pluris partis mihi defensionis quam accusationis suscepisse videor.

[11] Postremo ex tota provincia homines nobilissimi primique publice privatirnque venerunt, gravissima atque amplissima quaeque civitas vehementissime suas iniurias persecuta est. At quem ad modum, iudices, venerunt? Videor enim mihi iam liberius apud vos pro Siculis loqui debere quam forsitan ipsi velint: saluti potius eorum consulam quam voluntati. Ecquem existimatis umquam ulla in provincia reum absentem contra inquisitionem accusatoris tantis opibus, tanta cupiditate esse defensum? Quaestores utriusque provineiae qui isto praetore fuerant cum fascibus mihi praesto

fuerunt :

[12] his porro qui successerunt, vehementer istius cupidi, liberaliter ex istius cibariis tractati, non minus acres contra me fuerunt. Videte quid potuerit qui quattuor in una provincia quaestores studiosissimos defensores propugnatoresque habuerit, praetorem vero cohortemque o totam sic studiosam ut facile appareret non tam illis Siciliam, quam inanem offenderant, quam Verrem ipsum, qui plenus decesserat, provinciam fuisse. Minari Siculis si decrevissent legationes quae contra istum dicerent rninari si qui essent profecti, aliis si laudarent benignissime promittere, gravissimos privatarum rerum testis, quibus nos praesentibus denuntiavimus, eos vi custodiisque retinere.

[13] Quae cum omnia facta sint, tamen unam solam scitote esse civitatem Mamertinam quae publice legatos, qui istum laudarent miserit. Eius autem legationis principem civitatis nobilissimum civem, C. Heium, iuratum dicere audistis isti navem onerariam maximam Messanae esse publice coactis operis aedificatam; idemque Mamertinorum legatus, istius laudator, non solum istum bona sua verum etiam sacra deosque penatis a maioribus tradito ex aedibus suis eripuisse dixit. Praeclara laudatio, cum duabus in rebus legatorum una opera consumitur, in laudando atque repetendo! Atque ea ipsa civitas quo ratione isti amica sit, dicetur certo loco ; reperietis enim quae causae benivolentiae Mamertinis erga istum sint, eas ipsas causas satis iustas esse damnationis. Alia civitas nulla, iudices, publico consilio laudat.

[14] Vis illa summi imperi tantum potuit apud perpaucos homines, non civitates, ut aut levissimi quidam ex miserrimis desertissimis que oppidis invenirentur qui iniussu populi ac senatus proficiscerentur, aut ii qui contra istum legati decreti erant, et testimonium publicum mandataque acceperant, vi ac metu retinerentur. Quod ego in paucis tamen usu venisse non moleste tuli, quo reliquae tot et tantae et tam graves civitates,tota denique Sicilia plus auctoritatis apud vos haberet, cum videretis nulla vi retineri, nullo periculo prohiberi potuisse quo minus experirentur ecquid apud vos querimoniae valerent antiquissimorum fidelissimorumque sociorum.

[15] Nam quod fortasse non nemo vestrum audierit, istum a Syracusanis publice laudari, id tametsi priore actione ex Heraclii Syracusani testimonio cuius modi esset cognovistis, tamen vobis alio

loco ut se tota res habeat, quod ad eam civitatem attineat, demonstrabitur. Intellegetis enim nullis hominibus quemquam tanto odio quanto istum Syracusanis et esse et fuisse. At enim istum Siculi soli persequuntur: cives Romani qui negotiantur in Sicilia defendunt, diligunt, salvum esse cupiunt. Primum, si ita esset, tamen vos in hac quaestione de pecuniis repetundis, quae sociorum causa constituta est lege iudicioque sociali, sociorum querimonias audire oporteret.

[16] Sed intellegere potuistis priore actione civis Romanos honestissimos ex Sicilia plurimis maximisque de rebus, et quas ipsi accepissent iniurias et quas scirent esse aliis factas, pro testimonio dicere. Ego hoc quod intellego, iudices, sic confirmo. Videor mihi gratum fecisse Siculis quod eorum iniurias meo labore, inimicitiis, periculo sim persecutus: non minus hoc gratum me nostris civibus intellego fecisse, qui hoc existimant, iuris libertatis rerum fortunarumque suarum salutem in istius damnatione consistere.

[17] Quapropter de istius praetura Siciliensi non recuso quin ita me audiatis ut, si cuiquam generi hominum sive Siculorum sive nostrorum civium, si cuiquam ordini sive aratorum sive pecuariorum sive mercatorum probatus sit, si non horum omnium communis hostis praedoque fuerit, si cuiquam denique in re umquam ulla temperarit, ut vos quoque ei temperetis. Qui simul atque ei sorte provincia Sicilia obvenit, statim Romae, ab urbe antequam proficiseeretur, quaerere ipse secum et agitare cum suis coepit quibusnam rebus in ea provincia maximam uno anno pecuniam facere posset. Nolebat in agendo discere, — tametsi non provinciae rudis erat et tiro: [sed Siciliae] paratus ad praedam meditatusque venire cupiebat.

[18] 0] praeclare coniectum a vulgo in illam provinciam omen communis famae atque sermonis, cum ex nomine istius quid iste in provincia facturus esset perridicule homines augurabantur ! Etenim quis dubitare posset, cum istius in quaestura fugam et furtum recognosceret, cum in legatione oppidorum fanorumque spoliationes cogitaret, cum videret in foro latrocinia praeturae, qualis iste in quarto actu improbitatis futurus esset? Atque ut intellegatis eum Romae quaesisse non modo genera furandi, sed etiam nomina certissima, accipite argumentum quo facilius de singulari eius impudentia existimare possitis.

[19] Quo die Siciliam attigit — videte satisne paratus ex illo omine urbano ad everrendam provinciam venerit, — statim Messana litteras Halaesam mittit (quas ego istum in Italia conscripsisse arbitror; nam simulatque e navi egressus est dedit), ´ Halaesinus ad se Dio continuo veniret ; se de hereditate velle cognoscere quae eius filio a propinquo homine, Apollodoro Laphirone, venisset.

[20] Ea erat, iudices, pergrandis pecunia. Hic est Dio, iudices, nunc beneficio Q. Metelli civis Romanus factus; de quo multis viris primariis testibus multorumque tabulis vobis priore actione satis factum est, HS deciens numerata esse ut eam causam, qua ne tenuissima quidem dubitatio posset esse, isto cognoscente obtineret; praeterea greges nobilissimarum equarum abactos, argenti vestisque stragulae domi quod fuerit esse direptum; ita HS deciens Q. Dionem, quod hereditas ei venisset, nullam aliam ob causam perdidisse.

[21Quid? haec hereditas quo praetore Dionis filio venerat? Eodem quo Anniae, P. Anni senatoris filiae, eodem quo Liguri senatori, . C. Sacerdote praetore. Quid? tum nemo molestus Dioni fuerat? Non plus quam Liguri Sacerdote praetore. Quid? tum ad Verrem quis detulit? Nemo; nisi forte existimatis ei quadruplatores ad fretum praesto fuisse. Ad urbem cum esset, audivit Dioni cuidam Siculo permagnam venisse hereditatem; heredem statuas iussum esse in foro ponere; nisi posuisset, Veneri Erycinae esse multatum. Tametsi positae essent ex testamento, tamen putabat, quoniam Veneris nomen esset, causam calumniae se reperturum.

[22] Itaque adponit qui petat Veneri Erycinae illam hereditatem. Non enim quaestor petit, ut est consuetudo, is qui Erycum montem obtinebat: petit Naevius Turpio quidam, istius excursor et emissarius, homo omnium ex illo conventu quadruplatorum deterrimus, C. Sacerdote praetore condemnatus iniuriarum; etenim erat eius modi causa ut ipse praetor, cum quaereret calumniatorem, paulo tamen consideratiorem reperire non posset. Per hunc hominem Veneri absolvit, sibi condemnat. Maluit videlicet homines peccare quam deos: se potius a Dione quod non licebat, quam Venerem quod non debebatur auferre.

[23] Quid ego hic nunc Sex. Pompei Chlori testimonium recitem, qui causam Dionis egit, qui omnibus rebus in terfuit, hominis honestissimi, tametsi civis Romanus vir tutis causa iam diu est,

tamen omnium Siculorum primi ac nobilissimi? quid ipsius Q. Caecili Dionis, hominis probatissimi ac pudentissimi? quid L. Caecili, L. Liguris, T. Manili, L. Caleni? quorum omnium testimoniis de hac Dionis pecunia confirmatum est. Dixit hoc idem M. Lucullus, se de his Dionis incommodis pro hospitio quod sibi cum eo esset iam ante cognosse.

[24] Quid? Lucullus, qui tum in Macedonia fuit, melius haec cognovit quam tu, Hortensi, qui Romae fuisti, ad quem Dio confugit, qui de Dionis iniuriis gravissime per litteras cum Verre questus es? Nova tibi haec sunt? inopinata? nunc primum hoc aures tuae crimen accipiunt? nihil ex Dione, nihil ex socru tua, femina primaria, Servilia, vetere Dionis hospita, audisti? Nonne multa mei testes quae tu scis nesciunt? nonne te mihi testem in hoc crimine eripuit non istius innocentia, sed legis exceptio? Recita. TESTIMONIA LUCULLI, CHLORI, DIONIS. Satisne vobis magnam pecuniam Venerius homo, qui e Chelidonis sinu in provinciam profectus esset, Veneris nomine quaesisse videtur?

[25] Accipite aliam in minore pecunia non minus impudentem calumniam. Sosippus et Philocrates fratres sunt Agyrinenses. Horum pater abhinc duo et xx annos est mortuus; in cuius testamento, quodam loco si commissum quid esset, multa erat Veneri. Ipso vicesimo anno, cum tot interea praetores, tot quaestores, tot calumnia totes in provincia fuissent, hereditas ab his Veneris nomine petita est. Causam Verres cognoscit, pecuniam per Volcatium accipit, fere ad HS cccc milia, a duobus fratribus. Multorum testimonia audistis antea. Vicerunt Agyrinenses fratres ita ut egentes inanesque discederent.

[26] At enim ad Verrem pecunia ista non pervenit. Quae ista defensio est? utrum adseveratur in hoc an temptatur? mihi enim res nova est. Verres calumniatores adponebat, Verres adesse iubebat, Verres cognoscebat, Verres iudicabat; pecuniae maximae dabantur; qui dabant causas obtinebant. Tu mihi ita defendas, “Non est ista Verri numerata pecunia”? Adiuvo te; mei quoque testes idem dicunt; Volcatio dicunt sese dedisse. Quae vis erat in Volcatio tanta ut HS cccc milia duobus hominibus auferret? Ecquis Volcatio, si sua sponte venisset, unam libellam dedisset? Veniat nunc, experiatur: tecto recipiet nemo. At ego amplius dico: HS quadringentiens cepisse te

arguo contra leges; nego tibi ipsi ullum nummum esse numeratum; sed cum ob tua decreta, ob edicta, ob imperia, ob iudicia pecuniae dabantur, non erat quaerendum cuius manu numerarentur, sed cuius iniuria cogerentur.

[27] Comites illi tui delecti manus erant tuae; praefecti, scribae, accensi, medici, haruspices, praecones manus erant tuae; ut quisque te maxime cognatione adfinitate necessitudine aliqua attingebat, ita maxime manus tua putabatur; cohors tota illa, quae plus mali Siciliae dedit quam si centum cohortes fugitivorum fuis sent, tua manus sine controversia fuit. Quicquid ab horum quopiam captum est, id non modo tibi datum, sed tua manu numeratum iudicari necesse est. Nam si hanc defensionem probabitis, "Non accepit ipse", licet omnia de pecuniis repetundis iudicia tollatis. Nemo umquam reus tam nocens adducetur qui ista defensione non possit uti; etenim cum Verres utatur, quis erit umquam posthac reus tam perditus qui non ad Q. Muci innocentiam referatur, si cum isto conferatur? Neque nunc tam isti mihi Verrem defendere videntur quam in Verre defensionis temptare rationem.

[28] Qua de re, iudices, magnopere vobis providendum est: pertinet hoc ad summam rem publicam et ad existimationem ordinis nostri salutemque sociorum. Si enim innocentes existimari volumus, non solum nos, sed etiam nostros comites praestare debemus. Primum omnium opera danda est ut eos nobiscum educamus qui nostrae famae capitique consulant; deinde, si in hominibus eligendis nos spes amicitiae fefellerit, ut vindicemus, mis sos faciamus, semper ita vivamus ut rationem reddendam nobis arbitremur. Africani est hoc, hominis liberalissimi — verum tamen ea liberalitas est probanda quae sine pe riculo existimationis est, ut in illo fuit:

[29] cum ab eo quidam vetus adsectator et ex numero amicorum non im petraret uti se praefectum in Africam duceret, et id ferret moleste, "Noli", inquit, "mirari si tu hoc a me non impetras. Ego iam pridem ab eo cui meam existimationem caram fore arbitror peto ut mecum praefectus proficiscatur, et adhuc impetrare non possum." Etenim re vera multo magis est petendum ab hominibus, si salvi et honesti esse volumus, ut eant nobiscum in provinciam, quam in benefici loco deferendum. Sed tu cum et tuos amicos in provinciam quasi in praedam invitabas et cum iis ac per eos praedabare et eos in

contione anulis aureis donabas, non statuebas tibi non solum de tuis, sed etiam de illorum factis rationem esse reddendam?

[30] Cum hos sibi quaestus constituisset magnos atque uberes ex his causis quas ipse instituerat cum consilio, hoc est cum sua cohorte, cognoscere, tum illud infinitum genus invenerat ad innumerabilem pecuniam corripiendam. Dubium nemini est quin omnes omnium pecuniae positae sint in corum potestate qui iudicia dant, et eorum qui iudicant, quin nemo vestrum possit aedis suas, nemo fundum, nemo bona patria obtinere, si, cum haec a quopiam vestrum petita sint, praetor improbus, cui nemo intercedere possit, det quem velit iudicem, iudex nequam et levis quod praetor iusserit iudicet.

[31] Si vero illud quoque accedit, ut praetor in ea verba iudicium det ut vel L. Octavius Balbus iudex, homo et iuris et offici peritissimus, non possit aliter iudicare — si iudicium sit eius modi: L. OCTAVIUS IUDEX ESTO. SI PARET FUNDUM CAPENATEM, QUO DE AGITUR, EX IURE QUIRITIUM P. SERVILI ESSE, NEQUE IS FUNDUS Q. CATUL0] RESTITUETUR, non necesse erit L. Octavio iudici cogere, P. Servilium Q Catulo fundum restituere, aut condemnare eum quem non oporteat? Eius modi totum ius praetorium, omnis res iudiciaria fuit in Sicilia per triennium Verre praetore. Decreta eius modi, SI NON ACCIPIT QUOD TE DEBERE DICIS, ACCUSES; SI PETIT, DUCAS: C. Fuficium duci iussit petitorem, L. Suettium, L. Racilium. Iudicia eius modi: qui cives Romani erant iudicabant si Siculi essent, cum Siculos eorum legibus dari oporteret, qui Siculi, si cives Romani essent.

[32] Verum ut totum genus amplectamini iudiciorum, prius iura Siculorum, deinde istius instituta cognoscite. Siculi hoc iure sunt ut, quod civis cum cive agat, domi certet suis legibus, quod Siculus cum Siculo non eiusdem civitatis, ut de eo practor iudices ex P. Rupili decreto, quod is de decem legatorum sententia statuit, quam illi legem Rupiliam vocant, sortiatur. Quod privatus a populo petit aut populus a privato, senatus ex aliqua civirate qui iudicet datur, cum alternae civitates reiectae sunt; quod civis Romanus a Siculo petit, Siculus iudex, quod Siculus a civi Romano, civis Romanus datur; ceterarum rerum selecti iudices ex conventu civium Romanorum proponi solent. Inter aratores et decumanos lege frumentaria, quam

Hieronicam appellant, iudicia fiunt.

[33] Haec omnia isto praetore non modo perturbata, sed plane et Siculis et civibus Romanis erepta sunt. Primum suae leges: quod civis cum civi ageret, aut eum iudicem quem commodum erat — praeconem, haruspicem, medicum suum — dabat, aut si legibus erat iudicium constitutum et ad civem suum iudicem venerant, libere civi iudicare non licebat. Edictum enim hominis cognoscite, quo edicto omnia iudicia redegerat in suam potestatem, SI QUI PERPERAM IUDICASSET, SE COGNITURUM; CUM COGNOSSET, ANIMADVERSUM. ldque cum faciebat, nemo dubitabat quin, cum iudex alium de suo iudicio putaret iudicaturum seque in eo capitis periculum aditurum, voluntatem spectaret eius quem statim de capite suo putaret iudicaturum.

[34] Selecti ex conventu aut propositi ex negotiatoribus iudices nulli: haec copia, quam dico, iudicum cohors non Q. Scaevolae, qui tamen de cohorte sua dare non solebat, sed C. Verris. Cuius modi cohortem putatis hoc principe fuisse? Sicubi videtis edictum, SI QUI PERPERAM IUDICARIT SENATUS, eum quoque ostendam, si quando sit datus, coactu istius quod non senserit iudicasse. Ex lege Rupilia sortitio nulla, nisi cum nihil intererat istius; lege Hieronica iudicia plurimarum controversiarum sublata uno nomine omnia; de conventu ac negotiatoribus nulli iudices. Quantam potestatem habuerit videtis, quas res gesserit cognoscite.

[35] Heraclius est Hieronis filius Syracusanus, homo in primis domi suae nobilis et ante hunc praetorem vel pecuniosissimus Syracusanorum, nunc nulla alia calamitate nisi istius avaritia atque iniuria pauperrimus. Huic hereditas ad HS facile triciens venit testamento propinqui sui Heraclii, plena domus caelati argenti optimi multaeque stragulae vestis pretiosorumque mancipiorum; quibus in rebus istius cupiditates et insanias quis ignorat? Etat in sermone res, magnam Heraclio pecuniam relictam; non solum Heraclium divitem, sed etiam ornatum supellectile, argento, veste, mancipiis futurum.

[36] Audit haec etiam Verres, et primo illo suo leniore artificio Heraclium adgredi conatur, ut eum roget inspicienda, quae non reddat. Deinde a quibusdam Syracusanis admonetur — hi autem quidam erant adfines istius, quorum iste uxores numquam alienas existimavit, Cleomenes et Aeschrio, qui quantum apud istum et

quam turpi de causa potuerint ex reliquis criminibus intellegetis: hi, ut dico, hominem admonent rem esse praeclaram, domum refertam omnibus rebus, ipsum autem Heraclium hominem esse maiorem natu, non promptissimum; eum praeter Marcellos patronum, quem suo iure adire aut appellare posset, habere neminem; esse in eo testamento quo ille heres esset scriptus, ut statuas in palaestra deberet ponere. “Faciemus ut palaestritae negent ex testamento esse positas, petant hereditatem, quod eam palaestrae commissam esse dicant.”

[37] Placuit ratio Verri; nam hoc animo providebat, cum tanta hereditas in controversiam venisset iudicioque peteretur, fieri non posse ut sine praeda ipse discederet. Adprobat consilium; auctor est ut quam primum agere incipiant, hominemque id aetatis minime litigiosum quam tumultuosissime adoriantur. Scribitur Heraclio dica. Primo mirantur omnes improbitatem calumniae; deinde qui istum nossent partim suspicabantur, partim plane videbant adiectum esse oculum hereditati. Interea dies advenit quo die sese ex instituto ac lege Rupilia dicas sortiturum Syracusis iste edixerat. Paratus ad hanc dicam sortiendam venerat. Tum eum docet Heraclius non posse eo die sortiri, quod lex Rupilia vetaret diebus xxx sortiri dicam quibus scripta esset. Dies xxx nondum fuerant. Sperabat Heraclius, si illum diem effugisset, ante alteram sortitionem Q Arrium, quem provincia tum maxime exspectabat, successurum.

[38] Iste omnibus dicis diem distulit, et eam diem constituit ut hanc Heraclii dicam sortiri post dies triginta ex lege posset. Posteaquam ea dies venit, iste incipit simulare se velle sortiri. Heraclius cum advocatis adit et postulat ut sibi cum palaestritis, hoc est cum populo Syracusano, aequo iure disceptare liceat. Adversarii postulant ut in eam rem iudices dentur, ex iis civitatibus quae in id forum convenirent electi, qui Verri viderentur: Heraclius contra, ut iudices ex lege Rupilia dentur, ut ab institutis superiorum, ab auctoritate senatus, ab iure omnium Siculorum ne recedatur.

[39] Quid ego istius in iure dicundo libidinem et scelera demonstrem? quis vestrum non in urbana iuris dictione cognovit? quis umquam isto praetore Chelidone invita lege agere potuit? Non istum, ut non neminem, provincia corrupit; idem fuit qui Romae. Cum id quod omnes intellegebant diceret Heraclius, ius esse certum Siculis inter se quo iure certarent, legem esse Rupiliam quam P.

Rupilius consul de decem legatorum sententia dedisset, hanc omnis semper in Sicilia consules praetoresque servasse, negavit se e lege Rupilia sortiturum: quinque iudices, quos commodum ipsi fuit, dedit.

[40] Quid hoc homine facias? quod supplicium dignum libidine eius invenias? Praescriptum tibi cum esset, homo deterrime et impudentissime, quem ad modum iudices inter Siculos dares, cum imperatoris populi Romani auctoritas, legatorum decem, summorum hominum, dignitas, senatus consultum intercederet, quo senatus consulto P. Rupilius de decem legatorum sententia leges in Sicilia constituerat, cum omnes ante te praetorem Rupilias leges et in ceteris rebus et in iudiciis maxime servassent, tu ausus es pro nihilo prae tua praeda tot res sanctissimas ducere? tibi nulla lex fuit, nulla religio, nullus existimationis pudor, nullus iudici metus? nullius apud te gravis auctoritas, nullum exemplum quod sequi velles?

[41] Verum, ut institui dicere, quinque iudicibus nulla lege, nullo instituto, nulla reiectione, nulla sorte ex libidine istius datis, non qui causam cognoscerent, sed qui quod imperatum esset iudicarent, eo die nihil actum est; adesse iubentur postridie. Heraclius interea, cum omnis insidias fortunis suis a praetore fleri videret, capit consilium de amicorum et propinquorum sententia non adesse ad iudicium; itaque illa nocte Syracusis profugit. Iste postridie mane, cum multo maturius quam umquam antea surrexisset, iudices citari iubet. Ubi comperit Heraclium non adesse, cogere incipit eos ut absentem Heraclium condemnent. Illi eum commonefaciunt ut, si sibi videatur, utatur instituto suo nec cogat ante horam decimam de absente secundum praesentem iudicare: impetrant.

[42] Interea sane perturbatus et ipse et eius amici et consiliarii moleste ferre coeperunt Heraclium profugisse; putabant absentis damnationem, praesertim tantae pecuniae, multo invidiosiorem fore quam si praesens damnatus esset. Eo accedebat quod iudices e lege Rupilia dati non erant; multo etiam rem turpiorem fore et iniquiorem visum iri intellegebant. Itaque hoc dum corrigere vult, apertior eius cupiditas improbitasque facta est. Nam illis quinque iudicibus uti se negat; iubet, id quod initio lege Rupilia fieri oportuerat, citari Heraclium et eos qui dicam scripserant; ait se iudices ex lege velle sortiri. Quod ab eo pridie, cum multis lacrimis cum oraret atque obsecraret, Heraclius impetrare non potuerat, id ei postridie venit in

mentem, ex lege Rupilia sortiri dicas oportere. Educit ex urna tris; bis ut absentem Heraclium condemnent imperat; itaque condemnant.

[43] Quae, malum, ista fuit amentia! Ecquando te rationem factorum tuorum redditurum putasti? ecquando his de rebus talis viros audituros existimasti? Petatur hereditas ea, quae nulla debetur, in praedam praetoris? interponatur nomen civitatis? imponatur honestae civitati turpissima persona calumniae? neque hoc solum, sed ita res agatur ut ne simulatio quidem aequitatis ulla adhibeatur? Nam, per deos immortalis, quid interest utrum praetor imperet vique cogat aliquem de suis bonis omnibus decedere, an huiusce modi iudicium det, quo iudicio indicta causa fortunis omnibus everti necesse sit?

[45] Profecto enim negare non potes te ex lege Rupilia sortiri iudices debuisse, cum praesertim Heraclius id postularet. Sin illud dicis, te Heraclii voluntate ab lege recessisse, ipse te impedies, ipse tua defensione implicabere; quare enim primum ille adesse noluit, cum ex eo numero iudices haberet quos postularat? deinde tu cur post illius fugam iudices alios sortitus es, si eos qui erant antea dati utriusque dederas voluntate? Deinde ceteras dicas omnis illo foro M. Postumius quaestor sortitus est: hanc solam tu illo conventu reperiere sortitus.

[45] Ergo, inquiet aliquis, donavit populo Syracusano illam hereditatem. Primum, si id confiteri velim, tamen istum condemnetis necesse est; neque enim permissum est ut impune nobis liceat, quod alicui eripuerimus, id alteri tradere. Verum ex ista reperietis hereditate ita istum praedarum ut perpauca occulte fecerit; populum Syracusanum in maximam invidiam sua infamia, alieno praemio pervenisse, paucos Syracusanos — eos qui nunc se publice laudationis causa venisse dicunt — et tunc participes praedae fuisse et nunc non ad istius laudationem, sed ad communem litium aestimationem venisse. Posteaquam damnatus est absens, non solum illius hereditatis de qua ambigebatur, quae erat HS triciens, sed omnium bonorum paternorum ipsius Heraclii, quae non minor erat pecunia, palaestrae Syracusanorum, hoc est Syracusanis, possessio traditur.

[46] Quae est ista praetura? Eripis hereditatem quae venerat a propinquo, venerat testamento, venerat legibus; quae bona is qui

testamentum fecerat huic Heraclio, aliquanto ante quam est mortuus, omnia utenda ac possidenda tradiderat, cuius hereditatis, cum ille aliquanto ante te praetorem esset mortuus, controversia fuerat nulla, mentionem fecerat nemo. Verum esto. Eripe hereditatem propinquis, da palaestritis, praedare in bonis alienis nomine civitatis, everte leges, testamenta, voluntates mortuorum, iura vivorum: num etiam patriis Heraclium bonis exturbare oportuit? Qui simul ac profugit, quam impudenter, quam palam, quam acerbe, di immortales, illa bona direpta sunt! quam illa res calamitosa Heraclio, quaestuosa Verri, turpis Syracusanis, miseranda omnibus videbatur! Nam illud quidem statim curatur, ut quicquid caelati argenti fuit in illis bonis ad istum deferatur, quicquid Corinthiorum vasorum, stragulae vestis: haec nemo dubitabat quin non modo ex illa domo capta et oppressa, verum ex tota provincia ad istum comportari necesse esset. Mancipia quae voluit abduxit, alia divisit; auctio facta est, in qua cohors istius invicta dominata est.

[47] Verum illud est praeclarum. Syracusani qui praefuerant his Heraclii bonis verbo redigendis, re dispertiendis, reddebant eorum negotiorum rationem in senatu; dicebant scyphorum paria complura, hydrias argenteas pretiosas, vestem stragulam multam, mancipia pretiosa data esse Verri; dicebant quantum cuique eius iussu nummorum esset datum. Gemebant Syracusani, sed tamen patiebantur. Repente recitatur uno nomine HS CCC iussu praetoris data esse. Fit maximus clamor omnium, non modo optimi cuiusque neque eorum quibus indignum semper visum erat bona privati populi nomine per summam iniuriam erepta, verum etiam ipsi illi auctores iniuriae et ex aliqua particula socii praedae ac rapinarum clamare coeperunt sibi ut haberet hereditatem. Tantus in curia clamor factus est ut populus concurreret.

[48] Res ab omni conventu cognita celeriter isti domum nuntiatur. Homo inimicus iis qui recitassent, hostis omnibus qui acclamassent, exarsit iracundia ac stomacho; verum tamen fuit tum sui dissimilis. Nostis os hominis, nostis audaciam; tamen tum rumore populi et clamore et manifesto furto grandis pecuniae perturbatus est. Ubi se collegit, vocat ad se Syracusanos; qui non posset negare ab illis pecuniam datam, non quaesivit procul alicunde (neque enim probaret), sed proximum, paene alterum filium, quem illam

pecuniam diceret abstuiisse; ostendit se reddere coacturum. Qui posteaquam id audivit, habuit et dignitatis et aetatis et nobilitatis suae rationem; verba apud senatum fecit, docuit ad se nihil pertinere; de isto, id quod omnes videbant, ne ille quidem obscure locutus est. Itaque illi Syracusani statuam postea statuerunt, et is, ut primum potuit, istum reliquit de provinciaque decessit.

[49] Et tamen aiunt eum queri solere non numquam se miserum quod non suis, sed suorum peccatis et criminibus prematur. Triennium provinciam obtinuisti; gener, lectus adulescens, unum annum tecum fuit; sodales, viri fortes, legati tui primo anno te reliquerunt; unus legatus P. Tadius qui erat reliquus non ita tecum multum fuit; qui si semper una fuisset, tamen summa cura cum tuae, tum multo etiam magis suae famae pepercisset. Quid est quod tu alios accuses? quid est quam ob rem putes te tuam culpam non modo derivare in aliquem, sed communicare cum altero posse?

[50] Numerantur illa HS CCC Syracusanis. Ea quem ad modum ad istum postea per pseudothyrum revertantur, tabulis vobis testibusque, iudices, planum faciam. Ex hac iniquitate istius et improbitate, iudices, quod praeda ex illis bonis ad multos Syracusanos invito populo senatuque Syracusano venerat, et illa scelera quae per Theomnastum et Aeschrionem et Dionysodorum et Cleomenem invitissima civitate illa facta sunt: primum ut urbs tota spoliaretur, qua de re alius mihi locus ad dicendum est constitutus; ut omnia signa iste per eos homines quos nominavi, omne ebur ex aedibus sacris, omnis undique tabulas pictas, deorum denique simulacra quae vellet auferret; deinde ut in curia Syracusis, quem locum illi Çbouleuterion' nomine appellant, honestissimo loco et apud illos clarissimo, ubi illius ipsius M. Marcelli — qui eum Syracusanis locum, quem eripere belli ac victoriae lege posset, conservavit et reddidit — statua ex aere facta est, ibi inauratam istius et alteram filio statuam ponerent, ut dum istius hominis memoria maneret senatus Syracusanus sine lacrimis et gemitu in curia esse non posset.

[51] Per eosdem istius furtorum iniuriarum uxorumque socios istius imperio Syracusis Marcellia tolluntur maximo gemitu luctuque civitatis, quem illi diem festum cum recentibus beneficiis C. Marcelli debitum reddebant, tum generi nomini familiae Marcellorum maxima voluntate tribuebant. Mithridates in Asia, cum eam provinciam totam

occupasset, Mucia non sustulit. Hostis, et hostis in ceteris rebus nimis ferus et immanis, tamen honorem hominis deorum religione consecratum violare noluit: tu Syracusanos unum diem festum Marcellis impertire noluisti, per quos illi adepti sunt ut ceteros dies festos agitare possent?

[52] At vero praeclarum diem illis reposuisti Verria ut agerent, et ut ad eum diem quae sacris epulisque opus essent in compluris annos locarentur! iam in tanta istius impudentia remittendum aliquid videtur, ne omnia contendamus, ne omnia cum dolore agere videamur. Nam me dies vox latera deficiant, si hoc nunc vociferari velim, quam miserum indignumque sit istius nomine apud eos diem festum esse qui se istius opera funditus exstinctos esse arbitrentur. Verria praeclara! quo accessisti, quaeso, quo non attuleris tecum istum diem? Etenim quam tu domum, quam urbem adisti, quod fanum denique, quod non eversum atque extersum reliqueris? Quare appellentur sane ista Verria, quae non ex nomine sed ex manibus naturaque tua constituta esse videantur.

[53] Quam facile serpat iniuria et peccandi consuetudo, quam non facile reprimatur, videte, iudices. Bidis oppidum est tenue sane, non longe a Syracusis. Hic longe primus civitatis est Epicrates quidam. Huic hereditas HS quingentorum milium venerat a muliere quadam propinqua, atque ita propinqua ut, ea etiamsi intestata esset mortua, Epicratem Bidinorum legibus heredem esse oporteret. Recens erant illa res quam ante demonstravi, de Heraclio Syracusano, qui bona non perdidisset nisi ei venisset hereditas. Huic quoque Epicrati venerat, ut dixi, hereditas.

[54] Cogitare coeperunt eius inimici nihilo minus eodem praetore hunc everti bonis posse quo Heraclius esset eversus. Rem occulte instituunt; ad Verrem per eius interpretes deferunt. Ita causa componitur ut item palaestritae Bidini peterent ab Epicrate hereditatem, quem ad modum palaestritae Syracusani ab Heraclio petivissent. Numquam vos praetorem tam palaestricum vidistis; verum ita palaestritas defendebat ut ab illis ipse unctior abiret. Qui statim, quo quid praesens esset, iubet cuidam amicorum suorum numerari HS lxxx.

[55] Res occultari satis non potuit; per quendam eorum qui interfuerant fit Epicrates certior. Primo contemnere et neglegere

coepit, quod causa prorsus quod disputari posset nihil habebat. Deinde cum de Heraclio cogitaret et istius libidinem nosset, commodissimum putavit esse de provincia clam abire; itaque fecit; profectus est Regium. Quod ubi auditum est, aestuare illi qui pecuniam dederant, putare nihil agi posse absente Epicrate; nam Heraclius tamen adfuerat, cum primo sunt dati iudices; de hoc qui, antequam aditum in ius esset, antequam mentio denique controversiae facta esset ulla, discessisset, putabant nihil agi posse. Homines Regium proficiscuntur; Epicratem conveniunt; demonstrant, id quod ille sciebat, se HS lxxx dedisse; rogant eum ut sibi id quod ab ipsis abisset pecuniae curet, ab sese caveat quem ad modum velit, de illa hereditate cum Epicrate neminem esse acturum.

[56] Epicrates homines multis verbis ab se male acceptos dimittit; redeunt illi Regio Syracusas, queri cum multis, ut fit, incipiunt se HS lxxx nummum frustra dedisse. Res percrebruit et in ore atque sermone omnium coepit esse. Verres refert illam suam Syrcusanam; ait se velle de illis HS lxxx cognoscere; advocat multos. Dicunt Bidini Volcatio se dedisse; illud non addunt, “iussu istius”. Volcatium vocat, pecuniam referri imperat. Volcatius animo aequissimo nummos adfert, qui nihil amitteret, reddit inspectantibus multis: Bidini nummos auferunt.

[57] Dicet aliquis, “Quid ergo in hoc Verrem reprehendis, qui non modo ipse fur non est, sed ne alium quidem passus est esse?” Attendite; iam intellegetis hanc pecuniam, quae via modo visa est exire ab isto, eodem semita reverrisse. Quid enim debuit praetor facere, cum consilio re cognita cum comperisset suum comitem iuris decreti iudici corrumpendi causa — qua in re ipsius practoris caput existimatioque ageretur — pecuniam accepisse, Bidinos autem pecuniam contra praetoris famam ac fortunas dedisse? non et in eum qui accepisset animadvertisset et in eos qui dedissent? Tu, qui institueras in eos animadvertere qui perperam iudicassent — quod saepe per imprudentiam fit — , hos pateris impune discedere qui ob tuum decretum, ob tuum iudicium pecuniam aut dandam aut accipiendam putarant?

[58] Volcatius idem apud te postea fuit, eques Romanus, tanta accepta ignominia; nam quid est turpius ingenuo, quid minus libero dignum quam in conventu maximo cogi a magistratu furtum reddere?

qui si eo animo esset quo non modo eques Romanus, sed quivis liber debet esse, aspicere te postea non potuisset; inimicus, hostis esset tanta contumelia accepta, nisi tecum tum conlusisset et tuae potius existimationi servisset quam suae. Qui quam tibi amicus non modo tum fuerit quam diu tecum in provincia fuit, verum etiam nunc sit cum iam a ceteris amicis relictus es, et tu intellegis et nos existimare possumus. An hoc soium argumentum est nihil isto imprudente factum, quod Volcatius ei non succensuit? quod iste neque in Volcatium neque in Bidinos animadvertit?

[59] Est magnum argumentum, verum illud maximum, quod illis ipsis Bidinis, quibus iste iratus esse debuit, a quibus comperit, quod iure agere cum Epicrate nihil possent, etiamsi adesset, idcirco suum decretum pecunia esse temptatum: iis, inquam, ipsis non modo illam hereditatem quae Epicrati venerat, sed, ut in Heraclio Syracusano, item in hoc — paulo etiam atrocius, quod Epicrates appellatus omnino non erat — bona patria fortunasque eius Bidinis tradidit. Ostendit enim novo modo, si quis quid de absente peteret, se auditurum. Adeunt Bidini, petunt hereditatem; procuratores postulant ut se ad leges suas reiciat aut ex lege Rupilia dicam scribi iubeat. Adversarii non audebant contra dicere: exitus nullus reperiebatur. Insimulant hominem fraudandi causa discessisse; postulant ut bona possidere iubeat.

[60] Debebat Epicrates nummum nullum nemini; amici, si quis quid peteret, iudicio se passuros, iudicatum solvi satis daturos esse dicebant. Cum omnia consilia frigerent, admonitu istius insimulare coeperunt Epicratem litteras publicas corrupisse, a qua suspicione ille aberat plurimum: actionem eius rei postulant. Amici recusare ne quod iudicium neve ipsius cognitio illo absente de existimatione eius constitueretur, et simul illud idem postulare non desistebant ut se ad leges suas reiceret.

[61] Iste amplam nactus, ubi videt esse aliquid quod amici absente Epicrate nollent defendere, adseverat se eius rei in primis actionem daturum. Cum omnes perspicerent ad istum non modo illos nummos qui per simulationem ab isto exierant revertisse, sed multo etiam pluris eum postea nummos abstulisse, amici Epicratem defendere destiterunt, iste Epicratis bona Bidinos omnia possidere et sibi habere iussit. Ad illa HS D hereditaria accessit ipsius antiqua HS

quindeciens pecunia. Utrum res ab initio ita ducta est an ad extremum ita perducta, an ita parva est pecunia, an is homo Verres ut haec quae dixi gratiis facta esse videantur?

[62] Hic nunc de miseria Siculorum, iudices, audite. et Heraclius ille Syracusanus et hic Bidinus Epicrates expulsi bonis omnibus Romam venerunt; sordidati, maxima barba et capillo, Romae biennium prope fuerunt, quoad L. Metellus in provinciam profectus est. Tum isti bene commendati cum Metello una proficiscuntur. Metellus, simul ac venit Syracusas, utrumque rescidit, et de Epicrate et de Heraclio. In utriusque bonis nihil erat quod restitui posset, nisi si quid moveri loco non potuerat.

[63] Fecerat hoc egregie primo adventu Metellus, ut omnis istius iniurias, quas modo posset, rescinderet et inritas faceret. Quod Heraclium restitui iusserat ac non restituebatur, quisquis erat eductus senator Syracusanus ab Heraclio, duci iubebat; itaque permulti ducti sunt. Epicrates quidem continuo est restitutus. Alia iudicia Lilybaei, alia Agrigenti, alia Panhormi restituta sunt. Census qui isto praetore sunt habiti non servaturum se Metellus ostenderat; decumas quas iste contra legem Hieronicam vendiderat sese venditurum Hieronica lege edixerat. Omnia erant Metelli eius modi ut non tam suam praeturam gerere quam istius praeturam retexere videretur.

[64] Simul atque ego in Siciliam veni, mutatus est. Venerat ad eum illo biduo Laetilius quidam, homo non alienus a litteris; itaque eo iste tabellario semper usus est. Is epistulas compluris attulerat, in his unam domo quae totum mutarat hominem. Repente coepit dicere se omnia Verris causa velle; sibi cum eo amicitiam cognationemque esse. Mirabantur omnes hoc ei tum denique in mentem venisse, posteaquam tam multis eum factis decretisque iugulasset. Erant qui putarent Laetilium legatum a Verre venisse, qui gratiam amicitiam cognationemque commemoraret. Ex illo tempore a civitatibus laudationes petere, testis non solum deterrere verbis, sed etiam vi retinere coepit. Quod nisi ego meo adventu illius conatus aliquantum repressissem, et apud Siculos non Metelli, sed Glabrionis litteris ac lege pugnassem, tam multos testis huc evocare non potuissem.

[65] Verum, quod institui dicere, miserias cognoscite Siculorum. Heraclius ille et Epicrates longe mihi obviam cum suis omnibus processerunt, venienti Syracusas egerunt gratias flentes, Romam

mecum decedere cupiverunt. Quod erant oppida mihi complura etiam reliqua quae adire vellem, constitui cum hominibus quo die mihi Messanae praesto essent. Eo mihi nuntium miserunt se a praetore retineri. Quibus ego testimonium denuntiavi, quorum edidi nomina Metello, cupidissimi veniendi, maximis iniuriis adfecti, adhuc non venerunt. Hoc iure sunt socii ut iis ne deplorare quidem de suis incommodis liceat.

[66] Iam Heraclii Centuripini, optimi nobilissimique adulescentis, testimonium audistis; a quo HS C per calumniam malitiamque petita sunt. Iste poenis compromissisque interpositis HS cccc extorquenda curavit, quodque iudicium secundum Heraclium de compromisso factum erat, cum civis Centuripinus inter duos civis diiudicasset, id inritum iussit esse eumque iudicem falsum iudicasse iudicavit; in senatu esse, locis commodisque publicis uti vetuit; si quis eum pulsasset, edixit sese iudicium iniuriarum non daturum; quicquid ab eo peteretur, iudicem de sua cohorte daturum, ipsi autem nullius actionem rei se daturum.

[67] Quae istius auctoritas tantum valuit ut neque illum pulsaret quisquam, cum praetor in provincia sua verbo permitteret, re hortaretur, neque quisquam ab eo quicquam peteret, cum iste calumniae licentiam sua auctoritate ostendisset; ignominia autem illa gravis tam diu in illo homine fuit, quam diu iste in provincia mansit. Hoc iniecto metu iudicibus novo more, nullo exemplo, ecquam rem putatis esse in Sicilia nisi ad nutum istius iudicatam? Utrum id solum videtur esse actum, quod est tamen actum, ut haec Heraclio pecunia eriperetur, an etiam illud, in quo praeda erat maxima, ut nomine iudiciorum omnium bona atque fortunae in istius unius essent potestatem?

[68] Iam vero in rerum capitalium quaestionibus quid ego unam quamque rem colligam et causam? Ex multis similibus ea sumam quae maxime improbitate excellere videbuntur. Sopater quidam fuit Halicyensis, homo domi suae cum primis locuples atque honestus; is ab inimicis suis apud C. Sacerdotem praetorem rei capitalis cum accusatus esset, facile eo iudicio est liberatus. Huic eidem Sopatro idem inimici ad C. Verrem, cum is Sacerdoti successisset, eiusdem rei nomen detulerunt. Res Sopatro facilis videbatur, et quod erat innocens et quod Sacerdotis iudicium improbare istum ausurum non

arbitrabatur. Citatur reus; causa agitur Syracusis; crimina tractantur ab accusatore ea quae erant antea non solum defensione, verum etiam iudicio dissoluta.

[69] Causam Sopatri defendebat Q. Minucius, eques Romanus in primis splendidus atque honestus, vobisque, iudices, non ignotus. Nihil erat in causa quod metuendum aut omnino quod dubitandum videretur. Interea istius libertus et accensus Timarchides, qui est, id quod ex plurimis testibus priore actione didicistis, rerum huiusce modi omnium transactor et administer, ad Sopatrum venit; monet hominem ne nimis iudicio Sacerdotis et causae suae confidat; accusatores inimicosque eius habere in animo pecuniam praetori dare; praetotem tamen ob salutem malle acc,ipere, et simul malle, si fieri posset, rem iudicatam non rescindere. Sopater, cum hoc illi improvisum atque inopinatum accidisset, commotus est sane neque in praesentia Timarchidi quid responderet habuit, nisi se consideraturum quid sibi esset faciendum, et simul ostendit se in summa difficultate esse nummaria. Post ad amicos rettulit; qui cum ei fuissent auctores redimendae salutis, ad Timarchidem venit. Eitis suis difficultatibus hominem ad HS Lxxx perducit, eamque ei pecuniam numerat.

[70] Posteaquam ad causam dicendam ventum est, tum vero sine metu sine cura omnes erant qui Sopatrum defendebant. Crimen nullum erat, res erat iudicata, Verres nummos acceperat: quis posset dubitare quidnam esset futurum? Res illo die non peroratur, iudicium dimittitur. Iterum ad Sopatrum Timarchides venit, ait accusatores eius multo maiorem pecuniam praetori polliceri quam quantam hic dedisset; proinde, si saperet, videret, quid sibi esset faciendum. Homo, quamquam erat et Siculus et reus, hoc est et iure iniquo et tempore adverso, ferre tamen atque audire diutius Timarchidem non potuit. “ Facite”, inquit, “quod libet; daturus non sum amplius.” Idemque hoc amicis eius et defensoribus videbatur, atque eo etiam magis quod iste, quoquo modo se in ea quaestione praebebat, tamen in consilio habebat homines honestos e conventu Syracusano, qui Sacerdoti quoque in consilio fuerant tum cum est idem hic Sopater absolutus. Hoc rationis habebant, facere eos nullo modo posse ut eodem crimine eisdem testibus Sopatrum condemnarent idem homines qui antea absolvissent. Itaque hac una spe ad iudicium venitur.

[71] Quo posteaquam est ventum, cum in consilium frequentes

convenissent idem qui solebant, et hac una spe tota defensio Sopatri niteretur, consili frequentia et dignitate, et quod erant, ut dixi, idem qui antea Sopatrum eodem illo crimine liberarant, cognoscite hominis apertam ac non modo non ratione, sed ne dissimulatione quidem tectam improbitatem et audaciam. M. Petilium, equitem Romanum, quem habebat in consilio, iubet operam dare, quod rei privatae iudex esset. Petilius recusabat, quod suos amicos, quos sibi in consilio esse vellet, ipse Verres retineret in consilio. Iste homo liberalis negat se quemquam retinere eorum qui Petilio vellent adesse. Itaque discedunt omnes; nam ceteri quoque impetrant ne retineantur; qui se velle dicebant alterutri eorum qui tum illud iudicium habebant adesse. Itaque iste solus cum sua cohorte nequissima relinquitur.

[72] Non dubitabat Minucius, qui Sopatrum defendebat, quin iste, quoniam consilium dimisisset, illo die rem illam quaesiturus non esset, cum repente iubetur dicere. Respondet, “Ad quos?” “Ad me”, inquit, “si tibi idoneus videor qui de homine Siculo ac Graeculo iudicem.”“Idoneus es”, inquit, “sed pervellem adessent ii qui adfuerant antea causamque cognorant.” “Die”, inquit; “illi adesse non possunt.” “Nam hercule”, inquit Minucius, “me quoque Petilius ut sibi in consilio adessem rogavit”, et simul a subselliis abire coepit.

[73] Iste iratus hominem verbis vehementioribus prosequitur, atque ei gravius etiam minari coepit quod in se tantum crimen invidiamque conflaret. Minucius, qui Syracusis sic negotiaretur ut sui iuris dignitatisque meminisset, et qui sciret se ita in provincia rem augere oportere ut ne quid de libertate deperderet, homini quae visa sunt, et quae tempus illud tulit et causa, respondit, causam sese dimisso atque ablegato consilio defensurum negavit. Itaque a subselliis discessit, idemque hoc praeter Siculos ceteri Sopatri amici advocatique fecerunt.

[74] Iste quamquam est incredibili importunitate et audacia, tamen subito solus destitutus pertimuit et conturbatus est; quid ageret, quo se verteret nesciebat. Si dimisisset eo tempore quaestionem, post, illis adhibitis in consilium quos ablegarat, absolutum iri Sopatrum videbat; sin autem hominem miserum atque innocentem ita condemnasset, cum ipse praetor sine consilio, reus autem sine patrono atque advocatis fuisset, iudiciumque C. Sacerdotis

rescidisset, invidiam se sustinere tantam non posse arbitrabatur. Itaque aestuabat dubitatione, versabat se utramque in partem non solum mente, verum etiam corpore, ut omnes qui aderant intellegere possent in animo eius metum cum cupiditate pugnare. Erat hominum conventus maximus, summum silentium, summa exspectatio quonam esset eius cupiditas eruptura; crebro se accensus demittebat ad aurem Timarchides.

[75] Tum iste aliquando "Age dic!" inquit. Reus orare atque obsecrare ut cum consilio cognosceret. Tum repente iste testis citari iubet; dicit unus et alter breviter; nihil interrogatur; praeco dixisse pronuntiat. Iste, quasi metueret ne Petilius privato illo iudicio transacto aut prolato cum ceteris in consilium reverteretur, ita properans de sella exsilit, hominem innocentem a C. Sacerdote absolutum indicta causa de sententia scribae medici haruspicisque condemnat.

[76] Retinete, retinete hominem in civitate, iudices, parcite et conservate, ut sit qui vobiscum res iudicet, qui in senatu sine ulla cupiditate de bello et pace sententiam ferat. Tametsi minus id quidem nobis, minus populo Romano laborandum est, qualis istius in senatu sententia futura sit. Quae enim eius auctoritas erit? quando iste sententiam dicere audebit aut poterit? quando autem homo tantae luxuriae atque desidiae nisi Februario mense aspirabit in curiam? Verum veniat sane, decernat bellum Cretensibus, liberet Byzantinos, regem appellet Ptolomaeum, quae vult Hortensius omnia dicat et sentiat; minus haec ad nos, minus ad vitae nostrae discrimen, minus ad fortunarum nostrarum periculum pertinent.

[77] Illud est capitale, illud formidolosum, illud optimo cuique metuendum, quod iste, ex hoc iudicio si aliqua vi se eripuerit, in iudicibus sit necesse est, sententiam de capite civis Romani ferat, sit in eius exercitu signifer qui imperium iudiciorum tenere vult. Hoc populos Romanus recusat, hoc ferre non potest; clamat permittitque vobis ut, si istis hominibus delectemini, si ex eo genere splendorem ordini atque ornamentum curiae constituere velitis, habeatis sane istum vobiscum senatorem, etiam de vobis iudicem, si vultis, habeatis; de se homines, si qui extra istum ordinem sunt, quibus ne reiciendi quidem amplius quam trium iudicum praeclarae leges Corneliae faciunt potestatem, hunc hominem tam crudelem, tam

sceleratum, tam nefarium nolunt iudicare.

[78] Etenim si illud est flagitiosum, quod mihi omnium rerum turpissimum maximeque nefarium videtur, ob rem iudicandam pecuniam accipere, pretio habere addictam fidem et religionem, quanto illud flagitiosius improbius indignius, eum a quo pecuniam ob absolvendum acceperis condemnare, ut ne praedonum quidem praetor in fide retinenda consuetudinem conservet! Scelus est accipere ab reo: quanto magis ab accusatore, quanto etiam sceleratius ab utroque! Fidem cum proposuisses venalem in provincia, valuit apud te plus is qui pecuniam maiorem dedit. Concedo; forsitan aliquis aliquando eius modi quidpiam fecerit. Cum vero fidem ac religionem tuam iam alteri addictam pecunia accepta habueris, postea eandem adversario tradideris maiore pecunia, utrumque falles, et trades cui voles, et ei quem fefelleris ne pecuniam quidem reddes?

[79] Quem mihi tu Bulbum, quem Staienum? quod umquam huiusce modi monstrum aut prodigium audivimus aut vidimus, qui cum reo transigat, post cum accusatore decidat, honestos homines, qui causam norint, ableget a consilioque dimittat, ipse solus reum absolutum, a quo pecuniam acceperit, condemnet pecuniamque non reddat? Hunc hominem in iudicum numero habebimus? hic alteram decuriam senatoriam iudex obtinebit? hic de capite libero iudicabit? huic iudicialis tabella committetur? quam iste non modo cera, verum etiam sanguine, si visum erit, notabit.

[80] Quid enim horum se negat fecisse? illud videlicet unum, quod necesse est, pecuniam accepisse. Quidni iste neget? At eques Romanus, qui Sopatrum defendit, qui omnibus eius consiliis rebusque interfuit, Q. Minucius, iuratus dicit pecuniam datam, iuratus dicit Timarchidem dixisse maiorem pecuniam ab accusatoribus dari; dicent hoc multi Siculi, dicent omnes Halicyenses, dicet etiam praetextatus Sopatri filius, qui ab isto homine crudelissimo patre innocentissimo pecuniaque patria privatus est.

[81] Verum si de pecunia testibus planum facere non possem, illud negare posses aut nunc negabis, te consilio tuo dimisso, viris primariis qui in consilio C. Sacerdoti fuerant tibique esse solebant remotis, de re iudicata iudicavisse? teque eum quem C. Sacerdos adhibito consilio causa cognita absolvisset, eundem remoto consilio

causa incognita condemnasse? Cum haec confessus eris, quae in foro palam Syracusis in ore atque in oculis provinciae gesta sunt, negato tum sane, si voles, te pecuniam accepisse: reperies, credo, aliquem qui, cum haec quae palam gesta sunt videat, quaerat quid tu occulte egeris, aut qui dubitet utrum malit meis testibus an tuis defensoribus credere.

[82] Dixi iam ante me non omnia istius quae in hoc genere essent enumeraturum, sed electurum ea quae maxime excellerent. Accipite nunc aliud eius facinus nobile et multis locis saepe commemoratum, et eius modi ut in uno omnia maleficia inesse videantur. Attendite diligenter; invenietis enim id facinus natum a cupiditate, auctum per stuprum, crudelitate perfectum atque conclusum.

[83] Sthenius est, hic qui nobis adsidet, Thermitanus, antea multis propter summam virtutem summamque nobilitatem, nunc propter suam calamitatem atque istius insignem iniuriam omnibus notus. Huius hospitio Verres cum esset usus, et cum apud eum non solum Thermis saepenumero fuisset, sed etiam habitasset, omnia domo eius abstulit quae paulo magis animum cuiuspiam aut oculos possent commovere. Etenim Sthenius ab adulescentia paulo studiosius haec compararat: supellectilem ex aere elegantiorem et Deliacam et Corinthiam, tabulas pictas, etiam argenti bene facti, prout Thermitani hominis facultates ferebant, satis. Quae cum esset in Asia adulescens studiose, ut dixi, compararat, non tam suae delectationis causa quam ad invitationes adventusque nostrorum hominum, amicorum atque hospitum.

[84] Quae posteaquam iste omnia abstulit, alia rogando, alia poscendo, alia sumendo, ferebat Sthenius ut poterat; angebatur animi necessario quod domum eius exornatam et instructam fere iam iste reddiderat nudam atque inanem; verum tamen dolorem suum nemini impertiebat; praetoris iniurias tacite, hospitis placide ferendas arbitrabatur.

[85] Interea iste cupiditate illa sua nota atque apud omnis pervagata, cum signa quaedam pulcherrima atque antiquissima Thermis in publico posita vidisset, adamavit; a Sthenio petere coepit ut ad ea tollenda operam suam profiteretur seque adiuvaret. Sthenius vero non solum negavit, sed etiam ostendit fieri id nuilo modo posse ut signa antiquissima, monumenta P. Africani, ex oppido

Thermitanorum incolumi illa civitate imperioque populi Romani tollerentur.

[86] Etenim ut simul Africani quoque humanitatem et aequitatem cognoscatis, oppidum Himeram Carthaginienses quondam ceperant, quod fuerat in primis Siciliae clarum et ornatum. Scipio, qui hoc dignum populo Romano arbitraretur, bello confecto socios sua per nostram victoriam recuperare, Siculis omnibus Carthagine capta quae potuit restituenda curavit. Himera deleta quos civis belli calamitas reliquos fecerat, ii se Thermis conlocarant in isdem agri finibus neque longe ab oppido antiquo, hi se patrum fortunas et dignitatem recuperare arbitrabantur cum illa maiorum ornamenta in eorum oppido conlocabantur.

[87] Erant signa ex aere complura; in his eximia pulchritudine ipsa Himera in muliebrem figuram habitumque formata ex oppidi, nomine et fluminis. Erat etiam Stesichori poetae statua senilis incurva cum libro summo, ut putant, artificio facta, qui fuit Himerae, sed et est et fuit tota Graecia summo propter ingenium honore et nomine. Haec iste ad insaniam concupiverat. Etiam, quod paene praeterii, capella quaedam est, ea quidem mire, ut etiam nos qui rudes harum rerum sumus intellegere possumus, scite facta et venuste. Haec et alia Scipio non neglegenter abiecerat, ut homo intellegens Verres auferre posset, sed Thermitanis restituerat, non quo ipse hortos aut suburbanum aut locum omnino ubi ea poneret nullum haberet, sed quod, si domum abstulisset, non diu Scipionis appellarentur, sed eorum ad quoscumque illius morte venissent: nunc iis locis posita sunt ut mihi semper Scipionis fore videantur itaque dicantur.

[88] Haec cum iste posceret agereturque ea res in senatu, Sthenius vehementissime restitit multaque, ut in primis Siculorum in dicendo copiosus est, commemoravit: urbem relinquere Thermitanis esse honestius quam pati tolli ex urbe monumenta maiorum, spolia hostium, beneficia clarissimi viri, indicia societatis populi Romani atque amicitiae. Commoti animi sunt omnium; repertus est nemo quin mori diceret satius esse. Itaque hoc adhuc oppidum Verres invenit prope solum in orbe terrarum unde nihil eius modi rerum de publico per vim, nihil occulte, nihil imperio, nihil gratia, nihil pretio posset auferre. Verum hasce eius cupiditates exponam alio loco; nunc ad Sthenium revertar.

[89] Iratus iste vehementer Sthenio atque incensus hospitium ei renuntiat, domo eius emigrat atque adeo exit; nam iam ante emigrarat. Eum autem statim inimicissimi Stheni domum suam invitant, ut animum eius in Sthenium inflammarent ementiendo aliquid et criminando. Hi autem erant inimici Agathinus, homo nobilis, et Dorotheus, qui habebat in matrimonio Callidamam, Agathini eius filiam; de qua iste audierat, itaque ad generum Agathini migrare maluit. Una nox intercesserat cum iste Dorotheum sic diligebat ut diceres omnia inter eos esse communia, Agathinum ita observabat ut aliquem adfinem atque propinquum; contemnere etiam signum illud Himerae iam videbatur, quod eum multo magis figura et liniamenta hospitae delectabant.

[90] Itaque hortari homines coepit ut aliquid Sthenio periculi crearent criminisque confingerent. Dicebant se illi nihil habere quod dicerent. Tum iste iis aperte ostendit et confirmavit eos in Sthenium quidquid vellent, simul atque ad se detulissent, probaturos. Itaque illi non procrastinant, Sthenium statim educunt, aiunt ab eo litteras publicas esse corruptas. Sthenius postulat ut, cum secum sui cives agant de litteris publicis corruptis, eiusque rei legibus Thermitanorum actio sit, senatusque et populus Romanus Thermitanis, quod semper in amicitia fideque m'ansissent, urbem agros legesque suas reddidisset Publiusque Rupilius postea leges ita Siculis ex senatus consulto de x legatorum sententia dedisset ut cives inter sese legibus suis agerent, idemque hoc haberet Verres ipse in edicto: ut de his omnibus causis se ad leges reiceret.

[91] Iste homo omnium aequissimus atque a cupiditate remotissimus se cogniturum esse confirmat; paratum ad causam dicendam venire hora nona iubet. Non erat obscurum quid homo improbus ac nefarius cogitaret; neque enim ipse satis occultarat, nec mulier tacere potuetat. Intellectum est id istum agere ut, cum Sthenium sine ullo argumento ac sine teste damnasset, tum homo nefarius de homine nobili atque id aetatis suoque hospite virgis supplicium crudelissime sumeret. Quod cum esset perspicuum, de amicorum hospitumque suorum sententia Thermis Sthenius Romam profugit: hiemi fluctibusque sese committere maluit quam non istam communem Siculorum tempestatem calamitatemque vitaret.

[92] Iste homo certus et diligens ad horam nonam praesto est,

Sthenium citari iubet. Quem posteaquam videt non adesse, dolore ardere atque iracundia furere coepit, Venerios domum Stheni mittere, equis circum agros eius villasque dimittere. Itaque dum exspectat quidnam sibi certi adferatur, ante horam tertiam noctis de foro non discedit. Postridie mane descendit; Agathinum ad se vocat; iubet eum de litteris publicis in absentem Sthenium dicere. Etat eius modi causa ut ille ne sine adversario quidem apud inimicum iudicem reperire posset quid diceret;

[93] itaque tantum verbo posuit, Sacerdote praetote Sthenium litteras publicas corrupisse. Vix ille hoc dixerat cum iste pronuntiat STHENIUM LITTERAS PUBLICAS CORRUPISSE VIDERI; et hoc praeterea addit homo Venerius novo modo nullo exemplo, OB FAM REM HS D VENERI ERYCINAE DE STHENI BONIS SE EXACTURUM, bonaque eius statim coepit vendere; et vendidisset, si tantulum morae fuisset quo minus ei pecunia illa numeraretur.

[94] Ea posteaquam numerata est, contentus hac iniquita te iste non fuit; palam de sella ac tribunali pronuntiat, Si QUIS ABSENTEM STHENIUM REI CAPITALIS REUM FACERE VELLET, SESE EIUS NOMEN RECEPTURUM, et Simul ut ad causam accederet nomenque deferret, Agathinum, novum adfinem atque hospitem, coepit hortari. Tum ille clare omnibus audientibus se id non esse facturum, ne que se usque eo Sthenio esse inimicum ut eum rei capitalis adfinem esse diceret. Hic tum repente Pacilius quidam, homo egens et levis, accedit; ait, si liceret, absentis nomen deferre se velle. Iste vero et licere et fieri solere, et se recepturum; itaque defertur; edicit statim ut Kalendis Decembribus adsit Sthenius Syracusis.

[95] Hic qui Romam pervenisset, satisque feliciter anni iam adverso tempore navigasset, omniaque habuisset aequiora et placabiliora quam animum praetoris atque hospitis, rem ad amicos suos detulit, quae, ut erat acerba atque indigna, sic videbatur omnibus. Itaque in senatu continuo Cn. Lentulus et L. Gellius consules faciunt mentionem placere statui, si patribus conscriptis videretur, ne absentes homines in provinciis rei fierent rerum capitalium; causam Stheni totam et istius crudelitatem et iniquitatem senatum docent. Aderar in senatu Verres pater istius, et flens unum quemque senatorum rogabat ut filio suo parceret; neque tamen

multum proficiebat; erat enim summa voluntas senatus. Itaque sententiae dicebantur: CUM STHENIUS ABSENS REUS FACTUS ESSET, DE ABSENTE IUDICIUM NULLUM FIERI PLACERE, ET, SI QUOD ESSET FACTUM, ID RATUM ESSE NON PLACERE

[96] Eo die transigi nihil potuit, quod et id temporis erat et ille pater istius invenerat homines qui dicendo tempus consumerent. Postea senex Verres defensores atque hospites omnis Stheni convenit, rogat eos atque orat ne oppugnent filium suum, de Sthenio ne laborent; confirmat iis curaturum se esse ne quid ei per filium suum noceretur; se homines certos eius rei causa in Siciliam et terra et mari esse missurum. Et erat spatium dierum fere xxx ante Kalendas Decembris, quo die iste ut Syracusis Sthenius adesset edixerat.

[97] Commoventur amici Stheni; sperant fore ut patris litteris nuntiisque filius ab illo furore revocetur. In senatu postea causa non agitur. Veniunt ad istum domestici nuntii litterasque a patre adferunt ante Kalendas Decembris, cum isti etiam tum de Sthenio in integro tota res esset, eodemque ei tempore de eadem re litterae complures a multis eius amicis ac necessariis adferuntur. Hic iste, qui prae cupiditate neque offici sui neque periculi neque pietatis neque humanitatis rationem habuisset umquam, neque in eo quod monebatur auctoritatem patris neque in eo quod rogabatur voluntatem anteponendam putavit libidini suae, mane Kalendis Decembribus, ut edixerat, Sthenium citari iubet.

[98] Si abs te istam rem parens tuus alicuius amici rogatu benignitate aut ambitione adductus petisset, gravissima tamen apud te voluntas patris esse debuisset; cum vero abs te tui capitis causa peteret hominesque certos domo misisset, hique eo tempore ad te venissent cum tibi in integro tota res esset, ne tum quidem te potuit si non pietatis, at salutis tuae ratio ad officium sanitatemque reducere? Citat reum; non respondit; citat accusatorem; (attendite, quaeso, iudices, quanto opere istius amentiae fortuna ipsa adversata sit, et simul videte qui Stheni causam casus adiuverit:) citatus accusator, M. Pacilius, nescio quo casu non respondit, non adfuit.

[99] Si praesens Sthenius reus esset factus, si manifesto in maleficio teneretur, tamen, cum accusator non adesset, Sthenium condemnari non oporteret. Etenim si posset reus absente accusatore

damnari, non ego a Vibone Veliam parvulo navigio inter fugitivorum ac praedonum ac tua tela venissem, quo tempore omnis illa mea festinatio fuit cum periculo capitis, ob eam causam ne tu ex reis eximerere si ego ad diem non adfuissem. Quid igitur tibi erat in tuo iudicio optatissimum, me cum citatus essem non adesse, cur Sthenio non putasti prodesse oportere, cum eius accusator non adfuisset? Itaque fecit ut exitus principio simillimus reperiretur: quem absentem reum fecerat, eum absente accusatore condemnat.

[100] Nuntiabatur illi primis illis temporibus, id quod pater quoque ad eum pluribus verbis scripserat, agitatam rem esse in senatu; etiam in contione tribunum plebis de causa Stheni, M. Palicanum, esse questum; postremo me ipsum apud hoc collegium tribunorum plebis, cum eorum omnium edicto non liceret Romae quemquam esse qui rei capitalis condemnatus esset, egisse causam Stheni, et, cum ita rem euissem quem ad modum nunc apud vos, docuissemque hanc damnationem duci non oportere, x tribunos plebis hoc statuisse, idque de omnium sententia pronuntiatum esse, NON VIDERI STHENIUM IMPEDIRI EDICTO QUO MINUS EI ROMAE LICERET ESSE.

[101] Cum haec ad istum adferrentur, pertimuit aliquando et commotus est; vertit stilum in tabulis suis, quo facto causam omnem evertit suam; nihil enim sibi reliqui fecit quod defendi aliqua ratione posset. Nam si ita defenderet, “Recipi nomen absentis licet; hoc fieri in provincia nulla lex vetat”, mala et improba defensione, verum aliqua tamen uti videretur; postremo illo desperatissimo perfugio uti posset, se imprudentem fecisse, existimasse id licere. Quamquam haec perditissima defensio est, tamen aliquid dici videretur. Tollit ex tabulis id quod erat, et facit coram esse delatum.

[102] Hic videte in quot se laqueos induerit, quorum ex nullo se umquam expediet. Primum ipse in Sicilia saepe et palam de loco superiore dixerat et in sermone multis demonstrarat licere nomen recipere absentis; se exemplo fecisse quod fecisset. Haec eum dictitasse priore actione ei Sex. Pompeius Chlorus dixit, de cuius virtute antea commemoravi, ei Cn. Pompeius Theodorus, homo et Cn. Pompei, clarissimi viri, iudicio plurimis maximisque in rebus probatissimus et omnium existimatione ornatissimus, et Posides Macro Soluntinus, homo summa nobilitate existimatione virtute, et

hac actione quam voletis multi dicent, et qui ex isto ipso audierunt viri primarii nostri ordinis, et alii qui interfuerunt cum absentis nomen reciperetur. Deinde Romae, cum haec acta res esset in senatu, omnes istius amici, in his etiam pater eius hoc defendebat, licere fieri; saepe esse factum; iste quod fecisset aliorum exemplo institutoque fecisse.

[104] Dicit praeterea testimonium tota Sicilia, quae in communibus postulatis civitatum omnium consulibus edidit, rogare atque orare patres conscriptos ut statuerent ne absentium nomina reciperentur. Qua de re Cn. Lentulum, patronum Siciliae, clarissimum adulescentem, dicere audistis, Siculos, cum se causam quae sibi in senatu pro his agenda esset docerent, de Stheni calamitate questos esse, propterque hanc iniuriam quae Sthenio facta esset eos statuisse ut hoc quod dico postularetur.

[104] Quae cum ita essent, tantane amentia praeditus atque audacia fuisti ut in re tam clara, tam testata, tam abs te ipso pervulgata tabulas publicas corrumpere auderes? At quem ad modum corrupisti? nonne ita ut omnibus nobis tacentibus ipsae tuae te tabulae condemnare possent? Cedo, quaeso, codicem, circumfer, ostende. Videtisne totum hoc nomen, coram ubi facit delatum, esse in litura? Quid fuit istic antea scriptum? quod mendum ista litura correxit? Quid a nobis, iudices, exspectatis argumenta huius criminis? Nihil dicimus; tabulae sunt in medio, quae se corruptas atque interlitas esse clamant.

[105] Ex istis etiam tu rebus effugere te posse confidis, cum te nos non opinione dubia, sed tuis vestigiis persequamur, quae tu in tabulis publicis expressa ac recentia reliquisti? Is mihi etiam Sthenium litteras publicas corrupisse causa incognita iudicavit, qui defendere non poterit se non in ipsius Stheni nomine litteras publicas corrupisse?

[106] Videte porro aliam amentiam; videte ut, dum expedire sese vult, induat. Cognitorem adscribit Sthenio — quem? cognatum aliquem aut propinquum? Non. Thermitanum aliquem, honestum hominem ac nobilem? Ne id quidem. At Siculum, in quo aliquis splendor dignitasque esset? Neminem. Quid igitur? Civem Romanum. Cui hoc probari potest? Cum esset Sthenius civitatis suae nobilissimus, amplissima cognatione, plurimis amicitiis, cum

praeterea tota Sicilia multum auctoritate et gratia posset, invenire neminem Siculum potuit qui pro se cognitor fieret? Hoc probabis? An ipse civem Romanum maluit? Cedo cui Siculo, cum is reus fieret, civis Romanus cognitor factus umquam sit. Omnium praetorum litteras qui ante te fuerunt profer, explica; si unum inveneris, ego hoc tibi, quem ad modum in tabulis scriptum habes, ita gestum esse concedam.

[107] At, credo, Sthenius hoc sibi amplum putavit, eligere ex civium Romanorum numero, ex amicorum atque hospitum suorum copia, quem cognitorem daret. Quem delegit? quis in tabulis scriptus est? C. Claudius C. E Palatina. Non quaero quis hic sit Claudius, quam splendidus, quam honestus, quam idoneus propter cuius auctoritatem et dignitatem Sthenius ab omnium Siculorum consuetudine discederet et civem Romanum cognitorem daret. Nihil horum quaero; fortasse enim Sthenius non spiendorem hominis, sed familiaritatem secutus est. Quid? si omnium mortalium Sthenio nemo inimicior quam hic C. Claudius cum semper tum in bis ipsis rebus et temporibus fuit, si de litteris corruptis contra venit, si contra omni ratione pugnavit, utrum potius pro Sthenio inimicum cognitorem esse factum an te ad Stheni periculum inimici eius nomine abusum esse credemus?

[108] Ac ne qui forte dubitet cuius modi hoc totum sit negotium, tametsi iamdudum omnibus istius improbitatem perspicuam esse confido, tamen paulum etiam attendite. Videtis illum subcrispo capillo, nigrum, qui eo vultu nos intuetur ut sibi ipse peracutus esse videatur, qui tabulas tenet, qui scribit, qui monet, qui proximus est. Is est Claudius, qui in Sicilia sequester istius, interpres, confector negotiorum, prope conlega Timarchidi numerabatur, nunc obtinet eum locum ut vix Apronio illi de familiaritate concedere videatur, ei qui se non Timarchidi sed ipsius Verris conlegam et socium esse dicebat.

[109] Dubitate etiam, si potestis, quin eum iste potissimum ex omni numero delegerit cui hanc cognitoris falsi improbam personam imponeret, quem et huic inimicissimum et sibi amicissimum esse arbitraretur! Hic vos dubitabitis, iudices, tantam istius audaciam, tantam crudelitatem, tantam iniuriam vindicare? dubitabitis exemplum illorum sequi qui damnato Cn. Dolabella damnationem

Philodami Opuntii resciderunt, quod is non absens reus factus esset, quae res iniquissima atque acerbissima est, sed cum ei legatio iam Romam a suis civibus esset data? Quod illi iudices multo in leviore causa statuerunt aequitatem secuti, vos id statuere in gravissima causa, praesertim aliorum auctoritate iam confirmatum, dubitabitis?

[110] At quem hominem, C. Verres, tanta tam insigni iniuria adfecisti? quem hominem absentem de litteris corruptis causa incognita condemnasti? cuius absentis nomen recepisti? quem absentem non modo sine crimine et sine teste, verum etiam sine accusatore damnasti? Quem hominem? di immortales! non dicam amicum tuum, quod apud homines clarissimum est, non hospitem, quod sanctissimum est; nihil enim minus libenter de Sthenio commemoro, nihil aliud in eo quod reprehendi possit invenio nisi quod homo frugalissimus atque integerrimus te, hominem plenum stupri flagiti sceleris, domum suam invitavit, nisi quod, qui C. Mari, Cn. Pompei, C. Marcelli, L. Sisennae, tui defensoris, ceterorum virorum fortissimorum hospes fuisset atque esset, ad eum numerum clarissimorum hominum tuum quoque nomen adscripsit.

[111] Quare de hospitio violato et de tuo isto scelere nefario nil queror; hoc dico non iis qui Sthenium norunt, hoc est nemini eorum qui in Sicilia fuerunt — nemo enim ignorat quo hic in civitate sua splendore, qua apud omnis Siculos dignitate atque existimatione sit; sed ut illi quoque qui in ea provincia non fuerunt intellegere possint in quo homine tu statueris exemplum eius modi, quod cum propter iniquitatem rei tum etiam propter hominis dignitatem acerbum omnibus atque intolerandum videretur.

[112] Estne Sthenius is qui, omnis honores domi suae facillime cum adeptus esset, amplissime ac magnificentissime gessit, qui oppidum non maximum maximis ex pecunia sua locis communibus monumentisque decoravit, cuius de meritis in rem publicam Thermitanorum Siculosque universos fuit aenea tabula fixa Thermis in curia, in qua publice erat de huius beneficiis scriptum et incisum? quae tabula tum imperio tuo revulsa, nunc a me tamen deportata est, ut omnes huius honores inter suos et amplitudinem possent cognoscere.

[113] Estne hic qui apud Cn. Pompeium, clarissimum virum, cum accusatus esset, quod propter C. Mari familiaritatem et hospitium

contra rem publicam sensisse eum inimici et accusatores eius dicerent, cumque magis invidioso crimine quam vero arcesseretur, ita a Cn. Pompeio absolutus est ut in eo ipso iudicio Pompeius hunc hospitio suo dignissimum statueret? ita porro laudatus defensusque ab omnibus Siculis ut idem Pompeius non ab homine solum, sed etiam a provincia tota se huius absolutione inire gratiam arbitraretur? Postremo estne hic qui et animum in rem publicam habuit eius modi et tantum auctoritate apud suos civis potuit ut perficeret in Sicilia solus te praetore, quod non modo Siculus nemo sed ne Sicilia quidem tota potuisset, ut ex oppido Thermis nullum signum, nullum ornamentum, nihil ex sacro, nihil de publico attingeres, cum praesertim et essent multa praeclara et tu omnia concupisses?

[114Denique nunc vide quid inter te, cuius nomine apud Siculos dies festi aguntur et praeclara illa Verria celebrantur, cui statuae Romae stant inauratae a communi Siciliae quem ad modum inscriptum videmus, datae — vide, inquam, quid inter te et hunc Siculum, qui abs te est, patrono Siciliae, condemnatus, intersit. Hunc civitates ex Sicilia permultae testimonio suo legationibusque ad eam rem missis publice laudant: te, omnium Siculorum patronum, una Mamertina civitas, socia furtorum ac flagitiorum tuorum, publice laudat — ita tamen novo more ut legati laedant, legatio laudet — ceterae quidem civitates publice litteris legationibus testimoniis accusant, queruntur, arguunt: si tu absolutus sis, se funditus eversas esse arbitrantur.

[115] Hoc de homine ac de huius bonis etiam in Eryco monte monumentum tuorum flagitiorum crudelitatisque posuisti, in quo Stheni Thermitani nomen adscriptum est. Vidi argenteum Cupidinem cum lampade. Quid tandem habuit argumenti aut rationis res quam ob rem in eo potissimum Sthenianum praemium poneretur? utrum hoc signum cupiditatis tuae an tropaeum necessitudinis atque hospiti an amoris indicium esse voluisti? Faciunt hoc homines quos in summa nequitia non solum libido et voluptas, verum etiam ipsius nequitiae fama delectet, ut multis in locis notas ac vestigia suorum flagitiorum relinqui velint.

[116] Ardebat amore illius hospitae propter quam hospiti iura violarat; hoc non solum sciri tum, verum etiam commemorari semper volebat; itaque ex illa ipsa re quam accusante Agathino gesserat

Veneri potissimum deberi praemium statuit, quae illam totam accusationem iudiciumque conflarat. Putarem te gratum in deos si hoc donum Veneri non de Stheni bonis dedisses, sed de tuis; quod facere debuisti, praesertim cum tibi illo ipso anno a Chelidone venisset hereditas.

[117] Hic ego, si hanc causam non omnium Siculorum rogatu recepissem, si hoc a me muneris non universa provincia poposcisset, si me animus atque amor in rem publicam existimatioque offensa nostri ordinis ac iudiciorum non hoc facere coegisset, atque haec una causa fuisset quod amicum atque hospitem meum Sthenium, quem ego in quaestura mea singulariter dilexissem, de quo optime existimassem, quem in provincia existimationis meae studiosissimum cupidissimumque cognossein, tam crudeliter scelerate nefarieque tractasses, tamen digna causa videretur cur inimicitias hominis improbissimi susciperem, ut hospitis salutem fortunasque defenderem.

[118] Fecerunt hoc multi apud maiores nostros, fecit etiam nuper homo clarissimus, Cn. Domitius, qui M. Silanum, consularem hominem, accusavit propter Aegritomari Transalpini hospitis iniurias. Putarem me idoneum qui exemplum sequerer humanitatis atque offici, proponeremque spem meis hospitibus ac necessariis quo tutiorem sese vitam meo praesidio victuros esse arbitrarentur; cum vero in communibus iniuriis totius provinciae Stheni quoque causa contineatur, multique uno tempore a me hospites atque amici publice privatimque defendantur, profecto vereri non debeo ne quis hoc quod facio non existimet me summi offici ratione impulsum coactumque suscepisse. Atque ut aliquando de rebus ab isto cognitis iudicatisque et de iudiciis datis dicere desistamus, et, quoniam facta istius in his generibus infinita sunt, nos modum aliquem et finem orationi nostrae criminibusque faciamus, pauca ex aliis generibus sumemus.

[119] Audistis ob ius dicendum Q. Varium dicere procuratores suos isti centum triginta milia nummum dedisse, meministis Q Vari testimonium, remque hanc totam C. Sacerdotis, hominis ornatissimi, testimonio comprobari, scitis Cn. Sertium, M. Modium, equites Romanos, sescentos praeterea civis Romanos multosque Siculos dixisse se isti pecuniam ob ius dicendum dedisse. De quo crimine quid ego disputem, cum id totum positum sit in testibus? quid porro

argumenter, qua de re dubitare nemo possit? An hoc dubitabit quisquam omnium, quin is venalem in Sicilia iuris dictionem habuerit qui Romae totum edictum atque omnia decreta vendiderit? et quin is ab Siculis ob decreta interponenda pecunias ceperit, qui M. Octavium Ligurem pecuniam ob ius dicendum poposcerit?

[120] Quod enim iste praeterea genus pecuniae cogendae praeteriit? quod non ab omnibus aliis praeteritum excogitavit? ecqua res apud civitates Siculas expetitur, in qua aut honos aliquis sit aut potestas aut procuratio, quin eam rem tu ad tuum quaestum nundinationemque hominum traduxeris? Dicta sunt priore actione et privatim et publice testimonia; legati Centuripini, Halaesini, Catinenses, Panhormitanique dixerunt, multarum praeterea civitatum, iam vero privatim plurimi. Quorum ex testimoniis cognoscere potuistis tota Sicilia per triennium neminem ulla in civitate senatorem factum esse gratiis, neminem, ut leges eorum sunt, suffragiis, neminem nisi istius imperio aut litteris; atque in bis omnibus senateribus cooptandis non modo suffragia nulla fuisse, sed ne genera quidem spectata esse ex quibus in eum ordinem cooptari liceret, neque census neque aetates neque cetera Siculorum iura valuisse;

[121] quicumque senator voluerit fieri, quamvis puer, quamvis indignus, quamvis ex eo loco ex quo non liceret, si is pretio apud istum idoneos vinceret, factum esse semper; non modo Siculorum nihil in hac re valuisse leges, sed ne ab senatu quidem populoque Romano datas. Quas enim leges sociis amicisque dat is qui habet imperium a populo Romano, auctoritatem legum dandarum ab senatu, eae debent et populi Romani et senatus existimari.

[122] Halaesini pro multis ac magnis suis maiorumque suorum in rem publicam nostram meritis atque beneficiis suo iure nuper, L. Licinio Q. Mucio consulibus, cum haberent inter se controversias de senatu cooptando, leges ab senatu nostro petiverunt. Decrevit senatus honorifico senatus consulto ut iis C. Claudius Appi filius Pulcher praetor de senatu cooptando leges conscriberet. C. Claudius, adhibitis omnibus Marcellis qui tum erant, de eorum sententia leges Halaesinis dedit, in quibus multa sanxit de aetate hominum, ne qui minor xxx annis natus, de quaestu, quem qui fecisset ne legeretur, de censu, de ceteris rebus: quae omnia ante istum praetorem et

nostrorum magistratuum auctoritate et Halaesinorum summa voluntate valuerunt. Ab isto et praeco, qui voluit, illum ordinem pretio mercatus est, et pueri annorum senum septenumque denum senatorium nomen nundinati sunt; et quod Halaesini, antiquissimi et fidelissimi socii atque amici, Romae impetrarant, ut apud se ne suffragiis quidem fieri liceret, id pretio ut fieri posset effecit.

[123] Agrigentini de senatu cooptando Scipionis leges antiquas habent, in quibus et illa eadem sancta sunt et hoc amplius: cum Agrigentinorum duo genera sint, unum veterum, alterum colonorum quos T. Manlius practor ex senatus consulto de oppidis Siculorum deduxit Agrigentum, cautum est in Scipionis legibus ne plures essent in senatu ex colonorum numero quam ex vetere Agrigentinorum. Iste, qui omnia iura pretio exaequasset omniumque rerum dilectum atque discrimen pecunia sustulisset, non modo illa quae erant aetatis ordinis quaes tusque permiscuit, sed etiam in his duobus generibus civium novorum veterumque turbavit.

[124] Nam cum esset ex vetere numero quidam senator demortuus, et cum ex utroque genere par numerus reliquus esset, veterem cooptari necesse erat legibus, ut is amplior numerus esset. Quae cum ita se res haberet, tamen ad istum emptum venerunt illum locum senatorium non solum veteres, verum etiam novi. Fit ut pretio novus vincat litterasque a praetore adferat Agrigentum. Agrigentini ad istum legatos mittunt qui eum leges doceant consuetudinemque omnium annorum demonstrent, ut iste intellegeret ei se illum locum vendidisse cui ne commercium quidem esse oporteret; quorum oratione iste, cum pretium iam accepisset, ne tantulum quidem commotus est.

[125] Idem fecit Heracleae. Nam eo quoque colonos P. Rupilius deduxit, legesque similis de cooptando senatu et de numero veterum ac novorum dedit. Ibi non solum iste ut apud ceteros pecuniam accepit, sed etiam genera veterum ac novorum numerumque permiscuit. Nolite exspectare dum omnis obeam oratione mea civitates: hoc uno complector omnia, neminem isto praetore senatorem fieri potuisse nisi qui isti pecuniam dedisset.

[126] Hoc idem transfero in magistratus, curationes, sacerdotia; quibus in rebus non solum hominum iura, sed etiam deorum immortalium religiones omnis repudiavit. Syracusis lex est de

religione, quae in annos singulos lovis sacerdotem sortito capi iubeat, quod apud illos amplissimum sacerdotium putatur:

[127] cum suffragiis tres ex tribus generibus creati sunt, res revocatur ad sortem. Perfecerat iste imperio ut pro suffragio Theomnastus, familiaris suus, in tribus illis renuntiaretur: in sorte, cui imperare non potuerat, exspectabant homines quidnam acturus esset. Homo, id quod erat facillimum, primo vetat sortiri: iubet extra sortem Theomnastum renuntiari. Negant id Syracusani per religiones sacrorum ullo modo fieri posse, fas denique negant esse. Iubet iste sibi legem recitari. Recitatur; in qua scriptum erat ut, quot essent renuntiati, tot in hydriam sortes conicerentur; cuium nomen exisset, ut is haberet id sacerdotium. Iste homo ingeniosus et peracutus, "Optime", inquit, "nempe scriptum ita est, QUOT RENUNTIATI ERUNT. Quot ergo", inquit, "sunt renuntiati?" Respondent, "Tres." "Numquid igitur oportet nisi tres sortis conici, unam educi?" "Nihil." Conici iubet tres, in quibus omnibus esset inscriptum nomen Theomnasti. Fit clamor maximus, cum id universis indignum ac nefarium videretur. Ita lovis illud sacerdotium amplissimum per hanc rationem Theomnasto datur.

[128] Cephaloedi mensis est certus, quo mense sacerdotem maximum creari oporteat. Etat eius honoris cupidus Artemo quidam, Climachias cognomine, homo sane locuples et domi nobilis. Sed is fieri nullo modo poterat si Herodotus quidam adesset: ei locus ille atque honos in illum anuum ita deberi putabatur ut ne Climachias quidem contra diceret. Res ad istum defertur et istius more deciditur: toreumata sane nota et pretiosa auferuntur. Herodotus Romae erat; satis putabat se ad comitia tempore venturum si pridie venisset. Iste, ne aut alio mense ac fas erat comitia haberentur, aut Herodoto praesenti honos adimeretur (id quod iste non laborabat, Climachias minime volebat), excogitat — dixi iamdudum, non est homo acutior quisquam nec fuit — excogitat, inquam, quem ad modum mense illo legitimo comitia haberentur nec tamen Herodotus adesse posset.

[129] Est consuetudo Siculorum ceterorumque Graecorum, quod suos dies mensisque congruere volunt cum solis lunaeque ratione, ut non numquam, si quid discrepet, eximant unum aliquem diem aut summum biduum ex mense, quos illi exaeresimos dies nominant; item non numquam uno die longiorem mensem faciunt aut biduo.

Quae cum iste cognosset novus astrologus, qui non tam caeli rationem quam caelati argenti duceret, eximi iubet non diem ex mense, sed ex anno unum dimidiatumque mensem hoc modo ut, quo die verbi causa esse oporteret Idus lanuarias, is eo die Kalendas Martias proscribi iuberet: itaque fit omnibus recusantibus et plorantibus. Dies is erat legitimus comitiis habendis.

[130] Eo modo sacerdos Climachias renuntiatus est. Herodotus cum Roma revertitur, diebus, ut ipse putabat, xv ante comitia, offendit eum mensem qui consequitur mensem comitialem, comitiis iam abhinc xxx diebus factis. Tunc Cephaloeditani fecerunt intercalarium xxxxv dies longum, ut reliqui menses in suam rationem reverterentur. Hoc si Romae fieri posset, certe aliqua ratione expugnasset iste ut dies xxxxv inter binos ludos tollerentur, per quos solos iudicium fieri posset.

[131] Iam vero censores quem ad modum isto praetore in Sicilia creati sint, operae pretium est cognoscere. Ille enim est magistratus apud Siculos qui diligentissime mandatur a populo propter hanc causam, quod omnes Siculi ex censu quotannis tributa conferunt, in censu habendo potestas omnis aestimationis habendae summaeque faciendae censori permittitur. Itaque et populus cui maximam fidem suarum rerum habeat maxima cura deligit, et propter magnitudinem potestatis hic magistratus a populo summa ambitione contenditur.

[132] In ea re iste nihil obscure facere voluit, non in sortitione fallere neque dies de fastis eximere. Nihil sane vafre nec malitiose facere conatus est; sed ut studia cupiditatesque honorum atque ambitiones ex omnibus civitatibus tolleret, quae res evertendae rei publicae solent esse, ostendit sese in omnibus civitatibus censores esse facturum.

[133] Tanto mercatu praetoris indicto concurritur undique ad istum Syracusas; flagrabat domus tota praetoria studio hominum et cupiditate; nec mirum omnibus comitiis tot civitatum unam in domum revocatis, tantaque ambitione provinciae totius in uno cubiculo inclusa. Exquisitis palam pretiis et licitationibus factis, discribebat censores binos in singulas civitates Timarchides. Is suo labore suisque accessionibus huius negoti atque operis molestia consequebatur ut ad istum sine ulla sollicitudine summa pecuniae referretur. Iam hic Timarchides quantam pecuniam fecerit plane

adhuc cognoscere non potuistis; verum tamen priore actione quam varie, quam improbe praedatus esset, multorum testimoniis cognovistis.

[134] Sed ne miremini qua ratione hic tantum apud istum libertus potuerit, exponam vobis breviter quid hominis sit, ut et istius nequitiam qui illum secum habuerit, eo praesertim numero ac loco, et calamitatem provinciae cognoscatis. In mulierum corruptelis et in omni eius modi luxuria atque nequitia mirandum in modum reperiebam hunc Timarchidem ad istius flagitiosas libidines singularemque nequitiam natum atque aptum fuisse; investigare, adire, appellare, corrumpere, quidvis facere in eius modi rebus quamvis callide, quamvis audacter, quamvis impudenter; eundem mira quaedam excogitare genera furandi; nam ipsum Verrem tantum avaritia semper hiante atque imminente fuisse, ingenio et cogitatione nulla, ut quicquid sua sponte faciebat, item ut vos Romae cognovistis, eripere potius quam fallere videretur.

[135] Haec vero huius erat ars et malitia miranda, quod acutissime tota provincia quid cuique accidisset, quid cuique opus esset, indagare et odorari solebat; omnium adversarios, omnium inimicos diligenter cognoscere, conloqui, attemptare; ex utraque parte voluntates perspicere, facultates et copias; quibus opus esset metum offerre, quibus expediret spem ostendere; accusatorum et quadruplatorum quicquid erat, habebat in potestate; quod cuique negoti conflare volebat, nullo labore faciebat; istius omnia decreta imperia litteras peritissime et callidissime venditabat.

[136] Ac non solum erat administer istius cupiditatum, verum etiam ipse sui meminerat, neque solum nummos, si qui isti exciderant, tollere solebat, ex quibus pecuniam maximam fecit, sed etiam voluptatum flagitiorumque istius ipse reliquias colligebat. Itaque in Sicilia non Athenionem, qui nullum oppidum cepit, sed Timarchidem fugitivum omnibus oppidis per triennium scitote regnasse; in Timarchidi potestate sociorum populi Romani antiquissimorum atque amicissimorum liberos, matres familias, bona fortunasque omnis fuisse. Is igitur, ut dico, Timarchides in omnis civitates accepto pretio censores dimisit: comitia isto praetore censorum ne simulandi quidem causa fuerunt.

[137] Iam hoc impudentissime: palam — licebat enim videlicet legibus — singulis censoribus denarii treceni ad statuam praetoris imperati sunt. Censores cxxx facti sunt; pecuniam illam ob censuram contra leges clam dederunt; haec denarium xxxviiii milia palam salvis legibus contulerunt in statuam. Primum quo tantam pecuniam? deinde quam ob rem censores ad statuam tibi conferebant? Ordo aliqui censorum est, conlegium, genus aliquod hominum? Nam aut publice civitates istos honores habent aut generatim homines, ut aratores, ut mercatores, ut naviculari; censores quidem qui magis quam aediles? Ob beneficium? Ergo hoc fatebere, abs te haec petita esse — nam empta non audebis dicere; te eos magistratus hominibus benefici, non rei publicae causa permisisse? Hoc cum tute fateare, quisquam dubitabit quin tu istam apud populos provinciae totius invidiam atque offensionem non ambitionis neque beneficiorum conlocandorum, sed pecuniae conciliandae causa susceperis?

[138] Itaque illi censores fecerunt idem quod in nostra re publica solent ii qui per largitionem magistratus adepti sunt: dederunt operam ut ita potestatem gererent ut illam lacunam rei familiaris explerent. Sic census habitus est te praetore ut eo censu nullius civitatis res publica posset administrari; nam locupletissimi cuiusque censum extenuarant, tenuissimi auxerant. Itaque in tributis imperandis tantum oneris plebi imponebatur ut, etiamsi homines tacerent, res ipsa illum censum repudiaret, id quod intellegi facillime re ipsa potest. Nam L. Metellus, qui, posteaquam ego inquirendi causa in Siciliam veni, repente L. Laetili adventu istius non modo amicus, verum etiam cognatus factus est — is, quod videbat istius censu stari nullo modo posse, eum censum observari iussit qui viro fortissimo atque innocentissimo, Sex. Peducaeo, praetore habitus esset. Erant enim tum censores legibus facti delecti a suis civitatibus quibus, si quid commisissent, poenae legibus erant constitutae.

[139] Te autem praetore quis censor aut legem metueret qua non tenebatur, quoniam creatus lege non erat, aut animadversionem tuam, cum id quod abs te emerat vendidisset? Teneat iam sane meos testis Metellus, cogat alios laudare, sicut in multis conatus est; modo haec faciat quae facit. Quis enim umquam tanta a quoquam contumelia, quis tanta ignominia adfectus est? Quinto quoque anno Sicilia tota

censetur. Erat censa praetore Peducaeo; quintus annus cum in te praetorem incidisset, censa denuo est. Postero anno L. Metellus mentionem tui census fieri vetat; censores dicit de integro sibi creari placere; interea Peducaeanum censum observari iubet. Hoc si tuus inimicus fecisset, tamen, si animo aequo provincia tulisset, inimici iudicium grave videretur. Fecit amicus recens et cognatus voluntarius; aliter enim, si provinciam retinere, si salvus ipse in provincia vellet esse, facere non potuit.

[140] Exspectas etiam quid hi iudicent? Si tibi magistratum abrogasset, minore ignominia te adfecisset quam cum ea quae in magistratu gessisti sustulit atque inrita iussit esse. Neque in hac re sola fuit eius modi, sed, antequam ego in Siciliam veni, in maximis rebus ac plurimis; nam et Heraclio Syracusanos tuos illos palaestritas bona restituere iussit, et Epicrati Bidinos, et pupillo Drepanitano A. Claudium, et, nisi mature Laetilius in Siciliam cum litteris venisset, minus xxx diebus Metellus totam trienni praeturam tuam rescidisset.

[141] Et quoniam de ea pecunia quam tibi ad statuam censores contulerunt dixi, non mihi praetermittendum videtur ne illud quidem genus pecuniae conciliatae quam tu a civitatibus statuarum nomine coegisti. Video enim eius pecuniae summam esse pergrandem, ad HS viciens: tantum conficietur ex testimoniis et litteris civitatum. Et iste hoc concedit nec potest aliter dicere. Quare cuius modi putamus esse illa quae negat, cum haec tam improba sint quae fatetur? Quid enim vis constitui? consumptam esse istam omnem pecuniam in statuis? Fac ita esse; tamen hoc ferendum nullo modo est, tantam a sociis pecuniam auferri ut omnibus in angiportis praedonis improbissimi statua ponatur, qua vix tuto transiri posse videatur.

[142] Verum ubi tandem aut in quibus statuis ista tanta pecunia consumpta est? “Consumetur”, inquies. Scilicet exspectemus legitimum illud quinquennium; si hoc intervallo non consumpserit, tum denique nomen eius de pecuniis repetundis statuarum nomine deferemus. Reus est maximis plurimisque criminibus in iudicium vocatus: HS viciens ex hoc uno genere captum videmus. Si condemnatus eris, non, opinor, id ages ut ista pecunia in quinquennio consumatur in statuis; sin absolutus eris, quis erit tam amens qui te ex tot tantisque criminibus elapsum post quinquennium statuarum nomine arcessat? Ita si neque adhuc consumpta est ista pecunia et est

perspicuum non consumptum iri, licet iam intellegamus inventam esse rationem quare et iste HS viciens ex hoc uno genere conciliarit et ceperit, et ceteri — si hoc a vobis erit comprobatum — quam volent magnas hoc nomine pecunias capere possint; ut iam videamur non a pecuniis capiendis homines absterrere, sed, cum genera quaedam pecuniarum capiendarum comprobarimus, honesta nomina turpissimis rebus imponere.

[143] Etenim, si C. Verres HS c milia populum verbi gratia Centuripinum poposcisset eamque ab iis pecuniam abstulisset, non, opinor, esset dubium quin eum, cum id planum fieret, condemnari necesse esset. Quid? si eundem populum HS cc milia poposcit eaque coegit atque abstulit, num idcirco absolvetur quod adscriptum est eam pecuniam datam statuarum nomine? Non, opinor; nisi forte id agimus, non ut magistratibus nostris moram accipiendi, sed ut sociis causam dandi adferre videamur. Quodsi quem statuae magno opere delectant, et si quis earum honore aut gloria ducitur, is haec tamen constituat necesse est, primum averti pecuniam domum non placere, deinde ipsarum statuarum modum quendam esse oportere, deinde illud, certe ab invitis exigi non oportere.

[144] Ac de avertenda pecunia quaero abs te utrum ipsae civitates solitae sint statuas tibi faciundas locare ei cui possent optima condicione locare, an aliquem procuratorem praeficere qui statuis faciundis praeesset, an tibi, an cui tu imperasses, adnumerare pecuniam? Nam si per eos statuae fiebant a quibus tibi iste honos habebatur, audio; sin Timarchidi pecunia numerabatur, desine, quaeso, simulare te, cum in manifestissimo furto teneare, gloriae studiosum ac monumentorum fuisse. Quid vero? modum statuarum haberi nullum placet? Atqui habeatur necesse est.

[145] Etenim sic considerate. Syracusana civitas, ut eam potissimum nominem, dedit ipsi statuam — est honos — et patri — bella haec pietatis et quaestuosa simulatio — et filio — ferri hoc potest, hunc enim puerum non oderant; verum quotiens et quot nominibus a Syracusanis statuas auferes? Ut in foro statuerent, abstulisti, ut in curia, coegisti, ut pecuniam conferrent in eas statuas quae Romae ponerentur imperasti; ut idem darent homines aratorum nomine, dederunt; ut idem pro parte in commune Siciliae conferrent, etiam id contulerunt. Una civitas cum tot nominibus pecuniam

contulerit idemque hoc civitates ceterae fecerint, nonne res ipsa vos admonet ut putetis modum aliquem huic cupiditati constitui oportere? Quid? si hoc voluntate sua nulla civitas fecit, si omnes imperio, metu, vi, malo adductae tibi pecuniam statuarum nomine contulerunt, per deos immortalis, num cui dubium esse poterit quin, etiamsi statuerit accipere ad statuas licere, idem tamen statuat eripere certe non licere? Primum igitur in hanc rem testem totam Siciliam citabo, quae mihi una voce statuarum nomine magnam pecuniam per vim coactam esse demonstrat.

[146] Nam legationes omnium civitatum in postulatis communibus, quae fere omnia ex tuis iniuriis,nata sunt, etiam hoc ediderunt, UT STATUAS NE CUI, NISI CUM IS DE PROVINCIA DECESSISSET, POLLICERENTUR — Tot praetores in Sicilia fuerunt, totiens apud maiores nostros Siculi senatum adierunt, totiens hac memoria: tamen huiusce novi postulati genus atque principium tua praetura attulit.

[147] Quid enim tam novum non solum re, sed genere ipso postulandi? Nam cetera quae sunt in isdem postulatis de iniuriis tuis sunt nova, sed tamen non novo modo postulantur. Rogant et orant Siculi patres conscriptos ut nostri magistratus posthac decumas lege Hieronica vendant. Tu primus contra vendideras. Audio. Ne in cellam quod imperatur aestiment. Hoc quoque propter tuos ternos denarios nunc primum postulatur, sed genus ipsum postulandi non est novum. Ne absentis nomen recipiatur. Ex Stheni calamitate et tua natum est iniuria. Cetera non colligam. Sunt omnia Siculorum postulata eius modi ut crimina collecta in unum reum te esse videantur, quae tamen omnia novas iniurias habent, sed postulationum formulas usitatas.

[148] Hoc postulatum de statuis ridiculum esse videatur ei qui rem sententiamque non perspiciat. Postulant enim, non uti ne cogantur statuere; quid igitur? ut ipsis ne liceat. Quid est hoc? petis a me, quod in tua potestate est, ut id tibi facere ne liceat; pete potius ne quis te invitum polliceri aut facere cogat. “Nihil egero”, inquit; “negabunt enim omnes se coegisse; si me salvum esse vis, mihi impone istam vim ut omnino mihi ne liceat polliceri.” Ex tua praetura primum haec est nata postulatio; qua cum utuntur, hoc significant atque adeo aperte ostendunt, sese ad statuas tuas pecuniam metu ac malo coactos

invitissimos contulisse.

[149] Quid? si hoc non dicant, tibi non necesse sit ipsi id confiteri? Vide et perspice qua defensione sis usurus: iam intelleges hoc tibi de statuis confitendum esse. Mihi enim renuntiatur ita constitui a tuis patronis, hominibus ingeniosis, causam tuam, et ita eos abs te institui et doceri, ut quisque ex provincia Sicilia gravior homo atque honestior testimonium vehementius dixerit, sicuti multi primarii viri multa dixerunt, te statim hoc istis tuis defensoribus dicere, "Inimicus est propterea quod arator est." Itaque uno genere, opinor, circumscribere habetis in animo genus hoc aratorum, quod eos infenso animo atque inimico venisse dicatis quia fuerit in decumis iste vehementior. Ergo aratores inimici omnes et adversarii sunt: nemo est eorum quin perisse te cupiat? Omnino praeclare te habes cum is ordo atque id hominum genus, quod optimum atque honestissimum est, a quo uno et summa res publica et illa provincia maxime continetur, tibi est inimicissimum.

[150] Verum esto; alio loco de aratorum animo et iniuriis videro; nunc, quod mihi abs te datur, id accipio, eos tibi esse inimicissimos. Nempe ita dicis: propter decumas. Concedo: non quaero, iure an iniuria sint inimici. Quid ergo? illae quid sibi statuae equestres inauratae volunt, quae populi Romani oculos animosque maxime offendunt, propter aedem Volcani? nam inscriptum esse video quandam ex his statuis aratores dedisse. Si honoris causa statuam dederunt, inimici non sunt; credamus testibus; tum enim honori tuo, nunc iam religioni suae consulunt. Sin autem metu coacti dederunt, confiteare necesse est te in provincia pecunias statuarum nomine per vim ac metum coegisse. Utrum tibi commodum est elige.

[151] Equidem libenter hoc iam crimen de statuis relinquam, ut mihi tu illud concedas, quod tibi honestissimum est, aratores tibi ad statuam honoris tui causa voluntate sua contulisse. Da mihi hoc; iam tibi maximam partem defensionis praecideris; non enim poteris aratores tibi iratos esse atque inimicos dicere. 0] causam singularem! o defensionem miseram ac perditam! nolle hoc accipere reum ab accusatore, et eum reum qui praetor in Sicilia fuerit, aratores ei statuam sua voluntate statuisse, aratores de eo bene existimare, amicos esse, salvum cupere! Metuit ne hoc vos existimetis; obruitur enim aratorum testimoniis.

[152] Utar eo quod datur. Certe hoc vobis ita iudicandum est, eos qui isti inimicissimi sunt, ut ipse existimari vult, ad istius honores atque monumenta pecunias voluntate sua non contulisse. Atque ut hoc totum facillime intellegi possit, quem voles eorum testium quos produxero, qui ex Sicilia testes sunt, sive togatum sive Siculum, rogato, et eum qui tibi inimicissimus esse videbitur, qui se spoliatum abs te esse dicet, ecquid suo nomine in tuam statuam contulerit; neminem reperies qui neget; etenim omnes dederunt.

[153] Quemquam igitur putas dubitaturum quin is quem tibi inimicissimum esse oporteat, qui abs te gravissimas iniurias acceperit, pecuniam statuae nomine dederit vi atque imperio adductus, non officio ac voluntate? Huius ego pecuniae, iudices, quae permagna est impudentissimeque coacta ab invitis, non habui rationem neque habere potui, quantum ab aratoribus, quantum ab negotiatoribus qui Syracusis, qui Agrigenti, qui Panhormi, qui Lilybaei negotiantur esset coactum: eam iam intellegitis ipsius quoque confessione ab invitissimis coactam esse.

[154] Venio nunc ad civitates Siciliae, de quibus facillime iudicium fieri voluntatis potest. An etiam Siculi inviti contulerunt? Non est probabile. Etenim sic C. Verrem praeturam in Sicilia gessisse constat ut, cum utrisque satis facere non posset, et Siculis et togatis, offici potius in socios quam ambitionis in civis rationem duxerit. Itaque eum non solum PATRONUM illius insulae, sed etiam SOTERA inscriptum vidi Syracusis. Hoc quantum est? Ita magnum ut Latine uno verbo exprimi non possit. Is est nimirum SOTER qui salutem dedit. Huius nomine etiam dies festi agitantur, pulchra illa Verria, non quasi Marcellia, sed pro Marcelliis, quae illi istius iussu sustulerunt; huius fornix in foro Syracusis est, in quo nudus filius stat, ipse autem ex equo nudatam ab se provinciam prospicit; huius statuae locis omnibus, quae hoc demonstrare videantur, prope modum non minus multas statuas istum posuisse Syracusis quam abstulisse; huic etiam Romae videmus in basi statuarum maximis litteris incisum, A COMMUNI SICILIAE DATAS.

[155] Quam ob rem qui hoc probare potes cuiquam, tantos honores habitos esse ab invitis? Hic tibi etiam multo magis quam paulo ante in aratoribus videndum et considerandum est quid velis. Magna res est utrum tibi Siculos publice privatimque amicos an inimicos

existimari velis. Si inimicos, quid te futurum est? quo confugies? ubi nitere? Modo aratorum, honestissimorum hominum ac locupletissimorum et Siculorum et civium Romanorum, maximum numerum abs te abalienasti: nunc de Siculis civitatibus quid ages? Dices tibi Siculos esse amicos? qui poteris? qui, quod nullo in homine antea fecerant, ut in eum publice testimonium dicerent — cum praesertim ex ea provincia condemnati sint complures qui ibi praetores fuerunt, duo soli absoluti — , hi nunc veniunt cum litteris, veniunt cum mandatis, veniunt cum testimoniis publicis; qui, si te publice laudarent, tamen id more potius suo quam merito tuo facere viderentur, hi cum de tuis factis publice conqueruntur, nonne hoc indicant, tantas esse iniurias ut multo maluerint de suo more decedere quam de tuis moribus non dicere?

[156] Confitendum igitur est tibi necessario Siculos inimicos esse, qui quidem in te gravissima postulata consulibus ediderint, et me ut hanc causam salutisque suae defensionem susciperem obsecrarint; qui cum a praetore prohiberentur, a quattuor quaestoribus impedirentur, omnium minas atque omnia pericula prae salute sua levia duxerint; qui priore actione ita testimonia graviter vehementerque dixerint ut Artemonem Centuripinum legatum et publice testem Q. Hortensius accusatorem, non testem esse diceret. Etenim ille cum propter virtutem et fidem cum Androne, homine honestissimo et certissimo, tum etiam propter eloquentiam legatus a suis civibus electus est, ut posset multas istius et varias iniurias quam apertissime vobis planissimeque explicare. Dixerunt Halaesini, Catinenses, Tyndaritani, Hennenses, Herbitenses, Agyrinenses, Netini, Segestani: enumerare omnis non est necesse. Scitis quam multi et quam multa priore actione dixerint: nunc et illi et reliqui dicent.

[157] Omnes denique hoc in hac causa intellegent, hoc animo esse Siculos ut, si in istum animadversum non sit, sibi relinquendas domos ac sedes suas et ex Sicilia decedendum atque adeo fugiendum esse arbitrentur. Hos homines tu persuadebis ad honorem atque amplitudinem tuam pecunias maximas voluntate sua contulisse? Credo, qui te in tua civitate incolumem esse nollent, hi monumenta tuae formae ac nominis in suis civitatibus esse cupiebant. Res declarabit ut cupierint. Iam dudum enim mihi nimium tenuiter

Siculorum erga te voluntatis argumenta colligere videor, utrum statuas voluerint tibi statuere an coacti sint.

[158] De quo hoc homine auditum est umquam, quod tibi accidit, ut eius in provincia statuae in locis publicis positae, partim etiam in aedibus sacris, per vim et per universam multitudinem deicerentur? Tot homines in Asia nocentes, tot in Africa, tot in Hispania, Gallia, Sardinia, tot in ipsa Sicilia fuerunt: ecquo de homine hoc umquam audivistis? Novum est, iudices, in Siculis quidem et in omnibus Graecis monstri simile. Non crederem hoc de statuis nisi iacentis revulsasque vidissem, propterea quod apud omnis Graecos hic mos est, ut honorem hominibus habitum in monumentis eius modi non nulla religione deorum consecrari arbitrentur.

[159] Itaque Rhodii, qui prope soli bellum illud superius cum Mithridate rege gesserint, omnisque eius copias acerrimumque impetum moenibus litoribus classibusque suis exceperint, tamen, cum ei regi inimici praeter ceteros essent, statuam eius, quae erat apud ipsos in celeberrimo urbis loco, ne tum quidem in ipsis urbis periculis attigerunt. Ac forsitan vix convenire videretur, quem ipsum hominem cuperent evertere, eius effigiem simulacrumque servare; sed tamen videbam, apud eos cum essem religionem esse quandam in bis rebus a maioribus traditam, et hoc disputari, cum statua se eius habuisse temporis rationem quo posita esset, cum homine eius quo gereret bellum atque hostis esset. Videtis igitur consuetudinem religionemque Graecorum, quae monumenta hostium in bello ipso soleat defendere, eam summa in pace praetoris populi Romani statuis praesidio non fuisse.

[160] Tauromenitani, quorum est civitas foederata, homines quietissimi, qui maxime ab iniuriis nostrorum magistratuum remoti consuerant esse praesidio foederis — hi tamen istius evertere statuam non dubitarunt; qua abiecta basim tamen in foro manere voluerunt, quod gravius in istum fore putabant si scirent homines statuam eius a Tauromenitanis esse deiectam quam si nullam umquam positam esse arbitrarentur. Tyndaritani deiecerunt in foro et eadem de causa equum inanem reliquerunt. Leontinis, misera in civitate atque inani, tamen istius in gymnasio statua deiecta est. Nam quid ego de Syracusanis loquar? quod non est proprium Syracusanorum, sed et illorum et commune conventus illius ac prope totius provinciae.

Quanta illuc multitudo, quanta vis hominum convenisse dicebatur tum cum statuae sunt illius deiectae et eversae! At quo loco! Celeberrimo ac religiosissimo, ante ipsum Serapium, in primo aditu vestibuloque templi. Quod nisi Metellus hoc tam graviter egisset atque illam rem imperio edictoque prohibuisset, vestigium statuarum istius in tota Sicilia nullum esset relictum.

[161] Atque ego hoc non vereor, ne quid horum non modo impulsu verum omnino adventu meo factum esse videatut. Omnia ista ante facta sunt non modo quam ego Siciliam, verum etiam quam iste Italiam attigit. Dum ego in Sicilia sum, nulla statua deiecta est: posteaquam illinc decessi, quae sint gesta cognoscite. Centuripinorum senatus decrevit populusque iussit ut, quae statuae C. Verris ipsius et patris eius et filii essent, eas quaestores demoliendas locarent, dumque ea demolitio fieret, senatores ne minus triginta adessent. Videte gravitatem civitatis ac dignitatem. Neque eas in urbe sua statuas esse voluerunt quas inviti per vim atque imperium dedissent, neque eius hominis in quem ipsi cum gravissimo testimonio publice, quod numquam antea, Romam mandata legatosque misissent; ei id gravius esse putarunt si publico consilio, quam si per vim multitudinis factum esse videretur.

[162] Cum hoc consilio statuas Centuripini publice sustulissent, audit Metellus; graviter fert; evocat ad se Centuripinorum magistratus ei decem primos; nisi restituissent statuas, vehementer minatur. Illi ad senatum renuntiant: statuae, quae istius causae nihil prodessent, reponuntur; decreta Centuripinorum, quae de statuis erant facta, non tolluntur. Hic ego aliud alii concedo: Metello, homini sapienti, prorsus non possum ignoscere si quid stulte facit. Quid? ille hoc putabat Verri criminosum fore, si statuae eius essent deiectae, quod saepe vento aut aliquo casu fieri solet? Non erat in hoc neque crimen ullum neque reprehensio. Ex quo igitur crimen atque accusatio nascitur? Ex hominum iudicio et voluntate.

[163] Ego, si Metellus statuas Centuripinos reponere non coegisset, haec dicerem, Videte, iudices, quantum et quam acerbum dolorem sociorum atque amicorum animis inusserint istius iniuriae, cum Centuripinorum amicissima ac fidelissima civitas, quae tantis officiis cum populo Romano coniuncta est ut non solum rem publicam nostram, sed etiam in quovis homine privato nomen ipsum

Romanum semper dilexerit, ea publico consilio atque auctoritate iudicarit C. Verris statuas esse in urbe sua non oportere. Recitarem decreta Centuripinorum; laudarem illam civitatem, id quod verissime possem; commemorarem decem milia civium esse Centuripinorum, fortissimorum fidelissimorumque sociorum; eos omnis hoc statuisse, monumentum istius in sua civitate nullum esse oportere.

[164] Haec tum dicerem, si statuas Metellus non reposuisset: velim quaerere nunc ex ipso Metello, quidnam sua vi et auctoritate mihi ex hac oratione praeciderit. Eadem opinor omnia convenire. Neque enim, si maxime statuae deiectae essent ego eas vobis possem iacentis ostendere; hoc uno uterer, civitatem tam gravem iudicasse statuas C. Verris demoliendas. Hoc mihi Metellus non eripuit; haec etiam addidit, ut quererer, si mihi videretur, tam iniquo iure sociis atque amicis imperari ut iis ne in suis quidem beneficiis libeto iudicio uti liceret, vos rogarem ut coniecturam faceretis qualem in bis rebus in me L. Metelluni fuisse putaretis, in quibus obesse mihi posset, cum in hac re tam aperta cupiditate fuerit, in qua nihil obfuit. Sed ego Metello non irascor neque ei suam vacationem eripio, qua ille apud omnis utitur, ut nihil malitiose neque consulto fecisse videatur.

[165] Iam igitur est ita perspicuum ut negare non possis nullam tibi statuam voluntate cuiusquam datam, nullam pecuniam statuarum nomine nisi vi expressam et coactam. Quo quidem in crimine non illud solum intellegi volo, te ad statuas HS viciens coegisse, sed multo etiam illud magis, quod simul demonstratum est quantum odium in te aratorum, quantum omnium Siculorum sit et fuerit. In quo quae vestra defensio futura sit coniectura adsequi non queo.

[166] “Oderunt Siculi; togatorum enim causa multa feci.” At hi quidem acerrimi inimici sunt. “Inimicos habeo civis Romanos, quod sociorum commoda ac iura defendi.” At socii in hostium numero sese abs te habitos queruntur. “Aratores inimici sunt propter decumas.” Quid? qui agros immunis liberosque arant, cur oderunt? cur Halaesini, cur Centuripini, cur Segestani, cur Halicyenses? Quod genus hominum, quem numerum, quem ordinem proferre possum qui te non oderit, sive civium Romanorum sive Siculorum? Ut, etiamsi causas cur te oderint non possim dicere,tamen illud dicendum putem, quem omnes mortales oderint, eum vobis quoque odio esse oportere.

[167] An hoc dicere audebis, utrum de te aratores, utrum

negotiatores, utrum denique Siculi universi bene existiment, aut quo modo existiment, ad rem id non pertinere? Neque tu hoc dicere audebis, nec si cupias licebit; eripiunt enim tibi istam orationem statuae illae equestres, quas tu paulo ante quam ad urbem venires poni inscribique iussisti, ut omnium inimicorum tuorum animos accusatorumque tardares.

[168] Quis enim tibi molestus esset aut quis appellare te auderet, cum videret statuas ab negotiatoribus, ab aratoribus, a communi Siciliae positas? Quod est aliud in illa provincia genus hominum? Nullum. Ergo ab universa provincia, generatimque a singulis eius partibus, non solum diligitur, sed etiam ornatur. Quis hunc attingere audeat? Potes igitur dicere nihil tibi obesse oportere aratorum, negotiatorum, Siculorumque omnium testimonia, cum eorum nominibus in statuarum inscriptione oppositis omnem te speraris invidiam atque infamiam tuam posse exstinguere? an, quorum tu auctoritate statuas cohonestare tuas conatus es, eorum ego dignitate accusationem meam comprobare non potero?

[169] Nisi forte quod apud publicanos gratiosus fuisti, in ea re spes te aliqua consolatur. Quae gratia ne quid tibi prodesse posset ego mea diligentia perfeci; ut etiam obesse deberet tu tua sapientia curasti. Etenim rem totam, iudices, breviter cognoscite. In scriptura Siciliae pro magistro est quidam L. Carpinatius, qui et sui quaestus causa, et fortasse quod sociorum interesse arbitrabatur, bene penitus in istius familiaritatem sese dedit. Is cum praetorem circum omnia fora sectaretur neque ab eo umquam discederet, in eam iam venerat consuetudinem in vendendis istius decretis et iudiciis transigendisque negotiis, ut prope alter Timarchides numeraretur;

[170] hoc erat etiam capitalior, quod idem pecunias iis qui ab isto aliquid mercabantur faenori dabat. Ea autem faeneratio erat eius modi, iudices, ut etiam is quaestus huic cederet; nam quas pecunias ferebat iis expensas quibuscum contrahebat, eas aut scribae istius aut Timarchidi aut etiam isti ipsi referebat acceptas. Idem praeterea pecunias istius extraordinarias grandis suo nomine faenerabatur.

[171] Hic primo Carpinatius, antequam in istius familiaritatem tantam pervenisset, aliquotiens ad socios litteras de istius iniuriis miserat; Canuleius vero, qui in portu Syracusis operas dabat, furta quoque istius permulta nominatim ad socios perscripserat, ea quae

sine portorio Syracusis erant exportata; portum autem et scripturam eadem societas habebat. Ita factum est ut essent permulta quae ex societatis litteris dicere in istum et proferte possemus.

[172] Verum accidit ut Carpinatius, qui iam cum isto summa consuetudine, praeterea re ac ratione coniunctus esset, crebras postea litteras ad socios de istius summis officiis in rem communem beneficiisque mitteret. Etenim cum iste omnia quaecumque Carpinatius postulabat facere ac decernere solebat, tum ille etiam plura scribebat ad socios, ut, si posset, quae antea scripserat, ea plane exstingueret. Ad extremum vero, cum iste iam decedebat, eius modi litteras ad eos misit: ut huic frequentes obviam prodirent, gratias agerent, facturos se si quid imperasset studiose pollicerentur. Itaque socii fecerunt vetere instituto publicanorum, non quo istum ullo honore dignum arbitrarentur, sed quod sua interesse putabant se memores gratosque existimari: gratias isti egerunt, Carpinatium saepe ad se de eius officiis litteras misisse dixerunt.

[173] Iste cum respondisset ea se libenter fecisse operasque Carpinati magno opere laudasset, dat amico suo cuidam negotium, qui tum magister erat eius societatis, ut diligenter caveret atque prospiceret ne quid esset in litteris sociorum quod contra caput suum aut existimationem valere posset. Itaque ille multitudine sociorum remota decumanos convocat, rem defert. Statuunt illi atque decernunt ut eae litterae quibus existimatio C. Verris laederetur removerentur, operaque daretur ne ea res C. Verri fraudi esse posset.

[174] Si ostendo hoc decrevisse decumanos, si planum facio hoc decreto remotas esse litteras, quid exspectatis amplius? possumne magis rem iudicatam adferre, magis reum condemnatum in iudicium adducere? At quorum iudicio condemnatum! Nempe eorum quos ii qui severiora iudicia desiderant arbitrantur res iudicare oportere; quos videlicet nunc populus iudices poscit, de quibus, ut eos iudices habeamus, legem ab homine non nostri generis, non ex equestri loco profecto, sed nobilissimo promulgatam videmus;

[175] decumani, hoc est principes et quasi senatores publicanorum, removendas de medio litteras censuerunt. Habeo ex iis qui adfuerunt quos producam, quibus hoc committam, homines honestissimos ac locupletissimos, istos ipsos principes equestris ordinis, quorum splendore vel maxime istius qui legem promulgavit oratio et causa

nititur. Venient in medium, dicent quid statuerint; profecto, si recte homines novi, non mentientur; litteras enim communis de medio removere potuerunt, fidem suam et religionem removere non possunt. Ergo equites Romani, qui te suo iudicio condemnarunt, horum iudicio condemnari noluerunt: vos nunc utrum illorum iudicium an voluntatem sequi malitis, considerate.

[176] At vide quid te amicorum tuorum studium, quid tuum consilium, quid sociorum voluntas adiuvet. Dicam paulo promptius; neque enim iam vereor ne quis hoc me magis accusatorie quam libere dixisse arbitretur. Si istas litteras non decreto decumanorum magistri removissent, tantum possem in te dicere quantum in litteris invenissem: nunc decreto isto facto litterisque remotis tantum mihi licet dicere quantum possum, tantum iudici suspicari quantum velit. Dico te maximum pondus auri argenti eboris purpurae, plurimam vestem Melitensem, plurimam stragulam, multam Deliacam supellectilem, plurima vasa Corinthia, magnum numerum frumenti, vim mellis maximam Syracusis exportasse; his pro rebus quod portorium non esset darum, litteras ad socios misisse L. Canuleium, qui in portu operas daret.

[177] Satisne magnum crimen hoc videtur? Nullum, opinor, maius. Qui defendet Hortensius? Postulabit ut litteras Canulei proferam. Crimen eius modi nisi litteris confirmetur inane esse dicet. Clamabo litteras remotas esse de medio, decreto sociorum erepta mihi esse istius indicia ac monumenta furtorum. Aut hoc contendat numquam esse factum, aut omnia tela excipiat necesse est. Negas esse factum. Placet ista mihi defensio, descendo; aequa enim contentio, aequum certamen proponitur. Producam testis, et producam pluris eodem tempore; quoniam tum cum actum est una fuerunt, nunc quoque una sint; cum interrogabuntur, obligentur non solum iuris iurandi atque existimationis periculo, sed etiam communi inter se conscientia.

[178] Si planum fit hoc ita quem ad modum dico esse factum, num poteris dicere, Hortensi, nihil in istis fuisse litteris quod Verrem laederet? Non modo id non dices, sed ne illud quidem tibi dicere licebit, tantum quantum ego dicam non fuisse. Ergo hoc vestro consilio et gratia perfecistis, ut, quem ad modum paulo ante dixi, et mihi summa facultas ad accusandum daretur, et iudici libera potestas ad credendum.

[179] Quod cum ita sit, nihil fingam tamen. Meminero me non sumpsisse quem accusarem, sed recepisse quos defenderem; vos ex me causam non a me prolatam, sed ad me delatam audire oportere; me Siculis satis esse facturum si quae cognovi in Sicilia, quae accepi ab ipsis, diligenter euero, populo Romano si nullius vim, nullius potentiam pertimuero, vobis si facultatem vere atque honeste iudicandi fide et diligentia mea fecero, mihimet si ne minimum quidem de meo curriculo vitae, quod mihi semper propositum fuit, decessero.

[180] Quapropter nihil est quod metuas ne quid in te confingam: etiam quod laetere habes. Multa enim quae scio a te esse commissa, quod aut nimium turpia aut parum credibilia sunt, praetermittam. Tantum agam de hoc toto nomine societatis. Ut iam scire possis, quaeram decretumne sit. Cum id invenero, quaeram remotaene sint litterae. Cum id quoque constabit, vos iam hoc me tacito intellegetis: si illi qui hoc istius causa decreverunt equites Romani nunc idem in eum iudices essent, istum sine dubio condemnarent, de quo litteras eas quae istius furta indicarent et ad se missas et suo decreto remotas scirent esse. Quem igitur ab iis equitibus Romanis, qui istius causa cupiunt omnia, qui ab eo benignissime tractati sunt, condemnari necesse esset, is a vobis, iudices, ulla via aut ratione absolvi potest?

[181] Ac ne forte ea, quae remota de medio atque erepta nobis sunt, omnia ita condita fuisse atque ita abdita latuisse videantur ut haec diligentia, quam ego a me exspectari maxime puto, nihil eorum investigare, nihil adsequi potuerit — quae consilio aliquo aut ratione inveniri potuerunt inventa sunt, iudices: manifestis in rebus hominem iam teneri videbitis. Nam quod in publicanorum causis vel plurimum aetatis meae versor vehementerque illum ordinem observo, satis commode mihi videor eorum consuetudinem usu tractandoque cognosse.

[182] Itaque ut hoc comperi, remotas esse litteras societatis, habui rationem eorum annorum per quos iste in Sicilia fuisset; dein quaesivi, quod erat inventu facillimum, qui per eos annos magistri illius societatis fuissent, apud quos tabulae fuissent. Sciebam enim hanc magistrorum qui tabulas haberent consuetudinem esse, ut, cum tabulas novo magistro traderent, exempla litterarum ipsi habere non nollent. Itaque ad L. Vibium, equitem Romanum, virum primarium,

quem reperiebam magistrum fuisse eo ipso anno qui mihi maxime quaerendus erat, primum veni. Sane homini praeter opinionem improviso incidi. Scrutatus sum quae potui et quaesivi omnia: inveni duos solos libellos a L. Canuleio missos sociis ex portu Syracusis, in quibus erat scripta ratio mensuum complurium rerum exportatarum istius nomine sine portorio: itaque obsignavi statim.

[183] Non erat haec ex eodem genere quod ego maxime genus ex sociorum litteris reperire cupiebam. verum tantum inveni, iudices, quod apud vos quasi exempli causa proferre possem. Sed tamen quicquid erit in his libellis, quantulumcumque videbitur esse, hoc quidem certe manifestum erit: de ceteris ex hoc coniecturam facere debebitis. Recita mihi, quaeso, hunc primum libellum, deinde illum alterum. LIBELLI CANULEIANI. Non quaero unde cccc amphoras mellis habueris, unde tantum Melitensium, unde L tricliniorum lectos, unde tot candelabra; non, inquam, iam quaero unde haec habueris, sed quo tantum tibi opus fuerit, id quaero. Omitto de melle, sed tantumne Melitensium, quasi etiam amicorum uxores, tantum lectorum, quasi omnium istorum villas ornaturus esses?

[184] Et cum haec paucorum mensuum ratio in his libellis sit, facite ut vobis trienni totius veniat in mentem. Sic contendo, ex his parvis libellis apud unum magistrum societatis repertis vos iam coniectura adsequi posse cuius modi praedo iste in illa provincia fuerit, quam multas cupiditates, quam varias, quam infinitas habuerit, quantam pecuniam non solum numeratam, verum etiam in huiusce modi rebus positam confecerit; quae vobis alio loco planius explicabuntur.

[185] Nunc hoc attendite. His exportationibus quae recitatae sunt scribit HS Lx socios perdidisse ex vicensima portori Syracusis. Pauculis igitur mensibus, ut hi pusilli et contempti libelli indicant, furta praetoris, quae essent HS XX CC, ex uno oppido solo exportata sunt. Cogitate nunc — cum illa Sicilia sit, hoc est insula quae undique exitus maritimos habeat — , quid ex ceteris locis exportatum putetis, quid Agrigento, quid Lilybaeo, quid Panhormo, quid Thermis, quid Halaesa, quid Catina, quid ex ceteris oppidis, quid vero Messana, quem iste sibi locum maxime tutum esse arbitrabatur, ubi animo semper soluto liberoque erat, quod sibi iste Mamertinos delegerat ad quos omnia quae aut diligentius servanda aut occultius exportanda erant deportaret. His inventis libellis ceteri remoti et

diligentius sunt reconditi; nos tamen, ut omnes intellegant hoc nos sine cupiditate agere, his ipsis libellis contenti sumus.

[186] Nunc ad sociorum tabulas accepti et expensi, quas removere honeste nullo modo potuerunt, et ad amicum tuum Carpinatium revertemur. Inspiciebamus Syracusis a Carpinatio confectas tabulas societatis, quae significabant multis nominibus eos homines versuram a Carpinatio fecisse qui pecunias Verri dedissent; quod erit vobis luce clarius, iudices, tum cum eos ipsos produxero qui dederunt; intellegetis enim illa tempora per quae, cum essent in periculo, pretio sese redemerunt cum societatis tabulis non solum consulibus verum etiam mensibus convenire.

[187] Cum haec maxime cognosceremus et in manibus tabulas haberemus, repente aspicimus lituras eius modi quasi quaedam vulnera tabularum recentia. Statim suspicione offensi ad ea ipsa nomina oculos animumque transtulimus. Erant acceptae pecuniae C. VERRUCIO C. E, sic tamen ut usque ad alterum R litterae constarent integrae, reliquae omnes essent in litura; alterum, tertium, quartum, permulta erant eiusdem modi nomina. Cum manifesta res flagitiosa litura tabularum atque insignis turpitudo teneretur, quaerere incipimus de Carpinatio quisnam is esset Verrucius quicum tantae pecuniae rationem haberet. Haerere homo, versari, rubere. Quod lege excipiuntur tabulae publicanorum quo minus Romam deportentur, ut res quam maxime clara et testata esse posset, in ius ad Metellum Carpinatium voco tabulasque societatis in forum defero. Fit maximus consursus hominum, et, quod erat Carpinati nota cum isto praetore societas ac faeneratio, summe exspectabant omnes quidnam in tabulis teneretur.

[188] Rem ad Metellum defero, me tabulas perspexisse sociorum; in his tabulis magnam rationem C. Verruci permultis nominibus esse, meque hoc perspicere ex consulum mensuumque ratione, hunc Verrucium neque ante adventum C. Verris neque post decessionem quicquam cum Carpinatio rationis habuisse; postulo ut mihi respondeat qui sit is Verrucius, mercator an negotiator an arator an pecuarius, in Sicilia sit an iam decesserit. Clamare omnes ex conventu neminem umquam in Sicilia fuisse Verrucium. Ego instare ut mihi responderet quis esset, ubi esset, unde esset; cur servus societatis qui tabulas conficeret semper in Verruci nomine certo ex

loco mendosus esset.

[189] Atque haec postulabam, non quo illum cogi putarem oportere ut ad ea mihi responderet invitus, sed ut omnibus istius furta, illius flagitium, utriusque audacia perspicua esse posset. Itaque illum in iure metu conscientiaque peccati mutum atque exanimatum ac vix vivum relinquo, tabulas in foro summa hominum frequentia exscribo; adhibentur in scribendo ex conventu viri primarii, litterae lituraeque omnes adsimulatae et expressae de tabulis in libros transferuntur.

[190] Haec omnia summa cura et diligentia recognita et collata et ab hominibus honestissimis obsignata sunt. Si Carpinatius mihi tum respondere noluit, responde tu mihi nunc, Verres, quem esse hunc tuum paene gentilem Verrucium putes. Fieri non potest ut, quem video te praetore in Sicilia fuisse et quem ex ipsa ratione intellego locupletem fuisse, eum tu in tua provincia non cognoveris. Atque adeo, ne hoc aut longius aut obscurius esse possit, procedite in medium atque explicate descriptionem imaginemque tabularum, ut omnes mortales istius avaritiae non iam vestigia sed ipsa cubilia videre possint.

[191] Liber explicetur. Videtis Verrucium? videtis primas litteras integras? videtis extremam partem nominis, codam illam Verrinam tamquam in luto demersam esse in litura? Sie habent se tabulae, iudices, ut videtis. Quid exspectatis, quid quaeritis amplius? Tu ipse, Verres, quid sedes, quid moraris? Nam aut exhibeas nobis Verrucium necesse est aut te Verrucium esse fateare. Laudantur oratores veteres, Crassi illi et Antonii, quod crimina diluere dilucide, quod copiose reorum causas defendere solerent: nimirum illi non ingenio solum bis patronis, sed fortuna etiam praestiterunt. Nemo enim tum ita peccabat ut defensioni locum non relinqueret; nemo ita vivebat ut nulla eius vitae pars summae turpitudinis esset expers; nemo ita in manifesto peccato tenebatur ut, cum impudens fuisset in facto, tum impudentior videretur si negaret.

[192] Nunc vero quid faciat Hortensius? avaritiaene crimina frugalitatis laudibus deprecetur? At hominem flagitiosissimum libidinosissimum nequissimumque defendit. An ab hac eius infamia nequitia vestros animos in aliam partem fortitudinis commemoratione traducat? At homo inertior, ignavior, magis vir

inter mulieres, impura inter viros muliercula proferri non potest. At mores commodi. Quis contumacior, quis inhumanior, quis superbior? At haec sine cuiusquam malo. Quis acerbior, quis insidiosior, quis crudelior umquam fuit? In hoc homine atque in eius modi causa quid facerent omnes Crassi et Antonii? Tantum, opinor, Hortensi: ad causam non accederent neque in alterius impudentia sui pudoris existimationem amitterent. Liberi enim ad causas solutique veniebant, neque committebant ut, si impudentes in defendendo esse noluissent, ingrati in deserendo existimarentur.

ACTIONIS IN C. VERREM SECVNDAE. LIBER TERTIVS.

[1] Omnes qui alterum, iudices, nullis impulsi inimicitiis, nulla privatim laesi iniuria, nullo praemio adducti in iudicium rei publicae causa vocant providere debent non solum quid oneris in praesentia tollant, sed quantum in omnem vitam negoti suscipere conentur. Legem enim sibi ipsi dicunt innocentiae continentiae virtutumque omnium qui ab altero rationem vitae reposcunt, atque eo magis si id, ut ante dixi, faciunt nulla re commoti alia nisi utilitate communi.

[2] Nam qui sibi hoc sumpsit, ut corrigat mores aliorum ac peccata reprehendat, quis huic ignoscat si qua in re ipse ab religione offici declinarit? Quapropter hoc etiam magis ab omnibus eius modi civis laudandus ac diligendus est, quod non solum ab re publica civem improbum removet, verum etiam se ipsum eius modi fore profitetur ac praestat ut sibi non modo communi voluntate virtutis atque offici, sed etiam vi quadam magis necessaria recte sit honesteque vivendum.

[3] Itaque hoc, iudices, ex homine clarissimo atque eloquentissimo, L. Crasso, saepe auditum est, cum se nullius rei tam paenitere diceret quam quod C. Carbonem umquam in iudicium vocavisset; minus enim liberas omnium rerum voluntates habebat, et vitam suam pluribus quam vellet observari oculis arbitrabatur. Atque ille his praesidiis ingeni fortunaeque munitus tamen hac cura continebatur, quam sibi nondum confirmato consilio sed ineunte aetate susceperat, <cum> minus etiam praecipitur eorum virtus et integritas qui ad hanc rem adulescentuli, quam qui iam firmata aetate descendunt. Illi enim, ante quam potuerunt existimare quanto liberior vita sit eorum qui neminem accusarint, gloriae causa atque ostentationis accusant: nos qui iam et quid facere et quantum iudicare possemus ostendimus, nisi facile cupiditates nostras teneremus, numquam ipsimet nobis praecideremus istam licentiam libertatemque vivendi.

[4] Atque ego hoc plus oneris habeo quam qui ceteros accusarunt, — si onus est id appellandum quod cum laetitia feras ac voluptate: verum tamen ego hoc amplius suscepi quam ceteri quod ita postulatur ab hominibus ut his abstineant maxime vitiis in quibus

alterum reprehenderint. Furem aliquem aut rapacem accusaris: vitanda tibi semper erit omnis avaritiae suspicio. Maleficum quempiam adduxeris aut crudelem: cavendum erit semper ne qua in re asperior aut inhumanior fuisse videare. Corruptorem, adulterum: providendum diligenter ne quod in vita vesti gium libidinis appareat: omnia postremo quae vindicaris in altero tibi ipsi vehementer fugienda sunt. Etenim non modo accusator, sed ne obiurgator quidem ferendus est is qui, quod in altero vitium reprehendit, in eo ipse reprehenditur.

[5] Ego in uno homine omnia vitia quae possunt in homine perdito nefarioque esse reprehendo; nullum esse dico indicium libidinis sceleris audaciae quod non in istius unius vita perspicere possitis. Ergo in isto reo legem hanc mihi, iudices, statuo, vivendum ita esse ut isti non modo factis dictisque omnibus, sed etiam oris oculorumque illa contumacia ac superbia quam videtis, dissimillimus esse ac semper fuisse videar. Patior, non moleste fero, iudices, eam vitam quae mihi sua sponte antea iucunda fuerit nunc iam mea lege et condicione necessariam quoque futuram.

[6] Et in hoc homine saepe a me quaeris, Hortensi, quibus inimicitiis aut qua iniuria adductus ad accusandum descenderim? Mitto iam rationem offici mei necessitudinisque Siculorum: de ipsis tibi inimicitiis respondeo. An tu maiores ullas inimicitias putas esse quam contrarias homi num sententias ac dissimilitudines studiorum ac voluntatum? Fidem sanctissimam in vita qui putat, potest ei non inimicus esse qui quaestor consulem suum consiliis commissis, pecunia tradita, rebus omnibus creditis spoliare, relinquere, prodere, oppugnare ausus sit? Pudorem ac pudicitiam qui colit, potest animo aequo istius cotidiana adulteria, meretriciam disciplinam, domesticum lenocinium videre? Qui religiones deorum immortalium retinere vult, ei qui fana spoliarit omnia, qui ex tensarum orbitis praedari sit ausus, inimicus non esse qui potest? Qui iure aequo omnis putat esse oportere, is tibi non infestissimus sit, cum cogitet varietatem libidinemque decretorum tuorum? qui sociorum iniuriis provinciarumque incommodis doleat, is in te non expilatione Asiae, vexatione Pamphyliae, squalore et lacrimis Siciliae concitetur? qui civium Romanorum iura ac liberta tem sanctam apud omnis haberi velit, is non tibi plus etiam quam inimicus esse debeat, cum tua

verbera, cum securis, cum cruces ad civium Romanorum supplicia fixas recordetur?

[7] An si qua in re contra rem meam decrevisset aliquid iniuria, iure ei me inimicum esse arbitrarere: cum omnia contra omnium bonorum rem causam rationem utilitatem voluntatemque fecerit, quaeris cur ei sim inimicus cui populus Romanus infestus est? qui praesertim plus etiam quam pars virilis postulat pro voluntate populi Romani oneris ac muneris suscipere debeam. Quid? illa quae leviora videntur esse non cuiusvis animum possunt movere, quod ad tuam ipsius amicitiam ceterorumque hominum magnorum atque nobilium faciliorem aditum istius habet nequitia et audacia quam cuiusquam nostrum virtus et integritas? Odistis hominum novorum industriam, despicitis eorum frugalitatem, pudorem contemnitis, ingenium vero et virtutem depressam exstinctamque cupitis: Verrem amatis!

[8] Ita credo: si non virtute, non industria, non innocentia, non pudore, non pudicitia, at sermone, at litteris, at humanitate eius delectamini. Nihil eorum est, contraque sunt omnia cum summo dedecore ac turpitudine tum singulari stultitia atque inhumanitate oblita. Huic homini si cuius domus patet, utrum ea patere an hiare ac poscere aliquid videtur? Hunc vestri ianitores, hunc cubicularii diligunt; hunc liberti vestri, hunc servi ancillaeque amant; hic cum venit extra ordinem vocatur; hic solus introducitur; ceteri saepe frugalissimi homines excluduntur. Ex quo intellegi potest eos vobis esse carissimos qui ita vixerint ut sine vestro praesidio salvi esse non possint.

[9] Quid? hoc cuiquam ferendum putas esse, nos ita vivere in pecunia tenui ut prorsus nihil adquirere velimus, ut dignitatem nostram populique Romani beneficia non copiis sed virtute tueamur, istum rebus omnibus undique ereptis impune eludentem circumfluere atque abundare? huius argento dominia vestra, huius signis et tabulis forum comitiumque ornari, praesertim cum vos vestro Marte his rebus omnibus abundetis? Verrem esse qui vestras villas suis manubiis ornet? Verrem esse qui cum L. Mummio certet, ut pluris hic sociorum urbis quam ille hostium spoliasse videatur, pluris hic villas ornamentis fanorum quam ille fana spoliis hostium ornasse? Et is erit ob eam rem vobis carior ut ceteri libentius suo periculo vestris cupiditatibus serviant?

[10] Verum haec et dicentur alio loco et dicta sunt: nunc proficiscemur ad reliqua, si pauca ante fuerimus a vobis, iudices, deprecati. Superiore omni oratione perattentos vestros animos habuimus: id fuit nobis gratum admodum. Sed multo erit gratius si reliqua voletis attendere, propterea quod in his omnibus quae antea dicta sunt erat quaedam ex ipsa varietate ac novitate rerum et criminum delectatio, nunc tractare causam instituimus frumentariam, quae magnitudine iniuriae et re criminibus ceteris antecellet, iucunditatis in agendo et varietatis minus habebit. Vestra autem auctoritate et prudentia dignissimum est, iudices, in audiendi diligentia non minus religioni tribuere quam voluptati.

[11] In hac causa frumentaria cognoscenda haec vobis proponite, iudices, vos de rebus fortunisque Siculorum omnium, de civium Romanorum qui arant in Sicilia bonis, de vectigalibus a maioribus traditis, de vita victuque populi Romani cognituros: quae si magna atque adeo maxima vobis videbuntur, quam varie et quam copiose dicantur exspectare nolite. Neminem vestrum praeterit, iudices, omnem utilitatem opportunitatemque provinciae Siciliae, quae ad commoda populi Romani adiuncta sit, consistere in re frumentaria maxime; nam ceteris rebus adiuvamur ex illa provincia,

[12] hac vero alimur ac sustinemur. Ea causa tripertita, iudices, erit in accusatione; primum enim de decumano, deinde de empto dicemus frumento, postremo de aestimato. Inter Siciliam ceterasque provincias, iudices, in agrorum vectigalium ratione hoc interest, quod ceteris aut impositum vectigal est certum, quod stipendiarium dicitur, ut Hispanis et plerisque Poenorum quasi victoriae praemium ac poena belli, aut censoria locatio constituta est, ut Asiae lege Sempronia: Siciliae civitates sic in amicitiam fidemque accepimus ut eodem iure essent quo fuissent, eadem condicione

[13] populo Romano parerent qua suis antea paruissent. Perpaucae Siciliae civitates sunt bello a maioribus nostris subactae; quarum ager cum esset publicus populi Romani factus, tamen illis est redditus; is ager a censoribus locari solet. Foederatae civitates duae sunt, quarum decumae venire non soleant, Mamertina et Tauromenitana, quinque praeterea sine foedere immunes [civitates] ac liberae, Centuripina, Halaesina, Segestana, Halicyensis, Panhormitana; praeterea omnis ager Siciliae civitatum decumanus

est, itemque ante imperium populi Romani ipsorum Siculorum voluntate et institutis fuit.

[14] Videte nunc maiorum sapien tiam, qui cum Siciliam tam opportunum subsidium belli atque pacis ad rem publicam adiunxissent, tanta cura Siculos tueri ac retinere voluerunt ut non modo eorum agris vectigal novum nullum imponerent, sed ne legem quidem venditionis decumarum neve vendundi aut tempus aut locum commutarent, ut certo tempore anni, ut ibidem in Sicilia, denique ut lege Hieronica venderent. Voluerunt eos in suis rebus ipsos interesse, eorumque animos non modo lege nova sed ne nomine quidem legis novo commoveri.

[15] Itaque decumas lege Hieronica semper vendundas censuerunt, ut iis iucundior esset muneris illius functio, si eius regis qui Siculis carissimus fuit non solum instituta commutato imperio, verum etiam nomen maneret. Hoc iure ante Verrem praetorem Siculi semper usi sunt: hic primus instituta omnium, consuetudinem a maioribus traditam, condicionem amicitiae, ius societatis convellere et commutare ausus est.

[16] Qua in re primum illud reprehendo et accuso, cur in re tam vetere, tam usitata quicquam novi feceris. Ingenio aliquid adsecutus es? Tot homines sapientissimos et clarissimos, qui illam provinciam ante te tenuerunt, prudentia consilioque vicisti? Est tuum, est ingeni diligentiaeque tuae: do hoc tibi et concedo. Scio te Romae, cum praetor esses, edicto tuo possessiones hereditatum a liberis ad alienos, a primis heredibus ad secundos, a legibus ad libidinem tuam transtulisse; scio te edicta superiorum omnium correxisse et possessiones hereditatum non secundum eos qui proferrent, sed secundum eos qui dicerent testamentum factum dedisse; easque res novas abs te prolatas et inventas magno tibi quaestui fuisse scio; eundemque te memini censorias quoque leges in sartis tectis exigendis tollere et commutare, ne is redimeret cuia res esset, ne pupillo tutores propinquique consulerent quo minus fortunis omnibus everteretur; exiguam diem praefinire operi qua ceteros ab negotio excluderes, ipse in tuo redemptore nullam certam diem observares.

[17] Quam ob rem novam legem te in decumis statuisse non miror, hominem in edictis praetoriis, in censoriis legibus tam prudentem, tam exercitatum, — non, inquam, miror te aliquid excogitasse; sed

quod tua sponte iniussu populi sine senatus auctoritate iura provinciae Siciliae mutaveris, id reprehendo, id accuso.

[18] L. Octavio et C. Cottae consulibus senatus permisit ut vini et olei decumas et frugum minutarum, quas ante quaestores in Sicilia vendere consuessent, Romae venderent, legemque his rebus quam ipsis videretur dicerent. Cum locatio fieret, publicani postularunt quasdam res ut ad legem adderent neque tamen a ceteris censoriis legibus recederent. Contra dixit is qui casu tum Romae fuit, tuus hospes, Verres, — hospes, inquam, et familiaris tuus, — Sthenius hic Thermitanus. Consules causam cognorunt; cum viros primarios atque amplissimos civitatis multos in consilium advocassent, de consili sententia pronuntiarunt se lege Hieronica vendituros.

[19] Itane vero? Prudentissimi viri summa auctoritate praediti, quibus senatus legum dicendarum in locandis vectigalibus omnem potestatem permiserat populusque Romanus idem iusserat, Siculo uno recusante cum amplificatione vectigalium nomen Hieronicae legis mutare noluerunt: tu, homo minimi consili, nullius auctoritatis, iniussu populi ac senatus, tota Sicilia recusante, cum maximo detrimento atque adeo exitio vectigalium totam Hieronicam legem sustulisti?

[20] At quam legem corrigit, iudices, atque adeo totam tollit! Acutissime ac diligentissime scriptam, quae lex omnibus custodiis subiectum aratorem decumano tradidit, ut neque in segetibus neque in areis neque in horreis neque in amovendo neque in exportando frumento grano uno posset arator sine maxima poena fraudare decumanum. Scripta lex ita diligenter est ut eum scripsisse appareat qui alia vectigalia non haberet, ita acute ut Siculum, ita severe ut tyrannum; qua lege Siculis tamen arare expediret; nam ita diligenter constituta sunt iura decumano ut tamen ab invito aratore plus decuma non possit auferri.

[21] Cum haec essent ita constituta, Verres tot annis atque adeo saeculis tot inventus est qui haec non commutaret sed everteret, eaque quae iam diu ad salutem sociorum utilitatemque rei publicae composita comparataque essent ad suos improbissimos quaestus converteret; qui primum certos instituerit nomine decumanos, re vera ministros ac satellites cupiditatum suarum, per quos ostendam sic

provinciam per triennium vexatam atque vastatam, iudices, ut eam multis annis multorum innocentia sapientiaque recreare nequeamus.

[22] Eorum omnium qui decumani vocabantur princeps erat Q. ille Apronius, quem videtis; de cuius improbitate singulari gravissimarum legationum querimonias audivistis. Aspicite, iudices, vultum hominis et aspectum, et ex ea contumacia quam hic in perditis rebus retinet illos eius spiritus Siciliensis quos fuisse putetis [cogitate ac] recordamini. Hic est Apronius quem in provincia tota Verres, cum undique nequissimos homines conquisisset, et cum ipse secum sui similis duxisset non parum multos, nequitia luxuria audacia sui simillimum iudicavit; itaque istos inter se perbrevi tempore non res, non ratio, non commendatio aliqua, sed studiorum turpitudo similitudoque coniunxit.

[23] Verris mores improbos impurosque nostis: fingite vobis si potestis, aliquem qui in omnibus isti rebus par ad omnium flagitiorum nefarias libidines esse possit; is erit Apronius ille qui, ut ipse non solum vita sed corpore atque ore significat, immensa aliqua vorago est aut gurges vitiorum turpitudinumque omnium. Hunc in omnibus stupris, hunc in fanorum expilationibus, hunc in impuris conviviis principem adhibebat; tantamque habet morum similitudo coniunctionem atque concordiam ut Apronius, qui aliis inhumanus ac barbarus, isti uni commodus ac disertus videretur; ut quem omnes odissent neque videre vellent, sine eo iste esse non posset; ut cum alii ne conviviis quidem isdem quibus Apronius, hic isdem etiam poculis uteretur; postremo ut odor Aproni taeterrimus oris et corporis, — quem, ut aiunt, ne bestiae quidem ferre possent, — uni isti suavis et iucundus videretur. Ille erat in tribunali proximus, in cubiculo solus, in convivio dominus, ac tum maxime cum accubante praetextato praetoris filio saltare in convivio nudus coeperat.

[24] Hunc, uti dicere institui, principem Verres ad fortunas aratorum vexandas diripiendasque esse voluit: huius audaciae nequitiae crudelitati fidelissimos socios optimosque civis scitote hoc praetore traditos, iudices, atque addictos fuisse novis institutis et edictis, tota Hieronica lege, quem ad modum antea dixi, reiecta ac repudiata.

[25] Primum edictum, iudices, audite praeclarum: Quantum

decumanus edidisset aratorem sibi decumae dare oportere, ut tantum arator decumano dare cogeretur. Quo modo? Quantum poposcerit Apronius, dato. Quid est hoc? utrum praetoris institutum in socios an in hostis victos insani edictum atque imperium tyranni? Ego tantundem dabo quantum ille poposcerit? poscet omne quantum exaravero. Quid omne? plus immo etiam, inquit, si volet. Quid tum? quid censes? Aut dabis aut contra edictum fecisse damnabere. Per deos immortalis, quid est hoc? veri enim simile non est.

[26] Sic mihi persuadeo, iudices, tametsi omnia in istum hominem convenire putetis, tamen hoc vobis falsum videri. Ego enim, cum hoc tota Sicilia diceret, tamen adfirmare non auderem, si haec edicta non ex ipsius tabulis totidem verbis recitare possem, sicuti faciam. Da, quaeso, scribae, recitet ex codice professionem. Recita. Edictvm de professione. Negat me recitare totum; nam id significare nutu videtur. Quid praetereo? an illud, ubi caves tamen Siculis et miseros respicis aratores? dicis enim te in decumanum, si plus abstulerit quam debitum sit, in octu plum iudicium daturum. Nihil mihi placet praetermitti; recita hoc quoque quod postulat totum. Recita. Edictvm de ivdicio in octvplvm. Iudicio ut arator decumanum persequatur? Miserum atque iniquum! Ex agro homines traducis in forum, ab aratro ad subsellia, ab usu rerum rusticarum ad insolitam litem atque iudicium?

[27] Cum omnibus in aliis vectigalibus, Asiae Macedoniae Hispaniae Galliae Africae Sardiniae, ipsius Italiae quae vectigalia sunt — cum in his, inquam, rebus omnibus publicanus petitor ac pignerator, non ereptor neque possessor soleat esse, tu de optimo, de iustissimo, de honestissimo genere hominum, hoc est de aratoribus, ea iura constituebas quae omnibus aliis essent contraria? Vtrum est aequius, decumanum petere an aratorem repetere? iudicium integra re an perdita fieri? eum qui manu quaesierit, an eum qui digito sit licitus possidere? Quid? qui singulis iugis arant, qui ab opere ipsi non recedunt, — quo in numero magnus ante te praetorem numerus ac magna multitudo Siculorum fuit, — quid facient cum dederint Apronio quod poposcerit? relinquent arationes, relinquent Larem familiarem suum? venient Syracusas, ut te praetore videlicet aequo iure Apronium, delicias ac vitam tuam, iudicio recuperatorio persequantur?

[28] Verum esto: reperietur aliqui fortis et experiens arator, qui, cum tantum dederit decumano quantum ille deberi dixerit, iudicio repetat et poenam octupli persequatur: exspecto vim edicti, severitatem praetoris: faveo aratori, cupio octupli damnari Apronium. Quid tandem postulat arator? nihil nisi ex edicto iudicium in octuplum. Quid Apronius? non recusat. Quid praetor? iubet recuperatores reicere. 'Decurias scribamus.' Quas decurias? 'de cohorte mea reicies,' inquit. 'Quid? ista cohors quorum hominum est?' Volusi haruspicis et Corneli medici et horum canum quos tribunal meum vides lambere; nam de conventu nullum umquam iudicem nec recuperatorem dedit; iniquos decumanis aiebat omnis esse qui ullam agri glebam possiderent. Veniendum erat ad eos contra Apronium qui nondum Aproniani convivi crapulam exhalassent. O praeclarum et commemorandum iudicium! o severum edictum! o tutum perfugium aratorum!

[29] Atque ut intellegatis cuius modi ista iudicia in octuplum, cuius modi istius de cohorte recuperatores existimati sint, sic attendite. Ecquem putatis decumanum, hac licentia permissa ut tantum ab aratore quantum poposcisset auferret, plus quam deberetur poposcisse? Considerate cum vestris animis vosmet ipsi ecquem putetis, praesertim cum id non solum avaritia sed etiam imprudentia accidere potuerit. Multos necesse est. At ego omnis dico plus, ac multo plus, quam decumam abstulisse. Cedo mihi unum ex triennio praeturae tuae qui octupli damnatus sit. Damnatus? immo vero in quem iudicium ex edicto tuo postulatum sit. Nemo erat videlicet aratorum qui iniuriam sibi factam queri posset, nemo decumanorum qui grano amplius sibi quam deberetur deberi professus esset. Immo vero contra rapiebat et asportabat quantum a quoque volebat Apronius, omnibus autem locis aratores spoliati ac vexati querebantur; neque tamen ullum iudicium reperietur.

[30] Quid est hoc? Tot viri fortes honesti gratiosi, tot Siculi, tot equites Romani, ab homine nequissimo ac turpissimo laesi poenam octupli sine ulla dubitatione commissam non persequebantur? Quae causa, quae ratio est? una illa, iudices, quam videtis, quod ultro etiam inlusos se et inrisos ab iudicio discessuros videbant. Etenim quod esset iudicium, cum ex Verris turpissimo flagitiosissimoque comitatu tres recuperatorum nomine adsedissent adseculae istius, non a patre

ei traditi sed a meretricula commendati?

[31] Ageret videlicet causam arator; nihil sibi frumenti ab Apronio relictum, bona sua etiam direpta, se pulsatum verberatumque diceret; conferrent viri boni capita, de comissatione loquerentur inter se ac de mulierculis, si quas a praetore abeuntis possent deprehendere; res agi videretur. Surrexisset Apronius, nova dignitas publicani, non ut decumanus squaloris plenus ac pulveris, sed unguentis oblitus, vino vigiliisque languidus; omnia primo motu ac spiritu suo vini unguenti corporis odore complesset. Dixisset haec quae volgo dicere solebat, non se decumas emisse, sed bona fortunasque aratorum, non se decumanum esse Apronium, sed Verrem alterum dominum illorum ac tyrannum. Quae cum dixisset, illi viri optimi de cohorte istius recuperatores non de absolvendo Apronio deliberarent, sed quaererent ecquo modo petitorem ipsum Apronio con demnare possent.

[32] Hanc tu licentiam diripiendorum aratorum cum decumanis, hoc est cum Apronio permisisses, ut quantum vellet posceret, quantum poposcisset auferret, hoc tibi defensionis ad iudicium tuum comparabas, habuisse te edictum recuperatores daturum in octuplum? Si mehercule ex omni copia conventus Syracusani, splendidissimorum honestissimorumque hominum, faceres potestatem aratori non modo reiciendi sed etiam sumendi recuperatores, tamen hoc novum genus iniuriae ferre nemo posset, te, cum tuos omnis fructus publicano tradidisses et rem de manibus amisisses, tum bona tua repetere ac persequi lite atque iudicio.

[33] Cum vero verbo iudicium sit in edicto, re quidem vera tuorum comitum, hominum nequissimorum, conlusio cum decumanis, sociis tuis atque adeo procuratoribus, tamen audes ullius mentionem iudici facere? praesertim cum id non modo oratione mea sed etiam re ipsa refellatur, quod in tantis incommodis aratorum iniuriisque decumanorum nullum ex isto praeclaro edicto non modo factum sed ne postulatum quidem iudicium invenitur.

[34] Erit tamen in aratores lenior quam videtur. Nam qui in decumanos octupli iudicium se daturum edixit, idem habuit in edicto se in aratorem in quadruplum daturum. Quis hunc audet dicere aratoribus infestum aut inimicum fuisse? quanto lenior est quam in publicanum! Edixit ut, quod decumanus edidisset sibi dari oportere,

id ab aratore magistratus Siculus exigeret. Quid est reliqui iudici quod in aratorem dari possit? ‘Non malum est,’ inquit, ‘esse istam formidinem, ut, cum exactum sit ab aratore, tamen ne se commoveat reliquus metus iudici sit.’ Si iudicio vis a me exigere, remove Siculum magistratum: si hanc vim adhibes, quid opus est iudicio? Quis porro erit quin malit decumanis tuis dare quod poposcerint, quam ab adseculis tuis quadruplo condemnari?

[35] Illa vero praeclara est clausula edicti, quod omnium controversiarum quae essent inter aratorem et decumanum, si uter velit, edicit se recuperatores daturum. Primum quae potest esse controversia, cum is qui petere debet aufert, et cum is non quantum debetur sed quantum commodum est aufert, ille autem unde ablatum est iudicio suum recuperare nullo modo potest? Deinde in hoc homo luteus etiam callidus ac veterator esse vult, quod ita scribit, Si vter volet, recvperatores dabo. Quam lepide se furari putat! Vtrique facit potestatem, sed utrum ita scripserit, ‘si uter volet’ an ‘si decumanus volet,’ nihil interest; arator enim tuos istos recuperatores numquam volet.

[36] Quid? illa cuius modi sunt quae ex tempore ab Apronio admonitus edixit? Q. Septicio, honestissimo equite Romano, resistente Apronio et adfirmante se plus decuma non daturum, exoritur peculiare edictum repentinum, ne quis frumentum de area tolleret antequam cum decumano pactus esset. Ferebat hanc quoque iniquitatem Septicius et imbri frumentum corrumpi in area patiebatur, cum illud edictum repente uberrimum et quaestuosissimum nascitur, ut ante Kalendas Sextilis omnis decumas ad aquam deportatas haberent.

[37] Hoc edicto non Siculi, nam eos quidem superioribus edictis satis perdiderat atque adflixerat, sed isti ipsi equites Romani qui suum ius retinere se contra Apronium posse erant arbitrati, splendidi homines et aliis praetoribus gratiosi, vincti Apronio traditi sunt. Attendite enim cuius modi edicta sint. Ne tollat, inquit, ex area, nisi erit pactvs. Satis haec magna vis est ad inique paciscendum; malo enim plus dare quam non mature ex area tollere. At ista vis Septicium et non nullos Septici similis non coercet, qui ita dicunt, ‘Non tollam potius quam paciscar.’ His hoc opponitur, ‘Deportatum habeas ante Kalendas Sextilis.’ Deportabo igitur. ‘Nisi pactus eris,

non commovebis.' Sic deportandi dies praestituta tollere cogebat ex area: prohibitio tollendi, nisi pactus esset, vim adhibebat pactioni, non voluntatem.[38] Iam vero illud non solum contra legem Hieronicam nec solum contra consuetudinem superiorum, sed etiam contra omnia iura Siculorum, quae habent a senatu populoque Romano, ne quis extra suum forum vadimonium promittere cogatur. Statuit iste ut arator decumano quo vellet decu manus vadimonium promitteret, ut hic quoque Apronio, cum ex Leontino usque Lilybaeum aliquem vadaretur, ex miseris aratoribus calumniandi quaestus accederet. Quamquam illa fuit ad calumniam singulari consilio reperta ratio, quod edixerat ut aratores iugera sationum suarum profite rentur. Quae res cum ad pactiones iniquissimas magnam vim habuit, sicut ostendam, neque ad ullam utilitatem rei publicae pertinuit, tum vero ad calumnias, in quas omnes inciderent quos vellet Apronius.

[39] Vt enim quisque contra voluntatem eius dixerat, ita in eum iudicium de professione iugerum postulabatur, cuius iudici metu magnus a multis frumenti numerus ablatus magnaeque pecuniae coactae sunt; non quo iugerum numerum vere profiteri esset difficile aut amplius etiam profiteri, quid enim in eo periculi esse posset? sed causa erat iudici postulandi quod ex edicto professus non esset. Iudicium autem quod fuerit isto praetore, si quae cohors et qui comitatus fuerit meministis, scire debetis. Quid igitur est quod ex hac iniquitate novorum edictorum intellegi velim, iudices? Iniuriamne factam sociis? at videtis. Auctoritatem superiorum repudiatam? non audebit negare.

[40] Tantum Apronium isto praetore potuisse? confiteatur necesse est. Sed vos fortasse, quod vos lex commonet, id in hoc loco quaeretis, num quas ex hisce rebus pecunias ceperit. Docebo cepisse maximas, omnisque eas iniquitates de quibus antea dixi sui quaestus causa constituisse vincam, si prius illud propugnaculum quo contra omnis meos impetus usurum se putat ex defensione eius deiecero. 'Magno,' inquit, 'decumas vendidi.' Quid ais? an tu decumas, homo audacissime atque amentissime, vendidisti? Tu partis eas quas te senatus populusque Romanus voluit, an fructus integros atque adeo bona fortunasque aratorum omnis vendidisti? Si palam praeco iussu tuo praedicasset non decumas frumenti sed dimidias venire partis, et

ita emptores accessissent ut ad dimidias partis emendas, si pluris vendidisses tu dimidias quam ceteri decumas, cuinam mirum videretur? Quid? si praeco decumas pronuntiavit, re vera, — hoc est lege, edicto, condicione, — plus etiam quam dimidiae venierunt, tamen hoc tibi praeclarum putabis, te pluris quod non licebat quam ceteros quod oportebat vendidisse? Pluris decumas vendidisti quam ceteri.

[41] Quibus rebus id adsecutus es? innocentia? Aspice aedem Castoris; deinde, si audes, fac mentionem innocentiae. Diligentia? Codicis lituras tui contemplare in Stheni Thermitani nomine; deinde aude te dicere diligentem. Ingenio? Qui testis interrogare priore actione nolueris et iis tacitus os tuum praebere malueris, quamvis et te et patronos tuos ingeniosos esse dicito. Quare igitur id quod ais adsecutus es? Magna est laus si superiores consilio vicisti, posterioribus exemplum atque auctoritatem reliquisti. Tibi fortasse idoneus fuit nemo quem imitarere; at te videlicet inventorem rerum optimarum ac principem imitabuntur omnes.

[42] Quis arator te praetore decumam dedit? quis duas? quis non maximo se adfectum beneficio putavit cum tribus decumis pro una defungeretur, praeter paucos qui propter societatem furtorum tuorum nihil omnino dederunt? Vide inter importunitatem tuam senatusque bonitatem quid intersit. Senatus cum temporibus rei publicae cogitur ut decernat ut alterae decumae exigantur, ita decernit ut pro his decumis pecunia solvatur aratoribus, ut, quod plus sumitur quam debetur, id emi non auferri putetur: tu cum tot decumas non senatus consulto, sed novis edictis tuis nefariisque institutis exigeres et eriperes, magnum te fecisse arbitrare si pluris vendideris quam L. Hortensius, pater istius Q. Hortensi, quam Cn. Pompeius, quam C. Marcellus, qui ab aequitate, ab lege, ab institutis non recesserunt?

[43] An tibi unius anni aut bienni ratio fuit habenda, salus provinciae, commoda rei frumentariae, ratio rei publicae in posteritatem fuit neglegenda? Cum rem ita constitutam accepisses ut et populo Romano satis frumenti ex Sicilia suppeditaretur et aratoribus tamen arare atque agros colere expediret, quid effecisti, quid adsecutus es? Vt populo Romano nescio quid te praetore ad decumas accederet, deserendas arationes relinquendasque curasti. Successit tibi L. Metellus. Tu innocentior quam Metellus? tu laudis

et honoris cupidior? Tibi enim consulatus quaere batur, Metello paternus honos et avitus neglegebatur. Multo minoris vendidit non modo quam tu, sed etiam quam qui ante te vendiderunt. Quaero, si ipse excogitare non potuerat quem ad modum quam plurimo venderet, ne tua quidem recentia proximi praetoris vestigia persequi poterat, ut tuis praeclaris abs te principe inventis et excogitatis edictis atque institutis uteretur?

[44] Ille vero tum se minime Metellum fore putavit si te ulla in re imitatus esset; qui ab urbe Roma, quod nemo umquam post hominum memoriam fecit, cum sibi in provinciam proficiscendum putaret, litteras ad Siciliae civitates miserit, per quas hortatur et rogat ut arent, ut serant. In beneficio praetor hoc petit aliquanto ante adventum suum et simul ostendit se lege Hieronica venditurum, hoc est in omni ratione decumarum nihil istius simile facturum. Atque haec non cupiditate aliqua scribit inductus ut in alienam provinciam mittat litteras ante tempus, sed consilio, ne, si tempus sationis praeterisset, granum ex provincia Sicilia nullum haberemus.

[45] Cognoscite Metelli litteras. Recita. Epistvla L. Metelli. Hae litterae, iudices, L. Metelli, quas audistis, hoc quantum est ex Sicilia frumenti hornotini exaraverunt: glebam commosset in agro decumano Siciliae nemo, si Metellus hanc epistulam non misisset. Quid? Metello divinitus hoc venit in mentem an ab Siculis, qui Romam frequentissimi convenerant, negotiatoribusque Siciliae doctus est? quorum quanti conventus ad Marcellos, antiquissimos Siciliae patronos, quanti ad Cn. Pompeium tum consulem designatum, ceterosque illius provinciae necessarios fieri soliti sint, quis ignorat? quod quidem, iudices, nullo umquam de homine factum est, ut absens accusaretur ab iis palam quorum in bona liberosque summum imperium potestatemque haberet. Tanta vis erat iniuriarum ut homines quidvis perpeti quam non de istius improbitate deplorare et conqueri mallent.

[46] Quas litteras cum ad omnis civitates prope suppliciter misisset Metellus, tamen antiquum modum sationis nulla ex parte adsequi potuit; diffugerant enim permulti, id quod ostendam, nec solum arationes sed etiam sedes suas patrias istius iniuriis exagitati reliquerant. Non mehercule augendi criminis causa, iudices, dicam, sed, quem ipse accepi oculis animoque sensum, hunc vere apud vos

et, ut potero, planissime exponam.

[47] Nam cum quadriennio post in Siciliam venissem, sic mihi adfecta visa est ut eae terrae solent in quibus bellum acerbum diuturnumque versatum est. Quos ego campos antea collisque nitidissimos viridissimosque vidissem, hos ita vastatos nunc ac desertos videbam ut ager ipse cultorem desiderare ac lugere dominum videretur. Herbitensis ager et Hennensis, Murgentinus, Assorinus, Imacharensis, Agyrinensis ita relictus erat ex maxima parte ut non solum iugorum sed etiam dominorum multitudinem quaereremus; Aetnensis vero ager, qui solebat esse cultissimus, et, quod caput est rei frumentariae, campus Leontinus, — cuius antea species haec erat ut, cum obsitum vidisses, annonae caritatem non vererere, — sic erat deformis atque horridus ut in uberrima Siciliae parte Siciliam quaereremus; labefactarat enim vehementer aratores iam superior annus, proximus vero funditus everterat.

[48] Tu mihi etiam audes mentionem facere decumarum? tu in tanta improbitate, in tanta acerbitate, in tot ac tantis iniuriis, cum in arationibus et in earum rerum iure provincia Sicilia consistat, eversis funditus aratoribus, relictis agris, cum in provincia tam locuplete ac referta non modo rem sed ne spem quidem ullam reliquam cuiquam feceris, aliquid te populare putabis habere cum dices te pluris quam ceteros decumas vendidisse? Quasi vero aut populus Romanus hoc voluerit aut senatus hoc tibi mandaverit, ut, cum omnis aratorum fortunas decumarum nomine eriperes, in posterum fructu illo commodoque rei frumentariae populum Romanum privares, deinde, si quam partem tuae praedae ad summam decumarum addidisses, bene de re publica, bene de populo Romano meritus viderere. Atque perinde loquor quasi in eo sit iniquitas eius reprehendenda, quod propter gloriae cupiditatem, ut aliquos summa frumenti decumani vinceret, acerbiorem legem, duriora edicta interposuerit, omnium superiorum auctori tatem repudiarit.

[49] Magno tu decumas vendidisti. Quid? si doceo te non minus domum tuam avertisse quam Romam misisse decumarum nomine, quid habet populare oratio tua, cum ex provincia populi Romani aequam partem tu tibi sumpseris ac populo Romano miseris? Quid? si duabus partibus doceo te amplius frumenti abstulisse quam populo Romano misisse, tamenne putamus patronum tuum in hoc crimine

cerviculam iactaturum et populo se ac coronae daturum? Haec vos antea, iudices, audistis, verum fortasse ita audistis ut auctorem rumorem haberetis sermonemque omnium. Cognoscite nunc innumerabilem pecuniam frumentario nomine ereptam, ut simul illam quoque eius vocem improbam agnoscatis qui se uno quaestu decumarum omnia sua pericula redem pturum esse dicebat.

[50] Audivimus hoc iam diu, iudices: nego quemquam esse vestrum quin saepe audierit socios istius fuisse decumanos. Nihil aliud arbitror falso in istum esse dictum ab iis qui male de isto existimarint, nisi hoc. Nam socii putandi sunt quos inter res communicata est: ego rem totam fortunasque aratorum omnis istius fuisse dico, Apronium Veneriosque servos, — quod isto praetore fuit novum genus publicanorum, — ceterosque decumanos procuratores istius quaestus et administros rapinarum fuisse dico.

[51] ‘Quo modo hoc doces?’ Quo modo ex illa locatione columnarum docui istum esse praedatum: opinor, ex eo maxime quod iniquam legem novamque dixisset. Quis enim umquam conatus est iura omnia et consuetudinem omnium commutare cum vituperatione sine quaestu? Pergam atque insequar longius. Iniqua lege vendebas, quo pluris venderes. Cur addictis iam et venditis decumis, cum iam ad summam decumarum nihil, ad tuum quaestum multum posset accedere, subito atque ex tempore nova nascebantur edicta? Nam ut vadimonium decumano, quocumque is vellet, promitteretur, ut ex area, nisi pactus esset, arator ne tolleret, ut ante Kalendas Sextilis decumas deportatas haberet, haec omnia iam venditis decumis anno tertio te edixisse dico; quae si rei publicae causa faceres, in vendundo essent pronuntiata; quia tua causa faciebas, quod erat imprudentia praetermissum, id quaestu ac tempore admonitus reprehendisti.

[52] Illud vero cui probari potest, te sine tuo quaestu, ac maximo quaestu, tantam tuam infamiam, tantum capitis tui fortunarumque tuarum periculum neglexisse ut, cum totius Siciliae cotidie gemitus querimoniasque audires, cum, ut ipse dixisti, reum te fore putares, cum huiusce iudici discrimen ab opinione tua non abhorreret, paterere tamen aratores indignissimis iniuriis vexari ac diripi? Profecto, quamquam es singulari crudelitate et audacia, tamen abs te totam abalienari provinciam, tot homines honestissimos ac

locupletissimos tibi inimicissimos fieri nolles, nisi hanc rationem et cogitationem salutis tuae pecuniae cupiditas ac praesens illa praeda superaret.

[53] Etenim quoniam summam ac numerum iniuriarum vobis, iudices, non possum expromere, singillatim autem de unius cuiusque incommodo dicere infinitum est, genera ipsa iniuriarum, quaeso, cognoscite. Nympho est Centuripinus, homo gnavus et industrius, experientissimus ac diligentissimus arator. Is cum arationes magnas conductas haberet, quod homines etiam locupletes, sicut ille est, in Sicilia facere consuerunt, easque magna impensa magnoque instrumento tueretur, tanta ab isto iniquitate oppressus est ut non modo arationes relinqueret, sed etiam ex Sicilia profugeret Romamque una cum multis ab isto eiectis veniret. Fecit ut decumanus Nymphonem negaret ex edicto illo praeclaro, quod nullam ad aliam rem nisi ad huius modi quaestus pertinebat, numerum iugerum professum esse.

[54] Nympho cum se vellet aequo iudicio defendere, dat iste viros optimos recuperatores, eundem illum medicum Cornelium, is est Artemidorus Pergaeus, qui in sua patria dux isti quondam et magister ad spoliandum Dianae templum fuit, et haruspicem Volusium et Valerium praeconem. Nympho antequam plane constitit condemnatur. Quanti fortasse quaeritis. Nulla erat edicti poena certa: frumenti eius omnis quod in areis esset. Sic Apronius decumanus non decumam debitam, non frumentum remotum atque celatum, sed tritici vii milia medimnum ex Nymphonis arationibus edicti poena, non redemptionis aliquo iure tollit.

[55] Xenonis Menaeni, nobilissimi hominis, uxoris fundus erat colono locatus; colonus, quod decumanorum iniurias ferre non poterat, ex agro profugerat. Verres in Xenonem iudicium dabat illud suum damnatorium de iugerum professione. Xeno ad se pertinere negabat; fundum elocatum esse dicebat. Dabat iste iudicium, Si pareret ivgera eivs fvndi plvra esse qvam colonvs esset professvs, tum uti Xeno damnaretur. Dicebat ille non modo se non arasse, id quod satis erat, sed nec dominum eius esse fundi nec locatorem; uxoris esse; eam ipsam suum negotium gerere, ipsam locavisse. Defendebat Xenonem homo summo splendore et summa auctoritate praeditus, M. Cossutius. Iste nihilo minus iudicium HS iccc dabat.

Ille tametsi recuperatores de cohorte latronum sibi parari videbat, tamen iudicium se accepturum esse dicebat. Tum iste maxima voce Veneriis imperat, ut Xeno audiret, dum res iudicetur hominem ut adservent; cum iudicata sit, ad se ut adducant; et illud simul ait, se non putare illum, si propter divitias poenam damnationis contemneret, etiam virgas contempturum. Hac ille vi et hoc metu adductus tantum decumanis dedit quantum iste imperavit.

[56] Polemarchus est Murgentinus, vir bonus atque honestus. Ei cum pro iugeribus quinquaginta medimna dcc decumae imperarentur, quod recusabat, domum ad istum in ius eductus est, et, cum iste etiam cubaret, in cubiculum introductus est, quod nisi mulieri et decumano patebat alii nemini. Ibi cum pugnis et calcibus concisus esset, qui dcc medimnis decidere noluisset, mille promisit. Eubulidas est Grospus Centuripinus, homo cum virtute et nobilitate domi suae, tum etiam pecunia princeps. Huic homini, iudices, honestissimae civitatis honestissimo non modo frumenti scitote sed etiam vitae et sanguinis tantum relictum esse quantum Aproni libido tulit; nam vi malo plagis adductus est ut frumenti daret, non quantum deberet, sed quantum cogeretur.

[57] Sostratus et Numenius et Nymphodorus eiusdem civitatis cum ex agris tres fratres consortes profugissent, quod iis plus frumenti imperabatur quam quantum exararant, hominibus coactis in eorum arationes Apronius venit, omne instrumentum diripuit, familiam abduxit, pecus abegit. Postea cum ad eum Nymphodorus venisset Aetnam et oraret ut sibi sua restituerentur, hominem corripi ac suspendi iussit in oleastro quodam, quae est arbor, iudices, Aetnae in foro. Tam diu pependit in arbore socius amicusque populi Romani in sociorum urbe ac foro, colonus aratorque vester, quam diu voluntas Aproni tulit.

[58] Genera iam dudum innumerabilium iniuriarum, iudices, singulis nominibus profero, infinitam multitudinem iniuriarum praetermitto. Vos ante oculos animosque vestros tota Sicilia decumanorum hos impetus, aratorum direptiones, huius importunitatem, Aproni regnum proponite. Contempsit Siculos; non duxit homines nec ipsos ad persequendum vehementis fore, et vos eorum iniurias leviter laturos existimavit.

[59] Esto; falsam de illis habuit opinionem, malam de vobis; verum

tamen, cum de Siculis male mereretur, civis Romanos coluit, iis indulsit, eorum voluntati et gratiae deditus fuit. Iste civis Romanos? At nullis inimicior aut infestior fuit. Mitto vincla, mitto carcerem, mitto verbera, mitto securis, crucem denique illam praetermitto quam iste civibus Romanis testem humanitatis in eos ac benivolentiae suae voluit esse, — mitto, inquam, haec omnia atque in aliud dicendi tempus reicio; de decumis, de civium Romanorum condicione in arationibus disputo; qui quem ad modum essent accepti, iudices, audistis ex ipsis; bona sibi erepta esse dixerunt.

[60] Verum haec, quoniam eius modi causa fuit, ferenda sunt, nihil valuisse aequitatem, nihil consuetudinem; damna denique, iudices, nulla tanta sunt quae non viri fortes ac magno et libero animo adfecti ferenda arbitrentur. Quid si equitibus Romanis non obscuris neque ignotis, sed honestis et inlustribus manus ab Apronio isto praetore sine ulla dubitatione adferebantur? Quid exspectatis, quid amplius a me dicendum putatis? An id agendum ut eo celerius de isto transigamus quo maturius ad Apronium possimus, id quod ego illi iam in Sicilia pollicitus sum, pervenire? qui C. Matrinium, iudices, summa virtute hominem, summa industria, summa gratia, Leontinis in publico biduum tenuit. A Q. Apronio, iudices, homine in dedecore nato, ad turpitudinem educato, ad Verris flagitia libidinesque accommodato, equitem Romanum scitote biduum cibo tectoque prohibitum, biduum Leontinis in foro custodiis Aproni retentum atque adservatum, neque ante dimissum quam ad condicionem eius depectus est.

[61] Nam quid ego de Q. Lollio, iudices, dicam, equite Ro mano spectato atque honesto? Clara res est quam dicturus sum, tota Sicilia celeberrima atque notissima. Qui cum araret in Aetnensi, cumque is ager Apronio cum ceteris agris esset traditus, equestri vetere illa auctoritate et gratia fretus adfirmavit se decumanis plus quam deberet non daturum. Refertur eius sermo ad Apronium. Enim vero iste ridere ac mirari Lollium nihil de Matrinio, nihil de ceteris rebus audisse. Mittit ad hominem Venerios. Hoc quoque attendite, apparitores a praetore adsignatos habuisse decumanum, si hoc mediocre argumentum videri potest istum decumanorum nomine ad suos quaestus esse abusum. Adducitur a Veneriis atque adeo attrahitur Lollius, commodum cum Apronius e palaestra redisset, et

in triclinio quod in foro Aetnae straverat recubuisset. Statuitur Lollius in illo tempestivo gladiatorum convivio.

[62] Non meher cule haec quae loquor crederem, iudices, tametsi vulgo audieram, nisi mecum ipse senex, cum mihi atque huic voluntati accusationis meae lacrimans gratias ageret, summa cum auctoritate esset locutus. Statuitur, ut dico, eques Romanus annos prope lxxxx natus in Aproni convivio, cum interea Apronius caput atque os suum unguento confricaret. ‘Quid est, Lolli?’ inquit; ‘tu nisi malo coactus recte facere nescis?’ Homo quid ageret, taceret responderet, quid faceret denique illa aetate et auctoritate praeditus nesciebat. Apronius interea cenam ac pocula poscebat; servi autem eius, qui et moribus isdem essent quibus dominus et eodem genere ac loco nati, praeter oculos Lolli haec omnia ferebant. Ridere convivae, cachinnare ipse Apronius, nisi forte existimatis eum in vino ac lu<do> non risisse qui nunc in periculo atque exitio suo risum tenere non possit. Ne multa, iudices: his contumeliis scitote Q. Lollium coactum ad Aproni leges condicionesque venisse.

[63] Lollius aetate et morbo impeditus ad testimonium dicendum venire non potuit. Quid opus est Lollio? Nemo hoc nescit, nemo tuorum amicorum, nemo abs te productus, nemo abs te interrogatus nunc se primum hoc dicet audire. M. Lollius, filius eius, adulescens le ctissimus, praesto est: huius verba audietis. Nam Q. Lollius, eius filius, qui Calidium accusavit, adulescens et bonus et fortis et in primis disertus, cum his iniuriis contumeliisque commotus in Siciliam esset profectus, in itinere occisus est. Cuius mortis causam fugitivi sustinent, re quidem vera nemo in Sicilia dubitat quin eo sit occisus quod habere clausa non potuerit sua consilia de Verre. Iste porro non dubitabat quin is, qui alium antea studio adductus accusasset, sibi advenienti praesto esset futurus, cum esset parentis iniuriis et domestico dolore commotus.

[64] Iamne intellegitis, iudices, quae pestis, quae immanitas in vestra antiquissima fidelissima proximaque provincia versata sit? iam videtis quam ob causam Sicilia, tot hominum antea furta rapinas iniquitates ignominiasque perpessa, hoc non potuerit novum ac singulare atque incredibile genus iniuriarum contumeliarumque perferre? Iam omnes intellegunt cur universa provincia defensorem suae salutis eum quaesiverit cuius iste fidei diligentiae perseverantiae

nulla ratione eripi possit. Tot iudiciis interfuistis, tot homines nocentis et improbos accusatos et vestra et supe riorum memoria scitis esse: ecquem vidistis, ecquem audistis in tantis furtis, in tam apertis, in tanta audacia, in tanta impudentia esse versatum?

[65] Apronius stipatores Venerios secum habebat; ducebat eos circum civitates; publice sibi convivia parari, sterni triclinia, et in foro sterni iubebat; eo vocari homines honestissimos non solum Siculos sed etiam equites Romanos, ut, quicum vivere nemo umquam nisi turpis impurusque voluisset, ad eius convivium spectatissimi atque honestissimi viri tenerentur. Haec tu, omnium mortalium profligatissime ac perditissime, cum scires, cum audires cotidie, cum videres, si sine tuo quaestu maximo fierent, cum tanto periculo tuo fieri pate rere atque concederes? Tantum apud te quaestus Aproni, tantum eius sermo inquinatissimus et blanditiae flagitiosae valuerunt ut numquam animum tuum cura tuarum fortunarum cogitatioque tangeret?

[66] Cernitis, iudices, quod et quantum incendium decumanorum impetu non solum per agros sed etiam per reliquas fortunas aratorum, neque solum per bona sed etiam per iura libertatis et civitatis isto praetore pervaserit. Videtis pendere alios ex arbore, pulsari alios, <alios> autem verberari, porro alios in publico custodiri, destitui alios in convivio, condemnari alios a medico et praecone praetoris; bona tamen interea nihilo minus eorum omnium ex agris auferri ac diripi. Quid est hoc? populi Romani imperium? praetoriae leges, iudicia? [socios fidelis, pro vincia suburbana.] Nonne omnia potius eius modi sunt quae, si Athenio rex fugitivorum vicisset, in Sicilia non fecisset? Non, inquam, iudices, esset ullam partem istius nequitiae fugitivorum insolentia consecuta. Privatim hoc modo: quid? publice civitates tractatae quem ad modum sunt? Audistis permulta, iudices, testimonia civitatum, et reliquarum audietis.

[67] Ac primum de Agyrinensi populo fideli et inlustri breviter cognoscite. Agyrinensis est in primis honesta Siciliae civitas hominum ante hunc praetorem locupletium summorumque aratorum. Eius agri decumas cum emisset idem Apronius, Agyrium venit. Qui cum apparitoribus eo et vi ac minis venisset, poscere pecuniam grandem coepit ut accepto lucro discederet; nolle se negoti quicquam habere dicebat, sed accepta pecunia velle quam primum in aliam civitatem occurrere. Sunt omnes Siculi non contemnendi, si per nostros magistratus liceat, sed homines et satis fortes et plane frugi ac sobrii, et in primis haec civitas de qua loquor, iudices.

[68] Itaque homini improbissimo respondent Agyri nenses sese decumas ei quem ad modum deberent daturos: lucrum, cum ille magno praesertim emisset, non addituros. Apronius certiorem facit istum cuia res erat. Statim, tamquam coniuratio aliqua Agyri contra rem publicam facta aut legatus praetoris pulsatus esset, ita Agyrio magistratus et quinque primi accitu istius evocantur. Veniunt Syracusas; praesto est Apronius; ait eos ipsos qui venissent contra edictum praetoris fecisse. Quaerebant, quid? Respondebat se ad recuperatores esse dicturum. Iste aequissimus homo formidinem illam suam miseris Agyrinensibus iniciebat: recuperatores se de cohorte sua daturum minabatur. Agyrinenses, viri fortissimi, iudicio se passuros esse dicebant.

[69] Ingerebat iste Artemidorum Cornelium medicum et Tlepolemum Cornelium pictorem et eius modi recuperatores, quorum civis Romanus nemo erat, sed Graeci sacrilegi iam pridem improbi, repente Cornelii. Videbant Agyrinenses, quicquid ad eos recuperatores Apronius attulisset, illum perfacile probaturum: condemnari cum istius invidia infamiaque malebant quam ad eius condiciones pactionesque accedere. Quaerebant quae in verba recuperatores daret. Respondebat, Si pareret adversvs edictvm fecisse; qua in re in iudicio dicturum esse aiebat. Iniquissimis verbis, improbissimis recuperatoribus conflictari malebant quam quicquam cum isto sua voluntate decidere. Summittebat iste Timarchidem qui moneret eos, si saperent, ut transigerent. Pernegabant. ‘Quid ergo? in singulos HS quinquagenis milibus damnari mavultis?’ Malle dicebant. Tum iste clare omnibus audientibus, ‘Qui damnatus erit,’ inquit, ‘virgis ad necem caedetur.’ Hic illi flentes rogare atque orare coeperunt ut sibi suas segetes fructusque omnis arationesque vacuas Apronio tradere liceret, ut ipsi sine ignominia molestiaque discederent.

[70] Hac lege, iudices, decumas vendidit Verres. Dicat licet Hortensius, si volet, magno Verrem decumas vendidisse. Haec condicio fuit isto praetore aratorum, ut secum praeclare agi arbitrarentur si vacuos agros Apronio tradere liceret; multas enim cruces propositas effugere cupiebant. Quantum Apronius edidisset deberi, tantum ex edicto dandum erat. Etiamne si plus edidisset quam quantum natum esset? Etiam, quando magistratus ex istius edicto

exigere debebant. At arator repetere poterat. Verum Artemidoro recuperatore. Quid si minus dedisset arator quam poposcisset Apronius? Iudicium in aratorem in quadruplum. Ex quo iudicum numero? Ex cohorte praetoria praeclara hominum honestissimorum. Quid amplius? Minus te iugerum professum esse dico: recuperatores reice, quod adversus edictum feceris. Ex quo numero? Ex eadem cohorte. Quid erit extremum? Si damnatus eris, atque adeo cum damnatus eris, — nam dubitatio damnationis illis recuperatoribus quae poterat esse? — virgis te ad necem caedi necesse erit. His legibus, his condicionibus erit quisquam tam stultus qui decumas venisse arbi tretur, qui aratori novem partis reliquas factas esse existimet, qui non intellegat istum sibi quaestui praedaeque habuisse bona possessiones fortunasque aratorum? Virgarum metu Agyrinenses quod imperatum esset facturos se esse dixerunt.

[71] Accipite nunc quid imperarit, et dissimulate, si potestis, vos intellegere ipsum praetorem, id quod tota Sicilia perspexit, redemptorem decumarum atque adeo aratorum dominum ac regem fuisse. Imperat Agyrinensibus ut decumas ipsi publice accipiant, Apronio lucrum dent. Si magno emerat, quoniam tu es qui diligentissime pretia exquisisti, qui, ut ais, magno vendidisti, quare putabas emptori lucrum addi oportere? Esto, putabas: quam ob rem imperabas ut adderent? quid est aliud capere et conciliare pecunias, in quo te lex tenet, si hoc non est, vi atque imperio cogere invitos lucrum dare alteri, hoc est pecuniam dare? Quid tum?

[72] Apronio, deliciis praetoris, lucelli aliquid iussi sunt dare. Putatote Apronio datum, si Apronianum lucellum ac non praetoria praeda vobis videbitur. Imperas ut decumas accipiant, Apronio dent lucri tritici medimnum xxxiii. Quid est hoc? Vna civitas ex uno agro plebis Romanae prope menstrua cibaria praetoris imperio donare Apronio cogitur. Tu magno decumas vendidisti, cum tantum lucri decumano sit datum? Profecto, si pretium exquisisses diligenter tum cum vendebas, x medimnum potius addidissent quam HS dc postea. Magna praeda videtur: audite reliqua et diligenter attendite, quo minus miremini Siculos re necessaria coactos auxilium a patronis, ab consulibus, ab senatu, ab legibus, ab iudiciis petivisse.

[73] Vt probaret Apronius hoc triticum quod ei dabatur, imperat Agyrinensibus Verres ut in medimna singula dentur Apronio HS.

Quid est hoc? tanto numero frumenti lucri nomine imperato et expresso, nummi praeterea exiguntur ut probetur frumentum? An poterat non modo Apronius, sed quivis, exercitui si metiendum esset, improbare Siculum frumentum, quod illi ex area, si vellet, admetiri licebat? Frumenti tantus numerus imperio tuo datur et cogitur. Non est satis; nummi praeterea imperantur. Dantur. Parum est. Pro decumis hordei alia pecunia cogitur; iubes HS xxx lucri dari. Ita ab una civitate vi minis imperio iniuriaque praetoris eripiuntur tritici medimnum xxxiii et praeterea HS lx. At haec obscura sunt? aut, si omnes homines velint, obscura esse possunt? quae tu palam egisti, in conventu imperasti, omnibus inspectantibus coegisti; qua de re Agyrinenses magistratus et quinque primi, quos tu tui quaestus causa evocaras, acta et imperia tua domum ad senatum suum renuntiaverunt; quorum renuntiatio legibus illorum litteris publicis mandata est; quorum legati, homines nobilissimi, Romae sunt, qui hoc idem pro testimonio dixerunt!

[74] Cognoscite Agyrinensium publicas litteras, deinde testimonium publicum civitatis. Recita. <Litterae pvblicae, testimonivm pvblicvm.> Animadvertistis in hoc testimonio, iudices, Apollodorum, cui Pyragro cognomen est, principem suae civitatis, lacrimantem testari ac dicere numquam post populi Romani nomen ab Siculis auditum et cognitum Agyrinensis contra quemquam infimum civem Romanum dixisse aut fecisse quippiam, qui nunc contra praetorem populi Romani magnis iniuriis et magno dolore publice testimonium dicere cogerentur. Vni mehercule huic civitati, Verres, obsistere tua defensio non potest; tanta auctoritas est in eorum hominum fidelitate, tantus dolor in iniuria, tanta religio in testimonio. Verum non una te tantum, sed universae similibus adflictae iniuriis et incommodis civi tates legationibus ac testimoniis publicis persequuntur.

[75] Etenim deinceps videamus Herbitensis civitas honesta et antea copiosa quem ad modum spoliata ab isto ac vexata sit. At quorum hominum! summorum aratorum, remotissimorum a foro, iudiciis, controversiis, quibus parcere et consulere, homo impurissime, et quod genus hominum studiosissime conservare debuisti. Primo anno venierunt eius agri decumae tritici modium xviii. Atidius, istius item minister in decumis, cum emisset et praefecti nomine cum venisset

Herbitam cum Veneriis, locusque ei publice quo deverteretur datus esset, coguntur Herbitenses ei lucri dare tritici modium xxxviiiDCCC, cum decumae venissent tritici modium xviii. Atque hoc tantum lucri coguntur dare publice tum cum iam privatim aratores ex agris spoliati atque exagitati decumanorum iniuriis profugissent.

[76] Anno secundo cum emisset Apronius decumas tritici modium xxvdccc et ipse Herbitam cum illa sua praedonum copia manuque venisset, populus publice coactus est ei conferre lucri tritici modium xxi et accessionis HS # #. De accessione dubito an Apronio ipsi data sit merces operae atque impudentiae: de tritici quidem numero tanto quis potest dubitare quin ad istum praedonem frumentarium sicut Agyrinense frumentum pervenerit? Anno tertio vero in hoc agro consuetudine usus est regia. Solere aiunt reges barbaros Persarum ac Syrorum pluris uxores habere, his autem uxoribus civitates attribuere hoc modo: haec civitas mulieri in redimiculum praebeat, haec in collum, haec in crinis. Ita populos habent universos non solum conscios libidinis suae, verum etiam administros.

[77] Eandem istius, qui se regem Siculorum esse dicebat, licentiam libidinemque fuisse cognoscite. Aeschrionis Syracusani uxor est Pipa, cuius nomen istius nequitia tota Sicilia pervulgatum est; de qua muliere versus plurimi supra tribunal et supra praetoris caput scribebantur. Hic Aeschrio, Pipae vir adumbratus, in Herbitensibus decumis novus instituitur publicanus. Herbitenses cum viderent, si ad Aeschrionem pretium resedisset, se ad arbitrium libidinosissimae mulieris spoliatum iri, liciti sunt usque adeo quoad se efficere posse arbitrabantur. Supra adiecit Aeschrio; neque enim metuebat, ne praetore Verre decumana mulier damno adfici posset. Addicitur medimnum viiic, dimidio fere pluris quam superiore anno. Aratores funditus evertebantur, et eo magis quod iam supe rioribus annis adflicti erant ac paene perditi. Intellexit iste ita magno venisse ut amplius ab Herbitensibus exprimi non posset: demit de capite medimna dc, iubet in tabulas pro medimnum viiic referri viid. [78] Hordei decumas eiusdem agri Docimus emerat. Hic est Docimus ad quem iste deduxerat Tertiam, Isidori mimi filiam, vi abductam ab Rhodio tibicine. Huius Tertiae plus etiam quam Pipae, plus quam ceterarum, ac prope dicam tantum apud istum in Siciliensi praetura

auctoritas potuit quantum in urbana Chelidonis. Veniunt Herbitam duo praetoris aemuli non molesti, muliercularum deterrimarum improbissimi cognitores; incipiunt postulare, poscere, minari; non poterant tamen, cum cuperent, Apronium imitari; Siculi Siculos non tam pertimescebant. Cum omni ratione tamen illi calumniarentur, promittunt Herbitenses vadimonium Syracusas. Eo posteaquam ventum est, coguntur Aeschrioni, hoc est Pipae, tantum dare quantum erat de capite demptum, tritici modium iiidc. Mulierculae publicanae noluit ex decumis nimium lucri dare, ne forte ab nocturno suo quaestu animum ad vectigalia redimenda transferret.

[79] Transactum putabant Herbitenses, cum iste, 'Quid? de hordeo,' inquit, 'et de Docimo, amiculo meo, quid cogitatis?' Atque hoc agebat in cubiculo, iudices, atque in lecto suo. Negabant illi quicquam sibi esse mandatum. 'Non audio: numerate HS. xii.' Quid facerent miseri, aut quid recusarent? praesertim cum in lecto decumanae mulieris vestigia viderent recentia, quibus illum inflammari ad perseverandum intellegebant. Ita civitas una sociorum atque amicorum duabus deterrimis mulierculis Verre praetore vectigalis fuit. Atque ego nunc eum frumenti numerum et eas pecunias publice decumanis ab Herbitensibus datas esse dico; quo illi frumento et quibus pecuniis tamen ab decumanorum iniuriis civis suos non redemerunt. Perditis enim iam et direptis aratorum bonis, haec decumanis merces dabatur ut aliquando ex eorum agris atque ex urbibus abirent.

[80] Itaque cum Philinus Herbitensis, homo disertus et prudens et domi nobilis, de calamitate aratorum et de fuga et de reliquorum paucitate publice diceret, animadvertistis, iudices, gemitum populi Romani, cuius frequentia huic causae numquam defuit. Qua de paucitate aratorum alio loco dicam: nunc illud quod praeterii non omnino relinquendum videtur. Nam, per deos immortalis, quod de capite iste dempsit, quo tandem modo vobis non modo ferendum, verum etiam audiendum videtur?

[81] Vnus adhuc fuit post Romam conditam, — di immortales faxint, ne sit alter! — cui res publica totam se traderet temporibus et malis coacta domesticis, L. Sulla. Hic tantum potuit ut nemo illo invito nec bona nec patriam nec vitam retinere posset; tantum animi habuit ad audaciam ut dicere in contione non dubitaret, bona civium

Romanorum cum venderet, se praedam suam vendere. Eius omnis res gestas non solum obtinemus, verum etiam propter maiorum incommodorum et calamitatum metum publica auctoritate defendimus: unum hoc aliquot senatus consultis reprehensum, decretumque est ut, quibus ille de capite dempsisset, ii pecunias in aerarium referrent. Statuit senatus hoc ne illi quidem esse licitum cui concesserat omnia, a populo factarum quaesitarumque rerum summas imminuere.

[82] Illum viris fortissimis iudicarunt patres conscripti remittere de summa non potuisse: te mulieri deterrimae recte remisisse senatores iudicabunt? Ille, de quo legem populus Romanus iusserat ut ipsius voluntas ei posset esse pro lege, tamen in hoc uno genere veterum religione legum reprehenditur: tu, qui omnibus legibus implicatus tenebare, libidinem tibi tuam pro lege esse voluisti? In illo reprehenditur, quod ex ea pecunia remiserit quam ipse quaesierat: tibi concedetur, qui de capite vectigalium populi Romani remisisti?

[83] Atque in hoc genere audaciae multo etiam impudentius in decumis Acestensium versatus est; quas cum addixisset eidem illi Docimo, hoc est Tertiae, tritici modium v, et accessionem ascripsisset HS md, coegit Acestensis a Docimo tantundem publice accipere; id quod ex Acestensium publico testimonio cognoscite. Recita. <Testimonivm pvblicvm.> Audistis quanti decumas acceperit a Docimo civitas, tritici modium v et accessionem: cognoscite nunc quanti se vendidisse rettulerit. Lex decvmis vendvndis C. Verre pr. Hoc nomine videtis tritici modium cic cic cic de capite esse dempta, quae cum de populi Romani victu, de vectigalium nervis, de sanguine detraxisset aerari, Tertiae mimae condonavit. Vtrum impudentius ab sociis abstulit an turpius meretrici dedit an improbius populo Romano ademit an audacius tabulas publicas commutavit? Ex horum severitate te ulla vis eripiet aut ulla largitio? Non eripiet. Sed si eripuerit, non intellegis haec quae iam dudum loquor ad aliam quaestionem atque ad peculatus iudicium pertinere?

[84] Itaque hoc mihi reservabo genus totum integrum: ad illam quam institui causam frumenti ac decumarum revertar. Qui cum agros maximos et feracissimos per se ipsum, hoc est per Apronium, Verrem alterum, depopularetur, ad minores civitates habebat alios

quos tamquam canis immitteret, nequam homines et improbos, quibus aut frumentum aut pecuniam publice cogebat dari. A. Valentius est in Sicilia interpres, quo iste interprete non ad linguam Graecam, sed ad furta et flagitia uti solebat. Fit hic in terpres, homo levis atque egens, repente decumanus; emit agri Liparensis miseri atque ieiuni decumas tritici medimnis dc. Liparenses vocantur; ipsi accipere decumas et numerare Valentio coguntur lucri HS xxx. Per deos immortalis, utrum tibi sumes ad defensionem, tantone minoris te decumas vendidisse ut ad medimna dc HS xxx lucri statim sua voluntate civitas adderet, hoc est tritici medimnum ii, an, cum magno decumas vendidisses, te expressisse ab invitis Liparensibus hanc pecuniam?

[85] Sed quid ego ex te quaero quid defensurus sis, potius quam cognoscam ex ipsa civitate quid gestum sit? Recita testimonium publicum Liparensium, deinde quem ad modum nummi Valentio sint dati. Testimonivm pvblicvm. Qvo modo solvtvm sit, ex litteris pvblicis. Etiamne haec tam parva civitas, tam procul a manibus tuis atque a conspectu remota, seiuncta a Sicilia, in insula inculta tenuique posita, cumulata aliis tuis maioribus iniuriis, in hoc quoque frumentario genere praedae tibi et quaestui fuit? Quam tu totam insulam cuidam tuorum sodalium sicut aliquod munusculum condonaras, ab hac etiam haec frumentaria lucra tamquam a mediterraneis exigebantur? Itaque qui tot annis agellos suos te praetore redimere a piratis solebant, idem se ipsos a te pretio imposito redemerunt.

[86] Quid vero? a Tissensibus, perparva ac tenui civitate, sed aratoribus laboriosissimis frugalissimisque hominibus, nonne plus lucri nomine eripitur quam quantum omnino frumenti exararant? ad quos tu decumanum Diognetum Venerium misisti, novum genus publicani. Cur hoc auctore non Romae quoque servi publici ad vectigalia accedunt? Anno secundo Tissenses HS xxi lucri dare coguntur inviti; tertio anno xii mod. tritici lucri Diogneto Venerio dare coacti sunt. Hic Diognetus, qui ex publicis vectigalibus tanta lucra facit, vicarium nullum habet, nihil omnino peculi. Vos etiam nunc dubitate, si potestis, utrum tantum numerum tritici Venerius apparitor istius sibi acceperit an huic exegerit.

[87] Atque haec ex publico Tissensium testimonio cognoscite.

Testimonivm pvblicvm Tissensivm. Obscure, iudices, praetor ipse decumanus est, cum eius apparitores frumentum a civitatibus exigant, pecunias imperent, aliquanto plus ipsi lucri auferant quam quantum populo Romano decumarum nomine daturi sunt! Haec aequitas in tuo imperio fuit, haec praetoris dignitas, ut servos Venerios Siculorum dominos esse velles; hic dilectus, hoc discrimen te praetore fuit, ut aratores in servorum numero essent, servi in publicanorum.

[88] Quid? Amestratini miseri, impositis ita magnis decumis ut ipsis reliqui nihil fieret, nonne tamen numerare pecunias coacti sunt? Addicuntur decumae M. Caesio, cum adessent legati Amestratini; statim cogitur Heraclius legatus numerare HS xxii. Quid hoc est? quae est ista praeda, quae vis, quae direptio sociorum? Si erat Heraclio ab senatu mandatum ut emeret, emisset: si non erat, qui poterat sua sponte pecuniam numerare? Caesio renuntiat se dedisse.

[89] Cognoscite renuntiationem ex litteris publicis. Recita. Ex litteris pvblicis. Quo senatus consulto erat hoc legato permissum? Nullo. Cur fecit? Coactus est. Quis hoc dicit? Tota civitas. Recita testimonium publicum. Testimonivm pvblicvm. Ab hac eadem civitate anno secundo simili ratione extortam esse pecuniam et Sex. Vennonio datam ex eodem testimonio cognovistis. At Amestratinos, homines tenuis, cum eorum decumas medimnis dccc vendidisses Bariobali Venerio — cognoscite nomina publicanorum! — cogis eos plus lucri addere quam quanti venierant, cum magno venissent. Dant Bariobali medimna dcccl, HS md. Profecto numquam iste tam amens fuisset ut ex agro populi Romani plus frumenti servo Venerio quam populo Romano tribui pateretur, nisi omnis ea praeda servi nomine ad istum ipsum perveniret.

[90] Petrini, cum eorum decumae magno addictae essent, tamen invitissimi P. Naevio Turpioni, homini improbissimo, qui iniuriarum Sacerdote praetore damnatus est, HS lii dare coacti sunt. Itane dissolute decumas vendidisti ut, cum esset medimnum HS xv, venissent autem decumae medimnum iii, hoc est HS xxxxv, lucri decumano HS lii darentur? At permagno decumas eius agri vendidisti. Videlicet gloriatur non Turpioni lucrum datum esse, sed Petrinis pecuniam ereptam.

[91] Quid? Halicyenses, quorum incolae decumas dant, ipsi agros

immunis habent, nonne huic eidem Turpioni, cum decumae c med. venissent, HS xv dare coacti sunt? Si id quod maxime vis posses probare, haec ad decumanos lucra venisse, nihil te attigisse, tamen hae pecuniae per vim atque iniuriam tuam captae et conciliatae tibi fraudi ac damnationi esse deberent; cum vero hoc nemini persuadere possis, te tam amentem fuisse ut Apronium et Turpionem, servos homines, tuo liberumque tuorum periculo divites fieri velles, dubitaturum quemquam existimas quin illis emissariis haec tibi omnis pecunia quaesita sit?

[92] Segestam item ad im munem civitatem Venerius Symmachus decumanus immittitur. Is ab isto litteras adfert, ut sibi contra omnia senatus consulta, contra omnia iura, contraque legem Rupiliam extra forum vadimonium promittant aratores. Audite lit teras quas ad Segestanos miserit. Litterae C. Verris. Hic Venerius quem ad modum aratores eluserit, ex una pactione hominis honesti gratiosique cognoscite; in eodem enim genere sunt cetera.

[93] Diocles est Panhormitanus, Phimes cognomine, homo inlustris ac nobilis. Arabat is agrum conductum in Segestano; nam commercium in eo agro nemini est; conductum habebat HS sex milibus. Pro decuma, cum pulsatus a Venerio esset, decidit HS xvi et <medimnis> dcliiii. Id ex tabulis ipsius cognoscite. Nomen Dioclis Panhormitani. Huic eidem Symmacho C. Annaeus Brocchus senator, homo eo splendore, ea virtute, qua omnes existimatis, nummos praeter frumentum coactus est dare. Venerione servo te praetore talis vir, senator populi Romani, quaestui fuit?

[94] Hunc ordinem si dignitate antecellere non existimabas, ne hoc quidem sciebas, iudicare? Antea cum equester ordo iudicaret, improbi et rapaces magistratus in provinciis inserviebant publicanis; ornabant eos qui in operis erant; quemcumque equitem Romanum in provincia viderant, beneficiis ac liberalitate prosequebantur; neque tantum illa res nocentibus proderat quantum obfuit multis, cum aliquid contra utilitatem eius ordinis voluntatemque fecissent. Retinebatur hoc tum nescio quo modo quasi communi consilio ab illis diligenter, ut, qui unum equitem Romanum contumelia dignum putasset, ab universo ordine malo dignus iudicaretur:

[95] tu sic ordinem senatorium de spexisti, sic ad iniurias libidinesque

tuas omnia coaequasti, sic habuisti statutum cum animo ac deliberatum, omnis qui habitarent in Sicilia, aut qui Siciliam te praetore attigissent, iudices reicere ut illud non cogitares tamen, ad eiusdem ordinis homines te iudices esse venturum? in quibus si ex ipsorum domestico incommodo nullus dolor insideret, tamen esset illa cogitatio, in alterius iniuria sese despectos dignitatemque ordinis contemptam et abiectam. Quod mehercule, iudices, mihi non mediocriter ferendum videtur; habet enim quendam aculeum contumelia, quem
pati pudentes ac viri boni difficillime possunt.

[96] Spoliasti Siculos; solent enim muti esse in iniuriis suis. Vexasti negotiatores; inviti enim Romam raroque decedunt. Equites Romanos ad Aproni iniurias dedisti; quid enim iam nocere possunt quibus non licet iudicare? Quid? cum senatores summis iniuriis adficis, quid aliud dicis nisi hoc, ‘Cedo mihi etiam istum senatorem, ut hoc amplissimum nomen senatorium non modo ad invidiam imperitorum, sed etiam ad contumeliam improborum natum esse videatur?’

[97] Neque hoc in uno fecit Annaeo, sed in omnibus senatoribus, ut ordinis nomen non tantum ad honorem quantum ad ignominiam valeret. In C. Cassio, clarissimo et fortissimo viro, cum is eo ipso tempore primo istius anno consul esset, tanta improbitate usus est ut, cum eius uxor, femina primaria, paternas haberet arationes in Leontino, frumentum omne decumanos auferre iusserit. Hunc tu in hac causa testem, Verres, habebis, quoniam iudicem ne haberes providisti.

[98] Vos autem, iudices, putare debetis esse quiddam nobis inter nos commune atque coniunctum. Multa sunt imposita huic ordini munera, multi labores, multa pericula non solum legum ac iudiciorum, sed etiam rumorum ac temporum: sic est hic ordo quasi propositus atque editus in altum ut ab omnibus ventis invidiae circumflari posse videatur. In hac tam misera et iniqua condicione vitae ne hoc quidem retinebimus, iudices, ut magistratibus nostris in obtinendo iure nostro ne contemptissimi ac despicatissimi esse videamur?

[99] Thermitani miserunt qui decumas emerent agri sui. Magni sua

putabant interesse publice potius quamvis magno emi quam in aliquem istius emissarium inciderent. Adpositus erat Venuleius quidam qui emeret. Is liceri non destitit; illi quoad videbatur ferri aliquo modo posse contenderunt; postremo liceri destiterunt. Addicitur Venuleio tritici medimnum viii milibus. Legatus Posidorus renuntiat. Cum omnibus hoc intolerandum videretur, tamen Venuleio dantur, ne accedat, tritici mod. vii et praeterea HS ii: ex quo facile apparet quae merces decumani, quae praetoris praeda esse videatur. Cedo Thermitanorum mihi litteras et testimonium. Tabvlae Thermitanorvm et testimonivm.

[100] Imacharensis iam omni frumento ablato, iam omnibus iniuriis tuis exinanitos, tributum facere miseros ac perditos coegisti, ut Apronio darent HS xx. Recita et decretum de tributis et publicum testimonium. Senatvs consvltvm de tribvto confervndo. Testimonivm Imacharensivm. Hennenses, cum decumae venissent agri Hennensis med. viiicc, Apronio coacti sunt dare tritici modium xviii et HS iii milia. Quaeso, attendite quantus numerus frumenti cogatur ex omni agro decumano. Nam per omnis civitates quae decumas debent percurrit oratio mea, et in hoc genere nunc, iudices, versor, non in quo singillatim aratores eversi bonis omnibus sint, sed quae publice decumanis lucra data sint, ut aliquando ex eorum agris atque urbibus expleti atque saturati cum hoc cumulo quaestus decederent. [101] Calactinis quam ob rem imperasti anno tertio ut decumas agri sui, quas Calactae dare consueverant, Amestrati M. Caesio decumano darent? quod neque ante te praetorem illi fecerant neque tu ipse hoc ita statueras antea per biennium. Theomnastus Syracusanus in agrum Mutycensem cur abs te immissus est? qui aratores ita vexavit ut illi in alteras decumas, id quod in aliis quoque civitatibus ostendam, triticum emere necessario propter inopiam cogerentur.

[102] Iam vero ex Hyblensium pactionibus intellegetis, quae factae sunt cum decumano Cn. Sergio, sexiens tanto quam quantum satum sit ablatum esse ab aratoribus. Recita sationes et pactiones ex litteris publicis. Cognoscite pactiones Menaenorum cum Venerio servo. Cognoscite item professiones sationum et pactiones Menaenorum. Patiemini, iudices, ab sociis, ab aratoribus populi Romani, ab eis qui vobis laborant, vobis serviunt, qui ita plebem Romanam ab sese ali volunt ut sibi ac liberis suis tantum supersit quo ipsi ali possint, ab

his per summam iniuriam, per acerbissimas contumelias plus aliquanto ablatum esse quam natum sit?

[103] Sentio, iudices, moderandum mihi esse iam orationi meae fugiendamque vestram satietatem. Non versabor in uno genere diutius, et ita cetera de oratione mea tollam ut in causa tamen relinquam. Audietis Agrigentinorum, fortissimorum virorum, diligentissimorum aratorum, querimonias; cognoscetis Entellinorum, hominum summi laboris summaeque industriae, dolorem et iniurias; Heracliensium, Gelensium, Soluntinorum incommoda proferentur; Catinensium, locupletissimorum hominum amicissimorumque, agros vexatos ab Apronio cognoscetis; Tyndaritanam, nobilissimam civitatem, Cephaloeditanam, Haluntinam, Apolloniensem, Enguinam, Capitinam perditas esse hac iniquitate decumarum intellegetis; Inensibus, Murgentinis, Assorinis, Helorinis, Ietinis nihil omnino relictum; Cetarinos, Scherinos, parvarum civitatum homines, omnino abiectos esse ac perditos; omnis denique agros decumanos per triennium populo Romano ex parte decuma, C. Verri ex omni reliquo vectigalis fuisse, et plerisque aratoribus nihil omnino superfuisse; si cui quid [autem] aut relictum aut remissum sit, id fuisse tantum quantum ex eo quo istius avaritia contenta fuit redundarit.

[104] Duarum mihi civitatum reliquos feci agros, iudices, fere optimos ac nobilissimos, Aetnensem et Leontinum. Horum ego agrorum missos faciam quaestus trienni; unum annum eligam, quo facilius id quod institui explicare possim. Sumam annum tertium, quod et recentissimus est et ab isto ita administratus ut, cum se certe decessurum videret, non laboraret si aratorem nullum in Sicilia omnino esset relicturus. Agri Aetnensis et Leontini decumas agemus. Attendite, iudices, diligenter. Agri sunt feraces, annus tertius, decumanus Apronius. [105] De Aetnensibus perpauca dicam; dixerunt enim ipsi priore actione publice. Memoria tenetis Artemidorum Aetnensem, legationis eius principem, publice dicere Apronium venisse Aetnam cum Veneriis; vocasse ad se magistratus, imperasse ut in foro sibi medio lecti sternerentur, cotidie solitum esse non modo in publico, sed etiam de publico convivari; cum in eius conviviis symphonia caneret maximisque poculis ministraretur, retineri solitos esse aratores, atque ab eis non modo per iniuriam sed etiam per

contumeliam tantum exprimi frumenti quantum Apronius imperasset. [106] Audistis haec, iudices; quae nunc ego omnia praetereo et relinquo. Nihil de luxuria Aproni loquor, nihil de insolentia, nihil de permissa ab isto licentia, nihil de singulari nequitia ac turpitudine: tantum de quaestu ac lucro dicam unius agri et unius anni, quo facilius vos coniecturam de triennio et de tota Sicilia facere possitis. Sed mihi Aetnensium brevis est ratio; ipsi enim venerunt, ipsi publicas litteras deportaverunt; docuerunt vos quid lucelli fecerit homo non malus, familiaris praetoris, Apronius. Id, quaeso, ex ipsorum testimonio cognoscite. Quid ais? Dic, dic, quaeso, clarius, ut populus Romanus de suis vectigalibus, de suis aratoribus, de suis sociis atque amicis audiat. l med., HS l. Per deos immortalis! unus ager uno anno trecenta milia mod. tritici et praeterea HS l lucri dat Apronio! Tantone minoris decumae venierunt quam fuerunt, an, cum satis magno venissent, hic tantus tamen frumenti pecuniaeque numerus ab aratoribus per vim ablatus est? Vtrum enim horum dixeris, in eo culpa et crimen haerebit. [107] Nam illud quidem non dices++quod utinam dicas!++ad Apronium non pervenisse tantum. Ita te non modo publicis tenebo sed etiam privatis aratorum pactionibus ac litteris ut intellegas non te diligentiorem in faciendis furtis fuisse quam me in deprehendendis. Hoc tu feres? hoc quisquam defendet? hoc hi, si aliter de te statuere voluerint, sustinebunt? uno adventu ex uno agro Q. Apronium, praeter eam quam dixi pecuniam numeratam, ccc milia mod. tritici lucri nomine sustulisse! [108] Quid? hoc Aetnenses soli dicunt? Immo etiam Centuripini, qui agri Aetnensis multo maximam partem possident; quorum legatis, hominibus nobilissimis, Androni et Artemoni, senatus ea mandata dedit quae publice ad civitatem ipsorum pertinebant; de iis iniuriis quas cives Centuripini non in suis sed in aliorum finibus acceperant, senatus et populus Centuripinus legatos noluit mittere; ipsi aratores Centuripini, qui numerus est in Sicilia maximus hominum honestissimorum et locupletissimorum, tris legatos, civis suos, delegerunt, ut eorum testimonio non unius agri sed prope totius Siciliae calamitates cognosceretis. Arant enim tota Sicilia fere Centuripini, et hoc in te graviores certioresque testes sunt, quod ceterae civitates suis solum incommodis commoventur, Centuripini, quod in omnium fere finibus possessiones habent, etiam ceterarum

civitatum damna ac detrimenta senserunt.

[109] Verum, uti dixi, ratio certa est Aetnensium et publicis et privatis litteris consignata. Meae diligentiae pensum magis in Leontino agro est exigendum propter hanc causam, quod ipsi Leontini publice non sane me multum adiuverunt; neque enim eos isto praetore hae decumanorum iniuriae laeserunt, potius etiam, iudices, adiuverunt. Mirum fortasse hoc vobis aut incredibile videatur, in tantis aratorum incommodis Leontinos, qui principes rei frumentariae fuerint, expertis incommodorum atque iniuriarum fuisse. Hoc causae est, iudices, quod in agro Leontino praeter unam Mnasistrati familiam glebam Leontinorum possidet nemo. Itaque Mnasistrati, hominis honestissimi atque optimi viri, testimonium, iudices, audistis: ceteros Leontinos, quibus non modo Apronius in agris sed ne tempestas quidem ulla nocere potuit, exspectare nolite: etenim non modo incommodi nihil ceperunt, sed etiam in Apronianis illis rapinis in quaestu sunt compendioque versati.

[110] Quapropter, quoniam Leontina civitas me atque legatio propter eam quam dixi causam defecit, mihimet ineunda ratio et via reperiunda est qua ad Aproni quaestum, sive adeo qua ad istius ingentem immanemque praedam possim pervenire. Agri Leontini decumae tertio anno venierunt tritici medimnum xxxvi, hoc est tritici mod. cc et xvi milibus. Magno, iudices, magno; neque enim hoc possum negare. Itaque necesse est aut damnum aut certe non magnum lucrum fecisse decumanos; hoc enim solet usu venire iis qui magno redemerunt. [111] Quid, si ostendo in hac una emptione lucri fieri tritici mod. c? quid, si cc? quid, si ccc? quid, si cccc milia? dubitabitis etiam cui ista tanta praeda quaesita sit? Iniquum me esse quispiam dicet, qui ex lucri magnitudine coniecturam capiam furti atque praedae. Quid, si doceo, iudices, eos qui cccc mod. lucri faciunt damnum facturos fuisse, si tua iniquitas, si tui ex cohorte recuperatores non intercederent, num quis poterit in tanto lucro tantaque iniquitate dubitare quin propter improbitatem tuam tam magnos quaestus feceris, propter magnitudinem quaestus improbus esse volueris?

[112] Quo modo igitur hoc adsequar, iudices, ut sciam quantum lucri factum sit? Non ex Aproni tabulis, quas ego cum conquirerem non inveni, et cum in ius ipsum eduxi expressi ut conficere tabulas se

negaret. Si mentiebatur, quam ob rem removebat, si hae tabulae nihil tibi erant obfuturae? si omnino nullas confecerat litteras, ne id quidem satis significat illum non suum negotium gessisse? Ea est enim ratio decumanorum ut sine plurimis litteris confici non possit; singula enim nomina aratorum et cum singulis pactiones decumanorum litteris persequi et conficere necesse est. Iugera professi sunt aratores omnes imperio atque instituto tuo: non opinor quemquam minus esse professum quam quantum arasset, cum tot cruces, tot supplicia, tot ex cohorte recuperatores proponerentur. In iugero Leontini agri medimnum fere tritici seritur perpetua atque aequabili satione; ager efficit cum octavo, bene ut agatur; verum ut omnes di adiuvent, cum decumo. Quod si quando accidit, tum fit ut tantum decumae sit quantum severis, hoc est ut, quot iugera sint sata, totidem medimna decumae debeantur. [113] Hoc cum ita esset, primum illud dico, pluribus milibus medimnum venisse decumas agri Leontini quam quot milia iugerum sata essent in agro Leontino. Quodsi fieri non poterat ut plus quam x medimna ex iugero exararent, medimnum ex iugero decumano dari oportebat, cum ager, id quod perraro evenit, cum decumo extulisset, quae erat ratio decumanis, siquidem decumae ac non bona venibant aratorum, ut pluribus aliquanto medimnis decumas emerent quam iugera erant sata? In Leontino iugerum subscriptio ac professio non est plus xxx; decumae xxxvi medimnum venierunt. Erravit an potius insanivit Apronius? Immo tum insanisset, si aratoribus id quod deberent licitum esset, et non quod Apronius imperasset necesse fuisset dare.

[114] Si ostendam minus tribus medimnis in iugerum neminem dedisse decumae, concedes, opinor, ut cum decumo fructus arationis perceptus sit, neminem minus tribus decumis dedisse. Atque hoc in benefici loco petitum est ab Apronio, ut in iugera singula ternis medimnis decidere liceret. Nam cum a multis quaterna, etiam quina exigerentur, multis autem non modo granum nullum, sed ne paleae quidem ex omni fructu atque ex annuo labore relinquerentur, tum aratores Centuripini, qui numerus in agro Leontino maximus est, unum in locum convenerunt, hominem suae civitatis in primis honestum ac nobilem, Andronem Centuripinum, legarunt ad Apronium, (eundem quem hoc tempore ad hoc iudicium legatum et testem Centuripina civitas misit), ut is apud eum causam aratorum

ageret, ab eoque peteret ut ab aratoribus Centuripinis ne amplius in iugera singula quam terna medimna exigeret. [115] Hoc vix ab Apronio in summo beneficio pro iis qui etiam tum incolumes erant impetratum est. Id cum impetrabatur, hoc videlicet impetrabatur, ut pro singulis decumis ternas decumas dare liceret. Quodsi tua res non ageretur, a te potius postularent ne amplius quam singulas, quam ab Apronio ut ne plus quam ternas decumas darent. Nunc ut hoc tempore ea quae regie seu potius tyrannice statuit in aratores Apronius praetermittam, neque eos appellem a quibus omne frumentum eripuit, et quibus nihil non modo de fructu sed ne de bonis quidem suis reliqui fecit, ex hisce ternis medimnis, quod benefici gratiaeque causa concessit, quid lucri fiat cognoscite.

[116] Professio est agri Leontini ad iugerum xxx; haec sunt ad tritici medimnum xc, id est mod. dxxxx; deductis tritici mod. ccxvi, quanti decumae venierunt, reliqua sunt tritici cccxxiiii. Adde totius summae dxxxx milium mod. tris quinquagesimas; fit tritici mod. xxxiicccc (ab omnibus enim ternae praeterea quinquagesimae exigebantur); sunt haec iam ad ccclx mod. tritici. At ego cccc lucri facta esse dixeram; non enim duco in hac ratione eos quibus ternis medimnis non est licitum decidere. Verum ut hac ipsa ratione summam mei promissi compleam, ad singula medimna multi HS binos, multi HS singulos semis accessionis cogebantur dare, qui minimum, singulos nummos. Minimum ut sequamur, quoniam xc med. duximus, accedant eo novo pessimoque exemplo HS xc. [117] Hic mihi etiam dicere audebit magno se decumas vendidisse, cum ex eodem agro dimidio ipse plus abstulerit quam populo Romano miserit? ccxvi decumas agri Leontini vendidisti; si ex lege, magno; si ut lex esset libido tua, si ut quae dimidiae essent decumae vocarentur, parvo vendidisti; multo enim pluris fructus annui Siciliae venire potuerunt, si id te senatus aut populus Romanus facere voluisset. Etenim decumae saepe tanti venierunt, cum lege Hieronica venirent, quanti nunc lege Verria venierunt. Cedo mihi C. Norbani decumas venditas. C. Norbani decvmae venditae agri Leontini. Atqui tum neque iudicium de modo iugerum dabatur, neque erat Artemidorus Cornelius recuperator, neque ab aratore magistratus Siculus tantum exigebat quantum decumanus ediderat, nec beneficium petebatur a decumano, ut in iugera singula ternis medimnis decidere liceret, nec nummorum

accessionem cogebatur arator dare nec ternas quinquagesimas frumenti addere: et tamen populo Romano magnus frumenti numerus mittebatur.

[118] Quid vero istae sibi quinquagesimae, quid porro nummorum accessiones volunt? quo id iure atque adeo quo id more fecisti? Nummos dabat arator. Quo modo aut unde? qui, si largissimus esse vellet, cumulatiore mensura uteretur, ut antea solebant facere in decumis, cum aequa lege et condicione venibant. Is nummum dabat! Vnde? de frumento? quasi habuisset te praetore quod venderet. De vivo igitur erat aliquid resecandum, ut esset unde Apronio ad illos fructus arationum hoc corollarium nummorum adderetur. Iam id porro utrum libentes an inviti dabant? Libentes? amabant, credo, Apronium. Inviti? qua re nisi vi et malo cogebantur? Iam iste homo amentissimus in vendundis decumis nummorum faciebat accessiones ad singulas decumas, neque multum; bina aut terna milia nummum addebat; fiunt per triennium HS fortasse d milia. Hoc neque exemplo cuiusquam neque ullo iure fecit, neque eam pecuniam rettulit; neque hoc parvum crimen quem ad modum defensurus sit homo quisquam umquam excogitabit.

[119] Quod cum ita sit, audes dicere te magno decumas vendidisse, cum sit perspicuum te bona fortunasque aratorum non populi Romani, sed tui quaestus causa vendidisse? Vt si qui vilicus ex eo fundo qui sestertia dena meritasset, excisis arboribus ac venditis, demptis tegulis, instrumento, pecore abalienato, domino xx milia nummum pro x miserit, sibi alia praeterea centum confecerit, primo dominus ignarus incommodi sui gaudeat vilicoque delectetur, quod tanto plus [sibi] mercedis ex fundo refectum sit, deinde, cum audierit eas res quibus fundi fructus et cultura continetur amotas et venditas, summo supplicio vilicum adficiat et secum male actum putet: item populus Romanus, cum audit pluris decumas vendidisse C. Verrem quam innocentissimum hominem cui iste successit, C. Sacerdotem, putat se bonum in arationibus fructibusque suis habuisse custodem ac vilicum; cum senserit istum omne instrumentum aratorum, omnia subsidia vectigalium vendidisse, omnem spem posteritatis avaritia sua sustulisse, arationes et agros vectigalis vastasse atque exinanisse, ipsum maximos quaestus praedasque fecisse, intelleget secum actum esse pessime, istum autem summo supplicio dignum existimabit.

[120] Vnde ergo hoc intellegi potest? Ex hoc maxime, quod ager decumanus provinciae Siciliae propter istius avaritiam desertus est. Neque id solum accidit uti minus multis iugis ararent, si qui in agris remanserunt, sed etiam ut permulti locupletes homines, magni et navi aratores, agros latos ac fertilis desererent totasque arationes derelinquerent. Id adeo sciri facillime potest ex litteris publicis civitatum, propterea quod lege Hieronica numerus aratorum quotannis apud magistratus publice subscribitur. Recita tandem, quot acceperit aratores agri Leontini Verres: lxxxiiii. Quot anno tertio profiteantur: xxxii. Duo et quinquaginta aratores ita video deiectos ut iis ne vicarii quidem successerint. Quot aratores adveniente te fuerunt agri Mutycensis? Videamus ex litteris publicis. clxxxvii. Quid? anno tertio? lxxxvi. Centum et unum aratores unus ager istius iniuria desiderat, atque adeo nostra res publica, quoniam illa populi Romani vectigalia sunt, hunc tot patrum familias numerum desiderat et reposcit. Ager Herbitensis primo anno habuit aratores cclii, tertio cxx: hinc cxxxii patres familias extorres profugerunt. Agyrinensis ager++quorum hominum, quam honestorum, quam locupletium!++§jjl aratores habuit primo anno praeturae tuae. Quid? tertio anno? lxxx, quem ad modum legatos Agyrinensis recitare ex publicis litteris audistis. [121] Pro di immortales! si ex provincia tota clxx aratores eiecisses, possesne severis iudicibus salvus esse? Vnus ager Agyrinensis clxx aratoribus inanior cum sit, vos coniecturam totius provinciae nonne facietis? Atque hoc peraeque in omni agro decumano reperietis; quibus aliquid tamen reliqui fuerit ex magno patrimonio, eos in agris minore instrumento, minus multis iugis remansisse, quod metuebant, si discessissent, ne reliquas fortunas omnis amitterent; quibus autem iste nihil reliqui quod perderent fecerat, eos plane non solum ex agris, verum etiam ex civitatibus suis profugisse. Illi ipsi qui remanserant, vix decuma pars aratorum, relicturi agros omnes erant, nisi ad eos Metellus Roma litteras misisset se decumas lege Hieronica venditurum, et nisi ab iis hoc petivisset, ut sererent quam plurimum; quod illi semper sui causa fecerant, cum eos nemo rogaret, quam diu intellegebant sese sibi et populo Romano, non Verri et Apronio serere, impendere, laborare.

[122] Iam vero, iudices, si Siculorum fortunas neglegitis, si quem ad modum socii populi Romani a magistratibus nostris tractentur non

laboratis, at vos communem populi Romani causam suscipite atque defendite. Eiectos aratores esse dico, agros vectigalis vexatos atque exinanitos a Verre, populatam vastatamque provinciam: haec omnia doceo litteris civitatum, ostendo testimoniis et publicis honestissimarum civitatum et privatis primariorum virorum. Quid vultis amplius? Num exspectatis dum L. Metellus, is qui multos in istum testis imperio et potestate deterruit, idem absens de istius scelere, improbitate, audacia testimonium dicat? Non opinor. At is optime qui successit isti potuit cognoscere. Ita est; verum amicitia impeditur. At debet vos certiores facere quo pacto se habeat provincia. [123] Debet; verum tamen non cogitur. Num quis in Verrem L. Metelli testimonium requirit? Nemo. Num quis postulat? Non opinor. Quid? si testimonio L. Metelli ac litteris haec omnia vera esse docebo, quid dicetis? utrum Metellum falsum scribere an amicum laedendi esse cupidum, an praetorem quem ad modum provincia adflicta sit nescire? Recita litteras L. Metelli, quas ad Cn. Pompeium et M. Crassum consules, quas ad M. Mummium praetorem, quas ad quaestores urbanos misit. Epistvla L. Metelli. Decvmas frvmenti lege Hieronica vendidi. Cum scribit se lege Hieronica vendidisse, quid scribit? Ita se vendidisse ut omnis praeter Verrem. Cum scribit se lege Hieronica vendidisse, quid scribit? Se per istum erepta Siculis maiorum nostrorum beneficia, ius ipsorum, condicionem societatis, amicitiae, foederum reddidisse. Dicit quanti cuiusque agri decumas vendiderit; deinde quid scribit? [124] Recita de epistula reliqua. Svmma vi data est a me opera vt qvam plvrimo decvmas venderem. Cur igitur, Metelle, non ita magno vendidisti? Quia desertas arationes, inanis agros, provinciam miseram perditamque offendisti. Quid? id ipsum quod satum est qua ratione quisquam qui sereret inventus est? Recita. Litteras ait se misisse et confirmasse, suam se interposuisse auctoritatem; tantum modo aratoribus Metellus obsides non dedit se in nulla re Verri similem futurum. At quid est tandem in quo se elaborasse dicit? Recita. Vt aratores, qvi reliqvi erant, qvam plvrimvm sererent. Qui reliqui? quid hoc est ‘reliqui’? quo ex bello, qua ex vastitate? Quaenam in Sicilia tanta clades aut quod bellum tam diuturnum, tam calamitosum te praetore versatum est ut is qui tibi successerit ‘reliquos’ aratores collegisse et recreasse videatur?

[125] Cum bellis Carthaginiensibus Sicilia vexata est, et post nostra patrumque memoria cum bis in ea provincia magnae fugitivorum copiae versatae sunt, tamen aratorum interitio facta nulla est. Tum sementi prohibita aut messe amissa fructus annuus interibat; tamen incolumis numerus manebat dominorum atque aratorum; tum qui M. Laevino aut P. Rupilio aut M'. Aquilio praetores in eam provinciam successerant aratores reliquos non colligebant. Tantone plus Verres cum Apronio provinciae Siciliae calamitatis importavit quam aut Hasdrubal cum Poenorum exercitu, aut Athenio cum fugitivorum maximis copiis, ut temporibus illis, simul atque hostis superatus esset, ager araretur omnis neque aratori praetor per litteras supplicaret neque eum praesens oraret ut quam plurimum sereret; nunc autem ne post abitum quidem huius importunissimae pestis quisquam reperiretur qui sua voluntate araret, pauci essent reliqui qui L. Metelli auctoritate in agros atque ad suum larem familiarem redirent?

[126] His te litteris, homo audacissime atque amentissime, iugulatum esse non sentis? non vides, cum is qui tibi successit aratores reliquos appellet, hoc eum diserte scribere, reliquos hos esse non ex bello neque ex aliqua eius modi calamitate, sed ex tuo scelere, importunitate, avaritia, crudelitate? Recita cetera. Tamen pro eo vt temporis difficvltas aratorvmqve penvria tvlit. 'Aratorum,' inquit, 'penuria.' Si ego accusator totiens de re eadem dicerem, vererer ne animos vestros offenderem, iudices. Clamat Metellus, Nisi litteras misissem: non est satis. Nisi praesens confirmassem: ne id quidem satis est. Reliqvos, inquit, aratores. Reliquos? prope lugubri verbo calamitatem provinciae Siciliae significat: addit, aratorvm penvria. [127] Exspectate etiam, iudices, exspectate, si potestis, auctoritatem accusationis meae. Dico aratores istius avaritia eiectos: scribit Metellus 'reliquos' ab se esse confirmatos. Dico agros relictos arationesque esse desertas: scribit Metellus aratorum esse 'penuriam'. Hoc cum scribit, illud ostendit, deiectos, fortunis omnibus expulsos esse populi Romani socios atque amicos. Quibus si qua calamitas propter istum salvis vectigalibus nostris accidisset, animum advertere tamen in eum vos oporteret, praesertim cum ea lege iudicaretis quae sociorum causa esset constituta: cum vero

perditis profligatisque sociis vectigalia populi Romani sint deminuta, res frumentaria, commeatus, copiae, salus urbis atque exercituum nostrorum in posteritatem istius avaritia interierit, saltem populi Romani commoda respicite si sociis fidelissimis prospicere non laboratis. [128] Atque ut intellegatis ab isto prae lucro praedaque praesenti nec vectigalium nec posteritatis habitam esse rationem, cognoscite quid ad extremum scribat Metellus. In reliqvvm tamen tempvs vectigalibvs prospexi. In reliquum tempus vectigalibus ait se prospexisse. Non scriberet se vectigalibus prospexisse nisi hoc vellet ostendere, te vectigalia perdidisse. Quid enim erat quod vectigalibus prospiceret Metellus in decumis et in tota re frumentaria, si iste non vectigalia populi Romani quaestu suo pervertisset? Atque ipse Metellus, qui vectigalibus prospicit, qui 'reliquos' aratores colligit, quid adsequitur nisi hoc, ut arent, si qui possunt, quibus aratrum saltem aliquod satelles istius Apronius reliquum fecit, qui tamen in agris spe atque exspectatione Metelli remanserunt? Quid ceteri Siculi? quid ille maximus numerus aratorum qui non modo ex agris eiecti sunt, sed etiam ex civitatibus suis, ex provincia denique bonis fortunisque omnibus ereptis profugerunt, qua ratione ii revocabuntur? Quot praetorum innocentia sapientiaque opus est ut illa aratorum multitudo aliquando in suis agris ac sedibus conlocetur?

[129] Ac ne miremini tantam multitudinem profugisse quantam ex litteris publicis aratorumque professionibus cognovistis, scitote tantam acerbitatem istius, tantum scelus in aratores fuisse,++incredibile dictu est, iudices, sed et factum et tota Sicilia pervagatum,++ut homines propter iniurias licentiamque decumanorum mortem sibi ipsi consciverint. Centuripinum Dioclem, hominem locupletem, suspendisse se constat quo die sit ei nuntiatum Apronium decumas redemisse. Tyracinum, principem civitatis, eadem ratione mortem oppetisse dixit apud vos homo nobilissimus, Archonidas Helorinus, cum audisset tantum decumanum professum esse ex edicto istius sibi deberi quantum ille bonis suis omnibus efficere non posset. Haec tu, tametsi omnium hominum dissolutissimus crudelissimusque semper fuisti, tamen numquam perpeterere, propterea quod ille gemitus luctusque provinciae ad tui capitis periculum pertinebat; non, inquam, perpeterere ut homines iniuriae tuae remedium morte ac suspendio quaererent, nisi ea res ad

quaestum et ad praedam tuam pertineret.

[130] Quid? illud perpeterere? Attendite, iudices; omnibus enim nervis mihi contendendum est atque in hoc elaborandum, ut omnes intellegant quam improbam, quam manifestam, quam confessam rem pecunia redimere conetur. Grave crimen est hoc et vehemens et post hominum memoriam iudiciaque de pecuniis repetundis constituta gravissimum, praetorem socios habuisse decumanos. Non hoc nunc primum audit privatus de inimico, reus ab accusatore: iam antea in sella sedens praetor, cum provinciam Siciliam obtineret, cum ab omnibus non solum, id quod commune est, propter imperium, sed etiam, id quod istius praecipuum est, propter crudelitatem metueretur, miliens audivit, cum eius animum ad persequendum non neglegentia tardaret, sed conscientia sceleris avaritiaeque suae refrenaret. Loquebantur enim decumani palam, et praeter ceteros is qui apud istum plurimum poterat maximosque agros populabatur, Apronius, perparvum ex illis magnis lucris ad se pervenire, praetorem esse socium. [131] Hoc cum palam decumani tota provincia loquerentur tuumque nomen in re tam turpi nefariaque interponerent, nihilne tibi venit in mentem existimationi tuae consulere, nihil denique capiti ac fortunis tuis providere? cum tui nominis terror in auribus animisque aratorum versaretur, cum decumani aratoribus ad pactiones faciendas non suam vim, sed tuum scelus ac nomen opponerent. Ecquod iudicium Romae tam dissolutum, tam perditum, tam nummarium fore putasti, quo ex iudicio te ulla Salus servare posset? cum planum fieret, decumis contra instituta leges consuetudinemque omnium venditis, in aratorum bonis fortunisque diripiendis decumanos dictitasse tuas esse partis, tuam rem, tuam praedam, idque te tacuisse et, cum dissimulare non posses, potuisse tamen perpeti et perferre, quod magnitudo lucri obscuraret periculi magnitudinem plusque aliquanto apud te pecuniae cupiditas quam iudici metus posset.

[132] Esto, cetera negare non potes; ne illud quidem tibi reliquum fecisti, ut hoc posses dicere, nihil eorum te audisse, nihil ad tuas auris de infamia tua pervenisse. Querebantur cum luctu et gemitu aratores: tu id nesciebas? Fremebat tota provincia: nemo id tibi renuntiabat? Romae querimoniae de tuis iniuriis conventusque habebantur: ignorabas haec? ignorabas haec omnia? Quid? cum

palam Syracusis te audiente maximo conventu L. Rubrius Q. Apronium sponsione lacessivit, Ni Apronivs dictitaret te sibi in decvmis esse socivm, haec te vox non perculit, non perturbavit, non ut capiti et fortunis tuis prospiceres excitavit? Tacuisti, sedasti etiam litis illorum, et sponsio illa ne fieret laborasti. Pro di immortales, hoc aut innocens homo perpeti potuisset, aut quamvis nocens, qui modo iudicia Romae fore putaret, non aliqua simulatione existimationi se hominum venditasset? [133] Quid est hoc? sponsio fit de capite ac fortunis tuis: tu sedes et quiescis? non persequeris? non perseveras? non perquiris cui dixerit Apronius, quis audierit? unde hoc natum, quem ad modum prolatum sit? Si tibi aliquis ad aurem accessisset et dixisset Apronium dictitare te sibi esse socium, commoveri te oportuit, evocare Apronium, nec illum ante tibi satis facere quam tu omnium existimationi satis fecisses: cum vero in foro celeberrimo tanta frequentia hoc verbo ac simulatione Apronio, re vera tibi obiectum esset, tu umquam tantam plagam tacitus accipere potuisses nisi hoc ita statuisses, in re tam manifesta quicquid dixisses te deterius esse facturum? [134] Quaestores, legatos, praefectos, tribunos suos multi missos fecerunt et de provincia decedere iusserunt, quod illorum culpa se minus commode audire arbitrarentur aut quod peccare ipsos aliqua in re iudicarent: tu Apronium, hominem vix liberum, contaminatum, perditum, flagitiosum, qui non modo animum integrum sed ne animam quidem puram conservare potuisset, eum in tanto tuo dedecore profecto verbo quidem graviore appellasses, neque apud te tam sancta religio societatis fuisset ut tui capitis periculum neglegeres, nisi rem tam notam esse omnibus et tam manifestam videres.

[135] Cum eodem Apronio postea P. Scandilius, eques Romanus, quem vos omnes nostis, eandem sponsionem de societate fecit quam Rubrius facere voluerat. Institit, oppressit, non remisit; facta est sponsio HS v; coepit Scandilius recuperatores aut iudicem postulare. Satisne vobis praetori improbo circumdati cancelli videntur in sua provincia, immo vero in sella ac tribunali, ut aut de suo capite iudicium fieri patiatur praesens ac sedens, aut confiteatur se omnibus iudiciis convinci necesse esse? Sponsio est, Ni te Apronivs socivm in decvmis esse dicat; provincia tua est, ades, abs te iudicium postulatur; quid facis, quid decernis? Recuperatores dicis te daturum.

Bene agis; tametsi qui tantis erunt cervicibus recuperatores qui audeant in provincia, cum praetor adsit, non solum contra voluntatem eius sed etiam contra fortunas iudicare? [136] Verum esto; manifesta res est; nemo esset quin hoc se audisse liquido diceret; locupletissimus quisque ac certissimus testis esset; nemo erat Sicilia tota quin sciret decumas esse praetoris, nemo quin audisset id Apronium dictitasse; praeterea conventus honestus Syracusis, multi equites Romani, viri primarii, ex qua copia recuperatores reici oporteret, qui aliter iudicare nullo modo possent. Instat Scandilius poscere recuperatores. Tum iste homo innocens, qui illam suspicionem levare atque ab sese removere cuperet, recuperatores dicit se de cohorte sua daturum.

[137] Pro deum hominumque fidem, quem ego accuso? in quo meam industriam ac diligentiam spectari volo? quid est quod ego dicendo aut cogitando efficere aut adsequi debeam? Teneo, teneo, inquam, in mediis vectigalibus populi Romani, in ipsis fructibus provinciae Siciliae furem manifesto avertentem rem frumentariam omnem, pecuniam maximam,++teneo, inquam, ita ut negare non possit. Nam quid hic dicet? Sponsio facta est cum cognitore tuo Apronio de fortunis tuis omnibus, ni socium te sibi in decumis esse dictitaret; exspectant omnes quantae tibi ea res curae sit, quem ad modum hominum existimationi te atque innocentiam tuam probari velis. Hic tu medicum et haruspicem et praeconem tuum recuperatores dabis aut etiam illum ipsum quem tu in cohorte tua Cassianum iudicem habebas, si qua res maior esset, Papirium Potamonem, hominem severum ex vetere illa equestri disciplina? Scandilius postulare de conventu recuperatores. Tum iste negat se de existimatione sua cuiquam nisi suis commissurum. Negotiatores sibi putant esse turpe id forum sibi iniquum eierare ubi negotientur; praetor provinciam suam sibi totam iniquam eierat. Impudentiam singularem! [138] Hic postulat se Romae absolvi qui in sua provincia iudicarit absolvi se nullo modo posse, qui plus existimet apud lectissimos senatores pecuniam quam apud tris negotiatores metum valere! Scandilius vero negat sese apud Artemidorum recuperatorem verbum esse facturum, et tamen auget atque onerat te bonis condicionibus, si tu uti velis; si ex provincia Sicilia tota statuas idoneum iudicem aut recuperatorem nullum posse reperiri, postulat

abs te ut Romam rem reicias. [139] Hic enim vero tu exclamas hominem improbum, qui postulet ibi de tua existimatione iudicium fieri ubi te invidiosum esse intellegat: negas te Romam reiecturum, negas de conventu recuperatores daturum, cohortem tuam proponis. Scandilius rem se totam relicturum dicit et suo tempore esse rediturum. Quid tu ibi tum? quid facis? Scandilium cogis++quid? sponsionem acceptam facere? Impudenter tollis exspectatum existimationis tuae iudicium: non facis. [140] Quid ergo? Apronio permittis ut quos velit de cohorte sumat recuperatores? Indignum uni potius ex iniquis sumundi quam utrique ex aequis reiciundi fieri potestatem. Neutrum facis eorum. Quid ergo? Estne aliquid quod improbius fieri possit? Est; cogit enim Scandilium quinque illa milia nummum dare atque adnumerare Apronio.

Quid potuit elegantius facere praetor cupidus existimationis bonae, qui ab se omnem suspicionem propulsare, qui se eripere ex infamia cuperet? Adductus erat in sermonem, invidiam, vituperationem; dictitarat homo improbus atque impurus, Apronius, socium esse praetorem; venerat res in iudicium atque discrimen; potestas erat isti homini integro atque innocenti data, ut, in Apronium cum animum advertisset, sese gravissima levaret infamia. Quid excogitat poenae, quid animadversionis in Apronium? Cogit Scandilium Apronio ob singularem improbitatem atque audaciam praedicationemque nefariae societatis HS v mercedis ac praemi nomine dare. [141] Quid interfuit, homo audacissime, utrum hoc decerneres, an id quod Apronius dictitabat tute de te profiterere ac dictitares? Quem hominem, si qui pudor in te atque adeo si qui metus fuisset, sine supplicio dimittere non debuisti, hunc abs te sine praemio discedere noluisti? Omnia simul intellegere potestis, iudices, ex hoc uno crimine Scandiliano: primum hoc non esse Romae natum de societate decumarum, non ab accusatore fictum, non,++ut solemus interdum in defensionibus dicere,++crimen domesticum ac vernaculum, non ex tempore periculi tui constitutum, sed vetus, agitatum iam et te praetore iactatum, et non ab inimicis Romae compositum sed Romam ex provincia deportatum. [142] Simul illud intellegi potest istius in Apronium studium, Aproni de isto non modo confessio verum etiam commemoratio. Eodem accedit quod hoc quoque intellegere potestis, istum statuisse in provincia sua

existimationis suae iudicium extra cohortem suam committendum fuisse nemini.

Ecquis est iudex cui non ab initio decumani criminis persuasum sit istum in aratorum bona fortunasque impetum fecisse? Quis hoc non ex eo statim iudicavit, quod ostendi istum decumas nova lege atque adeo nulla lege contra omnium consuetudinem atque instituta vendidisse? [143] Verum ut istos ego iudices tam severos, tam diligentis, tam religiosos non habeam, ecquis est ex iniuriarum magnitudine, improbitate decretorum, iudiciorum iniquitate qui hoc non iam dudum statuerit et iudicarit? Etiam sane sit aliquis dissolutior in iudicando, legum offici rei publicae sociorum atque amicorum neglegentior: quid? is possitne de istius improbitate dubitare, cum tanta lucra facta, tam iniquas pactiones vi et metu expressas cognoverit, cum tanta praemia civitates vi atque imperio, virgarum ac mortis metu, non modo Apronio atque eius similibus verum etiam Veneriis servis dare coactas? [144] Quodsi quis sociorum incommodis minus commovetur,++si quem aratorum fugae calamitates exsilia suspendia denique non permovent,++non possum dubitare quin is tamen, cum vastatam Siciliam, relictos agros ex civitatum litteris et ex epistula L. Metelli cognoverit, statuat fieri non posse ut de isto non severissime iudicetur. Erit etiam aliquis qui haec omnia dissimulare ac neglegere possit? Attuli sponsiones ipso praesente factas de decumarum societate ab ipso prohibitas iudicari: quid est quod possit quisquam manifestius hoc desiderare? Non dubito quin vobis satis fecerim, iudices; verum tamen progrediar longius, non mehercule quo magis hoc vobis persuadeatur quam iam persuasum esse confido, sed ut ille aliquando impudentiae suae finem faciat, aliquando desinat ea se putare emere quae ipse semper habuit venalia,++fidem ius iurandum veritatem officium religionem,++desinant amici eius ea dictitare quae detrimento maculae invidiae infamiae nobis omnibus esse possint. [145] At qui amici! O miserum, o invidiosum offensumque paucorum culpa atque indignitate ordinem senatorium! Albam Aemilium sedentem in faucibus macelli loqui palam vicisse Verrem, emptos habere iudices, alium HS cccc, alium HS d, quem minimo, ccc! Atque ei cum responsum esset fieri non posse, multos testis esse dicturos, me praeterea causae non defuturum, ‘Licet hercle,’ inquit, ‘omnes omnia dicant, in illo, nisi

ita res manifesta erit adlata ut responderi nihil possit, vicimus.' [146] Bene agis, Alba: ad tuam veniam condicionem. Nihil putas valere in iudiciis coniecturam, nihil suspicionem, nihil ante actae vitae existimationem, nihil virorum bonorum testimonia, nihil civitatum auctoritates ac litteras: manifestas quaeris. Non quaero iudices Cassianos, veterem iudiciorum severitatem non requiro, vestram in hac re fidem dignitatem religionem in iudicando non imploro; Albam habebo iudicem, eum hominem qui se ipse scurram improbissimum existimari vult, a scurris semper potius gladiator quam scurra appellatus sit; adferam rem eius modi in decumis ut Alba fateatur istum in re frumentaria et in bonis aratorum aperte palamque esse praedatum.

[147] Decumas agri Leontini magno dicis te vendidisse. Ostendi iam illud initio, non existimandum magno vendidisse eum qui verbo decumas vendiderit, re et condicione et lege et edicto et licentia decumanorum decumas aratoribus nullas reliquas fecerit. Etiam illud ostendi, vendidisse alios magno decumas agri Leontini ceterorumque agrorum, et lege Hieronica vendidisse et pluris etiam quam te vendidisse, nec aratorem quemquam esse questum; nec enim fuit quod quisquam queri posset, cum lege aequissime scripta venderent, neque illud umquam aratoris interfuit, quanti decumae venirent. Non enim ita est ut, si magno venierint, plus arator debeat, si parvo, minus; ut frumenta nata sunt, ita decumae veneunt; aratoris autem interest ita se frumenta habere ut decumae quam plurimo venire possint; dum arator ne plus decuma det, expedit ei decumam esse quam maximam. [148] Verum hoc, ut opinor, esse vis caput defensionis tuae, magno te decumas vendidisse, atque aliorum quidem agrorum pro portione magno decumas vendidisse, agri vero Leontini, qui plurimum efficit, tritici mod. ccxvi. Si doceo pluris aliquanto potuisse te vendere, neque iis voluisse addicere qui contra Apronium licerentur, et Apronio multo minoris quam aliis potueris vendere tradidisse,++ si hoc doceo, poteritne te ipse Alba, tuus antiquissimus non solum amicus verum etiam amator, absolvere?

Dico equitem Romanum, hominem in primis honestum, Q. Minucium, cum sui similibus ad decumas agri Leontini tritici mod. non mille non duo nec tria milia, sed ad unas unius agri decumas tritici modium triginta voluisse addere: ei potestatem emendi non

esse factam, ne res abiret ab Apronio. [149] Negare hoc, nisi forte negare omnia constituisti, nullo modo potes; palam res gesta est maximo conventu Syracusis; testis est tota provincia, propterea quod undique ad emendas decumas solent eo convenire. Quod sive fateris sive convinceris, quot et quam manifestis in rebus teneare non vides? Primum tuam rem illam et praedam fuisse; nam ni ita esset, cur tu Apronium malebas, quem omnes tuum procuratorem esse in decumis, tuum negotium agere loquebantur, quam Minucium decumas agri Leontini sumere? Deinde immensum atque infinitum lucrum esse factum; nam si xxx tu commotus non esses, certe hoc idem lucri Minucius Apronio libenter dedisset, si ille accipere voluisset. [150] Quantam igitur illi spem praedae propositam arbitramur fuisse qui tantum praesens lucrum nulla opera insumpta contempserit atque despexerit? Deinde ipse Minucius numquam tanti habere voluisset, si decumas tu lege Hieronica venderes; sed quia tuis novis edictis et iniquissimis institutis plus aliquanto se quam decumas ablaturum videbat, idcirco longius progressus est. At Apronio semper plus etiam multo abs te permissum est quam quod edixeras. Quantum igitur quaestum putamus factum esse per eum cui quidvis licitum sit, cum tantum lucri voluerit addere is cui, si decumas emisset, idem non liceret? [151] Postremo illa quidem certe tibi praecisa defensio est, in qua tu semper omnia tua furta atque flagitia latere posse arbitratus es, magno te decumas vendidisse, plebi Romanae consuluisse, annonae prospexisse. Non potest hoc dicere is qui negare non potest se unius agri decumas xxx milibus modium minoris quam potuerit vendidisse; ut etiamsi tibi hoc concedam, Minucio ideo te non tradidisse quod iam addixisses Apronio (aiunt enim te ita dictitare, quod ego exspecto cupioque te illud defendere)+ +verum ut ita sit, tamen non potes hoc quasi praeclarum aliquid praedicare, magno te decumas vendidisse, cum fuisse fateare qui multo pluris voluerit emere.

[152] Tenetur igitur iam, iudices, et manifesto tenetur avaritia, cupiditas hominis, scelus, improbitas, audacia. Quid? si haec quae dico ipsius amici defensoresque iudicarunt, quid amplius vultis? Adventu L. Metelli praetoris, cum omnis eius comites iste sibi suo illo panchresto medicamento amicos reddidisset, aditum est ad Metellum; eductus est Apronius. Eduxit vir primarius, C. Gallus

senator; postulavit ab L. Metello ut ex edicto suo iudicium daret in Apronium, Qvod per vim avt metvm abstvlisset, quam formulam Octavianam et Romae Metellus habuerat et habebat in provincia. Non impetrat, cum hoc diceret Metellus, praeiudicium se de capite C. Verris per hoc iudicium nolle fieri. Tota Metelli cohors hominum non ingratorum aderat Apronio; C. Gallus, homo vestri ordinis, a suo familiarissimo L. Metello iudicium ex edicto non potest impetrare. [153] Non reprehendo Metellum,++pepercit homini amico et, quem ad modum ipsum dicere audivi, necessario: non reprehendo, inquam, Metellum, sed hoc miror, quo modo de quo homine praeiudicium noluerit fieri per recuperatores, de hoc ipse non modo praeiudicarit verum gravissime ac vehementissime iudicarit. Primum enim si Apronium absolutum iri putaret, nihil erat quod ullum praeiudicium vereretur; deinde si condemnato Apronio coniunctam cum eo Verris causam omnes erant existimaturi, Metellus quidem certe iam hoc iudicabat, eorum rem causamque esse coniunctam, qui statueret Apronio condemnato de isto praeiudicium futurum. Et simul una res utrique rei est argumento, et aratores vi et metu coactos Apronio multo plus quam debuerint dedisse, et Apronium istius rem suo nomine egisse, cum L. Metellus statuerit non posse Apronium condemnari quin simul de istius scelere atque improbitate iudicaretur.

[154] Venio nunc ad epistulam Timarchidi, liberti istius et accensi; de qua cum dixero, totum hoc crimen decumanum peroraro. Haec epistula est, iudices, quam nos Syracusis in aedibus Aproni cum litteras conquireremus invenimus. Missa est, ut ipsa significat, ex itinere, cum Verres iam de provincia decessisset, Timarchidi manu scripta. Recita. Epistvla Timarchidi. Verris accensvs salvtem dicit. Iam hoc quidem non reprehendo quod adscribit ‘accensus’; cur enim sibi hoc scribae soli sumant, ‘L. Papirivs scriba’? Volo ego hoc esse commune accensorum, lictorum, viatorum. Fac diligentiam adhibeas, qvod ad praetoris existimationem attinet. Commendat Apronio Verrem, et hortatur ut inimicis eius resistat. Bono praesidio munitur existimatio tua, siquidem in Aproni constituitur diligentia atque auctoritate. Habes virtvtem, eloqventiam. [155] Quam copiose laudatur Apronius a Timarchide, quam magnifice! Cui ego illum non putem placere oportere qui tanto opere Timarchidi probatus sit? Habes

svmptvm vnde facias. Necesse est, si quid redundarit de vestro frumentario quaestu, ad illum potissimum per quem agebatis defluxisse. Scribas, apparitores recentis arripe; cvm L. Volteio, qvi plvrimvm potest, caede, concide. Videte quam valde malitiae suae confidat Timarchides, qui etiam Apronio improbitatis praecepta det. Iam hoc 'caede, concide'! nonne vobis verba domo patroni depromere videtur ad omne genus nequitiae accommodata? Volo, mi frater, fratercvlo tvo credas. Consorti quidem in lucris atque furtis, gemino et simillimo nequitia, improbitate, audacia. In cohorte carvs habebere. Quid est hoc 'in cohorte'? quo pertinet? Apronium doces? quid? in vestram cohortem te monitore an sua sponte pervenerat? Qvod cviqve opvs est, oppone. Qua impudentia putatis eum in dominatione fuisse qui in fuga tam improbus sit? Ait omnia pecunia effici posse: dare, profundere oportere, si velis vincere. Non hoc mihi tam molestum est Apronio suadere Timarchidem, quam quod hoc idem patrono suo praecipit. Te postvlante omnes vincere solent. [156] Verre quidem praetore, non Sacerdote, non Peducaeo, non hoc ipso Metello. Scis Metellvm sapientem esse. Hoc vero ferri iam non potest, inrideri viri optimi, L. Metelli, ingenium et contemni ac despici a fugitivo Timarchide. Si Volteivm habebis, omnia lvdibvndvs conficies. Hic vehementer errat Timarchides, qui aut Volteium pecunia corrumpi putet posse, aut Metellum unius arbitratu gerere praeturam, sed errat coniectura domestica. Quia multos et per se et per alios multa ludibundos apud Verrem effecisse vidit, ad omnis eosdem patere aditus arbitratur. Facilius vos efficiebatis ludibundi quae volebatis a Verre, quod multa eius ludorum genera noratis. Incvlcatvm est Metello et Volteio te aratores evertisse. Quis istuc Apronio attribuebat, cum aratorem aliquem everterat, aut Timarchidi, cum ob iudicandum aut decernendum aut imperandum aliquid aut remittendum pecuniam acceperat, aut Sextio lictori, cum aliquem innocentem securi percusserat? Nemo; omnes ei tum attribuebant quem nunc condemnari volunt. [157] Obtvdervnt eivs avris te socivm praetoris fvisse. Videsne hoc quam clarum sit et fuerit, cum etiam Timarchides hoc metuat? concedesne non hoc crimen nos in te confingere, sed iam pridem ad crimen aliquam defensionem libertum quaerere? Libertus et accensus tuus, et tibi ac liberis tuis omnibus in rebus coniunctus ac proximus, ad Apronium

scribit vulgo esse ab omnibus ita demonstratum Metello, tibi Apronium in decumis socium fuisse. Fac sciat improbitatem aratorvm; ipsi svdabvnt, si di volvnt. Quod istuc, per deos immortalis, aut qua de causa excitatum esse dicamus in aratores tam infestum odium atque tantum? Quantam iniuriam fecerunt Verri aratores ut eos etiam libertus et accensus eius tam irato animo ac litteris insequatur?

Neque ego huius fugitivi, iudices, vobis epistulam recitassem, nisi ut ex ea totius familiae praecepta et instituta et disciplinam cognosceretis. Videtis ut moneat Apronium quibus rebus ac muneribus se insinuet in familiaritatem Metelli, Volteium corrumpat, scribas accensumque pretio deleniat. Ea praecipit quae vidit, ea monet alienum hominem quae domi didicit ipse; verum in hoc errat uno, quod existimat easdem vias ad omnium familiaritates esse munitas. [158] Quamquam merito sum iratus Metello, tamen haec quae vera sunt dicam. Apronius ipsum Metellum non pretio, ut Verrem, non convivio, non muliere, non sermone impuro atque improbo posset corrumpere, quibus rebus non sensim atque moderate ad istius amicitiam adrepserat, sed brevi tempore totum hominem totamque eius praeturam possederat; cohortem autem Metelli, quam vocat, quid erat quod corrumperet, ex qua recuperatores in aratorem nulli dabantur? [159] Nam quod scribit Metelli filium puerum esse, vehementer errat; non enim ad omnis praetorum filios idem aditus sunt. O Timarchide, Metelli est filius in provincia non puer, sed adulescens pudens ac bonus, dignus illo loco ac nomine; vester iste puer praetextatus in provincia quem ad modum fuisset non dicerem si pueri esse illam culpam ac non patris existimarem. Tune, cum te ac tuam vitam nosses, in Siciliam tecum grandem praetextatum filium ducebas, ut, etiamsi natura puerum a paternis vitiis atque a generis similitudine abduceret, consuetudo tamen eum et disciplina degenerare non sineret? [160] Fac enim fuisse in eo C. Laeli aut M. Catonis materiem atque indolem: quid ex eo boni sperari atque effici potest qui in patris luxurie sic vixerit ut nullum umquam pudicum neque sobrium convivium viderit, qui in epulis cotidianis adulta aetate per triennium inter impudicas mulieres et intemperantis viros versatus sit, nihil umquam audierit a patre quo pudentior aut melior esset, nihil umquam patrem facere viderit quod cum imitatus esset

non, id quod turpissimum est, patris similis putaretur?

[161] Quibus in rebus non solum filio, Verres, verum etiam rei publicae fecisti iniuriam. Susceperas enim liberos non solum tibi sed etiam patriae, qui non modo tibi voluptati sed etiam qui aliquando usui rei publicae esse possent. Eos instituere atque erudire ad maiorum instituta, ad civitatis disciplinam, non ad tua flagitia neque ad tuas turpitudines debuisti: esset ex inerti atque improbo et impuro parente navus et pudens et probus filius, haberet aliquid abs te res publica muneris. Nunc pro te Verrem substituisti alterum civitati; nisi forte hoc deteriorem, si fieri potest, quod tu eius modi evasisti non in hominis luxuriosi, sed tantum in furis ac divisoris disciplina educatus; [162] quid isto fore festivius arbitramur, si est tuus natura filius, consuetudine discipulus, voluntate similis? Quem ego, iudices, quamvis bonum fortemque facile paterer evadere; non enim me inimicitiae commovent, si quae mihi cum isto futurae sunt. Nam si in omnibus rebus innocens fuero meique similis, quid mihi istius inimicitiae nocebunt? sin aliqua in re Verris similis fuero, non magis mihi deerit inimicus quam Verri defuit. Etenim, iudices, eius modi res publica debet esse, et erit veritate iudiciorum constituta, ut inimicus neque deesse nocenti possit neque obesse innocenti. Quapropter nulla res est quam ob rem ego istum nolim ex paternis probris ac vitiis emergere; id quod tametsi isti difficile est, tamen haud scio an fieri possit, praesertim si, sicut nunc fit, custodes amicorum eum sectabuntur, quoniam pater tam neglegens ac dissolutus est. [163] Verum huc longius quam voluntas fuit ab epistula Timarchidi digressa est oratio mea, qua recitata conclusurum me esse crimen decumanum dixeram; ex quo intellexistis innumerabilem frumenti numerum per triennium aversum ab re publica esse ereptumque aratoribus.

Sequitur ut de frumento empto vos, iudices, doceam, maximo atque impudentissimo furto; de quo dum certa et pauca et magna dicam breviter, attendite. Frumentum emere in Sicilia debuit Verres ex senatus consulto et ex lege Terentia et Cassia frumentaria. Emundi duo genera fuerunt, unum decumanum, alterum quod praeterea civitatibus aequaliter esset distributum; illius decumani tantum quantum ex primis decumis fuisset, huius imperati in annos singulos tritici mod. dccc; pretium autem constitutum decumano in modios

singulos HS iii, imperato HS iii s. Ita in frumentum imperatum HS duodetriciens in annos singulos Verri decernebatur quod aratoribus solveret, in alteras decumas fere ad nonagiens. Sic per triennium ad hanc frumenti emptionem Siciliensem prope centiens et viciens erogatum est.

[164] Hanc pecuniam tantam datam tibi ex aerario inopi atque exhausto, datam ad frumentum, hoc est ad necessitatem salutis et vitae, datam ut Siculis aratoribus, quibus tanta onera res publica imponeret, solveretur, abs te sic laceratam esse dico ut possim illud probare, si velim, omnem te hanc pecuniam domum tuam avertisse. Etenim sic hanc rem totam administrasti ut hoc quod dico probari aequissimo iudici possit. Sed ego habebo rationem auctoritatis meae; meminero quo animo, quo consilio ad causam publicam accesserim; non agam tecum accusatorie, nihil fingam, nihil cuiquam probari volo me dicente quod non ante mihimet ipsi probatum sit. [165] In hac pecunia publica, iudices, haec insunt tria genera furtorum: primum, cum posita esset pecunia apud eas societates unde erat attributa, binis centesimis faeneratus est, deinde permultis civitatibus pro frumento nihil solvit omnino, postremo, si cui civitati solvit, tantum detraxit quantum commodum fuit, nulli quod debitum est reddidit.

Ac primum hoc ex te quaero: tu, cui publicani ex Carpinati litteris gratias egerunt, pecunia publica ex aerario erogata, ex vectigalibus populi Romani ad emendum frumentum attributa, fueritne tibi quaestui, pensitaritne tibi binas centesimas? Credo te negaturum; turpis enim est et periculosa confessio. [166] Mihi autem hoc perarduum est demonstrare. Quibus enim testibus? publicanis? Tractati honorifice sunt: tacebunt. Litteris eorum? Decreto decumanorum remotae sunt. Quo me igitur vertam? rem tam improbam, crimen tantae audaciae tantaeque impudentiae propter inopiam testium ac litterarum praetermittam? Non faciam, iudices, utar teste++quo? P. Vettio Chilone, homine equestris ordinis honestissimo atque ornatissimo, qui isti ita et amicus et necessarius est ut, etiamsi vir bonus non esset, tamen quod contra istum diceret grave videretur, ita vir bonus est ut, etiamsi inimicissimus isti esset, tamen eius testimonio credi oporteret.

[167] Admiratur et exspectat quidnam Vettius dicturus sit. Nihil dicet ex tempore, nihil ex sua voluntate, nihil, cum utrumvis licuisse

videatur. Misit in Siciliam litteras ad Carpinatium, cum esset magister scripturae et sex publicorum, quas ego Syracusis apud Carpinatium in litterarum adlatarum libris, Romae in litterarum missarum apud magistrum L. Tullium, familiarem tuum, inveni; quibus ex litteris impudentiam faeneratoris, quaeso, cognoscite. Litterae missae P. Vetti, P. Servili, C. Antisti magistrorvm. Praesto se tibi ait futurum Vettius et observaturum quem ad modum rationes ad aerarium referas, ut, si hanc ex faenore pecuniam populo non rettuleris, reddas societati. [168] Possumus hoc teste, possumus P. Servili et C. Antisti magistrorum litteris, primorum hominum atque honestissimorum, possumus auctoritate societatis, cuius litteris utimur, quod dicimus obtinere, an aliqua firmiora aut graviora quaerenda sunt? Vettius, tuus familiarissimus, Vettius, tuus adfinis, cuius sororem habes in matrimonio, tuae frater uxoris, Vettius, frater tui quaestoris, testatur litteris impudentissimum tuum furtum certissimumque peculatum; nam quo alio nomine pecuniae publicae faeneratio est appellanda? Recita reliqva. Scribam tuum dicit, Verres, huius perscriptorem faenerationis fuisse: ei quoque magistri minantur in litteris, et casu scribae tum duo magistri fuerunt cum Vettio. Binas centesimas ab sese ablatas ferendum non putant, et recte non putant. Quis enim hoc fecit umquam, quis denique conatus est facere aut posse fieri cogitavit, ut, cum senatus usura publicanos saepe iuvisset, magistratus a publicanis pecuniam pro usura auderet auferre? Certe huic homini spes nulla salutis esset, si publicani, hoc est si equites Romani iudicarent: [169] minor esse nunc, iudices, vobis disceptantibus debet, et tanto minor quanto est honestius alienis iniuriis quam re sua commoveri.

Quid ad haec respondere cogitas? utrum factum negabis an tibi hoc licitum esse defendes? Negare qui potes? an ut tanta auctoritate litterarum, tot testibus publicanis convincare? Licuisse vero qui? Si hercule te tuam pecuniam praetorem in provincia faeneratum docerem, tamen effugere non posses; sed publicam, sed ob frumentum decretam, sed a publicanis faenore acceptam, hoc licuisse cuiquam probabis? quo non modo ceteri, sed tu ipse nihil audacius improbiusque fecisti. Non mehercule hoc, quod omnibus singulare videtur,++de quo mihi deinceps dicendum est,++ possum, iudices, dicere audacius esse aut impudentius, quod permultis civitatibus pro

frumento nihil solvit omnino: maior haec praeda fortasse, sed illa impudentia certe non minor. [170] Et quoniam de illa faeneratione satis dictum est, nunc de hac tota pecunia aversa, quaeso, cognoscite.

Siciliae civitates multae sunt, iudices, ornatae atque honestae, ex quibus in primis numeranda est civitas Halaesina; nullam enim reperietis aut officiis fideliorem aut copiis locupletiorem aut auctoritate graviorem. Huic iste in annos singulos cum sexagena milia tritici modium imperavisset, pro tritico nummos abstulit, quanti erat in Sicilia triticum; quos de publico nummos acceperat, retinuit omnis. Obstipui, iudices, cum hoc mihi primum Halaesae demonstravit in senatu Halaesinorum homo summo ingenio, summa prudentia, summa auctoritate praeditus, Halaesinus Aeneas, cui senatus dederat publicam causam ut mihi fratrique meo gratias ageret, et simul qui nos ea quae ad iudicium pertinerent doceret. [171] Demonstravit hanc istius consuetudinem ac rationem fuisse: quod omnis frumenti copia decumarum nomine penes istum esset redacta, solitum esse istum pecuniam cogere a civitatibus, frumentum improbare, quantum frumenti esset Romam mittendum, tantum de suo quaestu ac de sua copia frumenti mittere. Posco rationes, inspicio litteras, video frumenti granum Halaesinos, quibus sexagena milia modium imperata erant, nullum dedisse, pecuniam Volcatio, Timarchidi, scribae dedisse: reperio genus huius modi, iudices, praedae, ut praetor, qui frumentum emere debeat, non emat sed vendat, pecunias, quas civitatibus distribuere debeat, eas omnis avertat atque auferat. Non mihi iam furtum, sed monstrum ac prodigium videbatur civitatum frumentum improbare, suum probare; cum suum probasset, pretium ei frumento constituere; quod constituisset, id a civitatibus auferre, quod a populo Romano accepisset, tenere.

[172] Quot vultis esse in uno furto peccatorum gradus, ut, si singulis insistere velim, progredi iste non possit? Improbas frumentum Siculorum. Quid? ipse quod mittis? peculiarem habes aliquam Siciliam quae tibi ex alio genere frumentum suppeditare possit? Cum senatus decernit ut ematur in Sicilia frumentum, aut cum populus iubet, hoc, ut opinor, intellegit, ex Sicilia Siculum frumentum apportari oportere: tu cum civitatum Siciliae vulgo omne frumentum improbas, num ex Aegypto aut Syria frumentum Romam

missurus es? Improbas Halaesinum, Thermitanum, Cephaloeditanum, Amestratinum, Tyndaritanum, Herbitense, multarum praeterea civitatum! Quid accidit tandem ut horum populorum agri frumentum eius modi te praetore ferrent,++quod numquam antea,++ut neque tibi neque populo Romano posset probari, praesertim cum ex isdem agris eiusdem anni frumentum ex decumis Romam mancipes advexissent? Quid acciderat ut ex eodem horreo decumanum probaretur, emptum improbaretur? Dubiumne est quin ista omnis improbatio cogendae pecuniae causa nata sit? [173] Esto, improbas Halaesinum, habes ab alio populo quod probes: eme illud quod placet, missos fac eos quorum frumentum improbasti. Sed ab iis quos repudias exigis tantum pecuniae quantum ad eum numerum frumenti satis sit quem ei civitati imperas emendum. In medimna singula video ex litteris publicis tibi Halaesinos HS quinos denos dedisse. Ostendam ex tabulis locupletissimorum aratorum eodem tempore neminem in Sicilia pluris frumentum vendidisse.

Quae est ergo ista ratio aut quae potius amentia, frumentum improbare id quod ex eo loco sit ex quo senatus et populus Romanus emi voluerit, et ex eo acervo ex quo partem tu idem decumarum nomine probaris; deinde a civitatibus pecuniam ad emendum frumentum cogere, cum ex aerario acceperis? Vtrum enim te lex Terentia Siculorum pecunia frumentum emere an populi Romani pecunia frumentum a Siculis emere iussit? [174] Iam vero ab isto omnem illam ex aerario pecuniam, quam his oportuit civitatibus pro frumento dari, lucri factam videtis. Accipis enim HS xv pro medimno; tanti enim est illo tempore medimnum; retines HS xxi; tanti enim est frumentum Siciliense ex lege aestimatum. Quid interest utrum hoc feceris an frumentum Siciliense non improbaris, sed frumento probato et accepto pecuniam publicam tenueris omnem neque quicquam ulli dissolveris civitati? cum aestimatio legis eius modi sit ut ceteris temporibus tolerabilis Siculis, te praetore etiam grata esse debuerit. Est enim modius lege HS iiis aestimatus, fuit autem te praetore, ut tu in multis epistulis ad amicos tuos gloriaris, HS ii. Sed fuerit HS iis, quoniam tu tantum a civitatibus in modios singulos exegisti; cum, si solveres Siculis tantum quantum te populus Romanus iusserat, aratoribus fieri gratissimum posset, tu non modo eos accipere quod oportebat noluisti, sed etiam dare quod non

debebant coegisti? [175] Atque haec ita gesta esse, iudices, cognoscite et ex litteris publicis civitatum et ex testimoniis publicis, in quibus nihil fictum, nihil ad tempus accommodatum intellegetis; omnia quae dicimus rationibus populorum non interpositis neque perturbatis neque repentinis, sed certis, institutis, ordine relata atque confecta sunt. Recita. Rationes Halaesinorvm. Cui pecuniam datam dicit? Dic etiam clarius. Volcatio, Timarchidi, Maevio.

Quid est, Verres? ne illam quidem tibi defensionem reliquam fecisti, mancipes in istis rebus esse versatos, mancipes frumentum improbasse, mancipes pretio cum civitatibus decidisse, et eosdem abs te illarum civitatum nomine pecunias abstulisse, deinde ipsos sibi frumentum coemisse, nihil haec ad te pertinere? Mala mehercule ac misera defensio praetorem hoc dicere: 'Ego frumentum neque attigi neque aspexi, mancipibus potestatem probandi improbandique permisi; mancipes a civitatibus pecunias extorserunt, ego autem, quam pecuniam populis dare debui, mancipibus dedi!' [176] Mala est haec quidem, ut dixi, ac potius perdita maximorum peccatorum, huius autem iniquitatis et inertiae confessio, non defensio criminis; sed tamen hac ipsa tibi, si uti cupias, non licet; vetat te Volcatius, tuae tuorumque deliciae, mentionem mancipis facere; Timarchides autem, columen familiae vestrae, premit fauces defensionis tuae, cui simul et Volcatio pecunia a civitate numerata est; iam vero scriba tuus anulo aureo suo, quem ex his rebus invenit, ista te ratione uti non sinet. Quid igitur est reliquum nisi uti fateare te Romam frumentum emptum Siculorum pecunia misisse publicam pecuniam domum tuam convertisse?

O consuetudo peccandi, quantam habes iucunditatem improbis et audacibus, cum poena afuit et licentia consecuta est! [177] Iste in hoc genere peculatus non nunc primum invenitur, sed nunc demum tenetur. Vidimus huic ab aerario pecuniam numerari quaestori ad sumptum exercitus consularis, vidimus paucis post mensibus et exercitum et consulem spoliatum; illa omnis pecunia latuit in illa caligine ac tenebris quae totam rem publicam tum occuparant. Iterum gessit hereditariam quaesturam, cum a Dolabella magnam pecuniam avertit, sed eius rationem cum damnatione Dolabellae permiscuit. Commissa est pecunia tanta praetori; non reperietis hominem timide nec leviter haec improbissima lucra ligurrientem; devorare omnem

pecuniam publicam non dubitavit. Ita serpit illud insitum in natura malum consuetudine peccandi libera, finem ut audaciae statuere ipse non possit. [178] Tenetur igitur aliquando, et in rebus cum maximis tum manifestis tenetur; atque in eam fraudem mihi videtur divinitus incidisse, non solum ut eas poenas quas proxime meruisset solveret, sed ut illa etiam scelera eius in Carbonem et in Dolabellam vindicarentur.

Etenim nova quoque alia res, iudices, exstitit in hoc crimine, quae tollat omnem dubitationem superioris illius decumani criminis. Nam ut illud missum faciam, permultos aratores in alteras decumas et in haec dccc milia modium, quod emptum populo Romano darent, non habuisse, et a tuo procuratore, hoc est ab Apronio, emisse, ex quo intellegi potest nihil te aratoribus reliqui fecisse,++ut hoc praeteream, quod multorum est testimoniis expositum, potest illo quicquam esse certius, in tua potestate atque in tuis horreis omne frumentum Siciliae per triennium atque omnis fructus agri decumani fuisse? [179] Cum enim a civitatibus pro frumento pecuniam exigebas, unde erat frumentum quod Romam mitteres, si tu id non omne clausum et compressum possidebas? Ita in eo frumento primus tibi ille quaestus erat ipsum frumentum, quod erat ereptum ab aratoribus, alter, quod frumentum improbissime per triennium partum non semel sed bis, neque uno sed duobus pretiis unum et idem frumentum vendidisti, semel civitatibus HS xv in medimnum, iterum populo Romano, a quo HS xxi in medimna pro eodem illo frumento abstulisti.

[180] At enim frumentum Centuripinorum et Agrigentinorum et non nullorum fortasse praeterea probasti et his populis pecuniam dissolvisti. Sint sane aliquae civitates in eo numero, quarum frumentum improbare nolueris; quid tandem? his civitatibus omnisne pecunia quae pro frumento debita est dissoluta est? Vnum mihi reperi non populum, sed aratorem: vide, quaere, circumspice, si quis forte est ex ea provincia, in qua tu triennium praefuisti, qui te nolit perisse: unum, inquam, da mihi ex illis aratoribus qui tibi ad statuam pecuniam contulerunt, qui sibi dicat omne esse pro frumento quod oportuerit solutum. Confirmo, iudices, neminem esse dicturum.

[181] Ex omni pecunia quam aratoribus solvere debuisti certis nominibus deductiones fieri solebant, primum pro spectatione et collybo, deinde pro nescio quo cerario. Haec omnia, iudices, non rerum certarum, sed furtorum improbissimorum sunt vocabula. Nam collybus esse qui potest, cum utuntur omnes uno genere nummorum? Cerarium vero++quid? quo modo hoc nomen ad rationes magistratus, quo modo ad pecuniam publicam adlatum est? Nam illud genus tertium deductionis erat eius modi, quasi non modo liceret sed etiam oporteret, nec solum oporteret sed plane necesse esset. Scribae nomine de tota pecunia binae quinquagesimae detrahebantur. Quis tibi hoc concessit, quae lex, quae senatus auctoritas, quae porro aequitas, ut tantam pecuniam scriba tuus auferret sive de aratorum bonis sive de populi Romani vectigalibus? [182] Nam si potest ista pecunia sine aratorum iniuria detrahi, populus Romanus habeat, in tantis praesertim aerari angustiis; sin autem et populus Romanus voluit, et aequum est ita solvi aratoribus, tuus apparitor parva mercede populi conductus de aratorum bonis praedabitur? Et in hac causa scribarum ordinem in me concitabit Hortensius et eorum commoda a me labefactari atque oppugnari iura dicet? Quasi vero hoc scribis ullo exemplo sit aut ullo iure concessum. Quid ego vetera repetam aut quid eorum scribarum mentionem faciam quos constat sanctissimos homines atque innocentissimos fuisse? Non me fugit, iudices, vetera exempla pro fictis fabulis iam audiri atque haberi: in his temporibus versabor miseris ac perditis. Nuper, Hortensi, quaestor fuisti. Quid tui scribae fecerint, tu potes dicere: ego de meis hoc dico, cum in eadem ista Sicilia pro frumento pecuniam civitatibus solverem et mecum duos frugalissimos homines scribas haberem, L. Mamilium et L. Sergium, non modo istas duas quinquagesimas, sed omnino nummum nullum cuiquam esse deductum. Dicerem hoc mihi totum esse attribuendum, iudices, si illi umquam hoc a me postulassent, si umquam omnino cogitassent. [183] Quam ob rem enim scriba deducat, ac non potius mulio qui advexerit, tabellarius cuius adventu certiores facti petiverunt, praeco qui adire iussit, viator aut Venerius qui fiscum sustulit? Quae pars operae aut opportunitatis in scriba est cur ei non modo merces tanta detur, sed cur cum eo tantae pecuniae partitio fiat? ‘Ordo est

honestus.' Quis negat, aut quid ea res ad hanc rem pertinet? Est vero honestus, quod eorum hominum fidei tabulae publicae periculaque magistratuum committuntur. Itaque ex his scribis qui digni sunt illo ordine, patribus familias, viris bonis atque honestis, percontamini quid sibi istae quinquagesimae velint: iam omnibus intellegetis novam rem totam atque indignam videri. [184] Ad eos me scribas revoca, si placet, noli hos colligere, qui nummulis corrogatis de nepotum donis ac de scaenicorum corollariis, cum decuriam emerunt, ex primo ordine explosorum in secundum ordinem civitatis se venisse dicunt. Eos scribas tecum disceptatores huius criminis habebo qui istos scribas esse moleste ferunt. Tametsi cum in eo ordine videamus esse multos non idoneos, qui ordo industriae propositus est et dignitati, mirabimur turpis aliquos ibi esse quo cuivis pretio licet pervenire? Tu ex pecunia publica HS terdeciens scribam tuum permissu tuo cum abstulisse fateare, reliquam tibi ullam defensionem putas esse? hoc quemquam ferre posse, hoc quemquam denique nunc tuorum advocatorum animo aequo audire arbitrare, qua in civitate C. Catoni, consulari homini, clarissimo viro, HS viii lis aestimata sit, in eadem civitate apparitori tuo esse concessum ut HS terdeciens uno nomine auferret?

[185] Hinc ille est anulus aureus quo tu istum in contione donasti; quae tua donatio singulari impudentia nova Siculis omnibus, mihi vero etiam incredibilis videbatur. Saepe enim nostri imperatores superatis hostibus, optime re publica gesta, scribas suos anulis aureis in contione donarunt: tu vero quibus rebus gestis, quo hoste superato contionem donandi causa advocare ausus es? Neque enim solum scribam tuum anulo, sed etiam virum fortissimum ac tui dissimillimum, Q. Rubrium, excellentem virtute auctoritate copiis, corona et phaleris et torque donasti, M. Cossutium, sanctissimum virum atque honestissimum, M. Castricium, summo splendore ingenio gratia praeditum. [186] Quid haec sibi horum trium civium Romanorum dona voluerunt? Siculos praeterea potentissimos nobilissimosque donasti, qui non, quem ad modum sperasti, tardiores fuerunt, sed ornatiores tuo iudicio ad testimonia dicenda venerunt. Quibus ex hostium spoliis, de qua victoria, qua ex praeda aut manubiis haec abs te donatio constituta est? an quod te praetore paucorum adventu myoparonum classis pulcherrima, Siciliae

praesidium propugnaculumque provinciae, piratarum manibus incensa est? an quod ager Syracusanus praedonum incendiis te praetore vastatus est? an quod forum Syracusanum nauarchorum sanguine redundavit? an quod in portu Syracusano piraticus myoparo navigavit? Nihil possum reperire quam ob rem te in istam amentiam incidisse arbitrer, nisi forte id egisti ut hominibus ne oblivisci quidem rerum tuarum [male gestarum] liceret.

[187] Anulo est aureo scriba donatus, et ad eam donationem contio est advocata. Quod erat os tuum, cum videbas in contione eos homines quorum ex bonis istum anulo aureo donabas, qui ipsi anulos aureos posuerant liberisque suis detraxerant, ut esset unde scriba tuus hoc tuum munus ac beneficium tueretur? quae porro praefatio tuae donationis fuit? Illa scilicet vetus atque imperatoria, Qvandoqve tv qvidem in proelio, in bello, in re militari++cuius ne mentio quidem te praetore ulla facta est: an illa, Qvandoqve tv nvlla vmqvam mihi in cvpiditate ac tvrpitvdine defvisti omnibvsqve in isdem flagitiis mecvm et in legatione et in praetvra et hic in Sicilia versatvs es, ob eas res te, qvoniam re locvpletavi, hoc anvlo avreo dono? Vera haec fuisset oratio; neque enim iste anulus aureus abs te datus istum virum fortem, sed hominem locupletem esse declarat. Ita eundem anulum ab alio datum testem virtutis duceremus, abs te donatum comitem pecuniae iudicamus.

[188] Dictum, iudices, est de decumano frumento, dictum de empto, extremum reliquum est de aestimato; quod cum magnitudine pecuniae tum iniuriae genere quemvis debet commovere, tum vero eo magis quod ad hoc crimen non ingeniosa aliqua defensio sed improbissima confessio comparatur. Nam cum ex senatus consulto et ex legibus frumentum in cellam ei sumere liceret idque frumentum senatus ita aestimasset, quaternis HS tritici modium, binis hordei, iste numero ad summam tritici adiecto tritici modios singulos cum aratoribus denariis ternis aestimavit. Non est in hoc crimen, Hortensi, ne forte ad hoc meditere, multos saepe viros bonos et fortis et innocentis cum aratoribus et cum civitatibus frumentum, in cellam quod sumi oporteret, aestimasse et pecuniam pro frumento abstulisse. Scio quid soleat fieri, scio quid liceat; nihil quod antea fuerit in consuetudine bonorum nunc in istius facto reprehenditur; [189] hoc reprehendo, quod, cum in Sicilia HS binis tritici modius esset, ut

istius epistula ad te missa declarat, summum HS ternis, id quod et testimoniis omnium et tabulis aratorum planum factum antea est, tum iste pro tritici modiis singulis ternos ab aratoribus denarios exegit; hoc crimen est, ut intellegas non ex aestimatione neque ex ternis denariis pendere crimen, sed ex coniunctione annonae atque aestimationis.

Etenim haec aestimatio nata est initio, iudices, non ex praetorum aut consulum, sed ex civitatum et aratorum commodo. Nemo enim fuit initio tam impudens qui, cum frumentum deberetur, pecuniam posceret. Certe hoc ab aratore primum est profectum, aut ab ea civitate cui imperabatur; cum aut frumentum vendidisset aut servare vellet aut in eum locum quo imperabatur portare nollet, petivit in benefici loco et gratiae ut sibi pro frumento quanti frumentum esset dare liceret. Ex huiusce modi principio atque ex liberalitate et accommodatione magistratuum consuetudo aestimationis introducta est. [190] Secuti sunt avariores magistratus, qui tamen in avaritia sua non solum viam quaestus invenerunt, verum etiam exitum ac rationem defensionis. Instituerunt semper in ultima ac difficillima ad portandum loca frumentum imperare, ut vecturae difficultate ad quam vellent aestimationem pervenirent. In hoc genere facilior est existimatio quam reprehensio, ideo quod eum qui hoc facit avarum possumus existimare, crimen in eo constituere non tam facile possumus, quod videtur concedendum magistratibus nostris esse ut iis quo loco velint frumentum accipere liceat. Itaque hoc est quod multi fortasse fecerunt, sed ita multi ut ii quos innocentissimos meminimus aut audivimus non fecerint.

[191] Quaero nunc abs te, Hortensi, cum utrisne tandem istius factum collaturus es? Cum iis, credo, qui benignitate adducti per beneficium et gratiam civitatibus concesserunt ut nummos pro frumento darent. Ita credo petisse ab isto aratores ut, cum HS ternis tritici modium vendere non possent, pro singulis modiis ternos denarios dare liceret. An quoniam hoc non audes dicere, illuc confugies, vecturae difficultate adductus ternos denarios dare maluisse? Cuius vecturae? quo ex loco in quem locum ne portarent? Philomelio Ephesum? Video quid inter annonam interesse soleat, video quot dierum via sit, video Philomeliensibus expedire, quanti Ephesi sit frumentum, dare potius in Phrygia quam Ephesum portare

aut ad emendum frumentum Ephesum pecuniam et legatos mittere. [192] In Sicilia vero quid eius modi est? Henna mediterranea est maxime. Coge ut ad aquam tibi, id quod summi iuris est, frumentum Hennenses admetiantur vel Phintiam vel Halaesam vel Catinam, loca inter se maxime diversa: eodem die quo iusseris deportabunt. Tametsi ne vectura quidem est opus. Nam totus quaestus hic, iudices, aestimationis ex annonae natus est varietate. Hoc enim magistratus in provincia adsequi potest, ut ibi accipiat ubi est carissimum. Ideo valet ista ratio aestimationis in Asia, valet in Hispania, valet in iis provinciis in quibus unum pretium frumento esse non solet: in Sicilia vero quid cuiusquam intererat quo loco daret? neque enim portandum erat, et, quo quisque vehere iussus esset, ibi tantidem frumentum emeret quanti domi vendidisset. [193] Quam ob rem, si vis, Hortensi, docere aliquid ab isto simile in aestimatione atque a ceteris esse factum, doceas oportebit aliquo in loco Siciliae praetore Verre ternis denariis tritici modium fuisse.

Vide quam tibi defensionem patefecerim, quam iniquam in socios, quam remotam ab utilitate rei publicae, quam seiunctam a voluntate ac sententia legis. Tu, cum tibi ego frumentum in meis agris atque in mea civitate, denique cum in iis locis in quibus es, versaris, rem geris, provinciam administras, paratus sim dare, angulum mihi aliquem eligas provinciae reconditum ac derelictum? iubeas ibi me metiri quo portare non expediat, ubi emere non possim? [194] Improbum facinus, iudices, non ferendum, nemini lege concessum, sed fortasse adhuc in nullo etiam vindicatum! Tamen ego hoc, quod ferri nego posse, Verri, iudices, concedo et largior. Si ullo in loco eius provinciae frumentum tanti fuit quanti iste aestimavit, hoc crimen in istum reum valere oportere non arbitror. Verum enim vero, cum esset HS binis aut etiam ternis quibusvis in locis provinciae, duodenos sestertios exegisti. Si mihi tecum neque de annona neque de aestimatione tua potest esse controversia, quid sedes, quid exspectas, quid defendis? utrum tibi pecuniae coactae conciliatae videntur adversus leges, adversus rem publicam cum maxima sociorum iniuria, an vero id recte, ordine, e re publica, sine cuiusquam iniuria factum esse defendis?

[195] Cum tibi senatus ex aerario pecuniam prompsisset et singulos tibi denarios adnumerasset quos tu pro singulis modiis aratoribus

solveres, quid facere debuisti? Si quod L. Piso ille Frugi, qui legem de pecuniis repetundis primus tulit, cum emisses quanti esset, quod superaret pecuniae rettulisses; si ut ambitiosi homines aut benigni, cum pluris senatus aestimasset quam quanti esset annona, ex senatus aestimatione, non ex annonae ratione solvisses; sin, ut plerique faciunt, in quo erat aliqui quaestus, sed is honestus atque concessus, frumentum, quoniam vilius erat, ne emisses, sumpsisses id nummorum quod tibi senatus cellae nomine concesserat.

Hoc vero quid est? quam habet rationem non quaero aequitatis, sed ipsius improbitatis atque impudentiae? Neque enim est fere quicquam quod homines palam facere audeant in magistratu quamvis improbe, quin eius facti si non bonam, at aliquam rationem adferre soleant. [196] Hoc quid est? Venit praetor; frumentum, inquit, me abs te emere oportet. Optime. Modium denario. Benigne ac liberaliter; nam ego ternis HS non possum vendere. Mihi frumentum non opus est, nummos volo. Nam sperabam, inquit arator, me ad denarios perventurum; sed, si ita necesse est, quanti frumentum sit considera. Video esse binis HS. Quid ergo a me tibi nummorum dari potest, cum senatus tibi quaternos HS dederit? Quid poscit? Attendite et, vos quaeso, simul, iudices, aequitatem praetoris attendite. [197] Quaternos HS, quos mihi senatus decrevit et ex aerario dedit, ego habebo et in cistam transferam de fisco. Quid postea? quid? Pro singulis modiis, quos tibi impero, tu mihi octonos HS dato. Qua ratione? Quid quaeris rationem? non tantam rationem res habet quantam utilitatem atque praedam. Dic, dic, inquit ille, planius. Senatus te voluit mihi nummos, me tibi frumentum dare: tu eos nummos quos mihi senatus dare voluit ipse habebis; a me, cui singulos denarios a te dari oportuit, binos auferes et huic praedae ac direptioni cellae nomen impones? [198] Haec deerat iniuria et haec calamitas aratoribus te praetore qua reliquis fortunis omnibus everterentur. Nam quid esse reliqui poterat ei qui per hanc iniuriam non modo fructum omnem amitteret, sed etiam omne instrumentum vendere cogeretur? Quonam se verteret? ex quo fructu nummos quos tibi daret inveniret? Decumarum nomine tantum erat ablatum quantum voluntas tulerat Aproni: pro alteris decumis emptoque frumento aut nihil datum aut tantum datum quantum reliqui scribae fecerant, aut ultro etiam, id quod didicistis, ablatum. Cogantur etiam nummi ab aratore? quo

modo, quo iure, quo exemplo? Nam cum fructus diripiebantur aratorum atque omni lacerabantur iniuria, videbatur id perdere arator quod aratro ipse quaesisset, in quo elaborasset, quod agri segetesque extulissent; quibus iniuriis gravissimis tamen illud erat miserum solacium, [199] quod id perdere videbatur quod alio praetore eodem ex agro reparare posset. Nummos vero ut det arator quos non exarat, quos non aratro ac manu quaerit, boves et aratrum ipsum atque omne instrumentum vendat necesse est. Non enim debetis hoc cogitare: habet idem in nummis, habet in urbanis praediis. Nam cum aratori aliquid imponitur, non hominis si quae sunt praeterea facultates, sed arationis ipsius vis ac ratio consideranda est, quid ea sustinere, quid pati, quid efficere possit ac debeat; quamquam illi quoque homines sunt ab isto omni ratione exinaniti ac perditi, tamen hoc vobis est statuendum, quid aratorem ipsum arationis nomine muneris in rem publicam fungi ac sustinere velitis. Imponitis decumas, patiuntur; alteras, temporibus vestris serviendum putant; dent emptum praeterea; dabunt, si voletis. [200] Haec quam sint gravia, et quid his rebus detractis possit ad dominos puri ac reliqui pervenire, credo vos ex vestris impensis, ex vestris rebus rusticis coniectura adsequi posse. Addite nunc eodem istius edicta, instituta, iniurias; addite Aproni Veneriorumque servorum in agro decumano regna ac rapinas. Quamquam haec omitto: de cella loquor. Placet vobis in cellam magistratibus vestris frumentum Siculos gratis dare? Quid hoc indignius, quid iniquius? Atque hoc scitote aratoribus Verre praetore optandum ac petendum fuisse.

Sositheus est Entellinus, homo cum primis prudens et domi nobilis, cuius verba audietis, qui ad hoc iudicium legatus publice cum Artemone et Menisco, primariis viris, missus est. Is cum in senatu Entellino multa mecum de istius iniuriis ageret, hoc dixit: si hoc de cella atque hac aestimatione concederetur, velle Siculos senatui polliceri frumentum in cellam gratis, ne posthac tantas pecunias magistratibus nostris decerneremus. [201] Perspicere vos certo scio Siculis quanto opere hoc expediat non ad aequitatem condicionis, sed ad minima malorum eligenda. Nam qui mille modium Verri suae partis in cellam gratis dedisset, duo milia nummum aut summum tria dedisset, idem nunc pro eodem numero frumenti HS viii dare coactus est. Hoc arator adsequi per triennium

certe fructu suo non potuit: vendiderit instrumentum necesse est. Quodsi hoc munus et hoc vectigal aratio tolerare, hoc est Sicilia ferre ac pati potest, populo Romano ferat potius quam nostris magistratibus. Magna est enim pecunia, magnum praeclarumque vectigal, si modo id salva provincia, si sine iniuria sociorum percipere possumus. Nihil detraho magistratibus; tantundem detur in cellam quantum semper datum est; quod praeterea Verres imperat, id, si facere non possunt, recusent; si possunt, populi Romani potius hoc sit vectigal quam praeda praetoris. [202] Deinde cur in uno genere solo frumenti ista aestimatio constituatur, si est aequa et ferenda? Debet populo Romano Sicilia decumas; det pro singulis modiis tritici ternos denarios, sibi habeat frumentum. Data tibi est pecunia, Verres, una qua frumentum tibi emeres in cellam, altera qua frumentum emeres a civitatibus quod Romam mitteres. Tibi datam pecuniam domi retines, et praeterea pecuniam permagnam tuo nomine aufers; fac idem in eo frumento quod ad populum Romanum pertinet; exige eadem aestimatione pecuniam a civitatibus, et refer quam accepisti: iam refertius erit aerarium populi Romani quam umquam fuit. [203] At enim istam rem in publico frumento Sicilia non ferret, hanc rem in meo frumento tulit. Proinde quasi aut aequior sit ista aestimatio in tuo quam in populi Romani commodo, aut ea res quam ego dico et ea quam tu fecisti inter se genere iniuriae, non magnitudine pecuniae differat.

Verum istam ipsam cellam ferre nullo modo possunt: ut omnia remittantur, ut omnibus iniuriis et calamitatibus quas te praetore tulerunt in posterum liberentur, istam se cellam atque istam aestimationem negant ullo modo ferre posse. [204] Multa Sosippus Agrigentinus apud Cn. Pompeium consulem nuper, homo disertissimus et omni doctrina et virtute ornatissimus, pro tota Sicilia de aratorum miseriis graviter et copiose dixisse ac deplorasse dicitur; ex quibus hoc iis qui aderant,++nam magno conventu acta res est,++ indignissimum videbatur, qua in re senatus optime ac benignissime cum aratoribus egisset, large liberaliterque aestimasset, in ea re praedari praetorem, bonis everti aratores, et id non modo fieri sed ita fieri quasi liceat concessumque sit.

[205] Quid ad haec Hortensius? falsum esse crimen? Hoc numquam dicet. Non magnam hac ratione pecuniam captam? Ne id quidem

dicet. Non iniuriam factam Siculis atque aratoribus? Qui poterit dicere? Quid igitur dicet? Fecisse alios. Quid est hoc? utrum crimini defensio an comitatus exsilio quaeritur? Tu in hac re publica atque in hac hominum libidine et, ut adhuc habuit se status iudiciorum, etiam licentia, non ex iure, non ex aequitate, non ex lege, non ex eo quod oportuerit, non ex eo quod licuerit, sed ex eo quod aliqui fecerit, id quod reprehenditur recte factum esse defendes? [206] Fecerunt alii quidem aliquam multa; cur in hoc uno crimine isto genere defensionis uteris? Sunt quaedam omnino in te singularia, quae in nullum hominem alium dici neque convenire possint, quaedam tibi cum multis communia. Ergo, ut omittam tuos peculatus, ut ob ius dicendum pecunias acceptas, ut eius modi cetera quae forsitan alii quoque etiam fecerint, illud in quo te gravissime accusavi, quod ob iudicandam rem pecuniam accepisses, eadem ista ratione defendes, fecisse alios? Vt ego adsentiar orationi, defensionem tamen non probabo. Potius enim te damnato ceteris angustior locus improbitatis defendendae relinquetur, quam te absoluto alii quod audacissime fecerunt recte fecisse existimentur.

[207] Lugent omnes provinciae, queruntur omnes liberi populi, regna denique etiam omnia de nostris cupiditatibus et iniuriis expostulant; locus intra Oceanum iam nullus est neque tam longinquus neque tam reconditus quo non per haec tempora nostrorum hominum libido iniquitasque pervaserit; sustinere iam populus Romanus omnium nationum non vim, non arma, non bellum, sed luctum, lacrimas, querimonias non potest. In eius modi re ac moribus, si is qui erit adductus in iudicium, cum manifestis in flagitiis tenebitur, alios eadem fecisse dicet, illi exempla non deerunt: rei publicae salus deerit, si improborum exemplis improbi iudicio ac periculo liberabuntur. [208] Placent vobis hominum mores? placet ita geri magistratus ut geruntur? placet socios sic tractari, quod restat, ut per haec tempora tractatos videtis? Cur haec a me opera consumitur? quid sedetis? cur non in media oratione mea consurgitis atque disceditis? Vultis autem istorum audacias ac libidines aliqua ex parte resecare? Desinite dubitare utrum sit utilius propter multos improbos uni parcere, an unius improbi supplicio multorum improbitatem coercere.

[209] Tametsi quae ista sunt exempla multorum? Nam cum in causa

tanta, cum in crimine maximo dici a defensore coeptum est factitatum esse aliquid, exspectant ii qui audiunt exempla ex vetere memoria, ex monumentis ac litteris, plena dignitatis, plena antiquitatis; haec enim plurimum solent et auctoritatis habere ad probandum et iucunditatis ad audiendum. Africanos mihi et Catones et Laelios commemorabis et eos fecisse idem dices? Quamvis res mihi non placeat, tamen contra hominum auctoritatem pugnare non potero. An, cum eos non poteris, proferes hos recentis, Q. Catulum patrem, C. Marium, Q. Scaevolam, M. Scaurum, Q. Metellum? qui omnes provincias habuerunt et frumentum cellae nomine imperaverunt. Magna est hominum auctoritas, et tanta ut etiam delicti suspicionem tegere possit. [210] Non habes ne ex his quidem hominibus qui nuper fuerunt ullum auctorem istius aestimationis. Quo me igitur aut ad quae exempla revocas? Ab illis hominibus, qui tum versati sunt in re publica cum et optimi mores erant et hominum existimatio gravis habebatur et iudicia severa fiebant, ad hanc hominum libidinem ac licentiam me abducis, et, in quos aliquid exempli populus Romanus statui putat oportere, ab iis tu defensionis exempla quaeris? Non fugio ne hos quidem mores, dum modo ex his ea quae probat populus Romanus exempla, non ea quae condemnat sequamur. Non circumspiciam, non quaeram foris: habeo iudices tecum principes civitatis, P. Servilium et Q. Catulum, qui tanta auctoritate sunt, tantis rebus gestis, ut in illo antiquissimorum clarissimorumque hominum, de quibus antea dixi, numero reponantur. [211] Exempla quaerimus, et ea non antiqua. Modo uterque horum exercitum habuit. Quaere, Hortensi, quoniam te recentia exempla delectant, quid fecerint. Itane vero? Q. Catulus frumento est usus, pecuniam non coegit; P. Servilius quinquennium exercitui cum praeesset et ista ratione innumerabilem pecuniam facere cum posset, non statuit sibi quicquam licere quod non patrem suum, non avum Q. Metellum, clarissimum hominem, facere vidisset: C. Verres reperietur qui, quicquid expediat, id licere dicat? quod nemo nisi improbus fecerit, id aliorum exemplo se fecisse defendat?

At in Sicilia factitatum est. Quae est ista condicio Siciliae? cur quae optimo iure propter vetustatem, fidelitatem, propinquitatem esse debet, huic praecipua lex iniuriae definitur? [212] Sed in ista ipsa

Sicilia non quaeram exemplum foris: hoc ipso ex consilio utar exemplis. C. Marcelle, te appello. Siciliae provinciae, cum esses pro consule, praefuisti: num quae in tuo imperio pecuniae cellae nomine coactae sunt? Neque ego hoc in tua laude pono: alia sunt tua facta atque consilia summa laude digna, quibus illam tu provinciam adflictam et perditam erexisti atque recreasti; nam hoc de cella ne Lepidus quidem fecerat, cui tu successisti. Quae sunt tibi igitur exempla in Sicilia cellae, si hoc crimen non modo Marcelli facto, sed ne Lepidi quidem potes defendere? [213] An me ad M. Antoni aestimationem frumenti exactionemque pecuniae revocaturus es? 'Ita,' inquit, 'ad Antoni'; hoc enim mihi significasse et adnuisse visus est. Ex omnibus igitur populi Romani praetoribus, consulibus, imperatoribus M. Antonium delegisti, et eius unum improbissimum factum, quod imitarere! Et hic utrum mihi difficile est dicere an his existimare ita se in isto infinito imperio M. Antonium gessisse ut multo isti perniciosius sit dicere se in re improbissima voluisse Antonium imitari quam si posset defendere nihil in vita se M. Antoni simile fecisse? Homines in iudiciis ad crimen defendendum non quid fecerit quispiam proferre solent, sed quid probarit. Antonium, cum multa contra sociorum salutem, multa contra utilitatem provinciarum et faceret et cogitaret, in mediis eius iniuriis et cupiditatibus mors oppressit. Tu mihi, quasi eius omnia facta atque consilia senatus, populus, iudices comprobarint, ita M. Antoni exemplo istius audaciam defendis?

[214] At idem fecit Sacerdos. Hominem innocentem et summa prudentia praeditum nominas; sed tum idem fecisse erit existimandus si eodem consilio fecerit. Nam genus aestimationis ipsum a me numquam est reprehensum, sed eius aequitas aratorum commodo et voluntate perpenditur. Non potest reprehendi ulla aestimatio quae aratori non modo incommoda non est sed etiam grata est. Sacerdos ut in provinciam venit, frumentum in cellam imperavit. Cum esset ante novum tritici modius denariis v, petiverunt ab eo civitates ut aestimaret. Remissior aliquanto eius fuit aestimatio quam annona; nam aestimavit denariis iii. Vides eandem aestimationem propter temporis dissimilitudinem in illo laudis causam habere, in te criminis, in illo benefici, in te iniuriae. [215] Eodem tempore praetor Antonius iii denariis aestimavit post messem, summa in vilitate, cum

aratores frumentum dare gratis mallent, et aiebat se tantidem aestimasse quanti Sacerdotem, neque mentiebatur; sed eadem ista aestimatione alter sublevarat aratores, alter everterat. Quod nisi omnis frumenti ratio ex temporibus esset et annona, non ex numero neque ex summa consideranda, numquam tam grati hi sesquimodii, Q. Hortensi, fuissent, quos tu cum ad mensurae tam exiguam rationem populo Romano in capita descripsisses, gratissimum omnibus fecisti; caritas enim annonae faciebat ut istuc, quod re parvum videtur, tempore magnum videretur. Idem istuc si in vilitate populo Romano largiri voluisses, derisum tuum beneficium esset atque contemptum.

[216] Noli igitur dicere istum idem fecisse quod Sacerdotem, quoniam non eodem tempore neque simili fecit annona: dicito potius, quoniam habes auctorem idoneum, quod Antonius uno adventu et vix menstruis cibariis fecerit, id istum per triennium fecisse, et istius innocentiam M. Antoni facto atque auctoritate defendito. Nam de Sex. quidem Peducaeo, fortissimo atque innocentissimo viro, quid dicetis? de quo quis umquam arator questus est? aut quis non ad hoc tempus innocentissimam omnium diligentissimamque praeturam illius hominis existimat? Biennium provinciam obtinuit. Cum alter annus in vilitate, alter in summa caritate fuerit, num aut in vilitate nummum arator quisquam dedit aut in caritate de aestimatione frumenti questus est? At uberiora cibaria facta sunt caritate. [217] Credo; neque id est novum neque reprehendendum. Modo C. Sentium vidimus, hominem vetere illa ac singulari innocentia praeditum, propter caritatem frumenti quae fuerat in Macedonia permagnam ex cibariis pecuniam deportare. Quam ob rem non ego invideo commodis tuis, si quae ad te lege venerunt: iniuriam queror, improbitatem coarguo, avaritiam in crimen et in iudicium voco.

Quodsi suspiciones inicere velitis ad pluris homines et ad pluris provincias crimen hoc pertinere, non ego istam defensionem vestram pertimescam, sed me omnium provinciarum defensorem esse profitebor. Etenim hoc dico, et magna voce dico, Vbicumque hoc factum est, improbe factum est; quicumque hoc fecit, supplicio dignus est. [218] Nam, per deos immortalis, videte, iudices, et prospicite animis quid futurum sit. Multi magnas pecunias ab invitis civitatibus atque ab invitis aratoribus ista ratione cellae nomine

coegerunt,++omnino ego neminem video praeter istum, sed do hoc vobis et concedo, esse multos: in hoc homine rem adductam in iudicium videtis. Quid facere potestis? utrum, cum iudices sitis de pecunia capta conciliata, tantam pecuniam captam neglegere, an, cum lex sociorum causa rogata sit, sociorum querimonias non audire? [219] Verum hoc quoque vobis remitto; neglegite praeterita, si vultis; sed ne reliquas spes turbetis atque omnis provincias evertatis, id providete, ne avaritiae, quae antehac occultis itineribus atque angustis uti solebat, auctoritate vestra viam patefaciatis inlustrem atque latam. Nam si hoc probatis et si licere pecunias isto nomine capi iudicatis, certe hoc, quod adhuc nemo nisi improbissimus fecit, posthac nemo nisi stultissimus non faciet. Improbi sunt qui pecunias contra leges cogunt, stulti qui quod licere iudicatum est praetermittunt. [220] Deinde, iudices, videte, quam infinitam sitis hominibus licentiam pecuniarum eripiendarum daturi. Si, ternos denarios qui coegit erit absolutus, quaternos, quinos, denos denique aut vicenos coget alius. Quae erit reprehensio? in quo primum iniuriae gradu resistere incipiet severitas iudicis? quotus erit iste denarius qui non sit ferendus, et in quo primum aestimationis iniquitas atque improbitas reprehendatur? Non enim a vobis summa, sed genus aestimationis erit comprobatum, neque hoc potestis iudicare, ternis denariis aestimare licere, denis non licere. Vbi enim semel ab annonae ratione et ab aratorum voluntate res ad praetoris libidinem translata est, non est iam in lege neque in officio, sed in voluntate hominum atque avaritia positus modus aestimandi. Quapropter, si vos semel in iudicando finem aequitatis et legis transieritis, scitote vos nullum ceteris in aestimando finem improbitatis et avaritiae reliquisse.

[221] Videte igitur quam multa simul a vobis postulentur. Absolvite eum qui se fateatur maximas pecunias cum summa sociorum iniuria cepisse. Non est satis: sunt alii quoque complures qui idem fecerint. Absolvite etiam illos, si qui sunt, ut uno iudicio quam plurimos improbos liberetis. Ne id quidem satis est: facite ut ceteris posthac idem liceat. Licebit: adhuc parum est. Permittite ut liceat quanti quisque velit tanti aestimare. Permissum est: stultissimus quisque posthac minimo aestimabit. Videtis iam profecto, iudices, hac aestimatione a vobis comprobata neque modum posthac avaritiae

cuiusquam neque poenam improbitatis futuram. [222] Quam ob rem quid agis, Hortensi? Consul es designatus, provinciam sortiturus es; de aestimatione frumenti cum dices, sic te audiemus quasi id quod ab isto recte factum esse defendes te facturum profiteare, et quasi quod isti licitum esse dices vehementer cupias tibi licere. Atqui, si id licebit, nihil est quod putetis quemquam posthac commissurum ut de pecuniis repetundis condemnari possit. Quantam enim quisque concupierit pecuniam, tantam licebit per cellae nomen aestimationis magnitudine consequatur.

[223] At enim est quiddam quod, etiamsi palam in defendendo non dicet Hortensius, tamen ita dicet ut vos id suspicari et cogitare possitis, pertinere hoc ad commodum senatorium, pertinere ad utilitatem eorum qui iudicent, qui in provinciis cum potestate aut cum legatione se futuros aliquando arbitrentur. Praeclaros vero existimas iudices nos habere, quos alienis peccatis concessuros putes quo facilius ipsis peccare liceat. Ergo id volumus populum Romanum, id provincias, id socios nationesque exteras existimare, si senatores iudicent, hoc certe unum genus infinitae pecuniae per summam iniuriam cogendae nullo modo posse reprehendi? Quod si ita est, quid possumus contra illum praetorem dicere qui cotidie templum tenet, qui rem publicam sistere negat posse nisi ad equestrem ordinem iudicia referantur? [224] Quodsi ille hoc unum agitare coeperit, esse aliquod genus cogendae pecuniae senatorium commune et iam prope concessum ordini, quo genere ab sociis maxima pecunia per summam iniuriam auferatur, neque id ullo modo senatoriis iudiciis reprehendi posse, idque, dum equester ordo iudicarit, numquam esse commissum, quis obsistet? quis erit tam cupidus vestri, tam fautor ordinis, qui de transferendis iudiciis possit recusare?

Atque utinam posset aliqua ratione hoc crimen quamvis falsa, modo humana atque usitata defendere: minore periculo vestro, minore periculo provinciarum omnium iudicaretis. Negaret hac aestimatione se usum, vos id credidissetis: homini credidisse, non factum comprobasse videremini. Nullo modo negare potest; urgetur a tota Sicilia; nemo est ex tanto numero aratorum a quo pecunia cellae nomine non sit exacta. [225] Vellem etiam hoc posset dicere, nihil ad se istam rationem pertinere, per quaestores rem frumentariam esse

administratam. Ne id quidem ei licet dicere, propterea quod ipsius litterae recitantur ad civitates de ternis denariis missae. Quae est igitur defensio? ‘Feci quod arguis; coegi pecunias maximas cellae nomine; sed hoc mihi licuit, vobis si prospicitis licebit.’ Periculosum provinciis genus iniuriae confirmari iudicio, perniciosum nostro ordini populum Romanum existimare non posse eos homines qui ipsi legibus teneantur leges in iudicando religiose defendere. Atque isto praetore, iudices, non solum aestimandi frumenti modus non fuit, sed ne imperandi quidem; neque enim id quod debebatur, sed quantum commodum fuit imperavit. Summam faciam vobis ex publicis litteris ac testimoniis civitatum frumenti in cellam imperati: reperietis quinquiens tanto, iudices, amplius istum quam quantum in cellam ei sumere licitum sit civitatibus imperasse. Quid ad hanc impudentiam addi potest, si et aestimavit tanti ut homines ferre non possent, et tanto plus quam erat ei concessum legibus imperavit?

[226] Quapropter cognita tota re frumentaria, iudices, iam facillime perspicere potestis amissam esse populo Romano Siciliam, fructuosissimam atque opportunissimam provinciam, nisi eam vos istius damnatione recuperatis. Quid est enim Sicilia si agri cultionem sustuleris et si aratorum numerum ac nomen exstinxeris? Quid autem potest esse in calamitate residui quod non ad miseros aratores isto praetore per summam iniuriam ignominiamque pervenerit? quibus, cum decumas dare deberent, vix ipsis decumae relictae sunt; cum pecunia deberetur, soluta non est; cum optima aestimatione senatus frumentum eos in cellam dare voluisset, etiam instrumenta agrorum vendere coacti sunt. [227] Dixi iam antea, iudices, ut has omnis iniurias tollatis, tamen ipsam rationem arandi spe magis et iucunditate quadam quam fructu atque emolumento teneri. Etenim ad incertum casum et eventum certus quotannis labor et certus sumptus impenditur. Annona porro pretium nisi in calamitate fructuum non habet; si autem ubertas in percipiendis fructibus fuit, consequitur vilitas in vendendis, ut aut male vendendum intellegas, si bene processit, aut male perceptos fructus, si recte licet vendere. Totae autem res rusticae eius modi sunt ut eas non ratio neque labor, sed res incertissimae, venti tempestatesque, moderentur. Hinc cum unae decumae lege et consuetudine detrahantur, alterae novis institutis propter annonae rationem imperentur, ematur praeterea frumentum

quotannis publice, postremo etiam in cellam magistratibus et legatis imperetur, quid aut quantum praeterea est quod aut liberum possit habere ille arator ac dominus in potestate suorum fructuum aut in ipsis fructibus solutum? [228] Quodsi haec ferunt omnia, si potius vobis ac rei publicae quam sibi et suis commodis opera sumptu labore deserviunt, etiamne haec nova debent edicta et imperia praetorum et Aproni dominationem et Veneriorum servorum furta rapinasque ferre? etiamne frumentum pro empto gratis dare? etiamne in cellam cum cupiant gratis dare ultro pecuniam grandem addere? etiamne haec tot detrimenta atque damna cum maximis iniuriis contumeliisque perferre? Itaque haec, iudices, quae pati nullo modo potuerunt non pertulerunt. Arationes omnis tota Sicilia desertas atque a dominis relictas esse cognoscitis; neque quicquam aliud agitur hoc iudicio nisi ut antiquissimi socii et fidelissimi, Siculi, coloni populi Romani atque aratores, vestra severitate et diligentia me duce atque auctore in agros atque in sedes suas revertantur.

ACTIONIS IN C. VERREM SECVNDAE. LIBER QVARTVS.

[1] Venio nunc ad istius, quem ad modum ipse appellat, studium, ut amici eius, morbum et insaniam, ut Siculi, latrocinium; ego quo nomine appellem nescio; rem vobis proponam, vos eam suo non nominis pondere penditote. Genus ipsum prius cognoscite, iudices; deinde fortasse non magno opere quaeretis quo id nomine appellandum putetis. Nego in Sicilia tota, tam locupleti, tam vetere provincia, tot oppidis, tot familiis tam copiosis, ullum argenteum vas, ullum Corinthium aut Deliacum fuisse, ullam gemmam aut margaritam, quicquam ex auro aut ebore factum, signum ullum aeneum, marmoreum, eburneum, nego ullam picturam neque in tabula neque in textili quin conquisierit, inspexerit, quod placitum sit abstulerit.

[2] Magnum videor dicere: attendite etiam quem ad modum dicam. Non enim verbi neque criminis augendi causa complector omnia: cum dico nihil istum eius modi rerum in tota provincia reliquisse, Latine me scitote, non accusatorie loqui. Etiam planius: nihil in aedibus cuiusquam, ne in <hospitis> quidem, nihil in locis communibus, ne in fanis quidem, nihil apud Siculum, nihil apud civem Romanum, denique nihil istum, quod ad oculos animumque acciderit, neque privati neque publici neque profani neque sacri tota in Sicilia reliquisse.

[3] Vnde igitur potius incipiam quam ab ea civitate quae tibi una in amore atque in deliciis fuit, aut ex quo potius numero quam ex ipsis laudatoribus tuis? Facilius enim perspicietur qualis apud eos fueris qui te oderunt, qui accusant, qui persequuntur, cum apud tuos Mamertinos inveniare improbissima ratione esse praedatus. C. Heius est Mamertinus — omnes hoc mihi qui Messanam accesserunt facile concedunt — omnibus rebus illa in civitate ornatissimus. Huius domus est vel optima Messanae, notissima quidem certe et nostris hominibus apertissima maximeque hospitalis. Ea domus ante istius adventum ornata sic fuit ut urbi quoque esset ornamento; nam ipsa Messana, quae situ moenibus portuque ornata sit, ab his rebus quibus iste delectatur sane vacua atque nuda est. [4] Erat apud Heium

sacrarium magna cum dignitate in aedibus a maioribus traditum perantiquum, in quo signa pulcherrima quattuor summo artificio, summa nobilitate, quae non modo istum hominem ingeniosum et intellegentem, verum etiam quemvis nostrum, quos iste idiotas appellat, delectare possent, unum Cupidinis marmoreum Praxiteli; nimirum didici etiam, dum in istum inquiro, artificum nomina. Idem, opinor, artifex eiusdem modi Cupidinem fecit illum qui est Thespiis, propter quem Thespiae visuntur; nam alia visendi causa nulla est. Atque ille L. Mummius, cum Thespiadas, quae ad aedem Felicitatis sunt, ceteraque profana ex illo oppido signa tolleret, hunc marmoreum Cupidinem, quod erat consecratus, non attigit.

[5] Verum ut ad illud sacrarium redeam, signum erat hoc quod dico Cupidinis e marmore, ex altera parte Hercules egregie factus ex aere. Is dicebatur esse Myronis, ut opinor, et certe. Item ante hos deos erant arulae, quae cuivis religionem sacrari significare possent. Erant aenea duo praeterea signa, non maxima verum eximia venustate, virginali habitu atque vestitu, quae manibus sublatis sacra quaedam more Atheniensium virginum reposita in capitibus sustinebant; Canephoroe ipsae vocabantur; sed earum artificem — quem? quemnam? recte admones — Polyclitum esse dicebant. Messanam ut quisque nostrum venerat, haec visere solebat; omnibus haec ad visendum patebant cotidie; domus erat non domino magis ornamento quam civitati. [6] C. Claudius, cuius aedilitatem magnificentissimam scimus fuisse, usus est hoc Cupidine tam diu dum forum dis immortalibus populoque Romano habuit ornatum, et, cum hospes esset Heiorum, Mamertini autem populi patronus, ut illis benignis usus est ad commodandum, sic ipse diligens fuit ad reportandum. Nuper homines nobilis eius modi, iudices, — sed quid dico ‘nuper’? immo vero modo ac plane paulo ante vidimus, qui forum et basilicas non spoliis provinciarum sed ornamentis amicorum, commodis hospitum non furtis nocentium ornarent; qui tamen signa atque ornamenta sua cuique reddebant, non ablata ex urbibus sociorum atque amicorum quadridui causa, per simulationem aedilitatis, domum deinde atque ad suas villas auferebant.

[7] Haec omnia quae dixi signa, iudices, ab Heio e sacrario Verres abstulit; nullum, inquam, horum reliquit neque aliud ullum tamen praeter unum pervetus ligneum, Bonam Fortunam, ut opinor; eam

iste habere domi suae noluit. Pro deum hominumque fidem! quid hoc est? quae haec causa est, quae ista impudentia? Quae dico signa, antequam abs te sublata sunt, Messanam cum imperio nemo venit quin viserit. Tot praetores, tot consules in Sicilia cum in pace tum etiam in bello fuerunt, tot homines cuiusque modi — non loquor de integris, innocentibus, religiosis — tot cupidi, tot improbi, tot audaces, quorum nemo sibi tam vehemens, tam potens, tam nobilis visus est qui ex illo sacrario quicquam poscere aut tollere aut attingere auderet: Verres quod ubique erit pulcherrimum auferet? nihil habere cuiquam praeterea licebit? tot domus locupletissimas istius domus una capiet? Idcirco nemo superiorum attigit ut hic tolleret? ideo C. Claudius Pulcher rettulit ut C. Verres posset auferre? At non requirebat ille Cupido lenonis domum ac meretriciam disciplinam; facile illo sacrario patrio continebatur; Heio se a maioribus relictum esse sciebat in hereditate sacrorum, non quaerebat meretricis heredem.

[8] Sed quid ego tam vehementer invehor? verbo uno repellar. ‘Emi,’ inquit. Di immortales, praeclaram defensionem! Mercatorem in provinciam cum imperio ac securibus misimus, omnia qui signa, tabulas pictas, omne argentum, aurum, ebur, gemmas coemeret, nihil cuiquam relinqueret! Haec enim mihi ad omnia defensio patefieri videtur, emisse. Primum, si id quod vis tibi ego concedam, ut emeris, — quoniam in toto hoc genere hac una defensione usurus es, — quaero cuius modi tu iudicia Romae putaris esse, si tibi hoc quemquam concessurum putasti, te in praetura atque imperio tot res tam pretiosas, omnis denique res quae alicuius preti fuerint, tota ex provincia coemisse?

[9] Videte maiorum diligentiam, qui nihildum etiam istius modi suspicabantur, verum tamen ea quae parvis in rebus accidere poterant providebant. Neminem qui cum potestate aut legatione in provinciam esset profectus tam amentem fore putaverunt ut emeret argentum, dabatur enim de publico; ut vestem, praebebatur enim legibus; mancipium putarunt, quo et omnes utimur et non praebetur a populo: sanxerunt ne quis emeret nisi in demortui locum. Si qui Romae esset demortuus? immo, si quis ibidem; non enim te instruere domum tuam voluerunt in provincia, sed illum usum provinciae supplere.

[10] Quae fuit causa cur tam diligenter nos in provinciis ab

emptionibus removerent? Haec, iudices, quod putabant ereptionem esse, non emptionem, cum venditori suo arbitratu vendere non liceret. In provinciis intellegebant, si is qui esset cum imperio ac potestate quod apud quemque esset emere vellet, idque ei liceret, fore uti quod quisque vellet, sive esset venale sive non esset, quanti vellet auferret. Dicet aliquis: 'Noli isto modo agere cum Verre, noli eius facta ad antiquae religionis rationem exquirere; concede ut impune emerit, modo ut bona ratione emerit, nihil pro potestate, nihil ab invito, nihil per iniuriam.' Sic agam: si, quod venale habuit Heius, id quanti aestimabat tanti vendidit, desino quaerere cur emeris.

[11] Quid igitur nobis faciendum est? num argumentis utendum in re eius modi? Quaerendum, credo, est Heius iste num aes alienum habuerit, num auctionem fecerit; si fecit, num tanta difficultas eum rei nummariae tenuerit, tanta egestas, tanta vis presserit ut sacrarium suum spoliaret, ut deos patrios venderet. At hominem video auctionem fecisse nullam, vendidisse praeter fructus suos nihil umquam, non modo in aere alieno nullo, sed in suis nummis multis esse et semper fuisse; si haec contra ac dico essent omnia, tamen illum haec, quae tot annos in familia sacrarioque maiorum fuissent, venditurum non fuisse. 'Quid, si magnitudine pecuniae persuasum est?' Veri simile non est ut ille homo tam locuples, tam honestus, religioni suae monumentisque maiorum pecuniam anteponeret.

[12] 'Sunt ista; verum tamen abducuntur homines non numquam etiam ab institutis suis magnitudine pecuniae.' Videamus quanta ista pecunia fuerit quae potuerit Heium, hominem maxime locupletem, minime avarum, ab humanitate, a pietate, ab religione deducere. Ita iussisti, opinor, ipsum in tabulas referre: 'Haec omnia signa Praxiteli, Myronis, Polycliti HS sex milibus quingentis Verri vendita.' Sic rettulit. Recita. Ex tabvlis. Iuvat me haec praeclara nomina artificum, quae isti ad caelum ferunt, Verris aestimatione sic concidisse. Cupidinem Praxiteli HS mdc! Profecto hinc natum est, 'Malo emere quam rogare.'

[13] Dicet aliquis: 'Quid? tu ista permagno aestimas?' Ego vero ad meam rationem usumque meum non aestimo; verum tamen a vobis ita arbitror spectari oportere, quanti haec eorum iudicio qui studiosi sunt harum rerum aestimentur, quanti venire soleant, quanti haec ipsa, si palam libereque venirent, venire possent, denique ipse Verres

quanti aestimet. Numquam enim, si denariis cccc Cupidinem illum putasset, commisisset ut propter eum in sermonem hominum atque in tantam vituperationem veniret.

[14] Quis vestrum igitur nescit quanti haec aestimentur? In auctione signum aeneum non maximum HS xl venire non vidimus? Quid? si velim nominare homines qui aut non minoris aut etiam pluris emerint, nonne possum? Etenim qui modus est in his rebus cupiditatis, idem est aestimationis; difficile est finem facere pretio nisi libidini feceris. Video igitur Heium neque voluntate neque difficultate aliqua temporis nec magnitudine pecuniae adductum esse ut haec signa venderet, teque ista simulatione emptionis vi, metu, imperio, fascibus ab homine eo quem, una cum ceteris sociis, non solum potestati tuae sed etiam fidei populus Romanus commiserat eripuisse atque abstulisse.

[15] Quid mihi tam optandum, iudices, potest esse in hoc crimine quam ut haec eadem dicat ipse Heius? Nihil profecto; sed ne difficilia optemus. Heius est Mamertinus; Mamertina civitas istum publice communi consilio sola laudat; omnibus iste ceteris Siculis odio est, ab his solis amatur; eius autem legationis quae ad istum laudandum missa est princeps est Heius — etenim est primus civitatis: ne forte, dum publicis mandatis serviat, de privatis iniuriis reticeat.

[16] Haec cum scirem et cogitarem, commisi tamen, iudices, Heio; produxi prima actione, neque id tamen ullo periculo feci. Quid enim poterat Heius respondere, si esset improbus, si sui dissimilis? esse illa signa domi suae, non esse apud Verrem? Qui poterat quicquam eius modi dicere? Vt homo turpissimus esset impudentissimeque mentiretur, hoc diceret, illa se habuisse venalia, eaque sese quanti voluerit vendidisse. Homo domi suae nobilissimus, qui vos de religione sua ac dignitate vere existimare maxime vellet, primo dixit se istum publice laudare, quod sibi ita mandatum esset; deinde neque se habuisse illa venalia neque ulla condicione, si utrum vellet liceret, adduci umquam potuisse ut venderet illa quae in sacrario fuissent a maioribus suis relicta et tradita.

[17] Quid sedes, Verres? quid exspectas? quid te a Centuripina civitate, a Catinensi, ab Halaesina, a Tyndaritana, Hennensi, Agyrinensi ceterisque Siciliae civitatibus circumveniri atque opprimi dicis? Tua te altera patria, quem ad modum dicere solebas, Messana

circumvenit, — tua, inquam, Messana, tuorum adiutrix scelerum, libidinum testis, praedarum ac furtorum receptrix. Adest enim vir amplissimus eius civitatis legatus huius iudici causa domo missus, princeps laudationis tuae, qui te publice laudat, — ita enim mandatum atque imperatum est; tametsi rogatus de cybaea tenetis memoria quid responderit: aedificatam publicis operis publice coactis, eique aedificandae publice Mamertinum senatorem praefuisse. Idem ad vos privatim, iudices, confugit; utitur hac lege qua iudicium est, communi arce sociorum. Tametsi lex est de pecuniis repetundis, ille se negat pecuniam repetere, quam ereptam non tanto opere desiderat: sacra se maiorum suorum repetere abs te dicit, deos penatis te patrios reposcit.

[18] Ecqui pudor est, ecquae religio, Verres, ecqui metus? Habitasti apud Heium Messanae, res illum divinas apud eos deos in suo sacrario prope cotidiano facere vidisti; non movetur pecunia, denique quae ornamenti causa fuerunt non requirit; tibi habe Canephoros, deorum simulacra restitue. Quae quia dixit, quia tempore dato modeste apud vos socius amicusque populi Romani questus est, quia religioni suae non modo in dis patriis repetendis sed etiam in ipso testimonio ac iure iurando proximus fuit, hominem missum ab isto scitote esse Messanam de legatis unum, — illum ipsum qui navi istius aedificandae publice praefuit, — qui a senatu peteret ut Heius adficeretur ignominia.

[19] Homo amentissime, quid putasti? impetraturum te? quanti is a civibus suis fieret, quanti auctoritas eius haberetur ignorabas? Verum fac te impetravisse, fac aliquid gravius in Heium statuisse Mamertinos: quantam putas auctoritatem laudationis eorum futuram, si in eum quem constet verum pro testimonio dixisse poenam constituerint? Tametsi quae est ista laudatio, cum laudator interrogatus laedat necesse est? Quid? isti laudatores tui nonne testes mei sunt? Heius est laudator: laesit gravissime. Producam ceteros: reticebunt quae poterunt libenter, dicent quae necesse erit ingratiis. Negent isti onerariam navem maximam aedificatam esse Messanae? Negent, si possunt. Negent ei navi faciundae senatorem Mamertinum publice praefuisse? Vtinam negent! Sunt etiam cetera; quae malo integra reservare, ut quam minimum dem illis temporis ad meditandum confirmandumque periurium.

[20] Haec tibi laudatio procedat in numerum? hi te homines auctoritate sua sublevent? qui te neque debent adiuvare si possint, neque possunt si velint; quibus tu privatim iniurias plurimas contumeliasque imposuisti, quo in oppido multas familias totas in perpetuum infamis tuis stupris flagitiisque fecisti. At publice commodasti. Non sine magno quidem rei publicae provinciaeque Siciliae detrimento. Tritici modium lx empta populo Romano dare debebant et solebant: abs te solo remissum est. Res publica detrimentum fecit quod per te imperi ius in una civitate imminutum est: Siculi, quod ipsum non de summa frumenti detractum est, sed translatum in Centuripinos et Halaesinos, immunis populos, et hoc plus impositum quam ferre possent.

[21] Navem imperare ex foedere debuisti; remisisti in triennium; militem nullum umquam poposcisti per tot annos. Fecisti item ut praedones solent; qui cum hostes communes sint omnium, tamen aliquos sibi instituunt amicos, quibus non modo parcant verum etiam praeda quos augeant, et eos maxime qui habent oppidum oportuno loco, quo saepe adeundum sit navibus. Phaselis illa, quam cepit P. Servilius, non fuerat urbs antea Cilicum atque praedonum; Lycii illam, Graeci homines, incolebant. Sed quod erat eius modi loco atque ita proiecta in altum ut et exeuntes e Cicilia praedones saepe ad eam necessario devenirent, et, cum se ex hisce locis reciperent, eodem deferrentur, adsciverunt sibi illud oppidum piratae primo commercio, deinde etiam societate.

[22] Mamertina civitas improba antea non erat; etiam erat inimica improborum, quae C. Catonis, illius qui consul fuit, impedimenta retinuit. At cuius hominis! Clarissimi ac potentissimi; qui tamen cum consul fuisset, condemnatus est. Ita, C. Cato, duorum hominum clarissimorum nepos, L. Pauli et M. Catonis, et P. Africani sororis filius: quo damnato tum, cum severa iudicia fiebant, HS viii lis aestimata est. Huic Mamertini irati fuerunt, qui maiorem sumptum quam quanti Catonis lis aestimata est in Timarchidi prandium saepe fecerunt.

[23] Verum haec civitas isti praedoni ac piratae Siciliensi Phaselis fuit; huc omnia undique deferebantur, apud istos relinquebantur; quod celari opus erat, habebant sepositum et reconditum; per istos quae volebat clam imponenda, occulte exportanda curabat; navem

denique maximam, quam onustam furtis in Italiam mitteret, apud istos faciundam aedificandamque curavit; pro hisce rebus vacatio data est ab isto sumptus, laboris, militiae, rerum denique omnium; per triennium soli non modo in Sicilia verum, ut opinio mea fert, his quidem temporibus in omni orbe terrarum vacui, expertes, soluti ac liberi fuerunt ab omni sumptu, molestia, munere.

[24] Hinc illa Verria nata sunt, quod in convivium Sex. Cominium protrahi iussit, in quem scyphum de manu iacere conatus est, quem obtorta gula de convivio in vincla atque in tenebras abripi iussit; hinc illa crux in quam iste civem Romanum multis inspectantibus sustulit, quam non ausus est usquam defigere nisi apud eos quibuscum omnia scelera sua ac latrocinia communicavit. Laudatum etiam vos quemquam venitis? qua auctoritate? utrum quam apud senatum an quam apud populum Romanum habere debetis?

[25] Ecqua civitas est, non modo in provinciis nostris verum in ultimis nationibus, aut tam potens aut tam libera aut etiam tam immanis ac barbara, rex denique ecquis est qui senatorem populi Romani tecto ac domo non invitet? qui honos non homini solum habetur, sed primum populo Romano, cuius beneficio nos in hunc ordinem venimus, deinde ordinis auctoritati, quae nisi gravis erit apud socios et exteras nationes, ubi erit imperi nomen et dignitas? Mamertini me publice non invitarunt. Me cum dico, leve est: senatorem populi Romani si non invitarunt, honorem debitum detraxerunt non homini sed ordini. Nam ipsi Tullio patebat domus locupletissima et amplissima Cn. Pompei Basilisci, quo, etiamsi esset invitatus a vobis, tamen devertisset; erat etiam Percenniorum, qui nunc item Pompeii sunt, domus honestissima, quo Lucius frater meus summa illorum voluntate devertit. Senator populi Romani, quod in vobis fuit, in vestro oppido iacuit et pernoctavit in publico. Nulla hoc civitas umquam alia commisit. ‘Amicum enim nostrum in iudicium vocabas.’ Tu quid ego privatim negoti geram interpretabere imminuendo honore senatorio?

[26] Verum haec tum queremur si quid de vobis per eum ordinem agetur, qui ordo a vobis adhuc solis contemptus est. In populi Romani quidem conspectum quo ore vos commisistis? nec prius illam crucem, quae etiam nunc civis Romani sanguine redundat, quae fixa est ad portum urbemque vestram, revellistis neque in profundum

abiecistis locumque illum omnem expiastis, quam Romam atque in horum conventum adiretis? In Mamertinorum solo foederato atque pacato monumentum istius crudelitatis constitutum est. Vestrane urbs electa est ad quam cum adirent ex Italia <cives> crucem civis Romani prius quam quemquam amicum populi Romani viderent? quam vos Reginis, quorum civitati invidetis, itemque incolis vestris, civibus Romanis, ostendere soletis, quo minus sibi adrogent minusque vos despiciant, cum videant ius civitatis illo supplicio esse mactatum.

[27] Verum haec emisse te dicis. Quid? illa Attalica tota Sicilia nominata ab eodem Heio [peripetasmata] emere oblitus es? Licuit eodem modo ut signa. Quid enim actum est? an litteris pepercisti? Verum hominem amentem hoc fugit: minus clarum putavit fore quod de armario quam quod de sacrario esset ablatum. At quo modo abstulit? Non possum dicere planius quam ipse apud vos dixit Heius. Cum quaesissem num quid aliud de bonis eius pervenisset ad Verrem, respondit istum ad se misisse ut sibi mitteret Agrigentum peripetasmata. Quaesivi misisset<ne>; respondit, id quod necesse erat, se dicto audientem fuisse praetori, misisse. Rogavi pervenissentne Agrigentum; dixit pervenisse. Quaesivi quem ad modum revertissent; negavit adhuc revertisse. Risus populi atque admiratio omnium vestrum facta est.

[28] Hic tibi in mentem non venit iubere ut haec quoque referret HS vi milibus d se tibi vendidisse? Metuisti ne aes alienum tibi cresceret, si HS vi milibus d tibi constarent ea quae tu facile posses vendere HS ducentis milibus? Fuit tanti, mihi crede; haberes quod defenderes; nemo quaereret quanti illa res esset; si modo te posses dicere emisse, facile cui velles tuam causam et factum probares; nunc de peripetasmatis quem ad modum te expedias non habes.

[29] Quid? a Phylarcho Centuripino, homine locupleti ac nobili, phaleras pulcherrime factas, quae regis Hieronis fuisse dicuntur, utrum tandem abstulisti an emisti? In Sicilia quidem cum essem, sic a Centuripinis, sic a ceteris audiebam, — non enim parum res erat clara: tam te has phaleras a Phylarcho Centuripino abstulisse dicebant quam alias item nobilis ab Aristo Panhormitano, quam tertias a Cratippo Tyndaritano. Etenim si Phylarchus vendidisset, non ei, posteaquam reus factus es, redditurum te promisisses. Quod quia

vidisti pluris scire, cogitasti, si ei reddidisses, te minus habiturum, rem nihilo minus testatam futuram: non reddidisti. Dixit Phylarchus pro testimonio se, quod nosset tuum istum morbum, ut amici tui appellant, cupisse te celare de phaleris; cum abs te appellatus esset, negasse habere sese; apud alium quoque eas habuisse depositas, ne qua invenirentur; tuam tantam fuisse sagacitatem ut eas per illum ipsum inspiceres, ubi erant depositae; tum se deprensum negare non potuisse; ita ab se invito phaleras sublatas gratiis.

[30] Iam, ut haec omnia reperire ac perscrutari solitus sit, iudices, est operae pretium cognoscere. Cibyratae sunt fratres quidam, Tlepolemus et Hiero, quorum alterum fingere opinor e cera solitum esse, alterum esse pictorem. Hosce opinor, Cibyrae cum in suspicionem venissent suis civibus fanum expilasse Apollinis, veritos poenam iudici ac legis domo profugisse. Quod Verrem artifici sui cupidum cognoverant tum, cum iste, id quod ex testibus didicistis, Cibyram cum inanibus syngraphis venerat, domo fugientes ad eum se exsules, cum iste esset in Asia, contulerunt. Habuit eos secum illo tempore et in legationis praedis atque furtis multum illorum opera consilioque usus est.

[31] Hi sunt illi quibus in tabulis refert sese Q. Tadius ‘dedisse iussu istius, Graecis pictoribus’. Eos iam bene cognitos et re probatos secum in Siciliam duxit. Quo posteaquam venerunt, mirandum in modum (canis venaticos diceres) ita odorabantur omnia et pervestigabant ut, ubi quidque esset, aliqua ratione invenirent. Aliud minando, aliud pollicendo, aliud per servos, aliud per liberos, per amicum aliud, aliud per inimicum inveniebant; quicquid illis placuerat, perdendum erat. Nihil aliud optabant quorum poscebatur argentum nisi ut id Hieroni et Tlepolemo displiceret.

[32] Verum mehercule hoc, iudices, dicam. Memini Pamphilum Lilybitanum, amicum et hospitem meum, nobilem hominem, mihi narrare, cum iste ab sese hydriam Boethi manu factam praeclaro opere et grandi pondere per potestatem abstulisset, se sane tristem et conturbatum domum revertisse, quod vas eius modi, quod sibi a patre et a maioribus esset relictum, quo solitus esset uti ad festos dies, ad hospitum adventus, a se esset ablatum. ‘Cum sederem,’ inquit, ‘domi tristis, accurrit Venerius; iubet me scyphos sigillatos ad praetorem statim adferre. Permotus sum,’ inquit; ‘binos habebam; iubeo promi

utrosque, ne quid plus mali nasceretur, et mecum ad praetoris domum ferri. Eo cum venio, praetor quiescebat; fratres illi Cibyratae inambulabant. Qui me ubi viderunt, “Vbi sunt, Pamphile,” inquiunt, “scyphi?” Ostendo tristis; laudant. Incipio queri me nihil habiturum quod alicuius esset preti si etiam scyphi essent ablati. Tum illi, ubi me conturbatum vident, “Quid vis nobis dare ut isti abs te ne auferantur?” Ne multa, HS mille me,’ inquit, ‘poposcerunt; dixi me daturum. Vocat interea praetor, poscit scyphos.’ Tum illos coepisse praetori dicere putasse se, id quod audissent, alicuius preti scyphos esse Pamphili; luteum negotium esse, non dignum quod in suo argento Verres haberet. Ait ille idem sibi videri. Ita Pamphilus scyphos optimos aufert.

[33] Et mehercule ego antea, tametsi hoc nescio quid nugatorium sciebam esse, ista intellegere, tamen mirari solebam istum in his ipsis rebus aliquem sensum habere, quem scirem nulla in re quicquam simile hominis habere. Tum primum intellexi ad eam rem istos fratres Cibyratas fuisse, ut iste in furando manibus suis oculis illorum uteretur. At ita studiosus est huius praeclarae existimationis, ut putetur in hisce rebus intellegens esse, ut nuper — videte hominis amentiam: posteaquam est comperendinatus, cum iam pro damnato mortuoque esset, ludis circensibus mane apud L. Sisennam, virum primarium, cum essent triclinia strata argentumque eitum in aedibus, cum pro dignitate L. Sisennae domus esset plena hominum honestissimorum, accessit ad argentum, contemplari unum quidque otiose et considerare coepit. Mirari stultitiam alii, quod in ipso iudicio eius ipsius cupiditatis cuius insimularetur suspicionem augeret, alii amentiam, cui comperendinato, cum tam multi testes dixissent, quicquam illorum veniret in mentem. Pueri autem Sisennae, credo, qui audissent quae in istum testimonia essent dicta, oculos de isto nusquam deicere neque ab argento digitum discedere.

[34] Est boni iudicis parvis ex rebus coniecturam facere unius cuiusque et cupiditatis et continentiae. Qui reus, et reus lege comperendinatus, re et opinione hominum paene damnatus, temperare non potuerit maximo conventu quin L. Sisennae argentum tractaret et consideraret, hunc praetorem in provincia quisquam putabit a Siculorum argento cupiditatem aut manus abstinere potuisse?

[35] Verum ut Lilybaeum, unde digressa est oratio, revertamur, Diocles est, Pamphili gener, illius a quo hydria ablata est, Popilius cognomine. Ab hoc abaci vasa omnia, ut exposita fuerunt, abstulit. Dicat se licet emisse; etenim hic propter magnitudinem furti sunt, ut opinor, litterae factae. Iussit Timarchidem aestimare argentum, quo modo qui umquam tenuissime in donationem histrionum aestimavit. Tametsi iam dudum ego erro qui tam multa de tuis emptionibus verba faciam, et quaeram utrum emeris necne et quo modo et quanti emeris, quod verbo transigere possum. Ede mihi scriptum quid argenti in provincia.

[36] Sicilia pararis, unde quidque aut quanti emeris. Quid fit? Quamquam non debebam ego abs te has litteras poscere; me enim tabulas tuas habere et proferre oportebat. Verum negas te horum annorum aliquot confecisse. Compone hoc quod postulo de argento, de reliquo videro. 'Nec scriptum habeo nec possum edere.' Quid futurum igitur est? quid existimas hosce iudices facere posse? Domus plena signorum pulcherrimorum iam ante praeturam, multa ad villas tuas posita, multa deposita apud amicos, multa aliis data atque donata; tabulae nullum indicant emptum. Omne argentum ablatum ex Sicilia est, nihil cuiquam quod suum dici vellet relictum. Fingitur improba defensio, praetorem omne id argentum coemisse; tamen id ipsum tabulis demonstrari non potest. Si, quas tabulas profers, in his quae habes quo modo habeas scriptum non est, horum autem temporum cum te plurimas res emisse dicis tabulas omnino nullas profers, nonne te et prolatis et non prolatis tabulis condemnari necesse est?

[37] Tu a M. Coelio, equite Romano, lectissimo adulescente, quae voluisti Lilybaei abstulisti, tu C. Cacuri, prompti hominis et experientis et in primis gratiosi, supellectilem omnem auferre non dubitasti, tu maximam et pulcherrimam mensam citream a Q. Lutatio Diodoro, qui Q. Catuli beneficio ab L. Sulla civis Romanus factus est, omnibus scientibus Lilybaei abstulisti. Non tibi obicio quod hominem dignissimum tuis moribus, Apollonium, Niconis filium, Drepanitanum, qui nunc A. Clodius vocatur, omni argento optime facto spoliasti ac depeculatus es; taceo. Non enim putat ille sibi iniuriam factam, propterea quod homini iam perdito et collum in laqueum inserenti subvenisti, cum pupillis Drepanitanis bona patria

erepta cum illo partitus es; gaudeo etiam si quid ab eo abstulisti, et abs te nihil rectius factum esse dico. A Lysone vero Lilybitano, primo homine, apud quem deversatus es, Apollinis signum ablatum certe non oportuit. Dices te emisse. Scio, HS mille. 'Ita opinor.' Scio, inquam. 'Proferam litteras.' Tamen id factum non oportuit. A pupillo Heio, cui C. Marcellus tutor est, a quo pecuniam grandem eripueras, scaphia cum emblematis Lilybaei utrum empta esse dicis an confiteris erepta?

[38] Sed quid ego istius in eius modi rebus mediocris iniurias colligo, quae tantum modo in furtis istius et damnis eorum a quibus auferebat versatae esse videantur? Accipite, si vultis, iudices, rem eius modi ut amentiam singularem et furorem iam, non cupiditatem eius perspicere possitis. Melitensis Diodorus est, qui apud vos antea testimonium dixit. Is Lilybaei multos iam annos habitat, homo et domi nobilis et apud eos quo se contulit propter virtutem splendidus et gratiosus. De hoc Verri dicitur habere eum perbona toreumata, in his pocula quaedam, quae Thericlia nominantur, Mentoris manu summo artificio facta. Quod iste ubi audivit, sic cupiditate inflammatus est non solum inspiciendi verum etiam auferendi ut Diodorum ad se vocaret ac posceret. Ille, qui illa non invitus haberet, respondit Lilybaei se non habere, Melitae apud quendam propinquum suum reliquisse.

[39] Tum iste continuo mittit homines certos Melitam, scribit ad quosdam Melitensis ut ea vasa perquirant, rogat Diodorum ut ad illum propinquum suum det litteras; nihil ei longius videbatur quam dum illud videret argentum. Diodorus, homo frugi ac diligens, qui sua servare vellet, ad propinquum suum scribit ut iis qui a Verre venissent responderet illud argentum se paucis illis diebus misisse Lilybaeum. Ipse interea recedit; abesse a domo paulisper maluit quam praesens illud optime factum argentum amittere. Quod ubi iste audivit, usque eo commotus est ut sine ulla dubitatione insanire omnibus ac furere videretur. Quia non potuerat eripere argentum ipse Diodoro, erepta sibi vasa optime facta dicebat; minitari absenti Diodoro, vociferari palam, lacrimas interdum non tenere. Eriphylam accepimus in fabulis ea cupiditate ut, cum vidisset monile, ut opinor, ex auro et gemmis, pulchritudine eius incensa salutem viri proderet. Similis istius cupiditas, hoc etiam acrior atque insanior, quod illa

cupiebat id quod viderat, huius libidines non solum oculis sed etiam auribus excitabantur.

[40] Conquiri Diodorum tota provincia iubet: ille ex Sicilia iam castra commoverat et vasa collegerat. Homo, ut aliquo modo in provinciam illum revocaret, hanc excogitat rationem, si haec ratio potius quam amentia nominanda est. Apponit de suis canibus quendam qui dicat se Diodorum Melitensem rei capitalis reum velle facere. Primo mirum omnibus videri Diodorum reum, hominem quietissimum, ab omni non modo facinoris verum etiam minimi errati suspicione remotissimum; deinde esse perspicuum fieri omnia illa propter argentum. Iste non dubitat iubere nomen referri, et tum primum ut opinor istum absentis nomen recepisse.

[41] Res clara Sicilia tota, propter caelati argenti cupiditatem reos fieri rerum capitalium, neque solum reos fieri, sed etiam absentis. Diodorus Romae sordidatus circum patronos atque hospites cursare, rem omnibus narrare. Litterae mittuntur isti a patre vehementes, ab amicis item, videret quid ageret de Diodoro, quo progrederetur; rem claram esse et invidiosam; insanire hominem, periturum hoc uno crimine, nisi cavisset. Iste etiam tum patrem, si non in parentis, at in hominum numero putabat; ad iudicium nondum se satis instruxerat; primus annus erat provinciae, non <erat>, ut in Sthenio, iam refertus pecunia. Itaque furor eius paululum non pudore, sed metu ac timore repressus est. Condemnare Diodorum non audet absentem, de reis eximit. Diodorus interea praetore isto prope triennium provincia domoque caruit.

[42] Ceteri, non solum Siculi sed etiam cives Romani, hoc statuerant, quoniam iste tantum cupiditate progrederetur, nihil esse quod quisquam putaret se, quod isti paulo magis placeret, conservare aut domi retinere posse; postea vero quam intellexerunt isti virum fortem, quem summe provincia exspectabat, Q. Arrium, non succedere, statuerunt nihil se tam clausum neque tam reconditum posse habere quod non istius cupiditati apertissimum promptissimumque esset. Tum iste ab equite Romano splendido et gratioso, Cn. Calidio, cuius filium sciebat senatorem populi Romani et iudicem esse, eculeos argenteos nobilis, qui Q. Maximi fuerant, aufert.

[43] Imprudens huc incidi, iudices; emit enim, non abstulit; nollem

dixisse; iactabit se et in his equitabit eculeis. ‘Emi, pecuniam solvi.’ Credo. ‘Etiam tabulae proferentur.’ Est tanti; cedo tabulas. Dilue sane crimen hoc Calidianum, dum ego tabulas aspicere possim. Verum tamen quid erat quod Calidius Romae quereretur se, cum tot annos in Sicilia negotiaretur, a te solo ita esse contemptum, ita despectum ut etiam una cum ceteris Siculis despoliaretur, si emeras? Quid erat quod confirmabat se abs te argentum esse repetiturum, si id tibi sua voluntate vendiderat? Tu porro posses facere ut Cn. Calidio non redderes? praesertim cum is L. Sisenna, defensore tuo, tam familiariter uteretur, et cum ceteris familiaribus Sisennae reddidisses.

[44] Denique non opinor negaturum esse te homini honesto, sed non gratiosiori quam Cn. Calidius est, L. Curidio, te argentum per Potamonem, amicum tuum, reddidisse. Qui quidem ceterorum causam apud te difficiliorem fecit. Nam cum te compluribus confirmasses redditurum, posteaquam Curidius pro testimonio dixit te sibi reddidisse, finem reddendi fecisti, quod intellexisti praeda te de manibus emissa testimonium tamen effugere non posse. Cn. Calidio, equiti Romano, per omnis alios praetores licuit habere argentum bene factum, licuit posse domesticis copiis, cum magistratum aut aliquem superiorem invitasset, ornare et apparare convivium. Multi domi Cn. Calidi cum potestate atque imperio fuerunt: nemo inventus est tam amens qui illud argentum tam praeclarum ac tam nobile eriperet, nemo tam audax qui posceret, nemo tam impudens qui postularet ut venderet.

[45] Superbum est enim, iudices, et non ferendum dicere praetorem in provincia homini honesto, locupleti, splendido, ‘Vende mihi vasa caelata’; hoc est enim dicere, ‘Non es dignus tu qui habeas quae tam bene facta sunt, meae dignitatis ista sunt.’ Tu dignior, Verres, quam Calidius? qui, ut non conferam vitam neque existimationem tuam cum illius — neque enim est conferenda; hoc ipsum conferam quo tu te superiorem fingis; quod HS ccc divisoribus ut praetor renuntiarere dedisti, trecenta accusatori ne tibi odiosus esset, ea re contemnis equestrem ordinem et despicis? ea re tibi indignum visum est quicquam, quod tibi placeret, Calidium potius habere quam te?

[46] Iactat se iam dudum de Calidio, narrat omnibus emisse se. Num etiam de L. Papinio, viro primario, locupleti honestoque equite Romano, turibulum emisti? qui pro testimonio dixit te, cum

inspiciendum poposcisses, evulso emblemate remisisse; ut intellegatis in homine intellegentiam esse non avaritiam, artifici cupidum non argenti fuisse. Nec solum in Papinio fuit hac abstinentia; tenuit hoc institutum in turibulis omnibus quaecumque in Sicilia fuerunt. Incredibile est autem quam multa et quam praeclara fuerint. Credo tum cum Sicilia florebat opibus et copiis magna artificia fuisse in ea insula. Nam domus erat ante istum praetorem nulla paulo locupletior qua in domo haec non essent, etiamsi praeterea nihil esset argenti, patella grandis cum sigillis ac simulacris deorum, patera qua mulieres ad res divinas uterentur, turibulum, — haec autem omnia antiquo opere et summo artificio facta, ut hoc liceret suspicari, fuisse aliquando apud Siculos peraeque pro portione cetera, sed, quibus multa fortuna ademisset, tamen apud eos remansisse ea quae religio retinuisset.

[47] Dixi, iudices, multa fuisse fere apud omnis Siculos: ego idem confirmo nunc ne unum quidem esse. Quid hoc est? quod hoc monstrum, quod prodigium in provinciam misimus? Nonne vobis id egisse videtur ut non unius libidinem, non suos oculos, sed omnium cupidissimorum insanias, cum Romam revertisset, expleret? Qui simul atque in oppidum quodpiam venerat, immittebantur illi continuo Cibyratici canes, qui investigabant et perscrutabantur omnia. Si quod erat grande vas et maius opus inventum, laeti adferebant; si minus eius modi quidpiam venari potuerant, illa quidem certe pro lepusculis capiebantur, patellae, paterae, turibula. Hic quos putatis fletus mulierum, quas lamentationes fieri solitas esse in hisce rebus? quae forsitan vobis parvae esse videantur, sed magnum et acerbum dolorem commovent, mulierculis praesertim, cum eripiuntur e manibus ea quibus ad res divinas uti consuerunt, quae a suis acceperunt, quae in familia semper fuerunt.

[48] Hic nolite exspectare dum ego haec crimina agam ostiatim, ab Aeschylo Tyndaritano istum pateram abstulisse, a Thrasone item Tyndaritano patellam, a Nymphodoro Agrigentino turibulum. Cum testis ex Sicilia dabo, quem volet ille eligat quem ego interrogem de patellis, pateris, turibulis: non modo oppidum nullum, sed ne domus quidem ulla paulo locupletior expers huius iniuriae reperietur. Qui cum in convivium venisset, si quicquam caelati aspexerat, manus abstinere, iudices, non poterat. Cn. Pompeius est, Philo qui fuit,

Tyndaritanus. Is cenam isti dabat apud villam in Tyndaritano. Fecit quod Siculi non audebant; ille, civis Romanus quod erat, impunius id se facturum putavit; adposuit patellam in qua sigilla erant egregia. Iste continuo ut vidit, non dubitavit illud insigne penatium hospitaliumque deorum ex hospitali mensa tollere, sed tamen, quod ante de istius abstinentia dixeram, sigillis avulsis reliquum argentum sine ulla avaritia reddidit.

[49] Quid? Eupolemo Calactino, homini nobili, Lucullorum hospiti ac perfamiliari, qui nunc apud exercitum cum L. Lucullo est, non idem fecit? Cenabat apud eum; argentum ille ceterum purum adposuerat, ne purus ipse relinqueretur, duo pocula non magna, verum tamen cum emblemate. Hic tamquam festivum acroama, ne sine corollario de convivio discederet, ibidem convivis spectantibus emblemata evellenda curavit. Neque ego nunc istius facta omnia enumerare conor, neque opus est nec fieri ullo modo potest: tantum unius cuiusque de varia improbitate generis indicia apud vos et exempla profero. Neque enim ita se gessit in his rebus tamquam rationem aliquando esset redditurus, sed prorsus ita quasi aut reus numquam esset futurus, aut, quo plura abstulisset, eo minore periculo in iudicium venturus esset; qui haec quae dico iam non occulte, non per amicos atque interpretes, sed palam de loco superiore ageret pro imperio et potestate.

[50] Catinam cum venisset, oppidum locuples, honestum, copiosum, Dionysiarchum ad se proagorum, hoc est summum magistratum, vocari iubet; ei palam imperat ut omne argentum quod apud quemque esset Catinae conquirendum curaret et ad se adferendum. Phylarchum Centuripinum, primum hominem genere, virtute, pecunia, non hoc idem iuratum dicere audistis, sibi istum negotium dedisse atque imperasse ut Centuripinis, in civitate totius Siciliae multo maxima et locupletissima, omne argentum conquireret et ad se comportari iuberet? Agyrio similiter istius imperio vasa Corinthia per Apollodorum, quem testem audistis, Syracusas deportata sunt.

[51] Illa vero optima [est], quod, cum Haluntium venisset praetor laboriosus et diligens, ipse in oppidum noluit accedere, quod erat difficili ascensu atque arduo, Archagathum Haluntinum, hominem non solum domi, sed tota Sicilia in primis nobilem, vocari iussit. Ei

negotium dedit ut, quidquid Halunti esset argenti caelati aut si quid etiam Corinthiorum, id omne statim ad mare ex oppido deportaretur. Escendit in oppidum Archagathus. Homo nobilis, qui a suis amari et diligi vellet, ferebat graviter illam sibi ab isto provinciam datam, nec quid faceret habebat; pronuntiat quid sibi imperatum esset; iubet omnis proferre quod haberent. Metus erat summus; ipse enim tyrannus non discedebat longius; Archagathum et argentum in lectica cubans ad mare infra oppidum exspectabat.

[52] Quem concursum in oppido factum putatis, quem clamorem, quem porro fletum mulierum? qui videret equum Troianum introductum, urbem captam diceret. Efferri sine thecis vasa, extorqueri alia de manibus mulierum, ecfringi multorum foris, revelli claustra. Quid enim putatis? Scuta si quando conquiruntur a privatis in bello ac tumultu, tamen homines inviti dant, etsi ad salutem communem dari sentiunt, ne quem putetis sine maximo dolore argentum caelatum domo, quod alter eriperet, protulisse. Omnia deferuntur. Cibyratae fratres vocantur; pauca improbant; quae probarant, iis crustae aut emblemata detrahebantur. Sic Haluntini excussis deliciis cum argento puro domum revertuntur.

[53] Quod umquam, iudices, huiusce modi everriculum ulla in provincia fuit? Avertere aliquid de publico quam obscurissime per magistratum solebant; etiam cum aliquid a privato non numquam, occulte auferebant, et ii tamen condemnabantur. Et si quaeritis, ut ipse de me detraham, illos ego accusatores puto fuisse qui eius modi hominum furta odore aut aliquo leviter presso vestigio persequebantur. Nam nos quidem quid facimus in Verre, quem in luto volutatum totius corporis vestigiis invenimus? Permagnum est in eum dicere aliquid qui praeteriens, lectica paulisper deposita, non per praestigias sed palam per potestatem uno imperio ostiatim totum oppidum compilaverit. Ac tamen, ut posset dicere se emisse, Archagatho imperat ut illis aliquid, quorum argentum fuerat, nummulorum dicis causa daret. Invenit Archagathus paucos qui vellent accipere; iis dedit. Eos nummos tamen iste Archagatho non reddidit. Voluit Romae repetere Archagathus; Cn. Lentulus Marcellinus dissuasit, sicut ipsum dicere audistis. Recita. Archagathi et Lentvli testimonivm.

[54] Et ne forte hominem existimetis hanc tantam vim emblematum

sine causa coacervare voluisse, videte quanti vos, quanti existimationem populi Romani, quanti leges et iudicia, quanti testis Siculos [negotiatores] fecerit. Posteaquam tantam multitudinem collegerat emblematum ut ne unum quidem cuiquam reliquisset, instituit officinam Syracusis in regia maximam. Palam artifices omnis, caelatores ac vascularios, convocari iubet, et ipse suos compluris habebat. Eos concludit, magnam hominum multitudinem. Mensis octo continuos his opus non defuit, cum vas nullum fieret nisi aureum. Tum illa, ex patellis et turibulis quae evellerat, ita scite in aureis poculis inligabat, ita apte in scaphiis aureis includebat, ut ea ad illam rem nata esse diceres; ipse tamen praetor, qui sua vigilantia pacem in Sicilia dicit fuisse, in hac officina maiorem partem diei cum tunica pulla sedere solebat et pallio.

[55] Haec ego, iudices, non auderem proferre, ni vererer ne forte plura de isto ab aliis in sermone quam a me in iudicio vos audisse diceretis. Quis enim est qui de hac officina, qui de vasis aureis, qui de istius pallio non audierit? Quem voles e conventu Syracusano virum bonum nominato; producam; nemo erit quin hoc se audisse aut vidisse dicat. O tempora, o mores! Nihil nimium vetus proferam.

[56] Sunt vestrum aliquam multi qui L. Pisonem cognorint, huius L. Pisonis, qui praetor fuit, patrem. Ei cum esset in Hispania praetor, qua in provincia occisus est, nescio quo pacto, dum armis exercetur, anulus aureus quem habebat fractus et comminutus est. Cum vellet sibi anulum facere, aurificem iussit vocari in forum ad sellam Cordubae et palam appendit aurum; hominem in foro iubet sellam ponere et facere anulum omnibus praesentibus. Nimium fortasse dicet aliquis hunc diligentem; hactenus reprehendet, si qui volet, nihil amplius. Verum fuit ei concedendum; filius enim L. Pisonis erat, eius qui primus de pecuniis repetundis legem tulit.

[57] Ridiculum est me nunc de Verre dicere, cum de Pisone Frugi dixerim; verum tamen quantum intersit videte. Iste cum aliquot abacorum faceret vasa aurea, non laboravit quid non modo in Sicilia verum etiam Romae in iudicio audiret: ille in auri semuncia totam Hispaniam scire voluit unde praetori anulus fieret. Nimirum ut hic nomen suum comprobavit, sic ille cognomen. Nullo modo possum omnia istius facta aut memoria consequi aut oratione complecti: genera ipsa cupio breviter attingere, ut hic modo me commonuit

Pisonis anulus quod totum effluxerat. Quam multis istum putatis hominibus honestis de digitis anulos abstulisse? Numquam dubitavit, quotienscumque alicuius aut gemma aut anulo delectatus est. Incredibile dicam, sed ita clarum ut ipsum negaturum non arbitrer.

[58] Cum Valentio, eius interpreti, epistula Agrigento adlata esset, casu signum iste animadvertit in cretula. Placuit ei; quaesivit unde esset epistula; respondit Agrigento. Iste litteras ad quos solebat misit, ut is anulus ad se primo quoque tempore adferretur. Ita litteris istius patri familias, L. Titio, civi Romano, anulus de digito detractus est. Illa vero eius cupiditas incredibilis est. Nam ut in singula conclavia, quae iste non modo Romae sed in omnibus villis habet, tricenos lectos optime stratos cum ceteris ornamentis convivi quaereret, nimium multa comparare videretur; nulla domus in Sicilia locuples fuit ubi iste non textrinum instituerit.

[59] Mulier [est] Segestana perdives et nobilis, Lamia nomine, per triennium isti plena domo telarum stragulam vestem confecit, nihil nisi conchylio tinctum Attalus, homo pecuniosus, Neti, Lyso Lilybaei, Critolaus Aetnae, Syracusis Aeschrio, Cleomenes, Theomnastus, Helori Archonidas, — dies me citius defecerit quam nomina. ‘Ipse dabat purpuram, tantum operam amici.’ Credo; iam enim non libet omnia criminari; quasi vero hoc mihi non satis sit ad crimen, habuisse tam multum quod daret, voluisse deportare tam multa, hoc denique, quod concedit, amicorum operis esse in huiusce modi rebus usum.

[60] Iam vero lectos aeratos et candelabra aenea num cui praeter istum Syracusis per triennium facta esse existimatis? ‘Emebat.’ Credo; sed tantum vos certiores, iudices, facio quid iste in provincia praetor egerit, ne cui forte neglegens nimium fuisse videatur neque se satis, cum potestatem habuerit, instruxisse et ornasse. Venio nunc non iam ad furtum, non ad avaritiam, non ad cupiditatem, sed ad eius modi facinus in quo omnia nefaria contineri mihi atque inesse videantur; in quo di immortales violati, existimatio atque auctoritas nominis populi Romani imminuta, hospitium spoliatum ac proditum, abalienati scelere istius a nobis omnes reges amicissimi, nationesque quae in eorum regno ac dicione sunt.

[61] Nam reges Syriae, regis Antiochi filios pueros, scitis Romae nuper fuisse; qui venerant non propter Syriae regnum, nam id sine controversia obtinebant ut a patre et a maioribus acceperant, sed regnum Aegypti ad se et ad Selenen, matrem suam, pertinere arbitrabantur. Ii posteaquam temporibus rei publicae exclusi per senatum agere quae voluerant non potuerunt, in Syriam in regnum patrium profecti sunt. Eorum alter, qui Antiochus vocatur, iter per Siciliam facere voluit, itaque isto praetore venit Syracusas.

[62] Hic Verres hereditatem sibi venisse arbitratus est, quod in eius regnum ac manus venerat is quem iste et audierat multa secum praeclara habere et suspicabatur. Mittit homini munera satis large haec ad usum domesticum, olei, vini quod visum est, etiam tritici quod satis esset, de suis decumis. Deinde ipsum regem ad cenam vocavit. Exornat ample magnificeque triclinium; exponit ea, quibus abundabat, plurima et pulcherrima vasa argentea, — nam haec aurea nondum fecerat; omnibus curat rebus instructum et paratum ut sit convivium. Quid multa? rex ita discessit ut et istum copiose ornatum et se honorifice acceptum arbitraretur. Vocat ad cenam deinde ipse praetorem; exponit suas copias omnis, multum argentum, non pauca etiam pocula ex auro, quae, ut mos est regius et maxime in Syria, gemmis erant distincta clarissimis. Erat etiam vas vinarium, ex una gemma pergrandi trulla excavata, manubrio aureo, de qua, credo, satis idoneum satis gravem testem, Q. Minucium, dicere audistis.

[63] Iste unum quodque vas in manus sumere, laudare, mirari: rex gaudere praetori populi Romani satis iucundum et gratum illud esse convivium. Posteaquam inde discessum est, cogitare nihil iste aliud, quod ipsa res declaravit, nisi quem ad modum regem ex provincia spoliatum expilatumque dimitteret. Mittit rogatum vasa ea quae pulcherrima apud eum viderat; ait se suis caelatoribus velle ostendere. Rex, qui illum non nosset, sine ulla suspicione libentissime dedit. Mittit etiam trullam gemmeam rogatum; velle se eam diligentius considerare. Ea quoque ei mittitur.

[64] Nunc reliquum, iudices, attendite, de quo et vos audistis et populus Romanus non nunc primum audiet et in exteris nationibus usque ad ultimas terras pervagatum est. Candelabrum e gemmis clarissimis opere mirabili perfectum reges ii, quos dico, Romam cum

attulissent, ut in Capitolio ponerent, quod nondum perfectum templum offenderant, neque ponere potuerunt neque vulgo ostendere ac proferre voluerunt, ut et magnificentius videretur cum suo tempore in cella Iovis Optimi Maximi poneretur, et clarius cum pulchritudo eius recens ad oculos hominum atque integra perveniret: statuerunt id secum in Syriam reportare ut, cum audissent simulacrum Iovis Optimi Maximi dedicatum, legatos mitterent qui cum ceteris rebus illud quoque eximium ac pulcherrimum donum in Capitolium adferrent.

[65] Pervenit res ad istius auris nescio quo modo; nam rex id celatum voluerat, non quo quicquam metueret aut suspicaretur, sed ut ne multi illud ante praeciperent oculis quam populus Romanus. Iste petit a rege et eum pluribus verbis rogat ut id ad se mittat; cupere se dicit inspicere neque se aliis videndi potestatem esse facturum. Antiochus, qui animo et puerili esset et regio, nihil de istius improbitate suspicatus est; imperat suis ut id in praetorium involutum quam occultissime deferrent. Quo posteaquam attulerunt involucrisque reiectis constituerunt, clamare iste coepit dignam rem esse regno Syriae, dignam regio munere, dignam Capitolio. Etenim erat eo splendore qui ex clarissimis et pulcherrimis gemmis esse debebat, ea varietate operum ut ars certare videretur cum copia, ea magnitudine ut intellegi posset non ad hominum apparatum sed ad amplissimi templi ornatum esse factum. Cum satis iam perspexisse videretur, tollere incipiunt ut referrent. Iste ait se velle illud etiam atque etiam considerare; nequaquam se esse satiatum; iubet illos discedere et candelabrum relinquere. Sic illi tum inanes ad Antiochum revertuntur.

[66] Rex primo nihil metuere, nihil suspicari; dies unus, alter, plures; non referri. Tum mittit, si videatur, ut reddat. Iubet iste posterius ad se reverti. Mirum illi videri; mittit iterum; non redditur. Ipse hominem appellat, rogat ut reddat. Os hominis insignemque impudentiam cognoscite. Quod sciret, quod ex ipso rege audisset in Capitolio esse ponendum, quod Iovi Optimo Maximo, quod populo Romano servari videret, id sibi ut donaret rogare et vehementissime petere coepit. Cum ille se et religione Iovis Capitolini et hominum existimatione impediri diceret, quod multae nationes testes essent illius operis ac muneris, iste homini minari acerrime coepit. Vbi videt

eum nihilo magis minis quam precibus permoveri, repente hominem de provincia iubet ante noctem decedere; ait se comperisse ex eius regno piratas ad Siciliam esse venturos.

[67] Rex maximo conventu Syracusis in foro, ne quis forte me in crimine obscuro versari atque adfingere aliquid suspicione hominum arbitretur, — in foro, inquam, Syracusis flens ac deos hominesque contestans clamare coepit candelabrum factum e gemmis, quod in Capitolium missurus esset, quod in templo clarissimo populo Romano monumentum suae societatis amicitiaeque esse voluisset, id sibi C. Verrem abstulisse; de ceteris operibus ex auro et gemmis quae sua penes illum essent se non laborare, hoc sibi eripi miserum esse et indignum. Id etsi antea iam mente et cogitatione sua fratrisque sui consecratum esset, tamen tum se in illo conventu civium Romanorum dare donare dicare consecrare Iovi Optimo Maximo, testemque ipsum Iovem suae voluntatis ac religionis adhibere. Quae vox, quae latera, quae vires huius unius criminis querimoniam possunt sustinere? Rex Antiochus, qui Romae ante oculos omnium nostrum biennium fere comitatu regio atque ornatu fuisset, is cum amicus et socius populi Romani esset, amicissimo patre, avo, maioribus, antiquissimis et clarissimis regibus, opulentissimo et maximo regno, praeceps provincia populi Romani exturbatus est.

[68] Quem ad modum hoc accepturas nationes exteras, quem ad modum huius tui facti famam in regna aliorum atque in ultimas terras perventuram putasti, cum audirent a praetore populi Romani in provincia violatum regem, spoliatum hospitem, eiectum socium populi Romani atque amicum? Nomen vestrum populique Romani odio atque acerbitati scitote nationibus exteris, iudices, futurum, si istius haec tanta iniuria impunita discesserit. Sic omnes arbitrabuntur, praesertim cum haec fama de nostrorum hominum avaritia et cupiditate percrebruerit, non istius solius hoc esse facinus, sed eorum etiam qui adprobarint. Multi reges, multae liberae civitates, multi privati opulenti ac potentes habent profecto in animo Capitolium sic ornare ut templi dignitas imperique nostri nomen desiderat; qui si intellexerint interverso hoc regali dono graviter vos tulisse, grata fore vobis populoque Romano sua studia ac dona arbitrabuntur; sin hoc vos in rege tam nobili, re tam eximia, iniuria tam acerba neglexisse audient, non erunt tam amentes ut operam curam pecuniam

impendant in eas res quas vobis gratas fore non arbitrentur.

[69] Hoc loco, Q. Catule, te appello; loquor enim de tuo clarissimo pulcherrimoque monumento. Non iudicis solum severitatem in hoc crimine, sed prope inimici atque accusatoris vim suscipere debes. Tuus enim honos illo templo senatus populique Romani beneficio, tui nominis aeterna memoria simul cum templo illo consecratur; tibi haec cura suscipienda, tibi haec opera sumenda est, ut Capitolium, quem ad modum magnificentius est restitutum, sic copiosius ornatum sit quam fuit, ut illa flamma divinitus exstitisse videatur, non quae deleret Iovis Optimi Maximi templum, sed quae praeclarius magnificentiusque deposceret.

[70] Audisti Q. Minucium dicere domi suae deversatum esse Antiochum regem Syracusis; se illud scire ad istum esse delatum, se scire non redditum; audisti et audies omni e conventu Syracusano qui ita dicant, sese audientibus illud Iovi Optimo Maximo dicatum esse ab rege Antiocho et consecratum. Si iudex non esses et haec ad te delata res esset, te potissimum hoc persequi, te petere, te agere oporteret. Quare non dubito quo animo iudex huius criminis esse debeas, qui apud alium iudicem multo acrior quam ego sum actor accusatorque esse deberes.

[71] Vobis autem, iudices, quid hoc indignius aut quid minus ferendum videri potest? Verresne habebit domi suae candelabrum Iovis e gemmis auroque perfectum? cuius fulgore conlucere atque inlustrari Iovis Optimi Maximi templum oportebat, id apud istum in eius modi conviviis constituetur, quae domesticis stupris flagitiisque flagrabunt? in istius lenonis turpissimi domo simul cum ceteris Chelidonis hereditariis ornamentis Capitoli ornamenta ponentur? Quid huic sacri umquam fore aut quid religiosi fuisse putatis qui nunc tanto scelere se obstrictum esse non sentiat, qui in iudicium veniat ubi ne precari quidem Iovem Optimum Maximum atque ab eo auxilium petere more omnium possit? a quo etiam di immortales sua repetunt in eo iudicio quod hominibus ad suas res repetendas est constitutum. Miramur Athenis Minervam, Deli Apollinem, Iunonem Sami, Pergae Dianam, multos praeterea ab isto deos tota Asia Graeciaque violatos, qui a Capitolio manus abstinere non potuerit? Quod privati homines de suis pecuniis ornant ornaturique sunt, id C. Verres ab regibus ornari non passus est.

[72] Itaque hoc nefario scelere concepto nihil postea tota in Sicilia neque sacri neque religiosi duxit esse; ita sese in ea provincia per triennium gessit ut ab isto non solum hominibus verum etiam dis immortalibus bellum indictum putaretur. Segesta est oppidum pervetus in Sicilia, iudices, quod ab Aenea fugiente a Troia atque in haec loca veniente conditum esse demonstrant. Itaque Segestani non solum perpetua societate atque amicitia, verum etiam cognatione se cum populo Romano coniunctos esse arbitrantur. Hoc quondam oppidum, cum illa civitas cum Poenis suo nomine ac sua sponte bellaret, a Carthaginiensibus vi captum atque deletum est, omniaque quae ornamento urbi esse possent Carthaginem sunt ex illo loco deportata. Fuit apud Segestanos ex aere Dianae simulacrum, cum summa atque antiquissima praeditum religione tum singulari opere artificioque perfectum. Hoc translatum Carthaginem locum tantum hominesque mutarat, religionem quidem pristinam conservabat; nam propter eximiam pulchritudinem etiam hostibus digna quam sanctissime colerent videbatur.

[73] Aliquot saeculis post P. Scipio bello Punico tertio Carthaginem cepit; qua in victoria, — videte hominis virtutem et diligentiam, ut et domesticis praeclarissimae virtutis exemplis gaudeatis et eo maiore odio dignam istius incredibilem audaciam iudicetis, — convocatis Siculis omnibus, quod diutissime saepissimeque Siciliam vexatam a Carthaginiensibus esse cognorat, iubet omnia conquiri; pollicetur sibi magnae curae fore ut omnia civitatibus, quae cuiusque fuissent, restituerentur. Tum illa quae quondam erant Himera sublata, de quibus antea dixi, Thermitanis sunt reddita, tum alia Gelensibus, alia Agrigentinis, in quibus etiam ille nobilis taurus, quem crudelissimus omnium tyrannorum Phalaris habuisse dicitur, quo vivos supplici causa demittere homines et subicere flammam solebat. Quem taurum cum Scipio redderet Agrigentinis, dixisse dicitur aequum esse illos cogitare utrum esset Agrigentinis utilius, suisne servire anne populo Romano obtemperare, cum idem monumentum et domesticae crudelitatis et nostrae mansuetudinis haberent.

[74] Illo tempore Segestanis maxima cum cura haec ipsa Diana, de qua dicimus, redditur; reportatur Segestam; in suis antiquis sedibus summa cum gratulatione civium et laetitia reponitur. Haec erat posita

Segestae sane excelsa in basi, in qua grandibus litteris P. Africani nomen erat incisum eumque Carthagine capta restituisse perscriptum. Colebatur a civibus, ab omnibus advenis visebatur; cum quaestor essem, nihil mihi ab illis est demonstratum prius. Erat admodum amplum et excelsum signum cum stola; verum tamen inerat in illa magnitudine aetas atque habitus virginalis; sagittae pendebant ab umero, sinistra manu retinebat arcum, dextra ardentem facem praeferebat. [75] Hanc cum iste sacrorum omnium et religionum hostis praedoque vidisset, quasi illa ipsa face percussus esset, ita flagrare cupiditate atque amentia coepit; imperat magistratibus ut eam demoliantur et sibi dent; nihil sibi gratius ostendit futurum. Illi vero dicere sibi id nefas esse, seseque cum summa religione tum summo metu legum et iudiciorum teneri. Iste tum petere ab illis, tum minari, tum spem, tum metum ostendere. Opponebant illi nomen interdum P. Africani; populi Romani illud esse dicebant; nihil se in eo potestatis habere quod imperator clarissimus urbe hostium capta monumentum victoriae populi Romani esse voluisset.

[76] Cum iste nihilo remissius atque etiam multo vehementius instaret cotidie, res agitur in senatu: vehementer ab omnibus reclamatur. Itaque illo tempore ac primo istius adventu pernegatur. Postea, quidquid erat oneris in nautis remigibusque exigendis, in frumento imperando, Segestanis praeter ceteros imponebat, aliquanto amplius quam ferre possent. Praeterea magistratus eorum evocabat, optimum quemque et nobilissimum ad se arcessebat, circum omnia provinciae fora rapiebat, singillatim uni cuique calamitati fore se denuntiabat, universis se funditus eversurum esse illam civitatem minabatur. Itaque aliquando multis malis magnoque metu victi Segestani praetoris imperio parendum esse decreverunt. Magno cum luctu et gemitu totius civitatis, multis cum lacrimis et lamentationibus virorum mulierumque omnium simulacrum Dianae tollendum locatur.

[77] Videte quanta religio fuerit apud Segestanos. Repertum esse, iudices, scitote neminem, neque liberum neque servum, neque civem neque peregrinum, qui illud signum auderet attingere; barbaros quosdam Lilybaeo scitote adductos esse operarios; ii denique illud ignari totius negoti ac religionis mercede accepta sustulerunt. Quod cum ex oppido exportabatur, quem conventum mulierum factum esse

arbitramini, quem fletum maiorum natu? quorum non nulli etiam illum diem memoria tenebant cum illa eadem Diana Segestam Carthagine revecta victoriam populi Romani reditu suo nuntiasset. Quam dissimilis hic dies illi tempori videbatur! Tum imperator populi Romani, vir clarissimus, deos patrios reportabat Segestanis ex urbe hostium recuperatos: nunc ex urbe sociorum praetor eiusdem populi turpissimus atque impurissimus eosdem illos deos nefario scelere auferebat. Quid hoc tota Sicilia est clarius, quam omnis Segestae matronas et virgines convenisse cum Diana exportaretur ex oppido, unxisse unguentis, complesse coronis et floribus, ture, odoribus incensis usque ad agri finis prosecutas esse?

[78] Hanc tu tantam religionem si tum in imperio propter cupiditatem atque audaciam non pertimescebas, ne nunc quidem in tanto tuo liberorumque tuorum periculo perhorrescis? Quem tibi aut hominem invitis dis immortalibus aut vero deum tantis eorum religionibus violatis auxilio futurum putas? Tibi illa Diana in pace atque in otio religionem nullam attulit? quae cum duas urbis in quibus locata fuerat captas incensasque vidisset, bis ex duorum bellorum flamma ferroque servata est; quae Carthaginiensium victoria loco mutato religionem tamen non amisit, P. Africani virtute religionem simul cum loco recuperavit. Quo quidem scelere suscepto cum inanis esset basis et in ea P. Africani nomen incisum, res indigna atque intoleranda videbatur omnibus non solum religiones esse violatas, verum etiam P. Africani, viri fortissimi, rerum gestarum gloriam, memoriam virtutis, monumenta victoriae C. Verrem sustulisse.

[79] Quod cum isti renuntiaretur de basi ac litteris, existimavit homines in oblivionem totius negoti esse venturos si etiam basim tamquam indicem sui sceleris sustulisset. Itaque tollendam istius imperio locaverunt; quae vobis locatio ex publicis litteris Segestanorum priore actione recitata est. Te nunc, P. Scipio, te, inquam, lectissimum ornatissimumque adulescentem, appello, abs te officium tuum debitum generi et nomini requiro et flagito. Cur pro isto, qui laudem honoremque familiae vestrae depeculatus est, pugnas, cur eum defensum esse vis, cur ego tuas partis suscipio, cur tuum munus sustineo, cur M. Tullius P. Africani monumenta requirit, P. Scipio eum qui illa sustulit defendit? Cum mos a maioribus

traditus sit, ut monumenta maiorum ita suorum quisque defendat ut ea ne ornari quidem nomine aliorum sinat, tu isti aderis, qui non obstruxit aliqua ex parte monumento P. Scipionis sed id funditus delevit ac sustulit?

[80] Quisnam igitur, per deos immortalis, tuebitur P. Scipionis memoriam mortui, quis monumenta atque indicia virtutis, si tu ea relinques aut deseres, nec solum spoliata illa patieris sed etiam eorum spoliatorem vexatoremque defendes? Adsunt Segestani, clientes tui, socii populi Romani atque amici; certiorem te faciunt P. Africanum Carthagine deleta simulacrum Dianae maioribus suis restituisse, idque apud Segestanos eius imperatoris nomine positum ac dedicatum fuisse; hoc Verrem demoliendum et asportandum nomenque omnino P. Scipionis delendum tollendumque curasse; orant te atque obsecrant ut sibi religionem, generi tuo laudem gloriamque restituas, ut, quod per P. Africanum ex urbe hostium recuperarint, id per te ex praedonis domo conservare possint. Quid aut tu his respondere honeste potes aut illi facere, nisi ut te ac fidem tuam implorent? Adsunt et implorant. Potes domesticae laudis amplitudinem, Scipio, tueri, potes; omnia sunt in te quae aut fortuna hominibus aut natura largitur; non praecerpo fructum offici tui, non alienam mihi laudem appeto, non est pudoris mei P. Scipione, florentissimo adulescente, vivo et incolumi me propugnatorem monumentorum P. Scipionis defensoremque profiteri.

[81] Quam ob rem si suscipis domesticae laudis patrocinium, me non solum silere de vestris monumentis oportebit, sed etiam laetari P. Africani eius modi fortunam esse mortui ut eius honos ab iis qui ex eadem familia sint defendatur, neque ullum adventicium auxilium requiratur. Sin istius amicitia te impedit, si hoc quod ego abs te postulo minus ad officium tuum pertinere arbitrabere, succedam ego vicarius tuo muneri, suscipiam partis quas alienas esse arbitrabar. Deinde ista praeclara nobilitas desinat queri populum Romanum hominibus novis industriis libenter honores mandare semperque mandasse. Non est querendum in hac civitate, quae propter virtutem omnibus nationibus imperat, virtutem plurimum posse. Sit apud alios imago P. Africani, ornentur alii mortui virtute ac nomine; talis ille vir fuit, ita de populo Romano meritus est ut non uni familiae sed universae civitati commendatus esse debeat. Est aliqua mea pars

virilis, quod eius civitatis sum quam ille amplam inlustrem claramque reddidit, praecipue quod in his rebus pro mea parte versor quarum ille princeps fuit, aequitate, industria, temperantia, defensione miserorum, odio improborum; quae cognatio studiorum et artium prope modum non minus est coniuncta quam ista qua vos delectamini generis et nominis.

[82] Repeto abs te, Verres, monumentum P. Africani. Causam Siculorum quam suscepi relinquo, iudicium de pecuniis repetundis ne sit hoc tempore, Segestanorum iniuriae neglegantur: basis P. Scipionis restituatur, nomen invicti imperatoris incidatur, signum pulcherrimum Carthagine captum reponatur. Haec abs te non Siculorum defensor, non tuus accusator, non Segestani postulant, sed is qui laudem gloriamque P. Africani tuendam conservandamque suscepit. Non vereor ne hoc officium meum P. Servilio iudici non probem, qui cum res maximas gesserit monumentaque suarum rerum gestarum cum maxime constituat atque in iis elaboret profecto volet haec non solum suis posteris verum etiam omnibus viris fortibus et bonis civibus defendenda, non spolianda improbis tradere. Non vereor ne tibi, Q. Catule, displiceat, cuius amplissimum orbi terrarum clarissimumque monumentum est, quam plurimos esse custodes monumentorum et putare omnis bonos alienae gloriae defensionem ad officium suum pertinere.

[83] Equidem ceteris istius furtis atque flagitiis ita moveor ut ea reprehendenda tantum putem; hic vero tanto dolore adficior ut nihil mihi indignius, nihil minus ferendum esse videatur. Verres Africani monumentis domum suam plenam stupri, plenam flagiti, plenam dedecoris ornabit? Verres temperantissimi sanctissimique viri monumentum, Dianae simulacrum virginis, in ea domo conlocabit in qua semper meretricum lenonumque flagitia versantur?

[84] At hoc solum Africani monumentum violasti. Quid? a Tyndaritanis non eiusdem Scipionis beneficio positum simulacrum Mercuri pulcherrime factum sustulisti? At quem ad modum, di immortales! quam audacter, quam libidinose, quam impudenter! Audistis nuper dicere legatos Tyndaritanos, homines honestissimos ac principes civitatis, Mercurium, qui sacris anniversariis apud eos ac summa religione coleretur, quem P. Africanus Carthagine capta Tyndaritanis non solum suae victoriae sed etiam illorum fidei

societatisque monumentum atque indicium dedisset, huius vi scelere imperioque esse sublatum. Qui ut primum in illud oppidum venit, statim, tamquam ita fieri non solum oporteret sed etiam necesse esset, tamquam hoc senatus mandasset populusque Romanus iussisset, ita continuo signum ut demolirentur et Messanam deportarent imperavit.

[85] Quod cum illis qui aderant indignum, qui audiebant incredibile videretur, non est ab isto primo illo adventu perseveratum. Discedens mandat proagoro Sopatro, cuius verba audistis, ut demoliatur; cum recusaret, vehementer minatur et statim ex illo oppido proficiscitur. Refert rem ille ad senatum; vehementer undique reclamatur. Ne multa, iterum iste ad illos aliquanto post venit, quaerit continuo de signo. Respondetur ei senatum non permittere; poenam capitis constitutam, si iniussu senatus quisquam attigisset; simul religio commemoratur. Tum iste, 'Quam mihi religionem narras, quam poenam, quem senatum? vivum te non relinquam; moriere virgis nisi mihi signum traditur.' Sopater iterum flens ad senatum rem defert, istius cupiditatem minasque demonstrat. Senatus Sopatro responsum nullum dat, sed commotus perturbatusque discedit. Ille praetoris arcessitus nuntio rem demonstrat, negat ullo modo fieri posse.

[86] Atque haec — nihil enim praetermittendum de istius impudentia videtur — agebantur in conventu palam de sella ac de loco superiore. Erat hiems summa, tempestas, ut ipsum Sopatrum dicere audistis, perfrigida, imber maximus, cum iste imperat lictoribus ut Sopatrum de porticu, in qua ipse sedebat, praecipitem in forum deiciant nudumque constituant. Vix erat hoc plane imperatum cum illum spoliatum stipatumque lictoribus videres. Omnes id fore putabant ut miser atque innocens virgis caederetur; fefellit hic homines opinio. Virgis iste caederet sine causa socium populi Romani atque amicum? Non usque eo est improbus; non omnia sunt in uno vitia; numquam fuit crudelis. Leniter hominem clementerque accepit. Equestres sunt medio in foro Marcellorum statuae, sicut fere ceteris in oppidis Siciliae; ex quibus iste C. Marcelli statuam delegit, cuius officia in illam civitatem totamque provinciam recentissima erant et maxima; in ea Sopatrum, hominem cum domi nobilem tum summo magistratu praeditum, divaricari ac deligari iubet.

[87] Quo cruciatu sit adfectus venire in mentem necesse est

omnibus, cum esset vinctus nudus in aere, in imbri, in frigore. Neque tamen finis huic iniuriae crudelitatique fiebat donec populus atque universa multitudo, atrocitate rei misericordiaque commota, senatum clamore coegit ut isti simulacrum illud Mercuri polliceretur. Clamabant fore ut ipsi se di immortales ulciscerentur; hominem interea perire innocentem non oportere. Tum frequens senatus ad istum venit, pollicetur signum. Ita Sopater de statua C. Marcelli, cum iam paene obriguisset, vix vivus aufertur. Non possum disposite istum accusare, si cupiam: opus est non solum ingenio verum etiam artificio quodam singulari.

[88] Vnum hoc crimen videtur esse et a me pro uno ponitur, de Mercurio Tyndaritano; plura sunt, sed ea quo pacto distinguere ac separare possim nescio. Est pecuniarum captarum, quod signum ab sociis pecuniae magnae sustulit; est peculatus, quod publicum populi Romani signum de praeda hostium captum, positum imperatoris nostri nomine, non dubitavit auferre; est maiestatis, quod imperi nostri, gloriae, rerum gestarum monumenta evertere atque asportare ausus est; est sceleris, quod religiones maximas violavit; est crudelitatis, quod in hominem innocentem, in socium vestrum atque amicum, novum et singulare supplici genus excogitavit:

[89] illud vero quid sit iam non queo dicere, quo nomine appellem nescio, quod in C. Marcelli statua. Quid est hoc? patronusne quod erat? Quid tum? quo id spectat? utrum ea res ad opem an ad calamitatem clientium atque hospitum valere debebat? an ut hoc ostenderes, contra vim tuam in patronis praesidi nihil esse? Quis non hoc intellegeret, in improbi praesentis imperio maiorem esse vim quam in bonorum absentium patrocinio? An vero ex hoc illa tua singularis significatur insolentia, superbia, contumacia? Detrahere videlicet aliquid te de amplitudine Marcellorum putasti. Itaque nunc Siculorum Marcelli non sunt patroni, Verres in eorum locum substitutus est.

[90] Quam in te tantam virtutem esse aut dignitatem arbitratus es ut conarere clientelam tam splendidae, tam inlustris provinciae traducere ad te, auferre a certissimis antiquissimisque patronis? Tu ista nequitia, stultitia, inertia non modo totius Siciliae, sed unius tenuissimi Siculi clientelam tueri potes? tibi Marcelli statua pro patibulo in clientis Marcellorum fuit? tu ex illius honore in eos ipsos

qui honorem illi habuerant supplicia quaerebas? Quid postea? quid tandem tuis statuis fore arbitrabare? an vero id quod accidit? Nam Tyndaritani statuam istius, quam sibi propter Marcellos altiore etiam basi poni iusserat, deturbarunt simul ac successum isti audierunt. Dedit igitur tibi nunc fortuna Siculorum C. Marcellum iudicem, ut, cuius ad statuam Siculi te praetore alligabantur, eius religione te <his iudicibus> vinctum adstrictumque dedamus.

[91] Ac primo, iudices, hoc signum Mercuri dicebat iste Tyndaritanos M. Marcello huic Aesernino vendidisse, atque hoc sua causa etiam M. Marcellum ipsum sperabat esse dicturum; quod mihi numquam veri simile visum est, adulescentem illo loco natum, patronum Siciliae, nomen suum isti ad translationem criminis commodaturum. Verum tamen ita mihi res tota provisa atque praecauta est ut, si maxime esset inventus qui in se suscipere istius culpam crimenque cuperet, tamen is proficere nihil posset. Eos enim deduxi testis et eas litteras deportavi ut de istius facto dubium esse nemini possit.

[92] Publicae litterae sunt deportatum Mercurium esse Messanam sumptu publico; dicunt quanti; praefuisse huic negotio publice legatum Poleam. Quid? is ubi est? Praesto est, testis est. Proagori Sopatri iussu. Quis est hic? Qui ad statuam adstrictus est. Quid? is ubi est? Vidistis hominem et verba eius audistis. Demoliendum curavit Demetrius gymnasiarchus, quod is ei loco praeerat. Quid? hoc nos dicimus? Immo vero ipse praesens. Romae nuper ipsum istum esse pollicitum sese id signum legatis redditurum si eius rei testificatio tolleretur cautumque esset eos testimonium non esse dicturos, — dixit hoc apud vos Zosippus, et Ismenias, homines nobilissimi et principes Tyndaritanae civitatis.

[93] Quid? Agrigento nonne eiusdem P. Scipionis monumentum, signum Apollinis pulcherrimum, cuius in femore litteris minutis argenteis nomen Myronis erat inscriptum, ex Aesculapi religiosissimo fano sustulisti? Quod quidem, iudices, cum iste clam fecisset, cum ad suum scelus illud furtumque nefarium quosdam homines improbos duces atque adiutores adhibuisset, vehementer commota civitas est. Vno enim tempore Agrigentini beneficium Africani, religionem domesticam, ornamentum urbis, indicium victoriae, testimonium societatis requirebant. Itaque ab iis qui

principes in ea civitate erant praecipitur et negotium datur quaestoribus et aedilibus ut noctu vigilias agerent ad aedis sacras. Etenim iste Agrigenti — credo propter multitudinem illorum hominum atque virtutem, et quod cives Romani, viri fortes atque honesti, permulti in illo oppido coniunctissimo animo cum ipsis Agrigentinis vivunt ac negotiantur — non audebat palam poscere aut tollere quae placebant.

[94] Herculis templum est apud Agrigentinos non longe a foro, sane sanctum apud illos et religiosum. Ibi est ex aere simulacrum ipsius Herculis, quo non facile dixerim quicquam me vidisse pulchrius — tametsi non tam multum in istis rebus intellego quam multa vidi — usque eo, iudices, ut rictum eius ac mentum paulo sit attritius, quod in precibus et gratulationibus non solum id venerari verum etiam osculari solent. Ad hoc templum, cum esset iste Agrigenti, duce Timarchide repente nocte intempesta servorum armatorum fit concursus atque impetus. Clamor a vigilibus fanique custodibus tollitur; qui primo cum obsistere ac defendere conarentur, male mulcati clavis ac fustibus repelluntur. Postea convulsis repagulis ecfractisque valvis demoliri signum ac vectibus labefactare conantur. Interea ex clamore fama tota urbe percrebruit expugnari deos patrios, non hostium adventu necopinato neque repentino praedonum impetu, sed ex domo atque ex cohorte praetoria manum fugitivorum instructam armatamque venisse.

[95] Nemo Agrigenti neque aetate tam adfecta neque viribus tam infirmis fuit qui non illa nocte eo nuntio excitatus surrexerit, telumque quod cuique fors offerebat arripuerit. Itaque brevi tempore ad fanum ex urbe tota concurritur. Horam amplius iam in demoliendo signo permulti homines moliebantur; illud interea nulla lababat ex parte, cum alii vectibus subiectis conarentur commovere, alii deligatum omnibus membris rapere ad se funibus. Ac repente Agrigentini concurrunt; fit magna lapidatio; dant sese in fugam istius praeclari imperatoris nocturni milites. Duo tamen sigilla perparvula tollunt, ne omnino inanes ad istum praedonem religionum revertantur. Numquam tam male est Siculis quin aliquid facete et commode dicant, velut in hac re aiebant in labores Herculis non minus hunc immanissimum verrem quam illum aprum Erymanthium referri oportere.

[96] Hanc virtutem Agrigentinorum imitati sunt Assorini postea, viri fortes et fideles, sed nequaquam ex tam ampla neque tam ex nobili civitate. Chrysas est amnis qui per Assorinorum agros fluit; is apud illos habetur deus et religione maxima colitur. Fanum eius est in agro, propter ipsam viam qua Assoro itur Hennam; in eo Chrysae simulacrum est praeclare factum e marmore. Id iste poscere Assorinos propter singularem eius fani religionem non ausus est; Tlepolemo dat et Hieroni negotium. Illi noctu facta manu armataque veniunt, foris aedis effringunt; aeditumi custodesque mature sentiunt; signum quod erat notum vicinitati bucina datur; homines ex agris concurrunt; eicitur fugaturque Tlepolemus, neque quicquam ex fano Chrysae praeter unum perparvulum signum ex aere desideratum est.

[97] Matris Magnae fanum apud Enguinos est, — iam enim mihi non modo breviter de uno quoque dicendum, sed etiam praetereunda videntur esse permulta, ut ad maiora istius et inlustriora in hoc genere furta et scelera veniamus: in hoc fano loricas galeasque aeneas, caelatas opere Corinthio, hydriasque grandis simili in genere atque eadem arte perfectas idem ille Scipio, vir omnibus rebus praecellentissimus, posuerat et suum nomen inscripserat. Quid iam de isto plura dicam aut querar? Omnia illa, iudices, abstulit, nihil in religiosissimo fano praeter vestigia violatae religionis nomenque P. Scipionis reliquit; hostium spolia, monumenta imperatorum, decora atque ornamenta fanorum posthac his praeclaris nominibus amissis in instrumento atque in supellectile Verris nominabuntur.

[98] Tu videlicet solus vasis Corinthiis delectaris, tu illius aeris temperationem, tu operum liniamenta sollertissime perspicis! Haec Scipio ille non intellegebat, homo doctissimus atque humanissimus: tu sine ulla bona arte, sine humanitate, sine ingenio, sine litteris, intellegis et iudicas! Vide ne ille non solum temperantia sed etiam intellegentia te atque istos qui se elegantis dici volunt vicerit. Nam quia quam pulchra essent intellegebat, idcirco existimabat ea non ad hominum luxuriem, sed ad ornatum fanorum atque oppidorum esse facta, ~ut posteris nostris monumenta religiosa esse videantur~.

[99] Audite etiam singularem eius, iudices, cupiditatem, audaciam, amentiam, in iis praesertim sacris polluendis quae non modo manibus attingi, sed ne cogitatione quidem violari fas fuit. Sacrarium Cereris est apud Catinensis eadem religione qua Romae, qua in

ceteris locis, qua prope in toto orbe terrarum. In eo sacrario intimo signum fuit Cereris perantiquum, quod viri non modo cuius modi esset sed ne esse quidem sciebant; aditus enim in id sacrarium non est viris; sacra per mulieres ac virgines confici solent. Hoc signum noctu clam istius servi ex illo religiosissimo atque antiquissimo loco sustulerunt. Postridie sacerdotes Cereris atque illius fani antistitae, maiores natu, probatae ac nobiles mulieres, rem ad magistratus suos deferunt. Omnibus acerbum, indignum, luctuosum denique videbatur.

[100] Tum iste permotus illa atrocitate negoti, ut ab se sceleris illius suspicio demoveretur, dat hospiti suo cuidam negotium ut aliquem reperiret quem illud fecisse insimularet, daretque operam ut is eo crimine damnaretur, ne ipse esset in crimine. Res non procrastinatur. Nam cum iste Catina profectus esset, servi cuiusdam nomen defertur; is accusatur, ficti testes in eum dantur. Rem cunctus senatus Catinensium legibus iudicabat. Sacerdotes vocantur; ex iis quaeritur secreto in curia quid esse factum arbitrarentur, quem ad modum signum esset ablatum. Respondent illae praetoris in eo loco servos esse visos. Res, quae esset iam antea non obscura, sacerdotum testimonio perspicua esse coepit. Itur in consilium; servus ille innocens omnibus sententiis absolvitur, — quo facilius vos hunc omnibus sententiis condemnare possitis.

[101] Quid enim postulas, Verres? quid speras, quid exspectas, quem tibi aut deum aut hominem auxilio futurum putas? Eone tu servos ad spoliandum fanum immittere ausus es quo liberos adire ne ornandi quidem causa fas erat? iisne rebus manus adferre non dubitasti a quibus etiam oculos cohibere te religionum iura cogebant? Tametsi ne oculis quidem captus in hanc fraudem tam sceleratam ac tam nefariam decidisti; nam id concupisti quod numquam videras, id, inquam, adamasti quod antea non aspexeras; auribus tu tantam cupiditatem concepisti ut eam non metus, non religio, non deorum vis, non hominum existimatio contineret.

[102] At ex bono viro, credo, audieras et bono auctore. Qui id potes, qui ne ex viro quidem audire potueris? Audisti igitur ex muliere, quoniam id viri nec vidisse neque nosse poterant. Qualem porro illam feminam fuisse putatis, iudices, quam pudicam, quae cum Verre loqueretur, quam religiosam, quae sacrari spoliandi rationem

ostenderet? Ac minime mirum, quae sacra per summam castimoniam virorum ac mulierum fiant, eadem per istius stuprum ac flagitium esse violata. Quid ergo? hoc solum auditione expetere coepit, cum id ipse non vidisset? Immo vero alia complura; ex quibus eligam spoliationem nobilissimi atque antiquissimi fani, de qua priore actione testis dicere audistis. Nunc eadem illa, quaeso, audite et diligenter, sicut adhuc fecistis, attendite.

[103] Insula est Melita, iudices, satis lato a Sicilia mari periculosoque diiuncta; in qua est eodem nomine oppidum, quo iste numquam accessit, quod tamen isti textrinum per triennium ad muliebrem vestem conficiendam fuit. Ab eo oppido non longe in promunturio fanum est Iunonis antiquum, quod tanta religione semper fuit ut non modo illis Punicis bellis quae in his fere locis navali copia gesta atque versata sunt, sed etiam hac praedonum multitudine semper inviolatum sanctumque fuerit. Quin etiam hoc memoriae proditum est, classe quondam Masinissae regis ad eum locum adpulsa praefectum regium dentis eburneos incredibili magnitudine e fano sustulisse et eos in Africam portasse Masinissaeque donasse. Regem primo delectatum esse munere; post, ubi audisset unde essent, statim certos homines in quinqueremi misisse qui eos dentis reponerent. Itaque in iis scriptum litteris Punicis fuit regem Masinissam imprudentem accepisse, re cognita reportandos reponendosque curasse. Erat praeterea magna vis eboris, multa ornamenta, in quibus eburneae Victoriae antiquo opere ac summa arte perfectae.

[104] Haec iste omnia, ne multis morer, uno impetu atque uno nuntio per servos Venerios, quos eius rei causa miserat, tollenda atque asportanda curavit. Pro di immortales! quem ego hominem accuso? quem legibus aut iudiciali iure persequor? de quo vos sententiam per tabellam feretis? Dicunt legati Melitenses publice spoliatum templum esse Iunonis, nihil istum in religiosissimo fano reliquisse; quem in locum classes hostium saepe accesserint, ubi piratae fere quotannis hiemare soleant, quod neque praedo violarit ante neque umquam hostis attigerit, id ab uno isto sic spoliatum esse ut nihil omnino sit relictum. Hic nunc iste reus aut ego accusator aut hoc iudicium appellabitur? Criminibus enim coarguitur aut suspicionibus in iudicium vocatur! Di ablati, fana vexata, nudatae

urbes reperiuntur; earum autem rerum nullam sibi iste neque infitiandi rationem neque defendendi facultatem reliquit; omnibus in rebus coarguitur a me, convincitur a testibus, urgetur confessione sua, manifestis in maleficiis tenetur, — et manet etiam ac tacitus facta mecum sua recognoscit!

[105] Nimium mihi diu videor in uno genere versari criminum; sentio, iudices, occurrendum esse satietati aurium animorumque vestrorum. Quam ob rem multa praetermittam; ad ea autem quae dicturus sum reficite vos, quaeso, iudices, per deos immortalis, — eos ipsos de quorum religione iam diu dicimus, — dum id eius facinus commemoro et profero quo provincia tota commota est. De quo si paulo altius ordiri ac repetere memoriam religionis videbor, ignoscite: rei magnitudo me breviter perstringere atrocitatem criminis non sinit.

[106] Vetus est haec opinio, iudices, quae constat ex antiquissimis Graecorum litteris ac monumentis, insulam Siciliam totam esse Cereri et Liberae consecratam. Hoc cum ceterae gentes sic arbitrantur, tum ipsis Siculis ita persuasum est ut in animis eorum insitum atque innatum esse videatur. Nam et natas esse has in his locis deas et fruges in ea terra primum repertas esse arbitrantur, et raptam esse Liberam, quam eandem Proserpinam vocant, ex Hennensium nemore, qui locus, quod in media est insula situs, umbilicus Siciliae nominatur. Quam cum investigare et conquirere Ceres vellet, dicitur inflammasse taedas iis ignibus qui ex Aetnae vertice erumpunt; quas sibi cum ipsa praeferret, orbem omnem peragrasse terrarum.

[107] Henna autem, ubi ea quae dico gesta esse memorantur, est loco perexcelso atque edito, quo in summo est aequata agri planities et aquae perennes, tota vero ab omni aditu circumcisa atque directa est; quam circa lacus lucique sunt plurimi atque laetissimi flores omni tempore anni, locus ut ipse raptum illum virginis, quem iam a pueris accepimus, declarare videatur. Etenim prope est spelunca quaedam conversa ad aquilonem infinita altitudine, qua Ditem patrem ferunt repente cum curru exstitisse abreptamque ex eo loco virginem secum asportasse et subito non longe a Syracusis penetrasse sub terras, lacumque in eo loco repente exstitisse, ubi usque ad hoc tempus Syracusani festos dies anniversarios agunt

celeberrimo virorum mulierumque conventu. Propter huius opinionis vetustatem, quod horum in his locis vestigia ac prope incunabula reperiuntur deorum, mira quaedam tota Sicilia privatim ac publice religio est Cereris Hennensis. Etenim multa saepe prodigia vim eius numenque declarant; multis saepe in difficillimis rebus praesens auxilium eius oblatum est, ut haec insula ab ea non solum diligi sed etiam incoli custodirique videatur.

[108] Nec solum Siculi, verum etiam ceterae gentes nationesque Hennensem Cererem maxime colunt. Etenim si Atheniensium sacra summa cupiditate expetuntur, ad quos Ceres in illo errore venisse dicitur frugesque attulisse, quantam esse religionem convenit eorum apud quos eam natam esse et fruges invenisse constat? Itaque apud patres nostros atroci ac difficili rei publicae tempore, cum Tiberio Graccho occiso magnorum periculorum metus ex ostentis portenderetur, P. Mucio L. Calpurnio consulibus aditum est ad libros Sibyllinos; ex quibus inventum est Cererem antiquissimam placari oportere. Tum ex amplissimo collegio decemvirali sacerdotes populi Romani, cum esset in urbe nostra Cereris pulcherrimum et magnificentissimum templum, tamen usque Hennam profecti sunt. Tanta enim erat auctoritas et vetustas illius religionis ut, cum illuc irent, non ad aedem Cereris sed ad ipsam Cererem proficisci viderentur.

[109] Non obtundam diutius; etenim iam dudum vereor ne oratio mea aliena ab iudiciorum ratione et a cotidiana dicendi consuetudine esse videatur. Hoc dico, hanc ipsam Cererem antiquissimam, religiosissimam, principem omnium sacrorum quae apud omnis gentis nationesque fiunt, a C. Verre ex suis templis ac sedibus esse sublatam. Qui accessistis Hennam, vidistis simulacrum Cereris e marmore et in altero templo Liberae. Sunt ea perampla atque praeclara, sed non ita antiqua. Ex aere fuit quoddam modica amplitudine ac singulari opere cum facibus perantiquum, omnium illorum quae sunt in eo fano multo antiquissimum; id sustulit. Ac tamen eo contentus non fuit.

[110] Ante aedem Cereris in aperto ac propatulo loco signa duo sunt, Cereris unum, alterum Triptolemi, pulcherrima ac perampla. Pulchritudo periculo, amplitudo saluti fuit, quod eorum demolitio atque asportatio perdifficilis videbatur. Insistebat in manu Cereris

dextra grande simulacrum pulcherrime factum Victoriae; hoc iste e signo Cereris avellendum asportandumque curavit. Qui tandem istius animus est nunc in recordatione scelerum suorum, cum ego ipse in commemoratione eorum non solum animo commovear verum etiam corpore perhorrescam? Venit enim mihi fani, loci, religionis illius in mentem; versantur ante oculos omnia, dies ille quo, cum ego Hennam venissem, praesto mihi sacerdotes Cereris cum infulis ac verbenis fuerunt, contio conventusque civium, in quo ego cum loquerer tanti gemitus fletusque fiebant ut acerbissimus tota urbe luctus versari videretur.

[111] Non illi decumarum imperia, non bonorum direptiones, non iniqua iudicia, non importunas istius libidines, non vim, non contumelias quibus vexati oppressique erant conquerebantur; Cereris numen, sacrorum vetustatem, fani religionem istius sceleratissimi atque audacissimi supplicio expiari volebant; omnia se cetera pati ac neglegere dicebant. Hic dolor erat tantus ut Verres alter Orcus venisse Hennam et non Proserpinam asportasse sed ipsam abripuisse Cererem videretur. Etenim urbs illa non urbs videtur, sed fanum Cereris esse; habitare apud sese Cererem Hennenses arbitrantur, ut mihi non cives illius civitatis, sed omnes sacerdotes, omnes accolae atque antistites Cereris esse videantur.

[112] Henna tu simulacrum Cereris tollere audebas, Henna tu de manu Cereris Victoriam eripere et deam deae detrahere conatus es? quorum nihil violare, nihil attingere ausi sunt in quibus erant omnia quae sceleri propiora sunt quam religioni. Tenuerunt enim P. Popilio P. Rupilio consulibus illum locum servi, fugitivi, barbari, hostes; sed neque tam servi illi dominorum quam tu libidinum, neque tam fugitivi illi ab dominis quam tu ab iure et ab legibus, neque tam barbari lingua et natione illi quam tu natura et moribus, neque tam illi hostes hominibus quam tu dis immortalibus. Quae deprecatio est igitur ei reliqua qui indignitate servos, temeritate fugitivos, scelere barbaros, crudelitate hostes vicerit?

[113] Audistis Theodorum et Numenium et Nicasionem, legatos Hennensis, publice dicere sese a suis civibus haec habere mandata, ut ad Verrem adirent et eum simulacrum Cereris et Victoriae reposcerent; id si impetrassent, tum ut morem veterem Hennensium conservarent, publice in eum, tametsi vexasset Siciliam, tamen,

quoniam haec a maioribus instituta accepissent, testimonium ne quod dicerent; sin autem ea non reddidisset, tum ut in iudicio adessent, tum ut de eius iniuriis iudices docerent, sed maxime de religione quererentur. Quas illorum querimonias nolite, per deos immortalis, aspernari, nolite contemnere ac neglegere, iudices! Aguntur iniuriae sociorum, agitur vis legum, agitur existimatio veritasque iudiciorum. Quae sunt omnia permagna, verum illud maximum: tanta religione obstricta tota provincia est, tanta superstitio ex istius facto mentis omnium Siculorum occupavit ut quaecumque accidant publice privatimque incommoda propter eam causam sceleris istius evenire videantur.

[114] Audistis Centuripinos, Agyrinensis, Catinensis, Aetnensis, Herbitensis complurisque alios publice dicere quae solitudo esset in agris, quae vastitas, quae fuga aratorum, quam deserta, quam inculta, quam relicta omnia. Ea tametsi multis istius et variis iniuriis acciderunt, tamen haec una causa in opinione Siculorum plurimum valet, quod Cerere violata omnis cultus fructusque Cereris in iis locis interisse arbitrantur. Medemini religioni sociorum, iudices, conservate vestram; neque enim haec externa vobis est religio neque aliena; quodsi esset, si suscipere eam nolletis, tamen in eo qui violasset sancire vos velle oporteret.

[115] Nunc vero in communi omnium gentium religione, inque iis sacris quae maiores nostri ab exteris nationibus adscita atque arcessita coluerunt, — quae sacra, ut erant re vera, sic appellari Graeca voluerunt, — neglegentes ac dissoluti si cupiamus esse, qui possumus? Vnius etiam urbis omnium pulcherrimae atque ornatissimae, Syracusarum, direptionem commemorabo et in medium proferam, iudices, ut aliquando totam huius generis orationem concludam atque definiam. Nemo fere vestrum est quin quem ad modum captae sint a M. Marcello Syracusae saepe audierit, non numquam etiam in annalibus legerit. Conferte hanc pacem cum illo bello, huius praetoris adventum cum illius imperatoris victoria, huius cohortem impuram cum illius exercitu invicto, huius libidines cum illius continentia: ab illo qui cepit conditas, ab hoc qui constitutas accepit captas dicetis Syracusas.

[116] Ac iam illa omitto quae disperse a me multis in locis dicentur ac dicta sunt, forum Syracusanorum, quod introitu Marcelli purum a caede servatum est, id adventu Verris Siculorum innocentium sanguine redundasse, portum Syracusanorum, qui tum et nostris classibus et Carthaginiensium clausus fuisset, eum isto praetore Cilicum myoparoni praedonibusque patuisse; mitto adhibitam vim ingenuis, matres familias violatas, quae tum in urbe capta commissa non sunt neque odio hostili neque licentia militari neque more belli neque iure victoriae; mitto, inquam, haec omnia, quae ab isto per triennium perfecta sunt; ea quae coniuncta cum illis rebus sunt de quibus antea dixi cognoscite.

[117] Vrbem Syracusas maximam esse Graecarum, pulcherrimam omnium saepe audistis. Est, iudices, ita ut dicitur. Nam et situ est cum munito tum ex omni aditu vel terra vel mari praeclaro ad aspectum, et portus habet prope in aedificatione amplexuque urbis inclusos; qui cum diversos inter se aditus habeant, in exitu coniunguntur et confluunt. Eorum coniunctione pars oppidi quae appellatur Insula, mari disiuncta angusto, ponte rursus adiungitur et continetur.

[118] Ea tanta est urbs ut ex quattuor urbibus maximis constare dicatur; quarum una est ea quam dixi Insula, quae duobus portibus cincta in utriusque portus ostium aditumque proiecta est; in qua domus est quae Hieronis regis fuit, qua praetores uti solent. In ea sunt aedes sacrae complures, sed duae quae longe ceteris antecellant, Dianae, et altera, quae fuit ante istius adventum ornatissima, Minervae. In hac insula extrema est fons aquae dulcis, cui nomen Arethusa est, incredibili magnitudine, plenissimus piscium, qui fluctu totus operiretur nisi munitione ac mole lapidum diiunctus esset a mari.

[119] Altera autem est urbs Syracusis, cui nomen Achradina est; in qua forum maximum, pulcherrimae porticus, ornatissimum prytanium, amplissima est curia templumque egregium Iovis Olympii ceteraeque urbis partes, quae una via lata perpetua multisque transversis divisae privatis aedificiis continentur. Tertia est urbs quae, quod in ea parte Fortunae fanum antiquum fuit, Tycha nominata est; in qua gymnasium amplissimum est et complures

aedes sacrae, coliturque ea pars et habitatur frequentissime. Quarta autem est quae, quia postrema coaedificata est, Neapolis nominatur; quam ad summam theatrum maximum, praeterea duo templa sunt egregia, Cereris unum, alterum Liberae, signumque Apollinis, qui Temenites vocatur, pulcherrimum et maximum; quod iste si portare potuisset, non dubitasset auferre.

[120] Nunc ad Marcellum revertar, ne haec a me sine causa commemorata esse videantur. Qui cum tam praeclaram urbem vi copiisque cepisset, non putavit ad laudem populi Romani hoc pertinere, hanc pulchritudinem, ex qua praesertim periculi nihil ostenderetur, delere et exstinguere. Itaque aedificiis omnibus, publicis privatis, sacris profanis, sic pepercit quasi ad ea defendenda cum exercitu, non oppugnanda venisset. In ornatu urbis habuit victoriae rationem, habuit humanitatis; victoriae putabat esse multa Romam deportare quae ornamento urbi esse possent, humanitatis non plane exspoliare urbem, praesertim quam conservare voluisset.

[121] In hac partitione ornatus non plus victoria Marcelli populo Romano adpetivit quam humanitas Syracusanis reservavit. Romam quae adportata sunt, ad aedem Honoris et Virtutis itemque aliis in locis videmus. Nihil in aedibus, nihil in hortis posuit, nihil in suburbano; putavit, si urbis ornamenta domum suam non contulisset, domum suam ornamento urbi futuram. Syracusis autem permulta atque egregia reliquit; deum vero nullum violavit, nullum attigit. Conferte Verrem, non ut hominem cum homine comparetis, ne qua tali viro mortuo fiat iniuria, sed ut pacem cum bello, leges cum vi, forum et iuris dictionem cum ferro et armis, adventum et comitatum cum exercitu et victoria conferatis.

[122] Aedis Minervae est in Insula, de qua ante dixi; quam Marcellus non attigit, quam plenam atque ornatam reliquit; quae ab isto sic spoliata atque direpta est non ut ab hoste aliquo, qui tamen in bello religionem et consuetudinis iura retineret, sed ut a barbaris praedonibus vexata esse videatur. Pugna erat equestris Agathocli regis in tabulis picta praeclare; iis autem tabulis interiores templi parietes vestiebantur. Nihil erat ea pictura nobilius, nihil Syracusis quod magis visendum putaretur. Has tabulas M. Marcellus, cum omnia victoria illa sua profana fecisset, tamen religione impeditus non attigit; iste, cum illa propter diuturnam pacem fidelitatemque

populi Syracusani sacra religiosaque accepisset, omnis eas tabulas abstulit, parietes quorum ornatus tot saecula manserant, tot bella effugerant, nudos ac deformatos reliquit.

[123] Et Marcellus qui, si Syracusas cepisset, duo templa se Romae dedicaturum voverat, is id quod erat aedificaturus iis rebus ornare quas ceperat noluit: Verres qui non Honori neque Virtuti, quem ad modum ille, sed Veneri et Cupidini vota deberet, is Minervae templum spoliare conatus est. Ille deos deorum spoliis ornari noluit, hic ornamenta Minervae virginis in meretriciam domum transtulit. Viginti et septem praeterea tabulas pulcherrime pictas ex eadem aede sustulit, in quibus erant imagines Siciliae regum ac tyrannorum, quae non solum pictorum artificio delectabant, sed etiam commemoratione hominum et cognitione formarum. Ac videte quanto taetrior hic tyrannus Syracusanis fuerit quam quisquam superiorum, quia, cum illi tamen ornarint templa deorum immortalium, hic etiam illorum monumenta atque ornamenta sustulit.

[124] Iam vero quid ego de valvis illius templi commemorem? Vereor ne haec qui non viderunt omnia me nimis augere atque ornare arbitrentur; quod tamen nemo suspicari debet, tam esse me cupidum ut tot viros primarios velim, praesertim ex iudicum numero, qui Syracusis fuerint, qui haec viderint, esse temeritati et mendacio meo conscios. Confirmare hoc liquido, iudices, possum, valvas magnificentiores, ex auro atque ebore perfectiores, nullas umquam ullo in templo fuisse. Incredibile dictu est quam multi Graeci de harum valvarum pulchritudine scriptum reliquerint. Nimium forsitan haec illi mirentur atque efferant; esto; verum tamen honestius est rei publicae nostrae, iudices, ea quae illis pulchra esse videantur imperatorem nostrum in bello reliquisse quam praetorem in pace abstulisse. Ex ebore diligentissime perfecta argumenta erant in valvis; ea detrahenda curavit omnia. Gorgonis os pulcherrimum cinctum anguibus revellit atque abstulit, et tamen indicavit se non solum artificio sed etiam pretio quaestuque duci; nam bullas aureas omnis ex iis valvis, quae erant multae et graves, non dubitavit auferre; quarum iste non opere delectabatur sed pondere. Itaque eius modi valvas reliquit ut quae olim ad ornandum templum erant maxime nunc tantum ad claudendum factae esse videantur.

[125] Etiamne gramineas hastas — vidi enim vos in hoc nomine,

cum testis diceret, commoveri: quod erat eius modi ut semel vidisse satis esset, (in quibus neque manu factum quicquam neque pulchritudo erat ulla, sed tantum magnitudo incredibilis de qua vel audire satis esset, nimium videre plus quam semel,) etiam id concupisti?

[126] Nam Sappho quae sublata de prytanio est dat tibi iustam excusationem, prope ut concedendum atque ignoscendum esse videatur. Silanionis opus tam perfectum, tam elegans, tam elaboratum quisquam non modo privatus sed populus potius haberet quam homo elegantissimus atque eruditissimus, Verres? Nimirum contra dici nihil potest. Nostrum enim unus quisque, qui tam beati quam iste est non sumus, tam delicati esse non possumus, si quando aliquid istius modi videre volet, eat ad aedem Felicitatis, ad monumentum Catuli, in porticum Metelli, det operam ut admittatur in alicuius istorum Tusculanum, spectet forum ornatum, si quid iste suorum aedilibus commodarit: Verres haec habeat domi, Verres ornamentis fanorum atque oppidorum habeat plenam domum, villas refertas. Etiamne huius operari studia ac delicias, iudices, perferetis? qui ita natus, ita educatus est, ita factus et animo et corpore ut multo appositior ad ferenda quam ad auferenda signa esse videatur.

[127] Atque haec Sappho sublata quantum desiderium sui reliquerit, dici vix potest. Nam cum ipsa fuit egregie facta, tum epigramma Graecum pernobile incisum est in basi, quod iste eruditus homo et Graeculus, qui haec subtiliter iudicat, qui solus intellegit, si unam litteram Graecam scisset, certe non sustulisset. Nunc enim quod scriptum est inani in basi declarat quid fuerit, et id ablatum indicat. Quid? signum Paeanis ex aede Aesculapi praeclare factum, sacrum ac religiosum, non sustulisti? quod omnes propter pulchritudinem visere, propter religionem colere solebant.

[128] Quid? ex aede Liberi simulacrum Aristaei non tuo imperio palam ablatum est? Quid? ex aede Iovis religiosissimum simulacrum Iovis Imperatoris, quem Graeci Vrion nominant, pulcherrime factum nonne abstulisti? Quid? ex aede Liberae <agninum> caput illud pulcherrimum, quod visere solebamus, num dubitasti tollere? Atque ille Paean sacrificiis anniversariis simul cum Aesculapio apud illos colebatur; Aristaeus, qui [ut Graeci ferunt, Liberi filius] inventor olei esse dicitur, una cum Libero patre apud illos eodem erat in templo

consecratus.

[129] Iovem autem Imperatorem quanto honore in suo templo fuisse arbitramini? Conicere potestis, si recordari volueritis quanta religione fuerit eadem specie ac forma signum illud quod ex Macedonia captum in Capitolio posuerat <T.> Flamininus. Etenim tria ferebantur in orbe terrarum signa Iovis Imperatoris uno in genere pulcherrime facta, unum illud Macedonicum quod in Capitolio vidimus, alterum in Ponti ore et angustiis, tertium quod Syracusis ante Verrem praetorem fuit. Illud Flamininus ita ex aede sua sustulit ut in Capitolio, hoc est in terrestri domicilio Iovis poneret.

[130] Quod autem est ad introitum Ponti, id, cum tam multa ex illo mari bella emerserint, tam multa porro in Pontum invecta sint, usque ad hanc diem integrum inviolatumque servatum est. Hoc tertium, quod erat Syracusis, quod M. Marcellus armatus et victor viderat, quod religioni concesserat, quod cives atque incolae colere, advenae non solum visere verum etiam venerari solebant, id C. Verres ex templo Iovis sustulit.

[131] Vt saepius ad Marcellum revertar, iudices, sic habetote, pluris esse a Syracusanis istius adventu deos quam victoria Marcelli homines desideratos. Etenim ille requisisse etiam dicitur Archimedem illum, summo ingenio hominem ac disciplina, quem cum audisset interfectum permoleste tulisse: iste omnia quae requisivit, non ut conservaret verum ut asportaret requisivit. Iam illa quae leviora videbuntur ideo praeteribo, quod mensas Delphicas e marmore, crateras ex aere pulcherrimas, vim maximam vasorum Corinthiorum ex omnibus aedibus sacris abstulit Syracusis.

[132] Itaque, iudices, ii qui hospites ad ea quae visenda sunt solent ducere et unum quidque ostendere, — quos illi mystagogos vocant, — conversam iam habent demonstrationem suam. Nam ut ante demonstrabant quid ubique esset, item nunc quid undique ablatum sit ostendunt. Quid tum? mediocrine tandem dolore eos adfectos esse arbitramini? Non ita est, iudices, primum quod omnes religione moventur et deos patrios quos a maioribus acceperunt colendos sibi diligenter et retinendos esse arbitrantur; deinde hic ornatus, haec opera atque artificia, signa, tabulae pictae Graecos homines nimio opere delectant. Itaque ex illorum querimoniis intellegere possumus haec illis acerbissima videri quae forsitan nobis levia et contemnenda

esse videantur. Mihi credite, iudices, — tametsi vosmet ipsos haec eadem audire certo scio, — cum multas acceperint per hosce annos socii atque exterae nationes calamitates et iniurias, nullas Graeci homines gravius ferunt ac tulerunt quam huiusce modi spoliationes fanorum atque oppidorum.

[133] Licet iste dicat emisse se, sicuti solet dicere, credite hoc mihi, iudices: nulla umquam civitas tota Asia et Graecia signum ullum, tabulam pictam <ullam>, ullum denique ornamentum urbis sua voluntate cuiquam vendidit; nisi forte existimatis, posteaquam iudicia severa Romae fieri desierunt, Graecos homines haec venditare coepisse, quae tum non modo non venditabant, cum iudicia fiebant, verum etiam coemebant; aut nisi arbitramini L. Crasso, Q. Scaevolae, C. Claudio, potentissimis hominibus, quorum aedilitates ornatissimas vidimus, commercium istarum rerum cum Graecis hominibus non fuisse, iis qui post iudiciorum dissolutionem aediles facti sunt fuisse.

[134] Acerbiorem etiam scitote esse civitatibus falsam istam et simulatam emptionem quam si qui clam surripiat aut eripiat palam atque auferat; nam turpitudinem summam esse arbitrantur referri in tabulas publicas pretio adductam civitatem, et pretio parvo, ea quae accepisset a maioribus vendidisse atque abalienasse. Etenim mirandum in modum Graeci rebus istis, quas nos contemnimus, delectantur. Itaque maiores nostri facile patiebantur haec esse apud illos quam plurima: apud socios, ut imperio nostro quam ornatissimi florentissimique essent; apud eos autem quos vectigalis aut stipendiarios fecerant tamen haec relinquebant, ut illi, quibus haec iucunda sunt quae nobis levia videntur, haberent haec oblectamenta et solacia servitutis.

[135] Quid arbitramini Reginos, qui iam cives Romani sunt, merere velle ut ab iis marmorea Venus illa auferatur? quid Tarentinos, ut Europam in tauro amittant, ut Satyrum qui apud illos in aede Vestae est, ut cetera? quid Thespiensis ut Cupidinis signum, propter quod unum visuntur Thespiae, quid Cnidios ut Venerem marmoream, quid ut pictam Coos, quid Ephesios ut Alexandrum, quid Cyzicenos ut Aiacem aut Medeam, quid Rhodios ut Ialysum, quid Atheniensis ut ex marmore Iacchum aut Paralum pictum aut ex aere Myronis buculam? Longum est et non necessarium commemorare quae apud

quosque visenda sunt tota Asia et Graecia; verum illud est quam ob rem haec commemorem, quod existimare vos hoc volo, mirum quendam dolorem accipere eos ex quorum urbibus haec auferantur.

[136] Atque ut ceteros omittamus, de ipsis Syracusanis cognoscite. Ad quos ego cum venissem, sic primum existimabam, ut Romae ex istius amicis acceperam, civitatem Syracusanam propter Heracli hereditatem non minus esse isti amicam quam Mamertinam propter praedarum ac furtorum omnium societatem; simul et verebar ne mulierum nobilium et formosarum gratia, quarum iste arbitrio praeturam per triennium gesserat, virorumque quibuscum illae nuptae erant, nimia in istum non modo lenitudine sed etiam liberalitate oppugnarer, si quid ex litteris Syracusanorum conquirerem.

[137] Itaque Syracusis cum civibus Romanis eram, eorum tabulas exquirebam, iniurias cognoscebam. Cum diutius in negotio curaque fueram, ut requiescerem curamque animi remitterem, ad Carpinati praeclaras tabulas revertebar, ubi cum equitibus Romanis, hominibus ex illo conventu honestissimis, illius Verrucios, de quibus ante dixi, explicabam; a Syracusanis prorsus nihil adiumenti neque publice neque privatim exspectabam, neque erat in animo postulare. Cum haec agerem, repente ad me venit Heraclius, is qui tum magistratum Syracusis habebat, homo nobilis, qui sacerdos Iovis fuisset, qui honos est apud Syracusanos amplissimus. Agit mecum et cum fratre meo ut, si nobis videretur, adiremus ad eorum senatum; frequentis esse in curia; se iussu senatus a nobis petere ut veniremus.

[138] Primo nobis fuit dubium quid ageremus; deinde cito venit in mentem non esse vitandum illum nobis conventum et locum; itaque in curiam venimus. Honorifice sane consurgitur; nos rogatu magistratus adsedimus. Incipit is loqui qui et auctoritate et aetate et, ut mihi visum est, usu rerum antecedebat, Diodorus Timarchidi, cuius omnis oratio hanc habuit primo sententiam: senatum et populum Syracusanum moleste graviterque ferre quod ego, cum in ceteris Siciliae civitatibus senatum populumque docuissem quid iis utilitatis, quid salutis adferrem, et cum ab omnibus mandata, legatos, litteras testimoniaque sumpsissem, in illa civitate nihil eius modi facerem. Respondi neque Romae in conventu Siculorum, cum a me auxilium communi omnium legationum consilio petebatur causaque

totius provinciae ad me deferebatur, legatos Syracusanorum adfuisse, neque me postulare ut quicquam contra C. Verrem decerneretur in ea curia in qua inauratam C. Verris statuam viderem.

[139] Quod posteaquam dixi, tantus est gemitus factus aspectu statuae et commemoratione ut illud in curia positum monumentum scelerum non beneficiorum videretur. Tum pro se quisque, quantum dicendo adsequi poterat, docere me coepit ea quae paulo ante commemoravi, spoliatam urbem, fana direpta, de Heracli hereditate, quam palaestritis concessisset, multo maximam partem ipsum abstulisse; neque postulandum fuisse ut ille palaestritas diligeret, qui etiam inventorem olei deum sustulisset; neque illam statuam esse ex pecunia publica neque publice datam, sed eos qui hereditatis diripiendae participes fuissent faciendam statuendamque curasse; eosdem Romae fuisse legatos, illius adiutores improbitatis, socios furtorum, conscios flagitiorum; eo minus mirari me oportere si illi communi legatorum voluntati et saluti Siciliae defuissent.

[140] Vbi eorum dolorem ex illius iniuriis non modo non minorem sed prope maiorem quam Siculorum ceterorum esse cognovi, tum meum animum in illos, tum mei consili negotique totius suscepti causam rationemque proposui, tum eos hortatus sum ut causae communi salutique ne deessent, ut illam laudationem, quam se vi ac metu coactos paucis illis diebus decresse dicebant, tollerent. Itaque, iudices, Syracusani haec faciunt, istius clientes atque amici. Primum mihi litteras publicas, quas in aerario sanctiore conditas habebant, proferunt; in quibus ostendunt omnia quae dixi ablata esse perscripta, et plura etiam quam ego potui dicere; perscripta autem hoc modo: Quod ex aede Minervae hoc et illud abesset, quod ex aede Iovis, quod ex aede Liberi — ut quisque iis rebus tuendis conservandisque praefuerat, ita perscriptum erat — cum rationem e lege redderent et quae acceperant tradere deberent, petisse ut sibi, quod eae res abessent, ignosceretur; itaque omnis liberatos discessisse, et esse ignotum omnibus. Quas ego litteras obsignandas publico signo deportandasque curavi.

[141] De laudatione autem ratio sic mihi reddita est. Primum, cum a C. Verre litterae aliquanto ante adventum meum de laudatione venissent, nihil esse decretum; deinde, cum quidam ex illius amicis commonerent oportere decerni, maximo clamore esse et convicio

repudiatos; postea, cum meus adventus adpropinquaret, imperasse eum qui summam potestatem haberet ut decernerent; decretum ita esse ut multo plus illi laudatio mali quam boni posset adferre. Id adeo, iudices, ut mihi ab illis demonstratum est, sic vos ex me cognoscite.

[142] Mos est Syracusis ut, si qua de re ad senatum referant, dicat sententiam qui velit; nominatim nemo rogatur, et tamen, ut quisque aetate et honore antecedit ita primus solet sua sponte dicere, itaque a ceteris ei conceditur; sin aliquando tacent omnes, tunc sortito coguntur dicere. Cum hic mos esset, refertur ad senatum de laudatione Verris. In quo primum, ut aliquid esset morae, multi interpellant; de Sex. Peducaeo, qui de illa civitate totaque provincia optime meritus esset, sese antea, cum audissent ei negotium facessitum, cumque eum publice pro plurimis eius et maximis meritis laudare cuperent, a C. Verre prohibitos esse; iniquum esse, tametsi Peducaeus eorum laudatione iam non uteretur, tamen non id prius decernere quod aliquando voluissent quam quod tum cogerentur.

[143] Conclamant omnes et adprobant ita fieri oportere. Refertur de Peducaeo. Vt quisque aetate et honore antecedebat, ita sententiam dixit ex ordine. Id adeo ex ipso senatus consulto cognoscite; nam principum sententiae perscribi solent. Recita. ‘Qvod verba facta svnt de Sex. Pedvcaeo.’ Dicit qui primi suaserint. Decernitur. Refertur deinde de Verre. Dic, quaeso, quo modo? ‘Qvod verba facta svnt de C. Verre’ — quid postea scriptum est?—’Cvm svrgeret nemo neqve sententiam diceret’ — quid est hoc?—’Sors dvcitvr.’ Quam ob rem? nemo erat voluntarius laudator praeturae tuae, defensor periculorum, praesertim cum inire a praetore gratiam posset? Nemo. Illi ipsi tui convivae, consiliarii, conscii, socii verbum facere non audent. In qua curia statua tua stabat et nuda fili, in ea nemo fuit, ne quem nudus quidem filius nudata provincia commoveret.

[144] Atque etiam hoc me docent, eius modi senatus consultum fecisse laudatores ut omnes intellegere possent non laudationem sed potius inrisionem esse illam quae commonefaceret istius turpem calamitosamque praeturam. Etenim scriptum esse ita: qvod is virgis neminem cecidisset — a quo cognostis nobilissimos homines atque innocentissimos securi esse percussos; qvod vigilanter provinciam administrasset — cuius omnis vigilias in stupris constat adulteriisque

esse consumptas; [cuius modi constat, hoc vero scriptum esse, quod proferre non auderet reus, accusator recitare non desineret] qvod praedones procvl ab insvla Sicilia prohibvisset [Verres] — quos etiam intra Syracusanam insulam recepisset.

[145] Haec posteaquam ex illis cognovi, discessi cum fratre e curia, ut nobis absentibus, si quid vellent, decernerent. Decernunt statim primum ut cum Lucio fratre hospitium publice fieret, quod is eandem voluntatem erga Syracusanos suscepisset quam ego semper habuissem. Id non modo tum scripserunt, verum etiam in aere incisum nobis tradiderunt. Valde hercule te Syracusani tui, quos crebro commemorare soles, diligunt, qui cum accusatore tuo satis iustam causam coniungendae necessitudinis putant quod te accusaturus sit et quod inquisitum in te venerit. Postea decernitur, ac non varie sed prope cunctis sententiis, ut laudatio quae C. Verri decreta esset tolleretur.

[146] In eo cum iam non solum discessio facta esset, sed etiam perscriptum atque in tabulas relatum, praetor appellatur. At quis appellat? magistratus aliqui? Nemo. Senator? Ne id quidem. Syracusanorum aliqui? Minime. Quis igitur praetorem appellat? Qui quaestor istius fuerat, P. Caesetius. O rem ridiculam! o desertum hominem, desperatum, relictum! A magistratu Siculo, ne senatus consultum Siculi homines facere possent, ne suum ius suis moribus, suis legibus obtinere possent, non amicus istius, non hospes, non denique aliquis Siculus, sed quaestor populi Romani praetorem appellat! Quis hoc vidit, quis audivit? Praetor aequus et sapiens dimitti iubet senatum. Concurrit ad me maxima multitudo. Primum senatores clamare sibi eripi ius, eripi libertatem, populus senatum laudare, gratias agere, cives Romani a me nusquam discedere. Quo quidem die nihil aegrius factum est multo labore meo quam ut manus ab illo appellatore abstinerentur.

[147] Cum ad praetorem in ius adissemus, excogitat sane acute quid decernat; nam ante quam verbum facerem, de sella surrexit atque abiit. Itaque tum de foro, cum iam advesperasceret, discessimus. Postridie mane ab eo postulo ut Syracusanis liceret senatus consultum, quod pridie fecissent, mihi reddere. Ille enim vero negat et ait indignum facinus esse quod ego in senatu Graeco verba fecissem; quod quidem apud Graecos Graece locutus essem, id ferri

nullo modo posse. Respondi homini ut potui, ut debui, ut volui. Cum multa tum etiam hoc <me> memini dicere, facile esse perspicuum quantum inter hunc et illum Numidicum, verum ac germanum Metellum, interesset; illum noluisse sua laudatione iuvare L. Lucullum, sororis virum, quicum optime convenisset, hunc homini alienissimo a civitatibus laudationes per vim et metum comparare.

[148] Quod ubi intellexi, multum apud illum recentis nuntios, multum tabellas non commendaticias sed tributarias valuisse, admonitu ipsorum Syracusanorum impetum in eas tabulas facio in quibus senatus consultum perscripserant. Ecce autem nova turba atque rixa, ne tamen istum omnino Syracusis sine amicis, sine hospitibus, plane nudum esse ac desertum putetis! Retinere incipit tabulas Theomnastus quidam, homo ridicule insanus, quem Syracusani Theoractum vocant; qui illic eius modi est ut eum pueri sectentur, ut omnes cum loqui coepit inrideant. Huius tamen insania, quae ridicula est aliis, mihi tum molesta sane fuit; nam cum spumas ageret in ore, oculis arderet, voce maxima vim me sibi adferre clamaret, copulati in ius pervenimus.

[149] Hic ego postulare coepi ut mihi tabulas obsignare ac deportare liceret; ille contra dicere, negare esse illud senatus consultum in quo praetor appellatus esset, negare id mihi tradi oportere. Ego legem recitare, omnium mihi tabularum et litterarum fieri potestatem; ille furiosus urgere nihil ad se nostras leges pertinere. Praetor intellegens negare sibi placere, quod senatus consultum ratum esse non deberet, id me Romam deportare. Quid multa? nisi vehementius homini minatus essem, nisi legis sanctionem poenamque recitassem, tabularum mihi potestas facta non esset. Ille autem insanus, qui pro isto vehementissime contra me declamasset, postquam non impetravit, credo, ut in gratiam mecum rediret, libellum mihi dat in quo istius furta Syracusana perscripta erant, quae ego antea iam ab aliis cognoram et acceperam.

[150] Laudent te iam sane Mamertini, quoniam ex tota provincia soli sunt qui te salvum velint, ita tamen laudent ut Heius, qui princeps legationis est, adsit, ita laudent ut ad ea quae rogati erunt mihi parati sint respondere. Ac ne subito a me opprimantur, haec sum rogaturus: navem populo Romano debeantne? fatebuntur. Praebuerintne praetore C. Verre? negabunt. Aedificarintne navem

onerariam maximam publice, quam Verri dederunt? negare non poterunt. Frumentum ab iis sumpseritne C. Verres, quod populo Romano mitteret, sicuti superiores? negabunt. Quid militum aut nautarum per triennium dederint? nullum datum dicent. Fuisse Messanam omnium istius furtorum ac praedarum receptricem negare non poterunt; permulta multis navibus illinc exportata, hanc navem denique maximam, a Mamertinis datam, onustam cum isto profectam fatebuntur.

[151] Quam ob rem tibi habe sane istam laudationem Mamertinorum; Syracusanam quidem civitatem ut abs te adfecta est ita in te esse animatam videmus, apud quos etiam Verria illa flagitiosa sublata sunt. Etenim minime conveniebat ei deorum honores haberi qui simulacra deorum abstulisset. Etiam hercule illud in Syracusanis merito reprehenderetur, si, cum diem festum ludorum de fastis suis sustulissent celeberrimum et sanctissimum, quod eo ipso die Syracusae a Marcello captae esse dicuntur, idem diem festum Verris nomine agerent, cum iste a Syracusanis quae ille calamitosus dies reliquerat ademisset. At videte hominis impudentiam atque adrogantiam, iudices, qui non solum Verria haec turpia ac ridicula ex Heracli pecunia constituerit, verum etiam Marcellia tolli imperarit, ut ei sacra facerent quotannis cuius opera omnium annorum sacra deosque patrios amiserant, eius autem familiae dies festos tollerent per quam ceteros quoque festos dies recuperarant.

ACTIONIS IN C. VERREM SECVNDAE. LIBER QVINTVS.

[1] Nemini video dubium esse, iudices, quin apertissime C. Verres in Sicilia sacra profanaque omnia et privatim et publice spoliarit, versatusque sit sine ulla non modo religione verum etiam dissimulatione in omni genere furandi atque praedandi. Sed quaedam mihi magnifica et praeclara eius defensio ostenditur; cui quem ad modum resistam multo mihi ante est, iudices, providendum. Ita enim causa constituitur, provinciam Siciliam virtute istius et vigilantia singulari dubiis formidolosisque temporibus a fugitivis atque a belli periculis tutam esse servatam.

[2] Quid agam, iudices? quo accusationis meae rationem conferam? quo me vertam? ad omnis enim meos impetus quasi murus quidam boni nomen imperatoris opponitur. Novi locum; video ubi se iactaturus sit Hortensius. Belli pericula, tempora rei publicae, imperatorum penuriam commemorabit; tum deprecabitur a vobis, tum etiam pro suo iure contendet ne patiamini talem imperatorem populo Romano Siculorum testimoniis eripi, ne obteri laudem imperatoriam criminibus avaritiae velitis.

[3] Non possum dissimulare, iudices; timeo ne C. Verres propter hanc eximiam virtutem in re militari omnia quae fecit impune fecerit. Venit enim mihi in mentem in iudicio M'. Aquili quantum auctoritatis, quantum momenti oratio M. Antoni habuisse existimata sit; qui, ut erat in dicendo non solum sapiens sed etiam fortis, causa prope perorata ipse arripuit M'. Aquilium constituitque in conspectu omnium tunicamque eius a pectore abscidit, ut cicatrices populus Romanus iudicesque aspicerent adverso corpore exceptas; simul et de illo vulnere quod ille in capite ab hostium duce acceperat multa dixit, eoque adduxit eos qui erant iudicaturi vehementer ut vererentur ne, quem virum fortuna ex hostium telis eripuisset, cum sibi ipse non pepercisset, hic non ad populi Romani laudem sed ad iudicum crudelitatem videretur esse servatus.

[4] Eadem nunc ab illis defensionis ratio viaque temptatur, idem quaeritur. Sit fur, sit sacrilegus, sit flagitiorum omnium vitiorumque princeps; at est bonus imperator, at felix et ad dubia rei publicae

tempora reservandus. Non agam summo iure tecum, non dicam id quod debeam forsitan obtinere, cum iudicium certa lege sit, — non quid in re militari fortiter feceris, sed quem ad modum manus ab alienis pecuniis abstinueris abs te doceri oportere; non, inquam, sic agam, sed ita quaeram, quem ad modum te velle intellego, quae tua opera et quanta fuerit in bello.

[5] Quid dicis? an bello fugitivorum Siciliam virtute tua liberatam? Magna laus et honesta oratio; sed tamen quo bello? Nos enim, post illud bellum quod M'. Aquilius confecit, sic accepimus, nullum in Sicilia fugitivorum bellum fuisse. 'At in Italia fuit.' Fateor, et magnum quidem ac vehemens. Num igitur ex eo bello partem aliquam laudis appetere conaris? num tibi illius victoriae gloriam cum M. Crasso aut Cn. Pompeio communicatam putas? Non arbitror hoc etiam tuae deesse impudentiae, ut quicquam eius modi dicere audeas. Obstitisti videlicet ne ex Italia transire in Siciliam fugitivorum copiae possent. Vbi, quando, qua ex parte? cum aut ratibus aut navibus conarentur accedere? Nos enim nihil umquam prorsus audivimus, sed illud audivimus, M. Crassi, fortissimi viri, virtute consilioque factum ne ratibus coniunctis freto fugitivi ad Messanam transire possent, a quo illi conatu non tanto opere prohibendi fuissent, si ulla in Sicilia praesidia ad illorum adventum opposita putarentur.

[6] At cum esset in Italia bellum tam prope a Sicilia, tamen in Sicilia non fuit. Quid mirum? ne cum in Sicilia quidem fuit eodem intervallo, pars eius belli in Italiam ulla pervasit. Etenim propinquitas locorum ad utram partem hoc loco profertur? utrum aditum facilem hostibus an contagionem imitandi belli periculosam fuisse? Aditus omnis hominibus sine ulla facultate navium non modo disiunctus sed etiam clausus est, ut illis quibus Siciliam propinquam fuisse dicis facilius fuerit ad Oceanum pervenire quam ad Peloridem accedere.

[7] Contagio autem ista servilis belli cur abs te potius quam ab iis omnibus qui ceteras provincias obtinuerunt praedicatur? An quod in Sicilia iam antea bella fugitivorum fuerunt? at ea ipsa causa est cur ista provincia minimo in periculo sit et fuerit. Nam posteaquam illinc M'. Aquilius decessit, omnium instituta atque edicta praetorum fuerunt eius modi ut ne quis cum telo servus esset. Vetus est quod dicam, et propter severitatem exempli nemini fortasse vestrum

inauditum, L. Domitium praetorem in Sicilia, cum aper ingens ad eum adlatus esset, admiratum requisisse quis eum percussisset; cum audisset pastorem cuiusdam fuisse, eum vocari ad se iussisse; illum cupide ad praetorem quasi ad laudem atque ad praemium accucurrisse; quaesisse Domitium qui tantam bestiam percussisset; illum respondisse, venabulo; statim deinde iussu praetoris in crucem esse sublatum. Durum hoc fortasse videatur, neque ego ullam in partem disputo: tantum intellego, maluisse Domitium crudelem in animadvertendo quam in praetermittendo dissolutum videri.

[8] Ergo his institutis provinciae iam tum, cum bello sociorum tota Italia arderet, homo non acerrimus nec fortissimus, C. Norbanus, in summo otio fuit: perfacile enim sese Sicilia iam tuebatur, ut ne quod ex ipsa bellum posset exsistere. Etenim cum nihil tam coniunctum sit quam negotiatores nostri cum Siculis usu, re, ratione, concordia, et cum ipsi Siculi res suas ita constitutas habeant ut iis pacem expediat esse, imperium autem populi Romani sic diligant ut id imminui aut commutari minime velint, cumque haec a servorum bello pericula et praetorum institutis et dominorum disciplina provisa sint, nullum est malum domesticum quod ex ipsa provincia nasci possit.

[9] Quid igitur? nulline motus in Sicilia servorum Verre praetore, nullaene consensiones factae esse dicuntur? Nihil sane quod ad senatum populumque Romanum pervenerit, nihil quod iste publice Romam scripserit; et tamen coeptum esse in Sicilia moveri aliquot locis servitium suspicor. Id adeo non tam ex re quam ex istius factis decretisque cognosco. Ac videte quam non inimico animo sim acturus: ego ipse haec quae ille quaerit, quae adhuc numquam audistis, commemorabo et proferam.

[10] In Triocalino, quem locum fugitivi iam ante tenuerunt, Leonidae cuiusdam Siculi familia in suspicionem est vocata coniurationis. Res delata ad istum. Statim, ut par fuit, iussu eius homines qui fuerant nominati comprehensi sunt adductique Lilybaeum; domino denuntiatum est, causa dicta, damnati. Quid deinde? quid censetis? furtum fortasse aut praedam exspectatis aliquam. Nolite usque quaque idem quaerere. In metu belli furandi locus qui potest esse? etiam si qua fuit in hac re occasio praetermissa est. Tum potuit a Leonida nummorum aliquid auferre, cum denuntiavit ut adesset; fuit nundinatio aliqua, et isti non nova, ne

causam dicerent; etiam alter locus, ut absolverentur: damnatis quidem servis quae praedandi potest esse ratio? produci ad supplicium necesse est. Testes enim sunt qui in consilio fuerunt, testes publicae tabulae, testis splendidissima civitas Lilybitana, testis honestissimus maximusque conventus civium Romanorum: fieri nihil potest, producendi sunt. Itaque producuntur et ad palum alligantur.

[11] Etiam nunc mihi exspectare videmini, iudices, quid deinde factum sit, quod iste nihil umquam fecit sine aliquo quaestu atque praeda. Quid in eius modi re fieri potuit? Quod commodum est, exspectate facinus quam vultis improbum; vincam tamen exspectationem omnium. Homines sceleris coniurationisque damnati, ad supplicium traditi, ad palum alligati, repente multis milibus hominum inspectantibus soluti sunt et Triocalino illi domino redditi. Quid hoc loco potes dicere, homo amentissime, nisi id quod ego non quaero, quod denique in re tam nefaria, tametsi dubitari non potest, tamen ne si dubitetur quidem quaeri oporteat, quid aut quantum aut quo modo acceperis? Remitto tibi hoc totum atque ista te cura libero; neque enim metuo ne hoc cuiquam persuadeatur, ut, ad quod facinus nemo praeter te ulla pecunia adduci potuerit, id tu gratis suscipere conatus sis. Verum de ista furandi praedandique ratione nihil dico, de hac imperatoria iam tua laude disputo.

[12] Quid ais, bone custos defensorque provinciae? Tu quos servos arma capere et bellum facere in Sicilia voluisse cognoras et de consili sententia iudicaras, hos ad supplicium iam more maiorum traditos ex media morte eripere ac liberare ausus es, ut, quam damnatis crucem servis fixeras, hanc indemnatis videlicet civibus Romanis reservares? Perditae civitates desperatis iam omnibus rebus hos solent exitus exitialis habere, ut damnati in integrum restituantur, vincti solvantur, exsules reducantur, res iudicatae rescindantur. Quae cum accidunt, nemo est quin intellegat ruere illam rem publicam haec ubi eveniant; nemo est qui ullam spem salutis reliquam esse arbitretur.

[13] Atque haec sicubi <facta sunt>, ita facta sunt ut homines populares aut nobiles supplicio aut exsilio levarentur, at non ab iis ipsis qui iudicassent, at non statim, at non eorum facinorum damnati quae ad vitam et ad fortunas omnium pertinerent. Hoc vero novum et eius modi est ut magis propter reum quam propter rem ipsam credibile videatur, ut homines servos, ut ipse qui iudicarat, ut statim e

medio supplicio dimiserit, ut eius facinoris damnatos servos quod ad omnium liberorum caput et sanguinem pertineret.

[14] O praeclarum imperatorem nec iam cum M'. Aquilio, fortissimo viro, sed vero cum Paulis, Scipionibus, Mariis conferendum! tantumne vidisse in metu periculoque provinciae! Cum servitiorum animos in Sicilia suspensos propter bellum Italiae fugitivorum videret, ne quis se commovere auderet, quantum terroris iniecit! Comprendi iussit; quis non pertimescat? causam dicere dominos; quid servo tam formidolosum? Fecisse videri pronuntiat; exortam videtur flammam paucorum dolore ac morte restinxisse. Quid deinde sequitur? Verbera atque ignes et illa extrema ad supplicium damnatorum, metum ceterorum, cruciatus et crux. Hisce omnibus suppliciis sunt liberati. Quis dubitet quin servorum animos summa formidine oppresserit, cum viderent ea facilitate praetorem ut ab eo servorum sceleris coniurationisque damnatorum vita vel ipso carnifice internuntio redimeretur?

[15] Quid? hoc in Apolloniensi Aristodamo, quid? in Leonte Imacharensi non idem fecisti? Quid? iste motus servitiorum bellique subita suspicio utrum tibi tandem diligentiam custodiendae provinciae an novam rationem improbissimi quaestus attulit? Halicyensis Eumenidae, nobilis hominis et honesti, magnae pecuniae vilicus cum impulsu tuo insimulatus esset, HS lx a domino accepisti, quod nuper ipse iuratus docuit quem ad modum gestum esset. Ab equite Romano C. Matrinio absente, cum is esset Romae, quod eius vilicos pastoresque tibi in suspicionem venisse dixeras, HS dc abstulisti. Dixit hoc L. Flavius, qui tibi eam pecuniam numeravit, procurator C. Matrini, dixit ipse Matrinius, dicit vir clarissimus, Cn. Lentulus censor, qui Matrini honoris causa recenti negotio ad te litteras misit mittendasque curavit.

[16] Quid? de Apollonio, Diocli filio, Panhormitano, cui Gemino cognomen est, praeteriri potest? Ecquid hoc tota Sicilia clarius, ecquid indignius, ecquid manifestius proferri potest? Quem, ut Panhormum venit, ad se vocari et de tribunali citari iussit concursu magno frequentiaque conventus. Homines statim loqui: 'Mirabar quod Apollonius, homo pecuniosus, tam diu ab isto maneret integer; excogitavit nescio quid, <nescio quid> attulit; profecto homo dives repente a Verre non sine causa citatur.' Exspectatio summa omnium

quidnam id esset, cum exanimatus subito ipse accurrit cum adulescente filio; nam pater grandis natu iam diu lecto tenebatur.

[17] Nominat iste servum, quem magistrum pecoris esse diceret; eum dicit coniurasse et familias concitasse, — is omnino servus in familia non erat, — eum statim exhiberi iubet. Apollonius adfirmare se omnino nomine illo servum habere neminem: iste hominem abripi a tribunali et in carcerem conici iubet. Clamare ille, cum raperetur, nihil se miserum fecisse, nihil commisisse, pecuniam sibi esse in nominibus, numeratam in praesentia non habere. Haec cum maxime summa hominum frequentia testificaretur, ut quivis intellegere posset eum, quod pecuniam non dedisset, idcirco illa tam acerba iniuria adfici — cum maxime, ut dico, hoc de pecunia clamaret, in vincla coniectus est.

[18] Videte constantiam praetoris, et eius praetoris qui in his rebus non ita defendatur ut mediocris praetor, sed ita laudetur ut optimus imperator. Cum servorum bellum metueretur, quo supplicio dominos indemnatos adficiebat, hoc servos damnatos liberabat: Apollonium, hominem locupletissimum, qui, si fugitivi bellum in Sicilia facerent, amplissimas fortunas amitteret, belli fugitivorum nomine indicta causa in vincla coniecit: servos, quos ipse de consili sententia belli faciendi causa consensisse iudicavit, eos sine consili sententia sua sponte omni supplicio liberavit.

[19] Quid? si aliquid ab Apollonio commissum est quam ob rem in eum iure animadverteretur, tamenne hanc rem sic agemus ut crimini aut invidiae reo putemus esse oportere si quo de homine severius iudicaverit? Non agam tam acerbe, non utar ista accusatoria consuetudine, si quid est factum clementer, ut dissolute factum criminer, si quid vindicatum est severe, ut ex eo crudelitatis invidiam colligam. Non agam ista ratione; tua sequar iudicia, tuam defendam auctoritatem, quoad tu voles; simul ac tute coeperis tua iudicia rescindere, mihi suscensere desinito; meo iure enim contendam eum qui suo iudicio damnatus sit iuratorum iudicum sententiis damnari oportere.

[20] Non defendam Apolloni causam, amici atque hospitis mei, ne tuum iudicium videar rescindere; nihil de hominis frugalitate, virtute, diligentia dicam; praetermittam illud etiam de quo ante dixi, fortunas eius ita constitutas fuisse familia, pecore, villis, pecuniis creditis ut

nemini minus expediret ullum in Sicilia tumultum aut bellum commoveri; non dicam ne illud quidem, si maxime in culpa fuerit Apollonius, tamen in hominem honestissimae civitatis honestissimum tam graviter animadverti causa indicta non oportuisse.

[21] Nullam in te invidiam ne ex illis quidem rebus concitabo, cum esset talis vir in carcere, in tenebris, in squalore, in sordibus, tyrannicis interdictis tuis patri exacta aetate et adulescenti filio adeundi ad illum miserum potestatem numquam esse factam. Etiam illud praeteribo, quotienscumque Panhormum veneris illo anno et sex mensibus — nam tam diu fuit Apollonius in carcere — totiens te senatum Panhormitanum adisse supplicem, cum magistratibus sacerdotibusque publicis, orantem atque obsecrantem ut aliquando ille miser atque innocens calamitate illa liberaretur. Relinquo haec omnia; quae si velim persequi, facile ostendam tua crudelitate in alios omnis tibi aditus misericordiae iudicum iam pridem esse praeclusos.

[22] Omnia tibi ista concedam et remittam; provideo enim quid sit defensurus Hortensius; fatebitur apud istum neque senectutem patris neque adulescentiam fili neque lacrimas utriusque plus valuisse quam utilitatem salutemque provinciae; dicet rem publicam administrari sine metu ac severitate non posse; quaeret quam ob rem fasces praetoribus praeferantur, cur secures datae, cur carcer aedificatus, cur tot supplicia sint in improbos more maiorum constituta. Quae cum omnia graviter severeque dixerit, quaeram cur hunc eundem Apollonium Verres idem repente nulla re nova adlata, nulla defensione, sine causa de carcere emitti iusserit; tantumque in hoc crimine suspicionis esse adfirmabo ut iam ipsis iudicibus sine mea argumentatione coniecturam facere permittam quod hoc genus praedandi, quam improbum, quam indignum, quamque ad magnitudinem quaestus immensum infinitumque esse videatur.

[23] Nam quae iste in Apollonio fecit, ea primum breviter cognoscite quot et quanta sint, deinde haec expendite atque aestimate pecunia: reperietis idcirco haec in uno homine pecunioso tot constituta ut ceteris formidines similium incommodorum atque exempla periculorum proponeret. Primum insimulatio est repentina capitalis atque invidiosi criminis, — statuite quanti hoc putetis et

quam multos redemisse; deinde crimen sine accusatore, sententia sine consilio, damnatio sine defensione, — aestimate harum omnium rerum pretia et cogitate in his iniquitatibus unum haesisse Apollonium, ceteros profecto multos ex his incommodis pecunia se liberasse; postremo tenebrae, vincla, carcer, inclusum supplicium atque a conspectu parentium ac liberum, denique a libero spiritu atque a communi luce seclusum, — haec vero, quae vel vita redimi recte possunt, aestimare pecunia non queo.

[24] Haec omnia sero redemit Apollonius iam maerore ac miseriis perditus, sed tamen ceteros docuit ante istius avaritiae scelerique occurrere; nisi vero existimatis hominem pecuniosissimum sine causa quaestus electum ad tam incredibile crimen aut sine eadem causa repente e carcere emissum, aut hoc praedandi genus ab isto in illo uno adhibitum ac temptatum, et non per illum omnibus pecuniosissimis Siculis metum propositum et iniectum.

[25] Cupio mihi ab illo, iudices, subici, quoniam de militari eius gloria dico, si quid forte praetereo. Nam mihi videor iam de omnibus rebus eius gestis dixisse, quae quidem ad belli fugitivorum suspicionem pertinerent; certe nihil sciens praetermisi. Habetis hominis consilia, diligentiam, vigilantiam, custodiam defensionemque provinciae. Summa illuc pertinet, ut sciatis, quoniam plura genera sunt imperatorum, ex quo genere iste sit, ne qui diutius in tanta penuria virorum fortium talem imperatorem ignorare possit. Non ad Q. Maximi sapientiam neque ad illius superioris Africani in re gerunda celeritatem, neque ad huius qui postea fuit singulare consilium, neque ad Pauli rationem ac disciplinam, neque ad C. Mari vim atque virtutem; sed aliud genus imperatoris sane diligenter retinendum et conservandum, quaeso, cognoscite.

[26] Itinerum primum laborem, qui vel maximus est in re militari, iudices, et in Sicilia maxime necessarius, accipite quam facilem sibi iste et iucundum ratione consilioque reddiderit. Primum temporibus hibernis ad magnitudinem frigorum et tempestatum vim ac fluminum praeclarum hoc sibi remedium compararat. Vrbem Syracusas elegerat, cuius hic situs atque haec natura esse loci caelique dicitur ut nullus umquam dies tam magna ac turbulenta tempestate fuerit quin aliquo tempore eius diei solem homines viderint. Hic ita vivebat iste

bonus imperator hibernis mensibus ut eum non facile non modo extra tectum, sed ne extra lectum quidem quisquam viderit; ita diei brevitas conviviis, noctis longitudo stupris et flagitiis continebatur.

[27] Cum autem ver esse coeperat — cuius initium iste non a Favonio neque ab aliquo astro notabat, sed cum rosam viderat tum incipere ver arbitrabatur — dabat se labori atque itineribus; in quibus eo usque se praebebat patientem atque impigrum ut eum nemo umquam in equo sedentem viderit. Nam, ut mos fuit Bithyniae regibus, lectica octaphoro ferebatur, in qua pulvinus erat perlucidus Melitensis rosa fartus; ipse autem coronam habebat unam in capite, alteram in collo, reticulumque ad naris sibi admovebat tenuissimo lino, minutis maculis, plenum rosae. Sic confecto itinere cum ad aliquod oppidum venerat, eadem lectica usque in cubiculum deferebatur. Eo veniebant Siculorum magistratus, veniebant equites Romani, id quod ex multis iuratis audistis; controversiae secreto deferebantur, paulo post palam decreta auferebantur. Deinde ubi paulisper in cubiculo pretio non aequitate iura discripserat, Veneri iam et Libero reliquum tempus deberi arbitrabatur.

[28] Quo loco non mihi praetermittenda videtur praeclari imperatoris egregia ac singularis diligentia. Nam scitote oppidum esse in Sicilia nullum ex iis oppidis in quibus consistere praetores et conventum agere soleant, quo in oppido non isti ex aliqua familia non ignobili delecta ad libidinem mulier esset. Itaque non nullae ex eo numero in convivium adhibebantur palam; si quae castiores erant, ad tempus veniebant, lucem conventumque vitabant. Erant autem convivia non illo silentio populi Romani praetorum atque imperatorum, neque eo pudore qui in magistratuum conviviis versari soleat, sed cum maximo clamore atque convicio; non numquam etiam res ad pugnam atque ad manus vocabatur. Iste enim praetor severus ac diligens, qui populi Romani legibus numquam paruisset, illis legibus quae in poculis ponebantur diligenter obtemperabat. Itaque erant exitus eius modi ut alius inter manus e convivio tamquam e proelio auferretur, alius tamquam occisus relinqueretur, plerique ut fusi sine mente ac sine ullo sensu iacerent, — ut quivis, cum aspexisset, non se praetoris convivium, sed Cannensem pugnam nequitiae videre arbitraretur.

[29] Cum vero aestas summa esse coeperat, quod tempus omnes

Siciliae semper praetores in itineribus consumere consuerunt, propterea quod tum putant obeundam esse maxime provinciam, cum in areis frumenta sunt, quod et familiae congregantur et magnitudo serviti perspicitur et labor operis maxime offendit, frumenti copia commonet, tempus anni non impedit: tum, inquam, cum concursant ceteri praetores, iste novo quodam genere imperator pulcherrimo Syracusarum loco stativa sibi castra faciebat.

[30] Nam in ipso aditu atque ore portus, ubi primum ex alto sinus ab litore ad urbem inflectitur, tabernacula carbaseis intenta velis conlocabat. Huc ex illa domo praetoria, quae regis Hieronis fuit, sic emigrabat ut eum per illos dies nemo extra illum locum videre posset. In eum autem ipsum locum aditus erat nemini, nisi qui aut socius aut minister libidinis esse posset. Huc omnes mulieres, quibuscum iste consuerat, conveniebant, quarum incredibile est quanta multitudo fuerit Syracusis; huc homines digni istius amicitia, digni vita illa conviviisque veniebant. Inter eius modi viros et mulieres adulta aetate filius versabatur, ut eum, etiamsi natura a parentis similitudine abriperet, consuetudo tamen ac disciplina patris similem esse cogeret.

[31] Huc Tertia illa perducta per dolum atque insidias ab Rhodio tibicine maximas in istius castris effecisse dicitur turbas, cum indigne pateretur uxor Cleomenis Syracusani, nobilis mulier, itemque uxor Aeschrionis, honesto loco nata, in conventum suum mimi Isidori filiam venisse. Iste autem Hannibal, qui in suis castris virtute putaret oportere non genere certari, sic hanc Tertiam dilexit ut eam secum ex provincia deportaret. Ac per eos dies, cum iste cum pallio purpureo talarique tunica versaretur in conviviis muliebribus, non offendebantur homines neque moleste ferebant abesse a foro magistratum, non ius dici, non iudicia fieri; locum illum litoris percrepare totum mulierum vocibus cantuque symphoniae, in foro silentium esse summum causarum atque iuris, non ferebant homines moleste; non enim ius abesse videbatur a foro neque iudicia, sed vis et crudelitas et bonorum acerba et indigna direptio.

[32] Hunc tu igitur imperatorem esse defendis, Hortensi? huius furta, rapinas, cupiditatem, crudelitatem, superbiam, scelus, audaciam rerum gestarum magnitudine atque imperatoriis laudibus tegere conaris? Hic scilicet est metuendum ne ad exitum defensionis

tuae vetus illa Antoniana dicendi ratio atque auctoritas proferatur, ne excitetur Verres, ne denudetur a pectore, ne cicatrices populus Romanus aspiciat, ex mulierum morsu vestigia libidinis atque nequitiae.

[33] Di faciant ut rei militaris, ut belli mentionem facere audeas! Cognoscentur enim omnia istius aera illa vetera, ut non solum in imperio verum etiam in stipendiis qualis fuerit intellegatis. Renovabitur prima illa militia, cum iste e foro abduci, non, ut ipse praedicat, perduci solebat; aleatoris Placentini castra commemorabuntur, in quibus cum frequens fuisset tamen aere dirutus est; multa eius in stipendiis damna proferentur, quae ab isto aetatis fructu dissoluta et compensata sunt.

[34] Iam vero, cum in eius modi patientia turpitudinis aliena non sua satietate obduruisset, qui vir fuerit, quot praesidia, quam munita pudoris et pudicitiae vi et audacia ceperit, quid me attinet dicere aut coniungere cum istius flagitio cuiusquam praeterea dedecus? Non faciam, iudices; omnia vetera praetermittam, duo sola recentia sine cuiusquam infamia ponam, ex quibus coniecturam facere de omnibus possitis, — unum illud, quod ita fuit inlustre notumque omnibus ut nemo tam rusticanus homo L. Lucullo [et] M. Cotta consulibus Romam ex ullo municipio vadimoni causa venerit, quin sciret iura omnia praetoris urbani nutu atque arbitrio Chelidonis meretriculae gubernari, alterum quod, cum paludatus exisset votaque pro imperio suo communique re publica nuncupasset, noctu stupri causa lectica in urbem introferri solitus est ad mulierem nuptam uni, propositam omnibus, contra fas, contra auspicia, contra omnis divinas atque humanas religiones!

[35] O di immortales! quid interest inter mentes hominum et cogitationes! Ita mihi meam voluntatem spemque reliquae vitae vestra populique Romani existimatio comprobet, ut ego, quos adhuc mihi magistratus populus Romanus mandavit, sic eos accepi ut me omnium officiorum obstringi religione arbitrarer! Ita quaestor sum factus ut mihi illum honorem tum non solum datum, sed etiam creditum et commissum putarem; sic obtinui quaesturam in Sicilia provincia ut omnium oculos in me unum coniectos esse arbitrarer, ut me quaesturamque meam quasi in aliquo terrarum orbis theatro versari existimarem, ut semper omnia quae iucunda videntur esse, ea

non modo his extraordinariis cupiditatibus, sed etiam ipsi naturae ac necessitati denegarem.

[36] Nunc sum designatus aedilis; habeo rationem quid a populo Romano acceperim; mihi ludos sanctissimos maxima cum cura et caerimonia Cereri, Libero, Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam, mihi ludos antiquissimos, qui primi Romani appellati sunt, cum dignitate maxima et religione Iovi, Iunoni, Minervaeque esse faciundos, mihi sacrarum aedium procurationem, mihi totam urbem tuendam esse commissam; ob earum rerum laborem et sollicitudinem fructus illos datos, antiquiorem in senatu sententiae dicendae locum, togam praetextam, sellam curulem, ius imaginis ad memoriam posteritatemque prodendae.

[37] Ex his ego omnibus rebus, iudices, — ita mihi omnis deos propitios velim, — etiamsi mihi iucundissimus est honos populi, tamen nequaquam capio tantum voluptatis quantum et sollicitudinis et laboris, ut haec ipsa aedilitas, non quia necesse fuerit, alicui candidato data, sed, quia sic oportuerit, recte conlocata et iudicio populi in loco esse posita videatur.

[38] Tu cum esses praetor renuntiatus quoquo modo, — mitto enim et praetereo quid tum sit actum, — sed cum esses renuntiatus, ut dixi, non ipsa praeconis voce excitatus es, qui te totiens seniorum iuniorumque centuriis illo honore adfici pronuntiavit, ut hoc putares, aliquam rei publicae partem tibi creditam, annum tibi illum unum domo carendum esse meretricis? Cum tibi sorte obtigisset uti ius diceres, quantum negoti, quid oneris haberes, numquam cogitasti? neque illud rationis habuisti, si forte te expergefacere posses, eam provinciam, quam tueri singulari sapientia atque integritate difficile esset, ad summam stultitiam nequitiamque venisse? Itaque non modo a domo tua Chelidonem in praetura excludere noluisti, sed in Chelidonis domum praeturam totam detulisti.

[39] Secuta provincia est; in qua numquam tibi venit in mentem non tibi idcirco fascis ac securis et tantam imperi vim tantamque ornamentorum omnium dignitatem datam ut earum rerum vi et auctoritate omnia repagula pudoris officique perfringeres, ut omnium bona praedam tuam duceres, ut nullius res tuta, nullius domus clausa, nullius vita saepta, nullius pudicitia munita contra tuam cupiditatem

et audaciam posset esse; in qua tu te ita gessisti ut, omnibus cum teneare rebus, ad bellum fugitivorum confugias; ex quo iam intellegis non modo nullam tibi defensionem, sed maximam vim criminum exortam. Nisi forte Italici fugitivorum belli reliquias atque illud Tempsanum incommodum proferes, ad quod recens cum te peropportune fortuna attulisset, si quid in te virtutis aut industriae habuisses, idem qui semper fueras inventus es.

[40] Cum ad te Valentini venissent et pro iis homo disertus ac nobilis, M. Marius, loqueretur, ut negotium susciperes, ut, cum penes te praetorium imperium ac nomen esset, ad illam parvam manum exstinguendam ducem te principemque praeberes, non modo id refugisti, sed eo ipso tempore, cum esses in litore, Tertia illa tua, quam tu tecum deportaras, erat in omnium conspectu; ipsis autem Valentinis ex tam inlustri nobilique municipio tantis de rebus responsum dedisti, cum esses cum tunica pulla et pallio. Quid hunc proficiscentem, quid in ipsa provincia fecisse existimatis qui, cum iam ex provincia non ad triumphum sed ad iudicium decederet, ne illam quidem infamiam fugerit quam sine ulla voluptate capiebat?

[41] O divina senatus frequentis in aede Bellonae admurmuratio! Memoria tenetis, iudices, cum advesperasceret et paulo ante esset de hoc Tempsano incommodo nuntiatum, cum inveniretur nemo qui in illa loca cum imperio mitteretur, dixisset<que> quidam Verrem esse non longe a Tempsa, quam valde universi admurmuraverint, quam palam principes dixerint contra. Et his tot criminibus testimoniisque convictus in eorum tabella spem sibi aliquam proponit, quorum omnium palam causa incognita voce damnatus est?

[42] Esto; nihil ex fugitivorum bello aut suspicione belli laudis adeptus est, quod neque bellum eius modi neque belli periculum fuit in Sicilia, neque ab isto provisum est ne quod esset; at vero contra bellum praedonum classem habuit ornatam diligentiamque in eo singularem, itaque ab isto praeclare defensa provincia est. Sic de bello praedonum, sic de classe Siciliensi, iudices, dicam ut hoc iam ante confirmem, in hoc uno genere omnis inesse culpas istius maximas avaritiae, maiestatis, dementiae, libidinis, crudelitatis. Haec dum breviter expono, quaeso, ut fecistis adhuc, diligenter attendite.

[43] Rem navalem primum ita dico esse administratam, non uti provincia defenderetur, sed uti classis nomine pecunia quaereretur.

Superiorum praetorum consuetudo cum haec fuisset, ut naves civitatibus certusque numerus nautarum militumque imperaretur, maximae et locupletissimae civitati Mamertinae nihil horum imperavisti. Ob hanc rem quid tibi Mamertini clam pecuniae dederint, post, si videbitur, ex ipsorum litteris testibusque quaeremus.

[44] Navem vero cybaeam maximam triremis instar, [pulcherrimam atque ornatissimam cybaeam,] palam aedificatam sumptu publico tuo nomine, publice, sciente tota Sicilia, per magistratum senatumque Mamertinum tibi datam donatamque esse dico. Haec navis onusta praeda Siciliensi, cum ipsa quoque esset ex praeda, simul cum ipse decederet, adpulsa Veliam est cum plurimis rebus, et iis quas iste Romam mittere cum ceteris furtis noluit, quod erant clarissimae maximeque eum delectabant. Eam navem nuper egomet vidi Veliae multique alii viderunt, pulcherrimam atque ornatissimam, iudices: quae quidem omnibus qui eam aspexerant prospectare iam exsilium atque explorare fugam domini videbatur.

[45] Quid mihi hoc loco respondebis? nisi forte id quod, tametsi probari nullo modo potest, tamen dici quidem in iudicio de pecuniis repetundis necesse est, de tua pecunia aedificatam esse navem. Aude hoc saltem dicere quod necesse est; noli metuere, Hortensi, ne quaeram qui licuerit aedificare navem senatori; antiquae sunt istae leges et mortuae, quem ad modum tu soles dicere, quae vetant. Fuit ista res publica quondam, fuit ista severitas in iudiciis, ut istam rem accusator in magnis criminibus obiciendam putaret. Quid enim tibi navi? qui si quo publice proficisceris, praesidi et vecturae causa sumptu publico navigia praebentur; privatim autem nec proficisci quoquam potes nec arcessere res transmarinas ex iis locis in quibus te habere nihil licet.

[46] Deinde cur quicquam contra leges parasti? Valeret hoc crimen in illa vetere severitate ac dignitate rei publicae; nunc non modo te hoc crimine non arguo, sed ne illa quidem communi vituperatione reprehendo: Tu tibi hoc numquam turpe, numquam criminosum, numquam invidiosum fore putasti, celeberrimo loco palam tibi aedificari onerariam navem in provincia quam tu cum imperio obtinebas? Quid eos loqui qui videbant, quid existimare eos qui audiebant arbitrabare? inanem te navem esse illam in Italiam adducturum? navicularium, cum Romam venisses, esse facturum? Ne

illud quidem quisquam poterat suspicari, te in Italia maritimum habere fundum et ad fructus deportandos onerariam navem comparare. Eius modi voluisti de te sermonem esse omnium palam ut loquerentur te illam navem parare quae praedam ex Sicilia deportaret, et ad ea furta quae reliquisses commearet.

[47] Verum haec omnia, si doces navem de tua pecunia aedificatam, remitto atque concedo. Sed hoc, homo amentissime, non intellegis priore actione ab ipsis istis Mamertinis, tuis laudatoribus, esse sublatum? Nam dixit Heius, princeps civitatis, princeps istius legationis quae ad tuam laudationem missa est, navem tibi operis publicis Mamertinorum esse factam, eique faciendae senatorem Mamertinum publice praefuisse. Reliqua est materies. Hanc Reginis, ut ipsi dicunt — tametsi tu negare non potes — publice, quod Mamertini materiem non habent, imperavisti. Si et ex quo fit navis, et qui faciunt, imperio tibi tuo non pretio praesto fuerunt, ubi tandem istud latet quod tu de tua pecunia dicis impensum? At Mamertini in tabulis nihil habent.

[48] Primum video potuisse fieri ut ex aerario nihil darent; etenim vel Capitolium, sicut apud maiores nostros factum est, publice coactis fabris operisque imperatis gratiis exaedificari atque effici potuit; deinde — id quod perspicio et quod ostendam, cum ipsos produxero, ipsorum ex litteris — multas pecunias isti erogatas in operum locationes falsas atque inanis esse perscriptas. Iam illud minime mirum est, Mamertinos a quo summum beneficium acceperant, quem sibi amiciorem quam populo Romano esse cognoverant, eius capiti litteris suis pepercisse. Sed si argumento est Mamertinos tibi pecuniam non dedisse, quia scriptum non habent, sit argumento tibi gratiis stare navem, quia, quid emeris aut quid locaris, scriptum proferre non potes.

[49] At enim idcirco navem Mamertinis non imperasti, quod sunt foederati. Di adprobent! Habemus hominem in fetialium manibus educatum, unum praeter ceteros in publicis religionibus foederum sanctum ac diligentem; omnes qui ante te fuerunt praetores dedantur Mamertinis, quod iis navem contra pactionem foederis imperarint. Sed tamen tu, sancte homo ac religiose, cur Tauromenitanis item foederatis navem imperasti? An hoc probabis, in aequa causa populorum sine pretio varium ius et disparem condicionem fuisse?

[50] Quid? si eius modi esse haec duo foedera duorum populorum, iudices, doceo, ut Tauromenitanis nominatim cautum et exceptum sit foedere ne navem dare debeant, Mamertinis in ipso foedere sanctum atque praescriptum sit ut navem dare necesse sit, istum autem contra foedus et Tauromenitanis imperasse et Mamertinis remisisse, num cui dubium poterit esse quin Verre praetore plus Mamertinis cybaea quam Tauromenitanis foedus opitulatum sit? Recitentur foedera. Isto igitur tuo, quem ad modum ipse praedicas, beneficio, ut res indicat, pretio atque mercede minuisti maiestatem rei publicae, minuisti auxilia populi Romani, minuisti copias maiorum virtute ac sapientia comparatas, sustulisti ius imperi, condicionem sociorum, memoriam foederis: qui ex foedere ipso navem vel usque ad Oceanum, si imperassemus, sumptu periculoque suo armatam atque ornatam mittere debuerunt, hi ne in freto ante sua tecta et domos navigarent, ne sua moenia portusque defenderent, pretio abs te ius foederis et imperi condicionem redemerunt.

[51] Quid censetis in hoc foedere faciendo voluisse Mamertinos impendere laboris, operae, pecuniae ne haec biremis adscriberetur, si id ullo modo possent a nostris maioribus impetrare? Nam cum hoc munus imponebatur tam grave civitati, inerat nescio quo modo in illo foedere societatis quasi quaedam nota servitutis. Quod tum, recentibus suis officiis, integra re, nullis populi Romani difficultatibus, a maioribus nostris foedere adsequi non potuerunt, id nunc, nullo novo officio suo, tot annis post, — iure imperi nostri quotannis usurpatum ac semper retentum, — summa in difficultate navium, a C. Verre pretio adsecuti sunt, ac non hoc solum adsecuti, ne navem darent: ecquem nautam, ecquem militem, qui aut in classe aut in praesidio esset, te praetore per triennium Mamertini dederunt? [52] Denique cum ex senatus consulto itemque ex lege Terentia et Cassia frumentum aequabiliter emi ab omnibus Siciliae civitatibus oporteret, id quoque munus leve atque commune Mamertinis remisisti. Dices frumentum Mamertinos non debere. Quo modo non debere? an ut ne venderent? non enim erat hoc genus frumenti ex eo genere quod exigeretur, sed ex eo quod emeretur. Te igitur auctore et interprete ne foro quidem et commeatu Mamertini iuvare populum Romanum debuerunt.

[53] Quae tandem civitas fuit quae deberet? Qui publicos agros

arant, certum est quid e lege censoria debeant: cur his quicquam praeterea ex alio genere imperavisti? Quid? decumani num quid praeter singulas decumas ex lege Hieronica debent? cur his quoque statuisti quantum ex hoc genere frumenti empti darent? Quid immunes? hi certe nihil debent. At eis non modo imperasti, verum etiam, quo plus darent quam poterant, haec sexagena milia modium, quae Mamertinis remiseras, addidisti. Neque hoc dico, ceteris non recte imperatum, sed Mamertinis, qui erant in eadem causa, et quibus superiores omnes item ut ceteris imperarant pecuniamque ex senatus consulto et ex lege dissolverant, his dico non recte remissum. Et ut hoc beneficium, quem ad modum dicitur, trabali clavo figeret, cum consilio causam Mamertinorum cognoscit et de consili sententia Mamertinis se frumentum non imperare pronuntiat.

[54] Audite decretum mercennarii praetoris ex ipsius commentario, et cognoscite quanta in scribendo gravitas, quanta in constituendo iure sit auctoritas. Recita. Commentarivs. De consili sententia libenter ait se facere itaque perscribit. Quid, si hoc verbo non esses usus 'libenter'? nos videlicet invitum te quaestum facere putaremus. Ac 'de consili sententia'! Praeclarum recitari consilium, iudices, audistis; utrum vobis consilium tandem praetoris recitari videbatur, cum audiebatis nomina, an praedonis improbissimi societas atque comitatus?

[55] En foederum interpretes, societatis, pactionis, religionis auctores! Numquam in Sicilia frumentum publice est emptum quin Mamertinis pro portione imperaretur, antequam hoc delectum praeclarumque consilium iste dedit, ut ab his nummos acciperet ac sui similis esset. Itaque tantum valuit istius decreti auctoritas quantum debuit eius hominis qui, a quibus frumentum emere debuisset, iis decretum vendidisset. Nam statim L. Metellus ut isti successit, ex C. Sacerdotis et ex Sex. Peducaei instituto ac litteris frumentum Mamertinis imperavit.

[56] Tum illi intellexerunt se id quod a malo auctore emissent diutius obtinere non posse. Age porro, tu, qui tam religiosum existimari te voluisti interpretem foederum, cur Tauromenitanis frumentum, cur Netinis imperasti? quarum civitatum utraque foederata est. Ac Netini quidem sibi non defuerunt ac, simul pronuntiasti libenter te Mamertinis remittere, te adierunt et eandem

suam causam foederis esse docuerunt. Tu aliter decernere eadem in causa non potuisti; pronuntias Netinos frumentum dare non debere et ab his tamen exigis. Cedo mihi eiusdem praetoris litteras et rerum decretarum et frumenti imperati. Litterae rervm decretarvm. Quid potius in hac tanta et tam turpi inconstantia suspicari possumus, iudices, quam id quod necesse est, aut isti a Netinis pecuniam cum posceret non datam, aut id esse actum ut intellegerent Mamertini bene se apud istum tam multa pretia ac munera conlocasse, cum idem alii iuris ex eadem causa non obtinerent?

[57] Hic mihi etiam audebit mentionem facere Mamertinae laudationis! in qua quam multa sint vulnera quis est vestrum, iudices, quin intellegat? Primum <enim> in iudiciis qui decem laudatores dare non potest, honestius est ei nullum dare quam illum quasi legitimum numerum consuetudinis non explere. Tot in Sicilia civitates sunt quibus tu per triennium praefuisti: arguunt ceterae, paucae et parvae <vi> et metu repressae silent, una laudat. Hoc quid est nisi intellegere quid habeat utilitatis vera laudatio, sed tamen ita provinciae praefuisse ut hac utilitate necessario sit carendum?

[58] Deinde, quod alio loco antea dixi, quae est ista tandem laudatio, cuius laudationis legati et principes et publice tibi navem aedificatam et privatim se ipsos abs te spoliatos expilatosque esse dixerunt? Postremo quid aliud isti faciunt, cum te soli ex Sicilia laudant, nisi testimonio nobis sunt omnia te sibi esse largitum quae tu de re publica nostra detraxeris? Quae colonia est in Italia tam bono iure, quod tam immune municipium, quod per hosce annos tam commoda vacatione omnium rerum sit usum quam Mamertina civitas? Per triennium soli ex foedere quod debuerunt non dederunt, soli isto praetore omnium rerum immunes fuerunt, soli in istius imperio ea condicione vixerunt ut populo Romano nihil darent, Verri nihil negarent.

[59] Verum ut ad classem, quo ex loco sum digressus, revertar, accepisti a Mamertinis navem contra leges, remisisti contra foedera. Ita in una civitate bis improbus fuisti, cum et remisisti quod non oportebat, et accepisti quod non licebat. Exigere te oportuit navem quae contra praedones, non quae cum praeda navigaret, quae defenderet ne provincia spoliaretur, non quae provinciae spolia portaret. Mamertini tibi et urbem quo furta undique deportares, et

navem in qua exportares praebuerunt; illud tibi oppidum receptaculum praedae fuit, illi homines testes custodesque furtorum, illi tibi et locum furtis et furtorum vehiculum comparaverunt. Itaque ne tum quidem cum classem avaritia ac nequitia tua perdidisti Mamertinis navem imperare ausus es; quo tempore in tanta inopia navium tantaque calamitate provinciae, etiamsi precario essent rogandi, tamen ab iis impetraretur. Reprimebat enim tibi et imperandi vim et rogandi conatum praeclara illa non populo Romano reddita biremis, sed praetori donata cybaea. Ea fuit merces imperi, auxili, iuris, consuetudinis, foederis.

[60] Habetis unius civitatis firmum auxilium amissum ac venditum pretio: cognoscite nunc novam praedandi rationem ab hoc primum excogitatam. Sumptum omnem in classem frumento stipendio ceterisque rebus suo quaeque nauarcho civitas semper dare solebat. Is neque ut accusaretur a nautis committere audebat, et civibus suis rationes referre debebat, et in illo omni negotio non modo labore sed etiam periculo suo versabatur. Erat hoc, ut dico, factitatum semper, nec solum in Sicilia sed in omnibus provinciis, etiam in sociorum et Latinorum stipendio ac sumptu, tum cum illorum auxiliis uti solebamus: Verres post imperium constitutum primus imperavit ut ea pecunia omnis a civitatibus sibi adnumeraretur, ut is eam pecuniam tractaret quem ipse praefecisset.

[61] Cui potest esse dubium quam ob rem et omnium consuetudinem veterem primus immutaris, et tantam utilitatem per alios tractandae pecuniae neglexeris, et tantam difficultatem cum crimine, molestiam cum suspicione susceperis? Deinde alii quaestus instituuntur, ex uno genere navali videte quam multi! accipere a civitatibus pecuniam ne nautas darent, pretio certo missos facere nautas, missorum omne stipendium lucrari, reliquis quod deberet non dare, — haec omnia ex civitatum testimoniis cognoscite.

[62] Recita. Testimonia civitatvm. Huncine hominem, hancine impudentiam, iudices, hanc audaciam! civitatibus pro numero militum pecuniarum summas discribere, certum pretium, sescenos nummos, nautarum missionis constituere! quos qui dederat commeatum totius aestatis abstulerat, iste, quod eius nautae nomine pro stipendio frumentoque acceperat, lucrabatur. Ita quaestus duplex unius missionis fiebat. Atque haec homo amentissimus in tanto

praedonum impetu tantoque periculo provinciae sic palam faciebat ut et ipsi praedones scirent et tota provincia testis esset.

[63] Cum propter istius hanc avaritiam nomine classis esset in Sicilia, re quidem vera naves inanes, quae praedam praetori non quae praedonibus metum adferrent, tamen, cum P. Caesetius et P. Tadius decem navibus suis semiplenis navigarent, navem quandam piratarum praeda refertam non ceperunt, sed abduxerunt onere suo plane captam atque depressam. Erat ea navis plena iuventutis formosissimae, plena argenti facti atque signati, multa cum stragula veste. Haec una navis a classe nostra non capta est, sed inventa ad Megaridem, qui locus est non longe a Syracusis. Quod ubi isti nuntiatum est, tametsi in acta cum mulierculis iacebat ebrius, erexit se tamen et statim quaestori legatoque suo custodes misit compluris, ut omnia sibi integra quam primum exhiberentur.

[64] Adpellitur navis Syracusas; exspectatur ab omnibus supplicium. Iste quasi praeda sibi advecta, non praedonibus captis, si qui senes ac deformes erant, eos in hostium numero ducit; qui aliquid formae aetatis artificique habebant, abducit omnis, non nullos scribis filio cohortique distribuit, symphoniacos homines sex cuidam amico suo Romam muneri misit. Nox illa tota in exinaniunda nave consumitur. Archipiratam ipsum videt nemo, de quo supplicium sumi oportuit. Hodie omnes sic habent — quid eius sit vos coniectura adsequi debetis — istum clam a piratis ob hunc archipiratam pecuniam accepisse.

[65] ‘Coniectura est.’ Iudex esse bonus nemo potest qui suspicione certa non movetur. Hominem nostis, consuetudinem omnium tenetis, — qui ducem praedonum aut hostium ceperit, quam libenter eum palam ante oculos omnium esse patiatur. Hominem in tanto conventu Syracusis vidi neminem, iudices, qui archipiratam captum sese vidisse diceret, cum omnes, ut mos est, ut solet fieri, concurrerent, quaererent, videre cuperent. Quid accidit cur tanto opere iste homo occultaretur ut eum ne casu quidem quisquam aspicere posset? Homines maritimi Syracusis, qui saepe istius ducis nomen audissent, saepe timuissent, cum eius cruciatu atque supplicio pascere oculos animumque exsaturare vellent, potestas aspiciendi nemini facta est. [66] Vnus pluris praedonum duces vivos cepit P. Servilius quam omnes antea. Ecquando igitur isto fructu quisquam caruit, ut videre piratam captum non liceret? At contra, quacumque iter fecit, hoc iucundissimum spectaculum omnibus vinctorum captorumque hostium praebebat; itaque ei concursus fiebat undique ut non modo ex iis oppidis qua ducebantur sed etiam ex finitimis visendi causa convenirent. Ipse autem triumphus quam ob rem omnium triumphorum gratissimus populo Romano fuit et iucundissimus? Quia nihil est victoria dulcius, nullum est autem testimonium victoriae certius quam, quos saepe metueris, eos te vinctos ad supplicium duci videre.

[67] Hoc tu quam ob rem non fecisti? quam ob rem ita pirata iste occultatus est quasi eum aspici nefas esset? quam ob rem supplicium non sumpsisti? quam ob causam hominem reservasti? ecquem scis in Sicilia antea captum archipiratam qui non securi percussus sit? Vnum cedo auctorem tui facti, unius profer exemplum. Vivum tu archipiratam servabas: quo? Per triumphum, credo, quem ante currum tuum duceres; neque enim quicquam erat reliquum nisi uti classe populi Romani pulcherrima amissa provinciaque lacerata triumphus tibi navalis decerneretur.

[68] Age porro, custodiri ducem praedonum novo more quam securi feriri omnium exemplo magis placuit. Quae sunt istae custodiae? apud quos homines, quem ad modum est adservatus? Lautumias Syracusanas omnes audistis, plerique nostis. Opus est ingens, magnificum, regum ac tyrannorum; totum est e saxo in

mirandam altitudinem depresso et multorum operis penitus exciso; nihil tam clausum ad exitum, nihil tam saeptum undique, nihil tam tutum ad custodiam nec fieri nec cogitari potest. In has lautumias, si qui publice custodiendi sunt, etiam ex ceteris oppidis Siciliae deduci imperantur.

[69] Eo quod multos captivos civis Romanos coniecerat, quod eodem ceteros piratas condi imperarat, intellexit, si hunc subditivum archipiratam in eandem custodiam dedisset, fore ut a multis in lautumiis verus ille dux quaereretur. Itaque hominem huic optimae tutissimaeque custodiae non audet committere, denique Syracusas totas timet, amandat hominem — quo? Lilybaeum fortasse? Video; tamen homines maritimos non plane reformidat. Minime, iudices. Panhormum igitur? Audio; quamquam Syracusis, quoniam in Syracusano captus erat, maxime, si minus supplicio adfici, at custodiri oportebat.

[70] Ne Panhormum quidem. Quo igitur? quo putatis? Ad homines a piratarum metu et suspicione alienissimos, a navigando rebusque maritimis remotissimos, ad Centuripinos, homines maxime mediterraneos, summos aratores, qui nomen numquam timuissent maritimi praedonis, unum te praetore horruissent Apronium, terrestrem archipiratam. Et ut quivis facile perspiceret id ab isto actum esse ut ille suppositus facile et libenter se illum qui non erat esse simularet, imperat Centuripinis ut is victu ceterisque rebus quam liberalissime commodissimeque adhiberetur.

[71] Interea Syracusani, homines periti et humani, qui non modo ea quae perspicua essent videre verum etiam occulta suspicari possent, habebant rationem omnes cotidie piratarum qui securi ferirentur; quam multos esse oporteret, ex ipso navigio quod erat captum et ex remorum numero coniciebant. Iste, quod omnis qui artifici aliquid habuerant aut formae removerat atque abduxerat, reliquos si, ut consuetudo est, universos ad palum alligasset, clamorem populi fore suspicabatur, cum tanto plures abducti essent quam relicti; propter hanc causam cum instituisset alios alio tempore producere, tamen in tanto conventu nemo erat quin rationem numerumque haberet, et reliquos non desideraret solum sed etiam posceret et flagitaret.

[72] Cum magnus numerus deesset, tum iste homo nefarius in eorum locum quos domum suam de piratis abduxerat substituere et

supponere coepit civis Romanos, quos in carcerem antea coniecerat; quorum alios Sertorianos milites fuisse insimulabat, et ex Hispania fugientis ad Siciliam adpulsos esse dicebat, alios, qui a praedonibus erant capti, cum mercaturas facerent aut aliquam ob causam navigarent, sua voluntate cum piratis fuisse arguebat. Itaque alii cives Romani, ne cognoscerentur, capitibus obvolutis e carcere ad palum atque ad necem rapiebantur, alii, cum a multis civibus Romanis cognoscerentur, ab omnibus defenderentur, securi feriebantur. Quorum ego de acerbissima morte crudelissimoque cruciatu dicam cum eum locum tractare coepero, et ita dicam ut, si me in ea querimonia quam sum habiturus de istius crudelitate et de civium Romanorum indignissima morte non modo vires verum etiam vita deficiat, id mihi praeclarum et iucundum putem.

[73] Haec igitur est gesta res, haec victoria praeclara: myoparone piratico capto dux liberatus, symphoniaci Romam missi, formosi homines et adulescentes et artifices domum abducti, in eorum locum et ad eorum numerum cives Romani hostilem in modum cruciati et necati, omnis vestis ablata, omne aurum et argentum ablatum et aversum. At quem ad modum ipse se induit priore actione! Qui tot dies tacuisset, repente in M. Anni, hominis splendidissimi, testimonio, — cum is civem Romanum dixisset, archipiratam negasset securi esse percussum, — exsiluit conscientia sceleris et furore ex maleficiis concepto excitatus; dixit se, quod sciret sibi crimini datum iri pecuniam accepisse neque de vero archipirata sumpsisse supplicium, ideo se securi non percussisse; domi esse apud sese archipiratas dixit duos.

[74] O clementiam populi Romani seu potius patientiam miram ac singularem! Civem Romanum securi esse percussum M. Annius, eques Romanus, dicit, taces: archipiratam negat, fateris. Fit gemitus omnium et clamor, cum tamen a praesenti supplicio tuo continuit populus Romanus se et repressit et salutis suae rationem iudicum severitati reservavit. Quid? sciebas tibi crimini datum iri? quam ob rem sciebas, quam ob rem etiam suspicabare? Inimicum habebas neminem; si haberes, tamen non ita vixeras ut metum iudici propositum habere deberes. An te, id quod fieri solet, conscientia timidum suspiciosumque faciebat? Qui igitur, cum esses cum imperio, iam tum crimen et iudicium horrueris, cum tot testibus

coarguare potes de damnatione dubitare?

[75] Verum si crimen hoc metuebas, ne quis suppositum abs te esse diceret qui pro archipirata securi feriretur, utrum tandem tibi ad defensionem firmius fore putasti, in iudicio coactu atque efflagitatu meo producere ad ignotos tanto post eum quem archipiratam esse diceres, an recenti re, Syracusis, apud notos, inspectante Sicilia paene tota, securi ferire? Vide quid intersit utrum faciendum fuerit: in illo reprehensio nulla esset, hic defensio nulla est. Itaque illud semper omnes fecerunt, hoc quis ante te, quis praeter te, fecerit quaero. Piratam vivum tenuisti. Quem ad finem? Dum cum imperio fuisti. Quam ob causam, quo exemplo, cur tam diu? cur, inquam, civibus Romanis quos piratae ceperant securi statim percussis, ipsis piratis lucis usuram tam diuturnam dedisti?

[76] Verum esto, sit tibi illud liberum omne tempus quoad cum imperio fuisti: etiamne privatus, etiamne reus, etiamne paene damnatus hostium duces privata in domo retinuisti? Vnum, alterum mensem, prope annum denique domi tuae piratae a quo tempore capti sunt, quoad per me licitum est, fuerunt, hoc est quoad per M'. Glabrionem licitum est, qui postulante me produci atque in carcerem condi imperavit. Quod est huiusce rei ius, quae consuetudo, quod exemplum? Hostem acerrimum atque infestissimum populi Romani seu potius communem hostem gentium nationumque omnium quisquam omnium mortalium privatus intra moenia domi suae retinere poterit?

[77] Quid? si pridie quam a me tu coactus es confiteri civibus Romanis securi percussis praedonum ducem vivere, habitare apud te, — si, inquam, pridie domo tua profugisset, si aliquam manum contra rem publicam facere potuisset, quid diceres? 'Apud me habitavit, mecum fuit; ego illum ad iudicium meum, quo facilius crimen inimicorum diluere possem, vivum atque incolumem reservavi.' Itane vero? tu tua pericula communi periculo defendes? tu supplicia quae debentur hostibus victis ad tuum, non ad rei publicae tempus conferes? populi Romani hostis privati hominis custodiis adservabitur? At etiam qui triumphant eoque diutius vivos hostium duces reservant, ut his per triumphum ductis pulcherrimum spectaculum fructumque victoriae populus Romanus percipere possit, tamen cum de foro in Capitolium currus flectere incipiunt

illos duci in carcerem iubent, idemque dies et victoribus imperi et victis vitae finem facit.

[78] Et nunc cuiquam credo esse dubium quin tu id commissurus non fueris, — praesertim cum statuisses, ut ais, tibi causam esse dicendam, — ut ille archipirata non potius securi feriretur quam, quod erat ante oculos positum, tuo periculo viveret! Si enim esset mortuus, tu, qui crimen ais te metuisse, quaero, cui probares? Cum constaret istum Syracusis a nullo visum esse archipiratam, ab omnibus desideratum, cum dubitaret nemo quin abs te pecunia liberatus esset, cum vulgo loquerentur suppositum in eius locum quem pro illo probare velles, cum tu te fassus esses id crimen tanto ante metuisse: si eum diceres esse mortuum, quis te audiret?

[79] Nunc cum vivum nescio quem istum producis, tamen te derideri vides. Quid? si aufugisset, si vincla rupisset ita ut Nico, ille nobilissimus pirata, fecit, quem P. Servilius qua felicitate ceperat eadem recuperavit, quid diceres? Verum hoc erat: si ille semel verus pirata securi percussus esset, pecuniam illam non haberes; si hic falsus esset mortuus aut profugisset, non esset difficile alium in suppositi locum supponere. Plura dixi quam volui de illo archipirata, et tamen ea quae certissima sunt huius criminis argumenta praetermisi. Volo enim esse totum mihi crimen hoc integrum: est certus locus, certa lex, certum tribunal quo hoc reservetur.

[80] Hac tanta praeda auctus, mancipiis argento veste locupletatus, nihilo diligentior ad classem ornandam milites revocandos alendosque esse coepit, cum ea res non solum provinciae saluti verum etiam ipsi praedae posset esse. Nam aestate summa, quo tempore ceteri praetores obire provinciam et concursare consuerunt aut etiam in tanto praedonum metu et periculo ipsi navigare, eo tempore ad luxuriem libidinesque suas domo sua regia — quae regis Hieronis fuit, qua praetores uti solent — contentus non fuit; tabernacula, quem ad modum consuerat temporibus aestivis, quod antea demonstravi, carbaseis intenta velis conlocari iussit in litore, quod est litus in Insula Syracusis post Arethusae fontem propter ipsum introitum atque ostium portus amoeno sane et ab arbitris remoto loco.

[81] Hic dies aestivos praetor populi Romani, custos defensorque provinciae, sic vixit ut muliebria cotidie convivia essent, vir

accumberet nemo praeter ipsum et praetextatum filium — etsi recte sine exceptione dixeram virum, cum isti essent, neminem fuisse. Non numquam etiam libertus Timarchides adhibebatur, mulieres autem nuptae nobiles praeter unam mimi Isidori filiam, quam iste propter amorem ab Rhodio tibicine abduxerat. <Erat> Pipa quaedam, uxor Aeschrionis Syracusani, de qua muliere plurimi versus qui in istius cupiditatem facti sunt tota Sicilia percelebrantur; erat Nice, facie eximia, ut praedicatur, uxor Cleomeni Syracusani.

[82] Hanc vir amabat, verum tamen huius libidini adversari nec poterat nec audebat, et simul ab isto donis beneficiisque multis devinciebatur. Illo autem tempore iste, tametsi ea est hominis impudentia quam nostis, ipse tamen cum vir esset Syracusis, uxorem eius parum poterat animo soluto ac libero tot in acta dies secum habere. Itaque excogitat rem singularem; navis quibus legatus praefuerat Cleomeni tradit, classi populi Romani Cleomenem Syracusanum praeesse iubet atque imperare. Hoc eo facit ut ille non solum abesset a domo dum navigaret, sed etiam libenter cum magno honore beneficioque abesset, ipse autem remoto atque ablegato viro non liberius quam antea — quis enim umquam istius libidini obstitit? — sed paulo solutiore animo tamen secum illam haberet, si non tamquam virum sed tamquam aemulum removisset.

[83] Accipit navis sociorum atque amicorum Cleomenes Syracusanus. Quid primum aut accusem aut querar? Siculone homini legati, quaestoris, praetoris denique potestatem, honorem, auctoritatem dari? Si te impediebat ista conviviorum mulierumque occupatio, ubi quaestores, ubi legati, ubi ternis denariis aestimatum frumentum, ubi muli, ubi tabernacula, ubi tot tantaque ornamenta magistratibus et legatis a senatu populoque Romano permissa et data, denique ubi praefecti, ubi tribuni tui? Si civis Romanus dignus isto negotio nemo fuit, quid civitates quae in amicitia fideque populi Romani perpetuo manserant? ubi Segestana, ubi Centuripina civitas? quae cum officiis fide vetustate, tum etiam cognatione populi Romani nomen attingunt.

[84] O di immortales! quid? si harum ipsarum civitatum militibus, navibus, nauarchis Syracusanus Cleomenes iussus est imperare, non omnis honos ab isto dignitatis, aequitatis, officique sublatus est? Ecquod in Sicilia bellum gessimus quin Centuripinis sociis,

Syracusanis hostibus uteremur? Atque haec ego ad memoriam vetustatis, non ad contumeliam civitatis referri volo. Itaque ille vir clarissimus summusque imperator, M. Marcellus, cuius virtute captae, misericordia conservatae sunt Syracusae, habitare in ea parte urbis quae in Insula est Syracusanum neminem voluit; hodie, inquam, Syracusanum in ea parte habitare non licet; est enim locus quem vel pauci possent defendere. Committere igitur eum non fidelissimis hominibus noluit, simul quod ab illa parte urbis navibus aditus ex alto est; quam ob rem qui nostros exercitus saepe excluserant, iis claustra loci committenda non existimavit.

[85] Vide quid intersit inter tuam libidinem maiorumque auctoritatem, inter amorem furoremque tuum et illorum consilium atque prudentiam. Illi aditum litoris Syracusanis ademerunt, tu imperium maritimum concessisti; illi habitare in eo loco Syracusanum, qua naves accedere possent, noluerunt, tu classi et navibus Syracusanum praeesse voluisti; quibus illi urbis suae partem ademerunt, iis tu nostri imperi partem dedisti, et quorum sociorum opera Syracusani nobis dicto audientes sunt, eos Syracusano dicto audientis esse iussisti.

[86] Egreditur in Centuripina quadriremi Cleomenes e portu; sequitur Segestana navis, Tyndaritana, Herbitensis, Heracliensis, Apolloniensis, Haluntina, praeclara classis in speciem, sed inops et infirma propter dimissionem propugnatorum atque remigum. Tam diu in imperio suo classem iste praetor diligens vidit quam diu convivium eius flagitiosissimum praetervecta est; ipse autem, qui visus multis diebus non esset, tum se tamen in conspectum nautis paulisper dedit. Stetit soleatus praetor populi Romani cum pallio purpureo tunicaque talari muliercula nixus in litore. Iam hoc istum vestitu Siculi civesque Romani permulti saepe viderant.

[87] Posteaquam paulum provecta classis est et Pachynum quinto die denique adpulsa, nautae coacti fame radices palmarum agrestium, quarum erat in illis locis, sicuti in magna parte Siciliae, multitudo, colligebant et iis miseri perditique alebantur; Cleomenes autem, qui alterum se Verrem cum luxurie ac nequitia tum etiam imperio putaret, similiter totos dies in litore tabernaculo posito perpotabat. Ecce autem repente ebrio Cleomene esurientibus ceteris nuntiatur piratarum esse navis in portu Odysseae; nam ita is locus nominatur;

nostra autem classis erat in portu Pachyni. Cleomenes autem, quod erat terrestre praesidium non re sed nomine, speravit iis militibus quos ex eo loco deduxisset explere se numerum nautarum et remigum posse. Reperta est eadem istius hominis avarissimi ratio in praesidiis quae in classibus; nam erant perpauci reliqui, ceteri dimissi.

[88] Princeps Cleomenes in quadriremi Centuripina malum erigi, vela fieri, praecidi ancoras imperavit, et simul ut se ceteri sequerentur signum dari iussit. Haec Centuripina navis erat incredibili celeritate velis; nam scire isto praetore nemo poterat quid quaeque navis remis facere posset; etsi in hac quadriremi propter honorem et gratiam Cleomenis minime multi remiges et milites deerant. Evolarat iam e conspectu fere fugiens quadriremis, cum etiam tum ceterae naves uno in loco moliebantur.

[89] Erat animus in reliquis; quamquam erant pauci, quoquo modo res se habebat, pugnare tamen se velle clamabant, et quod reliquum vitae viriumque fames fecerat id ferro potissimum reddere volebant. Quodsi Cleomenes non tanto ante fugisset, aliqua tamen ad resistendum ratio fuisset. Erat enim sola illa navis constrata et ita magna ut propugnaculo ceteris posset esse, quae si in praedonum pugna versaretur, urbis instar habere inter illos piraticos myoparones videretur; sed tum inopes, relicti ab duce praefectoque classis, eundem necessario cursum tenere coeperunt.

[90] Helorum versus, ut ipse Cleomenes, ita ceteri navigabant, neque ii tam praedonum impetum fugiebant quam imperatorem sequebantur. Tum ut quisque in fuga postremus, ita in periculo princeps erat; postremam enim quamque navem piratae primam adoriebantur. Ita prima Haluntinorum navis capitur, cui praeerat Haluntinus homo nobilis, Phylarchus, quem ab illis praedonibus Locrenses postea publice redemerunt; ex quo vos priore actione iurato rem omnem causamque cognostis. Deinde Apolloniensis navis capitur, et eius praefectus Anthropinus occiditur.

[91] Haec dum aguntur, interea Cleomenes iam ad Helori litus pervenerat; iam sese in terram e navi eiecerat quadrirememque fluctuantem in salo reliquerat. Reliqui praefecti navium, cum in terram imperator exisset, cum ipsi neque repugnare neque mari effugere ullo modo possent, adpulsis ad Helorum navibus

Cleomenem persecuti sunt. Tum praedonum dux Heracleo, repente praeter spem non sua virtute sed istius avaritia nequitiaque victor, classem pulcherrimam populi Romani in litus expulsam et eiectam, cum primum invesperasceret, inflammari incendique iussit.

[92] O tempus miserum atque acerbum provinciae Siciliae! o casum illum multis innocentibus calamitosum atque funestum! o istius nequitiam ac turpitudinem singularem! Vna atque eadem nox erat qua praetor amoris turpissimi flamma, classis populi Romani praedonum incendio conflagrabat. Adfertur nocte intempesta gravis huiusce mali nuntius Syracusas; curritur ad praetorium, quo istum ex illo praeclaro convivio reduxerant paulo ante mulieres cum cantu atque symphonia. Cleomenes, quamquam nox erat, tamen in publico esse non audet; includit se domi; neque aderat uxor, quae consolari hominem in malis posset.

[93] Huius autem praeclari imperatoris ita erat severa domi disciplina ut in re tanta et tam gravi nuntio nemo admitteretur, nemo esset qui auderet aut dormientem excitare aut interpellare vigilantem. Iam vero re ab omnibus cognita concursabat urbe tota maxima multitudo. Non enim, sicut erat antea semper consuetudo, praedonum adventum significabat ignis e specula sublatus aut tumulo, sed flamma ex ipso incendio navium et calamitatem acceptam et periculum reliquum nuntiabat. Cum praetor quaereretur et constaret neminem ei nuntiasse, fit ad domum eius cum clamore concursus atque impetus.

[94] Tum iste excitatus audit rem omnem ex Timarchide, sagum sumit, — lucebat iam fere, — procedit in medium vini somni stupri plenus. Excipitur ab omnibus eius modi clamore ut ei Lampsaceni periculi similitudo versaretur ante oculos; hoc etiam maius hoc videbatur, quod in odio simili multitudo hominum haec erat maxima. Tum istius acta commemorabatur, tum flagitiosa illa convivia, tum appellabantur a multitudine mulieres nominatim, tum quaerebant ex isto palam tot dies continuos per quos numquam visus esset ubi fuisset, quid egisset, tum imperator ab isto praepositus Cleomenes flagitabatur, neque quicquam propius est factum quam ut illud Vticense exemplum de Hadriano transferretur Syracusas, ut duo sepulchra duorum praetorum improborum duabus in provinciis constituerentur. Verum habita est a multitudine ratio temporis, habita

tumultus, habita etiam dignitatis existimationisque communis, quod is est conventus Syracusis civium Romanorum ut non modo illa provincia, verum etiam hac re publica dignissimus existimetur.

[95] Confirmant ipsi se, cum hic etiam tum semisomnus stuperet, arma capiunt, totum forum atque Insulam, quae est urbis magna pars, complent. Vnam illam noctem solam praedones ad Helorum commorati, cum fumantis etiam nostras navis reliquissent, accedere incipiunt Syracusas; qui videlicet saepe audissent nihil esse pulchrius quam Syracusarum moenia ac portus, statuerant se, si ea Verre praetore non vidissent, numquam esse visuros.

[96] Ac primo ad illa aestiva praetoris accedunt, ipsam illam ad partem litoris ubi iste per eos dies tabernaculis positis castra luxuriae conlocarat. Quem posteaquam inanem locum offenderunt et praetorem commosse ex eo loco castra senserunt, statim sine ullo metu in ipsum portum penetrare coeperunt. Cum in portum dico, iudices, — explanandum est enim diligentius eorum causa qui locum ignorant, — in urbem dico atque in urbis intimam partem venisse piratas; non enim portu illud oppidum clauditur, sed urbe portus ipse cingitur et continetur, ut non adluantur mari moenia extrema, sed ipse influat in urbis sinum portus.

[97] Hic te praetore Heracleo pirata cum quattuor myoparonibus parvis ad arbitrium suum navigavit. Pro di immortales! piraticus myoparo, cum imperi populi Romani nomen ac fasces essent Syracusis, usque ad forum Syracusanorum et ad omnis crepidines urbis accessit, quo neque Carthaginiensium gloriosissimae classes, cum mari plurimum poterant, multis bellis saepe conatae umquam aspirare potuerunt, neque populi Romani invicta ante te praetorem gloria illa navalis umquam tot Punicis Siciliensibusque bellis penetrare potuit; qui locus eius modi est ut ante Syracusani in moenibus suis, in urbe, in foro hostem armatum ac victorem quam in portu ullam hostium navem viderint.

[98] Hic, te praetore, praedonum naviculae pervagatae sunt quo Atheniensium classis sola post hominum memoriam trecentis navibus vi ac multitudine invasit; quae in eo ipso portu loci ipsius portusque natura victa atque superata est. Hic primum opes illius civitatis comminutae depressaeque sunt: in hoc portu Atheniensium nobilitatis, imperi, gloriae naufragium factum existimatur. Eone

pirata penetravit quo simul atque adisset non modo a latere sed etiam a tergo magnam partem urbis relinqueret? Insulam totam praetervectus est, quae est urbs Syracusis suo nomine ac moenibus, quo in loco maiores, ut ante dixi, Syracusanum habitare vetuerunt, quod, qui illam partem urbis tenerent, in eorum potestatem portum futurum intellegebant.

[99] At quem ad modum est pervagatus! Radices palmarum agrestium, quas in nostris navibus invenerant, iactabant, ut omnes istius improbitatem et calamitatem Siciliae possent cognoscere. Siculosne milites, aratorumne liberos, quorum patres tantum labore suo frumenti exarabant ut populo Romano totique Italiae suppeditare possent, eosne in insula Cereris natos, ubi primum fruges inventae esse dicuntur, eo cibo esse usos a quo maiores eorum ceteros quoque frugibus inventis removerunt! Te praetore Siculi milites palmarum stirpibus, piratae Siculo frumento alebantur!

[100] O spectaculum miserum atque acerbum! ludibrio esse urbis gloriam, populi Romani nomen, <omnium> hominum conventum atque multitudinem piratico myoparoni! in portu Syracusano de classe populi Romani triumphum agere piratam, cum praetoris inertissimi nequissimique oculos praedonum remi respergerent! Posteaquam e portu piratae non metu aliquo adfecti sed satietate exierunt, tum coeperunt quaerere homines causam illius tantae calamitatis. Dicere omnes et palam disputare minime esse mirandum si remigibus militibusque dimissis, reliquis egestate et fame perditis, praetore tot dies cum mulierculis perpotante, tanta ignominia et calamitas esset accepta.

[101] Haec autem istius vituperatio atque infamia confirmabatur eorum sermone qui a suis civitatibus illis navibus praepositi fuerant. Qui ex illo numero reliqui Syracusas classe amissa refugerant dicebant quot ex sua quisque nave missos sciret esse. Res erat clara, neque solum argumentis sed etiam certis testibus istius audacia tenebatur. Homo certior fit agi nihil in foro et conventu toto die nisi hoc, quaeri ex nauarchis quem ad modum classis sit amissa; illos respondere et docere unum quemque, missione remigum, fame reliquorum, Cleomenis timore et fuga. Quod posteaquam iste cognovit, hanc rationem habere coepit. Causam sibi dicendam esse statuerat iam antequam hoc usu venit, ita ut ipsum priore actione

dicere audistis. Videbat illis nauarchis testibus tantum hoc crimen sustinere se nullo modo posse. Consilium capit primo stultum, verum tamen clemens.

[102] Nauarchos ad se vocari iubet; veniunt. Accusat eos quod eius modi de se sermones habuerint; rogat ut in sua quisque dicat navi se tantum habuisse nautarum quantum oportuerit, neque quemquam esse dimissum. Illi enim vero se ostendunt quod vellet esse facturos. Iste non procrastinat, advocat amicos statim; quaerit ex iis singillatim quot quisque nautas habuerit. Respondet unus quisque ut erat praeceptum. Iste in tabulas refert; obsignat signis amicorum providens homo, ut contra hoc crimen, si quando opus esset, hac videlicet testificatione uteretur.

[103] Derisum esse credo hominem amentem a suis consiliariis et admonitum hasce ei tabulas nihil profuturas, etiam plus ex nimia praetoris diligentia suspicionis in eo crimine futurum. Iam iste erat hac stultitia multis in rebus usus ut publice quoque quae vellet in litteris civitatum tolli et referri iuberet; quae omnia nunc intellegit sibi nihil prodesse, posteaquam certis litteris testibus auctoritatibusque convincitur. Vbi hoc videt, illorum confessionem, testificationem suam, tabellas sibi nullo adiumento futuras, init consilium non improbi praetoris, — nam id quidem esset ferendum, — sed importuni atque amentis tyranni: statuit, si hoc crimen extenuari vellet, — nam omnino tolli posse non arbitrabatur, — nauarchos omnis, testis sui sceleris, vita esse privandos.

[104] Occurrebat illa ratio: ‘Quid Cleomene fiet? poterone animum advertere in eos quos dicto audientis esse iussi, missum facere eum cui potestatem imperiumque permisi? poterone eos adficere supplicio qui Cleomenen secuti sunt, ignoscere Cleomeni qui secum fugere et se consequi iussit? poterone esse in eos vehemens qui navis non modo inanis habuerunt sed etiam apertas, in eum dissolutus qui solus habuerit constratam navem et minus exinanitam? Pereat Cleomenes una!’ Vbi fides, ubi exsecrationes, ubi dexterae complexusque, ubi illud contubernium muliebris militiae in illo delicatissimo litore? Fieri nullo modo poterat quin Cleomeni parceretur.

[105] Vocat Cleomenen, dicit ei se statuisse animadvertere in omnis nauarchos; ita sui periculi rationes ferre ac postulare. ‘Tibi uni parcam et potius istius culpae crimen vituperationemque

inconstantiae suscipiam quam aut in te sim crudelis aut tot tam gravis testis vivos incolumisque esse patiar.' Agit gratias Cleomenes, adprobat consilium, dicit ita fieri oportere, admonet tamen illud, quod istum fugerat, in Phalacrum, Centuripinum nauarchum, non posse animadverti, propterea quod secum una fuisset in Centuripina quadriremi. Quid ergo? iste homo ex eius modi civitate, adulescens nobilissimus, testis relinquetur? 'In praesentia,' inquit Cleomenes, 'quoniam ita necesse est; sed post aliquid videbimus ne iste nobis obstare possit.'

[106] Haec posteaquam acta et constituta sunt, procedit iste repente e praetorio inflammatus scelere furore crudelitate; in forum venit, nauarchos vocari iubet. Qui nihil metuerent, nihil suspicarentur, statim accurrunt. Iste hominibus miseris innocentibus inici catenas imperat. Implorare illi fidem praetoris, et quare id faceret rogare. Tum iste hoc causae dicit, quod classem praedonibus prodidissent. Fit clamor et admiratio populi tantam esse in homine impudentiam atque audaciam ut aut aliis causam calamitatis attribueret quae omnis propter avaritiam ipsius accidisset, aut, cum ipse praedonum socius arbitraretur, aliis proditionis crimen inferret; deinde hoc quinto decimo die crimen esse natum postquam classis esset amissa.

[107] Cum haec ita fierent, quaerebatur ubi esset Cleomenes, non quo illum ipsum, cuicuimodi est, quisquam supplicio propter illud incommodum dignum putaret; nam quid Cleomenes facere potuit? — non enim possum quemquam insimulare falso — quid, inquam, magno opere potuit Cleomenes facere istius avaritia navibus exinanitis? Atque eum vident sedere ad latus praetoris et ad aurem familiariter, ut solitus erat, insusurrare. Tum vero omnibus indignissimum visum est homines honestissimos, electos e suis civitatibus, in ferrum atque in vincla coniectos, Cleomenem propter flagitiorum ac turpitudinum societatem familiarissimum esse praetori.

[108] Adponitur iis tamen accusator Naevius Turpio quidam, qui C. Sacerdote praetore iniuriarum damnatus est, homo bene adpositus ad istius audaciam, quem iste in decumis, in rebus capitalibus, in omni calumnia praecursorem habere solebat et emissarium. Veniunt Syracusas parentes propinquique miserorum adulescentium hoc repentino calamitatis suae commoti nuntio; vinctos aspiciunt catenis

liberos suos, cum istius avaritiae poenam collo et cervicibus suis sustinerent; adsunt, defendunt, proclamant, fidem tuam, quae nusquam erat neque umquam fuerat, implorant. Pater aderat Dexo Tyndaritanus, homo nobilissimus, hospes tuus. Cuius tu domi fueras, quem hospitem appellaras, eum cum illa auctoritate miseria videres perditum, non te eius lacrimae, non senectus, non hospiti ius atque nomen a scelere aliquam ad partem humanitatis revocare potuit?

[109] Sed quid ego hospiti iura in hac immani belua commemoro? Qui Sthenium Thermitanum, hospitem suum, cuius domum per hospitium exhausit et exinanivit, absentem in reos rettulerit, causa indicta capite damnarit, ab eo nunc hospitiorum iura atque officia quaeramus? Cum homine [enim] crudeli nobis res est an cum fera atque immani belua? Te patris lacrimae de innocentis fili periculo non movebant; cum patrem domi reliquisses, filium tecum haberes, te neque praesens filius de liberum caritate neque absens pater de indulgentia patria commonebat?

[110] Catenas habebat hospes tuus Aristeus, Dexonis filius. Quid ita? 'Prodiderat classem.' Quod ob praemium? 'Deseruerat.' Quid Cleomenes? 'Ignavus fuerat.' At eum tu ob virtutem corona ante donaras. 'Dimiserat nautas.' At ab omnibus tu mercedem missionis acceperas. Alter parens ex altera parte erat Herbitensis Eubulida, homo domi suae clarus et nobilis; qui quia Cleomenem in defendendo filio laeserat, nudus paene est destitutus. Quid erat autem quod quisquam diceret aut defenderet? 'Cleomenem nominare non licet.' At causa cogit. 'Moriere, si appellaris'; numquam enim iste cuiquam est mediocriter minatus. At remiges non erant. 'Praetorem tu accuses? frange cervices.' Si neque praetorem neque praetoris aemulum appellari licebit, cum in his duobus tota causa sit, quid futurum est?

[111] Dicit etiam causam Heracleus Segestanus, homo domi suae nobilissimo loco natus. Audite, ut vestra humanitas postulat, iudices; audietis enim de magnis incommodis iniuriisque sociorum. Hunc scitote fuisse Heracleum in ea causa, qui propter gravem morbum oculorum tum non navigarit, et iussu eius qui potestatem habuit in commeatu Syracusis remanserit! Is certe neque classem prodidit neque metu perterritus fugit neque exercitum deseruit; etenim tum esset hoc animadvertendum cum classis Syracusis proficiscebatur. Is

tamen in eadem causa fuit, quasi esset in aliquo manifesto scelere deprehensus, in quem ne falsi quidem causa conferri criminis potuit.

[112] Fuit in illis nauarchis Heracliensis quidam Furius, — nam habent illi non nulla huiusce modi Latina nomina, — homo, quam diu vixit, non domi suae solum, post mortem tota Sicilia clarus et nobilis. In quo homine tantum animi fuit non solum ut istum libere laederet, — nam id quidem, quoniam moriundum videbat, sine periculo se facere intellegebat, — verum morte proposita, cum lacrimans in carcere mater noctes diesque adsideret, defensionem causae suae scripsit; quam nunc nemo est in Sicilia quin habeat, quin legat, quin tui sceleris et crudelitatis ex illa oratione commonefiat. In qua docet quot a civitate sua nautas acceperit, quot et quanti quemque dimiserit, quot secum habuerit; item de ceteris navibus dicit; quae cum apud te diceret, virgis oculi verberabantur. Ille morte proposita facile dolorem corporis patiebatur; clamabat, id quod scriptum reliquit, facinus esse indignum plus impudicissimae mulieris apud te de Cleomenis salute quam de sua vita lacrimas matris valere.

[113] Deinde etiam illud video esse dictum quod, si recte vos populus Romanus cognovit, non falso ille de vobis iam in morte ipsa praedicavit, non posse Verrem testis interficiendo <testimonium> exstinguere; graviorem apud sapientis iudices se fore ab inferis testem quam si vivus in iudicium produceretur; tum avaritiae solum, si viveret, nunc, cum ita esset necatus, sceleris audaciae crudelitatis testem fore. Iam illa praeclara: non testium modo catervas, cum tua res ageretur, sed ab dis manibus innocentium Poenas sceleratorumque Furias in tuum iudicium esse venturas; sese ideo leviorem suum casum fingere, quod iam ante aciem securium tuarum Sextique, tui carnificis, vultum et manum vidisset, cum in conventu civium Romanorum iussu tuo securi cives Romani ferirentur.

[114] Ne multa, iudices, libertate quam vos sociis dedistis, hac ille in acerbissimo supplicio miserrimae servitutis abusus est. Condemnat omnis de consili sententia; tamen neque iste in tanta re tot hominum T. Vettium ad se arcessit, quaestorem suum, cuius consilio uteretur, neque P. Cervium, talem virum, legatum, qui quia legatus isto praetore in Sicilia fuit primus ab isto iudex reiectus est, sed de latronum, hoc est de comitum suorum sententia condemnat omnis.

[115] Hic cuncti Siculi, fidelissimi atque antiquissimi socii, plurimis adfecti beneficiis a maioribus nostris, graviter commoventur et de suis periculis fortunisque omnibus pertimescunt: indigne ferunt illam clementiam mansuetudinemque nostri imperi in tantam crudelitatem inhumanitatemque esse conversam, condemnari tot homines uno tempore nullo crimine, defensionem suorum furtorum praetorem improbum ex indignissima morte innocentium quaerere. Nihil addi iam videtur, iudices, ad hanc improbitatem amentiam crudelitatemque posse, et recte nihil videtur.

[116] Nam si cum aliorum improbitate certet, longe omnis multumque superabit; sed secum <cum> ipse certat, id agit ut semper superius suum facinus novo scelere vincat. Phalacrum Centuripinum dixeram exceptum esse a Cleomene, quod in eius quadriremi Cleomenes vectus esset; tamen, quia pertimuerat adulescens, quod eandem suam causam videbat esse quam illorum qui innocentes peribant, accedit ad hominem Timarchides; a securi negat esse ei periculum, virgis ne caederetur monet ut caveat. Ne multa, ipsum dicere adulescentem audistis se ob hunc metum pecuniam Timarchidi numerasse.

[117] Levia sunt haec in hoc reo. Metum virgarum nauarchus, homo nobilissimus nobilissimae civitatis, pretio redemit: humanum est. Alius ne condemnaretur pecuniam dedit: usitatum est. Non vult populus Romanus obsoletis criminibus accusari Verrem, nova postulat, inaudita desiderat; non de praetore Siciliae, sed de nefario tyranno fieri iudicium arbitratur. Includuntur in carcerem condemnati; supplicium constituitur in illos, sumitur de miseris parentibus nauarchorum; prohibentur adire ad filios, prohibentur liberis suis cibum vestitumque ferre.

[118] Patres hi quos videtis iacebant in limine, matresque miserae pernoctabant ad ostium carceris ab extremo conspectu liberum exclusae; quae nihil aliud orabant nisi ut filiorum suorum postremum spiritum ore excipere liceret. Aderat ianitor carceris, carnifex praetoris, mors terrorque sociorum et civium Romanorum, lictor Sextius, cui ex omni gemitu doloreque certa merces comparabatur. ‘Vt adeas, tantum dabis, ut cibum tibi intro ferre liceat, tantum.’ Nemo recusabat. ‘Quid? ut uno ictu securis adferam mortem filio tuo, quid dabis? ne diu crucietur, ne saepius feriatur, ne cum sensu doloris

aliquo spiritus auferatur?' Etiam ob hanc causam pecunia lictori dabatur.

[119] O magnum atque intolerandum dolorem! o gravem acerbamque fortunam! Non vitam liberum, sed mortis celeritatem pretio redimere cogebantur parentes. Atque ipsi etiam adulescentes cum Sextio suo de plaga et de uno illo ictu loquebantur, idque postremum parentis suos liberi orabant, ut levandi cruciatus sui causa lictori pecunia daretur. Multi et graves dolores inventi parentibus et propinquis, multi; verum tamen mors sit extremum. Non erit. Estne aliquid ultra quo crudelitas progredi possit? Reperietur; nam illorum, cum erunt securi percussi ac necati, corpora feris obicientur. Hoc si luctuosum est parentibus, redimant pretio sepeliendi potestatem.

[120] Onasum Segestanum, hominem nobilem, dicere audistis se ob sepulturam Heraclei nauarchi pecuniam Timarchidi numerasse; ne hoc possis dicere, 'Patres enim veniunt amissis filiis irati,' vir primarius, homo nobilissimus, dicit, neque de filio dicit. Iam hoc quis tum fuit Syracusis quin audierit, quin sciat, has Timarchidi pactiones sepulturae cum vivis etiam illis esse factas? Non palam cum Timarchide loquebantur, non omnes omnium propinqui adhibebantur, non palam vivorum funera locabantur? Quibus omnibus rebus actis atque decisis producuntur e carcere, deligantur.

[121] Quis tam fuit illo tempore ferreus, quis tam inhumanus praeter unum te, qui non illorum aetate nobilitate miseria commoveretur? Ecquis fuit quin lacrimaret, quin ita calamitatem illam putaret illorum ut fortunam tamen non alienam, periculum autem commune arbitraretur? Feriuntur securi. Laetaris tu in omnium gemitu et triumphas; testis avaritiae tuae gaudes esse sublatos. Errabas, Verres, et vehementer errabas, cum te maculas furtorum et flagitiorum tuorum sociorum innocentium sanguine eluere arbitrabare; praeceps amentia ferebare, qui te existimares avaritiae vulnera crudelitatis remediis posse sanare. Etenim quamquam illi sunt mortui sceleris tui testes, tamen eorum propinqui neque tibi neque illis desunt, tamen ex ipso illo numero nauarchorum aliqui vivunt et adsunt, quos, ut mihi videtur, ad illorum innocentium poenas fortuna et ad hanc causam reservavit.

[122] Adest Phylarchus Haluntinus, qui quia cum Cleomene non fugit, oppressus a praedonibus et captus est; cui calamitas saluti fuit,

qui nisi captus a piratis esset in hunc praedonem sociorum incidisset. Dicit is pro testimonio de missione nautarum, de fame, de Cleomenis fuga. Adest Centuripinus Phalacrus in amplissima civitate amplissimo loco natus; eadem dicit, nulla in re discrepat.

[123] Per deos immortalis! quo tandem animo sedetis, iudices, aut haec quem ad modum auditis? Vtrum ego desipio et plus quam satis est doleo tanta calamitate miseriaque sociorum, an vos quoque hic acerbissimus innocentium cruciatus et maeror pari sensu doloris adficit? Ego enim cum Herbitensem, cum Heracliensem securi percussum esse dico, versatur mihi ante oculos indignitas calamitatis. Eorumne populorum civis, eorum agrorum alumnos, ex quibus maxima vis frumenti quotannis plebi Romanae illorum operis ac laboribus quaeritur, qui a parentibus spe nostri imperi nostraeque aequitatis suscepti educatique sunt, ad C. Verris nefariam immanitatem et ad eius funestam securem esse servatos?

[124] Cum mihi Tyndaritani illius venit in mentem, cum Segestani, tum iura simul civitatum atque officia considero. Quas urbis P. Africanus etiam ornandas esse spoliis hostium arbitratus est, eas C. Verres non solum illis ornamentis sed etiam viris nobilissimis nefario scelere privavit. En quod Tyndaritani libenter praedicent: ‘Nos in septemdecim populis Siciliae numeramur, nos semper omnibus Punicis Siciliensibusque bellis amicitiam fidemque populi Romani secuti sumus, a nobis omnia populo Romano semper et belli adiumenta et pacis ornamenta ministrata sunt.’ Multum vero haec iis iura profuerunt in istius imperio ac potestate!

[125] Vestros quondam nautas contra Carthaginem Scipio duxit, at nunc navem contra praedones paene inanem Cleomenes ducit; vobiscum Africanus hostium spolia et praemia laudis communicavit, at nunc, per <Verrem> spoliati, nave a praedonibus abducta, ipsi in hostium loco numeroque ducimini. Quid vero? illa Segestanorum non solum litteris tradita neque commemorata verbis, sed multis officiis illorum usurpata et comprobata cognatio quos tandem fructus huiusce necessitudinis in istius imperio tulit? Nempe hoc iure fuit, iudices, ut ex sinu patriae nobilissimus adulescens istius carnifici Sextio dederetur. Cui civitati maiores nostri maximos agros atque optimos concesserunt, quam immunem esse voluerunt, haec apud te cognationis fidelitatis vetustatis auctoritatis ne hoc quidem iuris

obtinuit, ut unius honestissimi atque innocentissimi civis mortem ac sanguinem deprecaretur.

[126] Quo confugient socii? quem implorabunt? qua spe denique, ut vivere velint, tenebuntur, si vos eos deseretis? Ad senatumne venient? Quid? ut de Verre supplicium sumat? Non est usitatum, non senatorium. Ad populum Romanum confugient? Facilis est populi causa; legem enim se sociorum causa iussisse et eius legis custodes ac vindices praeposuisse dicet. Hic locus igitur est unus quo perfugiant, hic portus, haec arx, haec ara sociorum; quo quidem nunc non ita confugiunt ut antea in suis repetundis rebus solebant. Non argentum, non aurum, non vestem, non mancipia repetunt, non ornamenta quae ex urbibus fanisque erepta sunt; metuunt homines imperiti ne iam haec populus Romanus concedat et ita velit fieri. Patimur enim multos iam annos et silemus, cum videamus ad paucos homines omnis omnium nationum pecunias pervenisse. Quod eo magis ferre animo aequo et concedere videmur, quia nemo istorum dissimulat, nemo laborat ut obscura sua cupiditas esse videatur. [127] In urbe nostra pulcherrima atque ornatissima quod signum, quae tabula picta est quae non ab hostibus victis capta atque deportata sit? at istorum villae sociorum fidelissimorum plurimis et pulcherrimis spoliis ornatae refertaeque sunt. Vbi pecunias exterarum nationum esse arbitramini, quae nunc omnes egent, cum Athenas, Pergamum, Cyzicum, Miletum, Chium, Samum, totam denique Asiam, Achaiam, Graeciam, Siciliam tam in paucis villis inclusas esse videatis? Sed haec, ut dico, omnia iam socii vestri relinquunt et neglegunt, iudices. Ne publice a populo Romano spoliarentur officiis ac fide providerunt; paucorum cupiditati tum, cum obsistere non poterant, tamen sufficere aliquo modo poterant; nunc vero iam adempta est non modo resistendi verum etiam suppeditandi facultas. Itaque res suas neglegunt; pecunias, quo nomine iudicium hoc appellatur, non repetunt, relinquunt; hoc iam ornatu ad vos confugiunt.

[128] Aspicite, aspicite, iudices, squalorem sordisque sociorum! Sthenius hic Thermitanus cum hoc capillo atque veste, domo sua tota expilata, mentionem tuorum furtorum non facit; sese ipsum abs te repetit, nihil amplius; totum enim tua libidine et scelere ex sua patria, in qua multis virtutibus ac beneficiis princeps fuit, sustulisti. Dexo hic, quem videtis, non quae publice Tyndaride, non quae privatim

sibi eripuisti, sed unicum miser abs te filium optimum atque innocentissimum flagitat; non ex litibus aestimatis tuis pecuniam domum, sed ex tua calamitate cineri atque ossibus fili sui solacium vult aliquod reportare. Hic tam grandis natu Eubulida hoc tantum exacta aetate laboris itinerisque suscepit, non ut aliquid de suis bonis recuperaret, sed ut, quibus oculis cruentas cervices fili sui viderat, isdem te condemnatum videret.

[129] Si per L. Metellum licitum esset, iudices, matres illorum miserorum sororesque veniebant; quarum una, cum ego ad Heracleam noctu accederem, cum omnibus matronis eius civitatis et cum multis facibus mihi obviam venit, et ita, — me suam salutem appellans, te suum carnificem nominans, fili nomen implorans, — mihi ad pedes misera iacuit quasi ego eius excitare ab inferis filium possem. Faciebant hoc itidem ceteris in civitatibus grandes natu matres et item parvi liberi miserorum; quorum utrumque aetas laborem et industriam meam, fidem et misericordiam vestram requirebat.

[130] Itaque ad me, iudices, hanc querimoniam praeter ceteras Sicilia detulit; lacrimis ego huc, non gloria inductus accessi, ne falsa damnatio, ne carcer, ne catenae, ne verbera, ne secures, ne cruciatus sociorum, ne sanguis innocentium, ne denique etiam exsanguia corpora mortuorum, ne maeror parentum ac propinquorum magistratibus nostris quaestui posset esse. Hunc ego si metum Siciliae damnatione istius per vestram fidem et veritatem deiecero, iudices, satis officio meo, satis illorum voluntati qui a me hoc petiverunt factum esse arbitrabor.

[131] Quapropter si quem forte inveneris qui hoc navale crimen conetur defendere, is ita defendat <ut> illa communia quae ad causam nihil pertinent praetermittat, me culpae fortunam adsignare, calamitatem crimini dare, me amissionem classis obicere, cum multi viri fortes in communi incertoque periculo belli et terra et mari saepe offenderint. Nullam tibi obicio fortunam, nihil est quod ceterorum res minus commode gestas proferas, nihil est quod multorum naufragia fortunae colligas. Ego navis inanis fuisse dico, remiges nautasque dimissos, reliquos stirpibus vixisse palmarum; praefuisse classi populi Romani Siculum, perpetuo sociis atque amicis Syracusanum; te illo tempore ipso superioribusque diebus omnibus in litore cum

mulierculis perpotasse dico; harum rerum omnium auctores testisque produco.

[132] Num tibi insultare in calamitate, num intercludere perfugia fortunae, num casus bellicos exprobrare aut obicere videor? Tametsi solent ii fortunam sibi obici nolle qui se fortunae commiserunt, qui in eius periculis sunt ac varietate versati. Istius quidem calamitatis tuae fortuna particeps non fuit. Homines enim in proeliis, non in conviviis belli fortunam periclitari solent; in illa autem calamitate non Martem fuisse communem, sed Venerem possumus dicere. Quodsi fortunam tibi obici non oportet, cur tu fortunae illorum innocentium veniam ac locum non dedisti?

[133] Etiam illud praecidas licet, te, quod supplicium more maiorum sumpseris securique percusseris, idcirco a me in crimen et in invidiam vocari. Non in supplicio crimen meum vertitur; non ego nego securi quemquam feriri debere, non ego metum ex re militari, non severitatem imperi, non poenam flagiti tolli dico oportere; fateor non modo in socios sed etiam in civis militesque nostros persaepe esse severe ac vehementer vindicatum. Quare haec quoque praetermittas licet. Ego culpam non in nauarchis sed in te fuisse demonstro, te pretio remiges militesque dimisisse arguo. Hoc nauarchi reliqui dicunt, hoc Netinorum foederata civitas publice dicit, hoc Amestratini, hoc Herbitenses, hoc Hennenses, Agyrinenses, Tyndaritani publice dicunt, tuus denique testis, tuus imperator, tuus aemulus, tuus hospes Cleomenes hoc dicit, sese in terram esse egressum ut Pachyno e terrestri praesidio milites colligeret, quos in navibus conlocaret; quod certe non fecisset si suum numerum naves haberent; ea est enim ratio instructarum ornatarumque navium ut non modo plures sed ne singuli quidem possint accedere.

[134] Dico praeterea illos ipsos reliquos nautas fame atque inopia rerum omnium confectos fuisse ac perditos; dico aut omnis extra culpam fuisse, aut, si uni attribuenda culpa sit, in eo maximam fuisse qui optimam navem, plurimos nautas haberet, summum imperium obtineret, aut, si omnes in culpa fuerint, non oportuisse Cleomenen constitui spectatorem illorum mortis atque cruciatus; dico etiam in ipso supplicio mercedem lacrimarum, mercedem vulneris atque plagae, mercedem funeris ac sepulturae constitui nefas fuisse.

[135] Quapropter si mihi respondere voles haec dicito, classem

instructam atque ornatam fuisse, nullum propugnatorem afuisse, nullum vacuum tractum esse remum, rem frumentariam esse suppeditatam; mentiri nauarchos, mentiri tot tam gravis civitates, mentiri etiam Siciliam totam; proditum esse te a Cleomene, qui se dixerit exisse in terram ut Pachyno deduceret milites; animum illis, non copias defuisse; Cleomenem acerrime pugnantem ab iis relictum esse atque desertum; nummum ob sepulturam datum nemini. Quae si dices, tenebere; sin alia dices, ea quae a me dicta sunt non refutabis.

[136] Hic tu etiam dicere audebis, 'Est in iudicibus ille familiaris meus, est paternus amicus ille.' Non ut quisque maxime est quicum tibi aliquid sit, ita te in huiusce modi crimine maxime eius pudet? 'Paternus amicus est.' Ipse pater si iudicaret, per deos immortalis, quid facere posset? Cum tibi haec diceret, 'Tu in provincia populi Romani praetor, cum tibi maritimum bellum esset administrandum, Mamertinis ex foedere quam deberent navem per triennium remisisti, tibi apud eosdem privata navis oneraria maxima publice est aedificata, tu a civitatibus pecunias classis nomine coegisti, tu pretio remiges dimisisti, tu, navis cum esset ab quaestore et ab legato capta praedonum, archipiratam ab oculis omnium removisti, tu, qui cives Romani esse dicerentur, qui a multis cognoscerentur, securi ferire potuisti, tu tuam domum piratas abducere, tu in iudicium archipiratam domo producere ausus es, tu in provincia tam splendida,

[137] tu apud socios fidelissimos, civis Romanos honestissimos, in metu periculoque provinciae dies continuos compluris in litore conviviisque iacuisti, te per eos dies nemo tuae domi convenire, nemo in foro videre potuit, tu sociorum atque amicorum ad ea convivia matres familias adhibuisti, tu inter eius modi mulieres praetextatum tuum filium, nepotem meum, conlocavisti, ut aetati maxime lubricae atque incertae exempla nequitiae parentis vita praeberet, tu praetor in provincia cum tunica pallioque purpureo visus es, tu propter amorem libidinemque tuam imperium navium legato populi Romani ademisti, Syracusano tradidisti, tui milites in provincia Sicilia frugibus frumentoque caruerunt, tua luxurie atque avaritia classis populi Romani a praedonibus capta et incensa est;

[138] post Syracusas conditas quem in portum numquam hostis accesserat, in eo te praetore primum piratae navigaverunt; neque haec tot et tanta dedecora dissimulatione tua neque oblivione

hominum ac taciturnitate tegere voluisti, sed etiam navium praefectos sine ulla causa de complexu parentum suorum, hospitum tuorum, ad mortem cruciatumque rapuisti, neque te in parentum luctu atque lacrimis mei nominis commemoratio mitigavit; tibi hominum innocentium sanguis non modo voluptati sed etiam quaestui fuit!' — haec si tibi tuus parens diceret, posses ab eo veniam petere, posses ut tibi ignosceret postulare?

[139] Satis est factum Siculis, satis officio ac necessitudini, satis promisso nostro ac recepto. Reliqua est ea causa, iudices, quae iam non recepta sed innata, neque delata ad me sed in animo sensuque meo penitus adfixa atque insita est; quae non ad sociorum salutem, sed ad civium Romanorum, hoc est ad unius cuiusque nostrum, vitam et sanguinem pertinet. In qua nolite a me, quasi dubium sit aliquid, argumenta, iudices, exspectare: omnia quae dicam sic erunt inlustria ut ad ea probanda totam Siciliam testem adhibere possem. Furor enim quidam, sceleris et audaciae comes, istius effrenatum animum importunamque naturam tanta oppressit amentia ut numquam dubitaret in conventu palam supplicia, quae in convictos malefici servos constituta sunt, ea in civis Romanos expromere.

[140] Virgis quam multos ceciderit quid ego commemorem? Tantum brevissime, iudices, dico: nullum fuit omnino civitatis isto praetore in hoc genere discrimen. Itaque iam consuetudine ad corpora civium Romanorum etiam sine istius nutu ferebatur manus ipsa lictoris. Num potes hoc negare, Verres, in foro Lilybaei maximo conventu C. Servilium, civem Romanum e conventu Panhormitano, veterem negotiatorem, ad tribunal ante pedes tuos ad terram virgis et verberibus abiectum? Aude hoc primum negare, si potes; nemo Lilybaei fuit quin viderit, nemo in Sicilia quin audiverit. Plagis confectum dico a lictoribus tuis civem Romanum ante oculos tuos concidisse.

[141] At quam ob causam, di immortales! tametsi iniuriam facio communi causae et iuri civitatis; quasi enim ulla possit esse causa cur hoc cuiquam civi Romano iure accidat, ita quaero quae in Servilio causa fuerit. Ignoscite in hoc uno, iudices; in ceteris enim non magnopere causas requiram. Locutus erat liberius de istius improbitate atque nequitia. Quod isti simul ac renuntiatum est, hominem iubet Lilybaeum vadimonium Venerio servo promittere.

Promittit; Lilybaeum venitur. Cogere eum coepit, cum ageret nemo, nemo postularet, sponsionem mille nummum facere cum lictore suo, ‘Ni furtis quaestum faceret.’ Recuperatores se de cohorte sua dicebat daturum. Servilius et recusare et deprecari ne iniquis iudicibus nullo adversario iudicium capitis in se constitueretur.

[142] Haec cum maxime loqueretur, sex lictores circumsistunt valentissimi et ad pulsandos verberandosque homines exercitatissimi, caedunt acerrime virgis; denique proximus lictor, de quo iam saepe dixi, Sextius, converso baculo oculos misero tundere vehementissime coepit. Itaque ille, cum sanguis os oculosque complesset, concidit, cum illi nihilo minus iacenti latera tunderent, ut aliquando spondere se diceret. Sic ille adfectus illim tum pro mortuo sublatus perbrevi postea est mortuus. Iste autem homo Venerius, adfluens omni lepore ac venustate, de bonis illius in aede Veneris argenteum Cupidinem posuit. Sic etiam fortunis hominum abutebatur ad nocturna vota cupiditatum suarum.

[143] Nam quid ego de ceteris civium Romanorum suppliciis singillatim potius quam generatim atque universe loquar? Carcer ille qui est a crudelissimo tyranno Dionysio factus Syracusis, quae lautumiae vocantur, in istius imperio domicilium civium Romanorum fuit. Vt quisque istius animum aut oculos offenderat, in lautumias statim coniciebatur. Indignum hoc video videri omnibus, iudices, et id iam priore actione, cum haec testes dicerent, intellexi. Retineri enim putatis oportere iura libertatis non modo hic ubi tribuni plebis sunt, ubi ceteri magistratus, ubi forum plenum iudiciorum, ubi senatus auctoritas, ubi existimatio populi Romani et frequentia, sed ubicumque terrarum et gentium violatum ius civium Romanorum sit, statuitis id pertinere ad communem causam libertatis et dignitatis.

[144] In externorum hominum maleficorum sceleratorumque, in praedonum hostiumque custodias tu tantum numerum civium Romanorum includere ausus es? Numquamne tibi iudici, numquam contionis, numquam huius tantae frequentiae, quae nunc te animo iniquissimo infestissimoque intuetur, venit in mentem? numquam tibi populi Romani absentis dignitas, numquam species ipsa huiusce multitudinis in oculis animoque versata est? numquam te in horum conspectum rediturum, numquam in forum populi Romani venturum, numquam sub legum et iudiciorum potestatem casurum esse duxisti?

[145] At quae erat ista libido crudelitatis exercendae, quae tot scelerum suscipiendorum causa? Nulla, iudices, praeter praedandi novam singularemque rationem. Nam ut illi quos a poetis accepimus, qui sinus quosdam obsedisse maritimos aut aliqua promunturia aut praerupta saxa tenuisse dicuntur, ut eos qui essent adpulsi navigiis interficere possent, sic iste in omnia maria infestus ex omnibus Siciliae partibus imminebat. Quaecumque navis ex Asia, quae ex Syria, quae Tyro, quae Alexandria venerat, statim certis indicibus et custodibus tenebatur; vectores omnes in lautumias coniciebantur, onera atque merces in praetoriam domum deferebantur. Versabatur in Sicilia longo intervallo alter non Dionysius ille nec Phalaris, — tulit enim illa quondam insula multos et crudelis tyrannos, — sed quoddam novum monstrum ex vetere illa immanitate quae in isdem locis versata esse dicitur.

[146] Non enim Charybdim tam infestam neque Scyllam nautis quam istum in eodem freto fuisse arbitror; hoc etiam iste infestior, quod multo se pluribus et immanioribus canibus succinxerat, Cyclops alter multo importunior; hic enim totam insulam obsidebat, ille Aetnam solam et eam Siciliae partem tenuisse dicitur. At quae causa tum subiciebatur ab ipso, iudices, huius tam nefariae crudelitatis? Eadem quae nunc in defensione commemorabitur. Quicumque accesserant ad Siciliam paulo pleniores, eos Sertorianos milites esse atque a Dianio fugere dicebat. Illi ad deprecandum periculum proferebant alii purpuram Tyriam, tus alii atque odores vestemque linteam, gemmas alii et margaritas, vina non nulli Graeca venalisque Asiaticos, ut intellegeretur ex mercibus quibus ex locis navigarent. Non providerant eas ipsas sibi causas esse periculi, quibus argumentis se ad salutem uti arbitrabantur. Iste enim haec eos ex piratarum societate adeptos esse dicebat; ipsos in lautumias abduci imperabat, navis eorum atque onera diligenter adservanda curabat.

[147] His institutis cum completus iam mercatorum carcer esset, tum illa fiebant quae L. Suettium, equitem Romanum, lectissimum virum, dicere audistis, et quae ceteros audietis. Cervices in carcere frangebantur indignissime civium Romanorum, ut iam illa vox et imploratio, ‘Civis Romanus sum,’ quae saepe multis in ultimis terris opem inter barbaros et salutem tulit, ea mortem illis acerbiorem et

supplicium maturius ferret. Quid est, Verres? quid ad haec cogitas respondere? num mentiri me, num fingere aliquid, num augere crimen? num quid horum dicere istis defensoribus tuis audes? Cedo mihi, quaeso, ex ipsius sinu litteras Syracusanorum, quas ipse ad arbitrium suum confectas esse arbitratur, cedo rationem carceris, quae diligentissime conficitur, quo quisque die datus in custodiam, quo mortuus, quo necatus sit.

[148] Litterae Syracvsanorvm. Videtis civis Romanos gregatim coniectos in lautumias, videtis indignissimo in loco coacervatam multitudinem vestrorum civium. Quaerite nunc vestigia quibus exitus eorum ex illo loco compareant. Nulla sunt. Omnesne mortui? Si ita posset defendere, tamen fides huic defensioni non haberetur. Sed scriptum exstat in isdem litteris quod iste homo barbarus ac dissolutus neque attendere umquam neque intellegere potuit: §dikai=yhsan, inquit, hoc est, ut Siculi loquuntur, supplicio adfecti ac necati sunt.

[149] Si qui rex, si qua civitas exterarum gentium, si qua natio fecisset aliquid in civis Romanos eius modi, nonne publice vindicaremus, nonne bello persequeremur? possemus hanc iniuriam ignominiamque nominis Romani inultam impunitamque dimittere? Quot bella maiores nostros et quanta suscepisse arbitramini, quod cives Romani iniuria adfecti, quod navicularii retenti, quod mercatores spoliati dicerentur? At ego iam retentos non queror, spoliatos ferendum puto; navibus, mancipiis, mercibus ademptis in vincla mercatores esse coniectos et in vinclis civis Romanos necatos esse arguo.

[150] Si haec apud Scythas dicerem, non hic in tanta multitudine civium Romanorum, non apud senatores, lectissimos civitatis, non in foro populi Romani de tot et tam acerbis suppliciis civium Romanorum, tamen animos etiam barbarorum hominum permoverem; tanta enim huius imperi amplitudo, tanta nominis Romani dignitas est apud omnis nationes ut ista in nostros homines crudelitas nemini concessa esse videatur. Nunc tibi ego ullam salutem, ullum perfugium putem, cum te implicatum severitate iudicum, circumretitum frequentia populi Romani esse videam?

[151] Si mehercule, id quod fieri non posse intellego, ex his te laqueis exueris ac te aliqua via ac ratione explicaris, in illas tibi

maiores plagas incidendum est in quibus te ab eodem me superiore ex loco confici et concidi necesse est. Cui si etiam id quod defendit velim concedere, tamen ipsa illa falsa defensio non minus esse ei perniciosa quam mea vera accusatio debeat. Quid enim defendit? Ex Hispania fugientis se excepisse et supplicio adfecisse dicit. Quis tibi id permisit? quo iure fecisti? quis idem fecit? qui tibi id facere licuit?

[152] Forum plenum et basilicas istorum hominum videmus, et animo aequo videmus; civilis enim dissensionis et seu amentiae seu fati seu calamitatis non est iste molestus exitus, in quo reliquos saltem civis incolumis licet conservare. Verres, ille vetus proditor consulis, translator quaesturae, aversor pecuniae publicae, tantum sibi auctoritatis in re publica suscepit ut, quibus hominibus per senatum, per populum Romanum, per omnis magistratus, in foro, in suffragiis, in hac urbe, in re publica versari liceret, iis omnibus mortem acerbam crudelemque proponeret si fortuna eos ad aliquam partem Siciliae detulisset.

[153] Ad Cn. Pompeium, clarissimum virum et fortissimum, permulti occiso Perperna ex illo Sertoriano numero militum confugerunt. Quem non ille summo cum studio salvum incolumemque servavit? cui civi supplicanti non illa dextera invicta fidem porrexit et spem salutis ostendit? Itane vero? quibus fuit portus apud eum quem contra arma tulerant, iis apud te, cuius nullum in re publica momentum umquam fuit, mors et cruciatus erat constitutus? Vide quam commodam defensionem excogitaris! Malo mehercule id quod tu defendis his iudicibus populoque Romano quam id quod ego insimulo probari, malo, inquam, te isti generi hominum quam mercatoribus et navicularíis inimicum atque infestum putari; meum enim crimen avaritiae te nimiae coarguit, tua defensio furoris cuiusdam et immanitatis et inauditae crudelitatis et paene novae proscriptionis.

[154] Sed non licet me isto tanto bono, iudices, uti, non licet. Adsunt enim Puteoli toti; frequentissimi venerunt ad hoc iudicium mercatores, homines locupletes atque honesti, qui partim socios suos, partim libertos, partim conlibertos spoliatos in vincla coniectos, partim in vinclis necatos, partim securi percussos esse dicunt. Hic vide quam me sis usurus aequo. Cum ego P. Granium testem produxero qui suos libertos abs te securi percussos esse dicat, qui abs

te navem suam mercesque repetat, refellito, si poteris; meum testem deseram, tibi favebo, te, inquam, adiuvabo; ostendito illos cum Sertorio fuisse, ab Dianio fugientis ad Siciliam esse delatos. Nihil est quod te mallem probare; nullum enim facinus quod maiore supplicio dignum sit reperiri neque proferri potest.

[155] Reducam iterum equitem Romanum, L. Flavium, si voles, quoniam priore actione, — ut patroni tui dictitant, nova quadam sapientia, ut omnes intellegunt, conscientia tua atque auctoritate meorum testium, — testem nullum interrogasti. Interrogetur Flavius, si voles, quinam fuerit T. Herennius, is quem ille argentariam Lepti fecisse dicit; qui cum amplius centum civis Romanos haberet ex conventu Syracusano qui eum non solum cognoscerent sed etiam lacrimantes ac te implorantes defenderent, tamen inspectantibus omnibus Syracusis securi percussus est. Hunc quoque testem meum refelli et illum Herennium Sertorianum fuisse abs te demonstrari et probari volo.

[156] Quid de illa multitudine dicemus eorum qui capitibus involutis in piratarum captivorum numero producebantur, ut securi ferirentur? Quae ista nova diligentia, quam ob causam abs te excogitata? an te L. Flavi ceterorumque de T. Herennio vociferatio commovebat? an M. Anni, gravissimi atque honestissimi viri, summa auctoritas paulo diligentiorem timidioremque fecerat? qui nuper pro testimonio non advenam nescio quem nec alienum, sed eum civem Romanum qui omnibus in illo conventu notus, qui Syracusis natus esset, abs te securi percussum esse dixit.

[157] Post hanc illorum vociferationem, post hanc communem famam atque querimoniam non mitior in supplicio, sed diligentior esse coepit; capitibus involutis civis Romanos ad necem producere instituit; quos tamen idcirco necabat palam quod homines in conventu, id quod antea dixi, nimium diligenter praedonum numerum requirebant. Haecine plebi Romanae te praetore est constituta condicio, haec negoti gerendi spes, hoc capitis vitaeque discrimen? Parumne multa mercatoribus sunt necessario pericula subeunda fortunae, nisi etiam hae formidines ab nostris magistratibus atque in nostris provinciis impendebunt? Ad eamne rem fuit haec suburbana ac fidelis provincia, plena optimorum sociorum honestissimorumque civium, quae civis Romanos omnis suis ipsa

sedibus libentissime semper accepit, ut, qui usque ex ultima Syria atque Aegypto navigarent, qui apud barbaros propter togae nomen in honore aliquo fuissent, qui ex praedonum insidiis, qui ex tempestatum periculis profugissent, in Sicilia securi ferirentur, cum se iam domum venisse arbitrarentur?

[158] Nam quid ego de P. Gavio, Consano municipe, dicam, iudices, aut qua vi vocis, qua gravitate verborum, quo dolore animi dicam? tametsi dolor me non deficit; ut cetera mihi in dicendo digna re, digna dolore meo, suppetant magis laborandum est. Quod crimen eius modi est ut, cum primum ad me delatum est, usurum me illo non putarem; tametsi enim verissimum esse intellegebam, tamen credibile fore non arbitrabar. Coactus lacrimis omnium civium Romanorum qui in Sicilia negotiantur, adductus Valentinorum, hominum honestissimorum, omniumque Reginorum testimoniis multorumque equitum Romanorum qui casu tum Messanae fuerunt, dedi tantum priore actione testium res ut nemini dubia esse possit.

[159] Quid nunc agam? Cum iam tot horas de uno genere ac de istius nefaria crudelitate dicam, cum prope omnem vim verborum eius modi, quae scelere istius digna sint, aliis in rebus consumpserim, neque hoc providerim, ut varietate criminum vos attentos tenerem, quem ad modum de tanta re dicam? Opinor, unus modus atque una ratio est; rem in medio ponam; quae tantum habet ipsa gravitatis ut neque mea, quae nulla est, neque cuiusquam ad inflammandos vestros animos eloquentia requiratur.

[160] Gavius hic quem dico, Consanus, cum in illo numero civium Romanorum ab isto in vincla coniectus esset et nescio qua ratione clam e lautumiis profugisset Messanamque venisset, qui tam prope iam Italiam et moenia Reginorum, civium Romanorum, videret et ex illo metu mortis ac tenebris quasi luce libertatis et odore aliquo legum recreatus revixisset, loqui Messanae et queri coepit se civem Romanum in vincla coniectum, sibi recta iter esse Romam, Verri se praesto advenienti futurum. Non intellegebat miser nihil interesse utrum haec Messanae an apud istum in praetorio loqueretur; nam, ut antea vos docui, hanc sibi iste urbem delegerat quam haberet adiutricem scelerum, furtorum receptricem, flagitiorum omnium consciam. Itaque ad magistratum Mamertinum statim deducitur Gavius, eoque ipso die casu Messanam Verres venit. Res ad eum

defertur, esse civem Romanum qui se Syracusis in lautumiis fuisse quereretur; quem iam ingredientem in navem et Verri nimis atrociter minitantem ab se retractum esse et adservatum, ut ipse in eum statueret quod videretur.

[161] Agit hominibus gratias et eorum benivolentiam erga se diligentiamque conlaudat. Ipse inflammatus scelere et furore in forum venit; ardebant oculi, toto ex ore crudelitas eminebat. Exspectabant omnes quo tandem progressurus aut quidnam acturus esset, cum repente hominem proripi atque in foro medio nudari ac deligari et virgas expediri iubet. Clamabat ille miser se civem esse Romanum, municipem Consanum; meruisse cum L. Raecio, splendidissimo equite Romano, qui Panhormi negotiaretur, ex quo haec Verres scire posset. Tum iste, se comperisse eum speculandi causa in Siciliam a ducibus fugitivorum esse missum; cuius rei neque index neque vestigium aliquod neque suspicio cuiquam esset ulla; deinde iubet undique hominem vehementissime verberari.

[162] Caedebatur virgis in medio foro Messanae civis Romanus, iudices, cum interea nullus gemitus, nulla vox alia illius miseri inter dolorem crepitumque plagarum audiebatur nisi haec, ‘Civis Romanus sum.’ Hac se commemoratione civitatis omnia verbera depulsurum cruciatumque a corpore deiecturum arbitrabatur; is non modo hoc non perfecit, ut virgarum vim deprecaretur, sed cum imploraret saepius usurparetque nomen civitatis, crux, — crux, inquam, — infelici et aerumnoso, qui numquam istam pestem viderat, comparabatur.

[163] O nomen dulce libertatis! o ius eximium nostrae civitatis! o lex Porcia legesque Semproniae! o graviter desiderata et aliquando reddita plebi Romanae tribunicia potestas! Hucine tandem haec omnia reciderunt ut civis Romanus in provincia populi Romani, in oppido foederatorum, ab eo qui beneficio populi Romani fascis et securis haberet deligatus in foro virgis caederetur? Quid? cum ignes ardentesque laminae ceterique cruciatus admovebantur, si te illius acerba imploratio et vox miserabilis non inhibebat, ne civium quidem Romanorum qui tum aderant fletu et gemitu maximo commovebare? In crucem tu agere ausus es quemquam qui se civem Romanum esse diceret? Nolui tam vehementer agere hoc prima actione, iudices, nolui; vidistis enim ut animi multitudinis in istum dolore et odio et

communis periculi metu concitarentur. Statui egomet mihi tum modum et orationi meae et C. Numitorio, equiti Romano, primo homini, testi meo; et Glabrionem id quod sapientissime fecit facere laetatus sum, ut repente consilium in medio testimonio dimitteret. Etenim verebatur ne populus Romanus ab isto eas poenas vi repetisse videretur, quas veritus esset ne iste legibus ac vestro iudicio non esset persoluturus.

[164] Nunc quoniam iam exploratum est omnibus quo loco causa tua sit et quid de te futurum sit, sic tecum agam. Gavium istum, quem repentinum speculatorem fuisse dicis, ostendam in lautumias Syracusis a te esse coniectum, neque id solum ex litteris ostendam Syracusanorum, ne possis dicere me, quia sit aliqui in litteris Gavius, hoc fingere et eligere nomen, ut hunc illum esse possim dicere, sed ad arbitrium tuum testis dabo qui istum ipsum Syracusis abs te in lautumias coniectum esse dicant. Producam etiam Consanos municipes illius ac necessarios, qui te nunc sero doceant, iudices non sero, illum P. Gavium quem tu in crucem egisti civem Romanum et municipem Consanum, non speculatorem fugitivorum fuisse.

[165] Cum haec omnia quae polliceor cumulate tuis proximis plana fecero, tum istuc ipsum tenebo quod abs te mihi datur; eo contentum esse me dicam. Quid enim nuper tu ipse, cum populi Romani clamore atque impetu perturbatus exsiluisti, quid, inquam, elocutus es? Illum, quod moram supplicio quaereret, ideo clamitasse se esse civem Romanum, sed speculatorem fuisse. Iam mei testes veri sunt. Quid enim dicit aliud C. Numitorius, quid M. et P. Cottii, nobilissimi homines ex agro Tauromenitano, quid Q. Lucceius, qui argentariam Regi maximam fecit, quid ceteri? Adhuc enim testes ex eo genere a me sunt dati, non qui novisse Gavium, sed se vidisse dicerent, cum is, qui se civem Romanum esse clamaret, in crucem ageretur. Hoc tu, Verres, idem dicis, hoc tu confiteris, illum clamitasse se civem esse Romanum; apud te nomen civitatis ne tantum quidem valuisse ut dubitationem aliquam [crucis], ut crudelissimi taeterrimique supplici aliquam parvam moram saltem posset adferre.

[166] Hoc teneo, hic haereo, iudices, hoc sum contentus uno, omitto ac neglego cetera; sua confessione induatur ac iuguletur necesse est. Qui esset ignorabas, speculatorem esse suspicabare; non quaero qua suspicione, tua te accuso oratione: civem Romanum se esse dicebat.

Si tu apud Persas aut in extrema India deprensus, Verres, ad supplicium ducerere, quid aliud clamitares nisi te civem esse Romanum? et si tibi ignoto apud ignotos, apud barbaros, apud homines in extremis atque ultimis gentibus positos, nobile et inlustre apud omnis nomen civitatis tuae profuisset, ille, quisquis erat, quem tu in crucem rapiebas, qui tibi esset ignotus, cum civem se Romanum esse diceret, apud te praetorem si non effugium ne moram quidem mortis mentione atque usurpatione civitatis adsequi potuit?

[167] Homines tenues, obscuro loco nati, navigant, adeunt ad ea loca quae numquam antea viderunt, ubi neque noti esse iis quo venerunt, neque semper cum cognitoribus esse possunt. Hac una tamen fiducia civitatis non modo apud nostros magistratus, qui et legum et existimationis periculo continentur, neque apud civis solum Romanos, qui et sermonis et iuris et multarum rerum societate iuncti sunt, fore se tutos arbitrantur, sed, quocumque venerint, hanc sibi rem praesidio sperant futuram.

[168] Tolle hanc spem, tolle hoc praesidium civibus Romanis, constitue nihil esse opis in hac voce, 'Civis Romanus sum,' posse impune praetorem aut alium quempiam supplicium quod velit in eum constituere qui se civem Romanum esse dicat, quod qui sit ignoret: iam omnis provincias, iam omnia regna, iam omnis liberas civitates, iam omnem orbem terrarum, qui semper nostris hominibus maxime patuit, civibus Romanis ista defensione praecluseris. Quid? si L. Raecium, equitem Romanum, qui tum erat in Sicilia, nominabat, etiamne id magnum fuit, Panhormum litteras mittere? Adservasses hominem custodiis Mamertinorum tuorum, vinctum clausum habuisses, dum Panhormo Raecius veniret; cognosceret hominem, aliquid de summo supplicio remitteres; si ignoraret, tum, si ita tibi videretur, hoc iuris in omnis constitueres, ut, qui neque tibi notus esset neque cognitorem locupletem daret, quamvis civis Romanus esset, in crucem tolleretur.

[169] Sed quid ego plura de Gavio? quasi tu Gavio tum fueris infestus ac non nomini generi iuri civium hostis. Non illi, inquam, homini sed causae communi libertatis inimicus fuisti. Quid enim attinuit, cum Mamertini more atque instituto suo crucem fixissent post urbem in via Pompeia, te iubere in ea parte figere quae ad fretum spectaret, et hoc addere, — quod negare nullo modo potes,

quod omnibus audientibus dixisti palam, — te idcirco illum locum deligere, ut ille, quoniam se civem Romanum esse diceret, ex cruce Italiam cernere ac domum suam prospicere posset? Itaque illa crux sola, iudices, post conditam Messanam illo in loco fixa est. Italiae conspectus ad eam rem ab isto delectus est, ut ille in dolore cruciatuque moriens perangusto fretu divisa servitutis ac libertatis iura cognosceret, Italia autem alumnum suum servitutis extremo summoque supplicio adfixum videret.

[170] Facinus est vincire civem Romanum, scelus verberare, prope parricidium necare: quid dicam in crucem tollere? Verbo satis digno tam nefaria res appellari nullo modo potest. Non fuit his omnibus iste contentus; 'spectet,' inquit, 'patriam; in conspectu legum libertatisque moriatur.' Non tu hoc loco Gavium, non unum hominem nescio quem, sed communem libertatis et civitatis causam in illum cruciatum et crucem egisti. Iam vero videte hominis audaciam! Nonne eum graviter tulisse arbitramini quod illam civibus Romanis crucem non posset in foro, non in comitio, non in rostris defigere? Quod enim his locis in provincia sua celebritate simillimum, regione proximum potuit, elegit; monumentum sceleris audaciaeque suae voluit esse in conspectu Italiae, vestibulo Siciliae, praetervectione omnium qui ultro citroque navigarent.

[171] Si haec non ad civis Romanos, non ad aliquos amicos nostrae civitatis, non ad eos qui populi Romani nomen audissent, denique si non ad homines verum ad bestias, aut etiam, ut longius progrediar, si in aliqua desertissima solitudine ad saxa et ad scopulos haec conqueri ac deplorare vellem, tamen omnia muta atque inanima tanta et tam indigna rerum acerbitate commoverentur. Nunc vero cum loquar apud senatores populi Romani, legum et iudiciorum et iuris auctores, timere non debeo ne non unus iste civis Romanus illa cruce dignus, ceteri omnes simili periculo indignissimi iudicentur.

[172] Paulo ante, iudices, lacrimas in morte misera atque indigna nauarchorum non tenebamus, et recte ac merito sociorum innocentium miseria commovebamur: quid nunc in nostro sanguine tandem facere debemus? Nam civium Romanorum omnium sanguis coniunctus existimandus est, quoniam et salutis omnium ratio et veritas postulat. Omnes hoc loco cives Romani, et qui adsunt et qui ubique sunt, vestram severitatem desiderant, vestram fidem

implorant, vestrum auxilium requirunt; omnia sua iura commoda auxilia, totam denique libertatem in vestris sententiis versari arbitrantur.

[173] A me tametsi satis habent, tamen, si res aliter acciderit, plus habebunt fortasse quam postulant. Nam si qua vis istum de vestra severitate eripuerit, id quod neque metuo, iudices, neque ullo modo fieri posse video, — sed si in hoc me ratio fefellerit, Siculi causam suam perisse querentur et mecum pariter moleste ferent, populus quidem Romanus brevi, quoniam mihi potestatem apud se agendi dedit, ius suum me agente suis suffragiis ante Kalendas Februarias recuperabit. Ac si de mea gloria atque amplitudine quaeritis, iudices, non est alienum meis rationibus istum mihi ex hoc iudicio ereptum ad illud populi Romani iudicium reservari. Splendida est illa causa, probabilis mihi et facilis, populo grata atque iucunda; denique si videor hic, id quod ego non quaesivi, de uno isto voluisse crescere, isto absoluto, quod sine multorum scelere fieri non potest, de multis mihi crescere licebit. Sed mehercule vestra reique publicae causa, iudices, nolo in hoc delecto consilio tantum flagiti esse commissum, nolo eos iudices quos ego probarim atque delegerim sic in hac urbe notatos isto absoluto ambulare ut non cera sed caeno obliti esse videantur.

[174] Quam ob rem te quoque, Hortensi, si qui monendi locus ex hoc loco est, moneo videas etiam atque etiam et consideres quid agas, quo progrediare, quem hominem et qua ratione defendas. Neque de illo tibi quicquam praefinio quo minus ingenio mecum atque omni dicendi facultate contendas; cetera si qua putas te occultius extra iudicium quae ad iudicium pertineant facere posse, si quid artificio consilio potentia gratia, copiis istius moliri cogitas, magno opere censeo desistas, et illa quae temptata iam et coepta sunt ab isto, a me autem pervestigata et cognita, moneo ut exstinguas et longius progredi ne sinas. Magno tuo periculo peccabitur in hoc iudicio, maiore quam putas.

[175] Quod enim te liberatum iam existimationis metu, defunctum honoribus designatum consulem cogites, mihi crede, ornamenta ista et beneficia populi Romani non minore negotio retinentur quam comparantur. Tulit haec civitas quoad potuit, quoad necesse fuit, regiam istam vestram dominationem in iudiciis et in omni re publica,

tulit; sed quo die populo Romano tribuni plebi restituti sunt, omnia ista vobis, si forte nondum intellegitis, adempta atque erepta sunt. Omnium nunc oculi coniecti sunt hoc ipso tempore in unum quemque nostrum, qua fide ego accusem, qua religione hi iudicent, qua tu ratione defendas.

[176] De omnibus nobis, si qui tantulum de recta regione deflexerit, non illa tacita existimatio quam antea contemnere solebatis, sed vehemens ac liberum populi Romani iudicium consequetur. Nulla tibi, Quinte, cum isto cognatio, nulla necessitudo; quibus excusationibus antea nimium in aliquo iudicio studium tuum defendere solebas, earum habere in hoc homine nullam potes. Quae iste in provincia palam dictitabat, cum ea quae faciebat tua se fiducia facere dicebat, ea ne vera putentur tibi maxime est providendum.

[177] Ego mei rationem iam offici confido esse omnibus iniquissimis meis persolutam; nam istum paucis horis primae actionis omnium mortalium sententiis condemnavi. Reliquum iudicium iam non de mea fide, quae perspecta est, nec de istius vita, quae damnata est, sed de iudicibus et, vere ut dicam, de te futurum est. At quo tempore futurum est? — nam id maxime providendum est; etenim cum omnibus in rebus, tum in re publica permagni momenti est ratio atque inclinatio temporum. Nempe eo, cum populus Romanus aliud genus hominum atque alium ordinem ad res iudicandas requirit, nempe lege de iudiciis iudicibusque novis promulgata; quam non is promulgavit quo nomine proscriptam videtis, sed hic reus, — hic, inquam, sua spe atque opinione quam de vobis habet legem illam scribendam promulgandamque curavit.

[178] Itaque cum primo agere coepimus, lex non erat promulgata; cum iste vestra severitate permotus multa signa dederat quam ob rem responsurus non videretur, mentio de lege nulla fiebat; posteaquam iste recreari et confirmari visus est, lex statim promulgata est. Cui legi cum vestra dignitas vehementer adversetur, istius spes falsa et insignis impudentia maxime suffragatur. Hic si quid erit commissum a quoquam vestrum quod reprendatur, aut populus Romanus iudicabit de eo homine quem iam ante iudiciis indignum putarit, aut ei qui propter offensionem iudiciorum de veteribus iudicibus lege nova novi iudices erunt constituti.

[179] Mihi porro, ut ego non dicam, quis omnium mortalium non

intellegit quam longe progredi sit necesse? Potero silere, Hortensi, potero dissimulare, cum tantum res publica vulnus acceperit ut expilatae provinciae, vexati socii, di immortales spoliati, cives Romani cruciati et necati impune me actore esse videantur? potero ego hoc onus tantum aut in hoc iudicio deponere aut tacitus sustinere? Non agitanda res erit, non in medium proferenda, non populi Romani fides imploranda, non omnes qui tanto se scelere obstrinxerunt ut aut fidem suam corrumpi paterentur aut iudicium corrumperent in discrimen aut iudicium vocandi?

[180] Quaeret aliquis fortasse, 'Tantumne igitur laborem, tantas inimicitias tot hominum suscepturus es?' Non studio quidem hercule ullo neque voluntate; sed non idem licet mihi quod iis qui nobili genere nati sunt, quibus omnia populi Romani beneficia dormientibus deferuntur; longe alia mihi lege in hac civitate et condicione vivendum est. Venit mihi in mentem M. Catonis, hominis sapientissimi et vigilantissimi; qui cum se virtute non genere populo Romano commendari putaret, cum ipse sui generis initium ac nominis ab se gigni et propagari vellet, hominum potentissimorum suscepit inimicitias, et maximis laboribus suis usque ad summam senectutem summa cum gloria vixit.

[181] Postea Q. Pompeius, humili atque obscuro loco natus, nonne plurimis inimicitiis maximisque suis periculis ac laboribus amplissimos honores est adeptus? Modo C. Fimbriam, C. Marium, C. Caelium vidimus non mediocribus inimicitiis ac laboribus contendere ut ad istos honores pervenirent ad quos vos per ludum et per neglegentiam pervenistis. Haec eadem est nostrae rationis regio et via, horum nos hominum sectam atque instituta persequimur. Videmus quanta sit in invidia quantoque in odio apud quosdam nobilis homines novorum hominum virtus et industria; si tantulum oculos deiecerimus, praesto esse insidias; si ullum locum aperuerimus suspicioni aut crimini, accipiendum statim vulnus esse; semper nobis vigilandum, semper laborandum videmus.

[182] Inimicitiae sunt, subeantur; labor, suscipiatur; etenim tacitae magis et occultae inimicitiae timendae sunt quam indictae atque apertae. Hominum nobilium non fere quisquam nostrae industriae favet; nullis nostris officiis benivolentiam illorum adlicere possumus; quasi natura et genere diiuncti sint, ita dissident a nobis animo ac

voluntate. Quare quid habent eorum inimicitiae periculi, quorum animos iam ante habueris inimicos et invidos quam ullas inimicitias susceperis?

[183] Quam ob rem mihi, iudices, optatum illud est, in hoc reo finem accusandi facere, cum et populo Romano satis factum et receptum officium Siculis, necessariis meis, erit persolutum; deliberatum autem est, si res opinionem meam quam de vobis habeo fefellerit, non modo eos persequi ad quos maxime culpa corrupti iudici, sed etiam illos ad quos conscientiae contagio pertinebit. Proinde si qui sunt qui in hoc reo aut potentes aut audaces aut artifices ad corrumpendum iudicium velint esse, ita sint parati ut disceptante populo Romano mecum sibi rem videant futuram; et si me in hoc reo, quem mihi inimicum Siculi dederunt, satis vehementem, satis perseverantem, satis vigilantem esse cognorunt, existiment in iis hominibus quorum ego inimicitias populi Romani salutis causa suscepero multo graviorem atque acriorem futurum.

[184] Nunc te, Iuppiter Optime Maxime, cuius iste donum regale, dignum tuo pulcherrimo templo, dignum Capitolio atque ista arce omnium nationum, dignum regio munere, tibi factum ab regibus, tibi dicatum atque promissum, per nefarium scelus de manibus regiis extorsit, cuiusque sanctissimum et pulcherrimum simulacrum Syracusis sustulit; teque, Iuno Regina, cuius duo fana duabus in insulis posita sociorum, Melitae et Sami, sanctissima et antiquissima, simili scelere idem iste omnibus donis ornamentisque nudavit; teque, Minerva, quam item duobus in clarissimis et religiosissimis templis expilavit, Athenis, cum auri grande pondus, Syracusis, cum omnia praeter tectum et parietes abstulit;

[185] teque, Latona et Apollo et Diana, quorum iste Deli non fanum, sed, ut hominum opinio et religio fert, sedem antiquam divinumque domicilium nocturno latrocinio atque impetu compilavit; etiam te, Apollo, quem iste Chio sustulit; teque etiam atque etiam, Diana, quam Pergae spoliavit, cuius simulacrum sanctissimum Segestae, bis apud Segestanos consecratum, semel ipsorum religione, iterum P. Africani victoria, tollendum asportandumque curavit; teque, Mercuri, quem Verres in domo et in privata aliqua palaestra posuit, P. Africanus in urbe sociorum et in gymnasio Tyndaritanorum iuventutis illorum custodem ac praesidem voluit

esse;

[186] teque, Hercules, quem iste Agrigenti nocte intempesta servorum instructa et comparata manu convellere suis sedibus atque auferre conatus est; teque, sanctissima mater Idaea, quam apud Enguinos augustissimo et religiosissimo in templo sic spoliatam reliquit ut nunc nomen modo Africani et vestigia violatae religionis maneant, monumenta victoriae fanique ornamenta non exstent; vosque, omnium rerum forensium, consiliorum maximorum, legum iudiciorumque arbitri et testes celeberrimo in loco populi Romani locati, Castor et Pollux, quorum e templo quaestum iste sibi et praedam improbissimam comparavit; omnesque di qui vehiculis tensarum sollemnis coetus ludorum invisitis, quorum iter iste ad suum quaestum, non ad religionum dignitatem faciundum exigendumque curavit;

[187] teque, Ceres et Libera, quarum sacra, sicut opiniones hominum ac religiones ferunt, longe maximis atque occultissimis caerimoniis continentur, a quibus initia vitae atque victus, morum, legum, mansuetudinis, humanitatis hominibus et civitatibus data ac dispertita esse dicuntur, quarum sacra populus Romanus a Graecis adscita et accepta tanta religione et publice et privatim tuetur, non ut ab illis huc adlata, sed ut ceteris hinc tradita esse videantur, quae ab isto uno sic polluta ac violata sunt ut simulacrum Cereris unum, quod a viro non modo tangi sed ne aspici quidem fas fuit, e sacrario Catina convellendum auferendumque curarit, alterum autem Henna ex sua sede ac domo sustulerit, quod erat tale ut homines, cum viderent, aut ipsam videre se Cererem aut effigiem Cereris non humana manu factam, sed de caelo lapsam arbitrarentur,

[188] — vos etiam atque etiam imploro et appello, sanctissimae deae, quae illos Hennensis lacus lucosque incolitis, cunctaeque Siciliae, quae mihi defendenda tradita est, praesidetis, a quibus inventis frugibus et in orbem terrarum distributis omnes gentes ac nationes vestri religione numinis continentur; ceteros item deos deasque omnis imploro et obtestor, quorum templis et religionibus iste nefario quodam furore et audacia instinctus bellum sacrilegum semper impiumque habuit indictum, ut, si in hoc reo atque in hac causa omnia mea consilia ad salutem sociorum, dignitatem rei publicae, fidem meam spectaverunt, si nullam ad rem nisi ad officium

et virtutem omnes meae curae vigiliae cogitationesque elaborarunt, quae mea mens in suscipienda causa fuit, fides in agenda, eadem vestra sit in iudicanda;

[189] deinde uti C. Verrem, si eius omnia sunt inaudita et singularia facinora sceleris, audaciae, perfidiae, libidinis, avaritiae, crudelitatis, dignus exitus eius modi vita atque factis vestro iudicio consequatur, utique res publica meaque fides una hac accusatione mea contenta sit, mihique posthac bonos potius defendere liceat quam improbos accusare necesse sit.

PRO FONTEIO (On Behalf of Marcus Fonteius)

M. TVLLI CICERONIS PRO PRO M. FONTEIO ORATIO

Excerpta Cusana

[1] Illud vero quid est? quam habet in se rationem, quam consuetudinem, quam similitudinem veritatis? quod ratio, quod consuetudo, quod rei natura respuit, id credendumne est?

[2] Numquid cuiquam iniquissimo disceptatori haec suspicio relinquenda est?

[3] Quid potest auctoritatis habere testis in dicendo suo testimonio falsa veris miscens?

[4] Hoc ipso argumento cetera testimonia repudiare debetis.

[5] Latebra mendaci.

[6] Cn. Pompeius eximia virtute et felicitate in Hispaniafr6] bellum gessit.

[7] Industria et studio.

[8] Cn. Pompei, summi imperatoris et fortissimi viri, gestum est subsidiis.

[9] Quid pugnant, quid struunt, quid nituntur? Fragmenta Niebuhr.

[1] . . . <o>portuisse an ita dissolvit ut omnes alii dissolverunt? Nam ita ego defendo M. Fonteium, iudices, itaque contendo post legem Valeriam latam . . . te . . . quaestore usque ad T. Crispinum quaestorem aliter neminem solvisse; hunc omnium superiorum, huius autem omnis qui postea fuerint auctoritatem dico secutos. [2] Quid accusas, quid reprendis? Nam quod in tabulis dodrantariis et quadrantariis, quas ait ab Hirtuleio institutas, Fontei officium desiderat, non possum existimare utrum ipse erret an vos in errorem inducere velit. Quaero enim abs te, M. Plaetori, possitne tibi ipsi probata esse nostra causa, si, qua in re abs te M. Fonteius accusatur, auctorem habet eum quem tu maxime laudas Hirtuleium; qua in re autem laudas Hirtuleium, Fonteius idem fecisse reperitur. Reprehendis solutionis genus; eodem modo Hirtuleium dissolvisse publicae tabulae coarguunt. Laudas illum quod dodrantarias tabulas instituerit; easdem Fonteius instituit et eodem genere pecuniae. Nam ne forte sis nescius et istas tabulas existimes <a>d <diversam

v>e<te>ris aeris alieni rationem pertinere, ob unam causam et in uno genere sunt institutae. Nam cum publicanis qui Africam, qui Aquileiense por<torium> . . .

[3] . . . cite . . . Nemo, nemo, inquam, iudices, reperietur qui unum se in quaestura M. Fonteio nummum dedisse, aut illum ex ea pecunia quae pro aerario solveretur detraxisse dicat; nullius in tabulis ulla huius furti significatio, nullum in eis nominibus intertrimenti aut deminutionis vestigium reperietur. Atqui homines, si qui in hoc genere quaestionis accusati sunt, reprehensos videmus primum testibus; difficile est enim eum qui magistratui pecuniam dederit non aut induci odio ut dicat aut cogi religione; deinde si qua gratia testes deterrentur, tabulae quidem certe incorruptae atque integrae manent. Fac omnis amicissimos Fonteio fuisse, tantum hominum numerum ignotissimorum atque alienissimorum pepercisse huius capiti, consuluisse famae; res ipsa tamen ac ratio litterarum confectioque tabularum habet hanc vim ut ex acceptis et datis quidquid fingatur, aut surripiatur, aut non constet, appareat. Acceptas populo Romano pecunias omnis isti rettulerunt; si protinus aliis aeque magnas aut solverunt aut dederunt, ut, quod acceptum populo Romano est, id expensum cuipiam sit, certe nihil potest esse detractum. Sin aliquid domum tulerunt, ex eorum arca, e ra . . .

[4] Deorum hominumque fidem! testis non invenitur in ducentiens et triciens sestertio! Quam multorum hominum? Sescentorum amplius. Quibus in terris gestum negotium est? Illo, illo, inquam, loco quem videtis. Extra ordinemne pecunia est data? Immo vero nummus nu<l>lus sine litteris multis commotus est. Quae est igitur i<st>a accusatio, quae <f>acilius possit A<l>pis quam paucos aerari gradus ascendere, diligentius Rutenorum quam populi Romani defendat aerarium, libentius ignotis quam notis utatur, alienigenis quam domesticis testibus, planius se confirmare crimen libidine barbarorum quam nostrorum hominum litteris arbitretur? [5] Duorum magistratuum, quorum uterque in pecunia maxima tractanda procurandaque versatus est, triumviratus et quaesturae, ratio sic redditur, iudices, ut in eis rebus quae ante oculos gestae sunt, ad mu<l>tos pertinuerunt, confectae publicis privatisque tabulis sunt, nulla significatio furti, nulla alicuius delicti suspicio reperiatur. [6] Hispaniensis legatio consecuta est turbulentissimo rei publicae

tempore, cum adventu L. Sullae maximi exercitus in Italiam cives vi dissiderent, <non> iudiciis ac legibus; atque hoc rei publicae statu desperato qualis . . .

Iul. Victor R.L.M. 397Halm

[7] Si nulla pecunia numerata est, cuius pecuniae quinquagesima est?

Aquila R.L.M. 33Halm

[8] Frumenti maximus numerus e Gallia, peditatus amplissimae copiae e Gallia, equites numero plurimi e Gallia.

Amm. Marc. 15.12.4

[9] Gallos post haec dilutius esse poturos, quod illi venenum esse arbitrabuntur.

Quint. 6.3.51

[10] Plaetori matrem dum vixisset ludum, postquam mortua esset magistros habuisse.

Cod. Vat. et apograph.

[11] . . . hoc praetore oppressam esse aere alieno Galliam. A quibus versuras tantarum pecuniarum factas esse dicunt? a Gallis? Nihil minus. A quibus igitur? A civibus Romanis qui negotiantur in Gallia. Cur eorum verba <non> audimus? cur eorum tabulae nullae proferuntur? Insector ultro atque insto accusatori, iudices; insector, inquam, et flagito testis. Plus ego in hac causa laboris et operae consumo in poscendis testibus quam ceteri defensores in refutandis. Audaciter hoc dico, iudices, non temere confirmo. Referta Gallia negotiatorum est, plena civium Romanorum. Nemo Gallorum sine cive Romano quicquam negoti gerit, nummus in Gallia nullus sine civium Romanorum tabulis commovetur. [12] Videte quo descendam, iudices, quam longe videar ab consuetudine mea et cautione ac diligentia discedere. Vnae tabulae proferantur, in quibus vestigium sit aliquod quod significet pecuniam <M.> Fonteio datam, unum ex tot negotiatorum, colonorum, publicanorum, aratorum, pecuariorum numero testem producant; vere accusatum esse concedam. Pro di immortales! quae haec est causa, quae defensio? Provinciae Galliae M. Fonteius praefuit, quae constat ex eis generibus hominum et civitatum qui, ut vetera mittam, partim nostra memoria bella cum populo Romano acerba ac diuturna gesserunt, partim modo ab nostris imperatoribus subacti, modo bello domiti, modo triumphis ac

monumentis notati, modo ab senatu agris urbibusque multati sunt, partim qui cum ipso M. Fonteio ferrum ac manus contulerunt multoque eius sudore ac labore sub populi Romani imperium dicionemque ceciderunt. [13] Est in eadem provincia Narbo Martius, colonia nostrorum civium, specula populi Romani ac propugnaculum istis ipsis nationibus oppositum et obiectum; est item urbs Massilia, de qua ante dixi, fortissimorum fidelissimorumque sociorum, qui Gallicorum bellorum pericula praecipuis <populi Romani> praemiis compensarunt; est praeterea <maximus> numerus civium Romanorum atque <equitum,> hominum honestissimorum. Huic provinciae quae ex hac generum varietate constaret M. Fonteius, ut dixi, praefuit; qui erant hostes, subegit, qui proxime fuerant, eos ex eis agris quibus erant multati decedere coegit, ceteris qui idcirco magnis saepe erant bellis superati ut semper populo Romano parerent, magnos equitatus ad ea bella quae tum in toto orbe terrarum a populo Romano gerebantur, magnas pecunias ad eorum stipendium, maximum frumenti numerum ad Hispaniense bellum tolerandum imperavit. [14] Is qui gessit in iudicium vocatur, vos qui in re non interfuistis causam una cum populo Romano cognoscitis, dicunt contra quibus invitissimis imperatum est, dicunt qui ex agris ex Cn. Pompei decreto decedere sunt coacti, dicunt qui ex belli caede et fuga nunc primum audent contra M. Fonteium inermem consistere. Quid? coloni Narbonenses quid volunt, quid existimant? Hunc per vos <salvum> volunt, se per hunc incolumis existimant esse. Quid Massiliensium civitas? Hunc praesentem eis adfecit honoribus quos habuit amplissimos; vos autem absens orat atque obsecrat ut sua religio, laudatio, auctoritas aliquid apud vestros animos momenti habuisse videatur. [15] Quid? civium Romanorum quae voluntas est? Nemo est ex tanto numero quin hunc optime de provincia, de imperio, de sociis et civibus meritum esse arbitretur. Quoniam igitur, iudices, qui oppugnatum M. Fonteium cognostis, qui defensum velint, statuite nunc quid vestra aequitas, quid populi Romani dignitas postulet, utrum colonis vestris, negotiatoribus vestris, amicissimis atque antiquissimis sociis et credere et consulere malitis, an eis quibus neque propter iracundiam fidem neque propter infidelitatem honorem habere debetis. [16] Quid? si maiorem etiam hominum honestissimorum copiam adferam quae huius virtuti atque

innocentiae testimonio possit esse, tamenne plus Gallorum consensio valebit quam summa auctoritas omnium? Cum Galliae Fonteius praeesset, scitis, iudices, maximos populi Romani exercitus in duabus Hispaniis clarissimosque imperatores fuisse. Quam multi equites Romani, quam multi tribuni militum, quales et quot et quotiens legati ad eos <exierunt>! Exercitus praeterea Cn. Pompei maximus atque ornatissimus hiemavit in Gallia M. Fonteio imperante. Satisne vobis multos, satis idoneos testis et conscios videtur ipsa fortuna esse voluisse earum rerum quae M. Fonteio praetore gererentur in Gallia? Quem ex tanto hominum numero testem in hac causa producere potestis? quis est ex eo numero qui vobis auctor placeat? eo nos iam laudatore et teste utemur. [17] Dubitabitis etiam diutius, iudices, quin illud quod initio vobis proposui verissimum sit, aliud per hoc iudicium nihil agi nisi ut M. Fonteio oppresso testimoniis eorum quibus multa rei publicae causa invitissimis imperata sunt, segniores posthac ad imperandum ceteri sint, cum videatis eos oppugnare quibus <victoribus> populi Romani imperium incolume esse non possit?

Obiectum est etiam quaestum M. Fonteium ex viarum munitione fecisse, ut aut ne cogeret munire, aut id quod munitum esset ne improbaret. Si et coacti sunt munire omnes et multorum opera improbata sunt, certe utrumque falsum est, et ob vacationem pretium datum, cum immunis nemo fuerit, et ob probationem, cum multa improbata sint. [18] Quid? si hoc crimen optimis nominibus delegare possimus, et ita non ut culpam in alios transferamus, sed uti doceamus eos isti munitioni praefuisse qui facile officium suum et praestare et probare possunt, tamenne vos omnia in M. Fonteium iratis testibus freti conferetis? Cum maioribus rei publicae negotiis M. Fonteius impediretur, et cum ad rem publicam pertineret viam Domitiam muniri, legatis suis, primariis viris, C. Annio Bellieno et C. Fonteio, negotium dedit; itaque praefuerunt; imperaverunt pro dignitate sua quod visum est et probaverunt; quod vos, si nulla alia ex re, ex litteris quidem nostris quas exscripsistis et missis et adlatis certe scire potuistis. Quas si antea non legistis, nunc ex nobis quid de eis rebus Fonteius ad legatos suos scripserit, quid ad eum illi rescripserint, cognoscite. L. M. ad C. Annivm leg., ad C. Fonteivm leg., L. <A.> ab C. Annio leg., ab C. Fonteio leg. [19] Satis opinor

esse perspicuum, iudices, hanc rationem munitionis neque ad M. Fonteium pertinere et ab eis esse tractatam quos nemo possit reprehendere.

Cognoscite nunc de crimine vinario, quod illi invidiosissimum et maximum esse voluerunt. Crimen a Plaetorio, iudices, ita constitutum est, M. Fonteio non in Gallia primum venisse in mentem ut portorium vini institueret, sed hac inita iam ac proposita ratione Roma profectum. Itaque Titurium Tolosae quaternos denarios in singulas vini amphoras portori nomine exegisse; Croduni Porcium et Munium ternos <et> victoriatum, Vulchalone Servaeum binos et victoriatum; atque in his locis ab eis portorium esse exactum si qui Cobiomago — qui vicus inter Tolosam et Narbonem est — deverterentur neque Tolosam ire vellent; Elesiodulis C. Annium senos denarios ab eis qui ad hostem portarent exegisse. [20] Video, iudices, esse crimen et genere ipso magnum — vectigal enim esse impositum fructibus nostris dicitur, et pecuniam permagnam ratione ista cogi potuisse confiteor — et invidia vel <maximum>; maxime enim inimici hanc rem sermonibus divolgare voluerunt. Sed ego ita existimo, quo maius crimen sit id quod ostendatur esse falsum, hoc maiorem ab eo iniuriam fieri qui id confingat. Volt enim magnitudine rei sic occupare animos eorum qui audiunt ut difficilis aditus veritati relinquatur.

De crimine vinario. De bello Vocontiorvm. De dispositione hibernorvm.

[21] ‘At hoc Galli negant.’ At ratio rerum et vis argumentorum coarguit. Potest igitur testibus iudex non credere? Cupidis et iratis et coniuratis et ab religione remotis non solum potest sed etiam debet. Etenim si, quia Galli dicunt, idcirco M. Fonteius nocens existimandus est, quid mihi opus est sapiente iudice, quid aequo quaesitore, quid oratore non stulto? dicunt enim Galli; negare non possumus. Hic si ingeniosi et periti et aequi iudicis has partis esse existimatis ut, quoniam quidem testes dicunt, sine ulla dubitatione credendum sit, Salus ipsa virorum fortium innocentiam tueri non potest; sin autem in rebus iudicandis non minimam partem <tenere> ad unam quamque rem aestimandam momentoque suo ponderandam sapientiam iudicis, <videte> ne multo vestrae maiores gravioresque partes sint ad cogitandum quam ad dicendum meae. [22] Mihi enim

semper una quaque de re testis non solum semel verum etiam breviter interrogandus est, saepe etiam non interrogandus, ne aut irato facultas ad dicendum data aut cupido auctoritas attributa esse videatur; vos et saepius eandem rem animis agitare et diutius uno <quoque> de teste cogitare potestis et, si quem nos interrogare noluimus, quae causa nobis tacendi fuerit existimare debetis. Quam ob rem, si hoc iudici praescriptum lege aut officio putatis, testibus credere, nihil est cur alius alio iudice melior aut sapientior existimetur. Vnum est enim et simplex aurium iudicium et promisce et communiter stultis ac sapientibus ab natura datum. [23] Quid est igitur ubi elucere possit prudentia, ubi discerni stultus auditor et credulus ab religioso et sapienti iudice? Nimirum illud in quo ea quae dicuntur a testibus coniecturae et cogitationi traduntur, quanta auctoritate, quanta animi aequitate, quanto pudore, quanta fide, quanta religione, quanto studio existimationis bonae, quanta cura, quanto timore dicantur. An vero vos id in testimoniis hominum barbarorum dubitabitis quod persaepe et nostra et patrum memoria sapientissimi iudices de clarissimis nostrae civitatis viris dubitandum non putaverunt? qui Cn. et Q. Caepionibus, L. et Q. Metellis testibus in Q. Pompeium, hominem novum, non crediderunt, quorum virtuti, generi, rebus gestis fidem et auctoritatem in testimonio cupiditatis atque inimicitiarum suspicio derogavit. [24] Ecquem hominem vidimus, ecquem vere commemorare possumus parem consilio, gravitate, constantia, ceteris virtutibus, honoris, ingeni, rerum gestarum ornamentis M. Aemilio Scauro fuisse? Tamen huius cuius iniurati nutu prope terrarum orbis regebatur iurati testimonio neque in C. Fimbriam neque in C. Memmium creditum est; noluerunt ei qui iudicabant hanc patere inimicitiis viam, quem quisque odisset, ut eum testimonio posset tollere. Quantus in L. Crasso pudor fuerit, quod ingenium, quanta auctoritas, quis ignorat? Tamen is cuius etiam sermo testimoni auctoritatem habebat, testimonio ipso, quae in M. Marcellum inimico animo dixit, probare non potuit. [25] Fuit, fuit illis iudicibus divinum ac singulare, iudices, consilium, qui se non solum de reo sed etiam de accusatore, de teste iudicare arbitrabantur, quid fictum, quid fortuna ac tempore adlatum, quid pretio corruptum, quid spe aut metu depravatum, quid a cupiditate aliqua aut inimicitiis profectum videretur. Quae si iudex non amplectetur omnia consilio,

non animo ac mente circumspiciet, si, ut quidque ex illo loco dicetur, ex oraculo aliquo dici arbitrabitur, profecto satis erit, id quod dixi antea, non surdum iudicem huic muneri atque officio praeesse; nihil erit quam ob rem ille nescio quis sapiens homo ac multarum rerum peritus ad res iudicandas requiratur. [26] An vero illi equites Romani quos nos vidimus, qui nuper in re publica iudiciisque maxime floruerunt, habuerunt tantum animi, tantum roboris ut L. <Crasso, M.> Scauro testi non crederent; vos Volcarum atque Allobrogum testimoniis non credere timetis? Si inimico testi credi non oportuit, inimicior Marcello Crassus aut Fimbriae Scaurus ex civilibus studiis atque obtrectatione domestica quam huic Galli? quorum qui optima in causa sunt, equites, frumentum pecuniam semel atque iterum ac saepius invitissimi dare coacti sunt, ceteri partim ex veteribus bellis agro multati, partim ab hoc ipso bello superati et oppressi. [27] Si, qui ob aliquod emolumentum suum cupidius aliquid dicere videntur, eis credi non convenit, credo maius emolumentum Caepionibus et Metellis propositum fuisse ex Q. Pompei damnatione, cum studiorum suorum obtrectatorem sustulissent, quam cunctae Galliae ex M. Fontei calamitate, in qua illa provincia prope suam immunitatem ac libertatem positam esse arbitratur. An, si homines ipsos spectare convenit, id quod in teste profecto valere plurimum debet, non modo cum summis civitatis nostrae viris sed cum infimo cive Romano quisquam amplissimus Galliae comparandus est? Scit Indutiomarus quid sit testimonium dicere? movetur eo timore quo nostrum unus quisque, cum in eum locum productus est? [28] Recordamini, iudices, quanto opere laborare soleatis non modo quid dicatis pro testimonio sed etiam quibus verbis utamini, ne quod minus moderate positum, ne quod ab aliqua cupiditate prolapsum verbum esse videatur; voltu denique laboratis ne qua significari possit suspicio cupiditatis, ut et, cum proditis, existimatio sit quaedam tacita de vobis pudoris ac religionis et, cum disceditis, ea diligenter conservata ac retenta videatur. [29] Credo haec eadem Indutiomarum in testimonio timuisse aut cogitavisse, qui primum illud verbum consideratissimum nostrae consuetudinis ‘arbitror’, quo nos etiam tunc utimur cum ea dicimus iurati quae comperta habemus, quae ipsi vidimus, ex toto testimonio suo sustulit atque omnia se ‘scire’ dixit. Verebatur enim videlicet ne quid apud vos populumque Romanum de existimatione sua

deperderet, ne qua fama consequeretur eius modi, Indutiomarum, talem virum, tam cupide, tam temere dixisse; non intellegebat se in testimonio nihil praeter vocem et os et audaciam neque civibus suis neque accusatoribus nostris praestare debere. [30] An vero istas nationes religione iuris iurandi ac metu deorum immortalium in testimoniis dicendis commoveri arbitramini? quae tantum a ceterarum gentium more ac natura dissentiunt, quod ceterae pro religionibus suis bella suscipiunt, istae contra omnium religiones; illae in bellis gerendis ab dis immortalibus pacem ac veniam petunt, istae cum ipsis dis immortalibus bella gesserunt. Hae sunt nationes quae quondam tam longe ab suis sedibus Delphos usque ad Apollinem Pythium atque ad oraculum orbis terrae vexandum ac spoliandum profectae sunt. Ab isdem gentibus sanctis et in testimonio religiosis obsessum Capitolium est atque ille Iuppiter cuius nomine maiores nostri vinctam testimoniorum fidem esse voluerunt. [31] Postremo his quicquam sanctum ac religiosum videri potest qui, etiam si quando aliquo metu adducti deos placandos esse arbitrantur, humanis hostiis eorum aras ac templa funestant, ut ne religionem quidem colere possint, nisi eam ipsam prius scelere violarint? Quis enim ignorat eos usque ad hanc diem retinere illam immanem ac barbaram consuetudinem hominum immolandorum? Quam ob rem quali fide, quali pietate existimatis esse eos qui etiam deos immortalis arbitrentur hominum scelere et sanguine facillime posse placari? Cum his vos testibus vestram religionem coniungetis, ab <his> quicquam sancte aut moderate dictum putabitis? [32] Hoc vestrae mentes tam castae, tam integrae sibi suscipient ut, cum omnes legati nostri qui illo triennio in Galliam venerunt, omnes equites Romani qui in illa provincia fuerunt, omnes negotiatores eius provinciae, denique omnes in Gallia qui sunt socii populi Romani atque amici, M. Fonteium incolumem esse cupiant, iurati privatim et publice laudent, vos tamen cum Gallis iugulare malitis? Quid ut secuti esse videamini? voluntatemne hominum? gravior igitur vobis erit hostium voluntas quam civium? An dignitatem testium? potestis igitur ignotos notis, iniquos aequis, alienigenas domesticis, cupidos moderatis, mercennarios gratuitis, impios religiosis, inimicissimos huic imperio ac nomini bonis ac fidelibus et sociis et civibus anteferre?

[33] An vero dubitatis, iudices, quin insitas inimicitias istae gentes omnes et habeant et gerant cum populi Romani nomine? Sic existimatis eos hic sagatos bracatosque versari, animo demisso atque humili, ut solent ei qui adfecti iniuriis ad opem iudicum supplices inferioresque confugiunt? Nihil vero minus. Hi contra vagantur laeti atque erecti passim toto foro cum quibusdam minis et barbaro atque immani terrore verborum; quod ego profecto non crederem, nisi aliquotiens ex ipsis accusatoribus vobiscum simul, iudices, audissem, cum praeciperent ut caveretis ne hoc absoluto novum aliquod bellum Gallicum concitaretur. [34] Si M. Fonteium, iudices, in causa deficerent omnia, si turpi adulescentia, vita infami, magistratibus quos ante oculos vestros gessit <male gestis>, convictus virorum bonorum testimoniis, legationibus flagitiose obitis, invisus suis omnibus in iudicium vocaretur, si in eo iudicio colonorum populi Romani Narbonensium, fidelissimorum sociorum Massiliensium, civium Romanorum omnium testimoniis tabulisque premeretur, tamen esset vobis magno opere providendum ne, quos ita adflictos a vestris patribus maioribusque accepissetis ut contemnendi essent, eos pertimuisse et eorum minis et terrore commoti esse videremini. [35] Nunc vero cum laedat nemo bonus, laudent omnes vestri cives atque socii, oppugnent idem qui saepissime hanc urbem et hoc imperium oppugnarunt, cumque inimici M. Fontei vobis ac populo Romano minentur, amici ac propinqui supplicent vobis, dubitabitis non modo vestris civibus, qui maxime gloria ac laude ducuntur, verum etiam exteris nationibus <et> gentibus ostendere vos in sententiis ferendis civi parcere quam hosti cedere maluisse? [36] Magna me hercules causa, iudices, absolutionis cum ceteris causis haec est, ne quae insignis huic imperio macula atque ignominia suscipiatur, si hoc ita perlatum erit in Galliam, senatores equitesque populi Romani non testimoniis Gallorum, sed minis commotos rem ad illorum libidinem iudicasse. Ita vero, si illi bellum facere conabuntur, excitandus nobis erit ab inferis C. Marius qui Indutiomaro isti minaci atque adroganti par in bello gerendo esse possit, excitandus Cn. Domitius et Q. Maximus qui nationem Allobrogum et <belli> reliquias suis iterum armis conficiat atque opprimat, aut, quoniam id quidem non potest, orandus erit nobis amicus meus, M. Plaetorius, ut suos novos clientis a bello faciendo deterreat, ut eorum iratos animos atque horribilis

impetus deprecetur, aut, si non poterit, M. Fabium, subscriptorem eius, rogabimus ut Allobrogum animos mitiget, quoniam apud illos Fabiorum nomen amplissimum <est>. Volunt isti aut quiescere, id quod victi ac subacti solent, aut, cum minantur, intellegere se populo Romano non metum belli sed spem triumphi ostendere?

[37] Quod si in turpi reo patiendum non esset ut quicquam isti se minis profecisse arbitrarentur, quid faciendum vobis <in> M. Fonteio arbitramini? de quo homine, iudices — iam enim mihi videor hoc prope causa duabus actionibus perorata debere dicere — de quo vos homine ne ab inimicis quidem ullum fictum probrorum non modo crimen sed ne maledictum quidem audistis. Ecquis umquam reus, praesertim in hac vitae ratione versatus, in honoribus petendis, in potestatibus, in imperiis gerendis, sic accusatus est ut nullum probrum, nullum facinus, nulla turpitudo quae a libidine aut a petulantia aut ab audacia nata esset, ab accusatore obiceretur, si non vera, at ficta cum aliqua ratione ac suspicione? [38] M. Aemilium Scaurum, summum nostrae civitatis virum, scimus accusatum a M. Bruto. Exstant orationes, ex quibus intellegi potest multa in illum ipsum Scaurum esse dicta, falso; quis negat? verum tamen ab inimico dicta et obiecta. Quam multa M'. Aquilius audivit in suo iudicio, quam multa L. Cotta, denique P. Rutilius! qui, etsi damnatus est, mihi videtur tamen inter viros optimos atque innocentissimos esse numerandus. Ille igitur ipse homo sanctissimus ac temperantissimus multa audivit in sua causa quae ad suspicionem stuprorum ac libidinum pertinerent. [39] Exstat oratio hominis, ut opinio mea fert, nostrorum hominum longe ingeniosissimi atque eloquentissimi, C. Gracchi; qua in oratione permulta in L. Pisonem turpia ac flagitiosa dicuntur. At in quem virum! qui tanta virtute atque integritate fuit ut etiam illis optimis temporibus, cum hominem invenire nequam neminem posses, solus tamen Frugi nominaretur. Quem cum in contionem Gracchus vocari iuberet et viator quaereret, quem Pisonem, quod erant plures: 'cogis me,' inquit, 'dicere inimicum meum Frugi.' Is igitur vir quem ne inimicus quidem satis in appellando significare poterat, nisi ante laudasset, qui uno cognomine declarabatur non modo quis esset sed etiam qualis esset, tamen in falsam atque iniquam probrorum insimulationem vocabatur; [40] M. Fonteius ita duabus actionibus accusatus est ut obiectum nihil

sit quo significari vestigium libidinis, petulantiae, crudelitatis, audaciae possit; non modo nullum facinus huius protulerunt sed ne dictum quidem aliquod reprehenderunt. Quod si aut quantam voluntatem habent ad hunc opprimendum aut quantam ad male dicendum licentiam, tantum haberent aut <ad> ementiendum animi aut ad fingendum ingeni, non meliore fortuna ad probra non audienda M. Fonteius quam illi de quibus antea commemoravi fuisset. Frugi igitur hominem, iudices, frugi, inquam, et in omnibus vitae partibus moderatum ac temperantem, plenum pudoris, plenum offici, plenum religionis videtis positum in vestra fide ac potestate, atque ita ut commissus sit fidei, permissus potestati.

[41] Videte igitur utrum sit aequius hominem honestissimum, virum fortissimum, civem optimum dedi inimicissimis atque immanissimis nationibus an reddi amicis, praesertim cum tot res sint quae vestris animis pro huius innocentis salute supplicent, primum generis antiquitas, quam Tusculo, ex clarissimo municipio, profectam in monumentis rerum gestarum incisam ac notatam videmus, tum autem continuae praeturae, quae et ceteris ornamentis et existimatione innocentiae maxime floruerunt, deinde recens memoria parentis, cuius sanguine non solum Asculanorum manus, a qua interfectus est, sed totum illud sociale bellum macula sceleris imbutum est, postremo ipse cum in omnibus vitae partibus honestus atque integer, tum in re militari cum summi consili et maximi animi, tum vero usu quoque bellorum gerendorum in primis eorum hominum qui nunc sunt exercitatus. [42] Qua re si etiam monendi estis a me, iudices, quod non estis, videor hoc leviter pro mea auctoritate vobis praecipere posse, ut ex eo genere homines quorum cognita virtus, industria, felicitas in re militari sit diligenter vobis retinendos existimetis. Fuit enim maior talium <tum> virorum in hac re publica copia; quae cum esset, tamen eorum non modo saluti sed etiam honori consulebatur. Quid nunc vobis faciendum est studiis militaribus apud iuventutem obsoletis, <fortissimis> autem hominibus ac summis ducibus partim aetate, partim civitatis discordiis ac rei publicae calamitate consumptis, cum tot bella aut a nobis necessario suscipiantur aut subito atque improvisa nascantur? nonne et hominem ipsum ad dubia rei publicae tempora reservandum et ceteros studio laudis ac virtutis inflammandos putatis? [43]

Recordamini quos legatos nuper in bello <Italico> L. Iulius, quos P. Rutilius, quos L. Cato, quos Cn. Pompeius habuerit; scietis fuisse tum M. Cornutum, L. Cinnam, L. Sullam, praetorios homines, belli gerendi peritissimos; praeterea C. Marium, P. Didium, Q. Catulum, P. Crassum, non litteris homines ad rei militaris scientiam, sed rebus gestis ac victoriis eruditos. Age vero, nunc inferte oculos in curiam, introspicite penitus in omnis rei publicae partis; utrum videtis nihil posse accidere ut tales viri desiderandi sint, an, si acciderit, eorum hominum copia populum Romanum abundare? Quae si diligenter attendetis, profecto, iudices, virum ad labores belli impigrum, ad pericula fortem, ad usum ac disciplinam peritum, ad consilia prudentem, ad casum fortunamque felicem domi vobis ac liberis vestris retinere quam inimicissimis populo Romano nationibus et crudelissimis tradere et condonare maletis.

[44] At infestis prope signis inferuntur Galli in M. Fonteium et instant atque urgent summo cum studio, summa cum audacia. Video, iudices; sed multis et firmis praesidiis vobis adiutoribus isti immani atque intolerandae barbariae resistemus. Primum obicitur contra istorum impetus Macedonia, fidelis et amica populo Romano provincia; quae cum se ac suas urbis non solum consilio sed etiam manu M. Fontei conservatam esse dicat, ut ipsa per hunc a Thraecum adventu ac depopulatione defensa <est>, sic ab huius nunc capite Gallorum impetus terroresque depellit. [45] Constituitur ex altera parte ulterior Hispania, quae profecto <non> modo religione sua resistere istorum cupiditati potest sed etiam sceleratorum hominum periuria testimoniis ac laudationibus suis refutare. Atque ex ipsa etiam Gallia fidelissima et gravissima auxilia sumuntur. Venit huic subsidio misero atque innocenti Massiliensium cuncta civitas, quae non solum ob eam causam laborat ut huic, a quo ipsa servata est, parem gratiam referre videatur sed etiam quod ea condicione atque eo fato se in eis terris conlocatam esse arbitratur ne quid nostris hominibus istae gentes nocere possint. [46] Propugnat pariter pro salute M. Fontei Narbonensis colonia, quae per hunc ipsa nuper obsidione hostium liberata nunc eiusdem miseriis ac periculis commovetur. Denique ut oportet bello Gallico, ut maiorum iura moresque praescribunt, nemo est civis Romanus qui sibi ulla excusatione utendum putet; omnes illius provinciae publicani, agricolae, pecuarii, ceteri negotiatores

uno animo M. Fonteium atque una voce defendunt. Quod si tantas auxiliorum nostrorum copias Indutiomarus ipse despexerit, dux Allobrogum ceterorumque Gallorum, num etiam de matris hunc complexu, lectissimae miserrimaeque feminae, vobis inspectantibus avellet atque abstrahet? praesertim cum virgo Vestalis ex altera parte germanum fratrem complexa teneat vestramque, iudices, ac populi Romani fidem imploret; quae pro vobis liberisque vestris tot annos in dis immortalibus placandis occupata est ut ea nunc pro salute sua fratrisque sui animos vestros placare possit. [47] Cui miserae quod praesidium, quod solacium reliquum est hoc amisso? Nam ceterae feminae gignere ipsae sibi praesidia et habere domi fortunarum omnium socium participemque possunt; huic vero virgini quid est praeter fratrem quod aut iucundum aut carum esse possit? Nolite pati, iudices, aras deorum immortalium Vestaeque matris cotidianis virginis lamentationibus de vestro iudicio commoneri; prospicite ne ille ignis aeternus nocturnis Fonteiae laboribus vigiliisque servatus sacerdotis vestrae lacrimis exstinctus esse dicatur. [48] Tendit ad vos virgo Vestalis manus supplices easdem quas pro vobis dis immortalibus tendere consuevit. Cavete ne periculosum superbumque sit eius vos obsecrationem repudiare cuius preces si di aspernarentur, haec salva esse non possent. Videtisne subito, iudices, virum fortissimum, M. Fonteium, parentis et sororis commemoratione lacrimas profudisse? Qui numquam in acie pertimuerit, qui se armatus saepe in hostium manum multitudinemque immiserit, cum in eius modi periculis eadem se solacia suis relinquere arbitraretur quae suus pater sibi reliquisset, idem nunc conturbato animo pertimescit ne non modo ornamento et adiumento non sit suis sed etiam cum acerbissimo luctu dedecus aeternum miseris atque ignominiam relinquat. [49] O fortunam longe disparem, M. Fontei, si deligere potuisses ut potius telis tibi Gallorum quam periuriis intereundum esset! Tum enim vitae socia virtus, mortis comes gloria fuisset; nunc vero qui est dolor victoriae te atque imperi poenas ad eorum arbitrium sufferre qui aut victi armis sunt aut invitissimi paruerunt! A quo periculo defendite, iudices, civem fortem atque innocentem; curate ut nostris testibus plus quam alienigenis credidisse videamini, plus saluti civium quam hostium libidini consuluisse, graviorem duxisse eius obsecrationem quae

vestris sacris praesit quam eorum audaciam qui cum omnium sacris delubrisque bella gesserunt. Postremo prospicite, iudices, id quod ad dignitatem populi Romani maxime pertinet, ut plus apud vos preces virginis Vestalis quam minae Gallorum valuisse videantur.

PRO CAECINA (On Behalf of Aulus Caecina)

M. TVLLI CICERONIS PRO A. CAECINA ORATIO

[1] Si, quantum in agro locisque desertis audacia potest, tantum in foro atque in iudiciis impudentia valeret, non minus nunc in causa cederet A. Caecina Sex. Aebuti impudentiae, quam tum in vi facienda cessit audaciae. Verum et illud considerati hominis esse putavit, qua de re iure disceptari oporteret, armis non contendere, et hoc constantis, quicum vi et armis certare noluisset, eum iure iudicioque superare. [2] Ac mihi quidem cum audax praecipue fuisse videtur Aebutius in convocandis hominibus et armandis, tum impudens in iudicio, non solum quod in iudicium venire ausus est — nam id quidem tametsi improbe fit in aperta re, tamen malitia est iam usitatum — sed quod non dubitavit id ipsum quod arguitur confiteri; nisi forte hoc rationis habuit, quoniam, si facta vis esset moribus, superior in possessione retinenda non fuisset, quia contra ius moremque facta sit, A. Caecinam cum amicis metu perterritum profugisse; nunc quoque in iudicio si causa more institutoque omnium defendatur, nos inferiores in agendo non futuros; sin a consuetudine recedatur, se, quo impudentius egerit, hoc superiorem discessurum. Quasi vero aut idem possit in iudicio improbitas quod in vi confidentia, aut nos non eo libentius tum audaciae cesserimus quo nunc impudentiae facilius obsisteremus. [3] Itaque longe alia ratione, recuperatores, ad agendam causam hac actione venio atque initio veneram. Tum enim nostrae causae spes erat posita in defensione mea, nunc in confessione adversarii, tum in nostris, nunc vero in illorum testibus; de quibus ego antea laborabam ne, si improbi essent, falsi aliquid dicerent, si probi existimarentur, quod dixissent probarent; nunc sum animo aequissimo. Si enim sunt viri boni, me adiuvant, cum id iurati dicunt quod ego iniuratus insimulo; sin autem minus idonei, me non laedunt, cum eis sive creditur, <creditur> hoc ipsum quod nos arguimus, sive fides non habetur, de adversarii testium fide derogatur.

[4] Verum tamen cum illorum actionem causae considero, non video quid impudentius dici possit, cum autem vestram in iudicando

dubitationem, vereor ne id quod videntur impudenter fecisse astute et callide fecerint. Nam, si negassent vim hominibus armatis esse factam, facile honestissimis testibus in re perspicua tenerentur; sin confessi essent et id quod nullo tempore iure fieri potest tum ab se iure factum esse defenderent, sperarunt, id quod adsecuti sunt, se iniecturos vobis causam deliberandi et iudicandi iustam moram ac religionem. Simul illud quod indignissimum est futurum arbitrati sunt, ut in hac causa non de improbitate Sex. Aebuti, sed de iure civili iudicium fieri videretur. [5] Qua in re, si mihi esset unius A. Caecinae causa agenda, profiterer satis idoneum esse me defensorem, propterea quod fidem meam diligentiamque praestarem; quae cum sunt in actore causae, nihil est in re praesertim aperta ac simplici quod excellens ingenium requiratur. Sed cum de eo mihi iure dicendum sit, quod pertineat ad omnis, quodque constitutum sit a maioribus, conservatum usque ad hoc tempus, quo sublato non solum pars aliqua iuris deminuta, sed etiam vis ea quae iuri maxime est adversaria iudicio confirmata esse videatur, video summi ingeni causam esse, non ut id demonstretur quod ante oculos est sed ne, si quis vobis error in tanta re sit obiectus, omnes potius me arbitrentur causae quam vos religioni vestrae defuisse. [6] Quamquam ego mihi sic persuadeo, recuperatores, non vos tam propter iuris obscuram dubiamque rationem bis iam de eadem causa dubitasse quam, quod videtur ad summam illius existimationem hoc iudicium pertinere, moram ad condemnandum quaesisse simul et illi spatium ad sese conligendum dedisse. Quod quoniam iam in consuetudinem venit et id viri boni vestri similes in iudicando faciunt, reprehendendum fortasse minus, querendum vero magis etiam videtur, ideo quod omnia iudicia aut distrahendarum controversiarum aut puniendorum maleficiorum causa reperta sunt, quorum alterum levius est, propterea quod et minus laedit et persaepe disceptatore domestico diiudicatur, alterum est vehementissimum, quod et ad graviores res pertinet et non honorariam operam amici, sed severitatem iudicis ac vim requirit. [7] Quod est gravius, et cuius rei causa maxime iudicia constituta sunt, id iam mala consuetudine dissolutum est. Nam ut quaeque res est turpissima, sic maxime et maturissime vindicanda est, at eadem, quia existimationis periculum est, tardissime iudicatur. Qui igitur convenit, quae causa fuerit ad constituendum iudicium,

eandem moram esse ad iudicandum? Si quis quod spopondit, qua in re verbo se uno obligavit, id non facit, maturo iudicio sine ulla religione iudicis condemnatur; qui per tutelam aut societatem aut rem mandatam aut fiduciae rationem fraudavit quempiam, in eo quo delictum maius est, eo poena est tardior? [8] 'Est enim turpe iudicium.' Ex facto quidem turpi. Videte igitur quam inique accidat, quia res indigna sit, ideo turpem existimationem sequi; quia turpis existimatio sequatur, ideo rem indignam non vindicari. Ac si qui mihi hoc iudex recuperatorve dicat: 'potuisti enim leviore actione confligere, potuisti ad tuum ius faciliore et commodiore iudicio pervenire; qua re aut muta actionem aut noli mihi instare ut iudicem tamen,' is aut timidior videatur quam fortem, aut cupidior quam sapientem iudicem esse aequum est, si aut mihi praescribat quem ad modum meum ius persequar, aut ipse id quod ad se delatum sit non audeat iudicare. Etenim si praetor is qui iudicia dat numquam petitori praestituit qua actione illum uti velit, videte quam iniquum sit constituta iam re iudicem quid agi potuerit aut quid possit, non quid actum sit quaerere. [9] Verum tamen nimiae vestrae benignitati pareremus, si alia ratione ius nostrum recuperare possemus. Nunc vero quis est qui aut vim hominibus armatis factam relinqui putet oportere aut eius rei leviorem actionem nobis aliquam demonstrare possit? Ex quo genere peccati, ut illi clamitant, vel iniuriarum vel capitis iudicia constituta sunt, in eo potestis atrocitatem nostram reprehendere, cum videatis nihil aliud actum nisi possessionem per interdictum esse repetitam? Verum, sive vos existimationis illius periculum sive iuris dubitatio tardiores fecit adhuc ad iudicandum, alterius rei causam vosmet ipsi iam vobis saepius prolato iudicio sustulistis, alterius ego vobis hodierno die causam profecto auferam, ne diutius de controversia nostra ac de communi iure dubitetis. [10] Et si forte videbor altius initium rei demonstrandae petisse quam me ratio iuris eius de quo iudicium est et natura causae coegerit, quaeso ut ignoscatis. Non enim minus laborat A. Caecina ne summo iure egisse quam ne certum ius non obtinuisse videatur.

M. Fulcinius fuit, recuperatores, e municipio Tarquiniensi; qui et domi suae cum primis honestus existimatus est et Romae argentariam non ignobilem fecit. Is habuit in matrimonio Caesenniam, eodem e municipio summo loco natam et

probatissimam feminam, sicut et vivus ipse multis rebus ostendit et in morte sua testamento declaravit. [11] Huic Caesenniae fundum in agro Tarquiniensi vendidit temporibus illis difficillimis solutionis; cum uteretur uxoris dote numerata, quo mulieri res esset cautior, curavit ut in eo fundo dos conlocaretur. Aliquanto post iam argentaria dissoluta Fulcinius huic fundo uxoris continentia quaedam praedia atque adiuncta mercatur. Moritur Fulcinius — multa enim, quae sunt in re, quia remota sunt a causa, praetermittam — testamento facit heredem quem habebat e Caesennia filium; usum et fructum omnium bonorum suorum Caesenniae legat ut frueretur una cum filio. [12] Magnus honos viri iucundus mulieri fuisset, si diuturnum esse licuisset; frueretur enim bonis cum eo quem suis bonis heredem esse cupiebat et ex quo maximum fructum ipsa capiebat. Sed hunc fructum mature fortuna ademit. Nam brevi tempore M. Fulcinius adulescens mortuus est; heredem P. Caesennium fecit; uxori grande pondus argenti matrique partem maiorem bonorum legavit. Itaque in partem mulieres vocatae sunt.

[13] Cum esset haec auctio hereditaria constituta, Aebutius iste, qui iam diu Caesenniae viduitate ac solitudine aleretur ac se in eius familiaritatem insinuasset, hac ratione ut cum aliquo suo compendio negotia mulieris, si qua acciderent, controversiasque susciperet, versabatur eo quoque tempore in his rationibus auctionis et partitionis atque etiam se ipse inferebat et intro dabat et in eam opinionem Caesenniam adducebat ut mulier imperita nihil putaret agi callide posse, ubi non adesset Aebutius. [14] Quam personam iam ex cotidiana vita cognostis, recuperatores, mulierum adsentatoris, cognitoris viduarum, defensoris nimium litigiosi, contriti ad Regiam, inepti ac stulti inter viros, inter mulieres periti iuris et callidi, hanc personam imponite Aebutio. Is enim Caesenniae fuit Aebutius — ne forte quaeratis, num propinquus? — nihil alienius — amicus a patre aut a viro traditus? — nihil minus — quis igitur? ille, ille quem supra deformavi, voluntarius amicus mulieris non necessitudine aliqua, sed ficto officio simulataque sedulitate coniunctus magis opportuna opera non numquam quam aliquando fideli. [15] Cum esset, ut dicere institueram, constituta auctio Romae, suadebant amici cognatique Caesenniae, id quod ipsi quoque mulieri veniebat in mentem, quoniam potestas esset emendi fundum illum Fulcinianum, qui fundo

eius antiquo continens esset, nullam esse rationem amittere eius modi occasionem, cum ei praesertim pecunia ex partitione deberetur; nusquam posse eam melius conlocari. Itaque hoc mulier facere constituit; mandat ut fundum sibi emat, — cui tandem? — cui putatis? an non in mentem vobis venit omnibus illius hoc munus esse ad omnia mulieris negotia parati, sine quo nihil satis caute, nihil satis callide posset agi? [16] Recte attenditis. Aebutio negotium datur. Adest ad tabulam, licetur Aebutius; deterrentur emptores multi partim gratia Caesenniae, partim etiam pretio. Fundus addicitur Aebutio; pecuniam argentario promittit Aebutius; quo testimonio nunc vir optimus utitur sibi emptum esse. Quasi vero aut nos ei negemus addictum aut tum quisquam fuerit qui dubitaret quin emeretur Caesenniae, cum id plerique scirent, omnes fere audissent, <qui non audisset,> is coniectura adsequi posset, cum pecunia Caesenniae ex illa hereditate deberetur, eam porro in praediis conlocari maxime expediret, essent autem praedia quae mulieri maxime convenirent, ea venirent, liceretur is quem Caesenniae dare operam nemo miraretur, sibi emere nemo posset suspicari. [17] Hac emptione facta pecunia solvitur a Caesennia; cuius rei putat iste rationem reddi non posse quod ipse tabulas averterit; se autem habere argentarii tabulas in quibus sibi expensa pecunia lata sit acceptaque relata. Quasi id aliter fieri oportuerit. Cum omnia ita facta essent, quem ad modum nos defendimus, Caesennia fundum possedit locavitque; neque ita multo post A. Caecinae nupsit. Vt in pauca conferam, testamento facto mulier moritur; facit heredem ex deunce et semuncia Caecinam, ex duabus sextulis M. Fulcinium, libertum superioris viri, Aebutio sextulam aspergit. Hanc sextulam illa mercedem isti esse voluit adsiduitatis et molestiae si quam ceperat. Iste autem hac sextula se ansam retinere omnium controversiarum putat.

[18] Iam principio ausus est dicere non posse heredem esse Caesenniae Caecinam, quod is deteriore iure esset quam ceteri cives propter incommodum Volaterranorum calamitatemque civilem. Itaque homo timidus imperitusque, qui neque animi neque consili satis haberet, non putavit esse tanti hereditatem ut de civitate in dubium veniret; concessit, credo, Aebutio, quantum vellet de Caesenniae bonis ut haberet. Immo, ut viro forti ac sapienti dignum

fuit, ita calumniam stultitiamque eius obtrivit ac contudit. [19] In possessione bonorum cum esset, et cum iste sextulam suam nimium exaggeraret, nomine heredis arbitrum familiae herciscundae postulavit. Atque illis paucis diebus, postea quam videt nihil se ab A. Caecina posse litium terrore abradere, homini Romae in foro denuntiat fundum illum de quo ante dixi, cuius istum emptorem demonstravi fuisse mandatu Caesenniae, suum esse seseque sibi emisse. Quid ais? istius ille fundus est quem sine ulla controversia quadriennium, hoc est ex quo tempore fundus veniit, quoad vixit, possedit Caesennia? 'Vsus enim,' inquit, 'eius fundi et fructus testamento viri fuerat Caesenniae.' [20] Cum hoc novae litis genus tam malitiose intenderet, placuit Caecinae de amicorum sententia constituere, quo die in rem praesentem veniretur et de fundo Caecina moribus deduceretur. Conloquuntur; dies ex utriusque commodo sumitur. Caecina cum amicis ad diem venit in castellum Axiam, a quo loco fundus is de quo agitur non longe abest. Ibi certior fit a pluribus homines permultos liberos atque servos coegisse et armasse Aebutium. Cum id partim mirarentur, partim non crederent, ecce ipse Aebutius in castellum venit; denuntiat Caecinae se armatos habere; abiturum eum non esse, si accessisset. Caecinae placuit et amicis, quoad videretur salvo capite fieri posse, experiri tamen. [21] De castello descendunt, in fundum proficiscuntur. Videtur temere commissum, verum, ut opinor, hoc fuit causae: tam temere istum re commissurum quam verbis minitabatur nemo putavit. Atque iste ad omnis introitus qua adiri poterat non modo in eum fundum de quo erat controversia, sed etiam in illum proximum de quo nihil ambigebatur armatos homines opponit. Itaque primo cum in antiquum fundum ingredi vellet, quod ea proxime accedi poterat, frequentes armati obstiterunt. [22] Quo loco depulsus Caecina tamen qua potuit ad eum fundum profectus <est> in quo ex conventu vim fieri oportebat; eius autem fundi extremam partem oleae derecto ordine definiunt. Ad eas cum accederetur, iste cum omnibus copiis praesto fuit servumque suum nomine Antiochum ad se vocavit et voce clara imperavit ut eum qui illum olearum ordinem intrasset occideret. Homo mea sententia prudentissimus Caecina tamen in hac re plus mihi animi quam consili videtur habuisse. Nam cum et armatorum multitudinem videret et eam vocem Aebuti quam

commemoravi audisset, tamen accessit propius et iam ingrediens intra finem eius loci quem oleae terminabant impetum armati Antiochi ceterorumque tela atque incursum refugit. Eodem tempore se in fugam conferunt amici advocatique eius metu perterriti, quem ad modum illorum testem dicere audistis. [23] His rebus ita gestis P. Dolabella praetor interdixit, ut est consuetudo, de vi hominibvs armatis sine ulla exceptione, tantum ut unde deiecisset restitueret. Restituisse se dixit. <Sponsio facta est. Hac de> sponsione vobis iudicandum est.

Maxime fuit optandum Caecinae, recuperatores, ut controversiae nihil haberet, secundo loco ut ne cum tam improbo homine, tertio ut cum tam stulto haberet. Etenim non minus nos stultitia illius sublevat quam laedit improbitas. Improbus fuit, quod homines coegit, armavit, coactis armatisque vim fecit. Laesit in eo Caecinam, sublevat ibidem; nam in eas ipsas res quas improbissime fecit testimonia sumpsit et eis in causa testimoniis utitur. [24] Itaque mihi certum est, recuperatores, ante quam ad meam defensionem meosque testis venio, illius uti confessione et testimoniis; qui confitetur atque ita libenter confitetur ut non solum fateri sed etiam profiteri videatur, recuperatores: ‘convocavi homines, coegi, armavi, terrore mortis ac periculo capitis ne accederes obstiti; ferro,’ inquit, ‘ferro’ — et hoc dicit in iudicio—’te reieci atque proterrui.’ Quid? testes quid aiunt? P. Vetilius, propinquus Aebuti, se Aebutio cum armatis servis venisse advocatum. Quid praeterea? Fuisse compluris armatos. Quid aliud? Minatum esse Aebutium Caecinae. Quid ego de hoc teste dicam nisi hoc, recuperatores, ut ne idcirco minus ei credatis quod homo minus idoneus habetur, sed ideo credatis quod ex illa parte id dicit quod illi causae maxime sit alienum? [25] A. Terentius, alter testis, non modo Aebutium sed etiam se pessimi facinoris arguit. In Aebutium hoc dicit, armatos homines fuisse, de se autem hoc praedicat, Antiocho, Aebuti servo, se imperasse ut in Caecinam advenientem cum ferro invaderet. Quid loquar amplius de hoc homine? In quem ego hoc dicere, cum rogarer a Caecina, numquam volui, ne arguere illum rei capitalis viderer, de eo dubito nunc quo modo aut loquar aut taceam, cum ipse hoc de se iuratus praedicet. [26] Deinde L. Caelius non solum Aebutium cum armatis dixit fuisse compluribus verum etiam cum advocatis perpaucis eo venisse

Caecinam. De hoc ego teste detraham? cui aeque ac meo testi ut credatis postulo. P. Memmius secutus est qui suum non parvum beneficium commemoravit in amicos Caecinae, quibus sese viam per fratris sui fundum dedisse dixit qua effugere possent, cum essent omnes metu perterriti. Huic ego testi gratias agam, quod et in re misericordem se praebuerit et in testimonio religiosum. [27] A. Atilius et eius filius L. Atilius et armatos ibi fuisse et se suos servos adduxisse dixerunt; etiam hoc amplius: cum Aebutius Caecinae malum minaretur, ibi tum Caecinam postulasse ut moribus deductio fieret. Hoc idem P. Rutilius dixit, et eo libentius dixit ut aliquando in iudicio eius testimonio creditum putaretur. Duo praeterea testes nihil de vi, sed de re ipsa atque emptione fundi dixerunt; P. Caesennius, auctor fundi, non tam auctoritate gravi quam corpore, et argentarius Sex. Clodius cui cognomen est Phormio, nec minus niger nec minus confidens quam ille Terentianus est Phormio, nihil de vi dixerunt, nihil praeterea quod ad vestrum iudicium pertineret. [28] Decimo vero loco testis exspectatus et ad extremum reservatus dixit, senator populi Romani, splendor ordinis, decus atque ornamentum iudiciorum, exemplar antiquae religionis, Fidiculanius Falcula; qui cum ita vehemens acerque venisset ut non modo Caecinam periurio suo laederet sed etiam mihi videretur irasci, ita eum placidum mollemque reddidi, ut non auderet, sicut meministis, iterum dicere quot milia fundus suus abesset ab urbe. Nam cum dixisset minus iccc, populus cum risu adclamavit ipsa esse. Meminerant enim omnes quantum in Albiano iudicio accepisset. [29] In eum quid dicam nisi id quod negare non possit, venisse in consilium publicae quaestionis, cum eius consili iudex non esset, et in eo consilio, cum causam non audisset et potestas esset ampliandi, dixisse sibi liquere; cum de incognita re iudicare voluisset, maluisse condemnare quam absolvere; cum, si uno minus damnarent, condemnari reus non posset, non ad cognoscendam causam sed ad explendam damnationem praesto fuisse? Vtrum gravius aliquid in quempiam dici potest quam ad hominem condemnandum quem numquam vidisset neque audisset adductum esse pretio? an certius quicquam obici potest quam quod is cui obicitur ne nutu quidem infirmare conatur? [30] Verum tamen is testis, — ut facile intellegeretis eum non adfuisse animo, cum causa ab illis ageretur testesque dicerent, sed

tantisper de aliquo reo cogitasse — cum omnes ante eum dixissent testes armatos cum Aebutio fuisse compluris, solus dixit non fuisse. Visus est mihi primo veterator intellegere praeclare quid causae obstaret, et tantum modo errare, quod omnis testis infirmaret qui ante eum dixissent: cum subito, ecce idem qui solet, duos solos servos armatos fuisse dixit. Quid huic tu homini facias? nonne concedas interdum ut excusatione summae stultitiae summae improbitatis odium deprecetur? [31] Vtrum, recuperatores, his testibus non credidistis, cum quid liqueret non habuistis? at controversia non erat quin verum dicerent. An in coacta multitudine, in armis, in telis, in praesenti metu mortis perspicuoque periculo caedis dubium vobis fuit inesse vis aliqua videretur necne? Quibus igitur in rebus vis intellegi potest, si in his non intellegetur? An vero illa defensio vobis praeclara visa est: 'Non deieci, sed obstiti; non enim sum passus in fundum ingredi, sed armatos homines opposui, ut intellegeres, si in fundo pedem posuisses, statim tibi esse pereundum?' Quid ais? is qui armis proterritus, fugatus, pulsus est, non videtur esse deiectus? [32] Posterius de verbo videbimus; nunc rem ipsam ponamus quam illi non negant et eius rei ius actionemque quaeramus.

Est haec res posita quae ab adversario non negatur, Caecinam, cum ad constitutam diem tempusque venisset ut vis ac deductio moribus fieret, pulsum prohibitumque esse vi coactis hominibus et armatis. Cum hoc constet, ego, homo imperitus iuris, ignarus negotiorum ac litium, hanc puto me habere actionem, ut per interdictum meum ius teneam atque iniuriam tuam persequar. Fac in hoc errare me nec ullo modo posse per hoc interdictum id adsequi quod velim; te uti in hac re magistro volo. [33] Quaero sitne aliqua huius rei actio an nulla. Convocari homines propter possessionis controversiam non oportet, armari multitudinem iuris retinendi causa non convenit; nec iuri quicquam tam inimicum quam vis nec aequitati quicquam tam infestum est quam convocati homines et armati. Quod cum ita sit resque eius modi sit ut in primis a magistratibus animadvertenda videatur, iterum quaero sitne eius rei aliqua actio an nulla. Nullam esse dices? Audire cupio, qui in pace et otio, cum manum fecerit, copias pararit, multitudinem hominum coegerit, armarit, instruxerit, homines inermos qui ad constitutum experiendi iuris gratia venissent armis, viris, terrore periculoque

mortis reppulerit, fugarit, averterit, hoc dicat: [34] ‘Feci equidem quae dicis omnia, et ea sunt et turbulenta et temeraria et periculosa. Quid ergo est? impune feci; nam quid agas mecum ex iure civili ac praetorio non habes.’ Itane vero? recuperatores, hoc vos audietis et apud vos dici patiemini saepius? Cum maiores nostri tanta diligentia prudentiaque fuerint ut omnia omnium non modo tantarum rerum sed etiam tenuissimarum iura statuerint persecutique sint, hoc genus unum vel maximum praetermitterent, ut, si qui me exire domo mea coegisset armis, haberem actionem, si qui introire prohibuisset, non haberem? Nondum de Caecinae causa disputo, nondum de iure possessionis nostrae loquor; tantum de tua defensione, C. Piso, quaero. [35] Quoniam ita dicis et ita constituis, si Caecina, cum in fundo esset, inde deiectus esset, tum per hoc interdictum eum restitui oportuisse; nunc vero deiectum nullo modo esse inde ubi non fuerit; hoc interdicto nihil nos adsecutos esse: quaero, si te hodie domum tuam redeuntem coacti homines et armati non modo limine tectoque aedium tuarum sed primo aditu vestibuloque prohibuerint, quid acturus sis. Monet amicus meus te, L. Calpurnius, ut idem dicas quod ipse antea dixit, iniuriarum. Quid ad causam possessionis, quid ad restituendum eum quem oportet restitui, quid denique ad ius civile, aut ad praetoris notionem atque animadversionem? Ages iniuriarum. Plus tibi ego largiar; non solum egeris verum etiam condemnaris licet; num quid magis possidebis? actio enim iniuriarum non ius possessionis adsequitur sed dolorem imminutae libertatis iudicio poenaque mitigat. [36] Praetor interea, Piso, tanta de re tacebit? quem ad modum te restituat in aedis tuas non habebit? Qui dies totos aut vim fieri vetat aut restitui factam iubet, qui de fossis, de cloacis, de minimis aquarum itinerumque controversiis interdicit, is repente obmutescet, in atrocissima re quid faciat non habebit? et C. Pisoni domo tectisque suis prohibito, <prohibito> inquam, per homines coactos et armatos, praetor quem ad modum more et exemplo opitulari possit non habebit? Quid enim dicet, aut quid tu tam insigni accepta iniuria postulabis? ‘Vnde vi prohibitus?’ Sic nemo umquam interdixit; novum est, non dico inusitatum, verum omnino inauditum. ‘Vnde deiectus?’ Quid proficies, cum illi hoc respondebunt tibi quod tu nunc mihi, armatis se tibi obstitisse ne in aedis accederes; deici porro nullo modo potuisse qui non accesserit? [37] ‘Deicior ego,’

inquis, ‘si quis meorum deicitur omnino.’ Iam bene agis; a verbis enim recedis et aequitate uteris. Nam verba quidem ipsa si sequi volumus, quo modo tu deiceris, cum servus tuus deicitur? Verum ita est uti dicis; te deiectum debeo intellegere, etiam si tactus non fueris. Nonne? Age nunc, si ne tuorum quidem quisquam loco motus erit atque omnes in aedibus adservati ac retenti, tu solus prohibitus et a tuis aedibus vi atque armis proterritus, utrum hanc actionem habebis qua nos usi sumus, an aliam quampiam, an omnino nullam? Nullam esse actionem dicere in re tam insigni tamque atroci neque prudentiae neque auctoritatis tuae est; alia si quae forte est quae nos fugerit, dic quae sit; cupio discere. [38] Haec si est qua nos usi sumus te iudice vincamus necesse est. Non enim vereor ne hoc dicas, in eadem causa eodem interdicto te oportere restitui, Caecinam non oportere. Etenim cui non perspicuum est ad incertum revocari bona, fortunas, possessiones omnium, si ulla ex parte sententia huius interdicti deminuta aut infirmata sit, si auctoritate virorum talium vis armatorum hominum iudicio approbata videatur, in quo iudicio non de armis dubitatum sed de verbis quaesitum esse dicatur? Isne apud vos obtinebit causam suam qui se ita defenderit: ‘reieci ego te armatis hominibus, non deieci,’ ut tantum facinus non in aequitate defensionis, sed in una littera latuisse videatur? [39] Huiusce rei vos statuetis nullam esse actionem, nullum experiendi ius constitutum, qui obstiterit armatis hominibus, qui multitudine coacta non introitu, sed omnino aditu quempiam prohibuerit? Quid ergo? hoc quam habet vim, ut distare aliquid aut ex aliqua parte differre videatur, utrum, pedem cum intulero atque in possessione vestigium fecero, tum expellar ac deiciar, an eadem vi et isdem armis mihi ante occurratur, ne non modo intrare verum aspicere aut aspirare possim? Quid hoc ab illo differt, ut ille cogatur restituere qui ingressum expulerit, ille qui ingredientem reppulerit non cogatur? [40] Videte, per deos immortalis! quod ius nobis, quam condicionem vobismet ipsis, quam denique civitati legem constituere velitis. Huiusce generis una est actio per hoc interdictum quo nos usi sumus constituta; ea si nihil valet aut si ad hanc rem non pertinet, quid neglegentius aut quid stultius maioribus nostris dici potest, qui aut tantae rei praetermiserint actionem aut eam constituerint quae nequaquam satis verbis causam et rationem iuris amplecteretur? Hoc est periculosum,

dissolvi hoc interdictum, est captiosum omnibus rem ullam constitui eius modi quae, cum armis gesta sit, rescindi iure non possit; verum tamen illud est turpissimum, tantae stultitiae prudentissimos homines condemnari, ut vos iudicetis huius rei ius atque actionem in mentem maioribus nostris non venisse.

[41] ‘Queramur,’ inquit, ‘licet; tamen hoc interdicto Aebutius non tenetur.’ Quid ita? ‘Quod vis Caecinae facta non est.’ Dici in hac causa potest, ubi arma fuerint, ubi coacta hominum multitudo, ubi instructi et certis locis cum ferro homines conlocati, ubi minae, pericula terroresque mortis, ibi vim non fuisse? ‘Nemo,’ inquit, ‘occisus est neque saucius <factus>.’ Quid ais? cum de possessionis controversia et de privatorum hominum contentione iuris loquamur, tu vim negabis factam, si caedes et occisio facta non erit? At exercitus maximos saepe pulsos et fugatos esse dico terrore ipso impetuque hostium sine cuiusquam non modo morte verum etiam volnere. [42] Etenim, recuperatores, non ea sola vis est quae ad corpus nostrum vitamque pervenit, sed etiam multo maior ea quae periculo mortis iniecto formidine animum perterritum loco saepe et certo de statu demovet. Itaque saucii saepe homines cum corpore debilitantur, animo tamen non cedunt neque eum relinquunt locum quem statuerunt defendere; at alii pelluntur integri; ut non dubium sit quin maior adhibita vis ei sit cuius animus sit perterritus quam illi cuius corpus volneratum sit. [43] Quod si vi pulsos dicimus exercitus esse eos qui metu ac tenui saepe suspicione periculi fugerunt, et si non solum impulsu scutorum neque conflictu corporum neque ictu comminus neque coniectione telorum, sed saepe clamore ipso militum aut instructione aspectuque signorum magnas copias pulsas esse et vidimus et audivimus, quae vis in bello appellatur, ea in otio non appellabitur? et, quod vehemens in re militari putatur, id leve in iure civili iudicabitur? et, quod exercitus armatos movet, id advocationem togatorum non videbitur movisse? et volnus corporis magis istam vim quam terror animi declarabit? et sauciatio quaeretur, cum fugam factam esse constabit? [44] Tuus enim testis hoc dixit, metu perterritis nostris advocatis locum se qua effugerent demonstrasse. Qui non modo ut fugerent sed etiam ipsius fugae tutam viam quaesiverunt, his vis adhibita non videbitur? Quid igitur fugiebant? Propter metum. Quid metuebant? Vim videlicet. Potestis

igitur principia negare, cum extrema conceditis? Fugisse perterritos confitemini; causam fugae dicitis eandem quam omnes intellegimus, arma, multitudinem hominum, incursionem atque impetum armatorum; haec ubi conceduntur esse facta, ibi vis facta negabitur?

[45] At vero hoc quidem iam vetus est et maiorum exemplo multis in rebus usitatum, cum ad vim faciendam veniretur, si quos armatos quamvis procul conspexissent, ut statim testificati discederent, <cum> optime sponsionem facere possent, ni adversvs edictvm praetoris vis facta esset. Itane vero? scire esse armatos satis est ut vim factam probes; in manus eorum incidere non est satis? aspectus armatorum ad vim probandam valebit; incursus et impetus non valebit? qui abierit, facilius sibi vim factam probabit quam qui effugerit? [46] At ego hoc dico, si, ut primum in castello Caecinae dixit Aebutius se homines coegisse et armasse neque eum, si illo accessisset, abiturum, statim Caecina discessisset, dubitare vos non debuisse quin Caecinae facta vis esset; si vero simul ac procul conspexit armatos recessisset eo minus dubitaretis. Omnis enim vis est quae periculo aut decedere nos alicunde cogit aut prohibet accedere. Quod si aliter statuetis, videte ne hoc vos statuatis, qui vivus discesserit, ei vim non esse factam, ne hoc omnibus in possessionum controversiis praescribatis, ut confligendum sibi et armis decertandum putent, ne, quem ad modum in bello poena ignavis ab imperatoribus constituitur, sic in iudiciis deterior causa sit eorum qui fugerint quam qui ad extremum usque contenderint. [47] Cum de iure et legitimis hominum controversiis loquimur et in his rebus vim nominamus, pertenuis vis intellegi debet. Vidi armatos quamvis paucos; magna vis est. Decessi unius hominis telo proterritus; deiectus detrususque sum. Hoc si ita statuetis, non modo non erit cur depugnare quisquam posthac possessionis causa velit, sed ne illud quidem cur repugnare. Sin autem vim sine caede, sine volneratione, sine sanguine nullam intellegetis, statuetis homines possessionis cupidiores quam vitae esse oportere.

[48] Age vero, de vi te ipsum habebo iudicem, Aebuti. Responde, si tibi videtur. In fundum Caecina utrum tandem noluit, an non potuit accedere? Cum te obstitisse et reppulisse dicis, certe hunc voluisse concedis. Potes igitur dicere non ei vim fuisse impedimento cui, cum cuperet eoque consilio venisset, per homines coactos licitum non sit

accedere? Si enim id quod maxime voluit nullo modo potuit, vis profecto quaedam obstiterit necesse est; aut tu dic quam ob rem, cum vellet accedere, non accesserit. [49] Iam vim factam negare non potes; deiectus quem ad modum sit, qui non accesserit, id quaeritur. Demoveri enim et depelli de loco necesse est eum qui deiciatur. Id autem accidere ei qui potest qui omnino in eo loco unde se deiectum esse dicit numquam fuit? Quid? si fuisset et ex eo loco metu permotus fugisset, cum armatos vidisset, diceresne esse deiectum? Opinor. Ain tu? qui tam diligenter et tam callide verbis controversias non aequitate diiudicas, et iura non utilitate communi sed litteris exprimis, poterisne dicere deiectum esse eum qui tactus non erit? Quid? detrusum dicesne? nam eo verbo antea praetores in hoc interdicto uti solebant. Quid ais? potestne detrudi quisquam qui non attingitur? nonne, si verbum sequi volumus, hoc intellegamus necesse est, eum detrudi cui manus adferantur? Necesse est, inquam, si ad verbum rem volumus adiungere, neminem statui detrusum qui non adhibita vi manu demotus et actus praeceps intellegatur. [50] Deiectus vero qui potest esse quisquam nisi in inferiorem locum de superiore motus? Potest pulsus, fugatus, eiectus denique; illud vero nullo modo potest, non modo qui tactus non sit sed ne in aequo quidem et plano loco. Quid ergo? hoc interdictum putamus eorum esse causa compositum qui se praecipitatos ex locis superioribus dicerent — eos enim vere possumus dicere esse deiectos — an, cum voluntas et consilium et sententia interdicti intellegatur, impudentiam summam aut stultitiam singularem putabimus in verborum errore versari, rem et causam et utilitatem communem non relinquere solum sed etiam prodere?

[51] An hoc dubium est quin neque verborum tanta copia sit non modo in nostra lingua, quae dicitur esse inops, sed ne in alia quidem ulla, res ut omnes suis certis ac propriis vocabulis nominentur, neque vero quicquam opus sit verbis, cum ea res cuius causa verba quaesita sint intellegatur? Quae lex, quod senatus consultum, quod magistratus edictum, quod foedus aut pactio, quod, ut ad privatas res redeam, testamentum, quae iudicia aut stipulationes aut pacti et conventi formula non infirmari ac convelli potest, si ad verba rem deflectere velimus, consilium autem eorum qui scripserunt et rationem et auctoritatem relinquamus? [52] Sermo hercule familiaris et

cotidianus non cohaerebit, si verba inter nos aucupabimur; denique imperium domesticum nullum erit, si servolis hoc nostris concesserimus ut ad verba nobis oboediant, non ad id quod ex verbis intellegi possit obtemperent. Exemplis nunc uti videlicet mihi necesse est harum rerum omnium; non occurrit uni cuique vestrum aliud alii in omni genere exemplum quod testimonio sit non ex verbis aptum pendere ius; sed verba servire hominum consiliis et auctoritatibus. [53] Ornate et copiose L. Crassus, homo longe eloquentissimus, paulo ante quam nos in forum venimus, iudicio cvirali hanc sententiam defendit et facile, cum contra eum prudentissimus homo, Q. Mucius, diceret, probavit omnibus, M'. Curium, qui heres institutus esset ita: 'mortvo postvmo filio,' cum filius non modo non mortuus sed ne natus quidem esset, heredem esse oportere. Quid? verbis hoc satis erat cautum? Minime. Quae res igitur valuit? Voluntas, quae si tacitis nobis intellegi posset, verbis omnino non uteremur; quia non potest, verba reperta sunt, non quae impedirent sed quae indicarent voluntatem. [54] Lex usum et auctoritatem fundi iubet esse biennium; at utimur eodem iure in aedibus, quae in lege non appellantur. Si via sit immunita, iubet qua velit agere iumentum; potest hoc ex ipsis verbis intellegi, licere, si via sit in Bruttiis immunita, agere si velit iumentum per M. Scauri Tusculanum. Actio est in auctorem praesentem his verbis: 'qvandoqve te in ivre conspicio.' Hac actione Appius ille Caecus uti non posset, si ita in iure homines verba consectarentur ut rem cuius causa verba sunt non considerarent. Testamento si recitatus heres esset pupillus Cornelius isque iam annos xx haberet, vobis interpretibus amitteret hereditatem. [55] Veniunt in mentem mihi permulta, vobis plura, certo scio. Verum ne nimium multa complectamur atque ab eo quod propositum est longius aberret oratio, hoc ipsum interdictum quo de agitur consideremus; intellegetis enim in eo ipso, si in verbis ius constituamus, omnem utilitatem nos huius interdicti, dum versuti et callidi velimus esse, amissuros. 'Vnde tv avt familia avt procvrator tvvs.' Si me vilicus tuus solus deiecisset, non familia deiecisset, ut opinor, sed aliquis de familia. Recte igitur diceres te restituisse? Quippe; quid enim facilius est quam probare eis qui modo Latine sciant, in uno servolo familiae nomen non valere? Si vero ne habeas quidem servum praeter eum qui

me deiecerit, clames videlicet: ‘Si habeo familiam, a familia mea fateor te esse deiectum.’ Neque enim dubium est quin, si ad rem iudicandam verbo ducimur, non re, familiam intellegamus quae constet ex servis pluribus; quin unus homo familia non sit; verbum certe hoc non modo postulat, sed etiam cogit, [56] at vero ratio iuris interdictique vis et praetorum voluntas et hominum prudentium consilium et auctoritas respuit hanc defensionem et pro nihilo putat. Quid ergo? isti homines Latine non loquuntur? Immo vero tantum loquuntur quantum est satis ad intellegendam voluntatem, cum sibi hoc proposuerint ut, sive me tu deieceris sive tuorum quispiam sive servorum sive amicorum, servos non numero distinguant sed appellent uno familiae nomine; [57] de liberis autem quisquis est, procuratoris nomine appelletur; non quo omnes sint aut appellentur procuratores qui negoti nostri aliquid gerant, sed in hac re cognita sententia interdicti verba subtiliter exquiri omnia noluerunt. Non enim alia causa est aequitatis in uno servo et in pluribus, non alia ratio iuris in hoc genere dumtaxat, utrum me tuus procurator deiecerit, is qui legitime procurator dicitur, omnium rerum eius qui in Italia non sit absitve rei publicae causa quasi quidam paene dominus, hoc est alieni iuris vicarius, an tuus colonus aut vicinus aut cliens aut libertus aut quivis qui illam vim deiectionemque tuo rogatu aut tuo nomine fecerit. [58] Qua re, si ad eum restituendum qui vi deiectus est eandem vim habet aequitatis ratio, ea intellecta certe nihil ad rem pertinet quae verborum vis sit ac nominum. Tam restitues si tuus me libertus deiecerit nulli tuo praepositus negotio, quam si procurator deiecerit; non quo omnes sint procuratores qui aliquid nostri negoti gerunt, sed quod <hoc> in hac re quaeri nihil attinet. Tam restitues si unus servolus, quam si familia fecerit universa; non quo idem sit servolus unus quod familia, verum quia non quibus verbis quidque dicatur quaeritur, sed quae res agatur. Etiam, ut longius a verbo recedamus, ab aequitate ne tantulum quidem, si tuus servus nullus fuerit et omnes alieni ac mercennarii, tamen ei ipsi tuae familiae genere et nomine continebuntur. [59] Perge porro hoc idem interdictum sequi. ‘hominibvs coactis.’ Neminem coegeris, ipsi convenerint sua sponte; certe cogit is qui congregat homines et convocat; coacti sunt ei qui ab aliquo sunt unum in locum congregati. Si non modo convocati non sunt, sed ne convenerunt quidem, sed ei

modo fuerunt qui etiam antea non vis ut fieret, verum colendi aut pascendi causa esse in agro consuerant, defendes homines coactos non fuisse, et verbo quidem superabis me ipso iudice, re autem ne consistes quidem ullo iudice. Vim enim multitudinis restitui voluerunt, non solum convocatae multitudinis; sed, quia plerumque ubi multitudine opus est homines cogi solent, ideo de coactis compositum interdictum est; quod etiam si verbo differre videbitur, re tamen erit unum et omnibus in causis idem valebit, in quibus perspicitur una atque eadem causa aequitatis. 'armatisve.' [60] Quid dicemus? armatos, si Latine loqui volumus, quos appellare vere possumus? Opinor eos qui scutis telisque parati ornatique sunt. Quid igitur? si glebis aut saxis aut fustibus aliquem de fundo praecipitem egeris iussusque sis, quem hominibus armatis deieceris, restituere, restituisse te dices? Verba si valent, si causae non ratione sed vocibus ponderantur, me auctore dicito. Vinces profecto non fuisse armatos eos qui saxa iacerent quae de terra ipsi tollerent, non esse arma caespites neque glebas; non fuisse armatos eos qui praetereuntes ramum defringerent arboris; arma esse suis nominibus alia ad tegendum, alia ad nocendum; quae qui non habuerint, eos inermos fuisse vinces. [61] Verum si quod erit armorum iudicium, tum ista dicito; iuris iudicium cum erit et aequitatis, cave in ista tam frigida, tam ieiuna calumnia delitiscas. Non enim reperies quemquam iudicem aut recuperatorem qui, tamquam si arma militis inspicienda sint, ita probet armatum; sed perinde valebit quasi armatissimi fuerint, si reperientur ita parati fuisse ut vim vitae aut corpori potuerint adferre.

[62] Atque ut magis intellegas quam verba nihil valeant, si tu solus aut quivis unus cum scuto et gladio impetum in me fecisset atque ego ita deiectus essem, auderesne dicere interdictum esse de hominibus armatis, hic autem hominem armatum unum fuisse? Non, opinor, tam impudens esses. Atqui vide ne multo nunc sis impudentior. Nam tum quidem omnis mortalis implorare posses, quod homines in tuo negotio Latine obliviscerentur, quod inermi armati iudicarentur, quod, cum interdictum esset de pluribus, commissa res esset ab uno, unus homo plures esse homines iudicaretur. [63] Verum in his causis non verba veniunt in iudicium, sed ea res cuius causa verba haec in interdictum coniecta sunt. Vim quae ad caput ac vitam pertineret

restitui sine ulla exceptione voluerunt. Ea fit plerumque per homines coactos armatosque; si alio consilio, eodem periculo facta sit, eodem iure esse voluerunt. Non enim maior est iniuria si tua familia quam si tuus vilicus, non si tui servi quam si alieni ac mercennarii, non si tuus procurator quam si vicinus aut libertus tuus, non si coactis hominibus quam si voluntariis aut etiam adsiduis ac domesticis, non si armatis quam si inermibus qui vim armatorum haberent ad nocendum, non si pluribus quam si uno armato. Quibus enim rebus plerumque vis fit eius modi, eae res appellantur in interdicto. Si per alias res eadem facta vis est, ea tametsi verbis interdicti non concluditur, sententia tamen iuris atque auctoritate retinetur.

[64] Venio nunc ad illud tuum: ‘non deieci; non enim sivi accedere.’ Puto te ipsum, Piso, perspicere quanto ista sit angustior iniquiorque defensio quam si illa uterere: ‘non fuerunt armati, cum fustibus et cum saxis fuerunt.’ Si me hercule mihi, non copioso homini ad dicendum, optio detur, utrum malim defendere non esse deiectum eum cui vi et armis ingredienti sit occursum, an armatos non fuisse eos qui sine scutis sineque ferro fuerint, omnino ad probandum utramque rem videam infirmam nugatoriamque esse, ad dicendum autem in altera videar mihi aliquid reperire posse, non fuisse armatos eos qui neque ferri quicquam neque scutum ullum habuerint; hic vero haeream, si mihi defendendum sit eum qui pulsus fugatusque sit non esse deiectum.

[65] Atque illud in tota defensione tua mihi maxime mirum videbatur, te dicere iuris consultorum auctoritati obtemperari non oportere. Quod ego tametsi non nunc primum neque in hac causa solum audio, tamen admodum mirabar abs te quam ob rem diceretur. Nam ceteri tum ad istam orationem decurrunt cum se in causa putant habere aequum et bonum quod defendant; si contra verbis et litteris et, ut dici solet, summo iure contenditur, solent eius modi iniquitati aequi et boni nomen dignitatemque opponere. Tum illud quod dicitur, ‘sive nive,’ inrident, tum aucupia verborum et litterarum tendiculas in invidiam vocant, tum vociferantur ex aequo et bono, non ex callido versutoque iure rem iudicari oportere; scriptum sequi calumniatoris esse bonique iudicis voluntatem scriptoris auctoritatemque defendere. [66] In ista vero causa cum tu sis is qui te verbo litteraque defendas, cum tuae sint hae partes: ‘unde deiectus

es? an inde quo prohibitus es accedere? reiectus es, non deiectus,' cum tua sit haec oratio: 'fateor me homines coegisse, fateor armasse, fateor tibi mortem esse minitatum, fateor hoc interdicto praetoris vindicari, si voluntas et aequitas valeat; sed ego invenio in interdicto verbum unum ubi delitiscam: non deieci te ex eo loco quem in locum prohibui ne venires' — in ista defensione accusas eos qui consuluntur, quod aequitatis censeant rationem, non verbi haberi oportere?

[67] Et hoc loco Scaevolam dixisti causam apud cviros non tenuisse; quem ego antea commemoravi, cum idem faceret quod tu nunc — tametsi ille in aliqua causa faciebat, tu in nulla facis — tamen probasse nemini quod defendebat, quia verbis oppugnare aequitatem videbatur. Cum id miror, te hoc in hac re alieno tempore et contra quam ista causa postulasset defendisse, tum illud volgo in iudiciis et non numquam ab ingeniosis hominibus defendi mihi mirum videri solet, nec iuris consultis concedi nec ius civile in causis semper valere oportere. [68] Nam hoc qui disputant, si id dicunt non recte aliquid statuere eos qui consulantur, non hoc debent dicere iuris consultis, sed hominibus stultis obtemperari non oportere; sin illos recte respondere concedunt et aliter iudicari dicunt oportere, male iudicari oportere dicunt; neque enim fieri potest ut aliud iudicari de iure, aliud responderi oporteat, nec ut quisquam iuris numeretur peritus qui id statuat esse ius quod non oporteat iudicari. 'At est aliquando contra iudicatum.' [69] Primum utrum recte, an perperam? Si recte, id fuit ius quod iudicatum est; sin aliter, non dubium est utrum iudices an iuris consulti vituperandi sint. Deinde, si de iure vario quippiam iudicatum est, <non> potius contra iuris consultos statuunt, si aliter pronuntiatum est ac Mucio placuit, quam ex eorum auctoritate, si, ut Manilius statuebat, sic est iudicatum. Etenim ipse Crassus non ita causam apud cviros egit ut contra iuris consultos diceret, sed ut hoc doceret, illud quod Scaevola defendebat, non esse iuris, et in eam rem non solum rationes adferret, sed etiam Q. Mucio, socero suo, multisque peritissimis hominibus auctoribus uteretur. [70] Nam qui ius civile contemnendum putat, is vincula revellit non modo iudiciorum sed etiam utilitatis vitaeque communis; qui autem interpretes iuris vituperat, si imperitos iuris esse dicit, de hominibus, non de iure civili detrahit; sin peritis non putat esse obtemperandum, non homines laedit, sed leges ac iura labefactat; quod vobis venire in mentem profecto necesse est, nihil esse in civitate tam diligenter quam ius civile retinendum. Etenim hoc sublato nihil est qua re exploratum cuiquam possit esse quid suum aut quid alienum sit, nihil est quod aequabile inter omnis atque unum omnibus esse possit. [71] Itaque in ceteris controversiis atque iudiciis cum quaeritur aliquid factum necne sit, verum an falsum proferatur, et fictus testis

subornari solet et interponi falsae tabulae, non numquam honesto ac probabili nomine bono viro iudici error obici, improbo facultas dari ut, cum sciens perperam iudicarit, testem tamen aut tabulas secutus esse videatur; in iure nihil est eius modi, recuperatores, non tabulae falsae, non testis improbus, denique nimia ista quae dominatur in civitate potentia in hoc solo genere quiescit; quid agat, quo modo adgrediatur iudicem, qua denique digitum proferat, non habet. [72] Illud enim potest dici iudici ab aliquo non tam verecundo homine quam gratioso: 'iudica hoc factum esse aut numquam esse factum; crede huic testi, has comproba tabulas'; hoc non potest: 'statue cui filius agnatus sit, eius testamentum non esse ruptum; iudica quod mulier sine tutore auctore promiserit, deberi.' Non est aditus ad huiusce modi res neque potentiae cuiusquam neque gratiae; denique, quo maius hoc sanctiusque videatur, ne pretio quidem corrumpi iudex in eius modi causa potest. [73] Iste vester testis qui ausus est dicere fecisse videri eum de quo ne cuius rei argueretur quidem scire potuit, is ipse numquam auderet iudicare deberi viro dotem quam mulier nullo auctore dixisset.

O rem praeclaram vobisque ob hoc retinendam, recuperatores! Quod enim est ius civile? Quod neque inflecti gratia neque perfringi potentia neque adulterari pecunia possit; quod si non modo oppressum sed etiam desertum aut neglegentius adservatum erit, nihil est quod quisquam sese habere certum aut a patre accepturum aut relicturum liberis arbitretur. [74] Quid enim refert aedis aut fundum relictum a patre aut aliqua ratione habere bene partum, si incertum est, quae nunc tua iure mancipi sint, ea possisne retinere, si parum est communitum ius civile ac publica lege contra alicuius gratiam teneri non potest? quid, inquam, prodest fundum habere, si, quae diligentissime descripta a maioribus iura finium, possessionum, aquarum itinerumque sunt, haec perturbari aliqua ratione commutarique possunt? Mihi credite, maior hereditas uni cuique nostrum venit in isdem bonis a iure et a legibus quam ab eis a quibus illa ipsa nobis relicta sunt. Nam ut perveniat ad me fundus testamento alicuius fieri potest; ut retineam quod meum factum sit sine iure civili fieri non potest. Fundus a patre relinqui potest, at usucapio fundi, hoc est finis sollicitudinis ac periculi litium, non a patre relinquitur, sed a legibus; aquae ductus, haustus, iter, actus a

patre, sed rata auctoritas harum rerum omnium ab iure civili sumitur. [75] Quapropter non minus diligenter ea quae a maioribus accepistis, publica patrimonia iuris quam privatae rei vestrae retinere debetis, non solum quod haec iure civili saepta sunt verum etiam quod patrimonium unius incommodo dimittetur, ius amitti non potest sine magno incommodo civitatis.

In hac ipsa causa, recuperatores, si hoc nos non obtinemus, vi armatis hominibus deiectum esse eum quem vi armatis hominibus pulsum fugatumque esse constat, Caecina rem non amittet, quam ipsam animo forti, si tempus ita ferret, amitteret, in possessionem in praesentia non restituetur, nihil amplius; [76] populi Romani causa, civitatis ius, bona, fortunae possessionesque omnium in dubium incertumque revocantur. Vestra auctoritate hoc constituetur, hoc praescribetur: quicum tu posthac de possessione contendes, eum si ingressum modo in praedium deieceris, restituas oportebit; sin autem ingredienti cum armata multitudine obvius fueris et ita venientem reppuleris, fugaris, averteris, non restitues. Iuris si haec vox est, esse vim non in caede solum sed etiam in animo, libidinis, nisi cruor appareat, vim non esse factam; iuris, deiectum esse qui prohibitus sit, libidinis, nisi ex eo loco ubi vestigium impresserit deici neminem posse; [77] iuris, rem et sententiam et aequitatem plurimum valere oportere, libidinis, verbo ac littera ius omne intorqueri: vos statuite, recuperatores, utrae voces vobis honestiores et utiliores esse videantur.

Hoc loco percommode accidit quod non adest is qui paulo ante adfuit et adesse nobis frequenter in hac causa solet, vir ornatissimus, C. Aquilius; nam ipso praesente de virtute eius et prudentia timidius dicerem, quod et ipse pudore quodam adficeretur ex sua laude et me similis ratio pudoris a praesentis laude tardaret; cuius auctoritati dictum est ab illa causa concedi nimium non oportere. <Non> vereor de tali viro ne plus dicam quam vos aut sentiatis aut apud vos commemorari velitis. [78] Quapropter hoc dicam, numquam eius auctoritatem nimium valere cuius prudentiam populus Romanus in cavendo, non in decipiendo perspexerit, qui iuris civilis rationem numquam ab aequitate seiunxerit, qui tot annos ingenium, laborem, fidem suam populo Romano promptam eitamque praebuerit; qui ita iustus est et bonus vir ut natura, non disciplina, consultus esse

videatur, ita peritus ac prudens ut ex iure civili non scientia solum quaedam verum etiam bonitas nata videatur, cuius tantum est ingenium, ita probata fides ut quicquid inde haurias purum te liquidumque haurire sentias. [79] Qua re permagnam initis a nobis gratiam, cum eum auctorem defensionis nostrae esse dicitis. Illud autem miror, quem vos aliquid contra me sentire dicatis, cur eum auctorem vos pro me appelletis, nostrum nominetis. Verum tamen quid ait vester iste auctor? 'Qvibvs qvidqve verbis actvm pronvntiatvmqve sit.' Conveni ego ex isto genere consultorum non neminem, ut opinor, istum ipsum quo vos auctore rem istam agere et defensionem causae constituere vos dicitis. Qui cum istam disputationem mecum ingressus esset, non posse probari quemquam esse deiectum nisi ex eo loco in quo fuisset, rem et sententiam interdicti mecum facere fatebatur, verbo me excludi dicebat, a verbo autem posse recedi non arbitrabatur. [80] Cum exemplis uterer multis ex omni memoria antiquitatis a verbo et ab scripto plurimis saepe in rebus ius et aequi bonique rationem esse seiunctam, semperque id valuisse plurimum quod in se auctoritatis habuisset aequitatisque plurimum, consolatus est me et ostendit in hac ipsa causa nihil esse quod laborarem; nam verba ipsa sponsionis facere mecum, si vellem diligenter attendere. 'Quonam,' inquam, 'modo?' 'Quia certe,' inquit, 'deiectus est Caecina vi hominibus armatis aliquo ex loco; si non ex eo loco quem in locum venire voluit, at ex eo certe unde fugit.' 'Quid tum?' 'Praetor,' inquit, 'interdixit ut, unde deiectus esset, eo restitueretur, hoc est, quicumque is locus esset unde deiectus esset. Aebutius autem qui fatetur aliquo ex loco deiectum esse Caecinam, is quoniam se restituisse dixit, necesse est male fecerit sponsionem.' [81] Quid est, Piso? placet tibi nos pugnare verbis? placet causam iuris et aequitatis et non nostrae possessionis, sed omnino possessionum omnium constituere in verbo? Ego quid mihi videretur, quid a maioribus factitatum, quid horum auctoritate quibus iudicandum est dignum esset, ostendi; id verum, id aequum, id utile omnibus esse spectari, quo consilio et qua sententia, non quibus quidque verbis esset actum. Tu me ad verbum vocas; non ante veniam quam recusaro. Nego oportere, nego obtineri posse, nego ullam rem esse quae aut comprehendi satis aut caveri aut excipi possit, si aut praeterito aliquo verbo aut ambigue posito re et

sententia cognita non id quod intellegitur, sed id quod dicitur valebit.

[82] Quoniam satis recusavi, venio iam quo vocas. Quaero abs te simne deiectus, non de Fulciniano fundo; neque enim praetor, 'si ex eo fundo essem deiectus,' ita me restitui iussit, sed 'eo unde deiectus essem.' Sum ex proximo vicini fundo deiectus, qua adibam ad istum fundum, sum de via, sum certe alicunde, sive de privato sive de publico; eo restitui sum iussus. Restituisse te dixti; nego me ex decreto praetoris restitutum esse. Quid ad haec dicimus? Aut tuo, quem ad modum dicitur, gladio aut nostro defensio tua conficiatur necesse est. [83] Si ad interdicti sententiam confugis et, de quo fundo actum sit tum cum Aebutius restituere iubebatur, id quaerendum esse dicis neque aequitatem rei verbi laqueo capi putas oportere, in meis castris praesidiisque versaris; mea, mea est ista defensio, ego hoc vociferor, ego omnis homines deosque testor, cum maiores vim armatam nulla iuris defensione texerint, non vestigium eius qui deiectus sit, sed factum illius qui deiecerit, in iudicium venire; deiectum esse qui fugatus sit, vim esse factam cui periculum mortis sit iniectum. [84] Sin hunc locum fugis et reformidas et me ex hoc, ut ita dicam, campo aequitatis ad istas verborum angustias et ad omnis litterarum angulos revocas, in eis ipsis intercludere insidiis quas mihi conaris opponere. 'Non deieci, sed reieci.' Peracutum hoc tibi videtur, hic est mucro defensionis tuae; in eum ipsum causa tua incurrat necesse est. Ego enim tibi refero: si non sum ex eo loco deiectus quo prohibitus sum accedere, at ex eo sum deiectus quo accessi, unde fugi. Si praetor non distinxit locum quo me restitui iuberet, et restitui iussit, non sum ex decreto restitutus.

[85] Velim, recuperatores, hoc totum si vobis versutius quam mea consuetudo defendendi fert videbitur, sic existimetis; primum alium, non me excogitasse, deinde huius rationis non modo non inventorem, sed ne probatorem quidem esse me, idque me non ad meam defensionem attulisse, sed illorum defensioni rettulisse; me posse pro meo iure dicere neque in hac re quam ego protuli quaeri oportere quibus verbis praetor interdixerit, sed de quo loco sit actum cum interdixit, neque in vi armatorum spectari oportere in quo loco sit facta vis, verum sitne facta; te vero nullo modo posse defendere in qua re tu velis verba spectari oportere, in qua re nolis non oportere.

[86] Verum tamen ecquid mihi respondetur ad illud quod ego iam

antea dixi, non solum re et sententia sed verbis quoque hoc interdictum ita esse compositum ut nihil commutandum videretur? Attendite, quaeso, diligenter, recuperatores; est enim vestri ingeni non meam, sed maiorum prudentiam cognoscere; non enim id sum dicturus quod ego invenerim, sed quod illos non fugerit. Cum de vi interdicitur, duo genera causarum esse intellegebant ad quae interdictum pertineret, unum, si qui ex eo loco ubi fuisset se deiectum diceret, alterum, si qui ab eo loco quo veniret; et horum utrumque neque praeterea quicquam potest accidere, recuperatores. [87] Id adeo sic considerate. Si qui meam familiam de meo fundo deiecerit, <ex eo me loco deiecerit>; si qui mihi praesto fuerit cum armatis hominibus extra meum fundum et me introire prohibuerit, non ex eo, sed ab eo loco me deiecerit. Ad haec duo genera rerum unum verbum quod satis declararet utrasque res invenerunt, ut, sive ex fundo sive a fundo deiectus essem, uno atque eodem interdicto restituerer ‘vnde tv.’ Hoc verbum ‘vnde’ utrumque declarat, et ex quo loco et a quo loco. Vnde deiectus est Cinna? Ex urbe. Vnde Telesinus? Ab urbe. Vnde deiecti Galli? A Capitolio. Vnde qui cum Graccho fuerunt? Ex Capitolio. [88] Videtis igitur hoc uno verbo ‘vnde’ significari res duas, et ex quo et a quo. Cum autem eo restitui iubet, ita iubet ut, si Galli a maioribus nostris postularent ut eo restituerentur unde deiecti essent, et aliqua vi hoc adsequi possent, non, opinor, eos in cuniculum qua adgressi erant sed in Capitolium restitui oporteret. Hoc enim intellegitur: vnde deiecisti, sive ex quo loco sive a quo loco, eo restitvas. Hoc iam simplex est, in eum locum restituas: sive ex hoc loco deiecisti, restitue in hunc locum, sive ab hoc loco, restitue in eum locum, non ex quo, sed a quo deiectus est. Vt si qui ex alto cum ad patriam accessisset, tempestate subito reiectus optaret ut, cum a patria deiectus esset, eo restitueretur, hoc, opinor, optaret ut a quo loco depulsus esset, in eum se fortuna restitueret, non in salum, sed in ipsam urbem quam petebat, sic quoniam verborum vim necessario similitudine rerum aucupamur, qui postulat ut a quo loco deiectus est, hoc est unde deiectus est, eo restituatur, hoc postulat ut in eum ipsum locum restituatur. [89] Cum verba nos eo ducunt, tum res ipsa hoc sentire atque intellegere cogit. Etenim, Piso, — redeo nunc ad illa principia defensionis meae — si quis te ex aedibus tuis vi hominibus armatis deiecerit, quid ages?

Opinor, hoc interdicto quo nos usi sumus persequere. Quid? si qui iam de foro redeuntem armatis hominibus domum tuam te introire prohibuerit, quid ages? Vtere eodem interdicto. Cum igitur praetor interdixerit, unde deiectus es, ut eo restituaris, tu hoc idem quod ego dico et quod perspicuum est interpretabere, cum illud verbum 'vnde' in utramque rem valeat, eoque tu restitui sis iussus, tam te in aedis tuas restitui oportere, si e vestibulo, quam si ex interiore aedium parte deiectus sis.

[90] Vt vero iam, recuperatores, nulla dubitatio sit, sive rem sive verba spectare voltis, quin secundum nos iudicetis, exoritur hic iam obrutis rebus omnibus et perditis illa defensio, eum deici posse qui tum possideat; qui non possideat, nullo modo posse; itaque, si ego sim a tuis aedibus deiectus, restitui non oportere, si ipse sis, oportere. Numera quam multa in ista defensione falsa sint, Piso. Ac primum illud attende, te iam ex illa ratione esse depulsum, quod negabas quemquam deici posse nisi inde ubi tum esset; iam posse concedis; eum qui non possideat negas deici posse. [91] Cur ergo aut in illud cotidianum interdictum 'vnde ille me vi deiecit' additur 'cvm ego possiderem,' si deici nemo potest qui non possidet, aut in hoc interdictum de hominibvs armatis non additur, si oportet quaeri possederit necne? Negas deici, nisi qui possideat. Ostendo, si sine armatis coactisve hominibus deiectus quispiam sit, eum qui fateatur se deiecisse vincere sponsionem, si ostendat eum non possedisse. Negas deici, nisi qui possideat. Ostendo ex hoc interdicto de armatis hominibvs, qui possit ostendere non possedisse eum qui deiectus sit, condemnari tamen sponsionis necesse esse, si fateatur esse deiectum. [92] Dupliciter homines deiciuntur, aut sine coactis armatisve hominibus aut per eius modi rationem atque vim. Ad duas dissimilis res duo diiuncta interdicta sunt. In illa vi cotidiana non satis est posse docere se deiectum, nisi ostendere potest, cum possideret, tum deiectum. Ne id quidem satis est, nisi docet ita se possedisse <ut> nec vi nec clam nec precario possederit. Itaque is qui se restituisse dixit magna voce saepe confiteri solet se vi deiecisse, verum illud addit: 'non possidebat' vel etiam, cum hoc ipsum concessit, vincit tamen sponsionem, si planum facit ab se illum aut vi aut clam aut precario possedisse. [93] Videtisne quot defensionibus eum qui sine armis ac multitudine vim fecerit uti posse maiores voluerint? Hunc

vero qui ab iure, officio, bonis moribus ad ferrum, ad arma, ad caedem confugerit, nudum in causa destitutum videtis, ut, qui armatus de possessione contendisset, inermis plane de sponsione certaret. Ecquid igitur interest, Piso, inter haec interdicta? ecquid interest utrum in hoc sit additum 'cvm A. Caecina possideret' necne? Ecquid te ratio iuris, ecquid interdictorum dissimilitudo, ecquid auctoritas maiorum commovet? Si esset additum, de eo quaeri oporteret; additum non est, tamen oportebit? [94] Atque ego in hoc Caecinam non defendo; possedit enim Caecina, recuperatores; et id, tametsi extra causam est, percurram tamen brevi ut non minus hominem ipsum quam ius commune defensum velitis. Caesenniam possedisse propter usum fructum non negas. Qui colonus habuit conductum de Caesennia fundum, cum idem ex eadem conductione fuerit in fundo, dubium est quin, si Caesennia tum possidebat, cum erat colonus in fundo, post eius mortem heres eodem iure possederit? Deinde ipse Caecina cum circuiret praedia, venit in istum fundum, rationes a colono accepit. [95] Sunt in eam rem testimonia. Postea cur tu, Aebuti, de isto potius fundo quam de alio, si quem habes, Caecinae denuntiabas, si Caecina non possidebat? Ipse porro Caecina cur se moribus deduci volebat idque tibi de amicorum et de Aquili sententia responderat.

At enim Sulla legem tulit. Vt nihil de illo tempore, nihil de calamitate rei publicae querar, hoc tibi respondeo, ascripsisse eundem Sullam in eadem lege: 'si qvid ivs non esset rogarier, eivs ea lege nihilvm rogatvm.' Quid est quod ius non sit, quod populus iubere aut vetare non possit? Vt ne longius abeam, declarat ista ascriptio esse aliquid; nam, nisi esset, hoc in omnibus legibus non ascriberetur. [96] Sed quaero <de> te, putesne, si populus iusserit me tuum aut te meum servum esse, id iussum ratum atque firmum futurum. Perspicis hoc nihil esse et fateris; qua in re primum illud concedis, non quicquid populus iusserit, ratum esse oportere; deinde nihil rationis adfers quam ob rem, si libertas adimi nullo modo possit, civitas possit. Nam et eodem modo de utraque re traditum nobis est, et, si semel civitas adimi potest, retineri libertas non potest. Qui enim potest iure Quiritium liber esse is qui in numero Quiritium non est? [97] Atque ego hanc adulescentulus causam cum agerem contra hominem disertissimum nostrae civitatis, <C.> Cottam,

probavi. Cum Arretinae mulieris libertatem defenderem et Cotta xviris religionem iniecisset non posse nostrum sacramentum iustum iudicari, quod Arretinis adempta civitas esset, et ego vehementius contendissem civitatem adimi non posse, xviri prima actione non iudicaverunt; postea re quaesita et deliberata sacramentum nostrum iustum iudicaverunt. Atque hoc et contra dicente Cotta et Sulla vivo iudicatum est. Iam vero in ceteris rebus ut omnes qui in eadem causa sunt et lege agant et suum ius persequantur, et omni iure civili sine cuiusquam aut magistratus aut iudicis aut periti hominis aut imperiti dubitatione utantur, quid ego commemorem? Dubium esse nemini vestrum certo <scio>.

[98] Quaeri hoc solere me non praeterit — ut ex me ea quae tibi in mentem non veniunt audias — quem ad modum, si civitas adimi non possit, in colonias Latinas saepe nostri cives profecti sint. Aut sua voluntate aut legis multa profecti sunt; quam multam si sufferre voluissent, manere in civitate potuissent. Quid? quem pater patratus dedidit aut suus pater populusve vendidit, quo is iure amittit civitatem? Vt religione civitas solvatur civis Romanus deditur; qui cum est acceptus, est eorum quibus est deditus; si non accipiunt, <ut> Mancinum Numantini, retinet integram causam et ius civitatis. Si pater vendidit eum quem in suam potestatem susceperat, ex potestate dimittit. [99] Iam populus cum eum vendit qui miles factus non est, non adimit ei libertatem, sed iudicat non esse eum liberum qui, ut liber sit, adire periculum noluit; cum autem incensum vendit, hoc iudicat, cum ei qui in servitute iusta fuerunt censu liberentur, eum qui, cum liber esset, censeri noluerit, ipsum sibi libertatem abiudicavisse. Quod si maxime hisce rebus adimi libertas aut civitas potest, non intellegunt qui haec commemorant, si per has rationes maiores adimi posse voluerunt, alio modo noluisse? [100] Nam ut haec ex iure civili proferunt, sic adferant velim quibus lege aut rogatione civitas aut libertas erepta sit. Nam quod ad exsilium attinet, perspicue intellegi potest quale sit. Exsilium enim non supplicium est, sed perfugium portusque supplici. Nam quia volunt poenam aliquam subterfugere aut calamitatem, eo solum vertunt, hoc est sedem ac locum mutant. Itaque nulla in lege nostra reperietur, <ut> apud ceteras civitates, maleficium ullum exsilio esse multatum; sed cum homines vincula, neces ignominiasque vitant, quae sunt legibus

constitutae, confugiunt quasi ad aram in exsilium. Qui si in civitate legis vim subire vellent, non prius civitatem quam vitam amitterent; quia nolunt, non adimitur eis civitas, sed ab eis relinquitur atque deponitur. Nam, cum ex nostro iure duarum civitatum nemo esse possit, tum amittitur haec civitas denique, cum is qui profugit receptus est in exsilium, hoc est in aliam civitatem.

[101] Non me praeterit, recuperatores, tametsi de hoc iure permulta praetereo, tamen me longius esse prolapsum quam ratio vestri iudici postularit. Verum id feci, non quo vos hanc in hac causa defensionem desiderare arbitrarer, sed ut omnes intellegerent nec ademptam cuiquam civitatem esse neque adimi posse. Hoc cum eos scire volui quibus Sulla voluit iniuriam facere, tum omnis ceteros novos veteresque civis. Neque enim ratio adferri potest cur, si cuiquam novo civi potuerit adimi civitas, non omnibus patriciis, omnibus antiquissimis civibus possit. [102] Nam ad hanc quidem causam nihil hoc pertinuisse primum ex eo intellegi potest quod vos <ea> de re iudicare non debetis; deinde quod Sulla ipse ita tulit de civitate ut non sustulerit horum nexa atque hereditates. Iubet enim eodem iure esse quo fuerint Ariminenses; quos quis ignorat duodecim coloniarum fuisse et a civibus Romanis hereditates capere potuisse? Quod si adimi civitas A. Caecinae lege potuisset, magis illam rationem tamen omnes boni quaereremus, quem ad modum spectatissimum pudentissimumque hominem, summo consilio, summa virtute, summa auctoritate domestica praeditum, levatum iniuria civem retinere possemus, quam uti nunc, cum de iure civitatis nihil potuerit deperdere, quisquam exsistat nisi tui, Sexte, similis et stultitia et impudentia qui huic civitatem ademptam esse dicat. [103] Qui quoniam, recuperatores, suum ius non deseruit neque quicquam illius audaciae petulantiaeque concessit, de reliquo iam communem causam populique <Romani> ius in vestra fide ac religione deponit. Is homo est, ita se probatum vobis vestrique similibus semper voluit ut id non minus in hac causa laborarit ne inique contendere aliquid quam ne dissolute relinquere videretur, nec minus vereretur ne contemnere Aebutium quam ne ab eo contemptus esse existimaretur.

[104] Quapropter, si quid extra iudicium est quod homini tribuendum sit, habetis hominem singulari pudore, virtute cognita et spectata fide, amplissimo totius Etruriae nomine, in utraque fortuna

cognitum multis signis et virtutis et humanitatis. Si quid in contraria parte in homine offendendum est, habetis eum, ut nihil dicam amplius, qui se homines coegisse fateatur. Sin hominibus remotis de causa quaeritis, cum iudicium de vi sit, is qui arguitur vim se hominibus armatis fecisse fateatur, verbo se, non aequitate, defendere conetur, id quoque ei verbum ipsum ereptum esse videatis, auctoritatem sapientissimorum hominum facere nobiscum, in iudicium non venire utrum A. Caecina possederit necne, tamen doceri possedisse; multo etiam minus quaeri A. Caecinae fundus sit necne, me tamen id ipsum docuisse, fundum esse Caecinae: cum haec ita sint, statuite quid vos tempora rei publicae de armatis hominibus, quid illius confessio de vi, quid nostra decisio de aequitate, quid ratio interdicti de iure admoneat ut iudicetis.

PRO LEGE MANILIA (In Favour of the Manilian Law)

DE IMPERIO CN. POMPEI AD QVIRITES ORATIO

[1] Quamquam mihi semper frequens conspectus vester multo iucundissimus, hic autem locus ad agendum amplissimus, ad dicendum ornatissimus est visus, Quirites, tamen hoc aditu laudis, qui semper optimo cuique maxime patuit, non mea me voluntas adhuc, sed vitae meae rationes ab ineunte aetate susceptae prohibuerunt. Nam cum antea per aetatem nondum huius auctoritatem loci attingere auderem, statueremque nihil huc nisi perfectum ingenio, elaboratum industria adferri oportere, omne meum tempus amicorum temporibus transmittendum putavi.

[2] Ita neque hic locus vacuus umquam fuit ab eis qui vestram causam defenderent, et meus labor, in privatorum periculis caste integreque versatus, ex vestro iudicio fructum est amplissimum consecutus. Nam cum propter dilationem comitiorum ter praetor primus centuriis cunctis renuntiatus sum, facile intellexi, Quirites, et quid de me iudicaretis, et quid aliis praescriberetis. Nunc cum et auctoritatis in me tantum sit, quantum vos honoribus mandandis esse voluistis, et ad agendum facultatis tantum, quantum homini vigilanti ex forensi usu prope cotidiana dicendi exercitatio potuit adferre, certe et si quid auctoritatis in me est, apud eos utar qui eam mihi dederunt, et si quid in dicendo consequi possum, eis ostendam potissimum, qui ei quoque rei fructum suo iudicio tribuendum esse duxerunt.

[3] Atque illud in primis mihi laetandum iure esse video, quod in hac insolita mihi ex hoc loco ratione dicendi causa talis oblata est, in qua oratio deesse nemini possit. Dicendum est enim de Cn. Pompei singulari eximiaque virtute: huius autem orationis difficilius est exitum quam principium invenire. Ita mihi non tam copia quam modus in dicendo quaerendus est.

[4] Atque, — ut inde oratio mea proficiscatur, unde haec omnis causa ducitur, — bellum grave et periculosum vestris vectigalibus ac sociis a duobus potentissimis regibus infertur, Mithridate et Tigrane, quorum alter relictus, alter lacessitus, occasionem sibi ad

occupandam Asiam oblatam esse arbitrantur. Equitibus Romanis, honestissimis viris, adferuntur ex Asia cotidie litterae, quorum magnae res aguntur in vestris vectigalibus exercendis occupatae: qui ad me, pro necessitudine quae mihi est cum illo ordine, causam rei publicae periculaque rerum suarum detulerunt:

[5] Bithyniae, quae nunc vestra provincia est, vicos exustos esse compluris; regnum Ariobarzanis, quod finitimum est vestris vectigalibus, totum esse in hostium potestate; L. Lucullum, magnis rebus gestis, ab eo bello discedere; huic qui successerit non satis esse paratum ad tantum bellum administrandum; unum ab omnibus sociis et civibus ad id bellum imperatorem deposci atque expeti, eundem hunc unum ab hostibus metui, praeterea neminem.

[6] Causa quae sit videtis: nunc quid agendum sit considerate. Primum mihi videtur de genere belli, deinde de magnitudine, tum de imperatore deligendo esse dicendum. Genus est belli eius modi, quod maxime vestros animos excitare atque inflammare ad persequendi studium debeat: in quo agitur populi Romani gloria, quae vobis a maioribus cum magna in omnibus rebus tum summa in re militari tradita est; agitur salus sociorum atque amicorum, pro qua multa maiores vestri magna et gravia bella gesserunt; aguntur certissma populi Romani vectigalia et maxima, quibus amissis et pacis ornamenta et subsidia belli requiretis; aguntur bona multorum civium, quibus est a vobis et ipsorum et rei publicae causa consulendum.

[7] Et quoniam semper appetentes gloriae praeter ceteras gentis atque avidi laudis fuistis, delenda est vobis ill macula Mithridatico bello superiore concepta, quae penitus iam insedit ac nimis inveteravit in populi Romani nomine, — quod is, qui uno die, tota in Asia, tot in civitatibus, uno nuntio atque una significatione [litterarum] civis Romanos necandos trucidandosque denotavit, non modo adhuc poenam nullam suo dignam scelere suscepit, sed ab illo tempore annum iam tertium et vicesimum regnat, et ita regnat, ut se non Ponti neque Cappadociae latebris occultare velit, sed emergere ex patrio regno atque in vestris vectigalibus, hoc est, in Asiae luce versari.

[8] Etenim adhuc ita nostri cum illo rege contenderunt imperatores, ut ab illo insignia victoriae, non victoriam reportarent. Triumphavit

L. Sulla, triumphavit L. Murena de Mithridate, duo fortissimi viri et summi imperatores; sed ita triumpharunt, ut ille pulsus superatusque regnaret. Verum tamen illis imperatoribus laus est tribuenda quod egerunt, venia danda quod reliquerunt, propterea quod ab eo bello Sullam in Italiam res publica, Murenam Sulla revocavit.

[9] Mithridates autem omne reliquum tempus non ad oblivionem veteris belli, sed ad comparationem novi contulit: qui [postea] cum maximas aedificasset ornassetque classis exercitusque permagnos quibuscumque ex gentibus potuisset comparasset, et se Bosporanis finitimis suis bellum inferre similaret, usque in Hispaniam legatos ac litteras misit ad eos duces quibuscum tum bellum gerebamus, ut, cum duobus in locis disiunctissimis maximeque diversis uno consilio a binis hostium copiis bellum terra marique gereretur, vos ancipiti contentione districti de imperio dimicaretis.

[10] Sed tamen alterius partis periculum, Sertorianae atque Hispaniensis, quae multo plus firmamenti ac roboris habebat, Cn. Pompei divino consilio ac singulari virtute depulsum est; in altera parte ita res a L. Lucullo summo viro est administrata, ut initia illa rerum gestarum magna atque praeclara non felicitati eius, sed virtuti, haec autem extrema, quae nuper acciderunt, non culpae, sed fortunae tribuenda esse videantur. Sed de Lucullo dicam alio loco, et ita dicam, Quirites, ut neque vera laus ei detracta oratione mea neque falsa adficta esse videatur:

[11] de vestri imperi dignitate atque gloria — quoniam is est exorsus orationis meae — videte quem vobis animum suscipiendum putetis. Maiores nostri saepe mercatoribus aut navicularíis nostris iniuriosius tractatis bella gesserunt: vos, tot milibus civium Romanorum uno nuntio atque uno tempore necatis, quo tandem animo esse debetis? Legati quod erant appellati superbius, Corinthum patres vestri totius Graeciae lumen exstinctum esse voluerunt: vos eum regem inultum esse patiemini, qui legatum populi Romani consularem vinculis ac verberibus atque omni supplicio excruciatum necavit? Illi libertatem imminutam civium Romanorum non tulerunt: vos ereptam vitam neglegetis? ius legationis verbo violatum illi persecuti sunt: vos legatum omni supplicio interfectum relinquetis?

[12] Videte ne, ut illis pulcherrimum fuit tantam vobis imperi

gloriam tradere, sic vobis turpissimum sit, id quod accepistis tueri et conservare non posse. Quid? quod salus sociorum summum in periculum ac discrimen vocatur, quo tandem animo ferre debetis? Regno est expulsus Ariobarzanes rex, socius populi Romani atque amicus; imminent duo reges toti Asiae non solum vobis inimicissimi, sed etiam vestris sociis atque amicis; civitates autem omnes cuncta Asia atque Graecia vestrum auxilium exspectare propter periculi magnitudinem coguntur; imperatorem a vobis certum deposcere, cum praesertim vos alium miseritis, neque audent, neque se id facere sine summo periculo posse arbitrantur.

[13] Vident et sentiunt hoc idem quod vos, — unum virum esse, in quo summa sint omnia, et eum propter esse, quo etiam carent aegrius; cuius adventus ipso atque nomine, tametsi ille ad maritimum bellum venerit, tamen impetus hostium repressos esse intellegunt ac retardatos. His vos, quoniam libere loqui non licet, tacite rogant, ut se quoque, sicut ceterarum provinciarum socios, dignos existimetis, quorum salutem tali viro commendetis; atque hoc etiam magis, quod ceteros in provinciam eius modi homines cum imperio mittimus, ut etiam si ab hoste defendant, tamen ipsorum adventus in urbis sociorum non multum ab hostili expugnatione differant. Hunc audiebant antea, nunc praesentem vident, tanta temperantia, tanta mansuetudine, tanta humanitate, ut ei beatissimi esse videantur, apud quod ille diutissime commoratur.

[14] Qua re si propter socios, nulla ipsi iniuria lacessiti, maiores nostri cum Antiocho, cum Philippo, cum Aetolis, cum Poenis bella gesserunt, quanto vos studio convenit iniuriis provocatos sociorum salutem una cum imperi vestri dignitate defendere, praesertim cum de maximis vestris vectigalibus agatur? Nam ceterarum provinciarum vectigalia, Quirites, tanta sunt, ut eis ad ipsas provincias tutandas vix contenti esse possimus: Asia vero tam opima est ac fertilis, ut et ubertate agrorum et varietate fructuum et magnitudine pastionis et multitudine earum rerum quae exportantur, facile omnibus terris antecellat. Itaque haec vobis provincia, Quirites, si et belli utilitatem et pacis dignitatem retinere voltis, non modo a calamitate, sed etiam a metu calamitatis est defenda.

[15] Nam in ceteris rebus cum venit calamitas, tum detrimentum accipitur; at in vectigalibus non solum adventus mali, sed etiam

metus ipse adfert calamitatem. Nam cum hostium copiae non longe absunt, etiam si inruptio nulla facta est, tamen pecuaria relinquitur, agri cultura deseritur, mercatorum navigatio conquiescit. Ita neque ex portu neque ex decumis neque ex scriptura vectigal conservari potest: qua re saepe totius anni fructus uno rumore periculi atque uno belli terrore amittitur.

[16] Quo tandem igitur animo esse existimatis aut eos qui vectigalia nobis pensitant, aut eos qui exercent atque exigunt, cum duo reges cum maximis copiis propter adsint? cum una excursio equitatus perbrevi tempore totius anni vectigal auferre possit? cum publicani familias maximas, quas in saltibus habent, quas in agris, quas in portubus atque custodiis, magno periculo se habere arbitrentur? Putatisne vos illis rebus frui posse, nisi eos qui vobis fructui sunt conservaritis non solum (ut ante dixi) calamitate, sed etiam calamitatis formidine liberatos?

[17] Ac ne illud quidem vobis neglegendum est, quod mihi ego extremum proposueram, cum essem de belli genere dicturus, quod ad multorum bona civium Romanorum pertinet, quorum vobis pro vestrÃŸa sapientia, Quirites, habenda est ratio diligenter. Nam et publicani, homines honestissimi atque ornatissimi, suas rationes et copias in illam provinciam contulerunt, quorum ipsorum per se res et fortunae vobis curae esse debent. Etenim si vectigalia nervos esse rei publicae semper duximus, eum certe ordinem, qui exercet illa, firmamentum ceterorum ordinum recte esse dicemus.

[18] Deinde ex ceteris ordinibus homines gnavi atque industrii partim ipsi in Asia negotiantur, quibus vos absentibus consulere debetis, partim eorum in ea provincia pecunias magnas conlocatas habent. Est igitur humanitatis vestrae magnum numerum eorum civium calamitate prohibere, sapientiae videre multorum civium calamitatem a re publica seiunctam esse non posse. Etenim primum illud parvi refert, nos publica his amissis vectigalia postea victoria recuperare. Neque enim isdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem.

[19] Deinde quod nos eadem Asia atque idem iste Mithridates initio belli Asiatici docuit, id quidem certe calamitate docti memoria retinere debemus. Nam tum, cum in Asia res magnas permulti, amiserant, scimus Romae, solutione impedita, fidem concidisse. Non

enim possunt una in civitate multi rem ac fortunas amittere, ut non plures secum in eandem trahant calamitatem. A quo periculo prohibete rem publicam, et mihi credite id quod ipsi videtis: haec fides atque haec ratio pecuniarum, quae Romae, quae in foro versatur, implicata est cum illis pecuniis Asiaticis et cohaeret. Ruere illa non possunt, ut haec non eodem labefacta motu concidant. Qua re videte num dubitandum vobis sit omni studio ad id bellum incumbere, in quo gloria nominis vestri, salus sociorum, vectigalia maxima, fortunae plurimorum civium coniunctae cum re publica defendantur.

[20] Quoniam de genere belli dixi, nunc de magnitudine pauca dicam. Potest hoc enim dici, belli genus esse ita necessarium ut sit gerendum, non esse ita magnum ut sit pertimescendum. In quo maxime elaborandum est, ne forte ea vobis quae diligentissime providenda sunt, contemnenda esse videantur. Atque ut omnes intellegant me L. Lucullo tantum impertire laudis, quantum forti viro et sapienti homini et magno imperatori debeatur, dico eius adventu maximas Mithridati copias omnibus rebus ornatus atque instructas fuisse, urbemque Asiae clarissimam nobisque amicissimam, Cyzicenorum, obsessam esse ab ipso rege maxima multitudine et oppugnatam vehementissime, quam L. Lucullus virtute, adsiduitate, consilio, summis obsidionis periculis liberavit:

[21] ab eodem imperatore classem magnam et ornatam, quae ducibus Sertorianis ad Italiam studio atque odio inflammata raperetur, superatam esse atque depressam; magnas hostium praeterea copias multis proeliis esse deletas, patefactumque nostris legionibs esse Pontum, qui antea populo Romano ex omni aditu clausus fuisset; Sinopen atque Amisum, quibus in oppidis erant domicilia regis, omnibus rebus ornatus ac refertas, ceterasque urbis Ponti et Cappadociae permultas, uno aditu adventuque esse captas; regem, spoliatum regno patrio atque avito, ad alios se reges atque ad alias gentis supplicem contulisse; atque haec omnia salvis populi Romani sociis atque integris vectigalibus esse gesta. Satis opinor haec esse laudis, atque ita, Quirites, ut hoc vos intellegatis, a nullo istorum, qui huic obtrectant legi atque causae, L. Lucullum similiter ex hoc loco esse laudatum.

[22] Requiretur fortasse nunc quem ad modum, cum haec ita sint,

reliquum possit magnum esse bellum. Cognoscite, Quirites. Non enim hoc sine causa quaeri videtur. Primum ex suo regno sic Mithridates profugit, ut ex eodem Ponto Medea illa quondam profugisse dicitur, quam praedicant in fuga fratris sui membra in eis locis, qua se parens persequeretur, dissipavisse, ut eorum conlectio dispersa, maerorque patrius, celeritatem persequendi retardaret. Sic Mithridates fugiens maximam vim auri atque argenti pulcherrimarumque rerum omnium, quas et a maioribus acceperat et ipse bello superiore ex tota Asia direptas in suum regnum congesserat, in Ponto omnem reliquit. Haec dum nostri conligunt omnia diligentius, rex ipse e manibus effugit. Ita illum in persequendi studio maeror, hos laetitia tardavit.

[23] Hunc in illo timore et fuga Tigranes rex Armenius excepit, diffidentemque rebus suis confirmavit, et adflictum erexit, perditumque recreavit. Cuius in regnum postea quam L. Lucullus cum exercitu venit, plures etiam gentes contra imperatorem nostrum concitatae sunt. Erat enim metus iniectus eis nationibus, quas numquam populus Romanus neque lacessendas bello neque temptandas putavit: erat etiam alia gravis atque vehemens opinio, quae animos gentium barbararum pervaserat, fani locupletissimi et religiosissimi diripiendi causa in eas oras nostrum esse exercitum adductum. Ita nationes multae atque magnae novo quodam terrore ac metu concitabantur. Noster autem exercitus, tametsi urbem ex Tigrani regno ceperat, et proeliis usus erat secundis, tamen nimia longinquitate locorum ac desiderio suorum commovebatur.

[24] Hic iam plura non dicam. Fuit enim illud extremum ut ex eis locis a militibus nostris reditus magis maturus quam processio longior quaereretur. Mithridates autem et suam manum iam confirmarat, [et eorum] qui se ex ipsius regno conlegerant, et magnis adventiciis auxiliis multorum regum et nationum iuvabatur. Nam hoc fere sic fieri solere accepimus, ut regum adflictae fortunae facile multorum opes adliciant ad misericordiam, maximeque eorum qui aut reges sunt aut vivunt in regno, ut eis nomen regale magnum et sanctum esse videatur.

[25] Itaque tantum victus efficere potuit, quantum incolumis numquam est ausus optare. Nam cum se in regnum suum recepisset, non fuit eo contentus, quod ei praeter spem acciderat, — ut illam,

postea quam pulsus erat, terram umquam attingeret, — sed in exercitum nostrum clarum atque victorem impetum fecit. Sinite hoc loco, Quirites, sicut poetae solent, qui res Romanas scribunt, praeterire me nostram calamitatem, quae tanta fuit, ut eam ad auris [Luculli] imperatoris non ex proelio nuntius, sed ex sermone rumor adferret.

[26] Hic in illo ipso malo gravissimaque belli offensione, L. Lucullus, qui tamen aliqua ex parte eis incommodis mederi fortasse potuisset, vestro iussu coactus, — qui imperi diuturnitati modum statuendum vetere exemplo putavistis, — partem militum, qui iam stipendiis confecti erant, dimisit, partem M'. Glabrioni tradidit. Multa praetereo consulto, sed ea vos coniectura perspicite, quantum illud bellum factum putetis, quod coniungant reges potentissimi, renovent agitatae nationes, suscipiant integrae gentes, novus imperator noster accipiat, vetere exercitu pulso.

[27] Satis mihi multa verba fecisse videor, qua re esset hoc bellum genere ipso necessarium, magnitudine periculosum. Restat ut de imperatore ad id bellum delingendo ac tantis rebus praeficiendo dicendum esse videatur. Utinam, Quirites, virorum fortium atque innocentium copiam tantam haberetis, ut haec vobis deliberatio difficilis esset, quemnam potissimum tantis rebus ac tanto bello praeficiendum putaretis! Nunc vero — cum sit unus Cn. Pompeius, qui non modo eorum hominum qui nunc sunt gloriam, sed etiam antiquitatis memoriam virtute superarit — quae res est quae cuiusquam animum in hac causa dubium facere possit?

[28] Ego enim sic existimo, in summo imperatore quattuor has res inesse oportere, — scientiam rei militaris, virtutem, auctoritatem, felicitatem. Quis igitur hoc homine scientior umquam aut fuit aut esse debuit? qui e ludo atque e pueritiae disciplinis bello maximo atque acerrimis hostibus ad patris exercitum atque in militiae disciplinam profectus est; qui extrema pueritia miles in exercitu fuit summi imperatoris, ineunte adulescentia maximi ipse exercitus imperator; qui saepius cum hoste conflixit quam quisquam cum inimico concertavit, plura bello gessit quam ceteri legerunt, plures provincias confecit quam alii concupiverunt; cuius adulescentia ad scientiam rei militaris non alienis praeceptis sed suis imperiis, non offensionibus belli sed victoriis, non stipendiis sed triumphis est

erudita. Quod denique genus esse belli potest, in quo illum non exercuerit fortuna rei publicae? Civile, Africanum, Transalpinum, Hispaniense [mixtum ex civitatibus atque ex bellicosissimis nationibus], servile, navale bellum, varia et diversa genera et bellorum et hostium, non solum gesta ab hoc uno, sed etiam confecta, nullam rem esse declarant in usu positam militari, quae huius viri scientiam fugere possit.

[29] Iam vero virtuti Cn. Pompei quae potest oratio par inveniri? Quid est quod quisquam aut illo dignum aut vobis novum aut cuiquam inauditum possit adferre? Neque enim illae sunt solae virtutes imperatoriae, quae volgo existimantur, — labor in negotiis, fortitudo in periculis, industria in agendo, celeritas in conficiendo, consilium in providiendo: quae tanta sunt in hoc uno, quanta in omnibus reliquis imperatoribus, quos aut vidimus aut audivimus, non fuerunt.

[30] Testis est Italia, quam ille ipse victor L. Sulla huius virtute et subsidio confessus est liberata. Testis est Sicilia, quam multis undique cinctam periculis non terrore belli, sed consili celeritate explicavit. Testis est Africa, quae, magnis oppressa hostium copiis, eorum ipsorum sanguine redundavit. Testis est Gallia, per quam legionibus nostris iter in Hispaniam Gallorum internecione patefactum est. Testis est Hispania, quae saepissime plurimos hostis ab hoc superatos prostratosque conspexit. Testis est iterum et saepius Italia, quae cum servili bello taetro periculosoque premeretur, ab hoc auxilium absente expetivit: quod bellum exspectatione eius attenuatum atque imminutum est, adventu sublatum ac sepultum.

[31] Testes nunc vero iam omnes orae atque omnes exterae gentes ac nationes, denique maria omnia cum universa, tum in singulis oris omnes sinus at portus. Quis enim toto mari locus per hos annos aut tam firmum habuit praesidium ut tutus esset, aut tam fuit abditus ut lateret? Quis navigavit qui non se aut mortis aut servitutis periculo committeret, cum aut hieme aut referto praedonum mari navigaret? Hoc tantum bellum, tam turpe, tam vetus, tam late divisum atque dispersum, quis umquam arbitraretur aut ab omnibus imperatoribus uno anno aut omnibus annis ab uno imperatore confici posse?

[32] Quam provinciam tenuistis a praedonibus liberam per hosce annos? quod vectigal vobis tutum fuit? quem socium defendistis? cui

praesidio classibus vestris fuistis? quam multas existimatis insulas esse desertas? quam multas aut metu relictas aut a praedonibus captas urbis esse sociorum? Sed quid ego longinqua commemoro? Fuit hoc quondam, fuit proprium populi Romani, longe a domo bellare, et propugnaculis imperi sociorum fortunas, non sua tecta defendere. Sociis ego nostris mare per hos annos clausum fuisse dicam, cum exercitus vestri numquam a Brundisio nisi hieme summa transmiserint? Qui ad vos ab exteris nationibus venirent captos querar, cum legati populi Romani redempti sint? Mercatoribus tutum mare non fuisse dicam, cum duodecim secures in praedonum potestatem pervenerint?

[33] Cnidum aut Colophonem aut Samum, nobilissimas urbis, innumerabilisque alias captas esse commemorem, cum vestros portus, atque eos portus quibus vitam ac spiritum ducitis, in praedonum fuisse potestatem sciatis? An vero ignoratis portum Caietae celeberrimum ac plenissimum navium inspectante praetore a praedonibus esse direptum? ex Miseno autem eius ipsius liberos, qui cum praedonibus antea ibi bellum gesserat, a praedonibus esse sublatos? Nam quid ego Ostiense incommodum atque illam labem atque ignominiam rei publicae querar, cum, prope inspectantibus vobis, classis ea, cui consul populi Romani praepositus esset, a praedonibus capta atque oppressa est? Pro di immortales! tantamne unius hominis incredibilis ac divina virtus tam brevi tempore lucem adferre rei publicae potuit, ut vos, qui modo ante ostium Tiberinum classem hostium videbatis, ei nunc nullam intra Oceani ostium praedonum navem esse audiatis?

[34] Atque haec qua celeritate gesta sint quamquam videtis, tamen a me in dicendo praetereunda non sunt. Quis enim umquam aut obeundi negoti aut consequendi quaestus studio tam brevi tempore tot loca adire, tantos cursus conficere potuit, quam celeriter Cn. Pompeio duce tanti belli impetus navigavit? Qui nondum tempestivo ad navigandum mari Siciliam adiit, Africam exploravit; inde Sardiniam cum classe venit, atque haec tria frumentaria subsidia rei publicae firmissimis praesidiis classibusque munivit;

[35] inde cum se in Italiam recepisset, duabus Hispanis et Gallia [transalpina] praesidiis ac navibus confirmata, missis item in oram Illyrici maris et in Achaiam omnemque Graeciam navibus, Italiae

duo maria maximis classibus firmissimisque praesidiis adornavit; ipse autem ut Brundisio profectus est, undequinquagesimo die totam ad imperium populi Romani Ciliciam adiunxit; omnes, qui ubique praedones fuerunt, partim capti interfectique sunt, partim unius huius se imperio ac potestati dediderunt. Idem Cretensibus, cum ad eum usque in Pamphyliam legatos deprecatoresque misissent, spem deditionis non ademit, obsidesque imperavit. Ita tantum bellum, tam diuturunum, tam longe lateque dispersum, quo bello omnes gentes ac nationes premebantur, Cn. Pompeius extrema hieme apparavit, ineunte vere susceptit, media aestate confecit.

[36] Est haec divina atque incredibilis virtus imperatoris. Quid ceterae, quas paulo ante commemorare coeperam, quantae atque quam multae sunt? Non enim bellandi virtus solum in summo ac perfecto imperatore quaerenda est, sed multae sunt artes eximiae huius administrae comitesque virtutis. Ac primum, quanta innocentia debent esse imperatores? quanta deinde in omnibus rebus temperantia? quanta fide? quanta facilitate? quanto ingenio? quanta humanitate? Quae breviter qualia sint in Cn. Pompeio consideremus: summa enim omnia sunt, Quirites, sed ea magis ex aliorum contentione quam ipsa per sese cognosci atque intellegi possunt.

[37] Quem enim imperatorem possumus ullo in numero putare, cuius in exercitu centuriatus veneant atque venierint? Quid hunc hominem magnum aut amplum de re publica cogitare, qui pecuniam, ex aerario depromptam ad bellum administrandum, aut propter cupiditatem provinciae magistratibus diviserit, aut propter avaritiam Romae in quaestu reliquerit? Vestra admurmuratio facit, Quirites, ut agnoscere videamini qui haec fecerint: ego autem nomino neminem; qua re irasci mihi nemo poterit, nisi qui ante de se voluerit confiteri. Itaque propter hanc avaritiam imperatorum quantas calamitates, quocumque ventum est, nostri exercitus ferant quis ignorat?

[38] Itinera quae per hosce annos in Italia per agros atque oppida civium Romanorum nostri imperatores fecerint recordamini: tum facilius statuetis quid apud exteras nationes fieri existimetis. Utrum pluris arbitramini per hosce annos militum vestrorum armis hostium urbis, an hibernis sociorum civitates esse deletas? Neque enim potest exercitum is continere imperator, qui se ipse non continet, neque severus esse in iudicando, qui alios in se severos esse iudices non

volt.

[39] Hic miramur hunc hominem tantum excellere ceteris, cuius legiones sic in Asiam pervenerint, ut non modo manus tanti exercitus, sed ne vestigium quidem cuiquam pacato nocuisse dicatur? iam vero quem ad modum milites hibernent cotidie sermones ac litterae perferuntur: non modo ut sumptum faciat in militem nemini vis adfertur, sed ne cupienti quidem cuiquam permittitur. Hiemis enim, non avaritiae perfugium maiores nostri in sociorum atque amicorum tectis esse voluerunt.

[40] Age vero: ceteris in rebus qua ille sit temperantia considerate. Unde illam tantam celeritatem et tam incredibilem cursum inventum putatis? Non enim illum eximia vis remigum aut ars inaudita quaedam gubernandi aut venti aliqui novi tam celeriter in ultimas terras pertulerunt; sed eae res quae ceteros remorari solent, non retardarunt: non avaritia ab instituto cursu ad praedam aliquam devocavit, non libido ad voluptatem, non amoenitas ad delectationem, non nobilitas urbis ad cognitionem, non denique labor ipse ad quietem; postremo signa et tabulas ceteraque ornamenta Graecorum oppidorum, quae ceteri tollenda esse arbitrantur, ea sibi ille ne visenda quidem existimavit.

[41] Itaque omnes nunc in eis locis Cn. Pompeium sicut aliquem non ex hac urbe missum, sed de caelo delapsum intuentur. Nunc denique incipiunt credere fuisse homines Romanos hac quondam continentia, quod iam nationibus exteris incredibile ac falso memoriae proditum videbatur. Nunc imperi vestri splendor illis gentibus lucem adferre coepit. Nunc intellegunt non sine causa maiores suos, tum cum ea temperantia magistratus habebamus, servire populo Romano quam imperare aliis maluisse. Iam vero ita faciles aditus ad eum privatorum, ita liberae querimoniae de aliorum iniuriis esse dicuntur, ut is, qui dignitate principibus excellit, facilitate infimis par esse videatur.

[42] iam quantum consilio, quantum dicendi gravitate et copia valeat, — in quo ipso inest quaedam dignitas imperatoria, — vos, Quirites, hoc ipso ex loco saepe cognovistis. Fidem vero eius quantam inter socios existimari putatis, quam hostes omnes omnium generum sanctissimam iudicarint? Humanitate iam tanta est, ut difficile dictu sit utrum hostes magis virtutem eius pugnantes

timuerint, an mansuetudinem victi dilexerint. Et quisquam dubitabit quin huic hoc tantum bellum transmittendum sit, qui ad omnia nostrae memoriae bella conficienda divino quodam consilio natus esse videatur?

[43] Et quoniam auctoritas quoque in bellis administrandis multum atque in imperio militari valet, certe nemini dubium est quin ea re idem ille imperator plurimum possit. Vehementer autem pertinere ad bella administranda quid hostes, quid socii de imperatoribus nostris existiment, quis ignorat, cum sciamus homines in tantis rebus, ut aut contemnant aut metuant aut oderint aut ament, opinione non minus et fama quam aliqua ratione certa commoveri? Quod igitur nomen umquam in orbe terrarum clarius fuit? cuius res gestae pares? de quo homine vos, — id quod maxime facit auctoritatem, — tanta et tam praeclara iudicia fecistis?

[44] An vero ullam usquam esse oram tam desertam putatis, quo non illius diei fama pervaserit, cum universus populus Romanus, referto foro completisque omnibus templis ex quibus hic locus conspici potest, unum sibi ad commune omnium gentium bellum Cn. Pompeium imperatorem deposcit? Itaque — ut plura non dicam, neque aliorum exemplis confirmem quantum [huius] auctoritas valeat in bello — ab eodem Cn. Pompeio omnium rerum egregiarum exempla sumantur: qui quo die a vobis maritimo bello praepositus est imperator, tanta repente vilitas annonae ex summa inopia et caritate rei frumentariae consecuta est unius hominis spe ac nomine, quantum vix in summa ubertate agrorum diuturna pax efficere potuisset.

[45] Iam accepta in Ponto calamitate ex eo proelio, de quo vos paulo ante invitus admonui, — cum socii pertimuissent, hostium opes animique crevissent, satis firmum praesidium provincia non haberet, — amisissetis Asiam, Quirites, nisi ad ipsum discrimen eius temporis divinitus Cn. Pompeium ad eas regiones fortuna populi Romani attulisset. Huius adventus et Mithridatem insolita inflammatum victoria continuit, et Tigranem magnis copiis minitantem Asiae retardavit. Et quisquam dubitabit quid virtute perfecturus sit, qui tantum auctoritate perfecerit? aut quam facile imperio atque exercitu socios et vectigalia conservaturus sit, qui ipso nomine ac rumore defenderit?

[46] Age vero, illa res quantam declarat eiusdem hominis apud

hostis populi Romani autoritatem, quod ex locis tam longinquis tamque diversis tam brevi tempore omnes huic se uni dediderunt? quod a communi Cretensium legati, cum in eorum insula noster imperator exercitusque esset, ad Cn. Pompeium in ultimas prope terras venerunt, eique se omnis Cretensium civitates dedere velle dixerunt? Quid? idem iste Mithridates nonne ad eundem Cn. Pompeium legatum usque in Hispaniam misit? eum quem Pompeius legatum semper iudicavit, ei quibus erat [semper] molestum ad eum potissimum esse missum, speculatorem quam legatum iudicari maluerunt. Potestis igitur iam constituere, Quirites, hanc auctoritatem, multis postea rebus gestis magnisque vestris iudiciis amplificatam, quantum apud illos reges, quantum apud exteras nationes valituram esse existimetis.

[47] Reliquum est ut de felicitate, quam praestare de se ipso nemo potest, meminisse et commemorare de altero possumus, sicut aequum est homines de potestate deorum timide et pauca dicamus. Ego enim sic existimo: Maximo, Marcello, Scipioni, Mario, et ceteris magnis imperatoribus non solum propter virtutem, sed etiam propter fortunam saepius imperia mandata atque exercitus esse commissos. Fuit enim profecto quibusdam summis viris quaedam ad amplitudinem et ad gloriam et ad res magnas bene gerendas divinitus adiuncta fortuna. De huius autem hominis felicitate, de quo nunc agimus, hac utar moderatione dicendi, non ut in illius potestate fortunam positam esse dicam, sed ut praeterita meminisse, reliqua sperare videamur, ne aut invisa dis immortalibus oratio nostra aut ingrata esse videatur.

[48] Itaque non sum praedicaturus quantas ille res domi militiae, terra marique, quantaque felicitate gesserit; ut eius semper voluntatibus non modo cives adsenserint, socii obtemperarint, hostes obedierint, sed etiam venti tempestatesque obsecundarint: hoc brevissime dicam, neminem umquam tam impudentem fuisse, qui ab dis immortalibus tot et tantas res tacitus auderet optare, quot et quantas di immortales ad Cn. Pompeium detulerunt. Quod ut illi proprium ac perpetuum sit, Quirites, cum communis salutis atque imperi tum ipsius hominis causa, sicuti facitis, velle et optare debetis.

[49] Qua re, — cum et bellum sit ita necessarium ut neglegi non possit, ita magnum ut accuratissime sit administrandum; et cum ei

imperatorem praeficere possitis, in quo sit eximia belli scientia, singularis virtus, clarissima auctoritas, egregia fortuna, — dubitatis Quirites, quin hoc tantum boni, quod vobis ab dis immortalibus oblatum et datum est, in rem publicam conservandam atque amplificandam conferatis?

[50] Quod si Romae Cn. Pompeius privatus esset hoc tempore, tamen ad tantum bellum is erat deligendus atque mittendus: nunc cum ad ceteras summas utilitates haec quoque opportunitas adiungatur, ut in eis ipsis locis adsit, ut habeat exercitum, ut ab eis qui habent accipere statim possit, quid exspectamus? aut cur non ducibus dis immortalibus eidem, cui cetera summa cum salute rei publicae commissa sunt, hoc quoque bellum regium committamus?

[51] At enim vir clarissimus, amantissimus rei publicae, vestris beneficiis amplissimis adfectus, Q. Catulus, itemque summis ornamentis honoris, fortunae, virtutis, ingeni praeditus, Q. Hortensius, ab hac ratione dissentiunt. Quorum ego auctoritatem apud vos multis locis plurimum valuisse et valere oportere confiteor; sed in hac causa, tametsi cognoscitis auctoritates contrarias virorum fortissimorum et clarissimorum, tamen omissis auctoritatibus ipsa re ac ratione exquirere possumus veritatem, atque hoc facilius, quod ea omnia quae a me adhuc dicta sunt, eidem isti vera esse concedunt, — et necessarium bellum esse et magnum, et in uno Cn. Pompeio summa esse omnia.

[52] Quid igitur ait Hortensius? Si uni omnia tribuenda sint, dignissimum esse Pompeium, sed ad unum tamen omnia deferri non oportere. Obsolevit iam ista oratio, re multo magis quam verbis refutata. Nam tu idem, Q. Hortensi, multa pro tua summa copia ac singulari facultate dicendi et in senatu contra virum fortem, A. Gabinium, graviter ornateque dixisti, cum is de uno imperatore contra praedones constituendo legem promulgasset, et ex hoc ipso loco permuta item contra eam legem verba fecisti.

[53] Quid? tum (per deos immortalis!) si plus apud populum Romanum auctoritas tua quam ipsius populi Romani salus et vera causa valuisset, hodie hanc gloriam atque hoc orbis terrae imperium teneremus? An tibi tum imperium hoc esse videbatur, cum populi Romani legati quaestores praetoresque capiebantur? cum ex omnibus provinciis commeatu et privato et publico prohibebamur? cum ita

clausa nobis erant maria omnia, ut neque privatam rem transmarinam neque publicam iam obire possemus?

[54] Quae civitas antea umquam fuit, — non dico Atheniensium, quae satis late quondam mare tenuisse dicitur; non Karthaginiensium, qui permultum classe ac maritimis rebus valuerunt; non Rhodiorum, quorum usque ad nostram memoriam disciplina navalis et gloria remansit, — sed quae civitas umquam antea tam tenuis, quae tam parva insula fuit, quae non portus suos et agros et aliquam partem regionis atque orae maritimae per se ipsa defenderet? At (hercule) aliquot annos continuos ante legem Gabiniam ille populus Romanus, cuius usque ad nostram memoriam nomen invictum in navalibus pugnis permanserit, magna ac multo maxima parte non modo utilitatis, sed dignitatis atque imperi caruit.

[55] Nos, quorum maiores Antiochum regem classe Persenque superarunt, omnibus navalibus pugnis Karthaginiensis, homines in maritimis rebus exercitatissimos paratissimosque, vicerunt, ei nullo in loco iam praedonibus pares esse poteramus: nos, qui antea non modo Italiam tutam habebamus, sed omnis socios in ultimis oris auctoritate nostri imperi salvos praestare poteramus, — tum cum insula Delos, tam procul a nobis in Aegaeo mari posita, quo omnes undique cum mercibus atque oneribus commeabant, referta divitiis, parva, sine muro, nihil timebat, — eidem non modo provinciis atque oris Italiae maritimis ac portubus nostris, sed etiam Appia iam via carebamus; et eis temporibus non pudebat magistratus populi Romani in hunc ipsum locum escendere, cum eum nobis maiores nostri exuviis nauticis et classium spoliis ornatum reliquissent.

[56] Bono te animo tum, Q. Hortensi, populus Romanus et ceteros qui erant in eadem sententia, dicere existimavit ea quae sentiebatis: sed tamen in salute communi idem populus Romanus dolori suo maluit quam auctoritati vestrae obtemperare. Itaque una lex, unus vir, unus annus non modo nos illa miseria ac turpitudine liberavit, sed etiam effecit, ut aliquando vere videremur omnibus gentibus ac nationibus terra marique imperare.

[57] Quo mihi etiam indignius videtur obtrectatum esse adhuc, — Gabinio dicam anne Pompeio, an utrique, id quod est verius? — ne legaretur A. Gabinius Cn. Pompeio expetenti ac postulanti. Utrum ille, qui postulat ad tantum bellum legatum quem velit, idoneus non

est qui impetret, cum ceteri ad expilandos socios diripiendasque provincias quos voluerunt legatos eduxerint; an ipse, cuius lege salus ac dignitas populo Romano atque omnibus gentibus constituta est, expers esse debet gloriae eius imperatoris atque eius exercitus, qui consilio ipsius ac periculo est constitutus?

[58] An C. Falcidius, Q. Metellus, Q. Caelius Latiniensis, Cn. Lentulus, quos omnis honoris causa nomino, cum tribuni plebi fuissent, anno proximo legati esse potuerunt: in uno Gabinio sunt tam diligentes, qui in hoc bello, quod lege Gabinia geritur, in hoc imperatore atque exercitu, quem per vos ipse constituit, etiam praecipuo iure esse deberet? De quo legando consules spero ad senatum relaturos. Qui si dubitabunt aut gravabuntur, ego me profiteor relaturum. Neque me impediet cuiusquam inimicum edictum, quo minus vobis fretus vestrum ius beneficiumque defendam; neque praeter intercessionem quicquam audiam, de qua (ut arbitror) isti ipsi, qui minantur, etiam atque etiam quid liceat considerabunt. Mea quidem sentenia, Quirites, unus A. Gabinius belli maritimi rerumque gestarum Cn. Ponpeio socius ascribitur, propterea quod alter uni illud bellum suscipiendum vestris suffragiis detulit, alter delatum susceptumque confecit.

[59] Reliquum est ut de Q. Catuli auctoritate et sententia dicendum esse videatur. Qui cum ex vobis quaereret, si in uno Cn. Pompeio omnia poneretis, si quid eo factum esset, in quo spem essetis habituri, cepit magnum suae virtutis fructum ac dignitatis, cum omnes una prope voce in [eo] ipso vos spem habituros esse dixistis. Etenim talis est vir, ut nulla res tanta sit ac tam difficilis, quam ille non et consilio regere et integritate tueri et virtute conficere possit. Sed in hoc ipso ab eo vehementissime dissentio; quod, quo minus certa est hominum ac minus diuturna vita, hoc magis res publica, dum per deos immortalis licet, frui debet summi viri vita atque virtute.

[60] ‘At enim ne quid novi fiat contra exempla atque instituta maiorum.’ Non dicam hoc loco maiores nostros semper in pace consuetudini, in bello utilitati paruisse; semper ad novos casus temporum novorom consiliorum rationes adcommodasse: non dicam duo bella maxima, Punicum atque Hispaniense, ab uno imperatore esse confecta, duasque urbis potentissimas, quae huic imperio

maxime minitabantur, Karthaginem atque Numantiam, ab eodem Scipione esse deletas: non commemorabo nuper ita vobis patribusque vestris esse visum, ut in uno C. Mario spes imperi poneretur, ut idem cum Iugurtha, idem cum Cimbris, idem cum Teutonis bellum administraret. In ipso Cn. Pompeio, in quo novi constitui nihil volt Q. Catulus, quam multa sint nova summa Q. Catuli voluntate constituta recordamini.

[61] Quid tam novum quam adulescentulum privatum exercitum difficili rei publicae temporare conficere? Confecit. Huic praeesse? Praefuit. Rem optime ductu suo gerere? Gessit. Quid tam praeter consuetudinem quam homini peradulescenti, cuius aetas a senatorio gradu longe abesset, imperium atque exercitum dari, Siciliam permitti, atque Africam bellumque in ea provincia administrandum? Fuit in his provinciis singulari innocentia, gravitate, virtute: bellum in Africa maximum confecit, victorem exercitum deportavit. Quid vero tam inauditum quam equitem Romanum triumphare? At eam quoque rem populus Romanus non modo vidit, sed omnium etiam studio visendam et concelebrandam putavit.

[62] Quid tam inusitatum quam ut, cum duo consules clarissimi fortissimique essent, eques Romanus ad bellum maximum formidolosissimumque pro consule mitteretur? Missus est. Quo quidem tempore, cum esset non nemo in senatu qui diceret ‘non oportere mitti hominem privatum pro consule,’ L. Philippus dixisse dicitur ‘‘non se illum sua sententia pro consule, sed pro consulibus mittere.’’ Tanta in eo rei publicae bene gerendae spes constituebatur, ut duorum consulum munus unius adulescentis virtuti committeretur. Quid tam singulare quam ut ex senatus consulto legibus solutus consul ante fieret, quam ullum alium magistratum per leges capere licuisset? quid tam incredibile quam ut iterum eques Romanus ex senatus consulto triumpharet? Quae in omnibus hominibus nova post hominum memoriam constituta sunt, ea tam multa non sunt quam haec, quae in hoc uno homine videmus.

[63] Atque haec tot exempla, tanta ac tam nova, profecta sunt in eundem hominem a Q. Catuli atque a ceterorum eiusdem dignitatis amplissimorum hominum auctoritate. Qua re videant ne sit periniquum et non ferundum, illorum auctoritatem de Cn. Pompei dignitate a vobis comprobatam semper esse, vestrum ab illis de

eodem homine iudicium populique Romani auctoritatem improbari; praesertim cum iam suo iure populus Romanus in hoc homine suam auctoritatem vel contra omnis qui dissentiunt possit defendere, propterea quod, isdem istis reclamantibus, vos unum illum ex omnibus delegistis quem bello praedonum praeponeretis.

[64] Hoc si vos temere fecistis, et rei publicae parum consuluistis, recte isti studia vestra suis consiliis regere conantur. Sin autem vos plus tum in re publica vidistis, vos eis repugnantibus per vosmet ipsos dignitatem huic imperio, salutem orbi terrarum attulistis, aliquando isti principes et sibi et ceteris populi Romani universi auctoritati parendum esse fateantur. Atque in hoc bello Asiatico et regio non solum militaris illa virtus, quae est in Cn. Pompeio singularis, sed aliae quoque virtutes animi magnae et multae requiruntur. Difficile est in Asia, Cilicia, Syria regnisque interiorum nationum ita versari nostrum imperatorem, ut nihil nisi de hoste ac de laude cogitet. Deinde etiam si qui sunt pudore ac temperantia moderatiores, tamen eos esse talis propter multitudinem cupidiorum hominum nemo arbitratur.

[65] Difficile est dictu, Quirites, quanto in odio simus apud exteras nationes propter eorum, quos ad eas per hos annos cum imperio misimus, libidines et iniurias. Quod enim fanum putatis in illis terris nostris magistratibus religiosum, quam civitatem sanctam, quam domum satis clausam ac munitam fuisse? Urbes iam locupletes et copiosae requiruntur, quibus causa belli propter diripiendi cupiditatem inferatur.

[66] Libenter haec coram cum Q. Catulo et Q. Hortensio, summis et clarissimis viris, disputarem. Noverunt enim sociorum volnera, vident eorum calamitates, querimonias audiunt. Pro sociis vos contra hostis exercitum mittere putatis, an hostium simulatione contra socios atque amicos? Quae civitas est in Asia quae non modo imperatoris aut legati, sed unius tribuni militum animos ac spiritus capere possit? Qua re, etiam si quem habetis qui conlatis signis exercitus regios superare posse videatur, tamen nisi erit idem, qui se a pecuniis sociorum, qui ab eorum coniugibus ac liberis, qui ab ornamentis fanorum atque oppidorum, qui ab auro gazaque regia manus, oculos, animum cohibere possit, non erit idoneus qui ad bellum Asiaticum regiumque mittatur.

[67] Ecquam putatis civitatem pacatam fuisse quae locuples sit? ecquam esse locupletem quae istis pacata esse videatur? Ora maritima, Quirites, Cn. Pompeium non solum propter rei militaris gloriam, sed etiam propter animi continentiam requisivit. Videbat enim praetores locupletari quot annis pecunia publica praeter paucos; neque eos quicquam aliud adsequi, classium nomine, nisi ut detrimentis accipiendis maiore adfici turpitudine videremur. Nunc qua cupiditate homines in provincias, quibus iacturis et quibus condicionibus proficiscantur, ignorant videlicet isti, qui ad unum deferenda omnia esse non arbitrantur? Quasi vero Cn. Pompeium non cum suis virtutibus tum etiam alienis vitiis magnum esse videamus.

[68] Qua re nolite dubitare quin huic uni credatis omnia, qui inter tot annos unus inventus sit, quem socii in urbis suas cum exercitu venisse gaudeant. Quod si auctoritatibus hanc causam, Quirites, confirmandam putatis, est vobis auctor vir bellorum omnium maximarumque rerum peritissimus, P. Servilius, cuius tantae res gestae terra marique exstiterunt, ut cum de bello deliberetis, auctor vobis gravior nemo esse debeat; est C. Curio, summis vestris beneficiis maximisque rebus gestis, summo ingenio et prudentia praeditus; est Cn. Lentulus, in quo omnes pro amplissimis vestris honoribus summum consilium, summam gravitatem esse cognovistis; est C. Cassius, integritate, virtute, constantia singulari. Qua re videte ut horum auctoritatibus illorum orationi qui dissentiunt, respondere posse videamur.

[69] Que cum ita sint, C. Manlili, primum istam tuam et legem et voluntatem et sententiam laudo vehementissimeque comprobo: deinde te hortor, ut auctore populo Romano maneas in sententia, neve cuiusquam vim aut minas pertimescas. Primum in te satis esse animi perseverantiaeque arbitror: deinde cum tantam multitudinem cum tanto studio adesse videamus, quantam iterum nunc in eodem homine praeficiendo videmus, quid est quod aut de re aut de perficiendi facultate dubitemus? Ego autem quicquid est in me studi, consili, laboris, ingeni, quicquid hoc beneficio populi Romani atque hac potestate praetoria, quicquid auctoritate, fide, constantia possum, id omne ad hanc re conficiendam tibi et populo Romano polliceor ac defero:

[70] testorque omnis deos, et eos maxime qui huic loco temploque praesident, qui omnium mentis eorum qui ad rem publicam adeunt maxime perspiciunt, me hoc neque rogatu facere cuiusquam, neque quo Cn. Pompei gratiam mihi per hanc causam conciliari putem, neque quo mihi ex cuiusquam amplitudine aut praesidia periculis aut adiumenta honoribus quaeram; propterea quod pericula facile, ut hominem praestare oportet, innocentia tecti repellemus, honorem autem neque ab uno neque ex hoc loco, sed eadem illa nostra laboriosissima ratione vitae, si vestra voluntas feret, consequemur.

[71] Quam ob rem quicquid in hac causa mihi susceptum est, Quirites, id ego omne me rei publicae causa suscepisse confirmo; tantumque abest ut aliquam mihi bonam gratiam quaesisse videar, ut multas me etiam simultates partim obscuras, partim apertas intellegam mihi non necessarias, vobis non inutilis suscepisse. Sed ego me hoc honore praeditum, tantis vestris beneficiis adfectum statui, Quirites, vestram voluntatem et rei publicae dignitatem et salutem provinciarum atque sociorum meis omnibus commodis et rationibus praeferre oportere.

PRO CLUENTIO (On Behalf of Aulus Cluentius)

M. TVLLI CICERONIS PRO A. CLVENTIO ORATIO

I. 1. Animadverti, iudices, omnem accusatoris orationem in duas divisam esse partes, quarum altera mihi niti et magno opere confidere videbatur invidia iam inveterata iudicii Iuniani, altera tantum modo consuetudinis causa timide et diffidenter attingere rationem veneficii criminum, qua de re lege est haec quaestio constituta. Itaque mihi certum est hanc eandem distributionem invidiae et criminum sic in defensione servare ut omnes intellegant nihil me nec subterfugere voluisse reticendo nec obscurare dicendo. 2. Sed cum considero quo modo mihi in utraque re sit elaborandum, altera pars, et ea quae propria est iudicii vestri et legitimae veneficii quaestionis, per mihi brevis et non magnae in dicendo contentionis fore videtur; altera autem, quae procul ab iudicio remota est, quae contionibus seditiose concitatis accommodatior est quam tranquillis moderatisque iudiciis, perspicio quantum in agendo difficultatis et quantum laboris sit habitura. 3. Sed in hac difficultate illa me res tamen, iudices, consolatur, quod vos de criminibus sic audire consuestis ut eorum omnium dissolutionem ab oratore quaeratis, ut non existimetis plus vos ad salutem reo largiri oporter quam quantum defensor purgandis crimibus consequi et dicendo probare potuerit: de invidia autem sic inter vos disceptare debetis ut non quid dicatur a nobis, sed quid oporteat dici consideretis. Agitur enim in criminibus A. Cluenti proprium periculum, in invidia causa communis. Quam ob rem alteram partem causae sic agemus ut vos doceamus, alteram sic ut oremus; in altera diligentia vestra nobis adiungenda est, in altera fides imploranda; nemo est enim qui invidiae sine vestro ac sine talium virorum subsidio possit resistere. 4. Equidem quod ad me attinet, quo me vertam nescio. Negem fuisse illam infamiam iudicii corrupti? negem esse illam rem agitatam in contionibus, iactatam in iudiciis, commemoratam in senatu? evellam ex animis hominum tantam opinionem, tam penitus insitam, tam vetustam? Non est nostri ingenii: vestri auxilii est, iudices, huius innocentiae sic in hac calamitosa fama quasi in aliqua perniciosissima flamma atque in

communi incendio subvenire.

II. 5. Etenim sicut aliis in locis parum firmamenti et parum virium veritas habet, sic in hoc loco falsa invidia imbecilla esse debet. Dominetur in contionibus, iaceat in iudiciis; valeat in opinionibus ac sermonibus imperitorum, ab ingeniis prudentium repudietur; vehementes habeat repentinos impetus, spatio interposito et causa cognita consenescat: denique illa definitio iudiciorum aequorum, quae nobis a maioribus tradita est, retineatur, ut in iudiciis et sine invidia culpa plectatur et sine culpa invidia ponatur. 6. Quam ob rem a vobis, iudices, ante quam de ipsa causa dicere incipio, haec postulo: primum – id quod aequissimum est – ut ne quid huc praeiudicati adferatis (etenim non modo auctoritatem, sed etiam nomen iudicum amittemus, nisi hic ex ipsis causis iudicabimus ac si ad causas iudicia iam facta domo deferemus); deinde si quam opinionem iam vestris mentibus comprehendistis, si eam ratio convellet, si oratio labefactabit, si denique veritas extorquebit, ne repugnetis eamque animis vestris aut libentibus aut aequis remittatis; tum autem, cum ego una quaque de re dicam et diluam, ne ipsi quae contraria sint taciti cogitationi vestrae subiciatis, sed ad extremum exspectetis meque meum dicendi ordinem servare patiamini: cum peroraro, tum, si quid erit praeteritum, animo requiratis.

III. 7. Ego me, iudices, ad eam causam accedere quae iam per annos octo continuos ex contraria parte audiatur atque ipsa opinione hominum tacita prope convicta atque damnata sit, facile intellego: sed si qui mihi deus vestram ad me audiendum benivolentiam conciliarit, efficiam profecto ut intellegatis nihil esse homini tam timendum quam invidiam, nihil innocenti suscepta invidia tam optandum quam aequum iudicium, quod in hoc uno denique falsae infamiae finis aliquis atque exitus reperiatur. Quam ob rem magna me spes tenet, si quae sunt in causa explicare atque omnia dicendo consequi potuero, hunc locum consessumque vestrum, quem illi horribilem A. Cluentio ac formidolosum fore putaverunt, eum tandem eius fortunae miserae multumque iactatae portum ac perfugium futurum. 8. Tametsi permulta sunt quae mihi, ante quam de causa dico, de communibus invidiae periculis dicenda esse videantur, tamen, ne diutius oratione mea suspensa exspectatio vestra teneatur, adgrediar ad crimen cum illa deprecatione, iudices, qua

mihi saepius utendum esse intellego, sic ut me audiatis quasi hoc tempore haec causa primum dicatur, sicuti dicitur, non quasi saepe iam dicta et numquam probata sit. Hodierno enim die primum veteris istius criminis diluendi potestas est data: ante hoc tempus error in hac causa atque invidia versata est. Quam ob rem dum multorum annorum accusationi breviter dilucideque respondeo, quaeso ut me, iudices, sicuti facere instituistis, benigne attenteque audiatis.

IV. 9. Corrupisse dicitur A. Cluentius iudicium pecunia, quo inimicum innocentem Statium Albium condemnaret. Ostendam, iudices, primum – quoniam caput illius atrocitatis atque invidiae fuit innocentem pecunia circumventum – neminem umquam maioribus criminibus, gravioribus testibus esse in iudicium vocatum; deinde ea de eo praeiudicia esse facta, ab ipsis iudicibus a quibus condemnatus est, ut non modo ab isdem, sed ne ab aliis quidem ullis absolvi ullo modo posset. Cum haec docuero, tum illud ostendam, quod maxime requiri intellego, iudicium illud pecunia esse temptatum non a Cluentio, sed contra Cluentium, faciamque ut intellegatis in tota illa causa quid res ipsa tulerit, quid error adfinxerit, quid invidia conflarit.

10. Primum igitur illud est, ex quo intellegi possit debuisse Cluentium magno opere causae confidere, quod certissimis criminibus et testibus fretus ad accusandum descenderit. Hoc loco faciendum mihi, iudices, est ut vobis breviter illa quibus Albius est condemnatus crimina exponam. Abs te peto, Oppianice, ut me invitum de patris tui causa dicere existimes, adductum fide atque officio defensionis. Etenim tibi si in praesentia satis facere non potuero, tamen multae mihi ad satis faciendum reliquo tempore facultates dabuntur: Cluentio nisi nunc satis fecero, postea mihi satis faciendi potestas non erit. Simul et illud quis est qui dubitare debeat, contra damnatum et mortuum pro incolumi et pro vivo dicere. cum illi in quem dicitur damnatio omne ignominiae periculum iam abstulerit, mors vero etiam doloris; hic autem, pro quo dicimus, nihil possit offensionis accipere sine acerbissimo animi sensu ac molestia et sine summo dedecore vitae et turpitudine? 11. Atque ut intellegatis Cluentium non accusatorio animo, non ostentatione aliqua aut gloria adductum, sed nefariis iniuriis, cotidianis insidiis, proposito ante oculos vitae periculo, nomen Oppianici detulisse, paulo longius

exordium rei demonstrandae petam; quod quaeso, iudices, ne moleste patiamini; principiis enim cognitis multo facilius extrema intellegetis.

V. A. Cluentius Habitus fuit, pater huiusce, iudices, homo non solum municipii Larinatis, ex quo erat, sed etiam regionis illius et vicinitatis virtute, existimatione, nobilitate facile princeps. Is cum esset mortuus Sulla et Pompeio consulibus, reliquit hunc annos XV natum, grandem autem et nubilem filiam, quae brevi tempore post patris mortem nupsit A. Aurio Melino, consobrino suo, adulescenti in primis, ut tum habebatur, inter suos et honesto et nobili. 12. Cum essent eae nuptiae plenae dignitatis, plenae concordiae, repente est exorta mulieris importunae nefaria libido, non solum dedecore, verum etiam scelere coniuncta. Nam Sassia, mater huius Habiti – mater enim a me in omni causa, tametsi in hunc hostili odio et crudelitate est, mater, inquam, appellabitur, neque umquam illa ita de suo scelere et immanitate audiet ut naturae nomen amittat; quo enim est ipsum nomen amantius indulgentiusque maternum, hoc illius matris, quae multos iam annos et nunc cum maxime filium interfectum cupit, singulare scelus maiore odio dignum esse ducetis. Ea igitur mater Habiti, Melini illius adulescentis, generi sui, contra quam fas erat amore capta, primo, neque id ipsum diu, quoquo modo poterat, in illa *se* cupiditate continebat: deinde ita flagrare coepit amentia, sic inflammata ferri libidine, ut eam non pudor, non pudicitia, non pietas, non macula familiae, non hominum fama, non filii dolor, non filiae maeror a cupiditate revocaret. 13. Animum adulescentis, nondum consilio ac ratione firmatum, pellexit eis omnibus rebus quibus illa aetas capi ac deliniri potest. Filia, quae non solum illo communi dolore muliebri in eius modi viri iniuriis angeretur, sed nefarium matris pelicatum ferre non posset, de quo ne queri quidem se sine scelere posse arbitraretur, ceteros sui tanti mali ignaros esse cupiebat, in huius amantissimi sui fratris manibus et gremio maerore et lacrimis consenescebat. 14. Ecce autem subitum divortium, quod solacium malorum omnium fore videbatur! Discedit a Melino Cluentia, ut in tantis iniuriis non invita, ut a viro non libenter. Tum vero illa egregia et praeclara mater palam exsultare laetitia, triumphare gaudio coepit, victrix filiae non libidinis. Itaque diutius suspicionibus obscuris laedi famam suam noluit. Lectum

illum genialem, quem biennio ante filiae suae nubenti straverat, in eadem domo sibi ornari et sterni expulsa atque exturbata filia iubet: nubit genero socrus nullis auspicibus, nullis auctoribus, funestis ominibus omnium.

VI. 15. O mulieris scelus incredibile et praeter hanc unam in omni vita inauditum! o libidinem effrenatam et indomitam! o audaciam singularem! Nonne timuisse, si minus vim deorum hominumque famam, at illam ipsam noctem facesque illas nuptiales! non limen cubiculi! non cubile filiae! non parietes denique ipsos, superiorum testes nuptiarum! Perfregit ac prostravit omnia cupiditate ac furore: vicit pudorem libido, timorem audacia, rationem amentia. 16. Tulit hoc commune dedecus familiae, cognationis, nominis graviter filius; augebatur autem eius molestia cotidianis querimoniis et adsiduo fletu sororis; statuit tamen nihil sibi in tantis iniuriis ac tanto scelere matris gravius esse faciendum quam ut illa ne uteretur, ne, quae videre sine summo animi dolore non poterat, ea, si matre uteretur, non solum videre, verum etiam probare suo iudicio putaretur.

17. Initium quod huic cum matre fuerit simultatis audistis: pertinuisse hoc ad causam tum, cum reliqua cognoveritis, intellegetis. Nam illud me non praeterit, cuiuscumque modi sit mater, tamen in iudicio filii de turpitudine parentis dici vix oportere. Non essem ad ullam causam idoneus, iudices, si hoc, quod in communibus hominum sensibus atque in ipsa natura positum atque infixum est, id ego, qui ad hominum pericula defendenda adiungerer, non viderem. Facile intellego non modo reticere homines parentum iniurias, sed etiam animo aequo ferre oportere. Sed ego ea quae ferri possunt ferenda, quae taceri tacenda esse arbitror. 18. Nihil in vita vidit calamitatis A. Cluentius, nullum periculum mortis adiit, nihil mali timuit, quod non totum a matre esset conflatum et profectum. Quae hoc tempore sileret omnia, atque ea, si oblivione non posset, tamen taciturnitate sua tecta esse pateretur; sed vero sic agitur ut prorsus reticeri nullo modo possit. Hoc enim ipsum iudicium, hoc periculum, illa accusatio, omnis testium copia quae futura est, a matre initio est adornata, a matre hoc tempore instruitur atque omnibus eius opibus et copiis comparatur. Ipsa denique nuper Larino huius opprimendi causa romam advolavit: praesto est mulier audax, pecuniosa, crudelis: instituit accusatores, instruit testes: squalore

huius et sordibus laetatur, exitium exoptat, sanguinem suum profundere omnem cupit, dum modo profusum huius ante videat. Haec nisi omnia perspexeritis in causa, temere a nobis illam appellari putatote: sin erunt et aperta et nefaria, Cluentio ignoscere debebitis quod haec a me dici patiatur: mihi ignoscere non deberetis, si tacerem.

VII. 19. Nunc iam summatim exponam quibus criminibus Oppianicus damnatus sit, ut et constantiam A. Cluenti et rationem accusationis perspicere possitis; ac primum causa accusandi quae fuerit ostendam, ut id ipsum A. Cluentium vi ac necessitate coactum fecisse videatis. 20. Cum manifesto venenum deprehendisset quod vir matris Oppianicus ei paravisset, et res non coniectura, sed oculis ac manibus teneretur, neque in causa ulla dubitatio posset esse, accusavit Oppianicum: quam constanter et quam diligenter, postea dicam: nunc hoc scire vos volui, nullam huic aliam accusandi causam fuisse nisi uti propositum vitae periculum et cotidianas capitis insidias hac una ratione vitaret. Atque ut intellegatis eis accusatum esse criminibus Oppianicum ut neque accusator timere neque reus sperare debuerit, pauca vobis illius iudicii crimina exponam; quibus cognitis nemo vestrum mirabitur illum diffidentem rebus suis ad Staienum atque ad pecuniam confugisse.

21. Larinas quaedam fuit Dinaea, socrus Oppianici, quae filios habuit M. et N. Aurios et Cn. Magnum et filiam Magiam, nuptam Oppianico. M. Aurius adulescentulus bello Italico captus apud Asculum in Q. Sergi senatoris (eius qui inter sicarios damnatus est) manus incidit, et apud eum in ergastulo fuit; N. autem Aurius frater eius mortuus est, heredemque Cn. Magium fratrem reliquit; postea Magia uxor Oppianici mortua est; postremo unus qui reliquus erat Dinaeae filius, Cn. Magius, est mortuus. Is heredem fecit illum adulescentem Oppianicum sororis suae filium, eumque partiri cum Dinaea matre iussit. Interim venit index ad Dinaeam neque obscurus neque incertus, qui nuntiaret ei filium eius, M. Aurium, vivere et in agro Gallico esse in servitute. 22. Mulier amissis liberis cum unius reciperandi filii spes esset ostentata, omnes suos propinquos filiique sui necessarios convocavit, et ab eis flens petivit ut negotium susciperent, adulescentem investigarent, sibi restituerent eum filium quem tamen unum ex multis fortuna reliquum esse voluisset. Haec

cum agere instituisset, oppressa morbo est; itaque testamentum fecit eius modi ut illi filio HS CCCC milia legaret, heredem institueret eundem illum Oppianicum, nepotem suum; atque eis diebus paucis est mortua Propinqui tamen illi, quem ad modum viva Dinaea instituerant, ita mortua illa ad investigandum M. Aurium cum eodem illo indice in agrum Gallicum profecti sunt.

VIII. 23. Interim Oppianicus, – ut erat, sicuti ex multis rebus reperietis, singulari scelere et audacia, – per quendam Gallicanum, familiarem suum, primum illum indicem pecunia corrupit; deinde ipsum M. Aurium non magna iactura facta tollendum interficiendumque curavit. Illi autem qui erant ad propinquum investigandum et reciperandum profecti litteras Larinum ad Aurios illius adulescentis suosque necessarios mittunt, 'sibi difficilem esse investigandi rationem, quod intellegerent indicem ab Oppianico esse corruptum.' Quas litteras *A*. Aurius, vir fortis et experiens et domi nobilis et M. illius Auri perpropinquus, in foro palam, multis audientibus, cum adesset Oppianicus, recitat et clarissima voce se nomen Oppianici, si interfectum M. Aurium esse comperisset delaturum esse testatur. 24. Interim brevi tempore illi qui erant in agrum Gallicum profecti Larinum revertuntur: interfectum esse M. Aurium renuntiant. Animi non solum propinquorum, sed etiam omnium Larinatium odio Oppianici et illius adulescentis misericordia commoventur; itaque cum A. Aurius, is qui antea denuntiarat, clamore hominem ac minis insequi coepisset, Larino profugit et se in castra clarissimi viri, Q. Metelli, contulit. 25. Post illam autem fugam, sceleris et conscientiae testem, numquam se iudiciis, numquam legibus, numquam inermum inimicis committere ausus est, sed per illam L. Sullae vim atque victoriam Larinum in summo timore omnium cum armatis advolavit: quattuorviros, quos municipes fecerant, sustulit: se a Sulla et tres praeterea factos esse dixit, et ab eodem sibi esse imperatum ut *A*. Aurium, illum qui sibi delationem nominis et Capitis periculum ostentarat, et alterum *A*. Aurium et eius L. filium et Sex. Vibium, quo sequestre in illo indice corrumpendo dicebatur esse usus, proscribendos interficiendosque curaret. Itaque illis crudelissime interfectis non mediocri ab eo ceteri proscriptionis et mortis metu tenebantur. His rebus in causa iudicioque patefactis quis est qui illum absolvi potuisse arbitretur?

IX. Atque haec parva sunt: cognoscite reliqua, ut non aliquando condemnatum esse Oppianicum, sed aliquam diu incolumem fuisse miremini.

26. Primum videte hominis audaciam: Sassiam in matrimonium ducere, Habiti matrem, – illam cuius virum A. Aurium occiderat, – concupivit. Utrum impudentior hic qui postulet an crudelior illa, si nubat, difficile dictu est; sed tamen utriusque humanitatem constantiamque cognoscite. 27. Petit Oppianicus ut sibi Sassia nubat, et id magno opere contendit; illa autem non admiratur audaciam, non impudentiam aspernatur, non denique illam Oppianici domum viri sui sanguine redundantem reformidat, sed, 'quod haberet ille tres filios,' idcirco se ab eis nuptiis abhorrere respondit. Oppianicus, qui pecuniam Sassiae concupivisset, domo sibi quaerendum remedium existimavit ad eam moram quae nuptiis adferebatur. Nam cum haberet ex Novia infantem filium, alter autem eius filius, Papia natus, Teani Apuli, (quod abest a Larino XVIII milia passuum), apud matrem educaretur, arcessit subito sine causa puerum Teano: quod facere nisi ludis aut festis diebus antea non solebat. Mater misera nihil mali suspicans mittit. Ille se Tarentum proficisci cum simulasset, eo ipso die puer, hora undecima cum valens in publico visus esset, ante noctem mortuus et postridie ante quam luceret combustus est. 28. Atque hunc tantum maerorem matri prius hominum rumor quam quisquam ex Oppianici familia nuntiavit. Illa cum uno tempore audisset sibi non solum filium, sed etiam exsequiarum munus ereptum, Larinum confestim exanimata venit et ibi de integro funus iam sepulto filio fecit. Dies nondum decem intercesserant cum ille alter filius infans necatur. Itaque nubit Oppianico continuo Sassia, laetanti iam animo et spe optime confirmato: nec mirum, quae se non nuptialibus donis, sed filiorum funeribus esse delinitam videret. Ita quod ceteri propter liberos pecuniae cupidiores esse solent, ille propter pecuniam liberos amittere iucundum esse duxit.

X. 29. Sentio, iudices, vos pro vestra humanitate his tantis sceleribus breviter a me demonstratis vehementer esse commotos: quo tandem igitur animo fuisse illos arbitramini quibus eis de rebus non modo audiendum fuit, verum etiam iudicandum? Vos auditis de eo in quem iudices non estis, de eo quem non videtis, de eo quem

odisse iam non potestis, de eo qui et naturae et legibus satis fecit, – quem leges exsilio, natura morte multavit: auditis non ab inimico, auditis sine testibus, auditis cum ea quae copiosissime dici possunt breviter a me strictimque dicuntur. Illi audiebant de eo de quo iurati sententias ferre debebant, de eo cuius praesentis nefarium et consceleratum vultum intuebantur, de eo quem omnes oderant propter audaciam, de eo quem omni supplicio dignum esse ducebant: audiebant ab accusatoribus, audiebant verba multorum testium, audiebant cum una quaque de re a P. Cannutio, homine eloquentissimo, graviter et diu diceretur. 30. Et est quisquam qui, cum haec cognoverit, suspicari possit Oppianicum iudicio oppressum et circumventum esse innocentem?

Acervatim iam reliqua, iudices, dicam, ut ad ea quae propiora huiusce causae et adiunctiora sunt perveniam: vos quaeso memoria teneatis non mihi hoc esse propositum ut accusem Oppianicum mortuum, sed cum hoc persuadere vobis velim, iudicium ab hoc non esse corruptum, hoc uti initio ac fundamento defensionis, Oppianicum hominem sceleratissimum et nocentissimum esse damnatum. Qui uxori suae Cluentiae, quae amita huius Habiti fuit, cum ipse poculum dedisset, subito illa in media potione exclamavit se maximo cum dolore emori; nec diutius vixit quam locuta est, nam in ipso sermone hoc et vociferatione mortua est. Et ad hanc mortem tam repentinam vocesque morientis omnia praeterea quae solent esse indicia et vestigia veneni in illius mortuae corpore fuerunt.

XI. 31. Eodemque veneno C. Oppianicum fratrem necavit. Neque est hoc satis: tametsi in ipso fraterno parricidio nullum scelus praetermissum videtur, tamen, ut ad hoc nefarium facinus accederet, aditum sibi aliis sceleribus ante munivit. Nam cum esset gravida Auria, fratris uxor, et iam appropinquare partus putaretur, mulierem veneno interfecit ut una illud quod erat ex fratre conceptum necaretur. Post fratrem adgressus est: qui sero, iam exhausto illo poculo mortis, cum et de suo et de uxoris interitu clamaret testamentumque mutare cuperet, in ipsa significatione huius voluntatis est mortuus. Ita mulierem ne partu eius ab hereditate fraterna excluderetur necavit; fratris autem liberos prius vita privavit quam illi hanc a nautra lucem accipere potuerunt, ut omnes intellegerent nihil ei clausum, nihil sanctum esse posse, a cuius

audacia fratris liberos ne materni quidem corporis custodiae tegere potuissent. 32. Memoria teneo Milesiam quandam mulierem, cum essem in Asia, quod ab heredibus [secundis] accepta pecunia partum sibi ipsa medicamentis abegisset, rei capitalis esse damnatam; nec iniuria, quae spem parentis, memoriam nominis, subsidium generis, heredem familiae, designatum rei pulicae civem sustulisset. Quanto est Oppianicus in eadem iniuria maiore supplicio dignus! si quidem illa, cum suo corpori vim attulisset, se ipsa cruciavit, hic autem idem illud effecit per alieni corporis mortem atque cruciatum. Ceteri non videntur in singulis hominibus multa parricidia suscipere posse: Oppianicus inventus est qui in uno corpore plures necaret.

XII. 33. Itaque cum hanc eius consuetudinem audaciamque cognosset avunculus illius adulescentis Oppianici, Cn. Magius, isque, cum gravi morbo adfectus esset, heredem illum sororis suae filium faceret, adhibitis amicis, praesente matre sua Dinaea, uxorem suam interrogavit essetne praegnans; quae cum se esse respondisset, ab ea petivit ut se mortuo apud Dinaeam, quae tum ei mulieri socrus erat, quoad pareret habitaret, diligentiamque adhiberet ut id quod conceperat servare et salvum parere posset. Itaque ei testamento legat grandem pecuniam a filio, si qui natus esset: ab secundo herede nihil legat. 34. Quid de Oppianico suspicatus sit, videtis: quid iudicarit, obscurum non est: nam cuius filium faceret heredem, eum tutorem liberis non adscripsit. Quid Oppianicus fecerit cognoscite, ut illum Magium intellegatis non longe animo prospexisse morientem. Quae pecunia mulieri legata erat a filio, si qui natus esset, eam praesentem Oppianicus non debitam mulieri solvit, si haec solutio legatorum et non merces abortionis appellanda est; quo illa pretio accepto multisque praeterea muneribus, quae tum ex tabulis Oppianici recitabantur, spem illam quam in alvo commendatam a viro continebat victa avaritia sceleri Oppianici vendidit. 35. Nihil posse iam ad hanc improbitatem addi videtur: attendite exitum. Quae mulier obtestatione viri decem illis mensibus ne domum quidem ullam nisi socrus suae nosse debuit haec quinto mense post viri mortem ipsi Oppianico nupsit. Quae nuptiae non diuturnae fuerunt; erant enim non matrimonii dignitate, sed sceleris societate coniunctae.

XIII. 36. Quid? illa caedes Asuvi Larinatis, adulescentis

pecuniosi, quam clara tum recenti re fuit, quam omnium sermone celebrata! Fuit Avillius quidam Larino perdita nequitia et summa egestate, arte quadam praeditus ad libidines adulescentulorum excitandas accommodata: qui ut se blanditiis et adsentationibus in Asuvi consuetudinem penitus immersit, Oppianicus continuo sperare coepit hoc se Avillio tanquam aliqua machina admota capere Asuvi adulescentiam et fortunas eius patrias expugnare posse. Ratio excogitata Larini est, res translata Romam; inire enim consilium facilius in solitudine, perficere rem eius modi commodius in turba posse arbitrati sunt. Asuvius cum Avillio Romam est profectus: hos vestigiis Oppianicus consecutus est. Iam ut Romae vixerint, quibus conviviis, quibus flagitiis, quantis et quam profusis sumptibus, non modo conscio sed etiam conviva et adiutore Oppianico, longum est dicere mihi, praesertim ad alia properanti: exitum huius adsimulatae familiaritatis cognoscite. 37. Cum esset adulescens apud mulierculam quandam, atque ubi pernoctarat ibi diem posterum commoraretur, Avillius, ut erat constitutum, simulat se aegrotare et testamentum facere velle. Oppianicus obsignatores ad eum, qui neque Asuvium neque Avillium nossent, adducit et illum Asuvium appellat. Ipse testamento Asuvi nomine obsignato discedit: Avillius ilico convalescit: Asuvius autem brevi illo tempore, quasi in hortulos iret, in harenarias quasdam extra portam Esquilinam perductus occiditur. 38. Qui cum unum iam et alterum diem desideraretur neque in eis locis ubi ex consuetudine quaerebatur inveniretur, et Oppianicus in foro Larinatium dictitaret nuper se et suos amicos testamentum eius obsignasse, liberti Asuvi et non nulli amici, quod eo die quo postremum Asuvius visus erat Avillium cum eo fuisse et a multis visum esse constabat, in eum invadunt et hominem ante pedes Q. Manli, qui tum erat triumvir, constituunt; atque ille continuo, nullo teste, nullo indice, recentis maleficii conscientia perterritus omnia ut a me paulo ante dicta sunt exponit, Asuviumque a sese consilio Oppianici interfectum fatetur. 39. Extrahitur domo latitans Oppianicus a Manlio: index Avillius ex altera parte coram tenetur. Hic quid iam reliqua quaeritis? Manlium plerique noratis: non ille honorem a pueritia, non studia virtutis, non ullum existimationis bonae fructum umquam cogitarat: ex petulanti atque improbo scurra in discordiis civitatis ad eam columnam ad quam multorum saepe

conviciis perductus erat tum suffragiis populi pervenerat. Itaque rem cum Oppianico transigit: pecuniam ab eo accipit, causam et susceptam et tam manifestam relinquit. Ac tum in Oppianici causa crimen hoc Asuvianum cum testibus multis tum vero indicio Avilli comprobabatur: in quo alligatum Oppianici nomen primum esse constabat, – eius quem vos miserum atque innocentem falso iudicio circumventum esse dicitis.

XIV. 40. Quid? aviam tuam, Oppianice, Dinaeam, cui tu es heres, pater tuus non manifesto necavit? ad quam cum adduxisset medicum illum suum, iam cognitum et saepe victorem, per quem interfecerat plurimos, mulier exclamat se ab eo nullo modo curari velle quo curante omnes suos perdidisset. Tum repente Anconitanum quendam, L. Clodium, pharmacopolam circumforaneum, qui casu tum Larinum venisset, adgreditur et cum eo duobus milibus HS, id quod ipsius tabulis tum est demonstratum, transigit. L. Clodius, qui properaret, cui fora multa restarent, simul atque introductus est rem confecit; prima potione mulierem sustulit, neque postea Larini punctum est temporis commoratus. 41. Eadem hac Dinaea testamentum faciente, cum tabulas prehendisset Oppianicus, qui gener eius fuisset, digito legata delevit; et cum id multis locis fecisset, post mortem eius, ne lituris coargui posset, testamentum in alias tabulas transcriptum signis adulterinis obsignavit. Multa praetereo consulto; etenim vereor ne haec ipsa nimium multa esse videantur; vos tamen similem sui eum fuisse in ceteris quoque vitae partibus existimare debetis. Illum tabulas publicas Larini censorias corrupisse decuriones universi iudicaverunt; cum illo nemo iam rationem, nemo rem ullam contrahebat; nemo illum ex tam multis cognatis et adfinibus tutorem umquam liberis suis scripsit; nemo illum aditu, nemo congressione, nemo sermone, nemo convivio dignum iudicavit; omnes aspernabantur, omnes abhorrebant, omnes ut aliquam immanem ac perniciosam bestiam pestemque fugiebant. 42. Hunc tamen hominem tam audacem, tam nefarium, tam nocentem numquam accusasset Habitus, iudices, si id praetermittere suo salvo capite potuisset. Erat huic inimicus Oppianicus, erat, sed tamen erat vitricus; crudelis et huic infesta mater, at mater. Postremo nihil tam remotum ab accusatione quam Cluentius et natura et voluntate et instituta ratione vitae. Sed cum esset haec ei proposita

condicio, ut aut iuste pieque accusaret aut acerbe indigneque moreretur, accusare, quoquo modo posset, quam illo modo emori maluit.

43. Atque ut hoc ita esse perspicere possitis, exponam vobis Oppianici facinus manifesto compertum atque deprehensum; ex quo simul utrumque, et huic accusare et illi condemnari necesse fuisse, intellegetis.

XV. Martiales quidam Larini appellabantur, ministri publici Martis atque ei deo veteribus institutis religionibusque Larinatium consecrati; quorum cum satis magnus numerus esset, cumque item, ut in Sicilia permulti Venerii sunt, sic illi Larini in Martis familia numerarentur, repente Oppianicus eos omnes liberos esse civesque Romanos coepit defendere. Graviter id decuriones Larinatium cunctique municipes tulerunt; itaque ab Habito petiverunt ut eam causam susciperet publiceque defenderet. Habitus cum se ab omni eius modi negotio removisset, tamen pro loco, pro antiquitate generis sui, pro eo quod se non suis commodis sed etiam suorum municipum ceterorumque necessariorum natum esse arbitrabatur, tantae voluntati universorum Larinatium deesse noluit. 44. Suscepta causa Romamque delata magnae cotidie contentiones inter Habitum et Oppianicum ex utriusque studio defensionis excitabantur. Erat ipse immani acerbaque natura Oppianicus: incendebat eius amentiam infesta atque inimica filio mater Habiti. Magni autem illi sua interesse arbitrabantur hunc a causa martialium removeri. Suberat etiam alia causa maior, quae Oppianici hominis avarissimi atque audacissimi mentem maxime commovebat. 45. Nam Habitus usque ad illius iudicii tempus nullum testamentum umquam fecerat: neque legare eius modi matri poterat animum inducere, neque testamento nomen omnino praetermittere parentis. Id cum Oppianicus sciret – neque enim erat obscurum-intellegebat Habito mortuo bona eius omnia ad matrem esse ventua, quae ab sese postea aucta pecunia maiore praemio, orbata filio minore periculo necaretur. Itaque his rebus incensus, qua ratione Habitum veneno tollere conatus sit cognoscite.

XVI. 46. C. et L. Fabricii fratres gemini fuerunt ex municipio Aletrinati, homines inter se cum forma tum moribus similes, municipum autem suorum dissimillimi, in quibus quantus splendor

sit, quam prope aequabilis, quam fere omnium constans et moderata ratio vitae, nemo vestrum, ut mea fert opinio, ignorat. His Fabriciis semper est usus Oppianicus familiarissime. Iam hoc fere scitis omnes, quantam vim habeat ad coniungendas amicitias studiorum ac naturae similitudo. Cum illi ita viverent ut nullum quaestum esse turpem arbitrarentur, cum omnis ab eis fraus, omnes insidiae circumscriptionesque adulescentium nascerentur, cumque essent vitiis atque improbitate omnibus noti, studiose, ut dixi, ad eorum se familiaritatem multis iam ante annis Oppianicus applicarat. 47. Itaque tum sic statuit, per C. Fabricium (nam Lucius erat mortuus) insidias Habito comparare. Erat illo tempore infirma valetudine Habitus; utebatur autem medico non ignobili, spectato homine, Cleophanto, cuius servum Diogenem Fabricius ad venenum Habito dandum spe et pretio sollicitare coepit. Servus non incallidus et, ut res ipsa declaravit, frugi atque integer, sermonem Fabrici non est aspernatus: rem ad dominum detulit. Cleophantus autem cum Habito est collocutus. Habitus statim cum M. Baebio senatore, familiarissimo suo, communicavit; qui qua fide, qua prudentia, qua diligentia fuerit, meminisse vos arbitror. Ei placuit ut Diogenem Habitus emeret a Cleophanto, quo facilius aut comprehenderetur res eius indicio aut falsa esse cognosceretur. Ne multa, Diogenes emitur: venenum diebus paucis comparatur: multi viri boni cum ex occulto intervenissent, pecunia obsignata, quae ob eam rem dabatur, in manibus Scamandri liberti Fabriciorum deprehenditur.

48. Pro di immortales! Oppianicum quisquam his rebus cognitis circumventum esse dicet? XVII. Quis umquam audacior, quis nocentior, quis apertior in iudicium adductus est? Quod ingenium, quae facultas dicendi, quae a quoquam excogitata defensio huic uni crimini potuit obsistere? Simul et illud quis est qui dubitet, quin hac re comperta manifestoque deprehensa aut obeunda mors Cluentio aut suscipienda accusatio fuerit?

49. Satis esse arbitror demonstratum, iudices, eis criminibus accusatum esse Oppianicum uti honeste absolvi nullo modo potuerit: cognoscite nunc ita reum citatum esse illum, ut re semel atque iterum praeiudicata condemnatus in iudicium venerit. Nam Cluentius, iudices, primum nomen eius detulit cuius in manibus venenum deprehenderat: is erat libertus Fabriciorum Scamander. Integrum

consilium, iudicii corrupti nulla suspicio: simplex in iudicium causa, certa res, unum crimen adlatum est. Hic tum C. Fabricius, is de quo ante dixi – qui liberto damnato sibi illud impendere periculum videret – quod mihi cum Aletrinatibus vicinitatem et cum plerisque eorum magnum usum esse sciebat, frequentes eos ad domum adduxit; qui quamquam de homine sicut necesse erat existimabant, tamen, quod erat ex eodem municipio, suae dignitatis esse arbitrabantur eum quibus rebus possent defendere; idque a me ut facerem et ut causam Scamandri susciperem petebant, in qua causa patroni omne periculum continebatur. 50. Ego, qui neque illis talibus viris ac tam amantibus mei rem possem ullam negare neque illud crimen tantum ac tam manifestum esse arbitrarer – sicut ne illi quidem ipsi qui mihi tum illam causam commendabant arbitrabantur, – pollicitus eis sum me omnia quae vellent esse facturum.

XVIII. Res agi coepta est: citatus est Scamander reus. Accusabat P. Cannutius, homo in primis ingeniosus et in dicendo exercitatus; accusabat autem ille quidem Scamandrum verbis tribus VENENUM ESSE DEPREHENSUM; omnia tela totius accusationis in Oppianicum coniciebantur, aperiebatur causa insidiarum, Fabriciorum familiaritas commemorabatur, hominis vita et audacia proferebatur, denique omnis accusatio varie graviterque tractata ad extremum manifesta veneni deprehensione conclusa est. 51. Hic ego tum ad respondendum surrexi, qua cura, di immortales! qua sollicitudine animi! quo timore! Semper equidem magno cum metu incipio dicere: quotienscumque dico, totiens mihi videor in iudicium venire non ingenii solum, sed etiam virtutis atque officii, ne aut id profiteri videar quod non possim [implere] quod est impudentiae, aut non id efficere quod possim, quod est aut perfidiae aut neglegentiae. Tum vero ita sum perturbatus ut omnia timerem: si nihil dixissem, ne infantissimus, si multa in eius modi causa dixissem, ne impudentissimus existimarer

XIX. Collegi me aliquando et ita constitui, fortiter esse agendum; illi aetati qua tum eram solere laudi dari, etiam si in minus firmis causis hominum periculis non defuissem. Itaque feci: sic puganvi, sic omni ratione contendi, sic ad omnia confugi, quantum ego adsequi potui, remedia ac perfugia causarum, ut hoc, quod timide dicam, consecutus sim, ne quis illi causae patronum defuisse arbitraretur. 52.

Sed ut quidquid ego apprehenderam, statim accusator extorquebat e manibus. Si quaesiveram quae inimicitiae Scamandro cum Habito, fatebatur nullas fuisse, sed Oppianicum, cuius ille minister fuisset, huic inimicissimum fuisse atque esse dicebat. Sin autem illud egeram, nullum ad Scamandrum morte Habiti venturum emolumentum fuisse, concedebat, sed ad uxorem Oppianici, hominis in uxoribus necandis exercitati, omnia bona Habiti ventura fuisse dicebat. Cum illa defensione usus essem, quae in libertinorum causis honestissima semper existimata est, Scamandrum patrono esse probatum, fatebatur, sed quaerebat cui probatus esset ipse patronus. 53. Cum ego pluribus verbis in eo commoratus essem, Scamandro insidias factas esse per Diogenem constitutumque inter eos alia de re fuisse, ut medicamentum, non venenum Diogenes adferret, hoc cuivis usu venire posse, quaerebat cur in eius modi locum, tam abditum, cur solus, cur cum obsignata pecunia venisset. Denique hoc loco causa testibus, honestissimis hominibus, premebatur. M. Baebius de suo consilio Diogenem emptum, se praesente Scamandrum cum veneno pecuniaque deprehensum esse dicebat; P. Quintilius Varus, homo summa religione et summa auctoritate praeditus, de insidiis quae fierent Habito, et de sollicitatione Diogenis recenti re secum Cleophantum collucutum esse dicebat. 54. Atque in illo iudicio cum Scamandrum nos defendere videremur, verbo ille reus erat, re quidem vera et periculo tota accusatione Oppianicus. Neque id obscure ferebat nec dissimulare ullo modo poterat: aderat frequens, advocabat, omni studio gratiaque pugnabat; postremo – id quod maximo malo illi causae fuit – hoc ipso in loco, quasi reus ipse esset, sedebat. Oculi omnium iudicum non in Scamandrum, sed in Oppianicum coniciebantur; timor eius, perturbatio, suspensus incertusque vultus, crebra coloris mutatio, quae erant antea suspiciosa, haec aperta et manifesta faciebant

XX. 55. Cum in consilium iri oporteret, quaesivit ab reo C. Iunius quaesitor, ex lege illa Cornelia quae tum erat, clam an palam de se sententiam ferri vellet: de Oppianici sententia responsum est, quod is Habiti familiarem Iunium esse dicebat, clam velle ferri. Itum est in consilium. Omnibus sententiis praeter unam, quam suam Staienus esse dicebat, Scamander prima actione condemnatus est. Quis tum erat omnium qui Scamandro condemnato non iudicium de Oppianico

factum esse arbitraretur? Quid est illa damnatione iudicatum nisi venenum id, quod Habito daretur, esse quaesitum? quae porro tenuissima suspicio collata in Scamandrum est aut conferri potuit, ut is sua sponte necare voluisse Habitum putaretur?

56. Atque hoc tum iudicio facto et Oppianico re et existimatione iam, lege et pronuntiatione nondum condemnato, tamen Habitus Oppianicum reum statim non fecit. Voluit cognoscere utrum iudices in eos solos essent severi quos venenum habuisse ipsos comperissent, an etiam consilia conscientiasque eius modi facinorum supplicio dignas iudicarent. Itaque C. Fabricium, quem propter familiaritatem Oppianici conscium illi facinori fuisse arbitrabatur, reum statim fecit, utique ei locus primus constitueretur propter causae coniunctionem impetravit. Hic tum Fabricius non modo ad me meos vicinos et amicos Aletrinates non adduxit, sed ipse eis neque defensioribus uti postea neque laudatoribus potuit; 57. rem enim integram hominis non alieni quamvis suspiciosam defendere humanitatis esse putabamus, iudicatam labefactare conari impudentiae. Itaque tum ille inopia et necessitate coactus in causa eius modi ad Caepasios fratres confugit, homines industrios atque eo animo ut quaecumque dicendi potestas esset data in honore atque in beneficio ponerent

XXI. Iam hoc prope iniquissime comparatum est quod in morbis corporis, ut quisque est difficillimus, ita medicus nobilissimus atque optimus quaeritur, in periculis capitis, ut quaeque causa difficillima est, ita deterrimus obscurissimusque patronus adhibetur; nisi forte hoc causae est, quod medici nihil praeter artificium, oratores etiam auctoritatem praestare debent. 58. Citatur reus, paucis verbis accusat, ut de re iudicata, Cannutius: incipit longo et alte petito prooemio respondere maior Caepasius. Primo attente auditur eius oratio. Erigebat animum iam demissum et oppressum Oppianicus; gaudebat ipse Fabricius; non intellegebat animos iudicum non illius eloquentia, sed defensionis impudentia commoveri. Postea quam de re coepit dicere, ad ea quae erant in causa addebat etiam ipse nova quaedam vulnera, ut, quamquam sedulo faciebat, tamen interdum non defendere, sed praevaricari accusationi videretur. Itaque cum callidissime se dicere putaret et cum illa verba gravissima ex intimo artificio deprompsisset, ‘Respicite, iudices, hominum fortunas, respicite dubios variosque casus, respicite C. Fabrici senectutem’ –

cum hoc ‘respicite’ ornandae orationis causa saepe dixisset, respexit ipse: at C. Fabricius a subselliis demisso capite discesserat. 59. Hic iudices ridere, stomachari atque acerbe ferre patronus causam sibi eripi et se cetera de illo loco ‘Respicite, iudices,’ non posse dicere; nec quicquam propius est factum quam ut illum persequeretur et collo obtorto ad subsellia reduceret, ut reliqua posset perorare. Ita tum Fabricius primum suo iudicio, quod est gravissimum, deinde legis vi et sententiis iudicum est condemnatus.

XXII. Quid est quod iam de Oppianici persona causaque plura dicamus? Apud eosdem iudices reus est factus, cum his duobus praeiudiciis iam damnatus esset; ab isdem autem iudicibus qui Fabriciorum damnatione de Oppianico iudicarant, locus ei primus est constitutus; accusatus est criminibus gravissimis, et eis quae a me breviter dicta sunt, et praeterea multis quae nunc ego omnia omitto; accusatus est apud eos qui Scamandrum ministrum Oppianici, C. Fabricium conscium maleficii condemnarant. 60. Utrum, per deos immortales! magis est mirandum, quod is condemnatus est, an quod omnino respondere ausus est? Quid enim illi iudices facere potuerunt? qui si innocentes Fabricios condemnassent, tamen in Oppianico sibi constare et superioribus consentire iudiciis debuerunt. An vero illi sua per se ipsi iudicia rescinderent, cum ceteri soleant in iudicando ne ab aliorum iudiciis discrepent providere? et ei qui Fabrici libertum, quia minister in maleficio fuerat, patronum, quia conscius, condemnassent, ipsum principem atque architectum sceleris absolverent? et qui ceteros nullo praeiudicio facto tamen ex ipsa causa condemnassent, hunc, quem bis iam condemnatum acceperant, liberarent? Tum vero illa iudicia senatoria, non falsa invidia sed vera atque insigni turpitudine notata atque operta dedecore et infamia, defensioni locum nullum reliquissent. Quid enim tandem illi iudices responderent, si qui ab eis quaereret: ‘Condemnastis Scamandrum: quo crimine?’ ‘Nempe, quod Habitum per servum medici veneno necare voluisset.’ ‘Quid Habiti morte Scamander consequebatur?’ ‘Nihil, sed administer erat Oppianici.’ ‘Et condemnastis C. Fabricium: quid ita?’ ‘Quia, cum ipse familiarissime Oppianico usus, libertus autem eius in maleficio deprehensus esset, illum expertem eius consilii fuisse non probabatur.’ Si igitur ipsum Oppianicum bis suis iudiciis

condemnatum absolvissent, quis tantam turpitudinem iudiciorum, quis tantam inconstantiam rerum iudicatarum, quis tantam libidinem iudicum ferre potuisset?

62. Quod si hoc videtis, quod iam hac omni oratione patefactum est, illo iudicio reum condemnari, praesertim ab isdem iudicibus qui duo praeiudicia fecissent, necesse fuisse, simul illud videatis necesse est, nullam accusatori causam esse potuisse cur iudicium vellet corrumpere

XXIII. Quaero enim de te, T. Acci, relictis iam ceteris argumentis omnibus, num Fabricios quoque innocentes condemnatos existimes, num etiam illa iudicia pecunia corrupta esse dicas, quibus in iudiciis alter a Staieno solo absolutus est, alter etiam ipse se condemnavit. Age, si nocentes, cuius maleficii? num quid praeter venenum quaesitum, quo Habitus necaretur, obiectum est? num quid aliud in illis iudiciis versatum est praeter hasce insidias Habito ab Oppianico per Fabricium factas? Nihil: nihil, inquam, aliud, iudices, reperietis. Exstat memoria, sunt tabulae publicae: redargue me, si mentior: testium dicta recita: doce in illorum iudiciis quid praeter hoc venenum Oppianici non modo in criminis, sed in male dicti loco sit obiectum. 63. Multa dici possunt qua re ita necesse fuerit iudicari, sed ego occurram exspectationi vestrae, iudices. Nam etsi a vobis sic audior ut numquam benignius neque attentius quemquam auditum putem, tamen vocat me alio iam dudum tacita vestra exspectatio, quae mihi obloqui videtur: ‘quid ergo? negasne illud iudicium esse corruptum?’ Non nego, sed ab hoc corruptum non esse confirmo. ‘A quo igitur est corruptum?’ Opinor, primum, si incertum fuisset quisnam exitus illius iudicii futurus esset, veri similius tamen esset eum potius corrupisse qui metuisset ne ipse condemnaretur, quam illum qui veritus esset ne alter absolveretur; deinde cum esset non dubium quid iudicari necesse esset, eum certe potius qui sibi alia ratione diffideret, quam eum qui omni ratione confideret; postremo certe potius illum qui bis apud eos iudices offendisset, quam eum qui bis causam eis probavisset. 64. Unum quidem certe nemo erit tam inimicus Cluentio qui mihi non concedat, si constet corruptum illud esse iudicium, aut ab Habito aut ab Oppianico esse corruptum: si doceo non ab Habito, vinco ab Oppianico; si ostendo ab Oppianico, purgo Habitum. Qua re, etsi satis docui rationem nullam huic

corrumpendi iudicii fuisse, ex quo intellegitur ab Oppianico esse corruptum, tamen de illo ipso separatim cognoscite.

XXIV. Atque ego illa non argumentabor, quae sunt gravia vehementer, eum corrupisse qui in periculo fuerit, eum qui metuerit, eum qui spem salutis in alia ratione non habuerit, eum qui semper singulari fuerit audacia. Multa sunt eius modi; verum cum habeam rem non dubiam sed apertam atque manifestam, enumeratio singulorum argumentorum non est necessaria. 65. Dico C. Aelio Staieno iudici pecuniam grandem Statium Albium ad corrumpendum iudicium dedisse. Num quis negat? Te, Oppianice, appello, te, T. Acci, quorum alter eloquentia damnationem illam, alter tacita pietate deplorat: audete negare ab Oppianico Staieno iudici pecuniam datam, negate, inquam, in eo loco. Quid tacetis? an negare non potestis quod repetistis, quod confessi estis, quod abstulistis? Quo tandem igitur ore mentionem corrupti iudicii facitis, cum ab ista parte iudici pecuniam ante iudicium datam, post iudicium ereptam esse fateamini? Quonam igitur haec modo gesta sunt? 66. Repetam paulo altius, iudices, et omnia quae in diuturna obscuritate latuerunt sic aperiam ut ea cernere oculis videamini. Vos quaeso – ut adhuc me attente audistis – item quae reliqua sunt audiatis: profecto nihil a me dicetur quod non dignum hoc conventu et silentio, dignum vestris studiis atque auribus esse videatur.

Nam ut primum Oppianicus ex eo quod Scamander reus erat factus quid sibi impenderet coepit suspicari, statim se ad hominis egentis, audacis, in iudiciis corrumpendis exercitati, tum autem iudicis, Staieni familiaritatem applicavit. Ac primum Scamandro reo tantum donis muneribusque perfecerat ut eo fautore uteretur cupidiore quam fides iudicis postulabat. 67. Post autem cum esset Scamander unius Staieni sententia absolutus, patronus autem Scamandri ne sua quidem sententia liberatus, acrioribus saluti suae remediis subveniendum putavit. Tum ab Staieno, sicut ab homine ad excogitandum acutissimo, ad audendum impudentissimo, ad efficiendum acerrimo – haec enim ille et aliqua ex parte habebat et maiore ex parte se habere simulabat – auxilium capiti ac fortunis suis petere coepit

XXV. Iam hoc non ignoratis, iudices, ut etiam bestiae fame monitae plerumque ad eum locum ubi pastae sint aliquando revertantur. 68. Staienus ille biennio ante, cum causam bonorum Safini Atellae recepisset, sescentis milibus nummum se iudicium corrupturum esse dixerat: quae cum accepisset a pupillo suppressit, iudicioque facto nec Safinio nec bonorum emptoribus reddidit. Quam cum pecuniam profudisset et sibi nihil non modo ad cupiditates suas, sed ne ad necessitatem quidem reliquisset, statuit ad easdem esse sibi praedas ac suppressiones iudicales revertendum. Itaque cum Oppianicum iam perditum et duobus iugulatum praeiudiciis videret, promissis suis eum excitavit abiectum et simul saluti desperare vetuit: Oppianicus autem orare hominem coepit ut sibi rationem ostenderet iudicii corrumpendi. Ille autem, quem ad modum ex ipso Oppianico postea est auditum, negavit quemquam esse in civitate praeter se qui id efficere possit. Sed primo gravari coepit, quod aedilitatem se petere cum hominibus nobilissimis et invidiam atque offensionem timere dicebat; post exoratus initio permagnam pecuniam poposcit; deinde ad id pervenit quod confici potuis, HS sescenta quadraginta milia deferri ad se domum iussit. Quae pecunia simul atque ad eum delata est, homo impurissimus statim coepit in eius modi mente et cogitatione versari, nihil esse suis rationibus utilius quam Oppianicum condemnari; illo absoluto pecuniam illam aut iudicibus dispertiendam aut ipsi esse reddundam; damnato

repetiturum esse neminem. 70. Itaque rem excogitat singularem. Atque haec, iudices, quae vera dicuntur a nobis, facilius credetis si cum animis vestris longo intervallo recordari C. Staieni vitam et naturam volueritis; nam perinde ut opinio est de cuiusque moribus, ita quid ab eo factum aut non factum sit existimari potest.

XXVI. Cum esset egens, sumptuosus, audax, callidus, perfidiosus, et cum domi suae miserrimis in locis et inanissimis tantum nummorum positum videret, ad omnem malitiam et fraudem versare suam mentem coepit: 'Ego dem iudicibus? mihi ipsi igitur praeter periculum et infamiam quid quaeretur? Nihil excogitem quam ob rem Oppianicum damnari necesse sit? Quid tandem, – nihil enim est quod non fieri possit, – si quis eum forte casus ex periculo eripuerit, nonne reddundum est? Praecipitantem igitur impellamus' inquit 'et perditum prosternamus.' 71. Capit hoc consilii, ut pecuniam quibusdam iudicibus levissimis polliceatur, deinde eam postea supprimat, ut, quoniam graves homines sua sponte severe iudicaturos putabat, eos qui leviores erant destitutione iratos Oppianico redderet. Itaque, ut erat semper praeposterus atque perversus, initium facit a Bulbo, et eum, quod iam diu nihil quaesierat, tristem atque oscitantem leviter impellit. 'Quid tu?' inquit, ecquid me adiuvas, Bulbe, ne gratis rei publicae serviamus?' Ille vero, simul atque hoc audivit 'ne gratis,' 'Quo voles,' inquit 'sequar: sed quid adfers?' Tum ei HS quadraginta milia, si esset absolutus Oppianicus, pollicetur, et eum ut ceteros appellet quibuscum loqui consuesset rogat. 72. Atque etiam ipse conditor totius negotii Guttam aspergit huic Bulbo; itaque minime amarus eis visus est qui aliquid ex eius sermone speculae degustarant. Unus et alter dies intercesserat cum res parum certa videbatur: sequester et confirmator pecuniae desiderabatur. Tum appellat hilaro vultu hominem Bulbus, ut blandissime potest: 'Quid tu,' inquit 'Paete?' – hoc enim sibi Staienus cognomen ex imaginibus Aeliorum delegerat, ne, si se Ligurem fecisset, nationis magis quam generis uti cognomine videretur – 'qua de re mecum locutus es, quaerunt a me ubi sit pecunia.' Hic ille planus improbissimus, quaestu iudiciario pastus, qui illi pecuniae quam condiderat spe iam atque animo incubaret, contrahit frontem – recordamini faciem atque illos eius fictos simulatosque vultus – et, qui esset totus ex fraude et mendacio

factus, quique ea vitia quae a natura habebat etiam studio atque artificio quodam malitiae condivisset, pulchre adseverat sese ab Oppianico destitutum, atque hoc addit testimonii, sua illum sententia, cum palam omnes laturi essent, condemnatum iri

XXVII. 73. Manarat sermo in consilio pecuniae quandam mentionem inter iudices esse versatam: res neque tam fuerat occulta quam erat occultanda, neque tam erat aperta quam rei publicae causa aperienda. In ea obscuritate ac dubitatione omnium Cannutio, perito homini, qui quodam odore suspicionis Staienum corruptum esse sensisset neque dum rem perfectam arbitraretur, placuit repente pronuntiari DIXERUNT. Hic tum Oppianicus non magno opere pertimuit; rem a Staieno perfectam esse arbitrabatur. 74. In consilium erant ituri iudices XXXII; sententiis XVI absolutio confici poterat; quadragena milia nummum in singulos iudices distributa eum numerum sententiarum conficere debebant, ut ad cumulum spe maiorum praemiorum ipsius Staieni sententia septima decima accederet. Atque etiam casu tum, quod illud repente erat factum, Staienus ipse non aderat; causam nescio quam apud iudicem defendebat. Facile hoc Habitus patiebatur, facile Cannutius, at non Oppianicus neque patronus eius L. Quinctius; qui cum esset illo tempore tribunus plebis, convicium C. Iunio iudici quaestionis maximum fecit ut ne sine illo in consilium iretur; cumque id ei per viatores consulto neglegentius agi videretur, ipse e publico iudicio ad privatum Staieni iudicium profectus est et illud pro potestate dimitti iussit; Staienum ipse ad subsellia adduxit. 75. Consurgitur in consilium, cum sententias Oppianicus, quae tum erat potestas, palam ferri velle dixisset, ut Staienus scire posset quid cuique deberetur. Varia iudicum genera: nummarii pauci, sed omnes irati. Ut qui accipere in campo consuerunt eis candidatis quorum nummos suppressos esse putant inimicissimi solent esse, sic eius modi iudices infesti tum reo venerant; ceteri nocentissimum esse arbitrabantur, sed exspectabant sententias eorum quos corruptos esse putabant, ut ex eis constituerent a quo iudicium corruptum videretur

XVIII. Ecce tibi eius modi sortitio ut in primis Bulbo et Staieno et Guttae esset iudicandum! Summa omnium exspectatio quidnam sententiae ferrent leves ac nummarii iudices. Atque illi omnes sine ulla dubitatione condemnant. 76. Hic tum iniectus est hominibus

scrupulus et quaedam dubitatio quidnam esset actum. Deinde homines sapientes et ex vetere illa disciplina iudiciorum, qui neque absolvere hominem nocentissimum possent, neque eum de quo esset orta suspicio pecunia oppugnatum, re illa incognita, primo condemnare vellent, non liquere dixerunt. Non nulli autem severi homines – qui hoc statuerunt, quo quisque animo quid faceret spectari oportere – etsi alii pecunia accepta verum iudicabant, tamen nihilo minus se superioribus suis iudiciis constare putabant oportere; itaque damnarunt. Quinque omnino fuerunt qui illum vestrum innocentem Oppianicum sive imprudentia sive misericordia sive aliqua suspicione sive ambitione adducti absolverunt.

77. Condemnato Oppianico statim L. Quinctius, homo maxime popularis, qui omnes rumorum et contionum ventos colligere consuesset, oblatam sibi facultatem putavit ut ex invidia senatoria posset crescere, quod eius ordinis iudicia minus iam probari populo arbitrabatur. Habetur una atque altera contio vehemens et gravis: accepisse pecuniam iudices ut innocentem reum condemnarent, tribunus plebis clamitabat; agi fortunas omnium dicebat; nulla esse iudicia; qui pecuniosum inimicum haberet, incolumem esse neminem posse. Homines totius ignari negotii, qui Oppianicum numquam vidissent, virum optimum et hominem pudentissimum pecunia oppressum esse arbitrarentur, incensi suspicione rem in medium vocare coeperunt et causam illam totam deposcere. 78. Atque illo ipso tempore in aedes T. Anni, hominis honestissimi, necessarii et amici mei, noctu Staienus arcessitus ab Oppianico venit. Iam cetera nota sunt omnibus: ut cum illo Oppianicus egerit de pecunia, ut ille se redditurum esse dixerit, ut eum sermonem audierint omnem viri boni qui tum consulto propter in occulto stetissent, ut res patefacta et in forum prolata et pecunia omnis Staieno extorta atque erepta sit

XXIX. Huius Staieni persona populo iam nota atque perspecta ab nulla turpi suspicione abhorrebat. Suppressam esse ab eo pecuniam quam pro reo pronuntiasset, qui erant in contione non intellegebant, (neque enim docebantur); versatam esse in iudicio mentionem pecuniae sentiebant; innocentem reum condemnatum audiebant; Staieni sententia condemnatum videbant; non gratis id ab eo factum esse, quod hominem norant, iudicabant. Similis in Bulbo, in Gutta, in aliis non nullis suspicio consistebat. 79. Itaque confiteor – licet enim

iam impune, hoc praesertim in loco, confiteri – quod Oppianici non modo vita, sed etiam nomen ante illud tempus populo ignotum fuisset, indignissimum porro videretur circumventum esse innocentem pecunia, hanc deinde suspicionem augeret Staieni improbitas et non nullorum eius similium iudicum turpitudo, causam autem ageret L. Quinctius, homo cum summa potestate praeditus, tum ad inflammandos animos multitudinis accommodatus, summam illi iudicio invidiam infamiamque esse conflatam; atque in hanc flammam recentem tum C. Iunium, qui illi quaestioni praefuerat, iniectum esse memini, et illum hominem aedilicium iam praetorem opinionibus *omnium* constitutum, non disceptatione dicendi, sed clamore hominum de foro atque adeo de civitate esse sublatum.

80. Neque me paenitet hoc tempore potius quam illo causam A. Cluenti defendere. Causa enim manet eadem, quae mutari nullo modo potest: temporis iniquitas atque invidia recessit, ut quod in tempore mali fuit nihil obsit, quod in causa boni fuit prosit. Itaque nunc quem ad modum audiar sentio, non modo ab eis quorum iudicium ac potestas est, sed etiam ab illis quorum tantum est existimatio; at tum si dicerem, non audirer, non quod alia res esset, immo eadem, sed tempus aliud

XXX. Id adeo sic cognoscite. Quis tum auderet dicere nocentem condemnatum esse Oppianicum? quis nunc audet negare? Quis tum posset arguere ab Oppianico temptatum esse iudicium pecunia? quis id hoc tempore infitiari potest? Cui tum liceret docere Oppianicum reum factum esse tum denique cum duobus proximis praeiudiciis condemnatus esset? quis est qui id hoc tempore infirmare conetur? 81. Qua re invidia remota, quam dies mitigavit, oratio mea deprecata est, vestra fides atque aequitas a veritatis disceptatione reiecit, quid est praeterea quod in causa relinquatur? Versatam esse in iudicio pecuniam constat: ea quaeritur unde profecta sit, ab accusatore an ab reo. Dicit accusator haec: ‘Primum gravissimis criminibus accusabam, ut nihil opus esset pecunia; deinde condemnatum adducebam, ut ne eripi quidem pecunia posset; postremo, etiam si absolutus fuisset, mearum tamen omnium fortunarum status incolumis maneret.’ Quid contra reus? ‘Primum ipsam multitudinem criminum et atrocitatem pertimescebam; deinde Fabriciis propter conscientiam mei sceleris condemnatis me esse condemnatum

sentiebam; postremo in eum casum veneram ut omnis mearum fortunarum status unius iudicii periculo contineretur.'

82. Age, quoniam corrumpendi iudicii causas ille multas et graves habuit, hic nullam, profectio ipsius pecuniae requiratur. Confecit tabulas diligentissime Cluentius; haec autem res habet hoc certe, ut nihil possit neque additum neque detractum de re familiari latere. Anni sunt octo cum ista causa in ista meditatione versatur, cum omnia quae ad eam rem pertinent et ex huius et ex aliorum tabulis agitatis, tractatis, inquiritis: cum interea Cluentianae pecuniae vestigium nullum invenitis. Quid? Albiana pecunia vestigiisne nobis odoranda est an ad ipsum cubile vobis ducibus venire possumus? Tenentur uno in loco HS DCXL milia; tenentur apud hominem audacissimum; tenentur apud iudicem. 83. Quid vultis amplius? At enim Staienus non fuit ab Oppianico, sed a Cluentio ad iudicium corrumpendum constitutus. Cur eum, cum in consilium iretur, Cluentius et Cannutius abesse patiebantur? Cur, cum in consilium mittebant, Staienum iudicem cui, quod *tu dicis*, pecuniam dederant non requirebant; Oppianicus querebatur; Quinctius flagitabat; sine Staieno ne in consilium iretur, tribunicia potestate effectum est? At condemnavit. Hanc enim condemnationem dederat obsidem Bulbo et ceteris, ut destitutus ab Oppianico videretur. Qua re si istinc causa corrumpendi iudicii, si istinc pecunia, istinc Staienus, istinc denique omnis fraus et audacia est, hinc pudor, honesta vita, nulla suspicio pecuniae, nulla corrumpendi iudicii causa, patimini veritate patefacta atque omni errore sublato eo transire illius turpitudinis infamiam ubi cetera maleficia consistunt: ab eo invidiam discedere aliquando ad quem numquam accesisse culpam videtis.

XXXI. 84. At enim pecuniam Staieno dedit Oppianicus non ad corrumpendum iudicium, sed ad conciliationem gratiae. Tene hoc, Acci, dicere, tali prudentia, etiam usu atque exercitatione praeditum! Sapientissimum esse dicunt eum cui quod opus sit ipsi veniat in mentem; proxime accedere illum qui alterius bene inventis obtemperet. In stultitia contra est: minus enim stultus est is cui nihil in mentem venit, quam ille qui quod stulte alteri venit in mentem comprobat. Istam conciliationem gratiae Staienus tum recenti re, cum faucibus premeretur, excogitavit; sive, ut homines tum loquebantur, a P. Cethego admonitus, istam dedit 'conciliationis' et 'gratiae'

fabulam. 85. Nam fuisse hunc tum hominum sermonem recordari potestis: Cethegum, quod hominem odisset et quod eius improbitatem versari in re publica nollet et quod videret eum qui se ab reo pecuniam, cum iudex esset, clam atque extra ordinem accepisse confessus esset, salvum esse non posse, minus ei fidele consilium dedisse. In hoc si improbus Cethegus fuit, videtur mihi adversarium removere voluisse; sin erat eius modi causa ut Staienus nummos se accepisse negare non posset, nihil autem erat periculosius nec turpius quam ad quam rem accepisset confiteri, non est consilium Cethegi reprehendendum. 86. Verum alia causa tum Staieni fuit, alia nunc, Acci, tua est. Ille, cum re premeretur, quodcumque diceret, honestius diceret quam si quod erat factum fateretur; te vero illud idem, quod tum explosum et eiectum est, nunc rettulisse demiror. Qui enim poterat tum in gratiam redire cum Oppianico Cluentius? Haerebat in tabulis publicis reus et accusator: condemnati erant Fabricii: nec elabi alio accusatore poterat Albius nec sine ignominia calumniae relinquere accusationem Cluentius.

XXXII. 87. An ut praevaricaretur? Iam id quoque ad corrumpendum iudicium pertinet. Sed quid opus erat ad eam rem iudice sequestre? et omnino quam ob rem tota ista res per Staienum potius, hominem ab utroque alienissimum, sordidissimum, turpissimum, quam per bonum aliquem virum ageretur et amicum necessariumque communem? Sed quid ego haec pluribus quasi de re obscura disputo, cum ipsa pecunia quae Staieno data est numero ac summa sua non modo quanta fuerit, sed etiam ad quam rem fuerit ostendat? Sedecim dico iudices, ut Oppianicus absolveretur, corrumpendos fuisse: ad Staienum sescenta quadraginta milia nummum esse delata. Si, ut tu dicis, gratiae conciliandae causa, quadraginta istorum accessio milium quid valet? si, ut nos dicimus, ut quadragena milia sedecim iudicibus darentur, non Archimedes melius potuit discribere.

88. At enim iudicia facta permulta sunt a Cluentio iudicium esse corruptum. Immo vero ante hoc tempus omnino ista ipsa res suo nomine in iudicium numquam est vocata. Ita multum agitata, ita diu iactata ista res est, ut hodierno die primum causa illa defensa sit, hodierno die primum veritas vocem contra invidiam his iudicibus freta miserit. Verum tamen ista multa iudicia quae sunt? Ego enim

me ad omnia confirmavi et sic paravi ut docerem quae facta postea iudicia de illo iudicio dicerentur partim ruinae similiora aut tempestati quam iudicio et disceptationi fuisse, partim nihil contra Habitum valere, partim etiam pro hoc esse, partim esse eius modi ut neque appellata umquam iudicia sint neque existimata. 89. Hic ego magis ut consuetudinem servem, quam quod vos non vestra hoc sponte faciatis, petam a vobis ut me, dum de his singulis disputo iudiciis, attente audiatis.

XXXIII. Condemnatus est C. Iunius, qui ei quaestioni praefuerat. Adde etiam illud, si placet: tum est condemnatus cum esset iudex quaestionis. Non modo causae, sed ne legi quidem quicquam per tribunum plebis laxamenti datum est: quo tempore illum a quaestione ad nullum aliud rei publicae munus abduci licebat, eo tempore ad quaestionem ipse abreptus est. At ad quam quaestionem? vultus enim vestri, iudices, me invitant ut quae reticenda putaram libeat iam libere dicere. 90. Quid? illa tandem quaestio aut disceptatio aut iudicium fuit? Putabo fuisse. Dicat qui vult hodie de illo populo concitato, cui tum populo mos gestus est, qua de re Iunius causam dixerit: quemcumque rogaveris, hoc respondebit, quod pecuniam acceperit, quod innocentem circumvenerit. Est haec opinio. At, si ita esset, hac lege accusatum oportuit qua accusatur Habitus. At ipse ea lege quaerebat. Paucos dies exspectasset Quinctius. At neque privatus accusare nec sedata iam invidia volebat. Videtis igitur non in causa, sed in tempore ac potestate spem omnem accusatoris fuisse. 91. Multam petivit. Qua lege? Quod in legem non iurasset, quae res nemini umquam fraudi fuit, et quod C. Verres, praetor urbanus, homo sanctus et diligens, subsortitionem eius in eo codice non haberet qui tum interlitus proferebatur. His de causis C. Iunius condemnatus est, iudices, levissimis et infirmissimis, quas omnino in iudicium adferri non oportuit; itaque oppressus est non causa, sed tempore

XXXIV. 92. Hoc vos Cluentio iudicium putatis obesse oportere? Quam ob causam? Si ex lege subsortitus non erat Iunius aut si in aliquam legem aliquando non iuraverat, idcirco illius damnatione aliquid de Cluentio iudicabatur? ‘Non,’ inquit, ‘sed ille idcirco illis legibus condemnatus est, quod contra aliam legem commiserat.’ Qui hoc confitentur possunt idem illud iudicium fuisse defendere? ‘Ergo’

inquit ‘idcirco infestus tum populus Romanus fuit C. Iunio, quod illud iudicium corruptum per eum putabatur.’ Num igitur hoc tempore causa mutata est? num alia res, alia ratio illius iudicii, alia natura totius negotii nunc est ac tum fuit? Non opinor ex eis rebus quae gestae sunt rem ullam potuisse mutari. 93. Quid ergo est causae quod nunc nostra defensio audiatur tanto silentio, tum Iunio defendendi sui potestas erepta sit? Quia tum in causa nihil erat praeter invidiam, errorem, suspicionem, contiones cotidianas seditiose ac populariter concitatas. Accusabat tribunus plebis idem in contionibus, idem ad subsellia; ad iudicium non modo de contione, sed etiam cum ipsa contione veniebat; gradus illi Aurelii tum novi quasi pro theatro illi iudicio aedificati videbantur, quos ubi accusator concitatis hominibus complerat, non modo dicendi ab reo, sed ne surgendi quidem potestas erat. 94. Nuper apud C. Orchivium, collegam meum, locus ab iudicibus Fausto Sullae de pecuniis residuis non est constitutus, non quo illi aut exlegem esse Sullam aut causam pecuniae publicae contemptam atque abiectam putarent, sed quod accusante tribuno plebis condicione aequa disceptari posse non putarunt. Quid? conferam Sullamne cum Iunio? an hunc tribunum plebis cum Quinctio? an vero tempus cum tempore? Sulla maximis opibus, cognatis, adfinibus, necessariis, clientibus plurimis, haec autem apud Iunium parva et infirma et ipsius labore quaesita atque collecta: hic tribunus plebis modestus, prudens, non modo non seditiosus, sed etiam seditiosis adversarius, ille autem acerbus, criminosus, popularis homo ac turbulentus: tempus hoc tranquillum atque pacatum, illud omnibus invidiae tempestatibus concitatum. Quae cum ita essent, in Fausto tamen illi iudices statuerunt iniqua condicione reum causam dicere, cum adversario eius ad ius accusationis summa vis potestatis accederet

XXXV. 95. Quam quidem rationem vos, iudices, diligenter pro vestra sapientia et humanitate cogitare, et penitus perspicere debetis quid mali, quantum periculi uni cuique nostrum inferre possit vis tribunicia, conflata praesertim invidia et contionibus seditiose concitatis. Optimis hercule temporibus, tum cum homines se non iactatione populari, sed dignitate atque innocentia tuebantur, tamen nec P. Popilius neque Q. Metellus, clarissimi viri atque amplissimi, vim tribuniciam sustinere potuerunt; nedum his temporibus, his

moribus, his magistratibus sine vestra sapientia ac sine iudiciorum remediis salvi esse possimus. 96. Non fuit illud igitur iudicium iudicii simile, iudices, non fuit, in quo non modus ullus est adhibitus, non mos consuetudoque servata, non causa defensa: vis illa fuit et, ut saepe iam dixi, ruina quaedam atque tempestas et quidvis potius quam iudicium aut disceptatio aut quaestio. Quod si quis est qui illud iudicium fuisse arbitretur et qui his rebus iudicatis standum putet, is tamen hanc causam ab illa debet seiungere; ab illo enim, sive quod in legem non iurasset sive quod e lege subsortitus iudicem non esset, multa petita esse dicitur, Cluenti autem ratio cum illis legibus quibus a Iunio multa petita est nulla potest ex parte esse coniuncta.

97. At enim etiam Bulbus est condemnatus. Adde maiestatis, ut intellegas hoc iudicium cum illo non esse coniunctum. At est hoc illi crimen obiectum. Fateor, sed etiam legionem esse ab eo sollicitatam in Illyrico C. Cosconi litteris et multorum testimoniis planum factum est, quod crimen erat proprium illius quaestionis et quae res lege maiestatis tenebatur. At hoc obfuit ei maxime. Iam ista divinatio est; qua si uti licet, vide ne mea coniectura multo sit verior. Ego enim sic arbitror, Bulbum, quod homo nequam, turpis, improbus, multis flagitiis contaminatus in iudicium sit adductus, idcirco facilius esse damnatum: tu mihi ex tota causa Bulbi quod tibi commodum est eligis, ut id esse secutos iudices dicas.

XXXVI. 98. Quapropter hoc Bulbi iudicium non plus huic obesse causae debet quam illa quae commemorata sunt ab accusatore duo iudicia, P. Popili et Ti. Guttae, qui causam de ambitu dixerunt. Qui accusati sunt ab eis qui erant ipsi ambitus condemnati: quos ego non idcirco esse arbitror in integrum restitutos quod planum fecerint illos ob rem iudicandam pecuniam accepisse, sed quod iudicibus probaverint, cum in eodem genere in quo ipsi offendissent alios reprehendissent, se ad praemia legis venire oportere. Quapropter neminem dubitare existimo quin illa damnatio ambitus nulla ex parte cum causa Cluenti vestroque iudicio coniuncta esse possit.

99. Quid, quod Staienus est condemnatus? Non dico hoc tempore, iudices, id quod nescio an dici oporteat, illum maiestatis esse condemnatum. Non recito testimonia hominum honestissimorum, quae in Staienum sunt dicta ab eis qui M. Aemilio, clarissimo viro, legati et praefecti et tribuni militares fuerunt; quorum testimoniis

planum factum est maxime eius opera, cum quaestor esset, in exercitu seditionem esse conflatam. Ne illa quidem testimonia recito quae dicta sunt de HS DC milibus, quae ille cum accepisset nomine iudicii Safiniani, sicut in Oppianici iudicio postea, reticuit atque suppressit. 100. Omitto et haec et alia permulta quae illo iudicio in Staienum dicta sunt: hoc dico, eandem tum fuisse P. et L. Cominiis, equitibus Romanis, honestis hominibus et disertis, controversiam cum Staieno, quem accusabant, quae nunc mihi est cum Accio. Cominii dicebant idem quod ego dico, Staienum ab Oppianico pecuniam accepisse ut iudicium corrumperet: Staienus conciliandae gratiae causa accepisse dicebat. 101. Irridebatur haec illius reconciliatio et persona viri boni suscepta, sicut in statuis inauratis quas posuit ad Iuturnae, quibus subscripsit reges a se in gratiam esse reductos; exagitabantur omnes eius fraudes atque fallaciae; tota vita in eius modi ratione versata aperiebatur; egestas domestica, quaestus forensis in medium proferebatur; nummarius interpres pacis et concordiae non probabatur. Itaque cum Staienus, cum idem defenderet quod Accius, condemnatus est; 102. Cominii cum hoc agerent, quod nos in tota causa egimus, probaverunt. Quam ob rem si Staieni damnatione Oppianicum iudicium corrumpere voluisse, Oppianicum iudici ad emendas sententias dedisse pecuniam iudicatum est, cum ita constitutum sit ut in illa culpa aut Cluentius sit aut Oppianicus, Cluenti nummus nullus iudici datus ullo vestigio reperietur, Oppianici pecunia post iudicium factum ab iudice ablata est, – potest esse dubium quin illa damnatio Staieni non modo non sit contra Cluentium, sed maxime nostram causam defensionemque confirmet?

XXXVII. 103. Ergo adhuc Iuni iudicium video esse eius modi ut incursionem potius seditionis, vim multitudinis, impetum tribunicium, quam iudicium appellandum putem. Quod si quis illud iudicium appellet, tamen hoc confiteatur necesse est, nullo modo illam multam quae ab Iunio petita sit cum Cluenti causa posse coniungi. Illud igitur Iunianum per vim factum est: Bulbi et Popili et Guttae contra Cluentium non est: Staieni etiam pro Cluentio est.

Videamus ecquid aliud iudicium, quod pro Cluentio sit, proferre possimus. Dixitne tandem causam C. Fidiculanius Falcula, qui Oppianicum condemnarat, cum praesertim, – id quod fuit in illo

iudicio invidiosissimum, – paucos dies ex subsortitione sedisset? Dixit et bis quidem dixit; in summam enim L. Quinctius invidiam contionibus eum cotidianis seditiosis et turbulentis adduxerat. Uno iudicio multa est ab eo petita, sicut ab Iunio, quod non suae decuriae munere neque ex lege sedisset. Paulo sedatiore tempore est accusatus quam Iunius, sed eadem fere lege et crimine: quia nulla in iudicio seditio neque vis nec turba versata est, prima actione facillime est absolutus. Non numero hanc absolutionem; nihilo minus enim potest, ut illam multam non commiserit, accepisse tamen ob rem iudicandam [*pecuniam*, *sicut causam pecunia*] capta nusquam Staienus eadem lege dixit. Proprium crimen illud quaestionis eius non fuit. 104. Fidiculanius quid fecisse dicebatur? accepisse a Cluentio HS CCCC milia. Cuius erat ordinis? senatorii. Qua lege in eo genere a senatore ratio repeti solet, de pecuniis repetundis, ea lege accusatus honestissime est absolutus; acta est enim causa more maiorum, sine vi, sine metu, sine periculo; dicta et exposita et demonstrata sunt omnia; adducti iudices sunt non modo potuisse honeste ab eo reum condemnari qui non perpetuo sedisset, sed, aliud si is iudex nihil scisset nisi quae praeiudicia de eo facta esse constarent, audire praeterea nihil debuisse

XXXVIII. 105. Tum etiam illi quinque qui, imperitorum hominum rumusculos aucupati, tum illum absolverunt, iam suam clementiam laudari magno opere nolebant. A quibus si qui quaereret sedissentne iudices in C. Fabricium, sedisse se dicerent; si interrogarentur num quo crimine is esset accusatus praeterquam veneni eius quod quaesitum Habito diceretur, negarent; si deinde essent rogati quid iudicassent, condemnasse se dicerent; nemo enim absolvit. Eodem modo quaesitum si esset de Scamandro, certe idem respondissent; tametsi ille una sententia est absolutus, sed illam unam nemo tum istorum suam dici vellet. 106. Uter igitur facilius suae sententiae rationem redderet: isne qui se et sibi et rei iudicatae constitisse dicit, an ille qui se in principem maleficii lenem, in adiutores eius et conscios vehementissimum esse respondet? Quorum ego de sententia non debeo disputare; neque enim dubito quin ii tales viri suspicione aliqua perculsi repentina de statu suo declinarint. Qua re eorum qui absolverunt misericordiam non reprehendo, eorum qui in iudicando superiora iudicia secuti sunt (sua sponte, non Staieni

fraude) constantiam comprobo, eorum vero qui sibi non liquere dixerunt sapientiam laudo, – qui absolvere eum quem nocentissimum cognorant, et quem ipsi bis iam antea condemnarant nullo modo poterant, condemnare, cum tanta consilii infamia et tam atrocis rei suspicio esset iniecta, paulo posterius patefacta re maluerunt. 107. Ac ne ex facto solum sapientes illos iudicetis, sed etiam ex hominibus ipsis quod hi fecerunt rectissime ac sapientissime factum probetis, quis P. Octavio Balbo ingenio prudentior, iure peritior, fide, religione, officio diligentior aut sanctior commemorari potest? Non absolvit. Quis Q. Considio constantior, quis iudiciorum atque eius dignitatis quae in iudiciis publicis versari debet peritior, quis virtute, consilio, auctoritate praestantior? Ne is quidem absolvit. Longum est de singulorum virtute ita dicere; quae cognita sunt ab omnibus verborum ornamenta non quaerunt. Qualis vir M. Iuventius Pedo fuit ex vetere illa iudicum disciplina, qualis L. Caulius Mergus, M. Basilus, C. Caudinus! qui omnes in iudiciis publicis iam tum florente re publica floruerunt. Ex eodem numero L. Cassius, Cn. Heius, pari et integritate et prudentia; quorum nullius sententia est Oppianicus absolutus. Atque in his omnibus natu minimus, ingenio et diligentia et religione par eis quos antea commemoravi, P. Saturius, in eadem sententia fuit. 108. O innocentiam Oppianici singularem, quo in reo qui absolvit ambitiosus, qui distulit cautus, qui condemnavit constans existimatur!

XXXIX. Haec tum agente Quinctio neque in contione neque in iudicio demonstrata sunt; neque enim ipse dici patiebatur nec per multitudinem concitatam consistere cuiquam in dicendo licebat. Itaque ipse postquam Iunium pervertit, totam causam reliquit; paucis enim diebus illis et ipse privatus est factus et hominum studia defervisse intellegebat. Quod si per quos dies Iunium accusavit Fidiculanium accusare voluisset, respondendi Fidiculanio potestas facta non esset. Ac primo quidem omnibus illis iudicibus qui Oppianicum condemnarant minabatur. 109. Iam insolentiam noratis hominis, noratis animos eius ac spiritus tribunicios. Quod erat odium, di immortales, quae superbia, quanta ignorantia sui, quam gravis atque intolerabilis arrogantia! qui illud iam ipsum acerbe tulerit, ex quo illa nata sunt omnia, non sibi ac defensioni suae condonatum esse Oppianicum: proinde quasi non satis signi esse debuerit ab

omnibus eum fuisse desertum qui se ad patronum illum contulisset. Erat enim Romae summa copia patronorum, hominum eloquentissimorum atque amplissimorum, quorum certe aliquis defendisset equitem Romanum, in municipio suo nobilem, si honeste putaset eius modi causam posse defendi

XL. 110. Nam Quinctius quidem quam causam umquam antea dixerat, cum annos ad quinquaginta natus esset? quis eum umquam non modo in patroni, sed in laudatoris aut advocati loco viderat? Qui quod rostra iam diu vacua locumque illum post adventum L. Sullae a tribunicia voce desertum oppresserat, multitudinemque desuefactam iam a contionibus ad veteris consuetudinis similitudinem revocarat, idcirco cuidam hominum generi paulisper iucundior fuit. Atque idem quanto in odio postea fuit illis ipsis per quos in altiorem locum ascenderat! 111. Neque iniuria; facite enim ut non solum mores eius et arrogantiam, sed etiam vultum atque amictum, atque illam usque ad talos demissam purpuram recordemini! Is, quasi non esset ullo modo ferendum se ex iudicio discessisse victum, rem a subselliis ad rostra detulit. Et iam querimur saepe hominibus novis non satis magnos in hac civitate esse fructus? Nego usquam umquam fuisse maiores, ubi si quis ignobili loco natus ita vivit ut nobilitatis dignitatem virtute tueri posse videatur, usque eo pervenit quoad eum industria cum innocentia prosecuta est; 112. si quis autem hoc uno nititur, quod sit ignobilis, procedit saepe longius quam si idem ille esset cum isdem suis vitiis nobilissimus. Ut Quinctius – nihil enim dicam de ceteris – si fuisset homo nobilis, quis eum cum illa superbia atque intolerantia ferre potuisset? Quod eo loco fuit, ita tulerunt ut, si quid haberet a natura boni, prodesse ei putarent oportere, superbiam autem atque arrogantiam eius deridendam magis arbitrarentur propter humilitatem hominis quam pertimescendam.

XLI. Sed, ut illuc revertar, quo tempore Fidiculanius est absolutus tu, qui iudicia facta commemoras, quid tum esse existimas iudicatum? certe gratis iudicasse. 113. At condemnarat, at causam totam non audierat, at in contionibus a L. Quinctio vehementer erat et saepe vexatus. Illa igitur omnia Quinctiana iniqua, falsa, turbulenta, popularia, seditiosa iudicia fuerunt. Esto: potuit esse innocens Falcula. Iam ergo aliqui Oppianicum gratis condemnavit; iam non eos Iunius subsortitus est qui pecunia accepta

condemnarent; iam videtur aliqui ab initio non sedisse et tamen Oppianicum gratis condemnasse. Verum, si innocens Falcula, quaero quis sit nocens? si hic gratis condemnavit, quis accepit? Nego rem esse ullam in quemquam illorum obiectam quae Fidiculanio non obiecta sit, aliquid fuisse in Fidiculani causa quod idem non esset in ceterorum. 114. Aut hoc iudicium reprehendas tu, cuius accusatio rebus iudicatis niti videbatur, necesse est, aut, si hoc verum esse concedis, Oppianicum gratis condemnatum esse fateare.

Quamquam satis magno argumento esse debet, quod ex tam multis iudicibus absoluto Falcula nemo reus factus est. Quid enim mihi damnatos ambitus colligitis, alia lege, certis criminibus, plurimis testibus? cum primum illi ipsi debuerint potius accusari de pecuniis repetundis quam ambitus; nam si in ambitus iudiciis hoc eis obfuit, cum alia lege causam dicerent, certe, si propria lege huius peccati adducti essent, multo plus obfuisset. 115. Deinde si tanta vis fuit istius criminis, ut, qua quisque lege ex illis iudicibus reus factus esset, tamen hac plaga periret, cur in tanta multitudine accusatorum, tantis praemiis, ceteri rei facti non sunt? Hic profertur id quod iudicium appellari non oportet, P. Septimio Scaevolae litem eo nomine esse aestimatam. Cuius rei quae consuetudo sit, quoniam apud homines peritissimos dico, pluribus verbis docere non debeo; numquam enim ea diligentia quae solet adhiberi in ceteris iudiciis eadem reo damnato adhibita est. 116. In litibus aestimandis fere iudices aut, quod sibi eum quem semel condemnarunt inimicum putant esse, si quae in eum lis capitis illata est, non admittunt, aut, quod se perfunctos iam esse arbitrantur, cum de reo iudicarunt, neglegentius attendunt cetera. Itaque et maiestatis absoluti sunt permulti, quibus damnatis de pecuniis repetundis lites maiestatis essent aestimatae, et hoc cotidie fieri videmus, ut reo damnato de pecuniis repetundis, ad quos pervenisse pecunias in litibus aestimandis statutum sit, eos idem iudices absolvant; quod cum fit, non iudicia rescinduntur, sed hoc statuitur, aestimationem litium non esse iudicium. Scaevola condemnatus est aliis criminibus, frequentissimis Apuliae testibus; omni contentione pugnatum est uti lis haec capitis aestimaretur. Quae res si rei iudicatae pondus habuisset, ille postea vel isdem vel aliis inimicis reus hac lege ipsa factus esset.

XLII. 117. Sequitur id quod illi iudicium appellant, maiores autem nostri numquam neque iudicium nominarunt neque proinde ut rem iudicatam observarunt, animadversionem atque auctoritatem censoriam. Qua de re ante quam dicere incipio, perpauca mihi de meo officio verba faciunda sunt, ut a me cum huiusce periculi tum ceterorum quoque officiorum et amicitiarum ratio conservata esse videatur. Nam mihi cum viris fortibus qui censores proxime fuerunt ambobus est amicitia, cum altero vero, sicuti plerique vestrum sciunt, magnus usus et summa utriusque officiis constituta necessitudo. 118. Qua re quicquid de subscriptionibus eorum mihi dicendum erit, eo dicam animo ut omnem orationem meam non de illorum facto, sed de ratione censoria habitam existimari velim; a Lentulo autem, familiari meo, qui a me pro eximia sua virtute summisque honoribus quos a populo Romano adeptus est honoris causa nominatur, facile hoc, iudices, impetrabo, ut, quam ipse adhibere consuevit in amicorum periculis cum fidem et diligentiam tum vim animi libertatemque dicendi, ex hac mihi concedat ut tantum mihi sumam quantum sine huius periculo praeterire non possim. A me tamen, ut aequum est, omnia caute pedetemptimque dicentur, ut neque fides huius defensionis relicta neque cuiusquam aut dignitas laesa aut amicitia violata esse videatur.

119. Video igitur, iudices, animadvertisse censores in iudices quosdam illius consilii Iuniani, cum istam ipsam causam subscriberent. Hic illud primum commune proponam, numquam animadversionibus censoriis hanc civitatem ita contentam ut rebus iudicatis fuisse. Neque in re nota consumam tempus; exempli causa ponam unum illud, C. Getam, cum a L. Metello et Cn. Domitio censoribus ex senatu eiectus esset, censorem esse ipsum postea factum, et cuius mores erant a censoribus reprehensi, hunc postea et populi Romani et eorum qui in ipsum animadverterant moribus praefuisse. Quod si illud iudicium putaretur, ut ceteri turpi iudicio damnati in perpetuum omni honore ac dignitate privantur, sic hominibus ignominia notatis neque ad honorem aditus neque in curiam reditus esset. 120. Nunc si quem Cn. Lentuli aut L. Gelli libertus furti condemnarit, is omnibus ornamentis amissis numquam ullam honestatis suae partem recuperabit; quos autem ipse L. Gellius et Cn. Lentulus, duo censores, clarissimi viri sapientissimique

homines, furti et captarum pecuniarum nomine notaverunt, ii non modo in senatum redierunt, sed etiam illarum ipsarum rerum iudiciis absoluti sunt

XLIII. Neminem voluerunt maiores nostri non modo de existimatione cuiusquam, sed ne pecuniaria quidem de re minima esse iudicem, nisi qui inter adversarios convenisset; quapropter in omnibus legibus quibus exceptum est de quibus causis aut magistratum capere non liceat aut iudicem legi aut alterum accusare, haec ignominiae causa praetermissa est; timoris enim causam, non vitae poenam in illa potestate esse voluerunt. 121. Itaque non solum illud ostendam, quod iam videtis, populi Romani suffragiis saepenumero censorias subscriptiones esse sublatas, verum etiam iudiciis eorum qui iurati statuere maiore cum religione et diligentia debuerunt. Primum iudices, senatores equitesque Romani, in compluribus iam reis quos contra leges pecunias accepisse subscriptum est, suae potius religioni quam censorum opinioni paruerunt; deinde praetores urbani, qui iurati debent optimum quemque in lectos iudices referre, numquam sibi ad eam rem censoriam ignominiam impedimento esse oportere duxerunt; 122. censores denique ipsi saepe numero superiorum censorum iudiciis, si ista iudicia appellari vultis, non steterunt. Atque etiam ipsi inter se censores sua iudicia tanti esse arbitrantur ut alter alterius iudicium non modo reprehendat, sed etiam rescindat; ut alter de senatu movere velit, alter retineat et ordine amplissimo dignum existimet; ut alter in aerarios referri aut tribu moveri iubeat, alter vetet. Qua re qui vobis in mentem venit haec appellare iudicia, quae a populo rescindi, ab iuratis iudicibus repudiari, a magistratibus neglegi, ab eis qui eandem potestatem adepti sunt commutari, inter collegas discrepare videatis?

XLIV. 123. Quae cum ita sint, videamus quid tandem censores de illo iudicio corrupto iudicasse dicantur. Ac primum illud statuamus, utrum quia censores subscripserint ita sit, an quia ita fuerit illi subscripserint. Si quia subscripserint, videte quid agatis, ne in unum quemque nostrum censoribus in posterum potestatem regiam permittatis, ne subscriptio censoria non minus calamitatis civibus quam illa acerbissima proscriptio posset adferre, ne censorium stilum, cuius mucronem multis remediis maiores nostri rettuderunt, aeque posthac atque illum dictatorium gaudium pertimescamus. 124.

Sin autem quod subscriptum est, quia verum est, idcirco grave debet esse, hoc quaeremus, verum sit an falsum. Removeantur auctoritates censoriae; tollatur id ex causa quod in causa non est; doce quam pecuniam Cluentius dederit, unde dederit, quem ad modum dederit; unum denique aliquod a Cluentio *aliquando* profectae pecuniae vestigium ostende. Vince deinde bonum virum fuisse Oppianicum, hominem integrum, nihil de illo umquam secus esse existimatum, nihil denique praeiudicatum. Tum auctoritatem censoriam amplexator, tum illorum 'iudicium' coniunctum cum re esse defendito. 125. Dum vero eum fuisse Oppianicum constabit qui tabulas publicas municipii manu sua corrupisse iudicatus sit, qui testamentum interleverit, qui supposita persona falsum testamentum obsignandum curaverit, qui eum cuius nomine id obsignatum est interfecerit, qui avunculum filii sui in servitute ac vinculis necaverit, qui municipes suos proscribendos occidendosque curaverit, qui eius uxorem quem occiderat in matrimonium duxerit, qui pecuniam pro abortione dederit, qui socrum, qui uxores, qui uno tempore fratris uxorem speratosque liberos fratremque ipsum, qui denique suos liberos interfecerit, qui cum venenum privigno suo dare vellet, manifesto deprehensus sit, cuius ministris consciisque damnatis ipse adductus in iudicium pecuniam iudici dederit ad sententias iudicum corrumpendas – dum haec, inquam, de Oppianico constabunt, neque ullo argumento Cluentianeae pecuniae crimen tenebitur, quid est quod te ista censoria sive voluntas sive opinio fuit, adiuvare aut hunc innocentem opprimere posse videatur?

XLV. 126. Quid igitur censores secuti sunt? Ne ipsi quidem, ut gravissime dicam, quicquam aliud dicent praeter sermonem atque famam; nihil se testibus, nihil tabulis, nihil aliquo gravi argumento comperisse, nihil denique causa cognita statuisse dicent. Quod si ita fecissent, tamen id non ita fixum esse deberet ut convelli non liceret. Non utar exemplorum copia, quae summa est; non rem veterem, non hominem potentem aliquem aut gratiosum proferam. Nuper hominem tenuem, scribam aedilicium, D. Matrinium, cum defendissem apud M. Iunium Q. Publicium praetores et M. Plaetorium C. Flaminium aediles curules, persuasi ut scribam iurati legerent eum quem idem isti censores aerarium reliquissent; cum enim in homine nulla culpa inveniretur, quid ille meruisset, non quid

de eo statutum esset, quaerendum esse duxerunt. 127. Nam haec quidem quae de iudicio corrupto subscripserunt, quis est qui ab illis satis cognita et diligenter iudicata arbitretur? In M'. Aquilium et in Ti. Guttam video esse subscriptum. Quid est hoc? duos esse corruptos solos pecunia dicant? ceteri videlicet gratis condemnarunt. Non est igitur circumventus, non est oppressus pecunia, non, ut illae Quinctianae contiones habebantur, omnes qui Oppianicum condemnarunt in culpa sunt ac suspicione ponendi. Duos solos video auctoritate censorum adfines ei turpitudini iudicari: aut illud adferant, aliquid *sese*, quod de his duobus habuerint compertum, de ceteris comperisse.

XLVI. 128. Nam illud quidem minime probandum est, ad notationes auctoritatemque censoriam exemplum illos *e* consuetudine militari transtulisse. Statuerunt enim ita maiores nostri ut, si a multis esset flagitium rei militaris admissum, sortito in quosdam animadverteretur, ut metus videlicet ad omnes, poena ad paucos perveniret. Quod idem facere censores in delectu dignitatis et in iudicio civium et in animadversione vitiorum qui convenit? Nam miles qui locum non tenuit, qui hostium impetum vimque pertimuit, potest idem postea et miles esse melior et vir bonus et civis utilis. Qua re qui in bello propter hostium metum deliquerat, amplior ei mortis ut supplicii metus est a maioribus constitutus; ne autem nimium multi poenam capitis subirent, idcirco illa sortitio comparata est. 129. Hoc tu idem facies censor in senatu legendo? Si erunt plures qui ob innocentem condemnandum pecuniam acceperint, tu non animadvertes in omnes, sed carpes ut velis, et paucos ex multis ad ignominiam sortiere? Habebit igitur te sciente et vidente curia senatorem, populus Romanus iudicem, res publica civem sine ignominia quemquam, qui ad perniciem innocentis fidem suam et religionem pecunia commutarit; et qui pretio adductus eripuerit patriam, fortunas, liberos civi innocenti, is censoriae severitatis nota non inuretur? Tu es praefectus moribus, tu magister veteris disciplinae ac severitatis, si aut retines quemquam sciens in senatu scelere tanto contaminatum, aut statuis qui in eadem culpa sit non eadem poena adfici convenire? Aut quam condicionem supplicii maiores in bello timiditati militis propositam esse voluerunt, eandem tu in pace constitues improbitati senatoris? Quod si hoc exemplum ex

re militari ad animadversionem censoriam transferendum fuit, sortitione id ipsum factum esse oportuit; sin autem sortiri ad poenam et hominum delictum fortunae iudicio committere minime censorium est, certe in multorum peccato carpi paucos ad ignominiam [et turpitudinem] non oportet.

XLVII. 130. Verum omnes intellegimus in istis subscriptionibus ventum quendam popularem esse quaesitum. Iactata res erat in contione a tribuno seditioso; incognita causa probatum erat illud multitudini; nemini licitum est contra dicere; nemo denique ut defenderet contrariam partem laborabat. In invidiam porro magnam illa iudicia venerant: etenim paucis postea mensibus alia vehemens erat in iudiciis ex notatione tabellarum invidia versata. Praetermitti ab censoribus et neglegi macula iudiciorum posse non videbatur. Homines quos ceteris vitiis atque omni dedecore infames videbant, – et eo magis quod illo ipso tempore, illis censoribus, erant iudicia cum equestri ordine communicata, – ut viderentur per hominum idoneorum ignominiam sua auctoritate illa iudicia reprehendisse. 131. Quod si hanc apud eosdem ipsos censores mihi aut alii causam agere licuisset, hominibus tali prudentia praeditis certe probavissem; res enim indicat nihil ipsos habuisse cogniti, nihil comperti; ex tota ista subscriptione rumorem quendam et plausum popularem esse quaesitum.

Nam in P. Popilium, qui Oppianicum condemnarat, subscripsit L. Gellius, quod is pecuniam accepisset, quo innocentem condemnaret. Iam id ipsum quantae divinationis est scire innocentem fuisse reum, quem fortasse numquam viderat, cum homines sapientissimi, iudices, ut nihil dicam de eis qui condemnarunt, causa cognita sibi dixerunt non liquere! 132. Verum esto: condemnat Popilium Gellius, iudicat accepisse a Cluentio pecuniam. Negat hoc Lentulus. Nam Popilium, quod erat libertini filius, in senatum non legit, locum quidem senatorium ludis et cetera ornamenta relinquit, et eum omni ignominia liberat; quod cum facit, iudicat eius sententia gratis esse Oppianicum condemnatum. Et eundem Popilium postea Lentulus in ambitus iudicio pro testimonio diligentissime laudat. Qua re si neque L. Gelli iudicio stetit Lentulus neque Lentuli existimatione contentus fuit Gellius, et si uterque censor censoris opinione standum non putavit, quid est quam ob rem quisquam nostrum censorias subscriptiones omnes fixas et in perpetuum ratas putet esse oportere?

XLVIII. 133. At in ipsum Habitum animadverterunt. Nullam quidem ob turpitudinem, nullum ob totius vitae non dicam vitium, sed erratum; neque enim hoc homine sanctior neque probior neque in omnibus officiis retinendis diligentior esse quisquam potest. Neque illi aliter dicunt, sed eandem illam famam iudicii corrupti secuti sunt: neque ipsi secus existimant quam nos existimari volumus de huius pudore, integritate, virtute, sed putarunt praetermitti accusatorem non potuisse, cum animadversum esset in iudices. Qua de re [tota] si unum factum ex omni antiquitate protulero, plura non dicam. 134. Non enim mihi exemplum summi et clarissimi viri, P. Africani, praetereundem videtur, qui cum esset censor et in equitum censu C. Licinius Sacerdos prodisset, clara voce, ut omnis contio audire posset, dixit se scire illum verbis conceptis peierasse: si qui contra vellet dicere, usurum esse eum suo testimonio: deinde cum nemo contra diceret, iussit equum traducere. Ita is, cuius arbitrio et populus Romanus et exterae gentes contentae esse consuerant, ipse sua scientia ad ignominiam alterius contentus non fuit. Quod si hoc Habito facere licuisset, facile illis ipsis iudicibus et falsae suspicioni et invidiae populariter excitatae restitisset.

135. Unam etiam est quod me maxime perturbat, cui loco

respondere vix videor posse, quod elogium recitasti de testamento Cn. Egnati patris, hominis honestissimi videlicet et sapientissimi: idcirco se exheredasse filium quod is ob Oppianici condemnationem pecuniam accepisset. De cuius hominis levitate et inconstantia plura non dicam: hoc testamentum ipsum, quod recitas, eius modi est ut ille, cum eum filium exheredaret quem oderat, ei filio coheredes homines alienissimos adiungeret quem diligebat. Sed tu, Acci, consideres, censeo, diligenter, utrum censorum iudicium grave velis esse an Egnati. Si Egnati, leve est quod censores de ceteris subscripserunt; ipsum enim Cn. Egnatium, quem tu gravem esse vis, ex senatu eiecerunt: sin autem censorum, hunc Egnatium, quem pater censoria subscriptione exheredavit, censores in senatu, cum patrem eicerent, retinuerunt.

XLIX. 136. At enim senatus universus iudicavit illud corruptum esse iudicium. Quo modo? Suscepit causam. An potuit rem delatam eius modi repudiare? cum tribunus plebis populo concitato rem paene ad manus revocasset, cum vir optimus et homo innocentissimus pecunia circumventus esse diceretur, cum invidia flagraret ordo senatorius, potuit nihil decerni? potuit illa concitatio multitudinis sine summo periculo rei publicae repudiari? At quid est decretum? quam iuste! quam sapienter! quam diligenter! SE QUI SUNT QUORUM OPERA FACTUM SIT UT IUDICIUM PUBLICUM CORRUMPERETUR. Utrum videtur id senatus factum iudicare, an, si factum sit, moleste graviterque ferre? Si ipse A. Cluentius sententiam de iudiciis rogaretur, aliam non diceret atque ii dixerunt quorum sententiis Cluentium condemnatum esse dicitis. 137. Sed quaero a vobis num istam legem ex isto senatus consulto L. Lucullus consul, homo sapientissimus, tulerit, num anno post M. Lucullus et C. Cassius, in quos tum consules designatos idem illud senatus decreverat? Non tulerunt; et quod tu Habiti pecunia factum esse arguis neque id ulla tenuissima suspicione confirmas, factum est primum illorum aequitate et sapientia consulum, ut id, quod senatus decreverat ad illud invidiae praesens incendium restinguendum, id postea ferendum ad populum non arbitrarentur: ipse deinde populus Romanus, qui L. Quincti fictis querimoniis antea concitatus rem illam et rogationem flagitarat, idem C. Iuni filii, pueri parvuli, lacrimis commotus, maximo clamore et concursu totam quaestionem

illam et legem repudiavit. 138. Ex quo intellegi potuit id quod saepe dictum est: ut mare, quod sua natura tranquillum sit, ventorum vi agitari atque turbari, sic populum Romanum sua sponte esse placatum, hominum seditiosorum vocibus ut violentissimis tempestatibus concitari.

L. Est etiam reliqua permagna auctoritas, quam ego turpiter paene preterii; mea enim esse dicitur. Recitavit ex oratione nescio qua Accius, quam meam esse dicebat, cohortationem quandam iudicum ad honeste iudicandum et commemorationem cum aliorum iudiciorum quae probata non essent, tum illius ipsius iudicii Iuniani; proinde quasi ego non ab initio huius defensionis dixerim invidiosum illud iudicium fuisse, aut, cum de infamia iudiciorum disputarem, potuerim illud quod tam populare esset illo tempore praeterire. 139. Ego vero, si quid eius modi dixi, neque cognitum commemoravi neque pro testimonio dixi, et illa oratio potius temporis mei quam iudicii et auctoritatis fuit. Cum enim accusarem, et mihi initio proposuissem ut animos et populi Romani et iudicum commoverem, cumque omnes offensiones iudiciorum non ex mea opinione sed ex hominum rumore proferrem, istam rem, quae tam populariter esset agitata, praeterire non potui. Sed errat vehementer si quis in orationibus nostris, quas in iudiciis habuimus, auctoritates nostras consignatas se habere arbitratur; omnes enim illae causarum ac temporum sunt, non hominum ipsorum aut patronorum. Nam si causae ipsae pro se loqui possent, nemo adhiberet oratorem: nunc adhibemur ut ea dicamus, non quae nostra auctoritate constituantur, sed quae ex re ipsa causaque ducantur. 140. Hominem ingeniosum, M. Antonium, aiunt solitum esse dicere idcirco se nullam umquam orationem scripsisse ut, si quid aliquando non opus esset ab se esse dictum, posset negare dixisse; proinde quasi si quid a nobis dictum aut actum sit, id nisi litteris mandarimus, hominum memoria non comprehendatur

LI. Ego vero in isto genere libentius cum multorum tum hominis eloquentissimi et sapientissimi, L. Crassi, auctoritatem sequor, qui cum Cn. Plancum defenderet, accusante M. Bruto, homine in dicendo vehemente et callido, cum Brutus duobus recitatoribus constitutis ex duabus eius orationibus capita alterna inter se contraria recitanda curasset, quod in dissuasione rogationis eius quae contra

coloniam Narbonensem ferebatur quantum potest de auctoritate senatus detrahit, in suasione legis Serviliae summis ornat senatum laudibus, et multa in equites Romanos cum ex ea oratione asperius dicta recitasset, quo animi illorum iudicum in Crassum incenderentur, aliquantum esse commotus dicitur. 141. Itaque in respondendo primum euit utriusque rationem temporis, ut oratio ex re et ex causa habita videretur; deinde ut intellegere posset Brutus quem hominem et non solum qua eloquentia, verum etiam quo lepore et quibus facetiis praeditum lacessisset, tres ipse excitavit recitatores cum singulis libellis quos M. Brutus, pater illius accusatoris, de iure civili reliquit. Eorum initia cum recitarentur, – ea quae vobis nota esse arbitror: 'Forte evenit ut ruri in Privernati essemus ego et Brutus filius,' fundum Privernatem flagitabat; 'In Albano eramus ego et Brutus filius,' Albanum poscebat; 'In Tiburti forte cum adsedissemus ego et Brutus filius,' Tiburtem fundum requirebat; Brutum autem, hominem sapientem, quod filii nequitiam videret, quae praedia ei relinqueret testificari voluisse dicebat. Quod si potuisset honeste scribere se in balneis cum id aetatis filio fuisse, non praeterisset: eas se tamen ab eo balneas non ex libris patris, sed ex tabulis et ex censu quaerere. Crassus tum ita Brutum ultus est ut illum recitationis suae paeniteret; moleste enim fortasse tulerat se in eis orationibus reprehensum, quas de re publica habuisset, in quibus forsitan magis requiratur constantia. 142. Ego autem illa recitata esse non moleste fero; neque enim ab illo tempore quod tum erat, neque ab ea causa quae tum agebatur aliena fuerunt; neque mihi quicquam oneris suscepi, cum ista dixi, quo minus honeste hanc causam et libere possem defendere. Quod si velim confiteri me causam A. Cluenti nunc cognosse, antea fuisse in illa populari opinione, quis tandem id possit reprehendere? praesertim, iudices, cum a vobis quoque ipsis hoc impetrari sit aequissimum, quod ego et ab initio petivi et nunc peto, ut, si quam huc graviorem de illo iudicio opinionem attulistis, hanc causa perspecta atque omni veritate cognita deponatis.

LII. 143. Nunc, quoniam ad omnia quae abs te dicta sunt, T. Acci, de Oppianici damnatione respondi, confiteare necesse est te opinionem multum fefellise, quod existimaris me causam A. Cluenti non facto eius, sed lege defensurum. Nam hoc persaepe dixisti tibi sic renuntiari, me habere in animo causam hanc praesidio legis

defendere. Itane est? Ab amicis imprudentes videlicet prodimur, et est nescio quis de eis quos amicos nostros arbitramur qui nostra consilia ad adversarios deferat. Quisnam hoc tibi renuntiavit? quis tam improbus fuit? Cui ego autem narravi? Nemo, ut opinor, in culpa est: et nimirum tibi istud lex ipsa renuntiavit. Sed num tibi ita defendisse videor ut tota in causa mentionem ullam fecerim legis? num secus hanc causam defendisse ac si lege Habitus teneretur? Certe, ut hominem confirmare oportet, nullus est locus a me purgandi istius invidiosi criminis praetermissus. 144. Quid ergo est? quaeret fortasse quispiam: displicetne mihi legum praesidio capitis periculum propulsare? Mihi vero, iudices, non displicet, sed utor instituto meo. In hominis honesti prudentisque iudicio non solum meo consilio uti consuevi, sed multum etiam eius quem defendo et consilio et voluntati obtempero. Nam ut haec ad me causa delata est, qui leges eas ad quas adhibemur et in quibus versamur nosse deberem, dixi Habito statim eo capite QUI COISSET QUO QUIS CONDEMNARETUR illum esse liberum, teneri autem nostrum ordinem: atque ille me orare atque obsecrare coepit ne se lege defenderem. Cum ego quae mihi videbantur dicerem, traduxit me ad suam sententiam; adfirmabat enim lacrimans non se cupidiorem esse civitatis retinendae quam existimationis. Morem homini gessi, et tamen idcirco feci – neque enim id semper facere debemus – quod videbam per se ipsam causam sine lege copiosissime posse defendi. Videbam in hac defensione qua iam sum usus plus dignitatis, in illa qua me hic uti noluit minus laboris futurum: quod si nihil aliud esset actum nisi ut hanc causam obtineremus, lege recitata perorassem.

LIII. Neque me illa oratio commovet, quod ait Accius indignum esse facinus, si senator iudicio quempiam circumvenerit, legibus eum teneri: si eques Romanus hoc idem fecerit, non teneri. Ut tibi concedam hoc indignum esse, quod cuius modi sit iam videro, tu mihi concedas necesse est multo esse indignius in ea civitate quae legibus contineatur discedi ab legibus. Hoc enim vinculum est huius dignitatis qua fruimur in re publica, hoc fundamentum libertatis, hic fons aequitatis: mens et animus et consilium et sententia civitatis posita est in legibus. Ut corpora nostra sine mente, sic civitas sine lege suis partibus, ut nervis et sanguine et membris, uti non potest. Legum ministri magistratus, legum interpretes iudices, legum

denique idcirco omnes servi sumus ut liberi esse possimus. 147. Quid est, Q. Naso, cur tu in isto loco sedeas? Quae vis est, qua abs te hi iudices tali dignitate praediti coerceantur? Vos autem, iudices, quam ob rem ex tanta multitudine civium tam pauci de hominum fortunis sententiam fertis? Quo iure Accius quae voluit dixit? Cur mihi tam diu potestas dicendi datur? Quid sibi autem illi scribae, quid lictores, quid ceteri quos apparere huic quaestioni video, volunt? Opinor haec omnia lege fieri totumque hoc iudicium, ut ante dixi, quasi mente quadam regi legis et administrari. Quid ergo? haec quaestio sola ita gubernatur? Quid M. Plaetori et C. Flamini inter sicarios, quid C. Orchivi peculatus, quid mea de pecuniis reptundis, quid C. Aquili, apud quem nunc de ambitu causa dicitur, quid reliquae quaestiones? Circumspicite omnes rei publicae partes: 148. omnia legum imperio et praescripto fieri videbitis. Si quis apud me, T. Acci, te reum velit facere, clames te lege pecuniarum repetundarum non teneri; neque haec tua recusatio confessio sit captae pecuniae, sed laboris et periculi non legitimi declinatio

LIV. Nunc quid agatur et quid abs te iuris constituatur vide. Iubet lex ea, qua lege haec quaestio constituta est, iudicem quaestionis, hoc est Q. Voconium, cum eis iudicibus qui ei obvenerint – vos appellat, iudices – quaerere de veneno. In quem quaerere? Infinitum est: QUICUMQUE, FECERIT, VENDIDERIT, EMERIT, HABUERIT, DEDERIT. Quid eadem lex statim adiungit? recita. DEQUE EIUS CAPITE QUAERITO. Cuius? qui coierit, convenerit? Non ita est. Quid ergo est? dic. QUI TRIBUNUS MILITUM LEGIONIBUS QUATTUOR PRIMIS, QUIVE QUAESTOR, TRIBUNUS PLEBIS – deinceps omnes magistratus nominavit – QUIVE IN SENATU SENTENTIAM DIXIT, DIXERIT. Quid tum? QUI EORUM COIT, COIERIT, CONVENIT, CONVENERIT, QUO QUIS IUDICIO PUBLICO CONDEMNARETUR. ‘Qui eorum’: quorum? videlicet, qui supra scripti sunt. Quid interest utro modo scriptum sit? Etsi est apertum, ipsa tamen lex nos docet. Ubi enim omnes mortales adligat ita loquitur, QUI VENENUM MALUM FECIT, FECERIT: omnes viri, mulieres, liberi, servi in iudicium vocantur. Si idem de coitione voluisset, adiunxisset: QUIVE, COIERIT. Nunc ita est: DEQUE EIUS CAPITE QUAERITO QUI MAGISTRATUM HABUERIT INVE SENATU SENTENTIAM DIXERIT, QUI EORUM COIT,

COIERIT. 149. Num is est Cluentius? Certe non est. Quis ergo est Cluentius? Qui tamen defendi causam suam lege noluit. Itaque abicio legem: morem Cluentio gero. Tibi tamen, Acci, pauca quae ab huius causa seiuncta sunt respondebo. Est enim quiddam in hac causa quod Cluentius ad se, est aliquid quod ego ad me putem pertinere. Hic sua putat interesse se re ipsa et gesto negotio, non lege defendi; ego autem mea existimo interesse me nulla in disputatione ab Accio videri esse superatum. Non enim mihi haec causa sola dicenda est; omnibus hic labor meus propositus est, quicumque hac facultate defensionis contenti esse possunt. Nolo quemquam eorum qui adsunt existimare me, quae de lege ab Accio dicta sunt, si reticuerim, comprobare. Quam ob rem, Cluenti, de te tibi obsequor, neque enim legem recito neque hoc loco pro te dico; sed ea quae a me desiderari arbitror non relinquam.

LV. 150. Iniquum tibi videtur, Acci, esse non isdem legibus omnes teneri. Primum, ut id iniquissimum esse confitear, eius modi est ut commutatis eis opus sit legibus, non ut his quae sunt non pareamus. Deinde quis umquam hoc senator accusavit, ut cum altiorem gradum dignitatis beneficio populi Romani esset consecutus, eo se putaret durioribus legum condicionibus uti oportere? Quam multa sunt commoda quibus caremus, quam multa molesta et difficilia quae subimus! atque haec omnia tantum honoris et amplitudinis commodo compensantur. Converte nunc ad equestrem ordinem atque in ceteros ordines easdem vitae condiciones: non perferent. Putant enim minus multos sibi laqueos legum et condicionum ac iudiciorum propositos esse oportere, qui summum locum civitatis aut non potuerunt ascendere aut non petiverunt. 151. Atque ut omittam leges alias omnes quibus nos tenemur, ceteri autem sunt ordines liberati, hanc ipsam legem NE QUIS IUDICIO CIRCUMVENIRETUR C. Gracchus tulit: eam legem pro plebe, non in plebem tulit. Postea L. Sulla, homo a populi causa remotissimus, tamen, cum eius rei quaestionem hac ipsa lege constitueret qua vos hoc tempore iudicatis, populum Romanum, quem ab hoc genere liberum acceperat, adligare novo quaestionis genere ausus non est. Quod si fieri posse existimasset, pro illo odio quod habuit in equestrem ordinem nihil fecisset libentius quam omnem illam acerbitatem prosciptionis suae, qua est usus in veteres iudices, in

hanc unam quaestionem contulisset. 152. Nec nunc quicquam agitur – mihi credite, iudices, et prospicite id quod providendum est – nisi ut equester ordo in huiusce legis periculum concludatur. Neque hoc agitur ab omnibus, sed a paucis. Nam ii senatores qui se facile tuentur integritate et innocentia – quales, ut vere dicam, vos estis, et ceteri qui sine cupiditate vixerunt – equites ordini senatorio dignitate proximos, concordia coniunctissimos esse cupiunt; sed ii qui sese volunt posse omnia neque praeterea quicquam esse aut in homine ullo aut in ordine hoc uno metu se putant equites Romanos in potestatem suam redacturos, si constitutum sit ut de eis qui rem iudicarint huiusce modi iudicia fieri possint. Vident enim auctoritatem huius ordinis confirmari: vident iudicia comprobari: hoc metu proposito evellere se aculeum severitatis vestrae posse confidunt. 153. Quis enim de homine audeat paulo maioribus opibus praedito vere et fortiter iudicare, cum videat sibi de eo quod coierit aut consenserit causam esse dicendam?

LVI. O viros fortes, equites Romanos, qui homini clarissimo ac potentissimo, M. Druso, tribuno plebis restiterunt, cum ille nihil aliud ageret cum illa cuncta quae tum erat nobilitate, nisi ut ii qui rem iudicassent huiusce modi quaestionibus in iudicium vocarentur. Tunc C. Flavius Pusio, Cn. Titinius, C. Maecenas, illa robora populi Romani, ceterique eiusdem ordinis non fecerunt idem quod nunc Cluentius ut aliquid culpae suscipere se putarent recusando, sed apertissime repugnarunt, cum haec recusarent et palam fortissime atque honestissime dicerent se potuisse iudicio populi Romani in amplissimum locum pervenire, si sua studia ad honores petendos conferre voluissent; sese vidisse in ea vita qualis splendor inesset, quanta ornamenta, quae dignitas; quae se non contempsisse, sed ordine suo patrumque suorum contentos fuisse et vitam illam tranquillam et quietam, remotam a procellis invidiarum et huiusce modi iudiciorum sequi maluisse: 154. aut sibi ad honores petendos aetatem integram restitui oportere, aut, quoniam id non posset, eam condicionem vitae quam secuti petitionem reliquissent manere; iniquum esse eos qui honorum ornamenta propter periculorum multitudinem praetermisissent populi beneficiis esse privatos, iudiciorum novorum periculis non carere; senatorem hoc queri non posse, propterea quod ea condicione proposita petere coepisset,

quodque permulta essent ornamenta quibus eam mitigare molestiam posset, locus, auctoritas, domi splendor, apud exteras nationes nomen et gratia, toga praetexta, sella curulis, insignia, fasces, exercitus, imperia, provinciae: quibus in rebus cum summa recte factis maiores nostri praemia tum plura peccatis pericula proposita esse voluerunt. Illi non hoc recusabant, ne ea lege accusarentur qua nunc Habitus accusatur, quae tunc erat Sempronia, nunc est Cornelia; intellegebant enim ea lege equestrem ordinem non teneri; sed ne nova lege adligarentur laborabant. 155. Habitus ne hoc quidem umquam recusavit, quo minus vel ea lege rationem vitae suae redderet qua non tenetur. Quae si vobis condicio placet, omnes id agamus ut haec quam primum in omnes ordines quaestio perferatur.

LVII. Interea quidem, per deos immortales! quoniam omnia commoda nostra, iura, libertatem, salutem denique legibus obtinemus, a legibus non recedamus. Simul et illud quam sit iniquum cogitemus populum Romanum aliud nunc agere; vobis rem publicam et fortunas suas commisisse, ipsum sine cura esse; non metuere ne lege ea quam numquam ipse iusserit, et quaestione qua se solutum liberumque esse arbitretur, per paucos iudices astringatur. 156. Agit enim sic causam T. Accius, adulescens bonus et disertus, omnes cives legibus teneri omnibus; vos attenditis et auditis silentio sicut facere debetis; A. Cluentius causam dicit eques Romanus ea lege qua lege senatores et ii qui magistratum habuerunt soli tenentur; mihi per eum recusare et in arce legis praesidia constituere defensionis meae non licet. Si obtinuerit causam Cluentius, sicuti vestra aequitate nixi confidimus, omnes existimabunt, id quod erit, obtinuisse propter innocentiam, quoniam ita defensus sit; in lege autem, quam attingere noluerit, praesidii nihil fuisse. 157. Hic nunc est quiddam quod ad me pertineat, de quo ante dixi, quod ego populo Romano praestare debeam, quoniam is vitae meae status est ut omnis mihi cura et opera posita sit in hominum periculis defendendis. Video quanta et quam periculosa et quam infinita quaestio temptetur ab accusatoribus, cum eam legem quae in nostrum ordinem scripta sit in populum Romanum transferre conentur. Qua in lege est QUI COIERIT, quod quam late pateat videtis; CONVENERIT aeque incertum et infinitum est; CONSENSERIT, hoc vero cum infinitum tum obscurum et occultum; FALSUMVE TESTIMONIUM DIXERIT, – quis de plebe

romana testimonium dixit umquam cui non hoc periculum T. Accio auctore paratum esse videatis? Nam dicturum quidem certe, si hoc iudicium plebi Romanae propositum sit, neminem umquam esse confirmo. 158. Sed hoc polliceor omnibus, si cui forte hac lege negotium facessetur qui lege non teneatur, si is uti me defensore voluerit, me eius causam legis praesidio defensurum, et vel his iudicibus vel horum similibus facillime probaturum, et omni me defensione usurum esse legis, qua nunc ut utar ab eo cuius voluntati mihi obtemperandum est non conceditur

LVIII. Non enim debeo dubitare, iudices, quin, si qua ad vos causa eius modi delata sit eius qui lege non teneatur, etiam si is invidiosus aut multis offensus esse videatur, etiam si eum oderitis, etiam si inviti absoluturi sitis, tamen absolvatis et religioni potius vestrae quam odio pareatis. 159. Est enim sapientis iudicis cogitare tantum sibi a populo Romano esse permissum quantum commissum sit et creditum, et non solum sibi potestatem datam, verum etiam fidem habitam esse meminisse: posse quem oderit absolvere, quem non oderit condemnare, et semper non quid ipse velit, sed quid lex et religio cogat cogitare; animadvertere qua lege reus citetur, de quo reo cognoscat, quae res in quaestione versetur. Cum haec sunt videnda tum vero illud est hominis magni, iudices, atque sapientis, cum illam iudicandi causa tabellam sumpserit, non se reputare solum esse neque sibi quodcumque concupierit licere, sed habere in consilio legem, religionem, aequitatem, fidem; libidinem autem, odium, invidiam, metum cupiditatesque omnes amovere maximique aestimare conscientiam mentis suae, quam ab dis immortalibus accepimus, quae a nobis divelli non potest; quae si optimorum consiliorum atque factorum testis in omni vita nobis erit, sine ullo metu et summa cum honestate vivemus. 160. Haec si T. Accius aut cognovisset aut cogitasset, profecto ne conatus quidem esset dicere, id quod multis verbis egit, iudicem quod ei videatur statuere et non devinctum legibus esse oportere.

Quibus de rebus mihi pro Cluenti voluntate nimium, pro rei dignitate parum, pro vestra prudentia satis dixisse videor. Reliqua perpauca sunt; quae quia vestrae quaestionis erant, idcirco illi statuerunt fingenda esse sibi et proferenda, ne omnium turpissimi reperirentur si in iudicium nihil praeter invidiam attulissent

LIX. Atque ut existimetis necessario me de his rebus de quibus iam dixerim pluribus egisse verbis, attendite reliqua: profecto intellegetis ea quae paucis demonstrari potuerint brevissime esse defensa.

161. Cn. Decidio Samniti, ei qui proscriptus est, iniuriam in calamitate eius ab huius familia factam esse dixistis. Ab nullo ille liberalius quam a Cluentio tractatus est: huius illum opes in rebus eius incommodissimis sublevarunt, atque hoc cum ipse tum eius amici necessariique omnes cognorunt. Anchari et Paceni pastoribus huius vilicum vim et manus attulisse. Cum quaedam in callibus, ut solet, controversia pastorum esset orta, Habiti vilici rem domini et privatam possessionem defenderunt: cum esset etulatio facta, causa illis demonstrata, sine iudicio controversiaque discessum est. 162. 'P. Aeli testamento propinquus exheredatus cum esset, heres hic alienior institutus est.' P. Aelius Habiti merito fecit, neque hic in testamento faciendo interfuit, idque testamentum ab huius inimico Oppianico est obsignatum. Floro legatum ex testamento infitiatum esse. Non est ita; sed cum HS XXX milia scripta essent pro HS CCC milibus, neque ei cautum satis videretur, voluit eum aliquid acceptum referre liberalitati suae. Primo debere negavit; post sine controversia solvit. Cei cuiusdam Samnitis uxorem post bellum ab hoc esse repetitam. Mulierem cum emisset a sectoribus, quo tempore eam primum liberam esse audivit, sine iudicio reddidit Ceio. 163. Ennium esse quendam cuius bona teneat Habitus. Est hic Ennius egens quidam calumniator, mercennarius Oppianici, qui permultos annos quievit; deinde aliquando cum servis Habiti furti egit; nuper ab ipso Habito petere coepit. Hic illo privato iudicio, mihi credite, vobis isdem fortasse patronis, calumniam non effugiet. Atque etiam, ut nobis renuntiatur, hominem multorum hospitem, Ambivium quendam, coponem de via Latina, subornatis, qui sibi a Cluentio servisque eius in taberna sua manus adlatas esse dicat. Quo de homine nihil etiam nunc dicere nobis est necesse: si invitaverit, id quod solet, sic hominem accipiemus ut moleste ferat se de via decessisse.

164. Habetis, iudices, quae in totam causam de moribus A. Cluenti, quem illi invidiosum esse reum volunt, annos octo meditati accusatores collegerunt; quam levia genere ipso! quam falsa re! quam brevia responsu! LX. Cognoscite nunc id quod ad vestrum ius

iurandum pertinet, quod vestri iudicii est, quod vobis oneris imposuit ea lex qua coacti huc convenistis, de criminibus veneni; ut omnes intellegant quam paucis verbis haec causa perorari potuerit, et quam multa a me dicta sint quae ad huius voluntatem maxime, ad vestrum iudicium minime pertinerent.

165. Obiectum est C. Vibium Cappadocem ab hoc A. Cluentio veneno esse sublatum. Opportune adest homo summa fide et omni virtute praeditus, L. Plaetorius, senator, qui illius Vibi hospes fuit et familiaris. Apud hunc ille Romae habitavit, apud hunc aegrotavit, huius domi est mortuus. At heres est Cluentius. Intestatum dico esse mortuum possessionemque eius bonorum, ex edicto praetoris, huic, illius sororis filio, adulescenti pudentissimo et in primis honesto, equiti Romano datam, Numerio Cluentio, quem videtis.

166. Alterum veneficii crimen Oppianico huic adulescenti, cum eius in nuptiis more Larinatium multitudo hominum pranderet, venenum Habiti consilio paratum; id cum daretur in mulso, Balbutium quendam, eius familiarem, intercepisse, bibisse, statimque esse mortuum. Hoc ego si sic agerem tamquam mihi crimen esset diluendum, haec pluribus verbis dicerem per quae nunc paucis percurrit oratio mea. 167. Quid umquam Habitus in se admisit ut hoc tantum ab eo facinus non abhorrere videatur? quid autem magno opere Oppianicum metuebat, cum ille verbum omnino in hac ipsa causa nullum facere potuerit, huic autem accusatores viva matre deesse non possint? id quod iam intellegetis. An ut de causa eius periculi nihil decederet, ad causam novum crimen accederet? Quod autem tempus veneni dandi illo die, illa frequentia? per quem porro datum? unde sumptum? quae deinde interceptio poculi? cur non de integro autem datum? Multa sunt quae dici possunt, sed non committam ut videar non dicendo voluisse dicere; res enim iam se ipsa defendit. 168. Nego illum adulescentem, quem statim epoto poculo mortuum esse dixistis, omnino illo die esse mortuum. Magnum crimen et impudens mendacium! Perspicite cetera. Dico illum, cum ad illud prandium crudior venisset et, ut aetas illa fert, sibi tum non pepercisset, aliquot dies aegrotasse et ita esse mortuum. Quis huic rei testis est? Idem qui sui luctus, pater, – pater, inquam, illius adulescentis; quem propter animi dolorem pertenuis suspicio potuisset ex illo loco testem in A. Cluentium constituere, is hunc suo

testimonio sublevat; quod recita. Tu autem, nisi molestum est, paulisper exsurge; perfer hunc dolorem commemorationis necessariae, in qua ego diutius non morabor, quoniam, quod fuit viri optimi, fecisti ut ne cui innocenti maeror tuus calamitatem et falsum crimen adferret.

LXI. 169. Unum etiam mihi reliquum eius modi crimen est, iudices, ex quo illud perspicere possitis quod a me initio orationis meae dictum est: quicquid mali per hosce annos A. Cluentius viderit, quicquid hoc tempore habeat sollicitudinis ac negotii, id omne a matre esse conflatum. Oppianicum veneno necatum esse quod ei datum sit in pane per M. Asellium quendam, familiarem illius, idque Habiti consilio factum esse dicitis. In quo primum illud quaero, quae causa Habito fuerit cur interficere Oppianicum vellet. Inimicitias enim inter eos fuisse confiteor; sed homines inimicos suos morte adfici volunt aut quod [eos] metuunt aut quod oderunt. 170. Quo tandem igitur Habitus metu adductus tantum in se facinus suscipere conatus est? quid erat quod iam Oppianicum poena adfectum pro maleficiis et eiectum e civitate quisquam timeret? quid metuebat? ne oppugnaretur a perdito? an ne accusaretur a damnato? an ne exsulis testimonio laederetur? Si autem quod oderat Habitus inimicum, idcirco illum vita frui noluit, adeone erat stultus ut illam, quam tum ille vivebat vitam esse arbitraretur, damnati, exsulis, deserti ab omnibus? quem propter animi importunitatem nemo recipere tecto, nemo adire, nemo adloqui, nemo aspicere vellet? 171. Huius igitur Habitus vitae invidebat? Hunc si acerbe et penitus oderat, non eum quam diutissime vivere velle debebat? huic mortem maturabat inimicus, quod illi unum in malis erat perfugium calamitatis? Qui si quid animi et virtutis habuisset, ut multi saepe fortes viri in eius modi dolore, mortem sibi ipse conscisset, huis quam ob rem id vellet inimicus offerre quod ipse sibi optare deberet? Nam nunc quidem quid tandem illi mali mors attulit? nisi forte ineptis fabulis ducimur ut existimemus illum ad inferos impiorum supplicia perferre ac plures illic offendisse inimicos quam hic reliquisse: a socrus, ab uxorum, a fratris, a liberum Poenis actum esse praecipitem in sceleratorum sedem ac regionem. Quae si falsa sunt, id quod omnes intellegunt, quid ei tandem mors eripuit praeter sensum doloris? 172. Age vero, per quem venenum datum? per M. Asellium

LXII. Quid huic cum Habito? nihil, atque adeo, quod ille Oppianico familiarissime est usus, potius etiam simultas. Eine igitur quem sibi offensiorem, Oppianico familiarissimum sciebat esse, potissimum et scelus suum et illius periculum committebat? Cur igitur tu, qui pietate ad accusandum excitatus es, hunc Asellium esse inultum tam diu sinis? Cur non Habiti exemplo usus es, ut per illum qui attulisset venenum de hoc praeiudicaretur? 173. Iam vero illud quam non probabile, quam inusitatum, iudices, quam novum, in pane datum venenum! *Num* latius potuit abditum aliqua in parte panis quam si totum colliquefactum in potione esset, celerius potuis comestum quam epotum in venas atque in omnes partes corporis permanere? facilius fallere in pane, si esset animadversum, quam in poculo, cum ita confusum esset ut secerni nullo modo posset? 174. 'At repentina morte periit.' Quod si esset ita factum, tamen ea res propter multorum eius modi casum minime firmam veneni suspicionem haberet; quod si esset suspiciosum, tamen potius ad alios quam ad Habitum pertineret. Verum in eo ipso homines impudentissime mentiuntur: id ut intellegatis, et mortem eius et quem ad modum post mortem in Habitum sit crimen a matre quaesitum cognoscite.

175. Cum vagus et exsul erraret atque undique exclusus Oppianicus in Falernum se ad L. Quinctium contulisset, ibi primum in morbum incidit ac satis vehementer diuque aegrotavit. Cum esset una Sassia, eaque Sex. Albio quodam colono, homines valenti, qui simul esse solebat, familiarius uteretur quam vir dissolutissimus incolumi fortuna pati posset, et ius illud matrimonii castum atque legitimum damnatione viri sublatum arbitraretur, Nicostratus quidam, fidelis Oppianici servulus, percuriosus et minime mendax, multa dicitur domino renuntiare solitus esse. Interea Oppianicus cum iam convalesceret neque improbitatem coloni in Falerno diutius ferre posset et huc ad urbem profectus esset – solebat enim extra portam aliquid habere conducti – cecidisse de equo dicitur et homo infirma valetudine latus offendisse vehementer, et, postea quam ad urbem cum febri venerit, paucis diebus esse mortuus. Mortis ratio, iudices, eius modi est ut aut nihil habeat suspicionis aut, si quid habet, id intra parietes in domestico scelere versetur

LXIII. 176. Post mortem eius Sassia moliri statim nefaria mulier

coepit insidias filio: quaestionem habere de viri morte constituit. Emit de A. Rupilio, quo erat usus Oppianicus medico, Stratonem quendam, quasi ut idem faceret quod Habitus in emendo Diogene fecerat. De hoc Stratone et de Ascla quodam servo suo quaesituram esse dixit; praeterea servum illum Nicostratum, quem nimium loquacem fuisse ac nimium domino fidelem arbitrabatur, ab hoc adulescente Oppianico in quaestionem postulavit. Hic cum esset illo tempore puer et illa quaestio de patris sui morte constitui diceretur, etsi illum servum et sibi benivolum esse et patri fuisse arbitrabatur, nihil tamen est ausus recusare. Advocantur amici et hospites Oppianici et ipsius mulieris multi, homines honesti atque omnibus rebus ornati. Tormentis omnibus vehementissime quaeritur. Cum essent animi servorum et spe et metu temptati ut aliquid in quaestione dicerent, tamen, ut arbitror, auctoritate advocatorum [et vi tormentorum] adducti in veritate manserunt neque se quicquam scire dixerunt. 177. Quaestio illo die de amicorum sententia dimissa est; satis longo intervallo post iterum advocantur. Habetur de integro quaestio; nulla vis tormentorum acerrimorum praetermittitur. Adversari advocati et iam vix ferre posse; furere crudelis atque importuna mulier sibi nequaquam ut sperasset ea quae cogitasset procedere. Cum iam tortor atque essent tormenta ipsa defensa neque tamen illa finem facere vellet, quidam ex advocatis, homo et honoribus populi ornatus et summa virtute praeditus, intellegere se dixit non id agi ut verum inveniretur, sed ut aliquid falsi dicere cogerentur. Hoc postquam ceteri comprobarunt, ex omnium sententia constitutum est satis videri esse quaesitum. 178. Redditur Oppianico Nicostratus, Larinum ipsa proficiscitur cum suis maerens, quod iam certe incolumem filium fore putabat, ad quem non modo verum crimen, sed ne ficta quidem suspicio perveniret et cui non modo aperta inimicorum oppugnatio, sed ne occultae quidem matris insidiae nocere potuissent. Larinum postquam venit, quae a Stratone illo venenum antea viro suo datum sibi persuasum esse simulasset, instructam ei continuo et ornatam Larini medicinae exercendae causa tabernam dedit.

LXIV. Unum, alterum, tertium annum Sassia quiescebat, ut velle atque optare aliquid calamitatis filio potius quam id struere et moliri videretur. 179. Tum interim *Q.* Hortensio Q. Metello consulibus, ut

hunc Oppianicum aliud agentem ac nihil eius modi cogitantem ad hanc accusationem detraheret, invito despondit ei filiam suam, – illam quam ex genero susceperat, – ut eum nuptiis adligatum simul et testamenti spe devinctum posset habere in potestate. Hoc ipso fere tempore Strato ille medicus domi furtum fecit et caedem eius modi. Cum esset in aedibus armarium, in quo sciret esse nummorum aliquantum et auri, noctu duos conservos dormientes occidit in piscinamque deiecit: ipse armarii fundum exsecuit, et HS* et auri quinque pondo abstulit, uno ex servis puero non grandi conscio. 180. Furto postridie cognito omnis suspicio in eos servos qui non comparebant commovebatur. cum exsectio illa fundi in armario animadverteretur, quaerebant homines quonam modo fieri potuisset. Quidam ex amicis Sassiae recordatus est se nuper in auctione quadam vidisse in rebus minutis aduncam ex omni parte dentatam et tortuosam venire serrulam, qua illud potuisse ita circumsecari videretur. Ne multa, perquiritur a coactoribus: invenitur ea serrula ad Stratonem pervenisse. Hoc initio suspicionis orto et aperte insimulato Stratone, puer ille conscius pertimuit; rem omnem dominae indicavit; homines in piscina inventi sunt; Strato in vincula coniectus est, atque etiam in taberna eius nummi, nequaquam omnes, reperiuntur. 181. Constituitur quaestio de furto; nam quid quisquam suspicari aliud potest? An hoc dicitis, armario expilato, pecunia ablata, non omni reciperata, occisis hominibus, institutam esse quaestionem de morte Oppianici? Cui probatis? quid est quod minus veri simile proferre potuistis? Deinde, ut omittam cetera, triennio post mortem Oppianici de eius morte quaerebatur? Atque etiam incensa odio pristino Nicostratum eundem illum tum sine causa in quaestionem postulavit. Oppianicus primo recusavit: postea, cum illa abducturam se filiam, mutaturam esse testamentum minaretur, mulieri crudelissimae servum fidelissimum non in quaestionem tulit, sed plane ad supplicium dedidit

LXV. 182. Post triennum igitur agitata denuo quaestio de viri morte habebatur. Et de quibus servis habebatur? Nova, credo, res obiecta, novi quidam homines in suspicionem vocati sunt. De Stratone et de Nicostrato. Quid? Romae quaesitum de istis hominibus non erat? Itane tandem? Mulier iam non morbo, sed scelere furiosa, cum quaestionem habuisset Romae, cum de T. Anni, L. Rutili, P.

Saturi, ceterorum honestissimorum virorum sententia constitutum esset satis quaesitum videri, eadem de re triennio post, isdem de hominibus, nullo adhibito non dicam viro, ne colonum forte adfuisse dicatis, sed bono viro, in filii caput quaestionem habere conata est? 183. An hoc dicitis (mihi enim venit in mentem quid dici possit, tametsi ab hoc non esse hoc dictum mementote), cum haberetur de furto quaestio, Stratonem aliquid de veneno esse confessum? Hoc uno modo, iudices, saepe multorum improbitate depressa veritas emergit et innocentiae defensio interclusa respirat, quod aut ii qui ad fraudem callidi sunt non tantum audent quantum excogitant, aut ii quorum eminet audacia atque proiecta est a consiliis malitiae deseruntur. Quod si aut confidens astutia aut callida esset audacia, vix ullo eis obsisti modo posset. Utrum furtum factum non est? at nihil clarius Larini. An ad Stratonem suspicio non pertinuit? at is et ex serrula insimulatus et a puero conscio est indicatus. An id actum non est in quaerendo? quae fuit igitur alia causa quaerendi? An, id quod vobis dicendum est et quod tum Sassia dictitavit: cum de furto quaereretur, tum Stratonem isdem in tormentis dixisse de veneno? 184. En hoc illud est quod ante dixi: mulier abundat audacia, consilio et ratione deficitur. Nam tabellae quaestionis plures proferuntur, quae recitatae vobisque editae sunt, illae ipsae quas tum obsignatas esse dixit; in quibus tabellis de furto nulla littera invenitur. Non venit in mentem primum orationem Stratonis conscribere de furto, post aliquod dictum adiungere de veneno, quod non percontatione quaesitum, sed per dolorem expressum videretur. Quaestio de furto est; veneni iam suspicio superiore quaestione sublata; quod ipsum haec eadem mulier iudicarat, quae ut Romae de amicorum sententia statuerat satis esse quaesitum, postea per triennium maxime ex omnibus servis Stratonem illum dilexerat, in honore habuerat, commodis omnibus adfecerat. 185. Cum igitur de furto quaereretur, et eo furto quod ille sine controversia fecerat, tum ille de eo quod quaerebatur verbum nullum fecit? De veneno statim dixit, de furto si non eo loco quo debuit, ne in extrema quidem aut media aut aliqua denique parte quaestionis verbum fecit ullum? LXVI. Iam videtis illam nefariam mulierem, iudices, eadem manu qua, si detur potestas, interficere filium cupiat, hanc fictam quaestionem conscripsisse. Atque istam ipsam quaestionem dicite qui obsignarit unum aliquem

nominatim: neminem reperietis, nisi forte eius modi hominem quem ego proferri malim quam neminem nominari. 186. Quid ais, T. Acci? tu periculum capitis, tu indicium sceleris, tu fortunas alterius litteris conscriptas in iudicium adferas, neque earum auctorem litterarum neque obsignatorem neque testem ullum nominabis? et quam tu pestem innocentissimo filio de matris sinu deprompseris, hanc hi tales viri comprobabunt? Esto, in tabellis nihil est auctoritatis: quid, ipsa quaestio iudicibus, quid, amicis hospitibusque Oppianici, quos adhibuerat antea, quid, huic tandem ipsi tempori cur non servata est? Quid istis hominibus factum est, Stratone et Nicostrato? 187. Quaero abs te, Oppianice, servo tuo Nicostrato quid factum esse dicas; quem tu, cum hunc brevi tempore accusaturus esses, Romam deducere, dare potestatem indicandi, incolumem denique servare quaestioni, servare his iudicibus, servare huic tempori debuisti. Nam Stratonem quidem, iudices, in crucem esse actum exsecta scitote lingua; quod nemo Larinatium est qui nesciat. Timuit mulier amens non suam conscientiam, non odium municipum, non famam omnium, sed quasi non omnes eius sceleris testes essent futuri, sic metuit ne condemnaretur extrema servuli voce morientis.

188. Quod hoc portentum, di immortales! quod tantum monstrum in ullis locis, quod tam infestum scelus et immane aut unde natum esse dicamus? Iam enim videtis profecto, iudices, non sine necessariis me ac maximis causis principio orationis meae de matre dixisse. Nihil est enim mali, nihil sceleris quod illa non ab initio filio voluerit, optaverit, cogitaverit, effecerit. Mitto illam primam libidinis iniuriam, mitto nefarias generi nuptias, mitto cupiditate matris expulsam ex matrimonio filiam, quae nondum ad huiusce vitae periculum, sed ad commune familiae dedecus pertinebant; nihil de alteris Oppianici nuptiis queror, quarum illa cum obsides filios ab eo mortuos accepisset, tum denique in familiae luctum atque in privignorum funus nupsit; praetereo quod A. Aurium, cuius illa quondam socrus, paulo ante uxor fuisset, cum Oppianici esse opera proscriptum occisumque cognosset, eam sibi domum sedemque delegit in qua cotidie superioris viri mortis indicia et spolia fortunarum videret. 189. Illud primum queror, de illo scelere quod nunc denique patefactum est, Fabriciani veneni. Quod iam tum recens suspiciosum ceteris, huic incredibile, nunc vero apertum iam

omnibus ac manifestum videtur: non est profecto de illo veneno celata mater. Nihil est ab Oppianico sine consilio mulieris cogitatum; quod si esset, certe postea, deprehensa re, non illa ut a viro improbo discessisset, sed ut a crudelissimo hoste fugisset domumque illam in perpetuum scelerum omnium adfluentem reliquisset. 190. Non modo id non fecit, sed ab illo tempore nullum locum praetermisit in quo non strueret insidias aliquas ac dies omnes atque noctes tota mente mater de pernicie filii cogitaret. Quae primum ut illum confirmaret Oppianicum accusatorem filio suo, donis, muneribus, collocatione filiae, spe hereditatis obstrinxit

LXVII. Ita quod apud ceteros novis inter propinquos susceptis inimicitiis saepe fieri divortia atque adfinitatum discidia videmus, haec mulier satis firmum accusatorem filio suo fore neminem putavit, nisi qui in matrimonium sororem eius antea duxisset. Ceteri novis adfinitatibus adducti veteres inimicitias saepe deponunt: illa sibi ad confirmandas inimicitias adfinitatis coniunctionem pignori fore putavit. 191. Neque in eo solum diligens fuit ut accusatorem filio suo compararet, sed etiam cogitavit quibus eum rebus armaret. Hinc enim illae sollicitationes servorum et minis et promissis, hinc illae infinitae crudelissimaeque de morte Oppianici quaestiones; quibus finem aliquando non mulieris modus, sed amicorum auctoritas fecit. Ab eodem scelere illae triennio post habitae Larini quaestiones; eiusdem amentiae falsae conscriptiones quaestionum; ex eodem furore etiam illa conscelerata exsectio linguae; totius denique huius ab illa est et inventa et adornata comparatio criminis. 192. Atque his rebus cum instructum accusatorem filio suo Romam misisset, ipsa paulisper conquirendorum et conducendorum testium causa Larini est commorata; postea autem quam appropinquare huius iudicium ei nuntiatum est, confestim huc advolavit, ne aut accusatoribus diligentia aut pecunia testibus deesset, aut ne forte mater hoc sibi optatissimum spectaculum huius sordium atque luctus et tanti squaloris amitteret.

LXVIII. Iam vero quod iter Romam eius mulieris fuisse existimatis? quod ego propter vicinitatem Aquinatium et Fabraternorum ex multis audivi et comperi; quos concursus in his oppidis, quantos et virorum et mulierum gemitus esse factos? Mulierem quandam Larino *adesse*, atque illam usque a mari supero

Romam proficisci cum magno comitatu et pecunia, quo facilius circumvenire iudicio capitis atque opprimere filium possit! 193. Nemo erat illorum, paene dicam, quin expiandum illum locum esse arbitraretur, quacumque illa iter fecisset; nemo quin terram ipsam violari, quae mater est omnium, vestigiis consceleratae matris putaret. Itaque nullo in oppido consistendi potestas ei fuit, nemo ex tot hospitibus inventus est qui non contagionem aspectus fugeret: nocti se potius ac solitudini quam ulli aut urbi aut hospiti committebat. 194. Nunc vero quid agat, quid moliatur, quid denique cotidie cogitet quem ignorare nostrum putat? Quos appellarit, quibus pecuniam promiserit, quorum fidem pretio labefactere conata sit tenemus. Quin etiam nocturna sacrificia, quae putat occultiora esse, sceleratasque eius preces et nefaria vota cognovimus; quibus illa etiam deos immortales de suo scelere testatur neque intellegit pietate et religione et iustis precibus deorum mentes, non contaminata superstitione neque ad scelus perficiendum caesis hostiis posse placari. Cuius ego furorem atque crudelitatem deos immortales a suis aris atque templis aspernatos esse confido.

LXIX. 195. Vos iudices, quos huic A. Cluentio quos*dam* alios deos ad omne vitae tempus fortuna esse voluit, huius importunitatem matris a filii capite depellite. Multi saepe in iudicando peccata liberum parentum misericordiae concesserunt: vos ne huius honestissime actam vitam matris crudelitati condonetis rogamus, praesertim cum ex altera parte totum municipium videre possitis. Omnes scitote, iudices, – incredibile dictu est, sed a me verissime dicetur – omnes Larinates, qui valuerunt, venisse Romam, ut hunc studio frequentiaque sua quantum possent in tanto eius periculo sublevarent. Pueris illud hoc tempore et mulieribus oppidum scitote esse traditum, idque in praesentia [communi Italiae pace] in domesticis copiis esse totum. Quos tamen ipsos aeque, et eos quos praesentes videtis, huius exspectatio iudicii dies noctesque sollicitat. 196. Non illi vos de unius municipis fortunis arbitrantur, sed de totius municipii statu, dignitate, commodisque omnibus sententias esse laturos. Summa est enim, iudices, hominis in communem municipii rem diligentia, in singulos municipes benignitas, in omnes homines iustitia et fides. Praeterea nobilitatem illam inter suos locumque a maioribus traditum sic tuetur ut maiorum gravitatem, constantiam, gratiam, liberalitatem adsequatur. Itaque eis eum verbis publice laudant ut non solum testimonium suum iudiciumque significent, verum etiam curam animi ac dolorem. Quae dum laudatio recitatur, vos, quaeso, qui eam detulistis, adsurgite.

197. Ex lacrimis horum, iudices, existimare potestis omnes haec decuriones decrevisse lacrimantes. Age vero, vicinorum quantum studium, quam incredibilis benevolentia, quanta cura est! Non illi in libellis laudationem decretam miserunt, sed homines honestissimos, quos nossemus omnes, huc frequentes adesse et hunc praesentes laudare voluerunt. Adsunt Frentani, homines nobilissimi, Marrucini item pari dignitate; Teano Apulo atque Luceria equites Romanos, homines honestissimos, laudatores videtis; Boviano totoque ex Samnio cum laudationes honestissimae missae sunt tum homines amplissimi nobilissimique venerunt. 198. Iam qui in agro Larinati praedia, qui negotia, qui res pecuarias habent, honesti homines et summo splendore praediti, difficile dictu est quam sint solliciti, quam laborent. Non multi mihi ab uno sic diligi videntur, ut hic ab eis

universis.

LXX. Quam doleo abesse ab huius iudicio L. Volusienum, summo splendore hominem ac virtute praeditum! Vellem praesentem possem P. Helvidium Rufum, equitem Romanum omnium ornatissimum, nominare! qui cum huius causa dies noctesque vigilaret et cum me hanc causam doceret, in morbum gravem periculosumque incidit; in quo tamen non minus de capite huius quam de sua vita laborat. Cn. Tudici senatoris, viri optimi et honestissimi, par studium ex testimonio et laudatione cognoscetis. Eadem spe, sed maiore verecundia de te, P. Volumni, quoniam iudex es in A. Cluentium, dicimus; et, ne longum sit, omnium vicinorum summam esse in hunc benevolentiam confirmamus. 199. Horum omnium studium, curam, diligentiam, meumque una laborem, qui totam hanc causam vetere instituto solus peroravi, vestramque simul, iudices, aequitatem et mansuetudinem una mater oppugnat. At quae mater? Quam caecam crudelitate et scelere ferri videtis; cuius cupiditatem nulla umquam turpitudo retardavit; quae vitiis animi in deterrimas partes iura hominum convertit omnia; cuius ea stultitia est ut eam nemo hominem, ea vis ut nemo feminam, ea crudelitas ut nemo matrem appellare possit. Atque etiam nomina necessitudinum, non solum naturae nomen et iura mutavit, – uxor generi, noverca filii, filiae pelex; eo iam denique adducta est ut sibi praeter formam nihil ad similitudinem hominis reservarit.

200. Qua re, iudices, si scelus odistis, prohibete aditum matris a filii sanguine, date parenti hunc incredibilem dolorem ex salute, ex victoria liberum; patimini matrem, ne orbata filio laetetur, victam potius vestra aequitate discedere. Sin autem, id quod vestra natura postulat, pudorem, veritatem, virtutemque diligitis, levate hunc aliquando supplicem vestrum, iudices, tot annos in falsa invidia periculisque versatum, qui nunc primum post illam flammam aliorum facto et cupiditate excitatam spe vestrae aequitatis erigere animum et paulum respirare a metu coepit, cui posita sunt in vobis omnia, quem servatum esse plurimi cupiunt, servare soli vos potestis. 201. Orat vos Habitus, iudices, et flens obsecrat, ne se invidiae, quae in iudiciis valere non debet, ne matri, cuius vota et preces a vestris mentibus repudiare debetis, ne Oppianico, homini nefario, condemnato iam et mortuo, condonetis

LXXI. Quod si qua calamitas hunc in hoc iudicio adflixerit innocentem, ne iste miser, si, id quod difficile factu est, in vita remanebit, saepe et multum queretur deprehensum esse illud quondam Fabricianum venenum. Quod si tum indicatum non esset, non huic aerumnosissimo venenum illud fuisset, sed multorum medicamentum laborum; postremo etiam fortasse mater exsequias illius funeris prosecuta mortem se filii lugere simulasset. Nunc vero quid erit profectum nisi ut huius ex mediis mortis insidiis vita ad luctum conservata, mors sepulcro patris privata esse videatur? 202. Satis diu fuit in miseriis, iudices, satis multos annos ex invidia laboravit. Nemo huic tam iniquus praeter parentem fuit cuius non animum iam expletum esse putemus. Vos, qui aequi estis omnibus, qui, ut quisque crudelissime oppugnatur, eum lenissime sublevatis, conservate A. Cluentium; restituite incolumem municipio; amicis, vicinis, hospitibus, quorum studia videtis, reddite; vobis in perpetuum liberisque vestris obstringite. Vestrum est hoc, iudices, vestrae dignitatis, vestrae clementiae; recte hoc repetitur a vobis, ut virum optimum atque innocentissimum plurimisque mortalibus carissimum atque iucundissimum his aliquando calamitatibus liberetis, ut omnes intellegant in contionibus esse invidiae locum, in iudiciis veritati.

IN TOGA CANDIDA (Denouncing candidates for the consulship of 63 BC)

IN SENATU IN TOGA CANDIDA CONTRA C. ANTONIUM ET L. CATILINAM COMPETITORES

[82] Haec oratio dicta est L. Caesare C. Figulo coss. post annum quam pro Cornelio dixerat.

Argumentum

Sex competitores in consulatus petitione Cicero habuit, duos patricios, P. Sulpicium Galbam, L. Sergium Catilinam; quattuor plebeios ex quibus duos nobiles, C. Antonium, M. Antoni oratoris filium, L. Cassium Longinum, duos qui tantum non primi ex familiis suis magistratum adepti erant, Q. Cornificium et C. Licinium Sacerdotem. Solus Cicero ex competitoribus equestri erat loco natus; atque in petitione patrem amisit. Ceteri eius competitores modeste se gessere, visique sunt Q. Cornificius et Galba sobrii ac sancti viri, Sacerdos nulla improbitate notus; Cassius quamvis stolidus tum magis quam improbus videretur, post paucos menses in coniuratione Catilinae esse eum apparuit ac cruentissimarum sententiarum fuisse auctorem. Itaque hi quattuor prope iacebant.
Catilina autem et Antonius, [83] quamquam omnium maxime infamis eorum vita esset, tamen multum poterant. Coierant enim ambo ut Ciceronem consulatu deicerent, adiutoribus usi firmissimis M. Crasso et C. Caesare. Itaque haec oratio contra solos Catilinam et Antonium est. Causa orationis huius modi in senatu habendae Ciceroni fuit quod, cum in dies licentia ambitus augeretur propter praecipuam Catilinae et Antoni audaciam, censuerat senatus ut lex ambitus aucta etiam cum poena ferretur; eique rei Q. Mucius Orestinus tr.pl. intercesserat. Tum Cicero graviter senatu intercessionem ferente surrexit atque in coitionem Catilinae et Antoni invectus est ante dies comitiorum paucos.

Enarratio

Dico, P. C. , superiore nocte cuiusdam hominis nobilis et valde in hoc largitionis quaestu noti et cogniti domum Catilinam et Antonium cum sequestribus suis convenisse.
Aut C. Caesaris aut M. Crassi domum significat. Ei enim acerrimi ac potentissimi fuerunt Ciceronis refragatores cum petiit consulatum, quod eius in dies civilem crescere dignitatem animadvertebant: et hoc ipse Cicero in expositione consiliorum suorum significat; eius quoque coniurationis quae Cotta et Torquato coss. ante annum quam haec dicerentur facta est a Catilina et Pisone arguit M. Crassum auctorem fuisse.

Quem enim aut amicum habere potest is qui tot [84] *civis trucidavit, aut clientem qui in sua civitate cum peregrino negavit se iudicio aequo certare posse?*
Dicitur Catilina, cum in Sullanis partibus fuisset, crudeliter fecisse. Nominatim etiam postea Cicero dicit quos occiderit, Q. Caecilium, M. Volumnium, L. Tanusium. M. etiam Mari Gratidiani summe popularis hominis, qui ob id bis praetor fuit, caput abscisum per urbem sua manu Catilina tulerat; quod crimen saepius ei tota oratione obicit. Fuerat vero hic Gratidianus arta necessitudine Ciceroni coniunctus.
Clientem autem negavit habere posse C. Antonium: nam is multos in Achaia spoliaverat nactus de exercitu Sullano equitum turmas. Deinde Graeci qui spoliati erant eduxerunt Antonium in ius ad M. Lucullum praetorem qui ius inter peregrinos dicebat. Egit pro Graecis C. Caesar etiam tum adulescentulus, de quo paulo ante mentionem fecimus; et cum Lucullus id quod Graeci postulabant decrevisset, appellavit tribunos Antonius iuravitque se ideo eiurare quod aequo iure uti non posset. Hunc Antonium Gellius et Lentulus censores sexennio quo haec dicerentur senatu moverunt titulosque subscripserunt, quod socios diripuerit, quod iudicium recusarit, quod propter aeris alieni magnitudinem praedia manciparit bonaque sua in potestate non habeat.

[85] *Nec senatum respexit cum gravissimis vestris decretis absens notatus est.*
Catilina ex praetura Africam provinciam obtinuit: quam cum graviter

vexasset, legati Afri in senatu iam tum absente illo questi sunt, multaeque graves sententiae in senatu de eo dictae sunt.

In iudiciis quanta vis esset didicit cum est absolutus: si aut illud iudicium aut illa absolutio nominanda est.
Ante annum quam haec dicerentur Catilina, cum redisset ex Africa Torquato et Cotta coss., accusatus est repetundarum a P. Clodio adulescente, qui postea inimicus Ciceronis fuit. Defensus est Catilina, ut Fenestella tradit, a M. Cicerone. Quod ego ut addubitem haec ipsa Ciceronis oratio facit, maxime quod is nullam mentionem rei habet, cum potuerit invidiam facere competitori tam turpiter adversus se coeunti: praesertim cum alterum competitorem suum Antonium in eadem hac oratione sua admoneat suo beneficio eum ex ultimo loco praeturae candidatum ad tertium pervenisse.

Nescis me praetorem primum esse factum, te concessione competitorum et collatione centuriarum et meo maxime beneficio ex postremo in tertium locum esse subiectum?
Qui igitur Antonio suffragationem suam imputandam putat, is si defendisset Catilinam, caput eius protectum a se nonne imputaret? Quod ita esse manifestum est ex eo quod statim dicit. Q. enim Mucius tr.pl. intercedebat [86] ne lex ambitus ferretur; quod facere pro Catilina videbatur. Hunc Mucium in hac oratione Cicero appellans sic ait:
Te tamen, Q. Muci, tam male de populo Romano existimare moleste fero qui hesterno die me esse dignum consulatu negebas. Quid? p.R. minus diligenter sibi constitueret defensorem quam tu tibi? Cum tecum furti L. Calenus ageret, me potissimum fortunarum tuarum patronum esse voluisti. Cuius tute consilium in tua turpissima causa delegisti, hunc honestissimarum rerum defensorem p.R. auctore te repudiare potest? Nisi forte hoc dicturus es, quo tempore cum L. Caleno furti depectus sis, eo tempore in me tibi parum esse auxili vidisse.
Vere cum egerit Muci causam Cicero sicut Catilinae egisse eum videri vult Fenestella, cur iam quamvis male existimet de causa Muci, tamen ei exprobret patrocinium suum, non idem in Catilina faciat, si modo pro eo dixit? et cur ipsum illud iudicium saepius in

infamiam vocat? quod parcius videtur fuisse facturus, si in eo iudicio fuisset patronus. Atque ut alia omittam, hoc certe vix videtur dicturus fuisse, si illo patrono Catilina repetundarum absolutus esset:
Stupris se omnibus ac flagitiis contaminavit; caede nefaria cruentavit; diripuit socios; leges quaestiones iudicia violavit - et postea:
Quid ego ut violaveris provinciam praedicem? Nam ut te illic gesseris non audeo dicere, quoniam [87] *absolutus es. Mentitos esse equites Romanos, falsas fuisse tabellas honestissimae civitatis existimo, mentitum Q. Metellum Pium, mentitam Africam: vidisse puto nescio quid illos iudices qui te innocentem iudicarunt. O miser qui non sentias illo iudicio te non absolutum verum ad aliquod severius iudicium ac maius supplicium reservatum!*
Verine ergo simile est haec eum Catilinae obicere, si illo defendente absolutus esset? Praeterea movet me quod, cum sint commentarii Ciceronis causarum, eius tamen defensionis nullum est commentarium aut principium.
Ita quidem iudicio absolutus est Catilina ut Clodius infamis fuerit praevaricatus esse: nam et reiectio iudicum ad arbitrium rei videbatur esse facta.

Populum vero cum inspectante populo collum secuit hominis maxime popularis quanti faceret ostendit.
Diximus et paulo ante Mari caput Catilinam per urbem tulisse.

Me qua amentia inductus sit ut contemneret constituere non possum. Utrum aequo animo laturum putavit? At in suo familiarissimo viderat me ne aliorum quidem iniurias mediocriter posse ferre.
Manifestum est C. Verrem significari.

Alter pecore omni vendito et saltibus prope addictis pastores retinet, ex quibus ait se cum velit subito fugitivorum bellum excitaturum.
C. Antonium significat.

[88] *Alter induxit eum quem potuit ut repente gladiatores populo non debitos polliceretur; eos ipse consularis candidatus perspexit et legit et emit; id praesente populo Romano factum est.*

Q. Gallium, quem postea reum ambitus defendit, significare videtur. Hic enim cum esset praeturae candidatus, quod in aedilitate quam ante annum gesserat bestias non habuerat, dedit gladiatorium munus sub titulo patri se id dare.

Quam ob rem augete etiam mercedem, si voltis, Q. Muci ut perseveret legem impedire, ut coepit senatus consultum; sed ego ea lege contentus sum qua duos consules designatos uno tempore damnari vidimus.
Legem Calpurniam significat quam C. Calpurnius Piso ante triennium de ambitu tulerat. Quod dicit autem damnatos esse designatos consules, P. Sullam et P. Autronium, de quibus iam diximus, vult intellegi.
Cognomen autem Q. Mucio tribuno quem nominat fuit Orestinus.

Atque ut istum omittam in exercitu Sullano praedonem, in introitu gladiatorem, in victoria quadrigarium.
De Antonio dici manifestum est. Dicit eum *in exercitu Sullae praedonem* propter equitum turmas quibus Achaiam ab eo vexatam esse significavimus; *in introitu gladiatorem* pertinet ad invidiam proscriptionis quae tum facta est; *in victoria quadrigarium*, quod cum Sulla post victoriam circenses faceret ita ut honesti homines quadrigas agitarent, fuit inter eos C. Antonius.

[89] *Te vero, Catilina, consulatum sperare aut cogitare non prodigium atque portentum est? A quibus enim petis? A principibus civitatis? qui tibi, cum L. Volcacio cos. in consilio fuissent, ne petendi quidem potestatem esse voluerunt.*
Paulo ante diximus Catilinam, cum de provincia Africa decederet petiturus consulatum et legati Afri questi de eo in senatu graviter essent, supervenisse. Professus deinde est Catilina petere se consulatum. L. Volcacius Tullus consul consilium publicum habuit an rationem Catilinae habere deberet, si peteret consulatum: nam quaerebatur repetundarum. Catilina ob eam causam destitit a petitione.

A senatoribus? qui te auctoritate sua spoliatum ornamentis omnibus

vinctum paene Africanis oratoribus tradiderunt?
Diximus modo de hoc. Nam iudicium quoque secutum est repetundarum, quo ipse per infamiam liberatus est Catilina, sed ita ut senatorum urna damnaret, equitum et tribunorum absolveret.

Ab equestri ordine? quem trucidasti?
Equester ordo pro Cinnanis partibus contra Sullam steterat, multique pecunias abstulerant: ex quo saccularii erant appellati, atque ob eius rei invidiam post Sullanam victoriam erant interfecti.

A plebe? cui spectaculum eius modi tua crudelitas praebuit, ut te nemo sine gemitu ac recordatione luctus aspicere possit?
[90] Eiusdem illius Mari Gratidiani quod caput gestarit obicit.

Quo loco dicit Catilinam caput M. Mari gestasse:
Quod caput etiam tum plenum animae et spiritus ad Sullam usque ab Ianiculo ad aedem Apollinis manibus ipse suis detulit.
Omnia sunt manifesta. Ne tamen erretis, quod his temporibus aedes Apollinis in Palatio fuit nobilissima, admonendi estis non hanc a Cicerone significari, utpote quam post mortem etiam Ciceronis multis annis Imp.Caesar, quem nunc Divum Augustum dicimus, post Actiacam victoriam fecerit: sed illam demonstrari quae est extra portam Carmentalem inter forum holitorium et circum Flaminium. Ea enim sola tum quidem Romae Apollinis aedes.

Loquitur cum Catilina:
Quid tu potes in defensione tua dicere quod illi non dixerint? at illi multa dixerunt quae tibi dicere non licebit -
et paulo post:
Denique illi negare potuerunt et negaverunt: tu tibi ne infitiandi quidem impudentiae locum reliquisti. Qua re praeclara dicentur iudicia tulisse si, qui infitiantem Luscium condemnarunt, Catilinam absolverint confitentem.
Hic quem nominat L. Luscius, notus centurio Sullanus divesque e victoria factus - nam amplius centies possederat - damnatus erat non multo ante quam Cicero dixit. Obiectae [91] sunt ei tres caedes proscriptorum. Circa eosdem dies L. quoque Bellienus damnatus est

quem Cicero ait avunculum esse Catilinae. Hic autem Lucretium Ofellam consulatum contra voluntatem Sullae ad turbandum statum civitatis petentem occiderat iussu Sullae tunc dictatoris. His ergo negat ignotum esse, cum et imperitos se homines esse et, si quem etiam interfecissent, imperatori ac dictatori paruisse dicerent, ac negare quoque possent: Catilinam vero infitiari non posse. Huius autem criminis periculum quod obicit Cicero paucos post menses Catilina subiit. Post effecta enim comitia consularia et Catilinae repulsam fecit eum reum inter sicarios L. Lucceius paratus eruditusque, qui postea consulatum quoque petiit.

Hanc tu habes dignitatem qua fretus me contemnis et despicis, an eam quam reliqua in vita es consecutus? cum ita vixisti ut non esset locus tam sanctus quo non adventus tuus, etiam cum culpa nulla subesset, crimen afferret.
Fabia virgo Vestalis causam incesti dixerat, cum ei Catilina obiceretur, eratque absoluta. Haec Fabia quia soror erat Terentiae Ciceronis, ideo sic dixit: *etiam si culpa nulla subesset.* Ita et suis perpercit et nihilo levius inimico summi opprobrii turpitudinem obiecit.

Cum deprehendebare in adulteriis, cum deprehendebas adulteros ipse, cum ex eodem stupro tibi et uxorem et filiam invenisti.
Dicitur Catilina adulterium commisisse cum ea quae ei postea socrus fuit, et ex eo natam stupro duxisse uxorem, [92] cum filia eius esset. Hoc Lucceius quoque Catilinae obicit in orationibus quas in eum scripsit. Nomina harum mulierum nondum inveni.

Quid ego ut violaveris provinciam praedicem, cuncto populo Romano clamante ac resistente? nam ut te illic gesseris non audeo dicere, quoniam absolutus es.
Dictum est iam saepius Catilinam ex praetura Africam obtinuisse et accusante eum repetundarum P. Clodio absolutum esse.

Praetereo nefarium illum conatum tuum et paene acerbum et luctuosum rei publicae diem, cum Cn. Pisone socio, ne quem alium nominem, caedem optimatum facere voluisti.

Quos non nominet intellegitis. Fuit enim opinio Catilinam et Cn. Pisonem, adulescentem perditum, coniurasse ad caedem senatus faciendam ante annum quam haec dicta sunt, Cotta et Torquato coss., eamque caedem ideo non esse factam quod prius quam parati essent coniuratis signum dedisset Catilina. Piso autem, cum haec dicerentur, perierat, in Hispaniam missus a senatu per honorem legationis ut (?)avus suus ablegaretur. Ibi quidem dum iniurias provincialibus facit, occisus erat, ut quidam credebant, a Cn. Pompeii clientibus Pompeio non invito.

An oblitus es te ex me, cum praeturam peteremus, petisse ut tibi primum locum concederem? Quod cum saepius ageres et impudentius a me [93] *contenderes, meministi me tibi respondere impudenter te facere qui id a me peteres quod a te Boculus numquam impetrasset?*
Diximus iam supra Sullae ludis quos hic propter victoriam fecerit quadrigas C. Antonium et alios quosdam nobiles homines agitasse. Praeterea Antonius redemptas habebat ab aerario vectigales quadrigas, quam redemptionem senatori habere licet per legem. Fuit autem notissimus in circo quadrigarum agitator Boculus.

Dicit de malis civibus:
Qui postea quam illo quo conati erant Hispaniensi pugiunculo nervos incidere civium Romanorum non potuerunt, duas uno tempore conantur in rem publicam sicas destringere.
Hispaniensem pugiunculum Cn. Pisonem appellat, quem in Hispania occisum esse dixi. Duas sicas Catilinam et Antonium appellari manifestum est.

Hunc vos scitote Licinium gladiatorem iam immisisse capillum Catilinae (?)iudic. qua Q. ve Curium hominem quaestorium.
Curius hic notissimus fuit aleator, damnatusque postea est. In hunc est hendecasyllabus Calvi elegans:
“Et talos Curius pereruditus.”

Huic orationi Ciceronis et Catilina et Antonius contumeliose responderunt, quod solum poterant, invecti in [94] novitatem eius.

Feruntur quoque orationes nomine illorum editae, non ab ipsis scriptae sed ab Ciceronis obtrectatoribus: quas nescio an satius sit ignorare. Ceterum Cicero consul omnium consensu factus est: Antonius pauculis centuriis Catilinam superavit, cum ei propter patris nomen paulo speciosior manus suffragata esset quam Catilinae.

PRO RABIRIO PERDUELLIONIS REO (On Behalf of Gaius Rabirius charged of treason)

PRO C. RABIRIO PERDVELLIONIS REO AD QVIRITES ORATIO

[1] Etsi, Quirites, non est meae consuetudinis initio dicendi rationem reddere qua de causa quemque defendam, propterea quod cum omnibus civibus in eorum periculis semper satis iustam mihi causam necessitudinis esse duxi, tamen in hac defensione capitis, famae fortunarumque omnium C. Rabiri proponenda ratio videtur esse offici mei, propterea quod, quae iustissima mihi causa ad hunc defendendum esse visa est, eadem vobis ad absolvendum debet videri. [2] Nam me cum amicitiae vetustas, cum dignitas hominis, cum ratio humanitatis, cum meae vitae perpetua consuetudo ad C. Rabirium defendendum est adhortata, tum vero, ut id studiosissime facerem, salus rei publicae, consulare officium, consulatus denique ipse mihi una <a> vobis cum salute rei publicae commendatus coegit. Non enim C. Rabirium culpa delicti, non invidia vitae, Quirites, non denique veteres iustae gravesque inimicitiae civium in discrimen capitis vocaverunt, sed ut illud summum auxilium maiestatis atque imperi quod nobis a maioribus est traditum de re publica tolleretur, ut nihil posthac auctoritas senatus, nihil consulare imperium, nihil consensio bonorum contra pestem ac perniciem civitatis valeret, idcirco in his rebus evertendis unius hominis senectus, infirmitas solitudoque temptata est. [3] Quam ob rem si est boni consulis, cum cuncta auxilia rei publicae labefactari convellique videat, ferre opem patriae, succurrere saluti fortunisque communibus, implorare civium fidem, suam salutem posteriorem salute communi ducere, est etiam bonorum et fortium civium, quales vos omnibus rei publicae temporibus exstitistis, intercludere omnis seditionum vias, munire praesidia rei publicae, summum in consulibus imperium, summum in senatu consilium putare; ea qui secutus sit, laude potius et honore quam poena et supplicio dignum iudicare. [4] Quam ob rem labor in hoc defendendo praecipue meus est, studium vero conservandi hominis commune mihi vobiscum esse debebit.

Sic enim existimare debetis, Quirites, post hominum memoriam rem nullam maiorem, magis periculosam, magis ab omnibus vobis providendam neque a tribuno pl. susceptam neque a consule defensam neque ad populum Romanum esse delatam. Agitur enim nihil aliud in hac causa, Quirites, <nisi> ut nullum sit posthac in re publica publicum consilium, nulla bonorum consensio contra improborum furorem et audaciam, nullum extremis rei publicae temporibus perfugium et praesidium salutis. [5] Quae cum ita sint, primum, quod in tanta dimicatione capitis, famae fortunarumque omnium fieri necesse est, ab Iove Optimo Maximo ceterisque dis deabusque immortalibus, quorum ope et auxilio multo magis haec res publica quam ratione hominum et consilio gubernatur, pacem ac veniam peto precorque ab eis ut hodiernum diem et ad huius salutem conservandam et ad rem publicam constituendam inluxisse patiantur. Deinde vos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit, oro atque obsecro, quoniam uno tempore vita C. Rabiri, hominis miserrimi atque innocentissimi, salus rei publicae vestris manibus suffragiisque permittitur, adhibeatis in hominis fortunis misericordiam, in rei publicae salute sapientiam quam soletis.

[6] Nunc quoniam, T. Labiene, diligentiae meae temporis angustiis obstitisti meque ex comparato et constituto spatio defensionis in semihorae articulum coegisti, parebitur et, quod iniquissimum est, accusatoris condicioni et, quod miserrimum, inimici potestati. Quamquam in hac praescriptione semihorae patroni mihi partis reliquisti, consulis ademisti, propterea quod ad defendendum prope modum satis erit hoc mihi temporis, ad conquerendum vero parum. [7] Nisi forte de locis religiosis ac de lucis quos ab hoc violatos esse dixisti pluribus verbis tibi respondendum putas; quo in crimine nihil est umquam abs te dictum, nisi a C. Macro obiectum esse crimen id C. Rabirio. In quo ego demiror meminisse te quid obiecerit C. Rabirio Macer inimicus, oblitum esse quid aequi et iurati iudices iudicarint. [8] An de peculatu facto aut de tabulario incenso longa oratio est expromenda? quo in crimine propinquus C. Rabiri iudicio clarissimo, C. Curtius, pro virtute sua est honestissime liberatus, ipse vero Rabirius non modo in iudicium horum criminum, sed ne in tenuissimam quidem suspicionem verbo est umquam vocatus. An de

sororis filio diligentius respondendum est? quem ab hoc necatum esse dixisti, cum ad iudici moram familiaris funeris excusatio quaereretur. Quid enim est tam veri simile quam cariorem huic sororis maritum quam sororis filium fuisse, atque ita cariorem ut alter vita crudelissime privaretur, cum alteri ad prolationem iudici biduum quaereretur? An de servis alienis contra legem Fabiam retentis, aut de civibus Romanis contra legem Porciam verberatis aut necatis plura dicenda sunt, cum tanto studio C. Rabirius totius Apuliae, singulari voluntate Campaniae ornetur, cumque ad eius propulsandum periculum non modo homines sed prope regiones ipsae convenerint, aliquanto etiam latius excitatae quam ipsius vicinitatis nomen ac termini postulabant? Nam quid ego ad id longam orationem comparem quod est in eadem multae inrogatione praescriptum, hunc nec suae nec alienae pudicitiae pepercisse? [9] Quin etiam suspicor eo mihi semihoram ab Labieno praestitutam esse ut ne plura de pudicitia dicerem. Ergo ad haec crimina quae patroni diligentiam desiderant intellegis mihi semihoram istam nimium longam fuisse.

Illam alteram partem de nece Saturnini nimis exiguam atque angustam esse voluisti; quae non oratoris ingenium sed consulis auxilium implorat et flagitat. [10] Nam de perduellionis iudicio, quod a me sublatum esse criminari soles, meum crimen est, non Rabiri. Quod utinam, Quirites, ego id aut primus aut solus ex hac re publica sustulissem! utinam hoc, quod ille crimen esse volt, proprium testimonium meae laudis esset. Quid enim optari potest quod ego mallem quam me in consulatu meo carnificem de foro, crucem de campo sustulisse? Sed ista laus primum est maiorum nostrorum, Quirites, qui expulsis regibus nullum in libero populo vestigium crudelitatis regiae retinuerunt, deinde multorum virorum fortium qui vestram libertatem non acerbitate suppliciorum infestam sed lenitate legum munitam esse voluerunt.

[11] Quam ob rem uter nostrum tandem, Labiene, popularis est, tune qui civibus Romanis in contione ipsa carnificem, qui vincla adhiberi putas oportere, qui in campo Martio comitiis centuriatis auspicato in loco crucem ad civium supplicium defigi et constitui iubes, an ego qui funestari contionem contagione carnificis veto, qui expiandum forum populi Romani ab illis nefarii sceleris vestigiis

esse dico, qui castam contionem, sanctum campum, inviolatum corpus omnium civium Romanorum, integrum ius libertatis defendo servari oportere? [12] Popularis vero tribunus pl. custos defensorque iuris et libertatis! Porcia lex virgas ab omnium civium Romanorum corpore amovit, hic misericors flagella rettulit; Porcia lex libertatem civium lictori eripuit, Labienus, homo popularis, carnifici tradidit; C. Gracchus legem tulit ne de capite civium Romanorum iniussu vestro iudicaretur, hic popularis a iiviris iniussu vestro non iudicari de cive Romano sed indicta causa civem Romanum capitis condemnari coegit. [13] Tu mihi etiam legis Porciae, tu C. Gracchi, tu horum libertatis, tu cuiusquam denique hominis popularis mentionem facis, qui non modo suppliciis invisitatis sed etiam verborum crudelitate inaudita violare libertatem huius populi, temptare mansuetudinem, commutare disciplinam conatus es? Namque haec tua, quae te, hominem clementem popularemque, delectant, 'I, lictor, conliga manvs,' non modo huius libertatis mansuetudinisque non sunt sed ne Romuli quidem aut Numae Pompili; Tarquini, superbissimi atque crudelissimi regis, ista sunt cruciatus carmina quae tu, homo lenis ac popularis, libentissime commemoras: 'Capvt obnvbito, arbori infelici svspendito,' quae verba, Quirites, iam pridem in hac re publica non solum tenebris vetustatis verum etiam luce libertatis oppressa sunt.

[14] An vero, si actio ista popularis esset et si ullam partem aequitatis haberet aut iuris, C. Gracchus eam reliquisset? Scilicet tibi graviorem dolorem patrui tui mors attulit quam C. Graccho fratris, et tibi acerbior eius patrui mors est quem numquam vidisti quam illi eius fratris quicum concordissime vixerat, et simili iure tu ulcisceris patrui mortem atque ille persequeretur fratris, si ista ratione agere voluisset, et par desiderium sui reliquit apud populum Romanum Labienus iste, patruus vester, quisquis fuit, ac Ti. Gracchus reliquerat. An pietas tua maior quam <C.> Gracchi, an animus, an consilium, an opes, an auctoritas, an eloquentia? quae si in illo minima fuissent, tamen prae tuis facultatibus maxima putarentur. [15] Cum vero his rebus omnibus C. Gracchus omnis vicerit, quantum intervallum tandem inter te atque illum interiectum putas? Sed moreretur prius acerbissima morte miliens <C.> Gracchus quam in eius contione carnifex consisteret; quem non modo foro sed etiam caelo hoc ac spiritu censoriae leges atque urbis domicilio carere

voluerunt. Hic se popularem dicere audet, me alienum a commodis vestris, cum iste omnis et suppliciorum et verborum acerbitates non ex memoria vestra ac patrum vestrorum sed ex annalium monumentis atque ex regum commentariis conquisierit, ego omnibus meis opibus, omnibus consiliis, omnibus dictis atque factis repugnarim et restiterim crudelitati? nisi forte hanc condicionem vobis esse voltis quam servi, si libertatis spem propositam non haberent, ferre nullo modo possent. [16] Misera est ignominia iudiciorum publicorum, misera multatio bonorum, miserum exsilium; sed tamen in omni calamitate retinetur aliquod vestigium libertatis. Mors denique si proponitur, in libertate moriamur, carnifex vero et obductio capitis et nomen ipsum crucis absit non modo a corpore civium Romanorum sed etiam a cogitatione, oculis, auribus. Harum enim omnium rerum non solum eventus atque perpessio sed etiam condicio, exspectatio, mentio ipsa denique indigna cive Romano atque homine libero est. An vero servos nostros horum suppliciorum omnium metu dominorum benignitas vindicta una liberat; nos a verberibus, ab unco, a crucis denique terrore neque res gestae neque acta aetas neque vestri honores vindicabunt? [17] Quam ob rem fateor atque etiam, Labiene, profiteor et prae me fero te ex illa crudeli, importuna, non tribunicia actione sed regia, meo consilio, virtute, auctoritate esse depulsum. Qua tu in actione quamquam omnia exempla maiorum, omnis leges, omnem auctoritatem senatus, omnis religiones atque auspiciorum publica iura neglexisti, tamen a me haec in hoc tam exiguo meo tempore non audies; liberum tempus nobis dabitur ad istam disceptationem.

[18] Nunc de Saturnini crimine ac de clarissimi patrui tui morte dicemus. Arguis occisum esse a C. Rabirio L. Saturninum. At id C. Rabirius multorum testimoniis, Q. Hortensio copiosissime defendente, antea falsum esse docuit; ego autem, si mihi esset integrum, susciperem hoc crimen, agnoscerem, confiterer. Vtinam hanc mihi facultatem causa concederet ut possem hoc praedicare, C. Rabiri manu L. Saturninum, hostem populi Romani, interfectum! — Nihil me clamor iste commovet sed consolatur, cum indicat esse quosdam civis imperitos sed non multos. Numquam, mihi credite, populus Romanus hic qui silet consulem me fecisset, si vestro clamore perturbatum iri arbitraretur. Quanto iam levior est

acclamatio! Quin continetis vocem indicem stultitiae vestrae, testem paucitatis! — [19] Libenter, inquam, confiterer, si vere possem aut etiam si mihi esset integrum, C. Rabiri manu L. Saturninum esse occisum, et id facinus pulcherrimum esse arbitrarer; sed, quoniam id facere non possum, confitebor id quod ad laudem minus valebit, ad crimen non minus. Confiteor interficiendi Saturnini causa C. Rabirium arma cepisse. Quid est, Labiene? quam a me graviorem confessionem aut quod in hunc maius crimen exspectas? nisi vero interesse aliquid putas inter eum qui hominem occidit, et eum qui cum telo occidendi hominis causa fuit. Si interfici Saturninum nefas fuit, arma sumpta esse contra Saturninum sine scelere non possunt; si arma iure sumpta concedis, inter<fectum iure concedas necesse est>.

[20] Fit senatus consultum ut C. Marius L. Valerius consules adhiberent tribunos pl. et praetores, quos eis videretur, operamque darent ut imperium populi Romani maiestasque conservaretur. Adhibent omnis tribunos pl. praeter Saturninum, <praetores> praeter Glauciam; qui rem publicam salvam esse vellent, arma capere et se sequi iubent. Parent omnes; ex aede Sancus armamentariisque publicis arma populo Romano C. Mario consule distribuente dantur. Hic iam, ut omittam cetera, de te ipso, Labiene, quaero. Cum Saturninus Capitolium teneret armatus, esset una C. Glaucia, C. Saufeius, etiam ille ex compedibus atque ergastulo Gracchus; addam, quoniam ita vis, eodem Q. Labienum, patruum tuum; in foro autem C. Marius et L. Valerius Flaccus consules, post cunctus senatus, atque ille senatus quem etiam vos ipsi, qui hos patres conscriptos qui nunc sunt in invidiam vocatis, quo facilius de hoc senatu detrahere possitis, <laudare consuevistis,> cum equester ordo — at quorum equitum, di immortales! patrum nostrorum atque eius aetatis, qui tum magnam partem rei publicae atque omnem dignitatem iudiciorum tenebant, — cum omnes omnium ordinum homines qui in salute rei publicae salutem suam repositam esse arbitrabantur arma cepissent: quid tandem C. Rabirio faciendum fuit? [21] De te ipso, inquam, Labiene, quaero. Cum ad arma consules ex senatus consulto vocavissent, cum armatus M. Aemilius, princeps senatus, in comitio constitisset, qui cum ingredi vix posset, non ad insequendum sibi tarditatem pedum sed ad fugiendum impedimento fore putabat, cum denique Q. Scaevola confectus senectute, perditus morbo, mancus et

membris omnibus captus ac debilis, hastili nixus et animi vim et infirmitatem corporis ostenderet, cum L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus omnesque qui tum erant consulares pro salute communi arma cepissent, cum omnes praetores, cuncta nobilitas ac iuventus accurreret, Cn. et L. Domitii, L. Crassus, Q. Mucius, C. Claudius, M. Drusus, cum omnes Octavii, Metelli, Iulii, Cassii, Catones, Pompeii, cum L. Philippus, L. Scipio, cum M. Lepidus, cum D. Brutus, cum hic ipse P. Servilius, quo tu imperatore, Labiene, meruisti, cum hic Q. Catulus, admodum tum adulescens, cum hic C. Curio, cum denique omnes clarissimi viri cum consulibus essent: quid tandem C. Rabirium facere convenit? utrum inclusum atque abditum latere in occulto atque ignaviam suam tenebrarum ac parietum custodiis tegere, an in Capitolium pergere atque ibi se cum tuo patruo et ceteris ad mortem propter vitae turpitudinem confugientibus congregare, an cum Mario, Scauro, Catulo, Metello, Scaevola, cum bonis denique omnibus coire non modo salutis verum etiam periculi societatem?

[22] Tu denique, Labiene, quid faceres tali in re ac tempore? Cum ignaviae ratio te in fugam atque in latebras impelleret, improbitas et furor L. Saturnini in Capitolium arcesseret, consules ad patriae salutem ac libertatem vocarent, quam tandem auctoritatem, quam vocem, cuius sectam sequi, cuius imperio parere potissimum velles? ‘Patruus,’ inquit, ‘meus cum Saturnino fuit.’ Quid? pater quicum? quid? propinqui vestri, equites Romani? quid? omnis praefectura, regio, vicinitas vestra? quid? ager Picenus universus utrum tribunicium furorem, an consularem auctoritatem secutus est? [23] Equidem hoc adfirmo quod tu nunc de tuo patruo praedicas, neminem umquam adhuc de se esse confessum; nemo est, inquam, inventus tam profligatus, tam perditus, tam ab omni non modo honestate sed etiam simulatione honestatis relictus, qui se in Capitolio fuisse cum Saturnino fateretur. At fuit vester patruus. Fuerit, et fuerit <nulla> vi, nulla desperatione rerum suarum, nullis domesticis volneribus coactus; induxerit eum L. Saturnini familiaritas ut amicitiam patriae praeponeret; idcircone oportuit C. Rabirium desciscere a re publica, non comparere in illa armata multitudine bonorum, consulum voci atque imperio non oboedire? [24] Atqui videmus haec in rerum natura tria fuisse, ut aut cum Saturnino

esset, aut cum bonis, aut lateret. Latere mortis erat instar turpissimae, cum Saturnino esse furoris et sceleris; virtus et honestas et pudor cum consulibus esse cogebat. Hoc tu igitur in crimen vocas, quod cum eis fuerit C. Rabirius quos amentissimus fuisset si oppugnasset, turpissimus si reliquisset? At C. Decianus, de quo tu saepe commemoras, quia, cum hominem omnibus insignem notis turpitudinis, P. Furium, accusaret summo studio bonorum omnium, queri est ausus in contione de morte Saturnini, condemnatus est, et Sex. Titius, quod habuit imaginem L. Saturnini domi suae, condemnatus est. Statuerunt equites Romani illo iudicio improbum civem esse et non retinendum in civitate, qui hominis hostilem in modum seditiosi imagine aut mortem eius honestaret, aut desideria imperitorum misericordia commoveret, aut suam significaret imitandae improbitatis voluntatem.

[25] Itaque mihi mirum videtur unde hanc tu, Labiene, imaginem quam habes inveneris; nam Sex. Titio damnato qui istam habere auderet inventus est nemo. Quod tu si audisses aut si per aetatem scire potuisses, numquam profecto istam imaginem quae domi posita pestem atque exsilium Sex. Titio attulisset in rostra atque in contionem attulisses, nec tuas umquam ratis ad eos scopulos appulisses ad quos Sex. Titi adflictam navem et in quibus C. Deciani naufragium fortunarum videres. Sed in his rebus omnibus imprudentia laberis. Causam enim suscepisti antiquiorem memoria tua, quae causa ante mortua est quam tu natus es; et qua in causa tute profecto fuisses, si per aetatem esse potuisses, eam causam in iudicium vocas. [26] An non intellegis, primum quos homines et qualis viros mortuos summi sceleris arguas, deinde quot ex his qui vivunt eodem crimine in summum periculum capitis arcessas? Nam si C. Rabirius fraudem capitalem admisit quod arma contra L. Saturninum tulit, huic quidem adferet aliquam deprecationem periculi aetas illa qua tum fuit; Q. vero Catulum, patrem huius, in quo summa sapientia, eximia virtus, singularis humanitas fuit, M. Scaurum, illa gravitate, illo consilio, illa prudentia, duos Mucios, L. Crassum, M. Antonium, qui tum extra urbem cum praesidio fuit, quorum in hac civitate longe maxima consilia atque ingenia fuerunt, ceteros pari dignitate praeditos custodes gubernatoresque rei publicae quem ad modum mortuos defendemus? [27] Quid de illis honestissimis viris

atque optimis civibus, equitibus Romanis, dicemus qui tum una cum senatu salutem rei publicae defenderunt? quid de tribunis aerariis ceterorumque ordinum omnium hominibus qui tum arma pro communi libertate ceperunt? Sed quid ego de eis omnibus qui consulari imperio paruerunt loquor? de ipsorum consulum fama quid futurum est? L. Flaccum, hominem cum semper in re publica, tum in magistratibus gerendis, in sacerdotio caerimoniisque quibus praeerat diligentissimum, nefarii sceleris ac parricidi mortuum condemnabimus? adiungemus ad hanc labem ignominiamque mortis etiam C. Mari nomen? C. Marium, quem vere patrem patriae, parentem, inquam, vestrae libertatis atque huiusce rei publicae possumus dicere, sceleris ac parricidi nefarii mortuum condemnabimus? [28] Etenim si C. Rabirio, quod iit ad arma, crucem T. Labienus in campo Martio defigendam putavit, quod tandem excogitabitur in eum supplicium qui vocavit? Ac si fides Saturnino data est, quod abs te saepissime dicitur, non eam C. Rabirius sed C. Marius dedit, idemque violavit, si in fide non stetit. Quae fides, Labiene, qui potuit sine senatus consulto dari? Adeone hospes <es> huiusce urbis, adeone ignarus disciplinae consuetudinisque nostrae ut haec nescias, ut peregrinari in aliena civitate, non in tua magistratum gerere videare?

[29] ‘Quid iam ista C. Mario,’ inquit, ‘nocere possunt, quoniam sensu et vita caret?’ Itane vero? tantis in laboribus C. Marius periculisque vixisset, si nihil longius quam vitae termini postulabant spe atque animo de se et gloria sua cogitasset? At, credo, cum innumerabilis hostium copias in Italia fudisset atque obsidione rem publicam liberasset, omnia sua secum una moritura arbitrabatur. Non est ita, Quirites; neque quisquam nostrum in rei publicae periculis cum laude ac virtute versatur quin spe posteritatis fructuque ducatur. Itaque cum multis aliis de causis virorum bonorum mentes divinae mihi atque aeternae videntur esse, tum maxime quod optimi et sapientissimi cuiusque animus ita praesentit in posterum ut nihil nisi sempiternum spectare videatur. [30] Quapropter equidem et C. Mari et ceterorum virorum sapientissimorum ac fortissimorum civium mentis, quae mihi videntur ex hominum vita ad deorum religionem et sanctimoniam demigrasse, testor me pro illorum fama, gloria, memoria non secus ac pro patriis fanis atque delubris propugnandum

putare, ac, si pro illorum laude mihi arma capienda essent, non minus strenue caperem, quam illi pro communi salute ceperunt. Etenim, Quirites, exiguum nobis vitae curriculum natura circumscripsit, immensum gloriae. Qua re, si eos qui iam de vita decesserunt ornabimus, iustiorem nobis mortis condicionem relinquemus. Sed si illos, Labiene, quos iam videre non possumus neglegis, ne his quidem quos vides consuli putas oportere? [31] Neminem esse dico ex his omnibus, qui illo die Romae fuerit, quem tu diem in iudicium vocas, pubesque tum fuerit, quin arma ceperit, quin consules secutus sit. Omnes ei quorum tu ex aetate coniecturam facere potes quid tum fecerint abs te capitis C. Rabiri nomine citantur. At occidit Saturninum Rabirius. Vtinam fecisset! non supplicium deprecarer sed praemium postularem. Etenim, si Scaevae, servo Q. Crotonis, qui occidit L. Saturninum, libertas data est, quod equiti Romano praemium dari par fuisset? et, si C. Marius, quod fistulas quibus aqua suppeditabatur Iovis Optimi Maximi templis ac sedibus praecidi imperarat, quod in clivo Capitolino improborum civium * * *

FRAGMENTA

Fragmenta ex P edita

[32] * * * aret. Itaque non senatus in ea causa cognoscenda me agente diligentior aut inclementior fuit quam vos universi, cum orbis terrae distributionem atque illum ipsum agrum Campanum animis, manibus, vocibus re<pudiavistis>.

[33] Idem ego quod is qui auctor huius iudicii <est> clamo, praedico, denuntio. Nullus est reliquus rex, nulla gens, nulla natio quam pertimescatis; nullum adventicium, nullum extraneum malum est qu<od insi>nuare in han<c rem publicam pos>sit. Si immorta<lem> hanc civitate<m esse> voltis, si aeter<num hoc> imperium, si g<loriam> sempiternam <manere>, nobis a nostris <cupi>ditatibus, a tu<rbulen>tis hominibus <atque no>varum rerum <cupidis, ab intestinis malis>, a domesticis

[34] co<nsiliis> est cavendum. Hisce autem m<alis mag>num praesid<ium vo>bis maiores ve<stri re>liquerunt, vo<cem> illam consulis: ‘qui <rem publicam> salvam esse <vellent>.’ Huic voci fave<te, Quirites, neque v>estro iudicio <abstu>leritis mihi . . . . . .

neque eripueri<tis rei publicae> spem liberta<tis, sp>em

[35] salutis, spem <digni>tatis. <Quid fac>erem, si T. Labie<nus c>aedem civium <fecis>set ut L. Satur<ninus>, si carcerem re<fregi>sset, si Capitoli<um cum armatis occupa>visset? Facerem <idem qu>od C. Marius fe<cit, a>d senatum re<ferr>em, vos ad rem publicam <defe>ndendam co<hort>arer, armatus <ipse> vobiscum ar<mato> obsisterem. <Nunc> quoniam armorum suspicio nulla est, tela non video, non vis, non caedes, non Capitoli atque arcis obsessio est, sed accusatio perniciosa, iudicium acerbum, res tota a tribuno pl. suscepta contra rem publicam, non vos ad arma vocan<dos esse, verum> ad suffragia cohor tandos contra oppugnationem vestrae maiestatis putavi. Itaque nunc vos omnis oro atque obtestor hortorque. Non ita mos est, consulem es * * *

[36] * * * <t>imet; qui hasce ore adverso pro re publica cicatrices ac notas virtutis accepit, is ne quod accipiat famae volnus perhorrescit; quem numquam incursiones hostium loco movere potuerunt, is nunc impetum civium, <c>ui n<e>cessario

[37] cedendum est, perhorrescit. <N>eque a vobis iam bene <v>ivendi sed hones<t>e moriendi facul<t>atem petit, neque tam <u>t domo sua frua<t>ur quam ne patrio <s>epulcro privetur laborat. Nihil al<iud> iam vos orat atque <ob>secrat nisi uti n<e se> legitimo funer<e et> domestica mor<te> privetis, ut eum <qui> pro patria nu<llum> umquam mor<tis pe>riculum fugit <in> patria mori pati<amini>.

[38] Dixi ad id tempus q<uod> mihi a tribuno pl. pra<esti>tutum est; a vob<is peto> quaesoque ut ha<nc me>am defension pro amici pericu<lo fi>delem, pro rei publicae salu<te> consularem pu<te>tis.

Serv. A. 1.13

[38a(fr)] et cum universo populo Romano, tum vero equestri ordini longe carissimus.

PRO MURENA (In Defense of Lucius Licinius Murena prosecuted for bribery)

M. TVLLI CICERONIS PRO MVRENA ORATIO

[1] Quae precatus a dis immortalibus sum, iudices, more institutoque maiorum illo die quo auspicato comitiis centuriatis L. Murenam consulem renuntiavi, ut ea res mihi fidei magistratuique meo, populo plebique Romanae bene atque feliciter eveniret, eadem precor ab isdem dis immortalibus ob eiusdem hominis consulatum una cum salute obtinendum, et ut vestrae mentes atque sententiae cum populi Romani voluntatibus suffragiisque consentiant, eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat. Quod si illa sollemnis comitiorum precatio consularibus auspiciis consecrata tantam habet in se vim et religionem quantam rei publicae dignitas postulat, idem ego sum precatus ut eis quoque hominibus quibus hic consulatus me rogante datus esset ea res fauste feliciter prospereque eveniret.

[2] Quae cum ita sint, iudices, et cum omnis deorum immortalium potestas aut translata sit ad vos aut certe communicata vobiscum, idem consulem vestrae fidei commendat qui antea dis immortalibus commendavit, ut eiusdem hominis voce et declaratus consul et defensus beneficium populi Romani cum vestra atque omnium civium salute tueatur.

Et quoniam in hoc officio studium meae defensionis ab accusatoribus atque etiam ipsa susceptio causae reprensa est, ante quam pro L. Murena dicere instituo, pro me ipso pauca dicam, non quo mihi potior hoc quidem tempore sit offici mei quam huiusce salutis defensio, sed ut meo facto vobis probato maiore auctoritate ab huius honore fama fortunisque omnibus inimicorum impetus propulsare possim.

[3] Et primum M. Catoni vitam ad certam rationis normam derigenti et diligentissime perpendenti momenta officiorum omnium de officio meo respondebo. Negat fuisse rectum Cato me et consulem et legis ambitus latorem et tam severe gesto consulatu causam L. Murenae attingere. Cuius reprehensio me vehementer movet, non

solum ut vobis, iudices, quibus maxime debeo, verum etiam ut ipsi Catoni, gravissimo atque integerrimo viro, rationem facti mei probem. A quo tandem, M. Cato, est aequius consulem defendi quam a consule? Quis mihi in re publica potest aut debet esse coniunctior quam is cui res publica a me iam traditur sustinenda magnis meis laboribus et periculis sustentata? Quod si in eis rebus repetendis quae mancipi sunt is periculum iudici praestare debet qui se nexu obligavit, profecto etiam rectius in iudicio consulis designatiis potissimum consul qui consulem declaravit auctor benefici populi Romani defensorque periculi esse debebit.

[4] Ac si, ut non nullis in civitatibus fieri solet, patronus huic causae publice constitueretur, is potissimum summo honore adfecto defensor daretur qui eodem honore praeditus non minus adferret ad dicendum auctoritatis quam facultatis. Quod si e portu solventibus ei qui iam in portum ex alto invehuntur praecipere summo studio solent et tempestatum rationem et praedonum et locorum, quod natura adfert ut eis faveamus qui eadem pericula quibus nos perfuncti sumus ingrediantur, quo tandem me esse animo oportet prope iam ex magna iactatione terram videntem in hunc cui video maximas rei publicae tempestates esse subeundas? Qua re si est boni consulis non solum videre quid agatur verum etiam providere quid futurum sit, ostendam alio loco quantum salutis communis intersit duos consules in re publica Kalendis Ianuariis esse.

[5] Quod si ita est, non tam me officium debuit ad hominis amici fortunas quam res publica consulem ad communem salutem defendendam vocare. Nam quod legem de ambitu tuli, certe ita tuli ut eam quam mihimet ipsi iam pridem tulerim de civium periculis defendendis non abrogarem. Etenim si largitionem factam esse confiterer idque recte factum esse defenderem, facerem improbe, etiam si alius legem tulisset; cum vero nihil commissum contra legem esse defendam, quid est quod meam defensionem latio legis impediat?

[6] Negat esse eiusdem severitatis Catilinam exitium rei publicae intra moenia molientem verbis et paene imperio ex urbe expulisse et nunc pro L. Murena dicere. Ego autem has partis lenitatis et misericordiae quas me natura ipsa docuit semper egi libenter, illam vero gravitatis seve ritatisque personam non appetivi, sed ab re

publica mihi impositam sustinui, sicut huius imperi dignitas in summo periculo civium postulabat. Quod si tum, cum res publica vim et severitatem desiderabat, vici naturam et tam vehemens fui quam cogebar, non quam volebam, nunc cum omnes me causae ad misericordiam atque ad humanitatem vocent, quanto tandem studio debeo naturae meae consuetudinique servire? Ac de officio defensionis meae ac de ratione accusationis tuae fortasse etiam alia in parte orationis dicendum nobis erit.

[7] Sed me, iudices, non minus hominis sapientissimi atque ornatissimi, Ser. Sulpici, conquestio quam Catonis accusatio commovebat qui gravissime et acerbissime <se> ferre dixit me familiaritatis necessitudinisque oblitum causam L. Murenae contra se defendere. Huic ego, iudices, satis facere cupio vosque adhibere arbitros. Nam cum grave est vere accusari in amicitia, tum, etiam si falso accuseris, non est neglegendum. Ego, Ser. Sulpici, me in petitione tua tibi omnia studia atque officia pro nostra necessitudine et debuisse confiteor et praestitisse arbitror. Nihil tibi consulatum petenti a me defuit quod esset aut ab amico aut a gratioso aut a consule postulandum. Abiit illud tempus; mutata ratio est. Sic existimo, sic mihi persuadeo, me tibi contra honorem Murenae quantum tu a me postulare ausus sis, tantum debuisse, contra salutem nihil debere.

[8] Neque enim, si tibi tum cum peteres <consulatum studui, nunc> cum Murenam ipsum petas, adiutor eodem pacto esse debeo. Atque hoc non modo non laudari sed ne concedi quidem potest ut amicis nostris accusantibus non etiam alienissimos defendamus. Mihi autem cum Murena, iudices, et magna et vetus amicitia est, quae in capitis dimicatione a Ser. Sulpicio non idcirco obruetur quod ab eodem in honoris contentione superata est. Quae si causa non esset, tamen vel dignitas hominis vel honoris eius quem adeptus est amplitudo summam mihi superbiae crudelitatisque infamiam inussisset, si hominis et suis et populi Romani ornamentis amplissimi causam tanti periculi repudiassem. Neque enim iam mihi licet neque est integrum ut meum laborem hominum periculis sublevandis non impertiam. Nam cum praemia mihi tanta pro hac industria sint data quanta antea nemini, sic <existimo, labores quos in petitione> exceperis, eos, cum adeptus sis, deponere, esse hominis et astuti et ingrati.

[9] Quod si licet desinere, si te auctore possum, si nulla inertiae <infamia>, nulla superbiae turpitudo, nulla inhumanitatis culpa suscipitur, ego vero libenter desino. Sin autem fuga laboris desidiam, repudiatio supplicum superbiam, amicorum neglectio improbitatem coarguit, nimirum haec causa est eius modi quam nec industrius quisquam nec misericors nec officiosus deserere possit. Atque huiusce rei coniecturam de tuo ipsius studio, Servi, facillime ceperis. Nam si tibi necesse putas etiam adversariis amicorum tuorum de iure consulentibus respondere, et si turpe existimas te advocato illum ipsum quem contra veneris causa cadere, noli tam esse iniustus ut, cum tui fontes vel inimicis tuis pateant, nostros etiam amicis putes clausos esse oportere.

[10] Etenim si me tua familiaritas ab hac causa removisset, et si hoc idem Q. Hortensio, M. Crasso, clarissimis viris, si item ceteris a quibus intellego tuam gratiam magni aestimari accidisset, in ea civitate consul designatus defensorem non haberet in qua nemini umquam infimo maiores nostri patronum deesse voluerunt. Ego vero, iudices, ipse me existimarem nefarium si amico, crudelem si misero, superbum si consuli defuissem. Qua re quod dandum est amicitiae, large dabitur a me, ut tecum agam, Servi, non secus ac si meus esset frater, qui mihi est carissimus, isto in loco; quod tribuendum est officio, fidei, religioni, id ita moderabor ut meminerim me contra amici studium pro amici periculo dicere.

[11] Intellego, iudices, tris totius accusationis partis fuisse, et earum unam in reprehensione vitae, alteram in contentione dignitatis, tertiam in criminibus ambitus esse versatam. Atque harum trium partium prima illa quae gravissima debebat esse ita fuit infirma et levis ut illos lex magis quaedam accusatoria quam vera male dicendi facultas de vita L. Murenae dicere aliquid coegerit. Obiecta est enim Asia; quae ab hoc non ad voluptatem et luxuriam expetita est sed in militari labore peragrata. Qui si adulescens patre suo imperatore non meruisset, aut hostem aut patris imperium timuisse aut a parente repudiatus videretur. An cum sedere in equis triumphantium praetextati potissimum filii soleant, huic donis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis paene simul cum patre triumpharet?

[12] Hic vero, iudices, et fuit in Asia et viro fortissimo, parenti suo,

magno adiumento in periculis, solacio in laboribus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriae quandam, non Asiam numquam vidisse sed in Asia continenter vixisse laudandum est. Quam ob rem non Asiae nomen obiciendum Murenae fuit ex qua laus familiae, memoria generi, honos et gloria nomini constituta est, sed aliquod aut in Asia susceptum aut ex Asia deportatum flagitium ac dedecus. Meruisse vero stipendia in eo bello quod tum populus Romanus non modo maximum sed etiam solum gerebat virtutis, patre imperatore libentissime meruisse pietatis, finem stipendiorum patris victoriam ac triumphum fuisse felicitatis fuit. Male dicto quidem idcirco nihil in hisce rebus loci est quod omnia laus occupavit.

[13] Saltatorem appellat L. Murenam Cato. Maledictum est, si vere obicitur, vehementis accusatoris, sin falso, maledici conviciatoris. Qua re cum ista sis auctoritate, non debes, M. Cato, adripere maledictum ex trivio aut ex scurrarum aliquo convicio neque temere consulem populi Romani saltatorem vocare, sed circumspicere quibus praeterea vitiis adfectum esse necesse sit eum cui vere istud obici possit. Nemo enim fere saltat sobrius, nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto. Tempestivi convivi, amoeni loci, multarum deliciarum comes est extrema saltatio. Tu mihi adripis hoc quod necesse est omnium vitiorum esse postremum, relinquis illa quibus remotis hoc vitium omnino esse non potest? Nullum turpe convivium, non amor, non comissatio, non libido, non sumptus ostenditur, et, cum ea non reperiantur quae voluptatis nomen habent quamquam vitiosa sunt, in quo ipsam luxuriam reperire non potes, in eo te umbram luxuriae reperturum putas?

[14] Nihil igitur in vitam L. Murenae dici potest, nihil, inquam, omnino, iudices. Sic a me consul designatus defenditur ut eius nulla fraus, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur. Bene habet; iacta sunt fundamenta defensionis. Nondum enim nostris laudibus, quibus utar postea, sed prope inimicorum confessione virum bonum atque integrum hominem defendimus. Quo consti tuto facilior est mihi aditus ad contentionem dignitatis, quae pars altera fuit accusationis.

[15] Summam video esse in te, Ser. Sulpici, dignitatem generis,

integritatis, industriae ceterorumque ornamentorum omnium quibus fretum ad consulatus petitionem adgredi par est. Paria cognosco esse ista in L. Murena, atque ita paria ut neque ipse dignitate vinci <a te> potuerit neque te dignitate superarit. Contempsisti L. Murenae genus, extulisti tuum. Quo loco si tibi hoc sumis, nisi qui patricius sit, neminem bono esse genere natum, facis ut rursus plebes in Aventinum sevocanda esse videatur. Sin autem sunt amplae et honestae familiae plebeiae, et proavus L. Murenae et avus praetor fuit, et pater, cum amplissime atque honestissime ex praetura triumphasset, hoc faciliorem huic gradum consulatus adipiscendi reliquit quod is iam patri debitus a filio petebatur.

[16] Tua vero nobilitas, Ser. Sulpici, tametsi summa est, tamen hominibus litteratis et historicis est notior, populo vero et suffragatoribus obscurior. Pater enim fuit equestri loco, avus nulla inlustri laude celebratus. Itaque non ex sermone hominum recenti sed ex annalium vetustate eruenda memoria est nobilitatis tuae. Qua re ego te semper in nostrum numerum adgregare soleo, quod virtute industriaque perfecisti ut, cum equitis Romani esses filius, summa tamen amplitudine dignus putarere. Nec mihi umquam minus in Q. Pompeio, novo homine et fortissimo viro, virtutis esse visum est quam in homine nobilissimo, M. Aemilio. Etenim eiusdem animi atque ingeni est posteris suis, quod Pompeius fecit, amplitudinem nominis quam non acceperit tradere et, ut Scaurus, memoriam prope intermortuam generis sua virtute renovare.

[17] Quamquam ego iam putabam, iudices, multis viris fortibus ne ignobilitas generis obiceretur meo labore esse perfectum, qui non modo Curiis, Catonibus, Pompeiis, antiquis illis fortissimis viris, novis hominibus, sed his recentibus, Mariis et Didiis et Caeliis, commemorandis id agebam. Cum vero ego tanto intervallo claustra ista nobilitatis refregissem, ut aditus ad consulatum posthac, sicut apud maiores nostros fuit, non magis nobilitati quam virtuti pateret, non arbitrabar, cum ex familia vetere et inlustri consul designatus ab equitis Romani filio consule defenderetur, de generis novitate accusatores esse dicturos. Etenim mihi ipsi accidit ut cum duobus patriciis, altero improbissimo atque audacissimo, altero modestissimo atque optimo viro, peterem; superavi tamen dignitate Catilinam, gratia Galbam. Quod si id crimen homini novo esse

deberet, profecto mihi neque inimici neque invidi defuissent.

[18] Omittamus igitur de genere dicere cuius est magna in utroque dignitas; videamus cetera. ‘Quaesturam una petiit et sum ego factus prior.’ Non est respondendum ad omnia. Neque enim vestrum quem quam fugit, cum multi pares dignitate fiant, unus autem primum solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis, propterea quod renuntiatio gradus habeat, dignitas autem sit persaepe eadem omnium. Sed quaestura utriusque prope modum pari momento sortis fuit. Habuit hic lege Titia provinciam tacitam et quietam, tu illam cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem, non tam gratiosam et inlustrem quam negotiosam et molestam. Consedit utriusque nomen in quaestura. Nullum enim vobis sors campum dedit in quo excurrere virtus cognoscique posset.

[19] Reliqui temporis spatium in contentionem vocatur. Ab utroque dissimillima ratione tractatum est. Servius hic nobiscum hanc urba nam militiam respondendi, scribendi, cavendi plenam sollicitudinis ac stomachi secutus est; ius civile didicit, multum vigilavit, laboravit, praesto multis fuit, multorum stultitiam perpessus est, adrogantiam pertulit, difficultatem exsorbuit; vixit ad aliorum arbitrium, non ad suum. Magna laus et grata hominibus unum hominem elaborare in ea scientia quae sit multis profutura.

[20] Quid Murena interea? Fortissimo et sapientissimo viro, summo imperatori legatus, L. Lucullo, fuit; qua in legatione duxit exercitum, signa contulit, manum conseruit, magnas copias hostium fudit, urbis partim vi, partim obsidione cepit, Asiam istam refertam et eandem delicatam sic obiit ut in ea neque avaritiae neque luxuriae vestigium reliquerit, maximo in bello sic est versatus ut hic multas res et magnas sine imperatore gesserit, nullam sine hoc imperator. Atque haec quamquam praesente L. Lucullo loquor, tamen ne ab ipso propter periculum nostrum concessam videamur habere licentiam fingendi, publicis litteris testata sunt omnia, quibus L. Lucullus tantum laudis impertiit quantum neque ambitiosus imperator neque invidus tribuere alteri in communicanda gloria debuit.

[21] Summa in utroque est honestas, summa dignitas; quam ego, si mihi per Servium liceat, pari atque eadem in laude ponam. Sed non licet; agitat rem militarem, insectatur totam hanc legationem,

adsiduitatis et operarum harum cotidianarum putat esse consulatum. ‘Apud exercitum mihi fueris’ inquit; ‘tot annos forum non attigeris; afueris tam diu et, cum longo intervallo veneris, cum his qui in foro habitarint de dignitate contendas?’ Primum ista nostra adsiduitas, Servi, nescis quantum interdum adferat hominibus fastidi, quantum satietatis. Mihi quidem vehementer expediit positam in oculis esse gratiam; sed tamen ego mei satietatem magno meo labore superavi et tu item fortasse; verum tamen utrique nostrum deside rium nihil obfuisset.

[22] Sed ut hoc omisso ad studiorum atque artium contentionem revertamur, qui potest dubitari quin ad consulatum adipiscendum multo plus adferat dignitatis rei militaris quam iuris civilis gloria? Vigilas tu de nocte ut tuis consultoribus respondeas, ille ut eo quo intendit mature cum exercitu perveniat; te gallorum, illum bucinarum cantus exsuscitat; tu actionem instituis, ille aciem instruit; tu caves ne tui consultores, ille ne urbes aut castra capiantur; ille tenet et scit ut hostium copiae, tu ut aquae pluviae arceantur; ille exercitatus est in propagandis finibus, tuque in regendis. Ac nimirum — dicendum est enim quod sentio — rei militaris virtus praestat ceteris omnibus. Haec nomen populo Romano, haec huic urbi aeternam gloriam peperit, haec orbem terrarum parere huic imperio coegit; omnes urbanae res, omnia haec nostra praeclara studia et haec forensis laus et industria latet in tutela ac praesidio bellicae virtutis. Simul atque increpuit suspicio tumultus, artes ilico nostrae conticiscunt.

[23] Et quoniam mihi videris istam scientiam iuris tamquam filiolam osculari tuam, non patiar te in tanto errore versari ut istud nescio quid quod tanto opere didicisti praeclarum aliquid esse arbitrere. Aliis ego te virtutibus, continentiae, gravitatis, iustitiae, fidei, ceteris omnibus, consulatu et omni honore semper dignissimum iudicavi; quod quidem ius civile didicisti, non dicam operam perdidisti, sed illud dicam, nullam esse in ista disciplina munitam ad consulatum viam. Omnes enim artes, quae nobis populi Romani studia concilient, et admirabilem dignitatem et pergratam utilitatem debent habere.

[24] Summa dignitas est in eis qui militari laude antecellunt; omnia enim quae sunt in imperio et in statu civitatis ab his defendi et firmari putantur; summa etiam utilitas, si quidem eorum consilio et periculo

cum re publica tum etiam nostris rebus perfrui possumus. Gravis etiam illa est et plena dignitatis dicendi facultas quae saepe valuit in consule deligendo, posse consilio atque oratione et senatus et populi et eorum qui res iudicant mentis permovere. Quaeritur consul qui dicendo non numquam comprimat tribunicios furores, qui concitatum populum flectat, qui largitioni resistat. Non mirum, si ob hanc facultatem homines saepe etiam non nobiles consulatum consecuti sunt, praesertim cum haec eadem res plurimas gratias, firmissimas amicitias, maxima studia pariat. Quorum in isto vestro artificio, Sulpici, nihil est.

[25] Primum dignitas in tam tenui scientia non potest esse; res enim sunt parvae, prope in singulis litteris atque interpunctionibus verborum occupatae. Deinde, etiam si quid apud maiores nostros fuit in isto studio admirationis, id enuntiatis vestris mysteriis totum est contemptum et abiectum. Posset agi lege necne pauci quondam sciebant; fastos enim volgo non habebant. Erant in magna potentia qui consulebantur; a quibus etiam dies tamquam a Chaldaeis petebatur. Inventus est scriba quidam, Cn. Flavius, qui cornicum oculos confixerit et singulis diebus ediscendis fastos populo proposuerit et ab ipsis <his> cautis iuris consultis eorum sapientiam compilarit. Itaque irati illi, quod sunt veriti ne dierum ratione pervolgata et cognita sine sua opera lege <agi> posset, verba quaedam composuerunt ut omnibus in rebus ipsi interessent.

[26] Cum hoc fieri bellissime posset: ‘Fundus Sabinus meus est.’ ‘Immo meus,’ deinde iudicium, noluerunt. ‘Fvndvs’ inquit ‘qvi est in agro qvi sabinvs vocatvr.’ Satis verbose; cedo quid postea? ‘evm ego ex ivre Qviritivm mevm esse aio.’ Quid tum? ‘inde ibi ego te ex ivre manvm consertvm voco.’ Quid huic tam loquaciter litigioso responderet ille unde petebatur non habebat. Transit idem iuris consultus tibicinis Latini modo. ‘Vnde tv me’ inquit ‘ex ivre manvm consertvm vocasti, inde ibi ego te revoco.’ Praetor interea ne pulchrum se ac beatum putaret atque aliquid ipse sua sponte loqueretur, ei quoque carmen compositum est cum ceteris rebus absurdum tum vero in illo: ‘Svis vtrisqve svperstitibvs praesentibvs istam viam dico; ite viam.’ Praesto aderat sapiens ille qui inire viam doceret. ‘Redite viam.’ Eodem duce redibant. Haec iam tum apud illos barbatos ridicula, credo, videbantur, homines, cum recte atque

in loco constitissent, iuberi abire ut, unde abissent, eodem statim redirent. Isdem ineptiis fucata sunt illa omnia: ‘Qvando te in ivre conspicio’ et haec: ‘Anne tv dicas qva ex cavsa vindicaveris?’ Quae dum erant occulta, necessario ab eis qui ea tenebant petebantur; postea vero pervolgata atque in manibus iactata et excussa, inanissima prudentiae reperta sunt, fraudis autem et stultitiae plenis sima.

[27] Nam, cum permulta praeclare legibus essent constituta, ea iure consultorum ingeniis pleraque corrupta ac depravata sunt. Mulieres omnis propter infirmitatem consili maiores in tutorum potestate esse voluerunt; hi invenerunt genera tutorum quae potestate mulierum continerentur. Sacra interire illi noluerunt; horum ingenio senes ad coemptiones faciendas interimendorum sacrorum causa reperti sunt. In omni denique iure civili aequitatem reliquerunt, verba ipsa tenuerunt, ut, quia in alicuius libris exempli causa id nomen invenerant, putarunt omnis mulieres quae coemptionem facerent ‘Gaias’ vocari. Iam illud mihi quidem mirum videri solet, tot homines, tam ingeniosos, post tot annos etiam nunc statuere non potuisse utrum ‘diem tertium’ an ‘perendinum,’ ‘iudicem’ an ‘arbitrum,’ ‘rem’ an ‘litem’ dici oporteret.

[28] Itaque, ut dixi, dignitas in ista scientia consularis numquam fuit, quae tota ex rebus fictis commenticiisque constaret, gratiae vero multo etiam minus. Quod enim omnibus patet et aeque promptum est mihi et adversario meo, id esse gratum nullo pacto potest. Itaque non modo benefici conlocandi spem sed etiam illud quod aliquamdiu fuit ‘Licet consvlere?’ iam perdidistis. Sapiens existimari nemo potest in ea prudentia quae neque extra Romam usquam neque Romae rebus prolatis quicquam valet. Peritus ideo haberi nemo potest quod in eo quod sciunt omnes nullo modo possunt inter se discrepare. Difficilis autem res ideo non putatur quod et perpaucis et minime obscuris litteris continetur. Itaque si mihi, homini vehementer occupato, stomachum moveritis, triduo me iuris consultum esse profitebor. Etenim quae de scripto aguntur, scripta sunt omnia, neque tamen quicquam tam anguste scriptum est quo ego non possim ‘Qva de re agitvr’ addere; quae consuluntur autem, minimo periculo respondentur. Si id quod oportet responderis, idem videare respondisse quod Servius; sin aliter, etiam controversum ius nosse et

tractare videare.

[29] Quapropter non solum illa gloria militaris vestris formulis atque actionibus anteponenda est verum etiam dicendi consuetudo longe et multum isti vestrae exercitationi ad honorem antecellit. Itaque mihi videntur plerique initio multo hoc maluisse, post, cum id adsequi non potuissent, istuc potissimum sunt delapsi. Vt aiunt in Graecis artificibus eos auloedos esse qui citharoedi fieri non potuerint, sic nos videmus, qui oratores evadere non potuerint, eos ad iuris studium devenire. Magnus dicendi labor, magna res, magna dignitas, summa autem gratia. Etenim a vobis salubritas quaedam, ab eis qui dicunt salus ipsa petitur. Deinde vestra responsa atque decreta et evertuntur saepe dicendo et sine defensione orationis firma esse non possunt. In qua si satis profecissem, parcius de eius laude dicerem; nunc nihil de me dico, sed de eis qui in dicendo magni sunt aut fuerunt.

[30] Duae sint artes <igitur> quae possint locare homines in amplissimo gradu dignitatis, una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur, ab illo belli pericula repelluntur. Ceterae tamen virtutes ipsae per se multum valent, iustitia, fides, pudor, temperantia; quibus te, Servi, excellere omnes intellegunt. Sed nunc de studiis ad honorem appositis, non de insita cuiusque virtute disputo. Omnia ista nobis studia de manibus excutiuntur, simul atque aliqui motus novus bellicum canere coepit. Etenim, ut ait ingeniosus poeta et auctor valde bonus, ‘proeliis promulgatis pellitur e medio’ non solum ista vestra verbosa simulatio prudentiae sed etiam ipsa illa domina rerum, ‘sapientia; vi geritur res, spernitur orator’ non solum odiosus in dicendo ac loquax verum etiam ‘bonus; horridus miles amatur,’ vestrum vero studium totum iacet. ‘Non ex iure manum consertum, sed mage ferro’ inquit ‘rem repetunt.’ Quod si ita est, cedat, opinor, Sulpici, forum castris, otium militiae, stilus gladio, umbra soli; sit denique in civitate ea prima res propter quam ipsa est civitas omnium princeps.

[31] Verum haec Cato nimium nos nostris verbis magna facere demonstrat et oblitos esse bellum illud omne Mithridaticum cum mulierculis esse gestum. Quod ego longe secus existimo, iudices; deque eo pauca disseram; neque enim causa in hoc continetur. Nam si omnia bella quae cum Graecis gessimus contemnenda sunt,

derideatur de rege Pyrrho triumphus M'. Curi, de Philippo T. Flaminini, de Aetolis M. Fulvi, de rege Perse L. Pauli, de Pseudophilippo Q. Metelli, de Corinthiis L. Mummi. Sin haec bella gravissima victoriaeque eorum bellorum gratissimae fuerunt, cur Asiaticae nationes atque ille a te hostis contemnitur? Atqui ex veterum rerum monumentis vel maximum bellum populum Romanum cum Antiocho gessisse video; cuius belli victor L. Scipio aequa parta cum P. fratre gloria, quam laudem ille Africa oppressa cognomine ipso prae se ferebat, eandem hic sibi ex Asiae nomine adsumpsit.

[32] Quo quidem in bello virtus enituit egregia M. Catonis, proavi tui; quo ille, cum esset, ut ego mihi statuo, talis qualem te esse video, numquam cum Scipione esset profectus, si cum mulierculis bellandum arbitraretur. Neque vero cum P. Africano senatus egisset ut legatus fratri proficisceretur, cum ipse paulo ante Hannibale ex Italia expulso, ex Africa eiecto, Carthagine oppressa maximis periculis rem publicam liberasset, nisi illud grave bellum et vehemens putaretur. Atqui si diligenter quid Mithridates potuerit et quid effecerit et qui vir fuerit consideraris, omnibus quibuscum populus Romanus bellum gessit hunc regem nimirum antepones. Quem L. Sulla maximo et fortis simo exercitu, pugnax et acer et non rudis imperator, ut aliud nihil dicam, cum bello invectum totam in Asiam cum pace dimisit; quem L. Murena, pater huiusce, vehementissime vigilantissimeque vexatum repressum magna ex parte, non oppressum reliquit; qui rex sibi aliquot annis sumptis ad confirmandas rationes et copias belli tantum spe conatuque valuit ut se Oceanum cum Ponto, Sertori copias cum suis coniuncturum putaret.

[33] Ad quod bellum duobus consulibus ita missis ut alter Mithridatem persequeretur, alter Bithyniam tueretur, alterius res et terra et mari calamitosae vehementer et opes regis et nomen auxerunt; L. Luculli vero res tantae exstiterunt ut neque maius bellum commemorari possit neque maiore consilio et virtute gestum. Nam cum totius impetus belli ad Cyzicenorum moenia constitisset eamque urbem sibi Mithridates Asiae ianuam fore putasset qua effracta et revolsa tota pateret provincia, perfecta a Lucullo haec sunt omnia ut urbs fidelissimorum sociorum defenderetur et omnes copiae

regis diuturnitate obsessionis consumerentur. Quid? illam pugnam navalem ad Tenedum, cum contento cursu acerrimis ducibus hostium classis Italiam spe atque animis inflata peteret, mediocri certamine et parva dimicatione commissam arbitraris? Mitto proelia, praetereo oppugnationes oppidorum; expulsus regno tandem aliquando tantum tamen consilio atque auctoritate valuit ut se rege Armeniorum adiuncto novis opibus copiisque renovarit. Ac si mihi nunc de rebus gestis esset nostri exercitus imperatorisque dicendum, plurima et maxima proelia commemorare possem; sed non id agimus.

[34] Hoc dico: Si bellum hoc, si hic hostis, si ille rex contemnendus fuisset, neque tanta cura senatus et populus Romanus suscipiendum putasset neque tot annos gessisset neque tanta gloria L. <Lucullus>, neque vero eius belli conficiendum exitum tanto studio populus Romanus ad Cn. Pompeium detulisset. Cuius ex omnibus pugnis, quae sunt innumerabiles, vel acerrima mihi videtur illa quae cum rege commissa est et summa contentione pugnata. Qua ex pugna cum se ille eripuisset et Bosphorum confugisset quo exercitus adire non posset, etiam in extrema fortuna et fuga nomen tamen retinuit regium. Itaque ipse Pompeius regno possesso ex omnibus oris ac notis sedibus hoste pulso tamen tantum in unius anima posuit ut, cum ipse omnia quae tenuerat, adierat, sperarat, victoria possideret, tamen non ante quam illum vita expulit bellum confectum iudicarit. Hunc tu hostem, Cato, contemnis quocum per tot annos tot proeliis tot imperatores bella gesserunt, cuius expulsi et eiecti vita tanti aestimata est ut morte eius nuntiata denique bellum confectum arbitrarentur? Hoc igitur in bello L. Murenam legatum fortissimi animi, summi consili, maximi laboris cognitum esse defendimus, et hanc eius operam non minus ad consulatum adipiscendum quam hanc nostram forensem industriam dignitatis habuisse.

[35] At enim in praeturae petitione prior renuntiatus est Servius. Pergitisne vos tamquam ex syngrapha agere cum populo ut, quem locum semel honoris cuipiam dederit, eundem <in> reliquis honoribus debeat? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes commutationesque fluctuum, quantas perturbationes et quantos aestus habet ratio comitiorum? Dies intermissus aut nox interposita saepe perturbat omnia, et totam opinionem parva non numquam commutat aura

rumoris. Saepe etiam sine ulla aperta causa fit aliud atque existimaris, ut non numquam ita factum esse etiam populus admiretur, quasi vero non ipse fecerit.

[36] Nihil est incertius volgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum summo ingenio, opera, gratia, nobilitate a M. Herennio superari posse arbitratus est? quis Q. Catulum humanitate, sapientia, integritate antecellentem a Cn. Mallio? quis M. Scaurum, hominem gravissimum, civem egregium, fortissimum senatorem, a Q. Maximo? Non modo horum nihil ita fore putatum est sed, ne cum esset factum quidem, qua re ita factum esset intellegi potuit. Nam, ut tempestates saepe certo aliquo caeli signo commoventur, saepe improviso nulla ex certa ratione obscura aliqua ex causa concitantur, sic in hac comitiorum tempestate populari saepe intellegas quo signo commota sit, saepe ita obscura causa est ut casu excitata esse videatur.

[37] Sed tamen si est reddenda ratio, duae res vehementer in praetura desideratae sunt quae ambae in consulatu multum Murenae profuerunt, una exspectatio muneris quae et rumore non nullo et studiis sermonibusque competitorum creverat, <altera> quod ei quos in provincia ac legatione omni et liberalitatis et virtutis suae testis habuerat nondum decesserant. Horum utrumque ei fortuna ad consulatus petitionem reservavit. Nam et L. Luculli exercitus qui ad triumphum convenerat idem comitiis L. Murenae praesto fuit, et munus amplissimum quod petitio praeturae desiderarat praetura restituit.

[38] Num tibi haec parva videntur adiumenta et subsidia consulatus, voluntas militum, quae<que> cum per se valet multitudine, cum apud suos gratia, tum vero in consule declarando multum etiam apud universum populum Romanum auctoritatis habet, suffragatio militaris? Imperatores enim comitiis consularibus, non verborum interpretes deliguntur. Qua re gravis est illa oratio: ‘Me saucium recreavit, me praeda donavit; hoc duce castra cepimus, signa contulimus; numquam iste plus militi laboris imposuit quam sibi sumpsit, ipse cum fortis tum etiam felix.’ Hoc quanti putas esse ad famam hominum ac voluntatem? Etenim, si tanta illis comitiis religio est ut adhuc semper omen valuerit praerogativum, quid mirum est in

hoc felicitatis famam sermonemque valuisse?

Sed si haec leviora ducis quae sunt gravissima et hanc urbanam suffragationem militari anteponis, noli ludorum huius elegantiam et scaenae magnificentiam tam valde contemnere; quae huic admodum profuerunt. Nam quid ego dicam populum ac volgus imperitorum ludis magno opere delectari? Minus est mirandum. Quamquam huic causae id satis est; sunt enim populi ac multitudinis comitia. Qua re, si populo ludorum magnificentia voluptati est, non est mirandum eam L. Murenae apud populum profuisse.

[39] Sed si nosmet ipsi qui et ab delectatione communi negotiis impedimur et in ipsa occupatione delectationes alias multas habere possumus, ludis tamen oblectamur et ducimur, quid tu admirere de multitudine indocta?

[40] L. Otho, vir fortis, meus necessarius, equestri ordini restituit non solum dignitatem sed etiam voluptatem. Itaque lex haec quae ad ludos pertinet est omnium gratissima, quod honestissimo ordini cum splendore fructus quoque iucunditatis est restitutus. Qua re delectant homines, mihi crede, ludi, etiam illos qui dissimulant, non solum eos qui fatentur; quod ego in mea petitione sensi. Nam nos quoque habuimus scaenam competitricem. Quod si ego qui trinos ludos aedilis feceram tamen Antoni ludis commovebar, tibi qui casu nullos feceras nihil huius istam ipsam quam inrides argenteam scaenam adversatam putas?

[41] Sed haec sane sint paria omnia, sit par forensis opera <militari>, militaris suffragatio urbanae, sit idem magnificentissimos et nullos umquam fecisse ludos; quid? in ipsa praetura nihilne existimas inter tuam et huius sortem interfuisse? Huius sors ea fuit quam omnes tui necessarii tibi optabamus, iuris dicundi; in qua gloriam conciliat magnitudo negoti, gratiam aequitatis largitio; qua in sorte sapiens praetor qualis hic fuit offensionem vitat aequabilitate decernendi, benivolentiam adiungit lenitate audiendi. Egregia et ad consulatum apta provincia in qua laus aequitatis, integritatis, facilitatis ad extremum ludorum voluptate concluditur.

[42] Quid tua sors? Tristis, atrox, quaestio peculatus ex altera parte lacrimarum et squaloris, ex altera plena accusatorum atque indicum; cogendi iudices inviti, retinendi contra voluntatem; scriba damnatus, ordo totus alienus; Sullana gratificatio reprehensa, multi viri fortes et

prope pars civitatis offensa est; lites severe aestimatae; cui placet obliviscitur, cui dolet meminit. Postremo tu in provinciam ire noluisti. Non possum id in te reprehendere quod in me ipso et praetore et consule probavi. Sed tamen L. Murenae provincia multas bonas gratias cum optima existimatione attulit. Habuit proficiscens dilectum in Vmbria; dedit ei facultatem res publica liberalitatis, qua usus multas sibi tribus quae municipiis Vmbriae conficiuntur adiunxit. Ipse autem in Gallia ut nostri homines desperatas iam pecunias exigerent aequitate diligentiaque perfecit. Tu interea Romae scilicet amicis praesto fuisti; fateor; sed tamen illud cogita non nullorum amicorum studia minui solere in eos a quibus provincias contemni intellegunt.

[43] Et quoniam ostendi, iudices, parem dignitatem ad consulatus petitionem, disparem fortunam provincialium negotiorum in Murena atque in Sulpicio fuisse, dicam iam apertius in quo meus necessarius fuerit inferior, Servius, et ea dicam vobis audientibus amisso iam tempore quae ipsi soli re integra saepe dixi. Petere consulatum nescire te, Servi, persaepe tibi dixi; et in eis rebus ipsis quas te magno et forti animo et agere et dicere videbam tibi solitus sum dicere magis te fortem accusatorem mihi videri quam sapientem candidatum. Primum accusandi terrores et minae quibus tu cotidie uti solebas sunt fortis viri, sed et populi opinionem a spe adipiscendi avertunt et amicorum studia debilitant. Nescio quo pacto semper hoc fit — neque in uno aut altero animadversum est sed iam in pluribus — simul atque candidatus accusationem meditari visus est, ut honorem desperasse videatur.

[44] Quid ergo? acceptam iniuriam persequi non placet? Immo vehementer placet; sed aliud tempus est petendi, aliud persequendi. Petitorem ego, praesertim consulatus, magna spe, magno animo, magnis copiis et in forum et in campum deduci volo. Non placet mihi inquisitio candidati, praenuntia repulsae, non testium potius quam suffragatorum comparatio, non minae magis quam blanditiae, non denuntiatio potius quam persalutatio, praesertim cum iam hoc novo more omnes fere domos omnium concursent et ex voltu candidatorum coniecturam faciant quantum quisque animi et facultatis habere videatur.

[45] ‘Videsne tu illum tristem, demissum? iacet, diffidit, abiecit

hastas.' Serpit hic rumor. 'Scis tu illum accusationem cogitare, inquirere in competitores, testis quaerere? Alium fac iam, quoniam sibi hic ipse desperat.' Eius modi <rumoribus> candidatorum amici intimi debilitantur, studia deponunt; aut certam rem abiciunt aut suam operam et gratiam iudicio et accusationi reservant. Accedit eodem ut etiam ipse candidatus totum animum atque omnem curam operam diligentiamque suam in petitione non possit ponere. Adiungitur enim accusationis cogitatio, non parva res sed nimirum omnium maxima. Magnum est enim te comparare ea quibus possis hominem e civitate, praesertim non inopem neque infirmum, exturbare, qui et per se et per suos et vero etiam per alienos defendatur. Omnes enim ad pericula propulsanda concurrimus et qui non aperte inimici sumus etiam alienissimis in capitis periculis amicissimorum officia et studia praestamus.

[46] Qua re ego expertus et petendi et defendendi et accusandi molestiam sic intellexi in petendo studium esse acerrimum, in defendendo officium, in accusando laborem. Itaque sic statuo fieri nullo modo posse ut idem accusationem et petitionem consulatus diligenter adornet atque instruat. Vnum sustinere pauci possunt, utrumque nemo. Tu cum te de curriculo petitionis deflexisses animumque ad accusandum transtulisses, existimasti te utrique negotio satis facere posse. Vehementer errasti. Quis enim dies fuit, postea quam in istam accusandi denuntiationem ingressus es, quem tu non totum in ista ratione consumpseris? Legem ambitus flagitasti, quae tibi non deerat; erat enim severissime scripta Calpurnia. Gestus est mos et voluntati et dignitati tuae. Sed tota illa lex accusationem tuam, si haberes nocentem reum, fortasse armasset; petitioni vero refragata est.

[47] Poena gravior in plebem tua voce efflagitata est; commoti animi tenuiorum. Exsilium in nostrum ordinem; concessit senatus postulationi tuae, sed non libenter duriorem fortunae communi condicionem te auctore constituit. Morbi excusationi poena addita est; voluntas offensa multorum quibus aut contra valetudinis commodum laborandum est aut incommodo morbi etiam ceteri vitae fructus relinquendi. Quid ergo? haec quis tulit? Is qui auctoritati senatus, voluntati tuae paruit, denique is tulit cui minime proderant. Illa <quidem> quae mea summa voluntate senatus frequens

repudiavit mediocriter adversata tibi esse existimas? Confusionem suffragiorum flagitasti, ~praerogationum legis Maniliae~, aequationem gratiae, dignitatis, suffragiorum. Graviter homines honesti atque in suis vicinitatibus et municipiis gratiosi tulerunt a tali viro esse pugnatum ut omnes et dignitatis et gratiae gradus tollerentur. Idem editicios iudices esse voluisti, ut odia occulta civium quae tacitis nunc discordiis continentur in fortunas optimi cuiusque erumperent.

[48] Haec omnia tibi accusandi viam muniebant, adipiscendi obsaepiebant. Atque ex omnibus illa plaga est iniecta petitioni tuae non tacente me maxima, de qua ab homine ingeniosissimo et copiosissimo, <Q.> Hortensio, multa gravissime dicta sunt. Quo etiam mihi durior locus est dicendi datus ut, cum ante me et ille dixisset et vir summa dignitate et diligentia et facultate dicendi, M. Crassus, ego in extremo non partem aliquam agerem causae sed de tota re dicerem quod mihi videretur. Itaque in isdem rebus fere versor et quoad possum, iudices, occurro vestrae satietati. Sed tamen, Servi, quam te securim putas iniecisse petitioni tuae, cum populum Romanum in eum metum adduxisti ut pertimesceret ne consul Catilina fieret, dum tu accusationem comparares deposita atque abiecta petitione?

[49] Etenim te inquirere videbant, tristem ipsum, maestos amicos; observationes, testificationes, seductiones testium, secessiones subscriptorum animadvertebant, quibus rebus certe ipsi candidatorum <voltus> obscuriores videri solent; Catilinam interea alacrem atque laetum, stipatum choro iuventutis, vallatum indicibus atque sicariis, inflatum cum spe militum <tum> conlegae mei, quem ad modum dicebat ipse, promissis, circumfluentem colonorum Arretinorum et Faesulanorum exercitu; quam turbam dissimillimo ex genere distinguebant homines perculsi Sullani temporis calamitate. Voltus erat ipsius plenus furoris, oculi sceleris, sermo adrogantiae, sic ut ei iam exploratus et domi conditus consulatus videretur. Murenam contemnebat, Sulpicium accusatorem suum numerabat non competitorem; ei vim denuntiabat, rei publicae minabatur.

[50] Quibus rebus qui timor bonis omnibus iniectus sit quantaque desperatio rei publicae, si ille factus esset, nolite a me commoneri velle; vosmet ipsi vobiscum recordamini. Meministis enim, cum

illius nefarii gladiatoris voces percrebruissent quas habuisse in contione domestica dicebatur, cum miserorum fidelem defensorem negasset inveniri posse nisi eum qui ipse miser esset; integrorum et fortunatorum promissis saucios et miseros credere non oportere; qua re qui consumpta replere, erepta reciperare vellent, spectarent quid ipse deberet, quid possideret, quid auderet; minime timidum et valde calamitosum esse oportere eum qui esset futurus dux et signifer calamitosorum.

[51] Tum igitur, his rebus auditis, meministis fieri senatus consultum referente me ne postero die comitia haberentur, ut de his rebus in senatu agere possemus. Itaque postridie frequenti senatu Catilinam excitavi atque eum de his rebus iussi, si quid vellet, quae ad me adlatae essent dicere. Atque ille, ut semper fuit apertissimus, non se purgavit sed indicavit atque induit. Tum enim dixit duo corpora esse rei publicae, unum debile infirmo capite, alterum firmum sine capite; huic, si ita de se meritum esset, caput se vivo non defuturum. Congemuit senatus frequens neque tamen satis severe pro rei indignitate decrevit; nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim, quia <omnia>. Erupit e senatu triumphans gaudio quem omnino vivum illinc exire non oportuerat, praesertim cum idem ille in eodem ordine paucis diebus ante Catoni, fortissimo viro, iudicium minitanti ac denuntianti respondisset, si quod esset in suas fortunas incendium excitatum, id se non aqua sed ruina restincturum.

[52] His tum rebus commotus et quod homines iam tum coniuratos cum gladiis in campum deduci a Catilina sciebam, descendi in campum cum firmissimo praesidio fortissimorum virorum et cum illa lata insignique lorica, non quae me tegeret — etenim sciebam Catilinam non latus aut ventrem sed caput et collum solere petere — verum ut omnes boni animadverterent et, cum in metu et periculo consulem viderent, id quod est factum, ad opem praesidiumque concurrerent. Itaque cum te, Servi, remissiorem in petendo putarent, Catilinam et spe et cupiditate inflammatum viderent, omnes qui illam ab re publica pestem depellere cupiebant ad Murenam se statim contulerunt.

[53] Magna est autem comitiis consularibus repentina voluntatum inclinatio, praesertim cum incubuit ad virum bonum et multis aliis

adiumentis petitionis ornatum. Qui cum honestissimo patre atque maioribus, modestissima adulescentia, clarissima legatione, praetura probata in iure, grata in munere, ornata in provincia petisset diligenter, et ita petisset ut neque minanti cederet neque cuiquam minaretur, huic mirandum est magno adiumento Catilinae subitam spem consulatus adipiscendi fuisse?

[54] Nunc mihi tertius ille locus est relictus orationis, de ambitus criminibus, perpurgatus ab eis qui ante me dixerunt, a me, quoniam ita Murena voluit, retractandus; quo in loco <C.> Postumo, familiari meo, ornatissimo viro, de divisorum indiciis et de deprehensis pecuniis, adulescenti ingenioso et bono, Ser. Sulpicio, de equitum centuriis, M. Catoni, homini in omni virtute excellenti, de ipsius accusatione, de senatus consulto, de re publica respondebo.

[55] Sed pauca quae meum animum repente moverunt prius de L. Murenae fortuna conquerar. Nam cum saepe antea, iudices, et ex aliorum miseriis et ex meis curis laboribusque cotidianis fortunatos eos homines iudicarem qui remoti a studiis ambitionis otium ac tranquillitatem vitae secuti sunt, tum vero in his L. Murenae tantis tamque improvisis periculis ita sum animo adfectus ut non queam satis neque communem omnium nostrum condicionem neque huius eventum fortunamque miserari. Qui primum, dum ex honoribus continuis familiae maiorumque suorum unum ascendere gradum dignitatis conatus est, venit in periculum ne et ea quae <ei> relicta, et haec quae ab ipso parta sunt amittat, deinde propter studium novae laudis etiam in veteris fortunae discrimen adducitur.

[56] Quae cum sunt gravia, iudices, tum illud acerbissimum est quod habet eos accusatores, non qui odio inimicitiarum ad accusandum, sed qui studio accusandi ad inimicitias descenderint. Nam ut omittam Servium Sulpicium quem intellego non iniuria L. Murenae sed honoris contentione permotum, accusat paternus amicus, C. Postumus, vetus, ut ait ipse, vicinus ac necessarius, qui necessitudinis causas compluris protulit, simultatis nullam commemorare potuit. Accusat Ser. Sulpicius, sodalis filius, cuius ingenio paterni omnes necessarii munitiores esse debebant. Accusat M. Cato qui cum a Murena nulla re umquam alienus fuit, tum ea condicione nobis erat in hac civitate natus ut eius opes, ut ingenium praesidio multis etiam alienis, exitio vix cuiquam inimico esse

deberet.

[57] Respondebo igitur Postumo primum qui nescio quo pacto mihi videtur praetorius candidatus in consularem quasi desultorius in quadrigarum curriculum incurrere. Cuius competitores si nihil deliquerunt, dignitati eorum concessit, cum petere destitit; sin autem eorum aliquis largitus est, expetendus amicus est qui alienam potius iniuriam quam suam persequatur. De Postvmi criminibvs, de Servi advlescentis.

[58] Venio nunc ad M. Catonem, quod est fundamentum ac robur totius accusationis; qui tamen ita gravis est accusator et vehemens ut multo magis eius auctoritatem quam criminationem pertimescam. In quo ego accusatore, iudices, primum illud deprecabor ne quid L. Murenae dignitas illius, ne quid exspectatio tribunatus, ne quid totius vitae splendor et gravitas noceat, denique ne ea soli huic obsint bona M. Catonis quae ille adeptus est ut multis prodesse possit. Bis consul fuerat P. Africanus et duos terrores huius imperi, Carthaginem Numantiamque, deleverat cum accusavit L. Cottam. Erat in <eo> summa eloquentia, summa fides, summa integritas, auctoritas tanta quanta in imperio populi Romani quod illius opera tenebatur. Saepe hoc maiores natu dicere audivi, hanc accusatoris eximiam vim <et> dignitatem plurimum L. Cottae profuisse. Noluerunt sapientissimi homines qui tum rem illam iudicabant ita quemquam cadere in iudicio ut nimiis adversarii viribus abiectus videretur.

[59] Quid? Ser. Galbam — nam traditum memoriae <est> — nonne proavo tuo, fortissimo atque florentissimo viro, M. Catoni, incumbenti ad eius perniciem populus Romanus eripuit? Semper in hac civitate nimis magnis accusatorum opibus et populus universus et sapientes ac multum in posterum prospicientes iudices restiterunt. Nolo accusator in iudicium potentiam adferat, non vim maiorem aliquam, non auctoritatem excellentem, non nimiam gratiam. Valeant haec omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum, in periculo vero et in pernicie civium repudientur.

[60] Nam si quis hoc forte dicet, Catonem descensurum ad accusandum non fuisse, nisi prius de causa iudicasset, iniquam legem, iudices, et miseram condicionem instituet periculis hominum, si existimabit iudicium accusatoris in reum pro aliquo praeiudicio

valere oportere. Ego tuum consilium, Cato, propter singulare animi mei de tua virtute iudicium vituperare <non possum;> non nulla forsitan conformare et leviter emendare possim. ‘Non multa peccas,’ inquit ille fortissimo viro senior magister, ‘sed peccas; te regere possum.’ At ego non te; verissime dixerim peccare te nihil neque ulla in re te esse huius modi ut corrigendus potius quam leviter inflectendus esse videare. Finxit enim te ipsa natura ad honestatem, gravitatem, temperantiam, magnitudinem animi, iustitiam, ad omnis denique virtutes magnum hominem et excelsum. Accessit istuc doctrina non moderata nec mitis sed, ut mihi videtur, paulo asperior et durior quam aut veritas aut natura patitur.

[61] Et quoniam non est nobis haec oratio habenda aut in imperita multitudine aut in aliquo conventu agrestium, audacius paulo de studiis humanitatis quae et mihi et vobis nota et iucunda sunt disputabo. In M. Catone, iudices, haec bona quae videmus divina et egregia ipsius scitote esse propria; quae non numquam requirimus, ea sunt omnia non a natura verum a magistro. Fuit enim quidam summo ingenio vir, Zeno, cuius inventorum aemuli Stoici nominantur. Huius sententiae sunt et praecepta eius modi. Sapientem gratia numquam moveri, numquam cuiusquam delicto ignoscere; neminem misericordem esse nisi stultum et levem; viri non esse neque exorari neque placari; solos sapientes esse, si distortissimi sint, formosos, si mendicissimi, divites, si servitutem serviant, reges; nos autem qui sapientes non sumus fugitivos, exsules, hostis, insanos denique esse dicunt; omnia peccata esse paria; omne delictum scelus esse nefarium, nec minus delinquere eum qui gallum gallinaceum, cum opus non fuerit, quam eum qui patrem suffocaverit; sapientem nihil opinari, nullius rei paenitere, nulla in re falli, sententiam mutare numquam.

[62] Hoc homo ingeniosissimus, M. Cato, auctoribus eruditissimis inductus adripuit, neque disputandi causa, ut magna pars, sed ita vivendi. Petunt aliquid publicani; cave <ne> quicquam habeat momenti gratia. Supplices aliqui veniunt miseri et calamitosi; sceleratus et nefarius fueris, si quicquam misericordia adductus feceris. Fatetur aliquis se peccasse et sui delicti veniam petit; ‘nefarium est facinus ignoscere.’ At leve delictum est. ‘Omnia peccata sunt paria.’ Dixisti quippiam: ‘fixum et statutum est.’ Non re

ductus es sed opinione; ‘sapiens nihil opinatur.’ Errasti aliqua in re; male dici putat. Hac ex disciplina nobis illa sunt: ‘Dixi in senatu me nomen consularis candidati delaturum.’ Iratus dixisti. ‘Numquam’ inquit ‘sapiens irascitur.’ At temporis causa. ‘Improbi’ inquit ‘hominis <est> mendacio fallere; mutare sententiam turpe est, exorari scelus, misereri flagitium.’

[63] Nostri autem illi — fatebor enim, Cato, me quoque in adulescentia diffisum ingenio meo quaesisse adiumenta doctrinae — nostri, inquam, illi a Platone et Aristotele, moderati homines et temperati, aiunt apud sapientem valere aliquando gratiam; viri boni esse misereri; distincta genera esse delictorum et disparis poenas; esse apud hominem constantem ignoscendi locum; ipsum sapientem saepe aliquid opinari quod nesciat, irasci non numquam, exorari eundem et placari, quod dixerit interdum, si ita rectius sit, mutare, de sententia decedere aliquando; omnis virtutes mediocritate quadam esse moderatas.

[64] Hos ad magistros si qua te fortuna, Cato, cum ista natura detulisset, non tu quidem vir melior esses nec fortior nec temperantior nec iustior — neque enim esse potes — sed paulo ad lenitatem propensior. Non accusares nullis adductus inimicitiis, nulla lacessitus iniuria, pudentissimum hominem summa dignitate atque honestate praeditum; putares, cum in eiusdem anni custodia te atque L. Murenam fortuna posuisset, aliquo te cum hoc rei publicae vinculo esse coniunctum; quod atrociter in senatu dixisti, aut non dixisses aut, si potuisses, mitiorem in partem interpretarere.

[65] Ac te ipsum, quantum ego opinione auguror, nunc et animi quodam impetu concitatum et vi naturae atque ingeni elatum et recentibus praeceptorum studiis flagrantem iam usus flectet, dies leniet, aetas mitigabit. Etenim isti ipsi mihi videntur vestri praeceptores et virtutis magistri finis officiorum paulo longius quam natura vellet protulisse ut, cum ad ultimum animo contendissemus, ibi tamen ubi oporteret consisteremus. ‘Nihil ignoveris.’ Immo aliquid, non omnia. ‘Nihil gratiae causa feceris.’ Immo resistito gratiae, cum officium et fides postulabit. ‘Misericordia commotus ne sis.’ Etiam, in dissolvenda severitate; sed tamen est laus aliqua humanitatis. ‘In sententia permaneto.’

[66] Vero, nisi sententiam sententia alia vicerit melior. Huiusce

modi Scipio ille fuit quem non paenitebat facere idem quod tu, habere eruditissimum hominem Panaetium domi; cuius oratione et praeceptis, quamquam erant eadem ista quae te delectant, tamen asperior non est factus sed, ut accepi a senibus, lenissimus. Quis vero C. Laelio comior <fuit>, quis iucundior eodem ex studio isto, quis illo gravior, sapientior? Possum de L. Philo, de C. Gallo dicere haec eadem, sed te domum iam deducam tuam. Quemquamne existimas Catone, proavo tuo, commodiorem, communiorem, moderatiorem fuisse ad omnem rationem humanitatis? De cuius praestanti virtute cum vere graviterque diceres, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi, sed tamen naturae similitudo illius ad te magis qui ab illo ortus es quam ad unum quemque nostrum pervenire potuit, ad imitandum vero tam mihi propositum exemplar illud est quam tibi. Sed si illius comitatem et facilitatem tuae gravitati severitatique asperseris, non ista quidem erunt meliora, quae nunc sunt optima, sed certe condita iucundius.

[67] Qua re, ut ad id quod institui revertar, tolle mihi e causa nomen Catonis, remove vim, praetermitte auctoritatem quae in iudiciis aut nihil valere aut ad salutem debet valere, congredere mecum criminibus ipsis. Quid accusas, Cato, quid adfers ad iudicium, quid arguis? Ambitum accusas; non defendo. Me reprehendis, quod idem defendam quod lege punierim. Punivi ambitum, non innocentiam; ambitum vero ipsum vel tecum accusabo, si voles. Dixisti senatus consultum me referente esse factum, si mercede obviam candidatis issent, si conducti sectarentur, si gladiatoribus volgo locus tributim et item prandia si volgo essent data, contra legem Calpurniam factum videri. Ergo ita senatus iudicat, contra legem facta haec videri, si facta sint; decernit quod nihil opus est, dum candidatis morem gerit. Nam factum sit necne vehementer quaeritur; sin factum sit, quin contra legem sit dubitare nemo potest.

[68] Est igitur ridiculum, quod est dubium, id relinquere incertum, quod nemini dubium potest esse, id iudicare. Atque id decernitur omnibus postulantibus candidatis, ut ex senatus consulto neque cuius intersit, neque contra quem sit intellegi possit. Qua re doce ab L. Murena illa esse commissa; tum egomet tibi contra legem commissa

esse concedam.

‘Multi obviam prodierunt de provincia decedenti.’ Consulatum petenti solet fieri; eccui autem non proditur revertenti? ‘Quae fuit ista multitudo?’ Primum, si tibi istam rationem non possim reddere, quid habet admirationis tali viro advenienti, candidato consulari, obviam prodisse multos? quod nisi esset factum, magis mirandum videretur.

[69] Quid? si etiam illud addam quod a consuetudine non abhorret, rogatos esse multos, num aut criminosum sit aut mirandum, qua in civitate rogati infimorum hominum filios prope de nocte ex ultima saepe urbe deductum venire soleamus, in ea non esse gravatos homines prodire hora tertia in campum Martium, praesertim talis viri nomine rogatos? Quid? si omnes societates venerunt quarum ex numero multi sedent iudices; quid? si multi homines nostri ordinis honestissimi; quid? si illa officiosissima quae neminem patitur non honeste in urbem introire tota natio candidatorum, si denique ipse accusator noster Postumus obviam cum bene magna caterva sua venit, quid habet ista multitudo admirationis? Omitto clientis, vicinos, tribulis, exercitum totum Luculli qui ad triumphum per eos dies venerat; hoc dico, frequentiam in isto officio gratuitam non modo dignitati nullius umquam sed ne voluntati quidem defuisse.

[70] At sectabantur multi. Doce mercede; concedam esse crimen. Hoc quidem remoto quid reprendis? ‘Quid opus est’ inquit ‘sectatoribus?’ A me tu id quaeris, quid opus sit eo quo semper usi sumus? Homines tenues unum habent in nostrum ordinem aut promerendi aut referendi benefici locum, hanc in nostris petitionibus operam atque adsectationem. Neque enim fieri potest neque postulandum est a nobis aut ab equitibus Romanis ut suos necessarios candidatos adsectentur totos dies; a quibus si domus nostra celebratur, si interdum ad forum deducimur, si uno basilicae spatio honestamur, diligenter observari videmur et coli; tenuiorum amicorum et non occupatorum est ista adsiduitas, quorum copia bonis viris et beneficis deesse non solet.

[71] Noli igitur eripere hunc inferiori generi hominum fructum offici, Cato; sine eos qui omnia a nobis sperant habere ipsos quoque aliquid quod nobis tribuere possint. Si nihil erit praeter ipsorum suffragium, tenues, etsi suffragantur, nil valent gratia. Ipsi denique, ut solent loqui, non dicere pro nobis, non spondere, non vocare domum

suam possunt. Atque haec a nobis petunt omnia neque ulla re alia quae a nobis consequuntur nisi opera sua compensari putant posse. Itaque et legi Fabiae quae est de numero sectatorum, et senatus consulto quod est L. Caesare consule factum restiterunt. Nulla est enim poena quae possit observantiam tenuiorum ab hoc vetere instituto officiorum excludere.

[72] At spectacula sunt tributim data et ad prandium volgo vocati. Etsi hoc factum a Murena omnino, iudices, non est, ab eius amicis autem more et modo factum est, tamen admonitus re ipsa recordor quantum hae conquestiones in senatu habitae punctorum nobis, Servi, detraxerint. Quod enim tempus fuit aut nostra aut patrum nostrorum memoria quo haec sive ambitio est sive liberalitas non fuerit ut locus et in circo et in foro daretur amicis et tribulibus? Haec homines tenuiores praemia commodaque a suis tribulibus vetere instituto adsequebantur * * * *

[73] Praefectum fabrum semel locum tribulibus suis dedisse, quid statuent in viros primarios qui in circo totas tabernas tribulium causa compararunt? Haec omnia sectatorum, spectaculorum, prandiorum item crimina a multitudine in tuam nimiam diligentiam, Servi, coniecta sunt, in quibus tamen Murena ab senatus auctoritate defenditur. Quid enim? senatus num obviam prodire crimen putat? Non, sed mercede. Convince. Num sectari multos? Non, sed conductos. Doce. Num locum ad spectandum dare aut <ad> prandium invitare? Minime, sed volgo, passim. Quid est volgo? Vniversos. Non igitur, si L. Natta, summo loco adulescens, qui et quo animo iam sit et qualis vir futurus sit videmus, in equitum centuriis voluit esse et ad hoc officium necessitudinis et ad reliquum tempus gratiosus, id erit eius vitrico fraudi aut crimini, nec, si virgo Vestalis, huius propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa pie fecit et hic a culpa est remotus. Omnia haec sunt officia necessariorum, commoda tenuiorum, munia candidatorum.

[74] At enim agit mecum austere et Stoice Cato, negat verum esse adlici benivolentiam cibo, negat iudicium hominum in magistratibus mandandis corrumpi voluptatibus oportere. Ergo, ad cenam petitionis causa si quis vocat, condemnetur? ‘Quippe’ inquit ‘tu mihi summum imperium, tu summam auctoritatem, tu gubernacula rei publicae

petas fovendis hominum sensibus et deleniendis animis et adhibendis voluptatibus? Vtrum lenocinium' inquit 'a grege delicatae iuventutis, an orbis terrarum imperium a populo Romano petebas?' Horribilis oratio; sed eam usus, vita, mores, civitas ipsa respuit. Neque tamen Lacedaemonii, auctores istius vitae atque orationis, qui cotidianis epulis in robore accumbunt, neque vero Cretes quorum nemo gustavit umquam cubans, melius quam Romani homines qui tempora voluptatis laborisque dispertiunt res publicas suas retinuerunt; quorum alteri uno adventu nostri exercitus deleti sunt, alteri nostri imperi praesidio disciplinam suam legesque conservant.

[75] Qua re noli, Cato, maiorum instituta quae res ipsa, quae diuturnitas imperi comprobat nimium severa oratione reprehendere. Fuit eodem ex studio vir eruditus apud patres nostros et honestus homo et nobilis, Q. Tubero. Is, cum epulum Q. Maximus P. Africani, patrui sui, nomine populo Romano daret, rogatus est a Maximo ut triclinium sterneret, cum esset Tubero eiusdem Africani sororis filius. Atque ille, homo eruditissimus ac Stoicus, stravit pelliculis haedinis lectulos Punicanos et euit vasa Samia, quasi vero esset Diogenes Cynicus mortuus et non divini hominis Africani mors honestaretur; quem cum supremo eius die Maximus laudaret, gratias egit dis immortalibus quod ille vir in hac re publica potissimum natus esset; necesse enim fuisse ibi esse terrarum imperium ubi ille esset. Huius in morte celebranda graviter tulit populus Romanus hanc perversam sapientiam

[76] Tuberonis, itaque homo integerrimus, civis optimus, cum esset L. Pauli nepos, P. Africani, ut dixi, sororis filius, his haedinis pelliculis praetura deiectus est. Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas, sordis et inhumanitatem multo minus; distinguit rationem officiorum ac temporum, vicissitudinem laboris ac voluptatis. Nam quod ais nulla re adlici hominum mentis oportere ad magistratum mandandum nisi dignitate, hoc tu ipse in quo summa est dignitas non servas. Cur enim quemquam ut studeat tibi, ut te adiuvet rogas? Rogas tu me ut mihi praesis, ut committam ego me tibi. Quid tandem? istuc me rogari oportet abs te, an te potius a me ut pro mea salute laborem periculumque suscipias?

[77] Quid quod habes nomenclatorem? in eo quidem fallis et

decipis. Nam, si nomine appellari abs te civis tuos honestum est, turpe est eos notiores esse servo tuo quam tibi. Sin iam noris, tamen<ne> per monitorem appellandi sunt cum petis, quasi incertus sis? Quid quod, cum admoneris, tamen, quasi tute noris, ita salutas? Quid, postea quam es designatus, multo salutas neglegentius? Haec omnia ad rationem civitatis si derigas, recta sunt; sin perpendere ad disciplinae praecepta velis, reperiantur pravissima. Qua re nec plebi Romanae eripiendi fructus isti sunt ludorum, gladiatorum, conviviorum, quae omnia maiores nostri comparaverunt, nec candidatis ista benignitas adimenda est quae liberalitatem magis significat quam largitionem.

[78] At enim te ad accusandum res publica adduxit. Credo, Cato, te isto animo atque ea opinione venisse; sed tu imprudentia laberis. Ego quod facio, iudices, cum amicitiae dignitatisque L. Murenae gratia facio, tum me pacis, oti, concordiae, libertatis, salutis, vitae denique omnium nostrum causa facere clamo atque testor. Audite, audite consulem, iudices, nihil dicam adrogantius, tantum dicam totos dies atque noctes de re publica cogitantem! Non usque eo L. Catilina rem publicam despexit atque contempsit ut ea copia quam secum eduxit se hanc civitatem oppressurum arbitraretur. Latius patet illius sceleris contagio quam quisquam putat, ad pluris pertinet. Intus, intus, inquam, est equus Troianus; a quo numquam me consule dormientes opprimemini.

[79] Quaeris a me ecquid ego Catilinam metuam. Nihil, et curavi ne quis metueret, sed copias illius quas hic video dico esse metuendas; nec tam timendus est nunc exercitus L. Catilinae quam isti qui illum exercitum deseruisse dicuntur. Non enim deseruerunt sed ab illo in speculis atque insidiis relicti in capite atque in cervicibus nostris restiterunt. Hi et integrum consulem et bonum imperatorem et natura et fortuna cum rei publicae salute coniunctum deici de urbis praesidio et de custodia civitatis vestris sententiis deturbari volunt. Quorum ego ferrum et audaciam reieci in campo, debilitavi in foro, compressi etiam domi meae saepe, iudices, his vos si alterum consulem tradideritis, plus multo erunt vestris sententiis quam suis gladiis consecuti. Magni interest, iudices, id quod ego multis repugnantibus egi atque perfeci, esse Kalendis Ianuariis in re publica duo consules.

[80] Nolite arbitrari, mediocribus consiliis aut usitatis viis <eos> uti. Non lex improba, non perniciosa largitio, non auditum aliquando aliquod malum rei publicae quaeritur. Inita sunt in hac civitate consilia, iudices, urbis delendae, civium trucidandorum, nominis Romani exstinguendi. Atque haec cives, cives, inquam, si eos hoc nomine appellari fas est, de patria sua et cogitant et cogitaverunt. Horum ego cotidie consiliis occurro, audaciam debilito, sceleri resisto. Sed moneo, iudices. In exitu iam est meus consulatus; nolite mihi subtrahere vicarium meae diligentiae, nolite adimere eum cui rem publicam cupio tradere incolumem ab his tantis periculis defendendam.

[81] Atque ad haec mala, iudices, quid accedat aliud non videtis? Te, te appello, Cato; nonne prospicis tempestatem anni tui? Iam enim <in> hesterna contione intonuit vox perniciosa designati tribuni, conlegae tui; contra quem multum tua mens, multum omnes boni providerunt qui te ad tribunatus petitionem vocaverunt. Omnia quae per hoc triennium agitata sunt, iam ab eo tempore quo a L. Catilina et Cn. Pisone initum consilium senatus interficiendi scitis esse, in hos dies, in hos mensis, in hoc tempus erumpunt.

[82] Qui locus est, iudices, quod tempus, qui dies, quae nox cum ego non ex istorum insidiis ac mucronibus non solum meo sed multo etiam magis divino consilio eripiar atque evolem? Neque isti me meo nomine interfici sed vigilantem consulem de rei publicae praesidio demoveri volunt. Nec minus vellent, Cato, te quoque aliqua ratione, si possent, tollere; id quod, mihi crede, et agunt et moliuntur. Vident quantum in te sit animi, quantum ingeni, quantum auctoritatis, quantum rei publicae praesidi; sed, cum consulari auctoritate et auxilio spoliatam vim tribuniciam viderint, tum se facilius inermem et debilitatum te oppressuros arbitrantur. Nam ne sufficiatur consul non timent. Vident in tuorum potestate conlegarum fore; sperant sibi <D.> Silanum, clarum virum, sine conlega, te sine consule, rem publicam sine praesidio obici posse.

[83] His tantis in rebus tantisque in periculis est tuum, M. Cato, qui mihi non tibi, sed patriae natus esse <videris>, videre quid agatur, retinere adiutorem, defensorem, socium in re publica, consulem non cupidum, consulem, quod maxime tempus hoc postulat, fortuna constitutum ad amplexandum otium, scientia ad bellum gerendum,

animo et usu ad quod velis negotium <sustinendum>.

Quamquam huiusce rei potestas omnis in vobis sita est, iudices; totam rem publicam vos in hac causa tenetis, vos gubernatis. Si L. Catilina cum suo consilio nefariorum hominum quos secum eduxit hac de re posset iudicare, condemnaret L. Murenam, si interficere posset, occideret. Petunt enim rationes illius ut orbetur auxilio res publica, ut minuatur contra suum furorem imperatorum copia, ut maior facultas tribunis plebis detur depulso adversario seditionis ac discordiae concitandae. Idemne igitur delecti ex amplissimis ordinibus honestissimi atque sapientissimi viri iudicabunt quod ille importunissimus gladiator, hostis rei publicae iudicaret?

[84] Mihi credite, iudices, in hac causa non solum de L. Murenae verum etiam de vestra salute sententiam feretis. In discrimen extremum venimus; nihil est iam unde nos reficiamus aut ubi lapsi resistamus. Non solum minuenda non sunt auxilia quae habemus sed etiam nova, si fieri possit, comparanda. Hostis est enim non apud Anienem, quod bello Punico gravissimum visum est, sed in urbe, in foro — di immortales! sine gemitu hoc dici non potest — non nemo etiam in illo sacrario rei publicae, in ipsa, inquam, curia non nemo hostis est. Di faxint ut meus conlega, vir fortissimus, hoc Catilinae nefarium latrocinium armatus opprimat! ego togatus vobis bonisque omnibus adiutoribus hoc quod conceptum res publica periculum parturit consilio discutiam et comprimam.

[85] Sed quid tandem fiet, si haec elapsa de manibus nostris in eum annum qui consequitur redundarint? Vnus erit consul, et is non in administrando bello sed in sufficiendo conlega occupatus. Hunc iam qui impedituri sint * * * illa pestis immanis importuna Catilinae prorumpet, qua po * * * minatur; in agros suburbanos repente advolabit; versabitur <in urbe> furor, in curia timor, in foro coniuratio, in campo exercitus, in agris vastitas; omni autem in sede ac loco ferrum flammamque metuemus. Quae iam diu comparantur, eadem ista omnia, si ornata suis praesidiis erit res publica, facile et magistratuum consiliis et privatorum diligentia comprimentur.

[86] Quae cum ita sint, iudices, primum rei publicae causa, qua nulla res cuiquam potior debet esse, vos pro mea summa et vobis cognita in re publica diligentia moneo, pro auctoritate consulari hortor, pro magnitudine periculi obtestor, ut otio, ut paci, ut saluti, ut

vitae vestrae et ceterorum civium consulatis; deinde ego idem et defensoris et amici officio adductus oro atque obsecro, iudices, ut ne hominis miseri et cum corporis morbo tum animi dolore confecti, L. Murenae, recentem gratulationem nova lamentatione obruatis. Modo maximo beneficio populi Romani ornatus fortunatus videbatur, quod primus in familiam veterem, primus in municipium antiquissimum consulatum attulisset; nunc idem <in> squalore et sordibus, confectus morbo, lacrimis ac maerore perditus vester est supplex, iudices, vestram fidem obtestatur, <vestram> misericordiam implorat, vestram potestatem ac vestras opes intuetur.

[87] Nolite, per deos immortalis! iudices, hac eum cum re qua se honestiorem fore putavit etiam ceteris ante partis honestatibus atque omni dignitate fortunaque privare. Atque ita vos L. Murena, iudices, orat atque obsecrat, si iniuste neminem laesit, si nullius auris voluntatemve violavit, si nemini, ut levissime dicam, odio nec domi nec militiae fuit, sit apud vos modestiae locus, sit demissis hominibus perfugium, sit auxilium pudori. Misericordiam spoliatio consulatus magnam habere debet, iudices; una enim eripiuntur cum consulatu omnia; invidiam vero his temporibus habere consulatus ipse nullam potest; obicitur enim contionibus seditiosorum, insidiis coniuratorum, telis Catilinae, ad omne denique periculum atque ad omnem iniuriam solus opponitur.

[88] Qua re quid invidendum Murenae aut cuiquam nostrum sit in hoc praeclaro consulatu non video, iudices; quae vero miseranda sunt, ea et mihi ante oculos versantur et vos videre et perspicere potestis. Si, quod Iuppiter omen avertat! hunc vestris sententiis adflixeritis, quo se miser vertet? domumne? ut eam imaginem clarissimi viri, parentis sui, quam paucis ante diebus laureatam in sua gratulatione conspexit, eandem deformatam ignominia lugentemque videat? An ad matrem quae misera modo consulem osculata filium suum nunc cruciatur et sollicita est ne eundem paulo post spoliatum omni dignitate conspiciat?

[89] Sed quid eius matrem aut domum appello quem nova poena legis et domo et parente et omnium suorum consuetudine conspectuque privat? Ibit igitur in exsilium miser? Quo? ad Orientisne partis in quibus annos multos legatus fuit, exercitus duxit, res maximas gessit? At habet magnum dolorem, unde cum honore

decesseris, eodem cum ignominia reverti. An se in contrariam partem terrarum abdet, ut Gallia Transalpina, quem nuper summo cum imperio libentissime viderit, eundem lugentem, maerentem, exsulem videat? In ea porro provincia quo animo C. Murenam fratrem suum aspiciet? Qui huius dolor, qui illius maeror erit, quae utriusque lamentatio, quanta autem perturbatio fortunae atque sermonis, cum, quibus in locis paucis ante diebus factum esse consulem Murenam nuntii litteraeque celebrassent et unde hospites atque amici gratulatum Romam concurrerent, repente exstiterit ipse nuntius suae calamitatis!

[90] Quae si acerba, si misera, si luctuosa sunt, si alienissima <a> mansuetudine et misericordia vestra, iudices, conservate populi Romani beneficium, reddite rei publicae consulem, date hoc ipsius pudori, date patri mortuo, date generi et familiae, date etiam Lanuvio, municipio honestissimo, quod in hac tota <causa> frequens maestumque vidistis. Nolite a sacris patriis Iunonis Sospitae, cui omnis consules facere necesse est, domesticum et suum consulem potissimum avellere. Quem ego vobis, si quid habet aut momenti commendatio aut auctoritatis confirmatio mea, consul consulem, iudices, ita commendo <ut> cupidissimum oti, studiosissimum bonorum, acerrimum contra seditionem, fortissimum in bello, inimicissimum huic coniurationi quae nunc rem publicam labefactat futurum esse promittam et spondeam.

IN CATILINAM I-IV (Catiline Orations)

M. TVLLI CICERONIS ORATIONES IN CATILINAM

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ORATIO IN L. CATILINAM PRIMA

[1] I. Quo usque tandem abutere, Catilina, patientia nostra? quam diu etiam furor iste tuus nos eludet? quem ad finem sese effrenata iactabit audacia? Nihilne te nocturnum praesidium Palati, nihil urbis vigiliae, nihil timor populi, nihil concursus bonorum omnium, nihil hic munitissimus habendi senatus locus, nihil horum ora voltusque moverunt? Patere tua consilia non sentis, constrictam iam horum omnium scientia teneri coniurationem tuam non vides? Quid proxima, quid superiore nocte egeris, ubi fueris, quos convocaveris, quid consilii ceperis, quem nostrum ignorare arbitraris? [2] O tempora, o mores! Senatus haec intellegit. Consul videt; hic tamen vivit. Vivit? immo vero etiam in senatum venit, fit publici consilii particeps, notat et designat oculis ad caedem unum quemque nostrum. Nos autem fortes viri satis facere rei publicae videmur, si istius furorem ac tela vitemus. Ad mortem te, Catilina, duci iussu consulis iam pridem oportebat, in te conferri pestem, quam tu in nos [omnes iam diu] machinaris.

[3] An vero vir amplissumus, P. Scipio, pontifex maximus, Ti. Gracchum mediocriter labefactantem statum rei publicae privatus interfecit; Catilinam orbem terrae caede atque incendiis vastare cupientem nos consules perferemus? Nam illa nimis antiqua praetereo, quod C. Servilius Ahala Sp. Maelium novis rebus studentem manu sua occidit. Fuit, fuit ista quondam in hac re publica virtus, ut viri fortes acrioribus suppliciis civem perniciosum quam acerbissimum hostem coercerent. Habemus senatus consultum in te, Catilina, vehemens et grave, non deest rei publicae consilium neque auctoritas huius ordinis; nos, nos, dico aperte, consules desumus.

[4] II. Decrevit quondam senatus, ut L. Opimius consul videret, ne quid res publica detrimenti caperet; nox nulla intercessit; interfectus est propter quasdam seditionum suspiciones C. Gracchus, clarissimo patre, avo, maioribus, occisus est cum liberis M. Fulvius consularis. Simili senatus consulto C. Mario et L. Valerio consulibus est permissa res publica; num unum diem postea L. Saturninum tribunum pl. et C. Servilium praetorem mors ac rei publicae poena remorata est? At [vero] nos vicesimum iam diem patimur hebescere

aciem horum auctoritatis. Habemus enim huiusce modi senatus consultum, verum inclusum in tabulis tamquam in vagina reconditum, quo ex senatus consulto confestim te interfectum esse, Catilina, convenit. Vivis, et vivis non ad deponendam, sed ad confirmandam audaciam. Cupio, patres conscripti, me esse clementem, cupio in tantis rei publicae periculis me non dissolutum videri, sed iam me ipse inertiae nequitiaeque condemno.

[5] Castra sunt in Italia contra populum Romanum in Etruriae faucibus conlocata, crescit in dies singulos hostium numerus; eorum autem castrorum imperatorem ducemque hostium intra moenia atque adeo in senatu videtis intestinam aliquam cotidie perniciem rei publicae molientem. Si te iam, Catilina, comprehendi, si interfici iussero, credo, erit verendum mihi, ne non potius hoc omnes boni serius a me quam quisquam crudelius factum esse dicat. Verum ego hoc, quod iam pridem factum esse oportuit, certa de causa nondum adducor ut faciam. Tum denique interficiere, cum iam nemo tam inprobus, tam perditus, tam tui similis inveniri poterit, qui id non iure factum esse fateatur. [6] Quamdiu quisquam erit, qui te defendere audeat, vives, et vives ita, ut [nunc] vivis, multis meis et firmis praesidiis obsessus, ne commovere te contra rem publicam possis. Multorum te etiam oculi et aures non sentientem, sicut adhuc fecerunt, speculabuntur atque custodient.

III. Etenim quid est, Catilina, quod iam amplius expectes, si neque nox tenebris obscurare coetus nefarios nec privata domus parietibus continere voces coniurationis tuae potest, si illustrantur, si erumpunt omnia? Muta iam istam mentem, mihi crede, obliviscere caedis atque incendiorum. Teneris undique; luce sunt clariora nobis tua consilia omnia; quae iam mecum licet recognoscas.

[7] Meministine me ante diem XII Kalendas Novembris dicere in senatu fore in armis certo die, qui dies futurus esset ante diem VI Kal. Novembris, C. Manlium, audaciae satellitem atque administrum tuae? Num me fefellit, Catilina, non modo res tanta, tam atrox tamque incredibilis, verum, id quod multo magis est admirandum, dies? Dixi ego idem in senatu caedem te optumatium contulisse in ante diem V Kalendas Novembris, tum cum multi principes civitatis Roma non tam sui conservandi quam tuorum consiliorum reprimendorum causa profugerunt. Num infitiari potes te illo ipso die

meis praesidiis, mea diligentia circumclusum commovere te contra rem publicam non potuisse, cum tu discessu ceterorum nostra tamen, qui remansissemus, caede te contentum esse dicebas?

[8] Quid? cum te Praeneste Kalendis ipsis Novembribus occupaturum nocturno impetu esse confideres, sensistin illam coloniam meo iussu meis praesidiis, custodiis, vigiliis esse munitam? Nihil agis, nihil moliris, nihil cogitas, quod non ego non modo audiam, sed etiam videam planeque sentiam. IV. Recognosce tandem mecum noctem illam superiorem; iam intelleges multo me vigilare acrius ad salutem quam te ad perniciem rei publicae. Dico te priore nocte venisse inter falcarios — non agam obscure — in M. Laecae domum; convenisse eodem complures eiusdem amentiae scelerisque socios. Num negare audes? quid taces? Convincam, si negas. Video enim esse hic in senatu quosdam, qui tecum una fuerunt.

[9] O di inmortales! ubinam gentium sumus? in qua urbe vivimus? quam rem publicam habemus? Hic, hic sunt in nostro numero, patres conscripti, in hoc orbis terrae sanctissimo gravissimoque consilio, qui de nostro omnium interitu, qui de huius urbis atque adeo de orbis terrarum exitio cogitent! Hos ego video consul et de re publica sententiam rogo et, quos ferro trucidari oportebat, eos nondum voce volnero!

Fuisti igitur apud Laecam illa nocte, Catilina, distribuisti partes Italiae, statuisti, quo quemque proficisci placeret, delegisti, quos Romae relinqueres, quos tecum educeres, discripsisti urbis partes ad incendia, confirmasti te ipsum iam esse exiturum, dixisti paulum tibi esse etiam nunc morae, quod ego viverem. Reperti sunt duo equites Romani, qui te ista cura liberarent et sese illa ipsa nocte paulo ante lucem me in meo lectulo interfecturos [esse] pollicerentur. [10] Haec ego omnia vixdum etiam coetu vestro dimisso comperi; domum meam maioribus praesidiis munivi atque firmavi, exclusi eos, quos tu ad me salutatum mane miseras, cum illi ipsi venissent, quos ego iam multis ac summis viris ad me id temporis venturos esse praedixeram.

V. Quae cum ita sint, Catilina, perge, quo coepisti, egredere aliquando ex urbe; patent portae; proficiscere. Nimium diu te imperatorem tua illa Manliana castra desiderant. Educ tecum etiam omnes tuos, si minus, quam plurimos; purga urbem. Magno me metu liberabis, dum modo inter me atque te murus intersit. Nobiscum

versari iam diutius non potes; non feram, non patiar, non sinam. [11] Magna dis inmortalibus habenda est atque huic ipsi Iovi Statori, antiquissimo custodi huius urbis, gratia, quod hanc tam taetram, tam horribilem tamque infestam rei publicae pestem totiens iam effugimus.

Non est saepius in uno homine summa salus periclitanda rei publicae. Quamdiu mihi consuli designato, Catilina, insidiatus es, non publico me praesidio, sed privata diligentia defendi. Cum proximis comitiis consularibus me consulem in campo et competitores tuos interficere voluisti, compressi conatus tuos nefarios amicorum praesidio et copiis nullo tumultu publice concitato; denique, quotienscumque me petisti, per me tibi obstiti, quamquam videbam perniciem meam cum magna calamitate rei publicae esse coniunctam.

[12] Nunc iam aperte rem publicam universam petis, templa deorum inmortalium, tecta urbis, vitam omnium civium, Italiam [denique] totam ad exitium et vastitatem vocas. Quare, quoniam id, quod est primum, et quod huius imperii disciplinaeque maiorum proprium est, facere nondum audeo, faciam id, quod est ad severitatem lenius et ad communem salutem utilius. Nam si te interfici iussero, residebit in re publica reliqua coniuratorum manus; sin tu, quod te iam dudum hortor, exieris, exhaurietur ex urbe tuorum comitum magna et perniciosa sentina rei publicae. [13] Quid est, Catilina? num dubitas id me imperante facere, quod iam tua sponte faciebas? Exire ex urbe iubet consul hostem. Interrogas me, num in exilium; non iubeo, sed, si me consulis, suadeo.

VI. Quid est enim, Catilina, quod te iam in hac urbe delectare possit? in qua nemo est extra istam coniurationem perditorum hominum, qui te non metuat, nemo, qui non oderit.

Quae nota domesticae turpitudinis non inusta vitae tuae est? quod privatarum rerum dedecus non haeret in fama? quae lubido ab oculis, quod facinus a manibus umquam tuis, quod flagitium a toto corpore afuit? cui tu adulescentulo, quem corruptelarum inlecebris inretisses, non aut ad audaciam ferrum aut ad lubidinem facem praetulisti? [14] Quid vero? nuper cum morte superioris uxoris novis nuptiis domum vacuefecisses, nonne etiam alio incredibili scelere hoc scelus cumulasti? quod ego praetermitto et facile patior sileri, ne in hac

civitate tanti facinoris inmanitas aut extitisse aut non vindicata esse videatur. Praetermitto ruinas fortunarum tuarum, quas omnis inpendere tibi proxumis Idibus senties; ad illa venio, quae non ad privatam ignominiam vitiorum tuorum, non ad domesticam tuam difficultatem ac turpitudinem sed ad summam rem publicam atque ad omnium nostrum vitam salutemque pertinent. [15] Potestne tibi haec lux, Catilina, aut huius caeli spiritus esse iucundus, cum scias esse horum neminem, qui nesciat te pridie Kalendas Ianuarias Lepido et Tullo consulibus stetisse in comitio cum telo, manum consulum et principum civitatis interficiendorum causa paravisse, sceleri ac furori tuo non mentem aliquam aut timorem tuum sed fortunam populi Romani obstitisse?

Ac iam illa omitto — neque enim sunt aut obscura aut non multa commissa postea — quotiens tu me designatum, quotiens consulem interficere conatus es! quot ego tuas petitiones ita coniectas, ut vitari posse non viderentur, parva quadam declinatione et, ut aiunt, corpore effugi! nihil [agis, nihil] adsequeris [, nihil moliris] neque tamen conari ac velle desistis. [16] Quotiens tibi iam extorta est ista sica de manibus, quotiens [vero] excidit casu aliquo et elapsa est! [tamen ea carere diutius non potes] quae quidem quibus abs te initiata sacris ac devota sit, nescio, quod eam necesse putas esse in consulis corpore defigere.

VII. Nunc vero quae tua est ista vita? Sic enim iam tecum loquar, non ut odio permotus esse videar, quo debeo, sed ut misericordia, quae tibi nulla debetur. Venisti paulo ante in senatum. Quis te ex hac tanta frequentia totque tuis amicis ac necessariis salutavit? Si hoc post hominum memoriam contigit nemini, vocis expectas contumeliam, cum sis gravissimo iudicio taciturnitatis oppressus? Quid, quod adventu tuo ista subsellia vacuefacta sunt, quod omnes consulares, qui tibi persaepe ad caedem constituti fuerunt, simul atque adsedisti, partem istam subselliorum nudam atque inanem reliquerunt, quo tandem animo [hoc] tibi ferundum putas?

[17] Servi mehercule mei si me isto pacto metuerent, ut te metuunt omnes cives tui, domum meam relinquendam putarem; tu tibi urbem non arbitraris? et, si me meis civibus iniuria suspectum tam graviter atque offensum viderem, carere me aspectu civium quam infestis omnium oculis conspici mallem; tu cum conscientia scelerum tuorum

agnoscas odium omnium iustum et iam diu tibi debitum, dubitas, quorum mentes sensusque volneras, eorum aspectum praesentiamque vitare? Si te parentes timerent atque odissent tui neque eos ulla ratione placare posses, ut opinor, ab eorum oculis aliquo concederes. Nunc te patria, quae communis est parens omnium nostrum, odit ac metuit et iam diu nihil te iudicat nisi de parricidio suo cogitare; huius tu neque auctoritatem verebere nec iudicium sequere nec vim pertimesces?

[18] Quae tecum, Catilina, sic agit et quodam modo tacita loquitur: "Nullum iam aliquot annis facinus exstitit nisi per te, nullum flagitium sine te; tibi uni multorum civium neces, tibi vexatio direptioque sociorum inpunita fuit ac libera; tu non solum ad neglegendas leges et quaestiones, verum etiam ad evertendas perfringendasque valuisti. Superiora illa, quamquam ferenda non fuerunt, tamen, ut potui, tuli; nunc vero me totam esse in metu propter unum te, quicquid increpuerit, Catilinam timeri, nullum videri contra me consilium iniri posse, quod a tuo scelere abhorreat, non est ferendum. Quam ob rem discede atque hunc mihi timorem eripe; si est verus, ne opprimar, sin falsus, ut tandem aliquando timere desinam."

[19] VIII. Haec si tecum, ita ut dixi, patria loquatur, nonne impetrare debeat, etiamsi vim adhibere non possit? Quid, quod tu te ipse in custodiam dedisti, quod vitandae suspicionis causa ad M'. Lepidum te habitare velle dixisti? A quo non receptus etiam ad me venire ausus es atque, ut domi meae te adservarem, rogasti. Cum a me quoque id responsum tulisses, me nullo modo posse isdem parietibus tuto esse tecum, qui magno in periculo essem, quod isdem moenibus contineremur, ad Q. Metellum praetorem venisti. A quo repudiatus ad sodalem tuum, virum optumum, M. Metellum, demigrasti; quem tu videlicet et ad custodiendum diligentissimum et ad suspicandum sagacissimum et ad vindicandum fortissimum fore putasti. Sed quam longe videtur a carcere atque a vinculis abesse debere, qui se ipse iam dignum custodia iudicarit!

[20] Quae cum ita sint, Catilina, dubitas, si emori aequo animo non potes, abire in aliquas terras et vitam istam multis suppliciis iustis debitisque ereptam fugae solitudinique mandare? "Refer" inquis "ad senatum"; id enim postulas et, si hic ordo [sibi] placere decreverit te

ire in exilium, optemperaturum te esse dicis. Non referam, id quod abhorret a meis moribus, et tamen faciam, ut intellegas, quid hi de te sentiant. Egredere ex urbe, Catilina, libera rem publicam metu, in exilium, si hanc vocem exspectas, proficiscere. Quid est, Catilina? ecquid attendis, ecquid animadvertis horum silentium? Patiuntur, tacent. Quid exspectas auctoritatem loquentium, quorum voluntatem tacitorum perspicis?

[21] At si hoc idem huic adulescenti optimo, P. Sestio, si fortissimo viro, M. Marcello, dixissem, iam mihi consuli hoc ipso in templo iure optimo senatus vim et manus intulisset. De te autem, Catilina, cum quiescunt, probant, cum patiuntur, decernunt, cum tacent, clamant, neque hi solum, quorum tibi auctoritas est videlicet cara, vita vilissima, sed etiam illi equites Romani, honestissimi atque optimi viri, ceterique fortissimi cives, qui circumstant senatum, quorum tu et frequentiam videre et studia perspicere et voces paulo ante exaudire potuisti. Quorum ego vix abs te iam diu manus ac tela contineo, eosdem facile adducam, ut te haec, quae vastare iam pridem studes, relinquentem usque ad portas prosequantur.

[22] IX. Quamquam quid loquor? te ut ulla res frangat, tu ut umquam te corrigas, tu ut ullam fugam meditere, tu ut ullum exilium cogites? Utinam tibi istam mentem di inmortales duint! tametsi video, si mea voce perterritus ire in exilium animum induxeris quanta tempestas invidiae nobis, si minus in praesens tempus recenti memoria scelerum tuorum, at in posteritatem impendeat. Sed est tanti, dum modo ista sit privata calamitas et a rei publicae periculis seiungatur. Sed tu ut vitiis tuis commoveare, ut legum poenas pertimescas, ut temporibus rei publicae cedas, non est postulandum. Neque enim is es, Catilina, ut te aut pudor umquam a turpitudine aut metus a periculo aut ratio a furore revocarit.

[23] Quam ob rem, ut saepe iam dixi, proficiscere ac, si mihi inimico, ut praedicas, tuo conflare vis invidiam, recta perge in exilium; vix feram sermones hominum, si id feceris, vix molem istius invidiae, si in exilium iussu consulis ieris, sustinebo. Sin autem servire meae laudi et gloriae mavis, egredere cum inportuna sceleratorum manu, confer te ad Manlium, concita perditos cives, secerne te a bonis, infer patriae bellum, exsulta impio latrocinio, ut a me non eiectus ad alienos, sed invitatus ad tuos isse videaris.

[24] Quamquam quid ego te invitem, a quo iam sciam esse praemissos, qui tibi ad Forum Aurelium praestolarentur armati, cui iam sciam pactam et constitutam cum Manlio diem, a quo etiam aquilam illam argenteam, quam tibi ac tuis omnibus confido perniciosam ac funestam futuram, cui domi tuae sacrarium [scelerum tuorum] constitutum fuit, sciam esse praemissam? Tu ut illa carere diutius possis, quam venerari ad caedem proficiscens solebas, a cuius altaribus saepe istam impiam dexteram ad necem civium transtulisti?

[25] X. Ibis tandem aliquando, quo te iam pridem ista tua cupiditas effrenata ac furiosa rapiebat; neque enim tibi haec res adfert dolorem, sed quandam incredibilem voluptatem. Ad hanc te amentiam natura peperit, voluntas exercuit, fortuna servavit. Numquam tu non modo otium, sed ne bellum quidem nisi nefarium concupisti. Nactus es ex perditis atque ab omni non modo fortuna, verum etiam spe derelictis conflatam inproborum manum. [26] Hic tu qua laetitia perfruere, quibus gaudiis exultabis, quanta in voluptate bacchabere, cum in tanto numero tuorum neque audies virum bonum quemquam neque videbis! Ad huius vitae studium meditati illi sunt, qui feruntur, labores tui, iacere humi non solum ad obsidendum stuprum, verum etiam ad facinus obeundum, vigilare non solum insidiantem somno maritorum, verum etiam bonis otiosorum. Habes, ubi ostentes tuam illam praeclaram patientiam famis, frigoris, inopiae rerum omnium, quibus te brevi tempore confectum esse senties. [27] Tantum profeci tum, cum te a consulatu reppuli, ut exsul potius temptare quam consul vexare rem publicam posses, atque ut id, quod esset a te scelerate susceptum, latrocinium potius quam bellum nominaretur.

XI. Nunc, ut a me, patres conscripti, quandam prope iustam patriae querimoniam detester ac deprecer, percipite, quaeso, diligenter, quae dicam, et ea penitus animis vestris mentibusque mandate. Etenim, si mecum patria, quae mihi vita mea multo est carior, si cuncta Italia, si omnis res publica loquatur:

“M.Tulli, quid agis? Tune eum, quem esse hostem comperisti, quem ducem belli futurum vides, quem expectari imperatorem in castris hostium sentis, auctorem sceleris, principem coniurationis, evocatorem servorum et civium perditorum, exire patiere, ut abs te non emissus ex urbe, sed immissus in urbem esse videatur? Nonne hunc in vincla duci, non ad mortem rapi, non summo supplicio

mactari imperabis? [28] Quid tandem te impedit? mosne maiorum? At persaepe etiam privati in hac re publica perniciosos cives morte multarunt. An leges, quae de civium Romanorum supplicio rogatae sunt? At numquam in hac urbe, qui a re publica defecerunt, civium iura tenuerunt. An invidiam posteritatis times? Praeclaram vero populo Romano refers gratiam, qui te, hominem per te cognitum nulla commendatione maiorum tam mature ad summum imperium per omnis honorum gradus extulit, si propter invidiam aut alicuius periculi metum salutem civium tuorum neglegis. [29] Sed, si quis est invidiae metus, non est vehementius severitatis ac fortitudinis invidia quam inertiae ac nequitiae pertimescenda. An, cum bello vastabitur Italia, vexabuntur urbes, tecta ardebunt tum te non existumas invidiae incendio conflagraturum?"

XII. His ego sanctissimis rei publicae vocibus et eorum hominum, qui hoc idem sentiunt, mentibus pauca respondebo. Ego si hoc optimum factu iudicarem, patres conscripti, Catilinam morte multari, unius usuram horae gladiatori isti ad vivendum non dedissem. Etenim si summi viri et clarissimi cives Saturnini et Gracchorum et Flacci et superiorum complurium sanguine non modo se non contaminarunt, sed etiam honestarunt, certe verendum mihi non erat, ne quid hoc parricida civium interfecto invidiae [mihi] in posteritatem redundaret. Quodsi ea mihi maxime inpenderet tamen hoc animo fui semper, ut invidiam virtute partam gloriam, non invidiam putarem.

[30] Quamquam non nulli sunt in hoc ordine, qui aut ea, quae inminent non videant aut ea, quae vident, dissimulent; qui spem Catilinae mollibus sententiis aluerunt coniurationemque nascentem non credendo corroboraverunt; quorum auctoritate multi non solum improbi, verum etiam inperiti, si in hunc animadvertissem, crudeliter et regie factum esse dicerent. Nunc intellego, si iste, quo intendit, in Manliana castra pervenerit, neminem tam stultum fore, qui non videat coniurationem esse factam, neminem tam improbum qui non fateatur. Hoc autem uno interfecto intellego hanc rei publicae pestem paulisper reprimi, non in perpetuum comprimi posse. Quodsi se eiecerit secumque suos eduxerit et eodem ceteros undique collectos naufragos adgregarit, extinguetur atque delebitur non modo haec tam adulta rei publicae pestis, verum etiam stirps ac semen malorum

omnium.

[31] Etenim iam diu, patres conscripti, in his periculis coniurationis insidiisque versamur, sed nescio quo pacto omnium scelerum ac veteris furoris et audaciae maturitas in nostri consulatus tempus erupit. Quodsi ex tanto latrocinio iste unus tolletur, videbimur fortasse ad breve quoddam tempus cura et metu esse relevati, periculum autem residebit et erit inclusum penitus in venis atque in visceribus rei publicae. Ut saepe homines aegri morbo gravi cum aestu febrique iactantur, si aquam gelidam biberunt, primo relevari videntur, deinde multo gravius vehementiusque adflictantur, sic hic morbus, qui est in re publica, relevatus istius poena vehementius reliquis vivis ingravescet.

[32] Quare secedant inprobi, secernant se a bonis, unum in locum congregentur, muro denique, [id] quod saepe iam dixi, secernantur a nobis; desinant insidiari domi suae consuli, circumstare tribunal praetoris urbani, obsidere cum gladiis curiam, malleolos et faces ad inflammandam urbem comparare; sit denique inscriptum in fronte unius cuiusque, quid de re publica sentiat. Polliceor hoc vobis, patres conscripti, tantam in nobis consulibus fore diligentiam, tantam in vobis auctoritatem, tantam in equitibus Romanis virtutem, tantam in omnibus bonis consensionem, ut Catilinae profectione omnia patefacta, inlustrata, oppressa, vindicata esse videatis.

[33] Hisce ominibus, Catilina, cum summa rei publicae salute, cum tua peste ac pernicie cumque eorum exitio, qui se tecum omni scelere parricidioque iunxerunt, proficiscere ad impium bellum ac nefarium. Tu, Iuppiter, qui isdem quibus haec urbs auspiciis a Romulo es constitutus, quem Statorem huius urbis atque imperii vere nominamus, hunc et huius socios a tuis [aris] ceterisque templis, a tectis urbis ac moenibus, a vita fortunisque civium [omnium] arcebis et homines bonorum inimicos, hostis patriae, latrones Italiae scelerum foedere inter se ac nefaria societate coniunctos aeternis suppliciis vivos mortuosque mactabis.

ORATIO IN L. CATILINAM SECVNDA. HABITA AD POPVLVM

[1] Tandem aliquando, Quirites, L. Catilinam furentem audacia, scelus anhelantem, pestem patriae nefarie molientem, vobis atque huic urbi ferro flammaque minitantem ex urbe vel eiecimus vel emisimus vel ipsum egredientem verbis prosecuti sumus. Abiit, excessit, evasit, erupit. Nulla iam pernicies a monstro illo atque prodigio moenibus ipsis intra moenia comparabitur. Atque hunc quidem unum huius belli domestici ducem sine controversia vicimus. Non enim iam inter latera nostra sica illa versabitur, non in campo, non in foro, non in curia, non denique intra domesticos parietes pertimescemus. Loco ille motus est, cum est ex urbe depulsus. Palam iam cum hoste nullo inpediente bellum iustum geremus. Sine dubio perdidimus hominem magnificeque vicimus, cum illum ex occultis insidiis in apertum latrocinium coniecimus.

[2] Quod vero non cruentum mucronem, ut voluit, extulit, quod vivis nobis egressus est, quod ei ferrum e manibus extorsimus, quod incolumes cives, quod stantem urbem reliquit, quanto tandem illum maerore esse adflictum et profligatum putatis? Iacet ille nunc prostratus, Quirites, et se perculsum atque abiectum esse sentit et retorquet oculos profecto saepe ad hanc urbem, quam e suis faucibus ereptam esse luget; quae quidem mihi laetari videtur, quod tantam pestem evomuerit forasque proiecerit.

[3] Ac si quis est talis, quales esse omnes oportebat, qui in hoc ipso, in quo exultat et triumphat oratio mea, me vehementer accuset, quod tam capitalem hostem non comprehenderim potius quam emiserim, non est ista mea culpa, Quirites, sed temporum. Interfectum esse L. Catilinam et gravissimo supplicio adfectum iam pridem oportebat, idque a me et mos maiorum et huius imperii severitas et res publica postulabat. Sed quam multos fuisse putatis, qui, quae ego deferrem, non crederent, [quam multos, qui propter stultitiam non putarent,] quam multos, qui etiam defenderent [,quam multos, qui propter improbitatem faverent]! Ac, si illo sublato depelli a vobis omne periculum iudicarem, iam pridem ego L. Catilinam non modo invidiae meae, verum etiam vitae periculo sustulissem.

[4] Sed cum viderem, ne vobis quidem omnibus re etiam tum probata si illum, ut erat meritus, morte multassem, fore ut eius socios invidia oppressus persequi non possem, rem huc deduxi, ut tum palam pugnare possetis, cum hostem aperte videretis. Quem quidem ego hostem, Quirites, quam vehementer foris esse timendum putem, licet hinc intellegatis, quod etiam illud moleste fero, quod ex urbe parum comitatus exierit. Utinam ille omnis secum suas copias eduxisset! Tongilium mihi eduxit, quem amare in praetexta coeperat, Publicium et Minucium, quorum aes alienum contractum in popina nullum rei publicae motum adferre poterat; reliquit quos viros, quanto aere alieno, quam valentis, quam nobilis!

[5] Itaque ego illum exercitum prae Gallicanis legionibus et hoc dilectu, quem in agro Piceno et Gallico Q. Metellus habuit, et his copiis, quae a nobis cotidie comparantur, magno opere contemno collectum ex senibus desperatis, ex agresti luxuria, ex rusticis decoctoribus, ex iis, qui vadimonia deserere quam illum exercitum maluerunt; quibus ego non modo si aciem exercitus nostri, verum etiam si edictum praetoris ostendero, concident. Hos, quos video volitare in foro, quos stare ad curiam, quos etiam in senatum venire, qui nitent unguentis, qui fulgent purpura, mallem secum suos milites eduxisset; qui si hic permanent, mementote non tam exercitum illum esse nobis quam hos, qui exercitum deseruerunt, pertimescendos. Atque hoc etiam sunt timendi magis, quod, quid cogitent, me scire sentiunt neque tamen permoventur.

[6] Video, cui sit Apulia adtributa, quis habeat Etruriam, quis agrum Picenum, quis Gallicum, quis sibi has urbanas insidias caedis atque incendiorum depoposcerit. Omnia superioris noctis consilia ad me perlata esse sentiunt; patefeci in senatu hesterno die; Catilina ipse pertimuit, profugit; hi quid expectant? Ne illi vehementer errant, si illam meam pristinam lenitatem perpetuam sperant futuram. Quod expectavi, iam sum adsecutus, ut vos omnes factam esse aperte coniurationem contra rem publicam videretis; nisi vero si quis est, qui Catilinae similis cum Catilina sentire non putet. Non est iam lenitati locus; severitatem res ipsa flagitat. Unum etiam nunc concedam: exeant, proficiscantur, ne patiantur desiderio sui Catilinam miserum tabescere. Demonstrabo iter: Aurelia via profectus est; si accelerare volent, ad vesperam consequentur.

[7] O fortunatam rem publicam, si quidem hanc sentinam urbis eiecerit! Uno mehercule Catilina exhausto levata mihi et recreata res publica videtur. Quid enim mali aut sceleris fingi aut cogitari potest, quod non ille conceperit? quis tota Italia veneficus, quis gladiator, quis latro, quis sicarius, quis parricida, quis testamentorum subiector, quis circumscriptor, quis ganeo, quis nepos, quis adulter, quae mulier infamis, quis corruptor iuventutis, quis corruptus, quis perditus inveniri potest, qui se cum Catilina non familiarissime vixisse fateatur? quae caedes per hosce annos sine illo facta est, quod nefarium stuprum non per illum?

[8] Iam vero quae tanta umquam in ullo [homine] iuventutis inlecebra fuit, quanta in illo? qui alios ipse amabat turpissime, aliorum amori flagitiosissime serviebat, aliis fructum lubidinum, aliis mortem parentum non modo inpellendo, verum etiam adiuvando pollicebatur. Nunc vero quam subito non solum ex urbe, verum etiam ex agris ingentem numerum perditorum hominum collegerat! Nemo non modo Romae, sed ne ullo in angulo totius Italiae oppressus aere alieno fuit, quem non ad hoc incredibile sceleris foedus asciverit.

[9] Atque ut eius diversa studia in dissimili ratione perspicere possitis, nemo est in ludo gladiatorio paulo ad facinus audacior qui se non intimum Catilinae esse fateatur, nemo in scaena levior et nequior qui se non eiusdem prope sodalem fuisse commemoret. Atque idem tamen stuprorum et scelerum exercitatione adsuefactus frigore et fame et siti et vigiliis perferundis fortis ab istis praedicabatur, cum industriae subsidia atque instrumenta virtutis in lubidine audaciaque consumeret.

[10] Hunc vero si secuti erunt sui comites, si ex urbe exierint desperatorum hominum flagitiosi greges, o nos beatos, o rem publicam fortunatam, o praeclaram laudem consulatus mei! Non enim iam sunt mediocres hominum lubidines, non humanae ac tolerandae audaciae; nihil cogitant nisi caedem, nisi incendia, nisi rapinas. Patrimonia sua profuderunt, fortunas suas obligaverunt; res eos iam pridem deseruit, fides nuper deficere coepit; eadem tamen illa, quae erat in abundantia, lubido permanet. Quodsi in vino et alea comissationes solum et scorta quaererent, essent illi quidem desperandi, sed tamen essent ferendi; hoc vero quis ferre possit, inertes homines fortissimis viris insidiari, stultissimos

prudentissimis, ebriosos sobriis, dormientis vigilantibus? qui mihi accubantes in conviviis conplexi mulieres inpudicas vino languidi, conferti cibo, sertis redimiti, unguentis obliti, debilitati stupris eructant sermonibus suis caedem bonorum atque urbis incendia.

[11] Quibus ego confido impendere fatum aliquod, et poenam iam diu improbitati, nequitiae, sceleri, libidini debitam aut instare iam plane aut certe adpropinquare. Quos si meus consulatus, quoniam sanare non potest, sustulerit, non breve nescio quod tempus, sed multa saecula propagarit rei publicae. Nulla est enim natio, quam pertimescamus, nullus rex, qui bellum populo Romano facere possit. Omnia sunt externa unius virtute terra marique pacata; domesticum bellum manet, intus insidiae sunt, intus inclusum periculum est, intus est hostis. Cum luxuria nobis, cum amentia, cum scelere certandum est. Huic ego me bello ducem profiteor, Quirites; suscipio inimicitias hominum perditorum; quae sanari poterunt, quacumque ratione sanabo, quae resecanda erunt, non patiar ad perniciem civitatis manere. Proinde aut exeant aut quiescant aut, si et in urbe et in eadem mente permanent, ea, quae merentur, expectent.

[12] At etiam sunt, qui dicant, Quirites, a me eiectum in exilium esse Catilinam. Quod ego si verbo adsequi possem, istos ipsos eicerem, qui haec locuntur. Homo enim videlicet timidus aut etiam permodestus vocem consulis ferre non potuit; simul atque ire in exilium iussus est, paruit, ivit. Hesterno die, Quirites, cum domi meae paene interfectus essem, senatum in aedem Iovis Statoris convocavi, rem omnem ad patres conscriptos detuli. Quo cum Catilina venisset, quis eum senator appellavit, quis salutavit, quis denique ita aspexit ut perditum civem ac non potius ut inportunissimum hostem? Quin etiam principes eius ordinis partem illam subselliorum, ad quam ille accesserat, nudam atque inanem reliquerunt.

[13] Hic ego vehemens ille consul, qui verbo civis in exilium eicio, quaesivi a Catilina, in nocturno conventu apud M. Laecam fuisset necne. Cum ille homo audacissimus conscientia convictus primo reticuisset, patefeci cetera; quid ea nocte egisset, [ubi fuisset,] quid in proximam constituisset, quem ad modum esset ei ratio totius belli descripta, edocui. Cum haesitaret, cum teneretur, quaesivi, quid dubitaret proficisci eo, quo iam pridem pararet, cum arma, cum

secures, cum fasces, cum tubas, cum signa militaria, cum aquilam illam argenteam, cui ille etiam sacrarium [scelerum] domi suae fecerat, scirem esse praemissam.

[14] In exilium eiciebam, quem iam ingressum esse in bellum videbam? Etenim, credo, Manlius iste centurio, qui in agro Faesulano castra posuit bellum populo Romano suo nomine indixit, et illa castra nunc non Catilinam ducem expectant, et ille eiectus in exilium se Massiliam, ut aiunt, non in haec castra conferet. O condicionem miseram non modo administrandae, verum etiam conservandae rei publicae! Nunc si L. Catilina consiliis, laboribus, periculis meis circumclusus ac debilitatus subito pertimuerit, sententiam mutaverit, deseruerit suos, consilium belli faciendi abiecerit et ex hoc cursu sceleris ac belli iter ad fugam atque in exilium converterit, non ille a me spoliatus armis audaciae, non obstupefactus ac perterritus mea diligentia, non de spe conatuque depulsus sed indemnatus innocens in exilium eiectus a consule vi et minis esse dicetur; et erunt, qui illum, si hoc fecerit, non improbum, sed miserum, me non diligentissimum consulem, sed crudelissimum tyrannum existimari velint!

[15] Est mihi tanti, Quirites, huius invidiae falsae atque iniquae tempestatem subire, dum modo a vobis huius horribilis belli ac nefarii periculum depellatur. Dicatur sane eiectus esse a me, dum modo eat in exilium. Sed, mihi credite, non est iturus. Numquam ego ab dis inmortalibus optabo, Quirites, invidiae meae levandae causa, ut L. Catilinam ducere exercitum hostium atque in armis volitare audiatis, sed triduo tamen audietis; multoque magis illud timeo, ne mihi sit invidiosum aliquando, quod illum emiserim potius quam quod eiecerim. Sed cum sint homines, qui illum, cum profectus sit, eiectum esse dicant, idem, si interfectus esset, quid dicerent?

[16] Quamquam isti, qui Catilinam Massiliam ire dictitant, non tam hoc queruntur quam verentur. Nemo est istorum tam misericors, qui illum non ad Manlium quam ad Massilienses ire malit. Ille autem, si mehercule hoc, quod agit, numquam antea cogitasset, tamen latrocinantem se interfici mallet quam exulem vivere. Nunc vero, cum ei nihil adhuc praeter ipsius voluntatem cogitationemque acciderit, nisi quod vivis nobis Roma profectus est, optemus potius, ut eat in exilium, quam queramur.

[17] Sed cur tam diu de uno hoste loquimur, et de eo hoste, qui iam fatetur se esse hostem, et quem, quia, quod semper volui, murus interest, non timeo; de his, qui dissimulant, qui Romae remanent, qui nobiscum sunt, nihil dicimus? Quos quidem ego, si ullo modo fieri possit, non tam ulcisci studeo quam sanare sibi ipsos, placare rei publicae, neque, id quare fieri non possit, si me audire volent, intellego. Exponam enim vobis, Quirites, ex quibus generibus hominum istae copiae comparentur; deinde singulis medicinam consilii atque orationis meae, si quam potero, adferam.

[18] Unum genus est eorum, qui magno in aere alieno maiores etiam possessiones habent, quarum amore adducti dissolvi nullo modo possunt. Horum hominum species est honestissima (sunt enim locupletes), voluntas vero et causa inpudentissima. Tu agris, tu aedificiis, tu argento, tu familia, tu rebus omnibus ornatus et copiosus sis et dubites de possessione detrahere, adquirere ad fidem? Quid enim expectas? bellum? Quid ergo? in vastatione omnium tuas possessiones sacrosanctas futuras putas? An tabulas novas? Errant, qui istas a Catilina expectant; meo beneficio tabulae novae proferentur, verum auctionariae; neque enim isti, qui possessiones habent, alia ratione ulla salvi esse possunt. Quod si maturius facere voluissent neque, id quod stultissimum est, certare cum usuris fructibus praediorum, et locupletioribus his et melioribus civibus uteremur. Sed hosce homines minime puto pertimescendos, quod aut deduci de sententia possunt aut, si permanebunt, magis mihi videntur vota facturi contra rem publicam quam arma laturi.

[19] Alterum genus est eorum, qui quamquam premuntur aere alieno, dominationem tamen expectant, rerum potiri volunt, honores, quos quieta re publica desperant, perturbata se consequi posse arbitrantur. Quibus hoc praecipiendum videtur, unum scilicet et idem quod reliquis omnibus, ut desperent se id, quod conantur, consequi posse; primum omnium me ipsum vigilare, adesse, providere rei publicae; deinde magnos animos esse in bonis viris, magnam concordiam, [maxumam multitudinem], magnas praeterea militum copias; deos denique inmortalis huic invicto populo, clarissimo imperio, pulcherrimae urbi contra tantam vim sceleris praesentis auxilium esse laturos. Quodsi iam sint id, quod summo furore cupiunt, adepti, num illi in cinere urbis et in sanguine civium, quae

mente conscelerata ac nefaria concupiverunt, consules se aut dictatores aut etiam reges sperant futuros? Non vident id se cupere, quod si adepti sint, fugitivo alicui aut gladiatori concedi sit necesse?

[20] Tertium genus est aetate iam adfectum, sed tamen exercitatione robustum; quo ex genere iste est Manlius, cui nunc Catilina succedit. Hi sunt homines ex iis coloniis, quas Sulla constituit; quas ego universas civium esse optimorum et fortissimorum virorum sentio, sed tamen ii sunt coloni, qui se in insperatis ac repentinis pecuniis sumptuosius insolentiusque iactarunt. Hi dum aedificant tamquam beati, dum praediis lectis, familiis magnis, conviviis apparatis delectantur, in tantum aes alienum inciderunt, ut, si salvi esse velint, Sulla sit iis ab inferis excitandus; qui etiam non nullos agrestis homines tenues atque egentes in eandem illam spem rapinarum veterum impulerunt. Quos ego utrosque in eodem genere praedatorum direptorumque pono, sed eos hoc moneo, desinant furere ac proscriptiones et dictaturas cogitare. Tantus enim illorum temporum dolor inustus est civitati, ut iam ista non modo homines, sed ne pecudes quidem mihi passurae esse videantur.

[21] Quartum genus est sane varium et mixtum et turbulentum; qui iam pridem premuntur, qui numquam emergunt, qui partim inertia, partim male gerendo negotio, partim etiam sumptibus in vetere aere alieno vacillant, qui vadimoniis, iudiciis, proscriptione bonorum defetigati permulti et ex urbe et ex agris se in illa castra conferre dicuntur. Hosce ego non tam milites acris quam infitiatores lentos esse arbitror. Qui homines quam primum, si stare non possunt, corruant sed ita, ut non modo civitas, sed ne vicini quidem proximi sentiant. Nam illud non intellego, quam ob rem, si vivere honeste non possunt, perire turpiter velint, aut cur minore dolore perituros se cum multis quam si soli pereant, arbitrentur.

[22] Quintum genus est parricidarum, sicariorum, denique omnium facinerosorum. Quos ego a Catilina non revoco; nam neque ab eo divelli possunt et pereant sane in latrocinio quoniam sunt ita multi, ut eos carcer capere non possit. Postremum autem genus est non solum numero verum etiam genere ipso atque vita, quod proprium Catilinae est, de eius dilectu, immo vero de complexu eius ac sinu; quos pexo capillo nitidos aut inberbis aut bene barbatos videtis, manicatis et

talaribus tunicis velis amictos, non togis; quorum omnis industria vitae et vigilandi labor in antelucanis cenis expromitur.

[23] In his gregibus omnes aleatores, omnes adulteri, omnes inpuri inpudicique versantur. Hi pueri tam lepidi ac delicati non solum amare et amari neque saltare et cantare, sed etiam sicas vibrare et spargere venena didicerunt. Qui nisi exeunt, nisi pereunt, etiamsi Catilina perierit, scitote hoc in re publica seminarium Catilinarum futurum. Verum tamen quid sibi isti miseri volunt? num suas secum mulierculas sunt in castra ducturi? Quem ad modum autem illis carere poterunt, his praesertim iam noctibus? Quo autem pacto illi Appenninum atque illas pruinas ac nives perferent? nisi idcirco se facilius hiemem toleraturos putant, quod nudi in conviviis saltare didicerunt.

[24] O bellum magno opere pertimescendum, cum hanc sit habiturus Catilina scortorum cohortem praetoriam! Instruite nunc, Quirites, contra has tam praeclaras Catilinae copias vestra praesidia vestrosque exercitus. Et primum gladiatori illi confecto et saucio consules imperatoresque vestros opponite; deinde contra illam naufragorum eiectam ac debilitatam manum florem totius Italiae ac robur educite. Iam vero urbes coloniarum ac municipiorum respondebunt Catilinae tumulis silvestribus. Neque ego ceteras copias, ornamenta, praesidia vestra cum illius latronis inopia atque egestate conferre debeo.

[25] Sed si omissis his rebus, quibus nos suppeditamur, eget ille, senatu, equitibus Romanis, urbe, aerario, vectigalibus, cuncta Italia, provinciis omnibus, exteris nationibus, si his rebus omissis causas ipsas, quae inter se confligunt, contendere velimus, ex eo ipso, quam valde illi iaceant, intellegere possumus. Ex hac enim parte pudor pugnat, illinc petulantia; hinc pudicitia, illinc stuprum; hinc fides, illinc fraudatio; hinc pietas, illinc scelus; hinc constantia, illinc furor; hinc honestas, illinc turpitudo; hinc continentia, illinc lubido; denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, luxuria, ignavia, temeritate, cum vitiis omnibus; postremo copia cum egestate, bona ratio cum perdita, mens sana cum amentia, bona denique spes cum omnium rerum desperatione confligit. In eius modi certamine ac proelio nonne, si hominum studia deficiant, di ipsi inmortales cogant ab his

praeclarissimis virtutibus tot et tanta vitia superari?

[26] Quae cum ita sint, Quirites, vos, quem ad modum iam antea dixi, vestra tecta vigiliis custodiisque defendite; mihi, ut urbi sine vestro motu ac sine ullo tumultu satis esset praesidii, consultum atque provisum est. Coloni omnes municipesque vestri certiores a me facti de hac nocturna excursione Catilinae facile urbes suas finesque defendent; gladiatores, quam sibi ille manum certissimam fore putavit, quamquam animo meliore sunt quam pars patriciorum, potestate tamen nostra continebuntur. Q. Metellus, quem ego hoc prospiciens in agrum Gallicum Picenumque praemisi, aut opprimet hominem aut eius omnis motus conatusque prohibebit. Reliquis autem de rebus constituendis maturandis, agendis iam ad senatum referemus, quem vocari videtis.

[27] Nunc illos, qui in urbe remanserunt, atque adeo qui contra urbis salutem omniumque vestrum in urbe a Catilina relicti sunt, quamquam sunt hostes, tamen, quia [nati] sunt cives, monitos etiam atque etiam volo. Mea lenitas adhuc si cui solutior visa est, hoc expectavit, ut id, quod latebat, erumperet. Quod reliquum est, iam non possum oblivisci meam hanc esse patriam, me horum esse consulem, mihi aut cum his vivendum aut pro his esse moriendum. Nullus est portis custos, nullus insidiator viae; si qui exire volunt, conivere possum; qui vero se in urbe commoverit, cuius ego non modo factum, sed inceptum ullum conatumve contra patriam deprehendero, sentiet in hac urbe esse consules vigilantis, esse egregios magistratus, esse fortem senatum, esse arma, esse carcerem, quem vindicem nefariorum ac manifestorum scelerum maiores nostri esse voluerunt.

[28] Atque haec omnia sic agentur, Quirites, ut maxumae res minimo motu, pericula summa nullo tumultu, bellum intestinum ac domesticum post hominum memoriam crudelissimum et maximum me uno togato duce et imperatore sedetur. Quod ego sic administrabo, Quirites, ut, si ullo modo fieri poterit, ne inprobus quidem quisquam in hac urbe poenam sui sceleris sufferat. Sed si vis manifestae audaciae, si inpendens patriae periculum me necessario de hac animi lenitate deduxerit, illud profecto perficiam, quod in tanto et tam insidioso bello vix optandum videtur, ut neque bonus quisquam intereat paucorumque poena vos omnes salvi esse possitis.

[29] Quae quidem ego neque mea prudentia neque humanis consiliis fretus polliceor vobis, Quirites, sed multis et non dubiis deorum inmortalium significationibus, quibus ego ducibus in hanc spem sententiamque sum ingressus; qui iam non procul, ut quondam solebant, ab externo hoste atque longinquo, sed hic praesentes suo numine atque auxilio sua templa atque urbis tecta defendunt. Quos vos, Quirites, precari, venerari, implorare debetis, ut, quam urbem pulcherrimam florentissimamque esse voluerunt, hanc omnibus hostium copiis terra marique superatis a perditissimorum civium nefario scelere defendant.

ORATIO IN L. CATILINAM TERTIA. HABITA AD POPVLVM

[1] Rem publicam, Quirites, vitamque omnium vestrum, bona, fortunas, coniuges liberosque vestros atque hoc domicilium clarissumi imperii, fortunatissimam pulcherrimamque urbem, hodierno die deorum inmortalium summo erga vos amore, laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptam et vobis conservatam ac restitutam videtis.

[2] Et si non minus nobis iucundi atque inlustres sunt ii dies, quibus conservamur, quam illi, quibus nascimur, quod salutis certa laetitia est, nascendi incerta condicio, et quod sine sensu nascimur, cum voluptate servamur, profecto, quoniam illum, qui hanc urbem condidit, ad deos inmortalis benivolentia famaque sustulimus, esse apud vos posterosque vestros in honore debebit is, qui eandem hanc urbem conditam amplificatamque servavit. Nam toti urbi, templis, delubris, tectis ac moenibus subiectos prope iam ignis circumdatosque restinximus, idemque gladios in rem publicam destrictos rettudimus mucronesque eorum a iugulis vestris deiecimus.

[3] Quae quoniam in senatu inlustrata, patefacta, comperta sunt per me, vobis iam exponam breviter, Quirites, ut, et quanta et quam manifesta et qua ratione investigata et comprehensa sint, vos, qui et ignoratis et expectatis, scire possitis. Principio ut Catilina paucis ante diebus erupit ex urbe, cum sceleris sui socios huiusce nefarii belli acerrimos duces Romae reliquisset, semper vigilavi et providi, Quirites, quem ad modum in tantis et tam absconditis insidiis salvi esse possemus. Nam tum, cum ex urbe Catilinam eiciebam (non enim iam vereor huius verbi invidiam, cum illa magis sit timuenda, quod vivus exierit), sed tum, cum illum exterminari volebam, aut reliquam coniuratorum manum simul exituram aut eos, qui restitissent, infirmos sine illo ac debiles fore putabam.

[4] Atque ego ut vidi, quos maximo furore et scelere esse inflammatos sciebam, eos nobiscum esse et Romae remansisse, in eo omnes dies noctesque consumpsi, ut, quid agerent, quid molirentur, sentirem ac viderem, ut, quoniam auribus vestris propter incredibilem magnitudinem sceleris minorem fidem faceret oratio

mea, rem ita comprehenderem, ut tum demum animis saluti vestrae provideretis, cum oculis maleficium ipsum videretis. Itaque, ut comperi legatos Allobrogum belli Transalpini et tumultus Gallici excitandi causa a P. Lentulo esse sollicitatos, eosque in Galliam ad suos civis eodemque itinere cum litteris mandatisque ad Catilinam esse missos, comitemque iis adiunctum esse T. Volturcium, atque huic esse ad Catilinam datas litteras, facultatem mihi oblatam putavi, ut, quod erat difficillimum, quodque ego semper optabam ab dis inmortalibus, ut tota res non solum a me, sed etiam a senatu et a vobis manifesto deprehenderetur.

[5] Itaque hesterno die L. Flaccum et C. Pomptinum praetores, fortissimos atque amantissimos rei publicae viros, ad me vocavi, rem exposui, quid fieri placeret, ostendi. Illi autem, qui omnia de re publica praeclara atque egregia sentirent, sine recusatione ac sine ulla mora negotium susceperunt et, cum advesperasceret, occulte ad pontem Mulvium pervenerunt atque ibi in proximis villis ita bipertito fuerunt, ut Tiberis inter eos et pons interesset. Eodem autem et ipsi sine cuiusquam suspicione multos fortis viros eduxerant, et ego ex praefectura Reatina complures delectos adulescentes, quorum opera utor adsidue in rei publicae praesidio, cum gladiis miseram.

[6] Interim tertia fere vigilia exacta cum iam pontem Mulvium magno comitatu legati Allobrogum ingredi inciperent unaque Volturcius, fit in eos impetus; educuntur et ab illis gladii et a nostris. Res praetoribus erat nota solis, ignorabatur a ceteris. Tum interventu Pomptini atque Flacci pugna, quae erat commissa, sedatur. Litterae, quaecumque erant in eo comitatu, integris signis praetoribus traduntur; ipsi comprehensi ad me, cum iam dilucesceret, deducuntur. Atque horum omnium scelerum inprobissimum machinatorem, Cimbrum Gabinium, statim ad me nihil dum suspicantem vocavi; deinde item accersitus est L. Statilius et post eum C. Cethegus; tardissime autem Lentulus venit, credo quod in litteris dandis praeter consuetudinem proxima nocte vigilarat.

[7] Cum summis et clarissimis huius civitatis viris, qui audita re frequentes ad me mane convenerant, litteras a me prius aperiri quam ad senatum deferri placeret, ne, si nihil esset inventum, temere a me tantus tumultus iniectus civitati videretur, negavi me esse facturum, ut de periculo publico non ad consilium publicum rem integram

deferrem. Etenim, Quirites, si ea, quae erant ad me delata, reperta non essent, tamen ego non arbitrabar in tantis rei publicae periculis esse mihi nimiam diligentiam pertimescendam. Senatum frequentem celeriter, ut vidistis, coegi.

[8] Atque interea statim admonitu Allobrogum C. Sulpicium praetorem, fortem virum, misi, qui ex aedibus Cethegi, si quid telorum esset, efferret; ex quibus ille maximum sicarum numerum et gladiorum extulit. Introduxi Volturcium sine Gallis; fidem publicam iussu senatus dedi; hortatus sum, ut ea, quae sciret sine timore indicaret. Tum ille dixit, cum vix se ex magno timore recreasset, a P. Lentulo se habere ad Catilinam mandata et litteras, ut servorum praesidio uteretur, ut ad urbem quam primum cum exercitu accederet; id autem eo consilio, ut, cum urbem ex omnibus partibus, quem ad modum discriptum distributumque erat, incendissent caedemque infinitam civium fecissent, praesto esset ille, qui et fugientis exciperet et se cum his urbanis ducibus coniungeret.

[9] Introducti autem Galli ius iurandum sibi et litteras ab Lentulo, Cethego, Statilio ad suam gentem data esse dixerunt, atque ita sibi ab his et a L. Cassio esse praescriptum, ut equitatum in Italiam quam primum mitterent; pedestres sibi copias non defuturas. Lentulum autem sibi confirmasse ex fatis Sibyllinis haruspicumque responsis se esse tertium illum Cornelium, ad quem regnum huius urbis atque imperium pervenire esset necesse; Cinnam ante se et Sullam fuisse. Eundemque dixisse fatalem hunc annum esse ad interitum huius urbis atque imperii, qui esset annus decimus post virginum absolutionem, post Capitoli autem incensionem vicesimus.

[10] Hanc autem Cethego cum ceteris controversiam fuisse dixerunt, quod Lentulo et aliis Saturnalibus caedem fieri atque urbem incendi placeret, Cethego nimium id longum videretur. Ac ne longum sit, Quirites, tabellas proferri iussimus, quae a quoque dicebantur datae. Primo ostendimus Cethego; signum cognovit. Nos linum incidimus, legimus. Erat scriptum ipsius manu Allobrogum senatui et populo sese, quae eorum legatis confirmasset, facturum esse; orare ut item illi facerent, quae sibi eorum legati recepissent. Tum Cethegus, qui paulo ante aliquid tamen de gladiis ac sicis, quae apud ipsum erant deprehensa, respondisset dixissetque se semper bonorum ferramentorum studiosum fuisse, recitatis litteris debilitatus

atque abiectus conscientia repente conticuit. Introductus est Statilius; cognovit et signum et manum suam. Recitatae sunt tabellae in eandem fere sententiam; confessus est. Tum ostendi tabellas Lentulo et quaesivi, cognosceretne signum. Adnuit. ‘Est vero’, inquam, ‘notum quidem signum, imago avi tui, clarissimi viri, qui amavit unice patriam et cives suos; quae quidem te a tanto scelere etiam muta revocare debuit.’

[11] Leguntur eadem ratione ad senatum Allobrogum populumque litterae. Si quid de his rebus dicere vellet, feci potestatem. Atque ille primo quidem negavit; post autem aliquanto, toto iam indicio exposito atque edito, surrexit; quaesivit a Gallis, quid sibi esset cum iis, quam ob rem domum suam venissent, itemque a Volturcio. Qui cum illi breviter constanterque respondissent, per quem ad eum quotiensque venissent, quaesissentque ab eo, nihilne secum esset de fatis Sibyllinis locutus, tum ille subito scelere demens, quanta conscientiae vis esset, ostendit. Nam, cum id posset infitiari, repente praeter opinionem omnium confessus est. Ita eum non modo ingenium illud et dicendi exercitatio, qua semper valuit, sed etiam propter vim sceleris manifesti atque deprehensi inpudentia, qua superabat omnis, inprobitasque defecit.

[12] Volturcius vero subito litteras proferri atque aperiri iubet, quas sibi a Lentulo ad Catilinam datas esse dicebat Atque ibi vehementissime perturbatus Lentulus tamen et signum et manum suam cognovit. Erant autem sine nomine, sed ita: ‘Quis sim, scies ex eo, quem ad te misi. Cura, ut vir sis, et cogita, quem in locum sis progressus. Vide, quid tibi iam sit necesse, et cura, ut omnium tibi auxilia adiungas, etiam infimorum.’ Gabinius deinde introductus cum primo impudenter respondere coepisset, ad extremum nihil ex iis, quae Galli insimulabant, negavit.

[13] Ac mihi quidem, Quirites, cum illa certissima visa sunt argumenta atque indicia sceleris, tabellae, signa, manus, denique unius cuiusque confessio, tum multo certiora illa, color, oculi, voltus, taciturnitas. Sic enim ob stupuerant, sic terram intuebantur, sic furtim non numquam inter sese aspiciebant, ut non iam ab aliis indicari, sed indicare se ipsi viderentur. Indiciis expositis atque editis, Quirites, senatum consului, de summa re publica quid fieri placeret. Dictae sunt a principibus acerrimae ac fortissimae sententiae, quas senatus

sine ulla varietate est secutus. Et quoniam nondum est perscriptum senatus consultum, ex memoria vobis, Quirites, quid senatus censuerit, exponam.

[14] Primum mihi gratiae verbis amplissimis aguntur, quod virtute, consilio, providentia mea res publica maximis periculis sit liberata. Deinde L. Flaccus et C. Pomptinus praetores, quod eorum opera forti fidelique usus essem, merito ac iure laudantur.

[15] Atque etiam viro forti, collegae meo, laus inpertitur, quod eos, qui huius coniurationis participes fuissent, a suis et a rei publicae consiliis removisset. Atque ita censuerunt, ut P. Lentulus, cum se praetura abdicasset, in custodiam traderetur; itemque uti C. Cethegus, L. Statilius, P. Gabinius, qui omnes praesentes erant, in custodiam traderentur; atque idem hoc decretum est in L. Cassium, qui sibi procurationem incendendae urbis depoposcerat, in M. Ceparium, cui ad sollicitandos pastores Apuliam attributam esse erat indicatum, in P. Furium, qui est ex iis colonis, quos Faesulas L. Sulla deduxit, in Q. Annium Chilonem, qui una cum hoc Furio semper erat in hac Allobrogum sollicitatione versatus, in P. Umbrenum, libertinum hominem, a quo primum Gallos ad Gabinium perductos esse constabat. Atque ea lenitate senatus est usus, Quirites, ut ex tanta coniuratione tantaque hac multitudine domesticorum hostium novem hominum perditissimorum poena re publica conservata reliquorum mentes sanari posse arbitraretur. Atque etiam supplicatio dis inmortalibus pro singulari eorum merito meo nomine decreta est quod mihi primum post hanc urbem conditam togato contigit, et his decreta verbis est, ‘quod urbem incendiis, caede civis, Italiam bello liberassem.’ Quae supplicatio si cum ceteris supplicationibus conferatur, hoc interest, quod ceterae bene gesta, haec una conservata re publica constituta est. Atque illud, quod faciundum primum fuit, factum atque transactum est. Nam P. Lentulus, quamquam patefactis indiciis, confessionibus suis, iudicio senatus non modo praetoris ius, verum etiam civis amiserat, tamen magistratu se abdicavit, ut, quae religio C. Mario, clarissimo viro, non fuerat, quo minus C. Glauciam, de quo nihil nominatim erat decretum, praetorem occideret, ea nos religione in privato P. Lentulo puniendo liberaremur.

[16] Nunc quoniam, Quirites, consceleratissimi periculosissimique belli nefarios duces captos iam et comprehensos tenetis, existumare

debetis omnis Catilinae copias, omnis spes atque opes his depulsis urbis periculis concidisse. Quem quidem ego cum ex urbe pellebam, hoc providebam animo, Quirites, remoto Catilina non mihi esse P. Lentuli somnum nec L. Cassi adipes nec C. Cethegi furiosam temeritatem pertimescendam. Ille erat unus timendus ex istis omnibus, sed tam diu, dum urbis moenibus continebatur. Omnia norat, omnium aditus tenebat; appellare, temptare, sollicitare poterat, audebat. Erat ei consilium ad facinus aptum, consilio autem neque manus neque lingua deerat. Iam ad certas res conficiendas certos homines delectos ac descriptos habebat. Neque vero, cum aliquid mandarat, confectum putabat; nihil erat, quod non ipse obiret, occurreret, vigilaret, laboraret; frigus, sitim, famem ferre poterat.

[17] Hunc ego hominem tam acrem, tam audacem, tam paratum, tam callidum, tam in scelere vigilantem, tam in perditis rebus diligentem nisi ex domesticis insidiis in castrense latrocinium compulissem (dicam id, quod sentio, Quirites), non facile hanc tantam molem mali a cervicibus vestris depulissem. Non ille nobis Saturnalia constituisset neque tanto ante exitii ac fati diem rei publicae denuntiavisset neque commisisset, ut signum, ut litterae suae testes manifesti sceleris deprehenderentur. Quae nunc illo absente sic gesta sunt, ut nullum in privata domo furtum umquam sit tam palam inventum, quam haec tanta in re publica coniuratio manifesto inventa atque deprehensa est. Quodsi Catilina in urbe ad hanc diem remansisset, quamquam, quoad fuit, omnibus eius consiliis occurri atque obstiti, tamen, ut levissime dicam, dimicandum nobis cum illo fuisset, neque nos umquam, cum ille in urbe hostis esset, tantis periculis rem publicam tanta pace, tanto otio, tanto silentio liberassemus.

[18] Quamquam haec omnia, Quirites, ita sunt a me administrata, ut deorum inmortalium nutu atque consilio et gesta et provisa esse videantur. Idque cum coniectura consequi possumus, quod vix videtur humani consilii tantarum rerum gubernatio esse potuisse, tum vero ita praesentes his temporibus opem et auxilium nobis tulerunt, ut eos paene oculis videre possemus. Nam ut illa omittam, visas nocturno tempore ab occidente faces ardoremque caeli, ut fulminum iactus, ut terrae motus relinquam, ut omittam cetera, quae tam multa nobis consulibus facta sunt, ut haec, quae nunc fiunt, canere di

inmortales viderentur, hoc certe, quod sum dicturus, neque praetermittendum neque relinquendum est.

[19] Nam profecto memoria tenetis Cotta et Torquato consulibus complures in Capitolio res de caelo esse percussas, cum et simulacra deorum depulsa sunt et statuae veterum hominum deiectae et legum aera liquefacta et tactus etiam ille, qui hanc urbem condidit, Romulus, quem inauratum in Capitolio parvum atque lactantem uberibus lupinis inhiantem fuisse meministis. Quo quidem tempore cum haruspices ex tota Etruria convenissent, caedes atque incendia et legum interitum et bellum civile ac domesticum et totius urbis atque imperii occasum adpropinquare dixerunt, nisi di inmortales omni ratione placati suo numine prope fata ipsa flexissent.

[20] Itaque illorum responsis tum et ludi per decem dies facti sunt, neque res ulla, quae ad placandos deos pertineret, praetermissa est. Idemque iusserunt simulacrum Iovis facere maius et in excelso conlocare et contra atque antea fuerat ad orientem convertere; ac se sperare dixerunt, si illud signum, quod videtis, solis ortum et forum curiamque conspiceret, fore ut ea consilia, quae clam essent inita contra salutem urbis atque imperii, inlustrarentur, ut a senatu populoque Romano perspici possent. Atque illud signum collocandum consules illi locaverunt; sed tanta fuit operis tarditas, ut neque superioribus consulibus neque nobis ante hodiernum diem collocaretur.

[21] Hic quis potest esse, Quirites, tam aversus a vero, tam praeceps, tam mente captus, qui neget haec omnia, quae videmus, praecipueque hanc urbem deorum inmortalium nutu ac potestate administrari? Etenim, cum esset ita responsum, caedes, incendia, interitum rei publicae comparari, et ea per cives, quae tum propter magnitudinem scelerum non nullis incredibilia videbantur, ea non modo cogitata a nefariis civibus, verum etiam suscepta esse sensistis. Illud vero nonne ita praesens est, ut nutu Iovis optimi maximi factum esse videatur, ut, cum hodierno die mane per forum meo iussu et coniurati et eorum indices in aedem Concordiae ducerentur, eo ipso tempore signum statueretur? Quo collocato atque ad vos senatumque converso omnia [et senatus et vos], quae erant contra salutem omnium cogitata, inlustrata et patefacta vidistis.

[22] Quo etiam maiore sunt isti odio supplicioque digni, qui non

solum vestris domiciliis atque tectis sed etiam deorum templis atque delubris sunt funestos ac nefarios ignes inferre conati. Quibus ego si me restitisse dicam, nimium mihi sumam et non sim ferendus; ille, ille Iuppiter restitit; ille Capitolium, ille haec templa, ille cunctam urbem, ille vos omnis salvos esse voluit. Dis ego inmortalibus ducibus hanc mentem, Quirites, voluntatemque suscepi atque ad haec tanta indicia perveni. Iam vero [illa Allobrogum sollicitatio, iam] ab Lentulo ceterisque domesticis hostibus tam dementer tantae res creditae et ignotis et barbaris commissaeque litterae numquam essent profecto, nisi ab dis inmortalibus huic tantae audaciae consilium esset ereptum. Quid vero? ut homines Galli ex civitate male pacata, quae gens una restat quae bellum populo Romano facere et posse et non nolle videatur, spem imperii ac rerum maxumarum ultro sibi a patriciis hominibus oblatam neglegerent vestramque salutem suis opibus anteponerent, id non divinitus esse factum putatis, praesertim qui nos non pugnando, sed tacendo superare potuerint?

[23] Quam ob rem, Quirites, quoniam ad omnia pulvinaria supplicatio decreta est, celebratote illos dies cum coniugibus ac liberis vestris. Nam multi saepe honores dis inmortalibus iusti habiti sunt ac debiti, sed profecto iustiores numquam. Erepti enim estis ex crudelissimo ac miserrimo interitu [erepti] sine caede, sine sanguine, sine exercitu, sine dimicatione togati me uno togato duce et imperatore vicistis.

[24] Etenim recordamini, Quirites, omnis civiles dissensiones, non solum eas, quas audistis, sed eas, quas vosmet ipsi meministis atque vidistis. L. Sulla P. Sulpicium oppressit [eiecit ex urbe]; C. Marium, custodem huius urbis, multosque fortis viros partim eiecit ex civitate, partim interemit. Cn. Octavius consul armis expulit ex urbe collegam; omnis hic locus acervis corporum et civium sanguine redundavit. Superavit postea Cinna cum Mario; tum vero clarissimis viris interfectis lumina civitatis extincta sunt. Ultus est huius victoriae crudelitatem postea Sulla; ne dici quidem opus est, quanta deminutione civium et quanta calamitate rei publicae. Dissensit M. Lepidus a clarissimo et fortissimo viro, Q. Catulo; attulit non tam ipsius interitus rei publicae luctum quam ceterorum.

[25] Atque illae tamen omnes dissensiones erant eius modi [Quirites], quae non ad delendam, sed ad commutandam rem

publicam pertinerent. Non illi nullam esse rem publicam, sed in ea, quae esset, se esse principes, neque hanc urbem conflagrare, sed se in hac urbe florere voluerunt. Atque illae tamen omnes dissensiones, quarum nulla exitium rei publicae quaesivit, eius modi fuerunt, ut non reconciliatione concordiae, sed internecione civium diiudicatae sint. In hoc autem uno post hominum memoriam maximo crudelissimoque bello, quale bellum nulla umquam barbaria cum sua gente gessit, quo in bello lex haec fuit a Lentulo, Catilina, Cethego, Cassio constituta, ut omnes, qui salva urbe salvi esse possent, in hostium numero ducerentur, ita me gessi, Quirites, ut salvi omnes conservaremini, et, cum hostes vestri tantum civium superfuturum putassent, quantum infinitae caedi restitisset, tantum autem urbis, quantum flamma obire non potuisset, et urbem et civis integros incolumesque servavi.

[26] Quibus pro tantis rebus, Quirites, nullum ego a vobis praemium virtutis, nullum insigne honoris, nullum monumentum laudis postulo praeterquam huius diei memoriam sempiternam. In animis ego vestris omnes triumphos meos, omnia ornamenta honoris, monumenta gloriae, laudis insignia condi et collocari volo. Nihil me mutum potest delectare, nihil tacitum, nihil denique eius modi, quod etiam minus digni adsequi possint. Memoria vestra, Quirites, nostrae res alentur, sermonibus crescent, litterarum monumentis inveterascent et corroborabuntur; eandemque diem intellego, quam spero aeternam fore, propagatam esse et ad salutem urbis et ad memoriam consulatus mei, unoque tempore in hac re publica duos civis extitisse quorum alter finis vestri imperii non terrae, sed caeli regionibus terminaret, alter eiusdem imperii domicilium sedesque servaret.

[27] Sed quoniam earum rerum, quas ego gessi, non eadem est fortuna atque condicio quae illorum, qui externa bella gesserunt, quod mihi cum iis vivendum est, quos vici ac subegi, illi hostes aut interfectos aut oppressos reliquerunt, vestrum est, Quirites, si ceteris facta sua recte prosunt, mihi mea ne quando obsint, providere. Mentes enim hominum audacissimorum sceleratae ac nefariae ne vobis nocere possent, ego providi, ne mihi noceant, vestrum est providere. Quamquam, Quirites, mihi quidem ipsi nihil ab istis iam noceri potest. Magnum enim est in bonis praesidium, quod mihi in

perpetuum comparatum est, magna in re publica dignitas, quae me semper tacita defendet, magna vis conscientiae, quam qui neglegunt, cum me violare volent, se ipsi indicabunt.

[28] Est enim in nobis is animus, Quirites, ut non modo nullius audaciae cedamus, sed etiam omnis inprobos ultro semper lacessamus. Quodsi omnis impetus domesticorum hostium depulsus a vobis se in me unum convorterit, vobis erit videndum, Quirites, qua condicione posthac eos esse velitis, qui se pro salute vestra obtulerint invidiae periculisque omnibus; mihi quidem ipsi quid est quod iam ad vitae fructum possit adquiri, cum praesertim neque in honore vestro neque in gloria virtutis quicquam videam altius, quo mihi libeat ascendere?

[29] Illud perficiam profecto, Quirites, ut ea, quae gessi in consulatu, privatus tuear atque ornem, ut, si qua est invidia in conservanda re publica suscepta, laedat invidos, mihi valeat ad gloriam. Denique ita me in re publica tractabo, ut meminerim semper, quae gesserim, curemque, ut ea virtute, non casu gesta esse videantur. Vos, Quirites, quoniam iam est nox, venerati Iovem illum, custodem huius urbis ac vestrum, in vestra tecta discedite et ea, quamquam iam est periculum depulsum, tamen aeque ac priore nocte custodiis vigiliisque defendite. Id ne vobis diutius faciundum sit, atque ut in perpetua pace esse possitis, providebo.

ORATIO IN L. CATILINAM QUARTA. HABITA IN SENATV

[1] Video, patres conscripti, in me omnium vestrum ora atque oculos esse conversos, video vos non solum de vestro ac rei publicae, verum etiam, si id depulsum sit, de meo periculo esse sollicitos. Est mihi iucunda in malis et grata in dolore vestra erga me voluntas, sed eam, per deos inmortales, deponite atque obliti salutis meae de vobis ac de vestris liberis cogitate. Mihi si haec condicio consulatus data est, ut omnis acerbitates, omnis dolores cruciatusque perferrem, feram non solum fortiter, verum etiam lubenter, dum modo meis laboribus vobis populoque Romano dignitas salusque pariatur.

[2] Ego sum ille consul, patres conscripti, cui non forum, in quo omnis aequitas continetur, non campus consularibus auspiciis consecratus, non curia, summum auxilium omnium gentium, non domus, commune perfugium, non lectus ad quietem datus, non denique haec sedes honoris [sella curulis] umquam vacua mortis periculo atque insidiis fuit. Ego multa tacui, multa pertuli, multa concessi, multa meo quodam dolore in vestro timore sanavi. Nunc si hunc exitum consulatus mei di inmortales esse voluerunt, ut vos populumque Romanum ex caede miserrima, coniuges liberosque vestros virginesque Vestales ex acerbissima vexatione, templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem, quaecumque mihi uni proponetur fortuna, subeatur. Etenim, si P. Lentulus suum nomen inductus a vatibus fatale ad perniciem rei publicae fore putavit, cur ego non laeter meum consulatum ad salutem populi Romani prope fatalem extitisse?

[3] Quare, patres conscripti, consulite vobis, prospicite patriae, conservate vos, coniuges, liberos fortunasque vestras, populi Romani nomen salutemque defendite; mihi parcere ac de me cogitare desinite. Nam primum debeo sperare omnis deos, qui huic urbi praesident, pro eo mihi, ac mereor, relaturos esse gratiam; deinde, si quid obtigerit, aequo animo paratoque moriar. Nam neque turpis mors forti viro potest accidere neque immatura consulari nec misera sapienti. Nec tamen ego sum ille ferreus, qui fratris carissimi atque

amantissimi praesentis maerore non movear horumque omnium lacrumis, a quibus me circumsessum videtis. Neque meam mentem non domum saepe revocat exanimata uxor et abiecta metu filia et parvulus filius quem mihi videtur amplecti res publica tamquam obsidem consulatus mei, neque ille, qui expectans huius exitum diei stat in conspectu meo, gener. Moveo his rebus omnibus, sed in eam partem, uti salvi sint vobiscum omnes, etiamsi me vis aliqua oppresserit, potius quam et illi et nos una rei publicae peste pereamus.

[4] Quare, patres conscripti, incumbite ad salutem rei publicae, circumspicite omnes procellas, quae inpendent, nisi providetis. Non Ti. Gracchus, quod iterum tribunus plebis fieri voluit, non C. Gracchus, quod agrarios concitare conatus est, non L. Saturninus, quod C. Memmium occidit, in discrimen aliquod atque in vestrae severitatis iudicium adducitur. Tenentur ii, qui ad urbis incendium, ad vestram omnium caedem, ad Catilinam accipiendum Romae restiterunt, tenentur litterae, signa, manus, denique unius cuiusque confessio; sollicitantur Allobroges, servitia excitantur, Catilina accersitur; id est initum consilium, ut interfectis omnibus nemo ne ad deplorandum quidem populi Romani nomen atque ad lamentandam tanti imperii calamitatem relinquatur.

[5] Haec omnia indices detulerunt, rei confessi sunt, vos multis iam iudiciis iudicavistis, primum quod mihi gratias egistis singularibus verbis et mea virtute atque diligentia perditorum hominum coniurationem patefactam esse decrevistis, deinde quod P. Lentulum se abdicare praetura coegistis, tum quod eum et ceteros, de quibus iudicastis, in custodiam dandos censuistis, maximeque quod meo nomine supplicationem decrevistis, qui honos togato habitus ante me est nemini; postremo hesterno die praemia legatis Allobrogum Titoque Volturcio dedistis amplissima. Quae sunt omnia eius modi, ut ii, qui in custodiam nominatim dati sunt, sine ulla dubitatione a vobis damnati esse videantur.

[6] Sed ego institui referre ad vos, patres conscripti, tamquam integrum, et de facto quid iudicetis, et de poena quid censeatis. Illa praedicam, quae sunt consulis. Ego magnum in re publica versari furorem et nova quaedam misceri et concitari mala iam pridem videbam, sed hanc tantam, tam exitiosam haberi coniurationem a

civibus numquam putavi. Nunc quicquid est, quocumque vestrae mentes inclinant atque sententiae, statuendum vobis ante noctem est. Quantum facinus ad vos delatum sit, videtis. Huic si paucos putatis adfines esse, vehementer erratis. Latius opinione disseminatum est hoc malum; manavit non solum per Italiam, verum etiam transcendit Alpes et obscure serpens multas iam provincias occupavit. Id opprimi sustentando aut prolatando nullo pacto potest; quacumque ratione placet, celeriter vobis vindicandum est.

[7] Video duas adhuc esse sententias, unam D. Silani, qui censet eos, qui haec delere conati sunt, morte esse multandos, alteram C. Caesaris, qui mortis poenam removet, ceterorum suppliciorum omnis acerbitates amplectitur. Uterque et pro sua dignitate et pro rerum magnitudine in summa severitate versatur. Alter eos, qui nos omnis[, qui populum Romanum] vita privare conati sunt, qui delere imperium, qui populi Romani nomen extinguere, punctum temporis frui vita et hoc communi spiritu non putat oportere atque hoc genus poenae saepe in inprobos civis in hac re publica esse usurpatum recordatur. Alter intellegit mortem ab dis inmortalibus non esse supplicii causa constitutam, sed aut necessitatem naturae aut laborum ac miseriarum quietem esse. Itaque eam sapientes numquam inviti, fortes saepe etiam lubenter oppetiverunt. Vincula vero, et ea sempiterna, certe ad singularem poenam nefarii sceleris inventa sunt. Municipiis dispertiri iubet. Habere videtur ista res iniquitatem, si imperare velis, difficultatem, si rogare. Decernatur tamen, si placet.

[8] Ego enim suscipiam et, ut spero, reperiam, qui id, quod salutis omnium causa statueritis, non putent esse suae dignitatis recusare. Adiungit gravem poenam municipiis, si quis eorum vincula ruperit; horribiles custodias circumdat et dignas scelere hominum perditorum; sancit, ne quis eorum poenam, quos condemnat, aut per senatum aut per populum levare possit; eripit etiam spem, quae sola homines in miseriis consolari solet. Bona praeterea publicari iubet, vitam solam relinquit nefariis hominibus; quam si eripuisset, multas uno dolore animi atque corporis miserias et omnis scelerum poenas ademisset. Itaque ut aliqua in vita formido inprobis esset posita apud inferos eius modi quaedam illi antiqui supplicia impiis constituta esse voluerunt, quod videlicet intellegebant his remotis non esse mortem ipsam pertimescendam.

[9] Nunc, patres conscripti, ego mea video quid intersit. Si eritis secuti sententiam C. Caesaris, quoniam hanc is in re publica viam, quae popularis habetur, secutus est, fortasse minus erunt hoc auctore et cognitore huiusce sententiae mihi populares impetus pertimescendi; sin illam alteram, nescio an amplius mihi negotii contrahatur. Sed tamen meorum periculorum rationes utilitas rei publicae vincat. Habemus enim a Caesare, sicut ipsius dignitas et maiorum eius amplitudo postulabat, sententiam tamquam obsidem perpetuae in rem publicam voluntatis. Intellectum est, quid interesset inter levitatem contionatorum et animum vere popularem saluti populi consulentem.

[10] Video de istis, qui se populares haberi volunt, abesse non neminem, ne de capite videlicet civium Romanorum sententiam ferat. Is et nudius tertius in custodiam cives Romanos dedit et supplicationem mihi decrevit et indices hesterno die maximis praemiis adfecit. Iam hoc nemini dubium est qui reo custodiam, quaesitori gratulationem, indici praemium decrerit, quid de tota re et causa iudicarit. At vero C. Caesar intellegit legem Semproniam esse de civibus Romanis constitutam; qui autem rei publicae sit hostis, eum civem esse nullo modo posse; denique ipsum latorem Semproniae legis iniussu populi poenas rei publicae dependisse. Idem ipsum Lentulum, largitorem et prodigum, non putat, cum de pernicie populi Romani, exitio huius urbis tam acerbe, tam crudeliter cogitarit, etiam appellari posse popularem. Itaque homo mitissimus atque lenissimus non dubitat P. Lentulum aeternis tenebris vinculisque mandare et sancit in posterum, ne quis huius supplicio levando se iactare et in pernicie populi Romani posthac popularis esse possit. Adiungit etiam publicationem bonorum, ut omnis animi cruciatus et corporis etiam egestas ac mendicitas consequatur.

[11] Quam ob rem, sive hoc statueritis, dederitis mihi comitem ad contionem populo carum atque iucundum, sive Silani sententiam sequi malueritis, facile me atque vos a crudelitatis vituperatione populo Romano purgabo atque obtinebo eam multo leniorem fuisse. Quamquam, patres conscripti, quae potest esse in tanti sceleris inmanitate punienda crudelitas? Ego enim de meo sensu iudico. Nam ita mihi salva re publica vobiscum perfrui liceat, ut ego, quod in hac causa vehementior sum, non atrocitate animi moveor (quis enim est

me mitior?), sed singulari quadam humanitate et misericordia. Videor enim mihi videre hanc urbem, lucem orbis terrarum atque arcem omnium gentium, subito uno incendio concidentem, cerno animo sepulta in patria miseros atque insepultos acervos civium, versatur mihi ante oculos aspectus Cethegi et furor in vestra caede bacchantis.

[12] Cum vero mihi proposui regnantem Lentulum, sicut ipse se ex fatis sperasse confessus est, purpuratum esse huic Glabinium, cum exercitu venisse Catilinam, tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco et, quia mihi vehementer haec videntur misera atque miseranda, idcirco in eos, qui ea perlicere voluerunt, me severum vehementemque praebeo. Etenim quaero, si quis pater familias liberis suis a servo interfectis, uxore occisa, incensa domo supplicium de servo non quam acerbissumum sumpserit, utrum is clemens ac misericors an inhumanissimus et crudelissimus esse videatur. Mihi vero inportunus ac ferreus, qui non dolore et cruciatu nocentis suum dolorem cruciatumque lenierit. Sic nos in his hominibus, qui nos, qui coniuges, qui liberos nostros trucidare voluerunt, qui singulas unius cuiusque nostrum domos et hoc universum rei publicae domicilium delere conati sunt, qui id egerunt, ut gentem Allobrogum in vestigiis huius urbis atque in cinere deflagrati imperii collocarent, si vehementissimi fuerimus, misericordes habebimur; sin remissiores esse voluerimus, summae nobis crudelitatis in patriae civiumque pernicie fama subeunda est.

[13] Nisi vero cuipiam L. Caesar, vir fortissimus et amantissimus rei publicae, crudelior nudius tertius visus est, cum sororis suae, feminae lectissimae, virum praesentem et audientem vita privandum esse dixit, cum avum suum iussu consulis interfectum filiumque eius inpuberem legatum a patre missum in carcere necatum esse dixit. Quorum quod simile factum, quod initum delendae rei publicae consilium? Largitionis voluntas tum in re publica versata est et partium quaedam contentio. Atque illo tempore huius avus Lentuli, vir clarissimus, armatus Gracchum est persecutus. Ille etiam grave tum vulnus accepit, ne quid de summa re publica deminueretur; hic ad evertenda rei publicae fundamenta Gallos accersit, servitia concitat, Catilinam vocat, adtribuit nos trucidandos Cethego et

ceteros civis interficiendos Gabinio, urbem inflammandam Cassio, totam Italiam vastandam diripiendamque Catilinae. Vereamini censeo, ne in hoc scelere tam immani ac nefando nimis aliquid severe statuisse videamini; multo magis est verendum, ne remissione poenas crudeles in patriam quam ne severitate animadversionis nimis vehementes in acerbissimos hostis fuisse videamur.

[14] Sed ea, quae exaudio, patres conscripti, dissimulare non possum. Iaciuntur enim voces quae perveniunt ad auris meas eorum qui vereri videntur, ut habeam satis praesidii ad ea, quae vos statueritis hodierno die, transigunda. Omnia et provisa et parata et constituta sunt, patres conscripti, cum mea summa cura atque diligentia, tum etiam multo maiore populi Romani ad summum imperium retinendum et ad communes fortunas conservandas voluntate. Omnes adsunt omnium ordinum homines, omnium generum, omnium denique aetatum; plenum est forum, plena templa circum forum, pleni omnes aditus huius templi ac loci. Causa est enim post urbem conditam haec inventa sola, in qua omnes sentirent unum atque idem praeter eos, qui cum sibi viderent esse pereundum, cum omnibus potius quam soli perire voluerunt.

[15] Hosce ego homines excipio et secerno lubenter neque in inproborum civium, sed in acerbissimorum hostium numero habendos puto. Ceteri vero, di inmortales! qua frequentia, quo studio, qua virtute ad communem salutem dignitatemque consentiunt! Quid ego hic equites Romanos commemorem? qui vobis ita summam ordinis consiliique concedunt, ut vobiscum de amore rei publicae certent; quos ex multorum annorum dissensione huius ordinis ad societatem concordiamque revocatos hodiernus dies vobiscum atque haec causa coniungit. Quam si coniunctionem in consulatu confirmatam meo perpetuam in re publica tenuerimus, confirmo vobis nullum posthac malum civile ac domesticum ad ullam rei publicae partem esse venturum. Pari studio defendundae rei publicae convenisse video tribunos aerarios, fortissimos viros; scribas item universos, quos cum casu hic dies ad aerarium frequentasset, video ab expectatione sortis ad salutem communem esse conversos.

[16] Omnis ingenuorum adest multitudo, etiam tenuissimorum. Quis est enim, cui non haec templa, aspectus urbis, possessio libertatis, lux denique haec ipsa et [hoc] commune patriae solum cum

sit carum, tum vero dulce atque iucundum? Operae pretium est, patres conscripti, libertinorum hominum studia cognoscere, qui sua virtute fortunam huius civitatis consecuti vere hanc suam esse patriam iudicant, quam quidam hic nati, et summo nati loco, non patriam suam, sed urbem hostium esse iudicaverunt. Sed quid ego hosce homines ordinesque commemoro, quos privatae fortunae, quos communis res publica, quos denique libertas, ea quae dulcissima est, ad salutem patriae defendendam excitavit? Servus est nemo, qui modo tolerabili condicione sit servitutis, qui non audaciam civium perhorrescat, qui non haec stare cupiat, qui non [tantum], quantum audet et quantum potest, conferat ad communem salutem voluntatis.

[17] Quare si quem vestrum forte commovet hoc, quod auditum est, lenonem quendam Lentuli concursare circum tabernas, pretio sperare sollicitari posse animos egentium atque imperitorum, est id quidem coeptum atque temptatum, sed nulli sunt inventi tam aut fortuna miseri aut voluntate perditi, qui non illum ipsum sellae atque operis et quaestus cotidiani locum, qui non cubile ac lectulum suum, qui denique non cursum hunc otiosum vitae suae salvum esse velint. Multo vero maxima pars eorum, qui in tabernis sunt, immo vero (id enim potius est dicendum) genus hoc universum amantissimum est otii. Etenim omne instrumentum, omnis opera atque quaestus sequentia civium sustentatur, alitur otio; quorum si quaestus occlusis tabernis minui solet, quid tandem incensis futurum fuit?

[18] Quae cum ita sint, patres conscripti, vobis populi Romani praesidia non desunt; vos ne populo Romano deesse videamini, providete. Habetis consulem ex plurimis periculis et insidiis atque ex media morte non ad vitam suam, sed ad salutem vestram reservatum. Omnes ordines ad conservandam rem publicam mente, voluntate, studio, virtute, voce consentiunt. Obsessa facibus et telis impiae coniurationis vobis supplex manus tendit patria communis, vobis se, vobis vitam omnium civium, vobis arcem et Capitolium, vobis aras Penatium, vobis illum ignem Vestae sempiternum, vobis omnium deorum templa atque delubra, vobis muros atque urbis tecta commendat. Praeterea de vestra vita, de coniugum vestrarum atque liberorum anima, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis iudicandum est.

[19] Habetis ducem memorem vestri, oblitum sui, quae non semper

facultas datur; habetis omnis ordines, omnis homines, universum populum Romanum, id quod in civili causa hodierno die primum videmus, unum atque idem sentientem. Cogitate, quantis laboribus fundatum imperium, quanta virtute stabilitam libertatem, quanta deorum benignitate auctas exaggeratasque fortunas una nox paene delerit. Id ne umquam posthac non modo [non] confici, sed ne cogitari quidem possit a civibus, hodierno die providendum est. Atque haec, non ut vos, qui mihi studio paene praecurritis, excitarem, locutus sum, sed ut mea vox, quae debet esse in re publica princeps, officio functa consulari videretur.

[20] Nunc, antequam ad sententiam redeo, de me pauca dicam. Ego, quanta manus est coniuratorum, quam videtis esse permagnam, tantam me inimicorum multitudinem suscepisse video; sed eam esse iudico turpem et infirmam et [contemptam et] abiectam. Quodsi aliquando alicuius furore et scelere concitata manus ista plus valuerit quam vestra ac rei publicae dignitas, me tamen meorum factorum atque consiliorum numquam, patres conscripti, paenitebit. Etenim mors, quam illi [mihi] fortasse minitantur, omnibus est parata; vitae tantam laudem, quanta vos me vestris decretis honestastis, nemo est adsecutus. Ceteris enim bene gesta, mihi uni conservata re publica gratulationem decrevistis.

[21] Sit Scipio clarus ille, cuius consilio atque virtute Hannibal in Africam redire atque [ex] Italia decedere coactus est, ornetur alter eximia laude Africanus, qui duas urbes huic imperio infestissimas, Carthaginem Numantiamque, delevit, habeatur vir egregius Paulus ille, cuius currum rex potentissimus quondam et nobilissimus Perses honestavit, sit aeterna gloria Marius, qui bis Italiam obsidione et metu servitutis liberavit, anteponatur omnibus Pompeius, cuius res gestae atque virtutes isdem quibus solis cursus regionibus ac terminis continentur; erit profecto inter horum laudes aliquid loci nostrae gloriae, nisi forte maius est patefacere nobis provincias, quo exire possimus, quam curare, ut etiam illi, qui absunt, habeant, quo victores revertantur.

[22] Quamquam est uno loco condicio melior externae victoriae quam domesticae, quod hostes alienigenae aut oppressi serviunt aut recepti [in amicitiam] beneficio se obligatos putant; qui autem ex numero civium dementia aliqua depravati hostes patriae semel esse

coeperunt, eos cum a pernicie rei publicae reppuleris, nec vi coercere nec beneficio placare possis. Quare mihi cum perditis civibus aeternum bellum susceptum esse video. Id ego vestro bonorumque omnium auxilio memoriaque tantorum periculorum, quae non modo in hoc populo, qui servatus est, sed in omnium gentium sermonibus ac mentibus semper haerebit, a me atque a meis facile propulsari posse confido. Neque ulla profecto tanta vis reperietur, quae coniunctionem vestram equitumque Romanorum et tantam conspirationem bonorum omnium confringere et labefactare possit.

[23] Quae cum ita sint, pro imperio, pro exercitu, pro provincia, quam neglexi, pro triumpho ceterisque laudis insignibus, quae sunt a me propter urbis vestraeque salutis custodiam repudiata, pro clientelis hospitiisque provincialibus, quae tamen urbanis opibus non minore labore tueor quam comparo, pro his igitur omnibus rebus, pro meis in vos singularibus studiis proque hac, quam perspicitis, ad conservandam rem publicam diligentia nihil a vobis nisi huius temporis totiusque mei consulatus memoriam postulo; quae dum erit in vestris fixa mentibus, tutissimo me muro saeptum esse arbitrabor. Quodsi meam spem vis inproborum fefellerit atque superaverit, commendo vobis parvum meum filium, cui profecto satis erit praesidii non solum ad salutem, verum etiam ad dignitatem, si eius, qui haec omnia suo solius periculo conservarit, illum filium esse memineritis.

[24] Quapropter de summa salute vestra populique Romani, de vestris coniugibus ac liberis, de aris ac focis, de fanis atque templis de totius urbis tectis ac sedibus, de imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter, ut instituistis, ac fortiter. Habetis eum consulem, qui et parere vestris decretis non dubitet et ea, quae statueritis, quoad vivet, defendere et per se ipsum praestare possit.

DE LEGE AGRARIA CONTRA RULLUM (Opposing the Agrarian Law proposed by Rullus)

M. TVLLI CICERONIS DE LEGE AGRARIA ORATIONES

DE LEGE AGRARIA ORATIO PRIMA CONTRA P. SERVILIVM RVLLVM TR. PLEB. IN SENATV[Fr1] iuventute [Char. GL 1.95]

[Fr2] Capuam colonis deductis occupabunt, Atellam praesidio communient, Nuceriam, Cumas multitudine suorum obtinebunt, cetera oppida praesidiis devincient. [Aquila R.L.M. 43Halm]

[Fr3] Venibit igitur sub praecone tota Propontis atque Hellespontus, addicetur omnis ora Lyciorum atque Cilicum, Mysia et Phrygia eidem condicioni legique parebunt. [Aquila R.L.M. 43Halm]

[Fr4] Praedam, manubias, sectionem, castra denique Cn. Pompei sedente imperatore xviri vendent. [Gel. N.A. 13.25.6]

[1] * * * quae res aperte petebatur, ea nunc occulte cuniculis oppugnatur. Dicent enim xviri, id quod et dicitur a multis et saepe dictum est, post eosdem consules regis Alexandri testamento regnum illud populi Romani esse factum. Dabitis igitur Alexandream clam petentibus eis quibus apertissime pugnantibus restitistis? Haec, per deos immortalis! utrum esse vobis consilia siccorum an vinolentorum somnia, et utrum cogitata sapientium an optata furiosorum videntur? [2] Videte nunc proximo capite ut impurus helluo turbet rem publicam, ut a maioribus nostris possessiones relictas disperdat ac dissipet, ut sit non minus in populi Romani patrimonio nepos quam in suo. Perscribit in sua lege vectigalia quae xviri vendant, hoc est, proscribit auctionem publicorum bonorum. Agros emi volt qui dividantur; quaerit pecuniam. Videlicet excogitabit aliquid atque adferet. Nam superioribus capitibus dignitas populi Romani violabatur, nomen imperi in commune odium orbis terrae vocabatur, urbes pacatae, agri sociorum, regum status xviris donabantur; nunc praesens pecunia, certa, numerata quaeritur. [3] Exspecto quid tribunus plebis vigilans et acutus excogitet. ‘Veneat,’ inquit, ‘silva Scantia.’ Vtrum tandem hanc silvam in relictis possessionibus, an in censorum pascuis invenisti? Si quid est quod indagaris, inveneris, ex tenebris erueris, quamquam iniquum est, tamen consume sane, quod

commodum est, quoniam quidem tu attulisti; silvam vero tu Scantiam vendas nobis consulibus atque hoc senatu? tu ullum vectigal attingas, tu populo Romano subsidia belli, tu ornamenta pacis eripias? Tum vero hoc me inertiorem consulem iudicabo quam illos fortissimos viros qui apud maiores nostros fuerunt, quod, quae vectigalia illis consulibus populo Romano parta sunt, ea me consule ne retineri quidem potuisse iudicabuntur. [4] Vendit Italiae possessiones ex ordine omnis. Sane est in eo diligens; nullam enim praetermittit. Persequitur in tabulis censoriis totam Siciliam; nullum aedificium, nullos agros relinquit. Audistis auctionem populi Romani proscriptam a tribuno plebis, constitutam in mensem Ianuarium, et, credo, non dubitatis quin idcirco haec aerari causa non vendiderint ei qui armis et virtute pepererunt, ut esset quod nos largitionis causa venderemus.

[5] Videte nunc quo adfectent iter apertius quam antea. Nam superiore parte legis quem ad modum Pompeium oppugnarent, a me indicati sunt; nunc iam se ipsi indicabunt. Iubent venire agros Attalensium atque Olympenorum quos populo Romano <P.> Servili, fortissimi viri, victoria adiunxit, deinde agros in Macedonia regios qui partim T. Flaminini, partim L. Pauli qui Persen vicit virtute parti sunt, deinde agrum optimum et fructuosissimum Corinthium qui L. Mummi imperio ac felicitate ad vectigalia populi Romani adiunctus est, post autem agros in Hispania apud Carthaginem novam duorum Scipionum eximia virtute possessos; tum vero ipsam veterem Carthaginem vendunt quam P. Africanus nudatam tectis ac moenibus sive ad notandam Carthaginiensium calamitatem, sive ad testificandam nostram victoriam, sive oblata aliqua religione ad aeternam hominum memoriam consecravit. [6] His insignibus atque infulis imperi venditis quibus ornatam nobis maiores nostri rem publicam tradiderunt, iubent eos agros venire quos rex Mithridates in Paphlagonia, Ponto Cappadociaque possederit. Num obscure videntur prope hasta praeconis insectari Cn. Pompei exercitum qui venire iubeant eos ipsos agros in quibus ille etiam nunc bellum gerat atque versetur?

[7] Hoc vero cuius modi est, quod eius auctionis quam constituunt locum sibi nullum definiunt? Nam xviris quibus in locis ipsis videatur vendendi potestas lege permittitur. Censoribus

vectigalia locare nisi in conspectu populi Romani non licet; his vendere vel in ultimis terris licebit? At hoc etiam nequissimi homines consumptis patrimoniis faciunt ut in atriis auctionariis potius quam in triviis aut in compitis auctionentur; hic permittit sua lege xviris ut in quibus commodum sit tenebris, ut in qua velint solitudine, bona populi Romani possint divendere. [8] Iam illa omnibus in provinciis, regnis, liberis populis quam acerba, quam formidolosa, quam quaestuosa concursatio xviralis futura sit, non videtis? Hereditatum obeundarum causa quibus vos legationes dedistis, qui et privati et privatum ad negotium exierunt non maximis opibus neque summa auctoritate praediti, tamen auditis profecto quam graves eorum adventus sociis nostris esse soleant. [9] Quam ob rem quid putatis impendere hac lege omnibus gentibus terroris et mali, cum immittantur in orbem terrarum xviri summo cum imperio, summa cum avaritia infinitaque omnium rerum cupiditate? quorum cum adventus graves, cum fasces formidolosi, tum vero iudicium ac potestas erit non ferenda; licebit enim quod videbitur publicum iudicare, quod iudicarint vendere. Etiam illud quod homines sancti non facient, ut pecuniam accipiant ne vendant, tamen id eis ipsum per legem licebit. Hinc vos quas spoliationes, quas pactiones, quam denique in omnibus locis nundinationem iuris ac fortunarum fore putatis? [10] Etenim, quod superiore parte legis praefinitum fuit, 'Svlla et Pompeio consvlibvs,' id rursus liberum infinitumque fecerunt. Iubet enim eosdem xviros omnibus agris publicis pergrande vectigal imponere, ut idem possint et liberare agros quos commodum sit et quos ipsis libeat publicare. Quo in iudicio perspici non potest utrum severitas acerbior an benignitas quaestuosior sit futura.

Sunt tamen in tota lege exceptiones duae non tam iniquae quam suspiciosae. Excipit enim in vectigali imponendo agrum Recentoricum Siciliensem, in vendendis agris eos agros de quibus cautum sit foedere. Hi sunt in Africa, qui ab Hiempsale possidentur. [11] Hic quaero, si Hiempsali satis est cautum foedere et Recentoricus ager privatus est, quid attinuerit excipi; sin et foedus illud habet aliquam dubitationem et ager Recentoricus dicitur non numquam esse publicus, quem putet existimaturum duas causas in orbe terrarum repertas quibus gratis parceret. Num quisnam tam abstrusus usquam nummus videtur quem non architecti huiusce legis

olfecerint? Provincias, civitates liberas, socios, amicos, reges denique exhauriunt, admovent manus vectigalibus populi Romani. [12] Non est satis. Audite, audite vos qui amplissimo populi senatusque iudicio exercitus habuistis et bella gessistis: quod ad quemque pervenerit ex praeda, ex manubiis, ex auro coronario, quod neque consumptum in monumento neque in aerarium relatum sit, id ad xviros referri iubet! Hoc capite multa sperant; in omnis imperatores heredesque eorum quaestionem suo iudicio comparant, sed maximam pecuniam se a Fausto ablaturos arbitrantur. Quam causam suscipere iurati iudices noluerunt, hanc isti xviri susceperunt: idcirco a iudicibus fortasse praetermissam esse arbitrantur quod sit ipsis reservata. [13] Deinde etiam in reliquum tempus diligentissime sancit ut, quod quisque imperator habeat pecuniae, protinus ad xviros deferat. Hic tamen excipit Pompeium simillime, ut mihi videtur, atque ut illa lege qua peregrini Roma eiciuntur Glaucippus excipitur. Non enim hac exceptione unus adficitur beneficio, sed unus privatur iniuria. Sed cui manubias remittit, in huius vectigalia invadit. Iubet enim pecunia, si qua post nos consules ex novis vectigalibus recipiatur, hac uti xviros. Quasi vero non intellegamus haec eos vectigalia quae Cn. Pompeius adiunxerit vendere cogitare.

[14] Videtis iam, patres conscripti, omnibus rebus et modis constructam et coacervatam pecuniam xviralem. Minuetur huius pecuniae invidia; consumetur enim in agrorum emptionibus. Optime. Quis ergo emet agros istos? Idem xviri; tu, Rulle,++missos enim facio ceteros++emes quod voles, vendes quod voles; utrumque horum facies quanti voles. Cavet enim vir optimus ne emat ab invito. Quasi vero non intellegamus ab invito emere iniuriosum esse, ab non invito quaestuosum. Quantum tibi agri vendet, ut alios omittam, socer tuus, et, si ego eius aequitatem animi probe novi, vendet non invitus? Facient idem ceteri libenter, ut possessionis invidiam pecunia commutent, accipiant quod cupiunt, dent quod retinere vix possunt.

[15] Nunc perspicite omnium rerum infinitam atque intolerandam licentiam. Pecunia coacta est ad agros emendos; ei porro ab invitis non ementur. Si consenserint possessores non vendere, quid futurum est? Referetur pecunia? Non licet. Exigetur? Vetat. Verum esto; nihil est quod non emi possit, si tantum des

quantum velit venditor. Spoliemus orbem terrarum, vendamus vectigalia, effundamus aerarium, ut locupletatis aut invidiae aut pestilentiae possessoribus agri tamen emantur.

[16] Quid tum? quae erit in istos agros deductio, quae totius rei ratio atque descriptio? 'Deducentur,' inquit, 'coloniae.' Quot? quorum hominum? in quae loca? Quis enim non videt in coloniis esse haec omnia consideranda? Tibi nos, Rulle, et istis tuis harum omnium rerum machinatoribus totam Italiam inermem traditurus existimasti, quam praesidiis confirmaretis, coloniis occuparetis, omnibus vinclis devinctam et constrictam teneretis? Vbi enim cavetur ne in Ianiculo coloniam constituatis, ne urbem hanc urbe alia premere atque urgere possitis? 'Non faciemus,' inquit. Primum nescio, deinde timeo, postremo non committam ut vestro beneficio potius quam nostro consilio salvi esse possimus. [17] Quod vero totam Italiam vestris coloniis complere voluistis, id cuius modi esset neminemne nostrum intellecturum existimavistis? Scriptum est enim: 'Qvae in mvnicipia qvasqve in colonias xviri velint, dedvcant colonos qvos velint et eis agros adsignent qvibvs in locis velint,' ut, cum totam Italiam militibus suis occuparint, nobis non modo dignitatis retinendae, verum ne libertatis quidem recuperandae spes relinquatur. Atque haec a me suspicionibus et coniectura coarguuntur. [18] Iam omnis omnium tolletur error, iam aperte ostendent sibi nomen huius rei publicae, sedem urbis atque imperi, denique hoc templum Iovis Optimi Maximi atque hanc arcem omnium gentium displicere. Capuam deduci colonos volunt, illam urbem huic urbi rursus opponere, illuc opes suas deferre et imperi nomen transferre cogitant. Qui locus propter ubertatem agrorum abundantiamque rerum omnium superbiam et crudelitatem genuisse dicitur, ibi nostri coloni delecti ad omne facinus a xviris conlocabuntur, et, credo, qua in urbe homines in vetere dignitate fortunaque nati copiam rerum moderate ferre non potuerunt, in ea isti vestri satellites modeste insolentiam suam continebunt. [19] Maiores nostri Capua magistratus, senatum, consilium commune, omnia denique insignia rei publicae sustulerunt, neque aliud quicquam in urbe nisi inane nomen Capuae reliquerunt, non crudelitate++quid enim illis fuit clementius qui etiam externis hostibus victis sua saepissime reddiderunt?++sed consilio, quod videbant, si quod rei

publicae vestigium illis moenibus contineretur, urbem ipsam imperio domicilium praebere posse; vos haec, nisi evertere rem publicam cuperetis ac vobis novam dominationem comparare, credo, quam perniciosa essent non videretis. [20] Quid enim cavendum est in coloniis deducendis? Si luxuries, Hannibalem ipsum Capua corrupit, si superbia, nata inibi esse haec ex Campanorum fastidio videtur, si praesidium, non praeponitur huic urbi ista colonia, sed opponitur. At quem ad modum armatur, di immortales! Nam bello Punico quicquid potuit Capua, potuit ipsa per sese; nunc omnes urbes quae circum Capuam sunt a colonis per eosdem xviros occupabuntur; hanc enim ob causam permittit ipsa lex, in omnia quae velint oppida colonos ut xviri deducant quos velint. Atque his colonis agrum Campanum et Stellatem campum dividi iubet. [21] Non queror deminutionem vectigalium, non flagitium huius iacturae atque damni, praetermitto illa quae nemo est quin gravissime et verissime conqueri possit, nos caput patrimoni publici, pulcherrimam populi Romani possessionem, subsidium annonae, horreum belli, sub signo claustrisque rei publicae positum vectigal servare non potuisse, eum denique nos agrum P. Rullo concessisse, qui ager ipse per sese et Sullanae dominationi et Gracchorum largitioni restitisset; non dico solum hoc in re publica vectigal esse quod amissis aliis remaneat, intermissis non conquiescat, in pace niteat, in bello non obsolescat, militem sustentet, hostem non pertimescat; praetermitto omnem hanc orationem et contioni reservo; de periculo salutis ac libertatis loquor. [22] Quid enim existimatis integrum vobis in re publica fore aut in vestra libertate ac dignitate retinenda, cum Rullus atque ei quos multo magis quam Rullum timetis cum omni egentium atque improborum manu, cum omnibus copiis, cum omni argento et auro Capuam et urbis circa Capuam occuparint?

His ego rebus, patres conscripti, resistam vehementer atque acriter neque patiar homines ea me consule expromere quae contra rem publicam iam diu cogitarunt. [23] Errastis, Rulle, vehementer et tu et non nulli conlegae tui qui sperastis vos contra consulem veritate, non ostentatione popularem posse in evertenda re publica populares existimari. Lacesso vos, in contionem voco, populo Romano disceptatore uti volo. Etenim, ut circumspiciamus omnia quae populo grata atque iucunda sunt, nihil tam populare quam pacem, quam

concordiam, quam otium reperiemus. Sollicitam mihi civitatem suspicione, suspensam metu, perturbatam vestris legibus et contionibus et deductionibus tradidistis; spem improbis ostendistis, timorem bonis iniecistis, fidem de foro, dignitatem de re publica sustulistis. [24] Hoc motu atque hac perturbatione animorum atque rerum cum populo Romano vox et auctoritas consulis repente in tantis tenebris inluxerit, cum ostenderit nihil esse metuendum, nullum exercitum, nullam manum, nullas colonias, nullam venditionem vectigalium, nullum imperium novum, nullum regnum xvirale, nullam alteram Romam neque aliam sedem imperi nobis consulibus futuram summamque tranquillitatem pacis atque oti, verendum, credo, nobis erit ne vestra ista praeclara lex agraria magis popularis esse videatur. [25] Cum vero scelera consiliorum vestrorum fraudemque legis et insidias quae ipsi populo Romano a popularibus tribunis plebis fiant ostendero, pertimescam, credo, ne mihi non liceat contra vos in contione consistere, praesertim cum mihi deliberatum et constitutum sit ita gerere consulatum quo uno modo geri graviter et libere potest, ut neque provinciam neque honorem neque ornamentum aliquod aut commodum neque rem ullam quae a tribuno plebis impediri possit appetiturus sim. [26] Dicit frequentissimo senatu consul Kalendis Ianuariis sese, si status hic rei publicae maneat neque aliquod negotium exstiterit quod honeste subterfugere non possit, in provinciam non iturum. Sic me in hoc magistratu geram, patres conscripti, ut possim tribunum plebis rei publicae iratum coercere, mihi iratum contemnere.

Quam ob rem, per deos immortalis! conligite vos, tribuni plebis, deserite eos a quibus, nisi prospicitis, brevi tempore deseremini, conspirate nobiscum, consentite cum bonis, communem rem publicam communi studio atque amore defendite. Multa sunt occulta rei publicae volnera, multa nefariorum civium perniciosa consilia; nullum externum periculum est, non rex, non gens ulla, non natio pertimescenda est; inclusum malum, intestinum ac domesticum est. Huic pro se quisque nostrum mederi atque hoc omnes sanare velle debemus. [27] Erratis, si senatum probare ea quae dicuntur a me putatis, populum autem esse in alia voluntate. Omnes qui se incolumis volent sequentur auctoritatem consulis soluti a cupiditatibus, liberi a delictis, cauti in periculis, non timidi in

contentionibus. Quod si qui vestrum spe ducitur se posse turbulenta ratione honori velificari suo, primum me consule id sperare desistat, deinde habeat me ipsum sibi documento, quem equestri ortum loco consulem videt, quae vitae via facillime viros bonos ad honorem dignitatemque perducat. Quod si vos vestrum mihi studium, patres conscripti, ad communem dignitatem defendendam profitemini, perficiam profecto, id quod maxime res publica desiderat, ut huius ordinis auctoritas, quae apud maiores nostros fuit, eadem nunc longo intervallo rei publicae restituta esse videatur.

DE LEGE AGRARIA ORATIO SECVUNDA CONTRA P. SERVILIVM RVLLVM TR. PLEB. IN SENATV[1] Est hoc in more positum, Quirites, institutoque maiorum, ut ei qui beneficio vestro imagines familiae suae consecuti sunt eam primam habeant contionem, qua gratiam benefici vestri cum suorum laude coniungant. Qua in oratione non nulli aliquando digni maiorum loco reperiuntur, plerique autem hoc perficiunt ut tantum maioribus eorum debitum esse videatur, unde etiam quod posteris solveretur redundaret. Mihi, Quirites, apud vos de meis maioribus dicendi facultas non datur, non quo non tales fuerint qualis nos illorum sanguine creatos disciplinisque institutos videtis, sed quod laude populari atque honoris vestri luce caruerunt. [2] De me autem ipso vereor ne adrogantis sit apud vos dicere, ingrati tacere. Nam et quibus studiis hanc dignitatem consecutus sim memet ipsum commemorare perquam grave est, et silere de tantis vestris beneficiis nullo modo possum. Qua re adhibebitur a me certa ratio moderatioque dicendi, ut quid a vobis acceperim commemorem, qua re dignus vestro summo honore singularique iudicio sim, ipse modice dicam, si necesse erit, vos eosdem existimaturos putem qui iudicavistis.

[3] Me perlongo intervallo prope memoriae temporumque nostrorum primum hominem novum consulem fecistis et eum locum quem nobilitas praesidiis firmatum atque omni ratione obvallatum tenebat me duce rescidistis virtutique in posterum patere voluistis. Neque me tantum modo consulem, quod est ipsum per sese amplissimum, sed ita fecistis quo modo pauci nobiles in hac civitate consules facti sunt, novus ante me nemo. Nam profecto, si recordari volueritis de novis hominibus, reperietis eos qui sine repulsa

consules facti sunt diuturno labore atque aliqua occasione esse factos, cum multis annis post petissent quam praetores fuissent, aliquanto serius quam per aetatem ac per leges liceret; qui autem anno suo petierint, sine repulsa non esse factos; me esse unum ex omnibus novis hominibus de quibus meminisse possimus, qui consulatum petierim cum primum licitum sit, consul factus sim cum primum petierim, ut vester honos ad mei temporis diem petitus, non ad alienae petitionis occasionem interceptus, nec diuturnis precibus efflagitatus, sed dignitate impetratus esse videatur. [4] Est illud amplissimum quod paulo ante commemoravi, Quirites, quod hoc honore ex novis hominibus primum me multis post annis adfecistis, quod prima petitione, quod anno meo, sed tamen magnificentius atque ornatius esse illo nihil potest, quod meis comitiis non tabellam vindicem tacitae libertatis, sed vocem vivam prae vobis indicem vestrarum erga me voluntatum ac studiorum tulistis. Itaque me non extrema diribitio suffragiorum, sed primi illi vestri concursus, neque singulae voces praeconum, sed una vox universi populi Romani consulem declaravit. [5] Hoc ego tam insigne, tam singulare vestrum beneficium, Quirites, cum ad animi mei fructum atque laetitiam duco esse permagnum, tum ad curam sollicitudinemque multo magis. Versantur enim, Quirites, in animo meo multae et graves cogitationes quae mihi nullam partem neque diurnae neque nocturnae quietis impertiunt, primum tuendi consulatus, quae cum omnibus est difficilis et magna ratio, tum vero mihi praeter ceteros cuius errato nulla venia, recte facto exigua laus et ab invitis expressa proponitur; non dubitanti fidele consilium, non laboranti certum subsidium nobilitatis ostenditur. [6] Quod si solus in discrimen aliquod adducerer, ferrem, Quirites, animo aequiore; sed mihi videntur certi homines, si qua in re me non modo consilio verum etiam casu lapsum esse arbitrabuntur, vos universos qui me antetuleritis nobilitati vituperaturi. Mihi autem, Quirites, omnia potius perpetienda esse duco quam non ita gerendum consulatum ut in omnibus meis factis atque consiliis vestrum de me factum consiliumque laudetur. Accedit etiam ille mihi summus labor ac difficillima ratio consulatus gerendi, quod non eadem mihi qua superioribus consulibus lege et condicione utendum esse decrevi, qui aditum huius loci conspectumque vestrum partim magno opere

fugerunt, partim non vehementer secuti sunt. Ego autem non solum hoc in loco dicam ubi est id dictu facillimum, sed in ipso senatu in quo esse locus huic voci non videbatur popularem me futurum esse consulem prima illa mea oratione Kalendis Ianuariis dixi. [7] Neque enim ullo modo facere possum ut, cum me intellegam non hominum potentium studio, non excellentibus gratiis paucorum, sed universi populi Romani iudicio consulem ita factum ut nobilissimis hominibus longe praeponerer, non et in hoc magistratu et in omni vita <videar> esse popularis. Sed mihi ad huius <verbi> vim et interpretationem vehementer opus est vestra sapientia. Versatur enim magnus error propter insidiosas non nullorum simulationes qui, cum populi non solum commoda verum etiam salutem oppugnant et impediunt, oratione adsequi volunt ut populares esse videantur. [8] Ego qualem Kalendis Ianuariis acceperim rem publicam, Quirites, intellego, plenam sollicitudinis, plenam timoris; in qua nihil erat mali, nihil adversi quod non boni metuerent, improbi exspectarent; omnia turbulenta consilia contra hunc rei publicae statum et contra vestrum otium partim iniri, partim nobis consulibus designatis inita esse dicebantur; sublata erat de foro fides non ictu aliquo novae calamitatis, sed suspicione ac perturbatione iudiciorum, infirmatione rerum iudicatarum; novae dominationes, extraordinaria non imperia, sed regna quaeri putabantur. [9] Quae cum ego non solum suspicarer, sed plane cernerem — neque enim obscure gerebantur — dixi in senatu in hoc magistratu me popularem consulem futurum. Quid enim est tam populare quam pax? qua non modo ei quibus natura sensum dedit sed etiam tecta atque agri mihi laetari videntur. Quid tam populare quam libertas? quam non solum ab hominibus verum etiam a bestiis expeti atque omnibus rebus anteponi videtis. Quid tam populare quam otium? quod ita iucundum est ut et vos et maiores vestri et fortissimus quisque vir maximos labores suscipiendos putet, ut aliquando in otio possit esse, praesertim in imperio ac dignitate. Quin idcirco etiam maioribus nostris praecipuam laudem gratiamque debemus, quod eorum labore est factum uti impune in otio esse possemus. Qua re qui possum non esse popularis, cum videam haec omnia, Quirites, pacem externam, libertatem propriam generis ac nominis vestri, otium domesticum, denique omnia quae vobis cara atque ampla sunt in fidem et quodam modo in patrocinium mei

consulatus esse conlata? [10] Neque enim, Quirites, illud vobis iucundum aut populare debet videri, largitio aliqua promulgata, quae verbis ostentari potest, re vera fieri nisi exhausto aerario nullo pacto potest; neque vero illa popularia sunt existimanda, iudiciorum perturbationes, rerum iudicatarum infirmationes, restitutio damnatorum, qui civitatum adflictarum perditis iam rebus extremi exitiorum solent esse exitus; nec, si qui agros populo Romano pollicentur, si aliud quiddam obscure moliuntur, aliud spe ac specie simulationis ostentant, populares existimandi sunt.

Nam vere dicam, Quirites, genus ipsum legis agrariae vituperare non possum. Venit enim mihi in mentem duos clarissimos, ingeniosissimos, amantissimos plebei Romanae viros, Ti. et C. Gracchos, plebem in agris publicis constituisse, qui agri a privatis antea possidebantur. Non sum autem ego is consul qui, ut plerique, nefas esse arbitrer Gracchos laudare, quorum consiliis, sapientia, legibus multas esse video rei publicae partis constitutas. [11] Itaque, ut initio mihi designato consuli nuntiabatur legem agrariam tribunos plebis designatos conscribere, cupiebam quid cogitarent cognoscere; etenim arbitrabar, quoniam eodem anno gerendi nobis essent magistratus, esse aliquam oportere inter nos rei publicae bene administrandae societatem. [12] Cum familiariter me in eorum sermonem insinuarem ac darem, celabar, excludebar, et, cum ostenderem, si lex utilis plebi Romanae mihi videretur, auctorem me atque adiutorem futurum, tamen aspernabantur hanc liberalitatem meam; negabant me adduci posse ut ullam largitionem probarem. Finem feci offerendi mei ne forte mea sedulitas aut insidiosa aut impudens videretur. Interea non desistebant clam inter se convenire, privatos quosdam adhibere, ad suos coetus occultos noctem adiungere et solitudinem. Quibus rebus quanto in metu fuerimus, ex vestra sollicitudine in qua illis temporibus fuistis facile adsequi coniectura poteritis. [13] Ineunt tandem magistratus tribuni plebis; contio exspectatur P. Rulli, quod et princeps erat agrariae legis et truculentius se gerebat quam ceteri. Iam designatus alio voltu, alio vocis sono, alio incessu esse meditabatur, vestitu obsoletiore, corpore inculto et horrido, capillatior quam ante barbaque maiore, ut oculis et aspectu denuntiare omnibus vim tribuniciam et minitari rei publicae videretur. Legem hominis contionemque exspectabam; lex initio

nulla proponitur, contionem in pridie Idus advocari iubet. Summa cum exspectatione concurritur. Explicat orationem sane longam et verbis valde bonis. Vnum erat quod mihi vitiosum videbatur, quod tanta ex frequentia inveniri nemo potuit qui intellegere posset quid diceret. Hoc ille utrum insidiarum causa fecerit, an hoc genere eloquentiae delectetur nescio. Tametsi, qui acutiores in contione steterant, de lege agraria nescio quid voluisse eum dicere suspicabantur. Aliquando tandem me designato lex in publicum proponitur. Concurrunt iussu meo plures uno tempore librarii, descriptam legem ad me adferunt. [14] Omni hoc ratione vobis confirmare possum, Quirites, hoc animo me ad legendam legem cognoscendamque venisse ut, si eam vobis accommodatam atque utilem esse intellegerem, auctor eius atque adiutor essem. Non enim natura neque discidio neque odio penitus insito bellum nescio quod habet susceptum consulatus cum tribunatu, quia persaepe seditiosis atque improbis tribunis plebis boni et fortes consules obstiterunt, et quia vis tribunicia non numquam libidini restitit consulari. Non potestatum dissimilitudo, sed animorum disiunctio dissensionem facit. [15] Itaque hoc animo legem sumpsi in manus ut eam cuperem esse aptam vestris commodis et eius modi quam consul re, non oratione popularis et honeste et libenter posset defendere. Atque ego a primo capite legis usque ad extremum reperio, Quirites, nihil aliud cogitatum, nihil aliud susceptum, nihil aliud actum nisi uti x reges aerari, vectigalium, provinciarum omnium, totius rei publicae, regnorum, liberorum populorum, orbis denique terrarum domini constituerentur legis agrariae simulatione atque nomine. Sic confirmo, Quirites, hac lege agraria pulchra atque populari dari vobis nihil, condonari certis hominibus omnia, ostentari populo Romano agros, eripi etiam libertatem, privatorum pecunias augeri, publicas exhauriri, denique, quod est indignissimum, per tribunum plebis, quem maiores praesidem libertatis custodemque esse voluerunt, reges in civitate constitui. [16] Quae cum, Quirites, euero, si falsa vobis videbuntur esse, sequar auctoritatem vestram, mutabo meam sententiam; sin insidias fieri libertati vestrae simulatione largitionis intellegetis, nolitote dubitare plurimo sudore et sanguine maiorum vestrorum partam vobisque traditam libertatem nullo vestro labore consule adiutore defendere.

Primum caput est legis agrariae quo, ut illi putant, temptamini leviter quo animo libertatis vestrae deminutionem ferre possitis. Iubet enim tribunum plebis qui eam legem tulerit creare xviros per tribus xvii, ut, quem viiii tribus fecerint, is xvir sit. [17] Hic quaero quam ob causam initium rerum ac legum suarum hinc duxerit ut populus Romanus suffragio privaretur. Totiens legibus agrariis curatores constituti sunt iiiviri, vviri, xviri; quaero a populari tribuno plebis ecquando nisi per xxxv tribus creati sint. Etenim cum omnis potestates, imperia, curationes ab universo populo Romano proficisci convenit, tum eas profecto maxime quae constituuntur ad populi fructum aliquem et commodum, in quo et universi deligant quem populo Romano maxime consulturum putent, et unus quisque studio et suffragio suo viam sibi ad beneficium impetrandum munire possit. Hoc tribuno plebis potissimum venit in mentem, populum Romanum universum privare suffragiis, paucas tribus non certa condicione iuris, sed sortis beneficio fortuito ad usurpandam libertatem vocare. [18] 'Item,' inquit, 'eodemqve modo,' capite altero, 'vt comitiis pontificis maximi.' Ne hoc quidem vidit, maiores nostros tam fuisse popularis ut, quem per populum creari fas non erat propter religionem sacrorum, in eo tamen propter amplitudinem sacerdoti voluerint populo supplicari. Atque hoc idem de ceteris sacerdotiis Cn. Domitius, tribunus plebis, vir clarissimus, tulit, quod populus per religionem sacerdotia mandare non poterat, ut minor pars populi vocaretur; ab ea parte qui esset factus, is a conlegio cooptaretur. [19] Videte quid intersit inter Cn. Domitium, tribunum plebis, hominem nobilissimum, et P. Rullum qui temptavit, ut opinor, patientiam vestram, cum se nobilem esse diceret. Domitius, quod per caerimonias populi fieri non poterat, ratione adsecutus est, ut id, quoad posset, quoad fas esset, quoad liceret, populi ad partis daret; hic, quod populi semper proprium fuit, quod nemo imminuit, nemo mutavit quin ei qui populo agros essent adsignaturi ante acciperent a populo beneficium quam darent, id totum eripere vobis atque e manibus extorquere conatus est. Ille, quod dari populo nullo modo poterat, tamen quodam modo dedit; hic, quod adimi nullo pacto potest, tamen quadam ratione eripere conatur.

[20] Quaeret quispiam in tanta iniuria tantaque impudentia quid spectarit. Non defuit consilium; fides erga plebem Romanam,

Quirites, aequitas in vos libertatemque vestram vehementer defuit. Iubet enim comitia xviris habere creandis eum qui legem tulerit. Hoc dicam planius: Iubet Rullus, homo non cupidus neque appetens, habere comitia Rullum. Nondum reprehendo; video fecisse alios; illud quod nemo fecit, de minore parte populi, quo pertineat videte. Habebit comitia, volet eos renuntiare quibus regia potestas hac lege quaeritur; universo populo neque ipse committit neque illi horum consiliorum auctores committi recte putant posse. [21] Sortietur tribus idem Rullus. Homo felix educet quas volet tribus. Quos viiii tribus xviros fecerint ab eodem Rullo eductae, hos omnium rerum, ut iam ostendam, dominos habebimus. Atque hi, ut grati ac memores benefici esse videantur, aliquid se viiii tribuum notis hominibus debere confitebuntur, reliquis vero vi et xx tribubus nihil erit quod non putent posse suo iure se denegare. Quos tandem igitur xviros fieri volt? Se primum. Qui licet? leges enim sunt veteres neque eae consulares, si quid interesse hoc arbitramini, sed tribuniciae vobis maioribusque vestris vehementer gratae atque iucundae; Licinia est lex et altera Aebutia, quae non modo eum qui tulerit de aliqua curatione ac potestate sed etiam conlegas eius, cognatos, adfinis excipit, ne eis ea potestas curatiove mandetur. [22] Etenim si populo consulis, remove te a suspicione alicuius tui commodi, fac fidem te nihil nisi populi utilitatem et fructum quaerere, sine ad alios potestatem, ad te gratiam benefici tui pervenire. Nam hoc quidem vix est liberi populi, vix vestrorum animorum ac magnificentiae. Quis legem tulit? Rullus. Quis maiorem partem populi suffragiis prohibuit? Rullus. Quis comitiis praefuit, quis tribus quas voluit vocavit nullo custode sortitus, quis xviros quos voluit creavit? Idem Rullus. Quem principem renuntiavit? Rullum. Vix me hercule servis hoc eum suis, non <modo> vobis omnium gentium dominis probaturum arbitror. Optimae leges igitur hac lege sine ulla exceptione tollentur; idem lege sibi sua curationem petet, idem maiore parte populi suffragiis spoliata comitia habebit, quos volet atque in eis se ipsum renuntiabit, et videlicet conlegas suos ascriptores legis agrariae non repudiabit, a quibus ei locus primus in indice et in praescriptione legis concessus est; ceteri fructus omnium rerum qui in spe legis huius positi sunt communi cautione atque aequa ex parte retinentur.

[23] At videte hominis diligentiam, si aut Rullum <illud> cogitasse aut si Rullo potuisse in mentem venire arbitramini. Viderunt ei qui haec machinabantur, si vobis ex omni populo deligendi potestas esset data, quaecumque res esset in qua fides, integritas, virtus, auctoritas quaereretur, vos eam sine dubitatione ad Cn. Pompeium principem delaturos. Etenim quem unum ex cunctis delegissetis ut eum omnibus omnium gentium bellis terra et mari praeponeretis, certe in xviris faciendis sive fides haberetur sive honos, et committi huic optime et ornari hunc iustissime posse intellegebant. [24] Itaque excipitur hac lege non adulescentia, non legitimum aliquod impedimentum, non potestas, non magistratus ullus aliis negotiis ac legibus impeditus, reus denique quo minus xvir fieri possit, non excipitur; Cn. Pompeius excipitur, ne cum P. Rullo — taceo de ceteris — ßxvir fieri possit. Praesentem enim profiteri iubet, quod nulla alia in lege umquam fuit ne in eis quidem magistratibus quorum certus ordo est, ne, si accepta lex esset, illum sibi conlegam ascriberetis custodem ac vindicem cupiditatum. Hic, quoniam video vos hominis dignitate et contumelia legis esse commotos, renovabo illud quod initio dixi, regnum comparari, libertatem vestram hac lege funditus tolli. [25] An vos aliter existimabatis? cum ad omnia vestra pauci homines cupiditatis oculos adiecissent, non eos in primis id acturos ut ex omni custodia vestrae libertatis, ex omni potestate, curatione, patrocinio vestrorum commodorum Cn. Pompeius depelleretur? Viderunt et vident, si per imprudentiam vestram, neglegentiam meam legem incognitam acceperitis, fore uti postea cognitis insidiis, cum xviros creetis, tum vitiis omnibus et sceleribus legis Cn. Pompei praesidium opponendum putetis. Et hoc parvum argumentum vobis erit, a certis hominibus dominationem potestatemque omnium rerum quaeri, cum videatis eum quem custodem vestrae libertatis fore videant expertem fieri dignitatis?

[26] Cognoscite nunc quae potestas xviris et quanta detur. Primum lege curiata xviros ornat. Iam hoc inauditum et plane novum, uti curiata lege magistratus detur qui nullis comitiis ante sit datus. Eam legem ab eo praetore populi Romani qui sit primus factus ferri iubet. At quo modo? Vt ei xviratum habeant quos plebs designaverit. Oblitus est nullos a plebe designari. Et is orbem terrarum constringit novis legibus qui, quod in secundo capite scriptum est, non meminit

in tertio? Atque hic perspicuum est quid iuris a maioribus acceperitis, quid ab hoc tribuno plebis vobis relinquatur. Maiores de singulis magistratibus bis vos sententiam ferre voluerunt. Nam cum centuriata lex censoribus ferebatur, cum curiata ceteris patriciis magistratibus, tum iterum de eisdem iudicabatur, ut esset reprehendendi potestas, si populum benefici sui paeniteret. [27] Nunc, Quirites, prima illa comitia tenetis, centuriata et tributa, curiata tantum auspiciorum causa remanserunt. Hic autem tribunus plebis quia videbat potestatem neminem iniussu populi aut plebis posse habere, curiatis eam comitiis quae vos non initis confirmavit, tributa quae vestra erant sustulit. Ita cum maiores binis comitiis voluerint vos de singulis magistratibus iudicare, hic homo popularis ne unam quidem populo comitiorum potestatem reliquit. [28] Sed videte hominis religionem et diligentiam. Vidit et perspexit sine curiata lege xviros potestatem habere non posse, quoniam per viiii tribus essent constituti; iubet ferre de his legem curiatam; praetori imperat. Quam id ipsum absurde, nihil ad me attinet. Iubet enim, qui primus sit praetor factus, eum legem curiatam ferre; sin is ferre non possit, qui postremus sit, ut aut lusisse in tantis rebus aut profecto nescio quid spectasse videatur. Verum hoc quod est aut ita perversum ut ridiculum, aut ita malitiosum ut obscurum sit, relinquamus; ad religionem hominis revertamur. Videt sine lege curiata nihil agi per xviros posse. [29] Quid postea, si ea lata non erit? Attendite ingenium. ‘Tvm ei xviri,’ inquit, ‘eodem ivre sint qvo qvi optima lege.’ Si hoc fieri potest ut in hac civitate quae longe iure libertatis ceteris civitatibus antecellit quisquam nullis comitiis imperium aut potestatem adsequi possit, quid attinet tertio capite legem curiatam ferre iubere, cum quarto permittas ut sine lege curiata idem iuris habeant quod haberent, si optima lege a populo essent creati? Reges constituuntur, non xviri, Quirites, itaque ab his initiis fundamentisque nascuntur, ut non modo cum <magistratum> gerere coeperint, sed etiam cum constituentur, omne vestrum ius, potestas libertasque tollatur. [30] At videte quam diligenter retineat ius tribuniciae potestatis. Consulibus legem curiatam ferentibus a tribunis plebis saepe est intercessum — neque tamen nos id querimur, esse hanc tribunorum plebis potestatem; tantum modo, si quis ea potestate temere est usus, <furiosum> existimamus — ; hic

tribunus plebis legi curiatae quam praetor ferat adimit intercedendi potestatem. Atque hoc cum in eo reprehendendum est quod per tribunum plebis tribunicia potestas minuitur, tum in eo deridendum quod consuli, si legem curiatam non habet, attingere rem militarem non licet, hic, cui vetat intercedi, ei potestatem, etiam si intercessum sit, tamen eandem constituit quam si lata esset lex, ut non intellegam qua re aut hic vetet intercedere aut quemquam intercessurum putet, cum intercessio stultitiam intercessoris significatura sit, non rem impeditura.

[31] Sint igitur xviri neque veris comitiis, hoc est, populi suffragiis, neque illis ad speciem atque ad usurpationem vetustatis per xxx lictores auspiciorum causa adumbratis constituti. Videte nunc eos qui a vobis nihil potestatis acceperint quanto maioribus ornamentis adficiat quam omnes nos adfecti sumus quibus vos amplissimas potestates dedistis. Iubet auspicia coloniarum deducendarum causa xviros habere pullarios<que>, ‘eodem ivre,’ inquit, ‘qvo habvervnt iiiviri lege Sempronia.’ Audes etiam, Rulle, mentionem facere legis Semproniae, nec te ea lex ipsa commonet iiiviros illos xxxv tribuum suffragio creatos esse? Et cum tu a Ti. Gracchi aequitate ac pudore longissime remotus sis, id quod dissimillima ratione factum sit eodem iure putas esse oportere? [32] Dat praeterea potestatem verbo praetoriam, re vera regiam; definit in quinquennium, facit sempiternam; tantis enim confirmat opibus et copiis ut invitis eripi nullo modo possit. Deinde ornat apparitoribus, scribis, librariis, praeconibus, architectis, praeterea mulis, tabernaculis, centunculis, supellectili; sumptum haurit ex aerario, suppeditat a sociis; finitores ex equestri loco ducentos, vicenos singulorum stipatores corporis constituit, eosdem ministros et satellites potestatis.

Formam adhuc habetis, Quirites, et speciem ipsam tyrannorum; insignia videtis potestatis, nondum ipsam potestatem. Dixerit enim fortasse quispiam: ‘quid me ista laedunt, scriba, lictor, praeco, pullarius?’ Omnia sunt haec huius modi, Quirites, ut, ea qui habeat sine vestris suffragiis, aut rex non ferendus aut privatus furiosus esse videatur. [33] Perspicite quanta potestas permittatur; non privatorum insaniam, sed intolerantiam regum esse dicetis. Primum permittitur infinita potestas innumerabilis pecuniae conficiendae vestris vectigalibus non fruendis, sed alienandis; deinde orbis terrarum

gentiumque omnium datur cognitio sine consilio, poena sine provocatione, animadversio sine auxilio. [34] Iudicare per quinquennium vel de consulibus vel de ipsis tribunis plebis poterunt; de illis interea nemo iudicabit; magistratus eis petere licebit, causam dicere non licebit; emere agros a quibus volent et quos volent quam volent magno poterunt; colonias deducere novas, renovare veteres, totam Italiam suis coloniis ut complere liceat permittitur; omnis provincias obeundi, liberos populos agris multandi, regnorum vendendorum summa potestas datur; cum velint, Romae esse, cum commodum sit, quacumque velint summo cum imperio iudicioque rerum omnium vagari ut liceat conceditur; interea dissolvant iudicia publica, e consiliis abducant quos velint, singuli de maximis rebus iudicent, quaestori permittant, finitorem mittant, ratum sit quod finitor uni illi a quo missus erit renuntiaverit. [35] Verbum mihi deest, Quirites, cum ego hanc potestatem regiam appello, sed profecto maior est quaedam. Nullum enim regnum fuit umquam quod non se, <si> minus iure aliquo, at regionibus tamen certis contineret. Hoc vero infinitum est, quo et regna omnia et vestrum imperium, quod latissime patet, et ea quae partim libera a vobis, partim etiam ignorata vobis sunt, permissu legis continentur.

Datur igitur eis primum ut liceat ea vendere omnia de quibus vendendis senatus consulta facta sunt M. Tullio Cn. Cornelio consulibus post<ve> ea. [36] Cur hoc tam est obscurum atque caecum? Quid? ista omnia de quibus senatus censuit nominatim in lege perscribi nonne potuerunt? Duae sunt huius obscuritatis causae, Quirites, una pudoris, si quis pudor esse potest in tam insigni impudentia, altera sceleris. Nam neque ea quae senatus vendenda censuit nominatim audet appellare; sunt enim loca publica urbis, sunt sacella quae post restitutam tribuniciam potestatem nemo attigit, quae maiores in urbe <partim ornamenta urbis,> partim periculi perfugia esse voluerunt. Haec lege tribunicia xviri vendent. Accedet eo mons Gaurus, accedent salicta ad Minturnas, adiungetur etiam illa via vendibilis Herculanea multarum deliciarum et magnae pecuniae, permulta alia quae senatus propter angustias aerari vendenda censuit, consules propter invidiam non vendiderunt. [37] Verum haec fortasse propter pudorem in lege reticentur. Sed illud magis est credendum et pertimescendum quod audaciae xvirali corrumpendarum tabularum

publicarum fingendorumque senatus consultorum, quae facta numquam sint, cum ex eo numero qui per eos annos consules fuerunt multi mortui sint, magna potestas permittitur. Nisi forte nihil est aequum nos de eorum audacia suspicari quorum cupiditati nimium angustus orbis terrarum esse videatur.

[38] Habetis unum venditionis genus quod magnum videri vobis intellego; sed attendite animos ad ea quae consequuntur; hunc quasi gradum quendam atque aditum ad cetera factum intellegetis. ‘Qvi agri, qvae loca, aedificia.’ Quid est praeterea? Multa in mancipiis, in pecore, auro, argento, ebore, veste, supellectili, ceteris rebus. Quid dicam? invidiosum putasse hoc fore, si omnia nominasset? Non metuit invidiam. Quid ergo? Longum putavit et timuit ne quid praeteriret; ascripsit ‘alivdve qvid,’ qua brevitate rem nullam esse exceptam videtis. Quicquid igitur sit extra Italiam quod publicum populi Romani factum sit L. Sulla Q. Pompeio consulibus aut postea, id xviros iubet vendere. [39] Hoc capite, Quirites, omnis gentis, nationes, provincias, regna xvirum dicioni, iudicio potestatique permissa et condonata esse dico. Primum hoc quaero, ecqui tandem locus usquam sit quem non possint xviri dicere publicum populi Romani esse factum. Nam cum idem possit iudicare qui dixerit, quid est quod non liceat ei dicere cui liceat eidem iudicare? Commodum erit Pergamum, Smyrnam, Trallis, Ephesum, Miletum, Cyzicum, totam denique Asiam quae post L. Sullam Q. Pompeium consules recuperata sit populi Romani factam esse dicere; [40] utrum oratio ad eius rei disputationem deerit, an, cum idem et disseret et iudicabit, impelli non poterit ut falsum iudicet? an, si condemnare Asiam nolet, terrorem damnationis et minas non quanti volet aestimabit? Quid? quod disputari contra nullo pacto potest, quod iam statutum a nobis est et iudicatum, quoniam hereditatem iam crevimus, regnum Bithyniae, quod certe publicum est populi Romani factum, num quid causae est quin omnis agros, urbis, stagna, portus, totam denique Bithyniam xviri vendituri sint? Quid? Mytilenae, quae certe vestrae, Quirites, belli lege ac victoriae iure factae sunt, urbs et natura ac situ et descriptione aedificiorum et pulchritudine in primis nobilis, agri iucundi et fertiles, nempe eodem capite inclusi continentur. [41] Quid? Alexandrea cunctaque Aegyptus ut occulte latet, ut recondita est, ut furtim tota xviris traditur! Quis enim vestrum hoc ignorat, dici illud regnum testamento regis Alexae populi Romani esse factum? Hic ego consul populi Romani non modo nihil iudico sed ne quid sentiam quidem profero. Magna enim mihi res non modo ad statuendum sed etiam ad dicendum videtur esse. Video qui testamentum factum esse

confirmet; auctoritatem senatus exstare hereditatis aditae sentio tum cum Alexa mortuo nos tris legatos Tyrum misimus, qui ab illo pecuniam depositam recuperarent. [42] Haec L. Philippum saepe in senatu confirmasse memoria teneo; eum qui regnum illud teneat hoc tempore neque genere neque animo regio esse inter omnis fere video convenire. Dicitur contra nullum esse testamentum, non oportere populum Romanum omnium regnorum appententem videri, demigraturos in illa loca nostros homines propter agrorum bonitatem et omnium rerum copiam. [43] Hac tanta de re P. Rullus cum ceteris xviris conlegis suis iudicabit, et utrum iudicabit? Nam utrumque ita magnum est ut nullo modo neque concedendum neque ferendum sit. Volet esse popularis; populo Romano adiudicabit. Ergo idem ex sua lege vendet Alexandream, vendet Aegyptum, urbis copiosissimae pulcherrimorumque agrorum iudex, arbiter, dominus, rex denique opulentissimi regni reperietur. Non sumet sibi tantum, non appetet; iudicabit Alexandream regis esse, a populo Romano abiudicabit. [44] Primum cur <de> populi Romani hereditate xviri iudicent, cum vos volueritis de privatis hereditatibus cviros iudicare? Deinde quis aget causam populi Romani? ubi res ista agetur? qui sunt isti xviri, quos prospiciamus regnum Alexandreae Ptolomaeo gratis adiudicaturos? Quod si Alexandrea petebatur, cur non eosdem cursus hoc tempore quos L. Cotta L. Torquato consulibus cucurrerunt? cur non aperte ut antea, cur non item ut tum, derecto et palam regionem illam petiverunt? an qui etesiis, qui per cursum rectum regnum tenere non potuerunt, nunc caecis tenebris et caligine se Alexandream perventuros arbitrati sunt? [45] Atque illud circumspicite vestris mentibus una, Quirites. Legatos nostros, homines auctoritate tenui, qui rerum privatarum causa legationes liberas obeunt, tamen exterae nationes ferre vix possunt. Grave est enim nomen imperi atque id etiam in levi persona pertimescitur, propterea quod vestro, non suo nomine, cum hinc egressi sunt, abutuntur. Quid censetis, cum isti xviri cum imperio, cum fascibus, cum illa delecta finitorum iuventute per totum orbem terrarum vagabuntur, quo tandem animo, quo metu, quo periculo miseras nationes futuras? [46] Est in imperio terror; patientur. Est in adventu sumptus; ferent. Imperabitur aliquid muneris; non recusabunt. Illud vero quantum est, Quirites, cum is xvir qui aliquam in urbem aut exspectatus ut hospes aut repente ut

dominus venerit illum ipsum locum quo venerit, illam ipsam sedem hospitalem in quam erit deductus publicam populi Romani esse dicet! At quanta calamitas populi, si dixerit, quantus ipsi quaestus, si negarit! Atque idem qui haec appetunt queri non numquam solent omnis terras Cn. Pompeio atque omnia maria esse permissa. Simile vero est multa committi et condonari omnia, labori et negotio praeponi an praedae et quaestui, mitti ad socios liberandos an ad opprimendos! Denique, si qui est honos singularis, nihilne interest, utrum populus Romanus eum cui velit deferat, an is impudenter populo Romano per legis fraudem surripiatur?

[47] Intellexistis quot res et quantas xviri legis permissu vendituri sint. Non est satis. Cum se sociorum, cum exterarum nationum, cum regum sanguine implerint, incidant nervos populi Romani, adhibeant manus vectigalibus vestris, inrumpant in aerarium. Sequitur enim caput, quo capite ne permittit quidem, si forte desit pecunia, quae tanta ex superioribus recipi potest ut deesse non debeat, sed plane, quasi ea res vobis saluti futura sit, ita cogit atque imperat ut xviri vestra vectigalia vendant nominatim, Quirites. [48] Eam tu mihi ex ordine recita de legis scripto populi Romani auctionem; quam me hercule ego praeconi huic ipsi luctuosam et acerbam praedicationem futuram puto. — ßAwjtio — Vt in suis rebus, ita in re publica luxuriosus <est> nepos, qui prius silvas vendat quam vineas! Italiam percensuisti; perge in Siciliam. — Nihil est in hac provincia quod aut in oppidis aut in agris maiores nostri proprium nobis reliquerint quin id venire iubeat. [49] Quod partum recenti victoria maiores vobis in sociorum urbibus ac finibus et vinculum pacis et monumentum belli reliquerunt, id vos ab illis acceptum hoc auctore vendetis? Hic mihi parumper mentis vestras, Quirites, commovere videor, dum patefacio vobis quas isti penitus abstrusas insidias se posuisse arbitrantur contra Cn. Pompei dignitatem. Et mihi, quaeso, ignoscite, si appello talem virum saepius. Vos mihi praetori biennio ante, Quirites, hoc eodem in loco personam hanc imposuistis ut, quibuscumque rebus possem, illius absentis dignitatem vobiscum una tuerer. Feci adhuc quae potui, neque familiaritate illius adductus nec spe honoris atque amplissimae dignitatis, quam ego, etsi libente illo, tamen absente illo per vos consecutus sum. [50] Quam ob rem, cum intellegam totam hanc fere legem ad illius opes evertendas tamquam machinam

comparari, et resistam consiliis hominum et perficiam profecto, quod ego video, ut id vos universi non solum videre verum etiam tenere possitis. Iubet venire quae Attalensium, quae Phaselitum, quae Olympenorum fuerint, agrumque Aperensem et Oroandicum et Gedusanum. Haec P. Servili imperio et victoria, clarissimi viri, vestra facta sunt. Adiungit agros Bithyniae regios quibus nunc publicani fruuntur; deinde Attalicos agros in Cherroneso, in Macedonia qui regis Philippi sive Persae fuerunt, qui item a censoribus locati sunt et certissimum vectigal <adferunt>. [51] Ascribit eidem auctioni Corinthios agros opimos et fertilis, et Cyrenensis qui Apionis fuerunt, et agros in Hispania propter Carthaginem novam et in Africa ipsam veterem Carthaginem vendit, quam videlicet P. Africanus non propter religionem sedum illarum ac vetustatis de consili sententia consecravit, nec ut ipse locus eorum qui cum hac urbe de imperio decertarunt vestigia calamitatis ostenderet, sed non fuit tam diligens quam est Rullus, aut fortasse emptorem ei loco reperire non potuit. Verum inter hos agros captos veteribus bellis virtute summorum imperatorum adiungit regios agros Mithridatis, qui in Paphlagonia, qui in Ponto, qui in Cappadocia fuerunt, ut eos xviri vendant. [52] Itane vero? non legibus datis, non auditis verbis imperatoris, nondum denique bello confecto, cum rex Mithridates amisso exercitu regno expulsus tamen in ultimis terris aliquid etiam nunc moliatur atque ab invicta Cn. Pompei manu Maeote et illis paludibus et itinerum angustiis atque altitudine montium defendatur, cum imperator in bello versetur, in locis autem illis etiam nunc belli nomen reliquum sit, eos agros quorum adhuc penes Cn. Pompeium omne iudicium et potestas more maiorum debet esse xviri vendent? [53] Et, credo, P. Rullus — is enim sic se gerit ut sibi iam xvir designatus esse videatur — ad eam auctionem potissimum proficiscetur! Is videlicet, ante quam veniat in Pontum, litteras ad Cn. Pompeium mittet, quarum ego iam exemplum ab istis compositum esse arbitror: ‘P. Servilivs Rvllvs tribvnvs plebis xvir s. d. <Cn.> Pompeio Cn. f.’ Non credo ascripturum esse ‘Magno,’ non enim videtur id quod imminuere lege conatur concessurus verbo. ‘Te volo cvrare vt mihi Sinopae praesto sis avxilivmqve addvcas, dvm eos agros qvos <tv> tvo labore cepisti ego mea lege vendam.’ An Pompeium non adhibebit? in eius provincia vendet manubias

imperatoris? Ponite ante oculos vobis Rullum in Ponto inter nostra atque hostium castra hasta posita cum suis formosis finitoribus auctionantem. [54] Neque in hoc solum inest contumelia, quae vehementer et insignis est et nova, ut ulla res parta bello nondum legibus datis etiam tum imperatore bellum administrante non modo venierit verum locata sit. Plus spectant homines certe quam contumeliam; sperant, si concessum sit inimicis Cn. Pompei cum imperio, cum iudicio omnium rerum, cum infinita potestate, cum innumerabili pecunia non solum illis in locis vagari verum etiam ad ipsius exercitum pervenire, aliquid illi insidiarum fieri, aliquid de eius exercitu, copiis, gloria detrahi posse. Putant, si quam spem in Cn. Pompeio exercitus habeat aut agrorum aut aliorum commodorum, hanc non habiturum, cum viderit earum rerum omnium potestatem ad xviros esse translatam. [55] Patior non moleste tam stultos esse qui haec sperent, tam impudentis qui conentur; illud queror, tam me ab eis esse contemptum ut haec portenta me consule potissimum cogitarent.

Atque in omnibus his agris aedificiisque vendendis permittitur xviris ut vendant 'qvibvscvmqve in locis.' O perturbatam rationem, o libidinem effrenatam, o consilia dissoluta atque perdita! Vectigalia locare nusquam licet nisi in hac urbe, hoc ex loco, hac vestrum frequentia. Venire nostras res proprias et in perpetuum a nobis abalienari in Paphlagoniae tenebris atque in Cappadociae solitudine licebit? [56] L. Sulla cum bona indemnatorum civium funesta illa auctione sua venderet et se praedam suam diceret vendere, tamen ex hoc loco vendidit nec, quorum oculos offendebat, eorum ipsorum conspectum fugere ausus est; xviri vestra vectigalia non modo non vobis, Quirites, arbitris sed ne praecone quidem publico teste vendent?

Sequitur 'omnis agros extra Italiam' infinito ex tempore, non, ut antea, ab Sulla et Pompeio consulibus. Cognitio xvirum, privatus sit an publicus; eique agro pergrande vectigal imponitur. [57] Hoc quantum iudicium, quam intolerandum, quam regium sit, quem praeterit, posse quibuscumque locis velint nulla disceptatione, nullo consilio privata publicare, publica liberare? Excipitur hoc capite ager <in> Sicilia Recentoricus; quem ego excipi et propter hominum necessitudinem et propter <rei> aequitatem, Quirites, ipse

vehementer gaudeo. Sed quae <est> haec impudentia! Qui agrum Recentoricum possident, vetustate possessionis se, non iure, misericordia senatus, non agri condicione defendunt. Nam illum agrum publicum esse fatentur; se moveri possessionibus, antiquissimis sedibus, ac dis penatibus negant oportere. Ac, si est privatus ager Recentoricus, quid eum excipis? sin autem publicus, quae est ista aequitas ceteros, etiam si privati sint, permittere ut publici iudicentur, hunc excipere nominatim qui publicum se esse fateatur? Ergo eorum ager excipitur qui apud Rullum aliqua ratione valuerunt, ceteri agri omnes qui ubique sunt sine ullo dilectu, sine populi Romani notione, sine iudicio senatus xviris addicentur? [58] Atque etiam est alia superiore capite quo omnia veneunt quaestuosa exceptio, quae teget eos agros de quibus foedere cautum est. Audivit hanc rem non a me, sed ab aliis agitari saepe in senatu, non numquam ex hoc loco, possidere agros in ora maritima regem Hiempsalem quos P. Africanus populo Romano adiudicarit; ei tamen postea per C. Cottam consulem cautum esse foedere. Hoc quia vos foedus non iusseritis, veretur Hiempsal ut satis firmum sit et ratum. Cuicuimodi est illud, tollitur vestrum iudicium, foedus totum accipitur, comprobatur. Quod minuit auctionem xviralem laudo, quod regi amico cavet non reprehendo, quod non gratis fit indico. [59] Volitat enim ante oculos istorum Iuba, regis filius, adulescens non minus bene nummatus quam bene capillatus.

Vix iam videtur locus esse qui tantos acervos pecuniae capiat; auget, addit, accumulat. ‘Avrvm, argentvm ex praeda, ex manvbiis, ex coronario ad qvoscvmqve pervenit neqve relatvm est in pvblicvm neqve in monvmento consvmptvm,’ id profiteri apud xviros et ad eos referri iubet. Hoc capite etiam quaestionem de clarissimis viris qui populi Romani bella gesserunt, iudiciumque de pecuniis residuis ad xviros translatum videtis. Horum erit nullum iudicium quantae cuiusque manubiae fuerint, quid relatum, quid residuum sit; in posterum vero lex haec imperatoribus vestris constituitur; ut, quicumque de provincia decesserit, apud eosdem xviros quantum habeat praedae, manubiarum, auri coronarii, profiteatur. [60] Hic tamen vir optimus eum quem amat excipit, Cn. Pompeium. Vnde iste amor tam improvisus ac tam repentinus? Qui honore xviratus excluditur prope nominatim, cuius iudicium legumque datio,

captorum agrorum ipsius virtute cognitio tollitur, cuius non in provinciam, sed in ipsa castra xviri cum imperio, infinita pecunia, maxima potestate et iudicio rerum omnium mittuntur, cui ius imperatorium, quod semper omnibus imperatoribus est conservatum, soli eripitur, is excipitur unus ne manubias referre iubeatur? Vtrum tandem hoc capite honos haberi homini, an invidia quaeri videtur?

[61] Remittit hoc Rullo Cn. Pompeius; beneficio isto legis, benignitate xvirali nihil utitur. Nam si est aequum praedam ac manubias suas imperatores non in monumenta deorum immortalium neque in urbis ornamenta conferre, sed ad xviros tamquam ad dominos reportare, nihil sibi appetit praecipui Pompeius, nihil; volt se in communi atque in eodem quo ceteri iure versari. Sin est iniquum, Quirites, si turpe, si intolerandum hos xviros portitores omnibus omnium pecuniis constitui, qui non modo reges atque exterarum nationum homines sed etiam imperatores vestros excutiant, non mihi videntur honoris causa excipere Pompeium, sed metuere ne ille eandem contumeliam quam ceteri ferre non possit. [62] Pompeius autem <cum> hoc animo sit ut, quicquid vobis placeat, sibi ferendum putet, quod vos ferre non poteritis, id profecto perficiet ne diutius inviti ferre cogamini. Verum tamen cavet ut, si qua pecunia post nos consules ex novis vectigalibus recipiatur, ea xviri utantur. Nova porro vectigalia videt ea fore quae Pompeius adiunxerit. Ita remissis manubiis vectigalibus eius virtute partis se frui putat oportere.

Parta sit pecunia, Quirites, xviris tanta quanta sit in terris, nihil praetermissum sit, omnes urbes, agri, regna denique, postremo etiam vectigalia vestra venierint, accesserint in cumulum manubiae vestrorum imperatorum; quantae et quam immanes divitiae xviris in tantis auctionibus, tot iudiciis, tam infinita potestate rerum omnium quaerantur videtis. [63] Cognoscite nunc alios immensos atque intolerabilis quaestus, ut intellegatis ad certorum hominum importunam avaritiam hoc populare legis agrariae nomen esse quaesitum. Hac pecunia iubet agros emi quo deducamini. Non consuevi homines appellare asperius, Quirites, nisi lacessitus. Vellem fieri posset ut a me sine contumelia nominarentur ei qui se xviros sperant futuros; iam videretis quibus hominibus omnium rerum et vendendarum et emendarum potestatem permitteretis. [64] Sed quod

ego nondum statuo mihi esse dicendum, vos tamen id potestis cum animis vestris cogitare; unum hoc certe videor mihi verissime posse dicere: tum cum haberet haec res publica Luscinos, Calatinos, Acidinos, homines non solum honoribus populi rebusque gestis verum etiam patientia paupertatis ornatos, et tum cum erant Catones, Phili, Laelii, quorum sapientiam temperantiamque in publicis privatisque, forensibus domesticisque rebus perspexeratis, tamen huiusce modi res commissa nemini est ut idem iudicaret et venderet et hoc faceret per quinquennium toto in orbe terrarum idemque agros vectigalis populi Romani abalienaret et, cum summam tantae pecuniae nullo teste sibi ipse ex sua voluntate fecisset, tum denique emeret a quibus vellet quod videretur. [65] Committite vos nunc, Quirites, his hominibus haec omnia quos odorari hunc xviratum suspicamini; reperietis partem esse eorum quibus ad habendum, partem quibus ad consumendum nihil satis esse videatur. Hic ego iam illud quod expeditissimum est ne disputo quidem, Quirites, non esse hanc nobis a maioribus relictam consuetudinem ut emantur agri a privatis quo plebes publice deducatur; omnibus legibus agris publicis privatos esse deductos. Huiusce modi me aliquid ab hoc horrido ac truce tribuno plebis exspectasse <confiteor>; hanc vero emendi et vendendi quaestuosissimam ac turpissimam mercaturam alienam actione tribunicia, alienam dignitate populi Romani semper putavi. Iubet agros emi. [66] Primum quaero quos agros et quibus in locis? Nolo suspensam et incertam plebem Romanam obscura spe et caeca exspectatione pendere. Albanus ager est, Setinus, Privernas, Fundanus, Vescinus, Falernus, Literninus, Cumanus, Nucerinus. Audio. Ab alia porta Capenas, Faliscus, Sabinus ager, Reatinus; <ab alia> Venafranus, Allifanus, Trebulanus. Habes tantam pecuniam qua hosce omnis agros et ceteros horum similis non modo emere verum etiam coacervare possis; cur eos non definis neque nominas, ut saltem deliberare plebes Romana possit quid intersit sua, quid expediat, quantum tibi in emendis et in vendendis rebus committendum putet? ‘Definio,’ inquit, ‘Italiam.’ Satis certa regio. Etenim quantulum interest utrum in Massici radices, an in Silam silvam deducamini? [67] Age, non definis locum; quid? naturam agri? ‘Vero,’ inquit, ‘qvi arari avt coli possit.’ ‘Qui possit arari,’ inquit, ‘aut coli,’ non qui aratus aut cultus sit. Vtrum haec lex est, an tabula

Veratianae auctionis? in qua scriptum fuisse aiunt: ‘Ivgera cc in qvibvs olivetvm fieri potest, ivgera ccc vbi institvi vineae possvnt.’ Hoc tu emes ista innumerabili pecunia quod arari aut coli possit? Quod solum tam exile et macrum est quod aratro perstringi non possit, aut quod est tam asperum saxetum in quo agricolarum cultus non elaboret? ‘Idcirco,’ inquit, ‘agros nominare non possum quia tangam nullum ab invito.’ Hoc, Quirites, multo est quaestuosius quam si ab invito sumeret; inibitur enim ratio quaestus de vestra pecunia, et tum denique ager emetur cum idem expediet emptori et venditori.

[68] Sed videte vim legis agrariae. Ne ei quidem qui agros publicos possident decedent de possessione, nisi erunt deducti optima condicione et pecunia maxima. Conversa ratio. Antea cum erat a tribuno plebis mentio legis agrariae facta, continuo qui agros publicos aut qui possessiones invidiosas tenebant extimescebant; haec lex eos homines fortunis locupletat, invidia liberat. Quam multos enim, Quirites, existimatis esse qui latitudinem possessionum tueri, qui invidiam Sullanorum agrorum ferre non possint, qui vendere cupiant, emptorem non reperiant, perdere iam denique illos agros ratione aliqua velint? Qui paulo ante diem noctemque tribunicium nomen horrebant, vestram vim metuebant, mentionem legis agrariae pertimescebant, ei nunc etiam ultro rogabuntur atque orabuntur ut agros partim publicos, partim plenos invidiae, plenos periculi quanti ipsi velint xviris tradant. Atque hoc carmen hic tribunus plebis non vobis, sed sibi intus canit. [69] Habet socerum, virum optimum, qui tantum agri in illis rei publicae tenebris occupavit quantum concupivit. Huic subvenire volt succumbenti iam et oppresso, Sullanis oneribus gravi, sua lege, ut liceat illi invidiam deponere, pecuniam condere. Et vos non dubitatis quin vectigalia vestra vendatis plurimo maiorum vestrorum sanguine et sudore quaesita, ut Sullanos possessores divitiis augeatis, periculo liberetis? [70] Nam ad hanc emptionem xviralem duo genera agrorum spectant, Quirites. Eorum unum propter invidiam domini fugiunt, alterum propter vastitatem. Sullanus ager a certis hominibus latissime continuatus tantam habet invidiam ut veri ac fortis tribuni plebis stridorem unum perferre non possit. Hic ager omnis, quoquo pretio coemptus erit, tamen ingenti pecunia nobis inducetur. Alterum genus

agrorum propter sterilitatem incultum, propter pestilentiam vastum atque desertum emetur ab eis qui eos vident sibi esse, si non vendiderint, relinquendos. Et nimirum id est quod ab hoc tribuno plebis dictum est in senatu, urbanam plebem nimium in re publica posse; exhauriendam esse; hoc enim <verbo> est usus, quasi de aliqua sentina ac non de optimorum civium genere loqueretur. [71] Vos vero, Quirites, si me audire voltis, retinete istam possessionem gratiae, libertatis, suffragiorum, dignitatis, urbis, fori, ludorum, festorum dierum, ceterorum omnium commodorum, nisi forte mavoltis relictis his rebus atque hac luce rei publicae in Sipontina siccitate aut in Salpinorum <plenis> pestilentiae finibus Rullo duce conlocari. Aut dicat quos agros empturus sit; ostendat et quid et quibus daturus sit. Vt vero, cum omnis urbis, agros, vectigalia, regna vendiderit, tum harenam aliquam aut paludes emat, id vos potestis, quaeso, concedere? Quamquam illud est egregium quod hac lege ante omnia veneunt, ante pecuniae coguntur et coacervantur quam gleba una ematur. Deinde emi iubet, ab invito vetat. [72] Quaero, si qui velint vendere non fuerint, quid pecuniae fiet? Referre in aerarium lex vetat, exigi prohibet. Igitur pecuniam omnem xviri tenebunt, vobis ager non emetur; vectigalibus abalienatis, sociis vexatis, regibus atque omnibus gentibus exinanitis illi pecunias habebunt, vos agros non habebitis. ‘Facile,’ inquit, ‘adducentur pecuniae magnitudine ut velint vendere.’ Ergo ea lex est qua nostra vendamus quanti possimus, aliena emamus quanti possessores velint.

[73] Atque in hos agros qui hac lege empti sint colonias ab his xviris deduci iubet. Quid? omnisne locus eius modi est ut nihil intersit rei publicae, colonia deducatur in eum locum necne, an est locus qui coloniam postulet, est <qui> plane recuset? Quo in genere sicut in ceteris rei publicae partibus est operae pretium diligentiam maiorum recordari, qui colonias sic idoneis in locis contra suspicionem periculi conlocarunt ut esse non oppida Italiae, sed propugnacula imperi viderentur. Hi deducent colonias in eos agros quos emerint; etiamne si rei publicae non expediat? [74] ‘Et in qvae loca praeterea videbitvr.’ Quid igitur est causae quin coloniam in Ianiculum possint deducere et suum praesidium in capite atque cervicibus nostris conlocare? Tu non definias quot colonias, in quae loca, quo numero colonorum deduci velis, tu occupes locum quem

idoneum ad vim tuam iudicaris, compleas numero, confirmes praesidio quo velis, populi Romani vectigalibus atque omnibus copiis ipsum populum Romanum coerceas, opprimas, redigas in istam xviralem dicionem ac potestatem? [75] Vt vero totam Italiam suis praesidiis obsidere atque occupare cogitet, quaeso, Quirites, cognoscite. Permittit xviris ut in omnia municipia, in omnis colonias totius Italiae colonos deducant quos velint, eisque colonis agros dari iubet. Num obscure maiores opes quam libertas vestra pati potest, et maiora praesidia quaeruntur, num obscure regnum constituitur, num obscure libertas vestra tollitur? Nam cum idem omnem pecuniam, maximam multitudinem <obtinebunt>, idem totam Italiam suis opibus obsidebunt, idem vestram libertatem suis praesidiis et coloniis interclusam tenebunt, quae spes tandem, quae facultas recuperandae vestrae libertatis relinquetur?

[76] At enim ager Campanus hac lege dividetur orbi terrae pulcherrimus et Capuam colonia deducetur, urbem amplissimam atque ornatissimam. Quid ad haec possumus dicere? De commodo prius vestro dicam, Quirites; deinde ad amplitudinem et dignitatem revertar, ut, si quis agri aut oppidi bonitate delectatur, ne quid exspectet, si quem rei indignitas commovet, ut huic simulatae largitioni resistat. Ac primum de oppido dicam, si quis est forte quem Capua magis quam Roma delectet. V milia colonorum Capuam scribi iubet; ad hunc numerum quingenos sibi singuli sumunt. [77] Quaeso, nolite vosmet ipsos consolari; vere et diligenter considerate. Num vobis aut vestri similibus integris, quietis, otiosis hominibus in hoc numero locum fore putatis? Si est omnibus vobis maiori<ve> vestrum parti, quamquam me vester honos vigilare dies atque noctes et intentis oculis omnis rei publicae partis intueri iubet, tamen paulisper, si ita commodum vestrum fert, conivebo. Sed si v hominum milibus ad vim, facinus caedemque delectis locus atque urbs quae bellum facere atque instruere possit quaeritur, tamenne patiemini vestro nomine contra vos firmari opes, armari praesidia, urbis, agros, copias comparari? [78] Nam agrum quidem Campanum quem vobis ostentant ipsi concupiverunt; deducent suos, quorum nomine ipsi teneant et fruantur; coement praeterea; ista dena iugera continuabunt. Nam si dicent per legem id non licere, ne per Corneliam quidem licet; at videmus, ut longinqua mittamus, agrum

Praenestinum a paucis possideri. Neque istorum pecuniis quicquam aliud deesse video nisi eius modi fundos quorum subsidio familiarum magnitudines et Cumanorum ac Puteolanorum praediorum sumptus sustentare possint. Quod si vestrum commodum spectat, veniat et coram mecum de agri Campani divisione disputet. [79] Quaesivi ex eo Kalendis Ianuariis quibus hominibus et quem ad modum illum agrum esset distributurus. Respondit a Romilia tribu se initium esse facturum. Primum quae est ista superbia et contumelia ut populi pars amputetur, ordo tribuum neglegatur, ante rusticis detur ager, qui habent, quam urbanis, quibus ista agri spes et iucunditas ostenditur? Aut, si hoc ab se dictum negat et satis facere omnibus vobis cogitat, proferat; in iugera dena discribat, a Suburana usque ad Arniensem nomina vestra proponat. Si non modo dena iugera dari vobis sed ne constipari quidem tantum numerum hominum posse in agrum Campanum intellegetis, tamenne vexari rem publicam, contemni maiestatem populi Romani, deludi vosmet ipsos diutius a tribuno plebis patiemini? [80] Quod si posset ager iste ad vos pervenire, nonne eum tamen in patrimonio vestro remanere malletis? Vnumne fundum pulcherrimum populi Romani, caput vestrae pecuniae, pacis ornamentum, subsidium belli, fundamentum vectigalium, horreum legionum, solacium annonae disperire patiemini? An obliti estis Italico bello amissis ceteris vectigalibus quantos agri Campani fructibus exercitus alueritis? an ignoratis cetera illa magnifica populi Romani vectigalia perlevi saepe momento fortunae inclinatione temporis pendere? Quid nos Asiae portus, quid Syriae ora, quid omnia transmarina vectigalia iuvabunt tenuissima suspicione praedonum aut hostium iniecta? [81] At vero hoc agri Campani vectigal, Quirites, eius modi est ut cum domi sit et omnibus praesidiis oppidorum tegatur, tum neque bellis infestum nec fructibus varium nec caelo ac loco calamitosum esse soleat. Maiores nostri non solum id quod <de> Campanis ceperant non imminuerunt verum etiam quod ei tenebant quibus adimi iure non poterat coemerunt. Qua de causa nec duo Gracchi qui de plebis Romanae commodis plurimum cogitaverunt, nec L. Sulla qui omnia sine ulla religione quibus voluit est dilargitus, agrum Campanum attingere ausus est; Rullus exstitit qui ex ea possessione rem publicam demoveret ex qua nec Gracchorum benignitas eam nec Sullae dominatio deiecisset.

Quem agrum nunc praetereuntes vestrum esse dicitis et quem per iter qui faciunt, externi homines, vestrum esse audiunt, is, cum erit divisus, <neque erit vester> neque vester esse dicetur. [82] At qui homines possidebunt? Primo quidem acres, ad vim prompti, ad seditionem parati qui, simul ac xviri concrepuerint, armati in civis et expediti ad caedem esse possint; deinde ad paucos opibus et copiis adfluentis totum agrum Campanum perferri videbitis. Vobis interea, qui illas a maioribus pulcherrimas vectigalium sedis armis captas accepistis, gleba nulla de paternis atque avitis possessionibus relinquetur. At quantum intererit inter vestram et privatorum diligentiam! Quid? Cum a maioribus nostris P. Lentulus, qui princeps senatus <fuit>, in ea loca missus esset ut privatos agros qui in publicum Campanum incurrebant pecunia publica coemeret, dicitur renuntiasse nulla se pecunia fundum cuiusdam emere potuisse, eumque qui nollet vendere ideo negasse se adduci posse uti venderet quod, cum pluris fundos haberet, ex illo solo fundo numquam malum nuntium audisset. [83] Itane vero? privatum haec causa commovit; populum Romanum ne agrum Campanum privatis gratis Rullo rogante tradat non commovebit? At idem populus Romanus de hoc vectigali potest dicere quod ille de suo fundo dixisse dicitur. Asia multos annos vobis fructum Mithridatico bello non tulit, Hispaniarum vectigal temporibus Sertorianis nullum fuit, Siciliae civitatibus bello fugitivorum M'. Aquilius etiam mutuum frumentum dedit; at ex hoc vectigali numquam malus nuntius auditus est. Cetera vectigalia belli difficultatibus adfliguntur; hoc vectigali etiam belli difficultates sustentantur. [84] Deinde in hac adsignatione agrorum ne illud quidem dici potest quod in ceteris, agros desertos a plebe atque a cultura hominum liberorum esse non oportere. Sic enim dico, si Campanus ager dividatur, exturbari et expelli plebem ex agris, non constitui et conlocari. Totus enim ager Campanus colitur et possidetur a plebe, et a plebe optima et modestissima; quod genus hominum optime moratum, optimorum et aratorum et militum, ab hoc plebicola tribuno plebis funditus eicitur. Atque illi miseri nati in illis agris et educati, glebis subigendis exercitati, quo se subito conferant non habebunt; his robustis et valentibus et audacibus xvirum satellitibus agri Campani possessio tota tradetur, et, ut vos nunc de vestris maioribus praedicatis: 'hunc agrum nobis maiores

nostri reliquerunt,' sic vestri posteri de vobis praedicabunt: 'hunc agrum patres nostri acceptum a patribus suis perdiderunt.' [85] Equidem existimo: si iam campus Martius dividatur et uni cuique vestrum ubi consistat bini pedes adsignentur, tamen promiscue toto quam proprie parva frui parte malitis. Qua re etiam si ad vos esset singulos aliquid ex hoc agro perventurum qui vobis ostenditur, aliis comparatur, tamen honestius eum vos universi quam singuli possideretis. Nunc vero cum ad vos nihil pertineat, sed paretur aliis, eripiatur vobis, nonne acerrime, tamquam armato hosti, sic huic legi pro vestris agris resistetis?

Adiungit Stellatem campum agro Campano et in eo duodena discribit in singulos homines iugera. Quasi vero paulum differat ager Campanus a Stellati; [86] sed multitudo, Quirites, quaeritur qua illa omnia oppida compleantur. Nam dixi antea lege permitti ut quae velint municipia, quas velint veteres colonias colonis suis occupent. Calenum municipium complebunt, Teanum oppriment, Atellam, Cumas, Neapolim, Pompeios, Nuceriam suis praesidiis devincient, Puteolos vero qui nunc in sua potestate sunt, suo iure libertateque utuntur, totos novo populo atque adventiciis copiis occupabunt. Tunc illud vexillum Campanae coloniae vehementer huic imperio timendum Capuam a xviris inferetur, tunc contra hanc Romam, communem patriam omnium nostrum, illa altera Roma quaeretur. [87] In id oppidum homines nefarie rem publicam vestram transferre conantur, quo in oppido maiores nostri nullam omnino rem publicam esse voluerunt, qui tris solum urbis in terris omnibus, Carthaginem, Corinthum, Capuam, statuerunt posse imperi gravitatem ac nomen sustinere. Deleta Carthago est, quod cum hominum copiis, tum ipsa natura ac loco, succincta portibus, armata muris, excurrere ex Africa, imminere duabus fructuosissimis insulis populi Romani videbatur. Corinthi vestigium vix relictum est. Erat enim posita in angustiis atque in faucibus Graeciae sic ut terra claustra locorum teneret et duo maria maxime navigationi diversa paene coniungeret, cum pertenui discrimine separentur. Haec quae procul erant a conspectu imperi non solum adflixerunt sed etiam, ne quando recreata exsurgere atque erigere se possent, funditus, ut dixi, sustulerunt. [88] De Capua multum est et diu consultatum; exstant litterae, Quirites, publicae, sunt senatus consulta complura. Statuerunt homines sapientes, si

agrum Campanis ademissent, magistratus, senatum, publicum ex illa urbe consilium sustulissent, imaginem rei publicae nullam reliquissent, nihil fore quod Capuam timeremus. Itaque hoc perscriptum in monumentis veteribus reperietis, ut esset urbs quae res eas quibus ager Campanus coleretur suppeditare posset, ut esset locus comportandis condendisque fructibus, ut aratores cultu agrorum defessi urbis domiciliis uterentur, idcirco illa aedificia non esse deleta. [89] Videte quantum intervallum sit interiectum inter maiorum nostrorum consilia et inter istorum hominum dementiam. Illi Capuam receptaculum aratorum, nundinas rusticorum, cellam atque horreum Campani agri esse voluerunt, hi expulsis aratoribus, effusis ac dissipatis fructibus vestris eandem Capuam sedem novae rei publicae constituunt, molem contra veterem rem publicam comparant. Quod si maiores nostri existimassent quemquam in tam inlustri imperio et tam praeclara populi Romani disciplina <M.> Bruti aut P. Rulli similem futurum — hos enim nos duos adhuc vidimus qui hanc rem publicam Capuam totam transferre vellent — profecto nomen illius urbis non reliquissent. [90] Verum arbitrabantur Corinthi et Carthagini, etiam si senatum et magistratus sustulissent agrumque civibus ademissent, tamen non defore qui illa restituerent atque qui ante omnia commutarent quam nos audire possemus; hic vero in oculis senatus populique Romani nihil posse exsistere quod non ante exstingui atque opprimi posset quam plane exortum <esset> ac natum. Neque vero ea res fefellit homines divina mente et consilio praeditos. Nam post Q. Fulvium Q. Fabium consules, quibus consulibus Capua devicta atque capta est, nihil est in illa urbe contra hanc rem publicam non dico factum, sed nihil omnino est cogitatum. Multa postea bella gesta cum regibus, Philippo, Antiocho, Persa, Pseudophilippo, Aristonico, Mithridate et ceteris; multa praeterea bella gravia, Carthaginiense iii, Corinthium, Numantinum; multae in hac re publica seditiones domesticae quas praetermitto; bella cum sociis, Fregellanum, Marsicum; quibus omnibus domesticis externisque bellis Capua non modo non obfuit sed opportunissimam se nobis praebuit et ad bellum instruendum et ad exercitus ornandos et tectis ac sedibus suis recipiendos. [91] Homines non inerant in urbe qui malis contionibus, turbulentis senatus consultis, iniquis imperiis rem publicam miscerent et rerum novarum causam aliquam

quaererent. Neque enim contionandi potestas erat cuiquam nec consili capiendi publici; non gloriae cupiditate efferebantur, propterea quod, ubi honos publice non est, ibi gloriae cupiditas esse non potest; non contentione, non ambitione discordes. Nihil enim supererat de quo certarent, nihil quod contra peterent, nihil ubi dissiderent. Itaque illam Campanam adrogantiam atque intolerandam ferociam ratione et consilio maiores nostri ad inertissimum ac desidiosissimum otium perduxerunt. Sic et crudelitatis infamiam effugerunt quod urbem ex Italia pulcherrimam non sustulerunt, et multum in posterum providerunt quod nervis urbis omnibus exsectis urbem ipsam solutam ac debilitatam reliquerunt. [92] Haec consilia maiorum M. Bruto, ut antea dixi, reprehendenda et P. Rullo visa sunt; neque te, P. Rulle, omina illa M. Bruti atque auspicia a simili furore deterrent. Nam et ipse qui deduxit, et qui magistratum Capuae illo creante ceperunt, et qui aliquam partem illius deductionis, honoris, muneris attigerunt, omnis acerbissimas impiorum poenas pertulerunt. Et quoniam <M.> Bruti atque illius temporis feci mentionem, commemorabo id quod egomet vidi, cum venissem Capuam colonia iam deducta L. Considio et Sex. Saltio, quem ad modum ipsi loquebantur, ‘praetoribus,’ ut intellegatis quantam locus ipse adferat superbiam, quae paucis diebus quibus illo colonia deducta est perspici atque intellegi potuit. [93] Nam primum, id quod dixi, cum ceteris in coloniis iiviri appellentur, hi se praetores appellari volebant. Quibus primus annus hanc cupiditatem attulisset, nonne arbitramini paucis annis fuisse consulum nomen appetituros? Deinde anteibant lictores non cum bacillis, sed, ut hic praetoribus urbanis anteeunt, cum fascibus bini. Erant hostiae maiores in foro constitutae, quae ab his praetoribus de tribunali, sicut a nobis consulibus, de consili sententia probatae ad praeconem et ad tibicinem immolabantur. Deinde patres conscripti vocabantur. Iam vero voltum Considi videre ferendum vix erat. Quem hominem ‘vegrandi macie torridum’ Romae contemptum, abiectum videbamus, hunc Capuae Campano fastidio ac regio spiritu cum videremus, Blossios mihi videbar illos videre ac Vibellios. [94] Iam vero qui metus erat tunicatorum illorum! et in Albana et Seplasia quae concursatio percontantium quid praetor edixisset, ubi cenaret, quo denuntiasset! Nos autem, hinc Roma qui veneramus, iam non

hospites, sed peregrini atque advenae nominabamur. [95] Haec qui prospexerint, maiores nostros dico, Quirites, non eos in deorum immortalium numero venerandos a nobis et colendos putatis? Quid enim viderunt? Hoc quod nunc vos, quaeso, perspicite atque cognoscite. Non ingenerantur hominibus mores tam a stirpe generis ac seminis quam ex eis rebus quae ab ipsa natura nobis ad vitae consuetudinem suppeditantur, quibus alimur et vivimus. Carthaginienses fraudulenti et mendaces non genere, sed natura loci, quod propter portus suos multis et variis mercatorum et advenarum sermonibus ad studium fallendi studio quaestus vocabantur. Ligures duri atque agrestes; docuit ager ipse nihil ferendo nisi multa cultura et magno labore quaesitum. Campani semper superbi bonitate agrorum et fructuum magnitudine, urbis salubritate, descriptione, pulchritudine. Ex hac copia atque omnium rerum adfluentia primum illa nata est adrogantia qua a maioribus nostris alterum Capua consulem postularunt, deinde ea luxuries quae ipsum Hannibalem armis etiam tum invictum voluptate vicit. [96] Huc isti xviri cum icc colonorum ex lege Rulli deduxerint, c decuriones, x augures, vi pontifices constituerint, quos illorum animos, quos impetus, quam ferociam fore putatis? Romam in montibus positam et convallibus, cenaculis sublatam atque suspensam, non optimis viis, angustissimis semitis, prae sua Capua planissimo in loco explicata ac praeclarissime sita inridebunt atque contemnent; agros vero Vaticanum et Pupiniam cum suis opimis atque uberibus campis conferendos scilicet non putabunt. Oppidorum autem finitimorum illam copiam cum hac per risum ac iocum contendent; Veios, Fidenas, Collatiam, ipsum hercle Lanuvium, Ariciam, Tusculum cum Calibus, Teano, Neapoli, Puteolis, Cumis, Pompeiis, Nuceria comparabunt. [97] Quibus illi rebus elati et inflati fortasse non continuo, sed certe, si paulum adsumpserint vetustatis ac roboris, non continebuntur; progredientur, cuncta secum ferent. Singularis homo privatus, nisi magna sapientia praeditus, vix cancellis et regionibus offici magnis in fortunis et copiis continetur, nedum isti ab Rullo et Rulli similibus conquisiti atque electi coloni Capuae in domicilio superbiae atque in sedibus luxuriosis conlocati non statim conquisituri sint aliquid sceleris et flagiti, immo vero etiam hoc magis quam illi veteres germanique Campani, quod in vetere fortuna

illos natos et educatos nimiae tamen rerum omnium copiae depravabant, hi ex summa egestate in eandem rerum abundantiam traducti non solum copia verum etiam insolentia commovebuntur.

[98] Haec tu, P. Rulle, M. Bruti sceleris vestigia quam monumenta maiorum sapientiae sequi maluisti, haec tu cum istis tuis auctoribus excogitasti, ut vetera vectigalia nostra <expilaretis,> exploraretis nova, <urbem novam huic> urbi ad certamen dignitatis opponeretis; ut sub vestrum ius, iuris dictionem, potestatem urbis, nationes, provincias, liberos populos, reges, terrarum denique orbem subiungeretis; ut, cum omnem pecuniam ex aerario exhausissetis, ex vectigalibus redegissetis, ab omnibus regibus, gentibus, ab imperatoribus nostris coegissetis, tamen omnes vobis pecunias ad nutum vestrum penderent; ut idem partim invidiosos agros a Sullanis possessoribus, partim desertos ac pestilentis a vestris necessariis et a vobismet ipsis emptos quanti velletis populo Romano induceretis; ut omnia municipia coloniasque Italiae novis colonis occuparetis; ut quibuscumque in locis vobis videretur ac quam multis videretur colonias conlocaretis; [99] ut omnem rem publicam vestris militibus, vestris urbibus, vestris praesidiis cingeretis atque oppressam teneretis; ut ipsum Cn. Pompeium, cuius praesidio saepissime res publica contra acerrimos hostis et contra improbissimos civis <munita est, exercitu> victore atque horum conspectu privare possetis; ut nihil auro et argento violari, nihil numero et servitiis declarari, nihil vi et manu perfringi posset quod non vos oppressum atque ereptum teneretis; ut volitaretis interea per gentis, per regna omnia cum imperio summo, cum iudicio infinito, cum omni pecunia; ut veniretis in castra Cn. Pompei atque ipsa castra, si commodum vobis esset, venderetis; ut interea magistratus reliquos legibus omnibus soluti sine metu iudiciorum, sine periculo petere possetis; ut nemo ad populum Romanum vos adducere, nemo producere, nemo in senatum cogere, non consul coercere, non tribunus plebis retinere posset.

[100] Haec ego vos concupisse pro vestra stultitia atque intemperantia non miror, sperasse me consule adsequi posse demiror. Nam cum omnium consulum gravis in re <publica> custodienda cura ac diligentia debet esse, tum eorum maxime qui non in cunabulis, sed in campo sunt consules facti. Nulli populo Romano pro me maiores

mei spoponderunt; mihi creditum est; a me petere quod debeo, me ipsum appellare debetis. Quem ad modum, cum petebam, nulli me vobis auctores generis mei commendarunt, sic, si quid deliquero, nullae sunt imagines quae me a vobis deprecentur. Qua re, modo mihi vita suppetat, quam ego <conabor> ab istorum scelere insidiisque defendere, polliceor hoc vobis, Quirites, bona fide: rem publicam vigilanti homini, non timido, diligenti, <non ignavo,> commisistis. [101] Ego <sum> is consul qui contionem metuam, qui tribunum plebis perhorrescam, qui saepe et sine causa tumultuer, qui timeam ne mihi in carcere habitandum sit, si tribunus plebis duci iusserit? Ego cum vestris armis armatus <sim>, imperio, auctoritate insignibusque amplissimis exornatus, non horreo in hunc locum progredi, possum vobis, Quirites, auctoribus improbitati hominis resistere, nec vereor ne res publica tantis munita praesidiis ab istis vinci aut opprimi possit. Si antea timuissem, tamen hac contione, hoc populo certe non vererer. Quis enim umquam tam secunda contione legem agrariam suasit quam ego dissuasi? si hoc dissuadere est ac non disturbare atque pervertere. [102] Ex quo intellegi, Quirites, potest nihil esse tam populare quam id quod ego vobis in hunc annum consul popularis adfero, pacem, tranquillitatem, otium. Quae nobis designatis timebatis, ea ne accidere possent consilio meo ac ratione provisa sunt. Non modo vos eritis in otio qui semper esse volueratis, verum etiam istos quibus odio est otium quietissimos atque otiosissimos reddam. Etenim illis honores, potestates, divitiae ex tumultu atque ex dissensionibus civium comparari solent; vos, quorum gratia in suffragiis consistit, libertas in legibus, ius in iudiciis et aequitate magistratuum, res familiaris in pace, omni ratione otium retinere debetis. [103] Nam si ei qui propter desidiam in otio vivunt, tamen in sua turpi inertia capiunt voluptatem ex ipso otio, quam vos fortunati eritis, si <in> hoc statu quem habetis vestra non ignavia quaesitum, sed virtute partum, otium tenueritis, Quirites! Ego ex concordia quam mihi constitui cum conlega, invitissimis eis hominibus qui nos in consulatu inimicos esse et fore aiebant, providi omnibus, prospexi annonae, revocavi fidem, tribunis plebis denuntiavi <ne> quid turbulenti me consule conflarent. Summum et firmissimum est illud communibus fortunis praesidium, Quirites, ut, qualis vos hodierno die maxima contione mihi pro salute vestra

praebuistis, talis reliquis temporibus rei publicae praebeatis. Promitto, recipio, polliceor hoc vobis atque confirmo, me esse perfecturum ut iam tandem illi qui honori inviderunt meo tamen vos universos in consule deligendo plurimum vidisse fateantur.

DE LEGE AGRARIA ORATIO TERTIA CONTRA P. SERVILIVM RVLLVM TR. PLEB. IN SENATV[1] Commodius fecissent tribuni plebis, Quirites, si, quae apud vos de me deferunt, ea coram potius me praesente dixissent; nam et aequitatem vestrae disceptationis et consuetudinem superiorum et ius suae potestatis retinuissent. Sed quoniam adhuc praesens certamen contentionemque fugerunt, nunc, si videtur eis, in meam contionem prodeant et, quo provocati a me venire noluerunt, revocati saltem revertantur. [2] Video quosdam, Quirites, strepitu significare nescio quid et non eosdem voltus quos proxima mea contione praebuerunt in hanc contionem mihi rettulisse. Qua re a vobis qui nihil de me credidistis ut eam voluntatem quam semper habuistis erga me retineatis peto; a vobis autem quos leviter immutatos esse sentio parvam exigui temporis usuram bonae de me opinionis postulo, ut eam, si quae dixero vobis probabo, perpetuo retineatis; sin aliter, hoc ipso in loco depositam atque abiectam relinquatis. [3] Completi sunt animi auresque vestrae, Quirites, me gratificantem Septimiis, Turraniis ceterisque Sullanarum adsignationum possessoribus agrariae legi et commodis vestris obsistere. Hoc si qui crediderunt, illud prius crediderint necesse est, hac lege agraria quae promulgata est adimi Sullanos agros vobisque dividi, aut denique minui privatorum possessiones ut in eas vos deducamini. Si ostendo non modo non adimi cuiquam glebam de Sullanis agris, sed etiam genus id agrorum certo capite legis impudentissime confirmari atque sanciri, si doceo agris eis qui a Sulla sunt dati sic diligenter Rullum sua lege consulere ut facile appareat eam legem non a vestrorum commodorum patrono, sed a Valgi genero esse conscriptam, num quid est causae, Quirites, quin illa criminatione qua in me absentem usus est non solum meam sed etiam vestram diligentiam prudentiamque despexerit?

[4] Caput est legis xl de quo ego consulto, Quirites, neque apud vos ante feci mentionem, ne aut refricare obductam iam rei publicae cicatricem viderer aut aliquid alienissimo tempore novae dissensionis commovere, neque vero nunc ideo disputabo quod hunc statum rei publicae non magno opere defendendum putem, praesertim qui oti et concordiae patronum me in hunc annum populo Romano professus sim, sed ut doceam Rullum posthac in eis saltem tacere rebus in

quibus de se et de suis factis taceri velit. [5] Omnium legum iniquissimam dissimillimamque legis esse arbitror eam quam L. Flaccus interrex de Sulla tulit, ut omnia quaecumque ille fecisset essent rata. Nam cum ceteris in civitatibus tyrannis institutis leges omnes exstinguantur atque tollantur, hic rei publicae tyrannum lege constituit. Est invidiosa lex, sicuti dixi, verum tamen habet excusationem; non enim videtur hominis lex esse, sed temporis. [6] Quid si est haec multo impudentior? Nam Valeria lege Corneliisque legibus eripitur civi, <civi> datur, coniungitur impudens gratificatio cum acerba iniuria; sed tamen imbibit illis legibus spem non nullam cui ademptum est, aliquem scrupulum cui datum est. Rulli cautio est haec: 'Qvi post C. Marivm Cn. Papirivm consvles.' Quam procul a suspicione fugit, quod eos consules qui adversarii Sullae maxime fuerunt potissimum nominavit! Si enim Sullam dictatorem nominasset, perspicuum fore et invidiosum arbitratus est. Sed quem vestrum tam tardo ingenio fore putavit cui post eos consules Sullam dictatorem fuisse in mentem venire non posset? [7] Quid ergo ait Marianus tribunus plebis, qui nos Sullanos in invidiam rapit? 'Qvi post Marivm et Carbonem consvles agri, aedificia, lacvs, stagna, loca, possessiones' — caelum et mare praetermisit, cetera complexus est—'pvblice data adsignata, vendita, concessa svnt' — a quo, Rulle? post Marium et Carbonem consules quis adsignavit, quis dedit, quis concessit praeter Sullam?—'ea omnia eo ivre sint' — quo iure? labefactat videlicet nescio quid. Nimium acer, nimium vehemens tribunus plebis Sullana rescindit—'vt qvae optimo ivre privata svnt.' Etiamne meliore quam paterna et avita? Meliore. [8] At hoc Valeria lex non dicit, Corneliae leges non sanciunt, Sulla ipse non postulat. Si isti agri partem aliquam iuris, aliquam similitudinem propriae possessionis, aliquam spem diuturnitatis attingunt, nemo est tam impudens istorum quin agi secum praeclare arbitretur. Tu vero, Rulle, quid quaeris? Quod habent ut habeant? Quis vetat? Vt privatum sit? Ita latum est. Vt meliore <iure> tui soceri fundus Hirpinus sit sive ager Hirpinus — totum enim possidet — quam meus paternus avitusque fundus Arpinas? Id enim caves. [9] Optimo enim iure ea sunt profecto praedia quae optima condicione sunt. Libera meliore iure sunt quam serva; capite hoc omnia quae serviebant non servient. Soluta meliore in causa sunt quam obligata;

eodem capite subsignata omnia, si modo Sullana sunt, liberantur. Immunia commodiore condicione sunt quam illa quae pensitant; ego Tusculanis pro aqua Crabra vectigal pendam, quia mancipio fundum accepi; si a Sulla mihi datus esset, Rulli lege non penderem. [10] Video vos, Quirites, sicuti res ipsa cogit, commoveri vel legis vel orationis impudentia, legis quae ius melius Sullanis praediis constituat quam paternis, orationis quae eius modi <in> causa insimulare quemquam audeat rationes Sullae nimium vehementer defendere. At si illa solum sanciret quae a Sulla essent data, tacerem, modo ipse se Sullanum esse confiteretur. Sed non modo illis cavet verum etiam aliud quoddam genus donationis inducit; et is qui a me Sullanas possessiones defendi criminatur non eas solum sancit verum ipse novas adsignationes instituit et repentinus Sulla nobis exoritur. [11] Nam attendite quantas concessiones agrorum hic noster obiurgator uno verbo facere conetur: ‘Qvae data, donata, concessa, vendita.’ Patior, audio. Quid deinde? ‘possessa.’ Hoc tribunus plebis promulgare ausus est ut, quod quisque post Marium et Carbonem consules possideret, id eo iure teneret <quo> quod optimo privatum <est>? Etiamne si vi deiecit, etiamne si clam, si precario venit in possessionem? Ergo hac lege ius civile, causae possessionum, praetorum interdicta tollentur. [12] Non mediocris res neque parvum sub hoc verbo furtum, Quirites, latet. Sunt enim multi agri lege Cornelia publicati nec cuiquam adsignati neque venditi qui a paucis hominibus impudentissime possidentur. His cavet, hos defendit, hos privatos facit; hos, inquam, agros quos Sulla nemini dedit Rullus non vobis adsignare volt, sed eis condonare qui possident. Causam quaero cur ea quae maiores vobis in Italia, Sicilia, Africa, duabus Hispaniis, Macedonia, Asia reliquerunt venire patiamini, cum ea quae vestra sunt condonari possessoribus eadem lege videatis. [13] Iam totam legem intellegetis, cum ad paucorum dominationem scripta sit, tum ad Sullanae adsignationis rationes esse accommodatissimam. Nam socer huius vir multum bonus est; neque ego nunc de illius bonitate, sed de generi impudentia disputo. Ille enim quod habet retinere volt neque se Sullanum esse dissimulat; hic, ut ipse habeat quod non habet, quae dubia sunt per vos sancire volt et, cum plus appetat quam ipse Sulla, quibus rebus resisto, Sullanas res defendere <me> criminatur. [14] ‘Habet agros non

nullos,' inquit, 'socer meus desertos atque longinquos; vendet eos mea lege quanti volet. Habet incertos ac nullo iure possessos; confirmabuntur optimo iure. Habet publicos; reddam privatos. Denique eos fundos quos in agro Casinati optimos fructuosissimosque continuavit, cum usque eo vicinos proscriberet quoad angulos conformando ex multis praediis unam fundi regionem normamque perfecerit, quos nunc cum aliquo metu tenet, sine ulla cura possidebit.'

[15] Et quoniam qua de causa et quorum causa ille hoc promulgarit ostendi, doceat ipse nunc ego quem possessorem defendam, cum agrariae legi resisto. Silvam Scantiam vendis; populus Romanus possidet; defendo. Campanum agrum dividis; vos estis in possessione; non cedo. Deinde Italiae, Siciliae ceterarumque provinciarum possessiones venalis ac proscriptas hac lege video; vestra sunt praedia, vestrae possessiones; resistam atque repugnabo neque patiar a quoquam populum Romanum de suis possessionibus me consule demoveri, praesertim, Quirites, cum vobis nihil quaeratur. [16] Hoc enim vos <in> errore versari diutius non oportet. Num quis vestrum ad vim, ad facinus, ad caedem accommodatus est? Nemo. Atqui ei generi hominum, mihi credite, Campanus ager et praeclara illa Capua servatur; exercitus contra vos, contra libertatem vestram, contra Cn. Pompeium constituitur; contra hanc urbem Capua, contra vos manus hominum audacissimorum, contra Cn. Pompeium x duces comparantur. Veniant et coram, quoniam me in vestram contionem vobis flagitantibus evocaverunt, disserant.

PRO SULLA (In Defense of Publius Cornelius Sulla)

M. TVLLI CICERONIS PRO SVLLA ORATIO

[1] Maxime vellem, iudices, ut P. Sulla et antea dignitatis suae splendorem obtinere et post calamitatem acceptam modestiae fructum aliquem percipere potuisset. Sed quoniam ita tulit casus infestus ut in amplissimo honore cum communi ambitionis invidia tum singulari Autroni odio everteretur, et in his pristinae fortunae reliquiis miseris et adflictis tamen haberet quosdam quorum animos ne supplicio quidem suo satiare posset, quamquam ex huius incommodis magnam animo molestiam capio, tamen in ceteris malis facile patior oblatum mihi tempus esse in quo boni viri lenitatem meam misericordiamque, notam quondam omnibus, nunc quasi intermissam agnoscerent, improbi ac perditi cives domiti atque victi praecipitante re publica vehementem me fuisse atque fortem, conservata mitem ac misericordem faterentur.

[2] Et quoniam L. Torquatus, meus familiaris ac necessarius, iudices, existimavit, si nostram in accusatione sua necessitudinem familiaritatemque violasset, aliquid se de auctoritate meae defensionis posse detrahere, cum huius periculi propulsatione coniungam defensionem offici mei. Quo quidem genere non uterer orationis, iudices, hoc tempore, si mea solum interesset; multis enim locis mihi et data facultas est et saepe dabitur de mea laude dicendi; sed, ut ille vidit, quantum de mea auctoritate deripuisset, tantum se de huius praesidiis deminuturum, sic hoc ego sentio, si mei facti rationem vobis constantiamque huius offici ac defensionis probaro, causam quoque me P. Sullae probaturum.

[3] Ac primum abs te illud, L. Torquate, quaero, cur me a ceteris clarissimis viris ac principibus civitatis in hoc officio atque in defensionis iure secernas. Quid enim est quam ob rem abs te Q. Hortensi factum, clarissimi viri atque ornatissimi, non reprehendatur, reprehendatur meum? Nam, si est initum a P. Sulla consilium inflammandae huius urbis, exstinguendi imperi, delendae civitatis, mihi maiorem hae res dolorem quam Q. Hortensio, mihi maius

odium adferre debent, meum denique gravius esse iudicium, qui adiuvandus in his causis, qui oppugnandus, qui defendendus, qui deserendus esse videatur? ‘Ita,’ inquit; ‘tu enim investigasti, tu patefecisti coniurationem.’

[4] Quod cum dicit, non attendit eum qui patefecerit hoc curasse, ut id omnes viderent quod antea fuisset occultum. Qua re ista coniuratio, si patefacta per me est, tam patet Hortensio quam mihi. Quem cum videas hoc honore, auctoritate, virtute, consilio praeditum non dubitasse quin innocentiam P. Sullae defenderet, quaero cur qui aditus ad causam Hortensio patuerit mihi interclusus esse debuerit; quaero illud etiam, si me, qui defendo, reprehendendum putas esse, quid tandem de his existimes summis viris et clarissimis civibus, quorum studio et dignitate celebrari hoc iudicium, ornari causam, defendi huius innocentiam vides. Non enim una ratio est defensionis ea quae posita est in oratione; omnes qui adsunt, qui laborant, qui salvum volunt, pro sua parte atque auctoritate defendunt.

[5] An vero, in quibus subselliis haec ornamenta ac lumina rei publicae viderem, in his me apparere nollem, cum ego illum in locum atque in hanc excelsissimam sedem dignitatis atque honoris multis meis ac magnis laboribus et periculis ascendissem? Atque ut intellegas, Torquate, quem accuses, si te forte id offendit quod ego, qui in hoc genere quaestionis defenderim neminem, non desim P. Sullae, recordare de ceteris quos adesse huic vides; intelleges et de hoc et de aliis iudicium meum et horum par atque unum fuisse.

[6] Quis nostrum adfuit Vargunteio? Nemo, ne hic quidem Q. Hortensius, praesertim qui illum solus antea de ambitu defendisset. Non enim iam se ullo officio cum illo coniunctum arbitrabatur, cum ille tanto scelere commisso omnium officiorum societatem diremisset. Quis nostrum Serv. Sullam, quis Publium, quis M. Laecam, quis <C.> Cornelium defendendum putavit, quis eis horum adfuit? Nemo. Quid ita? Quia ceteris in causis etiam nocentis viri boni, si necessarii sunt, deserendos esse non putant; in hoc crimine non solum levitatis est culpa verum etiam quaedam contagio sceleris, si defendas eum quem obstrictum esse patriae parricidio suspicere.

[7] Quid? Autronio nonne sodales, non conlegae sui, non veteres amici, quorum ille copia quondam abundarat, non hi omnes qui sunt in re publica principes defuerunt? Immo etiam testimonio plerique

laeserunt. Statuerant tantum illud esse maleficium quod non modo non occultari per se sed etiam aperiri inlustrarique deberet. Quam ob rem quid est quod mirere, si cum isdem me in hac causa vides adesse cum quibus in ceteris intellegis afuisse? Nisi vero me unum vis ferum praeter ceteros, me asperum, me inhumanum existimari, me singulari immanitate et crudelitate praeditum.

[8] Hanc mihi tu si propter meas res gestas imponis in omni vita mea, Torquate, personam, vehementer erras. Me natura misericordem, patria severum, crudelem nec patria nec natura esse voluit; denique istam ipsam personam vehementem et acrem quam mihi tum tempus et res publica imposuit iam voluntas et natura ipsa detraxit. Illa enim ad breve tempus severitatem postulavit, haec in omni vita misericordiam lenitatemque desiderat.

[9] Qua re nihil est quod ex tanto comitatu virorum amplissimorum me unum abstrahas; simplex officium atque una bonorum est omnium causa. Nihil erit quod admirere posthac, si in ea parte in qua hos animum adverteris me videbis. Nulla est enim in re publica mea causa propria; tempus agendi fuit mihi magis proprium quam ceteris, doloris vero et timoris et periculi fuit illa causa communis; neque enim ego tunc princeps ad salutem esse potuissem, si esse alii comites noluissent. Qua re necesse est, quod mihi consuli praecipuum fuit praeter alios, id iam privato cum ceteris esse commune. Neque ego hoc partiendae invidiae, sed communicandae laudis causa loquor; oneris mei partem nemini impertio, gloriae bonis omnibus.

[10] ‘In Autronium testimonium dixisti,’ inquit; ‘Sullam defendis.’ Hoc totum eius modi est, iudices, ut, si ego sum inconstans ac levis, nec testimonio fidem tribui convenerit nec defensioni auctoritatem; sin est in me ratio rei publicae, religio privati offici, studium retinendae voluntatis bonorum, nihil minus accusator debet dicere quam a me defendi Sullam, testimonio laesum esse Autronium. Videor enim iam non solum studium ad defendendas causas verum etiam opinionis aliquid et auctoritatis adferre; qua ego et moderate utar, iudices, et omnino non uterer, si ille me non coegisset.

[11] Duae coniurationes abs te, Torquate, constituuntur, una quae Lepido et Volcatio consulibus patre tuo consule designato facta esse dicitur, altera quae me consule; harum in utraque Sullam dicis fuisse.

Patris tui, fortissimi viri atque optimi consulis, scis me consiliis non interfuisse; scis me, cum mihi summus tecum usus esset, tamen illorum expertem temporum et sermonum fuisse, credo quod nondum penitus in re publica versabar, quod nondum ad propositum mihi finem honoris perveneram, quod me ambitio et forensis labor ab omni illa cogitatione abstrahebat.

[12] Quis ergo intererat vestris consiliis? Omnes hi quos vides huic adesse et in primis Q. Hortensius; qui cum propter honorem ac dignitatem atque animum eximium in rem publicam, tum propter summam familiaritatem summumque amorem in patrem tuum cum communibus tum praecipuis patris tui periculis commovebatur. Ergo istius coniurationis crimen defensum ab eo est qui interfuit, qui cognovit, qui particeps et consili vestri fuit et timoris; cuius in hoc crimine propulsando cum esset copiosissima atque ornatissima oratio, tamen non minus inerat auctoritatis in ea quam facultatis. Illius igitur coniurationis quae facta contra vos, delata ad vos, a vobis prolata esse dicitur, ego testis esse non potui; non modo animo nihil comperi, sed vix ad auris meas istius suspicionis fama pervenit.

[13] Qui vobis in consilio fuerunt, qui vobiscum illa cognorunt, quibus ipsis periculum tum conflari putabatur, qui Autronio non adfuerunt, qui in illum testimonia gravia dixerunt, hunc defendunt, huic adsunt, in huius periculo declarant se non crimine coniurationis, ne adessent ceteris, sed hominum maleficio deterritos esse. Mei consulatus autem tempus et crimen maximae coniurationis a me defendetur. Atque haec inter nos partitio defensionis non est fortuito, iudices, nec temere facta; sed cum videremus eorum criminum nos patronos adhiberi quorum testes esse possemus, uterque nostrum id sibi suscipiendum putavit de quo aliquid scire ipse atque existimare potuisset.

[14] Et quoniam de criminibus superioris coniurationis Hortensium diligenter audistis, de hac coniuratione quae me consule facta est hoc primum attendite. Multa, cum essem consul, de summis rei publicae periculis audivi, multa quaesivi, multa cognovi; nullus umquam de Sulla nuntius ad me, nullum indicium, nullae litterae pervenerunt, nulla suspicio. Multum haec vox fortasse valere deberet eius hominis qui consul insidias rei publicae consilio investigasset, veritate aperuisset, magnitudine animi vindicasset, cum is se nihil audisse de

P. Sulla, nihil suspicatum esse diceret. Sed ego nondum utor hac voce ad hunc defendendum; ad purgandum me potius utar, ut mirari Torquatus desinat me qui Autronio non adfuerim Sullam defendere.

[15] Quae enim Autroni fuit causa, quae Sullae est? Ille ambitus iudicium tollere ac disturbare primum conflato voluit gladiatorum ac fugitivorum tumultu, deinde, id quod vidimus omnes, lapidatione atque concursu; Sulla, si sibi suus pudor ac dignitas non prodesset, nullum auxilium requisivit. Ille damnatus ita se gerebat non solum consiliis et sermonibus verum etiam aspectu atque voltu ut inimicus esse amplissimis ordinibus, infestus bonis omnibus, hostis patriae videretur; hic se ita fractum illa calamitate atque adflictum putavit ut nihil sibi ex pristina dignitate superesse arbitraretur, nisi quod modestia retinuisset.

[16] Hac vero in coniuratione quid tam coniunctum quam ille cum Catilina, cum Lentulo? quae tanta societas ullis inter se rerum optimarum quanta ei cum illis sceleris, libidinis, audaciae? quod flagitium Lentulus non cum Autronio concepit? quod sine eodem illo Catilina facinus admisit? cum interim Sulla cum isdem illis non modo noctem solitudinemque non quaereret sed ne mediocri quidem sermone et congressu coniungeretur.

[17] Illum Allobroges, maximarum rerum verissimi indices, illum multorum litterae ac nuntii coarguerunt; Sullam interea nemo insimulavit, nemo nominavit. Postremo eiecto sive emisso iam ex urbe Catilina ille arma misit, cornua, tubas, fascis, signa, legiones, ille relictus intus, exspectatus foris, Lentuli poena compressus convertit se aliquando ad timorem, numquam ad sanitatem; hic contra ita quievit ut eo tempore omni Neapoli fuerit, ubi neque homines fuisse putantur huius adfines suspicionis et locus est ipse non tam ad inflammandos calamitosorum animos quam ad consolandos accommodatus. Propter hanc igitur tantam dissimilitudinem hominum atque causarum dissimilem me in utroque praebui.

[18] Veniebat enim ad me et saepe veniebat Autronius multis cum lacrimis supplex ut se defenderem, et se meum condiscipulum in pueritia, familiarem in adulescentia, conlegam in quaestura commemorabat fuisse; multa mea in se, non nulla etiam sua in me proferebat officia. Quibus ego rebus, iudices, ita flectebar animo

atque frangebar ut iam ex memoria quas mihi ipsi fecerat insidias deponerem, ut iam immissum esse ab eo C. Cornelium qui me in meis sedibus, in conspectu uxoris ac liberorum meorum trucidaret obliviscerer. Quae si de uno me cogitasset, qua mollitia sum animi ac lenitate, numquam me hercule illius lacrimis ac precibus restitissem;

[19] sed cum mihi patriae, cum vestrorum periculorum, cum huius urbis, cum illorum delubrorum atque templorum, cum puerorum infantium, cum matronarum ac virginum veniebat in mentem, et cum illae infestae ac funestae faces universumque totius urbis incendium, cum tela, cum caedes, cum civium cruor, cum cinis patriae versari ante oculos atque animum memoria refricare coeperat, tum denique ei resistebam, neque solum illi hosti ac parricidae sed his etiam propinquis illius, Marcellis, patri et filio, quorum alter apud me parentis gravitatem, alter fili suavitatem obtinebat; neque me arbitrabar sine summo scelere posse, quod maleficium in aliis vindicassem, idem in illorum socio, cum scirem, defendere.

[20] Atque idem ego neque P. Sullam supplicem ferre, neque eosdem Marcellos pro huius periculis lacrimantis aspicere, neque huius M. Messalae, hominis necessarii, preces sustinere potui; neque enim est causa adversata naturae, nec homo nec res misericordiae meae repugnavit. Nusquam nomen, nusquam vestigium fuerat, nullum crimen, nullum indicium, nulla suspicio. Suscepi causam, Torquate, suscepi, et feci libenter ut me, quem boni constantem, ut spero, semper existimassent, eundem ne improbi quidem crudelem dicerent.

[21] Hic ait se ille, iudices, regnum meum ferre non posse. Quod tandem, Torquate, regnum? Consulatus, credo, mei; in quo ego imperavi nihil et contra patribus conscriptis et bonis omnibus parui; quo in magistratu non institutum est videlicet a me regnum, sed repressum. An tum in tanto imperio, tanta potestate non dicis me fuisse regem, nunc privatum regnare dicis? quo tandem nomine? ‘Quod, in quos testimonia dixisti,’ inquit, ‘damnati sunt; quem defendis, sperat se absolutum iri.’ Hic tibi ego de testimoniis meis hoc respondeo, si falsum dixerim, te in eosdem dixisse; sin verum, non esse hoc regnare, cum verum iuratus dicas, probare. De huius spe tantum dico, nullas a me opes P. Sullam, nullam potentiam, nihil denique praeter fidem defensionis exspectare.

[22] ‘Nisi tu,’ inquit, ‘causam recepisses, numquam mihi restitisset, sed indicta causa profugisset.’ Si iam hoc tibi concedam, Q. Hortensium, tanta gravitate hominem, si hos talis viros non suo stare iudicio, sed meo; si hoc tibi dem quod credi non potest, nisi ego huic adessem, hos adfuturos non fuisse, uter tandem rex est, isne cui innocentes homines non resistunt, an is qui calamitosos non deserit? At hic etiam, id quod tibi necesse minime fuit, facetus esse voluisti, cum Tarquinium et Numam et me tertium peregrinum regem esse dixisti. Mitto iam de rege quaerere; illud quaero peregrinum cur me esse dixeris. Nam si ita sum, non tam est admirandum regem esse me, quoniam, ut tu ais, duo iam peregrini reges Romae fuerunt, quam consulem Romae fuisse peregrinum. ‘Hoc dico,’ inquit, ‘te esse ex municipio.’

[23] Fateor et addo etiam: ex eo municipio unde iterum iam salus huic urbi imperioque missa est. Sed scire ex te pervelim quam ob rem qui ex municipiis veniant peregrini tibi esse videantur. Nemo istuc M. illi Catoni seni, cum plurimos haberet inimicos, nemo Ti. Coruncanio, nemo M’. Curio, nemo huic ipsi nostro C. Mario, cum ei multi inviderent, obiecit umquam. Equidem vehementer laetor eum esse me in quem tu, cum cuperes, nullam contumeliam iacere potueris quae non ad maximam partem civium conveniret. Sed tamen te a me pro magnis causis nostrae necessitudinis monendum esse etiam atque etiam puto. Non possunt omnes esse patricii; si verum quaeris, ne curant quidem; nec se aequales tui propter istam causam abs te anteiri putant.

[24] Ac si tibi nos peregrini videmur, quorum iam et nomen et honos inveteravit et urbi huic et hominum famae ac sermonibus, quam tibi illos competitores tuos peregrinos videri necesse erit qui iam ex tota Italia delecti tecum de honore ac de omni dignitate contendent! Quorum cave tu quemquam peregrinum appelles, ne peregrinorum suffragiis obruare. Qui si attulerint nervos et industriam, mihi crede, excutient tibi istam verborum iactationem et te ex somno saepe excitabunt nec patientur se abs te, nisi virtute vincentur, honore superari.

[25] Ac si, iudices, ceteris patriciis me et vos peregrinos videri oporteret, a Torquato tamen hoc vitium sileretur; est enim ipse a materno genere municipalis, honestissimi ac nobilissimi generis, sed

tamen Asculani. Aut igitur doceat Picentis solos non esse peregrinos aut gaudeat suo generi me meum non anteponere. Qua re neque tu me peregrinum posthac dixeris, ne gravius refutere, neque regem, ne derideare. Nisi forte regium tibi videtur ita vivere ut non modo homini nemini sed ne cupiditati quidem ulli servias, contemnere omnis libidines, non auri, non argenti, non ceterarum rerum indigere, in senatu sentire libere, populi utilitati magis consulere quam voluntati, nemini cedere, multis obsistere. Si hoc putas esse regium, regem me esse confiteor; sin te potentia mea, si dominatio, si denique aliquod dictum adrogans aut superbum movet, quin tu id potius profers quam verbi invidiam contumeliamque maledicti?

[26] Ego, tantis a me beneficiis in re publica positis, si nullum aliud mihi praemium ab senatu populoque Romano nisi honestum otium postularem, quis non concederet? <Ceteri> sibi haberent honores, sibi imperia, sibi provincias, sibi triumphos, sibi alia praeclarae laudis insignia; mihi liceret eius urbis quam conservassem conspectu tranquillo animo et quieto frui. Quid si hoc non postulo? si ille labor meus pristinus, si sollicitudo, si officia, si operae, si vigiliae deserviunt amicis, praesto sunt omnibus; si neque amici in foro requirunt studium meum neque res publica in curia; si me non modo non rerum gestarum vacatio sed neque honoris neque aetatis excusatio vindicat a labore; si voluntas mea, si industria, si domus, si animus, si aures patent omnibus; si mihi ne ad ea quidem quae pro salute omnium gessi recordanda et cogitanda quicquam relinquitur temporis: tamen hoc regnum appellabitur, cuius vicarius qui velit esse inveniri nemo potest?

[27] Longe abest a me regni suspicio; si quaeris qui sint Romae regnum occupare conati, ut ne replices annalium memoriam, ex domesticis imaginibus invenies. Res enim gestae, credo, meae me nimis extulerunt ac mihi nescio quos spiritus attulerunt. Quibus de rebus tam claris, tam immortalibus, iudices, hoc possum dicere, me qui ex summis periculis eripuerim urbem hanc et vitam omnium civium satis adeptum fore, si ex hoc tanto in omnis mortalis beneficio nullum in me periculum redundarit.

[28] Etenim in qua civitate res tantas gesserim memini, in qua urbe verser intellego. Plenum forum est eorum hominum quos ego a vestris cervicibus depuli, iudices, a meis non removi. Nisi vero

paucos fuisse arbitramini qui conari aut sperare possent se tantum imperium posse delere. Horum ego faces eripere de manibus et gladios extorquere potui, sicuti feci, voluntates vero consceleratas ac nefarias nec sanare potui nec tollere. Qua re non sum nescius quanto periculo vivam in tanta multitudine improborum, cum mihi uni cum omnibus improbis aeternum videam bellum esse susceptum.

[29] Quod si illis meis praesidiis forte invides, et si ea tibi regia videntur quod omnes boni omnium generum atque ordinum suam salutem cum mea coniungunt, consolare te quod omnium mentes improborum mihi uni maxime sunt infensae et adversae; qui me non modo idcirco oderunt quod eorum conatus impios et furorem consceleratum repressi, sed eo etiam magis quod nihil iam se simile me vivo conari posse arbitrantur.

[30] At vero quid ego mirer, si quid ab improbis de me improbe dicitur, cum L. Torquatus primum ipse his fundamentis adulescentiae iactis, ea spe proposita amplissimae dignitatis, deinde L. Torquati, fortissimi consulis, constantissimi senatoris, semper optimi civis filius, interdum efferatur immoderatione verborum? Qui cum suppressa voce de scelere P. Lentuli, de audacia coniuratorum omnium dixisset, tantum modo ut vos qui ea probatis exaudire possetis, de supplicio, de carcere magna et queribunda voce dicebat.

[31] In quo primum illud erat absurdum quod, cum ea quae leviter dixerat vobis probare volebat, eos autem qui circum iudicium stabant audire nolebat, non intellegebat ea quae clare diceret ita illos audituros quibus se venditabat ut vos quoque audiretis, qui id non probabatis. Deinde alterum iam oratoris <est> vitium non videre quid quaeque causa postulet. Nihil est enim tam alienum ab eo qui alterum coniurationis accuset quam videri coniuratorum poenam mortemque lugere. Quod cum is tribunus pl. facit qui unus videtur ex illis ad lugendos coniuratos relictus, nemini mirum est; difficile est enim tacere, cum doleas; te, si quid eius modi facis, non modo talem adulescentem sed in ea causa in qua te vindicem coniurationis velis esse vehementer admiror.

[32] Sed reprehendo tamen illud maxime quod isto ingenio et prudentia praeditus causam rei publicae non tenes, qui arbitrere plebi Romanae res eas non probari quas me consule omnes boni pro communi salute gesserunt. Ecquem tu horum qui adsunt, quibus te

contra ipsorum voluntatem venditabas, aut tam sceleratum statuis fuisse ut haec omnia perire voluerit, aut tam miserum ut et se perire cuperet et nihil haberet quod salvum esse vellet? An vero clarissimum virum generis vestri ac nominis nemo reprehendit, qui filium suum vita privavit ut in ceteros firmaret imperium; tu rem publicam reprehendis, quae domesticos hostis, ne ab eis ipsa necaretur, necavit?

[33] Itaque attende, Torquate, quam ego defugiam auctoritatem consulatus mei! Maxima voce ut omnes exaudire possint dico semperque dicam. Adeste omnes animis, Quirites, quorum ego frequentia magno opere laetor; erigite mentis aurisque vestras et me de invidiosis rebus, ut ille putat, dicentem attendite! Ego consul, cum exercitus perditorum civium clandestino scelere conflatus crudelissimum et luctuosissimum exitium patriae comparasset, cum ad occasum interitumque rei publicae Catilina in castris, in his autem templis atque tectis dux Lentulus esset constitutus, meis consiliis, meis laboribus, mei capitis periculis, sine tumultu, sine dilectu, sine armis, sine exercitu, quinque hominibus comprehensis atque confessis incensione urbem, internicione civis, vastitate Italiam, interitu rem publicam liberavi; ego vitam omnium civium, statum orbis terrae, urbem hanc denique, sedem omnium nostrum, arcem regum ac nationum exterarum, lumen gentium, domicilium imperi, quinque hominum amentium ac perditorum poena redemi.

[34] An me existimasti haec iniuratum in iudicio non esse dicturum quae iuratus in maxima contione dixissem? Atque etiam illud addam, ne qui forte incipiat improbus subito te amare, Torquate, et aliquid sperare de te, atque ut idem omnes exaudiant clarissima voce dicam. Harum omnium rerum quas ego in consulatu pro salute rei publicae suscepi atque gessi L. ille Torquatus, cum esset meus contubernalis in consulatu atque etiam in praetura fuisset, cum princeps, cum auctor, cum signifer esset iuventutis, actor, adiutor, particeps exstitit; parens eius, homo amantissimus patriae, maximi animi, summi consili, singularis constantiae, cum esset aeger, tamen omnibus rebus illis interfuit, nusquam est a me digressus, studio, consilio, auctoritate unus adiuvit plurimum, cum infirmitatem corporis animi virtute superaret.

[35] Videsne ut eripiam te ex improborum subita gratia et

reconciliem bonis omnibus? qui te et diligunt et retinent retinebuntque semper nec, si a me forte desciveris, idcirco te a se et a re publica et a tua dignitate deficere patientur. Sed iam redeo ad causam atque hoc vos, iudices, testor: mihi de memet ipso tam multa dicendi necessitas quaedam imposita est ab illo. Nam si Torquatus Sullam solum accusasset, ego quoque hoc tempore nihil aliud agerem nisi eum qui accusatus esset defenderem; sed cum ille tota illa oratione in me esset invectus et cum, ut initio dixi, defensionem meam spoliare auctoritate voluisset, etiam si dolor meus respondere non cogeret, tamen ipsa causa hanc a me orationem flagitavisset.

[36] Ab Allobrogibus nominatum Sullam esse dicis. Quis negat? Sed lege indicium et vide quem ad modum nominatus sit. L. Cassium dixerunt commemorasse cum ceteris Autronium secum facere. Quaero num Sullam dixerit Cassius. Nusquam. Sese aiunt quaesisse de Cassio quid Sulla sentiret. Videte diligentiam Gallorum; qui vitam hominum naturamque non nossent ac tantum audissent eos pari calamitate esse, quaesiverunt essentne eadem voluntate. Quid tum Cassius? Si respondisset idem sentire et secum facere Sullam, tamen mihi non videretur in hunc id criminosum esse debere. Quid ita? Quia, qui barbaros homines ad bellum impelleret, non debebat minuere illorum suspicionem et purgare eos de quibus illi aliquid suspicari viderentur.

[37] Non respondit tamen una facere Sullam. Etenim esset absurdum, cum ceteros sua sponte nominasset, mentionem facere Sullae nullam nisi admonitum et interrogatum; nisi forte veri simile est P. Sullae nomen in memoria Cassio non fuisse. Si nobilitas hominis, si adflicta fortuna, si reliquiae pristinae dignitatis non tam inlustres fuissent, tamen Autroni commemoratio memoriam Sullae rettulisset; etiam, ut arbitror, cum auctoritates principum coniurationis ad incitandos animos Allobrogum conligeret Cassius, et cum sciret exteras nationes maxime nobilitate moveri, non prius Autronium quam Sullam nominavisset.

[38] Iam vero illud minime probari potest, Gallos Autronio nominato putasse propter calamitatis similitudinem sibi aliquid de Sulla esse quaerendum, Cassio, si hic esset in eodem scelere, ne cum appellasset quidem Autronium, huius in mentem venire potuisse. Sed tamen quid respondit de Sulla Cassius? Se nescire certum. ‘Non

purgat,' inquit. Dixi antea: ne si argueret quidem tum denique, cum esset interrogatus, id mihi criminosum videretur.

[39] Sed ego in iudiciis et in quaestionibus non hoc quaerendum arbitror, num purgetur aliquis, sed num arguatur. Etenim cum se negat scire Cassius, utrum sublevat Sullam an satis probat se nescire? 'Sublevat apud Gallos.' Quid ita? 'Ne indicent.' Quid? si periculum esse putasset ne illi umquam indicarent, de se ipse confessus esset? 'Nesciit videlicet.' Credo celatum esse Cassium de Sulla uno; nam de ceteris certe sciebat; etenim domi eius pleraque conflata esse constabat. Qui negare noluit esse in eo numero Sullam quo plus spei Gallis daret, dicere autem falsum non ausus est, se nescire dixit. Atque hoc perspicuum est, cum is qui de omnibus scierit de Sulla se scire negarit, eandem vim esse negationis huius quam si extra coniurationem hunc esse se scire dixisset. Nam cuius scientiam de omnibus constat fuisse, eius ignoratio de aliquo purgatio debet videri. Sed iam non quaero purgetne Cassius Sullam; illud mihi tantum satis est contra Sullam nihil esse in indicio.

[40] Exclusus hac criminatione Torquatus rursus in me inruit, me accusat; ait me aliter ac dictum sit in tabulas publicas rettulisse. O di immortales! — vobis enim tribuo quae vestra sunt, nec vero possum meo tantum ingenio dare ut tot res tantas, tam varias, tam repentinas in illa turbulentissima tempestate rei publicae mea sponte dispexerim — vos profecto animum meum tum conservandae patriae cupiditate incendistis, vos me ab omnibus ceteris cogitationibus ad unam salutem rei publicae convertistis, vos denique in tantis tenebris erroris et inscientiae clarissimum lumen menti meae praetulistis.

[41] Vidi ego hoc, iudices, nisi recenti memoria senatus auctoritatem huius indici monumentis publicis testatus essem, fore ut aliquando non Torquatus neque Torquati quispiam similis — nam id me multum fefellit — sed ut aliquis patrimoni naufragus, inimicus oti, bonorum hostis, aliter indicata haec esse diceret, quo facilius vento aliquo in optimum quemque excitato posset in malis rei publicae portum aliquem suorum malorum invenire. Itaque introductis in senatum indicibus constitui senatores qui omnia indicum dicta, interrogata, responsa perscriberent.

[42] At quos viros! non solum summa virtute et fide, cuius generis erat in senatu facultas maxima, sed etiam quos sciebam memoria,

scientia, celeritate scribendi facillime quae dicerentur persequi posse, C. Cosconium, qui tum erat praetor, M. Messalam, qui tum praeturam petebat, P. Nigidium, App. Claudium. Credo esse neminem qui his hominibus ad vere referendum aut fidem putet aut ingenium defuisse. Quid deinde? quid feci? Cum scirem ita esse indicium relatum in tabulas publicas ut illae tabulae privata tamen custodia more maiorum continerentur, non occultavi, non continui domi, sed statim describi ab omnibus librariis, dividi passim et pervolgari atque edi populo Romano imperavi. Divisi tota Italia, emisi in omnis provincias; eius indici ex quo oblata salus esset omnibus expertem esse neminem volui.

[43] Itaque dico locum in orbe terrarum esse nullum, quo in loco populi Romani nomen sit, quin eodem perscriptum hoc indicium pervenerit. In quo ego tam subito et exiguo et turbido tempore multa divinitus, ita ut dixi, non mea sponte providi, primum ne quis posset tantum aut de rei publicae aut de alicuius periculo meminisse quantum vellet; deinde ne cui liceret umquam reprehendere illud indicium aut temere creditum criminari; postremo ne quid iam a me, ne quid ex meis commentariis quaereretur, ne aut oblivio mea aut memoria nimia videretur, ne denique aut neglegentia turpis aut diligentia crudelis putaretur.

[44] Sed tamen abs te, Torquate, quaero: cum indicatus tuus esset inimicus et esset eius rei frequens senatus et recens memoria testis, <et> tibi, meo familiari et contubernali, prius etiam edituri indicium fuerint scribae mei, si voluisses, quam in codicem rettulissent, <cur> cum videres aliter fieri, tacuisti, passus es, non mecum aut <ut> cum familiarissimo questus es aut, quoniam tam facile inveheris in amicos, iracundius et vehementius etulasti? Tu, cum tua vox numquam sit audita, cum indicio lecto, descripto, divolgato quieveris, tacueris, repente tantam rem ementiare et in eum locum te deducas ut, ante quam me commutati indici coargueris, te summae neglegentiae tuo iudicio convictum esse fateare?

[45] Mihi cuiusquam salus tanti fuisset ut meam neglegerem? per me ego veritatem patefactam contaminarem aliquo mendacio? quemquam denique ego iuvarem, a quo et tam crudelis insidias rei publicae factas et me potissimum consule constitutas putarem? Quod si iam essem oblitus severitatis et constantiae meae, tamne amens

eram ut, cum litterae posteritatis causa repertae sint, quae subsidio oblivioni esse possent, ego recentem putarem memoriam cuncti senatus commentario meo posse superari?

[46] Fero ego te, Torquate, iam dudum fero, et non numquam animum incitatum ad ulciscendam orationem tuam revoco ipse et reflecto, permitto aliquid iracundiae tuae, do adulescentiae, cedo amicitiae, tribuo parenti. Sed nisi tibi aliquem modum tute constitueris, coges oblitum me nostrae amicitiae habere rationem meae dignitatis. Nemo umquam me tenuissima suspicione perstrinxit quem non perverterim ac perfregerim. Sed mihi hoc credas velim: non eis libentissime soleo respondere quos mihi videor facillime posse superare.

[47] Tu quoniam minime ignoras consuetudinem dicendi meam, noli hac nova lenitate abuti mea, noli aculeos orationis meae, qui reconditi sunt, excussos arbitrari, noli id omnino a me putare esse amissum si quid est tibi remissum atque concessum. Cum illae valent apud me excusationes iniuriae tuae, iratus animus tuus, aetas, amicitia nostra, tum nondum statuo te virium satis habere ut ego tecum luctari et congredi debeam. Quod si esses usu atque aetate robustior, essem idem qui soleo cum sum lacessitus; nunc tecum sic agam tulisse ut potius iniuriam quam rettulisse gratiam videar.

[48] Neque vero quid mihi irascare intellegere possum. Si, quod eum defendo quem tu accusas, cur tibi ego non suscenseo, quod accusas eum quem ego defendo? ‘Inimicum ego,’ inquis, ‘accuso meum.’ Et amicum ego defendo meum. ‘Non debes tu quemquam in coniurationis quaestione defendere.’ Immo nemo magis eum de quo nihil umquam est suspicatus quam is qui de aliis multa cognovit. ‘Cur dixisti testimonium in alios?’ Quia coactus sum. ‘Cur damnati sunt?’ Quia creditum est. ‘Regnum est dicere in quem velis et defendere quem velis.’ Immo servitus est non dicere in quem velis et non defendere quem velis. Ac si considerare coeperis utrum magis mihi hoc necesse fuerit facere an istud tibi, intelleges honestius te inimicitiarum modum statuere potuisse quam me humanitatis.

[49] At vero, cum honos agebatur familiae vestrae amplissimus, hoc est consulatus parentis tui, sapientissimus vir familiarissimis suis non suscensuit, pater tuus, cum Sullam et defenderent et laudarent? intellegebat hanc nobis a maioribus esse traditam disciplinam ut

nullius amicitia ad pericula propulsanda impediremur. At erat huic iudicio longe dissimilis illa contentio. Tum adflicto P. Sulla consulatus vobis pariebatur, sicuti partus est; honoris erat certamen; ereptum repetere vos clamitabatis, ut victi in campo in foro vinceretis; tum qui contra vos pro huius salute pugnabant, amicissimi vestri, quibus non irascebamini, consulatum vobis eripiebant, honori vestro repugnabant, et tamen id inviolata vestra amicitia, integro officio, vetere exemplo atque instituto optimi cuiusque faciebant.

[50] Ego vero quibus ornamentis adversor tuis aut cui dignitati vestrae repugno? Quid est quod iam ab hoc expetas? Honos ad patrem, insignia honoris ad te delata sunt. Tu ornatus exuviis huius venis ad eum lacerandum quem interemisti, ego iacentem et spoliatum defendo et protego. Atque hic tu et reprehendis me quia defendam et irasceris; ego autem non modo tibi non irascor sed ne reprehendo quidem factum tuum. Te enim existimo tibi statuisse quid faciendum putares et satis idoneum offici tui iudicem <esse> potuisse.

[51] At accusat <C.> Corneli filius et id aeque valere debet ac si pater indicaret. O patrem Cornelium sapientem qui, quod praemi solet esse in indicio, reliquerit, quod turpitudinis in confessione, id per accusationem fili susceperit! Sed quid est tandem quod indicat per istum puerum Cornelius? Si vetera, mihi ignota, cum Hortensio communicata, respondit Hortensius; sin, ut ais, illum conatum Autroni et Catilinae, cum in campo consularibus comitiis, quae a me habita sunt, caedem facere voluerunt, Autronium tum in campo vidimus — sed quid dixi vidisse nos? ego vidi; vos enim tum, iudices, nihil laborabatis neque suspicabamini, ego tectus praesidio firmo amicorum Catilinae tum et Autroni copias et conatum repressi.

[52] Num quis est igitur qui tum dicat in campum aspirasse Sullam? Atqui, si tum se cum Catilina societate sceleris coniunxerat, cur ab eo discedebat, cur cum Autronio non erat, cur in pari causa non paria signa criminis reperiuntur? Sed quoniam Cornelius ipse etiam nunc de indicando dubitat, <et,> ut dicitis, informat ad hoc adumbratum indicium filium, quid tandem de illa nocte dicit, cum inter falcarios ad M. Laecam nocte ea quae consecuta est posterum diem Nonarum Novembrium me consule Catilinae denuntiatione convenit? quae nox omnium temporum coniurationis acerrima fuit

atque acerbissima. Tum Catilinae dies exeundi, tum ceteris manendi condicio, tum discriptio totam per urbem caedis atque incendiorum constituta est; tum tuus pater, Corneli, id quod tandem aliquando confitetur, illam sibi officiosam provinciam depoposcit ut, cum prima luce consulem salutatum veniret, intromissus et meo more et iure amicitiae me in meo lectulo trucidaret.

[53] Hoc tempore, cum arderet acerrime coniuratio, cum Catilina egrederetur ad exercitum, Lentulus in urbe relinqueretur, Cassius incendiis, Cethegus caedi praeponeretur, Autronio ut occuparet Etruriam praescriberetur, cum omnia ornarentur, instruerentur, pararentur, ubi fuit Sulla, Corneli? num Romae? Immo longe afuit. Num in eis regionibus quo se Catilina inferebat? Multo etiam longius. Num in agro Camerti, Piceno, Gallico, quas in oras maxime quasi morbus quidam illius furoris pervaserat? Nihil vero minus. Fuit enim, ut iam ante dixi, Neapoli, fuit in ea parte Italiae quae maxime ista suspicione caruit.

[54] Quid ergo indicat aut quid adfert aut ipse Cornelius aut vos qui haec ab illo mandata defertis? Gladiatores emptos esse Fausti simulatione ad caedem ac tumultum? ‘Ita prorsus; interpositi sunt gladiatores.’ Quos testamento patris deberi videmus. ‘Adrepta est familia.’ Quae si esset praetermissa, posset alia familia Fausti munus praebere. Vtinam quidem haec ipsa non modo iniquorum invidiae sed aequorum exspectationi satis facere posset! ‘Properatum vehementer est, cum longe tempus muneris abesset.’ Quasi vero tempus dandi muneris non valde appropinquaret. ‘Nec opinante Fausto, cum is neque sciret neque vellet, familia est comparata.

[55] At litterae sunt Fausti, per quas ille precibus a P. Sulla petit ut emat gladiatores et ut hos ipsos emat, neque solum ad Sullam missae sed ad L. Caesarem, Q. Pompeium, C. Memmium, quorum de sententia tota res gesta est. ‘At praefuit familiae Cornelius, <libertus eius>.’ Iam si in paranda familia nulla suspicio est, quis praefuerit nihil ad rem pertinet; sed tamen munere servili obtulit se ad ferramenta prospicienda, praefuit vero numquam, eaque res omni tempore per Bellum, Fausti libertum, administrata est.

[56] At enim Sittius est ab hoc in ulteriorem Hispaniam missus ut eam provinciam perturbaret. Primum Sittius, iudices, L. Iulio C. Figulo consulibus profectus est aliquanto ante furorem Catilinae et

suspicionem huius coniurationis; deinde est profectus non tum primum sed cum in isdem locis aliquanto ante eadem de causa aliquot annos fuisset, ac profectus est non modo ob causam sed etiam ob necessariam causam, magna ratione cum Mauretaniae rege contracta. Tum autem, illo profecto, Sulla procurante eius rem et gerente plurimis et pulcherrimis P. Sitti praediis venditis aes alienum eiusdem dissolutum <est>, ut, quae causa ceteros ad facinus impulit, cupiditas retinendae possessionis, ea Sittio non fuerit praediis deminutis.

[57] Iam vero illud quam incredibile, quam absurdum, qui Romae caedem facere, qui hanc urbem inflammare vellet, eum familiarissimum suum dimittere ab se et amandare in ultimas terras! Vtrum quo facilius Romae ea quae conabatur efficeret, si in Hispania turbatum esset? At haec ipsa per se sine ulla coniunctione agebantur. An in tantis rebus, tam novis consiliis, tam periculosis, tam turbulentis hominem amantissimum sui, familiarissimum, coniunctissimum officiis, consuetudine, usu dimittendum esse arbitrabatur? Veri simile non est ut, quem in secundis rebus, quem in otio secum semper habuisset, hunc in adversis et in eo tumultu quem ipse comparabat ab se dimitteret.

[58] Ipse autem Sittius — non enim mihi deserenda est causa amici veteris atque hospitis — is homo est aut ea familia ac disciplina ut hoc credi possit, eum bellum populo Romano facere voluisse? ut, cuius pater, cum ceteri deficerent finitimi ac vicini, singulari exstiterit in rem publicam nostram officio et fide, is sibi nefarium bellum contra patriam suscipiendum putaret? cuius aes alienum videmus, iudices, non libidine, sed negoti gerendi studio esse contractum, qui ita Romae debuit ut in provinciis et in regnis ei maximae pecuniae deberentur; quas cum peteret, non commisit ut sui procuratores quicquam oneris absente se sustinerent; venire omnis suas possessiones et patrimonio se ornatissimo spoliari maluit quam ullam moram cuiquam fieri creditorum suorum.

[59] A quo quidem genere, iudices, ego numquam timui, cum in illa rei publicae tempestate versarer. Illud erat hominum genus horribile et pertimescendum qui tanto amore suas possessiones amplexi tenebant ut ab eis membra citius divelli ac distrahi posse diceres. Sittius numquam sibi cognationem cum praediis esse

existimavit suis. Itaque se non modo ex suspicione tanti sceleris verum etiam ex omni hominum sermone non armis, sed patrimonio suo vindicavit.

[60] Iam vero quod obiecit Pompeianos esse a Sulla impulsos ut ad istam coniurationem atque ad hoc nefarium facinus accederent, id cuius modi sit intellegere non possum. An tibi Pompeiani coniurasse videntur? Quis hoc dixit umquam, aut quae fuit istius rei vel minima suspicio? 'Diiunxit,' inquit, 'eos a colonis ut hoc discidio ac dissensione facta oppidum in sua potestate posset per Pompeianos habere.' Primum omnis Pompeianorum colonorumque dissensio delata ad patronos est, cum iam inveterasset ac multos annos esset agitata; deinde ita a patronis res cognita est ut nulla in re a ceterorum sententiis Sulla dissenserit; postremo coloni ipsi sic intellegunt, non Pompeianos a Sulla magis quam sese esse defensos.

[61] Atque hoc, iudices, ex hac frequentia colonorum, honestissimorum hominum, intellegere potestis, qui adsunt, laborant, hunc patronum, defensorem, custodem illius coloniae si in omni fortuna atque omni honore incolumem habere non potuerunt, in hoc tamen casu in quo adflictus iacet per vos iuvari conservarique cupiunt. Adsunt pari studio Pompeiani, qui ab istis etiam in crimen vocantur; qui ita de ambulatione ac de suffragiis suis cum colonis dissenserunt ut idem de communi salute sentirent.

[62] Ac ne haec quidem P. Sullae mihi videtur silentio praetereunda esse virtus, quod, cum ab hoc illa colonia deducta sit, et cum commoda colonorum a fortunis Pompeianorum rei publicae fortuna diiunxerit, ita carus utrisque est atque iucundus ut non alteros demovisse sed utrosque constituisse videatur. At enim et gladiatores et omnis ista vis rogationis Caeciliae causa comparabatur. Atque hoc loco in L. Caecilium, pudentissimum atque ornatissimum virum, vehementer invectus est. Cuius ego de virtute et constantia, iudices, tantum dico, talem hunc in ista rogatione quam promulgarat non de tollenda, sed de levanda calamitate fratris sui fuisse ut consulere voluerit fratri, cum re publica pugnare noluerit; promulgarit impulsus amore fraterno, destiterit fratris auctoritate deductus.

[63] Atque in ea re per L. Caecilium Sulla accusatur in qua re est uterque laudandus. Primum Caecilius — quid? 'id promulgavit in quo res iudicatas videbatur voluisse rescindere, ut restitueretur

Sulla.' Recte reprehendis; status enim rei publicae maxime iudicatis rebus continetur; neque ego tantum fraterno amori dandum arbitror ut quisquam, dum saluti suorum consulat, communem relinquat. <At> nihil de iudicio ferebat, sed poenam ambitus eam referebat quae fuerat nuper superioribus legibus constituta. Itaque hac rogatione non iudicum sententia, sed legis vitium corrigebatur. Nemo iudicium reprehendit, cum de poena queritur, sed legem. Damnatio est enim iudicum, quae manebat, poena legis, quae levabatur.

[64] Noli igitur animos eorum ordinum qui praesunt iudiciis summa cum gravitate et dignitate alienare a causa. Nemo labefactare iudicium est conatus, nihil est eius modi promulgatum, semper Caecilius in calamitate fratris sui iudicum potestatem perpetuandam, legis acerbitatem mitigandam putavit. Sed quid ego de hoc plura disputem? Dicerem fortasse, et facile et libenter dicerem, si paulo etiam longius quam finis cotidiani offici postulat L. Caecilium pietas et fraternus amor propulisset, implorarem sensus vestros, unius cuiusque indulgentiam in suos testarer, peterem veniam errato L. Caecili ex intimis vestris cogitationibus atque ex humanitate communi.

[65] Lex dies fuit proposita paucos, ferri coepta numquam, deposita est in senatu. Kalendis Ianuariis cum in Capitolium nos senatum convocassemus, nihil est actum prius, et id mandatu Sullae Q. Metellus praetor se loqui dixit Sullam illam rogationem de se nolle ferri. Ex illo tempore L. Caecilius egit de re publica multa; agrariae legi, quae tota a me reprehensa et abiecta est, se intercessorem fore professus est, improbis largitionibus restitit, senatus auctoritatem numquam impedivit, ita se gessit in tribunatu ut onere deposito domestici offici nihil postea nisi de rei publicae commodis cogitarit.

[66] Atque in ipsa rogatione ne per vim quid ageretur, quis tum nostrum Sullam aut Caecilium verebatur? nonne omnis ille terror, omnis seditionis timor atque opinio ex Autroni improbitate pendebat? Eius voces, eius minae ferebantur, eius aspectus, concursatio, stipatio, greges hominum perditorum metum nobis seditionesque adferebant. Itaque P. Sulla hoc importunissimo cum honoris tum etiam calamitatis socio atque comite et secundas fortunas amittere coactus est et in adversis sine ullo remedio atque adlevamento permanere.

[67] Hic tu epistulam meam saepe recitas quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi, et ex ea crimen aliquod in P. Sullam quaeris et, si furorem incredibilem biennio ante conceptum erupisse in meo consulatu scripsi, me hoc demonstrasse dicis, Sullam in illa fuisse superiore coniuratione. Scilicet ego is sum qui existimem Cn. Pisonem et Catilinam et Vargunteium et Autronium nihil scelerate, nihil audacter ipsos per sese sine P. Sulla facere potuisse.

[68] De quo etiam si quis dubitasset antea an id quod tu arguis cogitasset, ut interfecto patre tuo consul descenderet Kalendis Ianuariis cum lictoribus, sustulisti hanc suspicionem, cum dixisti hunc, ut Catilinam consulem efficeret, contra patrem tuum operas et manum comparasse. Quod si tibi ego confitear, tu mihi concedas necesse est hunc, cum Catilinae suffragaretur, nihil de suo consulatu, quem iudicio amiserat, per vim recuperando cogitavisse. Neque enim istorum facinorum tantorum, tam atrocium crimen, iudices, P. Sullae persona suscipit.

[69] Iam enim faciam criminibus omnibus fere dissolutis, contra atque in ceteris causis fieri solet, ut nunc denique de vita hominis ac de moribus dicam. Etenim de principio studuit animus occurrere magnitudini criminis, satis facere exspectationi hominum, de me aliquid ipso qui accusatus eram dicere; nunc iam revocandi estis eo quo vos ipsa causa etiam tacente me cogit animos mentisque convertere. Omnibus in rebus, iudices, quae graviores maioresque sunt, quid quisque voluerit, cogitarit, admiserit, non ex crimine, sed ex moribus eius qui arguitur est ponderandum. Neque enim potest quisquam nostrum subito fingi neque cuiusquam repente vita mutari aut natura converti.

[70] Circumspicite paulisper mentibus vestris, ut alia mittamus, hosce ipsos homines qui huic adfines sceleri fuerunt. Catilina contra rem publicam coniuravit. Cuius aures umquam haec respuerunt? conatum esse audacter hominem a pueritia non solum intemperantia et scelere sed etiam consuetudine et studio in omni flagitio, stupro, caede versatum? Quis eum contra patriam pugnantem perisse miratur quem semper omnes ad civile latrocinium natum putaverunt? Quis Lentuli societates cum indicibus, quis insaniam libidinum, quis perversam atque impiam religionem recordatur qui illum aut nefarie cogitasse aut stulte sperasse miretur? Quis de C. Cethego atque eius in Hispaniam profectione ac de volnere Q. Metelli Pii cogitat cui non ad illius poenam carcer aedificatus esse videatur?

[71] Omitto ceteros, ne sit infinitum; tantum a vobis peto ut taciti de omnibus quos coniurasse cognitum est cogitetis; intellegetis unum quemque eorum prius ab sua vita quam vestra suspicione esse damnatum. Ipsum illum Autronium, quoniam eius nomen finitimum maxime est huius periculo et crimini, non sua vita ac natura convicit? Semper audax, petulans, libidinosus; quem in stuprorum defensionibus non solum verbis uti improbissimis solitum esse scimus verum etiam pugnis et calcibus, quem exturbare homines ex possessionibus, caedem facere vicinorum, spoliare fana sociorum, comitatu et armis disturbare iudicia, in bonis rebus omnis contemnere, in malis pugnare contra bonos, non rei publicae cedere, non fortunae ipsi succumbere. Huius si causa non manifestissimis rebus teneretur, tamen eum mores ipsius ac vita convinceret.

[72] Agedum, conferte nunc cum illius vita <vitam> P. Sullae vobis populoque Romano notissimam, iudices, et eam ante oculos vestros proponite. Ecquod est huius factum aut commissum non dicam audacius, sed quod cuiquam paulo minus consideratum videretur? Factum quaero; verbum ecquod umquam ex ore huius excidit in quo quisquam posset offendi? At vero in illa gravi L. Sullae turbulentaque victoria quis P. Sulla mitior, quis misericordior inventus est? <Quam> multorum hic vitam est a L. Sulla deprecatus! quam multi sunt summi homines et ornatissimi et nostri et equestris ordinis quorum pro salute se hic Sullae obligavit! Quos ego nominarem — neque enim ipsi nolunt et huic animo gratissimo

adsunt — sed, quia maius est beneficium quam posse debet civis civi dare, ideo a vobis peto ut quod potuit, tempori tribuatis, quod fecit, ipsi.

[73] Quid reliquae constantiam vitae commemorem, dignitatem, liberalitatem, moderationem in privatis rebus, splendorem in publicis? quae ita deformata sunt a fortuna ut tamen a natura inchoata compareant. Quae domus, quae celebratio cotidiana, quae familiarium dignitas, quae studia amicorum, quae ex quoque ordine multitudo! Haec diu multumque et multo labore quaesita una eripuit hora. Accepit P. Sulla, iudices, volnus vehemens et mortiferum, verum tamen eius modi quod videretur huius vita et natura accipere potuisse. Honestatis enim et dignitatis habuisse nimis magnam iudicatus est cupiditatem; quam si nemo alius habuit in consulatu petendo, cupidior iudicatus est hic fuisse quam ceteri; sin etiam in aliis non nullis fuit iste consulatus amor, fortuna in hoc fuit fortasse gravior quam in ceteris.

[74] Postea vero quis P. Sullam nisi maerentem, demissum adflictumque vidit, quis umquam est suspicatus hunc magis odio quam pudore hominum aspectum lucemque vitare? Qui cum multa haberet invitamenta urbis et fori propter summa studia amicorum, quae tamen ei sola in malis restiterunt, afuit ab oculis vestris et, cum lege retineretur, ipse se exsilio paene multavit. In hoc vos pudore, iudices, et in hac vita tanto sceleri locum fuisse credatis? Aspicite ipsum, contuemini os, conferte crimen cum vita, vitam ab initio usque ad hoc tempus explicatam cum crimine recognoscite.

[75] Mitto rem publicam, quae fuit semper Sullae carissima; hosne amicos, talis viros, tam cupidos sui, per quos res eius secundae quondam erant ornatae, nunc sublevantur adversae, crudelissime perire voluit, ut cum Lentulo et Catilina et Cethego foedissimam vitam ac miserrimam turpissima morte proposita degeret? Non, inquam, cadit in hos mores, non in hunc pudorem, non in hanc vitam, non in hunc hominem ista suspicio. Nova quaedam illa immanitas exorta est, incredibilis fuit ac singularis furor, ex multis ab adulescentia conlectis perditorum hominum vitiis repente ista tanta importunitas inauditi sceleris exarsit.

[76] Nolite, iudices, arbitrari hominum illum impetum et conatum fuisse — neque enim ulla gens tam barbara aut tam immanis

umquam fuit in qua non modo tot, sed unus tam crudelis hostis patriae sit inventus — , beluae quaedam illae ex portentis immanes ac ferae forma hominum indutae exstiterunt. Perspicite etiam atque etiam, iudices, — nihil enim est quod in hac causa dici possit vehementius — penitus introspicite Catilinae, Autroni, Cethegi, Lentuli ceterorumque mentis; quas vos in his libidines, quae flagitia, quas turpitudines, quantas audacias, quam incredibilis furores, quas notas facinorum, quae indicia parricidiorum, quantos acervos scelerum reperietis! Ex magnis et diuturnis et iam desperatis rei publicae morbis ista repente vis erupit, ut ea confecta et eiecta convalescere aliquando et sanari civitas posset; neque enim est quisquam qui arbitretur illis inclusis in re publica pestibus diutius haec stare potuisse. Itaque eos non ad perficiendum scelus, sed ad luendas rei publicae poenas Furiae quaedam incitaverunt.

[77] In hunc igitur gregem vos nunc P. Sullam, iudices, ex his qui cum hoc vivunt atque vixerunt honestissimorum hominum gregibus reicietis, ex hoc amicorum numero, ex hac familiarium dignitate in impiorum partem atque in parricidarum sedem et numerum transferetis? Vbi erit igitur illud firmissimum praesidium pudoris, quo in loco nobis vita ante acta proderit, quod ad tempus existimationis partae fructus reservabitur, si in extremo discrimine ac dimicatione fortunae deseret, si non aderit, si nihil adiuvabit?

[78] Quaestiones nobis servorum accusator et tormenta minitatur. In quibus quamquam nihil periculi suspicamur, tamen illa tormenta gubernat dolor, moderatur natura cuiusque cum animi tum corporis, regit quaesitor, flectit libido, corrumpit spes, infirmat metus, ut in tot rerum angustiis nihil veritati loci relinquatur. Vita P. Sullae torqueatur, ex ea quaeratur num quae occultetur libido, num quod lateat facinus, num quae crudelitas, num quae audacia. Nihil erroris erit in causa nec obscuritatis, iudices, si a vobis vitae perpetuae vox, ea quae verissima et gravissima debet esse, audietur.

[79] Nullum in hac causa testem timemus, nihil quemquam scire, nihil vidisse, nihil audisse arbitramur. Sed tamen, si nihil vos P. Sullae fortuna movet, iudices, vestra moveat. Vestra enim, qui cum summa elegantia atque integritate vixistis, hoc maxime interest, non ex libidine aut simultate aut levitate testium causas honestorum hominum ponderari, sed in magnis disquisitionibus repentinisque

periculis vitam unius cuiusque esse testem. Quam vos, iudices, nolite armis suis spoliatam atque nudatam obicere invidiae, dedere suspicioni; munite communem arcem bonorum, obstruite perfugia improborum; valeat ad poenam et ad salutem vita plurimum, quam solam videtis per se ex sua natura facillime perspici, subito flecti fingique non posse.

[80] Quid vero? haec auctoritas — saepe enim est de ea dicendum, quamquam a me timide modiceque dicetur — quid? inquam, haec auctoritas nostra, qui a ceteris coniurationis causis abstinuimus, P. Sullam defendimus, nihil hunc tandem iuvabit? Grave est hoc dictu fortasse, iudices, grave, si appetimus aliquid; si, cum ceteri de nobis silent, non etiam nosmet ipsi tacemus, grave; sed, si laedimur, si accusamur, si in invidiam vocamur, profecto conceditis, iudices, ut nobis libertatem retinere liceat, si minus liceat dignitatem.

[81] Accusati sunt uno nomine <omnes> consulares, ut iam videatur honoris amplissimi nomen plus invidiae quam dignitatis adferre. ‘Adfuerunt,’ inquit, ‘Catilinae illumque laudarunt.’ Nulla tum patebat, nulla erat cognita coniuratio; defendebant amicum, aderant supplici, vitae eius turpitudinem in summis eius periculis non insequebantur. Quin etiam parens tuus, Torquate, consul reo de pecuniis repetundis Catilinae fuit advocatus, improbo homini, at supplici, fortasse audaci, at aliquando amico. Cui cum adfuit post delatam ad eum primam illam coniurationem, indicavit se audisse aliquid, non credidisse. ‘At idem non adfuit alio in iudicio, cum adessent ceteri.’ Si postea cognorat ipse aliquid quod in consulatu ignorasset, ignoscendum est eis qui postea nihil audierunt; sin illa res prima valuit, num inveterata quam recens debuit esse gravior? Sed si tuus parens etiam in ipsa suspicione periculi sui tamen humanitate adductus advocationem hominis improbissimi sella curuli atque ornamentis et suis et consulatus honestavit, quid est quam ob rem consulares qui Catilinae adfuerunt reprendantur?’

[82] At idem eis qui ante hunc causam de coniuratione dixerunt non adfuerunt.’ Tanto scelere astrictis hominibus statuerunt nihil a se adiumenti, nihil opis, nihil auxili ferri oportere. Atque ut de eorum constantia atque animo in rem publicam dicam quorum tacita gravitas et fides de uno quoque loquitur neque cuiusquam ornamenta orationis desiderat, potest quisquam dicere umquam meliores,

fortiores, constantiores consularis fuisse quam his temporibus et periculis quibus paene oppressa est res publica? Quis non de communi salute optime, quis non fortissime, quis non constantissime sensit? Neque ego praecipue de consularibus disputo; nam haec et hominum ornatissimorum, qui praetores fuerunt, et universi senatus communis est laus, ut constet post hominum memoriam numquam in illo ordine plus virtutis, plus amoris in rem publicam, plus gravitatis fuisse; sed quia sunt descripti consulares, de his tantum mihi dicendum putavi quod satis esset ad testandam omnium memoriam, neminem esse ex illo honoris gradu qui non omni studio, virtute, auctoritate incubuerit ad rem publicam conservandam.

[83] Sed quid ego? qui Catilinam non laudavi, qui reo Cati linae consul non adfui, qui testimonium de coniuratione dixi in alios, adeone vobis alienus a sanitate, adeo oblitus constantiae meae, adeo immemor rerum a me gestarum esse videor ut, cum consul bellum gesserim cum coniuratis, nunc eorum ducem servare cupiam et animum inducam, cuius nuper ferrum rettuderim flammamque restinxerim, eiusdem nunc causam vitamque defendere? Si me dius fidius, iudices, non me ipsa res publica meis laboribus et periculis conservata ad gravitatem animi et constantiam sua dignitate revocaret, tamen hoc natura est insitum ut, quem timueris, quicum de vita fortunisque contenderis, cuius ex insidiis evaseris, hunc semper oderis. Sed cum agatur honos meus amplissimus, gloria rerum gestarum singularis, cum, quotiens quisque est in hoc scelere convictus, totiens renovetur memoria per me inventae salutis, ego sim tam demens, ego committam ut ea quae pro salute omnium gessi, casu magis et felicitate a me quam virtute et consilio gesta esse videantur?

[84] ‘Quid ergo? hoc tibi sumis,’ dicet fortasse quispiam, ‘ut, quia tu defendis, innocens iudicetur?’ Ego vero, iudices, non modo mihi nihil adsumo in quo quispiam repugnet sed etiam, si quid ab omnibus conceditur, id reddo ac remitto. Non in ea re publica versor, non eis temporibus caput meum obtuli pro patria periculis omnibus, non aut ita sunt exstincti quos vici aut ita grati quos servavi, ut ego mihi plus appetere coner quam quantum omnes inimici invidique patiantur.

[85] Grave esse videtur eum qui investigarit coniurationem, qui patefecerit, qui oppresserit, cui senatus singularibus verbis gratias

egerit, cui uni togato supplicationem decreverit, dicere in iudicio: ‘non defenderem, si coniurasset.’ Non dico id quod grave est, dico illud quod in his causis coniurationis non auctoritati adsumam, sed pudori meo: ‘ego ille coniurationis investigator atque ultor certe non defenderem Sullam, si coniurasse arbitrarer.’ Ego, iudices, de tantis omnium periculis cum quaererem omnia, multa audirem, crederem non omnia, caverem omnia, dico hoc quod initio dixi, nullius indicio, nullius nuntio, nullius suspicione, nullius litteris de P. Sulla rem ullam ad me esse delatam.

[86] Quam ob rem vos, di patrii ac penates, qui huic urbi atque huic rei publicae praesidetis, qui hoc imperium, qui hanc libertatem, qui populum Romanum, qui haec tecta atque templa me consule vestro numine auxilioque servastis, testor integro me animo ac libero P. Sullae causam defendere, nullum a me sciente facinus occultari, nullum scelus susceptum contra salutem omnium defendi ac tegi. Nihil de hoc consul comperi, nihil suspicatus sum, nihil audivi.

[87] Itaque idem ego ille qui vehemens in alios, qui inexorabilis in ceteros esse visus sum, persolvi patriae quod debui; reliqua iam a me meae perpetuae consuetudini naturaeque debentur; tam sum misericors, iudices, quam vos, tam mitis quam qui lenissimus; in quo vehemens fui vobiscum nihil feci nisi coactus, rei publicae praecipitanti subveni, patriam demersam extuli; misericordia civium adducti tum fuimus tam vehementes quam necesse fuit. Salus esset amissa omnium una nocte, nisi esset severitas illa suscepta. Sed ut ad sceleratorum poenam amore rei publicae sum adductus, sic ad salutem innocentium voluntate deducor.

[88] Nihil video esse in hoc P. Sulla, iudices, odio dignum, misericordia digna multa. Neque enim nunc propulsandae calamitatis suae causa supplex ad vos, iudices, confugit, sed ne qua generi ac nomini suo nota nefariae turpitudinis inuratur. Nam ipse quidem, si erit vestro iudicio liberatus, quae habet ornamenta, quae solacia reliquae vitae quibus laetari ac perfrui possit? Domus erit, credo, exornata, aperientur maiorum imagines, ipse ornatum ac vestitum pristinum recuperabit. Omnia, iudices, haec amissa sunt, omnia generis, nominis, honoris insignia atque ornamenta unius iudici calamitate occiderunt. Sed ne exstinctor patriae, ne proditor, ne hostis appelletur, ne hanc labem tanti sceleris in familia relinquat, id

laborat, id metuit, ne denique hic miser coniurati et conscelerati et proditoris filius nominetur; huic puero qui est ei vita sua multo carior metuit, cui honoris integros fructus non sit traditurus, ne aeternam memoriam dedecoris relinquat.

[89] Hic vos orat, iudices, parvus, ut se aliquando si non integra fortuna, at ut adflicta patri suo gratulari sinatis. Huic misero notiora sunt itinera iudiciorum et fori quam campi et disciplinarum. Non iam de vita P. Sullae, iudices, sed de sepultura contenditur; vita erepta est superiore iudicio, nunc ne corpus eiciatur laboramus. Quid enim est huic reliqui quod eum in hac vita teneat, aut quid est quam ob rem haec cuiquam vita videatur? Nuper is homo fuit in civitate P. Sulla ut nemo ei se neque honore neque gratia neque fortunis anteferret, nunc spoliatus omni dignitate quae erepta sunt non repetit; quod fortuna in malis reliqui fecit, ut cum parente, cum liberis, cum fratre, cum his necessariis lugere suam calamitatem liceat, id sibi ne eripiatis vos, iudices, obtestatur.

[90] Te ipsum iam, Torquate, expletum huius miseriis esse par erat et, si nihil aliud Sullae nisi consulatum abstulissetis, tamen eo vos contentos esse oportebat; honoris enim contentio vos ad causam, non inimicitiae deduxerunt. Sed cum huic omnia cum honore detracta sint, cum in hac fortuna miserrima ac luctuosissima destitutus sit, quid est quod expetas amplius? Lucisne hanc usuram eripere vis plenam lacrimarum atque maeroris, in qua cum maximo cruciatu ac dolore retinetur? Libenter reddiderit adempta ignominia foedissimi criminis. An vero inimicum ut expellas? cuius ex miseriis, si esses crudelissimus, videndo fructum caperes maiorem quam audiendo.

[91] O miserum et infelicem illum diem quo consul omnibus centuriis P. Sulla renuntiatus est, o falsam spem, o volucrem fortunam, o caecam cupiditatem, o praeposteram gratulationem! Quam cito illa omnia ex laetitia et voluptate ad luctum et lacrimas recciderunt, ut, qui paulo ante consul designatus fuisset, repente nullum vestigium retineret pristinae dignitatis! Quid enim erat mali quod huic spoliato fama, honore, fortunis deesse videretur? aut cui novae calamitati locus ullus relictus? Vrget eadem fortuna quae coepit, repperit novum maerorem, non patitur hominem calamitosum uno malo adflictum uno in luctu perire.

[92] Sed iam impedior egomet, iudices, dolore animi ne de huius

miseria plura dicam. Vestrae sunt iam partes, iudices, in vestra mansuetudine atque humanitate causam totam repono. Vos reiectione interposita nihil suspicantibus nobis repentini in nos iudices consedistis, ab accusatoribus delecti ad spem acerbitatis, a fortuna nobis ad praesidium innocentiae constituti. Vt ego quid de me populus Romanus existimaret, quia severus in improbos fueram, laboravi et, quae prima innocentis mihi defensio est oblata, suscepi, sic vos severitatem iudiciorum quae per hos mensis in homines audacissimos facta sunt lenitate ac misericordia mitigate.

[93] Hoc cum a vobis impetrare causa ipsa debet, tum est vestri animi atque virtutis declarare non esse eos vos ad quos potissimum interposita reiectione devenire convenerit. In quo ego vos, iudices, quantum meus in vos amor postulat, tantum hortor ut communi studio, quoniam in re publica coniuncti sumus, mansuetudine et misericordia nostra falsam a nobis crudelitatis famam repellamus.

PRO ARCHIA POETA (In Defense of Aulus Licinius Archias the poet)

M. TVLLI CICERONIS PRO A. LICINIO ARCHIA POETA ORATIO

[1] Si quid est in me ingeni, iudices, quod sentio quam sit exiguum, aut si qua exercitatio dicendi, in qua me non infitior mediocriter esse versatum, aut si huiusce rei ratio aliqua ab optimarum artium studiis ac disciplina profecta, a qua ego nullum confiteor aetatis meae tempus abhorruisse, earum rerum omnium vel in primis hic A. Licinius fructum a me repetere prope suo iure debet. Nam quoad longissime potest mens mea respicere spatium praeteriti temporis, et pueritiae memoriam recordari ultimam, inde usque repetens hunc video mihi principem et ad suscipiendam et ad ingrediendam rationem horum studiorum exstitisse. Quod si haec vox, huius hortatu praeceptisque conformata, non nullis aliquando saluti fuit, a quo id accepimus quo ceteris opitulari et alios servare possemus, huic profecto ipsi, quantum est situm in nobis, et opem et salutem ferre debemus.

[2] Ac ne quis a nobis hoc ita dici forte miretur, quod alia quaedam in hoc facultas sit ingeni, neque haec dicendi ratio aut disciplina, ne nos quidem huic uni studio penitus umquam dediti fuimus. Etenim omnes artes, quae ad humanitatem pertinent, habent quoddam commune vinculum, et quasi cognatione quadam inter se continentur.

[3] Sed ne cui vestrum mirum esse videatur me in quaestione legitima et in iudicio publico — cum res agatur apud praetorem populi Romani, lectissimum virum, et apud severissimos iudices, tanto conventu hominum ac frequentia — hoc uti genere dicendi, quod non modo a consuetudine iudiciorum, verum etiam a forensi sermone abhorreat; quaeso a vobis, ut in hac causa mihi detis hanc veniam, adcommodatam huic reo, vobis (quem ad modum spero) non molestam, ut me pro summo poeta atque eruditissimo homine dicentem, hoc concursu hominum literatissimorum, hac vestra humanitate, hoc denique praetore exercente iudicium, patiamini de studiis humanitatis ac litterarum paulo loqui liberius, et in eius modi

persona, quae propter otium ac studium minime in iudiciis periculisque tractata est, uti prope novo quodam et inusitato genere dicendi.

[4] Quod si mihi a vobis tribui concedique sentiam, perficiam profecto ut hunc A. Licinium non modo non segregandum, cum sit civis, a numero civium, verum etiam si non esset, putetis asciscendum fuisse. Nam ut primum ex pueris excessit Archias, atque ab eis artibus quibus aetas puerilis ad humanitatem informari solet se ad scribendi studium contulit, primum Antiochiae — nam ibi natus est loco nobili — celebri quondam urbe et copiosa, atque eruditissimis hominibus liberalissimisque studiis adfluenti, celeriter antecellere omnibus ingeni gloria contigit. Post in ceteris Asiae partibus cunctaeque Graeciae sic eius adventus celebrabantur, ut famam ingeni exspectatio hominis, exspectationem ipsius adventus admiratioque superaret.

[5] Erat Italia tunc plena Graecarum artium ac disciplinarum, studiaque haec et in Latio vehementius tum colebantur quam nunc eisdem in oppidis, et hic Romae propter tranquillitatem rei publicae non neglegebantur. Itaque hunc et Tarentini et Regini et Neopolitani civitate ceterisque praemiis donarunt; et omnes, qui aliquid de ingeniis poterant iudicare, cognitione atque hospitio dignum existimarunt. Hac tanta celebritate famae cum esset iam absentibus notus, Romam venit Mario consule et Catulo. Nactus est primum consules eos, quorum alter res ad scribendum maximas, alter cum res gestas tum etiam studium atque auris adhibere posset. Statim Luculli, cum praetextatus etiam tum Archias esset, eum domum suam receperunt. Sic etiam hoc non solum ingeni ac litterarum, verum etiam naturae atque virtutis, ut domus, quae huius adulescentiae prima fuit, eadem esset familiarissima senectuti.

[6] Erat temporibus illis iucundus Metello illi Numidico et eius Pio filio; audiebatur a M. Aemilio; vivebat cum Q. Catulo et patre et filio; a L. Crasso colebatur; Lucullos vero et Drusum et Octavios et Catonem et totam Hortensiorum domum devinctam consuetudine cum teneret, adficiebatur summo honore, quod eum non solum colebant qui aliquid percipere atque audire studebant, verum etiam si qui forte simulabant. Interim satis longo intervallo, cum esset cum M. Lucullo in Siciliam profectus, et cum ex ea provincia cum eodem

Lucullo decederet, venit Heracliam: quae cum esset civitas aequissimo iure ac foedere, ascribi se in eam civitatem voluit; idque, cum ipse per se dignus putaretur, tum auctoritate et gratia Luculli ab Heracliensibus impetravit.

[7] Data est civitas Silvani lege et Carbonis: "Si qui foederatis civitatibus ascripti fuissent; si tum, cum lex ferebatur, in Italia domicilium habuissent; et si sexaginta diebus apud praetorem essent professi." Cum hic domicilium Romae multos iam annos haberet, professus est apud praetorem Q. Metellum familiarissimum suum.

[8] Si nihil aliud nisi de civitate ac lege dicimus, nihil dico amplius: causa dicta est. Quid enim horum infirmari, Grati, potest? Heracliaene esse tum ascriptum negabis? Adest vir summa auctoritate et religione et fide, M. Lucullus, qui se non opinari sed scire non audisse sed vidisse, non interfuisse sed egisse dicit. Adsunt Heraclienses legati, nobilissimi homines: huius iudici causa cum mandatis et cum publico testimonio [venerunt]; qui hunc ascriptum Heracliensem dicunt. His tu tabulas desideras Heracliensium publicas: quas Italico bello incenso tabulario interisse scimus omnis. Est ridiculum ad ea quae habemus nihil dicere, quaerere quae habere non possumus; et de hominum memoria tacere, litterarum memoriam flagitare; et, cum habeas amplissimi viri religionem, integerrimi municipi ius iurandum fidemque, ea quae depravari nullo modo possunt repudiare, tabulas, quas idem dicis solere corrumpi, desiderare.

[9] An domicilium Romae non habuit is, qui tot annis ante civitatem datam sedem omnium rerum ac fortunarum suarum Romae conlocavit? At non est professus. Immo vero eis tabulis professus, quae solae ex illa professione conlegioque praetorum obtinent publicarum tabularum auctoritatem. Nam — cum Appi tabulae neglegentius adservatae dicerentur; Gabini, quam diu incolumis fuit, levitas, post damnationem calamitas omnem tabularum fidem resignasset — Metellus, homo sanctissimus modestissimusque omnium, tanta diligentia fuit, ut ad L. Lentulum praetorem et ad iudices venerit, et unius nominis litura se commotum esse dixerit. In his igitur tabulis nullam lituram in nomine A. Licini videtis.

[10] Quae cum ita sunt, quid est quod de eius civitate dubitetis, praesertim cum aliis quoque in civitatibus fuerit ascriptus? Etenim

cum mediocribus multis et aut nulla aut humili aliqua arte praeditis gratuito civitatem in Graecia homines impertiebant, Reginos credo aut Locrensis aut Neapolitanos aut Tarentinos, quod scenicis artificibus largiri solebant, id huic summa ingeni praedito gloria noluisse! Quid? cum ceteri non modo post civitatem datam, sed etiam post legem Papiam aliquo modo in eorum municipiorum tabulas inrepserunt, hic, qui ne utitur quidem illis in quibus est scriptus, quod semper se Heracliensem esse voluit, reicietur?

[11] Census nostros requiris scilicet. Est enim obscurum proximis censoribus hunc cum clarissimo imperatore L. Lucullo apud exercitum fuisse; superioribus, cum eodem quaestore fuisse in Asia; primis Iulio et Crasso nullam populi partem esse censam. Sed — quoniam census non ius civitatis confirmat, ac tantum modo indicat eum qui sit census [ita] se iam tum gessisse pro cive — eis temporibus quibus tu criminaris ne ipsius quidem iudicio in civium Romanorum iure esse versatum, et testamentum saepe fecit nostris legibus, et adiit hereditates civium Romanorum, et in beneficiis ad aerarium delatus est a L. Lucullo pro consule.

[12] Quaere argumenta, si qua potes: numquam enim his neque suo neque amicorum iudicio revincetur. Quaeres a nobis, Grati, cur tanto opere hoc homine delectemur. Quia suppeditat nobis ubi et animus ex hoc forensi strepitu reficiatur, et aures convicio defessae conquiescant. An tu existimas aut suppetere nobis posse quod cotidie dicamus in tanta varietate rerum, nisi animos nostros doctrina excolamus; aut ferre animos tantam posse contentionem, nisi eos doctrina eadem relaxemus? Ego vero fateor me his studiis esse deditum: ceteros pudeat, si qui se ita litteris abdiderunt ut nihil possint ex eis neque ad communem adferre fructum, neque in aspectum lucemque proferre: me autem quid pudeat, qui tot annos ita vivo, iudices, ut a nullius umquam me tempore aut commodo aut otium meum abstraxerit, aut voluptas avocarit, aut denique somnus retardit?

[13] Qua re quis tandem me reprehendat, aut quis mihi iure suscenseat, si, quantum ceteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos, quantum ad alias voluptates et ad ipsam requiem animi et corporis conceditur temporum, quantum alii tribuunt tempestivis conviviis, quantum denique alveolo, quantum

pilae, tantum mihi egomet ad haec studia recolenda sumpsero? Atque hoc ideo mihi concedendum est magis, quod ex his studiis haec quoque crescit oratio et facultas; quae, quantacumque in me est, numquam amicorum periculis defuit. Quae si cui levior videtur, illa quidem certe, quae summa sunt, ex quo fonte hauriam sentio.

[14] Nam nisi multorum praeceptis multisque litteris mihi ab adulescentia suasissem, nihil esse in vita magno opere expetendum nisi laudem atque honestatem, in ea autem persequenda omnis cruciatus corporis, omnia pericula mortis atque exsili parvi esse ducenda, numquam me pro salute vestra in tot ac tantas dimicationes atque in hos profligatorum hominum cotidianos impetus obiecissem. Sed pleni omnes sunt libri, plenae sapientium voces, plena exemplorum vetustas: quae iacerent in tenebris omnia, nisi litterarum lumen accederet. Quam multas nobis imagines — non solum ad intuendum, verum etiam ad imitandum — fortissimorum virorum expressas scriptores et Graeci et Latini reliquerunt? Quas ego mihi semper in administranda re publica proponens animum et mentem meam ipsa cognitatione hominum excellentium conformabam.

[15] Quaeret quispiam: “Quid? Illi ipsi summi viri, quorum virtutes litteris proditae sunt, istane doctrina, quam tu effers laudibus, eruditi fuerunt?” Difficile est hoc de omnibus confirmare, sed tamen est certe quod respondeam. Ego multos homines excellenti animo ac virtute fuisse, et sine doctrina naturae ipsius habitu prope divino per se ipsos et moderatos et gravis exstitisse, fateor: etiam illud adiungo, saepius ad laudem atque virtutem naturam sine doctrina quam sine natura valuisse doctrinam. Atque idem ego contendo, cum ad naturam eximiam atque inlustrem accesserit ratio quaedam conformatioque doctrinae, tum illud nescio quid praeclarum ac singulare solere exsistere.

[16] Ex hoc esse hunc numero, quem patres nostri viderunt, divinum hominem Africanum; ex hoc C. Laelium, L. Furium, moderatissimos homines et continentissimos; ex hoc fortissimum virum et illis temporibus doctissimum, M. Catonem illum senem: qui profecto si nihil ad percipiendam [colendam] virtutem litteris adiuvarentur, numquam se ad earum studium contulissent. Quod si non his tantus fructus ostenderetur, et si ex his studiis delectatio sola peteretur, tamen (ut opinor) hanc animi adversionem humanissimam

ac liberalissimam iudicaretis. Nam ceterae neque temporum sunt neque aetatum omnium neque locorum: haec studia adulescentiam alunt, senectutem oblectant, secundas res ornant, adversis perfugium ac solacium praebent, delectant domi, non impediunt foris, pernoctant nobiscum, peregrinantur, rusticantur.

[17] Quod si ipsi haec neque attingere neque sensu nostro gustare possemus, tamen ea mirari deberemus, etiam cum in aliis videremus. Quis nostrum tam animo agresti ac duro fuit, ut Rosci morte nuper non commoveretur? qui cum esset senex mortuus, tamen propter excellentem artem ac venustatem videbatur omnino mori non debuisse. Ergo ille corporis motu tantum amorem sibi conciliarat a nobis omnibus: nos animorum incredibilis motus celeritatemque ingeniorum neglegemus?

[18] Quotiens ego hunc Archiam vidi, iudices, — utar enim vestra benignitate, quoniam me in hoc novo genere dicendi tam diligenter attenditis, — quotiens ego hunc vidi, cum litteram scripsisset nullam, magnum numerum optimorum versuum de eis ipsis rebus quae tum agerentur dicere ex tempore! Quotiens revocatum eandem rem dicere, commutatis verbis atque sententiis! Quae vero adcurate cogitateque scripsisset, ea sic vidi probari, ut ad veterum scriptorum laudem perveniret. Hunc ego non diligam? non admirer? non omni ratione defendendum putem! Atque sic a summis hominibus eruditissimisque accepimus, ceterarum rerum studia et doctrina et praeceptis et arte constare: poetam natura ipsa valere, et mentis viribus excitari, et quasi divino quodam spiritu inflari. Qua re suo iure noster ille Ennius sanctos appellat poetas, quod quasi deorum aliquo dono atque munere commendati nobis esse videantur.

[19] Sit igitur, iudices, sanctum apud vos, humanissimos homines, hoc poetae nomen, quod nulla umquam barbaria violavit. Saxa et solitudines voci repondent, bestiae saepe immanes cantu flectuntur atque consistunt: nos, instituti rebus optimis, non poetarum voce moveamur? Homerum Colophonii civem esse dicunt suum, Chii suum vindicant, Salaminii repetunt, Smyrnaei vero suum esse confirmant, itaque etiam delubrum eius in oppido dedicaverunt: permulti alii praeterea pugnant inter se atque contendunt. Ergo illi alienum, quia poeta fuit, post mortem etiam expetunt: nos hunc vivum, qui et voluntate et legibus noster est, repudiabimus?

praesertim cum omne olim studium atque omne ingenium contulerit Archias ad populi Romani gloriam laudemque celebrandam? Nam et Cimbricas res adulescens attigit, et ipsi illi C. Mario, qui durior ad haec studia videbatur, iucundus fuit.

[20] Neque enim quisquam est tam aversus a Musis, qui non mandari versibus aeternum suorum laborum facile praeconium patiatur. Themistoclem illum, summum Athenis virum, dixisse aiunt, cum ex eo quaereretur, quod acroama aut cuius vocem libentissime audiret: "Eius, a quo sua virtus optime praedicaretur." Itaque ille Marius item eximie L. Plotium dilexit, cuius ingenio putabat ea quae gesserat posse celebrari.

[21] Mithridaticum vero bellum, magnum atque difficile et in multa varietate terra marique versatum, totum ab hoc expressum est: qui libri non modo L. Lucullum, fortissimum et clarissimum virum, verum etiam populi Romani nomen inlustrant. Populus enim Romanus aperuit Lucullo imperante Pontum, et regiis quondam opibus et ipsa natura et regione vallatum: populi Romani exercitus, eodem duce, non maxima manu innumerabilis Armeniorum copias fudit: populi Romani laus est urbem amicissimam Cyzicenorum eiusdem consilio ex omni impetu regio atque totius belli ore ac faucibus ereptam esse atque servatam: nostra semper feretur et praedicabitur L. Lucullo dimicante, cum interfectis ducibus depressa hostium classis, et incredibilis apud Tenedum pugna illa navalis: nostra sunt tropaea, nostra monimenta, nostri triumphi. Quae quorum ingeniis efferuntur, ab eis populi Romani fama celebratur.

[22] Carus fuit Africano superiori noster Ennius, itaque etiam in sepulcro Scipionum putatur is esse constitutus ex marmore. At eis laudibus certe non solum ipse qui laudatur, sed etiam populi Romani nomen ornatur. In caelum huius proavus Cato tollitur: magnus honos populi Romani rebus adiungitur. Omnes denique illi Maximi, Marcelli, Fulvii, non sine communi omnium nostrum laude decorantur. Ergo illum, qui haec fecerat, Rudinum hominem, maiores nostri in civitatem receperunt: nos hunc Heracliensem, multis civitatibus expetitum, in hac autem legibus constitutum, de nostra civitate eiciemus?

[23] Nam si quis minorem gloriae fructum putat ex Graecis versibus percipi quam ex Latinis, vehementer errat: propterea quod

Graeca leguntur in omnibus fere gentibus, Latina suis finibus, exiguis sane, continentur. Qua re si res eae quas gessimus orbis terrae regionibus definiuntur, cupere debemus, quo manuum nostrarum tela pervenerint, eodem gloriam famamque penetrare: quod cum ipsis populis de quorum rebus scribitur, haec ampla sunt, tum eis certe, qui de vita gloriae causa dimicant, hoc maximum et periculorum incitamentum est et laborum.

[24] Quam multos scriptores rerum suarum magnus ille Alexander secum habuisse dicitur! Atque is tamen, cum in Sigeo ad Achillis tumulum astitisset: "O fortunate" inquit "adulescens, qui tuae virtutis Homerum praeconem inveneris!" Et vere. Nam nisi Illias illa exstitisset, idem tumulus, qui corpus eius contexerat, nomen etiam obruisset. Quid? noster hic Magnus, qui cum virtute fortunam adaequavit, nonne Theophanem Mytilenaeum, scriptorem rerum suarum, in contione militum civitate donavit; et nostri illi fortes viri, sed rustici ac milites, dulcedine quadam gloriae commoti, quasi participes eiusdem laudis, magno illud clamore approbaverunt?

[25] Itaque, credo, si civis Romanus Archias legibus non esset, ut ab aliquo imperatore civitate donaretur perficere non potuit. Sulla cum Hispanos donaret et Gallos, credo hunc petentem repudiasset: quem nos in contione vidimus, cum ei libellum malus poeta de populo subiecisset, quod epigramma in eum fecisset, tantummodo alternis versibus longiusculis, statim ex eis rebus quas tunc vendebat iubere ei praemium tribui, sed ea condicione, ne quid postea scriberet. Qui sedulitatem mali poetae duxerit aliquo tamen praemio dignam, huius ingenium et virtutem in scribendo et copiam non expetisset?

[26] Quid? a Q. Metello Pio, familiarissimo suo, qui civitate multos donavit, neque per se neque per Lucullos impetravisset? qui praesertim usque eo de suis rebus scribi cuperet, ut etiam Cordubae natis poetis, pingue quiddam sonantibus atque peregrinum, tamen auris suas dederet. Neque enim est hoc dissimulandum (quod obscurari non potest) sed prae nobis ferendum: trahimur omnes studio laudis, et optimus quisque maxime gloria ducitur. Ipsi illi philosophi, etiam in eis libellis quos de contemnenda gloria scribunt, nomen suum inscribunt: in eo ipso, in quo praedicationem nobilitatemque despiciunt, praedicari de se ac nominari volunt.

[27] Decimus quidem Brutus, summus vir et imperator, Acci, amicissimi sui, carminibus templorum ac monumentorum aditus exornavit suorum. iam vero ille, qui cum Aetolis Ennio comite bellavit, Fulvius, non dubitavit Martis manubias Musis consecrare. Qua re in qua urbe imperatores prope armati poetarum nomen et Musarum delubra coluerunt, in ea non debent togati iudices a Musarum honore et a poetarum salute abhorrere.

[28] Atque ut id libentius faciatis, iam me vobis, iudices, indicabo, et de meo quodam amore gloriae, nimis acri fortasse verum tamen honesto vobis, confitebor. Nam quas res nos in consulatu nostro vobiscum simul pro salute huiusce imperi et pro vita civium proque universa re publica gessimus, attigit hic versibus atque inchoavit: quibus auditis, quod mihi magna res et iucunda visa est, hunc ad perficiendum adornavi. Nullam enim virtus aliam mercedem laborum periculorumque desiderat, praeter hanc laudis et gloriae: qua quidem detracta, iudices, quid est quod in hoc tam exiguo vitae curriculo [et tam brevi] tantis nos in laboribus exerceamus?

[29] Certe si nihil animus praesentiret in posterum, et si quibus regionibus vitae spatium circumscriptum est, eisdem omnis cogitationes terminaret suas; nec tantis se laboribus frangeret, neque tot curis vigiliisque angeretur, nec totiens de ipsa vita dimicaret. Nunc insidet quaedam in optimo quoque virtus quae noctis ac dies animum gloriae stimulis concitat, atque admonet non cum vitae tempore esse dimittendam commemorationem nominis nostri, sed cum omni posteritate adaequandam.

[30] An vero tam parvi animi videamur esse omnes, qui in re publica atque in his vitae periculis laboribusque versamur, ut, cum usque ad extremum spatium nullum tranquillum atque otiosum spiritum duxerimus, nobiscum simul moritura omnia arbitremur? An statuas et imagines, non animorum simulacra sed corporum, studiose multi summi homines reliquerunt; consiliorum relinquere ac virtutum nostrarum effigiem nonne multo malle debemus, summis ingeniis expressam et politam? Ego vero omnia quae gerebam, iam tum in gerendo spargere me ac disseminare arbitrabar in orbis terrae memoriam sempiternam. Haec vero sive a meo sensu post mortem afutura est sive — ut sapientissimi homines putaverunt — ad aliquam mei partem pertinebit, nunc quidem certe cogitatione

quadam speque delector.

[31] Qua re conservate, iudices, hominem pudore eo, quem amicorum videtis comprobari cum dignitate tum etiam vetustate; ingenio autem tanto, quantum id convenit existimari, quod summorum hominum ingeniis expetitum esse videatis; causa vero eius modi, quae beneficio legis, auctoritate municipi, testimonio Luculli, tabulis Metelli comprobetur. Quae cum ita sint, petimus a vobis, iudices, si qua non modo humana, verum etiam divina in tantis ingeniis commendatio debet esse, ut eum qui vos, qui vestros imperatores, qui populi Romani res gestas semper ornavit, qui etiam his recentibus nostris vestrisque domesticis periculis aeternum se testimonium laudis daturum esse profitetur, estque ex eo numero qui semper apud omnis sancti sunt habiti itaque dicti, sic in vestram accipiatis fidem, ut humanitate vestra levatus potius quam acerbitate violatus esse videatur.

[32] Quae de causa pro mea consuetudine breviter simpliciterque dixi, iudices, ea confido probata esse omnibus. Quae autem remota a mea iudicialique consuetudine, et de hominis ingenio et communiter de ipsius studio locutus sum, ea, iudices, a vobis spero esse in bonam partem accepta; ab eo qui iudicium exercet, certo scio.

PRO FLACCO (In Defense of Lucius Valerius Flaccus for extortion)

M. TVLLI CICERONIS PRO L. FLACCO ORATIO

[1] Cum in maximis periculis huius urbis atque imperi, gravissimo atque acerbissimo rei publicae casu, socio atque adiutore consiliorum periculorumque meorum L. Flacco, caedem a vobis, coniugibus, liberis vestris, vastitatem a templis, delubris, urbe, Italia depellebam, sperabam, iudices, honoris potius L. Flacci me adiutorem futurum quam miseriarum deprecatorem. Quod enim esset praemium dignitatis quod populus Romanus, cum huius maioribus semper detulisset, huic denegaret, cum L. Flaccus veterem Valeriae gentis in liberanda patria laudem prope quingentesimo anno rei publicae rettulisset? [2] Sed si forte aliquando aut benefici huius obtrectator aut virtutis hostis aut laudis invidus exstitisset, existimabam L. Flacco multitudinis potius imperitae, nullo tamen cum periculo, quam sapientissimorum et lectissimorum virorum iudicium esse subeundum. Etenim quibus auctoribus et defensoribus omnium tum salus esset non civium solum verum etiam gentium defensa ac retenta, neminem umquam putavi per eos ipsos periculum huius fortunis atque insidias creaturum. Quod si esset aliquando futurum ut aliquis de L. <Flacci> pernicie cogitaret, numquam tamen existimavi, iudices, D. Laelium, optimi viri filium, optima ipsum spe praeditum summae dignitatis, eam suscepturum accusationem quae sceleratorum civium potius odio et furori quam ipsius virtuti atque institutae adulescentiae conveniret. Etenim cum a clarissimis viris iustissimas inimicitias saepe cum bene meritis civibus depositas esse vidissem, non sum arbitratus quemquam amicum rei publicae, postea quam L. Flacci amor in patriam perspectus esset, novas huic inimicitias nulla accepta iniuria denuntiaturum. [3] Sed quoniam, iudices, multa nos et in nostris rebus et in re publica fefellerunt, ferimus ea quae sunt ferenda; tantum a vobis petimus ut omnia rei publicae subsidia, totum statum civitatis, omnem memoriam temporum praeteritorum, salutem praesentium, spem reliquorum in vestra potestate, in vestris sententiis, in hoc uno iudicio positam esse

et defixam putetis. Si umquam res publica consilium, gravitatem, sapientiam, providentiam iudicum imploravit, hoc, hoc inquam, tempore implorat. Non estis de Lydorum aut Mysorum aut Phrygum, qui huc compulsi concitatique venerunt, sed de vestra re publica iudicaturi, de civitatis statu, de communi salute, de spe bonorum omnium, si qua reliqua est etiam nunc quae fortium civium mentis cogitationesque sustentet; omnia alia perfugia bonorum, praesidia innocentium, subsidia rei publicae, consilia, auxilia, iura ceciderunt. [4] Quem enim appellem, quem obtester, quem implorem? Senatumne? At is ipse auxilium petit a vobis et confirmationem auctoritatis suae vestrae potestati permissam esse sentit. An equites Romanos? Indicabitis principes eius ordinis quinquaginta quid cum omnibus senseritis. An populum Romanum? At is quidem omnem suam de nobis potestatem tradidit vobis. Quam ob rem nisi hoc loco, nisi apud vos, nisi per vos, iudices, non auctoritatem, quae amissa est, sed salutem nostram, quae spe exigua extremaque pendet, tenuerimus, nihil est praeterea quo confugere possimus; nisi forte quae res hoc iudicio temptetur, quid agatur, cui causae fundamenta iaciantur, iudices, non videtis. [5] Condemnatus est is qui Catilinam signa patriae inferentem interemit; quid est causae cur non is qui Catilinam ex urbe expulit pertimescat? Rapitur ad poenam qui indicia communis exiti cepit; cur sibi confidat is qui ea proferenda et patefacienda curavit? Socii consiliorum, ministri comitesque vexantur; quid auctores, quid duces, quid principes sibi exspectent? Atque utinam inimici nostri ac bonorum omnium mecum potius aestiment, utrum tum omnes boni duces nostri an comites fuerint ad communem conservandam salutem * * *

Fragmenta Scholiasae Bobiensis

[1] Strangulatos maluit dicere.

[2] Quid sibi meus necessarius Caetra voluit?

[3] Quid vero Decianus?

[4] Vtinam esset proprie mea! Senatus igitur magna ex parte * * *

[5] Di, inquam, immortales Lentulum * * *

Fragmenta Mediolanense

* * * externum cum domestica vita naturaque constaret. Itaque non patiar, D. Laeli, te tibi hoc sumere atque hanc ceteris in posterum, nobis in praesens tempus legem condicionemque * * *

Cum adulescentiam notaris, cum reliquum tempus aetatis turpitudinis maculis consperseris, cum privatarum rerum ruinas, cum domesticas labes, cum urbanam infamiam, cum Hispaniae, Galliae, Ciliciae, Cretae, quibus in provinciis non obscure versatus est, vitia et flagitia protuleris, tum denique quid Tmolitae et Dorylenses de L. Flacco existiment audiemus. Quem vero tot tam gravesque provinciae salvum esse cupiant, quem plurimi cives tota ex Italia devincti necessitudine ac vetustate defendant, quem haec communis nostrum omnium patria propter recentem summi benefici memoriam complexa teneat, hunc etiam si tota Asia deposcit ad supplicium, defendam, resistam. Quid? si neque tota neque optima neque incorrupta neque sua sponte nec iure nec more nec vere nec religiose nec integre, si impulsa, si sollicitata, si concitata, si coacta, si impie, si temere, si cupide, si inconstanter nomen suum misit in hoc iudicium per egentissimos testis, ipsa autem nihil queri vere de iniuriis potest, tamenne, iudices, haec ad breve tempus audita longinqui temporis cognitarum rerum fidem derogabunt? Tenebo igitur hunc ordinem defensor quem fugit inimicus, et accusatorem urgebo atque insequar et ultro crimen ab adversario flagitabo. Quid est, Laeli? num quid ea d . . d . . ea . . f . . . no qui quidem non in umbra neque in illius aetatis disciplinis artibusque versatus est? Etenim puer cum patre consule ad bellum est profectus. Nimirum etiam hoc ipso nomine aliquid . . ia sus * * *

Fragmenta Scholiasae Bobiensis

[6] Sed si neque Asiae luxuries infirmissimum tempus aetatis * * *
[7] Ex hoc aetatis gradu se ad exercitum C. Flacci patrui contulit.
[8] Tribunus militaris cum P. Servilio, gravissimo et sanctissimo cive, profectus.
[9] Quorum amplissimis iudiciis ornatus quaestor factus est.
[10] M. Pisone, qui cognomen frugalitatis, nisi accepisset, ipse peperisset.
[11] Idem novum bellum suscepit atque confecit.
[12] Non Asiae testibus, sed accusatoribus contubernalibus traditus.

[6] Hunc igitur virum, Laeli, quibus tandem rebus oppugnas? Fuit P. Servilio imperatore in Cilicia tribunus militum; ea res siletur. Fuit M. Pisoni quaestor in Hispania; vox de quaestura missa nulla est. Bellum Cretense ex magna parte gessit atque una cum summo

imperatore sustinuit; muta est huius temporis accusatio. Praeturae iuris dictio, res varia et multiplex ad suspiciones et simultates, non attingitur. At vero in summo et periculosissimo rei publicae tempore etiam ab inimicis eadem praetura laudatur. At a testibus laeditur. Ante quam dico a quibus, qua spe, qua vi, qua re concitatis, qua levitate, qua egestate, qua perfidia, qua audacia praeditis, dicam de genere universo et de condicione omnium nostrum. Per deos immortalis! iudices, vos, quo modo is qui anno ante Romae ius dixerat anno post in Asia ius dixerit, a testibus quaeretis ignotis, ipsi coniectura nihil iudicabitis? <Cum> in tam varia iuris dictione tam multa decreta, tot hominum gratiosorum laesae sint voluntates, quae est umquam iacta non suspicio — quae tamen solet esse falsa — sed iracundiae vox aut doloris? [7] Et is est reus avaritiae qui in uberrima re turpe compendium, in maledicentissima civitate, in suspiciosissimo negotio maledictum omne, non modo crimen effugit? Praetereo illa quae praetereunda non sunt, nullum huius in privatis rebus factum avarum, nullam in re pecuniaria contentionem, nullam in re familiari sordem posse proferri. Quibus igitur testibus ego hosce possum refutare nisi vobis? [8] Tmolites ille vicanus, homo non modo nobis sed ne inter suos quidem notus, vos docebit qualis sit L. Flaccus? quem vos modestissimum adulescentem, provinciae maximae sanctissimum virum, vestri exercitus fortissimum militem, diligentissimum ducem, temperatissimum legatum quaestoremque cognoverunt, quem vos praesentes constantissimum senatorem, iustissimum praetorem atque amantissimum rei publicae civem iudicastis. [9] De quibus vos aliis testes esse debetis, de eis ipsi alios testis audietis? At quos testis? Primum dicam, id quod est commune, Graecos; non quo nationi huic ego unus maxime fidem derogem. Nam si quis umquam de nostris hominibus a genere isto studio ac voluntate non abhorrens fuit, me et esse arbitror et magis etiam tum cum plus erat oti fuisse. Sed sunt in illo numero multi boni, docti, pudentes, qui ad hoc iudicium deducti non sunt, multi impudentes, inliterati, leves, quos variis de causis video concitatos. Verum tamen hoc dico de toto genere Graecorum: tribuo illis litteras, do multarum artium disciplinam, non adimo sermonis leporem, ingeniorum acumen, dicendi copiam, denique etiam, si qua sibi alia sumunt, non repugno; testimoniorum religionem et fidem numquam ista natio

coluit, totiusque huiusce rei quae sit vis, quae auctoritas, quod pondus, ignorant. [10] Vnde illud est: ‘da mihi testimonium mutuum’? num Gallorum, num Hispanorum putatur? Totum istud Graecorum est, ut etiam qui Graece nesciunt hoc quibus verbis a Graecis dici soleat sciant. Itaque videte quo voltu, qua confidentia dicant; tum intellegetis qua religione dicant. Numquam nobis ad rogatum respondent, semper accusatori plus quam ad rogatum, numquam laborant quem ad modum probent quod dicunt, sed quem ad modum se explicent dicendo. Iratus Flacco dixit M. Lurco quod, ut ipse aiebat, libertus erat eius turpi iudicio condemnatus. Nihil dixit quod laederet eum, cum cuperet; impediebat enim religio; tamen id quod dixit quanto cum pudore, quo tremore et pallore dixit! [11] Quam promptus homo P. Septimius, quam iratus de iudicio et de vilico! Tamen haesitabat, tamen eius iracundiae religio non numquam repugnabat. Inimicus M. Caelius quod, cum in re manifesta putasset nefas esse publicanum iudicare contra publicanum, sublatus erat e numero recuperatorum, tamen tenuit se neque attulit in iudicium quicquam ad laedendum nisi voluntatem.

Hi si Graeci fuissent, ac nisi nostri mores ac disciplina plus valeret quam dolor ac simultas, omnes se spoliatos, vexatos, fortunis eversos esse dixissent. Graecus testis cum ea voluntate processit ut laedat, non iuris iurandi, sed laedendi verba meditatur; vinci, refelli, coargui putat esse turpissimum; ad id se parat, nihil curat aliud. Itaque non optimus quisque nec gravissimus, sed impudentissimus loquacissimusque deligitur. [12] Vos autem in privatis minimarum rerum iudiciis testem diligenter expenditis; etiam si formam hominis, si nomen, si tribum nostis, mores tamen exquirendos putatis. Qui autem dicit testimonium ex nostris hominibus, ut se ipse sustentat, ut omnia verba moderatur, ut timet ne quid cupide, ne quid iracunde, ne quid plus minusve quam sit necesse dicat! Num illos item putatis, quibus ius iurandum iocus est, testimonium ludus, existimatio vestra tenebrae, laus, merces, gratia, gratulatio proposita est omnis in impudenti mendacio? Sed non dilatabo orationem meam; etenim potest esse infinita, si mihi libeat totius gentis in testimoniis dicendis explicare levitatem. Sed propius accedam; de his vestris testibus dicam.

[13] Vehementem accusatorem nacti sumus, iudices, et inimicum in

omni genere odiosum ac molestum; quem spero his nervis fore magno usui et amicis et rei publicae; sed certe inflammatus incredibili cupiditate hanc causam accusationemque suscepit. Qui comitatus in inquirendo! Comitatum dico; immo vero quantus exercitus! quae iactura, qui sumptus, quanta largitio! Quae quamquam utilia sunt causae, timide tamen dico, quod vereor ne Laelius ex his rebus quas sibi suscepit gloriae causa putet aliquid oratione mea sermonis in sese aut invidiae esse quaesitum. Itaque hanc partem totam relinquam; tantum a vobis petam, iudices, ut, si quid ipsi audistis communi fama atque sermone de vi, de manu, de armis, de copiis, memineritis; quarum rerum invidia lege hac recenti ac nova certus est inquisitioni comitum numerus constitutus. [14] Sed ut hanc vim omittam, quanta illa sunt quae, quoniam accusatorio iure et more sunt facta, reprehendere non possumus, queri tamen cogimur! primum quod sermo est tota Asia dissipatus Cn. Pompeium, quod L. Flacco esset vehementer inimicus, contendisse a Laelio, paterno amico ac pernecessario, ut hunc hoc iudicio arcesseret, omnemque ei suam auctoritatem, gratiam, copias, opes ad hoc negotium conficiendum detulisse. Id hoc veri similius Graecis hominibus videbatur quod paulo ante in eadem provincia familiarem Laelium Flacco viderant. Pompei autem auctoritas cum apud omnis tanta est quanta esse debet, tum excellit in ista provincia quam nuper et praedonum et regum bello liberavit. Adiunxit illa ut eos qui domo exire nolebant testimoni denuntiatione terreret, qui domi stare non poterant, largo et liberali viatico commoveret. [15] Sic adulescens ingeni plenus locupletis metu, tenuis praemio, stultos errore permovit; sic sunt expressa ista praeclara quae recitantur psephismata non sententiis neque auctoritatibus declarata, non iure iurando constricta, sed porrigenda manu profundendoque clamore multitudinis concitatae.

O morem praeclarum disciplinamque quam a maioribus accepimus, si quidem teneremus! sed nescio quo pacto iam de manibus elabitur. Nullam enim illi nostri sapientissimi et sanctissimi viri vim contionis esse voluerunt; quae scisceret plebes aut quae populus iuberet, submota contione, distributis partibus, tributim et centuriatim discriptis ordinibus, classibus, aetatibus, auditis auctoribus, re multos dies promulgata et cognita iuberi vetarique

voluerunt. [16] Graecorum autem totae res publicae sedentis contionis temeritate administrantur. Itaque ut hanc Graeciam quae iam diu suis consiliis perculsa et adflicta est omittam, illa vetus quae quondam opibus, imperio, gloria floruit hoc uno malo concidit, libertate immoderata ac licentia contionum. Cum in theatro imperiti homines rerum omnium rudes ignarique consederant, tum bella inutilia suscipiebant, tum seditiosos homines rei publicae praeficiebant, tum optime meritos civis e civitate eiciebant. [17] Quod si haec Athenis tum cum illae non solum in Graecia sed prope cunctis gentibus enitebant accidere sunt solita, quam moderationem putatis in Phrygia aut in Mysia contionum fuisse? Nostras contiones illarum nationum homines plerumque perturbant; quid, cum soli sint ipsi, tandem fieri putatis? Caesus est virgis Cymaeus ille Athenagoras qui in fame frumentum exportare erat ausus. Data Laelio contio est. Processit ille et Graecus apud Graecos non de culpa sua dixit, sed de poena questus est. Porrexerunt manus; psephisma natum est. Hoc testimonium est? Nuper epulati, paulo ante omni largitione saturati Pergameni, quod Mithridates qui multitudinem illam non auctoritate sua, sed sagina tenebat se velle dixit, id sutores et zonarii conclamarunt. Hoc testimonium est civitatis? Ego testis a Sicilia publice deduxi; verum erant ea testimonia non concitatae contionis, sed iurati senatus. [18] Qua re iam non est mihi contentio cum teste, vobis, iudices, videndum est, sintne haec testimonia putanda.

Adulescens bonus, honesto loco natus, disertus cum maximo ornatissimoque comitatu venit in oppidum Graecorum, postulat contionem, locupletis homines et gravis ne sibi adversentur testimoni denuntiatione deterret, egentis et levis spe largitionis et viatico publico, privata etiam benignitate prolectat. Opifices et tabernarios atque illam omnem faecem civitatum quid est negoti concitare, in eum praesertim qui nuper summo cum imperio fuerit, summo autem in amore esse propter ipsum imperi nomen non potuerit? [19] Mirandum vero est homines eos quibus odio sunt nostrae secures, nomen acerbitati, scriptura, decumae, portorium morti, libenter adripere facultatem laedendi quaecumque detur! Mementote igitur, cum audietis psephismata, non audire vos testimonia, audire temeritatem volgi, audire vocem levissimi cuiusque, audire strepitum imperitorum, audire contionem concitatam levissimae nationis.

Itaque perscrutamini penitus naturam rationemque criminum; iam nihil praeter spem, nihil praeter terrorem ac minas reperietis.

[20] * * * In aerario nihil habent civitates, nihil in vectigalibus. Duae rationes conficiendae pecuniae, aut versura aut tributo; nec tabulae creditoris proferuntur nec tributi confectio ulla recitatur. Quam vero facile falsas rationes inferre et in tabulas quodcumque commodum est referre soleant, ex Cn. Pompei litteris ad Hypsaeum et Hypsaei ad Pompeium missis, quaeso, cognoscite.

Litterae Pompei et Hypsaei.

Satisne vobis coarguere his auctoribus dissolutam Graecorum consuetudinem licentiamque impudentem videmur? Nisi forte qui Cn. Pompeium, qui praesentem, qui nullo impellente fallebant, eos urgente Laelio in absentem et in L. Flaccum aut timidos fuisse aut religiosos putamus. [21] Sed fuerint incorruptae litterae domi; nunc vero quam habere auctoritatem aut quam fidem possunt? Triduo lex ad praetorem deferri, iudicum signis obsignari iubet; tricesimo die vix deferuntur. Ne corrumpi tabulae facile possint, idcirco lex obsignatas in publico poni voluit; at obsignantur corruptae. Quid refert igitur tanto post ad iudices deferantur, an omnino non deferantur? Quid? si testium studium cum accusatore sociatum est, tamenne isti testes habebuntur? Vbi est igitur illa exspectatio quae versari in iudiciis solet? Nam antea, cum dixerat accusator acriter et vehementer, cumque defensor suppliciter demisseque responderat, tertius ille erat exspectatus locus testium, qui aut sine ullo studio dicebant aut cum dissimulatione aliqua cupiditatis. Hoc vero quid est? [22] Vna sedent, ex accusatorum subselliis surgunt, non dissimulant, non verentur. De subselliis queror? una ex domo prodeunt; si verbo titubaverint, quo revertantur non habebunt. An quisquam esse testis potest quem accusator sine cura interroget nec metuat ne sibi aliquid quod ipse nolit respondeat? Vbi est igitur illa laus oratoris quae vel in accusatore antea vel in patrono spectari solebat: ‘bene testem interrogavit; callide accessit, reprehendit; quo voluit adduxit; convicit et elinguem reddidit?’ [23] Quid tu istum roges, Laeli, qui, prius quam hoc ‘Te rogo’ dixeris, plura etiam effundet quam tu ei domi ante praescripseris? Quid ego autem defensor rogem? Nam aut oratio testium refelli solet aut vita laedi. Qua disputatione orationem refellam eius qui dicit: ‘dedimus,’ nihil

amplius? In hominem dicendum est igitur, cum oratio argumentationem non habet. Quid dicam in ignotum? Querendum est ergo et deplorandum, id quod iam dudum facio, de omni accusationis iniquitate, primum de communi genere testium; dicit enim natio minime in testimoniis dicendis religiosa. Propius accedo; nego esse ista testimonia quae tu psephismata appellas, sed fremitum egentium et motum quendam temerarium Graeculae contionis. Intrabo etiam magis. Qui gessit non adest, qui numerasse dicitur non est deductus; privatae litterae nullae proferuntur, publicae retentae sunt in accusatorum potestate; summa est in testibus; hi vivunt cum inimicis, adsunt cum adversariis, habitant cum accusatoribus. [24] Vtrum hic tandem disceptationem et cognitionem veritatis, an innocentiae labem aliquam aut ruinam fore putatis? Multa enim sunt eius modi, iudices, ut, etiam si in homine ipso de quo agitur neglegenda sint, tamen in condicione atque in exemplo pertimescenda videantur.

Si quem infimo loco natum, nullo splendore vitae, nulla commendatione famae defenderem, tamen civem a civibus communis humanitatis iure ac misericordia deprecarer, ne ignotis testibus, ne incitatis, ne accusatoris consessoribus, convivis, contubernalibus, ne hominibus levitate Graecis, crudelitate barbaris civem ac supplicem vestrum dederetis, ne periculosam imitationem exempli reliquis in posterum proderetis. [25] Sed cum L. Flacci res agatur, qua ex familia qui primus consul factus est primus in hac civitate consul fuit, cuius virtute regibus exterminatis libertas in re publica constituta est, quae usque ad hoc tempus honoribus, imperiis, rerum gestarum gloria continuata permansit, cumque ab hac perenni contestataque virtute maiorum non modo non degeneraverit L. Flaccus sed, quam maxime florere in generis sui gloria viderat, laudem patriae in libertatem vindicandae praetor adamarit, in hoc ego reo ne quod perniciosum exemplum prodatur pertimescam, in quo, etiam si quid errasset, omnes boni conivendum esse arbitrarentur? [26] Quod quidem ego non modo non postulo, sed contra, iudices, vos oro et obtestor ut totam causam quam maxime intentis oculis, ut aiunt, acerrime contemplemini. Nihil religione testatum, nihil veritate fundatum, nihil dolore expressum, contraque omnia corrupta libidine, iracundia, studio, pretio, periurio reperientur.

[27] Etenim iam universa istorum cognita cupiditate accedam ad

singulas querelas criminationesque Graecorum. Classis nomine pecuniam civitatibus imperatam queruntur. Quod nos factum, iudices, confitemur. Sed si hoc crimen est, aut in eo est quod non licuerit imperare, aut in eo quod non opus fuerit navibus, aut in eo quod nulla hoc praetore classis navigarit. Licuisse ut intellegas, cognosce quid me consule senatus decreverit, cum quidem nihil a superioribus continuorum annorum decretis discesserit.

Senatvs consvltvm.

Proximum est ergo ut opus fuerit classe necne quaeramus. Vtrum igitur hoc Graeci statuent aut ullae exterae nationes, an nostri praetores, nostri duces, nostri imperatores? Equidem existimo in eius modi regione atque provincia quae mari cincta, portibus distincta, insulis circumdata esset, non solum praesidi sed etiam ornandi imperi causa navigandum fuisse. [28] Haec enim ratio ac magnitudo animorum in maioribus nostris fuit ut, cum in privatis rebus suisque sumptibus minimo contenti tenuissimo cultu viverent, in imperio atque in publica dignitate omnia ad gloriam splendoremque revocarent. Quaeritur enim in re domestica continentiae laus, in publica dignitatis. Quod si etiam praesidi causa classem habuit, quis erit tam iniquus qui reprehendat? ‘Nulli erant praedones.’ Quid? nullos fore quis praestare poterat? ‘Minuis,’ inquit, ‘gloriam Pompei.’ Immo tu auges molestiam. [29] Ille enim classis praedonum, urbis, portus, receptacula sustulit, pacem maritimam summa virtute atque incredibili celeritate confecit; illud vero neque suscepit neque suscipere debuit ut, si qua uspiam navicula praedonum apparuisset, accusandus videretur. Itaque ipse in Asia, cum omnia iam bella terra marique confecisset, classem tamen isdem istis civitatibus imperavit. Quod si tum statuit opus esse cum ipsius praesentis nomine tuta omnia et pacata esse poterant, quid, cum ille decessisset, Flacco existimatis statuendum et faciendum fuisse? [30] Quid? nos hic nonne ipso Pompeio auctore Silano et Murena consulibus decrevimus ut classis in Italia navigaret? nonne eo ipso tempore cum L. Flaccus in Asia remiges imperabat, nos hic in mare superum et inferum sestertium ter et quadragiens erogabamus? Quid? postero anno nonne M. Curtio et P. Sextilio quaestoribus pecunia in classem est erogata? Quid? hoc omni tempore equites in ora maritima non fuerunt? Illa enim est gloria divina Pompei, primum praedones eos qui tum cum

illi bellum maritimum gerendum datum est toto mari dispersi vagabantur redactos esse omnis in <populi Romani> potestatem, deinde Syriam esse nostram, Ciliciam teneri, Cyprum per Ptolomaeum regem nihil audere, praeterea Cretam Metelli virtute esse nostram, nihil esse unde proficiscantur, nihil quo revertantur, omnis sinus, promunturia, litora, insulas, urbis maritimas claustris imperi nostri contineri. [31] Quod si Flacco praetore nemo in mari praedo fuisset, tamen huius diligentia reprehendenda non esset. Idcirco enim quod hic classem habuisset, existimarem non fuisse. Quid? si L. Eppi, L. Agri, C. Cesti, equitum Romanorum, huius etiam clarissimi viri, Cn. Domiti, qui in Asia tum legatus fuit, testimonio doceo eo ipso tempore quo tu negas classem habendam fuisse, compluris a praedonibus esse captos, tamen Flacci consilium in remigibus imperandis reprehendetur? Quid si etiam occisus est a piratis Adramytenus homo nobilis, cuius est fere nobis omnibus nomen auditum, Atyanas pugil Olympionices? hoc est apud Graecos, quoniam de eorum gravitate dicimus, prope maius et gloriosius quam Romae triumphasse. 'At neminem cepisti.' Quam multi orae maritimae clarissimi viri praefuerunt qui, cum praedonem nullum cepissent, mare tamen tutum praestiterunt! Casus est enim in capiendo, locus, ventus, occasio; defendendi facilis est cautio, non solum latibulis occultorum locorum sed etiam tempestatum moderatione et conversione. [32] Reliquum est ut quaeratur utrum ista classis cursu et remis, an sumptu tantum et litteris navigarit. Num id igitur negari potest, cuius rei cuncta testis est Asia, bipertito classem distributam fuisse, ut una pars supra Ephesum, altera infra Ephesum navigaret? Hac classe M. Crassus, vir amplissimus, ab Aeno in Asiam, his navibus Flaccus ex Asia in Macedoniam navigavit. In quo igitur praetoris est diligentia requirenda? in numero navium et in discriptione aequabili sumptus? Dimidium eius quo Pompeius erat usus imperavit; num potuit parcius? Discripsit autem pecuniam ad Pompei rationem, quae fuit accommodata L. Sullae discriptioni. Qui cum <in> omnis Asiae civitates pro portione pecuniam discripsisset, illam rationem in imperando sumptu et Pompeius et Flaccus secutus est. Neque est adhuc tamen ea summa completa. [33] 'Non refert.' Vero; quid lucretur? Cum enim onus imperatae pecuniae suscipit, id quod tu crimen esse vis confitetur. Qui igitur probari potest in ea

pecunia non referenda crimen sibi ipsum facere in qua crimen esset nullum, si referret? At enim negas fratrem meum, qui L. Flacco successerit, pecuniam ullam in remiges imperasse. Equidem omni fratris mei laude delector, sed aliis magis gravioribus atque maioribus. Aliud quiddam statuit, aliud vidit; existimavit, quocumque tempore auditum quid esset de praedonibus, quam vellet subito classem se comparaturum. Denique hoc primus frater meus in Asia fecit ut hoc sumptu remigum civitates levaret; crimen autem tum videri solet cum aliquis sumptus instituit eos qui antea non erant instituti, non cum successor aliquid immutat de institutis priorum. Flaccus quid alii postea facturi essent scire non poterat, quid fecissent videbat.

[34] Sed, quoniam de communi totius Asiae crimine est dictum, adgrediar iam ad singulas civitates; ex quibus sit sane nobis prima civitas Acmonensis. Citat praeco voce maxima legatos Acmonensis. Procedit unus Asclepiades. Prodeant <ceteri>. Etiamne praeconem mentiri coegisti? Est enim, credo, is vir iste ut civitatis nomen sua auctoritate sustineat, damnatus turpissimis iudiciis domi, notatus litteris publicis; cuius de probris, adulteriis ac stupris exstant Acmonensium litterae, quas ego non solum propter longitudinem sed etiam propter turpissimam obscenitatem verborum praetereundas puto. Dixit publice data drachmarum ccvi. Dixit tantum, nihil ostendit, nihil protulit; sed adiunxit, id quod certe, quoniam erat domesticum, docere debuit, se privatim drachmarum ccvi dedisse. Quantum sibi ablatum homo impudentissimus dicit, tantum numquam est ausus ut haberet optare. [35] Ab A. Sextilio dicit se dedisse et a suis fratribus. Potuit dare Sextilius; nam fratres quidem consortes sunt mendicitatis. Audiamus igitur Sextilium; fratres denique ipsi prodeant; quam volent impudenter mentiantur et, quod numquam habuerint, dedisse se dicant; tamen aliquid fortasse coram producti dicent in quo reprehendantur. ‘Non deduxi,’ inquit, ‘Sextilium.’ Cedo tabulas. ‘Non deportavi.’ Fratres saltem exhibe. ‘Non denuntiavi.’ Quod ergo unus Asclepiades fortuna egens, vita turpis, existimatione damnatus impudentia atque audacia fretus sine tabulis, sine auctore iecerit, id nos quasi crimen aut testimonium pertimescamus? [36] Idem laudationem quam nos ab Acmonensibus Flacco datam proferebamus falsam esse dicebat. Cuius quidem

laudationis iactura exoptanda nobis fuit. Nam ut signum publicum inspexit praeclarus iste auctor suae civitatis, solere suos civis ceterosque Graecos ex tempore quod opus sit obsignare dixit. Tu vero tibi habeto istam laudationem; nec enim Acmonensium testimonio Flacci vita et dignitas nititur. Das enim mihi quod haec causa maxime postulat, nullam gravitatem, nullam constantiam, nullum firmum in Graecis hominibus consilium, nullam denique esse testimoni fidem. Nisi vero hactenus ista formula testimoni atque orationis tuae describi ac distingui potest ut Flacco absenti aliquid civitates tribuisse dicantur, Laelio praesenti per se agenti vi legis, iure accusationis, opibus praeterea suis terrenti ac minanti nihil temporis causa scripsisse aut obsignasse videantur.

[37] Equidem in minimis rebus saepe res magnas vidi, iudices, deprehendi ac teneri, ut in hoc Asclepiade. Haec quae est a nobis prolata laudatio obsignata erat creta illa Asiatica quae fere est omnibus nota nobis, qua utuntur omnes non modo in publicis sed etiam in privatis litteris quas cotidie videmus mitti a publicanis, saepe uni cuique nostrum. Neque enim testis ipse signo inspecto falsum nos proferre dixit, sed levitatem totius Asiae protulit, de qua nos et libenter et facile concedimus. Nostra igitur laudatio, quam ille temporis causa nobis datam dicit, datam quidem confitetur, consignata creta est; in illo autem testimonio quod accusatori dicitur datum ceram esse vidimus. [38] Hic ego, iudices, si vos Acmonensium decretis, si ceterorum Phrygum litteris permoveri putarem, vociferarer et quam maxime possem contenderem, testarer publicanos, excitarem negotiatores, vestram etiam scientiam implorarem; cera deprehensa confiderem totius testimoni fictam audaciam manifesto comprehensam atque oppressam teneri. Nunc vero non insultabo vehementius nec volitabo in hoc insolentius neque in istum nugatorem tamquam in aliquem testem invehar neque in toto Acmonensium testimonio, sive hic confictum est, ut apparet, sive missum domo est, ut dicitur, commorabor. Etenim quibus ego laudationem istam remittam, quoniam sunt, ut Asclepiades dicit, leves, horum testimonium non pertimescam.

[39] Venio nunc ad Dorylensium testimonium; qui producti tabulas se publicas ad Speluncas perdidisse dixerunt. O pastores nescio quos cupidos litterarum, si quidem nihil istis praeter litteras abstulerunt!

Sed aliud esse causae suspicamur, ne forte isti parum versuti esse videantur. Poena est, ut opinor, Dorylai gravior quam apud alios falsarum et corruptarum litterarum. Si veras protulissent, criminis nihil erat, si falsas, erat poena. Bellissimum putarunt dicere amissas. [40] Quiescant igitur et me hoc in lucro ponere atque aliud agere patiantur. Non sinunt. Supplet enim iste nescio qui et privatim dicit se dedisse. Hoc vero ferri nullo modo potest. Qui de tabulis publicis recitat eis quae in accusatoris potestate fuerunt non debet habere auctoritatem; sed tamen iudicium fieri videtur, cum tabulae illae ipsae, cuicuimodi sunt, proferuntur. Cum vero is quem nemo vestrum vidit umquam, nemo qui mortalis esset audivit, tantum dicit: 'dedi,' dubitabitis, iudices, quin ab hoc ignotissimo Phryge nobilissimum civem vindicetis? Atque huic eidem nuper tres equites Romani honesti et graves, cum in causa liberali eum qui adserebatur cognatum suum esse diceret, non crediderunt. Qui hoc evenit ut, qui locuples testis doloris et sanguinis sui non fuerit, idem sit gravis auctor iniuriae publicae? Atque hic Dorylensis nuper cum efferretur magna fre- [41] quentia conventuque vestro, mortis illius invidiam in L. Flaccum Laelius conferebat. Facis iniuste, Laeli, si putas nostro periculo vivere tuos contubernalis, praesertim cum tua neglegentia factum arbitremur. Homini enim Phrygi qui arborem numquam vidisset fiscinam ficorum obiecisti. Cuius mors te aliqua re levavit; edacem enim hospitem amisisti; Flacco vero quid profuit? qui valuit tam diu dum huc prodiret, mortuus est aculeo iam emisso ac dicto testimonio. At istud columen accusationis tuae, Mithridates, postea quam biduum retentus testis a nobis effudit quae voluit omnia, reprensus, convictus fractusque discessit; ambulat cum lorica; metuit homo doctus et sapiens, ne L. Flaccus nunc se scelere adliget, cum iam testem illum effugere non possit, et, qui ante dictum testimonium sibi temperarit, cum tamen aliquid adsequi posset, is nunc id agat ut ad falsum avaritiae testimonium verum malefici crimen adiungat. Sed quoniam de hoc teste totoque Mithridatico crimine disseruit subtiliter et copiose Q. Hortensius, nos, ut instituimus, ad reliqua pergamus.

[42] Caput est omnium Graecorum concitandorum, qui cum accusatoribus sedet, Heraclides ille Temnites, homo ineptus et loquax, sed, ut sibi videtur, ita doctus ut etiam magistrum illorum se

esse dicat. At, qui ita sit ambitiosus ut omnis vos nosque cotidie persalutet, Temni usque ad illam aetatem in senatum venire non potuit et, qui se artem dicendi traditurum etiam ceteris profiteatur, ipse omnibus turpissimis iudiciis victus est. [43] Pari felicitate legatus una venit Nicomedes, qui nec in senatum ulla condicione pervenire potuit et furti et pro socio damnatus est. Nam princeps legationis, Lysania, adeptus est ordinem senatorium, sed cum rem publicam nimium amplecteretur, peculatus damnatus et bona et senatorium nomen amisit. Hi tres etiam aerari nostri tabulas falsas esse voluerunt; nam servos novem se professi sunt habere, cum omnino sine comite venissent. Decreto scribendo primum video adfuisse Lysaniam, cuius fratris bona, quod populo non solvebat, praetore Flacco publice venierunt. Praeterea Philippus est, Lysaniae gener, et Hermobius, cuius frater Pollis item pecuniae publicae est condemnatus. Dicunt se Flacco et eis qui simul essent drachmarum ccicc icc dedisse. [44] Cum civitate mihi res est acerrima et conficientissima litterarum, in qua nummus commoveri nullus potest sine quinque praetoribus, tribus quaestoribus, quattuor mensariis, qui apud illos a populo creantur. Ex hoc tanto numero deductus est nemo. At cum illam pecuniam nominatim Flacco datam referant, maiorem aliam cum huic eidem darent in aedem sacram reficiendam se perscripsisse dicunt, quod minime convenit. Nam aut omnia occulte referenda fuerunt, aut aperte omnia. Cum perscribunt Flacco nominatim, nihil timent, nihil verentur; cum operi publico referunt, idem homines subito eundem quem contempserant pertimescunt. Si praetor dedit, ut est scriptum, a quaestore numeravit, quaestor a mensa publica, mensa aut ex vectigali aut ex tributo. Numquam erit istuc simile criminis, nisi hanc mihi totam rationem omni et personarum genere et litterarum explicaris.

45] Vel quod est in eodem decreto scriptum, homines clarissimos civitatis amplissimis usos honoribus hoc praetore circumventos, cur hi neque in iudicio adsunt neque in decreto nominantur? Non enim credo significari isto loco illum qui se erigit Heraclidam. Vtrum enim est in clarissimis civibus is quem iudicatum hic duxit Hermippus, qui hanc ipsam legationem quam habet non accepit a suis civibus, sed usque Tmolo petivit, cui nullus honos in sua civitate habitus est umquam, res autem ea quae tenuissimis committebatur huic una in

vita commissa sola est? Custos T. Aufidio praetore in frumento publico est positus; pro quo cum a P. Varinio praetore pecuniam accepisset, celavit suos civis ultroque eis sumptum intulit. Quod postea quam Temni litteris a P. Varinio missis cognitum atque patefactum est, cumque eadem de re Cn. Lentulus, qui censor fuit, Temnitarum patronus, litteras misisset, Heraclidam istum Temni postea nemo vidit. [46] Atque ut eius impudentiam perspicere possitis, causam ipsam quae levissimi hominis animum in Flaccum incitavit, quaeso, cognoscite.

Fundum Cymaeum Romae mercatus est de pupillo Meculonio. Cum verbis se locupletem faceret, haberet nihil praeter illam impudentiam quam videtis, pecuniam sumpsit mutuam a Sex. Stloga, iudice hoc nostro, primario viro, qui et rem agnoscit neque hominem ignorat; qui tamen credidit P. Fulvi Nerati, lectissimi hominis, fide. Ei cum solveret, sumpsit a C. M. Fufiis, equitibus Romanis, primariis viris. Hic hercule 'cornici oculum,' ut dicitur. Nam hunc Hermippum, hominem eruditum, civem suum, cui debebat esse notissimus, percussit. Eius enim fide sumpsit a Fufiis. Securus Hermippus Temnum proficiscitur, cum iste se pecuniam quam huius fide sumpserat a discipulis suis diceret Fufiis persoluturum. [47] Habebat enim rhetor iste discipulos quosdam locupletis, quos dimidio redderet stultiores quam acceperat; neminem tamen adeo infatuare potuit ut ei nummum ullum crederet. Itaque cum Roma clam esset profectus multosque minutis mutuationibus fraudavisset, in Asiam venit Hermippoque percontanti de nomine Fufiano respondit se omnem pecuniam Fufiis persolvisse. Interim, neque ita longo intervallo, libertus a Fufiis cum litteris ad Hermippum venit; pecunia petitur ab Hermippo. Hermippus ab Heraclida petit; ipse tamen Fufiis satis facit absentibus et fidem suam liberat; hunc aestuantem et tergiversantem iudicio ille persequitur. A recuperatoribus causa cognoscitur. [48] Nolite existimare, iudices, non unam et eandem omnibus in locis esse fraudatorum et infitiatorum impudentiam. Fecit eadem omnia quae nostri debitores solent; negavit sese omnino versuram ullam fecisse Romae; Fufiorum se adfirmavit numquam omnino nomen audisse; Hermippum vero ipsum, pudentissimum atque optimum virum, veterem amicum atque hospitem meum, splendidissimum atque ornatissimum civitatis suae,

probris omnibus maledictisque vexat. Sed cum se homo volubilis quadam praecipiti celeritate dicendi in illa oratione iactaret, repente testimoniis Fufiorum nominibusque recitatis homo audacissimus pertimuit, loquacissimus obmutuit. Itaque recuperatores contra istum rem minime dubiam prima actione iudicaverunt. Cum iudicatum non faceret, addictus Hermippo et ab hoc ductus est.

[49] Habetis et honestatem hominis et auctoritatem testimoni et causam omnem simultatis. Atque is ab Hermippo missus, cum ei pauca mancipia vendidisset, Romam se contulit, deinde in Asiam rediit, cum iam frater meus Flacco successisset. Ad quem adiit causamque ita detulit, recuperatores vi Flacci coactos et metu falsum invitos iudicavisse. Frater meus pro sua aequitate prudentiaque decrevit ut, si iudicatum negaret, in duplum iret; si metu coactos diceret, haberet eosdem recuperatores. Recusavit et, quasi nihil esset actum, nihil iudicatum, ab Hermippo ibidem mancipia quae ipse ei vendiderat petere coepit. M. Gratidius legatus, ad quem est aditum, actionem se daturum negavit; re iudicata stari ostendit placere. [50] Iterum iste, cui nullus esset usquam consistendi locus, Romam se rettulit; persequitur Hermippus, qui numquam istius impudentiae cessit. Petit Heraclides a C. Plotio senatore, viro primario, qui legatus in Asia fuerat, mancipia quaedam quae se, cum iudicatus esset, per vim vendidisse dicebat. Q. Naso, vir ornatissimus, qui praetor fuerat, iudex sumitur. Qui cum sententiam secundum Plotium se dicturum ostenderet, ab eo iudice abiit et, quod iudicium lege non erat, causam totam reliquit. Satisne vobis, iudices, videor ad singulos testis accedere neque, ut primo constitueram, tantum modo cum universo genere confligere?

[51] Venio ad Lysaniam eiusdem civitatis, peculiarem tuum, Deciane, testem; quem tu cum ephebum Temni cognosses, quia tum te nudus delectarat, semper nudum esse voluisti. Abduxisti Temno Apollonidem; pecuniam adulescentulo grandi faenore, fiducia tamen accepta, occupavisti. Hanc fiduciam commissam tibi dicis; tenes hodie ac possides. Eum tu testem spe recuperandi fundi paterni venire ad testimonium dicendum coegisti; qui quoniam testimonium <nondum> dixit, quidnam sit dicturus exspecto. Novi genus hominum, novi consuetudinem, novi libidinem. Itaque, etsi teneo quid sit dicere paratus, nihil tamen contra disputabo prius quam

dixerit. Totum enim convertet atque alia finget. Quam ob rem et ille servet quod paravit, et ego me ad id quod adtulerit integrum conservabo.

[52] Venio nunc ad eam civitatem in quam ego multa et magna studia et officia contuli, et quam meus frater in primis colit atque diligit. Quae si civitas per viros bonos gravisque homines querelas ad vos detulisset, paulo commoverer magis. Nunc vero quid putem? Trallianos Maeandrio causam publicam commisisse, homini egenti, sordido, sine honore, sine existumatione, sine censu? Vbi erant illi Pythodori, Aetidemi, Lepisones, ceteri homines apud nos noti, inter suos nobiles, ubi illa magnifica et gloriosa ostentatio civitatis? Nonne esset puditum, si hanc causam agerent severe, non modo legatum sed Trallianum omnino dici Maeandrium? Huic illi legato, huic publico testi patronum suum iam inde a patre atque maioribus, L. Flaccum, mactandum civitatis testimonio tradidissent? Non est ita, iudices, non est profecto. [53] Vidi ego in quodam iudicio nuper Philodorum testem Trallianum, vidi Parrhasium, vidi Archidemum, cum quidem idem hic mihi Maeandrius quasi ministrator aderat subiciens quid in suos civis civitatemque, si vellem, dicerem. Nihil enim illo homine levius, nihil egentius, nihil inquinatius. Qua re, si hunc habent auctorem Tralliani doloris sui, si hunc custodem litterarum, si hunc testem iniuriae, si hunc actorem querelarum, remittant spiritus, comprimant animos suos, sedent adrogantiam, fateantur in Maeandri persona esse expressam speciem civitatis. Sin istum semper illi ipsi domi proterendum et conculcandum putaverunt, desinant putare auctoritatem esse in eo testimonio cuius auctor inventus est nemo.

Sed exponam quid in re <sit> ut quam ob rem ista civitas neque severe Flaccum oppugnarit neque benigne defenderit scire possitis. [54] Erat ei Castriciano nomine irata, de quo toto respondit Hortensius; invita solverat Castricio pecuniam iam diu debitam. Hinc totum odium, hinc omnis offensio. Quo cum venisset Laelius ad iratos et illud Castricianum volnus dicendo refricuisset, siluerunt principes neque in illa contione adfuerunt neque istius decreti ac testimoni auctores esse voluerunt. Vsque adeo orba fuit ab optimatibus illa contio ut princeps principum esset Maeandrius; cuius lingua quasi flabello seditionis illa tum est egentium contio ventilata. [55] Itaque civitatis pudentis, ut ego semper existimavi, et gravis, ut ipsi existimari volunt, iustum dolorem querelasque cognoscite. Quae pecunia fuerit apud se Flacci patris nomine a civitatibus, hanc a se esse ablatam queruntur. Alio loco quaeram quid licuerit Flacco; nunc tantum a Trallianis requiro, quam pecuniam ab se ablatam querantur, suamne dicant, sibi a civitatibus conlatam in usum suum. Cupio audire. 'Non,' inquit, 'dicimus.' Quid igitur? 'Delatam ad nos, creditam nobis L. Flacci patris nomine ad eius dies festos atque ludos.' [56] Quid tum? 'Hanc te,' inquit, 'capere non licuit.' Iam id videro, sed primum illud tenebo. Queritur gravis, locuples, ornata civitas, quod non retinet alienum; spoliatam se dicit, quod id non habet quod eius non fuit. Quid hoc impudentius dici aut fingi potest? Delectum est oppidum, quo in oppido universa pecunia a tota Asia ad honores L. Flacci poneretur. Haec pecunia tota ab honoribus translata est in quaestum et faenerationem; recuperata est multis post annis. [57] Quae civitati facta est iniuria? At moleste fert civitas. Credo; avolsum est enim praeter spem quod erat spe devoratum lucrum. At queritur. Impudenter facit; non enim omnia quae dolemus, eadem queri iure possumus. At accusat verbis gravissimis. Non civitas, sed imperiti homines a Maeandrio concitati. Quo loco etiam atque etiam facite ut recordemini quae sit temeritas multitudinis, quae levitas propria Graecorum, quid in contione seditiosa valeat oratio. Hic, in hac gravissima et moderatissima civitate, cum est forum plenum iudiciorum, plenum magistratuum, plenum optimorum virorum et civium, cum speculatur atque obsidet rostra vindex temeritatis et moderatrix offici curia, tamen quantos fluctus excitari contionum

videtis! Quid vos fieri censetis Trallibus? an id quod Pergami? Nisi forte hae civitates existimari volunt facilius una se epistula Mithridatis moveri impellique potuisse ut amicitiam populi Romani, fidem suam, iura omnia offici humanitatisque violarent, quam ut filium testimonio laederent cuius patrem armis pellendum a suis moenibus censuissent. [58] Qua re nolite mihi ista nomina civitatum nobilium opponere; quos enim hostis haec familia contempsit, numquam eosdem testis pertimescet. Vobis autem est confitendum, si consiliis principum vestrae civitates reguntur, non multitudinis temeritate, sed optimatium consilio bellum ab istis civitatibus cum populo Romano esse susceptum; sin ille tum motus est temeritate imperitorum excitatus, patimini me delicta volgi a publica causa separare. [59] At enim istam pecuniam huic capere non licuit. Vtrum voltis patri Flacco licuisse necne? Si licuit <uti>, sicuti certe licuit, ad eius honores conlata, ex quibus nihil ipse capiebat, patris pecuniam recte abstulit filius; si non licuit, tamen illo mortuo non modo filius sed quivis heres rectissime potuit auferre. Ac tum quidem Tralliani cum ipsi gravi faenore istam pecuniam multos annos occupavissent, a Flacco tamen omnia quae voluerunt impetraverunt, neque tam fuerunt impudentes ut id quod Laelius dixit dicere auderent, hanc ab se pecuniam abstulisse Mithridatem. Quis enim erat qui non sciret in ornandis studiosiorem Mithridatem quam in spoliandis Trallianis fuisse? [60] Quae quidem a me si, ut dicenda sunt, dicerentur, gravius agerem, iudices, quam adhuc egi, quantam Asiaticis testibus fidem habere vos conveniret; revocarem animos vestros ad Mithridatici belli memoriam, ad illam universorum civium Romanorum per tot urbis uno puncto temporis miseram crudelemque caedem, praetores nostros deditos, legatos in vincla coniectos, nominis prope Romani memoriam cum vestigio <omni> imperi non modo ex sedibus Graecorum verum etiam ex litteris esse deletam. Mithridatem dominum, illum patrem, illum conservatorem Asiae, illum Euhium, Nysium, Bacchum, Liberum nominabant. [61] Vnum atque idem erat tempus cum L. Flacco consuli portas tota Asia claudebat, Cappadocem autem illum non modo recipiebat suis urbibus verum etiam ultro vocabat. Liceat haec nobis, si oblivisci non possumus, at tacere, liceat mihi potius de levitate Graecorum queri quam de crudelitate; auctoritatem isti habeant apud eos quos

esse omnino noluerunt? Nam, quoscumque potuerunt, togatos interemerunt, nomen civium Romanorum quantum in ipsis fuit sustulerunt. In hac igitur urbe se iactant quam oderunt, apud eos quos inviti vident, in ea re publica ad quam opprimendam non animus eis, sed vires defuerunt? Aspiciant hunc florem legatorum laudatorumque Flacci ex vera atque integra Graecia; tum se ipsi expendant, tum cum his comparent, tum, si audebunt, dignitati horum anteponant suam.

[62] Adsunt Athenienses, unde humanitas, doctrina, religio, fruges, iura, leges ortae atque in omnis terras distributae putantur; de quorum urbis possessione propter pulchritudinem etiam inter deos certamen fuisse proditum est; quae vetustate ea est ut ipsa ex sese suos civis genuisse ducatur, et eorum eadem terra parens, altrix, patria dicatur, auctoritate autem tanta est ut iam fractum prope ac debilitatum Graeciae nomen huius urbis laude nitatur. [63] Adsunt Lacedaemonii, cuius civitatis spectata ac nobilitata virtus non solum natura corroborata verum etiam disciplina putatur; qui soli toto orbe terrarum septingentos iam annos amplius unis moribus et numquam mutatis legibus vivunt. Adsunt ex Achaia cuncta multi legati, Boeotia, Thessalia, quibus locis nuper legatus Flaccus imperatore Metello praefuit. Neque vero te, Massilia, praetereo quae L. Flaccum <tribunum> militum quaestoremque cognosti; cuius ego civitatis disciplinam atque gravitatem non solum Graeciae, sed haud scio an cunctis gentibus anteponendam iure dicam; quae tam procul a Graecorum omnium regionibus, disciplinis linguaque divisa cum in ultimis terris cincta Gallorum gentibus barbariae fluctibus adluatur, sic optimatium consilio gubernatur ut omnes eius instituta laudare facilius possint quam aemulari. [64] Hisce utitur laudatoribus Flaccus, his innocentiae testibus, ut <Graecorum cupiditati> Graecorum auxilio resistamus.

Quamquam quis ignorat, qui modo umquam mediocriter res istas scire curavit, quin tria Graecorum genera sint vere? quorum uni sunt Athenienses, quae gens Ionum habebatur, Aeolis alteri, Doris tertii nominabantur. Atque haec cuncta Graecia, quae fama, quae gloria, quae doctrina, quae plurimis artibus, quae etiam imperio et bellica laude floruit, parvum quendam locum, ut scitis, Europae tenet semperque tenuit, Asiae maritimam oram bello superatam cinxit urbibus, non ut victam coloniis illam constringeret, sed ut obsessam

teneret. [65] Quam ob rem quaeso a vobis, Asiatici testes, ut, cum vere recordari voletis quantum auctoritatis in iudicium adferatis, vosmet ipsi describatis Asiam nec quid alienigenae de vobis loqui soleant, sed quid vosmet ipsi de genere vestro statuatis, memineritis. Namque, ut opinor, Asia vestra constat ex Phrygia, Mysia, Caria, Lydia. Vtrum igitur nostrum est an vestrum hoc proverbium, 'Phrygem plagis fieri solere meliorem'? Quid? de tota Caria nonne hoc vestra voce volgatum est, 'si quid cum periculo experiri velis, in Care id potissimum esse faciendum'? Quid porro in Graeco sermone tam tritum atque celebratum est quam, si quis despicatui ducitur, ut 'Mysorum ultimus' esse dicatur? Nam quid ego dicam de Lydia? Quis umquam Graecus comoediam scripsit in qua servus primarum partium non Lydus esset? Quam ob rem quae vobis fit iniuria, si statuimus vestro nobis iudicio standum esse de vobis? [66] Equidem mihi iam satis superque dixisse videor de Asiatico genere testium; sed tamen vestrum est, iudices, omnia quae dici possunt in hominum levitatem, inconstantiam, cupiditatem, etiam si a me minus dicuntur, vestris animis et cogitatione comprendere.

Sequitur auri illa invidia Iudaici. Hoc nimirum est illud quod non longe a gradibus Aureliis haec causa dicitur. Ob hoc crimen hic locus abs te, Laeli, atque illa turba quaesita est; scis quanta sit manus, quanta concordia, quantum valeat in contionibus. Sic submissa voce agam tantum ut iudices audiant; neque enim desunt qui istos in me atque in optimum quemque incitent; quos ego, quo id facilius faciant, non adiuvabo. [67] Cum aurum Iudaeorum nomine quotannis ex Italia et ex omnibus nostris provinciis Hierosolymam exportari soleret, Flaccus sanxit edicto ne ex Asia exportari liceret. Quis est, iudices, qui hoc non vere laudare possit? Exportari aurum non oportere cum saepe antea senatus tum me consule gravissime iudicavit. Huic autem barbarae superstitioni resistere severitatis, multitudinem Iudaeorum flagrantem non numquam in contionibus pro re publica contemnere gravitatis summae fuit. At Cn. Pompeius captis Hierosolymis victor ex illo fano nihil attigit. [68] In primis hoc, ut multa alia, sapienter; in tam suspiciosa ac maledica civitate locum sermoni obtrectatorum non reliquit. Non enim credo religionem et Iudaeorum et hostium impedimento praestantissimo imperatori, sed pudorem fuisse. Vbi igitur crimen est, quoniam quidem furtum nusquam reprehendis,

edictum probas, iudicatum fateris, quaesitum et prolatum palam non negas, actum esse per viros primarios res ipsa declarat? Apameae manifesto comprehensum ante pedes praetoris in foro expensum est auri pondo c paulo minus per Sex. Caesium, equitem Romanum, castissimum hominem atque integerrimum, Laodiceae xx pondo paulo amplius per hunc L. Peducaeum, iudicem nostrum, Adramytii <c> per Cn. Domitium legatum, Pergami non multum. [69] Auri ratio constat, aurum in aerario est; furtum non reprehenditur, invidia quaeritur; a iudicibus oratio avertitur, vox in coronam turbamque effunditur. Sua cuique civitati religio, Laeli, est, nostra nobis. Stantibus Hierosolymis pacatisque Iudaeis tamen istorum religio sacrorum a splendore huius imperi, gravitate nominis nostri, maiorum institutis abhorrebat; nunc vero hoc magis, quod illa gens quid de nostro imperio sentiret ostendit armis; quam cara dis immortalibus esset docuit, quod est victa, quod elocata, quod serva facta.

[70] Quam ob rem quoniam, quod crimen esse voluisti, id totum vides in laudem esse conversum, veniamus iam ad civium Romanorum querelas; ex quibus sit sane prima Deciani. Quid tibi tandem, Deciane, iniuriae factum est? Negotiaris in libera civitate. Primum patere me esse curiosum. Quo usque negotiabere, cum praesertim sis isto loco natus? Annos iam xxx in foro versaris, sed tamen in Pergameno. Longo intervallo, si quando tibi peregrinari commodum est, Romam venis, adfers faciem novam, nomen vetus, purpuram Tyriam, in qua tibi invideo, quod unis vestimentis tam diu lautus es. [71] Verum esto, negotiari libet; cur non Pergami, Smyrnae, Trallibus, ubi et multi cives Romani sunt et ius a nostro magistratu dicitur? Otium te delectat, lites, turbae, praetor odio est, Graecorum libertate gaudes. Cur ergo unus tu Apollonidensis amantissimos populi Romani, fidelissimos socios, miseriores habes quam aut Mithridates aut etiam pater tuus habuit umquam? Cur his per te frui libertate sua, cur denique esse liberos non licet? Homines sunt tota ex Asia frugalissimi, sanctissimi, a Graecorum luxuria et levitate remotissimi, patres familias suo contenti, aratores, rusticani; agros habent et natura perbonos et diligentia culturaque meliores. In hisce agris tu praedia habere voluisti. Omnino mallem, et magis erat tuum, si iam te crassi agri delectabant, hic alicubi in Crustumino aut in

Capenati paravisses. [72] Verum esto; Catonis est dictum ‘pedibus compensari pecuniam.’ Longe omnino a Tiberi ad Caicum, quo in loco etiam Agamemnon cum exercitu errasset, nisi ducem Telephum invenisset. Sed concedo id quoque; placuit oppidum, regio delectavit. Emisses. Amyntas est genere, honore, existimatione, pecunia princeps illius civitatis. Huius socrum, mulierem imbecilli consili, satis locupletem, pellexit Decianus ad sese et, cum illa quid ageretur nesciret, in possessione praediorum eius familiam suam conlocavit; uxorem abduxit ab Amynta praegnantem, quae peperit apud Decianum filiam, hodieque apud Decianum est et uxor Amyntae et filia. [73] Num quid harum rerum a me fingitur, Deciane? Sciunt haec omnes nobiles, sciunt boni viri, sciunt denique noti homines, sciunt mediocres negotiatores. Exsurge, Amynta, repete a Deciano non pecuniam, non praedia, socrum denique sibi habeat; restituat uxorem, reddat misero patri filiam. Membra <quidem>, quae debilitavit lapidibus, fustibus, ferro, manus quas contudit, digitos quos confregit, nervos quos concidit, restituere non potest; filiam, filiam inquam, aerumnoso patri, Deciane, redde. [74] Haec Flacco non probasse te miraris? Cui, quaeso, tandem probasti? Emptiones falsas, praediorum proscriptiones cum aperta circumscriptione fecisti. Tutor his mulieribus Graecorum legibus ascribendus fuit; Polemocratem scripsisti, mercennarium et administrum consiliorum tuorum. Adductus est in iudicium Polemocrates de dolo malo et de fraude a Dione huius ipsius tutelae nomine. Qui concursus ex oppidis finitimis undique, qui dolor animorum, quae querela! Condemnatus est Polemocrates sententiis omnibus; inritae venditiones, inritae proscriptiones. Num restituis? Defers ad Pergamenos ut illi reciperent in suas litteras publicas praeclaras proscriptiones et emptiones tuas. Repudiant, reiciunt. At qui homines? Pergameni, laudatores tui. Ita enim mihi gloriari visus es laudatione Pergamenorum quasi honorem maiorum tuorum consecutus esses, et hoc te superiorem esse putabas quam Laelium, quod te civitas Pergamena laudaret. Num honestior est civitas Pergamena quam Smyrnaea? At ne ipsi quidem dicunt.

[75] Vellem tantum habere me oti, ut possem recitare psephisma Smyrnaeorum quod fecerunt in Castricium mortuum, primum ut in oppidum introferretur, quod aliis non conceditur, deinde ut ferrent

ephebi, postremo ut imponeretur aurea corona mortuo. Haec P. Scipioni, clarissimo viro, cum esset Pergami mortuus, facta non sunt. At Castricium quibus verbis, di immortales! ‘decus patriae, ornamentum populi Romani, florem iuventutis’ appellant. Qua re, Deciane, si cupidus es gloriae, alia ornamenta censeo quaeras; Pergameni te deriserunt. [76] Quid? tu ludi te non intellegebas, cum tibi haec verba recitabant: ‘clarissimum virum, praestantissima sapientia, singulari ingenio’? Mihi crede, ludebant. Cum vero coronam auream litteris imponebant, re vera non plus aurum tibi quam monedulae committebant, ne tum quidem hominum venustatem et facetias perspicere potuisti? <Ipsi> igitur illi Pergameni proscriptiones quas tu adferebas repudiaverunt. P. Orbius, homo et prudens et innocens, contra te omnia decrevit. Apud P. Globulum, meum necessarium, fuisti gratiosior. Vtinam neque ipsum neque me paeniteret! [77] Flaccum iniuria decrevisse in tua re dicis; adiungis causas inimicitiarum, quod patri L. Flacco aedili curuli pater tuus tribunus plebis diem dixerit. At istud ne ipsi quidem patri Flacco valde molestum esse debuit, praesertim cum ille cui dies dicta est praetor postea factus sit et consul, ille qui diem dixit non potuerit privatus in civitate consistere. Sed si iustas inimicitias putabas, cur, cum tribunus militum Flaccus esset, in illius legione miles fuisti, cum per leges militaris effugere liceret iniquitatem tribuni? Cur autem praetor te, inimicum paternum, in consilium vocavit? Quae quidem quam sancte solita sint observari scitis omnes. Nunc accusamur ab eis qui in consilio nobis fuerunt. [78] ‘Decrevit Flaccus.’ Num aliud atque oportuit? ‘In liberos.’ Num aliter censuit senatus? ‘In absentem.’ Decrevit, cum ibidem esses, cum prodire nolles; non est hoc in absentem, sed in latentem reum.

Senatvs consvltvm et decretvm Flacci.

Quid? si non decrevisset, sed edixisset, quis posset vere reprehendere? Num etiam fratris mei litteras plenissimas humanitatis et aequitatis reprehensurus <es>? quas ea de muliere ad me datas apud . . . requisivit. Recita.

Litterae Q. Ciceronis.

[79] Quid? haec Apollonidenses occasionem nacti ad Flaccum <non> detulerunt, apud Orbium acta non sunt, ad Globulum delata non sunt? Ad senatum nostrum me consule nonne legati

Apollonidenses omnia postulata de iniuriis unius Deciani detulerunt? At haec praedia in censum dedicavisti. Mitto quod aliena, mitto quod possessa per vim, mitto quod convicta ab Apollonidensibus, mitto quod a Pergamenis repudiata, mitto etiam quod a nostris magistratibus in integrum restituta, mitto quod nullo iure neque re neque possessione tua; [80] illud quaero sintne ista praedia censui censendo, habeant ius civile, sint necne sint mancipi, subsignari apud aerarium aut apud censorem possint. In qua tribu denique ista praedia censuisti? Commisisti, si tempus aliquod gravius accidisset, ut ex isdem praediis et Apollonide et Romae imperatum esset tributum. Verum esto, gloriosus fuisti, voluisti magnum agri modum censeri, et eius agri qui dividi plebi Romanae non potest. Census es praeterea numeratae pecuniae cxxx. Eam opinor tibi numeratam non esse abs te. Sed haec omitto. Census es mancipia Amyntae neque huic ullam in eo fecisti iniuriam. Possidet enim ea mancipia Amyntas. Ac primo quidem pertimuit, cum te audisset servos suos esse censum; rettulit ad iuris consultos. Constabat inter omnis, si aliena censendo Decianus sua facere posset, eum maxima habiturum esse. . . . [familiam. Responsum est, eius facta non videri. Idem visum est postea Flacco, cum rem cognosceret. Itque decrevit.]

[81] Habetis causam inimicitiarum, qua causa inflammatus Decianus ad Laelium detulerit hanc opimam accusationem. Nam ita questus est Laelius, cum de perfidia Deciani diceret: ‘qui mihi auctor fuit, qui causam ad me detulit, quem ego sum secutus, is a Flacco corruptus est, is me deseruit ac prodidit.’ Sicine tu auctor tandem eum cui tu in consilio fuisses, apud quem omnis gradus dignitatis tuae retinuisses, pudentissimum hominem, nobilissima familia natum, optime de re publica meritum in discrimen omnium fortunarum vocavisti? Si licet, defendam Decianum, qui tibi in suspicionem nullo suo delicto venit. [82] Non est, mihi crede, corruptus. Quid enim fuit quod ab eo redimeretur? ut duceret iudicium? Cui sex horas omnino lex dedit, quantum tandem ex his horis detraheret, si tibi morem gerere voluisset? Nimirum illud est quod ipse suspicatur. Invidisti ingenio subscriptoris tui; quod ornabat facile locum quem prehenderat, et acute testis interrogabat aut . . . fortasse fecisset ut tu ex populi sermone excideres, idcirco Decianum usque ad coronam applicavisti. Sed, ut hoc haud veri simile est

Decianum a Flacco esse corruptum, [83] ita scitote esse cetera, velut quod ait Lucceius, L. Flaccum sibi dare cupisse, ut a fide se abduceret, sestertium viciens. Et eum tu accusas avaritiae quem dicis sestertium viciens voluisse perdere? Nam quid emebat, cum te emebat? ut ad se transires? Quam partem causae tibi daremus? An ut enuntiares consilia Laeli? qui testes ab eo prodirent? Quid? nos non videbamus? Habitare una? Quis hoc nescit? Tabulas in Laeli potestate fuisse? Num dubium est? An ne vehementer, ne copiose accusares? Nunc facis suspicionem; ita enim dixisti ut nescio quid a te impetratum esse videatur.

[84] At enim Androni Sextilio gravis iniuria facta est et non ferenda, quod, cum esset eius uxor Valeria intestato mortua, sic egit eam rem Flaccus quasi ad ipsum hereditas pertineret. In quo quid reprehendas scire cupio. Quod falsum intenderit? Qui doces? 'Ingenua,' inquit, 'fuit.' O peritum iuris hominem! Quid? ab ingenuis mulieribus hereditates lege non veniunt? 'In manum,' inquit, 'convenerat.' Nunc audio; sed quaero, usu an coemptione? Vsu non potuit; nihil enim potest de tutela legitima nisi omnium tutorum auctoritate deminui. Coemptione? Omnibus ergo auctoribus; in quibus certe Flaccum fuisse non dices. [85] Relinquitur illud quod vociferari non destitit, non debuisse, cum praetor esset, suum negotium agere aut mentionem facere hereditatis. Maximas audio tibi, L. Luculle, qui de L. Flacco sententiam laturus es, pro tua eximia liberalitate maximisque beneficiis in tuos venisse hereditates, cum Asiam provinciam consulari imperio obtineres. Si quis eas suas esse dixisset, concessisses? Tu, T. Vetti, si quae tibi in Africa venerit hereditas, usu amittes, an tuum nulla avaritia salva dignitate retinebis? At istius hereditatis iam Globulo praetore Flacci nomine petita possessio est. Non igitur impressio, non vis, non occasio, non tempus, non imperium, non secures ad iniuriam faciendam Flacci animum impulerunt. [86] Atque eodem etiam M. Lurco, vir optimus, meus familiaris, convertit aculeum testimoni sui; negavit a privato pecuniam in provincia praetorem petere oportere. Cur tandem, M. Lurco, non oportet? Extorquere, accipere contra leges non oportet, petere non oportere numquam ostendes, nisi docueris non licere. An legationes sumere liberas exigendi causa, sicut et tu ipse nuper et multi viri boni saepe fecerunt, rectum est, quod ego non reprehendo,

socios video queri; praetorem, si hereditatem in provincia non reliquerit, non solum reprehendendum verum etiam condemnandum putas? ‘Doti,’ inquit, ‘Valeria pecuniam omnem suam dixerat.’ Nihil istorum explicari potest, nisi ostenderis illam in tutela Flacci non fuisse. Si fuit, quaecumque sine hoc auctore est dicta dos, nulla est. [87] Sed tamen Lurconem, quamquam pro sua dignitate moderatus est in testimonio dicendo orationi suae, tamen iratum Flacco esse vidistis. Neque enim occultavit causam iracundiae suae neque reticendam putavit; questus est libertum suum Flacco praetore esse damnatum. O condiciones miseras administrandarum provinciarum, in quibus diligentia plena simultatum est, neglegentia vituperationum, ubi severitas periculosa est, liberalitas ingrata, sermo insidiosus, adsentatio perniciosa, frons omnium familiaris, multorum animus iratus, iracundiae occultae, blanditiae apertae, venientis praetores exspectant, praesentibus inserviunt, abeuntis deserunt! Sed omittamus querelas, ne nostrum consilium in praetermittendis provinciis laudare videamur. [88] Litteras misit de vilico P. Septimi, hominis ornati, qui vilicus caedem fecerat; Septimium ardentem iracundia videre potuistis. In Lurconis libertum iudicium ex edicto dedit; hostis est Lurco. Quid igitur? hominum gratiosorum splendidorumque libertis fuit Asia tradenda? an simultates nescio quas cum libertis vestris Flaccus exercet? an vobis in vestris vestrorumque causis severitas odio est, eandem laudatis, cum de nobis iudicatis?

At iste Andro spoliatus bonis, ut dicitis, ad dicendum testimonium non venit. [89] Quid si veniat? Decisionis arbiter C. Caecilius fuit, quo splendore vir, qua fide, qua religione! obsignator C. Sextilius, Lurconis sororis filius, homo et pudens et constans et gravis. Si vis erat, si fraus, si metus, si circumscriptio, quis pactionem fieri, quis adesse istos coegit? Quid? si ista omnis pecunia huic adulescentulo L. Flacco reddita est, si petita, si redacta per hunc Antiochum, paternum huius adulescentis libertum seni illi Flacco probatissimum, videmurne non solum avaritiae crimen effugere sed etiam liberalitatis laudem adsequi singularem? Communem enim hereditatem, quae aequaliter ad utrumque lege venisset, concessit adulescenti propinquo suo, nihil ipse attigit de Valerianis bonis. Quod statuerat facere adductus huius pudore et non amplissimis patrimoni copiis, id

non solum fecit sed etiam prolixe cumulateque fecit. Ex quo intellegi debet eum contra leges pecunias non cepisse qui tam fuerit in hereditate concedenda liberalis.

[90] At Falcidianum crimen est ingens; talenta quinquaginta se Flacco dicit dedisse. Audiamus hominem. Non adest. Quo modo igitur dicit? Epistulam mater eius profert et alteram soror; scriptum ad se dicunt esse ab illo tantam pecuniam Flacco datam. Ergo is cui, si aram tenens iuraret, crederet nemo, per epistulam quod volet iniuratus probabit? At qui vir! quam non amicus suis civibus! qui patrimonium satis lautum, quod hic nobiscum conficere potuit, Graecorum conviviis maluit dissipare. [91] Quid attinuit relinquere hanc urbem, libertate tam praeclara carere, adire periculum navigandi? quasi bona comesse Romae non liceret. Nunc denique materculae suae festivus filius, aniculae minime suspiciosae, purgat se per epistulam, ut eam pecuniam quacum traiecerat non consumpsisse, sed Flacco dedisse videatur. At fructus isti Trallianorum Globulo praetore venierant; Falcidius emerat HS nongentis milibus. Si dat tantam pecuniam Flacco, nempe idcirco dat ut rata sit emptio. Emit igitur aliquid quod certe multo pluris esset; dat de lucro, nihil detrahit de vivo. [92] Cur Albanum venire iubet, cur matri praeterea blanditur, cur epistulis et sororis et matris imbecillitatem aucupatur, postremo cur non audimus ipsum? Retinetur, credo, in provincia. Mater negat. ‘Venisset,’ inquit, ‘si esset denuntiatum.’ Tu certe coegisses, si ullum firmamentum in illo teste posuisses; sed hominem a negotio abducere noluisti. Magnum erat ei certamen propositum, magna cum Graecis contentio; qui tamen, ut opinor, iacent victi. Nam iste unus totam Asiam magnitudine poculorum bibendoque superavit. Sed tamen quis tibi, Laeli, de epistulis istis indicavit? Mulieres negant se scire qui sit. Ipse igitur ille tibi se ad matrem et sororem scripsisse narravit? [93] An etiam scripsit oratu tuo? At vero M. Aebutium, constantissimum et pudentissimum hominem, Falcidi adfinem, nihil interrogas, nihil eius generum pari fide praeditum, C. Manilium? qui profecto de tanta pecunia, si esset data, nihil audisse non possent. His tu igitur epistulis, Deciane, recitatis, his mulierculis productis, illo absente auctore laudato tantum te crimen probaturum putasti, praesertim cum ipse non deducendo Falcidium iudicium feceris plus falsam

epistulam habituram ponderis quam ipsius praesentis fictam vocem et simulatum dolorem?

[94] Sed quid ego de epistulis Falcidi aut de Androne Sextilio aut de Deciani censu tam diu disputo, de salute omnium nostrum, de fortunis civitatis, de summa re publica taceo? quam vos universam in hoc iudicio vestris, <vestris> inquam, umeris, iudices, sustinetis. Videtis quo in motu temporum, quanta in conversione rerum ac perturbatione versemur. Cum alia multa certi homines, tum hoc vel maxime moliuntur ut vestrae quoque mentes, vestra iudicia, vestrae sententiae optimo cuique infestissimae atque inimicissimae reperiantur. Gravia iudicia pro rei publicae dignitate multa de coniuratorum scelere fecistis. Non putant satis conversam rem publicam, nisi in eandem impiorum poenam optime meritos civis detruserint. [95] Oppressus est C. Antonius. Esto; habuit quandam ille infamiam suam; neque tamen ille ipse, pro meo iure dico, vobis iudicibus damnatus esset, cuius damnatione sepulcrum L. Catilinae floribus ornatum hominum audacissimorum ac domesticorum hostium conventu epulisque celebratum est. Iusta Catilinae facta sunt; nunc a Flacco Lentuli poenae per vos expetuntur. Quam potestis P. Lentulo, qui vos in complexu liberorum coniugumque vestrarum trucidatos incendio patriae sepelire conatus est, mactare victimam gratiorem quam si L. Flacci sanguine illius nefarium in vos omnis odium saturaveritis? [96] Litemus igitur Lentulo, parentemus Cethego, revocemus eiectos; nimiae pietatis et summi amoris in patriam vicissim nos poenas, si ita placet, sufferamus. Nos iam ab indicibus nominamur, in nos crimina finguntur, nobis pericula comparantur. Quae si per alios agerent, si denique per populi nomen civium imperitorum multitudinem concitassent, aequiore animo ferre possemus; illud vero ferri non potest, quod per senatores et per equites Romanos, qui haec omnia pro salute omnium communi consilio, una mente atque virtute gesserunt, harum rerum auctores, duces, principes spoliari omnibus fortunis atque civitate expelli posse arbitrantur. Etenim populi Romani perspiciunt eandem mentem et voluntatem; omnibus rebus quibus potest populus Romanus significat quid sentiat; nulla varietas est inter homines opinionis, nulla voluntatis, nulla sermonis. [97] Qua re, si quis illuc me vocat, venio; populum Romanum disceptatorem non modo non recuso sed etiam

deposco. Vis absit, ferrum ac lapides removeantur, operae facessant, servitia sileant; nemo erit tam iniustus qui me audierit, sit modo liber et civis, quin potius de praemiis meis quam de poena cogitandum putet.

O di immortales! quid hoc miserius? Nos qui P. Lentulo ferrum et flammam de manibus extorsimus, imperitae multitudinis iudicio confidimus, lectissimorum civium et amplissimorum sententias pertimescimus! [98] M'. Aquilium patres nostri multis avaritiae criminibus testimoniisque convictum, quia cum fugitivis fortiter bellum gesserat, iudicio liberaverunt. Consul ego nuper defendi C. Pisonem; qui, quia consul fortis constansque fuerat, incolumis est rei publicae conservatus. Defendi item consul L. Murenam, consulem designatum. Nemo illorum iudicum clarissimis viris accusantibus audiendum sibi de ambitu putavit, cum bellum iam gerente Catilina omnes me auctore duos consules Kalendis Ianuariis scirent esse oportere. Innocens et bonus vir et omnibus rebus ornatus bis hoc anno me defendente absolutus est, A. Thermus. Quanta rei publicae causa laetitia populi Romani, quanta gratulatio consecuta est! Semper graves et sapientes iudices in rebus iudicandis quid utilitas civitatis, quid communis salus, quid rei publicae tempora poscerent, cogitaverunt. [99] Cum tabella vobis dabitur, iudices, non de Flacco dabitur solum, dabitur de ducibus auctoribusque conservandae civitatis, dabitur de omnibus bonis civibus, dabitur de vobismet ipsis, dabitur de liberis vestris, de vita, de patria, de salute communi. Non iudicatis in hac causa de exteris nationibus, non de sociis; de vobis atque de vestra re publica iudicatis. [100] Quod si provinciarum vos ratio magis movet quam vestra, ego vero non modo non recuso sed etiam postulo ut provinciarum auctoritate moveamini. Etenim opponemus Asiae provinciae primum magnam partem eiusdem provinciae quae pro huius periculis legatos laudatoresque misit, deinde provinciam Galliam, provinciam Ciliciam, <provinciam> Hispaniam, provinciam Cretam; Graecis autem Lydis et Phrygibus et Mysis obsistent Massilienses, Rhodii, Lacedaemonii, Athenienses, cuncta Achaia, Thessalia, Boeotia; Septimio et Caelio testibus P. Servilius et Q. Metellus huius pudoris integritatisque testes repugnabunt; Asiaticae iuris dictioni urbana iuris dictio respondebit; annui temporis criminationem omnis aetas L. Flacci et perpetua vita

defendet. [101] Et, si prodesse L. Flacco, iudices, debet, quod se tribunum militum, quod quaestorem, quod legatum imperatoribus clarissimis, exercitibus ornatissimis, provinciis gravissimis dignum suis maioribus praestitit, prosit quod hic vobis videntibus in periculis communibus omnium nostrum sua pericula cum meis coniunxit, prosint honestissimorum municipiorum coloniarumque laudationes, prosit etiam senatus populique Romani praeclara et vera laudatio. [102] O nox illa quae paene aeternas huic urbi tenebras attulisti, cum Galli ad bellum, Catilina ad urbem, coniurati ad ferrum et flammam vocabantur, cum ego te, Flacce, caelum noctemque contestans flens flentem obtestabar, cum tuae fidei optimae et spectatissimae salutem urbis et civium commendabam! Tu tum, Flacce, praetor communis exiti nuntios cepisti, tu inclusam in litteris rei publicae pestem deprehendisti, tu periculorum indicia, tu salutis auxilia ad me et ad senatum attulisti. Quae tibi tum gratiae sunt a me actae, quae ab senatu, quae a bonis omnibus! Quis tibi, quis C. Pomptino, fortissimo viro, quemquam bonum putaret umquam non salutem verum honorem ullum denegaturum? O Nonae illae Decembres quae me consule fuistis! quem ego diem vere natalem huius urbis aut certe salutarem appellare possum. [103] O nox illa quam iste est dies consecutus, fausta huic urbi, miserum me, metuo ne funesta nobis! Qui tum animus L. Flacci — nihil dicam enim de me — qui amor in patriam, quae virtus, quae gravitas exstitit! Sed quid ea commemoro quae tum cum agebantur uno consensu omnium, una voce populi Romani, uno orbis terrae testimonio in caelum laudibus efferebantur, nunc vereor ne non modo non prosint verum etiam aliquid obsint? Etenim multo acriorem improborum interdum memoriam esse sentio quam bonorum. Ego te, si quid gravius acciderit, ego te, inquam, Flacce, prodidero. <O> mea dextera illa, mea fides, mea promissa, cum te, si rem publicam conservaremus, omnium bonorum praesidio quoad viveres non modo munitum sed etiam ornatum fore pollicebar. Putavi, speravi, etiam si honos noster vobis vilior fuisset, salutem certe caram futuram. [104] Ac L. Flaccum quidem, iudices, si, quod di immortales omen avertant, gravis iniuria adflixerit, numquam tamen prospexisse vestrae saluti, consuluisse vobis, liberis, coniugibus, fortunis vestris paenitebit; semper ita sentiet, talem se animum et generis dignitati et pietati suae et patriae debuisse; vos ne paeniteat

tali civi non pepercisse, per deos immortalis, iudices, providete. Quotus enim quisque est qui hanc in re publica sectam sequatur, qui vobis, qui vestri similibus placere cupiat, qui optimi atque amplissimi cuiusque hominis atque ordinis auctoritatem magni putet, <cum> illam viam sibi videant expeditiorem ad honores et ad omnia quae concupiverunt?

Sed cetera sint eorum; sibi habeant potentiam, sibi honores, sibi ceterorum commodorum summas facultates; liceat eis qui haec salva esse voluerunt ipsis esse salvis. [105] Nolite, iudices, existimare eos quibus integrum est, qui nondum ad honores accesserunt, non exspectare huius exitum iudici. Si L. Flacco tantus amor in bonos omnis, tantum in rem publicam studium calamitati fuerit, quem posthac tam amentem fore putatis qui non illam viam vitae quam ante praecipitem et lubricam esse ducebat huic planae et stabili praeponendam esse arbitretur? Quod si talium civium vos, iudices, taedet, ostendite; mutabunt sententiam qui potuerint; constituent quid agant quibus integrum est; nos qui iam progressi sumus hunc exitum nostrae temeritatis feremus. Sin hoc animo quam plurimos esse voltis, declarabitis hoc iudicio quid sentiatis. [106] Huic, huic misero puero vestro ac liberorum vestrorum supplici, iudices, hoc iudicio vivendi praecepta dabitis. Cui si patrem conservatis, qualis ipse debeat esse civis praescribetis; si eripitis, ostendetis bonae rationi et constanti et gravi nullum a vobis fructum esse propositum. Qui vos, quoniam est id aetatis ut sensum iam percipere possit ex maerore patrio, auxilium nondum patri ferre possit, orat ne suum luctum patris lacrimis, patris maerorem suo fletu augeatis; qui etiam me intuetur, me voltu appellat, meam quodam modo flens fidem implorat ac repetit eam quam ego patri suo quondam pro salute patriae spoponderim dignitatem. Miseremini familiae, iudices, miseremini fortissimi patris, miseremini fili; nomen clarissimum et fortissimum vel generis vel vetustatis vel hominis causa rei publicae reservate.

FRAGMENTA

Arusianus Messius GL [7.458K [fr1]: quam benivolum hunc populo Romano, quam fidelem putatis?

Hieron. Ep. [10.3] [fr2]: ingenita levitas et erudita vanitas.

POST REDITUM IN SENATU (To the Senate after his recall from exile)

M. TVLLI CICERONIS POST REDITVM IN SENATV ORATIO

[1] Si, patres conscripti, pro vestris immortalibus in me fratremque meum liberosque nostros meritis parum vobis cumulate gratias egero, quaeso obtestorque, ne meae naturae potius quam magnitudini vestrorum beneficiorum id tribuendum putetis. quae tanta enim potest exsistere ubertas ingenii, quae tanta dicendi copia, quod tam divinum atque incredibile genus orationis, quo quisquam possit vestra in nos universa promerita non dicam complecti orando, sed percensere numerando? qui mihi fratrem optatissimum, me fratri amantissimo, liberis nostris parentes, nobis liberos, qui dignitatem, qui ordinem, qui fortunas, qui amplissimam rem publicam, qui patriam, qua nihil potest esse iucundius, qui denique nosmet ipsos nobis reddidistis.

[2] Quod si parentes carissimos habere debemus, quod ab iis nobis vita, patrimonium, libertas, civitas tradita est, si deos immortalis, quorum beneficio et haec tenuimus et ceteris rebus aucti sumus, si populum Romanum, cuius honoribus in amplissimo consilio et in altissimo gradu dignitatis atque in hac omnium terrarum arce collocati sumus, si hunc ipsum ordinem, a quo saepe magnificentissimis decretis sumus honestati, immensum quiddam et infinitum est, quod vobis debeamus, qui vestro singulari studio atque consensu parentum beneficia, deorum immortalium munera, populi Romani honores, vestra de me multa iudicia nobis uno tempore omnia reddidistis, ut, cum multa vobis, magna populo Romano, innumerabilia parentibus, omnia dis immortalibus debeamus, haec antea singula per illos habuerimus, nunc universa per vos reciperarimus.

[3] Itaque, patres conscripti, quod ne optandum quidem est homini, immortalitatem quandam per vos esse adepti videmur. quod enim tempus erit umquam, cum vestrorum in nos beneficiorum memoria ac fama moriatur? qui illo ipso tempore, cum vi, ferro, metu, minis

obsessi teneremini, non multo post discessum meum me universi revocavistis referente L. Ninnio, fortissimo atque optimo viro, quem habuit ille pestifer annus et maxime fidelem et minime timidum, si dimicare placuisset, defensorem salutis meae. postea quam vobis decernendi potestas facta non est per eum tribunum plebis, qui, cum per se rem publicam lacerare non posset, sub alieno scelere delituit, numquam de me siluistis, numquam meam salutem non ab iis consulibus, qui vendiderant, flagitavistis.

[4] Itaque vestro studio atque auctoritate perfectum est, ut ipse ille annus, quem ego mihi quam patriae malueram esse fatalem, octo tribunos haberet, qui et promulgarent de salute mea et ad vos saepe numero referrent. nam consules modesti legumque metuentes impediebantur lege, non ea, quae de me, sed ea, quae de ipsis lata erat, cum meus inimicus promulgavit, ut, si revixissent ii, qui haec paene delerunt, tum ego redirem; quo facto utrumque confessus est, et se illorum vitam desiderare et magno in periculo rem publicam futuram, si, cum hostes atque interfectores rei publicae revixissent, ego non revertissem. itaque illo ipso tamen anno, cum ego cessissem, princeps autem civitatis non legum praesidio, sed parietum vitam suam tueretur, res publica sine consulibus esset neque solum parentibus perpetuis, verum etiam tutoribus annuis esset orbata, sententias dicere prohiberemini, caput meae proscriptionis recitaretur, numquam dubitastis meam salutem cum communi salute coniungere.

[5] Postea vero quam singulari et praestantissima virtute P. Lentuli consulis ex superioris anni caligine et tenebris lucem in re publica Kalendis Ianuariis dispicere coepistis, cum Q. Metelli, nobilissimi hominis atque optimi viri, summa dignitas, cum praetorum, tribunorum plebis paene omnium virtus et fides rei publicae subvenisset, cum virtute, gloria, rebus gestis Cn. Pompeius omnium gentium, omnium saeculorum, omnis memoriae facile princeps tuto se venire in senatum arbitraretur, tantus vester consensus de salute mea fuit, ut corpus abesset meum, dignitas iam in patriam revertisset.

[6] Quo quidem mense, quid inter me et meos inimicos interesset, existimare potuistis. ego meam salutem deserui, ne propter me civium vulneribus res publica cruentaretur; illi meum reditum non populi Romani suffragiis, sed flumine sanguinis intercludendum

putaverunt. itaque postea nihil vos civibus, nihil sociis, nihil regibus respondistis; nihil iudices sententiis, nihil populus suffragiis, nihil hic ordo auctoritate declaravit; mutum forum, elinguem curiam, tacitam et fractam civitatem videbatis.

[7] Quo quidem tempore, cum is excessisset, qui caedi et flammae vobis auctoribus restiterat, cum ferro et facibus homines tota urbe volitantis, magistratuum tecta impugnata, deorum templa inflammata, summi viri et clarissimi consulis fasces fractos, fortissimi atque optimi tribuni plebis sanctissimum corpus non tactum ac violatum manu, sed vulneratum ferro confectumque vidistis. qua strage non nulli permoti magistratus partim metu mortis, partim desperatione rei publicae paululum a mea causa recesserunt; reliqui fuerunt, quos neque terror nec vis, nec spes nec metus, nec promissa nec minae, nec tela nec faces a vestra auctoritate, a populi Romani dignitate, a mea salute depellerent.

[8] Princeps P. Lentulus, parens ac deus nostrae vitae, fortunae, memoriae, nominis, hoc specimen virtutis, hoc indicium animi, hoc lumen consulatus sui fore putavit, si me mihi, si meis, si vobis, si rei publicae reddidisset. qui ut est designatus, numquam dubitavit sententiam de salute mea se et re publica dignam dicere. cum a tribuno plebis vetaretur, cum praeclarum caput recitaretur, ne quis ad vos referret, ne quis decerneret, ne disputaret, ne loqueretur, ne pedibus iret, ne scribendo adesset, totam illam, ut ante dixi, proscriptionem non legem putavit, qua civis optime de re publica meritus nominatim sine iudicio una cum senatu rei publicae esset ereptus. ut vero iniit magistratum, non dicam: quid egit prius, sed quid omnino egit aliud, nisi ut me conservato vestram in posterum dignitatem auctoritatemque sanciret?

[9] Di immortales, quantum mihi beneficium dedisse videmini, quod hoc anno P. Lentulus consul est! quanto maius dedissetis, si superiore anno fuisset! nec enim eguissem medicina consulari, nisi consulari vulnere concidissem. audieram ex sapientissimo homine atque optimo civi et viro, Q. Catulo, non saepe unum consulem improbum, duo vero numquam post Romam conditam excepto illo Cinnano tempore fuisse. qua re meam causam semper fore firmissimam dicere solebat, dum vel unus in re publica consul esset. quod vere dixerat, si illud de duobus consulibus, quod ante in re

publica non fuerat, perenne ac proprium manere potuisset. quod si Q. Metellus illo tempore consul fuisset [inimicus], dubitatis, quo animo fuerit in me conservando futurus, cum in restituendo auctorem fuisse adscriptoremque videatis?

[10] Sed fuerunt duo consules, quorum mentes angustae, humiles, pravae, oppletae tenebris ac sordibus nomen ipsum consulatus, splendorem illius honoris, magnitudinem tanti imperii nec intueri nec sustinere nec capere potuerunt, non consules, sed mercatores provinciarum ac venditores vestrae dignitatis. quorum alter me Catilinam, amatorem suum, multis audientibus, alter Cethegum consobrinum reposcebat; qui me duo sceleratissimi post hominum memoriam non consules, sed latrones non modo deseruerunt in causa praesertim publica et consulari, sed prodiderunt, oppugnarunt, omni auxilio non solum suo, sed etiam vestro ceterorumque ordinum spoliatum esse voluerunt.

[11] Quorum alter tamen neque me neque quemquam fefellit. quis enim ullam ullius boni spem haberet in eo, cuius primum tempus aetatis palam fuisset ad omnium libidines divulgatum, qui ne a sanctissima quidem parte corporis potuisset hominum impuram intemperantiam propulsare? qui, cum suam rem non minus strenue quam postea publicam confecisset, egestatem et luxuriem domestico lenocinio sustentavit, qui, nisi in aram tribunatus confugisset, neque vim praetoris nec multitudinem creditorum nec bonorum proscriptionem effugere potuisset — quo in magistratu nisi rogationem de piratico bello tulisset, profecto egestate et improbitate coactus piraticam ipse fecisset, ac minore quidem cum rei publicae detrimento, quam quo intra moenia nefarius hostis praedoque versatus est -, quo inspectante ac sedente legem tribunus plebis tulit, ne auspiciis obtemperaretur, ne obnuntiare concilio aut comitiis, ne legi intercedere liceret, ut lex Aelia et Fufia ne valeret, quae nostri maiores certissima subsidia rei publicae contra tribunicios furores esse voluerunt.

[12] idemque postea, cum innumerabilis multitudo bonorum de Capitolio supplex ad eum sordidata venisset, cumque adulescentes nobilissimi cunctique equites Romani se ad lenonis impudicissimi pedes abiecissent, quo vultu cincinnatus ganeo non solum civium lacrimas, verum etiam patriae preces repudiavit! neque eo contentus

fuit, sed etiam in contionem escendit eaque dixit, quae, si eius vir Catilina revixisset, dicere non esset ausus, se Nonarum Decembrium, quae me consule fuissent, clivique Capitolini poenas ab equitibus Romanis esse repetiturum. neque solum id dixit, sed quos ei commodum fuit, compellavit, Lucium vero Lamiam, equitem Romanum, praestanti dignitate hominem et saluti meae pro familiaritate, rei publicae pro fortunis suis amicissimum, consul imperiosus exire ex urbe iussit. et cum vos vestem mutandam censuissetis cunctique mutassetis atque idem omnes boni iam ante fecissent, ille unguentis oblitus cum toga praetexta, quam omnes praetores aedilesque tum abiecerant, inrisit squalorem vestrum et luctum gratissimae civitatis fecitque, quod nemo umquam tyrannus, ut, quo minus occulte vestrum malum gemeretis, nihil diceret, ne aperte incommoda patriae lugeretis, ediceret.

[13] Cum vero in circo Flaminio non a tribuno plebis consul in contionem, sed a latrone archipirata productus esset, primum processit qua auctoritate vir! vini, somni, stupri plenus, madenti coma, composito capillo, gravibus oculis, fluentibus buccis, pressa voce et temulenta, quod in civis indemnatos esset animadversum, id sibi dixit gravis auctor vehementissime displicere. ubi nobis haec auctoritas tam diu tanta latuit? cur in lustris et helluationibus huius calamistrati tam eximia virtus tam diu cessavit?

Nam ille alter, Caesoninus Calventius, ab adulescentia versatus est in foro, cum eum praeter simulatam versutamque tristitiam nulla res commendaret, non iuris <notitia>, non dicendi vi<sS, non scien>tia rei militaris, non cognoscendorum hominum studium, non liberalitas; quem praeteriens cum incultum, horridum maestumque vidisses, etiam si agrestem et inhumanum existimares, tamen libidinosum et perditum non putares.

[14] Cum hoc homine an cum stipite in foro constitisses, nihil crederes interesse; sine sensu, sine sapore, elinguem, tardum, inhumanum negotium, Cappadocem modo abreptum de grege venalium diceres. idem domi quam libidinosus, quam impurus, quam intemperans, non ianua receptis, sed pseudothyro intromissis voluptatibus! cum vero litteras studere incipit et beluus immanis cum Graeculis philosophari, tum est Epicureus, non penitus illi disciplinae, quaecumque est, deditus, sed captus uno verbo

voluptatis. habet autem magistros non ex istis ineptis, qui dies totos de officio ac de virtute disserunt, qui ad laborem, ad industriam, ad pericula pro patria subeunda adhortantur, sed eos, qui disputent horam nullam vacuam voluptate esse debere, in omni parte corporis semper oportere aliquod gaudium delectationemque versari.

[15] His utitur quasi praefectis libidinum suarum, hi voluptates omnes vestigant atque odorantur, hi sunt conditores instructoresque convivii, idem expendunt atque aestimant voluptates sententiamque dicunt et iudicant, quantum cuique libidini tribuendum esse videatur. horum ille artibus eruditus ita contempsit hanc prudentissimam civitatem, ut omnis suas libidines, omnia flagitia latere posse arbitraretur, si modo vultum importunum in forum detulisset.

Is nequaquam me quidem [non] — cognoram enim propter Pisonum adfinitatem, quam longe hunc ab hoc genere cognatio materna Transalpini sanguinis abstulisset -, sed vos populumque Romanum non consilio neque eloquentia, quod in multis saepe accidit, sed rugis supercilioque decepit.

[16] Luci Piso, tune ausus es isto oculo, non dicam isto animo, ista fronte, non vita, tanto supercilio, non enim possum dicere tantis rebus gestis, cum A. Gabinio consociare consilia pestis meae? non te illius unguentorum odor, non vini anhelitus, non frons calamistri notata vestigiis in eam cogitationem adducebat, ut, cum illius re similis fuisses, frontis tibi integimento ad occultanda tanta flagitia diutius uti non liceret? cum hoc coire ausus es, ut consularem dignitatem, ut rei publicae statum, ut senatus auctoritatem, ut civis optime meriti fortunas provinciarum foedere addiceres? te consule tuis edictis et imperiis senatui populi Romani non est licitum non modo sententiis atque auctoritate sua, sed ne luctu quidem ac vestitu rei publicae subvenire?

[17] Capuaene te putabas, in qua urbe domicilium quondam superbiae fuit, consulem esse, sicut eras eo tempore, an Romae, in qua civitate omnes ante vos consules senatui paruerunt? tu es ausus in circo Flaminio productus cum tuo illo pari dicere te semper misericordem fuisse? quo verbo senatum atque omnis bonos tum, cum a patria pestem depulissem, crudelis demonstrabas fuisse. tu misericors me, adfinem tuum, quem comitiis tuis praerogativae primum custodem praefeceras, quem Kalendis Ianuariis tertio loco

sententiam rogaras, constrictum inimicis rei publicae tradidisti, tu meum generum, propinquum tuum, tu adfinem tuam, filiam meam, superbissimis et crudelissimis verbis a genibus tuis reppulisti; idemque tu clementia ac misericordia singulari, cum ego una cum re publica non tribunicio, sed consulari ictu concidissem, tanto scelere tantaque intemperantia fuisti, ut ne unam quidem horam interesse paterere inter meam pestem et tuam praedam, saltem dum conticisceret illa lamentatio et gemitus urbis!

[18] Nondum palam factum erat occidisse rem publicam, cum tibi arbitria funeris solvebantur; uno eodemque tempore domus mea diripiebatur, ardebat, bona ad vicinum consulem de Palatio, de Tusculano ad item vicinum alterum consulem deferebantur, cum isdem operis suffragium ferentibus eodem gladiatore latore, vacuo non modo a bonis, sed etiam a liberis atque inani foro, ignaro populo Romano, quid ageretur, senatu vero oppresso et adflicto, duobus impiis nefariisque consulibus aerarium, provinciae, legiones, imperia donabantur.

Horum consulum ruinas vos consules vestra virtute fulsistis, summa tribunorum plebis praetorumque fide et diligentia sublevati.

[19] Quid ego de praestantissimo viro, T. Annio, dicam, aut quis de tali cive satis digne umquam loquetur? qui cumvideret sceleratum civem aut domesticum potius hostem, si legibus uti liceret, iudicio esse frangendum, sin ipsa iudicia vis impediret ac tolleret, audaciam virtute, furorem fortitudine, temeritatem consilio, manum copiis, vim vi esse superandam, primo de vi postulavit; postea quam ab eodem iudicia sublata esse vidit, ne ille omnia vi posset efficere, curavit; qui docuit neque tecta neque templa neque forum nec curiam sine summa virtute ac maximis opibus et copiis ab intestino latrocinio posse defendi; qui primus post meum discessum metum bonis, spem audacibus, timorem huic ordini, servitutem depulit civitati.

[20] Quam rationem pari virtute, animo, fide P. Sestius secutus pro mea salute, pro vestra auctoritate, pro statu civitatis nullas sibi inimicitias, nullam vim, nullos impetus, nullum vitae discrimen vitandum umquam putavit; qui causam senatus exagitatam contionibus improborum sic sua diligentia multitudini commendavit, ut nihil tam populare quam vestrum nomen, nihil tam omnibus carum aliquando quam vestra auctoritas videretur; qui me cum omnibus

rebus, quibus tribunus plebis potuit, defendit, tum reliquis officiis, iuxta ac si meus frater esset, sustentavit; cuius ego clientibus, libertis, familia, copiis, litteris ita sum sustentatus; ut meae calamitatis non adiutor solum, verum etiam socius videretur.

[21] Iam ceterorum officia <ac> studia vidistis, quam cupidus mei C. Cestilius, quam studiosus vestri, quam non varius fuerit in causa.

Quid M. Cispius? cui ego ipsi, parenti fratrique eius sentio quantum debeam ; qui, cum a me voluntas eorum in privato iudicio esset offensa, publici mei beneficii memoria privatam offensionem oblitteraverunt.

Iam T. Fadius, qui mihi quaestor fuit, M. Curtius, cuius ego patri quaestor fui, studio, amore, animo huic necessitudini non defuetunt.

Multa de me C. Messius et amicitiae et rei publicae causa dixit, legem separatim initio de salute mea promulgavit.

[22] Q. Fabricius si, quae de me agere conatus est, ea contra vim et ferrum perficere potuisset, mense Ianuario nostrum statum reciperassemus; quem ad salutem meam voluntas impulit, vis retardavit, auctoritas vestra revocavit.

Iam vero praetores quo animo in me fuerint, vos existimare potuistis, cum L Caecilius privatim me suis omnibus copiis studuerit sustentare, publice promulgarit de mea salute cum collegis paene omnibus, direptoribus autem bonorum meorum in ius adeundi potestatem non fecerit. M. autem Calidius statim designatus sententia sua, quam esset cara sibi mea salus, declaravit.

[23] Omnia officia C. Septimi, Q. Valeri, P. Crassi, Sex. Quinctili, C. Cornuti summa et in me et in rem publicam constiterunt.

Quae cum libenter commemoro, tum non invitus non nullorum in me nefarie commissa praetereo. non est mei temporis iniurias meminisse, quas ego, etiam si ulcisci possem, tamen oblivisci mallem. alio transferenda mea tota vita est, ut bene de me meritis referam gratiam, amicitias igni perspectas tuear, cum apertis hostibus bellum geram, timidis amicis ignoscam, proditores vindicem, dolorem profectionis meae reditus dignitate consoler.

[24] quod si mihi nullum aliud esset officium in omni vita reliquum, nisi ut erga duces ipsos et principes atque auctores salutis meae satis gratus iudicarer, tamen exiguum reliquae vitae tempus non modo ad referendam, verum etiam ad commemorandam gratiam

mihi relictum putarem.

Quando enim ego huic homini ac liberis eius, quando omnes mei gratiam referent? quae memoria, quae vis ingenii, quae magnitudo observantiae tot tantisque beneficiis respondere poterit? qui mihi primus adflicto et iacenti consularem fidem dextramque porrexit, qui me a morte ad vitam, a desperatione ad spem, ab exitio ad salutem vocavit, qui tanto amore in me, studio in rem publicam fuit, ut excogitaret, quem ad modum calamitatem meam non modo levaret, sed etiam honestaret. quid enim magnificentius, quid praeclarius mihi accidere potuit, quam quod illo referente vos decrevistis, ut cuncti ex omni Italia, qui rem publicam salvam vellent, ad me unum hominem fractum et prope dissipatum restituendum et defendendum venirent, ut, qua voce ter omnino post Romam conditam consul usus esset pro universa re publica apud eos solum, qui eius vocem exaudire possent, eadem voce senatus omnis ex omnibus agris atque oppidis civis totamque Italiam ad unius salutem defendendam excitaret?

[25] quid ego gloriosius meis posteris potui relinquere quam hoc, senatum iudicasse, qui civis me non defendisset, eum rem publicam salvam noluisse? itaque tantum vestra auctoritas, tantum eximia consulis dignitas valuit, ut dedecus et flagitium se committere putaret, si qui non veniret.

Idemque consul, cum illa incredibilis multitudo Romam et paene Italia ipsa venisset, vos frequentissimos in Capitolium convocavit. quo tempore quantam vim naturae bonitas haberet et vera nobilitas, intellegere potuistis. nam Q. Metellus, et inimicus et frater inimici, perspecta vestra voluntate omnia privata odia deposuit; quem P. Servilius, vir cum clarissimus tum vero optimus mihique amicissimus, et auctoritatis et orationis suae divina quadam gravitate ad sui generis communisque sanguinis facta virtutesque revocavit, ut haberet in consilio et fratrem [ab inferis], socium rerum mearum, et omnis Metellos, praestantissimos civis, paene ex Acherunte excitatos, in quibus Numidicum illum Metellum, cuius quondam de patria discessus molestus omnibus, ipsi ne luctuosus quidem visus est.

[26] Itaque exstitit non modo salutis defensor, qui ante hoc summum beneficium fuerat inimicus, verum etiam adscriptor dignitatis meae. quo quidem die, cum vos quadringenti decem

septem essetis, magistratus autem omnes adessent, dissensit unus is, qui sua lege coniuratos etiam ab inferis excitandos putarat. atque illo die, cum rem publicam meis consiliis conservatam gravissimis verbis et plurimis iudicassetis, idem consul curavit, ut eadem a principibus civitatis in contione postero die dicerentur, cum quidem ipse egit ornatissime meam causam perfecitque astante atque audiente Italia tota, ut nemo cuiusquam conducti aut perditi vocem acerbam atque inimicam bonis posset audire.

[27] Ad haec non modo adiumenta salutis, sed etiam ornamenta dignitatis meae reliqua vos idem addidistis: decrevistis, ne quis ulla ratione rem impediret; qui id impedisset, vos graviter molesteque laturos; illum contra rem publicam salutemque bonorum concordiamque civium facturum, et ut ad vos de eo statim referretur; meque, etiam si diutius calumniarentur, redire iussistis. quid? ut agerentur gratiae, qui e municipiis venissent? quid? ut ad illam diem, res cum redissent, rogarentur, ut pari studio convenirent? quid denique ille dies, quem P. Lentulus mihi fratrique meo liberisque nostris natalem constituit non modo ad nostram, verum etiam ad sempiterni memoriam temporis? quo die nos comitiis centuriatis, quae maxime maiores comitia iusta dici haberique voluerunt, arcessivit in patriam, ut eaedem centuriae, quae me consulem fecerant, consulatum meum comprobarent.

[28] Quo die quis civis fuit, qui fas esse putaret, quacumque aut aetate aut valetudine esset, non se de salute mea sententiam ferre? quando tantam frequentiam in campo, tantum splendorem Italiae totius ordinumque omnium, quando illa dignitate rogatores, diribitores custodesque vidistis? itaque P. Lentuli beneficio excellenti atque divino non reducti sumus in patriam sicut non nulli clarissimi cives, sed equis insignibus et curru aurato reportati.

[29] Possum ego satis in Cn. Pompeium umquam gratus videri? qui non solum apud vos, qui omnes idem sentiebatis, sed etiam apud universum populum salutem populi Romani et conservatam per me et coniunctam esse cum mea dixerit, qui causam meam prudentibus commendarit, imperitos edocuerit eodemque tempore improbos auctoritate sua compresserit, bonos excitarit, qui populum Romanum pro me tamquam pro fratre aut pro parente non solum hortatus sit, verum etiam obsecrarit, qui, cum ipse propter metum dimicationis et

sanguinis domo se teneret, iam a superioribus tribunis petierit, ut de salute mea et promulgarent et referrent, qui in colonia nuper constituta, cum ipse gereret magistratum, in qua nemo erat emptus intercessor, vim et crudelitatem privilegii auctoritate honestissimorum hominum et publicis litteris consignarit princepsque Italiae totius praesidium ad meam salutem implorandum putarit, qui, cum ipse mihi semper amicissimus fuisset, etiam, ut suos necessarios mihi amicos redderet, elaborarit.

[30] Quibus autem officiis T. Anni beneficia remunerabor? cuius omnis ratio, cogitatio, totus denique tribunatus nihil aliud fuit nisi constans, perpetua, fortis, invicta defensio salutis meae. quid de P. Sestio loquar? qui suam erga me benivolentiam et fidem non solum animi dolore, sed etiam corporis vulneribus ostendit.

Vobis vero, patres conscripti, singulis et egi et agam gratias; universis egi initio, quantum potui, satis ornate agere nullo modo possum. et quamquam sunt in me praecipua merita multorum, quae sileri nullo modo possunt, tamen huius temporis ac timoris mei non est conari commemorare beneficia in me singulorum; nam difficile est non aliquem, nefas quemquam praeterire. ego vos universos, patres conscripti, deorum numero colere debeo. sed ut in ipsis dis immortalibus non semper eosdem atque alias alios solemus et venerari et precari, sic in hominibus de me divinitus meritis omnis erit aetas mihi ad eorum erga me merita praedicanda atque recolenda.

[31] hodierno autem die nominatim a me magistratibus statui gratias esse agendas et de privatis uni, qui pro salute mea municipia coloniasque adisset, populum Romanum supplex obsecrasset, sententiam dixisset eam, quam vos secuti mihi dignitatem meam reddidistis. vos me florentem semper ornastis, laborantem mutatione vestis et prope luctu vestro, quoad licuit, defendistis. nostra memoria senatores ne in suis quidem periculis mutare vestem solebant; in meo periculo senatus veste mutata fuit, quoad licuit per eorum edicta, qui mea pericula non modo suo praesidio, sed etiam vestra deprecatione nudarunt.

[32] Quibus ego rebus obiectis, cum mihi privato confligendum viderem cum eodem exercitu, quem consul non armis, sed vestra auctoritate superaram, multa mecum ipse reputavi. dixerat in contione consul se clivi Capitolini poenas ab equitibus Romanis

repetiturum; nominatim alii compellabantur, alii citabantur, alii relegabantur; aditus templorum erant non solum praesidiis et manu, verum etiam demolitione sublati. alter consul, ut me et rem publicam non modo desereret, sed etiam hostibus rei publicae proderet, pactionibus eos suorum praemiorum obligarat. erat alius ad portas cum imperio in multos annos magnoque exercitu, quem ego inimicum mihi fuisse non dico, tacuisse, cum diceretur esse inimicus, scio.

[33] Duae partes esse in re publica cum putarentur, altera me deposcere propter inimicitias, altera timide defendere propter suspicionem caedis putabatur. qui autem me deposcere videbantur, in hoc auxerunt dimicationis metum, quod numquam infitiando suspicionem hominum curamque minuerunt. qua re cum viderem senatum ducibus orbatum, me a magistratibus partim oppugnatum, partim proditum, partim derelictum, servos simulatione collegiorum nominatim esse conscriptos, copias omnis Catilinae paene isdem ducibus ad spem caedis et incendiorum esse revocatas, equites Romanos proscriptionis, municipia vastitatis, omnis caedis metu esse permotos, potui, potui, patres conscripti, multis auctoribus fortissimis viris me vi armisque defendere, nec mihi ipsi ille animus idem meus vobis non incognitus defuit. sed videbam, si vicissem praesentem adversarium, nimium multos mihi alios esse vincendos; si victus essem, multis bonis et pro me et mecum etiam post me esse pereundum, tribuniciique sanguinis ultores esse praesentis, meae mortis poenas iudicio et posteritati reservari.

[34] Nolui, cum consul communem salutem sine ferro defendissem, meam privatus armis defendere, bonosque viros lugere malui meas fortunas quam suis desperare. ac si solus essem interfectus, mihi turpe, si cum multis, rei publicae funestum fore videbatur.

Quod si mihi aeternam esse aerumnam propositam arbitrarer, morte me ipse potius quam sempiterno dolore multassem. sed cum viderem me non diutius quam ipsam rem publicam ex hac urbe afuturum, neque ego illa exterminata mihi remanendum putavi, et illa, simul atque revocata est, me secum pariter reportavit. mecum leges, mecum quaestiones, mecum iura magistratuum, mecum senatus auctoritas, mecum libertas, mecum etiam frugum ubertas, mecum deorum et hominum sanetitates omnes et religiones afuerunt.

quae si semper abessent, magis vestras fortunas lugerem, quam desiderarem meas; sin aliquando revocarentur, intellegebam mihi cum illis una esse redeundum.

[35] Cuius mei sensus certissimus testis est hic idem, qui custos capitis fuit, Cn. Plancius, qui omnibus provincialibus ornamentis commodisque depositis totam suam quaesturam in me sustentando et conservando collocavit. qui si mihi quaestor imperatori fuisset, in filii loco fuisset; nunc certe erit in parentis, cum fuerit quaestor non imperii, sed doloris mei.

[36] Quapropter, patres conscripti, quoniam in rem publicam sum pariter cum re publica restitutus, non modo in ea defendenda nihil minuam de libertate mea pristina, sed etiam adaugebo. etenim si eam tum defendebam, cum mihi aliquid illa debebat, quid nunc me facere oportet, cum ego illi plurimum debeo? nam quid est, quod animum meum frangere aut debilitare possit, cuius ipsam calamitatem non modo nullius delicti, sed etiam divinorum in rem publicam beneficiorum testem esse videatis? nam importata est, quia defenderam civitatem, et mea voluntate suscepta est, ne a me defensa res publica per eundem me extremum in discrimen vocaretur.

[37] Pro me non, ut pro P. Popilio, nobilissimo homine, adulescentes filii, non propinquorum multitudo populum Romanum est deprecata, non, ut pro Q. Metello, summo et clarissimo viro, spectata iam adulescentia filius, non L. et C. Metelli consulares, non eorum liberi, non Q. Metellus Nepos, qui tum consulatum petebat, non Luculli, Servilii, Scipiones, Metellarum filii flentes ac sordidati populo Romano supplicaverunt, sed unus frater, qui in me pietate filius, consiliis parens, amore, ut erat, frater inventus est, squalore et lacrimis et cotidianis precibus desiderium mei nominis renovari et rerum gestarum memoriam usurpari coegit. qui cum statuisset, nisi me per vos reciperasset, eandem subire fortunam atque idem sibi domicilium et vitae et mortis deposcere, tamen numquam nec magnitudinem negotii nec solitudinem suam nec vim inimicorum ac tela pertimuit.

[38] Alter fuit propugnator mearum fortunarum et defensor adsiduus summa virtute et pietate C. Piso gener, qui minas inimicorum meorum, qui inimicitias adfinis mei, propinqui sui, consulis, qui Pontum et Bithyniam quaestor prae mea salute neglexit.

Nihil umquam senatus de P. Popilio decrevit, numquam in hoc ordine de Q. Metello mentio facta est; tribuniciis sunt illi rogationibus interfectis inimicis denique restituti, cum alter eorum senatui paruisset, alter vim caedemque fugisset. nam C. quidem Marius, qui hac hominum memoria tertius ante me consularis tempestate civili expulsus est, non modo a senatu non est restitutus, sed reditu suo senatum cunctum paene delevit. nulla de illis magistratuum consensio, nulla ad rem publicam defendendam populi Romani convocatio, nullus Italiae motus, nulla decreta municipiorum et coloniarum exstiterunt.

[39] Qua re, cum me vestra auctoritas arcessierit, populus Romanus vocarit, res publica implorarit, Italia cuncta paene suis umeris reportarit, non committam, patres conscripti, ut, cum ea mihi sint restituta, quae in potestate mea non fuerunt, ea non habeam, quae ipse praestare possim, praesertim cum illa amissa reciperarim, virtutem et fidem numquam amiserim.

POST REDITUM IN QUIRITES (To the Citizens after his recall from exile)

M. TVLLI CICERONIS POST REDITVM AD QVIRITES ORATIO

[1] Quod precatus a Iove Optimo Maximo ceterisque dis immortalibus sum, Quirites, eo tempore, cum me fortunasque meas pro vestra incolumitate, otio concordiaque devovi, ut, si meas rationes umquam vestrae saluti anteposuissem, sempiternam poenam sustinerem mea voluntate susceptam, sin et ea, quae ante gesseram, conservandae civitatis causa gessissem et illam miseram profectionem vestrae salutis gratia suscepissem, ut, quod odium scelerati homines et audaces in rem publicam et in omnes bonos conceptum iam diu continerent, id in me uno potius quam in optimo quoque et universa civitate defigerent, — hoc si animo in vos liberosque vestros fuissem, ut aliquando vos patresque conscriptos Italiamque universam memoria mei misericordiaque <ac> desiderium teneret, eius devotionis me esse convictum iudicio deorum immortalium, testimonio senatus, consensu Italiae, confessione inimicorum, beneficio divino immortalique vestro maxime laetor.

[2] Qua re, etsi nihil est homini magis optandum quam prospera, aequabilis perpetuaque fortuna secundo vitae sine ulla offensione cursu, tamen, si mihi tranquilla et placata omnia fuissent, incredibili quadam et paene divina, qua nunc vestro beneficio fruor, laetitiae voluptate caruissem. quid dulcius hominum generi ab natura datum est quam sui cuique liberi? mihi vero et propter indulgentiam meam et propter excellens eorum ingenium vita sunt mea cariores. tamen non tantae voluptati erant suscepti, quantae nunc sunt restituti.

[3] Nihil cuiquam fuit umquam iucundius quam mihi meus frater; non tam id sentiebam, cum fruebar, quam tum, cum carebam, et postea quam vos me illi et mihi eum reddidistis. res familiaris sua quemque delectat; reliquae meae fortunae reciperatae plus mihi nunc voluptatis adferunt, quam tum incolumes adferebant. amicitiae, consuetudines, vicinitates, clientelae, ludi denique et dies festi quid haberent voluptatis, carendo magis intellexi quam fruendo.

[4] Iam vero honos, dignitas, locus, ordo, beneficia vestra quamquam mihi semper clarissima visa sunt, tamen ea nunc renovata inlustriora videntur, quam si obscurata non essent. ipsa autem patria, di immortales, dici vix potest, quid caritatis, quid voluptatis habeat; quae species Italiae, quae celebritas oppidorum, quae forma regionum, qui agri, quae fruges, quae pulchritudo urbis, quae humanitas civium, quae rei publicae dignitas, quae vestra maiestas! quibus ego omnibus antea rebus sic fruebar, ut nemo magis. sed tamquam bona valetudo iucundior est iis, qui e gravi morbo recreati sunt, quam qui numquam aegro corpore fuerunt, sic haec omnia desiderata magis quam adsidue percepta delectant.

[5] Quorsum igitur haec disputo? quorsum? ut intellegere possitis neminem umquam tanta eloquentia fuisse neque tam divino atque incredibili genere dicendi, qui vestram magnitudinem multitudinemque beneficiorum, quam in me fratremque meum et liberos nostros contulistis, non modo augere aut ornare oratione, sed enumerare aut consequi possit. a parentibus, id quod necesse erat, parvus sum procreatus, a vobis natus sum consularis. illi mihi fratrem incognitum, qualis futurus esset, dederunt, vos spectatum et ineredibili pietate cognitum reddidistis. rem publicam illis accepi temporibus eam, quae paene amissa est; a vobis eam reciperavi, quam aliquando omnes unius opera servatam iudicaverunt. di immortales mihi liberos dederunt, vos reddidistis. multa praeterea a dis immortalibus optata consecuti sumus; nisi vestra voluntas fuisset, omnibus divinis muneribus careremus. vestros denique honores, quos eramus gradatim singulos adsecuti, nunc a vobis universos habemus, ut, quantum antea parentibus, quantum dis immortalibus, quantum vobismet ipsis, tantum hoc tempore universum cuncto populo Romano debeamus.

[6] Nam cum in ipso beneficio vestro tanta magnitudo est, ut eam complecti oratione non possim, tum in studiis vestris tanta animorum declarata est voluntas, ut non solum calamitatem mihi detraxisse, sed etiam dignitatem auxisse videamini. non enim pro meo reditu, ut pro P. Popili, nobilissimi hominis, adulescentes filii et multi praeterea cognati atque adfines deprecati sunt, non, ut pro Q. Metello, clarissimo viro, iam spectata aetate filius, non L. Diadematus consularis, summa auctoritate vir, non C. Metellus censorius, non

eorum liberi, non Q. Metellus Nepos, qui tum consulatum petebat, non sororum filii, Luculli, Servilii, Scipiones; permulti enim tum Metelli aut Metellarum liberi pro Q. Metelli reditu vobis ac patribus vestris supplicaverunt. quod si ipsius summa dignitas maximaeque res gestae non satis valerent, tamen filii pietas, propinquorum preces, adulescentium squalor, maiorum natu lacrimae populum Romanum movere potuerunt.

[7] Nam C. Mari, qui post illos veteres clarissimos consulares hac vestra patrumque memoria tertius ante me consularis subiit indignissimam fortunam praestantissima sua gloria, dissimilis fuit ratio; non enim ille deprecatione rediit, sed in discessu civium exercitu se armisque revocavit. at me nudum a propinquis, nulla cognatione munitum, nullo armorum ac tumultus metu, C. Pisonis, generi mei, divina quaedam et inaudita auctoritas atque virtus fratrisque miserrimi atque optimi cotidianae lacrimae sordesque lugubres a vobis deprecatae sunt.

[8] Frater erat unus, qui suo squalore vestros oculos inflecteret, qui suo fletu desiderium mei memoriamque renovaret; qui statuerat, Quirites, si vos me sibi non reddidissetis, eandem subire fortunam. tanto in me amore exstitit, ut negaret fas esse non modo domicilio, sed ne sepulcro quidem se a me esse seiunctum. pro me praesente senatus hominumque praeterea viginti milia vestem mutaverunt, pro eodem absente unius squalorem sordesque vidistis. unus hic, <qui> quidem in foro posset esse, mihi pietate filius inventus est, beneficio parens, amore idem, qui semper fuit, frater. nam coniugis miserae squalor et luctus atque optimae filiae maeror adsiduus filiique parvi desiderium mei lacrimaeque pueriles aut itineribus necessariis aut magnam partem tectis ac tenebris continebantur. qua re hoc maius est vestrum in nos promeritum, quod non multitudini propinquorum, sed nobismet ipsis nos reddidistis.

[9] Sed quem ad modum propinqui, quos ego parare non potui, mihi ad deprecandam calamitatem meam non fuerunt, sic illud, quod mea virtus praestare debuit, adiutores, auctores hortatoresque ad me restituendum ita multi fuerunt, ut longe superiores omnes hac dignitate copiaque superarem. numquam de P. Popilio, clarissimo ac fortissimo viro, numquam de Q. Metello, nobilissimo et constantissimo cive, numquam de C. Mario, custode civitatis atque

imperii vestri, in senatu mentio facta est.

[10] Tribuniciis superiores illi rogationibus nulla auctoritate senatus sunt restituti, Marius vero non modo non a senatu, sed etiam oppresso senatu est restitutus, nec rerum gestarum memoria in reditu C. Mari, sed exercitus atque arma valuerunt. at de me ut valeret, semper senatus flagitavit, ut aliquando proficeret, cum primum licuit, frequentia atque auctoritate perfecit. nullus in eorum reditu motus municipiorum et coloniarum factus est, at me in patriam ter suis decretis Italia cuncta revocavit. illi inimicis interfectis, magna civium caede facta reducti sunt, ego iis, a quibus eiectus sum, provincias obtinentibus, inimico autem, optimo viro et mitissimo, <consule>, altero consule referente reductus sum, cum is inimicus, qui ad meam perniciem vocem suam communibus hostibus praebuisset, spiritu dumtaxat viveret, re quidem infra omnes mortuos amandatus esset.

[11] Numquam de P. Popilio L. Opimius, fortissimus consul, numquam de Q. Metello non modo C. Marius, qui erat inimicus, sed ne is quidem, qui secutus est, M. Antonius, homo eloquentissimus, cum A. Albino collega senatum aut populum est cohortatus. at pro me superiores consules semper, ut referrent, flagitati sunt; sed veriti sunt, ne gratiae causa facere viderentur, quod alter mihi adfinis erat, alterius causam capitis receperam; qui provinciarum foedere irretiti totum illum annum querelas senatus, luctum bonorum, Italiae gemitum pertulerunt. kalendis vero Ianuariis postea quam orba res publica consulis fidem tamquam legitimi tutoris imploravit, P. Lentulus consul, parens, deus, salus nostrae vitae, fortunae, memoriae, nominis, simul ac de sollemni deorum religione rettulit, nihil humanarum rerum sibi prius quam de me agendum iudicavit.

[12] Atque eo die confecta res esset, nisi is tribunus plebis, quem ego maximis beneficiis quaestorem consul ornaram, cum et cunctus ordo et multi eum summi viri orarent et Cn. Oppius socer, optimus vir, ad pedes flens iaceret, <respondere dubitasset> noctemque sibi ad deliberandum postulasset; quae deliberatio non in reddenda, quem ad modum non nulli arbitrabantur, sed, ut patefactum est, in augenda mercede consumpta est. postea res acta est in senatu alia nulla, cum variis rationibus impediretur; sed voluntate tamen perspecta senatus causa ad vos mense Ianuario deferebatur.

[13] Hic tantum interfuit inter me et inimicos meos: ego, cum

homines in tribunali Aurelio palam conscribi centuriarique vidissem, cum intellegerem veteres ad spem caedis Catilinae copias esse revocatas, cum viderem ex ea parte homines, cuius partis nos vel principes numerabamur, partim quod mihi inviderent, partim quod sibi timerent, aut proditores esse aut desertores salutis meae, cum duo consules empti pactione provinciarum auctores se inimicis rei publicae tradidissent, cum egestatem, avaritiam, libidines suas viderent expleri non posse, nisi <me> constrictum domesticis hostibus dedidissent, cum senatus equites<que> Romani flere pro me ac mutata veste vobis supplicare edictis atque imperiis vetarentur, cum omnium provinciarum pactiones, cum omnia cum omnibus foedera <de> reconciliatione gratiarum sanguine meo sancirentur, cum omnes boni non recusarent, quin vel pro me vel mecum perirent, armis decertare pro mea salute nolui, quod et vincere et vinci luctuosum rei publicae fore putavi.

[14] At inimici mei, mense Ianuario cum de me ageretur, corporibus civium trucidatis flumine sanguinis meum reditum intercludendum putaverunt.

Itaque, dum ego absum, eam rem publicam habuistis, ut aeque me atque illam restituendam putaretis. ego autem, in qua civitate nihil valeret senatus, omnis esset impunitas, nulla iudicia, vis et ferrum in foro versaretur, cum privati parietum se praesidio, non legum tuerentur, tribuni plebis vobis inspectantibus vulnerarentur, ad magistratuum domos cum ferro et facibus iretur, consulis fasces frangerentur, deorum immortalium templa incenderentur, rem publicam esse nullam putavi. itaque neque re publica exterminata mihi locum in hac urbe esse duxi, nec, si illa restitueretur, dubitavi, quin me secum ipsa reduceret.

[15] An ego, cum mihi esset exploratissimum P. Lentulum proximo anno consulem futurum, qui illis ipsis rei publicae periculosissimis temporibus aedilis curulis me consule omnium meorum consiliorum particeps periculorumque socius fuisset, dubitarem, quin is me confectum consularibus vulneribus consulari medicina ad salutem reduceret? hoc duce, collega autem eius, clementissimo atque optimo viro, primo non adversante, post etiam adiuvante, reliqui magistratus paene omnes fuerunt defensores salutis meae. ex quibus excellenti animo, virtute, auctoritate, praesidio, copiis T. Annius et P. Sestius

praestanti in me benivolentia et divino studio exstiterunt; eodemque P. Lentulo auctore et pariter referente collega frequentissimus senatus uno dissentiente, nullo intercedente dignitatem meam quibus potuit verbis amplissimis ornavit, salutem vobis, municipiis, coloniis omnibus commendavit.

[16] Ita me nudum a propinquis, nulla cognatione munitum consules, praetores, tribuni plebis, senatus, Italia cuncta semper a vobis deprecata est, denique omnes, qui vestris maximis beneficiis honoribusque sunt ornati, producti ad vos ab eodem non solum ad me conservandum vos cohortati sunt, sed etiam rerum mearum gestarum auctores, testes, laudatores fuerunt. quorum princeps ad cohortandos vos et ad rogandos fuit Cn. Pompeius, vir omnium, qui sunt, fuerunt, erunt, virtute, sapientia, gloria princeps. qui mihi unus uni privato amico eadem omnia dedit, quae universae rei publicae, salutem, otium, dignitatem. cuius oratio fuit, quem ad modum accepi, tripertita: primum vos docuit meis consiliis rem publicam esse servatam causamque meam cum communi salute coniunxit hortatusque est, ut auctoritatem senatus, statum civitatis, fortunas civis bene meriti defenderetis; tum [me] in perorando posuit vos rogari a senatu, rogari ab equitibus Romanis, rogari ab Italia cuncta, deinde ipse ad extremum pro mea vos salute non rogavit solum, verum etiam obsecravit.

[17] Huic ego homini, Quirites, tantum debeo, quantum hominem homini debere vix fas est. huius consilia, P. Lentuli sententiam, senatus auctoritatem vos secuti <me> in eo loco, in quo vestris beneficiis fueram, isdem centuriis, quibus collocaratis, reposuistis. eodem tempore audistis eodem ex loco summos viros, ornatissimos atque amplissimos homines, principes civitatis, omnes consulares, omnes praetorios eadem dicere, ut omnium testimonio per me unum rem publicam conservatam esse constaret. itaque cum P. Servilius, gravissimus vir et ornatissimus civis, dixisset opera mea rem publicam incolumem magistratibus deinceps traditam, dixerunt in eandem sententiam ceteri. sed audistis eo tempore clarissimi viri non solum auctoritatem, sed etiam testimonium, L . Gelli; qui quia suam classem adtemptatam magno cum suo periculo paene sensit, dixit in contione vestrum, si ego, consul cum fui, non fuissem, rem publicam funditus interituram fuisse.

[18] En ego <tot> testimoniis, Quirites, hac auctoritate senatus, tanta consensione Italiae, tanto studio bonorum omnium, [cum] agente P. Lentulo, consentientibus ceteris magistratibus, deprecante Cn. Pompeio, omnibus hominibus faventibus, dis denique immortalibus frugum ubertate, copia, vilitate reditum meum comprobantibus mihi, meis, rei publicae restitutus tantum vobis, quantum facere possum, Quirites, pollicebor: primum, qua sanctissimi homines pietate erga deos immortalis esse soleant, eadem <me> erga populum Romanum semper fore numenque vestrum aeque mihi grave et sanctum ac deorum immortalium in omni vita futurum; deinde, quoniam me in civitatem res publica ipsa reduxit, nullo me loco rei publicae defuturum.

[19] Quod si quis existimat me aut voluntate esse mutata aut debilitata virtute aut animo fracto, vehementer errat. mihi quod potuit vis et iniuria et sceleratorum hominum furor detrahere, eripuit, abstulit, dissipavit; quod viro forti adimi non potest, id ei manet et permanebit.

Vidi ego fortissimum virum, municipem meum, C. Marium — quoniam nobis quasi aliqua fatali necessitate non solum cum iis, qui haec delere voluissent, sed etiam cum fortuna belligerandum fuit — eum tamen vidi, cum esset summa senectute, non modo non infracto animo propter magnitudinem calamitatis, sed confirmato atque renovato.

[20] Quem egomet dicere audivi tum se fuisse miserum, cum careret patria, quam obsidione liberavisset, cum sua bona possideri ab inimicis ac diripi audiret, cum adulescentem filium videret eiusdem socium calamitatis, cum in paludibus demersus concursu ac misericordia Minturnensium corpus ac vitam suam conservaret, cum parva navicula pervectus in Africam, quibus regna ipse dederat, ad eos inops supplexque venisset; reciperata vero sua dignitate se non commissurum, ut, cum ea, quae amiserat, sibi restituta essent, virtutem animi non haberet, quam numquam perdidisset. sed hoc inter me atque illum interest, quod ille, qua re plurimum potuit, ea ipsa re inimicos suos ultus est, armis, ego qua consuevi utar, <oratione>, quoniam illi arti in bello ac seditione locus est, huic in pace atque otio.

[21] Quamquam ille animo irato nihil nisi de inimicis ulciscendis

agebat, ego de ipsis amicis tantum, quantum mihi res publica permittit, cogitabo.

Denique, Quirites, quoniam me quattuor omnino hominum genera violarunt, unum eorum, qui odio rei publicae, quod eam ipsis invitis conservaram, inimicissimi mihi fuerunt, alterum, qui per simulationem amicitiae nefarie <me> prodiderunt, tertium, qui, cum propter inertiam suam eadem adsequi non possent, inviderunt laudi et dignitati meae, quartum, qui, cum custodes rei publicae esse deberent, salutem meam, statum civitatis, dignitatem eius imperii, quod erat penes ipsos, vendiderunt, sic ulciscar facinora singulorum, quem ad modum a quibusque sum provocatus, malos civis rem publicam bene gerendo, perfidos amicos nihil credendo atque omnia cavendo, invidos virtuti et gloriae serviendo, mercatores provinciarum revocando domum atque ab iis provinciarum ratione repetenda.

[22] Quamquam mihi, Quirites, maiori curae est, quem ad modum vobis, qui de me estis optime meriti, gratiam referam, quam quem ad modum inimicorum iniurias crudelitatemque persequar. etenim ulciscendae iniuriae facilior ratio est quam beneficii remunerandi, propterea, quod superiorem esse contra improbos minus est negotii quam bonis exaequari. tum etiam ne tam necessarium quidem est male meritis quam optime meritis referre, quod debeas.

[23] Odium vel precibus mitigari potest <vel> temporibus rei publicae communique utilitate deponi vel difficultate ulciscendi leniri vel vetustate sedari; bene meritos <ne> colas, nec exorari fas est neque id rei publicae remittere utcumque necesse est; neque est excusatio difficultatis, neque aequum est tempore et die memoriam beneficii definire. postremo qui in ulciscendo remissior fuit, <in eorum aperte> utitur; at gravissime vituperatur, qui in tantis beneficiis, quanta vos in me contulistis, remunerandis est tardior, neque solum ingratus, quod ipsum grave est, verum etiam impius appelletur necesse est. [atque in officio persolvendo dissimilis est ratio pecuniae debitae, propterea, quod, pecuniam qui retinet, non dissolvit, qui reddidit, non habet; gratiam et qui rettulit habet, et qui habet, dissolvit.]

[24] Quapropter memoriam vestri beneficii colam benivolentia sempiterna, <nec eam> cum anima exspirabo mea, sed etiam, cum

me vita <defecerit>, monumenta vestri in me beneficii permanebunt. in referenda autem gratia hoc vobis repromitto semperque praestabo, mihi neque in consiliis de re publica capiendis diligentiam neque in periculis a re publica propulsandis animum neque in sententia simpliciter ferenda fidem neque in hominum voluntatibus pro re publica laedendis libertatem nec in perferendo labore industriam nec in vestris commodis augendis grati animi benivolentiam defuturam.

[25] Atque haec cura, Quirites, erit infixa animo meo sempiterna, ut cum vobis, qui apud me deorum immortalium vim et numen tenetis, tum posteris vestris cunctisque gentibus dignissimus ea civitate videar, quae suam dignitatem non posse se tenere, nisi me reciperasset, cunctis suffragiis iudicavit.

DE HARUSPICUM RESPONSIS (On the Responses of the Auspices)

M. TVLLI CICERONIS ORATIO DE HARVSPICVM RESPONSO IN P. CLODIVM IN SENATV HABITA

[1] Hesterno die, patres conscripti, cum me et vestra dignitas et frequentia equitum Romanorum praesentium, quibus senatus dabatur, magno opere commosset, putavi mihi reprimendam esse P. Clodi impudicam impudentiam, cum is publicanorum causam stultissimis interrogationibus impediret, P. Tullioni Syro navaret operam atque ei se, cui totus venierat, etiam vobis inspectantibus venditaret. Itaque hominem furentem exsultantemque continui simul ac periculum iudici intendi: duobus inceptis verbis omnem impetum gladiatoris ferociamque compressi. [2] Ac tamen ignarus ille qui consules essent, exsanguis atque aestuans se ex curia repente proripuit, cum quibusdam fractis iam atque inanibus minis et cum illius Pisoniani temporis Gabinianique terroribus: quem cum egredientem insequi coepissem, cepi equidem fructum maximum et ex consurrectione omnium vestrum et ex comitatu publicanorum. Sed vaecors repente sine suo vultu, sine colore, sine voce constitit; deinde respexit et, simul atque Cn. Lentulum consulem aspexit, concidit in curiae paene limine; recordatione, credo, Gabini sui desiderioque Pisonis. Cuius ego de ecfrenato et praecipiti furore quid dicam? <An> potest gravioribus a me verbis vulnerari quam est statim in facto ipso a gravissimo viro, P. Servilio, confectus ac trucidatus? cuius si iam vim et gravitatem illam singularem ac paene divinam adsequi possem, tamen non dubito quin ea tela quae coniecerit inimicus quam ea quae conlega patris emisit leviora atque hebetiora esse videantur.

[3] Sed tamen mei facti rationem exponere illis volo qui hesterno die dolore me elatum et iracundia longius prope progressum arbitrabantur quam sapientis hominis cogitata ratio postulasset. Nihil feci iratus, nihil impotenti animo, nihil non diu consideratum ac multo ante meditatum. Ego enim me, patres conscripti, inimicum semper esse professus sum duobus, qui me, qui rem publicam cum

defendere deberent, servare possent, cumque ad consulare officium ipsis insignibus illius imperi, ad meam salutem non solum auctoritate sed etiam precibus vestris vocarentur, primo reliquerunt, deinde prodiderunt, postremo oppugnarunt, praemiisque nefariae pactionis funditus una cum re publica oppressum exstinctumque voluerunt; qui quae suo ductu et imperio cruento illo atque funesto supplicia neque a sociorum moenibus prohibere neque hostium urbibus inferre potuerunt, excisionem, inflammationem, eversionem, depopulationem, vastitatem, ea sua cum praeda meis omnibus tectis atque agris intulerunt. [4] Cum his furiis et facibus, cum his, inquam, exitiosis prodigiis ac paene huius imperi pestibus bellum mihi inexpiabile dico esse susceptum, neque id tamen ipsum tantum quantum meus ac meorum, sed tantum quantum vester atque omnium bonorum dolor postulavit. In Clodium vero non est hodie meum maius odium quam illo die fuit cum illum ambustum religiosissimis ignibus cognovi muliebri ornatu ex incesto stupro atque ex domo pontificis maximi emissum. Tum, inquam, tum vidi ac multo ante prospexi quanta tempestas excitaretur, quanta impenderet procella rei publicae. Videbam illud scelus tam importunum, audaciam tam immanem adulescentis furentis, nobilis, vulnerati non posse arceri oti finibus: erupturum illud malum aliquando, si impunitum fuisset, ad perniciem civitatis. Non multum mihi sane post ad odium accessit. [5] Nihil enim contra me fecit odio mei, sed odio severitatis, odio dignitatis, odio rei publicae: non me magis violavit quam senatum, quam equites Romanos, quam omnis bonos, quam Italiam cunctam: non denique in me sceleratior fuit quam in ipsos deos immortalis. Etenim illos eo scelere violavit quo nemo antea: in me fuit eodem animo quo etiam eius familiaris Catilina, si vicisset, fuisset. Itaque eum numquam a me esse accusandum putavi, non plus quam stipitem illum qui quorum hominum esset nesciremus, nisi se Ligurem ipse esse diceret. Quid enim hunc persequar, pecudem ac beluam, pabulo inimicorum meorum et glande corruptum? qui si sensit quo se scelere devinxerit, non dubito quin sit miserrimus; sin autem id non videt, periculum est ne se stuporis excusatione defendat. [6] Accedit etiam quod exspectatione omnium fortissimo et clarissimo viro, T. Annio, devota et constituta ista hostia esse videtur; cui me praeripere desponsam iam et destinatam laudem, cum

ipse eius opera et dignitatem et salutem reciperarim, valde est iniquum. Etenim ut P. ille Scipio natus mihi videtur ad interitum exitiumque Carthaginis, qui illam a multis imperatoribus obsessam, oppugnatam, labefactam, paene captam aliquando quasi fatali adventu solus evertit, sic T. Annius ad illam pestem comprimendam, exstinguendam, funditus delendam natus esse videtur et quasi divino munere donatus rei publicae. Solus ille cognovit quem ad modum armatum civem, qui lapidibus, qui ferro alios fugaret, alios domi contineret, qui urbem totam, qui curiam, qui forum, qui templa omnia caede incendiisque terreret, non modo vinci verum etiam vinciri oporteret. [7] Huic ego et tali et ita de me ac de patria merito viro numquam mea voluntate praeripiam eum praesertim reum cuius ille inimicitias non solum suscepit propter salutem meam, verum etiam adpetivit. Sed si etiam nunc inlaqueatus iam omnium legum periculis, inretitus odio bonorum omnium, exspectatione supplici iam non diuturna implicatus, feretur tamen haesitans et in me impetum impeditus facere conabitur, resistam et aut concedente aut etiam adiuvante Milone eius conatum refutabo: velut hesterno die cum mihi stanti tacens minaretur, voce tantum attigi legum initium et iudici. Consedit ille: conticui. Diem dixisset, ut iecerat: fecissem ut ei statim tertius a praetore dies diceretur. Atque hoc sic moderetur et cogitet, si contentus sit iis sceleribus quae commisit, esse <se> iam consecratum Miloni: si quod in me telum intenderit, statim me esse arrepturum arma iudiciorum atque legum.

[8] Atque paulo ante, patres conscripti, contionem habuit quae est ad me tota delata; cuius contionis primum universum argumentum sententiamque audite; cum riseritis impudentiam hominis, tum a me de tota contione audietis. De religionibus sacris et caerimoniis est contionatus, patres conscripti, Clodius: Publius, inquam, Clodius sacra et religiones neglegi violari pollui questus est! Non mirum si hoc vobis ridiculum videtur: etiam sua contio risit hominem, quo modo ipse gloriari solet, ducentis confixum senati consultis, quae sunt omnia contra illum pro religionibus facta, hominemque eum qui pulvinaribus Bonae deae stuprum intulerit, eaque sacra quae viri oculis ne imprudentis quidem aspici fas est non solum aspectu virili sed flagitio stuproque violarit, in contione de religionibus neglectis conqueri. [9] Itaque nunc proxima contio eius exspectatur de pudicitia.

Quid enim interest utrum ab altaribus religiosissimis fugatus de sacris et religionibus conqueratur, an ex sororum cubiculo egressus pudorem pudicitiamque defendat? Responsum haruspicum hoc recens de fremitu in contione recitavit, in quo cum aliis multis scriptum etiam illud est, id quod audistis, Loca sacra et religiosa profana haberi: in ea causa esse dixit domum meam a religiosissimo sacerdote, P. Clodio, consecratam. [10] Gaudeo mihi de toto hoc ostento, quod haud scio an gravissimum multis his annis huic ordini nuntiatum sit, datam non modo iustam sed etiam necessariam causam esse dicendi; reperietis enim ex hoc toto prodigio atque responso nos de istius scelere ac furore ac de impendentibus periculis maximis prope iam voce Iovis Optimi Maximi praemoneri. [11] Sed primum expiabo religionem aedium mearum, si id facere vere ac sine cuiusquam dubitatione potero; sin scrupulus tenuissimus residere alicui videbitur, non modo patienti sed etiam libenti animo portentis deorum immortalium religionique parebo.

Sed quae tandem est in hac urbe tanta domus ab ista suspicione religionis tam vacua atque pura? Quamquam vestrae domus, patres conscripti, ceterorumque civium multo maxima ex parte sunt liberae religione, tamen una mea domus iudiciis omnibus liberata in hac urbe sola est. Te enim appello, Lentule, et te, Philippe. Ex hoc haruspicum responso decrevit senatus ut de locis sacris religiosis ad hunc ordinem referretis. Potestisne referre de mea domo, quae, ut dixi, sola in hac urbe omni religione omnibus iudiciis liberata est? Quam primum inimicus ipse in illa tempestate ac nocte rei publicae, cum cetera scelera stilo illo impuro Sex. Clodi ore tincto conscripsisset, ne una quidem attigit littera religionis; deinde eandem domum populus Romanus, cuius est summa potestas omnium rerum, comitiis centuriatis omnium aetatum ordinumque suffragiis eodem iure esse iussit quo fuisset; postea vos, patres conscripti, non quo dubia res esset, sed ut huic furiae, si diutius in hac urbe quam delere cuperet maneret, vox interdiceretur, decrevistis ut de mearum aedium religione ad pontificum conlegium referretur. [12] Quae tanta religio est qua non in nostris dubitationibus atque in maximis superstitionibus unius P. Servili aut M. Luculli responso ac verbo liberemur? De sacris publicis, de ludis maximis, de deorum penatium Vestaeque matris caerimoniis, de illo ipso sacrificio quod fit pro

salute populi Romani, quod post Romam conditam huius unius casti tutoris religionum scelere violatum est, quod tres pontifices statuissent, id semper populo Romano, semper senatui, semper ipsis dis immortalibus satis sanctum, satis augustum, satis religiosum esse visum est. At vero meam domum P. Lentulus, consul et pontifex, P. Servilius, M. Lucullus, Q. Metellus, M'. Glabrio, M. Messalla, L. Lentulus, flamen Martialis, P. Galba, Q. Metellus Scipio, C. Fannius, M. Lepidus, L. Claudius rex sacrorum, M. Scaurus, M. Crassus, C. Curio, Sex. Caesar flamen Quirinalis, Q. Cornelius, P. Albinovanus, Q. Terentius, pontifices minores, causa cognita, duobus locis dicta, maxima frequentia amplissimorum ac sapientissimorum civium adstante, omni religione una mente omnes liberaverunt. [13] Nego umquam post sacra constituta, quorum eadem est antiquitas quae ipsius urbis, ulla de re, ne de capite quidem virginum Vestalium, tam frequens conlegium iudicasse. Quamquam ad facinoris disquisitionem interest adesse quam plurimos (ita est enim interpretatio illa pontificum, ut eidem potestatem habeant iudicum), religionis explanatio vel ab uno pontifice perito recte fieri potest (quod idem in iudicio capitis durum atque iniquum est), tamen sic reperietis, frequentiores pontifices de mea domo quam umquam de caerimoniis virginum iudicasse. Postero die frequentissimus senatus te consule designato, Lentule, sententiae principe, P. Lentulo et Q. Metello consulibus referentibus statuit, cum omnes pontifices qui erant huius ordinis adessent, cumque alii qui honoribus populi Romani antecedebant multa de conlegi iudicio verba fecissent, omnesque idem scribendo adessent, domum meam iudicio pontificum religione liberatam videri. [14] De hoc igitur loco sacro potissimum videntur haruspices dicere, qui locus solus ex privatis locis omnibus hoc praecipue iuris habet, ut ab ipsis qui sacris praesunt sacer non esse iudicatus sit? Verum referte, quod ex senatus consulto facere debetis. Aut vobis cognitio dabitur, qui primi de hac domo sententiam dixistis et eam religione omni liberastis, aut senatus ipse iudicabit, qui uno illo solo antistite sacrorum dissentiente frequentissimus antea iudicavit, aut, — id quod certe fiet, — ad pontifices reicietur, quorum auctoritati fidei prudentiae maiores nostri sacra religionesque et privatas et publicas commendarunt. Quid ergo ii possunt aliud iudicare ac iudicaverunt? Multae sunt domus in hac

urbe, patres conscripti, atque haud scio an paene cunctae iure optimo, sed tamen iure privato, iure hereditario, iure auctoritatis, iure mancipi, iure nexi: nego esse ullam domum aliam privato eodem quo quae optima lege, publico vero omni praecipuo et humano et divino iure munitam; [15] quae primum aedificatur ex auctoritate senatus pecunia publica, deinde contra vim nefariam huius gladiatoris tot senati consultis munita atque saepta est. Primum negotium isdem magistratibus est datum anno superiore, ut curarent ut sine vi aedificare mihi liceret, quibus in maximis periculis universa res publica commendari solet; deinde, cum ille saxis et ignibus et ferro vastitatem meis sedibus intulisset, decrevit senatus eos qui id fecissent lege de vi, quae est in eos qui universam rem publicam oppugnassent, teneri. Vobis vero referentibus, o post hominum memoriam fortissimi atque optimi consules! decrevit idem senatus frequentissimus qui meam domum violasset contra rem publicam esse facturum. [16] Nego ullo de opere publico, de monumento, de templo tot senatus exstare consulta quot de mea domo, quam senatus unam post hanc urbem constitutam ex aerario aedificandam, a pontificibus liberandam, a magistratibus defendendam, a iudicibus puniendam putarit. P. Valerio pro maximis in rem publicam beneficiis data domus est in Velia publice, at mihi in Palatio restituta; illi locus, at mihi etiam parietes atque tectum; illi quam ipse privato iure tueretur, mihi quam publice magistratus omnes defenderent. Quae quidem ego si aut per me aut ab aliis haberem, non praedicarem apud vos, ne nimis gloriari viderer; sed cum sint mihi data a vobis, cum ea attemptentur eius lingua cuius ante manu eversa vos mihi et liberis meis manibus vestris reddidistis, non ego de meis sed de vestris factis loquor, nec vereor ne haec mea vestrorum beneficiorum praedicatio non grata potius quam adrogans videatur. [17] Quamquam si me tantis laboribus pro communi salute perfunctum ecferret aliquando ad gloriam in refutandis maledictis hominum improborum animi quidam dolor, quis non ignosceret? Vidi enim hesterno die quendam murmurantem, quem aiebant negare ferri me posse, quia, cum ab hoc eodem impurissimo parricida rogarer cuius essem civitatis, respondi me, probantibus et vobis et equitibus Romanis, eius esse quae carere me non potuisset. Ille, ut opinor, ingemuit. Quid igitur responderem? quaero ex eo ipso qui

ferre me non potest. Me civem esse Romanum? litterate respondissem. An tacuissem? desertum negotium. Potest quisquam vir in rebus magnis cum invidia versatus satis graviter inimici contumeliis sine sua laude respondere? At ipse non modo respondet quidquid potest, cum est lacessitus, sed etiam gaudet se ab amicis quid respondeat admoneri.

[18] Sed quoniam mea causa expedita est, videamus nunc quid haruspices dicant. Ego enim fateor me et magnitudine ostenti et gravitate responsi et una atque constanti haruspicum voce vehementer esse commotum; neque is sum qui, si cui forte videor plus quam ceteri qui aeque atque ego sunt occupati versari in studio litterarum, his delecter aut utar omnino litteris quae nostros animos deterrent atque avocant a religione. Ego vero primum habeo auctores ac magistros religionum colendarum maiores nostros, quorum mihi tanta fuisse sapientia videtur ut satis superque prudentes sint qui illorum prudentiam non dicam adsequi, sed quanta fuerit perspicere possint; qui statas sollemnisque caerimonias pontificatu, rerum bene gerundarum auctoritates augurio, fatorum veteres praedictiones Apollinis vatum libris, portentorum expiationes Etruscorum disciplina contineri putaverunt; quae quidem tanta est ut nostra memoria primum Italici belli funesta illa principia, post Sullani Cinnanique temporis extremum paene discrimen, tum hanc recentem urbis inflammandae delendique imperi coniurationem non obscure nobis paulo ante praedixerint. [19] Deinde, si quid habui oti, etiam cognovi multa homines doctos sapientisque et dixisse et scripta de deorum immortalium numine reliquisse; quae quamquam divinitus perscripta video, tamen eius modi sunt ut ea maiores nostri docuisse illos, non ab illis didicisse videantur. Etenim quis est tam vaecors qui aut, cum suspexit in caelum, deos esse non sentiat, et ea quae tanta mente fiunt ut vix quisquam arte ulla ordinem rerum ac necessitudinem persequi possit casu fieri putet, aut, cum deos esse intellexerit, non intellegat eorum numine hoc tantum imperium esse natum et auctum et retentum? Quam volumus licet, patres conscripti, ipsi nos amemus, tamen nec numero Hispanos nec robore Gallos nec calliditate Poenos nec artibus Graecos nec denique hoc ipso huius gentis ac terrae domestico nativoque sensu Italos ipsos ac Latinos, sed pietate ac religione atque hac una sapientia, quod deorum numine

omnia regi gubernarique perspeximus, omnis gentis nationesque superavimus.

[20] Qua re, ne plura de re minime loquar dubia, adhibete animos, et mentis vestras, non solum auris, ad haruspicum vocem admovete: Qvod in agro Latiniensi avditvs est strepitvs cvm fremitv. Mitto haruspices, mitto illam veterem ab ipsis dis immortalibus, ut hominum fama est, Etruriae traditam disciplinam: nos nonne haruspices esse possumus? Exauditus in agro propinquo et suburbano est strepitus quidam reconditus et horribilis fremitus armorum. Quis est ex gigantibus illis, quos poetae ferunt bellum dis immortalibus intulisse, tam impius qui hoc tam novo tantoque motu non magnum aliquid deos populo Romano praemonstrare et praecinere fateatur? De ea re scriptum est: Postiliones esse Iovi, Satvrno, Neptvno, Tellvri, dis caelestibvs. [21] Audio quibus dis violatis expiatio debeatur, sed hominum quae ob delicta quaero. Lvdos minvs diligenter factos pollvtosqve. Quos ludos? Te appello, Lentule, — tui sacerdoti sunt tensae, curricula, praecentio, ludi, libationes epulaeque ludorum, — vosque, pontifices, ad quos epulones Iovis Optimi Maximi, si quid est praetermissum aut commissum, adferunt, quorum de sententia illa eadem renovata atque instaurata celebrantur. Qui sunt ludi minus diligenter facti, quando aut quo scelere polluti? Respondebis et pro te et pro conlegis tuis, etiam pro pontificum conlegio, nihil cuiusquam aut neglegentia contemptum aut scelere esse pollutum: omnia sollemnia ac iusta ludorum omnibus rebus observatis summa cum caerimonia esse servata.

[22] Quos igitur haruspices ludos minus diligenter factos pollutosque esse dicunt? Eos quorum ipsi di immortales atque illa mater Idaea te, — te, Cn. Lentule, cuius abavi manibus esset accepta, — spectatorem esse voluit. Quod ni tu Megalesia illo die spectare voluisses, haud scio an vivere nobis atque his de rebus iam queri <non> liceret. Vis enim innumerabilis incitata ex omnibus vicis conlecta servorum ab hoc aedile religioso repente <e> fornicibus ostiisque omnibus in scaenam signo dato inmissa inrupit. Tua tum, tua, Cn. Lentule, eadem virtus fuit quae in privato quondam tuo proavo; te, nomen, imperium, vocem, aspectum, impetum tuum stans senatus equitesque Romani et omnes boni sequebantur, cum ille servorum eludentium multitudini senatum populumque Romanum

vinctum ipso consessu et constrictum spectaculis atque impeditum turba et angustiis tradidisset. [23] An si ludius constitit, aut tibicen repente conticuit, aut puer ille patrimus et matrimus si tensam non tenuit, si lorum omisit, aut si aedilis verbo aut simpuvio aberravit, ludi sunt non rite facti, eaque errata expiantur, et mentes deorum immortalium ludorum instauratione placantur: si ludi ab laetitia ad metum traducti, si non intermissi sed perempti atque sublati sunt, si civitati universae, scelere eius qui ludos ad luctum conferre voluit, exstiterunt dies illi pro festis paene funesti, dubitabimus quos ille fremitus nuntiet ludos esse pollutos? [24] Ac si volumus ea quae de quoque deo nobis tradita sunt recordari, hanc Matrem Magnam, cuius ludi violati, polluti, paene ad caedem et ad funus civitatis conversi sunt, hanc, inquam, accepimus agros et nemora cum quodam strepitu fremituque peragrare. Haec igitur vobis, haec populo Romano et scelerum indicia ostendit et periculorum signa patefecit. Nam quid ego de illis ludis loquar quos in Palatio nostri maiores ante templum in ipso Matris Magnae conspectu Megalesibus fieri celebrarique voluerunt? qui sunt more institutisque maxime casti, sollemnes, religiosi; quibus ludis primum ante populi consessum senatui locum P. Africanus iterum consul ille maior dedit, ut eos ludos haec lues impura pollueret! quo si qui liber aut spectandi aut etiam religionis causa accesserat, manus adferebantur, quo matrona nulla adiit propter vim consessumque servorum. Ita ludos eos, quorum religio tanta est ut ex ultimis terris arcessita in hac urbe consederit, qui uni ludi ne verbo quidem appellantur Latino, ut vocabulo ipso et appetita religio externa et Matris Magnae nomine suscepta declaretur — hos ludos servi fecerunt, servi spectaverunt, tota denique hoc aedile servorum Megalesia fuerunt. [25] Pro di immortales! qui magis nobiscum loqui possetis, si essetis versareminique nobiscum? Ludos esse pollutos significastis ac plane dicitis. Quid magis inquinatum, deformatum, perversum, conturbatum dici potest quam omne servitium, permissu magistratus liberatum, in alteram scaenam inmissum, alteri praepositum, ut alter consessus potestati servorum obiceretur, alter servorum totus esset? Si examen apium ludis in scaenam caveam<ve> venisset, haruspices acciendos ex Etruria putaremus: videmus universi repente examina tanta servorum inmissa in populum Romanum saeptum atque inclusum, et non

commovemur? Atque in apium fortasse examine nos ex Etruscorum scriptis haruspices ut a servitio caveremus monerent. [26] Quod igitur ex aliquo diiuncto diversoque monstro significatum caveremus, id cum ipsum sibi monstrum est, et cum in eo ipso periculum est ex quo periculum portenditur, non pertimescemus? Istius modi Megalesia fecit pater tuus, istius modi patruus? Is mihi etiam generis sui mentionem facit, cum Athenionis aut Spartaci exemplo ludos facere maluerit quam C. aut Appi Claudiorum? Illi cum ludos facerent, servos de cavea exire iubebant: tu in alteram servos inmisisti, ex altera liberos eiecisti. Itaque qui antea voce praeconis a liberis semovebantur, tuis ludis non voce sed manu liberos a se segregabant. Ne hoc quidem tibi in mentem veniebat, Sibyllino sacerdoti, haec sacra maiores nostros ex vestris libris expetisse? si illi sunt vestri quos tu impia mente conquiris, violatis oculis legis, contaminatis manibus attrectas. [27] Hac igitur vate suadente quondam, defessa Italia Punico bello atque <ab> Hannibale vexata, sacra ista nostri maiores adscita ex Phrygia Romae conlocarunt; quae vir is accepit qui est optimus populi Romani iudicatus, P. Scipio, femina autem quae matronarum castissima putabatur, Q. Claudia, cuius priscam illam severitatem [sacrifici] mirifice tua soror existimatur imitata. Nihil te igitur neque maiores tui coniuncti cum his religionibus, neque sacerdotium ipsum, quo est haec tota religio constituta, neque curulis aedilitas, quae maxime hanc tueri religionem solet, permovit quo minus castissimos ludos omni flagitio pollueres, dedecore maculares, scelere obligares? [28] Sed quid ego id admiror? qui accepta pecunia Pessinuntem ipsum, sedem domiciliumque Matris deorum, vastaris, et Brogitaro Gallograeco, impuro homini ac nefario, cuius legati te tribuno dividere in aede Castoris tuis operis nummos solebant, totum illum locum fanumque vendideris, sacerdotem ab ipsis aris pulvinaribusque detraxeris, omnia illa quae vetustas, quae Persae, quae Syri, quae reges omnes qui Europam Asiamque tenuerunt semper summa religione coluerunt, perverteris; quae denique nostri maiores tam sancta duxerunt ut, cum refertam urbem atque Italiam fanorum haberemus, tamen nostri imperatores maximis et periculosissimis bellis huic deae vota facerent, eaque in ipso Pessinunte ad illam ipsam principem aram et in illo loco fanoque persolverent. [29] Quod cum Deiotarus religione sua

castissime tueretur, quem unum habemus in orbe terrarum fidelissimum huic imperio atque amantissimum nostri nominis, Brogitaro, ut ante dixi, addictum pecunia tradidisti. Atque hunc tamen Deiotarum saepe a senatu regali nomine dignum existimatum, clarissimorum imperatorum testimoniis ornatum, tu etiam regem appellari cum Brogitaro iubes. Sed alter est rex iudicio senatus per nos, pecunia Brogitarus per te appellatus . . . alterum putabo regem, si habuerit unde tibi solvat quod ei per syngrapham credidisti. Nam cum multa regia sunt in Deiotaro tum illa maxime, quod tibi nummum nullum dedit, quod eam partem legis tuae quae congruebat cum iudicio senatus, ut ipse rex esset, non repudiavit, quod Pessinuntem per scelus a te violatum et sacerdote sacrisque spoliatum reciperavit, ut in pristina religione servaret, quod caerimonias ab omni vetustate acceptas a Brogitaro pollui non sinit, mavultque generum suum munere tuo quam illud fanum antiquitate religionis carere. Sed ut ad haec haruspicum responsa redeam, ex quibus est primum de ludis, quis est qui id non totum in istius ludos praedictum et responsum esse fateatur?

[30] Sequitur de locis sacris, religiosis. O impudentiam miram! de mea domo dicere audes? Committe vel consulibus vel senatui vel conlegio pontificum tuam. Ac mea quidem his tribus omnibus iudiciis, ut dixi antea, liberata est; at in iis aedibus quas tu, Q. Seio, equite Romano, viro optimo, per te apertissime interfecto, tenes, sacellum dico fuisse <et> aras. Tabulis hoc censoriis, memoria multorum firmabo ac docebo: agatur modo haec res, quod ex eo senatus consulto quod nuper est factum referri ad vos necesse est, habeo quae de locis religiosis velim dicere. [31] Cum de domo tua dixero, in qua tamen ita est inaedificatum sacellum ut alius fecerit, tibi tantum modo sit demoliendum, tum videbo num mihi necesse sit de aliis etiam aliquid dicere. Putant enim ad me non nulli pertinere magmentarium Telluris aperire. Nuper id patuisse dicunt, et ego recordor. Nunc sanctissimam partem ac sedem maximae religionis privato dicunt vestibulo contineri. Multa me movent: quod aedes Telluris est curationis meae, quod is qui illud magmentarium sustulit mea domo pontificum iudicio liberata secundum fratrem suum iudicatum esse dicebat; movet me etiam in hac caritate annonae, sterilitate agrorum, inopia frugum religio Telluris, et eo magis quod

eodem ostento Telluri postilio deberi dicitur. [32] Vetera fortasse loquimur; quamquam hoc si minus civili iure perscriptum est, lege tamen naturae, communi iure gentium sanctum est ut nihil mortales a dis immortalibus usu capere possint. Verum tamen antiqua neglegimus: etiamne ea neglegemus quae fiunt cum maxime, quae videmus? L. Pisonem quis nescit his temporibus ipsis maximum et sanctissimum Dianae sacellum in Caeliculo sustulisse? Adsunt vicini eius loci; multi sunt etiam in hoc ordine qui sacrificia gentilicia illo ipso in sacello stato loco anniversaria factitarint. Et quaerimus di immortales quae loca desiderent, quid significent, de quo loquantur? A Sex. Serrano sanctissima sacella suffossa, inaedificata, oppressa, summa denique turpitudine foedata esse nescimus? [33] Tu meam domum religiosam facere potuisti? Qua mente? quam amiseras. Qua manu? qua disturbaras. Qua voce? qua incendi iusseras. Qua lege? quam ne in illa quidem impunitate tua scripseras. Quo pulvinari? quod stupraras. Quo simulacro? quod ereptum ex meretricis sepulcro <in> imperatoris monumento conlocaras. Quid habet mea domus religiosi nisi quod impuri et sacrilegi parietem tangit? Itaque ne quis meorum imprudens introspicere tuam domum possit ac te sacra illa tua facientem videre, tollam altius tectum, non ut ego te despiciam, sed tu ne aspicias urbem eam quam delere voluisti.

[34] Sed iam haruspicum reliqua responsa videamus. Oratores contra ivs fasqve interfectos. Quid est hoc? De Alexandrinis esse video sermonem; quem ego non refuto. Sic enim sentio, ius legatorum, cum hominum praesidio munitum sit, tum etiam divino iure esse vallatum. Sed quaero ab illo qui omnis indices tribunus e carcere in forum effudit, cuius arbitrio sicae nunc omnes atque omnia venena tractantur, qui cum Hermarcho Chio syngraphas fecit, ecquid sciat unum acerrimum adversarium Hermarchi, Theodosium, legatum ad senatum a civitate libera missum sica percussum? quod non minus quam de Alexandrinis indignum dis immortalibus esse visum certo scio. [35] Nec confero nunc in te unum omnia. Spes maior esset salutis, si praeter te nemo esset impurus; plures sunt; hoc et tu tibi confidis magis et nos prope iure diffidimus. Quis Platorem ex Orestide, quae pars Macedoniae libera est, hominem in illis locis clarum ac nobilem, legatum Thessalonicam ad nostrum, ut se ipse appellavit, ‘imperatorem’ venisse nescit? quem ille propter

pecuniam, quam ab eo extorquere non poterat, in vincla coniecit, et medicum intromisit suum qui legato socio amico libero foedissime et crudelissime venas incideret. Securis suas cruentari scelere noluit: nomen quidem populi Romani tanto scelere contaminavit ut id nulla re possit nisi ipsius supplicio expiari. Qualis hunc carnifices putamus habere, qui etiam medicis suis non ad salutem sed ad necem utatur?

[36] Sed recitemus quid sequatur. Fidem ivsqve ivrandvm neglectvm. Hoc quid sit per se ipsum non facile interpretor, sed ex eo quod sequitur suspicor de tuorum iudicum manifesto periurio dici, quibus olim erepti essent nummi nisi a senatu praesidium postulassent. Qua re autem de iis dici suspicer haec causa est, quod sic statuo, et illud in hac civitate esse maxime inlustre atque insigne periurium, et te ipsum tamen in periuri crimen ab iis quibuscum coniurasti non vocari.

[37] Et video in haruspicum responsum haec esse subiuncta: Sacrificia vetvsta occvltaqve minvs diligenter facta pollvtaqve. Haruspices haec loquuntur an patrii penatesque di? Multi enim sunt, credo, in quos huius malefici suspicio cadat. Quis praeter hunc unum? Obscure dicitur quae sacra polluta sint? Quid planius, quid religiosius, quid gravius dici potest? vetvsta occvltaqve. Nego ulla verba Lentulum, gravem oratorem ac disertum, saepius, cum te accusaret, usurpasse quam haec quae nunc ex Etruscis libris in te conversa atque interpretata dicuntur. Etenim quod sacrificium tam vetustum est quam hoc quod a regibus aequale huius urbis accepimus? quod autem tam occultum quam id quod non solum curiosos oculos excludit sed etiam errantis, quo non modo improbitas sed ne imprudentia quidem possit intrare? quod quidem sacrificium nemo ante P. Clodium omni memoria violavit, nemo umquam adiit, nemo neglexit, nemo vir aspicere non horruit, quod fit per virgines Vestalis, fit pro populo Romano, fit in ea domo quae est in imperio, fit incredibili caerimonia, fit ei deae cuius ne nomen quidem viros scire fas est, quam iste idcirco Bonam dicit quod in tanto sibi scelere ignoverit. Non ignovit, mihi crede, non: nisi forte tibi esse ignotum putas, quod te iudices emiserunt excussum et exhaustum, suo iudicio absolutum, omnium condemnatum, aut quod oculos, ut opinio illius religionis est, non perdidisti. [38] Quis enim ante te sacra illa vir sciens viderat, ut quisquam poenam quae sequeretur id scelus scire

posset? An tibi luminis obesset caecitas plus quam libidinis? Ne id quidem sentis, coniventis illos oculos abavi tui magis optandos fuisse quam hos flagrantis sororis? Tibi vero, si diligenter attendes, intelleges hominum poenas deesse adhuc, non deorum. Homines te in re foedissima defenderunt, homines turpissimum nocentissimumque laudarunt, homines prope confitentem iudicio liberaverunt, hominibus iniuria tui stupri inlata in ipsos dolori non fuit, homines tibi arma alii in me, alii post in illum invictum civem dederunt, hominum beneficia prorsus concedo tibi iam maiora non esse quaerenda: [39] a dis quidem immortalibus quae potest homini maior esse poena furore atque dementia? nisi forte in tragoediis quos vulnere ac dolore corporis cruciari et consumi vides, graviores deorum immortalium iras subire quam illos qui furentes inducuntur putas. Non sunt illi eiulatus et gemitus Philoctetae tam miseri, quamquam sunt acerbi, quam illa exsultatio Athamantis et quam senium matricidarum. Tu cum furialis in contionibus voces mittis, cum domos civium evertis, cum lapidibus optimos viros foro pellis, cum ardentis faces in vicinorum tecta iactas, cum aedis sacras inflammas, cum servos concitas, cum sacra ludosque conturbas, cum uxorem sororemque non discernis, cum quod ineas cubile non sentis, tum baccharis, tum furis, tum das eas poenas quae solae sunt hominum sceleri a dis immortalibus constitutae. Nam corporis quidem nostri infirmitas multos subit casus per se, denique ipsum corpus tenuissima de causa saepe conficitur: deorum tela in impiorum mentibus figuntur. Qua re miserior es cum in omnem fraudem raperis oculis quam si omnino oculos non haberes.

[40] Sed quoniam de iis omnibus quae haruspices commissa esse dicunt satis est dictum, videamus quid idem haruspices a dis iam immortalibus dicant moneri. Monent Ne per optimativm discordiam dissensionemqve patribvs principibvsqve caedes pericvlaqve creentvr avxilioqve divini nvminis deficiantvr, ~ßywa re ad wnwm imperiwm pecvniae redeant exercitvsqve apvlsvs deminvtioqve accedat. Haruspicum verba sunt haec omnia: nihil addo de meo. Quis igitur optimatium discordiam molitur? Idem iste, nec ulla vi ingeni aut consili sui, sed quodam errore nostro; quem quidem ille, quod obscurus non erat, facile perspexit. Hoc enim etiam turpius adflictatur res publica quod ne ab eo quidem vexatur, ut tamquam fortis in pugna vir acceptis a forti adversario vulneribus adversis honeste cadere videatur. [41] Ti. Gracchus convellit statum civitatis, qua gravitate vir, qua eloquentia, qua dignitate! nihil ut a patris avique Africani praestabili insignique virtute, praeterquam quod a senatu desciverat, deflexisset. Secutus est C. Gracchus, quo ingenio, qua eloquentia, quanta vi, quanta gravitate dicendi! ut dolerent boni non illa tanta ornamenta ad meliorem mentem voluntatemque esse conversa. Ipse Saturninus ita fuit effrenatus et paene demens ut actor esset egregius et ad animos imperitorum excitandos inflammandosque perfectus. Nam quid ego de Sulpicio loquar? cuius tanta in dicendo gravitas, tanta iucunditas, tanta brevitas fuit, ut posset vel ut prudentes errarent, vel ut boni minus bene sentirent perficere dicendo. Cum his conflictari et pro salute patriae cotidie dimicare erat omnino illis qui tum rem publicam gubernabant molestum; sed habebat ea molestia quandam tamen dignitatem. [42] Hic vero de quo ego ipse tam multa nunc dico, pro di immortales! quid est, quid valet, quid adfert, ut tanta civitas, si cadet, — quod di omen obruant! — a viro tamen confecta videatur? qui post patris mortem primam illam aetatulam suam ad scurrarum locupletium libidines detulit, quorum intemperantia expleta in domesticis est germanitatis stupris volutatus; deinde iam robustus provinciae se ac rei militari dedit, atque ibi piratarum contumelias perpessus etiam Cilicum libidines barbarorumque satiavit; post exercitu L. Luculli sollicitato per nefandum scelus fugit illim, Romaeque recenti adventu suo cum propinquis suis decidit ne reos faceret, a Catilina

pecuniam accepit ut turpissime praevaricaretur. Inde cum Murena se in Galliam contulit, in qua provincia mortuorum testamenta conscripsit, pupillos necavit, nefarias cum multis scelerum pactiones societatesque conflavit; unde ut rediit, quaestum illum maxime fecundum uberemque campestrem totum ad se ita redegit ut homo popularis fraudaret improbissime populum, idemque vir clemens divisores omnium tribuum domi ipse suae crudelissima morte mactaret. [43] Exorta est illa rei publicae, sacris, religionibus, auctoritati vestrae, iudiciis publicis funesta quaestura, in qua idem iste deos hominesque, pudorem, pudicitiam, senatus auctoritatem, ius, fas, leges, iudicia violavit. Atque hic ei gradus — o misera tempora stultasque nostras discordias! — P. Clodio gradus ad rem publicam hic primus <fuit> et aditus ad popularem iactationem atque adscensus. Nam Ti. Graccho invidia Numantini foederis, cui feriendo, quaestor C. Mancini consulis cum esset, interfuerat, et in eo foedere improbando senatus severitas dolori et timori fuit, eaque res illum fortem et clarum virum a gravitate patrum desciscere coegit; C. autem Gracchum mors fraterna, pietas, dolor, magnitudo animi ad expetendas domestici sanguinis poenas excitavit; Saturninum, quod in annonae caritate quaestorem a sua frumentaria procuratione senatus amovit eique rei M. Scaurum praefecit, scimus dolore factum esse popularem; Sulpicium ab optima causa profectum Gaioque Iulio consulatum contra leges petenti resistentem longius quam voluit popularis aura provexit. [44] Fuit in his omnibus etsi non iusta, — nulla enim potest cuiquam male de re publica merendi iusta esse causa, — gravis tamen et cum aliquo animi virilis dolore coniuncta: P. Clodius a crocota, a mitra, a muliebribus soleis purpureisque fasceolis, a strophio, a psalterio, a flagitio, a stupro est factus repente popularis. Nisi eum mulieres exornatum ita deprendissent, nisi ex eo loco quo eum adire fas non fuerat ancillarum beneficio emissus esset, populari homine populus Romanus, res publica cive tali careret. Hanc ob amentiam in discordiis nostris, de quibus ipsis his prodigiis recentibus a dis immortalibus admonemur, arreptus est unus ex patriciis cui tribuno plebis fieri non liceret. [45] Quod anno ante frater Metellus et concors etiam tum senatus, senatus principe Cn. Pompeio sententiam dicente, excluserat acerrimeque una voce ac mente restiterat, id post discidium optimatium, de quo ipso nunc monemur,

ita perturbatum itaque permutatum est ut, quod frater consul ne fieret obstiterat, quod adfinis et sodalis clarissimus vir, qui illum reum non laudarat, excluserat, id is consul efficeret in discordiis principum qui illi unus inimicissimus esse debuerat, eo fecisse auctore se diceret cuius auctoritatis neminem posset paenitere. Iniecta fax est foeda ac luctuosa rei publicae; petita est auctoritas vestra, gravitas amplissimorum ordinum, consensio bonorum omnium, totus denique civitatis status. Haec enim certe petebantur, cum in me cognitorem harum omnium rerum illa flamma illorum temporum coniciebatur. Excepi et pro patria solus exarsi, sic tamen ut vos isdem ignibus circumsaepti me primum ictum pro vobis et fumantem videretis. [46] Non sedabantur discordiae, sed etiam crescebat in eos odium a quibus nos defendi putabamur. Ecce isdem auctoribus, Pompeio principe, qui cupientem Italiam, flagitantis vos, populum Romanum desiderantem non auctoritate sua solum, sed etiam precibus ad meam salutem excitavit, restituti sumus. Sit discordiarum finis aliquando, a diuturnis dissensionibus conquiescamus. Non sinit eadem ista labes; eas habet contiones, ea miscet ac turbat ut modo <se his, modo> vendat illis, nec tamen ita ut se quisquam, si ab isto laudatus sit, laudatiorem putet, sed ut eos quos non amant ab eodem gaudeant vituperari. Atque ego hunc non miror — quid enim faciat aliud? — : illos homines sapientissimos gravissimosque miror, primum quod quemquam clarum hominem atque optime de re publica saepe meritum impurissimi voce hominis violari facile patiuntur, deinde si existimant perditi hominis profligatique maledictis posse, id quod minime conducit ipsis, cuiusquam gloriam dignitatemque violari, postremo quod non sentiunt, id quod tamen mihi iam suspicari videntur, illius furentis ac volaticos impetus in se ipsos posse converti. [47] Atque ex hac nimia non nullorum alienatione a quibusdam haerent ea tela in re publica quae, quam diu haerebant in uno me, graviter equidem sed aliquanto levius ferebam. An iste nisi primo se dedisset iis quorum animos a vestra auctoritate seiunctos esse arbitrabatur, nisi eos in caelum suis laudibus praeclarus auctor extolleret, nisi exercitum C. Caesaris — in quo fallebat, sed eum nemo redarguebat — nisi eum, inquam, exercitum signis infestis in curiam se inmissurum minitaretur, nisi se Cn. Pompeio adiutore, M. Crasso auctore, quae faciebat facere clamaret, nisi consules causam

coniunxisse secum, in quo uno non mentiebatur, confirmaret, tam crudelis mei, tam sceleratus rei publicae vexator esse potuisset? [48] Idem postea quam respirare vos a metu caedis, emergere auctoritatem vestram e fluctibus illis servitutis, reviviscere memoriam ac desiderium mei vidit, vobis se coepit subito fallacissime venditare; tum leges Iulias contra auspicia latas et hic et in contionibus dicere, in quibus legibus inerat curiata illa lex quae totum eius tribunatum continebat, quam caecus amentia non videbat. Producebat fortissimum virum, M. Bibulum; quaerebat ex eo, C. Caesare leges ferente de caelo semperne servasset; semper se ille servasse dicebat. Augures interrogabat, quae ita lata essent rectene lata essent; illi vitio lata esse dicebant. Ferebant in oculis hominem quidam boni viri et de me optime meriti, sed illius, ut ego arbitror, furoris ignari. Longius processit; in ipsum Cn. Pompeium, auctorem, ut praedicare est solitus, consiliorum suorum, invehi coepit; inibat gratiam a non nullis. [49] Tum vero elatus <est> spe posse se, quoniam togatum domestici belli exstinctorem nefario scelere foedasset, illum etiam, illum externorum bellorum hostiumque victorem adfligere; tum est illa in templo Castoris scelerata et paene deletrix huius imperi sica deprensa; tum ille cui nulla hostium diutius urbs umquam fuit clausa, qui omnis angustias, omnis altitudines moenium obiectas semper vi ac virtute perfregit, obsessus ipse est domi meque non nulla imperitorum vituperatione timiditatis meae consilio et facto suo liberavit. Nam si Cn. Pompeio, viro uni omnium fortissimo quicumque nati sunt, miserum magis fuit quam turpe, quam diu ille tribunus plebis fuit, lucem non aspicere, carere publico, minas eius perferre, cum in contionibus diceret velle se in Carinis aedificare alteram porticum, quae Palatio responderet, certe mihi exire domo mea ad privatum dolorem fuit luctuosum, ad rationem rei publicae gloriosum. [50] Videtis igitur hominem per se ipsum iam pridem adflictum ac iacentem perniciosis optimatium discordiis excitari, cuius initia furoris dissensionibus eorum qui tum a vobis seiuncti videbantur sustentata sunt. Reliqua iam praecipitantis tribunatus etiam post tribunatum obtrectatores eorum atque adversarii defenderunt; ne a re publica rei publicae pestis removeretur restiterunt, etiam ne causam diceret, etiam ne privatus esset. Etiamne in sinu atque in deliciis quidam optimi viri viperam

illam venenatam ac pestiferam habere potuerunt? quo tandem decepti munere? ‘Volo,’ inquiunt, ‘esse qui in contione detrahat de Pompeio.’ Detrahat ille vituperando? Velim sic hoc vir summus atque optime de mea salute meritus accipiat ut a me dicitur; dicam quidem certe quod sentio. Mihi me dius fidius tum de illius amplissima dignitate detrahere cum illum maximis laudibus ecferebat videbatur. [51] Vtrum tandem C. Marius splendidior cum eum C. Glaucia laudabat, an cum eundem iratus postea vituperabat? An ille demens et iam pridem ad poenam exitiumque praeceps foedior aut inquinatior in Cn. Pompeio accusando quam in universo senatu vituperando fuit? quod quidem miror, cum alterum gratum sit iratis, alterum esse tam bonis civibus non acerbum. Sed ne id viros optimos diutius delectet, legant hanc eius contionem de qua loquor; in qua Pompeium ornat, — an potius deformat? certe laudat, et unum esse in hac civitate dignum huius imperi gloria dicit, et significat se illi esse amicissimum et reconciliationem esse gratiae factam. [52] Quod ego quamquam quid sit nescio, tamen hoc statuo, hunc, si amicus esset Pompeio, laudaturum illum non fuisse. Quid enim, si illi inimicissimus esset, amplius ad eius laudem minuendam facere potuisset? Videant ii qui illum Pompeio inimicum esse gaudebant, ob eamque causam in tot tantisque sceleribus conivebant, et non numquam eius indomitos atque ecfrenatos furores plausu etiam suo prosequebantur, quam se cito inverterit. Nunc enim iam laudat illum: in eos invehitur quibus se antea venditabat. Quid existimatis eum, si reditus ei gratiae patuerit, esse facturum, qui tam libenter in opinionem gratiae inrepat? [53] Quas ego alias optimatium discordias a dis immortalibus definiri putem? nam hoc quidem verbo neque P. Clodius neque quisquam de gregalibus eius aut de consiliariis designatur. Habent Etrusci libri certa nomina quae in id genus civium cadere possint: Deteriores, repvlsos, quod iam audietis, hos appellant quorum et mentes et res sunt perditae longeque a communi salute diiunctae. Qua re cum di immortales monent de optimatium discordia, de clarissimorum et optime meritorum civium dissensione praedicunt; cum principibus periculum caedemque portendunt, in tuto conlocant Clodium, qui tantum abest a principibus quantum a puris, quantum ab religiosis. [54] Vobis, o carissimi atque optimi cives, et vestrae saluti consulendum et prospiciendum vident. Caedes

principum ostenditur; id quod interitum optimatium sequi necesse est adiungitur; ne in unius imperium res recidat admonemur. Ad quem metum si deorum monitis non duceremur, tamen ipsi nostro sensu coniecturaque raperemur; neque enim ullus alius discordiarum solet esse exitus inter claros et potentis viros nisi aut universus interitus aut victoris dominatus ac regnum. Dissensit cum Mario, clarissimo civi, consul nobilissimus et fortissimus, L. Sulla; horum uterque ita cecidit victus ut victor idem regnaverit. Cum Octavio conlega Cinna dissedit; utrique horum secunda fortuna regnum est largita, adversa mortem. Idem iterum Sulla superavit; tum sine dubio habuit regalem potestatem, quamquam rem publicam reciperarat. [55] Inest hoc tempore haud obscurum odium, atque id insitum penitus et inustum animis hominum amplissimorum; dissident principes; captatur occasio. Qui non tantum opibus valent nescio quam fortunam tamen ac tempus exspectant: qui sine controversia plus possunt, ii fortasse non numquam consilia ac sententias inimicorum suorum extimescunt. Tollatur haec e civitate discordia: iam omnes isti qui portenduntur metus exstinguentur, iam ista serpens, quae tum hic delitiscit, tum se emergit et fertur illuc, compressa atque inlisa morietur. Monent enim eidem Ne occvltis consiliis res pvblica laedatvr. Quae sunt occultiora quam eius qui in contione ausus est dicere iustitium edici oportere, iuris dictionem intermitti, claudi aerarium, iudicia tolli? nisi forte existimatis hanc tantam conluvionem illi tantamque eversionem civitatis in mentem subito in rostris cogitanti venire potuisse. Est quidem ille plenus vini stupri somni, plenusque inconsideratissimae ac dementissimae temeritatis; verum tamen nocturnis vigiliis, etiam coitione hominum, iustitium illud concoctum atque meditatum est. Mementote, patres conscripti, verbo illo nefario temptatas auris nostras et perniciosam viam audiendi consuetudine esse munitam.

[56] Sequitur illud, Ne deterioribvs repvlsisqve honos avgeatvr. Repulsos videamus, nam deteriores qui sint, post docebo. Sed tamen in eum cadere hoc verbum maxime qui sit unus omnium mortalium sine ulla dubitatione deterrimus, concedendum est. Qui sunt igitur repulsi? Non, ut opinor, ii qui aliquando honorem vitio civitatis, non suo, non sunt adsecuti; nam id quidem multis saepe optimis civibus atque honestissimis viris accidit. Repulsi sunt ii quos ad omnia

progredientis, quos munera contra leges gladiatoria parantis, quos apertissime largientis non solum alieni sed etiam sui, vicini, tribules, urbani, rustici reppulerunt: hi ne honore augeantur monent. Debet esse gratum quod praedicunt, sed tamen huic malo populus Romanus ipse nullo haruspicum admonitu sua sponte prospexit. [57] Deteriores cavete; quorum quidem est magna natio, sed tamen eorum omnium hic dux est atque princeps; etenim si unum hominem deterrimum poeta praestanti aliquis ingenio fictis conquisitisque vitiis deformatum vellet inducere, nullum profecto dedecus reperire posset quod in hoc non inesset, multaque in eo penitus defixa atque haerentia praeteriret. Parentibus et dis immortalibus et patriae nos primum natura conciliat; eodem enim tempore et suscipimur in lucem et hoc caelesti spiritu augemur et certam in sedem civitatis ac libertatis adscribimur. Iste parentum nomen, sacra, memoriam, gentem Fonteiano nomine obruit; deorum ignis, solia, mensas, abditos ac penetralis focos, occulta et maribus non invisa solum, sed etiam inaudita sacra inexpiabili scelere pervertit, idemque earum templum inflammavit dearum quarum ope etiam aliis incendiis subvenitur. [58] Quid de patria loquar? qui primum eum civem vi, ferro, periculis urbe, omnibus patriae praesidiis depulit quem vos patriae conservatorem esse saepissime iudicaritis, deinde everso senatus, ut ego semper dixi, comite, duce, ut ille dicebat, senatum ipsum, principem salutis mentisque publicae, vi, caede incendiisque pervertit; sustulit duas leges, Aeliam et Fufiam, maxime rei publicae salutaris, censuram exstinxit, intercessionem removit, auspicia delevit, consules sceleris sui socios aerario, provinciis, exercitu armavit, reges qui erant vendidit, qui non erant appellavit, Cn. Pompeium ferro domum compulit, imperatorum monumenta evertit, inimicorum domus disturbavit, vestris monumentis suum nomen inscripsit. Infinita sunt scelera quae ab illo in patriam sunt edita. Quid? quae in singulos civis quos necavit, socios quos diripuit, imperatores quos prodidit, exercitus quos temptavit? [59] Quid vero? ea quanta sunt quae in ipsum se scelera, quae in suos edidit! Quis minus umquam pepercit hostium castris quam ille omnibus corporis sui partibus? quae navis umquam in flumine publico tam vulgata omnibus quam istius aetas fuit? quis umquam nepos tam libere est cum scortis quam hic cum sororibus volutatus? quam denique tam

immanem Charybdim poetae fingendo exprimere potuerunt, quae tantos exhauriret gurgites quantas iste Byzantiorum Brogitarorumque praedas exsorbuit? aut tam eminentibus canibus Scyllam tamque ieiunis quam quibus istum videtis, Gelliis, Clodiis, Titiis, rostra ipsa mandentem?

[60] Qua re, id quod extremum est in haruspicum responso, providete Ne rei pvblicae statvs commvtetvr; etenim vix haec, si undique fulciamus iam labefacta, vix, inquam, nixa in omnium nostrum umeris cohaerebunt. Fuit quondam ita firma haec civitas et valens ut neglegentiam senatus vel etiam iniurias civium ferre posset. Iam non potest. Aerarium nullum est, vectigalibus non fruuntur qui redemerunt, auctoritas principum cecidit, consensus ordinum est divulsus, iudicia perierunt, suffragia descripta tenentur a paucis, bonorum animus ad nutum nostri ordinis expeditus iam non erit, civem qui se pro patriae salute opponat invidiae frustra posthac requiretis. [61] Qua re hunc statum qui nunc est, qualiscumque est, nulla alia re nisi concordia retinere possumus; nam ut meliore simus loco ne optandum quidem est illo impunito; deteriore autem statu ut simus, unus est inferior gradus aut interitus aut servitutis; quo ne trudamur di immortales nos admonent, quoniam iam pridem humana consilia ceciderunt. Atque ego hanc orationem, patres conscripti, tam tristem, tam gravem non suscepissem, non quin hanc personam et has partis, honoribus populi Romani, vestris plurimis ornamentis mihi tributis, deberem et possem sustinere, sed tamen facile tacentibus ceteris reticuissem; sed haec oratio omnis fuit non auctoritatis meae, sed publicae religionis. Mea fuerunt verba fortasse plura, sententiae quidem omnes haruspicum, ad quos aut referri nuntiata ostenta non convenit aut eorum responsis commoveri necesse est. [62] Quod si cetera magis pervulgata nos saepe et leviora moverunt, vox ipsa deorum immortalium non mentis omnium permovebit? Nolite enim id putare accidere posse quod in fabulis saepe videtis fieri, ut deus aliqui delapsus de caelo coetus hominum adeat, versetur in terris, cum hominibus conloquatur. Cogitate genus sonitus eius quem Latinienses nuntiarunt, recordamini illud etiam quod nondum est relatum, quod eodem fere tempore factus in agro Piceno Potentiae nuntiatur terrae motus horribilis cum quibusdam ~multis metuendisque rebus: haec eadem profecto quae prospicimus

impendentia pertimescetis. [63] Etenim haec deorum immortalium vox, haec paene oratio iudicanda est, cum ipse mundus, cum maria atque terrae motu quodam novo contremiscunt et inusitato aliquid sono incredibilique praedicunt. In quo constituendae nobis quidem sunt procurationes et obsecratio, quem ad modum monemur. Sed faciles sunt preces apud eos qui ultro nobis viam salutis ostendunt: nostrae nobis sunt inter nos irae discordiaeque placandae.

DE DOMO SUA (On his House)

M. TVLLI CICERONIS DE DOMO SVA AD PONTIFICES ORATIO

[1] Cum multa divinitus, pontifices, a maioribus nostris inventa atque instituta sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse voluerunt, ut amplissimi et clarissimi cives rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conservarent. Quod si ullo tempore magna causa in sacerdotum populi Romani iudicio ac potestate versata est, haec profecto tanta est ut omnis rei publicae dignitas, omnium civium salus, vita, libertas, arae, foci, di penates, bona, fortunae, domicilia vestrae sapientiae, fidei, potestati commissa creditaque esse videantur. [2] Vobis hodierno die constituendum est utrum posthac amentis ac perditos magistratus improborum ac sceleratorum civium praesidio nudare, an etiam deorum immortalium religione armare malitis. Nam si illa labes ac flamma rei publicae suum illum pestiferum et funestum tribunatum, quem aequitate humana tueri non potest, divina religione defenderit, aliae caerimoniae nobis erunt, alii antistites deorum immortalium, alii interpretes religionum requirendi; sin autem vestra auctoritate sapientiaque, pontifices, ea quae furore improborum in re publica ab aliis oppressa, ab aliis deserta, ab aliis prodita gesta sunt rescinduntur, erit causa cur consilium maiorum in amplissimis viris ad sacerdotia deligendis iure ac merito laudare possimus. [3] Sed quoniam ille demens, si ea quae per hos dies ego in senatu de re publica sensi vituperasset, aliquem se aditum ad auris vestras esse habiturum putavit, omittam ordinem dicendi meum: respondebo hominis furiosi non orationi, qua ille uti non potest, sed convicio, cuius exercitationem cum intolerabili petulantia tum etiam diuturna impunitate munivit.

Ac primum illud a te, homine vesano ac furioso, requiro, quae te tanta poena tuorum scelerum flagitiorumque vexet ut hos talis viros, — qui non solum consiliis suis sed etiam specie ipsa dignitatem rei publicae sustinent, — quod ego in sententia dicenda salutem civium

cum honore Cn. Pompei coniunxerim mihi esse iratos, et aliud de summa religione hoc tempore sensuros ac me absente senserint arbitrere? [4] 'Fuisti,' inquit, 'tum apud pontifices superior, sed iam, quoniam te ad populum contulisti, sis inferior necesse est.' Itane vero? quod in imperita multitudine est vitiosissimum, varietas et inconstantia et crebra tamquam tempestatum sic sententiarum commutatio, hoc tu ad hos transferas, quos ab inconstantia gravitas, a libidinosa sententia certum et definitum ius religionum, vetustas exemplorum, auctoritas litterarum monumentorumque deterret? 'Tune es ille,' inquit, 'quo senatus carere non potuit, quem boni luxerunt, quem res publica desideravit, quo restituto senatus auctoritatem restitutam putabamus quam primum adveniens prodidisti?' Nondum de mea sententia dico: impudentiae primum respondebo tuae. [5] Hunc igitur, funesta rei publicae pestis, hunc tu civem ferro et armis et exercitus terrore et consulum scelere et audacissimorum hominum minis, servorum dilectu, obsessione templorum, occupatione fori, oppressione curiae domo et patria, ne cum improbis boni ferro dimicarent, cedere coegisti, quem a senatu, quem a bonis omnibus, quem a cuncta Italia desideratum, arcessitum, revocatum conservandae rei publicae causa confiteris? 'At enim in senatum venire in Capitolium turbulento illo die non debuisti.' [6] Ego vero neque veni et domo me tenui quam diu turbulentum tempus fuit, cum servos tuos, a te iam pridem ad bonorum caedem paratos, cum illa tua consceleratorum ac perditorum manu armatos in Capitolium tecum venisse constabat; quod cum mihi nuntiaretur, scito me domi mansisse et tibi et gladiatoribus tuis instaurandae caedis potestatem non fecisse. Postea quam mihi nuntiatum est populum Romanum in Capitolium propter metum atque inopiam rei frumentariae convenisse, ministros autem scelerum tuorum perterritos partim amissis gladiis, partim ereptis diffugisse, veni non solum sine ullis copiis ac manu, verum etiam cum paucis amicis. [7] An ego, cum P. Lentulus consul optime de me ac de re publica meritus, cum Q. Metellus, qui cum meus inimicus esset, frater tuus, et dissensioni nostrae et precibus tuis salutem ac dignitatem meam praetulisset, me arcesserent in senatum, cum tanta multitudo civium tam recenti officio suo me ad referendam gratiam nominatim vocaret, non venirem, cum praesertim te iam illinc cum tua fugitivorum manu

discessisse constaret? Hic tu me etiam, custodem defensoremque Capitoli templorumque omnium, 'hostem Capitolinum' appellare ausus es, quod, cum in Capitolio senatum duo consules haberent, eo venerim? Vtrum est tempus aliquod quo in senatum venisse turpe sit, an ea res erat illa de qua agebatur ut rem ipsam repudiare et eos qui agebant condemnare deberem? [8] Primum dico senatoris esse boni semper in senatum venire, nec cum his sentio qui statuunt minus bonis temporibus in senatum ipsum non venire, non intellegentes hanc suam nimiam perseverantiam vehementer iis quorum animum offendere voluerint et gratam et iucundam fuisse. At enim non nulli propter timorem, quod se in senatu tuto non esse arbitrabantur, discesserunt. Non reprehendo, nec quaero fueritne aliquid pertimescendum: puto suo quemque arbitratu timere oportere. Cur ego non timuerim quaeris? quia te illinc abisse constabat. Cur, cum viri boni non nulli putarint tuto se in senatu esse non posse, ego non idem senserim? Cur, cum ego me existimassem tuto omnino in civitate esse non posse, illi remanserunt? An aliis licet, et recte licet, in meo metu sibi nihil timere: mihi uni necesse erit et meam et aliorum vicem pertimescere?

[9] An quia non condemnavi sententia mea duo consules, sum reprehendendus? Eos igitur ego potissimum damnare debui quorum lege perfectum est ne ego, indemnatus atque optime de re publica meritus, damnatorum poenam sustinerem? Quorum etiam delicta propter eorum egregiam in me conservando voluntatem non modo me sed omnis bonos ferre oporteret, eorum optimum consilium ego potissimum per eos in meam pristinam dignitatem restitutus meo consilio repudiarem? At quam sententiam dixi? Primum eam quam populi sermo in animis nostris iam ante defixerat, deinde eam quae erat superioribus diebus agitata in senatu, denique eam quam senatus frequens tum cum mihi est adsensus secutus est: ut neque adlata sit a me res inopinata ac recens, nec, si quod in sententia vitium est, maius sit eius qui dixerit quam omnium qui probarint. [10] At enim liberum senatus iudicium propter metum non fuit. Si timuisse eos facis qui discesserunt, concede non timuisse eos qui remanserunt; sin autem sine iis qui tum afuerunt nihil decerni libere potuit, cum omnes adessent, coeptum est referri de inducendo senatus consulto; ab universo senatu reclamatum est. Sed quaero in ipsa sententia,

quoniam princeps ego sum eius atque auctor, quid reprendatur. Vtrum causa novi consili capiendi non fuit, an meae partes in ea causa non praecipuae fuerunt, an alio potius confugiendum fuit nobis? Quae causa maior quam fames esse potuit, quam seditio, quam consilia tua tuorumque, qui facultate oblata ad imperitorum animos incitandos renovaturum te tua illis funesta latrocinia ob annonae causam putasti? [11] Frumentum provinciae frumentariae partim non habebant, partim in alias terras, credo, propter avaritiam venditorum miserant, partim, quo gratius esset tum cum in ipsa fame subvenissent, custodiis suis clausum continebant, ut subito novum mitterent. Res erat non in opinione dubia, sed in praesenti atque ante oculos proposito periculo, neque id coniectura prospiciebamus, sed iam experti videbamus. Nam cum ingravesceret annona, ut iam plane inopia ac fames non caritas timeretur, concursus est ad templum Concordiae factus, senatum illuc vocante Metello consule. Qui si verus fuit ex dolore hominum et fame, certe consules causam suscipere, certe senatus aliquid consili capere potuit; sin causa fuit annona, seditionis quidem instimulator et concitator tu fuisti, nonne id agendum nobis omnibus fuit ut materiem subtraheremus furori tuo? [12] Quid? si utrumque fuit, ut et fames stimularet homines et tu in hoc ulcere tamquam inguen exsisteres, nonne fuit eo maior adhibenda medicina quae et illud nativum et hoc inlatum malum sanare posset? Erat igitur et praesens caritas et futura fames; non est satis; facta lapidatio est. Si ex dolore plebei nullo incitante, magnum malum; si P. Clodi impulsu, usitatum hominis facinerosi scelus; si utrumque, ut et res esset ea quae sua sponte multitudinis animos incitaret, et parati atque armati seditionis duces, videturne ipsa res publica et consulis auxilium implorasse et senatus fidem? Atquin utrumque fuisse perspicuum est; difficultatem annonae summamque inopiam rei frumentariae, ut homines non iam diuturnam caritatem, sed ut famem plane timerent, nemo negat: hanc istum oti et pacis hostem causam arrepturum fuisse ad incendia caedis rapinas nolo, pontifices, suspicemini, nisi videritis. [13] Qui sunt homines a Q. Metello, fratre tuo, consule in senatu palam nominati, a quibus ille se lapidibus adpetitum, etiam percussum esse dixit? L. Sergium et M. Lollium nominavit. Quis est iste Lollius? qui sine ferro ne nunc quidem tecum est, qui te tribuno plebis, nihil de me dicam, sed qui

Cn. Pompeium interficiendum depoposcit. Quis est Sergius? armiger Catilinae, stipator tui corporis, signifer seditionis, concitator tabernariorum, damnatus iniuriarum, percussor, lapidator, fori depopulator, obsessor curiae. His atque eius modi ducibus cum tu in annonae caritate in consules, in senatum, in bona fortunasque locupletium per causam inopum atque imperitorum repentinos impetus comparares, cum tibi salus esse in otio nulla posset, cum desperatis ducibus decuriatos ac descriptos haberes exercitus perditorum, nonne providendum senatui fuit ne in hanc tantam materiem seditionis ista funesta fax adhaeresceret?

[14] Fuit igitur causa capiendi novi consili: videte nunc fuerintne partes meae paene praecipuae. Quem tum Sergius ille tuus, quem Lollius, quem ceterae pestes in lapidatione illa nominabant? quem annonam praestare oportere dicebant? nonne me? Quid? operarum illa concursatio nocturna non a te ipso instituta me frumentum flagitabat? quasi vero ego aut rei frumentariae praefuissem, aut compressum aliquod frumentum tenerem, aut in isto genere omnino quicquam aut curatione aut potestate valuissem. Sed homo ad caedem imminens meum nomen operis ediderat, imperitis iniecerat. Cum de mea dignitate in templo Iovis Optimi Maximi senatus frequentissimus uno isto dissentiente decrevisset, subito illo ipso die carissimam annonam necopinata vilitas consecuta est. [15] Erant qui deos immortalis — id quod ego sentio — numine suo reditum meum dicerent comprobasse; non nulli autem illam rem ad illam rationem coniecturamque revocabant, qui, quod in meo reditu spes oti et concordiae sita videbatur, in discessu autem cotidianus seditionis timor, iam paene belli depulso metu commutatam annonam esse dicebant; quae quia rursus in meo reditu facta erat durior, a me, cuius adventu fore vilitatem boni viri dictitabant, annona flagitabatur. Ego denique non solum ab operis tuis impulsu tuo nominabar, sed etiam, depulsis ac dissipatis tuis copiis, a populo Romano universo, qui tum in Capitolium convenerat, cum illo die minus valerem, in senatum nominatim vocabar. [16] Veni exspectatus; multis iam sententiis dictis rogatus sum sententiam; dixi rei publicae saluberrimam, mihi necessariam. Petebatur a me frumenti copia, annonae vilitas: possem aliquid in ea re necne ratio non habebatur. Flagitabar bonorum etulatione: improborum convicia sustinere non poteram. Delegavi

amico locupletiori, non quo illi ita de me merito onus illud imponerem — succubuissem enim potius ipse — sed quia videbam id quod omnes, quod nos de Cn. Pompeio polliceremur, id illum fide consilio virtute auctoritate felicitate denique sua facillime perfecturum. [17] Itaque sive hunc di immortales fructum mei reditus populo Romano tribuunt, ut, quem ad modum discessu meo frugum inopia, fames, vastitas, caedes, incendia, rapinae, scelerum impunitas, fuga, formido, discordia fuisset, sic reditu ubertas agrorum, frugum copia, spes oti, tranquillitas animorum, iudicia, leges, concordia populi, senatus auctoritas mecum simul reducta videantur, sive egomet aliquid adventu meo, consilio, auctoritate, diligentia pro tanto beneficio populi Romani praestare debui: praesto, promitto, spondeo, — nihil dico amplius, hoc quod satis est huic tempori dico, — rem publicam annonae nomine in id discrimen quo vocabatur non esse venturam. [18] Num igitur in hoc officio, quod fuit praecipue meum, sententia mea reprehenditur? Rem maximam fuisse summi<que> periculi, non solum a fame, sed etiam a caede incendiis vastitate, nemo negat, cum ad causam caritatis accederet iste speculator communium miseriarum, qui semper ex rei publicae malis sceleris sui faces inflammaret. Negat oportuisse quicquam uni extra ordinem decerni. Non iam tibi sic respondebo ut ceteris, Cn. Pompeio plurima, periculosissima, maxima mari terraque bella extra ordinem esse commissa: quarum rerum si quem paeniteat, eum victoriae populi Romani paenitere. [19] Non ita tecum ago; cum his haec a me haberi oratio potest qui ita disputant, se, si qua res ad unum deferenda sit, ad Cn. Pompeium delaturos potissimum; sed se extra ordinem nihil cuiquam dare; cum Pompeio datum sit, id se pro dignitate hominis ornare et tueri solere. Horum ego sententiam ne laudem impedior Cn. Pompei triumphis, quibus ille, cum esset extra ordinem ad patriam defendendam vocatus, auxit nomen populi Romani imperiumque honestavit: constantiam probo, qua mihi quoque utendum fuit, quo ille auctore extra ordinem bellum cum Mithridate Tigraneque gessit. [20] Sed cum illis possum tamen aliquid disputare: tua vero quae tanta impudentia est ut audeas dicere extra ordinem dari nihil cuiquam oportere? qui cum lege nefaria Ptolomaeum, regem Cypri, fratrem regis Alexandrini, eodem iure regnantem causa incognita publicasses, populumque Romanum

scelere obligasses, cum in eius regnum bona fortunas patrocinium huius imperi inmisisses, cuius cum patre avo maioribus societas nobis et amicitia fuisset, huius pecuniae deportandae et, si ius suum defenderet, bello gerendo M. Catonem praefecisti. [21] Dices: Quem virum! sanctissimum, prudentissimum, fortissimum, amicissimum rei publicae, virtute, consilio, ratione vitae mirabili ad laudem et prope singulari! Sed quid ad te, qui negas esse verum quemquam ulli rei publicae extra ordinem praefici? Atque in hoc solum inconstantiam redarguo tuam: quem tu in ea re non pro illius dignitate produceres, sed pro tuo scelere subduceres, quem tuis Sergiis, Lolliis, Titiis ceterisque caedis et incendiorum ducibus obieceras, quem carnificem civium, quem indemnatorum necis principem, quem crudelitatis auctorem fuisse dixeras, ad hunc honorem et imperium extra ordinem nominatim rogatione tua detulisti. Et tanta fuisti intemperantia ut illius tui sceleris rationem occultare non posses: [22] litteras in contione recitasti quas tibi a C. Caesare missas diceres 'Caesar Pvlchro,' cum etiam es argumentatus amoris esse hoc signum, <quod> cognominibus tantum uteretur neque adscriberet 'pro consvle' aut 'tribvno plebi'; dein gratulari tibi quod M. Catonem <a> tribunatu tuo removisses, et quod ei dicendi in posterum de extraordinariis potestatibus libertatem ademisses. Quas aut numquam tibi ille litteras misit, aut, si misit, in contione recitari noluit. At, sive ille misit sive tu finxisti, certe consilium tuum de Catonis honore illarum litterarum recitatione patefactum est. [23] Sed omitto Catonem, cuius eximia virtus, dignitas, et in eo negotio quod gessit fides et continentia tegere videretur improbitatem et legis et actionis tuae: quid? homini post homines natos turpissimo, sceleratissimo, contaminatissimo quis illam opimam fertilemque Syriam, quis bellum <cum> pacatissimis gentibus, quis pecuniam ad emendos agros constitutam, ereptam ex visceribus aerari, quis imperium infinitum dedit? Cui quidem cum Ciliciam dedisses, mutasti pactionem et Ciliciam ad praetorem item extra ordinem transtulisti: Gabinio pretio amplificato Syriam nominatim dedisti. Quid? homini taeterrimo, crudelissimo, fallacissimo, omnium scelerum libidinumque maculis notatissimo, L. Pisoni, nonne nominatim populos liberos, multis senatus consultis, etiam recenti lege generi ipsius liberatos, vinctos et constrictos tradidisti? Nonne, cum ab eo

merces tui benefici pretiumque provinciae meo sanguine tibi esset persolutum, tamen aerarium cum eo partitus es? [24] Itane vero? tu provincias consularis, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abstulit a senatu, sed etiam ut necesse esset quotannis constitui per senatum lege sanxit, eas lege Sempronia per senatum decretas rescidisti, extra ordinem sine sorte nominatim dedisti non consulibus, sed rei publicae pestibus: nos, quod nominatim rei maximae paene iam desperatae summum virum saepe ad extrema rei publicae discrimina delectum praefecimus, a te reprehendemur? Quid tandem? si quae tum in illis rei publicae tenebris caecisque nubibus et procellis, cum senatum a gubernaculis deiecisses, populum e navi exturbasses, ipse archipirata cum grege praedonum impurissimo plenissimis velis navigares — si quae tum promulgasti constituisti promisisti vendidisti perferre potuisses, ecqui locus orbi terrarum vacuus extraordinariis fascibus atque imperio Clodiano fuisset?

[25] Sed excitatus aliquando Cn. Pompei — dicam ipso audiente quod sensi et sentio, quoquo animo auditurus est — excitatus, inquam, aliquando Cn. Pompei nimium diu reconditus et penitus abstrusus animi dolor subvenit subito rei publicae, civitatemque fractam malis, imminutam ac debilitatam, abiectam metu ad aliquam spem libertatis et pristinae dignitatis erexit. Hic vir extra ordinem rei frumentariae praeficiendus non fuit? Scilicet tu helluoni spurcatissimo, praegustatori libidinum tuarum, homini egentissimo et facinerosissimo, Sex. Clodio, socio tui sanguinis, qui sua lingua etiam sororem tuam a te abalienavit, omne frumentum privatum et publicum, omnis provincias frumentarias, omnis mancipes, omnis horreorum clavis lege tua tradidisti; qua ex lege primum caritas nata est, deinde inopia. Impendebat fames, incendia, caedes, direptio: imminebat tuus furor omnium fortunis et bonis. [26] Queritur etiam importuna pestis ex ore impurissimo Sex. Clodi rem frumentariam esse ereptam, summisque in periculis eius viri auxilium implorasse rem publicam a quo saepe se et servatam et amplificatam esse meminisset! Extra ordinem ferri nihil placet Clodio. Quid? de me quod tulisse te dicis, patricida, fratricida, sororicida, nonne extra ordinem tulisti? An de peste civis, quem ad modum omnes iam di atque homines iudicarunt, conservatoris rei publicae, quem ad

modum autem tute ipse confiteris, non modo indemnati sed ne accusati quidem, licuit tibi ferre non legem sed nefarium privilegium, lugente senatu, maerentibus bonis omnibus, totius Italiae precibus repudiatis, oppressa captaque re publica: mihi populo Romano implorante, senatu poscente, temporibus rei publicae flagitantibus, non licuit de salute populi Romani sententiam dicere? [27] Qua quidem in sententia si Cn. Pompei dignitas aucta est coniuncta cum utilitate communi, certe laudandus essem si eius dignitati suffragatus viderer qui meae saluti opem et auxilium tulisset. Desinant, desinant homines isdem machinis sperare me restitutum posse labefactari quibus antea stantem perculerunt. Quod enim par amicitiae consularis fuit umquam in hac civitate coniunctius quam fuimus inter nos ego et Cn. Pompeius? quis apud populum Romanum de illius dignitate inlustrius, quis <in> senatu saepius dixit? qui tantus fuit labor, quae simultas, quae contentio, quam ego non pro illius dignitate susceperim? qui ab illo in me honos, quae praedicatio de mea laude, quae remuneratio benivolentiae praetermissa est? [28] Hanc nostram coniunctionem, hanc conspirationem in re publica bene gerenda, hanc iucundissimam vitae atque officiorum omnium societatem certi homines fictis sermonibus et falsis criminibus diremerunt, cum idem illum ut me metueret, me caveret, monerent, idem apud me mihi illum uni esse inimicissimum dicerent, ut neque ego ab illo quae mihi petenda essent satis audaciter petere possem, neque ille, tot suspicionibus certorum hominum et scelere exulceratus, quae meum tempus postularet satis prolixe mihi polliceretur. [29] Data merces est erroris mei magna, pontifices, ut me non solum pigeat stultitiae meae sed etiam pudeat, qui, cum me non repentinum aliquod tempus meum, sed veteres multo ante suscepti et provisi labores cum viro fortissimo et clarissimo coniunxissent, sim passus a tali amicitia distrahi <me>, neque intellexerim quibus aut ut apertis inimicis obsisterem aut ut insidiosis amicis non crederem. Proinde desinant aliquando me isdem inflare verbis: ‘Quid sibi iste vult? nescit quantum auctoritate valeat, quas res gesserit, qua dignitate sit restitutus? Cur ornat eum a quo desertus est?’ [30] Ego vero neque me tum desertum puto sed paene deditum, nec quae sint in illa rei publicae flamma gesta contra me, neque quo modo, neque per quos, patefaciundum mihi esse arbitror. Si utile rei publicae fuit

haurire me unum pro omnibus illam indignissimam calamitatem, etiam hoc utile est, quorum id scelere conflatum sit, me occultare et tacere. Illud vero est hominis ingrati tacere, itaque libentissime praedicabo Cn. Pompeium studio et auctoritate aeque <atque> unum quemque vestrum, opibus, contentione, precibus, periculis denique praecipue pro salute mea laborasse. Hic tuis, P. Lentule, cum tu nihil aliud dies et noctes nisi de salute mea cogitares, consiliis omnibus interfuit; hic tibi gravissimus auctor ad instituendam, fidelissimus socius ad comparandam, fortissimus adiutor ad rem perficiendam fuit; hic municipia coloniasque adiit; hic Italiae totius auxilium cupientis imploravit, hic in senatu princeps sententiae fuit; idemque cum <sententiam> dixisset, tum etiam pro salute mea populum Romanum obsecravit. [31] Qua re istam orationem qua es usus omittas licet, post illam sententiam quam dixeram de annona pontificum animos esse mutatos; proinde quasi isti aut de Cn. Pompeio aliter atque ego existimo sentiant, aut quid mihi pro exspectatione populi Romani, pro Cn. Pompei meritis erga me, pro ratione mei temporis faciendum fuerit ignorent, aut etiam, si cuius forte pontificis animum, quod certo scio aliter esse, mea sententia offendit, alio modo sit constituturus aut de religione pontifex aut de re publica civis quam eum aut caerimoniarum ius aut civitatis salus coegerit.

[32] Intellego, pontifices, me plura extra causam dixisse quam aut opinio tulerit aut voluntas mea; sed cum me purgatum vobis esse cuperem, tum etiam vestra in me attente audiendo benignitas provexit orationem meam. Sed hoc compensabo brevitate eius orationis quae pertinet ad ipsam causam cognitionemque vestram; quae cum sit in ius religionis et in ius rei publicae distributa, religionis partem, quae multo est verbosior, praetermittam, de iure rei publicae dicam. [33] Quid est enim aut tam adrogans quam de religione, de rebus divinis, caerimoniis, sacris pontificum conlegium docere conari, aut tam stultum quam, si quis quid in vestris libris invenerit, id narrare vobis, aut tam curiosum quam ea scire velle de quibus maiores nostri vos solos et consuli et scire voluerunt? Nego potuisse iure publico, legibus iis quibus haec civitas utitur, quemquam civem ulla eius modi calamitate adfici sine iudicio: hoc iuris in hac civitate etiam tum cum reges essent dico fuisse, hoc nobis esse a maioribus traditum, hoc esse denique proprium liberae

civitatis, ut nihil de capite civis aut de bonis sine iudicio senatus aut populi aut eorum qui de quaque re constituti iudices sint detrahi possit. [34] Videsne me non radicitus evellere omnis actiones tuas neque illud agere, quod apertum est, te omnino nihil gessisse iure, non fuisse tribunum plebis, hodie esse patricium? Dico apud pontifices, augures adsunt: versor in medio iure publico.

Quod est, pontifices, ius adoptionis? Nempe ut is adoptet qui neque procreare iam liberos possit, et cum potuerit sit expertus. Quae deinde causa cuique sit adoptionis, quae ratio generum ac dignitatis, quae sacrorum, quaeri a pontificum conlegio solet. Quid est horum in ista adoptione quaesitum? Adoptat annos viginti natus, etiam minor, senatorem. Liberorumne causa? At procreare potest; habet uxorem, suscipiet ex ea liberos; exheredabit igitur pater filium. [35] Quid? sacra Clodiae gentis cur intereunt, quod in te est? quae omnis notio pontificum, cum adoptarere, esse debuit: nisi forte ex te ita quaesitum est, num perturbare rem publicam seditionibus velles et ob eam causam adoptari, non ut eius filius esses, sed ut tribunus plebis fieres et funditus everteres civitatem. Respondisti, credo, te ita velle. Pontificibus bona causa visa est: adprobaverunt. Non aetas eius qui adoptabat est quaesita, ut in Cn. Aufidio, M. Pupio quorum uterque nostra memoria summa senectute alter Oresten, alter Pisonem adoptavit, quas adoptiones sicut alias innumerabilis hereditates nominis pecuniae sacrorum secutae sunt. Tu neque Fonteius es, qui esse debebas, neque patris heres, neque amissis sacris paternis in haec adoptiva venisti. Ita perturbatis sacris, contaminatis gentibus, et quam deseruisti et quam polluisti, iure Quiritium legitimo tutelarum et hereditatium relicto, factus es eius filius contra fas cuius per aetatem pater esse potuisti. [36] Dico apud pontifices: nego istam adoptionem pontificio iure esse factam: primum quod eae vestrae sunt aetates ut is qui te adoptavit vel filii tibi loco per aetatem esse potuerit, vel eo quo fuit: deinde quod causa quaeri solet adoptandi, ut et is adoptet qui quod natura iam adsequi non potest legitimo et pontificio iure quaerat, et ita adoptet ut ne quid aut de dignitate generum aut de sacrorum religione minuatur: illud in primis, ne qua calumnia, ne qua fraus, ne qui dolus adhibeatur: ut haec simulata adoptio filii quam maxime veritatem illam suscipiendorum liberorum imitata esse videatur. [37] Quae maior calumnia est quam venire

imberbum adulescentulum, bene valentem ac maritum, dicere filium senatorem populi Romani sibi velle adoptare; id autem scire et videre omnis, non ut ille filius instituatur, sed ut e patriciis exeat <et> tribunus plebis fieri possit, idcirco adoptari? neque id obscure; nam adoptatum emancipari statim, ne sit eius filius qui adoptarit. Cur ergo adoptabat? Probate genus adoptionis: iam omnium sacra interierint, quorum custodes vos esse debetis, iam patricius nemo relinquetur. Cur enim quisquam vellet tribunum plebis se fieri non licere, angustiorem sibi esse petitionem consulatus, in sacerdotium cum possit venire, quia patricio non sit is locus, non venire? Vt cuique aliquid acciderit qua re commodius sit esse plebeium, simili ratione adoptabitur. [38] Ita populus Romanus brevi tempore neque regem sacrorum neque flamines nec Salios habebit, nec ex parte dimidia reliquos sacerdotes neque auctores centuriatorum et curiatorum comitiorum, auspiciaque populi Romani, si magistratus patricii creati non sint, intereant necesse est, cum interrex nullus sit, quod et ipsum patricium esse et a patriciis prodi necesse est. Dixi apud pontifices istam adoptionem nullo decreto huius conlegi probatam, contra omne pontificum ius factam, pro nihilo esse habendam; qua sublata intellegis totum tribunatum tuum concidisse.

[39] Venio ad augures, quorum ego libros, si qui sunt reconditi, non scrutor; non sum in exquirendo iure augurum curiosus; haec quae una cum populo didici, quae saepe in contionibus responsa sunt, novi. Negant fas esse agi cum populo cum de caelo servatum sit. Quo die de te lex curiata lata esse dicatur, audes negare de caelo esse servatum? Adest praesens vir singulari virtute, constantia, gravitate praeditus, M. Bibulus: hunc consulem illo ipso die contendo servasse de caelo. ‘Infirmas igitur tu acta C. Caesaris, viri fortissimi?’ Minime; neque enim mea iam quicquam interest, exceptis iis telis quae ex illius actionibus in meum corpus inmissa sunt. [40] Sed haec de auspiciis, quae ego nunc perbreviter attingo, acta sunt a te. Tu tuo praecipitante iam et debilitato tribunatu auspiciorum patronus subito exstitisti; tu M. Bibulum in contionem, tu augures produxisti; tibi interroganti augures responderunt, cum de caelo servatum sit, cum populo agi non posse; tibi M. Bibulus quaerenti se de caelo servasse respondit, idemque in contione dixit, ab Appio tuo fratre productus, te omnino, quod contra auspicia adoptatus esses, tribunum non

fuisse. Tua denique omnis actio posterioribus mensibus fuit, omnia quae C. Caesar egisset, quod contra auspicia essent acta, per senatum rescindi oportere; quod si fieret, dicebas te tuis umeris me custodem urbis in urbem relaturum. Videte hominis amentiam * * * per suum tribunatum Caesaris actis inligatus teneretur. [41] Si et sacrorum iure pontifices et auspiciorum religione augures totum evertunt tribunatum tuum, quid quaeris amplius? an etiam apertius aliquod ius populi atque legum? Hora fortasse sexta diei questus sum in iudicio, cum C. Antonium, conlegam meum, defenderem, quaedam de re publica, quae mihi visa sunt ad illius miseri causam pertinere. Haec homines improbi ad quosdam viros fortis longe aliter atque a me dicta erant detulerunt. Hora nona illo ipso die tu es adoptatus. Si quod in ceteris legibus trinum nundinum esse oportet, id in adoptione satis est trium esse horarum, nihil reprehendo; sin eadem observanda sunt, iudicavit senatus M. Drusi legibus, quae contra legem Caeciliam et Didiam latae essent, populum non teneri. [42] Iam intellegis omni genere iuris, quod in sacris, quod in auspiciis, quod in legibus sit, te tribunum plebis non fuisse. At ego hoc totum non sine causa relinquo. Video enim quosdam clarissimos viros, principes civitatis, aliquot locis iudicasse te cum plebe iure agere potuisse; qui etiam de me ipso, cum tua rogatione funere elatam rem publicam esse dicerent, tamen id funus, etsi miserum atque acerbum fuisset, iure indictum esse dicebant; quod de me civi ita de re publica merito tulisses, funus te indixisse rei publicae, quod salvis auspiciis tulisses, iure egisse dicebant. Qua re licebit, ut opinor, nobis eas actiones non infirmare, quibus illi actionibus constitutum tribunatum tuum comprobaverunt.

[43] Fueris sane tribunus plebis tam iure legeque, quam fuit hic ipse <P. Ser>vilius, vir omnibus rebus clarissimus atque amplissimus: quo iure, quo more, quo exemplo legem nominatim de capite civis indemnati tulisti? Vetant leges sacratae, vetant xii tabulae leges privatis hominibus inrogari; id est enim privilegium. Nemo umquam tulit; nihil est crudelius, nihil perniciosius, nihil quod minus haec civitas ferre possit. Proscriptionis miserrimum nomen illud et omnis acerbitas Sullani temporis quid habet quod maxime sit insigne ad memoriam crudelitatis? opinor, poenam in civis Romanos nominatim sine iudicio constitutam.44] Hanc vos igitur, pontifices,

iudicio atque auctoritate vestra tribuno plebis potestatem dabitis, ut proscribere possit quos velit? Quaero enim quid sit aliud <nisi> proscribere Velitis ivbeatis vt M. Tvllivs in civitate ne sit bonaqve eivs vt mea sint: ita enim re, etsi aliis verbis, tulit. Hoc plebei scitum est? haec lex, haec rogatio est? hoc vos pati potestis, hoc ferre civitas, ut singuli cives singulis versiculis e civitate tollantur? Equidem iam perfunctus sum; nullam vim, nullum impetum metuo; explevi animos invidorum, placavi odia improborum, saturavi etiam perfidiam et scelus proditorum; denique de mea causa, quae videbatur perditis civibus ad invidiam esse proposita, iam omnes urbes, omnes ordines, omnes di atque homines iudicaverunt. [45] Vobismet ipsis, pontifices, et vestris liberis ceterisque civibus pro vestra auctoritate et sapientia consulere debetis. Nam cum tam moderata iudicia populi sint a maioribus constituta, primum ut ne poena capitis cum pecunia coniungatur, deinde ne improdicta die quis accusetur, ut ter ante magistratus accuset intermissa die quam multam inroget aut iudicet, quarta sit accusatio trinum nundinum prodicta die, quo die iudicium sit futurum, tum multa etiam ad placandum atque ad misericordiam reis concessa sunt, deinde exorabilis populus, facilis suffragatio pro salute, denique etiam, si qua res illum diem aut auspiciis aut excusatione sustulit, tota causa iudiciumque sublatum est: haec cum ita sint in iure, ubi crimen est, ubi accusator, ubi testes, quid indignius quam, qui neque adesse sit iussus neque citatus neque accusatus, de eius capite, liberis, fortunis omnibus conductos et sicarios et egentis et perditos suffragium ferre et eam legem putari? [46] Ac si hoc de me potuit, quem honos, quem dignitas, quem causa, quem res publica tuebatur, cuius denique pecunia non expetebatur, cui nihil oberat praeter conversionem status et inclinationem communium temporum, quid tandem futurum est iis quorum vita remota ab honore populari et ab hac inlustri gratia est, pecuniae autem tantae sunt ut eas nimium multi egentes sumptuosi nobiles concupiscant? [47] Date hanc tribuno plebis licentiam, et intuemini paulisper animis iuventutem et eos maxime qui inminere iam cupiditate videntur in tribuniciam potestatem: conlegia medius fidius tribunorum plebis tota reperientur, hoc iure firmato, quae coeant de hominum locupletissimorum bonis, praeda praesertim populari et spe largitionis oblata.

At quid tulit legum scriptor peritus et callidus? Velitis ivbeatis vt M. Tvllio aqva et igni interdicatvr? Crudele, nefarium, ne in sceleratissimo quidem civi sine iudicio ferundum! Non tulit vt interdicatvr. Quid ergo? vt interdictvm sit. O caenum, o portentum, o scelus! hanc tibi legem Clodius scripsit spurciorem lingua sua, ut interdictum sit cui non sit interdictum? Sexte noster, bona venia, quoniam iam dialecticus <es> et haec quoque liguris, quod factum non est, ut sit factum, ferri ad populum aut verbis ullis sanciri aut suffragiis confirmari potest? [48] Hoc tu scriptore, hoc consiliario, hoc ministro omnium non bipedum solum sed etiam quadrupedum impurissimo, rem publicam perdidisti; neque tu eras tam excors tamque demens ut nescires Clodium esse qui contra leges faceret, alios qui leges scribere solerent; sed neque eorum neque ceterorum, in quibus esset aliquid modestiae, cuiusquam tibi potestas fuit; neque tu legum scriptoribus isdem potuisti uti quibus ceteri, neque operum architectis, neque pontificem adhibere quem velles, postremo ne in praedae quidem societate mancipem aut praedem extra tuorum gladiatorum numerum aut denique suffragi latorem in ista tua proscriptione quemquam nisi furem ac sicarium reperire potuisti. [49] Itaque cum tu florens ac potens per medium forum scortum populare volitares, amici illi tui te uno amico tecti et beati, qui se populo commiserant, ita repellebantur ut etiam Palatinam tuam perderent; qui in iudicium venerant, sive accusatores erant sive rei, te deprecante damnabantur. Denique etiam ille novicius Ligus, venalis adscriptor et subscriptor tuus, cum M. Papiri, sui fratris, esset testamento et iudicio improbatus, mortem eius se velle persequi dixit: nomen Sex. Properti detulit: accusare alienae dominationis scelerisque socius propter calumniae metum non est ausus. [50] De hac igitur lege dicimus, quasi iure rogata videatur, cuius quam quisque partem tetigit digito voce praeda suffragio, quocumque venit, repudiatus convictusque discessit?

Quid si iis verbis scripta est ista proscriptio ut se ipsa dissolvat? est enim: Qvod M. Tvllivs falsvm senatvs consvltvm rettvlerit. Si igitur rettulit falsum senatus consultum, tum est rogatio: si non rettulit, nulla est. Satisne tibi videtur a senatu iudicatum me non modo non ementitum esse auctoritatem eius ordinis, sed etiam unum post urbem conditam diligentissime senatui paruisse? Quot modis

doceo legem istam, quam vocas, non esse legem? Quid? si etiam pluribus de rebus uno sortitore tulisti, tamenne arbitraris id quod M. Drusus in legibus suis plerisque, perbonus ille vir, M. Scauro et L. Crasso consiliariis non obtinuerit, id te posse, omnium facinorum et stuprorum hominem, Decumis et Clodiis auctoribus obtinere? [51] Tulisti de me ne reciperer, non ut exirem, quem tu ipse non poteras dicere non licere esse Romae. Quid enim diceres? Damnatum? certe non. Expulsum? qui licuit? Sed tamen ne id quidem est scriptum, ut exirem; poena est, qui receperit, quam omnes neglexerunt; eiectio nusquam est. Verum sit: quid? operum publicorum exactio, quid? nominis inscriptio tibi num aliud videtur esse ac meorum bonorum direptio? praeterquam quod ne id quidem per legem Liciniam, ut ipse tibi curationem ferres, facere potuisti. Quid? hoc ipsum quod nunc apud pontifices agis, te meam domum consecrasse, te monumentum fecisse in meis aedibus, te signum dedicasse, eaque te ex una rogatiuncula fecisse, unum et idem videtur esse atque id quod de me ipso nominatim tulisti? [52] Tam hercule est unum quam quod idem tu lege una tulisti, ut Cyprius rex, cuius maiores huic populo socii atque amici semper fuerunt, cum bonis omnibus sub praeconem subiceretur et exsules Byzantium reducerentur. ‘Eidem,’ inquit, ‘utraque de re negotium dedi.’ Quid? si eidem negotium dedisset ut in Asia cistophorum flagitaret, inde iret in Hispaniam, cum Romam decessisset, consulatum ei petere liceret, cum factus esset, provinciam Syriam obtineret, — quoniam de uno homine scriberet, una res esset? [53] Quod si iam populus Romanus de ista re consultus esset et non omnia per servos latronesque gessisses, nonne fieri poterat ut populo de Cyprio rege placeret, de exsulibus Byzantiis displiceret? Quae est, quaeso, alia vis, quae sententia Caeciliae legis et Didiae nisi haec, ne populo necesse sit in coniunctis rebus compluribus aut id quod nolit accipere aut id quod velit repudiare?

Quid? si per vim tulisti, tamenne lex est? aut quicquam iure gestum videri potest quod per vim gestum esse constet? An, si in ipsa latione tua capta iam urbe lapides iacti, si manus conlata non est, idcirco tu ad illam labem atque eluviem civitatis sine summa vi pervenire potuisti? [54] Cum in tribunali Aurelio conscribebas palam non modo liberos sed etiam servos, ex omnibus vicis concitatos, vim tum videlicet non parabas; cum edictis tuis tabernas claudi iubebas,

non vim imperitae multitudinis, sed hominum honestorum modestiam prudentiamque quaerebas; cum arma in aedem Castoris comportabas, nihil aliud nisi uti ne quid per vim agi posset machinabare; cum vero gradus Castoris convellisti ac removisti, tum, ut modeste tibi agere liceret, homines audacis ab eius templi aditu atque ascensu reppulisti; cum eos qui <in> conventu virorum bonorum verba de salute mea fecerant adesse iussisti, eorumque advocationem manibus ferro lapidibus discussisti, tum profecto ostendisti vim tibi maxime displicere. [55] Verum haec furiosa vis vaesani tribuni plebis facile superari frangique potuit virorum bonorum vel virtute vel multitudine. Quid? cum Gabinio Syria dabatur, Macedonia Pisoni, utrique infinitum imperium, ingens pecunia, ut tibi omnia permitterent, te adiuvarent, tibi manum, copias, tibi suos spectatos centuriones, tibi pecuniam, tibi familias compararent, te suis sceleratis contionibus sublevarent, senatus auctoritatem inriderent, equitibus Romanis mortem proscriptionemque minitarentur, me terrerent minis, mihi caedem et dimicationem denuntiarent, meam domum refertam viris bonis per amicos suos complerent proscriptionis metu, me frequentia nudarent virorum bonorum, me praesidio spoliarent senatus, pro me non modo pugnare amplissimum ordinem, sed etiam plorare et supplicare mutata veste prohiberent, ne tum quidem vis erat? [56] Quid igitur ego cessi, aut qui timor fuit? non dicam in me: fac me timidum esse natura: quid? illa tot virorum fortissimorum milia, quid? nostri equites Romani, quid? senatus, quid? denique omnes boni, si nulla erat vis, cur me flentes potius prosecuti sunt quam aut increpantes retinuerunt aut irati reliquerunt? An hoc timebam, si mecum ageretur more institutoque maiorum, ut possem praesens sustinere? [57] Vtrum, si dies dicta esset, iudicium mihi fuit pertimescendum an sine iudicio privilegium? Iudiciumne? Causa tam turpis scilicet, homo qui eam, si iam esset ignota, dicendo non possem explicare. An quia causam probare non poteram? cuius tanta bonitas est ut ea ipsa non modo se, sed etiam me absentem per se probarit. An senatus, an ordines <omnes>, an ii qui cuncta ex Italia ad me revocandum convolaverunt, segniores me praesente ad me retinendum et conservandum fuissent, in ea causa quam ipse iam parricida talem dicat fuisse ut me ab omnibus ad meam pristinam dignitatem

exspectatum atque revocatum queratur? [58] An vero in iudicio periculi nihil fuit: privilegium pertimui, ne, mihi praesenti si multa inrogaretur, nemo intercederet? Tam inops autem ego eram ab amicis aut tam nuda res publica a magistratibus? Quid? si vocatae tribus essent, proscriptionem non dicam in me, ita de sua salute merito, sed omnino in ullo civi comprobavissent? An, si ego praesens fuissem, veteres illae copiae coniuratorum tuique perditi milites atque egentes et nova manus sceleratissimorum consulum corpori meo pepercissent? qui cum eorum omnium crudelitati scelerique cessissem, ne absens quidem luctu meo mentis eorum satiare potui. [59] Quid enim vos uxor mea misera violarat, quam vexavistis, raptavistis, omni crudelitate lacerastis? quid mea filia, cuius fletus adsiduus sordesque lugubres vobis erant iucundae, ceterorum omnium mentis oculosque flectebant? quid parvus filius, quem, quam diu afui, nemo nisi lacrimantem confectumque vidit: quid fecerat quod eum totiens per insidias interficere voluistis? quid frater meus? qui cum aliquanto post meum discessum ex provincia venisset neque sibi vivendum nisi me restituto putaret, cum eius maeror, squalor incredibilis et inauditus omnibus mortalibus miserabilis videbatur, quotiens est ex vestro ferro ac manibus elapsus! [60] Sed quid ego vestram crudelitatem exprobro quam in ipsum me ac meos adhibuistis, qui parietibus, qui tectis, qui columnis ac postibus meis hostificum quoddam et nefarium omni imbutum odio bellum intulistis? Non enim te arbitror, cum post meum discessum omnium locupletium fortunas, omnium provinciarum fructus, tetrarcharum ac regum bona spe atque avaritia devorasses, argenti et supellectilis meae cupiditate esse caecatum: non existimo Campanum illum consulem cum saltatore conlega, cum alteri totam Achaiam, Thessaliam, Boeotiam, Graeciam, Macedoniam omnemque barbariam, bona civium Romanorum condonasses, alteri Syriam, Babylonem, Persas, integerrimas pacatissimasque gentis, ad diripiendum tradidisses, illos tam cupidos liminum meorum et columnarum et valvarum fuisse. [61] Neque porro illa manus copiaeque Catilinae caementis ac testis tectorum meorum se famem suam expleturas putaverunt; sed ut hostium urbes, nec omnium hostium, verum eorum quibuscum acerbum bellum internecivumque suscepimus, non praeda adducti sed odio solemus exscindere, quod,

in quos propter eorum crudelitatem inflammatae mentes nostrae fuerunt, cum horum etiam tectis et sedibus residere aliquod bellum semper videtur * * *

[62] Nihil erat latum de me; non adesse eram iussus, non citatus afueram; eram etiam tuo iudicio civis incolumis, cum domus in Palatio, villa in Tusculano, altera ad alterum consulem transferebatur — scilicet eos consules vocabant — columnae marmoreae ex aedibus meis inspectante populo Romano ad socrum consulis portabantur, in fundum autem vicini consulis non instrumentum aut ornamenta villae, sed etiam arbores transferebantur, cum ipsa villa non praedae cupiditate — quid enim erat praedae? — sed odio et crudelitate funditus everteretur. Domus ardebat in Palatio non fortuito, sed oblato incendio; consules epulabantur et in coniuratorum gratulatione versabantur, cum alter se Catilinae delicias, alter Cethegi consobrinum fuisse diceret. [63] Hanc ego vim, pontifices, hoc scelus, hunc furorem meo corpore opposito ab omnium bonorum cervicibus depuli, omnemque impetum discordiarum, omnem diu conlectam vim improborum, quae inveterata compresso odio atque tacito iam erumpebat nancta tam audacis duces, excepi meo corpore. In me uno consulares faces iactae manibus tribuniciis, in me omnia, quae ego quondam rettuderam, coniurationis nefaria tela adhaeserunt. Quod si, ut multis fortissimis viris placuit, vi et armis contra vim decertare voluissem, aut vicissem cum magna internecione improborum, sed tamen civium, aut interfectis bonis omnibus, quod illis optatissimum erat, una cum re publica concidissem. [64] Videbam vivo senatu populoque Romano celerem mihi summa cum dignitate reditum, nec intellegebam fieri diutius posse ut mihi non liceret esse in ea re publica quam ipse servassem. Quod si non liceret, audieram et legeram clarissimos nostrae civitatis viros se in medios hostis ad perspicuam mortem pro salute exercitus iniecisse: ego pro salute universae rei publicae dubitarem hoc meliore condicione esse quam Decii, quod illi ne auditores quidem suae gloriae, ego etiam spectator meae laudis esse potuissem? Itaque infractus furor tuus inanis faciebat impetus; omnem enim vim omnium sceleratorum acerbitas mei casus exceperat; non erat in tam immani iniuria tantisque ruinis novae crudelitati locus. [65] Cato fuerat proximus. Quid ageres? non erat ut, qui modus <a>moribus fuerat, idem esset iniuriae. Quid posses? extrudere ad Cypriam pecuniam? Praeda perierit. Alia non deerit; hinc modo amandandus est. Sic M. Cato invisus quasi per

beneficium Cyprum relegatur. Eiciuntur duo, quos videre improbi non poterant, alter per honorem turpissimum, alter per honestissimam calamitatem. [66] Atque ut sciatis non hominibus istum sed virtutibus hostem semper fuisse, me expulso, Catone amandato, in eum ipsum se convertit quo auctore, quo adiutore in contionibus ea quae gerebat omnia quaeque gesserat se et fecisse et facere dicebat: Cn. Pompeium, quem omnium iudicio longe principem esse civitatis videbat, diutius furori suo veniam daturum non arbitrabatur. Qui ex eius custodia per insidias regis amici filium hostem captivum surripuisset, et ea iniuria virum fortissimum lacessisset, speravit isdem se copiis cum illo posse confligere quibuscum ego noluissem bonorum periculo dimicare, et primo quidem adiutoribus consulibus; postea fregit foedus Gabinius, Piso tamen in fide mansit. [67] Quas iste tum caedis, quas lapidationes, quas fugas fecerit, quam facile ferro cotidianisque insidiis, cum iam a firmissimo robore copiarum suarum relictus esset, Cn. Pompeium foro curiaque privarit domique continuerit, vidistis: ex quo iudicare potestis quanta vis illa fuerit oriens et congregata, cum haec Cn. Pompeium terruerit iam distracta et exstincta.

[68] Haec vidit in sententia dicenda Kalendis Ianuariis vir prudentissimus et cum rei publicae, cum mihi, tum etiam veritati amicissimus, L. Cotta, qui legem de meo reditu ferendam non censuit; qui me consuluisse rei publicae, cessisse tempestati, amiciorem vobis ceterisque civibus quam mihi exstitisse, vi, armis, dissensione hominum et caede instituta novoque dominatu pulsum esse dixit; nihil de meo capite potuisse ferri, nihil esse iure scriptum aut posse valere, omnia contra leges moremque maiorum temere, turbulente, per vim, per furorem esse gesta. Quod si illa lex esset, nec referre ad senatum consulibus nec sententiam dicere sibi licere; quorum utrumque cum fieret, non oportere ut de me lex ferretur decerni, ne illa quae nulla esset esse lex iudicaretur. Sententia verior, gravior, melior, utilior rei publicae nulla esse potuit; hominis enim scelere et furore notato similis a re publica labes in posterum demovebatur. [69] Neque hoc Cn. Pompeius, qui ornatissimam de me sententiam dixit, vosque, pontifices, qui me vestris sententiis auctoritatibusque defendistis, non vidistis, <legem> illam esse nullam, atque esse potius flammam temporis, interdictum sceleris,

vocem furoris; sed prospexistis ne quae popularis in nos aliquando invidia redundaret, si sine populi iudicio restituti videremur. Eodemque consilio M. Bibuli, fortissimi viri, senatus sententiam secutus est, ut vos de mea domo statueretis, non quo dubitaret quin ab isto nihil legibus, nihil religionibus, nihil iure esset actum, sed ne quis oreretur aliquando in tanta ubertate improborum qui in meis aedibus aliquam religionem residere diceret. Nam legem quidem istam nullam esse, quotienscumque de me senatus sententiam dixit, totiens iudicavit. Quoniam quidem scripto illo istius sententiam dicere vetabatur, [70] atque hanc rem par illud simile, Piso et Gabinius, vidit, homines legum iudiciorumque metuentes, cum frequentissimus senatus eos ut de me referrent cotidie flagitaret, non se rem improbare dicebant, sed lege istius impediri. Erat hoc verum; nam impediebantur, verum ea lege quam idem iste de Macedonia Syriaque tulerat. Hanc tu, P. Lentule, neque privatus neque consul legem esse umquam putasti. Nam tribunis plebis referentibus sententiam de me designatus consul saepe dixisti; ex Kalendis Ianuariis, quoad perfecta res est, de me rettulisti, legem promulgasti, tulisti; quorum tibi, si esset illa lex, nihil liceret. At etiam Q. Metellus, conlega tuus, clarissimus vir, quam legem esse homines alienissimi a P. Clodio iudicarent, Piso et Gabinius, eam nullam esse frater P. Clodi, cum de me ad senatum tecum una rettulit, iudicavit. [71] Sed vero isti qui Clodi leges timuerunt, quem ad modum ceteras observarunt? Senatus quidem, cuius est gravissimum iudicium de iure legum, quotienscumque de me consultus est, totiens eam nullam esse iudicavit. Quod idem tu, Lentule, vidisti in ea lege quam de me tulisti. Nam non est ita latum ut mihi Romam venire liceret, sed ut venirem; non enim voluisti id quod licebat ferre ut liceret, sed me ita esse in re publica magis ut arcessitus imperio populi Romani viderer quam ad administrandam civitatem restitutus.

[72] Hunc tu etiam, portentosa pestis, exsulem appellare ausus es, cum tantis sceleribus esses et flagitiis notatus ut omnem locum quo adisses exsili simillimum redderes? Quid est enim exsul? ipsum per se nomen calamitatis, non turpitudinis. Quando igitur est turpe? re vera, cum est poena peccati, opinione autem hominum etiam, si est poena damnati. Vtrum igitur peccato meo nomen subeo an re iudicata? Peccato? Iam neque tu id dicere audes, quem isti satellites

tui ‘felicem Catilinam’ nominant, neque quisquam eorum qui solebant. Non modo iam nemo est tam imperitus qui ea quae gessi in consulatu peccata esse dicat, sed nemo est tam inimicus patriae qui non meis consiliis patriam conservatam esse fateatur. [73] Quod enim est in terris commune tantum tantulumve consilium, quod non de meis rebus gestis ea quae mihi essent optatissima et pulcherrima iudicarit? Summum est populi Romani populorumque et gentium omnium ac regum consilium senatus: decrevit ut omnes qui rem publicam salvam esse vellent ad me unum defendendum venirent, ostenditque nec stare potuisse rem publicam si ego non fuissem, nec futuram esse ullam si non redissem. [74] Proximus est huic dignitati ordo equester: omnes omnium publicorum societates de meo consulatu ac de meis rebus gestis amplissima atque ornatissima decreta fecerunt. Scribae, qui nobiscum in rationibus monumentisque publicis versantur, non obscurum de meis in rem publicam beneficiis suum iudicium decretumque esse voluerunt. Nullum est in hac urbe conlegium, nulli pagani aut montani, quoniam plebei quoque urbanae maiores nostri conventicula et quasi concilia quaedam esse voluerunt, qui non amplissime non modo de salute mea sed etiam de dignitate decreverint. [75] Nam quid ego illa divina atque immortalia municipiorum et coloniarum et totius Italiae decreta commemorem, quibus tamquam gradibus mihi videor in caelum ascendisse, non solum in patriam revertisse? Ille vero dies qui fuit cum te, P. Lentule, legem de me ferente populus Romanus ipse vidit sensitque quantus et quanta dignitate esset! Constat enim nullis umquam comitiis campum Martium tanta celebritate, tanto splendore omnis generis hominum aetatum ordinum floruisse. Omitto civitatium, nationum, provinciarum, regum, orbis denique terrarum de meis in omnis mortalis meritis unum iudicium unumque consensum: adventus meus atque introitus in urbem qui fuit? Vtrum me patria sic accepit ut lucem salutemque redditam sibi ac restitutam accipere debuit, an ut crudelem tyrannum, quod vos Catilinae gregales de me dicere solebatis? [76] Itaque ille unus dies, quo die me populus Romanus a porta in Capitolium atque inde domum sua celebritate laetitiaque comitatum honestavit, tantae mihi iucunditati fuit ut tua mihi conscelerata illa vis non modo non propulsanda, sed etiam <excitanda> fuisse videatur. Qua re illa calamitas, si ita est

appellanda, exussit hoc genus totum maledicti, ne quisquam iam audeat reprehendere consulatum meum tot tantis tam ornatis iudiciis, testimoniis, auctoritatibus comprobatum. Quod si in isto tuo maledicto probrum non modo mihi nullum obiectas, sed etiam laudem inlustras meam, quid te aut fieri aut fingi dementius potest? Vno enim maledicto bis a me patriam servatam esse concedis: semel, cum id feci quod omnes non negant immortalitati, si fieri potest, mandandum, tu supplicio puniendum putasti, iterum, cum tuum multorumque praeter te inflammatum in bonos omnis impetum meo corpore excepi, ne eam civitatem quam servassem inermis armatus in discrimen adducerem.

[77] Esto, non fuit in me poena ulla peccati; at fuit iudici. Cuius? quis me umquam ulla lege interrogavit? quis postulavit? quis diem dixit? Potest igitur damnati poenam sustinere indemnatus? est hoc tribunicium, est populare? Quamquam ubi tu te popularem, nisi cum pro populo fecisti, potes dicere? Sed, cum hoc iuris a maioribus proditum sit, ut nemo civis Romanus aut libertatem aut civitatem possit amittere, nisi ipse auctor factus sit, quod tu ipse potuisti in tua causa discere (credo enim, quamquam in illa adoptatione legitime factum est nihil, tamen te esse interrogatum auctorne esses, ut in te P. Fonteius vitae necisque potestatem haberet, ut in filio), quaero, si aut negasses aut tacuisses, si tamen id xxx curiae iussissent, num id iussum esset ratum? certe non. Quid ita? quia ius a maioribus nostris, qui non ficte et fallaciter populares sed vere et sapienter fuerunt, ita comparatum est ut civis Romanus libertatem nemo possit invitus amittere. [78] Quin etiam si decemviri sacramentum in libertatem iniustum iudicassent, tamen, quotienscumque vellet quis, hoc in genere solo rem iudicatam referri posse voluerunt; civitatem vero nemo umquam ullo populi iussu amittet invitus. Qui cives Romani in colonias Latinas proficiscebantur fieri non poterant Latini, nisi erant auctores facti nomenque dederant: qui erant rerum capitalium condemnati non prius hanc civitatem amittebant quam erant in eam recepti, quo vertendi, hoc est mutandi, soli causa venerant. Id autem ut esset faciundum, non ademptione civitatis, sed tecti et aquae et ignis interdictione faciebant. [79] Populus Romanus L. Sulla dictatore ferente comitiis centuriatis municipiis civitatem ademit: ademit eisdem agros. De agris ratum est; fuit enim populi potestas; de

civitate ne tam diu quidem valuit quam diu illa Sullani temporis arma valuerunt. An vero Volaterranis, cum etiam tum essent in armis, L. Sulla victor re publica reciperata comitiis centuriatis civitatem eripere non potuit, hodieque Volaterrani non modo cives, sed etiam optimi cives fruuntur nobiscum simul hac civitate: consulari homini P. Clodius eversa re publica civitatem adimere potuit concilio advocato, conductis operis non solum egentium, sed etiam servorum, Fidulio principe, qui se illo die confirmat Romae non fuisse? [80] Quod si non fuit, quid te audacius, qui eius nomen incideris? quid desperatius, qui ne ementiendo quidem potueris auctorem adumbrare meliorem? Sin autem is primus scivit, quod facile potuit, <qui> propter inopiam tecti in foro pernoctasset, cur non iuret se Gadibus fuisse, cum tu te fuisse Interamnae probaveris? Hoc tu igitur, homo popularis, iure munitam civitatem et libertatem nostram putas esse oportere, ut, si tribuno plebis rogante 'Velitis ivbeatisne' Fidulii centum se velle et iubere dixerint, possit unus quisque nostrum amittere civitatem? Tum igitur maiores nostri populares non fuerunt, qui de civitate et libertate ea iura sanxerunt quae nec vis temporum nec potentia magistratuum nec <praetorum decreta> nec denique universi populi Romani potestas, quae ceteris in rebus est maxima, labefactare possit. [81] At tu etiam, ereptor civitatis, legem de iniuriis publicis tulisti Anagnino nescio cui Menullae pergratam, qui tibi ob eam legem statuam in meis aedibus posuit, ut locus ipse in tanta tua iniuria legem et inscriptionem statuae refelleret; quae res municipibus Anagninis multo maiori dolori fuit quam quae idem ille gladiator scelera Anagniae fecerat. [82] Quid? si ne scriptum quidem umquam est in ista ipsa rogatione, quam se Fidulius negat scivisse, tu autem, ut acta tui praeclari tribunatus hominis dignitate cohonestes, auctorem amplexeris — sed tamen, si nihil de me tulisti quo minus essem non modo in civium numero, sed etiam in eo loco in quo me honores populi Romani conlocarunt, tamenne eum tua voce violabis quem post nefarium scelus consulum superiorum tot vides iudiciis senatus, populi Romani, Italiae totius honestatum, quem ne tunc quidem cum aberam negare poteras esse tua lege senatorem? Vbi enim tuleras ut mihi aqua et igni interdiceretur? quod C. Gracchus de P. Popilio, Saturninus de Metello tulit, homines seditiosissimi de optimis ac fortissimis civibus: non ut esset interdictum, quod ferri

non poterat, tulerunt, sed ut interdiceretur. Vbi cavisti ne meo me loco censor in senatum legeret? quod de omnibus, etiam quibus damnatis interdictum est, scriptum est in legibus. [83] Quaere haec ex Clodio, scriptore legum tuarum, iube adesse; latitat omnino, sed, si requiri iusseris, invenient hominem apud sororem tuam occultantem se capite demisso. Sed si patrem tuum, civem medius fidius egregium dissimilemque vestri, nemo umquam sanus exsulem appellavit, qui, cum de eo tribunus plebis promulgasset, adesse propter iniquitatem illius Cinnani temporis noluit, eique imperium est abrogatum — si in illo poena legitima turpitudinem non habuit propter vim temporum, in me, cui dies dicta numquam est, qui reus non fui, qui numquam sum a tribuno plebis citatus, damnati poena esse potuit, ea praesertim quae ne in ipsa quidem rogatione praescripta est? [84] Ac vide quid intersit inter illum iniquissimum patris tui casum et hanc fortunam condicionemque nostram. Patrem tuum, civem optimum, clarissimi viri filium, qui si viveret, qua severitate fuit, tu profecto non viveres, L. Philippus censor avunculum suum praeteriit in recitando senatu. Nihil enim poterat dicere qua re rata non essent quae erant acta in ea re publica, in qua se illis ipsis temporibus censorem esse voluisset: me L. Cotta, homo censorius, in senatu iuratus dixit se, si censor tum esset cum ego aberam, meo loco senatorem recitaturum fuisse. [85] Quis in meum locum iudicem subdidit? quis meorum amicorum testamentum discessu meo fecit qui mihi non idem tribuerit quod [et] si adessem? quis me non modo civis, sed socius recipere contra tuam legem et iuvare dubitavit? Denique universus senatus, multo ante quam est lata lex de me, gratias agendas censuit civitatibus iis quae M. Tullium — tantumne? immo etiam — civem optime de re publica meritum, recepissent. Et tu unus pestifer civis eum restitutum negas esse civem quem eiectum universus senatus non modo civem, sed etiam egregium civem semper putavit? [86] At vero, ut annales populi Romani et monumenta vetustatis loquuntur, Kaeso ille Quinctius et M. Furius Camillus et C. Servilius Ahala, cum essent optime de re publica meriti, tamen populi incitati vim iracundiamque subierunt, damnatique comitiis centuriatis cum in exsilium profugissent, rursus ab eodem populo placato sunt in suam pristinam dignitatem restituti. Quod si his damnatis non modo non imminuit calamitas clarissimi nominis gloriam, sed etiam honestavit (nam etsi optabilius est

cursum vitae conficere sine dolore et sine iniuria, tamen ad immortalitatem gloriae plus adfert desideratum esse a suis civibus quam omnino numquam esse violatum), mihi sine ullo iudicio populi profecto, cum amplissimis omnium iudiciis restituto, maledicti locum aut criminis obtinebit? [87] Fortis et constans in optima ratione civis P. Popilius semper fuit; tamen eius in omni vita nihil est ad laudem inlustrius quam calamitas ipsa; quis enim iam meminisset eum bene de re publica meritum, nisi et ab improbis expulsus esset et per bonos restitutus? Q. Metelli praeclarum imperium in re militari fuit, egregia censura, omnis vita plena gravitatis; tamen huius viri laudem ad sempiternam memoriam temporis calamitas propagavit. Quod si [et] illis, qui expulsi sunt inique, sed tamen legibus, reducti inimicis interfectis rogationibus tribuniciis, non auctoritate senatus, non comitiis centuriatis, non decretis Italiae, non desiderio civitatis, iniuria inimicorum probro non fuit, in me, qui profectus sum integer, afui simul cum re publica, redii cum maxima dignitate te vivo, fratre tuo <alieno>, altero consule reducente, altero [praetore] patiente, tuum scelus meum probrum putas esse oportere? [88] Ac si me populus Romanus, incitatus iracundia aut invidia, e civitate eiecisset idemque postea mea in rem publicam beneficia recordatus se conlegisset, temeritatem atque iniuriam suam restitutione mea reprehendisset, tamen profecto nemo tam esset amens qui mihi tale populi iudicium non dignitati potius quam dedecori putaret esse oportere. Nunc vero cum me in iudicium populi nemo omnium vocarit, condemnari non potuerim qui accusatus non sim, denique ne pulsus quidem ita sim ut, si contenderem, superare non possem, contraque a populo Romano semper sim defensus, amplificatus, ornatus, quid est qua re quisquam mihi se ipsa populari ratione anteponat? [89] An tu populum Romanum esse illum putas qui constat ex iis qui mercede conducuntur, qui impelluntur ut vim adferant magistratibus, ut obsideant senatum, optent cotidie caedem, incendia, rapinas? quem tu tamen populum nisi tabernis clausis frequentare non poteras, cui populo duces Lentidios, Lollios, Plaguleios, Sergios praefeceras. O speciem dignitatemque populi Romani, quam reges, quam nationes exterae, quam gentes ultimae pertimescant, multitudinem hominum ex servis, ex conductis, ex facinerosis, ex egentibus congregatam! [90] Illa fuit pulchritudo populi Romani, illa

forma quam in campo vidisti tum cum etiam tibi contra senatus totiusque Italiae auctoritatem et studium dicendi potestas fuit. Ille populus est dominus regum, victor atque imperator omnium gentium, quem illo clarissimo die, scelerate, vidisti tum cum omnes principes civitatis, omnes <homines> ordinum atque aetatum omnium suffragium se non de civis sed de civitatis salute ferre censebant, cum denique homines in campum non tabernis sed municipiis clausis venerant. [91] Hoc ego populo, si tum consules aut fuissent in re publica aut omnino non fuissent, nullo labore tuo praecipiti furori atque impio sceleri restitissem. Sed publicam causam contra vim armatam sine publico praesidio suscipere nolui, non quo mihi P. Scipionis, fortissimi viri, vis in Ti. <Graccho>, privati hominis, displiceret, sed Scipionis factum statim P. Mucius consul, qui in gerenda re [publica] putabatur fuisse segnior, gesta multis senatus consultis non modo defendit, sed etiam ornavit: mihi aut te interfecto cum consulibus, aut te vivo et tecum et cum illis armis decertandum fuit. [92] Erant eo tempore multa etiam alia metuenda. Ad servos medius fidius res publica venisset; tantum homines impios ex vetere illa coniuratione inustum nefariis mentibus bonorum odium tenebat.

Hic tu me etiam gloriari vetas; negas esse ferenda quae soleam de me praedicare, et homo facetus inducis etiam sermonem urbanum ac venustum, me dicere solere esse me Iovem, eundemque dictitare Minervam esse sororem meam. Non tam insolens sum, quod Iovem esse me dico, quam ineruditus, quod Minervam sororem Iovis esse existimo; sed tamen ego mihi sororem virginem adscisco, tu sororem tuam virginem esse non sisti. Sed vide ne tu te soleas Iovem dicere, quod tu iure eandem sororem et uxorem appellare possis. [93] Et quoniam hoc reprehendis, quod solere me dicas de me ipso gloriosius praedicare, quis umquam audivit cum ego de me nisi coactus ac necessario dicerem? Nam si, cum mihi furta largitiones libidines obiciuntur, ego respondere soleo meis consiliis periculis laboribus patriam esse servatam, non tam sum existimandus de gestis rebus gloriari quam de obiectis confiteri. Sed si mihi ante haec durissima rei publicae tempora nihil umquam aliud obiectum est nisi crudelitas eius unius temporis, cum a patria perniciem depuli, quid? me huic maledicto utrum non respondere an demisse respondere decuit? [94] Ego vero etiam rei publicae semper interesse putavi me illius

pulcherrimi facti, quod ex auctoritate senatus consensu bonorum omnium pro salute patriae gessissem, splendorem verbis dignitatemque retinere, praesertim cum mihi uni in hac re publica audiente populo Romano opera mea hanc urbem et hanc rem publicam esse salvam iurato dicere fas fuisset. Exstinctum est iam illud maledictum crudelitatis, quod me non ut crudelem tyrannum, sed ut mitissimum parentem omnium civium studiis desideratum, repetitum, arcessitum vident. [95] Aliud exortum est: obicitur mihi meus ille discessus: cui ego crimini respondere sine mea maxima laude non possum. Quid enim, pontifices, debeo dicere? Peccatine conscientia me profugisse? at id quod mihi crimini dabatur non modo peccatum non erat, sed erat res post natos homines pulcherrima. Iudicium populi pertimuisse? at id nec propositum ullum fuit, et, si fuisset, duplicata gloria discessissem. Bonorum mihi praesidium defuisse? falsum est. Me mortem timuisse? turpe est. [96] Dicendum igitur est id, quod non dicerem nisi coactus, — nihil enim umquam de me dixi sublatius adsciscendae laudis causa potius quam criminis depellendi, — dico igitur, et quam possum maxima voce dico: cum omnium perditorum et coniuratorum incitata vis, duce tribuno plebis, consulibus auctoribus, adflicto senatu, perterritis equitibus Romanis, suspensa ac sollicita tota civitate, non tam in me impetum faceret quam per me in omnis bonos, me vidisse, si vicissem, tenuis rei publicae reliquias, si victus essem, nullas futuras. Quod cum iudicassem, deflevi coniugis miserae discidium, liberorum carissimorum solitudinem, fratris absentis amantissimi atque optimi casum, subitas fundatissimae familiae ruinas; sed his omnibus rebus vitam anteposui meorum civium, remque publicam concidere unius discessu quam omnium interitu occidere malui. Speravi, id quod accidit, me iacentem posse vivis viris fortibus excitari; si una cum bonis interissem, nullo modo posse <rem publicam> recreari. [97] Accepi, pontifices, magnum atque incredibilem dolorem: non nego, neque istam mihi adscisco sapientiam quam non nulli in me requirebant, qui me animo nimis fracto esse atque adflicto loquebantur. An ego poteram, cum a tot rerum tanta varietate divellerer, quas idcirco praetereo quod ne nunc quidem sine fletu commemorare possum, infitiari me esse hominem et communem naturae sensum repudiare? Tum vero neque illud meum factum

laudabile nec beneficium ullum a me in rem publicam profectum dicerem, si quidem ea rei publicae causa reliquissem quibus aequo animo carerem, eamque animi duritiam, sicut corporis, quod cum uritur non sentit, stuporem potius quam virtutem putarem. [98] Suscipere tantos animi dolores, atque ea quae capta urbe accidunt victis stante urbe unum perpeti, et iam se videre distrahi a complexu suorum, disturbari tecta, diripi fortunas, patriae denique causa patriam ipsam amittere, spoliari populi Romani beneficiis amplissimis, praecipitari ex altissimo dignitatis gradu, videre praetextatos inimicos nondum morte complorata arbitria petentis funeris: haec omnia subire conservandorum civium causa, atque id cum dolenter adsis non tam sapiens quam ii qui nihil curant, sed tam amans tuorum ac tui quam communis humanitas postulat, ea laus praeclara atque divina est. Nam qui ea quae numquam cara ac iucunda duxit animo aequo rei publicae causa deserit, nullam benivolentiam insignem in rem publicam declarat; qui autem ea relinquit rei publicae causa a quibus cum summo dolore divellitur, ei cara patria est, cuius salutem caritati anteponit suorum. [99] Qua re dirumpatur licet ista furia atque <pestis>, audiet haec ex me, quoniam lacessivit: bis servavi <rem publicam>, qui consul togatus armatos vicerim, privatus consulibus armatis cesserim. Vtriusque temporis fructum tuli maximum: superioris, quod ex senatus auctoritate et senatum et omnis bonos meae salutis causa mutata veste vidi, posterioris, quod et senatus et populus Romanus et omnes mortales et privatim et publice iudicarunt sine meo reditu rem publicam salvam esse non posse.

[100] Sed hic meus reditus, pontifices, vestro iudicio continetur. Nam si vos me in meis aedibus conlocatis, id quod in omni mea causa semper studiis consiliis auctoritatibus sententiisque fecistis, video me plane ac sentio restitutum; sin mea domus non modo mihi non redditur, sed etiam monumentum praebet inimico doloris mei, sceleris sui, publicae calamitatis, quis erit qui hunc reditum potius quam poenam sempiternam putet? In conspectu prope totius urbis domus est mea, pontifices; in qua si manet illud non monumentum virtutis, sed sepulcrum inimico nomine inscriptum, demigrandum potius aliquo est quam habitandum in ea urbe in qua tropaea de me et de re publica videam constituta. [101] An ego tantam aut animi

duritiam habere aut oculorum impudentiam possim ut, cuius urbis servatorem me esse senatus omnium adsensu totiens iudicarit, in ea possim intueri domum meam eversam, non ab inimico meo sed ab hoste communi, et ab eodem <aedem> exstructam et positam in oculis civitatis, ne umquam conquiescere possit fletus bonorum? Sp. Maeli regnum adpetentis domus est complanata, et, quia illud 'aequum' accidisse populus Romanus 'Maelio' iudicavit, nomine ipso 'Aequimaeli' iustitia poenae comprobata est. Sp. Cassi domus ob eandem causam <est> eversa atque in eo loco aedis posita Telluris. In Vacci pratis domus fuit M. Vacci, quae publicata est et eversa ut illius facinus memoria et nomine loci notaretur. M. Manlius cum ab ascensu Capitoli Gallorum impetum reppulisset, non fuit contentus benefici sui gloria; regnum adpetisse est iudicatus; ergo eius domum eversam duobus lucis convestitam videtis. Quam igitur maiores nostri sceleratis ac nefariis civibus maximam poenam constitui posse arbitrati sunt, eandem ego subibo ac sustinebo, ut apud posteros nostros non exstinctor coniurationis et sceleris sed auctor et dux fuisse videar? [102] Hanc vero, pontifices, labem turpitudinis et inconstantiae poterit populi Romani dignitas sustinere, vivo senatu, vobis principibus publici consili, ut domus M. Tulli Ciceronis cum domo Fulvi Flacci ad memoriam poenae publice constitutae coniuncta esse videatur? M. Flaccus quia cum C. Graccho contra salutem rei publicae fecerat ex senatus sententia est interfectus; eius domus eversa et publicata est; in qua porticum post aliquanto Q. Catulus de manubiis Cimbricis fecit. Ista autem fax ac furia patriae cum urbem Pisone et Gabinio ducibus cepisset, occupasset, teneret, uno eodemque tempore et clarissimi viri mortui monumenta delebat et meam domum cum Flacci domo coniungebat, ut, qua poena senatus adfecerat eversorem civitatis, eadem iste oppresso senatu adficeret eum quem patres conscripti custodem patriae iudicassent. [103] Hanc vero in Palatio atque in pulcherrimo urbis loco porticum esse patiemini, furoris tribunici, sceleris consularis, crudelitatis coniuratorum, calamitatis rei publicae, doloris mei defixum indicium ad memoriam omnium gentium sempiternam? quam porticum, pro amore quem habetis in rem publicam et semper habuistis, non modo sententiis sed, si opus esset, manibus vestris disturbare cuperetis, nisi quem forte illius castissimi sacerdotis

superstitiosa dedicatio deterret.

[104] O rem quam homines soluti ridere non desinant, tristiores autem sine maximo dolore audire non possint! Publiusne Clodius, qui ex pontificis maximi domo religionem eripuit, is in meam intulit? Huncin vos, qui estis antistites caerimoniarum et sacrorum, auctorem habetis et magistrum publicae religionis? O di immortales! — vos enim haec audire cupio — P. Clodius vestra sacra curat, vestrum numen horret, res omnis humanas religione vestra contineri putat? Hic non inludit auctoritati horum omnium qui adsunt summorum virorum, non vestra, pontifices, gravitate abutitur? Ex isto ore religionis verbum excidere aut elabi potest? quam tu eodem ore, accusando senatum quod severe de religione decerneret, impurissime taeterrimeque violasti. [105] Aspicite, pontifices, hominem religiosum et, si vobis videtur, quod est bonorum pontificum, monete eum modum quendam esse religionis: nimium esse superstitiosum non oportere. Quid tibi necesse fuit anili superstitione, homo fanatice, sacrificium quod alienae domi fieret invisere? quae autem te tanta mentis imbecillitas tenuit ut non putares deos satis posse placari nisi etiam muliebribus religionibus te implicuisses? Quem umquam audisti maiorum tuorum, qui et sacra privata coluerunt et publicis sacerdotiis praefuerunt, cum sacrificium Bonae Deae fieret interfuisse? neminem, ne illum quidem qui caecus est factus. Ex quo intellegitur multa in vita falso homines opinari, cum ille, qui nihil viderat sciens quod nefas esset, lumina amisit, istius, qui non solum aspectu sed etiam incesto flagitio et stupro caerimonias polluit, poena omnis oculorum ad caecitatem mentis est conversa. Hoc auctore tam casto, tam religioso, tam sancto, tam pio potestis, pontifices, non commoveri, cum suis dicat se manibus domum civis optimi evertisse et eam isdem manibus consecrasse?

[106] Quae tua fuit consecratio? ‘Tuleram,’ inquit, ‘ut mihi liceret.’ Quid? non exceperas ut, si quid ius non esset rogari, ne esset rogatum? Ius igitur statuetis esse unius cuiusque vestrum sedis, aras, focos, deos penatis subiectos esse libidini tribuniciae? in quem quisque per homines concitatos inruerit, quem impetu perculerit, huius domum non solum adfligere, quod est praesentis insaniae quasi tempestatis repentinae, sed etiam in posterum tempus sempiterna religione obligare? [107] Equidem sic accepi, pontifices, in

religionibus suscipiendis caput esse interpretari quae voluntas deorum immortalium esse videatur; nec est ulla erga deos pietas <nisi sit> honesta de numine eorum ac mente opinio, ut expeti nihil ab iis, quod sit iniustum atque inhonestum, <iustum aut honestum> arbitrere. Hominem invenire ista labes, tum cum omnia tenebat, neminem potuit cui meas aedis addiceret, cui traderet, cui donaret. Ipse cum loci illius, cum aedium cupiditate flagraret ob eamque causam unam funesta illa rogatione sua vir bonus dominum se in meis bonis esse voluisset, tamen illo ipso in furore suo non est ausus meam domum, cuius cupiditate inflammatus erat, possidere: deos immortalis existimatis, cuius labore et consilio sua ipsi templa tenuerunt, in eius domum adflictam et eversam per [vim] hominis sceleratissimi nefarium latrocinium inmigrare voluisse? [108] Civis est nemo tanto in populo, extra contaminatam illam et cruentam P. Clodi manum, qui rem ullam de meis bonis attigerit, qui non pro suis opibus in illa tempestate me defenderit. At qui aliqua se contagione praedae, societatis, emptionis contaminaverunt, nullius neque privati neque publici iudici poenam effugere potuerunt. Ex his igitur bonis, <ex> quibus nemo rem ullam attigit qui non omnium iudicio sceleratissimus haberetur, di immortales domum meam concupiverunt? Ista tua pulchra Libertas deos penatis et familiaris meos lares expulit, ut se ipsa tamquam in captivis sedibus conlocaret? [109] Quid est sanctius, quid omni religione munitius quam domus unius cuiusque civium? Hic arae sunt, hic foci, hic di penates, hic sacra, religiones, caerimoniae continentur; hoc perfugium est ita sanctum omnibus ut inde abripi neminem fas sit. Quo magis est istius furor ab auribus vestris repellendus qui, quae maiores nostri religionibus tuta nobis et sancta esse voluerunt, ea iste non solum contra religionem labefactavit, sed etiam ipsius religionis nomine evertit.

[110] At quae dea est? Bonam esse oportet, quoniam quidem est abs te dedicata. ‘Libertas,’ inquit, ‘est.’ Tu igitur domi meae conlocasti, quam ex urbe tota sustulisti? Tu cum conlegas tuos summa potestate praeditos negares liberos esse, cum in templum Castoris aditus esset apertus nemini, cum hunc clarissimum virum, summo genere natum, summis populi beneficiis usum, pontificem et consularem et singulari bonitate et modestia praeditum, quem satis mirari quibus oculis

aspicere audeas non queo, audiente populo Romano a pedisequis conculcari iuberes, cum indemnatum <me> exturbares privilegiis tyrannicis inrogatis, cum principem orbis terrae virum inclusum domi contineres, cum forum armatis catervis perditorum hominum possideres, Libertatis simulacrum in ea domo conlocabas, quae domus erat ipsa indicium crudelissimi tui dominatus et miserrimae populi Romani servitutis? Eumne potissimum Libertas domo sua debuit pellere, qui nisi fuisset in servorum potestatem civitas tota venisset? [111] At unde est ista inventa Libertas? quaesivi enim diligenter. Tanagraea quaedam meretrix fuisse dicitur. Eius non longe a Tanagra simulacrum e marmore in sepulcro positum fuit. Hoc quidam homo nobilis, non alienus ab hoc religioso Libertatis sacerdote, ad ornatum aedilitatis suae deportavit; etenim cogitarat omnis superiores muneris splendore superare. Itaque omnia signa, tabulas, ornamentorum quod superfuit in fanis et locis communibus in tota Graecia atque insulis omnibus honoris populi Romani causa sane frugaliter domum suam deportavit. [112] Is postea quam intellexit posse se interversa aedilitate a L. Pisone consule praetorem renuntiari, si modo eadem prima littera competitorem habuisset aliquem, aedilitatem duobus in locis, partim in arca, partim in hortis suis conlocavit: signum de busto meretricis ablatum isti dedit, quod esset signum magis istorum quam publicae libertatis. Hanc deam quisquam violare audeat, imaginem meretricis, ornamentum sepulcri, a fure sublatam, a sacrilego conlocatam? haec me domo mea pellet? haec victrix adflictae civitatis rei publicae spoliis ornabitur? haec erit in eo monumento quod positum est ut esset indicium oppressi senatus ad memoriam sempiternae turpitudinis? [113] O Q. Catule! — patremne appellem <ante> an filium? recentior enim memoria fili est et cum meis rebus gestis coniunctior — tantumne te fefellit, cum mihi summa et cotidie maiora praemia in re publica fore putabas? Negabas fas esse duo consules esse in hac civitate inimicos rei publicae: sunt inventi qui senatum tribuno furenti constrictum traderent, qui pro me patres conscriptos deprecari et populo supplices esse edictis atque imperio vetarent, quibus inspectantibus domus mea disturbaretur, diriperetur, qui denique ambustas fortunarum mearum reliquias suas domos comportari iuberent. [114] Venio nunc ad patrem. Tu, Q. Catule, M. Fulvi domum, cum is fratris tui socer fuisset,

monumentum tuarum manubiarum esse voluisti, ut eius qui perniciosa rei publicae consilia cepisset omnis memoria funditus ex oculis hominum ac mentibus tolleretur. Hoc si quis tibi aedificanti illam porticum diceret, fore tempus cum is tribunus plebis, qui auctoritatem senatus, iudicium bonorum omnium neglexisset, tuum monumentum consulibus non modo inspectantibus verum adiuvantibus disturbaret, everteret, idque cum eius civis qui rem publicam ex senatus auctoritate consul defendisset domo coniungeret, nonne responderes id nisi eversa civitate accidere non posse?

[115] At videte hominis intolerabilem audaciam cum proiecta quadam et effrenata cupiditate. Monumentum iste umquam aut religionem ullam excogitavit? Habitare laxe et magnifice voluit duasque et magnas et nobilis domos coniungere. Eodem puncto temporis quo meus discessus isti causam caedis eripuit, a Q. Seio contendit ut sibi domum venderet: cum ille id negaret, primo se luminibus eius esse obstructurum minabatur. Adfirmabat Postumus se vivo illam domum istius numquam futuram. Acutus adulescens ex ipsius sermone intellexit quid fieri oporteret; hominem veneno apertissime sustulit; emit domum licitatoribus defatigatis prope dimidio carius quam aestimabatur. Quorsum igitur haec oratio pertinet? [116] Domus illa mea prope tota vacua est; vix pars aedium mearum decima ad Catuli porticum accessit. Causa fuit ambulatio et monumentum et ista Tanagraea oppressa libertate Libertas. In Palatio pulcherrimo prospectu porticum cum conclavibus pavimentatam trecentum pedum concupierat, amplissimum peristylum, cetera eius modi facile ut omnium domos et laxitate et dignitate superaret. Et homo religiosus cum aedis meas idem emeret et venderet, tamen illis tantis tenebris non est ausus suum nomen emptioni illi adscribere. Posuit Scatonem illum, hominem sua virtute egentem, ut is qui in Marsis, ubi natus est, tectum quo imbris vitandi causa succederet iam nullum haberet, aedis in Palatio nobilissimas emisse se diceret. Inferiorem aedium partem adsignavit non suae genti Fonteiae, sed Clodiae, quam reliquit, quem in numerum ex multis Clodiis nemo nomen dedit nisi aut egestate aut scelere perditus. Hanc vos, pontifices, tam variam, tam novam in omni genere voluntatem, impudentiam, audaciam, cupiditatem comprobabitis?

[117] ‘Pontifex,’ inquit, ‘adfuit.’ Non te pudet, cum apud pontifices res agatur, pontificem dicere et non conlegium pontificum adfuisse, praesertim cum tribunus plebis vel denuntiare potueris vel etiam cogere? Esto, conlegium non adhibuisti: quid? de conlegio quis tandem adfuit? Opus erat enim auctoritate, quae est in his omnibus, sed tamen auget et aetas et honos dignitatem; opus erat etiam scientia, quam si omnes consecuti sunt, tamen certe peritiores vetustas facit. [118] Quis ergo adfuit? ‘Frater,’ inquit, ‘uxoris meae.’ Si auctoritatem quaerimus, etsi id est aetatis ut nondum consecutus sit, tamen, quanta est in adulescente auctoritas, ea propter tantam coniunctionem adfinitatis minor est putanda; sin autem scientia est quaesita, quis erat minus peritus quam is qui paucis illis diebus in conlegium venerat? qui etiam tibi erat magis obstrictus beneficio recenti, cum se fratrem uxoris tuae fratri tuo germano antelatum videbat. Etsi in eo providisti ne frater te accusare possit. Hanc tu igitur dedicationem appellas, ad quam non conlegium, non honoribus populi Romani ornatum pontificem, non denique adulescentem quemquam~, cum haberes in conlegio familiarissimos, adhibere potuisti? Adfuit is, si modo adfuit, quem tu impulisti, soror rogavit, mater coegit. [119] Videte igitur, pontifices, quid statuatis in mea causa de omnium fortunis: verbone pontificis putetis, si is postem tenuerit et aliquid dixerit, domum unius cuiusque consecrari posse, an istae dedicationes et templorum et delubrorum religiones ad honorem deorum immortalium sine ulla civium calamitate a maioribus nostris constitutae sint. Est inventus tribunus plebis qui, consularibus copiis instructus, omni impetu furoris in eum civem inruerit quem perculsum ipsa res publica suis manibus extolleret. [120] Quid? si qui similis istius — neque enim iam deerunt qui imitari velint — aliquem mei dissimilem, cui res publica non tantum debeat, per vim adflixerit, domum eius per pontificem dedicaverit, id vos ista auctoritate constituetis ratum esse oportere? Dicitis: ‘Quem reperiet pontificem?’ Quid? pontifex et tribunus plebis idem esse non potest? M. Drusus, ille clarissimus vir, tribunus plebis, pontifex fuit. Ergo si is Q. Caepionis, inimici sui, postem aedium tenuisset et pauca verba fecisset, aedes Caepionis essent dedicatae? [121] Nihil loquor de pontificio iure, nihil de ipsius verbis dedicationis, nihil de religione, caerimoniis; non dissimulo me nescire ea quae, etiam si scirem,

dissimularem, ne aliis molestus, vobis etiam curiosus viderer; etsi effluunt multa ex vestra disciplina quae etiam ad nostras auris saepe permanant. Postem teneri in dedicatione oportere videor audisse templi; ibi enim postis est ubi templi aditus et valvae. Ambulationis postis nemo umquam tenuit in dedicando; simulacrum autem aut aram si dedicasti, sine religione loco moveri potest. Sed iam hoc dicere tibi non licebit, quoniam pontificem postem tenuisse dixisti.

[122] Quamquam quid ego de dedicatione loquor, aut quid de vestro iure et religione contra quam proposueram disputo? Ego vero, si omnia sollemnibus verbis, veteribus et traditis institutis acta esse dicerem, tamen me rei publicae iure defenderem. An cum tu, eius civis discessu cuius unius opera senatus atque omnes boni civitatem esse incolumem totiens iudicassent, oppressam taeterrimo latrocinio cum duobus sceleratissimis consulibus rem publicam teneres, domum eius qui patriam a se servatam perire suo nomine noluisset per pontificem aliquem dedicasses, posset recreata res publica sustinere? [123] Date huic religioni aditum, pontifices: iam nullum fortunis communibus exitum reperietis. An si postem tenuerit pontifex et verba ad religionem deorum immortalium composita ad perniciem civium transtulerit, valebit in iniuria nomen sanctissimum religionis: si tribunus plebis verbis non minus priscis et aeque sollemnibus bona cuiuspiam consecrarit, non valebit? Atqui C. Atinius patrum memoria bona Q. Metelli, qui eum ex senatu censor eiecerat, avi tui, Q. Metelle, et tui, P. Servili, et proavi tui, P. Scipio, consecravit foculo posito in rostris adhibitoque tibicine. Quid tum? num ille furor tribuni plebis ductus ex non nullis perveterum temporum exemplis fraudi Metello fuit, summo illi et clarissimo viro? [124] Certe non fuit. Vidimus hoc idem Cn. Lentulo censori tribunum plebis facere: num qua igitur is bona Lentuli religione obligavit? Sed quid ego ceteros? Tu, tu, inquam, capite velato, contione advocata, foculo posito bona tui Gabini, cui regna omnia Syrorum Arabum Persarumque donaras, consecrasti. Quod si tum nihil est actum, quid in meis bonis agi potuit? sin est ratum, cur ille gurges, helluatus tecum simul rei publicae sanguine, ad caelum tamen exstruit villam in Tusculano visceribus aerari, mihi meas ruinas, quarum ego similem totam urbem esse passus non sum, aspicere non licuit? [125] Omitto Gabinium; quid? exemplo tuo bona

tua nonne L. Ninnius, vir omnium fortissimus atque optimus, consecravit? Quod si, quia ad te pertinet, ratum esse negas oportere, ea iura constituisti in praeclaro tribunatu tuo quibus in te conversis recusares, alios everteres; sin ista consecratio legitima est, quid est quod profanum in tuis bonis esse possit? An consecratio nullum habet ius, dedicatio est religiosa? Quid ergo illa tua tum obtestatio tibicinis, quid foculus, quid preces, quid <verba> prisca valuerunt? ementiri, fallere, abuti deorum immortalium numine ad hominum timorem quid voluisti? Nam si est illud ratum — mitto Gabinium — tua domus certe et quicquid habes aliud Cereri est consecratum; sin ille ludus fuit, quid te impurius, qui religiones omnis pollueris aut ementiundo aut stuprando? [126] 'Iam fateor,' inquit, 'me in Gabinio nefarium fuisse.' Quippe vides poenam illam a te in alium institutam in te ipsum esse conversam. Sed, homo omnium scelerum flagitiorumque documentum, quod in Gabinio fateris, cuius impudicitiam pueritiae, libidines adulescentiae, dedecus et egestatem reliquae vitae, latrocinium consulatus vidimus, cui ne ista quidem ipsa calamitas iniuria potuit accidere, id in me infirmas, et gravius esse dicis quod uno adulescente quam quod contione tota teste fecisti?

[127] ‘Dedicatio magnam,’ inquit, ‘habet religionem.’ Nonne vobis Numa Pompilius videtur loqui? Discite orationem, pontifices, et vos, flamines; etiam tu, rex, disce a gentili tuo, quamquam ille gentem istam reliquit, sed tamen disce ab homine religionibus dedito ius totum omnium religionum. Quid? in dedicatione nonne et quis dedicet et quid et quo modo quaeritur? An tu haec ita confundis et perturbas ut, quicumque velit, quod velit quo modo velit possit dedicare? Quis eras tu qui dedicabas? Quo iure? qua lege? quo exemplo? qua potestate? Vbi te isti rei populus Romanus praefecerat? Video enim esse legem veterem tribuniciam quae vetet iniussu plebis aedis, terram, aram consecrari; neque tum hoc ille Q. Papirius, qui hanc legem rogavit, sensit, neque suspicatus est fore periculum ne domicilia aut possessiones indemnatorum civium consecrarentur. Neque enim id fieri fas erat, neque quisquam fecerat, neque erat causa cur prohibendo non tam deterrere videretur quam admonere. [128] Sed quia consecrabantur aedes, non privatorum domicilia, sed quae sacrae nominantur, consecrabantur agri, non ita ut nostra praedia, si qui vellet, sed ut imperator agros de hostibus captos consecraret, statuebantur arae, quae religionem adferrent ipsi <ei> loco <quo> essent consecratae, haec nisi plebs iussisset fieri vetuit. Quae si tu interpretaris de nostris aedibus atque agris scripta esse, non repugno; sed quaero quae lex lata sit ut tu aedis meas consecrares, ubi tibi haec potestas data sit, quo iure feceris. Neque ego nunc de religione sed de bonis omnium nostrum, nec de pontificio sed de iure publico disputo. Lex Papiria vetat aedis iniussu plebis consecrari. Sit sane hoc de nostris aedibus ac non de publicis templis: unum ostende verbum consecrationis in ipsa tua lege, si illa lex est ac non vox sceleris et crudelitatis tuae. [129] Quod si tibi tum in illo rei publicae naufragio omnia in mentem venire potuissent, aut si tuus scriptor in illo incendio civitatis non syngraphas cum Byzantiis exsulibus et cum legatis Brogitari faceret, sed vacuo animo tibi ista non scita sed portenta conscriberet, esses omnia, si minus re, at verbis legitimis consecutus. Sed uno tempore cautiones fiebant pecuniarum, foedera feriebantur provinciarum, regum appellationes venales erant, servorum omnium vicatim celebrabatur tota urbe discriptio, inimici in gratiam reconciliabantur, imperia scribebantur

nova iuventuti, Q. Seio venenum misero parabatur, de Cn. Pompeio, propugnatore et custode imperi, interficiendo consilia inibantur, senatus ne quid esset, ut lugerent semper boni, ut capta res publica consulum proditione vi tribunicia teneretur. Haec cum tot tantaque agerentur, non mirum est, praesertim in furore animi et caecitate, multa illum et te fefellisse.

[130] At videte quanta sit vis huius Papiriae legis in re tali, non qualem tu adfers sceleris plenam et furoris. Q. Marcius censor signum Concordiae fecerat idque in publico conlocarat. Hoc signum C. Cassius censor cum in curiam transtulisset, conlegium vestrum consuluit num quid esse causae videretur quin id signum curiamque Concordiae dedicaret. Quaeso, pontifices, et hominem cum homine et tempus cum tempore et rem cum re comparate. Ille erat summa modestia et gravitate censor: hic tribunus plebis scelere et audacia singulari. Tempus illud erat tranquillum et in libertate populi et gubernatione positum senatus: tuum porro tempus libertate populi Romani oppressa, senatus auctoritate deleta. [131] Res illa plena iustitiae, sapientiae, dignitatis (censor enim, penes quem maiores nostri, id quod tu sustulisti, iudicium senatus de dignitate esse voluerunt, Concordiae signum volebat in curia curiamque ei deae dedicare), praeclara voluntas atque omni laude digna; praescribere enim se arbitrabatur ut sine studiis dissensionis sententiae dicerentur, si sedem ipsam ac templum publici consili religione Concordiae devinxisset. Tu cum ferro, cum metu, cum edictis, cum privilegiis, cum praesentibus copiis perditorum, absentis exercitus terrore et minis, consulum societate et nefario foedere servitute oppressam civitatem teneres, Libertatis signum posuisti magis ad ludibrium impudentiae quam ad simulationem religionis. Ille in curia quae poterat sine cuiusquam incommodo dedicari, tu in civis optime de re publica meriti cruore ac paene ossibus simulacrum non libertatis publicae, sed licentiae conlocasti. [132] Atque ille tamen ad conlegium rettulit, tu ad quem rettulisti? Si quid deliberares, si quid tibi aut piandum aut instituendum fuisset religione domestica, tamen instituto ceterorum vetere ad pontificem detulisses: novum delubrum cum in urbis clarissimo loco nefando quodam atque inaudito instituto inchoares, referendum ad sacerdotes publicos non putasti? At si conlegium pontificum adhibendum non videbatur, nemone horum

tibi idoneus visus est, qui aetate honore auctoritate antecellunt, cum quo <de> dedicatione communicares? Quorum quidem tu non contempsisti sed pertimuisti dignitatem. An tu auderes quaerere ex P. Servilio aut ex M. Lucullo, quorum ego consilio atque auctoritate rem publicam consul ex vestris manibus ac faucibus eripui, quibusnam verbis aut quo ritu — primum hoc dico — civis domum consecrares, deinde civis eius cui princeps senatus, tum autem ordines omnes, deinde Italia tota, post cunctae gentes testimonium huius urbis atque imperi conservati dedissent? [133] Quid diceres, o nefanda et perniciosa labes civitatis? 'Ades, Luculle, ades Servili, dum dedico domum Ciceronis, ut mihi praeeatis postemque teneatis!' Es tu quidem cum audacia tum impudentia singulari, sed tibi tamen oculi, vultus, verba cecidissent, cum te viri, qui sua dignitate personam populi <Romani> atque auctoritatem imperi sustinerent, verbis gravissimis proterruissent, neque sibi fas esse dixissent furori interesse tuo atque in patriae parricidio exsultare. [134] Quae cum videres, tum te ad tuum adfinem non delectum a te, sed relictum a ceteris contulisti. Quem ego tamen credo, si est ortus ab illis quos memoriae proditum est ab ipso Hercule perfuncto iam laboribus sacra didicisse, in viri fortis aerumnis non ita crudelem fuisse ut in vivi etiam et spirantis capite bustum suis manibus imponeret; qui aut nihil dixit nec fecit omnino, poenamque hanc maternae temeritatis tulit ut mutam in delicto personam nomenque praeberet, aut, si dixit aliquid verbis haesitantibus postemque tremebunda manu tetigit, certe nihil rite, nihil caste, nihil more institutoque perfecit. Viderat ille Murenam, vitricum suum, consulem designatum, ad me consulem cum Allobrogibus communis exiti indicia adferre, audierat ex illo se a me bis salutem accepisse, separatim semel, iterum cum universis. [135] Qua re quis est qui existimare possit huic novo pontifici, primam hanc post sacerdotium initum religionem instituenti vocemque mittenti, non et linguam obmutuisse et manum obtorpuisse et mentem debilitatam metu concidisse, praesertim cum ex conlegio tanto non regem, non flaminem, non pontificem videret, fierique particeps invitus alieni sceleris cogeretur, et gravissimas poenas adfinitatis impurissimae sustineret?

[136] Sed ut revertar ad ius publicum dedicandi, quod ipsi pontifices semper non solum ad suas caerimonias sed etiam ad populi

iussa adcommodaverunt, habetis in commentariis vestris C. Cassium censorem de signo Concordiae dedicando ad pontificum conlegium rettulisse, eique M. Aemilium pontificem maximum pro conlegio respondisse, nisi eum populus Romanus nominatim praefecisset atque eius iussu faceret, non videri eam posse recte dedicari. Quid? cum Licinia, virgo Vestalis summo loco nata, sanctissimo sacerdotio praedita, T. Flaminio Q. Metello consulibus aram et aediculam et pulvinar sub Saxo dedicasset, nonne eam rem ex auctoritate senatus ad hoc conlegium Sex. Iulius praetor rettulit? cum P. Scaevola pontifex maximus pro conlegio respondit, Qvod in loco pvblico Licinia, Gai filia, inivssv popvli dedicasset, sacrvm non viderier. Quam quidem rem quanta <tractaverit> severitate quantaque diligentia senatus, ex ipso senatus consulto facile cognoscetis.

[137] Videtisne praetori urbano negotium datum ut curaret ne id sacrum esset, et ut, si quae essent incisae aut inscriptae litterae, tollerentur? O tempora, o mores! Tum censorem, hominem sanctissimum, simulacrum Concordiae dedicare pontifices in templo inaugurato prohibuerunt, post autem senatus in loco augusto consecratam iam aram tollendam ex auctoritate pontificum censuit neque ullum est passus ex ea dedicatione litterarum exstare monumentum: tu, procella patriae, turbo ac tempestas pacis atque oti, quod in naufragio rei publicae, tenebris offusis, demerso populo Romano, everso atque eiecto senatu dirueris, aedificaris, religione omni violata religionis tamen nomine contaminaris, in visceribus eius qui urbem suis laboribus ac periculis conservasset monumentum deletae rei publicae conlocaris, ~ab aequitum nota doloris bonorum omnium sublato Q. Catuli nomine incideris, id sperasti rem publicam diutius quam quoad mecum simul expulsa careret his moenibus esse laturam?

[138] Ac si, pontifices, neque is cui licuit, neque id quod fas fuit dedicavit, quid me attinet iam illud tertium quod proposueram docere, non iis institutis ac verbis quibus caerimoniae postulant dedicasse? Dixi a principio nihil me de scientia vestra, nihil de sacris, nihil de abscondito pontificum iure dicturum. Quae sunt adhuc a me de iure dedicandi disputata, non sunt quaesita ex occulto aliquo genere litterarum, sed sumpta de medio, ex rebus palam per magistratus actis ad conlegiumque delatis, ex senatus consulto, ex

lege. Illa interiora iam vestra sunt, quid dici, quid praeiri, quid tangi, quid teneri ius fuerit. [139] Quae si omnia e Ti. Coruncani scientia, qui peritissimus pontifex fuisse dicitur, acta esse constaret, aut si M. Horatius ille Pulvillus, qui, cum eum multi propter invidiam fictis religionibus impedirent, restitit et constantissima mente Capitolium dedicavit, huius modi alicui dedicationi praefuisset, tamen in scelere religio non valeret, ne valeat id quod imperitus adulescens, novus sacerdos, sororis precibus, matris minis adductus, ignarus, invitus, sine conlegis, sine libris, sine auctore, sine fictore, furtim, mente ac lingua titubante fecisse dicatur: praesertim cum iste impurus atque impius hostis omnium religionum, qui contra fas et inter viros saepe mulier et inter mulieres vir fuisset, ageret illam rem ita raptim et turbulente uti neque mens neque vox neque lingua consisteret? [140] Delata tum sunt <ea> ad vos, pontifices, et post omnium sermone celebrata, quem ad modum iste praeposteris verbis, ominibus obscenis, identidem se ipse revocans, dubitans, timens, haesitans omnia aliter ac vos in monumentis habetis et pronuntiarit et fecerit. Quod quidem minime mirum est, in tanto scelere tantaque dementia ne audaciae quidem locum ad timorem comprimendum fuisse. Etenim si nemo umquam praedo tam barbarus atque immanis fuit, qui cum fana spoliasset, deinde aram aliquam in litore deserto somniis stimulatus aut religione aliqua consecraret, non horreret animo cum divinum numen scelere violatum placare precibus cogeretur, qua tandem istum perturbatione mentis omnium templorum atque tectorum totiusque urbis praedonem fuisse censetis, cum pro detestatione tot scelerum unam aram nefarie consecraret? [141] Non potuit ullo modo — quamquam et insolentia dominatus extulerat animos et erat incredibili armatus audacia — non in agendo ruere ac saepe peccare, praesertim illo pontifice et magistro qui cogeretur docere ante quam ipse didicisset. Magna vis est cum in deorum immortalium numine tum vero in ipsa re publica. Di immortales, suorum templorum custodem ac praesidem sceleratissime pulsum cum viderent, ex suis templis in eius aedis immigrare nolebant, itaque istius vaecordissimi mentem cura metuque terrebant; res vero publica quamquam erat exterminata mecum, tamen obversabatur ante oculos exstinctoris sui, et ab istius inflammato atque indomito furore iam tum se meque repetebat. Qua

re quid est mirum si iste metu <exagitatus>, furore instinctus, scelere praeceps, neque institutas caerimonias persequi neque verbum ullum sollemne potuit effari?

[142] Quae cum ita sint, pontifices, revocate iam animos vestros ab hac subtili nostra disputatione ad universam rem publicam, quam antea cum viris fortibus multis, in hac vero causa solis vestris cervicibus sustinetis. Vobis universi senatus perpetua auctoritas, cui vosmet ipsi praestantissime semper in mea causa praefuistis, vobis Italiae magnificentissimus ille motus municipiorumque concursus, vobis campus centuriarumque una vox omnium, quarum vos principes atque auctores fuistis, vobis omnes societates, omnes ordines, omnes qui aut re aut spe denique sunt bona, omne suum erga meam dignitatem studium et iudicium non modo commissum verum etiam commendatum esse arbitrabuntur. [143] Denique ipsi di immortales qui hanc urbem atque hoc imperium tuentur, ut esset omnibus gentibus posteritatique perspicuum divino me numine esse rei publicae redditum, idcirco mihi videntur fructum reditus et gratulationis meae ad suorum sacerdotum potestatem iudiciumque revocasse. Hic est enim reditus, pontifices, haec restitutio in domo, in sedibus, in aris, in focis, in dis penatibus reciperandis; quorum si iste suis sceleratissimis manibus tecta sedisque convellit, ducibusque consulibus tamquam urbe capta hanc unam domum quasi acerrimi propugnatoris sibi delendam putavit, iam illi di penates ac familiares mei per vos in meam domum mecum erunt restituti. [144] Quocirca te, Capitoline, quem propter beneficia populus Romanus Optimum, propter vim Maximum nominavit, teque, Iuno Regina, et te, custos urbis, Minerva, quae semper adiutrix consiliorum meorum, testis laborum exstitisti, precor atque quaeso, vosque qui maxime <me> repetistis atque revocastis, quorum de sedibus haec mihi est proposita contentio, patrii penates familiaresque, qui huic urbi et rei publicae praesidetis, vos obtestor, quorum ego a templis atque delubris pestiferam illam et nefariam flammam depuli, teque, Vesta mater, cuius castissimas sacerdotes ab hominum amentium furore et scelere defendi, cuiusque ignem illum sempiternum non sum passus aut sanguine civium restingui aut cum totius urbis incendio commisceri, [145] ut, si in illo paene fato rei publicae obieci meum caput pro vestris caerimoniis atque templis perditissimorum civium furori

atque ferro, et si iterum, cum ex mea contentione interitus bonorum omnium quaereretur, vos sum testatus, vobis me ac meos commendavi, meque atque meum caput ea condicione devovi ut, si et eo ipso tempore et ante in consulatu meo commodis meis omnibus, emolumentis, praemiis praetermissis cura, cogitatione, vigiliis omnibus nihil nisi de salute meorum civium laborassem, tum mihi re publica aliquando restituta liceret frui, sin autem mea consilia patriae non profuissent, ut perpetuum dolorem avulsus a meis sustinerem: hanc ego devotionem capitis mei, cum ero in meas sedis restitutus, tum denique convictam esse et commissam putabo. [146] Nam nunc quidem, pontifices, non solum domo, de qua cognostis, sed tota urbe careo, in quam videor esse restitutus. Vrbis enim celeberrimae et maximae partes adversum illud non monumentum, sed vulnus patriae contuentur. Quem cum mihi conspectum morte magis vitandum fugiendumque esse videatis, nolite, quaeso, eum cuius reditu restitutam rem publicam fore putastis non solum dignitatis ornamentis, sed etiam urbis patriae usu velle esse privatum. Non me bonorum direptio, non tectorum excisio, non depopulatio praediorum, non praeda consulum ex meis fortunis crudelissime capta permovet: caduca semper et mobilia haec esse duxi, non virtutis atque ingeni, sed fortunae et temporum munera, quorum ego non tam facultatem umquam et copiam expetendam putavi quam et in utendo rationem et in carendo patientiam. [147] Etenim ad nostrum usum prope modum iam est definita moderatio rei familiaris, liberis autem nostris satis amplum patrimonium paterni nominis ac memoriae nostrae relinquemus: domo per scelus erepta, per latrocinium occupata, per religionis vim sceleratius etiam aedificata quam eversa, carere sine maxima ignominia rei publicae, meo dedecore ac dolore non possum. Quapropter si dis immortalibus, si senatui, si populo Romano, si cunctae Italiae, si provinciis, si exteris nationibus, si vobismet ipsis, qui in mea salute principem semper locum auctoritatemque tenuistis, gratum et iucundum meum reditum intellegitis esse, quaeso obtestorque vos, pontifices, ut me, quem auctoritate studio sententiis restituistis, nunc, quoniam senatus ita vult, manibus quoque vestris in sedibus meis conlocetis.

PRO SESTIO (In Defense of Publius Sestius)

M. TVLLI CICERONIS PRO P. SESTIO ORATIO[I]

[1] Si quis antea, iudices, mirabatur quid esset quod, pro tantis opibus rei publicae tantaque dignitate imperi, nequaquam satis multi cives forti et magno animo invenirentur qui auderent se et salutem suam in discrimen offerre pro statu civitatis et pro communi libertate, ex hoc tempore miretur potius si quem bonum et fortem civem viderit, quam si quem aut timidum aut sibi potius quam rei publicae consulentem. nam ut omittatis de unius cuiusque casu cogitando recordari, uno aspectu intueri potestis eos qui cum senatu, cum bonis omnibus, rem publicam adflictam excitarint et latrocinio domestico liberarint, maestos sordidatos reos, de capite, de fama, de civitate, de fortunis, de liberis dimicantis; eos autem qui omnia divina et humana violarint vexarint perturbarint everterint, non solum alacris laetosque volitare, sed etiam fortissimis atque optimis civibus periculum moliri, de se nihil timere. [2] in quo cum multa sunt indigna, tum nihil minus est ferendum quam quod iam non per latrones suos, non per homines egestate et scelere perditos, sed per vos nobis, per optimos viros optimis civibus periculum inferre conantur, et quos lapidibus, quos ferro, quos facibus, quos vi manu copiis delere non potuerunt, hos vestra auctoritate, vestra religione, vestris sententiis se oppressuros arbitrantur. ego autem, iudices, qua voce mihi in agendis gratiis commemorandoque eorum qui de me optime meriti sunt beneficio esse utendum putabam, ea nunc uti cogor in eorum periculis depellendis, (ut) iis potissimum vox haec serviat quorum opera et mihi et vobis et populo Romano restituta est.

[II] [3] et quamquam a Q. Hortensio, clarissimo viro atque eloquentissimo, causa est P. Sesti perorata, nihilque ab eo praetermissum est quod aut pro re publica conquerendum fuit aut pro reo disputandum, tamen adgrediar ad dicendum, ne mea propugnatio ei potissimum defuisse videatur per quem est perfectum ne ceteris civibus deesset. atque ego sic statuo, iudices, a me in hac causa atque hoc extremo dicendi loco pietatis potius quam defensionis, querelae quam eloquentiae, doloris quam ingeni partis esse susceptas. [4]

itaque si aut acrius egero aut liberius quam qui ante me dixerunt, peto a vobis ut tantum orationi meae concedatis quantum et pio dolori et iustae iracundiae concedendum putetis; nam neque officio coniunctior dolor ullius esse potest quam hic meus susceptus ex hominis de me optime meriti periculo, neque iracundia magis ulla laudanda (est) quam ea quae me inflammat eorum scelere qui cum omnibus meae salutis defensoribus bellum esse sibi gerendum iudicaverunt. [5] sed quoniam singulis criminibus ceteri responderunt, dicam ego de omni statu P. Sesti, de genere vitae, de natura, de moribus, de incredibili amore in bonos, de studio conservandae salutis communis atque oti; contendamque, si modo id consequi potero, ut in hac confusa atque universa defensione nihil ab me quod ad vestram quaestionem, nihil quod ad reum, nihil quod ad rem publicam pertineat praetermissum esse videatur. et quoniam in gravissimis temporibus civitatis atque in ruinis eversae atque adflictae rei publicae P. Sesti tribunatus est a Fortuna ipsa conlocatus, non adgrediar ad illa maxima atque amplissima prius quam docuero quibus initiis ac fundamentis haec tantae summis in rebus laudes excitatae sint.

[III] [6] parente P. Sestius natus est, iudices, homine, ut plerique meministis, et sapiente et sancto et severo; qui cum tribunus plebis primus inter homines nobilissimos temporibus optimis factus esset, reliquis honoribus non tam uti voluit quam dignus videri. eo auctore duxit honestissimi et spectatissimi viri, C. Albini, filiam, ex qua hic est puer et nupta iam filia. duobus gravissimis (ac plenissimis) antiquitatis viris sic probatus fuit ut utrique eorum et carus maxime et iucundus esset. ademit Albino soceri nomen mors filiae, sed caritatem illius necessitudinis et benivolentiam non ademit: hodie sic hunc diligit ut vos facillime potestis ex hac vel adsiduitate eius vel sollicitudine et molestia iudicare. [7] duxit uxorem patre vivo optimi et calamitosissimi viri filiam, L. Scipionis. clara in hoc P. Sesti pietas exstitit et omnibus grata, quod et Massiliam statim profectus est, ut socerum videre consolarique posset fluctibus rei publicae expulsum, in alienis terris iacentem, quem in maiorum suorum vestigiis stare oportebat, et ad eum filiam eius adduxit, ut ille insperato aspectu complexuque si non omnem at aliquam partem maeroris sui deponeret, et maximis (pro illa necessitudine studiis et) officiis et

illius aerumnam, quoad vixit, et filiae solitudinem sustentavit. possum multa dicere de liberalitate, de domesticis officiis, de tribunatu militari, de provinciali in eo magistratu abstinentia; sed mihi ante oculos obversatur rei publicae dignitas, quae me ad sese rapit, haec minora relinquere hortatur. [8] quaestor hic C. Antoni, conlegae mei, iudices, fuit sorte, sed societate consiliorum meus. impedior non nullius offici, ut ego interpretor, religione quo minus exponam quam multa P. Sestius, cum esset cum conlega meo, senserit, ad me detulerit, quanto ante providerit. atque ego de Antonio nihil dico praeter unum: numquam illum illo summo timore ac periculo civitatis neque communem metum omnium nec propriam non nullorum de ipso suspicionem aut infitiando tollere aut dissimulando sedare voluisse. in quo conlega sustinendo atque moderando si meam in illum indulgentiam coniunctam cum summa custodia rei publicae laudare vere solebatis, par prope laus P. Sesti esse debet, qui ita suum consulem observavit ut et illi quaestor bonus et nobis omnibus optimus civis videretur.

[IV] [9] idem, cum illa coniuratio ex latebris atque ex tenebris erupisset palamque armata volitaret, venit cum exercitu Capuam, quam urbem propter plurimas belli opportunitates ab illa impia et scelerata manu temptari suspicabamur; C. Mevulanum, tribunum militum Antoni, Capua praecipitem eiecit, hominem perditum et non obscure Pisauri et in aliis agri Gallici partibus in illa coniuratione versatum; idemque C. Marcellum, cum is non Capuam solum venisset, verum etiam se quasi armorum studio in maximam familiam coniecisset, exterminandum ex illa urbe curavit. qua de causa et tum conventus ille Capuae, qui propter salutem illius urbis consulatu conservatam meo me unum patronum adoptavit, huic apud me P. Sestio maximas gratias egit, et hoc tempore eidem homines nomine commutato coloni decurionesque, fortissimi atque optimi viri, beneficium P. Sesti testimonio declarant, periculum decreto suo deprecantur. recita, quaeso, L. [10] Sesti, quid decrerint Capuae decuriones, ut iam puerilis tua vox possit aliquid significare inimicis vestris, quidnam, cum se conroborarit, effectura esse videatur. Decvrionvm decreta. non recito decretum officio aliquo expressum vicinitatis aut clientelae aut hospiti publici aut ambitionis aut commendationis gratia, sed recito memoriam perfuncti periculi,

praedicationem amplissimi benefici, vocem offici praesentis, testimonium praeteriti temporis. [11] atque illis temporibus eisdem, cum iam Capuam metu Sestius liberasset, urbem senatus atque omnes boni deprehensis atque oppressis domesticis hostibus me duce ex periculis maximis extraxissent, ego litteris P. Sestium Capua arcessivi cum illo exercitu quem tum secum habebat; quibus hic litteris lectis ad urbem confestim incredibili celeritate advolavit. atque ut illius temporis atrocitatem recordari possitis, audite litteras et vestram memoriam ad timoris praeteriti cogitationem excitate. Litterae Ciceronis consvlis.

[V] hoc adventu P. Sesti tribunorum plebis novorum, qui tum extremis diebus consulatus mei res eas quas gesseram vexare cupiebant, reliquaeque coniurationis impetus et conatus sunt retardati. [12] ac postea quam est intellectum, (M.) Catone tribuno plebis, fortissimo atque optimo cive, rem publicam defendente, per se ipsum senatum populumque Romanum sine militum praesidio tueri facile maiestate sua dignitatem eorum qui salutem communem periculo suo defendissent, Sestius cum illo exercitu summa celeritate est Antonium consecutus. hic ego quid praedicem quibus hic rebus consulem ad rem gerendam excitarit, quos stimulos admoverit homini studioso fortasse victoriae, sed tamen nimium communem Martem belli casumque metuenti? longum est ea dicere, sed hoc breve dicam: si M. Petrei non excellens animus et amor rei publicae, non praestans in re publica virtus, non summa auctoritas apud milites, non mirificus usus in re militari exstitisset, neque adiutor ei P. Sestius ad excitandum Antonium, cohortandum, accusandum, impellendum fuisset, datus illo in bello esset hiemi locus, neque umquam Catilina, cum e pruina Appennini atque e nivibus illis emersisset atque aestatem integram nanctus Italiae callis et pastorum stabula praeoccupare coepisset, sine multo sanguine ac sine totius Italiae vastitate miserrima concidisset. [13] hunc igitur animum attulit ad tribunatum P. Sestius, ut quaesturam Macedoniae relinquam et aliquando ad haec propiora veniam; quamquam non est omittenda singularis illa integritas provincialis, cuius ego nuper in Macedonia vidi vestigia non pressa leviter ad exigui praedicationem temporis, sed fixa ad memoriam illius provinciae sempiternam. verum haec ita praetereamus ut tamen intuentes et respectantes relinquamus:

[VI] ad tribunatum, qui ipse ad sese iam dudum vocat et quodam modo absorbet orationem meam, contento studio cursuque veniamus. [14] de quo quidem tribunatu ita dictum (est) a Q. Hortensio ut eius oratio non defensionem modo videretur criminum continere, sed etiam memoria dignam iuventuti rei publicae capessendae auctoritatem disciplinamque praescribere. sed tamen, quoniam tribunatus totus P. Sesti nihil aliud nisi meum nomen causamque sustinuit, necessario mihi de isdem rebus esse arbitror si non subtilius disputandum, at certe dolentius deplorandum. qua in oratione si asperius in quosdam homines invehi vellem, quis non concederet ut eos, quorum sceleris furore violatus essem, vocis libertate perstringerem? sed agam moderate et huius potius tempori serviam quam dolori meo: si qui occulte a salute nostra dissentiunt, lateant; si qui fecerunt aliquid aliquando atque eidem nunc tacent et quiescunt, nos quoque simus obliti; si qui se offerunt, insectantur, quoad ferri poterunt, perferemus, neque quemquam offendet oratio mea nisi qui se ita obtulerit ut in eum non invasisse sed incucurrisse videamur. [15] sed necesse est, ante quam de tribunatu P. Sesti dicere incipiam, me totum superioris anni rei publicae naufragium exponere, in quo conligendo ac reficienda salute communi omnia reperientur P. Sesti facta, dicta, consilia versata.

[VII] fuerat ille annus tam in re publica, iudices, cum in magno motu et multorum timore intentus (est) arcus in me unum, sicut vulgo ignari rerum loquebantur, re quidem vera in universam rem publicam, traductione ad plebem furibundi hominis ac perditi, mihi irati, sed multo acrius oti et communis salutis inimici. hunc vir clarissimus mihique multis repugnantibus amicissimus, Cn. Pompeius, omni cautione, foedere, exsecratione devinxerat nihil in tribunatu contra me esse facturum: quod ille nefarius ex omnium scelerum conluvione natus parum se foedus violaturum arbitratus (est), nisi ipsum cautorem alieni periculi suis propriis periculis terruisset. [16] hanc taetram immanemque beluam, vinctam auspiciis, adligatam more maiorum, constrictam legum sacratarum catenis, solvit subito lege curiata consul, vel, ut ego arbitror, exoratus vel, ut non nemo putabat, mihi iratus, ignarus quidem certe et imprudens impendentium tantorum scelerum et malorum. qui tribunus plebis felix in evertenda re publica fuit nullis suis nervis — qui enim in eius

modi vita nervi esse potuerunt hominis fraternis flagitiis, sororiis stupris, [17] omni inaudita libidine exsanguis? — sed fuit profecto quaedam illa rei publicae fortuna fatalis, ut ille caecus atque amens tribunus plebis nancisceretur — quid dicam? consules? hocine ut ego nomine appellem eversores huius imperi, proditores vestrae dignitatis, hostis bonorum omnium, qui ad delendum senatum, adfligendum equestrem ordinem, exstinguenda omnia iura atque instituta maiorum se illis fascibus ceterisque insignibus summi honoris atque imperi ornatos esse arbitrabantur? quorum, per deos immortalis, si nondum scelera vulneraque inusta rei publicae vultis recordari, vultum atque incessum animis intuemini: facilius eorum facta occurrent mentibus vestris, si ora ipsa oculis proposueritis.

[VIII] [18] alter unguentis adfluens, calamistrata coma, despiciens conscios stuprorum ac veteres vexatores aetatulae suae, puteali et faeneratorum gregibus inflatus, a quibus compulsus olim, ne in Scyllaeo illo aeris alieni tamquam [in] fretu ad columnam adhaeresceret, in tribunatus portum perfugerat, contemnebat equites Romanos, minitabatur senatui, venditabat se operis atque ab iis se ereptum ne de ambitu causam diceret praedicabat, ab isdemque se etiam invito senatu provinciam sperare dicebat; eamque nisi adeptus esset, se incolumem nullo modo fore arbitrabatur. [19] alter, o di boni, quam taeter incedebat, quam truculentus, quam terribilis aspectu! unum aliquem te ex barbatis illis, exemplum imperi veteris, imaginem antiquitatis, columen rei publicae diceres intueri. vestitus aspere nostra hac purpura plebeia ac paene fusca, capillo ita horrido ut Capua, in qua ipsa tum imaginis ornandae causa duumviratum gerebat, Seplasiam sublaturus videretur. nam quid ego de supercilio dicam, quod tum hominibus non supercilium, sed pignus rei publicae videbatur? tanta erat gravitas in oculo, tanta contractio frontis, ut illo supercilio annus ille niti tamquam (vade) videretur. [20] erat hic omnium sermo: ‘est tamen rei publicae magnum firmumque subsidium; habeo quem opponam labi illi atque caeno; vultu me dius fidius conlegae sui libidinem levitatemque franget; habebit senatus in hunc annum quem sequatur; non deerit auctor et dux bonis.’ mihi denique homines praecipue gratulabantur, quod habiturus essem contra tribunum plebis furiosum et audacem cum amicum et adfinem tum etiam fortem et gravem consulem.

[IX] atque eorum alter fefellit neminem. quis enim clavum tanti imperi tenere et gubernacula rei publicae tractare in maximo cursu ac fluctibus posse arbitraretur hominem emersum subito ex diuturnis tenebris lustrorum ac stuprorum, vino, ganeis, lenociniis adulteriisque confectum? cum is praeter spem in altissimo gradu alienis opibus positus esset, qui non modo tempestatem impendentem intueri temulentus, sed ne lucem quidem insolitam aspicere posset. alter multos plane in omnis partis fefellit; [21] erat enim hominum opinioni nobilitate ipsa, blanda conciliatricula, commendatus. omnes boni semper nobilitati favemus, et quia utile est rei publicae nobilis homines esse dignos maioribus suis, et quia valet apud nos clarorum hominum et bene de re publica meritorum memoria, etiam mortuorum. quia tristem semper, quia taciturnum, quia subhorridum atque incultum videbant, et quod erat eo nomine ut ingenerata familiae frugalitas videretur, favebant, gaudebant, et ad integritatem maiorum spe sua hominem vocabant materni generis obliti. [22] ego autem, — vere dicam, iudices, — tantum esse in homine sceleris, audaciae, crudelitatis, quantum ipse cum re publica sensi, numquam putavi. nequam esse hominem et levem et falsa opinione [errore] hominum ab adulescentia commendatum sciebam; etenim animus eius vultu, flagitia parietibus tegebantur. sed haec obstructio nec diuturna est neque obducta ita ut curiosis oculis perspici non possit.

[X] videbamus genus vitae, desidiam, inertiam; inclusas eius libidines qui paulo propius accesserant intuebantur; denique etiam sermo nobis ansas dabat quibus reconditos eius sensus tenere possemus. [23] laudabat homo doctus philosophos nescio quos, neque eorum tamen nomina poterat dicere, sed tamen eos laudabat maxime qui dicuntur praeter ceteros esse auctores et laudatores voluptatis; cuius et quo tempore et quo modo non quaerebat, verbum ipsum omnibus (viribus) animi et corporis devorarat; eosdemque praeclare dicere aiebat sapientis omnia sua causa facere, rem publicam capessere hominem bene sanum non oportere, nihil esse praestabilius otiosa vita, plena et conferta voluptatibus; eos autem qui dicerent dignitati esse serviendum, rei publicae consulendum, offici rationem in omni vita, non commodi esse ducendam, adeunda pro patria pericula, vulnera excipienda, mortem oppetendam, vaticinari atque

insanire dicebat. [24] ex his adsiduis eius cotidianisque sermonibus, et quod videbam quibuscum hominibus in interiore parte aedium viveret, et quod ita domus ipsa fumabat ut multa eius (consorti)onis indicia redolerent, statuebam sic, boni nihil ab illis nugis exspectandum, mali quidem certe nihil pertimescendum. sed ita est, iudices, ut, si gladium parvo puero aut si imbecillo seni aut debili dederis, ipse impetu suo nemini noceat, sin ad nudum vel fortissimi viri corpus accesserit, possit acie ipsa et ferri viribus vulnerare: cum hominibus enervatis atque exsanguibus consulatus tamquam gladius esset datus, qui per se pungere neminem umquam potuissent, ii summi imperi nomine armati rem publicam contrucidarunt. foedus fecerunt cum tribuno plebis palam, ut ab eo provincias acciperent quas ipsi vellent, exercitum et pecuniam quantam vellent, ea lege, si ipsi prius tribuno plebis adflictam et constrictam rem publicam tradidissent: id autem foedus meo sanguine ictum sanciri posse dicebant. [25] qua re patefacta — neque enim dissimulari tantum scelus poterat nec latere — promulgantur uno eodemque tempore rogationes ab eodem tribuno de mea pernicie et de provinciis consulum nominatim.

[XI] hic tum senatus sollicitus, vos, equites Romani, excitati, Italia cuncta permota, omnes denique omnium generum atque ordinum cives summae rei publicae a consulibus atque a summo imperio petendum esse auxilium arbitrabantur, cum illi soli essent praeter furiosum illum tribunum duo rei publicae turbines, qui non modo praecipitanti patriae non subvenirent, sed eam nimium tarde concidere maererent. flagitabatur ab his cotidie cum querelis bonorum omnium tum etiam precibus senatus, ut meam causam susciperent, agerent aliquid, denique ad senatum referrent: non modo negando, sed etiam inridendo amplissimum quemque illius ordinis insequebantur. [26] hic subito cum incredibilis in Capitolium multitudo ex tota urbe cunctaque Italia convenisset, vestem mutandam omnes meque iam omni ratione, privato consilio, quoniam publicis ducibus res publica careret, defendendum putarunt. erat eodem tempore senatus in aede Concordiae, quod ipsum templum repraesentabat memoriam consulatus mei, cum flens universus ordo cincinnatum consulem orabat; nam alter ille horridus et severus consulto se domi continebat. qua tum superbia caenum illud ac labes

amplissimi ordinis preces et clarissimorum civium lacrimas repudiavit! me ipsum ut contempsit helluo patriae! nam quid ego patrimoni dicam, quod ille tum cum quaestum faceret amisit? venistis ad senatum, vos, inquam, equites Romani et omnes boni veste mutata, vosque pro meo capite ad pedes lenonis impurissimi proiecistis, cum, vestris precibus ab latrone illo repudiatis, vir incredibili fide, magnitudine animi, constantia, L. Ninnius, ad senatum de re publica rettulit, senatusque frequens vestem pro mea salute mutandam censuit.

[**XII**] [27] O diem illum, iudices, funestum senatui bonisque omnibus, rei publicae luctuosum, mihi ad domesticum maerorem gravem, ad posteritatis memoriam gloriosum! quid enim quisquam potest ex omni memoria sumere inlustrius quam pro uno civi et bonos omnis privato consensu et universum senatum publico consilio mutasse vestem? quae quidem tum mutatio non deprecationis est causa facta, sed luctus: quem enim deprecarere, cum omnes essent sordidati, cumque hoc satis esset signi esse improbum, qui mutata veste non esset? hac mutatione vestis facta tanto in luctu civitatis, omitto quid ille tribunus omnium rerum divinarum humanarumque praedo fecerit, qui adesse nobilissimos adulescentis, honestissimos equites Romanos, deprecatores salutis meae iusserit, eosque operarum suarum gladiis et lapidibus obiecerit: de consulibus loquor, quorum fide res publica niti debuit. [28] exanimatus evolat ex senatu, non minus perturbato animo atque vultu quam si annis ante paucis in creditorum conventum incidisset; advocat contionem, habet orationem talem consul qualem numquam Catilina victor habuisset: errare homines si etiam tum senatum aliquid in re publica posse arbitrarentur; equites vero Romanos daturos illius diei poenas quo me consule cum gladiis in clivo Capitolino fuissent; venisse tempus iis qui in timore fuissent — coniuratos videlicet dicebat — ulciscendi se. si dixisset haec solum, omni supplicio esset dignus; nam oratio ipsa consulis perniciosa potest rem publicam labefactare; quid fecerit videte. [29] L. Lamiam, qui cum me ipsum pro summa familiaritate quae mihi cum patre eius erat unice diligebat, tum pro re publica vel mortem oppetere cupiebat, in contione relegavit, edixitque ut ab urbe abesset milia passuum ducenta, quod esset ausus pro civi, pro bene merito civi, pro amico, pro re publica deprecari.

[XIII] quid hoc homine facias, aut quo civem importunum aut quo potius hostem tam sceleratum reserves? qui, ut omittam cetera quae sunt ei cum conlega immani impuroque coniuncta atque communia, hoc unum habet proprium, ut ex urbe expulerit, relegarit non dico equitem Romanum, non ornatissimum atque optimum virum, non amicissimum rei publicae civem, non illo ipso tempore una cum senatu et cum bonis omnibus casum amici reique publicae lugentem, sed civem Romanum sine ullo iudicio ut edicto ex patria consul eiecerit. [30] nihil acerbius socii et Latini ferre soliti sunt quam se, id quod perraro accidit, ex urbe exire a consulibus iuberi: atque illis erat tum reditus in suas civitates, ad suos Lares familiaris, et in illo communi incommodo nulla in quemquam propria ignominia nominatim cadebat. hoc vero quid est? exterminabit civis Romanos edicto consul a suis dis penatibus? expellet ex patria? deliget quem volet, damnabit atque eiciet nominatim? hic si umquam vos eos qui nunc estis in re publica fore putasset, si denique imaginem iudiciorum aut simulacrum aliquod futurum in civitate reliquum credidisset, umquam ausus esset senatum de re publica tollere, equitum Romanorum preces aspernari, civium denique omnium novis et inauditis edictis ius libertatemque pervertere? [31] etsi me attentissimis animis summa cum benignitate auditis, iudices, tamen vereor ne quis forte vestrum miretur quid haec mea oratio tam longa aut tam alte repetita velit, aut quid ad P. Sesti causam eorum qui ante huius tribunatum rem publicam vexarunt delicta pertineant. mihi autem hoc propositum est ostendere, omnia consilia P. Sesti mentemque totius tribunatus hanc fuisse, ut adflictae et perditae rei publicae quantum posset mederetur. ac si in exponendis vulneribus illis de me ipso plura dicere videbor, ignoscitote; nam et illam meam cladem vos et omnes boni maximum esse rei publicae vulnus iudicastis, et P. Sestius est reus non suo, sed meo nomine: qui cum omnem vim sui tribunatus in mea salute consumpserit, necesse est meam causam praeteriti temporis cum huius praesenti defensione esse coniunctam.

[XIV] [32] erat igitur in luctu senatus, squalebat civitas publico consilio veste mutata, nullum erat Italiae municipium, nulla colonia, nulla praefectura, nulla Romae societas vectigalium, nullum conlegium aut concilium aut omnino aliquod commune consilium

quod tum non honorificentissime de mea salute decrevisset: cum subito edicunt duo consules ut ad suum vestitum senatores redirent. quis umquam consul senatum ipsius decretis parere prohibuit? quis tyrannus miseros lugere vetuit? Parumne est, Piso, ut omittam Gabinium, quod tantum homines fefellisti ut neglegeres auctoritatem senatus, optimi cuiusque consilia contemneres, rem publicam proderes, consulare nomen adfligeres? etiamne edicere audebas ne maererent homines meam, suam, rei publicae calamitatem, ne hunc suum dolorem veste significarent? Sive illa vestis mutatio ad luctum ipsorum sive ad deprecandum valebat, quis umquam tam crudelis fuit qui prohiberet quemquam aut sibi maerere aut ceteris supplicare? [33] quid? sua sponte homines in amicorum periculis vestitum mutare non solent? pro te ipso, Piso, nemone mutabit? ne isti quidem quos legatos non modo nullo senatus consulto, sed etiam repugnante senatu tibi tute legasti? ergo hominis desperati et proditoris rei publicae casum lugebunt fortasse qui volent: civis florentissimi benivolentia bonorum et optime de salute patriae meriti periculum, coniunctum cum periculo civitatis, lugere senatui non licebit? idemque consules, si appellandi sunt consules quos nemo est quin non modo ex memoria sed etiam ex fastis evellendos putet, pacto iam foedere provinciarum, producti in circo Flaminio in contionem ab illa furia ac peste patriae, maximo cum gemitu vestro, illa omnia quae tum contra me contraque rem publicam (agebantur) voce ac sententia sua comprobaverunt.

[XV] isdemque consulibus sedentibus atque inspectantibus lata lex est, ne avspicia valerent, ne qvis obnvntiaret, ne qvis legi intercederet, vt omnibvs fastis diebvs legem ferri liceret, vt lex Aelia, lex Fvfia ne valeret: qua una rogatione quis est qui non intellegat universam rem publicam esse deletam? [34] isdemque consulibus inspectantibus servorum dilectus habebatur pro tribunali Aurelio nomine conlegiorum, cum vicatim homines conscriberentur, decuriarentur, ad vim, ad manus, ad caedem, ad direptionem incitarentur. isdemque consulibus arma in templum Castoris palam comportabantur, gradus eiusdem templi tollebantur, armati homines forum et contiones tenebant, caedes lapidationesque fiebant; nullus erat senatus, nihil reliqui magistratus: unus omnem omnium potestatem armis et latrociniis possidebat, non aliqua vi sua, sed,

cum duo consules a re publica provinciarum foedere retraxisset, insultabat, dominabatur, aliis pollicebatur, terrore ac metu multos, pluris etiam spe et promissis tenebat. [35] quae cum essent eius modi, iudices, cum senatus duces nullos ac pro ducibus proditores aut potius apertos hostis haberet, equester ordo reus a consulibus citaretur, Italiae totius auctoritas repudiaretur, alii nominatim relegarentur, alii metu et periculo terrerentur, arma essent in templis, armati in foro, eaque non silentio consulum dissimularentur sed et voce et sententia comprobarentur, cum omnes urbem nondum excisam et eversam sed iam captam atque oppressam videremus: tamen his tantis malis tanto bonorum studio, iudices, restitissemus, sed me alii metus atque aliae curae suspicionesque moverunt.

[XVI] [36] exponam enim hodierno die, iudices, omnem rationem facti et consili mei, neque huic vestro tanto studio audiendi nec vero huic tantae multitudini, quanta mea memoria numquam ullo in iudicio fuit, deero. nam si ego in causa tam bona, tanto studio senatus, consensu tam incredibili bonorum omnium, tam parato (populo), tota denique Italia ad omnem contentionem expedita, cessi tribuni plebis, despicatissimi hominis, furori, contemptissimorum consulum levitatem audaciamque pertimui, nimium me timidum, nullius animi, nullius consili fuisse confiteor. [37] quid enim simile fuit in Q. Metello? cuius causam etsi omnes boni probabant, tamen neque senatus publice neque ullus ordo proprie neque suis decretis Italia cuncta susceperat. ad suam enim quandam magis ille gloriam quam ad perspicuam salutem rei publicae (respiciens rem gesserat), cum unus in legem per vim latam iurare noluerat: denique videbatur ea condicione tam fortis fuisse ut cum patriae caritate constantiae gloriam commutaret. erat autem res ei cum exercitu C. Mari invicto, habebat inimicum C. Marium, conservatorem patriae, sextum iam illum consulatum gerentem; res erat cum L. Saturnino, iterum tribuno plebis, vigilante homine, et in causa populari si non moderate at certe populariter abstinenterque versato. cessit, ne aut victus a fortibus viris cum dedecore caderet, aut victor multis et fortibus civibus rem publicam orbaret. meam causam senatus palam, [38] equester ordo acerrime, cuncta Italia publice, omnes boni proprie enixeque susceperant. eas res gesseram quarum non unus auctor sed dux omnium voluntatis fuissem, quaeque non modo ad singularem

meam gloriam sed ad communem salutem omnium civium et prope gentium pertinerent; ea condicione gesseram ut meum factum semper omnes praestare tuerique deberent.

[XVII] erat autem mihi contentio non cum victore exercitu, sed cum operis conductis et ad diripiendam urbem concitatis; habebam inimicum non C. Marium, terrorem hostium, spem subsidiumque patriae, sed duo importuna prodigia, quos egestas, quos aeris alieni magnitudo, quos levitas, quos improbitas tribuno plebis constrictos addixerat; [39] nec mihi erat res cum Saturnino, qui quod a se quaestore Ostiensi per ignominiam ad principem et senatus et civitatis, M. Scaurum, rem frumentariam tralatam sciebat, dolorem suum magna contentione animi persequebatur, sed cum scurrarum locupletium scorto, cum sororis adultero, cum stuprorum sacerdote, cum venefico, cum testamentario, cum sicario, cum latrone; quos homines si, id quod facile factu fuit et quod fieri debuit quodque a me optimi et fortissimi cives flagitabant, vi armisque superassem, non verebar ne quis aut vim vi depulsam reprehenderet aut perditorum civium vel potius domesticorum hostium mortem maereret. sed me illa moverunt: omnibus in contionibus illa furia clamabat se quae faceret contra salutem meam facere auctore Cn. Pompeio, clarissimo viro mihique et nunc et quoad licuit amicissimo; M. Crassus, quocum mihi omnes erant amicitiae necessitudines, vir fortissimus, ab eadem illa peste infestissimus esse meis fortunis praedicabatur; C. Caesar, qui a me nullo meo merito alienus esse debebat, inimicissimus esse meae saluti ab eodem cotidianis contionibus dicebatur.

[XVIII] quid ergo? inimici oratio, vana praesertim, tam improbe in clarissimos viros coniecta me movit? me vero non illius oratio, sed eorum taciturnitas in quos illa oratio tam improba conferebatur; qui tum, quamquam ob alias causas tacebant, tamen hominibus omnia timentibus tacendo loqui, non infitiando confiteri videbantur. illi autem aliquo tum timore perterriti, quod acta illa atque omnis res anni superioris labefactari a praetoribus, infirmari a senatu atque a principibus civitatis putabant, tribunum popularem a se alienare nolebant, suaque sibi propiora esse pericula quam mea loquebantur. [41] sed tamen et Crassus a consulibus meam causam suscipiendam esse dicebat, et eorum fidem Pompeius implorabat neque se privatum

publice susceptae causae defuturum esse dicebat; quem virum studiosum mei, cupidissimum rei publicae conservandae, domi meae certi homines ad eam rem positi monuerunt ut esset cautior, eiusque vitae a me insidias apud me domi positas esse dixerunt; atque hanc eius suspicionem alii litteris mittendis, alii nuntiis, alii coram ipsi excitaverunt, ut ille, cum a me certe nihil timeret, ab illis, ne quid meo nomine molirentur, sibi cavendum putaret. ipse autem Caesar, quem maxime homines ignari veritatis mihi esse iratum putabant, erat ad portas, erat cum imperio; erat in Italia eius exercitus, inque eo exercitu ipsius tribuni plebis, inimici mei, fratrem praefecerat.

[XIX] [42] haec ergo cum viderem, — neque enim erant occulta, — senatum, sine quo civitas stare non posset, omnino de civitate esse sublatum; consules, qui duces publici consili esse deberent, perfecisse ut per ipsos publicum consilium funditus tolleretur; eos qui plurimum possent opponi omnibus contionibus falso, sed formidolose tamen, auctores ad perniciem meam; contiones haberi cotidie contra me; vocem pro me ac pro re publica neminem mittere; intenta signa legionum existimari cervicibus ac bonis vestris falso, sed putari tamen; coniuratorum copias veteres et effusam illam ac superatam Catilinae importunam manum novo duce et insperata commutatione rerum esse renovatam: — haec cum viderem, quid agerem, iudices? [43] scio enim tum non mihi vestrum studium, sed meum prope vestro defuisse. contenderem contra tribunum plebis privatus armis? vicissent improbos boni, fortes inertis; interfectus esset is qui hac una medicina sola potuit a rei publicae peste depelli. quid deinde? quis reliqua praestaret? cui denique erat dubium quin ille sanguis tribunicius, nullo praesertim publico consilio profusus, consules ultores et defensores esset habiturus? cum quidam in contione dixisset aut mihi semel pereundum aut bis esse vincendum. quid erat bis vincere? id profecto, ut, (si) cum amentissimo tribuno plebis decertassem, cum consulibus ceterisque eius ultoribus dimicarem. [44] ego vero, vel si pereundum fuisset ac non accipienda plaga mihi sanabilis, illi mortifera qui imposuisset, semel perire tamen, iudices, maluissem quam bis vincere; erat enim illa altera eius modi contentio ut neque victi neque victores rem publicam tenere possemus. quid, si in prima contentione vi tribunicia victus in foro cum multis bonis viris concidissem? senatum consules, credo,

vocassent, quem totum de civitate delerant; ad arma vocassent, qui ne vestitu quidem defendi rem publicam sissent; a tribuno plebis post interitum dissedissent, qui eandem horam meae pestis et suorum praemiorum esse voluissent.

[XX] [45] Vnum autem mihi restabat illud quod forsitan non nemo vir fortis et acris animi magnique dixerit: 'restitisses, repugnasses, mortem pugnans oppetisses.' de quo te, te, inquam, patria, testor et vos, penates patriique dei, me vestrarum sedum templorumque causa, me propter salutem meorum civium, quae mihi semper fuit mea carior vita, dimicationem caedemque fugisse. etenim si mihi in aliqua nave cum meis amicis naviganti hoc, iudices, accidisset, ut multi ex multis locis praedones classibus eam navem se oppressuros minitarentur nisi me unum sibi dedidissent, si id vectores negarent ac mecum simul interire quam me tradere hostibus mallent, iecissem ipse me potius in profundum, ut ceteros conservarem, quam illos mei tam cupidos non modo ad certam mortem, sed in magnum vitae discrimen adducerem. Cum vero in hanc rei publicae navem, [46] ereptis senatui gubernaculis fluitantem in alto tempestatibus seditionum ac discordiarum, armatae tot classes, nisi ego essem unus deditus, incursurae viderentur, cum proscriptio, caedes, direptio denuntiaretur, cum alii me suspicione periculi sui non defenderent, alii vetere odio bonorum incitarentur, alii inviderent, alii obstare sibi me arbitrarentur, alii ulcisci dolorem aliquem suum vellent, alii rem ipsam publicam atque hunc bonorum statum otiumque odissent et ob hasce causas tot tamque varias me unum deposcerent, depugnarem potius cum summo non dicam exitio, sed periculo certe vestro liberorumque vestrorum, quam id quod omnibus impendebat unus pro omnibus susciperem ac subirem?

[XXI] [47] 'victi essent improbi.' at cives, at ab eo privato qui sine armis etiam consul rem publicam conservarat. sin victi essent boni, qui superessent? nonne ad servos videtis rem venturam fuisse? an mihi ipsi, ut quidam putant, fuit mors aequo animo oppetenda? quid? tum mortemne fugiebam? an erat res ulla quam mihi magis optandam putarem? aut ego illas res tantas in tanta improborum multitudine cum gerebam, non mihi mors, non exsilium ob oculos versabatur? non haec denique a me tum tamquam fata in ipsa re gerenda canebantur? an erat mihi in tanto luctu meorum, tanta diiunctione,

tanta acerbitate, tanta spoliatione omnium rerum quas mihi aut natura aut fortuna dederat, vita retinenda? tam eram rudis, tam ignarus rerum, tam expers consili aut ingeni? nihil audieram, nihil videram, nihil ipse legendo quaerendoque cognoveram? nesciebam vitae brevem esse cursum, gloriae sempiternum? cum esset omnibus definita mors, optandum esse ut vita, quae necessitati deberetur, patriae potius donata quam reservata naturae videretur? nesciebam inter sapientissimos homines hanc contentionem fuisse, ut alii dicerent animos hominum sensusque morte restingui, alii autem tum maxime mentis sapientium ac fortium virorum, cum e corpore excessissent, sentire ac vigere? quorum alterum fugiendum non esse, carere sensu, alterum etiam optandum, meliore esse sensu. denique, [48] cum omnia semper ad dignitatem rettulissem nec sine ea quicquam expetendum esse homini in vita putassem, mortem, quam etiam virgines Athenis, regis, opinor, Erechthei filiae, pro patria contempsisse dicuntur, ego vir consularis tantis rebus gestis timerem? praesertim cum eius essem civitatis ex qua C. Mucius solus in castra Porsennae venisset eumque interficere proposita sibi morte conatus esset; ex qua P. Decius primum pater, post aliquot annos patria virtute praeditus filius se ac vitam suam instructa acie pro salute populi Romani victoriaque devovisset; ex qua innumerabiles alii partim adipiscendae laudis, partim vitandae turpitudinis causa mortem in variis bellis aequissimis animis oppetissent; in qua civitate ipse meminissem patrem huius M. Crassi, fortissimum virum, ne videret victorem vivus inimicum, eadem sibi manu vitam exhausisse qua mortem saepe hostibus obtulisset.

[XXII] [49] haec ego et multa alia cogitans hoc videbam, si causam publicam mea mors peremisset, neminem umquam fore qui auderet suscipere contra improbos civis salutem rei publicae; itaque non solum si vi interissem, sed etiam si morbo exstinctus essem, fore putabam ut exemplum rei publicae conservandae mecum simul interiret. quis enim umquam me a senatu populoque Romano tanto omnium bonorum studio non restituto, — quod certe, si essem interfectus, accidere non potuisset, — ullam rei publicae partem cum sua minima invidia auderet attingere? servavi igitur rem publicam discessu meo, iudices: caedem a vobis liberisque vestris, vastitatem, incendia, rapinas meo dolore luctuque depuli, et unus rem publicam

bis servavi, semel gloria, iterum aerumna mea. neque enim in hoc me hominem esse infitiabor umquam, ut me optimo fratre, carissimis liberis, fidissima coniuge, vestro conspectu, patria, hoc honoris gradu sine dolore caruisse glorier; quod si fecissem, quod a me beneficium haberetis, cum pro vobis ea quae mihi essent vilia reliquissem? hoc meo quidem animo summi in patriam amoris mei signum esse debet certissimum, quod, cum abesse ab ea sine summo dolore non possem, hunc me perpeti quam illam labefactari ab improbis malui. [50] memineram, iudices, divinum illum virum atque ex isdem quibus nos radicibus natum ad salutem huius imperi, C. Marium, summa senectute, cum vim prope iustorum armorum profugisset, primo senile corpus paludibus occultasse demersum, deinde ad infimorum ac tenuissimorum hominum Minturnensium misericordiam confugisse, inde navigio perparvo, cum omnis portus terrasque fugeret, in oras Africae desertissimas pervenisse. atque ille vitam suam, ne inultus esset, ad incertissimam spem et ad rei publicae (interitum) reservavit: ego qui, quem ad modum multi in senatu me absente dixerunt, periculo rei publicae vivebam, quique ob eam causam consularibus litteris de senatus sententia exteris nationibus commendabar, nonne, si meam vitam deseruissem, rem publicam prodidissem? in qua quidem nunc me restituto vivit mecum simul exemplum fidei publicae; quod si immortale retinetur, quis non intellegit immortalem hanc civitatem futuram?

[XXIII] [51] nam externa bella regum, gentium, nationum iam pridem ita exstincta sunt ut praeclare cum iis agamus quos pacatos esse patiamur; denique ex bellica victoria non fere quemquam est invidia civium consecuta. domesticis malis et audacium civium consiliis saepe est resistendum, eorumque periculorum est in re publica retinenda medicina; quam omnem, iudices, perdidissetis, si meo interitu senatui populoque Romano doloris sui de me declarandi potestas esset erepta. qua re moneo vos, adulescentes, atque hoc meo iure praecipio, qui dignitatem, qui rem publicam, qui gloriam spectatis, ne, si quae vos aliquando necessitas ad rem publicam contra improbos civis defendendam vocabit, segniores sitis et recordatione mei casus a consiliis fortibus refugiatis. [52] primum non est periculum ne quis umquam incidat in eius modi consules, praesertim si erit iis id quod debetur persolutum. deinde numquam

iam, ut spero, quisquam improbus consilio et auxilio bonorum se oppugnare rem publicam dicet illis tacentibus, nec armati exercitus terrorem opponet togatis; neque erit iusta causa ad portas sedenti imperatori qua re suum terrorem falso iactari opponique patiatur. numquam (autem) erit tam oppressus senatus ut ei ne supplicandi quidem ac lugendi sit potestas, tam captus equester ordo ut equites Romani a consule relegentur. quae cum omnia atque etiam multo alia maiora, quae consulto praetereo, accidissent, videtis me tamen in meam pristinam dignitatem brevi tempore doloris interiecto rei publicae voce esse revocatum.

[XXIV] [53] sed ut revertar ad illud quod mihi in hac omni est oratione propositum, omnibus malis illo anno scelere consulum rem publicam esse confectam, primum illo ipso die, qui mihi funestus fuit, omnibus bonis luctuosus, cum ego me (e) complexu patriae conspectuque vestro eripuissem, et metu vestri periculi, non mei, furori hominis, sceleri, perfidiae, telis minisque cessissem, patriamque, quae mihi erat carissima, propter ipsius patriae caritatem reliquissem, cum meum illum casum tam horribilem, tam gravem, tam repentinum non solum homines sed tecta urbis ac templa lugerent, nemo vestrum forum, nemo curiam, nemo lucem aspicere vellet: illo, inquam, ipso die — die dico? immo hora atque etiam puncto temporis eodem mihi reique publicae pernicies, Gabinio et Pisoni provincia rogata est. pro di immortales, custodes et conservatores huius urbis atque imperi, quaenam illa in re publica monstra, quae scelera vidistis! civis erat expulsus is qui rem publicam ex senatus auctoritate cum omnibus bonis defenderat, et expulsus non alio aliquo, sed eo ipso crimine; erat autem expulsus sine iudicio, vi, lapidibus, ferro, servitio denique concitato; lex erat lata vastato ac relicto foro et sicariis servisque tradito, et ea lex quae ut ne ferretur senatus fuerat veste mutata. [54] hac tanta perturbatione civitatis ne noctem quidem consules inter meum (interitum) et suam praedam interesse passi sunt: statim me perculso ad meum sanguinem hauriendum, et spirante etiam re publica ad eius spolia detrahenda advolaverunt. omitto gratulationes, epulas, partitionem aerari, beneficia, spem, promissa, praedam, laetitiam paucorum in luctu omnium. vexabatur uxor mea, liberi ad necem quaerebantur, gener, et Piso gener, a Pisonis consulis pedibus supplex reiciebatur,

bona diripiebantur eaque ad consules deferebantur, domus ardebat in Palatio: consules epulabantur. quod si meis incommodis laetabantur, urbis tamen periculo commoverentur.

[XXV] [55] sed ut a mea causa iam recedam, reliquas illius anni pestis recordamini — sic enim facillime perspicietis quantam vim omnium remediorum a magistratibus proximis res publica desiderarit — legum multitudinem, cum earum quae latae sunt, tum vero quae promulgatae fuerunt. nam latae quidem sunt consulibus illis — tacentibus dicam? immo vero etiam adprobantibus; ut censoria notio et gravissimum iudicium sanctissimi magistratus de re publica tolleretur, ut conlegia non modo illa vetera contra senatus consultum restituerentur, sed (ab) uno gladiatore innumerabilia alia nova conscriberentur, ut remissis senis et trientibus quinta prope pars vectigalium tolleretur, ut Gabinio pro illa sua Cilicia, quam sibi, si rem publicam prodidisset, pactus erat, Syria daretur, et uni helluoni bis de eadem re deliberandi et rogata (lege potestas per nov)am legem fieret provinciae commutandae.

[XXVI] [56] Mitto eam legem quae omnia iura religionum, auspiciorum, potestatum, omnis leges quae sunt de iure et de tempore legum rogandarum, una rogatione delevit; mitto omnem domesticam labem: etiam exteras nationes illius anni furore conquassatas videbamus. lege tribunicia Matris magnae Pessinuntius ille sacerdos expulsus et spoliatus sacerdotio est, fanumque sanctissimarum atque antiquissimarum religionum venditum pecunia grandi Brogitaro, impuro homini atque indigno illa religione, praesertim cum eam sibi ille non colendi, sed violandi causa adpetisset; appellati reges a populo qui id numquam ne a senatu quidem postulassent; reducti exsules Byzantium condemnati tum cum indemnati cives e civitate eiciebantur. [57] Rex Ptolomaeus, qui, si nondum erat ipse a senatu socius appellatus, erat tamen frater eius regis qui, cum esset in eadem causa, iam erat a senatu honorem istum consecutus, erat eodem genere eisdemque maioribus, eadem vetustate societatis, denique erat rex, si nondum socius, at non hostis; pacatus, quietus, fretus imperio populi Romani regno paterno atque avito regali otio perfruebatur — : de hoc nihil cogitante, nihil suspicante, eisdem operis suffragium ferentibus, est rogatum ut sedens cum purpura et sceptro et illis insignibus regiis praeconi publico subiceretur, et imperante populo

Romano, qui etiam bello victis regibus regna reddere consuevit, rex amicus nulla iniuria commemorata, nullis rebus repetitis, cum bonis omnibus publicaretur.

[XXVII] [58] multa acerba, multa turpia, multa turbulenta habuit ille annus; tamen illi sceleri quod in me illorum immanitas edidit haud scio an recte hoc proximum esse dicamus. Antiochum Magnum illum maiores nostri magna belli contentione terra marique superatum intra montem Taurum regnare iusserunt: Asiam, qua illum multarunt, Attalo, ut is regnaret in ea, condonaverunt. Cum Armeniorum rege Tigrane grave bellum nuper ipsi diuturnumque gessimus, cum ille iniuriis in socios nostros inferendis bello prope nos lacessisset. hic et ipse per se vehemens fuit et acerrimum hostem huius imperi Mithridatem pulsum Ponto opibus suis regnoque defendit, et a (L.) Lucullo, summo viro atque imperatore, pulsus animo tamen hostili cum reliquis suis copiis in pristina mente mansit. hunc Cn. Pompeius cum in suis castris supplicem abiectum vidisset erexit, atque insigne regium, quod ille de suo capite abiecerat, reposuit et certis rebus imperatis regnare iussit, nec minus et sibi et huic imperio gloriosum putavit constitutum a se regem quam constrictum videri. [59] qui et ipse hostis fuit populi Romani et acerrimum hostem in regnum recepit, qui conflixit, qui signa contulit, qui de imperio paene certavit, regnat hodie et amicitiae nomen ac societatis, quod armis violarat, id precibus est consecutus: ille Cyprius miser, qui semper amicus, semper socius fuit, de quo nulla umquam suspicio durior aut ad senatum aut ad imperatores adlata nostros est, vivus, ut aiunt, est et videns cum victu ac vestitu suo publicatus. em cur ceteri reges stabilem esse suam fortunam arbitrentur, cum hoc illius funesti anni prodito exemplo videant per tribunum aliquem et sescentas operas se fortunis spoliari et regno omni posse nudari!

[XXVIII] [60] at etiam eo negotio M. Catonis splendorem maculare voluerunt ignari quid gravitas, quid integritas, quid magnitudo animi, quid denique virtus valeret, quae in tempestate saeva quieta est et lucet in tenebris et pulsa loco manet tamen atque haeret in patria splendetque per sese semper neque alienis umquam sordibus obsolescit. non illi ornandum M. Catonem sed relegandum, nec illi committendum illud negotium sed imponendum putaverunt, qui in contione palam dixerint linguam se evellisse M. Catoni, quae semper contra extraordinarias potestates libera fuisset. sentient, ut spero, brevi tempore manere libertatem illam, atque hoc etiam, si fieri

potuerit, esse maiorem, quod cum consulibus illis M. Cato, etiam cum iam desperasset aliquid auctoritate sua profici posse, tamen voce ipsa ac dolore pugnavit, et post meum discessum iis Pisonem verbis flens meum et rei publicae casum vexavit ut illum hominem perditissimum atque impudentissimum paene iam provinciae paeniteret. [61] 'cur igitur rogationi paruit?' quasi vero ille non in alias quoque leges, quas iniuste rogatas putaret, iam ante iurarit! non offert se ille istis temeritatibus, ut, cum rei publicae nihil prosit, se civi rem publicam privet. consule me cum esset designatus tribunus plebis, obtulit in discrimen vitam suam; dixit eam sententiam cuius invidiam capitis periculo sibi praestandam videbat; dixit vehementer, egit acriter; ea quae sensit prae se tulit; dux, auctor, actor rerum illarum fuit, non quo periculum suum non videret, sed in tanta rei publicae tempestate nihil sibi nisi de patriae periculis cogitandum putabat.

[XXIX] [62] consecutus est ipsius tribunatus. quid ego de singulari magnitudine animi eius ac de incredibili virtute dicam? meministis illum diem cum, templo a conlega occupato, nobis omnibus de vita eius viri et civis timentibus, ipse animo firmissimo venit in templum, et clamorem hominum auctoritate impetum improborum virtute sedavit. adiit tum periculum, sed adiit ob eam causam quae quanta fuerit iam mihi dicere non est necesse. at si isti Cypriae rogationi sceleratissimae non paruisset, haereret illa nihilo minus rei publicae turpitudo; regno enim iam publicato de ipso Catone erat nominatim rogatum; quod ille si repudiasset, dubitatis quin ei vis esset adlata, cum omnia acta illius anni per unum illum labefactari viderentur? [63] atque etiam hoc videbat, quoniam illa in re publica macula regni publicati maneret, quam nemo iam posset eluere, quod ex malis boni posset in rem publicam pervenire, id utilius esse per se conservari quam per alios (dissipari). atque ille etiam si alia quapiam vi expelleretur illis temporibus ex hac urbe, facile pateretur. etenim qui superiore anno senatu caruisset, quo si tum veniret me tamen socium suorum in re publica consiliorum videre posset, is aequo animo tum, me expulso et meo nomine cum universo senatu tum sententia sua condemnata, in hac urbe esse posset? ille vero eidem tempori cui nos, eiusdem furori, eisdem consulibus, eisdem minis insidiis periculis cessit. luctum nos hausimus maiorem, dolorem ille animi non minorem.

[XXX] [64] his de tot tantisque iniuriis in socios, in reges, in civitates liberas consulum querela esse debuit: in eius magistratus tutela reges atque exterae nationes semper fuerunt. ecquae vox umquam est audita consulum? quamquam quis audiret, si maxime queri vellent? de Cyprio rege quererentur qui me civem, nullo meo crimine, patriae nomine laborantem, non modo stantem non defenderunt sed ne iacentem quidem protexerunt? cesseram, si alienam a me plebem fuisse vultis, quae non fuit, invidiae; si commoveri omnia videbantur, tempori; si vis suberat, armis; si societas magistratuum, pactioni; si periculum civium, rei publicae. [65] cur, cum de capite civis — non disputo cuius modi civis — et de bonis proscriptio ferretur, cum et sacratis legibus et duodecim tabulis sanctum esset ut ne cui privilegium inrogari liceret neve de capite nisi comitiis centuriatis rogari, nulla vox est audita consulum, constitutumque est illo anno, quantum in illis duabus huius imperi pestibus fuit, iure posse per operas concitatas quemvis civem nominatim tribuni plebis concilio ex civitate exturbari? [66] quae vero promulgata illo anno fuerint, quae promissa multis, quae conscripta, quae sperata, quae cogitata, quid dicam? qui locus orbi terrae iam non erat alicui destinatus? cuius negoti publici cogitari, optari, fingi curatio potuit quae non esset attributa atque discripta? quod genus imperi aut quae provincia, quae ratio aut flandae aut conflandae pecuniae non reperiebatur? quae regio orave terrarum erat latior in qua non regnum aliquod statueretur? quis autem rex erat qui illo anno non aut emendum sibi quod non habebat, aut redimendum quod habebat arbitraretur? quis provinciam, quis pecuniam, quis legationem a senatu petebat? damnatis de vi restitutio, consulatus petitio ipsi illi populari sacerdoti comparabatur. haec gemebant boni, sperabant improbi, agebat tribunus plebis, consules adiuvabant.

[XXXI] [67] hic aliquando, serius quam ipse vellet, Cn. Pompeius invitissimis iis qui mentem optimi ac fortissimi viri suis consiliis fictisque terroribus a defensione meae salutis averterant, excitavit illam suam non sopitam, sed suspicione aliqua retardatam consuetudinem rei publicae bene gerendae. non est passus ille vir, qui sceleratissimos civis, qui acerrimos hostis, qui maximas nationes, qui reges, qui gentis feras atque inauditas, qui praedonum infinitam manum, qui etiam servitia virtute victoriaque domuisset, qui omnibus

bellis terra marique compressis imperium populi Romani orbis terrarum terminis definisset, rem publicam everti scelere paucorum, quam ipse non solum consiliis sed etiam sanguine suo saepe servasset: accessit ad causam publicam, restitit auctoritate sua reliquis rebus, questus est de praeteritis. fieri quaedam ad meliorem spem inclinatio visa est. [68] decrevit senatus frequens de meo reditu Kalendis Iuniis, dissentiente nullo, referente L. Ninnio, cuius in mea causa numquam fides virtusque contremuit. intercessit Ligus iste nescio qui, additamentum inimicorum meorum. res erat et causa nostra eo iam loci ut erigere oculos et vivere videretur. quisquis erat qui aliquam partem in meo luctu sceleris Clodiani attigisset, quocumque venerat, quod iudicium cumque subierat, damnabatur: inveniebatur nemo qui se suffragium de me tulisse confiteretur. decesserat ex Asia frater meus magno squalore, sed multo etiam maiore maerore. huic ad urbem venienti tota obviam civitas cum lacrimis gemituque processerat. loquebatur liberius senatus; concurrebant equites Romani; Piso ille, gener meus, cui fructum pietatis suae neque ex me neque a populo Romano ferre licuit, a propinquo suo socerum suum flagitabat; omnia senatus reiciebat, nisi de me primum consules rettulissent.

[XXXII] [69] quae cum res iam manibus teneretur, et cum consules provinciarum pactione libertatem omnem perdidissent, — qui, cum in senatu privati ut de me sententias dicerent flagitabant, legem illi se Clodiam timere dicebant: cum hoc non possent iam diutius sustinere, initur consilium de interitu Cn. Pompei. quo patefacto ferroque deprenso, ille inclusus domi tam diu fuit quam diu inimicus meus in tribunatu. de meo reditu octo tribuni promulgaverunt; ex quo intellectum est non mihi absenti crevisse amicos, in ea praesertim fortuna in qua non nulli etiam quos esse putaveram non erant, sed eos voluntatem semper eandem, libertatem non eandem semper habuisse; nam ex novem tribunis quos tunc habueram unus me absente defluxit, qui cognomen sibi ex Aeliorum imaginibus arripuit, quo magis nationis eius esse quam generis videretur. [70] hoc igitur anno magistratibus novis designatis, cum omnes boni omnem spem melioris status in eorum fidem convertissent, princeps P. Lentulus auctoritate ac sententia sua, Pisone et Gabinio repugnantibus, causam suscepit, tribunisque plebis octo referentibus praestantissimam de me

sententiam dixit. qui cum ad gloriam suam atque ad amplissimi benefici gratiam magis pertinere videret causam illam integram ad suum consulatum reservari, tamen rem talem per alios citius quam per se tardius confici malebat.

[XXXIII] [71] hoc interim tempore P. Sestius, iudices, designatus iter ad C. Caesarem pro mea salute suscepit; pertinere et ad concordiam civium putavit et ad perficiundi facultatem animum Caesaris a causa non abhorrere. quid egerit, quantum profecerit, nihil ad causam. equidem existimo, si ille, ut arbitror, aequus nobis fuerit, nihil ab hoc profectum, sin iratior, non multum; sed tamen sedulitatem atque integritatem hominis videtis. ingredior iam in Sesti tribunatum, nam hoc primum iter designatus rei publicae causa suscepit; abiit ille annus; respirasse homines videbantur nondum re, sed spe rei publicae reciperandae. exierunt malis ominibus atque exsecrationibus duo vulturii paludati. quibus utinam ipsis evenissent ea quae tum homines precabantur! neque nos provinciam Macedoniam cum exercitu neque equitatum in Syria et cohortis optimas perdidissemus. [72] ineunt magistratum tribuni plebis, qui omnes se de me promulgaturos confirmarant. ex iis princeps emitur ab inimicis meis is quem homines in luctu inridentes Gracchum vocabant, quoniam id etiam fatum civitatis fuit ut illa ex vepreculis extracta nitedula rem publicam conaretur adrodere. alter vero, non ille Serranus ab aratro, sed ex deserta Gavi Oleli area calatis Gaviis in Calatinos Atilios insitus, subito, nominibus in tabulas relatis, nomen suum de tabula sustulit. veniunt Kalendae Ianuariae. vos haec melius scire potestis, equidem audita dico: quae tum frequentia senatus, quae exspectatio populi, qui concursus legatorum ex Italia cuncta, quae virtus, actio, gravitas P. Lentuli consulis fuerit, quae etiam conlegae eius moderatio de me. qui cum inimicitias sibi mecum ex rei publicae dissensione susceptas esse dixisset, eas se patribus conscriptis dixit et temporibus rei publicae permissurum.

[XXXIV] [73] tum princeps rogatus sententiam L. Cotta dixit id quod dignissimum re publica fuit, nihil de me actum esse iure, nihil more maiorum, nihil legibus; non posse quemquam de civitate tolli sine iudicio; de capite non modo ferri, sed ne iudicari quidem posse nisi comitiis centuriatis; vim fuisse illam, flammam quassatae rei publicae perturbatorumque temporum; iure iudiciisque sublatis,

magna rerum permutatione impendente, declinasse me paulum et spe reliquae tranquillitatis praesentis fluctus tempestatemque fugisse; qua re, cum absens rem publicam non minus magnis periculis quam quodam tempore praesens liberassem, non restitui me solum sed etiam ornari a senatu decere. disputavit etiam multa prudenter, ita de me illum amentissimum et profligatissimum hostem pudoris et pudicitiae scripsisse quae scripsisset, iis verbis rebus sententiis ut, etiam si iure esset rogatum, tamen vim habere non posset; qua re me, qui nulla lege abessem, non restitui lege, sed revocari senatus auctoritate oportere. [74] hunc nemo erat quin verissime sentire diceret. sed post eum rogatus Cn. Pompeius, adprobata laudataque Cottae sententia, dixit sese oti mei causa, ut omni populari concitatione defungerer, censere ut ad senatus auctoritatem populi quoque Romani beneficium erga me adiungeretur. Cum omnes certatim aliusque alio gravius atque ornatius de mea salute dixisset fieretque sine ulla varietate discessio, surrexit, ut scitis, Atilius hic Gavianus; nec ausus est, cum esset emptus, intercedere; noctem sibi ad deliberandum postulavit. clamor senatus, querelae, preces, socer ad pedes abiectus. ille se adfirmare postero die moram nullam esse facturum. creditum est; discessum est. illi interea deliberatori merces longa interposita nocte duplicata est. consecuti dies pauci omnino Ianuario mense per quos senatum haberi liceret; sed tamen actum nihil nisi de me.

[XXXV] [75] Cum omni mora, ludificatione, calumnia senatus auctoritas impediretur, venit tandem concilio de me agendi dies, viii Kal. Febr. princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit. quietus eo die Sestius, is qui est de vi reus; actor hic defensorque causae meae nihil progreditur, consilia exspectat inimicorum meorum. quid? illi quorum consilio P. Sestius in iudicium vocatur, quo se pacto gerunt? Cum forum, comitium, curiam multa de nocte armatis hominibus ac servis plerisque occupavissent, impetum faciunt in Fabricium, manus adferunt, occidunt non nullos, vulnerant multos. venientem in forum virum optimum et constantissimum, [76] M. Cispium, tribunum plebis, vi depellunt, caedem in foro maximam faciunt, universique destrictis gladiis et cruentis in omnibus fori partibus fratrem meum, virum optimum, fortissimum meique amantissimum, oculis quaerebant,

voce poscebant. quorum ille telis libenter in tanto luctu ac desiderio mei non repugnandi, sed moriendi causa corpus obtulisset suum, nisi suam vitam ad spem mei reditus reservasset. subiit tamen vim illam nefariam consceleratorum latronum et, cum ad fratris salutem a populo Romano deprecandam venisset, pulsus e rostris in comitio iacuit, seque servorum et libertorum corporibus obtexit, vitamque tum suam noctis et fugae praesidio non iuris iudiciorumque defendit. [77] meministis tum, iudices, corporibus civium Tiberim compleri, cloacas refarciri, e foro spongiis effingi sanguinem, ut omnes tantam illam copiam et tam magnificum apparatum non privatum aut plebeium, sed patricium et praetorium esse arbitrarentur

[XXXVI] nihil neque ante hoc tempus neque hoc ipso turbulentissimo die criminamini Sestium. ‘atqui vis in foro versata est.’ certe; quando enim maior? lapidationes persaepe vidimus, non ita saepe, sed nimium tamen saepe gladios: caedem vero tantam, tantos acervos corporum exstructos, nisi forte illo Cinnano atque Octaviano die, quis umquam in foro vidit? qua ex concitatione animorum? nam ex pertinacia aut constantia intercessoris oritur saepe seditio, culpa atque improbitate latoris commodo aliquo (proposito) imperitis aut largitione, oritur ex concertatione magistratuum, oritur sensim ex clamore primum, deinde aliqua discessione contionis, vix sero et raro ad manus pervenitur: nullo vero verbo facto, nulla contione advocata, nulla (lata) lege concitatam nocturnam seditionem quis audivit? [78] an veri simile est ut civis Romanus aut homo liber quisquam cum gladio in forum descenderit ante lucem, ne de me ferri pateretur, praeter eos qui ab illo pestifero ac perdito civi iam pridem rei publicae sanguine saginantur? hic iam de ipso accusatore quaero, qui P. Sestium queritur cum multitudine in tribunatu et cum praesidio magno fuisse, num illo die fuerit? certe non fuit. Victa igitur est causa rei publicae, et victa non auspiciis, non intercessione, non suffragiis, sed vi, manu, ferro. nam si obnuntiasset Fabricio is praetor qui se servasse de caelo dixerat, accepisset res publica plagam, sed eam quam acceptam gemere posset; si intercessisset conlega Fabricio, laesisset rem publicam, sed (tribunicio) iure laesisset. gladiatores tu novicios, pro exspectata aedilitate suppositos, cum sicariis e carcere emissis ante lucem inmittas? magistratus templo deicias, caedem maximam

facias, forum purges? et cum omnia vi et armis egeris, accuses eum qui se praesidio munierit, non ut te oppugnaret, sed ut vitam suam posset defendere?

[XXXVII] [79] atqui ne ex eo quidem tempore id egit Sestius ut a suis munitus tuto in foro magistratum gereret, rem publicam administraret. itaque fretus sanctitate tribunatus, cum se non modo contra vim et ferrum sed etiam contra verba atque interfationem legibus sacratis esse armatum putaret, venit in templum Castoris, obnuntiavit consuli: cum subito manus illa Clodiana, in caede civium saepe iam victrix, exclamat, incitatur, invadit; inermem atque imparatum tribunum alii gladiis adoriuntur, alii fragmentis saeptorum et fustibus; a quibus hic multis vulneribus acceptis ac debilitato corpore et contrucidato se abiecit exanimatus, neque ulla alia re ab se mortem nisi opinione mortis depulit. quem cum iacentem et concisum plurimis vulneribus extremo spiritu exsanguem et confectum viderent, defetigatione magis et errore quam misericordia et modo aliquando caedere destiterunt. [80] et causam dicit Sestius de vi? quid ita? quia vivit. at id non sua culpa: plaga una illa extrema defuit, quae si accessisset reliquum spiritum exhausisset. accusa Lentidium; non percussit locum; male dic Titio, Sabino homini Reatino, cur tam temere exclamarit occisum. ipsum vero quid accusas? num defuit gladiis? num repugnavit? num, ut gladiatoribus imperari solet, ferrum non recepit?

[XXXVIII] an haec ipsa vis est, non posse emori? an illa, quod tribunus plebis templum cruentavit? an quod, cum esset ablatus primumque resipisset, non se referri iussit? Vbi est crimen? quid reprehenditis? [81] hic quaero, iudices: si illo die gens ista Clodia quod facere voluit effecisset, si P. Sestius, qui pro occiso relictus est, occisus esset, fuistisne ad arma ituri? fuistisne vos ad patrium illum animum maiorumque virtutem excitaturi? fuistisne aliquando rem publicam a funesto latrone repetituri? an etiam tum quiesceretis, cunctaremini, timeretis, cum rem publicam a facinerosissimis sicariis et a servis esse oppressam atque conculcatam videretis? cuius igitur mortem ulcisceremini, si quidem liberi esse et habere rem publicam cogitaretis, de eius virtute vivi quid vos loqui, quid sentire, quid cogitare, quid iudicare oporteat, dubitandum putatis? [82] at vero ipsi illi parricidae, quorum ecfrenatus furor alitur impunitate diuturna,

adeo vim facinoris sui perhorruerant ut, si paulo longior opinio mortis Sesti fuisset, Gracchum illum suum transferendi in nos criminis causa occidere cogitarint. sensit rusticulus non incautus — neque enim homines nequam tacere potuerunt — suum sanguinem quaeri ad restinguendam invidiam facinoris Clodiani; mulioniam paenulam arripuit, cum qua primum Romam ad comitia venerat; messoria se corbe contexit. Cum quaererent alii Numerium, alii Quintium, gemini nominis errore servatus est. atque hoc scitis omnes, usque adeo hominem in periculo fuisse quoad scitum est Sestium vivere; quod ni esset patefactum paulo citius quam vellem, non illi quidem morte mercennarii sui transferre potuissent invidiam in quos putabant, sed acerbissimi sceleris infamiam grato quodam scelere minuissent. [83] ac si tum P. Sestius, iudices, in templo Castoris animam quam vix retinuit edidisset, non dubito quin, si modo esset in re publica senatus, si maiestas populi Romani revixisset, aliquando statua huic ob rem publicam interfecto in foro statueretur. nec vero illorum quisquam quos a maioribus nostris morte obita positos in illo loco atque in rostris conlocatos videtis esset P. Sestio aut acerbitate mortis aut animo in rem publicam praeponendus; qui cum causam civis calamitosi, causam amici, causam bene de re publica meriti, causam senatus, causam Italiae, causam rei publicae suscepisset, cumque auspiciis religionique parens obnuntiaret quod senserat, luce palam a nefariis pestibus in deorum hominumque conspectu esset occisus sanctissimo in templo, sanctissima in causa, sanctissimo in magistratu. eius igitur vitam quisquam spoliandam ornamentis esse dicet, cuius mortem ornandam monumento sempiterno putaretis?

[XXXIX] [84] ‘homines,’ inquit, ‘emisti, coegisti, parasti.’ quid uti faceret? senatum obsideret? civis indemnatos expelleret? bona diriperet? aedis incenderet? tecta disturbaret? templa deorum immortalium inflammaret? tribunos plebis ferro e rostris expelleret? provincias quas vellet quibus vellet venderet? reges appellaret? rerum capitalium condemnatos in liberas civitates per legatos nostros reduceret? principem civitatis ferro obsessum teneret? haec ut efficere posset, quae fieri nisi armis oppressa re publica nullo modo poterant, idcirco, credo, manum sibi P. Sestius et copias comparavit. ‘at nondum erat maturum; nondum res ipsa ad eius modi praesidia

viros bonos compellebat.' pulsi nos eramus, non omnino ista manu sola, sed tamen non sine ista: vos taciti maerebatis. [85] captum erat forum anno superiore, aede Castoris tamquam arce aliqua (a) fugitivis occupata: silebatur. omnia hominum cum egestate tum audacia perditorum clamore, concursu, vi, manu gerebantur: perferebatis. magistratus templis pellebantur, alii omnino aditu ac foro prohibebantur: nemo resistebat. gladiatores ex praetoris comitatu comprensi, in senatum introducti, confessi, in vincla coniecti a Milone, emissi a Serrano: mentio nulla. forum corporibus civium Romanorum constratum caede nocturna: non modo nulla nova quaestio, sed etiam vetera iudicia sublata. tribunum plebis plus viginti vulneribus acceptis iacentem moribundumque vidistis: alterius tribuni plebis divini hominis — dicam enim quod sentio et quod mecum sentiunt omnes — divini, insigni quadam, inaudita, nova magnitudine animi, gravitate, fide praediti, domus est oppugnata ferro, facibus, exercitu Clodiano

[XL] [86] et tu hoc loco laudas Milonem et iure laudas. quem enim umquam virum tam immortali virtute vidimus? qui nullo praemio proposito praeter hoc, quod iam contritum et contemptum putatur, iudicium bonorum, omnia pericula, summos labores, gravissimas contentiones inimicitiasque suscepit, qui mihi unus ex omnibus civibus videtur re docuisse, non verbis, et quid oporteret a praestantibus viris in re publica fieri et quid necesse esset: oportere hominum audacium, eversorum rei publicae, sceleri legibus et iudiciis resistere; si leges non valerent, iudicia non essent, si res publica vi consensuque audacium armis oppressa teneretur, praesidio et copiis defendi vitam et libertatem necesse esse. hoc sentire prudentiae est, facere fortitudinis; et sentire vero et facere perfectae cumulataeque virtutis. [87] adiit ad rem publicam tribunus plebis Milo — de cuius laude plura dicam, non quo aut ipse haec dici quam existimari malit aut ego hunc laudis fructum praesenti libenter impertiam, praesertim cum verbis consequi non possim, sed quod existimo, si Milonis causam accusatoris voce conlaudatam probaro, vos in hoc crimine parem Sesti causam existimaturos: adiit igitur T. Annius ad causam rei publicae sic ut civem patriae reciperare vellet ereptum. simplex causa, constans ratio, plena consensionis omnium, plena concordiae. conlegas adiutores habebat; consulis alterius

summum studium, alterius animus paene placatus, de praetoribus unus alienus, senatus incredibilis voluntas, equitum Romanorum animi ad causam excitati, erecta Italia. duo soli erant empti ad impediendum; qui si homines despecti et contempti tantam rem sustinere non potuissent, se causam quam susceperat nullo labore peracturum videbat. agebat auctoritate, agebat consilio, agebat per summum ordinem, agebat exemplo bonorum ac fortium civium: quid re publica, quid se dignum esset, quis ipse esset, quid sperare, quid maioribus suis reddere deberet, diligentissime cogitabat.

[XLI] [88] huic gravitati hominis videbat ille gladiator se, si moribus ageret, parem esse non posse; ad ferrum, faces, ad cotidianam caedem, incendia, rapinas se cum exercitu suo contulit; domum oppugnare, itineribus occurrere, vi lacessere et terrere coepit. non movit hominem summa gravitate summaque constantia; sed quamquam dolor animi, innata libertas, prompta excellensque virtus fortissimum virum hortabatur vi vim, oblatam praesertim saepius, ut frangeret et refutaret, tanta moderatio fuit hominis, tantum consilium, ut contineret dolorem neque eadem se re ulcisceretur qua esset lacessitus, sed illum tot iam in funeribus rei publicae exsultantem ac tripudiantem legum, si posset, laqueis constringeret. [89] descendit ad accusandum. quis umquam tam proprie rei publicae causa, nullis inimicitiis, nullis praemiis, nulla hominum postulatione aut etiam opinione id eum umquam esse facturum? fracti erant animi hominis; hoc enim accusante pristini illius sui iudici turpitudinem desperabat. ecce tibi consul, praetor, tribunus plebis nova novi generis edicta proponunt; ‘ne reus adsit, ne citetur, ne quaeratur, ne mentionem omnino cuiquam iudicum aut iudiciorum facere liceat!’ quid ageret vir ad virtutem, dignitatem, gloriam natus vi sceleratorum hominum conroborata, legibus iudiciisque sublatis? cervices tribunus plebis privato, praestantissimus vir profligatissimo homini daret? an causam susceptam adfligeret? an se domi contineret? et vinci turpe putavit et deterreri (et clam eripi: id egit) ut, quoniam sibi in illum legibus uti non liceret, illius vim neque in suo neque in rei publicae periculo pertimesceret.

[XLII] [90] quo modo igitur hoc in genere praesidi comparati accusas Sestium, cum idem laudes Milonem? an qui sua tecta defendit, qui ab aris focis ferrum flammamque depellit, qui sibi licere vult tuto esse in

foro, in templo, in curia, iure praesidium comparat: qui vulneribus, quae cernit cotidie toto corpore, monetur ut aliquo praesidio caput et cervices et iugulum ac latera tutetur, hunc de vi accusandum putas? quis enim nostrum, [91] iudices, ignorat ita naturam rerum tulisse ut quodam tempore homines nondum neque naturali neque civili iure descripto fusi per agros ac dispersi vagarentur, tantumque haberent quantum manu ac viribus per caedem ac vulnera aut eripere aut retinere potuissent? qui igitur primi virtute et consilio praestanti exstiterunt, ii perspecto genere humanae docilitatis atque ingeni dissupatos unum in locum congregarunt eosque ex feritate illa ad iustitiam atque ad mansuetudinem transduxerunt. tum res ad communem utilitatem, quas publicas appellamus, tum conventicula hominum, quae postea civitates nominatae sunt, tum domicilia coniuncta, quas urbis dicimus, invento et divino iure et humano moenibus saepserunt. [92] atque inter hanc vitam perpolitam humanitate et illam immanem nihil tam interest quam ius atque vis. Horum utro uti nolumus, altero est utendum. vim volumus exstingui, ius valeat necesse est, id est iudicia, quibus omne ius continetur; iudicia displicent aut nulla sunt, vis dominetur necesse est. hoc vident omnes: Milo et vidit et fecit, ut ius experiretur, vim depelleret. altero uti voluit, ut virtus audaciam vinceret; altero usus necessario est, ne virtus ab audacia vinceretur. eademque ratio fuit Sesti, si minus in accusando — neque enim per omnis fuit idem fieri necesse — at certe in necessitate defendendae salutis suae praesidioque contra vim et manum comparando.

[XLIII] [93] O di immortales! quemnam ostenditis exitum nobis? quam spem rei publicae datis? quotus quisque invenietur tanta virtute vir qui optimam quamque causam rei publicae amplectatur, qui bonis viris deserviat, qui solidam laudem veramque quaerat? cum sciat duo illa rei publicae paene fata, Gabinium et Pisonem, alterum haurire cotidie ex pacatissimis atque opulentissimis Syriae gazis innumerabile pondus auri, bellum inferre quiescentibus, ut eorum veteres inlibatasque divitias in profundissimum libidinum suarum gurgitem profundat, villam aedificare in oculis omnium tantam tugurium ut iam videatur esse illa villa quam ipse tribunus plebis pictam olim in contionibus explicabat, quo fortissimum ac summum civem in invidiam homo castus ac non cupidus vocaret; [94] alterum

Thracibus ac Dardanis primum pacem maxima pecunia vendidisse, deinde, ut illi pecuniam conficere possent, vexandam iis Macedoniam et spoliandam tradidisse, eundemque bona creditorum, civium Romanorum, cum debitoribus Graecis divisisse, cogere pecunias maximas a Dyrrachinis, spoliare Thessalos, certam Achaeis in annos singulos pecuniam imperavisse neque tamen ullo in publico aut religioso loco signum aut tabulam aut ornamentum reliquisse; illos sic inludere quibus omne supplicium atque omnis iure optimo poena debetur, reos esse hos duos quos videtis. omitto iam Numerium, Serranum, Aelium, quisquilias seditionis Clodianae; sed tamen hi quoque etiam nunc volitant, ut videtis, nec, dum vos de vobis aliquid timebitis, illi umquam de se pertimescent.

[XLIV] [95] nam quid ego de aedili ipso loquar, qui etiam diem dixit et accusavit de vi Milonem? neque hic tamen ulla umquam iniuria adducetur ut eum tali virtute tantaque firmitate animi se in rem publicam fuisse paeniteat; sed qui haec vident adulescentes quonam suas mentis conferent? ille qui monumenta publica, qui aedis sacras, qui domos inimicorum suorum oppugnavit excidit incendit, qui stipatus semper sicariis, saeptus armatis, munitus indicibus fuit, quorum hodie copia redundat, qui et peregrinam manum facinerosorum concitavit et servos ad caedem idoneos emit et in tribunatu carcerem totum in forum effudit, volitat aedilis, accusat eum qui aliqua ex parte eius furorem exsultantem repressit: hic qui se est tutatus sic ut in privata re deos penatis suos, in re publica iura tribunatus atque auspicia defenderet, accusare eum moderate a quo ipse nefarie accusatur per senatus auctoritatem non est situs. [96] nimirum hoc illud est quod de me potissimum tu in accusatione quaesisti, quae esset nostra ‘natio optimatium’; sic enim dixisti. rem quaeris praeclaram iuventuti ad discendum nec mihi difficilem ad perdocendum; de qua pauca, iudices, dicam, et, ut arbitror, nec ab utilitate eorum qui audient, nec ab officio vestro, nec ab ipsa causa P. Sesti abhorrebit oratio mea.

[XLV] duo genera semper in hac civitate fuerunt eorum qui versari in re publica atque in ea se excellentius gerere studuerunt; quibus ex generibus alteri se popularis, alteri optimates et haberi et esse voluerunt. qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse, populares, qui autem ita se gerebant ut sua

consilia optimo cuique probarent, optimates habebantur. [97] quis ergo iste optimus quisque? numero, si quaeris, innumerabiles, neque enim aliter stare possemus; sunt principes consili publici, sunt qui eorum sectam sequuntur, sunt maximorum ordinum homines, quibus patet curia, sunt municipales rusticique Romani, sunt negoti gerentes, sunt etiam libertini optimates. numerus, ut dixi, huius generis late et varie diffusus est; sed genus universum, ut tollatur error, brevi circumscribi et definiri potest. omnes optimates sunt qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti. esto igitur ut ii sint, quam tu 'nationem' appellasti, qui et integri sunt et sani et bene de rebus domesticis constituti. Horum qui voluntati, commodis, opinionibus in gubernanda re publica serviunt, defensores optimatium ipsique optimates gravissimi et clarissimi cives numerantur et principes civitatis. [98] quid est igitur propositum his rei publicae gubernatoribus quod intueri et quo cursum suum derigere debeant? id quod est praestantissimum maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium. hoc qui volunt, omnes optimates, qui efficiunt, summi viri et conservatores civitatis putantur; neque enim rerum gerendarum dignitate homines ecferri ita convenit ut otio non prospiciant, neque ullum amplexari otium quod abhorreat a dignitate.

[XLVI] huius autem otiosae dignitatis haec fundamenta sunt, haec membra, quae tuenda principibus et vel capitis periculo defendenda sunt: religiones, auspicia, potestates magistratuum, senatus auctoritas, leges, mos maiorum, iudicia, iuris dictio, fides, provinciae, socii, imperi laus, res militaris, aerarium. [99] harum rerum tot atque tantarum esse defensorem et patronum magni animi est, magni ingeni magnaeque constantiae. etenim in tanto civium numero magna multitudo est eorum qui aut propter metum poenae, peccatorum suorum conscii, novos motus conversionesque rei publicae quaerant, aut qui propter insitum quendam animi furorem discordiis civium ac seditione pascantur, aut qui propter implicationem rei familiaris communi incendio malint quam suo deflagrare. qui cum tutores sunt et duces suorum studiorum vitiorumque nacti, in re publica fluctus excitantur, ut vigilandum sit iis qui sibi gubernacula patriae depoposcerunt, enitendumque omni scientia ac diligentia ut, conservatis iis quae ego paulo ante

fundamenta ac membra esse dixi, tenere cursum possint et capere oti illum portum et dignitatis. [100] hanc ego viam, iudices, si aut asperam atque arduam aut plenam esse periculorum aut insidiarum negem, mentiar, praesertim cum id non modo intellexerim semper, sed etiam praeter ceteros senserim.

[XLVII] maioribus praesidiis et copiis oppugnatur res publica quam defenditur, propterea quod audaces homines et perditi nutu impelluntur et ipsi etiam sponte sua contra rem publicam incitantur, boni nescio quo modo tardiores sunt et principiis rerum neglectis ad extremum ipsa denique necessitate excitantur, ita ut non numquam cunctatione ac tarditate, dum otium volunt etiam sine dignitate retinere, ipsi utrumque amittant. [101] propugnatores autem rei publicae qui esse voluerunt, si leviores sunt, desciscunt, si timidiores, desunt: permanent illi soli atque omnia rei publicae causa perferunt qui sunt tales qualis pater tuus, M. Scaure, fuit, qui a C. Graccho usque ad Q. Varium seditiosis omnibus restitit, quem numquam ulla vis, ullae minae, ulla invidia labefecit; aut qualis Q. Metellus, patruus matris tuae, qui cum florentem hominem in populari ratione, L. Saturninum, censor notasset, cumque insitivum Gracchum contra vim multitudinis incitatae censu prohibuisset, cumque in eam legem quam non iure rogatam iudicarat iurare unus noluisset, de civitate maluit quam de sententia demoveri; aut, ut vetera exempla, quorum est copia digna huius imperi gloria, relinquam, neve eorum aliquem qui vivunt nominem, qualis nuper Q. Catulus fuit, quem neque periculi tempestas neque honoris aura potuit umquam de suo cursu aut spe aut metu demovere.

[XLVIII] [102] haec imitamini, per deos immortalis, qui dignitatem, qui laudem, qui gloriam quaeritis! haec ampla sunt, haec divina, haec immortalia; haec fama celebrantur, monumentis annalium mandantur, posteritati propagantur.

est labor, non nego; pericula magna, fateor;
multae insidiae sunt bonis
verissime dictum est; sed te
id quod multi invideant multique expetant inscitiast,
inquit,
postulare, nisi laborem summa cum cura ecferas.

nollem idem alio loco dixisset, quod exciperent improbi cives,
oderint, dum metuant;
praeclara enim illa praecepta dederat iuventuti.

[103] sed tamen haec via ac ratio rei publicae capessendae olim erat magis pertimescenda, cum multis in rebus multitudinis studium aut populi commodum ab utilitate rei publicae discrepabat. tabellaria lex ab L. Cassio ferebatur: populus libertatem agi putabat suam; dissentiebant principes et in salute optimatium temeritatem multitudinis et tabellae licentiam pertimescebant. agrariam Ti. Gracchus legem ferebat: grata erat populo; fortunae constitui tenuiorum videbantur; nitebantur contra optimates, quod et discordiam excitari videbant et, cum locupletes possessionibus diuturnis moverentur, spoliari rem publicam propugnatoribus arbitrabantur. frumentariam legem C. Gracchus ferebat: iucunda res plebei, victus enim suppeditabatur large sine labore; repugnabant boni, quod et ab industria plebem ad desidiam avocari putabant et aerarium exhauriri videbant.

[XLIX] [104] multa etiam nostra memoria, quae consulto praetereo, fuerunt in ea contentione ut popularis cupiditas a consilio principum dissideret. nunc iam nihil est quod populus a delectis principibusque dissentiat: nec flagitat rem ullam neque novarum rerum est cupidus et otio suo et dignitate optimi cuiusque et universae rei publicae gloria delectatur. itaque homines seditiosi ac turbulenti, quia nulla iam largitione populum Romanum concitare possunt, quod plebes perfuncta gravissimis seditionibus ac discordiis otium amplexatur, conductas habent contiones, neque id agunt ut ea dicant aut ferant quae illi velint audire qui in contione sunt, sed pretio ac mercede perficiunt ut, quicquid dicant, id illi velle audire videantur. [105] num vos existimatis Gracchos aut Saturninum aut quemquam illorum veterum qui populares habebantur ullum umquam in contione habuisse conductum? nemo habuit; ipsa enim largitio et spes commodi propositi sine mercede ulla multitudinem concitabat. itaque temporibus illis, qui populares erant, offendebant illi quidem apud gravis et honestos homines, sed populi iudiciis atque omni significatione florebant. his in theatro plaudebatur, hi suffragiis quod contenderant consequebantur, horum homines nomen, orationem,

vultum, incessum amabant. qui autem adversabantur ei generi, graves et magni homines habebantur; sed valebant in senatu multum, apud bonos viros plurimum, multitudini iucundi non erant; suffragiis offendebatur saepe eorum voluntas; plausum vero etiam si quis eorum aliquando acceperat, ne quid peccasset pertimescebat. ac tamen, si quae res erat maior, idem ille populus horum auctoritate maxime commovebatur.

[L] [106] nunc, nisi me fallit, in eo statu civitas est ut, si operas conductorum removeris, omnes idem de re publica sensuri esse videantur. etenim tribus locis significari maxime de (re publica) populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu. quae contio fuit per hos annos, quae quidem esset non conducta sed vera, in qua populi Romani consensus non perspici posset? habitae sunt multae de me a gladiatore sceleratissimo, ad quas nemo adibat incorruptus, nemo integer; nemo illum foedum vultum aspicere, nemo furialem vocem bonus audire poterat. erant illae contiones perditorum hominum necessario turbulentae. [107] habuit de eodem me P. Lentulus consul contionem: concursus est populi Romani factus; omnes ordines, tota in illa contione Italia constitit. egit causam summa cum gravitate copiaque dicendi tanto silentio, tanta adprobatione omnium, nihil ut umquam videretur tam populare ad populi Romani auris accidisse. productus est ab eo Cn. Pompeius, qui se non solum auctorem meae salutis, sed etiam supplicem populo Romano (praebuit). huius oratio ut semper gravis et grata in contionibus fuit, sic contendo numquam neque sententiam eius auctoritate neque eloquentiam iucunditate fuisse maiore. [108] quo silentio sunt auditi de me ceteri principes civitatis! quos idcirco non appello hoc loco ne mea oratio, si minus de aliquo dixero, ingrata, si satis de omnibus, infinita esse videatur. cedo nunc eiusdem illius inimici mei de me eodem ad verum populum in campo Martio contionem! quis non modo adprobavit, sed non indignissimum facinus putavit illum non dicam loqui, sed vivere ac spirare? quis fuit qui non eius voce maculari rem publicam, seque si eum audiret scelere adstringi arbitraretur?

[LI] [109] venio ad comitia, sive magistratuum placet sive legum. leges videmus saepe ferri multas. omitto eas quae feruntur ita vix ut quini, et ii ex aliena tribu, qui suffragium ferant reperiantur. de me,

quem tyrannum atque ereptorem libertatis esse dicebat illa ruina rei publicae, dicit se legem tulisse. quis est qui se, cum contra me ferebatur, inisse suffragium confiteatur? Cum autem de me eodem ex senatus consulto comitiis centuriatis ferebatur, quis est qui non profiteatur se adfuisse et suffragium de salute mea tulisse? Vtra igitur causa popularis debet videri: in qua omnes honestates civitatis, omnes aetates, omnes ordines una consentiunt, an in qua furiae concitatae tamquam ad funus rei publicae convolant? [110] an sicubi aderit Gellius, homo et fratre indignus, viro clarissimo atque optimo consule, et ordine equestri, cuius ille ordinis nomen retinet, ornamenta confecit, id erit populare? 'est enim homo iste populo Romano deditus.' nihil vidi magis; qui, cum eius adulescentia in amplissimis honoribus summi viri, L. Philippi vitrici, florere potuisset, usque eo non fuit popularis ut bona solus comesset; deinde ex impuro adulescente et petulante, postea quam rem paternam ab idiotarum divitiis ad philosophorum reculam perduxit, Graeculum se atque otiosum putari voluit, studio litterarum se subito dedidit. nihil sane (Actaei) iuvabant anagnostae, libelli pro vino etiam saepe oppignerabantur; manebat insaturabile abdomen, copiae deficiebant. itaque semper versabatur in spe rerum novarum, otio et tranquillitate rei publicae consenescebat.

[LII] ecquae seditio umquam fuit in qua non ille princeps? ecqui seditiosus cui ille non familiaris? ecquae turbulenta contio cuius ille non concitator? cui bene dixit umquam bono? bene dixit? immo quem fortem et bonum civem non petulantissime est insectatus? qui, ut credo, non libidinis causa, sed ut plebicola videretur, libertinam duxit uxorem. is de me suffragium tulit, [111] is adfuit, is interfuit epulis et gratulationibus parricidarum; in quo tamen est me ultus, cum illo ore inimicos est meos saviatus. qui quasi mea culpa bona perdiderit, ita ob eam ipsam causam est mihi inimicus, quia nihil habet. Vtrum ego tibi patrimonium eripui, Gelli, an tu comedisti? quid? tu meo periculo, gurges ac vorago patrimoni, helluabare, ut, si ego consul rem publicam contra te et gregalis tuos defendissem, in civitate esse me nolles? te nemo tuorum videre vult, omnes aditum, sermonem, congressum tuum fugiunt: te sororis filius Postumius, adulescens gravis, senili iudicio, notavit, cum in magno numero tutorem liberis non instituit. sed elatus odio et meo et rei publicae

nomine, quorum ille utri sit inimicior nescio, plura dixi quam dicendum fuit in furiosissimum atque egentissimum ganeonem. [112] illuc revertor: contra me cum sit actum, capta urbe atque oppressa, Gellium, Firmidium, Titium, eiusdem modi furias illis mercennariis gregibus duces et auctores fuisse, cum ipse lator nihil ab horum turpitudine, audacia, sordibus abhorreret. at cum de dignitate mea ferebatur, nemo sibi nec valetudinis excusationem nec senectutis satis iustam putavit; nemo fuit qui se non rem publicam mecum simul revocare in suas sedis arbitraretur.

[LIII] [113] videamus nunc comitia magistratuum. fuit conlegium nuper tribunicium, in quo tres minime, vehementer duo populares existimabantur. ex iis qui populares non habebantur, quibus in illo genere conductarum contionum consistendi potestas non erat, duo a populo Romano praetores video esse factos; et, quantum sermonibus vulgi et suffragiis intellegere potui, prae se populus Romanus ferebat sibi illum in tribunatu Cn. Domiti animum constantem et egregium et Q. Anchari fidem ac fortitudinem, etiam si nihil agere potuissent, tamen voluntate ipsa gratum fuisse. iam de C. Fannio quae sit existimatio videmus: quod iudicium populi Romani in honoribus eius futurum sit, nemini dubium esse debet. quid? [114] populares illi duo quid egerunt? alter, qui tamen se continuerat, tulerat nihil, senserat tantum de re publica aliud atque homines exspectabant, vir et bonus et innocens et bonis viris semper probatus, quod parum videlicet intellexit in tribunatu quid vero populo probaretur, et quod illum esse populum Romanum qui in contione erat arbitrabatur, non tenuit eum locum in quem, nisi popularis esse voluisset, facillime pervenisset. alter, qui ita se in populari ratione iactarat ut auspicia, legem Aeliam, senatus auctoritatem, consulem, conlegas, bonorum iudicium nihili putaret, aedilitatem petivit cum bonis viris et hominibus primis sed non praestantissimis opibus et gratia: tribum suam non tulit, Palatinam denique, per quam omnes illae pestes vexare rem publicam dicebantur, perdidit, nec quicquam illis comitiis quod boni viri vellent nisi repulsam tulit. videtis igitur populum ipsum, ut ita dicam, iam non esse popularem, qui ita vehementer eos qui populares habentur respuat, eos autem qui ei generi adversantur honore dignissimos iudicet.

[LIV] [115] veniamus ad ludos; facit enim, iudices, vester iste in me animorum oculorumque coniectus ut mihi iam licere putem remissiore uti genere dicendi. comitiorum et contionum significationes sunt interdum verae, sunt non numquam vitiatae atque corruptae; theatrales gladiatoriique consessus dicuntur omnino solere levitate non nullorum emptos plausus exilis et raros excitare; ac tamen facile est, cum id fit, quem ad modum et a quibus fiat, et quid integra multitudo faciat videre. quid ego nunc dicam quibus viris aut cui generi civium maxime plaudatur? neminem vestrum fallit. sit hoc sane leve, quod non ita est, quoniam optimo cuique impertitur; sed, si est leve, homini gravi leve est, ei vero qui pendet rebus levissimis, qui rumore et, ut ipsi loquuntur, favore populi tenetur et ducitur, plausum immortalitatem, sibilum mortem videri necesse est. [116] ex te igitur, Scaure, potissimum quaero, qui ludos apparatissimos magnificentissimosque fecisti, ecquis istorum popularium tuos ludos aspexerit, ecquis se theatro populoque Romano commiserit. ipse ille maxime ludius, non solum spectator sed actor et acroama, qui omnia sororis embolia novit, qui in coetum mulierum pro psaltria adducitur, nec tuos ludos aspexit in illo ardenti tribunatu suo nec ullos alios nisi eos a quibus vix vivus effugit. semel, inquam, se ludis homo popularis commisit omnino, cum in templo virtutis honos habitus esset virtuti, Gaique Mari, conservatoris huius imperi, monumentum municipi eius et rei publicae defensori sedem ad salutem praebuisset.

[LV] [117] quo quidem tempore quid populus Romanus sentire se ostenderet utroque in genere declaratum est: primum cum audito senatus consulto rei ipsi atque absenti senatui plausus est ab universis datus, deinde cum senatoribus singulis spectatum e senatu redeuntibus: cum vero ipse qui ludos faciebat consul adsedit, stantes ei manibus passis gratias agentes et lacrimantes gaudio suam erga me benivolentiam ac misericordiam declararunt. at cum ille furibundus incitata illa sua vaecordi mente venisset, vix se populus Romanus tenuit, vix homines odium suum a corpore eius impuro atque infando represserunt; voces quidem et palmarum intentus et maledictorum clamorem omnes profuderunt. [118] sed quid ego populi Romani animum virtutemque commemoro, libertatem iam ex diuturna

servitute dispicientis, in eo homine cui tum petenti iam aedilitatem ne histriones quidem coram sedenti pepercerunt? nam cum ageretur togata ‘simulans,’ ut opinor, caterva tota clarissima concentione in ore impuri hominis imminens contionata est:
huic, Tite,tua post principia atque exitus vitiosae vitae — !
sedebat exanimatus, et is qui antea cantorum convicio contiones celebrare suas solebat cantorum ipsorum vocibus eiciebatur. et quoniam facta mentio est ludorum, ne illud quidem praetermittam, in magna varietate sententiarum numquam ullum fuisse locum, in quo aliquid a poeta dictum cadere in tempus nostrum videretur, quod aut populum universum fugeret aut non exprimeret ipse actor. [119] et quaeso hoc loco, iudices, ne qua levitate me ductum ad insolitum genus dicendi labi putetis, si de poetis, de histrionibus, de ludis in iudicio loquar.

[LVI] non sum tam ignarus, iudices, causarum, non tam insolens in dicendo, ut omni ex genere orationem aucuper et omnis undique flosculos carpam atque delibem. scio quid gravitas vestra, quid haec advocatio, quid ille conventus, quid dignitas P. Sesti, quid periculi magnitudo, quid aetas, quid honos meus postulet. sed mihi sumpsi hoc loco doctrinam quandam iuventuti, qui essent optimates. in ea explicanda demonstrandum est non esse popularis omnis eos qui putentur. id facillime consequar, si universi populi iudicium verum et incorruptum et si intimos sensus civitatis expressero. [120] quid fuit illud quod, recenti nuntio de illo senatus consulto quod factum est in templo virtutis ad ludos scaenamque perlato, consessu maximo summus artifex et me hercule semper partium in re publica tam quam in scaena optimarum, flens et recenti laetitia et mixto dolore ac desiderio mei, egit apud populum Romanum multo gravioribus verbis meam causam quam egomet de me agere potuissem? summi enim poetae ingenium non solum arte sua, sed etiam dolore exprimebat. qua enim (vi):
qui rem publicam certo animo adiuverit,statuerit, steterit cum Achivis —
vobiscum me stetisse dicebat, vestros ordines demonstrabat!
revocabatur ab universis —
re dubiahaut dubitarit vitam offerre nec capiti pepercerit.

haec quantis ab illo clamoribus agebantur! [121] Cum iam omisso gestu verbis poetae et studio actoris et exspectationi nostrae plauderetur:
summum amicum summo in bello —
nam illud ipse actor adiungebat amico animo et fortasse homines propter aliquod desiderium adprobabant:
summo ingenio praeditum.

[LVII] iam illa quanto cum gemitu populi Romani ab eodem paulo post in eadem fabula sunt acta!
O pater —
me, me ille absentem ut patrem deplorandum putabat, quem Q. Catulus, quem multi alii saepe in senatu patrem patriae nominarant. quanto cum fletu de illis nostris incendiis ac ruinis, cum patrem pulsum, patriam adflictam deploraret, domum incensam eversamque, sic egit ut, demonstrata pristina fortuna, cum se convertisset,
haec omnia vidi inflammari
fletum etiam inimicis atque invidis excitaret! [122] pro di immortales! quid? illa quem ad modum dixit idem! quae mihi quidem ita et acta et scripta videntur esse ut vel a Q. Catulo, si revixisset, praeclare posse dici viderentur; is enim libere reprehendere et accusare populi non numquam temeritatem solebat aut errorem senatus:
O ingratifici Argivi, immunes Graii, immemores benefici!
non erat illud quidem verum; non enim ingrati, sed miseri, quibus reddere salutem a quo acceperant non liceret, nec unus in quemquam umquam gratior quam in me universi; sed tamen illud scripsit disertissimus poeta pro me, egit fortissimus actor, non solum optimus, de me, cum omnis ordines demonstraret, senatum, equites Romanos, universum populum Romanum accusaret:
Exsulare sinitis, sistis pelli, pulsum patimini!
quae tum significatio fuerit omnium, quae declaratio voluntatis ab universo populo Romano in causa hominis non popularis, equidem audiebam: existimare facilius possunt qui adfuerunt.

[LVIII] [123] et quoniam huc me provexit oratio, histrio casum meum totiens conlacrimavit, cum ita dolenter ageret causam meam ut vox eius illa praeclara lacrimis impediretur; neque poetae, quorum ego

semper ingenia dilexi, tempori meo defuerunt; eaque populus Romanus non solum plausu sed etiam gemitu suo comprobavit. Vtrum igitur haec Aesopum potius pro me aut Accium dicere oportuit, si populus Romanus liber esset, an principes civitatis? nominatim sum appellatus in Bruto:
tullius, qui libertatem civibus stabiliverat.
miliens revocatum est. Parumne videbatur populus Romanus iudicare id a me et a senatu esse constitutum quod perditi cives sublatum per nos criminabantur? [124] maximum vero populi Romani iudicium universi consessu gladiatorio declaratum est; erat enim munus Scipionis, dignum et eo ipso et illo Metello cui dabatur. id autem spectaculi genus erat quod omni frequentia atque omni genere hominum celebratur, quo multitudo maxime delectatur. in hunc consessum P. Sestius tribunus plebis, cum ageret nihil aliud in eo magistratu nisi meam causam, venit et se populo dedit non plausus cupiditate, sed ut ipsi inimici nostri voluntatem universi populi viderent: venit, ut scitis, a columna Maenia: tantus est ex omnibus spectaculis usque a Capitolio, tantus ex fori cancellis plausus excitatus, ut numquam maior consensio aut apertior populi Romani universi fuisse ulla in causa diceretur. [125] Vbi erant tum illi contionum moderatores, legum domini, civium expulsores? Aliusne est aliquis improbis civibus peculiaris populus, cui nos offensi invisique fuerimus?

[LIX] equidem existimo nullum tempus esse frequentioris populi quam illud gladiatorium, neque contionis ullius neque vero ullorum comitiorum. haec igitur innumerabilis hominum multitudo, haec populi Romani tanta significatio sine ulla varietate universi, cum illis ipsis diebus de me actum iri putaretur, quid declaravit nisi optimorum civium salutem et dignitatem populo Romano caram esse universo? [126] at vero ille praetor, qui de me non patris, avi, proavi, maiorum denique suorum omnium, sed Graeculorum instituto contionem interrogare solebat, ‘velletne me redire,’ et, cum erat reclamatum semivivis mercennariorum vocibus, populum Romanum negare dicebat, is, cum cotidie gladiatores spectaret, numquam est conspectus cum veniret. emergebat subito, cum sub tabulas subrepserat, ut

mater, te appello
dicturus videretur; itaque illa via latebrosior, qua spectatum ille veniebat, Appia iam vocabatur; qui tamen quoquo tempore conspectus erat, non modo gladiatores sed equi ipsi gladiatorum repentinis sibilis extimescebant. [127] videtisne igitur quantum (intersit) inter populum Romanum et contionem? dominos contionum omni odio populi notari, quibus autem consistere in operarum contionibus non liceat, eos omni populi Romani significatione decorari?
tu mihi etiam M. Atilium Regulum commemoras, qui redire ipse Carthaginem sua voluntate ad supplicium quam sine iis captivis a quibus ad senatum missus erat Romae manere maluerit, et mihi negas optandum reditum fuisse per familias comparatas et homines armatos?

[LX] vim scilicet ego desideravi, qui, dum vis fuit, nihil egi, et quem, si vis non fuisset, nulla res labefactare potuisset. [128] hunc ego reditum repudiarem, qui ita florens fuit ut verear ne quis me studio gloriae putet idcirco exisse ut ita redirem? quem enim umquam senatus civem nisi me nationibus exteris commendavit? cuius umquam propter salutem nisi meam senatus publice sociis populi Romani gratias egit? de me uno patres conscripti decreverunt ut, qui provincias cum imperio obtinerent, qui quaestores legatique essent, salutem et vitam custodirent: in una mea causa post Romam conditam factum est ut litteris consularibus ex senatus consulto cuncta ex Italia omnes qui rem publicam salvam vellent convocarentur. quod numquam senatus in universae rei publicae periculo decrevit, id in unius mea salute conservanda decernendum putavit. quem curia magis requisivit, quem forum luxit? quem aeque ipsa tribunalia desideraverunt? omnia discessu meo deserta, horrida, muta, plena luctus et maeroris fuerunt. quis est Italiae locus in quo non fixum sit in publicis monumentis studium salutis meae, testimonium dignitatis?

[LXI] [129] nam quid ego illa de me divina senatus consulta commemorem? vel quod in templo Iovis optimi maximi factum est, cum vir is qui tripertitas orbis terrarum oras atque regiones tribus triumphis adiunctas huic imperio notavit, de scripto sententia dicta,

mihi uni testimonium patriae conservatae dedit; cuius sententiam ita frequentissimus senatus secutus est ut unus dissentiret hostis, idque ipsum tabulis publicis mandaretur ad memoriam posteri temporis sempiternam: vel quod est postridie decretum in curia populi ipsius Romani, et eorum qui ex municipiis convenerant admonitu, ne quis de caelo servaret, ne quis moram ullam adferret; si quis aliter fecisset, eum plane eversorem rei publicae fore idque senatum gravissime laturum, et ut statim de eius facto referretur. qua gravitate sua cum frequens senatus non nullorum scelus audaciamque tardasset, tamen illud addidit, ut, si diebus quinque quibus agi de me potuisset non esset actum, redirem in patriam dignitate omni reciperata.

[LXII] decrevit eodem tempore senatus ut iis qui ex tota Italia salutis meae causa convenerant agerentur gratiae, atque ut idem ad res redeuntes ut venirent rogarentur. [130] haec erat studiorum in mea salute contentio ut ii qui a senatu de me rogabantur eidem senatui pro me supplicarent. atque ita in his rebus unus est solus inventus qui ab hac tam impensa voluntate bonorum palam dissideret, ut etiam Q. Metellus consul, qui mihi vel maxime ex magnis contentionibus rei publicae fuisset inimicus, de mea salute rettulerit: qui excitatus cum summa auctoritate P. Servili (tum incredibili) quadam gravitate dicendi, cum ille omnis prope ab inferis evocasset Metellos et ad illius generis, quod sibi cum eo commune esset, dignitatem propinqui sui mentem a Clodianis latrociniis reflexisset, cumque eum ad domestici exempli memoriam et ad Numidici illius Metelli casum vel gloriosum vel gravem convertisset, conlacrimavit vir egregius ac vere Metellus totumque se P. Servilio dicenti etiam tum tradidit, nec illam divinam gravitatem plenam antiquitatis diutius homo eiusdem sanguinis potuit sustinere et mecum absens beneficio suo rediit in gratiam. [131] quod certe, si est aliqui sensus in morte praeclarorum virorum, cum omnibus Metellis tum vero uni viro fortissimo et praestantissimo civi gratissimum, fratri suo, fecit, socio laborum, periculorum, consiliorum meorum.

[LXIII] reditus vero meus qui fuerit quis ignorat? quem ad modum mihi advenienti tamquam totius Italiae atque ipsius patriae dextram porrexerint Brundisini, cum ipsis Nonis Sextilibus idem dies adventus mei fuisset reditusque natalis, idem carissimae filiae, quam

ex gravissimo tum primum desiderio luctuque conspexi, idem etiam ipsius coloniae Brundisinae, idem salutis, cumque me domus eadem optimorum et doctissimorum virorum, (M.) Laeni Flacci et patris et fratris eius, laetissima accepisset, quae proximo anno maerens receperat et suo praesidio periculoque defenderat. cunctae itinere toto urbes Italiae festos dies agere adventus mei videbantur, viae multitudine legatorum undique missorum celebrabantur, ad urbem accessus incredibili hominum multitudine et gratulatione florebat, iter a porta, in Capitolium adscensus, domum reditus erat eius modi ut summa in laetitia illud dolerem, civitatem tam gratam tam miseram atque oppressam fuisse. [132] habes igitur quod ex me quaesisti, qui essent optimates. non est 'natio,' ut dixisti; quod ego verbum agnovi; est enim illius a quo uno maxime P. Sestius se oppugnari videt, hominis eius qui hanc 'nationem' deleri et concidi cupivit, qui C. Caesarem, mitem hominem et a caede abhorrentem, saepe increpuit, saepe accusavit, cum adfirmaret illum numquam, dum haec natio viveret, sine cura futurum. nihil profecit de universis: de me agere non destitit; me oppugnavit, primum per indicem Vettium, quem in contione de me et de clarissimis viris interrogavit, — in quo tamen eos civis coniunxit eodem periculo et crimine, ut a me inierit gratiam quod me cum amplissimis et fortissimis viris congregavit. sed postea mihi nullo meo merito,

[LXIV] [133] nisi quod bonis placere cupiebam, omnis est insidias sceleratissime machinatus. ille ad eos a quibus audiebatur cotidie aliquid de (me) ficti adferebat; ille hominem mihi amicissimum, Cn. Pompeium, monebat ut meam domum metueret atque a me ipso caveret; ille se sic cum inimico meo copularat ut illum meae proscriptionis, quam adiuvabat, Sex. Clodius, homo iis dignissimus quibuscum vivit, tabulam esse, se scriptorem esse diceret; ille unus ordinis nostri discessu meo, luctu vestro palam exsultavit. de quo ego, cum cotidie rueret, verbum feci, iudices, numquam; neque putavi, cum omnibus machinis ac tormentis, vi, exercitu, copiis oppugnarer, de uno sagittario me queri convenire. Acta mea sibi ait displicere. quis nescit? qui legem meam contemnat, quae dilucide vetat gladiatores biennio quo quis petierit aut petiturus sit dare. [134] in quo eius temeritatem satis mirari, iudices, non queo. facit apertissime contra legem; facit is qui neque elabi ex iudicio

iucunditate sua neque emitti gratia potest, neque opibus et potentia leges ac iudicia perfringere. quae res hominem impellit ut sit tam intemperans iste nimia gloriae cupiditate? familiam gladiatoriam, credo, nactus est speciosam, nobilem, gloriosam; norat studia populi, videbat clamores et concursus futuros. hac exspectatione elatus homo flagrans cupiditate gloriae tenere se non potuit quin eos gladiatores induceret, quorum esset ipse pulcherrimus. si ob (eam) causam peccaret, pro recenti populi Romani in se beneficio populari studio elatus, tamen ignosceret nemo: cum vero ne de venalibus quidem homines electos, sed ex ergastulis emptos nominibus gladiatoriis ornarit, et sortito alios Samnitis alios provocatores fecerit, tanta licentia, tanta legum contemptio nonne quem habitura sit exitum pertimescit? [135] sed habet defensiones duas: primum 'do,' inquit, 'bestiarios: lex scripta de gladiatoribus.' Festive! accipite aliquid etiam acutius. dicet se non gladiatores, sed unum gladiatorem dare et totam aedilitatem in munus hoc transtulisse. praeclara aedilitas! unus leo, ducenti bestiarii. verum utatur hac defensione: cupio eum suae causae confidere; solet enim tribunos plebis appellare et vi iudicium disturbare, cum diffidit. quem non tam admiror, quod meam legem contemnit hominis inimici, quam quod sic statuit, omnino consularem legem nullam putare. Caeciliam Didiam, Liciniam Iuniam contempsit. etiamne eius quem sua lege et suo beneficio ornatum, munitum, armatum solet gloriari, C. Caesaris, legem de pecuniis repetundis non putat esse legem? et aiunt alios esse qui acta Caesaris rescindant, cum haec optima lex et ab illo socero eius et ab hoc adsecula neglegatur!

[LXV] et cohortari ausus est accusator in hac causa vos, iudices, ut aliquando essetis severi, aliquando medicinam adhiberetis rei publicae. non ea est medicina, cum sanae parti corporis scalpellum adhibetur atque integrae, carnificina est ista et crudelitas: ei medentur rei publicae qui exsecant pestem aliquam tamquam strumam civitatis. [136] sed ut extremum habeat aliquid oratio mea, et ut ego ante dicendi finem faciam quam vos me tam attente audiendi, concludam illud de optimatibus eorumque principibus ac rei publicae defensoribus, vosque, adulescentes, et qui nobiles estis, ad maiorum vestrorum imitationem excitabo, et qui ingenio ac virtute nobilitatem potestis consequi, ad eam rationem in qua multi homines novi et

honore et gloria floruerunt cohortabor. [137] haec est una via, mihi credite, et laudis et dignitatis et honoris, a bonis viris sapientibus et bene natura constitutis laudari et diligi; nosse discriptionem civitatis a maioribus nostris sapientissime constitutam; qui cum regum potestatem non tulissent, ita magistratus annuos creaverunt ut consilium senatus rei publicae praeponerent sempiternum, deligerentur autem in id consilium ab universo populo aditusque in illum summum ordinem omnium civium industriae ac virtuti pateret. senatum rei publicae custodem, praesidem, propugnatorem conlocaverunt; huius ordinis auctoritate uti magistratus et quasi ministros gravissimi consili esse voluerunt; senatum autem ipsum proximorum ordinum splendorem confirmare, plebis libertatem et commoda tueri atque augere voluerunt.

[LXVI] [138] haec qui pro virili parte defendunt optimates sunt, cuiuscumque sunt ordinis; qui autem praecipue suis cervicibus tanta munia atque rem publicam sustinent, hi semper habiti sunt optimatium principes, auctores et conservatores civitatis. huic hominum generi fateor, ut ante dixi, multos adversarios, inimicos, invidos esse, multa proponi pericula, multas inferri iniurias, magnos esse experiundos et subeundos labores; sed mihi omnis oratio est cum virtute non cum desidia, cum dignitate non cum voluptate, cum iis qui se patriae, qui suis civibus, qui laudi, qui gloriae, non qui somno et conviviis et delectationi natos arbitrantur. nam si qui voluptatibus ducuntur et se vitiorum inlecebris et cupiditatium lenociniis dediderunt, missos faciant honores, ne attingant rem publicam, patiantur virorum fortium labore se otio suo perfrui. qui autem bonam famam bonorum, [139] quae sola vere gloria nominari potest, expetunt, aliis otium quaerere debent et voluptates, non sibi. sudandum est iis pro communibus commodis, adeundae inimicitiae, subeundae saepe pro re publica tempestates: cum multis audacibus, improbis, non numquam etiam potentibus dimicandum. haec audivimus de clarissimorum virorum consiliis et factis, haec accepimus, haec legimus. neque eos in laude positos videmus qui incitarunt aliquando populi animos ad seditionem, aut qui largitione caecarunt mentis imperitorum, aut qui fortis et claros viros et bene de re publica meritos in invidiam aliquam vocaverunt. levis hos semper nostri homines et audacis et malos et perniciosos civis putaverunt. at

vero qui horum impetus et conatus represserunt, qui auctoritate, qui fide, qui constantia, qui magnitudine animi consiliis audacium restiterunt, hi graves, hi principes, hi duces, hi auctores huius dignitatis atque imperi semper habiti sunt.

[LXVII] [140] ac ne quis ex nostro aut aliquorum praeterea casu hanc vitae viam pertimescat, unus in hac civitate, quem quidem ego possum dicere, praeclare vir de re publica meritus, L. Opimius, indignissime concidit; cuius monumentum celeberrimum in foro, sepulcrum desertissimum in litore Dyrrachino relictum est. atque hunc tamen flagrantem invidia propter interitum C. Gracchi [semper] ipse populus Romanus periculo liberavit: alia quaedam civem egregium iniqui iudici procella pervertit. ceteri vero aut, repentina vi perculsi ac tempestate populari, per populum tamen ipsum recreati sunt atque revocati, aut omnino invulnerati inviolatique vixerunt. at vero ii qui senatus consilium, qui auctoritatem bonorum, qui instituta maiorum neglexerunt et imperitae aut concitatae multitudini iucundi esse voluerunt, omnes fere rei publicae poenas aut praesenti morte aut turpi exsilio dependerunt. [141] quod si apud Atheniensis, homines Graecos, longe a nostrorum hominum gravitate diiunctos, non deerant qui rem publicam contra populi temeritatem defenderent, cum omnes qui ita fecerant e civitate eicerentur; si Themistoclem illum, conservatorem patriae, non deterruit a re publica defendenda nec Miltiadi calamitas, qui illam civitatem paulo ante servarat, nec Aristidi fuga, qui unus omnium iustissimus fuisse traditur; si postea summi eiusdem civitatis viri, quos nominatim appellari non est necesse, propositis tot exemplis iracundiae levitatisque popularis tamen suam rem publicam illam defenderunt, — quid nos tandem facere debemus, primum in ea civitate nati unde orta mihi gravitas et magnitudo animi videtur, tum in tanta gloria insistentes ut omnia humana leviora videri debeant, deinde ad eam rem publicam tuendam adgressi quae tanta dignitate est ut eam defendentem occidere (optatius) sit quam oppugnantem rerum potiri?

[LXVIII] [142] homines Graeci quos antea nominavi, inique a suis civibus damnati atque expulsi, tamen, quia bene sunt de suis civitatibus meriti, tanta hodie gloria sunt non in Graecia solum sed etiam apud nos atque in ceteris terris, ut eos a quibus illi oppressi sint nemo nominet, horum calamitatem dominationi illorum omnes

anteponant. quis Carthaginiensium pluris fuit Hannibale consilio, virtute, rebus gestis, qui unus cum tot imperatoribus nostris per tot annos de imperio et de gloria decertavit? hunc sui cives e civitate eiecerunt: nos etiam hostem litteris nostris et memoria videmus esse celebratum. [143] qua re imitemur nostros Brutos, Camillos, Ahalas, Decios, Curios, Fabricios, maximos, Scipiones, Lentulos, Aemilios, innumerabilis alios qui hanc rem publicam stabiliverunt; quos equidem in deorum immortalium coetu ac numero repono. amemus patriam, pareamus senatui, consulamus bonis; praesentis fructus neglegamus, posteritatis gloriae serviamus; id esse optimum putemus quod erit rectissimum; speremus quae volumus, sed quod acciderit feramus; cogitemus denique corpus virorum fortium magnorum hominum esse mortale, animi vero motus et virtutis gloriam sempiternam; neque hanc opinionem si in illo sanctissimo hercule consecratam videmus, cuius corpore ambusto vitam eius et virtutem immortalitas excepisse dicatur, minus existimemus eos qui hanc tantam rem publicam suis consiliis aut laboribus aut auxerint aut defenderint aut servarint esse immortalem gloriam consecutos.

[LXIX] [144] sed me repente, iudices, de fortissimorum et clarissimorum civium dignitate et gloria dicentem et plura etiam dicere parantem horum aspectus in ipso cursu orationis repressit. video P. Sestium, meae salutis, vestrae auctoritatis, publicae causae defensorem, propugnatorem, actorem, reum; video hunc praetextatum eius filium oculis lacrimantibus me intuentem; video Milonem, vindicem vestrae libertatis, custodem salutis meae, subsidium adflictae rei publicae, exstinctorem domestici latrocini, repressorem caedis cotidianae, defensorem templorum atque tectorum, praesidium curiae, sordidatum et reum; video P. Lentulum, cuius ego patrem deum ac parentem statuo fortunae ac nominis mei, fratris liberorumque nostrorum, in hoc misero squalore et sordibus; cui superior annus idem et virilem patris et praetextam populi iudicio togam dederit, hunc hoc anno in hac toga rogationis iniustissimae subitam acerbitatem pro patre fortissimo et clarissimo civi deprecantem. [145] atque hic tot et talium civium squalor, hic luctus, hae sordes susceptae sunt propter unum me, quia me defenderunt, quia meum casum luctumque doluerunt, quia me lugenti patriae, flagitanti senatui, poscenti Italiae, vobis omnibus orantibus

reddiderunt. quod tantum est in me scelus? quid tanto opere deliqui illo die cum ad vos indicia, litteras, confessiones communis exiti detuli, cum parui vobis? ac si scelestum est amare patriam, pertuli poenarum satis: eversa domus est, fortunae vexatae, dissipati liberi, raptata coniunx, frater optimus, incredibili pietate, amore inaudito, maximo in squalore volutatus est ad pedes inimicissimorum; ego pulsus aris focis deis penatibus, distractus a meis, carui patria, quam, ut levissime dicam, certe protexeram; pertuli crudelitatem inimicorum, scelus infidelium, fraudem invidorum. [146] si hoc non est satis, quod haec omnia deleta videntur reditu meo, multo mihi, multo, inquam, iudices, praestat in eandem illam recidere fortunam quam tantam importare meis defensoribus et conservatoribus calamitatem. an ego in hac urbe esse possim, his pulsis qui me huius urbis compotem fecerunt? non ero, non potero esse, iudices; neque hic umquam puer, qui his lacrimis qua sit pietate declarat, amisso patre suo propter me, me ipsum incolumem videbit, nec, quotienscumque me viderit, ingemescet ac pestem suam ac patris sui se dicet videre. ego vero hos in omni fortuna, quaecumque erit oblata, complectar, nec me ab iis quos meo nomine sordidatos videtis umquam ulla fortuna divellet; neque eae nationes quibus me senatus commendavit, quibus de me gratias egit, hunc exsulem propter me sine me videbunt. sed haec di immortales, [147] qui me suis templis advenientem receperunt stipatum ab his viris et P. Lentulo consule, atque ipsa res publica, qua nihil est sanctius, vestrae potestati, iudices, commiserunt. vos hoc iudicio omnium bonorum mentis confirmare, improborum reprimere potestis, vos his civibus uti optimis, vos me reficere et renovare rem publicam. qua re vos obtestor atque obsecro ut, si me salvum esse voluistis, eos conservetis per quos me reciperavistis.

PRO CAELIO (In Defense of Marcus Caelius Rufus)

M. TVLLI CICERONIS PRO M. CAELIO ORATIO[1]

Si quis, iudices, forte nunc adsit ignarus legum, iudiciorum, consuetudinis nostrae, miretur profecto, quae sit tanta atrocitas huiusce causae, quod diebus festis ludisque publicis, omnibus forensibus negotiis intermissis unum hoc iudicium exerceatur, nec dubitet, quin tanti facinoris reus arguatur, ut eo neglecto civitas stare non possit; idem cum audiat esse legem, quae de seditiosis consceleratisque civibus, qui armati senatum obsederint, magistratibus vim attulerint, rem publicam oppugnarint, cotidie quaeri iubeat: legem non improbet, crimen quod versetur in iudicio, requirat; cum audiat nullum facinus, nullam audaciam, nullam vim in iudicium vocari, sed adulescentem illustri ingenio, industria, gratia accusari ab eius filio, quem ipse in iudicium et vocet et vocarit, oppugnari autem opibus meretriciis: [Atratini] illius pietatem non reprehendat, muliebrem libidinem comprimendam putet, vos laboriosos existimet, quibus otiosis ne in communi quidem otio liceat esse.

[2] Etenim si attendere diligenter, existimare vere de omni hac causa volueritis, sic constituetis, iudices, nec descensurum quemquam ad hanc accusationem fuisse, cui, utrum vellet, liceret, nec, cum descendisset, quicquam habiturum spei fuisse, nisi alicuius intolerabili libidine et nimis acerbo odio niteretur. Sed ego Atratino, humanissimo atque optimo adulescenti meo necessario, ignosco, qui habet excusationem vel pietatis vel necessitatis vel aetatis. Si voluit accusare, pietati tribuo, si iussus est, necessitati, si speravit aliquid, pueritiae. Ceteris non modo nihil ignoscendum, sed etiam acriter est resistendum.

[3] Ac mihi quidem videtur, iudices, hic introitus defensionis adulescentiae M. Caeli maxime convenire, ut ad ea, quae accusatores deformandi huius causa, detrahendae spoliandaeque dignitatis gratia dixerunt, primum respondeam. Obiectus est pater varie, quod aut parum splendidus ipse aut parum pie tractatus a filio diceretur. De

dignitate M. Caelius notis ac maioribus natu et sine mea oratione et tacitus facile ipse respondet; quibus autem propter senectutem, quod iam diu minus in foro nobiscumque versatur, non aeque est cognitus, ii sic habeant, quaecumque in equite Romano dignitas esse possit, quae certe potest esse maxima, eam semper in M. Caelio habitam esse summam hodieque haberi non solum a suis, sed etiam ab omnibus, quibus potuerit aliqua de causa esse notus.

[4] Equitis Romani autem esse filium criminis loco poni ab accusatoribus neque his iudicantibus oportuit neque defendentibus nobis. Nam quod de pietate dixistis, est quidem ista nostra existimatio, sed iudicium certe parentis; quid nos opinemur, audietis ex iuratis; quid parentes sentiant, lacrimae matris incredibilisque maeror, squalor patris et haec praesens maestitia, quam cernitis, luctusque declarat.

[5] Nam quod est obiectum municipibus esse adulescentem non probatum suis. nemini umquam praesenti +praetoriani+ maiores honores habuerunt quam absenti M. Caelio; quem et absentem in amplissimum ordinem cooptarunt et ea non petenti detulerunt, quae multis petentibus denegarunt; idemque nunc lectissimos viros et nostri ordinis et equites Romanos cum legatione ad hoc iudicium et cum gravissima atque ornatissima laudatione miserunt. Videor mihi iecisse fundamenta defensionis meae, quae firmissima sunt, si nituntur iudicio suorum. Neque enim vobis satis commendata huius aetas esse posset, si non modo parenti tali viro, verum etiam municipio tam illustri ac tam gravi displiceret.

[6] Equidem, ut ad me revertar, ab his fontibus profluxi ad hominum famam, et meus hic forensis labor vitaeque ratio dimanavit ad existimationem hominum paulo latius commendatione ae iudicio meorum. Nam quod obiectum est de pudicitia, quodque omnium accusatorum non criminibus, sed vocibus male dictisque celebratum est, id numquam tam acerbe feret M. Caelius, ut eum paeniteat non deformem esse natum. Sunt enim ista maledicta pervulgata in omnes, quorum in adulescentia forma et species fuit liberalis. Sed aliud est male dicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet; maledictio autem nihil habet propositi praeter contumeliam quae si petulantius iactatur, convicium, si facetius urbanitas nominatur.

[7] Quam quidem partem accusationis admiratus sum et moleste tuli potissimum esse Atratino datam. Neque enim decebat neque aetas illa postulabat neque, id quod animadvertere poteratis, pudor patiebatur optimi adulescentis in tali illum oratione versari. Vellem aliquis ex vobis robustioribus hunc male dicendi locum suscepisset; aliquanto liberius et fortius et magis more nostro refutaremus istam male dicendi licentiam. Tecum, Atratine, agam lenius, quod et pudor tuus moderatur orationi meae et meum erga te parentemque tuum beneficium tueri debeo.

[8] Illud tamen te esse admonitum volo, primum ut qualis es talem te esse omnes existiment ut, quantum a rerum turpitudine abes, tantum te a verborum libertate seiungas; deinde ut ea in alterum ne dicas, quae cum tibi falso responsa sint, erubescas. Quis est enim, cui via ista non pateat, qui isti aetati atque etiam isti dignitati non possit quam velit petulanter, etiamsi sine ulla suspicione, at non sine argumento male dicere? Sed istarum partium culpa est eorum, qui te agere voluerunt; laus pudoris tui, quod ea te invitum dicere videbamus, ingenii, quod ornate politeque dixisti.

[9] Verum ad istam omnem orationem brevis est defensio. Nam quoad aetas M. Caeli dare potuit isti suspicioni locum, fuit primum ipsius pudore, deinde etiam patris diligentia disciplinaque munita. Qui ut huic virilem togam dedit nihil dicam hoc loco de me; tantum sit, quantum vos existimatis; hoc dicam, hunc a patre continuo ad me esse deductum; nemo hunc M. Caelium in illo aetatis flore vidit nisi aut cum patre aut mecum aut in M. Crassi castissima domo, cum artibus honestissimis erudiretur.

[10] Nam quod Catilinae familiaritas obiecta Caelio est, longe ab ista suspicione abhorrere debet. Hoc enim adulescente scitis consulatum mecum petisse Catilinam. Ad quem si accessit aut si a me discessit umquam (quamquam multi boni adulescentes illi homini nequam atque improbo studuerunt), tum existimetur Caelius Catilinae nimium familiaris fuisse. At enim postea scimus et vidimus esse hunc in illius amicis. Quis negat? Sed ego illud tempus aetatis, quod ipsum sua sponte infirmum aliorum libidine infestum est, id hoc loco defendo. Fuit adsiduus mecum praetore me; non noverat Catilinam; Africam tum praetor ille obtinebat. Secutus est tum annus, causam de pecuniis repetundis Catilina dixit. Mecum erat hic; illi ne

advocatus quidem venit umquam. Deinceps fuit annus, quo ego consulatum petivi; petebat Catilina mecum. Numquam ad illum accessit, a me numquam recessit.

[11] Tot igitur annos versatus in foro sine suspicione, sine infamia studuit Catilinae iterum petenti. Quem ergo ad finem putas custodiendam illam aetatem fuisse? Nobis quidem olim annus erat unus ad cohibendum brachium toga constitutus, et ut exercitatione ludoque campestri tunicati uteremur, eademque erat, si statim mereri stipendia coeperamus, castrensis ratio ac militaris. Qua in aetate nisi qui se ipse sua gravitate et castimonia et cum disciplina domestica, tum etiam naturali quodam bono defenderet, quoquo modo a suis custoditus esset, tamen infamiam veram effugere non poterat. Sed qui prima illa initia aetatis integra atque inviolata praestitisset, de eius fama ac pudicitia, cum is iam se corroboravisset ac vir inter viros esset, nemo loquebatur.

[12] At studuit Catilinae, cum iam aliquot annos esset in foro, Caelius; et multi hoc idem ex omni ordine atque ex omni aetate fecerunt. Habuit enim ille, sicuti meminisse vos arbitror, permulta maximarum non expressa signa, sed adumbrata [lineamenta] virtutum. Utebatur hominibus improbis multis; et quidem optimis se viris deditum esse simulabat. Erant apud illum illecebrae libidinum multae; erant etiam industriae quidam stimuli ac laboris. Flagrabant vitia libidinis apud illum; vigebant etiam studia rei militaris. Neque ego umquam fuisse tale monstrum in terris ullum puto, tam ex contrarus diversisque et inter se pugnantibus naturae studiis cupiditatibusque conflatum.

[13] Quis clarioribus viris quodam tempore iucundior, quis turpioribus coniunctior? quis civis meliorum partium aliquando, quis taetrior hostis huic civitati? quis in voluptatibus inquinatior, quis in laboribus patientior? quis in rapacitate avarior, quis in largitione effusior? Illa vero, iudices, in illo homine mirabilia fuerunt, comprehendere multos amicitia, tueri obsequio, cum omnibus communicare, quod habebat, servire temporibus suorum omnium pecunia, gratia, labore corporis, scelere etiam, si opus esset, et audacia, versare suam naturam et regere ad tempus atque huc et illuc torquere ac flectere, cum tristibus severe, cum remissis iucunde, cum senibus graviter, cum iuventute comiter, cum facinerosis audaciter,

cum libidinosis luxuriose vivere.

[14] Hac ille tam varia multiplicique natura cum omnes omnibus ex terris homines improbos audacesque collegerat, tum etiam multos fortes viros et bonos specie quadam virtutis assimulatae tenebat. Neque umquam ex illo delendi huius imperii tam consceleratus impetus exstitisset, nisi tot vitiorum tanta immanitas quibusdam facultatis et patientiae radicibus niteretur. Quare ista condicio, iudices, respuatur, nec Catilinae familiaritatis crimen haereat; est enim commune cum multis et cum quibusdam etiam bonis. Me ipsum, me, inquam, quondam paene ille decepit, cum et civis mihi bonus et optimi cuiusque cupidus et firmus amicus ac fidelis videretur; cuius ego facinora oculis prius quam opinione, manibus ante quam suspicione deprehendi. Cuius in magnis catervis amicorum si fuit etiam Caelius, magis est ut ipse moleste ferat errasse se, sicuti non numquam in eodem homine me quoque erroris mei paenitet, quam ut istius amicitiae crimen reformidet.

[15] Itaque a maledictis pudicitiaea ad coniurationis invidiam oratio est vestra delapsa. Posuistis enim, atque id tamen titubanter et strictim, coniurationis hunc propter amicitiam Catilinae participem fuisse; in quo non modo crimen non haerebat, sed vix diserti adulescentis cohaerebat oratio. Qui enim tantus furor in Caelio, quod tantum aut in moribus naturaque volnus aut in re atque fortuna? ubi denique est in ista suspicione Caeli nomen auditum? Nimium multa de re minime dubia loquor; hoc tamen dico: Non modo si socius coniurationis, sed nisi inimicissimus istius sceleris fuisset, numquam coniurationis accusatione adulescentiam suam potissimum commendare voluisset.

[16] Quod haud scio an de ambitu et de criminibus istis sodalium ac sequestrium, quoniam huc incidi, similiter respondendum putem. Numquam enim tam Caelius amens fuisset, ut, si se isto infinito ambitu commaculasset, ambitus alterum accusaret, neque eius facti in altero suspicionem quaereret, cuius ipse sibi perpetuam licentiam optaret, nec, si sibi semel periculum ambitus subeundum putaret, ipse alterum iterum ambitus crimine arcesseret. Quod quamquam nec sapienter et me invito facit, tamen est eius modi cupiditas, ut magis insectari alterius innocentiam quam de se timide cogitare videatur.

[17] Nam quod aes alienum obiectum est, sumptus reprehensi,

tabulae flagitatae, videte, quam pauca respondeam. Tabulas, qui in patris potestate est, nullas conficit. Versuram numquam omnino fecit ullam. Sumptus unius generis obiectus est, habitationis; triginta milibus dixistis eum habitare. Nunc demum intellego P. Clodi insulam esse venalem, cuius hic in aediculis habitat decem, ut opinor, milibus. Vos autem dum illi placere voltis, ad tempus eius mendacium vestrum accommodavistis.

[18] Reprehendistis, a patre quod semigrarit. Quod quidem iam in hac aetate minime reprehendendum est. Qui cum et ex publica causa iam esset mihi quidem molestam, sibi tamen gloriosam victoriam consecutus et per aetatem magistratus petere posset, non modo permittente patre, sed etiam suadente ab eo semigravit et, cum domus patris a foro longe abesset, quo facilius et nostras domus obire et ipse a suis coli posset, conduxit in Palatio non magno domum. Quo loco possum dicere id, quod vir clarissimus, M. Crassus, cum de adventu regis Ptolemaei quereretur, paulo ante dixit:

Utinam ne in nemore Pelio —
  Ac longius quidem mihi
contexere hoc carmen liceret:
  Nam numquam era errans
hanc molestiam nobis exhiberet
  Medea animo aegra, amore saevo saucia.

Sic enim, iudices, reperietis, quod, cum ad id loci venero, ostendam, hanc Palatinam Medeam migrationemque hanc adulescenti causam sive malorum omnium sive potius sermonum fuisse.

[19] Quam ob rem illa, quae ex accusatorum oratione praemuniri iam et fingi intellegebam, fretus vestra prudentia, iudices, non pertimesco. Aiebant enim fore testem senatorem, qui se pontificiis comitiis pulsatum a Caelio diceret. A quo quaeram, si prodierit, primum cur statim nihil egerit, deinde, si id queri quam agere maluerit, cur productus a vobis potius quam ipse per se, cur tanto post potius quam continuo queri maluerit. Si mihi ad haec acute arguteque responderit, tum quaeram denique, ex quo iste fonte senator emanet. Nam si ipse orietur et nascetur ex sese, fortasse, ut

soleo, commovebor; sin autem est rivolus accersitus et ductus ab ipso capite accusationis vestrae, laetabor, cum tanta gratia tantisque opibus accusatio vestra nitatur, unum senatorem solum esse, qui vobis gratificari vellet, inventum.

[20] Nec tamen illud genus alterum nocturnorum testium pertimesco. Est enim dictum ab illis fore, qui dicerent uxores suas a cena redeuntes attrectatas esse a Caelio. Graves erunt homines, qui hoc iurati dicere audebunt, cum sit iis confitendum numquam se ne congressu quidem et constituto coepisse de tantis iniuriis experiri. Sed totum genus oppugnationis huius, iudices, et iam prospicitis animis et, cum inferetur, propulsare debebitis. Non enim ab isdem accusatur M. Caelius, a quibus oppugnatur; palam in eum tela iaciuntur, clam subministrantur.

[21] Neque id ego dico, ut invidiosum sit in eos, quibus gloriosum etiam hoc esse debet. Funguntur officio, defendunt suos, faciunt, quod viri fortissimi solent; laesi dolent, irati efferuntur, pugnant lacessiti. Sed vestrae sapientiae tamen est, iudices, non, si causa iusta est viris fortibus oppugnandi M. Caelium, ideo vobis quoque vos causam putare esse iustam alieno dolori potius quam vestrae fidei consulendi. Nam quae sit multitudo in foro, quae genera, quae studia, quae varietas hominum, videtis. Ex hac copia quam multos esse arbitramini, qui hominibus potentibus, gratiosis, disertis, cum aliquid eos velle arbitrentur, ultro se offerre soleant, operam navare, testimonium polliceri ?

[22] Hoc ex genere si qui se in hoc iudicium forte proiecerint, excluditote eorum cupiditatem, iudices, sapientia vestra, ut eodem tempore et huius saluti et religioni vestrae et contra periculosas hominum potentias condicioni omnium civium providisse videamini. Equidem vos abducam a testibus neque huius iudicii veritatem, quae mutari nullo modo potest, in voluntate testium collocari sinam, quae facillime fingi, nullo negotio flecti ac detorqueri potest. Argumentis agemus, signis luce omni clarioribus crimina refellemus; res cum re, causa cum causa, ratio cum ratione pugnabit.

[23] Itaque illam partem causae facile patior graviter et ornate a M. Crasso peroratam de seditionibus Nea politanis, de Alexandrinorum pulsatione Puteolana, de bonis Pallae. Vellem dictum esset ab eodem etiam de Dione. De quo ipso tamen quid est quod exspectetis? quod

is, qui fecit, aut non timet aut etiam fatetur; est enim rex; qui autem dictus est adiutor fuisse et conscius, P. Asicius, iudicio est liberatus. Quod igitur est eius modi crimen, ut, qui commisit, non neget, qui negavit, absolutus sit, id hic pertimescat, qui non modo a facti, verum etiam a conscientiae suspicione afuit ? Et, si Asicio causa plus profuit quam nocuit invidia, huic oberit tuum maledictum, qui istius facti non modo suspicione, sed ne infamia quidem est aspersus ?

[24] At praevaricatione est Asicius liberatus. Perfacile est isti loco respondere, mihi praesertim, a quo illa causa defensa est. Sed Caelius optimam causam Asici esse arbitratur; cuicuimodi autem sit, a sua putat eius esse seiunctam. Neque solum Caelius, sed etiam adulescentes humanissimi et doctissimi, rectissimis studiis atque optimis artibus praediti, Titus Gaiusque Coponii, qui ex omnibus maxime Dionis mortem doluerunt, qui cum doctrinae studio atque humanitatis tum etiam hospitio Dionis tenebantur. Habitabat apud Titum, ut audistis, Dio, erat ei cognitus Alexandriae. Quid aut hic aut summo splendore praeditus frater eius de M. Caelio existimet ex ipsis, si producti erunt, audietis.

[25] Ergo haec removeantur, ut aliquando, in quibus causa nititur, ad ea veniamus. Animadverti enim, iudices, audiri a vobis meum familiarem, L. Herennium, perattente. In quo etsi magna ex parte ingenio eius et dicendi genere quodam tenebamini, tamen non numquam verebar, ne illa subtiliter ad criminandum inducta oratio ad animos vestros sensim ac leniter accederet. Dixit enim multa de luxurie, multa de libidine, multa de vitiis iuventutis, multa de moribus et, qui in reliqua vita mitis esset et in hac suavitate humanitatis, qua prope iam delectantur omnes, versari periucunde soleret, fuit in hac causa pertristis quidam patruus, censor, magister; obiurgavit M. Caelium, sicut neminem umquam parens; multa de incontinentia intemperantiaque disseruit. Quid quaeritis, iudices? ignoscebam vobis attente audientibus, propterea quod egomet tam triste illud et tam asperum genus orationis horrebam.

[26] Ac prima pars fuit illa, quae me minus movebat, fuisse meo necessario Bestiae Caelium familiarem, cenasse apud eum, ventitasse domum, studuisse praeturae. Non me haec movent; quae perspicue falsa sunt; etenim eos una cenasse dixit, qui aut absunt, aut quibus necesse est idem dicere. Neque vero illud me commovet, quod sibi in

Lupercis sodalem esse Caelium dixit. Fera quaedam sodalitas et plane pastoricia atque agrestis germanorum Lupercorum, quorum coitio illa silvestris ante est instituta quam humanitas atque leges, siquidem non modo nomina deferunt inter se sodales, sed etiam commemorant sodalitatem in accusando, ut, ne quis id forte nesciat, timere videantur!

[27] Sed haec omittam; ad illa, quae me magis moverunt, respondebo. Deliciarum obiurgatio fuit longa, etiam lenior, plusque disputationis habuit quam atrocitatis, quo etiam audita est attentius. Nam P. Clodius, amicus meus, cum se gravissime vehementissimeque iactaret et omnia inflammatus ageret tristissimis verbis, voce maxima, tametsi probabam eius eloquentiam, tamen non pertimescebam; aliquot enim in causis eum videram frustra litigantem. Tibi autem, Balbe, respondeo primum precario, si licet, si fas est defendi a me eum, qui nullum convivium renuerit, qui in hortis fuerit, qui unguenta sumpserit, qui Baias viderit.

[28] Equidem multos et vidi in hac civitate et audivi, non modo qui primoribus labris gustassent genus hoc vitae et extremis, ut dicitur, digitis attigissent, sed qui totam adulescentiam voluptatibus dedissent, emersisse aliquando et se ad frugem bonam, ut dicitur, recepisse gravesque homines atque illustres fuisse. Datur enim concessu omnium huic aliqui ludus aetati, et ipsa natura profundit adulescentiae cupiditates. Quae si ita erumpunt, ut nullius vitam labefactent, nullius domum evertant, faciles et tolerabiles haberi solent.

[29] Sed tu mihi videbare ex communi infamia iuventutis aliquam invidiam Caelio velle conflare; itaque omne illud silentium, quod est orationi tributum tuae, fuit ob eam causam, quod uno reo proposito de multorum vitiis cogitabamus. Facile est accusare luxuriem. Dies iam me deficiat, si, quae dici in eam sententiam possunt, coner expromere; de corruptelis, de adulteriis, de protervitate, de sumptibus immensa oratio est. Ut tibi reum neminem, sed vitia ista proponas, res tamen ipsa et copiose et graviter accusari potest. Sed vestrae sapientiae, iudices, est non abduci ab reo nec, quos aculeos habeat severitas gravitasque vestra, cum eos accusator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem et in reum, cum is non suo crimine, sed multorum vitio sit in quoddam odium iniustum

vocatus.

[30] Itaque severitati tuae, ut oportet, ita respondere non audeo; erat enim meum deprecari vacationem adulescentiae veniamque petere; non, inquam, audeo; perfugiis non utor aetatis, concessa omnibus iura dimitto; tantum peto, ut, si qua est invidia communis hoc tempore aeris alieni, petulantiae, libidinum iuventutis, quam video esse magnam, ne huic aliena peccata, ne aetatis ac temporum vitia noceant. Atque ego idem, qui haec postulo, quin criminibus, quae in hunc proprie conferuntur, diligentissime respondeam, non recuso. Sunt autem duo crimina, auri et veneni; in quibus una atque eadem persona versatur. Aurum sumptum a Clodia, venenum quaesitum, quod Clodiae daretur, ut dicitur. Omnia sunt alia non crimina, sed maledicta, iurgi petulantis magis quam publicae quaestionis. “Adulter, impudicus, sequester” convicium est, non accusatio; nullum est enim fundamentum horum criminum, nulla sedes; voces sunt contumeliosae temere ab irato accusatore nullo auctore emissae.

[31] Horum duorum criminum video auctorem, video fontem, video certum nomen et caput. Auro opus fuit; sumpsit a Clodia, sumpsit sine teste, habuit, quamdiu voluit. Maximum video signum cuiusdam egregiae familiaritatis. Necare eandem voluit; quaesivit venenum, sollicitavit quos potuit, paravit, locum constituit, attulit. Magnum rursus odium video cum crudelissimo discidio exstitisse. Res est omnis in hac causa nobis, iudices, cum Clodia, muliere non solum nobili, sed etiam nota; de qua ego nihil dicam nisi depellendi criminis causa.

[32] Sed intellegis pro tua praestanti prudentia, Cn. Domiti, cum hac sola rem esse nobis. Quae si se aurum Caelio commodasse non dicit, si venenum ab hoc sibi paratum esse non arguit, petulanter facimus, si matrem familias secus, quam matronarum sanctitas postulat, nominamus. Sin ista muliere remota nec crimen ullum nec opes ad oppugnandum Caelium illis relinquuntur, quid est aliud quod nos patroni facere debeamus, nisi ut eos, qui insectantur, repellamus? Quod quidem facerem vehementius, nisi intercederent mihi inimicitiae cum istius mulieris viro — fratre volui dicere; semper hic erro. Nunc agam modice nec longius progrediar quam me mea fides et causa ipsa coget. Neque enim muliebres umquam inimicitias mihi gerendas putavi, praesertim cum ea quam omnes semper amicam

omnium potius quam cuiusquam inimicam putaverunt.

[33] Sed tamen ex ipsa quaeram prius utrum me secum severe et graviter et prisce agere malit an remisse et leniter et urbane. Si illo austero more ac modo, aliquis mihi ab inferis excitandus est ex barbatis illis non hac barbula, qua ista delectatur, sed illa horrida, quam in statuis antiquis atque imaginibus videmus, qui obiurget mulierem et pro me loquatur, ne mihi ista forte suscenseat. Exsistat igitur ex hac ipsa familia aliquis ac potissimum Caecus ille; minimum enim dolorem capiet, qui istam non videbit.

[34] Qui profecto, si exstiterit, sic aget ac sic loquetur: "Mulier, quid tibi cum Caelio, quid cum homine adulescentulo, quid cum alieno? Cur aut tam familiaris huic fuisti, ut aurum commodares, aut tam inimica, ut venenum timeres? Non patrem tuum videras, non patruum, non avum, non proavum, non abavum, non atavum audieras consules fuisse; non denique modo te Q. Metelli matrimonium tenuisse sciebas, clarissimi ac fortissimi viri patriaeque amantissimi, qui simul ac pedem limine extulerat, omnes prope cives virtute, gloria, dignitate superabat? Cum ex amplissimo genere in familiam clarissimam nupsisses, cur tibi Caelius tam coniunctus fuit? cognatus, adfinis, viri tui familiaris? Nihil eorum. Quid igitur fuit nisi quaedam temeritas ac libido? Nonne te, si nostrae imagines viriles non commovebant, ne progenies quidem mea, Q. illa Claudia, aemulam domesticae laudis in gloria muliebri esse admonebat, non virgo illa Vestalis Claudia, quae patrem complexa triumphantem ab inimico tribuno plebei de curru detrahi passa non est? Cur te fraterna vitia potius quam bona paterna et avita et usque a nobis cum in viris tum etiam in feminis repetita moverunt? Ideone ego pacem Pyrrhi diremi, ut tu amorum turpissimorum cotidie foedera ferires, ideo aquam adduxi, ut ea tu inceste uterere, ideo viam munivi, ut eam tu alienis viris comitata celebrares?"

[35] Sed quid ego, iudices, ita gravem personam induxi, ut verear, ne se idem Appius repente convertat et Caelium incipiat accusare illa sua gravitate censoria? Sed videro hoc posterius, atque ita, iudices, ut vel severissimis disceptatoribus M. Caeli vitam me probaturum esse confidam. Tu vero, mulier, (iam enim ipse tecum nulla persona introducta loquor) si ea, quae facis, quae dicis, quae insimulas, quae moliris, quae arguis, probare cogitas, rationem tantae familiaritatis,

tantae consuetudinis, tantae coniunctionis reddas atque exponas necesse est. Accusatores quidem libidines, amores, adulteria, Baias, actas, convivia, comissationes, cantus, symphonias, navigia iactant, idemque significant nihil se te invita dicere. Quae tu quoniam mente nescio qua effrenata atque praecipiti in forum deferri iudiciumque voluisti, aut diluas oportet ac falsa esse doceas aut nihil neque crimini tuo neque testimonio credendum esse fateare.

[36] Sin autem urbanius me agere mavis, sic agam tecum; removebo illum senem durum ac paene agrestem; ex his igitur tuis sumam aliquem ac potissimum minimum fratrem, qui est in isto genere urbanissimus; qui te amat plurimum, qui propter nescio quam, credo, timiditatem et nocturnos quosdam inanes metus tecum semper pusio cum maiore sorore cubitavit. Eum putato tecum loqui: "Quid tumultuaris, soror? quid insanis?

Quid clamorem exorsa verbis parvam rem magnam facis?

Vicinum adulescentulum aspexisti; candor huius te et proceritas, vultus oculique pepulerunt; saepius videre voluisti; fuisti non numquam in isdem hortis; vis nobilis mulier illum filium familias patre parco ac tenaci habere tuis copiis devinctum; non potes; calcitrat, respuit, non putat tua dona esse tanti; confer te alio. Habes hortos ad Tiberim ac diligenter eo loco paratos, quo omnis iuventus natandi causa venit; hinc licet condiciones cotidie legas; cur huic, qui te spernit, molesta es?"

[37] Redeo nunc ad te, Caeli, vicissim ac mihi auctoritatem patriam severitatemque suscipio. Sed dubito, quem patrem potissimum sumam, Caecilianumne aliquem vehementem atque durum:

Nunc enim demum mi animus ardet, nunc meum cor
cumulatur ira

aut illum:
O infelix, o sceleste
Ferrei sunt isti patres:

Egon quid dicam, quid velim? quae tu omnia
Tuis foedis factis facis ut nequiquam velim,
vix ferendi. Diceret talis pater: "Cur te in istam vicinitatem

meretriciam contulisti? cur illecebris cognitis non refugisti?
Cur alienam ullam mulierem nosti? Dide ac disice;
Per me tibi licet. Si egebis, tibi dolebit, non mihi.
Mihi sat est qui aetatis quod relicuom est oblectem meae."

[38] Huic tristi ac derecto seni responderet Caelius se nulla cupiditate inductum de via decessisse. Quid signi? Nulli sumptus, nulla iactura, nulla versura. At fuit fama. Quotus quisque istam effugere potest in tam maledica civitate? Vicinum eius mulieris miraris male audisse, cuius frater germanus sermones iniquorum effugere non potuit? Leni vero et clementi patre, cuius modi ille est:

Fores ecfregit, restituentur; discidit
Vestem, resarcietur,

Caeli causa est expeditissima. Quid enim esset, in quo se non facile defenderet? Nihil iam in istam mulierem dico; sed, si esset aliqua dissimilis istius, quae se omnibus pervolgaret, quae haberet palam decretum semper aliquem, cuius in hortos, domum, Baias iure suo libidines omnium commearent, quae etiam aleret adulescentes et parsimoniam patrum suis sumptibus sustentaret; si vidua libere, proterva petulanter, dives effuse, libidinosa meretricio more viveret, adulterum ego putarem, si quis hanc paulo liberius salutasset?

[39] Dicet aliquis: "Haec est igitur tua disciplina? sic tu instituis adulescentes? ob hanc causam tibi hunc puerum parens commendavit et tradidit, ut in amore atque in voluptatibus adulescentiam suam collocaret, et ut hanc tu vitam atque haec studia defenderes?" Ego, si quis, iudices, hoc robore animi atque hac indole virtutis atque continentiae fuit, ut respueret omnes voluptates omnemque vitae suae cursum in labore corporis atque in animi contentione conficeret, quem non quies, non remissio, non aequalium studia, non ludi, non convivia delectarent, nihil in vita expetendum putaret, nisi quod esset cum laude et cum dignitate coniunctum, hunc mea sententia divinis quibusdam bonis instructum atque ornatum puto. Ex hoc genere illos fuisse arbitror Camillos, Fabricios, Curios omnesque eos, qui haec ex minimis tanta fecerunt.

[40] Verum haec genera virtutum non solum in moribus nostris, sed

vix iam in libris reperiuntur. Chartae quoque, quae illam pristinam severitatem continebant, obsoleverunt; neque solum apud nos, qui hanc sectam rationemque vitae re magis quam verbis secuti sumus, sed etiam apud Graecos, doctissimos homines, quibus, cum facere non possent, loqui tamen et scribere honeste et magnifice licebat, alia quaedam mutatis Graeciae temporibus praecepta exstiterunt.

[41] Itaque alii voluptatis causa omnia sapientes facere dixerunt, neque ab hac orationis turpitudine eruditi homines refugerunt: alii cum voluptate dignitatem coniungendam putaverunt. ut res maxime inter se repugnantes dicendi facultate coniungerent; illud unum derectum iter ad laudem cum labore qui probaverunt, prope soli iam in scholis sunt relicti. Multa enim nobis blandimenta natura ipsa genuit, quibus sopita virtus coniveret interdum; multas vias adulescentiae lubricas ostendit, quibus illa insistere aut ingredi sine casu aliquo aut prolapsione vix posset; multarum rerum iucundissimarum varietatem dedit, qua non modo haec aetas, sed etiam iam corroborata caperetur.

[42] Quam ob rem si quem forte inveneritis, qui aspernetur oculis pulchritudinem rerum, non odore ullo, non tactu, non sapore capiatur, excludat auribus omnem suavitatem, huic homini ego fortasse et pauci deos propitios, plerique autem iratos putabunt. Ergo haec deserta via et inculta atque interclusa iam frondibus et virgultis relinquatur; detur aliquid aetati; sit adulescentia liberior; non omnia voluptatibus denegentur; non semper superet vera illa et derecta ratio; vincat aliquando cupiditas voluptasque rationem, dum modo illa in hoc genere praescriptio moderatioque teneatur: parcat iuventus pudicitiae suae, ne spoliet alienam, ne effundat patrimonium, ne faenore trucidetur, ne incurrat in alterius domum atque famam, ne probrum castis, labem integris, infamiam bonis inferat, ne quem vi terreat, ne intersit insidiis, scelere careat; postremo, cum paruerit voluptatibus, dederit aliquid temporis ad ludum aetatis atque ad inanes hasce adulescentiae cupiditates, revocet se aliquando ad curam rei domesticae, rei forensis reique publicae, ut ea, quae ratione antea non perspexerat, satietate abiecisse, experiendo contempsisse videatur.

[43] Ac multi et nostra et patrum maiorumque memoria, iudices, summi homines et clarissimi cives fuerunt, quorum cum

adulescentiae cupiditates defervissent, eximiae virtutes firmata iam aetate exstiterunt. Ex quibus neminem mihi libet nominare; vosmet vobiscum recordamini. Nolo enim cuiusquam fortis atque illustris viri ne minimum quidem erratum cum maxima laude coniungere. Quod si facere vellem, multi a me summi atque ornatissimi viri praedicarentur, quorum partim nimia libertas in adulescentia, partim profusa luxuries, magnitudo aeris alieni, sumptus, libidines nominarentur, quae multis postea virtutibus obtecta adulescentiae, qui vellet, excusatione defenderet.

[44] At vero in M. Caelio (dicam enim iam confidentius de studiis eius honestis, quoniam audeo quaedam fretus vestra sapientia libere confiteri) nulla luxuries reperietur, nulli sumptus, nullum aes alienum, nulla conviviorum ac lustrorum libido: quod quidem vitium ventris et gurgitis non modo non minuit aetas hominibus, sed etiam auget. Amores autem et hae deliciae, quae vocantur, quae firmiore animo praeditis diutius molestae non solent esse (mature enim et celeriter deflorescunt), numquam hunc occupatum impeditumque tenuerunt.

[45] Audistis, cum pro se diceret, audistis antea, cum accusaret (defendendi haec causa, non gloriandi eloquor); genus orationis, facultatem, copiam sententiarum atque verborum, quae vestra prudentia est, perspexistis; atque in eo non solum ingenium elucere eius videbatis, quod saepe, etiamsi industria non alitur, valet tamen ipsum suis viribus, sed inerat, nisi me propter benevolentiam forte fallebat, ratio et bonis artibus instituta et cura et vigiliis elaborata. Atqui scitote, iudices, eas cupiditates, quae obiciuntur Caelio, atque haec studia, de quibus disputo, non facile in eodem homine esse posse. Fieri enim non potest, ut animus libidini deditus, amore, desiderio, cupiditate, saepe nimia copia, inopia etiam non numquam impeditus hoc, quicquid est, quod nos facimus in dicendo, quoquomodo facimus non modo agendo, verum etiam cogitando possit sustinere.

[46] An vos aliam causam esse ullam putatis, cur in tantis praemiis eloquentiae, tanta voluptate dicendi, tanta laude, tanta gratia, tanto honore tam sint pauci semperque fuerint, qui in hoc labore versentur? Obterendae sunt omnes voluptates, relinquenda studia delectationis, ludus, iocus, convivium, sermo paene est familiarum deserendus.

Quare in hoc genere labor offendit homines a studioque deterret, non quo aut ingenia deficiant aut doctrina puerilis.

[47] An hic, si sese isti vitae dedidisset, consularem hominem admodum adulescens in iudicium vocavisset? hic, si laborem fugeret, si obstrictus voluptatibus teneretur, in hac acie cotidie versaretur, appeteret inimicitias, in iudicium vocaret, subiret periculum capitis, ipse inspectante populo Romano tot iam menses aut de salute aut de gloria dimicaret? Nihilne igitur illa vicinitas redolet, nihihne hominum fama, nihil Baiae denique ipsae loquuntur ? Illae vero non loquuntur solum,verum etiam personant, huc unius mulieris libidinem esse prolapsam, ut ea non modo solitudinem ac tenebras atque haec flagitiorum integumenta non quaerat, sed in turpissimis rebus frequentissima celebritate et clarissima luce laetetur.

[48] Verum si quis est, qui etiam meretriciis amoribus interdictum iuventuti putet, est ille quidem valde severus (negare non possum), sed abhorret non modo ab huius saeculi licentia, verum etiam a maiorum consuetudine atque concessis. Quando enim hoc non factitatum est, quando reprehensum, quando non permissum, quando denique fuit, ut, quod licet, non liceret? Hic ego iam rem definiam, mulierem nullam nominabo; tantum in medio relinquam.

[49] Si quae non nupta mulier domum suam patefecerit omnium cupiditati palamque sese in meretricia vita collocarit, virorum alienissimorum conviviis uti instituerit, si hoc in urbe, si in hortis, si in Baiarum illa celebritate faciat, si denique ita sese gerat non incessu solum, sed ornatu atque comitatu, non flagrantia oculorum, non libertate sermonum, sed etiam complexu, osculatione, actis, navigatione, conviviis, ut non solum meretrix, sed etiam proterva meretrix procaxque videatur: cum hac si qui adulescens forte fuerit, utrum hic tibi, L. Herenni, adulter an amator, expugnare pudicitiam an explere libidinem voluisse videatur?

[50] Obliviscor iam iniurias tuas, Clodia, depono memoriam doloris mei; quae abs te crudeliter in meos me absente facta sunt, neglego; ne sint haec in te dicta, quae dixi. Sed ex te ipsa requiro, quoniam et crimen accusatores abs te et testem eius criminis te ipsam dicunt se habere. Si quae mulier sit eius modi, qualem ego paulo ante descripsi, tui dissimilis, vita institutoque meretricio, cum hac aliquid adulescentem hominem habuisse rationis num tibi perturpe aut

perflagitiosum esse videatur? Ea si tu non es, sicut ego malo, quid est, quod obiciant Caelio? Sin eam te volunt esse, quid est, cur nos crimen hoc, si tu contemnis, pertimescamus? Quare nobis da viam rationemque defensionis. Aut enim pudor tuus defendet nihil a M. Caelio petulantius esse factum, aut impudentia et huic et ceteris magnam ad se defendendum facultatem dabit.

[51] Sed quoniam emersisse iam e vadis et scopulos praetervecta videtur oratio mea, perfacilis mihi reliquus cursus ostenditur. Duo sunt enim crimina una in muliere summorum facinorum, auri, quod sumptum a Clodia dicitur, et veneni, quod eiusdem Clodiae necandae causa parasse Caelium criminantur. Aurum sumpsit, ut dicitis, quod L. Luccei servis daret, per quos Alexandrinus Dio, qui tum apud Lucceium habitabat, necaretur. Magnum crimen vel in legatis insidiandis vel in servis ad hospitem domini necandum sollicitandis, plenum sceleris consilium, plenum audaciae!

[52] Quo quidem in crimine primum illud requiro, dixeritne Clodiae, quam ad rem aurum sumeret, an non dixerit. Si non dixit, cur dedit? Si dixit, eodem se conscientiae scelere devinxit. Tune aurum ex armario tuo promere ausa es, tune Venerem illam tuam spoliare ornamentis, spoliatricem ceterorum, cum scires, quantum ad facinus aurum hoc quaereretur, ad necem legati, ad L. Luccei, sanctissimi hominis atque integerrimi, labem sceleris sempiternam? Huic facinori tanto tua mens liberalis conscia, tua domus popularis ministra, tua denique hospitalis illa Venus adiutrix esse non debuit.

[53] Vidit hoc Balbus; celatam esse Clodiam dixit, atque ita Caelium ad illam attulisse, se ad ornatum ludorum aurum quaerere. Si tam familiaris erat Clodiae, quam tu esse vis, cum de libidine eius tam multa dicis, dixit profecto, quo vellet aurum; si tam familiaris non erat, non dedit. Ita, si verum tibi Caelius dixit, o immoderata mulier, sciens tu aurum ad facinus dedisti; si non est ausus dicere, non dedisti. Quid ego nunc argumentis huic crimini, quae sunt innumerabilia, resistam? Possum dicere mores Caeli longissime a tanti sceleris atrocitate esse disiunctos; minime esse credendum homini tam ingenioso tamque prudenti non venisse in mentem rem tanti sceleris ignotis alienisque servis non esse credendam. Possum etiam illa et ceterorum patronorum et mea consuetudine ab accusatore perquirere, ubi sit congressus cum servis Luccei Caelius,

qui ei fuerit aditus; si per se, qua temeritate; si per alium, per quem? Possum omnes latebras suspicionum peragrare dicendo; non causa, non locus, non facultas, non conscius, non perficiendi, non occultandi maleficii spes, non ratio ulla, non vestigium maximi facinoris reperietur.

[54] Sed haec, quae sunt oratoris propria, quae mihi non propter ingenium meum, sed propter hanc exercitationem usumque dicendi fructum aliquem ferre potuissent, cum a me ipso elaborata proferri viderentur, brevitatis causa relinquo omnia. Habeo enim, iudices, quem vos socium vestrae religionis iurisque iurandi facile esse patiamini, L. Lucceium, sanctissimum hominem et gravissimum testem, qui tantum facinus in famam atque fortunas suas neque non audisset illatum a Caelio neque neglexisset neque tulisset. An ille vir illa humanitate praeditus, illis studiis, illis artibus atque doctrina illius ipsius periculum, quem propter haec ipsa studia diligebat, neglegere potuisset et, quod facinus in alienum hominem intentum severe acciperet, id omisisset curare in hospitem? quod per ignotos actum cum comperisset, doleret, id a suis servis temptatum esse neglegeret? quod in agris locisve publicis factum reprehenderet, id in urbe ac suae domi coeptum esse leniter ferret? quod in alicuius agrestis periculo non praetermitteret, id homo eruditus in insidiis doctissimi hominis dissimulandum putaret?

[55] Sed cur diutius vos, iudices, teneo? Ipsius iurati religionem auctoritatemque percipite atque omnia diligenter testimonii verba cognoscite. Recita. L. LVCCEI TESTIMONIVM. Quid exspectatis amplius? an aliquam vocem putatis ipsam pro se causam et veritatem posse mittere? Haec est innocentiae defensio, haec ipsius causae oratio, haec una vox veritatis. In crimine ipso nulla suspicio est, in re nihil est argumenti, in negotio, quod actum esse dicitur, nullum vestigium sermonis, loci, temporis; nemo testis, nemo conscius nominatur, totum crimen profertur ex inimica, ex infami, ex crudeli, ex facinerosa, ex libidinosa domo; domus autem illa, quae temptata esse scelere isto nefario dicitur, plena est integritatis, dignitatis, officii religionis; ex qua domo recitatur vobis iure iurando devincta auctoritas, ut res minime dubitanda in contentione ponatur, utrum temeraria, procax, irata mulier finxisse crimen, an gravis sapiens moderatusque vir religiose testimonium dixisse videatur.

[56] Reliquum est igitur crimen de veneno; cuius ego nec principium invenire neque evolvere exitum possum. Quae fuit enim causa, quam ob rem isti mulieri venenum dare vellet Caelius? Ne aurum redderet? Num petivit? Ne crimen haereret? Numquis obiecit? num quis denique fecisset mentionem, si hic nullius nomen detulisset? Quin etiam L. Herennium dicere audistis verbo se molestum non futurum fuisse Caelio, nisi iterum eadem de re suo familiari absoluto nomen hic detulisset. Credibile est igitur tantum facinus ob nullam causam esse commissum? et vos non videtis fingi sceleris maximi crimen, ut alterius causa sceleris suscipiendi fuisse videatur?

[57] Cui denique commisit, quo adiutore usus est, quo socio, quo conscio, cui tantum facinus, cui se, cui salutem suam credidit? Servisne mulieris? Sic enim obiectum est. Et erat tam demens hic, cui vos ingenium certe tribuitis, etiamsi cetera inimica oratione detrahitis, ut omnes suas fortunas alienis servis committeret? At quibus servis? Refert enim magnopere id ipsum. Iisne, quos intellegebat non communi condicione servitutis uti, sed licentius, liberius, familiarius cum domina vivere? Quis enim hoc non videt, iudices, aut quis ignorat, in eius modi domo, in qua mater familias meretricio more vivat, in qua nihil geratur, quod foras proferendum sit, in qua inusitatae, libidines, luxuries, omnia denique inaudita vitia ac flagitia versentur, hic servos non esse servos, quibus omnia committantur, per quos gerantur, qui versentur isdem in voluptatibus, quibus occulta credantur, ad quos aliquantum etiam ex cotidianis sumptibus ac luxurie redundet? Id igitur Caelius non videbat?

[58] Si enim tam familiaris erat mulieris, quam vos vultis, istos quoque servos familiares esse dominae sciebat. Sin ei tanta consuetudo, quanta a vobis inducitur, non erat, quae cum servis potuit familiaritas esse tanta? Ipsius autem veneni quae ratio fingitur? ubi quaesitum est, quem ad modum paratum, quo pacto, cui, quo in loco traditum? Habuisse aiunt domi vimque eius esse expertum in servo quodam ad eam rem ipsam parato; cuius perceleri interitu esse ab hoc comprobatum venenum.

[59] Pro di immortales! cur interdum in hominum sceleribus maximis aut conivetis aut praesentis fraudis poenas in diem reservatis? Vidi enim, vidi et illum hausi dolorem vel acerbissimum

in vita, cum Q. Metellus abstraheretur e sinu gremioque patriae, cumque ille vir, qui se natum huic imperio putavit, tertio die post quam in curia, quam in rostris, quam in re publica floruisset, integerrima aetate, optimo habitu, maximis viribus eriperetur indignissime bonis omnibus atque universae civitati. Quo quidem tempore ille moriens, cum iam ceteris ex partibus oppressa mens esset, extremum sensum ad memoriam rei publicae reservabat, cum me intuens flentem significabat interruptis ac morientibus vocibus, quanta impenderet procella mihi, quanta tempestas civitati, et cum parietem saepe feriens eum, qui cum Q. Catulo fuerat ei communis, crebro Catulum, saepe me, saepissime rem publicam nominabat, ut non tam se emori quam spoliari suo praesidio cum patriam, tum etiam me doleret.

[60] Quem quidem virum si nulla vis repentini sceleris sustulisset, quonam modo ille furenti fratri suo consularis restitisset, qui consul incipientem furere atque tonantem sua se manu interfecturum audiente senatu dixerit? Ex hac igitur domo progressa ista mulier de veneni celeritate dicere audebit? Nonne ipsam domum metuet, ne quam vocem eiciat, non parietes conscios, non noctem illam funestam ac luctuosam perhorrescet? Sed revertor ad crimen; etenim haec facta illius clarissimi ac fortissimi viri mentio et vocem meam fletu debilitavit et mentem dolore impedivit.

[61] Sed tamen venenum unde fuerit, quem ad modum paratum sit, non dicitur. Datum esse aiunt huic P. Licinio, pudenti adulescenti et bono, Caeli familiari; constitutum esse cum servis, ut venirent ad balneas Senias; eodem Licinium esse venturum atque iis veneni pyxidem traditurum. Hic primum illud requiro, quid attinuerit ferri in eum locum constitutum, cur illi servi non ad Caelium domum venerint. Si manebat tanta illa consuetudo Caeli, tanta familiaritas cum Clodia, quid suspicionis esset, si apud Caelium mulieris servus visus esset? Sin autem iam suberat simultas, exstincta erat consuetudo, discidium exstiterat, “hinc illae lacrimae “ nimirum, et haec causa est omnium horum scelerum atque criminum.

[62] “Immo,” inquit, “cum servi ad dominam rem totam et maleficium Caeli detulissent, mulier ingeniosa praecepit his ut omnia Caelio pollicerentur; sed ut venenum, cum a Licinio traderetur, manifesto comprehendi posset, constitui locum iussit balneas Senias,

ut eo mitteret amicos, qui delitiscerent, deinde repente, cum venisset Licinius venenumque traderet, prosilirent hominemque comprenderent." Quae quidem omnia, iudices, perfacilem rationem habent reprehendendi. Cur enim potissimum balneas publicas constituerat? in quibus non invenio quae latebra togatis hominibus esse posset. Nam si essent in vestibulo balnearum, non laterent; sin se in intimum conicere vellent, nec satis commode calceati et vestiti id facere possent et fortasse non reciperentur, nisi forte mulier potens quadrantaria illa permutatione familiaris facta erat balneatori.

[63] Atque equidem vehementer exspectabam, quinam isti viri boni testes huius manifesto deprehensi veneni dicerentur; nulli enim sunt adhuc nominati. Sed non dubito, quin sint pergraves, qui primum sint talis feminae familiares, deinde eam provinciam susceperint, ut in balneas contruderentur, quod illa nisi a viris honestissimis ac plenissimis dignitatis, quam velit sit potens, numquam impetravisset. Sed quid ego de dignitate istorum testium loquor? virtutem eorum diligentiamque cognoscite. “In balneis delituerunt.” Testes egregios! “Dein temere prosiluerunt.” Homines temperantes! Sic enim fingunt, cum Licinius venisset, pyxidem teneret in manu, conaretur tradere, nondum tradidisset, tum repente evolasse istos praeclaros testes sine nomine; Licinium autem, cum iam manum ad tradendam pyxidem porrexisset, retraxisse atque illo repentino hominum impetu se in fugam coniecisse. O magna vis veritatis, quae contra hominum ingenia, calliditatem, sollertiam contraque fictas omnium insidias facile se per se ipsa defendat!

[64] Velut haec tota fabella veteris et plurimarum fabularum poetriae quam est sine argumento, quam nullum invenire exitum potest! Quid enim? isti tot viri (nam necesse est fuisse non paucos, ut et comprehendi Licinius facile posset et res multorum oculis esset testatior) cur Licinium de manibus amiserunt? Qui minus enim Licinius comprehendi potuit, cum se retraxit, ne pyxidem traderet, quam si tradidisset? Erant enim illi positi, ut comprehenderent Licinium, ut manifesto Licinius teneretur, aut cum retineret venenum aut cum tradidisset. Hoc fuit totum consilium mulieris, haec istorum provincia, qui rogati sunt; quos quidem tu quam ob rem “temere prosiluisse” dicas atque ante tempus, non reperio. Fuerant ad hoc rogati, fuerant ad hanc rem collocati, ut venenum, ut insidiae, facinus denique ipsum ut manifesto comprehenderetur.

[65] Potueruntne magis tempore prosilire, quam cum Licinius venisset, cum in manu teneret veneni pyxidem? Quae cum iam erat tradita servis, si evasissent subito ex balneis mulieris amici Liciniumque comprehendissent, imploraret hominum fidem atque a se illam pyxidem traditam pernegaret. Quem quo modo illi reprehenderent? vidisse se dicerent? Primum ad se revocarent maximi facinoris crimen; deinde id se vidisse dicerent, quod, quo

loco collocati fuerant, non potuissent videre. Tempore igitur ipso se ostenderunt, cum Licinius venisset, pyxidem expediret, manum porrigeret, venenum traderet. Mimi ergo est iam exitus, non fabulae; in quo cum clausula non invenitur, fugit aliquis e manibus, deinde scabilla concrepant, aulaeum tollitur.

[66] Quaero enim, cur Licinium titubantem, haesitantem, cedentem, fugere conantem mulieraria manus ista de manibus amiserit, cur non comprenderint, cur non ipsius confessione, multorum oculis, facinoris denique voce tanti sceleris crimen expresserint. An timebant, ne tot unum, valentes imbecillum, alacres perterritum superare non possent? Nullum argumentum in re, nulla suspicio in causa, nullus exitus criminis reperietur. Itaque haec causa ab argumentis, a coniectura, ab iis signis, quibus veritas illustrari solet, ad testes tota traducta est. Quos quidem ego, iudices, testes non modo sine ullo timore, sed etiam cum aliqua spe delectationis exspecto.

[67] Praegestit animus iam videre primum lautos iuvenes mulieris beatae ac nobilis familiares, deinde fortes viros ab imperatrice in insidiis atque in praesidio balnearum collocatos; ex quibus requiram, quem ad modum latuerint aut ubi, alveusne ille an equus Troianus fuerit, qui tot invictos viros muliebre bellum gerentes tulerit ac texerit. Illud vero respondere cogam, cur tot viri ac tales hunc et unum et tam imbecillum, quam videtis, non aut stantem comprenderint aut fugientem consecuti sint; qui se numquam profecto, si in istum locum processerint, explicabunt. Quam volent in conviviis faceti, dicaces, non numquam etiam ad vinum diserti sint, alia fori vis est, alia triclinii, alia subselliorum ratio, alia lectorum; non idem iudicum comissatorumque conspectus; lux denique longe alia est solis, alia lychnorum. Quam ob rem excutiemus omnes istorum delicias, omnes ineptias, si prodierint. Sed me audiant, navent aliam operam, aliam ineant gratiam, in aliis se rebus ostentent, vigeant apud istam mulierem venustate, dominentur sumptibus, haereant, iaceant, deserviant; capiti vero innocentis fortunisque parcant.

[68] At sunt servi illi de cognatorum sententia, nobilissimorum et clarissimorum hominum, manu missi. Tandem aliquid invenimus, quod ista mulier de suorum propinquorum fortissimorum virorum

sententia atque auctoritate fecisse dicatur. Sed scire cupio, quid habeat argumenti ista manumissio; in qua aut crimen est Caelio quaesitum aut quaestio sublata aut multarum rerum consciis servis cum causa praemium persolutum. “At propinquis” inquit “placuit.” Cur non placeret, cum rem tute ad eos non ab aliis tibi adlatam, sed a te ipsa compertam deferre diceres?

[69] Hic etiam miramur, si illam commenticiam pyxidem obscenissima sit fabula consecuta? Nihil est, quod in eius modi mulierem non cadere videatur. Audita et percelebrata sermonibus res est. Percipitis animis, iudices, iam dudum, quid velim vel potius quid nolim dicere. Quod etiamsi est factum, certe a Caelio non est factum (quid enim attinebat?); est enim ab aliquo adulescente fortasse non tam insulso quam non verecundo. Sin autem est fictum, non illud quidem modestum, sed tamen est non infacetum mendacium; quod profecto numquam hominum sermo atque opinio comprobasset, nisi omnia, quae cum turpitudine aliqua dicerentur, in istam quadrare apte viderentur.

[70] Dicta est a me causa, iudices, et perorata. Iam intellegitis, quantum iudicium sustineatis, quanta res sit commissa vobis. De vi quaeritis. Quae lex ad imperium, ad maiestatem, ad statum patriae, ad salutem omnium pertinet, quam legem Q. Catulus armata dissensione civium rei publicae paene extremis temporibus tulit, quaeque lex sedata illa flamma consulatus mei fumantes reliquias coniurationis exstinxit, hac nunc lege Caeli adulescentia non ad rei publicae poenas, sed ad mulieris libidines et delicias deposcitur?

[71] Atque hoc etiam loco M. Camurti et C. Caeserni damnatio praedicatur. O stultitiam! stultitiamne dicam an impudentiam singularem! Audetisne, cum ab ea muliere veniatis, facere istorum hominum mentionem? audetis excitare tanti flagitii memoriam non exstinctam illam quidem, sed repressam vetustate? Quo enim illi crimine peccatoque perierunt? Nempe quod eiusdem mulieris dolorem et iniuriam Vettiano nefario stupro sunt persecuti. Ergo ut audiretur Vetti nomen in causa, ut illa vetus aeraria fabula referretur, idcirco Camurti et Caeserni est causa renovata? qui quamquam lege de vi certe non tenebantur, eo maleficio tamen erant implicati, ut ex nullius legis laqueis eximendi viderentur.

[72] M. vero Caelius cur in hoc iudicium vocatur? cui neque

proprium quaestionis crimen obicitur nec vero aliquod eius modi, quod sit a lege seiunctum, cum vestra severitate coniunctum; cuius prima aetas dedita disciplinae fuit iisque artibus, quibus instituimur ad hunc usum forensem, ad capessendam rem publicam, ad honorem, gloriam, dignitatem; iis autem fuit amicitiis maiorum natu, quorum imitari industriam continentiamque maxime vellet, iis aequalium studiis, ut eundem quem optimi ac nobilissimi petere cursum laudis videretur.

[73] Cum autem paulum iam roboris accessisset aetati, in Africam profectus est Q. Pompeio pro consule contubernalis, castissimo homini atque omnis officii diligentissimo; in qua provincia cum res erant et possessiones paternae, tum etiam usus quidam provincialis non sine causa a maioribus huic aetati tributus. Decessit illinc Pompei iudicio probatissimus, ut ipsius testimonio cognoscetis. Voluit vetere instituto eorum adulescentium exemplo, qui post in civitate summi viri et clarissimi cives exstiterunt, industriam suam a populo Romano ex aliqua illustri accusatione cognosci.

[74] Vellem alio potius eum cupiditas gloriae detulisset; sed abiit huius tempus querellae. Accusavit C. Antonium, collegam meum, cui misero praeclari in rem publicam beneficii memoria nihil profuit, nocuit opinio maleficii cogitati. Postea nemini umquam concessit aequalium, plus ut in foro, plus ut in negotiis versaretur causisque amicorum, plus ut valeret inter suos gratia. Quae nisi vigilantes homines, nisi sobrii, nisi industrii consequi non possunt, omnia labore et diligentia est consecutus.

[75] In hoc flexu quasi aetatis (nihil enim occultabo fretus humanitate ac sapientia vestra) fama adulescentis paulum haesit ad metas notitia nova mulieris et infelici vicinitate et insolentia voluptatum, quae cum inclusae diutius et prima aetate compressae et constrictae fuerunt, subito se non numquam profundunt atque eiciunt universae. Qua ex vita vel dicam quo ex sermone (nequaquam enim tantum erat, quantum homines loquebantur) — verum ex eo, quicquid erat, emersit totumque se eiecit atque extulit, tantumque abest ab illius familiaritatis infamia, ut eiusdem nunc ab sese inimicitias odiumque propulset.

[76] Atque ut iste interpositus sermo deliciarum desidiaeque moreretur (fecit me invito mehercule et multum repugnante, sed

tamen fecit), nomen amici mei de ambitu detulit; quem absolutum insequitur, revocat; nemini nostrum obtemperat, est violentior, quam vellem. Sed ego non loquor de sapientia, quae non cadit in hanc aetatem; de impetu animi loquor, de cupiditate vincendi, de ardore mentis ad gloriam; quae studia in his iam aetatibus nostris contractiora esse debent, in adulescentia vero tamquam in herbis significant, quae virtutis maturitas et quantae fruges industriae sint futurae. Etenim semper magno ingenio adulescentes refrenandi potius a gloria quam incitandi fuerunt; amputanda plura sunt illi aetati, siquidem efflorescit ingenii laudibus, quam inserenda.

[77] Quare, si cui nimium effervisse videtur huius vel in suscipiendis vel in gerendis inimicitiis vis, ferocitas, pertinacia, si quem etiam minimorum horum aliquid offendit, si purpurae genus, si amicorum catervae, si splendor, si nitor, iam ista deferverint, iam aetas omnia, iam usus, iam dies mitigarit. Conservate igitur rei publicae, iudices, civem bonarum artium, bonarum partium, bonorum virorum. Promitto hoc vobis et rei publicae spondeo, si modo nos ipsi rei publicae satis fecimus, numquam hunc a nostris rationibus seiunctum fore. Quod cum fretus nostra familiaritate promitto, tum quod durissimis se ipse legibus iam obligavit.

[78] Non enim potest, qui hominem consularem, cum ab eo rem publicam violatam esse diceret, in iudicium vocarit, ipse esse in re publica civis turbulentus; non potest, qui ambitu ne absolutum quidem patiatur esse absolutum, ipse impune umquam esse largitor. Habet a M. Caelio res publica, iudices, duas accusationes vel obsides periculi vel pignora voluntatis. Quare oro obtestorque vos, iudices, ut, qua in civitate paucis his diebus Sex. Cloelius absolutus sit, quem vos per biennium aut ministrum seditionis aut ducem vidistis, hominem sine re, sine fide, sine spe, sine sede, sine fortunis, ore, lingua, manu, vita omni inquinatum, qui aedes sacras, qui censum populi Romani, qui memoriam publicam suis manibus incendit, qui Catuli monumentum adflixit, meam domum diruit, mei fratris incendit, qui in Palatio atque in urbis oculis servitia ad caedem et inflammandam urbem incitavit: in hac civitate ne patiamini illum absolutum muliebri gratia, Caelium libidini muliebri condonatum, ne eadem mulier cum suo coniuge et fratre et turpissimum latronem eripuisse et honestissimum adulescentem oppressisse videatur.

[79] Quod cum huius vobis adulescentiam proposueritis, constituitote ante oculos etiam huius miseri senectutem, qui hoc unico filio nititur, in huius spe requiescit, huius unius casum pertimescit; quem vos supplicem vestrae misericordiae, servum potestatis, abiectum non tam ad pedes quam ad mores sensusque vestros, vel recordatione parentum vestrorum vel liberorum iucunditate sustentate, ut in alterius dolore vel pietati vel indulgentiae vestrae serviatis. Nolite, iudices, aut hunc iam natura ipsa occidentem velle maturius exstingui vulnere vestro quam suo fato, aut hunc nunc primum florescentem firmata iam stirpe virtutis tamquam turbine aliquo aut subita tempestate pervertere.

[80] Conservate parenti filium, parentem filio, ne aut senectutem iam prope desperatam contempsisse aut adulescentiam plenam spei maximae non modo non aluisse vos verum etiam perculisse atque adflixisse videamini. Quem si nobis, si suis, si rei publicae conservatis, addictum, deditum, obstrictum vobis ac liberis vestris habebitis omniumque huius nervorum ac laborum vos potissimum, iudices, fructus uberes diuturnosque capietis.

PRO BALBO (In Defense of Lucius Cornelius Balbus)

M. TVLLI CICERONIS PRO L. CORNELIO BALBO ORATIO

[1] Si auctoritates patronorum in iudiciis valent, ab amplissimis viris L. Corneli causa defensa est; si usus, a peritissimis; si ingenia, ab eloquentissimis; si studia, ab amicissimis et cum beneficiis cum L. Cornelio tum maxima familiaritate coniunctis. Quae sunt igitur meae partes? Auctoritatis tantae quantam vos in me esse voluistis, usus mediocris, ingeni minime voluntati paris. Nam ceteris a quibus est defensus hunc debere plurimum video; ego quantum ei debeam, alio loco; principio orationis hoc pono, me omnibus qui amici fuerint saluti et dignitati meae, si minus referenda gratia satis facere potuerim, praedicanda et habenda certe satis esse facturum. [2] Quae fuerit hesterno die Cn. Pompei gravitas in dicendo, iudices, quae facultas, quae copia, non opinione tacita vestrorum animorum, sed perspicua admiratione declarari videbatur. Nihil enim umquam audivi quod mihi de iure subtilius dici videretur, nihil memoria maiore de exemplis, nihil peritius de foederibus, nihil inlustriore auctoritate de bellis, nihil de re publica gravius, nihil de ipso modestius, nihil de causa et crimine ornatius: [3] ut mihi iam verum videatur illud esse quod non nulli litteris ac studiis doctrinae dediti quasi quiddam incredibile dicere putabantur, ei qui omnis animo virtutes penitus comprehendisset omnia quae faceret <recte procedere>. Quae enim in L. Crasso potuit, homine nato ad dicendi singularem quandam facultatem, si hanc causam ageret, maior esse ubertas, varietas, copia quam fuit in eo qui tantum potuit impertire huic studio temporis quantum ipse a pueritia usque ad hanc aetatem a continuis bellis et victoriis conquievit? [4] Quo mihi difficilior est hic extremus perorandi locus. Etenim ei succedo orationi quae non praetervecta sit auris vestras, sed in animis omnium penitus insederit, ut plus voluptatis ex recordatione illius orationis quam non modo ex mea, sed ex cuiusquam oratione capere possitis. Sed mos est gerundus non modo Cornelio, cuius ego voluntati in eius periculis nullo modo deesse possum, sed etiam Cn. Pompeio, qui sui facti, sui

iudici, sui benefici voluit me esse, ut apud eosdem vos, iudices, nuper in alia causa fuerim, et praedicatorem et actorem.

[5] Ac mihi quidem hoc dignum re publica videtur, hoc deberi huius excellentis viri praestantissimae gloriae, hoc proprium esse vestri offici, hoc satis esse causae ut, quod fecisse Cn. Pompeium constet, id omnes ei licuisse concedant. Nam verius nihil est quam quod hesterno die dixit ipse, ita L. Cornelium de fortunis omnibus dimicare ut nullius in delicti crimen vocaretur. Non enim furatus esse civitatem, non genus suum ementitus, non in aliquo impudenti mendacio delituisse, non inrepsisse in censum dicitur: unum obicitur, natum esse Gadibus, quod negat nemo. Cetera accusator fatetur, hunc in Hispania durissimo bello cum Q. Metello, cum C. Memmio et in classe et in exercitu fuisse; ut Pompeius in Hispaniam venerit Memmiumque habere quaestorem coeperit, numquam a Memmio discessisse, Carthagine esse obsessum, acerrimis illis proeliis et maximis, Sucronensi et Turiensi, interfuisse, cum Pompeio ad extremum belli tempus fuisse. [6] Haec sunt propria Corneli, pietas in rem publicam nostram, labor, adsiduitas, dimicatio, virtus digna summo imperatore, spes pro periculis praemiorum; praemia quidem ipsa non sunt in eius facto qui adeptus est, sed in eius qui dedit. Donatus igitur est ob eas causas a Cn. Pompeio civitate. Id accusator non negat, sed reprehendit, ut in Cornelio causa ipsius probetur, poena quaeratur, in Pompeio causa laedatur, poena sit nulla nisi famae: sic innocentissimi hominis fortunas, praestantissimi imperatoris factum condemnari volunt. Ergo in iudicium caput Corneli, factum Pompei vocatur. Hunc enim in ea civitate in qua sit natus honestissimo loco natum esse concedis, et ab ineunte aetate relictis rebus suis omnibus in nostris bellis nostris cum imperatoribus esse versatum, nullius laboris, nullius obsessionis, nullius proeli expertem fuisse. Haec sunt omnia cum plena laudis tum propria Corneli, nec in iis rebus crimen est ullum. [7] Vbi igitur est crimen? Quod eum Pompeius civitate donavit. Huius crimen? Minime, nisi honos ignominia putanda est. Cuius igitur? Re vera nullius, actione accusatoris eius unius qui donavit; qui si adductus gratia minus idoneum hominem praemio adfecisset, quin etiam si virum bonum sed non ita meritum, si denique aliquid non contra ac liceret factum diceretur, sed contra atque oporteret, tamen esset omnis eius modi

reprehensio a vobis, iudices, repudianda. [8] Nunc vero quid dicitur? Quid ait accusator? Fecisse Pompeium quod ei facere non licuerit; quod gravius est quam si id factum ab eo diceret quod non oportuisset. Est enim aliquid quod non oporteat, etiam si licet; quicquid vero non licet, certe non oportet.

Hic ego nunc cuncter sic agere, iudices, non esse fas dubitari quin, quod Cn. Pompeium fecisse constet, id non solum licuisse sed etiam decuisse fateamur? [9] Quid enim abest huic homini quod, si adesset, iure haec ei tribui et concedi putaremus? Vsusne rerum? qui pueritiae tempus extremum principium habuit bellorum atque imperiorum maximorum, cuius plerique aequales minus saepe castra viderunt quam hic triumphavit, qui tot habet triumphos quot orae sunt partesque terrarum, tot victorias bellicas quot sunt in rerum natura genera bellorum. An ingenium? quin etiam ipsi casus eventusque rerum non duces, sed comites eius consiliorum fuerunt: in quo uno ita summa fortuna cum summa virtute certavit ut omnium iudicio plus homini quam deae tribueretur. An pudor, an integritas, an religio in eo, an diligentia umquam requisita est? Quem provinciae nostrae, quem liberi populi, quem reges, quem ultimae gentes castiorem, moderatiorem, sanctiorem non modo viderunt, sed aut sperando umquam aut optando cogitaverunt? [10] Quid dicam de auctoritate? quae tanta est quanta in his tantis virtutibus ac laudibus esse debet. Cui senatus populusque Romanus amplissimae dignitatis praemia dedit non postulanti, imperia vero etiam recusanti, huius de facto, iudices, ita quaeri ut id agatur, licueritne ei facere quod fecit, an vero non dicam non licuerit, sed nefas fuerit — contra foedus enim, id est contra populi Romani religionem et fidem fecisse dicitur — non turpe rei publicae, nonne vobis? [11] Audivi hoc de parente meo puer, cum Q. Metellus Luci filius causam de pecuniis repetundis diceret, ille, ille vir, cui patriae salus dulcior quam conspectus fuit, qui de civitate decedere quam de sententia maluit — hoc igitur causam dicente, cum ipsius tabulae circumferrentur inspiciendi nominis causa, fuisse iudicem ex illis equitibus Romanis gravissimis viris neminem quin removeret oculos <et> se totum averteret, ne forte, quod ille in tabulas publicas rettulisset, dubitasse quisquam verumne an falsum esset videretur: nos Cn. Pompei decretum, iudices, de consili sententia pronuntiatum recognoscemus, cum legibus

conferemus, cum foederibus, omnia acerbissima diligentia perpendemus? [12] Athenis aiunt, cum quidam apud eos qui sancte graviterque vixisset testimonium publice dixisset et, ut mos Graecorum est, iurandi causa ad aras accederet, una voce omnis iudices ne is iuraret reclamasse. <Tum> Graeci homines spectati viri noluerunt religione videri potius quam veritate fidem esse constrictam: nos etiam in ipsa religione et legum et foederum conservanda qualis fuerit Cn. Pompeius dubitabimus? [13] Vtrum enim inscientem vultis contra foedera fecisse an scientem? Si scientem, — O nomen nostri imperi! O populi Romani excellens dignitas! O Cn. Pompei sic late longeque diffusa laus ut eius gloriae domicilium communis imperi finibus terminetur! O nationes, urbes, populi, reges, tetrarchae, tyranni, — testes Cn. Pompei non solum virtutis in bello sed etiam religionis in pace! Vos denique, mutae regiones, imploro, et sola terrarum ultimarum; vos, maria, portus, insulae, litora! Quae est enim ora, quae sedes, qui locus in quo non exstent huius cum fortitudinis tum vero humanitatis, cum animi tum consili impressa vestigia? Hunc quisquam, incredibili quadam atque inaudita gravitate virtute constantia praeditum, foedera scientem neglexisse violasse rupisse dicere audebit?

[14] Gratificatur mihi gestu accusator: inscientem Cn. Pompeium fecisse significat, quasi vero levius sit, cum in tanta re publica versere et maximis negotiis praesis, facere aliquid quod scias non licere, quam omnino non scire quid liceat! Etenim utrum <qui in> Hispania bellum acerrimum et maximum gesserat quo iure Gaditana civitas esse nesciebat, an, cum ius illius populi nosset, interpretationem foederis non tenebat? Id igitur quisquam Cn. Pompeium ignorasse dicere audebit quod mediocres homines, quod nullo usu, nullo studio praediti militari, quod librarioli denique scire <se> profiteantur? [15] Equidem contra existimo, iudices, cum in omni genere ac varietate artium, etiam illarum quae sine summo otio non facile discuntur, Cn. Pompeius excellat, singularem quandam laudem et praestabilem <eius> esse scientiam in foederibus, pactionibus, condicionibus populorum, regum, exterarum nationum, in universo denique belli iure atque pacis; nisi forte ea quae nos libri docent in umbra atque otio, ea Cn. Pompeium neque cum requiesceret litterae, neque cum rem gereret regiones ipsae docere potuerunt.

Atque, ut ego sentio, iudices, causa dicta est. Temporum magis ego nunc vitiis quam genere iudici plura dicam; est enim haec saeculi quaedam macula atque labes, virtuti invidere, velle ipsum florem dignitatis infringere. Etenim si Pompeius abhinc annos quingentos fuisset, [16] is vir a quo senatus adulescentulo atque equite Romano saepe communi saluti auxilium expetisset, cuius res gestae omnis gentis cum clarissima victoria terra marique peragrassent, cuius tres triumphi testes essent totum orbem terrarum nostro imperio teneri, quem populus Romanus <honoribus> in<signibus> singularibusque decorasset, — si nunc apud nos id quod is fecisset contra foedus factum diceretur, quis audiret? Nemo profecto; mors enim cum exstinxisset invidiam, res eius gestae sempiterni nominis gloria niterentur. Cuius igitur audita virtus dubitationi locum non daret, huius <visa> atque perspecta obtrectatorum voce laedetur?

[17] Omittam igitur Pompeium iam oratione mea reliqua, sed vos, iudices, animis ac memoria tenetote. De lege, de foedere, de exemplis, de perpetua consuetudine civitatis nostrae renovabo ea quae dicta sunt; nihil enim mihi novi, nihil integri neque M. Crassus, qui totam causam et pro facultate et pro fide sua diligentissime vobis explicavit, neque Cn. Pompeius, cuius oratio omnibus ornamentis abundavit, ad dicendum reliquit. Sed quoniam me recusante placuit ambobus adhiberi hunc a me quasi perpoliendi quendam operis extremum laborem, peto a vobis ut me offici potius quam dicendi studio hanc suscepisse operam ac munus putetis. [18] Ac prius quam adgrediar ad ius causamque Corneli, quiddam de communi condicione omnium nostrum deprecandae malivolentiae causa breviter commemorandum videtur. Si quo quisque loco nostrum est, iudices, natus, aut si, in qua fortuna est nascendi initio constitutus, hunc vitae statum usque ad senectutem obtinere debet, et si omnes quos aut fortuna extulit aut ipsorum inlustravit labor et industria poena sunt adficiendi, non gravior L. Cornelio quam multis viris bonis atque fortibus constitui lex vitae et condicio videretur: sin autem multorum virtus, ingenium, humanitas ex infimo genere et fortunae gradu non modo amicitias et rei familiaris copias consecuta est, sed summam laudem, honores, gloriam, dignitatem, non intellego cur potius invidia violatura virtutem L. Corneli quam aequitas vestra pudorem eius adiutura videatur. [19] Itaque quod

maxime petendum est a vobis idcirco non peto, iudices, ne de vestra sapientia atque de vestra humanitate dubitare videar: est autem petendum ne oderitis ingenium, ne inimici sitis industriae, ne humanitatem opprimendam, ne virtutem puniendam putetis. Illud peto, ut, si causam ipsam per se firmam esse et stabilem videritis, hominis ipsius ornamenta adiumento causae potius quam impedimento esse malitis.

Nascitur, iudices, causa Corneli ex ea lege quam L. Gellius Cn. Cornelius ex senatus sententia tulerunt; qua lege videmus <rite> esse sanctum ut cives Romani sint ii quos Cn. Pompeius de consili sententia singillatim civitate donaverit. Donatum esse L. Cornelium praesens Pompeius dicit, indicant publicae tabulae. Accusator fatetur, sed negat ex foederato populo quemquam potuisse, nisi is populus fundus factus esset, in hanc civitatem venire. [20] O praeclarum interpretem iuris, auctorem antiquitatis, correctorem atque emendatorem nostrae civitatis, qui hanc poenam foederibus adscribat, ut omnium praemiorum beneficiorumque nostrorum expertis faciat foederatos! Quid enim potuit dici imperitius quam foederatos populos fieri fundos oportere? nam id non magis est proprium foederatorum quam omnium liberorum. Sed totum hoc, iudices, in ea fuit positum semper ratione atque sententia ut, cum iussisset populus Romanus aliquid, si id adscivissent socii populi ac Latini, et si ea lex, quam nos haberemus, eadem in populo aliquo tamquam in fundo resedisset, ut tum lege eadem is populus teneretur, non ut de nostro iure aliquid deminueretur, sed ut illi populi aut iure eo quod a nobis esset constitutum aut aliquo commodo aut beneficio uterentur. [21] Tulit apud maiores nostros legem C. Furius de testamentis, tulit Q. Voconius de mulierum hereditatibus; innumerabiles aliae leges de civili iure sunt latae; quas Latini voluerunt, adsciverunt; ipsa denique Iulia, qua lege civitas est sociis et Latinis data, qui fundi populi facti non essent civitatem non haberent. In quo magna contentio Heracliensium et Neapolitanorum fuit, cum magna pars in iis civitatibus foederis sui libertatem civitati anteferret. Postremo haec vis est istius et iuris et verbi, ut fundi populi beneficio nostro, non suo iure fiant. [22] Cum aliquid populus Romanus iussit, id si est eius modi ut quibusdam populis, sive foederatis sive liberis, permittendum esse videatur ut statuant ipsi

non de nostris sed de suis rebus, quo iure uti velint, tum utrum fundi facti sint an non quaerendum esse videatur; de nostra vero re publica, de nostro imperio, de nostris bellis, de victoria, de salute fundos populos fieri noluerunt. Atqui si imperatoribus nostris, si senatui, si populo Romano non licebit propositis praemiis elicere ex civitatibus sociorum atque amicorum fortissimum atque optimum quemque ad subeunda pro salute nostra pericula, summa utilitate ac maximo saepe praesidio periculosis atque asperis temporibus carendum nobis erit. [23] Sed, per deos immortalis, quae est ista societas, quae amicitia, quod foedus, ut aut nostra civitas careat in suis periculis Massiliensi propugnatore, careat Gaditano, careat Saguntino, aut, si quis ex his populis sit exortus qui nostros duces auxilio laboris, commeatus periculo suo iuverit, qui cum hoste nostro comminus in acie saepe pugnarit, qui se saepe telis hostium, qui dimicationi capitis, qui morti obiecerit, nulla condicione huius civitatis praemiis adfici possit? [24] Etenim in populum Romanum grave est non posse uti sociis excellenti virtute praeditis, qui velint cum periculis nostris sua communicare; in socios vero ipsos, et in eos de quibus agimus foederatos, iniuriosum et contumeliosum est iis praemiis et iis honoribus exclusos esse fidelissimos et coniunctissimos socios quae pateant stipendiariis, pateant hostibus, pateant saepe servis. Nam stipendiarios ex Africa, Sicilia, Sardinia, ceteris provinciis multos civitate donatos videmus, et, qui hostes ad nostros imperatores perfugissent et magno usui rei publicae nostrae fuissent, scimus civitate esse donatos; servos denique, quorum ius, fortuna, condicio infima est, bene de re publica meritos persaepe libertate, id est civitate, publice donari videmus.

[25] Hanc tu igitur, patrone foederum ac foederatorum, condicionem statuis Gaditanis, tuis civibus, ut, quod iis quos magnis adiutoribus tuis <usi civibus> armis subegimus atque in dicionem nostram redegimus liceat, si populus Romanus permiserit, ut ab senatu, etiam per imperatores nostros civitate donentur, id ne liceat ipsis? Qui si suis decretis legibusve sanxissent ne quis suorum civium castra imperatorum populi Romani iniret, ne quis se pro nostro imperio in periculum capitis atque in vitae discrimen inferret, Gaditanorum auxiliis, cum vellemus, uti nobis ut liceret, privatus vero ne quis vir et animo et virtute praecellens pro nostro imperio

periculo suo dimicaret, graviter id iure ferremus, minui auxilia populi Romani, debilitari animos fortissimorum virorum, alienigenarum nos hominum studiis atque paterna virtute privari. [26] Atqui nihil interest, iudices, utrum haec foederati iura constituant, ut ne cui liceat ex iis civitatibus ad nostrorum bellorum pericula accedere, an, quae nos eorum civibus virtutis causa tribuerimus, ea rata esse non possint; nihil enim magis uteremur iis adiutoribus, sublatis virtutis praemiis, quam si omnino iis versari in nostris bellis non liceret. Etenim cum pro sua patria pauci post genus hominum natum reperti sint qui nullis praemiis propositis vitam suam hostium telis obiecerint, pro aliena re publica quemquam fore putatis qui se opponat periculis non modo nullo proposito praemio, sed etiam interdicto?

[27] Sed cum est illud imperitissime dictum de populis fundis, quod commune liberorum est populorum, non proprium foederatorum, — ex quo intellegi necesse est aut neminem ex sociis civem fieri posse aut etiam posse ex foederatis, — tum vero ius omne noster iste magister mutandae civitatis ignorat, quod est, iudices, non solum in legibus publicis positum, sed etiam in privatorum voluntate. Iure enim nostro neque mutare civitatem quisquam invitus potest, neque si velit mutare non potest, modo adsciscatur ab ea civitate cuius esse se civitatis velit: ut, si Gaditani sciverint nominatim de aliquo cive Romano ut sit is civis Gaditanus, magna potestas sit nostro civi mutandae civitatis, nec foedere impediatur quo minus ex civi Romano civis Gaditanus possit esse. [28] Duarum civitatum civis noster esse iure civili nemo potest: non esse huius civitatis qui se alii civitati dicarit potest. Neque solum dicatione, quod in calamitate clarissimis viris Q. Maximo, C. Laenati, Q. Philippo Nuceriae, C. Catoni Tarracone, Q. Caepioni, P. Rutilio Zmyrnae vidimus accidisse, ut earum civitatum fierent cives, <cum> hanc ante amittere non potuissent quam hoc solum civitatis mutatione vertissent, sed etiam postliminio potest civitatis fieri mutatio. Neque enim sine causa de Cn. Publicio Menandro, libertino homine, quem apud maiores legati nostri in Graeciam proficiscentes interpretem secum habere voluerunt, ad populum latum <est> ut is Publicius, si domum revenisset et inde Romam redisset, ne minus civis esset. Multi etiam superiore memoria cives Romani sua voluntate, indemnati et incolumes, his rebus relictis alias se in civitates contulerunt.

[29] Quod si civi Romano licet esse Gaditanum sive exsilio sive postliminio sive reiectione huius civitatis, — ut iam ad foedus veniam, quod ad causam nihil pertinet: de civitatis enim iure, non de foederibus disceptamus, — quid est quam ob rem civi Gaditano in hanc civitatem venire non liceat? Equidem longe secus sentio. Nam cum ex omnibus civitatibus via sit in nostram, cumque nostris civibus pateat ad ceteras iter civitates, tum vero, ut quaeque nobiscum maxime societate amicitia sponsione pactione foedere est coniuncta, ita mihi maxime communione beneficiorum praemiorum civitatis contineri videtur. Atqui ceterae civitates omnes non dubitarent nostros homines recipere in suas civitates, si idem nos iuris haberemus quod ceteri; sed nos non possumus et huius esse civitatis et cuiusvis praeterea, ceteris concessum est. [30] Itaque in Graecis civitatibus videmus Atheniensis, Rhodios, Lacedaemonios, ceteros undique adscribi multarumque esse eosdem homines civitatum. Quo errore ductos vidi egomet non nullos imperitos homines, nostros civis, Athenis in numero iudicum atque Areopagitarum, certa tribu, certo numero, cum ignorarent, si illam civitatem essent adepti, hanc se perdidisse nisi postliminio reciperassent. Peritus vero nostri moris ac iuris nemo umquam, qui hanc civitatem retinere vellet, in aliam se civitatem dicavit.

Sed hic totus locus disputationis atque orationis meae, iudices, pertinet ad commune ius mutandarum civitatum: nihil habet quod sit proprium religionis ac foederum. Defendo enim rem universam, nullam esse gentem ex omni regione terrarum, neque tam dissidentem a populo Romano odio quodam atque discidio, neque tam fide benivolentiaque coniunctam, ex qua nobis interdictum sit ne quem adsciscere civem aut civitate donare possimus. [31] O iura praeclara atque divinitus iam inde a principio Romani nominis a maioribus nostris comparata, ne quis nostrum plus quam unius civitatis esse possit, — dissimilitudo enim civitatum varietatem iuris habeat necesse est, — ne quis invitus civitate mutetur neve in civitate maneat invitus! Haec sunt enim fundamenta firmissima nostrae libertatis, sui quemque iuris et retinendi et dimittendi esse dominum. Illud vero sine ulla dubitatione maxime nostrum fundavit imperium et populi Romani nomen auxit, quod princeps ille creator huius urbis, Romulus, foedere Sabino docuit etiam hostibus recipiendis augeri

hanc civitatem oportere; cuius auctoritate et exemplo numquam est intermissa a maioribus nostris largitio et communicatio civitatis. Itaque et ex Latio multi, ut Tusculani, ut Lanuvini, et ex ceteris generibus gentes universae in civitatem sunt receptae, ut Sabinorum, Volscorum, Hernicorum; quibus ex civitatibus nec coacti essent civitate mutari, si qui noluissent, nec, si qui essent civitatem nostram beneficio populi Romani consecuti, violatum foedus eorum videretur.

[32] Etenim quaedam foedera exstant, ut Cenomanorum, Insubrium, Helvetiorum, Iapydum, non nullorum item ex Gallia barbarorum, quorum in foederibus exceptum est ne quis eorum a nobis civis recipiatur. Quod si exceptio facit ne liceat, ubi <non sit exceptum, ibi> necesse est licere. Vbi est igitur <in> foedere Gaditano, ne quem populus Romanus Gaditanum recipiat civitate? Nusquam. Ac sicubi esset, lex id Gellia et Cornelia, quae definite potestatem Pompeio civitatem donandi dederat, sustulisset. 'Exceptum,' inquit, 'est foedus, Si qvid sacrosanctvm est.' Ignosco tibi, si neque Poenorum iura calles (reliqueras enim civitatem tuam) neque nostras potuisti leges inspicere; ipsae enim te a cognitione sua iudicio publico reppulerunt. [33] Quid fuit in rogatione ea quae de Pompeio a Gellio et a Lentulo consulibus lata est, in quo aliquid sacrosanctum exceptum videretur? Primum enim sacrosanctum esse nihil potest nisi quod populus plebesve sanxit; deinde sanctiones sacrandae sunt aut genere ipso aut obtestatione et consecratione legis aut poenae, cum caput eius qui contra fecerit consecratur. Quid habes igitur dicere de Gaditano foedere eius modi? utrum capitis consecratione an obtestatione legis sacrosanctum esse confirmas? Nihil omnino umquam de isto foedere ad populum, nihil ad plebem latum esse neque legem neque poenam consecratam esse dico. De quibus igitur etiam si latum esset ne quem civem reciperemus, tamen id esset quod postea populus iussisset ratum, nec quicquam illis verbis Si qvid sacrosanctvm est exceptum videretur, de iis, cum populus Romanus nihil umquam iusserit, quicquam audes dicere sacrosanctum fuisse? [34] Nec vero oratio mea ad infirmandum foedus Gaditanorum, iudices, pertinet; neque enim est meum contra ius optime meritae civitatis, contra opinionem vetustatis, contra auctoritatem senatus dicere. Duris enim quondam temporibus rei publicae nostrae, cum praepotens terra marique Carthago nixa

duabus Hispaniis huic imperio immineret, et cum duo fulmina nostri imperi subito in Hispania, Cn. et P. Scipiones, exstincti occidissent, L. Marcius, primi pili centurio, cum Gaditanis foedus fecisse dicitur. Quod cum magis fide illius populi, iustitia nostra, vetustate denique ipsa quam aliquo publico vinculo religionis teneretur, sapientes homines et publici iuris periti, Gaditani, M. Lepido Q. Catulo consulibus a senatu de foedere postulaverunt. Tum est cum Gaditanis foedus vel renovatum vel ictum; de quo foedere populus Romanus sententiam non tulit, qui iniussu suo nullo pacto potest religione obligari. [35] Ita Gaditana civitas, quod beneficiis suis erga rem publicam nostram consequi potuit, quod imperatorum testimoniis, quod vetustate, quod Q. Catuli, summi viri, auctoritate, quod iudicio senatus, quod foedere, consecuta est; quod publica religione sanciri potuit, id abest; populus enim se nusquam obligavit. Neque ideo est Gaditanorum causa deterior; gravissimis enim et plurimis rebus est fulta. Sed isti disputationi <hic> certe nihil est loci; sacrosanctum enim nihil potest esse nisi quod per populum plebemve sanctum est. Quod si hoc foedus, quod populus Romanus auctore senatu, commendatione et iudicio vetustatis, voluntate et sententiis suis comprobat, idem suffragiis comprobasset, quid erat cur ex ipso foedere Gaditanum in civitatem nostram recipi non liceret? Nihil est enim aliud in foedere nisi ut pia et aeterna pax sit. Quid id ad civitatem? Adiunctum illud etiam est, quod non est in omnibus foederibus: Maiestatem popvli Romani comiter conservanto. Id habet hanc vim, ut sit ille in foedere inferior. [36] Primum verbi genus hoc ‘conservanto,’ quo magis in legibus quam in foederibus uti solemus, imperantis est, non precantis. Deinde cum alterius populi maiestas conservari iubetur, de altero siletur, certe ille populus in superiore condicione causaque ponitur cuius maiestas foederis sanctione defenditur. In quo erat accusatoris interpretatio indigna responsione, qui ita dicebat, ‘comiter’ esse ‘communiter,’ quasi vero priscum aliquod aut insolitum verbum interpretaretur. Comes benigni, faciles, suaves homines esse dicuntur; ‘qui erranti comiter monstrat viam,’ benigne, non gravate; ‘communiter’ quidem certe non convenit. [37] Et simul absurda res est caveri foedere ut maiestatem populi Romani ‘communiter’ conservent, id est ut populus Romanus suam maiestatem esse salvam velit. Quod si iam ita esset, ut esse non

potest, tamen de nostra maiestate, nihil de illorum caveretur. Potestne igitur nostra maiestas <a> Gaditanis benigne conservari, si ad eam retinendam Gaditanos praemiis elicere non possumus? Potest esse ulla denique maiestas, si impedimur quo minus per populum Romanum beneficiorum virtutis causa tribuendorum potestatem imperatoribus nostris deferamus?

[38] Sed quid ego disputo quae mihi tum, si Gaditani contra me dicerent, vere posse dici viderentur? Illis enim repetentibus L. Cornelium responderem legem populum Romanum iussisse de civitate tribuenda; huic generi legum fundos populos fieri non solere; Cn. Pompeium de consili sententia civitatem huic dedisse, nullum populi nostri iussum Gaditanos habere; itaque nihil esse sacrosanctum quod lege exceptum videretur; si esset, tamen in foedere nihil esse cautum praeter pacem; additum esse etiam illud, ut maiestatem illi nostram conservare deberent, quae certe minueretur si aut adiutoribus illorum civibus uti in bellis nobis non liceret aut praemi tribuendi potestatem nullam haberemus. [39] Nunc vero quid ego contra Gaditanos loquar, cum id quod defendo voluntate eorum, auctoritate, legatione ipsa comprobetur? qui a principio sui generis aut studio rei publicae ~ii ab omni studio sensuque Poenorum mentis suas ad nostrum imperium nomenque flexerunt; qui, cum maxima bella nobis inferrentur, moenibus <hostem> excluserunt, classibus insecuti sunt, corporibus opibus copiis depulerunt; qui et veterem illam speciem foederis Marciani semper omni sanctiorem arce duxerunt, et hoc foedere Catuli senatusque auctoritate se nobiscum coniunctissimos esse arbitrati sunt; quorum moenia, delubra, agros ut Hercules itinerum ac laborum suorum, sic maiores nostri imperi ac nominis populi Romani terminos esse voluerunt. [40] Testantur et mortuos nostros imperatores, quorum vivit immortalis memoria et gloria, Scipiones, Brutos, Horatios, Cassios, Metellos, et hunc praesentem Cn. Pompeium, quem procul ab illorum moenibus acre et magnum bellum gerentem commeatu pecuniaque iuverunt, et hoc tempore ipsum populum Romanum, quem in caritate annonae, ut saepe ante fecerant, frumento suppeditato levarunt, se hoc ius esse velle, ut sibi et liberis, si qui eximia virtute fuerit, sit in nostris castris, sit in imperatorum praetoriis, sit denique inter signa atque in acie locus, sit his gradibus ascensus etiam ad civitatem. [41] Quod si

Afris, si Sardis, si Hispanis agris stipendioque multatis virtute adipisci licet civitatem, Gaditanis autem officiis vetustate fide periculis foedere coniunctis hoc idem non licebit, non foedus sibi nobiscum <ictum> sed iniquissimas leges impositas a nobis esse arbitrabuntur. Atque hanc, iudices, non a me fingi orationem, sed me dicere quae Gaditani iudicarint res ipsa declarat. Hospitium multis annis ante hoc tempus cum L. Cornelio Gaditanos fecisse publice dico. Proferam tesseram; legatos excito; laudatores ad hoc iudicium, summos homines ac nobilissimos, deprecatores huius periculi missos videtis; re denique multo ante Gadibus inaudita, fore ut huic ab illo periculum crearetur . . . gravissima autem in istum civem suum Gaditani senatus consulta fecerunt. [42] Potuit magis fundus populus Gaditanus fieri, quoniam hoc magno opere delectare verbo, si tum fit fundus cum scita ac iussa nostra sua sententia comprobat, quam cum hospitium fecit, ut et civitate illum mutatum esse fateretur et huius civitatis honore dignissimum iudicaret? Potuit certius interponere iudicium voluntatis suae quam cum etiam accusatorem huius multa et poena notavit? Potuit magis de re iudicare quam cum ad vestrum iudicium civis amplissimos legavit testis huius iuris, vitae laudatores, periculi deprecatores? [43] Etenim quis est tam demens quin sentiat ius hoc Gaditanis esse retinendum, ne saeptum sit iis iter <in> perpetuum ad hoc amplissimum praemium civitatis, et magno opere iis esse laetandum huius L. Corneli benivolentiam erga suos remanere Gadibus, gratiam et facultatem commendandi in hac civitate versari? Quis est enim nostrum cui non illa civitas sit huius studio, cura, diligentia commendatior? Omitto quantis ornamentis populum istum C. Caesar, cum esset in Hispania praetor, adfecerit, controversias sedarit, iura ipsorum permissu statuerit, inveteratam quandam barbariam ex Gaditanorum moribus disciplinaque delerit, summa in eam civitatem huius rogatu studia et beneficia contulerit. Multa praetereo quae cotidie labore huius et studio aut omnino aut certe facilius consequantur. Itaque et adsunt principes civitatis et defendunt amore ut suum civem, testimonio ut nostrum, officio ut ex nobilissimo civi sanctissimum hospitem, studio ut diligentissimum defensorem commodorum suorum. [44] Ac ne ipsi Gaditani arbitrentur, quamquam nullo incommodo adficiantur, si liceat eorum civis virtutis causa in nostram civitatem venire, tamen hoc ipso

inferius esse suum foedus quam ceterorum, consolabor et hos praesentis, viros optimos, et illam fidelissimam atque amicissimam nobis civitatem, simul et vos non ignorantis, iudices, admonebo, quo de iure hoc iudicium constitutum sit, de eo numquam omnino esse dubitatum.

[45] Quos igitur prudentissimos interpretes foederum, quos peritissimos bellici iuris, quos diligentissimos in exquirendis condicionibus civitatum atque causis esse arbitramur? eos profecto qui iam imperia ac bella gesserunt. Etenim si Q. Scaevola ille augur, cum de iure praediatorio consuleretur, homo iuris peritissimus, consultores suos non numquam ad Furium et Cascellium praediatores reiciebat, si nos de aqua nostra Tusculana M. Tugionem potius quam C. Aquilium consulebamus, quod adsiduus usus uni rei deditus et ingenium et artem saepe vincit, quis dubitet de foederibus et de toto iure pacis et belli omnibus iuris peritissimis imperatores nostros anteferre? [46] Possumusne igitur tibi probare auctorem exempli atque facti illius quod a te reprenditur, C. Marium? Quaeris aliquem graviorem, constantiorem, praestantiorem virtute, prudentia, religione? Is igitur Iguvinatem M. Annium Appium, fortissimum virum <summa> virtute praeditum, civitate donavit: <idem cohortis duas universas Camertium civitate donavit,> cum Camertinum <foedus omnium> foederum sanctissimum atque aequissimum sciret esse. Potest igitur, iudices, L. Cornelius condemnari, ut non C. Mari factum condemnetur? [47] Exsistat ergo ille vir parumper cogitatione vestra, quoniam re non potest, ut conspiciatis eum mentibus, quoniam oculis non potestis; dicat se non imperitum foederis, non rudem exemplorum, non ignarum belli fuisse; se P. Africani discipulum ac militem, se stipendiis, se legationibus bellicis eruditum, se, si tanta bella attigisset quanta gessit <et> confecit, si tot consulibus meruisset quotiens ipse consul fuit, omnia iura belli perdiscere ac nosse potuisse; sibi non fuisse dubium quin nullo foedere a re publica bene gerenda impediretur; a se ex coniunctissima atque amicissima civitate fortissimum quemque esse delectum; neque Iguvinatium neque Camertium foedere esse exceptum, quo minus eorum civibus a populo Romano praemia virtutis tribuerentur. [48] Itaque cum paucis annis post hanc civitatis donationem acerrima de civitate quaestio Licinia et Mucia lege

venisset, num quis eorum, qui de foederatis civitatibus esset civitate donatus, in iudicium est vocatus? Nam Spoletinus T. Matrinius, unus ex iis quos C. Marius civitate donasset, dixit causam ex colonia Latina in primis firma et inlustri. Quem cum disertus homo L. Antistius accusaret, non dixit fundum Spoletinum populum non esse factum, — videbat enim populos de suo iure, non de nostro fundos fieri solere, — sed cum lege Apuleia coloniae non essent deductae, qua lege Saturninus C. Mario tulerat ut in singulas colonias ternos civis Romanos facere posset, negabat hoc beneficium re ipsa sublata valere debere. [49] Nihil habet similitudinis ista accusatio; sed tamen tanta auctoritas in C. Mario fuit ut non per L. Crassum, adfinem suum, hominem incredibili eloquentia, sed paucis ipse verbis causam illam gravitate sua defenderit et probarit. Quis enim esset, iudices, qui imperatoribus nostris in bello, in acie, in exercitu dilectum virtutis, qui sociis, qui foederatis in defendenda re publica nostra spem praemiorum eripi vellet? Quod si vultus C. Mari, si vox, si ille imperatorius ardor oculorum, si recentes triumphi, si praesens valuit aspectus, valeat auctoritas, valeant res gestae, valeat memoria, valeat fortissimi et clarissimi viri nomen aeternum. Sit hoc discrimen inter gratiosos civis atque fortis, ut illi vivi fruantur opibus suis, horum etiam mortuorum, si quisquam huius imperi defensor mori potest, vivat auctoritas immortalis. [50] Quid? Cn. Pompeius pater rebus Italico bello maximis gestis P. Caesium, equitem Romanum, virum bonum, qui vivit, Ravennatem foederato ex populo nonne civitate donavit? Quid? cohortis duas universas Camertium <C. Marius>? Quid? Heracliensem Alexam P. Crassus, vir amplissimus, ex ea civitate quacum prope singulare foedus Pyrrhi temporibus C. Fabricio consule ictum putatur? Quid? Massiliensem Aristonem <L.> Sulla? Quid? quoniam de Gaditanis agimus, idem <serv>os novem Gaditanos? Quid? vir sanctissimus et summa religione ac modestia, Q. Metellus Pius, Q. Fabium Saguntinum? Quid? hic qui adest, a quo haec quae ego nunc percurro subtilissime sunt omnia perpolita, M. Crassus, non Aveniensem foederatum civitate donavit, homo cum gravitate et prudentia praestans, tum vel nimium parcus in largienda civitate? [51] Hic tu Cn. Pompei beneficium vel potius iudicium et factum infirmare conaris, qui fecit quod C. Marium fecisse audierat, fecit quod P. Crassum, quod L. Sullam, quod Q. Metellum, <quod M.

Crassum,> quod denique domesticum auctorem patrem suum facere viderat? Neque vero id in uno Cornelio fecit; nam et Gaditanum Hasdrubalem ex bello illo Africano et Mamertinos Ovios et quosdam Vticensis et Saguntinos Fabios civitate donavit. Etenim cum ceteris praemiis digni sunt qui suo labore et periculo nostram rem publicam defendunt, tum certe dignissimi sunt qui civitate ea donentur pro qua pericula ac tela subierunt. Atque utinam qui ubique sunt propugnatores huius imperi possent in hanc civitatem venire, et contra oppugnatores rei publicae de civitate exterminari! Neque enim ille summus poeta noster Hannibalis illam magis cohortationem quam communem imperatoriam voluit esse:

Hostem qui feriet, erit, inquit, mihi Carthaginiensis,
Quisquis erit.

Cuius civitatis sit, id habent hodie leve et semper habuerunt, itaque et civis undique fortis viros adsciverunt et hominum ignobilium virtutem persaepe nobilitatis inertiae praetulerunt.

[52] Habetis imperatorum summorum et sapientissimorum hominum, clarissimorum virorum, interpretationem iuris ac foederum: dabo etiam iudicum qui huic quaestioni praefuerunt, dabo universi populi Romani, dabo sanctissimum et sapientissimum iudicium etiam senatus. Iudices cum prae se ferrent palamque loquerentur quid essent lege Papia de M. Cassio Mamertinis repetentibus iudicaturi, Mamertini publice suscepta causa destiterunt. Multi in civitatem recepti ex liberis foederatisque populis [liberati] sunt: nemo umquam est de civitate accusatus, quod aut populus fundus factus non esset, aut quod foedere civitatis mutandae ius impediretur. [53] Audebo etiam hoc contendere, numquam esse condemnatum quem constaret ab imperatore nostro civitate donatum. Cognoscite nunc populi Romani iudicium multis rebus interpositum atque in maximis causis re ipsa atque usu comprobatum. Cum Latinis omnibus foedus esse ictum Sp. Cassio Postumo Cominio consulibus quis ignorat? quod quidem nuper in columna ahenea meminimus post rostra incisum et perscriptum fuisse. Quo modo igitur L. Cossinius Tiburs, pater huius equitis Romani, optimi atque ornatissimi viri, damnato T. Caelio, quo modo ex eadem civitate T.

Coponius, civis item summa virtute et dignitate, — nepotes T. et C. Coponios nostis, — damnato C. Masone civis Romanus est factus? [54] An lingua et ingenio patefieri aditus ad civitatem potuit, manu et virtute non potuit? Anne de nobis trahere spolia foederatis licebat, de hostibus non licebat? An quod adipisci poterant dicendo, id eis pugnando adsequi non licebat? An accusatori maiores nostri maiora praemia quam bellatori esse voluerunt?

Quod si acerbissima lege Servilia principes viri ac gravissimi et sapientissimi cives hanc Latinis, id est foederatis, viam ad civitatem populi iussu patere passi sunt, neque ius est hoc reprehensum Licinia et Mucia lege, cum praesertim genus ipsum accusationis et nomen <et> eius modi praemium quod nemo adsequi posset nisi ex senatoris calamitate neque senatori neque bono cuiquam nimis iucundum esse posset, dubitandum fuit quin, quo in genere iudicum praemia rata essent, in eodem iudicia imperatorum valerent? Num fundos igitur factos populos Latinos arbitramur aut Serviliae legi aut ceteris quibus Latinis hominibus erat propositum aliqua ex re praemium civitatis? [55] Cognoscite nunc iudicium senatus, quod semper iudicio est populi comprobatum. Sacra Cereris, iudices, summa maiores nostri religione confici caerimoniaque voluerunt; quae cum essent adsumpta de Graecia, et per Graecas curata sunt semper sacerdotes et Graeca omnino nominata. Sed cum illam quae Graecum illud sacrum monstraret et faceret ex Graecia deligerent, tamen sacra pro civibus civem facere voluerunt, ut deos immortalis scientia peregrina et externa, mente domestica et civili precaretur. Has sacerdotes video fere aut Neapolitanas aut Veliensis fuisse, foederatarum sine dubio civitatum. Mitto vetera; proxime dico ante civitatem Veliensibus datam de senatus sententia C. Valerium Flaccum, praetorem urbanum, nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse. Num igitur aut fundos factos Veliensis, aut sacerdotem illam civem Romanam factam non esse, aut foedus et a senatu et a populo Romano violatum arbitramur?

[56] Intellego, iudices, in causa aperta minimeque dubia multo et plura et a pluribus peritissimis esse dicta quam res postularet. Sed id factum est, non ut vobis rem tam perspicuam dicendo probaremus, verum ut omnium malivolorum iniquorum invidiosorum animos frangeremus; quos ut accusator incenderet, ut aliqui sermones

hominum alienis bonis maerentium etiam ad vestras auris permanarent et in iudicio ipso redundarent, idcirco illa in omni parte orationis summa arte adspergi videbatis; tum pecuniam L. Corneli, quae neque invidiosa est et, quantacumque est, eius modi est ut conservata magis quam correpta esse videatur; tum luxuriam, quae non crimine aliquo libidinis, sed communi maledicto notabatur; tum Tusculanum, quod Q. Metelli fuisse meminerat et L. Crassi, Crassum emisse de libertino homine, Soterico Marcio, ad Metellum pervenisse de Vennoni Vindici bonis non tenebat. Simul illud nesciebat, praediorum nullam esse gentem, emptionibus ea solere saepe ad alienos homines, saepe ad infimos, non legibus tamquam tutelas pervenire. [57] Obiectum est etiam quod in tribum Clustuminam pervenerit; quod hic adsecutus est legis de ambitu praemio minus invidioso quam qui legum praemiis praetoriam sententiam et praetextam togam consequuntur. Et adoptatio Theophani agitata est, per quam Cornelius nihil est praeterquam propinquorum suorum hereditates adsecutus.

Quamquam istorum animos, qui ipsi Cornelio invident, non est difficillimum mitigare. More hominum invident, in conviviis rodunt, in circulis vellicant: non illo inimico, sed hoc malo dente carpunt. [58] Qui amicis L. Corneli aut inimici sunt aut invident, ii sunt huic multo vehementius pertimescendi. Nam huic quidem ipsi quis est umquam inventus inimicus aut quis iure esse potuit? Quem bonum non coluit, cuius fortunae dignitatique non concessit? Versatus in intima familiaritate hominis potentissimi, in maximis nostris malis atque discordiis neminem umquam alterius rationis ac partis non re, non verbo, non vultu denique offendit. Fuit hoc sive meum sive rei publicae fatum, ut in me unum omnis illa inclinatio communium temporum incumberet. Non modo non exsultavit in ruinis nostris vestrisque sordibus Cornelius, sed omni officio, — acrimis, opera, consolatione, — omnis me absente meos sublevavit. [59] Quorum ego testimonio ac precibus munus hoc meritum huic et, ut a principio dixi, iustam et debitam gratiam refero, speroque, iudices, ut eos qui principes fuerunt conservandae salutis aut dignitatis meae diligitis et caros habetis, sic, quae ab hoc pro facultate hominis, pro loco facta sunt, et grata esse vobis et probata. Non igitur a suis, quos nullos habet, sed a suorum, qui et multi et potentes sunt, urgetur inimicis;

quos quidem hesterno die Cn. Pompeius copiosa oratione et gravi secum, si vellent, contendere iubebat, ab hoc impari certamine atque iniusta contentione avocabat. [60] Et erit aequa lex et nobis, iudices, atque omnibus qui nostris familiaritatibus implicantur vehementer utilis, ut nostras inimicitias ipsi inter nos geramus, amicis nostrorum inimicorum temperemus. Ac si mea auctoritas satis apud illos in hac re ponderis haberet, cum me praesertim rerum varietate atque usu ipso iam perdoctum viderent, etiam ab illis eos maioribus discordiis avocarem. Etenim contendere de re publica, cum id defendas quod esse optimum sentias, et fortium virorum et magnorum hominum semper putavi, neque huic umquam labori officio muneri defui. Sed contentio tam diu sapiens est quam diu aut proficit aliquid, aut, si non proficit, non obest civitati. [61] Voluimus quaedam, contendimus, experti sumus: obtenta non sunt. Dolorem alii, nos luctum maeroremque suscepimus. Cur ea quae mutare non possumus convellere malumus quam tueri? C. Caesarem senatus et genere supplicationum amplissimo ornavit et numero dierum novo: idem in angustiis aerari victorem exercitum stipendio adfecit, imperatori decem legatos decrevit, lege Sempronia succedendum non censuit. Harum ego sententiarum et princeps et auctor fui, neque me dissensioni meae pristinae putavi potius adsentiri quam praesentibus rei publicae temporibus et concordiae convenire. Non idem aliis videtur: sunt fortasse in sententia firmiores. Reprendo neminem, sed adsentior non omnibus; neque esse inconstantis puto sententiam tamquam aliquod navigium atque cursum ex rei publicae tempestate moderari. [62] Sed si qui sunt quibus infinitum sit odium in quos semel susceptum sit, quos video esse non nullos, cum ducibus ipsis, non cum comitatu adsectatoribusque confligant. Illam enim fortasse pertinaciam non nulli, virtutem alii putabunt, hanc vero iniquitatem omnes cum aliqua crudelitate coniunctam. Sed si certorum hominum mentis nulla ratione, iudices, placare possumus, vestros quidem animos certe confidimus non oratione nostra, sed humanitate vestra esse placatos.

[63] Quid enim est cur non potius ad summam laudem huic quam ad minimam fraudem Caesaris familiaritas valere debeat? Cognovit adulescens; placuit homini prudentissimo; in summa amicorum copia cum familiarissimis eius est adaequatus. In praetura, in consulatu praefectum fabrum detulit; consilium hominis probavit, fidem est complexus, officia observantiamque dilexit. Fuit hic multorum illi laborum socius aliquando: est fortasse nunc non nullorum particeps commodorum. Quae quidem si huic obfuerint apud vos, non intellego quod bonum cuiquam sit apud talis viros profuturum. [64] Sed quoniam C. Caesar abest longissime, atque in iis est nunc locis quae regione orbem terrarum, rebus illius gestis imperium populi Romani definiunt, nolite, per deos immortalis, iudices, hunc illi acerbum nuntium velle perferri, ut suum praefectum fabrum, ut hominem sibi carissimum, non ob ipsius aliquod delictum, sed ob suam familiaritatem vestris oppressum sententiis audiat. Miseremini eius qui non de suo peccato sed <de> huius summi et clarissimi viri facto, non de aliquo crimine sed periculo suo de publico iure disceptat. Quod ius si Cn. Pompeius ignoravit, si M. Crassus, si Q. Metellus, si Cn. Pompeius pater, si L. Sulla, si P. Crassus, si C. Marius, si senatus, si populus Romanus, si qui de re simili iudicarunt, si foederati populi, si socii, si illi antiqui Latini, videte ne utilius vobis et honestius sit illis ducibus errare quam hoc magistro erudiri. Sed si de certo, de perspicuo, de utili, de probato, de iudicato vobis iure esse constituendum videtis, nolite committere ut in re tam inveterata quicquam novi sentiatis. [65] Simul et illa, iudices, omnia ante oculos vestros proponite: primum esse omnis etiam post mortem reos clarissimos illos viros qui foederatos civitate donarunt; deinde senatum qui hoc iudicavit, populum qui iussit, iudices qui adprobarunt. Tum etiam illud cogitate, sic vivere ac vixisse Cornelium ut, cum omnium peccatorum quaestiones sint, non de vitiorum suorum poena, sed de virtutis praemio in iudicium vocetur. Accedat etiam illud, ut statuatis hoc iudicio utrum posthac amicitias clarorum virorum calamitati hominibus an ornamento esse malitis. Postremo illud, iudices, fixum in animis vestris tenetote, vos in hac causa non de maleficio L. Corneli, sed de beneficio Cn. Pompei iudicaturos.

IN VATINIUM TESTEM (Against the witness Publius Vatinius at the trial of Sestius)

M. TVLLI CICERONIS IN VATINIUM ORATIO

[I] [1] si tantum modo, Vatini, quid indignitas postularet spectare voluissem, fecissem id quod his vehementer placebat, ut te, cuius testimonium propter turpitudinem vitae sordisque domesticas nullius momenti putaretur, tacitus dimitterem; nemo enim horum aut ita te refutandum ut gravem adversarium aut ita rogandum ut religiosum testem arbitrabatur. sed fui paulo ante intemperantior fortasse quam debui; odio enim tui, in quo etsi omnis propter tuum in me scelus superare debeo, tamen ab omnibus paene vincor, sic sum incitatus ut, cum te non minus contemnerem quam odissem, tamen vexatum potius quam despectum vellem dimittere. qua re ne tibi hunc honorem a me haberi forte mirere, [2] quod interrogem quem nemo congressu, nemo aditu, nemo suffragio, nemo civitate, nemo luce dignum putet, nulla me causa impulisset nisi ut ferocitatem istam tuam comprimerem et audaciam frangerem et loquacitatem paucis meis interrogationibus inretitam retardarem. etenim debuisti, Vatini, etiam si falso venisses in suspicionem P. Sestio, tamen mihi ignoscere, si in tanto hominis de me optime meriti periculo et tempori eius et voluntati parere voluissem. [3] sed (te) hesterno (die) pro testimonio esse mentitum, cum adfirmares nullum tibi omnino cum Albinovano sermonem non modo de Sestio accusando, sed nulla umquam de re fuisse, paulo ante imprudens indicasti, qui et T. Claudium tecum communicasse et a te consilium P. Sesti accusandi petisse, et Albinovanum, quem antea vix tibi notum esse dixisses, domum tuam venisse, multa tecum locutum dixeris, denique contiones P. Sesti scriptas, quas neque nosset neque reperire posset, te Albinovano dedisse easque in hoc iudicio esse recitatas. in quo alterum es confessus, a te accusatores esse instructos et subornatos, in altero inconstantiam tuam cum levitate tum etiam periurio implicatam refellisti, cum, quem a te alienissimum esse dixisses, eum domi tuae fuisse, quem praevaricatorem esse ab initio iudicasses, ei te quos rogasset ad accusandum libros dixeris dedisse.

[II] [4] nimium es vehemens feroxque natura: non putas fas esse verbum ex ore exire cuiusquam quod non iucundum et honorificum ad auris tuas accidat. venisti iratus omnibus; quod ego, simul ac te aspexi, prius quam loqui coepisti, cum ante Gellius, nutricula seditiosorum omnium, testimonium diceret, sensi atque providi. repente enim te tamquam serpens e latibulis oculis eminentibus, inflato collo, tumidis cervicibus intulisti, ut mihi renovatus ille tuus in to . . . [5] . . . veterem meum amicum, sed tamen tuum familiarem, defenderim, cum in hac civitate oppugnatio soleat qua tu nunc uteris non numquam, defensio numquam vituperari. sed quaero a te cur C. Cornelium non defenderem: num legem aliquam Cornelius contra auspicia tulerit, num Aeliam, num Fufiam legem neglexerit, num consuli vim attulerit, num armatis hominibus templum tenuerit, num intercessorem vi deiecerit, num religiones polluerit, aerarium exhauserit, rem publicam compilarit? tua sunt, tua sunt haec omnia: Cornelio eius modi nihil obiectum est. codicem legisse dicebatur: defendebat testibus conlegis suis non se recitandi causa legisse, sed recognoscendi. constabat tamen Cornelium concilium illo die dimisisse, intercessioni paruisse. tu vero, cui Corneli defensio displicet, quam causam ad patronos tuos aut quod os adferes? quibus iam praescribis quanto illis probro futurum sit si te defenderint, cum tu mihi Corneli defensionem in maledictis obiciendam putaris. [6] ac tamen hoc, Vatini, memento, paulo post istam defensionem meam, quam tu bonis viris displicuisse dicis, me cum universi populi Romani summa voluntate tum optimi cuiusque singulari studio magnificentissime post hominum memoriam consulem factum, omniaque ea me pudenter vivendo consecutum esse quae tu impudenter vaticinando sperare te saepe dixisti.

[III] nam quod mihi discessum obiecisti meum, et quod horum, quibus ille dies acerbissimus fuit qui idem tibi laetissimus, luctum et gemitum renovare voluisti, tantum tibi respondeo me, cum tu ceteraeque rei publicae pestes armorum causam quaereretis, et cum per meum nomen fortunas locupletium diripere, sanguinem principum civitatis exsorbere, crudelitatem vestram odiumque diuturnum quod in bonos iam inveteratum habebatis saturare cuperetis, scelus et furorem vestrum cedendo maluisse frangere quam resistendo. [7] qua re peto a te ut mihi ignoscas, Vatini, ei cum patriae

pepercerim quam servaram, et, si ego te perditorem et vexatorem rei publicae fero, tu me conservatorem et custodem feras. deinde eius viri discessum increpas quem vides omnium civium desiderio, ipsius denique rei publicae luctu esse revocatum. at enim dixisti non mea sed rei publicae causa homines de meo reditu laborasse: quasi vero quisquam vir excellenti animo in rem publicam ingressus optabilius quicquam arbitretur quam se a suis civibus rei publicae causa diligi! [8] scilicet aspera mea natura, difficilis aditus, gravis vultus, superba responsa, insolens vita; nemo consuetudinem meam, nemo humanitatem, nemo consilium, nemo auxilium requirebat; cuius desiderio, ut haec minima dicam, forum maestum, muta curia, omnia denique bonarum artium studia siluerunt. sed nihil sit factum mea causa: omnia illa senatus consulta, populi iussa, Italiae totius, cunctarum societatum, conlegiorum omnium decreta de me rei publicae causa esse facta fateamur. quid ergo, homo imperitissime solidae laudis ac verae dignitatis, praestantius mihi potuit accidere? quid optabilius ad immortalitatem gloriae atque in memoriam mei nominis sempiternam, quam omnis hoc civis meos iudicare, civitatis salutem cum unius mea salute esse coniunctam? [9] quod quidem ego tibi reddo tuum; nam ut tu me carum esse dixisti senatui populoque Romano non tam mea causa quam rei publicae, sic ego te, quamquam es omni diritate atque immanitate taeterrimus, tamen dico esse odio civitati non tam tuo quam rei publicae nomine.

[IV] atque ut aliquando ad te veniam, de me hoc sit extremum. quid quisque nostrum de se ipse loquatur, non est sane requirendum: boni viri (quid dicant), id est maximi momenti et ponderis. [10] duo sunt tempora quibus nostrorum civium spectentur iudicia de nobis, unum honoris, alterum salutis. honos tali populi Romani voluntate paucis est delatus ac mihi, salus tanto studio civitatis nemini reddita. de te autem homines quid sentiant in honore experti sumus, in salute exspectamus. sed tamen ne me cum his principibus civitatis qui adsunt P. Sestio, sed ut tecum, cum homine uno non solum impudentissimo (sed etiam sordidissimo) atque infimo, conferam, de te ipso, homine et adrogantissimo et mihi inimicissimo, quaero, Vatini, utrum tandem putes huic civitati, huic rei publicae, huic urbi, his templis, aerario, curiae, viris his quos vides, horum bonis fortunis liberis, civibus ceteris, denique deorum immortalium delubris

auspiciis religionibus melius fuisse et praestabilius me civem in hac civitate nasci an te? Cum mihi hoc responderis, aut ita impudenter ut manus a te homines vix abstinere possint, aut ita dolenter ut aliquando ista quae sunt inflata rumpantur, tum memoriter respondeto ad ea quae te de te ipso rogaro.

[V] [11] atque illud tenebricosissimum tempus ineuntis aetatis tuae patiar latere. licet impune per me parietes in adulescentia perfoderis, vicinos compilaris, matrem verberaris: habeat hoc praemi tua indignitas, ut adulescentiae turpitudo obscuritate et sordibus tuis obtegatur. quaesturam petisti cum P. Sestio, cum hic nihil loqueretur nisi quod agebat, tu de altero consulatu gerendo te diceres cogitare. quaero abs te teneasne memoria, cum P. Sestius quaestor sit cunctis suffragiis factus, tunc te vix, invitis omnibus, non populi beneficio sed consulis, extremum adhaesisse? [12] in eo magistratu cum tibi magno clamore aquaria provincia sorte obtigisset, missusne sis a me consule Puteolos, ut inde aurum exportari argentumque prohiberes? in eo negotio cum te non custodem ad continendas, sed portitorem ad partiendas mercis missum putares, cumque omnium domos, apothecas, navis furacissime scrutarere, hominesque negoti gerentis iudiciis iniquissimis inretires, mercatores e navi egredientis terreres, conscendentis morarere, teneasne memoria tibi in conventu Puteolis manus esse adlatas, ad me consulem querelas Puteolanorum esse delatas? post quaesturam exierisne legatus in ulteriorem Hispaniam C. Cosconio pro consule? cum illud iter Hispaniense pedibus fere confici soleat, aut, si qui navigare velit, certa sit ratio navigandi, venerisne in Sardiniam atque inde in Africam? fuerisne, quod sine senatus consulto tibi facere non licuit, in regno Hiempsalis, fuerisne in regno Mastanesosi, venerisne ad fretum per Mauretaniam? quem scias umquam legatum Hispaniensem istis itineribus in illam provinciam pervenisse? [13] factus es tribunus plebis — quid enim te de Hispaniensibus flagitiis tuis sordidissimisque furtis interrogem? quaero abs te primum universe quod genus improbitatis et sceleris in eo magistratu praetermiseris? ac tibi iam inde praescribo ne tuas sordis cum clarissimorum virorum splendore permisceas. ego te quaecumque rogabo de te ipso rogabo, neque te ex amplissimi viri dignitate, sed ex tuis tenebris extraham; omniaque mea tela sic in te conicientur ut nemo per tuum latus, quod soles dicere, saucietur; in

tuis pulmonibus ac visceribus haerebunt

[VI] [14] et quoniam omnium rerum magnarum ab dis immortalibus principia ducuntur, volo ut mihi respondeas tu, qui te Pythagoreum soles dicere et hominis doctissimi nomen tuis immanibus et barbaris moribus praetendere, quae te tanta pravitas mentis tenuerit, qui tantus furor ut, cum inaudita ac nefaria sacra susceperis, cum inferorum animas elicere, cum puerorum extis deos manis mactare soleas, auspicia quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris, initioque tribunatus tui senatui denuntiaris tuis actionibus augurum responsa atque eius conlegi adrogantiam impedimento non futura? [15] Secundum ea quaero servarisne in eo fidem? num quando tibi moram attulerit quo minus concilium advocares legemque ferres, quod eo die scires de caelo esse servatum? et quoniam hic locus est unus quem tibi cum Caesare communem esse dicas, seiungam te ab illo, non solum rei publicae causa verum etiam Caesaris, ne qua ex tua summa indignitate labes illius dignitati adspersa videatur. primum quaero num tu senatui causam tuam permittas, quod facit Caesar? deinde, quae sit auctoritas eius qui se alterius facto, non suo defendat? deinde, — erumpet enim aliquando ex me vera vox et dicam sine cunctatione quod sentio, — si iam violentior aliqua in re C. Caesar fuisset, si eum magnitudo contentionis, studium gloriae, praestans animus, excellens nobilitas aliquo impulisset, quod in illo viro et tum ferendum esset et maximis rebus quas postea gessit oblitterandum, id tu tibi, furcifer, sumes, et Vatini latronis ac sacrilegi vox audietur hoc postulantis, ut idem sibi concedatur quod Caesari?

[VII] [16] sic enim ex te quaero. tribunus plebis fuisti, — seiunge te a consule: conlegas habuisti viros fortis novem. ex iis tres erant quos tu cotidie sciebas servare de caelo, quos inridebas, quos privatos esse dicebas; de quibus duos praetextatos sedentis vides, — te aediliciam praetextam togam, quam frustra confeceras, vendidisse! — tertium scis ex illo obsesso atque adflicto tribunatu consularem auctoritatem hominem esse adulescentem consecutum. reliqui sex fuerunt, e quibus partim plane tecum sentiebant, partim medium quendam cursum tenebant: omnes habuerunt leges promulgatas, in iis multas meus necessarius, etiam de mea sententia, C. Cosconius, iudex noster, quem tu dirumperis cum aedilicium vides. [17] volo uti mihi

respondeas num quis ex toto conlegio legem sit ausus ferre praeter unum te? quae tanta in te fuerit audacia, quae tanta vis ut, quod novem tui conlegae sibi timendum esse duxerint, id unus tu emersus e caeno, omnium facile omnibus rebus infimus contemnendum, despiciendum, inridendum putares? num quem post urbem conditam scias tribunum plebis egisse cum plebe, cum constaret servatum esse de caelo. [18] simul etiam illud volo uti respondeas, cum te tribuno plebis esset etiam tum in re publica lex Aelia et Fufia, quae leges saepe numero tribunicios furores debilitarunt et represserunt, quas contra praeter te nemo umquam est facere conatus, — quae quidem leges anno post, sedentibus in templo duobus non consulibus sed proditoribus huius civitatis ac pestibus, una cum auspiciis, cum intercessionibus, cum omni iure publico conflagraverunt: ecquando dubitaris contra eas leges cum plebe agere et concilium convocare? num quem ex omnibus tribunis plebis, quicumque seditiosi fuerunt, tam audacem audieris fuisse ut umquam contra legem Aeliam aut Fufiam concilium advocaret?

[VIII] [19] quaero illud etiam ex te, conatusne sis, voluerisne, denique cogitaris, — est enim res eius modi ut, si tibi in mentem modo venit, nemo sit qui te ullo cruciatu esse indignum putet, — cogitarisne in illo tuo intolerabili non regno, — nam cupis id audire, — sed latrocinio augur fieri in Q. Metelli locum, ut, quicumque te aspexisset, duplicem dolorem gemitumque susciperet et ex desiderio clarissimi civis et ex honore turpissimi atque improbissimi? adeone non labefactatam rem publicam te tribuno neque conquassatam civitatem, sed captam hanc urbem atque perversam putaris ut augurem Vatinium ferre possemus? [20] hoc loco quaero, si, id quod concupieras, augur factus esses, — in qua tua cogitatione nos qui te oderamus vix dolorem ferebamus, illi autem quibus eras in deliciis vix risum tenebant: sed quaero, si ad cetera vulnera, quibus rem publicam putasti deleri, hanc quoque mortiferam plagam inflixisses auguratus tui, utrum decreturus fueris, id quod augures omnes usque ab Romulo decreverunt, Iove fulgente cum populo agi nefas esse, an, quia tu semper sic egisses, auspicia fueris augur dissoluturus?

[IX] [21] ac ne diutius loquar de auguratu tuo, — quod invitus facio ut recorder ruinas rei publicae; neque enim tu umquam stante non modo maiestate horum, sed etiam urbe te augurem fore putasti:

verum tamen ut somnia tua relinquam, ad scelera veniam, volo uti mihi respondeas, cum M. Bibulum consulem non dicam bene de re publica sentientem, ne tu mihi homo potens irascare, qui ab eo dissensisti, sed hominem certe nusquam progredientem, nihil in re publica molientem, tantum animo ab actionibus tuis dissentientem, — cum eum tu consulem in vincula duceres et ab tabula Valeria conlegae tui mitti iuberent, fecerisne ante rostra pontem continuatis tribunalibus, per quem consul populi Romani moderatissimus et constantissimus, sublato auxilio, exclusis amicis, vi perditorum hominum incitata, turpissimo miserrimoque spectaculo non in carcerem, sed ad supplicium et ad necem duceretur? [22] quaero num quis ante te tam fuerit nefarius qui id fecerit, ut sciamus utrum veterum facinorum sis imitator an inventor novorum; idemque tu cum his atque huius modi consiliis ac facinoribus nomine C. Caesaris, clementissimi atque optimi viri, scelere vero atque audacia tua, M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres, cumque non maiestate imperi, non iure legum, sed ianuae praesidio et parietum custodiis consulis vita tegeretur, miserisne viatorem qui M. Bibulum domo vi extraheret, ut, quod in privatis semper est servatum, id te tribuno plebis consuli domus exsilium esse non posset? [23] simulque mihi respondeto tu, qui nos qui de communi salute consentimus tyrannos vocas, fuerisne non tribunus plebis, sed intolerandus ex caeno nescio qui atque ex tenebris tyrannus, qui primum eam rem publicam quae auspiciis inventis constituta est isdem auspiciis sublatis conarere pervertere, deinde sanctissimas leges, Aeliam et Fufiam dico, quae in Gracchorum ferocitate et in audacia Saturnini et in conluvione Drusi et in contentione Sulpici et in cruore Cinnano, etiam inter Sullana arma vixerunt, solus conculcaris ac pro nihilo putaris, qui consulem morti obieceris, inclusum obsederis, extrahere ex suis tectis conatus sis, qui in eo magistratu non (modo) emerseris ex mendicitate, sed etiam divitiis nos iam tuis terreas?

[X] [24] fuerisne tanta crudelitate ut delectos viros et principes civitatis tollere et delere tua rogatione conareris, cum L. Vettium, qui in senatu confessus esset se cum telo fuisse, mortem Cn. Pompeio, summo et clarissimo civi, suis manibus offerre voluisse, in contionem produxeris, indicem in rostris, in illo, inquam, augurato

templo ac loco conlocaris, quo auctoritatis exquirendae causa ceteri tribuni plebis principes civitatis producere consuerunt? ibi tu indicem Vettium linguam et vocem suam sceleri et dementiae tuae praebere voluisti. dixeritne L. Vettius in contione tua rogatus a te sese auctores et impulsores et socios habuisse sceleris illius eos viros, quibus e civitate sublatis, quod tu eo tempore moliebare, civitas stare non posset? M. Bibulum, cuius inclusione contentus non eras, interficere volueras, spoliaras consulatu, patria privare cupiebas; L. Lucullum, cuius tu rebus gestis, quod ipse ad imperatorias laudes a puero videlicet spectaras, vehementius invidebas, C. Curionem, perpetuum hostem improborum omnium, auctorem publici consili in libertate communi tuenda maxime liberum, cum filio principe iuventutis cum re publica coniunctiore etiam quam ab illa aetate postulandum fuit, delere voluisti; L. [25] Domitium, cuius dignitas et splendor praestringebat, credo, oculos Vatini, — quem tu propter commune odium in bonos oderas, in posterum autem, propter omnium spem quae de illo est atque erat, ante aliquanto timebas, L. Lentulum, hunc iudicem nostrum, flaminem Martialem, quod erat eo tempore Gabini tui competitor, eiusdem Vetti indicio opprimere voluisti: qui si tum illam labem pestemque vicisset, quod ei tuo scelere non licuit, res publica victa non esset. huius etiam filium eodem indicio et crimine ad patris interitum adgregare voluisti: L. Paulum, qui tum quaestor Macedoniam obtinebat, quem civem, quem virum! qui duo nefarios patriae proditores, domesticos hostis, legibus exterminarat, hominem ad conservandam rem publicam natum, in idem Vetti indicium atque in eundem hunc numerum congregasti. [26] quid ergo de me querar? qui etiam gratias tibi agere debeo quod me ex fortissimorum civium numero seiungendum non putasti.

[XI] sed qui fuit tuus ille tantus furor ut, cum iam Vettius ad arbitrium tuum perorasset et civitatis lumina notasset descendissetque de rostris, eum repente revocares, conloquerere populo Romano vidente, deinde interrogares ecquosnam alios posset nominare? inculcarisne ut C. Pisonem, generum meum, nominaret, qui in summa copia optimorum adulescentium pari continentia, virtute, pietate reliquit neminem, itemque M. Laterensem, hominem dies atque noctes de laude et de re publica cogitantem?

promulgarisne, impurissime hostis, quaestionem de tot amplissimis et talibus viris, indicium Vettio, praemia amplissima? quibus rebus omnium mortalium non voluntate sed convicio repudiatis, fregerisne in carcere cervices ipsi illi Vettio, ne quod indicium corrupti indici exstaret eiusque sceleris in te ipsum quaestio flagitaretur? [27] et quoniam crebro usurpas legem te de alternis consiliis reiciendis tulisse, ut omnes intellegant te ne recte quidem facere sine scelere potuisse, quaero, cum lex esset aequa promulgata initio magistratus, multas iam alias tulisses, exspectarisne dum C. Antonius reus fieret apud Cn. Lentulum Clodianum, et, postea quam ille est reus factus, statim tuleris in eum 'qui tuam post legem reus factus esset,' ut homo consularis exclusus miser puncto temporis spoliaretur beneficio et aequitate legis tuae? [28] dices familiaritatem tibi fuisse cum Q. Maximo. praeclara defensio facinoris tui! nam maximi quidem summa laus est sumptis inimicitiis, suscepta causa, quaesitore consilioque delecto, commodiorem inimico suo condicionem reiectionis dare noluisse. nihil maximus fecit alienum aut sua virtute aut illis viris clarissimis, Paulis, maximis, Africanis, quorum gloriam huius virtute renovatam non modo speramus, verum etiam iam videmus; tua fraus, tuum maleficium, tuum scelus illud est, te id quod promulgasses misericordiae nomine ad crudelitatis tempus distulisse. ac nunc quidem C. Antonius hac una re miseriam suam consolatur, quod imagines patris et fratris sui fratrisque filiam non in familia sed in carcere conlocatam audire maluit quam videre.

[XII] [29] et quoniam pecunias aliorum despicis, de tuis divitiis intolerantissime gloriaris, volo uti mihi respondeas, fecerisne foedera tribunus plebis cum civitatibus, cum regibus, cum tetrarchis; erogarisne pecunias ex aerario tuis legibus; eripuerisne partis illo tempore carissimas partim a Caesare, partim a publicanis? quae cum ita sint, quaero ex te sisne ex pauperrimo dives factus illo ipso anno quo lex lata est de pecuniis repetundis acerrima, ut omnes intellegere possent a te non modo nostra acta, quos tyrannos vocas, sed etiam amicissimi tui legem esse contemptam; apud quem tu etiam nos criminari soles, qui illi sumus amicissimi, cum tu ei contumeliosissime totiens male dicas quotiens te illi adfinem esse dicis. [30] atque etiam illud scire ex te cupio, quo consilio aut qua mente feceris ut in epulo Q. Arri, familiaris mei, cum toga pulla

accumberes? quem umquam videris, quem audieris? quo exemplo, quo more feceris? dices supplicationes te illas non probasse. optime: nullae fuerint supplicationes. videsne me nihil de anni illius causa, nihil de eo quod tibi commune cum summis viris esse videatur, sed de tuis propriis sceleribus ex te quaerere? nulla supplicatio fuerit. cedo quis umquam cenarit atratus? ita enim illud epulum est funebre ut munus sit funeris, epulae quidem ipsae dignitatis.

[XIII] [31] sed omitto epulum populi Romani, festum diem argento, veste, omni apparatu ornatuque visendo: quis umquam in luctu domestico, quis in funere familiari cenavit cum toga pulla? cui de balineis exeunti praeter te toga pulla umquam data est? Cum tot hominum milia accumberent, cum ipse epuli dominus, Q. Arrius, albatus esset, tu in templum Castoris te cum C. Fibulo atrato ceterisque tuis furiis funestum intulisti. quis tum non ingemuit, quis non doluit rei publicae casum? qui sermo alius in illo epulo fuit nisi hanc tantam et tam gravem civitatem subiectam esse non modo furori, verum etiam inrisioni tuae? [32] hunc tu morem ignorabas? numquam epulum videras? numquam puer aut adulescens inter cocos fueras? Fausti, adulescentis nobilissimi, paulo ante ex epulo magnificentissimo famem illam veterem tuam non expleras? quem accumbere atratum videras? dominum cum toga pulla et eius amicos ante convivium? quae tanta (te) tenuit amentia ut, nisi id fecisses quod fas non fuit, nisi violasses templum Castoris, nomen epuli, oculos civium, morem veterem, eius qui te invitarat auctoritatem, parum putares testificatum esse supplicationes te illas non putare?

[XIV] [33] quaero etiam illud ex te, quod privatus admisisti, in quo certe iam tibi dicere non licebit cum clarissimis viris causam tuam esse coniunctam, postulatusne sis lege Licinia et Iunia? edixeritne C. Memmius praetor ex ea lege ut adesses die tricensimo? cum is dies venisset, fecerisne quod in hac re publica non modo factum antea numquam est, sed in omni memoria est omnino inauditum? appellarisne tribunos plebis ne causam diceres — levius dixi; quamquam id ipsum esset et novum et non ferendum — sed appellarisne nominatim pestem illius anni, furiam patriae, tempestatem rei publicae, Clodium. qui tamen cum iure, cum more, cum potestate iudicium impedire non posset, rediit ad illam vim et furorem suum, ducemque se militibus tuis praebuit. in quo ne quid a

me dictum in te potius putes quam abs te esse quaesitum, nullum onus imponam mihi testimoni: quae mihi brevi tempore ex eodem isto loco video esse dicenda servabo, teque non arguam, sed, ut in ceteris rebus feci, rogabo. [34] quaero ex te, Vatini, num quis in hac civitate post urbem conditam tribunos plebis appellarit ne causam diceret? num quis reus in tribunal sui quaesitoris escenderit eumque vi deturbarit, subsellia dissiparit, urnas deiecerit, eas denique omnis res in iudicio disturbando commiserit, quarum rerum causa iudicia sunt constituta? sciasne tum fugisse Memmium, accusatores esse tuos de tuis tuorumque manibus ereptos, iudices quaestionum de proximis tribunalibus esse depulsos, in foro, luce, inspectante populo Romano quaestionem, magistratus, morem maiorum, leges, iudices, reum, poenam esse sublatam? haec omnia sciasne diligentia C. Memmi publicis tabulis esse notata atque testata? atque illud etiam quaero, cum, postea quam es postulatus, ex legatione redieris, — ne quis te iudicia defugere arbitretur, — teque, cum tibi utrum velles liceret, dictitaris causam dicere maluisse, qui consentaneum fuerit, cum legationis perfugio uti noluisses, appellatione improbissima te ad auxilium nefarium confugisse?

[XV] [35] et quoniam legationis tuae facta mentio est, volo audire de te quo tandem senatus consulto legatus sis. de gestu intellego quid respondeas: tua lege, dicis. esne igitur patriae certissimus parricida? spectarasne id, ut patres conscripti ex re publica funditus tollerentur? ne hoc quidem senatui relinquebas, quod nemo umquam ademit, ut legati ex eius ordinis auctoritate legarentur? adeone tibi sordidum consilium publicum visum est, adeo adflictus senatus, adeo misera et prostrata res publica ut non nuntios pacis ac belli, non oratores, non interpretes, non bellici consili auctores, non ministros muneris provincialis senatus more maiorum deligere posset? [36] eripueras senatui provinciae decernendae potestatem, imperatoris deligendi iudicium, aerari dispensationem: quae numquam sibi populus Romanus appetivit, qui numquam senatui summi consili gubernationem auferre conatus est. age, factum est horum aliquid in aliis: raro, sed tamen factum est ut populus deligeret imperatorem: quis legatos umquam audivit sine senatus consulto? ante te nemo, post continuo fecit idem in duobus prodigiis rei publicae Clodius; quo etiam maiore es malo mactandus, quod non solum facto tuo sed

etiam exemplo rem publicam vulnerasti, neque tantum ipse es improbus sed etiam alios docere voluisti. ob hasce omnis res sciasne te severissimorum hominum Sabinorum, fortissimorum virorum Marsorum et Paelignorum, tribulium tuorum, iudicio notatum, nec post Romam conditam praeter te tribulem quemquam tribum Sergiam perdidisse? [37] atque illud etiam audire (de) te cupio, qua re, cum ego legem de ambitu tulerim ex senatus consulto, tulerim sine vi, tulerim salvis auspiciis, tulerim salva lege Aelia et Fufia, tu eam esse legem non putes, praesertim cum ego legibus tuis, quoquo modo latae sunt, paream; cum mea lex dilucide vetet biennio qvo qvis petat petitvrvsve sit gladiatores dare nisi ex testamento praestitvta die, quae tanta in te sit amentia ut in ipsa petitione gladiatores audeas dare? num quem putes illius tui certissimi gladiatoris similem tribunum plebis posse reperiri qui se interponat quo minus reus mea lege fias?

[XVI] [38] ac si haec omnia contemnis ac despicis, quod ita tibi persuaseris, ut palam dictitas, te dis hominibusque invitis amore in te incredibili quodam C. Caesaris omnia quae velis consecuturum, ecquid audieris, ecquisnam tibi dixerit C. Caesarem nuper Aquileiae, cum de quibusdam esset mentio facta, dixisse C. Alfium praeteritum permoleste tulisse, quod in homine summam fidem probitatemque cognosset, graviterque etiam se ferre praetorem aliquem esse factum qui a suis rationibus dissensisset; tum quaesisse quendam, de Vatinio quem ad modum ferret; illum respondisse Vatinium in tribunatu gratis nihil fecisse; qui omnia in pecunia posuisset honore animo aequo carere debere. [39] quod si ipse, qui te suae dignitatis augendae causa, periculo tuo, nullo suo delicto, ferri praecipitem est facile passus, tamen te omni honore indignissimum iudicat, si te vicini, si adfines, si tribules ita oderunt ut repulsam tuam triumphum suum duxerint, si nemo aspicit quin ingemescat, nemo mentionem facit quin exsecretur, si vitant, fugiunt, audire de te nolunt, cum viderunt, tamquam auspicium malum detestantur, si cognati respuunt, tribules exsecrantur, vicini metuunt, adfines erubescunt, strumae denique ab ore improbo demigrarunt et aliis iam se locis conlocarunt, si es odium publicum populi, senatus, universorum hominum rusticanorum, — quid est quam ob rem praeturam potius exoptes quam mortem, praesertim cum popularem te velis esse neque ulla re

populo gratius facere possis? [40] sed ut aliquando audiamus quam copiose mihi ad rogata respondeas, concludam iam interrogationem meam teque in extremo pauca de ipsa causa rogabo.

[XVII] quaero quae tanta in te vanitas, tanta levitas fuerit ut in hoc iudicio T. Annium isdem verbis laudares quibus eum verbis laudare et boni viri et boni cives consuerunt, cum in eundem nuper ab eadem illa taeterrima furia productus ad populum cupidissime falsum testimonium dixeris? an erit haec optio et potestas tua, ut, cum Clodianas operas et facinerosorum hominum et perditorum manum videris, Milonem dicas, id quod in contione dixisti, gladiatoribus et bestiariis obsedisse rem publicam: cum autem ad talis viros veneris, non audeas civem singulari virtute, fide, constantia vituperare? [41] sed cum T. Annium tanto opere laudes et clarissimo viro non nullam laudatione tua labeculam adspergas — in illorum enim numero mavult T. Annius esse qui a te vituperantur: verum tamen quaero, cum in re publica administranda T. Annio cum P. Sestio consiliorum omnium societas fuerit — id quod non solum bonorum, verum etiam improborum iudicio declaratum est; est enim reus uterque ob eandem causam et eodem crimine, alter die dicta ab eo quem tu unum improbiorem esse quam te (non) numquam soles confiteri, alter tuis consiliis, illo tamen adiuvante — quaero qui possis eos quos crimine coniungis testimonio diiungere? extremum illud est quod mihi abs te responderi velim, cum multa in Albinovanum de praevaricatione diceres, dixerisne nec tibi placuisse nec oportuisse Sestium de vi reum fieri? quavis lege, quovis crimine accusandum potius fuisse? etiam illud dixeris, causam Milonis, fortissimi viri, coniunctam cum hoc existimari? quae pro me a Sestio facta sint, bonis esse grata? non coarguo inconstantiam orationis ac testimoni tui — quas enim huius actiones probatas bonis esse dicis, in eas plurimis verbis testimonium dixisti; quicum autem eius causam periculumque coniungis, eum summis laudibus extulisti: sed hoc quaero, num P. Sestium, qua lege accusandum omnino fuisse negas, ea lege condemnari putes oportere? aut, si te in testimonio consuli noles, ne quid tibi auctoritatis a me tributum esse videatur, dixerisne in eum testimonium de vi quem negaris reum omnino de vi fieri debuisse?

DE PROVINCIIS CONSULARIBUS (On the Consular Provinces)

M. TVLLI CICERONIS DE PROVINCIIS CONSVLARIBUS ORATIO1 I.

[1] Si quis vestrum, patres conscripti, exspectat quas sim provincias decreturus, consideret ipse secum qui mihi homines ex provinciis potissimum detrahendi sint; non dubitabit quid sentire me conveniat, cum, quid mihi sentire necesse sit, cogitarit. Ac si princeps eam sententiam dicerem, laudaretis profecto; si solus, certe ignosceritis; etiamsi paulo minus utilis vobis sententia videretur, veniam tamen aliquam dolori meo tribueritis. Nunc vero, Patres conscripti, non parva adficior voluptate, vel quod hoc maxime rei publicae conducit Syriam Macedoniamque decerni, ut dolor meus nihil a communi utilitate dissentiat, vel quod habeo auctorem P. Servilium, qui ante me sententiam dixit, virum clarissimum et cum in universam rem publicam, tum etiam erga meam salutem fide ac benevolentia singulari.

[2] Quodsi ille, et paulo ante, et quotienscumque ei locus dicendi ac potestas fuit, Gabinium et Pisonem, duo rei publicae portenda ac paene funera, cum propter alias causas, tum maxime propter illud insigne scelus eorum et importunam in me crudelitatem, non solum sententia sua, sed etiam verborum gravitate esse notandos putavit, quonam me animo in eos esse oportet, cuius illud salutem pro pignore tradiderunt ad explendas suas cupiditates? Sed ego in hac sententia dicenda non parebo dolori meo, non iradundiae serviam. Quo animo unus quisque vestrum debet esse in illos, hoc ero; praecipuum illum et proprium sensum doloris mei, quem tamen vos communem semper vobis mecum esse duxistis, a sententia dicenda amovebo, ad ulciscendi tempora reservabo.

II. [3] Quattuor sunt provinciae, Patres conscripti, de quibus adhuc intellego sententias esse dictas, Galliae duae, quas hoc tempore uno imperio videmus esse coniunctas et Syria et Macedonia, quas vobis invitis et oppressis pestiferi illi consules properversae rei publicae praemiis occupaverunt. Decernandae nobis sunt lege Sempronia

duae. Quid est quod possimus de Syria Macedonia dubitare? Mitto quod eas ita partas habent ii, qui nunc obtinent, ut non ante attingerint, quam hunc ordinem condemnarint, quam auctoritatem vestram e civitate exterminarint, quam fidem publicam, quam perpetuam populi Romani salutem, quam me ac meos omnis foedissime crudelissimeque vexarint.

[4] Omnia domestica atque urbana mitto, quae tanta sunt ut numquam Hannibal huic urbi tantum mali optarit, quantum illi effecerint ; ad ipsas venio provincias. Quarum Macedonia, quae erat antea munita plurimorum imperatorum non turribus, sed tropaeis, quae multis victoriis erat iam diu triumphisque pacata, sic a barbaris quibus est propter avaritiam pax erepta vexatur, ut Thessalonicenses, positi in gremio imperii nostri, relinquere oppidum et arcem munire cogantur, ut via illa nostra, quae per Macedoniam est usque ad Hellespontum militaris, non solum excursionibus barbarorum sic infesta, sed etiam castris Thraeciis distincta ac notata. Ita gentes eae, quae, ut pace uterentur, vim argenti dederant praeclaro nostro imperatori, ut exhaustas domos replere possent, pro empta pace bellum nobis per iustum intulerunt.

III. [5] Iam vero exercitus noster ille superbissimo dilectu et durissima conquisitione collectus omnis interiit. Magno hoc dico cum dolore. Miserandum in modum milites populi Romani capti, necati, deserti, dissipati sunt, incuria, fame, morbo, vastitate consumpti, ut, quod est indignissimum, scelus imperatoris poena exercitus expiatum esse videatur. Atque hanc Macedoniam, domitis iam gentibus finitimis barbariaque compressa, pacatam ipsam per se et quietam tenui praesidio atque exigua manu etiam sine imperio per legatos nomine ipso populi Romani tuebamur; quae nunc consulari imperio atque exercitu ita vexata est, vix ut se possit diuturna pace recreare, cum interea quis vestrum hoc non audivit, quis ignorat, Achaeos ingentem pecuniam pendere L.Pisoni quotannis, vectigal ac portorium Dyrrachinorum totum in huius unius questum esse conversum, urbem Byzantiorum, vobis atque huic imperio fidelissimam, hostilem in modum esse vexatam? Quo ille, posteaquam nihil exprimere ab egentibus, nihil ulla vi a miseris extorquere potuit, cohortis in hiberna misit; iis praeposuit quos putavit fore diligentissimos satellites scelerum, ministros cupiditatum

suarum.

[6] Omitto iuris dictionem in libera civitate contra leges senatusque consulta; caedes relinquo; libidines praetereo, quarum acerbissimum extat indicium et ad insignem memoriam turpitudinis et paene ad iustum odium imperii nostri, quod constat nobilissimas virgines se in puteos abiecisse et morte voluntaria necessariam turpitudinem depulisse. Nec haec idcirco omitto, quod non gravissima sint, sed quia nunc sine teste dico.

IV. Ipsam vero urbem Byzantiorum fuisse refertissimam atque ornatissimam signis quis ignorat? Quae illi, exhausti sumptibus bellisque maximis, cum omnis Mithridaticos impetus totumque Pontum armatum affervescentem in Asiam atque erumpentem, ore repulsum et cervicibus interclusum suis sustinerent, tum, inquam, Byzantii et postea signa illa et reliqua urbis ornanemta sanctissime custodita tenuerunt;

[7] te imperatore infelicissimo et taeterrimo Caesonine Calventi civitas libera et pro eximiis suis beneficiis a senatu et a populo Romano liberata, sic spoliata atque nudata est, ut, nisi C. Vergilius legatus, vir fortis et innocens, intervenisset, unum signum Byzantii ex maximo numero nullum haberent. Quod fanum in Achaia, qui locus aut lucus in Graecia tota tam sanctus fuit, in quo ullum simulacrum, ullum ornamentum reliquum sit? Emisti a foedissimo tribuno plebis tum in illo naufragio huius urbis, quam tu idem, qui gubernare debueras, everteras, tum, inquam, emisti grandi pecunia, ut tibi de pecuniis creditis ius in liberos populos contra senatus consulta et contra legem generi tui dicere liceret. Id emptum ita vendidisti, ut aut ius non diceres aut bonis civis Romanos everteres.

[8] Quorum ego nihil dico, patres conscripti, nunc in hominem ipsum, de provincia disputo. Itaque omnia illa, quae et saepe audistis et tenetis animis, etiamsi non audiatis, praetermitto; nihil de hac eius urbana, quam ille praesens in mentibus vestris oculisque defixit, audacia loquor; nihil de superbia, nihil de contumacia, nihil de crudelitate disputo.Laetant libidines eius illae tenebricosae, quas fronte et supercilio, non pudore et temperantia contegebat; de provincia quod agitur, id disputo. Huic vos non summitetis, hunc diutius manere patiemini? cuius, ut provinciam tetigit, sic fortuna cum improbitate certavit, ut nemo posset, utrum protervior an

infelicior esset, iudicare.

[9] An vero in Syria diutius est Semiramis illa retinenda? Cuius iter in provinciam fuit eius modi, ut rex Ariobarzanes consulem vestrum ad caedem faciendam tamquam aliquem Thraecem conduceret. Deinde adventus in Syriam primus equitatus habuit interritum, post concisae sunt optimae cohortes. Igitur in Syria imperatore illo nihil aliud umquam actum est nisi pastiones pecuniarum cum tyrannis, decisiones, direptiones, latrocinia, caedes, cum palam populi Romani imperator instructo exercitu dexteram tendens non ad laudem milites hortaretur, sed omnia sibi et empta et emenda esse clamaret.

V. [10] Iam vero publicanos miseros (me etiam miserum illorum ita de me meritorum miseriis ac dolore!) tradidit in servitutem Iudaeis et Syris, nationibus natis servituti. Statuit ab initio, et in eo perseverarit, ius publicano non dicere; pactiones sine ulla iniuria factas rescidit, custodias sustulit, vectigalis multos ac stipendiarios liberavit; quo in oppido ipse esset aut quo veniret, ibi publicanum aut publicani servum esse vetuit. Quid multa? crudelis haberetur, si in hostis animo fuisset eo, quo fuit in civis Romanos, eius ordinis praesertim, qui est semper pro dignitate sua benignitate magistratuum sustentatus.

[11] Itaque, Patres conscripti, videtis non temeritate redemptionis aut negoti gerendi inscitia, sed avaritia, superbia, crudelitate Gabini paene adflictos iam atque eversos publicanos; quibus quidem vos in his angustiis aerarii tamen subveniatis necesse est. Etsi iam multis non potestis, qui propter illum hostem senatus, inimicissimum ordinis equestris bonorumque omnium non solum bona, sed etiam honestatem miseri deperdiderunt, quos non parsimonia, non continentia, non virtus, non labor, non splendor tueri potuit contra illius helluonis et praedonis audaciam.

[12] Quid? qui se etiam nunc subsidiis patrimonii aut amicorum liberalitate sustentant, hos perire patiemur? An, si qui frui publico non potuit per hostem, hic tegitur ipsa lege censoria; quem is frui non sinit, qui est, etiamsi non appellatur, hostis, huic ferri auxilium non oportet? Retinete igitur in provincia diutius eum, qui de sociis cum hostibus, de civibus cum sociis faciat pactiones, qui hoc etiam se pluris esse quam collegam putet, quod ille vos tristia voltuque deceperit, ipse numquam se minus quam erat, nequam esse simularit. Piso autem alio quodam modo gloriatur se brevi tempore perfecisse,

ne Gabinius unus omnium nequissimus existimaretur.

VI. [13] Hos vos de provinciis, si non aliquando deducendi essent, deripiendos non putaretis, et has duplicis pestes sociorum, militum cladis, publicanorum ruinas, provinciarum vastitates, imperii maculas teneretis? At idem vos anno superiore hos eosdem revocabitis, cum in provincias pervenissent. Quo tempore si liberum vestrum iudicium fuisset nec totiens dilata res nec ad extremum e manibus erepta, restituissetis, id quod cupiebatis, vestram auctoritatem, iis, per quos erat amissa, revocatis, et iis ipsis praemiis extortis, quae erant pro scelere atque eversione patriae consecuti. Qua e poena si tum aliorum opibus, non suis, invitissimis vobis evolarunt, at aliam multo maiorem gravioremque subierunt.

[14] Quae enim homini, in quo aliqui si non famae pudor, at supplicii timor est, gravior poena accidere potuit quand non credi litteris iis, quae rem publicam bene gestam in bello nuntiarent? Hoc statuit senatus, cum frequens supplicationem Gabinio denegavit, primum homini sceleribus flagitiis contaminatissimo nihil esse credendum, deinde a proditore atque eo, quem praesentem hostem rei publicae cognosset, bene rem publicam geri non potuisse, postremo ne deos quidem immortalis velle aperiri sua templa et sibi subplicari hominis impurissimi et sceleratissimi nomine. Itaque ille alter aut ipse est homo doctus et a suis Graecis, subtilius eruditus, quibuscum iam in exostra helluatur,(antea post siparium solebat), aut amicos habet prudentiores quam Gabinius, cuius nullae litterae proferuntur.

VII. [15] Hosce igitur imperatores habebimus? quorum alter non audet nos certiores facere cur imperator appellatur, alterum, si tabellarii non cessarint, necesse est paucis diebus paenitat audere. Cuius amici si qui sunt, aut si beluae tam immani tamque taetrae possunt ulli esse amici, has consololatione utantur, etiam T. Albucio supplicationem hunc ordinem denegasse. Quod est primum dissimile, res in Sardinia cum mastrucatis latrunculis a propraetore una cohorte auxiliaria gesta et bellum cum maximis Syriae gentibus et tyrannis consulari exercitu imperioque confectum. Deinde Albucius, quod a senatu petebat, ipse sibi in Sardinia ante decreverat. Constabat enim Graecum hominem ac levem in ipsa provincia quasi triumphasse, itaque hanc eius temeritatem senatus supplicatione denegata notavit.

[16] Sed fruatur sane hoc solacio atque hanc insignem ignominiam,

quoniam uni praeter se inusta sit, putet esse leviorem, dum modo, cuius exemplo se consolatur, eius exitum expectet, praesertim cum in Albucio nec Pisonis libidines nec audacia Gabini fuerit ac tamen hac una plaga conciderit, ignominia senatus.

[17] Atqui duas Gallias qui decernit consulibus duobus, hos retinet ambo; qui autem alteram Galliam et aut Syriam aut Macedoniam, tamen alterum retinet et in utriusque pari, scelere disparem condicionem facit."Faciam, inquit, illas praetorias, ut Pisoni et Gabinio succedatur statim". Si hic sinat! Tum enim tribunus intercedere poterit, nunc non potest. Itaque ego idem, qui nunc consulibus iis, qui designati erunt, Syriam Macedoniamque decerno, decernam easdem praetorias, ut et praetores annuas provincias habeant, et eos quam primum videamus, quos animo aequo videre non possumus. Sed mihi credite, numquam succedetur illis, nisi cum ea lege referetur, qua intercedi de provinciis non licebit. Itaque, hoc tempore amisso, annus est integer vobis exspectandus, quo interiecto civium calamitas, sociorum aerumna, sceleratissimorum hominum impunitas propagatur.

[18] Quodsi essent illi optimi viri, tamen ego mea sententia C.Caesari succedendum nondum putarem. Qua de re dicam, Patres conscripti, quae sentio, atque illam interpellationem mei familiarissimi, qua paulo ante interrupta est oratio mea, non pertimescam. Negat me vir optimus inimiciorem Gabinio debere esse quam Caesari; omnem illam tempestatem, cui cesserim, Caesare impulsore atque adiutore esse excitatam. Cui si primum sic respondeam, me communis utilitatis habere rationem, non doloris mei, possimne probare, cum id me facere dicam, quod exemplo fortissimorum et clarissimorum civium facere possim? At Ti. Gracchus (patrem dico, cuius utinam filii ne degenerassent a gravitate patria!) tantam laudem est adeptus, quod tribunus plebis solus ex toto illo collegio L. Scipioni auxilio fuit, inimicissimus et ipsius et fratris eius Africani, iuravitque in contione se in gratiam non redisse, sed alienum sibi videri dignitate imperii, quo duces essent hostium Scipione triumphante ducti, eodem ipsum duci, qui triumphasset?

[19] Quis plenior inimicorum fuit C. Mario? L. Crassus, M. Scaurus alieni, inimici omnes Metelli. At ii non modo illum

inimicum ex Gallia sententiis suis non detrahebant, sed ei propter rationem Gallici belli provinciam extra ordinem decernebant. Bellum in Gallia maximum gestum est; domitae sunt a Caesare maximae nationes, sed nondum legibus,nondum iure certo, nondum satis firma pace devinctae. Bellum adfectum videmus, et, vere ut dicam, paene confectum, sed ita ut, si idem extrema persequitur qui inchoavit, iam omnia perfecta videamus, si succeditur, periculum sit ne instauratas maximi belli reliquias ac renovatas audiamus.

[20] Ergo ego senator inimicus, si ita vultis, homini, amicus esse, sicut semper fui, rei publicae debeo. Quid? si ipsas inimicitias, depono rei publicae causa, quis me tandem iure reprehendet, praesertim cum ego omnium meorum consiliorum atque factorum exempla semper ex summorum hominum consiliis atque factis mihi censuerim petenda.

IX. [21] An vero M. ille Lepidus, qui bis consul et pontifex maximus fuit, non solum memoriae testimonio, sed etiam annalium litteris et summi poetae voce laudatus est, quod, cum M. Fulvio collega, quo die censor est factus, homine inimicissimo, in Campo statim rediit in gratiam, ut commune officium censurae communi animo ac voluntate defenderent? Atque, ut vetera, quae sunt innumerabilia, mittam, tuus pater, Philippe, nonne uno tempore cum suis inimicissimis in gratiam rediit? Quibus eum omnibus eadem res publica reconciliavit, quae alienarat.

[22] Multa praetereo, quod intueor coram haec lumina atque ornamenta rei publicae, P. Servilium et M. Lucullum. Utinam etiam L.Lucullus illic adsideret! Quae fuerunt inimicitiae in civitate graviores quam Luculorum atque Servili? Quas in viris fortissimis non solum extinxit rei publicae utilitas dignitasque ipsorum, sed etiam ad amicitiam consuetudinemque traduxit. Quid? Q. Metellus Nepos nonne consul in templo iovis Optimi Maximi permotus cum auctoritate vestra, tum illius P.Servili incredibili gravitate dicendi, absens mecum summo suo beneficio rediit in gratiam? An ego possum huic esse inimicus, cuius litteris, fama, nuntiis celebrantur aures cotidie meae novis nominibus gentium, nationum, locorum?

[23] Ardeo, mihi credite, Patres conscripti (id quod vosmet de me existimatis et facitis ipsi) incredibili quodam amore patriae, qui me amor et subvenire olim impendentibus periculis maximis cum

dimicatione capitis, et rursum, cum omnia tela undique esse intenta in patriam viderem, subire coegit atque excipere unum pro universis. Hic me meus in rem publicam animus pristinus ac perennis cum C. Caesare reducit, reconciliat, restituit in gratiam.

[24] Quod volent denique homines existiment, nemini ego possum esse bene merenti de re publica non amicus. Etenim, si iis, qui haec omnia flamma ac ferro delere voluerunt, non inimicitias solum, sed etiam bellum indixi atque intuli, cum partim mihi illorum familiares, partim etiam me defendente capitis iudiciis essent liberati, cur eadem res publica, quae me in amicos inflammare potuit, inimicis placare non possit? Quod mihi odium cum P. Clodio fuit, nisi quod perciciosum patriae civem fore putabam, qui turpissima libidine incensus duas res sanctissimas, religionem et pudicitiam, uno scelere violasset? Num est igitur dubium ex iis rebus, quas is egit agitque cotidie, quin ego in illo oppugnando rei publicae plus quam otio meo, non nulli in eodem defendendo suo plus otio quam communi prospexerint?

[25] Ego me a C. Caesare in re publica dissensisse fateor et sensisse vobiscum : sed nunc isdem vobis adsentior, cum quibus antea sentiebam. Vos enim, ad quos litteras L. Piso de suis rebus non audet mittere, qui Gabini litteras insigni quadam nota atque ignominia nova condemnastis, C. Caesari supplicationes decrevistis numero ut nemini uno ex bello, honore ut omnino nemini. Cur igitur exspectem hominem aliquem, qui me cum illo in gratiam reducat? Reduxit ordo amplissimus et ordo is, qui est et publici consili et meorum omnium consiliorum auctor et princeps. Vos sequor, Patres conscripti, vobis obtempero, vobis adsentior, qui, quamdiu C. Caesaris consilia in re publica non maxime diligebatis, me quoque cum illo minus coniunctum videbatis; posteaquam rebus gestis mentes vestras voluntatesque mutastis, me non solum comitem esse sententiae vestrae, sed etiam laudatorem vidistis.

IX. [26] Sed quid est quod in hac causa maxime homines admirentur et reprehendant meum consilium, cum ego idem antea multa decreverim, que magis ad hominis dignitatem quam ad rei publicae necessitatem pertinerent? Supplicationem quindecim dierum decrevi sententia mea. Rei publicae satis erat tot dierum quot C. Mario ; dis immortalibus non erat exigua eadem gratulatio quae ex

maximis bellis. Ergo ille cumulus dierum hominis est dignitati tributus.

[27] In quo ego, quo consule referente primum decem dierum est supplicatio decreta Cn. Pompeio Mithridate interfecto et confecto Mithridatico bello, et cuius sententia primum duplicata est supplicatio consularis (mihi enim estis adsensi, cum, eiusdem Pompei litteris recitatis, confectis omnibus maritimis terrestribusque bellis, supplicationem dierum decem decrevistis), sum Cn. Pompei virtutem et animu magnitudinem admiratus, quod, cum ipse ceteris omnibus esset omni honore antelatus, ampliorem honorem alteri tribuerat quam ego decrevi, res ipsa tributa est dis immortalibus et maiorum institutis et utilitati rei publicae, sed dignitas verborum, honos et novitas et numerus dierum Caesaris ipsius laudi gloriaeque concessus est.

[28] Relatum est ad nos nuper de stipendio exercitus; non decrevi solum, sed etiam ut vos decerneritis laboravi; multa dissentientibus respondi; scribendo adfui. Tum quoque homini plus tribui quam nescio cui necessitati. Illum enim arbitrabar etiam sine hoc subsidio pecuniae retinere exercitum praeda ante parta et bellum conficere posse; sed decus illud et ornamentum triumphi minuendum nostra parsimonia non putavi. Actum est de decem legatis, quos alii omnino non dabant, alii exempla quaerebant, alii tempus differebant, alii sine ulli verborum ornamentis dabant; in ea quoque re sic sum locutus, ut omnes intellegerent me id, quod rei publicae causa sentirem, facere uberius propter ipsius Caesaris dignitatem.

XII. [29] At ego idem nunc in provinciis decernendis, qui illas omnes res egi silentio, interpellor, cum in superioribus causis hominis ornamenta valuerint, in hac me nihil aliud nisi ratio belli, nisi summa utilitas rei publicae, moveat. Nam ipse Caesar quid est cur in provincia commorari velit, nisi ut ea, quae per eum adfecta sunt, perfecta rei publicae tradat? Amoenitas eum, credo, locorum, urbium pulchritudo, hominum nationumque illarum humanitas et lepos, victoriae cupiditas, finium imperii propagatio retinet. Quid illis terris asperius, quod incultius oppidis, quid nationibus immanius, quid porro tot victoriis praestabilius, quid Oceano longius inveniri potest? An reditus in patriam habet aliquam offensionem? utrum apud populum, a quo missus, an apud senatum, a quo ornatus est? an

dies auget eius desiderium, an magis oblivionem, ac laurea illa magnis periculis parta amittit longo intervallo viriditatem? Quare, si qui hominem non diligunt, nihil est quod eum de provincia devocent; ad gloriam devocant, ad triumphum, ad gratulationem, ad summum honorem senatus, equestris ordinis gratiam, populi caritatem.

[30] Sed si ille hac tam eximia fortuna propter utilitatem rei publicae frui non properat, ut omnia illa conficiat, quid ego, senator, facere debeo, quem, etiamsi ille aliud vellet, rei publicae consulere oporteret?

Ego vero sic intellego, Patres conscripti, nos hoc tempore in provinciis decernendis perpetuae pacis habere oportere rationem. Nam quis hoc non sentit omnia alia esse nobis vacua ab omni periculo atque etiam suspicione belli?

[31] Iam diu mare videmus illud immensum, cuius fervore non solum maritumi cursus, sed urbes etiam et viae militares iam tenebantur, virtute Cn. Pompei sic a populo Romano ab Oceano usque ad ultimum Pontum tamquam unum aliquem portum tutum et clausum teneri; nationes eas, quae numero hominum ac multitudine ipsa poterant in provincias nostras redundare, ita ab eodem esse partim recisas, partim repressas, ut Asia, quae imperium antea nostrum terminabat, nunc tribus novis provinciis ipsa cingatur. Possum de omni regione, de omni genere hostium dicere. Nulla gens est quae non aut ita sublata sir, ut vix extet, aut ita domita, ut quiescat, aut ita pacata, ut victoria nostra imperioque laetetur.

XIII. [32] Bellum Gallicum, Patres conscripti, C. Caesare imperatore gestumst, antea tantum modo repulsum. Semper illas nationes nostri imperatores refutandas potius bello quan lacessandas putaverunt. Ipse ille C. Marius, cuius divina atque eximia virtus magnis populi Romani luctibus funeribusque subvenir, influentis in Italiam Gallorum maximas copias repressit, non ipse ad eorum urbes sedesque penetravit. Modo ille meorum laborum, periculorum, consiliorum socius, C. Pomptinus, fortissimus vir, ortum repente bellum Allobrogum atque hac scelerata coniuratione excitatum proeliis fregit, eosque domuit, qui lacessierant, et ea victoria contentus re publica metu liberata quievit. C.Caesaris longe aliam video fuisse rationem. Non enim sibi solum cum iis, quos iam armatos contra populum Romanum videbat, bellandum esse duxit,

sed totam Galliam in nostram dicionem esse redigendam.

[33] Itaque cum acerrimis Germanorum et Helvetiorum nationibus et maximis proeliis felicissime decertavit, ceteras conterruit, compulit, domuit, imperio populi Romani parere adsuefecit et, quas regiones quasque gentes nullas nobis antea litterae, nulla vox, nulla fama notas fecerat, has noster imperator nosterque exercitus et populi Romani arma peragrarunt. Semitam tantum Galliae tenebamus antea, Patres conscripti; ceterae partes a gentibus aut inimicis aut imperio aut infidis aut incognitis aut certe immanibus et barbaris et bellicosis tenebantur; quas nationes nemo umquam fuit quin frangi domarique cuperet. Nemo sapienter de re publica nostra cogitavit iam inde a principio huius imperii, quin Galliam maxime timendam huic imperio putaret; sed propter vim ac multitudinem gentium illarum numquam est antea cum omnibus dimicatum; restitimus semper lacessati. Nunc denique est perfectum ut imperii nostri terrarumque illarum idem esset extremum.

XIV. [34] Alpibus Italiam munierat antea natura non sine aliquo divino numine. Nam, si ille aditus Gallorum immanitati multitudine patuisset, numquam haec urbs summo imperio domicilium ac sedem praebuisset. Quam iam licet considant. Nihil est enim ultra altitudinem montium usque ad Oceanum, quod sit Italiae pertimescendum. Sed tamen una atque altera aestas vel metu vel spe vel poena vel praemiis vel armis vel legibus potest totam Galliam sempiternis vinculis adstringere. Impolitae vero res et acerbae si erunt relictae, quamquam sunt accisae, tamen efferent se aliquando et ad renovandum bellum revirescent.

[35] Quare sit in eius tutela Gallia, cuius fidei, virtuti, felicitati commendata est. Qui si Fortunae muneribus amplissimis ornatus saepius eius deae periculum facere nollet, si in patriam, si ad deos penatis, si ad eam dignitatem, quam in civitate sibi propositam videt, si ad iucundissimos liberos, si ad clarissimum generum redire properaret, si in Capitolium invehi victor cum illa insigni laude gestiret, si denique timeret casum aliquem, qui illi tantum addere iam non potest quantum auferre, nos tamen oporteret ab eodem illa omnia, a quo profligata sunt, confici velle. Cum vero ille suae gloriae iam pridem, rei publicae nondum satis fecerit, et malit tamen tardius ad suorum laborum fructus pervenire quam non explere susceptum

rei publicae munus, nes imperatorem incensum ad rem publicam bene gerendam revocare nec totam Gallici belli rationem prope iam explicatam perturbare atque impedire debemus.

XV. [36] Nam illae sententiae virorum clarissimorum minime probandae sunt, quorum alter ulteriorem Galliam decernit cum Syria, alter citeriorem. Qui ulteriorem, omnia illa, de quibus disserui paulo ante perturbat; simul ostendit eam se tenere legem, quam esse legem neget, et quae pars provinciae sit, cui non possit intercedi, hanc se avellere, quae defensorem habeat, non tangere; simul et illud facit ut, quod illi a populo datum sit, id non violet, quod senatus dederit, id senator properet auferre. Alter belli Gallici rationem habet, fungitur officio boni senatoris, legem quam non putat, eam quoque servat; praefinit enim successori diem. Quo mihi nihil videtur magis a dignitate disciplinaque maiorum dissidere, quam ut, qui consul Kalendis ianuariis habere provinciam debet, is ut eam desponsam, non decretam habere videatur.

[37] Fuerit toto in consulatu sine provincia, cui fuerit, antequam designatus est, decreta provincia. Sortietur an non? Nam et non sortiri absurdum est, et, quod sortitus sis, non habere. Proficiscetur paludatus? Quo? Quo pervenire ante certam diem non licebit. ianuario, Februario, provinciam non habebit; Kalendis ei denique Martiis nascetur repente provincia.

[38] Ac tamen his sententiis Piso in provincia permanebit. Quae cum gravia sint, nihil gravius illo, quod multari imperatorem deminutione provinciae contumeliosum est, neque solum summo in viro, sed etiam mediocri in homine ne id accidat providendum. XVI. Ego vos intellego, Patres conscripti, multos decrevisse eximios honores C. Caesari et prope singularis, Si, quod ita meritus erat, grati, sin etiam, ut quam coniunctissimus huic ordini esset, sapientes ac divini fuistis. Neminem umquam est hic ordo complexus honoribus et beneficiis suis, qui ullam dignitatem praestabiliorem ea, quam per vos esset adeptus, putarit. Nemo umquam hic potuit esse princeps, qui maluerit esse popularis. Sed homines, aut propter indignitatem suam diffisi ipsi sibi, aut propter reliquorum obtrectationem ab huius ordinis coniunctione depulsi, saepe ex hoc portu se in illos fluctus prope necessario contulerunt. Qui si ex illa iactatione cursuque populari, bene gesta re publica, referunt

aspectum in curiam atque huic amplissimae dignitati esse commendati volunt, non modo non repellendi sunt, verum etiam expetendi.

[39] Monemur a fortissimo viro atque optimo post hominum memoriam consule, ut provideamus ne citerior Gallia nobis invitis alicui decernatur post eos consules, qui nunc erunt designati, perpetuoque posthac ab iis, qui hunc ordinem oppugnent, populari ac turbulenta ratione teneatur. Quam ego plagam etsi non contemno, Patres conscripti, praesertim monitus a sapientissimo consule et diligentissimo custode pacis atque otii, tamen vehementius arbitror pertimescendum, si hominum clarissimorum ac potentissimorum aut honorem minuero aut studium erga hunc ordinem repudiaro. Nam ut C. iulius, omnibus a senatu eximiis ac novis rebus ornatus, per manus hanc provinciam tradat ei cui minime vos velitis, per quem ordinem ipse amplissimam sit gloriam consecutus, ei ne libertatem quidem relinquat, adduci ad suspicandum nullo modo possum. Postremo, quo quisque animo futurus sit, nescio; quid sperem video; praestare hoc senator debeo, quantum possum, ne quis vir clarus aut potens huic ordini iure irasci posse videatur. Atque haec, si inimicissimus essem C. Caesari, sentirem tamen rei publicae causa.

XVII. [40] Sed non alienum esse arbitror, quo minus saepe aut interpeller a non ullis aut tacitorum existimatione reprehendar, explicare breviter quae mihi sit ratio et causa cum Caesare. Ac primum illud tempus familiaritatis et consuetudinis, quae mihi cum illo, quae fratri meo, quae C. Varroni, consobrino nostro, ab omnium nostrum adulescentia fuit, praetermitto. Posteaquam sum penitus in rem publicam ingressus, ita dissensi ab illo, ut in disiunctione sententiae coniuncti tamen amicitia maneremus.

[41] Consul ille egit eas res, quarum me participem esse voluit; quibus ego si minus adsentiebar, tamen illius mihi iudicium gratum esse debebat. Me ille ut quinqueviratum acciperem rogavit ; me in tribus sibi coniunctissimis consularibus esse voluit; mihi legationem, quam vellem, quanto cum honore vellem, detulit. Quae ego omnia non ingrato animo, sed obstinatione quadam sententiae repudiavi. Quam sapienter non disputo; multis enim non probabo; constanter quidem et fortiter certe, qui cum me firmissimis opibus contra scelus inimicorum munire et popularis impetus populari praesidio

propulsare possem, quamvis excipere fortunam, subire vim atque iniuriam malui, quam aut a vestris sanctissimis mentibus dissidere aut de meo statu declinare. Sed non is solum gratus debet esse, qui accepit beneficium, verum etiam is, cui potestas accipiendi fuit. Ego illa ornamenta, quibus ille me ornabat, decere me et convenire iis rebus, quas gesseram, non putabam; illum quidem amico animo me habere eodem loco quo principem civium, suum generum, sentiebam.

[42] Traduxit ad plebem inimicum meum, sive iratus mihi, quod me secum ne in beneficiis quidem videbat posse coniugi, sive exoratus. Ne haec quidem fuit iniuria. Nam postea me, ut sibi essem legatus, non solum suasit, verum etiam rogavit. Ne id quidem accepi; non quo alienum mea dignitate arbitrarer, sed quod tantum rei publicae sceleris impendere a consulibus proximis non suspicabar. Ergo adhuc magis est mihi verendum ne mea superbia in illius liberalitate quam ne illius iniuria in nostra amicitia reprendatur.

XVIII. [43] Ecce illa tempestas caligo bonorum et subita atque improvisa formido, tenebrae rei publicae, ruina atque incendium civitatis, terror iniectus Caesari de eius actis, metus caedis bonis omnibus, consulum scelus, cupiditas, egestas, audacia! Si non sum adiutus, non debui; si desertus, sibi fortasse providit; si etiam oppugnatus, ut quidam aut putant aut volunt, violata amicitia est, accepi iniuriam; inimicus esse debui, non nego. sed, si idem ille tum me salvum esse voluitn cum vos me ut carissimum filium desiderabatis, et si vos idem pertinere ad causam illam putabatis, voluntatem Caesaris a salute mea non abhorrere, et si illius voluntatis generum eius habeo testem, qui idem Italiam in minicipiis, populum Romanum in contione, vos mei semper cupidissimos in Capitolio ad meam salutem incitavit, si denique Cn. Pompeius idem mihi testis de voluntate Caesaris et sponsor est illi de mea, nonne vobis videor et ultimi temporis recordatione et proximi memoria medium illud tristissimum tempus debere, si ex rerum natura possim evellere, ex animo quidem certe excidere?

[44] Ego vero, si mihi non licet per aliquos ita gloriari, me dolorem atque inimicitias meas rei publicae concessisse, si hoc magni cuiusdam hominis et persapientis videtur, utar hoc, quod non tam ad laudem adipiscendam quam ad vitandam vituperationem valet,

hominem me esse gratum et non modo tantis beneficiis, sed etiam mediocri hominum benivolentia commoveri. XIX. A viris fortissimis et de me optime meritis quibusdam peto, ut, si ego illos meorum laborum atque incommodorum participes esse nolui, ne illi me suarum inimicitiarum socium velint esse, praesertim cum mihi idem illi concesserint, ut etiam acta illa Caesaris, quae neque oppugnavi antea, neque defendi, meo iam iure possim defendere.

[45] Nam summi civitatis viri, quorum ego consilio rem publicam conservavi et quorum auctoritate illam coniunctionem Caesaris defugi, iulias leges et ceteras illo consule rogatas iure latas negant; idem illam proscriptionem capitis mei contra salutem rei publicae, sed salvis auspiciis rogatam esse dicebant. Itaque vir summa auctoritate, summa eloquentia dixit graviter casum illum meum funus esse rei publicae, sed funus iustum et indictum. Mihi ipsi omnino perhonorificum est discessum meum funus dici rei publicae; reliqua non reprendo, sed mihi ad id, quod sentio, adsumo. Nam, si illud iure rogatum dicere ausi sunt, quod nullo exemplo fieri potuit, nulla lege licuit, quia nemo de caelo servarat, oblitine erant tum, cum ille, qui id egerat, plebeius est lege curiata factus, dici de caelo servatum? Qui si plebeius omnino esse non potuit, qui tribunus plebis potuit esse? et, cuius tribunatus si ratus est, nihil est quod inritum ex actis Caesaris possit esse, eius non solum tribunatus sed etiam perniciosissimae res, auspiciorum religione conservata, iure latae videbuntur?

[46] Quare aut vobis statuendum est legem Aeliam manere, legem Fufiam non abrogatam, non omnibus fastis legem ferri licere, cum lex feratur, de caelo servari, obnuntiari, intercedi, licere, censorium iudicium ac notionem et illud morum severissimum magisterium non esse nefariis legibus de civitate sublatum, si patricius tribunus plebis fuerit, contra leges sacratas, si plebeius, contra auspicia fuisse, aut mihi concedant homines oportet in rebus bonis non exquirere ea iura, quae ipsi in perditis non exquirant, praesertim cum ab illis aliquotiens condicio C. Caesari lata sit, ut easdem res alio modo ferret, qua condicione auspicia requirebant, leges comprobabant, in Clodio auspiciorum ratio sit eadem, leges omnes sint eversae ac perditae civitatis.

XX. [47] Extremum illud est. Ego, si essent inimicitiae mihi C.

Caesare, tamen hoc tempore rei publicae consulere, inimicitias in aliud tempus reservare deberem; possem etiam summorum virorum exemplo inimicitias rei publicae causa deponere. Sed cum inimicitiae fuerint numquam, opinio iniuriae beneficio sit extincta, sententia mea, Patres conscripti, si dignitas agitur Caesaris, homini tribuam, si honos quidam, senatus concordiae consulam, si auctoritas decretorum vestrorum, constantiam ordinis in eodem ornando imperatore servabo, si perpetua ratio Gallici belli, rei publicae providebo, si aliquod meum privatum officium, me non ingratum esse praestabo. Atque hoc velim probare omnibus, Patres conscripti; sed levissime feram si forte aut iis minus probaro, qui meum inimicum repugnante vestra auctoritate texerunt, aut iis, si qui meum cum inimico suo reditum in gratiam vituperabunt, cum ipsi et cum meo et cum suo inimico in gratiam non dubitarint redire.

IN PISONEM (Against Piso)

M. TVLLI CICERONIS IN L. CALPVRNIVM PISONEM ORATIO

[I] Iamne vides, belua, iamne sentis quae sit hominum querela frontis tuae? Nemo queritur Syrum nescio quem de grege noviciorum factum esse consulem. Non enim nos color iste servilis, non pilosae genae, non dentes putridi deceperunt; oculi, supercilia, frons, voltus denique totus, qui sermo quidam tacitus mentis est, hic in fraudem homines impulit, hic eos quibus erat ignotus decepit, fefellit, induxit. Pauci ista tua lutulenta vitia noramus, pauci tarditatem ingeni, stuporem debilitatemque linguae. Numquam erat audita vox in foro, numquam periculum factum consili, nullum non modo inlustre sed ne notum quidem factum aut militiae aut domi. Obrepsisti ad honores errore hominum, commendatione fumosarum imaginum, quarum simile habes nihil praeter colorem. Is mihi etiam gloriabatur se omnis magistratus sine repulsa adsecutum? Mihi ista licet de me vera cum gloria praedicare; omnis enim honores populus Romanus mihi ipsi homini detulit. Nam tu cum quaestor es factus, etiam qui te numquam viderant, tamen illum honorem nomini mandabant tuo. Aedilis es factus; Piso est a populo Romano factus, non iste Piso. Praetura item maioribus delata est tuis. Noti erant illi mortui, te vivum nondum noverat quisquam. Me cum quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem non generi, moribus non maioribus meis, virtuti perspectae non auditae nobilitati deferebat. Nam quid ego de consulatu loquar, parto vis anne gesto? Miserum me! cum hac me nunc peste atque labe confero! Sed nihil comparandi causa loquar ac tamen ea quae sunt longissime disiuncta comprendam. Tu consul es renuntiatus — nihil dicam gravius, quam quod omnes fatentur — impeditis rei publicae temporibus, dissidentibus consulibus, cum hoc non recusares eis a quibus dicebare consul, quin te luce dignum non putarent, nisi nequior quam Gabinius exstitisses. Me cuncta Italia, me omnes ordines, me universa civitas non prius tabella quam voce priorem consulem

declaravit.

[II] Sed omitto ut sit factus uterque nostrum; sit sane Fors domina campi. Magnificentius est dicere quem ad modum gesserimus consulatum quam quem ad modum ceperimus. Ego kalendis Ianuariis senatum et bonos omnis legis agrariae maximarumque largitionum metu liberavi. Ego agrum Campanum, si dividi non oportuit, conservavi, si oportuit, melioribus auctoribus reservavi. Ego in C. Rabirio perduellionis reo XL annis ante me consulem interpositam senatus auctoritatem sustinui contra invidiam atque defendi. Ego adulescentis bonos et fortis, sed usos ea condicione fortunae ut, si essent magistratus adepti, rei publicae statum convolsuri viderentur, meis inimicitiis, nulla senatus mala gratia comitiorum ratione privavi. Ego Antonium conlegam cupidum provinciae, multa in re publica molientem patientia atque obsequio meo mitigavi. Ego provinciam Galliam senatus auctoritate exercitu et pecunia instructam et ornatam, quam cum Antonio commutavi, quod ita existimabam tempora rei publicae ferre, in contione deposui reclamante populo Romano. Ego L. Catilinam caedem senatus, interitum urbis non obscure sed palam molientem egredi ex urbe iussi ut, a quo legibus non poteramus, moenibus tuti esse possemus. Ego tela extremo mense consulatus mei intenta iugulis civitatis de coniuratorum nefariis manibus extorsi. Ego faces iam accensas ad huius urbis incendium comprehendi, protuli, exstinxi.

[III] Me Q. Catulus, princeps huius ordinis et auctor publici consili, frequentissimo senatu parentem patriae nominavit. Mihi hic vir clarissimus qui propter te sedet, L. Gellius, his audientibus civicam coronam deberi a re publica dixit. Mihi togato senatus non ut multis bene gesta, sed ut nemini conservata re publica, singulari genere supplicationis deorum immortalium templa patefecit. Ego cum in contione abiens magistratu dicere a tribuno pl. prohiberer quae constitueram, cumque is mihi tantum modo ut iurarem permitteret, sine ulla dubitatione iuravi rem publicam atque hanc urbem mea unius opera esse salvam. Mihi populus Romanus universus illa in contione non unius diei gratulationem sed aeternitatem immortalitatemque donavit, cum meum ius iurandum tale atque tantum iuratus ipse una voce et consensu approbavit. Quo quidem tempore is meus domum fuit e foro reditus ut nemo, nisi qui mecum

esset, civium esse in numero videretur. Atque ita est a me consulatus peractus ut nihil sine consilio senatus, nihil non approbante populo Romano egerim, ut semper in rostris curiam, in senatu populum defenderim, ut multitudinem cum principibus, equestrem ordinem cum senatu coniunxerim. Eui breviter consulatum meum.

[IV] Aude nunc, o furia, de tuo dicere! cuius fuit initium ludi compitalicii tum primum facti post L. Iulium et C. Marcium consules contra auctoritatem huius ordinis; quos Q. Metellus — facio iniuriam fortissimo viro mortuo, qui illum cuius paucos paris haec civitas tulit cum hac importuna belua conferam — sed ille designatus consul, cum quidam tribunus pl. suo auxilio magistros ludos contra senatus consultum facere iussisset, privatus fieri vetuit atque id quod nondum potestate poterat obtinuit auctoritate. Tu, cum in kalendas Ianuarias compitaliorum dies incidisset, Sex. Clodium, qui numquam antea praetextatus fuisset, ludos facere et praetextatum volitare passus es, hominem impurum ac non modo facie sed etiam oculo tuo dignissimum. Ergo his fundamentis positis consulatus tui triduo post inspectante et tacente te a fatali portento prodigioque rei publicae lex Aelia et Fufia eversa est, propugnacula murique tranquillitatis atque otii conlegia non ea solum quae senatus sustulerat restituta, sed innumerabilia quaedam nova ex omni faece urbis ac servitio concitata. Ab eodem homine in stupris inauditis nefariisque versato vetus illa magistra pudoris et modestiae censura sublata est, cum tu interim, bustum rei publicae, qui te consulem tum Romae dicis fuisse, verbo numquam significaris sententiam tuam tantis in naufragiis civitatis.

[V] Nondum quae feceris, sed quae fieri passus sis, dico. Neque vero multum interest, praesertim in consule, utrum ipse perniciosis legibus, improbis contionibus rem publicam vexet, an alios vexare patiatur. An potest ulla esse excusatio non dicam male sentienti, sed sedenti, cunctanti, dormienti in maximo rei publicae motu consuli? C prope annos legem Aeliam et Fufiam tenueramus, CCCC iudicium notionemque censoriam. Quas leges ausus est non nemo improbus, potuit quidem nemo convellere, quam potestatem minuere, quo minus de moribus nostris quinto quoque anno iudicaretur, nemo tam effuse petulans conatus est, haec sunt, o carnifex! in prooemio sepulta consulatus tui. Persequere continentis his funeribus dies. Pro

Aurelio tribunali ne conivente quidem te, quod ipsum esset scelus, sed etiam hilarioribus oculis quam solitus eras intuente, dilectus servorum habebatur ab eo qui nihil sibi umquam nec facere nec pati turpe esse duxit. Arma in templo Castoris, o proditor templorum omnium! vidente te constituebantur ab eo latrone cui templum illud fuit te consule arx civium perditorum, receptaculum veterum Catilinae militum, castellum forensis latrocini, bustum legum omnium ac religionum. Erat non solum domus mea sed totum Palatium senatu, equitibus Romanis, civitate omni, Italia cuncta refertum, cum tu non modo ad eum — mitto enim domestica, quae negari possunt; haec commemoro quae sunt palam — non modo, inquam, ad eum cui primam comitiis tuis dederas tabulam praerogativae, quem in senatu sententiam rogabas tertium, numquam aspirasti, sed omnibus consiliis quae ad me opprimendum parabantur non interfuisti solum verum etiam crudelissime praefuisti.

[VI] Mihi vero ipsi coram genero meo, propinquo tuo quae dicere ausus es? Egere sordidissime Gabinium, sine provincia stare non posse, spem habere a tribuno pl., si sua consilia cum illo coniunxisset, a senatu quidem desperasse; huius te cupiditati obsequi, sicuti ego fecissem in conlega meo; nihil esse quod praesidium consulum implorarem; sibi quemque consulere oportere. Atque haec dicere vix audeo; vereor ne qui sit qui istius insignem nequitiam frontis involutam integumentis nondum cernat; dicam tamen. Ipse certe agnoscet et cum aliquo dolore flagitiorum suorum recordabitur. Meministine, caenum, cum ad te quinta fere hora cum C. Pisone venissem, nescio quo e gurgustio te prodire involuto capite soleatum, et, cum isto ore foetido taeterrimam nobis popinam inhalasses, excusatione te uti valetudinis, quod diceres vinulentis te quibusdam medicaminibus solere curari? Quam nos causam cum accepissemus — quid enim facere poteramus? — paulisper stetimus in illo ganearum tuarum nidore atque fumo; unde tu nos cum improbissime respondendo, tum turpissime ructando eiecisti. Idem illo fere biduo productus in contionem ab eo cui sicam quandam praebebas consulatum tuum, cum esses interrogatus quid sentires de consulatu meo, gravis auctor, Calatinus credo aliquis aut Africanus aut Maximus et non Caesoninus Semiplacentinus Calventius, respondes altero ad frontem sublato, altero ad mentum depresso supercilio

crudelitatem tibi non placere.

[VII] Hic te ille homo dignissimus tuis laudibus conlaudavit. Crudelitatis tu, furcifer, senatum consul in contione condemnas? non enim me qui senatui parvi; nam relatio illa salutaris et diligens fuerat consulis, animadversio quidem et iudicium senatus. Quae cum reprehendis, ostendis qualis tu, si ita forte accidisset, fueris illo tempore consul futurus. Stipendio me hercule et frumento Catilinam esse putasses iuvandum. Quid enim interfuit inter Catilinam et eum cui tu senatus auctoritatem, salutem civitatis, totam rem publicam provinciae praemio vendidisti? Quae enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adiuverunt. Voluit ille senatum interficere, vos sustulistis; leges incendere, vos abrogastis; interimere patriam, vos adflixistis. Quid est vobis consulibus gestum sine armis? Incendere illa coniuratorum manus voluit urbem, vos eius domum quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitassent; non enim se tectis privare voluerunt, sed bis stantibus nullum domicilium sceleri suo fore putaverunt. Caedem illi civium, vos servitutem expetistis. Hic vos etiam crudeliores; huic enim ita fuerat ante vos consules libertas insita ut ei mori potius quam servire praestaret. Illud vero geminum consiliis Catilinae et Lentuli, quod me domo mea expulistis, Cn. Pompeium domum suam compulistis. Neque enim me stante et manente in urbis vigilia neque resistente Cn. Pompeio, omnium gentium victore, umquam se illi rem publicam delere posse duxerunt. A me quidem etiam poenas expetistis quibus coniuratorum manis mortuorum expiaretis; omne odium inclusum nefariis sensibus impiorum in me profudistis. Quorum ego furori nisi cessissem, in Catilinae busto vobis ducibus mactatus essem. Quod autem maius indicium exspectatis nihil inter vos et Catilinam interfuisse quam quod eandem illam manum ex intermortuis Catilinae reliquiis concitastis, quod omnis undique perditos conlegistis, quod in me carcerem effudistis, quod coniuratos armastis, quod eorum ferro ac furori meum corpus atque omnium bonorum vitam obicere voluistis?

[VIII] Sed iam redeo ad praeclaram illam contionem tuam. Tu es ille, cui crudelitas displicet? qui, cum senatus luctum ac dolorem suum vestis mutatione declarandum censuisset, cum videres maerere

rem publicam amplissimi ordinis luctu, o noster misericors! quid facis? Quod nulla in barbaria quisquam tyrannus. Omitto enim illud, consulem edicere ut senatus consulto ne obtemperetur, quo foedius nec fieri nec cogitari quicquam potest; ad misericordiam redeo eius cui nimis videtur senatus in conservanda patria fuisse crudelis. Edicere est ausus cum illo suo pari, quem tamen omnibus vitiis superare cupiebat, ut senatus contra quam ipse censuisset ad vestitum rediret. Quis hoc fecit ulla in Scythia tyrannus ut eos quos luctu adficeret lugere non sineret? Maerorem relinquis, maeroris aufers insignia: eripis lacrimas non consolando sed minando. Quod si vestem non publico consilio patres conscripti, sed privato officio aut misericordia mutavissent, tamen id his non licere per interdicta potestatis tuae crudelitatis erat non ferendae; cum vero id senatus frequens censuisset et omnes ordines reliqui iam ante fecissent, tu ex tenebricosa popina consul extractus cum illa saltatrice tonsa senatum populi Romani occasum atque interitum rei publicae lugere vetuisti.

[IX] At quaerebat etiam paulo ante de me quid suo mihi opus fuisset auxilio, cur non meis inimicis meis copiis restitissem. Quasi vero non modo ego, qui multis saepe auxilio fuerim, sed quisquam tam inops fuerit umquam qui isto non modo propugnatore tutiorem se sed advocato aut adstipulatore paratiorem fore putaret. Ego istius pecudis ac putidae carnis consilio scilicet aut praesidio niti volebam, ab hoc eiecto cadavere quicquam mihi aut opis aut ornamenti expetebam. Consulem ego tum quaerebam, consulem inquam, non illum quidem quem in hoc maiali invenire non possem, qui tantam rei publicae causam gravitate et consilio suo tueretur, sed qui tamquam truncus atque stipes, si stetisset modo, posset sustinere tamen titulum consulatus. Cum enim esset omnis causa illa mea consularis et senatoria, auxilio mihi opus fuerat et consulis et senatus; quorum alterum etiam ad perniciem meam erat a vobis consulibus conversum, alterum rei publicae penitus ereptum. Ac tamen, si consilium exquiris meum, neque ego cessissem et me ipsa suo complexu patria tenuisset, si mihi cum illo bustuario gladiatore et tecum et cum conlega tuo decertandum fuisset. Alia enim causa praestantissimi viri, Q. Metelli, fuit, quem ego civem meo iudicio cum deorum immortalium laude coniungo; qui C. illi Mario, fortissimo viro et consuli et sextum consuli et eius invictis

legionibus, ne armis confligeret, cedendum esse duxit. Quod mihi igitur certamen esset huius modi? cum C. Mario scilicet aut cum aliquo pari, an cum altero barbato Epicuro, cum altero Catilinae lanternario consule? Neque hercule ego supercilium tuum neque conlegae tui cymbala fugi neque tam fui timidus ut, qui in maximis turbinibus ac fluctibus rei publicae navem gubernassem salvamque in portu conlocassem, frontis tuae nubeculam aut conlegae tui contaminatum spiritum pertimescerem. Alios ego vidi ventos, alias prospexi animo procellas, aliis impendentibus tempestatibus non cessi sed bis unum me pro omnium salute obtuli. Itaque discessu tum meo omnes illi nefarii gladii de manibus crudelissimis exciderunt, cum quidem tu, o vaecors et amens! cum omnes boni abditi inclusique maererent, templa gemerent, tecta ipsa urbis lugerent, complexus es funestum illud animal ex nefariis stupris, ex civili cruore, ex omni scelerum importunitate conceptum atque eodem in templo, eodem loci vestigio et temporis arbitria non mei solum sed patriae funeris abstulisti.

[X] Quid ego illorum dierum epulas, quid laetitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantissimas perpotationes praedicem? Quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidit? cum conlegae tui domus cantu et cymbalis personaret, cumque ipse nudus in convivio saltaret; in quo cum illum saltatorium versaret orbem, ne tum quidem fortunae rotam pertimescebat. Hic autem non tam concinnus helluo nec tam musicus iacebat in suorum Graecorum foetore et caeno; quod quidem istius in illis rei publicae luctibus quasi aliquod Lapitharum aut Centaurorum convivium ferebatur; in quo nemo potest dicere utrum iste plus biberit an vomuerit an effuderit. Tune etiam mentionem facies consulatus aut te fuisse Romae consulem dicere audebis? Quid? tu in lictoribus et in toga praetexta esse consulatum putas? quae ornamenta etiam in Sex. Clodio te consule esse voluisti, his tu, Clodiane canis, insignibus consulatum declarari putas? Animo consulem esse oportet, consilio, fide, gravitate, vigilantia, cura, toto denique munere consulatus omni officio tuendo, maximeque, id quod vis nominis ipsa praescribit, rei publicae consulendo. An ego consulem esse putem qui senatum esse in re publica non putavit, et sine eo consilio

consulem numerem, sine quo Romae ne reges quidem esse potuerunt? Etenim illa iam omitto. Cum servorum dilectus haberetur in foro, arma in templum Castoris luce et palam comportarentur, id autem templum sublato aditu revolsis gradibus a coniuratorum reliquiis atque a Catilinae praevaricatore quondam, tum ultore, armis teneretur, cum equites Romani relegarentur, viri boni lapidibus e foro pellerentur, senatui non solum iuvare rem publicam sed ne lugere quidem liceret, cum civis is quem hic ordo adsentiente Italia cunctisque gentibus conservatorem patriae iudicarat nullo iudicio, nulla lege, nullo more servitio atque armis pelleretur, non dicam auxilio vestro, quod vere licet dicere, sed certe silentio: tum Romae fuisse consules quisquam existimabit? Qui latrones igitur, si quidem vos consules, qui praedones, qui hostes, qui proditores, qui tyranni nominabuntur?

[XI] Magnum nomen est, magna species, magna dignitas, magna maiestas consulis; non capiunt angustiae pectoris tui, non recipit levitas ista, non egestas animi; non infirmitas ingeni sustinet, non insolentia rerum secundarum tantam personam, tam gravem, tam severam. Seplasia me hercule, ut dici audiebam, te ut primum aspexit, Campanum consulem repudiavit. Audierat Decios Magios et de Taurea illo Vibellio aliquid acceperat; in quibus si moderatio illa quae in nostris solet esse consulibus non fuit, at fuit pompa, fuit species, fuit incessus saltem Seplasia dignus et Capua. Gabinium denique si vidissent duumvirum vestri illi unguentarii, citius agnovissent. Erant illi compti capilli et madentes cincinnorum fimbriae et fluentes purpurissataeque buccae, dignae Capua, sed illa vetere; nam haec quidem quae nunc est splendidissimorum hominum, fortissimorum virorum, optimorum civium mihique amicissimorum multitudine redundat. Quorum Capuae te praetextatum nemo aspexit qui non gemeret desiderio mei, cuius consilio cum universam rem publicam, tum illam ipsam urbem meminerant esse servatam. Me inaurata statua donarant, me patronum unum asciverant, a me se habere vitam, fortunas, liberos arbitrabantur, me et praesentem contra latrocinium tuum suis decretis legatisque defenderant et absentem principe Cn. Pompeio referente et de corpore rei publicae tuorum scelerum tela revellente revocarant. An tum eras consul cum in Palatio mea domus ardebat non casu

aliquo sed ignibus iniectis instigante te? Ecquod in hac urbe maius umquam incendium fuit cui non consul subvenerit? At tu illo ipso tempore apud socrum tuam prope a meis aedibus, cuius domum ad meam domum exhauriendam patefeceras, sedebas non exstinctor sed auctor incendi et ardentis faces furiis Clodianis paene ipse consul ministrabas.

[XII] An vero reliquo tempore consulem te quisquam duxit, quisquam tibi paruit, quisquam in curiam venienti adsurrexit, quisquam consulenti respondendum putavit? Numerandus est ille annus denique in re publica, cum obmutuisset senatus, iudicia conticuissent, maererent boni, vis latrocini vestri tota urbe volitaret neque civis unus ex civitate sed ipsa civitas tuo et Gabini sceleri furorique cessisset? Ac ne tum quidem emersisti, lutulente Caesonine, ex miserrimis naturae tuae sordibus, cum experrecta tandem virtus clarissimi viri celeriter et verum amicum et optime meritum civem et suum pristinum morem requisivit; neque est ille vir passus in ea re publica quam ipse decorarat atque auxerat diutius vestrorum scelerum pestem morari, cum tamen ille, qualiscumque est, qui est ab uno te improbitate victus, Gabinius, conlegit ipse se vix, sed conlegit tamen, et contra suum Clodium primum simulate, deinde non libenter, ad extremum tamen pro Cn. Pompeio vere vehementerque pugnavit. Quo quidem in spectaculo mira populi Romani aequitas erat. Vter eorum perisset, tamquam lanista in eius modi pari lucrum fieri putabat, immortalem vero quaestum, si uterque cecidisset. Sed ille tamen agebat aliquid; tuebatur auctoritatem summi viri. Erat ipse sceleratus, erat gladiator, cum scelerato tamen et cum pari gladiatore pugnabat. Tu scilicet homo religiosus et sanctus foedus quod meo sanguine in pactione provinciarum iceras frangere noluisti. Caverat enim sibi ille sororius adulter ut, si tibi provinciam, si exercitum, si pecuniam ereptam ex rei publicae visceribus dedisset, omnium suorum scelerum socium te adiutoremque praeberes. Itaque in illo tumultu fracti fasces, ictus ipse, cotidie tela, lapides, fugae, deprehensus denique cum ferro ad senatum is quem ad Cn. Pompeium interimendum conlocatum fuisse constabat.

[XIII] Ecquis audivit non modo actionem aliquam aut relationem sed vocem omnino aut querelam tuam? Consulem tu te fuisse putas,

cuius in imperio, qui rem publicam senatus auctoritate servarat, qui omnis omnium gentium partis tribus triumphis devinxerat, is se in publico, is denique in Italia tuto statuit esse non posse? An tum eratis consules cum, quacumque de re verbum facere coeperatis aut referre ad senatum, cunctus ordo reclamabat ostendebatque nihil esse vos acturos, nisi prius de me rettulissetis? cum vos, quamquam foedere obstricti tenebamini, tamen cupere vos diceretis, sed lege impediri. Quae lex privatis hominibus esse lex non videbatur, inusta per servos, incisa per vim, imposita per latrocinium, sublato senatu, pulsis e foro bonis omnibus, capta re publica, contra omnis leges nullo scripta more, hanc qui se metuere dicerent, consules non dicam animi hominum, sed fasti ulli ferre possunt? Nam si illam legem non putabatis, quae erat contra omnis leges indemnati civis atque integri capitis bonorumque tribunicia proscriptio, ac tamen obstricti pactione tenebamini, quis vos non modo consules sed liberos fuisse putet, quorum mens fuerit oppressa praemio, lingua astricta mercede? Sin illam vos soli legem putabatis, quisquam vos consules tunc fuisse aut nunc esse consularis putet, qui eius civitatis in qua in principum numero voltis esse non leges, non instituta, non mores, non iura noritis? An, cum proficiscebamini paludati in provincias vel emptas vel ereptas, consules vos quisquam putavit? Itaque, credo, si minus frequentia sua vestrum egressum ornando atque celebrando, at ominibus saltem bonis ut consules, non tristissimis ut hostes aut proditores prosequebantur.

[XIV] Tune etiam, immanissimum ac foedissimum monstrum, ausus es meum discessum illum testem sceleris et crudelitatis tuae in maledicti et contumeliae loco ponere? Quo quidem tempore cepi, patres conscripti, fructum immortalem vestri in me et amoris et iudici; qui non admurmuratione sed voce et clamore abiecti hominis ac semivivi furorem petulantiamque fregistis. Tu luctum senatus, tu desiderium equestris ordinis, tu squalorem Italiae, tu curiae taciturnitatem annuam, tu silentium perpetuum iudiciorum ac fori, tu cetera illa in maledicti loco pones quae meus discessus rei publicae volnera inflixit? Qui si calamitosissimus fuisset, tamen misericordia dignior quam contumelia et cum gloria potius esse coniunctus quam cum probro putaretur, atque ille dolor meus dumtaxat, vestrum quidem scelus ac dedecus haberetur. Cum vero — forsitan hoc quod

dicturus sum mirabile auditu esse videatur, sed certe id dicam quod sentio — cum tantis a vobis, patres conscripti, beneficiis adfectus sim tantisque honoribus, non modo illam calamitatem esse non duco sed, si quid mihi potest a re publica esse seiunctum, quod vix potest, privatim ad meum nomen augendum, optandam duco mihi fuisse illam expetendamque fortunam. Atque ut tuum laetissimum diem cum tristissimo meo conferam, utrum tandem bono viro et sapienti optabilius putas sic exire e patria ut omnes sui cives salutem, incolumitatem, reditum precentur, quod mihi accidit, an, quod tibi proficiscenti evenit, ut omnes exsecrarentur, male precarentur, unam tibi illam viam et perpetuam esse vellent? Mihi me dius fidius in tanto omnium mortalium odio, iusto praesertim et debito, quaevis fuga quam ulla provincia esset optatior.

[XV] Sed perge porro. Nam si illud meum turbulentissimum tempus tuo tranquillissimo praestat, quid conferam reliqua quae in te dedecoris plena fuerunt, in me dignitatis? Me kalendis Ianuariis, qui dies post obitum occasumque nostrum rei publicae primus inluxit, frequentissimus senatus, concursu Italiae, referente clarissimo ac fortissimo viro, P. Lentulo, consentiente atque una voce revocavit. Me idem senatus exteris nationibus, me legatis magistratibusque nostris auctoritate sua consularibusque litteris non, ut tu Insuber dicere ausus es, orbatum patria sed, ut senatus illo ipso tempore appellavit, civem servatoremque rei publicae commendavit. Ad meam unius hominis salutem senatus auxilium omnium civium cuncta ex Italia qui rem publicam salvam esse vellent consulis voce et litteris implorandum putavit. Mei capitis conservandi causa Romam uno tempore quasi signo dato Italia tota convenit. De mea salute P. Lentuli, praestantissimi viri atque optimi consulis, Cn. Pompei, clarissimi atque invictissimi civis, ceterorumque principum civitatis celeberrimae et gratissimae contiones fuerunt. De me senatus ita decrevit Cn. Pompeio auctore et eius sententiae principe ut, si quis impedisset reditum meum, in hostium numero putaretur, eisque verbis ea de me senatus auctoritas declarata est ut nemini sit triumphus honorificentius quam mihi salus restitutioque perscripta. De me cum omnes magistratus promulgassent praeter unum praetorem, a quo non fuit postulandum, fratrem inimici mei, praeterque duos de lapide emptos tribunos, legem comitiis centuriatis

tulit P. Lentulus consul de conlegae Q. Metelli sententia, quem mecum eadem res publica quae in tribunatu eius diiunxerat in consulatu virtute optimi ac iustissimi viri sapientiaque coniunxit. Quae lex quem ad modum accepta sit quid me attinet dicere? Ex vobis audio nemini civi ullam quo minus adesset satis iustam excusationem esse visam; nullis comitiis umquam neque multitudinem hominum tantam neque splendidiorem fuisse; hoc certe video, quod indicant tabulae publicae, vos rogatores, vos diribitores, vos custodes fuisse tabellarum, et, quod in honoribus vestrorum propinquorum non facitis vel aetatis excusatione vel honoris, id in salute mea nullo rogante vos vestra sponte fecistis.

[XVI] Confer nunc, Epicure noster ex hara producte non ex schola, confer, si audes, absentiam tuam cum mea. Obtinuisti provinciam consularem finibus eis quos lex cupiditatis tuae, non quos lex generi tui pepigerat. Nam lege Caesaris iustissima atque optima populi liberi plane et vere erant liberi? lege autem ea quam nemo legem praeter te et conlegam tuum putavit omnis erat tibi Achaia, Thessalia, Athenae, cuncta Graecia addicta; habebas exercitum tantum quantum tibi non senatus aut populus Romanus dederat, sed quantum tua libido conscripserat; aerarium exhauseras. Quas res gessisti imperio, exercitu, provincia consulari? Quas res gesserit, quaero! Qui ut venit, statim — nondum commemoro rapinas, non exactas pecunias, non captas, non imperatas, non neces sociorum, non caedis hospitum, non perfidiam, non immanitatem, non scelera praedico; mox, si videbitur, ut cum fure, ut cum sacrilego, ut cum sicario disputabo; nunc meam spoliatam fortunam conferam cum florente fortuna imperatoris. Quis umquam provinciam cum exercitu obtinuit qui nullas ad senatum litteras miserit? tantam vero provinciam cum tanto exercitu, Macedoniam praesertim, quam tantae barbarorum gentes attingunt ut semper Macedonicis imperatoribus idem fines provinciae fuerint qui gladiorum atque pilorum; ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, quin triumpharit! Est hoc novum; multo illud magis. Appellatus est hic volturius illius provinciae, si dis placet, imperator.

[XVII] Ne tum quidem, Paule noster, tabellas Romam cum laurea mittere audebas? “Misi,” inquit. Quis umquam recitavit, quis ut recitarentur postulavit? Nihil enim mia iam refert, utrum tu

conscientia oppressus scelerum tuorum nihil umquam ausus sis scribere ad eum ordinem quem despexeras, quem adflixeras, quem deleveras, an amici tui tabellas abdiderint idemque silentio suo temeritatem atque audaciam tuam condemnarint; atque haud scio an malim te videri nullo pudore fuisse in litteris mittendis, at amicos tuos plus habuisse et pudoris et consili, quam aut te videri pudentiorem fuisse quam soles, aut tuum factum non esse condemnatum iudicio amicorum. Quod si non tuis nefariis in hunc ordinem contumeliis in perpetuum tibi curiam praeclusisses, quid tandem erat actum aut gestum in tua provincia de quo ad senatum cum gratulatione aliqua scribi abs te oporteret? vexatio Macedoniae, an oppidorum turpis amissio, an sociorum direptio, an agrorum depopulatio, an munitio Thessalonicae, an, obsessio militaris viae, an exercitus nostri interitus ferro, fame, frigore, pestilentia? Tu vero qui ad senatum nihil scripseris, ut in urbe nequior inventus es quam Gabinius, sic in provincia paulo tamen quam ille demissior. Nam ille gurges atque helluo natus abdomini suo non laudi et gloriae, cum equites Romanos in provincia, cum publicanos nobiscum et voluntate et dignitate coniunctos omnis fortunis, multos fama vitaque privasset, cum egisset aliud nihil illo exercitu nisi ut urbis depopularetur, agros vastaret, exhauriret domos, ausus est — quid enim ille non audeat? — a senatu supplicationem per litteras postulare.

[XVIII] O di immortales! tune etiam atque adeo vos, geminae voragines scopulique rei publicae, vos meam fortunam deprimitis, vestram extollitis, cum de me ea senatus consulta absente facta sint, eae contiones habitae, is motus fuerit municipiorum et coloniarum omnium, ea decreta publicanorum, ea conlegiorum, ea denique generum ordinumque omnium quae non modo ego optare numquam auderem sed cogitare non possem, vos autem sempiternas foedissimae turpitudinis notas subieritis? An ego, si te et Gabinium cruci suffixos viderem, maiore adficerer laetitia ex corporis vestri laceratione quam adficior ex famae? Nullum est supplicium putandum quo adfici casu aliquo etiam boni viri fortesque possunt. Atque hoc quidem etiam isti tui dicunt voluptarii Graeci: quos utinam ita audires ut erant audiendi; numquam te in tot flagitia ingurgitasses. Verum audis in praesepibus, audis in stupris, audis in cibo et vino. Sed dicunt isti ipsi qui mala dolore, bona voluptate

definiunt, sapientem, etiam si in Phalaridis tauro inclusus succensis ignibus torreatur, dicturum tamen suave illud esse seque ne tantulum quidem commoveri. Tantam virtutis vim esse voluerunt ut non posset esse umquam vir bonus non beatus. Quae est igitur poena, quod supplicium? Id mea sententia quod accidere nemini potest nisi nocenti, suscepta fraus, impedita et oppressa mens, bonorum odium, nota inusta senatus, amissio dignitatis.

[XIX] Nec mihi ille M. Regulus quem Carthaginienses resectis palpebris inligatum in machina vigilando necaverunt supplicio videtur adfectus, nec C. Marius quem Italia servata ab illo demersum in Minturnensium paludibus, Africa devicta ab eodem expulsum et naufragum vidit. Fortunae enim ista tela sunt non culpae; supplicium autem est poena peccati. Neque vero ego, si umquam vobis mala precarer, quod saepe feci, in quo di immortales meas preces audiverunt, morbum aut mortem aut cruciatum precarer. Thyestea est ista exsecratio poetae volgi animos non sapientium moventis, ut tu

"naufragio expulsus uspiam
saxis fixus asperis, evisceratus
latere penderes,"

ut ait ille,
"saxa spargens tabo, sanie et sanguine atro".

Non ferrem omnino moleste, si ita accidisset; sed id tamen esset humanum. M. Marcellus, qui ter consul fuit, summa virtute, pietate, gloria militari, periit in mari; qui tamen ob virtutem in gloria et laude vivit. In fortuna quadam est illa mors non in poena putanda. Quae est igitur poena, quod supplicium, quae saxa, quae cruces? Esse duos duces in provinciis populi Romani, habere exercitus, appellari imperatores; horum alterum sic fuisse infrenatum conscientia scelerum et fraudum suarum ut ex ea provincia quae fuerit ex omnibus una maxime triumphalis nullam sit ad senatum litteram mittere ausus. Ex qua provincia modo vir omni dignitate ornatissimus, L. Torquatus, magnis rebus gestis me referente ab senatu imperator est appellatus, unde his paucis annis Cn. Dolabellae, C. Curionis, M. Luculli iustissimos triumphos vidimus, ex ea te imperatore nuntius ad senatum adlatus est nullus; ab altero

adlatae litterae, recitatae, relatum ad senatum. Di immortales! idne ego optarem ut inimicus meus ea qua nemo umquam ignominia notaretur, ut senatus is qui in eam iam benignitatis consuetudinem venit ut eos qui bene rem publicam gesserint novis honoribus adficiat et numero dierum et genere verborum, huius unius litteris nuntiantibus non crederet, postulantibus denegaret?

[XX] His ego rebus pascor, his delector, his perfruor, quod de vobis hic ordo opinatur non secus ac de acerrimis hostibus, quod vos equites Romani, quod ceteri ordines, quod cuncta civitas odit, quod nemo bonus, nemo denique civis est, qui modo se civem esse meminerit, qui vos non oculis fugiat, auribus respuat, animo aspernetur, recordatione denique ipsa consulatus vestri perhorrescat. Haec ego semper de vobis expetivi, haec optavi, haec precatus sum; plura etiam acciderunt quam vellem; nam ut amitteretis exercitum, numquam me hercule optavi. Illud etiam accidit praeter optatum meum, sed valde ex voluntate. Mihi enim numquam venerat in mentem furorem et insaniam optare vobis in quam incidistis. Atqui fuit optandum. Me tamen fugerat deorum immortalium has esse in impios et consceleratos poenas certissimas. Nolite enim ita putare, patres conscripti, ut in scaena videtis, homines consceleratos impulsu deorum terreri furialibus taedis ardentibus; sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hae sunt impiorum furiae, hae flammae, hae faces. Ego te non vaecordem, non furiosum, non mente captum, non tragico illo Oreste aut Athamante dementiorem putem, qui sis ausus primum facere — nam id est caput — deinde paulo ante Torquato, sanctissimo et gravissimo viro, premente confiteri te provinciam Macedoniam, in quam tantum exercitum transportasses, sine ullo milite reliquisse? Mitto de amissa maxima parte exercitus; sit hoc infelicitatis tuae; dimittendi vero exercitus quam potes adferre causam? quam potestatem habuisti, quam legem, quod senatus consultum, quod ius, quod exemplum? Quid est aliud furere? non cognoscere homines, non cognoscere leges, non senatum, non civitatem? Cruentare corpus suum leve est; maior haec est vitae, famae, salutis suae volneratio. Si familiam tuam dimisisses, quod ad neminem nisi ad ipsum te pertineret, amici te constringendum putarent; praesidium tu rei publicae, custodiam provinciae iniussu populi Romani senatusque

dimisisses, si tuae mentis compos fuisses?

[XXI] Ecce tibi alter effusa iam maxima praeda quam ex fortunis publicanorum, quam ex agris urbibusque sociorum exhauserat, cum partim eius praedae profundae libidines devorassent, partim nova quaedam et inaudita luxuries, partim etiam in illis locis ubi omnia diripuit emptiones ad hunc Tusculani montem exstruendum; cum iam egeret, cum illa eius intermissa intolerabilis aedificatio constitisset, se ipsum, fascis suos, exercitum populi Romani, numen interdictumque deorum immortalium, responsa sacerdotum, auctoritatem senatus, iussa populi Romani, nomen ac dignitatem imperi regi Aegyptio vendidit. Cum finis provinciae tantos haberet quantos voluerat, quantos optarat, quantos pretio mei capitis periculoque emerat, eis se tenere non potuit; exercitum eduxit ex Syria. Qui licuit extra provinciam? Praebuit se mercennarium comitem regi Alexandrino. Quid hoc turpius? In Aegyptum venit, signa contulit cum Alexandrinis. Quando hoc bellum aut hic ordo aut populus susceperat? Cepit Alexandream. Quid aliud exspectamus a furore eius nisi ut ad senatum tantis de rebus gestis litteras mittat? Hic si mentis esset suae, nisi poenas patriae disque immortalibus eas quae gravissimae sunt furore atque insania penderet, ausus esset — mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quae cum plurimae leges veteres, tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime vetat? Sed haec omitto; ille si non acerrime fureret, auderet, quam provinciam P. Lentulus, amicissimus huic ordini, cum et auctoritate senatus et sorte haberet, interposita religione sine ulla dubitatione deposuisset, eam sibi adsciscere, cum, etiam si religio non impediret, mos maiorum tamen et exempla et gravissimae legum poenae vetarent?

[XXII] Et quoniam fortunarum contentionem facere coepimus, de reditu Gabini omittamus, quem, etsi sibi ipse praecidit, ego tamen os ut videam hominis exspecto; tuum, si placet, reditum cum meo conferamus. Ac meus quidem is fuit ut a Brundisio usque Romam agmen perpetuum totius Italiae viderit. Neque enim regio ulla fuit nec municipium neque praefectura aut colonia ex qua non ad me publice venerint gratulatum. Quid dicam adventus meos, quid effusiones hominum ex oppidis, quid concursus ex agris patrum

familias cum coniugibus ac liberis, quid eos dies qui quasi deorum immortalium festi atque sollemnes apud omnis sunt adventu meo redituque celebrati? Vnus ille dies mihi quidem immortalitatis instar fuit quo in patriam redii, cum senatum egressum vidi populumque Romanum universum, cum mihi ipsa Roma prope convolsa sedibus suis ad complectendum conservatorem suum progredi visa est. Quae me ita accepit ut non modo omnium generum, aetatum, ordinum omnes viri ac mulieres omnis fortunae ac loci, sed etiam moenia ipsa viderentur et tecta urbis ac templa laetari. Me consequentibus diebus in ea ipsa domo qua tu me expuleras, quam expilaras, quam incenderas, pontifices, consules, patres conscripti conlocaverunt mihique, quod ante me nemini, pecunia publica aedificandam domum censuerunt. Habes reditum meum. Confer nunc vicissim tuum, quando quidem amisso exercitu nihil incolume domum praeter os illud tuum pristinum rettulisti. Qui primum qua veneris cum laureatis tuis lictoribus quis scit? Quos tu Maeandros, dum omnis solitudines persequeris, quae deverticula flexionesque quaesisti? quod te municipium vidit, quis amicus invitavit, quis hospes aspexit? Nonne tibi nox erat pro die, solitudo pro frequentia, caupona pro oppido, non ut redire ex Macedonia nobilis imperator sed ut mortuus infamis referri videretur?

[XXIII] Romam vero ipsam, o familiae non dicam Calpurniae sed Calventiae, neque huius urbis sed Placentini municipi, neque paterni generis sed bracatae cognationis dedecus! quem ad modum ingressus es? quis tibi non dicam horum aut civium ceterorum sed tuorum legatorum obviam venit? Mecum enim L. Flaccus, vir tua legatione indignissimus atque eis consiliis quibus mecum in consulatu meo coniunctus fuit ad conservandam rem publicam dignior, mecum fuit tum cum te quidam non longe a porta cum lictoribus errantem visum esse narraret; scio item virum fortem in primis, belli ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum opem in proelio imperator appellatus eras cum longe afuisses, adventu isto tuo domi fuisse otiosum. Sed quid ego enumero qui tibi obviam non venerint? quin dico venisse paene neminem ne de officiosissima quidem natione candidatorum, cum volgo essent et illo ipso et multis ante diebus admoniti et rogati? Togulae lictoribus ad portam praesto fuerunt; quibus illi acceptis sagula reiecerunt, catervam imperatori

suo novam praebuerunt. Sic iste a tanto exercitu tantae provinciae triennio post Macedonicus imperator in urbem se intulit ut nullius negotiatoris obscurissimi reditus umquam fuerit desertior. In quo me tamen, qui esset paratus ad se defendendum, reprehendit. Cum ego eum Caelimontana introisse dixissem, sponsione me ni Esquilina introisset homo promptus lacessivit; quasi vero id aut, ego scire debuerim aut vestrum quisquam audierit aut ad rem pertineat qua tu porta introieris, modo ne triumphali, quae porta Macedonicis semper pro consulibus ante te patuit; tu inventus es qui consulari imperio praeditus ex Macedonia non triumphares.

[XXIV] At audistis, patres conscripti, philosophi vocem. Negavit se triumphi cupidum umquam fuisse. O scelus, o pestis, o labes! Cum exstinguebas senatum, vendebas auctoritatem huius ordinis, addicebas tribuno pl. consulatum tuum, rem publicam evertebas, prodebas caput et salutem meam una mercede provinciae, si triumphum non cupiebas, cuius tandem te rei cupiditate arsisse defendes? Saepe enim vidi qui et mihi et ceteris cupidiores provinciae viderentur triumphi nomine tegere atque celare cupiditatem suam. Hoc D. Silanus consul in hoc ordine, hoc meus etiam conlega dicebat. Neque enim quisquam potest exercitum cupere aperteque petere, ut non praetexat cupiditatem triumphi. Quod si te senatus populusque Romanus aut non appetentem aut etiam recusantem bellum suscipere, exercitum ducere coegisset, tamen erat angusti animi atque demissi iusti triumphi honorem dignitatemque contemnere. Nam ut levitatis est inanem aucupari rumorem et omnis umbras etiam falsae gloriae consectari, sic est animi lucem splendoremque fugientis iustam gloriam, qui est fructus verae virtutis honestissimus, repudiare. Cum vero non modo non postulante atque cogente sed invito atque oppresso senatu, non modo nullo populi Romani studio sed nullo ferente suffragium libero, provincia tibi ista manupretium fuerit eversae per te et perditae civitatis, cumque omnium tuorum scelerum haec pactio exstiterit ut, si tu totam rem publicam nefariis latronibus tradidisses, Macedonia tibi ob eam rem quibus tu velles finibus traderetur: cum exhauriebas aerarium, cum orbabas Italiam iuventute, cum mare vastissimum hieme transibas, si triumphum contemnebas, quae te, praedo amentissime, nisi praedae ac rapinarum cupiditas tam caeca rapiebat? Non est integrum Cn.

Pompeio consilio iam uti tuo; erravit enim; non gustarat istam tuam philosophiam; ter iam homo stultus triumphavit. Crasse, pudet me tui. Quid est quod confecto per te formidolosissimo bello coronam illam lauream tibi tanto opere decerni volueris a senatu? P. Servili, Q. Metelle, C. Curio, L. Afrani, cur hunc non audistis tam doctum hominem, tam eruditum, prius quam in istum errorem induceremini? C. ipsi Pomptino, necessario meo, iam non est integrum; religionibus enim susceptis impeditur. O stultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! o amentem Paulum, rusticum Marium, nullius consili patres horum amborum consulum, qui triumpharint!

[XXV] Sed quoniam praeterita mutare non possumus, quid cessat hic homullus, ex argilla et luto fictus Epicurus, dare haec praeclara praecepta sapientiae clarissimo et summo imperatori genero suo? Fertur ille vir, mihi crede, gloria; flagrat, ardet cupiditate iusti et magni triumphi. Non didicit eadem ista quae tu. Mitte ad eum libellum et, si iam ipse coram congredi poteris, meditare quibus verbis incensam illius cupiditatem comprimas atque restinguas. Valebis apud hominem volitantem gloriae cupiditate vir moderatus et constans, apud indoctum eruditus, apud generum socer. Dices enim, ut es homo factus ad persuadendum, concinnus, perfectus, politus ex schola: “quid est, Caesar, quod te supplicationes totiens iam decretae tot dierum tanto opere delectent? in quibus homines errore ducuntur, quas di neglegunt; qui, ut noster divinus ille dixit Epicurus, neque propitii cuiquam esse solent neque irati.” Non facies fidem scilicet, cum haec disputabis; tibi enim et esse et fuisse videbit iratos. Vertes te ad alteram scholam; disseres de triumpho: “quid tandem habet iste currus, quid vincti ante currum duces, quid simulacra oppidorum, quid aurum, quid argentum, quid legati in equis et tribuni, quid clamor militum, quid tota illa pompa? Inania sunt ista, mihi crede, delectamenta paene puerorum, captare plausus, vehi per urbem, conspici velle. Quibus ex rebus nihil est quod solidum tenere, nihil quod referre ad voluptatem corporis possis. Quin tu me vides qui, ex qua provincia T. Flamininus, L. Paulus, Q. Metellus, T. Didius, innumerabiles alii levitate et cupiditate commoti triumpharunt, ex ea sic redii ut ad portam Esquilinam Macedonicam lauream

conculcarim, ipse cum hominibus quindecim male vestitis ad portam Caelimontanam sitiens pervenerim; quo in loco mihi libertus praeclaro imperatori domum ex hac die biduo ante conduxerat; quae vacua si non fuisset, in campo Martio mihi tabernaculum conlocassem. Nummus interea mihi, Caesar, neglectis ferculis triumphalibus domi manet et manebit. Rationes ad aerarium continuo, sicut tua lex iubebat, detuli, neque alia ulla in re legi tuae parvi. Quas rationes si cognoris, intelleges nemini plus quam mihi litteras profuisse. Ita enim sunt perscriptae scite et litterate ut scriba ad aerarium qui eas rettulit perscriptis rationibus secum ipse caput sinistra manu perfricans commurmuratus sit:
“ratio quidem hercle apparet, argentum oichetai.”
Hac tu oratione non dubito quin illum iam escendentem in currum revocare possis.

[XXVI] O tenebrae, o lutum, o sordes, o paterni generis oblite, materni vix memor! ita nescio quid istuc fractum, humile, demissum, sordidum, inferius etiam est quam ut Mediolanensi praecone, avo tuo, dignum esse videatur. L. Crassus, homo sapientissimus nostrae civitatis, specillis prope scrutatus est Alpis ut, ubi hostis non erat, ibi triumphi causam aliquam quaereret; eadem cupiditate vir summo ingenio praeditus, C. Cotta, nullo certo hoste flagravit. Eorum neuter triumphavit, quod alteri illum honorem conlega, alteri mors peremit. Inrisa est abs te paulo ante M. Pisonis cupiditas triumphandi, a qua te longe dixisti abhorrere. Qui etiam si minus magnum bellum gesserat, ut abs te dictum est, tamen istum honorem contemnendum non putavit. Tu eruditior quam Piso, prudentior quam Cotta, abundantior consilio, ingenio, sapientia quam Crassus, ea contemnis quae illi "idiotae," ut tu appellas, praeclara duxerunt. Quos si reprehendis quod cupidi coronae laureae fuerint, cum bella aut parva aut nulla gessissent, tu tantis nationibus subactis, tantis rebus gestis minime fructum laborum tuorum, praemia periculorum, virtutis insignia contemnere debuisti. Neque vero contempsisti, sis, licet Themista sapientior, sed os tuum ferreum senatus convicio verberari noluisti. Iam vides — quoniam quidem ita mihimet fui inimicus ut me tecum compararem — et digressum meum et absentiam et reditum ita longe tuo praestitisse ut mihi illa omnia immortalem gloriam dederint, tibi sempiternam turpitudinem inflixerint. Num etiam in hac cotidiana adsidua urbanaque vita splendorem tuum — , gratiam, celebritatem domesticam, operam forensem, consilium, auxilium, auctoritatem, sententiam senatoriam nobis aut, ut verius dicam, cuiquam es infimo ac despicatissimo antelaturus?

[XXVII] Age, senatus odit te — quod eum tu facere iure concedis — adflictorem ac perditorem non modo dignitatis et auctoritatis sed omnino ordinis ac nominis sui; videre equites Romani noli possunt, quo ex ordine vir praestantissimus et ornatissimus, L. Aelius, est te consule relegatus, plebs Romana perditum cupit, in cuius tu infamiam ea quae per latrones et per servos de me egeras contulisti; Italia cuncta exsecratur, cuius idem tu superbissime decreta et preces repudiasti. Fac huius odi tanti ac tam universi periculum, si audes.

Instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modo numquam fuerunt, sed ne quo modo fieri quidem posthac possint possum ullo pacto suspicari. Da te populo, committe ludis. Sibilum metuis? Vbi sunt vestrae scholae? Ne acclametur times? Ne id quidem est curare philosophi. Manus tibi ne adferantur? Dolor enim est malum, ut tu disputas; existimatio, dedecus, infamia, turpitudo: verba atque ineptiae. Sed de hoc non dubito; non audebit accedere ad ludos. Convivium publicum non dignitatis causa inibit, nisi forte ut cum P. Clodio, hoc est cum amoribus suis, cenet, sed plane animi sui causa: ludos nobis "idiotis" relinquet. Solet enim in disputationibus suis oculorum et aurium delectationi abdominis voluptates anteferre. Nam quod vobis iste tantum modo improbus, crudelis, olim furunculus, nunc vero etiam rapax, quod sordidus, quod contumax, quod superbus, quod fallax, quod perfidiosus, quod impudens, quod audax esse videatur, nihil scitote esse luxuriosius, nihil libidinosius, nihil protervius, nihil nequius. Luxuriem autem nolite in isto hanc cogitare. Est enim quaedam quae, quamquam omnis est vitiosa atque turpis, est tamen ingenuo ac libero dignior. Nihil apud hunc lautum, nihil elegans, nihil exquisitum — laudabo inimicum — quin ne magno opere quidem quicquam praeter libidines sumptuosum. Toreuma nullum, maximi calices, et ei, ne contemnere suos videatur, Placentini; exstructa mensa non conchyliis aut piscibus, sed multa carne subrancida. Servi sordidati ministrant, non nulli etiam senes; idem coquus, idem atriensis; pistor domi nullus, nulla cella; panis et vinum a propola atque de cupa; Graeci stipati quini in lectis, saepe plures; ipse solus; bibitur usque eo dum de dolio ministretur. Vbi galli cantum audivit, avum suum revixisse putat; mensam tolli iubet.

[XXVIII] Dicet aliquis: "unde haec tibi nota sunt?" Non me hercules contumeliae causa describam quemquam, praesertim ingeniosum hominem atque eruditum, cui generi esse ego iratus ne si cupiam quidem possum. Est quidam Graecus qui cum isto vivit, homo, vere ut dicam — sic enim cognovi — humanus, sed tam diu quam diu aut cum aliis est aut ipse secum. Is cum istum adulescentem iam tum hac dis irata fronte vidisset, non fastidivit eius amicitiam, cum esset praesertim appetitus; dedit se in consuetudinem sic ut prorsus una viveret nec fere umquam ab eo discederet. Non apud indoctos sed, ut

ego arbitror, in hominum eruditissimorum et humanissimorum coetu loquor. Audistis profecto dici philosophos Epicureos omnis res quae sint homini expetendae voluptate metiri; rectene an secus, nihil ad nos aut, si ad nos, nihil ad hoc tempus; sed tamen lubricum genus orationis adulescenti non acriter intellegenti et saepe praeceps. Itaque admissarius iste, simul atque audivit voluptatem a philosopho tanto opere laudari, nihil expiscatus est, sic suos sensus voluptarios omnis incitavit, sic ad illius hanc orationem adhinnivit, ut non magistrum virtutis sed auctorem libidinis a se illum inventum arbitraretur. Graecus primo distinguere et dividere, illa quem ad modum dicerentur; iste "claudus," quem ad modum aiunt, "pilam", retinere quod acceperat, testificari, tabellas obsignare velle, Epicurum diserte dicere existimare. Dicit autem, opinor, se nullum bonum intellegere posse demptis corporis voluptatibus. Quid multa? Graecus facilis et valde venustus nimis pugnax contra imperatorem populi Romani esse noluit.

[XXIX] Est autem hic de quo loquor non philosophia solum sed etiam ceteris studiis quae fere Epicureos neglegere dicunt perpolitus; poema porro facit ita festivum, ita concinnum, ita elegans, ut nihil fieri possit argutius. In quo reprehendat eum licet, si qui volet, modo leviter, non ut improbum, non ut audacem, non ut impurum, sed ut Graeculum, ut adsentatorem, ut poetam. Devenit autem seu potius incidit in istum eodem deceptus supercilio Graecus atque advena quo tot sapientes et tanta civitas. Revocare se non poterat familiaritate implicatus et simul inconstantiae famam verebatur. Rogatus, invitatus, coactus ita multa ad istum de ipso quoque scripsit ut omnis libidines, omnia stupra, omnia cenarum conviviorumque genera, adulteria denique eius delicatissimis versibus expresserit, in quibus, si qui velit, possit istius tamquam in speculo vitam intueri; ex quibus multa a multis et lecta et audita recitarem, ni vererer ne hoc ipsum genus orationis quo nunc utor ab huius loci more abhorreret; et simul de ipso qui scripsit detrahi nihil volo. Qui si fuisset in discipulo comparando meliore fortuna, fortasse austerior et gravior esse potuisset; sed eum casus in hanc consuetudinem scribendi induxit philosopho valde indignam, si quidem philosophia, ut fertur, virtutis continet et offici et bene vivendi disciplinam; quam qui profitetur

gravissimam sustinere mihi personam videtur. Sed idem casus illum ignarum quid profiteretur, cum se philosophum esse diceret, istius impurissimae atque intemperantissimae pecudis caeno et sordibus inquinavit.
Qui modo cum res gestas consulatus mei conlaudasset, quae quidem conlaudatio hominis turpissimi mihi ipsi erat paene turpis, "non illa tibi," inquit, "invidia nocuit sed versus tui." Nimis magna poena te consule constituta est sive malo poetae sive libero. "Scripsisti enim: Cedant arma togae." Quid tum? "Haec res tibi fluctus illos excitavit." At hoc nusquam opinor scriptum fuisse in illo elogio quod te consule in sepulcro rei publicae incisum est: "VELITIS IVBEATIS VT, QVOD M. CICERO VERSVM FECERIT," sed "QVOD VINDICARIT."

[XXX] Verum tamen, quoniam te non Aristarchum, sed Phalarin grammaticum habemus, qui non notam apponas ad malum versum, sed poetam armis persequare, scire cupio quid tandem in isto versu reprehendas: "Cedant arma togae." "Tuae dicis," inquit, "togae summum imperatorem esse cessurum." Quid nunc te, asine, litteras doceam? Non opus est verbis sed fustibus. Non dixi hanc togam qua sum amictus, nec arma scutum aut gladium unius imperatoris, sed, quia pacis est insigne et oti toga, contra autem arma tumultus atque belli, poetarum more tum locutus hoc intellegi volui, bellum ac tumultum paci atque otio concessurum. Quaere ex familiari tuo Graeco illo poeta; probabit genus ipsum et agnoscet neque te nihil sapere mirabitur. "At in altero illo," inquit, "haeres: Concedat laurea laudi." Immo me hercule habeo tibi gratiam; haererem enim nisi tu me expedisses. Nam, cum tu timidus ac tremens tuis ipse furacissimis manibus detractam e cruentis fascibus lauream ad portam Esquilinam abiecisti, iudicasti non modo amplissimae sed etiam minimae laudi lauream concessisse. Atque ista oratione hoc tamen intellegi, scelerate, vis, Pompeium inimicum mihi isto versu esse factum, ut, si versus mihi nocuerit, ab eo quem is versus offenderit videatur mihi pernicies esse quaesita. Omitto nihil istum versum pertinuisse ad illum; non fuisse meum, quem quantum potuissem multis saepe orationibus scriptisque decorassem, hunc uno violare versu. Sed sit offensus primo; nonne compensavit cum uno

versiculo tot mea volumina laudum suarum? Quod si esset commotus, ad perniciemne non dicam amicissimi, non ita de sua laude meriti, non ita de re publica, non consularis, non senatoris, non civis, non liberi, in hominis caput ille tam crudelis propter versum fuisset?

[XXXI] Tu quid, tu apud quos, tu de quo dicas, intellegis? Complecti vis amplissimos viros ad tuum et Gabini scelus, neque id occulte; nam paulo ante dixisti me cum eis confligere quos despicerem, non attingere eos qui plus possent, quibus iratus esse deberem. Quorum quidem — quis enim non intellegit quos dicas? — quamquam non est causa una omnium, tamen est omnium mihi probata. Me Cn. Pompeius multis obsistentibus eius erga me studio atque amori semper dilexit, semper sua coniunctione dignissimum iudicavit, semper non modo incolumem sed etiam amplissimum atque ornatissimum voluit esse. Vestrae fraudes, vestrum scelus, vestrae criminationes insidiarum mearum, illius periculorum nefarie fictae, simul eorum qui familiaritatis licentia suorum improbissimorum sermonum domicilium in auribus eius impulsu vestro conlocarant, vestrae cupiditates provinciarum effecerunt ut ego excluderer omnesque qui me, qui illius gloriam, qui rem publicam salvam esse cupiebant, sermone atque aditu prohiberentur; quibus rebus est perfectum ut illi plane suo stare iudicio non liceret, cum certi homines non studium eius a me alienassent, sed auxilium retardassent. Nonne ad te L. Lentulus, qui tum erat praetor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? qui omnes ad eum multique mortales oratum in Albanum obsecratumque venerant ut ne meas fortunas desereret cum rei publicae salute coniunctas. Quos ille ad te et ad tuum conlegam remisit, ut causam publicam susciperetis, ut ad senatum referretis; se contra armatum tribunum pl. sine publico consilio decertare nolle; consulibus ex senatus consulto rem publicam defendentibus se arma sumpturum. Ecquid, infelix, recordaris quid responderis? in quo illi omnes quidem, sed Torquatus praeter ceteros furebat contumacia responsi tui: te non esse tam fortem quam ipse Torquatus in consulatu fuisset aut ego; nihil opus esse armis, nihil contentione; me posse rem publicam iterum servare, si cessissem; infinitam caedem fore, si restitissem. Deinde ad extremum neque se neque generum neque conlegam suum tribuno pl.

defuturum. Hic tu hostis ac proditor aliis me inimiciorem quam tibi debere esse dicis?

[XXXII] Ego C. Caesarem non eadem de re publica sensisse quae me scio; sed tamen, quod iam de eo his audientibus saepe dixi, me ille sui totius consulatus eorumque honorum quos cum proximis communicavit socium esse voluit, detulit, invitavit, rogavit. Non sum propter nimiam fortasse constantiae cupiditatem adductus ad causam; non postulabam ut ei carissimus essem cuius ego ne beneficiis quidem sententiam meam tradidissem. Adducta res in certamen te consule putabatur, utrum quae superiore anno ille gessisset manerent, an rescinderentur. Quid loquar plura? Si tantum ille in me esse uno roboris et virtutis putavit ut quae ipse gesserat conciderent, si ego restitissem, cur ego non ignoscam, si anteposuit suam salutem meae? Sed praeterita mitto. Me ut Cn. Pompeius omnibus studiis suis, laboribus, vitae periculis complexus est, cum municipia pro me adiret, Italiae fidem imploraret, P. Lentulo consuli, auctori salutis meae, frequens adsideret, senatus sententiam praestaret, in contionibus non modo se defensorem salutis meae sed etiam supplicem pro me profiteretur, huius voluntatis eum quem multum posse intellegebat, mihi non inimicum esse cognorat, socium sibi et adiutorem, C. Caesarem, adiunxit. Iam vides me tibi non inimicum sed hostem, illis quos describis non modo non iratum sed etiam amicum esse debere; quorum alter, id quod meminero, semper aeque mihi amicus fuit ac sibi, alter, id quod obliviscar, sibi aliquando amicior quam mihi. Deinde hoc ita fit ut viri fortes, etiam si ferro inter se comminus decertarint, tamen illud contentionis odium simul cum ipsa pugna armisque deponant. Neque me ille odisse potuit umquam, ne tum quidem cum dissidebamus. Habet hoc virtus, quam tu ne de facie quidem nosti, ut viros fortis species eius et pulchritudo etiam in hoste posita delectet.

[XXXIII] Equidem dicam ex animo, patres conscripti, quod sentio, et quod vobis audientibus saepe iam dixi. Si mihi numquam amicus C. Caesar fuisset, si semper iratus, si semper aspernaretur amicitiam meam seque mihi implacabilem inexpiabilemque praeberet, tamen ei, cum tantas res gessisset gereretque cotidie, non amicus esse non possem; cuius ego imperium, non Alpium vallum contra ascensum

transgressionemque Gallorum, non Rheni fossam gurgitibus illis redundantem Germanorum immanissimis gentibus obicio et oppono; perfecit ille ut, si montes resedissent, amnes exaruissent, non naturae praesidio sed victoria sua rebusque gestis Italiam munitam haberemus. Sed cum me expetat, diligat, omni laude dignum putet, tu me a tuis inimicitiis ad simultatem veterem vocabis, sic tuis sceleribus rei publicae praeterita fata refricabis? Quod quidem tu, qui bene nosses coniunctionem meam et Caesaris, eludebas, cum a me trementibus omnino labris, sed tamen cur tibi nomen non deferrem requirebas. Quamquam, quod ad me attinet,
"numquam istam imminuam curam infitiando tibi,"
tamen est mihi considerandum quantum illi tantis rei publicae negotiis tantoque bello impedito ego homo amicissimus sollicitudinis atque oneris imponam. Nec despero tamen, quamquam languet iuventus nec perinde atque debebat in laudis et gloriae cupiditate versatur, futuros aliquos qui abiectum hoc cadaver consularibus spoliis nudare non nolint, praesertim tam adflicto, tam inopi, tam infirmo, tam enervato reo, qui te ita gesseris ut timeres ne indignus beneficio videreris, nisi eius a quo missus eras simillimus exstitisses.

[XXXIV] An vero tu parum putas investigatas esse a nobis labis imperi tui stragisque provinciae? quas quidem nos non vestigiis odorantes ingressus tuos sed totis volutationibus corporis et cubilibus persecuti sumus. Notata a nobis sunt et prima illa scelera in adventu cum, accepta pecunia a Dyrrachinis ob necem hospitis tui Platoris, eius ipsius domum devertisti cuius sanguinem addixeras, eumque servis symphoniacis et aliis muneribus acceptis timentem multumque dubitantem confirmasti et Thessalonicam fide tua venire iussisti. Quem ne maiorum quidem more supplicio adfecisti, cum miser ille securibus hospitis sui cervices subicere gestiret, sed ei medico quem tecum tu eduxeras imperasti ut venas hominis incideret; cum quidem tibi etiam accessio fuit ad necem Platoris Pleuratus eius comes, quem necasti verberibus summa senectute confectum. Idemque tu Rabocentum, Bessicae gentis principem, cum te trecentis talentis regi Cotyi vendidisses, securi percussisti, cum ille ad te legatus in castra venisset et tibi magna praesidia et auxilia a Bessis peditum equitumque polliceretur, neque eum solum sed etiam ceteros legatos

qui simul venerant; quorum omnium capita regi Cotyi vendidisti. Denseletis, quae natio semper oboediens huic imperio etiam in illa omnium barbarorum defectione Macedoniam C. Sentio praetore tutata est, nefarium bellum et crudele intulisti, eisque cum fidelissimis sociis uti posses, hostibus uti acerrimis maluisti. Ita perpetuos defensores Macedoniae vexatores ac praedatores effecisti; vectigalia nostra perturbarunt, urbes ceperunt, vastarunt agros, socios nostros in servitutem abduxerunt, familias abripuerunt, pecus abegerunt, Thessalonicensis, cum de oppido desperassent, munire arcem coegerunt.

[XXXV] A te Iovis Vrii fanum antiquissimum barbarorum sanctissimumque direptum est. Tua scelera di immortales in nostros milites expiaverunt; qui cum novo genere morbi adfligerentur neque se recreare quisquam posset, qui semel incidisset, dubitabat nemo quin violati hospites, legati necati, pacati atque socii nefario bello lacessiti, fana vexata hanc tantam efficerent vastitatem. Cognoscis ex particula parva scelerum et crudelitatis tuae genus universum. Quid avaritiae, quae criminibus infinitis implicata est, summam nunc explicem? Generatim ea quae maxime nota sunt dicam. Nonne sestertium centiens et octogiens, quod quasi vasari nomine in venditione mei capitis ascripseras, ex aerario tibi attributum Romae in quaestu reliquisti? Nonne, cum CC talenta tibi Apolloniatae Romae dedissent ne pecunias creditas solverent, ultro Fufidium, equitem Romanum, hominem ornatissimum, creditorem debitoribus suis addixisti? Nonne, hiberna cum legato praefectoque tuo tradidisses, evertisti miseras funditus civitates, quae non solum bonis sunt exhaustae sed etiam nefarias libidinum contumelias turpitudinesque subierunt? Qui modus tibi fuit frumenti aestimandi, qui honorarii? si quidem potest vi et metu extortum honorarium nominari. Quod cum peraeque omnes, tum acerbissime Bottiaei, Byzantii, Cherronesus, Thessalonica sensit. Vnus tu dominus, unus aestimator, unus venditor tota in provincia per triennium frumenti omnis fuisti.

[XXXVI] Quid ego rerum capitalium quaestiones, reorum pactiones, redemptiones, acerbissimas damnationes, libidinosissimas

liberationes proferam? Tantum locum aliquem cum mihi notum esse senseris, tecum ipse licebit quot in eo genere et quanta sint crimina recordere. Quid? illam armorum officinam ecquid recordaris, cum omni totius provinciae pecore compulso pellium nomine omnem quaestum illum domesticum paternumque renovasti? Videras enim grandis iam puer bello Italico repleri quaestu vestram domum, cum pater armis faciendis tuus praefuisset. Quid? vectigalem populi Romani provinciam, singulis rebus quaecumque venirent certo portorio imposito, servam tuis publicanis a te factam esse meministi? Quid? centuriatus palam venditos, quid? per tuum servolum ordines adsignatos, quid? stipendium militibus per omnis annos a civitatibus mensis palam propositis esse numeratum? quid? illa in Pontum profectio et conatus tuus, quid? debilitatio atque abiectio animi tui Macedonia praetoria nuntiata, cum tu non solum quod tibi succederetur sed quod Gabinio non succederetur exsanguis et mortuus concidisti, quid? quaestor aediliciis reiectis praepositus, legatorum tuorum optimus abs te quisque violatus, tribuni militares non recepti, M. Baebius, vir fortis, interfectus iussu tuo? Quid quod tu totiens diffidens ac desperans rebus tuis in sordibus, lamentis luctuque iacuisti, quod populari illi sacerdoti sescentos ad bestias amicos sociosque misisti, quod, cum sustentare vix posses maerorem tuum doloremque decessionis, Samothraciam te primum, post inde Thasum cum tuis teneris saltatoribus et cum Autobulo, Athamante, Timocle, formosis fratribus, contulisti, quod inde te recipiens in villa Euchadiae, quae fuit uxor Execesti, iacuisti maerens aliquot dies atque inde obsoletus Thessalonicam omnibus inscientibus noctuque venisti, quod, cum concursum plorantium ac tempestatem querelarum ferre non posses, in oppidum devium Beroeam profugisti? quo in oppido cum tibi spe falsa, quod Q. Ancharium non esse successurum putares, animos rumor inflasset, quo te modo ad tuam intemperantiam, scelerate, renovasti!

[XXXVII] Mitto aurum coronarium quod te diutissime torsit, cum modo velles, modo nolles. Lex enim generi tui et decerni et te accipere vetabat nisi decreto triumpho. In quo tu acceptam iam et devoratam pecuniam, ut in Achaeorum centum talentis, evomere non poteras, vocabula tantum pecuniarum et genera mutabas. Mitto diplomata tota in provincia passim data, mitto numerum navium

summamque praedae, mitto rationem exacti imperatique frumenti, mitto ereptam libertatem populis ac singulis qui erant adfecti praemiis nominatim, quorum nihil est quod non sit lege Iulia ne fieri liceat sanctum diligenter. Aetoliam, quae procul a barbaris disiuncta gentibus, in sinu pacis posita, medio fere Graeciae gremio continetur, o Poena et Furia sociorum! decedens miseram perdidisti. Arsinoen, Stratum, Naupactum, ut modo tute indicasti, nobilis urbis atque plenas, fateris ab hostibus esse captas. Quibus autem hostibus? Nempe eis quos tu Ambraciae sedens primo tuo adventu ex oppidis Agrianum atque Dolopum demigrare et aras et focos relinquere coegisti. Hoc tu in exitu, praeclare imperator, cum tibi ad pristinas cladis accessio fuisset Aetoliae repentinus interitus, exercitum dimisisti, neque ullam poenam quae tanto facinori deberetur non maluisti subire quam quemquam numerum tuorum militum reliquiasque cognoscere.

[XXXVIII] Atque ut duorum Epicureorum similitudinem in re militari imperioque videatis, Albucius, cum in Sardinia triumphasset, Romae damnatus est; hic cum similem exitum exspectaret, in Macedonia tropaea posuit; eaque quae bellicae laudis victoriaeque omnes gentes insignia et monumenta esse voluerunt noster hic praeposterus imperator amissorum oppidorum, caesarum legionum, provinciae praesidio et reliquis militibus orbatae ad sempiternum dedecus sui generis et nominis funesta indicia constituit; idemque, ut esset quod in basi tropaeorum inscribi incidique posset, Dyrrachium ut venit decedens, obsessus est ab eis ipsis militibus quos paulo ante Torquato respondit benefici causa a se esse dimissos. Quibus cum iuratus adfirmasset se quae deberentur postero die persoluturum, domum se abdidit; inde nocte intempesta crepidatus veste servili navem conscendit Brundisiumque vitavit et ultimas Hadriani maris oras petivit, cum interim Dyrrachii milites domum in qua istum esse arbitrabantur obsidere coeperunt et, cum latere hominem putarent, ignis circumdederunt. Quo metu commoti Dyrrachini profugisse noctu crepidatum imperatorem indicaverunt. Illi autem statuam istius persimilem, quam stare celeberrimo in loco voluerat ne suavissimi hominis memoria moreretur, deturbant, adfligunt, comminuunt, dissipant. Sic odium quod in ipsum attulerant, id in eius imaginem ac simulacrum profuderunt. Quae cum ita sint — non enim dubito quin,

cum haec quae excellunt me nosse videas, non existimes mediam illam partem et turbam flagitiorum tuorum mihi esse inauditam — nihil est quod me hortere, nihil est quod invites; admoneri me satis est. Admonebit autem nemo alius nisi rei publicae tempus, quod mihi quidem magis videtur quam tu umquam arbitratus es appropinquare.

[XXXIX] Ecquid vides, ecquid sentis, lege iudiciaria lata, quos posthac iudices simus habituri? Neque legetur quisquis voluerit, nec quisquis noluerit non legetur; nulli conicientur in illum ordinem, nulli eximentur; non ambitio ad gratiam, non iniquitas ad aemulationem conitetur; iudices iudicabunt ei quos lex ipsa, non quos hominum libido delegerit. Quod cum ita sit, mihi crede, neminem invitum invitabis; res ipsa et rei publicae tempus aut me ipsum, quod nolim, aut alium quempiam aut invitabit aut dehortabitur.
Equidem, ut paulo ante dixi, non eadem supplicia esse in hominibus existimo quae fortasse plerique, damnationes, expulsiones, neces; denique nullam mihi poenam videtur habere id quod accidere innocenti, quod forti, quod sapienti, quod bono viro et civi potest. Damnatio ista quae in te flagitatur obtigit P. Rutilio, quod specimen habuit haec civitas innocentiae. Maior mihi iudicum et rei publicae poena illa visa est quam Rutili. L. Opimius eiectus est e patria, is qui praetor et consul maximis rem publicam periculis liberarat. Non in eo cui facta est iniuria sed in eis qui fecerunt sceleris et conscientiae poena permansit. At contra bis Catilina absolutus est, emissus etiam ille auctor tuus provinciae, cum stuprum Bonae deae pulvinaribus intulisset. Quis fuit in tanta civitate qui illum incesto liberatum, non eos qui ita iudicarant pari scelere obstrictos arbitraretur?

[XL] An ego exspectem dum de te V et LXX tabellae diribeantur, de quo iam pridem omnes mortales omnium generum, aetatum, ordinum iudicaverunt? Quis enim te aditu, quis ullo honore, quis denique communi salutatione dignum putat? Omnes memoriam consulatus tui, facta, mores, faciem denique ac nomen a re publica detestantur. Legati qui una fuerunt alienati, tribuni militum inimici, centuriones, et si qui ex tanto exercitu reliqui milites exstant non dimissi abs te sed dissipati, te oderunt, tibi pestem exoptant, te

exsecrantur. Achaia exhausta, Thessalia vexata, laceratae Athenae, Dyrrachium et Apollonia exinanita, Ambracia direpta, Parthini et Bulidenses inlusi, Epirus excisa, Locri, Phocii, Boeotii exusti, Acarnania, Amphilochia, Perrhaebia, Athamanumque gens vendita, Macedonia condonata barbaris, Aetolia amissa, Dolopes finitimique montani oppidis atque agris exterminati; cives Romani qui in eis locis negotiantur te unum suum sociorumque depeculatorem, vexatorem, praedonem, hostem venisse senserunt. Ad horum omnium iudicia tot atque tanta domesticum iudicium accessit sententiae damnationis tuae, occultus adventus, furtivum iter per Italiam, introitus in urbem desertus ab amicis, nullae ad senatum e provincia litterae, nulla ex trinis aestivis gratulatio, nulla triumphi mentio; non modo quid gesseris sed ne quibus in locis quidem fueris dicere audes. Ex illo fonte et seminario triumphorum cum arida folia laureae rettulisses, cum ea abiecta ad portam reliquisti, tum tu ipse de te "FECISSE VIDERI" pronuntiavisti. Qui si nihil gesseras dignum honore, ubi exercitus, ubi sumptus, ubi imperium, ubi illa uberrima supplicationibus triumphisque provincia? Sin autem aliquid sperare potueras, si cogitaras id quod imperatoris nomen, quod laureati fasces, quod illa tropaea plena dedecoris et risus te commentatum esse declarant, quis te miserior, quis te damnatior, qui neque scribere ad senatum a te bene rem publicam esse gestam neque praesens dicere ausus es?

[XLI] An tu mihi cui semper ita persuasum fuerit non eventis sed factis cuiusque fortunam ponderari, neque in tabellis paucorum iudicum sed in sententiis omnium civium famam nostram fortunamque pendere, te indemnatum videri putas, quem socii, quem foederati, quem liberi populi, quem stipendiarii, quem negotiatores, quem publicani, quem universa civitas, quem legati, quem tribuni militares, quem reliqui milites qui ferrum, qui famem, qui morbum effugerunt, omni cruciatu dignissimum putent, cui non apud senatum, non apud equites Romanos, non apud ullum ordinem, non in urbe, non in Italia maximorum scelerum venia ulla ad ignoscendum dari possit, qui se ipse oderit, qui metuat omnis, qui suam causam nemini committere audeat, qui se ipse condemnet? Numquam ego sanguinem expetivi tuum, numquam illud extremum quod posset esse improbis et probis commune supplicium legis ac iudici, sed

abiectum, contemptum, despectum a ceteris, a te ipso desperatum et relictum, circumspectantem omnia, quicquid increpuisset pertimescentem, diffidentem tuis rebus, sine voce, sine libertate, sine auctoritate, sine ulla specie consulari, horrentem, trementem, adulantem omnis videre te volui; vidi. Qua re si tibi evenerit quod metuis ne accidat, equidem non moleste feram; sin id tardius forte fiet, fruar tamen tua et indignitate et timiditate, nec te minus libenter metuentem videbo ne reus fias quam reum, nec minus laetabor cum te semper sordidum, quam si paulisper sordidatum viderem.

FRAGMENTA

[1] Quint. IX. 4, 76,: Pro di inmortales! qui hic inluxit dies mihi quidem patres conscripti, peroptatus, ut hoc portentum huius loci, monstrum urbis, prodigium civitatis viderem!

[2] Codex Cusanus I: Equidem nihil malui; vos fortasse consumptum istum cruciatu aut demersum fluctibus audire malletis.

[3] Codex Cusanus 3 et Quint. IX. 3, 47: Perturbatio istum mentis et quaedam scelerum offusa caligo et ardentes Furiarum faces excitaverunt.

[4] Codex Cusanus I: Quem enim iste in scopulum non incidit, quod in telum non inruit?

[5] Codex Cusanus I: Quid est negare ausus aut potius quid non confessus?

[6] Codex Cusanus I: Quid enim illo inertius, quid sordidius, quid nequius, quid enervatius, quid stultius, quid abstrusius?

[7] Codex Cusanus I: Turbulenti, seditiosi, factiosi, perniciosi.

[8] Ascon. I, II: Quod minimum specimen in te ingeni? Ingeni autem? immo ingenui hominis ac liberi: qui colore ipso patriam aspernaris, oratione genus, moribus nomen.

[9] Ascon. I, II: Hoc non ad contemnendam Placentiam pertinet unde se is ortum gloriari solet; neque enim hoc mea natura fert nec municipi, praesertim de me optime meriti, dignitas patitur.

[10] Ascon. I,I: Hic cum a domo profectus Placentiae forte consedisset, paucis post annis in eam civitatem — nam tum erat ... — ascendit. Prius enim Gallus, dein Gallicanus, extremo Placentinus haberi coeptus est.

[11] Ascon. I,I: Insuber quidam fuit, idem mercator et praeco: is cum Romam cum filia venisset, adulescentem nobilem, Caesonini hominis furacissimi filium, ausus est appellare eique filiam conlocavit. Calventium aiunt eum appellatum.

[12] Arus. Mess. I. VII, III: homini levi et subito filiam conlocavit.

[13] Arus. III: Maiorem sibi Insuber ille avus adoptavit.

[14] Ascon. I, II: Lautiorem ... pater tuus socerum quam C. Piso ... in illo luctu meo. Ei enim filiam meam conlocavi quem ego, si mihi potestas tum omnium fuisset, unum potissimum delegissem.

[14 B] Codex Cusanus I: unum potissimum delegissem.

[15] Codex Cusanus I: Te tua illa nescio quibus a terris apportata mater pecudem ex alvo, non hominem effuderit. Quae te beluam ex utero, non hominem fudit.

[16] Quintil. VIII, 3, 21: Cum tibi tota cognatio serraco advehatur.

[17] Codex Cusanus II: Simulata ista, ficta, fucata sunt omnia.

[18] Codex Cusanus II: Putavi austerum hominem, putavi tristem, putavi gravem, sed video adulterum, video ganeonem, video parietum praesidio, video amicorum sordibus, video tenebris occultantem libidines suas.

[18 B] Grillius, Rhet. M. III: putavi gravem, video adulterum, video ganeonem.

[19] Arus. III: Neque adsidere Gabinium aut adloqui in curia quisquam audebat.

[20] Quint. VIII, 5, 18: Quid quod miser, cum loqui non posset, tacere non poterat?

PRO RABIRIO POSTUMO (In Defense of Gaius Rabirius Postumus)

PRO C. RABIRIO POSTVMO ORATIOI.

[1] Si quis est, iudices, qui C. Rabirium, quod fortunas suas, fundatas praesertim atque optime constitutas opes, potestati regiae libidinique commiserit, reprehendendum putet, ascribat ad iudicium suum non modo meam sed huius etiam ipsius qui commisit sententiam; nec enim cuiquam eius consilium vehementius quam ipsi displicet. quamquam hoc plerumque facimus ut consilia eventis ponderemus et, cui bene quid processerit, multum illum providisse, cui secus, nihil sensisse dicamus. si exstitisset in rege fides, nihil sapientius Postumo, quia fefellit rex, nihil hoc amentius dicitur, ut iam nihil esse videatur nisi divinare sapientis. sed tamen, [2] si quis est, iudices, qui illam Postumi sive inanem spem sive inconsultam rationem sive, ut gravissimo verbo utar, temeritatem vituperandam putet, ego eius opinioni non repugno; illud tamen deprecor ut, cum ab ipsa fortuna crudelissime videat huius consilia esse multata, ne quid ad eas ruinas quibus hic oppressus est addendum acerbitatis putet. satis est homines imprudentia lapsos non erigere, urgere vero iacentis aut praecipitantis impellere certe est inhumanum, praesertim, iudices, cum sit hoc generi hominum prope natura datum ut, <si> qua in familia laus aliqua forte floruerit, hanc fere qui sint eius stirpis, quod sermone hominum ac memoria patrum virtutes celebrantur, cupidissime persequantur, si quidem non modo in gloria rei militaris Paulum Scipio ac maximus filii, sed etiam in devotione vitae et in ipso genere mortis imitatus est P. Decium filius. sint igitur similia, iudices, parva magnis.

II. [3] Fuit enim pueris nobis huius pater, C. Curtius, princeps ordinis equestris, fortissimus et maximus publicanus, cuius in negotiis gerendis magnitudinem animi non tam homines probassent, nisi in eodem benignitas incredibilis fuisset, ut in augenda re non avaritiae praedam, sed instrumentum bonitati quaerere videretur. [4] Hoc ille natus, quamquam patrem suum numquam viderat, tamen et natura ipsa duce, quae plurimum valet, et adsiduis domesticorum

sermonibus in paternae disciplinae similitudinem deductus est. multa gessit, multa contraxit, magnas partis habuit publicorum; credidit populis; in pluribus provinciis eius versata res est; dedit se etiam regibus; huic ipsi Alexandrino grandem iam antea pecuniam credidit; nec interea locupletare amicos umquam suos destitit, mittere in negotium, dare partis, augere <re>, fide sustentare. quid multa? cum magnitudine animi, tum liberalitate vitam patris et consuetudinem expresserat. pulsus interea regno Ptolomaeus dolosis consiliis, ut dixit Sibylla, sensit Postumus, Romam venit. cui egenti et roganti hic infelix pecuniam credidit, nec tum primum; nam regnanti crediderat absens; nec temere se credere putabat, quod erat nemini dubium quin is in regnum restitueretur a senatu populoque Romano. [5] In dando autem et credendo processit longius nec suam solum pecuniam credidit sed etiam amicorum, stulte; quis negat, aut quis iam audebit, quod male cecidit, bene consultum putare? sed est difficile, quod cum spe magna sis ingressu, id non exsequi usque ad extremum.

III. Supplex erat rex, multa rogabat, omnia pollicebatur, ut iam metuere Postumus cogeretur ne quod crediderat perderet, si credendi constituisset modum. nihil autem erat illo blandius, nihil hoc benignius, ut magis paeniteret coepisse quam liceret desistere.

[6] Hinc primum exoritur crimen illud; senatum corruptum esse dicunt. O di immortales! haec est illa exoptata iudiciorum severitas? corruptores nostri causam dicunt; nos qui corrupti sumus non dicimus? quid ergo? senatum<ne> defendam hoc loco, iudices? omni equidem loco debeo; ita de me est meritus ille ordo; sed nec id agitur hoc tempore nec cum Postumi causa res ista coniuncta est. quamquam ad sumptum itineris, ad illam magnificentiam apparatus comitatumque regium suppeditata pecunia a Postumo est, factaeque syngraphae sunt in Albano Cn. Pompei, cum ille Roma profectus esset, tamen non debuit is qui dabat, cur ille qui accipiebat tum sumeret, quaerere. non enim latroni, sed regi credidit, nec regi inimico populi Romani, sed ei cuius reditum consuli commendatum <a> senatu videbat, nec ei regi qui alienus ab hoc imperio esset, sed ei quicum foedus feriri in Capitolio viderat. quod si creditor est in culpa, [7] non is qui improbe credita pecunia usus <est>, damnetur is qui fabricatus gladium est et vendidit, non is qui illo gladio civem aliquem interemit. quam ob rem neque tu, C. Memmi, hoc facere

debes ut senatum, cuius auctoritati te ab adulescentia dedidisti, in tanta infamia versari velis, neque ego id quod non agitur defendere. Postumi enim causa, quaecumque est, seiuncta a senatu est. [8] Quod si item a Gabinio seiunctam ostendero, certe quod dicas nihil habebis.

IV. Est enim haec causa ‘Qvo ea pecvnia pervenerit’ quasi quaedam appendicula causae iudicatae atque damnatae. sunt lites aestimatae A. Gabinio, nec praedes dati nec ex bonis populo universae <lites solutae>. iubet lex Iulia persequi ab eis ad quos ea pecunia quam is ceperit qui damnatus sit pervenerit. si est hoc novum in lege Iulia, sicuti multa sunt severius scripta quam in antiquis legibus et sanctius, inducatur sane etiam consuetudo huius generis iudiciorum nova; [9] sin hoc totidem verbis translatum caput est quot fuit non modo in Cornelia sed etiam ante in lege Servilia, per deos immortalis! quid agimus, iudices, aut quem hunc morem novorum iudiciorum in rem publicam inducimus? erat enim haec consuetudo nota vobis quidem omnibus, sed, si usus magister est optimus, mihi debet esse notissima. accusavi de pecuniis repetundis, iudex sedi, praetor quaesivi, defendi plurimos; nulla pars quae aliquam facultatem discendi adferre posset a me afuit. ita contendo, neminem umquam ‘Qvo ea pecvnia pervenisset’ causam dixisse qui in aestimandis litibus appellatus non esset. in litibus autem nemo appellabatur nisi ex testium dictis aut tabulis privatorum aut rationibus civitatum. [10] Itaque in inferendis litibus adesse solebant qui aliquid de se verebantur, et, cum erant appellati, si videbatur, statim contra dicere solebant; sin eius temporis recentem invidiam pertimuerant, respondebant postea. quod cum fecissent, permulti saepe vicerunt.

V. Hoc vero novum et ante hoc tempus omnino inauditum. in litibus Postumi nomen est nusquam. in litibus dico; modo vos idem in A. Gabinium iudices sedistis; num quis testis Postumum appellavit? testis autem? num accusator? num denique toto illo in iudicio Postumi nomen audistis? [11] Non igitur reus ex ea causa quae iudicata est redundat Postumus, sed est adreptus unus eques Romanus de pecuniis repetundis reus. quibus tabulis? quae in iudicio Gabiniano recitatae non sunt. quo teste? A quo tum appellatus nusquam est. qua aestimatione litium? in qua Postumi mentio facta

nulla est. qua lege? qua non tenetur.

Hic iam, iudices, vestri consili res est, vestrae sapientiae; quid deceat vos, non quantum liceat vobis, spectare debetis. si enim quid liceat quaeritis, potestis tollere e civitate quem voltis; tabella est quae dat potestatem; occultat eadem libidinem, cuius conscientiam nihil est quod quisquam timeat, si non pertimescat suam. [12] Vbi est igitur sapientia iudicis? in hoc, ut non solum quid possit, sed etiam quid debeat, ponderet nec quantum sibi permissum meminerit solum, sed etiam quatenus commissum sit. datur tibi tabella iudici. qua lege? Iulia de pecuniis repetundis. quo de reo? de equite Romano. at iste ordo lege ea non tenetur. ‘illo,’ inquit, ‘capite: <quo ea pecunia pervenerit.’ nihil audisti> in Postumum, cum in Gabinium iudex esses, nihil Gabinio damnato, cum in eum litis aestimares. ‘at nunc audio.’ reus igitur Postumus est ea lege qua non modo ipse sed totus etiam ordo solutus ac liber est.

VI. [13] hic ego nunc non vos prius implorabo, equites Romani, quorum ius iudicio temptatur, quam vos, senatores, quorum agitur fides in hunc ordinem; quae quidem cum saepe ante, tum in hac ipsa causa nuper est cognita. nam cum optimo et praestantissimo consule, Cn. Pompeio, de hac ipsa quaestione referente existerent non nullae, sed perpaucae tamen acerbae sententiae, quae quidem censerent ut tribuni, ut praefecti, ut scribae, ut comites omnes magistratuum lege hac tenerentur, vos, vos inquam, ipsi et senatus frequens restitit, et, quamquam tum propter multorum delicta etiam ad innocentium periculum tempus illud exarserat, tamen, cum odium nostri restingueretis, huic ordini ignem novum subici non sivistis. [14] Hoc animo igitur senatus. quid? vos, equites Romani, quid tandem estis acturi? Glaucia solebat, homo impurus, sed tamen acutus, populum monere ut, cum lex aliqua recitaretur, primum versum attenderet. si esset Îdictator, consul praetor, magister equitum,Ì ne laboraret; sciret nihil ad se pertinere; sin esset ÎQuicumqve post hanc legem,Ì videret ne qua nova quaestione adligaretur. [15] Nunc vos, equites Romani, videte. scitis me ortum e vobis omnia semper sensisse pro vobis. nihil horum sine magna cura et summa caritate vestri ordinis loquor. Alius alios homines et ordines, ego vos semper complexus sum. moneo et praedico, integra re causaque denuntio, omnis homines deosque testor: dum potestis, dum licet, providete ne duriorem vobis

condicionem statuatis ordinique vestro quam ferre possitis. serpet hoc malum, mihi credite, longius quam putatis.

VII. [16] Potentissimo et nobilissimo tribuno pl., M. Druso, novam in equestrem ordinem quaestionem ferenti: ‘si qvis ob rem ivdicandam pecvniam cepisset’ aperte equites Romani restiterunt. quid? hoc licere volebant? minime; neque solum hoc genus pecuniae capiendae turpe sed etiam nefarium esse arbitrabantur. ac tamen ita disputabant, eos teneri legibus <eis> oportere qui suo iudicio essent illam condicionem vitae secuti. delectat amplissimus civitatis gradus, sella curulis, fasces, imperia, provinciae, sacerdotia, triumphi, denique imago ipsa ad posteritatis memoriam prodita; [17] esto simul etiam sollicitudo aliqua et legum et iudiciorum maior quidam metus. ‘nos ista numquam contempsimus’ — ita enim disputabant—’sed hanc vitam quietam atque otiosam secuti sumus; quae quoniam honore caret, careat etiam molestia.’ ‘tam es tu iudex <eques> quam ego senator.’ ‘ita est, sed tu istud petisti, ego hoc cogor. qua re aut iudici mihi non esse liceat, [18] aut lege senatoria non teneri.’ hoc vos, equites Romani, ius a patribus acceptum amittetis? moneo ne faciatis. rapientur homines in haec iudicia ex omni non modo invidia sed sermone malivolorum, nisi cavetis. si iam vobis nuntiaretur in senatu sententias dici ut his legibus teneremini, concurrendum ad curiam putaretis; si lex ferretur, convolaretis ad rostra. vos senatus liberos hac lege esse voluit, populus numquam adligavit, soluti huc convenistis; ne constricti discedatis cavete. nam, [19] si Postumo fraudi fuerit, qui nec tribunus nec praefectus nec ex Italia comes nec familiaris Gabini fuit, quonam se modo defendent posthac qui vestri ordinis cum magistratibus nostris fuerint his causis implicati?

VIII. ‘Tu,’ inquit, ‘Gabinium ut regem reduceret impulisti.’ non patitur mea me iam fides de Gabinio gravius agere. quem enim ex tantis inimicitiis receptum in gratiam summo studio defenderim, hunc adflictum violare non debeo. Quocum me si ante Cn. Pompei auctoritas in gratiam non reduxisset, nunc iam ipsius fortuna reduceret. [20] Sed tamen, cum ita dicis, Postumi impulsu Gabinium profectum Alexandream, si defensioni Gabini fidem non habes, obliviscerisne etiam accusationis tuae? Gabinius se id fecisse dicebat rei publicae causa, quod classem Archelai timeret, quod mare refertum fore praedonum putaret; lege etiam id sibi licuisse dicebat.

tu inimicus negas. ignosco, et eo magis quod est contra illud iudicatum. redeo igitur ad crimen et accusationem tuam. [21] Quid vociferabare? decem milia talentum Gabinio esse promissa. auctor videlicet perblandus reperiendus fuit qui hominem, ut tu vis, avarissimum exoraret, HS bis miliens et quadringentiens <ne> magno opere contemneret. Gabinius illud, quoquo consilio fecit, fecit certe suo; quaecumque mens illa fuit, Gabini fuit. Sive ille, ut ipse dicebat, gloriam, sive, ut tu vis, pecuniam quaesivit, sibi, <non Rabirio quaesivit; Rabirius enim> non Gabini comes vel sectator nec ad Gabini, cuius id negotium non erat, sed ad P. Lentuli, clarissimi viri, auctoritatem a senatu profectam et consilio certo et spe non dubia Roma contenderat.

[22] At dioecetes fuit regius. et quidem in custodia etiam fuit regia et <vis> vitae eius adlata paene est; multa praeterea quae libido regis, quae necessitas coegit perferre, pertulit. quarum omnium rerum una reprehensio est quod regnum intrarit, quod potestati <se> regis commiserit. verum si quaerimus, stulte. quid enim stultius quam equitem Romanum ex hac urbe, huius, inquam, rei publicae civem, quae est una maxime et fuit semper libera, venire in eum locum ubi parendum alteri et serviendum sit?

IX. [23] Sed ego in hoc tamen Postumo non ignoscam, homini mediocriter docto, <in> quo videam sapientissimos homines esse lapsos? virum unum totius Graeciae facile doctissimum, Platonem, iniquitate Dionysi, Siciliae tyranni, cui se ille commiserat, in maximis periculis insidiisque esse versatum accepimus; Callisthenem, doctum hominem, comitem Magni Alexandri, ab Alexandro necatum; Demetrium, qui Phalereus vocitatus est, et ex re publica Atheniensi, quam optime gesserat, et ex doctrina nobilem et clarum, in eodem isto Aegyptio regno aspide ad corpus admota vita esse privatum. [24] Plane confiteor fieri nihil posse dementius quam scientem in eum locum venire ubi libertatem sis perditurus. sed huius ipsius facti stultitiam alia iam superior stultitia defendit, quae facit ut hoc stultissimum facinus, quod in regnum venerit, quod <se> regi commiserit, sapienter factum esse videatur, si quidem <non> tam semper stulti quam sero sapientis est, cum stultitia sua impeditus sit, quoquo modo possit se expedire. [25] Quam ob rem illud maneat et fixum sit quod neque moveri neque mutari potest; in quo aequi

sperasse Postumum dicunt, peccasse iniqui, ipse etiam insanisse se confitetur, quod suam, quod amicorum pecuniam regi crediderit cum tanto fortunarum suarum periculo, hoc quidem semel suscepto atque contracto perpetienda <illa> fuerunt ut se aliquando ac suos vindicaret. itaque obicias licet quam voles saepe palliatum fuisse, aliqua habuisse non Romani hominis insignia, quotiens eorum quippiam dices, totiens unum dices atque <idem> illud, temere hunc pecuniam regi credidisse, suas fortunas atque famam libidini regiae commisisse. [26] Fecerat temere, fateor; mutari factum iam nullo modo poterat; aut pallium sumendum Alexandreae ut ei Romae togato esse liceret, aut omnes fortunae abiciendae, si togam retinuisset.

X. Deliciarum causa et voluptatis non modo <notos> civis Romanos, sed et nobilis adulescentis et quosdam etiam senatores summo loco natos non in hortis aut suburbanis suis, sed Neapoli, [27] in celeberrimo oppido, in tunica pulla saepe <vidi, ibidem multi> viderunt chlamydatum illum L. Sullam imperatorem. L. vero Scipionis, qui bellum in Asia gessit Antiochumque devicit, non solum cum chlamyde sed etiam cum crepidis in Capitolio statuam videtis; quorum impunitas fuit non modo a iudicio sed etiam a sermone. facilius certe P. Rutilium Rufum necessitatis excusatio defendet; qui cum a Mithridate Mytilenis oppressus esset, crudelitatem regis in togatos vestitus mutatione vitavit. ergo ille P. Rutilius qui documentum fuit hominibus nostris virtutis, antiquitatis, prudentiae, consularis homo soccos habuit et pallium; nec vero id homini quisquam sed tempori adsignandum putavit; Postumo crimen vestitus adferet is in quo spes fuit posse sese aliquando ad fortunas suas pervenire? nam ut ventum est Alexandream, [28] iudices, haec una ratio a rege proposita Postumo est servandae pecuniae, si curationem et quasi dispensationem regiam suscepisset. id autem facere non poterat, nisi dioecetes — hoc enim nomine utitur qui ea regit — esset constitutus. odiosum negotium Postumo videbatur, sed erat nulla omnino recusatio; molestum etiam nomen ipsum, sed res habebat nomen hoc apud illos, non hic imposuerat. oderat vestitum etiam illum, sed sine eo nec nomen illud poterat nec munus tueri. ergo ‘aderat vis’ ut ait poeta ille noster,

’quae summas frangit infirmatque opes.’

[29] ‘Moreretur+,’ inquies+; nam id sequitur. fecisset certe, si sine maximo dedecore tam impeditis suis rebus potuisset emori.

XI. Noli igitur fortunam convertere in culpam neque+ regis iniuriam huius crimen putare nec consilium ex necessitate nec voluntatem ex vi interpretari, nisi forte eos etiam qui in hostis aut in praedones inciderint, si aliter quippiam coacti faciant <ac> liberi, vituperandos putes. nemo nostrum ignorat, etiam si experti non sumus, consuetudinem regiam. regum autem sunt haec imperia: ‘animadverte ac dicto pare’ et ‘praeter rogitatum si plus’ et illae minae:

’si te secundo lumine hic offendero,

moriere’; quae non ut delectemur solum legere et spectare debemus, sed ut cavere etiam <et> effugere discamus.

[30] At ex hoc ipso crimen exoritur. ait enim, Gabinio pecuniam Postumus <cum> cogeret, decumas imperatarum pecuniarum sibi coegisse. non intellego hoc quale sit, utrum accessionem decumae, ut nostri facere coactores solent <in> centesima, an decessionem de summa fecerit. si accessionem, undecim milia talentum ad Gabinium pervenerunt. at non modo abs te decem milia obiecta sunt sed etiam ab his aestimata. [31] Addo illud etiam: qui tandem convenit aut tam gravi onere tributorum ad tantam pecuniam cogendam mille talentum accessionem esse factam aut in tanta mercede hominis, ut vis, avarissimi mille talentum decessionem esse concessam? neque enim fuit Gabini remittere tantum de suo nec regis imponere tantum pati suis. at erunt testes legati Alexandrini. ei nihil in Gabinium dixerunt; immo ei Gabinium laudaverunt. Vbi ergo ille mos, ubi consuetudo iudiciorum, ubi exempla? solet is dicere in eum qui pecuniam <redegit> qui in illum cuius nomine ea pecunia redigeretur non dixerit? age, si is qui non dixit solet, etiamne is solet qui laudavit? [32] Isdem testibus, et quidem non productis, sed dictis testium recitatis, quasi praeiudicata res ad has causas deferri solet.

XII. Et ait etiam meus familiaris et necessarius eandem causam Alexandrinis fuisse cur laudarent Gabinium quae mihi fuerit cur eundem defenderem. mihi, C. Memmi, causa defendendi Gabini fuit reconciliatio gratiae. neque me vero paenitet mortalis inimicitias, sempiternas amicitias habere. [33] nam si me invitum putas, ne Cn. Pompei animum offenderem, defendisse causam, et illum et me

vehementer ignoras. neque enim Pompeius me sua causa quicquam facere voluisset invitum, neque ego cui omnium civium libertas carissima fuisset meam proiecissem. <nec,> quam diu inimicissimus Gabinio fui, non amicissimus mihi Cn. Pompeius fuit, nec, postea quam illius auctoritate eam dedi veniam quam debui, quicquam simulate <feci>, ne cum mea perfidia illi etiam ipsi facerem cui beneficium dedissem iniuriam. nam non redeundo in gratiam cum inimico non violabam Pompeium; si per eum reductus insidiose redissem, me scilicet maxime, sed proxime illum quoque fefellissem. [34] Ac de me omittamus; ad Alexandrinos istos revertamur. quod habent os, quam audaciam! modo vobis inspectantibus in iudicio Gabini tertio quoque verbo excitabantur; negabant pecuniam Gabinio datam. recitabatur identidem Pompei testimonium regem ad se scripsisse nullam pecuniam Gabinio nisi in rem militarem datam. ‘non est,’ inquit, ‘tum Alexandrinis testibus creditum.’ quid postea? ‘creditur nunc.’ quam ob rem? ‘quia nunc aiunt quod tum negabant.’ quid ergo? [35] Ista condicio est testium ut, quibus creditum non sit negantibus, isdem credatur dicentibus? at, si verum tum severissima fronte dixerunt, nunc mentiuntur; si tum mentiti sunt, doceant nos verum quo voltu soleant dicere. audiebamus Alexandream, nunc cognoscimus. illinc omnes praestigiae, illinc, inquam, omnes fallaciae, omnia denique ab eis mimorum argumenta nata sunt. nec mihi longius quicquam est, iudices, quam videre hominum voltus.

XIII. [36] Dixerunt hic modo nobiscum ad haec subsellia, quibus superciliis renuentes huic decem milium crimini! iam nostis insulsitatem Graecorum; umeris gestum agebant tum temporis, credo, causa; nunc scilicet tempus nullum est. Vbi semel quis peieraverit, ei credi postea, etiam si per pluris deos iuret, non oportet, praesertim, iudices, cum in his iudiciis ne locus quidem novo testi soleat esse ob eamque causam idem iudices retineantur qui fuerint de reo, ut eis nota sint omnia neve quid fingi novi possit. [37] * * * Qvo ea pecvnia pervenerit *non suis propriis iudiciis in reum facti* condemnari solent. itaque si aut praedes dedisset Gabinius aut tantum ex eius bonis quanta summa litium fuisset populus recepisset, quamvis magna ad Postumum ab eo pecunia pervenisset, non redigeretur; ut intellegi facile possit, quod ex ea pecunia quae ad aliquem reum qui damnatus est <venisset>, pervenisse ad aliquem in

illo primo iudicio planum factum sit, id hoc genere iudici redigi solere. nunc vero quid agitur? ubi terrarum sumus? quid tam perversum, <tam> praeposterum dici aut excogitari potest? [38] Accusatur is qui non abstulit a rege, sicut Gabinius iudicatus est, sed qui maximam regi pecuniam credidit. ergo is Gabinio dedit qui non huic reddidit. itane? age, cedo, cum is qui pecuniam Postumo debuit non huic, sed Gabinio dederit, condemnato Gabinio utrum illi quo ea pecunia <pervenerit> an huic dicenda causa <est>?

XIV. At habet et celat. sunt enim qui ita loquantur. quod genus tandem est istud ostentationis et gloriae? si nihil habuisset umquam, tamen, si quaesisset, cur se dissimularet habere causa non esset. qui vero duo lauta et copiosa patrimonia accepisset remque praeterea bonis et honestis rationibus auxisset, quid esset tandem causae cur existimari vellet nihil habere? [39] An, cum credebat inductus usuris, id agebat ut haberet quam plurimum; postea quam exegit quod crediderat, ut existimaretur egere? novum genus hoc gloriae concupiscit. ‘dominatus est enim,’ inquit, ‘Alexandreae.’ immo vero in superbissimo dominatu fuit; pertulit ipse custodiam, vidit in vinclis familiaris suos, mors ob oculos saepe versata est, nudus atque egens ad extremum fugit e regno. [40] At permutata aliquando pecunia est,delatae naves Postumi Puteolos sunt, auditae visaeque merces. fallaces quidem et fucosae <e> chartis et linteis et vitro; quibus cum multae naves refertae fuissent, naulum non potuit parari. cataplus ille Puteolanus, sermo illius temporis, vectorumque cursus atque ostentatio, tum subinvisum apud malivolos Postumi nomen propter opinionem pecuniae nescio quam aestatem unam, non pluris, auris refersit istis sermonibus.

XV. [41] Verum autem, iudices, si scire voltis, nisi C. Caesaris summa in omnis, incredibilis in hunc eadem liberalitas exstitisset, nos hunc Postumum iam pridem in foro non haberemus. ille onera multorum huius amicorum excepit unus, quaeque multi homines necessarii secundis Postumi rebus discripta sustinuerunt, nunc eius adflictis fortunis universa sustinet. Vmbram equitis Romani et imaginem videtis, iudices, unius amici conservatam auxilio et fide. nihil huic eripi potest praeter hoc simulacrum pristinae dignitatis quod Caesar solus tuetur et sustinet; quae quidem in miserrimis rebus huic tamen tribuenda maxima est; nisi vero hoc mediocri virtute

effici potest ut tantus ille vir tanti ducat hunc, et adflictum praesertim et absentem, et in tanta fortuna sua ut alienam respicere magnum sit, <et in> tanta occupatione maximarum rerum quas gerit atque gessit <ut> vel oblivisci aliorum non sit mirum vel, si meminerit, oblitum esse <se> facile possit probare. [42] Multas equidem C. Caesaris virtutes magnas incredibilisque cognovi, sed sunt ceterae maioribus quasi theatris propositae et paene populares. castris locum capere, exercitum instruere, expugnare urbis, aciem hostium profligare, hanc vim frigorum hiemumque quam nos vix huius urbis tectis sustinemus excipere, eis ipsis diebus hostem persequi cum etiam ferae latibulis se tegant atque omnia bella iure gentium conquiescant — sunt ea quidem magna; quis negat? sed magnis excitata sunt praemiis ac memoria hominum sempiterna. quo minus admirandum est eum facere illa qui immortalitatem concupiverit.

XVI. [43] Haec vera laus est, quae non poetarum carminibus, non annalium monumentis celebratur, sed prudentium iudicio expenditur. equitem Romanum veterem amicum suum studiosum, amantem, observantem sui non libidine, non turpibus impensis cupiditatum atque iacturis, sed experientia patrimoni amplificandi labentem excepit, corruere non sivit, fulsit et sustinuit re, fortuna, fide, hodieque sustinet nec amicum pendentem corruere patitur; nec illius animi aciem praestringit splendor sui nominis, nec mentis quasi luminibus officit altitudo fortunae et gloriae. sint sane illa magna, quae re vera magna sunt; [44] De iudicio animi mei, ut volet quisque, sentiat; ego enim hanc in tantis opibus, tanta fortuna liberalitatem in suos, memoriam amicitiae reliquis virtutibus omnibus antepono. quam quidem vos, iudices, eius in novo genere bonitatem, inusitatam claris ac praepotentibus viris, non modo <non> aspernari ac refutare sed complecti etiam et augere debetis, et eo magis quod videtis hos quidem sumptos dies ad labefactandam illius dignitatem. ex qua illi nihil detrahi potest quod non aut fortiter ferat aut facile restituat; amicissimum hominem si honestate spoliatum audierit, nec sine magno dolore feret et id amiserit quod posse non speret recuperari.

XVII. [45] Satis multa hominibus non iniquis haec esse debent, nimis etiam multa vobis quos aequissimos esse confidimus. sed ut omnium vel suspicioni vel malivolentiae vel crudelitati satis fiat: ‘occultat pecuniam Postumus, latent regiae divitiae.’ ecquis est ex

tanto populo qui bona C. Rabiri Postumi nummo sestertio sibi addici velit? sed miserum me, quanto hoc dixi cum dolore! hem, Postume, tune es <C.> Curti filius, C. Rabiri iudicio et voluntate filius, natura sororis? tune ille in omnis tuos liberalis, cuius multos bonitas locupletavit, qui nihil profudisti, nihil ullam in libidinem contulisti? tua, Postume, nummo sestertio a me addicuntur? O meum miserum acerbumque praeconium! [46] At hoc etiam optat miser ut vel condemnetur a vobis, <si> ita bona veneant ut solidum suum cuique solvatur. nihil iam aliud nisi fidem curat, nec vos huic, si iam oblivisci vestrae mansuetudinis volueritis, quicquam praeterea potestis eripere. quod, iudices, ne faciatis oro obtestorque vos, atque eo magis, si adventicia pecunia petitur ab eo cui sua non redditur. nam in eum cui misericordia opitulari debebat invidia quaesita est. [47] Sed iam, quoniam, <ut> spero, fidem quam <tibi dedi> praestiti, Postume, reddam etiam lacrimas quas debeo; quas quidem ego tuas in meo casu plurimas vidi. versatur ante oculos luctuosa nox meis omnibus, cum tu totum te cum tuis copiis ad me detulisti. tu comitibus, tu praesidio, tu etiam tanto pondere auri quantum tempus illud postulabat discessum illum sustentasti, tu numquam meis me absente liberis, numquam coniugi meae defuisti. possum excitare multos <in patriam> reductos testis liberalitatis tuae, quod saepe audivi patri tuo Curtio magno adiumento in iudicio capitis fuisse; [48] sed iam omnia timeo; bonitatis ipsius invidiam reformido. nam indicat tot hominum fletus quam sis carus tuis, et me dolor debilitat intercluditque vocem. vos obsecro, iudices, ut huic optimo viro, quo nemo melior umquam fuit, nomen equitis Romani et usuram huius lucis et vestrum conspectum ne eripiatis. hic vos aliud niil orat nisi ut rectis oculis hanc urbem sibi intueri atque ut in hoc foro vestigium facere liceat, quod ipsum fortuna eripuerat, nisi unius amici opes subvenissent.

PRO PLANCIO (In Defense of Gnaeus Plancius)

M. TVLLI CICERONIS PRO CN. PLANCIO ORATIO[I]

[1] Cum propter egregiam et singularem Cn. Planci, iudices, in mea salute custodienda fidem tam multos et bonos viros eius honori viderem esse fautores, capiebam animo non mediocrem voluptatem quod, cuius officium mihi saluti fuisset, ei meorum temporum memoriam suffragari videbam. Cum autem audirem meos partim inimicos, partim invidos huic accusationi esse fautores, eandemque rem adversariam esse in iudicio Cn. Plancio quae in petitione fuisset adiutrix, dolebam, iudices, et acerbe ferebam, si huius salus ob eam ipsam causam esset infestior quod is meam salutem atque vitam sua benivolentia praesidio custodiaque texisset.

[2] nunc autem vester, iudices, conspectus et consessus iste reficit et recreat mentem meam, cum intueor et contemplor unum quemque vestrum. video enim hoc in numero neminem cui mea salus non cara fuerit, cuius non exstet in me summum meritum, cui non sim obstrictus memoria benefici sempiterna. itaque non extimesco ne Cn. Plancio custodia meae salutis apud eos obsit qui me ipsi maxime salvum videre voluerunt, saepiusque, iudices, mihi venit in mentem admirandum esse M. Laterensem, hominem studiosissimum et dignitatis et salutis meae, reum sibi hunc potissimum delegisse quam metuendum ne vobis id ille magna ratione fecisse videatur.

[3] quamquam mihi non sumo tantum neque adrogo, iudices, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem. Nisi eius integerrimam vitam, modestissimos mores, summam fidem, continentiam, pietatem, innocentiam ostendero, nihil de poena recusabo; sin omnia praestitero quae sunt a bonis viris exspectanda, petam, iudices, a vobis ut, cuius misericordia salus mea custodita sit, ei vos vestram misericordiam me deprecante tribuatis. equidem ad reliquos labores, quos in hac causa maiores suscipio quam in ceteris, etiam hanc molestiam adsumo, quod mihi non solum pro Cn. Plancio dicendum est, cuius ego salutem non secus ac meam tueri debeo, sed etiam pro me ipso, de quo accusatores plura paene quam de re reoque dixerunt.

[II] [4] quamquam, iudices, si quid est in me ipso ita reprehensum ut id ab hoc seiunctum sit, non me id magno opere conturbat; non enim timeo ne, quia perraro grati homines reperiantur, idcirco, cum me nimium gratum illi esse dicant, id mihi criminosum esse possit. quae vero ita sunt agitata ab illis ut aut merita Cn. Planci erga me minora esse dicerent quam a me ipso praedicarentur, aut, si essent summa, negarent ea tamen ita magni ut ego putarem ponderis apud vos esse debere, haec mihi sunt tractanda, iudices, et modice, ne quid ipse offendam, et tum denique cum respondero criminibus, ne non tam innocentia reus sua quam recordatione meorum temporum defensus esse videatur.

[5] sed mihi in causa facili atque explicata perdifficilis, iudices, et lubrica defensionis ratio proponitur. nam, si tantum modo mihi necesse esset contra Laterensem dicere, tamen id ipsum esset in tanto usu nostro tantaque amicitia molestum. vetus est enim lex illa iustae veraeque amicitiae quae mihi cum illo iam diu est, ut idem amici semper velint, neque est ullum amicitiae certius vinculum quam consensus et societas consiliorum et voluntatum. mihi autem non id est in hac re molestissimum, contra illum dicere, sed multo illud magis quod in ea causa contra dicendum est in qua quaedam hominum ipsorum videtur facienda esse contentio.

[6] quaerit enim Laterensis atque hoc uno maxime urget qua se virtute, qua laude Plancius, qua dignitate superarit. ita, si cedo illius ornamentis, quae multa et magna sunt, non solum huius dignitatis iactura facienda est sed etiam largitionis recipienda suspicio est; sin hunc illi antepono, contumeliosa habenda est oratio, et dicendum est id quod ille me flagitat, Laterensem a Plancio dignitate esse superatum. ita aut amicissimi hominis existimatio offendenda est, si illam accusationis condicionem sequar, aut optime de me meriti salus deserenda.

[III] sed ego, Laterensis, caecum me et praecipitem ferri confitear in causa, si te aut a Plancio aut ab ullo dignitate potuisse superari dixero. itaque discedam ab ea contentione ad quam tu me vocas et veniam ad illam ad quam me causa ipsa deducit.

[7] quid? tu in magistratibus dignitatis iudicem putas esse populum? fortasse non numquam est; utinam vero semper esset! sed est perraro et, si quando est, in eis magistratibus est mandandis

quibus salutem suam committi putat; his levioribus comitiis diligentia et gratia petitorum honos paritur, non eis ornamentis quae esse in te videmus. nam quod ad populum pertinet, semper dignitatis iniquus iudex est qui aut invidet aut favet. quamquam nihil potes in te, Laterensis, constituere quod sit proprium laudis tuae quin id tibi sit commune cum Plancio.

[8] sed hoc totum agetur alio loco; nunc tantum disputo de iure populi, qui et potest et solet non numquam dignos praeterire; nec, si a populo praeteritus est quem non oportuit, a iudicibus condemnandus est qui praeteritus non est. nam, si ita esset, quod patres apud maiores nostros tenere non potuerunt, ut reprehensores essent comitiorum, id haberent iudices, quod multo etiam minus esset ferendum. tum enim magistratum non gerebat is qui ceperat, si patres auctores non erant facti; nunc postulatur a vobis ut eius exitio qui creatus sit iudicium populi Romani reprendatis. itaque iam quoniam qua nolui ianua sum ingressus in causam, sperare videor tantum afuturam esse orationem meam a minima suspicione offensionis tuae, te ut potius obiurgem, quod iniquum in discrimen adducas dignitatem tuam, quam ut eam ego ulla contumelia coner attingere.

[IV] [9] tu continentiam, tu industriam, tu animum in rem publicam, tu virtutem, tu innocentiam, tu fidem, tu labores tuos, quod aedilis non sis factus, fractos esse et abiectos et repudiatos putas? vide tandem, Laterensis, quantum ego a te dissentiam. si me dius fidius decem soli essent in civitate viri boni, sapientes, iusti, graves, qui te indignum aedilitate iudicavissent, gravius de te iudicatum putarem quam est hoc quod tu metuis ne a populo iudicatum esse videatur. non enim comitiis iudicat semper populus, sed movetur plerumque gratia, cedit precibus, facit eos a quibus est maxime ambitus, denique, etiam si iudicat, non dilectu aliquo aut sapientia ducitur ad iudicandum, sed impetu non numquam et quadam etiam temeritate. non est enim consilium in volgo, non ratio, non discrimen, non diligentia, semperque sapientes ea quae populus fecisset ferenda, non semper laudanda dixerunt. qua re, cum te aedilem fieri oportuisse dicis, populi culpam, non competitoris accusas.

[10] Vt fueris dignior quam Plancius — de quo ipso tecum ita contendam paulo post ut conservem dignitatem tuam — sed ut fueris dignior, non competitor a quo es victus, sed populus a quo es

praeteritus, in culpa est. in quo illud primum debes putare, comitiis, praesertim aediliciis, studium esse populi, non iudicium; eblandita illa, non enucleata esse suffragia; eos qui suffragium ferant, quid cuique ipsi debeant considerare saepius quam quid cuique a re publica debeatur. sin autem mavis esse iudicium, non tibi id rescindendum est sed ferendum.

[V] [12] venio iam ad ipsius populi partis ut illius contra te oratione potius quam mea disputem. qui si tecum congrediatur et si una loqui voce possit, haec dicat: ‘ego tibi, Laterensis, Plancium non anteposui sed, cum essetis aeque boni viri, meum beneficium ad eum potius detuli qui a me contenderat quam ad eum qui mihi non nimis submisse supplicarat.’ respondebis, credo, te splendore et vetustate familiae fretum non valde ambiendum putasse. at vero te ille ad sua instituta suorumque maiorum exempla revocabit; semper se dicet rogari voluisse, semper sibi supplicari; se M. Seium, qui ne equestrem quidem splendorem incolumem a calamitate iudici retinere potuisset, homini nobilissimo, innocentissimo, eloquentissimo, M. Pisoni, praetulisse; praeposuisse se Q. Catulo, summa in familia nato, sapientissimo et sanctissimo viro, non dico C. Serranum, stultissimum hominem — fuit enim tamen nobilis — non C. Fimbriam, novum hominem — fuit enim et animi satis magni et consili — sed Cn. Mallium, non solum ignobilem verum sine virtute, sine ingenio, vita etiam contempta ac sordida. ‘desiderarunt te,’ inquit, ‘oculi mei, cum tu esses Cyrenis;

[13] me enim quam socios tua frui virtute malebam, et quo plus intererat, eo plus aberat a me, cum te non videbam. deinde sitientem me virtutis tuae deseruisti ac reliquisti. coeperas enim petere tribunatum pl. temporibus eis quae istam eloquentiam et virtutem requirebant; quam petitionem cum reliquisses, si hoc indicasti, tanta in tempestate te gubernare non posse, de virtute tua dubitavi, si nolle, de voluntate; sin, quod magis intellego, temporibus te aliis reservasti, ego quoque,’ inquiet populus Romanus, ‘ad ea te tempora revocavi ad quae tu te ipse servaras. pete igitur eum magistratum in quo mihi magnae utilitati esse possis; aediles quicumque erunt, idem mihi sunt ludi parati; tribuni pl. permagni interest qui sint. qua re aut redde mihi quod ostenderas, aut si, quod mea minus interest, id te magis forte delectat, reddam tibi istam aedilitatem etiam neglegenter

petenti, sed amplissimos honores ut pro dignitate tua consequare, condiscas censeo mihi paulo diligentius supplicare.'

[VI] [14] haec populi oratio est, mea vero, Laterensis, haec: qua re victus sis non debere iudicem quaerere, modo ne largitione sis victus. nam si, quotienscumque praeteritus erit is qui non debuerit praeteriri, totiens oportebit eum qui factus erit condemnari, nihil iam est quod populo supplicetur, nihil quod diribitio, nihil quod renuntiatio suffragiorum exspectetur. simul ut qui sint professi videro, dicam: 'hic familia consulari est, ille praetoria;

[15] reliquos video esse ex equestri loco; sunt omnes sine macula, sunt omnes aeque boni viri atque integri, sed servari necesse est gradus; cedat consulari generi praetorium, ne contendat cum praetorio nomine equester locus.' sublata sunt studia, exstinctae suffragationes, nullae contentiones, nulla libertas populi in mandandis magistratibus, nulla exspectatio suffragiorum; nihil, ut plerumque evenit, praeter opinionem accidet, nulla erit posthac varietas comitiorum. sin hoc persaepe accidit ut et factos aliquos et non factos esse miremur, si campus atque illae undae comitiorum, ut mare profundum et immensum, sic effervescunt quodam quasi aestu ut ad alios accedant, ab aliis autem recedant, tamen nos <in> impetu studiorum et motu temeritatis modum aliquem et consilium et rationem requiremus?

[16] qua re noli me ad contentionem vestrum vocare, Laterensis. etenim si populo grata est tabella, quae frontis aperit hominum, mentis tegit datque eam libertatem ut quod velint faciant, promittant autem quod rogentur, cur tu id in iudicio ut fiat exprimis quod non fit in campo? 'hic quam ille dignior' perquam grave est dictu. quo modo igitur est aequius? sic credo, quod agitur, quod satis est iudici: 'hic factus est.' 'cur iste potius quam ego?' vel nescio vel non dico vel denique quod mihi gravissimum esset, si dicerem, sed impune tamen deberem dicere: 'non recte.' nam quid adsequerere, si illa extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset?

[VII] [17] quid? si populi quoque factum defendo, Laterensis, et doceo Cn. Plancium non obrepsisse ad honorem, sed eo venisse cursu qui semper patuerit hominibus ortis hoc nostro equestri loco, possumne eripere orationi tuae contentionem vestrum, quae tractari

sine contumelia non potest, et te ad causam aliquando crimenque deducere? si, quod equitis Romani filius est, inferior esse debuit, omnes tecum equitum Romanorum filii petiverunt. nihil dico amplius; hoc tamen miror cur huic potissimum irascare qui longissime a te afuit. equidem, si quando, ut fit, iactor in turba, non illum accuso qui est in summa sacra via, cum ego ad Fabianum fornicem impellor, sed eum qui in me ipsum incurrit atque incidit. tu neque Q. Pedio, forti viro, suscenses neque huic A. Plotio, ornatissimo homini familiari meo, et ab eo qui hos dimovit potius quam ab eis qui in te ipsum incubuerunt te depulsum putas.

[18] sed tamen haec tibi est prima cum Plancio generis vestri familiaeque contentio, qua abs te vincitur; cur enim non confitear quod necesse est? sed non hic magis quam ego a meis competitoribus et alias et in consulatus petitione vincebar. sed vide ne haec ipsa quae despicis huic suffragata sint. sic enim conferamus. est tuum nomen utraque familia consulare. num dubitas igitur quin omnes qui favent nobilitati, qui id putant esse pulcherrimum, qui imaginibus, qui nominibus vestris ducuntur, te aedilem fecerint? equidem non dubito. sed si parum multi sunt qui nobilitatem ament, num ista est nostra culpa? etenim ad caput et ad fontem generis utriusque veniamus.

[VIII] [19] tu es e municipio antiquissimo Tusculano, ex quo sunt plurimae familiae consulares, in quibus est etiam Iuventia — tot ex reliquis municipiis omnibus non sunt — hic est e praefectura Atinati non tam prisca, non tam honorata, non tam suburbana. quantum interesse vis ad rationem petendi? primum utrum magis favere putas Atinatis an Tusculanos suis? alteri — scire enim hoc propter vicinitatem facile possum — cum huius ornatissimi atque optimi viri, Cn. Saturnini, patrem aedilem, cum praetorem viderunt, quod primus ille non modo in eam familiam sed etiam in praefecturam illam sellam curulem attulisset, mirandum in modum laetati sunt; alteros — credo, quia refertum est municipium consularibus, nam malivolos non esse certo scio — numquam intellexi vehementius suorum honore laetari. habemus hoc nos, habent nostra municipia.

[20] quid ego de me, de fratre meo loquar? quorum honoribus agri ipsi prope dicam montesque faverunt. num quando vides Tusculanum aliquem de M. Catone illo in omni virtute principe, num de Ti. Coruncanio municipe suo, num de tot Fulviis gloriari? verbum

nemo facit. at in quemcumque Arpinatem incideris, etiam si nolis, erit tamen tibi fortasse etiam de nobis aliquid, sed certe de C. Mario audiendum. primum igitur hic habuit studia suorum ardentia, tu tanta quanta in hominibus iam saturatis honoribus esse potuerunt.

[21] deinde tui municipes sunt illi quidem splendidissimi homines, sed tamen pauci, si quidem cum Atinatibus conferantur; huius praefectura plena virorum fortissimorum, sic ut nulla tota Italia frequentior dici possit; quam quidem nunc multitudinem videtis, iudices, in squalore et luctu supplicem vobis. hi tot equites Romani, tot tribuni aerarii — nam plebem a iudicio dimisimus, quae cuncta comitiis adfuit — quid roboris, quid dignitatis huius petitioni attulerunt? non <modo> enim tribum Teretinam, de qua dicam alio loco, sed dignitatem, sed oculorum coniectum, sed solidam et robustam et adsiduam frequentiam praebuerunt. nam municipia coniunctione etiam vicinitatis vehementer moventur.

[IX] [22] omnia quae dico de Plancio dico expertus in nobis; sumus enim finitimi Atinatibus. laudanda est vel etiam amanda vicinitas retinens veterem illum offici morem, non infuscata malivolentia, non adsueta mendaciis, non fucosa, non fallax, non erudita artificio simulationis vel suburbano vel etiam urbano. nemo Arpinas non Plancio studuit, nemo Soranus, nemo Casinas, nemo Aquinas. tractus ille celeberrimus Venafranus, Allifanus, tota denique ea nostra ita aspera et montuosa et fidelis et simplex et fautrix suorum regio se huius honore ornari, se augeri dignitate arbitrabatur, isdemque nunc ex municipiis adsunt equites Romani publice cum legatione <et> testimonio, nec minore nunc sunt sollicitudine quam tum erant studio. etenim est gravius spoliari fortunis quam non augeri dignitate.

[23] ergo ut alia in te erant inlustriora, Laterensis, quae tibi maiores tui reliquerant, sic te Plancius hoc non solum municipi verum etiam vicinitatis genere vincebat; nisi forte te Labicana aut Gabina aut Bovillana vicinitas adiuvabat, quibus e municipiis vix iam qui carnem Latinis petant reperiuntur. adiungamus, si vis, id quod tu huic obesse etiam putas, patrem publicanum; qui ordo quanto adiumento sit in honore quis nescit? Flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae publicanorum ordine continetur.

[24] quis est igitur qui neget ordinis eius studium fuisse in honore

Planci singulare? neque iniuria, vel quod erat pater is qui est princeps iam diu publicanorum, vel quod is ab sociis unice diligebatur, vel quod diligentissime rogabat, vel quia pro filio supplicabat, vel quod huius ipsius in illum ordinem summa officia quaesturae tribunatusque constabant, vel quod illi in hoc ornando ordinem se ornare et consulere liberis suis arbitrabantur.

[X] aliquid praeterea — timide dicam, sed tamen dicendum est — non enim opibus, non invidiosa gratia, non potentia vix ferenda, sed commemoratione benefici, sed misericordia, sed precibus aliquid attulimus etiam nos. appellavi populum tributim, submisi me et supplicavi; ultro me hercule se mihi etiam offerentis, ultro pollicentis rogavi. valuit causa rogandi, non gratia.

[25] nec si vir amplissimus, cui nihil est quod roganti concedi non iure possit, de aliquo, ut dicis, non impetravit, ego sum adrogans quod me valuisse dico. nam ut omittam illud quod ego pro eo laborabam qui valebat ipse per sese, rogatio ipsa semper est gratiosissima quae est officio necessitudinis coniuncta maxime. neque enim ego sic rogabam ut petere viderer, quia familiaris esset meus, quia vicinus, quia huius parente semper plurimum essem usus, sed ut quasi parenti et custodi salutis meae. non potentia mea sed causa rogationis fuit gratiosa. nemo mea restitutione laetatus est, nemo iniuria doluit, cui non huius in me misericordia grata fuerit.

[26] etenim si ante reditum meum Cn. Plancio se volgo viri boni, cum hic tribunatum peteret, ultro offerebant, cui nomen meum absentis honori fuisset, ei meas praesentis preces non putas profuisse? an Minturnenses coloni, quod C. Marium e civili ferro atque ex impiis manibus eripuerunt, quod tecto receperunt, quod fessum inedia fluctibusque recrearunt, quod viaticum congesserunt, quod navigium dederunt, quod eum linquentem terram eam quam servarat votis, ominibus lacrimisque prosecuti sunt, aeterna in laude versantur; Plancio, quod me vel vi pulsum vel ratione cedentem receperit, iuverit, custodierit, his et senatui populoque Romano, ut haberent quem reducerent, conservarit, honori hanc fidem, misericordiam, virtutem fuisse miraris?

[XI] [27] vitia me hercule Cn. Planci res eae de quibus dixi tegere potuerunt, ne tu in ea vita de qua iam dicam tot et tanta adiumenta huic honori fuisse mirere. hic est enim qui adulescentulus cum A.

Torquato profectus in Africam sic ab illo gravissimo et sanctissimo atque omni laude et honore dignissimo viro dilectus est ut et contuberni necessitudo et adulescentis modestissimi pudor postulabat, quod, si adesset, non minus ille declararet quam hic illius frater patruelis et socer, T. Torquatus, omni illi et virtute et laude par, qui est quidem cum illo maximis vinclis et propinquitatis et adfinitatis coniunctus, sed ita magnis amoris ut illae necessitudinis causae leves esse videantur. fuit in Creta postea contubernalis Saturnini, propinqui sui, miles huius Q. Metelli; cui cum fuerit probatissimus hodieque sit, omnibus esse se probatum sperare debet. in ea provincia legatus fuit C. Sacerdos, qua virtute, qua constantia vir! L. Flaccus, qui homo, qui civis! qualem hunc putent, adsiduitate testimonioque declarant.

[28] in Macedonia tribunus militum fuit, in eadem provincia postea quaestor. primum Macedonia sic eum diligit ut indicant hi principes civitatum suarum; qui cum missi sint ob aliam causam, tamen huius repentino periculo commoti huic adsident, pro hoc laborant, huic si praesto fuerint, gratius se civitatibus suis facturos putant quam si legationem suam et mandata confecerint. L. vero Apuleius hunc tanti facit ut morem illum maiorum qui praescribit in parentum loco quaestoribus suis praetores esse oportere officiis benivolentiaque superarit. tribunus pl. fuit non fortasse tam vehemens quam isti quos tu iure laudas, sed certe talis, quales si omnes semper fuissent, numquam desideratus vehemens esset tribunus.

[XII] [29] omitto illa quae, si minus in scaena sunt, at certe, cum sunt prolata, laudantur, ut vivat cum suis, primum cum parente — nam meo iudicio pietas fundamentum est omnium virtutum — quem veretur ut deum — neque enim multo secus est parens liberis — amat vero ut sodalem, ut fratrem, ut aequalem. quid dicam cum patruo, cum adfinibus, cum propinquis, cum hoc Cn. Saturnino, ornatissimo viro? cuius quantam honoris huius cupiditatem fuisse creditis, cum videtis luctus societatem? quid de me dicam qui mihi in huius periculo reus esse videor? quid de his tot viris talibus quos videtis veste mutata? atque haec sunt indicia, iudices, solida et expressa, haec signa probitatis non fucata forensi specie, sed domesticis inusta notis veritatis. facilis est illa occursatio et blanditia popularis; aspicitur, non attrectatur; procul apparet, non excutitur,

non in manus sumitur.

[30] omnibus igitur rebus ornatum hominem tam externis quam domesticis, non nullis rebus inferiorem quam te, genere dico et nomine, superiorem aliis, municipum, vicinorum, societatum studio, meorum temporum memoria, parem virtute, integritate, modestia aedilem factum esse miraris? hunc tu vitae splendorem maculis aspergis istis? iacis adulteria, quae nemo non modo nomine sed ne suspicione quidem possit agnoscere. 'bimaritum' appellas, ut verba etiam fingas, non solum crimina. ductum esse ab eo in provinciam aliquem dicis libidinis causa, quod non crimen est, sed impunitum in maledicto mendacium; raptam esse mimulam, quod dicitur Atinae factum a iuventute vetere quodam in scaenicos iure maximeque oppidano.

[31] O adulescentiam traductam eleganter, cui quidem cum quod licuerit obiciatur, tamen id ipsum falsum reperiatur! emissus aliquis e carcere. et quidem emissus per imprudentiam, emissus, ut cognostis, necessarii hominis optimique adulescentis rogatu; idem postea praetoris mandatu requisitus. atque haec nec ulla alia sunt coniecta maledicta in eius vitam de cuius vos pudore, religione, integritate dubitetis.

[XIII] 'pater vero,' inquit, 'etiam obesse filio debet.' O vocem duram atque indignam tua probitate, Laterensis! pater ut in iudicio capitis, pater ut in dimicatione fortunarum, pater ut apud talis viros obesse filio debeat? qui si esset turpissimus, si sordidissimus, tamen ipso nomine patrio valeret apud clementis iudices et misericordis; valeret, inquam, communi sensu omnium et dulcissima commendatione naturae.

[32] sed cum sit Cn. Plancius is eques Romanus, ea primum vetustate equestris nominis ut pater, ut avus, ut maiores eius omnes equites Romani fuerint, summum in praefectura florentissima gradum tenuerint et dignitatis et gratiae, deinde ut ipse in legionibus P. Crassi imperatoris inter ornatissimos homines, equites Romanos, summo splendore fuerit, ut postea princeps inter suos plurimarum rerum sanctissimus et iustissimus iudex, maximarum societatum auctor, plurimarum magister: si non modo in eo nihil umquam reprehensum sed laudata sunt omnia, tamen is oberit honestissimo filio pater qui vel minus honestum et alienum tueri vel auctoritate sua

vel gratia possit?

[33] ‘asperius,’ inquit, ‘locutus est aliquid aliquando.’ immo fortasse liberius. ‘at id ipsum,’ inquit, ‘non est ferendum.’ ergo ei ferendi sunt qui hoc queruntur, libertatem equitis Romani se ferre non posse? Vbinam ille mos, ubi illa aequitas iuris, ubi illa antiqua libertas quae malis oppressa civilibus extollere iam caput et aliquando recreata se erigere debebat? equitum ego Romanorum in homines nobilissimos maledicta, publicanorum in Q. Scaevolam, virum omnibus ingenio, iustitia, integritate praestantem, aspere et ferociter et libere dicta commemorem?

[XIV] consuli P. Nasicae praeco Granius medio in foro, cum ille edicto iustitio domum decedens rogasset Granium quid tristis esset; an quod reiectae auctiones essent: ‘immo vero,’ inquit, ‘quod legationes.’ idem tribuno pl. potentissimo homini, M. Druso, et multa in re publica molienti, cum ille eum salutasset <et>, ut fit, dixisset: ‘quid agis, Grani?’ respondit: ‘immo vero tu, Druse, quid agis?’ ille L. Crassi, ille M. Antoni voluntatem asperioribus facetiis saepe perstrinxit impune: nunc usque eo est oppressa nostra adrogantia civitas ut, quae fuit olim praeconi in ridendo, nunc equiti Romano in plorando non sit concessa libertas.

[34] quae enim umquam Plancio vox fuit contumeliae potius quam doloris? quid est autem umquam questus nisi cum a sociis et a se iniuriam propulsaret? Cum senatus impediretur quo minus, id quod hostibus semper erat tributum, responsum equitibus Romanis redderetur, omnibus illa iniuria dolori fuit publicanis, sed eum ipsum dolorem hic tulit paulo apertius. communis ille sensus in aliis fortasse latuit; hic, quod cum ceteris animo sentiebat, id magis quam ceteri et voltu promptum habuit et lingua.

[35] quamquam, iudices, — agnosco enim ex me — permulta in Plancium quae ab eo numquam dicta sunt conferuntur. ego quia dico aliquid aliquando non studio adductus, sed aut contentione dicendi aut lacessitus, et quia, ut fit in multis, exit aliquando aliquid si non perfacetum, at tamen fortasse non rusticum, quod quisque dixit, me id dixisse dicunt. ego autem, si quid est quod mihi scitum esse videatur et homine ingenuo dignum atque docto, non aspernor, stomachor cum aliorum non me digna in me conferuntur. nam quod primus scivit legem de publicanis tum cum vir amplissimus consul id

illi ordini per populum dedit quod per senatum, si licuisset, dedisset, si in eo crimen est quia suffragium tulit, quis non tulit publicanus? si quia primus scivit, utrum id sortis esse vis, an eius qui illam legem ferebat? si sortis, nullum crimen est in casu; si consulis, <statuis> etiam hunc a summo viro principem esse ordinis iudicatum.

[XV] [36] sed aliquando veniamus ad causam. in qua tu nomine legis Liciniae, quae est de sodaliciis, omnis ambitus leges complexus es; neque enim quicquam aliud in hac lege nisi editicios iudices es secutus. quod genus iudicum si est aequum ulla in re nisi in hac tribuaria, non intellego quam ob rem senatus hoc uno in genere tribus edi voluerit ab accusatore neque eandem editionem transtulerit in ceteras causas, de ipso denique ambitu reiectionem fieri voluerit iudicum alternorum, cumque nullum genus acerbitatis praetermitteret, hoc tamen unum praetereundum putarit.

[37] quid? huiusce rei tandem obscura causa est, an et agitata tum cum ista in senatu res agebatur, et disputata hesterno die copiosissime a Q. Hortensio, cui tum est senatus adsensus? hoc igitur sensimus: ‘cuiuscumque tribus largitor esset, et per hanc consensionem quae magis honeste quam vere sodalitas nominaretur quam quisque tribum turpi largitione corrumperet, eum maxime eis hominibus qui eius tribus essent esse notum.’ ita putavit senatus, cum reo tribus ederentur eae quas is largitione devinctas haberet, eosdem fore testis et iudices. acerbum omnino genus iudici sed tamen, si vel sua vel ea quae maxime esset cuique coniuncta tribus ederetur, vix recusandum.

[XVI] [38] tu autem, Laterensis, quas tribus edidisti? Teretinam, credo. fuit certe id aequum et certe exspectatum est et fuit dignum constantia tua. cuius tu tribus venditorem et corruptorem et sequestrem Plancium fuisse clamitas, eam tribum profecto, severissimorum praesertim hominum et gravissimorum, edere debuisti. at Voltiniam; libet enim tibi nescio quid etiam de illa tribu criminari. hanc igitur ipsam cur non edidisti? quid Plancio cum lemonia, quid cum Oufentina, quid cum Clustumina? nam Maeciam, non quae iudicaret, sed quae reiceretur, esse voluisti.

[39] dubitatis igitur, iudices, quin vos M. Laterensis suo iudicio non ad sententiam legis, sed ad suam spem aliquam de civitate delegerit? dubitatis quin eas tribus in quibus magnas necessitudines habet

Plancius, cum ille non ediderit, iudicarit officiis ab hoc observatas, non largitione corruptas? quid enim potes dicere cur ista editio non summam habeat acerbitatem, remota ratione illa quam in decernendo secuti sumus?

[40] tu deligas ex omni populo aut amicos tuos aut inimicos meos aut denique eos quos inexorabilis, quos inhumanos, quos crudelis existimes; tu me ignaro, nec opinante, inscio convoces et tuos et tuorum amicorum necessarios, iniquos vel meos vel etiam defensorum meorum, eodemque adiungas quos natura putes asperos atque omnibus iniquos; deinde effundas repente ut ante consessum meorum iudicum videam quam potuerim qui essent futuri suspicari, apud eosque me ne quinque quidem reiectis, quod in proximo reo de consili sententia constitutum est, cogas causam de fortunis omnibus dicere? non enim,

[41] si aut Plancius ita vixit ut offenderet sciens neminem, aut tu ita errasti ut eos ederes imprudens, ut nos invito te tamen ad iudices non ad carnifices veniremus, idcirco ista editio per se non acerba est.

[XVII] an vero nuper clarissimi cives nomen editicii iudicis non tulerunt, cum ex cxxv iudicibus principibus equestris ordinis quinque et lxx reus reiceret, l referret, omniaque potius permiscuerunt quam ei legi condicionique parerent; nos neque ex delectis iudicibus sed ex omni populo, neque editos ad reiciendum sed ab accusatore constitutos iudices ita feremus ut neminem reiciamus?

[42] neque ego nunc legis iniquitatem queror, sed factum tuum a sententia legis doceo discrepare; et illud acerbum iudicium si, quem ad modum senatus censuit populusque iussit, ita fecisses ut huic et suam et ab hoc observatas tribus ederes, non modo non quererer, sed hunc eis iudicibus editis qui idem testes esse possent absolutum putarem, neque nunc multo secus existimo. Cum enim has tribus edidisti, ignotis te iudicibus uti malle quam notis indicavisti; fugisti sententiam legis, aequitatem omnem reiecisti, in tenebris quam in luce causam versari maluisti.

[43] ‘Voltinia tribus ab hoc corrupta, Teretinam habuerat venalem. quid diceret apud Voltiniensis aut apud tribulis suos iudices?’ immo vero tu quid diceres? quem iudicem ex illis aut tacitum testem haberes aut vero etiam excitares? etenim si reus tribus ederet, Voltiniam fortasse Plancius propter necessitudinem ac vicinitatem,

suam vero certe edidisset. vel si quaesitor huic edendus fuisset, quem tandem potius quam hunc C. Alfium quem habet, cui notissimus esse debet, vicinum, tribulem, gravissimum hominem iustissimumque edidisset? cuius quidem aequitas et ea voluntas erga Cn. Planci salutem quam ille sine ulla cupiditatis suspicione prae se fert facile declarat non fuisse fugiendos tribulis huic iudices cui quaesitorem tribulem exoptandum fuisse videatis.

[XVIII] [44] neque ego nunc consilium reprehendo tuum quod <non> eas tribus quibus erat hic maxime notus edideris, sed a te doceo consilium non servatum senatus. etenim quis te tum audiret illorum, aut quid diceres? sequestremne Plancium? respuerent aures, nemo agnosceret, repudiarent. an gratiosum? illi libenter audirent, nos non timide confiteremur. noli enim putare, Laterensis, legibus istis quas senatus de ambitu sanciri voluerit id esse actum ut suffragatio, ut observantia, ut gratia tolleretur. semper fuerunt viri boni qui apud tribulis suos gratiosi esse vellent;

[45] neque vero tam durus in plebem noster ordo fuit ut eam coli nostra modica liberalitate noluerit, neque hoc liberis nostris interdicendum est, ne observent tribulis suos, ne diligant, ne conficere necessariis suis suam tribum possint, ne par ab eis munus in sua petitione respectent. haec enim plena sunt offici, plena observantiae, plena etiam antiquitatis. isto in genere et fuimus ipsi, cum ambitionis nostrae tempora postulabant, et clarissimos viros esse vidimus, et hodie esse volumus quam plurimos gratiosos. decuriatio tribulium, discriptio populi, suffragia largitione devincta severitatem senatus et bonorum omnium vim ac dolorem excitarent. haec doce, haec profer, huc incumbe, Laterensis, decuriasse Plancium, conscripsisse, sequestrem fuisse, pronuntiasse, divisisse; tum mirabor te eis armis uti quae tibi lex dabat noluisse. tribulibus enim iudicibus non modo severitatem illorum, si ista vera sunt, sed ne voltus quidem ferre possemus.

[46] hanc tu rationem cum fugeris cumque eos iudices habere nolueris quorum in huius delicto cum scientia certissima, tum dolor gravissimus esse debuerit, quid apud hos dices qui abs te taciti requirunt cur sibi hoc oneris imposueris, cur se potissimum delegeris, cur denique se divinare malueris quam eos qui scirent iudicare?

[XIX] ego Plancium, Laterensis, et ipsum gratiosum esse dico et

habuisse in petitione multos cupidos sui gratiosos; quos tu si sodalis vocas, officiosam amicitiam nomine inquinas criminoso; sin, quia gratiosi sint, accusandos putas, noli mirari te id quod tua dignitas postularit repudiandis gratiosorum amicitiis non esse adsecutum. nam ut ego doceo gratiosum esse in sua tribu Plancium,

[47] quod multis benigne fecerit, pro multis spoponderit, in operas plurimos patris auctoritate et gratia miserit, quod denique omnibus officiis per se, per patrem, per maiores suos totam Atinatem praefecturam comprehenderit, sic tu doce sequestrem fuisse, largitum esse, conscripsisse, tribulis decuriavisse. quod si non potes, noli tollere ex ordine nostro liberalitatem, noli maleficium putare esse gratiam, noli observantiam sancire poena. itaque haesitantem te in hoc sodaliciorum tribuario crimine ad communem ambitus causam contulisti, in qua desinamus aliquando, si videtur, volgari et pervagata declamatione contendere.

[48] sic enim tecum ago. quam tibi commodum est, unam tribum delige; tu doce, id quod debes, per quem sequestrem, quo divisore corrupta sit; ego, si id facere non potueris quod, ut opinio mea fert, ne incipies quidem, per quem tulerit docebo. estne haec vera contentio? placetne sic agi? num possum magis pedem conferre, ut aiunt, aut propius accedere? quid taces, quid dissimulas, quid tergiversaris? etiam atque etiam insto atque urgeo, insector, posco atque adeo flagito crimen. quamcumque tribum, inquam, delegeris quam tulerit Plancius, tu ostendito, si poteris, vitium; ego qua ratione tulerit docebo. neque erit haec alia ratio Plancio ac tibi, Laterensis. nam ut quas tribus tu tulisti, si iam ex te requiram, possis quorum studio tuleris explicare, sic ego hoc contendo, me tibi ipsi adversario cuiuscumque tribus rationem poposceris redditurum.

[XX] [49] sed cur sic ago? quasi non comitiis iam superioribus sit Plancius designatus aedilis; quae comitia primum habere coepit consul cum omnibus in rebus summa auctoritate, tum harum ipsarum legum ambitus auctor; deinde habere coepit subito praeter opinionem omnium, ut, ne si cogitasset quidem largiri quispiam, daretur spatium comparandi. vocatae tribus, latum suffragium, diribitae <tabellae>. longe plurimum valuit Plancius; nulla largitionis nec fuit nec esse potuit suspicio. ain tandem? una centuria praerogativa tantum habet auctoritatis ut nemo umquam prior eam tulerit quin renuntiatus sit aut

eis ipsis comitiis consul aut certe in illum annum; aedilem tu Plancium factum esse miraris, in quo non exigua pars populi, sed universus populus voluntatem suam declararit, cuius in honore non unius tribus pars sed comitia tota comitiis fuerint praerogativa? quo quidem tempore,

[50] Laterensis, si id facere voluisses, aut si gravitatis esse putasses tuae quod multi nobiles saepe fecerunt, ut, cum minus valuissent suffragiis quam putassent, postea prolatis comitiis prosternerent se et populo Romano fracto animo atque humili supplicarent, non dubito quin omnis ad te conversura <se> fuerit multitudo. numquam enim fere nobilitas, integra praesertim atque innocens, a populo Romano supplex repudiata est. sed si tibi gravitas tua et magnitudo animi pluris fuit, sicuti esse debuit, quam aedilitas, noli, cum habeas id quod malueris, desiderare id quod minoris putaris. equidem primum ut honore dignus essem maxime semper laboravi, secundo ut existimarer; tertium mihi fuit illud quod plerisque primum est, ipse honos, qui eis denique debet esse iucundus quorum dignitati populus Romanus testimonium, non beneficium ambitioni dedit.

[XXI] [51] quaeris etiam, Laterensis, quid imaginibus tuis, quid ornatissimo atque optimo viro, patri tuo, respondeas mortuo. noli ista meditari atque illud cave potius ne tua ista querela dolorque nimius ab illis sapientissimis viris reprendatur. vidit enim pater tuus Appium Claudium, nobilissimum hominem, vivo fratre suo, potentissimo et clarissimo civi, C. Claudio, aedilem non esse factum et eundem sine repulsa factum esse consulem; vidit hominem sibi maxime coniunctum, egregium virum, L. Volcatium, vidit M. Pisonem ista in aedilitate offensiuncula accepta summos a populo Romano esse honores adeptos. avus vero tuus et P. Nasicae tibi aediliciam praedicaret repulsam, quo cive neminem ego statuo in hac re publica fortiorem, et C. Mari, qui duabus aedilitatis acceptis repulsis septiens consul est factus, et L. Caesaris, Cn. Octavi, M. Tulli, quos omnis scimus aedilitate praeteritos consules esse factos.

[52] sed quid ego aedilicias repulsas conligo? quae saepe eius modi habitae sunt ut eis qui praeteriti essent benigne a populo factum videretur. tribunus militum L. Philippus, summa nobilitate et eloquentia, quaestor C. Caelius, clarissimus ac fortissimus adulescens, tribuni pl. P. Rutilius Rufus, C. Fimbria, C. Cassius, Cn.

Orestes facti non sunt, quos tamen omnis consules factos scimus esse. quae tibi ultro pater et maiores tui non consolandi tui gratia dicent, neque vero quo te liberent aliqua culpa, quam tu vereris ne a te suscepta videatur, sed ut te ad istum cursum tenendum quem a prima aetate suscepisti cohortentur. nihil est enim, mihi crede, Laterensis, de te detractum. <detractum> dico; si me hercule vere quod accidit interpretari velis, est aliquid etiam de virtute significatum tua.

[XXII] noli enim existimare non magnum quendam motum fuisse illius petitionis tuae, de qua ne aliquid iurares destitisti. denuntiasti homo adulescens quid de summa re publica sentires, fortius tu quidem quam non nulli defuncti honoribus, sed apertius quam vel ambitionis vel aetatis tuae ratio postulabat.

[53] quam ob rem in dissentiente populo noli putare nullos fuisse quorum animos tuus ille fortis animus offenderet; qui te incautum fortasse nunc tuo loco demovere potuerunt, providentem autem et praecaventem numquam certe movebunt. an te illa argumenta duxerunt? ‘dubitatis,’ inquit, ‘quin coitio facta sit, cum tribus plerasque cum Plotio tulerit Plancius?’ an una fieri potuerunt, si una tribus non tulissent? ‘at non nullas punctis paene totidem.’ quippe, cum iam facti prope superioribus comitiis declaratique venissent. quamquam ne id quidem suspicionem coitionis habuerit. neque enim umquam maiores nostri sortitionem constituissent aediliciam, nisi viderent accidere posse ut competitores pares suffragiis essent.

[54] et ais prioribus comitiis Aniensem a Plotio Pedio, Teretinam <a> Plancio tibi esse concessam; nunc ab utroque eas avolsas, ne in angustum venirent. quam convenit nondum cognita populi voluntate hos quos iam tum coniunctos fuisse dicis iacturam suarum tribuum, quo vos adiuvaremini, fecisse; eosdem, cum iam essent experti quid valerent, restrictos et tenacis fuisse? etenim verebantur, credo, angustias. quasi res in contentionem aut in discrimen aliquod posset venire. sed tamen tu A. Plotium, virum ornatissimum, in idem crimen vocando indicas eum te adripuisse a quo non sis interrogatus. nam quod questus es pluris te testis habere de Voltinia quam quot in ea tribu puncta tuleris, indicas aut eos testis te producere qui, quia nummos acceperint, te praeterierint, aut te ne gratuita quidem eorum suffragia tulisse.

[XXIII] [55] illud vero crimen de nummis quos in circo Flaminio deprehensos esse dixisti caluit re recenti, nunc in causa refrixit. neque enim qui illi nummi fuerint nec quae tribus nec qui divisor ostendis. atque is quidem eductus ad consules qui tum in crimen vocabatur se inique a tuis iactatum graviter querebatur. qui si erat divisor, praesertim eius quem tu habebas reum, cur abs te reus non est factus? cur non eius damnatione aliquid ad hoc iudicium praeiudici comparasti? sed neque tu haec exhibes neque eis confidis; alia te ratio, alia cogitatio ad spem huius opprimendi excitavit. magnae sunt in te opes, late patet gratia; multi amici, multi cupidi tui, multi fautores laudis tuae. multi huic invident, multis etiam pater, optimus vir, nimium retinens equestris iuris et libertatis videtur; multi etiam communes inimici reorum omnium, qui ita semper testimonium de ambitu dicunt quasi aut moveant animos iudicum suis testimoniis, aut gratum populo Romano sit, aut ab eo facilius ob eam causam dignitatem quam volunt consequantur.

[56] quibuscum me, iudices, pugnantem more meo pristino non videbitis; non quo mihi fas sit quicquam defugere quod salus Planci postulet, sed quia neque necesse est me id persequi voce quod vos mente videatis, et quod ita de me meriti sunt illi ipsi quos ego testis video paratos ut eorum reprehensionem vos vestrae prudentiae adsumere, meae modestiae remittere debeatis. illud unum vos magno opere oro atque obsecro, iudices, cum huius quem defendo, tum communis periculi causa, ne fictis auditionibus, ne disseminato dispersoque sermoni fortunas innocentium subiciendas putetis.

[57] multi amici accusatoris, non nulli etiam nostri iniqui, multi communes obtrectatores atque omnium invidi multa finxerunt. nihil est autem tam volucre quam maledictum, nihil facilius emittitur, nihil citius excipitur, latius dissipatur. neque ego, si fontem maledicti reperietis, ut neglegatis aut dissimuletis umquam postulabo. sed si quid sine capite manabit, aut si quid erit eius modi ut non exstet auctor, qui audierit <autem> aut ita neglegens vobis esse videbitur ut unde audierit oblitus sit, aut ita levem habebit auctorem ut memoria dignum non putarit, huius illa vox volgaris ‘audivi’ ne quid innocenti reo noceat oramus.

[XXIV] [58] sed venio iam ad L. Cassium, familiarem meum, cuius ex oratione ne illum quidem Iuventium tecum expostulavi, quem ille

omni et humanitate et virtute ornatus adulescens primum de plebe aedilem curulem factum esse dixit. in quo, Cassi, si ita tibi respondeam, nescisse id populum Romanum, neque fuisse qui id nobis narraret, praesertim mortuo Congo, non, ut opinor, admirere, cum ego ipse non abhorrens a studio antiquitatis me hic id ex te primum audisse confitear. et quoniam tua fuit perelegans et persubtilis oratio, digna equitis Romani vel studio vel pudore, quoniamque sic ab his es auditus ut magnus honos et ingenio et humanitati tuae tribueretur, respondebo ad ea quae dixisti, quae pleraque de ipso me fuerunt; in quibus ipsi aculei, si quos habuisti in me reprehendendo, tamen mihi non ingrati acciderunt.

[59] Quaesisti utrum mihi putarem, equitis Romani filio, faciliorem fuisse ad adipiscendos honores viam an futuram esse filio meo, quia esset familia consulari. ego vero quamquam illi omnia malo quam mihi, tamen honorum aditus numquam illi faciliores optavi quam mihi fuerunt. quin etiam, ne forte ille sibi me potius peperisse iam honores quam iter demonstrasse adipiscendorum putet, haec illi soleo praecipere — quamquam ad praecepta aetas non est gravis — quae rex ille a Iove ortus suis praecepit filiis: vigilandum est semper; multae insidiae sunt bonis. id quod multi invideant — Nostis cetera. nonne, quae scripsit gravis et ingeniosus poeta, scripsit non ut illos regios pueros qui iam nusquam erant, sed ut nos et nostros liberos ad laborem et ad laudem excitaret?

[60] quaeris quid potuerit amplius adsequi Plancius, si Cn. Scipionis fuisset filius. magis aedilis fieri non potuisset, sed hoc praestaret, quod ei minus invideretur. etenim honorum gradus summis hominibus et infimis sunt pares, gloriae dispares.

[XXV] quis nostrum se dicit M'. Curio, quis C. Fabricio, quis C. Duellio parem, quis <A.> Atilio Calatino, quis Cn. et P. Scipionibus, quis Africano, Marcello, maximo? tamen eosdem sumus honorum gradus quos illi adsecuti. etenim in virtute multi sunt adscensus, ut is maxime gloria excellat qui virtute plurimum praestet; honorum populi finis est consulatus; quem magistratum iam octingenti fere consecuti sunt. Horum, si diligenter quaeres, vix decimam partem reperies gloria dignam. sed nemo umquam sic egit ut tu: 'cur iste fit consul? quid potuit amplius, si L. Brutus esset, qui civitatem dominatu regio liberavit?' honore nihil amplius, laude multum. sic

igitur Plancius nihilo minus quaestor est factus et tribunus pl. et aedilis quam si esset summo loco natus, sed haec pari loco orti sunt innumerabiles alii consecuti.

[61] profers triumphos T. Didi et C. Mari et quaeris quid simile in Plancio. quasi vero isti quos commemoras propterea magistratus ceperint quod triumpharant, et non, quia commissi sunt eis magistratus in quibus re bene gesta triumpharent, <propterea triumpharint>. rogas quae castra viderit; qui et miles in Creta hoc imperatore et tribunus in Macedonia militum fuerit, et quaestor tantum ex re militari detraxerit temporis quantum in me custodiendum transferre maluerit. quaeris num disertus sit.

[62] immo, id quod secundum est, ne sibi quidem videtur. num iuris consultus. quasi quisquam sit qui sibi hunc falsum de iure respondisse dicat. omnes enim istius modi artes in eis reprehenduntur qui, cum professi sunt, satis facere non possunt, non in eis qui se afuisse ab istis studiis confitentur. virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. Vt nos in mancipiis parandis quamvis frugi hominem si pro fabro aut pro tectore emimus, ferre moleste solemus, si eas artis quas in emendo secuti sumus forte nesciunt, sin autem emimus quem vilicum imponeremus, quem pecori praeficeremus, nihil in eo nisi frugalitatem, laborem, vigilantiam esse curamus, sic populus Romanus deligit magistratus quasi rei publicae vilicos; in quibus si qua praeterea est ars, facile patitur, sin minus, virtute eorum et innocentia contentus est. quotus enim quisque disertus, quotus quisque iuris peritus est, ut eos numeres qui volunt esse? quod si praeterea nemo est honore dignus, quidnam tot optimis et ornatissimis civibus est futurum?

[XXVI] [63] iubes Plancium de vitiis Laterensis dicere. nihil potest nisi eum nimis in se iracundum putavisse. idem effers Laterensem laudibus. facile patior id te agere multis verbis quod ad iudicium non pertineat, et id te accusantem tam diu dicere quod ego defensor sine periculo possim confiteri. atqui non modo confiteor summa in Laterense ornamenta esse sed te etiam reprehendo quod ea non enumeres, alia quaedam inania et levia conquiras. 'Praeneste fecisse ludos.' quid? alii quaestores nonne fecerunt? 'Cyrenis liberalem in publicanos, iustum in socios fuisse.' quis negat? sed ita multa Romae geruntur ut vix ea quae fiunt in provinciis audiantur.

[64] non vereor ne mihi aliquid, iudices, videar adrogare, si de quaestura mea dixero. quamvis enim illa floruerit, tamen eum me postea fuisse in maximis imperiis arbitror ut non ita multum mihi gloriae sit ex quaesturae laude repetendum. sed tamen non vereor ne quis audeat dicere ullius in Sicilia quaesturam aut clariorem aut gratiorem fuisse. vere me hercule hoc dicam: sic tum existimabam, nihil homines aliud Romae nisi de quaestura mea loqui. frumenti in summa caritate maximum numerum miseram; negotiatoribus comis, mercatoribus iustus, mancipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus; excogitati quidam erant a Siculis honores in me inauditi.

[65] itaque hac spe decedebam ut mihi populum Romanum ultro omnia delaturum putarem. at ego cum casu diebus eis itineris faciendi causa decedens e provincia Puteolos forte venissem, cum plurimi et lautissimi in eis locis solent esse, concidi paene, iudices, cum ex me quidam quaesisset quo die Roma exissem et num quidnam esset novi. cui cum respondissem me e provincia decedere: 'etiam me hercule,' inquit, 'ut opinor, ex Africa.'

[XXVII] huic ego iam stomachans fastidiose: 'immo ex Sicilia,' inquam. tum quidam, quasi qui omnia sciret: 'quid? tu nescis,' inquit, 'hunc quaestorem Syracusis fuisse?' quid multa? destiti stomachari et me unum ex eis feci qui ad aquas venissent.

[66] sed ea res, iudices, haud scio an plus mihi profuerit quam si mihi tum essent omnes gratulati. nam postea quam sensi populi Romani auris hebetiores, oculos autem esse acris atque acutos, destiti quid de me audituri essent homines cogitare; feci ut postea cotidie

praesentem me viderent, habitavi in oculis, pressi forum; neminem a congressu meo neque ianitor meus neque somnus absterruit. ecquid ego dicam de occupatis meis temporibus, cui fuerit ne otium quidem umquam otiosum? nam quas tu commemoras, Cassi, legere te solere orationes, cum otiosus sis, has ego scripsi ludis et feriis, ne omnino umquam essem otiosus. etenim M. Catonis illud quod in principio scripsit Originum suarum semper magnificum et praeclarum putavi, ‘clarorum virorum atque magnorum non minus oti quam negoti rationem exstare oportere.’ itaque si quam habeo laudem, quae quanta sit nescio, parta Romae est, quaesita in foro; meaque privata consilia publici quoque casus comprobaverunt, ut etiam summa res publica mihi domi fuerit gerenda et urbs in urbe servanda.

[67] eadem igitur, Cassi, via munita Laterensi est, idem virtuti cursus ad gloriam, hoc facilior fortasse quod ego huc a me ortus et per me nixus ascendi, istius egregia virtus adiuvabitur commendatione maiorum. sed ut redeam ad Plancium, numquam ex urbe is afuit nisi sorte, lege, necessitate; non valuit rebus isdem quibus fortasse non nulli, at valuit adsiduitate, valuit observandis amicis, valuit liberalitate; fuit in oculis, petivit, ea est usus ratione vitae qua minima invidia novi homines plurimi sunt eosdem honores consecuti.

[XXVIII] [68] nam quod ais, Cassi, non plus me Plancio debere quam bonis omnibus, quod eis aeque mea salus cara fuerit, ego me debere bonis omnibus fateor. sed etiam ei quibus ego debeo boni viri et cives comitiis aediliciis aliquid se meo nomine Plancio debere dicebant. verum fac me multis debere et in eis Plancio; utrum igitur me conturbare oportet, an ceteris, cum cuiusque dies venerit, hoc nomen quod urget nunc cum petitur dissolvere? quamquam dissimilis est pecuniae debitio et gratiae. nam qui pecuniam dissolvit, statim non habet id quod reddidit; qui autem debet, is retinet alienum; gratiam autem et qui refert habet, et qui habet in eo ipso quod habet refert. neque ego nunc Plancio desinam debere, si hoc solvero, nec minus ei redderem voluntate ipsa, si hoc molestiae non accidisset. quaeris a me,

[69] Cassi, quid pro fratre meo, qui mihi est carissimus, quid pro meis liberis, quibus nihil mihi potest esse iucundius, amplius quam quod pro Plancio facio facere possim, nec vides istorum ipsorum

caritate ad huius salutem defendendam maxime stimulari me atque excitari. nam neque illis huius salute a quo meam sciunt esse defensam quicquam est optatius, et ego ipse numquam illos aspicio quin, cum per hunc me eis conservatum esse meminerim, huius meritum in me recorder. Opimium damnatum esse commemoras, servatorem ipsum rei publicae, Calidium adiungis, cuius lege Q. Metellus in civitatem sit restitutus; reprehendis meas pro Plancio preces, quod neque Opimius suo nomine liberatus sit neque Metelli Calidius.

[XXIX] de Calidio tibi tantum respondeo quod ipse vidi, Q. Metellum Pium consulem praetoriis comitiis petente Q. Calidio populo Romano supplicasse, cum quidem non dubitaret et consul et homo nobilissimus patronum esse illum suum et familiae nobilissimae dicere.

[70] quo loco quaero ex te num id in iudicio Calidi putes quod ego in Planci facio, aut Metellum Pium, si Romae esse potuisset, aut patrem eius, si vixisset, non fuisse facturum. nam Opimi quidem calamitas utinam ex hominum memoria posset evelli! volnus illud rei publicae, dedecus huius imperi, turpitudo populi Romani, non iudicium putandum est. quam enim illi iudices, si iudices et non parricidae patriae nominandi sunt, graviorem potuerunt rei publicae infligere securim quam cum illum e civitate eiecerunt qui praetor finitimo, consul domestico bello rem publicam liberarat? at enim nimis ego magnum beneficium Planci facio et,

[71] ut ais, id verbis exaggero. quasi vero me tuo arbitratu et non meo gratum esse oporteat. ‘quod istius tantum meritum?’ inquit; ‘an quia te non iugulavit?’ immo vero quia iugulari passus non est. quo quidem tu loco, Cassi, etiam purgasti inimicos meos meaeque vitae nullas ab illis insidias fuisse dixisti. posuit hoc idem Laterensis. quam ob rem paulo post de isto plura dicam; de te tantum requiro, utrum putes odium in me mediocre inimicorum fuisse — quod fuit ullorum umquam barbarorum tam immane ac tam crudele in hostem? — an fuisse in eis aliquem aut famae metum aut poenae quorum vidisti toto illo anno ferrum in foro, flammam in delubris, vim in tota urbe versari. Nisi forte existimas eos idcirco vitae meae pepercisse quod de reditu meo nihil timerent. et quemquam putas fuisse tam excordem qui vivis his, stante urbe et curia rediturum me, si viverem,

non putaret? quam ob rem non debes is homo et is civis praedicare vitam meam, quae fidelitate amicorum conservata sit, inimicorum modestia non esse appetitam.

[XXX] [72] respondebo tibi nunc, Laterensis, minus fortasse vehementer quam abs te sum provocatus, sed profecto nec considerate minus nec minus amice. nam primum fuit illud asperius me, quae de Plancio dicerem, ementiri et temporis causa fingere. scilicet homo sapiens excogitavi quam ob rem viderer maximis benefici vinculis obstrictus, cum liber essem et solutus. quid enim? mihi ad defendendum Plancium parum multae, parum iustae necessitudines erant familiaritatis, vicinitatis, patris amicitiae? quae si non essent, vererer, credo, ne turpiter facerem, si hoc splendore et hac dignitate hominem defenderem. fingenda mihi fuit videlicet causa peracuta ut ei quem mihi debere oporteret ego me omnia debere dicerem. at id etiam gregarii milites faciunt inviti ut coronam dent civicam et se ab aliquo servatos esse fateantur, non quo turpe sit protectum in acie ex hostium manibus eripi — nam id accidere nisi forti viro et pugnanti comminus non potest — , sed onus benefici reformidant, quod permagnum est alieno debere idem quod parenti.

[73] ego, cum ceteri vera beneficia etiam minora dissimulent, ne obligati esse videantur, eo me beneficio obstrictum esse ementior cui ne referri quidem gratia posse videatur? an hoc tu, Laterensis, ignoras? qui cum mihi esses amicissimus, cum vel periculum vitae tuae mecum sociare voluisses, cum me in illo tristi et acerbo luctu atque discessu non lacrimis solum tuis sed animo, corpore, copiis prosecutus esses, cum meos liberos et uxorem me absente tuis opibus auxilioque defendisses, sic mecum semper egisti, te mihi remittere atque concedere ut omne studium meum in Cn. Planci honore consumerem, quod eius in me meritum tibi etiam ipsi gratum esse dicebas.

[74] nihil autem me novi, nihil temporis causa dicere, nonne etiam est illa testis oratio quae est a me prima habita in senatu? in qua cum perpaucis nominatim egissem gratias, quod omnes enumerari nullo modo possent, scelus autem esset quemquam praeteriri, statuissemque eos solum nominare qui causae nostrae duces et quasi signiferi fuissent, in his Plancio gratias egi. recitetur oratio, quae propter rei magnitudinem dicta de scripto est; in qua ego homo

astutus ei me dedebam cui nihil magno opere deberem, et huius offici tanti servitutem astringebam testimonio sempiterno. nolo cetera quae a me mandata sunt litteris recitare; praetermitto, ne aut proferre videar ad tempus aut eo genere uti litterarum quod meis studiis aptius quam consuetudini iudiciorum esse videatur.

[XXXI] [75] atque etiam clamitas, Laterensis: ‘quo usque ista dicis? nihil in Cispio profecisti; obsoletae iam sunt preces tuae.’ de Cispio mihi igitur obicies, quem ego de me bene meritum, quia te teste cognoram, te eodem auctore defendi? et ei dices ‘quo usque?’ quem negas, quod pro Cispio contenderim, impetrare potuisse? nam istius verbi ‘quo usque’ haec poterat esse invidia: ‘datus est tibi ille, condonatus est ille; non facis finem; ferre non possumus.’ ei quidem qui pro uno laborarit <et> id ipsum non obtinuerit dici ‘quo usque?’ inridentis magis est quam reprehendentis; nisi forte ego unus ita me gessi in iudiciis, ita et cum his et inter hos vixi, is in causis patronus, is in re publica civis et sum et semper fui, solus ut a te constituar qui nihil a iudicibus debeam umquam impetrare.

[76] et mihi lacrimulam Cispiani iudici obiectas. sic enim dixisti: ‘vidi ego tuam lacrimulam.’ vide quam me verbi tui paeniteat. non modo lacrimulam sed multas lacrimas et fletum cum singultu videre potuisti. an ego, qui meorum lacrimis me absente commotus simultates, quas mecum habebat, deposuisset meaeque salutis non modo non oppugnator, ut inimici mei putarant, sed etiam defensor fuisset, huius in periculo non significarem dolorem meum?

[77] tu autem, Laterensis, qui tum lacrimas meas gratas esse dicebas, nunc easdem vis invidiosas videri.

[XXXII] negas tribunatum Planci quicquam attulisse adiumenti dignitati meae, atque hoc loco, quod verissime facere potes, L. Racili, fortissimi et constantissimi viri, divina in me merita commemoras. cui quidem ego, sicut Cn. Plancio, numquam dissimulavi me plurimum debere semperque prae me feram; nullas enim sibi ille neque contentiones neque inimicitias neque vitae dimicationes nec pro re publica nec pro me defugiendas putavit. atque utinam quam ego sum in illum gratus, tam licuisset per hominum vim et iniuriam populo Romano ei gratiam referre! sed si non eadem contendit in tribunatu Plancius, existimare debes non huic voluntatem defuisse sed me, cum tantum iam Plancio deberem,

Racili beneficiis fuisse contentum.

[78] an vero putas idcirco minus libenter iudices mea causa esse facturos quod me esse gratum crimineris? an, cum patres conscripti illo senatus consulto quod in monumento Mari factum est, quo mea salus omnibus est gentibus commendata, uni Cn. Plancio gratias egerint — unus enim fuit de magistratibus defensor salutis meae — cui senatus pro me gratias agendas putavit, ei ego a me referendam gratiam non putem? atque haec cum vides, quo me tandem in te animo putas esse, Laterensis? ullum esse tantum periculum, tantum laborem, tantam contentionem quam ego non modo pro salute tua sed etiam pro dignitate defugerim? quo quidem etiam magis sum non dicam miser — nam hoc quidem abhorret a virtute verbum — sed certe exercitus, non quia multis debeo — leve enim est onus benefici gratia — , sed quia <nomina> saepe concurrunt, propter aliquorum bene de me meritorum inter ipsos contentiones, ut eodem tempore in omnis verear ne vix possim gratus videri.

[79] sed ego haec meis ponderibus examinabo, non solum quid cuique debeam sed etiam quid cuiusque intersit, et quid a me cuiusque tempus poscat.

[XXXIII] agitur studium tuum vel etiam, si vis, existimatio, laus aedilitatis; at Cn. Planci salus, patria, fortunae. salvum tu me esse cupisti; hic fecit etiam ut esse possem. distineor tamen et divellor dolore et in causa dispari offendi te a me doleo; sed me dius fidius multo citius meam salutem pro te abiecero quam Cn. Planci salutem tradidero contentioni tuae.

[80] etenim, iudices, cum omnibus virtutibus me adfectum esse cupio, tum nihil est quod malim quam me et esse gratum et videri. haec enim est una virtus non solum maxima sed etiam mater virtutum omnium reliquarum. quid est pietas nisi voluntas grata in parentes? qui sunt boni cives, qui belli, qui domi de patria bene merentes, nisi qui patriae beneficia meminerunt? qui sancti, qui religionum colentes, nisi qui meritam dis immortalibus gratiam iustis honoribus et memori mente persolvunt? quae potest esse vitae iucunditas sublatis amicitiis? quae porro amicitia potest esse inter ingratos?

[81] quis est nostrum liberaliter educatus cui non educatores, cui non magistri sui atque doctores, cui non locus ipse ille mutus ubi

alitus aut doctus est cum grata recordatione in mente versetur? cuius opes tantae esse possunt aut umquam fuerunt quae sine multorum amicorum officiis stare possint? quae certe sublata memoria et gratia nulla exstare possunt. equidem nihil tam proprium hominis existimo quam non modo beneficio sed etiam benivolentiae significatione adligari, nihil porro tam inhumanum, tam immane, tam ferum quam committere ut beneficio non dicam indignus sed victus esse videare. quae cum ita sint,

[82] iam succumbam, Laterensis, isti tuo crimini meque in eo ipso in quo nihil potest esse nimium, quoniam ita tu vis, nimium gratum esse concedam petamque a vobis, iudices, ut eum beneficio complectamini quem qui reprehendit in eo reprehendit quod gratum praeter modum dicat esse. neque enim illud ad neglegendam meam gratiam debet valere quod dixit idem, vos nec nocentis nec litigiosos esse, quo minus me apud vos valere oporteret. quasi vero in amicitia mea non haec praesidia, si quae forte sunt in me, parata semper amicis esse maluerim quam necessaria. etenim ego de me tantum audeo dicere, amicitiam meam voluptati pluribus quam praesidio fuisse, meque vehementer vitae meae paeniteret, si in mea familiaritate locus esset nemini nisi litigioso aut nocenti.

[XXXIV] [83] sed haec nescio quo modo frequenter in me congessisti saneque in eo creber fuisti, te idcirco in ludos causam conicere noluisse ne ego mea consuetudine aliquid de tensis misericordiae causa dicerem, quod in aliis aedilibus ante fecissem. non nihil egisti hoc loco; nam mihi eripuisti ornamentum orationis meae. deridebor, si mentionem tensarum fecero, cum tu id praedixeris; sine tensis autem quid potero dicere? hic etiam addidisti me idcirco mea lege exsilio ambitum sanxisse ut miserabiliores epilogos possem dicere. non vobis videtur cum aliquo declamatore, non cum laboris et fori discipulo disputare?

[84] ‘Rhodi enim,’ inquit, ‘ego non fui’ — me volt fuisse—’sed fui,’ inquit — putabam in Vaccaeis dicturum—’bis in Bithynia.’ si locus habet reprehensionis ansam aliquam, nescio cur severiorem Nicaeam putes quam Rhodum; si spectanda causa est, et tu in Bithynia summa cum dignitate fuisti et ego Rhodi non minore. nam quod in eo me reprehendisti quod nimium multos defenderem, utinam et tu, qui potes, et ceteri, qui defugiunt, vellent me labore hoc

levare! sed fit vestra diligentia, qui causis ponderandis omnis fere repudiatis, ut ad nos pleraeque confluant, qui miseris et laborantibus negare nihil possumus.

[85] admonuisti etiam, quod in Creta fuisses, dictum aliquod in petitionem tuam dici potuisse; me id perdidisse. Vter igitur nostrum est cupidior dicti? egone qui quod dici potuit non dixerim, an tu qui etiam ipse in te dixeris? te aiebas de tuis rebus gestis nullas litteras misisse, quod mihi meae quas ad aliquem misissem obfuissent. quas ego mihi obfuisse non intellego, rei publicae video prodesse potuisse.

[XXXV] [86] sed sunt haec leviora, illa vero gravia atque magna, quod meum discessum, quem saepe defleras, nunc quasi reprehendere et subaccusare voluisti. dixisti enim non auxilium mihi sed me auxilio defuisse. ego vero fateor me, quod viderim mihi auxilium non deesse, idcirco illi auxilio pepercisse. qui enim status, quod discrimen, quae fuerit in re publica tempestas illa quis nescit? tribunicius me terror an consularis furor movit? decertare mihi ferro magnum fuit cum reliquiis eorum quos ego florentis atque integros sine ferro viceram? consules post hominum memoriam taeterrimi atque turpissimi, sicut et illa principia et hi recentes rerum exitus declararunt, quorum alter exercitum perdidit, alter vendidit, empti provinciis a senatu, a re publica, a bonis omnibus defecerant; qui exercitu, qui armis, qui opibus plurimum poterant cum quid sentirent nesciretur, furialis illa vox nefariis stupris, religiosis altaribus effeminata secum et illos et consules facere acerbissime personabat; egentes in locupletis, perditi in bonos, servi in dominos armabantur.

[87] at erat mecum senatus, et quidem veste mutata, quod pro me uno post hominum memoriam publico consilio susceptum est. sed recordare qui tum fuerint consulum nomine hostes, qui soli in hac urbe senatum senatui parere non siverint edictoque suo non luctum patribus conscriptis sed indicia luctus ademerint. at erat mecum cunctus equester ordo; quem quidem in contionibus saltator ille Catilinae consul proscriptionis denuntiatione terrebat. at tota Italia convenerat; cui quidem belli intestini et vastitatis metus inferebatur.

[XXXVI] hisce ego auxiliis studentibus atque incitatis uti me, Laterensis, potuisse confiteor, sed erat non iure, non legibus, non disceptando decertandum — nam profecto, praesertim tam bona in causa, numquam, quo ceteri saepe abundarunt, id mihi ipsi auxilium

meum defuisset — armis fuit, armis, inquam, fuit dimicandum; quibus a servis atque a servorum ducibus caedem fieri senatus et bonorum rei publicae exitiosum fuisset.

[88] vinci autem improbos a bonis fateor fuisse praeclarum, si finem tum vincendi viderem, quem profecto non videbam. Vbi enim mihi praesto fuissent aut tam fortes consules quam L. Opimius, quam C. Marius, quam L. Flaccus, quibus ducibus improbos civis res publica vicit armatis, aut, si minus fortes, at tamen tam iusti quam P. Mucius, qui arma quae privatus P. Scipio ceperat, ea Ti. Graccho interempto iure optimo sumpta esse defendit? esset igitur pugnandum cum consulibus. nihil dico amplius nisi illud: victoriae nostrae gravis adversarios paratos, interitus nullos esse ultores videbam.

[89] hisce ego auxiliis salutis meae si idcirco defui quia nolui dimicare, fatebor id quod vis, non mihi auxilium, sed me auxilio defuisse; sin autem, quo maiora studia in me bonorum fuerunt, hoc eis magis consulendum et parcendum putavi, tu id in me reprehendis quod Q. Metello laudi datum est hodieque est et semper erit maximae gloriae? quem, ut potes ex multis audire qui tum adfuerunt, constat invitissimis viris bonis cessisse, nec fuisse dubium quin contentione et armis superior posset esse. ergo ille cum suum, non cum senatus factum defenderet, cum perseverantiam sententiae suae, non salutem rei publicae retinuisset, tamen ob illam <constantiam>, quod illud voluntarium volnus accepit, iustissimos omnium Metellorum et clarissimos triumphos gloria et laude superavit, quod et illos ipsos improbissimos civis interfici noluit et ne quis bonus interiret in eadem caede providit; ego tantis periculis propositis cum, si victus essem, interitus rei publicae, si vicissem, infinita dimicatio pararetur, committerem ut idem perditor rei publicae nominarer qui servator fuissem?

[XXXVII] [90] mortem me timuisse dicis. ego vero ne immortalitatem quidem contra rem publicam accipiendam putarem, nedum emori cum pernicie rei publicae vellem. nam qui pro re publica vitam ediderunt — licet me desipere dicatis — numquam me hercule eos mortem potius quam immortalitatem adsecutos putavi. ego vero si tum illorum impiorum ferro ac manu concidissem, in perpetuum res publica civile praesidium salutis suae perdidisset. quin etiam si me vis aliqua morbi aut natura ipsa consumpsisset, tamen auxilia

posteritatis essent imminuta, quod peremptum esset mea morte id exemplum qualis futurus in me restituendo fuisset senatus populusque Romanus. an, si umquam vitae cupiditas in me fuisset, ego mense Decembri mei consulatus omnium parricidarum tela commossem? quae, si xx quiessem dies, in aliorum vigiliam consulum recidissent. quam ob rem, si vitae cupiditas contra rem publicam est turpis, certe multo mortis cupiditas mea turpior fuisset cum pernicie civitatis.

[91] nam quod te esse in re publica liberum es gloriatus, id ego et fateor et laetor et tibi etiam in hoc gratulor; quod me autem negasti, in eo neque te neque quemquam diutius patiar errare.

[XXXVIII] nam si quis idcirco aliquid de libertate mea deminutum putat quod non ab omnibus isdem a quibus antea solitus sum dissentire dissentiam, primum, si bene de me meritis gratum me praebeo, nonne desino incurrere in crimen hominis nimium memoris nimiumque grati? sin autem aliquando sine ullo rei publicae detrimento respicio etiam salutem cum meam tum meorum, certe non modo non sum reprehendendus sed etiam, si ruere vellem, boni viri me ut id ne facerem rogarent.

[92] res vero ipsa publica, si loqui posset, ageret mecum ut, quoniam sibi servissem semper, numquam mihi, fructus autem ex sese non, ut oportuisset, laetos et uberes, sed magna acerbitate permixtos tulissem, ut iam mihi servirem, consulerem meis; se non modo satis habere a me sed etiam vereri ne parum mihi pro eo quantum a me haberet reddidisset.

[93] quid? si horum ego nihil cogito et idem sum in re publica qui fui semper, tamenne libertatem requires meam? quam tu ponis in eo, si semper cum eis quibuscum aliquando contendimus depugnemus. quod est longe secus. stare enim omnes debemus tamquam in orbe aliquo rei publicae, qui quoniam versatur, eam deligere partem ad quam nos illius utilitas salusque converterit.

[XXXIX] ego autem Cn. Pompeium non dico auctorem, ducem, defensorem salutis meae — nam haec privatim fortasse officiorum memoriam et gratiam quaerunt — sed dico hoc quod ad salutem rei publicae pertinet: ego eum non tuear quem omnes in re publica principem esse concedunt? ego C. Caesaris laudibus desim, quas primum populi Romani, nunc etiam senatus, cui me semper addixi,

plurimis atque amplissimis iudiciis videam esse celebratas? tum hercule me confitear non iudicium aliquod habuisse de utilitate rei publicae, sed hominibus amicum aut inimicum fuisse.

[94] an, cum videam navem secundis ventis cursum tenentem suum, si non eum petat portum quem ego aliquando probavi, sed alium non minus tutum atque tranquillum, cum tempestate pugnem periculose potius quam illi, salute praesertim proposita, obtemperem et paream? ego vero haec didici, haec vidi, haec scripta legi; haec de sapientissimis et clarissimis viris et in hac re publica et in aliis civitatibus monumenta nobis <et> litterae prodiderunt, non semper easdem sententias ab isdem, sed quascumque rei publicae status, inclinatio temporum, ratio concordiae postularet, esse defensas. quod ego et facio, Laterensis, et semper faciam libertatemque quam tu in me requiris, quam ego neque dimisi umquam neque dimittam, non in pertinacia, sed in quadam moderatione positam putabo.

[XL] [95] nunc venio ad illud extremum in quo dixisti, dum Planci in me meritum verbis extollerem, me arcem facere e cloaca lapidemque e sepulcro venerari pro deo; neque enim mihi insidiarum periculum ullum neque mortis fuisse. cuius ego temporis rationem explicabo brevi neque invitus. nihil enim est ex meis temporibus quod minus pervagatum, quodque minus aut mea commemoratione celebratum sit aut hominibus auditum atque notum. ego enim, Laterensis, ex illo incendio legum, iuris, senatus, bonorum omnium cedens, cum mea domus ardore suo deflagrationem urbi atque Italiae toti minaretur, nisi quievissem, Siciliam petivi animo, quae et ipsa erat mihi sicut domus una coniuncta et obtinebatur a C. Vergilio, quocum me uno vel maxime cum vetustas tum amicitia, cum mei fratris conlegia tum rei publicae causa sociarat.

[96] vide nunc caliginem temporum illorum. Cum ipsa paene insula mihi sese obviam ferre vellet, praetor ille, eiusdem tribuni pl. contionibus propter eandem rei publicae causam saepe vexatus, nihil amplius dico nisi me in Siciliam venire noluit. quid dicam? C. Vergilio, tali civi et viro, benivolentiam in me, memoriam communium temporum, pietatem, humanitatem, fidem defuisse? nihil, iudices, est eorum sed, quam tempestatem nos vobiscum non tulissemus, metuit ut eam ipse posset opibus suis sustinere. tum consilio repente mutato Brundisium terra petere contendi; nam

maritimos cursus praecludebat hiemis magnitudo.

[XLI] [97] Cum omnia illa municipia quae sunt a Vibone <ad> Brundisium in fide mea, iudices, essent, iter mihi tutum multis minitantibus magno cum suo metu praestiterunt. Brundisium veni vel potius ad moenia accessi; urbem unam mihi amicissimam declinavi, quae se potius exscindi quam e suo complexu ut eriperer facile pateretur. in hortos me M. Laeni Flacci contuli. cui cum omnis metus, publicatio bonorum, exsilium, mors proponeretur, haec perpeti, si acciderent, maluit quam custodiam mei capitis dimittere. cuius ego et parentis eius, prudentissimi atque optimi senis, et fratris et utriusque filiorum manibus in navi tuta ac fideli conlocatus, eorumque preces et vota de meo reditu exaudiens Dyrrachium, quod erat in fide mea, petere contendi.

[98] quo cum venissem, cognovi, id quod audieram, refertam esse Graeciam sceleratissimorum hominum ac nefariorum, quorum impium ferrum ignisque pestiferos meus ille consulatus e manibus extorserat; qui ante quam de meo adventu audire potuissent, cum a me abessent aliquot dierum viam, in Macedoniam ad Planciumque perrexi. hic vero simul atque mare me transisse cognovit — audi, audi atque attende, Laterensis, ut scias quid ego Plancio debeam, confiteareque aliquando me quod faciam et grate et pie facere; huic autem, quae pro salute mea fecerit, si minus profutura sint, obesse certe non oportere! nam simul ac me Dyrrachium attigisse audivit, statim ad me lictoribus dimissis, insignibus abiectis, veste mutata profectus est.

[99] O acerbam mihi, iudices, memoriam temporis illius et loci, cum hic in me incidit, cum complexus est conspersitque lacrimis nec loqui prae maerore potuit! O rem cum auditu crudelem tum visu nefariam! o reliquos omnis dies noctesque eas quibus iste a me non recedens Thessalonicam me in quaestoriumque perduxit! hic ego nunc de praetore Macedoniae nihil dicam amplius nisi eum et civem optimum semper et mihi amicum fuisse, sed eadem timuisse quae ceteros; Cn. Plancium fuisse unum, non qui minus timeret sed, si acciderent ea quae timerentur, mecum ea subire et perpeti vellet.

[100] qui, cum ad me L. Tubero, meus necessarius, qui fratri meo legatus fuisset, decedens ex Asia venisset easque insidias quas mihi paratas ab exsulibus coniuratis audierat ad me animo amicissimo

detulisset, in Asiam me ire propter eius provinciae mecum et cum meo fratre necessitudinem comparantem non est passus; vi me, vi, inquam, Plancius et complexu suo retinuit multosque mensis a capite meo non discessit, abiecta quaestoria persona comitisque sumpta.

[XLII] [101] O excubias tuas, Cn. Planci, miseras, o flebilis vigilias, o noctes acerbas, o custodiam etiam mei capitis infelicem! si quidem ego tibi vivus non prosum, qui fortasse mortuus profuissem. memini enim, memini neque umquam obliviscar noctis illius cum tibi vigilanti, adsidenti, maerenti vana quaedam miser atque inania falsa spe inductus pollicebar, me, si essem in patriam restitutus, praesentem tibi gratias relaturum; sin aut vitam mihi fors ademisset aut vis aliqua maior reditum peremisset, hos, hos — quos enim ego tum alios animo intuebar? — omnia tibi illorum laborum praemia pro me persoluturos. quid me aspectas, quid mea promissa repetis, quid meam fidem imploras? nihil tibi ego tum de meis opibus pollicebar, sed de horum erga me benivolentia promittebam; hos pro me lugere, hos gemere, hos decertare pro meo capite vel vitae periculo velle videbam; de horum desiderio, luctu, querelis cotidie aliquid tecum simul audiebam; nunc timeo ne tibi nihil praeter lacrimas queam reddere, quas tu in meis acerbitatibus plurimas effudisti. [102] quid enim possum aliud nisi maerere, nisi flere, nisi te cum mea salute complecti? salutem tibi idem dare possunt qui mihi reddiderunt. te tamen — exsurge, quaeso! — retinebo et complectar, nec me solum deprecatorem fortunarum tuarum sed comitem sociumque profitebor; atque, ut spero, nemo erit tam crudeli animo tamque inhumano nec tam immemor non dicam meorum in bonos meritorum, sed bonorum in me, qui a me mei servatorem capitis divellat ac distrahat. non ego meis ornatum beneficiis a vobis deprecor, iudices, sed custodem salutis meae, non opibus contendo, non auctoritate, non gratia, sed precibus, sed lacrimis, sed misericordia, mecumque vos simul hic miserrimus et optimus obtestatur parens, et pro uno filio duo patres deprecamur.

[103] nolite, iudices, per vos, per fortunas, per liberos vestros inimicis meis, eis praesertim quos ego pro vestra salute suscepi, dare laetitiam gloriantibus vos iam oblitos mei salutis eius a quo mea salus conservata est hostis exstitisse; nolite animum meum debilitare cum luctu tum etiam metu commutatae vestrae voluntatis erga me;

sinite me, quod vobis fretus huic saepe promisi, id a vobis ei persolvere.

[104] teque, C. Flave, oro et obtestor, qui meorum consiliorum in consulatu socius, periculorum particeps, rerum quas gessi adiutor fuisti, meque non modo salvum semper sed etiam ornatum florentemque esse voluisti, ut mihi per hos conserves eum per quem me tibi et his conservatum vides. plura ne dicam tuae me etiam lacrimae impediunt vestraeque, iudices, non solum meae, quibus ego magno in metu meo subito inducor in spem, vos eosdem in hoc conservando futuros qui fueritis in me, quoniam istis vestris

PRO MILONE (In Defence of Titus Annius Milo)

M. TVLLI CICERONIS PRO T. ANNIO MILONE ORATIOI.

1. Etsi vereor, iudices, ne turpe sit pro fortissimo viro dicere incipientem timere, minimeque deceat, cum T. Annius ipse magis de rei publicae salute quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre non posse, tamen haec novi iudici nova forma terret oculos, qui, quocumque inciderunt, consuetudinem fori et pristinum morem iudiciorum requirunt. Non enim corona consessus vester cinctus est, ut solebat; non usitata frequentia stipati sumus: 2. non illa praesidia, quae pro templis omnibus cernitis, etsi contra vim conlocata sunt, non adferunt tamen [oratori] aliquid, ut in foro et in iudicio, quamquam praesidiis salutaribus et necessariis saepti sumus, tamen ne non timere quidem sine aliquo timore possimus. Quae si opposita Miloni putarem, cederem tempori, iudices, nec inter tantam vim armorum existimarem esse oratori locum. Sed me recreat et reficit Cn. Pompei, sapientissimi et iustissimi viri, consilium, qui profecto nec iustitiae suae putaret esse, quem reum sententiis iudicum tradidisset, eundem telis militum dedere, nec sapientiae, temeritatem concitatae multitudinis auctoritate publica armare.

3. Quam ob rem illa arma, centuriones, cohortes non periculum nobis, sed praesidium denuntiant; neque solum ut quieto, sed etiam ut magno animo simus hortantur; neque auxilium modo defensioni meae, verum etiam silentium pollicentur. Reliqua vero multitudo, quae quidem est civium, tota nostra est; neque eorum quisquam, quos undique intuentis, unde aliqua fori pars aspici potest, et huius exitum iudici exspectantis videtis, non cum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat.

II. Unum genus est adversum infestumque nobis, eorum quos P. Clodi furor rapinis et incendiis et omnibus exitiis publicis pavit: qui hesterna etiam contione incitati sunt, ut vobis voce praeirent quid iudicaretis. Quorum clamor si qui forte fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum clamoresque maximos prae vestra salute neglexit.

4. Quam ob rem adeste animis, iudices, et timorem si quem habetis deponite. Nam — si umquam de bonis et fortibus viris, si umquam de bene meritis civibus potestas [vobis] iudicandi fuit, si denique umquam locus amplissimorum ordinum delectis viris datus est, ut sua studia erga fortis et bonos civis, quae voltu et verbis saepe significassent, re et sententiis declararent — hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus, an, diu vexati a perditissimis civibus, aliquando per vos ac per vestram fidem, virtutem, sapientiamque recreemur.

5. Quid enim nobis duobus, iudices, laboriosius, quid magis sollicitum, magis exercitum dici aut fingi potest, qui, spe amplissimorum praemiorum ad rem publicam adducti, metu crudelissimorum suppliciorum carere non possumus? Equidem ceteras tempestates et procellas in illis dum taxat fluctibus contionum semper putavi Miloni esse subeundas, quia semper pro bonis contra improbos senserat; in iudicio vero, et in eo consilio in quo ex cunctis ordinibus amplissimi viri iudicarent, numquam existimavi spem ullam esse habituros Milonis inimicos, ad eius non modo salutem exstinguendam, sed etiam gloriam per talis viros infringendam.

6. Quamquam in hac causa, iudices, T. Anni tribunatu, rebusque omnibus pro salute rei publicae gestis ad huius criminis defensionem non abutemur. Nisi oculis videritis insidias Miloni a Clodio factas, nec deprecaturi sumus ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi, ut si mors P. Clodi salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati adsignetis. Sed si illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, iudices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

III. 7. Sed ante quam ad eam orationem venio quae est propria vestrae quaestionis, videntur ea esse refutanda, quae et in senatu ab inimicis saepe iactata sunt, et in contione ab improbis, et paulo ante ab accusatoribus, ut omni errore sublato, rem plane quae veniat in iudicium videre possitis. Negant intueri lucem esse fas ei qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? nempe in ea quae primum iudicium de capite

vidit M. Horati, fortissimi viri, qui nondum libera civitate, tamen populi Romani comitiis liberatus est, cum sua manu sororem esse interfectam fateretur. 8. An est quisquam qui hoc ignoret, cum de homine occiso quaeratur, aut negari solere omnino esse factum aut recte et iure factum esse defendi? Nisi vero existimatis dementem P. Africanum fuisse, qui cum a C. Carbone [tribuno plebis seditiose] in contione interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum videri. Neque enim posset aut Ahala ille Servilius, aut P. Nasica, aut L. Opimius, aut C. Marius, aut me consule senatus, non nefarius haberi, si sceleratos civis interfici nefas esset. Itaque hoc, iudices, non sine causa etiam fictis fabulis doctissimi homines memoriae prodiderunt, eum qui patris ulciscendi causa matrem necavisset, variatis hominum sententiis, non solum divina, sed etiam sapientissimae deae sententia liberatum. 9. Quod si duodecim tabulae nocturnum furem quoquo modo, diurnum autem, si se telo defenderet, interfici impune voluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, cum videat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus?

IV. Atqui si tempus est ullum iure hominis necandi, quae multa sunt, certe illud est non modo iustum, verum etiam necessarium, cum vi vis inlata defenditur. Pudicitiam cum eriperet militi tribunus militaris in exercitu C. Mari, propinquus eius imperatoris, interfectus ab eo est, cui vim adferebat. Facere enim probus adulescens periculose quam perpeti turpiter maluit. Atque hunc ille summus vir scelere solutum periculo liberavit. 10. Insidiatori vero et latroni quae potest inferri iniusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti illis nullo pacto liceret. Est igitur haec, iudices, non scripta, sed nata lex; quam non didicimus, accepimus, legimus, verum ex natura ipsa adripuimus, hausimus, expressimus; ad quam non docti sed facti, non instituti sed imbuti sumus, — ut, si vita nostra in aliquas insidias, si in vim et in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendae salutis. 11. Silent enim leges inter arma; nec se exspectari iubent, cum ei qui exspectare velit, ante iniusta poena luenda sit, quam iusta repetenda. Etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi, sed esse cum telo hominis occidendi causa vetat; ut, cum causa non

telum quaereretur, qui sui defendendi causa telo esset usus non minis occidendi causa habuisse telum iudicaretur. Quapropter hoc maneat in causa, iudices, non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis quod oblivisci non potestis, insidiatorem iure interfici posse.

V. 12. Sequitur illud, quod a Milonis inimicis saepissime dicitur, caedem in qua P. Clodius occisus est senatum iudicasse contra rem publicam esse factam. Illam vero senatus non sententiis suis solum, sed etiam studiis comprobavit. Quotiens enim est illa causa a nobis acta in senatu! quibus adsensionibus universi ordinis, quam nec tacitis nec occultis! Quando enim frequentissimo senatu quattuor aut summum quinque sunt inventi qui Milonis causam non probarent? Declarant huius ambusti tribuni plebis illae intermortuae contiones, quibus cotidie meam potentiam invidiose criminabatur, eum diceret senatum non quod sentiret, sed quod ego vellem decernere. Quae quidem si potentia est appellanda — potius quam aut propter magna in rem publicam merita mediocris in bonis causis auctoritas, aut propter hos officiosos labores meos non nulla apud bonos gratia, — appellatur ita sane, dum modo ea nos utamur pro salute bonorum contra amentiam perditorum.

13. Hanc vero quaestionem, etsi non est iniqua, numquam tamen senatus constituendam putavit. Erant enim leges, erant quaestiones vel de caede vel de vi; nec tantum maerorem ac luctum senatui mors P. Clodi adferebat, ut nova quaestio constitueretur. Cuius enim de illo incesto stupro iudicium decernendi senatui potestas esset erepta, de eius interitu quis potest credere senatum iudicium novum constituendum putasse? Cur igitur incendium curiae, oppugnationem aedium M. Lepidi, caedem hanc ipsam contra rem publicam senatus factam esse decrevit? quia nulla vis umquam est in libera civitate suscepta inter civis non contra rem publicam. 14. Non enim est illa defensio contra vim umquam optanda, sed non numquam est necessaria. Nisi vero aut ille dies quo Ti. Gracchus est caesus, aut ille quo Gaius, aut quo arma Saturnini oppressa sunt, etiam si e re publica oppressa sunt, rem publicam tamen non volnerarunt.

VI. Itaque ego ipse decrevi, cum caedem in Appia factam esse constaret, non eum qui se defendisset contra rem publicam fecisse, sed, cum inesset in re vis et insidiae, crimen iudicio reservavi, rem

notavi. Quod si per furiosum illum tribunum senatui quod sentiebat perficere licuisset, novam quaestionem nullam haberemus. Decernebat enim, ut veteribus legibus, tantum modo extra ordinem, quaereretur. Divisa sententia est, postulante nescio quo: nihil enim necesse est omnium me flagitia proferre. Sic reliqua auctoritas senatus empta intercessione sublata est.

15. At enim Cn. Pompeius rogatione sua et de re et de causa iudicavit: tulit enim de caede quae in Appia via facta esset, in qua P. Clodius occisus esset. Quid ergo tulit? nempe ut quaereretur. Quid porro quaerendum est? Factumne sit? at constat. A quo? at paret. Vidit igitur, etiam in confessione facti, iuris tamen defensionem suscipi posse. Quod nisi vidisset posse absolvi eum qui fateretur, cum videret nos fateri, neque quaeri umquam iussisset, nec vobis tam hanc salutarem in iudicando litteram quam illam tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem iudicasse, sed etiam statuisse videtur quid vos in iudicando spectare oporteret. Nam qui non poenam confessioni, sed defensionem dedit, is causam interitus quaerendam, non interitum putavit. 16. Iam illud ipse dicet profecto, quod sua sponte fecit, Publione Clodio tribuendum putarit an tempori.

VII. Domi suae nobilissimus vir, senatus propugnator, atque illis quidem temporibus paene patronus, avunculus huius iudicis nostri, fortissimi viri, M. Catonis, tribunus plebis M. Drusus occisus est. Nihil de eius morte populus consultus, nulla quaestio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, cum P. Africano domi suae quiescenti illa nocturna vis esset inlata? Quis tum non gemuit? Quis non arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, eius ne necessariam quidem exspectatam esse mortem! Num igitur ulla quaestio de Africani morte lata est? certe nulla. 17. Quid ita? quia non alio facinore clari homines, alio obscuri necantur. Intersit inter vitae dignitatem summorurn atque infimorum: mors quidem inlata per scelus isdem et poenis teneatur et legibus. Nisi forte magis erit parricida, si qui consularem patrem quam si quis humilem necarit: aut eo mors atrocior erit P. Clodi, quod is in monumentis maiorum suorum sit interfectus — hoc enim ab istis saepe dicitur; proinde quasi Appius ille Caecus viam muniverit, non qua populus uteretur,

sed ubi impune sui posteri latrocinarentur!

18. Itaque in eadem ista Appia via cum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum, homo enim nobilis in suis monumentis equitem Romanum occiderat: nunc eiusdem Appiae nomen quantas tragoedias excitat! Quae cruentata antea caede honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, postea quam latronis et parricidae sanguine imbuta est. Sed quid ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodi, quem ille ad Cn. Pompeium interficiendum collocarat: extorta est ei confitenti sica de manibus: caruit foro postea Pompeius, caruit senatu, caruit publico: ianua se ac parietibus, non iure legum iudiciorumque texit. 19. Num quae rogatio lata, num quae nova quaestio decreta est? Atqui si res, si vir, si tempus ullum dignum fuit, certe haec in illa causa summa omnia fuerunt. Insidiator erat in foro conlocatus, atque in vestibulo ipso senatus; ei viro autem mors parabatur, cuius in vita nitebatur salus civitatis; eo porro rei publicae tempore, quo, si unus ille occidisset, non haec solum civitas, sed gentes omnes concidissent. Nisi vero quia perfecta res non est, non fuit poenienda: proinde quasi exitus rerum, non hominum consilia legibus vindicentur. Minus dolendum fuit re non perfecta, sed poeniendum certe nihilo minus. 20. Quotiens ego ipse, iudices, ex P. Clodi telis et ex cruentis eius manibus effugi! ex quibus si me non vel mea vel rei publicae fortuna servasset, quis tandem de interitu meo quaestionem tulisset?

VIII. Sed stulti sumus qui Drusum, qui Africanum, Pompeium, nosmet ipsos cum P. Clodio conferre audeamus. Tolerabilia fuerunt illa: P. Clodi mortem aequo animo ferre nemo potest. Luget senatus, maeret equester ordo, tota civitas confecta senio est, squalent municipia, adflictantur coloniae, agri denique ipsi tam beneficum, tam salutarem, tam mansuetum civem desiderant. 21. Non fuit ea causa, iudices, profecto, non fuit, cur sibi censeret Pompeius quaestionem ferendam; sed homo sapiens atque alta et divina quadam mente praeditus multa vidit: fuisse illum sibi inimicum, familiarem Milonem; in communi omnium laetitia, si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatae gratiae; multa etiam alia vidit, sed illud maxime, quamvis atrociter ipse

tulisset, vos tamen fortiter iudicaturos. Itaque delegit ex florentissimis ordinibus ipsa lumina: neque vero, quod non nulli dictitant, secrevit in iudicibus legendis amicos meos. Neque enim hoc cogitavit vir iustissimus; neque in bonis viris legendis id adsequi potuisset, etiam si cupisset. Non enim mea gratia familiaritatibus continetur, quae late patere non possunt, propterea quod consuetudines victus non possunt esse cum multis; sed, si quid possumus, ex eo possumus, quod res publica nos coniunxit cum bonis: ex quibus ille cum optimos viros legeret, idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. 22. Quod vero te, L. Domiti, huic quaestioni praeesse maxime voluit, nihil quaesivit [aliud] nisi iustitiam, gravitatem, humanitatem, fidem. Tulit ut consularem necesse esset: credo, quod principum munus esse ducebat resistere et levitati multitudinis et perditorum temeritati. Ex consularibus te creavit potissimum: dederas enim quam contemneres popularis insanias iam ab adulescentia documenta maxima.

IX. 23. Quam ob rem, iudices, ut aliquando ad causam crimenque veniamus, — si neque omnis confessio facti est inusitata, neque de causa nostra quicquam aliter ac nos vellemus a senatu iudicatum est, et lator ipse legis, cum esset controversia nulla facti, iuris tamen disceptationem esse voluit, et ei lecti iudices isque praepositus est quaestioni, qui haec iuste sapienterque disceptet, — reliquum est, iudices, ut nihil iam quaerere aliud debeatis, nisi uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quaeso, diligenter attendite.

24. P. Clodius cum statuisset omni scelere in praetura vexare rem publicam, videretque ita tracta esse comitia anno superiore, ut non multos mensis praeturam gerere posset, — qui non honoris gradum spectaret, ut ceteri, sed et L. Paulum conlegam effugere vellet, singulari virtute civem, et annum integrum ad dilacerandam rem publicam quaereret, — subito reliquit annum suum, seseque in annum proximum transtulit: non (ut fit) religione aliqua, sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est, ad evertendam rem publicam, plenum annum atque integrum. 25. Occurrebat ei mancam ac debilem praeturam futuram suam consule Milone: eum porro summo consensu populi Romani consulem fieri

videbat. Contulit se ad eius competitores, sed ita, totam ut petitionem ipse solus etiam invitis illis gubernaret, tota ut comitia suis, ut dictitabat, umeris sustineret. Convocabat tribus, se interponebat, Collinam novam dilectu perditissimorum civium conscribebat. Quanto ille plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus, sed etiam suffragiis populi Romani saepe esse declaratum, palam agere coepit, et aperte dicere occidendum Milonem. 26. Servos agrestis et barbaros, quibus silvas publicas depopulatus erat Etruriamque vexarat, ex Apennino deduxerat, quos videbatis. Res erat minime obscura. Etenim palam dictitabat consulatum Miloni eripi non posse, vitam posse. Significavit hoc saepe in senatu, dixit in contione. Quin etiam M. Favonio, fortissimo viro, quaerenti ex eo qua spe fureret Milone vivo, respondit triduo illum aut summum quadriduo esse periturum: quam vocem eius ad hunc M. Catonem statim Favonius detulit.

X. 27. Interim cum sciret Clodius — neque enim erat difficile scire — iter sollemne, legitimum, necessarium ante diem xiii. Kalendas Februarias Miloni esse Lanuvium ad flaminem prodendum, [quod erat dictator Lanuvi Milo,] Roma subito ipse profectus pridie est, ut ante suum fundum, quod re intellectum est, Miloni insidias conlocaret. Atque ita profectus est, ut contionem turbulentam, in qua eius furor desideratus est, [quae illo ipso die habita est,] relinqueret, quam nisi obire facinoris locum tempusque voluisset, numquam reliquisset. 28. Milo autem cum in senatu fuisset eo die, quoad senatus est dimissus, domum venit; calceos et vestimenta mutavit; paulisper, dum se uxor (ut fit) comparat, commoratus est; dein profectus id temporis cum iam Clodius, si quidem eo die Romani venturus erat, redire potuisset. Ob viam fit ei Clodius, expeditus, in equo, nulla raeda, nullis impedimentis; nullis Graecis comitibus, ut solebat; sine uxore, quod numquam fere: cum hic insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore veheretur in raeda, paenulatus, magno et impedito et muliebri ac delicato ancillarum puerorumque comitatu. 29. Fit ob viam Clodio ante fundum eius hora fere undecima, aut non multo secus. Statim complures cum telis in hunc faciunt de loco superiore impetum: adversi raedarium occidunt.

Cum autem hic de raeda reiecta paenula desiluisset, seque acri animo defenderet, illi qui erant cum Clodio, gladiis eductis, partim recurrere ad raedam, ut a tergo Milonem adorirentur; partim, quod hunc iam interfectum putarent, caedere incipiunt eius servos, qui post erant: ex quibus qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, cum ad raedam pugnari viderent, domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et re vera putarent, fecerunt id servi Milonis — dicam enim aperte, non derivandi criminis causa, sed ut factum est — nec imperante nec sciente nec praesente domino, quod suos quisque servos in tali re facere voluisset.<

XI. 30. Haec, sicuti exposui, ita gesta sunt, iudices. Insidiator superatus est, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico quid res publica consecuta sit, nihil quid vos, nihil quid omnes boni : nihil sane id prosit Miloni, qui hoc fato natus est, ut ne se quidem servare potuerit, quin una rem publicam vosque servaret. Si id iure fieri non potuit, nihil habeo quod defendam. Sin hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris etiam beluis natura ipsa praescripsit, — ut omnem semper vim, quacumque ope possent, a corpore, a capite, a vita sua propulsarent, — non potestis hoc facinus improbum iudicare, quin simul iudicetis omnibus, qui in latrones inciderint, aut illorum telis aut vestris sententiis esse pereundum. 31. Quod si ita putasset, certe optabilius Miloni fuit dare iugulum P. Clodio, non semel ab illo neque turn primum petitum, quam iugulari a vobis, quia se non iugulandum illi tradidisset. Sin hoc nemo vestrum ita sentit, non illud iam in iudicium venit, occisusne sit (quod fatemur), sed iure an iniuria, quod multis in causis saepe quaesitum est. Insidias factas esse constat, et id est quod senatus contra rem publicam factum iudicavit: ab utro factae sint incertum est. De hoc igitur latum est ut quaereretur. Ita et senatus rem non hominem notavit, et Pompeius de iure non de facto quaestionem tulit.

XII. Num quid igitur aliud in iudicium venit, nisi uter utri insidias fecerit? Profecto nihil: si hic illi, ut ne sit impune; si ille huic, ut scelere solvamur.

32. Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? Satis est in illa quidem tam audaci, tam nefaria belua,

docere magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum ‘cui bono fuerit’ in his personis valeat; etsi boni nullo emolumento impelluntur in fraudem, improbi saepe parvo. Atqui Milone interfecto Clodius haec adsequebatur, non modo ut praetor esset non eo consule quo sceleris nihil facere posset; sed etiam ut eis consulibus praetor esset, quibus si non adiuvantibus at coniventibus certe, speraret posse se eludere in illis suis cogitatis furoribus: cuius illi conatus, ut ipse ratiocinabatur, nec cuperent reprimere si possent, cum tantum beneficium ei se debere arbitrarentur; et, si vellent, fortasse vix possent frangere hominis sceleratissimi conroboratam iam vetustate audaciam.

33. An vero, iudices, vos soli ignoratis? vos hospites in hac urbe versamini? vestrae peregrinantur aures, neque in hoc pervagato civitatis sermone versantur, quas ille leges — si leges nominandae sunt ac non faces urbis, pestes rei publicae — fuerit impositurus nobis omnibus atque inusturus? Exhibe, quaeso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum videlicet munus atque instrumentum tribunatus ad aliquem, si nactus esses, qui tuo arbitrio tribunatum gereret, deferre posses. Atque per . . . an huius ille legis quam Clodius a se inventam gloriatur, mentionem facere ausus esset vivo Milone, non dicam consule? De nostrum enim omnium — non audeo totum dicere. Videte quid ea viti lex habitura fuerit, cuius periculosa etiam reprehensio est. Et aspexit me illis quidem oculis, quibus tum solebat cum omnibus omnia minabatur. Movet me quippe lumen curiae!

XIII. Quid? tu me tibi iratum, Sexte, putas, cuius inimicissimum multo crudelius etiam poenitus es, quam erat humanitatis meae postulare? Tu P. Clodi cruentum cadaver eiecisti domo; tu in publicum abiecisti; tu spoliatum imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustilatum, nocturnis canibus dilaniandum reliquisti. Qua re, etsi nefarie fecisti, tamen quoniam in meo inimico crudelitatem exprompsisti tuam, laudare non possum, irasci certe non debeo.

34. Audistis, iudices, quantum Clodi interfuerit occidi Milonem: convertite animos nunc vicissim ad Milonem. Quid Milonis intererat

interfici Clodium? Quid erat cur Milo non dicam admitteret, sed optaret? 'Obstabat in spe consulatus Miloni Clodius.' At eo repugnante fiebat, immo vero eo fiebat magis; nec me suffragatore meliore utebatur quam Clodio. Valebat apud vos, iudices, Milonis erga me remque publicam meritorum memoria; valebant preces et lacrimae nostrae, quibus ego tum vos mirifice moveri sentiebam; sed plus multo valebat periculorum impendentium timor. Quis enim erat civium qui sibi solutam P. Clodi praeturam sine maximo rerum novarum metu proponeret? Solutam autem fore videbatis, nisi esset is consul, qui eam auderet possetque constringere. Eum Milonem unum esse cum sentiret universus populus Romanus, quis dubitaret suffragio suo se metu, periculo rem publicam liberare? At nunc, Clodio remoto, usitatis iam rebus enitendum est Miloni, ut tueatur dignitatern suam: singularis illa et huic uni concessa gloria, quae cotidie augebatur frangendis furoribus Clodianis, iam Clodi morte cecidit. Vos adepti estis, ne quem civem metueretis: hic exercitationem virtutis, suffragationem consulatus, fontem perennem gloriae suae perdidit. Itaque Milonis consulatus, qui vivo Clodio labefactari non poterat, mortuo denique temptari coeptus est. Non modo igitur nihil prodest, sed obest etiam Clodi mors Miloni.

35. 'At valuit odium, fecit iratus, fecit inimicus, fuit ultor iniuriae, poenitor doloris sui.' Quid? si haec non dico maiora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc? quid voltis amplius? Quid enim odisset Clodium Milo, segetem ac materiem suae gloriae, praeter hoc civile odium, quo omnis improbos odimus? Ille erat ut odisset, primum defensorem salutis meae, deinde vexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem suum: reus enim Milonis lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrannum illum tulisse creditis? quantum odium illius, et in homine iniusto quam etiam iustum fuisse?

XIV. 36. Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc autem haec eadem coarguat. Nihil per vim umquam Clodius, omnia per vim Milo. Quid? ego, iudices, cum maerentibus vobis urbe cessi, iudiciumne timui? non servos, non arma, non vim? Quae fuisset igitur iusta causa restituendi mei, nisi fuisset iniusta eiciendi? Diem mihi, credo, dixerat, multam inrogarat, actionem

perduellionis intenderat; et mihi videlicet in causa aut mala aut mea, non et praeclarissima et vestra, iudicium timendum fuit. Servorum et egentium civium et facinorosorum armis meos civis, meis consiliis periculisque servatos, pro me obici nolui.37. Vidi enim, vidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae, paene interfici servorum manu, cum mihi adesset: qua in turba C. Vibienus senator, vir optimus, cum hoc cum esset una, ita est mulcatus, ut vitam amiserit. Itaque quando illius postea sica illa, quam a Catilina acceperat, conquievit? Haec intentata nobis est; huic ego vos obici pro me non sum passus; haec insidiata Pompeio est; haec istam Appiam, monimentum sui nominis, nece Papiri cruentavit; haec eadem longo intervallo conversa rursus est in me: nuper quidem, ut scitis, me ad regiam paene confecit.

38. Quid simile Milonis? cuius vis omnis haec semper fuit, ne P. Clodius, cum in iudicium detrahi non posset, vi oppressam civitatem teneret. Quem si interficere voluisset, quantae quotiens occasiones, quam praeclarae fuerunt! Potuitne, cum domum ac deos penatis suos illo oppugnante defenderet, iure se ulcisci? Potuitne, civi egregio et viro fortissimo, P. Sestio, conlega suo, volnerato? Potuitne, Q. Fabricio, viro optimo, cum de reditu meo legem ferret, pulso, crudelissima in foro caede facta ? Potuitne L. Caecili, iustissimi fortissimique praetoris, oppugnata domo? Potuitne illo die, cum est lata lex de me; cum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset, ut, etiam si id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret?

XV. 39. At quod erat tempus? Clarissimus et fortissimus consul, inimicus Clodio, [P. Lentulus,] ultor sceleris illius, propugnator senatus, defensor vestrae voluntatis, patronus publici consensus, restitutor salutis meae; septem praetores, octo tribuni plebei, illius adversarii, defensores mei; Cn. Pompeius, auctor et dux mei reditus, illius hostis, cuius sententiam senatus [omnis] de salute mea gravissimam et ornatissimam secutus est, qui populum Romanum est cohortatus, qui cum de me decretum Capuae fecisset, ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit, ut ad me restituendum Romam concurrerent; omnium denique in illum odia civium ardebant desiderio mei, quem qui tum interemisset, non de impunitate eius, sed de praemiis cogitaretur. 40. Tamen se Milo

continuit, et P. Clodium in iudicium bis, ad vim numquam vocavit. Quid? privato Milone et reo ad populum accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non modo occasio, sed etiam causa illius opprimendi fuit! Nuper vero cum M. Antonius summam spem salutis bonis omnibus attulisset, gravissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset, atque illam beluam, iudici laqueos declinantem, iam inretitam teneret, qui locus, quod tempus illud, di immortales, fuit! cum se ille fugiens in scalarum tenebris abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, M. vero Antoni maxima gloria? 41. Quid? comitiis in campo quotiens potestas fuit! cum ille in saepta ruisset, gladios destringendos, lapides iaciendos curavisset; dein subito, voltu Milonis perterritus, fugeret ad Tiberim, vos et omnes boni vota faceretis, ut Miloni uti virtute sua liberet.

XVI. Quem igitur cum omnium gratia noluit, hunc voluit cum aliquorum querella? quem iure, quem loco, quem tempore, quem impune non est ausus, hunc iniuria, iniquo loco, alieno tempore, periculo capitis, non dubitavit occidere? 42. praesertim, iudices, cum honoris amplissimi contentio et dies comitiorum subesset, quo quidem tempore — scio enim quam timida sit ambitio, quantaque et quam sollicita sit cupiditas consulatus — omnia, non modo quae reprehendi palam, sed etiam obscure quae cogitari possunt timemus, rumorem, fabulam fictam, levem perhorrescimus, ora omnium atque oculos intuemur. Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile, quam voluntas erga nos sensusque civium, qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis saepe fastidiunt. 43. Hunc igitur diem campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus prae se ferens et confitens, ad illa augusta centuriarum auspicia veniebat? Quam hoc non credibile in hoc! quam idem in Clodio non dubitandum, cum se ille interfecto Milone regnaturum putaret! Quid? (quod caput est [audaciae], iudices) quis ignorat maximam inlecebram esse peccandi impunitatis spem? In utro igitur haec fuit? in Milone, qui etiam nunc reus est facti aut praeclari aut certe necessarii, an in Clodio, qui ita iudicia poenamque contempserat, ut eum nihil delectaret quod aut per naturam fas esset, aut per leges

liceret.

44. Sed quid ego argumentor? quid plura disputo? Te, Q. Petili, appello, optimum et fortissimum civem: te, M. Cato, testor, quos mihi divina quaedam sors dedit iudices. Vos ex M. Favonio audistis Clodium sibi dixisse, et audistis vivo Clodio, periturum Milonem triduo. Post diem tertium gesta res est quam dixerat. Cum ille non dubitarit aperire quid cogitaret, vos potestis dubitare quid fecerit?

XVII. 45. Quem ad modum igitur eum dies non fefellit? Dixi equidem modo. Dictatoris Lanuvini stata sacrificia nosse negoti nihil erat. Vidit necesse esse Miloni proficisci Lanuvium illo ipso quo est profectus die. Itaque antevertit. At quo die? Quo, ut ante dixi, fuit insanissima contio ab ipsius mercenario tribuno plebis concitata: quem diem ille, quam contionem, quos clamores, nisi ad cogitatum facinus approperaret, numquam reliquisset. Ergo illi ne causa quidem itineris, etiam causa manendi: Miloni manendi nulla [facultas], exeundi non causa solum, sed etiam necessitas fuit. Quid? si, ut ille scivit Milonem fore eo die in via, sic Clodium Milo ne suspicari quidem potuit? 46. Primum quaero qui id scire potuerit? quod vos idem in Clodio quaerere non potestis. Ut enim neminem alium nisi T. Patinam, familiarissimum suum, rogasset, scire potuit illo ipso die Lanuvi a dictatore Milone prodi flaminem necesse esse. Sed erant permulti alii, ex quibus id facillime scire posset [: omnes scilicet Lanuvini]. Milo de Clodi reditu unde quaesivit? Quaesierit sane — videte quid vobis largiar: servum etiam, ut Q. Arrius, meus amicus, dixit, corruperit. Legite testimonia testium vestrorum. Dixit C. Causinius Schola, Interamnas, familiarissimus et idem comes Clodi, — cuius iam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae, — P. Clodium illo die in Albano mansurum fuisse; sed subito ei esse nuntiatum Cyrum architectum esse mortuum, itaque repente Romam constituisse proficisci. Dixit hoc comes item P. Clodi, C. Clodius.

XVIII. 47. Videte, iudices, quantae res his testimoniis sint confectae. Primum certe liberatur Milo non eo consilio profectus esse, ut insidiaretur in via Clodio: quippe, si ille obvius ei futurus omnino non erat. Deinde — non enim video cur non meum quoque agam negotium — scitis, iudices, fuisse qui in hac rogatione suadenda dicerent Milonis manu caedem esse factam, consilio vero

maioris alicuius. Me videlicet latronem ac sicarium abiecti homines et perditi describebant. Iacent suis testibus [ei] qui Clodium negant eo die Romam, nisi de Cyro audisset, fuisse rediturum. Respiravi, liberatus sum; non vereor ne, quod ne suspicari quidem potuerim, videar id cogitasse. 48. Nunc persequar cetera. Nam occurrit illud: 'Igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus.' Si quidem exiturus ad caedem e villa non fuisset. Video enim illum, qui dicatur de Cyri morte nuntiasse, non id nuntiasse, Milonem appropinquare. Nam quid de Cyro nuntiaret, quem Clodius Roma proficiscens reliquerat morientem? Una fui, testamentum simul obsignavi cum Clodio: testamentum autem palam fecerat, et illum heredem et me scripserat. Quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima denique ei nuntiabatur?

XIX. 49. Age, sit ita factum. Quae causa cur Romam properaret? cur in noctem se coniceret? Ecquid adferebat festinationis, quod heres erat? Primum, erat nihil cur properato opus esset: deinde, si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret autem si postridie Romam mane venisset? Atque ut illi nocturnus ad urbem adventus vitandus potius quam expetendus fuit, sic Miloni, cum insidiator esset, si illum ad urbem nocte accessurum sciebat, subsidendum atque exspectandum fuit. 50. Nemo ei neganti non credidisset, quem esse omnes salvum etiam confitentem volunt. Sustinuisset hoc crimen primum ipse ille latronum occultator et receptor locus, cum neque muta solitudo indicasset neque caeca nox ostendisset Milonem; deinde ibi multi ab illo violati, spoliati, bonis expulsi, multi haec etiam timentes in suspicionem caderent, tota denique rea citaretur Etruria. 51. Atque illo die certe Aricia rediens devertit Clodius ad Albanum. Quod ut sciret Milo illum Ariciae fuisse, suspicari tamen debuit eum, etiam si Romam illo die reverti vellet, ad villam suam, quae viam tangeret, deversurum. Cur neque ante occurrit, ne ille in villa resideret, nec eo in loco subsedit, quo ille noctu venturus esset?

Video adhuc constare, iudices, omnia: — Miloni etiam utile fuisse Clodium vivere, illi ad ea quae concupierat optatissimum interitum Milonis; odium fuisse illius in hunc acerbissimum, nullum huius in illum; consuetudinem illius perpetuam in vi inferenda, huius tantum

in repellenda; 52. mortem ab illo denuntiatam Miloni et praedicatam palam, nihil umquam auditum ex Milone; profectionis huius diem illi notum, reditus illius huic ignotum fuisse; huius iter necessarium, illius etiam potius alienum; hunc prae se tulisse illo die Roma exiturum, illum eo die se dissimulasse rediturum; hunc nullius rei mutasse consilium, illum causam mutandi consili finxisse; huic, si insidiaretur, noctem prope urbem exspectandam, illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

XX. 53. Videamus nunc (id quod caput est) locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior. Id vero, iudices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodi, quo in fundo propter insanas illas substructiones facile hominum mille versabantur valentium, edito adversari atque excelso loco, superiorem se fore putarat Milo, et ob eam rem eum locum ad pugnam potissimum elegerat? an in eo loco est potius exspectatus ab eo qui ipsius loci spe facere impetum cogitarat? Res loquitur ipsa, iudices, quae semper valet plurimum. 54. Si haec non gesta audiretis, sed picta videretis, tamen appareret uter esset insidiator, uter nihil cogitaret mali, cum alter veheretur in raeda paenulatus, una sederet uxor. Quid horum non impeditissimum? vestitus an vehiculum an comes? Quid minus promptum ad pugnam, cum paenula inretitus, raeda impeditus, uxore paene constrictus esset? Videte nunc illum, primum egredientem e villa, subito: cur? vesperi: quid necesse est? tarde: qui convenit, praesertim id temporis? Devertit in villam Pompei. Pompeium ut videret? sciebat in Alsiensi esse: villam ut perspiceret? miliens in ea fuerat. Quid ergo erat? morae et tergiversationes: dum hic veniret, locum relinquere noluit.

XXI. 55. Age nunc; iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore, tum sine ea; numquam nisi in raeda, tum in equo; comites Graeculi quocumque ibat, etiam cum in castra Etrusca properabat, tum nugarum in comitatu nihil. Milo, qui numquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges. Ille, qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem, nisi ut virum a viro lectum esse diceres. Cur igitur victus est? Quia non semper viator a latrone, non numquam etiam latro a viatore occiditur: quia,

quamquam paratus in imparatos Clodius, tamen mulier inciderat in viros. 56. Nec vero sic erat umquam non paratus Milo contra illum, ut non satis fere esset paratus. Semper [ille] et quantum interesset P. Clodi se perire, et quanto illi odio esset, et quantum ille auderet cogitabat. Quam ob rem vitam suam, quam maximis praemiis propositam et paene addictam sciebat, numquam in periculum sine praesidio et sine custodia proiciebat. Adde casus, adde incertos exitus pugnarum Martemque communem, qui saepe spoliantem iam et exsultantem evertit et perculit ab abiecto: adde inscitiam pransi, poti, oscitantis ducis, qui cum a tergo hostem interclusum reliquisset, nihil de eius extremis comitibus cogitavit, in quos incensos ira vitamque domini desperantis cum incidisset, haesit in eis poenis, quas ab eo servi fideles pro domini vita expetiverunt.<

57. Cur igitur eos manu misit? Metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? quid quaeris? Occideritne? occidit. Iure an iniuria? nihil ad tortorem: facti enim in eculeo quaestio est, iuris in iudicio.

XXII. Quod igitur in causa quaerendum est, indagamus hic: quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quaeris, quam cur partim amplis adfecerit praemiis, nescis inimici factum reprehendere. 58. Dixit enim hic idem, qui omnia semper constanter et fortiter, M. Cato, et dixit in turbulenta contione, quae tamen huius auctoritate placata est, non libertate solum, sed etiam omnibus praemiis dignissimos fuisse, qui domini caput defendissent. Quod enim praemium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? Etsi id quidem non tanti est, quam quod propter eosdem non sanguine et volneribus suis crudelissimi inimici mentem oculosque satiavit. Quos nisi manu misisset, tormentis etiam dedendi fuerunt conservatores domini, ultores sceleris, defensores necis. Hic vero nihil habet in his malis quod minus moleste ferat, quam, etiam si quid ipsi accidat, esse tamen illis meritum praemium persolutum.

59. Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis. Quibusnam de servis? rogas? de P. Clodi. Quis eos postulavit? Appius. Quis produxit? Appius. Unde? ab Appio. Di boni! quid potest agi severius? [De servis nulla lege quaestio est in

dominum nisi de incestu, ut fuit in Clodium.] Proxime deos accessit Clodius, propius quam tum cum ad ipsos penetrarat, cuius de morte tamquam de caerimoniis violatis quaeritur. Sed tamen maiores nostri in dominum [de servo] quaeri noluerunt, non quin posset verum inveniri, sed quia videbatur indignum esse et [domini] morte ipsa tristius. In reum de servo accusatoris cum quaeritur, verum inveniri potest? 60. Age vero, quae erat aut qualis quaestio? 'Heus tu, Rufio' (verbi causa) 'cave sis mentiaris. Clodius insidias fecit Miloni ?' 'Fecit:' 'certa crux.' 'Nullas fecit:' 'sperata libertas.' Quid hac quaestione certius? Subito abrepti in quaestionem, tamen separantur a ceteris et in arcas coniciuntur, ne quis cum eis conloqui possit. Hi centum dies penes accusatorem cum fuissent, ab eo ipso accusatore producti sunt. Quid hac quaestione dici potest integrius, quid incorruptius?

XXIII. 61. Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum, Romam revertisse, recordamini (per deos immortalis!) quae fuerit celeritas reditus eius, qui ingressus in forum ardente curia, quae magnitudo animi, qui voltus, quae oratio. Neque vero se populo solum, sed etiam senatui commisit; neque senatui modo, sed etiam publicis praesidiis et armis; neque his tantum, verum etiam eius potestati, cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat: cui numquam se hic profecto tradidisset, nisi causae suae confideret, praesertim omnia audienti, magna metuenti, multa suspicanti, non nulla credenti. Magna vis est conscientiae, iudices, et magna in utramque partem, ut neque timeant qui nihil commiserint, et poenam semper ante oculos versari putent qui peccarint.

62. Neque vero sine ratione certa causa Milonis semper a senatu probata est. Videbant enim sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An vero obliti estis, iudices, recenti illo nuntio necis Clodianae, non modo inimicorum Milonis sermones et opiniones, sed non nullorum etiam imperitorum? Negabant eum Romam esse rediturum. 63. Sive enim illud animo irato ac percito fecisset, ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodi putasse, ut aequo

animo patria careret, cum sanguine inimici explesset odium suum; sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum quin, cum suo periculo salutem populo Romano attulisset, cederet aequo animo [legibus], secum auferret gloriam sempiternam, nobis haec fruenda relinqueret, quae ipse servasset. Multi etiam Catilinam atque illa portenta loquebantur: 'Erumpet, occupabit aliquem locum, bellum patriae faciet.' Miseros interdum civis optime de re publica meritos, in quibus homines non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur! 64. Ergo illa falsa fuerunt, quae certe vera exstitissent, si Milo admisisset aliquid quod non posset honeste vereque defendere.<

XXIV. Quid? quae postea sunt in eum congesta, quae quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit, di immortales! Sustinuit? immo vero tit contempsit ac pro nihilo putavit, quae neque maximo animo nocens neque innocens nisi fortissimus vir neglegere potuisset! Scutorum, gladiorum, frenorum, pilorumque etiam multitudo deprehendi posse indicabatur; nullum in urbe vicum, nullum angiportum esse dicebant, in quo Miloni conducta non esset domus; arma in villam Ocriculanam devecta Tiberi, domus in clivo Capitolino scutis referta, plena omnia malleolorum ad urbis incendia comparatorum: haec non delata solum, sed paene credita, nec ante repudiata sunt quam quaesita. 65. Laudabam equidem incredibilem diligentiam Cn. Pompei, sed dicam ut sentio, iudices. Nimis multa audire coguntur, neque aliter facere possunt, ei quibus tota commissa est res publica. Quin etiam fuit audiendus popa Licinius nescio qui de Circo maximo, servos Milonis, apud se ebrios factos, sibi confessos esse de interficiendo Pompeio coniurasse, dein postea se gladio percussum esse ab uno de illis, ne indicaret. Pompeio in hortos nuntiavit; arcessor in primis; de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriaeque custodis tanta suspicione non metu exanimari; sed mirabar tamen credi popae, confessionem servorum audiri, volnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari. 66. Verum, ut intellego, cavebat magis Pompeius quam timebat, non ea solum quae timenda erant, sed omnia, ne vos aliquid timeretis. Oppugnata domus C. Caesaris, clarissimi et fortissimi viri, per multas noctis horas nuntiabatur. Nemo audierat tam celebri loco, nemo senserat:

tamen audiebatur. Non poteram Cn. Pompeium, praestantissima virtute virum, timidum suspicari: diligentiam, tota re publica suscepta, nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est qui Milonem cum telo esse diceret. Nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat, ut eo tacente res ipsa loqueretur.

XXV. 67. Omnia falsa atque insidiose ficta comperta sunt. Cum tamen, si metuitur etiam nunc Milo, non iam hoc Clodianum crimen timemus, sed tuas, Cn. Pompei — te enim iam appello, et ea voce ut me exaudire possis — tuas, tuas, inquam, suspiciones perhorrescimus: si Milonem times; si hunc de tua vita nefarie aut nunc cogitare aut molitum aliquando aliquid putas; si Italiae dilectus (ut non nulli conquisitores tui dictitarunt), si haec arma, si Capitolinae cohortes, si excubiae, si vigiliae, si dilecta iuventus quae tuum corpus domumque custodit contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt, — magna in hoc certe vis et incredibilis animus, et non unius viri vires atque opes iudicantur, si quidem in hunc unum et praestantissimus dux electus et tota res publica armata est. 68. Sed quis non intellegit omnis tibi rei publicae partis aegras et labantis, ut eas his armis sanares et confirmares, esse commissas? Quod si, locus Miloni datus esset, probasset profecto tibi ipsi neminem umquam hominem homini cariorem fuisse quam te sibi; nullum se umquam periculum pro tua dignitate fugisse; cum ipsa illa taeterrima peste se saepissime pro tua gloria contendisse; tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adiutum in petitione praeturae; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quae si non probaret, si tibi ita penitus inhaesisset ista suspicio nullo ut evelli modo posset, si denique Italia a dilectu, urbs ab armis sine Milonis clade numquam esset conquietura, ne ille hand dubitans cessisset patria, is qui ita natus est et ita consuevit: te, Magne, tamen antestaretur, quod nunc etiam facit.

XXVI. 69. Vide quam sit varia vitae commutabilisque ratio, quam vaga volubilisque fortuna, quantae infidelitates in amicis, quam ad tempus aptae simulationes, quantae in periculis fugae proximorum, quantae timiditates. Erit, erit illud profecto tempus, et inlucescet aliquando ille dies, cum tu — salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum, qui quam crebro accidat experti scire debemus — et amicissimi benevolentiam et gravissimi hominis fidem et unius post homines natos fortissimi viri magnitudinem animi desideres. 70. Quamquam quis hoc credat, Cn.

Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, cum senatus ei commiserit ut videret *Ne quid res publica detrimenti caperet* (quo uno versiculo satis armati semper consules fuerunt, etiam nullis armis datis), hunc exercitu, hunc dilectu dato, iudicium exspectaturum fuisse in eius consiliis vindicandis, qui vi iudicia ipsa tolleret? Satis iudicatum est a Pompeio, satis, falso ista conferri in Milonem, qui legem tulit, qua, ut ego sentio, Milonem absolvi a vobis oporteret, ut omnes confitentur, liceret. 71. Quod vero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre vobis — quid enim minus illo dignum quam cogere ut vos eum condemnetis, in quem animadvertere ipse et more maiorum et suo iure posset? sed praesidio esse, ut intellegatis contra hesternam illam contionem licere vobis quod sentiatis libere iudicare.

XXVII. 72. Nec vero me, iudices, Clodianum crimen movet, nec tam sum demens tamque vestri sensus ignarus atque expers, ut nesciam quid de morte Clodi sentiatis. De qua, si iam nollem ita diluere crimen, ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret: ‘Occidi, occidi, non Sp. Maelium, qui annona levanda iacturisque rei familiaris, quia nimis amplecti plebem videbatur, in suspicionem incidit regni appetendi; non Ti. Gracchum, qui conlegae magistratum per seditionem abrogavit, quorum interfectores impleverunt orbem terrarum nominis sui gloria; sed eum — auderet enim dicere, cum patriam periculo suo liberasset — cuius nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt; 73. eum cuius supplicio senatus sollemnis religiones expiandas saepe censuit — eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse; eum qui civem quem senatus, quem populus Romanus, quem omnes gentes urbis ac vitae civium conservatorem iudicarant, servorum armis exterminavit; eum qui regna dedit, ademit, orbem terrarum quibuscum voluit partitus est; eum qui, plurimis caedibus in foro factis, singulari virtute et gloria civem domum vi et armis compulit; eum cui nihil umquam nefas fuit, nec in facinore nec in libidine; eum qui aedem Nympharum incendit, ut memoriam publicam recensionis tabulis publicis impressam exstingueret; 74. eum denique, cui iam nulla lex erat, nullum civile

ius, nulli possessionum termini; qui non calumnia litium, non iniustis vindiciis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos — eos enim penitus contempserat — sed hunc P. Varium, fortissimum atque optimum civem, iudicem nostrum, pellere possessionibus armis castrisque conatus est; qui cum architectis et decempedis villas multorum hortosque peragrabat; qui Ianiculo et Alpibus spem possessionum terminarat suarum; qui, cum ab equite Romano splendido et forti, M. Paconio, non impetrasset ut sibi insulam in lacu Prilio venderet, repente luntribus in eam insulam materiem, calcem, caementa, arma convexit, dominoque trans ripam inspectante, non dubitavit exstruere aedificium in alieno; 75. qui huic T. Furfanio, — cui viro, di immortales! quid enim ego de muliercula Scantia, quid de adulescente P. Apinio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessissent, — sed ausum esse Furfanio dicere, si sibi pecuniam, quantam poposcerat, non dedisset, mortuum se in domum eius inlaturum, qua invidia huic esset tali viro conflagrandum; qui Appium fratrem, hominem mihi coniunctum fidissima gratia, absentem de possessione fundi deiecit; qui parietem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo vestibulo privaret, sed omni aditu et limine.'

XXVIII. 76. Quamquam haec quidem iam tolerabilia videbantur, etsi aequabiliter in rem publicam, in privatos, in longinquos, in propinquos, in alienos, in suos inruebat; sed nescio quo modo iam usu obduruerat et percalluerat civitatis incredibilis patientia. Quae vero aderant iam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium ille si nactus esset, — omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis, ut in eos se potius immitteret quam in vestras possessiones, vestra tecta, vestras pecunias: — pecunias dico? a liberis (me dius fidius) et a coniugibus vestris numquam ille effrenatas suas libidines cohibuisset. Fingi haec putatis, quae patent, quae nota sunt omnibus, quae tenentur? servorum exercitus illum in urbe conscripturum fuisse, per quos totam rem publicam resque privatas omnium possideret? 77. Quam ob rem si cruentum gladium tenens clamaret T. Annius: 'Adeste, quaeso, atque audite, cives: P. Clodium interfeci; eius furores, quos nullis iam legibus, nullis iudiciis frenare poteramus, hoc ferro et hac

dextera a cervicibus vestris reppuli, per me ut unum ius, aequitas, leges, libertas, pudor, pudicitia in civitate maneret!' esset vero timendum, quonam modo id ferret civitas! Nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnis adfecisse et dicat et sentiat? Non queo vetera illa populi Romani gaudia quanta fuerint iudicare: multas tamen iam summorurn imperatorum clarissimas victorias aetas nostra vidit, quarum nulla neque tam diuturnam attulit laetitiam nec tantam. 78. Mandate hoc memoriae, iudices. Spero multa vos liberosque vestros in re publica bona esse visuros: in eis singulis ita semper existimabitis, vivo P. Clodio nihil eorum vos visuros fuisse. In spem maximam, et (quem ad modum confido) verissimam sumus adducti, hunc ipsum annum, hoc ipso summo viro consule, compressa hominum licentia, cupiditatibus fractis, legibus et iudiciis constitutis, salutarem civitati fore. Num quis est igitur tam demens, qui hoc P. Clodio vivo contingere potuisse arbitretur? Quid? ea quae tenetis, privata atque vestra, dominante homine furioso quod ius perpetuae possessionis habere potuissent?

XXIX. Non, timeo, iudices, ne odio inimicitiarum mearum inflammatus libentius haec in illum evomere videar quam verius. Etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio paene aequaliter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exiti fuerit. 79. Quin sic attendite, iudices. Nempe haec est quaestio de interitu P. Clodi. Fingite animis — liberae sunt enim nostrae cogitationes, et quae volunt sic intuentur ut ea cernimus quae videmusfingite igitur cogitatione imaginem huius condicionis meae, si possim efficere ut Milonem absolvatis, sed ita, si P. Clodius revixerit. Quid voltu extimuistis? quonam modo ille vos vivus adficeret, quos mortuus inani cogitatione percussit? Quid! si ipse Cn. Pompeius, qui ea virtute ac fortuna est ut ea potuerit semper quae nemo praeter illum, si is, inquam, potuisset aut quaestionem de morte P. Clodi ferre aut ipsum ab inferis excitare, atrum putatis potius facturum fuisse? Etiam si propter amicitiam vellet illum ab inferis evocare, propter rem publicam fecisset. Eius igitur mortis

sedetis ultores, cuius vitam si putetis per vos restitui posse, nolitis; et de eius nece lata quaestio est, qui si lege eadem reviviscere posset, lata lex numquam esset. Huius ergo interfector si esset, in confitendo ab eisne poenam timeret quos liberavisset? 80. Graeci homines deorum honores tribuunt eis viris qui tyrannos necaverunt. Quae ego vidi Athenis! quae aliis in urbibus Graeciae! quas res divinas talibus institutas viris! quos cantus, quae carmina! prope ad immortalitatis et religionem et memoriam consecrantur. Vos tanti conservatorem populi, tanti sceleris ultorem non modo honoribus nullis adficietis, sed etiam ad supplicium rapi patiemini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo et libenter fecisse se libertatis omnium causa, quod et ei non confitendum modo, verum etiam praedicandum.

XXX. 81. Etenim si id non negat ex quo nihil petit nisi ut ignoscatur, dubitaret id fateri ex quo etiam praemia laudis essent petenda? nisi vero gratius putat esse vobis sui se capitis quam vestri defensorem fuisse, cum praesertim [in] ea confessione, si grati esse velletis, honores adsequeretur amplissimos. Si factum vobis non probaretur — quamquam qui poterat salus sua cuiquam non probari? — sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate. Nam quid esset ingratius quam laetari ceteros, lugere eum solum prop ter quem ceteri laetarentur? 82. Quamquam boc animo semper omnes fuimus in patriae proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus. Nam quae mihi ipsi tribuenda laus esset, cum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id, quod conabar sine maximis dimicationibus meis me esse ausurum arbitrarer? Quae mulier sceleratum ac perniciosum civem interficere non auderet, si periculum non timeret? Proposita invidia, morte, poena, qui nihilo segnius rem publicam defendit, is vir vere putandus est. Populi grati est praemiis adficere bene meritos de re publica civis; viri fortis ne suppliciis quidem moveri ut fortiter fecisse paeniteat. 83. Quam ob rem uteretur eadem confessione T. Annius qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi; et, si grata res publica esset, laetaretur: si ingrata, tamen in gravi fortuna conscientia sua niteretur. Sed huius benefici gratiam, iudices, fortuna populi Romani

et vestra felicitas et di immortales sibi deberi putant. Nec vero quisquam aliter arbitrari potest, nisi qui nullam vim esse ducit numenve divinum; quem neque imperi nostri magnitudo neque sol ille nec caeli signorumque motus nec vicissitudines rerum atque ordines movent, neque (id quod maximum est) maiorum sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt, et nobis suis posteris prodiderunt.

XXXI. 84. Est, est profecto illa vis: neque in his corporibus atque in hac imbecillitate nostra inest quiddam quod vigeat et sentiat, et non inest in hoc tanto naturae tam praeclaro motu. Nisi forte idcirco non putant, quia non apparet nec cernitur: proinde quasi nostram ipsam mentem qua sapimus, qua providemus, qua haec ipsa agimus ac dicimus, videre aut plane qualis aut ubi sit sentire possimus. Ea vis igitur ipsa, quae saepe incredibilis huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit; cui primum mentem iniecit, ut vi irritare ferroque lacessere fortissimum virum auderet, vincereturque ab eo, quem si vicisset habiturus esset impunitatem et licentiam sempiternam. 85. Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium cura, res illa perfecta. Religiones me hercule ipsae, quae illam beluam cadere viderunt, commosse se videntur, et ius in illo suum retinuisse. Vos enim iam, Albani tumuli atque luci, vos, inquam, imploro atque obtestor; vosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales, quas ille praeceps amentia, caesis prostratisque sanctissimis lucis, substructionum insanis molibus oppresserat. Vestrae tum [arae] vestrae religiones viguerunt; vestra vis valuit, quam ille omni scelere polluerat. Tuque ex tuo edito monte, Latiaris sancte Iuppiter, cuius ille lacus, nemora finisque saepe omni nefario stupro et scelere macularat, aliquando ad eum poeniendum oculos aperuisti. Vobis illae, vobis vestro in conspectu serae, sed iustae tamen et debitae poenae solutae sunt. 86. Nisi forte hoc etiam casu factum esse dicemus, ut ante ipsum sacrarium Bonae deae, quod est in fundo T. Sergi Galli, in primis honesti et ornati adulescentis, ante ipsam, inquam, Bonam deam, eum proelium commisisset, primum illud volnus acciperet, quo taeterrimam mortem obiret; ut non absolutus iudicio illo nefario videretur, sed ad hanc insignem poenam reservatus.

XXXII. Nec vero non eadem ira deorum hanc eius satellitibus iniecit amentiam, ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, cui cedere inimici etiam solent, ambureretur abiectus. Non fuisse credo fas clarissimorum virorum formas illi taeterrimo parricidae aliquid decoris adferre, neque ullo in loco potius mortem eius lacerari quam in quo vita esset damnata.

87. Dura (me dius fidius) mihi iam Fortuna populi Romani et crudelis videbatur, quae tot annos illum in hanc rem publicam insultare pateretur. Polluerat stupro sanctissimas religiones, senatus gravissima decreta perfregerat, pecunia se a iudicibus palam redemerat, vexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta rescinderat, me patria expulerat, bona diripuerat, domum incenderat, liberos, coniugem meam vexarat, Cn. Pompeio nefarium bellum indixerat, magistratuum privatorumque caedis effecerat, domum mei fratris incenderat, vastarat Etruriam, multos sedibus ac fortunis eiecerat. Instabat, urgebat. Capere eius amentiam civitas, Italia, provinciae, regna non poterant. Incidebantur iam domi leges, quae nos servis nostris addicerent. Nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. 88. Obstabat eius cogitationibus nemo praeter Milonem. Illum ipsum, qui obstare poterat, novo reditu in gratiam quasi devinctum arbitrabatur: Caesaris potentiam suam esse dicebat: bonorum animos in meo casu contempserat: Milo unus urgebat.

XXXIII. Hic di immortales, ut supra dixi, mentem illi perdito ac furioso dederunt, ut huic faceret insidias. Aliter perire pestis illa non potuit: numquam illum res publica suo iure esset ulta. Senatus (credo) praetorem eum circumscripsisset. Ne cum solebat quidem id facere, in privato eodem hoc aliquid profecerat. 89. An consules in praetore coercendo fortes fuissent? Primum, Milone occiso habuisset suos consules: deinde quis in eo praetore consul fortis esset, per quem tribunum virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret, teneret: lege nova [quae est inventa apud eum cum reliquis legibus Clodianis] servos nostros libertos suos fecisset: postremo, nisi eum di immortales in eam mentem impulissent, ut homo effeminatus fortissimum virum

conaretur occidere, hodie rem publicam nullam haberetis.

90. An ille praetor, ille vero consul, — si modo haec templa atque ipsa moenia stare eo vivo tam diu et consulatum eius exspectare potuissent, — ille denique vivus mali nihil fecisset, qui mortuus, uno ex suis satellitibus [Sex. Clodio] duce, curiam incenderit? Quo quid miserius, quid acerbius, quid luctuosius vidimus? Templum sanctitatis, amplitudinis, mentis, consili publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo concessam uni ordini, inflammari, exscindi, funestari? neque id fieri a multitudine imperita — quamquam esset miserum id ipsum — sed ab uno? Qui cum tantum ausus sit ustor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abiecit, ut eam mortuus incenderet, quam vivus everterat. 91. Et sunt qui de via Appia querantur, taceant de curia! et qui ab eo spirante forum putent potuisse defendi, cuius non restiterit cadaveri curia! Excitate, excitate ipsum, si potestis, a mortuis. Frangetis impetum vivi, cuius vix sustinetis furias insepulti? Nisi vero sustinuistis eos qui cum facibus ad curiam cucurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitarunt. Caedi vidistis populum Romanum, contionem gladiis disturbari, cum audiretur silentio M. Caelius, tribunus plebis, vir et in re publica fortissimus, et in suscepta causa firmissimus, et bonorum voluntati et auctoritati senatus deditus, et in hac Milonis sive invidia sive fortuna singulari, divina et incredibili fide.

XXXIV. 92. Sed iam satis multa de causa: extra causam etiam nimis fortasse multa. Quid restat nisi ut orem obtesterque vos, iudices, ut eam misericordiam tribuatis fortissimo viro, quam ipse non implorat, ego etiam repugnante hoc et imploro et deposco? Nolite, si in nostro omnium fletu nullam lacrimam aspexistis Milonis, si voltum semper eundem, si vocem, si orationem stabilem ac non mutatam videtis, hoc minus ei parcere: hand scio an multo sit etiam adiuvandus magis. Etenim si in gladiatoriis pugnis et infimi generis hominum condicione atque fortuna timidos atque supplices et ut vivere liceat obsecrantis etiam odisse solemus, fortis atque animosos et se acriter ipsos morti offerentis servare cupimus, eorumque nos magis miseret qui nostram misericordiam non requirunt quam qui illam efflagitant, — quanto hoc magis in fortissimis civibus facere debemus?

93. Me quidem, iudices, exanimant et interimunt hac voces Milonis, quas audio adsidue et quibus intersum cotidie. ‘Valeant,’ inquit, — valeant cives mei: sint incolumes, sint florentes, sint beati: stet haec urbs praeclara mihique patria carissima, quoquo modo erit merita de me. Tranquilla re publica mei cives, quoniam mihi cum illis non licet, sine me ipsi, sed propter me tamen perfruantur. Ego cedam atque abibo: si mihi bona re publica frui non licuerit, at carebo mala, et quam primum tetigero bene moratam et liberam civitatem, in ea conquiescam. 94. O frustra, ‘inquit,’ mihi suscepti labores! O spes fallaces et cogitationes inanes meae! Ego cum tribunus plebis re publica oppressa me senatui dedissem, quem exstinctum acceperam, equitibus Romanis, quorum vires erant debiles, bonis viris, qui omnem auctoritatem Clodianis armis abiecerant, mihi umquam bonorum praesidium defuturum putarem? ego cum te’ — mecum enim saepissime loquitur—’patriae reddidissem, mihi putarem in patria non futurum locum? Ubi nunc senatus est, quem secuti sumus? ubi equites Romani illi [illi],’ inquit, ‘tui? ubi studia municipiorum? ubi Italiae voces? ubi denique tua illa, M. Tulli, quae plurimis fuit auxilio, vox atque defensio? mihine ea soli, qui pro te totiens morti me obtuli, nihil potest opitulari?’

XXXV. 95. Nec vero haec, iudices, ut ego nunc, flens, sed hoc eodem loquitur voltu quo videtis. Negat enim, negat ingratis civibus fecisse se quae fecerit; timidis et omnia circumspicientibus pericula non negat. Plebem et infimam multitudinem, quae P. Clodio duce fortunis vestris imminebat, eam, quo tutior esset vestra vita, se fecisse commemorat ut non modo virtute flecteret, sed etiam tribus suis patrimoniis deleniret; nec timet ne, cum plebem muneribus placarit, vos non conciliarit meritis in rem publicam singularibus. Senatus erga se benevolentiam temporibus his ipsis saepe esse perspectam, vestras vero et vestrorum ordinum occursationes, studia, sermones, quemcumque cursum fortuna dederit, se secum ablaturum esse dicit. 96. Meminit etiam sibi vocem praeconis modo defuisse, quam minime desiderarit; populi vero cunctis suffragiis, quod unum cupierit, se consulem declaratum: nunc denique, si haec contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare. Addit haec, quae certe vera sunt: fortis et sapientis viros non tam praemia sequi solere recte factorum, quam ipsa recte facta; se nihil in vita nisi

praeclarissime fecisse, si quidem nihil sit praestabilius viro quam periculis patriam liberare; beatos esse quibus ea res honori fuerit a suis civibus, 97. nec tamen eos miseros qui beneficio civis suos vicerint; sed tamen ex omnibus praemiis virtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam: esse hanc unam quae brevitatem vitae posteritatis memoria consolaretur; quae efficeret ut absentes adessemus, mortui viveremus; hanc denique esse, cuius gradibus etiam in caelum homines viderentur ascendere. 98.'De me,' inquit, 'semper populus Romanus, semper omnes gentes loquentur, nulla umquam obmutescet vetustas. Quin hoc tempore ipso, cum omnes a meis inimicis faces invidiae meae subiciantur, tamen omni in hominum coetu gratiis agendis et gratulationibus habendis et omni sermone celebramur.' Omitto Etruriae festos et actos et institutos dies: centesima lux est haec ab interitu P. Clodi, et (opinor) altera. Qua fines imperi populi Romani sunt, ea non solum fama iam de illo, sed etiam laetitia peragravit. Quam ob rem 'Ubi corpus hoc sit non,' inquit, 'laboro, quoniam omnibus in terris et iam versatur et semper habitabit nominis mei gloria.'

XXXVI. 99. Haec tu mecum saepe his absentibus, sed isdem audientibus haec ego tecum, Milo: 'Te quidem, cum isto animo es, satis laudare non possum; sed, quo est ista magis divina virtus, eo maiore a te dolore divellor. Nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querella, ut eis irasci possim, a quibus tantum volnus accepero. Non enim inimici mei te mihi eripient, sed amicissimi; non male aliquando de me meriti, sed semper optime.' Nullum umquam, iudices, mihi tantum dolorem inuretis — etsi quis potest esse tantus?sed ne hunc quidem ipsum, ut obliviscar quanti me semper feceritis. Quae si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur quam Milonis? Praeclare enim vixero, si quid mihi acciderit prius quam hoc tantum mali videro. 100. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a ille amoris, nullum studi, nullum pietatis officium defuit. Ego inimicitias potentium pro te appetivi; ego meum saepe corpus et vitam obieci armis inimicorum tuorum; ego me plurimis pro te supplicem abieci; bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli: hoc denique ipso die, si quae vis est parata, si quae dimicatio capitis futura, deposco. Quid

iam restat? Quid habeo quod faciam pro tuis in me meritis, nisi ut eam fortunam, quaecumque erit tua, ducam meam? Non recuso, non abnuo; vosque obsecro, iudices, ut vestra beneficia, quae in me contulistis, aut in huius salute augeatis, aut in eiusdem exitio occasura esse videatis.

XXXVII. 101. His lacrimis non movetur Milo. Est quodam incredibili robore animi. Exsilium ibi esse putat, ubi virtuti non sit locus; mortem naturae finem esse, non poenam. Sed hic ea mente qua natus est. Quid vos, iudices? quo tandem animo eritis? Memoriam Milonis retinebitis, ipsum eicietis? et erit dignior locus in terris ullus qui hanc virtutem excipiat, quam hic qui procreavit? Vos, vos appello, fortissimi viri, qui multum pro re publica sanguinem effudistis: vos in viri et in civis invicti appello periculo, centuriones, vosque milites: vobis non modo inspectantibus, sed etiam armatis et huic iudicio praesidentibus, haec tanta virtus ex hac urbe expelletur, exterminabitur, proicietur? 102. O me miserum! O me infelicem! Revocare tu me in patriam, Milo, potuisti per hos: ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis, qui te parentem alterum putant? Quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? Mene non potuisse Milonis salutem tueri per eosdem, per quos nostram ille servasset? At in qua causa non potuisse? quae est grata gentibus . . . non potuisse? eis qui maxime P. Clodi morte acquierunt: quo deprecante? me. 103. Quodnam ego concepi tantum scelus, aut quod in me tantum facinus admisi, iudices, cum illa indicia communis exiti indagavi, patefeci, protuli, exstinxi? Omnes in me meosque redundant ex fonte illo dolores. Quid me reducem esse voluistis? an ut inspectante me expellerentur ei per quos essem restitutus? Nolite, obsecro vos, acerbiorem mihi pati reditum esse, quam fuerit ille ipse discessus. Nam qui possum putare me restitutum esse, si distrahar ab his, per quos restitutus sum?

XXXVIII. Utinam di immortales fecissent — pace tua, patria, dixerim; metuo enim ne scelerate dicam in te quod pro Milone dicam pieutinam P. Clodius non modo viveret, sed etiam praetor, consul, dictator esset, potius quam hoc spectaculum viderem! 104. O di immortales! fortem et a vobis, iudices, conservandum virum! ‘Minime, minime,’ inquit. ‘Immo vero poenas ille debitas luerit: nos

subeamus, si ita necesse est, non debitas.' Hicine vir, patriae natus, usquam nisi in patria morietur? aut, si forte, pro patria? Huius vos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum a vobis ad se vocabunt? 105. O terram illam beatam, quae hunc virum exceperit: hanc ingratam, si eiecerit; miseram, si amiserit!

Sed finis sit: neque enim prae lacrimis iam loqui possum, et hic se lacrimis defendi vetat. Vos oro obtestorque, iudices, ut in sententiis ferendis, quod sentietis id audeatis. Vestram virtutem, iustitiam, fidem, mihi credite, is maxime probabit, qui in iudicibus legendis optimum et sapientissimum et fortissimum quemque elegit.

PRO REGE DEIOTARO (On Behalf of King Deiotarus before Caesar)

M. TVLLI CICERONIS PRO REGE DEIOTARO AD C. CAESAREM ORATIO

[1] Cum in omnibus causis gravioribus, C. Caesar, initio dicendi commoveri soleam vehementius, quam videtur vel usus vel aetas mea postulare, tum in hac causa ita me multa perturbant, ut, quantum mea fides studii mihi adferat ad salutem regis Deiotari defendendam, tantum facultatis timor detrahat. Primum dico pro capite fortunisque regis, quod ipsum, etsi non iniquum est in tuo dum taxat periculo, tamem est ita inusitatum, regem reum capitis esse, ut ante hoc tempus non sit auditum;

[2] deinde eum regem, quem ornare antea cuncto cum senatu solebam pro perpetuis eius in nostram rem publicam meritis, nunc contra atrocissimum crimen cogor defendere. Accedit ut accusatorum alterius crudelitate, alterius indignitate conturber: crudelem Castorem, ne dicam sceleratum et impium, qui nepos avum in capitis discrimen adduxerit adulescentiaeque suae terrorem intulerit ei, cuius senectutem tueri et tegere debebat, commendationemque ineuntis aetatis ab impietate et scelere duxerit; avi servum corruptum praemiis ad accusandum dominum impulerit, a legatorum pedibus abduxerit.

[3] Fugitivi autem dominum accusantis et dominum absentem et dominum amicis simum nostrae rei publicae cum os videbam, cum verba audiebam, non tam adflictam regiam con dicionem dolebam quam de fortunis communibus extimescebam. Nam cum more maiorum de servo in dominum ne tormentis quidem quaeri liceat, in qua quaestione dolor elicere veram vocem possit etiam ab invito, exortus est servus qui, quem in eculeo appellare non posset, eum accuset solutus.

[4] II. Perturbat me, C. Caesar, etiam illud interdum, quod tamen cum te penitus recognovi, timere desino: re enim iniquum est, sed tua sapientia fit aequissimum: nam dicere apud eum de facinore, contra cuius vitam consilium facinoris inisse arguare, cum per se ipsum consideres, grave est; nemo enim fere est qui sui periculi iudex non

sibi se aequiorem quam reo praebeat: sed tua, C. Caesar, praestans singularisque natura hunc mihi metum minuit. Non enim tam timeo quid tu de rege Deiotaro, quam intellego quid de te ceteros velis iudicare.

[5] Moveor etiam loci ipsius insolentia, quod tantam causam, quanta nulla umquam in disceptatione versata est, dico intra domesticos parietes, dico extra conventum et eam frequentiam, in qua oratorum studia niti solent: in tuis oculis, in tuo ore voltuque acquiesco, te unum intueor, ad te unum omnis mea spectat oratio: quae mihi ad spem obtinendae veritatis gravissima sunt, ad motum animi et ad omnem impetum dicendi contentionemque leviora:

[6] hanc enim, C. Caesar, causam si in foro dicerem eodem audiente et disceptante te, quantam mihi alacritatem populi Romani concursus adferret! Quis enim civis ei regi non faveret, cuius omnem aetatem in populi Romani bellis consumptam esse meminisset? Spectarem curiam, intuerer forum, caelum denique testarer ipsum. Sic, cum et deorum immortalium et populi Romani et senatus beneficia in regem Deiotarum recordarer, nullo modo mihi deesse posset oratio.

[7] Quae quoniam angustiora parietes faciunt actioque maximae causae debilitatur loco, tuum est, Caesar, qui pro multis saepe dixisti, quid mihi nunc animi sit, ad te ipsum referre, quo facilius cum aequitas tua tum audiendi diligentia minuat hanc perturbationem meam. Sed ante quam de accusatione ipsa dico, de accusatorum spe pauca dicam; qui cum videantur nec ingenio nec usu atque exercitatione rerum valere, tamen ad hanc causam non sine aliqua spe et cogitatione venerunt.

[8] III. Iratum te regi Deiotaro fuisse non erant nescii; adfectum illum quibusdam incommodis et detrimentis propter offensionem animi tui meminerant, teque cum huic iratum, tum sibi amicum esse cognoverant, cumque apud ipsum te de tuo periculo dicerent, fore putabant ut in exulcerato animo facile fictum crimen insideret. Quam ob rem hoc nos primum metu, Caesar, per fidem et constantiam et clementiam tuam libera, ne residere in te ullam partem iracundiae suspicemur. Per dexteram istam te oro, quam regi Deiotaro hospes hospiti porrexisti, istam, inquam, dexteram non tam in bellis neque in proelus quam in promissis et fide firmiorem. Tu illius domum inire,

tu vetus hospitium renovare voluisti; te eius di penates acceperunt, te amicum et placatum Deiotari regis arae focique viderunt.

[9] Cum facile orari, Caesar, tum semel exorari soles. Nemo umquam te placavit inimicus, qui ullas resedisse in te simultatis reliquias senserit. Quamquam cui sunt inauditae cum Deiotaro querellae tuae? Num quam tu illum accusavisti ut hostem, sed ut amicum officio parum functum, quod propensior in Cn. Pompeii amicitiam fuisset quam in tuam: cui tamen ipsi rd veniam te daturum fuisse dicebas, si tantum auxilia Pompeio, vel si etiam filium misisset, ipse aetatis excusatione usus esset.

[10] Ita cum maximis eum rebus liberares, perparvam amicitiae culpam relinquebas; itaque non solum in eum non animadvertisti, sed omni metu liberavisti, hospitem agnovisti, regem reliquisti. Neque enim ille odio tui progressus, sed errore communi lapsus est. Is rex, quem senatus hoc nomine saepe honorificentissimis decretis appellavisset, quique illum ordinem ab adulescentia gravissimum sanctissimumque duxisset, isdem rebus est perturbatus homo longinquus et alienigena, quibus nos in media re publica nati semperque versati:

[11] IV. cum audiret senatus consentientis auctoritate arma sumpta, consulibus, praetoribus, tribunis plebis, nobis imperatoribus rem publicam defendendam datam, movebatur animo et vir huic imperio amicissimus de salute populi Romani extimescebat, in qua etiam suam esse inclusam videbat: in summo tamen timore quiescendum esse arbitrabatur. Maxime vero perturbatus est, ut audivit, consules ex Italia profugisse omnisque consularis — sic enim ei nuntiabatur, — cunctum senatum, totam Italiam effusam: talibus enim nuntiis et rumoribus patebat ad orientem via nec ulli veri subsequebantur. Nihil ille de condicionibus tuis, nihil de studio concordiae et pacis, nihil de conspiratione audiebat certorum hominum contra dignitatem tuam. Quae cum ita essent, tamen usque eo se tenuit, quoad a Cn. Pompeio ad eum legati litteraeque venerunt.

[12] Ignosce, ignosce, Caesar, si eius viri auctoritati rex Deiotarus cessit, quem nos omnes secuti sumus; ad quem cum di atque homines omnia ornamenta congessissent, tum tu ipse plurima et maxima. Neque enim, si tuae res gestae ceterorum laudibus obscuritatem attulerunt, idcirco Cn. Pompeii memoriam amisimus. Quantum

nomen illius fuerit, quantae opes, quanta in omni genere bellorum gloria, quanti honores populi Romani, quanti senatus, quanti tui, quis ignorat? Tanto ille superiores vicerat gloria, quanto tu omnibus praestitisti; itaque Cn. Pompeii bella, victorias, triumphos, consulatus admirantes numerabamus: tuos enumerare non possumus.

[13] V. Ad eum igitur rex Deiotarus venit hoc misero fatalique bello, quem antea iustis hostilibusque bellis adiuverat, quocum erat non hospitio solum, verum etiam familiaritate coniunctus, et venit vel rogatus ut amicus, vel arcessitus ut socius, vel evocatus ut is, qui senatui parere didicisset: postremo venit ut ad fugientem, non ut ad insequentem, id est ad periculi, non ad victoriae societatem. Itaque Pharsalico proelio facto a Pompeio discessit; spem infinitam persequi noluit; vel officio, si quid debuerat, vel errori, si quid nescierat, satis factum esse duxit; domum se contulit, teque Alexandrinum bellum gerente utilitatibus tuis paruit.

[14] Ille exercitum Cn. Domitii, amplissimi viri, suis tectis et copiis sustentavit; ille Ephesum ad eum, quem tu ex tuis fidelissimum et probatissimum omnibus delegisti, pecuniam misit; ille iterum, ille tertio auctionibus factis pecuniam dedit, qua ad bellum uterere; ille corpus suum periculo obiecit, tecumque in acie contra Pharnacem fuit tuumque hostem esse duxit suum. Quae quidem a te in eam partem accepta sunt, Caesar, ut eum amplissimo regis honore et nominc adfeceris.

[15] Is igitur non modo a te periculo liberatus, sed etiam honore amplissimo ornatus, arguitur domi te suae interficere voluisse: quod tu, nisi eum furiosissimum iudicas, suspicari profecto non potes. Ut enim omittam cuius tanti sceleris fuerit in conspectu deorum penatium necare hospitem, cuius tantae importunitatis omnium gentium atque omnis memoriae clarissimum lumen exstinguere, cuius tantae ferocitatis victorem orbis terrarum non extimescere, cuius tam inhumani et ingrati animi, a quo rex appellatus esset, in eo tyrannum inveniri — ut haec omittam, cuius tanti furoris fuit, omnis reges, quorum multi erant finitimi, omnis liberos populos, omnis socios, omnis provincias, omnia denique omnium arma contra se unum excitare? Quonam ille modo cum regno, cum domo, cum coniuge, cum carissimo filio distractus esset, tanto scelere non modo perfecto, sed etiam cogitato?

[16] VI. At, credo, haec homo inconsultus et temerarius non videbat. Quis consideratior illo? Quis tectior? Quis prudentior? Quamquam hoc loco Deiotarum non tam ingenio et prudentia quam fide et religione vitae defendendum puto. Nota tibi est hominis probitas, C. Caesar, noti mores, nota constantia. Cui porro, qui modo populi Romani nomen audivit, Deiotari integritas, gravitas, virtus, fides non audita est? Quod igitur facinus nec in hominem imprudentem caderet propter metum praesentis exitii, nec in facinorosum, nisi esset idem amentissimus, id vos et a viro optimo et ab homine minime stulto cogitatum esse confingitis?

[17] At quam non modo non credibiliter, sed ne suspitiose quidem! "Cum" inquit "in castellum Blucium venisses et domum regis, hospitis tui, devertisses, locus erat quidam, in quo erant ea composita, quibus te rex munerari constituerat: huc te e balneo, prius quam accumberes, ducere volebat; erant enim armati, qui te interficerent, in eo ipso loco conlocati." En crimen, en causa, cur regem fugitivus, dominum servus accuset. Ego me hercules, Caesar, initio, cum est ad me ista causa delata, Phidippum medicum, servum regium, qui cum legatis missus esset, ab isto adulescente esse corruptum, hac sum suspitione percussus: medicum indicem subornavit; finget videlicet aliquod crimen veneni. Etsi a veritate longe, tamen a consuetudine criminandi non multum res abhorrebat.

[18] Quid ait medicus? Nihil de veneno. At id fieri potuit primum occultius in potione, in cibo; deinde etiam impunius fit, quod cum est factum, negari potest. Si palam te interemisset, omnium in se gentium non solum odia, sed etiam arma convertisset: si veneno, Iovis ille quidem hospitalis numen numquam celare potuisset, homines fortasse celasset. Quod igitur et conari occultius et efficere cautius potuit, id tibi et medico callido et servo, ut putabat, fideli, non credidit: de armis, de ferro, de insidiis celare te noluit?

[19] At quam festive crimen contexitur! "Tua te" inquit "eadem, quae saepe, fortuna servavit: negavisti tum te inspicere velle." VII. Quid postea? An Deiotarus, re illo tempore non perfecta, continuo dimisit exercitum? Nullus erat alius insidiandi locus? At eodem te, cum cenavisses, rediturum dixeras, itaque fecisti. Horam unam aut duas eodem loco armatos, ut conlocati fuerant, retinere magnum fuit? Cum in convivio comiter et iucunde fuisses, tum illuc isti, ut dixeras:

quo in loco Deiotarum talem erga te cognovisti, qualis rex Attalus in P. Africanum fuit, cui magnificentissima dona, ut scriptum legimus, usque ad Numantiam misit ex Asia, quae Africanus inspectante exercitu accepit; quod cum praesens Deiotarus regio et animo et more fecisset, tu in cubiculum discessisti.

[20] Obsecro, Caesar, repete illius temporis memoriam, pone illum ante oculos diem, voltus hominum te intuentium atque admirantium recordare: num quae trepidatio? Num qui tumultus? Num quid nisi modeste, nisi quiete, nisi ex homiuis gravissimi et sanctissimi disciplina? Quid igitur causae excogitari potest cur te lautum voluerit, cenatum noluerit occidere?

[21] "In posterum" inquit "diem distulit, ut, cum in castellum Bluciuml ventum esset, ibi cogitata perficeret." Non video causam mutandi loci, sed tamen acta res criminose est. "Cum" inquit "vomere post cenam te velle dixisses, in balneum te ducere coeperunt: ibi enim erant insidiae. At te eadem tua fortuna servavit: in cubiculo malle dixisti." Di te perduint, fugitive! Ita non modo nequam et improbus, sed fatuus et amens es. Quid? Ille signa aenea in insidiis posuerat, quae e balneo in cubiculum transferri non possent? Habes crimina insidiarum: nihil enim dixit amplius. "Horum" inquit "eram conscius." Quid tum? Ita ille demens erat, ut eum, quem conscium tanti sceleris haberet, a se dimitteret? Romam etiam mitteret, ubi et inimicissimum sciret esse nepotem sum et C. Caesarem, cui fecisset insidias? Praesertim cum is unus esset qui posset de absente se indicare?

[22] "Et fratres meos," inquit " quod erant conscii, in vincula coniecit." Cum igitur eos vinciret, quos secum habebat, te solutum Romam mittebat, qui eadem scires, quae illos scire dicis?

VIII. Reliqua pars accusationis duplex fuit: una regem semper in speculis fuisse, cum a te esset animo alieno, altera exercitum eum contra te magnum comparasse. De exercitu dicam breviter, ut cetera. Numquam eas copias rex Deiotarus habuit, quibus inferre bellum populo Romano posset, sed quibus finis suos ab excursionibus et latrociniis tueretur et imperatoribus nostris auxilia mitteret. Atque antea quidem maiores copias alere poterat; nunc exiguas vix tueri potest.

[23] At misit ad Caecilium nescio quem: sed eos, quos misit, quod

ire noluerunt, in vincula coniecit. Non quaero quam veri simile sit aut habuisse regem quos mitteret aut eos, quos misisset, non paruisse, aut, qui dicto audientes in tanta re non fuissent, eos vinctos potius quam necatos. Sed tamen cum ad Caecilium mittebat, utrum causam illam victam esse nesciebat an Caecilium istum magnum hominem putabat? Quem profecto is, qui optime nostros homines novit, vel quia non nosset vel si nosset, contemneret.

[24] Addit etiam illud, equites non optimos misisse. Credo, Caesar, nihil ad tuum equitatum, sed misit ex eis, quos habuit, electos. Ait nescio quem ex eo numero servum iudicatum. Non arbitror, non audivi: sed in eo, etiam si accidisset, culpam regis nullam fuisse arbitrarer. IX. Alieno autem a te animo fuit quo modo? Speravit, credo, difficilis tibi Alexandriae fore exitus propter regionis naturam et fluminis. At eo tempore ipso pecuniam dedit, exercitum aluit, ei, quem Asiae praefeceras, in nulla re defuit; tibi victori non solum ad hospitium, sed ad periculum etiam atque ad aciem praesto fuit.

[25] Secutum est bellum Africanum: graves de te rumores, qui etiam furiosum illum Caecilium excitaverunt. Quo tum rex animo fuit? Qui auctionatus sit seseque spoliare maluerit quam tibi pecuniam non subministrare. “At eo” inquit “tempore ipso Nicaeam Ephesumque mittebat qui rumores Africanos exciperent et celeriter ad se referrent: itaque cum esset ei nuntiatum Domitium naufragio perisse, te in castello circumsederi, de Domitio dixit versum Graecum eadem sententia, qua etiam nos habemus Latinum:

pereant amici, dum inimici una intercidant.”

Quod ille, si esset tibi inimicissimus, numquam tamen dixisset: ipse enim mansuetus, versus immanis. Qui autem Domitio poterat esse amicus, qui tibi esset inimicus? Tibi porro inimicus cur esset, a quo cum vel interfici belli lege potuisset, regem et se et filium suum constitutos esse meminisset?

[26] Quid deinde? Furcifer quo progreditur? Ait hac laetitia Deiotarum elatum vino se obruisse in convivioque nudum saltavisse. Quae crux huic fugitivo potest satis suppliciu adferre? Deiotarum saltantem quisquam aut ebrium vidit umquam? Omnes in illo sunt rege virtutes, quod te, Caesar, ignorare non arbitror, sed praecipue singularis et admiranda frugalitas: etsi hoc verbo scio laudari regem non solere; frugi hominem dici non multum habet laudis in rege:

fortem, iustum, severum, gravem, magnanimum, largum, beneficum, liberalem: hae sunt regiae laudes, illa privata est. Ut volet quisque, accipiat: ego tamen frugalitatem, id est modestiam et temperantiam, virtutem maximam iudico. Haec in illo est ab ineunte aetate cum a cuncta Asia, cum a magistratibus legatisque nostris, tum ab equitibus Romanis, qui in Asia negotiati sunt, perspecta et cognita.

[27] Multis ille quidem gradibus officiorum erga rem publicam nostram ad hoc regium nomen ascendit; sed tamen quicquid a bellis populi Romani vacabat, cum hominibus nostris consuetudines, amicitias, res rationesque iungebat, ut non solum tetrarches nobilis, sed etiam optimus pater familias et diligentissimus agricola et pecuarius haberetur. Qui igitur adulescens, nondum tanta gloria praeditus, nihil umquam nisi severissime et gravissime fecerit, is ea existi matione eaque aetate saltavit?

[28] X. Imitari, Castor, potius avi mores disciplinamque debebas quam optimo et clarissimo viro fugitivi ore male dicere. Quod si saltatorem avum habuisses neque eum virum, unde pudoris pudicitiaeque exempla peterentur, tamen hoc maledictum minime in illam aetatem conveniret. Quibus ille studiis ab ineunte aetate se imbuerat, non saltandi, sed bene ut armis, optime ut equis uteretur, ea tamen illum cuncta iam exacta aetate defecerant. Itaque Deiotarum cum plures in equum sustulissent, quod haerere in eo senex posset, admirari solebamus: hic vero adulescens, qui meus in Cilicia miles, in Graecia commilito fuit, eum in illo nostro exercitu equitaret cum suis delectis equitibus, quos una cum eo ad Pompeium pater miserat, quos concursus facere solebat! Quam se iactare, quam ostentare, quam nemini in illa causa studio et cupiditate concedere!

[29] Cum vero exercitu amisso ego, qui pacis semper auctor fui, post Pharsalicum proelium suasor fuissem armorum non deponendorum, sed abiciendorum, hunc ad meam auctoritatem non potui adducere, quod et ipse ardebat studio illius belli et patri satis faciendum esse arbitrabatur. Felix ista domus quae non impunitatem solum adepta sit, sed etiam accusandi licentiam: calamitosus Deiotarus qui, quod in eisdem castris fuerit, non modo apud te, sed etiam a suis accusetur! Vos vestra secunda fortuna, Castor, non potestis sine propinquorum calamitate esse contenti?

[30] XI. Sint sane inimicitiae, quae esse non debebant — rex enim

Deiotarus vestram familiam abiectam et obscuram e tenebris in lucem evocavit: quis tuum patrem antea, quis esset, quam cuius gener esset, audivit? — sed quamvis ingrate et impie necessitudinis nomen repudiaretis, tamen inimicitias hominum more gerere poteratis, non ficto crimine insectari, non expetere vitam, non capitis arcessere. Esto: concedatur haec quoque acerbitas et odii magnitudo: adeone, ut omnia vitae salutisque communis atque etiam humanitatis iura violentur? Servum sollicitare verbis, spe promissisque corrumpere, abducere domum, contra dominum armare, hoc est non uni propinquo, sed omnibus familiis nefarium bellum indicere; nam ista corruptela servi si non modo impunita fuerit, sed etiam a tanta auctoritate approbata, nulli parietes nostram salutem, nullae leges, aulla iura custodient. Ubi enim id, quod intus est atque nostrum, impune evolare potest contraque nos pugnare, fit in dominatu servitus, in servitute dominatus.

[31] O tempora, o mores ! Cn. Domitius ille, quem nos pueri consulem, censorem, pontificem maximum vidimus, cum tribunus plebis M. Scaurum principem civitatis in iudicium populi vocavisset Scaurique servus ad eum clam domum venisset et crimina in dominum delaturum se esse dixisset, prehendi hominem iussit ad Scaurumque deduci. Vide quid intersit, etsi inique Castorem cum Domitio comparo: sed tamen ille inimico servum remisit, tu ab avo abduxisti; ille incorruptum audire noluit, tu corrupisti; ille adiutorem servum contra dominum repudiavit, tu etiam accusatorem adhibuisti.

[32] At semel iste est corruptus a vobis. Nonne, cum esset productus et cum tecum fuisset, refugit ad legatos? Nonne ad hunc Cn. Domitium venit? Nonne audiente hoc Servio Sulpicio, clarissimo viro, qui tum casu apud Domitium cenabat, et hoc Tito Torquato, optimo adulescente, se a te corruptum, tuis promissis in fraudem impulsum esse confessus est? XII. Quae est ista tam impotens, tam crudelis, tam immoderata inhumanitas? Idcirco in hanc urbem venisti, ut huius urbis iura et exempla corrumperes domestica que immanitate nostrae civitatis humanitatem inquinares?

[33] At quam acute conlecta crimina! “Blesamius” inquit — eius enim nomine, optimi viri nec tibi ignoti, male dicebat tibi—”ad regem scribere solebat te in invidia esse, tyrannum existimari, statua inter reges posita animos hominum vehementer offensos, plaudi tibi

non solere.” Nonne intellegis, Caesar, ex urbanis malevolorum sermunculis haec ab istis esse conlecta? Blesamius tyrannum Caesarem scriberet? Multorum enim capita civium viderat, multos iussu Caesaris vexatos, verberatos, necatos, multas adflictas et eversas domos, armatis militibus refertum forum! Quae semper in civili victoria sensimus, ea te victore non vidimus.

[34] Solus, inquam, es, C. Caesar, cuius in victoria ceciderit nemo nisi armatus. Et quem nos liberi, in summa libertate nati, non modo non tyrannum, sed clementissimum in victoria ducem vidimus, is Blesamio, qui vivit in regno, tyrannus videri potest? Nam de statua quis queritur, una praesertim, cum tam multas videat? Valde enim invidendum est eius statuis, cuius tropaeis non invidemus. Nam si locus adfert invidiam, nullus locus est ad statuam quidem rostris clarior. De plausu autem quid respondeam? Qui nec desideratus umquam a te est et non numquam obstupefactis hominibus ipsa admiratione compressus est et fortasse eo praeterrnissus, quia nihil volgare te dignum videri potest.

[35] XIII. Nihil a me arbitror praeteritum, sed aliquid ad extremum causae reservatum. Id autem aliquid est, te ut plane Deiotaro reconciliet oratio mea. Non enim iam metuo ne tu illi suscenseas; illud vereor ne tibi illum suscensere aliquid suspicere: quod abest longissime, mihi crede, Caesar. Quid enim retineat per te meminit, non quid amiserit; neque se a te multatum arbitratur, sed, cum existimares multis tibi multa esse tribuenda, quo minus a se, qui in altera parte fuisset, ea sumeres non recusavit.

[36] Etenim si Antiochus, Magnus ille, rex Asiae, cum, postea quam a L. Scipione devictus est, Tauro tenus regnare iussus esset, omnemque hanc Asiam, quae est nunc nostra provincia, amisisset, dicere est solitus benigne sibi a populo Romano esse factum, quod nimis magna procuratione liberatus modicis regni terminis uteretur, potest multo facilius se Deiotarus consolari: ille enim furoris multam sustulerat, hic erroris. Omnia tu Deiotaro, Caesar, tribuisti, cum et ipsi et filio nomen regium concessisti: hoc nomine retento atque servato nullum beneficium populi Romani, nullum iudicium de se senatus imminutum putat. Magno animo et erecto est, nec umquam succumbet inimicis, ne fortunae quidem.

[37] Multa se arbitratur et peperisse ante factis et habere in animo

atque virtute, quae nullo modo possit amittere. Quae enim fortuna aut quis casus aut quae tanta possit iniuria omnium imperatorum de Deiotaro decreta delere? Ab omnibus enim est ornatus, qui, postea quam in castris esse potuit per aetatem, in Asia, Cappadocia, Ponto, Cilicia, Syria bella gesserunt: senatus vero iudicia de illo tam multa tamque honorifica, quae publicis populi Romani litteris monimentisque consignata sunt, quae umquam vetustas obruet aut quae tanta delebit oblivio? Quid de virtute eius dicam? De magnitudine animi, gravitate, constantia? Quae omnes docti atque sapientes summa, quidam etiam sola bona esse dixerunt, hisque non modo ad bene, sed etiam ad beate vivendum contentam esse virtutem.

[38] Haec ille reputans et dies noctisque cogitans non modo tibi non suscenset — esset enim non solum ingratus, sed etiam amens, — verum omnem tranquillitatem et quietem senectutis acceptam refert clementiae tuae. XIV. Quo quidem animo cum antea fuit, tum non dubito quin tuis litteris, quarum exemplum legi, quas ad eum Tarracone huic Blesamio dedisti, se magis etiam erexerit ab omnique sollicitudine abstraxerit; iubes enim eum bene sperare et bono esse animo, quod scio te non frustra scribere solere. Memini enim isdem fere verbis ad me te scribere meque tuis litteris bene sperare non frustra esse iussum.

[39] Laboro equidem regis Deiotnri causa, quocum mihi amicitiam res publica conciliavit, hospitium voluntas utriusque coniunxit, familiaritatem consuetudo attulit, summam vero necessitudinem magna eius officia in me et in exercitum meum effecerunt: sed cum de illo laboro tum de multis amplissimis viris, quibus semel ignotum a te esse oportet, nec beneficium tuum in dubium vocari, nec haerere in animis hominum sollicitudinem sempiternam, nec accidere ut quisquam te timere incipiat eorum, qui sint semel a te liberati timore.

[40] Non debeo, C. Caesar, quod fieri solet in tantis periculis, temptare quonam modo dicendo miseri cordiam tuam commovere possim; nihil opus est: occurrere solet ipsa supplicibus et calamitosis, nullius oratione evocata. Propone tibi duos reges et id animo contemplare, quod oculis non potes: dabis profecto id misericordiae quod iracundiae denegavisti. Multa sunt monimenta clementiae tuae, sed maxima eorum incolumitates, quibus salutem dedisti; quae si in

privatis gloriosa sunt, multo magis commemorabuntur in regibus. Semper regium nomen in hac civitate sanctum fuit, sociorum vero regum et amicorum sanctissimum;

[41] XV. quod nomen hi reges ne amitterent te victore timuerunt, retentum vero et a te confirmatum posteris etiam suis tradituros se esse confidunt. Corpora sua pro salute regum suorum hi legati tibi regii tradunt, Hieras et Blesamius et Antigonus, tibi nobisque omnibus iam diu noti, eademque fide et virtute praeditus Dorylaus, qui nuper cum Hiera legatus est ad te missus, cum regum amicissimi, tum tibi etiam, ut spero, probati.

[42] Exquire de Blesamio num quid ad regem contra dignitatem tuam scripserit. Hieras quidem causam omnem suscipit et criminibus illis pro rege se supponit reum; memoriam tuam implorat, qua vales plurimum; negat umquam se a te in Deiotari tetrarchia pedem discessisse; in primis finibus tibi se praesto fuisse dicit, usque ad ultimos prosecutum; cum e balneo exisses, tecum se fuisse, cum illa munera inspexisses cenatus, cum in cubiculo recubuisses; eandemque adsiduitatem tibi se praebuisse postridie:

[43] quam ob rem si quid eorum, quae obiecta sunt, cogitatum sit, non recusat quin id suum facinus iudices. Quocirca, C. Caesar, velim existimes hodierno die sententiam tuam aut cum summo dedecore miserrimam pestem importaturam esse regibus aut incolumem famam cum salute: quorum alterum optare illorum crudelitatis est, alterum conservare clementiae tuae.

PRO MARCELLO (On Behalf of Marcellus)

M. TVLLI CICERONIS PRO M. MARCELLO ORATIO[1]

[I] Diuturni silenti, patres conscripti, quo eram his temporibus usus — non timore aliquo, sed partim dolore, partim verecundia — finem hodiernus dies attulit, idemque initium quae vellem quaeque sentirem meo pristino more dicendi. Tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tam denique incredibilem sapientiam ac paene divinam, tacitus praeterire nullo modo possum.

[2] M. enim Marcello vobis, patres conscripti, reique publicae reddito, non illius solum, sed etiam meam vocem et auctoritatem et vobis et rei publicae conservatam ac restitutam puto. Dolebam enim, patres conscripti, et vehementer angebar, virum talem, cum in eadem causa in qua ego fuisset, non in eadem esse fortuna; nec mihi persuadere poteram, nec fas esse ducebam, versari me in nostro vetere curriculo, illo aemulo atque imitatore studiorum ac laborum meorum, quasi quodam socio a me et comite distracto. Ergo et mihi meae pristinae vitae consuetudinem, C. Caesar, interclusam aperuisti, et his omnibus ad bene de [omni] re publica sperandum quasi signum aliquod sustulisti.

[3] Intellectum est enim mihi quidem in multis, et maxime in me ipso, sed paulo ante [in] omnibus, cum M. Marcellum senatui reique publicae concessisti, commemoratis praesertim offensionibus, te auctoritatem huius ordinis dignitatemque rei publicae tuis vel doloribus vel suspicionibus anteferre. Ille quidem fructum omnis ante actae vitae hodierno die maximum cepit, cum summo consensu senatus, tum iudicio tuo gravissimo et maximo. Ex quo profecto intellegis quanta in dato beneficio sit laus, cum in accepto sit tanta gloria.

[4] Est vero fortunatus ille, cuius ex salute non minor paene ad omnis quam ad ipsum ventura sit laetitia pervenerit. Quod quidem ei merito atque optimo iure contigit. Quis enim est illo aut nobilitate aut probitate aut optimarum artium studio aut innocentia aut ullo laudis genere praestantior? [II] Nullius tantum flumen est ingeni, nullius

dicendi aut scribendi tanta vis, tanta copia, quae non dicam exornare, sed enarrare, C. Caesar, res tuas gestas possit. Tamen adfirmo, et hoc pace dicam tua, nullam in his esse laudem ampliorem quam eam quam hodierno die consecutus es.

[5] Soleo saepe ante oculos ponere, idque libenter crebris usurpare sermonibus, omnis nostrorum imperatorum, omnis exterarum gentium potentissimorumque populorum, omnis clarissimorum regum res gestas, cum tuis nec contentionum magnitudine nec numero proeliorum nec varietate regionum nec celeritate conficiendi nec dissimilitudine bellorum posse conferri; nec vero disiunctissimas terras citius passibus cuiusquam potuisse peragrari, quam tuis non dicam cursibus, sed victoriis lustratae sunt.

[6] Quae quidem ego nisi ita magna esse fatear, ut ea vix cuiusquam mens aut cogitatio capere possit, amens sim: sed tamen sunt alia maiora. Nam bellicas laudes solent quidam extenuare verbis, easque detrahere ducibus, communicare cum multis, ne propriae sint imperatorum. Et certe in armis militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multum iuvant: maximam vero partem quasi suo iure Fortuna sibi vindicat, et quicquid prospere gestum est, id paene omne ducit suum.

[7] At vero huius gloriae, C. Caesar, quam es paulo ante adeptus, socium habes neminem: totum hoc quantumcumque est (quod certe maximum est) totum est, inquam, tuum. Nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma decerpit: quin etiam illa ipsa rerum humanarum domina, Fortuna, in istius societatem gloriae se non offert: tibi cedit; tuam esse totam et propriam fatetur. Numquam enim temeritas cum sapientia commiscetur, neque ad consilium casus admittitur.

[8] [III] Domuisti gentis immanitate barbaras, multitudine innumerabilis, locis infinitas, omni copiarum genere abundantis: sed tamen ea vicisti, quae et naturam et condicionem ut vinci possent habebant. Nulla est enim tanta vis, quae non ferro et viribus debilitari frangique possit. Animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem non modo extollere iacentem, sed etiam amplificare eius pristinam dignitatem, haec qui fecit, non ego eum cum summis viris comparo, sed simillimum deo iudico.

[9] Itaque, C. Caesar, bellicae tuae laudes celebrabuntur illae quidem non solum nostris, sed paene omnium gentium litteris atque linguis, nec ulla umquam aetas de tuis laudibus conticescet. Sed tamen eius modi res nescio quo modo etiam cum leguntur, obstrepi clamore militum videntur et tubarum sono. At vero cum aliquid clementer, mansuete, iuste, moderate, sapienter factum — in iracundia praesertim, quae est inimica consilio, et in victoria, quae natura insolens et superba est — audimus aut legimus, quo studio incendimur, non modo in gestis rebus, sed etiam in fictis, ut eos saepe, quos numquam vidimus, diligamus!

[10] Te vero, quem praesentem intuemur, cuius mentem sensusque et os cernimus, ut, quicquid belli fortuna reliquum rei publicae fecerit, id esse salvum velis, quibus laudibus efferemus? quibus studiis prosequemur? qua benevolentia complectemur? Parietes (me dius fidius) ut mihi videtur huius curiae tibi gratias agere gestiunt, quod brevi tempore futura sit illa auctoritas in his maiorum suorum et suis sedibus. [IV] Equidem cum C. Marcelli, viri optimi et commemorabili pietate praediti, lacrimas modo vobiscum viderem, omnium Marcellorum meum pectus memoria obfudit, quibus tu etiam mortuis, M. Marcello conservato, dignitatem suam reddidisti, nobilissimamque familiam iam ad paucos redactam paene ab interitu vindicasti.

[11] Hunc tu igitur diem tuis maximis et innumerabilibus gratulationibus iure antepones. Haec enim res unius est propria C. Caesaris: ceterae duce te gestae magnae illae quidem, sed tamen multo magnoque comitatu. Huius autem rei tu idem es et dux et comes: quae quidem tanta est, ut tropaeis et monumentis tuis adlatura finem sit aetas, — nihil est enim opere et manu factum, quod non [aliquando] conficiat et consumat ventustas:

[12] at haec [tua iustitia et lenitas animi] florescet cotidie magis, ita ut quantum tuis operibus diuturnitas detrahet, tantum adferat laudibus. Et ceteros quidem omnis victores bellorum civilium iam ante aequitate et misericordia viceras: hodierno vero die te ipsum vicisti. Vereor ut hoc, quod dicam, perinde intellegi possit auditum atque ipse cogitans sentio: ipsam victoriam vicisse videris, cum ea quae illa erat adepta victis remisisti. Nam cum ipsius victoriae condicione omnes victi occidissemus, clementiae tuae iudicio

conservati sumus. Recte igitur unus invictus es, a quo etiam ipsius victoriae condicio visque devicta est.

[13] [V] Atque hoc C. Caesaris iudicium, patres conscripti, quam late pateat attendite. Omnes enim, qui ad illa arma fato sumus nescio quo rei publicae misero funestoque compulsi, etsi aliqua culpa tenemur erroris humani, scelere certe liberati sumus. Nam cum M. Marcellum deprecantibus vobis rei publicae conservavit, me et mihi et item rei publicae, nullo deprecante, reliquos amplissimos viros et sibi ipsos et patriae reddidit: quorum et frequentiam et dignitatem hoc ipso in consessu videtis. Non ille hostis induxit in curiam, sed iudicavit a plerisque ignoratione potius et falso atque inani metu quam cupiditate aut crudelitate bellum esse susceptum.

[14] Quo quidem in bello semper de pace audiendum putavi, semperque dolui non modo pacem, sed etiam orationem civium pacem flagitantium repudiari. Neque enim ego illa nec ulla umquam secutus sum arma civilia; semperque mea consilia pacis et togae socia, non belli atque armorum fuerunt. Hominem sum secutus privato consilio, non publico; tantumque apud me grati animi fidelis memoria valuit, ut nulla non modo cupiditate, sed ne spe quidem, prudens et sciens tamquam ad interitum ruerem voluntarium.

[15] Quod quidem meum consilium minime obscurum fuit. Nam et in hoc ordine integra re multa de pace dixi, et in ipso bello eadem etiam cum capitis mei periculo sensi. Ex quo nemo iam erit tam iniustus existimator rerum, qui dubitet quae Caesaris de bello voluntas fuerit, cum pacis auctores conservandos statim censuerit, ceteris fuerit iratior. Atque id minus mirum fortasse tum, cum esset incertus exitus et anceps fortuna belli: qui vero victor pacis auctores diligit, is profecto declarat se maluisse non dimicare quam vincere.

[16] [VI] Atque huius quidem rei M. Marcello sum testis. Nostri enim sensus ut in pace semper, sic tum etiam in bello congruebant. Quotiens ego eum et quanto cum dolore vidi, cum insolentiam certorum hominum tum etiam ipsius victoriae ferocitatem extimescentem! Quo gratior tua liberalitas, C. Caesar, nobis, qui illa vidimus, debet esse. Non enim iam causae sunt inter se, sed victoriae comparandae.

[17] Vidimus tuam victoriam proeliorum exitu terminatam: gladium vagina vacuum in urbe non vidimus. Quos amisimus civis,

eos Martis vis perculit, non ira victoriae; ut dubitare debeat nemo quin multos, si fieri posset, C. Caesar ab inferis excitaret, quoniam ex eadem acie conservat quos potest. Alterius vero partis nihil amplius dicam quam (id quod omnes verebamur) nimis iracundam futuram fuisse victoriam.

[18] Quidam enim non modo armatis, sed interdum etiam otiosis minabantur; nec quid quisque sensisset, sed ubi fuisset cogitandum esse dicebant: ut mihi quidem videantur di immortales, etiam si poenas a populo Romano ob aliquod delictum expetiverunt, qui civile bellum tantum et tam luctuosum excitaverunt, vel placati iam vel satiati aliquando, omnem spem salutis ad clementiam victoris et sapientiam contulisse.

[19] Qua re gaude tuo isto tam excellenti bono, et fruere cum fortuna et gloria, tum etiam natura et moribus tuis: ex quo quidem maximus est fructus iucunditasque sapienti. Cetera cum tua recordabere, etsi persaepe virtuti, tamen plerumque felicitati tuae gratulabere: de nobis, quos in re publica tecum simul esse voluisti, quotiens cogitabis, totiens de maximis tuis beneficiis, totiens de incredibili liberalitate, totiens de singulari sapientia tua cogitabis: quae non modo summa bona, sed nimirum audebo vel sola dicere. Tantus est enim splendor in laude vera, tanta in magnitudine animi et consili dignitas, ut haec a virtute donata, cetera a fortuna commodata esse videantur.

[20] Noli igitur in conservandis bonis viris defetigari — non cupiditate praesertim aliqua aut pravitate lapsis, sed opinione offici stulta fortasse, certe non improba, et specie quadam rei publicae: non enim tua culpa est si te aliqui timuerunt, contraque summa laus, quod minime timendum fuisse senserunt.

[21] [VII] Nunc venio ad gravissimam querelam et atrocissimam suspicionem tuam, quae non tibi ipsi magis quam cum omnibus civibus tum maxime nobis, qui a te conservati sumus, providenda est: quam etsi spero falsam esse, tamen numquam extenuabo verbis. Tua enim cautio nostra cautio est, ut si in alterutro peccandum sit, malim videri nimis timidus quam parum prudens. Sed quisnam est iste tam demens? De tuisne? — tametsi qui magis sunt tui quam quibus tu salutem insperantibus reddidisti? — an ex hoc numero, qui una tecum fuerunt? Non est credibilis tantus in ullo furor, ut quo duce

omnia summa sit adeptus, huius vitam non anteponat suae. An si nihil tui cogitant sceleris, cavendum est ne quid inimici? Qui? omnes enim, qui fuerunt, aut sua pertinacia vitam amiserunt, aut tua misericordia retinuerunt; ut aut nulli supersint de inimicis, aut qui fuerunt sint amicissimi.

[22] Sed tamen cum in animis hominum tantae latebrae sint et tanti recessus, augeamus sane suspicionem tuam; simul enim augebimus diligentiam. Nam quis est omnium tam ignarus rerum, tam rudis in re publica, tam nihil umquam nec de sua nec de communi salute cogitans, qui non intellegat tua salute contineri suam, et ex unius tua vita pendere omnium? Equidem de te dies noctisque (ut debeo) cogitans, casus dumtaxat humanos et incertos eventus valetudinis et naturae communis fragilitatem extimesco; doleoque, cum res publica immortalis esse debeat, eam in unius mortalis anima consistere.

[23] Si vero ad humanos casus incertosque motus valetudinis sceleris etiam accedit insidiarumque consensio, quem deum, si cupiat, posse opitulari rei publicae credamus? [VIII] Omnia sunt excitanda tibi, C. Caesar, uni, quae iacere sentis, belli ipsius impetu, quod necesse fuit, perculsa atque prostrata: constituenda iudicia, revocanda fides, comprimendae libidines, propaganda suboles: omnia, quae dilapsa iam diffluxerunt, severis legibus vincienda sunt.

[24] Non fuit recusandum in tanto civili bello, tanto animorum ardore et armorum, quin quassata res publica, quicumque belli eventus fuisset, multa perderet et ornamenta dignitatis et praesidia stabilitatis suae; multaque uterque dux faceret armatus, quae idem togatus fieri prohibuisset. Quae quidem tibi nunc omnia belli volnera sananda sunt, quibus praeter te nemo mederi potest.

[25] Itaque illam tuam praeclarissimam et sapientissimam vocem invitus audivi: “Satis diu vel naturae vixi vel gloriae.’’ Satis, si ita vis, fortasse naturae, addo etiam, si placet, gloriae: at, quod maximum est, patriae certe parum. Qua re omitte istam, quaeso, doctorum hominum in contemnenda morte prodentiam: noli nostro periculo esse sapiens. Saepe enim venit ad auris meas te idem istud nimis crebro dicere, tibi satis te vixisse. Credo: sed tum id audirem, si tibi soli viveres, aut si tibi etiam soli natus esses. Omnium salutem civium cunctamque rem publicam res tuae gestae complexae sunt: tantum abes a perfectione maximorum operum, ut fundamenta

nondum quae cogitas ieceris. Hic tu modum vitae tuae non salute rei publicae, sed aequitate animi definies? Quid, si istud ne gloriae tuae quidem satis est? cuius te esse avidissimum, quamvis sis sapiens, non negabis.

[26] Parumne igitur, inquies, magna relinquemus? Immo vero aliis quamvis multis satis, tibi uni parum. Quicquid est enim, quamvis amplum sit, id est parum tum, cum est aliquid amplius. Quod si rerum tuarum immortalium, C. Caesar, hic exitus futurus fuit, ut devictis adversariis rem publicam in eo statu relinqueres in quo nunc est, vide, quaeso, ne tua divina virtus admirationis plus sit habitura quam gloriae: si quidem gloria est inlustris ac pervagata magnorum vel in suos vel in patriam vel in omne genus hominum fama meritorum.

[27] [IX] Haec igitur tibi reliqua pars est: hic restat actus, in hoc elaborandum est, ut rem publicam constituas, eaque tu in primis summa tranquillitate et otio perfruare: tum te, si voles, cum et patriae quod debes solveris, et naturam ipsam expleveris satietate vivendi, satis diu vixisse dicito. Quid est enim [omnino] hoc ipsum diu, in quo est aliquid extremum? quod cum venit, omnis voluptas praeterita pro nihilo est quia postea nulla est futura. Quamquam iste tuus animus numquam his angustiis, quas natura nobis ad vivendum dedit, contentus fuit: semper immortalitatis amore flagravit.

[28] Nec vero haec tua vita ducenda est, quae corpore et spiritu continetur. Illa, inquam, illa vita est tua, quae vigebit memoria saeculorum omnium, quam posteritas alet, quam ipsa aeternitas semper tuebitur. Huic tu inservias, huic te ostentes oportet, quae quidem quae miretur iam pridem multa habet: nunc etiam quae laudet exspectat. Obstupescent posteri certe imperia, provincias, Rhenum, Oceanum, Nilum, pugnas innumerabilis, incredibilis victorias, monimenta, munera, triumphos audientes et legentes tuos.

[29] Sed nisi haec urbs stabilita tuis consiliis et institutis erit, vagabitur modo tuum nomen longe atque late: sedem stabilem et domicilium certum non habebit. Erit inter eos etiam qui nascentur, sicut inter nos fuit, magna dissensio, cum alii laudibus ad caelum res tuas gestas efferent, alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriae restinxeris, ut illud fati fuisse videatur, hoc consili. Servi igitur eis etiam iudicibus,

qui multis post saeculis de te iudicabunt, et quidem haud scio an incorruptius quam nos. Nam et sine amore et sine cupiditate et rursus sine odio et sine invidia iudicabunt.

[30] Id autem etiam si tum ad te, ut quidam falso putant, non pertinebit, nunc certe pertinet esse te talem, ut tuas laudes obscuratura nulla umquam sit oblivio. [X] Diversae voluntates civium fuerunt, distractaeque sententiae. Non enim consiliis solum et studiis, sed armis etiam et castris dissidebamus. Erat enim obscuritas quaedam; erat certamen inter clarissimos duces: multi dubitabant quid optimum esset, multi quid sibi expediret, multi quid deceret, non nulli etiam quid liceret.

[31] Perfuncta res publica est hoc misero fatalique bello: vicit is, qui non fortuna inflammaret odium suum, sed bonitate leniret; neque omnis quibus iratus esset, eosdem [etiam] exsilio aut morte dignos iudicaret. Arma ab aliis posita, ab aliis erepta sunt. Ingratus est iniustusque civis, qui, armorum periculo liberatus, animum tamen retinet armatum; ut etiam ille melior sit qui in acie cecidit, qui in causa animam profudit. Quae enim pertinacia quibusdam, eadem aliis constantia videri potest.

[32] Sed iam omnis fracta dissensio est armis, exstincta aequitate victoris: restat ut omnes unum velint, qui modo habent aliquid non solum sapientiae, sed etiam sanitatis. Nisi te, C. Caesar, salvo, et in ista sententia qua cum antea tum hodie vel maxime usus es manente, salvi esse non possumus. Qua re omnes te, qui haec salva esse volumus, et hortamur et obsecramus, ut vitae tuae et saluti consulas; omnesques tibi, ut pro aliis etiam loquar quod de me ipse sentio, quoniam subesse aliquid putas quod cavendum sit, non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.

[33] [XXX] Sed, ut unde est orsa, in eodem terminetur oratio, — maximas tibi omnes gratias agimus, C. Caesar, maiores etiam habemus. Nam omnes idem sentiunt, quod ex omnium precibus et lacrimis sentire potuisti: sed quia non est omnibus stantibus necesse dicere, a me certe dici volunt, cui necesse est quodam modo, et quod fieri decet — M. Marcello a te huic ordini populoque Romano et rei publicae reddito — fieri id intellego. Nam laetari omnis non de unius solum, sed de communi omnium salute sentio.

[34] Quod autem summae benevolentiae est, quae mea erga illum omnibus semper nota fuit, ut vix C. Marcello, optimo et amantissimo fratri, praeter eum quidem cederem nemini, cum id sollicitudine, cura, labore tam diu praestiterim, quam diu est de illius salute dubitatum, certe hoc tempore, magnis curis, molestiis, doloribus liberatus, praestare debeo. Itaque, C. Caesar, sic tibi gratias ago, ut omnibus me rebus a te non conservato solum, sed etiam ornato, tamen ad tua in me unum innumerabilia merita, quod fieri iam posse non arbitrabar, maximus hoc tuo facto cumulus accesserit.

PRO LIGARIO (On Behalf of Ligarius before Caesar)

M. TVLLI CICERONIS PRO PRO Q. LIGARIO ORATIO[1]

I. Nouum crimen, C. Caesar, et ante hanc diem non auditum propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuisse, idque C. Pansa, praestanti uir ingenio, fretus fortasse familiaritate ea quae est ei tecum, ausus est confiteri. Itaque quo me uertam nescio. Paratus enim ueneram, cum tu id neque per te scires neque audire aliunde potuisses, ut ignoratione tua ad hominis miseri salutem abuterer. Sed quoniam diligentia inimici inuestigatum est quod latebat, confitendum est, opinor, praesertim cum meus necessarius Pansa fecerit ut id integrum iam non esset, omissaque controuersia omnis oratio ad misericordiam tuam conferenda est, qua plurimi sunt conseruati, cum a te non liberationem culpae sed errati ueniam impetrauissent.

[2] Habes igitur, Tubero, quod est accusatori maxime optandum, confitentem reum, sed tamen hoc confitentem se in ea parte fuisse qua te, qua uirum omni laude dignum patrem tuum. Itaque prius de uestro delicto confiteamini necesse est quam Ligari ullam culpam reprehendatis. Q. enim Ligarius, cum esset nulla belli suspicio, legatus in Africam C. Considio profectus est; qua in legatione et ciuibus et sociis ita se probauit ut decedens Considius prouincia satis facere hominibus non posset, si quemquam alium prouinciae praefecisset. Itaque Ligarius, cum diu recusans nihil profecisset, prouinciam accepit inuitus; cui sic praefuit in pace ut et ciuibus et sociis gratissima esset eius integritas et fides.

[3] Bellum subito exarsit quod qui erant in Africa ante audierunt geri quam parari. Quo audito partim cupiditate inconsiderata, partim caeco quodam timore primo salutis, post etiam studi sui quaerebant aliquem ducem, cum Ligarius domum spectans, ad suos redire cupiens, nullo se implicari negotio passus est. Interim P. Attius Varus, qui praetor Africam obtinuerat, Vticam uenit; ad eum statim concursum est. Atque ille non mediocri cupiditate adripuit imperium, si illud imperium esse potuit, quod ad priuatum clamore multitudinis

imperitae, nullo publico consilio deferebatur. Itaque Ligarius, qui omne tale negotium fugeret, paulum aduentu Vari conquieuit.

[4] II. Adhuc, C. Caesar, Q. Ligarius omni culpa uacat. Domo est egressus non modo nullum ad bellum, sed ne ad minimam quidem suspicionem belli; legatus in pace profectus in prouincia pacatissima ita se gessit ut ei pacem expediret. Profectio certe animum tuum non debet offendere. Num igitur remansio? Multo minus. Nam profectio uoluntatem habuit non turpem, remansio necessitatem etiam honestam. Ergo haec duo tempora carent crimine, unum cum est legatus profectus, alterum cum efflagitatus a prouincia praepositus Africae est.

[5] Tertium tempus, quod post aduentum Vari in Africa restitit, si est criminosum, necessitatis crimen est, non uoluntatis. An ille si potuisset illinc ullo modo euadere, Vticae quam Romae, cum P. Attio quam cum concordissimis fratribus, cum alienis esse quam cum suis maluisset? Cum ipsa legatio plena desideri ac sollicitudinis fuisset propter incredibilem quendam fratrum amorem, hic aequo animo esse potuit belli discidio distractus a fratribus?

[6] Nullum igitur habes, Caesar, adhuc in Q. Ligario signum alienae a te uoluntatis; cuius ego causam animaduerte, quaeso, qua fide defendam; prodo meam. O clementiam admirabilem atque omnium laude, praedicatione, litteris monumentisque decorandam! M. Cicero apud te defendit alium in ea uoluntate non fuisse in qua se ipsum confitetur fuisse, nec tuas tacitas cogitationes extimescit, nec quid tibi de alio audienti de se occurrat, reformidat. III. Vide quam non reformidem, quanta lux liberalitatis et sapientiae tuae mihi apud te dicenti oboriatur. Quantum potero, uoce contendam, ut hoc populus Romanus exaudiat.

[7] Suspecto bello, Caesar, gesto etiam ex parte magna, nulla ui coactus, iudicio ac uoluntate ad ea arma profectus sum quae erant sumpta contra te. Apud quem igitur hoc dico? Nempe apud eum qui, cum hoc sciret, tamen me ante quam uidit rei publicae reddidit, qui ad me ex Aegypto litteras misit ut essem idem qui fuissem, qui me, cum ipse imperator in toto imperio populi Romani unus esset, esse alterum passus est, a quo hoc ipso C. Pansa mihi hunc nuntium perferente concessos fascis laureatos tenui, quoad tenendos putaui, qui mihi tum denique salutem se putauit dare, si eam nullis spoliatam

ornamentis dedisset.

[8] Vide, quaeso, Tubero, ut, qui de meo facto non dubitem, de Ligari audeam dicere. Atque haec propterea de me dixi, ut mihi Tubero, cum de se eadem dicerem, ignosceret; cuius ego industriae gloriaeque faueo, uel propter propinquam cognationem, uel quod eius ingenio studiisque delector, uel quod laudem adulescentis propinqui existimo etiam ad me aliquem fructum redundare.

[9] Sed hoc quaero: quis putat esse crimen fuisse in Africa? Nempe is qui et ipse in eadem prouincia esse uoluit et prohibitum se a Ligario queritur, et certe contra ipsum Caesarem est congressus armatus. Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat? Cuius latus ille mucro petebat? Qui sensus erat armorum tuorum? Quae tua mens, oculi, manus, ardor animi? Quid cupiebas, quid optabas? Nimis urgeo; commoueri uidetur adulescens. Ad me reuertar; isdem in armis fui.

[10] IV. Quid autem aliud egimus, Tubero, nisi ut quod hic potest non possemus? Quorum igitur impunitas, Caesar, tuae clementiae laus est, eorum ipsorum ad crudelitatem te acuet oratio? Atque in hac causa non nihil equidem, Tubero, etiam tuam sed multo magis patris tui prudentiam desidero, quod homo cum ingenio tum etiam doctrina excellens genus hoc causae quod esset non uiderit; nam si uidisset, quouis profecto quam isto modo a te agi maluisset. Arguis fatentem. Non est satis; accusas eum qui causam habet aut, ut ego dico, meliorem quam tu, aut, ut tu uis, parem.

[11] Haec admirabilia, sed prodigi simile est quod dicam. Non habet eam uim ista accusatio ut Q. Ligarius condemnetur, sed ut necetur. Hoc egit ciuis Romanus ante te nemo; externi sunt isti mores, aut leuium Graecorum, aut immanium barbarorum qui usque ad sanguinem incitari solent odio. Nam quid agis aliud? Vt Romae ne sit, ut domo careat? Ne cum optimis fratribus, ne cum hoc T. Broccho auunculo, ne cum eius filio consobrino suo, ne nobiscum uiuat, ne sit in patria? Num est, num potest magis carere his omnibus quam caret? Italia prohibetur, exsulat. Non tu hunc ergo patria priuare, qua caret, sed uita uis.

[12] At istud ne apud eum quidem dictatorem qui omnis quos oderat morte multabat, quisquam egit isto modo. Ipse iubebat occidi; nullo postulante, praemiis inuitabat; quae tamen crudelitas ab hoc

eodem aliquot annis post, quem tu nunc crudelem esse uis, uindicata est. V. “Ego uero istud non postulo” inquies. Ita mehercule existimo, Tubero. Noui enim te, noui patrem, noui domum nomenque uestrum; studia generis ac familiae uestrae uirtutis, humanitatis, doctrinae, plurimarum artium atque optimarum nota mihi sunt.

[13] Itaque certo scio uos non petere sanguinem. Sed parum adtenditis. Res enim eo spectat ut ea poena in qua adhuc Q. Ligarius sit non uideamini esse contenti. Quae est igitur alia praeter mortem? Si enim est in exsilio, sicuti est, quid amplius postulatis? An ne ignoscatur? Hoc uero multo acerbius multoque durius. Quodne nos [domi] petimus precibus ac lacrimis, strati ad pedes, non tam nostrae causae fidentes quam huius humanitati, id ne impetremus pugnabis et in nostrum fletum irrumpes et nos iacentis ad pedes supplicum uoce prohibebis?

[14] Si, cum hoc domi faceremus, quod et fecimus et, ut spero, non frustra fecimus, tu repente irruisses, et clamare coepisses: “C. Caesar, caue ignoscas, caue te fratrum pro fratris salute obsecrantium misereat!” nonne omnem humanitatem exuisses? Quanto hoc durius, quod non domi petimus id a te in foro oppugnari et in tali miseria multorum perfugium misericordiae tollere!

[15] Dicam plane, Caesar, quod sentio. Si in tanta tua fortuna lenitas tanta non esset, quam tu per te, per te, inquam, obtines — intellego quid loquar — , acerbissimo luctu redundaret ista uictoria. Quam multi enim essent de uictoribus qui te crudelem esse uellent, cum etiam de uictis reperiantur! Quam multi qui cum a te ignosci nemini uellent, impedirent clementiam tuam, cum hi quibus ipsis ignouisti, nolint te esse in alios misericordem!

[16] Quod si probare Caesari possemus in Africa Ligarium omnino non fuisse, si honesto et misericordi mendacio saluti ciui calamitoso esse uellemus, tamen hominis non esset in tanto discrimine et periculo ciuis refellere et coarguere nostrum mendacium; et si esset alicuius, eius certe non esset qui in eadem causa et fortuna fuisset. Sed tamen aliud est errare Caesarem nolle, aliud est nolle misereri. Tum diceres: “Caesar, caue credas; fuit in Africa, tulit arma contra te!”. Nunc quid dicis? “Caue ignoscas!” Haec nec hominis nec ad hominem uox est; qua qui apud te, C. Caesar, utetur, suam citius abiciet humanitatem quam extorquebit tuam.

[17] VI. Ac primus aditus et postulatio Tuberonis haec, ut opinor, fuit, uelle se de Q. Ligario scelere dicere. Non dubito quin admiratus sis, uel quod nullo de alio [quisquam], uel quod is qui in eadem causa fuisset, uel quidnam noui sceleris adferret. Scelus tu illud uocas, Tubero? Cur? Isto enim nomine illa adhuc causa caruit. Alii errorem appellant, alii timorem; qui durius, spem, cupiditatem, odium, pertinaciam; qui grauissime, temeritatem; scelus praeter te adhuc nemo. Ac mihi quidem, si proprium et uerum nomen nostri mali quaeritur, fatalis quaedam calamitas incidisse uidetur et improuidas hominum mentis occupauisse, ut nemo mirari debeat humana consilia diuina necessitate esse superata.

[18] Liceat esse miseros — quamquam hoc uictore esse non possumus; sed non loquor de nobis, de illis loquor qui occiderunt — fuerint cupidi, fuerint irati, fuerint pertinaces; sceleris uero crimine, furoris, parricidi liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc ex te quisquam, Caesar, audiuit, aut tua quid aliud arma uoluerunt nisi a te contumeliam propulsare? Quid egit tuus inuictus exercitus, nisi uti suum ius tueretur et dignitatem tuam? Quid? Tu cum pacem esse cupiebas, idne agebas ut tibi cum sceleratis, an ut cum bonis ciuibus conueniret?

[19] Mihi uero, Caesar, tua in me maxima merita tanta certe non uiderentur, si me ut sceleratum a te conseruatum putarem. Quo modo autem tu de re publica bene meritus esses, cum tot sceleratos incolumi dignitate esse uoluisses? Secessionem tu illam existimauisti, Caesar, initio, non bellum, nec hostile odium sed ciuile discidium, utrisque cupientibus rem publicam saluam, sed partim consiliis partim studiis a communi utilitate aberrantibus. Principium dignitas erat paene par, non par fortasse eorum qui sequebantur; causa tum dubia, quod erat aliquid in utraque parte quod probari posset; nunc melior ea iudicanda est quam etiam di adiuuerunt. Cognita uero clementia tua quis non eam uictoriam probet in qua occiderit nemo nisi armatus?

[20] VII. Sed ut omittam communem causam, ueniamus ad nostram. Vtrum tandem existimas facilius fuisse, Tubero, Ligario ex Africa exire, an uobis in Africam non uenire? “Poteramusne”, inquies, “cum senatus consuisset?” Si me consulis, nullo modo; sed tamen Ligarium senatus idem legauerat. Atque ille eo tempore paruit

cum parere senatui necesse erat, uos tum paruistis cum paruit nemo qui noluit. Reprehendo igitur? Minime uero; neque enim licuit aliter uestro generi, nomini, familiae, disciplinae. Sed hoc non concedo ut quibus rebus gloriemini in uobis easdem in aliis reprehendatis.

[21] Tuberonis sors coniecta est ex senatus consulto, cum ipse non adesset, morbo etiam impediretur; statuerat excusari. Haec ego noui propter omnis necessitudines, quae mihi sunt cum L. Tuberone; domi una eruditi, militiae contubernales, post adfines, in omni uita familiares; magnum etiam uinculum quod isdem studiis semper usi sumus. Scio Tuberonem domi manere uoluisse; sed ita quidam agebant, ita rei publicae sanctissimum nomen opponebant ut, etiam si aliter sentiret, uerborum tamen ipsorum pondus sustinere non posset. Cessit auctoritati amplissimi uiri uel potius paruit.

[22] Vna est profectus cum iis quorum erat una causa; tardius iter fecit; itaque in Africam uenit iam occupatam. Hinc in Ligarium crimen oritur uel ira potius. Nam si crimen est uoluisse, non minus magnum est uos Africam, arcem omnium prouinciarum, natam ad bellum contra hanc urbem gerendum, obtinere uoluisse quam aliquem se maluisse. Atque is tamen aliquis Ligarius non fuit; Varus imperium se habere dicebat; fascis certe habebat.

[23] Sed quoque modo se illud habet, haec querela, Tubero, uestra quid ualet: “Recepti in prouinciam non sumus”? Quid, si essetis? Caesarine eam tradituri fuistis, an contra Caesarem retenturi? VIII. Vide quid licentiae nobis, Caesar, tua liberalitas det uel potius audaciae. Si responderit Tubero Africam, quo senatus eum sorsque miserat, tibi patrem suum traditurum fuisse, non dubitabo apud ipsum te, cuius id eum facere interfuit, grauissimis uerbis eius consilium reprehendere. Non enim si tibi ea res grata fuisset, esset etiam adprobata.

[24] Sed iam hoc totum omitto, non ultra offendam tuas patientissimas auris quam ne Tubero quod numquam cogitauit facturus fuisse uideatur. Veniebatis igitur in Africam, in prouinciam unam ex omnibus huic uictoriae maxime infensam, in qua rex potentissimus, inimicus huic causae, aliena uoluntas conuentus firmi atque magni. Quaero, quid facturi fuistis? Quamquam quid facturi fueritis dubitem, cum uideam quid feceritis? Prohibiti estis in prouincia uestra pedem ponere, et prohibiti summa cum iniuria.

[25] Quo modo id tulistis? Acceptae iniuriae querelam ad quem detulistis? Nempe ad eum cuius auctoritatem secuti in societatem belli ueneratis. Quod si Caesaris causa in prouinciam ueniebatis, ad eum profecto exclusi prouincia uenissetis; uenistis ad Pompeium. Quae est ergo apud Caesarem querela, cum eum accusetis a quo queramini prohibitos uos contra Caesarem gerere bellum? Atque in hoc quidem uel com mendacio, si uultis, gloriemini per me licet uos prouinciam fuisse Caesari traditurus. Etiam si a Varo et a quibusdam aliis prohibiti estis, ego tamen confitebor culpam esse Ligari qui uos tantae laudis occacione priuauerit.

[26] IX. Sed uide, quaeso, Caesar, constantiam ornatissimi uiri, L. Tuberonis, quam ego quamuis ipse probarem ut probo, tamen non commemorarem nisi a te cognouissem in primis eam uirtutem solere laudari. Quae fuit igitur umquam in ullo homine tanta constantia? constantiam dico? nescio an melius patientiam possim dicere. Quotus enim istud quisque fecisset, ut a quibus partibus in dissensione ciuili non esset receptus, essetque etiam cum crudelitate reiectus, ad eas ipsas partis rediret? Magni cuiusdam animi atque eius uiri quem de suscepta causa propositaque sententia nulla contumelia, nulla uis, nullum periculum possit depellere.

[27] Vt enim cetera paria Tuberoni cum Varo fuissent, honos, nobilitas, splendor, ingenium, quae nequaquam fuerunt, hoc certe praecipuum Tuberonis quod iusto cum imperio ex senatus consulto in prouinciam suam uenerat. Hinc prohibitus non ad Caesarem, ne iratus, non domum, ne iners, non aliquam in regionem, ne condemnare causam illam quam secutus esset uideretur; in Macedoniam ad Cn. Pompei castra uenit, in eam ipsam causam a qua erat reiectus iniuria.

[28] Quid? Cum ista res nihil commouisset eius animum ad quem ueneratis, languidiore, credo, studio in causa fuistis; tantum modo in praesidiis eratis, animi uero a causa abhorrebant; an, ut fit in ciuilibus bellis, nec in uobis magis quam in reliquis? Omnes enim uincendi studio tenebamur. Pacis equidem semper auctor fui, sed tum sero; erat enim amentis, cum aciem uideres, pacem cogitare. Omnes, inquam, uincere uolebamus: tu certe praecipue, qui in eum locum uenisses, ubi tibi esset pereundum nisi uicisses; quamquam, ut nunc se res habet, non dubito quin hanc salutem anteponas illi uictoriae.

[29] X. Haec ego non dicerem, Tubero, si aut uos constantiae uestrae aut Caesarem benefici sui paeniteret. Nunc quaero utrum uestras iniurias an rei publicae persequamini? Si rei publicae, quid de uestra in illa causa perseuerantia respondebitis? Si uestras, uidete ne erretis qui Caesarem uestris inimicis iratum fore putetis, cum ignouerit suis. Itaque num tibi uideor in causa Ligari esse occupatus, num de eius facto dicere? Quidquid dixi, ad unam summam referri uolo uel humanitatis uel clementiae uel misericordiae tuae

[30] Causas, Caesar, egi multas, equidem tecum, dum te in foro tenuit ratio honorum tuorum, certe numquam hoc modo: "Ignoscite, iudices, errauit, lapsus est, non putauit, si umquam posthac...". Ad parentem sic agi solet; ad iudices: "Non fecit, non cogitauit; falsi testes, fictum crimen". Dic te, Caesar, de facto Ligari iudicem esse, quibus in praesidiis fuerit quaere; taceo, ne haec quidem colligo quae fortasse ualerent etiam apud iudicem: "Legatus ante bellum profectus, relictus in pace, bello oppressus, in eo ipso non acerbus, totus animo et studio tuus". Ad iudicem sic, sed ego apud parentem loquor: "Erraui, temere feci, paenitet; ad clementiam tuam confugio, delicti ueniam peto, ut ignoscatur oro". Si nemo impetrauit, adroganter; si plurimi, tu idem fer opem qui spem dedisti.

[31] An sperandi de Ligario causa non erit, cum mihi apud te locus sit etiam pro altero deprecandi? Quamquam nec in hac oratione spes est posita causae nec in eorum studiis qui a te pro Ligario petunt tui necessarii. XI. Vidi enim et cognoui quid maxime spectares cum pro alicuius salute multi laborarent, causas apud te rogantium gratiosiores esse quam uoltus neque te spectare quam tuus esset necessarius is qui te oraret, sed quam illius, pro quo laboraret. Itaque tribuis tu quidem tuis ita multa ut mihi beatiores illi uideantur interdum, qui tua liberalitate fruantur, quam tu ipse, qui illis tam multa concedas; sed uideo tamen apud te, ut dixi, causas ualere plus quam preces, ab eisque te moueri maxime quorum iustissimum uideas dolorem in petendo.

[32] In Q. Ligario conseruando multis tu quidem gratum facies necessariis tuis, sed hoc, quaeso, considera, quod soles; possum fortissimos uiros Sabinos tibi probatissimos totumque agrum Sabinum, florem Italiae ac robur rei publicae, proponere, — nosti optime homines — ; animaduerte horum omnium maestitiam et

dolorem; huius T. Brocchi, de quo non dubito quid existimes, lacrimas squaloremque ipsius et fili uides.

[33] Quid de fratribus dicam? Noli, Caesar, putare, de unius capite nos agere; aut tres Ligarii retinendi tibi in ciuitate sunt aut tres ex ciuitate exterminandi. Quoduis exsilium his est optatius quam patria, quam domus, quam di penates uno illo exsulante. Si fraterne, si pie, si cum dolore faciunt, moueant te horum lacrimae, moueat germanitas; ualeat tua uox illa, quae uicit. Te enim dicere audiebamus nos omnis aduersarios putare nisi qui nobiscum essent, te omnis qui contra te non essent tuos. Videsne igitur hunc splendorem omnem, hanc Brocchorum domum, hunc L. Marcium, C. Caesetium, L. Corfidium, hos omnis equites Romanos, qui adsunt ueste mutata, non solum notos tibi, uerum etiam probatos uiros? Atque his irascebamur, hos requirebamus, his non nulli etiam minabantur. Conserua igitur tuis suos ut, quem ad modum cetera quae dicta sunt a te, sic hoc uerissimum reperiatur.

[34] XII. Quod si penitus perspicere posses concordiam Ligariorum, omnis fratres tecum iudicares fuisse. An potest quisquam dubitare quin, si Q. Ligarius in Italia esse potuisset, in eadem sententia futurus fuerit in qua fratres fuerunt? Quis est qui horum consensum conspirantem et paene conflatum in hac prope aequalitate fraterna nouerit, qui hoc non sentiat quiduis prius futurum fuisse quam ut hi fratres diuersas sententias fortunasque sequerentur? Voluntate igitur omnes tecum fuerunt, tempestate abreptus est unus, qui si consilio id fecisset, esset eorum similis quos tu tamen saluos esse uoluisti.

[35] Sed ierit ad bellum, dissenserit non a te solum, uerum etiam a fratribus; hi te orant tui. Equidem, cum tuis omnibus negotiis interessem, memoria teneo qualis T. Ligarius quaestor urbanus fuerit erga te et dignitatem tuam. Sed parum est me hoc meminisse, spero etiam te, qui obliuisci nihil soles nisi iniurias, — quam hoc est animi, quam etiam ingeni tui! — te aliquid de huius illo quaestorio officio, etiam de aliis quibusdam quaestoribus reminiscentem, recordari.

[36] Hic igitur T. Ligarius, qui tum nihil egit aliud — neque enim haec diuinabat — nisi ut tui eum studiosum et bonum uirum iudicares, nunc a te supplex fratris salutem petit. Quam huius admonitus officio cum utrisque his dederis, tris fratres optimos et

integerrimos non solum sibi ipsos neque his tot, talibus uiris neque nobis necessariis tuis, sed etiam rei publicae condonaueris.

[37] Fac igitur quod de homine nobilissimo et clarissimo fecisti nuper in curia, nunc idem in foro de optimis et huic omni frequentiae probatissimis fratribus. Vt concessisti illum senatui, sic da hunc populo, cuius uoluntatem carissimam semper habuisti, et si ille dies tibi gloriosissimus, populo Romano gratissimus fuit, noli obsecro dubitare, C. Caesar, similem illi gloriae laudem quam saepissime quaerere. Nihil est tam populare quam bonitas, nulla de uirtutibus tuis plurimis nec admirabilior nec gratior misericordia est.

[38] Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando. Nihil habet nec fortuna tua maius quam ut possis, nec natura melius quam ut uelis seruare quam plurimos. Longiorem orationem causa forsitan postulet, tua certe natura breuiorem. Quare cum utilius esse arbitrer te ipsum quam aut me aut quemquam loqui tecum, finem iam faciam; tantum te admonebo, si illi absenti salutem dederis, praesentibus te his daturum.

PHILIPPICAE (the Fourteen Philippics against Marcus Antonius)

M. TVLLI CICERONIS PHILIPPICAE

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PHILIPPICA PRIMA

[1] Antequam de republica, patres conscripti, dicam ea, quae dicenda hoc tempore arbitror, exponam vobis breviter consilium et profectionis et reversionis meae. Ego cum sperarem aliquando ad vestrum consilium auctoritatemque rem publicam esse revocatam, manendum mihi statuebam, quasi in vigilia quadam consulari ac senatoria. Nec vero usquam discedebam nec a re publica deiciebam oculos ex eo die, quo in aedem Telluris convocati sumus. In quo templo, quantum in me fuit, ieci fundamenta pacis Atheniensiumque renovavi vetus exemplum; Graecum etiam verbum usurpavi, quo tum in sedandis discordiis usa erat civitas illa, atque omnem memoriam discordiarum oblivione sempiterna delendam censui.

[2] Praeclara tum oratio M. Antoni, egregia etiam voluntas; pax denique per eum et per liberos eius cum praestantissimis civibus confirmata est. Atque his principiis reliqua consentiebant. Ad deliberationes eas, quas habebat domi de re publica, principes civitatis adhibebat; ad hunc ordinem res optimas deferebat; nihil tum, nisi quod erat notum omnibus, in C. Caesaris commentariis reperiebatur; summa constantia ad ea, quae quaesita erant, respondebat.

[3] Num qui exsules restituti? Unum aiebat, praeterea neminem. Num immunitates datae? ‘Nullae’, respondebat. Assentiri etiam nos Ser. Sulpicio, clarissimo viro, voluit, ne qua tabula post Idus Martias ullius decreti Caesaris aut beneficii figeretur. Multa praetereo, eaque praeclara; ad singulare enim M. Antoni factum festinat oratio. Dictaturam, quae iam vim regiae potestatis obsederat, funditus ex re publica sustulit; de qua re ne sententias quidem diximus. Scriptum senatus consultum, quod fieri vellet, attulit; quo recitato, auctoritatem eius summo studio secuti sumus eique amplissimis verbis per senatus consultum gratias egimus.

[4] Lux quaedam videbatur oblata non modo regno, quod pertuleramus, sed etiam regni timore sublato, magnumque pignus ab eo rei publicae datum, se liberam civitatem esse velle, cum dictatoris nomen, quod saepe iustum fuisset, propter perpetuae dictaturae recentem memoriam funditus ex re publica sustulisset.

[5] Liberatus periculo caedis paucis post diebus senatus; uncus impactus est fugitivo illi, qui in Mari nomen invaserat. Atque haec omnia communiter cum collega; alia porro propria Dolabellae, quae, nisi collega afuisset, credo iis futura fuisse communia. Nam cum serperet in urbe infinitum malum idque manaret in dies latius idemque bustum in foro facerent, qui illam insepultam sepulturam effecerant, et cotidie magis magisque perditi homines cum sui similibus servis tectis ac templis urbis minitarentur, talis animadversio fuit Dolabellae cum in audacis sceleratosque servos, tum in impuros et nefarios liberos, talisque eversio illius exsecratae columnae, ut mihi mirum videatur tam valde reliquum tempus ab illo uno die dissensisse.

[6] Ecce enim Kalendis Iuniis, quibus ut adessemus, edixerat, mutata omnia: nihil per senatum, multa et magna per populum et absente populo et invito. Consules designati negabant se audere in senatum venire; patriae liberatores urbe carebant ea, cuius a cervicibus iugum servile deiecerant; quos tamen ipsi consules in contionibus et in omni sermone laudabant. Veterani qui appellabantur, quibus hic ordo diligentissime caverat, non ad conservationem earum rerum, quas habebant, sed ad spem novarum praedarum incitabantur. Quae cum audire mallem quam videre haberemque ius legationis liberum, ea mente discessi, ut adessem Kalendis Ianuariis, quod initium senatus cogendi fore videbatur.

[7] Exposui, patres conscripti, profectionis consilium; nunc reversionis, quae plus admirationis habet, breviter exponam. Cum Brundisium iterque illud, quod tritum in Graeciam est, non sine causa vitavissem, Kalendis Sextilibus veni Syracusas, quod ab ea urbe transmissio in Graeciam laudabatur; quae tamen urbs mihi coniunctissima plus una me nocte cupiens retinere non potuit. Veritus sum, ne meus repentinus ad meos necessarios adventus suspicionis aliquid afferet, si essem commoratus. Cum autem me ex Sicilia ad Leucopetram, quod est promontorium agri Regini, venti detulissent, ab eo loco conscendi, ut transmitterem, nec ita multum provectus, reiectus austro sum in eum ipsum locum, unde conscenderam.

[8] Cumque intempesta nox esset mansissemque in villa P.Valeri, comitis et familiaris mei, postridieque apud eundem ventum

exspectans manerem, municipes Regini complures ad me venerunt, ex iis quidam Roma recentes; a quibus primum accipio M. Antoni contionem, quae mihi ita placuit, ut, ea lecta, de reversione primum coeperim cogitare. Nec ita multo post edictum Bruti affertur et Cassi, quod quidem mihi, fortasse quod eos plus etiam rei publicae quam familiaritatis gratia diligo, plenum aequitatis videbatur. Addebant praeterea (fit enim plerumque, ut ii, qui boni quid volunt afferre, affingant aliquid, quo faciant id, quod nuntiant, laetius) rem conventuram; Kalendis Sext. senatum frequentem fore; Antonium, repudiatis malis suasoribus, remissis provinciis Galliis, ad auctoritatem senatus esse rediturum.

[9] Tum vero tanta sum cupiditate incensus ad reditum, ut mihi nulli neque remi neque venti satis facerent, non quo me ad tempus occursurum non putarem, sed ne tardius, quam cuperem, rei publicae gratularer. Atque ego celeriter Veliam devectus Brutum vidi, quanto meo dolore, non dico. Turpe mihi ipsi videbatur in eam urbem me audere reverti, ex qua Brutus cederet, et ibi velle tuto esse, ubi ille non posset. Neque vero illum similiter, atque ipse eram, commotum esse vidi. Erectus enim maximi ac pulcherrimi facti sui conscientia, nihil de suo casu, multa de vestro querebatur.

[10] Exque eo primum cognovi, quae Kalendis Sextilibus in senatu fuisset L. Pisonis oratio. Qui quamquam parum erat (id enim ipsum a Bruto audieram), a quibus debuerat, adiutus, tamen et Bruti testimonio (quo quid potest esse gravius?) et omnium praedicatione, quos postea vidi, magnam mihi videbatur gloriam consecutus. Hunc igitur ut sequerer, properavi, quem praesentes non sunt secuti, non ut proficerem aliquid (nec enim sperabam id nec praestare poteram), sed ut, si quid mihi humanitus accidisset (multa autem impendere videntur praeter naturam etiam praeterque fatum), huius tamen diei vocem testem rei publicae relinquerem meae perpetuae erga se voluntatis.

[11] Quoniam utriusque consilii causam, patres conscripti, probatam vobis esse confido, priusquam de re publica dicere incipio, pauca querar de hesterna Antoni iniuria; cui sum amicus, idque me non nullo eius officio debere esse prae me semper tuli. Quid tandem erat causae, cur in senatum hesterno die tam acerbe cogerer? Solusne aberam, an non saepe minus frequentes fuistis, an ea res agebatur, ut

etiam aegrotos deferri oporteret? Hannibal, credo, erat ad portas, aut de Pyrrhi pace agebatur, ad quam causam etiam Appium illum et caecum et senem delatum esse memoriae proditum est.

[12] De supplicationibus referebatur, quo in genere senatores deesse non solent. Coguntur enim non pignoribus, sed eorum, de quorum honore agitur, gratia, quod idem fit, cum de triumpho refertur. Ita sine cura consules sunt, ut paene liberum sit senatori non adesse. Qui cum mihi mos notus esset, cumque e via languerem et mihimet displicerem, misi pro amicitia, qui hoc ei diceret. At ille, vobis audientibus, cum fabris se domum meam venturum esse dixit. Nimis iracunde hoc quidem et valde intemperanter. Cuius enim maleficii tanta ista poena est, ut dicere in hoc ordine auderet se publicis operis disturbaturum publice ex senatus sententia aedificatam domum? Quis autem tanto damno senatorem coegit, aut quid est ultra pignus aut multam? Quod si scisset, quam sententiam dicturus essem, remisisset aliquid profecto de severitate cogendi.

[13] Anme censetis, patres conscripti, quod vos inviti secuti estis, decreturum fuisse, ut parentalia cum supplicationibus miscerentur, ut inexpiabiles religiones in rem publicam inducerentur, ut decernerentur supplicationes mortuo? Nihil dico, cui. Fuerit ille Brutus, qui et ipse dominatu regio rem publicam liberavit et ad similem virtutem et simile factum stirpem iam prope in quingentesimum annum propagavit; adduci tamen non possem, ut quemquam mortuum coniungerem cum deorum immortalium religione, ut, cuius sepulcrum usquam extet, ubi parentetur, ei publice supplicetur. Ego vero eam sententiam dixissem, ut me adversus populum Romanum, si qui accidisset gravior rei publicae casus, si bellum, si morbus, si fames, facile possem defendere, quae partim iam sunt, partim timeo ne impendeant. Sed hoc ignoscant di immortales velim et populo Romano, qui id non probat, et huic ordini, qui decrevit invitus.

[14] Quid? de reliquis rei publicae malis licetne dicere? Mihi vero licet et semper licebit dignitatem tueri, mortem contemnere. Potestas modo veniendi in hunc locum sit, dicendi periculum non recuso. Atque utinam, patres conscripti, Kalendis Sextilibus adesse potuissem! non quo profici potuerit aliquid, sed ne unus modo consularis, quod tum accidit, dignus illo honore, dignus republica

inveniretur. Qua quidem ex re magnum accipio dolorem, homines amplissimis populi Romani beneficiis usos L.Pisonem ducem optimae sententiae non secutos. Idcircone nos populus Romanus consules fecit, ut in altissimo gradu dignitatis locati rem publicam pro nihilo haberemus? Non modo voce nemo L. Pisoni consularis, sed ne vultu quidem assensus est. Quae, malum!, est ista voluntaria servitus?

[15] Fuerit quaedam necessaria; neque ego hoc ab omnibus iis desidero, qui sententiam consulari loco dicunt. Alia causa est eorum, quorum silentio ignosco, alia eorum, quorum vocem requiro; quos quidem doleo in suspicionem populo Romano venire non modo metu, quod ipsum esset turpe, sed alium alia de causa deesse dignitati suae. Quare primum maximas gratias et ago et habeo Pisoni, qui, non quid efficere posset in re publica, cogitavit, sed quid facere ipse deberet. Deinde a vobis, patres conscripti, peto, ut, etiamsi sequi minus audebitis rationem atque auctoritatem meam, benigne me tamen, ut adhuc fecistis, audiatis.

[16] Primum igitur acta Caesaris servanda censeo, non quo probem (quis enim id quidem potest?), sed quia rationem habendam maxime arbitror pacis atque otii. Vellem adesset M. Antonius, modo sine advocatis (sed, ut opinor, licet ei minus valere, quod mihi heri per illum non licuit); doceret me vel potius vos, patres conscripti, quem ad modum ipse Caesaris acta defenderet. An in commentariolis et chirographis et libellis [se] uno auctore prolatis, [ac] ne prolatis quidem, sed tantum modo dictis, acta Caesaris firma erunt; quae ille in aes incidit, in quo populi iussa perpetuasque leges esse voluit, pro nihilo habebuntur?

[17] Equidem existimo nihil tam esse in actis Caesaris quam leges Caesaris. An, si cui quid ille promisit, id erit fixum, quod idem facere non potuit? ut multis multa promissa non fecit; quae tamen multo plura illo mortuo reperta sunt quam a vivo beneficia per omnis annos tributa et data. Sed ea non muto, non moveo; summo studio illius praeclara acta defendo. Pecunia utinam ad Opis maneret! cruenta illa quidem, sed his temporibus, quoniam iis, quorum est, non redditur, necessaria.

[18] Quamquam ea quoque effusa, si ita in actis fuit. Ecquid est, quod tam proprie dici possit actum eius, qui togatus in re publica

cum potestate imperioque versatus sit, quam lex? Quaere acta Gracchi; leges Semproniae proferentur. Quaere Sullae; Corneliae. Quid? Pompei tertius consulatus in quibus actis constitit? Nempe in legibus. De Caesare ipso si quaereres, quidnam egisset in urbe et in toga, leges multas responderet se et praeclaras tulisse, chirographa vero aut mutaret aut non daret, aut, si dedisset, non istas res in actis suis duceret. Sed haec ipsa concedo; quibusdam etiam in rebus coniveo; in maximis vero rebus, id est in legibus, acta Caesaris dissolvi ferendum non puto.

[19] Quae lex melior, utilior, optima etiam re publica saepius flagitata, quam ne praetoriae provinciae plus quam annum neve plus quam biennium consulares obtinerentur? Hac lege sublata videnturne vobis posse Caesaris acta servari? Quid? lege, quae promulgata est de tertia decuria, nonne omnes iudiciariae leges Caesaris dissolvuntur? Et vos acta Caesaris defenditis, qui leges eius evertitis? Nisi forte, si quid memoriae causa rettulit in libellum, id numerabitur in actis et, quamvis iniquum et inutile sit, defendetur; quod ad populum centuria tis comitiis tulit, id in actis Caesaris non habebitur.

[20] At quae est ista tertia decuria? ‘Centurionum’ inquit. Quid? isti ordini iudicatus lege Iulia, etiam ante Pompeia, Aurelia, non patebat? ‘Census praefiniebatur’, inquit. Non centurioni quidem solum, sed equiti etiam Romano; itaque viri fortissimi atque honestissimi, qui ordines duxerunt, res et iudicant et iudicaverunt. ‘Non quaero’ inquit, ‘istos. Quicumque ordinem duxit, iudicet’. At si ferretis, quicumque equo meruisset, quod est lautius, nemini probaretis; in iudice enim spectari et fortuna debet et dignitas. ‘Non quaero’, inquit, ‘ista; addo etiam iudices manipularis ex legione Alaudarum. Aliter enim nostri negant posse se salvos esse.’ O contumeliosum honorem iis, quos ad iudicandum nec opinantis vocatis! Hic enim est legis index, ut ii res in tertia decuria iudicent, qui libere iudicare non audeant. In quo quantus error est, di immortales, eorum, qui istam legem excogitaverunt! Ut enim quisque sordidissimus videbitur, ita libentissime severitate iudicandi sordes suas eluet laborabitque, ut honestis decuriis potius dignus videatur quam in turpem iure coniectus.

[21] Altera promulgata lex est, ut et de vi et maiestatis damnati ad populum provocent, si velint. Haec utrum tandem lex est an legum

omnium dissolutio? Quis est enim hodie, cuius intersit istam legem manere? Nemo reus est legibus illis, nemo, quem futurum putemus. Armis enim gesta numquam profecto in iudicium vocabuntur. ‘At res popularis.’ Utinam quidem aliquid velletis esse populare! Omnes enim iam cives de rei publicae salute una et mente et voce consentiunt. Quae est igitur ista cupiditas legis eius ferendae, quae turpitudinem summam habeat, gratiam nullam? Quid enim turpius quam, qui maiestatem populi Romani minuerit per vim, eum damnatum iudicio ad eam ipsam vim reverti, propter quam sit iure damnatus?

[22] Sed quid plura de lege disputo? Quasi vero id agatur, ut quisquam provocet; id agitur, id fertur, ne quis omnino umquam istis legibus reus fiat. Quis enim aut accusator tam amens reperietur, qui reo condemnato obicere se multitudini conductae velit, aut iudex, qui reum damnare audeat, ut ipse ad operas mercennarias statim protrahatur? Non igitur provocatio ista lege datur, sed duae maxime salutares leges quaestionesque tolluntur. Quid est aliud hortari adulescentes, ut turbulenti, ut sediotiosi, ut perniciosi cives velint esse? Quam autem ad pestem furor tribunicius impelli non poterit, his duabus quaestionibus de vi et maiestatis sublatis?

[23] Quid, quod obrogatur legibus Caesaris, quae iubent ei, qui de vi, itemque ei, qui maiestatis damnatus sit, aqua et igni interdici? quibus cum provocatio datur, nonne acta Caesaris rescinduntur? Quae quidem ego, patres conscripti, qui illa numquam probavi, tamen ita conservanda concordiae causa arbitratus sum, ut non modo, quas vivus leges Caesar tulisset, infirmandas hoc tempore non puterem, sed ne illas quidem, quas post mortem Caesaris prolatas esse et fixas videtis.

[24] De exsilio reducti multi a mortuo, civitas data non solum singulis, sed nationibus et provinciis universis a mortuo, immunitatibus infinitis sublata vectigalia a mortuo. Ergo haec uno, verum optimo auctore, domo prolata defendimus; eas leges, quas ipse nobis inspectantibus recitavit, pronuntiavit, tulit, quibus latis gloriabatur iisque legibus rem publicam contineri putabat, de provinciis, de iudiciis, eas, inquam, Caesaris leges nos, qui defendimus acta Caesaris, evertendas putamus? Ac de his tamen legibus, quae promulgatae sunt, saltem queri possumus; de iis, quae

iam latae dicuntur, ne illud quidem licuit.

[25] Illae enim sine ulla promulgatione latae sunt ante quam scriptae. Quaero autem. quid sit, cur aut ego aut quisquam vestrum, patres conscripti, bonis tribunis plebi leges malas metuat. Paratos habemus, qui intercedant, paratos, qui rem publicam religione defendant; vacui metu esse debemus. ‘Quas tu mihi,’ inquit, ‘intercessiones? quas religiones?’ Eas scilicet, quibus rei publicae salus continetur. ‘Negligimus ista et nimis antiqua ac stulta ducimus; forum saepietur, omnes claudentur aditus, armati in praesidiis multis locis collocabuntur.’

[26] Quid tum? quod ita erit gestum, id lex erit? et in aes incidi iubebitis, credo illa legitima: CONSULES POPULUM IURE ROGAVERUNT (hocine a maioribus accepimus ius rogandi?) POPULUSQUE IURE SCIVIT. Qui populus? isne, qui exclusus est? Quo iure? an eo, quod vi et armis omne sublatum est? Atque dico de futuris, quod est amicorum ante dicere ea, quae vitari possint; quae si facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, de quibus est integrum vobis; demonstro vitia; tollite: denuntio vim, arma; removete.

[27] Irasci quidem vos mihi, Dolabella, pro re publica dicenti non oportebit. Quamquam te quidem id facturum non arbitror (novi facilitatem tuam); collegam tuum aiunt in hac sua fortuna, quae bona ipsi videtur, (mihi, ne gravius quidpiam dicam, avorum et avunculi sui consulatum si imitaretur, fortunatior videretur) — sed eum iracundum audio esse factum. Video autem, quam sit odiosum habere eundem iratum et armatum, cum tanta praesertim gladiorum sit impunitas. Sed proponam ius, ut opinor, aequum; quod M. Antonium non arbitror repudiaturum. Ego, si quid in vitam eius aut in mores cum contumelia dixero, quo minus mihi inimicissimus sit, non recusabo; sin consuetudinem meam [quam in re publica semper habui] tenuero, id est si libere, quae sentiam de re publica, dixero, primum deprecor, ne irascatur; deinde, si hoc non impetro, peto, ut sic irascatur ut civi. Armis utatur, si ita necesse est, ut dicit, sui defendendi causa; iis, qui pro re publica, quae ipsis visa erunt, dixerint, ista arma ne noceant. Quid hac postulatione dici potest aequius?

[28] Quodsi, ut mihi a quibusdam eius familiaribus dictum est,

omnis eum, quae habetur contra voluntatem eius, oratio graviter offendit, etiamsi nulla inest contumelia, feremus amici naturam. Sed idem illi ita mecum loquuntur: ‘Non idem tibi, adversario Caesaris, licebit quod Pisoni socero,’ et simul admonent quiddam, quod cavebimus: ‘Nec erit iustior in senatum non veniendi morbi causa quam mortis’.

[29] Sed per deos immortales! — te enim intuens, Dolabella, qui es mihi carissimus, non possum utriusque vestrum errorem reticere. Credo enim vos nobiles homines, magna quaedam spectantes, non pecuniam, ut quidam nimis creduli suspicantur, quae semper ab amplissimo quoque clarissimoque contempta est, non opes violentas et populo Romano minime ferendam potentiam, sed caritatem civium et gloriam concupivisse. Est autem gloria laus recte factorum magnorumque in rem publicam meritorum, quae cum optimi cuiusque, tum etiam multitudinis testimonio comprobatur.

[30] Dicerem, Dolabella, qui recte factorum fructus esset, nisi te praeter ceteros paulisper esse expertum viderem. Quem potes recordari in vita illuxisse tibi diem laetiorem, quam cum, expiatio foro, dissipato concursu impiorum, principibus sceleris poena affectis, urbe incendio et caedis metu liberata, te domum recepisti? Cuius ordinis, cuius generis, cuius denique fortunae studia tum laudi et gratulationi tuae se non obtulerunt? Quin mihi etiam, quo auctore te in his rebus uti arbitrabantur, et gratias boni viri agebant et tuo nomine gratulabantur. Recordare, quaeso, Dolabella, consensum illum theatri, cum omnes earum rerum obliti, propter quas fuerant tibi offensi, significarent se beneficio novo memoriam veteris doloris abiecisse.

[31] Hanc tu, P. Dolabella, (magno loquor cum dolore) hanc tu, inquam, potuisti aequo animo tantam dignitatem deponere? Tu autem, M. Antoni, (absentem enim appello) unum illum diem, quo in aede Telluris senatus fuit, non omnibus his mensibus, quibus te quidam, multum a me dissentientes, beatum putant, anteponis? Quae fuit oratio de concordia! quanto metu senatus, quanta sollicitudine civitas tum a te liberata est, cum collegam tuum, depositis inimicitiis, oblitus auspiciorum a te ipso augure populi Romani nuntiatorum, illo primum die collegam tibi esse voluisti, tuus parvus filius in Capitolium a te missus pacis obses fuit!

[32] Quo senatus die laetior, quo populus Romanus? qui quidem nulla in contione umquam frequentior fuit. Tum denique liberati per viros fortissimos videbamur, quia, ut illi voluerant, libertatem pax consequebatur. Proximo, altero, tertio, denique reliquis consecutis diebus, non intermittebas quasi donum aliquod cotidie afferre rei publicae, maximum autem illud, quod dictaturae nomen sustulisti. Haec inusta est a te, a te, inquam, mortuo Caesari nota ad ignominiam sempiternam. Ut enim propter unius M. Manli scelus decreto gentis Manliae neminem patricium Manlium Marcum vocari licet, sic tu propter unius dictatoris odium nomen dictatoris funditus sustulisti.

[33] Num te, cum haec pro salute rei publicae tanta gessisses, fortunae tuae, num amplitudinis, num claritatis, num gloriae paenitebat? Unde igitur subito tanta ista mutatio? Non possum adduci, ut suspicer te pecunia captum. Licet, quod cuique libet, loquatur, credere non est necesse. Nihil enim umquam in te sordidum, nihil humile cognovi. Quamquam solent domestici depravare non numquam; sed novi firmatatem tuam. Atque utinam ut culpam, sic etiam suspicionem vitare potuisses! Illud magis vereor, ne, ignorans verum iter gloriae, gloriosum putes plus te unum posse quam omnes et metui a civibus tuis quam diligi malis. Quod si ita putas, totam ignoras viam gloriae. Carum esse civem, bene de re publica mereri, laudari, coli, diligi gloriosum est; metui vero et in odio esse invidiosum, detestabile, imbecillum, caducum.

[34] Quod videmus etiam in fabula illi ipsi, qui ‘Oderint, dum metuant’ dixerit, perniciosum fuisse. Utinam, M. Antoni, avum tuum meminisses! de quo tamen audisti multa ex me, eaque saepissime. Putasne illum immortalitatem mereri voluisse, ut propter armorum habendorum licentiam metueretur? Illa erat vita, illa secunda fortuna, libertate esse parem ceteris, principem dignitate. Itaque, ut omittam res avi tui prosperas, acerbissimum eius supremum diem malim quam L. Cinnae dominatum, a quo ille crudelissime est interfectus.

[35] Sed quid oratione te flectam? Si enim exitus C. Caesaris efficere non potest, ut malis carus esse quam metui, nihil cuiusquam proficiet nec valebit oratio. Quem qui beatum fuisse putant, miseri ipsi sunt. Beatus est nemo, qui ea lege vivit, ut non modo impune, sed etiam cum summa interfectoris gloria interfici possit. Quare

flecte te, quaeso, et maiores tuos respice atque ita guberna rem publicam, ut natum esse te cives tui gaudeant, sine quo nec beatus nec clarus nec tutus quisquam esse omnino potest.

[36] Populi quidem Romani iudicia multa ambo habetis; quibus vos non satis moveri permoleste fero. Quid enim gladiatoribus clamores innumerabilium civium? quid populi versus? quid Pompei statuae plausus infiniti? quid duobus tribunis pl., qui vobis adversantur? parumne haec significant incredibiliter consentientem populi Romani universi voluntatem? Quid? Apollinarium ludorum plausus vel testimonia potius et iudicia populi Romani parum magna vobis videbantur? O beatos illos, qui, cum adesse ipsis propter vim armorum non licebat, aderant tamen et in medullis populi Romani ac visceribus haerebant! Nisi forte Accio tum plaudi et sexagesimo post anno palmam dari, non Bruto putabatis, qui ludis suis ita caruit, ut in illo apparatissimo spectaculo studium populus Romanus tribueret absenti, desiderium liberatoris sui perpetuo plausu et clamore leniret.

[37] Equidem is sum, qui istos plausus, cum popularibus civibus tribuerentur, semper contempserim; idemque, cum a summis, mediis, infimis, cum denique ab universis hoc idem fit, cumque ii, qui ante sequi populi consensum solebant, fugiunt, non plausum illum, sed iudicium puto. Sin haec leviora vobis videntur, quae sunt gravissima, num etiam hoc contemnitis, quod sensistis, tam caram populo Romano vitam A. Hirti fuisse? Satis erat enim probatum illum esse populo Romano, ut est; iucundum amicis, in quo vincit omnis; carum suis, quibus est [ipse] carissimus; tantam tamen sollicitudinem bonorum, tantum timorem omnium in quo meminimus? Certe in nullo.

[38] Quid igitur? hoc vos, per deos immortales! quale sit, non interpretamini? Quid? eos de vestra vita cogitare non censetis, quibus eorum, quos sperant rei publicae consulturos, vita tam cara sit? Cepi fructum, patres conscripti, reversionis meae, quoniam et ea dixi, ut, quicumque casus consecutus esset, exstaret constantiae meae testimonium, et sum a vobis benigne ac diligenter auditus. Quae potestas si mihi saepius sine meo vestroque periculo fiet, utar; si minus, quantum potero, non tam mihi me quam rei publicae reservabo. Mihi fere satis est, quod vixi, vel ad aetatem vel ad gloriam; huc si quid accesserit, non tam mihi quam vobis reique

publicae accesserit.

PHILIPPICA SECVNDA

[1] [I] Quonam meo fato, patres conscripti, fieri dicam, ut nemo his annis viginti rei publicae fuerit hostis, qui non bellum eodem tempore mihi quoque indixerit? Nec vero necesse est quemquam a me nominari; vobiscum ipsi recordamini. Mihi poenarum illi plus, quam optaram, dederunt: te miror, Antoni, quorum facta imitere, eorum exitus non perhorrescere. Atque hoc in aliis minus mirabar. Nemo enim illorum inimicus mihi fuit voluntarius, omnes a me rei publicae causa lacessiti. Tu ne verbo quidem violatus, ut audacior quam Catilina, furiosior quam Clodius viderere, ultro me maledictis lacessisti, tuamque a me alienationem commendationem tibi ad impios civis fore putavisti.

[2] Quid putem? contemptumne me? Non video, nec in vita nec in gratia nec in rebus gestis nec in hac mea mediocritate ingeni quid despicere possit Antonius. An in senatu facillime de me detrahi posse credidit? qui ordo clarissimis civibus bene gestae rei publicae testimonium multis, mihi uni conservatae dedit. An decertare mecum voluit contentione dicendi? Hoc quidem est beneficium. Quid enim plenius, quid uberius quam mihi et pro me et contra Antonium dicere? Illud profecto [est]: non existimavit sui similibus probari posse se esse hostem patriae, nisi mihi esset inimicus.

[3] Cui priusquam de ceteris rebus respondeo, de amicitia quam a me violatam esse criminatus est, quod ego gravissimum crimen iudico, pauca dicam. [II] Contra rem suam me nescio quando venisse questus est. An ego non venirem contra alienum pro familiari et necessario, non venirem contra gratiam non virtutis spe, sed aetatis flore collectam, non venirem contra iniuriam quam iste intercessoris iniquissimi beneficio optinuit, non iure pretorio? Sed hoc idcirco commemoratum a te puto, ut te infimo ordini commendares, cum omnes te recordarentur libertini generum et liberos tuos nepotes Q. Fadi, libertini hominis fuisse. At enim te in disciplinam meam tradideras (nam ita dixisti), domum meam ventitaras. Ne tu, si id fecisses, melius famae, melius pudicitiae tuae consuluisses. Sed neque fecisti nec, si cuperes, tibi id per C. Curionem facere licuisset.

[4] Auguratus petitionem mihi te concessisse dixisti. O

incredibilem audaciam, o inpudentiam praedicandam! Quo enim tempore me augurem a toto collegio expetitum Cn. Pompeius et Q. Hortensius nominaverunt (nec enim licebat a pluribus nominari), tu nec solvendo eras nec te ullo modo nisi eversa re publica fore incolumem putabas. Poteras autem eo tempore auguratum petere, cum in Italia Curio non esset, aut tum, cum es factus, unam tribum sine Curione ferre potuisses? cuius etiam familiares de vi condemnati sunt, quod tui nimis studiosi fuissent.

[5] [III] At beneficio sum tuo usus. Quo? Quamquam illud ipsum, quod commemoras, semper prae me tuli; malui me tibi debere confiteri quam cuiquam minus prudenti non satis gratus videri. Sed quo beneficio? quod me Brundisi non occideris? Quem ipse victor, qui tibi, ut tute gloriari solebas, detulerat ex latronibus suis principatum, salvum esse voluisset, in Italiam ire iussisset, eum tu occideres? Fac potuisse. Quod est aliud, patres conscripti, beneficium latronum, nisi ut commemorare possint iis se dedisse vitam, quibus non ademerint? Quod si esset beneficium, numquam, qui illum interfecerunt, a quo erant conservati, quos tu clarissimos viros soles appellare, tantam essent gloriam consecuti. Quale autem beneficium est, quod te abstinueris nefario scelere? Qua in re non tam iucundum mihi videri debuit non interfectum me a te quam miserum te id impune facere potuisse.

[6] Sed sit beneficium, quandoquidem maius accipi a latrone nullum potuit; in quo potes me dicere ingratum? An de interitu rei publicae queri non debui, ne in te ingratus viderer? At in illa querella misera quidem et luctuosa, sed mihi pro hoc gradu, in quo me senatus populusque Romanus collocavit, necessaria quid est dictum a me cum contumelia, quid non moderate, quid non amice? Quod quidem cuius temperantiae fuit, de M. Antonio querentem abstinere maledictis! praesertim cum tu reliquias rei publicae dissipavisses, cum domi tuae turpissimo mercatu omnia essent venalia, cum leges eas, quae numquam promulgatae essent, et de te et a te latas confiterere, cum auspicia augur, intercessionem consul sustulisses, cum esse foedissime stipatus armatis, cum omnis impuritates inpudica in domo cotidie susciperes vino lustrisque confectus.

[7] At ego, tamquam mihi cum M. Crasso contentio esset, quocum multae et magnae fuerunt, non cum uno gladiatore nequissimo, de re

publica graviter querens de homine nihil dixi. Itaque hodie perficiam, ut intellegat, quantum a me beneficium tum acceperit. [IV] At etiam litteras, quas me sibi misisse diceret, recitavit homo et humanitatis expers et vitae communis ignarus. Quis enim umquam, qui paulum modo bonorum consuetudinem nosset, litteras ad se ab amico missas offensione aliqua interposita in medium protulit palamque recitavit? Quid est aliud tollere ex vita vitae societatem, tollere amicorum conloquia absentium? Quam multa ioca solent esse in epistulis, quae prolata si sint, inepta videantur, quam multa seria neque tamen ullo modo divulganda!

[8] Sit hoc inhumanitatis [tuae]; stultitiam incredibilem videte. Quid habes quod mihi opponas, homo diserte, ut Mustelae et Tironi Numisio videris? Qui cum hoc ipso tempore stent cum gladiis in conspectu senatus, ego quoque te disertum putabo, si ostenderis, quo modo sis eos inter sicarios defensurus. Sed quid opponas tandem, si negem me umquam ad te istas litteras misisse, quo me teste convincas? An chirographo? in quo habes scientiam quaestuosam. Qui possis? sunt enim librarii manu. Iam invideo magistro tuo, qui te tanta mercede, quantam iam proferam, nihil sapere doceat.

[9] Quid enim est minus non dico oratoris, sed hominis quam id obicere adversario, quod ille si verbo negarit, longius progredi non possit, qui obiecerit? At ego non nego teque in isto ipso convinco non inhumanitatis solum, sed etiam amentiae. Quod enim verbum in istis litteris est non plenum humanitatis, officii, benivolentiae? Omne autem crimen tuum est, quod de te in his litteris non male existimem, quod scribam tamquam ad civem, tamquam ad bonum virum, non tamquam ad sceleratum et latronem. At ego tuas litteras, etsi iure poteram a te lacessitus, tamen non proferam; quibus petis, ut tibi per me liceat quendam de exilio reducere, adiurasque id te invito me non esse facturum. Idque a me impetrasti. Quid enim me interponerem audaciae tuae, quam neque auctoritas huius ordinis neque existimatio populi Romani neque leges ullae possent coercere?

[10] Verum tamen quid erat, quod me rogares, si erat is, de quo rogabas, Caesaris lege reductus? Sed videlicet meam gratiam voluit esse, in quo ne ipsius quidem ulla esse poterat lege lata. [V] Sed cum mihi, patres conscripti, et pro me aliquid et in M. Antonium multa dicenda sint, alterum peto a vobis, ut me pro me dicentem benigne,

alterum ipse efficiam, ut, contra illum cum dicam, attente audiatis. Simul illud oro: si meam cum in omni vita, tum in dicendo moderationem modestiamque cognostis, ne me hodie, cum isti, ut provocavit, respondero, oblitum esse putetis mei. Non tractabo ut consulem; ne ille quidem me ut consularem. Etsi ille nullo modo consul, vel quod ita vivit vel quod ita rem publicam gerit vel quod ita factus est; ego sine ulla controversia consularis.

[11] Ut igitur intellegeretis, qualem ipse se consulem profiteretur, obiecit mihi consulatum meum. Qui consulatus verbo meus, patres conscripti, re vester fuit. Quid enim ego constitui, quid gessi, quid egi nisi ex huius ordinis consilio, auctoritate, sententia? Haec tu homo sapiens, non solum eloquens, apud eos quorum consilio sapientiaque gesta sunt, ausus es vituperare? Quis autem, meum consulatum praeter te Publiumque Clodium qui vituperaret, inventus est? cuius quidem tibi fatum sicut C. Curioni manet, quoniam id domi tuae est, quod fuit illorum utrique fatale.

[12] Non placet M. Antonio consulatus meus. At placuit P. Servilio, ut eum primum nominem ex illius temporis consularibus, qui proxime est mortuus, placuit Q. Catulo, cuius semper in hac re publica vivet auctoritas; placuit duobus Lucullis, M. Crasso, Q. Hortensio, C. Curioni, C. Pisoni, M'. Glabrioni, M'. Lepido, L. Volcatio, C. Figulo, D. Silano, L. Murenae, qui tum erant consules designati, placuit idem quod consularibus M. Catoni; qui cum multa vita excedens providit, tum quod te consulem non vidit. Maxime vero consulatum meum Cn. Pompeius probavit, qui ut me primum decedens ex Syria vidit, complexus et gratulans meo beneficio patriam se visurum esse dixit. Sed quid singulos commemoro? Frequentissimo senatui sic placuit ut esset nemo qui mihi non ut parenti gratias ageret, qui mihi non vitam suam, fortunas, liberos, rem publicam referret acceptam.

[13] [VI] Sed quoniam illis, quos nominavi, tot et talibus viris res publica orbata est, veniamus ad vivos, qui duo de consularium numero reliqui sunt. L. Cotta, vir summo ingenio summaque prudentia, rebus iis gestis, quas tu reprehendis, supplicationem decrevit verbis amplissimis, eique illi ipsi, quos modo nominavi, consulares senatusque cunctus adsensus est, qui honos post conditam hanc urbem habitus est togato ante me nemini.

[14] L. Caesar, avunculus tuus, qua oratione, qua constantia, qua gravitate sententiam dixit in sororis suae virum, vitricum tuum! Hunc tu cum auctorem et praeceptorem omnium consiliorum totiusque vitae debuisses habere, vitrici te similem quam avunculi maluisti. Huius ego alienus consiliis consul usus sum, tu sororis filius ecquid ad eum umquam de re publica rettulisti? At ad quos refert? di immortales! Ad eos scilicet, quorum nobis etiam dies natales audiendi sunt.

[15] Hodie non descendit Antonius. Cur? Dat nataliciam in hortis. Cui? Neminem nominabo; putate tum Phormioni alicui, tum Gnathoni, tum etiam Ballioni. O foeditatem hominis flagitiosam, o impudentiam, nequitiam, libidinem non ferendam! Tu cum principem senatorem, civem singularem tam propinquum habeas, ad eum de re publica nihil referas, referas ad eos qui suam rem nullam habent, tuam exhauriunt? Tuus videlicet salutaris consulatus, perniciosus meus. [VII] Adeone pudorem cum pudicitia perdidisti, ut hoc in eo templo dicere ausus sis, in quo ego senatum illum qui quondam florens orbi terrarum praesidebat, consulebam, tu homines perditissimos cum gladiis conlocavisti?

[16] At etiam ausus es (quid autem est, quod tu non audeas?) clivum Capitolinum dicere me consule plenum servorum armatorum fuisse. Ut illa, credo, nefaria senatus consulta fierent, vim adferebam senatui. O miser, sive illa tibi nota non sunt (nihil enim boni nosti) sive sunt, qui apud talis viros tam impudenter loquare! Quis enim eques Romanus, quis praeter te adulescens nobilis, quis ullius ordinis, qui se civem esse meminisset, cum senatus in hoc templo esset, in clivo Capitolino non fuit, quis nomen non dedit? quamquam nec scribae sufficere nec tabulae nomina illorum capere potuerunt.

[17] Etenim, cum homines nefarii de patriae parricidio confiterentur consciorum indiciis, sua manu, voce paene litterarum coacti se urbem inflammare, cives trucidare, vastare Italiam, delere rem publicam consensisse, quis esset, qui ad salutem communem defendendam non excitaretur, praesertim cum senatus populusque Romanus haberet ducem, qualis si qui nunc esset, tibi idem, quod illis accidit, contigisset? Ad sepulturam corpus vitrici sui negat a me datum. Hoc vero ne P. quidem Clodius dixit umquam; quem, quia iure ei inimicus fui, doleo a te omnibus vitiis iam esse superatum.

[18] Qui autem tibi venit in mentem redigere in memoriam nostram te domi P. Lentuli esse educatum? An verebare, ne non putaremus natura te potuisse tam improbum evadere, nisi accessisset etiam disciplina? [VIII] Tam autem erat excors, ut tota in oratione tua tecum ipse pugnares, non modo non cohaerentia inter se diceres, sed maxime disiuncta atque contraria, ut non tanta mecum quanta tibi tecum esset contentio. Vitricum tuum fuisse in tanto scelere fatebare, poena adfectum querebare. Ita, quod proprie meum est, laudasti, quod totum est senatus, reprehendisti. Nam comprehensio sontium mea, animadversio senatus fuit. Homo disertus non intellegit eum, quem contra dicit, laudari a se, eos, apud quos dicit, vituperari.

[19] Iam illud cuius est non dico audaciae (cupit enim se audacem), sed, quod minime vult, stultitiae, qua vincit omnis, clivi Capitolini mentionem facere, cum inter subsellia nostra versentur armati, cum in hac cella Concordiae, di immortales! in qua me consule salutares sententiae dictae sunt, quibus ad hanc diem viximus, cum gladiis homines conlocati stent? Accusa senatum, accusa equestrem ordinem, qui tum cum senatus copulatus fuit, accusa omnis ordines, omnis civis, dum confiteare hunc ordinem hoc ipso tempore ab Ityraeis circumsederi. Haec tu non propter audaciam dicis tam impudenter, sed, qui tantam rerum repugnantiam non videas, nihil profecto sapis. Quid est enim dementius quam, cum rei publicae perniciosa arma ipse ceperis, obicere alteri salutaria?

[20] At etiam quodam loco facetus esse voluisti. Quam id te, di boni, non decebat! In quo est tua culpa non nulla. Aliquid enim salis a mima uxore trahere potuisti. ‘Cedant arma togae’. Quid? tum nonne cesserunt? At postea tuis armis cessit toga. Quaeramus igitur, utrum melius fuerit, libertati populi Romani sceleratorum arma an libertatem nostram armis tuis cedere. Nec vero tibi de versibus plura respondebo; tantum dicam breviter, te neque illos neque ullas omnino litteras nosse, me nec rei publicae nec amicis umquam defuisse et tamen omni genere monimentorum meorum perfecisse, ut meae vigiliae meaeque litterae et iuventuti utilitatis et nomini Romano laudis aliquid adferrent. Sed haec non huius temporis; maiora videamus.

[21] [IX] P. Clodium meo consilio interfectum esse dixisti. Quidnam homines putarent, si tum occisus esset, cum tu illum in foro spectante

populo Romano gladio insecutus es negotiumque transegisses, nisi se ille in scalas tabernae librariae coniecisset iisque oppilatis impetum tuum compressisset? Quod quidem ego favisse me tibi fateor, suasisse ne tu quidem dicis. At Miloni ne favere quidem potui; prius enim rem transegit quam quisquam eum facturum id suspicaretur. At ego suasi. Scilicet is animus erat Milonis, ut prodesse rei publicae sine suasore non posset. At laetatus sum. Quid ergo? in tanta laetitia cunctae civitatis me unum tristem esse oportebat?

[22] Quamquam de morte Clodi fuit quaestio non satis prudenter illa quidem constituta (quid enim attinebat nova lege quaeri de eo, qui hominem occidisset, cum esset legibus quaestio constituta?), quaesitum est tamen. Quod igitur, cum re agebatur, nemo in me dixit, id tot annis post tu es inventus qui diceres?

[23] Quod vero dicere ausus es, idque multis verbis, opera mea Pompeium a Caesaris amicitia esse diiunctum ob eamque causam culpa mea bellum civile esse natum, in eo non tu quidem tota re, sed, quod maximum est, temporibus errasti. [X] Ego M. Bibulo, praestantissimo cive, consule, nihil praetermisi, quantum facere enitique potui, quin Pompeium a Caesaris coniunctione avocarem. In quo Caesar felicior fuit. Ipse enim Pompeium a mea familiaritate diiunxit. Postea vero quam se totum Pompeius Caesari tradidit, quid ego illum ab eo distrahere conarer? Stulti erat sperare, suadere impudentis.

[24] Duo tamen tempora inciderunt, quibus aliquid contra Caesarem Pompeio suaserim. Ea velim reprehendas, si potes, unum, ne quinquennii imperium Caesari prorogaret, alterum, ne pateretur ferri, ut absentis eius ratio haberetur. Quorum si utrumvis persuasissem, in has miserias numquam incidissemus. Atque idem ego, cum iam opes omnis et suas et populi Romani Pompeius ad Caesarem detulisset seroque ea sentire coepisset, quae multo ante provideram, inferrique patriae bellum viderem nefarium, pacis, concordiae, compositionis auctor esse non destiti, meaque illa vox est nota multis: ‘Utinam, Pompei, cum Caesare societatem aut numquam coisses aut numquam diremisses! Fuit alterum gravitatis, alterum prudentiae tuae. ‘ Haec mea, M. Antoni, semper et de Pompeio et de re publica consilia fuerunt. Quae si valuissent, res publica staret, tu tuis flagitiis, egestate, infamia concidisses.

[25] [XI] Sed haec vetera, illud vero recens, Caesarem meo consilio interfectum. Iam vereor, patres conscripti, ne, quod turpissimum est, praevaricatorem mihi adposuisse videar, qui me non solum meis laudibus ornaret, sed etiam alienis. Quis enim meum in ista societate gloriosissimi facti nomen audivit? Cuius autem, qui in eo numero fuisset, nomen est occultatum? Occultatum dico; cuius non statim divulgatum? Citius dixerim iactasse se aliquos, ut fuisse in ea societate viderentur, cum conscii non fuissent, quam ut quisquam celari vellet, qui fuisset.

[26] Quam veri simile porro est in tot hominibus partim obscuris, partim adulescentibus neminem occultantibus meum nomen latere potuisse? Etenim, si auctores ad liberandam patriam desiderarentur illis actoribus, Brutos ego impellerem, quorum uterque L. Bruti imaginem cotidie videret, alter etiam Ahalae? Hi igitur his maioribus ab alienis potius consilium peterent quam a suis et foris potius quam domo? Quid? C. Cassius in ea familia natus quae non modo dominatum, sed ne potentiam quidem cuiusquam ferre potuit, me auctorem, credo, desideravit; qui etiam sine his clarissimis viris hanc rem in Cilicia ad ostium fluminis Cydni confecisset, si ille ad eam ripam, quam constituerat, non ad contrariam navis appulisset.

[27] Cn. Domitium non patris interitus, clarissimi viri, non avunculi mors, non spoliatio dignitatis ad reciperandam libertatem, sed mea auctoritas excitavit? An C. Trebonio ego persuasi? cui ne suadere quidem ausus essem. Quo etiam maiorem ei res publica gratiam debet, qui libertatem populi Romani unius amicitiae praeposuit depulsorque dominatus quam particeps esse maluit. An L. Tillius Cimber me est auctorem secutus? quem ego magis fecisse illam rem sum admiratus, quam facturum putavi, admiratus autem ob eam causam, quod immemor beneficiorum, memor patriae fuisset. Quid? duos Servilios — Cascas dicam an Ahalas? et hos auctoritate mea censes excitatos potius quam caritate rei publicae? Longum est persequi ceteros, idque rei publicae praeclarum, fuisse tam multos, ipsis gloriosum.

[28] [XII] At quem ad modum me coarguerit homo acutus, recordamini. ‘Caesare interfecto’, inquit, ‘statim cruentum alte extollens Brutus pugionem Ciceronem nominatim exclamavit atque ei recuperatam libertatem est gratulatus’. Cur mihi potissimum? quia

sciebam? Vide, ne illa causa fuerit adpellandi mei, quod, cum rem gessisset consimilem rebus iis, quas ipse gesseram, me potissimum testatus est se aemulum mearum laudium extitisse.

[29] Tu autem, omnium stultissime, non intellegis, si, id quod me arguis, voluisse interfici Caesarem crimen sit, etiam laetatum esse morte Caesaris crimen esse? Quid enim interest inter suasorem facti et probatorem? aut quid refert, utrum voluerim fieri an gaudeam factum? Ecquis est igitur exceptis iis, qui illum regnare gaudebant, qui illud aut fieri noluerit aut factum improbarit? Omnes ergo in culpa. Etenim omnes boni, quantum in ipsis fuit, Caesarem occiderunt; aliis consilium, aliis animus, aliis occasio defuit, voluntas nemini.

[30] Sed stuporem hominis vel dicam pecudis attendite. Sic enim dixit: ‘Brutus, quem ego honoris causa nomino, cruentum pugionem tenens Ciceronem exclamavit; ex quo intellegi debet eum conscium fuisse. ‘ Ergo ego sceleratus appellor a te, quem tu suspicatum aliquid suspicaris; ille, qui stillantem prae se pugionem tulit, is a te honoris causa nominatur? Esto, sit in verbis tuis hic stupor; quanto in rebus sententiisque maior! Constitue hoc, consul, aliquando, Brutorum, C. Cassi, Cn. Domiti, C. Treboni, reliquorum quam velis esse causam; edormi crapulam, inquam, et exhala. An faces admovendae sunt, quae [te] excitent tantae causae indormientem? Numquamne intelleges statuendum tibi esse, utrum illi, qui istam rem gesserunt, homicidae sint an vindices libertatis?

[31] [XIII] Attende enim paulisper cogitationemque sobrii hominis punctum temporis suscipe. Ego, qui sum illorum, ut ipse fateor, familiaris, ut a te arguor, socius nego quicquam esse medium; confiteor eos, nisi liberatores populi Romani conservatoresque rei publicae sint, plus quam sicarios, plus quam homicidas, plus etiam quam parricidas esse, siquidem est atrocius patriae parentem quam suum occidere. Tu, homo sapiens et considerate, quid dicis? Si parricidas, cur honoris causa a te sunt et in hoc ordine et apud populum Romanum semper appellati? Cur M. Brutus referente te legibus est solutus, si ab urbe plus quam decem dies afuisset? cur ludi Apollinares incredibili M. Bruti honore celebrati? cur provinciae Bruto, Cassio datae, cur quaestores additi, cur legatorum numerus auctus? Atqui haec acta per te. Non igitur homicidas. Sequitur, ut

liberatores tuo iudicio, quandoquidem tertium nihil potest esse.

[32] Quid est? num conturbo te? Non enim fortasse satis, quae diiunctius dicuntur, intellegis. Sed tamen haec summa est conclusionis meae, quoniam scelere a te liberati sunt, ab eodem amplissimis praemiis dignissimos iudicatos. Itaque iam retexo orationem meam. Scribam ad illos, ut, si qui forte, quod a te mihi obiectum est, quaerent sitne verum, ne cui negent. Etenim vereor, ne aut celatum me illis ipsis non honestum aut invitatum refugisse mihi sit turpissimum. Quae enim res umquam, pro sancte Iuppiter! non modo in hac urbe, sed in omnibus terris est gesta maior, quae gloriosior, quae commendatior hominum memoriae sempiternae? In huius me tu consili societatem tamquam in equum Troianum cum principibus includis;

[33] Non recuso; ago etiam gratias, quoquo animo facis. Tanta enim res est, ut invidiam istam, quam tu in me vis concitare, cum laude non comparem. Quid enim beatius illis, quos tu expulsos a te praedicas et relegatos? qui locus est aut tam desertus aut tam inhumanus, qui illos, cum accesserint, non adfari atque adpetere videatur? qui homines tam agrestes, qui se, cum eos aspexerint, non maximum cepisse vitae fructum putent? quae vero tam immemor posteritas, quae tam ingratae litterae reperientur, quae eorum gloriam non immortalitatis memoria prosequantur? Tu vero adscribe me talem in numerum.

[34] [XIV] Sed unam rem vereor ne non probes. Si enim fuissem, non solum regem, sed etiam regnum de re publica sustilissem et, si meus stilus ille fuisset, ut dicitur, mihi crede, non solum unum actum, sed totam fabulam confecissem. Quamquam, si interfici Caesarem voluisse crimen est, vide, quaeso, Antoni, quid tibi futurum sit, quem et Narbone hoc consilium cum C. Trebonio cepisse notissimum est, et ob eius consili societatem, cum interficeretur Caesar, tum te a Trebonio vidimus sevocari. Ego autem (vide, quam tecum agam non inimice!), quod bene cogitasti aliquando, laudo, quod non indicasti, gratias ago, quod non fecisti, ignosco. Virum res illa quaerebat.

[35] Quodsi te in iudicium quis adducat usurpetque illud Cassianum, ‘cui bono’ fuerit, vide, quaeso, ne haereas. Quamquam illud quidem fuit, ut tu dicebas, omnibus bono, qui servire nolebant, tibi tamen praecipue, qui non modo non servis, sed etiam regnas, qui

maximo te aere alieno ad aedem Opis liberavisti, qui per easdem tabulas innumerabilem pecuniam dissipavisti, ad quem e domo Caesaris tam multa delata sunt, cuius domi quaestuosissima est falsorum commentariorum et chirographorum officina, agrorum, oppidorum, immunitatium, vectigalium flagitiosissimae nundinae.

[36] Etenim quae res egestati et aeri alieno tuo praeter mortem Caesaris subvenire potuisset? Nescio quid conturbatus esse videris; numquid subtimes, ne ad te hoc crimen pertinere videatur? Libero te metu; nemo credet umquam; non est tuum de re publica bene mereri; habet istius pulcherrimi facti clarissimos viros res publica auctores; ego te tantum gaudere dico, fecisse non arguo. Respondi maximis criminibus; nunc etiam reliquis respondendum est.

[37] [XV]Castra mihi Pompei atque illud omne tempus obiecisti. Quo quidem tempore si, ut dixi, meum consilium auctoritasque valuisset, tu hodie egeres, nos liberi essemus, res publica non tot duces et exercitus amisisset. Fateor enim me, cum ea, quae acciderunt, providerem futura, tanta in maestitia fuisse, quanta ceteri optimi cives, si idem providissent, fuissent. Dolebam, dolebam, patres conscripti, rem publicam vestris quondam meisque consiliis conservatam brevi tempore esse perituram. Nec vero eram tam indoctus ignarusque rerum, ut frangerer animo propter vitae cupiditatem, quae me manens conficeret angoribus, dimissa molestiis omnibus liberaret. Illos ego praestantissimos viros, lumina rei publicae, vivere volebam, tot consularis, tot praetorios, tot honestissimos senatores, omnem praeterea florem nobilitatis ac iuventutis, tum optimorum civium exercitus; qui si viverent, quamvis iniqua condicione pacis (mihi enim omnis pax cum civibus bello civili utilior videbatur) rem publicam hodie teneremus.

[38] Quae sententia si valuisset ac non ei maxime mihi, quorum ego vitae consulebam, spe victoriae elati obstitissent, ut alia omittam, tu certe numquam in hoc ordine vel potius numquam in hac urbe mansisses. At vero Cn. Pompei voluntatem a me alienabat oratio mea. An ille quemquam plus dilexit, cum ullo aut sermones aut consilia contulit saepius? Quod quidem erat magnum, de summa re publica dissentientis in eadem consuetudine amicitiae permanere. Ego, quid ille, et contra ille, quid ego sentirem et spectarem, videbat. Ego incolumitati civium primum, ut postea dignitati possemus, ille

praesenti dignitati potius consulebat. Quod autem habebat uterque, quid sequeretur, idcirco tolerabilior erat nostra dissensio.

[39] Quid vero ille singularis vir ac paene divinus de me senserit, sciunt, qui eum de Pharsalia fuga Paphum persecuti sunt. Numquam ab eo mentio de me nisi honorifica, nisi plena amicissimi desiderii, cum me vidisse plus fateretur, se speravisse meliora. Et eius viri nomine me insectari audes, cuius me amicum, te sectorem esse fateare? [XVI] Sed omittatur bellum illud, in quo tu nimium felix fuisti. Ne de iocis quidem respondebo, quibus me in castris usum esse dixisti. Erant quidem illa castra plena curae; verum tamen homines, quamvis in turbidis rebus sint, tamen, si modo homines sunt, interdum animis relaxantur.

[40] Quod autem idem maestitiam meam reprehendit, idem iocum, magno argumento est me in utroque fuisse moderatum. Hereditates mihi negasti venire. Utinam hoc tuum verum crimen esset! plures amici mei et necessarii viverent. Sed qui istuc tibi venit in mentem? Ego enim amplius sestertium ducentiens acceptum hereditatibus rettuli. Quamquam in hoc genere fateor feliciorem esse te. Me nemo nisi amicus fecit heredem, ut cum illo commodo, si quod erat, animi quidam dolor iungeretur; te is, quem tu vidisti numquam, L. Rubrius Casinas fecit heredem.

[41] Et quidem vide, quam te amarit is, qui albus aterne fuerit ignoras. Fratris filium praeterit, Q. Fufi, honestissimi equitis Romani suique amicissimi, quem palam heredem semper factitarat, ne nominat quidem: te, quem numquam viderat aut certe numquam salutaverat, fecit heredem. Velim mihi dicas, nisi molestum est, L. Turselius qua facie fuerit, qua statura, quo municipio, qua tribu. ‘Nihil scio’, inquies, ‘nisi quae praedia habuerit. ‘ Is igitur fratrem exheredans te faciebat heredem? In multas praeterea pecunias alienissimorum hominum vi eiectis veris heredibus, tamquam heres esset, invasit.

[42] Quamquam hoc maxime admiratus sum, mentionem te hereditatum ausum esse facere, cum ipse hereditatem patris non adisses. [XVII] Haec ut colligeres, homo amentissime, tot dies in aliena villa declamasti? Quamquam tu quidem, ut tui familiarissimi dictitant, vini exhalandi, non ingenii acuendi causa declamas. At vero adhibes ioci causa magistrum suffragio tuo et compotorum tuorum

rhetorem, cui concessisti, ut in te, quae vellet, diceret, salsum omnino hominem, sed materia facilis in te et in tuos dicta dicere. Vide autem, quid intersit inter te et avum tuum. Ille sensim dicebat, quod causae prodesset; tu cursim dicis aliena.

[43] At quanta merces rhetori data est! Audite, audite, patres conscripti, et cognoscite rei publicae vulnera. Duo milia iugerum campi Leontini Sex. Clodio rhetori adsignasti, et quidem immunia, ut populi Romani tanta mercede nihil sapere disceres. Num etiam hoc, homo audacissime, ex Caesaris commentariis? Sed dicam alio loco et de Leontino agro et de Campano, quos iste agros ereptos rei publicae turpissimis possessoribus inquinavit. Iam enim, quoniam criminibus eius satis respondi, de ipso emendatore et correctore nostro quaedam dicenda sunt. Nec enim omnia effundam, ut, si saepius decertandum sit, ut erit, semper novus veniam; quam facultatem mihi multitudo istius vitiorum peccatorumque largitur.

[44] [XVIII] Visne igitur te inspiciamus a puero? Sic opinor; a principio ordiamur. Tenesne memoria praetextatum te decoxisse? 'Patris', inquies, 'ista culpa est'. Concedo. Etenim est pietatis plena defensio. Illud tamen audaciae tuae, quod sedisti in quattuordecim ordinibus, cum esset lege Roscia decoctoribus certus locus constitutus, quamvis quis fortunae vitio, non suo decoxisset. Sumpsisti virilem, quam statim muliebrem togam reddidisti. Primo vulgare scortum, certa flagitii merces, nec ea parva; sed cito Curio intervenit, qui te a meretricio quaestu abduxit et, tamquam stolam dedisset, in matrimonio stabili et certo collocavit.

[45] Nemo umquam puer emptus libidinis causa tam fuit in domini potestate quam tu in Curionis. Quotiens te pater eius domu sua eiecit, quotiens custodes posuit, ne limen intrares! cum tu tamen nocte socia, hortante libidine, cogente mercede, per tegulas demitterere. Quae flagitia domus illa diutius ferre non potuit. Scisne me de rebus mihi notissimis dicere? Recordare tempus illud, cum pater Curio maerens iacebat in lecto, filius se ad pedes meos prosternens lacrimans te mihi commendabat, orabat, ut se contra suum patrem, si sestertium sexagiens peteret, defenderem; tantum enim se pro te intercessisse dicebat. Ipse autem amore ardens confirmabat, quod desiderium tui discidii ferre non posset, se in exilium iturum.

[46] Quo tempore ego quanta mala florentissimae familiae sedavi

vel potius sustuli! Patri persuasi, ut aes alienum filii dissolveret, redimeret adulescentem summa spe et animi et ingenii praeditum rei familiaris facultatibus eumque non modo tua familiaritate, sed etiam congressione patrio iure et potestate prohiberet. Haec tu cum per me acta meminisses, nisi illis, quos videmus, gladiis confideres, maledictis me provocare ausus esses?

[47] [XIX] Sed iam stupra et flagitia omittamus: sunt quaedam, quae honeste non possum dicere; tu autem eo liberior, quod ea in te admisisti, quae a verecundo inimico audire non posses. Sed reliquum vitae cursum videte; quem quidem celeriter perstringam. Ad haec enim, quae in civili bello, in maximis rei publicae miseriis fecit, et ad ea, quae cotidie facit, festinat animus. Quae peto ut, quamquam multo notiora vobis quam mihi sunt, tamen ut facitis, attente audiatis. Debet enim talibus in rebus excitare animos non cognitio solum rerum, sed etiam recordatio; etsi incidamus, opinor, media ne nimis sero ad extrema veniamus.

[48] Intimus erat in tribunatu Clodio, qui sua erga me beneficia commemorat; eius omnium incendiorum fax, cuius etiam domi iam tum quiddam molitus est. Quid dicam, ipse optime intellegit. Inde iter Alexandriam contra senatus auctoritatem, contra rem publicam et religiones; se habebat ducem Gabinium, quicum quidvis rectissime facere posset. Qui tum inde reditus aut qualis? Prius in ultimam Galliam ex Aegypto quam domum. Quae autem domus? Suam enim quisque domum tum optinebant, nec erat usquam tua. Domum dico; quid erat in terris, ubi in tuo pedem poneres praeter unum Misenum, quod cum sociis tamquam Sisaponem tenebas?

[49] [XX] Venisti e Gallia ad quaesturam petendam. Aude dicere te prius ad parentem tuam venisse quam ad me. Acceperam iam ante Caesaris litteras, ut mihi satis fieri paterer a te; itaque ne loqui quidem sum te passus de gratia. Postea sum cultus a te, tu a me observatus in petitione quaesturae; quo quidem tempore P. Clodium, adprobante populo Romano in foro es conatus occidere, cumque eam rem tua sponte conarere, non impulsu meo, tamen ita praedicabas, te non existimare, nisi illum interfecisses, umquam mihi pro tuis in me iniuriis satis esse facturum. In quo demiror, cur Milonem impulsu meo rem illam egisse dicas, cum te ultro mihi idem illud deferentem numquam sim adhortatus. Quamquam, si in eo perseverares, ad tuam

gloriam rem illam referri malebam quam ad meam gratiam.

[50] Quaestor es factus; deinde continuo sine senatus consulto, sine sorte, sine lege ad Caesarem cucurristi. Id enim unum in terris egestatis, aeris alieni, nequitiae, perditis vitae rationibus, perfugium esse ducebas. Ibi te cum et illius largitionibus et tuis rapinis explevisses, si hoc est explere, haurire, quod statim effundas, advolasti egens ad tribunatum, ut in eo magistratu, si posses, viri tui similis esses. [XXI] Accipite nunc, quaeso, non ea, quae ipse in se atque in domesticum dedecus impure et intemperanter, sed quae is nos fortunasque nostras, id est in universam rem publicam, impie ac nefarie fecerit. Ab huius enim scelere omnium malorum principium natum reperietis.

[51] Nam cum L. Lentulo C. Marcello consulibus Kalendis Ianuariis labentem et prope cadentem rem publicam fulcire cuperetis ipsique C. Caesari, si sana mente esset, consulere velletis, tum iste venditum atque emancipatum tribunatum consiliis vestris opposuit cervicesque suas ei subiecit securi, qua multi minoribus in peccatis occiderunt. In te, M. Antoni, id decrevit senatus, et quidem incolumis nondum tot luminibus extinctis, quod in hostem togatum decerni est solitum more maiorum. Et tu apud patres conscriptos contra me dicere ausus es, cum ab hoc ordine ego conservator essem, tu hostis rei publicae iudicatus? Commemoratio illius tui sceleris intermissa est, non memoria deleta. Dum genus hominum, dum populi Romani nomen extabit (quod quidem erit, si per te licebit, sempiternum), tua illa pestifera intercessio nominabitur.

[52] Quid cupide a senatu, quid temere fiebat, cum tu unus adulescens universum ordinem decernere de salute rei publicae prohibuisti, neque id semel, sed saepius, neque tu tecum de senatus auctoritate agi passus es? Quid autem agebatur, nisi ne deleri et everti rem publicam funditus velles? Cum te neque principes civitatis rogando neque maiores natu monendo neque frequens senatus agendo de vendita atque addicta sententia movere potuisset, tum illud multis rebus ante temptatis necessario tibi vulnus inflictum est, quod paucis ante te, quorum incolumis fuit nemo;

[53] tum contra te dedit arma hic ordo consulibus reliquisque imperiis et potestatibus; quae non effugisses, nisi te ad arma Caesaris contulisses. [XXII] Tu, tu, inquam, M. Antoni, princeps C. Caesari

omnia perturbare cupienti causam belli contra patriam inferendi dedisti. Quid enim aliud ille dicebat, quam causam sui dementissimi consilii et facti adferebat, nisi quod intercessio neglecta, ius tribunicium sublatum, circumscriptus a senatu esset Antonius? Omitto, quam haec falsa, quam levia, praesertim cum omnino nulla causa iusta cuiquam esse possit contra patriam arma capiendi. Sed nihil de Caesare; tibi certe confitendum est causam perniciosissimi belli in persona tua constitisse.

[54] O miserum te, si haec intellegis, miseriorem, si non intellegis hoc litteris mandari, hoc memoriae prodi, huius rei ne posteritatem quidem omnium saeculorum umquam immemorem fore, consules ex Italia expulsos cumque iis Cn. Pompeium, quod imperi populi Romani decus ac lumen fuit, omnis consulares, qui per valetudinem exequi cladem illam fugamque potuissent, praetores, praetorios, tribunos pl. , magnam partem senatus, omnem subolem iuventutis unoque verbo rem publicam expulsam atque exterminatam suis sedibus!

[55] Ut igitur in seminibus est causa arborum et stirpium, sic huius luctuosissimi belli semen tu fuisti. Doletis tris exercitus populi Romani interfectos; interfecit Antonius. Desideratis clarissimos civis; eos quoque vobis eripuit Antonius. Auctoritas huius ordinis adflicta est; adflixit Antonius. Omnia denique, quae postea vidimus (quid autem mali non vidimus?), si recte ratiocinabimur, uni accepta referemus Antonio. Ut Helena Troianis, sic iste huic rei publicae [belli] causa pestis atque exitii fuit. Reliquae partes tribunatus principii similes. Omnia perfecit quae senatus salva re publica ne fieri possent providerat. Cuius tamen scelus in scelere cognoscite.

[56] [XXIII] Restituebat multos calamitosos. In iis patrui nulla mentio. Si severus, cur non in omnis? si misericors, cur non in suos? Sed omitto ceteros; Licinium Denticulum de alea condemnatum, conlusorem suum, restituit; quasi vero ludere cum condemnato non liceret; sed ut, quod in alea perdiderat, beneficio legis dissolveret. Quam attulisti rationem populo Romano, cur in eum restitui oporteret? Absentem, credo, in reos relatum; rem indicta causa iudicatam; nullum fuisse de alea lege iudicium; vi oppressum et armis; postremo, quod de patruo tuo dicebatur, pecunia iudicium esse corruptum. Nihil horum. At vir bonus et re publica dignus. Nihil id

quidem ad rem; ego tamen, quoniam condemnatum esse pro nihilo est, ita ignoscerem. Hominem omnium nequissimum, qui non dubitaret vel in foro alea ludere, lege, quae est de alea, condemnatum qui in integrum restituit, is non apertissime studium suum ipse profitetur?

[57] In eodem vero tribunatu, cum Caesar in Hispaniam proficiscens huic conculcandam Italiam tradidisset, quae fuit eius peragratio itinerum, lustratio municipiorum! Scio me in rebus celebratissimis omnium sermone versari eaque, quae dico dicturusque sum, notiora esse omnibus, qui in Italia tum fuerunt, quam mihi, qui non fui; notabo tamen singulas res, etsi nullo modo poterit oratio mea satis facere vestrae scientiae. Etenim quod umquam in terris tantum flagitium exstitisse auditum est, tantam turpitudinem, tantum dedecus?

[58] [XXIV] Vehebatur in essedo tribunus pl.; lictores laureati antecedebant, inter quos aperta lectica mima portabatur, quam ex oppidis municipales homines honesti ob viam necessario prodeuntes non noto illo et mimico nomine, sed Volumniam consalutabant. Sequebatur raeda cum lenonibus, comites nequissimi; reiecta mater amicam impuri filii tamquam nurum sequebatur. O miserae mulieris fecunditatem calamitosam! Horum flagitiorum iste vestigiis omnia municipia, praefecturas, colonias, totam denique Italiam inpressit.

[59] Reliquorum factorum eius, patres conscripti, difficilis est sane reprehensio et lubrica. Versatus in bello est; saturavit se sanguine dissimillimorum sui civium: felix fuit, si potest ulla in scelere esse felicitas. Sed quoniam veteranis cautum esse volumus, quamquam dissimilis est militum causa et tua (illi secuti sunt, tu quaesisti ducem), tamen, ne apud illos me in invidiam voces, nihil de genere belli dicam. Victor e Thessalia Brundisium cum legionibus revertisti. Ibi me non occidisti. Magnum beneficium! potuisse enim fateor. Quamquam nemo erat eorum, qui tum tecum fuerunt, qui mihi non censeret parci oportere.

[60] Tanta est enim caritas patriae, ut vestris etiam legionibus sanctus essem, quod eam a me servatam esse meminissent. Sed fac id te dedisse mihi, quod non ademisti, meque te habere vitam, quia non a te sit erepta; licuitne mihi per tuas contumelias hoc tuum beneficium sic tueri, ut tuebar, praesertim cum te haec auditurum

videres?

[61] [XXV] Venisti Brundisium, in sinum quidem et in complexum tuae mimulae. Quid est? num mentior? Quam miserum est id negare non posse, quod sit turpissimum confiteri! Si te municipiorum non pudebat, ne veterani quidem exercitus? Quis enim miles fuit, qui Brundisi illam non viderit? quis qui nescierit venisse eam tibi tot dierum viam gratulatum? quis, qui non indoluerit tam sero se, quam nequam hominem secutus esset, cognoscere?

[62] Italiae rursus percursatio eadem comite mima, in oppida militum crudelis et misera deductio, in urbe auri, argenti maximeque vini foeda direptio. Accessit, ut Caesare ignaro, cum esset ille Alexandriae, beneficio amicorum eius magister equitum constitueretur. Tum existimavit se suo iure cum Hippia vivere et equos vectigalis Sergio mimo tradere. Tum sibi non hanc, quam nunc male tuetur, sed M. Pisonis domum, ubi habitaret, legerat. Quid ego istius decreta, quid rapinas, quid hereditatum possessiones datas, quid ereptas proferam? Cogebat egestas; quo se vertere non habebat; nondum ei tanta a L. Rubrio, non a L. Turselio hereditas venerat; nondum in Cn. Pompei locum multorumque aliorum, qui aberant, repentinus heres successerat. Erat ei vivendum latronum ritu, ut tantum haberet, quantum rapere potuisset.

[63] Sed haec, quae robustioris improbitatis sunt, omittamus; loquamur potius de nequissimo genere levitatis. Tu istis faucibus, istis lateribus, ista gladiatoria totius corporis firmitate tantum vini in Hippiae nuptiis exhauseras, ut tibi necesse esset in populi Romani conspectu vomere postridie. O rem non modo visu foedam, sed etiam auditu! Si inter cenam in ipsis tuis immanibus illis poculis hoc tibi accidisset, quis non turpe duceret? In coetu vero populi Romani negotium publicum gerens, magister equitum, cui ructare turpe esset, is vomens frustis esculentis vinum redolentibus gremium suum et totum tribunal inplevit! Sed haec ipse fatetur esse in suis sordibus; veniamus ad splendidiora.

[64] [XXVI] Caesar Alexandria se recepit felix, ut sibi quidem videbatur; mea autem sententia, qui rei publicae sit hostis, felix esse nemo potest. Hasta posita pro aede Iovis Statoris bona Cn. Pompei (miserum me! consumptis enim lacrimis tamen infixus haeret animo dolor), bona, inquam, Cn. Pompei Magni voci acerbissimae subiecta

praeconis! Una in illa re servitutis oblita civitas ingemuit, servientibusque animis, cum omnia metu tenerentur, gemitus tamen populi Romani liber fuit. Expectantibus omnibus, quisnam esset tam impius, tam demens, tam dis hominibusque hostis, qui ad illud scelus sectionis auderet accedere, inventus est nemo praeter Antonium, praesertim cum tot essent circum hastam illam, qui alia omnia auderent; unus inventus est, qui id auderet, quod omnium fugisset et reformidasset audacia.

[65] Tantus igitur te stupor oppressit vel, ut verius dicam, tantus furor, ut primum, cum sector sis isto loco natus, deinde cum Pompei sector, non te exsecratum populo Romano, non detestabilem, non omnis tibi deos, non omnis homines et esse inimicos et futuros scias? At quam insolenter statim helluo invasit in eius viri fortunas, cuius virtute terribilior erat populus Romanus exteris gentibus, iustitia carior! [XXVII] In eius igitur viri copias cum se subito ingurgitasset, exsultabat gaudio persona de mimo modo egens, repente dives. Sed, ut est apud poetam nescio quem, 'Male parta male dilabuntur.'

[66] Incredibile ac simile portenti est, quonam modo illa tam multa quam paucis non dico mensibus, sed diebus effuderit. Maximus vini numerus fuit, permagnum optimi pondus argenti, pretiosa vestis, multa et lauta supellex et magnifica multis locis non illa quidem luxuriosi hominis, sed tamen abundantis. Horum paucis diebus nihil erat.

[67] Quae Charybdis tam vorax? Charybdim dico, quae si fuit, animal unum fuit; Oceanus medius fidius vix videtur tot res tam dissipatas, tam distantibus in locis positas tam cito absorbere potuisse. Nihil erat clausum, nihil obsignatum, nihil scriptum. Apothecae totae nequissimis hominibus condonabantur; alia mimi rapiebant, alia mimae; domus erat aleatoribus referta, plena ebriorum; totos dies potabatur, atque id locis pluribus; suggerabantur etiam saepe (non enim semper iste felix) damna aleatoria; conchyliatis Cn. Pompei peristromatis servorum in cellis lectos stratos videres. Quam ob rem desinite mirari haec tam celeriter esse consumpta. Non modo unius patrimonium quamvis amplum, ut illud fuit, sed urbis et regna celeriter tanta nequitia devorare potuisset. At idem aedis etiam et hortos.

[68] O audaciam immanem! tu etiam ingredi illam domum ausus

es, tu illud sanctissimum limen intrare, tu illarum aedium dis penatibus os impurissimum ostendere? Quam domum aliquamdiu nemo adspicere poterat, nemo sine lacrimis praeterire, hac te in domo tam diu deversari non pudet, in qua, quamvis nihil sapias, tamen nihil tibi potest esse iucundum? [XXVIII] An tu, illa vestibulo rostra [spolia] cum adspexisti, domum tuam te introire putas? Fieri non potest. Quamvis enim sine mente, sine sensu sis, ut es, tamen et te et tua et tuos nosti. Nec vero te umquam neque vigilantem neque in somnis credo posse mente consistere. Necesse est, quamvis sis, ut es, vinulentus et furens, cum tibi obiecta sit species singularis viri, perterritum te de somno excitari, furere etiam saepe vigilantem.

[69] Me quidem miseret parietum ipsorum atque tectorum. Quid enim umquam domus illa viderat nisi pudicum, quid nisi ex optimo more et sanctissima disciplina? Fuit enim ille vir, patres conscripti, sicuti scitis, cum foris clarus, tum domi admirandus neque rebus externis magis laudandus quam institutis domesticis. Huius in sedibus pro cubiculis stabula, pro conclavibus popinae sunt. Etsi iam negat. Nolite quaerere; frugi factus est; mimulam suam suas res sibi habere iussit, ex duodecim tabulis clavis ademit, exegit. Quam porro spectatus civis, quam probatus! Cuius ex omni vita nihil est honestius, quam quod cum mima fecit divortium.

[70] At quam crebro usurpat: ‘Et consul et Antonius’! hoc est dicere: et consul et impudicissimus, et consul et homo nequissimus. Quid est enim aliud Antonius? Nam, si dignitas significaretur in nomine, dixisset, credo, aliquando avus tuus se et consulem et Antonium. Numquam dixit. Dixisset etiam conlega meus, patruus tuus, nisi si tu es solus Antonius. Sed omitto ea peccata, quae non sunt earum partium propria, quibus tu rem publicam vexavisti; ad ipsas tuas partis redeo, id est ad civile bellum, quod natum, conflatum, susceptum opera tua est.

[71] [XXIX] Cui bello cum propter timiditatem tuam, tum propter libidines defuisti. Gustaras civilem sanguinem vel potius exorbueras; fueras in acie Pharsalica antesignanus; L. Domitium, clarissimum et nobilissimum virum, occideras multosque praeterea, qui e proelio effugerant, quos Caesar ut non nullos fortasse servasset, crudelissime persecutus trucidaras. Quibus rebus tantis ac talibus gestis quid fuit causae, cur in Africam Caesarem non sequerere, cum praesertim belli pars tanta restaret? Itaque quem locum apud ipsum Caesarem post eius ex Africa reditum obtinuisti? quo numero fuisti? Cuius tu imperatoris quaestor fueras, dictatoris magister equitum, belli princeps, crudelitatis auctor, praedae socius, testamento, ut dicebas ipse, filius, appellatus es de pecunia, quam pro domo, pro hortis, pro sectione debebas.

[72] Primo respondisti plane ferociter et, ne omnia videar contra te, prope modum aequa et iusta dicebas: ‘A me C. Caesar pecuniam? cur potius quam ego ab illo? an sine me ille vicit? At ne potuit quidem. Ego ad illum belli civilis causam attuli, ego leges perniciosas rogavi, ego arma contra consules imperatoresque populi Romani, contra senatum populumque Romanum, contra deos patrios arasque et focos, contra patriam tuli. Num sibi soli vicit? Quorum facinus est commune, cur non sit eorum praeda communis?’ Ius postulabas, sed quid ad rem? Plus ille poterat.

[73] Itaque excussis tuis vocibus et ad te et ad praedes tuos milites misit, cum repente a te praeclara illa tabula prolata est. Qui risus hominum, tantam esse tabulam, tam varias, tam multas possessiones, ex quibus praeter partem Miseni nihil erat, quod, qui auctionaretur, posset suum dicere! Auctionis vero miserabilis adspectus; vestis Pompei non multa, eaque maculosa, eiusdem quaedam argentea vasa conlisa, sordidata mancipia, ut doleremus quicquam esse ex illis reliquiis, quod videre possemus.

[74] Hanc tamen auctionem heredes L. Rubri decreto Caesaris prohibuerunt. Haerebat nebulo; quo se verteret, non habebat. Quin his ipsis temporibus domi Caesaris percussor ab isto missus deprehensus dicebatur esse cum sica; de quo Caesar in senatu aperte in te invehens questus est. Proficiscitur in Hispaniam Caesar paucis tibi ad solvendum propter inopiam tuam prorogatis diebus. Ne tum

quidem sequeris. Tam bonus gladiator rudem tam cito? Hunc igitur quisquam, qui in suis partibus, id est in suis fortunis, tam timidus fuerit, pertimescat?

[75] [XXX] Profectus est aliquando tandem in Hispaniam; sed tuto, ut ait, pervenire non potuit. Quonam modo igitur Dolabella pervenit? Aut non suscipienda fuit ista causa, Antoni, aut, cum suscepisses, defendenda usque ad extremum. Ter depugnavit Caesar cum civibus, in Thessalia, Africa, Hispania. Omnibus adfuit his pugnis Dolabella, in Hispaniensi etiam vulnus accepit. Si de meo iudicio quaeris, nollem; sed tamen consilium a primo reprehendendum, laudanda constantia. Tu vero quid es? Cn. Pompei liberi tum primum patriam repetebant. Esto, fuerit haec partium causa communis. Repetebant praeterea deos patrios, aras, focos, larem suum familiarem, in quae tu invaseras. Haec cum peterent armis ii, quorum erant legibus (etsi in rebus iniquissimis quid potest esse aequi?), tamen quem erat aequissimum contra Cn. Pompei liberos pugnare, quem? Te sectorem.

[76] An, cum tu Narbone mensas hospitum convomeres, Dolabella pro te in Hispania dimicaret? Qui vero Narbone reditus! Etiam quaerebat, cur ego ex ipso cursu tam subito revertissem. Eui nuper, patres conscripti, causam reditus mei. Volui, si possem, etiam ante Kalendas Ianuarias prodesse rei publicae. Nam quod quaerebas, quo modo redissem: primum luce, non tenebris, deinde cum calceis et toga, nullis nec Gallicis nec lacerna. At etiam adspicis me, et quidem, ut videris, iratus. Ne tu iam mecum in gratiam redeas, si scias, quam me pudeat nequitiae tuae, cuius te ipsum non pudet. Ex omnium omnibus flagitiis nullum turpius vidi, nullum audivi. Qui magister equitum fuisse tibi viderere, in proximum annum consulatum peteres vel potius rogares, per municipia coloniasque Galliae, e qua nos tum, cum consulatus petebatur, non rogabatur, petere consulatum solebamus, cum Gallicis et lacerna cucurristi.

[77] [XXXI] At videte levitatem hominis. Cum hora diei decima fere ad Saxa rubra venisset, delituit in quadam cauponula atque ibi se occultans perpotavit ad vesperam; inde cisio celeriter ad urbem advectus domum venit capite obvoluto. Ianitor: ‘Quis tu?’ ‘A Marco tabellarius. ‘ Confestim ad eam, cuius causa venerat, [deducitur] eique epistulam tradidit. Quam cum illa legeret flens (erat enim

scripta amatorie; caput autem litterarum sibi cum illa mima posthac nihil futurum; omnem se amorem abiecisse illim atque in hanc transfudisse), cum mulier fleret uberius, homo misericors ferre non potuit, caput aperuit, in collum invasit. O hominem nequam! Quid enim aliud dicam? magis proprie nihil possum dicere. Ergo, ut te Catamitum, nec opinato cum te ostendisses, praeter spem mulier adspiceret, idcirco urbem terrore nocturno, Italiam multorum dierum metu perturbasti?

[78] Et domi quidem causam amoris habuisti, foris etiam turpiorem, ne L. Plancus praedes tuos venderet. Productus autem in contionem a tribuno pl. cum respondisses te rei tuae causa venisse, populum etiam dicacem in te reddidisti. Sed nimis multa de nugis; ad maiora veniamus. [XXXII] C. Caesari ex Hispania redeunti obviam longissime processisti. Celeriter isti, redisti, ut cognosceret te si minus fortem, at tamen strenuum. Factus es ei rursus nescio quo modo familiaris. Habebat hoc omnino Caesar: quem plane perditum aere alieno egentemque, si eundem nequam hominem audacemque cognorat, hunc in familiaritatem libentissime recipiebat.

[79] His igitur rebus preclare commendatus iussus es renuntiari consul, et quidem cum ipso. Nihil queror de Dolabella, qui tum est inpulsus, inductus, elusus. Qua in re quanta fuerit uterque vestrum perfidia in Dolabellam, quis ignorat? ille [induxit, ut peteret,] promissum et receptum intervertit ad seque transtulit; tu eius perfidiae voluntatem tuam adscripsisti. Veniunt Kalendae Ianuariae; cogimur in senatum: invectus est copiosius multo in istum et paratius Dolabella quam nunc ego.

[80] Hic autem iratus quae dixit, di boni! Primum cum Caesar ostendisset se, priusquam proficisceretur, Dolabellam consulem esse iussurum (quem negant regem, qui et faceret semper eius modi aliquid et diceret) — sed cum Caesar ita dixisset, tum hic bonus augur eo se sacerdotio praeditum esse dixit, ut comitia auspiciis vel inpedire vel vitiare posset, idque se facturum esse adseveravit. In quo primum incredibilem stupiditatem hominis cognoscite.

[81] Quid enim? istud, quod te sacerdoti iure facere posse dixisti, si augur non esses et consul esses, minus facere potuisses? Vide, ne etiam facilius; nos enim nuntiationem solum habemus, consules et reliqui magistratus etiam spectionem. Esto, hoc imperite; nec enim

est ab homine numquam sobrio postulanda prudentia; sed videte impudentiam. Multis ante mensibus in senatu dixit se Dolabellae comitia aut prohibiturum auspiciis aut id facturum esse, quod fecit. Quisquamne divinare potest, quid vitii in auspiciis futurum sit, nisi qui de caelo servare constituit? quod neque licet comitiis per leges, et, si qui servavit, non comitiis habitis, sed priusquam habeantur, debet nuntiare. Verum implicata inscientia inpudentia est; nec scit, quod augurem, nec facit quod pudentem decet.

[82] Itaque ex illo die recordamini eius usque ad Idus Martias consulatum. Quis umquam adparitor tam humilis, tam abiectus? Nihil ipse poterat, omnia rogabat, caput in aversam lecticam inserens beneficia, quae venderet, a collega petebat. Ecce Dolabellae comitiorum dies! [XXXIII] Sortitio praerogativae; quiescit. Renuntiatur; tacet. Prima classis vocatur, renuntiatur; deinde, ita ut adsolet, suffragia; tum secunda classis vocatur; quae omnia sunt citius facta, quam dixi.

[83] Confecto negotio bonus augur (C. Laelium diceres) 'ALIO DIE' inquit. O inpudentiam singularem! Quid videras, quid senseras, quid audieras? Neque enim te de caelo servasse dixisti nec hodie dicis. Id igitur obvenit vitium, quod tu iam Kalendis Ianuariis futurum esse provideras et tanto ante praedixeras. Ergo hercule magna, ut spero, tua potius quam rei publicae calamitate ementitus es auspicia, obstrinxisti religione populum Romanum, augur auguri, consul consuli obnuntiasti. Nolo plura, ne acta Dolabellae videar convellere, quae necesse est aliquando ad nostrum collegium deferantur.

[84] Sed adrogantiam hominis insolentiamque cognoscite. Quamdiu tu voles, vitiosus consul Dolabella; rursus, cum voles, salvis auspiciis creatus. Si nihil est, cum augur iis verbis nuntiat, quibus tu nuntiasti, confitere te, cum 'ALIO DIE' dixeris, sobrium non fuisse; sin est aliqua vis in istis verbis, ea quae sit, augur a collega requiro. Sed ne forte ex multis rebus gestis M. Antoni rem unam pulcherrimam transiliat oratio, ad Lupercalia veniamus. [XXXIV] Non dissimulat, patres conscripti, adparet esse commotum; sudat, pallet. Quidlibet, modo ne nauseet, faciat, quod in porticu Minucia fecit. Quae potest esse turpitudinis tantae defensio? Cupio audire, ut videam, ubi rhetoris sit tanta merces [id est ubi campus Leontinus

appareat].

[85] Sedebat in rostris conlega tuus amictus toga purpurea in sella aurea coronatus. Escendis, accedis ad sellam, (ita eras Lupercus, ut te consulem esse meminisse deberes) diadema ostendis. Gemitus toto foro. Unde diadema? Non enim abiectum sustuleras, sed adtuleras domo meditatum et cogitatum scelus. Tu diadema inponebas cum plangore populi, ille cum plausu reiciebat. Tu ergo unus, scelerate, inventus es, qui cum auctor regni esse eumque, quem collegam habebas, dominum habere velles, idem temptares, quid populus Romanus ferre et pati posset.

[86] At etiam misericordiam captabas; supplex te ad pedes abiciebas quid petens? ut servires? Tibi uni peteres, qui ita a puero vixeras, ut omnia paterere, ut facile servires; a nobis populoque Romano mandatum id certe non habebas. O praeclaram illam eloquentiam tuam, cum es nudus contionatus! Quid hoc turpius, quid foedius, quid suppliciis omnibus dignius? Num exspectas, dum te stimulis fodiamus? Haec te, si ullam partem habes sensus, lacerat, haec cruentat oratio. Vereor, ne imminuam summorum virorum gloriam; dicam tamen dolore commotus: Quid indignius quam vivere eum, qui inposuerit diadema, cum omnes fateantur iure interfectum esse, qui abiecerit?

[87] At etiam adscribi iussit in fastis ad Lupercalia C. Caesari dictatori perpetuo M. Antonium consulem populi iussu regnum detulisse; Caesarem uti noluisse. Iam iam minime miror te otium perturbare, non modo urbem odisse, sed etiam lucem, cum perditissimis latronibus non solum de die, sed etiam in diem bibere. Ubi enim tu in pace consistes? qui locus tibi in legibus et in iudiciis esse potest, quae tu, quantum in te fuit, dominatu regio sustulisti? Ideone L. Tarquinius exactus, Sp. Cassius, Sp. Maelius, M. Manlius necati, ut multis post saeculis a M. Antonio [quod fas non est] rex Romae constitueretur?

[88] [XXXV] Sed ad auspicia redeamus, de quibus Idibus Martiis fuit in senatu Caesar acturus. Quaero: Tum tu quid egisses? Audiebam equidem te paratum venisse, quod me de ementitis auspiciis, quibus tamen parere necesse erat, putares esse dicturum. Sustulit illum diem fortuna rei publicae; num etiam tuum de auspiciis iudicium interitus Caesaris sustulit? Sed incidi in id tempus, quod iis rebus, in quas

ingressa erat oratio, praevertendum est. Quae tua fuga, quae formido praeclaro illo die, quae propter conscientiam scelerum desperatio vitae, cum ex illa fuga beneficio eorum, qui te, si sanus esses, salvum esse voluerunt, clam te domum recepisti!

[89] O mea frustra semper verissima auguria rerum futurarum! Dicebam illis in Capitolio liberatoribus nostris, cum me ad te ire vellent, ut ad defendendam rem publicam te adhortarer, quoad metueres, omnia te promissurum; simul ac timere desisses, similem te futurum tui. Itaque, cum ceteri consulares irent, redirent, in sententia mansi; neque te illo die neque postero vidi neque ullam societatem optimis civibus cum inportunissimo hoste foedere ullo confirmari posse credidi. Post diem tertium veni in aedem Telluris, et quidem invitus, cum omnis aditus armati obsiderent.

[90] Qui tibi dies ille, M. Antoni, fuit! Quamquam mihi inimicus subito extitisti, tamen me tui miseret, quod tibi invideris. [XXXVI] Qui tu vir, di immortales, et quantus fuisses, si illius diei mentem servare potuisses! Pacem haberemus, quae erat facta per obsidem puerum nobilem, M. Bambalionis nepotem. Quamquam bonum te timor faciebat, non diuturnus magister officii, inprobum fecit ea, quae, dum timor abest, a te non discedit, audacia. Etsi tum, cum optimum te putabant me quidem dissentiente, funeri tyranni, si illud funus fuit, sceleratissime praefuisti. Tua illa pulchra laudatio, tua miseratio, tua cohortatio;

[91] tu, tu, inquam, illas faces incendisti, et eas, quibus semustulatus ille est, et eas, quibus incensa L. Bellieni domus deflagravit; tu illos impetus perditorum hominum et ex maxima parte servorum, quos nos vi manuque reppulimus, in nostras domos inmisisti. Idem tamen quasi fuligine abstersa reliquis diebus in Capitolio praeclara senatus consulta fecisti, ne qua post Idus Martias immunitatis tabula neve cuius benefici figeretur. Meministi ipse, de exulibus, scis, de immunitate quid dixeris. Optimum vero, quod dictaturae nomen in perpetuum de re publica sustulisti; quo quidem facto tantum te cepisse odium regni videbatur, ut eius omen omne propter proximum dictatoris metum tolleres.

[92] Constituta res publica videbatur aliis, mihi vero nullo modo, qui omnia te gubernante naufragia metuebam. Num igitur me fefellit, aut num diutius sui potuit dissimilis esse? Inspectantibus vobis toto

Capitolo tabulae figebantur, neque solum singulis venibant immunitates, sed etiam populis universis; civitas non iam singillatim, sed provinciis totis dabatur. Itaque, si haec manent, quae stante re publica manere non possunt, provincias universas, patres conscripti, perdidistis, neque vectigalia solum, sed etiam imperium populi Romani huius domesticis nundinis deminutum est.

[93] [XXXVII] Ubi est septiens miliens, quod est in tabulis, quae sunt ad Opis? funestae illius quidem pecuniae, sed tamen quae nos, si iis, quorum erat, non redderetur, a tributis posset vindicare. Tu autem quadringentiens sestertium, quod Idibus Martiis debuisti, quonam modo ante Kalendas Apriles debere desisti? Sunt ea quidem innumerabilia, quae a tuis emebantur non insciente te, sed unum egregium de rege Deiotaro populi Romani amicissimo decretum in Capitolio fixum; quo proposito nemo erat qui in ipso dolore risum posset continere.

[94] Quis enim cuiquam inimicior quam Deiotaro Caesar? aeque atque huic ordini, ut equestri, ut Massiliensibus, ut omnibus, quibus rem publicam populi Romani caram esse sentiebat. Igitur, a quo vivo nec praesens nec absens rex Deiotarus quicquam aequi boni impetravit, apud mortuum factus est gratiosus. Conpellarat hospitem praesens, conputarat, pecuniam inperarat, in eius tetrarchia unum ex Graecis comitibus suis collocarat, Armeniam abstulerat a senatu datam. Haec vivus eripuit, reddit mortuus.

[95] At quibus verbis? Modo aequum sibi videri, modo non iniquum. Mira verborum complexio! At ille numquam (semper enim absenti adfui Deiotaro) quicquam sibi, quod nos pro illo postularemus, aequum dixit videri. Syngrapha sestertii centiens per legatos, viros bonos, sed timidos et imperitos, sine nostra, sine reliquorum hospitum regis sententia facta in gynaecio est, quo in loco plurimae res venierunt et veneunt. Qua ex syngrapha quid sis acturus, meditere censeo. Rex enim ipse sua sponte nullis commentariis Caesaris, simul atque audivit eius interitum, suo Marte res suas reciperavit.

[96] Sciebat homo sapiens ius semper hoc fuisse ut, quae tyranni eripuissent, ea tyrannis interfectis ii, quibus erepta essent, reciperarent. Nemo igitur iure consultus, ne iste quidem, qui tibi uni est iure consultus, per quem haec agis, ex ista syngrapha deberi dicit

pro iis rebus, quae erant ante syngrapham reciperatae. Non enim a te emit, sed, priusquam tu suum sibi venderes, ipse possedit. Ille vir fuit; nos quidem contemnendi, qui actorem odimus, acta defendimus.

[97] [XXXVIII] Quid ego de commentariis infinitis, quid de innumerabilibus chirographis loquar? quorum etiam institores sunt, qui ea tamquam gladiatorum libellos palam venditent. Itaque tanti acervi nummorum apud istum construuntur, ut iam expendantur, non numerentur pecuniae. At quam caeca avaritia est! Nuper fixa tabula est, qua civitates locupletissimae Cretensium vectigalibus liberantur statuiturque, ne post M. Brutum pro consule sit Creta provincia. Tu mentis [es] conpos, tu non constringendus? An Caesaris decreto Creta post M. Bruti decessum potuit liberari, cum Creta nihil ad Brutum Caesare vivo pertineret? At huius venditione decreti, ne nihil actum putetis, provinciam Cretam perdidistis. Omnino nemo ullius rei fuit emptor, cui defuerit hic venditor.

[98] Et de exulibus legem, quam fixisti Caesar tulit? Nullius insector calamitatem; tantum queror, primum eorum reditus exaequatos, quorum causam Caesar dissimilem iudicarit; deinde nescio, cur non reliquis idem tribuas: neque enim plus quam tres aut quattuor reliqui sunt. Qui simili in calamitate sunt, cur tua misericordia non simili fruuntur, cur eos habes in loco patrui? de quo ferre, cum de reliquis ferres, noluisti; quem etiam ad censuram petendam impulisti eamque petitionem comparasti, quae et risus hominum et querellas moveret.

[99] Cur autem ea comitia non habuisti? an quia tribunus pl. sinistrum fulmen nuntiabat? Cum tua quid interest, nulla auspicia sunt, cum tuorum, tum fis religiosus. Quid? eundem in septemviratu nonne destituisti? intervenit enim, cui metuisti, credo, ne salvo capite negare non posses. Omnibus eum contumeliis onerasti, quem patris loco, si ulla in te pietas esset, colere debebas. Filiam eius sororem tuam eiecisti alia condicione quaesita et ante perspecta. Non est satis; probri insimulasti pudicissimam feminam. Quid est, quod addi possit? Contentus eo non fuisti; frequentissimo senatu Kalendis Ianuariis sedente patruo hanc tibi esse cum Dolabella causam odi dicere ausus es, quod ab eo sorori et uxori tuae stuprum oblatum esse comperisses. Quis interpretari potest, inpudentiorne, qui in senatu, an inprobior, qui in Dolabellam, an inpurior, qui patruo audiente, an

crudelior, qui in illam miseram tam spurce, tam impie dixeris?

[100] [XXXIX] Sed ad chirographa redeamus. Quae tua fuit cognitio? Acta enim Caesaris pacis causa confirmata sunt a senatu; quae quidem Caesar egisset, non ea, quae egisse Caesarem dixisset Antonius. Unde ista erumpunt, quo auctore proferuntur? Si sunt falsa, cur probantur? si vera, cur veneunt? At sic placuerat, ut ex Kalendis Iuniis de Caesaris actis cum consilio cognosceretis. Quod fuit consilium, quem umquam convocasti, quas Kalendas Iunias expectasti? an eas, ad quas te peragratis veteranorum coloniis stipatum armis rettulisti? O praeclaram illam percursationem tuam mense Aprili atque Maio, tum cum etiam Capuam coloniam deducere conatus es! Quem ad modum illinc abieris vel potius paene non abieris, scimus.

[101] Cui tu urbi minitaris. Utinam conere, ut aliquando illud ‘paene’ tollatur! At quam nobilis est tua illa peregrinatio! Quid prandiorum adparatus, quid furiosam vinulentiam tuam proferam? Tua ista detrimenta sunt, illa nostra. Agrum Campanum, qui cum de vectigalibus eximebatur, ut militibus daretur, tamen infligi magnum rei publicae vulnus putabamus, hunc tu compransoribus tuis et conlusoribus dividebas. Mimos dico et mimas, patres conscripti, in agro Campano collocatos. Quid iam querar de agro Leontino? quoniam quidem hae quondam arationes Campana et Leontina in populi Romani patrimonio grandiferae et fructuosae ferebantur. Medico tria milia iugerum; quid, si te sanasset? rhetori duo; quid, si te disertum facere potuisset? Sed ad iter Italiamque redeamus.

[102] [XL] Deduxisti coloniam Casilinum, quo Caesar ante deduxerat. Consuluisti me per litteras de Capua tu quidem, sed idem de Casilino respondissem, possesne, ubi colonia esset, eo coloniam novam iure deducere. Negavi in eam coloniam, quae esset auspicato deducta, dum esset incolumis, coloniam novam iure deduci; colonos novos adscribi posse rescripsi. Tu autem insolentia elatus omni auspiciorum iure turbato Casilinum coloniam deduxisti, quo erat paucis annis ante deducta, ut vexillum tolleres, ut aratrum circumduceres; cuius quidem vomere portam Capuae paene perstrinxisti, ut florentis coloniae territorium minueretur.

[103] Ab hac perturbatione religionum advolas in M. Varronis, sanctissimi atque integerrimi viri, fundum Casinatem, quo iure, quo

ore? ‘Eodem’, inquies, ‘quo in heredum L. Rubri, quo in heredum L. Turseli praedia, quo in reliquas innumerabiles possessiones. ‘ Et is ab hasta, valeat hasta, valeant tabulae modo Caesaris, non tuae, quibus debuisti, non quibus tu te liberavisti. Varronis quidem Casinatem fundum quis venisse dicit, quis hastam istius venditionis vidit, quis vocem praeconis audivit? Misisse [te] dicis Alexandriam, qui emeret a Caesare; ipsum enim expectare magnum fuit.

[104] Quis vero audivit umquam (nullius autem salus curae pluribus fuit) de fortunis Varronis rem ullam esse detractam? Quid? si etiam scripsit ad te Caesar, ut redderes, quid satis potest dici de tanta impudentia? Remove gladios parumper illos, quos videmus: iam intelleges aliam causam esse hastae Caesaris, aliam confidentiae et temeritatis tuae. Non enim te dominus modo illis sedibus, sed quivis amicus, vicinus, hospes, procurator arcebit. [XLI] At quam multos dies in ea villa turpissime es perbacchatus! Ab hora tertia bibebatur, ludebatur, vomebatur. O tecta ipsa misera, ‘quam dispari domino’ (quamquam quo modo iste dominus?) — sed tamen quam ab dispari tenebantur! Studiorum enim suorum M. Varro voluit illud, non libidinum deversorium.

[105] Quae in illa villa antea dicebantur, quae cogitabantur, quae litteris mandabantur! Iura populi Romani, monimenta maiorum, omnis sapientiae ratio omnisque doctrinae. At vero te inquilino (non enim domino) personabant omnia vocibus ebriorum, natabant pavimenta vino, madebant parietes ingenui pueri cum meritoriis, scorta inter matres familias versabantur. Casino salutatum veniebant, Aquino, Interamna; admissus est nemo. Iure id quidem; in homine enim turpissimo obsolefiebant dignitatis insignia.

[106] Cum inde Romam proficiscens ad Aquinum accederet, ob viam ei processit, ut est frequens municipium, magna sane multitudo. At iste operta lectica latus per oppidum est ut mortuus. Stulte Aquinates; sed tamen in via habitabant. Quid Anagnini? Qui cum essent devii, descenderunt, ut istum, tamquam si esset, consul salutarent. Incredibile dictu + sed cum vinus inter omnis constabat neminem esse resalutatum, praesertim cum duos secum Anagninos haberet, Mustelam et Laconem, quorum alter gladiorum est princeps, alter poculorum.

[107] Quid ego illas istius minas contumeliasque commemorem,

quibus invectus est in Sidicinos, vexavit Puteolanos, quod C. Cassium et Brutos patronos adoptassent? Magno quidem studio, iudicio, benivolentia, caritate, non ut te et Basilum vi et armis et alios vestri similes, quos clientis nemo habere velit, non modo illorum cliens esse. [XLII] Interea dum tu abes, qui dies ille conlegae tui fuit, cum illud, quod venerari solebas, bustum in foro evertit! Qua re tibi nuntiata, ut constabat inter eos, qui una fuerunt, concidisti. Quid evenerit postea nescio; metum credo valuisse et arma; conlegam quidem de caelo detraxisti effecistique non tu quidem etiam nunc, ut similis tui, sed certe ut dissimilis esset sui.

[108] Qui vero inde reditus Romam, quae perturbatio totius urbis! Memineramus Cinnam nimis potentem, Sullam postea dominantem, modo Caesarem regnantem videramus. Erant fortasse gladii, sed absconditi nec ita multi. Ista vero quae et quanta barbaria est! Agmine quadrato cum gladiis secuntur, scutorum lecticas portari videmus. Atque his quidem iam inveteratis, patres conscripti, consuetudine obduruimus; Kalendis Iuniis cum in senatum, ut erat constitutum, venire vellemus, metu perterriti repente diffugimus.

[109] At iste, qui senatu non egeret, neque desideravit quemquam et potius discessu nostro laetatus est statimque illa mirabilia facinora effecit. Qui chirographa Caesaris defendisset lucri sui causa, is leges Caesaris, easque praeclaras, ut rem publicam concutere posset, evertit. Numerum annorum provinciis prorogavit, idemque, cum actorum Caesaris defensor esse deberet, et in publicis et in privatis rebus acta Caesaris rescidit. In publicis nihil est lege gravius, in privatis firmissimum est testamentum. Leges alias sine promulgatione sustulit, alias ut tolleret, promulgavit. Testamentum irritum fecit, quod etiam infimis civibus semper optentum est. Signa, tabulas, quas populo Caesar una cum hortis legavit, eas hic partim in hortos Pompei deportavit, partim in villam Scipionis.

[110] [XLIII] Et tu in Caesaris memoria diligens, tu illum amas mortuum? Quem is honorem maiorem consecutus erat, quam ut haberet pulvinar, simulacrum, fastigium, flaminem? Est ergo flamen, ut Iovi, ut Marti, ut Quirino, sic divo Iulio M. Antonius. Quid igitur cessas? Cur non inauguraris? Sume diem, vide, qui te inauguret; conlegae sumus; nemo negabit. O detestabilem hominem, sive [eo] quod Caesaris sacerdos es sive quod mortui! Quaero deinceps, num,

hodiernus dies qui sit, ignores. Nescis heri quartum in Circo diem ludorum Romanorum fuisse? te autem ipsum ad populum tulisse, ut quintus praeterea dies Caesari tribueretur? Cur non sumus praetextati? cur honorem Caesaris tua lege datum deseri patimur? an supplicationes addendo diem contaminari passus es, pulvinaria noluisti? Aut undique religionem tolle aut usque quaque conserva.

[111] Quaeris, placeatne mihi pulvinar esse, fastigium, flaminem. Mihi vero nihil istorum placet; sed tu, qui acta Caesaris defendis, quid potes dicere, cur alia defendas, alia non cures? Nisi forte vis fateri te omnia quaestu tuo, non illius dignitate metiri. Quid ad haec tandem? expecto enim eloquentiam tuam. Disertissimum cognovi avum tuum, at te etiam apertiorem in dicendo. Ille numquam nudus est contionatus, tuum hominis simplicis pectus vidimus. Respondebisne ad haec aut omnino hiscere audebis? Ecquid reperies ex tam longa oratione mea, cui te respondere posse confidas?

[112] [XLIV] Sed praeterita omittamus: hunc unum diem, unum, inquam, hodiernum diem, hoc punctum temporis, quo loquor, defende, si potes. Cur armatorum corona senatus saeptus est, cur me tui satellites cum gladiis audiunt, cur valvae Concordiae non patent, cur homines omnium gentium maxime barbaros, Ityraeos, cum sagittis deducis in forum? Praesidii sui causa se facere dicit. Non igitur miliens perire est melius quam in sua civitate sine armatorum praesidio non posse vivere? Sed nullum est istud, mihi crede, praesidium; caritate te et benivolentia civium saeptum oportet esse, non armis.

[113] Eripiet et extorquebit tibi ista populus Romanus, utinam salvis nobis! Sed quoquo modo nobiscum egeris, dum istis consiliis uteris, non potes, mihi crede, esse diuturnus. Etenim ista tua minime avara coniunx, quam ego sine contumelia describo, nimium diu debet populo Romano tertiam pensionem. Habet populus Romanus, ad quos gubernacula rei publicae deferat; qui ubicumque terrarum sunt, ibi omne est rei publicae praesidium vel potius ipsa res publica, quae se adhuc tantum modo ulta est, nondum reciperavit. Habet quidem certe res publica adulescentis nobilissimos paratos defensores. Quam volent illi cedant otio consulentes, tamen a re publica revocabuntur. Et nomen pacis dulce est et ipsa res salutaris, sed inter pacem et servitutem plurimum interest. Pax est tranquilla libertas, servitus

postremum malorum omnium non modo bello, sed morte etiam repellendum.

[114] Quodsi se ipsos illi nostri liberatores e conspectu nostro abstulerunt, at exemplum facti reliquerunt. Illi, quod nemo fecerat, fecerunt. Tarquinium Brutus bello est persecutus, qui tum rex fuit, cum esse Romae licebat; Sp. Cassius, Sp. Maelius, M. Manlius propter suspicionem regni adpetendi sunt necati; hi primum cum gladiis non in regnum adpetentem, sed in regnantem impetum fecerunt. Quod cum ipsum factum per se praeclarum est atque divinum, tum eitum ad imitandum est, praesertim cum illi eam gloriam consecuti sint, quae vix caelo capi posse videatur. Etsi enim satis in ipsa conscientia pulcherrimi facti fructus erat, tamen mortali immortalitatem non arbitror esse contemnendam.

[115] [XLV] Recordare igitur illum, M. Antoni, diem, quo dictaturam sustulisti; pone ante oculos laetitiam senatus populique Romani, confer cum hac nundinatione tua tuorumque; tum intelleges, quantum inter lucrum et laudem intersit. Sed nimirum, ut quidam morbo aliquo et sensus stupore suavitatem cibi non sentiunt, sic libidinosi, avari, facinerosi verae laudis gustatum non habent. Sed si te laus allicere ad recte faciendum non potest, ne metus quidem a foedissimis factis potest avocare? Iudicia non metuis, si propter innocentiam, laudo, sin propter vim, non intellegis, qui isto modo iudicia non timeat, ei quid timendum sit?

[116] Quodsi non metuis viros fortis egregiosque civis, quod a corpore tuo prohibentur armis, tui te, mihi crede, diutius non ferent. Quae est autem vita dies et noctes timere a suis? Nisi vero aut maioribus habes beneficiis obligatos, quam ille quosdam habuit ex iis, a quibus est interfectus, aut tu es ulla re cum eo comparandus. Fuit in illo ingenium, ratio, memoria, litterae, cura, cogitatio, diligentia; res bello gesserat, quamvis rei publicae calamitosas, at tamen magnas; multos annos regnare meditatus, magno labore, magnis periculis, quod cogitarat effecerat; muneribus, monumentis, congiariis, epulis multitudinem imperitam delenierat; suos praemiis, adversarios clementiae specie devinxerat; quid multa? Attulerat iam liberae civitati partim metu, partim patientia consuetudinem serviendi.

[117] [XLVI] Cum illo ego te dominandi cupiditate conferre possum,

ceteris vero rebus nullo modo comparandus es. Sed ex plurimis malis, quae ab illo rei publicae sunt inusta, hoc tamen boni extitit, quod didicit iam populus Romanus, quantum cuique crederet, quibus se committeret, a quibus caveret. Haec non cogitas, neque intellegis satis esse viris fortibus didicisse, quam sit re pulchrum, beneficio gratum, fama gloriosum tyrannum occidere? An, cum illum homines non tulerint, te ferent?

[118] Certatim posthac, mihi crede, ad hoc opus curretur neque occasionis tarditas expectabitur. Resipisce, quaeso, aliquando; quibus ortus sis, non quibuscum vivas, considera; mecum, ut voles, redi cum re publica in gratiam. Sed de te tu videris, ego de me ipse profitebor. Defendi rem publicam adulescens, non deseram senex; contempsi Catilinae gladios, non pertimescam tuos.

[119] Quin etiam corpus libenter optulerim, si repraesentari morte mea libertas civitatis potest, ut aliquando dolor populi Romani pariat, quod iam diu parturit. Etenim, si abhinc annos prope viginti hoc ipso in templo negavi posse mortem immaturam esse consulari, quanto verius non negabo seni! Mihi vero, patres conscripti, iam etiam optanda mors est perfuncto rebus iis, quas adeptus sum quasque gessi. Duo modo haec opto, unum ut moriens populum Romanum liberum relinquam (hoc mihi maius ad dis immortalibus dari nihil potest), alterum, ut ita cuique eveniat, ut de re publica quisque mereatur.

PHILIPPICA TERTIA

[I] Serius omnino, patres conscripti, quam tempus rei publicae postulabat, aliquando tamen convocati sumus, quod flagitabam equidem cotidie, quippe cum bellum nefarium contra aras et focos, contra vitam fortunasque nostras ab homine profligato ac perdito non comparari, sed geri iam viderem. Expectantur Kalendae Ianuariae; quas non expectat Antonius, qui in provinciam D. Bruti, summi et singularis viri, cum exercitu impetum facere conatur; ex qua se instructum et paratum ad urbem venturum esse minitatur.

[2] Quae est igitur expectatio aut quae vel minimi dilatio temporis? Quamquam enim adsunt Kalendae Ianuariae, tamen breve tempus longum est inparatis. Dies enim adfert vel hora potius, nisi provisum est, magnas saepe clades; certus autem dies non ut sacrificiis, sic consiliis expectari solet. Quodsi aut Kalendae Ianuariae fuissent eo die, quo primum ex urbe fugit Antonius, aut eae non essent expectatae, bellum iam nullum haberemus. Auctoritate enim senatus consensuque populi Romani facile hominis amentis fregissemus audaciam. Quod confido equidem consules designatos, simul ut magistratum inierint, esse facturos; sunt enim optimo animo, summo consilio, singulari concordia. Mea autem festinatio non victoriae solum avida est, sed etiam celeritatis.

[3] Quo enim usque tantum bellum, tam crudele, tam nefarium privatis consiliis propulsabitur? cur non quam primum publica accedit auctoritas? [II] C. Caesar adulescens, paene potius puer, incredibili ac divina quadam mente atque virtute, [tum,] cum maxime furor arderet Antoni, cumque eius a Brundisio crudelis et pestifer reditus timeretur, nec postulantibus nec cogitantibus, ne optantibus quidem nobis, quia non posse fieri videbatur, firmissimum exercitum ex invicto genere veteranorum militum comparavit patrimoniumque suum ecfudit; quamquam non sum usus eo verbo, quo debui; non enim ecfudit; in rei publicae salute conlocavit.

[4] Cui quamquam gratia referri tanta non potest, quanta debetur, habenda tamen est tanta, quantam maximam animi nostri capere possunt. Quis enim est tam ignarus rerum, tam nihil de re publica cogitans, qui hoc non intellegat, si M. Antonius a Brundisio cum iis

copiis, quas se habiturum putabat, Romam, ut minabatur, venire potuisset, nullum genus eum crudelitatis praeteriturum fuisse? quippe qui in hospitis tectis Brundisi fortissimos viros optimosque civis iugulari iusserit; quorum ante pedes eius morientium sanguine os uxoris respersum esse constabat. Hac ille crudelitate imbutus, cum multo bonis omnibus veniret iratior, quam illis fuerat, quos trucidarat, cui tandem nostrum aut cui omnino bono pepercisset?

[5] Qua peste privato consilio rem publicam (neque enim fieri potuit aliter) Caesar liberavit. Qui nisi in hac re publica natus esset, rem publicam scelere Antoni nullam haberemus. Sic enim perspicio, sic iudico, nisi unus adulescens illius furentis impetus crudelissimosque conatus cohibuisset, rem publicam funditus interituram fuisse. Cui quidem hodierno die, patres conscripti (nunc enim primum ita convenimus, ut illius beneficio possemus ea, quae sentiremus, libere dicere) tribuenda est auctoritas, ut rem publicam non modo a se susceptam, sed etiam a nobis commendatam possit defendere.

[6] [III] Nec vero de legione Martia, quoniam longo intervallo loqui nobis de re publica licet, sileri potest. Quis enim unus fortior, quis amicior umquam rei publicae fuit quam legio Martia universa? Quae cum hostem populi Romani Antonium iudicasset, comes esse eius amentiae noluit; reliquit consulem; quod profecto non fecisset, si eum consulem iudicasset, quem nihil aliud agere, nihil moliri nisi caedem civium atque interitum civitatis videret. Atque ea legio consedit Albae. Quam potuit urbem eligere aut oportuniorem ad res gerundas aut fideliorem aut fortiorum virorum aut amiciorum rei publicae civium?

[7] Huius legionis virtutem imitata quarta legio, duce L. Egnatuleio quaestore, civi optimo et fortissimo, C. Caesaris auctoritatem atque exercitum persecuta est. Faciendum est igitur nobis, patres conscripti, ut ea, quae sua sponte clarissimus adulescens atque omnium praestantissimus gessit et gerit, haec auctoritate nostra comprobentur veteranorumque fortissimorum virorum, tum legionis Martiae quartaeque mirabilis consensus ad rem publicam reciperandam laude et testimonio nostro confirmetur, eorumque commoda, honores, praemia, cum consules designati magistratum inierint, curae nobis fore hodierno die spondeamus.

[8] [IV] Atque ea quidem, quae dixi de Caesare deque eius exercitu, iam diu nota sunt nobis. Virtute enim admirabili Caesaris constantiaque militum veteranorum legionumque earum, quae optimo iudicio auctoritatem vestram, libertatem populi Romani, virtutem Caesaris secutae sunt, a cervicibus nostris est depulsus Antonius. Sed haec, ut dixi, superiora; hoc vero recens edictum D. Bruti, quod paulo ante propositum est, certe silentio non potest praeteriri. Pollicetur enim se provinciam Galliam retenturum in senatus populique Romani potestate. O civem natum rei publicae, memorem sui nominis imitatoremque maiorum! Neque enim Tarquinio expulso maioribus nostris tam fuit optata libertas, quam est depulso iam Antonio retinenda nobis.

[9] Illi regibus parere iam a condita urbem didicerant; nos post reges exactos servitutis oblivio ceperat. Atque ille Tarquinius, quem maiores nostri non tulerunt, non crudelis, non impius, sed superbus est habitus et dictus; quod nos vitium in privatis saepe tulimus, id maiores nostri ne in rege quidem ferre potuerunt. L. Brutus regem superbum non tulit; D. Brutus sceleratum atque impium regnare patietur Antonium? Quid Tarquinius tale, qualia innumerabilia et facit et fecit Antonius? Senatum etiam reges habebant; nec tamen, ut Antonio senatum habente in consilio regis versabantur barbari armati. Servabant auspicia reges; quae hic consul augurque neglexit, neque solum legibus contra auspicia ferendis, sed etiam conlega una ferente eo, quem ipse ementitis auspiciis vitiosum fecerat.

[10] Quis autem rex umquam fuit tam insignite inpudens, ut haberet omnia commoda, beneficia, iura regni venalia? quam hic immunitatem, quam civitatem, quod praemium non vel singulis hominibus vel civitatibus vel universis provinciis vendidit? Nihil humile de Tarquinio, nihil sordidum accepimus; at vero huius domi inter quasilla pendebatur aurum, numerabatur pecunia; una in domo omnes quorum intereat, totum imperium populi Romani nundinabantur. Supplicia vero in civis Romanos nulla Tarquini accepimus; at hic et Suessae iugulavit eos, quos in custodiam dederat et Brundisi ad trecentos fortissimos viros civisque optimos trucidavit.

[11] Postremo Tarquinius pro populo Romano bellum gerebat tum cum est expulsus; Antonius contra populum Romanum exercitum adducebat tum, cum a legionibus relictus nomen Caesaris

exercitumque pertimuit neglectisque sacrificiis sollemnibus ante lucem vota ea, quae numquam solveret, nuncupavit, et hoc tempore in provinciam populi Romani conatur invadere. Maius igitur a D. Bruto beneficium populus Romanus et habet et expectat, quam maiores nostri acceperunt a L. Bruto, principe huius maxime conservandi generis et nominis.

[12] [V] Cum autem omnis servitus est misera, tum vero intolerabile est servire inpuro, inpudico, effeminato, numquam ne in metu quidem sobrio. Hunc igitur qui Gallia prohibet, privato praesertim consilio, iudicat verissimeque iudicat non esse consulem. Faciendum est igitur nobis, patres conscripti, ut D. Bruti privatum consilium auctoritate publica comprobemus. Nec vero M. Antonium consulem post Lupercalia debuistis putare; quo enim ille die, populo Romano inspectante, nudus, unctus, ebrius est contionatus et id egit, ut collegae diadema imponeret, eo die se non modo consulatu, sed etiam libertate abdicavit. Esset enim ipsi certe statim serviendum, si Caesar ab eo regni insigne accipere voluisset. Hunc igitur ego consulem , hunc civem Romanum, hunc liberum, hunc denique hominem putem, qui foedo illo et flagitioso die, et quid pati C. Caesare vivo posset, et quid eo mortuo consequi ipse cuperet, ostendit?

[13] Nec vero de virtute, constantia, gravitate provinciae Galliae taceri potest. Est enim ille flos Italiae, illud firmamentum imperii populi Romani, illud ornamentum dignitatis. Tantus autem est consensus municipiorum coloniarumque provinciae Galliae, ut omnes ad auctoritatem huius ordinis maiestatemque populi Romani defendendam conspirasse videantur. Quam ob rem, tribuni pl., quamquam vos nihil aliud nisi de praesidio, ut senatum tuto consules Kalendis Ianuariis habere possent, rettulisti, tamen mihi videmini magno consilio atque optima mente potestatem nobis de tota re publica fecisse dicendi. Cum enim tuto haberi senatum sine praesidio non posse iudicavistis, tum statuistis etiam intra muros Antoni scelus audaciamque versari.

[14] [VI] Quam ob rem omnia mea sententia complectar vobis, ut intellego, non invitis, ut et praestantissimis ducibus a nobis detur auctoritas et fortissimis militibus spes ostendatur praemiorum et iudicetur non verbo, sed re non modo non consul, sed etiam hostis

Antonius. Nam, si ille consul, fustuarium meruerunt legiones, quae consulem reliquerunt, sceleratus Caesar, Brutus nefarius, qui contra consulem privato consilio exercitus comparaverunt. Si autem militibus exquirendi sunt honores novi propter eorum divinum atque immortale meritum, ducibus autem ne referri quidem potest gratia, quis est, qui eum hostem non existimet, quem qui armis persequantur, conservatores rei publicae iudicentur?

[15] At quam contumeliosus in edictis, quam barbarus, quam rudis! Primum in Caesarem maledicta congessit, deprompta ex recordatione impudicitiae et stuprorum suorum. Quis enim hoc adulescente castior, quis modestior? quod in iuventute habemus inlustrius exemplum veteris sanctitatis? quis autem illo, qui male dicit, impurior? Ignobilitatem obicit C. Caesaris filio, cuius etiam natura pater, si vita suppeditasset, consul factus esset. Aricina mater. Trallianam aut Ephesiam putes dicere. Videte, quam despiciamur omnes, qui sumus e municipiis, id est omnes plane; quotus enim quisque nostrum non est? Quod autem municipium non contemnit is, qui Aricinum tanto opere despicit vetustate antiquissimum, iure foederatum, propinquitate paene finitimum, splendore municipum honestissimum?

[16] Hinc Voconiae, hinc Atiniae leges, hinc multae sellae curules et patrum memoria et nostra, hinc equites Romani lautissimi et plurimi. Sed, si Aricinam uxorem non probas, cur probas Tusculanam? Quamquam huius sanctissimae feminae atque optimae pater, M. Atius Balbus, in primis honestus, praetorius fuit; tuae coniugis, bonae feminae, locupletis quidem certe, Bambalio quidam pater, homo nullo numero. Nihil illo contemptius, qui propter haesitantiam linguae stuporemque cordis cognomen ex contumelia traxerit. At avus nobilis. Tuditanus nempe ille, qui cum palla et cothurnis nummos populo de rostris spargere solebat. Vellem hanc contemptionem pecuniae suis reliquisset! Habetis nobilitatem generis gloriosam.

[17] Qui autem evenit, ut tibi +Iulia natus ignobilis videatur, cum tu eodem materno genere soleas gloriari? Quae porro amentia est eum dicere aliquid de uxorum ignobilitate, cuius pater Numitoriam Fregellanam, proditoris filiam, habuerit uxorem, ipse ex libertini filia susceperit liberos? Sed hoc clarissimi viri viderint, L. Philippus qui

habet Aricinam uxorem, C. Marcellus, qui Aricinae filiam; quos certe scio dignitatis optimarum feminarum non paenitere. [VII] Idem etiam Q. Ciceronem, fratris mei filium, compellat edicto nec sentit amens commendationem esse conpellationem suam. Quid enim accidere huic adulescenti potuit optatius quam cognosci ab omnibus Caesaris consiliorum esse socium, Antoni furoris inimicum?

[18] At etiam gladiator ausus est scribere hunc de patris et patrui parricidio cogitasse. O admirabilem inpudentiam, audaciam, temeritatem, in eum adulescentem hoc scribere audere, quem ego et frater meus propter eius suavissimos atque optimos mores praestantissimumque ingenium certatim amamus omnibusque horis oculis, auribus, complexu tenemus! Nam me isdem edictis nescit laedat an laudet. Cum idem supplicium minatur optimis civibus quod ego de sceleratissimis ac pessimis sumpserim, laudare videtur, quasi imitari velit; cum autem illam pulcherrimi facti memoriam refricat, tum a sui similibus invidiam aliquam in me commoveri putat.

[19] [VIII] Sed quid fecit ipse? Cum tot edicta proposuisset, edixit, ut adesset senatus frequens a.d. VIII Kalendas Decembres: eo die ipse non adfuit. At quo modo edixit? Haec sunt, ut opinor, verba in extremo: ‘Si quis non adfuerit, hunc existimare omnes poterunt et interitus mei et perditissimorum consiliorum auctorem fuisse.’ Quae sunt perdita consilia? an ea, quae pertinent ad libertatem populi Romani reciperandam? quorum consiliorum Caesari me auctorem et hortatorem et esse et fuisse fateor. Quamquam ille non eguit consilio cuiusquam, sed tamen currentem, ut dicitur, incitavi. Nam interitus quidem tui quis bonus non esset auctor, cum in eo salus et vita optimi cuiusque, libertas populi Romani dignitasque consisteret?

[20] Sed cum tam atroci edicto nos concitavisset, cur ipse non adfuit? Num putatis aliqua re tristi ac severa? vino atque epulis retentus, si illae epulae potius quam popinae nominandae sunt, diem edicti obire neglexit, in ante diem quartum Kalendas Decembres distulit. Adesse in Capitolio iussit; quod in templum ipse nescio qua per Gallorum cuniculum ascendit. Convenerunt corrogati, et quidem ampli quidam homines, sed inmemores dignitatis suae. Is enim erat dies, ea fama, is, qui senatum vocarat, ut turpe senatori esset nihil timere. Ad eos tamen ipsos qui convenerant, ne verbo quidem ausus est facere de Caesare, cum de eo constituisset ad senatum referre ;

scriptam attulerat consularis quidam sententiam.

[21] Quid est aliud de eo referre non audere, qui contra se consulem exercitum duceret, nisi se ipsum hostem iudicare? Necesse erat enim alterutrum esse hostem, nec poterat aliter de adversariis iudicari ducibus. Si igitur Caesar hostis, cur consul nihil refert ad senatum? Sin ille a senatu notandus non fuit, quid potest dicere, quin, cum de illo tacuerit, se hostem confessus sit? Quem in edictis Spartacum appellat, hunc in senatu ne improbum quidem dicere audet. [IX] At in rebus tristissimis quantos excitat risus! Sententiolas edicti cuiusdam memoriae mandavi, quas videtur ille peracutas putare; ego autem, qui intellegeret, quid dicere vellet, adhuc neminem inveni.

[22] 'Nulla contumelia est quam facit dignus.' Primum quid est 'dignus'? nam etiam malo multi digni, sicut ipse. An 'quam facit is, qui cum dignitate est'? Quae autem potest esse maior? Quid est porro 'facere contumeliam'? quis sic loquitur? Deinde: 'nec timor, quem denuntiat inimicus'. Quid ergo? ab amico timor denuntiari solet? Horum similia deinceps. Nonne satius est mutum esse quam, quod nemo intellegat, dicere? En, cur magister eius ex oratore arator factus sit, possideat in agro publico [populi Romani] campi Leontini duo milia iugerum immunia, ut hominem stupidum magis etiam infatuet mercede publica.

[23] Sed haec leviora fortasse; illud quaero, cur tam mansuetus in senatu fuerit, cum in edictis tam ferus fuisset. Quid enim attinuerat L. Cassio tribuno pl., fortissimo et constantissimo civi, mortem denuntiare, si in senatum venisset, D. Carfulenum bene de re publica sentientem senatu vi et minis mortis expellere, Ti.Cannutium, a quo erat honestissimis contionibus et saepe et iure vexatus, non templo solum, verum etiam aditu prohibere Capitoli? Cui senatus consulto ne intercederent, verebatur? De supplicatione, credo, M. Lepidi, clarissimi viri. At quod erat periculum, de cuius honore extraordinario cotidie aliquid cogitabamus, ne eius usitatus honos impediretur?

[24] Ac ne sine causa videretur edixisse, ut senatus adesset, cum de re publica relaturus fuisset, adlato nuntio de legione quarta mente concidit et fugere festinans senatus consultum de supplicatione per discessionem fecit, cum id factum esset antea numquam. [X] Quae vero profectio postea, quod iter paludati, quae vitatio oculorum,

lucis, urbis, fori, quam misera fuga, quam foeda, quam turpis! Praeclara tamen senatus consulta illo ipso die vespertina, provinciarum religiosa sortitio, divina vero oportunitas, ut, quae cuique apta esset, ea cuique obveniret!

[25] Praeclare igitur facitis, tribuni pl., qui de praesidio consulum senatusque referatis, meritoque vestro maximas vobis gratias omnes et agere et habere debemus. Qui enim periculo carere possumus in tanta hominum cupiditate et audacia? Ille autem homo adflictus et perditus quae de se expectat iudicia graviora quam amicorum suorum? Familiarissimus eius, mihi homo coniunctus, L. Lentulus, et P. Naso omni carens cupiditate nullam se habere provinciam, nullam Antoni sortitionem fuisse iudicaverunt. Quod idem fecit L. Philippus, vir patre, avo maioribusque suis dignissimus; in eadem sententia fuit homo summa integritate atque innocentia, C. Turranius; idem fecit Sp.Oppius; ipsi etiam, qui amicitiam M. Antoni veriti plus ei tribuerunt, quam fortasse vellent, M. Piso, necessarius meus et vir et civis egregius, parique innocentia M. Vehilius senatus auctoritati se optemperaturos esse dixerunt.

[26] Quid ego de L. Cinna loquar? cuius spectata multis magnisque rebus singularis integritas minus admirabilem facit huius honestissimi facti gloriam; qui omnino provinciam neglexit; quam item magno animo et constanti C. Cestius repudiavit. Qui sunt igitur reliqui, quos sors divina delectet? + L. Annius, M. Antonius. O felicem utrumque! nihil enim maluerunt. C. Antonius Macedoniam. Hunc quoque felicem! hanc enim habebat semper in ore provinciam. C. Calvisius Africam. Nihil felicius! modo enim ex Africa decesserat et quasi divinans se rediturum duos legatos Uticae reliquerat. Deinde M. +Cusini Sicilia, Q. Cassi Hispania. Non habeo, quid suspicer; duarum credo provinciarum sortes minus divinas fuisse.

[27] [XI] O C. Caesar (adulescentem appello), quam tu salutem rei publicae adtulisti, quam inprovisam, quam repentinam! Qui enim haec fugiens fecerit, quid faceret insequens? Etenim in contione dixerat se custodem fore urbis seque usque ad Kalendas Maias ad urbem exercitum habiturum. O praeclarum custodem ovium, ut aiunt, lupum! Custosne urbis an direptor et vexator esset Antonius? Et quidem se introiturum in urbem dixit exiturumque, cum vellet. Quid? Illud nonne audiente populo sedens pro aede Castoris dixit, nisi qui

vicisset, victurum neminem?

[28] Hodierno die primum [patres conscripti] longo intervallo in possessione libertatis pedem ponimus, cuius quidem ego, quoad potui, non modo defensor sed etiam conservator fui. Cum autem id facere non possem, quievi, nec abiecte nec sine aliqua dignitate casum illum temporum et dolorem tuli. Hanc vero taeterrimam beluam quis ferre potest aut quo modo? Quid est in Antonio praeter libidinem, crudelitatem, petulantiam, audaciam? Ex his totus vitiis conglutinatus est. Nihil apparet in eo ingenuum, nihil moderatum, nihil pudens, nihil pudicum.

[29] Quapropter, quoniam res in id discrimen adducta est, utrum ille poenas rei publicae luat, an nos serviamus, aliquando, per deos immortales, patres conscripti, patrium animum virtutemque capiamus, ut aut libertatem propria Romani et generis et nominis reciperemus aut mortem servituti anteponamus! Multa, quae in libera civitate ferenda non essent, tulimus et perpessi sumus, alii spe forsitan reciperandae libertatis, alii vivendi nimia cupiditate; sed, si illa tulimus, quae nos necessitas ferre coegit, quae vis quaedam paene fatalis, (quae tamen ipsa non tulimus) etiamne huius impuri latronis feremus taeterrimum crudelissimumque dominatum?

[30] [XII] Quid hic faciet, si poterit, iratus, qui cum suscensere nemini posset, omnibus bonis fuerit inimicus? quid hic victor non audebit, qui nullam adeptus victoriam tanta scelera post Caesaris interitum fecerit, refertam eius domum exhauserit, hortos conpilaverit, ad se ex iis omnia ornamenta transtulerit, caedis et incendiorum causam quaesierit ex funere, duobus aut tribus senatus consultis bene et e re publica factis reliquas res ad lucrum praedamque revocaverit, vendiderit immunitates, civitates liberaverit, provincias universas ex imperii populi Romani iure sustulerit, exules reduxerit, falsas leges C. Caesaris nomine et falsa decreta in aes incidenda et in Capitolio figenda curaverit earumque rerum omnium domesticum mercatum instituerit, populo Romano leges imposuerit, armis et praesidiis populum et magistratus foro excluserit,

[31] senatum stiparit armatis, armatos in cella Concordiae, cum senatum haberet, incluserit, ad legiones Brundisium cucurrerit, ex iis optime sentientis centuriones iugulaverit, cum exercitu Romam sit ad interitum nostrum et ad dispertitionem urbis venire conatus? Atque is

ab hoc impetu abstractus consilio et copiis Caesaris, consensu veteranorum, virtute legionum, ne fortuna quidem fractus minuit audaciam nec ruere demens nec furere desinit. In Galliam mutilatum ducit exercitum, cum una legione, et ea vacillante, L. fratrem expectat, quo neminem reperire potest sui similiorem. Ille autem ex myrmillone dux, ex gladiatore imperator quas effecit strages, ubicumque posuit vestigium! Fundit apothecas, caedit greges armentorum reliquique pecoris, quodcumque nactus est; epulantur milites; ipse autem se, ut fratrem imitetur, obruit vino; vastantur agri, diripiuntur villae; matres familiae, virgines, pueri ingenui abripiuntur, militibus traduntur. Haec eadem, quacumque exercitum duxit, fecit M. Antonius.

[32] [XIII] His vos taeterrimis fratribus portas aperietis, hos umquam in urbem recipietis? non tempore oblato, ducibus paratis, animis militum incitatis, populo Romano conspirante, Italia tota ad libertatem reciperandam excitata deorum immortalium beneficio utemini? Nullum erit tempus hoc amisso. A tergo, fronte, lateribus tenebitur, si in Galliam venerit. Nec ille armis solum, sed etiam decretis nostris urguendus est. Magna vis est, magnum numen unum et idem sentientis senatus. Videtisne refertum forum populumque Romanum ad spem reciperandae libertatis erectum? qui longo intervallo cum frequentis hic videt nos, tum sperat etiam liberos convenisse.

[33] Hunc ego diem expectans M. Antoni scelerata arma vitavi, tum cum ille in me absentem invehens non intellegebat, ad quod tempus me et meas vires reservarem. Si enim tum illi caedis a me initium quaerenti respondere voluissem, nunc rei publicae consulere non possem. Hanc vero nactus facultatem nullum tempus, patres conscripti, dimittam neque diurnum neque nocturnum, quin de libertate populi Romani et dignitate vestra, quod cogitandum sit, cogitem, quod agendum atque faciendum, id non modo non recusem, sed etiam appetam atque deposcam. Hoc feci, dum licuit; intermisi, quoad non licuit. Iam non solum licet, sed etiam necesse est, nisi servire malumus quam, ne serviamus, armis animisque decernere.

[34] Di immortales nobis haec praesidia dederunt, urbi Caesarem, Brutum Galliae. Si enim ille opprimere urbem potuisset, statim, si Galliam tenere, paulo post optimo cuique pereundum erat, reliquis

serviendum. [XIV] Hanc igitur occasionem oblatam tenete, per deos immortales, patres conscripti, et amplissimi orbis terrae consilii principes vos esse aliquando recordamini! Signum date populo Romano consilium vestrum non deesse rei publicae, quoniam ille virtutem suam non defuturam esse profitetur. Nihil est, quod moneam vos. Nemo est tam stultus, qui non intellegat, si indormierimus huic tempori, non modo crudelem superbamque dominationem nobis, sed ignominiosam etiam et flagitiosam ferendam esse.

[35] Nostis insolentiam Antoni, nostis amicos, nostis totam domum. Libidinosis, petulantibus, impuris, impudicis, aleatoribus, ebriis servire, ea summa miseria est summo dedecore coniuncta. Quodsi iam, quod di omen avertant! fatum extremum rei publicae venit, quod gladiatores nobiles faciunt, ut honeste decumbant, faciamus nos principes orbis terrarum gentiumque omnium, ut cum dignitate potius cadamus quam cum ignominia serviamus.

[36] Nihil est detestabilius dedecore, nihil foedius servitute. Ad decus et ad libertatem nati sumus; aut haec teneamus aut cum dignitate moriamur. Nimium diu teximus, quid sentiremus; nunc iam apertum est; omnes patefaciunt, in utramque partem quid sentiant, quid velint. Sunt impii cives, sed pro caritate rei publicae nimium multi, contra multitudinem bene sentientium admodum pauci; quorum opprimendorum di immortales incredibilem rei publicae potestatem et fortunam dederunt. Ad ea enim praesidia, quae habemus, iam accedent consules summa prudentia, virtute, concordia multos menses de populi Romani libertate commentati atque meditati. His auctoribus et ducibus, dis iuvantibus, nobis vigilantibus et multum in posterum providentibus, populo Romano consentiente erimus profecto liberi brevi tempore. Iucundiorem autem faciet libertatem servitutis recordatio.

[37] [XV] Quas ob res, quod tribuni pl. verba fecerunt, uti senatus Kalendis Ianuariis tuto haberi sententiaeque de summa re publica libere dici possint, de ea re ita censeo, uti C. Pansa A. Hirtius, consules designati, dent operam, uti senatus Kalendis Ianuariis tuto haberi possit. Quodque edictum D. Bruti imperatoris, consulis designati, propositum sit, senatum existimare D. Brutum imperatorem, consulem designatum, optime de re publica mereri,

cum senatus auctoritatem populique Romani libertatem imperiumque defendat;

[38] quodque provinciam Galliam citeriorem optimorum et fortissimorum [virorum] amicissimorumque rei publicae civium exercitumque in senatus potestate retineat, id eum exercitumque eius, municipia, colonias provinciae Galliae recte atque ordine exque re publica fecisse et facere. Senatum ad summam rem publicam pertinere arbitrari ab D. Bruto et L. Planco imperatoribus, consulibus designatis, itemque a ceteris, qui provincias optinent, optineri ex lege Iulia, quoad ex senatus consulto cuique eorum successum sit, eosque dare operam, ut eae provinciae atque exercitus in senati populique Romani potestate praesidioque rei publicae sint. Cumque opera, virtute, consilio C. Caesaris summoque consensu militum veteranorum, qui eius auctoritatem secuti rei publicae praesidio sunt et fuerunt, a gravissimis periculis populus Romanus defensus sit et hoc tempore defendatur;

[39] cumque legio Martia Albae constiterit, in municipio fidelissimo et fortissimo, seseque ad senatus auctoritatem populique Romani libertatem contulerit; et quod pari consilio eademque virtute legio quarta usa L. Egnatuleio quaestore duce, civi egregio, senatus auctoritatem populique Romani libertatem defendat ac defenderit: senatui magnae curae esse ac fore, ut pro tantis eorum in rem publicam meritis honores eis habeantur gratiaeque referantur. Senatui placere, uti C. Pansa A. Hirtius, consules designati, cum magistratum inissent, si eis videretur, primo quoque tempore de his rebus ad hunc ordinem referrent, ita uti e re publica fideque sua videretur.

PHILIPPICA QVARTA

[1] [I] Frequentia vestrum incredibilis, Quirites, contioque tanta, quantam meminisse non videor, et alacritatem mihi summam defendendae rei publicae adfert et spem recuperandae. Quamquam animus mihi quidem numquam defuit, tempora defuerunt, quae simul ac primum aliquid lucis ostendere visa sunt, princeps vestrae libertatis defendendae fui. Quodsi id ante facere conatus essem, nunc facere non possem. Hodierno enim die, Quirites, ne mediocrem rem actam arbitremini, fundamenta iacta sunt reliquarum actionum. Nam est hostis a senatu nondum verbo adpellatus, sed re iam iudicatus Antonius.

[2] Num vero multo sum erectior, quod vos quoque illum hostem esse tanto consensu tantoque clamore adprobavistis. Neque enim, Quirites, fieri potest, ut non aut ii sint impii, qui contra consulem exercitus comparaverunt, aut ille hostis, contra quem iure arma sumpta sunt. Hanc igitur dubitationem, quamquam nulla erat, tamen ne qua posset esse, senatus hodierno die sustulit. C. Caesar, qui rem publicam libertatemque vestram suo studio, consilio, patrimonio denique tutatus est et tutatur, maximis senatus laudibus ornatus est.

[3] Laudo, laudo vos, Quirites, quod gratissimis animis prosequimini nomen clarissimi adulescentis vel pueri potius (sunt enim facta eius immortalitatis, nomen aetatis. Multa memini, multa audivi, multa legi, Quirites; nihil ex omnium saeculorum memoria tale cognovi), qui, cum servitute premeremur, in dies malum cresceret, praesidii nihil haberemus, capitalem et pestiferum a Brundisio tum M. Antoni reditum timeremus, hoc insperatum omnibus consilium, incognitum certe ceperit, ut exercitum invictum ex paternis militibus conficeret Antonique furorem crudelissimis consiliis incitatum a pernicie rei publicae averteret.

[4] [II] Quis est enim, qui hoc non intellegat, nisi Caesar exercitum paravisset, non sine exitio nostro futurum Antoni reditum fuisse? Ita enim se recipiebat ardens odio vestri, cruentus sanguine civium Romanorum, quos Suessae, quos Brundisi occiderat, ut nihil nisi de pernicie populi Romani cogitaret. Quod autem praesidium erat salutis libertatisque vestrae, si C. Caesaris fortissimorum sui patris

militum exercitus non fuisset? Cuius de laudibus et honoribus, qui ei pro divinis et immortalibus meritis divini immortalesque debentur, mihi senatus adsensus paulo ante decrevit ut primo quoque tempore referretur.

[5] Quo decreto quis non perspicit hostem esse Antonium iudicatum? Quem enim possumus appellare eum, contra quem qui exercitus ducunt, iis senatus arbitratur singulares exquirendos honores? Quid? legio Martia, quae mihi videtur divinitus ab eo deo traxisse nomen, a quo populum Romanum generatum accepimus, non ipsa suis decretis prius quam senatus hostem iudicavit Antonium? Nam, si ille non hostis, hos, qui consulem reliquerunt, hostes necesse est iudicemus. Praeclare et loco, Quirites, reclamatione vestra factum pulcherrimum Martialium conprobavistis; qui se ad senatus auctoritatem, ad libertatem vestram, ad universam rem publicam contulerunt, hostem illum et latronem et parricidam patriae reliquerunt.

[6] Nec solum id animose et fortiter, sed considerate etiam sapienterque fecerunt; Albae constiterunt, in urbe opportuna, munita, propinqua, fortissimorum virorum, fidelissimorum civium atque optimorum. Huius Martiae legionis legio quarta imitata virtutem duce L.Egnatuleio, quem senatus merito paulo ante laudavit, C. Caesaris exercitum persecuta est. [III] Quae expectas, M. Antoni, iudicia graviora? Caesar fertur in caelum, qui contra te exercitum comparavit; laudantur exquisitissimis verbis legiones, quae te reliquerunt, quae a te arcessitae sunt, quae essent, si te consulem quam hostem maluisses, tuae; quarum legionum fortissimum verissimumque iudicium confirmat senatus, conprobat universus populus Romanus; nisi forte vos, Quirites, consulem, non hostem iudicatis Antonium.

[7] Sic arbitrabar, Quirites, vos iudicare, ut ostenditis. Quid? Municipia, colonias, praefecturas num aliter iudicare censetis? Omnes mortales una mente consentiunt omnia arma eorum, qui haec salva velint, contra illam pestem esse capienda. Quid? D. Bruti iudicium, Quirites, quod ex odierno eius edicto perspicere potuistis, num cui tandem contemnendum videtur? Recte et vere negatis, Quirites. Est enim quasi deorum immortalium beneficio et munere datum rei publicae Brutorum genus et nomen ad libertatem populi

Romani vel constituendam vel recipiendam. Quid igitur D. Brutus de M. Antonio iudicavit?

[8] Excludit provincia, exercitu obsistit, Galliam totam hortatur ad bellum ipsam sua sponte suoque iudicio excitatam. Si consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius. Num igitur, utrum horum sit, dubitare possumus? [IV] Atque ut vos una mente unaque voce dubitare vos negatis, sic modo decrevit senatus D. Brutum optime de re publica mereri, cum senatus auctoritatem populique Romani libertatem imperiumque defenderet. A quo defenderet? Nempe ab hoste; quae est enim alia laudanda defensio?

[9] Deinceps laudatur provincia Gallia meritoque ornatur verbis amplissimis ab senatu, quod resistat Antonio. Quem si consulem illa provincia putaret neque eum reciperet, magno scelere se adstringeret; omnes enim in consulis iure et imperio debent esse provinciae. Negat hoc D. Brutus imperator, consul designatus, natus rei publicae civis, negat Gallia, negat cuncta Italia, negat senatus, negatis vos. Quis illum igitur consulem nisi latrones putant? Quamquam ne ii quidem ipsi, quod locuntur, id sentiunt nec ab iudicio omnium mortalium, quamvis impii nefariique sint, sicut sunt, dissentire possunt. Sed spes rapiendi atque praedandi obcaecat animos eorum, quos non bonorum donatio, non agrorum adsignatio, non illa infinita hasta satiavit; qui sibi urbem, qui bona et fortunas civium ad praedam proposuerunt; qui, dum hic sit, quod rapiant, quod auferant, nihil sibi defuturum arbitrantur; quibus M. Antonius (o di immortales, avertite et detestamini, quaeso, hoc omen!) urbem se divisurum esse promisit.

[10] Ita vero, Quirites, ut precamini, eveniat, atque huius amentiae poena in ipsum familiamque eius recidat! Quod ita futurum esse confido. Iam enim non solum homines, sed etiam deos immortales ad rem publicam conservandam arbitror consensisse. Sive enim prodigiis atque portentis di immortales nobis futura praedicunt, ita sunt aperte pronuntiata, ut et illi poena et nobis libertas adpropinquet, sive tantus consensus omnium sine inpulsu deorum esse non potuit, quid est, quod de voluntate caelestium dubitare possimus?

[11] [V] Reliquum est, Quirites, ut vos in ista sententia, quam prae vobis fertis, perseveretis. Faciam igitur, ut imperatores instructa acie solent, quamquam paratissimos milites ad proeliandum videant, ut

eos tamen adhortentur, sic ego vos ardentes et erectos ad libertatem reciperandam cohortabor. Non est vobis, Quirites, cum eo hoste certamen, cum quo aliqua pacis condicio esse possit. Neque enim ille servitutem vestram ut antea, sed iam iratus sanguinem concupivit. Nullus ei ludus videtur esse iucundior quam cruor, quam caedes, quam ante oculos trucidatio civium.

[12] Non est vobis res, Quirites, cum scelerato homine ac nefario, sed cum immani taetraque belua, quae quoniam in foveam incidit, obruatur. Si enim illinc emerserit, nullius supplicii crudelitas erit recusanda. Sed tenetur, premitur, urguetur nunc iis copiis, quas [iam] habemus, mox iis, quas paucis diebus novi consules comparabunt. Incumbite in causam, Quirites, ut facitis. Numquam maior consensus vester in ulla causa fuit, numquam tam vehementer cum senatu consociati fuistis. Nec mirum; agitur enim, non qua condicione victuri, sed victurine simus an cum supplicio ignominiaque perituri.

[13] Quamquam mortem quidem natura omnibus proposuit, crudelitatem mortis et dedecus virtus propulsare solet, quae propria est Romani generis et seminis. Hanc retinete, quaeso, quam vobis tamquam hereditatem maiores vestri reliquerunt. Nam cum alia omnia falsa, incerta sint, caduca, mobilia, virtus est una altissimis defixa radicibus; quae numquam vi ulla labefactari potest, numquam demoveri loco. Hac virtute maiores vestri primum universam Italiam devicerunt, deinde Karthaginem exciderunt, Numantiam everterunt, potentissimos reges, bellicosissimas gentes in dicionem huius imperii redegerunt.

[14] Ac maioribus quidem vestri, Quirites, cum eo hoste res erat, qui haberet rem publicam, curiam, aerarium, consensum et concordiam civium, rationem aliquam, si ita res tulisset, pacis et foederis; hic vester hostis vestram rem publicam oppugnat, ipse habet nullam; senatum, id est orbis terrae consilium, delere gestit, ipse consilium publicum nullum habet; aerarium vestrum exhausit, suum non habet; nam concordiam civium qui habere potest, nullam cum habet civitatem? pacis vero quae potest esse cum eo ratio, in quo est incredibilis crudelitas, fides nulla?

[15] Est igitur, Quirites, populo Romano, victori omnium gentium, omne certamen cum percussore, cum latrone, cum Spartaco. Nam quod se similem esse Catilinae gloriari solet, scelere par est illi,

industria inferior. Ille cum exercitum nullum habuisset, repente conflavit; hic eum exercitum, quem accepit, amisit. Ut igitur Catilinam diligentia mea, senatus auctoritate, vestro studio et virtute fregistis, sic Antoni nefarium latrocinium vestra cum senatu concordia tanta, quanta numquam fuit, felicitate et virtute exercituum ducumque vestrorum brevi tempore oppressum audietis.

[16] Equidem quantum cura, labore, vigiliis, auctoritate, consilio eniti atque efficere potero, nihil praetermittam, quod ad libertatem vestram pertinere arbitrabor; neque enim id pro vestris amplissimis in me beneficiis sine scelere facere possum. Hodierno autem die primum referente viro fortissimo vobisque amicissimo, hoc M. Servilio, collegisque eius, ornatissimis viris, optimis civibus, longo intervallo me auctore et principe ad spem libertatis exarsimus.

PHILIPPICA QVINTA

[1] [I] Nihil umquam longius his Kalendis Ianuariis mihi visum est, patres conscripti: quod idem intellegebam per hos dies uni cuique vestrum videri. Qui enim bellum cum re publica gerunt, hunc diem non exspectabant; nos autem tum, cum maxime consilio nostro subvenire communi saluti oporteret, in senatum non vocabamur. Sed querellam praeteritorum dierum sustulit oratio consulum, qui ita locuti sunt ut, magis exoptatae Kalendae quam serae esse videantur. Atque ut oratio consulum animum meum erexit spemque attulit non modo salutis conservandae, verum etiam dignitatis pristinae reciperandae, sic me perturbasset eius sententia, qui primus rogatus est, nisi vestrae virtuti constantiaeque confiderem.

[2] Hic enim dies vobis, patres conscripti, inluxit, haec potestas data est, ut, quantum virtutis, quantum constantiae, quantum gravitatis in huius ordinis consilio esset, populo Romano declarare possetis. Recordamini, qui dies nudius tertius decimus fuerit, quantus consensus vestrum, quanta virtus, quanta constantia, quantam sitis a populo Romano laudem, quantam gloriam, quantam gratiam consecuti. Atque illo die, patres conscripti, ea constituistis, ut vobis iam nihil sit integrum nisi aut honesta pax aut bellum necessarium.

[3] Pacem vult M. Antonius; arma deponat, roget, deprecetur. Neminem aequiorem reperiet quam me, cui, dum se civibus impiis commendat, inimicus quam amicus esse maluit. Nihil est profecto, quod possit dari bellum gerenti; erit fortasse aliquid, quod concedi possit roganti; [II] legatos vero ad eum mittere, de quo gravissimum et severissimum iudicium nudius tertius decimus feceritis, non iam levitatis est, sed ut, quod sentio dicam, dementiae. Primum duces eos laudavistis, qui contra illum bellum privato consilio suscepissent, deinde milites veteranos, qui cum ab Antonio in colonias essent deducti, illius beneficio libertatem populi Romani anteposuerunt.

[4] Quid? legio Martia, quid? quarta cur laudantur? si enim consulem suum reliquerunt, vituperandae sunt, si inimicum rei publicae, iure laudantur. Atqui, cum consules nondum haberetis, decrevistis, ut et de praemiis militum et de honoribus imperatorum primo quoque tempore referretur. Placet eodem tempore praemia

constituere eis, qui contra Antonium arma ceperint, et legatos ad Antonium mittere? ut iam pudendum si honestiora decreta esse legionum quam senatus, siquidem legiones decreverunt senatum defendere contra Antonium, senatus decernit legatos ad Antonium. Utrum hoc est confirmare militum animos an debilitare virtutem?

[5] Hoc dies duodecim profecerunt, ut, quem nemo praeter Cotylam inventus sit qui defenderet, is habeat iam patronos etiam consulares? Qui utinam omnes ante me sententiam rogarentur! (quamquam suspicor, quid dicturi sint quidam eorum, qui post me rogabuntur) facilius contra dicerem, si quid videretur. Est enim opinio decreturum aliquem Antonio illam ultimam Galliam, quam Plancus obtinet. Quid est aliud omnia ad bellum civile hosti arma largiri, primum nervos belli, pecuniam infinitam, qua nunc eget, deinde equitatum, quantum velit? Equitatum dico; dubitabit, credo, gentis barbaras secum adducere. Hoc qui non videt, excors, qui, cum videt, decernit, impius est.

[6] Tu civem sceleratum et perditum Gallorum et Germanorum pecunia, peditatu, equitatu, copiis instrues? Nullae istae excusationes sunt: ‘Meus amicus est.’ Sit patriae prius. ‘Meus cognatus.’ An potest cognatio propior ulla esse quam patriae, in qua parentes etiam continentur? ‘Mihi pecuniam tribuit.’ Cupio videre, qui id audeat dicere. Quid autem agatur, cum aperuero, facile erit statuere, quam sententiam dicatis aut quam sequamini. [III] Agitur, utrum M. Antonio facultas detur opprimendae rei publicae, caedis faciendae bonorum, urbis dividundae, agrorum suis latronibus condonandi, populum Romanum servitute opprimendi, an horum ei facere nihil liceat. Dubitate, quid agatis. At non cadunt haec in Antonium.

[7] Hoc ne Cotyla quidem dicere auderet. Quid enim in eum non cadit, qui, cuius acta se defendere dicit, eius eas leges pervertit, quas maxime laudare poteramus? Ille paludes siccare voluit, hic omnem Italiam moderato homini, L. Antonio, dividendam dedit. Quid? hanc legem populus Romanus accepit, quid? per auspicia ferri potuit? Silet augur verecundus sine collegis de auspiciis. Quamquam illa auspicia non egent interpretatione; Iove enim tonante cum populo agi non esse fas quis ignorat? Tribuni plebi tulerunt de provinciis contra acta C. Caesaris, ille biennium, hi sexennium. Etiam hanc legem populus Romanus accepit? quid? promulgata fuit, quid? non ante lata quam

scripta est, quid? non ante factum vidimus, quam futurum quisquam est suspicatus?

[8] Ubi lex Caecilia et Didia, ubi promulgatio trinum nundinum, ubi poena recenti lege Iunia et Licinia? Possuntne hae leges esse ratae sine interitu legum reliquarum? Eccui potestas in forum insinuandi fuit? Quae porro illa tonitrua, quae tempestas! ut, si auspicia M. Antonium non moverent, sustinere tamen eum ac ferre posse tantam vim [tempestatis] imbris ac turbinum mirum videretur. Quam legem igitur se augur dicit tulisse non modo tonante Iove, sed prope caelesti clamore prohibente, hanc dubitabit contra auspicia latam confiteri?

[9] Quid? quod cum eo collega tulit, quem ipse fecit sua nuntiatione vitiosum, nihilne ad auspicia bonus augur pertinere arbitratus est? [IV] Sed auspiciorum nos fortasse erimus interpretes, qui sumus eius collegae; num ergo etiam armorum interpretes quaerimus? Primum omnes fori aditus ita saepti, ut, etiamsi nemo obstaret armatus, tamen nisi saeptis revolsis introiri in forum nullo modo posset; sic vero erant disposita praesidia, ut, quo modo hostium aditus urbe prohibentur castellis et operibus, ita ab ingressione fori populum tribunosque plebi propulsari videres.

[10] Quibus de causis eas leges, quas M. Antonius tulisse dicitur, omnes censeo per vim et contra auspicia latas iisque legibus populum non teneri. Si quam legem de actis Caesaris confirmandis deve dictatura in perpetuum tollenda deve coloniis in agros deducendis tulisse M. Antonius dicitur, easdem leges de integro, ut populum teneant, salvis auspiciis ferri placet. Quamvis enim res bonas vitiose per vimque tulerit, tamen eae leges non sunt habendae, omnisque audacia gladiatoris amentis auctoritate nostra repudianda est.

[11] Illa vero dissipatio pecuniae publicae ferenda nullo modo est, per quam sestertium septiens miliens falsis perscriptionibus donationibusque avertit, ut portenti simile videatur tantam pecuniam populi Romani tam brevi tempore perire potuisse. Quid? illi immanes quaestus ferendine, quos M. Antoni +tota exhausit domus? Decreta falsa vendebat, regna, civitates, immunitates in aes accepta pecunia iubebat incidi. Haec se ex commentariis C. Caesaris, quorum ipse auctor erat, agere dicebat. Calebant in interiore aedium parte totius rei publicae nundinae; mulier sibi felicior quam viris auctionem

provinciarum regnorumque faciebat; restituebantur exules quasi lege sine lege; quae nisi auctoritate senatus rescinduntur, quoniam ingressi in spem rei publicae recuperandae sumus, imago nulla liberae civitatis relinquetur.

[12] Neque solum commentariis commenticiis chirographisque venalibus innumerabilis pecunia congesta in illam domum est, cum, quae vendebat Antonius, ea se ex actis Caesaris agere diceret, sed senatus etiam consulta pecunia accepta falsa referebat: syngraphae obsignabantur, senatus consulta numquam facta ad aerarium deferebantur. Huius turpitudinis testes erant etiam exterae nationes. Foedera interea facta, regna data, populi provinciaeque liberatae, ipsarumque rerum falsae tabulae gemente populo Romano toto Capitolio figebantur. Quibus rebus tanta pecunia una in domo coacervata est, ut, si hoc genus pecuniae in aerarium redigatur, non sit pecunia rei publicae defutura. [V] Legem etiam iudiciariam tulit homo castus atque integer iudiciorum et iuris auctor. In quo nos fefellit. Antesignanos et manipulares et Alaudas iudices se constituisse dicebat; at ille legit aleatores, legit exules, legit Graecos (o consessum iudicum praeclarum, o dignitatem consilii admirandam!

[13] Avet animus apud consilium illud pro reo dicere!), Cydam Cretensem, portentum insulae, hominem audacissimum et perditissimum. Sed fac non esse; num Latine scit? num est ex iudicum genere et forma? num, quod maximum est, leges nostras moresve novit, num denique homines? Est enim Creta vobis notior quam Roma Cydae. Dilectus autem et notatio iudicum etiam in nostris civibus haberi solet; Gortynium vero iudicem quis novit aut quis nosse potuit? Nam Lysiaden Atheniensem plerique novimus; est enim Phaedri, philosophi nobilis, filius, homo praeterea festivus, ut ei cum Curio consessore eodemque conlusore facillume possit convenire.

[14] Quaero igitur: Si Lysiades citatus iudex non responderit excuseturque Areopagites esse nec debere eodem tempore Romae et Athenis res iudicare, accipietne excusationem is, qui quaestioni praeerit, Graeculi iudicis modo palliati, modo togati? An Atheniensium antiquissimas leges negleget? Qui porro ille consessus, di boni! Cretensis iudex, isque nequissimus. Quem ad modum ad

hunc reus alleget, quo modo accedat? Dura natio est. At Athenienses misericordes. Puto ne Curium quidem esse crudelem, qui periculum fortunae cotidie facit. Sunt item lecti iudices, qui fortasse excusabuntur; habent enim legitimam excusationem, exsilii causa solum vertisse nec esse postea restitutos.

[15] Hos ille demens iudices legisset, horum nomina ad aerarium detulisset, his magnam partem rei publicae credidisset, si ullam speciem rei publicae cogitavisset? [VI] Atque ego de notis iudicibus dixi; quos minus nostis, nolui nominare; saltatores, citharistas, totum denique comissationis Antonianae chorum in tertiam decuriam iudicum scitote esse coniectum. Em causam, cur lex tam egregia tamque praeclara maximo imbri, tempestate, ventis, procellis, turbinibus, inter fulmina et tonitrua ferretur, ut eos iudices haberemus, quos hospites habere nemo velit. Scelerum magnitudo, conscientia maleficiorum, direptio eius pecuniae, cuius ratio in aede Opis confecta est, hanc tertiam decuriam excogitavit; nec ante turpes iudices quaesiti, quam honestis iudicibus nocentium salus desperata est.

[16] Sed illud os, illam impuritatem caeni fuisse, ut hos iudices legere auderet! quorum lectione duplex imprimeretur rei publicae dedecus, unum, quod tam turpes iudices essent, alterum, quod patefactum cognitumque esset, quam multos in civitate turpis haberemus. Hanc ergo et reliquas eius modi leges, etiamsi sine vi salvis auspiciis essent rogatae, censerem tamen abrogandas; nunc vero cur abrogandas censeam, quas iudico non rogatas?

[17] An illa non gravissimis ignominiis monumentisque huius ordinis ad posteritatis memoriam sunt notanda, quod unus M. Antonius in hac urbe post conditam urbem palam secum habuerit armatos? quod neque reges nostri fecerunt neque ii, qui regibus exactis regnum occupare voluerunt. Cinnam memini, vidi Sullam, modo Caesarem; hi enim tres post civitatem a L. Bruto liberatam plus potuerunt quam universa res publica. Non possum adfirmare nullis telis eos stipatos fuisse, hoc dico: nec multis et occultis.

[18] At hanc pestem agmen armatorum sequebatur; Cassius, Mustela, Tiro, gladios ostentantes sui similes greges ducebant per forum; certum agminis locum tenebant barbari sagittarii. Cum autem erat ventum ad aedem Concordiae, gradus conplebantur, lecticae

conlocabantur, non quo ille scuta occulta esse vellet, sed ne familiares, si scuta ipsi ferrent, laborarent. [VII] Illud vero taeterrimum non modo aspectu, sed etiam auditu, in cella Concordiae conlocari armatos, latrones, sicarios, de templo carcerem fieri, opertis valvis Concordiae, cum inter subsellia senatus versarentur latrones, patres conscriptos sententias dicere.

[19] Huc nisi venirem Kalendis Septembribus, etiam fabros se missurum et domum meam disturbaturum esse dixit. Magna res, credo, agebatur; de supplicatione referebat. Veni postridie, ipse non venit. Locutus sum de re publica minus equidem libere, quam mea consuetudo, liberius tamen, quam periculi minae postulabant. At ille homo vehemens et violentus, qui hanc consuetudinem libere dicendi excluderet (fecerat enim hoc idem maxima cum laude L. Piso triginta diebus ante), inimicitias mihi denuntiavit, adesse in senatum iussit a d. XIII Kalendas Octobres. Ipse interea septemdecim dies de me in Tiburtino Scipionis declamitavit sitim quaerens; haec enim ei causa esse declamandi solet.

[20] Cum is dies, quo me adesse iusserat, venisset, tum vero agmine quadrato in aedem Concordiae venit atque in me apsentem orationem ex ore impurissimo evomuit. Quo die si per amicos mihi cupienti in senatum venire licuisset, caedis initium fecisset a me (sic enim statuerat); cum autem semel gladium scelere imbuisset, nulla res ei finem caedendi nisi defatigatio et satietas attulisset. Etenim aderat Lucius frater, gladiator Asiaticus, qui myrmillo Mylasis depugnarat; sanguinem nostrum sitiebat, suum in illa gladiatoria pugna multum profuderat. Hic pecunias vestras aestimabat, possessiones notabat et urbanas et rusticas; huius mendicitas aviditate coniuncta in fortunas nostras imminebat; dividebat agros, quibus et quos volebat; nullus aditus erat privato, nulla aequitatis deprecatio. Tantum quisque habebat possessor, quantum reliquerat divisor Antonius.

[21] Quae quamquam, si leges irritas feceretis, rata esse non possunt, tamen separatim suo nomine notanda censeo iudicandumque nullos septemviros fuisse, nihil placere ratum esse, quod ab iis actum diceretur. [VIII] M. vero Antonium quis est qui civem possit iudicare potius quam taeterrimum et crudelissimum hostem, qui pro aede Castoris sedens audiente populo Romano dixerit nisi victorem

victurum neminem? Num putatis, patres conscripti, dixisse eum minacius quam facturum fuisse? Quid vero? quod in contione dicere ausus est se, cum magistratu abisset, ad urbem futurum cum exercitu, introiturum, quotienscumque vellet, quid erat aliud nisi denuntiare populo Romano servitutem?

[22] Quod autem eius iter Brundisium, quae festinatio, quae spes, nisi ad urbem vel in urbem potius exercitum maximum adduceret? Qui autem dilectus centurionum, quae effrenatio inpotentis animi! Cum eius promissis legiones fortissimae reclamassent, domum ad se venire iussit centuriones, quos bene sentire de re publica cognoverat, eosque ante pedes suos uxorisque suae, quam secum gravis imperator ad exercitum duxerat, iugulari coegit. Quo animo hunc futurum fuisse censetis in nos, quos oderat, cum in eos, quos numquam viderat, tam crudelis fuisset, et quam avidum in pecuniis locupletium, qui pauperum sanguinem concupisset? quorum ipsorum bona, quantacumque erant, statim suis comitibus compotoribusque discripsit.

[23] Atque ille furens infesta iam patriae signa a Brundisio inferebat, cum C. Caesar deorum immortalium beneficio, divina animi, ingenii, consilii magnitudine, quamquam sua sponte eximiaque virtute, tamen adprobatione auctoritatis meae colonias patrias adiit, veteranos milites convocavit, paucis diebus exercitum fecit, incitatos latronum impetus retardavit. Postea vero quam legio Martia ducem praestantissimum vidit, nihil egit aliud, nisi ut aliquando liberi essemus; quam est imitata quarta legio. [IX] Quo ille nuntio audito cum senatum vocasset adhibuissetque consularem, qui sua sententia C. Caesarem hostem iudicaret, repente concidit.

[24] Post autem neque sacrificiis sollemnibus factis neque votis nuncupatis non profectus est, sed profugit paludatus. At quo? In provinciam firmissimorum et fortissimorum civium, qui illum, ne si ita quidem venisset, ut nullum bellum inferret, ferre potuissent inpotentem, iracundum, contumeliosum, superbum, semper poscentem, semper rapientem, semper ebrium. At ille, cuius ne pacatam quidem nequitiam quisquam ferre posset, bellum intulit provinciae Galliae, circumsedet Mutinam, firmissimam et splendidissimam populi Romani coloniam, oppugnat D.Brutum imperatorem, consulem designatum, civem non sibi, sed nobis et rei

publicae natum.

[25] Ergo Hannibal hostis, civis Antonius? Quid ille fecit hostiliter, quod hic non aut fecerit aut faciat aut moliatur et cogitet? Totum iter Antoniorum quid habuit nisi depopulationes, vastationes, caedis, rapinas? quas non faciebat Hannibal, quia multa ad usum suum reservabat, at hi, qui in horam viverent, non modo de fortunis et de bonis civium, sed ne de utilitate quidem sua cogitaverunt. Ad hunc, di boni! legatos mitti placet? Norunt isti homines formam rei publicae, iura belli, exempla maiorum, cogitant quid populi Romani maiestas, quid senatus severitas postulet? Legatos decernis? Si, ut depreceres, contemnet, si, ut imperes, non audiet; denique, quamvis severa legatis mandata dederimus, nomen ipsum legatorum hunc, quem videmus, populi Romani restinguet ardorem, municipiorum atque Italiae franget animos. Ut omittam haec, quae magna sunt, certe ista legatio moram et tarditatem adferet bello.

[26] Quamvis dicant, quod quosdam audio dicturos: 'Legati proficiscantur: bellum nihilo minus paretur', tamen legatorum nomen ipsum et animos hominum et belli celeritatem morabitur. [X] Minimis momentis, patres conscripti, maximae inclinationes temporum fiunt cum in omni casu rei publicae, tum in bello, et maxime civili, quod opinione plerumque et fama gubernatur. Nemo quaeret, quibus cum mandatis legatos miserimus; nomen ipsum legationis ultro missae timoris esse signum videbitur. Recedat a Mutina, desinat oppugnare Brutum, decedat ex Gallia; non est verbis rogandus, cogendus est armis.

[27] Non enim ad Hannibalem mittimus, ut a Sagunto recedat, ad quem miserat olim senatus P. Valerium Flaccum et Q. Baebium Tamphilum (qui, si Hannibal non pareret, Karthaginem ire iussi sunt; nostros quo iubemus ire, si non paruerit Antonius?); ad nostrum civem mittimus, ne imperatorem, ne coloniam populi Romani oppugnet. Itane vero? hoc per legatos rogandum est? Quid interest, per deos immortales! utrum hanc urbem oppugnet an huius urbis propugnaculum, coloniam populi Romani praesidii causa conlocatam? Belli Punici secundi, quod contra maiores nostros Hannibal gessit, causa fuit Sagunti oppugnatio. Recte ad eum legati missi; mittebantur ad Poenum, mittebantur pro Hannibalis hostibus nostris sociis. Quid simile tandem? Nos ad civem mittimus, ne

imperatorem populi Romani, ne exercitum, ne coloniam circumsedeat, ne oppugnet, ne agros depopuletur, ne sit hostis?

[28] [XI] Age, si paruerit, hoc cive uti aut volumus aut possumus? Ante diem XIII Kalendas Ianuarias decretis vestris eum concidistis, constituistis, ut haec ad vos Kalendis Ianuariis referrentur, quae referri videtis, de honoribus et praemiis bene de re publica meritorum et merentium: quorum principem iudicastis eum, qui fuit, C. Caesarem, qui M. Antoni impetus nefarios ab urbe in Galliam avertit; tum milites veteranos, qui primi Caesarem secuti sunt, tum illa caelestis divinasque legiones, Martia et quartam, comprobastis, quibus, cum consulem suum non modo reliquissent, sed bello etiam persequerentur, honores et praemia spopondistis; eodemque die D.Bruti, praestantissimi civis, edicto adlato atque proposito factum eius conlaudastis, quodque ille bellum privato consilio susceperat, id vos auctoritate publica comprobastis.

[29] Quid igitur illo die aliud egistis, nisi ut hostem iudicaretis Antonium? His vestris decretis aut ille vos aequo animo adspicere poterit, aut vos illum sine dolore summo videbitis? Exclusit illum a re publica, distraxit, segregavit non solum scelus ipsius, sed etiam, ut mihi videtur, fortuna quaedam rei publicae. Qui si legatis paruerit Romamque redierit, num quando perditis civibus vexillum, quo concurrant, defuturum putatis? Sed hoc minus vereor; sunt alia, quae magis timeam et cogitem. Numquam parebit ille legatis. Novi hominis insaniam, adrogantiam, novi perdita consilia amicorum, quibus ille est deditus.

[30] Lucius quidem frater eius, utpote qui peregre depugnarit, familiam ducit. Sit per se ipse sanus, quod numquam erit; per hos esse ei tamen non licebit. Teretur interea tempus, belli apparatus refrigescent. Unde est adhuc bellum tractum nisi ex retardatione et mora? Ut primum post discessum latronis vel potius desperatam fugam libere senatus haberi potuit, semper flagitavi, ut convocaremur. Quo die primum convocati sumus, cum designati consules non adessent, ieci sententia mea maximo vestro consensu fundamenta rei publicae serius omnino, quam decuit (nec enim ante potui); sed tamen, si ex eo tempore dies nullus intermissus esset, bellum profecto nullum haberemus.

[31] Omne malum nascens facile opprimitur, inveteratum fit

plerumque robustius. Sed tum expectabantur Kalendae Ianuariae, fortasse non recte. [XII] Verum praeterita omittamus; etiamne hanc moram adferemus, dum proficiscantur legati, dum revertantur? quorum expectatio dubitationem belli adfert. Bello autem dubio quod potest studium esse dilectus? Quam ob rem, patres conscripti, legatorum mentionem nullam censeo faciendam; rem administrandam arbitror sine ulla mora et confestim gerendam censeo; tumultum decerni, iustitium edici, saga sumi dico oportere, dilectum haberi sublatis vacationibus in urbe et in Italia praeter Galliam totam.

[32] Quae si erunt facta, opinio ipsa et fama nostrae severitatis obruet scelerati gladiatoris amentiam. Sentiet sibi bellum cum re publica esse susceptum, experietur consentientis senatus nervos atque vires; nam nunc quidem partium contentionem esse dictitat. Quarum partium? Alteri victi sunt, alteri sunt e mediis C. Caesaris partibus; nisi forte Caesaris partes a Pansa et Hirtio consulibus et a filio C. Caesaris oppugnari putamus. Hoc vero bellum non est ex dissensione partium, sed ex nefaria spe perditissimorum civium excitatum, quibus bona fortunaeque nostrae notatae sunt et iam ad cuiusque opinionem distributae.

[33] Legi epistulam Antoni, quam ad quendam septemvirum, capitalem hominem, collegam suum, miserat. ‘Quid concupiscas, tu videris; quod concupiveris, certe habebis.’ Em, ad quem legatos mittamus, cui bellum moremur inferre; qui ne sorti quidem fortunas nostras destinavit, sed libidini cuiusque nos ita addixit, ut ne sibi quidem quicquam integrum, quod non alicui promissum iam sit, reliquerit. Cum hoc, patres conscripti, bello, bello, inquam, decertandum est, idque confestim; legatorum tarditas repudianda est.

[34] Quapropter, ne multa nobis cotidie decernenda sint, consulibus totam rem publicam commendandam censeo iisque permittendum, ut rem publicam defendant provideantque, ne quid res publica detrimenti accipiat, censeoque, ut iis, qui in exercitu M. Antoni sunt, ne sit ea res fraudi, si ante Kalendas Februarias ab eo discesserint. Haec si censueritis, patres conscripti, brevi tempore libertatem populi Romani auctoritatemque vestram recuperabitis. Si autem lenius agetis, tamen eadem, sed fortasse serius decernetis. De re publica, quoad rettulistis, satis decrevisse videor.

[35] [XIII] Altera res est de honoribus; de quibus deinceps intellego esse dicendum. Sed qui ordo in sententiis rogandis servari solet, eundem tenebo in viris fortibus honorandis. A Bruto igitur consule designato more maiorum capiamus exordium. Cuius ut superiora omittam, quae sunt maxima illa quidem, sed adhuc hominum magis iudiciis quam publice laudata, quibusnam verbis eius laudes huius ipsius temporis consequi possumus? Neque enim ullam mercedem tanta virtus praeter hanc laudis gloriaeque desiderat; qua etiam si careat, tamen sit se ipsa contenta, quamquam in memoria gratorum civium tamquam in luce posita laetetur. Laus igitur iudicii testimoniique nostri tribuenda Bruto est.

[36] Quam ob rem his verbis, patres conscripti, senatus consultum faciendum censeo: ‘cum D. Brutus imperator, consul designatus, provinciam Galliam in senatus populique Romani potestate teneat, cumque exercitum tantum tam brevi tempore summo studio municipiorum coloniarumque provinciae Galliae optime de re publica meritae merentisque conscripserit, compararit, id eum recte et ordine exque re publica fecisse, idque D. Bruti praestantissimum meritum in rem publicam senatui populoque Romano gratum esse et fore. Itaque senatum populumque Romanum existimare D. Bruti imperatoris, consulis designati, opera, consilio, virtute incredibilique studio et consensu provinciae Galliae rei publicae difficillumo tempore esse subventum.’

[37] Huic tanto merito Bruti, patres conscripti, tantoque in rem publicam beneficio quis est tantus honos qui non debeatur? Nam, si M. Antonio patuisset Gallia, si oppressis municipiis et coloniis inparatis in illam ultimam Galliam penetrare potuisset, quantus rei publicae terror impenderet? Dubitaret, credo, homo amentissimus atque in omnibus consiliis praeceps et devius non solum cum exercitu suo, sed etiam cum omni immanitate barbariae bellum inferre nobis, ut eius furorem ne Alpium quidem muro cohibere possemus. Haec igitur habenda gratia est D. Bruto, qui illum nondum interposita auctoritate vestra suo consilio atque iudicio non ut consulem recepit, sed ut hostem arcuit Gallia seque obsideri quam hanc urbem maluit. Habeat ergo huius tanti facti tamque praeclari decreto nostro testimonium sempiternum Galliaque, quae semper praesidet atque praesedit huic imperio libertatique communi, merito

vereque laudetur, quod se suasque viris non tradidit, sed opposuit Antonio.

[38] [XIV] Atque etiam M. Lepido pro eius egregiis in rem publicam meritis decernendos honores quam amplissimos censeo. Semper ille populum Romanum liberum voluit maximumque signum illo die dedit voluntatis et iudicii sui, cum Antonio diadema Caesari imponente se avertit gemituque et maestitia declaravit, quantum haberet odium servitutis, quam populum Romanum liberum cuperet, quam illa, quae tulerat, temporum magis necessitate quam iudicio tulisset. Quanta vero is moderatione usus sit in illo tempore civitatis, quod post mortem Caesaris consecutum est, quis nostrum oblivisci potest? Magna haec, sed ad maiora properat oratio.

[39] Quid enim, o di immortales! admirabilius omnibus gentibus, quid optatius populo Romano accidere potuit, quam, cum bellum civile maximum esset, cuius belli exitum omnes timeremus, sapientia et clementia id potius extingui quam armis et ferro rem in discrimen adducere? Quodsi eadem ratio Caesaris fuisset in illo taetro miseroque bello, ut omittam patrem, duos Cn. Pompei, summi et singularis viri, filios incolumis haberemus, quibus certe pietas fraudi esse non debuit. Utinam omnis M. Lepidus servare potuisset! facturum fuisse declaravit in eo, quod potuit, cum Sex. Pompeium restituit civitati, maximum ornamentum rei publicae, clarissimum monumentum clementiae suae. Gravis illa fortuna populi Romani, grave fatum! Pompeio enim patre, quod imperii populi Romani lumen fuit, extincto interfectus est patris simillimus filius.

[40] Sed omnia mihi videntur deorum immortalium iudicio expiata Sex.Pompeio rei publicae conservato. [XV] Quam ob causam iustam atque magnam, et quod periculosissimum civile bellum maximumque humanitate et sapientia sua M. Lepidus ad pacem concordiamque convertit, senatus consultum his verbis censeo perscribendum: ‘cum a M. Lepido imperatore, pontifice maximo, saepe numero res publica et bene et feliciter gesta sit populusque Romanus intellexerit ei dominatum regium maxime displicere, cumque eius opera, virtute, consilio singularique clementia et mansuetudine bellum acerbissimum civile sit restinctum,

[41] Sextusque Pompeius Cn. f. Magnus huius ordinis auctoritate ab armis discesserit et a M. Lepido imperatore, pontifice maximo,

summa senatus populique Romani voluntate civitati restitutus sit, senatum populumque Romanum pro maximis plurimisque in rem publicam M. Lepidi meritis magnam spem in eius virtute, auctoritate, felicitate reponere otii, pacis, concordiae, libertatis, eiusque in rem publicam meritorum senatum populumque Romanum memorem fore, eique statuam equestrem inauratam in rostris, aut quo alio loco in foro vellet, ex huius ordinis sententia statui placere.' Qui honos, patres conscripti, mihi maximus videtur, primum quia iustus est; non enim solum datur propter spem temporum reliquorum, sed pro amplissimis meritis redditur; nec vero cuiquam possumus commemorare hunc honorem a senatu tributum iudicio senatus soluto et libero.

[42] [XVI] Venio ad C. Caesarem, patres conscripti, qui nisi fuisset, quis nostrum esse potuisset? Advolabat ad urbem a Brundisio homo inpotentissimus ardens odio, animo hostili in omnis bonos cum exercitu, Antonius. Quid huius audaciae et sceleri poterat opponi? Nondum ullos duces habebamus, non copias; nullum erat consilium publicum, nulla libertas; dandae cervices erant crudelitati nefariae; fugam quaerebamus omnes, quae ipse exitum non habebat.

[43] Quis tum nobis, quis populo Romano optulit hunc divinum adulescentem deus? qui, cum omnia ad perniciem nostram pestifero illi civi paterent, subito praeter spem omnium exortus prius confecit exercitum, quem furori M. Antoni opponeret, quam quisquam hoc eum cogitare suspicaretur. Magni honores habiti Cn. Pompeio, cum esset adulescens, et quidem iure. Subvenit enim rei publicae, sed aetate multo robustior et militum ducem quaerentium studio paratior et in alio genere belli. Non enim omnibus Sullae causa grata. Declarat multitudo proscriptorum, tot municipiorum maximae calamitates.

[44] Caesar autem annis multis minor veteranos cupientis iam requiescere armavit; eam complexus est causam quae esset senatui, quae populo, quae cunctae Italiae, quae dis hominibusque gratissuma. Et Pompeius ad L. Sullae maximum imperium victoremque exercitum accessit; Caesar se ad neminem adiunxit; ipse princeps exercitus faciendi et praesidi comparandi fuit. Ille adversariorum partibus agrum Picenum habuit inimicum, hic ex Antoni amicis, sed amicioribus libertatis contra Antonium confecit

exercitum. Illius opibus Sulla regnavit, huius praesidio Antoni dominatus oppressus est.

[45] Demus igitur imperium Caesari, sine quo res militaris administrari, teneri exercitus, bellum geri non potest; sit pro praetore eo iure, quo qui optimo. Qui honos quamquam est magnus illi aetati, tamen ad necessitatem rerum gerendarum, non solum ad dignitatem valet. Itaque illa quaeramus, quae vix hodierno die consequemur. [XVII] Sed saepe spero fore huius adulescentis ornandi honorandique et nobis et populo Romano potestatem; hoc autem tempore ita censeo decernendum:

[46] 'quod C. Caesar C. f., pontifex, pro praetore, summo rei publicae tempore milites veteranos ad libertatem populi Romani cohortatus sit eosque conscripserit, quodque legio Martia quartaque summo studio optimoque in rem publicam consensu C. Caesare duce et auctore rem publicam, libertatem populi Romani defendant, defenderint, et quod C. Caesar pro praetore Galliae provinciae cum exercitu subsidio profectus sit, equites, sagittarios, elephantos in suam populique Romani potestatem redegerit difficillimoque rei publicae tempore saluti dignitatique populi Romani subvenerit, ob eas causas senatui placere C. Caesarem C. f., pontificem, pro praetore, senatorem esse sententiamque loco quaestorio dicere, eiusque rationem, quemcumque magistratum petet, ita haberi, ut haberi per leges liceret, si anno superiore quaestor fuisset.'

[47] Quid est enim, patres conscripti, cur eum non quam primum amplissimos honores capere cupiamus? Legibus enim annalibus cum grandiorem aetatem ad consulatum constituebant, adulescentiae temeritatem verebantur; C. Caesar ineunte aetate docuit ab excellenti eximiaque virtute progressum aetatis exspectari non oportere. Itaque maiores nostri veteres illi admodum antiqui leges annales non habebant, quas multis post annis attulit ambitio, ut gradus esset petitionis inter aequales. Ita saepe magna indoles virtutis, priusquam rei publicae prodesse potuisset, extincta est.

[48] At vero apud antiquos Rulli, Decii, Corvini multique alii, recentiore autem memoria superior Africanus, T. Flamininus admodum adulescentes consules facti tanta res gesserunt, ut populi Romani imperium auxerint, nomen ornarint. Quid? Macedo Alexander cum ab ineunte aetate res maximas gerere coepisset,

nonne tertio et tricesimo anno mortem obiit? quae est aetas nostris legibus decem annis minor quam consularis. Ex quo iudicari potest virtutis esse quam aetatis cursum celeriorem. [XVIII] Nam quod ii, qui Caesari invident, simulant se timere, ne verendum quidem est, ut tenere se possit, ut moderari, ne honoribus nostris elatus intemperantius suis opibus utatur.

[49] Ea natura rerum est, patres conscripti, ut, qui sensum verae gloriae ceperit, quique se ab senatu, ab equitibus Romanis populoque Romano universo senserit civem clarum haberi salutaremque rei publicae, nihil cum hac gloria comparandum putet. Utinam C. Caesari, patri dico, contigisset adulescenti, ut esset senatui atque optimo cuique carissimus! Quod cum consequi neglexisset, omnem vim ingenii, quae summa fuit in illo, in populari levitate consumpsit. Itaque cum respectum ad senatum et ad bonos non haberet, eam sibi viam ipse patefecit ad opes suas amplificandas, quam virtus liberi populi ferre non posset. Eius autem filii longissume diversa ratio est; qui cum omnibus est, tum optimo cuique carissimus. In hoc spes libertatis posita est, ab hoc accepta iam salus, huic summi honores et exquiruntur et parati sunt.

[50] Cuius igitur singularem prudentiam admiramur, eius stultitiam timemus? Quid enim stultius quam inutilem potentiam, invidiosas opes, cupiditatem dominandi praecipitem et lubricam anteferre verae, gravi, solidae gloriae? An hoc vidit puer; si aetate processerit, non videbit? At est quibusdam inimicus clarissimis atque optimis civibus. Nullus iste timor esse debet; omnis Caesar inimicitias rei publicae condonavit, hanc sibi iudicem constituit, hanc moderatricem omnium consiliorum atque factorum. Ita enim ad rem publicam accessit, ut eam confirmaret, non ut everteret. Omnis habeo cognitos sensus adulescentis. Nihil est illi re publica carius, nihil vestra auctoritate gravius, nihil bonorum virorum iudicio optatius, nihil vera gloria dulcius.

[51] Quam ob rem ab eo non modo nihil timere, sed maiora et meliora exspectare debetis neque in eo, qui ad D. Brutum obsidione liberandum profectus sit, timere ne memoria maneat domestici doloris, quae plus apud eum possit quam salus civitatis. Audebo etiam obligare fidem meam, patres conscripti, vobis populoque Romano reique publicae; quod profecto, + cum me nulla vis cogeret,

facere non auderem pertimesceremque in maxima re periculosam opinionem temeritatis. Promitto, recipio, spondeo, patres conscripti, C. Caesarem talem semper fore civem, qualis hodie sit, qualemque eum maxime velle esse et optare debemus.

[52] [XIX] Quae cum ita sint, de Caesare satis hoc tempore dictum habebo. Nec vero de L. Egnatuleio, fortissimo et constantissimo civi amicissimoque rei publicae, silendum arbitror, sed tribuendum testimonium virtutis egregiae, quod is legionem quartam ad Caesarem adduxerit, quae praesidio consulibus, senatui populoque Romano reique publicae esset; ob eam causam placere, uti L. Egnatuleio triennium ante legitimum tempus magistratus petere, capere, gerere liceat. In quo, patres conscripti, non tantum commodum tribuitur L. Egnatuleio, quantus honos; in tali enim re satis est nominari.

[53] De exercitu autem C. Caesaris ita censeo decernendum: ‘senatui placere militibus veteranis, qui Caesaris pontificis auctoritatem secuti libertatem populi Romani auctoritatemque huius ordinis defenderint atque defendant, iis liberisque eorum militiae vacationem esse, utique C. Pansa A. Hirtius consules, alter ambove, si eis videretur, cognoscerent, qui ager iis coloniis esset, quo milites veterani deducti essent, qui contra legem Iuliam possideretur, ut is militibus veteranis divideretur; de agro Campano separatim cognoscerent inirentque rationem de commodis militum veteranorum augendis, legionique Martiae et legioni quartae et iis militibus, qui de legione secunda, tricesima quinta ad C. Pansam A. Hirtium consules venissent suaque nomina edidissent, quod iis auctoritas senatus populique Romani libertas carissima sit et fuerit, vacationem militiae ipsis liberisque eorum esse placere extra tumultum Gallicum Italicumque, easque legiones bello confecto missas fieri placere; quantamque pecunia militibus earum legionum in singulos C. Caesar pontifex, pro praetore, pollicitus sit, tantam dari placere; utique C. Pansa A. Hirtius consules, alter ambove, si eis videretur, rationem agri haberent, qui sine iniuria privatorum dividi posset; iisque militibus, legioni Martiae et legioni quartae ita darent, adsignarent, ut quibus militibus amplissime dati, adsignati essent.’ Dixi ad ea omnia, consules, de quibus rettulistis; quae si erunt sine mora matureque decreta, facilius adparabitis ea, quae tempus et necessitas flagitat.

Celeritate autem opus est; qua si essemus usi, bellum, ut saepe dixi, nullum haberemus.

PHILIPPICA SEXTA

[1] [I] Audita vobis esse arbitror, Quirites, quae sint acta in senatu, quae fuerit cuiusque sententia. Res enim ex Kalendis Ianuariis agitata paulo ante confecta est minus quidem illa severe, quam decuit, non tamen omnino dissolute. Mora est adlata bello, non causa sublata. Quam ob rem, quod quaesivit ex me P. Apuleius, homo et multis officiis mihi et summa familiaritate coniunctus et vobis amicissimus, ita respondebo, ut ea, quibus non interfuistis, nosse possitis. Causa fortissimis optimisque consulibus Kalendis Ianuariis de re publica primum referendi fuit ex eo, quod XIII Kalendas Ian. senatus me auctore decrevit.

[2] Eo die primum, Quirites, fundamenta sunt iacta rei publicae; fuit enim longo intervallo ita liber senatus, ut vos aliquando liberi essetis. Quo quidem tempore, etiamsi ille dies vitae finem mihi adlaturus esset, satis magnum ceperam fructum, cum vos universi una mente atque voce iterum a me conservatam esse rem publicam conclamastis. Hoc vestro iudicio tanto tamque praeclaro excitatus ita Kalendis Ianuariis veni in senatum, ut meminissem, quam personam impositam a vobis sustinerem. Itaque bellum nefarium inlatum rei publicae cum viderem, nullam moram interponendam insequendi M. Antonium putavi hominemque audacissimum, qui multis nefariis rebus ante commissis hoc tempore imperatorem populi Romani oppugnaret, coloniam vestram fidissimam fortissimamque obsideret, bello censui persequendum; tumultum esse decrevi; iustitium edici, saga sumi dixi placere, quo omnes acrius graviusque incumberent ad ulciscendas rei publicae iniurias, si omnia gravissimi belli insignia suscepta a senatu viderent.

[3] Itaque haec sententia, Quirites, sic per triduum valuit, ut, quamquam discessio facta non esset, tamen praeter paucos omnes mihi adsensuri viderentur. Hodierno autem die spe nescio qua pacis obiecta remissior senatus fuit. Nam plures eam sententiam secuti sunt ut, quantum senatus auctoritas vesterque consensus apud Antonium valiturus esset, per legatos experiremur. Intellego, Quirites, a vobis hanc sententiam repudiari, neque iniuria. Ad quem enim legatos? ad eumne qui, pecunia publica dissipata atque effusa, per vim et contra

auspicia inpositis rei publicae legibus, fugata contione, obsesso senatu ad opprimendam rem publicam Brundisio legiones accersierit, ab iis relictus cum latronum manu in Galliam inruperit, Brutum oppugnet, Mutinam circumsedeat? Quae vobis potest cum hoc gladiatore condicionis, aequitatis, legationis esse communitas?

[4] Quamquam, Quirites, non est illa legatio, sed denuntiatio belli, nisi paruerit; ita enim est decretum, ut si legati ad Hannibalem mitterentur. Mittuntur enim, qui nuntient, ne oppugnet consulem designatum, ne Mutinam obsideat, ne provinciam depopuletur, ne dilectus habeat, sit in senatus populique Romani potestate. Facile vero huic denuntiationi parebit, ut in patrum conscriptorum atque in vestra potestate sit, qui in sua numquam fuerit! Quid enim ille umquam arbitrio suo fecit? Semper eo tractus est, quo libido rapuit, quo levitas, quo furor, quo vinulentia; semper eum duo dissimilia genera tenuerunt, lenonum et latronum; ita domesticis stupris, forensibus parricidiis delectatur, ut mulieri citius avarissimae paruerit quam senatui populoque Romano.

[5] Itaque, quod paulo ante feci in senatu, faciam apud vos. Testificor, denuntio, ante praedico nihil M. Antonium eorum quae sunt legatis mandata, facturum, vastaturum agros, Mutinam obsessurum, dilectus, qua possit, habiturum. Is est enim ille, qui semper senatus iudicium et auctoritatem, semper voluntatem vestram potestatemque contempserit. An ille id faciat, quod paulo ante decretum est, ut exercitum citra flumen Rubiconem, qui finis est Galliae, educeret, dum ne propius urbem Romam ducenta milia admoveret? Huic denuntiationi ille pareat, ille se fluvio Rubicone et ducentis milibus circumscriptum esse patiatur?

[6] Non is est Antonius; nam, si esset, non commisisset, ut ei senatus tamquam Hannibali initio belli Punici denuntiaret, ne oppugnaret Saguntum. Quod vero ita avocatur a Mutina, ut ab urbe tamquam pestifera flamma arceatur, quam habet ignominiam, quod iudicium senatus! Quid? quod a senatu dantur mandata legatis, ut D. Brutum militesque eius adeant iisque demonstrent summa in rem publicam merita beneficiaque eorum grata esse senatui populoque Romano iisque eam rem magnae laudi magnoque honori fore, passurumne censetis Antonium introire Mutinam legatos, exire inde tuto? Numquam patietur, mihi credite. Novi violentiam, novi

inpudentiam, novi audaciam.

[7] Nec vero de illo sicut de homine aliquo debemus, sed ut de inportunissima belua cogitare. Quae cum ita sint, non omnino dissolutum est, quod decrevit senatus; habet atrocitatis aliquid legatio; utinam nihil haberet morae! Nam cum plerisque in rebus gerendis tarditas et procrastinatio odiosa est, tum hoc bellum indiget celeritatis. Succurrendum est D. Bruto, omnes undique copiae colligendae; horam eximere [nullam] in tali cive liberando sine scelere non possumus.

[8] An ille non potuit, si Antonium consulem, si Galliam Antoni provinciam iudicasset, legiones Antonio et provinciam tradere, domum redire, triumphare, primus in hoc ordine, quoad magistratum iniret, sententiam dicere? quid negoti fuit?

[9] Sed cum se Brutum esse meminisset vestraeque libertati natum, non otio suo, quid egit aliud, nisi ut paene corpore suo Gallia prohiberet Antonium? Ad hunc utrum legatos an legiones ire oportebat? Sed praeterita omittamus; properent legati, quod video esse facturos; vos saga parate. Est enim ita decretum, ut, si ille auctoritati senatus non paruisset, ad saga iretur. Ibitur; non parebit; nos amissos tot dies rei gerendae queremur. Non metuo, Quirites, ne, cum audierit Antonius me hoc et in senatu et in contione confirmasse, numquam illum futurum in senatus potestate, refellendi mei causa, ut ego nihil vidisse videar, vertat se et senatui pareat. Numquam faciet; non invidebit huic meae gloriae; malet me sapientem a vobis quam se modestum existimari.

[10] Quid? ipse si velit, num etiam Lucium fratrem passurum arbitramur? Nuper quidem dicitur ad Tibur, ut opinor, cum ei labare M. Antonius videretur, mortem fratri esse minitatus. Etiamne ab hoc myrmillone Asiatico senatus mandata, legatorum verba audientur? Nec enim secerni a fratre poterit, tanta praesertim auctoritate. Nam hic inter illos Africanus est; pluris habetur quam L. Trebellius, pluris quam T. Plancus * * * adulescens nobilis. Plancum quidem, qui omnibus sententiis maximo vestro plausu condemnatus nescio quo modo se coniecit in turbam atque ita maestus rediit, ut retractus, non reversus videretur, sic contemnit, tamquam si illi aqua et igni interdictum sit; aliquando negat ei locum esse oportere in curia, qui incenderit curiam.

[11] Nam Trebellium valde iam diligit; oderat tum cum ille tabulis novis adversabatur; iam fert in oculis, posteaquam ipsum Trebellium vidit sine tabulis novis salvum esse non posse. Audisse enim vos arbitror, Quirites, quod etiam videre potuistis, cotidie sponsores et creditores L. Trebelli convenire. O Fide! (hoc enim opinor Trebellium sumpsisse cognomen) quae potest esse maior fides quam fraudare creditores, domo profugere, propter aes alienum ire ad arma? Ubi plausus ille in triumpho est, saepe ludis, ubi aedilitas delata summo studio bonorum? Quis est, qui hunc non casu existimet recte fecisse, nequitia sceleste?

[12] [V] Sed redeo ad amores deliciasque vestras, L. Antonium, qui vos omnis in fidem suam recepit. Negatis? Numquisnam est vestrum qui tribum non habeat? Certe nemo. Atqui illum quinque et triginta tribus patronum adoptarunt. Rursus reclamatis? Aspicite illam a sinistra equestrem statuam inauratam, in qua quid inscriptum est? 'QUINQUE ET TRIGINTA TRIBUS PATRONO'. Populi Romani igitur est patronus L. Antonius. Malam quidem illi pestem! clamori enim vestro adsentior. Non modo hic latro, quem clientem habere nemo velit, sed quis umquam tantis opibus, tantis rebus gestis fuit, qui se populi Romani victoris dominique omnium gentium patronum dicere auderet?

[13] In foro L. Antoni statuam videmus, sicut illam Q.Tremuli, qui Hernicos devicit, ante Castoris. O impudentiam incredibilem! Tantumne sibi sumpsit, quia Mylasis myrmillo Thraecem iugulavit familiarem suum? quonam modo istum ferre possemus, si in hoc foro spectantibus vobis depugnasset? Sed haec una statua; altera ab equitibus Romanis equo publico, qui item ascribunt 'PATRONO'. Quem umquam iste ordo patronum adoptavit? Si quemquam, debuit me. Sed me omitto; quem censorem, quem imperatorem? Agrum iis divisit. O sordidos, qui acceperunt, improbum, qui dedit.

[14] Statuerunt etiam tribuni militares, qui in exercitu Caesaris bis fuerunt. Quis est iste ordo? Multi fuerunt multis in legionibus per tot annos. Iis quoque divisit Semurium. Campus Martius restabat, nisi prius cum fratre fugisset. Sed haec agrorum adsignatio paulo ante, Quirites, L. Caesaris, clarissimi viri et praestantissimi senatoris, sententia dissoluta est; huic enim adsensi septemvirum acta sustulimus. Iacent beneficia Nuculae, friget patronus Antonius. Nam

possessores animo aequiore discedent; nullam inpensam fecerant, nondum instruxerant, partim quia non confidebant, partim quia non habebant.

[15] Sed illa statua palmaris, de qua, si meliora tempora essent, non possem sine risu dicere: 'L. ANTONIO A IANO MEDIO PATRONO'. Itane? Ianus medius in L. Antoni clientela est? Quis umquam in illo Iano inventus est qui L. Antonio mille nummum ferret expensum? [VI] Sed nimis multa de nugis; ad causam bellumque redeamus; quamquam non alienum fuit personas quasdam a vobis recognosci, ut, quibuscum bellum gereretur, possetis taciti cogitare. Ego autem vos hortor, Quirites, ut, etiamsi melius aliud fuit, tamen legatorum reditum expectetis animo aequo. Celeritas detracta de causa est, boni tamen aliquid accessit ad causam.

[16] Cum enim legati renuntiarint, quod certe renuntiabunt, non in vestra potestate, non in senatus esse Antonium, quis erit tam inprobus civis qui illum civem habendum putet? Nunc enim sunt pauci illi quidem, sed tamen plures, quam re publica dignum est, qui ita loquantur: 'Ne legatos quidem expectabimus?' Istam certe vocem simulationemque clementiae extorquebit istis res ipsa [publica]. Quo etiam, ut confitear vobis, Quirites, minus hodierno die contendi, minus laboravi, ut mihi senatus adsentiens tumultum decerneret, saga sumi iuberet. Malui viginti diebus post sententiam meam laudari ab omnibus quam a paucis hodie vituperari.

[17] Quapropter, Quirites, exspectate legatorum reditum et paucorum dierum molestiam devorate. Qui cum redierint, si pacem adferent, cupidum me, si bellum, providum iudicatote. An ego non provideam meis civibus, non dies noctesque de vestra libertate, de rei publicae salute cogitem? Quid enim non debeo vobis, Quirites, quem vos a se ortum hominibus nobilissimis omnibus honoribus praetulistis? An ingratus sum? Quis minus? qui partis honoribus eosdem in foro gessi labores quos petendis. Rudis in re publica? Quis exercitatior? qui viginti iam annos bellum geram cum impiis civibus.

[18] [VII] Quam ob rem, Quirites, consilio, quantum potero, labore plus paene, quam potero, excubabo vigilaboque pro vobis. Etenim quis est civis, praesertim hoc gradu, quo me vos esse voluistis, tam oblitus beneficii vestri, tam immemor patriae, tam inimicus dignitatis suae, quem non excitet, non inflammet tantus vester iste consensus?

Multas magnasque habui consul contiones, multis interfui; nullam umquam vidi tantam, quanta nunc vestrum est. Unum sentitis omnes, unum studetis, M. Antoni conatus avertere a re publica, furorem extinguere, opprimere audaciam. Idem volunt omnes ordines, eodem incumbunt municipia, coloniae, cuncta Italia. Itaque senatum bene sua sponte firmum firmiorem vestra auctoritate fecistis.

[19] Venit tempus, Quirites, serius omnino, quam dignum populo Romano fuit, sed tamen ita maturum, ut differri iam hora non possit. Fuit aliquis fatalis casus, ut ita dicam, quem tulimus, quoquo modo ferendum fuit; nunc si quis erit, erit voluntarius. Populum Romanum servire fas non est, quem di immortales omnibus gentibus imperare voluerunt. Res in extremum est adducta discrimen; de libertate decernitur. Aut vincatis oportet, Quirites, quod profecto et pietate vestra et tanta concordia consequemini, aut quidvis potius quam serviatis. Aliae nationes servitutem pati possunt, populi Romani est propria libertas.

PHILIPPICA SEPTIMA

[1] [I] Parvis de rebus, sed fortasse necessariis consulimur, patres conscripti. De Appia via et de Moneta consul, de Lupercis tribunus pl. refert. Quarum rerum etsi facilis explicatio videtur, tamen animus aberrat a sententia suspensus curis maioribus. Adducta est enim, patres conscripti, res in maximum periculum et in extremum paene discrimen. Non sine causa legatorum [istam] missionem semper timui, numquam probavi; quorum reditus quid sit adlaturus, ignoro; exspectatio quidem quantum adferat languoris animis, quis non videt? Non enim se tenent ii, qui senatum dolent ad auctoritatis pristinae spem revirescere, coniunctum huic ordini populum Romanum, conspirantem Italiam, paratos exercitus, expeditos duces.

[2] Iam nunc fingunt responsa Antoni eaque defendunt. Alii postulare illum, ut omnes exercitus dimittantur. Scilicet legatos ad eum misimus, non ut pareret et dicto audiens esset huic ordini, sed ut condiciones ferret, leges inponeret, reserare nos exteris gentibus Italiam iuberet, se praesertim incolumi, a quo maius periculum quam ab ullis nationibus extimescendum est. Alii remittere eum nobis Galliam citeriorem, illam ultimam postulare, praeclare;

[3] ex qua non legiones solum, sed etiam nationes ad urbem conetur adducere. Alii nihil eum iam nisi modeste postulare. Macedoniam suam vocat omnino, quoniam Gaius frater est [inde] revocatus; sed quae provincia est, ex qua illa fax excitare non possit incendium? Itaque idem quasi providi cives et senatores diligentes bellicum me cecinisse dicunt; suscipiunt pacis patrocinium. Nonne sic disputant? ‘Inritatum Antonium non oportuit; nequam est homo ille atque confidens; multi praeterea improbi’ (quos quidem a se primum numerare possunt, qui haec locuntur); eos cavendos esse denuntiant. Utrum igitur in nefariis civibus ulciscendi, cum possis, an pertimescendi diligentior cautio est?

[4] [II] Atque haec ii locuntur, qui quondam propter levitatem populares habebantur. Ex quo intellegi potest animo illos abhorruisse semper ab optimo civitatis statu, non voluntate fuisse populares. Qui enim evenit, ut, qui in rebus improbis populares fuerint, idem in re una maxime populari, quod eadem salutaris rei publicae sit,

improbos se quam popularis esse malint? Me quidem semper, uti scitis, adversarium multitudinis temeritati haec fecit praeclarissima causa popularem.

[5] Et quidem dicuntur vel potius se ipsi dicunt consulares; quo nomine dignus est nemo, nisi qui tanti honoris potest sustinere. Faveas tu hosti? ille litteras ad te mittat de sua spe rerum secundarum? eas tu laetus proferas, recites, describendas etiam des improbis civibus, eorum augeas animos, bonorum spem virtutemque debilites, et te consularem aut senatorem, denique civem putes? Accipiet in optimam partem C. Pansa, fortissimus consul atque optimus. Etenim dicam animo amicissimo: Hunc ipsum, mihi hominem familiarissimum, nisi talis consul esset, ut omnis vigilias, curas, cogitationes in rei publicae salute defigeret, consulem non putarem.

[6] Quamquam nos ab ineunte illius aetate usus, consuetudo, studiorum etiam honestissimorum societas similitudoque devinxit, eiusdemque cura incredibilis in asperrimis belli civilis periculis perspecta docuit non modo salutis, sed etiam dignitatis meae fuisse fautorem, tamen eundem, ut dixi, nisi talis esset consul, negare esse consulem auderem; idem non modo consulem esse dico, sed etiam memoria mea praestantissimum atque optimum consulem, non quin pari virtute et voluntate alii fuerint, sed tantam causam non habuerunt, in qua et voluntatem suam et virtutem declararent;

[7] huius magnitudini animi, gravitati, sapientiae tempestas est oblata formidolosissimi temporis. Tum autem inlustratur consulatus, cum gubernat rem publicam si non optabili, at necessario tempore. Magis autem necessarium, patres conscripti, nullum tempus umquam fuit. [III] Itaque ego ille, qui semper pacis auctor fui, cuique pax, praesertim civilis, quamquam omnibus bonis, tamen in primis fuit optabilis (omne enim curriculum industriae nostrae in foro, in curia, in amicorum periculis propulsandis elaboratum est; hinc honores amplissimos, hinc mediocris opes, hinc dignitatem, si quam habemus, consecuti sumus)

[8] — ego igitur pacis, ut ita dicam, alumnus, qui quantuscumque sum (nihil enim mihi adrogo), sine pace civili certe non fuissem (periculose dico; quem ad modum accepturi, patres conscripti, sitis, horreo, sed pro mea perpetua cupiditate vestrae dignitatis retinendae

et augendae quaeso oroque vos, patres conscripti, ut primo, etsi erit vel acerbum auditu vel incredibile a M. Cicerone esse dictum, accipiatis sine offensione, quod dixero, neve id, priusquam, quale sit, explicaro, repudietis) — ego ille (dicam saepius) pacis semper laudator, semper auctor pacem cum M. Antonio esse nolo. Magna spe ingredior in reliquam orationem, patres conscripti, quoniam periculosissimum locum silentio sum praetervectus.

[9] Cur igitur pacem nolo? Quia turpis est, quia periculosa, quia esse non potest. Quae tria dum explico, peto a vobis, patres conscripti, ut eadem benignitate, qua soletis, mea verba audiatis. Quid est inconstantia, levitate, mobilitate cum singulis hominibus, tum vero universo senatui turpius? quid porro inconstantius quam, quem modo hostem non verbo, sed re multis decretis iudicaritis, cum hoc subito pacem velle coniungi?

[10] Nisi vero, cum C. Caesari meritos illi quidem honores et debitos, sed tamen singularis et immortalis decrevistis unam ob causam, quod contra M. Antonium exercitum conparavisset, non hostem tum Antonium iudicavistis, nec tum hostis est a vobis iudicatus Antonius, cum laudati auctoritate vestra veterani milites, qui C. Caesarem secuti essent, nec tum hostem Antonium iudicastis, cum fortissimis legionibus, quod illum, qui consul appellabatur, cum esset hostis, reliquissent, vacationes, pecunias, agros spopondistis.

[11] [IV] Quid? cum Brutum omine quodam illius generis et nominis natum ad rem publicam liberandam exercitumque eius pro libertate populi Romani bellum gerentem cum Antonio provinciamque fidelissimam atque optimam, Galliam, laudibus amplissimis adfecistis, tum non hostem iudicastis Antonium? Quid? cum decrevistis, ut consules, alter ambove, ad bellum proficiscerentur, quod erat bellum, si hostis Antonius non erat?

[12] Quid igitur profectus est vir fortissimus, meus collega et familiaris, A. Hirtius consul? at qua inbecillitate, qua macie! Sed animi vires corporis infirmitas non retardavit. Aequum, credo, putavit vitam, quam populi Romani votis retinuisset, pro libertate populi Romani in discrimen adducere.

[13] Quid? cum dilectus haberi tota Italia iussistis, cum vacationes omnis sustulistis, tum ille hostis non est iudicatus? Armorum officinas in urbe videtis, milites cum gladiis secuntur consulem,

praesidio sunt specie consuli, re et veritate nobis, omnes sine ulla recusatione, summo etiam cum studio nomina dant, parent auctoritati vestrae; non est iudicatus hostis Antonius?

[14] At legatos misimus. Heu me miserum! cur senatum cogor, quem laudavi semper, reprehendere? Quid? vos censetis, patres conscripti, legatorum missionem populo Romano vos probavisse? non intellegitis, non auditis meam sententiam flagitari? cui cum pridie frequentes essetis adsensi, postridie ad spem estis inanem pacis devoluti. Quam turpe porro legiones ad senatum legatos mittere, senatum ad Antonium! Quamquam illa legatio non est, denuntiatio est paratum illi exitium, nisi paruerit huic ordini; quid refert? tamen opinio est gravior. Missos enim legatos omnes vident, decreti nostri non omnes verba noverunt. [V] Retinenda est igitur nobis constantia, gravitas, perseverantia, repetenda vetus illa severitas, si quidem auctoritas senatus decus, honestatem, laudem dignitatemque desiderat, quibus rebus hic ordo caruit nimium diu. Sed erat tunc excusatio oppressis misera illa quidem, sed tamen iusta; nunc nulla est. Liberati regio dominatu videbamur, multo postea gravius urguebamur armis domesticis. Ea ipsa depulimus nos quidem; extorquenda sunt. Quod si non possumus facere, (dicam, quod dignum est et senatore et Romano homine) moriamur.

[15] Quanta enim illa erit rei publicae turpitudo, quantum dedecus, quanta labes, dicere in hoc ordine sententiam M. Antonium consulari loco! cuius ut omittam innumerabilia scelera urbani consulatus, in quo pecuniam publicam maximam dissipavit, exules sine lege restituit, vectigalia divendidit, provincias de populi Romani imperio sustulit, regna addixit pecunia, leges civitati per vim imposuit, armis aut opsedit aut exclusit senatum: ut haec, inquam, omittam, ne hoc quidem cogitatis, eum, qui Mutinam, coloniam populi Romani firmissimam, oppugnarit, imperatorem populi Romani, consulem designatum, opsederit, depopulatus agros sit, hunc in eum ordinem recipi, a quo totiens ob has ipsas causas hostis iudicatus sit, quam foedum flagitiosumque sit?

[16] Satis multa de turpitudine. Dicam deinceps, ut proposui, de periculo; quod etsi minus est fugiendum quam turpitudo, tamen offendit animos maioris partis hominum magis. [VI] Poteritis igitur exploratam habere pacem, cum in civitate Antonium videbitis vel

potius Antonios? Nisi forte contemnitis Lucium; ego ne Gaium quidem. Sed, ut video, dominabitur Lucius. Est enim patronus quinque et triginta tribuum, quarum sua lege, qua cum C. Caesare magistratus partitus est, suffragium sustulit; patronus centuriarum equitum Romanorum, quas item sine suffragio esse voluit, patronus eorum, qui tribuni militares fuerunt, patronus Iani medii.

[17] Quis huius potentiam poterit sustinere, praesertim cum eosdem in agros etiam deduxerit? quis umquam omnis tribus, quis equites Romanos, quis tribunos militaris? Gracchorum potentiam maiorem fuisse arbitramini, quam huius gladiatoris futura sit? quem gladiatorem non ita appellavi, ut interdum etiam M. Antonius gladiator appellari solet, sed ut appellant ii, qui plane et Latine locuntur. Myrmillo in Asia depugnavit! Cum ornasset thraecidicis comitem et familiarem suum, illum miserum fugientem iugulavit, luculentam tamen ipse plagam accepit, ut declarat cicatrix.

[18] Qui familiarem iugularit, quid hic occasione data faciet inimico? et qui illud animi causa fecerit, hunc praedae causa quid facturum putatis? Non rursus improbos decuriabit, non sollicitabit rursus agrarios, non queretur expulsos? M. vero Antonius non is erit, ad quem omni motu concursus fiat civium perditorum? Ut nemo sit alius nisi ii, qui una sunt, et ii, qui hic ei nunc aperte favent, parumne erunt multi, praesertim cum bonorum praesidia discesserint, illi parati sint ad nutum futuri? Ego vero metuo, si hoc tempore consili lapsi erimus, ne illi brevi tempore nimis multi nobis esse videantur.

[19] Nec ego pacem nolo, sed pacis nomine bellum involutum reformido. Quare, si pace frui volumus, bellum gerendum est; si bellum omittimus, pace numquam fruemur. [VII] Est autem vestri consilii, patres conscripti, in posterum quam longissime providere. Idcirco in hac custodia et tamquam specula conlocati sumus, uti vacuum metu populum Romanum nostra vigilia et prospicientia redderemus. Turpe est summo consilio orbis terrae, praesertim in re tam perspicua, consilium intellegi defuisse.

[20] Eos consules habemus, eam populi Romani alacritatem, eum consensum Italiae, eos duces, eos exercitus, ut nullam calamitatem res publica accipere possit sine culpa senatus. Equidem non deero; monebo, praedicam, denuntiabo, testabor semper deos hominesque, quid sentiam, nec solum fidem meam, quod fortasse videatur satis

esse, sed in principe civi non est satis, curam, consilium vigilantiamque praestabo.

[21] [VIII] Dixi de periculo; docebo ne coagmentari quidem posse pacem; de tribus enim, quae proposui, hoc extremum est. Quae potest pax esse M. Antonio primum cum senatu? quo ore vos ille poterit, quibus vicissim vos illum oculis intueri? quis vestrum illum, quem ille vestrum non oderit? Age, vos ille solum et vos illum; quid? ii, qui Mutinam circumsedent, qui in Gallia dilectus habent, qui in vestras fortunas imminent, amici umquam vobis erunt aut vos illis? An equites Romanos amplectetur? Occulta enim fuit eorum voluntas iudiciumque de Antonio. Qui frequentissimi in gradibus Concordiae steterunt, qui nos ad libertatem recuperandam excitaverunt, arma, saga, bellum flagitaverunt, me una cum populo Romano in contionem vocaverunt, hi Antonium diligent et cum his pacem servabit Antonius?

[22] Nam quid ego de universo populo Romano dicam? qui pleno ac referto foro bis me una mente atque voce in contionem vocavit declaravitque maximam libertatis recuperandae cupiditatem. Itaque erat optabile antea, ut populum Romanum comitem haberemus, nunc habemus ducem. Quae est igitur spes, qui Mutinam circumsedent, imperatorem populi Romani exercitumque oppugnant, iis pacem cum populo Romano esse posse?

[23] An cum municipiis pax erit, quorum tanta studia cognoscuntur in decretis faciendis, militibus dandis, pecuniis pollicendis, ut in singulis oppidis curiam populi Romani non desideretis? Laudandi sunt ex huius ordinis sententia Firmani, qui principes pecuniae pollicendae fuerunt, respondendum honorifice est Marrucinis, qui ignominia notandos censuerunt eos, si qui militiam supterfugissent. Haec iam tota Italia fient. Magna pax Antonio cum iis, his item cum illo! Quae potest esse maior discordia? In discordia autem pax civilis esse nullo pacto potest.

[24] Ut omittam multitudinem, L. Visidio, equiti Romano, homini in primis ornato atque honesto civique semper egregio, cuius ego excubias et custodias mei capitis cognovi in consulatu meo, qui vicinos suos non cohortatus est solum, ut milites fierent, sed etiam facultatibus suis sublevavit, huic, inquam, tali viro, quem nos senatus consulto conlaudare debemus, poteritne esse pacatus Antonius?

Quid? C. Caesari, qui illum urbe, quid? D. Bruto, qui Gallia prohibuit?

[25] Iam vero ipse se placabit et leniet provinciae Galliae, a qua expulsus et repudiatus est? Omnia videbitis, patres conscripti, nisi prospicitis, plena odiorum, plena discordiarum, ex quibus oriuntur bella civilia. Nolite igitur velle, quod fieri non potest, et cavete, per deos immortales! patres conscripti, ne spe praesentis pacis perpetuam pacem amittatis.

[26] [IX] Quorsum haec omnis spectat oratio? quid enim legati egerint, nondum scimus. At vero excitati, erecti, parati, armati animis iam esse debemus, ne blanda aut supplici oratione aut aequitatis simulatione fallamur. Omnia fecerit oportet, quae interdicta et denuntiata sunt, priusquam aliquid postulet, Brutum exercitumque eius oppugnare, urbis et agros provinciae Galliae populari destiterit, ad Brutum adeundi legatis potestatem fecerit, exercitum citra flumen Rubiconem eduxerit nec propius urbem milia passuum ducenta admoverit, fuerit et in senatus et in populi Romani potestate. Haec si fecerit, erit integra potestas nobis deliberandi; si senatui non paruerit, non illi senatus, sed ille populo Romano bellum indixerit.

[27] Sed vos moneo, patres conscripti: libertas agitur populi Romani, quae est commendata vobis, vita et fortunae optimi cuiusque, quo cupiditatem infinitam cum immani crudelitate iam pridem intendit Antonius, auctoritas vestra, quam nullam habebitis, nisi nunc tenueritis; taetram et pestiferam beluam ne inclusam et constrictam dimittatis, cavete! Te ipsum, Pansa, moneo (quamquam non eges consilio, quo vales plurimum, tamen etiam summi gubernatores in magnis tempestatibus a vectoribus admoneri solent), hunc tantum tuum apparatum tamque praeclarum ne ad nihilum recidere patiare. Tempus habes tale, quale nemo habuit umquam. Hac gravitate senatus, hoc studio equestris ordinis, hoc ardore populi Romani potes in perpetuum rem publicam metu et periculo liberare. Quibus de rebus refers, P. Servilio adsentior.

PHILIPPICA OCTAVA

[1] [I] Confusius hesterno die est acta res, C. Pansa, quam postulabat institutum consulatus tui. Parum mihi visus es eos, quibus cedere non soles, sustinere. Nam cum senatus ea virtus fuisset, quae solet, et cum re viderent omnes esse bellum quidamque id verbum removendum arbitrarentur, tua voluntas in discessione fuit ad lenitatem propensior. Victa est igitur propter verbi asperitatem te auctore nostra sententia, vicit L. Caesaris, amplissimi viri, qui, verbi atrocitate dempta, oratione fuit quam sententia lenior. Quamquam is quidem, antequam sententia diceret, propinquitatem excusavit. Idem fecerat me consule in sororis viro, quod hoc tempore in sororis filio fecit, ut et luctu sororis moveretur et saluti populi Romani provideret.

[2] Atque ipse tamen Caesar praecipit vobis quodam modo, patres conscripti, ne sibi adsentiremini, cum ita dixit, aliam sententiam se dicturum fuisse, eamque se ac re publica dignam, nisi propinquitate impediretur. Ergo ille avunculus; num etiam vos avunculi, qui illi estis adsensi? At in quo fuit controversia? Belli nomen ponendum quidam in sententia non putabant, ‘tumultum’ appellare malebant ignari non modo rerum, sed etiam verborum; potest enim esse bellum, ut tumultus non sit, tumultus esse sine bello non potest.

[3] Quid est enim aliud tumultus nisi perturbatio tanta, ut maior timor oriatur? unde etiam nomen ductum est tumultus. Itaque maiores nostri tumultum Italicum, quod erat domesticus, tumultum Gallicum, quod erat Italiae finitimus, praeterea nullum nominabant. Gravius autem tumultus esse quam bellum hinc intellegi potest, quod bello vacationes valent, tumultu non valent. Ita fit, quem ad modum dixi, ut bellum sine tumultu possit, tumultus sine bello esse non possit.

[4] Etenim cum inter bellum et pacem medium nihil sit, necesse est tumultum, si belli non sit, pacis esse; quo quid absurdius dici aut existimari potest? Sed nimis multa de verbo; rem potius videamus, patres conscripti, quam quidem intellego verbo fieri interdum deteriorem solere. Nolumus hoc bellum videri. Quam igitur municipiis et coloniis ad excludendum Antonium auctoritatem damus, quam, ut milites fiant sine vi, sine multa, studio, voluntate,

quam, ut pecunias in rem publicam polliceantur? Si enim belli nomen tolletur, municipiorum studia tollentur; consensus populi Romani, qui iam descendit in causam, si nos languescimus, debilitetur necesse est.

[5] Sed quid plura? D. Brutus oppugnatur; non est bellum. Mutina, colonia vetus et firma, opsidetur; ne hoc quidem bellum est. Gallia vastatur; quae pax potest esse certior? Illud vero quis potest bellum esse dicere, quo consulem, fortissimum virum, cum exercitu misimus? Qui cum esset infirmus ex gravi diuturnoque morbo, nullam sibi putavit excusationem esse oportere, cum ad rei publicae praesidium vocaretur. C. quidem Caesar non exspectavit vestra decreta, praesertim cum illud esset aetatis; bellum contra Antonium sua sponte suscepit. Decernendi enim tempus nondum erat; belli autem gerendi tempus si praetermisisset, videbat re publica oppressa nihil posse decerni.

[6] Ergo illi nunc et eorum exercitus in pace versantur. Non est hostis is, cuius praesidium Claterna deiecit Hirtius, non est hostis, qui consuli armatus obsistit, designatum consulem oppugnat, nec illa hostilia verba nec bellica, quae paulo ante ex collegae litteris Pansa recitavit: ‘Deieci praesidium, Claterna potitus sum; fugati equites, proelium commissum, occisi aliquot.’ Quae pax potest esse maior? Dilectus tota Italia decreti sublatis vacationibus; saga cras sumentur; consul se cum praesidio descensurum esse dixit.

[7] Utrum hoc bellum non est, an etiam tantum bellum, quantum numquam fuit? Ceteris enim bellis, maximeque civilibus, contentionem rei publicae causa faciebat. Sulla cum Sulpicio de iure legum, quas per vim Sulla latas esse dicebat, Cinna cum Octavio de novorum civium suffragiis, rursus cum Mario et Carbone Sulla, ne dominarentur indigni, et ut clarissimorum hominum crudelissimam poeniretur necem. Horum omnium bellorum causae ex rei publicae contentione natae sunt. De proximo bello civili non libet dicere; ignoro causam, detestor exitum.

[8] [III] Hoc bellum quintum civile geritur (atque omnia in nostram aetatem inciderunt) primum non modo non in dissensione et discordia civium, sed in maxima consensione incredibilique concordia. Omnes idem volunt, idem defendunt, idem sentiunt. Cum omnes dico, eos excipio, quos nemo civitate dignos putat. Quae est

igitur in medio belli causa posita? Nos deorum immortalium templa, nos muros, nos domicilia sedesque populi Romani, aras, focos, sepulchra maiorum, nos leges, iudicia, libertatem, coniuges, liberos, patriam defendimus; contra M. Antonius id molitur, id pugnat, ut haec omnia perturbet, evertat, praedam rei publicae causam belli putet, fortunas nostras partim dissupet, partim dispertiat parricidis.

[9] In hac tam dispari ratione belli miserrimum illud est, quod ille latronibus suis pollicetur primum domos; urbem enim divisurum se confirmat, deinde omnibus portis, quo velint, deducturum. Omnes Cafones, omnes Saxae ceteraeque pestes, quae sequuntur Antonium, aedis sibi optimas, hortos, Tusculana, Albana definiunt. Atque etiam homines agrestes, si homines illi ac non pecudes potius, inani spe ad aquas usque et Puteolos provehuntur. Ergo habet Antonius, quod suis polliceatur; quid? nos num quid tale habemus? Di meliora! id enim ipsum agimus, ne quis posthac quicquam eius modi possit polliceri. Invitus dico, sed dicendum est. Hasta Caesaris, patres conscripti, multis inprobis et spem adfert et audaciam. Viderunt enim ex mendicis fieri repente divites, itaque semper hastam videre cupiunt ii, qui nostris bonis imminent; quibus omnia pollicetur Antonius.

[10] Quid? nos nostris exercitibus quid pollicemur? Multo meliora atque maiora. Scelerum enim promissio et iis, qui exspectant, perniciosa est et iis, qui promittunt; nos libertatem nostris militibus, leges, iura, iudicia, imperium orbis terrae, dignitatem, pacem, otium pollicemur. Antoni igitur promissa cruenta, taetra, scelerata, dis hominibusque invisa, nec diuturna neque salutaria, nostra contra honesta, integra, gloriosa, plena laetitiae, plena pietatis.

[11] [IV] Hic mihi etiam Q. Fufius, vir fortis ac strenuus, amicus meus, pacis commoda commemorat. Quasi vero, si laudanda pax esset, ego id aeque commode facere non possem. Semel enim pacem defendi, non semper otio studui? quod cum omnibus bonis utile esset, tum praecipue mihi. Quem enim cursum industria mea tenere potuisset sine forensibus causis, sine legibus, sine iudiciis? quae esse non possunt civili pace sublata.

[12] Sed quaeso, Calene, quid tu? Servitutem pacem vocas. Maiores quidem nostri, non modo ut liberi essent, sed etiam ut imperarent, arma capiebant; tu arma abicienda censes, ut serviamus. Quae causa iustior est belli gerendi quam servitutis depulsio? in qua

etiamsi non sit molestus dominus, tamen est miserrimum posse, si velit. Immo aliae causae iustae, haec necessaria est. Nisi forte ad te hoc non putas pertinere, quod te socium fore speras dominationis Antoni. In quo bis laberis, primum quod tuas rationes communibus interponis, deinde quod quicquam stabile aut iucundum in regno putas. Non, si tibi antea profuit, semper proderit.

[13] Quin etiam de illo homine queri solebas; quid te facturum de belua putas? Atque ais eum te esse, qui semper pacem optaris, semper omnis civis volueris salvos. Honesta oratio, sed ita, si bonos et utilis et e re publica civis; sin eos, qui natura cives sunt, voluntate hostes, salvos velis, quid tandem intersit inter te et illos? Pater quidem tuus, quo utebar sene auctore adulescens, homo severus et prudens, primas omnium civium P. Nasicae, qui Ti. Gracchum interfecit, dare solebat; eius virtute, consilio, magnitudine animi liberatam rem publicam arbitrabatur.

[14] Quid? nos a patribus num aliter accepimus? Ergo is tibi civis, si temporibus illis fuisses, non probaretur, quia non omnes salvos esse voluisset. QUOD L. OPIMIUS CONSUL VERBA FECIT DE RE PUBLICA, DE EA RE ITA CENSUERUNT, UTI L. OPIMIUS CONSUL REM PIBLICAM DEFENDERET. Senatus haec verbis, Opimius armis. Num igitur eum, si tum esses, temerarium civem aut crudelem putares aut Q. Metellum, cuius quattuor filii consulares, P. Lentulum, principem senatus, complures alios summos viros, qui cum Opimio consule armati Gracchum in Aventinum persecuti sunt? quo in proelio Lentulus grave vulnus accepit, interfectus est Gracchus et M. Fulvius consularis eiusque duo adulescentuli filii. Illi igitur viri vituperandi; non enim omnis civis salvos esse voluerunt.

[15] [V] Ad propiora veniamus. C. Mario L. Valerio consulibus senatus rem publicam defendendam dedit: L. Saturninus tribunus pl. , C. Glaucia praetor est interfectus. Omnes illo die Scauri, Metelli, Claudii, Catuli, Scaevolae, Crassi arma sumpserunt. Num aut consules illos aut clarissumos viros vituperandos putas? Ego Catilinam perire volui. Num tu, qui omnes salvos vis, Catilinam salvum esse voluisti? Hoc interest, Calene, inter meam sententiam et tuam: Ego nolo quemquam civem committere, ut morte multandus sit; tu, etiamsi commiserit, conservandum putas. In corpore si quid eius modi est, quod reliquo corpori noceat, id uri secarique patimur,

ut membrum aliquod potius quam totum corpus intereat. Sic in rei publicae corpore, ut totum salvum sit, quicquid est pestiferum, amputetur.

[16] Dura vox; multo illa durior: ‘Salvi sint inprobi, scelerati, impii; deleantur innocentes, honesti, boni, tota res publica!’ Uno in homine, Q. Fufi, fateor te vidisse plus quam me. Ego P. Clodium arbitrabar perniciosum civem, sceleratum, libidinosum, impium, audacem, facinerosum, tu contra sanctum, temperantemm innocentem, modestum, retinendum civem et optandum. In hoc uno te plurimum vidisse, me multum errasse concedo. Nam quod me tecum iracunde agere dixisti solere, non est ita. Vehementer me agere fateor, iracunde nego. Omnino irasci non temere soleo, ne si merentur quidem.

[17] Itaque sine verborum contumelia a te dissentire possum, sine animi summo dolore non possum. Parva est enim mihi tecum aut parva de re dissensio? ego huic faveo, tu illi? Immo vero ego D. Bruto faveo, tu M. Antonio; ego conservari coloniam populi Romani cupio, tu expugnari studes. [VI] An hoc negare potes, qui omnes moras interponas, quibus infirmetur Brutus, melior fiat Antonius? Quousque enim dices pacem velle te? Res geritur, +conductae liniae sunt, pugnatur acerrime. Qui intercurrerent, misimus tris principes civitatis. Hos contempsit, reiecit, repudiavit Antonius; tu tamen permanes constantissimus defensor Antoni.

[18] Et quidem, quo melior senator videatur, negat se illi amicum esse debere; cum suo magno esset beneficio, venisse eum contra se. Vide, quanta caritas sit patriae; cum homini sit iratus, tamen rei publicae causa defendit Antonium. Ego te, cum in Massiliensis tam es acerbus, Q. Fufi, non animo aequo audio. Quousque enim Massiliam oppugnabis? ne triumphus quidem finem facit belli, per quem lata est urbs ea, sine qua numquam ex Transalpinis gentibus maiores nostri triumphaverunt? Quo quidem tempore populus Romanus ingemuit; quamquam proprios dolores suarum rerum omnes habebant, tamen huius civitatis fidelissimae miserias nemo erat civis qui a se alienas arbitraretur.

[19] Caesar ipse, qui illis fuerat iratissimus, tamen propter singularem eius civitatis gravitatem et fidem cotidie aliquid iracundiae remittebat; te nulla sua calamitate civitas satiare tam

fidelis potest? Rursus iam me irasci fortasse dices. Ego autem sine iracundia dico omnia, nec tamen sine dolore animi; neminem illi civitati inimicum esse arbitror, qui amicus huic sit civitati. Excogitare, quae tua ratio sit, Calene, non possum. Antea deterrere te, ne popularis esses, non poteramus; exorare nunc, ut sis popularis, non possumus. Satis multa cum Fufio ac sine odio omnia, nihil sine dolore. Credo autem, qui generi querelam moderate ferat, aequo animo laturum amici.

[20] [VII] Venio ad reliquos consularis, quorum nemo est (iure hoc meo dico), quin mecum habeat aliquam coniunctionem gratiae, alii maximam, alii mediocrem, nemo nullam. Quam hesternus dies nobis, consularibus dico, turpis inluxit! Iterum legatos? Quid, si ille faceret inducias? Ante os oculosque legatorum tormentis Mutinam verberavit, opus ostendebat munitionemque legatis, ne punctum quidem temporis, cum legati adessent, oppugnatio respiravit. Ad hunc legatos? cur? an ut eorum reditu vehementius pertimescatis?

[21] Equidem cum ante legatos decerni non censuissem, hoc me tamen consolabar, quod, cum illi ab Antonio contempti et reiecti revertissent renuntiavissentque senatui non modo illum de Gallia non discessisse, uti censuissemus, sed ne a Mutina quidem recessisse, potestatem sibi D. Bruti conveniendi non fuisse, sperabam fore ut omnes inflammati odio, excitati dolore armis, equis, viris D. Bruto subveniremus. Nos etiam languidiores postea facti sumus, quam M. Antoni non solum audaciam et scelus, sed etiam insolentiam superbiamque perspeximus.

[22] Utinam L. Caesar valeret, Servius Sulpicius viveret! multo melius haec causa ageretur a tribus, quam nunc agitur ab uno. Dolenter hoc dicam potius quam contumeliose: Deserti, deserti, inquam, sumus, patres conscripti, a principibus. Sed (saepe iam dixi) omnes in tanto periculo, qui recte et fortiter sentient, erunt consulares. Animum nobis adferre legati debuerunt; timorem attulerunt (quamquam mihi quidem nullum), quamvis de illo, ad quem missi sunt, bene existiment; a quo etiam mandata acceperunt.

[23] [VIII] Pro di immortales! ubi est ille mos virtusque maiorum? C. Popilius apud maiores nostros cum ad Antiochum regem legatus missus esset et verbis senatus nuntiasset, ut ab Alexandrea discederet, quam obsidebat, cum tempus ille differret, virgula

stantem circumscripsit dixitque se +renuntiaturum senatui, nisi prius sibi respondisset, quid facturus esset, quam ex illa circumscriptione exisset. Praeclare; senatus enim faciem secum attulerat auctoritatemque populi Romani. Cui qui non paret, non ab eo mandata accipienda sunt, sed ipse est potius repudiandus.

[24] An ego ab eo mandata acciperem, qui senatus mandata contemneret, aut ei cum senatu quicquam commune iudicarem, qui imperatorem populi Romani senatu prohibente opsideret? At quae mandata! qua adrogantia, quo stupore, quo spiritu! Cur autem ea legatis nostris dabat, cum ad nos Cotylam mitteret, ornamentum atque arcem amicorum suorum, hominem aedilicium? si vero tum fuit aedilis, cum eum iussu Antoni in convivio servi publici loris ceciderunt.

[25] At quam modesta mandata! Ferrei sumus, patres conscripti, qui quicquam huic negemus. 'Utramque provinciam', inquit 'remitto, exercitum depono, privatus esse non recuso.' Haec sunt enim verba. Redire ad se videtur. 'Omnia obliviscor, in gratiam redeo.' Sed quid adiungit? 'si legionibus meis sex, si equitibus, si cohorti praetoriae praemia agrumque dederitis.' Iis etiam praemia postulat, quibus ut ignoscatur si postulet, impudentissimus iudicetur. Addit praeterea, ut, quos ipse cum Dolabella dederit agros, teneant ii, quibus dati sint.

[26] Hic est Campanus ager et Leontinus, quae duo maiores nostri annonae perfugia ducebant. [IX] Cavet mimis, aleatoribus, lenonibus, Cafoni etiam et Saxa cavet, quos centuriones pugnaces et lacertosos inter mimorum et mimarum greges collocavit. Postulat praeterea, ut [chirographorum] sua [et commentariorum] collegaeque sui decreta maneant. Quid laborat, ut habeat, quod quisque mercatus est, si, quod accepit, habet, qui vendidit? et ne tangantur rationes ad Opis, id est, ne septiens miliens reciperetur, ne fraudi sit septemviris, quod egissent. Nucula hoc, credo, admonuit; verebatur fortasse, ne amitteret tantas clientelas. Caveri etiam volt iis, qui secum sint, quicquid contra leges commiserint. Mustelae et Tironi prospicit; de se nihil laborat;

[27] quid enim commisit umquam? num aut pecuniam publicam attigit aut hominem occidit aut secum habuit armatos? Sed quid est, quod de iis laboret? Postulat enim, ne sua iudiciaria lex abrogetur. Quo impetrato quid est quod metuat? an ne suorum aliquis a Cyda,

Lysiade, Curio condemnetur? Neque tamen nos urget mandatis pluribus; remittit aliquantum et relaxat. ‘Galliam’ inquit ‘togatam remitto, comatam postulo’ (otiosus videlicet esse mavult) ‘cum sex legionibus’, inquit, ‘iisque suppletis ex D. Bruti exercitu’, non modo ex dilectu suo, tamdiuque ut optineat, dum M. Brutus C. Cassius consules prove consulibus provincias optinebunt. Huius comitiis Gaius frater (eius est enim annus) iam repulsam tulit.

[28] ‘Ipse autem ut quinquennium’, inquit, ‘optineam’. At istud vetat lex Caesaris, et tu acta Caesaris defendis. [X] Haec tu mandata, L. Piso, et tu, L. Philippe, principes civitatis, non dico animo ferre, verum auribus accipere potuistis? Sed, ut suspicor, terror erat quidam, nec vos ut legati apud illum fuistis nec ut consulares, nec vos vestram nec rei publicae dignitatem tenere potuistis. Et tamen nescio quo pacto sapientia quadam, credo, quod ego non possem, non nimis irati revertistis. Vobis M. Antonius nihil tribuit clarissimis viris legatis populi Romani; nos quid non legato M. Antoni Cotylae concessimus? Cui portas huius urbis patere ius non erat, huic hoc templum patuit, huic aditus in senatum fuit, hic hesterno die sententias vestras in codicillos et omnia verba referebat, huic se etiam summis honoribus usi contra suam dignitatem venditabant.

[29] O di immortales! quam magnum est personam in re publica tueri principis! quae non animis solum debet, sed etiam oculis servire civium. Domum recipere legatum hostium, in cubiculum admittere, etiam seducere hominis est nihil de dignitate, nimium de periculo cogitantis. Quod autem est periculum? Nam si maximum in discrimen venitur, aut libertas parata victori est aut mors proposita victo, quorum alterum optabile est, alterum effugere nemo potest. Turpis autem fuga mortis omni est morte peior.

[30] Nam illud quidem non adducor ut credam, esse quosdam, qui invideant alicuius constantiae, qui labori eius, qui eius perpetuam in re publica adiuvanda voluntatem et senatui et populo Romano probari moleste ferant. Omnes id quidem facere debebanus, eaque erat non modo apud maiores nostros, sed etiam nuper summa laus consularium, vigilare, adesse animo, semper aliquid pro re publica aut cogitare aut facere aut dicere.

[31] Ego, patres conscripti, Q. Scaevolam augurem memoria teneo bello Marsico, cum esset summa senectute et perdita valetudine,

cotidie, simul atque luceret, facere omnibus conveniendi sui potestatem; nec eum quisquam illo bello vidit in lecto, senexque et debilis primus veniebat in curiam. Huius industriam maxime equidem vellem ut imitarentur ii, quos oportebat, secundo autem loco, ne alterius labori inviderent.

[32] [XI] Etenim, patres conscripti, cum in spem libertatis sexennio post sumus ingressi diutiusque servitutem perpessi, quam captivi servi frugi et diligentes solent, quas vigilias, quas sollicitudines, quos labores liberandi populi Romani causa recusare debemus? Equidem, patres conscripti, quamquam hoc honore usi togati solent esse, cum est in sagis civitas, statui tamen a vobis ceterisque civibus in tanta atrocitate temporis tantaque perturbatione rei publicae non differre vestitu. Non enim ita gerimus nos hoc bello consulares, ut aequo animo populus Romanus visurus sit nostri honoris insignia, cum partim e nobis ita timidi sint, ut omnem populi Romani beneficiorum memoriam abiecerint, partim ita a re publica aversi, ut se hosti favere prae se ferant, legatos nostros ab Antonio despectos et inrisos facile patiantur, legatum Antoni sublevatum velint. Hunc enim reditu ad Antonium prohiberi negabant oportere et in eodem excipiendo sententiam meam corrigebant. Quibus geram morem. Redeat ad imperatorem suum Varius, sed ea lege, ne umquam Romam revertatur. Ceteris autem, si errorem suum deposuerint et cum re publica in gratiam redierint, veniam et inpunitatem dandam puto.

[33] Quas ob res ita censeo: ‘Eorum, qui cum M. Antonio sint, qui ab armis discesserint et aut ad C. Pansam aut ad A.Hirtium consules aut ad D. Brutum imperatorem, consulem designatum, aut ad C. Caesarem pro praetore ante Idus Martias primas adierint, iis fraudi ne sit, quod cum M. Antonio fuerint. Si quis eorum, qui cum M. Antonio sunt, fecerit, quod honore praemiove primo quoque die ad senatum referant. Si quis post hoc senatus consultum ad Antonium profectus esset praeter L. Varium, senatum existimaturum eum contra rem publicam fecisse.’

PHILIPPICA NONA

[1] [I] Vellem di immortales fecissent, patres conscripti, ut vivo potius Ser. Sulpicio gratias ageremus quam honores mortuo quaereremus. Nec vero dubito, quin, si ille vir legationem renuntiare potuisset, reditus eius et vobis gratus fuerit et rei publicae salutaris futurus, non quo L. Philippo et L. Pisoni aut studium aut cura defuerit in tanto officio tantoque munere, sed cum Ser. Sulpicius aetate illis anteiret, sapientia omnis, subito ereptus e causa totam legationem orbam et debilitatam reliquit.

[2] Quodsi cuiquam iustus honos habitus est in morte legato, in nullo iustior [quam in Ser. Sulpicio] reperietur. Ceteri, qui in legatione mortem obierunt, ad incertum vitae periculum sine ullo mortis metu profecti sunt, Ser. Sulpicius cum aliqua perveniendi ad M. Antonium spe profectus est, nulla revertendi. Qui cum ita adfectus esset ut, si ad gravem valetudinem labor accessisset, sibi ipse diffideret, non recusavit quo minus vel extremo spiritu, si quam opem rei publicae ferre posset, experiretur. Itaque non illum vis hiemis, non nives, non longitudo itineris, non asperitas viarum, non morbus ingravescens retardavit, cumque iam ad congressum colloquiumque eius pervenisset ad quem erat missus, in ipsa cura ac meditatione obeundi sui muneris excessit e vita.

[3] Ut igitur alia, sic hoc, C. Pansa, praeclare, quod et nos ad honorandum Ser. Sulpicium cohortatus es et ipse multa copiose de illius laude dixisti. Quibus a te dictis nihil praeter sententiam dicerem, nisi P. Servilio, clarissimo viro, respondendum putarem, qui hunc honorem statuae nemini tribuendum censuit nisi ei, qui ferro esset in legatione interfectus. Ego autem, patres conscripti, sic interpretor sensisse maiores nostros, ut causam mortis censuerint, non genus esse quaerendum. Etenim cui legatio ipsa causa mortis fuisset, eius monumentum exstare voluerunt, ut in bellis periculosis obirent homines legationis munus audacius. Non igitur exempla maiorum quaerenda, sed consilium est eorum, a quo ipsa exempla nata sunt explicandum.

[4] [II] Lars Tolumnius, rex Veientium, quattuor legatos populi Romani Fidenis interemit, quorum statuae steterunt usque ad meam

memoriam in rostris. Iustus honos; iis enim maiores nostri, qui ob rem publicam mortem obierant, pro brevi vita diuturnam memoriam reddiderunt. Cn. Ottavi, clari viri et magni, qui primus in eam familiam, quae postea viris fortissimis floruit, attulit consulatum, statuam videmus in rostris. Nemo tum novitati invidebat, nemo virtutem non honorabat. At ea fuit legatio Octavi, in qua periculi suspicio non subesset. Nam cum esset missus a senatu ad animos regum perspiciendos liberorumque populorum maximeque, ut nepotem regis Antiochi, eius, qui cum maioribus nostris bellum gesserat, classis habere, elephantos alere prohibiret, Laudiceae in gymnasio a quodam Leptine est interfectus.

[5] Reddita est ei tum a maioribus statua pro vita, quae multos per annos progeniem eius honestaret, nunc ad tantae familiae memoriam sola restaret. Atqui et huic et Tullo Cluilio et L. Roscio et Sp. Antio et C. Fulcinio, qui a Veientium rege caesi sunt, non sanguis, qui est profusus in morte, sed ipsa mors ob rem publicam obita honori fuit. [III] Itaque, patres conscripti, si Ser. Sulpicio casus mortem attulisset, dolorem equidem tanto rei publicae vulnere, mortem vero eius non monumento, sed luctu publico esse ornandam putarem. Nunc autem quis dubitat quin ei vitam abstulerit ipsa legatio? Secum enim ille mortem extulit, quam, si nobiscum remansisset, sua cura, optimi filii fidelissimaeque coniugis diligentia vitare potuisset.

[6] At ille cum videret, si vestrae auctoritati non paruisset, dissimilem se futurum sui, sin paruisset, munus sibi illud pro re publica susceptum vitae finem fore, maluit in maximo rei publicae discrimine emori quam minus, quam potuisset, videri rei publicae profuisse. Multis illi in urbibus, iter qua faciebat, reficiendi se et curandi potestas fuit. Aderat et hospitum invitatio liberalis pro dignitate summi viri et eorum hortatio, qui una erant missi, ad requiescendum et vitae suae consulendum. At ille properans, festinans, mandata vestra conficere cupiens in hac constantia modo adversante perseveravit.

[7] Cuius cum adventu maxime perturbatus esset Antonius, quod ea, quae sibi iussu vestro denuntiarentur, auctoritate erant et sententia Ser. Sulpici constituta, declaravit, quam odisset senatum, cum auctorem senatus exstinctum laete atque insolenter tulit. Non igitur magis Leptines Octavium nec Veientium rex eos, quos modo

nominavi, quam Ser. Sulpicium occidit Antonius. Is enim profecto mortem attulit, qui causa mortis fuit. Quocirca etiam ad posteritatis memoriam pertinere arbitror extare, quod fuerit de hoc bello iudicium senatus. Erit enim statua ipsa testis bellum tam grave fuisse, ut legati interitus honoris memoriam consecutus sit.

[8] [IV] Quodsi excusationem Ser. Sulpici, patres conscripti, legationis obeundae recordari volueritis, nulla dubitatio relinquetur, quin honore mortui, quam vivo iniuriam fecimus, sarciamus. Vos enim, patres conscripti (grave dictu est sed dicendum tamen), vos, inquam, Ser. Sulpicium vita privastis; quem cum videretis re magis morbum quam oratione excusantem, non vos quidem crudeles fuistis (quid enim minus in hunc ordinem convenit?), sed, cum speraretis nihil esse, quod non illius auctoritate et sapientia effici posset, vehementius excusationi obstitistis atque eum, qui semper vestrum consensum gravissimum iudicavisset, de sententia deiecistis.

[9] Ut vero Pansae consulis accessit cohortatio gravior, quam aures Ser. Sulpici ferre didicissent, tum vero denique filium meque seduxit atque ita locutus est, ut auctoritatem vestram vitae suae se diceret anteferre. Cuius nos virtutem admirati non ausi sumus adversari voluntati. Movebatur singulari pietate filius; non multum eius perturbationi meus dolor concedebat; sed uterque nostrum cedere cogebatur magnitudini animi orationisque gravitati, cum quidem ille maxima laude et gratulatione omnium vestrum pollicitus est se, quod velletis, esse facturum, neque eius sententiae periculum vitaturum, cuius ipse auctor fuisset; quem exsequi mandata vestra properantem mane postridie prosecuti sumus. Qui quidem discedens mecum ita locutus est, ut eius oratio omen fati videretur.

[10] [V] Reddite igitur, patres conscripti, ei vitam, cui ademistis. Vita enim mortuorum in memoria est posita vivorum. Perficite, ut is quem vos inscii ad mortem misistis, immortalitatem habeat a vobis. Cui si statuam in rostris decreto vestro statueritis, nulla eius legationem posteritatis obscurabit oblivio. Nam reliqua Ser. Sulpici vita multis erit praeclarisque monumentis ad omnem memoriam commendata. Semper illius gravitatem, constantiam, fidem, praestantem in re publica tuenda curam atque prudentiam omnium mortalium fama celebrabit. Nec vero silebitur admirabilis quaedam et incredibilis ac paene divina eius in legibus interpretandis, aequitate

explicanda scientia. Omnes ex omni aetate, qui in hac civitate intellegentiam iuris habuerunt, si unum in locum conferantur, cum Ser. Sulpicio non sint comparandi. Nec enim ille magis iuris consultus quam iustitiae fuit.

[11] Ita ea quae proficiscebantur a legibus et ab iure civili, semper ad facilitatem aequitatemque referebat neque instituere litium actiones malebat quam controversias tollere. Ergo hoc statuae monumento non eget, habet alia maiora. Haec enim statua mortis honestae testis erit, illa memoria vitae gloriosae, ut hoc magis monimentum grati senatus quam clari viri futurum sit.

[12] Multum etiam valuisse ad patris honorem pietas fili videbitur; qui quamquam adflictus luctu non adest, tamen sic animati esse debetis, ut si ille adesset. Est autem ita adfectus, ut nemo umquam unici fili mortem magis doluerit, quam ille maeret patris. Et quidem etiam ad famam Ser. Sulpici fili arbitror pertinere, ut videatur honorem debitum patri praestitisse. Quamquam nullum monumentum clarius Ser. Sulpicius relinquere potuit quam effigiem morum suorum, virtutis, constantiae, pietatis, ingenii filium, cuius luctus aut hoc honore vestro aut nullo solacio levari potest.

[13] [VI] Mihi autem recordanti Ser. Sulpici multos in nostra familiaritate sermones gratior illi videtur, si qui est sensus in morte, aenea statua futura, et ea pedestris, quam inaurata equestris, qualis L. Sullae primum statuta est. Mirifice enim Servius maiorum continentiam diligebat, huius saeculi insolentiam vituperabat. Ut igitur, si ipsum consulam, quid velit, sic pedestrem ex aere statuam tamquam ex eius auctoritate et voluntate decerno; quae quidem magnum civium dolorem et desiderium honore monumenti minuet et leniet.

[14] Atque hanc meam sententiam, patres conscripti, P. Servili sententia comprobari necesse est, qui sepulchrum publice decernendum Ser. Sulpicio censuit, statuam non censuit. Nam si mors legati sine caede atque ferro nullum honorem desiderat, cur decernit honorem sepulturae, qui maximus haberi potest mortuo? Sin id tribuit Ser. Sulpicio, quod non est datum Cn. Octavio, cur, quod illi datum est, huic dandum esse non censet? Maiores quidem nostri statua multis decreverunt, sepulchra paucis. Sed statuae intereunt tempestate, vi, vetustate, sepulchrorum autem sanctitas in ipso solo

est, quod nulla vi moveri neque deleri potest, atque, ut cetera extinguuntur, sic sepulchra sanctiora fiunt vetustate.

[15] Augeatur igitur isto honore etiam is vir, cui nullus honos tribui non debitus potest; grati simus in eius morte decoranda, cui nullam iam aliam gratiam referre possumus. Notetur etiam M. Antoni nefarium bellum gerentis scelerata audacia. His enim honoribus habitis Ser. Sulpicio repudiatae reiectaeque legationis ab Antonio manebit testificatio sempiterna. [VII] Quas ob res ita censeo: ‘cum Ser. Sulpicius Q. f. Lemonia Rufus difficillimo rei publicae tempore gravi periculosque morbo adfectus auctoritatem senatus, salutem rei publicae vitae suae praeposuerit contraque vim gravitatemque morbi contenderit, ut in castra M. Antoni, quo senatus eum miserat, perveniret, isque cum iam prope castra venisset, vi morbi oppressus vitam amiserit maximo rei publicae tempore, eiusque mors consentanea vitae fuerit sanctissime honestissimeque actae, in qua saepe magno usui rei publicae Ser. Sulpicius et privatus et in magistratibus fuerit:

[16] cum talis vir ob rem publicam in legatione mortem obierit, senatui placere Ser. Sulpicio statuam pedestrem aeneam in rostris ex huius ordinis sententia statui circumque eam statuam locum ludis gladiatoribusque liberos posterosque eius quoquo versus pedes quinque habere, quod is ob rem publicam mortem obierit, eamque causam in basi inscribi; utique C. Pansa A. Hirtius consules, alter ambove, si iis videatur, quaestoribus urbis imperent, ut eam basim statuamque faciendam et in rostris statuendam locent, quantique locaverint, tantam pecuniam redemptori adtribuendam solvendamque curent. Cumque antea senatus auctoritatem suam in virorum fortium funeribus ornamentisque ostenderit, placere eum quam amplissime supremo suo die efferri.

[17] Et cum Ser. Sulpicius Q. f. Lemonia Rufus ita de re publica meritus sit, ut iis ornamentis decorari debeat, senatum censere atque e re publica existimare aediles curules edictum, quod de funeribus habeant, Ser. Sulpici Q. f. Lemonia Rufi funeri remittere; utique locum sepulchro in campo Esquilino C. Pansa consul, seu quo in loco videbitur, pedes triginta quoquo versus adsignet, quo Ser. Sulpicius inferatur; quod sepulchrum ipsius, liberorum posterorumque eius esset, uti quod optimo iure publice sepulchrum

datum esset.’

PHILIPPICA DECIMA

[1] [I] Maximas tibi, Pansa, gratias omnes et habere et agere debemus, qui, cum hodierno die senatum te habiturum non arbitraremur, ut M. Bruti, praestantissimi civis, litteras accepisti, ne minimam quidem moram interposuisti, quin quam primum maximo gaudio et gratulatione frueremur. Cum factum tuum gratum omnibus debet esse, tum vero oratio, qua recitatis litteris usus es. Declarasti enim verum esse id, quod ego semper sensi, neminem alterius, qui suae confideret, virtuti invidere.

[2] Itaque mihi, qui plurimis officiis sum cum Bruto et maxima familiaritate coniunctus, minus multa de illo dicenda sunt. Quas enim ipse mihi partis sumpseram, eas praecepit oratio tua. Sed mihi, patres conscripti, necessitatem attulit paulo plura dicendi sententia eius, qui rogatus est ante me; a quo ita saepe dissentio, ut iam verear, ne, id quod fieri minime debet, minuere amicitiam nostram videatur perpetua dissensio.

[3] Quae est enim ista tua ratio, Calene, quae mens, ut numquam post Kalendis Ianuarias idem senseris, quod is, qui te sententiam primum rogat, numquam tam frequens senatus fuerit, ut unus aliquis sententiam tuam secutus sit? Cur semper tui dissimilis defendis, cur, cum te et vita et fortuna tua ad otium, ad dignitatem invitet, ea probas, ea decernis, ea sentis, quae sint inimica et otio communi et dignitati tuae?

[4] [II] Nam ut superiora omittam, hoc certe, quod mihi maximam admirationem movet, non tacebo. Quod est tibi cum Brutis bellum? cur eos, quos omnes paene venerari debemus, solus oppugnas? Alterum circumsederi non moleste fers, alterum tua sententia spolias iis copiis, quas ipse suo labore et periculo ad rei publicae, non ad suum praesidium per se nullo adiuvante, confecit. Qui est iste tuus sensus, quae cogitatio, Brutos ut non probes, Antonios probes; quos omnes carissimos habent, tu oderis, quos acerbissime ceteri oderunt, tu constantissime diligas? Amplissimae tibi fortunae sunt, summus honoris gradus, filius, ut et audio et spero, natus ad laudem, cui cum rei publicae causa faveo, tum etiam tua.

[5] Quaero igitur, eum Brutine similem malis an Antoni, ac

permitto, ut de tribus Antoniis eligas, quem velis. ‘Di meliora’! inquies. Cur igitur non iis faves, eos laudas, quorum similem tuum filium esse vis? Simul enim et rei publicae consules et propones illi exempla ad imitandum. Hoc vero, Q. Fufi, cupio sine offensione nostrae amicitiae sic tecum ut a te dissentiens senator queri. Ita enim dixisti, et quidem de scripto (nam te inopia verbi lapsum putarem [nisi tuam in dicendo facultatem nossem]), litteras Bruti recte et ordine scriptas videri. Quid est aliud librarium Bruti laudare, non Brutum?

[6] Usum in re publica, Calene, magnum iam habere et debes et potes. Quando ita decerni vidisti aut quo senatus consulto huius generis (sunt enim innumerabilia) bene scriptas litteras decretum a senatu? Quod verbum tibi non excidit, ut saepe fit, fortuito; scriptum, meditatum, cogitatum attulisti. [III] Hanc tibi consuetudinem plerisque in rebus bonis obtrectandi si qui detraxerit, quid tibi, quod sibi quisque velit, non relinquetur? Quam ob rem collige te placaque animum istum aliquando et mitiga, audi viros bonos, quibus multis uteris, loquere cum sapientissimo homine genero tuo saepius quam ipse tecum; tum denique amplissimi honoris nomen optinebis. An vero hoc pro nihilo putas, in quo quidem pro amicitia tuam vicem dolere soleo, efferri hoc foras et ad populi Romani auris pervenire, ei, qui primus sententiam dixerit, neminem adsensum? quod etiam hodie futurum arbitror. Legiones abducis a Bruto. Quas? nempe eas, quas ille a C. Antoni scelere avertit et ad rem publicam sua auctoritate traduxit. Rursus igitur vis nudatum illum atque solum a re publica relegatum videri.

[7] Vos autem, patres conscripti, si M. Brutum deserueritis et prodideritis, quem tandem civem umquam ornabitis, cui favebitis? nisi forte eos, qui diadema imposuerint, convervandos, eos, qui regis nomen sustulerint, deserendos putatis. Ac de hac quidem divina atque immortali laude Bruti silebo, quae gratissima memoria omnium civium inclusa nondum publica auctoritate testata est. Tantamne patientiam, di boni, tantam moderationem, tantam in iniuria tranquillitatem et modestiam! qui cum praetor urbis esset, urbe caruit, ius non dixit, cum omne ius rei publicae recuperavisset, cumque concursu cotidiano bonorum omnium, qui admirabilis ad eum fieri solebat, praesidioque Italiae cunctae saeptus posset esse,

apsens iudicio bonorum defensus esse maluit quam praesens manu; qui ne Apollinaris quidem ludos pro sua populique Romani dignitate apparatos praesens fecit, ne quam viam patefaceret sceleratissimorum hominum audaciae.

[8] [IV] Quamquam qui umquam aut ludi aut dies laetiores fuerunt, quam cum in singulis versibus populus Romanus maximo clamore et plausu Bruti memoriam prosequebatur? Corpus aberat liberatoris, libertatis memoria aderat; in qua Bruti imago cerni videbatur. At hunc iis ipsis ludorum diebus videbam in insula clarissimi adulescentis, Luculli, propinqui sui, nihil nisi de pace et concordia civium cogitantem. Eundem vidi postea Veliae cedentem Italia, ne qua oreretur belli civilis causa propter se. O spectaculum illud non modo hominibus, sed undis ipsis et litoribus luctuosum, cedere e patria servatorem eius, manere in patria perditores! Cassi classis paucis post diebus consequebatur, ut me puderet, patres conscripti, in eam urbem redire, ex qua illi abirent. Sed quo consilio redierim, initio audistis, post estis experti.

[9] Exspectatum igitur tempus a Bruto est. Nam, quoad vos omnia pati vidit, usus est ipse incredibili patientia; posteaquam vos ad libertatem sensit erectos, praesidia vestrae libertati paravit. At cui pesti quantaeque restitit! Si enim C. Antonius, quod animo intenderat perficere potuisset (potuisset autem, nisi eius sceleri virtus M. Bruti obstitisset), Macedoniam, Illyricum, Graeciam perdidissemus; esset vel receptaculum pulso Antonio vel agger oppugnandae Italiae Graecia; quae quidem nunc M. Bruti imperio, auctoritate, copiis non instructa solum, sed etiam ornata tendit dexteram Italiae suumque ei praesidium pollicetur; quod qui ab illo abducit [exercitum], et respectum pulcherrimum et praesidium firmissimum adimit rei publicae.

[10] Equidem cupio haec quam primum Antonium audire, ut intellegat non D. Brutum, quem vallo circumsedeat, sed se ipsum obsideri. [V] Tria tenet oppida toto in orbe terrarum, habet inimicissimam Galliam, eos etiam, quibus confidebat, alienissimos, Transpadanos; Italia omnis infesta est; exterae nationes a prima ora Graeciae usque ad Aegyptum optimorum et fortissimorum civium imperiis et praesidiis tenentur. Erat ei spes una in C. Antonio, qui duorum fratrum aetatibus medius interiectus vitiis cum utroque

certabat. Is tamquam extruderetur a senatu in Macedoniam et non contra prohiberetur proficisci, ita cucurrit.

[11] Quae tempestas, di immortales, quae flamma, quae vastitas quae pestis Graeciae fuisset, nisi incredibilis ac divina virtus furentis hominis conatum atque audaciam compressisset! quae celeritas illa Bruti, quae cura, quae virtus! Etsi ne C. quidem Antoni celeritas contemnenda est, quam nisi in via caducae hereditates retardassent, volasse eum, non iter fecisse diceres. Alios ad negotium publicum ire cum cupimus, vix solemus extrudere, hunc retinentes extrusimus. At quid ei cum Apollonia, quid cum Dyrrachio, quid cum Illyrico, quid cum P. Vatini imperatoris exercitu? Succedebat, ut ipse dicebat, Hortensio. Certi fines Macedoniae, certa condicio, certus, si modo erat ullus, exercitus; cum Illyrico vero et cum Vatini legionibus quid erat Antonio?

[12] At ne Bruto quidem; id enim fortasse quispiam improbus dixerit. Omnes legiones, omnes copiae, quae ubique sunt, rei publicae sunt; nec enim eae legiones quae M. Antonium reliquerunt, Antoni potius quam rei publicae fuisse dicentur. Omne enim et exercitus et imperii ius amittit is, qui eo imperio et exercitu rem publicam oppugnat. [VI] Quodsi ipsa res publica iudicaret, aut si omne ius decretis eius statueretur, Antonione an Bruto legiones populi Romani adiudicaret? Alter advolarat subito ad direptionem pestemque sociorum, ut, quacumque iret, omnia vastaret, diriperet, auferret, exercitu populi Romani contra ipsum populum Romanum uteretur; alter eam legem sibi statuerat, ut, quocumque venisset, lux venisse quaedam et spes salutis videretur. Denique alter ad evertendam rem publicam praesidia quaerebat, alter ad conservandam. Nec vero nos hoc magis videbamus quam ipsi milites, a quibus tanta in iudicando prudentia non erat postulanda.

[13] Cum VII cohortibus esse Apolloniae scribit Antonium, qui iam captus est (quod di duint!) aut certe homo verecundus in Macedoniam non accedit, ne contra senatus consultum fecisse videatur. Dilectus habitus in Macedonia est summo Q. Hortensi studio et industria, cuius animum egregium dignumque ipso et maioribus eius ex Bruti litteris perspicere potuistis. Legio, quam L.Piso ducebat, legatus Antoni, Ciceroni se filio meo tradidit. Equitatus, qui in Syriam ducebatur bipertito, alter eum quaestorem, a

quo ducebatur, reliquit in Thessalia seseque ad Brutum contulit, alterum in Macedonia Cn.Domitius adulescens summa virtute, gravitate, constantia a legato Syriaco abduxit. P. autem Vatinius, qui et antea iure laudatus a vobis et hoc tempore merito laudandus est, aperuit Dyrrachi portas Bruto et exercitum tradidit.

[14] Tenet igitur res publica Macedoniam, tenet Illyricum, tuetur Graeciam; nostrae sunt legiones, nostra levis armatura, noster equitatus, maximeque noster est Brutus semperque noster cum sua excellentissima virtute rei publicae natus, tum fato quodam paterni maternique generis et nominis. [VII] Ab hoc igitur viro quisquam bellum timet, qui, antequam nos id coacti suscepimus, in pace iacere quam in bello vigere maluit? Quamquam ille quidem numquam iacuit, neque hoc cadere verbum in tantam virtutis praestantiam potest. Erat enim in desiderio civitatis, in ore, in sermone omnium; tantum autem aberat a bello, ut, cum cupiditate libertatis Italia arderet, defuerit civium studiis potius quam eos in armorum discrimen adduceret. Itaque illi ipsi, si qui sunt, qui tarditatem Bruti reprehendant, tamen idem moderationem patientiamque mirantur.

[15] Sed iam video, quae loquantur; neque enim id occulte faciunt. Timere se dicunt, quo modo ferant veterani exercitum Brutum habere. Quasi vero quicquam intersit inter A. Hirti, C. Pansae, D. Bruti, C. Caesaris et hunc exercitum M. Bruti. Nam, si quattuor exercitus ii, de quibus dixi, propterea laudantur, quod pro populi Romani libertate arma ceperunt, quid est cur hic M. Bruti exercitus non in eadem causa ponatur? At enim veteranis suspectum nomen est M. Bruti. Magisne quam Decimi? Equidem non arbitror. Etsi est enim Brutorum commune factum et laudis societas aequa, Decimo tamen *eo* iratiores erant ii, qui id factum dolebant, quo minus ab eo rem illam dicebant fieri debuisse. Quid ergo agunt nunc tot exercitus, nisi ut obsidione Brutus liberetur? qui autem hos exercitus ducunt? Ii, credo, qui C. Caesaris actas everti, qui causam veteranorum prodi volunt.

[16] [VIII] Si ipse viveret C. Caesar, acrius, credo, acta sua defenderet, quam vir fortissimus defendit Hirtius, aut amicior causae quisquam inveniri potest quam filius. At horum alter, nondum ex longinquitate gravissimi morbi recreatus, quicquid habuit virium, id in eorum libertatem defendendam contulit, quorum votis iudicavit se

a morte revocatum, alter virtutis robore firmior quam aetatis cum istis ipsis veteranis ad D. Brutum liberandum est profectus. Ergo illi certissimi idemque acerrimi Caesaris actorum patroni pro D. Bruti salute bellum gerunt; quos veterani sequuntur: de libertate enim populi Romani, non de suis commodis armis decernendum vident.

[17] Quid est igitur, cur iis, qui D. Brutum omnibus opibus conservatum velint, M. Bruti sit suspectus exercitus? An vero, si quid esset, quod a M. Bruto timendum videretur, Pansa id non videret aut, si videret, non laboraret? Quis aut sapientior ad coniecturam rerum futurarum aut ad propulsandum metum diligentior? Atquin huius animum erga M. Brutum studiumque vidistis. Praecepit oratione sua, quid decernere nos de M. Bruto, quid sentire oporteret, tantumque afuit, ut periculosum rei publicae M. Bruti putaret exercitum, ut in eo firmissimum rei publicae praesidium et gravissimum poneret. Scilicet hoc Pansa aut non videt (hebeti enim ingenio est) aut neglegit; quae enim Caesar egit, ea rata esse non curat; de quibus confirmandis et sanciendis legem comitiis centuriatis ex auctoritate nostra laturus est. [IX] Desinant igitur aut ii, qui non timent, simulare se timere et prospicere rei publicae aut ii, qui omnia verentur, nimium esse timidi, ne illorum simulatio, horum obsit ignavia.

[18] Quae, malum! est ista ratio semper optimis causis veteranorum nomen opponere? Quorum etiamsi amplecterer virtutem, ut facio, tamen, si essent adrogantes, non possem ferre fastidium. An nos conantis servitutis vincla rumpere impediet, si quis veteranos nolle dixerit? Non sunt enim, credo, innumerabiles, qui pro communi libertate arma capiant; nemo est praeter veteranos milites vir, qui ad servitutem propulsandam ingenuo dolore excitetur; potest igitur stare res publica freta veteranis sine magno subsidio iuventutis. Quos quidem vos libertatis adiutores complecti debetis, servitutis auctores sequi non debetis.

[19] Postremo (erumpat enim aliquando vera et me digna vox!), si veteranorum nutu mentes huius ordinis gubernantur omniaque ad eorum voluntatem nostra dicta, facta referuntur, optanda mors est, quae civibus Romanis semper fuit servitute potior. Omnis est misera servitus; sed fuerit quaedam necessaria; +ecquodnam principium putatis libertatis capessendae? An, cum illum necessarium et fatalem

paene casum non tulerimus, hunc feremus voluntarium? Tota Italia desiderio libertatis exarsit, servire diutius non potest civitas; serius populo Romano hunc vestitum atque arma dedimus quam ab eo flagitati sumus.

[20] [X] Magna nos quidem spe et prope explorata libertatis causam suscepimus; sed ut concedam incertos exitus esse belli Martemque communem, tamen pro libertate vitae periculo decertandum est. Non enim in spiritu vita est, sed ea nulla est omnino servienti. Omnes nationes servitutem ferre possunt, nostra civitas non potest, nec ullam aliam ob causam, nisi quod illae laborem doloremque fugiunt, quibus ut careant, omnia perpeti possunt, nos ita a maioribus instituti atque imbuti sumus, ut omnia consilia atque facta ad dignitatem et ad virtutem referremus. Ita praeclara est recuperatio libertatis, ut ne mors quidem sit in repetenda libertate fugienda. Quodsi immortalitas consequeretur praesentis periculi fugam, tamen eo magis ea fugienda videretur, quo diuturnior servitus esset. Cum vero dies et noctes omnia nos undique fata circumstent, non est viri minimeque Romani dubitare eum spiritum, quem naturae debeat, patriae reddere.

[21] Concurritur undique ad commune incendium restinguendum. Veterani, qui primi Caesaris auctoritatem *sunt* secuti, conatum Antoni reppulerunt, post eiusdem furorem Martia legio fregit, quarta afflixit. Sic a suis legionibus condemnatus inrupit in Galliam, quam sibi armis animisque infestam inimicamque cognovit. Hunc A. Hirti, C. Caesaris exercitus insecuti sunt, post Pansae dilectus urbem totamque Italiam erexit. Unus omnium est hostis. Quamquam habet secum Lucium fratrem, carissimum populo Romano civem, cuius desiderium ferre diutius civitas non potest.

[22] Quid illa taetrius belua, quid immanius? qui ob eam causam natus videtur, ne omnium mortalium turpissimus esset M. Antonius. Est una Trebellius, qui iam cum tabulis novis rediit in gratiam, Plancus et ceteri pares, qui id pugnant, [id agunt,] ut contra rem publicam restituti esse videantur. Et sollicitant homines imperitos Saxa et Cafo, ipsi rustici atque agrestes, qui hanc rem publicam nec viderunt umquam nec videre constitutam volunt, qui non Caesaris, sed Antoni acta defendunt, quos avertit agri Campani infinita possessio; cuius eos non pudere demiror, cum videant se mimos et mimas habere vicinos.

[23] [XI] Ad has pestis opprimendas cur moleste feramus quod M. Bruti accessit exercitus? inmoderati, credo, hominis et turbulenti; videte ne nimium paene patientis. Etsi in illius viri consiliis atque factis nihil nec nimium nec parum umquam fuit. Omnis voluntas M. Bruti, patres conscripti, omnis cogitatio, tota mens auctoritatem senatus, libertatem populi Romani intuetur; haec habet proposita, haec tueri vult. Temptavit, quid patientia perficere posset; nihil cum proficeret, vi contra vim experiendum putavit. Cui quidem, patres conscripti, vos idem hoc tempore tribuere debetis, quod a.d. XIII Kalendas Ian. D. Bruto, C. Caesari me auctore tribuistis, quorum privatum de re publica consilium et factum auctoritate vestra est comprobatum atque laudatum.

[24] Quod idem in M. Bruto facere debetis, a quo insperatum et repentinum rei publicae praesidium legionum, equitatus, auxiliorum magnae et firmae copiae comparatae sunt. Adiungendus est Q. Hortensius, qui cum Macedoniam obtineret, adiutorem se Bruto ad comparandum exercitum fidissimum et constantissimum praebuit. Nam de M. Apuleio separatim censeo referendum, cui testis est per litteras M. Brutus, eum principem fuisse ad conatum exercitus comparandi.

[25] Quae cum ita sint, quod C. Pansa consul verba fecit de litteris, quae a Q. Caepione Bruto pro consule allatae et in hoc ordine recitatae sunt, de ea re ita censeo: ‘cum Q. Caepionis Bruti pro consule opera, consilio, industria, virtute difficillimo rei publicae tempore provincia Macedonia et Illyricum et cuncta Graecia et legiones, exercitus, equitatus in consulum, senatus populique Romani potestate sint, id Q. Caepionem Brutum pro consule bene et e re publica pro sua maiorumque suorum dignitate consuetudineque rei publicae bene gerendae fecisse, eam rem senatui populoque Romano gratam esse et fore;

[26] utique Q. Caepio Brutus pro consule provinciam Macedoniam, Illyricum cunctamque Graeciam tueatur, defendat, custodiat incolumemque conservet eique exercitui, quem ipse constituit, comparavit, praesit pecuniamque ad rem militarem, si qua opus sit, quae publica sit et exigi possit, utatur, exigat pecuniasque, a quibus videatur, ad rem militarem mutuas sumat frumentumque imperet operamque det, ut cum suis copiis quam proxime Italiam sit; cumque

ex litteris Q. Caepionis Bruti pro consule intellectum sit Q. Hortensi pro consule opera et virtute vehementer rem publicam adiutam omniaque eius consilia cum consiliis Q. Caepionis Bruti pro consule coniuncta fuisse, eamque rem magno usui rei publicae fuisse, Q. Hortensium pro consule recte et ordine exque re publica fecisse, senatuique placere Q. Hortensium pro consule cum quaestore prove quaestore et legatis suis provinciam Macedoniam obtinere, quoad ei ex senatus consulto successum sit.'

PHILIPPICA VNDECIMA

[1] [I] Magno in dolore, patres conscripti, vel maerore potius, quem ex crudeli et miserabili morte C. Treboni, optimi civis moderatissimique hominis, accepimus, inest tamen aliquid, quod rei publicae profuturum putem. Perspeximus enim, quanta in iis, qui contra patriam scelerata arma ceperunt inesset immanitas. Nam duo haec capita nata sunt post homines natos taeterrima et spurcissima, Dolabella et Antonius, quorum alter effecit, quod optarat, de altero patefactum est, quid cogitaret. L. Cinna crudelis, C. Marius in iracundia perseverans, L. Sulla vehemens; neque ullius horum in ulciscendo acerbitas progressa ultra mortem est, quae tamen poena in civis nimis crudelis putabatur.

[2] Ecce tibi geminum in scelere par, invisitatum, inauditum, ferum, barbarum. Itaque, quorum summum quondam inter ipsos odium bellumque meministis, eosdem postea singulari inter se consensu et amore devinxit improbissimae naturae et turpissimae vitae similitudo. Ergo id, quod fecit Dolabella, in quo potuit, multis idem minatur Antonius. Sed ille cum procul esset a consulibus exercitibusque nostris nequedum senatum cum populo Romano conspirasse sensisset, fretus Antoni copiis ea scelera suscepit, quae Romae iam suscepta arbitrabatur a socio furoris sui.

[3] Quid ergo hunc aliud moliri, quid optare censetis aut quam omnino causam esse belli? Omnes, qui libere de re publica sensimus, qui dignas nobis sententias diximus, qui populum Romanum liberum esse voluimus, statuit ille quidem non inimicos, sed hostis; maiora tamen in nos quam in hostem supplicia meditatur; mortem naturae poenam putat esse, iracundiae tormenta atque cruciatum. Qualis igitur hostis habendus est is, a quo victore si cruciatus absit, mors in beneficii parte numeretur? [II] Quam ob rem, patres conscripti, quamquam hortatore non egetis (ipsi enim vestra sponte exarsistis ad libertatis recuperandae cupiditatem), tamen eo maiore animo studioque libertatem defendite, quo maiora proposita victis supplicia servitutis videtis.

[4] In Galliam invasit Antonius, in Asiam Dolabella, in alienam uterque provinciam. Alteri se Brutus obiecit impetumque furentis

atque omnia divexare ac diripere cupientis vitae suae periculo conligavit, progressu arcuit, a reditu refrenavit; obsideri se passus ex utraque parte constrinxit Antonium. Alter in Asiam inrupit. Cur? Si, ut in Syriam, patebat via et certa neque longa; *sin, ut ad Trebonium*, quid opus fuit cum legione? Praemisso Marso nescio quo Octavio, scelerato latrone atque egenti, qui popularetur agros, vexaret urbes non ad spem constituendae rei familiaris, quam tenere eum posse negant, qui norunt (mihi enim hic senator ignotus est), sed ad praesentem pastum mendicitatis suae, consecutus est Dolabella.

[5] Nulla suspicione belli (quis enim id putaret?) secutae conlocutiones familiarissimae cum Trebonio complexusque summae benivolentiae falsi indices extiterunt in amore simulato; dexterae, quae fidei testes esse solebant, sunt perfidia et scelere violatae; nocturnus introitus Zmyrnam quasi in hostium urbem, quae est fidissimorum antiquissimorumque sociorum; oppressus Trebonius, si ut ab eo, qui aperte hostis esset, incautus, si ut ab eo, qui civis etiam tum speciem haberet, miser. Ex quo nimirum documentum nos capere fortuna voluit, quid esset victis extimescendum. Consularem hominem consulari imperio provinciam Asiam optinentem Samiario exuli tradidit, interficere captum statim noluit, ne nimis, credo, in victoria liberalis videretur. Cum verborum contumeliis optimum virum incesto ore lacerasset, tum verberibus ac tormentis quaestionem habuit pecuniae publicae, idque per biduum. Post cervicibus fractis caput abscidit idque adfixum gestari iussit in pilo; reliquum corpus tractum atque laniatum abiecit in mare.

[6] Cum hoc hoste bellandum est, cuius taeterrima crudelitate omnis barbaria superata est! Quid loquar de caede civium Romanorum, de direptione fanorum? Quis est, qui pro rerum atrocitate deplorare tantas calamitates queat? Et nunc tota Asia vagatur, volitat ut rex, nos alio bello distineri putat; quasi vero non idem unumque bellum sit contra hoc iugum impiorum nefarium. [III] Imaginem M. Antoni crudelitatis in Dolabella cernitis; ex hoc illa efficta est, ab hoc Dolabellae scelerum praecepta sunt tradita. Num leniorem, quam in Asia Dolabella fuit, in Italia, si liceat, fore putatis Antonium? Mihi quidem et ille pervenisse videtur, quoad progredi potuerit feri hominis amentia, neque Antonius ullius supplicii adhibendi, si potestatem habeat, ullam esse partem relicturus.

[7] Ponite igitur ante oculos, patres conscripti, miseram illam quidem et flebilem speciem, sed ad incitandos nostros animos necessariam, nocturnum impetum in urbem Asiae clarissimam, inruptionem armatorum in Treboni domum, cum miser ille prius latronum gladios videret, quam, quae res esset audisset, furentis introitum Dolabellae, vocem impuram atque os illud infame, vincla, verbera, eculeum, tortorem carneficemque Samiarium; quae tulisse illum fortiter et patienter ferunt. Magna laus meoque iudicio omnium maxima. Est enim sapientis, quicquid homini accidere possit, id praemeditari ferendum modice esse, si evenerit. Maioris omnino est consilii providere, ne quid tale accidat, animi non minoris fortiter ferre, si evenerit.

[8] Ac Dolabella quidem tam fuit immemor humanitatis (quamquam eius numquam particeps fuit), ut suam insatiabilem crudelitatem exercuerit non solum in vivo, sed etiam in mortuo, atque in eius corpore lacerando atque vexando, cum animum satiare non posset, oculos paverit suos. [IV] O multo miserior Dolabella quam ille, quem tu miserrimum esse voluisti! 'Dolores Trebonius pertulit magnos'. Multi ex morbi gravitate maiores, quos tamen non miseros, sed laboriosos solemus dicere. 'Longus fuit dolor'. Bidui; at compluribus annorum saepe multorum. Nec vero graviora sunt carnificum cruciamenta quam interdum tormenta morborum.

[9] Alia sunt, alia, inquam, o perditissimi homines et amentissimi, multo miseriora. Nam, quo maior vis est animi quam corporis, hoc sunt graviora ea, quae concipiuntur animo, quam illa, quae corpore. Miserior igitur, qui suscipit in se scelus, quam si qui alterius facinus subire cogitur. 'Cruciatus est a Dolabella Trebonius.' Et quidem a Karthaginiensibus Regulus. Quare, cum crudelissimi Poeni iudicati sint in hoste, quid in cive de Dolabella iudicandum est? An vero hoc conferendum est aut dubitandum, uter miserior sit, isne, cuius mortem senatus populusque Romanus ulcisci cupit, an is, qui cunctis senatus sententiis hostis est iudicatus? Nam ceteris quidem vitae partibus quis est qui possit sine Treboni maxima contumelia conferre vitam Treboni cum Dolabellae? Alterius consilium, ingenium, humanitatem, innocentiam, magnitudinem animi in patria liberanda quis ignorat? alteri a puero pro deliciis crudelitas fuit, deinde ea libidinum turpitudo, ut in hoc sit semper ipse laetatus, quod ea

faceret, quae sibi obici ne ab inimico quidem possent verecundo.

[10] Et hic, di immortales, aliquando fuit meus! Occulta enim erant vitia non inquirenti. Neque nunc fortasse alienus ab eo essem, nisi ille vobis, nisi moenibus patriae, nisi huic urbi, nisi dis penatibus, nisi aris et focis omnium nostrum, nisi denique naturae et humanitati inventus esset inimicus. A quo admoniti diligentius et vigilantius caveamus Antonium. [V] Etenim Dolabella non ita multos secum habuit notos atque insignis latrones; at videtis, quos et quam multos habeat Antonius. Primum Lucium fratrem, quam facem, di immortales, quod facinus, quod scelus, quem gurgitem, quam voraginem! Quid eum non sorbere animo, quid non haurire cogitatione, cuius sanguinem non bibere censetis, in cuius possessiones atque fortunas non inpudentissimos oculos spe et mente defigere?

[11] Quid Censorinum? qui se verbo praetorem esse urbanum cupere dicebat, re certe noluit. Quid Bestiam? qui consulatum in Bruti locum se petere profitetur. Atque hoc quidem detestabile omen avertat Iuppiter! quam absurdum autem, qui praetor fieri non potuerit, petere eum consulatum? nisi forte damnationem pro praetura putat. Alter Caesar Vopiscus ille summo ingenio, summa potentia, qui ex aedilitate consulatum petit, solvatur legibus; quamquam leges eum non tenent propter eximiam, credo, dignitatem. At hic me defendente quinquiens absolutus est; sexta palma urbana etiam in gladiatore difficilis. Sed haec iudicum culpa, non mea est. Ego defendi fide optima, illi debuerunt clarissimum et praestantissimum senatorem in civitate retinere. Qui tamen nunc nihil aliud agere videtur, nisi ut intellegamus illos, quorum res iudicatas inritas fecimus, bene et e re publica iudicavisse.

[12] Neque hoc in hoc uno est; sunt alii in isdem castris honeste condemnati, turpiter restituti. Quod horum consilium, qui omnibus bonis hostes sunt, nisi crudelissimum putatis fore? Accedit Saxa nescio quis, quem nobis Caesar ex ultima Celtiberia tribunum pl. dedit, castrorum antea metator, nunc, ut sperat, urbis; a quo cum sit alienus, suo capiti salvis nobis ominetur. Cum hoc veteranus Cafo, quo neminem veterani peius oderunt. His quasi praeter dotem, quam in civilibus malis acceperant, agrum Campanum est largitus Antonius, ut haberent reliquorum nutriculas praediorum. Quibus

utinam contenti essent! ferremus, etsi tolerabile non erat; sed quidvis patiendum fuit, ut hoc taeterrimum bellum non haberemus.

[13] [VI] Quid? illa castrorum M. Antoni lumina nonne ante oculos proponitis? Primum duos collegas Antoniorum et Dolabellae, Nuculam et Lentonem, Italiae divisores lege ea, quam senatus per vim latam iudicavit; quorum alter commentatus est mimos, alter egit tragoediam. Quid dicam de Apulo Domitio? cuius modo bona proscripta vidi. Tanta procuratorum est neglegentia. At hic nuper sororis filio infudit venenum, non dedit. Sed non possunt non prodige vivere, qui nostra bona sperant, cum effundant sua. Vidi etiam P. Deci auctionem, clari viri, qui maiorum exempla persequens pro alieno se aere devovit. Emptor tamen in ea auctione inventus est nemo. Hominem ridiculum, qui se emergere *ex* aere alieno putet posse, cum vendat aliena!

[14] Nam quid ego de Trebellio dicam? quem ultae videntur Furiae debitorum; vindicem enim novarum tabularum novam tabulam videmus. Quid de T.Planco? quem praestantissimus civis, Aquila, Pollentia expulit, et quidem crure fracto; quod utinam illi ante accidisset, ne huc redire potuisset! Lumen et decus illius exercitus paene praeterii, T.Annium Cimbrum, Lysidici filium, Lysidicum ipsum [Graeco verbo], quoniam omnia iura dissolvit, nisi forte iure Germanum Cimber occidit. Cum hanc et huius generis copiam tantam habeat Antonius, quod scelus omittet, cum Dolabella tantis se obstrinxerit parricidiis nequaquam pari latronum manu et copia?

[15] Quapropter, ut invitus saepe dissensi a Q. Fufio, ita sum eius sententiae libenter adsensus. Ex quo iudicare debetis me non cum homine solere, sed cum causa dissidere. Itaque non adsentior solum, sed etiam gratias ago Fufio; dixit enim severam, gravem, *e* re publica [dignam] sententiam, iudicavit hostem Dolabellam, bona censuit publice possidenda. Quo cum addi nihil potuisset (quid enim atrocius potuit, quid severius decernere?), dixit tamen, si quis eorum, qui post se rogati essent, graviorem sententiam dixisset, in eam se iturum. Quam severitatem quis potest non laudare?

[16] [VII] Nunc, quoniam hostis est iudicatus Dolabella, bello est persequendus. Neque enim quiescit; habet legionem, habet fugitivos, habet sceleratam impiorum manum; est ipse confidens, impotens, gladiatorio generi mortis addictus. Quam ob rem, quoniam Dolabella

hesterno die hoste decreto bellum gerundum est, imperator est deligendus. Duae dictae sunt sententiae, quarum neutram probo, alteram, quia semper, nisi cum est necesse, periculosam arbitror, alteram, quia alienam his temporibus existimo.

[17] Nam extraordinarium imperium populare atque ventosum est, minime nostrae gravitatis, minime huius ordinis. Bello Antiochino magno et gravi cum L. Scipioni provincia Asia obvenisset parumque in eo putaretur esse animi, parum roboris senatusque ad collegam eius, C. Laelium, illius Sapientis patrem, negotium deferret, surrexit P. Africanus, frater maior L. Scipionis, et illam ignominiam a familia deprecatus est dixitque et in fratre suo summam virtutem esse summumque consilium neque se ei legatum id aetatis iisque rebus gestis defuturum. Quod cum ab eo esset dictum, nihil est de Scipionis provincia commutatum, nec plus extraordinarium imperium ad id bellum quaesitum quam duobus antea maximis Punicis bellis, quae a consulibus aut a dictatoribus gesta et confecta sunt, quam Pyrrhi, quam Philippi, quam post Achaico bello, quam Punico tertio, ad quod populus Romanus ita sibi ipse delegit idoneum ducem, P. Scipionem, ut eum tamen bellum gerere consulem vellet.

[18] [VIII] Cum Aristonico bellum gerendum fuit P. Licinio L. Valerio consulibus. Rogatus est populus, quem id bellum gerere placeret. Crassus consul, pontifex maximus, Flacco collegae, flamini Martiali, multam dixit, si a sacris discessisset: quam multam populus [Romanus] remisit, pontifici tamen flaminem parere iussit. Sed ne tum quidem populus Romanus ad privatum detulit bellum, quamquam erat Africanus, qui anno ante de Numantinis triumpharat; qui cum longe omnis belli gloria et virtute superaret, duas tamen tribus solas tulit. Ita populus Romanus consuli potius Crasso quam privato Africano bellum gerendum dedit. De Cn.Pompei imperiis, summi viri atque omnium principis, tribuni pl. turbulenti tulerunt. Nam Sertorianum bellum a senatu privato datum est, quia consules recusabant, cum L. Philippus pro consulibus eum se mittere dixit, non pro consule.

[19] Quae igitur haec comitia, aut quam ambitionem constantissimus et gravissimus civis, L. Caesar, in senatum introduxit? Clarissimo viro atque innocentissimo decrevit imperium, privato tamen; in quo maximum nobis onus imposuit. Adsensus ero,

ambitionem induxero in curiam; negaro, videbor suffragio meo tamquam comitiis honorem homini amicissimo denegavisse. Quodsi comitia placet in senatu haberi, petamus, ambiamus; tabella modo detur nobis, sicut populo data est. Cur committis, Caesar, ut aut praestantissimus vir, si tibi non sit adsensum, repulsam tulisse videatur aut unus quisque nostrum praeteritus, si, cum pari dignitate simus, eodem honore digni non putemur?

[20] At enim (nam id exaudio) C. Caesari adulescentulo imperium extraordinarium mea sententia dedi. Ille enim mihi praesidium extraordinarium dederat. Cum dico 'mihi', senatui dico populoque Romano. A quo praesidium res publica ne cogitatum quidem tantum haberet, ut sine eo salva esse non posset, huic extraordinarium imperium non darem? Aut exercitus adimendus aut imperium dandum fuit. Quae est enim ratio, aut qui potest fieri, ut sine imperio teneatur exercitus? Non igitur, quod ereptum non est, id existimandum est datum. Eripuissetis C. Caesari, patres conscripti, imperium, nisi dedissetis. Milites veterani, qui illius auctoritatem, imperium, nomen secuti pro re publica arma ceperant, volebant sibi ab illo imperari; legio Martia et legio quarta ita se contulerant ad auctoritatem senatus et rei publicae dignitatem, ut deposcerent imperatorem et ducem C. Caesarem. Imperium C. Caesari belli necessitas, fasces senatus dedit. Otioso vero et nihil agenti privato, obsecro te, L. Caesar (cum peritissimo homine mihi res est), quando imperium senatus dedit? [IX] Sed de hoc quidem hactenus, ne refragari homini amicissimo ac de me optime merito videar. Etsi quis potest refragari non modo non petenti, verum etiam recusanti?

[21] Illa vero, patres conscripti, aliena consulum dignitate, aliena temporum gravitate sententia est, ut consules Dolabellae persequendi causa Asiam et Syriam sortiantur. Dicam, cur inutile rei publicae, sed prius quam turpe consulibus sit, videte. Cum consul designatus obsideatur, cum in eo liberando salus sit posita rei publicae, cum a populo Romano pestiferi cives parricidaeque desciverint, cumque id bellum geramus, quo bello de dignitate, de libertate, de vita decernamus, si in potestatem quis Antoni venerit, proposita sint tormenta atque cruciatus, cumque harum rerum omnium decertatio consulibus optimis et fortissimis commissa et commendata sit, Asiae et Syriae mentio fiet, ut aut suspicioni crimen aut invidiae materiam

dedisse videamur?

[22] At vero ita decernunt, ‘ut liberato Bruto’; id enim restabat, ut relicto, deserto, prodito. Ego vero mentionem omnino provinciarum factam dico alienissimo tempore. Quamvis enim intentus animus tuus sit, C. Pansa, sicut est, ad virum fortissimum et omnium clarissimum liberandum, tamen rerum natura cogit te necessario referre animum aliquando ad Dolabellam persequendum et partem aliquam in Asiam et Syriam derivare curae et cogitationis tuae. Si autem fieri posset, vel pluris te animos habere vellem, quos omnes ad Mutinam intenderes. Quod quoniam fieri non potest, isto *te* animo, quem habes praestantissimum atque optimum, nihil volumus nisi de Bruto cogitare.

[23] Facis tu id quidem et eo maxime incumbis, *ut* intellego; duas tamen res, magnas praesertim, non modo agere uno tempore, sed ne cogitando quidem explicare quisquam potest. Incitare et inflammare tuum istuc praestantissimum studium, non ad aliam ulla ex parte curam transferre debemus. [X] Adde istuc sermones hominum, adde suspiciones, adde invidiam. Imitare me, quem tu semper laudasti, qui instructam ornatamque a senatu provinciam deposui, ut incendium patriae omissa omni cogitatione restinguerem. Nemo erit praeter unum me, quicum profecto, si quid interesse tua putasses, pro summa familiaritate nostra communicasses, qui credat te invito provinciam tibi esse decretam. Hanc, quaeso, pro tua singulari sapientia reprime famam atque effice, ne id, quod non curas, cupere videare.

[24] Quod quidem eo vehementius tibi laborandum est, quia in eandem cadere suspicionem collega, vir clarissimus, non potest. Nihil horum scit, nihil suspicatur; bellum gerit, in acie stat, de sanguine et de spiritu decertat; ante provinciam sibi decretam audiet, quam potuerit tempus ei rei datum suspicari. Vereor, ne exercitus quoque nostri, qui non dilectus necessitate, sed voluntariis studiis se ad rem publicam contulerunt, tardentur animis, si quicquam aliud a nobis nisi de instanti bello cogitatum putabunt. Quodsi provinciae consulibus expetendae videntur, sicut saepe multis clarissimis viris expetitae sunt, reddite prius nobis Brutum, lumen et decus civitatis; qui ita conservandus est ut id signum, quod *de* caelo delapsum Vestae custodiis continetur; quo salvo salvi sumus futuri. Tunc vel in caelum vos, si fieri poterit, umeris nostris tollemus, provincias certe

dignissimas vobis deligemus; nunc, quod agitur, agamus. Agitur autem, liberine vivamus an mortem obeamus, quae certe servituti anteponenda est.

[25] Quid, si etiam tarditatem adfert ista sententia ad Dolabellam persequendum? Quando enim veniet consul? An id exspectamus, quoad ne vestigium quidem Asiae civitatum atque urbium relinquatur? At mittent aliquem de suo numero. Valde mihi probari potest, qui paulo ante clarissimo viro privato imperium extra ordinem non dedi. At hominem dignum mittent. Num P. Servilio digniorem? At eum quidem civitas non habet. Quod ergo ipse nemini putat dandum ne a senatu quidem, id ego unius iudicio delatum comprobem?

[26] Expedito nobis homine et parato, patres conscripti, opus est et eo, qui imperium legitimum habeat, qui praeterea auctoritatem, nomen, exercitum, perspectum animum in re publica liberanda. [XI] Qui igitur is est? Aut M. Brutus aut C. Cassius aut uterque. Decernerem plane sicut multa ‘consules, alter ambove’, ni Brutum colligassemus in Graecia et eius auxilium ad Italiam vergere quam ad Asiam maluissemus, non ut + ex ea acie respectum haberemus, sed ut ea ipsa acies subsidium haberet etiam transmarinum. Praeterea, patres conscripti, M. Brutum retinet etiam nunc C. Antonius, qui tenet Apolloniam, magnam urbem et gravem, tenet, opinor, Byllidem, tenet Amantiam, instat Epiro, urget Oricum, habet aliquot cohortes, habet equitatum. Hinc si Brutus erit traductus ad aliud bellum, Graeciam certe amiserimus. Est autem etiam de Brundisio atque illa ora Italiae providendum. Quamquam miror tam diu morari Antonium; solet enim ipse accipere manicas nec diutius obsidionis metum sustinere. Quod si confecerit Brutus et intellexerit plus se rei publicae profuturum, si Dolabellam persequatur, quam si in Graecia maneat, aget ipse per sese, ut adhuc quoque fecit, neque in tot incendiis, quibus confestim succurrendum est, expectabit senatum.

[27] Nam et Brutus et Cassius multis iam in rebus ipse sibi senatus fuit. Necesse est enim in tanta conversione *et* perturbatione omnium rerum temporibus potius parere quam moribus. Nec enim nunc primum aut Brutus aut Cassius salutem libertatemque patriae legem sanctissimam et morem optimum iudicavit. Itaque, si ad nos nihil referretur de Dolabella persequendo, tamen ego pro decreto putarem,

cum essent tales virtute, auctoritate, nobilitate + summi viri, quorum alterius iam nobis notus esset exercitus, alterius auditus. [XII] Num igitur Brutus exspectavit decreta nostra, cum studia nosset? Neque enim est in provinciam suam Cretam profectus, in Macedoniam alienam advolavit; omnia sua putavit, quae vos vestra esse velitis; legiones conscripsit novas, excepit veteres, equitatum ad se abduxit Dolabellae atque eum nondum tanto parricidio oblitum hostem sua sententia iudicavit. Nam, ni ita esset, quo iure equitatum a consule abduceret?

[28] Quid? C. Cassius pari magnitudine animi et consilii praeditus nonne eo ex Italia consilio profectus est, ut prohiberet Syria Dolabellam? qua lege, quo iure? Eo, quod Iuppiter ipse sanxit, ut omnia, quae rei publicae salutaria essent, legitima et iusta haberentur. Est enim lex nihil aliud nisi recta et a numine deorum tracta ratio imperans honesta, prohibens contraria. Huic igitur legi paruit Cassius, cum est in Syriam profectus, alienam provinciam, si homines legibus scriptis uterentur, his vero oppressis suam lege naturae.

[29] Sed ut ex vestra quoque auctoritate firmentur, censeo: ‘cum P. Dolabella, quique eius crudelissimi et taeterrimi facinoris ministri, socii, adiutores fuerunt, hostes populi Romani a senatu iudicati sint, cumque senatus P. Dolabellam bello persequendum censuerit, ut is, qui omnia deorum hominumque iura novo, inaudito, inexpiabili scelere polluerit nefarioque se patriae parricidio obstrinxerit, poenas dis hominibusque meritas debitasque persolvat,

[30] senatui placere C. Cassium pro consule provinciam Syriam optinere, ut qui otpimo iure eam provinciam optinuerit; eum a Q. Marcio Crispo pro consule, L. Staio Murco pro consule, A.Allieno legato exercitum accipere eosque ei tradere cumque iis copiis, et si quas praeterea paraverit, bello P. Dolabellam terra marique persequi. Eius belli gerendi causa, quibus ei videatur, naves, nautas, pecuniam ceteraque, quae ad id bellum gerendum pertineant, ut imperandi in Syria, Asia, Bithynia, Ponto ius potestatemque habeat, utique, quamcumque in provinciam eius belli gerendi causa advenerit, ibi maius imperium C. Cassi pro consule sit, quam eius erit, qui eam provinciam tum optinebit, cum C. Cassius pro consule in eam provinciam venerit.

[31] Regem Deiotarum patrem et regem Deiotarum filium, si, ut multis bellis saepe numero imperium populi Romani iuverint, item C. Cassium pro consule copiis suis opibusque iuvissent, senatui populoque Romano gratum esse facturos. Itemque si ceteri reges, tetrarchae dynastaeque fecissent, senatum populumque Romanum eorum officii non immemorem futurum. Utique C. Pansa A.Hirtius consules, alter ambove, si eis videretur, re publica recuperata de provinciis consularibus, praetoriis, ad hunc ordinem primo quoque tempore referant. Interea provinciae ab iis, a quibus optinentur, optineantur, quoad cuique ex senatus consulto successum sit.'

[32] [XIII] Hoc senatus consulto ardentem inflammabitis et armatum armabitis Cassium; nec enim animum eius potestis ignorare nec copias. Animus is est, quem videtis; copiae, quas audistis, * * * fortis et constantis viri, qui ne vivo quidem Trebonio Dolabellae latrocinium in Syriam penetrare sivisset. Allienus, familiaris et necessarius meus, post interitum Treboni profecto ne dici quidem se legatum Dolabellae volet. Est Q. Caecili Bassi, privati illius quidem, sed fortis et praeclari viri, robustus et victor exercitus.

[33] Deiotari regis et patris et filii et magnus et nostro more institutus exercitus, summa in filio spes, summa ingenii indoles summaque virtus. Quid de patre dicam? cuius benivolentia in populum Romanum est ipsius aequalis aetati; qui non solum socius imperatorum nostrorum fuit in bellis, verum etiam dux copiarum suarum. Quae de illo viro Sulla, quae Murena, quae Servilius, quae Lucullus quam ornate, quam honorifice, quam graviter saepe in senatu praedicaverunt!

[34] Quid de Cn.Pompeio loquar? qui unum Deiotarum in toto orbe terrarum ex animo amicum vereque benivolum, unum fidelem populo Romano iudicavit. Fuimus imperatores ego et M. Bibulus in propinquis finitimisque provinciis; ab eodem rege adiuti sumus et equitatu et pedestribus copiis. Secutum est hoc acerbissimum et calamitosissimum civile bellum; in quo quid faciendum Deiotaro, quid omnino rectius fuerit, dicere non est necesse, praesertim cum contra, ac Deiotarus sensit, victoria belli iudicarit. Quo in bello si fuit error, communis ei fuit cum senatu; sin recta sententia, ne victa quidem causa vituperanda est. Ad has copias accedent alii reges, etiam dilectus accedent.

[35] Neque vero classes deerunt; tanti Tyrii Cassium faciunt, tantum eius in Syria nomen atque Phoenice est. [XIV] Paratum habet imperatorem C. Cassium, patres conscripti, res publica contra Dolabellam, nec paratum solum, sed peritum atque fortem. Magnas ille res gessit ante Bibuli, summi viri, adventum, cum Parthorum nobilissimos duces, maximas copias fudit Syriamque inmani Parthorum impetu liberavit. Maximam eius et singularem laudem praetermitto; cuius enim praedicatio nondum omnibus grata est, hanc memoriae potius quam vocis testimonio conservemus.

[36] Animadverti, patres conscripti, + exaudi rui etiam nimium a me Brutum, nimium Cassium ornari, Cassio vero sententia mea dominatum et principium dari. Quos ego orno? Nempe eos, qui ipsi sunt ornamenta rei publicae. Quid? D. Brutum nonne omnibus sententiis semper ornavi? Num igitur reprehenditis? An Antonios potius ornarem, non modo suarum familiarum, sed Romani nominis probra atque dedecora? an Censorinum ornem, in bello hostem, in pace sectorem? an cetera ex eodem latrocinio naufragia colligam? Ego vero istos otii, concordiae, legum, iudiciorum, libertatis inimicos tantum abest ut ornem, ut effici non possit, quin eos tam oderim, quam rem publicam diligo.

[37] ‘Vide’, inquit ‘ne veteranos offendas’; hoc enim vel maxime exaudio. Ego autem veteranos tueri debeo + quod iis quos quibus sanitas est, certe timere non debeo. Eos vero veteranos, qui pro re publica arma ceperunt secutique sunt C. Caesarem, auctorem beneficiorum paternorum, hodieque rem publicam defendunt vitae suae periculo, non tueri solum, sed etiam commodis augere debeo. Qui autem quiescunt, ut septima, ut octava legio, in magna gloria et laude ponendos puto. Comites vero Antoni, qui postquam beneficia Caesaris comederunt, consulem designatum obsident, huic urbi ferro ignique minitantur, Saxae se et Cafoni tradiderunt ad facinus praedamque natis, num quis est qui tuendos putet? Ergo aut boni sunt, quos etiam ornare, aut quieti, quos conservare debemus, aut impii, quorum contra furorem bellum et iusta arma cepimus.

[38] [XV] Quorum igitur veteranorum animos ne offendamus, veremur? eorumne, qui D. Brutum obsidione cupiunt liberare? Quibus cum Bruti salus cara sit, qui possunt Cassi nomen odisse? An eorum qui utrisque armis vacant? Non vereor, ne acerbus + civis

quisquam istorum sit, qui otio delectantur. Tertio vero generi non militum veteranorum, sed importunissimorum hostium cupio quam acerbissimum dolorem inurere. Quamquam, patres conscripti, quousque sententias dicemus veteranorum arbitratu? Quod eorum tantum fastidium est, quae tanta arrogantia, ut ad arbitrium illorum imperatores etiam deligamus?

[39] Ego autem (dicendum est enim, patres conscripti, quod sentio) non tam veteranos intuendos nobis arbitror, quam quid tirones milites, flos Italiae, quid novae legiones ad liberandam patriam paratissimae, quid cuncta Italia de vestra gravitate sentiat. Nihil enim semper floret, aetas succedit aetati. Diu legiones Caesaris viguerunt, nunc vigent Pansae, vigent Hirti, vigent Caesaris fili, vigent Planci; vincunt numero, vincunt aetatibus; nimirum etiam auctoritate vincunt. Id enim bellum gerunt, quod ab omnibus gentibus comprobatur. Itaque his praemia promissa sunt, illis persoluta. Fruantur illi suis, persolvantur his, quae spopondimus. Id enim deos immortalis spero aequissimum iudicare.

[40] Quae cum ita sint, eam, quam dixi, sententiam vobis, patres conscripti, censeo comprobandam.

PHILIPPICA DVODECIMA

[1] [I] Etsi minime decere videtur, patres conscripti, falli, decipi, errare eum, cui vos maximis saepe de rebus assentiamini, consolor me tamen, quoniam vobiscum pariter et una cum sapientissimo consule erravi. Nam, cum duo consulares spem honestae pacis nobis attulissent, quod erant familiares M. Antoni, quod domestici, nosse aliquod eius vulnus, quod nobis ignotum esset, videbantur. Apud alterum uxor, liberi, alter cotidie litteras mittere, accipere, aperte favere Antonio.

[2] Hi subito hortari ad pacem, quod iam diu non fecissent, non sine causa videbantur. Accessit consul hortator. At qui consul! Si prudentiam quaerimus, qui minime falli posset, si virtutem, qui nullam pacem probaret nisi cum cedente atque victo, si magnitudinem animi, qui praeferret mortem servituti. Vos autem, patres conscripti, non tam immemores vestrorum gravissimorum decretorum videbamini, quam spe allata deditionis, quam amici pacem appellare mallent, de imponendis, non accipiendis legibus cogitare. Auxerat autem meam quidem spem, credo item vestram, quod domum Antoni afflictam maestitia audiebam, lamentari uxorem. Hic etiam fautores Antoni, quorum in vultu habitant oculi mei, tristiores videbam.

[3] Quod si non ita est, cur a Pisone et Caleno potissimum, cur hoc tempore, cur tam inproviso, cur tam repente pacis est facta mentio? Negat Piso scire se, negat audisse quicquam, negat Calenus rem ullam novam allatam esse; atque id nunc negant, posteaquam nos pacificatoria legatione implicatos putant. Quid ergo opus est novo consilio, si in re nihil omnino novi est? [II] Decepti, decepti, inquam, sumus, patres conscripti; Antoni est acta causa ab amicis eius, non publica. Quod videbam equidem, sed quasi per caliginem; praestrinxerat aciem animi D. Bruti salus. Quodsi in bello dari vicarii solerent, libenter me, ut D. Brutus emitteretur, pro illo includi paterer.

[4] Atque hac voce Q.Fufi capti sumus: ‘Ne si a Mutina quidem recesserit, audiemus Antonium, ne si in senatus quidem potestatem futurum se dixerit?’ Durum videbatur; itaque fracti sumus, cessimus.

Recedit igitur a Mutina? Nescio. Paret senatui? ‘Credo’, inquit Calenus; ‘sed ita, ut teneat dignitatem.’ Valde hercules vobis laborandum est, patres conscripti, ut vestram dignitatem amittatis, quae maxima est, Antoni, quae neque est ulla neque esse potest, retineatis, ut eam per vos reciperet, quam per se perdidit. Si iacens vobiscum aliquid ageret, audirem fortasse; quamquam — sed hoc malo dicere ‘audirem’; stanti resistendum est aut concedenda una cum dignitate libertas.

[5] At non est integrum; constituta legatio est. Quid autem non integrum est sapienti, quod restitui potest? Cuiusvis hominis est errare, nullius nisi insipientis in errore perseverare. Posteriores enim cogitationes, ut aiunt, sapientiores solent esse. Discussa est illa caligo, quam paulo ante dixi; diluxit, patet, videmus omnia, neque per nos solum, sed admonemur a nostris. Attendistis, paulo ante praestantissimi viri quae esset oratio. ‘Maestam’, inquit, ‘domum offendi, coniugem, liberos. Admirabantur boni viri, accusabant amici, quod spe pacis legationem suscepissem.’ Nec mirum, P. Servili. Tuis enim severissimis gravissimisque sententiis omni est non dico dignitate, sed etiam spe salutis spoliatus Antonius.

[6] Ad eum ire te legatum quis non miraretur? De me experior, cuius idem consilium quod tuum sentio quam reprehendatur. Nos reprehendimur soli? Quid? vir fortissimus Pansa sine causa paulo ante tam accurate locutus est tamdiu? Quid egit, nisi uti falsam proditionis a se suspicionem depelleret? Unde autem ista suspicio est? Ex pacis patrocinio repentino, quod subito suscepit eodem captus errore quo nos.

[7] Quodsi est erratum, patres conscripti, spe falsa atque fallaci, redeamus in viam. Optimus est portus paenitenti mutatio consilii. [III] Quid enim potest, per deos inmortales! rei publicae prodesse nostra legatio? Prodesse dico; quid, si etiam obfutura est? Obfutura; quid, si iam nocuit atque obfuit? An vos acerrimam illam et fortissimam populi Romani libertatis recuperandae cupiditatem non inminutam ac debilitatam putatis legatione pacis audita? Quid? municipia censetis, quid? colonias, quid? cunctam Italiam futuram eodem studio, quo contra commune incendium exarserat? An non putamus fore ut eos paeniteat professos esse et prae se tulisse odium in Antonium, qui pecunias polliciti sunt, qui arma, qui se totos et animis et corporibus

in salutem rei publicae contulerunt? Quem ad modum nostrum hoc consilium Capua probabit, quae temporibus his Roma altera est? Illa impios civis iudicavit, eiecit, exclusit. Illi, illi, inquam, urbi fortissime conanti e manibus est ereptus Antonius.

[8] Quid? legionum nostrarum nervos nonne his consiliis incidimus? Quis est enim, qui ad bellum inflammato animo futurus sit spe pacis oblata? Ipsa illa Martia caelestis et divina legio hoc nuntio languescet et mollietur atque illud pulcherrimum Martium nomen amittet: excident gladii, fluent arma de manibus. Senatum enim secuta non arbitrabitur se graviore odio debere esse in Antonium quam senatum. Pudet huius legionis, pudet quartae, quae pari virtute nostram auctoritatem probans non ut consulem et imperatorem suum, sed ut hostem et oppugnatorem patriae reliquit Antonium; pudet optimi exercitus, qui coniunctus est ex duobus, qui iam lustratus, qui profectus ad Mutinam est; qui si pacis, id est timoris nostri, nomen audierit, ut non referat pedem, insistet certe. Quid enim revocante et receptui canente senatu properet dimicare?

[9] [IV] Quid autem hoc iniustius quam nos inscientibus iis, qui bellum gerunt, de pace decernere, nec solum inscientibus, sed etiam invitis? An vos A. Hirtium, praeclarissimum consulem, C. Caesarem deorum beneficio natum ad haec tempora, quorum epistulas spem victoriae declarantis in manu teneo, pacem velle censetis? Vincere illi expetunt pacisque dulcissimum et pulcherrimum nomen non pactione, sed victoria concupiverunt. Quid? Galliam quo tandem animo hanc rem audituram putatis? Illa enim huius belli propulsandi, administrandi, sustinendi, principatum tenet. Gallia D. Bruti nutum ipsum, ne dicam imperium, secuta armis, viris, pecunia belli principia firmavit; eadem crudelitati M. Antoni suum totum corpus obiecit; exhauritur, vastatur, uritur; omnis aequo animo belli patitur iniurias, dum modo repellat periculum servitutis.

[10] Et ut omittam reliquas partes Galliae (nam sunt omnes pares), Patavini alios excluserunt, alios eiecerunt missos ab Antonio, pecunia, militibus et, quod maxime deerat, armis nostros duces adiuverunt. Fecerunt idem reliqui, qui quondam in eadem causa erant et propter multorum annorum iniurias alienati a senatu putabantur; quos minime mirum est communicata cum iis re publica fidelis esse, qui etiam expertes eius fidem suam semper praestiterunt. [V] His

igitur omnibus victoriam sperantibus pacis nomen adferemus, id est desperationem victoriae?

[11] Quid, si ne potest quidem ulla esse pax? Quae enim est condicio pacis, in qua ei, cum quo pacem facias, nihil concedi potest? Multis rebus a nobis est invitatus ad pacem Antonius, bellum tamen maluit. Missi legati repugnante me, sed tamen missi, delata mandata; non paruit. Denuntiatum est, ne Brutum obsideret, a Mutina discederet; oppugnavit etiam vehementius. Et ad eum legatos de pace mittemus, qui pacis nuntios repudiavit? Verecundioremne coram putamus in postulando fore, quam fuerit tum, cum misit mandata ad senatum? Atqui tum ea patebat, quae videbantur improba omnino, sed tamen aliquo modo posse concedi; nondum erat vestris tam gravibus tamque multis iudiciis ignominiisque concisus; nunc ea petit, quae dare nullo modo possumus, nisi prius volumus bello nos victos confiteri.

[12] Senatus consulta falsa delata ab eo iudicavimus; num ea vera possumus iudicare? Leges statuimus per vim et contra auspicia latas iisque nec populum nec plebem teneri; num eas restitui posse censetis? Sestertium septiens miliens avertisse Antonium pecuniae publicae iudicavistis; num fraude poterit carere peculatus? Inmunitates ab eo civitatibus, sacerdotia, regna venierunt; num figentur rursus eae tabulae, quas vos decretis vestris refixistis? [VI] Quodsi ea, quae decrevimus, obruere, num etiam memoriam rerum delere possumus? Quando enim obliviscetur ulla posteritas, cuius scelere in hac vestitus foeditate fuerimus? Ut centurionum legionis Martiae Brundisi profusus sanguis eluatur, num elui praedicatio crudelitatis potest? Ut media praeteream, quae vetustas tollet operum circum Mutinam taetra monimenta, sceleris indicia latrociniique vestigia?

[13] Huic igitur inportuno atque inpuro parricidae quid habemus, per deos immortales! quod remittamus? An Galliam ultimam et exercitum? Quid est aliud non pacem facere, sed differre bellum, nec solum propagare bellum, sed concedere etiam victoriam? An ille non vicerit, si quacumque condicione in hanc urbem cum suis venerit? Armis nunc omnia tenemus, auctoritate valemus plurimum, absunt tot perditi cives nefarium secuti ducem; tamen eorum ora sermonesque, qui in urbe ex eo numero relicti sunt, ferre non

possumus. Quid censetis, cum tot uno tempore inruperint, nos arma posuerimus, illi non deposuerint, nonne nos nostris consiliis victos in perpetuum fore?

[14] Ponite ante oculos M. Antonium consularem; sperantem consulatum Lucium adiungite; supplete ceteros, neque nostri ordinis solum, honores et imperia meditantis; nolite ne Tirones quidem, Numisios, Mustelas, Seios contemnere. Cum iis facta pax non erit pax, sed pactio servitutis. L. Pisonis, amplissimi viri, praeclara vox a te non solum in hoc ordine, Pansa, sed etiam in contione iure laudata est. Excessurum se ex Italia dixit, deos penatis et sedes patrias relicturum, si, quod di omen averterent, rem publicam oppressisset Antonius.

[15] [VII] Quaero igitur a te, L. Piso, nonne oppressam rem publicam putes, si tot tam impii, tam audaces, tam facinerosi recepti sint. Quos nondum tantis parricidiis contaminatos vix ferebamus, hos nunc omni scelere coopertos tolerabiles censes civitati fore? Aut isto tuo, mihi crede, consilio erit utendum, ut cedamus, abeamus, vitam inopem et vagam persequamur, aut cervices latronibus dandae atque in patria cadendum est. Ubi sunt, C. Pansa, illae cohortationes pulcherrimae tuae, quibus a te excitatus senatus, inflammatus populus Romanus non solum audivit, sed etiam didicit nihil esse homini Romano foedius servitute?

[16] Idcircone saga sumpsimus, arma cepimus, iuventutem omnem ex tota Italia excussimus, ut exercitu florentissimo et maximo legati ad pacem mitterentur? si accipiendam, cur non rogamur? si postulandam, quid timemus? In hac ego legatione sim aut ad id consilium admiscear, in quo ne si dissensero quidem a ceteris, sciturus populus Romanus sit? Ita fiet, ut, si quid remissum aut concessum sit, meo semper periculo peccet Antonius, cum ei peccandi potestas a me concessa videatur.

[17] Quodsi habenda cum M. Antoni latrocinio pacis ratio fuit, mea tamen persona ad istam pacem conciliandam minime fuit deligenda. Ego numquam legatos mittendos censui, ego ante reditum legatorum ausus sum dicere, pacem ipsam si adferrent, quoniam sub nomine pacis bellum lateret, repudiandam, ego princeps sagorum, ego semper illum appellavi hostem, cum alii adversarium, semper hoc bellum, cum alii tumultum. Nec haec in senatu solum, eadem ad

populum semper egi, neque solum in ipsum, sed in eius socios facinorum et ministros et praesentis et eos, qui una sunt, in totam denique M. Antoni domum sum semper invectus.

[18] Itaque, ut alacres et laeti spe pacis oblata inter se impii cives, quasi vicissent, gratulabantur, sic me iniquum eierabant, de me querebantur, diffidebant etiam Servilio; meminerant eius sententiis confixum Antonium; L. Caesarem fortem quidem illum et constantem senatorem, avunculum tamen, Calenum procuratorem, Pisonem familiarem, te ipsum, Pansa, vehementissimum et fortissimum consulem factum iam putant leniorem; non quo ita sit aut esse possit, sed mentio a te facta pacis suspicionem multis attulit inmutatae voluntatis. Inter has personas me interiectum amici Antoni moleste ferunt; quibus gerendus mos est, quoniam semel liberales esse coepimus.

[19] [VIII] Proficiscantur legati optimis ominibus, sed ii proficiscantur, in quibus non offendatur Antonius. Quodsi de Antonio non laboratis, mihi certe, patres conscripti, consulere debetis. Parcite oculis saltem meis et aliquam veniam iusto dolori date. Quo enim aspectu videre potero — omitto hostem patriae, ex quo mihi odium in illum commune vobiscum est; sed quo modo aspiciam mihi uni crudelissimum hostem, ut declarant eius de me acerbissimae contiones? Adeone me ferreum putatis, ut cum eo congredi aut illum aspicere possim, qui nuper, cum in contione donaret eos, qui ei de parricidis audacissimi videbantur, mea bona donare se dixit Petusio Urbinati, qui ex naufragio luculenti patrimonii ad haec Antoniana saxa proiectus est?

[20] An L. Antonium aspicere potero, cuius ego crudelitatem effugere non potuissem, nisi me moenibus et portis et studio municipii mei defendissem? Atque idem hic myrmillo Asiaticus, latro Italiae, collega Lentonis et Nuculae, cum Aquilae primi pili nummos aureos daret, de meis bonis se dare dixit; si enim de suis dixisset, ne Aquilam quidem ipsum crediturum putavit. Non ferent, inquam, oculi Saxam, Cafonem, non duo praetores, [non tribunum pl.,] non duo designatos tribunos, non Bestiam, non Trebellium, non T. Plancum. Non possum animo aequo videre tot tam inportunos, tam sceleratos hostes; nec id fit fastidio meo, sed caritate rei publicae.

[21] Sed vincam animum mihique imperabo, dolorem iustissimum, si non potuero frangere, occultabo; quid? vitae censetisne, patres conscripti, habendam mihi aliquam esse rationem? quae mihi quidem minime cara est, praesertim cum Dolabella fecerit, ut optanda mors esset, modo sine cruciatu atque tormentis; vobis tamen et populo Romano vilis meus spiritus esse non debet. Is enim sum, nisi me forte fallo, qui vigiliis, curis, sententiis, periculis etiam, quae plurima adii propter acerbissimum omnium in me odium impiorum, perfecerim, ut non obstarem rei publicae, ne quid adrogantius videar dicere.

[22] Quod cum ita sit, nihilne mihi de periculo meo cogitandum putatis? [IX] Hic cum essem in urbe ac domi, tamen multa saepe temptata sunt, ubi me non solum amicorum fidelitas sed etiam universae civitatis oculi custodiunt; quid censetis, cum iter ingressus ero, longum praesertim, nullasne insidias extimescendas? Tres viae sunt ad Mutinam, quo festinat animus, ut quam primum illud pignus libertatis populi Romani, D. Brutum, aspicere possim, cuius in complexu libenter extremum vitae spiritum ediderim, cum omnes actiones horum mensum, omnes sententiae meae pervenerint ad eum, qui mihi fuit propositus, exitum. Tres ergo, ut dixi, viae, a supero mari Flaminia, ab infero Aurelia, media Cassia.

[23] Nunc, quaeso, attendite, num aberret [a] coniectura suspicio periculi mei. Etruriam discriminat Cassia. Scimusne igitur, Pansa, quibus in locis nunc sit Lentonis Caesenni septemviralis auctoritas? Nobiscum nec animo certe est nec corpore. Si autem aut domi est aut non longe a domo, certe in Etruria est, id est in via. Quis igitur mihi praestat Lentonem uno capite esse contentum? Dic mihi praeterea, Pansa, Ventidius ubi sit, cui fui semper amicus, antequam ille rei publicae bonisque omnibus tam aperte est factus inimicus. Possum Cassiam vitare, tenere Flaminiam; quid? si Anconam, ut dicitur, Ventidius venerit, poterone Ariminum tuto accedere? Restat Aurelia. Hic quidem etiam praesidia habeo; possessiones enim sunt P. Clodi. Tota familia occurret, hospitio invitabit propter familiaritatem notissimam.

[24] [X] Hisce ego me viis committam qui Terminalibus nuper in suburbium, ut eodem die reverterer, ire non sum ausus? Domesticis me parietibus vix tueor sine amicorum custodiis. Itaque in urbe, si

licebit, manebo. Haec mea sedes est, haec vigilia, haec custodia, hoc praesidium stativum. Teneant alii castra, gerant res bellicas, superent hostem (nam hoc caput est); nos, ut didicimus semperque fecimus, urbem et res urbanas vobiscum pariter tuebimur. Neque vero recuso munus hoc, quamquam populum Romanum video pro me recusare. Nemo me minus timidus, nemo tamen cautior. Res declarat. Vicesimus annus est, cum omnes scelerati me unum petunt. Itaque ipsi, ne dicam mihi, rei publicae poenas dederunt, me salvum adhuc res publica conservavit sibi. Timide hoc dicam; scio enim quidvis homini accidere posse; verum tamen semel circumsessus lectis valentissimorum hominum viribus cecidi sciens, ut honestissime possem exurgere.

[25] Possumne igitur satis videri cautus, satis providus, si me huic itineri tam infesto tamque periculoso commisero? Gloriam in morte debent ii, qui in re publica versantur, non culpae reprehensionem et stultitiae vituperationem relinquere. Quis bonus non luget mortem Treboni, quis non dolet interitum talis et civis et viri? At sunt qui dicant (dure illi quidem, sed tamen dicunt) minus dolendum, quod ab homine impuro nefarioque non caverit. Etenim, qui multorum custodem se profiteatur, eum sapientes sui primum capitis aiunt custodem esse oportere. Cum saeptus sis legibus et iudiciorum metu, non sunt omnia timenda neque ad omnis insidias praesidia quaerenda. Quis enim audeat luci, quis in militari via, quis bene comitatum, quis illustrem aggredi?

[26] Haec neque hoc tempore neque in me valent. Non modo enim poenam non extimescet, qui mihi vim attulerit, sed etiam gloriam sperabit a latronum gregibus et praemia. [XI] Haec ego in urbe provideo; facilis est circumspectus unde exeam, quo progrediar, quid ad dexteram, quid ad sinistram sit. Num idem in Appennini tramitibus facere potero? in quibus etiamsi non erunt insidiae, quae facillime esse poterunt, animus tamen erit sollicitus, ut nihil possit de officiis legationis attendere. Sed effugi insidias, perrupi Appenninum; nempe in Antoni congressum colloquiumque veniendum est. Quinam locus capietur? Si extra castra, ceteri viderint; ego me vix tutum futurum puto. Novi hominis furorem, novi effrenatam violentiam. Cuius acerbitas morum inmanitasque naturae ne vino quidem permixta temperari solet, hic ira dementiaque inflammatus adhibito

fratre Lucio, taeterrima belua, numquam profecto a me sacrilegas manus atque impias abstinebit.

[27] Memini colloquia et cum acerrimis hostibus et cum gravissime dissidentibus civibus. Cn.Pompeius, Sexti filius, consul me praesente, cum essem tiro in eius exercitu, cum P. Vettio Scatone, duce Marsorum, inter bina castra collocutus est; quo quidem memini Sex. Pompeium, fratrem consulis, ad colloquium ipsum Roma venire, doctum virum atque sapientem. Quem cum Scato salutasset, 'Quem te appellem?' inquit. At ille: 'Voluntate hospitem, necessitate hostem.' Erat in illo colloquio aequitas; nullus timor, nulla suberat suspicio; mediocre etiam odium. Non enim ut eriperent nobis socii civitatem, sed ut in eam reciperentur, petebant. Sulla cum Scipione inter Cales et Teanum, cum alter nobilitatis florem, alter belli socios adhibuisset, de auctoritate senatus, de suffragiis populi, de iure civitatis agentes inter se condiciones contulerunt. Non tenuit omnino colloquium illud fidem, a vi tamen periculoque afuit. [XII] Possumusne igitur in Antoni latrocinio aeque esse tuti? Non possumus, aut, si ceteri possunt, me posse diffido.

[28] Quodsi non extra castra congrediemur, quae ad colloquium castra sumentur? In nostra ille numquam veniet, multo minus nos in illius. Reliquum est, ut et accipiantur et remittantur postulata per litteras. Ergo erimus in castris, meaque ad omnia postulata una sententia; quam cum hic vobis audientibus dixero, isse et redisse me putatote; legationem confecero. Omnia ad senatum mea sententia reiciam, quaecumque postulabit Antonius. Neque enim licet aliter, neque permissum est nobis ab hoc ordine, ut bellis confectis decem legatis permitti solet more maiorum, neque ulla omnino a senatu mandata accepimus. Quae cum agam in consilio nullis, ut arbitror, repugnantibus, nonne metuendum est, ne inperita militum multitudo per me pacem distineri putet?

[29] Facite hoc meum consilium legiones novas non improbare (nam Martiam et quartam nihil cogitantis praeter dignitatem et decus comprobaturas esse certo scio); quid? veteranos non veremur (nam timeri se ne ipsi quidem volunt), quonam modo accipiant severitatem meam? Multa enim falsa de me audierunt, multa ad eos improbi detulerunt, quorum commoda, ut vos optimi testes estis, semper ego sententia, auctoritate, oratione firmavi; sed credunt improbis, credunt

turbulentis, credunt suis. Sunt autem fortes illi quidem, sed propter memoriam rerum, quas gesserunt pro populi Romani libertate et salute rei publicae, nimis feroces et ad suam vim omnia nostra consilia revocantes.

[30] Horum ego cogitationem non vereor, impetum pertimesco. Haec quoque tanta pericula si effugero, satisne tutum reditum putatis fore? Cum enim et vestram auctoritatem meo more defendero et meam fidem rei publicae constantiamque praestitero, tum erunt mihi non ii solum, qui me oderunt, sed illi etiam, qui invident, extimescendi. Custodiatur igitur vita + mea r.p. eaque, quoad vel dignitas vel natura patietur, patriae reservetur; mors aut necessitatem habeat fati aut, si ante oppetenda est, oppetatur cum gloria. Haec cum ita sint, etsi hanc legationem res publica, ut levissime dicam, non desiderat, tamen, si tuto licebit ire, proficiscar. Omnino, patres conscripti, totum huiusce rei consilium non meo periculo, sed utilitate rei publicae metiar. De qua mihi, quoniam liberum est spatium, multum etiam atque etiam considerandum puto idque potissimum faciendum, quod maxime interesse rei publicae iudicaro.

PHILIPPICA TERTIA DECIMA

[1] [I] A principio huius belli, patres conscripti, quod cum impiis civibus consceleratisque suscepimus, timui, ne condicio insidiosa pacis libertatis reciperandae studia restingueret. Dulce enim etiam nomen est pacis, res vero ipsa cum iucunda, tum salutaris. Nam nec privatos focos nec publicas leges videtur nec libertatis iura cara habere, quem discordiae, quem caedes civium, quem bellum civile delectat, eumque ex numero hominum eiciendum, ex finibus humanae naturae exterminandum puto. Itaque, sive Sulla sive Marius sive uterque sive Octavius sive Cinna sive iterum Sulla sive alter Marius et Carbo sive qui alius civile bellum optavit, eum detestabilem civem rei publicae natum iudico.

[2] Nam quid ego de proximo dicam, cuius acta defendimus, auctorem ipsum iure caesum fatemur? Nihil igitur hoc cive, nihil hoc homine taetrius, si aut civis aut homo habendus est, qui civile bellum concupiscit. Sed hoc primum videndum est, patres conscripti, cum omnibusne pax esse possit, an sit aliquod bellum inexpiabile, in quo pactio pacis lex sit servitutis. Pacem cum Scipione Sulla sive faciebat sive simulabat, non erat desperandum, si convenisset, fore aliquem tolerabilem statum civitatis. Cinna si concordiam cum Octavio confirmare voluisset, hominum in re publica sanitas remanere potuisset. Proximo bello si aliquid de summa gravitate Pompeius, multum de cupiditate Caesar remisisset, et pacem stabilem et aliquam rem publicam nobis habere licuisset. [II] Hoc vero quid est? cum Antoniis pax potest esse, cum Censorino, Ventidio, Trebellio, Bestia, Nucula, Munatio, Lentone, Saxa? Exempli causa paucos nominavi; genus infinitum inmanitatemque ipsi cernitis reliquorum.

[3] Addite illa naufragia Caesaris amicorum, Barbas Cassios, Barbatios, Polliones; addite Antoni conlusores et sodales, Eutrapelum, Melam, Pontium, Coelium, Crassicium, Tironem, Mustelam, Petusium; comitatum relinquo, duces nomino. Huc accedunt Alaudae ceterique veterani, seminarium iudicum decuriae tertiae, qui suis rebus exhaustis, beneficiis Caesaris devoratis fortunas nostras concupiverunt.

[4] O fidam dexteram Antoni, qua ille plurimos civis trucidavit, o

ratum religiosumque foedus, quod cum Antoniis fecerimus! Hoc si Marcus violare conabitur, Luci eum sanctitas a scelere revocabit. Illis locus si in hac urbe fuerit, ipsi urbi locus non erit. Ora vobis eorum ponite ante oculos, et maxime Antoniorum, incessum, aspectum, vultum, spiritum, latera tegentis alios, alios praegredientis amicos. Quem vini anhelitum, quas contumelias fore censetis minasque verborum! nisi forte eos pax ipsa leniet, maximeque, cum in hunc ordinem venerint, salutabunt benigne, comiter appellabunt unum quemque nostrum.

[5] [III] Non recordamini, per deos immortalis, quas in eos sententias dixeritis? Acta M. Antoni rescidistis; leges refixistis, per vim et contra auspicia latas decrevistis, totius Italiae dilectus excitavistis, collegam et scelerum socium omnium hostem iudicavistis. Cum hoc quae pax potest esse? Hostis si esset externus, id ipsum vix talibus factis, sed posset aliquo modo. Maria, montes, regionum magnitudines interessent; odisses eum quem non videres. Hi in oculis haerebunt et, cum licebit, in faucibus; quibus enim saeptis tam immanis beluas continebimus? At incertus exitus belli. Est omnino fortium virorum, quales vos esse debetis, virtutem praestare (tantum enim possunt), fortunae culpam non extimescere.

[6] Sed quoniam ab hoc ordine non fortitudo solum, verum etiam sapientia postulatur (quamquam vix videntur haec posse seiungi, seiungamus tamen), fortitudo dimicare iubet, iustum odium incendit, ad confligendum impellit, vocat ad periculum; quid sapientia? Cautioribus utitur consiliis, in posterum providet, est omni ratione tectior. Quid igitur censet? parendum est enim atque id optimum iudicandum, quod sit sapientissime constitutum. Si hoc praecipit, ne quid vita existimem antiquius, ne decernam capitis periculo, fugiam omne discrimen, quaeram ex ea: ‘Etiamne, si erit, cum id fecero, serviendum?’ Si annuerit, ne ego Sapientiam istam, quamvis sit erudita, non audiam. Sin responderit: ‘Tuere ita vitam corpusque [servato], ita fortunas, ita rem familiarem, ut haec libertate posteriora ducas itaque his uti velis, si libera re publica possis, nec pro his libertatem, sed pro libertate haec proicias tamquam pignora iniuriae’: tum Sapientiae vocem audire videar eique ut deo paream.

[7] Itaque, si receptis illis esse possumus liberi, vincamus odium pacemque patiamur; sin otium, incolumibus iis esse nullum potest,

laetemur decertandi oblatam esse fortunam. Aut enim interfectis illis fruemur victrice re publica aut oppressi (quod omen avertat Iuppiter!) si non spiritu, at virtutis laude vivemus. [IV] At enim nos *M. Lepidus*, imperator iterum, pontifex maximus, optime proximo civili bello de re publica meritus, ad pacem adhortatur. Nullius apud me, patres conscripti, auctoritas maior est quam M. Lepidi vel propter ipsius virtutem vel propter familiae dignitatem. Accedunt eodem multa privata magna eius in me merita, mea quaedam officio in illum. Maximum vero eius beneficium numero, quod hoc animo in rem publicam est, quae mihi vita mea semper fuit carior.

[8] Nam cum Magnum Pompeium, clarissimum adulescentem, praestantissimi viri filium, auctoritate adduxit ad pacem remque publicam sine armis maximo civilis belli periculo liberavit, tum me eius beneficio plus quam pro virili parte obligatum puto. Itaque et honores ei decrevi, quos potui amplissimos, in quibus mihi vos estis adsensi, nec umquam de illo et sperare optime et loqui destiti. Magnis et multis pignoribus M. Lepidum res publica inligatum tenet. Summa nobilitas est, omnes honores, amplissimum sacerdotium, plurima urbis ornamenta, ipsius, fratris maiorumque monumenta, probatissima uxor, optatissimi liberi, res familiaris cum ampla, tum casta a cruore civili; nemo ab eo civis violatus, multi eius beneficio et misericordia liberati. Talis igitur vir et civis opinione labi potest, voluntate a re publica dissidere nullo pacto potest.

[9] Pacem volt M. Lepidus. Praeclare, si talem potest efficere, qualem nuper effecit; qua pace Cn. Pompei filium res publica aspiciet suoque sinu complexuque recipiet neque solum illum, sed cum illo se ipsam sibi restitutam putabit. Haec causa fuit cur decerneretis statuam in rostris cum inscriptione praeclara, cur absenti triumphum. Quamquam enim magnas res bellicas gesserat et triumpho dignas, non erat tamen ei tribuendum, quod nec L. Aemilio nec Aemiliano Scipioni nec superiori Africano nec Mario nec Pompeio, qui maiora bella gesserunt, sed quod silentio bellum civile confecerat, cum primum licuit, honores in eum maximos contulistis.

[10] [V] Existimasne igitur, M. Lepide, qualem Pompeium res publica habitura sit civem, talis futuros in re publica Antonios? In altero pudor, gravitas, moderatio, integritas, in illis (et cum hos compello, praetereo animo ex grege latrocinii neminem) libidines,

scelera, ad omne facinus inmanis audacia. Deinde vos obsecro, patres conscripti, quis hoc vestrum non videt, quod Fortuna ipsa, quae dicitur caeca, vidit? Salvis enim actis Caesaris, quae concordiae causa defendimus, Pompeio sua domus patebit, eamque non minoris, quam emit Antonius, redimet, redimet, inquam, Cn. Pompei domum filius. O rem acerbam! Sed haec satis diu multumque defleta sunt. Decrevistis tantam pecuniam Pompeio, quantam ex bonis patriis in praedae dissipatione inimicus victor redegisset.

[11] Sed hanc mihi dispensationem pro paterna necessitudine et coniunctione deposco. Redimet hortos, aedes, urbana quaedam, quae possidet Antonius. Nam argentum, vestem, supellectilem, vinum amittet aequo animo, quae ille helluo dissipavit. Albanum, Formianum a Dolabella recuperabit, etiam ab Antonio Tusculanum, iique, qui nunc Mutinam oppugnant, D. Brutum obsident, de Falerno Anseres depellantur. Sunt alii plures fortasse, sed *de* mea memoria dilabuntur. Ego etiam eos dico, qui hostium numero non sunt, Pompeianas possessiones, quanti emerint, filio reddituros.

[12] Satis inconsiderati fuit, ne dicam audacis, rem ullam ex illis attingere; retinere vero quis poterit clarissimo domino restituto? An is non reddet, qui domini patrimonium circumplexus quasi [thesaurum] draco, Pompei servus, libertus Caesaris, agri Lucani possessiones occupavit? Atque illud septiens miliens, quod adulescenti, patres conscripti, spopondistis, ita discribetur, ut videatur a vobis Cn. Pompei filius in patrimonio suo collocatus. Haec senatus; reliqua populus Romanus in ea familia, quam vidit amplissimam, persequetur, in primis paternum auguratus locum, in quem ego eum, ut, quod a patre accepi, filio reddam, mea nominatione cooptabo. Utrum igitur augurem Iovis optimi maximi, cuius interpretes internuntiique constituti sumus, *nos*, utrum populus Romanus libentius sanciet, Pompeiumne an Antonium? Mihi quidem numine deorum immortalium videtur hoc fortuna voluisse, ut actis Caesaris firmis ac ratis Cn. Pompei filius posset et dignitatem et fortunas patrias recuperare.

[13] [VI] Ac ne illud quidem silentio, patres conscripti, praetereundum puto quod clarissimi viri legati, L. Paulus, Q.Thermus, C. Fannius, quorum habetis cognitam voluntatem in rem publicam eamque perpetuam atque constantem, nuntiant se Pompei

conveniundi causa devertisse Massiliam eumque cognovisse paratissimo animo, ut cum suis copiis iret ad Mutinam, ni vereretur, ne veteranorum animos offenderet. Est vero eius patris filius, qui sapienter faciebat non minus multa quam fortiter. Itaque intellegitis et animum ei praesto fuisse nec consilium defuisse. Atque etiam hoc M. Lepido providendum est, ne quid arrogantius, quam eius mores ferunt, facere videatur.

[14] Si enim nos exercitu terret, non meminit illum exercitum senatus populique Romani atque universae rei publicae esse, non suum. At uti potest pro suo. Quid tum? omniane bonis viris, quae facere possunt, facienda sunt, etiamne, si turpia, si perniciosa erunt, si facere omnino non licebit? Quid autem turpius aut foedius aut quod minus deceat quam contra senatum, contra cives, contra patriam exercitum ducere? quid vero magis vituperandum quam id facere, quod non liceat? Licet autem nemini contra patriam ducere exercitum, siquidem licere id dicimus, quod legibus, quod more maiorum institutisque conceditur. Neque enim, quod quisque potest, id ei licet, nec, si non obstatur, propterea etiam permittitur. Tibi enim exercitum, Lepide, tam quam maioribus tuis patria pro se dedit. Hoc tu arcebis hostem, fines imperii propagabis; senatui populoque Romano parebis, si quam ad aliam rem te forte traduxerit.

[15] [VII] Haec si cogitas, es M. Lepidus, pontifex maximus, M. Lepidi, pontificis maximi, pronepos; sin hominibus tantum licere iudicas, quantum possunt, vide, ne alienis exemplis, iisque recentibus, uti quam et antiquis et domesticis malle videare. Quodsi auctoritatem interponis sine armis, magis equidem laudo, sed vide, ne hoc ipsum non sit necesse. Quamquam enim est tanta in te auctoritas, quanta debet in homine nobilissimo, tamen senatus se ipse non contemnit nec vero fuit umquam gravior, constantior, fortior. Incensi omnes rapimur ad libertatem recuperandam; non potest ullius auctoritate tantus senatus populique Romani ardor extingui; odimus, irati pugnamus, extorqueri *e* manibus arma non possunt, receptui signum aut revocationem a bello audire non possumus; speramus optima, pati vel difficillima malumus quam servire.

[16] Caesar confecit invictum exercitum; duo fortissimi consules adsunt cum copiis; L. Planci, consulis designati, varia et magna auxilia non desunt; in D. Bruti salute certatur; unus furiosus gladiator

cum taeterrimorum latronum manu contra patriam, contra deos penates, contra aras et focos, contra quattuor consules gerit bellum. Huic cedamus, huius condiciones audiamus, cum hoc pacem fieri posse credamus? [VIII] At periculum est, ne opprimamur. Non metuo, ne is, qui suis amplissimis fortunis nisi bonis salvis frui non potest, prodat salutem suam. Bonos civis primum natura efficit, adiuvat deinde fortuna. Omnibus enim bonis expedit salvam esse rem publicam. Sed in iis, qui fortunati sunt, magis id apparet.

[17] Quis fortunatior Lepido, ut ante dixi, quis eodem sanior? Vidit eius maestitiam atque lacrimas populus Romanus Lupercalibus, vidit, quam abiectus, quam confectus esset, cum Caesari diadema imponens Antonius servum se illius quam collegam esse malebat. Qui si reliquis flagitiis et sceleribus se abstinere potuisset, tamen unum ob hoc factum dignum illum omni poena putarem. Nam, si ipse servire poterat, nobis dominum cur inponebat? et, si eius pueritia pertulerat libidines eorum, qui erant in eum tyranni, etiamne in nostros liberos dominum et tyrannum comparabat? Itaque illo interfecto, qualem in nos eum esse voluit, talis ipse in ceteros extitit.

[18] Qua enim *in* barbaria quisquam tam taeter, tam crudelis tyrannus quam in hac urbe armis barbarorum stipatus Antonius? Caesare dominante veniebamus in senatum, si non libere, at tamen tuto; hoc archipirata (quid enim dicam tyranno?) haec subsellia ab Ityraeis occupabantur. Prorupit subito Brundisium, ut inde agmine quadrato ad urbem accederet, lautissimum oppidum nunc municipum honestissimorum, quondam colonorum, Suessam, fortissimorum militum sanguine implevit, Brundisi in sinu non modo avarissimae, sed etiam crudelissimae uxoris delectos Martiae legionis centuriones trucidavit. Inde se quo furore, quo ardore ad urbem, id est ad caedem optimi cuiusque, rapiebat! Quo tempore di ipsi immortales praesidium inprovisum nec opinantibus nobis obtulerunt.

[19] [IX] Caesaris enim incredibilis ac divina virtus latronis impetus crudelis ac furibundos retardavit; quem tum ille demens laedere se putabat edictis ignorans, quaecumque falso [in eum] diceret in sanctissimum adulescentem, ea vere recidere in memoriam pueritiae suae. Ingressus urbem est quo comitatu vel potius agmine, cum dextra, sinistra gemente populo Romano minaretur dominis, notaret domos, divisurum se urbem palam suis polliceretur! Rediit ad

milites; ibi pestifera illa Tiburi contio. Inde ad urbem cursus, senatus in Capitolium, parata de circumscribendo adulescente sententia consularis, cum repente (nam Martiam legionem Albae consedisse sciebat) adfertur ei de quarta nuntius. Quo perculsus abiecit consilium referendi ad senatum de Caesare; egressus est non viis, sed tramitibus paludatus eoque ipso die innumerabilia senatus consulta fecit, quae quidem omnia citius delata quam scripta sunt.

[20] Ex eo non iter, sed cursus et fuga in Galliam. Caesarem sequi arbitrabatur cum legione Martia, cum quarta, cum veteranis, quorum ille nomen prae metu ferre non poterat, eique in Galliam penetranti D. se Brutus obiecit, qui se totius belli fluctibus circumiri quam illum aut regredi aut progredi maluit Mutinamque illi exultanti tamquam frenos furoris iniecit. Quam cum operibus munitionibusque saepsisset nec eum coloniae florentissimae dignitas neque consulis designati maiestas a parricidio deterreret, tum me (testor et vos et populum Romanum et omnis deos, qui huic urbi praesident) invito et repugnante legati missi tres consulares ad latronum gladiatorem ducem.

[21] Quis tam barbarus umquam, tam immanis, tam ferus? Non audivit, non respondit, neque eos solum praesentes, sed multo magis nos, a quibus illi erant missi, sprevit et pro nihilo putavit. Postea quod scelus, quod facinus parricida non edidit? Circumsedet colonos nostros, exercitum populi Romani, imperatorem consulem designatum, agros divexat civium optimorum, hostis taeterrimus omnibus bonis cruces ac tormenta minitatur. [X] Cum hoc, M. Lepide, pax esse quae potest? cuius ne supplicio quidem ullo satiari videtur posse populus Romanus.

[22] Quodsi quis dubitare adhuc potuit, quin nulla societas huic ordini populoque Romano cum illa inportunissima belua posset esse, desinet profecto dubitare his cognitis litteris, quas mihi missas ab Hirtio consule modo accepi. Eas dum recito dumque de singulis sententiis breviter disputo, velim, patres conscripti, ut adhuc fecistis, me attente audiatis. ‘Antonius Hirtio et Caesari.’ Neque se imperatorem neque Hirtium consulem nec pro praetore Caesarem. Satis hoc quidem scite; deponere alienum nomen ipse maluit quam illis suum reddere. ‘Cognita morte C. Treboni non plus gavisus sum, quam dolui.’ Videte, quid se gavisus, quid doluisse dicat; facilius de

pace deliberabitis. ‘Dedisse poenas sceleratum cineri atque ossibus clarissimi viri et apparuisse numen deorum intra finem anni vertentis at iam soluto supplicio parricidii aut impendente laetandum est.’ O Spartace! quem enim te potius appellem, cuius propter nefanda scelera tolerabilis videtur fuisse Catilina? laetandum esse ausus es scribere Trebonium dedisse poenas? sceleratum Trebonium? quo scelere, nisi quod te Idibus Martiis a debita tibi peste seduxit?

[23] Age, hoc laetaris; videamus, quid moleste feras. ‘*A senatu* iudicatum hostem populi Romani Dolabellam eo, quod sicarium occiderit, et videri cariorem populo Romano filium scurrae quam C. Caesarem, patriae parentem, ingemiscendum est.’ Quid ingemiscis hostem *iudicatum* Dolabellam? quid? te non intellegis dilectu tota Italia habito, consulibus missis, Caesare ornato, sagis denique sumptis hostem iudicatum? Quid est autem, scelerate, quod gemas hostem Dolabellam iudicatum a senatu? quem tu ordinem omnino esse nullum putas, sed eam tibi causam belli gerendi proponis, ut senatum funditus deleas, reliqui boni et locupletes omnes summum ordinem subsequantur. At scurrae filium appellat. Quasi vero ignotus nobis fuerit splendidus eques Romanus Treboni pater. Is autem humilitatem despicere audet cuiusquam, qui ex Fadia sustulerit liberos?

[24] [XI] ‘Acerbissimum vero est te, A.Hirti, ornatum beneficiis Caesaris et talem ab eo relictum, qualem ipse miraris,’ — Equidem negare non possum a Caesare Hirtium ornatum, sed illa ornamenta in virtute et industria posita lucent. Tu vero, qui te ab eodem Caesare ornatum negare non potes, quid esses, si tibi ille non tam multa tribuisset? ecquo te tua virtus provexisset, ecquo genus *vitae*? In lustris, popinis, alea, vino tempus aetatis omne consumpsisses, ut faciebas, cum in gremiis mimarum mentum mentemque deponeres. ‘et te, o puer,’ — Puerum appellat, quem non modo virum, sed etiam fortissimum virum sensit et sentiet. Est istuc quidem nomen aetatis, sed ab eo minime usurpandum, qui suam amentiam puero huic praebet ad gloriam.

[25] ‘qui omnia nomini debes,’ — Debet vero solvitque praeclare. Si enim ille patriae parens, ut tu appellas (ego quid sentiam, videro), cur non hic parens verior, a quo certe vitam habemus e tuis facinerosissimis manibus ereptam? ‘id agere ut iure damnatus sit

Dolabella,' — Turpem vero actionem, qua defenditur amplissimi auctoritas ordinis contra crudelissimi gladiatoris amentiam! 'et ut venefica haec liberetur obsidione,' — Veneficam audes appellare eum virum, qui tuis veneficiis remedia invenit? quem ita obsides, nove Hannibal, aut si quis acutior imperator fuit, ut te ipse obsideas neque te istinc, si cupias, possis explicare. Recesseris, undique omnes insequentur; manseris, haerebis. Nimirum recte veneficam appellas, a quo tibi praesentem pestem vides comparatam. 'ut quam potentissimus sit Cassius atque Brutus.'

[26] Putes Censorinum dicere aut Ventidium aut etiam ipsos Antonios. Cur autem nolint potentes esse non modo optimos et nobilissimos viros, sed secum etiam in rei publicae defensione coniunctos? 'Nimirum eodem modo haec adspicitis, ut priora.' Quae tandem? 'Castra Pompei senatum appellabatis.' [XII] An vero tua castra potius senatum appellaremus? in quibus tu es videlicet consularis, cuius totus consulatus est ex omni monimentorum memoria evulsus, duo praetores sine causa diffisi se aliquid habituros (nos enim Caesaris beneficia defendimus), praetorii Philadelphus Annius et innocens Gallius, aedilicii corycus laterum et vocis meae, Bestia, et fidei patronus, fraudator creditorum, Trebellius, et homo diruptos dirutusque Q.Coelius, columenque amicorum Antoni, Cotyla Varius, quem Antonius deliciarum causa loris in convivio caedi iubebat a servis publicis, septemvirales Lento, Nucula, tum deliciae atque amores populi Romani, L. Antonius, tribuni primum duo designati, Tullus Hostilius, qui suo iure in porta nomen inscripsit, qua, cum prodere imperatorem suum non potuisset, reliquit; alter est designatus Insteius nescio qui, fortis, ut aiunt, latro, quem tamen temperantem fuisse ferunt Pisauri balneatorem.

[27] Secuntur alii tribunicii, T.Plancus in primis, qui si senatum dilexisset, numquam curiam incendisset. Quo scelere damnatus in eam urbem rediit armis, ex qua excesserat legibus. Sed hoc ei commune cum pluribus sui simillimis; illud tamen mirum, quod in hoc Planco proverbii loco dici solet, perire eum non posse, nisi ei crura fracta essent. Fracta sunt, et vivit. Hoc tamen, ut alia multa, Aquilae referatur acceptum. [XIII] Est etiam ibi Decius ab illis, ut opinor, Muribus [Deciis], itaque Caesaris munera rosit; Deciorum quidem multo intervallo per hunc praeclarum virum memoria

renovata est. Saxam vero Decidium praeterire qui possum, hominem deductum ex ultimis gentibus, ut eum tribunum pl. videremus, quem civem numquam videramus?

[28] Est quidem alter Saserna; sed omnes tamen tantam habent similitudinem inter se, ut in eorum praenominibus errem. Nec vero Extitius, Philadelphi frater, quaestor, praetermittendus est, ne, si de clarissimo adulescente siluero, invidisse videar Antonio. Est etiam Asinius quidam, senator voluntarius lectus ipse a se. Apertam Curiam vidit post Caesaris mortem, mutavit calceos, pater conscriptus repente factus est. Non novi Sex.Albesium, sed tamen neminem tam maledicum offendi, qui illum negaret dignum Antoni senatu. Arbitror me aliquos praeterisse; de iis tamen, qui occurrebant, tacere non potui. Hoc igitur fretus senatu Pompeianum senatum despicit, in quo decem fuimus consulares; qui si omnes viverent, bellum omnino hoc non fuisset; auctoritati cessisset audacia.

[29] Sed quantum praesidii fuerit in ceteris, hinc intellegi potest, quod ego unus relictus ex multis contudi et fregi adiuvantibus vobis exultantis praedonis audaciam. [XIV] Quodsi non Fortuna nobis modo eripuisset Ser. Sulpicium eiusque collegam ante, *M*.Marcellum, (quos civis, quos viros!) si duos consules amicissimos patriae simul ex Italia eiectos, si L. Afranium, summum ducem, si P. Lentulum, civem cum in ceteris rebus, tum in salute mea singularem, si M. Bibulum, cuius est in rem publicam semper merito laudata constantia, si L. Domitium, praestantissimum civem, si Appium Claudium pari nobilitate et voluntate praeditum, si P. Scipionem, clarissimum virum maiorumque suorum simillimum, res publica tenere potuisset, certe iis consularibus non esset Pompeianus despiciendus senatus.

[30] Utrum igitur aequius, utrum melius rei publicae fuit Cn. Pompeium an sectorem Cn. Pompei vivere, Antonium? Qui vero praetorii! quorum princeps M. Cato idemque omnium gentium virtute princeps. Quid reliquos clarissimos viros commemorem? Nostis omnes. Magis vereor, ne longum me in enumerando quam ne ingratum in praetereundo putetis. Qui aedilicii, qui tribunicii, qui quaestorii! Quid multa? talis senatorum et dignitas et multitudo fuit, ut magna excusatione opus iis sit, qui in illa castra non venerunt. [XV] Nunc reliqua attendite. ‘Victum Ciceronem ducem habuistis.’ Eo

libentius ‘ducem’ audio, quod certe ille dicit invitus; nam de ‘victo’ nihil laboro. Fatum enim meum est sine re publica nec vinci posse nec vincere. ‘Macedoniam munitis exercitibus.’ Et quidem fratri tuo, qui a vobis nihil degenerat, extorsimus. ‘Africam commisistis Varo bis capto.’ Hic cum Gaio fratre putat se litigare. ‘In Syriam Cassium misistis.’ Non igitur sentis huic causae orbem terrae patere, te extra munitiones tuas, vestigium ubi imprimas, non habere?

[31] ‘Cascam tribunatum gerere passi estis.’ Quid ergo? ut Marullum, ut Caesetium a re publica removeremus eum, per quem, ut neque hoc idem posthac neque multa eius modi accidere possent, consecuti sumus? ‘Vectigalia Iuliana Lupercis ademistis.’ Lupercorum mentionem facere audet neque illius diei memoriam perhorrescit, quo ausus est obrutus vino, unguentis oblitus, nudus gementem populum Romanum ad servitutem cohortari? ‘Veteranorum colonias deductas lege senatus consulto sustulistis.’ Nos sustulimus an contra legem comitiis centuriatis latam sanximus? Vide, ne tu veteranos tamen eos, qui erant perditi, perdideris in eumque locum deduxeris, ex quo ipsi iam sentiunt se numquam exituros.

[32] ‘Massiliensibus iure belli adempta reddituros vos pollicemini.’ Nihil disputo de iure belli (magis facilis disputatio est quam necessaria); illud tamen animadvertite, patres conscripti, quam sit huic rei publicae natus hostis Antonius, qui tanto opere eam civitatem oderit, quam scit huic rei publicae semper fuisse amicissimam. [XVI] ‘Neminem Pompeianum, qui vivat, teneri lege Hirtia dictitatis.’ Quis, quaeso, iam legis Hirtiae mentionem facit? cuius non minus arbitror latorem ipsum quam eos, de quibus lata est, paenitere. Omnino mea quidem sententia legem illam appellare fas non est, et, ut sit lex, non debemus illam Hirti legem putare. ‘Apuleiana pecunia Brutum subornastis.’ Quid? si omnibus suis copiis excellentem virum res publica armasset, quem tandem bonum paeniteret? Nec enim sine pecunia exercitum alere nec sine exercitu fratrem tuum capere potuisset.

[33] ‘Securi percussos Petraeum et Menedenum, civitate donatos et hospites Caesaris, laudastis.’ Non laudavimus, quod ne audivimus quidem. Valde enim nobis in tanta perturbatione rei publicae de duobus nequissimis Graeculis cogitandum fuit. ‘Theopompum

nudum expulsum a Trebonio confugere Alexandriam neglexistis.' Magnum crimen senatus! De Theopompo, summo homine, negleximus; qui ubi terrarum sit, quid agat, vivat denique an mortuus sit, quis aut scit aut curat? 'Ser. Galbam eodem pugione succinctum in castris videtis.' Nihil tibi de Galba respondeo, fortissimo et constantissimo civi; coram aderit, praesens tibi et ipse et ille, quem insimulas, pugio respondebit. 'Milites aut meos aut veteranos contraxistis tamquam ad exitium eorum, qui Caesarem occiderant, et eosdem nec opinantis ad quaestoris sui aut imperatoris aut commilitonum suorum pericula impulistis.' Scilicet verba dedimus, decepimus: ignorabat legio Martia, quarta, nesciebant veterani, quid ageretur; non illi senatus auctoritatem, non libertatem populi sequebantur; Caesaris mortem ulcisci volebant, quam omnes fatalem fuisse arbitrabantur; te videlicet salvum, beatum, florentem esse cupiebant!

[34] [XVII] O miser cum re, tum hoc ipso, quod non sentis, quam miser sis! Sed maximum crimen audite. 'Denique quid non aut probastis aut fecistis, quod faciat, si reviviscat,' — Quis? credo enim, adferet aliquod scelerati hominis exemplum. 'Cn. Pompeius ipse' — O nos turpes, siquidem Cn. Pompeium imitati sumus! 'aut filius eius, si domi esse possit?' Poterit, mihi crede; nam paucis diebus et in domum et in hortos paternos immigrabit. 'Postremo negatis pacem fieri posse, nisi aut emisero Brutum aut frumento iuvero.' Alii istuc negant; ego vero, ne si ista quidem feceris, umquam tecum pacem huic civitati futuram puto. 'Quid? hoc placetne veteranis istis, quibus adhuc omnia integra sunt?' Nihil vidi tam integrum, quam ut oppugnare imperatorem incipiant, quem tanto studio consensuque ostenderint *quam oderint*.

[35] 'quamquam vos *eos* adsentationibus et venenatis muneribus venistis depravatum.' Itane corrupti sunt, quibus persuasum sit foedissimum hostem iustissimo bello persequi? 'At militibus inclusis opem fertis. Nihil moror eos salvos esse et ire quo lubet, si tantum modo patiuntur perire eum, qui meruit.' Quam benigne! denique usi liberalitate Antoni milites imperatorem reliquerunt et se ad hostem metu perterriti contulerunt; per quos si non stetisset, non Dolabella prius imperatori suo quam Antonius etiam collegae parentasset.

[36] 'Concordiae factam esse mentionem scribitis in senatu et

legatos esse consularis quinque. Difficile est [credere] eos, qui me praecipitem egerint aequissimas condiciones ferentem et tamen ex iis aliquid remittere cogitantem, putare aliquid moderate aut humane esse facturos. Vix etiam veri simile est, qui iudicaverint hostem Dolabellam ob rectissimum facinus, eosdem nobis parcere posse idem sentientibus.' Parumne videtur omnium facinorum sibi cum Dolabella societatem initam confiteri? Nonne cernitis ex uno fonte omnia scelera manare? Ipse denique fatetur, hoc quidem satis acute, non posse eos, qui hostem Dolabellam iudicaverint 'ob rectissimum facinus' (ita enim videtur Antonio), sibi parcere idem sentienti.

[37] [XVIII] Quid huic facias, qui hoc litteris memoriaeque mandarit, ita sibi convenisse cum Dolabella, ut ille Trebonium et, si posset, etiam Brutum, Cassium discruciatos necaret * * eademque inhibiret supplicia nobis? O conservandus civis cum tam pio iustoque foedere! Is etiam queritur condiciones suas repudiatas, aequas quidem et verecundas, ut haberet Galliam ultimam aptissimam ad bellum renovandum instruendumque provinciam, ut Alaudae in tertia decuria iudicarent, id est ut perfugium scelerum esset tutum turpissimis rei publicae sordibus, ut acta sua rata essent, cuius nullum remanet consulatus vestigium. Cavebat etiam L. Antonio, qui fuerat aequissimus agri privati et publici decempedator Nucula et Lentone collega.

[38] 'Quam ob rem vos potius animadvertite, utrum sit elegantius et partibus utilius, Treboni mortem persequi an Caesaris, et utrum sit aequius, concurrere nos, quo facilius reviviscat Pompeianorum causa totiens iugulata, an consentire, ne ludibrio simus inimicis,' — Si esset iugulata, numquam exurgeret; quod tibi tuisque contingat. 'Utrum', inquit, 'elegantius.' Atqui hoc bello de elegantia quaeritur! 'partibusque utilius'.

[39] Partes, furiose, dicuntur in foro, in curia. Bellum contra patriam nefarium suscepisti, oppugnas Mutinam, circumsedes consulem designatum, bellum contra te duo consules gerunt cumque iis pro praetore Caesar, cuncta contra te Italia armata est. Istas tu partes potius quam a populo Romano defectionem vocas? 'Treboni mortem an Caesaris persequi.' Treboni satis persecuti sumus hoste iudicato Dolabella, Caesaris mors facillime defenditur oblivione et silentio. Sed videte, quid moliatur. Cum mortem Caesaris

ulciscendam putat, mortem proponit non iis solum, qui illam rem gesserunt, sed iis etiam, si qui non moleste tulerunt.

[40] [XIX] ‘quibus, utri nostrum ceciderint, lucro futurum est, quod spectaculum adhuc ipsa Fortuna vitavit, ne videret unius corporis duas acies lanista Cicerone dimicantis, qui usque eo felix est, ut isdem ornamentis deceperit vos, quibus deceptum Caesarem gloriatus est.’ Pergit in me maledicta, quasi vero ei pulcherrime priora processerint; quem ego inustum verissimis maledictorum notis tradam hominum memoriae sempiternae. Ego lanista? Et quidem non insipiens; deteriores enim iugulari cupio, meliores vincere. ‘Utri ceciderint’, scribit, ‘lucro nobis futurum.’

[41] O praeclarum lucrum, quo te victore (quod di omen avertant!) beata mors eorum futura sit, qui e vita excesserint sine tormentis. A me ‘deceptos’ ait ‘isdem ornamentis’ Hirtium et Caesarem. Quod, quaeso, adhuc a me est tributum Hirtio ornamentum? Nam Caesari plura et maiora debentur. Deceptum autem a me Caesarem dicere audes? Tu, tu, inquam, illum occidisti Lupercalibus; cuius, homo ingratissime, flaminium cur reliquisti? Sed iam videte magni et clari viri admirabilem gravitatem atque constantiam.

[42] ‘Mihi quidem constat nec meam contumeliam nec meorum ferre nec deserere partis, quas Pompeius odivit, nec veteranos sedibus suis moveri pati nec singulos ad cruciatum trahi nec fallere fidem, quam dedi Dolabellae,’ — Omitto alia; ‘fidem Dolabellae’, sanctissimi viri, deserere homo pius non potest. Quam fidem? an optimi cuiusque caedis, urbis et Italiae partitionis, vastandarum diripiendarumque provinciarum? Nam quid erat aliud, quod inter Antonium et Dolabellam, impurissimos parricidas, foedere et fide sanciretur?

[43] ‘nec Lepidi societatem violare, piissimi hominis,’ — Tibi cum Lepido societas aut cum ullo non dicam bono civi, sicut ille est, sed homine sano? Id agis, ut Lepidum aut impium aut insanum existimari velis. Nihil agis (quamquam adfirmare de altero difficile est), de Lepido praesertim, quem ego metuam numquam, bene sperabo, dum licebit. Revocare te a furore Lepidus voluit, non adiutor esse dementiae. Tu porro ne pios quidem, sed ‘piissimos’ quaeris et, quod verbum omnino nullum in lingua Latina est, id propter tuam divinam pietatem novum inducis.

[44] ‘nec Plancum prodere, participem consiliorum.’ Plancum participem? cuius memorabilis ac divina virtus lucem adfert rei publicae (nisi forte eum subsidio tibi venire arbitraris cum fortissimis legionibus, maximo equitatu [peditatu] Gallorum), quique, nisi ante eius adventum rei publicae poenas dederis, ille huius belli feret principatum. Quamquam enim prima praesidia utiliora rei publicae sunt, tamen extrema sunt gratiora.

[45] [XX] Sed iam se colligit et ad extremum incipit philosophari. ‘Si me rectis sensibus euntem di immortales, ut spero, adiuverint, vivam libenter. Sin autem me aliud fatum manet, praecipio gaudia suppliciorum vestrorum. Namque, si victi Pompeiani tam insolentes sunt, victores quales futuri sint, vos potius experiemini.’ Praecipias licet gaudia; non enim tibi cum Pompeianis, sed cum universa re publica bellum est. Omnes te di, homines, summi, medii, infimi, cives, peregrini, viri, mulieres, liberi, servi oderunt. Sensimus hoc nuper falso nuntio, vero propediem sentiemus. Quae si tecum ipse recolueris, aequiore animo et maiore consolatione moriere.

[46] ‘Denique summa iudicii mei spectat huc, ut meorum iniurias ferre possim, si aut oblivisci velint ipsi fecisse aut ulcisci parati sint una nobiscum Caesaris mortem.’ Hac Antoni sententia cognita dubitaturumne A.Hirtium aut C. Pansam consules putatis, quin ad Antonium transeant, Brutum obsideant, Mutinam expugnare cupiant? Quid de Pansa et Hirtio loquor? Caesar, singulari pietate adulescens, poteritne se tenere, quin D. Bruti sanguine poenas patrias persequatur? Itaque fecerunt, ut his litteris lectis ad munitiones propius accederent. Quo maior adulescens Caesar maioreque deorum immortalium beneficio rei publicae natus est, qui nulla specie paterni nominis nec pietate abductus umquam est et intellegit maximam pietatem conservatione patriae contineri.

[47] Quodsi partium certamen esset, quarum omnino nomen extinctum est, Antoniusne potius et Ventidius partes Caesaris defenderent quam primum Caesar, adulescens summa pietate et memoria parentis sui, deinde Pansa et Hirtius, qui quasi cornua duo tenuerunt Caesaris tum, cum illae vere partes vocabantur? Hae vero quae sunt partes, cum alteris senatus auctoritas, populi Romani libertas, rei publicae salus proposita sit, alteris caedes bonorum, urbis Italiaeque partitio? [XXI] Veniamus aliquando ad clausulam. ‘Legatos

venire non credo.' Bene me novit * * quod venias, proposito praesertim exemplo Dolabellae. Sanctiore erunt, credo, iure legati quam duo consules, contra quos arma fert, quam Caesar, cuius patris flamen est, quam consul designatus, quem oppugnat, quam Mutina, quam obsidet, quam patria, cui igni ferroque minitatur.

[48] 'Cum venerint, quae postulant cognoscam.' Quin tu abis in malam pestem malumque cruciatum! Ad te quisquam veniat nisi Ventidi similis? Oriens incendium qui restinguerent, summos viros misimus; repudiasti; nunc in tantam flammam tamque inveteratam mittamus, cum locum tibi reliquum non modo ad pacem, sed ne ad deditionem quidem feceris? Hanc ego epistulam, patres conscripti, non quo illum dignum putarem, recitavi, sed ut confessionibus ipsius omnia patefacta eius parricidia videretis.

[49] Cum hoc pacem M. Lepidus, vir ornatissimus omnibus et virtutis et fortunae bonis, si haec *legeret*, suaderet, denique aut vellet aut fieri posse arbitraretur? 'Prius undis flamma', ut ait poeta nescio quis, prius denique omnia, quam aut cum Antoniis res publica aut cum re publica Antonii redeant in gratiam. Monstra quaedam ista et portenta sunt [prodigia] rei publicae. Moveri sedibus huic urbi melius est atque in alias, si fieri possit, terras demigrare, unde Antoniorum 'nec facta nec nomen audiat', quam illos Caesaris virtute eiectos, Bruti retentos intra haec moenia videre. Optatissimum est vincere; secundum est nullum casum pro dignitate et libertate patriae non ferendum putare. Quod reliquum est, non est tertium, sed postremum omnium, maximam turpitudinem suscipere vitae cupiditate.

[50] Quae cum ita sint, de mandatis litterisque M. Lepidi, viri clarissimi, Servilio adsentior et hoc amplius censeo, 'Magnum Pompeium, Gnaei filium, pro patris maiorumque suorum animo studioque in rem publicam suaque pristina virtute, industria, voluntate fecisse, quod suam eorumque, quos secum haberet, operam senatui populoque Romano pollicitus esset, eamque rem senatui populoque Romano gratam acceptamque esse, eique honori dignitatique eam rem fore.' Hoc vel coniungi cum hoc senatus consulto licet vel seiungi potest separatimque perscribi, ut proprio senatus consulto Pompeius collaudatus esse videatur.

PHILIPPICA QVARTA DECIMA

[1] [I] Si, ut ex litteris, quae recitatae sunt, patres conscripti, sceleratissimorum hostium exercitum caesum fusumque cognovi, sic id, quod et omnes maxime optamus et ex ea victoria, quae parta est, consecutum arbitramur, D. Brutum egressum iam Mutina esse cognovissem, propter cuius periculum ad saga issemus, propter eiusdem salutem redeundum ad pristinum vestitum sine ulla dubitatione censerem. Ante vero quam sit ea res, quam avidissime civitas exspectat, allata, laetitia frui satis est maximae praeclarissimaeque pugnae; reditum ad vestitum confectae victoriae reservate. Confectio autem huius belli est D. Bruti salus.

[2] Quae autem est ista sententia, ut in hodiernum diem vestitus mutetur, deinde cras sagati prodeamus? Nos vero cum semel ad eum, quem cupimus optamusque, vestitum redierimus, id agamus, ut eum in perpetuum retineamus. Nam hoc quidem cum turpe est, tum ne dis quidem immortalibus gratum, ab eorum aris, ad quas togati adierimus, ad saga sumenda discedere.

[3] Atque animadverto , patres conscripti, quosdam huic favere sententiae; quorum ea mens idque consilium est, ut, cum videant gloriosissimum illum D. Bruto futurum diem, quo die propter eius salutem redierimus ad vestitum, hunc ei fructum eripere cupiant, ne memoriae posteritatique prodatur propter unius civis periculum populum Romanum ad saga isse, propter eiusdem salutem redisse ad togas. Tollite hanc; nullam tam pravae sententiae causam reperietis. Vos vero, patres conscripti, conservate auctoritatem vestram, manete in sententia, tenete vestra memoria, quod saepe ostendistis, huius totius belli in unius viri fortissimi et maximi vita positum esse discrimen.

[II][4] Ad D. Brutum liberandum legati missi principes civitatis, qui illi hosti ac parricidae denuntiarent, ut a Mutina discederet; eiusdem D. Bruti conservandi gratia consul sortitu ad bellum profectus A. Hirtius, cuius inbecillitatem valetudinis animi virtus et spes victoriae confirmavit; Caesar cum exercitu per se comparato, cum prius pestibus rem publicam liberasset, ne quid postea sceleris oriretur, profectus est ad eundem Brutum liberandum vicitque dolorem

aliquem domesticum patriae caritate.

[5] Quid C. Pansa egit aliud dilectibus habendis, pecuniis comparandis, senatus consultis faciendis gravissimis in Antonium, nobis cohortandis, populo Romano ad causam libertatis vocando, nisi ut D. Brutus liberaretur? A quo populus Romanus frequens ita salutem D. Bruti una voce depoposcit, ut eam non solum commodis suis, sed etiam necessitati victus anteferret. Quod sperare nos quidem debemus, patres conscripti, aut inibi esse aut iam esse confectum; sed spei fructum rei convenit et evento reservari, ne aut deorum inmortalium beneficium festinatione praeripuisse aut vim fortunae stultitia contempsisse videamur.

[6] Sed quoniam significatio vestra satis declarat, quid hac de re sentiatis, ad litteras veniam, quae sunt a consulibus et a propraetore missae, si pauca ante, quae ad ipsas litteras pertineant, dixero. [III] Imbuti gladii sunt, patres conscripti, legionum exercituumque nostrorum vel madefacti potius duobus duorum consulum, tertio Caesaris proelio. Si hostium fuit ille sanguis, summa militum pietas, nefarium scelus, si civium. Quousque igitur is, qui omnes hostes scelere superavit, nomine hostis carebit? nisi mucrones etiam nostrorum militum tremere vultis dubitantis, utrum in cive an in hoste figantur.

[7] Supplicationem decernitis, hostem non appellatis. Gratae vero nostrae dis immortalibus gratulationes erunt, gratae victimae, cum interfecta sit civium multitudo! ‘De improbis’, inquit ‘et audacibus.’ Nam sic eos appellat clarissimus vir; quae sunt urbanarum maledicta litium, non inustae belli internecivi notae. Testamenta, credo, subiciunt aut eiciunt vicinos aut adulescentulos circumscribunt; his enim vitiis adfectos et talibus malos *aut* audaces appellare consuetudo solet.

[8] Bellum inexpiabile infert quattuor consulibus unus omnium latronum taeterrimus, gerit idem bellum cum senatu populoque Romano, omnibus (quamquam ruit ipse suis cladibus) pestem, vastitatem, cruciatum, tormenta denuntiat, Dolabellae ferum et inmane facinus, quod nulla barbaria posset agnoscere, id suo consilio factum esse testatur; quaeque esset facturus in hac urbe, nisi eum hic ipse Iuppiter ab hoc templo atque moenibus reppulisset, declaravit in Parmensium calamitate, quos optimos viros honestissimosque

homines maxime cum auctoritate huius ordinis populique Romani dignitate coniunctos crudelissimis exemplis interemit propudium illud et portentum, L. Antonius, insigne odium omnium hominum vel, si etiam di oderunt, quos oportet, deorum.

[9] Refugit animus, patres conscripti, eaque dicere reformidat, quae L. Antonius in Parmensium liberis et coniugibus effecerit. Quas enim turpitudines Antonii libenter cum dedecore subierunt, easdem per vim laetantur aliis se intulisse. Sed vis calamitosa est quam illis obtulerunt, libido flagitiosa, qua Antoniorum oblita est vita. Est igitur quisquam, qui hostis appellare non audeat, quorum scelere crudelitatem Carthaginiensium victam esse fateatur? [IV] Qua enim in urbe tam inmanis Hannibal capta quam in Parma surrepta Antonius? nisi forte huius coloniae et ceterarum, in quas eodem est animo, non est hostis putandus.

[10] Si vero coloniarum et municipiorum sine ulla dubitatione hostis est, quid tandem huius censetis urbis, quam ille ad explendas egestates latrocinii sui concupivit, quam iam peritus metator et callidus decempeda sua Saxa diviserat? Recordamini, per deos immortales! patres conscripti, quid hoc biduo timuerimus a domesticis hostibus rumoribus improbissimis dissipatis. Quis liberos, quis coniugem aspicere poterat sine fletu, quis domum, quis tecta, quis larem familiarem? Aut foedissimam mortem omnes aut miserabilem fugam cogitabant. Haec a quibus timebantur, eos hostes appellare dubitamus? Gravius si quis attulerit nomen, libenter adsentiar; hoc vulgari contentus vix sum, leviore non utar.

[11] Itaque, cum supplicationes iustissimas ex iis litteris, quae recitatae sunt, decernere debeamus Serviliusque decreverit, augebo omnino numerum dierum, praesertim cum non uni, sed tribus ducibus sint decernendae; sed hoc primum faciam, ut imperatores appellem eos, quorum virtute, consilio, felicitate maximis periculis servitutis atque interitus liberati sumus. Etenim cui viginti his annis supplicatio decreta est, ut non imperator appellaretur aut minimis rebus gestis aut plerumque nullis? Quam ob rem aut supplicatio ab eo, qui ante dixit, decernenda non fuit aut usitatus honos pervulgatusque tribuendus iis, quibus etiam novi singularesque debentur.

[V][12] An, si quis Hispanorum aut Gallorum aut Threcum mille aut

duo milia occidisset, illum hac consuetudine, quae increbuit, imperatorem appellaret senatus; tot legionibus caesis, tanta multitudine hostium interfecta (*hostium* dico; ita, inquam, hostium, quamvis hoc isti hostes domestici nolint) clarissimis ducibus supplicationum honorem tribuemus, imperatorium nomen adimemus? Quanto enim honore, laetitia, gratulatione in hoc templum ingredi debent illi ipsi huius urbis liberatores, cum hesterno die propter eorum res gestas me ovantem et prope triumphantem populus Romanus in Capitolium domo tulerit, domum inde reduxerit?

[13] Is enim demum est mea quidem sententia iustus triumphus ac verus, cum bene de re publica meritis testimonium a consensu civitatis datur. Nam sive in communi gaudio populi Romani uni gratulabantur, magnum iudicium, sive uni gratias agebant, eo maius, sive utrumque, nihil magnificentius cogitari potest. 'Tu igitur ipse de te?' dixerit quispiam. Equidem invitus, sed iniuriae dolor facit me praeter consuetudinem gloriosum. Nonne satis est ab hominibus virtutis ignaris gratiam bene merentibus non referri? etiam in eos, qui omnes suas curas in rei publicae salute defigunt, impetus crimen invidia quaeretur?

[14] Scitis enim per hos dies creberrimum fuisse sermonem, me Parilibus, qui dies hodie est, cum fascibus descensurum. In aliquem credo hoc gladiatorem aut latronem aut Catilinam esse conlatum, non in eum, qui, ne quid tale in re publica fieri posset, effecerit. An ut ego, qui Catilinam haec molientem sustulerim, everterim, adflixerim, ipse existerem repente Catilina? Quibus auspiciis istos fascis augur acciperem, quatenus haberem, cui traderem? Quemquamne fuisse tam sceleratum, qui hoc fingeret, tam furiosum, qui crederet? Unde igitur ista suspicio vel potius unde iste sermo?

[VI][15] Cum, ut scitis, hoc triduo vel quadriduo tristis a Mutina fama manaret, inflati laetitia atque insolentia impii cives unum se in locum ad illam curiam furiis potius suis quam rei publicae infelicem congregabant. Ibi cum consilia inirent de caede nostra partirenturque inter se, qui Capitolium, qui rostra, qui urbis portas occuparent, ad me concursum futurum civitatis putabant. Quod ut cum invidia mea fieret et cum vitae etiam periculo, famam istam fascium dissipaverunt, fascis ipsi ad me delaturi fuerunt. Quod cum esset

quasi mea voluntate factum, tum in me impetus conductorum hominum quasi in tyrannum parabatur, ex quo caedes esset vestrum omnium consecuta. Quae res patefecit, patres conscripti, sed suo tempore totius huius sceleris fons aperietur.

[16] Itaque P. Apuleius, tribunus pl., meorum omnium consiliorum periculorumque iam inde a consulatu meo testis, conscius, adiutor, dolorem ferre non potuit doloris mei; contionem habuit maximam populo Romano unum atque idem sentiente. In qua contione cum me pro summa nostra coniunctione et familiaritate liberare suspicione fascium vellet, una voce cuncta contio declaravit nihil esse a me umquam de re publica nisi optime cogitatum. Post hanc habitam contionem duabus tribusve horis optatissimi nuntii et litterae venerunt, ut idem dies non modo iniquissima me invidia liberarit, sed etiam celeberrima populi Romani gratulatione auxerit.

[17] Haec interposui, patres conscripti, non tam ut pro me dixerim (male enim mecum ageretur, si parum vobis essem sine defensione purgatus), quam ut quosdam nimis ieiuno animo et angusto monerem, id quod semper ipse fecissem, uti excellentium civium virtutem imitatione dignam, non invidia putarent. Magnus est in re publica campus, ut sapienter dicere Crassus solebat, multis apertus cursus ad laudem. [VII] Utinam quidem illi principes viverent, qui me post meum consulatum, cum iis ipse cederem, principem non inviti videbant! Hoc vero tempore in tanta inopia constantium et fortium consularium quo me dolore affici creditis, cum alios male sentire, alios nihil omnino curare videam, alios parum constanter in suscepta causa permanere sententiamque suam non semper utilitate rei publicae, sed tum spe, tum timore moderari?

[18] Quod si quis de contentione principatus laborat, quae nulla esse debet, stultissime facit, si vitiis cum virtute contendit; ut enim cursu cursus, sic in viris fortibus virtus virtute superatur. Tu, si ego de re publica optime sentiam, ut me vincas, ipse pessime senties aut, si ad me bonorum concursum fieri videbis, ad te improbos invitabis? Nollem primum rei publicae causa, deinde etiam dignitatis tuae. Sed si principatus ageretur, quem numquam expetivi, quid tandem mihi esset optatius? Ego enim malis sententiis vinci non possum, bonis forsitan possim et libenter.

[19] Haec populum Romanum videre, animadvertere, iudicare

quidam moleste ferunt. Poteratne fieri, ut non proinde homines *de*quoque, ut quisque mereretur, iudicarent? Ut enim de universo senatu populus Romanus verissime iudicat nullis rei publicae temporibus hunc ordinem firmiorem aut fortiorem fuisse, sic de uno quoque nostrum et maxime, qui hoc loco sententias dicimus, sciscitantur omnes, avent audire, quid quisque senserit; ita de quoque, ut quemque meritum arbitrantur, existimant. Memoria tenent me ante diem XIII Kalendas Ianuarias principem revocandae libertatis fuisse, me ex Kalendis Ianuariis ad hanc horam invigilasse rei publicae,

[20] meam domum measque auris dies noctesque omnium praeceptis monitisque patuisse, meis litteris, meis nuntiis, meis cohortationibus omnes, qui ubique essent, ad patriae praesidium excitatos, meis sententiis a Kalendis Ianuariis numquam legatos ad Antonium, semper illum hostem, semper hoc bellum, ut ego, qui omni tempore verae pacis auctor fuissem, huic essem nomini pestiferae pacis inimicus.

[21] Idem P. Ventidium, cum alii praetorem [Volusenum], ego semper hostem. Has in sententias meas si consules discessionem facere voluissent, omnibus istis latronibus auctoritate ipsa senatus iam pridem de manibus arma cecidissent. [VIII] Sed, quod tum non licuit, patres conscripti, id hoc tempore non solum licet, verum etiam necesse est, eos, qui re sunt hostes, verbis notari, sententiis nostris hostes iudicari.

[22] Antea cum hostem ac bellum nominassem, semel et saepius sententiam meam de numero sententiarum sustulerunt, quod in hac causa iam fieri non potest. Ex litteris enim C. Pansae A. Hirti consulum, C. Caesaris pro praetore de honore dis immortalibus habendo sententias dicimus. Supplicationem modo qui decrevit, idem imprudens hostes iudicavit; numquam enim in civilis bello supplicatio decreta est. Decretam dico; ne victoris quidem litteris postulata est.

[23] Civile bellum consul Sulla gessit, legionibus in urbem adductis, quos voluit, expulit, quos potuit, occidit; supplicationis mentio nulla. Grave bellum Octavianum insecutum est; supplicatio [Cinnae} nulla victori. Cinnae victoriam imperator ultus est Sulla; nulla supplicatio decreta a senatu. Ad te ipsum, P. Servili, num misit

ullas collega litteras de illa calamitosissima pugna Pharsalia, num te de supplicatione voluit referre? Profecto noluit. At misit postea de Alexandria, de Pharnace; Pharsaliae vero pugnae ne triumphum quidem egit. Eos enim cives pugna illa sustulerat, quibus non modo vivis, sed etiam victoribus incolumis et florens civitas esse posset.

[24] Quod idem contigerat superioribus bellis civilibus. Nam mihi consuli supplicatio nullis armis sumptis non ob caedem hostium, sed ob conservationem civium novo et inaudito genere decreta est. Quam ob rem aut supplicatio re publica pulcherrime gesta postulantibus nostris imperatoribus deneganda est, quod praeter Gabinium contigit nemini, aut supplicatione decernenda hostes eos, de quibus decernitis, iudicetis necesse est. [IX] Quod ergo ille re, id ego etiam verbo, cum imperatores eos appello; hoc ipso nomine et eos, qui iam devicti sunt, et eos, qui supersunt, hostes iudico, cum victores appello imperatores.

[25] Quo modo enim potius Pansam appellem, etsi habet honoris nomen amplissimi, quo Hirtium? Est ille quidem consul, sed alterum nomen beneficii populi Romani est, alterum virtutis atque victoriae. Quid? Caesarem, deorum beneficio rei publicae procreatum dubitemne appellare imperatorem? qui primus Antoni inmanem et foedam crudelitatem non solum a iugulis nostris, sed etiam a membris et visceribus avertit. Unius autem diei quot et quantae virtutes, di immortales, fuerunt!

[26] Princeps enim omnium Pansa proelii faciendi et cum Antonio confligendi fuit, dignus imperator legione Martia, digna legio imperatore. Cuius si acerrimum impetum cohibere Pansa potuisset, uno proelio confecta res esset. Sed cum libertatis avida legio effrenatius in aciem hostium inrupisset ipseque in primis Pansa pugnaret, duobus periculosis vulneribus acceptis sublatus e proelio rei publicae vitam reservavit. Ego vero hunc non solum imperatorem, sed etiam clarissimum imperatorem iudico, qui cum aut morte aut victoria se satis facturum rei publicae spopondisset, alterum fecit, alterius di immortales omen avertant!

[X] [27] Quid dicam de Hirtio? qui re audita e castris duas legiones eduxit incredibili studio atque virtute, quartam illam, quae relicto Antonio se olim cum Martia legione coniunxit, et septimam, quae constituta ex veteranis docuit hoc proelio militibus iis, qui Caesaris

beneficia servassent, senatus populique Romani carum nomen esse. His viginti cohortibus nullo equitatu Hirtius ipse aquilam quartae legionis cum inferret, qua nullius pulchriorem speciem imperatoris accepimus, cum tribus Antoni legionibus equitatuque conflixit hostesque nefarios huic Iovis Optimi Maximi ceterisque deorum immortalium templis, urbis tectis, libertati populi Romani, nostrae vitae sanguinique imminentes prostravit, fudit, occidit, ut cum admodum paucis nocte tectus, metu perterritus princeps latronum duxque fugerit. O solem ipsum beatissimum, qui antequam se abderet, stratis cadaveribus parricidarum cum paucis fugientem vidit Antonium!

[28] An vero quisquam dubitabit appellare Caesarem imperatorem? Aetas eius certe ab hac sententia neminem deterrebit, quandoquidem virtute superavit aetatem. Ac mihi semper eo maiora beneficia C. Caesaris visa sunt, quo minus erant ab aetate illa postulanda; cui cum imperium dabamus, eodem tempore etiam spem eius nominis deferebamus; quod cum est consecutus, auctoritatem decreti nostri rebus gestis suis comprobavit. Hic ergo adulescens maximi animi, ut verissime scribit Hirtius, castra multarum legionum paucis cohortibus tutatus est secundumque proelium fecit. Ita trium imperatorum virtute, consilio, felicitate uno die locis pluribus res publica est conservata.

[**XI**] [29] Decerno igitur eorum trium nomine quinquaginta dierum supplicationes; causas, ut honorificentissimis verbis consequi potuero, complectar ipsa sententia. Est autem fidei pietatisque nostrae declarare fortissimis militibus, quam memores simus quamque grati. Quam ob rem promissa nostra atque ea, quae legionibus bello confecto tributuros nos spopondimus, hodierno senatus consulto renovanda censeo; aequum est enim militum, talium praesertim, honorem coniungi.

[30] Atque utinam, patres conscripti, [civibus] omnibus solvere nobis praemia liceret! quamquam nos ea, quae promisimus, studiose cumulata reddemus. Sed id quidem restat, ut spero, victoribus, quibus senatus fides praestabitur: quam quoniam difficillimo rei publicae tempore secuti sunt, eos numquam oportebit consilii sui paenitere. Sed facile est bene agere cum iis, a quibus etiam tacentibus flagitari videmur; illud admirabilius et maius maximeque proprium

senatus sapientis est, grata eorum virtutem memoria prosequi, qui pro patria vitam profuderunt.

[31] Quorum de honore utinam mihi plura in mentem venirent! Duo certe non praeteribo, quae maxime occurrunt, quorum alterum pertinet ad virorum fortissimorum gloriam sempiternam, alterum ad leniendum maerorem et luctum proximorum. [XII] Placet igitur mihi, patres conscripti, legionis Martiae militibus et eis, qui una pugnantes occiderint, monumentum fieri quam amplissimum. Magna atque incredibilia sunt in rem publicam huius merita legionis. Haec se prima latrocinio abrupit Antoni, haec tenuit Albam, haec se ad Caesarem contulit, hanc imitata quarta legio parem virtutis gloriam consecuta est. Quarta victrix desiderat neminem; ex Martia non nulli in ipsa victoria conciderunt. O fortunata mors, quae naturae debita pro patria est potissimum reddita!

[32] Vos vero patriae natos iudico, quorum etiam nomen a Marte est, ut idem deus urbem hanc gentibus, vos huic urbi genuisse videatur. In fuga foeda mors est, in victoria gloriosa. Etenim Mars ipse ex acie fortissimum quemque pignerari solet. Illi igitur impii, quos cecidistis, etiam ad inferos poenas parricidii luent, vos vero, qui extremum spiritum in victoria effudistis, piorum estis sedem et locum consecuti. Brevis a natura vita vobis data est, at memoria bene redditae vitae sempiterna. Quae si non esset longior quam haec vita, quis esset tam amens, qui maximis laboribus et periculis ad summam laudem gloriamque contenderet?

[33] Actum igitur praeclare vobiscum, fortissimi, dum vixistis, nunc vero etiam sanctissimi milites, quod vestra virtus neque oblivione eorum, qui nunc sunt, nec reticentia posterorum sepulta esse poterit, cum vobis inmortale monumentum suis paene manibus senatus populusque Romanus exstruxerit. Multi saepe exercitus Punicis, Gallicis, Italicis bellis clari et magni fuerunt, nec tamen ullis tale genus honoris tributum est. Atque utinam maiora possemus, quandoquidem a vobis maxima accepimus! Vos ab urbe furentem Antonium avertistis, vos redire molientem reppulistis. Erit igitur exstructa moles opere magnifico incisaeque litterae divinae virtutis testes sempiternae, numquam de vobis eorum, qui aut videbunt vestrum monumentum aut audient, gratissimus sermo conticescet. Ita pro mortali condicione vitae inmortalitatem estis consecuti.

[XIII][34] Sed quoniam, patres conscripti, gloriae munus optimis et fortissimis civibus monumenti honore persolvitur, consolemur eorum proximos, quibus optima est haec quidem consolatio, parentibus, quod tanta rei publicae praesidia genuerunt, liberis, quod habebunt domestica exempla virtutis, coniugibus, quod iis viris carebunt, quos laudare quam lugere praestabit, fratribus, quod in se ut corporum, sic virtutis similitudinem esse confident. Atque utinam his omnibus abstergere fletum sententiis nostris consultisque possemus vel aliqua talis iis adhiberi publice posset oratio, qua deponerent maerorem atque luctum gauderentque potius, cum multa et varia impenderent hominibus genera mortis, id genus, quod esset pulcherrimum suis obtigisse eosque nec inhumatos esse nec desertos, quod tamen ipsum pro patria non miserandum putatur, nec dispersis bustis humili sepultura crematos, sed contectos publicis operibus atque muneribus eaque extructione, quae sit ad memoriam aeternitatis ara Virtutis.

[35] Quam ob rem maximum quidem solacium erit propinquorum eodem monumento declarari et virtutem suorum et populi Romani pietatem et senatus fidem et crudelissimi memoriam belli; in quo nisi tanta militum virtus exstitisset, parricidio M. Antoni nomen populi Romani occidisset. Atque etiam censeo, patres conscripti, quae praemia militibus promisimus nos re publica reciperata tributuros, ea vivis victoribusque cumulate, cum tempus venerit, persolvenda; qui autem ex iis, quibus illa promissa sunt, pro patria occiderunt, eorum parentibus, liberis, coniugibus, fratribus eadem tribuenda censeo.

[XIV][36] Sed ut aliquando sententiam complectar, ita censeo: ‘cum C. Pansa consul, imperator, initium cum hostibus confligendi fecerit, quo proelio legio Martia admirabili incredibilique virtute libertatem populi Romani defenderit, quod idem legiones tironum fecerint, ipseque C. Pansa consul, imperator, cum inter media hostium tela versaretur, vulnera acceperit, cumque A. Hirtius consul, imperator, proelio audito, re cognita, fortissimo praestantissimoque animo exercitum castris eduxerit impetumque in M. Antonium exercitumque hostium fecerit eiusque copias occidione occiderit suo exercitu ita incolumi, ut ne unum quidem militem desiderarit,

[37] cumque C. Caesar pro praetore, imperator, consilio diligentiaque sua castra feliciter defenderit copiasque hostium, quae ad castra accesserant, profligarit, occiderit: ob eas res senatum

existimare et iudicare eorum trium imperatorum virtute, imperio, consilio, gravitate, constantia, magnitudine animi, felicitate populum Romanum foedissima crudelissimaque servitute liberatum; cumque rem publicam, urbem, templa deorum immortalium, bona fortunasque omnium liberosque conservarint dimicatione et periculo vitae suae, uti ob eas res bene, fortiter feliciterque gestas C. Pansa A. Hirtius consules, imperatores, alter ambove, aut, si aberunt, M. Cornutus, praetor urbanus, supplicationes per dies quinquaginta ad omnia pulvinaria constituat;

[38] cumque virtus legionum digna clarissimis imperatoribus extiterit, senatum, quae sit antea pollicitus legionibus exercitibusque nostris, ea summo studio re publica recuperata persoluturum; cumque legio Martia princeps cum hostibus conflixerit atque ita cum maiore numero hostium contenderit, *ut*, cum plurimos caederent, caderent non nulli, cumque sine ulla retractatione pro patria vitam profuderint; cumque simili virtute reliquarum legionum milites pro salute et libertate populi Romani mortem oppetiverint: senatui placere, ut C. Pansa A. Hirtius consules, imperatores, alter ambove, si eis videatur, iis qui sanguinem pro vita, libertate, fortunis populi Romani, pro urbe, templis deorum immortalium profudissent, monumentum quam amplissimum locandum faciendumque curent *quaestoresque urb.* ad eam rem pecuniam dare, attribuere, solvere iubeant, ut exstet ad memoriam posteritatis sempiternam scelus crudelissimorum hostium militumque divina virtus, utique, quae praemia senatus militibus ante constituit, ea solvantur eorum, qui hoc bello pro patria occiderunt, parentibus, liberis, coniugibus, fratribus, iisque tribuantur, quae militibus ipsis tribui oporteret, si vivi vicissent, qui morte vicerunt.

FRAGMENTS OF SPEECHES

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PRO CORNELIO DE MAIESTATE (In Defence of Caius Cornelius)
PRO SCAURO (In Defence of Marcus Aemilius Scaurus)

PRO CORNELIO DE MAIESTATE (In Defence of Caius Cornelius)

[57] Hanc orationem dixit L. Cotta L. Torquato coss. post annum quam superiores.

Argumentum

C. Cornelius homo non improbus vita habitus est. Fuerat quaestor Cn. Pompeii, dein tribunus plebis C. Pisone M'.Glabrione coss. biennio ante quam haec dicta sunt. In eo magistratu ita se gessit ut iusto pertinacior videretur. Alienatus autem a senatu est ex hac causa. Rettulerat ad senatum ut, quoniam exterarum nationum legatis pecunia magna daretur usura turpiaque et famosa ex eo lucra fierent, ne quis legatis exterarum nationum pecuniam expensam ferret. Cuius relationem repudiavit senatus et decrevit satis cautum videri eo S.C. quod aliquot ante annos L. Domitio C. Caelio coss. factum erat, cum senatus ante pauculos annos ex eodem illo S.C. decrevisset ne quis Cretensibus pecuniam mutuam daret. Cornelius ea re [58] offensus senatui questus est de ea in contione: exhauriri provincias usuris; providendum ut haberent legati unde praesenti die darent; promulgavitque legem qua auctoritatem senatus minuebat, ne quis nisi per populum legibus solveretur. Quod antiquo quoque iure erat cautum; itaque in omnibus S.C. quibus aliquem legibus solvi placebat adici erat solitum ut de ea re ad populum ferretur: sed paulatim ferri erat desitum resque iam in eam consuetudinem venerat ut postremo ne adiceretur quidem in senatus consultis de rogatione ad populum ferenda; eaque ipsa S.C. per pauculos admodum fiebant. Indigne eam Corneli rogationem tulerant potentissimi quique ex senatu quorum gratia magnopere minuebatur; itaque P. Servilius Globulus tribunus plebis inventus erat qui C. Cornelio obsisteret. Is, ubi legis ferundae dies venit et praeco subiciente scriba verba legis recitare populo coepit, et scribam subicere et praeconem pronuntiare passus non est. Tum Cornelius ipse codicem recitavit. Quod cum improbe fieri C. Piso consul vehementer quereretur tollique tribuniciam intercessionem diceret, gravi convicio a populo exceptus est; et cum ille eos qui sibi intentabant manus prendi a lictore

iussisset, fracti eius fasces sunt lapidesque etiam ex ultima contione in consulem iacti: quo tumultu Cornelius perturbartus concilium dimisit actutum. Actum deinde eadem de re in senatu est magnis contentionibus. Tum Cornelius [59] ita ferre rursus coepit ne quis in senatu legibus solveretur nisi CC adfuissent, neve quis, cum solutus esset, intercederet, cum de ea re ad populum ferretur. Haec sine tumultu res acta est. Nemo enim negare poterat pro senatus auctoritate esse eam legem; sed tamen eam tulit invitis optimatibus, qui per paucos amicis gratificari solebant. Aliam deinde legem Cornelius, etsi nemo repugnare ausus est, multis tamen invitis tulit, ut praetores ex edictis suis perpetuis ius dicerent: quae res studium aut gratiam ambitiosis praetoribus qui varie ius dicere assueverant sustulit. Alias quoque complures leges Cornelius promulgavit, quibus plerisque collegae intercesserunt: per quas contentiones totius tribunatus eius tempus peractum est.

Sequenti deinde anno M'.Lepido L. Volcacio coss., quo anno praetor Cicero fuit, reum Cornelium duo fratres Cominii lege Cornelia de maiestate fecerunt. Detulit nomen Publius, subscripsit Gaius. Et cum P. Cassius praetor decimo die, ut mos est, adesse iussisset, eoque die ipse non adfuisset seu avocatus propter publici frumenti curam seu gratificans reo, circumventi sunt ante tribunal eius accusatores a notis operarum ducibus ita ut mors intentaretur, si mox non [60] desisterent. Quam perniciem vix effugerunt interventu consulum qui advocati reo descenderant. Et cum in scalas quasdam Cominii fugissent, clausi in noctem ibi se occultaverunt, deinde per tecta vicinarum aedium profugerunt ex urbe. Postero die, cum P. Cassius adsedisset et citati accusatores non adessent, exemptum nomen est de reis Corneli; Cominii autem magna infamia flagraverunt vendidisse silentium magna pecunia.

Sequente deinde anno L. Cotta L. Torquato coss., quo haec oratio a Cicerone praetura nuper peracta dicta est, cum primum apparuisset Manilius qui iudicium per operarum duces turbaverat, deinde quod ex S.C. ambo consules . . . praesidebant ei iudicio, non respondisset atque esset damnatus, recreavit se Cominius, ut infamiam acceptae pecuniae tolleret, ac repetiit Cornelium lege maiestatis. Res acta est magna exspectatione. Paucos autem comites Cornelius perterritus Manili exitu . . . in iudicium adhibuit, ut ne clamor quidem ullus ab

advocatis eius oriretur.

Dixerunt in eum infesti testimonia principes civitatis qui plurimum in senatu poterant Q. Hortensius, Q. Catulus, Q. Metellus Pius, M. Lucullus, M'.Lepidus. Dixerunt autem hoc: vidisse se cum Cornelius in tribunatu codicem [61] pro rostris ipse recitaret, quod ante Cornelium nemo fecisse existimaretur. Volebant videri se iudicare eam rem magnopere ad crimen imminutae maiestatis tribuniciae pertinere; etenim prope tollebatur intercessio, si id tribunis permitteretur. Non poterat negare id factum esse Cicero, is eo confugit ut diceret non ideo quod lectus sit codex a tribuno imminutam esse tribuniciam potestatem. Qua vero arte et scientia orationis ita ut et dignitatem clarissimorum civium contra quos dicebat non violaret, et tamen auctoritate eorum laedi reum non pateretur, quantaque moderatione rem tam difficilem aliis tractaverit lectio ipsa declarabit. Adiumentum autem habuit quod, sicut diximus, Cornelius praeter destrictum propositum animi adversus principum voluntatem cetera vita nihil fecerat quod magnopere improbaretur; praeterea quod et ipse Globulus qui intercesserat aderat Cornelio, et - quod ipsum quoque diximus - quod Cornelius Pompeii Magni quaestor fuerat, apud duas decurias profuit equitum Romanorum et tribunorum aerariorum et ex tertia quoque parte senatorum apud plerosque exceptis eis qui erant familiares principum civitatis. Res acta est magno conventu, magnaque exspectatione quis eventus iudicii futurus esset . . . a summis viris dici testimonia et id quod ei dicerent confiteri reum animadvertebant. Exstat oratio Comini accusatoris quam sumere in manus est aliquod [62] operae pretium, non solum propter Ciceronis orationes quas pro Cornelio habemus sed etiam propter semet ipsam. Cicero, ut ipse significat, quatriduo Cornelium defendit; quas actiones contulisse eum in duas orationes apparet. Iudicium id exercuit Q. Gallius praetor.

[In hac causa tres sunt quaestiones: prima, cum sit Cornelius reus maiestatis legis Corneliae, utrum certae aliquae res sint ea lege comprehensae quibus solis reus maiestatis teneatur, quod patronus defendit; an libera eius interpretatio iudici relicta sit, quod accusator proponit. Secunda est an quod Cornelius fecit (?)ne ca maiestatis teneatur. Tertia an minuendae maiestatis animum habuerit.]

Enarratio

Ver. a primo circi. CLX
Postulatur apud me praetorem primum de pecuniis repetundis. Prospectat videlicet Cominius quid agatur: videt homines faeneos in medium ad temptandum periculum proiectos.
Simulacra effigie hominum ex faeno fieri solebant quibus obiectis ad spectaculum praebendum tauri irritarentur.

Quid? Metellus summa nobilitate ac virtute, cum bis iurasset, semel privatim, iterum lege, privatim [63] *patris, publice legis . . . deiectus est? ratione an vi? at utrimque omnem suspicionem animi tollit et C. Curionis virtus ac dignitas et Q. Metelli spectata adulescentia ad summam laudem omnibus rebus ornata.*
Hoc exemplum affert hoc loco, quod vult probare desistere eum debere ab accusatione - quamvis neque accusatus sit neque fecerit pactionem - nam Metellus et postulaverat Curionem et destiterat. Confugit autem orator ad Metelli nobilitatem et ad C. Curionis industriam ut tegeret id quod illi utilius quam honestius fecerant. Res autem tota se sic habet: in qua quidem illud primum explicandum est, de quo Metello hoc dicit. Fuerunt enim tunc plures Quinti Metelli, ex quibus duo consulares, Pius et Creticus, de quibus apparet eum non dicere, duo autem adulescentes, Nepos et Celer, ex quibus nunc Nepotem significat. Eius enim patrem Q. Metellum Nepotem, Baliarici filium, Macedonici nepotem qui consul fuit cum T.Didio, Curio is de quo loquitur accusavit: isque Metellus moriens petiit ab hoc filio suo Metello ut Curionem accusatorem suum accusaret, et id facturum esse iure iurando adegit. Metellus fecit reum Curionem; cumque interim quendam civem idem Metellus servum suum esse contendens vi arripuisset ac verberibus affecisset, Curio assertorem ei comparavit. Dein cum appareret eum exitum iudicii illius futurum ut [64] liber is iudicaretur quem Metellus verberibus affectum esse negare non poterat, inter Metellum et Curionem facta concordia est pactione ut neque arbitrium de libertate perageretur, esset tamen ille in libertate de quo agebatur, neque Metellus perstaret in accusatione Curionis: eaque pactio ab utroque servata est. Huc ergo illud pertinet, cum iurasse dixit semel privatim . . . iterum lege, tum scilicet cum in

Curionem calumniam iuravit. Cum hoc autem Metello postea Cicero simultates gessit; evasit enim Metellus malus atque improbus civis.

Legem, inquit, de libertinorum suffragiis Cornelius C. Manilio dedit. Quid est hoc "dedit"? Attulit? an rogavit? an hortatus est? Attulisse ridiculum est, quasi legem aliquam aut ad scribendum difficilem aut ad excogitandum reconditam: quae lex paucis his annis non modo scripta sed etiam lata esset.

P. Sulpicium in tribunatu hanc eandem legem tulisse iam significavimus. Tulit autem L. Sulla qui postea Felix appellatus est Q. Pompeio consulibus ante XXIII annos quam haec dicta sunt, cum per vim rem p. possedisset et ab initiis bonarum actionum ad perditas progressus esset: quod et initium bellorum civilium fuit, et propter quod ipse Sulpicius consulum armis iure oppressus esse visus est.

[65] *In quo cum multa reprehensa sint, tum imprimis celeritas actionis.*
Celeritatem actionis significat, quod Manilius, sicut iam ostendimus, post pauculos statim dies quam inierat tribunatum legem eandem Compitalibus pertulit.

Petivit tamen a me praetor maxima contentione ut causam Manili defenderem.
C. Attium Celsum significat, sicut iam ante dictum est.

Ver. a pri. DCCCL
Dicit de eodem Manili tribunatu:
Nam cum is tr.pl. duas leges in eo magistratu tulisset, unam perniciosam, alteram egregiam: quod summae rei p. nocuisset ab illo ipso tr. abiectum est, bonum autem quod . . . summa resp. manet et (?)*in vestri ordina . . . dis fuit.*
Dictum est iam supra de his legibus, quarum una de libertinorum suffragiis, quae cum S.C. damnata esset, ab ipso quoque Manilio non ultra defensa est: altera de bello Mithridatico Cn. Pompeio extra ordinem mandando, ex qua lege tum Magnus Pompeius bellum gerebat.

[66] Dicit de disturbato iudicio Maniliano:
Aliis ille in illum furorem magnis hominibus auctoribus impulsus est qui aliquod institui exemplum disturbandorum iudiciorum reip. perniciosissimum, temporibus suis accommodatissimum, meis alienissimum rationibus cupiverunt.
L. Catilinam et Cn. Pisonem videtur significare. Fuit autem Catilina patricius et eodem illo tempore erat reus repetundarum, cum provinciam Africam obtinuisset et consulatus candidatum se ostendisset. Accusator erat eius P. Clodius, adulescens ipse quoque perditus, qui postea cum Cicerone inimicitias gessit. Cn. quoque Piso, adulescens potens et turbulentus, familiaris erat Catilinae omniumque consiliorum eius particeps et turbarum autor.

Ver. cir. MX
Possum dicere hominem summa prudentia spectatum, C. Cottam, de suis legibus abrogandis ipsum ad senatum rettulisse.
Hic est Cotta de quo iam saepe diximux, magnus orator habitus et compar in ea gloria P. Sulpicio et C. Caesari . . . Videntur autem in rebus parvis fuisse leges illae, quas cum tulisset, rettulit de eis abrogandis ad senatum. Nam neque apud Sallustium neque apud Livium neque apud Fenestellam ullius alterius latae ab eo legis est mentio [67] praeter eam quam in consulatu tulit invita nobilitate magno populi studio, ut eis qui tr.pl. fuissent alios quoque magistratus capere liceret; quod lex a dictatore L. Sulla paucis ante annis lata prohibebat: neque eam Cottae legem abrogatam esse significat.

Sequitur
Possum etiam eiusdem Cottae legem de iudiciis privatis anno post quam lata sit a fratre eius abrogatam.
M. Cottam significat. Fuerunt autem fratres tres: duo hi, C. , M. , tertius L. Cotta qui lege sua iudicia inter tres ordines communicavit senatum, equites, tribunos aerarios; adeptique sunt omnes consulatum.

Statim
Legem Liciniam et Muciam de civibus redigendis video constare

inter omnis, quamquam duo consules omnium quos vidimus sapientissimi tulissent, non modo inutilem sed perniciosam rei publicae fuisse.
L. Licinium Crassum oratorem et Q. Mucium Scaevolam pont. max. eundemque et oratorem et iuris consultum significat. Hi enim legem eam de qua loquitur de redigendis in suas civitates sociis in consulatu tulerunt. Nam cum [68] summa cupiditate civitatis Romanae Italici populi tenerentur et ob id magna pars eorum pro civibus Romanis se gereret, necessaria lex visa est ut in suae quisque civitatis ius redigeretur. Verum ea lege ita alienati animi sunt principum Italicorum populorum ut ea vel maxima causa belli Italici quod post triennium exortum est fuerit.

Quattuor omnino genera sunt, iudices, in quibus per senatum more maiorum statuatur aliquid de legibus. Unum est eius modi placere legem abrogari: ut Q. Caecilio M. Iunio coss. quae leges rem militarem impedirent, ut abrogarentur.
Q. Caecilius Metellus Numidicus, M. Iunius Silanus, de quibus facit mentionem, consules fuerunt bello Cimbrico quod diu prave simul et infeliciter administratum est; atque ipse quoque hic Iunius male rem adversus Cimbros gessit . . . (?)ac plures leges quae per eos annos (?)quibus hec significabantur populo latae erant, quibus militiae stipendia minuebantur, abrogavit.

Alterum, quae lex lata esse dicatur, ea non videri populum teneri: ut L. Marcio Sex. Iulio coss. de legibus Liviis.
Puto vos reminisci has esse leges Livias quas illis consulibus [69] M. Livius Drusus tribunus plebis tulerit. Qui cum senatus partes tuendas suscepisset et leges pro optimatibus tulisset, postea eo licentiae est progressus ut nullum in his morem servaret. Itaque Philippus cos. qui ei inimicus erat obtinuit a senatu ut leges eius omnes uno S.C. tollerentur. Decretum est enim contra auspicia esse latas neque eis teneri populum.

Tertium est de legum derogationibus -: quo de genere persaepe S.C. fiunt, ut nuper de ipsa lege Calpurnia cui derogaretur.
Lex haec Calpurnia de ambitu erat. Tulerat eam ante biennium C.

Calpurnius Piso cos., in qua praeter alias poenas pecuniaria quoque poena erat adiecta.

P. Africanus ille superior, ut dicitur, non solum a sapientissimis hominibus qui tum erant verum etiam a se ipso saepe accusatus est quod, cum consul esset cum Ti. Longo, passus esset tum primum a populari consessu senatoria subsellia separari.
Hoc factum est secundo consulatu Scipionis post septimum annum quam Carthaginiensibus bello secundo data est pax. Factum id esse autem Antias tradidit ludis Romanis quos fecerunt aediles curules C. Atilius Serranus, L. Scribonius Libo, et id eos fecisse iussu censorum Sex.Aeli Paeti, C. Corneli Cethegi. Et videtur in hac quidem oratione hunc auctorem secutus Cicero dixisse passum esse [70] Scipionem secerni a cetero consessu spectacula senatorum. In ea autem quam post aliquot annos habuit de haruspicum responso, non passum esse Scipionem, sed ipsum auctorem fuisse dandi eum locum senatoribus videtur significare.
Verba eius haec sunt:
Nam quid ego de illis ludis loquar quos in Palatio nostri maiores ante templum Matris Magnae fieri celebrarique voluerunt? - quibus primum ludis ante populi consessum senatui locum P. Africanus II cos. ille maior dedit . . .
Et collega eius Sempronio Longo hoc tributum esse senatui scribit, sed sine mentione Megalesium - aediles enim eos ludos facere soliti erant - votivis ludis factum tradit quos Scipio et Longus coss. fecerint. Non praeterire autem vos volo esse oratoriae calliditatis ius ut, cum opus est, eisdem rebus ab utraque parte vel a contrariis utantur. Nam cum secundum Ciceronis opinionem auctore Scipione consule aediles secretum ante omnis locum spectandi senatoribus dederint, de eodem illo facto Scipionis in hac quidem oratione, quia causa popularis erat premebaturque senatus auctoritate atque ob id dignitatem eius ordinis quam posset maxime elevari causae expediebat, paenituisse ait Scipionem quod passus est id fieri; in ea vero de haruspicum responso, quia in senatu habebatur cuius auribus erat blandiendum, et magnopere illum laudat et non auctorem fuisse dandi - nam id erat levius - sed ipsum etiam dedisse dicit.

[71] ***Circa medium***
Quo loco enumerat, cum lex feratur, quot loca intercessionis sint, ante quam qui legem fert populum iubeat discedere.
Est utique ius vetandi, cum ea feratur, quam diu . . . ferundi transferuntur; id est . . . lex, dum privati dicunt, dum . . . dum sitella defertur, dum aequantur sortes, dum sortitio fit, et si qua sunt alia huius generis.
(?)Alia populus confusus ut semper alias, ita et in contione. (?)Id peractis, cum id solum superest, ut populus sententiam ferat, iubet eum is qui fert legem "discedere": quod verbum non hoc significat quod in communi consuetudine est, eant de eo loco ubi lex feratur, sed in suam quisque tribum discedat in qua est suffragium laturus.

Paulo post
Unum tamen quod hoc ipso tr.pl. factum est praetermittendum non videtur. Neque enim maius est legere codicem, cum intercedatur, quam sitellam ipsum coram ipso intercessore deferre, nec gravius incipere ferre quam perferre, nec vehementius ostendere se laturum invito collega quam ipsi collegae magistratum abrogare, nec criminosius tribus ad legem accipiendam quam ad collegam [72] *reddendum privatum intro vocare: quae vir fortis, huius collega, A. Gabinius in re optima fecit omnia; neque cum salutem populo Romano atque omnibus gentibus finem diuturnae turpitudinis et servitutis afferret, passus est plus unius collegae sui quam universae civitatis vocem valere et voluntatem.*
Manifestum est de ea lege Gabini Ciceronem nunc dicere qua Cn. Pompeio bellum adversus piratas datum est. L. autem Trebellius est tribunus plebis quem non nominat: quo perseverante intercedere - nam senatui promiserat moriturum se ante quam illa lex perferretur - intro vocare tribus Gabinius coepit ut Trebellio magistratum abrogaret, sicut quondam Ti.Gracchus tribunus M. Octavio collegae suo magistratum abrogavit. Et aliquam diu Trebellius ea re non perterritus aderat perstabatque in intercessione, quod id minari magis quam perseveraturum esse Gabinium arbitrabatur; sed post quam X et VII tribus rogationem acceperunt, ut una minus esset, et modo una supererat ut populi iussum conficeret, remisit intercessionem Trebellius: atque ita legem Gabinius de piratis persequendis pertulit.

At enim de corrigenda lege rettulerunt.
Diximus iam in principio Cornelium primo legem promulgasse ne quis per senatum lege solveretur, tum tulisse ut tum denique de ea re S.C. fieret, cum adessent in senatu non minus CC. Haec est illa quam appellat correctio.

[73] *Idem nisi haec ipsa lex quam C. Cornelius tulit obstitisset, decrevissent id quod palam iam isti defensores iudiciorum propugnaverunt, senatui non placere id iudicium de Sullae bonis fieri. Quam ego causam longe aliter praetor in contione defendi, cum id dicerem quod idem iudices postea statuerunt, iudicium aequiore tempore fieri oportere.*
Quia defuerat superioribus temporibus in aerario pecunia publica, multa et saepe eius rei remedia erant quaesita; in quibus hoc quoque ut pecuniae publicae quae residuae apud quemque essent exigerentur. Id autem maxime pertinebat ad Cornelium Faustum dictatoris filium, quia Sulla per multos annos quibus exercitibus praefuerat et rem publicam tenuerat sumpserat pecunias ex vectigalibus et ex aerario populi Romani; eaque res saepe erat agitata, saepe omissa partim propter gratiam Sullanarum partium, partim . . . quod iniquum videbatur post tot annos ut quam quis pecuniam acceperat resque . . . redderet rationem.

Statim
Antea vero quam multarum rerum iudicia sublata sint, et quia scitis praetereo et ne quem in iudicium oratio mea revocare videatur.
Bello Italico quod fuit adulescentibus illis qui tum in re publica vigebant, cum multi Varia lege inique damnarentur, quasi id bellum illis auctoribus conflatum esset, crebraeque [74] defectiones Italicorum nuntiarentur, nanctus iustitii occasionem senatus decrevit ne iudicia, dum tumultus Italicus esset, exercerentur: quod decretum eorum in contionibus populi saepe agitatum erat. Supererat autem ex eis qui illa iudicia metuerant vigens tum maxime C. Curio, pater Curionis adulescentis eius qui bello civili Caesaris fuit partium.

Paulo post
Non Cn. Dolabella C. Volcacium, honestissimum virum, communi et

cotidiano iure privasset.
Duo fuerunt eo tempore Cn. Dolabellae, quorum alterum C. Caesar accusavit, alterum M. Scaurus.

Non denique homo illorum et vita et prudentia longe dissimilis, sed tamen nimis in gratificando iure liber, L. Sisenna, bonorum Cn. Corneli possessionem ex edicto suo P. Scipioni, adulescenti summa nobilitate, eximia virtute praedito, non dedisset.
Hoc solum hic adnotandum est hunc esse L. Sisennam qui res Romanas scripsit.

Qua re cum haec populus Romanus videret et cum a tribunis plebis doceretur, nisi poena accessisset in divisores, exstingui ambitum nullo modo posse, legem hanc Corneli flagitabat, illam quae ex [75] *S.C. ferebatur repudiabat, idque iure, ut docti sumus duorum consulum designatorum calamitate -*
et eadem de re paulo post:
Ut spectaculum illud re et tempore salubre ac necessarium, genere et exemplo miserum ac funestum videremus.
P. Sullam et P. Autronium significat, quorum alterum L. Cotta, alterum L. Torquatus, qui cum haec Cicero dicebat coss. erant, ambitus damnarant et in eorum locum creati erant.

Quid ego nunc tibi argumentis respondeam posse fieri ut alius aliquis Cornelius sit qui habeat Philerotem servum; volgare nomen esse Philerotis, Cornelios vero ita multos ut iam etiam collegium constitutum sit?
Frequenter tum etiam coetus factiosorum hominum sine publica auctoritate malo publico fiebant: propter quod postea collegia et S.C. et pluribus legibus sunt sublata praeter pauca atque certa quae utilitas civitatis desiderasset, sicut fabrorum fictorumque.

At enim extremi ac difficillimi temporis vocem illam, C. Corneli, consulem mittere coegisti: qui rem p. salvam esse vellent, ut ad legem accipiendam adessent.
C. Piso qui consul eodem anno fuit quo Cornelius tribunus plebis erat, cum legem de ambitu ex S.C. graviorem quam fuerat antea

ferret et propter multitudinem divisorum qui per vim adversabantur e foro eiectus esset, edixerat id [76] quod Cicero significat, et maiore manu stipatus ad legem perferendam descenderat.

Plebem ex Maniliana offensione victam et domitam esse dicit:
Aiunt vestros animos propter illius tribuni plebis temeritatem posse adduci ut omnino nomine illius potestatis abalienentur; qui restituerunt eam potestatem, alterum nihil unum posse contra multos, alterum longe abesse?
Manifestum puto esse vobis M. Crassum et Cn. Pompeium significari, e quibus Crassus iudex tum sedebat in Cornelium, Pompeius in Asia bellum Mithridaticum gerebat.

Tanta igitur in illis virtus fuit ut anno XVI post reges exactos propter nimiam dominationem potentium secederent, leges sacratas ipsi sibi restituerent, duo tribunos crearent, montem illum trans Anienem qui hodie Mons Sacer nominatur, in quo armati consederant, aeternae memoriae causa consecrarent. Itaque auspicato postero anno tr.pl. comitiis curiatis creati sunt.
Inducor magis librariorum hoc loco esse mendam quam ut Ciceronem parum proprio verbo usum esse credam. Illo enim tempore de quo loquitur, quod fuit post XVI annos quam reges exacti sunt, plebs sibi leges sacratas non *restituit* - numquam enim tribunos plebis habuerat - sed tum primum eas *constituit*. Numerum quidem annorum post reges exactos cum id factum est diligenter posuit, isque fuit A. Verginio Tricosto L. Veturio Cicurino coss. Ceterum [77] quidam non duo tr.pl. ut Cicero dicit, sed quinque tradunt creatos tum esse singulos ex singulis classibus. Sunt tamen qui eundem illum duorum numerum quem Cicero ponant: inter quos Tuditanus et Pomponius Atticus, Livius quoque noster. Idem hic et Tuditanus adiciunt tres praeterea ab illis duobus qui collegae essent lege creatos esse. Nomina duorum qui primi creati sunt haec traduntur: L. Sicinius L. f. Velutus, L. Albinius C. f. Paterculus.

Reliqua pars huius loci quae pertinet ad secundam constitutionem tribunorum et decemvirorum finitum imperium et breviter et aperte ab ipso dicitur. Nomina sola non adicit quis ille ex decemviris fuerit

qui contra libertatem vindicias dederit, et quis ille pater contra cuius filiam id decrevit; scilicet quod notissimum est decemvirum illum Appium Claudium fuisse, patrem autem virginis L. Verginium. Unum hoc tantum modo explicandum, quo loco primum de secunda secessione plebis, dehinc concordia facta, sic dicit:
Tum interposita fide per tris legatos amplissimos viros Romam armati revertuntur. In Aventino consederunt; inde armati in Capitolium venerunt; decem tr.pl. per pontificem, quod magistratus nullus erat, creaverunt.
Legati tres quorum nomina non ponit hi fuerunt: Sp.Tarpeius, C. Iulius, P. Sulpicius, omnes consulares; pontifex max. fuit M. Papirius.

[78] *Etiam haec recentiora praetereo: Porciam principium iustissimae libertatis; Cassiam qua lege suffragiorum ius potestasque convaluit; alteram Cassiam quae populi iudicia firmavit.*
Quae sit illa lex Cassia qua suffragiorum potestas convaluit manifestum est; nam ipse quoque paulo ante dixit legem Cassium tulisse ut populus per tabellam suffragium ferret. Altera Cassia lex quae populi iudicia firmavit quae sit potest quaeri. Est autem haec: L. Cassius L. f. Longinus tribunus plebis C. Mario C. Flavio coss. plures leges ad minuendam nobilitatis potentiam tulit, in quibus hanc etiam ut quem populus damnasset cuive imperium abrogasset in senatu ne esset. Tulerat autem eam maxime propter simultates cum Q. Servilio qui ante biennium consul fuerat et cui populus, quia male adversus Cimbros rem gesserat, imperium abrogavit.

Dicit de nobilibus:
Qui non modo cum Sulla verum etiam illo mortuo semper hoc per se summis opibus retinendum putaverunt, inimicissimi C. Cottae fuerunt, quod is consul paulum tribunis plebis non potestatis sed dignitatis addidit.
Hic Cotta, ut puto vos reminisci, legem tulit ut tribunis plebis liceret postea alios magistratus capere: quod lege Sullae eis erat ademptum.

Quam diu quidem hoc animo erga vos illa plebs erit quo se ostendit esse, cum legem Aureliam, cum Rosciam non modo accepit sed etiam

efflagitavit.
Aurelia lege communicata esse iudicia inter senatores et equestrem ordinem et tribunos aerarios (?)quam L. Roscius [79] Otho biennio ante confirmavit, in theatro ut equitibus Romanis XIIII ordines spectandi gratia darentur.

Memoria teneo, cum primum senatores cum equitibus Romanis lege Plotia iudicarent, hominem dis ac nobilitati perinvisum Cn. Pompeium causam lege Varia de maiestate dixisse.
M. Plautius Silvanus tribunus plebis Cn. Pompeio Strabone L. Porcio Catone coss., secundo anno belli Italici cum equester ordo in iudiciis dominaretur, legem tulit adiuvantibus nobilibus; quae lex vim eam habuit quam Cicero significat: nam ex ea lege tribus singulae ex suo numero quinos denos suffragio creabant qui eo anno iudicarent. Ex eo factum est ut senatores quoque in eo numero essent, et quidam etiam ex ipsa plebe.

PRO CORNELIO

Num in eo qui sint hi testes haesitatis? Ego vobis edam. Duo reliqui sunt de consularibus, inimici tribuniciae potestatis. Pauci praeterea adsentatores eorum atque adseculae subsequuntur.
M. Lucullum et M'.Lepidum significat. Quinque enim consulares, ut iam diximus, in Cornelium testimonium dixerunt: Q. Catulus, Q. Hortensius, Q. Metellus Pius pont.max, quos hac secunda oratione tractat, et duo qui nondum dixerant quos nunc significat Lucullus et Lepidus.

Quid? avunculus tuus clarissimus vir, clarissimo patre avo maioribus, credo, silentio, favente nobilitate, [80] *nullo intercessore comparato populo Romano dedit et potentissimorum hominum conlegiis eripuit cooptandorum sacerdotum potestatem.*
Hoc egere enarratione, quia hoc loco nomen non ponit quis fecerit, ei demum videri potest qui oblitus sit minus ante XX versus haec de eo ipso Ciceronem dixisse:
Sed si familiariter ex Q. Catulo sapientissimo viro atque humanissimo velim quaerere: utrius tandem tibi tribunatus minus

probari potest, C. Corneli, an - non dicam P. Sulpici, non L. Saturnini, non Gai Gracchi, non Tiberi, neminem quem isti seditiosum existimant nominabo, sed avunculi tui, Q. Catule, clarissimi patriaeque amantissimi viri? quid mihi tandem responsurum putatis?

Sequitur:
Quid? idem Domitius M. Silanum, consularem hominem, quem ad modum tr.pl. vexavit?
M. Silanus quinquennio ante consul fuerat quam Domitius tr.pl. esset, atque ipse quoque adversus Cimbros rem male gesserat: quam ob causam Domitius eum apud populum accusavit. Criminabatur rem cum Cimbris iniussu populi gessisse, idque principium fuisse calamitatum quas eo bello populus accepisset; ac de eo tabellam quoque edidit. Sed plenissime Silanus absolutus est; nam duae solae tribus eum, Sergia et Quirina, damnaverunt.

[81] *Haec est controversia eius modi ut mihi probetur tr.pl. Cn. Domitius, Catulo M. Terpolius.*
Contemptissimum nomen electum esse ex eis qui tr.pl. fuerant post infractam tribuniciam potestatem a Sulla, ante restitutam a Cn. Pompeio apparet. Fuit autem is tr.pl. ante XII annos D.Bruto et Mam.Lepido coss.; Cn. Domitius tribunus fuerat ante II de XL annos C. Mario II C. Fimbria coss.

PRO SCAURO (In Defence of Marcus Aemilius Scaurus)

M. TVLLI CICERONIS PRO M. SCAVRO ORATIO

[a] maxime fuit optandum M. Scauro, iudices, ut nullo suscepto cuiusquam odio sine offensione ac molestia retineret, id quod praecipue semper studuit, generis, familiae, nominis dignitatem.

[c] subiit etiam populi iudicium inquirente Cn. Domitio tribuno plebis.

[d] reus est factus a Q. Servilio Caepione lege Servilia, cum iudicia penes equestrem ordinem essent et P. Rutilio damnato nemo tam innocens videretur ut non timeret illa.

[e] ab eodem etiam lege Varia custos ille rei publicae proditionis est in crimen vocatus; vexatus a Q. Vario tribuno plebis est.

[f] non enim tantum admiratus sum ego illum virum, sicut omnes, sed etiam praecipue dilexi. primus enim me flagrantem studio laudis in spem impulit posse virtute me sine praesidio fortunae, quo contendissem, labore et constantia pervenire.

[g] et quoniam congesta fuit accusatio magis acervo quodam criminum, non distinctione aliqua generum et varietate.

[h] Bostarem igitur quendam dixit Norensem fugientem e Sardinia Scauri adventum . . . prius illum sepultum quam huic cenam esse sublatam.

[i] si denique in illa bona invadere nullo modo potuisset nisi mortuo Bostare.

[k] si me hercule, iudices, pro L. Tubulo dicerem, quem unum ex omni memoria sceleratissimum et audacissimum fuisse accepimus, tamen non timerem, venenum hospiti aut convivae si diceretur cenanti ab illo datum cui neque heres neque iratus fuisset.

[m] bona quam quod habebat <ve>niret. agedum ego defendi Scau<ru>m, Triari; defende tu matrem.

[n] te <m>etue<r>e <n>e non solvendo fuisse, bona denique reus n<e r>e<tinere vol>uis<se q>u<ae> proscripta esse<nt>, nis<i>.

[o] Cum dare nollet Aris, clam ex Sardinia est fugere conatus.

[p] redimunt se ea parte corporis, propter quam maxime

expetuntur.

[1q] sic, inquam, se, iudices, res habet; neque hoc a me novum disputatur, sed quaesitum ab aliis est. [1r] <illa> audivimus, hoc vero meminimus ac paene vidimus, eiusdem stirpis et nominis P. Crassum ne in manus incideret inimicorum, se ipsum interemisse.

[1s] ac neque illius Crassi factum superioris isdem honoribus usus, qui fortissimus in bellis fuisset, M'. Aquilius potuit imitari . . .

[2] . . . tis suae rerumque gestarum senectutis dedecore foedavit. quid vero? alterum Crassum temporibus isdem num aut clarissimi viri Iulii aut summo imperio praeditus M. Antonius potuit imitari? [3] quid? in omnibus monumentis Graeciae, quae sunt verbis ornatiora quam rebus, quis invenitur, cum ab Aiace fabulisque discesseris, qui tamen ipse

ignominiae dolore, ut ait poeta, victor insolens se

victum non potuit pati, praeter Atheniensem Themistoclem, qui se ipse morte multavit? [4] at Graeculi quidem multa fingunt, apud quos etiam Cleombrotum Ambraciotam ferunt se ex altissimo praecipitasse muro, non quo acerbitatis accepisset aliquid, sed, ut video scriptum apud Graecos, cum summi philosophi Platonis graviter et ornate scriptum librum de morte legisset, in quo, ut opinor, Socrates illo ipso die quo erat ei moriendum permulta disputat, hanc esse mortem quam nos vitam putaremus, cum corpore animus tamquam carcere saeptus teneretur, vitam autem esse eam cum idem animus vinclis corporis liberatus in eum se locum unde esset ortus rettulisset. [5] num igitur ista tua Sarda Pythagoram aut Platonem norat aut legerat? qui tamen ipsi mortem ita laudant ut fugere vitam vetent atque id contra foedus fieri dicant legemque naturae. Aliam quidem causam mortis voluntariae nullam profecto iustam reperietis. atque hoc ille vidit; nam iecit quodam loco vita illam mulierem spoliari quam pudicitia maluisse. [6] sed refugit statim nec de pudicitia plura dixit veritus, credo, ne quem inridendi nobis daret et iocandi locum. constat enim illam cum deformitate summa fuisse, tum etiam senectute. qua re quae potest, quamvis salsa ista Sarda fuerit, ulla libidinis aut amoris esse suspicio?

[7] ac ne existimes, Triari, quod adferam, in dicendo me fingere ipsum et non a reo causam cognoscere, explicabo tibi quae fuerint opiniones in Sardinia de istius mulieris morte — nam fuerunt duae

— quo etiam facilius . . .

[8] . . . te dixi, libidinosam atque improbam matrem infami ac noto adulterio iam diu diligebat. is cum hanc suam uxorem anum et locupletem et molestam timeret, neque eam habere in matrimonio propter foeditatem neque dimittere propter dotem volebat. itaque compecto cum matre Bostaris consilium cepit ut uterque Romam veniret; ibi se aliquam rationem inventurum quem ad modum illam uxorem duceret co<nfir>mavit.

[9] hic opinio fuit, ut dixi, duplex, una non abhorrens a statu naturaque rerum, Arinis uxorem paelicatus dolore concitatam, cum audisset Arinem cum illa sua metus et fugae simulatione Romam se contulisse, ut, cum antea consuetudo inter eos fuisset, tum etiam nuptiis iungerentur, arsisse dolore muliebri et mori quam id perpeti maluisse. [10] altera non minus veri similis et, ut opinor, in Sardinia magis etiam credita, Arinem istum testem atque hospitem, Triari, tuum proficiscentem Romam negotium dedisse liberto ut illi aniculae non ille quidem vim adferret — neque enim erat rectum patronae — sed collum digitulis duobus oblideret, resticula cingeret, ut illa perisse suspendio putaretur. [11] quae quidem suspicio valuit etiam plus ob hanc causam quod, cum agerent parentalia Norenses omnesque suo more ex oppido exissent, tum illa est a liberto suspendisse se dicta. discessus autem solitudo ei qui patronam suffocabat fuit quaerenda, illi quae volebat mori non fuit. [12] confirmata vero suspicio est, quod anu mortua libertus statim tamquam opere confecto Romam est profectus, Aris autem, simul ac libertus de morte uxoris nuntiavit, continuo Romae matrem illam Bostaris duxit uxorem.

[13] en quibus familiis quam foedis, quam contaminatis, quam turpibus datis hanc familiam, iudices. en quibus testibus commoti, de quo homine, de quo genere, de quo nomine sententias feratis, obliviscendum vobis putatis? matrum in liberos, virorum in uxores scelera cernitis, crudelitate mixtas libidines videtis immanis; duorum maximorum criminum auctores, quibus criminibus haec tota apud ignaros aut invidos infamata causa est, omni facinore et flagitio deformatos habetis.

[14] num igitur in his criminibus, iudices, residet etiam aliqua suspicio? non perpurgata sunt, non refutata, non fracta? qui igitur id

factum est? quia dedisti mihi, Triari, quod diluerem, in quo argumentarer, de quo disputarem; quia genus eius modi fuit criminum quod non totum penderet ex teste, sed quod ponderaret iudex ipse per sese. [15] neque vero, iudices, quicquam aliud in ignoto teste facere debemus nisi ut argumento, coniectura, suspicione rerum ipsarum vim naturamque quaeramus. etenim testis non modo afer aut Sardus sane, si ita se isti malunt nominari, sed quivis etiam elegantior ac religiosior impelli, deterreri, fingi, flecti potest; dominus est ipse voluntatis suae, in quo est impunita men<tien>di licen<t>i<a>. [16] argumentum vero, quod quidem est proprium rei — neque enim ullum aliud argumentum vere vocari potest — rerum vox est, naturae vestigium, veritatis nota; id qualecumque est, maneat immutabile necesse est; non enim fingitur ab oratore, sed sumitur. qua re, in eo genere accusationis si vincerer, succumberem et cederem; vincerer enim re, vincerer causa, vincerer veritate. [17] agmen tu mihi inducas Sardorum et catervas et me non criminibus urgere, sed Afrorum fremitu terrere conere? non potero equidem disputare, sed ad horum fidem et mansuetudinem con<fug>ere, <a>d ius iu<randum iudicum, ad> populi Romani <aeq>uitatem, qui hanc familiam in hac urbe principem voluit esse, deorum immortalium numen implorare potero, qui semper exstiterunt huic generi nominique fautores.

[18] ‘poposcit, imperavit, eripuit, coegit.’ si doces tabulis, quoniam habet seriem quandam et ordinem contracti negoti confectio ipsa tabularum, attendam acriter et quid in defendendo mihi agendum sit videbo. si denique nitere testibus non dico bonis viris ac probatis, noti sint modo, quem ad modum mihi cum quoque sit confligendum considerabo. [19] sin unus color, una vox, una natio est omnium testium, si, quod ei dicunt, non modo nullis argumentis sed ne litterarum quidem aliquo genere aut publicarum aut privatarum, quod tamen ipsum fingi potest, confirmare conantur, quo me vertam, iudices, aut quid agam? Cum singulis disputem? quid? non habuisti quod dares. habuisse se dicet. quis id sciet, quis iudicabit? non fuisse causam. finget fuisse. qui refellemus? potuisse non dare, si noluisset. vi ereptum esse dicet. quae potest eloquentia disputando ignoti hominis impudentiam confutare? [20] non agam igitur cum ista Sardorum conspiratione et cum expresso, coacto sollicitatoque

periurio subtiliter neque acu quaedam enucleata argumenta conquiram, sed contra impetum istorum impetu ego nostro concurram atque confligam. non est unus mihi quisque ex illorum acie protrahendus neque cum singulis decertandum atque pugnandum; tota est acies illa uno impetu prosternenda.

[21] est enim unum maximum totius Sardiniae frumentarium crimen, de quo Triarius omnis Sardos interrogavit, quod genus uno testimoni foedere et consensu omnium est confirmatum. quod ego crimen ante quam attingo, peto a vobis, iudices, ut me totius nostrae defensionis quasi quaedam fundamenta iacere patiamini. quae si erunt, ut mea ratio et cogitatio fert, posita et constituta, nullam accusationis partem pertimescam. [22] dicam enim primum de ipso genere accusationis, postea de Sardis, tum etiam pauca de Scauro; quibus rebus explicatis tum denique ad hoc horribile et formidolosum frumentarium crimen accedam.

[23] quod est igitur hoc accusationis, Triari, genus, primum ut inquisitum non ieris? quae fuit ista tam ferox, tam explorata huius opprimendi fiducia? pueris nobis audisse videor L. Aelium, libertinum hominem litteratum ac facetum, cum ulcisceretur patroni iniurias, nomen Q. Muttonis, hominis sordidissimi, detulisse. A quo cum quaereretur quam provinciam aut quam diem testium postularet, horam sibi octavam, dum in foro bovario inquireret, postulavit. [24] hoc tu idem tibi in M. Aemilio Scauro putasti esse faciendum? ‘delata enim,’ inquit, ‘causa ad me Romam est.’ quid? ad me Siculi nonne Romam causam Siciliae detulerunt? at qui homines! prudentes natura, callidi usu, doctrina eruditi. tamen ego mihi provinciae causam in provincia ipsa cognoscendam et discendam putavi. [25] an ego querelas atque iniurias aratorum non in segetibus ipsis arvisque cognoscerem? peragravi, inquam, Triari, durissima quidem hieme vallis Agrigentinorum atque collis. campus ille nobilissimus ac feracissimus ipse me causam paene docuit Leontinus. adii casas aratorum, a stiva ipsa homines mecum conloquebantur. [26] itaque sic fuit illa expressa causa non ut audire ea quae dicebam, iudices, sed ut cernere et paene tangere viderentur. neque enim mihi probabile neque verum videbatur me, cum fidelissimae atque antiquissimae provinciae patrocinium recepissem, causam tamquam unius clientis in cubiculo meo discere.

[27] ego nuper, cum Reatini, qui essent in fide mea, me suam publicam causam de Velini fluminibus et cuniculis apud hos consules agere voluissent, non existimavi me neque dignitati praefecturae gravissimae neque fidei meae satis esse facturum, nisi me causam illam non solum homines sed etiam locus ipse lacusque docuisset. [28] neque tu aliter fecisses, Triari, si te id tui isti Sardi facere voluissent, hi qui te in Sardiniam minime venire voluerunt, ne longe aliter omnia atque erant ad te delata cognosceres, nullam multitudinis in Sardinia querelam, nullum in Scaurum odium populi . . . .

[29] <anhe>litu Aetnam ardere dicunt, sic Verrem obruissem Sicilia teste tota. tu vero comperendinasti uno teste producto. at quo teste, di immortales! non satis quod uno, non quod ignoto, non quod levi; etiamne Valerio teste primam actionem confecisti, qui patris tui beneficio civitate donatus gratiam tibi non inlustribus officiis, sed manifesto periurio rettulit? [30] quod si te omen nominis vestri forte duxit, nos tamen id more maiorum, quia faustum putamus, non ad perniciem, verum ad salutem interpretamur. sed omnis ista celeritas ac festinatio, quod inquisitionem, quod priorem actionem totam sustulisti, illud patefecit et inlustravit quod occultum tamen non erat, non esse hoc iudicium iudici, sed comitiorum consularium causa comparatum.

[31] hic ego Appium Claudium, consulem fortissimum atque ornatissimum virum mecumque, ut spero, fideli in gratiam reditu firmoque coniunctum, nullo loco, iudices, vituperabo. fuerint enim eae partes aut eius quem id facere dolor et suspicio sua coegit, aut eius qui has sibi partis depoposcit, quod aut non animadvertebat quem violaret, aut facilem sibi fore in gratiam reditum arbitrabatur; [32] ego tantum dicam quod et causae satis et in illum minime durum aut asperum possit esse. quid enim habet turpitudinis Appium Claudium M. Scauro esse inimicum? quid? avus eius P. Africano non fuit, quid? mihi ipsi idem iste, quid? ego illi? quae inimicitiae dolorem utrique nostrum fortasse aliquando, dedecus vero certe numquam attulerunt. [33] successori decessor invidit, voluit eum quam maxime offensum quo magis ipsius memoria excelleret; res non modo non abhorrens a consuetudine sed usitata etiam et valde pervagata. neque vero tam haec ipsa cotidiana res Appium Claudium illa humanitate et sapientia praeditum per se ipsa movisset, nisi hunc

C. Claudi, fratris sui, competitorem fore putasset. [34] qui sive patricius sive plebeius esset — nondum enim certum constituerat — cum hoc sibi contentionem fore putabat, Appius autem hoc maiorem etiam quod illum in pontificatus petitione, in saliatu, in ceteris meminerat fuisse patricium. quam ob rem se consule neque repelli fratrem volebat neque, iste si patricius esset, parem Scauro fore videbat, nisi hunc aliquo aut metu aut infamia perculisset. [35] ego id fratri in honore fratris amplissimo non concedendum putem, praesertim qui quid amor fraternus valeat paene praeter ceteros sentiam? at enim frater iam non petit. quid tum? si ille retentus a cuncta Asia supplice, si a negotiatoribus, si a publicanis, si ab omnibus sociis, civibus exoratus anteposuit honori suo commoda salutemque provinciae, propterea putas semel exulceratum animum tam facile potuisse sanari? [36] quamquam in istis omnibus rebus, praesertim apud homines barbaros, opinio plus valet saepe quam res ipsa. persuasum est Sardis se nihil Appio gratius esse facturos quam si de Scauri fama detraxerint; multorum etiam spe commodorum praemiorumque ducuntur; omnia consulem putant posse, praesertim ultro pollicentem. de quo plura iam non dicam. [37] quamquam ea quae dixi non secus dixi quam si eius frater essem, non is qui et est et qui multa dixit, sed is qui ego esse in meum consuevi. generi igitur toti accusationis resistere, iudices, debetis, in quo nihil more, nihil modo, nihil considerate, nihil integre, contra improbe, turbide, festinanter, rapide omnia conspiratione, imperio, auctoritate, spe, minis videtis esse suscepta.

[38] venio nunc ad testis, in quibus docebo non modo nullam fidem et auctoritatem sed ne speciem quidem esse aut imaginem testium. etenim fidem primum ipsa tollit consensio, quae patefacta est compromisso Sardorum et coniuratione recitata; deinde illa cupiditas quae suscepta est spe et pr<omissione> praemiorum; postremo ipsa natio, cuius tanta vanitas est ut libertatem a servitute nulla re alia nisi mentiendi licentia distinguendam putent. [39] neque ego Sardorum querelis moveri nos numquam <dico> oportere. non sum aut tam inhumanus aut tam alienus a Sardis, praesertim cum frater meus nuper ab eis decesserit, cum rei <fr>u<mentariae> Cn. Pompei missu praefuisset, qui et ipse illis pro sua fide et humanitate consuluit et eis vicissim percarus et iucundus fuit. [40] pateat vero hoc perfugium

dolori, pateat iustis querelis, coniurationi via intercludatur, obsaepiatur insidiis, neque hoc in Sardis magis quam in Gallis, in Afris, in Hispanis. damnatus est T. Albucius, C. Megaboccus ex Sardinia non nullis etiam laudantibus Sardis. ita fidem maiorem varietas ipsa faciebat. testibus enim aequis, tabulis incorruptis tenebantur. [41] nunc est una vox, una mens non expressa dolore, sed simulata, neque huius iniuriis, sed promissis aliorum et praemiis excitata. at creditum est aliquando Sardis. et fortasse credetur aliquando, si integri venerint, si incorrupti, si sua sponte, si non alicuius impulsu, si soluti, si liberi. quae si erunt, tamen sibi credi gaudeant et mirentur. Cum vero omnia absint, tamen se non respicient, non gentis suae famam perhorrescent?

[42] fallacissimum genus esse Phoenicum omnia monumenta vetustatis atque omnes historiae nobis prodiderunt. ab his orti Poeni multis Carthaginiensium rebellionibus, multis violatis fractisque foederibus nihil se degenerasse docuerunt. A Poenis admixto Afrorum genere Sardi non deducti in Sardiniam atque ibi constituti, sed amandati et repudiati coloni. [43] qua re cum integri nihil fuerit in hac gente <pestilentiae> plena, quam valde eam putamus tot transfusionibus coacuisse? hic mihi ignoscet Cn. Domitius Sincaius, vir ornatissimus, hospes et familiaris meus, ignoscent denique omnes ab eodem Cn. Pompeio civitate donati, quorum tamen omnium laudatione utimur, ignoscent alii viri boni ex Sardinia; credo enim esse quosdam. [44] neque ego, cum de vitiis gentis loquor, neminem excipio; sed a me est de universo genere dicendum, in quo fortasse aliqui suis moribus et humanitate stirpis ipsius et gentis vitia vicerunt. magnam quidem esse partem sine fide, sine societate et coniunctione nominis nostri res ipsa declarat. quae est enim praeter Sardiniam provincia quae nullam habeat amicam populo Romano ac liberam civitatem? [45a] Africa ipsa parens illa Sardiniae, quae plurima et acerbissima cum maioribus nostris bella gessit, non solum fidelissimis regnis sed etiam in ipsa provincia se a societate Punicorum bellorum Vtica teste defendit. Hispania ulterior Scipionum int<eritu>.

[45b] copiis inops, gente fallax.

[45c] inventi sunt qui etiam fratres populi Romani vocarentur.

[45d] hoc nomine audito quod per omnis gentis pervagatum est.

[45f] nam cum ex multis unus ei restaret Dolabella paternus inimicus, qui cum Q. Caepione propinquo suo contra Scaurum patrem suum subsignaverat, eas sibi inimicitias non susceptas sed relictas.

[45g] quae, malum, est ista ratio?

[45h] quem purpura regalis non commovit, eum Sardorum mastruca mutavit?

[45k] praesertim cum propinquitas et celebritas loci suspicionem desidiae tollat aut cupiditatis.

[45l] ego porro, qui Albanas habeo columnas, clitellis eas adportavi.

[45m] domus tibi deerat? at habebas. pecunia superabat? at egebas. incurristi amens in columnas, in alienos insanus insanisti, depressam, caecam, iacentem domum pluris quam te et fortunas tuas aestimasti.

[45n] haec cum tu effugere non potuisses, contendes tamen et postulabis ut M. Aemilius cum sua dignitate omni, cum patris memoria, cum avi gloria, sordidissimae, vanissimae, levissimae genti ac prope dicam pellitis testibus condonetur?

[46] Vndique mihi suppeditat quod pro M. Scauro dicam, quocumque non modo mens verum etiam oculi inciderunt. Curia illa vos de gravissimo principatu patris fortissimoque testatur, L. ipse Metellus, avus huius, sanctissimos deos illo constituisse templo videtur in vestro conspectu, iudices, ut salutem a vobis nepotis sui deprecarentur, quod ipsi saepe multis laborantibus atque implorantibus ope sua subvenissent. Capitolium illud templis tribus inlustratum, [47] paternis atque etiam huius amplissimis donis ornati aditus Iovis optimi maximi, Iunonis Reginae, Minervae M. Scaurum apud . . . illius L. [48] Metelli, pontificis maximi, qui, cum templum illud arderet, in medios se iniecit ignis et eripuit flamma Palladium illud quod quasi pignus nostrae salutis atque imperi custodiis Vestae continetur. qui utinam posset parumper exsistere! eriperet ex hac flamma stirpem profecto suam, qui eripuisset ex illo incendio di . . . [49] . . . tum. te vero, M. Scaure, equidem video, video, inquam, non cogito solum, nec vero sine magno animi maerore ac dolore, cum tui fili squalorem aspexi, de te recordor+. atque utinam, sicut mihi tota in hac causa versatus ante oculos <es>, sic nunc horum te offeras mentibus et in horum animis adhaerescas! species me dius . . . etiam

si forte non nosset, tamen principem civitatis esse diceret.

[50] quo te nunc modo appellem? ut hominem? at non es inter nos. Vt mortuum? at vivis et viges, at in omnium animis atque ore versaris, atque divinus animus mortale nihil habuit, neque tuorum quicquam potuit emori praeter corpus. quocumque igitur te mo<do> . . .

[51] Vniverse

Rhetorical and Political Treatises

DE INVENTIONE (About the composition of arguments)

CONTENTS

LIBER PRIMUS
LIBER SECVNDVS

LIBER PRIMUS

[1] Saepe et multum hoc mecum cogitavi, bonine an mali plus attulerit hominibus et civitatibus copia dicendi ac summum eloquentiae studium. Nam cum et nostrae rei publicae detrimenta considero et maximarum civitatum veteres animo calamitates colligo, non minimam video per disertissimos homines invectam partem incommodorum; cum autem res ab nostra memoria propter vetustatem remotas ex litterarum monumentis repetere instituo, multas urbes constitutas, plurima bella restincta, firmissimas societates, sanctissimas amicitias intellego cum animi ratione tum facilius eloquentia comparatas.

Ac me quidem diu cogitantem ratio ipsa in hanc potissimum sententiam ducit, ut existimem sapientiam sine eloquentia parum prodesse civitatibus, eloquentiam vero sine sapientia nimium obesse plerumque, prodesse numquam. Quare si quis omissis rectissimis atque honestissimis studiis rationis et officii consumit omnem operam in exercitatione dicendi, is inutilis sibi, perniciosus patriae civis alitur; qui vero ita sese armat eloquentia, ut non oppugnare commoda patriae, sed pro his propugnare possit, is mihi vir et suis et publicis rationibus utilissimus atque amicissimus civis fore videtur.

[2] Ac si volumus huius rei, quae vocatur eloquentia, sive artis sive studii sive exercitationis cuiusdam sive facultatis ab natura profectae considerare principium, reperiemus id ex honestissimis causis natum atque optimis rationibus profectum.

Nam fuit quoddam tempus, cum in agris homines passim bestiarum modo vagabantur et sibi victu fero vitam propagabant nec ratione animi quicquam, sed pleraque viribus corporis administrabant, nondum divinae religionis, non humani officii ratio colebatur, nemo nuptias viderat legitimas, non certos quisquam aspexerat liberos, non, ius aequabile quid utilitatis haberet, acceperat. Ita propter errorem atque inscientiam caeca ac temeraria dominatrix animi cupiditas ad se explendam viribus corporis abutebatur, perniciosissimis satellitibus.

Quo tempore quidam magnus videlicet vir et sapiens cognovit, quae materia esset et quanta ad maximas res opportunitas in animis

inesset hominum, si quis eam posset elicere et praecipiendo meliorem reddere; qui dispersos homines in agros et in tectis silvestribus abditos ratione quadam conpulit unum in locum et congregavit et eos in unam quamque rem inducens utilem atque honestam primo propter insolentiam reclamantes, deinde propter rationem atque orationem studiosius audientes ex feris et inmanibus mites reddidit et mansuetos.

[3] Ac mihi quidem hoc nec tacita videtur nec inops dicendi sapientia perficere potuisse, ut homines a consuetudine subito converteret et ad diversas rationes vitae traduceret.

Age vero urbibus constitutis, ut fidem colere et iustitiam retinere discerent et aliis parere sua voluntate consuescerent ac non modo labores excipiendos communis commodi causa, sed etiam vitam amittendam existimarent, qui tandem fieri potuit, nisi homines ea, quae ratione invenissent, eloquentia persuadere potuissent? Profecto nemo nisi gravi ac suavi commotus oratione, cum viribus plurimum posset, ad ius voluisset sine vi descendere, ut inter quos posset excellere, cum iis se pateretur aequari et sua voluntate a iucundissima consuetudine recederet, quae praesertim iam naturae vim optineret propter vetustatem.

Ac primo quidem sic et nata et progressa longius eloquentia videtur et item postea maximis in rebus pacis et belli cum summis hominum utilitatibus esse versata; postquam vero commoditas quaedam, prava virtutis imitatrix, sine ratione officii dicendi copiam consecuta est, tum ingenio freta malitia pervertere urbes et vitas hominum labefactare assuevit.

Atque huius quoque exordium mali, quoniam principium boni diximus, explicemus.

[4] Veri simillimum mihi videtur quodam tempore neque in publicis rebus infantes et insipientes homines solitos esse versari nec vero ad privatas causas magnos ac disertos homines accedere, sed cum a summis viris maximae res administrarentur, arbitror alios fuisse non incallidos homines, qui ad parvas controversias privatorum accederent. Quibus in controversiis cum saepe a mendacio contra verum stare homines consuescerent, dicendi assiduitas induit audaciam, ut necessario superiores illi propter iniurias civium resistere audacibus et opitulari suis quisque

necessariis cogeretur. Itaque cum in dicendo saepe par, nonnumquam etiam superior visus esset is, qui omisso studio sapientiae nihil sibi praeter eloquentiam comparasset, fiebat, ut et multitudinis et suo iudicio dignus, qui rem publicam gereret, videretur. Hinc nimirum non iniuria, cum ad gubernacula rei publicae temerarii atque audaces homines accesserant, maxima ac miserrima naufragia fiebant. Quibus rebus tantum odii atque invidiae suscepit eloquentia, ut homines ingeniosissimi, quasi ex aliqua turbida tempestate in portum, sic ex seditiosa ac tumultuosa vita se in studium aliquod traderent quietum.

Quare mihi videntur postea cetera studia recta atque honesta per otium concelebrata ab optimis enituisse, hoc vero a plerisque eorum desertum obsolevisse tempore, quo multo vehementius erat retinendum et studiosius ad augendum.

[5] Nam quo indignius rem honestissimam et rectissimam violabat stultorum et improborum temeritas et audacia summo cum rei publicae detrimento, eo studiosus et illis resistendum fuit et rei publicae consulendum. Quod nostrum illum non fugit Catonem neque Laelium neque eorum, ut vere dicam, discipulum Africanum neque Gracchos Africani nepotes: quibus in hominibus erat summa virtus et summa virtute amplificata auctoritas et, quae et his rebus ornamento et rei publicae praesidio esset, eloquentia.

Quare meo quidem animo nihilo minus eloquentiae studendum est, etsi ea quidam et privatim et publice abutuntur; sed eo quidem vehementius, ne mali magno cum detrimento bonorum et communi omnium pernicie plurimum possint, cum praesertim hoc sit unum, quod ad omnes res et privatas et publicas maxime pertineat, hoc tuta, hoc honesta, hoc inlustris, hoc eodem vita iucunda fiat. Nam hinc ad rem publicam plurima commoda veniunt, si moderatrix omnium rerum praesto est sapientia; hinc ad ipsos, qui eam adepti sunt, laus, honos, dignitas confluit; hinc amicis quoque eorum certissimum et tutissimum praesidium comparatur.

Ac mihi quidem videntur homines, cum multis rebus humiliores et infirmiores sint, hac re maxime bestiis praestare, quod loqui possunt. Quare praeclarum mihi quiddam videtur adeptus is, qui, qua re homines bestiis praestent, ea in re hominibus ipsis antecellat. Hoc si forte non natura modo neque exercitatione conficitur, verum etiam artificio quodam comparatur, non alienum est videre, quae dicant ii,

qui quaedam eius rei praecepta nobis reliquerunt.

Sed antequam de praeceptis oratoriis dicimus, videtur dicendum de genere ipsius artis, de officio, de fine, de materia, de partibus. Nam his rebus cognitis facilius et expeditius animus unius cuiusque ipsam rationem ac viam artis considerare poterit.

[6] Civilis quaedam ratio est, quae multis et magnis ex rebus constat, eius quaedam magna et ampla pars est artificiosa eloquentia, quam rhetoricam vocant. Nam neque cum iis sentimus, qui civilem scientiam eloquentia non putant indigere, et ab iis, qui eam putant omnem rhetoris vi et artificio contineri, magnopere dissentimus. Quare hanc oratoriam facultatem in eo genere ponemus, ut eam civilis scientia partem esse dicamus. Officium autem eius facultatis videtur esse dicere adposite ad persuasionem; finis persuadere dictione. Inter officium et finem hoc interest, quod in officio, quid fieri, in fine, quid effici conveniat, consideratur. Ut medici officium dicimus esse curare ad sanandum apposite, finem sanare curatione, item, oratoris quid officium et quid finem esse dicamus, intellegimus, cum id, quod facere debet, officium esse dicimus, illud, cuius causa facere debet, finem appellamus.

[7] Materiam artis eam dicimus, in qua omnis ars et ea facultas, quae conficitur ex arte, versatur, ut si medicinae materiam dicamus morbos ac vulnera, quod in his omnis medicina versetur, item, quibus in rebus versatur ars et facultas oratoria, eas res materiam artis rhetoricae nominamus. Has autem res alii plures, alii pauciores existimarunt. Nam Gorgias Leontinus, antiquissimus fere rhetor, omnibus de rebus oratorem optime posse dicere existimavit; hic infinitam et inmensam huic artificio materiam subicere videtur.

Aristoteles autem, qui huic arti plurima adiumenta atque ornamenta subministravit, tribus in generibus rerum versari rhetoris officium putavit, d e m o n s t r a t i v o, d e l i b e r a t i v o, i u d i c i a l i. Demonstrativum est, quod tribuitur in alicuius certae personae laudem aut vituperationem; deliberativum, quod positum in disceptatione civili habet in se sententiae dictionem; iudiciale, quod positum in iudicio habet in se accusationem et defensionem aut petitionem et recusationem. Et, quemadmodum nostra quidem fert opinio, oratoris ars et facultas in hac materia tripertita versari existimanda est.

[8] Nam Hermagoras quidem nec quid dicat attendere nec quid polliceatur intellegere videtur, qui oratoris materiam in causam et in quaestionem dividat, causam esse dicat rem, quae habeat in se controversiam in dicendo positam cum personarum certarum interpositione; quam nos quoque oratori dicimus esse adtributam (nam tres eas partes, quas ante diximus, subponimus, i u d i c i a l e m, d e l i b e r a t i v a m, d e m o n s t r a t i v a m).

Quaestionem autem eam appellat, quae habeat in se controversiam in dicendo positam sine certarum personarum interpositione, ad hunc modum: "ecquid sit bonum praeter honestatem?" "Verine sint sensus?" "Quae sit mundi forma?" "Quae sit solis magnitudo?" Quas quaestiones procul ab oratoris officio remotas facile omnes intellegere existimamus; nam quibus in rebus summa ingenia philosophorum plurimo cum labore consumpta intellegimus, eas sicut aliquas parvas res oratori adtribuere magna amentia videtur.

Quodsi magnam in his Hermagoras habuisset facultatem studio et disciplina comparatam, videretur fretus sua scientia falsum quiddam constituisse de oratoris artificio et non quid ars, sed quid ipse posset, exposuisse. Nunc vero ea vis est in homine, ut ei multo rhetoricam citius quis ademerit, quam philosophiam concesserit: neque eo, quo eius ars, quam edidit, mihi mendosissime scripta videatur: nam satis in ea videtur ex antiquis artibus ingeniose et diligenter electas res collocasse et nonnihil ipse quoque novi protulisse; verum oratori minimum est de arte loqui, quod hic fecit, multo maximum ex arte dicere, quod eum minime potuisse omnes videmus.

[9] Quare materia quidem nobis rhetoricae videtur artis ea, quam Aristoteli visam esse diximus; partes autem eae, quas plerique dixerunt, inventio, dispositio, elocutio, memoria, pronuntiatio.

I n v e n t i o est excogitatio rerum verarum aut veri similium, quae causam probabilem reddant;

d i s p o s i t i o est rerum inventarum in ordinem distributio;

e l o c u t i o est idoneorum verborum [et sententiarum] ad inventionem accommodatio;

m e m o r i a est firma animi rerum ac verborum ad inventionem perceptio;

p r o n u n t i a t i o est ex rerum et verborum dignitate vocis et corporis moderatio.

Nunc his rebus breviter constitutis eas rationes, quibus ostendere possimus genus et finem et officium huius artis, aliud in tempus differemus; nam et multorum verborum indigent et non tanto opere ad artis descriptionem et praecepta tradenda pertinent. Eum autem, qui artem rhetoricam scribat, de duabus reliquis rebus, materia artis ac partibus, scribere oportere existimamus. Ac mihi quidem videtur coniuncte agendum de materia ac partibus. Quare inventio, quae princeps est omnium partium, potissimum in omni causarum genere, qualis debeat esse, consideretur.

[10] Omnis res, quae habet in se positam in dictione ac disceptatione aliquam controversiam, aut facti aut nominis aut generis aut actionis continet quaestionem. Eam igitur quaestionem, ex qua causa nascitur, constitutionem appellamus. C o n s t i t u t i o est prima conflictio causarum ex depulsione intentionis profecta, hoc modo: “Fecisti”; “Non feci” aut “Iure feci”. Cum facti controversia est, quoniam coniecturis causa firmatur, constitutio coniecturalis appellatur. Cum autem nominis, quia vis vocabuli definienda verbis est, constitutio definitiva nominatur. Cum vero, qualis res sit, quaeritur quia et de vi et de genere negotii controversia est, constitutio generalis vocatur. At cum causa ex eo pendet quia non aut is agere videtur, quem oportet, aut non cum eo, quicum oportet, aut non apud quos, quo tempore, qua lege, quo crimine, qua poena oportet, translativa dicitur constitutio, quia actio translationis et commutationis indigere videtur. Atque harum aliquam in omne causae genus incidere necesse est; nam in quam rem non inciderit, in ea nihil esse poterit controversiae. Quare eam ne causam quidem convenit putari.

[11] Ac facti quidem controversia in omnia tempora potest tribui, nam quid factum sit, potest quaeri, hoc modo: occideritne Aiacem Ulixes; et quid fiat, hoc modo: bonone animo sint erga populum Romanum Fregellani; et quid futurum sit, hoc modo: si Carthaginem reliquerimus incolumem, num quid sit incommodi ad rem publicam perventurum.

N o m i n i s est controversia, cum de facto convenit et quaeritur, id quod factum est quo nomine appelletur. Quo in genere necesse est ideo nominis esse controversiam, quod de re ipsa non conveniat; non quod de facto non constet, sed quod id, quod factum sit, aliud alii

videatur esse et idcirco alius alio nomine id appellet. Quare in eiusmodi generibus definienda res erit verbis et breviter describenda, ut, si quis sacrum ex privato subripuerit, utrum fur an sacrilegus sit iudicandus; nam id cum quaeritur, necesse erit definire utrumque, quid sit fur, quid sacrilegus, et sua descriptione ostendere alio nomine illam rem, de qua agitur, appellare oportere atque adversarii dicunt.

[12] G e n e r i s est controversia, cum et, quid factum sit, convenit et, quo id factum nomine appellari oporteat, constat et tamen, quantum et cuiusmodi et omnino quale sit, quaeritur, hoc modo: iustum an iniustum, utile an inutile, et omnia, in quibus, quale sit id, quod factum est, quaeritur sine ulla nominis controversia.

Huic generi Hermagoras partes quattuor subposuit, deliberativam, demonstrativam, iudicialem, negotialem. Quod eius, ut nos putamus, non mediocre peccatum reprehendendum videtur, verum brevi, ne aut, si taciti praeterierimus, sine causa non secuti putemur aut, si diutius in hoc constiterimus, moram atque impedimentum reliquis praeceptis intulisse videamur.

Si deliberatio et demonstratio genera sunt causarum, non possunt recte partes alicuius generis causae putari; eadem enim res alii genus esse, alii pars potest, eidem genus esse et pars non potest. Deliberatio autem et demonstratio genera sunt causarum. Nam aut nullum causae genus est aut iudiciale solum aut et iudiciale et demonstrativum et deliberativum. Nullum dicere causae esse genus, cum causas esse multas dicat et in eas praecepta det, amentia est; unum iurididiciale autem solum esse qui potest, cum deliberatio et demonstratio neque ipsae similes inter se sint et ab iudiciali genere plurimum dissideant et suum quaeque finem habeat, quo referri debeat? Relinquitur ergo, ut omnia tria genera sint causarum. [Deliberatio et demonstratio non possunt recte partes alicuius generis causae putari. Male igitur eas generalis constitutionis partes esse dixit.]

[13] Quodsi generis causae partes non possunt recte putari, multo minus recte partis causae partes putabuntur. Pars autem causae est constitutio omnis; non enim causa ad constitutionem, sed constitutio ad causam adcommodatur. At demonstratio et deliberatio generis causae partes non possunt recte putari, quod ipsa sunt genera; multo igitur minus recte partis eius, quae hic dicitur, partes putabuntur.

Deinde si constitutio et ipsa et pars eius quaelibet intentionis depulsio est, quae intentionis depulsio non est, ea nec constitutio nec pars constitutionis est: [at si, quae intentionis depulsio non est, ea nec constitutio nec pars constitutionis est,] deliberatio et demonstratio neque constitutio nec pars constitutionis est. [Si igitur constitutio et ipsa et pars eius intentionis depulsio est, deliberatio et demonstratio neque constitutio neque pars constitutionis est.] Placet autem ipsi constitutionem intentionis esse depulsionem; placeat igitur oportet demonstrationem et deliberationem non esse constitutionem nec partem constitutionis. Atque hoc eodem urguebitur, sive constitutionem primam causae accusatoris confirmationem dixerit sive defensoris primam deprecationem; nam eum eadem omnia incommoda sequentur.

[14] Deinde coniecturalis causa non potest simul ex eadem parte eodem in genere et coniecturalis esse et definitiva. Nec definitiva causa potest simul ex eadem parte eodem in genere et definitiva esse et translativa. Et omnino nulla constitutio nec pars constitutionis potest simul et suam habere et alterius in se vim continere, ideo quod una quaeque ex se et ex sua natura simpliciter consideratur, altera assumpta numerus constitutionum duplicatur, non vis constitutionis augetur. At deliberativa causa simul ex eadem parte eodem in genere et coniecturalem et generalem et definitivam et translativam solet habere constitutionem et unam aliquam et plures nonnumquam. Ergo ipsa neque constitutio est nec pars constitutionis. Idem in demonstratione solet usu venire. Genera igitur, ut ante diximus, haec causarum putanda sunt, non partes alicuius constitutionis.

Haec ergo constitutio, quam generalem nominamus, partes videtur nobis duas habere, iuridicialem et negotialem. Iuridicialis est, in qua aequi et recti natura aut praemii aut poenae ratio quaeritur; negotialis, in qua, quid iuris ex civili more et aequitate sit, consideratur; cui diligentiae praeesse apud nos iure consulti existimantur.

[15] Ac iudicialis quidem ipsa [et] in duas tribuitur partes, absolutam et adsumptivam. A b s o l u t a est, quae ipsa in se continet iuris et iniuriae quaestionem; a d s u m p t i v a, quae ipsa ex se nihil dat firmi ad recusationem, foris autem aliquid defensionis adsumit. Eius partes sunt quattuor, concessio, remotio criminis, relatio criminis, comparatio.

C o n c e s s i o est, cum reus non id, quod factum est, defendit, sed ut ignoscatur, postulat. Haec in duas partes dividitur, purgationem et deprecationem.

P u r g a t i o est, cum factum conceditur, culpa removetur. Haec partes habet tres, inprudentiam, casum, necessitatem.

D e p r e c a t i o est, cum et consulto peccasse reus se confitetur et tamen, ut ignoscatur, postulat; quod genus perraro potest accidere.

R e m o t i o criminis est, cum id crimen, quod infertur, ab se et ab sua culpa et potestate in alium reus removere conatur. Id dupliciter fieri poterit, si aut causa aut factum in alium transferetur.

Causa transferetur, cum aliena dicitur vi et potestate factum, factum autem, cum alius aut debuisse aut potuisse facere dicitur.

R e l a t i o c r i m i n i s est, cum ideo iure factum dicitur, quod aliquis ante iniuria lacessierit.

C o m p a r a t i o est, cum aliud aliquid factum rectum aut utile contenditur, quod ut fieret, illud, quod arguitur, dicitur esse commissum.

[16] In quarta constitutione, quam translativam nominamus, eius constitutionis est controversia, cum aut quem aut quicum aut quomodo aut apud quos aut quo iure aut quo tempore agere oporteat, quaeritur aut omnino aliquid de commutatione aut infirmatione actionis agitur. Huius constitutionis Hermagoras inventor esse existimatur, non quo non usi sint ea veteres oratores saepe multi, sed quia non animadverterunt artis scriptores eam superiores nec rettulerunt in numerum constitutionum. Post autem ab hoc inventam multi reprehenderunt, quos non tam inprudentia falli putamus (res enim perspicua est) quam invidia atque obrectatione quadam inpediri.

Et constitutiones quidem et earum partes exposuimus, exempla autem cuiusque generis tum commodius expositurі videamur, cum in unum quodque eorum argumentorum copiam dabimus; nam argumentandi ratio dilucidior erit, cum et ad genus et ad exemplum causae statim poterit accommodari.

[17] Constitutione causae reperta statim placet considerare, utrum causa sit simplex an iuncta; et si iuncta erit, utrum sit ex pluribus quaestionibus iuncta an ex aliqua comparatione. simplex est, quae absolutam in se continet unam quaestionem, hoc modo: “Corinthiis

bellum indicamus an non?" Coniuncta ex pluribus quaestionibus, in qua plura quaeruntur, hoc pacto: "Utrum Carthago diruatur an Carthaginiensibus reddatur an eo colonia deducatur". Ex comparatione, in qua per contentionem, utrum potius aut quid potissimum [sit], quaeritur, ad hunc modum: "Utrum exercitus in Macedoniam contra Philippum mittatur, qui sociis sit auxilio, an teneatur in Italia, ut quam maximae contra Hannibalem copiae sint".

Deinde considerandum est, in ratione an in scripto sit controversia; nam scripti controversia est ea, quae ex scriptionis genere nascitur. Eius autem genera quae separata sunt a constitutionibus, quinque sunt. Nam tum verba ipsa videntur cum sententia scriptoris dissidere, tum inter se duae leges aut plures discrepare, tum id, quod scriptum est, duas aut plures res significare, tum ex eo, quod scriptum est, aliud, quod non scriptum est, invenire, tum vis verbi quasi in definitiva constitutione, in quo posita sit, quaeri. Quare primum genus de scripto et sententia, secundum ex contrariis legibus, tertium ambiguum, quartum ratiocinativum, quintum definitivum nominamus.

[18] R a t i o est autem, cum omnis quaestio non in scriptione, sed in aliqua argumentatione consistit.

Ac tum, considerato genere causae, [cognita constitutione,] cum simplexne an iuncta sit intellexeris et scripti an rationis habeat controversiam videris, deinceps erit videndum, quae quaestio, quae ratio, quae iudicatio, quod firmamentum causae sit; quae omnia a constitutione proficiscantur oportet.

Q u a e s t i o est ea, quae ex conflictione causarum gignitur controversia, hoc modo: "Non iure fecisti"; "Iure feci". Causarum autem est conflictio, in qua constitutio constat. Ex ea igitur nascitur controversia, quam quaestionem dicimus, haec: "Iurene fecerit?"

R a t i o est ea, quae continet causam, quae si sublata sit, nihil in causa controversiae relinquatur, hoc modo, ut docendi causa in facili et pervulgato exemplo consistamus: Orestes si accusetur matricidii, nisei hoc dicat "iure feci; illa enim patrem meum occiderat", non habet defensionem. Qua ratione sublata omnis controversia quoque sublata sit. Ergo eius causae ratio est, quod illa Agamemnonem occiderit.

I u d i c a t i o est, quae ex infirmatione [et confirmatione] rationis

nascitur controversia. Nam sit ea nobis exposita ratio, quam paulo ante exposuimus: “Illa enim meum,” inquit, “patrem occiderat”; “At non,” inquiet adversarius, “abs te filio matrem necari oportuit; potuit enim sine tuo scelere illius factum puniri”. Ex hac deductione rationis illa summa nascitur controversia, quam iudicationem appellamus. Ea est huiusmodi: rectumne fuerit ab Oreste matrem occidi, cum illa Orestis patrem occidisset.

[19] F i r m a m e n t u m est firmissima argumentatio defensoris et appositissima ad iudicationem; ut si velit Orestes dicere eiusmodi animum matris suae fuisse in patrem suum, in se ipsum ac sorores, in regnum, in famam generis et familiae, ut ab ea poenas liberi sui potissimum petere debuerint.

Et in ceteris quidem constitutionibus ad hunc modum iudicationes reperiuntur; in coniecturali autem constitutione, quia ratio non est - factum enim non conceditur -, non potest ex deductione rationis nasci iudicatio. Quare necesse est eandem esse quaestionem et iudicationem: “Factum est?”, “Non est factum?”, “Factumne sit?” Quot autem in causa constitutiones aut earum partes erunt, totidem necesse erit quaestiones, rationes, iudicationes, firmamenta reperire.

Tum his omnibus in causa repertis denique singulae partes totius causae considerandae sunt. Nam non ut quidque dicendum primum est, ita primum animadvertendum videtur; ideo quod illa, quae prima dicuntur, si vehementer velis congruere et cohaerere cum causa, ex iis ducas oportet, quae post dicenda sunt. Quare cum iudicatio et ea, quae ad iudicationem oportet argumenta invenire, diligenter erunt artificio reperta, cura et cogitatione pertractata, tum denique ordinandae sunt ceterae partes orationis.

Eae partes sex esse omnino nobis videntur: exordium, narratio, partitio, confirmatio, reprehensio, conclusio.

Nunc quoniam exordium princeps debet esse, nos quoque primum in rationem exordiendi praecepta dabimus.

[20] E x o r d i u m est oratio animum auditoris idonee comparans ad reliquam dictionem: quod eveniet, si eum benivolum, attentum, docilem confecerit. Quare qui bene exordiri causam volet, eum necesse est genus suae causae diligenter ante cognoscere.

Genera causarum quinque sunt: honestum, admirabile, humile, anceps, obscurum.

H o n e s t u m causae genus est, cui statim sine oratione nostra favet auditoris animus;

a d m i r a b i l e, a quo est alienatus animus eorum, qui audituri sunt;

h u m i l e, quod neglegitur ab auditore et non magno opere adtendendum videtur;

a n c e p s, in quo aut iudicatio dubia est aut causa et honestatis et turpitudinis particeps, ut et benivolentiam pariat et offensionem;

o b s c u r u m, in quo aut tardi auditores sunt aut difficilioribus ad cognoscendum negotiis causa est implicata.

Quare cum tam diversa sint genera causarum, exordiri quoque dispari ratione in uno quoque dispari ratione in uno quoque genere necesse est. Igitur exordium in duas partes dividitur, in principium et insinuationem.

P r i n c i p i u m est oratio perspicue et protinus perficiens auditorem benivolum aut docilem aut attentum.

I n s i n u a t i o est oratio quadam dissimulatione et circumitione obscure subiens auditoris animum.

[21] In admirabili genere causae, si non omnino infesti auditores erunt, principio benivolentiam comparare licebit. Sin erunt vehementer abalienati, confugere necesse erit ad insinuationem. Nam ab iratis si perspicue pax et benivolentia petitur, non modo ea non invenitur, sed augetur atque inflammatur odium. In humili autem genere causae contemptionis tollendae causa necesse est attentum efficere auditorem. Anceps genus causae si dubiam iudicationem habebit, ab ipsa iudicatione exordiendum est. Sin autem partem turpitudinis, partem honestatis habebit, benivolentiam captare oportebit, ut in genus honestum causa translata videatur. Cum autem erit honestum causae genus, vel praeteriri principium poterit vel, si commodum fuerit, aut a narratione incipiemus aut a lege aut ab aliqua firmissima ratione nostrae dictionis; sin uti principio placebit, benivolentiae partibus utendum est, ut id, quod est, augeatur. In obscuro causae genere per principium dociles auditores efficere oportebit.

Nunc quoniam quas res exordio conficere oporteat dictum est, reliquum est, ut ostendatur, quibus quaeque rationibus res confici possit.

[22] Benivolentia quattuor ex locis comparatur: ab nostra, ab adversariorum, ab iudicum persona, a causa.

Ab nostra, si de nostris factis et officiis sine arrogantia dicemus; si crimina inlata et aliquas minus honestas suspiciones iniectas diluemus; si, quae incommoda acciderint aut quae instent difficultates proferemus; si prece et obsecratione humili ac supplici utemur.

Ab adversariorum autem, si eos aut in odium aut in invidiam aut in contemptionem adducemus. In odium ducentur, si quod eorum spurce, superbe, crudeliter, malitiose factum proferetur; in invidiam, si vis eorum, potentia, divitiae, cognatio [pecuniae] proferentur atque eorum usus arrogans et intolerabilis, ut his rebus magis videantur quam causae suae confidere; in contemptionem adducentur, si eorum inertia, neglegentia, ignavia, desidiosum studium et luxuriosum otium proferetur.

Ab auditorum persona benivolentia captabitur, si res ab iis fortiter, sapienter, mansuete gestae proferentur, ut ne qua assentatio nimia significetur, si de iis quam honesta existimatio quantaque eorum iudicii et auctoritatis exspectatio sit ostendetur.

Ab rebus, si nostram causam laudando extollemus, adversariorum causam per contemptionem deprimemus.

[23] Attentos autem faciemus, si demonstrabimus ea, quae dicturi erimus, magna, nova, incredibilia esse, aut ad omnes aut ad eos, qui audient, aut ad aliquos inlustres homines aut ad deos inmortales aut ad summam rem publicam pertinere; et si pollicebimur nos brevi nostram causam demonstraturos atque exponemus iudicationem aut iudicationes, si plures erunt.

Dociles auditores faciemus, si aperte et breviter summam causae exponemus, hoc est, in quo consistat controversia. Nam et, cum docilem velis facere, simul attentum facias oportet. Nam is est maxime docilis, qui attentissime est paratus audire.

Nunc insinuationes quemadmodum tractari conveniat, deinceps dicendum videtur. Insinuatione igitur utendum est, cum admirabile genus causae est, hoc est, ut ante diximus, cum animus auditoris infestus est. Id autem tribus ex causis fit maxime: si aut inest in ipsa causa quaedam turpitudo aut ab iis, qui ante dixerunt, iam quiddam auditori persuasum videtur aut eo tempore locus dicendi datur, cum

iam illi, quos audire oportet, defessi sunt audiendo. Nam ex hac quoque re non minus quam ex primis duabus in oratore nonnumquam animus auditoris offenditur.

[24] Si causae turpitudo contrahit offensionem, aut pro eo homine, in quo offenditur, alium hominem, qui diligitur, interponi oportet; aut pro re, in qua offenditur, aliam rem, quae probatur; aut pro re hominem aut pro homine rem, ut ab eo, quod odit, ad id, quod diligit, auditoris animus traducatur; et dissimulare te id defensurum, quod existimeris; deinde, cum iam mitior factus erit auditor, ingredi pedetemptim in defensionem et dicere ea, quae indignentur adversarii, tibi quoque indigna videri; deinde, cum lenieris eum, qui audiet, demonstrare, nihil eorum ad te pertinere et negare quicquam de adversariis esse dicturum, neque hoc neque illud, ut neque aperte laedas eos, qui diliguntur, et tamen id obscure faciens, quoad possis, alienes ab eis auditorum voluntatem; et aliquorum iudicium simili de re aut auctoritatem proferre imitatione dignam; deinde eandem aut consimilem aut maiorem aut minorem agi rem in praesenti demonstrare.

[25] Sin oratio adversariorum fidem videbitur auditoribus fecisse - id quod ei, qui intellegit, quibus rebus fides fiat, facile erit cognitu - oportet aut de eo, quod adversarii firmissimum sibi putarint et maxime ii, qui audient, probarint, primum te dicturum polliceri, aut ab adversarii dicto exordiri et ab eo potissimum, quod ille nuperrime dixerit, aut dubitatione uti, quid primum dicas aut cui potissimum loco respondeas, cum admiratione. Nam auditor cum eum, quem adversarii perturbatum putat oratione, videt animo firmissimo contra dicere paratum, plerumque se potius temere assensisse quam illum sine causa confidere arbitratur.

Sin auditoris studium defatigatio abalienavit a causa, te brevius, quam paratus fueris, esse dicturum commodum est polliceri; non imitaturum adversarium. Sin res dabit, non inutile est ab aliqua re nova aut ridicula incipere aut ex tempore quae nata sit, quod genus strepitu, acclamatione; aut iam parata, quae vel apologum vel fabulam vel aliquam contineat inrisionem; aut si rei dignitas adimet iocandi facultatem, aliquid triste, novum, horribile statim non incommodum est inicere. Nam, ut cibi satietas et fastidium aut subamara aliqua re relevatur aut dulci mitigatur, sic animus defessus

audiendo aut admiratione integratur aut risu novatur. Ac separatim quidem, quae de principio et de insinuatione dicenda videbantur, haec fere sunt; nunc quiddam brevi communiter de utroque praecipiendum videtur.

Exordium sententiarum et gravitatis plurimum debet habere et omnino omnia, quae pertinent ad dignitatem, in se continere, propterea quod id optime faciendum est, quod oratorem auditori maxime commendat; splendoris et festivitatis et concinnitudinis minimum, propterea quod ex his suspicio quaedam apparationis atque artificiosae diligentiae nascitur, quae maxime orationi fidem, oratori adimit auctoritatem.

[26] Vitia vero haec sunt certissima exordiorum, quae summo opere vitare oportebit: vulgare, commune, commutabile, longum, separatum, translatum, contra praecepta. Vulgare est, quod in plures causas potest accommodari, ut convenire videatur. Commune, quod nihilo minus in hanc quam in contrariam partem causae potest convenire. Commutabile, quod ab adversario potest leviter mutatum ex contraria parte dici. Longum est, quod pluribus verbis aut sententiis ultra quam satis est producitur. Separatum, quod non ex ipsa causa ductum est nec sicut aliquod membrum adnexum orationi. Translatum est, quod aliud conficit, quam causae genus postulat: ut si qui docilem faciat auditorem, cum benivolentiam causa desideret, aut si principio utatur, cum insinuationem res postulet. Contra praecepta est, quod nihil eorum efficit, quorum causa de exordiis praecepta traduntur; hoc est, quod eum, qui audit, neque benivolum neque attentum neque docilem efficit, aut, quo nihil profecto peius est, ut contra sit, facit. Ac de exordio quidem satis dictum est.

[27] N a r r a t i o est rerum gestarum aut ut gestarum expositio.

Narrationum genera tria sunt: unum genus est, in quo ipsa causa et omnis ratio controversiae continetur; alterum, in quo digressio aliqua extra causam aut criminationis aut similitudinis aut delectationis non alienae ab eo negotio, quo de agitur, aut amplificationis causa interponitur. Tertium genus est remotum a civilibus causis, quod delectationis causa non inutili cum exercitatione dicitur et scribitur.

Eius partes sunt duae, quarum altera in negotiis, altera in personis maxime versatur.

Ea, quae in negotiorum expositione posita est, tres habet partes:

fabulam, historiam, argumentum.

F a b u l a est, in qua nec verae nec veri similes res continentur, cuiusmodi est: “Angues ingentes alites, iuncti iugo...”.

H i s t o r i a est gesta res, ab aetatis nostrae memoria remota; quod genus: “Appius indixit Carthaginiensibus bellum”.

A r g u m e n t u m est ficta res, quae tamen fieri potuit. Huiusmodi apud Terentium: “Nam is postquam excessit ex ephebis, [Sosia]...”

Illa autem narratio, quae versatur in personis, eiusmodi est, ut in ea simul cum rebus ipsis personarum sermones et animi perspici possint, hoc modo:

“Venit ad me saepe clamitans: Quid agis, Micio?
Cur perdis adulescentem nobis? Cur amat?
Cur potat? Cur tu his rebus sumptum suggeris,
Vestitu nimio indulges? Nimium ineptus es.
Nimium ipse est durus praeter aequumque et bonum”.

Hoc in genere narrationis multa debet inesse festivitas, confecta ex rerum varietate, animorum dissimilitudine, gravitate, lenitate, spe, metu, suspicione, desiderio, dissimulatione, errore, misericordia, fortunae commutatione, insperato incommodo, subita laetitia, iucundo exitu rerum. Verum haec ex iis, quae postea de elocutione praecipientur, ornamenta sumentur.

[28] Nunc de narratione ea, quae causae continet expositionem, dicendum videtur. Oportet igitur eam tres habere res: ut brevis, ut aperta, ut probabilis sit. Brevis erit, si, unde necesse est, inde initium sumetur et non ab ultimo repetetur, et si, cuius rei satis erit summam dixisse, eius partes non dicentur - nam saepe satis est, quid factum sit, dicere, ut ne narres, quemadmodum sit factum - et si non longius, quam quo opus est, in narrando procedetur, et si nullam in rem aliam transibitur; et si ita dicetur, ut nonnumquam ex eo, quod dictum est, id, quod non est dictum intellegatur; et si non modo id, quod obest, verum etiam id, quod nec obest nec adiuvat, praeteribitur; et si semel unum quicque dicetur; et si non ab eo, quo in proxime desitum erit, deinceps incipietur.

Ac multos imitatio brevitatis decipit, ut, cum se breves putent

esse, longissimi sint; cum dent operam, ut res multas brevi dicant, non ut omnino paucas res dicant et non plures, quam necesse sit. Nam plerisque breviter videtur dicere, qui ita dicit: “Accessi ad aedes. Puerum vocavi. Respondit. Quaesivi dominum. Domi negavit esse.” Hic, tametsi tot res brevius non potuit dicere, tamen, quia satis fuit dixisse: “Domi negavit esse”, fit rerum multitudine longus. Quare hoc quoque in genere vitanda est brevitatis imitatio et non minus rerum non necessariarum quam verborum multitudine supersedendum est.

[29] Aperta autem narratio poterit esse, si, ut quidque primum gestum erit, ita primum exponetur, et rerum ac temporum ordo servabitur, ut ita narrentur, ut gestae res erunt aut ut potuisse geri videbuntur. Hic erit considerandum, ne quid perturbate, ne quid contorte dicatur, ne quam in aliam rem transeatur, ne ab ultimo repetatur, ne ad extremum prodeatur, ne quid, quod ad rem pertineat, praetereatur; et omnino, quae praecepta de brevitate sunt, hoc quoque in genere sunt conservanda. Nam saepe res parum est intellecta longitudine magis quam obscuritate narrationis. Ac verbis quoque dilucidis utendum est; quo de genere dicendum est in praeceptis elocutionis.

Probabilis erit narratio, si in ea videbuntur inesse ea, quae solent apparere in veritate; si personarum dignitates servabuntur; si causae factorum exstabunt; si fuisse facultates faciundi videbuntur; si tempus idoneum, si spatii satis, si locus opportunus ad eandem rem, qua de re narrabitur, fuisse ostendetur; si res et ad eorum, qui agent, naturam et ad vulgi morem et ad eorum, qui audient, opinionem accommodabitur. Ac veri quidem similis ex his rationibus esse poterit.

[30] Illud autem praeterea considerare oportebit, ne, aut cum obsit narratio aut cum nihil prosit, tamen interponatur; aut non loco aut non, quemadmodum causa postulet, narretur. Obest tum, cum ipsius rei gestae expositio magnam excipit offensionem, quam argumentando et causam agendo leniri oportebit. Quod cum accidet, membratim oportebit partes rei gestae dipergere in causam et ad unam quamque confestim rationem accommodare, ut vulneri praesto medicamentum sit et odium statim defensio mitiget. Nihil prodest narratio tum, cum ab adversariis re exposita nostra nihil interest

iterum aut alio modo narrare; aut ab iis, qui audiunt, ita tenetur negotium, ut nostra nihil intersit eos alio pacto docere. Quod cum accidit, omnino narratione supersedendum est. Non loco dicitur, cum non in ea parte orationis conlocatur, in qua res postulat; quo de genere agemus tum, cum de dispositione dicemus; nam hoc ad dispositionem pertinet. Non quemadmodum causa postulat, narratur, cum aut id, quod adversario prodest, dilucide et ornate exponitur aut id, quod ipsum adiuvat, obscure dicitur et neglegenter. Quare, ut hoc vitium vitetur, omnia torquenda sunt ad commodum suae causae, contraria, quae praeteriri poterunt, praetereundo, quae dicenda erunt, leviter attingendo, sua diligenter et enodate narrando.

Ac de narratione quidem satis dictum videtur; deinceps ad partitionem transeamus.

[31] Recte habita in causa partitio inlustrem et perspicuam totam efficit orationem. Partes eius sunt duae, quarum utraque magno opere ad aperiendam causam et constituendam pertinet controversiam. Una pars est, quae, quid cum adversariis conveniat et quid in controversia relinquatur, ostendit; ex qua certum quiddam destinatur auditori, in quo animum debeat habere occupatum. Altera est, in qua rerum earum, de quibus erimus dicturi, breviter expositio ponitur distributa; ex qua conficitur, ut certas animo res teneat auditor, quibus dictis intellegat fore peroratum.

Nunc utroque genere partitionis quemadmodum conveniat uti, breviter dicendum videtur. Quae partitio, quid conveniat aut quid non conveniat, ostendit, haec debet illud, quod convenit, inclinare ad suae causae commodum, hoc modo: “Interfectam matrem esse a filio convenit mihi cum adversariis”. Item contra: “Interfectum esse a Clytaemestra Agamemnonem convenit”. Nam hic uterque et id posuit, quod conveniebat, et tamen suae causae commodo consuluit. Deinde, quid controversiae sit, ponendum est in iudicationis expositione; quae quemadmodum inveniretur, ante dictum est.

[32] Quae partitio rerum distributam continet expositionem, haec habere debet: brevitatem, absolutionem, paucitatem. Brevitas est, cum nisi necessarium nullum assumitur verbum. Haec in hoc genere idcirco est utilis, quod rebus ipsis et partibus causae, non verbis neque extraneis ornamentis animus auditoris tenendus est. Absolutio est, per quam omnia, quae incidunt in causam, genera, de quibus

dicendum est, amplectimur in partitione, ne aut aliquod genus utile relinquatur aut sero extra partitionem, id quod vitiosissimum ac turpissimum est, inferatur. Paucitas in partitione servatur, si genera ipsa rerum ponuntur neque permixtim cum partibus implicantur. Nam genus est, quod plures partes amplectitur, ut animal. Pars est quae subest generi, ut equus. Sed saepe eadem res alii genus, alii pars est. Nam homo animalis pars est, Thebani aut Troiani genus.

Haec ideo diligentius inducitur discriptio, ut aperta [intellecta] generum et partium ratione paucitas generum in partitione servari possit. Nam qui ita partitur: "Ostendam propter cupiditatem et audaciam et avaritiam adversariorum omnia incommoda ad rem publicam pervenisse", is non intellexit in partitione exposito genere partem se generis admiscuisse. Nam genus est omnium nimirum libidinum cupiditas, eius autem generis sine dubio pars est avaritia.

[33] Hoc igitur vitandum est, ne, cuius genus posueris, eius sicuti aliquam diversam ac dissimilem partem ponas in eadem partitione. Quodsi quod in genus plures incident partes, id cum in prima causae partitione erit simpliciter expositum, distribuetur tempore [eo] commodissime, cum ad ipsum ventum erit explicandum in causae dictione post partitionem. Atque illud quoque pertinet ad paucitatem, ne aut plura, quam satis est, demonstraturos nos dicamus, hoc modo: "Ostendam adversarios, quod arguamus, et potuisse facere et voluisse et fecisse"; nam fecisse satis est ostendere; aut, cum in causa partitio nulla sit, [et] cum simplex quiddam agatur, tamen utamur distributione, id quod perraro potest accidere.

Ac sunt alia quoque praecepta partitionum, quae ad hunc usum oratorium non tanto opere pertineant, quae versantur in philosophia, ex quibus haec ipsa transtulimus, quae convenire viderentur, quorum nihil in ceteris artibus inveniebamus.

Atque his de partitione praeceptis in omni dictione meminisse oportebit, ut et prima quaeque pars, ut exposita est in partitione, sic ordine transigatur et omnibus explicatis peroratum sit [hoc modo], ut ne quid posterius praeter conclusionem inferatur. Partitur apud Terentium breviter et commode senex in Andria, quae cognoscere libertum velit:

"Eo pacto et gnati vitam et consilium meum

Cognosces et quid facere in hac re te velim”.

Itaque quemadmodum in partitione proposuit, ita narrat, primum nati vitam: “Nam is postquam excessit ex ephebis...”; deinde suum consilium: “Et nunc id operam do...”. Deinde quid Sosiam velit facere, id quod postremum posuit in partitione, postremum dicit: “Nunc tuum est officium...”. Quemadmodum igitur hic et ad primam quamque partem primum accessit et omnibus absolutis finem dicendi fecit, sic nobis placet et ad singulas partes accedere et omnibus absolutis perorare.

Nunc de confirmatione deinceps, ita ut ordo ipse postulat, praecipiendum videtur.

[34] C o n f i r m a t i o est, per quam argumentando nostrae causae fidem et auctoritatem et firmamentum adiungit oratio. Huius partis certa sunt praecepta, quae in singula causarum genera dividentur. Verumtamen non incommodum videtur quandam silvam atque materiam universam ante permixtim et confuse exponere omnium argumentationum, post autem tradere, quemadmodum unum quodque causae genus hinc omnibus argumentandi rationibus tractis confirmari oporteat.

Omnes res argumentando confirmantur aut ex eo, quod personis, aut ex eo, quod negotiis est adtributum.

Ac personis has res adtributas putamus: nomen, naturam, victum, fortunam, habitum, affectionem, studia, consilia, facta, casus, orationes.

N o m e n est, quod uni cuique personae datur, quo suo quaeque proprio et certo vocabulo appellatur.

N a t u r a m ipsam definire difficile est; partes autem eius enumerare eas, quarum indigemus ad hanc praeceptionem, facilius est.

[35] Eae autem partim divino, partim mortali in genere versantur. Mortalium autem pars in hominum, pars in bestiarum genere numerantur. Atque hominum genus et in sexu consideratur, virile an muliebre sit, et in natione, patria, cognatione, aetate. Natione, Graius an barbarus; patria, Atheniensis an Lacedaemonius; cognatione, quibus maioribus, quibus consanguineis; aetate, puer an adulescens, natu grandior an senex. Praeterea commoda et incommoda

considerantur ab natura data animo aut corpori, hoc modo: valens an inbecillus, longus an brevis, formonsus an deformis, velox an tardus sit, acutus an hebetior, memor an obliviosus, comis [officiosus] an infacetus, pudens, patiens an contra; et omnino quae a natura dantur animo et corpori considerabuntur [et haec in natura consideranda]. Nam quae industria comparantur, ad habitum pertinent, de quo posterius est dicendum.

In v i c t u considerare oportet, apud quem et quo more et cuius arbitratu sit educatus, quos habuerit artium liberalium magistros, quos vivendi praeceptores, quibus amicis utatur, quo in negotio, quaestu, artificio sit occupatus, quo modo rem familiarem administret, qua consuetudine domestica sit.

In f o r t u n a quaeritur, servus sit an liber, pecuniosus an tenuis, privatus an cum potestate: si cum potestate, iure an iniuria; felix, clarus an contra; quales liberos habeat. Ac si de non vivo quaeretur, etiam quali morte sit affectus, erit considerandum.

[36] H a b i t u m autem [hunc] appellamus animi aut corporis constantem et absolutam aliqua in re perfectionem, ut virtutis aut artis alicuius perceptionem aut quamvis scientiam et item corporis aliquam commoditatem non natura datam, sed studio et industria partam.

A f f e c t i o est animi aut corporis ex tempore aliqua de causa commutatio, ut laetitia, cupiditas, metus, molestia, morbus, debilitas et alia, quae in eodem genere reperiuntur.

S t u d i u m est autem animi assidua et vehementer ad aliquam rem adplicata magna cum voluptate occupatio, ut philosophiae, poeticae, geometricae, litterarum.

C o n s i l i u m est aliquid faciendi aut non faciendi excogitata ratio.

Facta autem et casus et orationes tribus ex temporibus considerabuntur: quid fecerit [aut] quid ipsi acciderit [aut] quid dixerit; aut quid faciat, quid ipsi accidat, quid dicat; aut quid facturus sit, quid ipsi casurum sit, qua sit usurus oratione.

Ac personis quidem haec videntur esse adtributa: [37] negotiis autem quae sunt adtributa, partim sunt continentia cum ipso negotio, partim in gestione negotii considerantur, partim adiuncta negotio sunt, partim negotium consequuntur.

Continentia cum ipso negotio sunt ea, quae semper affixa esse videntur ad rem neque ab ea possunt separari. Ex his prima est brevis conplexio totius negotii, quae summam continet facti, hoc modo: parentis occisio, patriae proditio; deinde causa eius summae, per quam et quam ob rem et cuius rei causa factum sit, quaeritur; deinde ante gestam rem quae facta sint continenter usque ad ipsum negotium; deinde, in ipso gerendo negotio quid actum sit; deinde, quid postea factum sit.

[38] In gestione autem negotii, qui locus secundus erat de iis, quae negotiis adtributa sunt, quaeretur locus, tempus, modus, occasio, facultas.

Locus consideratur, in quo res gesta sit, ex opportunitate, quam videatur habuisse ad negotium administrandum. Ea autem opportunitas quaeritur ex magnitudine, intervallo, longinquitate, propinquitate, solitudine, celebritate, natura ipsius loci et vicinitatis et totius regionis; ex his etiam attributionibus: sacer profanus, publicus anne privatus, alienus an ipsius, de quo agitur, locus sit aut fuerit.

[39] T e m p u s autem est - id quo nunc utimur, nam ipsum quidem generaliter definire diffile est - pars quaedam aeternitatis cum alicuius annui, menstrui, diurni nocturnive spatii certa significatione. In hoc et quae praeterierint, considerantur: et eorum ipsorum, quae aut propter vetustatem obsoleverint aut incredibilia videantur, ut iam in fabularum numerum reponantur; et quae iam diu gesta et a memoria nostra remota tamen faciant fidem vere tradita esse, quia eorum monumenta certa in litteris exstent; et quae nuper gesta sint, quae scire plerique possint; et item quae instent in praesentia et cum maxime fiant; et quae consequantur, in quibus potest considerari,

quid ocius et quid serius futurum sit. Et item communiter in tempore perspiciendo longinquitas eius est consideranda. Nam saepe oportet commetiri cum tempore negotium et videre, potueritne aut magnitudo negotii aut multitudo rerum in eo transigi tempore. [Consideratur autem tempus et anni et mensis et diei et noctis et vigiliae et horae et in aliqua parte alicuius horum.]

[40] O c c a s i o autem est pars temporis habens in se alicuius rei idoneam faciendi aut non faciendi opportunitatem. Quare cum tempore hoc differt: nam genere quidem utrumque idem esse intellegitur, verum in tempore spatium quodam modo declaratur, quod in annis aut in anno aut in aliqua anni parte spectatur, in occasione ad spatium temporis faciendi quaedam opportunitas intellegitur adiuncta. (quare cum genere idem sit, fit aliud, quod parte quadam et specie, ut diximus, differat.) Haec distribuitur in tria genera: publicum, commune, singulare.

P u b l i c u m est, quod civitas universa aliqua de causa frequentat, ut ludi, dies festus, bellum.

C o m m u n e, quod accidit omnibus eodem fere tempore, ut messis, vindemia, calor, frigus.

S i n g u l a r e autem est, quod aliqua de causa privatim alicui solet accidere, ut nuptiae, sacrificium, funus, convivium, somnus.

[41] M o d u s autem est, in quo, quemadmodum et quo animo factum sit, quaeritur. Eius partes sunt prudentia et inprudentia. Prudentiae [autem] ratio quaeritur ex iis, quae clam, palam, vi, persuasione fecerit. Inprudentia autem in purgationem confertur, cuius partes sunt inscientia, casus, necessitas, et in affectionem animi, hoc est molestiam, iracundiam, amorem et cetera, quae in simili genere versantur.

F a c u l t a t e s sunt, aut quibus facilius fit aut sine quibus aliquid confici non potest.

Adiunctum negotio autem id intellegitur, quod maius et quod minus et quod aeque magnum et quod simile erit ei negotio, quo de agitur, et quod contrarium et quod disparatum, et genus et pars et eventus. Maius et minus et aeque magnum ex vi et ex numero et ex figura negotii, sicut ex statura corporis, consideratur.

[42] S i m i l e autem ex specie conparabili aut ex conferunda atque assimulanda natura iudicatur.

C o n t r a r i u m est, quod positum in genere diverso ab eodem, cui contrarium dicitur, plurimum distat, ut frigus calori, vitae mors.

D i s p a r a t u m autem est id, quod ab aliqua re praepositione negationis separatur, hoc modo: sapere et non sapere.

G e n u s est, quod partes aliquas amplectitur, ut cupiditas.

P a r s est, quae subest generi, ut amor, avaritia.

E v e n t u s est exitus alicuius negotii, in quo quaeri solet, quid ex quaque re evenerit, eveniat, eventurum sit. Quare hoc in genere, ut commode, quid eventurum sit, ante animo colligi possit, quid quaque ex re soleat evenire, considerandum est, hoc modo: ex arrogantia odium, ex insolentia arrogantia.

[43] Quarta autem pars est ex iis <rebus>, quas negotiis dicebamus esse adtributas, consecutio. In hac eae res quaeruntur, quae gestum negotium consequuntur: primum, quod factum est, quo id nomine appellari conveniat; deinde eius facti qui sint principes et inventores, qui denique auctoritatis eius et inventionis comprobatores atque aemuli; deinde ecquae de ea re aut eius rei sit lex, consuetudo, pactio, iudicium, scientia, artificium; deinde natura eius, evenire vulgo soleat an insolenter et raro; postea homines id sua auctoritate comprobare an offendere in iis consueverint; et cetera, quae factum aliquid similiter confestim aut ex intervallo solent consequi. Deinde postremo adtendendum est, num quae res ex iis rebus, quae positae sunt in partibus honestatis aut utilitatis, consequantur; de quibus in deliberativo genere causae distinctius erit dicendum.

Ac negotiis quidem fere res haec, quas commemoravimus, sunt adtributae.

[44] Omnis autem argumentatio, quae ex iis locis, quos commemoravimus, sumetur, aut probabilis aut necessaria debebit esse. Etenim, ut breviter describamus, argumentatio videtur esse inventum aliquo ex genere rem aliquam aut probabiliter ostendens aut necessarie demonstrans. Necessarie demonstrantur ea, quae aliter ac dicuntur nec fieri nec probari possunt, hoc modo: “si peperit, cum viro concubuit.” Hoc genus argumentandi, quod in necessaria demonstratione versatur, maxime tractatur in dicendo aut per complexionem aut per enumerationem aut per simplicem conclusionem.

[45] C o n p l e x i o est, in qua, utrum concesseris, reprehenditur,

ad hunc modum: “Si inprobus est, cur uteris? Si probus, cur accusas?”

E n u m e r a t i o est, in qua pluribus rebus expositis et ceteris infirmatis una reliqua necessario confirmatur, hoc pacto: “Necesse est aut inimicitiarum causa ab hoc esse occisum aut metus aut spei aut alicuius amici gratia aut, si horum nihil est, ab hoc non esse occisum; nam sine causa maleficium susceptum non potest esse; si neque inimicitiae fuerunt nec metus ullus nec spes [ex morte illius] alicuius commodi neque ad amicum huius aliquem mors illius pertinebat: relinquitur igitur, ut ab hoc non sit occisus.”

Simplex autem conclusio ex necessaria consecutione conficitur, hoc modo: “Si vos me istuc eo tempore fecisse dicitis, ego autem eo ipso tempore trans mare fui, relinquitur, ut id, quod dicitis, non modo non fecerim, sed ne potuerim quidem facere.” Atque hoc diligenter oportebit videre, ne quo pacto genus hoc refelli possit, ut ne confirmatio modum in se argumentationis habeat et quandam similitudinem necessariae conclusionis, verum ipsa argumentatio ex necessaria ratione consistat.

[46] P r o b a b i l e autem est id, quod fere solet fieri aut quod in opinione positum est aut quod habet in se ad haec quandam similitudinem, sive id falsum est sive verum. In eo genere, quod fere fieri solet, probabile huiusmodi est: “Si mater est, diligit filium; si avarus est, neglegit ius iurandum.” In eo autem, quod in opinione positum est, huiusmodi sunt probabilia: impiis apud inferos poenas esse praeparatas; eos, qui philosophiae dent operam, non arbitrari deos esse. Similitudo autem in contrariis et <ex> paribus et in iis rebus, quae sub eandem rationem cadunt, maxime spectatur. In contrariis, hoc modo: “Nam si iis, qui inprudentes laeserunt, ignosci convenit, iis, qui necessario profuerunt, haberi gratiam non oportet.”

[47] Ex pari, sic: “Nam ut locus sine portu navibus esse non potest tutus, sic animus sine fide stabilis amicis non potest esse.” In iis rebus, quae sub eandem rationem cadunt, hoc modo probabile consideratur: “Nam si Rhodiis turpe non est portorium locare, ne Hermocreonti quidem turpe est conducere.” Haec tum vera sunt, hoc pacto: “Quoniam cicatrix est, fuit vulnus”; tum veri similia, hoc modo: “Si multus erat in calceis pulvis, ex itinere eum venire oportebat.”

Omne autem - ut certas quasdam in partes tribuamus - probabile, quod sumitur ad argumentationem, aut signum est aut credibile aut iudicatum aut comparabile.

[48] S i g n u m est, quod sub sensum aliquem cadit et quiddam significat, quod ex ipso profectum videtur, quod aut ante fuerit aut in ipso negotio aut post sit consecutum et tamen indiget testimonii et gravioris confirmationis, ut cruor, fuga, pallor, pulvis, et quae his sunt similia.

C r e d i b i l e est, quod sine ullo teste auditoris opinione firmatur, hoc modo: "Nemo est, qui non liberos suos incolumes et beatos esse cupiat."

I u d i c a t u m est res assensione aut auctoritate aut iudicio alicuius aut aliquorum conprobata. Id tribus in generibus spectatur, religioso, communi, adprobato.

R e l i g i o s u m est, quod iurati legibus iudicarunt.

C o m m u n e est, quod omnes vulgo probarunt et secuti sunt, huiusmodi: ut maioribus natu assurgatur, ut supplicum misereatur.

A d p r o b a t u m est, quod homines, cum dubium esset, quale haberi oporteret, sua constituerunt auctoritate: velut Gracchi patris factum populus Romanus, qui eum [ob id factum] eo quod insciente collega in censura nonnihil gessit post censuram consulem fecit.

[49] C o m p a r a b i l e autem est, quod in rebus diversis similem aliquam rationem continet. Eius partes sunt tres: imago, conlatio, exemplum. Imago est oratio demonstrans corporum aut naturarum similitudinem. Conlatio est oratio rem cum re ex similitudine conferens.

E x e m p l u m est, quod rem auctoritate aut casu alicuius hominis aut negotii confirmat aut infirmat. Horum exempla et descriptiones in praeceptis elocutionis cognoscentur.

Ac fons quidem confirmationis, ut facultas tulit, apertus est nec minus dilucide, quam rei natura ferebat, demonstratus est; quemadmodum autem quaeque constitutio et pars constitutionis et omnis controversia, sive in ratione sive in scripto versabitur, tractari debeat et quae in quamque argumentationes conveniant, singillatim in secundo libro de uno quoque genere dicemus. In praesentia tantummodo numeros et modos et partes argumentandi confuse et permixtim dispersimus; post discripte et electe in genus quodque

causae, quid cuique conveniat, ex hac copia digeremus.

[50] Atque inveniri quidem omnis ex his locis argumentatio poterit: inventam exornari et certas in partes distingui et suavissimum est et summe necessarium et ab artis scriptoribus maxime neglectum. Quare et de ea praeceptione nobis et in hoc loco dicendum visum est, ut ad inventionem argumentandi <ratio> adiungeretur. Et magna cum cura et diligentia locus hic omnis considerandus est, quod rei non solum magna utilitas est, sed praecipiendi quoque summa difficultas.

[51] Omnis igitur argumentatio aut per inductionem tractanda est per ratiocinationem.

I n d u c t i o est oratio, quae rebus non dubiis captat assensionem eius, quicum instituta est; quibus assensionibus facit, ut illi dubia quaedam res propter similitudinem earum rerum, quibus assensit, probetur. Velut apud Socraticum Aeschinen demonstrat Socrates cum Xenophontis uxore et cum ipso Xenophonte Aspasiam locutam: “Dic mihi, quaeso, Xenophontis uxor, si vicina tua melius habeat aurum, quam tu habes, utrum illudne an tuum malis?” “Illud”, inquit. “Quid, si vestem et ceterum ornatum muliebrem pretii maioris habeat, quam tu habes, tuumne an illius malis?” Respondit: “Illius vero.” “Age sis,” inquit, “quid? Si virum illa meliorem habeat, quam tu habes, utrumne tuum virum malis an illius?” Hic mulier erubuit.

[52] Aspasia autem sermonem cum ipso Xenophonte instituit. “Quaeso,” inquit, “Xenophon, si vicinus tuus equum meliorem habeat, quam tuus est, tuumne equum malis an illius?” “Illius,” inquit. “Quid, si fundum meliorem habeat quam tu habes, utrum tandem fundum habere malis?” “Illum,” inquit, “meliorem scilicet.” “Quid, si uxorem meliorem habeat, quam tu habes, utrum <tuamne an> illius malis?” Atque hic Xenophon quoque ipse tacuit. Post Aspasia: “Quoniam uterque vestrum,” inquit, “id mihi solum non respondit, quod ego solum audire volueram, egomet dicam, quid uterque cogitet. Nam et tu, mulier, optumum virum vis habere et tu, Xenophon, uxorem habere lectissimam maxime vis. Quare, nisi hoc perfeceritis, ut neque vir melior neque femina lectior in terris sit, profecto semper id, quod optumum putabitis esse, multo maxime requiretis [, ut et tu maritus sis quam optumae et haec quam optimo viro nupta sit]”.Hic cum rebus non dubiis assensum est, factum est propter similitudinem, ut etiam illud, quod dubium videretur, si qui

separatim quaereret, id pro certo propter rationem rogandi concederetur.

[53] Hoc modo sermonis plurimum Socrates usus est, propterea quod nihil ipse afferre ad persuadendum volebat, sed ex eo, quod sibi ille dederat, quicum disputabat, aliquid conficere malebat, quod ille ex eo, quod iam concessisset, necessario adprobare deberet. Hoc in genere praecipiendum nobis videtur primum, ut illud quod inducimus per similitudinem, eiusmodi sit, ut sit necesse concedere. Nam ex quo postulabimus nobis illud, quod dubium sit, concedi, dubium esse id ipsum non oportebit. Deinde illud, cuius confirmandi causa fiet inductio, videndum est, ut simile iis rebus sit, quas res quasi non dubias ante induxerimus, nam aliquid ante concessum nobis esse nihil proderit, si ei dissimile erit id, cuius causa illud concedi primum voluerimus; deinde ne intellegat, quo spectent illae primae inductiones et ad quem sint exitum perventurae.

[54] Nam qui videt, si ei rei, quam primo rogetur, recte assenserit, illam quoque rem, quae sibi displiceat, esse necessario concedendam, plerumque aut non respondendo aut male respondendo longius rogationem procedere non sinit; quare ratione rogationis inprudens ab eo, quod concessit, ad id, quod non vult concedere, deducendus est. Extremum autem aut taceatur oportet aut concedatur aut negetur. Si negabitur, aut ostendenda similitudo est earum rerum, quae ante concessae sunt, aut alia utendum inductione. Si concedetur, concludenda est argumentatio. Si tacebitur, elicienda responsio est aut, quoniam taciturnitas imitatur confessionem, pro eo, ac si concessum sit, concludere oportebit argumentationem. Ita fit hoc genus argumentandi tripertitum: prima pars ex similitudine constat una pluribusve; altera ex eo, quod concedi volumus, cuius causa similitudines adhibitae sunt; tertia ex conclusione, quae aut confirmat concessionem aut quid ex eo conficiatur ostendit.

[55] Sed quia non satis alicui videbitur dilucide demonstratum, nisi quid ex civili causarum genere exempli subiecerimus, videtur eiusmodi quoque utendum exemplo, non quo praeceptio differat aut aliter hoc in sermone atque in dicendo sit utendum, sed ut eorum voluntati satis fiat, qui id, quod aliquo in loco viderunt, alio in loco, nisi monstratum est, nequeunt cognoscere. Ergo in hac causa, quae apud Graecos est pervagata, cum Epaminondas, Thebanorum

imperator, quod ei, qui sibi ex lege praetor successerat, exercitum non tradidit et, cum paucos ipse dies contra legem exercitum tenuisset, Lacedaemonios funditus vicit, poterit accusator argumentatione uti per inductionem, cum scriptum legis contra sententiam defendat, ad hunc modum:

[56] "Si, iudices, id, quod Epaminondas ait legis scriptorem sensisse, adscribat ad legem et addat hanc exceptionem: EXTRA QUAM SI QUIS REI PUBLICAE CAUSA EXERCITUM NON TRADIDERIT, patiemini? Non opinior. Quid, si vosmet ipsi, quod a vestra religione et a sapientia remotissimum est, istius honoris causa hanc eandem exceptionem iniussu populi ad legem adscribi iubeatis, populus Thebanus id patieturne fieri? Profecto non patietur. Quod ergo adscribi ad legem nefas est, id sequi quasi adscriptum sit, rectum vobis videatur? Novi vestram intellegentiam; non potest ita videri, iudices. Quodsi litteris corrigi neque ab illo neque a vobis scriptoris voluntas potest, videte, ne multo indignius sit id re et iudicio vestro mutari, quod ne verbo quidem commutari potest." Ac de inductione quidem satis in praesentia dictum videtur.

[57] Nunc deinceps ratiocinationis vim et naturam consideremus. Ratiocinatio est oratio ex ipsa re probabile aliquid eliciens, quod expositum et per se cognitum sua se vi et ratione confirmet. Hoc de genere qui diligentius considerandum putaverunt, cum idem in usu dicendi sequerentur, paululum in praecipiendi ratione dissenserunt. Nam partim quinque eius partes esse dixerunt, partim non plus quam in tres partes posse distribui putaverunt. Eorum controversiam non incommodum videtur cum utrorumque ratione exponere. Nam et brevis est et non eiusmodi, ut alteri prorsus nihil dicere putentur, et locus hic nobis in dicendo minime neglegendus videtur.

[58 Qui putant in quinque tribui partes oportere, aiunt primum convenire exponere summam argumentationis, ad hunc modum: "Melius accurantur, quae consilio geruntur, quam quae sine consilio administrantur". Hanc primam partem numerant; eam deinceps rationibus variis et quam copiosissimis verbis adprobari putant oportere, hoc modo: "Domus ea, quae ratione regitur, omnibus est instructior rebus et apparatior, quam ea, quae temere et nullo consilio administratur. Exercitus is, cui praepositus est sapiens et callidus imperator, omnibus partibus commodius regitur, quam is, qui stultitia

et temeritate alicuius administratur. Eadem navigii ratio est. Nam navis optime cursum conficit ea, quae scientissimo gubernatore utitur."

[59] Cum propositio sit hoc pacto adprobata et duae partes transierint ratiocinationis, tertia in parte aiunt, quod ostendere velis, id ex vi propositionis oportere assumere, hoc pacto: "Nihil autem omnium rerum melius quam omnis mundus, administratur." Huius assumptionis quarto in loco aliam porro inducunt adprobationem, hoc modo: "Nam et signorum ortus et obitus definitum quendam ordinem servant et annuae commutationes non modo quaedam ex necessitudine semper eodem modo fiunt, verum ad utilitates quoque rerum omnium sunt accommodatae, et diurnae nocturnaeque vicissitudines nulla in re umquam mutatae quicquam nocuerunt." Quae signo sunt omnia non mediocri quodam consilio naturam mundi administrari. Quinto inducunt loco conplexionem eam, quae aut id infert solum, quod ex omnibus partibus cogitur, hoc modo: "Consilio igitur mundus administratur"; aut unum in locum cum conduxerit breviter propositionem et adsumptionem, adiungit, quid ex his conficiatur, ad hunc modum: "Quodsi melius geruntur ea, quae consilio, quam quae sine consilio administrantur, nihil autem omnium rerum melius administratur, quam omnis mundus, consilio igitur mundus administratur." Quinquepertitam igitur hoc pacto putant esse argumentationem.

[60] Qui autem tripertitam putant esse, ii non aliter tractari putant oportere argumentationem, sed partitionem horum reprehendunt. Negant enim neque a propositione neque ab adsumptione adprobationes earum separari oportere, neque propositionem absolutam neque adsumptionem sibi perfectam videri, quae approbatione confirmata non sit. Quare quas illi duas partes numerent, propositionem et adprobationem, sibi unam partem videri, propositionem; quae si adprobata non sit, propositio non sit argumentationis. Item, quae ab illis adsumptio et adsumptionis adprobatio dicatur, eandem sibi adsumptionem solam videri. Ita fit, ut eadem ratione argumentatio tractata aliis tripertita, aliis quinquepertita videatur. Quare evenit, ut res non tam ad usum dicendi pertineat quam ad rationem praeceptionis.

[61] Nobis autem commodior illa partitio videatur esse, quae in

quinque partes tributa est, quam omnes ab Aristotele et Theophrasto profecti maxime secuti sunt. Nam quemadmodum illud superius genus argumentandi, quod per inductionem sumitur, maxime Socrates et Socratici tractarunt, sic hoc, quod per ratiocinationem expolitur, summe est ab Aristotele [atque a Peripateticis] et Theophrasto frequentatum, deinde a rhetoribus iis, qui elegantissimi atque artificiosissimi putati sunt. Quare autem nobis illa magis partitio probetur, dicendum videtur, ne temere secuti putemur; et breviter dicendum, ne in huiusmodi rebus diutius, quam ratio praecipiendi postulat, commoremur.

[62] Si quadam in argumentatione satis est uti propositione et non oportet adiungere adprobationem propositionis, quadam autem in argumentatione infirma est propositio, nisi adiuncta sit adprobatio, separatum est quiddam a propositione adprobatio. Quod enim et adiungi et separari ab aliquo potest, id non potest idem esse, quod est id, ad quod adiungitur et a quo separatur; est autem quaedam argumentatio, in qua propositio non indiget approbationis, et quaedam, in qua nihil valet sine approbatione ut ostendemus. Separata igitur est a propositione approbatio. Ostendetur autem id, quod polliciti sumus, hoc modo: quae propositio in se quiddam continet perspicuum et quod stare inter omnes necesse est, hanc velle approbare et firmare nihil attinet.

[63] Ea est huiusmodi: “Si, quo die ista caedes Romae facta est, ego Athenis eo die fui, in caede interesse non potui.” Hoc quia perspicue verum est, nihil attinet approbari. Quare assumi statim oportet, hoc modo: “Fui autem Athenis eo die.” Hoc si non constat, indiget approbationis; qua inducta complexio consequitur. Est igitur quaedam propositio, quae non indiget approbatione. Nam esse quidem quandam, quae indigeat, quid attinet ostendere, quod cuivis facile perspicuum est , quodsi ita est, ex hoc et ex eo, quod proposueramus, hoc conficitur, separatum esse quiddam a propositione approbationem. Sin autem ita est, falsum est non esse plus quam tripertitam argumentationem.

[64] Simili modo liquet alteram quoque approbationem separatam esse ab assumptione. Si quadam in argumentatione satis est uti assumptione et non oportet adiungere approbationem assumptioni, quadam autem in argumentatione infirma est assumptio, nisi adiuncta

sit approbatio, separatum quiddam est extra assumptionem approbatio. Est autem argumentatio quaedam, in qua assumptio non indiget approbationis, quaedam autem, in qua nihil valet sine approbatione, ut ostendemus. Separata igitur est ab adsumptione approbatio. Ostendemus autem, quod polliciti sumus, hoc modo:

[65] quae perspicuam omnibus veritatem continet assumptio, nihil indiget approbationis. Ea est huiusmodi: "Si oportet velle sapere, dare operam philosophiae convenit." Hic propositio indiget approbationis; non enim perspicua est neque constat inter omnes, propterea quod multi nihil prodesse philosophiam, plerique etiam obesse arbitrantur; assumptio perspicua est enim haec: "Oportet autem velle sapere." Hoc quia ipsum ex se perspicitur et verum esse intellegitur, nihil attinet approbari. Quare statim concludenda est argumentatio. Est ergo assumptio quaedam, quae approbationis non indiget; nam quandam indigere perspicuum est. Separata est igitur ab adsumptione approbatio. Falsum ergo est non esse plus quam tripertitam argumentationem.

[66] Atque ex his illud iam perspicuum est, esse quandam argumentationem, in qua neque propositio neque assumptio indigeat approbationis, huiusmodi, ut certum quiddam et breve exempli causa ponamus: "Si summopere sapientia petenda est, summo opere stultitia vitanda est; summo autem opere sapientia petenda est; summo igitur opere stultitia vitanda est." Hic et propositio et assumptio perspicua est; quare neutra quoque indiget approbatione. Ex hisce omnibus illud perspicuum est approbationem tum adiungi, tum non adiungi. Ex quo cognoscitur neque in propositione neque in assumptione contineri approbationem, sed utramque suo loco positam vim suam tamquam certam et propriam obtinere. Quodsi ita est, commode partiti sunt illi, qui in quinque partes tribuerunt argumentationem.

[67] Quinque igitur partes sunt eius argumentationis, quae per ratiocinationem tractatur: p r o p o s i t i o, per quam locus is breviter exponitur, ex quo vis omnis oportet emanet ratiocinationis; a p p r o b a t i o, per quam id, quod breviter expositum est, rationibus adfirmatum probabilius et apertius fit; a s s u m p t i o, per quam id, quod ex propositione ad ostendendum pertinet, assumitur; a s s u m p t i o n i s a p p r o b a t i o, per quam id, quod assumptum est,

rationibus firmatur; c o m p l e x i o, per quam id, quod conficitur ex omni argumentatione, breviter exponitur. Quae plurimas habet argumentatio partes, ea constat ex his quinque partibus; secunda est quadripertita; tertia tripertita; dein bipartita; quod in controversia est. De una quoque parte potest alicui videri posse consistere.

[68] Eorum igitur, quae constant, exempla ponemus, horum, quae dubia sunt, rationes afferemus. Quinquepertita argumentatio est huiusmodi: "Omnes leges, iudices, ad commodum rei publicae referre oportet et eas ex utilitate communi, non ex scriptione, quae in litteris est, interpretari. Ea enim virtute et sapientia maiores nostri fuerunt, ut in legibus scribendis nihil sibi aliud nisi salutem atque utilitatem rei publicae proponerent. Neque enim ipsi, quod obesset, scribere volebant, et, si scripsissent, cum esset intellectum, repudiatum iri legem intellegebant. Nemo enim leges legum causa salvas esse vult, sed rei publicae, quod ex legibus omnes rem publicam optime putant administari. Quam ob rem igitur leges servari oportet, ad eam causam scripta omnia interpretari convenit: hoc est, quoniam rei publicae servimus, ex rei publicae commodo atque utilitate interpretemur. Nam ut ex medicina nihil oportet putare proficisci, nisi quod ad corporis utilitatem spectet, quoniam eius causa est instituta, sic a legibus nihil convenit arbitrari, nisi quod rei publicae conducat, profisci, quoniam eius causa sunt comparatae.

[69] Ergo in hoc quoque iudicio desinite litteras legis perscrutari et legem, ut aequum est, ex utilitate rei publicae considerate. Quid magis utile fuit Thebanis quam Lacedaemonios opprimi , cui magis Epaminondam, Thebanorum imperatorem, quam victoriae Thebanorum consulere decuit, quid hunc tanta Thebanorum gloria, tam claro atque exornato tropaeo carius aut antiquius habere convenit , scripto videlicet legis omisso scriptoris sententiam considerare debebat. At hoc quidem satis consideratum est, nullam esse legem nisi rei publicae causa scriptam. Summam igitur amentiam esse existimabat, quod scriptum esset rei publicae salutis causa, id non ex rei publicae salute interpretari. Quodsi leges omnes ad utilitatem rei publicae referri convenit, hic autem saluti rei publicae profuit, profecto non potest eodem facto et communibus fortunis consuluisse et legibus non optemperasse."

[70] Quattuor autem partibus constat a r g u m e n t a t i o, cum aut

proponimus aut assumimus sine approbatione. Id facere oportet, cum aut propositio ex se intellegitur aut assumptio perspicua est et nullius approbationis indiget. Propositionis approbatione praeterita quattuor ex partibus argumentatio tractatur, ad hunc modum: "Iudices, qui ex lege iurati iudicatis, legibus optemperare debetis. Optemperare autem legibus non potestis, nisi id, quod scriptum est in lege, sequimini. Quod enim certius legis scriptor testimonium voluntatis suae relinquere potuit, quam quod ipse magna cum cura atque diligentia scripsit? Quodsi litterae non exstarent, magnopere eas requireremus, ut ex iis scriptoris voluntas cognosceretur; nec tamen Epaminondae permitteremus, ne si extra iudicium quidem esset, ut is nobis sententiam legis interpretaretur, nedum nunc istum patiamur, cum praesto lex sit, non ex eo, quod apertissime scriptum est, sed ex eo, quod suae causae convenit, scriptoris voluntatem interpretari. Quodsi vos, iudices, legibus optemperare debetis et id facere non potestis, nisi id, quod scriptum est in lege, sequamini, quin istum contra legem fecisse iudicatis?"

[71] Assumptionis autem approbatione praeterita quadripertita sic fiet argumentatio: "qui saepenumero nos per fidem fefellerunt, eorum orationi fidem habere non debemus. Si quid enim perfidia illorum detrimenti acceperimus, nemo erit praeter nosmet ipsos, quem iure accusare possimus. Ac primo quidem decipi incommodum est; iterum, stultum; tertio, turpe. Carthaginienses autem persaepe iam nos fefellerunt. Summa igitur amentia est in eorum fide spem habere, quorum perfidia totiens deceptus sis."

[72] Utraque approbatione praeterita tripertita fit, hoc pacto: "Aut metuamus Carthaginienses oportet, si incolumes eos reliquerimus, aut eorum urbem diruamus. At metuere quidem non oportet. Restat igitur ut urbem diruamus." Sunt autem, qui putant nonnumquam posse complexione supersederi, cum id perspicuum sit, quod conficiatur ex ratiocinatione; quod si fiat, bipertitam quoque fieri argumentationem, hoc modo: "Si peperit, virgo non est; peperit autem." Hic satis esse proponere et adsumere: quod conficiatur quoniam perspicuum sit, complexionis rem non indigere. Nobis autem videtur et omnis ratiocinatio concludenda esse et illud vitium, quod illis displicet, magnopere vitandum, ne, quod perspicuum sit, id in complexionem inferamus.

[73] Hoc autem fieri poterit, si complexionum genera intellegentur. Nam aut ita complectemur, ut in unum conducamus propositionem et assumptionem, hoc modo: “Quodsi leges omnes ad utilitatem rei publicae referri convenit, hic autem saluti rei publicae profuit, profecto non potest eodem facto et saluti communi consuluisse et legibus non optemperasse”; aut ita, ut ex contrario sententia conficiatur, hoc modo: “Summa igitur amentia est in eorum fide spem habere, quorum perfidia totiens deceptus sis”; aut ita, ut id solum, quod conficitur, inferatur, ad hunc modum: “Urbem igitur diruamus”: aut, ut id, quod eam rem, quae conficitur, sequatur necesse est. Id est huiusmodi: “Si peperit, cum viro concubuit: peperit autem.” Conficitur hoc: “Concubuit igitur cum viro.” Hoc si nolis inferre et inferas id, quod sequitur: “Fecit igitur incestum”, et concluseris argumentationem et perspicuam fugeris complexionem.

[74] Quare in longis argumentationibus ex conductionibus aut ex contrario complecti oportet, in brevibus id solum, quod conficitur, exponere, in iis, in quibus exitus perspicuus est, consecutione uti. Si qui autem ex una quoque parte putabunt constare argumentationem, poterunt dicere saepe satis esse hoc modo argumentationem facere: “Quoniam peperit, cum viro concubuit”; nam hoc nullius neque approbationis neque complexionis indigere. Sed nobis ambiguitate nominis videntur errare. Nam argumentatio nomine uno res duas significat, ideo quod et inventum aliquam in rem probabile aut necessarium argumentatio vocatur et eius inventi artificiosa expolitio.

[75] Cum igitur proferent aliquid huiusmodi: “Quoniam peperit, cum viro concubuit”, inventum proferent, non expolitionem; nos autem de expolitionis partibus loquimur. Nihil igitur ad hanc rem ratio illa pertinebit; atque hac distinctione alia quoque, quae videbuntur officere huic partitioni, propulsabimus, si quis aut assumptionem aliquando tolli posse putet aut propositionem. Quae si quid habet probabile aut necessarium, quoquo modo commoveat auditorem necesse est. Quod si solum spectaretur ac nihil, quo pacto tractaretur id, quod esset excogitatum, referret, nequaquam tantum inter summos oratores et mediocres interesse existimaretur.

[76] Variare autem orationem magnopere oportebit; nam omnibus in rebus similitudo mater est satietatis. Id fieri poterit, si non similiter semper ingrediamur in argumentationem. Nam primum omnium

generibus ipsis distinguere convenit, hoc est, tum inductione uti, tum ratiocinatione, deinde in ipsa argumentatione non semper a propositione incipere nec semper quinque partibus abuti neque eadem partes ratione expolire, sed tum ab assumptione incipere, tum adprobatione alterutra, tum utraque, tum hoc, tum illo genere conplexionis uti. Id ut perspiciatur, scribamus in quolibet exemplo de iis, quae proposita sunt, [hoc idem exerceamus, ut] quam facile factu sit, periclitari licet.

[77] Ac de partibus quidem argumentationis satis nobis dictum videtur: illud autem volumus intellegi nos probe tenere aliis quoque rationibus tractari argumentationes in philosophia multis et obscuris, de quibus certum est artificium constitutum. Verum illa nobis abhorrere ab usu oratorio visa sunt. Quae pertinere autem ad dicendum putamus, ea nos commodius quam ceteros adtendisse non affirmamus; perquisitius et diligentius conscripsisse pollicemur. Nunc, ut statuimus, proficisci ordine ad reliqua pergemus.

[78] R e p r e h e n s i o est, per quam argumentando adversariorum confirmatio diluitur [aut infirmatur] aut elevatur. Haec fonte inventionis eodem utetur, quo utitur confirmatio, propterea quod, quibus ex locis aliqua res confirmari potest, isdem potest ex locis infirmari. Nihil enim considerandum est in his omnibus [inventionibus] nisi id, quod personis aut negotiis adtributum est. Quare inventionem et argumentationum expolitionem ex illis, quae ante praecepta sunt, hanc quoque in partem orationis transferri oportebit. Verumtamen, ut quaedam praeceptio detur huius quoque partis, exponemus modos reprehensionis; quos qui observabunt, facilius ea, quae contra dicentur, diluere aut infirmare poterunt.

[79] Omnis argumentatio reprehenditur, si aut ex iis, quae sumpta sunt, non conceditur aliquid unum plurave aut his concessis conplexio [ex his] confici negatur, aut si genus ipsum argumentationis vitiosum ostenditur, aut si contra firmam argumentationem alia aeque firma aut firmior ponitur. Ex iis, quae sumuntur, aliquid non conceditur, cum aut id, quod credibile dicunt, negatur esse eiusmodi, aut, quod conparabile putant, dissimile ostenditur, aut iudicatum aliam in partem traducitur, aut omnino iudicium inprobatur, aut, quod signum esse adversarii dixerunt, id eiusmodi negatur esse, aut si conprehensio aut una aut ex utraque

parte reprehenditur, aut enumeratio falsa ostenditur, aut simplex conclusio falsi aliquid continere demonstratur. Nam omne, quod sumitur ad argumentandum sive pro probabili sive pro necessario, necesse est sumatur ex his locis, ut ante ostendimus.

[80] Quod pro credibili sumptum erit, id infirmabitur, si aut perspicue falsum erit, hoc modo: "Nemo est, quin pecuniam quam sapientiam malit"; aut ex contrario quoque credibile aliquid habebit, hoc modo: "Quis est, qui non officii cupidior quam pecuniae sit?" Aut erit omnino incredibile, ut si aliquis, quem constet esse avarum, dicat alicuius mediocris officii causa se maximam pecuniam neglexisse, aut si, quod in quibusdam rebus aut hominibus accidit, id omnibus dicitur usu venire, hoc pacto: "Qui pauperes sunt, iis antiquior officio pecunia est"; "Qui locus desertus est, in eo caedem factam esse oportet; in loco celebri homo occidi qui potuit?" Aut si id, quod raro fit, fieri omnino negatur, ut Curio pro Fulvio: "Nemo potest uno aspectu neque praeteriens in amorem incidere."

[81] Quod autem pro signo sumetur, id ex isdem locis quibus confirmatur, infirmabitur. Nam in signo primum verum esse ostendi oportet; deinde esse eius rei signum proprium, qua de agitur ut cruorem caedis; deinde factum esse, quod non oportuerit, aut non factum, quod oportuerit; postremo scisse eum, de quo quaeritur, eius rei legem et consuetudinem. Nam eae res sunt signo adtributae; quas diligentius aperiemus, cum separatim de ipsa coniecturali constitutione dicemus.

Ergo horum unum quodque in reprehensione aut non esse signo aut parum magno esse aut a se potius quam ab adversariis stare aut omnino falso dici aut in aliam quoque suspicionem duci posse demonstrabitur.

[82] Cum autem pro comparabili aliquid inducetur, quoniam id per similitudinem maxime tractatur, in reprehendendo conveniet simile id negare esse, quod conferetur, ei, quicum conferetur. Id fieri poterit, si demonstrabitur diversum esse genere, natura, vi magnitudine, tempore, loco, persona, opinione; ac si, quo in numero illud, quod per similitudinem afferetur, et quo in loco hoc, cuius causa afferetur, haberi conveniat, ostendetur. Deinde, quid res cum re differat, demonstrabimus: ex quo docebimus aliud de eo, quod comparabitur, et de eo, quicum comparabitur, existimare oportere.

Huius facultatis maxime indigemus, cum ea ipsa argumentatio, quae per inductionem tractatur, erit reprehendenda. Sin iudicatum aliquod inferetur, quoniam id ex his locis maxime firmatur: laude eorum, qui iudicarunt; similitudine eius rei, qua de agitur, ad eam rem, qua de iudicatum est; et commemorando non modo non esse reprehensum iudicium, sed ab omnibus adprobatum; et demonstrando difficilius et maius fuisse ad iudicandum, quod afferatur, quam id, quod instet: ex contrariis locis, si res aut vera aut veri similis permittet, infirmari oportebit. Atque erit observandum diligenter, ne nihil ad id, quo de agatur, pertineat id, quod iudicatum sit; et videndum est, ne ea res proferatur, in qua sit offensum, ut de ipso, qui iudicarit, iudicium fieri videatur.

[83] Oportet autem animadvertere, ne, cum aliter sint multa iudicata, solitarium aliquid aut rarum iudicatum afferatur. Nam sic his rebus auctoritas iudicati maxime potest infirmari. Atque ea quidem, quae quasi probabilia sumentur, ad hunc modum temptari oportebit. Quae vero sicuti necessaria dicentur, ea si forte imitabuntur modo necessariam argumentationem neque erunt eiusmodi, sic reprehendentur. Primum conprehensio, quae, utrum concesseris, debet tollere: si vera est, numquam reprehendetur; sin falsa, duobus modis, aut conversione aut alterius partis infirmatione [conversione], hoc modo:

"Nam si veretur, quid eum accuses, qui est probus?
Sin inverecundum animi ingenium possidet,
Quid autem eum accuses, qui id parvi auditum aestimet?"

Hic, sive vereri dixeris sive non vereri, concedendum hoc putat, ut neges esse accusandum. Quod conversione sic reprehendetur: "Immo vero accusandus est. Nam si veretur, accuses; non enim parvi auditum aestimabit. Sin inverecundum animi ingenium possidet, tamen accuses; non enim probus est."

[84] Alterius autem partis infirmatione hoc modo reprehendetur: "Verum si veretur, accusatione tua correctus ab errato recedet." Enumeratio vitiosa intellegitur, si aut praeteritum quiddam dicimus, quod velimus concedere, aut infirmum aliquid adnumeratum, quod aut contra dici possit aut causa non sit, quare non honeste possimus

concedere. Praeteritur quiddam in eiusmodi enumerationibus: “Quoniam habes istum equum, aut emeris oportet aut hereditate possideas aut munere acceperis aut domi tibi natus sit aut, si eorum nihil est, subripueris necesse est: si neque emisti neque hereditate venit neque donatus est neque domi natus est: necesse est ergo subripueris.”

[85] Hoc commode reprehenditur, si dici possit ex hostibus equus esse captus, cuius praedae sectio non venierit; quo inlato infirmatur enumeratio, quoniam id sit inductum, quod praeteritum sit in enumeratione. Altero autem modo reprehendetur, si aut contra aliquid dicetur, hoc est, si exempli causa, ut in eodem versemur, poterit ostendi hereditate venisse, aut si illud extremum non erit turpe concedere, ut si qui, cum dixerint adversarii: “Aut insidias facere voluisti aut amico se morem gessisti aut cupiditate elatus es”, amico se morem gessisse fateatur.

[86] Simplex autem conclusio reprehenditur, si hoc, quod sequitur, non videatur necessario cum eo, quod antecessit, cohaerere. Nam hoc quidem: “Si spiritum ducit, vivit”, “Si dies est, lucet” eiusmodi est, ut cum priore necessario posterius cohaerere videatur. Hoc autem: “Si mater est, diligit”, “Si aliquando peccavit, numquam corrigetur” sic conveniet reprehendi, ut demonstretur non necessario cum priore posterius cohaerere. Hoc genus et cetera necessaria et omnino omnis argumentatio et eius reprehensio maiorem quandam vim continet et latius patet, quam hic exponitur; sed eius artificii cognitio eiusmodi est, ut non ad huius artis partem aliquam adiungi possit, sed ipsa separatim longi temporis et magnae atque arduae cognitionis indigeat. Quare illa nobis alio tempore atque ad aliud institutum, si facultas erit, explicabuntur; nunc his praeceptionibus rhetorum ad usum oratorium contentos nos esse oportebit. Cum igitur ex iis, quae sumentur, aliquid non concedetur, sic infirmabitur.

[87] Cum autem his concessis conplexio ex his non conficitur, haec erunt consideranda num aliud conficiatur, aliud dicatur, hoc modo: si, cum aliquis dicat se profectum esse ad exercitum, contra eum quis velit hac uti argumentatione: “si venisses ad exercitum, a tribunis militaribus visus esses; non es autem ab his visus: non est igitur ad exercitum profectus.” Hic cum concesseris propositionem et assumptionem, conplexio est infirmanda. Aliud enim, quam

cogebatur, inlatum est.

[88] Ac nunc quidem, quo facilius res cognosceretur, perspicuo et grandi vitio praeditum posuimus exemplum; sed saepe obscurius positum vitium pro vero probatur, cum aut parum memineris, quid concesseris, aut ambiguum aliquid pro certo concesseris. Ambiguum si concesseris ex ea parte, quam ipse intellexeris, [eam partem] adversarius ad aliam partem per conplexionem velit accommodare, demonstrare oportebit non ex eo, quod ipse concesseris, sed ex eo, quod ille sumpserit, confici conplexionem, ad hunc modum: "Si indigetis pecuniae, pecuniam non habetis; si pecuniam non habetis, pauperes estis; indigetis autem pecuniae; mercaturae enim, ni ita esset, operam non daretis: pauperes igitur estis." Hoc sic reprehenditur: "Cum dicebas: si indigetis pecuniae, pecuniam non habetis, hoc intellegebam: si propter inopiam in egestate estis, pecuniam non habetis, et idcirco concedebam; cum autem hoc sumebas: indigetis autem pecuniae, illud accipiebam: vultis autem pecuniae plus habere. Ex quibus concessionibus non conficitur hoc: pauperes igitur estis; conficeretur autem, si tibi primo quoque hoc concessissem, qui pecuniam maiorem vellet habere, eum pecuniam non habere."

[89] Saepe autem oblitum putant, quid concesseris, et idcirco id, quod non conficitur, quasi conficiatur, in conclusionem infertur, hoc modo: "Si ad illum hereditas veniebat, veri simile est ab illo necatum." Deinde hoc adprobant plurimis verbis. Post adsumunt: "Ad illum autem hereditas veniebat." Deinde infertur: "Ille igitur occidit"; id quod ex iis, quae sumpserant, non conficitur.

Quare observare diligenter oportet, et quid sumatur et quid ex his conficiatur. Ipsum autem genus argumentationis vitiosum his de causis ostendetur, si aut in ipso vitium erit aut non ad id, quod instituitur, accommodabitur. Atque in ipso vitium erit, si omnino totum falsum erit, si commune, si vulgare, si leve, si remotum, si mala definitione, si controversum, si perspicuum, si non concessum, si turpe, si offensum, si contrarium, si inconstans, si adversarium.

[90] F a l s u m est, in quo perspicue mendacium est, hoc modo: "Non potest esse sapiens, qui pecuniam neglegit. Socrates autem pecuniam neglegebat: non igitur sapiens erat."

C o m m u n e est, quod nihilo magis ab adversariis quam a nobis

facit, hoc modo: “Idcirco, iudices, quia veram causam habebam, brevi peroravi.”

V u l g a r e est, quod in aliam quoque rem non probabilem, si nunc concessum sit, transferri possit, ut hoc: “Si causam veram non haberet, vobis se, iudices, non commisisset.”

L e v e est, quod aut post tempus dicitur, hoc modo: “Si in mentem venisset, non commisisset”; aut perspicue turpem rem levi tegere vult defensione, hoc modo:

“Cum te expetebant omnes florentissimo
Regno, reliqui: nunc desertum ab omnibus
Summo periclo sola ut restituam paro.”

[91] R e m o t u m est, quod ultra quam satis est petitur, huiusmodi: “quodsi non P. Scipio Corneliam filiam Ti. Graccho conlocasset atque ex ea duos Gracchos procreasset, tantae seditiones natae non essent; quare hoc incommodum Scipioni adscribendum videtur.” Huiusmodi est illa quoque conquestio:

“Utinam ne in nemore Pelio securibus
Caesae accidissent abiegnae ad terram trabes !”

Longius enim repetita est, quam res postulabat. Mala definitio est, cum aut communia describit, hoc modo: “Seditiosus est is, qui malus atque inutilis civis” - nam hoc non magis seditiosi quam ambitiosi, quam calumniatoris, quam alicuius hominis improbi vim describit -; aut falsum quiddam dicit, hoc pacto: “Sapientia est pecuniae quaerendae intellegentia”; aut aliquid non grave nec magnum continens, sic: “Stultitia est inmensa gloriae cupiditas”. Est haec quidem stultitia, sed ex parte quadam, non ex omni genere definita.

C o n t r o v e r s u m est, in quo ad dubium demonstrandum dubia causa affertur, hoc modo:

“Eho tu, di, quibus est potestas motus superum atque inferum,
Pacem inter sese conciliant, conferunt concordiam.”

[92] P e r s p i c u u m est, de quo non est controversia: ut si quis, cum, Orestem accuset, planum faciat ab eo matrem esse occisam.

Non concessum est, cum id, quod augetur, in controversia est, ut si quis, cum Ulixem accuset, in hoc maxime commoretur: indignum esse ab homine ignavissimo virum fortissimum Aiacem necatum.

T u r p e est, quod aut eo loco,in quo dicitur, aut eo homine, qui dicit, aut eo tempore, quo dicitur, aut iis, qui audiunt, aut ea re, qua de agitur, indignum propter inhonestam rem videtur.

O f f e n s u m est, quod eorum, qui audiunt, voluntatem laedit: ut, si quis apud equites Romanos cupidos iudicandi Caepionis legem iudiciariam laudet.

[93] C o n t r a r i u m est, quod contra dicitur atque ii, qui audiunt, fecerunt: ut si quis apud Alexandrum Macedonem dicens contra aliquem urbis expugnatorem diceret nihil esse crudelius quam urbes diruere, cum ipse Alexander Thebas diruisset.

I n c o n s t a n s est, quod ab eodem de eadem re diverse dicitur: ut, si qui, cum dixerit, qui virtutem habeat, eum nullius rei ad bene vivendum indigere, neget postea sine bona valetudine posse bene vivi; aut, se amico adesse propter benivolentiam, sperare autem aliquid commodi ad se perventurum.

[94] A d v e r s a r i u m est, quod ipsi causae aliqua ex parte officit, ut si quis hostium vim et copias et felicitatem augeat, cum ad pugnandum milites adhortetur. Si non ad id, quod instituitur, accommodabitur aliqua pars argumentationis, horum aliquo in vitio reperietur: si plura pollicitus pauciora demonstrabit; aut si, cum totum debebit ostendere, de parte aliqua loquatur, hoc modo: "Mulierum genus avarum est; nam Eriphyla auro viri vitam vendidit"; aut si non id, quod accusabitur, defendet, ut, si qui, cum ambitus accusabitur, manu se fortem esse defendet; aut ut Amphion apud Euripidem, [item apud Pacuvium,] qui vituperata musica sapientiam laudat; aut si res ex hominis vitio vituperabitur, ut, si qui doctrinam ex alicuius docti vitiis reprehendat; aut si qui, cum aliquem volet laudare, de felicitate eius, non de virtute dicat; aut si rem cum re ita comparabit, ut alteram se non putet laudare, nisi alteram vituperarit; aut si alteram ita laudet, ut alterius non faciat mentionem; [95] aut si, cum de certa re quaeretur, de communi instituetur oratio, ut, si quis, cum aliqui deliberent, bellum gerant an non, pacem laudet omnino, non illud bellum inutile esse demonstret; aut si ratio alicuius rei reddetur falsa, hoc modo: "Pecunia bonum est, propterea quod ea maxime vitam beatam efficiat"; aut infirma, ut Plautus:

"Amicum castigare ob meritam noxiam,
Immune est facinus; verum in aetate utile
Et conducibile; nam ego amicum hodie meum
Concastigabo pro commerita noxia";

aut eadem, hoc modo: "Malum est avaritia; multos enim magnis incommodis affecit pecuniae cupiditas"; aut parum idonea, hoc modo: "Maximum bonum est amicitia; plurimae enim delectationes sunt in amicitia".

[96] Quartus modus erat reprehensionis, per quem contra firmam argumentationem aeque firma aut firmior ponitur. Hoc genus in deliberationibus maxime versabitur, cum aliquid, quod contra dicatur, aequum esse concedimus, sed id, quod nos defendimus, necessarium esse demonstramus; aut cum id, quod illi defendant, utile esse fateamur, quod nos dicamus, honestum esse demonstremus. Ac de reprehensione haec [quidem] existimavimus esse dicenda. [Deinceps nunc de conclusione ponemus.]

[97] Hermagoras digressionem deinde, tum postremam conclusionem ponit. In hac autem digressione ille putat oportere quandam inferri orationem a causa atque a iudicatione ipsa remotam, quae aut sui laudem aut adversarii vituperationem contineat aut in aliam causam deducat, ex qua conficiat aliquid confirmationis aut reprehensionis, non argumentando, sed augendo per quandam amplificationem. Hanc si qui partem putabit esse orationis, sequatur licebit. [nam et augendi et laudandi et vituperandi praecepta a nobis partim data sunt, partim suo loco dabuntur.] nobis autem non placuit [hanc partem] in numerum reponi, quod de causa digredi nisi per locum communem displicet: quo de genere posterius est dicendum. Laudes autem et vituperationes non separatim placet tractari, sed in ipsis argumentationibus esse inplicatas. Nunc de conclusione dicemus.

[98] C o n c l u s i o est exitus et determinatio totius orationis. Haec habet partes tres: e n u m e r a t i o n e m, i n d i g n a t i o n e m, c o n q u e s t i o n e m.

E n u m e r a t i o n e est, per quam res disperse et diffuse dictae unum in locum coguntur et reminiscendi causa unum sub aspectum subiciuntur. Haec si semper eodem modo tractabitur, perspicue ab omnibus artificio quodam tractari intellegetur; sin varie fiet, et hanc suspicionem et satietatem vitare poterit. Quare tum oportebit ita facere, ut plerique faciunt propter facilitatem, singillatim unam quamque rem adtingere et ita omnes transire breviter argumentationes; tum autem, id quod difficilius est, dicere, quas partes exposueris in partitione, de quibus te pollicitus sis dicturum, et reducere in memoriam, quibus rationibus unam quamque partem confirmaris; tum ab iis, qui audiunt, quaerere, quid sit, quod sibi velle debeant demonstrari, hoc modo: “Illud docuimus, illud planum

fecimus”. Ita simul et in memoriam redibit auditor et putabit nihil esse praeterea, quod debeat desiderare.

[99] Atque in his generibus, ut ante dictum est, tum tuas argumentationes transire separatim, tum, id quod artificiosius est, cum tuis contrarias coniungere; et cum tuam dixeris argumentationem, tum, contra eam quod adferretur, quemadmodum dilueris, ostendere. Ita per brevem conparationem auditoris memoria et de confirmatione et de reprehensione redintegrabitur. Atque haec aliis actionis quoque modis variare oportebit. Nam tum ex tua persona enumerare possis, ut, quid et quo quidque loco dixeris, admoneas; tum vero personam aut rem aliquam inducere et enumerationem ei totam attribuere. Personam hoc modo: “Nam si legis scriptor exsistat et quaerat sic id a vobis, quid dubitetis, quid possitis dicere, cum vobis hoc et hoc sit demonstratum?” Atque hic, item ut in nostra persona, licebit alias singillatim transire omnes argumentationes, alias ad partitionis singula genera referre, alias ab auditore, quid desideret, quaerere, alias haec facere per comparationem suarum et contrariarum argumentationum.

[100] Res autem inducetur, si alicui rei huiusmodi, legi, loco, urbi, monumento oratio attribuetur per enumerationem, hoc modo: “Quid? Si leges loqui possent, nonne haec apud vos quererentur: quidnam amplius desideratis, iudices, cum vobis hoc et hoc planum factum sit?” In hoc quoque genere omnibus isdem modis uti licebit. Commune autem praeceptum hoc datur ad enumerationem, ut ex una quaque argumentatione, quoniam tota iterum dici non potest, id eligatur, quod erit gravissimum, et unum quidque quam brevissime transeatur, ut memoria, non oratio renovata videatur.

I n d i g n a t i o est oratio, per quam conficitur, ut in aliquem hominem magnum odium aut in rem gravis offensio concitetur. In hoc genere illud primum intellegi volumus, posse omnibus ex locis iis, quos in confirmandi praeceptione posuimus, tractari indignationem. Nam ex iis rebus, quae personis aut quae negotiis sunt attributae, quaevis amplificationes et indignationes nasci possunt, sed tamen ea, quae separatim de indignatione praecipi possunt, consideremus.

[101- Primus locus sumitur ab auctoritate, cum commemoramus, quantae curae res ea fuerit iis, quorum auctoritas gravissima debeat

esse: diis inmortalibus, qui locus sumetur ex sortibus, ex oraculis, vatibus, ostentis, prodigiis, responsis, similibus rebus; item maioribus nostris, regibus, civitatibus, gentibus, hominibus sapientissimis, senatui, populo, legum scriptoribus.

- Secundus locus est, per quem, illa res ad quos pertineat, cum amplificatione per indignationem ostenditur, aut ad omnes aut ad maiorem partem, quod atrocissimum est; aut ad superiores, quales sunt ii, quorum ex auctoritate indignatio sumitur, quod indignissimum est; aut ad pares animo, fortuna, corpore, quod iniquissimum est; aut ad inferiores, quod superbissimum est.

- Tertius locus est, per quem quaerimus, quidnam sit eventurum, si idem ceteri faciant; et simul ostendimus, huic si concessum sit, multos aemulos eiusdem audaciae futuros; ex quo, quid mali sit eventurum, demonstrabimus.

[102] - Quartus locus est, per quem demonstramus multos alacres exspectare, quid statuatur, ut ex eo, quod uni concessum sit, sibi quoque tali de re quid liceat, intellegere possint.

- Quintus locus est, per quem ostendimus ceteras res perperam constitutas intellecta veritate commutatas corrigi posse; hanc esse rem, quae si sit semel iudicata, neque alio commutari iudicio neque ulla potestate corrigi possit.

- Sextus locus est, per quem consulto et de industria factum demonstratur et illud adiungitur, voluntario maleficio veniam dari non oportere, inprudentiae concedi nonnumquam convenire.

- Septimus locus est, per quem indignamur, quod taetrum, crudele, nefarium, tyrannicum factum esse dicamus per vim manum opulentiam; quae res ab legibus et ab aequabili iure remotissima sit.

[103] - Octavus locus est, per quem demonstramus non vulgare neque factitatum esse ne ab audacissimis quidem hominibus id maleficium, de quo agatur; atque id a feris quoque hominibus et a barbaris gentibus et inmanibus bestiis esse remotum. Haec erunt, quae in parentes, liberos, coniuges, consanguineos, supplices crudeliter facta dicentur, et deinceps si qua proferantur in maiores natu, in hospites, in vicinos, in amicos, in eos, quibuscum vitam egeris, in eos, apud quos educatus sis, in eos, ab quibus eruditus, in mortuos, in miseros et misericordia dignos, in homines claros, nobiles et honore usos, in eos, qui neque laedere alium nec se

defendere potuerunt, ut in pueros, senes, mulieres; quibus ex omnibus acriter excitata indignatio summum in eum, qui violarit horum aliquid, odium commovere poterit.

[104] - Nonus locus est, per quem cum aliis peccatis, quae constat esse peccata, hoc, quo de quaestio est, conparatur, et ita per contentionem, quanto atrocius et indignius sit illud, de quo agitur, ostenditur.

- Decimus locus est, per quem omnia, quae in negotio gerundo acta sunt quaeque post negotium consecuta sunt, cum unius cuiusque indignatione et criminatione colligimus et rem verbis quam maxime ante oculos eius, apud quem dicitur, ponimus, ut id, quod indignum est, proinde illi videatur indignum, ac si ipse interfuerit ac praesens viderit.

- Undecimus locus est, per quem ostendimus ab eo factum, a quo minime oportuerit, et a quo, si alius faceret, prohiberi convenerit.

- Duodecimus locus est, per quem indignamur, quod nobis hoc primis acciderit neque alicui umquam usu venerit.

[105] - Tertius decimus locus et, si cum iniuria contumelia iuncta demonstratur, per quem locum in superbiam et arrogantiam odium concitatur.

- Quartus decimus locus est, per quem petimus ab iis, qui audiunt, ut ad suas res nostras iniurias referant; si ad pueros pertinebit, de liberis suis cogitent; si ad mulieres, de uxoribus; si ad senes, de patribus aut parentibus.

- Quintus decimus locus est, per quem dicimus inimicis quoque et hostibus ea, quae nobis acciderint, indigna videri solere.

Et indignatio quidem his fere de locis gravissime sumetur.

[106] [Conquestionis autem huiusmodi de rebus partes petere oportebit.]

C o n q u e s t i o est oratio auditorum misericordiam captans. In hac primum animum auditoris mitem et misericordem conficere oportet, quo facilius conquestione commoveri possit. Id locis communibus efficere oportebit, per quos fortunae vis in omnes et hominum infirmitas ostenditur; qua oratione habita graviter et sententiose maxime demittitur animus hominum et ad misericordiam conparatur, cum in alieno malo suam infirmitatem considerabit.

[107] Deinde primus locus est misericordiae, per quem, quibus in

bonis fuerint et nunc [per quem] quibus in malis sint, ostenditur.

- Secundus, qui in tempora tribuitur, per quem, quibus in malis fuerint et sint et futuri sint, demonstratur.

- Tertius, per quem unum quodque deploratur incommodum, ut in morte filii pueritiae delectatio, amor, spes, solatium, educatio et, si qua simili in genere quolibet de incommodo per conquestionem dici poterunt.

- Quartus, per quem res turpes et humiles et inliberales proferentur et indigna aetate, genere, fortuna pristina, honore, beneficiis, quae passi perpessurive sint.

- Quintus, per quem omnia ante oculos singillatim incommoda ponuntur, ut videatur is, qui audit, videre et re quoque ipsa, quasi assit, non verbis solum ad misericordiam ducatur.

[108] - Sextus, per quem praeter spem in miseriis demonstratur esse, et, cum aliquid exspectaret, non modo id non adeptus esse, sed in summas miserias incidisse.

- Septimus, per quem ad ipsos, qui audiunt, [similem in causam] convertimus et petimus, ut de suis liberis aut parentibus aut aliquo, qui illis carus debeat esse, nos cum videant, recordentur.

- Octavus, per quem aliquid dicitur esse factum, quod non oportuerit, aut non factum, quod oportuerit, hoc modo: “Non affui, non vidi, non postremam vocem eius audivi, non extremum spiritum eius excepi.” Item: “Inimicorum in manibus mortuus est, hostili in terra turpiter iacuit insepultus, a feris diu vexatus, communi quoque honore in morte caruit.”

[109] - Nonus, per quem oratio ad mutas et expertes animi res referetur, ut si ad equum, domum, vestem sermonem alicuius accommodes, quibus animus eorum, qui audiunt et aliquem dilexerunt, vehementer commovetur.

- Decimus, per quem inopia, infirmitas, solitudo demonstratur.

- Undecimus, per quem liberorum aut parentum aut sui corporis sepeliundi aut alicuius eiusmodi rei commendatio fit.

- Duodecimus, per quem disiunctio deploratur ab aliquo, cum diducaris ab eo, quicum libentissime vixeris, ut a parente filio, a fratre familiari.

- Tertius decimus, per quem cum indignatione conquerimur, quod ab iis, a quibus minime conveniat, male tractemur, propinquis,

amicis, quibus benigne fecerimus, quos adiutores fore putarimus, aut a quibus indignum [est], [ut] servis, libertis, clientibus supplicibus.

- Quartus decimus, qui per obsecrationem sumitur; in quo orantur modo illi, qui audiunt, humili et supplici oratione, ut misereantur.

- Quintus decimus, per quem non nostras, sed eorum, qui cari nobis debent esse, fortunas conqueri nos demonstramus.

- Sextus decimus, per quem animum nostrum in alios misericordem esse ostendimus et tamen amplum et excelsum et patientem incommodorum esse et futurum esse, si quid acciderit, demonstramus.

Nam saepe virtus et magnificentia, in quo gravitas et auctoritas est, plus proficit ad misericordiam commovendam quam humilitas et obsecratio. Commotis autem animis diutius in conquestione morari non oportebit. Quemadmodum enim dixit rhetor Apollonius, “lacrima nihil citius arescit.” Sed quoniam satis, ut videmur, de omnibus orationis partibus diximus et huius voluminis magnitudo longius processit, quae sequuntur deinceps, in secundo libro dicemus.

LIBER SECVNDVS

[1] Crotoniatae quondam, cum florerent omnibus copiis et in Italia cum primis beati numerarentur, templum Iunonis, quod religiosissime colebant, egregiis picturis locupletare voluerunt. Itaque Heracleoten Zeuxin, qui tum longe ceteris excellere pictoribus existimabatur, magno pretio conductum adhibuerunt. Is et ceteras conplures tabulas pinxit, quarum nonnulla pars usque ad nostram memoriam propter fani religionem remansit, et, ut excellentem muliebris formae pulchritudinem muta in se imago contineret, Helenae pingere simulacrum velle dixit; quod Crotoniatae, qui eum muliebri in corpore pingendo plurimum aliis praestare saepe accepissent, libenter audierunt. Putaverunt enim, si, quo in genere plurimum posset, in eo magno opere elaborasset, egregium sibi opus illo in fano relicturum.

[2] Neque tum eos illa opinio fefellit. Nam Zeuxis ilico quaesivit ab iis, quasnam virgines formosas haberent. Illi autem statim hominem deduxerunt in palaestram atque ei pueros ostenderunt multos, magna praeditos dignitate. Etenim quodam tempore Crotoniatae multum omnibus corporum viribus et dignitatibus antisteterunt atque honestissimas ex gymnico certamine victorias domum cum laude maxima rettulerunt. Cum puerorum igitur formas et corpora magno hic opere miraretur: “Horum,” inquiunt illi, “sorores sunt apud nos virgines. Quare, qua sint illae dignitate, potes ex his suspicari.” “Praebete igitur mihi, quaeso,” inquit, “ex istis virginibus formosissimas, dum pingo id, quod pollicitus sum vobis, ut mutum in simulacrum ex animali exemplo veritas transferatur.”

[3] Tum Crotoniatae publico de consilio virgines unum in locum conduxerunt et pictori quam vellet eligendi potestatem dederunt. Ille autem quinque delegit; quarum nomina multi poetae memoriae prodiderunt, quod eius essent iudicio probatae, qui pulchritudinis habere verissimum iudicium debuisset. Neque enim putavit omnia, quae quaereret ad venustatem, uno se in corpore reperire posse ideo, quod nihil simplici in genere omnibus ex partibus perfectum natura expolivit. Itaque, tamquam ceteris non sit habitura quod largiatur, si uni cuncta concesserit, aliud alii commodi aliquo adiuncto

incommodo muneratur.

[4] Quod quoniam nobis quoque voluntatis accidit, ut artem dicendi perscriberemus, non unum aliquod proposuimus exemplum, cuius omnes partes, quocumque essent in genere, exprimendae nobis necessarie viderentur; sed omnibus unum in locum coactis scriptoribus, quod quisque commodissime praecipere videbatur, excerpsimus et ex variis ingeniis excellentissima quaeque libavimus. Ex iis enim, qui nomine et memoria digni sunt, nec nihil optime nec omnia praeclarissime quisquam dicere nobis videbatur. Quapropter stultitia visa est aut a bene inventis alicuius recedere, si quo in vitio eius offenderemur, aut ad vitia eius quoque accedere, cuius aliquo bene praecepto duceremur.

[5] Quodsi in ceteris quoque studiis a multis eligere homines commodissimum quodque quam sese uni alicui certe vellent addicere, minus in arrogantiam offenderent; non tanto opere in vitiis perseverarent; aliquanto levius ex inscientia laborarent. Ac si par in nobis huius artis atque in illo picturae scientia fuisset, fortasse magis hoc in suo genere opus nostrum quam illius in suo pictura nobilis eniteret. Ex maiore enim copia nobis quam illi fuit exemplorum eligendi potestas. Ille una ex urbe et ex eo numero virginum, quae tum erant, eligere potuit; nobis omnium, quicumque fuerunt ab ultimo principio huius praeceptionis usque ad hoc tempus, expositis copiis, quodcumque placeret, eligendi potestas fuit.

[6] Ac veteres quidem scriptores artis usque a principe illo atque inventore Tisia repetitos unum in locum conduxit Aristoteles et nominatim cuiusque praecepta magna conquisita cura perspicue conscripsit atque enodata diligenter exposuit; ac tantum inventoribus ipsis suavitate et brevitate dicendi praestitit, ut nemo illorun praecepta ex ipsorum libris cognoscat, sed omnes, qui quod illi praecipiant velint intellegere, ad hunc quasi ad quendam multo commodiorem explicatorem revertantur.

[7] Atque hic quidem ipse et sese ipsum nobis et eos, qui ante fuerunt, in medio posuit, ut ceteros et se ipsum per se cognosceremus; ab hoc autem qui profecti sunt, quamquam in maximis philosophiae partibus operae plurimum consumpserunt, sicuti ipse, cuius instituta sequebantur, fecerat, tamen permulta nobis praecepta dicendi reliquerunt. Atque alii quoque alio ex fonte

praeceptores dicendi emanaverunt, qui item permultum ad dicendum, si quid ars proficit, opitulati sunt. Nam fuit tempore eodem, quo Aristoteles, magnus et nobilis rhetor Isocrates; cuius ipsius quam constet esse artem non invenimus.

[8] Discipulorum autem atque eorum, qui protinus ab hac sunt disciplina profecti, multa de arte praecepta reperimus. Ex his duabus diversis sicuti familiis, quarum altera cum versaretur in philosophia, nonnullam rhetoricae quoque artis sibi curam assumebat, altera vero omnis in dicendi erat studio et praeceptione occupata, unum quoddam est conflatum genus a posterioribus, qui ab utrisque ea, quae commode dici videbantur, in suas artes contulerunt; quos ipsos simul atque illos superiores nos nobis omnes, quoad facultas tulit, proposuimus et ex nostro quoque nonnihil in commune contulimus.

[9] Quodsi ea, quae in his libris exponuntur, tanto opere eligenda fuerunt, quanto studio electa sunt, profecto neque nos neque alios industriae nostrae paenitebit. Sin autem temere aliquid alicuius praeterisse aut non satis eleganter secuti videbimur, docti ab aliquo facile et libenter sententiam commutabimus. Non enim parum cognosse, sed in parum cognito stulte et diu perseverasse turpe est, propterea quod alterum communi hominum infirmitati, alterum singulari cuiusque vitio est adtributum.

[10] Quare nos quidem sine ulla affirmatione simul quarentes dubitanter unum quicque dicemus, ne, dum parvulum consequamur, ut satis haec commode perscripsisse videamur, illud amittamus, quod maximum est, ut ne cui rei temere atque arroganter assenserimus. Verum hoc quidem nos et in hoc tempore et in omni vita studiose, quoad facultas feret, consequemur: nunc autem, ne longius oratio progressa videatur, de reliquis, quae praecipienda videntur esse, dicemus.

[11] Igitur primus liber, exposito genere huius artis et officio et fine et materia et partibus, genera controversiarum et inventiones et constitutiones [et iudicationes] continebat, deinde partes orationis et in eas omnes omnia praecepta. Quare cum in eo ceteris de rebus distinctius dictum sit, disperse autem de confirmatione et de reprehensione, nunc certos confirmandi et reprehendendi in singula causarum genera locos tradendos arbitramur. Et quia, quo pacto tractari conveniret argumentationes, in libro primo non indiligenter

expositum est, hic tantum ipsa inventa unam quamque in rem exponentur simpliciter sine ulla exornatione, ut ex hoc inventa ipsa, ex superiore autem expolitio inventorum petatur. Quare haec, quae nunc praecipientur, ad confirmationis et reprehensionis partes referre oportebit.

[12] Omnis et demonstrativa et deliberativa et iudicialis causa necesse est in aliquo eorum, quae ante exposita sunt, constitutionis genere uno pluribusve versetur. Hoc quamquam ita est, tamen cum communiter quaedam de omnibus praecipi possint, separatim quoque aliae sunt cuiusque generis diversae praeceptiones. Aliud enim laus, aliud vituperatio, aliud sententiae dictio, aliud accusatio aut recusatio, conficere debet. In iudiciis, quid aequum sit, quaeritur, in demonstrationibus, quid honestum, in deliberationibus, ut nos arbitramur, quid honestum sit et quid utile. Nam ceteri utilitatis modo finem in suadendo et in dissuadendo exponi oportere arbitrati sunt.

[13] Quorum igitur generum fines et exitus diversi sunt, eorum praecepta eadem esse non possunt. Neque nunc hoc dicimus, non easdem incidere constitutiones, verumtamen oratio quaedam ex ipso fine et ex genere causae nascitur, quae pertineat ad vitae alicuius demonstrationem aut ad sententiae dictionem. Quare nunc [in exponendis controversiis] in iudiciali genere causarum et praeceptorum versabimur, ex quo pleraque in cetera quoque causarum genera simili implicata controversia nulla cum difficultate transferuntur; post autem separatim de reliquis dicemus.

[14] Nunc ab coniecturali constitutione proficiscamur; cuius exemplum sit hoc expositum: in itinere quidam proficiscentem ad mercatum quendam et secum aliquantum nummorum ferentem est comitatus. Cum hoc, ut fere fit, in via sermonem contulit; ex quo factum est, ut illud iter familiarius facere vellent. Quare cum in eandem tabernam devertissent, simul cenare et in eodem loco somnum capere voluerunt. Cenati discubuerunt ibidem. Caupo autem - nam ita dicitur post inventum, cum in alio maleficio deprehensus est - cum illum alterum, videlicet qui nummos haberet, animum advertisset, noctu postquam illos artius iam ut ex lassitudine dormire sensit, accessit et alterius eorum, qui sine nummis erat, gladium propter adpositum e vagina eduxit et illum alterum occidit, nummos abstulit, gladium cruentum in vaginam recondidit, ipse se in suum

lectum recepit. Ille autem, cuius gladio occisio erat facta, multo ante lucem surrexit, comitem illum suum inclamavit semel et saepius.

[15] Illum somno inpeditum non respondere existimavit; ipse gladium et cetera, quae secum adtulerat, sustulit, solus profectus est. Caupo non multum post conclamat hominem esse occisum et cum quibusdam devorsoribus illum, qui ante exierat, consequitur in itinere. Hominem conprehendit, gladium eius e vagina educit, reperit cruentum. Homo in urbem ab illis deducitur ac reus fit. In hac intentio est criminis: "Occidisti." Depulsio: "Non occidi." Ex quibus constitutio est [id est quaestio] eadem [in coniecturali] quae iudicatio: "Occideritne"?

[16] Nunc exponemus locos, quorum pars aliqua in omnem coniecturalem incidit controversiam. Hoc autem et in horum locorum expositione et in ceterorum oportebit attendere, non omnes in omnem causam convenire. Nam ut omne nomen ex aliquibus, non ex omnibus litteris scribitur, sic omnem in causam non omnis argumentorum copia, sed eorum necessario pars aliqua conveniet. Omnis igitur ex c a u s a, ex p e r s o n a, ex f a c t o ipso coniectura capienda est.

[17] Causa tribuitur in inpulsionem et in ratiocinationem. I n p u l s i o est, quae sine cogitatione per quandam affectionem animi facere aliquid hortatur, ut amor, iracundia, aegritudo, vinolentia et omnino omnia, in quibus animus ita videtur affectus fuisse, ut rem perspicere cum consilio et cura non potuerit et id, quod fecit, impetu quodam animi potius quam cogitatione fecerit.

[18] R a t i o c i n a t i o est autem diligens et considerata faciendi aliquid aut non faciendi excogitatio. Ea dictur interfuisse tum, cum aliquid [faciendi aut non faciendi] certa de causa vitasse aut secutus esse animus videbitur: si amicitiae quid causa factum dicetur, si inimici ulciscendi, si metus, si gloriae, si pecuniae, si denique, ut omnia generatim amplectamur, alicuius retinendi, augendi adipiscendive commodi aut contra reiciundi, deminuendi devitandive incommodi causa. Nam in horum genus alterutrum illa quoque incident, in quibus aut incommodi aliquid maioris adipiscendi commodi causa aut maiores vitandi incommodi suscipitur aut aliquod commodum maioris adipiscendi commodi aut maioris vitandi incommodi praeteritur.

[19] Hic locus sicut aliquod fundamentum est huius constitutionis. Nam nihil factum esse cuiquam probatur, nisi aliquid, quare factum sit, ostenditur. Ergo accusator, cum inpulsione aliquid factum esse dicet, illum impetum et quandam commotionem animi affectionemque verbis et sententiis amplificare debebit et ostendere, quanta vis sit amoris, quanta animi perturbatio ex iracundia fiat aut ex aliqua causa earum, qua inpulsum aliquem id fecisse dicet. Hic et exemplorum commemoratione, qui simili inpulsu aliquid commiserint, et similitudinum conlatione et ipsius animi affectionis explicatione curandum est, ut non mirum videatur, si quod ad facinus tali perturbatione commotus animus accesserit.

[20] Cum autem non inpulsione, verum ratiocinatione aliquem commisisse quid dicet, quid commodi sit secutus aut quid incommodi fugerit, demonstrabit et id augebit, quam maxime poterit, ut, quod eius fieri possit, idonea quam maxime causa ad peccandum hortata videatur. Si gloriae causa, quantam gloriam consecuturam existimarit; item si dominationis, si pecuniae, si amicitiae, si inimicitiarum, et omnino quicquid erit, quod causae fuisse dicet, id summe augere debebit.

[21] Et hoc eum magno opere considerare oportebit, non quid in veritate modo, verum etiam vehementius, quid in opinione eius, quem arguet, fuerit. Nihil enim refert non fuisse aut non esse aliquid commodi aut incommodi, si ostendi potest ei visum esse, qui arguatur. Nam opinio dupliciter fallit homines, cum aut res alio modo est, ac putatur, aut non is eventus est, quem arbitrati sunt. Res alio modo est tum, cum aut id, quod bonum est, malum putant, aut contra, quod malum est, bonum, aut, quod nec malum est nec bonum, malum aut bonum, aut, quod malum aut bonum est, nec malum nec bonum.

[22] Hoc intellectu si qui negabit esse ullam pecuniam fratris aut amici vita aut denique officio [suo] antiquiorum aut suaviorem, non hoc erit accusatori negandum. Nam in eum culpa et summum odium transferetur, qui id, quod tam vere et pie dicetur, negabit. Verum illud dicendum est, illi ita non esse visum; quod sumi oportet ex iis, quae ad personam pertinent, de quo post dicendum est.

[23] Eventus autem tum fallit, cum aliter accidit, atque ii, qui arguuntur, arbitrati esse dicuntur: ut, si qui dicatur alium occidisse ac

voluerit, quod aut similitudine aut suspicione aut demonstratione falsa deceptus sit; aut eum necasse, cuius testamento non sit heres, quod eo testamento se heredem arbitratus sit. Non enim ex eventu cogitationem spectari oportere, sed qua cogitatione animus et spe ad maleficium profectus sit, considerare; quo animo quid quisque faciat, non quo casu utatur, ad rem pertinere.

[24] Hoc autem loco caput illud erit accusatoris, si demonstrare poterit alii nemini causam fuisse faciendi; secundarium, si tantam aut tam idoneam nemini. Sin fuisse aliis quoque causa faciendi videbitur, aut potestas defuisse aliis demonstranda est aut facultas aut voluntas. P o t e s t a s si aut nescisse aut non adfuisse aut conficere aliquid non potuisse dicentur. F a c u l t a s, si ratio, adiutores, adiumenta ceteraque, quae ad rem pertinebunt, defuisse alicui demonstrabuntur. V o l u n t a s, si animus a talibus factis vacuus et integer esse dicetur. Postremo, quas ad defensionem rationes reo dabimus, iis accusator ad alios ex culpa eximendos abutetur. Verum id brevi faciendum est et in unum multa sunt conducenda, ut ne alterius defendendi causa hunc accusare, sed huius accusandi causa defendere alterum videatur.

[25] Atque accusatori quidem haec fere sunt [in causa faciendi] consideranda: defensor autem ex contrario primum inpulsionem aut nullam fuisse dicet aut, si fuisse concedet, extenuabit et parvulam quandam fuisse demonstrabit aut non ex ea solere huiusmodi facta nasci docebit. Quo erit in loco demonstrandum, quae vis et natura sit eius affectionis, qua inpulsus aliquid reus commisisse dicetur; in quo et exempla et similitudines erunt proferundae et ipsa diligenter natura eius affectionis quam lenissime quietissima ab parte explicanda, ut et res ipsa a facto crudeli et turbulento ad quoddam mitius et tranquillius traducatur et oratio tamen ad animum eius, qui audiet, et ad animi quendam intumum sensum accommodetur.

[26] Ratiocinationis autem suspiciones infirmabit, si aut commodum nullum esse aut parvum aut aliis maius esse aut nihilo sibi maius quam aliis aut incommodum sibi maius quam commodum dicet, ut nequaquam fuerit illius commodi, quod expetitum dicatur, magnitudo aut cum eo incommodo, quod acciderit, aut cum illo periculo, quod subeatur, comparanda; qui omnes loci similiter in incommodi quoque vitatione tractabuntur.

[27] Sin accusator dixerit eum id esse secutum, quod ei visum sit commodum, aut id fugisse, quod putarit esse incommodum, quamquam in falsa fuerit opinione, demonstrandum erit defensori neminem tantae esse stultitiae, qui tali in re possit veritatem ignorare. Quodsi hoc concedatur, illud non concessum iri: ne dubitasse quidem, quid eius iuris esset, et id, quod falsum fuerit, sine ulla dubitatione pro vero probasse; quia si dubitarit, summae fuisse amentiae dubia spe inpulsum certum in periculum se committere.

[28] Quemadmodum autem accusator, cum ab aliis culpam demovebit, defensoris locis utetur, sic iis locis, qui accusatori dati sunt, utetur reus, cum in alios ab se crimen volet transferre. Ex persona autem coniectura capietur, si eae res, quae personis adtributae sunt, diligenter considerabuntur, quas omnes in primo libro exposuimus. Nam et de nomine nonnumquam aliquid suspicionis nascitur - nomen autem cum dicimus, cognomen quoque intellegatur oportet; de hominis enim certo et proprio vocabulo agitur -, ut si dicamus idcirco aliquem Caldum vocari, quod temerario et repentino consilio sit; aut si ea re hominibus Graecis inperitis verba dederit, quod Clodius aut Caecilius aut Mutius vocaretur.

[29] Et de natura licet aliquantum ducere suspicionis. Omnia enim haec, vir an mulier, huius an illius civitatis sit, quibus sit maioribus, quibus consanguineis, qua aetate, quo animo, quo corpore, quae naturae sunt adtributa, ad aliquam coniecturam faciendam pertinebunt. Et ex victu multae trahuntur suspiciones, cum, quemadmodum et apud quos et a quibus educatus et eruditus sit, quaeritur, et quibuscum vivat, qua ratione vitae, quo more domestico vivat.

[30] Et ex fortuna saepe argumentatio nascitur, cum servus an liber, pecuniosus an pauper, nobilis an ignobilis, felix an infelix, privatus an in potestate sit aut fuerit aut futurus sit, consideratur; aut denique aliquid eorum quaeritur, quae fortunae esse adtributa intelleguntur. Habitus autem quoniam in aliqua perfecta et constanti animi aut corporis absolutione consistit, quo in genere est virtus, scientia et quae contraria sunt, res ipsa causa posita docebit, ecquid hic quoque locus suspicionis ostendat. Nam affectionis quidem ratio perspicuam solet prae se gerere coniecturam, ut amor, iracundia, molestia, propterea quod et ipsorum vis intellegitur et, quae res harum aliquam

rem consequatur, facile est cognitu.

[31] Studium autem quod est adsidua et vehementer aliquam ad rem adplicata magna cum voluptate occupatio, facile ex eo ducetur argumentatio ea, quam res ipsa desiderabit in causa. Item ex consilio sumetur aliquid suspicionis; nam consilium est aliquid faciendi non faciendive excogitata ratio. Iam facta et casus et orationes, quae sunt omnia, ut in confirmationis praeceptis dictum est, in tria tempora distributa, facile erit videre, ecquid afferant ad confirmandam coniecturam suspicionis.

[32] Ac personis quidem res hae sunt adtributae, ex quibus omnibus unum in locum coactis accusatoris erit inprobatione hominis uti. Nam causa facti parum firmitudinis habet, nisi animus eius, qui insimulatur, in eam suspicionem adducitur, uti a tali culpa non videatur abhorruisse. Ut enim animum alicuius inprobare nihil attinet, cum causa, quare peccaret, non intercessit, sic causam peccati intercedere leve est, si animus nulli minus honestae rationi affinis ostenditur. Quare vitam eius, quem arguit, ex ante factis accusator inprobare debebit et ostendere, si quo in pari ante peccato convictus sit; si id non poterit, si quam in similem ante suspicionem venerit, ac maxime, si fieri poterit, simili quo in genere eiusdemmodi causa aliqua commotum peccasse aut in aeque magna re aut in maiore aut in minore, ut si qui, quem pecunia dicat inductum fecisse, possit demonstrare aliqua in re eius aliquod factum avarum.

[33] Item in omni causa naturam aut victum aut studium aut fortunam aut aliquid eorum, quae personis adtributa sunt, ad eam causam, qua commotum peccasse dicet, adiungere atque ex dispari quoque genere culparum, si ex pari sumendi facultas non erit, inprobare animum adversarii oportebit: si avaritia inductum arguas fecisse et avarum eum, quam accuses, demonstrare non possis, aliis adfinem vitiis esse doceas, et ex ea re non esse mirandum, qui in illa re turpis aut cupidus aut petulans fuerit, hac quoque in re eum deliquisse. Quantum enim de honestate et auctoritate eius, qui arguitur, detractum est, tantundem de facultate [eius] totius est defensionis deminutum.

[34] Si nulli affinis poterit vitio reus ante admisso demonstrari, locus inducetur ille, per quem hortandi iudices erunt, ut veterem famam hominis nihil ad rem putent pertinere. Nam eum ante celasse,

nunc manifesto teneri; quare non oportere hanc rem ex superiore vita spectari, sed superiorem vitam ex hac re inprobari, et aut potestatem ante peccandi non fuisse aut causam; aut, si haec dici non poterunt, dicendum erit illud extremum, non esse mirum, si nunc primum deliquerit: nam necesse esse eum, qui velit peccare, aliquando primum delinquere. Sin vita ante acta ignorabitur, hoc loco praeterito et, cur praetereatur, demonstrato argumentis accusationem statim confirmare oportebit.

[35] Defensor autem primum, si poterit, debebit vitam eius, qui insimulabitur, quam honestissimam demonstrare. Id faciet, si ostendet aliqua eius nota et communia officia; quod genus in parentes, cognatos, amicos, affines, necessarios; etiam quae magis rara et eximia sunt, si ab eo cum magno aliquid labore aut periculo aut utraque re, cum necesse non esset, officii causa aut in rem publicam aut in parentes aut in aliquos eorum, qui modo expositi sunt, factum esse dicet; denique si nihil deliquisse, nulla cupiditate inpeditum ab officio recessisse. Quod eo confirmatius erit, si, cum potestas inpune aliquid faciendi minus honeste fuisse dicetur, voluntas a faciendo demonstrabitur afuisse.

[36] Hoc autem ipsum genus erit eo firmius, si eo ipso in genere, quo arguetur, integer ante fuisse demonstrabitur: ut si, cum avaritiae causa fecisse arguatur, minime omni in vita pecuniae cupidus fuisse doceatur. hic illa magna cum gravitate inducetur indignatio, iuncta conquestioni, per quam miserum facinus esse et indignum demonstrabitur [;ut], cum animus in vita fuerit omni a vitiis remotissimus, eam causam putare, quae homines audaces in fraudem rapere soleat, castissimum quoque hominem ad peccandum potuisse inpellere; aut: iniquum esse et optimo cuique perniciosissimum non vitam honeste actam tali in tempore quam plurimum prodesse, sed subita ex criminatione, quae confingi quamvis false possit, non ex ante acta vita, quae neque ad tempus fingi neque ullo modo mutari possit, facere iudicium.

[37] Sin autem in ante acta vita aliquae turpitudines erunt: aut falso venisse in eam existimationem dicetur ex aliquorum invidia aut obtrectatione aut falsa opinione; aut inprudentiae, necessitudini, persuasioni, adulescentiae aut alicui non malitiosae animi affectioni attribuentur; aut dissimili in genere vitiorum, ut animus non omnino

integer, sed ab tali culpa remotus esse videatur. At si nullo modo vitae turpitudo aut infamia leniri poterit oratione, negare oportebit de vita eius et de moribus quaeri, sed de eo crimine, quo de arguatur; quare ante factis omissis illud, quod instet, id agi oportere.

[38] Ex facto autem ipso suspiciones ducentur, si totius administratio negotii ex omnibus partibus pertemptabitur; atque eae suspiciones partim ex negotio separatim, partim communiter ex personis atque ex negotio proficiscentur. Ex negotio duci poterunt, si eas res, quae negotiis adtributae sunt, diligenter considerabimus. Ex iis igitur in hanc constitutionem convenire videntur genera earum omnia, partes generum pleraeque.

[39] Videre igitur primum oportebit, quae sint continentia cum ipso negotio, hoc est, quae ab re separari non possint. Quo in loco satis erit diligenter considerasse, quid sit ante rem factum, ex quo spes perficiundi nata et faciundi facultas quaesita videatur; quid in ipsa re gerenda, quid postea consecutum sit. Deinde ipsius est negotii gestio pertractanda. Nam hoc genus earum rerum, quae negotio sunt adtributae, secundo in loco nobis est expositum.

[40] Hoc ergo in genere spectabitur l o c u s, t e m p u s, o c c a s i o, f a c u l t a s; quorum unius cuiusque vis diligenter in confirmationis praeceptis explicata est. Quare, ne aut hic non admonuisse aut ne eadem iterum dixisse videamur, breviter iniciemus, quid quaque in parte considerari oporteat. In loco igitur opportunitas, in tempore longinquitas, in occasione commoditas ad faciendum idonea, in facultate copia et potestas earum rerum propter quas aliquid facilius fit aut quibus sine omnino confici non potest, consideranda est.

[41] Deinde videndum est, quid adiunctum sit negotio, hoc est, quid maius, quid minus, quid aeque magnum sit, quid simile; ex quibus coniectura quaedam ducitur, si, quemadmodum res maiores, minores, aeque magnae, similes agi soleant, diligenter considerabitur. Quo in genere eventus quoque videndus erit, hoc est, quid ex quaque re soleat evenire, magno opere considerandum est, ut metus, laetitia, titubatio, audacia.

[42] Quarta autem pars rebus erat ex iis, quas negotiis dicebamus esse adtributas, consecutio. In ea quaeruntur ea, quae gestum negotium confestim aut intervallo consequuntur. In quo videbimus,

ecqua consuetudo sit, ecqua lex, ecqua pactio, ecquod eius rei artificium aut usus aut exercitatio, hominum aut adprobatio aut offensio; ex quibus nonnumquam elicitur aliquid suspicionis. Sunt autem aliae suspiciones, quae communiter et ex negotiorum et ex personarum adtributionibus sumuntur. Nam et ex fortuna et ex natura et ex victu, studio, factis, casu, orationibus, consilio et ex habitu animi aut corporis pleraque pertinent ad easdem res, quae rem credibilem aut incredibilem facere possunt et cum facti suspicione iunguntur.

[43] Maxime enim quaerere oportet in hac constitutione, primum potueritne aliquid fieri; deinde ecquo ab alio potuerit; deinde facultas, de qua ante diximus; deinde utrum id facinus sit, quod paenitere fuerit necesse, quod spem celandi non haberet; deinde necessitudo, in qua necesse fuerit id aut fieri aut ita fieri quaeritur. Quorum pars ad consilium pertinet, quod personis adtributum est, ut in ea causa, quam exposuimus: ante rem, quod in itinere se tam familiariter adplicaverit, quod sermonis causam quaesierit, quod simul deverterit, deinde cenarit. In re nox, somnus. Post rem, quod solus exierit, quod illum tam familiarem tam aequo animo reliquerit, quod cruentum gladium habuerit.

[44] Rursum, utrum videatur diligenter ratio faciendi esse habita et excogitata, an ita temere, ut non veri simile sit quemquam tam temere ad maleficium accessisse. In quo quaeritur, num quo alio modo commodius potuerit fieri vel a fortuna administrari. Nam saepe, si pecuniae, adiumenta, adiutores desint, facultas fuisse faciundi non videtur. Hoc modo si diligenter attendamus, apta inter se esse intelligimus haec, quae negotiis, et illa, quae personis sunt adtributa. Hic non facile est neque necessarium est distinguere, ut in superioribus partibus, quo pacto quicque accusatorem et quomodo defensorem tractare oporteat. Non est necessarium, propterea quod causa posita, quid in quamque conveniat, res ipsa docebit eos, qui non omnia hic se inventuros putabunt, si modo quandam in commune mediocrem intellegentiam conferent;

[45] non facile autem, quod et infinitum est tot de rebus utramque in partem singillatim de una quaque explicare et alias aliter haec in utramque partem causae solent convenire. Quare considerare haec, quae exposuimus, oportebit. Facilius autem ad inventionem animus

incidet, si gesti negotii et suam et adversarii narrationem saepe et diligenter pertractabit et, quod quaeque pars suspicionis habebit, eliciens considerabit, quare, quo consilio, qua spe perficiundi quicque factum sit; hoc cur modo potius quam illo; cur ab hoc potius quam ab illo; cur nullo adiutore aut cur hoc; cur nemo sit conscius aut cur sit aut cur hic sit; cur hoc ante factum sit; [cur hoc ante factum non sit;] cur hoc in ipso negotio, cur hoc post negotium, an factum de industria an rem ipsam consecutum sit; constetne oratio aut cum re aut ipsa secum; hoc huiusne rei sit signum an illius, an et huius et illius et utrius potius; quid factum sit, quod non oportuerit, aut non factum, quod oportuerit.

[46] Cum animus hac intentione omnes totius negotii partes considerabit, tum illi ipsi in medium coacervati loci procedent, de quibus ante dictum est; et tum ex singulis, tum ex coniunctis argumenta certa nascentur, quorum argumentorum pars probabili, pars necessario in genere versabitur. Accedunt autem saepe ad coniecturam quaestiones, testimonia, rumores, quae contra omnia uterque simili via praeceptorum torquere ad suae causae commodum debebit. Nam et ex quaestione suspiciones et ex testimonio et ex rumore aliquo pari ratione ut ex causa et ex persona et ex facto duci oportebit.

[47] Quare nobis et ii vedentur errare, qui hoc genus suspicionum artificii non putant indigere, et ii, qui aliter hoc de genere ac de omni coniectura praecipiundum putant. Omnis enim iisdem ex locis coniectura sumenda est. Nam et eius, qui in quaestione aliquid dixerit, et eius, qui in testimonio, et ipsius rumoris causa et veritas ex iisdem adtributionibus reperietur. Omni autem in causa pars argumentorum est adiuncta ei causae solum, quae dicitur, et ex ipsa ita ducta, ut ab ea separatim in omnes eiusdem generis causas transferri non satis commode possit; pars autem est pervagatior et aut in omnes eiusdem generis aut in plerasque causas adcommodata.

[48] Haec ergo argumenta, quae transferri in multas causas possunt, locos communes nominamus. Nam locus communis aut certae rei quandam continet amplificationem, ut si quis hoc velit ostendere, eum, qui parentem necarit, maximo supplicio esse dignum; quo loco nisi perorata [et probata] causa non est utendum; aut dubiae, quae ex contrario quoque habeat probabiles rationes argumentandi, ut

suspicionibus credi oportere, et contra, suspicionibus credi non oportere. Ac pars locorum communium per indignationem aut per conquestionem inducitur, de quibus ante dictum est, pars per aliquam probabilem utraque ex parte rationem.

[49] Distinguitur autem oratio atque inlustratur maxime raro inducendis locis communibus et aliquo loco iam certioribus illis [auditoribus] argumentis confirmato. Nam [et] tum conceditur commune quiddam dicere, cum diligenter aliqui proprius causae locus tractatus est et auditoris animus aut renovatur ad ea, quae restant, aut omnibus iam dictis exsuscitatur. Omnia autem ornamenta elocutionis, in quibus et suavitatis et gravitatis plurimum consistit, et omnia, quae in inventione rerum et sententiarum aliquid habent dignitatis, in communes locos conferuntur.

[50] Quare non, ut causarum, sic oratorum quoque multorum communes loci sunt. Nam nisi ab iis, qui multa in exercitatione magnam sibi verborum et sententiarum copiam conparaverint, tractari non poterunt ornate et graviter, quemadmodum natura ipsorum desiderat. Atque hoc sit nobis dictum communiter de omni genere locorum communium; nunc exponemus, in coniecturalem constitutionem qui loci communes incidere soleant: suspicionibus credi oportere et non oportere; rumoribus credi oportere et non oportere; testibus credi oportere et non oportere; quaestionibus credi oportere et non oportere; vitam ante actam spectari oportere et non oportere; eiusdem esse, qui in illa re peccarit, et hoc quoque admisisse et non esse eiusdem; causam maxime spectari [causam] oportere et non oportere. Atque hi quidem et si qui eiusmodi ex proprio argumento communes loci nascentur, in contrarias partes diducuntur.

[51] Certus autem locus est accusatoris, per quem auget facti atrocitatem, et alter, per quem negat malorum misereri oportere: defensoris, per quem calumnia accusatorum cum indignatione ostenditur et per quem cum conquestione misericordia captatur. Hi et ceteri loci omnes communes ex iisdem praeceptis sumuntur, quibus ceterae argumentationes; sed illae tenuius et subtilius et acutius tractantur, hi autem gravius et ornatius et cum verbis tum etiam sententiis excellentibus. In illis enim finis est, ut id, quod dicitur, verum esse videatur, in his, tametsi hoc quoque videri oportet, tamen

finis est amplitudo. Nunc ad aliam constitutionem transeamus.

[52] Cum est nominis controversia, quia vis vocabuli definienda verbis est, constitutio definitiva dicitur. Eius generis exemplo nobis posita sit haec causa: C. Flaminius, is qui consul rem male gessit bello Punico secundo, cum tribunus plebis esset, invito senatu et omnino contra voluntatem omnium optimatium per seditionem ad populum legem agrariam ferebat. Hunc pater suus concilium plebis habentem de templo deduxit; arcessitur maiestatis. Intentio est: "Maiestatem minuisti, quod tribunum plebis de templo deduxisti". Depulsio est: "Non minui maiestatem". Quaestio est: maiestatemne minuerit? Ratio: "In filium enim quam habebam potestatem, ea sum usus". Rationis infirmatio: "At enim, qui patria potestate, hoc est privata quadam, tribuniciam potestatem, hoc est populi potestatem, infirmat, minuit is maiestatem". Iudicatio est: minuatne is maiestatem, qui in tribuniciam potestatem patria potestate utatur? Ad hanc iudicationem argumentationes omnes afferre oportebit.

[53] Ac ne qui forte arbitretur nos non intellegere aliam quoque incidere constitutionem in hanc causam, eam nos partem solam sumimus, in quam praecepta nobis danda sunt. Omnibus autem partibus hoc in libro explicatis quivis omni in causa, si diligenter adtendet, omnes videbit constitutiones et earum partes et controversias, si quae forte in eas incident; nam de omnibus praescribemus. Primus ergo accusatoris locus est eius nominis, cuius de vi quaeritur, brevis et aperta et ex opinione hominum definitio, hoc modo: Maiestatem minuere est de dignitate aut amplitudine aut potestate populi aut eorum, quibus populus potestatem dedit, aliquid derogare. Hoc sic breviter expositum pluribus verbis est et rationibus confirmandum et ita esse, ut descripseris, ostendendum. Postea ad id, quod definieris, factum eius, qui accusabitur, adiungere oportebit et ex eo, quod ostenderis esse, verbi causa maiestatem minuere, docere adversarium maiestatem minuisse et hunc totum locum communi loco confirmare, per quem ipsius facti atrocitas aut indignitas aut omnino culpa cum indignatione augeatur. Post erit infirmanda adversariorum descriptio.

[54] Ea autem infirmabitur, si falsa demonstrabitur. Hoc ex opinione hominum sumetur, cum, quemadmodum et quibus in rebus homines in consuetudine scribendi aut sermocinandi eo verbo uti

soleant, considerabitur. Item infirmabitur, si turpis aut inutilis esse [ostenditur] eius descriptionis adprobatio et, quae incommoda consecutura sint eo concesso, ostendetur - id autem ex honestatis et ex utilitatis partibus sumetur, de quibus in deliberationis praeceptis exponemus - et si cum definitione nostra adversariorum definitionem conferemus et nostram veram, honestam, utilem esse demonstrabimus, illorum contra.

[55] Quaeremus autem res aut maiore aut minore aut pari in negotio similes, ex quibus affirmetur nostra descriptio. Iam si res plures erunt definiendae: ut, si quaeratur, fur sit an sacrilegus, qui vasa ex privato sacra subripuerit, erit utendum pluribus definitionibus; deinde simili ratione causa tractanda. Locus autem communis in eius malitiam, qui non modo rerum, verum etiam verborum potestatem sibi arrogare conatus et faciat, quod velit, et id, quod fecerit, quo velit nomine appellet. Deinde defensoris primus locus est item nominis brevis et aperta et ex opinione hominum descriptio, hoc modo: Maiestatem minuere est aliquid de re publica, cum potestatem non habeas, administrare. Deinde huius confirmatio [similibus et exemplis et rationibus]; postea sui facti ab illa definitione separatio. Deinde locus communis, per quem facti utilitas aut honestas adaugetur.

[56] Deinde sequitur adversariorum definitionis reprehensio, quae iisdem ex locis omnibus, quos accusatori praescripsimus, conficitur; et cetera post eadem praeter communem locum inducentur. Locus autem communis erit defensoris is, per quem indignabitur accusatorem sui periculi causa non res solum convertere, verum etiam verba commutare conari. Nam illi quidem communes loci, aut qui calumniae accusatorum demonstrandae aut misericordiae captandae aut facti indignandi aut a misericordia deterrendi causa sumuntur, ex periculi magnitudine, non ex causae genere ducuntur. Quare non in omnem causam, sed in omne causae genus incidunt. Eorum mentionem in coniecturali constitutione fecimus, inductione autem, cum causa postulabit, utemur.

[57] Cum autem actio translationis aut commutationis indigere videtur, quod non aut is agit, quem oportet, aut cum eo, quicum oportet, aut apud quos, qua lege, qua poena, quo crimine, quo tempore oportet, constitutio translativa appellatur. Eius nobis exempla permulta opus sint, si singula translationum genera

quaeramus; sed quia ratio praeceptorum similis est, exemplorum multitudine supersedendum est. Atque in nostra quidem consuetudine multis de causis fit, ut rarius incidant translationes. Nam et praetoris exceptionibus multae excluduntur actiones et ita ius civile habemus constitutum, ut causa cadat is, qui non quemadmodum oportet egerit.

[58] Quare in iure plerumque versantur. Ibi enim et exceptiones postulantur et agendi potestas datur et omnis conceptio privatorum iudiciorum constituitur. In ipsis autem iudiciis rarius incidunt et tamen, si quando incidunt, eiusmodi sunt, ut per se minus habeant firmitudinis, confirmentur autem assumpta alia aliqua constitutione: ut in quodam iudicio, cum veneficii cuiusdam nomen esset delatum et, quia parricidii causa subscripta esset, extra ordinem esset acceptum, in accusatione autem alia quaedam crimina testibus et argumentis confirmarentur, parricidii autem mentio solum facta esset, defensor in hoc ipso multum oportet et diu consistat: cum de nece parentis nihil demonstratum esset, indignum facinus esse ea poena afficere reum, qua parricidae afficiuntur; id autem, si damnaretur, fieri necesse esse, quoniam et id causae subscriptum et ea re nomen extra ordinem sit acceptum.

[59] Ea igitur poena si affici reum non oporteat, damnari quoque non oportere, quoniam ea poena damnationem necessario consequtur. Hic defensor poena commutationem ex translativo genere inducendo totam infirmabit accusationem. Verumtamen ceteris quoque criminibus defendendis coniecturali constitutione translationem confirmabit.Exemplum autem translationis in causa positum nobis sit huiusmodi: cum ad vim faciendam quidam armati venissent, armati contra praesto fuerunt et equiti Romano quidam ex armatis resistenti gladio manum praecidit. Agit is, cui manus praecisa est, iniuriarum. Postulat is, quicum agitur, a praetore exceptionem: “ EXTRA QUAM IN REUM CAPITIS PRAEIUDICIUM FIAT “.

[60] Hic is, qui agit, iudicium purum postulat; ille, quicum agitur, exceptionem addi ait oportere. Quaestio est: excipiundum sit an non? Ratio: “Non enim oportet in recuperatorio iudicio eius maleficii, de quo inter sicarios quaeritur, praeiudicium fieri.” Infirmatio rationis : “Eiusmodi sunt iniuriae, ut de iis indignum sit non primo quoque tempore iudicari.” Iudicatio: atrocitas iniuriarum satisne causae sit,

quare, dum de ea iudicatur, de aliquo maiore maleficio, de quo iudicium conparatum sit, praeiudicetur? Atque exemplum quidem hoc est.In omni autem causa ab utroque quaeri oportebit, a quo et per quos et quo modo et quo tempore aut agi aut iudicari aut quid statui de ea re conveniat.

[61] Id ex partibus iuris, de quibus post dicendum est, sumi oportebit et ratiocinari, quid in similibus rebus fieri soleat, et videre, utrum malitia [quid] aliud agatur, aliud simuletur, an stultitia, an necessitudine, quod alio modo agere non possit, an occasione agendi sic sit iudicium aut actio constituta, an recte sine ulla re eiusmodi res agatur.Locus autem communis contra eum, qui translationem inducet: fugere iudicium ac poenam, quia causae diffidat. A translatione autem: omnium fore perturbationem, si non ita res agantur et in iudicium veniant, quo pacto oporteat; hoc est, si aut cum eo agatur, quocum non oporteat, aut alia poena, alio crimine, alio tempore; atque hanc rationem ad perturbationem iudiciorum omnium pertinere.Tres igitur haec constitutiones, quae partes non habent, ad hunc modum tractabuntur. Nunc generalem constitutionem et partes eius consideremus.

[62] Cum et facto et facti nomine concesso neque ulla actionis inlata controversia vis et natura et genus ipsius negotii quaeritur, constitutionem generalem appellamus. Huius primas esse partes duas nobis videri diximus, negotialem et iudicialem.Negotialis est, quae in ipso negotio iuris civilis habet implicatam controversiam. Ea est huiusmodi: quidam pupillum heredem fecit; pupillus autem ante mortuus est, quam in suam tutelam venit. De hereditate ea, quae pupillo venit, inter eos, qui patris pupilli heredes secundi sunt, et inter adgnatos pupilli controversia est. Possessio heredum secundorum est. Intentio est adgnatorum: “Nostra pecunia est, de qua is, cuius adgnati sumus, testatus non est”. Depulsio est: “Immo nostra, qui heredes testamento patris sumus”. Quaestio est: utrorum sit? Ratio: “Pater enim et sibi et filio testamentum scripsit, dum is pupillis esset. Quare, quae filii fuerunt, testamento patris nostra fiant necesse est”. Infirmatio rationis: “Immo pater sibi scripsit et secundum heredem non filio, sed sibi iussit esse. Quare, praeterquam quod [in] ipsius fuit, testamento illius vestrum esse non potest”. Iudicatio: possitne quisquam de filii pupilli re testari; an heredes

secundi ipsius patrisfamilias, non filii quoque eius pupilli heredes sint?

[63] Atque hoc non alienum est, quod ad multa pertineat, ne aut nusquam aut usquequaque dicatur, hic admonere. Sunt causae, quae plures habent rationes in simplici constitutione; quod fit, cum id, quod factum est aut quod defenditur, pluribus de causis rectum aut probabile videri potest, ut in hac ipsa causa. Subponatur enim ab heredibus haec ratio: "Unius enim pecuniae plures dissimilibus de causis heredes esse non possunt, nec umquam factum est, ut eiusdem pecuniae alius testamento, alius lege heres esset".

[64] Infirmatio [autem] haec erit: "Non est una pecunia, propterea quod altera pupilli iam erat adventicia, cuius heres non illo in testamento quisquam scriptus erat, si quid pupillo accidisset; et de altera patris etiamnunc mortui voluntas plurimum valebat, quae iam mortuo pupillo suis heredibus concedebat". Iudicatio est: unane pecunia fuerit; aut, si hac erunt usi infirmatione: posse plures esse unius heredes pecuniae dissimilibus de causis et de eo ipso esse controversiam, iudicatio nascitur: possintne eiusdem pecuniae plures dissimilibus generibus heredes esse? Ergo una in constitutione intellectum est, quomodo et rationes et rationum infirmationes et propterea iudicationes plures fiant.

[65] Nunc huius generis praecepta videamus. Utrisque aut etiam omnibus, si plures ambigent, ius ex quibus rebus constet, considerandum est. Initium ergo eius ab natura ductum videtur; quaedam autem ex utilitatis ratione aut perspicua nobis aut obscura in consuetudinem venisse; post autem adprobata quaedam a consuetudine aut vero utilia visa legibus esse firmata. Ac naturae quidem ius esse, quod nobis non opinio, sed quaedam innata vis adferat, ut religionem, pietatem, gratiam, vindicationem, observantiam, veritatem.

[66] R e l i g i o n e m eam, quae in metu et caerimonia deorum sit, appellant; p i e t a t e m, quae erga patriam aut parentes aut alios sanguine coniunctos officium conservare moneat; gratiam, quae in memoria et remuneratione officiorum et honoris et amicitiarum observantiam teneat; vindicationem, per quam vim et contumeliam defendendo aut ulciscendo propulsamus a nobis et nostris, qui nobis cari esse debent, et per quam peccata punimur; observantiam, per

quam aetate aut sapientia aut honore aut aliqua dignitate antecedentes veremur et colimus; veritatem, per quam damus operam, ne quid aliter, quam confirmaverimus, fiat aut factum aut futurum sit.

[67] Ac naturae quidem iura minus ipsa quaeruntur ad hanc controversiam, quod neque in hoc civili iure versantur et a vulgari intellegentia remotiora sunt; ad similitudinem vero aliquam aut ad rem amplificandam saepe sunt inferenda.Consuetudine autem ius esse putatur id, quod voluntate omnium sine lege vetustas comprobarit. In ea autem quaedam sunt iura ipsa iam certa propter vetustatem. Quo in genere et alia sunt multa et eorum multo maxima pars, quae praetores edicere consuerunt. Quaedam autem genera iuris iam certa consuetudine facta sunt; quod genus pactum, par, iudicatum.

[68] P a c t u m est, quod inter quos convenit ita iustum putatur, ut iure praestare dicatur; par, quod in omnes aequabile est; iudicatum, de quo iam ante sententia alicuius aut aliquorum constitutum est.Iam iura legitima ex legibus cognosci oportebit.His ergo ex partibus iuris, quod cuique aut ex ipsa re aut ex simili aut maiore minoreve nasci videbitur, attendere atque elicere pertemptando unam quamque iuris partem oportebit. Locorum autem communium quoniam, ut ante dictum est, duo genera sunt, quorum alterum dubiae rei, alterum certae continet amplificationem, quid ipsa causa det et quid augeri per communem locum possit et oporteat, considerabitur. Nam certi, qui in omnes incidant, loci praescribi non possunt; in plerisque fortasse ab auctoritate iuris consultorum et contra auctoritatem dici oportebit. Adtendendum est autem et in hac et in omnibus, num quos locos communes praeter eos, quos nos exponimus, ipsa res ostendat.Nunc iudiciale genus et partes consideremus.

[69] I u d i c i a l i s est, in qua aequi et iniqui natura et praemii aut poena ratio quaeritur. Huius partes sunt duae, quarum alteram absolutam, adsumptivam alteram nominamus. A b s o l u t a est, quae ipsa in se, non ut negotialis implicite et abscondite, sed patentius et expeditius recti et non recti quaestionem continet. Ea est huiuscemodi: cum Thebani Lacedaemonios bello superavissent et fere mos esset Graiis, cum inter se bellum gessissent, ut ii, qui vicissent, tropaeum aliquod in finibus statuerunt victoriae modo in praesentiam declarandae causa, non ut in perpetuum belli memoria maneret, aeneum statuerunt tropaeum. Accusantur apud Amphictyonas [id est apud commune Graeciae consilium].

[70] I n t e n t i o est: "Non oportuit".
D e p u l s i o est: "oportuit".
Q u a e s t i o est: oportueritne?
R a t i o est: "eam enim ex bello gloriam virtute peperimus, ut eius aeterna insignia posteris nostris relinquere vellemus".
I n f i r m a t i o est: "at tamen aeternum inimicitiarum monumentum Graios de Graiis statuere non oportet".
I u d i c a t i o est: cum summae virtutis concelebrandae causa de Graii de Graiis aeternum inimicitiarum monumentum statuerunt, rectene an contra fecerint?
Hanc ideo rationem subiecimus, ut hoc causae genus ipsum, de quo agimus, cognosceretur. Nam si eam subposuissemus, qua fortasse usi sunt: "non enim iuste neque pie bellum gessistis", in relationem criminis delaberemur, de qua post loquemur. Utrumque autem causae genus in hanc causam incidere perspicuum est. In hanc argumentationis ex isdem locis sumendae sunt atque in causam negotialem, qua de ante dictum est.

[71] Locos autem communes et ex causa ipsa, si quid inerit indignationis aut conquestionis, et ex iuris utilitate et natura multos et graves sumere licebit et oportebit, si causae dignitas videbitur postulare.Nunc adsumptivam partem iuridicialis consideremus. Adsumptiva igitur tum dicitur, cum ipsum ex se factum probari non potest, aliquo autem foris adiuncto argumento defenditur. Eius partes

sunt quattuor: c o m p a r a t i o, r e l a t i o criminis, r e m o t i o criminis, c o n c e s s i o.

[72] C o m p a r a t i o est, cum aliquid factum, quod ipsum non sit probandum, ex eo, cuius id causa factum est, defenditur. Ea est huiusmodi: quidam imperator, cum ab hostibus circumsederetur neque effugere ullo modo posset, depectus est cum iis, ut arma et inpedimenta relinqueret, milites educeret; itaque fecit; armis et inpedimentis amissis praeter spem milites conservavit. Accusatur maiestatis. Incurrit huc definitio. Sed nos hunc locum, de quo agimus, consideremus.

[73] I n t e n t i o est: "Non oportuit arma et inpedimenta relinquere". D e p u l s i o est: "Oportuit". Q u a e s t i o est: "Oportueritne?" R a t i o est: "Milites enim omnes perissent". I n f i r m a t i o est aut coniecturalis: ",non perissent"; aut altera coniecturalis: "Non ideo fecisti" [ex quibus iudicatio est: "Perissentne?" Et: "Ideone fecerit?"]; aut haec comparativa, cuius nunc indigemus: "At enim satius fuit amittere milites quam arma et inpedimenta concedere hostibus". Ex quo iudicatio nascitur: cum omnes perituri milites essent, nisi ad hanc pactionem venissent, utrum satius fuerit amittere milites, an ad hanc condicionem venire?

[74] Hoc causae genus ex suis locis tractari oportebit et adhibere ceterarum quoque constitutionum rationem atque praecepta; ac maxime coniecturis faciendis infirmare illud, quod cum eo, quod crimini dabitur, ii, qui accusabuntur, comparabunt. Id fiet, si aut id, quod dicent defensores futurum fuisse, nisi id factum esset, de quo facto iudicium [est], futurum fuisse negabitur; aut si alia ratione et aliam ob causam, ac dicet se reus fecisse, demonstrabitur esse factum. Eius rei confirmatio et item contraria de parte infirmatio ex coniecturali constitutione sumetur. Sin autem certo nomine maleficii vocabitur in iudicium, sicut in hac causa - nam maiestatis arcessitur -, definitione et praeceptis definitionis uti oportebit. Atque haec quidem plerumque in hoc genere accidunt, ut et coniectura et definitione utendum sit. Sin aliud quoque aliquod genus incidet, eius generis praecepta licebit huc pari ratione transferre. Nam accusatori maxime est in hoc elaborandum, ut id ipsum factum, propter quod sibi reus concedi putet oportere, quam plurimis infirmet rationibus. Quod facile est, si quam plurimis constitutionibus aggredietur id

inprobare.

[75] Ipsa autem comparatio separata a ceteris generibus controversiarum sic ex sua vi considerabitur, si illud, quod comparabitur, aut non honestum aut non utile aut non necessarium fuisse aut non tantopere utile aut non tantopere honestum aut non tantopere necessarium fuisse demonstrabitur. Deinde oportet accusatorem illud, quod ipse arguat, ab eo, quod defensor conparat, separare. Id autem faciet, si demonstrabit non ita fieri solere neque oportere neque esse rationem, quare hoc propter hoc fiat, ut propter salutem militum ea, quae salutis causa comparata sunt, hostibus tradantur. Postea comparare oportet cum beneficio maleficium et omnino id, quod arguitur, cum eo, quod factum ab defensore laudatur aut faciendum fuisse demonstratur, contendere et hoc extenuando maleficii magnitudinem simul adaugere. Id fieri poterit, si demonstrabitur honestius, utilius, magis necessarium fuisse illud, quod vitarit reus, quam illud, quod fecerit.

[76] Honesti autem et utilis et necessarii vis et natura in deliberationis praeceptis cognoscetur.Deinde oportebit ipsam illam comparativam iudicationem exponere tamquam causam deliberativam et de ea ex deliberationis praeceptis dicere. Sit enim haec iudicatio, quam ante exposuimus: cum omnes perituri milites essent, nisi ad hanc pactionem venissent, utrum satius fuerit perire milites, an ad hanc pactionem venire? Hoc ex locis deliberationis, quasi aliquam in consultationem res veniat, tractari oportebit.Defensor autem, quibus in locis ab accusatore aliae constitutiones erunt inductae, in iis ipse quoque ex isdem constitutionibus defensionem comparabit; ceteros autem omnes locos, qui ad ipsam comparationem pertinebunt, ex contrario tractabit.

[77] L o c i c o m m u n e s autem erunt: accusatoris in eum, qui, cum de facto turpi aliquo aut inutili aut utroque fateatur, quaerat tamen aliquam defensionem -, et facti inutilitatem aut turpitudinem cum indignatione proferre]; defensoris est, nullum factum inutile neque turpe neque item utile neque honestum putari oportere, nisi, quo animo, quo tempore, qua de causa factum sit, intellegatur; qui locus ita communis est, ut bene tractatus in hac causa magno ad persuadendum momento futurus sit; et alter locus, per quem magna

cum amplificatione beneficii magnitudo ex utilitate aut honestate aut facti necessitudine demonstratur;

[78] et tertius, per quem res expressa verbis ante oculos eorum, qui audiunt, ponitur, ut ipsi se quoque idem facturos fuisse arbitrentur, si sibi illa res atque ea faciendi causa per idem tempus accidisset.Relatio criminis est, cum reus id, quod arguitur, confessus alterius se inductum peccato iure fecisse demonstrat. Ea est huiusmodi: Horatius occisis tribus Curiatiis et duobus amissis fratribus domum se victor recepit. Is animadvertit sororem suam de fratrum morte non laborantem, sponsi autem nomen appellantem identidem Curiatii cum gemitu et lamentatione. Indigne passus virginem occidit.

[79] Accusatur. I n t e n t i o est: "Iniuria sororem occidisti". D e p u l s i o est: "Iure occidi". Q u a e s t i o est: "Iurene occiderit?" R a t i o est: "Illa enim hostium mortem lugebat, fratrum neglegebat; me et populum Romanum vicisse moleste ferebat." I n f i r m a t i o est: "Tamen a fratre indamnatam necari non oportuit". Ex quo i u d i c a t i o fit: cum Horatia fratrum mortem neglegeret, hostium lugeret, fratris et populi Romani victoria non gauderet, oportueritne eam a fratre indamnatam necari? Hoc in genere causae primum, si quid ex ceteris dabitur constitutionibus, sumi oportebit, sicuti in comparatione praeceptum est; postea, si qua facultas erit, per aliquam constitutionem illum, in quem crimen transferetur, defendere; [80] deinde, levius esse illud, quod in alterum peccatum reus transferat, quam quod ipse susceperit; postea translationis partibus uti et ostendere, a quo et per quos et quo modo et quo tempore aut agi aut iudicari aut statui de ea re convenerit; ac simul ostendere non oportuisse ante supplicium quam iudicium interponere. Tum leges quoque et iudicia demonstranda sunt, per quae potuerit id peccatum, quod sponte sua reus poenitus sit, moribus et iudicio vindicari. Deinde negare audire oportere id, quod in eum criminis conferatur, de quo is ipse, qui conferat, iudicium fieri noluerit, et id, quod iudicatum non sit, pro infecto habere oportere.

[81] Postea inpudentiam demonstrare eorum, qui eum nunc apud iudices accusent, quem sine iudicibus ipsi condemnarint, et de eo iudicium faciant, de quo iam ipsi supplicium sumpserint; postea perturbationem iudicii futuram [dicemus] et iudices longius, quam

potestatem habeant, progressuros, si simul et de reo et de eo, quem reus arguat, iudicarint; deinde, si hoc constitutum sit, ut peccata homines peccatis et iniurias iniuriis ulciscantur, quantum incommodorum consequatur; ac si idem facere ipse, qui nunc accusat, voluisset, ne hoc quidem ipso quicquam opus fuisse iudicio; si vero ceteri quoque idem faciant, omnino iudicium nullum futurum.

[82] Postea demonstrabitur, ne si iudicio quidem illa damnata esset, in quam id crimen ab reo conferatur, potuisse hunc ipsum de illa supplicium sumere; quare esse indignum eum, qui ne de damnata quidem poenas sumere ipse potuisset, de ea supplicium sumpsisse, quae ne adducta quidem sit in iudicium. Deinde postulabit, ut legem, qua lege fecerit, proferat. Deinde quemadmodum in comparatione praecipiebamus, ut illud, quod compararetur, extenuaretur ab accusatore quam maxime, sic in hoc genere oportebit illius culpam, in quem crimen transferatur, cum huius maleficio, qui se iure fecisse dicat, comparare. Postea demonstrandum est non esse illud eiusmodi, ut ob id hoc fieri convenerit. Extrema est, ut in comparatione, assumptio iudicationis et de ea per amplificationem ex deliberationis praeceptis dictio.

[83] Defensor autem, quae per alias constitutiones inducentur, ex iis locis, qui traditi sunt, infirmabit; ipsam autem relationem comprobabit, primum augendo eius, in quem referet crimen, culpam et audaciam et quam maxime per indignationem, si res feret, iuncta conquestione ante oculos ponendo; postea levius demonstrando se poenitum, quam sit illius promeritum, et suum supplicium cum illius iniuria conferendo. Deinde oportebit eos locos, qui ita erunt ab accusatore tractati, ut refelli et contrariam in partem converti possint, quo in genere sunt tres extremi, contrariis rationibus infirmare.

[84] Illa autem acerrima accusatorum criminatio, per quam perturbationem fore omnium iudiciorum demonstrant, si de indamnato supplicii sumendi potestas data sit, levabitur, primum si eiusmodi demonstrabitur iniuria, ut non modo viro bono, verum omnino homini libero videatur non fuisse toleranda; deinde ita perspicua, ut ne ab ipso quidem, qui fecisset, in dubium vocaretur; deinde eiusmodi, ut in eam is maxime debuerit animum advertere, qui animum advertit; ut non tam rectum, non tam fuerit honestum in iudicium illam rem pervenire, quam eo modo atque ab eo vindicari,

quo modo et ab quo sit vindicata; postea sic rem fuisse apertam, ut iudicium de ea re fieri nihil adtinuerit.

[85] Atque hic demonstrandum est rationibus et similibus rebus permultas ita atroces et perspicuas res esse, ut de his non modo non necesse sit, sed ne utile quidem, quam mox iudicium fiat, exspectare. Locus communis accusatoris in eum, qui, cum id, quod arguitur, negare non possit, tamen aliquid sibi spei conparet ex iudiciorum perturbatione. Atque hic utilitatis iudiciorum demonstratio et de eo conquestio, qui supplicium dederit indamnatus; in eius autem, qui sumpserit, audaciam et crudelitatem indignatio.

[86] Ab defensore, in eius, quem ultus sit, audaciam <cum> sui conquestione; rem non ex nomine ipsius negotii, sed ex consilio eius, qui fecerit, et causa et tempore considerari oportere; quid mali futurum sit aut ex iniuria aut scelere alicuius, nisi tanta et tam perspicua audacia ab eo, ad cuius famam aut ad parentes aut ad liberos pertineret aut ad aliquam rem, quam caram esse omnibus aut necesse est aut oportet esse, vindicata.Remotio criminis est, cum eius intentio facti, quod ab adversario infertur, in alium aut in aliud demovetur. Id fit bipertito; nam tum causa, tum res ipsa removetur.

[87] Causae remotioni hoc nobis exemplo sit: Rhodii quosdam legarunt Athenas. Legatis quaestores sumptum, quem oportebat dari, non dederunt. Legati profecti non sunt. Accusantur. I n t e n t i o est: “Proficisci oportuit”. D e p u l s i o est: “Non oportuit”. Q u a e s t i o est: “Oportueritne?” R a t i o est: “Sumptus enim, qui de publico dari solet, is ab quaestore non est datus”. I n f i r m a t i o est: “Vos tamen id, quod publice vobis erat negotii datum, conficere oportebat”. I u d i c a t i o est: cum iis, qui legati erant, sumptus, qui debebatur de publico, non daretur, oportueritne eos conficere nihilo minus legationem? Hoc in genere primum sicut in ceteris, si quid aut ex coniecturali aut ex alia constitutione sumi possit, videri oportebit. Deinde pleraque et ex comparatione et ex relatione criminis in hanc quoque causam convenire poterunt.

[88] Accusator autem illum, cuius culpa id factum reus dicet, primum defendet, si poterit; sin minus poterit, negabit ad hoc iudicium illius, sed huius, quem ipse accuset, culpam pertinere. Postea dicet suo quemque officio consulere oportere; nec, si ille peccasset, hunc oportuisse peccare; deinde, si ille deliquerit,

separatim illum sicut hunc accusari oportere et non cum huius defensione coniungi illius accusationem.Defensor autem cum cetera, si qua ex aliis incident constitutionibus, pertractarit, de ipsa remotione sic argumentabitur:

[89] primum, cuius acciderit culpa, demonstrabit; deinde, cum id aliena culpa accidisset, ostendet se aut non potuisse aut non debuisse id facere, quod accusator dicat oportuisse; quid potuerit, ex utilitatis partibus, in quibus est necessitudinis vis implicata, [demonstrabit] quid debuerit, ex honestate considerabitur. De utroque distinctius in deliberativo genere dicetur. Deinde omnia facta esse ab reo, quae in ipsius fuerint potestate; quod minusmmquam convenerit, factum sit, culpa id alterius accidisse.

[90] Deinde alterius culpa exponenda demonstrandum est, quantum voluntatis et studii fuerit in ipso, et id signis confirmandum huiusmodi: ex cetera diligentia, ex ante factis aut dictis; atque hoc ipsi utile fuisse facere, inutile autem non facere, et cum cetera vita fuisse hoc magis consentaneum, quam quod propter alterius culpam non fecerit.Si autem non in hominem certum, sed in rem aliquam causa demovebitur, ut in hac eadem re, si quaestor mortuus esset et idcirco legatis pecunia data non esset, accusatione alterius et culpae depulsione dempta ceteris similiter uti locis oportebit et ex concessionis partibus, quae convenient, assumere; de quibus nobis dicendum erit.

[91] Loci autem communes idem utrisque fere, qui in superioribus assumptivis, incident; hi tamen certissime: accusatoris, facti indignatio; defensoris, cum in alio culpa sit, [aut] in ipso non sit, supplicio se affici non oportere.Ipsius autem rei fit remotio, cum id, quod datur crimini, negat neque ad se neque ad officium suum reus pertinuisse; nec, si quid in eo sit delictum, sibi adtribui oportere. Id causae genus est huiusmodi: in eo foedere, quod factum est quondam cum Samnitibus, quidam adulescens nobilis porcum sustinuit iussu imperatoris. Foedere autem ab senatu inprobato et imperatore Samnitibus dedito quidam in senatu eum quoque dicit, qui porcum tenuerit, dedi oportere.

[92] I n t e n t i o est: “Dedi oportet”. Depulsio est: “Non oportet”. Q u a e s t i o est: oporteatne? R a t i o est: “Non enim meum fuit officium nec mea potestas, cum et id aetatis et privatus essem et esset

summa cum auctoritate et potestate imperator, qui videret, ut satis honestum foedus feriretur". I n f i r m a t i o est: "At enim quoniam particeps tu factus es in turpissimo foedere summae religionis, dedi te convenit". Iudicatio est: cum is, qui potestatis nihil habuerit, iussu imperatoris in foedere et in tanta religione interfuerit, dedendusne sit hostibus necne? Hoc genus causae cum superiore hoc differt, quod in illo concedit se reus oportuisse facere id, quod fieri dicat accusator oportuisse, sed alicui rei aut homini causam attribuit, quae voluntati suae fuerit inpedimento, sine concessionis partibius; nam earum maior quaedam vis est, quod paulo post intellegetur.

[93] In hoc autem non accusare alterum nec culpam in alium transferre debet, sed demonstrare eam rem nihil ad se nec ad potestatem neque ad officium suum pertinuisse aut pertinere. Atque in hoc genere hoc accidit novi, quod accusator quoque saepe ex remotione criminationem conficit, ut si quis eum accuset, qui, cum praetor esset, in expeditionem ad arma populum vocarit, cum consules essent. Nam ut in superiore exemplo reus ab suo officio et a potestate factum demovebat, sic in hoc ab eius officio ac potestate, qui accusatur, ipse accusator factum removendo hac ipsa ratione confirmat accusationem.

[94] In hac ab utroque ex omnibus [partibus] honestatis et ex omnibus utilitatis partibus, exemplis, signis, ratiocinando, quid cuiusque officii, iuris, potestatis sit, quaeri oportebit et fueritne ei, quo de agetur, id iuris, officii, potestatis attributum necne.Locos autem communes ex ipsa re, si quid indignationis aut conquestionis habebit, sumi oportebit.Concessio est, per quam non factum ipsum probatur ab reo, sed ut ignoscatur, id petitur. Cuius partes sunt duae: p u r g a t i o et d e p r e c a t i o. Purgatio est, per quam eius, qui accusatur, non factum ipsum, sed voluntas defenditur. Ea habet partes tres: i n p r u d e n t i a m, c a s u m, n e c e s s i t u d i n e m.

[95] I n p r u d e n t i a est, cum scisse aliquid is, qui arguitur, negatur; ut apud quosdam lex erat: ne quis Dianae vitulum immolaret. Nautae quidam, cum adversa tempestate in alto iactarentur, voverunt, si eo portu, quem conspiciebant, potiti essent, ei deo, qui ibi esset, se vitulum immolaturos. Casu erat in eo portu fanum Dianae eius, cui vitulum immolare non licebat. Inprudentes legis, cum exissent, vitulum immolaverunt. Accusantur. Intentio est:

“Vitulum immolastis ei deo, cui non licebat”. Depulsio est in concessione posita. Ratio est: “Nescivi non licere”. Infirmatio est: “Tamen, quoniam fecisti, quod non licebat ex lege, supplicio dignus es”. Iudicatio est: cum id fecerit, quod non oportuerit, et id non oportere nescierit, sitne supplicio dignus?

[96] C a s u s autem inferetur in concessionem, cum demonstratur aliqua fortunae vis voluntati obstitisse, ut in hac: cum Lacedaemoniis lex esset, ut, hostias nisi ad sacrificium quoddam redemptor praebuisset, capital esset, hostias is, qui redemerat, cum sacrificii dies instaret, in urbem ex agro coepit agere. Tum subito magnis commotis tempestatibus fluvius Eurotas, is qui praeter Lacedaemonem fluit, ita magnus et vehemens factus est, ut ea traduci victimae nullo modo possent.

[97] Redemptor suae voluntatis ostendendae causa hostias constituit omnes in litore, ut, qui trans flumen essent, videre possent. Cum omnes studio eius subitam fluminis magnitudinem scirent fuisse inpedimento, tamen quidam capitis arcesserunt. Intentio est: “Hostiae, quas debuisti ad sacrificium, praesto non fuerunt”. Depulsio concessio. Ratio: “Flumen enim subito accrevit et ea re traduci non potuerunt”. Infirmatio: “Tamen, quoniam, quod lex iubet, factum non est, supplicio dignus es”. Iudicatio est: cum in ea re contra legem redemptor [aliquid] fecerit, qua in re studio eius subita fluminis obstiterit magnitudo, supplicio dignusne sit?

[98] N e c e s s i t u d o autem infertur, cum vi quadam reus id, quod fecerit, fecisse defenditur, hoc modo: lex est apud Rhodios, ut, si qua rostrata in portu navis deprehensa sit, publicetur. Cum magna in alto tempestas esset, vis ventorum invitis nautis in Rhodiorum portum navem coegit. Quaestor navem populi vocat, navis dominus negat oportere publicari. Intentio est: “Rostrata navis in portu deprehensa est”. Depulsio concessio. Ratio: “Vi et necessario sumus in portum coacti”. Infirmatio est: “Navem ex lege tamen populi esse oportet”. Iudicatio est: cum rostratam navem in portu deprehensam lex publicarit cumque haec navis invitis nautis vi tempestatis in portum coniecta sit, oporteatne eam publicari?

[99] Horum trium generum idcirco in unum locum contulimus exempla, quod similis in ea praeceptio argumentorum traditur. Nam in his omnibus primum, si quid res ipsa dabit facultatis, coniecturam

induci ab accusatore oportebit, ut id, quod voluntate factum negabitur, consulto factum suspicione aliqua demonstretur; deinde inducere definitionem necessitudinis aut casus aut inprudentiae et exempla ad eam definitionem adiungere, in quibus inprudentia fuisse videatur aut casus aut necessitudo, et ab his id, quod reus inferat, separare, id est ostendere dissimile, quod [levius, facilius] non ignorabile, non fortuitum, non necessarium fuerit; postea demonstrare potuisse vitari: hac ratione provideri potuisse, si hoc aut illud fecisset, aut, nisi fecisset, praecaveri; et definitionibus ostendere non hanc inprudentiam aut casum aut necessitudinem, sed inertiam, neglegentiam, fatuitatem nominari oportere. Ac si qua necessitudo turpitudinem videbitur habere,

[100] oportebit per locorum communium inplicationem redarguentem demonstrare quidvis perpeti, mori denique satius fuisse quam eiusmodi necessitudini optemperare. Atque tum ex iis locis, de quibus in negotiali parte dictum est, iuris et aequitatis naturam oportebit quaerere et quasi in absoluta iuridiciali per se hoc ipsum ab rebus omnibus separatim considerare. Atque hoc in loco, si facultas erit, exemplis uti oportebit, quibus in simili excusatione non sit ignotum, et contentione, magis illis ignoscendum fuisse, et deliberationis partibus, turpe aut inutile esse concedi eam rem, quae ab adversario commisa sit: permagnum esse et magno futurum detrimento, si ea res ab iis, qui potestatem habent vindicandi, neglecta sit.

[101] Defensor autem conversis omnibus his partibus poterit uti; maxime autem in voluntate defendenda commorabitur et in ea re adaugenda, quae voluntati fuerit inpedimento; et se plus, quam fecerit, facere non potuisse; et in omnibus rebus voluntatem spectari oportere; et se convinci non posse, quod absit a culpa; suo nomine communem hominum infirmitatem posse damnari. Deinde nihil esse indignius quam eum, qui culpa careat, supplicio non carere.Loci autem communes: accusatoris in confessionem, et quanta potestas peccandi relinquatur, si semel institutum sit, ut non de facto, sed de facti causa quaeratur;

[102] defensoris conquestio est calamitatis eius, quae non culpa, sed vi maiore quadam acciderit, et de fortunae potestate et hominum infirmitate et, uti suum animum, non eventum considerent. In quibus

omnibus conquestionem suarum aerumnarum et crudelitas adversariorum indignationem inesse oportebit. Ac neminem mirari conveniet, si aut in his aut in aliis exemplis scripti quoque controversiam adiunctam videbit. Quo de genere post erit nobis separatim dicendum, propterea quod quaedam genera causarum simpliciter ex sua considerantur, quaedam autem sibi aliud quoque aliquod controversiae genus assumunt.

[103] Quare omnibus cognitis non erit difficile in unam quamque causam transferre, quod ex eo quoque genere conveniet; ut in his exemplis concessionis inest omnibus scripti controversia, ea quae ex scripto et sententia nominatur; sed, quia de concessione loquebamur, in eam praecepta dedimus, alio autem loco de scripto et de sententia dicemus.Nunc in alteram concessionis partem considerationem iam intendemus.

[104] Deprecatio est, in qua non defensio facti, sed ignoscendi postulatio continetur. Hoc genus vis in iudicio probari potest, ideo quod concesso peccato difficile est ab eo, qui peccatorum vindex esse debet, ut ignoscat, impetrare. Quare parte eius generis, cum causam non in eo constitueris, uti licebit; ut si pro aliquo claro aut forti viro, cuius in rem publicam multa sunt beneficia, diceres, posses, cum videaris non uti deprecatione, uti tamen, ad hunc modum: “Quodsi, iudices, hic pro suis beneficiis, pro suo studio, quod in vos semper habuit, tali suo tempore multorum suorum recte factorum causa uni delicto ut ignosceretis postularet, tamen dignum vestra mansuetudine, dignum virtute huius esset, iudices, a vobis hanc rem hoc postulante impetrari”. Deinde augere beneficia licebit et iudices per locum communem ad ignoscendi voluntatem ducere.

[105] Quare hoc genus quamquam in iudiciis non versatur nisi quadam ex parte, tamen, quia et pars haec ipsa inducenda nonnumquamest et in senatu aut in consilio saepe omni in genere tractanda, in id quoque praecepta ponemus. Nam in senatu [aut in consilio] de Syphace diu deliberatum est, et de Q. Numitorio Pullo apud L. Opimium et eius consilium diu dictum est, et magis in hoc quidem ignoscendi quam cognoscendi postulatio valuit. Nam semper animo bono se in populum Romanum fuisse non tam facile probabat, cum coniecturali constitutione uteretur, quam ut propter posterius beneficium sibi ignosceretur, cum deprecationis partes adiungeret.

[106] Oportebit igitur eum, qui sibi ut ignoscatur, postulabit, commemorare, si qua sua poterit beneficia et, si poterit, ostendere ea maiora esse quam haec, quae deliquerit, ut plus ab eo boni quam mali profectum esse videatur; deinde maiorum suorum beneficia, si qua exstabunt, proferre; deinde ostendere non odio neque crudelitate fecisse, quod fecerit, sed aut stultitia aut inpulsu alicuius aut aliqua honesta aut probabili causa; postea polliceri et confirmare se et hoc peccato doctum et beneficio eorum, qui sibi ignoverint, confirmatum omni tempore a tali ratione afuturum; deinde spem ostendere aliquo se in loco magno iis, qui sibi concesserint, usui futurum; [107] postea, si facultas erit, se aut consanguineum aut iam a maioribus inprimis amicum esse [demonstrabit] et amplitudinem suae voluntatis, nobilitatem generis, eorum, qui se salvum velint, dignitatem ostendere, et cetera ea, quae personis ad honestatem et amplitudinem sunt adtributa, cum conquestione, sine arrogantia, in se esse [demonstrabit], ut honore potius aliquo quam ullo supplicio dignus esse videatur; deinde ceteros proferre, quibus maiora delicta concessa sint. Ac multum proficiet, si se misericordem in potestate, propensum ad ignoscendum fuisse ostendet. Atque ipsum illud peccatum erit extenuandum, ut quam minimum obfuisse videatur, et aut turpe aut inutile demonstrandum tali de homine supplicium sumere.

[108] Deinde locis communibus misericordiam captare oportebit ex iis praeceptis, quae in primo libro sunt exposita.Adversarius autem malefacta augebit: nihil imprudenter, sed omnia ex crudelitate et malitia facta dicet; ipsum inmisericordem, superbum fuisse; et, si poterit, ostendet semper inimicum fuisse et amicum fieri nullo modo posse. Si beneficia proferet, aut aliqua de causa facta, non propter benivolentiam demonstrabit, aut postea odium esse acre susceptum, aut illa omnia maleficiis esse deleta, aut leviora beneficia quam maleficia, aut, cum beneficiis honos habitus sit, pro maleficio poenam sumi oportere.

[109] Deinde turpe esse aut inutile ignosci. Deinde, de quo ut potestas esset saepe optarint, in eum ob potestatem non uti summam esse stultitiam; cogitare oportere, quem animum in eum et quod odium habuerint.Locus autem communis erit indignatio maleficii et alter eorum misereri oportere, qui propter fortunam, non propter malitiam in miseriis sint.Quoniam ergo in generali constitutione

tamdiu propter eius partium multitudinem commoramur, ne forte varietate et dissimilitudine rerum diductus alicuius animus in quendam errorem deferatur, quid etiam nobis ex eo genere restet et quare restet, admonendum videtur.Iuridicialem causam esse dicebamus, in qua aequi et iniqui natura et praemii aut poenae ratio quaeretur. Eas causas, in quibus de aequo et iniquo quaeritur, exposuimus.

[110] Restat nunc, ut de praemio et de poena explicemus. Sunt enim multae causae, quae ex praemii alicuius petitione constant. Nam et apud iudices de praemio saepe accusatorum quaeritur et a senatu aut a consilio aliquod praemium saepe petitur. Ac neminem conveniet arbitrari nos, cum aliquod exemplum ponamus, quod in senatu agatur, ab iudiciali genere exemplorum recedere. Quicquid enim de homine probando aut inprobando dicitur, cum ad eam dictionem sententiarum quoque ratio accommodetur, id non, si per sententiae dictionem agitur, deliberativum est; sed, quia de homine statuitur, iudiciale est habendum. Omnino autem qui diligenter omnium causarum vim et naturam cognoverit, genere et prima conformatione eas intelleget dissidere, ceteris autem partibus aptas inter se omnes et aliam in alia implicatam videbit.

[111] Nunc de praemiis consideremus. L. Licinius Crassus consul quosdam in citeriore Gallia nullo inlustri neque certo duce neque eo nomine neque numero praeditos, uti digni essent, qui hostes populi Romani esse dicerentur, qui tamen excursionibus et latrociniis infestam provinciam redderent, consectatus est et confecit. Romam redit: triumphum ab senatu postulat. Hic et in deprecatione nihil ad nos attinet rationibus et infirmationibus rationum subponendis ad iudicationem pervenire, propterea quod, nisi alia quoque incidet constitutio aut pars constitutionis, simplex erit iudicatio et in quaestione ipsa continebitur: in deprecatione, huiusmodi: oporteatne poena affici? In hac, huiusmodi: oporteatne dari praemium?

[112] Nunc ad praemii quaestionem appositos locos exponemus. Ratio igitur praemii quattuor est in partes distributa: in beneficia, in hominem, in praemii genus, in facultates.Beneficia ex sua vi, ex tempore, ex animo eius, qui fecit, ex casu considerantur. Ex sua vi quaerentur hoc modo: magna an parva, facilia an difficilia, singularia sint an vulgaria, vera an falsa quadam exornatione honestentur; ex

tempore autem, si tum, cum indigeremus, cum ceteri non possent aut nollent opitulari, si tum, cum spes deseruisset; ex animo, si non sui commodi causa, si eo consilio fecit omnia, ut hoc conficere posset; ex casu, si non fortuna, sed industria factum videbitur aut si industriae fortuna obstitisse.

[113] In hominem autem, quibus rationibus vixerit, quid sumptus in eam rem aut laboris insumpserit; ecquid aliquando tale fecerit; num alieni laboris aut deorum bonitatis praemium sibi postulet; num aliquando ipse talem ob causam aliquem praemio affici negarit oportere; aut num iam satis pro eo, quod fecerit, honos habitus sit; aut num necesse fuerit ei facere id, quod fecerit; aut num eiusmodi sit factum, ut, nisi fecisset, supplicio dignus esset, non, quia fecerit, praemio; aut num ante tempus praemium petat et spem incertam certo venditet pretio; aut num, quod supplicium aliquod vitet, eo praemium postulet, uti de se praeiudicium factum esse videatur.In praemii autem genere, quid et quantum et quamobrem postuletur et quo et quanto quaeque res praemio digna sit, considerabitur; deinde, apud maiores quibus hominibus et quibus de causis talis honos habitus sit, quaeretur; deinde, ne is honos nimium pervulgetur.

[114] Atque hic eius, qui contra aliquem praemium postulantem dicet, locus erit communis: praemia virtutis et officii sancta et casta esse oportere neque ea aut cum inprobis communicari aut in mediocribus hominibus pervulgari; et alter: minus homines virtutis cupidos fore virtutis praemio pervulgato; quae enim rara et ardua sint, ea experiendo pulchra et iucunda hominibus videri; et tertius: si exsistant, qui apud maiores nostros ob egregiam virtutem tali honore dignati sunt, nonne de sua gloria, cum pari praemio tales homines affici videant, delibari putent? Et eorum enumeratio et cum iis, quos contra dicas, comparatio. Eius autem, qui praemium petet, facti sui amplificatio, eorum, qui praemio affecti sunt, cum suis factis contentio.

[115] Deinde ceteros a virtutis studio repulsum iri, si ipse praemio non sit affectus.Facultates autem considerantur, cum aliquod pecuniarium praemium postulatur; in quo, utrum copiane sit agri, vectigalium, pecuniae an penuria, consideratur. Loci communes: facultates augere, non minuere oportere; et, inpudentem esse, qui pro beneficio non gratiam, verum mercedem postulet; contra autem de

pecunia ratiocinari sordidum esse, cum de gratia referunda deliberetur; et, se pretium non pro facto, sed honorem ita, ut factitatum sit, pro beneficio postulare. Ac de constitutionibus quidem satis dictum est: nunc de iis controversiis, quae in scripto versantur, dicendum videtur.

[116] In scripto versatur controversia, cum ex scriptionis ratione aliquid dubii nascitur. Id fit ex ambiguo, ex scripto et sententia, ex contrariis legibus, ex ratiocinatione, ex definitione.Ex ambiguo autem nascitur controversia, cum, quid senserit scriptor, obscurum est, quod scriptum duas pluresve res significat, ad hunc modum: paterfamilias, cum filium heredem faceret, vasorum argenteorum centum pondo uxori suae sic legavit: “ HERES MEUS UXORI MEAE VASORUM ARGENTEORUM PONDO CENTUM, QUAE VOLET, DATO “. Post mortem eius vasa magnifica et pretiose caelata petit a filio mater. Ille se, quae ipse vellet, debere dicit.Primum, si fieri poterit, demonstrandum est non esse ambigue scriptum, propterea quod omnes in consuetudine sermonis sic uti solent eo verbo uno pluribusve in eam sententiam, in quam is, qui dicet, accipiendum esse demonstrabit.

[117] Deinde ex superiore et ex inferiore scriptura docendum id, quod quaeratur, fieri perspicuum. Quare si ipsa separatim ex se verba considerentur, omnia aut pleraque ambigua visum iri; quae autem ex omni considerata scriptura perspicua fiant, haec ambigua non oportere existimare. Deinde, qua in sententia scriptor fuerit, ex ceteris eius scriptis et ex factis, dictis, animo atque vita eius sumi oportebit et eam ipsam scripturam, in qua inerit illud ambiguum, de quo quaeretur, totam omnibus ex partibus pertemptare, si quid aut ad id appositum sit, quod nos interpretemur, aut ei, quod adversarius intellegat, adversetur. Nam facile, quid veri simile sit eum voluisse, qui scripsit, ex omni scriptura et ex persona scriptoris atque iis rebus, quae personis attributae sunt, considerabitur.

[118] Deinde erit demonstrandum, si quid ex re ipsa dabitur facultatis, id, quod adversarius intellegat, multo minus commode fieri posse, quam id, quod nos accipimus, quod illius rei neque administratio neque exitus ullus exstet; nos quod dicamus, facile et commode transigi posse; ut in hac lege - nihil enim prohibet fictam exempli loco ponere, quo facilius res intellegatur -: “ MERETRIX

CORONAM AUREAM NE HABETO; SI HABUERIT, PUBLICA ESTO “, contra eum, qui meretricem publicari dicat ex lege oportere, possit dici neque administrationem esse ullam publicae meretricis neque exitum legis in meretrice publicanda, at in auro publicando et administrationem et exitum facilem esse et incommodi nihil inesse.

[119] Ac diligenter illud quoque adtendere oportebit, num illo probato, quod adversarius intellegat, res utilior aut honestior aut magis necessaria ab scriptore neglecta videatur. Id fiet, si id, quod nos demonstrabimus, honestum aut utile aut necessarium demonstrabimus, et si id, quod ab adversariis dicetur, minime eiusmodi esse dicemus. Deinde si in lege erit ex ambiguo controversia, dare operam oportebit, ut de eo, quod adversarius intellegat, alia in re lege cautum esse doceatur.

[120] Permultum autem proficiet illud demonstrare, quemadmodum scripsisset, si id, quod adversarius accipiat, fieri aut intellegi voluisset, ut in hac causa, in qua de vasis argenteis quaeritur, possit mulier dicere nihil adtinuisse adscribi “ QUAE VOLET “, si heredis voluntati permitteret. Eo enim non adscripto nihil esse dubitationis, quin heres, quae ipse vellet, daret. Amentiae igitur fuisse, cum heredi vellet cavere, id adscribere, quo non adscripto nihilominus heredi caveretur.

[121] Quare hoc genere magnopere talibus in causis uti oportebit: “Hoc modo scripsisset, isto verbo usus non esset, non isto loco verbum istud conlocasset.” Nam ex his sententia scriptoris maxime perspicitur. Deinde quo tempore scriptum sit, quaerendum est, ut, quid eum voluisse in eiusmodi tempore veri simili sit, intellegatur. Post ex deliberationis partibus, quid utilius et quid honestius et illi ad scribendum et his ad conprobandum sit, demonstrandum; et ex his, si quid amplificationis dabitur, communibus utrimque locis uti oportebit.Ex scripto et sententia controversia consistit, cum alter verbis ipsis, quae scripta sunt, utitur, alter ad id, quod scriptorem sensisse dicet, omnem adiungit dictionem.

[122] Scriptoris autem sententia ab eo, qui sententia se defendet, tum semper ad idem spectare et idem velle demonstrabitur; tum ex facto aut ex eventu aliquo ad tempus id, quod instituit, accommodabitur.Semper ad idem spectare, hoc modo: paterfamilias cum liberorum haberet nihil, uxorem autem haberet, in testamento ita

scripsit: “ SI MIHI FILIUS GENITUR UNUS PLURESVE, IS MIHI HERES ESTO “. Deinde quae assolent. Postea: “ SI FILIUS ANTE MORITUR, QUAM IN TUTELAM SUAM VENERIT, TUM MIHI “, dicet, “ HERES ESTO “. Filius natus non est. Ambigunt adgnati cum eo, qui est heres, si filius ante, quam in tutelam veniat, mortuus sit.

[123] In hoc genere non potest hoc dici, ad tempus et ad eventum aliquem sententiam scriptoris oportere accommodari, propterea quod ea sola esse demonstratur, qua fretus ille, qui contra scriptum dicit, suam esse hereditatem defendit.Aliud autem genus est eorum, qui sententiam inducunt, in quo non simplex voluntas scriptoris ostenditur, quae in omne tempus et in omne factum idem valeat, sed ex quodam facto aut eventu ad tempus interpretanda dicitur. Ea partibus iuridicialis assumptivae maxime sustinetur. Nam tum inducitur comparatio, ut in eo, qui, cum lex aperiri portas noctu vetaret, aperuit quodam in bello et auxilia quaedam in oppidum recepit, ne ab hostibus opprimerentur, si foris essent, quod prope muros hostes castra haberent; [124] tum relatio criminis, ut in eo milite, qui, cum communis lex omnium hominem occidere vetaret, tribunum militum [suum], qui vim sibi afferre conaretur, occidit; tum remotio criminis, ut in eo, qui, cum lex, quibus diebus in legationem proficisceretur, praestituerat, quia sumptum quaestor non dedit, profectus non est; tum concessio per purgationem et per inprudentiam, ut in vituli immolatione, et per vim, ut in nave rostrata, et per casum, ut in Eurotae magnitudine. Quare aut ita sententia inducetur, ut unum quiddam voluisse scriptor demonstretur, aut sic, ut in eiusmodi re et tempore hoc voluisse doceatur.

[125] Ergo is, qui scriptum defendet, his locis plerumque omnibus, maiore autem parte semper poterit uti: primum scriptoris conlaudatione et loco communi, nihil eos, qui iudicent, nisi id, quod scriptum, spectare oportere; et hoc eo magis, si legitimum scriptum proferetur, id est aut lex ipsa aut aliquid ex lege; postea, quod vehementissimum est, facti aut intentionis adversariorum cum ipso scripto contentione, quid scriptum sit, quid factum, quid iuratus iudex; quem locum multis modis variare oportebit, tum ipsum secum admirantem, quidnam contra dici possit, tum ad iudicis officium revertentem et ab eo quaerentem, quid praeterea audire aut

exspectare debeat; tum ipsum adversarium quasi in testis loco producendo, hoc est interrogando, utrum scriptumne neget esse eo modo, an ab se contra factum esse aut contra contendi neget; utrum negare ausus sit, se dicere desiturum.

[126] Si neutrum neget et contra tamen dicat: nihil esse quo hominem inpudentiorem quisquam se visurum arbitretur. In hoc ita commorari conveniet, quasi nihil praeterea dicendum sit et quasi contra dici nihil possit, saepe id, quod scriptum est, recitando, saepe cum scripto factum adversarii confligendo atque interdum acriter ad iudicem ipsum revertendo. Quo in loco iudici demonstrandum est, quid iuratus sit, quid sequi debeat: duabus de causis iudicem dubitare oportere, si aut scriptum sit obscure aut neget aliquid adversarius;

[127] cum et scriptum aperte sit et adversarius omnia confiteatur, tum iudicem legi parere, non interpretari legem oportere.Hoc loco confirmato tum diluere ea, quae contra dici poterunt, oportebit. Contra autem dicetur, si aut prorsus aliud sensisse scriptor et scripsisse aliud demonstrabitur, ut in illa de testamento, quam posuimus, controversia, aut causa assumptiva inferetur, quamobrem scripto non potuerit aut non oportuerit optemperari.

[128] Si aliud sensisse scriptor, aliud scripsisse dicetur, is, qui scripto utetur, haec dicet: non oportere de eius voluntate nos argumentari, qui, ne id facere possemus, indicium nobis reliquerit suae voluntatis; multa incommoda consequi, si instituatur, ut ab scripto recedatur. Nam et eos, qui aliquid scribant, non existimaturos id, quod scripserint, ratum futurum, et eos, qui iudicent, certum, quod sequantur, nihil habituros, si semel ab scripto recedere consueverint. Quodsi voluntas scriptoris conservanda sit, se, non adversarios, a voluntate eius stare. Nam multo propius accedere ad scriptoris voluntatem eum, qui ex ipsius eam litteris interpretetur, quam illum, qui sententiam scriptoris non ex ipsius scripto spectet, quod ille suae voluntatis quasi imaginem reliquerit, sed domesticis suspicionibus perscrutetur.

[129] Sin causam afferet is, qui a sententia stabit, primum erit contra dicendum: quam absurdum non negare contra legem fecisse, sed, quare fecerit, causam aliquam invenire; deinde conversa esse omnia: ante solitos esse accusatores iudicibus persuadere, adfinem esse alicuius culpae eum, qui accusaretur, causam proferre, quae eum

ad peccandum impulisset; - nunc ipsum reum causam afferre, quare deliquerit.

[130] Deinde hanc inducere partitionem, cuius in singulas partes multae convenient argumentationes: primum, nulla in lege ullam causam contra scriptum accipi convenire; deinde, si in ceteris legibus conveniat, hanc esse eiusmodi legem, ut in ea non oporteat; postremo, si in hac quoque lege oporteat, hanc quidem causam accipi minime oportere. Prima pars his fere locis confirmabitur: scriptori neque ingenium neque operam neque ullam facultatem defuisse, quo minus aperte posset perscribere id, quod cogitaret; non fuisse ei grave nec difficile eam causam excipere, quam adversarii proferant, si quicquam excipiendum putasset: consuesse eos, qui leges scribant, exceptionibus uti.

[131] Deinde oportet recitare leges cum exceptionibus scriptas et maxime videre, ecquae in ea ipsa lege, qua de agatur, sit exceptio aliquo in capite aut apud eundem legis scriptorem, quo magis probetur eum fuisse excepturum, si quid excipiendum putaret; et ostendere causam accipere nihil aliud esse nisi legem tollere, ideo quod, cum semel causa consideretur, nihil attineat eam ex lege considerare, quippe quae in lege scripta non sit. Quod si sit institutum, omnibus dari causam et potestatem peccandi, cum intellexerint vos ex ingenio eius, qui contra legem fecerit, non ex lege, in quam iurati sitis, rem iudicare; deinde et ipsis iudicibus iudicandi et ceteris civibus vivendi rationes perturbatum iri, si semel ab legibus recessum sit; [132] nam et iudices neque, quid sequantur, habituros, si ab eo, quod scriptum sit, recedant, neque, quo pacto aliis probare possint, quod contra legem iudicarint; et ceteros cives, quid agant, ignoraturos, si ex suo quisque consilio et ex ea ratione, quae in mentem aut in libidinem venerit, non ex communi praescripto civitatis unam quamque rem administrabit; postea quaerere ab iudicibus ipsis, quare in alienis detineantur negotiis; cur rei publicae munere impediantur, quo setius suis rebus et commodis servire possint; cur in certa verba iurent; cur certo tempore conveniant, cur certo discedant, nihil quisquam afferat causae, quo minus frequenter operam rei publicae det, nisi quae causa in lege excepta sit; an se legibus obstrictos in tantis molestiis esse aequum censeant, adversarios nostros leges neglegere concedant.

[133] Deinde item quaerere ab iudicibus, si eius rei [causa], propter quam se reus contra legem fecisse dicat, exceptionem ipse in lege adscribat, passurine sint; [postea] hoc, quod faciat, indignius et inpudentius esse, quam si adscribat; age porro, quid? Si ipsi vellent iudices adscribere, passurusne sit populus? Atque hoc esse indignius, quam rem verbo et litteris mutare non possint, eam re ipsa et iudicio maximo commutare.

[134] Deinde indignum esse de lege aliquid derogari aut legem abrogari aut aliqua ex parte commutari, cum populo cognoscendi et probandi aut inprobandi potestas nulla fiat; hoc ipsis iudicibus invidiosissimum futurum; non hunc locum esse neque hoc tempus legum corrigendarum; apud populum haec et per populum agi convenire; quodsi nunc id agant, velle se scire, qui lator sit, qui sint accepturi; se factiones videre et dissuadere velle; quodsi haec cum summe inutilia tum multo turpissima sint, legem, cuicuimodi sint, in praesentia conservari ab iudicibus, post, si displiceat, a populo corrigi convenire; deinde, si scriptum non exstaret, magnopere quaereremus neque isti, ne si extra periculum quidem esset, crederemus; nunc cum scriptum sit, amentiam esse eius [rei], qui peccarit, potius quam legis ipsius verba cognoscere. His et huiusmodi rationibus ostenditur causam extra scriptum accipi non oportere.

[135] Secunda pars est, in qua est ostendendum, si in ceteris legibus oporteat, in hac non oportere. Hoc demonstrabitur, si lex aut ad res maximas, utilissimas, honestissimas, religiosissimas videbitur pertinere; aut inutile aut turpe aut nefas esse tali in re non diligentissime legi optemperare; aut ita lex diligenter perscripta demonstrabitur, ita cautum una quaque de re, ita, quod oportuerit, exceptum, ut minime conveniat quicquam in tam diligenti scriptura praeteritum arbitrari.Tertius est locus ei, qui pro scripto dicet, maxime necessarius, per quem oportet ostendat, si conveniat causam contra scriptum accipi, eam tamen minime oportere, quae ab adversariis afferatur.

[136] Qui locus idcirco est huic necessarius, quod semper is, qui contra scriptum dicet, aequitatis aliquid afferat oportet. Nam summa inpudentia sit eum, qui contra quam scriptum sit aliquid probare velit, non aequitatis praesidio id facere conari. Si quid igitur ex hac ipsa [quippiam] accusator derogat, omnibus partibus iustius et probabilius accusare videatur. Nam superior oratio hoc omnis faciebat, ut, iudices etiamsi nollent, necesse esset; haec autem, etiamsi necesse non esset, ut vellent contra iudicare.

[137] Id autem fiet, si, quibus ex locis culpa demonstrabitur esse in eo, qui comparatione aut remotione aut relatione criminis aut concessionis partibus se defendet - de quibus ante, ut potuimus, diligenter perscripsimus -, si de iis locis, quae res postulabit, ad causam adversariorum inprobandam transferemus; aut causae et rationes afferentur, quare et quo consilio ita sit in lege aut in testamento scriptum, ut sententia quoque et voluntate scriptoris, non ipsa solum scriptura causa confirmata esse videatur; aut aliis quoque constitutionibus factum coarguetur.

[138] Contra scriptum autem qui dicet, primum inducet eum locum, per quem aequitas causae demonstretur; aut ostendet, quo animo, quo consilio, qua de causa fecerit; et, quamcumque causam assumet, assumptionis partibus se defendet, de quibus ante dictum est. Atque in hoc loco cum diutius commoratus sui facti rationem et aequitatem causae exornaverit, tum ex his locis fere contra adversarios dicet oportere causas accipi. Demonstrabit nullam esse legem, quae aliquam rem inutilem aut iniquam fieri velit; omnia supplicia, quae ab legibus proficiscantur, culpae ac malitiae vindicandae causa constituta esse;

[139] scriptorem ipsum, si exsistat, factum hoc probaturum et idem ipsum, si ei talis res accidisset, facturum fuisse; ea re legis scriptorem certo ex ordine iudices certa aetate praeditos constituisse, ut essent, non qui scriptum suum recitarent, quod quivis puer facere posset, sed qui cogitatione assequi possent et voluntatem interpretari; deinde illum scriptorem, si scripta sua stultis hominibus et barbaris iudicibus committeret, omnia summa diligentia perscripturum fuisse; nunc vero, quod intellegeret, quales viri res iudicaturi essent, idcirco eum, quae perspicua videret esse, non adscripsisse: neque enim vos

scripti sui recitatores, sed voluntatis interpretes fore putavit.

[140] Postea quaerere ab adversariis: “Quid, si hoc fecissem? Quid, si hoc accidisset? Eorum aliquid, in quibus aut causa sit honestissima aut necessitudo certissima: tamenne accusaretis?” Atqui lex nusquam excepit; non ergo omnia scriptis, sed quaedam, quae perspicua sint, tacitis exceptionibus caveri; deinde nullam rem neque legibus neque scriptura ulla, denique ne in sermone quidem cotidiano atque imperiis domesticis recte posse administrari, si unus quisque velit verba spectare et non ad voluntatem eius, qui ea verba habuerit, accedere; [141] deinde ex utilitatis et honestatis partibus ostendere, quam inutile aut quam turpe sit id, quod adversarii dicant fieri oportuisse aut oportere, et id, quod nos fecerimus aut postulemus, quam utile aut quam honestum sit; deinde leges nobis caras esse non propter litteras, quae tenues et obscurae notae sint voluntatis, sed propter earum rerum, quibus de scriptum est, utilitatem et eorum, qui scripserint, sapientiam et diligentiam; postea, quid sit lex, describere, ut ea videatur in sententiis, non in verbis consistere; et iudex is videatur legi optemperare, qui sententiam eius, non qui scripturam sequatur; deinde, quam indignum sit eodem affici supplicio eum, qui propter aliquod scelus et audaciam contra leges fecerit, et eum, qui honesta aut necessaria de causa non ab sententia, sed ab litteris legis recesserit; atque his et huiusmodi rationibus et accipi causam et in hac lege accipi et eam causam, quam ipse afferat, oportere accipi demonstrabit.

[142] Et quemadmodum ei dicebamus, qui ab scripto diceret, hoc fore utilissimum, si quid de aequitate ea, quae cum adversario staret, derogasset, sic huic, qui contra scriptum dicet, plurimum proderit, ex ipsa scriptura aliquid ad suam causam convertere aut ambigue aliquid scriptum ostendere; deinde ex illo ambiguo eam partem, quae sibi prosit, defendere aut verbi definitionem inducere et illius verbi vim, quo urgeri videatur, ad suae causae commodum traducere aut ex scripto non scriptum aliquid inducere per ratiocinationem, de qua post dicemus.

[143] Quacumque autem in re, quamvis leviter probabili, scripto ipso se defenderit, cum aequitate causa abundabit, necessario multum proficiet, ideo quod, si id, quo nititur adversariorum causa, subduxerit, omnem eius illam vim et acrimoniam lenierit ac

diluerit.Loci autem communes ceteris ex assumptionis partibus in utramque partem convenient. Praeterea autem eius, qui a scripto dicet: leges ex se, non ex eius, qui contra commiserit, utilitate spectari oportere et legibus antiquius haberi nihil oportere. Contra scriptum: leges in consilio scriptoris et utilitate communi, non in verbis consistere; quam indignum sit aequitatem litteris urgeri, quae voluntate eius, qui scripserit, defendatur.

[144] Ex contrariis autem legibus controversia nascitur, cum inter se duae videntur leges aut plures discrepare, hoc modo: lex: " QUI TYRANNUM OCCIDERIT, OLYMPIONICARUM PRAEMIA CAPITO ET QUAM VOLET SIBI REM A MAGISTRATU DEPOSCITO ET MAGISTRATUS EI CONCEDITO ". Et altera lex: " TYRANNO OCCISO QUINQUE EIUS PROXIMOS COGNATIONE MAGISTRATUS NECATO ". Alexandrum, qui apud Pheraeos in Thessalia tyrannidem occuparat, uxor sua, cui Thebe nomen fuit, noctu, cum simul cubaret, occidit. Haec filium suum, quem ex tyranno habebat, sibi in praemii loco deposcit. Sunt qui ex lege occidi puerum dicant oportere. Res in iudicio est.In hoc genere utramque in partem idem loci atque eadem praecepta convenient, ideo quod uterque suam legem confirmare, contrariam infirmare debebit.

[145] Primum igitur leges oportet contendere considerando, utra lex ad maiores, hoc est ad utiliores, ad honestiores ac magis necessarias res pertineat; ex quo conficitur, ut, si leges duae aut si plures erunt, [aut] quotquot erunt, conservari non possint, quia discrepent inter se, sed ea maxime conservanda putetur, quae ad maximas res pertinere videatur; deinde, utra lex posterius lata sit; nam postrema quaeque gravissima est; deinde, utra lex iubeat aliquid, utra permittat; nam id, quod imperatur, necessarium, illud, quod permittitur, voluntarium est; deinde, in utra lege, si non optemperatum sit, poena adiciatur aut in utra maior poena statuatur; [146] nam maxime conservanda est ea, quae diligentissime sancta est; deinde, utra lex iubeat, utra vetet: nam saepe ea, quae vetat, quasi exceptione quadam corrigere videatur illam, quae iubet; deinde, utra lex de genere omni, utra de parte quadam; utra communiter in plures, utra in aliquam certam rem scripta videatur; nam quae in partem aliquam et quae in certam quandam rem scripta est, propius ad causam accedere videtur et ad

iudicium magis pertinere; deinde, ex lege utrum statim fieri necesse sit, utrum habeat aliquam moram et sustentationem; nam id, quod statim faciendum sit, perfici prius oportet;

[147] deinde operam dare, ut sua lex ipso scripto videatur niti, contraria autem aut per ambiguum aut per ratiocinationem aut per definitionem induci, <cum> sanctius et firmius id videatur esse, quod apertius scriptum sit; deinde suae legis ad scriptum ipsum sententiam quoque adiungere, contrariam legem item ad aliam sententiam transducere, ut, si fieri poterit, ne discrepare quidem videantur inter se; postremo facere, si causa facultatem dabit, ut nostra ratione utraque lex conservari videatur, adversariorum ratione altera sit necessario neglegenda.Locos autem communes et, quos ipsa causa det, videre oportebit et ex utilitatis et ex honestatis amplissimis partibus sumere demonstrantem per amplificationem, ad utram potius legem accedere oporteat.

[148] Ex ratiocinatione nascitur controversia, cum ex eo, quod uspiam est, ad id, quod nusquam scriptum est, venitur, hoc pacto: lex: “ SI FURIOSUS EST, AGNATUM GENTILIUMQUE IN EO PECUNIAQUE EIUS POTESTAS ESTO “. Et lex: “ PATERFAMILIAS UTI SUPER FAMILIA PECUNIAQUE SUA LEGASSIT, ITA IUS ESTO “. Et lex: “ SI PATERFAMILIAS INTESTATO MORITUR, FAMILIA PECUNIAQUE EIUS AGNATUM GENTILIUMQUE ESTO “.

[149] Quidam iudicatus est parentem occidisse et statim, quod effugiendi potestas non fuit, ligneae soleae in pedes inditae sunt; os autem obvolutum est folliculo et praeligatum; deinde est in carcerem deductus, ut ibi esset tantisper, dum culleus, in quem coniectus in profluentem deferretur, compararetur. Interea quidam eius familiares in carcerem tabulas afferunt et testes adducunt; heredes, quos ipse iubet, scribunt; tabulae obsignantur. De illo post supplicium sumitur. Inter eos, qui heredes in tabulis scripti sint, et inter agnatos de hereditate controversia est. Hic certa lex, quae testamenti faciendi iis, qui in eo loco sint, adimat potestatem, nulla profertur. Ex ceteris legibus et quae hunc ipsum supplicio eiusmodi afficiunt et quae ad testamenti faciendi potestatem pertinent, per ratiocinationem veniundum est ad eiusmodi rationem, ut quaeratur, habueritne testamenti faciendi potestatem.

[150] Locos autem communes in hoc genere argumentandi hos et huiusmodi quosdam esse arbitramur: primum eius scripti, quod proferas, laudationem et confirmationem; deinde eius rei, qua de quaeratur, cum eo, de quo constet, collationem eiusmodi, ut id, de quo quaeritur, ei, de quo constet, simile esse videatur; postea admirationem per contentionem, qui fieri possit, ut, qui hoc aequum esse concedat, illud neget, quod aut aequius aut eodem sit in genere; deinde idcirco de hac re nihil esse scriptum, quod, cum de illa esset scriptum, de hac is, qui scribebat, dubitaturum neminem arbitratus sit; [151] postea multis in legibus multa praterita esse, quae idcirco praeterita nemo arbitretur, quod ex ceteris, de quibus scriptum sit, intellegi possint; deinde aequitas rei demonstranda est, ut in iuridiciali absoluta.Contra autem qui dicet, similitudinem infirmare debebit; quod faciet, si demonstrabit illud, quod conferatur, diversum esse genere, natura, vi, magnitudine, tempore, loco, persona, opinione; si, quo in numero illud, quod per similitudinem afferetur, et quo in loco illud, cuius causa afferetur, haberi conveniat, ostendetur; deinde, quid res cum re differat, demonstrabitur, ut non idem videatur de utraque existimari oportere.

[152] Ac, si ipse quoque poterit ratiocinationibus uti, isdem rationibus, quibus ante praedictum est, utetur; si non poterit, negabit oportere quicquam, nisi quod scriptum sit, considerare; multas de similibus rebus et in unam quamque rem tamen singulas esse leges: omnia posse inter se vel similia vel dissimilia demonstrari. Loci communes: a ratiocinatione, oportere coniectura ex eo, quod scriptum sit, ad id, quod non sit scriptum, pervenire; et neminem posse omnes res per scripturam amplecti, sed eum commodissime scribere, qui curet, ut quaedam ex quibusdam intellegantur; [153] contra ratiocinationem huiusmodi: coniecturam divinationem esse et stulti scriptoris esse non posse omnibus de rebus cavere, quibus velit. Definitio est, cum in scripto verbum aliquod est positum, cuius de vi quaeritur, hoc modo: lex: “ QUI IN ADVERSA TEMPESTATE NAVEM RELIQUERINT, OMNIA AMITTUNTO; EORUM NAVIS ET ONERA SUNTO, QUI IN NAVE REMANSERINT “. Duo quidam, cum iam in alto navigarent, et cum eorum alterius navis, alterius onus esset, naufragum quendam natantem et manus ad se tendentem animum adverterunt; misericordia commoti navem ad

eum adplicarunt, hominem ad se sustulerunt.

[154] Postea aliquanto ipsos quoque tempestas vehementius iactare coepit, usque adeo, ut dominus navis, cum idem gubernator esset, in scapham confugeret et inde funiculo, qui a puppi religatus scapham adnexam trahebat, navi, quod posset, moderaretur, ille autem, cuius merces erant, in gladium in navi ibidem incumberet. Hic ille naufragus ad gubernaculum accessit et navi, quod potuit, est opitulatus. Sedatis autem fluctibus et tempestate iam commutata navis in portum pervehitur. Ille autem, qui in gladium incubuerat, leviter saucius facile ex vulnere est recreatus. Navem cum onere horum trium suam quisque esse dicit. Hic omnes scripto ad causam accedunt et ex nominis vi nascitur controversia. Nam et relinquere navem et remanere in navi, denique navis ipsa quid sit, definitionibus quaeretur. Isdem autem ex locis omnibus, quibus definitiva constitutio, tractabitur.

[155] Nunc expositis iis argumentationibus, quae in iudiciale causarum genus adcommodantur, deinceps in deliberativum genus et demonstrativum argumentandi locos et praecepta dabimus, non quo non in aliqua constitutione omnis semper causa versetur, sed quia proprii tamen harum causarum quidam loci sunt, non a constitutione separati, sed ad fines horum generum accommodati.

[156] Nam placet in iudiciali genere finem esse aequitatem, hoc est partem quandam honestatis. In deliberativo autem Aristoteli placet utilitatem, nobis et honestatem et utilitatem, in demonstrativo honestatem. Quare in [hoc] quoque genere causae quaedam argumentationes communiter ac similiter tractabuntur, quaedam separatius ad finem, quo referri omnem orationem oportet, adiungentur. Atque unius cuiusque constitutionis exemplum subponere non gravaremur, nisi illud videremus, quemadmodum res obscurae dicendo fierent apertiores, sic res apertas obscuriores fieri oratione.Nunc ad deliberationis praecepta pergamus.

[157] Rerum expetendarum tria genera sunt; par autem numerus vitandarum ex contraria parte. Nam est quiddam, quod sua vi nos adliciat ad sese, non emolumento captans aliquo, sed trahens sua dignitate, quod genus virtus, scientia, veritas. Est aliud autem non propter suam vim et naturam, sed propter fructum atque utilitatem petendum; quod <genus> pecunia est. Est porro quiddam ex horum

partibus iunctum, quod et sua vi et dignitate nos inlectos ducit et prae se quandam gerit utilitatem, quo magis expetatur, ut amicitia, bona existimatio. Atque ex his horum contraria facile tacentibus nobis intellegentur.

[158] Sed ut expeditius ratio tradatur, ea, quae posuimus, brevi nominabuntur. Nam, in primo genere quae sunt, honesta appellabuntur; quae autem in secundo, utilia. Haec autem tertia, quia partem honestatis continent et quia maior est vis honestatis, iuncta esse omnino et duplici genere intelleguntur, sed in meliorem partem vocabuli conferantur et honesta nominentur. Ex his illud conficitur, ut petendarum rerum partes sint honestas et utilitas, vitandarum turpitudo et inutilitas. His igitur duabus rebus res duae grandes sunt adtributae, necessitudo et affectio; quarum altera ex vi, altera ex re et personis consideratur. De utraque post apertius perscribemus: nunc honestatis rationes primum explicemus.

[159] Quod aut totum aut aliqua ex parte propter se petitur, honestum nominabimus. Quare, cum eius duae partes sint, quarum altera simplex, altera iuncta sit, simplicem prius consideremus. Est igitur in eo genere omnes res una vi atque uno nomine amplexa virtus. Nam virtus est animi habitus naturae modo atque rationi consentaneus. Quamobrem omnibus eius partibus cognitis tota vis erit simplicis honestatis considerata. Habet igitur partes quattuor: prudentiam, iustitiam, fortitudinem, temperantiam.

[160] P r u d e n t i a est rerum bonarum et malarum neutrarumque scientia. Partes eius: m e m o r i a, i n t e l l e g e n t i a, p r o v i d e n t i a. Memoria est, per quam animus repetit illa, quae fuerunt; intellegentia, per quam ea perspicit, quae sunt; providentia, per quam futurum aliquid videtur ante quam factum est.Iustitia est habitus animi communi utilitate conservata suam cuique tribuens dignitatem. Eius initium est ab natura profectum; deinde quaedam in consuetudinem ex utilitatis ratione venerunt: postea res et ab natura profectas et ab consuetudine probatas legum metus et religio sanxit.

[161] Naturae ius est, quod non opinio genuit, sed quaedam in natura vis insevit, ut religionem, pietatem, gratiam, vindicationem, observantiam, veritatem.

R e l i g io est, quae superioris cuiusdam naturae, quam divinam

vocant, curam caerimoniamque affert;
p i e t a s, per quam sanguine coniunctis patriaeque benivolum officium et diligens tribuitur cultus;
g r a t i a, in qua amicitiarum et officiorum alterius memoria et remunerandi voluntas continetur;
v i n d i c a t i o, per quam vis aut iniuria et omnino omne, quod obfuturum est, defendendo aut ulciscendo propulsatur;
o b s e r v a n t ia, per quam homines aliqua dignitate antecedentes cultu quodam et honore dignantur;
v e r i t a s, per quam inmutata ea, quae sunt [ante] aut fuerunt aut futura sunt, dicuntur.

[162] Consuetudine ius est, quod aut leviter a natura tractum aluit et maius fecit usus, ut religionem, aut si quid eorum, quae ante diximus, ab natura profectum maius factum propter consuetudinem videmus, aut quod in morem vetustas vulgi adprobatione perduxit; quod genus pactum est, par, iudicatum. Pactum est, quod inter aliquos convenit; par, quod in omnes aequabile est; iudicatum, de quo alicuius aut aliquorum iam sententiis constitutum est.Lege ius est, quod in eo scripto, quod populo expositum est, ut observet, continetur.

[163] Fortitudo est considerata periculorum susceptio et laborum perpessio. Eius partes m a g n i f i c e n t i a, f i d e n t i a, p a t i e n t i a, p e r s e v e r a n t i a. Magnificentia est rerum magnarum et excelsarum cum animi ampla quadam et splendida propositione cogitatio atque administratio; fidentia est, per quam magnis et honestis in rebus multum ipse animus in se fiduciae certa cum spe conlocavit; patientia est honestatis aut utilitatis causa rerum arduarum ac difficilium voluntaria ac diuturna perpessio; [164] perseverantia est in ratione bene considerata stabilis et perpetua permansio.Temperantia est rationis in libidinem atque in alios non rectos impetus animi firma et moderata dominatio. Eius partes continentia, clementia, modestia. Continentia est, per quam cupiditas consilii gubernatione regitur; clementia, per quam animi temere in odium alicuius iniectionis concitati comitate retinentur; modestia, per quam pudor honesti curam et stabilem comparat auctoritatem. Atque haec omnia propter se solum, ut nihil adiungatur emolumenti, petenda sunt. Quod ut demonstretur, neque ad hoc nostrum

institutum pertinet et a brevitate praecipiendi remotum est.

[165] Propter se autem vitanda sunt non ea modo, quae his contraria sunt, ut fortitudini ignavia et iustitiae iniustitia, verum etiam illa, quae propinqua videntur et finitima esse, absunt autem longissume; quod genus fidentiae contrarium est diffidentia et ea re vitium est; audacia non contrarium, sed appositum est ac propinquum et tamen vitium est. Sic uni cuique virtuti finitimum vitium reperietur, aut certo iam nomine appellatum, ut audacia, quae fidentiae, pertinacia, quae perseverantiae finitima est, superstitio, quae religioni propinqua est, aut sine ullo certo nomine. Quae omnia item uti contraria rerum bonarum in rebus vitandis reponentur.Ac de eo quidem genere honestatis, quod omni ex parte propter se petitur, satis dictum est.

[166] Nunc de eo, in quo utilitas quoque adiungitur, quod tamen honestum vocamus, dicendum videtur. Sunt igitur multa, quae nos cum dignitate tum quoque fructu suo ducunt; quo in genere est gloria, dignitas, amplitudo, amicitia. Gloria est frequens de aliquo fama cum laude; dignitas est alicuius honesta et cultu et honore et verecundia digna auctoritas; amplitudo potentiae aut maiestatis aut aliquarum copiarum magna abundantia; amicitia voluntas erga aliquem rerum bonarum illius ipsius causa, quem diligit, cum eius pari voluntate.

[167] Hic, quia de civilibus causis loquimur, fructus ad amicitiam adiungimus, ut eorum quoque causa petenda videatur, ne forte, qui nos de omni amicitia dicere existimant, reprehendere incipiant. Quamquam sunt qui propter utilitatem modo petendam putant amicitiam; sunt qui propter se solum; sunt qui propter se et utilitatem. Quorum quid verissime constituatur, alius locus erit considerandi. Nunc hoc sic ad usum oratorium relinquatur, utramque propter rem amicitiam esse expetendam.

[168] Amicitiarum autem ratio, quoniam partim sunt religionibus iunctae, partim non sunt, et quia partim veteres sunt, partim novae, partim ab illorum, partim ab nostro beneficio profectae, partim utiliores, partim minus utiles, ex causarum dignitatibus, ex temporum opportunitatibus, ex officiis, ex religionibus, ex vetustatibus habebitur.Utilitas autem aut in corpore posita est aut in extrariis rebus; quarum tamen rerum multo maxima pars ad corporis commodum revertitur, ut in re publica quaedam sunt, quae, ut sic

dicam, ad corpus pertinent civitatis, ut agri, portus, pecunia, classis, nautae, milites, socii, quibus rebus incolumitatem ac libertatem retinent civitates, aliae vero, quae iam quiddam magis amplum et minus necessarium conficiunt, ut urbis egregia exornatio atque amplitudo, ut quaedam excellens pecuniae magnitudo, amicitiarum ac societatem multitudo.

[169] Quibus rebus non illud solum conficitur, ut salvae et incolumes, verum etiam, ut amplae atque potentes sint civitates. Quare utilitatis duae partes videntur esse, incolumitas et potentia. Incolumitas est salutis rata atque integra conservatio; potentia est ad sua conservanda et alterius adtenuanda idonearum rerum facultas. Atque in iis omnibus, quae ante dicta sunt, quid fieri et quid facile fieri possit, oportet considerare. Facile id dicemus, quod sine magno aut sine ullo labore, sumptu, molestia quam brevissimo tempore confici potest; posse autem fieri, quod, quamquam laboris, sumptus, molestiae, longinquitatis indiget atque [aut] omnes aut plurimas aut maximas causas habet difficultatis, tamen his susceptis difficultatibus confieri atque ad exitum perduci potest.

[170] Quoniam ergo de honestate et de utilitate diximus, nunc restat, ut de iis rebus, quas his adtributas esse dicebamus, necessitudine et affectione, perscribamus.Puto igitur esse hanc necessitudinem, cui nulla vi resisti potest, quo ea setius id, quod facere potest, perficiat, quae neque mutari neque leniri potest. Atque, ut apertius hoc sit, exemplo licet vim rei, qualis et quanta sit, cognoscamus. Uri posse flamma ligneam materiam necesse est. Corpus [animal] mortale aliquo tempore interire necesse est; atque ita necesse, ut vis postulat ea, quam modo describebamus, necessitudinis. huiusmodi necessitudines cum in dicendi rationes incident, recte necessitudines appellabuntur; sin aliquae res accident difficiles, in illa superiore, possitne fieri, quaestione considerabimus.

[171] Atque etiam hoc mihi videor videre, esse quasdam cum adiunctione necessitudines, quasdam simplices et absolutas. Nam aliter dicere solemus: “Necesse est Casilinenses se dedere Hannibali”; aliter autem: “Necesse est Casilinum venire in Hannibalis potestatem”. Illic, in superiore, adiunctio est haec: “Nisi si malunt fame perire”; si enim id malunt, non est necesse; hoc inferius non item, propterea quod, sive velint Casilinenses se dedere

sive famem perpeti atque ita perire, necesse est Casilinum venire in Hannibalis potestatem. Quid igitur haec perficere potest necessitudinis distributio? Prope dicam plurimum, cum locus necessitudinis videbitur incurrere. Nam cum simplex erit necessitudo, nihil erit quod multa dicamus, cum eam nulla ratione lenire possimus;

[172] cum autem ita necesse erit, si aliquid effugere aut adipisci elimus, tum adiunctio illa quid habeat utilitatis aut quid honestatis, erit considerandum. Nam si velis attendere, ita tamen, ut id quaeras, quod conveniat ad usum civitatis, reperias nullam esse rem, quam facere necesse sit, nisi propter aliquam causam, quam adiunctionem nominamus; pariter autem esse multas res [necessitatis], ad quas similis adiunctio non accedit; quod genus "[ut] homines [mortales] necesse est interire", sine adiunctione; ut cibo utantur, non necesse est nisi cum illa exceptione "extra quam si nolint fame perire".

[173] Ergo, ut dico, illud, quod adiungitur, semper, cuiusmodi sit, erit considerandum. Nam omni tempore id pertinebit, ut [aut ad honestatem] hoc modo exponenda necessitudo sit: "necesse est, si honeste volumus vivere"; [aut ad incolumitatem, hoc modo:] "necesse est, si incolumes volumus esse"; [aut ad commoditatem, hoc modo:] "necesse est, si sine incommodo volumus vivere".Ac summa quidem necessitudo videtur esse honestatis; huic proxima incolumitatis; tertia ac levissima commoditatis; quae cum his numquam poterit duabus contendere.

[174] Hasce autem inter se saepe necesse est comparari, ut, quamquam praestet honestas incolumitati, tamen, utri potissimum consulendum sit, deliberetur. Cuius rei certum quoddam praescriptum videtur in perpetuum dari posse. Nam, qua in re fieri poterit, ut, cum incolumitati consuluerimus, quod sit in praesentia de honestate delibatum, virtute aliquando et industria recuperetur, incolumitatis ratio videbitur habenda; cum autem id non poterit, honestatis. Ita in huiusmodi quoque re, cum incolumitati videbimur consulere, vere poterimus dicere nos honestatis rationem habere, quoniam sine incolumitate eam nullo tempore possumus adipisci. Qua in re vel concedere alteri vel ad condicionem alterius descendere vel in praesentia quiescere atque aliud tempus exspectare oportebit, [175] modo illud adtendatur, dignane causa videatur ea, quae ad

utilitatem pertinebit, quare de magnificentia aut de honestate quiddam derogetur. Atque in hoc loco mihi caput illud videtur esse, ut quaeramus, quid sit illud, quod si adipisci aut effugere velimus, aliqua res nobis sit necessaria, hoc est, quae sit adiunctio, ut proinde, uti quaeque res erit, elaboremus et gravissimam quamque causam vehementissime necessariam iudicemus.

[176] Af f e c t i o est quaedam ex tempore aut ex negotiorum eventu aut administratione aut hominum studio commutatio rerum, ut non tales, quales ante habitae sint aut plerumque haberi soleant, habendae videantur esse; ut ad hostes transire turpe videatur esse, at non illo animo, quo Ulixes transiit; et pecuniam in mare deicere inutile, at non eo consilio, quo Aristippus fecit. Sunt igitur res quaedam ex tempore et ex consilio, non ex sua natura considerandae; quibus in omnibus, quid tempora petant, quid personis dignum sit, considerandum est et non quid, sed quo quidque animo, quicum, quo tempore quamdiu fiat, attendendum est. His ex partibus ad sententiam dicendam locos sumi oportere arbitramur.

[177] Laudes autem et vituperationes ex iis locis sumentur, qui loci personis sunt adtributi, de quibus ante dictum est. Sin distributius tractare qui volet, partiatur in animum et corpus et extraneas res licebit. Animi [est] virtus, cuius de partibus paulo ante dictum est; corporis valetudo, dignitas, vires, velocitas; extraneae honos, pecunia, adfinitas, genus, amici, patria, potentia, cetera, quae simili esse in genere intellegentur. Atque in his id, quod in omnia, valere oportebit; contraria quoque, quae et qualia sint, intellegentur.

[178] Videre autem in laudando et in vituperando oportebit non tam, quae in corpore aut in extraneis rebus habuerit is, de quo agetur, quam quo pacto his rebus usus sit. Nam fortunam quidem et laudare stultitia et vituperare superbia est, animi autem et laus honesta et vituperatio vehemens est. Nunc quoniam omne in causae genus argumentandi ratio tradita est, de inventione, prima ac maxima parte rhetoricae, satis dictum videtur. Quare, quoniam et una pars ad exitum hoc ac superiore libro perducta est et hic liber non parum continet litterarum, quae restant, in reliquis dicemus.

DE ORATORE AD QUINTUM FRATREM LIBRI TRES (On the Orator)

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LIBER PRIMVS
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LIBER PRIMVS

[I] [1] Cogitanti mihi saepe numero et memoria vetera repetenti perbeati fuisse, Quinte frater, illi videri solent, qui in optima re publica, cum et honoribus et rerum gestarum gloria florerent, eum vitae cursum tenere potuerunt, ut vel in negotio sine periculo vel in otio cum dignitate esse possent; ac fuit cum mihi quoque initium requiescendi atque animum ad utriusque nostrum praeclara studia referendi fore iustum et prope ab omnibus concessum arbitrarer, si infinitus forensium rerum labor et ambitionis occupatio decursu honorum, etiam aetatis flexu constitisset. [2] Quam spem cogitationum et consiliorum meorum cum graves communium temporum tum varii nostri casus fefellerunt; nam qui locus quietis et tranquillitatis plenissimus fore videbatur, in eo maximae moles molestiarum et turbulentissimae tempestates exstiterunt; neque vero nobis cupientibus atque exoptantibus fructus oti datus est ad eas artis, quibus a pueris dediti fuimus, celebrandas inter nosque recolendas. [3] Nam prima aetate incidimus in ipsam perturbationem disciplinae veteris, et consulatu devenimus in medium rerum omnium certamen atque discrimen, et hoc tempus omne post consulatum obiecimus eis fluctibus, qui per nos a communi peste depulsi in nosmet ipsos redundarent. Sed tamen in his vel asperitatibus rerum vel angustiis temporis obsequar studiis nostris et quantum mihi vel fraus inimicorum vel causae amicorum vel res publica tribuet oti, ad scribendum potissimum conferam; [4] tibi vero, frater, neque hortanti deero neque roganti, nam neque auctoritate quisquam apud me plus valere te potest neque voluntate.

[II] Ac mihi repetenda est veteris cuiusdam memoriae non sane satis explicata recordatio, sed, ut arbitror, apta ad id, quod requiris, ut cognoscas quae viri omnium eloquentissimi clarissimique senserint de omni ratione dicendi. [5] Vis enim, ut mihi saepe dixisti, quoniam, quae pueris aut adulescentulis nobis ex commentariolis nostris incohata ac rudia exciderunt, vix sunt hac aetate digna et hoc usu, quem ex causis, quas diximus, tot tantisque consecuti sumus, aliquid eisdem de rebus politius a nobis perfectiusque proferri; solesque non numquam hac de re a me in disputationibus nostris dissentire, quod

ego eruditissimorum hominum artibus eloquentiam contineri statuam, tu autem illam ab elegantia doctrinae segregandam putes et in quodam ingeni atque exercitationis genere ponendam. [6] Ac mihi quidem saepe numero in summos homines ac summis ingeniis praeditos intuenti quaerendum esse visum est quid esset cur plures in omnibus rebus quam in dicendo admirabiles exstitissent; nam quocumque te animo et cogitatione converteris, permultos excellentis in quoque genere videbis non mediocrium artium, sed prope maximarum. [7] Quis enim est qui, si clarorum hominum scientiam rerum gestarum vel utilitate vel magnitudine metiri velit, non anteponat oratori imperatorem? Quis autem dubitet quin belli duces ex hac una civitate praestantissimos paene innumerabilis, in dicendo autem excellentis vix paucos proferre possimus? [8] Iam vero consilio ac sapientia qui regere ac gubernare rem publicam possint, multi nostra, plures patrum memoria atque etiam maiorum exstiterunt, cum boni perdiu nulli, vix autem singulis aetatibus singuli tolerabiles oratores invenirentur. Ac ne qui forte cum aliis studiis, quae reconditis in artibus atque in quadam varietate litterarum versentur, magis hanc dicendi rationem, quam cum imperatoris laude aut cum boni senatoris prudentia comparandam putet, convertat animum ad ea ipsa artium genera circumspiciatque, qui in eis floruerint quamque multi sint; sic facillime, quanta oratorum sit et semper fuerit paucitas, iudicabit.

[III] [9] Neque enim te fugit omnium laudatarum artium procreatricem quandam et quasi parentem eam, quam philosophian Graeci vocant, ab hominibus doctissimis iudicari; in qua difficile est enumerare quot viri quanta scientia quantaque in suis studiis varietate et copia fuerint, qui non una aliqua in re separatim elaborarint, sed omnia, quaecumque possent, vel scientiae pervestigatione vel disserendi ratione comprehenderint. [10] Quis ignorat, ei, qui mathematici vocantur, quanta in obscuritate rerum et quam recondita in arte et multiplici subtilique versentur? Quo tamen in genere ita multi perfecti homines exstiterunt, ut nemo fere studuisse ei scientiae vehementius videatur, quin quod voluerit consecutus sit. Quis musicis, quis huic studio litterarum, quod profitentur ei, qui grammatici vocantur, penitus se dedit, quin omnem illarum artium paene infinitam vim et materiem scientia et cognitione

comprehenderit? [11] Vere mihi hoc videor esse dicturus, ex omnibus eis, qui in harum artium liberalissimis studiis sint doctrinisque versati, minimam copiam poetarum et oratorum egregiorum exstitisse: atque in hoc ipso numero, in quo perraro exoritur aliquis excellens, si diligenter et ex nostrorum et ex Graecorum copia comparare voles, multo tamen pauciores oratores quam poetae boni reperientur. [12] Quod hoc etiam mirabilius debet videri, quia ceterarum artium studia fere reconditis atque abditis e fontibus hauriuntur, dicendi autem omnis ratio in medio posita communi quodam in usu atque in hominum ore et sermone versatur, ut in ceteris id maxime excellat, quod longissime sit ab imperitorum intellegentia sensuque disiunctum, in dicendo autem vitium vel maximum sit a vulgari genere orationis atque a consuetudine communis sensus abhorrere.

[IV] [13] Ac ne illud quidem vere dici potest aut pluris ceteris inservire aut maiore delectatione aut spe uberiore aut praemiis ad perdiscendum amplioribus commoveri. Atque ut omittam Graeciam, quae semper eloquentiae princeps esse voluit, atque illas omnium doctrinarum inventrices Athenas, in quibus summa dicendi vis et inventa est et perfecta, in hac ipsa civitate profecto nulla umquam vehementius quam eloquentiae studia viguerunt. [14] Nam postea quam imperio omnium gentium constituto diuturnitas pacis otium confirmavit, nemo fere laudis cupidus adulescens non sibi ad dicendum studio omni enitendum putavit; ac primo quidem totius rationis ignari, qui neque exercitationis ullam vim neque aliquod praeceptum artis esse arbitrarentur, tantum, quantum ingenio et cogitatione poterant, consequebantur; post autem auditis oratoribus Graecis cognitisque eorum litteris adhibitisque doctoribus incredibili quodam nostri homines discendi studio flagraverunt. [15] Excitabat eos magnitudo, varietas multitudoque in omni genere causarum, ut ad eam doctrinam, quam suo quisque studio consecutus esset, adiungeretur usus frequens, qui omnium magistrorum praecepta superaret; erant autem huic studio maxima, quae nunc quoque sunt, eita praemia vel ad gratiam vel ad opes vel ad dignitatem; ingenia vero, ut multis rebus possumus iudicare, nostrorum hominum multum ceteris hominibus omnium gentium praestiterunt. [16] Quibus de causis quis non iure miretur ex omni memoria aetatum,

temporum, civitatum tam exiguum oratorum numerum inveniri? Sed enim maius est hoc quiddam quam homines opinantur, et pluribus ex artibus studiisque conlectum.

[V] Quid enim quis aliud in maxima discentium multitudine, summa magistrorum copia, praestantissimis hominum ingeniis, infinita causarum varietate, amplissimis eloquentiae propositis praemiis esse causae putet, nisi rei quandam incredibilem magnitudinem ac difficultatem? [17] Est enim et scientia comprehendenda rerum plurimarum, sine qua verborum volubilitas inanis atque inridenda est, et ipsa oratio conformanda non solum electione, sed etiam constructione verborum, et omnes animorum motus, quos hominum generi rerum natura tribuit, penitus pernoscendi, quod omnis vis ratioque dicendi in eorum, qui audiunt, mentibus aut sedandis aut excitandis expromenda est; accedat eodem oportet lepos quidam facetiaeque et eruditio libero digna celeritasque et brevitas et respondendi et lacessendi subtili venustate atque urbanitate coniuncta; [18] tenenda praeterea est omnis antiquitas exemplorumque vis, neque legum ac iuris civilis scientia neglegenda est. Nam quid ego de actione ipsa plura dicam? quae motu corporis, quae gestu, quae vultu, quae vocis conformatione ac varietate moderanda est; quae sola per se ipsa quanta sit, histrionum levis ars et scaena declarat; in qua cum omnes in oris et vocis et motus moderatione laborent, quis ignorat quam pauci sint fuerintque, quos animo aequo spectare possimus? Quid dicam de thesauro rerum omnium, memoria? Quae nisi custos inventis cogitatisque rebus et verbis adhibeatur, intellegimus omnia, etiam si praeclarissima fuerint in oratore, peritura. [19] Quam ob rem mirari desinamus, quae causa sit eloquentium paucitatis, cum ex eis rebus universis eloquentia constet, in quibus singulis elaborare permagnum est, hortemurque potius liberos nostros ceterosque, quorum gloria nobis et dignitas cara est, ut animo rei magnitudinem complectantur neque eis aut praeceptis aut magistris aut exercitationibus, quibus utuntur omnes, sed aliis quibusdam se id quod expetunt, consequi posse confidant.

[VI] [20] Ac mea quidem sententia nemo poterit esse omni laude cumulatus orator, nisi erit omnium rerum magnarum atque artium scientiam consecutus: etenim ex rerum cognitione efflorescat et redundet oportet oratio. Quae, nisi res est ab oratore percepta et

cognita, inanem quandam habet elocutionem et paene puerilem. [21] Neque vero ego hoc tantum oneris imponam nostris praesertim oratoribus in hac tanta occupatione urbis ac vitae, nihil ut eis putem licere nescire, quamquam vis oratoris professioque ipsa bene dicendi hoc suscipere ac polliceri videtur, ut omni de re, quaecumque sit proposita, ornate ab eo copioseque dicatur. [22] Sed quia non dubito quin hoc plerisque immensum infinitumque videatur, et quod Graecos homines non solum ingenio et doctrina, sed etiam otio studioque abundantis partitionem iam quandam artium fecisse video neque in universo genere singulos elaborasse, sed seposuisse a ceteris dictionibus eam partem dicendi, quae in forensibus disceptationibus iudiciorum aut deliberationum versaretur, et id unum genus oratori reliquisse; non complectar in his libris amplius, quam quod huic generi re quaesita et multum disputata summorum hominum prope consensu est tributum; [23] repetamque non ab incunabulis nostrae veteris puerilisque doctrinae quendam ordinem praeceptorum, sed ea, quae quondam accepi in nostrorum hominum eloquentissimorum et omni dignitate principum disputatione esse versata; non quo illa contemnam, quae Graeci dicendi artifices et doctores reliquerunt, sed cum illa pateant in promptuque sint omnibus, neque ea interpretatione mea aut ornatius explicari aut planius exprimi possint, dabis hanc veniam, mi frater, ut opinor, ut eorum, quibus summa dicendi laus a nostris hominibus concessa est, auctoritatem Graecis anteponam.

[VII] [24] Cum igitur vehementius inveheretur in causam principum consul Philippus Drusique tribunatus pro senatus auctoritate susceptus infringi iam debilitarique videretur, dici mihi memini ludorum Romanorum diebus L. Crassum quasi conligendi sui causa se in Tusculanum contulisse; venisse eodem, socer eius qui fuerat, Q. Mucius dicebatur et M. Antonius, homo et consiliorum in re publica socius et summa cum Crasso familiaritate coniunctus. [25] Exierant autem cum ipso Crasso adulescentes et Drusi maxime familiares et in quibus magnam tum spem maiores natu dignitatis suae conlocarent, C. Cotta, qui [tum] tribunatum plebis petebat, et P. Sulpicius, qui deinceps eum magistratum petiturus putabatur. [26] Hi primo die de temporibus deque universa re publica, quam ob causam venerant, multum inter se usque ad extremum tempus diei conlocuti sunt; quo

quidem sermone multa divinitus a tribus illis consularibus Cotta deplorata et commemorata narrabat, ut nihil incidisset postea civitati mali, quod non impendere illi tanto ante vidissent. [27] Eo autem omni sermone confecto, tantam in Crasso humanitatem fuisse, ut, cum lauti accubuissent, tolleretur omnis illa superioris tristitia sermonis eaque esset in homine iucunditas et tantus in loquendo lepos, ut dies inter eos curiae fuisse videretur, convivium Tusculani; [28] postero autem die, cum illi maiores natu satis quiessent et in ambulationem ventum esset, [dicebat] tum Scaevolam duobus spatiis tribusve factis dixisse "cur non imitamur, Crasse, Socratem illum, qui est in Phaedro Platonis? Nam me haec tua platanus admonuit, quae non minus ad opacandum hunc locum patulis est diffusa ramis, quam illa, cuius umbram secutus est Socrates, quae mihi videtur non tam ipsa acula, quae describitur, quam Platonis oratione crevisse, et quod ille durissimis pedibus fecit, ut se abiceret in herba atque ita [illa], quae philosophi divinitus ferunt esse dicta, loqueretur, id meis pedibus certe concedi est aequius." [29] Tum Crassum "immo vero commodius etiam"; pulvinosque poposcisse et omnis in eis sedibus, quae erant sub platano, consedisse dicebat.

[VIII] Ibi, ut ex pristino sermone relaxarentur animi omnium, solebat Cotta narrare Crassum sermonem quendam de studio dicendi intulisse. [30] Qui cum ita esset exorsus: non sibi cohortandum Sulpicium et Cottam, sed magis utrumque conlaudandum videri, quod tantam iam essent facultatem adepti, ut non aequalibus suis solum anteponerentur, sed cum maioribus natu compararentur; "neque vero mihi quicquam" inquit "praestabilius videtur, quam posse dicendo tenere hominum [coetus] mentis, adlicere voluntates, impellere quo velit, unde autem velit deducere: haec una res in omni libero populo maximeque in pacatis tranquillisque civitatibus praecipue semper floruit semperque dominata est. [31] Quid enim est aut tam admirabile, quam ex infinita multitudine hominum exsistere unum, qui id, quod omnibus natura sit datum, vel solus vel cum perpaucis facere possit? Aut tam iucundum cognitu atque auditu, quam sapientibus sententiis gravibusque verbis ornata oratio et polita? aut tam potens tamque magnificum, quam populi motus, iudicum religiones, senatus gravitatem unius oratione converti? [32] Quid tam porro regium, tam liberale, tam munificum, quam opem

ferre supplicibus, excitare adflictos, dare salutem, liberare periculis, retinere homines in civitate? Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis vel provocare integer vel te ulcisci lacessitus? Age vero, ne semper forum, subsellia, rostra curiamque meditere, quid esse potest in otio aut iucundius aut magis proprium humanitatis, quam sermo facetus ac nulla in re rudis? Hoc enim uno praestamus vel maxime feris, quod conloquimur inter nos et quod exprimere dicendo sensa possumus. [33] Quam ob rem quis hoc non iure miretur summeque in eo elaborandum esse arbitretur, ut, quo uno homines maxime bestiis praestent, in hoc hominibus ipsis antecellat? Vt vero iam ad illa summa veniamus, quae vis alia potuit aut dispersos homines unum in locum congregare aut a fera agrestique vita ad hunc humanum cultum civilemque deducere aut iam constitutis civitatibus leges, iudicia, iura describere? [34] Ac ne plura, quae sunt paene innumerabilia, consecter, comprehendam brevi: sic enim statuo, perfecti oratoris moderatione et sapientia non solum ipsius dignitatem, sed et privatorum plurimorum et universae rei publicae salutem maxime contineri. Quam ob rem pergite, ut facitis, adulescentes, atque in id studium, in quo estis, incumbite, ut et vobis honori et amicis utilitati et rei publicae emolumento esse possitis."

[IX] [35] Tum Scaevola comiter, ut solebat, "cetera" inquit "adsentior Crasso, ne aut de C. Laeli soceri mei aut de huius generi aut arte aut gloria detraham; sed illa duo, Crasse, vereor ut tibi possim concedere: unum, quod ab oratoribus civitates et initio constitutas et saepe conservatas esse dixisti, alterum, quod remoto foro, contione, iudiciis, senatu statuisti oratorem in omni genere sermonis et humanitatis esse perfectum. [36] Quis enim tibi hoc concesserit aut initio genus hominum in montibus ac silvis dissipatum non prudentium consiliis compulsum potius quam disertorum oratione delenitum se oppidis moenibusque saepsisse? aut vero reliquas utilitates aut in constituendis aut in conservandis civitatibus non a sapientibus et fortibus viris, sed a disertis ornateque dicentibus esse constitutas? [37] An vero tibi Romulus ille aut pastores et convenas congregasse aut Sabinorum conubia coniunxisse aut finitimorum vim repressisse eloquentia videtur, non consilio et sapientia singulari? Quid? In Numa Pompilio, quid? In Servio Tullio,

quid? In ceteris regibus, quorum multa sunt eximia ad constituendam rem publicam, num eloquentiae vestigium apparet? Quid? Exactis regibus, tametsi ipsam exactionem mente, non lingua perfectam L. Bruti esse cernimus, sed deinceps omnia nonne plena consiliorum, inania verborum videmus? [38] Ego vero si velim et nostrae civitatis exemplis uti et aliarum, plura proferre possim detrimenta publicis rebus quam adiumenta, per homines eloquentissimos importata; sed ut reliqua praetermittam, omnium mihi videor, exceptis, Crasse, vobis duobus, eloquentissimos audisse Ti. et C. Sempronios, quorum pater, homo prudens et gravis, haudquaquam eloquens, et saepe alias et maxime censor saluti reipublicae fuit: atque is non accurata quadam orationis copia, sed nutu atque verbo libertinos in urbanas tribus transtulit, quod nisi fecisset, rem publicam, quam nunc vix tenemus, iam diu nullam haberemus. At vero eius filii diserti et omnibus vel naturae vel doctrinae praesidiis ad dicendum parati, cum civitatem vel paterno consilio vel avitis armis florentissimam accepissent, ista praeclara gubernatrice, ut ais, civitatum eloquentia rem publicam dissipaverunt.

[X] [39] Quid? Leges veteres moresque maiorum; quid? Auspicia, quibus ego et tu, Crasse, cum magna rei publicae salute praesumus; quid? Religiones et caerimoniae; quid? Haec iura civilia, quae iam pridem in nostra familia sine ulla eloquentiae laude versantur, num aut inventa sunt aut cognita aut omnino ab oratorum genere tractata? [40] Equidem et Ser. Galbam memoria teneo divinum hominem in dicendo et M. Aemilium Porcinam et C. ipsum Carbonem, quem tu adulescentulus perculisti, ignarum legum, haesitantem in maiorum institutis, rudem in iure civili; et haec aetas vestra praeter te, Crasse qui tuo magis studio quam proprio munere aliquo disertorum ius a nobis civile didicisti, quod interdum pudeat, iuris ignara est. [41] Quod vero in extrema oratione quasi tuo iure sumpsisti, oratorem in omnis sermonis disputatione copiosissime versari posse, id, nisi hic in tuo regno essemus, non tulissem multisque praeessem, qui aut interdicto tecum contenderent aut te ex iure manum consertum uocarent, quod in alienas possessiones tam temere inruisses. [42] Agerent enim tecum lege primum Pythagorei omnes atque Democritii ceterique in iure sua physici vindicarent [ornati homines in dicendo et graves], quibuscum tibi iusto sacramento contendere non liceret; urgerent

praeterea philosophorum greges iam ab illo fonte et capite Socrate nihil te de bonis rebus in vita, nihil de malis, nihil de animi permotionibus, nihil de hominum moribus, nihil de ratione vitae didicisse, nihil omnino quaesisse, nihil scire convincerent; et cum universi in te impetum fecissent, tum singulae familiae litem tibi intenderent; [43] instaret Academia, quae, quicquid dixisses, id te ipsum negare cogeret; Stoici vero nostri disputationum suarum atque interrogationum laqueis te inretitum tenerent; Peripatetici autem etiam haec ipsa, quae propria oratorum putas esse adiumenta atque ornamenta dicendi, a se peti vincerent oportere, ac non solum meliora, sed etiam multo plura Aristotelem Theophrastumque de istis rebus, quam omnis dicendi magistros scripsisse ostenderent. [44] Missos facio mathematicos, grammaticos, musicos, quorum artibus vestra ista dicendi vis ne minima quidem societate coniungitur. Quam ob rem ista tanta tamque multa profitenda, Crasse, non censeo; satis id est magnum, quod potes praestare, ut in iudiciis ea causa, quamcumque tu dicis, melior et probabilior esse videatur, ut in contionibus et in sententiis dicendis ad persuadendum tua plurimum valeat oratio, denique ut prudentibus diserte, stultis etiam vere videare dicere. Hoc amplius si quid poteris, non id mihi videbitur orator, sed Crassus sua quadam propria, non communi oratorum facultate posse.”.

[XI] [45] Tum ille “non sum” inquit “nescius, Scaevola, ista inter Graecos dici et disceptari solere; audivi enim summos homines, cum quaestor ex Macedonia venissem Athenas, florente Academia, ut temporibus illis ferebatur, cum eam Charmadas et Clitomachus et Aeschines obtinebant; erat etiam Metrodorus, qui cum illis una ipsum illum Carneadem diligentius audierat, hominem omnium in dicendo, ut ferebant, acerrimum et copiosissimum; vigebatque auditor Panaeti illius tui Mnesarchus et Peripatetici Critolai Diodorus; [46] multi erant praeterea clari in philosophia et nobiles, a quibus omnibus una paene voce repelli oratorem a gubernaculis civitatum, excludi ab omni doctrina rerumque maiorum scientia ac tantum in iudicia et contiunculas tamquam in aliquod pistrinum detrudi et compingi videbam; [47] sed ego neque illis adsentiebar neque harum disputationum inventori et principi longe omnium in dicendo gravissimo et eloquentissimo, Platoni, cuius tum Athenis

cum Charmada diligentius legi Gorgiam; quo in libro in hoc maxime admirabar Platonem, quod mihi [in] oratoribus inridendis ipse esse orator summus videbatur. Verbi enim controversia iam diu torquet Graeculos homines contentionis cupidiores quam veritatis. [48] Nam si quis hunc statuit esse oratorem, qui tantummodo in iure aut in iudiciis possit aut apud populum aut in senatu copiose loqui, tamen huic ipsi multa tribuat et concedat necesse est; neque enim sine multa pertractatione omnium rerum publicarum neque sine legum, morum, iuris scientia neque natura hominum incognita ac moribus in his ipsis rebus satis callide versari et perite potest; qui autem haec cognoverit, sine quibus ne illa quidem minima in causis quisquam recte tueri potest, quid huic abesse poterit de maximarum rerum scientia? Sin oratoris nihil vis esse nisi composite, ornate, copiose loqui, quaero, id ipsum qui possit adsequi sine ea scientia, quam ei non conceditis? Dicendi enim virtus, nisi ei, qui dicet, ea, quae dicet, percepta sunt, exstare non potest. [49] Quam ob rem, si ornate locutus est, sicut et fertur et mihi videtur, physicus ille Democritus, materies illa fuit physici,, de qua dixit, ornatus vero ipse verborum oratoris putandus est; et, si Plato de rebus ab civilibus controversiis remotissimis divinitus est locutus, quod ego concedo; si item Aristoteles, si Theophrastus, si Carneades in rebus eis, de quibus disputaverunt, eloquentes et in dicendo suaves atque ornati fuerunt, sint eae res, de quibus disputant, in aliis quibusdam studiis, oratio quidem ipsa propria est huius unius rationis, de qua loquimur et quaerimus. [50] Etenim videmus eisdem de rebus ieiune quosdam et exiliter, ut eum, quem acutissimum ferunt, Chrysippum, disputavisse neque ob eam rem philosophiae non satis fecisse, quod non habuerit hanc dicendi ex arte aliena facultatem.

[XII] Quid ergo interest aut qui discernes eorum, quos nominavi, in dicendo ubertatem et copiam ab eorum exilitate, qui hac dicendi varietate et elegantia non utuntur? Vnum erit profecto, quod ei, qui bene dicunt, adferunt proprium, compositam orationem et ornatam et artificio quodam et expolitione distinctam; haec autem oratio, si res non subest ab oratore percepta et cognita, aut nulla sit necesse est aut omnium inrisione ludatur. [51] Quid est enim tam furiosum, quam verborum vel optimorum atque ornatissimorum sonitus inanis, nulla subiecta sententia nec scientia? Quicquid erit igitur quacumque ex

arte, quocumque de genere, orator id, si tamquam clientis causam didicerit, dicet melius et ornatius quam ipse ille eius rei inventor atque artifex. [52] Nam si quis erit qui hoc dicat, esse quasdam oratorum proprias sententias atque causas et certarum rerum forensibus cancellis circumscriptam scientiam, fatebor equidem in his magis adsidue versari hanc nostram dictionem, sed tamen in his ipsis rebus permulta sunt, quae ipsi magistri, qui rhetorici vocantur, nec tradunt nec tenent. [53] Quis enim nescit maximam vim exsistere oratoris in hominum mentibus vel ad iram aut ad odium aut ad dolorem incitandis vel ab hisce eisdem permotionibus ad lenitatem misericordiamque revocandis? Quae nisi qui naturas hominum vimque omnem humanitatis causasque eas, quibus mentes aut incitantur aut reflectuntur, penitus perspexerit, dicendo quod volet perficere non poterit. [54] Atque totus hic locus philosophorum proprius videtur, neque orator me auctore umquam repugnabit; sed, cum illis cognitionem rerum concesserit, quod in ea solum illi voluerint elaborare, tractationem orationis, quae sine illa scientia est nulla, sibi adsumet; hoc enim est proprium oratoris, quod saepe iam dixi, oratio gravis et ornata et hominum sensibus ac mentibus accommodata.

[XIII] [55] Quibus de rebus Aristotelem et Theophrastum scripsisse fateor; sed vide ne hoc, Scaevola, totum sit a me: nam ego, quae sunt oratori cum illis communia, non mutuor ab illis, isti quae de his rebus disputant, oratorum esse concedunt, itaque ceteros libros artis suae nomine, hos rhetoricos et inscribunt et appellant. [56] Etenim cum illi in dicendo inciderint loci, quod persaepe evenit, ut de dis immortalibus, de pietate, de concordia, de amicitia, de communi civium, de hominum, de gentium iure, de aequitate, de temperantia, de magnitudine animi, de omni virtutis genere sit dicendum, clamabunt, credo, omnia gymnasia atque omnes philosophorum scholae sua esse haec omnia propria, nihil omnino ad oratorem pertinere; [57] quibus ego, ut de his rebus in angulis consumendi oti causa disserant, cum concessero, illud tamen oratori tribuam et dabo, ut eadem, de quibus illi tenui quodam exsanguique sermone disputant, hic cum omni iucunditate et gravitate explicet. Haec ego cum ipsis philosophis [tum] Athenis disserebam; cogebat enim me M. Marcellus hic noster, qui [nunc aedilis curulis est et] profecto,

nisi ludos nunc faceret, huic nostro sermoni interesset; ac iam tum erat adulescentulus his studiis mirifice deditus. [58] Iam vero de legibus constituendis, de bello, de pace, de sociis, de vectigalibus, de iure civium generatim in ordines aetatesque discriptorum dicant vel Graeci, si volunt, Lycurgum aut Solonem - quamquam illos quidem censemus in numero eloquentium reponendos - scisse melius quam Hyperidem aut Demosthenem, perfectos iam homines in dicendo et perpolitos, vel nostri decem viros, qui XII tabulas perscripserunt, quos necesse est fuisse prudentis, anteponant in hoc genere et Ser. Galbae et socero tuo C. Laelio, quos constat dicendi gloria praestitisse. [59] Numquam enim negabo esse quasdam partis proprias eorum, qui in his cognoscendis atque tractandis studium suum omne posuerunt, sed oratorem plenum atque perfectum esse eum, qui de omnibus rebus possit copiose varieque dicere.

[XIV] Etenim saepe in eis causis, quas omnes proprias esse oratorum confitentur,est aliquid, quod non ex usu forensi, quem solum oratoribus conceditis, sed ex obscuriore aliqua scientia sit promendum atque sumendum. [60] Quaero enim num possit aut contra imperatorem aut pro imperatore dici sine rei militaris usu aut saepe etiam sine regionum terrestrium aut maritimarum scientia; num apud populum de legibus iubendis aut vetandis, num in senatu de omni rei publicae genere dici sine summa rerum civilium cognitione et prudentia; num admoveri possit oratio ad sensus animorum atque motus vel inflammandos vel etiam exstinguendos, quod unum in oratore dominatur, sine diligentissima pervestigatione earum omnium rationum, quae de naturis humani generis ac moribus a philosophis explicantur. [61] Atque haud scio an minus vobis hoc sim probaturus; equidem non dubitabo, quod sentio, dicere: physica ista ipsa et mathematica et quae paulo ante ceterarum artium propria posuisti, scientiae sunt eorum, qui illa profitentur, inlustrari autem oratione si quis istas ipsas artis velit, ad oratoris ei confugiendum est facultatem. [62] Neque enim si Philonem illum architectum, qui Atheniensibus armamentarium fecit, constat perdiserte populo rationem operis sui reddidisse, existimandum est architecti potius artificio disertum quam oratoris fuisse; nec, si huic M. Antonio pro Hermodoro fuisset de navalium opere dicendum, non, cum ab illo causam didicisset, ipse ornate de alieno artificio copioseque dixisset;

neque vero Asclepiades, is quo nos medico amicoque usi sumus tum eloquentia vincebat ceteros medicos, in eo ipso, quod ornate dicebat, medicinae facultate utebatur, non eloquentiae. [63] Atque illud est probabilius, neque tamen verum, quod Socrates dicere solebat, omnis in eo, quod scirent, satis esse eloquentis; illud verius, neque quemquam in eo disertum esse posse, quod nesciat, neque, si optime sciat ignarusque sit faciundae ac poliendae orationis, diserte id ipsum, de quo sciat, posse dicere.

[XV] [64] Quam ob rem, si quis universam et propriam oratoris vim definire complectique vult, is orator erit mea sententia hoc tam gravi dignus nomine, qui, quaecumque res inciderit, quae sit dictione explicanda, prudenter et composite et ornate et memoriter dicet cum quadam actionis etiam dignitate. [65] Sin cuipiam nimis infinitum videtur, quod ita posui "quaecumque de re," licet hinc quantum cuique videbitur circumcidat atque amputet, tamen illud tenebo, si, quae ceteris in artibus atque studiis sita sunt, orator ignoret tantumque ea teneat, quae sint in disceptationibus atque usu forensi, tamen his de rebus ipsis si sit ei dicendum, cum cognoverit ab eis, qui tenent, quae sint in quaque re, multo oratorem melius quam ipsos illos, quorum eae sint artes, esse dicturum. [66] Ita si de re militari dicendum huic erit Sulpicio, quaeret a C. Mario adfini nostro et, cum acceperit, ita pronuntiabit, ut ipsi C. Mario paene hic melius quam ipse illa scire videatur; sin de iure civili, tecum communicabit, te hominem prudentissimum et peritissimum in eis ipsis rebus, quas abs te didicerit, dicendi arte superabit. [67] Sin quae res inciderit, in qua de natura, de vitiis hominum, de cupiditatibus, de modo, de continentia, de dolore, de morte dicendum sit, forsitan, si ei sit visum, - etsi haec quidem nosse debet orator -, cum Sex. Pompeio, erudito homine in philosophia, communicarit; hoc profecto efficiet ut, quamcumque rem a quoquo cognoverit, de ea multo dicat ornatius quam ille ipse, unde cognorit. [68] Sed si me audiet, quoniam philosophia in tris partis est tributa, in naturae obscuritatem, in disserendi subtilitatem, in vitam atque mores, duo illa relinquamus atque largiamur inertiae nostrae; tertium vero, quod semper oratoris fuit, nisi tenebimus, nihil oratori, in quo magnus esse possit, relinquemus. [69] Qua re hic locus de vita et moribus totus est oratori perdiscendus; cetera si non didicerit, tamen poterit, si quando opus erit, ornare dicendo, si modo

ad eum erunt delata et ei tradita.

[XVI] Etenim si constat inter doctos, hominem ignarum astrologiae ornatissimis atque optimis versibus Aratum de caelo stellisque dixisse; si de rebus rusticis hominem ab agro remotissimum Nicandrum Colophonium poetica quadam facultate, non rustica, scripsisse praeclare, quid est cur non orator de rebus eis eloquentissime dicat, quas ad certam causam tempusque cognorit? [70] Est enim finitimus oratori poeta, numeris astrictior paulo, verborum autem licentia liberior, multis vero ornandi generibus socius ac paene par; in hoc quidem certe prope idem, nullis ut terminis circumscribat aut definiat ius suum, quo minus ei liceat eadem illa facultate et copia vagari qua velit. [71] Nam quod illud, Scaevola, negasti te fuisse laturum, nisi in meo regno esses, quod in omni genere sermonis, in omni parte humanitatis dixerim oratorem perfectum esse debere: numquam me hercule hoc dicerem, si eum, quem fingo, me ipsum esse arbitrarer. [72] Sed, ut solebat C. Lucilius saepe dicere, homo tibi subiratus, mihi propter eam ipsam causam minus quam volebat familiaris, sed tamen et doctus et perurbanus, sic sentio neminem esse in oratorum numero habendum, qui non sit omnibus eis artibus, quae sunt libero dignae, perpolitus; quibus ipsis si in dicendo non utimur, tamen apparet atque exstat, utrum simus earum rudes an didicerimus: [73] ut qui pila ludunt, non utuntur in ipsa lusione artificio proprio palaestrae, sed indicat ipse motus, didicerintne palaestram an nesciant, et qui aliquid fingunt, etsi tum pictura nihil utuntur, tamen, utrum sciant pingere an nesciant, non obscurum est; sic in orationibus hisce ipsis iudiciorum, contionum, senatus, etiam si proprie ceterae non adhibeantur artes, tamen facile declaratur, utrum is, qui dicat, tantum modo in hoc declamatorio sit opere iactatus an ad dicendum omnibus ingenuis artibus instructus accesserit."

[XVII] [74] Tum ridens Scaevola "non luctabor tecum," inquit "Crasse, amplius; id enim ipsum, quod contra me locutus es, artificio quodam es consecutus, ut et mihi, quae ego vellem non esse oratoris, concederes et ea ipsa nescio quo modo rursus detorqueres atque oratori propria traderes. [75] Quae, cum ego praetor Rhodum venissem et cum summo doctore istius disciplinae Apollonio ea, quae a Panaetio acceperam, contulissem, inrisit ille quidem, ut solebat, philosophiam atque contempsit multaque non tam graviter dixit

quam facete; tua autem fuit oratio eius modi, non ut ullam artem doctrinamve contemneres, sed ut omnis comites ac ministratrices oratoris esse diceres. [76] Quas ego si quis sit unus complexus omnis, idemque si ad eas facultatem istam ornatissimae orationis adiunxerit, non possum dicere eum non egregium quendam hominem atque admirandum fore; sed is, si quis esset aut si etiam umquam fuisset aut vero si esse posset, tu esses unus profecto, qui et meo iudicio et omnium vix ullam ceteris oratoribus - pace horum dixerim laudem reliquisti. [77] Verum si tibi ipsi nihil deest, quod in forensibus rebus civilibusque versatur, quin scias, neque eam tamen scientiam, quam adiungis oratori, complexus es, videamus ne plus ei tribuamus quam res et veritas ipsa concedat." [78] Hic Crassus "memento" inquit "me non de mea, sed de oratoris facultate dixisse; quid enim nos aut didicimus aut scire potuimus, qui ante ad agendum quam ad cognoscendum venimus; quos in foro, quos in ambitione, quos in re publica, quos in amicorum negotiis res ipsa ante confecit quam possemus aliquid de rebus tantis suspicari? [79] Quod si tibi tantum in nobis videtur esse, quibus etiam si ingenium, ut tu putas, non maxime defuit, doctrina certe et otium et hercule etiam studium illud discendi acerrimum defuit, quid censes, si ad alicuius ingenium vel maius illa, quae ego non attingi, accesserint, qualem illum et quantum oratorem futurum?"

[XVIII] [80] Tum Antonius "probas mihi" inquit "ista, Crasse, quae dicis, nec dubito quin multo locupletior in dicendo futurus sit, si quis omnium rerum atque artium rationem naturamque comprehenderit; [81] sed primum id difficile est factu, praesertim in hac nostra vita nostrisque occupationibus; deinde illud etiam verendum est ne abstrahamur ab hac exercitatione et consuetudine dicendi populari et forensi. Aliud enim mihi quoddam orationis genus esse videtur eorum hominum, de quibus paulo ante dixisti, quamvis illi ornate et graviter aut de natura rerum aut de humanis rebus loquantur: nitidum quoddam genus est verborum et laetum, et palaestrae magis et olei, quam huius civilis turbae ac fori. [82] Namque egomet, qui sero ac leviter Graecas litteras attigissem, tamen cum pro consule in Ciliciam proficiscens venissem Athenas, compluris tum ibi dies sum propter navigandi difficultatem commoratus; sed, cum cotidie mecum haberem homines doctissimos, eos fere ipsos, qui abs te modo sunt

nominati, cum hoc nescio quo modo apud eos increbruisset, me in causis maioribus sicuti te solere versari, pro se quisque ut poterat de officio et de ratione oratoris disputabat. [83] Horum alii, sicuti iste ipse Mnesarchus, hos, quos nos oratores vocaremus, nihil esse dicebat nisi quosdam operarios lingua celeri et exercitata; oratorem autem, nisi qui sapiens esset, esse neminem, atque ipsam eloquentiam, quod ex bene dicendi scientia constaret, unam quandam esse virtutem, et qui unam virtutem haberet, omnis habere easque esse inter se aequalis et paris; ita, qui esset eloquens, eum virtutes omnis habere atque esse sapientem. Sed haec erat spinosa quaedam et exilis oratio longaque a nostris sensibus abhorrebat. [84] Charmadas vero multo uberius eisdem de rebus loquebatur, non quo aperiret sententiam suam; hic enim mos erat patrius Academiae adversari semper omnibus in disputando; sed cum maxime tamen hoc significabat, eos, qui rhetores nominarentur et qui dicendi praecepta traderent, nihil plane tenere neque posse quemquam facultatem adsequi dicendi, nisi qui philosophorum inventa didicisset.

[XIX] [85] Disputabant contra diserti homines Athenienses et in re publica causisque versati, in quis erat etiam is, qui nuper Romae fuit, Menedemus, hospes meus; qui cum diceret esse quandam prudentiam, quae versaretur in perspiciendis rationibus constituendarum et regendarum rerum publicarum, excitabatur homo promptus atque omni abundans doctrina et quadam incredibili varietate rerum atque copia: omnis enim partis illius ipsius prudentiae petendas esse a philosophia docebat neque ea, quae statuerentur in re publica de dis immortalibus, de disciplina iuventutis, de iustitia, de patientia, de temperantia, de modo rerum omnium, ceteraque, sine quibus civitates aut esse aut bene moratae esse non possent, usquam in eorum inveniri libellis; [86] quod si tantam vim rerum maximarum arte sua rhetorici illi doctores complecterentur, quaerebat, cur de prooemiis et de epilogis et de huius modi nugis - sic enim appellabat - referti essent eorum libri, de civitatibus instituendis, de scribendis legibus, de aequitate, de iustitia, de fide, de frangendis cupiditatibus, de conformandis hominum moribus littera nulla in eorum libris inveniretur. [87] Ipsa vero praecepta sic inludere solebat, ut ostenderet non modo eos expertis esse illius prudentiae, quam sibi asciscerent, sed ne hanc

quidem ipsam dicendi rationem ac viam nosse: caput enim esse arbitrabatur oratoris, ut et ipse eis, apud quos ageret, talis, qualem se esse optaret, videretur; id fieri vitae dignitate, de qua nihil rhetorici isti doctores in praeceptis suis reliquissent; et uti ei qui audirent sic adficerentur animis, ut eos adfici vellet orator; quod item fieri nullo modo posse, nisi cognosset is, qui diceret, quot modis hominum mentes et quibus et quo genere orationis in quamque partem moverentur; haec autem esse penitus in media philosophia retrusa atque abdita, quae isti rhetores ne primoribus quidem labris attigissent. [88] Ea Menedemus exemplis magis quam argumentis conabatur refellere; memoriter enim multa ex orationibus Demostheni praeclare scripta pronuntians docebat illum in animis vel iudicum vel populi in omnem partem dicendo permovendis non fuisse ignarum, quibus ea rebus consequeretur, quae negaret ille sine philosophia quemquam nosse posse.

[XX] [89] Huic respondebat non se negare Demosthenem summam prudentiam summamque vim habuisse dicendi, sed sive ille hoc ingenio potuisset sive, id quod constaret, Platonis studiosus audiendi fuisset, non quid ille potuisset, sed quid isti docerent esse quaerendum. [90] Saepe etiam in eam partem ferebatur oratione, ut omnino disputaret nullam artem esse dicendi: idque cum argumentis docuerat, quod ita nati essemus, ut et blandiri eis subtiliter, a quibus esset petendum, et adversarios minaciter terrere possemus et rem gestam exponere et id, quod intenderemus, confirmare et, quod contra diceretur, refellere, ad extremum deprecari aliquid et conqueri, quibus in rebus omnis oratorum versaretur facultas; et quod consuetudo exercitatioque intellegendi prudentiam acueret atque eloquendi celeritatem incitaret; tum etiam exemplorum copia nitebatur. [91] Nam primum quasi dedita opera neminem scriptorem artis ne mediocriter quidem disertum fuisse dicebat, cum repeteret usque a Corace nescio quo et Tisia, quos artis illius inventores et principes fuisse constaret; eloquentissimos autem homines, qui ista nec didicissent nec omnino scire curassent, is innumerabilis quosdam nominabat; in quibus etiam, sive ille inridens sive quod ita putaret atque ita audisset, me in illo numero, qui illa non didicissem et tamen, ut ipse dicebat, possem aliquid in dicendo, proferebat; quorum ego alterum illi facile adsentiebar, nihil me didicisse, in

altero autem me inludi ab eo aut etiam ipsum errare arbitrabar. [92] Artem vero negabat esse ullam, nisi quae cognitis penitusque perspectis et in unum exitum spectantibus et numquam fallentibus rebus contineretur; haec autem omnia, quae tractarentur ab oratoribus, dubia esse et incerta; quoniam et dicerentur ab eis, qui omnia ea non plane tenerent, et audirentur ab eis, quibus non scientia esset tradenda, sed exigui temporis aut falsa aut certe obscura opinio. [93] Quid multa? Sic mihi tum persuadere videbatur neque artificium ullum esse dicendi neque quemquam posse, nisi qui illa, quae a doctissimis hominibus in philosophia dicerentur, cognosset, aut callide aut copiose dicere; in quibus Charmadas solebat ingenium tuum, Crasse, vehementer admirari: me sibi perfacilem in audiendo, te perpugnacem in disputando esse visum.

[XXI] [94] Itaque ego hac eadem opinione adductus scripsi etiam illud quodam in libello, qui me imprudente et invito excidit et pervenit in manus hominum, disertos cognosse me non nullos, eloquentem adhuc neminem, quod eum statuebam disertum, qui posset satis acute atque dilucide apud mediocris homines ex communi quadam opinione hominum dicere, eloquentem vero, qui mirabilius et magnificentius augere posset atque ornare quae vellet, omnisque omnium rerum, quae ad dicendum pertinerent, fontis animo ac memoria contineret. Id si est difficile nobis, quod ante, quam ad discendum ingressi sumus, obruimur ambitione et foro, sit tamen in re positum atque natura: [95] ego enim, quantum auguror coniectura quantaque ingenia in nostris hominibus esse video, non despero fore aliquem aliquando, qui et studio acriore quam nos sumus atque fuimus et otio ac facultate discendi maiore ac maturiore et labore atque industria superiore, cum se ad audiendum legendum scribendumque dederit, exsistat talis orator, qualem quaerimus, qui iure non solum disertus, sed etiam eloquens dici possit; qui tamen mea sententia aut hic est iam Crassus aut, si quis pari fuerit ingenio pluraque quam hic et audierit et lectitarit et scripserit, paulum huic aliquid poterit addere.”

[96] Hoc loco Sulpicius “insperanti” inquit “mihi et Cottae, sed valde optanti utrique nostrum cecidit, ut in istum sermonem, Crasse, delaberemini; nobis enim huc venientibus satis iucundum fore videbatur, si, cum vos de rebus aliis loqueremini, tamen nos aliquid

ex sermone vestro memoria dignum excipere possemus; ut vero penitus in eam ipsam totius huius vel studi vel artifici vel facultatis disputationem paene intimam veniretis, vix optandum nobis videbatur. [97] Ego enim, qui ab ineunte aetate incensus essem studio utriusque vestrum, Crassi vero etiam amore, cum ab eo nusquam discederem, verbum ex eo numquam elicere potui de vi ac ratione dicendi, cum et per me ipsum egissem et per Drusum saepe temptassem; quo in genere tu, Antoni, vere loquar - numquam mihi percontanti aut quaerenti aliquid defuisti et persaepe me, quae soleres in dicendo observare, docuisti. [98] Nunc, quoniam uterque vestrum patefecit earum ipsarum rerum aditum, quas quaerimus, et quoniam princeps Crassus eius sermonis ordiendi fuit, date nobis hanc veniam, ut ea, quae sentitis de omni genere dicendi, subtiliter persequamini; quod quidem si erit a vobis impetratum, magnam habebo, Crasse, huic palaestrae et Tusculano tuo gratiam et longe Academiae illi ac Lycio tuum hoc suburbanum gymnasium anteponam.”

[XXII] [99] Tum ille “immo vero,” inquit “Sulpici, rogemus Antonium, qui et potest facere, quod requiris, et consuevit, ut te audio dicere: nam me quidem [fateor semper] a genere hoc toto sermonis refugisse et tibi cupienti atque instanti saepissime negasse, [ut] tute paulo ante dixisti; quod ego non superbia neque inhumanitate faciebam neque quod tuo studio rectissimo atque optimo non obsequi vellem, praesertim cum te unum ex omnibus ad dicendum maxime natum aptumque cognossem, sed me hercule istius disputationis insolentia atque earum rerum, quae quasi in arte traduntur? inscitia.” [100] Tum Cotta “quoniam [id,] quod difficillimum nobis videbatur, ut omnino de his rebus, Crasse, loquerere, adsecuti sumus, de reliquo iam nostra culpa fuerit, si te, nisi omnia, quae percontati erimus, explicaris, dimiserimus.” [101] “De eis, credo, rebus,” inquit Crassus “ut in cretionibus scribi solet: QVIBVS SCIAM POTEROQVE.” Tum ille “nam quod tu non poteris aut nescies, quis nostrum tam impudens est qui se scire aut posse postulet?” “Iam vero ista condicione, dum mihi liceat negare posse quod non potero et fateri nescire quod nesciam, licet” inquit Crassus “vestro arbitratu percontemini.” [102] “Atqui” inquit [Sulpicius] “hoc ex te, de quo modo Antonius euit, quid sentias, quaerimus, existimesne artem aliquam esse dicendi?” “Quid? mihi vos nunc” inquit Crassus “tamquam alicui Graeculo otioso et loquaci et fortasse docto atque erudito quaestiunculam, de qua meo arbitratu loquar, ponitis? Quando enim me ista curasse aut cogitasse arbitramini et non semper inrisisse potius eorum hominum impudentiam, qui cum in schola adsedissent, ex magna hominum frequentia dicere iuberent, si quis quid quaereret? [103] Quod primum ferunt Leontinum fecisse Gorgiam, qui permagnum quiddam suscipere ac profiteri videbatur, cum se ad omnia, de quibus quisque audire vellet, esse paratum denuntiaret; postea vero vulgo hoc facere coeperunt hodieque faciunt, ut nulla sit res neque tanta neque tam improvisa neque tam nova, de qua se non omnia, quae dici possint, profiteantur esse dicturos. [104] Quod si te, Cotta, arbitrarer aut te, Sulpici, de eis rebus audire velle, adduxissem huc Graecum aliquem, qui nos istius modi disputationibus delectaret; quod ne nunc quidem difficile factu est: est enim apud M. Pisonem adulescentem [iam]

huic studio deditum, summo homo ingenio nostrique cupidissimus, Peripateticus Staseas, homo nobis sane familiaris et, ut inter homines peritos constare video, in illo suo genere omnium princeps."

[XXIII] [105] "Quem tu mihi" inquit Mucius "Staseam, quem Peripateticum narras? Gerendus est tibi mos adulescentibus, Crasse, qui non Graeci [alicuius] cotidianam loquacitatem sine usu neque ex scholis cantilenam requirunt, sed ex homine omnium sapientissimo atque eloquentissimo atque ex eo, qui non in libellis, sed in maximis causis et in hoc domicilio imperi et gloriae sit consilio linguaque princeps, cuius vestigia persequi cupiunt, eius sententiam sciscitantur. [106] Equidem te cum in dicendo semper putavi deum, tum vero tibi numquam eloquentiae maiorem tribui laudem quam humanitatis; qua nunc te uti vel maxime decet neque defugere eam disputationem, ad quam te duo excellentes ingeniis adulescentes cupiunt accedere." [107] "Ego vero" inquit "istis obsequi studeo neque gravabor breviter meo more, quid quaque de re sentiam, dicere. Ac primum illud - quoniam auctoritatem tuam neglegere, Scaevola, fas mihi non esse puto - respondeo, mihi dicendi aut nullam artem aut pertenuem videri, sed omnem esse contentionem inter homines doctos in verbi controversia positam. [108] Nam si ars ita definitur, ut paulo ante euit Antonius, ex rebus penitus perspectis planeque cognitis atque ab opinionis arbitrio seiunctis scientiaque comprehensis, non mihi videtur ars oratoris esse ulla; sunt enim varia et ad vulgarem popularemque sensum accommodata omnia genera huius forensis nostrae dictionis. [109] Sin autem ea, quae observata sunt in usu ac tractatione dicendi, haec ab hominibus callidis ac peritis animadversa ac notata, verbis definita, generibus inlustrata, partibus distributa sunt - id quod video potuisse fieri -, non intellego, quam ob rem non, si minus illa subtili definitione, at hac vulgari opinione ars esse videatur. Sed sive est ars sive artis quaedam similitudo, non est ea quidem neglegenda; verum intellegendum est alia quaedam ad consequendam eloquentiam esse maiora."

[XXIV] [110] Tum Antonius vehementer se adsentiri Crasso dixit, quod neque ita amplecteretur artem, ut ei solerent, qui omnem vim dicendi in arte ponerent, neque rursus eam totam, sicut plerique philosophi facerent, repudiaret. "Sed existimo" inquit "gratum te his, Crasse, facturum, si ista eueris quae putas ad dicendum plus quam

ipsam artem posse prodesse." [111] "Dicam equidem, quoniam institui, petamque a vobis," inquit "ne has meas ineptias efferatis; quamquam moderabor ipse, ne ut quidam magister atque artifex, sed quasi unus ex togatorum numero atque ex forensi usu homo mediocris neque omnino rudis videar non ipse a me aliquid promisisse, sed fortuito in sermonem vestrum incidisse. [112] Equidem cum peterem magistratum, solebam in prensando dimittere a me Scaevolam, cum ita ei dicerem, me velle esse ineptum, id erat, petere blandius, quod, nisi inepte fieret, bene non posset fieri; - hunc autem esse unum hominem ex omnibus, quo praesente ego ineptum esse me minime vellem - quem quidem nunc mearum ineptiarum testem et spectatorem fortuna constituit: nam quid est ineptius quam de dicendo dicere, cum ipsum dicere numquam sit non ineptum, nisi cum est necessarium?" [113] "Perge vero," inquit "Crasse," Mucius; "istam enim culpam, quam vereris, ego praestabo."

[XXV] "Sic igitur" inquit "sentio," Crassus "naturam primum atque ingenium ad dicendum vim adferre maximam; neque vero istis, de quibus paulo ante dixit Antonius, scriptoribus artis rationem dicendi et viam, sed naturam defuisse; nam et animi atque ingeni celeres quidam motus esse debent, qui et ad excogitandum acuti et ad explicandum ornandumque sint uberes et ad memoriam firmi atque diuturni; [114] et si quis est qui haec putet arte accipi posse, - quod falsum est; praeclare enim res se habeat, si haec accendi aut commoveri arte possint; inseri quidem et donari ab arte non possunt; omnia sunt enim illa dona naturae - quid de illis dicam, quae certe cum ipso homine nascuntur, linguae solutio, vocis sonus, latera, vires, conformatio quaedam et figura totius oris et corporis? [115] Neque enim haec ita dico, ut ars aliquos limare non possit - neque enim ignoro, et quae bona sint, fieri meliora posse doctrina, et, quae non optima, aliquo modo acui tamen et corrigi posse -, sed sunt quidam aut ita lingua haesitantes aut ita voce absoni aut ita vultu motuque corporis vasti atque agrestes, ut, etiam si ingeniis atque arte valeant, tamen in oratorum numerum venire non possint; sunt autem quidam ita in eisdem rebus habiles, ita naturae mulieribus ornati, ut non nati, sed ab aliquo deo ficti esse videantur. [116] Magnum quoddam est onus atque munus suscipere atque profiteri se esse, omnibus silentibus, unum maximis de rebus magno in conventu

hominum audiendum; adest enim fere nemo, quin acutius atque acrius vitia in dicente quam recta videat; ita quicquid est, in quo offenditur, id etiam illa, quae laudanda sunt, obruit. [117] Neque haec in eam sententiam disputo, ut homines adulescentis, si quid naturale forte non habeant, omnino a dicendi studio deterream: quis enim non videt C. Coelio, aequali meo, magno honori fuisse, homini novo, illam ipsam, quamcumque adsequi potuerat, in dicendo mediocritatem? Quis vestrum aequalem, Q. Varium, vastum hominem atque foedum, non intellegit illa ipsa facultate, quamcumque habuit, magnam esse in civitate gratiam consecutum?

[XXVI] [118] Sed quia de oratore quaerimus, fingendus est nobis oratione nostra detractis omnibus vitiis orator atque omni laude cumulatus. Neque enim, si multitudo litium, si varietas causarum, si haec turba et barbaria forensis dat locum vel vitiosissimis oratoribus, idcirco nos hoc, quod quaerimus, omittemus. Itaque in eis artibus, in quibus non utilitas quaeritur necessaria, sed animi libera quaedam oblectatio, quam diligenter et quam prope fastidiose iudicamus! Nullae enim lites neque controversiae sunt, quae cogant homines sicut in foro non bonos oratores, item in theatro actores malos perpeti. [119] Est igitur oratori diligenter providendum, non uti eis satis faciat, quibus necesse est, sed ut eis admirabilis esse videatur, quibus libere liceat iudicare; ac, si quaeritis, plane quid sentiam enuntiabo apud homines familiarissimos, quod adhuc semper tacui et tacendum putavi: mihi etiam qui optime dicunt quique id facillime atque ornatissime facere possunt, tamen, nisi timide ad dicendum accedunt et in ordienda oratione perturbantur, paene impudentes videntur, - [120] tametsi id accidere non potest; ut enim quisque optime dicit, ita maxime dicendi difficultatem variosque eventus orationis exspectationemque hominum pertimescit; - qui vero nihil potest dignum re, dignum nomine oratoris, dignum hominum auribus efficere atque edere, is mihi, etiam si commovetur in dicendo, tamen impudens videtur; non enim pudendo, sed non faciendo id, quod non decet, impudentiae nomen effugere debemus; [121] quem vero non pudet, - id quod in plerisque video hunc ego non reprehensione solum, sed etiam poena dignum puto. Equidem et in vobis animum advertere soleo et in me ipso saepissime experior, ut et exalbescam in principiis dicendi et tota mente atque artubus omnibus contremiscam;

adulescentulus vero sic initio accusationis exanimatus sum, ut hoc summum beneficium Q. Maximo debuerim, quod continuo consilium dimiserit, simul ac me fractum ac debilitatum metu viderit." [122] Hic omnes adsensi significare inter sese et conloqui coeperunt; fuit enim mirificus quidam in Crasso pudor, qui tamen non modo non obesset eius orationi, sed etiam probitatis commendatione prodesset.

[XXVII] Tum Antonius "saepe, ut dicis," inquit "animadverti, Crasse, et te et ceteros summos oratores, quamquam tibi par mea sententia nemo umquam fuit, in dicendi exordio permoveri; [123] cuius quidem rei cum causam quaererem, quidnam esset cur, ut in quoque oratore plurimum esset, ita maxime is pertimesceret, has causas inveniebam duas: unam, quod intellegerent ei, quos usus ac natura docuisset, non numquam summis oratoribus non satis ex sententia eventum dicendi procedere; ita non iniuria, quotienscumque dicerent, id, quod aliquando posset accidere, ne illo ipso tempore accideret, timere; [124] altera est haec, de qua queri saepe soleo; quod ceterarum homines artium spectati et probati, si quando aliquid minus bene fecerunt quam solent, aut noluisse aut valetudine impediti non potuisse consequi id, quod scirent, putantur: "noluit" inquiunt "hodie agere Roscius," aut "crudior fuit"; oratoris peccatum, si quod est animadversum, stultitiae peccatum videtur; [125] stultitia autem excusationem non habet, quia nemo videtur, aut quia crudus fuerit aut quod ita maluerit, stultus fuisse; quo etiam gravius iudicium in dicendo subimus: quotiens enim dicimus, totiens de nobis iudicatur, et, qui semel in gestu peccavit, non continuo existimatur nescire gestum, cuius autem in dicendo quid reprehensum est, aut aeterna in eo aut certe diuturna valet opinio tarditas.

[XXVIII] [126] Illud vero, quod a te dictum est, esse permulta, quae orator a natura nisi haberet, non multum a magistro adiuvaretur, valde tibi adsentior inque eo vel maxime probavi summum illum doctorem, Alabandensem Apollonium, qui cum mercede doceret, tamen non patiebatur eos, quos iudicabat non posse oratores evaderet, operam apud sese perdere, dimittebatque et ad quam quemque artem putabat esse aptum, ad eam impellere atque hortari solebat. [127] Satis est enim in ceteris artificiis percipiendis tantum modo similem esse hominis et id, quod tradatur vel etiam inculcetur, si qui forte sit tardior, posse percipere animo et memoria custodire;

non quaeritur mobilitas linguae, non celeritas verborum, non denique ea, quae nobis non possumus fingere, facies, vultus, sonus: [128] in oratore autem acumen dialecticorum, sententiae philosophorum, verba prope poetarum, memoria iuris consultorum, voX] tragoedorum, gestus paene summorum actorum est requirendus; quam ob rem nihil in hominum genere rarius perfecto oratore inveniri potest; quae enim, singularum rerum artifices singula si mediocriter adepti sunt, probantur, ea nisi omnia sunt in oratore summa, probari non possunt. [129] Tum Crassus "atqui vide" inquit "in artificio perquam tenui et levi quanto plus adhibeatur diligentiae, quam in hac re, is quam constat esse maximam: saepe enim soleo audire Roscium, cum ita dicat, se adhuc reperire discipulum, quem quidem probaret, potuisse neminem, non quo non essent quidam probabiles, sed quia, si aliquid modo esset viti, id ferre ipse non posset; nihil est enim tam insigne nec tam ad diuturnitatem memoriae stabile quam id, in quo aliquid offenderis. [130] Itaque ut ad hanc similitudinem huius histrionis oratoriam laudem dirigamus, videtisne quam nihil ab eo nisi perfecte, nihil nisi cum summa venustate fiat, nisi ita, ut deceat et uti omnis moveat atque delectet? Itaque hoc iam diu est consecutus, ut, in quo quisque artificio excelleret, is in suo genere Roscius diceretur. Hanc ego absolutionem perfectionemque in oratore desiderans, a qua ipse longe absum, facio impudenter; mihi enim volo ignosci, ceteris ipse non ignosco; nam qui non potest, qui vitiose facit, quem denique non decet, hunc, ut Apollonius iubebat, ad id, quod facere possit, detrudendum puto."

[XXIX] [131] "Num tu igitur" inquit Sulpicius "me aut hunc Cottam ius civile aut rem militarem iubes discere? Nam quis ad ista summa atque in omni genere perfecta potest pervenire?" Tum ille "ego vero," inquit "quod in vobis egregiam quandam ac praeclaram indolem ad dicendum esse cognovi, idcirco haec eui omnia; nec magis ad eos deterrendos, qui non possent, quam ad vos, qui possetis, exacuendos accommodavi orationem meam; et quamquam in utroque vestrum summum esse ingenium studiumque perspexi, tamen haec, quae sunt in specie posita, de quibus plura fortasse dixi, quam solent Graeci dicere, in te, Sulpici, divina sunt; [132] ego enim neminem nec motu corporis neque ipso habitu atque forma aptiorem nec voce pleniorem aut suaviorem mihi videor audisse; quae quibus a

natura minora data sunt, tamen illud adsequi possunt, ut eis, quae habent, modice et scienter utantur et ut ne dedeceat. Id enim est maxime vitandum et de hoc uno minime est facile praecipere non mihi modo, qui sicut unus paterfamilias his de rebus loquor, sed etiam ipsi illi Roscio, quem saepe audio dicere caput esse artis decere, quod tamen unum id esse, quod tradi arte non possit. [133] Sed, si placet, sermonem alio transferamus et nostro more aliquando, non rhetorico, loquamur." "Minime vero," inquit Cotta; "nunc enim te iam exoremus necesse est, quoniam retines nos in hoc studio nec ad aliam dimittis artem, ut nobis explices, quicquid est istud, quod tu in dicendo potes; - neque enim sumus nimis avidi; ista tua mediocri eloquentia contenti sumus - idque ex te quaerimus, (ut ne plus nos adsequamur, quam quantulum tu in dicendo adsecutus es), quoniam, quae a natura expetenda sunt, ea dicis non nimis deesse nobis, quid praeterea esse adsumendum putes?"

[XXX] [134] Tum Crassus adridens "quid censes," inquit "Cotta, nisi studium et ardorem quendam amoris? sine quo cum in vita nihil quisquam egregium, tum certe hoc, quod tu expetis, nemo umquam adsequetur. Neque vero vos ad eam rem video esse cohortandos, quos, cum mihi quoque sitis molesti, nimis etiam flagrare intellego cupiditate. [135] Sed profecto studia nihil prosunt perveniendi aliquo, nisi illud, quo eo, quo intendas, ferat deducatque, cognoris. Qua re quoniam mihi levius quoddam onus imponitis neque ex me de oratoris arte, sed de hac mea, quantulacumque est, facultate quaeritis, exponam vobis non quandam aut perreconditam aut valde difficilem aut magnificam aut gravem orationem consuetudinis meae, qua quondam solitus sum uti, cum mihi in isto studio versari adulescenti licebat." [136] Tum Sulpicius "o diem, Cotta, nobis" inquit "optatum! Quod enim neque precibus umquam nec insidiando nec speculando adsequi potui, ut, quid Crassus ageret meditandi aut is dicendi causa, non modo videre mihi, sed ex eius scriptore et lectore Diphilo suspicari liceret, id spero nos esse adeptos omniaque iam ex ipso, quae diu cupimus, cognituros."

[XXXI] [137] Tum Crassus "atqui arbitror, Sulpici, cum audieris, non tam te haec admiraturum, quae dixero, quam existimaturum tum, cum ea audire cupiebas, causam cur cuperes non fuisse nihil enim dicam reconditum, nihil exspectatione vestra dignum, nihil aut

inauditum vobis aut cuiquam novum. Iam principio, id quod est homine ingenuo liberaliterque educato dignum, non negabo me ista omnium communia et contrita praecepta didicisse: [138] primum oratoris officium esse dicere ad persuadendum accommodate; deinde esse omnem orationem aut de infinitae rei quaestione sine designatione personarum et temporum aut de re certis in personis ac temporibus locata; [139] in utraque autem re quicquid in controversiam veniat, in eo quaeri solere aut factumne sit aut, si est factum, quale sit aut etiam quo nomine vocetur aut, quod non nulli addunt, rectene factum esse videatur; [140] exsistere autem controversias etiam ex scripti interpretatione, in quo aut ambigue quid sit scriptum aut contrarie aut ita, ut a sententia scriptura dissentiat; his autem omnibus partibus subiecta quaedam esse argumenta propria. [141] Sed causarum, quae sint a communi quaestione seiunctae, partim in iudiciis versari, partim in deliberationibus; esse etiam genus tertium, quod in laudandis aut vituperandis hominibus poneretur; certosque esse locos, quibus in iudiciis uteremur, in quibus aequitas quaereretur; alios in deliberationibus, quae omnes ad utilitatem dirigerentur eorum quibus consilium daremus; alios item in laudationibus, in quibus ad personarum dignitatem omnia referrentur; [142] cumque esset omnis oratoris vis ac facultas in quinque partis distributa, ut deberet reperire primum quid diceret, deinde inventa non solum ordine, sed etiam momento quodam atque iudicio dispensare atque componere; tum ea denique vestire atque ornare oratione; post memoria saepire; ad extremum agere cum dignitate ac venustate. [143] Etiam illa cognoram et acceperam, ante quam de re diceremus, initio conciliandos eorum esse animos, qui audirent; deinde rem demonstrandam; postea controversiam constituendam; tum id, quod nos intenderemus, confirmandum; post, quae contra dicerentur, refellenda; extrema autem oratione ea, quae pro nobis essent, amplificanda et augenda, quaeque essent pro adversariis, infirmanda atque frangenda.

[XXXII] [144] Audieram etiam quae de orationis ipsius ornamentis traderentur, in qua praecipitur primum, ut pure et Latine loquamur, deinde ut plane et dilucide, tum ut ornate, post ad rerum dignitatem apte et quasi decore; singularumque rerum praecepta cognoram. [145] Quin etiam, quae maxime propria essent naturae, tamen his ipsis

artem adhiberi videram; nam de actione et de memoria quaedam brevia, sed magna cum exercitatione praecepta gustaram. In his enim fere rebus omnis istorum artificum doctrina versatur, quam ego si nihil dicam adiuvare, mentiar; habet enim quaedam quasi ad commonendum oratorem, quo quidque referat et quo intuens ab eo, quodcumque sibi proposuerit, minus aberret. [146] Verum ego hanc vim intellego esse in praeceptis omnibus, non ut ea secuti oratores eloquentiae laudem sint adepti, sed, quae sua sponte homines eloquentes facerent. ea quosdam observasse atque collegisse; sic esse non eloquentiam ex artificio, sed artificium ex eloquentia natum; quod tamen, ut ante dixi, non eicio; est enim, etiam si minus necessarium ad bene dicendum, tamen ad cognoscendum non inliberale. [147] Et exercitatio quaedam suscipienda vobis est; quamquam vos quidem iam pridem estis in cursu: sed eis, qui ingrediuntur in stadium, quique ea, quae agenda sunt in foro tamquam in acie, possunt etiam nunc exercitatione quasi ludicra praediscere ac meditari." [148] "Hanc ipsam" inquit Sulpicius "nosse volumus; ac tamen ista, quae abs te breviter de arte decursa sunt, audire cupimus, quamquam sunt nobis quoque non inaudita; verum illa mox; nunc de ipsa exercitatione quid sentias quaerimus."

[XXXIII] [149] "Equidem probo ista," Crassus inquit "quae vos facere soletis, ut, causa aliqua posita consimili causarum earum, quae in forum deferuntur, dicatis quam maxime ad veritatem accommodate; sed plerique in hoc vocem modo, neque eam scienter, et viris exercent suas et linguae celeritatem incitant verborumque frequentia delectantur; in quo fallit eos, quod audierunt, dicendo homines, ut dicant, efficere solere; [150] vere enim etiam illud dicitur, perverse dicere homines perverse dicendo facillime consequi. Quam ob rem in istis ipsis exercitationibus, etsi utile est etiam subito saepe dicere, tamen illud utilius, sumpto spatio ad cogitandum paratius atque accuratius dicere. Caput autem est, quod, ut vere dicam, minime facimus (est enim magni laboris, quem plerique fugimus), quam plurimum scribere. Stilus optimus et praestantissimus dicendi effector ac magister; neque iniuria; nam si subitam et fortuitam orationem commentatio et cogitatio facile vincit, hanc ipsam profecto adsidua ac diligens scriptura superabit. [151] Omnes enim, sive artis sunt loci sive ingeni cuiusdam ac prudentiae, qui modo

insunt in ea re, de qua scribimus, anquirentibus nobis omnique acie ingeni contemplantibus ostendunt se et occurrunt; omnesque sententiae verbaque omnia, quae sunt cuiusque generis maxime inlustria, sub acumen stili subeant et succedant necesse est; tum ipsa conlocatio conformatioque verborum perficitur in scribendo, non poetico, sed quodam oratorio numero et modo. [152] Haec sunt, quae clamores et admirationes in bonis oratoribus efficiunt; neque ea quisquam, nisi diu multumque scriptitarit, etiam si vehementissime se in his subitis dictionibus exercuerit, consequetur; et qui a scribendi consuetudine ad dicendum venit, hanc adfert facultatem, ut, etiam subito si dicat, tamen illa, quae dicantur, similia scriptorum esse videantur; atque etiam, si quando in dicendo scriptum attulerit aliquid, cum ab eo discesserit, reliqua similis oratio consequetur; [153] ut concitato navigio, cum remiges inhibuerunt, retinet tamen ipsa navis motum et cursum suum intermisso impetu pulsuque remorum, sic in oratione perpetua, cum scripta deficiunt, parem tamen obtinet oratio reliqua cursum scriptorum similitudine et vi concitata.

[XXXIV] [154] In cotidianis autem commentationibus equidem mihi adulescentulus proponere solebam illam exercitationem maxime, qua C. Carbonem nostrum illum inimicum solitum esse uti sciebam, ut aut versibus propositis quam maxime gravibus aut oratione aliqua lecta ad eum finem, quem memoria possem comprehendere, eam rem ipsam, quam legissem, verbis aliis quam maxime possem lectis, pronuntiarem; sed post animadverti hoc esse in hoc viti, quod ea verba, quae maxime cuiusque rei propria quaeque essent ornatissima atque optima, occupasset aut Ennius, si ad eius versus me exercerem, aut Gracchus, si eius orationem mihi forte proposuissem: ita, si eisdem verbis uterer, nihil prodesse; si aliis, etiam obesse, cum minus idoneis uti consuescerem. [155] Postea mihi placuit, eoque sum usus adulescens, ut summorum oratorum Graecas orationes explicarem, quibus lectis hoc adsequebar, ut, cum ea, quae legeram Graece, Latine redderem, non solum optimis verbis uterer et tamen usitatis, sed etiam exprimerem quaedam verba imitando, quae nova nostris essent, dum modo essent idonea. [156] Iam vocis et spiritus et totius corporis et ipsius linguae motus et exercitationes non tam artis indigent quam is laboris; quibus in rebus habenda est ratio diligenter, quos imitemur, quorum similes velimus esse. Intuendi nobis sunt non

solum oratores, sed etiam actores, ne mala consuetudine ad aliquam deformitatem pravitatemque veniamus. [157] Exercenda est etiam memoria ediscendis ad verbum quam plurimis et nostris scriptis et alienis; atque in ea exercitatione non sane mihi displicet adhibere, si consueris, etiam istam locorum simulacrorumque rationem, quae in arte traditur. Educenda deinde dictio est ex hae domestica exercitatione et umbratili medium in agmen, in pulverem, in clamorem, in castra atque in aciem forensem; subeundus visus hominum et periclitandae vires ingeni, et illa conimentatio inclusa in veritatis lucem proferenda est. [158] Legendi etiam poetae, cognoscendae historiae, omnium bonarum artium doctores atque scriptores eligendi et pervolutandi et exercitationis causa laudandi, interpretandi, corrigendi, vituperandi [refellendi]; disputandumque de omni re in contrarias partis et, quicquid erit in quaque re, quod probabile videri possit, eliciendum [atque dicendum]; [159] perdiscendum ius civile, cognoscendae leges, percipienda omnis antiquitas, senatoria consuetudo, disciplina rei publicae, iura sociorum, foedera, pactiones, causa imperi cognoscenda est; libandus est etiam ex omni genere, urbanitatis facetiarum quidam lepos, quo tamquam sale perspergatur omnis oratio. Effudi vobis omnia quae sentiebam, quae fortasse, quemcumque patremfamilias adripuissetis ex aliquo circulo, eadem vobis percontantibus respondisset."

[XXXV] [160] Haec cum Crassus dixisset, silentium est consecutum, sed quamquam satis eis, qui aderant, ad id, quod erat propositum, dictum videbatur, tamen sentiebant celerius esse multo quam ipsi vellent ab eo peroratum. Tum Scaevola "quid est, Cotta?" inquit "quid tacetis? Nihilne vobis in mentem venit, quod praeterea ab Crasso requiratis?" [161] "Id me hercule" inquit "ipsum attendo: tantus enim cursus verborum fuit et sic evolavit oratio, ut eius vim et incitationem aspexerim, vestigia ingressumque vix viderim, et tamquam in aliquam locupletem ac refertam domum venerim, non explicata veste neque proposito argento neque tabulis et signis propalam conlocatis, sed his omnibus multis magnificisque rebus constructis ac reconditis; sic modo in oratione Crassi divitias atque ornamenta eius ingeni per quaedam involucra atque integumenta perspexi, sed ea contemplari cum cuperem, vix aspiciendi potestas fuit; itaque nec hoc possum dicere, me omnino ignorare, quid

possideat, neque plane nosse atque vidisse." [162] "Quin tu igitur facis idem," inquit Scaevola" quod faceres, si in aliquam domum plenam ornamentorum villamve venisses? Si ea seposita, ut dicis, essent, tu, qui valde spectandi cupidus esses, non dubitares rogare dominum, ut proferri iuberet, praesertim si esset familiaris: similiter nunc petes a Crasso, ut illam copiam ornamentorum suorum, quam constructam uno in loco quasi per transennam praetereuntes strictim aspeximus, in lucem proferat et suo quidque in loco conlocet." [163] "Ego vero" inquit Cotta "a te peto, Scaevola: - me enim et hunc Sulpicium impedit pudor ab homine omnium gravissimo, qui genus huius modi disputationis semper contempserit, haec, quae isti forsitan puerorum elementa videantur, exquirere: - sed tu hanc nobis veniam, Scaevola, da, et perfice, ut Crassus haec, quae coartavit et peranguste refersit in oratione sua, dilatet nobis atque explicet." [164] "Ego me hercule" inquit Mucius "antea vestra magis hoc causa volebam, quam mea; neque enim tanto opere hanc a Crasso disputationem desiderabam, quanto opere eius in causis oratione delector; nunc vero, Crasse, mea quoque te iam causa rogo, ut, quoniam tantum habemus oti, quantum iam diu nobis non contigit, ne graveris exaedificare id opus, quod instituisti: formam enim totius negoti opinione meliorem maioremque video, quam vehementer probo."

[XXXVI] [165] "Enimvero" inquit Crassus" mirari satis non queo etiam te haec, Scaevola, desiderare, quae neque ego ita teneo, uti ei, qui docent, neque sunt eius generis, ut, si optime tenerem, digna essent ista sapientia ac tuis auribus." "Ain tu?" inquit ille: "si de istis communibus et pervagatis vix huic aetati audiendum putas, etiamne illa neglegere possumus, quae tu oratori cognoscenda esse dixisti, de naturis hominum, de moribus, de rationibus eis, quibus hominum mentes et incitarentur et reprimerentur, de historia, de antiquitate, de administratione rei publicae, denique de nostro ipso iure civili? Hanc enim ego omnem scientiam et copiam rerum in tua prudentia sciebam inesse; in oratoris vero instrumento tam lautam supellectilem numquam videram." [166] "Potes igitur, "inquit Crassus" ut alia omittam innumerabilia et immensa et ad ipsum tuum ius civile veniam, oratores putare eos, quos multas horas exspectavit, cum in campum properaret, et ridens et stomachans P. Scaevola, cum Hypsaeus maxima voce? plurimis verbis a M. Crasso praetore

contenderet, ut ei, quem defendebat, causa cadere liceret, Cn. autem Octavius, homo consularis, non minus longa oratione recusaret, ne adversarius causa caderet ac ne is, pro quo ipse diceret, turpi tutelae iudicio atque omni molestia stultitia adversarii liberaretur?" [167] "Ego vero istos," inquit -"memini enim mihi narrare Mucium - non modo oratoris nomine sed ne foro quidem dignos vix putarim." "Atqui non defuit illis patronis" inquit Crassus "eloquentia neque dicendi ratio aut copia, sed iuris civilis scientia: quod alter plus lege agendo petebat, quam quantum lex in XII tabulis permiserat, quod cum impetrasset, causa caderet; alter iniquum putabat plus secum agi, quam quod erat in actione; neque intellegebat, si ita esset actum, litem adversarium perditurum.

[XXXVII] [168] Quid? In his paucis diebus nonne nobis in tribunali Q. Pompei praetoris urbani familiaris nostri sedentibus homo ex numero disertorum postulabat, ut illi, unde peteretur, vetus atque usitata exceptio daretur CVIVS PECVNIAE DIES FVISSET? Quod petitoris causa comparatum esse non intellegebat, ut, si ille infitiator probasset iudici ante petitam esse pecuniam, quam esset coepta deberi, petitor rursus cum peteret, ne exceptione excluderetur, QVOD EA RES IN IVDICIVM ANTE VENISSET. [169] Quid ergo hoc fieri turpius aut dici potest, quam eum, qui hanc personam susceperit, ut amicorum controversias causasque tueatur, laborantibus succurrat, aegris medeatur, adflictos excitet, hunc in minimis tenuissimisque rebus ita labi, ut aliis miserandus, aliis inridendus esse videatur? [170] Equidem propinquum nostrum P. Crassum [illum Divitem] cum multis aliis rebus elegantem hominem et ornatum tum praecipue in hoc efferendum et laudandum puto, quod, cum P. Scaevolae frater esset, solitus est ei persaepe dicere neque illum in iure civili satis [illi arti] facere posse, nisi dicendi copiam adsumpsisset - quod quidem hic, qui mecum consul fuit, filius eius est consecutus - neque se ante causas amicorum tractare atque agere coepisse, quam ius civile didicisset. [171] Quid vero ille [M.] Cato? Nonne et eloquentia tanta fuit, quantam illa tempora atque illa aetas in hac civitate ferre maximam potuit, et iuris civilis omnium peritissimus? Verecundius hac de re iam dudum loquor, quod adest vir in dicendo summus, quem ego unum oratorem maxime admiror; sed tamen idem hoc semper ius civile contempsit.

[172] Verum, quoniam sententiae atque opinionis meae voluistis esse participes, nihil occultabo et, quoad potero, vobis exponam, quid de quaque re sentiam.

[XXXVIII] Antoni incredibilis quaedam et prope singularis et divina vis ingeni videtur, etiam si hac scientia iuris nudata sit, posse se facile ceteris armis prudentiae tueri atque defendere; quam ob rem hic nobis sit exceptus; ceteros vero non dubitabo primum inertiae condemnare sententia mea, post etiam impudentiae; [173] nam volitare in foro, haerere in iure ac praetorum tribunalibus, iudicia privata magnarum rerum obire, in quibus saepe non de facto, sed de aequitate ac iure certetur, iactare se in causis centumviralibus, in quibus usucapionum, tutelarum, gentilitatum, agnationum, adluvionum, circumluvionum, nexorum, mancipiorum, parietum, luminum, stillicidiorum, testamentorum ruptorum aut ratorum, ceterarumque rerum innumerabilium iura versentur, cum omnino, quid suum, quid alienum, qua re denique civis aut peregrinus, servus aut liber quispiam sit, ignoret, insignis est impudentiae. [174] Illa vero deridenda adrogantia est, in minoribus navigiis rudem esse se confiteri, quinqueremis autem aut etiam maiores gubernare didicisse. Tu mihi cum in circulo decipiare adversari stipulatiuncula et cum obsignes tabellas clientis tui, quibus in tabellis id sit scriptum, quo ille capiatur, ego tibi ullam causam maiorem committendam putem? Citius hercule is, qui duorum scalmorum naviculam in portu everterit, in Euxino ponto Argonautarum navem gubernarit. [175] Quid? Si ne parvae quidem causae sunt, sed saepe maximae, in quibus certatur de iure civili, quod tandem os est eius patroni, qui ad eas causas sine ulla scientia iuris audet accedere? Quae potuit igitur esse causa maior, quam illius militis? De cuius morte cum domum falsus ab exercitu nuntius venisset et pater eius re credita testamentum mutasset et, quem ei visum esset, fecisset heredem essetque ipse mortuus, res delata est ad centumviros, cum miles domum revenisset egissetque lege in hereditatem paternam testamento exheres filius. [Nempe] in ea causa quaesitum est de iure civili, possetne paternorum bonorum exheres esse filius, quem pater testamento neque heredem neque exheredem scripsisset nominatim.

[XXXIX] [176] Quid? Qua de re inter Marcellos et Claudios patricios centumviri iudicarunt, cum Marcelli ab liberti filio stirpe, Claudii

patricii eiusdem hominis hereditatem gente ad se redisse dicerent, nonne in ea causa fuit oratoribus de toto stirpis et gentilitatis iure dicendum? [177] Quid? Quod item in centumvirali iudicio certatum esse accepimus, cum Romam in exsilium venisset, cui Romae exsulare ius esset, si se ad aliquem quasi patronum applicavisset, intestatoque esset mortuus, nonne in ea causa ius applicationis obscurum sane et ignotum patefactum in iudicio atque inlustratum est a patrono? [178] Quid? Nuper, cum ego C. Sergi Oratae contra hunc nostrum Antonium iudicio privato causam defenderem, nonne omnis nostra in iure versata defensio est? Cum enim M. Marius Gratidianus aedis Oratae vendidisset neque servire quandam earum aedium partem in mancipi lege dixisset, defendebamus, quicquid fuisset incommodi in mancipio, id si venditor scisset neque declarasset, praestare debere. [179] Quo quidem in genere familiaris noster M. Buculeius, homo neque meo iudicio stultus et suo valde sapiens et ab iuris studio non abhorrens, simili <in re> quodam modo nuper erravit: nam cum aedis L. Fufio venderet, in mancipio lumina, uti tum essent, ita recepit; Fufius autem, simul atque aedificari coeptum est in quadam parte urbis, quae modo ex illis aedibus conspici posset, egit statim cum Buculeio, quod, cuicumque particulae caeli officeretur, quamvis esset procul, mutari lumina putabat. [180] Quid vero? Clarissima M'. Curi causa Marcique Coponi nuper apud centumviros quo concursu hominum, qua exspectatione defensa est? Cum Q. Scaevola, aequalis et conlega meus, Homo omnium et disciplina iuris civilis eruditissimus et ingenio prudentiaque acutissimus et oratione maxime limatus atque subtilis atque, ut ego soleo dicere, iuris peritorum eloquentissimus, eloquentium iuris peritissimus, ex scripto testamentorum iura defenderet negaretque, nisi postumus et natus et, ante quam in suam tutelam veniret, mortuus esset, heredem eum esse posse, qui esset secundum postumum et natum et mortuum heres institutus; ego autem defenderem eum hac tum mente fuisse, qui testamentum fecisset, ut, si filius non esset, qui in suam tutelam veniret, M'. Curius esset heres, num destitit uterque nostrum in ea causa in auctoritatibus, in exemplis, in testamentorum formulis, hoc est, in medio iure civili versari?

[XL] [181] Omitto iam plura exempla causarum amplissimarum, quae

sunt innumerabilia: capitis nostri saepe potest accidere ut causae versentur in iure. Etenim si C. Mancinum, nobilissimum atque optimum virum atque consularem, cum eum propter invidiam Numantini foederis pater patratus ex s. c. Numantinis dedidisset eumque illi non recepissent posteaque Mancinus domum revenisset neque in senatum introire dubitasset, P. Rutilius, M. filius, tribunus plebis, iussit educi, quod eum civem negaret esse, quia memoria sic esset proditum, quem pater suus aut populus vendidisset aut pater patratus dedidisset, ei nullum esse postliminium, [182] quam possumus reperire ex omnibus rebus civilibus causam contentionemque maiorem quam de ordine, de civitate, de libertate, de capite hominis consularis, praesertim cum haec non in crimine aliquo, quod ille posset infitiari, sed in civili iure consisteret? Similique in genere, inferiore ordine, si quis apud nos servisset ex populo foederato seseque liberasset et postea domum revenisset, quaesitum est apud maiores nostros, num is ad suos postliminio redisset et amisisset hanc civitatem. [183] Quid? De libertate, quo iudicium gravius esse nullum potest, nonne ex iure civili potest esse contentio, cum quaeritur, is, qui domini voluntate census sit, continuone, an, ubi lustrum sit conditum, liber sit? Quid? Quod usu memoria patrum venit, ut paterfamilias, qui ex Hispania Romam venisset, cum uxorem praegnantem in provincia reliquisset, Romae alteram duxisset neque nuntium priori remisisset, mortuusque esset intestato et ex utraque filius natus esset, mediocrisne res in contentionem adducta est, cum quaereretur de duobus civium capitibus et de puero, qui ex posteriore natus erat, et de eius matre, quae, si iudicaretur certis quibusdam verbis, non novis nuptiis fieri cum superiore divortium, in concubinae locum duceretur? [184] Haec igitur et horum similia iura suae civitatis ignorantem erectum et celsum, alacri et prompto ore atque vultu, huc atque illuc intuentem vagari cum magna caterva toto foro, praesidium clientibus atque opem amicis et prope cunctis civibus lucem ingeni et consili sui porrigentem atque tendentem, nonne in primis flagitiosum putandum est?

[XLI] [185] Et quoniam de impudentia dixi, castigemus etiam segnitatem hominum atque inertiam; nam si esset ista cognitio iuris magna atque difficilis, tamen utilitatis magnitudo deberet homines ad suscipiendum discendi laborem impellere: sed, o di immortales, non

dicerem hoc, audiente Scaevola, nisi ipse dicere soleret nullius artis sibi faciliorem cognitionem videri. [186] Quod quidem certis de causis a plerisque aliter existimatur: primum, quia veteres illi, qui huic scientiae praefuerunt, obtinendae atque augendae potentiae suae causa pervulgari artem suam noluerunt; deinde, postea quam est editum, expositis a Cn. Flavio primum actionibus, nulli fuerunt, qui illa artificiose digesta generatim componerent; nihil est enim, quod ad artem redigi possit, nisi ille prius, qui illa tenet, quorum artem instituere vult, habet illam scientiam, ut ex eis rebus, quarum ars nondum sit, artem efficere possit. [187] Hoc video, dum breviter voluerim dicere, dictum a me esse paulo obscurius; sed experiar et dicam, si potero, planius.

[XLII] Omnia fere, quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt; ut in musicis numeri et voces et modi; in geometria lineamenta, formae, intervalla, magnitudines; in astrologia caeli conversio, ortus, obitus motusque siderum; in grammaticis poetarum pertractatio, historiarum cognitio, verborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi excogitare, ornare, disponere, meminisse, agere, ignota quondam omnibus et diffusa late videbantur. [188] Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam, quod sibi totum philosophi adsumunt, quae rem dissolutam divulsamque conglutinaret et ratione quadam constringeret. Sit ergo in iure civili finis hic: legitimae atque usitatae in rebus causisque civium aequabilitatis conservatio. [189] Tum sunt notanda genera et ad certum numerum paucitatemque revocanda. Genus autem id est, quod sui similis communione quadam, specie autem differentis, duas aut pluris complectitur partis; partes autem sunt, quae generibus eis, ex quibus manant, subiciuntur; omniaque, quae sunt vel generum vel partium nomina, definitionibus, quam vim habeant, est exprimendum; est enim definitio rerum earum, quae sunt eius rei propriae, quam definire volumus, brevis et circumscripta quaedam explicatio. [190] Hisce ego rebus exempla adiungerem, nisi apud quos haec haberetur oratio cernerem; nunc complectar, quod proposui, brevi: si enim aut mihi facere licuerit, quod iam diu cogito, aut alius quispiam aut me impedito occuparit aut mortuo effecerit, ut primum omne ius civile in genera digerat, quae perpauca sunt, deinde eorum

generum quasi quaedam membra dispertiat, tum propriam cuiusque vim definitione declaret, perfectam artem iuris civilis habebitis, magis magnam atque uberem quam difficilem et obscuram. [191] Atque interea tamen, dum haec, quae dispersa sunt, coguntur, vel passim licet carpentem et conligentem undique repleri iusta iuris civilis scientia.

[XLIII] Nonne videtis equitem Romanum, hominem acutissimo omnium ingenio, sed minime ceteris artibus eruditum, C. Aculeonem, qui mecum vivit semperque vixit, ita tenere ius civile, ut ei, cum ab hoc discesseritis, nemo de eis, qui peritissimi sunt, anteponatur? [192] Omnia sunt enim posita ante oculos, conlocata in usu cotidiano, in congressione hominum atque in foro; neque ita multis litteris aut voluminibus magnis continentur; eadem enim elata sunt primum a pluribus, deinde paucis verbis commutatis etiam ab eisdem scriptoribus scripta sunt saepius. [193] Accedit vero, quo facilius percipi cognoscique ius civile possit, quod minime plerique arbitrantur, mira quaedam in cognoscendo suavitas et delectatio; nam, sive quem haec Aeliana studia delectant, plurima est et in omni iure civili et in pontificum libris et in XII tabulis antiquitatis effigies, quod et verborum vetustas prisca cognoscitur et actionum genera quaedam maiorum consuetudinem vitamque declarant; sive quem civilis scientia, quam Scaevola non putat oratoris esse propriam, sed cuiusdam ex alio genere prudentiae, totam hanc descriptis omnibus civitatis utilitatibus ac partibus XII tabulis contineri videbit: sive quem ista praepotens et gloriosa philosophia delectat, - dicam audacius - hosce habet fontis omnium disputationum suarum, qui iure civili et legibus continentur: [194] ex his enim et dignitatem maxime expetendam videmus, cum vera virtus atque honestus labor honoribus, praemiis, splendore decoratur, vitia autem hominum atque fraudes damnis, ignominiis, vinclis, verberibus, exsiliis, morte multantur; et docemur non infinitis concertationumque plenis disputationibus, sed auctoritate nutuque legum domitas habere libidines, coercere omnis cupiditates, nostra tueri, ab alienis mentis, oculos, manus abstinere.

[XLIV] [195] Fremant omnes licet, dicam quod sentio: bibliothecas me hercule omnium philosophorum unus mihi videtur XII tabularum libellus, si quis legum fontis et capita viderit, et auctoritatis pondere

et utilitatis ubertate superare. [196] Ac si nos, id quod maxime debet, nostra patria delectat, cuius rei tanta est vis ac tanta natura, ut Ithacam illam in asperrimis saxulis tamquam nidulum adfixam sapientissimus vir immortalitati anteponeret, quo amore tandem inflammati esse debemus in eius modi patriam, quae una in omnibus terris domus est virtutis, imperi, dignitatis? Cuius primum nobis mens, mos, disciplina nota esse debet, vel quia est patria parens omnium nostrum, vel quia tanta sapientia fuisse in iure constituendo putanda est quanta fuit in his tantis opibus imperi comparandis. [197] Percipietis etiam illam ex cognitione iuris laetitiam et voluptatem, quod, quantum praestiterint nostri maiores prudentia ceteris gentibus, tum facillime intellegetis, si cum illorum Lycurgo et Dracone et Solone nostras leges conferre volueritis; incredibile est enim, quam sit omne ius civile praeter hoc nostrum inconditum ac paene ridiculum; de quo multa soleo in sermonibus cotidianis dicere, cum hominum nostrorum prudentiam ceteris omnibus et maxime Graecis antepono. His ego de causis dixeram, Scaevola, eis, qui perfecti oratores esse vellent, iuris civilis esse cognitionem necessariam.

[XLV] [198] Iam vero ipsa per sese quantum adferat eis, qui ei praesunt, honoris, gratiae, dignitatis, quis ignorat? Itaque, ut apud Graecos infimi homines mercedula adducti ministros se praebent in iudiciis oratoribus, ei, qui apud illos pragmatikoi vocantur, sic in nostra civitate contra amplissimus quisque et clarissimus vir, ut ille, qui propter hanc iuris civilis scientiam sic appellatus a summo poeta est:
egregie cordatus homo, catus Aelius Sextus,
multique praeterea, qui, cum ingenio sibi auctore dignitatem peperissent, perfecerunt ut in respondendo iure auctoritate plus etiam quam ipso ingenio valerent. [199] Senectuti vero celebrandae et ornandae quod honestius potest esse perfugium quam iuris interpretatio? Equidem mihi hoc subsidium iam inde ab adulescentia comparavi, non solum ad causarum usum forensem, sed etiam ad decus atque ornamentum senectutis, ut, cum me vires, quod fere iam tempus adventat, deficere coepissent, ista ab solitudine domum meam vindicarem. Quid est enim praeclarius quam honoribus et rei publicae muneribus perfunctum senem posse suo iure dicere idem,

quod apud Ennium dicat ille Pythius Apollo, se esse eum, unde sibi, si non populi et reges, at omnes sui cives consilium expetant,

summarum rerum incerti: quos ego ope mea
ex incertis certos compotesque consili
dimitto, ut ne res temere tractent turbidas.

[200] Est enim sine dubio domus iuris consulti totius oraculum civitatis; testis est huiusce Q. Muci ianua et vestibulum, quod in eius infirmissima valetudine adfectaque iam aetate maxima cotidie frequentia civium ac summorum hominum splendore celebratur.

[XLVI] [201] Iam illa non longam orationem desiderant, quam ob rem existimem publica quoque iura, quae sunt propria civitatis atque imperi, tum monumenta rerum gestarum et vetustatis exempla oratori nota esse debere; nam ut in rerum privatarum causis atque iudiciis depromenda saepe oratio est ex iure civili et idcirco, ut ante diximus, oratori iuris scientia necessaria est, sic in causis publicis iudiciorum, contionum, senatus omnis haec et antiquitatis memoria et publici iuris auctoritas et regendae rei publicae ratio ac scientia tamquam aliqua materies eis oratoribus, qui versantur in re publica, subiecta esse debet. [202] Non enim causidicum nescio quem neque clamatorem aut rabulam hoc sermone nostro conquirimus, sed eum virum, qui primum sit eius artis antistes, cuius cum ipsa natura magnam homini facultatem daret, auctor tamen esse deus putatur, ut id ipsum, quod erat hominis proprium, non partum per nos, sed divinitus ad nos delatum videretur; deinde, qui possit non tam caduceo quam nomine oratoris ornatus incolumis vel inter hostium tela versari; tum, qui scelus fraudemque nocentis possit dicendo subicere odio civium supplicioque constringere; idemque ingeni praesidio innocentiam iudiciorum poena liberare; idemque languentem labentemque populum aut ad decus excitare aut ab errore deducere aut inflammare in improbos aut incitatum in bonos mitigare; qui denique, quemcumque in animis hominum motum res et causa postulet, eum dicendo vel excitare possit vel sedare. [203] Hanc vim si quis existimat aut ab eis, qui de dicendi ratione scripserunt, eitam esse aut a me posse exponi tam brevi, vehementer errat neque solum inscientiam meam sed ne rerum quidem magnitudinem perspicit: equidem vobis, quoniam ita voluistis, fontis, unde hauriretis, atque itinera ipsa ita putavi esse demonstranda, non ut ipse duX] essem, quod et infinitum est et non necessarium, sed ut commonstrarem tantum viam et, ut fieri solet, digitum ad fontis intenderem.”

[XLVII] [204] “Mihi vero” inquit Mucius “satis superque abs te videtur istorum studiis, si modo sunt studiosi, esse factum; nam, Socratem illum solitum aiunt dicere perfectum sibi opus esse, si qui satis esset concitatus cohortatione sua ad studium cognoscendae percipiendaeque virtutis; quibus enim id persuasum esset, ut nihil

mallent esse se, quam bonos viros, eis reliquam facilem esse doctrinam; sic ego intellego, si in haec, quae patefecit oratione sua Crassus, intrare volueritis, facillime vos ad ea, quae cupitis, perventuros, ab hoc aditu ianuaque patefacta." [205] "Nobis vero" inquit Sulpicius "ista sunt pergrata perque iucunda; sed pauca etiam requirimus in primisque ea, quae valde breviter a te, Crasse, de ipsa arte percursa sunt, cum illa te et non contemnere et didicisse confiterere: ea si paulo latius dixeris, expleris omnem exspectationem diuturni desideri nostri; nam nunc, quibus studendum rebus esset accepimus, quod ipsum est tamen magnum; sed vias earum rerum rationemque cupimus cognoscere." [206] "Quid si," inquit Crassus "quoniam ego, quo facilius vos apud me tenerem, vestrae potius obsecutus sum voluntati, quam aut consuetudini aut naturae meae, petimus ab Antonio, ut ea, quae continet neque adhuc protulit, ex quibus unum libellum sibi excidisse iam dudum questus est, explicet nobis et illa dicendi mysteria enuntiet?" "Vt videtur," inquit Sulpicius; "nam Antonio dicente etiam quid tu intellegas, sentiemus." [207] "Peto igitur" inquit Crassus "a te, quoniam id nobis, Antoni, hominibus id aetatis oneris ab horum adulescentium studiis imponitur, ut exponas, quid eis de rebus, quas a te quaeri vides, sentias."

[XLVIII] "Deprehensum equidem me" inquit Antonius "plane video atque sentio, non solum quod ea requiruntur a me, quorum sum ignarus atque insolens, sed quia, quod in causis valde fugere soleo, ne tibi, Crasse, succedam, id me nunc isti vitare non sinunt; [208] verum hoc ingrediar ad ea, quae vultis, audacius, quod idem mihi spero usu esse venturum in hac disputatione, quod in dicendo solet, ut nulla exspectetur ornata oratio: neque enim sum de arte dicturus, quam numquam didici, sed de mea consuetudine; ipsaque illa, quae in commentarium meum rettuli, sunt eius modi, non aliqua mihi doctrina tradita, sed in rerum usu causisque tractata; quae si vobis, hominibus eruditissimis, non probabuntur, vestram iniquitatem accusatote, qui ex me ea quaesieritis, quae ego nescirem; meam facilitatem laudatote, cum vobis non meo iudicio, sed vestro studio inductus non gravate respondero." [209] Tum Crassus "perge modo," inquit "Antoni; nullum est enim periculum, ne quid tu eloquare nisi ita prudenter, ut neminem nostrum paeniteat ad hunc te sermonem

impulisse.”

“Ego vero,” inquit, “pergam et id faciam, quod in principio fieri in omnibus disputationibus oportere censeo, ut, quid illud sit, de quo disputetur, explanetur, ne vagari et errare cogatur oratio, si ei, qui inter se dissenserint, non idem [esse] illud, de quo agitur, intellegant. [210] Nam si forte quaereretur quae esset ars imperatoris, constituendum putarem principio, quis esset imperator; qui cum esset constitutus administrator quidam belli gerendi, tum adiungeremus de exercitu, de castris, de agminibus, de signorum conlationibus, de oppidorum oppugnationibus, de commeatu, de insidiis faciendis atque vitandis, de reliquis rebus, quae essent propriae belli administrandi; quarum qui essent animo et scientia compotes, eos esse imperatores dicerem, utererque exemplis Africanorum et Maximorum, Epaminondam atque Hannibalem atque eius generis homines nominarem. [211] Sin autem quaereremus quis esset is, qui ad rem publicam moderandam usum et scientiam et studium suum contulisset, definirem hoc modo: qui quibus rebus utilitas rei publicae pareretur augereturque, teneret eisque uteretur, hunc rei publicae rectorem et consili publici auctorem esse habendum, praedicaremque P. Lentulum principem illum et Ti. Gracchum patrem et Q. Metellum et P. Africanum et C. Laelium et innumerabilis alios cum ex nostra civitate tum ex ceteris. [212] Sin autem quaereretur quisnam iuris consultus vere nominaretur, eum dicerem, qui legum et consuetudinis eius, qua privati in civitate uterentur, et ad respondendum et ad agendum et ad cavendum peritus esset, et ex eo genere Sex. Aelium, M’. Manilium, P. Mucium nominarem.

[XLIX] Atque, ut iam ad leviora artium studia veniam, si musicus, si grammaticus, si poeta quaeratur, possim similiter explicare, quid eorum quisque profiteatur et quo non amplius ab quoque sit postulandum. Philosophi denique ipsius, qui de sua vi ac sapientia unus omnia paene profitetur, est tamen quaedam descriptio, ut is, qui studeat omnium rerum divinarum atque humanarum vim naturam causasque nosse et omnem bene vivendi rationem tenere et persequi, nomine hoc appelletur. [213] Oratorem autem, quoniam de eo quaerimus, equidem non facio eundem quem Crassus, qui mihi visus est omnem omnium rerum atque artium scientiam comprehendere

uno oratoris officio ac nomine; atque eum puto esse, qui et verbis ad audiendum iucundis et sententiis ad probandum accommodatis uti possit in causis forensibus atque communibus: hunc ego appello oratorem eumque esse praeterea instructum voce et actione et lepore quodam volo. [214] Crassus vero mihi noster visus est oratoris facultatem non illius artis terminis, sed ingeni sui finibus immensis paene describere; nam et civitatum regendarum oratori gubernacula sententia sua tradidit, in quo per mihi mirum visum est, Scaevola, te hoc illi concedere, cum saepissime tibi senatus breviter impoliteque dicenti maximis sit de rebus adsensus. M. vero Scaurus, quem non longe ruri apud se esse audio, vir regendae rei publicae scientissimus, si audierit hanc auctoritatem gravitatis et consili sui vindicari a te, Crasse, quod eam oratoris propriam esse dicas, iam, credo, huc veniat et hanc loquacitatem nostram vultu ipso aspectuque conterreat; qui quamquam est in dicendo minime contemnendus, prudentia tamen rerum magnarum magis quam dicendi arte nititur. [215] Neque vero, si quis utrumque potest, aut ille consili publici auctor ac senator bonus ob eam ipsam causam orator est aut hic disertus atque eloquens, si est idem in procuratione civitatis egregius, illam scientiam dicendi copia est consecutus: multum inter se distant istae facultates longeque sunt diversae atque seiunctae neque eadem ratione ac via M. Cato, P. Africanus, Q. Metellus, C. Laelius, qui omnes eloquentes fuerunt, orationem suam et rei publicae dignitatem exornabant. [L] Neque enim est interdictum aut a rerum natura aut a lege aliqua atque more, ut singulis hominibus ne amplius quam singulas artis nosse liceat. [216] Qua re non, si eloquentissimus Athenis Pericles idemque in ea civitate plurimos annos princeps consili publici fuit, idcirco eiusdem hominis atque artis utraque facultas existimanda est, nec, si P. Crassus idem fuit eloquens et iuris peritus, ob eam causam inest in facultate dicendi iuris civilis scientia. [217] Nam si ut quisque in aliqua arte et facultate excellens aliam quoque artem sibi adsumpserit, is perficiet ut, quod praeterea sciet, id eius, in quo excellet, pars quaedam esse videatur, licet ista ratione dicamus pila bene et duodecim scriptis ludere proprium esse iuris civilis, quoniam utrumque eorum P. Mucius optime fecerit; eademque ratione dicantur ei quos physikous Graeci nominant eidem poetae, quoniam Empedocles physicus egregium poema fecerit. At

hoc ne philosophi quidem ipsi, qui omnia sicut propria sua esse atque a se possideri volunt, dicere audent, geometriam aut musicam philosophi esse, quia Platonem omnes in illis artibus praestantissimum fuisse fateantur. [218] Ac si iam placet omnis artis oratori subiungere, tolerabilius est sic potius dicere, ut, quoniam dicendi facultas non debeat esse ieiuna atque nuda, sed aspersa atque distincta multarum rerum iucunda quadam varietate, sit boni oratoris multa auribus accepisse, multa vidisse, multa animo et cogitatione, multa etiam legendo percucurrisse, neque ea ut sua possedisse sed ut aliena libasse; fateor enim callidum quendam hunc et nulla in re tironem ac rudem nec peregrinum atque hospitem in agendo esse debere.

[LI] [219] Neque vero istis tragoediis tuis, quibus uti philosophi maxime solent, Crasse, perturbor, quod ita dixisti, neminem posse eorum mentis, qui audirent, aut inflammare dicendo aut inflammatas restinguere, cum eo maxime vis oratoris magnitudoque cernatur, nisi qui <rerum omnium> naturam et mores hominum atque rationes penitus perspexerit, in quo philosophia sit oratori necessario percipienda; quo in studio hominum [quoque] ingeniosissimorum otiosissimorumque totas aetates videmus esse contritas. Quorum ego copiam magnitudinemque cognitionis atque artis non modo non contemno, sed etiam vehementer admiror; nobis tamen, qui in hoc populo foroque versamur, satis est ea de motibus animorum et scire et dicere quae non abhorrent ab hominum moribus. [220] Quis enim umquam orator magnus et gravis, cum iratum adversario iudicem facere vellet, haesitavit ob eam causam, quod nesciret, quid esset iracundia, fervorne mentis an cupiditas puniendi doloris? Quis, cum ceteros animorum motus aut iudicibus aut populo dicendo miscere atque agitare vellet, ea dixit, quae a philosophis dici solent? Qui partim omnino motus negant in animis ullos esse debere, quique eos in iudicum mentibus concitent, scelus eos nefarium facere; partim, qui tolerabiliores volunt esse et ad veritatem vitae propius accedere, permediocris ac potius levis motus debere esse dicunt. [221] Orator autem omnia haec, quae putantur in communi vitae consuetudine mala ac molesta et fugienda, multo maiora et acerbiora verbis facit; itemque ea, quae vulgo expetenda atque optabilia videntur, dicendo amplificat atque ornat; neque vult ita sapiens inter stultos videri, ut

ei, qui audiant, aut illum ineptum et Graeculum putent, aut, etiam si valde probent ingenium, oratoris sapientiam admirentur, se esse stultos moleste ferant; [222] sed ita peragrat per animos, ita sensus hominum mentisque pertractat, ut non desideret philosophorum descriptiones neque exquirat oratione, summum illud bonum in animone sit an in corpore, virtute an voluptate definiatur, an haec inter se iungi copularique possint; an vero, ut quibusdam visum, nihil certum sciri, nihil plane cognosci et percipi possit; quarum rerum fateor magnam multiplicemque esse disciplinam et multas copiosas variasque rationes. [223] Sed aliud quiddam, longe aliud, Crasse, quaerimus: acuto homine nobis opus est et natura usuque callido, qui sagaciter pervestiget, quid sui cives eique homines, quibus aliquid dicendo persuadere velit, cogitent, sentiant, opinentur, exspectent;

[LII] teneat oportet venas cuiusque generis, aetatis, ordinis, et eorum, apud quos aliquid aget aut erit acturus, mentis sensusque degustet; [224] philosophorum autem libros reservet sibi ad huiusce modi Tusculani requiem atque otium, ne, si quando ei dicendum erit de iustitia et fide, mutuetur a Platone; qui, cum haec exprimenda verbis arbitraretur, novam quandam finxit in libris civitatem; usque eo illa, quae dicenda de iustitia putabat, a vitae consuetudine et a civitatum moribus abhorrebant. [225] Quod si ea probarentur in populis atque in civitatibus, quis tibi, Crasse, concessisset, clarissimo viro et amplissimo et principi civitatis, ut illa diceres in maxima contione tuorum civium, quae dixisti? “Eripite nos ex miseriis, eripite ex faucibus eorum, quorum crudelitas nisi nostro sanguine non potest expleri; nolite sinere nos cuiquam servire, nisi vobis universis, quibus et possumus et debemus.” Omitto miserias, in quibus, ut illi aiunt, vir fortis esse non potest; omitto faucis, ex quibus te eripi vis, ne iudicio iniquo exsorbeatur sanguis tuus, quod sapienti negant accidere posse: servire vero non modo te, sed universum senatum, cuius tum causam agebas, ausus es dicere? [226] Potestne virtus, Crasse, servire istis auctoribus, quorum tu praecepta oratoris facultate complecteris? Quae et semper et sola libera est, quaeque, etiam si corpora capta sint armis aut constricta vinculis, tamen suum ius atque omnium rerum impunitam libertatem tenere debeat. Quae vero addidisti, non modo senatum servire posse populo, sed etiam debere, quis hoc philosophus tam mollis, tam languidus,

tam enervatus, tam omnia ad voluptatem corporis doloremque referens probare posset, senatum servire populo, cui populus ipse moderandi et regendi sui potestatem quasi quasdam habenas tradidisset?

[LIII] [227] Itaque haec cum a te divinitus ego dicta arbitrarer, P. Rutilius Rufus, homo doctus et philosophiae deditus, non modo parum commode, sed etiam turpiter et flagitiose dicta esse dicebat; idemque Servium Galbam, quem hominem probe commeminisse se aiebat, pergraviter reprehendere solebat, quod is, L. Scribonio quaestionem in eum ferente, populi misericordiam concitasset, cum M. Cato, Galbae gravis atque acer inimicus, aspere apud populum Romanum et vehementer esset locutus, quam orationem in Originibus suis euit ipse. [228] Reprehendebat igitur Galbam Rutilius, quod is C. Sulpici Gali propinqui sui Q. pupillum filium ipse paene in umeros suos extulisset, qui patris clarissimi recordatione et memoria fletum populo moveret, et duos filios suos parvos tutelae populi commendasset ac se, tamquam in procinctu testamentum faceret sine libra atque tabulis, populum Romanum tutorem instituere dixisset illorum orbitati. Itaque, cum et invidia et odio populi tum Galba premeretur, hisce eum tragoediis liberatum ferebat; quod item apud Catonem scriptum esse video, nisi pueris et lacrimis usus esset, poenas eum daturum fuisse. Haec Rutilius valde vituperabat et huic humilitati dicebat vel exsilium fuisse vel mortem anteponendam. [229] Neque vero hoc solum dixit, sed ipse et sensit et fecit: nam cum esset ille vir exemplum, ut scitis, innocentiae cumque illo nemo neque integrior esset in civitate neque sanctior, non modo supplex iudicibus esse noluit, sed ne ornatius quidem aut liberius causam dici suam, quam simplex ratio veritatis ferebat. Paulum huic Cottae tribuit partium, disertissimo adulescenti, sororis suae filio; dixit item causam illam quadam ex parte Q. Mucius, more suo, nullo apparatu, pure et dilucide. [230] Quod si tu tunc, Crasse, dixisses, qui subsidium oratori ex illis disputationibus, quibus philosophi utuntur, ad dicendi copiam petendum esse paulo ante dicebas, et, si tibi pro P. Rutilio non philosophorum more, sed tuo licuisset dicere, quamvis scelerati illi fuissent, sicuti fuerunt pestiferi cives supplicioque digni, tamen omnem eorum importunitatem ex intimis mentibus evellisset vis orationis tuae. Nunc talis vir amissus est, dum causa ita dicitur, ut si

in illa commenticia Platonis civitate res ageretur. Nemo ingemuit, nemo inclamavit patronorum, nihil cuiquam doluit, nemo est questus, nemo rem publicam imploravit, nemo supplicavit; quid multa? Pedem nemo in illo iudicio supplosit, credo, ne Stoicis renuntiaretur.

[LIV] [231] Imitatus est homo Romanus et consularis veterem illum Socratem, qui, cum omnium sapientissimus esset sanctissimeque vixisset, ita in iudicio capitis pro se ipse dixit, ut non supplex aut reus, sed magister aut dominus videretur esse iudicum. Quin etiam, cum ei scriptam orationem disertissimus orator Lysias attulisset, quam, si ei videretur, edisceret, ut ea pro se in iudicio uteretur, non invitus legit et commode scriptam esse dixit; "sed" inquit "ut, si mihi calceos Sicyonios attulisses, non uterer, quamvis essent habiles atque apti ad pedem, quia non essent viriles," sic illam orationem disertam sibi et oratoriam videri, fortem et virilem non videri. Ergo ille quoque damnatus est; neque solum primis sententiis, quibus tantum statuebant iudices, damnarent an absolverent, sed etiam illis, quas iterum legibus ferre debebant; [232] erat enim Athenis reo damnato, si fraus capitalis non esset, quasi poenae aestimatio; et sententia cum iudicibus daretur, interrogabatur reus, quam [quasi aestimationem] commeruisse se maxime confiteretur. Quod cum interrogatus Socrates esset, respondit sese meruisse ut amplissimis honoribus et praemiis decoraretur et ut ei victus cotidianus in Prytaneo publice praeberetur, qui honos apud Graecos maximus habetur. [233] Cuius responso iudices sic exarserunt, ut capitis hominem innocentissimum condemnarent; qui quidem si absolutus esset, quod me hercule, etiam si nihil ad nos pertinet, tamen propter eius ingeni magnitudinem vellem, quonam modo istos philosophos ferre possemus, qui nunc, cum ille damnatus est nullam aliam ob culpam nisi propter dicendi inscientiam, tamen a se oportere dicunt peti praecepta dicendi? Quibuscum ego non pugno, utrum sit melius aut verius: tantum dico et aliud illud esse atque hoc et hoc sine illo summum esse posse.

[LV] [234] Nam quod ius civile, Crasse, tam vehementer amplexus es, video quid egeris; tum, cum dicebas, videbam; primum Scaevolae te dedisti, quem omnes amare meritissimo pro eius eximia suavitate debemus; cuius artem cum indotatam esse et incomptam videres, verborum eam dote locupletasti et ornasti; deinde quod in ea tu plus operae laborisque consumpseras, cum eius studi tibi et hortator et

magister esset domi, veritus es, nisi istam artem oratione exaggerasses, ne operam perdidisses. [235] Sed ego ne cum ista quidem arte pugno. Sit sane tanta quantam tu illam esse vis - etenim sine controversia et magna est et late patet et ad multos pertinet et summo in honore semper fuit et clarissimi cives ei studio etiam hodie praesunt - sed vide, Crasse, ne dum novo et alieno ornatu velis ornare iuris civilis scientiam, suo quoque eam concesso et tradito spolies atque denudes. [236] Nam, si ita diceres, qui iuris consultus esset, esse eum oratorem, itemque qui esset orator, iuris eundem esse consultum, praeclaras duas artis constitueres atque inter se paris et eiusdem socias dignitatis. Nunc vero iuris consultum sine hac eloquentia, de qua quaerimus, fateris esse posse, fuisseque plurimos; oratorem negas, nisi illam scientiam adsumpserit, esse posse. Ita est tibi iuris consultus ipse per se nihil nisi leguleius quidam cautus et acutus, praeco actionum, cantor formularum, auceps syllabarum; sed quia saepe utitur orator subsidio iuris in causis, idcirco istam iuris scientiam eloquentiae tamquam ancillulam pedisequamque adiunxisti.

[LVI] [237] Quod vero impudentiam admiratus es eorum patronorum, qui aut, cum parva nescirent, magna profiterentur aut ea, quae maxima essent in iure civili, tractare auderent in causis, cum ea nescirent numquamque didicissent, utriusque rei facilis est et prompta defensio. Nam neque illud est mirandum, qui, quibus verbis coemptio fiat, nesciat, eundem eius mulieris, quae coemptionem fecerit, causam posse defendere; nec, si parvi navigi et magni eadem est in gubernando scientia, idcirco qui, quibus verbis erctum cieri oporteat, nesciat, idem erciscundae familiae causam agere non possit. [238] Nam, quod maximas centumviralis causas in iure positas protulisti, quae tandem earum causa fuit, quae ab homine eloquenti iuris imperito non ornatissime potuerit dici? Quibus quidem in causis omnibus, sicut in ipsa M'. Curi, quae abs te nuper est dicta, et in C. Hostili Mancini controversia atque in eo puero, qui ex altera natus erat uxore, non remisso nuntio superiori, fuit inter peritissimos homines summa de iure dissensio: [239] quaero igitur, quid adiuverit oratorem in his causis iuris scientia, cum hic iuris consultus superior fuerit discessurus, qui esset non suo artificio, sed alieno, hoc est, non iuris scientia, sed eloquentia, sustentatus. Equidem hoc saepe audivi:

cum aedilitatem P. Crassus peteret eumque maior natu et iam consularis Ser. Galba adsectaretur, quod Crassi filiam Gaio filio suo despondisset, accessisse ad Crassum consulendi causa quendam rusticanum, qui cum Crassum seduxisset atque ad eum rettulisset responsumque ab eo verum magis quam ad suam rem accommodatum abstulisset, ut eum tristem Galba vidit, nomine appellavit quaesivitque, qua de re ad Crassum rettulisset; ex quo ut audivit commotumque ut vidit hominem, [240] "suspenso" inquit "animo et occupato Crassum tibi respondisse video," deinde ipsum Crassum manu prehendit et "heus tu," inquit "quid tibi in mentem venit ita respondere?" Tum ille fidenter homo peritissimus confirmare ita se rem habere, ut respondisset, nec dubium esse posse; Galba autem adludens varie et copiose multas similitudines adferre multaque pro aequitate contra ius dicere; atque illum, cum disserendo par esse non posset - quamquam fuit Crassus in numero disertorum, sed par Galbae nullo modo - ad auctores confugisse et id, quod ipse diceret, et in P. Muci fratris sui libris et in Sex. Aeli commentariis scriptum protulisse ac tamen concessisse Galbae disputationem sibi probabilem et prope veram videri.

[LVII] [241] Ac tamen, quae causae sunt eius modi, ut de earum iure dubium esse non possit, omnino in iudicium vocari non solent. Num quis eo testamento, quod paterfamilias ante fecit quam ei filius natus esset, hereditatem petit? Nemo; quia constat agnascendo rumpi testamentum; ergo in hoc genere iuris iudicia nulla sunt: licet igitur impune oratori omnem hanc partem iuris non controversi ignorare, quae pars sine dubio multo maxima est; [242] in eo autem iure, quod ambigitur inter peritissimos, non est difficile oratori eius partis, quamcumque defendet, auctorem aliquem invenire; a quo cum amentatas hastas acceperit, ipse eas oratoris lacertis viribusque torquebit. Nisi vero - bona venia huius optimi viri dixerim - Scaevolae tu libellis aut praeceptis soceri tui causam M'. Curi defendisti, non adripuisti patrocinium aequitatis et defensionem testamentorum ac voluntatis mortuorum. [243] Ac mea quidem sententia - frequens enim te audivi atque adfui - multo maiorem partem sententiarum sale tuo et lepore et politissimis facetiis pellexisti, cum et illud nimium acumen inluderes et admirarere ingenium Scaevolae qui excogitasset nasci prius oportere quam

emori; cumque multa conligeres et ex legibus et ex senatus consultis et ex vita ac sermone communi non modo acute sed etiam ridicule ac facete, ubi si verba, non rem sequeremur, confici nihil posset: itaque hilaritatis plenum iudicium ac laetitiae fuit; in quo quid tibi iuris civilis exercitatio profuerit, non intellego; dicendi vis egregia, summa festivitate et venustate coniuncta, profuit. [244] Ipse ille Mucius paterni iuris defensor et quasi patrimoni propugnator sui, quid in illa causa, cum contra te diceret, attulit, quod de iure civili depromptum videretur? Quam legem recitavit? Quid patefecit dicendo, quod fuisset imperitis occultius? Nempe eius omnis oratio versata est in eo, ut scriptum plurimum valere oportere defenderet, at in hoc genere pueri apud magistros exercentur omnes, cum in eius modi causis alias scriptum, alias aequitatem defendere docentur. [245] Et, credo, in illa militis causa, si tu aut heredem aut militem defendisses, ad Hostilianas te actiones, non ad tuam vim et oratoriam facultatem contulisses: tu vero, vel si testamentum defenderes, sic ageres, ut omne omnium testamentorum ius in eo iudicio positum videretur, vel si causam ageres militis, patrem eius, ut soles, dicendo a mortuis excitasses; statuisses ante oculos; complexus esset filium flensque eum centum viris commendasset; lapides me hercule omnis flere ac lamentari coegisses, ut totum illud VTI LINGVA NVNCVPASSIT non in XII tabulis, quas tu omnibus bibliothecis anteponis, sed in magistri carmine scriptum videretur.

[LVIII] [246] Nam quod inertiam accusas adulescentium, qui istam artem primum facillimam non ediscant, [quae] quam sit facilis, illi viderint, qui eius artis adrogantia, quasi difficillima sit, ita subnixi ambulant, deinde etiam tu ipse videris, qui eam artem facilem esse dicis, quam concedis adhuc artem omnino non esse, sed aliquando, si quis aliam artem didicerit, ut hanc artem efficere possit, tum esse illam artem futuram; deinde, quod sit plena delectationis; in quo tibi remittunt omnes istam voluptatem et ea se carere patiuntur; nec quisquam est eorum, qui, si iam sit ediscendum sibi aliquid, non Teucrum Pacuvi malit quam Manilianas Venalium vendendorum leges ediscere; [247] tum autem quod amore patriae censes nos nostrorum maiorum inventa nosse debere, non vides veteres leges aut ipsas sua vetustate consenuisse aut novis legibus esse sublatas? Quod vero viros bonos iure civili fieri putas, quia legibus et praemia

proposita sint virtutibus et supplicia vitiis, equidem putabam virtutem hominibus, si modo tradi ratione possit, instituendo et persuadendo, non minis et vi ac metu tradi. Nam ipsum quidem illud etiam sine cognitione iuris, quam sit bellum cavere malum, scire possumus. [248] De me autem ipso, cui uni tu concedis, ut sine ulla iuris scientia tamen causis satis facere possim, tibi hoc, Crasse, respondeo, neque me umquam ius civile didicisse neque tamen in eis causis, quas in iure possem defendere, umquam istam scientiam desiderasse; aliud est enim esse artificem cuiusdam generis atque artis, aliud in communi vita et vulgari hominum consuetudine nec hebetem nec rudem. [249] Cui nostrum licet fundos nostros obire aut res rusticas vel fructus causa vel delectationis invisere? Tamen nemo tam sine oculis, tam sine mente vivit, ut quid sit sementis ac messis, quid arborum putatio ac vitium, quo tempore anni aut quo modo ea fiant omnino nesciat. Num igitur si qui fundus inspiciendus aut si mandandum aliquid procuratori de agri cultum aut imperandum vilico est, Magonis Karthaginiensis sunt libri perdiscendi? An hac communi intellegentia contenti esse possumus? Cur ergo non eidem in iure civili, praesertim cum in causis et in negotiis et in foro conteramur, satis instructi esse possumus ad hoc dumtaxat, ne in nostra patria peregrini atque advenae esse videamur? [250] Ac si iam sit causa aliqua ad nos delata obscurior, difficile, credo, sit, cum hoc Scaevola communicare; quamquam ipsi omnia, quorum negotium est, consulta ad nos et exquisita deferunt. An vero, si de re ipsa, si de finibus, cum in rem praesentem [non] venimus, si de tabulis et perscriptionibus controversia est, contortas res et saepe difficilis necessario perdiscimus; si leges nobis aut si hominum peritorum responsa cognoscenda sunt, veremur ne ea, si ab adulescentia iuri civili minus studuerimus, non queamus cognoscere?

[LIX] Nihilne igitur prodest oratori iuris civilis scientia? Non negare prodesse ullam scientiam, ei praesertim, cuius eloquentia copia rerum debeat esse ornata; sed multa et magna et difficilia sunt ea, quae sunt oratori necessaria, ut eius industriam in plura studia distrahere nolim. [251] Quis neget opus esse oratori in hoc oratorio motu statuque Rosci gestum et venustatem? Tamen nemo suaserit studiosis dicendi adulescentibus in gestu discendo histrionum more elaborare. Quid est oratori tam necessarium quam vox? Tamen me

auctore nemo dicendi studiosus Graecorum more tragoedorum voci serviet, qui et annos compluris sedentes declamitant et cotidie, ante quam pronuntient, vocem cubantes sensim excitant eandemque, cum egerunt, sedentes ab acutissimo sono usque ad gravissimum sonum recipiunt et quasi quodam modo conligunt. Hoc nos si facere velimus, ante condemnentur ei, quorum causas receperimus, quam totiens, quotiens praescribitur, Paeanem aut hymnum recitarimus. [252] Quod si in gestu, qui multum oratorem adiuvat, et in voce, quae una maxime eloquentiam vel commendat vel sustinet, elaborare nobis non licet ac tantum in utroque adsequi possumus, quantum in hac acie cotidiani muneris spati nobis datur, quanto minus est ad iuris civilis perdiscendi occupationem descendendum? Quod et summatim percipi sine doctrina potest et hanc habet ab illis rebus dissimilitudinem, quod vox] et gestus subito sumi et aliunde adripi non potest, iuris utilitas ad quamque causam quamvis repente vel a peritis vel de libris depromi potest. [253] Itaque illi disertissimi homines ministros habent in causis iuris peritos, cum ipsi sint imperitissimi, ei qui, ut abs te paulo ante dictum est, pragmatici vocantur; in quo nostri omnino melius multo, quod clarissimorum hominum auctoritate leges et iura tecta esse voluerunt. Sed tamen non fugisset hoc Graecos homines, si ita necesse esse arbitrati essent, oratorem ipsum erudire in iure civili, non ei pragmaticum adiutorem dare.

[LX] [254] Nam quod dicis senectutem a solitudine vindicari iuris civilis scientia, fortasse etiam pecuniae magnitudine; sed nos non quid nobis utile, verum quid oratori necessarium sit, quaerimus. Quamquam, quoniam multa ad oratoris similitudinem ab uno artifice sumimus, solet idem Roscius dicere se, quo plus sibi aetatis accederet, eo tardiores tibicinis modos et cantus remissiores esse facturum. Quod si ille astrictus certa quadam numerorum moderatione et pedum tamen aliquid ad requiem senectutis excogitat, quanto facilius nos non laxare modos, sed totos mutare possumus? [255] Neque enim hoc te, Crasse, fallit, quam multa sint et quam varia genera dicendi, id quod haud sciam an tu primus ostenderis, qui iam diu multo dicis remissius et lenius quam solebas; neque minus haec tamen tua gravissimi sermonis lenitas, quam illa summa vis et contentio probatur: multique oratores fuerunt, ut illum Scipionem

audimus et Laelium, qui omnia sermone conficerent paulo intentiore, numquam, ut Ser. Galba, lateribus aut clamore contenderent. Quod si iam hoc facere non poteris aut noles, vereris ne tua domus talis et viri et civis, si a litigiosis hominibus non colatur, a ceteris deseratur? Equidem tantum absum ab ista sententia, ut non modo non arbitrer subsidium senectutis in eorum, qui consultum veniant, multitudine esse ponendum, sed tamquam portum aliquem exspectem istam quam tu times, solitudinem. Subsidium enim bellissimum existimo esse senectuti otium.

[256] Reliqua vero etiam si adiuvant, historiam dico et prudentiam iuris publici et antiquitatis memoriam et exemplorum copiam, si quando opus erit, a viro optimo et istis rebus instructissimo, familiari meo Congo mutuabor, neque repugnabo, quo minus, id quod modo hortatus es, omnia legant, omnia audiant, in omni recto studio atque humanitate versentur; sed me hercule non ita multum spati mihi habere videntur, si modo ea facere et persequi volent, quae a te, Crasse, praecepta sunt; qui mihi prope iam nimis duras leges imponere visus es huic aetati, sed tamen ad id, quod cupiunt, adipiscendum prope necessarias. [257] Nam et subitae ad propositas causas exercitationes et accuratae ac meditatae commentationes ac stilus ille tuus, quem tu vere dixisti perfectorem dicendi esse ac magistrum, multi sudoris est; et illa orationis suae cum scriptis alienis comparatio et de alieno scripto subita vel laudandi vel vituperandi vel comprobandi vel refellendi causa disputatio non mediocris contentionis est vel ad memoriam vel ad imitandum.

[LXI] [258] Illud vero fuit horribile, quod me hercule vereor ne maiorem vim ad deterrendum habuerit quam ad cohortandum: voluisti enim in suo genere unum quemque nostrum quasi quendam esse Roscium; dixistique non tam ea, quae recta essent, probari, quam quae prava, fastidiis adhaerescere; quod ego non tam fastidiose in nobis quam in histrionibus spectari puto; [259] itaque nos raucos saepe attentissime audiri video; tenet enim res ipsa atque causa; at Aesopum, si paulum inrauserit, explodi. A quibus enim nihil praeter voluptatem aurium quaeritur, in eis offenditur, simul atque imminuitur aliquid de voluptate, in eloquenti autem multa sunt quae teneant; quae si omnia summa non sunt et pleraque tamen magna sunt, necesse est ea ipsa, quae sunt, mirabilia videri.

[260] Ergo, ut ad primum illud revertar, sit orator nobis is, qui, ut Crassus descripsit, accommodate ad persuadendum possit dicere; is autem concludatur in ea, quae sunt in usu civitatum vulgari ac forensi, remotisque ceteris studiis, quamvis ea sint ampla atque praeclara, in hoc uno opere, ut ita dicam, noctes et dies urgeatur; imiteturque illum, cui sine dubio summa vis dicendi conceditur, Atheniensem Demosthenem, in quo tantum studium fuisse tantusque labor dicitur, ut primum impedimenta naturae diligentia industriaque superaret, cumque ita balbus esset, ut eius ipsius artis, cui studeret, primam litteram non posset dicere, perfecit meditando, ut nemo planius esse locutus putaretur; [261] deinde cum spiritus eius esset angustior, tantum continenda anima in dicendo est adsecutus, ut una continuatione verborum, id quod eius scripta declarant, binae ei contentiones vocis et remissiones continerentur; qui etiam, ut memoriae proditum est, coniectis in os calculis, summa voce versus multos uno spiritu pronuntiare consuescebat; neque is consistens in loco, sed inambulans atque ascensu ingrediens arduo. [262] Hisce ego cohortationibus, Crasse, ad studium et ad laborem incitandos iuvenis vehementer adsentior; cetera, quae conlegisti ex variis et diversis studiis et artibus, tametsi ipse es omnia consecutus, tamen ab oratoris proprio officio atque munere seiuncta esse arbitror."

[LXII] Haec cum Antonius dixisset, sane dubitare visus est Sulpicius et Cotta, utrius oratio propius ad veritatem videretur accedere. [263] Tum Crassus "operarium nobis quendam, Antoni, oratorem facis atque haud scio an aliter sentias et utare tua illa mirifica ad refellendum consuetudine, qua tibi nemo umquam praestitit; cuius quidem ipsius facultatis exercitatio oratorum propria est, sed iam in philosophorum consuetudine versatur maximeque eorum, qui de omni re proposita in utramque partem solent copiosissime dicere. [264] Verum ego non solum arbitrabar, his praesertim audientibus, a me informari oportere, qualis esse posset is, qui habitaret in subselliis neque quicquam amplius adferret, quam quod causarum necessitas postularet, sed maius quiddam videbam, cum censebam oratorem, praesertim in nostra re publica, nullius ornamenti expertem esse oportere. Tu autem, quoniam exiguis quibusdam finibus totum oratoris munus circumdedisti, hoc facilius nobis expones ea, quae abs te de officiis praeceptisque oratoris

quaesita sunt; sed opinor secundum hunc diem; satis enim multa a nobis hodie dicta sunt. [265] Nunc et Scaevola, quoniam in Tusculanum ire constituit, paulum requiescet, dum se calor frangat; et nos ipsi, quoniam id temporis est, valetudini demus operam.” Placuit sic omnibus. Tum Scaevola “sane” inquit “vellem non constituissem <in Tusculanum> me hodie venturum esse L. Aelio; libenter audirem Antonium”; et, cum exsurgeret, simul adridens “neque enim” inquit “tam mihi molestus fuit, quod ius nostrum civile pervellit, quam iucundus, quod se id nescire confessus est.”

LIBER SECVNDVS

[I] [1] Magna nobis pueris, Quinte frater, si memoria tenes, opinio fuit L. Crassum non plus attigisse doctrinae, quam quantum prima illa puerili institutione potuisset; M. autem Antonium omnino omnis eruditionis expertem atque ignarum fuisse; erantque multi qui, quamquam non ita se rem habere arbitrarentur, tamen, quo facilius nos incensos studio discendi a doctrina deterrerent, libenter id, quod dixi, de illis oratoribus praedicarent, ut, si homines non eruditi summam essent prudentiam atque incredibilem eloquentiam consecuti, inanis omnis noster esse labor et stultum in nobis erudiendis patris nostri, optimi ac prudentissimi viri, studium videretur. [2] Quos tum, ut pueri, refutare domesticis testibus patre et C. Aculeone propinquo nostro et L. Cicerone patruo solebamus, quod de Crasso pater et Aculeo, quocum erat nostra matertera, quem Crassus dilexit ex omnibus plurimum, et patruus, qui cum Antonio in Ciliciam profectus una decesserat, multa nobis de eius studio et doctrina saepe narravit; cumque nos cum consobrinis nostris, Aculeonis filiis, et ea disceremus, quae Crasso placerent, et ab eis doctoribus, quibus ille uteretur, erudiremur, etiam illud saepe intelleximus, cum essemus eius domi, quod vel pueri sentire poteramus, illum et Graece sic loqui, nullam ut nosse aliam linguam videretur, et doctoribus nostris ea ponere in percontando eaque ipsum omni in sermone tractare, ut nihil esse ei novum, nihil inauditum videretur. [3] De Antonio vero, quamquam saepe ex humanissimo homine patruo nostro acceperamus, quem ad modum ille vel Athenis vel Rhodi se doctissimorum hominum sermonibus dedisset, tamen ipse adulescentulus, quantum illius ineuntis aetatis meae patiebatur pudor, multa ex eo saepe quaesivi. Non erit profecto tibi, quod scribo, hoc novum; nam iam tum ex me audiebas mihi illum ex multis variisque sermonibus nullius rei, quae quidem esset in eis artibus, de quibus aliquid existimare possem, rudem aut ignarum esse visum. [4] Sed fuit hoc in utroque eorum, ut Crassus non tam existimari vellet non didicisse, quam illa despicere et nostrorum hominum in omni genere prudentiam Graecis anteferre; Antonius autem probabiliorem hoc populo orationem fore censebat suam, si

omnino didicisse numquam putaretur; atque ita se uterque graviorem fore, si alter contemnere, alter ne nosse quidem Graecos videretur. [5] Quorum consilium quale fuerit, nihil sane ad hoc tempus; illud autem est huius institutae scriptionis ac temporis, neminem eloquentia non modo sine dicendi doctrina, sed ne sine omni quidem sapientia florere umquam et praestare potuisse.

[II] Etenim ceterae fere artes se ipsae per se tuentur singulae; bene dicere autem, quod est scienter et perite et ornate dicere, non habet definitam aliquam regionem, cuius terminis saepta teneatur: omnia, quaecumque in hominum disceptationem cadere possunt bene sunt ei dicenda, qui hoc se posse profitetur, aut eloquentiae nomen relinquendum est. [6] Qua re equidem et in nostra civitate et in ipsa Graecia, quae semper haec summa duxit, multos et ingeniis eximiis et magna laude dicendi sine summa rerum omnium scientia fuisse fateor; talem vero exsistere eloquentiam, qualis fuit in Crasso et Antonio, non cognitis rebus omnibus, quae ad tantam prudentiam pertinerent, tantamque dicendi copiam, quanta in illis fuit, non potuisse confirmo. [7] Quo etiam feci libentius, ut eum sermonem, quem illi quondam inter se de his rebus habuissent, mandarem litteris, vel ut illa opinio, quae semper fuisset, tolleretur, alterum non doctissimum, alterum plane indoctum fuisse; vel ut ea, quae existimarem a summis oratoribus de eloquentia divinitus esse dicta, custodirem litteris, si ullo modo adsequi complectique potuissem; vel me hercule etiam ut laudem eorum iam prope senescentem, quantum ego possem, ab oblivione hominum atque a silentio vindicarem. [8] Nam si ex scriptis cognosci ipsi suis potuissent, minus hoc fortasse mihi esse putassem laborandum; sed cum alter non multum, quod quidem exstaret, et id ipsum adulescens, alter nihil admodum scripti reliquisset, deberi hoc a me tantis hominum ingeniis putavi, ut, cum etiam nunc vivam illorum memoriam teneremus, hanc immortalem redderem, si possem. [9] Quod hoc etiam spe adgredior maiore ad probandum, quia non de Ser. Galbae aut C. Carbonis eloquentia scribo aliquid, in quo liceat mihi fingere, si quid velim, nullius memoria iam me refellente, sed edo haec eis cognoscenda, qui eos ipsos, de quibus loquor, saepe audierunt; ut duos summos viros eis, qui neutrum illorum viderint, eorum, quibus ambo illi oratores cogniti sint, vivorum et praesentium memoria teste commendemus.

[III] [10] Nec vero te, carissime frater atque optime, rhetoricis nunc quibusdam libris, quos tu agrestis putas, insequor ut erudiam; quid enim tua potest esse oratione aut subtilius aut ornatius? Sed sive iudicio, ut soles dicere, sive, ut ille pater eloquentiae de se Isocrates scripsit ipse, pudore a dicendo et timiditate ingenua quadam refugisti, sive, ut ipse iocari soleo, unum putasti satis esse non modo in una familia rhetorem, sed paene in tota civitate, non tamen arbitror tibi hos libros in eo fore genere, quod merito propter eorum, qui de dicendi ratione disputarunt, ieiunitatem bonarum artium possit inludi; [11] nihil enim mihi quidem videtur in Crassi et Antoni sermone esse praeteritum, quod quisquam summis ingeniis, acerrimis studiis, optima doctrina, maximo usu cognosci ac percipi potuisse arbitraretur, quod tu facillime poteris iudicare, qui prudentiam rationemque dicendi per te ipsum, usum autem per nos percipere voluisti. Sed quo citius hoc, quod suscepimus, non mediocre munus conficere possimus, omissa nostra adhortatione ad eorum, quos proposuimus, sermonem disputationemque veniamus.

[12] Postero igitur die, quam illa erant acta, hora fere secunda, cum etiam tum in lecto Crassus esset et apud eum Sulpicius sederet, Antonius autem inambularet cum Cotta in porticu, repente eo Q. Catulus senex cum C. Iulio fratre venit; quod ubi audivit, commotus Crassus surrexit omnesque admirati maiorem aliquam esse causam eorum adventus suspicati sunt. [13] Qui cum inter se, ut ipsorum usus ferebat, amicissime consalutassent: “quid vos tandem?” Crassus “num quidnam” inquit “novi?” “Nihil sane,” inquit Catulus “etenim vides esse ludos; sed - vel tu nos ineptos licet” inquit “vel molestos putes - cum ad me in Tusculanum” inquit “heri vesperi venisset Caesar de Tusculano suo, dixit mihi a se Scaevolam hinc euntem esse conventum, ex quo mira quaedam se audisse dicebat; te, quem ego totiens omni ratione temptans ad disputandum elicere non potuissem, permulta de eloquentia cum Antonio disseruisse et tamquam in schola prope ad Graecorum consuetudinem disputasse: [14] ita me frater exoravit ne ipsum quidem a studio audiendi nimis abhorrentem, sed me hercule verentem, ne molesti vobis interveniremus, ut huc secum venirem; etenim Scaevolam ita dicere aiebat, bonam partem sermonis in hunc diem esse dilatam. Hoc tu si cupidius factum existimas, Caesari attribues; si familiarius, utrique

nostrum; nos quidem, nisi forte molesti intervenimus, venisse delectat.”

[IV] [15] Tum Crassus “equidem, quaecumque vos causa huc attulisset, laetarer, cum apud me viderem homines mihi carissimos et amicissimos; sed tamen, vere dicam, quaevis mallem fuisset, quam ista, quam dicis. Ego enim, ut, quem ad modum sentio, loquar, numquam mihi minus quam hesterno die placui; magis adeo id facilitate quam alia ulla culpa mea contigit, qui, dum obsequor adulescentibus, me senem esse sum oblitus fecique id, quod ne adulescens quidem feceram, ut eis de rebus, quae doctrina aliqua continerentur, disputarem. Sed hoc tamen cecidit mihi peropportune, quod transactis iam meis partibus ad Antonium audiendum venistis.” [16] Tum Caesar “equidem,” inquit “Crasse, ita sum cupidus in illa longiore te ac perpetua disputatione audiendi, ut, si id mihi minus contingat, vel hoc sim cotidiano tuo sermone contentus; itaque experiar equidem illud, ut ne Sulpicius familiaris meus aut Cotta plus quam ego apud te valere videantur, et te exorabo profecto, ut mihi quoque et Catulo tuae suavitatis aliquid impertias; sin tibi id minus libebit, non te urgebo neque committam, ut, dum vereare tu ne sis ineptus, me esse iudices.” [17] Tum ille “ego me hercule” inquit, “Caesar, ex omnibus Latinis verbis huius verbi vim vel maximam semper putavi; quem enim nos ineptum vocamus, is mihi videtur ab hoc nomen habere ductum, quod non sit aptus, idque in sermonis nostri consuetudine perlate patet; nam qui aut tempus quid postulet non videt aut plura loquitur aut se ostentat aut eorum, quibuscum est, vel dignitatis vel commodi rationem non habet aut denique in aliquo genere aut inconcinnus aut multus est, is ineptus esse dicitur. [18] Hoc vitio cumulata est eruditissima illa Graecorum natio; itaque quod vim huius mali Graeci non vident, ne nomen quidem ei vitio imposuerunt; ut enim quaeras omnia, quo modo Graeci ineptum appellent, non reperies. Omnium autem ineptiarum, quae sunt innumerabiles, haud sciam an nulla sit maior quam, ut illi solent, quocumque in loco, quoscumque inter homines visum est, de rebus aut difficillimis aut non necessariis argutissime disputare. Hoc nos ab istis adulescentibus facere inviti et recusantes heri coacti sumus.”

[V] [19] Tum Catulus “ne Graeci quidem,” inquit “Crasse, qui in civitatibus suis clari et magni fuerunt, sicuti tu es nosque omnes in

nostra re publica volumus esse, horum Graecorum, qui se inculcant auribus nostris, similes fuerunt, nec in otio sermones huius modi disputationesque fugiebant. [20] Ac si tibi videntur, qui temporis, qui loci, qui hominum rationem non habent, inepti, sicut debent videri, num tandem aut locus hic non idoneus videtur, in quo porticus haec ipsa, ubi nunc ambulamus, et palaestra et tot locis sessiones gymnasiorum et Graecorum disputationum memoriam quodam modo commovent? Aut num importunum tempus in tanto otio, quod et raro datur et nunc peroptato nobis datum est? Aut homines ab hoc genere disputationis alieni, qui omnes ei sumus, ut sine his studiis vitam nullam esse ducamus?" [21] "Omnia ista" inquit Crassus "ego alio modo interpretor, qui primum palaestram et sedes et porticus etiam ipsos, Catule, Graecos exercitationis et delectationis causa non disputationis invenisse arbitror; nam et saeculis multis ante gymnasia inventa sunt, quam in eis philosophi garrire coeperunt, et hoc ipso tempore, cum omnia gymnasia philosophi teneant, tamen eorum auditores discum audire quam philosophum malunt; qui simul ut increpuit, in media oratione de maximis rebus et gravissimis disputantem philosophum omnes unctionis causa relinquunt; ita levissimam delectationem gravissimae, ut ipsi ferunt, utilitati anteponunt. [22] Otium autem quod dicis esse, adsentior; verum oti fructus est non contentio animi, sed relaxatio.

[VI] Saepe ex socero meo audivi, cum is diceret socerum suum Laelium semper fere cum Scipione solitum rusticari eosque incredibiliter repuerascere esse solitos, cum rus ex urbe tamquam e vinclis evolavissent. Non audeo dicere de talibus viris, sed tamen ita solet narrare Scaevola, conchas eos et umbilicos ad Caietam et ad Laurentum legere consuesse et ad omnem animi remissionem ludumque descendere. [23] Sic enim res sese habet, ut, quem ad modum volucris videmus procreationis atque utilitatis suae causa effingere et construere nidos, easdem autem, cum aliquid effecerint, levandi laboris sui causa passim ac libere solutas opere volitare, sic nostri animi negotiis forensibus atque urbano opere defessi gestiant ac volitare cupiant vacui cura ac labore. [24] Itaque illud ego, quod in causa Curiana Scaevolae dixi, non dixi secus ac sentiebam: nam "si," inquam "Scaevola, nullum erit testamentum recte factum, nisi quod tu scripseris, omnes ad te cives cum tabulis veniemus, omnium

testamenta tu scribes unus. Quid igitur?" inquam "Quando ages negotium publicum? Quando amicorum? Quando tuum? Quando denique nihil ages?" Tum illud addidi "mihi enim liber esse non videtur, qui non aliquando nihil agit." In qua permaneo, Catule, sententia meque, cum huc veni, hoc ipsum nihil agere et plane cessare delectat. [25] Nam, quod addidisti tertium, vos esse eos, qui vitam insuavem sine his studiis putaretis, id me non modo non hortatur ad disputandum, sed etiam deterret. Nam ut C. Lucilius, homo doctus et perurbanus, dicere solebat ea, quae scriberet neque se ab indoctissimis neque a doctissimis legi velle, quod alteri nihil intellegerent, alteri plus fortasse quam ipse; de quo etiam scripsit "Persium non curo legere," - hic fuit enim, ut noramus, omnium fere nostrorum hominum doctissimus - "Laelium Decumum volo," quem cognovimus virum bonum et non inlitteratum, sed nihil ad Persium; sic ego, si iam mihi disputandum sit de his nostris studiis, nolim equidem apud rusticos, sed multo minus apud vos; malo enim non intellegi orationem meam quam reprehendi."

[VII] [26] Tum Caesar "equidem," inquit "Catule, iam mihi videor navasse operam, quod huc venerim; nam haec ipsa recusatio disputationis disputatio quaedam fuit mihi quidem periucunda. Sed cur impedimus Antonium, cuius audio esse partis, ut de tota eloquentia disserat, quemque iam dudum et Cotta et Sulpicius exspectat?" [27] "Ego vero" inquit Crassus "neque Antonium verbum facere patiar et ipse obmutescam, nisi prius a vobis impetraro" - "Quidnam?" inquit Catulus. "Vt hic sitis hodie." Tum, cum ille dubitaret, quod ad fratrem promiserat, "ego" inquit Iulius "pro utroque respondeo: sic faciemus; atque ista quidem condicione, vel ut verbum nullum faceres, me teneres." [28] Hic Catulus adrisit et simul, "praecisa" inquit "mihi quidem est dubitatio, quoniam neque domi imperaram et hic, apud quem eram futurus, sine mea sententia tam facile promisit."

Tum omnes oculos in Antonium coniecerunt, et ille "audite vero, audite," inquit "hominem enim audietis de schola atque a magistro et Graecis litteris eruditum, et eo quidem loquar confidentius, quod Catulus auditor accessit, "cui non solum nos Latini sermonis, sed etiam Graeci ipsi solent suae linguae subtilitatem elegantiamque concedere. [29] Sed quia tamen hoc totum, quicquid est, sive

artificium sive studium dicendi, nisi accessit os, nullum potest esse, docebo vos, discipuli, id quod ipse non didici, quid de omni genere <dicendi> sentiam." [30] Hic postea quam adriserunt, "res mihi videtur esse" inquit "facultate praeclara, arte mediocris; ars enim earum rerum est, quae sciuntur; oratoris autem omnis actio opinionibus, non scientia, continetur; nam et apud eos dicimus, qui nesciunt, et ea dicimus, quae nescimus ipsi; itaque et illi alias aliud eisdem de rebus et sentiunt et iudicant et nos contrarias saepe causas dicimus, non modo ut Crassus contra me dicat aliquando aut ego contra Crassum, cum alterutri necesse sit falsum dicere, sed etiam ut uterque nostrum eadem de re alias aliud defendat, cum plus uno verum esse non possit. Vt igitur in eius modi re, quae mendacio nixa sit, quae ad scientiam non saepe perveniat, quae opiniones hominum et saepe errores aucupetur, ita dicam, si causam putatis esse, cur audiatis."

[VIII] [31] "Nos vero et valde quidem" Catulus inquit "putamus atque eo magis, quod nulla mihi ostentatione videris esse usurus; exorsus es enim non gloriose, ut tu putas, magis a veritate, quam a nescio qua dignitate." [32] "Vt igitur de ipso genere sum confessus," inquit Antonius "artem esse non maximam, sic illud adfirmo, praecepta posse quaedam dari peracuta ad pertractandos animos hominum et ad excipiendas eorum voluntates. Huius rei scientiam si quis volet magnam quandam artem esse dicere, non repugnabo; etenim cum plerique temere ac nulla ratione causas in foro dicant, non nulli autem propter exercitationem aut propter consuetudinem aliquam callidius id faciant, non est dubium quin, si quis animadverterit, quid sit, qua re alii melius quam alii dicant, id possit notare: ergo id qui toto in genere fecerit, is si non plane artem, at quasi artem quandam inverterit. [33] Atque utinam, ut mihi illa videor videre in foro atque in causis, item nunc, quem ad modum ea reperirentur, possem vobis exquirere! Sed de me videro; nunc hoc propono, quod mihi persuasi, quamvis ars non sit, tamen nihil esse perfecto oratore praeclarius; nam ut usum dicendi omittam, qui in omni pacata et libera civitate dominatur, tanta oblectatio est in ipsa facultate dicendi, ut nihil hominum aut auribus aut mentibus iucundius percipi possit. [34] Qui enim cantus moderata oratione dulcior inveniri potest? Quod carmen artificiosa verborum

conclusione aptius? Qui actor imitanda quam orator suscipienda veritate iucundior? Quid autem subtilius quam crebrae acutaeque sententiae? Quid admirabilius quam res splendore inlustrata verborum? Quid plenius quam omni genere rerum cumulata oratio? Neque ulla non propria oratoris res est, quae quidem ornate dici graviterque debet.

[IX] [35] Huius est in dando consilio de maximis rebus cum dignitate explicata sententia; eiusdem et languentis populi incitatio et effrenati moderatio eadem facultate et fraus hominum ad perniciem et integritas ad salutem vocatur. Quis cohortari ad virtutem ardentius, quis a vitiis acrius revocare, quis vituperare improbos asperius, quis laudare bonos ornatius, quis cupiditatem vehementius frangere accusando potest? Quis maerorem levare mitius consolando? [36] Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur? Nam si qua est ars alia, quae verborum aut faciendorum aut legendorum scientiam profiteatur; aut si quisquam dicitur nisi orator formare orationem eamque variare et distinguere quasi quibusdam verborum sententiarumque insignibus: aut si via ulla nisi ab hac una arte traditur aut argumentorum aut sententiarum aut denique discriptionis atque ordinis, fateamur aut hoc, quod haec ars profiteatur, alienum esse aut cum alia aliqua arte esse commune: [37] sed si in hac una est ea ratio atque doctrina, non, si qui aliarum artium bene locuti sunt, eo minus id est huius unius proprium; sed ut orator de eis rebus, quae ceterarum artium sunt, si modo eas cognovit, ut heri Crassus dicebat, optime potest dicere, sic ceterarum artium homines ornatius illa sua dicunt, si quid ab hac arte didicerunt. [38] Neque enim si de rusticis rebus agricola quispiam aut etiam, id quod multi, medicus de morbis aut si de pingendo pictor aliquis diserte scripserit aut dixerit, idcirco illius artis putanda est eloquentia; in qua quia vis magna est in hominum ingeniis, eo multi etiam sine doctrina aliquid omnium generum atque artium consequuntur; sed, quid cuiusque sit proprium, etsi ex eo iudicari potest, cum videris, quid quaeque doceat, tamen hoc certius esse nihil potest, quam quod omnes artes aliae sine eloquentia suum munus praestare possunt orator sine ea nomen obtinere suum non potest; ut ceteri, si diserti sint, aliquid ab hoc habeant, hic, nisi

domesticis se instruxerit copiis, aliunde dicendi copiam petere non possit.”

[X] [39] Tum Catulus “etsi,” inquit “Antoni, minime impediendus est interpellatione iste cursus orationis tuae, patiere tamen mihique ignosces; “ non enim possum quin exclamem,” ut ait ille in Trinummo: ita vim oratoris cum exprimere subtiliter visus es, tum laudare copiosissime; quod quidem eloquentem vel optime facere oportet, ut eloquentiam laudet; debet enim ad eam laudandam ipsam illam adhibere, quam laudat. Sed perge porro; tibi enim adsentior vestrum esse hoc totum diserte dicere, idque si quis in alia arte faciat, eum adsumpto aliunde uti bono, non proprio nec suo.” [40] Et Crassus “nox te” inquit “nobis, Antoni, expolivit hominemque reddidit; nam hesterno sermone unius cuiusdam operis, ut ait Caecilius, remigem aliquem aut baiulum nobis oratorem descripseras, inopem quendam humanitatis atque inurbanum.” Tum Antonius “heri enim” inquit “hoc mihi proposueram, ut, si te refellissem, hos a te discipulos abducerem; nunc, Catulo audiente et Caesare, videor debere non tam pugnare tecum quam quid ipse sentiam dicere. [41] Sequitur igitur, quoniam nobis est hic, de quo loquimur, in foro atque in civium constituendus, ut videamus, quid ei negoti demus cuique eum muneri velimus esse praepositum; nam Crassus heri, cum vos, Catule et Caesar, non adessetis, posuit breviter in artis distributione idem, quod Graeci plerique posuerunt, neque sane quid ipse sentiret, sed quid ab illis diceretur, ostendit: duo prima genera quaestionum esse, in quibus eloquentia versaretur, unum infinitum, alterum certum. [42] Infinitum mihi videbatur id dicere, in quo aliquid generatim quaereretur, hoc modo: expetendane esset eloquentia? Expetendine honores? Certum autem, in quo quid in personis et in constituta re et definita quaereretur cuius modi sunt, quae in foro atque in civium causis disceptationibusque versantur. [43] Ea mihi videntur aut in lite oranda aut in consilio dando esse posita; nam illud tertium, quod et a Crasso tactum est et, ut audio, [ille] ipse Aristoteles, qui haec maxime inlustravit, adiunxit, etiam si opus est, minus est tamen necessarium.” “Quidnam?” inquit Catulus; “an laudationes?

[XI] [44] Id enim video poni genus tertium.” “Ita,” inquit Antonius “et in eo quidem genere scio et me et omnis, qui adfuerunt, delectatos esse vehementer, cum a te est Popilia, mater vestra,

laudata, cui primum mulieri hunc honorem in nostra civitate tributum puto. Sed non omnia, quaecumque loquimur, mihi videntur ad artem et ad praecepta esse revocanda; [45] ex eis enim fontibus, unde [ad] omnia ornamenta dicendi [praecepta] sumuntur, licebit etiam laudationem ornare neque illa elementa desiderare, quae ut nemo tradat, quis est qui nesciat, quae sint in homine laudanda? Positis enim eis rebus, quas Crassus in illius orationis suae, quam contra conlegam censor habuit, principio dixit: quae natura aut fortuna darentur hominibus, in eis rebus se vinci posse animo aequo pati; quae ipsi sibi homines parare possent, in eis rebus se pati non posse vinci; qui laudabit quempiam, intelleget exponenda sibi esse fortunae bona; [46] ea sunt generis, pecuniae, propinquorum, amicorum, opum, valetudinis, formae, virium, ingeni et ceterarum rerum, quae sunt aut corporis aut extraneae; si habuerit bene rebus eis usum; si non habuerit, sapienter caruisse; si amiserit, moderate tulisse; deinde, quid sapienter is, quem laudet, quid liberaliter, quid fortiter, quid iuste, quid magnifice, quid pie, quid grate, quid humaniter, quid denique cum aliqua virtute aut fecerit aut tulerit: haec et quae sunt eius generis facile videbit, qui volet laudare; et qui vituperare, contraria." [47] "Cur igitur dubitas," inquit Catulus, "facere hoc tertium genus, quoniam est in ratione rerum? Non enim, si est facilius, eo de numero quoque est excerpendum." "Quia nolo," inquit, "omnia, quae cadunt aliquando in oratorem, quamvis exigua sint, ea sic tractare, quasi nihil possit dici sine praeceptis suis; [48] nam et testimonium saepe dicendum est ac non numquam etiam accuratius, ut mihi etiam necesse fuit in Sex. Titium, seditiosum civem et turbulentum; explicavi in eo testimonio dicendo omnia consilia consulatus mei, quibus illi tribuno plebis pro re publica restitissem, quaeque ab eo contra rem publicam facta arbitrarer, eui; diu retentus sum, multa audivi, multa respondi. Num igitur placet, cum de eloquentia praecipias, aliquid etiam de testimoniis dicendis quasi in arte tradere?" "Nihil sane" inquit Catulus "necesse est."

[XII] [49] "Quid si, quod saepe summis viris accidit, mandata sint exponenda aut in senatu ab imperatore aut ad imperatorem aut ad regem aut ad populum aliquem a senatu, num quia genere orationis in eius modi causis accuratiore est utendum, idcirco pars etiam haec causarum numeranda videtur aut propriis praeceptis instruenda?"

“Minime vero,” inquit Catulus; “non enim deerit homini diserto in eius modi rebus facultas ex ceteris rebus et causis comparata.” [50] “Ergo item” inquit “illa, quae saepe diserte agenda sunt et quae ego paulo ante, cum eloquentiam laudarem, dixi oratoris esse, neque habent suum locum ullum in divisione partium neque certum praeceptorum genus et agenda sunt non minus diserte, quam quae in lite dicuntur, obiurgatio, cohortatio, consolatio, quorum nihil est, quod non summa dicendi ornamenta desideret; sed ex artificio res istae praecepta non quaerunt.” “Plane” inquit Catulus “adsentior.” [51] “Age vero,” inquit Antonius “qualis oratoris et quanti hominis in dicendo putas esse historiam scribere?” “Si, ut Graeci scripserunt, summi,” inquit Catulus; “si, ut nostri, nihil opus est oratore; satis est non esse mendacem.” “Atqui, ne nostros contemnas,” inquit Antonius, “Graeci quoque ipsi sic initio scriptitarunt, ut noster Cato, ut Pictor, ut Piso; [52] erat enim historia nihil aliud nisi annalium confectio, cuius rei memoriaeque publicae retinendae causa ab initio rerum Romanarum usque ad P. Mucium pontificem maximum res omnis singulorum annorum mandabat litteris pontifex maximus referebatque in album et proponebat tabulam domi, potestas ut esset populo cognoscendi, eique etiam nunc annales maximi nominantur. [53] Hanc similitudinem scribendi multi secuti sunt, qui sine ullis ornamentis monumenta solum temporum, hominum, locorum gestarumque rerum reliquerunt; itaque qualis apud Graecos Pherecydes, Hellanicus, Acusilas fuit aliique permulti, talis noster Cato et Pictor et Piso, qui neque tenent, quibus rebus ornetur oratio - modo enim huc ista sunt importata - et, dum intellegatur quid dicant, unam dicendi laudem putant esse brevitatem. [54] Paulum se erexit et addidit maiorem historiae sonum vocis vir optimus, Crassi familiaris, Antipater; ceteri non exornatores rerum, sed tantum modo narratores fuerunt.”

[XIII] “Est,” inquit Catulus “ut dicis; sed iste ipse Caelius neque distinxit historiam varietate colorum neque verborum conlocatione et tractu orationis leni et aequabili perpolivit illud opus; sed ut homo neque doctus neque maxime aptus ad dicendum, sicut potuit, dolavit; vicit tamen, ut dicis, superiores.” [55] “Minime mirum,” inquit Antonius “si ista res adhuc nostra lingua inlustrata non est; nemo enim studet eloquentiae nostrorum hominum, nisi ut in causis atque

in foro eluceat; apud Graecos autem eloquentissimi homines remoti a causis forensibus cum ad ceteras res inlustris tum ad historiam scribendam maxime se applicaverunt: namque et Herodotum illum, qui princeps genus hoc ornavit, in causis nihil omnino versatum esse accepimus; atqui tanta est eloquentia, ut me quidem, quantum ego Graece scripta intellegere possum, magno opere delectet; [56] et post illum Thucydides omnis dicendi artificio mea sententia facile vicit; qui ita creber est rerum frequentia, ut is verborum prope numerum sententiarum numero consequatur, ita porro verbis est aptus et pressus, ut nescias, utrum res oratione an verba sententiis inlustrentur: atqui ne hunc quidem, quamquam est in re publica versatus, ex numero accepimus eorum, qui causas dictitarunt; et hos ipsos libros tum scripsisse dicitur, cum a re publica remotus atque, id quod optimo cuique Athenis accidere solitum est, in exsilium pulsus esset; [57] hunc consecutus est Syracosius Philistus, qui, cum Dionysi tyranni familiarissimus esset, otium suum consumpsit in historia scribenda maximeque Thucydidem est, ut mihi videtur, imitatus. Postea vero ex clarissima quasi rhetoris officina duo praestantes ingenio, Theopompus et Ephorus ab Isocrate magistro impulsi se ad historiam contulerunt; causas omnino numquam attigerunt.

[XIV] [58] Denique etiam a philosophia profectus princeps Xenophon, Socraticus ille, post ab Aristotele Callisthenes, comes Alexandri, scripsit historiam, et is quidem rhetorico paene more; ille autem superior leniore quodam sono est usus, et qui illum impetum oratoris non habeat, vehemens fortasse minus, sed aliquanto tamen est, ut mihi quidem videtur, dulcior. Minimus natu horum omnium Timaeus, quantum autem iudicare possum, longe eruditissimus et rerum copia et sententiarum varietate abundantissimus et ipsa compositione verborum non impolitus magnam eloquentiam ad scribendum attulit, sed nullum usum forensem." [59] Haec cum ille dixisset, "quid est," inquit "Catule?" Caesar; "ubi sunt, qui Antonium Graece negant scire? Quot historicos nominavit! Quam scienter, quam proprie de uno quoque dixit!" "Id me hercule" inquit Catulus "admirans illud iam mirari desino, quod multo magis ante mirabar, hunc, cum haec nesciret, in dicendo posse tantum." "Atqui, Catule," inquit Antonius "non ego utilitatem aliquam ad dicendum aucupans horum libros et non nullos alios, sed delectationis causa, cum est

otium, legere soleo. [60] Quid ergo est? Est, fatebor, aliquid tamen; ut, cum in sole ambulem, etiam si ego aliam ob causam ambulem, fieri natura tamen, ut colorer, sic, cum istos libros ad Misenum - nam Romae vix licet - studiosius legerim, sentio illorum tactu orationem meam quasi colorari. Sed ne latius hoc vobis patere videatur, haec dumtaxat in Graecis intellego, quae ipsi, qui scripserunt, voluerunt vulgo intellegi: [61] in philosophos vestros si quando incidi, deceptus indicibus librorum, qui sunt fere inscripti de rebus notis et inlustribus, de virtute, de iustitia, de honestate, de voluptate, verbum prorsus nullum intellego; ita sunt angustis et concisis disputationibus inligati; poetas omnino quasi alia quadam lingua locutos non conor attingere. Cum eis me, ut dixi, oblecto, qui res gestas aut orationes scripserunt suas aut qui ita loquuntur, ut videantur voluisse esse nobis, qui non sumus eruditissimi, familiares.

[XV] [62] Sed illuc redeo: videtisne, quantum munus sit oratoris historia? Haud scio an flumine orationis et varietate maximum; neque eam reperio usquam separatim instructam rhetorum praeceptis; sita sunt enim ante oculos. Nam quis nescit primam esse historiae legem, ne quid falsi dicere audeat? Deinde ne quid veri non audeat? Ne quae suspicio gratiae sit in scribendo? Ne quae simultatis? [63] Haec scilicet fundamenta nota sunt omnibus, ipsa autem exaedificatio posita est in rebus et verbis: rerum ratio ordinem temporum desiderat, regionum descriptionem; vult etiam, quoniam in rebus magnis memoriaque dignis consilia primum, deinde acta, postea eventus exspectentur, et de consiliis significari quid scriptor probet et in rebus gestis declarari non solum quid actum aut dictum sit, sed etiam quo modo? et cum de eventu dicatur, ut causae explicentur omnes vel casus vel sapientiae vel temeritatis hominumque ipsorum non solum res gestae, sed etiam, qui fama ac nomine excellant, de cuiusque vita atque natura; [64] verborum autem ratio et genus orationis fusum atque tractum et cum lenitate quadam aequabiliter profluens sine hac iudiciali asperitate et sine sententiarum forensibus aculeis persequendum est. Harum tot tantarumque rerum videtisne nulla esse praecepta, quae in artibus rhetorum reperiantur? In eodem silentio multa alia oratorum officia iacuerunt, cohortationes, praecepta, consolationes, admonita, quae tractanda sunt omnia disertissime, sed locum suum in his artibus,

quae traditae sunt, habent nullum. [65] Atque in hoc genere illa quoque est infinita silva, quod oratori plerique, ut etiam Crassus ostendit duo genera ad dicendum dederunt: unum de certa definitaque causa, quales sunt, quae in litibus, quae in deliberationibus versantur, addat, si quis volet, etiam laudationes; alterum, quod appellant omnes fere scriptores, explicat nemo, infinitam generis sine tempore et sine persona quaestionem. Hoc quid et quantum sit, cum dicunt, intellegere mihi non videntur: [66] si enim est oratoris, quaecumque res infinite posita sit, de ea posse dicere, dicendum erit ei, quanta sit solis magnitudo, quae forma terrae; de mathematicis, de musicis rebus non poterit quin dicat hoc onere suscepto recusare; denique ei, qui profitetur esse suum non solum de eis controversiis, quae temporibus et personis notatae sunt, hoc est, de omnibus forensibus, sed etiam de generum infinitis quaestionibus dicere, nullum potest esse genus orationis, quod sit exceptum.

[XVI] [67] Sed si illam quoque partem quaestionum oratori volumus adiungere vagam et liberam et late patentem, ut de rebus bonis aut malis, expetendis aut fugiendis, honestis aut turpibus, utilibus aut inutilibus, de virtute, de iustitia, de continentia, de prudentia, de magnitudine animi, de liberalitate, de pietate, de amicitia, de officio, de fide, de ceteris virtutibus contrariisque vitiis dicendum oratori putemus; itemque de re publica, de imperio, de re militari, de disciplina civitatis, de hominum moribus, adsumamus eam quoque partem, sed ita, ut sit circumscripta modicis regionibus. [68] Equidem omnia, quae pertinent ad usum civium, morem hominum, quae versantur in consuetudine vitae, in ratione rei publicae, in hac societate civili, in sensu hominis communi, in natura, in moribus, comprehendenda esse oratori puto; si minus ut separatim de his rebus philosophorum more respondeat, at certe ut in causa prudenter possit intexere; hisce autem ipsis de rebus ut ita loquatur, uti ei, qui iura, qui leges, qui civitates constituerunt, locuti sunt, simpliciter et splendide, sine ulla serie disputationum et sine ieiuna concertatione verborum. [69] Hoc loco ne qua sit admiratio, si tot tantarumque rerum nulla a me praecepta ponentur, sic statuo: ut in ceteris artibus, cum tradita sint cuiusque artis difficillima, reliqua, quia aut faciliora aut similia sint, tradi non necesse esse; ut in pictura, qui hominum unam speciem pingere perdidicerit, posse eum cuiusvis vel formae vel

aetatis, etiam si non didicerit, pingere neque esse periculum, qui leonem aut taurum pingat egregie, ne idem in multis aliis quadrupedibus facere non possit - neque est omnino ars ulla, in qua omnia, quae illa arte effici possint, a doctore tradantur, sed qui primarum et certarum rerum genera ipsa didicerunt, reliqua [non incommode] per se adsequentur - [70] similiter arbitror in hac sive ratione sive exercitatione dicendi, qui illam vim adeptus sit, ut eorum mentis, qui aut de re publica aut de ipsius rebus aut de eis, contra quos aut pro quibus dicat, cum aliqua statuendi potestate audiant, ad suum arbitrium movere possit, illum de toto illo genere reliquarum orationum non plus quaesiturum esse, quid dicat, quam Polyclitum illum, cum Herculem fingebat, quem ad modum pellem aut hydram fingeret, etiam si haec numquam separatim facere didicisset."

[XVII] [71] Tum Catulus "praeclare mihi videris, Antoni, posuisse" inquit "ante oculos, quid discere oporteret eum, qui orator esset futurus, quid, etiam si non didicisset, ex eo, quod didicisset, adsumeret; deduxisti enim totum hominem in duo genera solum causarum, cetera innumerabilia exercitationi et similitudini reliquisti: sed videto ne in istis duobus generibus hydra tibi sit et pellis, Hercules autem et alia opera maiora in illis rebus, quas praetermittis, relinquantur; non enim mihi minus operis videtur de universis generibus rerum quam de singulorum causis ac multo etiam maius de natura deorum quam de hominum litibus dicere." "Non est ita," inquit Antonius; [72] "dicam enim tibi, Catule, non tam doctus quam, id quod est maius, expertus: omnium ceterarum rerum oratio, mihi crede, ludus est homini non hebeti neque inexercitato neque communium litterarum et politioris humanitatis experti; in causarum contentionibus magnum est quoddam opus atque haud sciam an de humanis operibus longe maximum; in quibus vis oratoris plerumque ab imperitis exitu et victoria iudicatur; ubi adest armatus adversarius, qui sit et feriendus et repellendus; ubi saepe is, qui rei dominus futurus est, alienus atque iratus aut etiam amicus adversario et inimicus tibi est; cum aut docendus is est aut dedocendus aut reprimendus aut incitandus aut omni ratione ad tempus, ad causam oratione moderandus (in quo saepe benevolentia ad odium, odium autem ad benevolentiam deducendum est); aut tamquam machinatione aliqua tum ad severitatem tum ad remissionem animi,

tum ad tristitiam ad laetitiam est contorquendus; [73] omnium sententiarum gravitate, omnium verborum ponderibus est utendum; accedat oportet actio varia, vehemens, plena animi, plena spiritus, plena doloris, plena veritatis. In his operibus si quis illam artem comprehenderit, ut tamquam Phidias Minervae signum efficere possit, non sane, quem ad modum, ut in clipeo idem artifex, minora illa opera facere discat, "laborabit."

[XVIII] [74] Tum Catulus "quo ista maiora ac mirabiliora fecisti, eo me maior exspectatio tenet quibusnam rationibus quibusque praeceptis ea tanta vis comparetur; non quo mea quidem iam intersit - neque enim aetas id mea desiderat et aliud genus quoddam dicendi nos secuti sumus, qui numquam sententias de manibus iudicum vi quadam orationis extorsimus ac potius placatis eorum animis tantum, quantum ipsi patiebantur, accepimus - sed tamen ista tua nullum ad usum meum, tantum cognoscendi studio adductus requiro. [75] Nec mihi opus est Graeco aliquo doctore, qui mihi pervulgata praecepta decantet, cum ipse numquam forum, numquam ullum iudicium aspexerit; ut Peripateticus ille dicitur Phormio, cum Hannibal Karthagine expulsus Ephesum ad Antiochum venisset exsul proque eo, quod eius nomen erat magna apud omnis gloria, invitatus esset ab hospitibus suis, ut eum, quem dixi, si vellet, audiret; cumque is se non nolle dixisset, locutus esse dicitur homo copiosus aliquot horas de imperatoris officio et de [omni] re militari. Tum, cum ceteri, qui illum audierant, vehementer essent delectati, quaerebant ab Hannibale, quidnam ipse de illo philosopho iudicaret: hic Poenus non optime Graece, sed tamen libere respondisse fertur, multos se deliros senes saepe vidisse, sed qui magis quam Phormio deliraret vidisse neminem. [76] Neque me hercule iniuria; quid enim aut adrogantius aut loquacius fieri potuit quam Hannibali, qui tot annis de imperio cum populo Romano omnium gentium victore certasset, Graecum hominem, qui numquam hostem, numquam castra vidisset, numquam denique minimam partem ullius publici muneris attigisset, praecepta de re militari dare? Hoc mihi facere omnes isti, qui de arte dicendi praecipiunt, videntur; quod enim ipsi experti non sunt, id docent ceteros; sed hoc minus fortasse errant, quod non te, ut Hannibalem ille, sed pueros aut adulescentulos docere conantur."

[XIX] [77] "Erras, Catule," inquit Antonius "nam egomet in multos

iam Phormiones incidi. Quis enim est istorum Graecorum, qui quemquam nostrum quicquam intellegere arbitretur? Ac mihi quidem non ita molesti sunt; facile omnis perpetior et perfero; nam aut aliquid adferunt, quod mihi non displiceat, aut efficiunt, ut me non didicisse minus paeniteat; dimitto autem eos non tam contumeliose quam philosophum illum Hannibal, et eo fortasse plus habeo etiam negoti. Sed tamen est eorum doctrina, quantum ego iudicare possum, perridicula: [78] dividunt enim totam rem in duas partis, in causae controversiam et in quaestionis: causam appellant rem positam in disceptatione reorum et controversia; quaestionem autem rem positam in infinita dubitatione; de causa praecepta dant; de altera parte dicendi mirum silentium est. [79] Deinde quinque faciunt quasi membra eloquentiae, invenire quid dicas, inventa disponere, deinde ornare verbis, post memoriae mandare, tum ad extremum agere ac pronuntiare; rem sane non reconditam; quis enim hoc non sua sponte viderit, neminem posse dicere, nisi et quid diceret et quibus verbis et quo ordine diceret haberet et ea meminisset? Atque haec ego non reprehendo, sed ante oculos posita esse dico, ut eas item quattuor, quinque, sexve partis vel etiam septem, quoniam aliter ab aliis digeruntur, in quas est ab his omnis oratio distributa: [80] iubent enim exordiri ita, ut eum, qui audiat, benevolum nobis faciamus et docilem et attentum; deinde rem narrare, et ita ut veri similis narratio sit, ut aperta, ut brevis; post autem dividere causam aut proponere; nostra confirmare argumentis ac rationibus; deinde contraria refutare; tum autem alii conclusionem orationis et quasi perorationem conlocant, alii iubent, ante quam peroretur, ornandi aut augendi causa digredi, deinde concludere ac perorare. [81] Ne haec quidem reprehendo; sunt enim concinne distributa, sed tamen, id quod necesse fuit hominibus expertibus veritatis, non perite: quae enim praecepta principiorum et narrationum esse voluerunt, ea in totis orationibus sunt conservanda; [82] nam ego mihi benevolum iudicem facilius facere possum, cum sum in cursu orationis, quam cum omnia sunt inaudita; docilem autem non cum polliceor me demonstraturum, sed tum, cum doceo et explano; attentum vero [crebro] tota actione excitandis mentibus iudicum, non prima denuntiatione efficere possumus. [83] Iam vero narrationem quod iubent veri similem esse et apertam et brevem, recte nos admonent: quod haec narrationis magis putant esse propria

quam totius orationis, valde mihi videntur errare; omninoque in hoc omnis est error, quod existimant artificium esse hoc quoddam non dissimile ceterorum, cuius modi de ipso iure civili hesterno die Crassus componi posse dicebat: ut genera rerum primum exponerentur, in quo vitium est, si genus ullum praetermittitur; deinde singulorum partes generum, in quo et deesse aliquam partem et superare mendosum est; tum verborum omnium definitiones, in quibus neque abesse quicquam decet neque redundare.

[XX] [84] Sed hoc si in iure civili, si etiam in parvis aut mediocribus rebus doctiores adsequi possunt, non idem sentio tanta hac in re tamque immensa posse fieri; sin autem qui arbitrantur, deducendi sunt ad eos, qui haec docent; omnia iam explicata et perpolita adsequentur; sunt enim innumerabiles de his rebus libri neque abditi neque obscuri: sed videant quid velint; ad ludendumne an ad pugnandum arma sint sumpturi; aliud enim pugna et acies, aliud ludus campusque noster desiderat; ac tamen ars ipsa ludicra armorum et gladiatori et militi prodest aliquid; sed animus acer et praesens et acutus idem atque versutus invictos viros efficit [non difficilius arte coniuncta]. [85] Qua re ego tibi oratorem sic iam instituam, si potuero, ut quid efficere possit ante perspiciam: sit enim mihi tinctus litteris; audierit aliquid, legerit, ista ipsa praecepta acceperit; temptabo quid deceat, quid voce, quid viribus, quid spiritu, quid lingua efficere possit. Si intellegam posse ad summos pervenire, non solum hortabor, ut elaboret, sed etiam, si vir quoque bonus mihi videbitur esse, obsecrabo; tantum ego in excellenti oratore et eodem bono viro pono esse ornamenti universae civitati; sin videbitur, cum omnia summe fecerit, tamen ad mediocris oratores esse venturus, permittam ipsi quid velit; molestus magno opere non ero; sin plane abhorrebit et erit absurdus, ut se contineat aut ad aliud studium transferat, admonebo; [86] nam neque is, qui optime potest, deserendus ullo modo est a cohortatione nostra neque is, qui aliquid potest, deterrendus: quod alterum divinitatis mihi cuiusdam videtur, alterum, vel non facere quod non optime possis, vel facere quod non pessime facias, humanitatis, tertium vero illud, clamare contra quam deceat et quam possit, hominis est, ut tu, Catule, de quodam clamatore dixisti, stultitiae suae quam plurimos testis domestico praeconio conligentis. [87] De hoc igitur, qui erit talis, ut cohortandus adiuvandusque sit, ita

loquamur, ut ei tradamus ea dumtaxat, quae nos usus docuit, ut nobis ducibus veniat eo, quo sine duce ipsi pervenimus, quoniam meliora docere non possumus.

[XXI] [88] Atque ut a familiari nostro exordiar, hunc ego, Catule, Sulpicium primum in causa parvula adulescentulum audivi voce et forma et motu corporis et reliquis rebus aptis ad hoc munus, de quo quaerimus, oratione autem celeri et concitata, quod erat ingeni, et verbis effervescentibus et paulo nimium redundantibus, quod erat aetatis. Non sum aspernatus; volo enim se efferat in adulescente fecunditas; nam facilius sicut in vitibus revocantur ea, quae se nimium profuderunt, quam, si nihil valet materies, nova sarmenta cultura excitantur; item volo esse in adulescente, unde aliquid amputem; non enim potest in eo sucus esse diuturnus, quod nimis celeriter est maturitatem exsecutum. [89] Vidi statim indolem neque dimisi tempus et eum sum cohortatus, ut forum sibi ludum putaret esse ad discendum, magistrum autem, quem vellet, eligeret; me quidem si audiret, L. Crassum: quod iste adripuit et ita sese facturum confirmavit atque etiam addidit, gratiae scilicet causa, me quoque sibi magistrum futurum. Vix annus intercesserat ab hoc sermone cohortationis meae, cum iste accusavit C. Norbanum, defendente me: non est credibile quid interesse mihi sit visum inter eum, qui tum erat et qui anno ante fuerat. Omnino in illud genus eum Crassi magnificum atque praeclarum natura ipsa ducebat sed ea non satis proficere potuisset, nisi eodem studio atque imitatione intendisset atque ita dicere consuesset, ut tota mente Crassum atque omni animo intueretur.

[XXII] [90] Ergo hoc sit primum in praeceptis meis, ut demonstremus, quem imitetur [atque ita, ut, quae maxime excellent in eo, quem imitabitur, ea diligentissime persequatur]; tum accedat exercitatio, qua illum, quem delegerit, imitando effingat atque exprimat, non ut multos imitatores saepe cognovi, qui aut ea, quae facilia sunt, aut etiam illa, quae insignia ac paene vitiosa, consectantur imitando. [91] Nihil est facilius, quam amictum imitari alicuius aut statum aut motum; si vero etiam vitiosi aliquid est, id sumere et in eo vitio similem esse non magnum est, ut ille, qui nunc etiam, amissa voce, furit in re publica, Fufius, nervos in dicendo C. Fimbriae, quos tamen habuit ille, non adsequitur, oris pravitatem et verborum latitudinem imitatur; sed tamen ille nec deligere scivit, cuius potissimum similis esset, et in eo ipso, quem delegerat, imitari etiam vitia voluit; [92] qui autem ita faciet, ut oportet, primum vigilet necesse est in deligendo; deinde, quem probarit, in eo, quae maxime excellent, ea diligentissime persequatur. Quid enim causae censetis esse cur aetates extulerint singulae singula prope genera dicendi? Quod non tam is facile in nostris oratoribus possumus iudicare, quia scripta, ex quibus iudicium fieri posset, non multa sane reliquerunt, quam in Graecis, ex quorum scriptis, cuiusque aetatis quae dicendi ratio voluntasque fuerit, intellegi potest. [93] Antiquissimi fere sunt, quorum quidem scripta constent, Pericles atque Alcibiades et eadem aetate Thucydides, subtiles, acuti, breves, sententiisque magis quam verbis abundantes: non potuisset accidere, ut unum genus esset omnium, nisi aliquem sibi proponerent ad imitandum. Consecuti sunt hos Critias, Theramenes, Lysias: multa Lysiae scripta sunt; non nulla Critiae; de Theramene audimus; omnes etiam tum retinebant illum Pericli sucum, sed erant paulo uberiore filo. [94] Ecce tibi est exortus Isocrates, [magister istorum omnium,] cuius e ludo tamquam ex equo Troiano meri principes exierunt; sed eorum partim in pompa, partim in acie inlustres esse voluerunt.

[XXIII] Atque et illi, Theopompi, Ephori, Philisti, Naucratae multique alii naturis differunt, voluntate autem similes sunt et inter sese et magistri; et hi, qui se ad causas contulerunt, ut Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus aliique complures, etsi inter se pares non fuerunt, tamen omnes sunt in eodem veritatis

imitandae genere versati, quorum quam diu mansit imitatio, tam diu genus illud dicendi studiumque vixit; [95] postea quam exstinctis his omnis eorum memoria sensim obscurata est et evanuit, alia quaedam dicendi molliora ac remissiora genera viguerunt. Inde Demochares, quem aiunt sororis filium fuisse Demostheni; tum Phalereus ille Demetrius omnium istorum mea sententia politissimus, aliique horum similes exstiterunt. Quae si volemus usque ad hoc tempus persequi, intellegemus, ut hodie etiam Alabandensem illum Meneclem et eius fratrem Hieroclem, quos ego audivi, tota imitetur Asia, sic semper fuisse aliquem, cuius se similis plerique esse vellent. [96] Hanc igitur similitudinem qui imitatione adsequi volet, cum exercitationibus crebris atque magnis tum scribendo maxime persequatur; quod si haec noster Sulpicius faceret, multo eius oratio esset pressior; in qua nunc interdum, ut in herbis rustici solent dicere in summa ubertate, inest luxuries quaedam, quae stilo depascenda est." [97] Hic Sulpicius "me quidem" inquit "recte mones, idque mihi gratum est; sed ne te quidem, Antoni, multum scriptitasse arbitror." Tum ille "quasi vero" inquit "non ea praecipiam aliis, quae mihi ipsi desint: sed tamen ne tabulas quidem conficere existimor: verum et in hoc ex re familiari mea et in illo ex eo, quod dico, quantulum id cumque est, quid faciam iudicari potest. [98] Atque esse tamen multos videmus, qui neminem imitentur et suapte natura, quod velint, sine cuiusquam similitudine consequantur; quod et in vobis animadverti recte potest, Caesar et Cotta; quorum alter inusitatum nostris quidem oratoribus leporem quendam et salem, alter acutissimum et subtilissimum dicendi genus est consecutus; neque vero vester aequalis C. Curio, patre mea sententia vel eloquentissimo temporibus illis, quemquam mihi magno opere videtur imitari; qui tamen verborum gravitate et elegantia et copia suam quandam expressit quasi formam figuramque dicendi; quod ego maxime iudicare potui in ea causa, quam ille contra me apud centumviros pro fratribus Cossis dixit; in qua nihil illi defuit, quod non modo copiosus, sed etiam sapiens orator habere deberet.

[XXIV] [99] Verum ut aliquando ad causas deducamus illum, quem constituimus, et eas quidem, in quibus plusculum negoti est, iudiciorum atque litium - riserit aliquis fortasse hoc praeceptum; est enim non tam acutum quam necessarium magisque monitoris non

fatui quam eruditi magistri - hoc ei primum praecipiemus, quascumque causas erit tractaturus, ut eas diligenter penitusque cognoscat. [100] Hoc in ludo non praecipitur; faciles enim causae ad pueros deferuntur; lex peregrinum vetat in murum ascendere; ascendit; hostis reppulit: accusatur. Nihil est negoti eius modi causam cognoscere: recte igitur nihil de causa discenda praecipiunt; [haec est enim in ludo causarum formula fere.] At vero in foro tabulae testimonia, pacta conventa stipulationes, cognationes adfinitates, decreta responsa, vita denique eorum, qui in causa versantur, tota cognoscenda est; quarum rerum neglegentia plerasque causas et maxime privatas - sunt enim multo saepe obscuriores - videmus amitti. [101] Ita non nulli, dum operam suam multam existimari volunt, ut toto foro volitare et a causa ad causam ire videantur, causas dicunt incognitas; in quo est illa quidem magna offensio vel neglegentiae, susceptis rebus, vel perfidiae, receptis; sed etiam illa maior opinione, quod nemo potest de ea re, quam non novit, non turpissime dicere: ita dum inertiae vituperationem, quae maior est, contemnunt, adsequuntur etiam illam, quam magis ipsi fugiunt, tarditatis. [102] Equidem soleo dare operam, ut de sua quisque re me ipse doceat et ut ne quis alius adsit, quo liberius loquatur, et agere adversari causam, ut ille agat suam et quicquid de sua re cogitarit in medium proferat: itaque cum ille discessit, tris personas unus sustineo summa animi aequitate, meam, adversari, iudicis. Qui locus est talis, ut plus habeat adiumenti quam incommodi, hunc iudico esse dicendum; ubi plus mali quam boni reperio, id totum abiudico atque eicio. [103] Ita adsequor, ut alio tempore cogitem quid dicam et alio dicam; quae duo plerique ingenio freti simul faciunt; sed certe eidem illi melius aliquanto dicerent, si aliud sumendum sibi tempus ad cogitandum, aliud ad dicendum putarent. [104] Cum rem penitus causamque cognovi, statim occurrit animo, quae sit causa ambigendi; nihil est enim, quod inter homines ambigatur, sive ex crimine causa constat, ut facinoris, sive ex controversia, ut hereditatis, sive ex deliberatione, ut belli, [sive ex persona, ut laudis,] sive ex disputatione, ut de ratione vivendi, in quo non aut quid factum sit aut fiat futurumve sit quaeratur aut quale sit aut quid vocetur.

[XXV] [105] Ac nostrae fere causae, quae quidem sunt criminum,

plerumque infitiatione defenduntur; nam et de pecuniis repetundis quae maximae sunt, neganda fere sunt omnia, et de ambitu raro illud datur, ut possis liberalitatem atque benignitatem ab ambitu atque largitione seiungere; de sicariis, de veneficiis, de peculatu infitiari necesse est: id est igitur genus primum causarum in iudiciis ex controversia facti; in deliberationibus plerumque ex futuri, raro ex instantis aut acti. [106] Saepe etiam res non sit necne, sed qualis sit quaeritur; ut cum L. Opimi causam defendebat apud populum, audiente me, C. Carbo consul, nihil de C. Gracchi nece negabat, sed id iure pro salute patriae factum esse dicebat; ut eidem Carboni tribuno plebis alia tum mente rem publicam capessenti P. Africanus de Ti. Graccho interroganti responderat iure caesum videri; iure autem omnia defenduntur, quae sunt eius generis, ut aut oportuerit aut licuerit aut necesse fuerit aut imprudentia aut casu facta esse videantur. [107] Iam quid vocetur, quaeritur, cum quo verbo quid appellandum sit, contenditur; ut mihi ipsi cum hoc Sulpicio fuit in Norbani causa summa contentio; pleraque enim de eis, quae ab isto obiciebantur, cum confiterer, tamen ab illo maiestatem minutam negabam, ex quo verbo lege Appuleia tota illa causa pendebat. [108] Atque in hoc genere causarum non nulli praecipiunt ut verbum illud, quod causam facit, breviter uterque definiat, quod mihi quidem perquam puerile videri solet: alia est enim, cum inter doctos homines de eis ipsis rebus, quae versantur in artibus, disputatur, verborum definitio, ut cum quaeritur, quid sit ars, quid sit lex, quid sit civitas, in quibus hoc praecipit ratio et doctrina, ut vis eius rei, quam definias, sic exprimatur, ut neque absit quicquam neque supersit; [109] quod quidem in illa causa neque Sulpicius fecit neque ego facere conatus sum; nam quantum uterque nostrum potuit, omni copia dicendi dilatavit, quid esset in maiestatem minuere: etenim definitio primum reprehenso verbo uno aut addito aut dempto saepe extorquetur e manibus; deinde genere ipso doctrinam redolet exercitationemque paene puerilem: tum et in sensum et in mentem iudicis intrare non potest, ante enim praeterlabitur, quam percepta est.

[XXVI] [110] Sed in eo genere, in quo quale sit quid, ambigitur, exsistit etiam ex scripti interpretatione saepe contentio, in quo nulla potest esse nisi ex ambiguo controversia; nam illud ipsum, quod

scriptum a sententia discrepat, genus quoddam habet ambigui; quod tum explicatur, cum ea verba, quae desunt, suggesta sunt, quibus additis defenditur sententiam scripti perspicuam fuisse; ex contrariisque scriptis si quid ambigitur, non novum genus nascitur, sed superioris generis causa duplicatur; idque aut numquam diiudicari poterit aut ita diiudicabitur, ut referendis praeteritis verbis id scriptum, quodcumque defendemus, suppleatur; ita fit, ut unum genus in eis causis, quae propter scriptum ambiguntur, relinquatur, si est scriptum aliquid ambigue. [111] Ambiguorum autem cum plura genera sunt, quae mihi videntur ei melius nosse, qui dialectici appellantur, hi autem nostri ignorare, qui non minus nosse debeant, tum illud est frequentissimum in omni consuetudine vel sermonis vel scripti, cum idcirco aliquid ambigitur, quod aut verbum aut verba sint praetermissa. [112] Iterum autem peccant, cum genus hoc causarum, quod in scripti interpretatione versatur, ab illis causis, in quibus, qualis quaeque res sit, disceptatur, seiungunt; nusquam enim tam quaeritur, quale sit genus ipsum rei quam in scripto, quod totum a facti controversia separatum est. [113] Ita tria sunt omnino genera, quae in disceptationem et controversiam cadere possint: quid fiat factum futurumve sit, aut quale sit, aut quo modo nominetur; nam illud quidem, quod quidam Graeci adiungunt, "rectene factum sit," totum in eo est "quale sit." Sed iam ad institutum revertar meum.

[XXVII] [114] Cum igitur accepta causa et genere cognito rem tractare coepi, nihil prius constituo, quam quid sit illud, quo mihi sit referenda omnis illa oratio, quae sit propria quaestionis et iudici; deinde illa duo diligentissime considero, quorum alterum commendationem habet nostram aut eorum, quos defendimus, alterum est accommodatum ad eorum animos, apud quos dicimus, ad id, quod volumus, commovendos. [115] Ita omnis ratio dicendi tribus ad persuadendum rebus est nixa: ut probemus vera esse, quae defendimus; ut conciliemus eos nobis, qui audiunt; ut animos eorum, ad quemcumque causa postulabit motum, vocemus. [116] Ad probandum autem duplex est oratori subiecta materies: una rerum earum, quae non excogitantur ab oratore, sed in re positae ratione tractantur, ut tabulae, testimonia, pacta conventa, quaestiones, leges, senatus consulta, res iudicatae, decreta, responsa, reliqua, si quae sunt, quae non reperiuntur ab oratore, sed ad oratorem a causa [atque

a re] deferuntur; altera est, quae tota in disputatione et in argumentatione oratoris conlocata est; [117] ita in superiore genere de tractandis argumentis, in hoc autem etiam de inveniendis cogitandum est. Atque isti quidem, qui docent, cum causas in plura genera secuerunt, singulis generibus argumentorum copiam suggerunt; quod etiam si ad instituendos adulescentulos magis aptum est, ut, simul ac posita causa sit, habeant quo se referant, unde statim expedita possint argumenta depromere, tamen et tardi ingeni est rivulos consectari, fontis rerum non videre, et iam aetatis est ususque nostri a capite quod velimus arcessere et unde omnia manent videre. [118] Et primum genus illud earum rerum, quae ad oratorem deferuntur, meditatum nobis in perpetuum ad omnem usum similium rerum esse debebit; nam et pro tabulis et contra tabulas et pro testibus et contra testis et pro quaestionibus et contra quaestiones et item de ceteris rebus eiusdem generis vel separatim dicere solemus de genere universo vel definite de singulis temporibus, hominibus, causis; quos quidem locos - vobis hoc, Cotta et Sulpici, dico - multa commentatione atque meditatione paratos atque expeditos habere debetis. [119] Longum est enim nunc me explicare, qua ratione aut confirmare aut infirmare testis, tabulas, quaestiones oporteat. Haec sunt omnia ingeni vel mediocris, exercitationis autem maximae; artem quidem et praecepta dumtaxat hactenus requirunt, ut certis dicendi luminibus ornentur. [120] Itemque illa, quae sunt alterius generis, quae tota ab oratore pariuntur, excogitationem non habent difficilem, explicationem magis inlustrem perpolitamque desiderant; itaque cum haec duo nobis quaerenda sint in causis, primum quid, deinde quo modo dicamus, alterum, quod totum arte tinctum videtur, tametsi artem requirit, tamen prudentiae est paene mediocris quid dicendum sit videre; alterum est, in quo oratoris vis illa divina virtusque cernitur, ea, quae dicenda sunt, ornate, copiose varieque dicere.

[XXVIII] [121] Qua re illam partem superiorem, quoniam semel ita vobis placuit, non recusabo quo minus perpoliam atque conficiam - quantum consequar, vos iudicabitis - quibus ex locis ad eas tris res, quae ad fidem faciendam solae valent, ducatur oratio, ut et concilientur animi et doceantur et moveantur; [haec sunt enim tria.] Ea vero quem ad modum inlustrentur, praesto est, qui omnis docere possit, qui hoc primus in nostros mores induxit, qui maxime auxit,

qui solus effecit. [122] Namque ego, Catule, - dicam enim non reverens adsentandi suspicionem - neminem esse oratorem paulo inlustriorem arbitror [neque Graecum neque Latinum] quem aetas nostra tulerit, quem non et saepe et diligenter audierim; itaque si quid est in me - quod iam sperare videor, quoniam quidem vos, his ingeniis homines, tantum operae mihi ad audiendum datis - ex eo est, quod nihil - quisquam umquam ne audiente egit orator, quod non in memoria mea penitus insederit: itaque ego is, qui sum, quantuscumque sum ad iudicandum, omnibus auditis oratoribus, sine ulla dubitatione sic statuo et iudico, neminem omnium tot et tanta, quanta sint in Crasso, habuisse ornamenta dicendi. [123] Quam ob rem, si vos quoque hoc idem existimatis, non erit, ut opinor, iniqua partitio, si, cum ego hunc oratorem, quem nunc fingo, ut institui, crearo, alvero, confirmaro, tradam eum Crasso et vestiendum et ornandum." [124] Tum Crassus, "tu vero," inquit "Antoni, perge, ut instituisti; neque enim est boni neque liberalis parentis, quem procrearis et eduxeris, eum non et vestire et ornare, praesertim cum te locupletem esse negare non possis. Quod enim ornamentum, quae vis, qui animus, quae dignitas illi oratori defuit, qui in causa peroranda non dubitavit excitare reum consularem et eius diloricare tunicam et iudicibus cicatrices adversas senis imperatoris ostendere? Qui idem, hoc accusante Sulpicio, cum hominem seditiosum furiosumque defenderet, non dubitavit seditiones ipsas ornare ac demonstrare gravissimis verbis multos saepe impetus populi non iniustos esse, quos praestare nemo posset; multas etiam e re publica seditiones saepe esse factas, ut cum reges essent exacti, ut cum tribunicia potestas [esset] constituta; illam Norbani seditionem ex luctu civium et ex Caepionis odio, qui exercitum amiserat, neque reprimi potuisse et iure esse conflatam? [125] Potuit hic locus tam anceps, tam inauditus, tam lubricus, tam novus sine quadam incredibili vi ac facultate dicendi tractari? Quid ego de Cn. Manli, quid de Q. Regis commiseratione dicam? Quid de aliis innumerabilibus? In quibus hoc non maxime enituit quod tibi omnes dant, acumen quoddam singulare, sed haec ipsa, quae nunc ad me delegare vis, ea semper in te eximia et praestantia fuerunt."

[XXIX] [126] Tum Catulus "ego vero" inquit "in vobis hoc maxime admirari soleo, quod, cum inter vos in dicendo dissimillimi sitis, ita tamen uterque vestrum dicat, ut ei nihil neque a natura denegatum

neque a doctrina non delatum esse videatur; qua re, Crasse, neque tu tua suavitate nos privabis, ut, si quid ab Antonio aut praetermissum aut relictum sit, non explices; neque te, Antoni, si quid non dixeris, existimabimus non potuisse potius quam a Crasso dici maluisse." [127] Hic Crassus "quin tu," inquit "Antoni, omittis ista, quae proposuisti, quae nemo horum desiderat: quibus ex locis ea, quae dicenda sunt in causis, reperiantur; quae quamquam a te novo quodam modo praeclareque dicuntur, sunt tamen et re faciliora et praeceptis pervagata; illa deprome nobis unde adferas, quae saepissime tractas semperque divinitus."

[128] "Depromam equidem," inquit "et quo facilius id a te exigam, quod peto, nihil tibi a me postulanti recusabo. Meae totius rationis in dicendo et istius ipsius facultatis, quam modo Crassus in caelum verbis extulit, tres sunt res, ut ante dixi: una conciliandorum hominum, altera docendorum, tertia concitandorum. [129] Harum trium partium prima lenitatem orationis, secunda acumen, tertia vim desiderat; nam hoc necesse est, ut is, qui nobis causam adiudicaturus sit, aut inclinatione voluntatis propendeat in nos aut defensionis argumentis adducatur aut animi permotione cogatur. Sed quoniam illa pars, in qua rerum ipsarum explicatio ac defensio posita est, videtur omnem huius generis quasi doctrinam continere, de ea primum loquemur et pauca dicemus: pauca enim sunt, quae usu iam tractata et animo quasi notata habere videamur.

[XXX] [130] Ac tibi sapienter monenti, Crasse, libenter adsentiemur, ut singularum causarum defensiones quas solent magistri pueris tradere, relinquamus, aperiamus autem capita ea, unde omnis ad omnem et causam et orationem disputatio ducitur. Neque enim quotiens verbum aliquod est scribendum nobis, totiens eius verbi litterae sunt cogitatione conquirendae; nec quotiens causa dicenda est, totiens ad eius causae seposita argumenta revolvi nos oportet, sed habere certos locos, qui, ut litterae ad verbum scribendum, sic illi ad causam explicandam statim occurrant. [131] Sed hi loci ei demum oratori prodesse possunt, qui est versatus in rerum vel usu, quem aetas denique adferet, vel auditione et cogitatione, quae studio et diligentia praecucurrit aetatem. Nam si tu mihi quamvis eruditum hominem adduxeris, quamvis acrem et acutum in cogitando, quamvis ad pronuntiandum expeditum, si erit idem in consuetudine civitatis,

in exemplis, in institutis, in moribus ac voluntatibus civium suorum hospes, non multum ei loci proderunt illi, ex quibus argumenta promuntur: subacto mihi ingenio opus est, ut agro non semel arato, sed [novato et] iterato, quo meliores fetus possit et grandiores edere; subactio autem est usus, auditio, lectio, litterae. [132] Ac primum naturam causae videat, quae numquam latet, factumne sit quaeratur, an quale sit, an quod nomen habeat; quo perspecto statim occurrit naturali quadam prudentia, non his subductionibus, quas isti docent, quid faciat causam, id est, quo sublato controversia stare non possit; deinde quid veniat in iudicium: quod isti sic iubent quaerere: interfecit Opimius Gracchum. Quid facit causam? Quod rei publicae causa, cum ex senatus consulto ad arma vocasset. Hoc tolle, causa non erit. At id ipsum negat contra leges licuisse Decius. Veniet igitur in iudicium licueritne ex senatus consulto servandae rei publicae causa. Perspicua sunt haec quidem et in vulgari prudentia sita; sed illa quaerenda, quae et ab accusatore et a defensore argumenta ad id, quod in iudicium venit, spectantia debent adferri.

[XXXI] [133] Atque hic illud videndum est, in quo summus est error istorum magistrorum, ad quos liberos nostros mittimus, non quo hoc quidem ad dicendum magno opere pertineat, sed tamen ut videatis, quale sit genus hoc eorum, qui sibi eruditi videntur. Hebes atque impolitum: constituunt enim in partiendis orationum modis duo genera causarum: unum appellant, in quo sine personis atque temporibus de universo genere quaeratur; alterum, quod personis certis et temporibus definiatur; ignari omnis controversias ad universi generis vim et naturam referri; [134] nam in ea ipsa causa, de qua ante dixi, nihil pertinet ad oratoris locos Opimi persona, nihil Deci; de ipso [enim] universo genere infinita quaestio est, num poena videatur esse adficiendus, qui civem ex senatus consulto patriae conservandae causa interemerit, cum id per leges non liceret; nulla denique est causa, in qua id, quod in iudicium venit, reorum personis ac non generum ipsorum universa dubitatione quaeratur. [135] Quin etiam in eis ipsis, ubi de facto ambigitur, ceperitne pecunias contra leges [P.] Decius, argumenta et criminum et defensionis revocentur oportet ad genus et [ad] naturam universam: quod sumptuosus, de luxurie, quod alieni appetens, de avaritia, quod seditiosus, de turbulentis et malis civibus, quod a multis arguitur, de genere testium; contraque, quae

pro reo dicentur, omnia necessario a tempore atque homine ad communis rerum et generum summas revolventur. [136] Atque haec forsitan homini non omnia, quae sunt in natura rerum, celeriter animo comprehendenti permulta videantur, quae veniant in iudicium tum, cum de facto quaeratur: sed tamen criminum multitudo est et defensionum, non locorum infinita.

[XXXII] [137] Quae vero, cum de facto non ambigitur, quaeruntur, qualia sint, ea si ex reis numeres, et innumerabilia sunt et obscura; si ex rebus, valde et modica et inlustria; nam si Mancini causam in uno Mancino ponimus, quotienscumque is, quem pater patratus dediderit, receptus non erit, totiens causa nova nascetur; sin illa controversia causam facit, videaturne ei, quem pater patratus dediderit, si is non sit receptus, postliminium esse, nihil ad artem dicendi nec ad argumenta defensionis Mancini nomen pertinet; [138] ac, si quid adfert praeterea hominis aut dignitas aut indignitas, extra quaestionem est et ea tamen ipsa oratio ad universi generis disputationem referatur necesse est. Haec ego non eo consilio disputo, ut homines eruditos redarguam; quamquam reprehendendi sunt qui in genere definiendo istas causas describunt in personis et in temporibus positas esse; [139] nam etsi incurrunt tempora et personae, tamen intellegendum est, non ex eis, sed ex genere quaestionis pendere causas. Sed hoc nihil ad me; nullum enim nobis certamen cum istis esse debet; tantum satis est intellegi ne hoc quidem eos consecutos, quod in tanto otio etiam sine hac forensi exercitatione efficere potuerunt, ut genera rerum discernerent eaque paulo subtilius explicarent. [140] Verum hoc, ut dixi, nihil ad me; illud ad me ac multo etiam magis ad vos, Cotta noster et Sulpici: quo modo nunc se istorum artes habent, pertimescenda est multitudo causarum; est enim infinita, si in personis ponitur; quot homines, tot causae; sin ad generum universas quaestiones referuntur, ita modicae et paucae sunt, ut eas omnis diligentes et memores et sobrii oratores percursas animo et prope dicam decantatas habere debeant; nisi forte existimatis a M'. Curio causam didicisse L. Crassum et ea re multa attulisse, quam ob rem postumo non nato Curium tamen heredem Coponi esse oporteret: [141] nihil ad copiam argumentorum neque ad causae vim ac naturam nomen Coponi aut Curi pertinuit; in genere erat universo rei negotique, non in tempore ac nominibus, omnis quaestio: cum

scriptum ita sit SI MIHI FILIVS GENITVR, ISQVE PRIVS MORITVR, et cetera, TVM MIHI ILLE SIT HERES, si natus filius non sit videaturne is, qui filio mortuo institutus heres sit, heres esse: perpetui iuris et universi generis quaestio non hominum nomina, sed rationem dicendi et argumentorum fontis desiderat.

[XXXIII] [142] In quo etiam isti nos iuris consulti impediunt a discendoque deterrent; video enim in Catonis et in Bruti libris nominatim fere referri, quid alicui de iure viro aut mulieri responderit; credo, ut putaremus in hominibus, non in re consultationis aut dubitationis causam aliquam fuisse; ut, quod homines innumerabiles essent, debilitati [a iure cognoscendo] voluntatem discendi simul cum spe perdiscendi abiceremus. Sed haec Crassus aliquando nobis expediet et exponet discripta generatim; est enim, ne forte nescias, heri nobis ille hoc, Catule, pollicitus [se] ius civile, quod nunc diffusum et dissipatum esset, in certa genera coacturum et ad artem facilem redacturum." [143] "Et quidem " inquit Catulus "haudquaquam id est difficile Crasso, qui et, quod disci potuit de iure, didicit et, quod eis, qui eum docuerunt, defuit, ipse adferet, ut, quae sint in iure, vel apte discribere vel ornate inlustrare possit." "Ergo " inquit "ista" Antonius "tum a Crasso discemus, cum se de turba et a subselliis in otium, ut cogitat, soliumque contulerit." [144] "Iam id quidem saepe" inquit Catulus "ex eo audivi, cum diceret sibi iam certum esse a iudiciis causisque discedere; sed, ut ipsi soleo dicere, non licebit; neque enim auxilium suum saepe a viris bonis frustra implorari patietur neque id aequo animo feret civitas, quae si voce L. Crassi carebit, ornamento quodam se spoliatam putabit." "Nam hercle," inquit Antonius "si haec vere a Catulo dicta sunt, tibi mecum in eodem est pistrino, Crasse, vivendum; et istam oscitantem et dormitantem sapientiam Scaevolarum et ceterorum beatorum otio concedamus." [145] Adrisit hic Crassus leniter et "pertexe modo," inquit "Antoni, quod exorsus es; me tamen ista oscitans sapientia, simul atque ad eam confugero, in libertatem vindicabit."

[XXXIV] "Huius quidem loci, quem modo sum exorsus, hic est finis," inquit Antonius; "quoniam intellegeretur non in hominum innumerabilibus personis neque in infinita temporum varietate, sed in generum causis atque naturis omnia sita esse, quae in dubium

vocarentur, genera autem esse definita non solum numero, sed etiam paucitate, ut eam materiem orationis, quae cuiusque esset generis, studiosi qui essent dicendi, omnibus locis discriptam, instructam ornatamque comprehenderent, rebus dico et sententiis. [146] Ea vi sua verba parient, quae semper satis ornata mihi quidem videri solent, si eius modi sunt, ut ea res ipsa peperisse videatur; ac si verum quaeritis, quod mihi quidem videatur - nihil enim aliud adfirmare possum nisi sententiam et opinionem meam - hoc instrumentum causarum et generum universorum in forum deferre debemus neque, ut quaeque res delata ad nos erit, tum denique scrutari locos, ex quibus argumenta ervamus; quae quidem omnibus, qui ea mediocriter modo considerarint, studio adhibito et usu pertractata esse possunt; sed tamen animus referendus est ad ea capita et ad illos, quos saepe iam appellavi, locos, ex quibus omnia ad omnem orationem inventa ducuntur. [147] Atque hoc totum est sive artis sive animadversionis sive consuetudinis nosse regiones, intra quas venere et pervestiges, quod quaeras: ubi eum locum omnem cogitatione saepseris, si modo usum rerum percallueris, nihil te effugiet atque omne, quod erit in re, occurret atque incidet.

[XXXV] Et sic, cum ad inveniendum in dicendo tria sint: acumen, deinde ratio, quam licet, si volumus, appellemus artem, tertium diligentia, non possum equidem non ingenio primas concedere, sed tamen ipsum ingenium diligentia etiam ex tarditate incitat; [148] diligentia, inquam, quae cum omnibus in rebus tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis; haec semper adhibenda; haec nihil est quod non adsequatur: causa ut penitus, quod initio dixi, nota sit, diligentia est; ut adversarium attente audiamus atque ut eius non solum sententias sed etiam verba omnia excipiamus, vultus denique perspiciamus omnis, qui sensus animi plerumque indicant, diligentia est; [149] id tamen dissimulanter facere, ne sibi ille aliquid proficere videatur, prudentia est; deinde ut in eis locis, quos proponam paulo post, pervolvatur animus, ut penitus insinuet in causam, ut sit cura et cogitatione intentus, diligentia est; ut his rebus adhibeat tamquam lumen aliquod memoriam, ut vocem, ut viris, diligentia est. [150] Inter ingenium quidem et diligentiam perpaulum loci reliquum est arti: ars demonstrat tantum, ubi quaeras, atque ubi sit illud, quod studeas

invenire; reliqua sunt in cura, attentione animi, cogitatione, vigilantia, adsiduitate, labore; complectar uno verbo, quo saepe iam usi sumus, diligentia; qua una virtute omnes virtutes reliquae continentur. [151] Nam orationis quidem copia videmus ut abundent philosophi, qui, ut opinor - sed tu haec, Catule, melius - nulla dant praecepta dicendi nec idcirco minus, quaecumque res proposita est, suscipiunt, de qua copiose et abundanter loquantur."

[XXXVI] [152] Tum Catulus "est," inquit "ut dicis, Antoni, ut plerique philosophi nulla tradant praecepta dicendi et habeant paratum tamen quid de quaque re dicant; sed Aristoteles, is, quem ego maxime admiror, posuit quosdam locos, ex quibus omnis argumenti via non modo ad philosophorum disputationem, sed etiam ad hanc orationem, qua in causis utimur, inveniretur; a quo quidem homine iam dudum, Antoni, non aberrat oratio tua, sive tu similitudine illius divini ingeni in eadem incurris vestigia sive etiam illa ipsa legisti atque didicisti, quod quidem mihi magis veri simile videtur; plus enim te operae Graecis dedisse rebus video quam putaramus." [153] Tum ille "verum" inquit "ex me audies, Catule: semper ego existimavi iucundiorem et probabiliorem huic populo oratorem fore, qui primum quam minimam artifici alicuius, deinde nullam Graecarum rerum significationem daret: atque ego idem existimavi pecudis esse, non hominis, cum tantas res Graeci susciperent, profiterentur, agerent seseque et videndi res obscurissimas et bene vivendi et copiose dicendi rationem daturos hominibus pollicerentur, non admovere aurem et, si palam audire eos non auderes, ne minueres apud tuos civis auctoritatem tuam, subauscultando tamen excipere voces eorum et procul quid narrarent attendere. Itaque feci, Catule, et istorum omnium summatim causas et genera ipsa gustavi."

[XXXVII] [154] "Valde hercule" inquit Catulus "timide tamquam ad aliquem libidinis scopulum sic tuam mentem ad philosophiam appulisti, quam haec civitas aspernata numquam est; nam et referta quondam Italia Pythagoreorum fuit tum, cum erat in hac gente magna illa Graecia; ex quo etiam quidam Numam Pompilium, regem nostrum, fuisse Pythagoreum ferunt, qui annis ante permultis fuit quam ipse Pythagoras; quo etiam maior vir habendus est, quoniam illam sapientiam constituendae civitatis duobus prope saeculis ante cognovit, quam eam Graeci natam esse senserunt; et certe non tulit

ullos haec civitas aut gloria clariores aut auctoritate graviores aut humanitate politiores P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia palam semper habuerunt. [155] Atque ego hoc ex eis saepe audivi, cum dicerent pergratum Atheniensis et sibi fecisse et multis principibus civitatis, quod, cum ad senatum legatos de suis maximis rebus mitterent, tris illius aetatis nobilissimos philosophos misissent, Carneadem et Critolaum et Diogenem; itaque eos, dum Romae essent, et a se et ab aliis frequenter auditos; quos tu cum haberes auctores, Antoni, miror cur philosophiae sicut Zethus ille Pacuvianus prope bellum indixeris." [156] "Minime," inquit Antonius; "ac sic decrevi philosophari potius, ut Neoptolemus apud Ennium "paucis: nam omnino haud placet." Sed tamen haec est mea sententia, quam videbar euisse: ego ista studia non improbo, moderata modo sint: opinionem istorum studiorum et suspicionem artifici apud eos, qui res iudicent, oratori adversariam esse arbitror, imminuit enim et oratoris auctoritatem et orationis fidem.

[XXXVIII] [157] Sed, ut eo revocetur, unde huc declinavit oratio, ex tribus istis clarissimis philosophis, quos Romam venisse dixisti, videsne Diogenem eum fuisse, qui diceret artem se tradere bene disserendi et vera ac falsa diiudicandi, quam verbo Graeco dialektiken appellaret? In hac arte, si modo est haec ars, nullum est praeceptum, quo modo verum inveniatur, sed tantum est, quo modo iudicetur; [158] nam et omne, quod eloquimur sic, ut id aut esse dicamus aut non esse, et, si simpliciter dictum sit, suscipiunt dialectici, ut iudicent, verumne sit an falsum, et, si coniuncte sit elatum et adiuncta sint alia, iudicant rectene adiuncta sint et verane summa sit unius cuiusque rationis, et ad extremum ipsi se compungunt suis acuminibus et multa quaerendo reperiunt non modo ea, quae iam non possint ipsi dissolvere, sed etiam quibus ante exorsa et potius detexta prope retexantur. [159] Hic nos igitur Stoicus iste nihil adiuvat, quoniam, quem ad modum inveniam quid dicam, non docet; atque idem etiam impedit, quod et multa reperit, quae negat ullo modo posse dissolvi, et genus sermonis adfert non liquidum, non fusum ac profluens, sed exile, aridum, concisum ac minutum, quod si qui probabit, ita probabit, ut oratori tamen aptum non esse fateatur; haec enim nostra oratio multitudinis est auribus

accommodanda, ad oblectandos animos, ad impellendos, ad ea probanda, quae non aurificis statera, sed populari quadam trutina examinantur; [160] qua re istam artem totam dimittimus, quae in excogitandis argumentis muta nimium est, in iudicandis nimium loquax. Critolaum istum, quem cum Diogene venisse commemoras, puto plus huic nostro studio prodesse potuisse; erat enim ab isto Aristotele, a cuius inventis tibi ego videor non longe aberrare. Atque inter hunc Aristotelem, cuius et illum legi librum, in quo euit dicendi artis omnium superiorum, et illos, in quibus ipse sua quaedam de eadem arte dixit, et hos germanos huius artis magistros hoc mihi visum est interesse, quod ille eadem acie mentis, qua rerum omnium vim naturamque viderat, haec quoque aspexit, quae ad dicendi artem, quam ille despiciebat, pertinebant; autem, qui hoc solum colendum ducebant, habitarunt in hac una ratione tractanda non eadem prudentia qua ille, sed usu in hoc uno genere studioque maiore. [161] Carneadi vero vis incredibilis illa dicendi et varietas perquam esset optanda nobis, qui nullam umquam in illis suis disputationibus rem defendit quam non probarit, nullam oppugnavit quam non everterit. Sed hoc maius est quiddam quam ab his, qui haec tradunt et docent postulandum sit.

[XXXIX] [162] Ego autem, si quem nunc plane rudem institui ad dicendum velim, his potius tradam adsiduis uno opere eandem incudem diem noctemque tundentibus, qui omnis tenuissimas particulas atque omnia minima mansa ut nutrices infantibus pueris in os inserant; sin sit is, qui et doctrina mihi liberaliter institutus et aliquo iam imbutus usu et satis acri ingenio esse videatur, illuc eum rapiam, ubi non seclusa aliqua acula teneatur, sed unde universum flumen erumpat; qui illi sedis et quasi domicilia omnium argumentorum commonstret et ea breviter inlustret verbisque definiat. [163] Quid enim est, in quo haereat, qui viderit omne, quod sumatur in oratione aut ad probandum aut ad refellendum, aut ex re sua sumi vi atque natura aut adsumi foris? [Ex] sua vi, cum aut res quae sit tota quaeratur, aut pars eius, aut vocabulum quod habeat, aut quippiam, rem illam quod attingat; extrinsecus autem, cum ea, quae sunt foris neque haerent in rei natura, conliguntur. [164] Si res tota quaeritur, definitione universa vis explicanda est, sic: “si maiestas est amplitudo ac dignitas civitatis, is eam minuit, qui exercitum hostibus

populi Romani tradidit, non qui eum, qui id fecisset, populi Romani potestati tradidit." [165] Sin pars, partitione, hoc modo: "aut senatui parendum de salute rei publicae fuit aut aliud consilium instituendum aut sua sponte faciendum; aliud consilium, superbum; suum, adrogans; utendum igitur fuit consilio senatus." Si ex vocabulo, ut Carbo: "si consul est, qui consulit patriae, quid aliud fecit Opimius?" [166] Sin ab eo, quod rem attingit, plures sunt argumentorum sedes ac loci, nam et coniuncta quaeremus et genera et partis generibus subiectas et similitudines et dissimilitudines et contraria et consequentia et consentanea et quasi praecurrentia et repugnantia et causas rerum vestigabimus et ea, quae ex causis orta sint et maiora, paria, minora quaeremus.

[XL] [167] Ex coniunctis sic argumenta ducuntur: "si pietati summa tribuenda laus est, debetis moveri, cum Q. Metellum tam pie lugere videatis." Ex genere autem: "si magistratus in populi Romani esse potestate debent, quid Norbanum accusas, cuius tribunatus voluntati paruit civitatis?" [168] Ex parte autem ea, quae est subiecta generi: "si omnes, qui rei publicae consulunt, cari nobis esse debent, certe in primis imperatores, quorum consiliis, virtute, periculis retinemus et nostram salutem et imperi dignitatem." Ex similitudine autem: "si ferae partus suos diligunt, qua nos in liberos nostros indulgentia esse debemus?" [169] At ex dissimilitudine: "si barbarorum est in diem vivere, nostra consilia sempiternum tempus spectare debent." Atque utroque in genere et similitudinis et dissimilitudinis exempla sunt ex aliorum factis aut dictis aut eventis et fictae narrationes saepe ponendae. Iam ex contrario: "si Gracchus nefarie" praeclare Opimius." [170] Ex consequentibus: "si et ferro interfectus ille et tu inimicus eius cum gladio cruento comprehensus in illo ipso loco et nemo praeter te ibi visus est et causa nemini et tu semper audax, quid est quod de facinore dubitare possimus?" Ex consentaneis et ex praecurrentibus et ex repugnantibus, ut olim Crassus adulescens: "non si Opimium defendisti, Carbo, idcirco te isti bonum civem putabunt: simulasse te et aliquid quaesisse perspicuum est, quod Ti. Gracchi mortem saepe in contionibus deplorasti, quod P. Africani necis socius fuisti, quod eam legem in tribunatu tulisti, quod semper a bonis dissedisti." [171] Ex causis autem rerum sic: "avaritiam si tollere vultis, mater eius est tollenda, luxuries." Ex eis autem, quae

sunt orta de causis: “si aerari copiis et ad belli adiumenta et ad ornamenta pacis utimur, vectigalibus serviamus.” [172] Maiora autem et minora et paria comparabimus sic: ex maiore: “si bona existimatio divitiis praestat et pecunia tanto opere expetitur, quanto gloria magis est expetenda!” ex minore: “hic parvae consuetudinis causa huius mortem tam fert familiariter: quid si ipse amasset? Quid hic mihi faciet patri?” Ex pari: “est eiusdem et eripere et contra rem publicam largiri pecunias.” [173] Foris autem adsumuntur ea, quae non sua vi, sed extranea sublevantur, ut haec: “hoc verum est; dixit enim Q. Lutatius. Hoc falsum est; habita enim quaestio est. Hoc sequi necesse est; recito enim tabulas.” De quo genere toto paulo ante dixi.

[XLI] [174] Haec, ut brevissime dici potuerunt, ita a me dicta sunt; ut enim si aurum cui, quod esset multifariam defossum, commonstrare vellem, satis esse deberet, si signa et notas ostenderem locorum, quibus cognitis ipse sibi foderet et id quod vellet parvo labore, nullo errore, inveniret; sic has ego argumentorum notavi notas quae quaerenti demonstrant, ubi sint; reliqua cura et cogitatione eruuntur; [175] quod autem argumentorum genus cuique causarum generi maxime conveniat, non est artis exquisitae praescribere, sed est mediocris ingeni iudicare, neque enim nunc id agimus, ut artem aliquam dicendi explicemus, sed ut doctissimis hominibus usus nostri quasi quaedam monita tradamus. Hic igitur locis in mente et cogitatione defixis et in omni re ad dicendum posita excitatis, nihil erit quod oratorem effugere possit non modo in forensibus disceptationibus, sed omnino in ullo genere dicendi. [176] Si vero adsequetur, ut talis videatur, qualem se videri velit et animos eorum ita adficiat, apud quos aget, ut eos quocumque velit vel trahere vel rapere possit nihil profecto praeterea ad dicendum requiret. Iam illud videmus nequaquam satis esse reperire quid dicas, nisi id inventum tractare possis; [177] tractatio autem varia esse debet, ne aut cognoscat artem qui audiat aut defetigetur similitudinis satietate: proponi oportet quid adferas et qua re ita sit ostendere; ex eisdem illis locis interdum concludere, relinquere alias alioque transire; saepe non proponere ac ratione ipsa adferenda quid proponendum fuerit, declarare; si cui quid simile dicas, prius ut simile [dicas] confirmes, deinde quod agitur, adiungas; interpuncta argumentorum plerumque occulas, ne quis ea numerare possit, ut re distinguantur, verbis

confusa esse videantur.

[XLII] [178] Haec properans ut et apud doctos et semidoctus ipse percurro, ut aliquando ad illa maiora veniamus: nihil est enim in dicendo, Catule, maius, quam ut faveat oratori is, qui audiet, utique ipse sic moveatur, ut impetu quodam animi et perturbatione magis quam iudicio aut consilio regatur: plura enim multo homines iudicant odio aut amore aut cupiditate aut iracundia aut dolore aut laetitia aut spe aut timore aut errore aut aliqua permotione mentis quam veritate aut praescripto aut iuris norma aliqua aut iudici formula aut legibus. [179] Qua re, nisi quid vobis aliud placet, ad illa pergamus. "Paulum" inquit Catulus "etiam nunc deesse videtur eis rebus, Antoni, quas euisti, quod sit tibi ante explicandum, quam illuc proficiscare, quo te dicis intendere." "Quidnam?" inquit. "Qui ordo tibi placeat" inquit Catulus "et quae dispositio argumentorum, in qua tu mihi semper deus videri soles." [180] "Vide quam sim" inquit "deus in isto genere, Catule: non hercule mihi nisi admonito venisset in mentem; ut possis existimare me in ea, in quibus non numquam aliquid efficere videor, usu solere in dicendo vel casu potius incurrere. Ac res quidem ista, quam ego, quia non noram, sic tamquam ignotum hominem praeteribam, tantum potest in dicendo, ut ad vincendum nulla plus possit; sed tamen mihi videris ante tempus a me rationem ordinis et disponendarum rerum requisisse; [181] nam si ego omnem vim oratoris in argumentis et in re ipsa per se comprobanda posuissem, tempus esset iam de ordine argumentorum et de conlocatione rerum aliquid dicere; sed cum tria sint a me proposita, de uno dictum, cum de duobus reliquis dixero, tum erit denique de disponenda tota oratione quaerendum.

[XLIII] [182] Valet igitur multum ad vincendum probari mores et instituta et facta et vitam eorum, qui agent causas, et eorum, pro quibus, et item improbari adversariorum, animosque eorum, apud quos agetur, conciliari quam maxime ad benevolentiam cum erga oratorem tum erga illum, pro quo dicet orator. Conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae; quae facilius ornari possunt, si modo sunt, quam fingi, si nulla sunt. Sed haec adiuvant in oratore: lenitas vocis, vultus pudor[is significatio], verborum comitas; si quid persequare acrius, ut invitus et coactus facere videare. Facilitatis, liberalitatis, mansuetudinis, pietatis, grati

animi, non appetentis, non avidi signa proferre perutile est; eaque omnia, quae proborum, demissorum, non acrium, non pertinacium? non litigiosorum, non acerborum sunt, valde benevolentiam conciliant abalienantque ab eis, in quibus haec non sunt; itaque eadem sunt in adversarios ex contrario conferenda. [183] Sed genus hoc totum orationis in eis causis excellit, in quibus minus potest inflammari animus iudicis acri et vehementi quadam incitatione; non enim semper fortis oratio quaeritur, sed saepe placida, summissa, lenis, quae maxime commendat reos. Reos autem appello non eos modo, qui arguuntur, sed omnis, quorum de re disceptatur; sic enim olim loquebantur. [184] Horum igitur exprimere mores oratione iustos, integros, religiosos, timidos, perferentis iniuriarum mirum quiddam valet; et hoc vel in principiis vel in re narranda vel in perorando tantam habet vim, si est suaviter et cum sensu tractatum, ut saepe plus quam causa valeat. Tantum autem efficitur sensu quodam ac ratione dicendi, ut quasi mores oratoris effingat oratio; genere enim quodam sententiarum et genere verborum, adhibita etiam actione leni facilitatemque significante efficitur, ut probi, ut bene morati, ut boni viri esse videamur.

[XLIV] [185] Huic autem est illa dispar adiuncta ratio orationis, quae alio quodam genere mentis iudicum permovet impellitque, ut aut oderint aut diligant aut invideant aut salvum velint aut metuant aut sperent aut cupiant aut abhorreant aut laetentur aut maereant aut misereantur aut poenire velint aut ad eos motus deducantur, si qui finitimi sunt [et de propinquis ac] talibus animi permotionibus. [186] Atque illud optandum est oratori, ut aliquam permotionem animorum sua sponte ipsi adferant ad causam iudices ad id, quod utilitas oratoris feret, accommodatam; facilius est enim currentem, ut aiunt, incitare quam commovere languentem; sin id aut non erit aut erit obscurius, sicut medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus eius, cui mederi volet, sed etiam consuetudo valentis et natura corporis cognoscenda est, sic equidem cum adgredior in ancipiti causa et gravi ad animos iudicum pertractandos, omni mente in ea cogitatione curaque versor, ut odorer, quam sagacissime possim, quid sentiant, quid existiment, quid exspectent, quid velint, quo deduci oratione facillime posse videantur. [187] Si se dant et, ut ante dixi, sua sponte, quo impellimus,

inclinant atque propendent, accipio quod datur et ad id, unde aliquis flatus ostenditur, vela do; sin est integer quietusque iudex, plus est operis; sunt enim omnia dicendo excitanda, nihil adiuvante natura. Sed tantam vim habet illa, quae recte a bono poeta dicta est flexanima atque omnium regina rerum oratio, ut non modo inclinantem excipere aut stantem inclinare, sed etiam adversantem ac repugnantem, ut imperator fortis ac bonus, capere possit.

[XLV] [188] Haec sunt illa, quae me ludens Crassus modo flagitabat, cum a me divinitus tractari solere diceret et in causa M'. Aquili Gaique Norbani non nullisque aliis quasi praeclare acta laudaret, quae me hercule ego, Crasse, cum a te tractantur in causis, horrere soleo: tanta vis animi, tantus impetus, tantus dolor oculis, vultu, gestu, digito denique isto tuo significari solet; tantum est flumen gravissimorum optimorumque verborum, tam integrae sententiae, tum verae, tam novae, tam sine pigmentis fucoque puerili, ut mihi non solum tu incendere iudicem, sed ipse ardere videaris. [189] Neque fieri potest ut doleat is, qui audit, ut oderit, ut invideat, ut pertimescat aliquid, ut ad fletum misericordiamque deducatur, nisi omnes illi motus, quos orator adhibere volet iudici, in ipso oratore impressi esse atque inusti videbuntur. Quod si fictus aliqui dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi falsum atque imitatione simulatum, maior ars aliqua forsitan esset requirenda: nunc ego, quid tibi, Crasse, quid ceteris accidat, nescio; de me autem causa nulla est cur apud homines prudentissimos atque amicissimos mentiar: non me hercule umquam apud iudices [aut] dolorem aut misericordiam aut invidiam aut odium dicendo excitare volui quin ipse in commovendis iudicibus eis ipsis sensibus, ad quos illos adducere vellem, permoverer; [190] neque est enim facile perficere ut irascatur ei, cui tu velis, iudex, si tu ipse id lente ferre videare; neque ut oderit eum, quem tu velis, nisi te ipsum flagrantem odio ante viderit; neque ad misericordiam adducetur, nisi tu ei signa doloris tui verbis, sententiis, voce, vultu, conlacrimatione denique ostenderis; ut enim nulla materies tam facilis ad exardescendum est, quae nisi admoto igni ignem concipere possit, sic nulla mens est tam ad comprehendendam vim oratoris parata, quae possit incendi, nisi ipse inflammatus ad eam et ardens accesserit.

[XLVI] [191] Ac, ne hoc forte magnum ac mirabile esse videatur hominem totiens irasci, totiens dolere, totiens omni motu animi concitari, praesertim in rebus alienis, magna vis est earum sententiarum atque eorum locorum, quos agas tractesque dicendo, nihil ut opus sit simulatione et fallaciis; ipsa enim natura orationis eius, quae suscipitur ad aliorum animos permovendos, oratorem ipsum magis etiam quam quemquam eorum qui audiunt permovet.

[192] Et ne hoc in causis, in iudiciis, in amicorum periculis, in concursu hominum, in civitate, in foro accidere miremur, cum agitur non solum ingeni nostri existimatio, nam id esset levius; - quamquam, cum professus sis te id posse facere, quod pauci, ne id quidem neglegendum est; - sed alia sunt maiora multo, fides, officium, diligentia, quibus rebus adducti, etiam cum alienissimos defendimus, tamen eos alienos, si ipsi viri boni volumus haberi, existimare non possumus - [193] sed, ut dixi, ne hoc in nobis mirum esse videatur, quid potest esse tam fictum quam versus, quam scaena, quam fabulae? Tamen in hoc genere saepe ipse vidi, ut ex persona mihi ardere oculi hominis histrionis viderentur - spondaulia illa dicentis: segregare abs te ausu's aut sine illo Salamina ingredi? Neque paternum aspectum es veritus? Numquam illum aspectum dicebat, quin mihi Telamo iratus furere luctu fili videretur; at idem inflexa ad miserabilem sonum voce, cum aetate exacta indigem liberum lacerasti, orbasti, exstinxti; neque fratris necis, neque eius gnati parvi, qui tibi in tutelam est traditus, flens ac lugens dicere videbatur; quae si ille histrio, cotidie cum ageret, tamen [recte] agere sine dolore non poterat, quid Pacuvium putatis in scribendo leni animo ac remisso fuisse? Fieri nullo modo potuit. [194] Saepe enim audivi poetam bonum neminem - id quod a Democrito et Platone in scriptis relictum esse dicunt - sine inflammatione animorum exsistere posse et sine quodam adflatu quasi furoris.

[XLVII] Qua re nolite existimare me ipsum, qui non heroum veteres casus fictosque luctus velim imitari atque adumbrare dicendo neque actor sim alienae personae, sed auctor meae, cum mihi M'. Aquilius in civitate retinendus esset, quae in illa causa peroranda fecerim, sine magno dolore fecisse: [195] quem enim ego consulem fuisse, imperatorem ornatum a senatu, ovantem in Capitolium ascendisse meminissem, hunc cum adflictum, debilitatum, maerentem, in summum discrimen adductum viderem, non prius sum conatus misericordiam aliis commovere quam misericordia sum ipse captus. Sensi equidem tum magno opere moveri iudices, cum excitavi maestum ac sordidatum senem et cum ista feci, quae tu, Crasse, laudas, non arte, de qua quid loquar nescio, sed motu magno animi ac dolore, ut discinderem tunicam, ut cicatrices ostenderem. [196] Cum C. Marius maerorem orationis meae praesens ac sedens multum

lacrimis suis adiuvaret cumque ego illum crebro appellans conlegam mendarem atque ipsum advocatum ad communem imperatorum fortunam defendendam invocarem, non fuit haec sine meis lacrimis, non sine dolore [magno] miseratio omniumque deorum et hominum et civium et sociorum imploratio; quibus omnibus verbis, quae a me tum sunt habita, si dolor afuisset meus, non modo non miserabilis, sed etiam inridenda fuisset oratio mea. Quam ob rem hoc vos doceo, Sulpici, bonus ego videlicet atque eruditus magister, ut in dicendo irasci, ut dolere, ut flere possitis. [197] Quamquam te quidem quid hoc doceam, qui in accusando sodali meo tantum incendium non oratione solum, sed etiam multo magis vi et dolore et ardore animi concitaras, ut ego ad id restinguendum vix conarer accedere? Habueras enim tu omnia in causa superiora: vim, fugam, lapidationem, crudelitatem tribuniciam in Caepionis gravi miserabilique casu in iudicium vocabas; deinde principem et senatus et civitatis, M. Aemilium, lapide percussum esse constabat; vi pulsum e templo L. Cottam et T. Didium, cum intercedere vellent rogationi, nemo poterat negare.

[XLVIII] [198] Accedebat ut haec tu adulescens pro re publica queri summa cum dignitate existimarere; ego, homo censorius, vix satis honeste viderer seditiosum civem et in hominis consularis calamitate crudelem posse defendere. Erant optimi cives iudices, bonorum virorum plenum forum, vix ut mihi tenuis quaedam venia daretur excusationis, quod tamen eum defenderem, qui mihi quaestor fuisset. Hic ego quid dicam me artem aliquam adhibuisse? Quid fecerim, narrabo; si placuerit, vos meam defensionem in aliquo artis loco reponetis. [199] Omnium seditionum genera, vitia, pericula conlegi eamque orationem ex omni rei publicae nostrae temporum varietate repetivi conclusique ita, ut dicerem, etsi omnes semper molestae seditiones fuissent, iustas tamen fuisse non nullas et prope necessarias. Tum illa, quae modo Crassus commemorabat, egi: neque reges ex hac civitate exigi neque tribunos plebis creari neque plebiscitis totiens consularem potestatem minui neque provocationem, patronam illam civitatis ac vindicem libertatis, populo Romano dari sine nobilium dissensione potuisse; ac, si illae seditiones saluti huic civitati fuissent, non continuo, si quis motus populi factus esset, id C. Norbano in nefario crimine atque in fraude capitali esse ponendum. Quod si umquam populo Romano

concessum esset ut iure incitatus videretur, id quod docebam saepe esse concessum, nullam illa causa iustiorem fuisse. Tum omnen, orationem traduxi et converti in increpandam Caepionis fugam, in deplorandum interitum exercitus: sic et eorum dolorem, qui lugebant suos, oratione refricabam et animos equitum Romanorum, apud quos tum iudices causa agebatur, ad Q. Caepionis odium, a quo erant ipsi propter iudicia abalienati, renovabam.

[XLIX] [200] Quod ubi sensi me in possessionem iudici ac defensionis meae constitisse, quod et populi benevolentiam mihi conciliaram, cuius ius etiam cum seditionis coniunctione defenderam, et iudicum animos totos vel calamitate civitatis vel luctu ac desiderio propinquorum vel odio proprio in Caepionem ad causam nostram converteram, tum admiscere huic generi orationis vehementi atque atroci genus illud alterum, de quo ante disputavi, lenitatis et mansuetudinis coepi: me pro meo sodali, qui mihi in liberum loco more maiorum esse deberet, et pro mea omni fama prope fortunisque decernere; nihil mihi ad existimationem turpius, nihil ad dolorem acerbius accidere posse, quam si is, qui saepe alienissimis a me, sed meis tamen civibus saluti existimarer fuisse, sodali meo auxilium ferre non potuissem. [201] Petebam a iudicibus ut illud aetati meae, ut honoribus, ut rebus gestis, si iusto, si pio dolore me esse adfectum viderent, concederent; praesertim si in aliis causis intellexissent omnia me semper pro amicorum periculis, nihil umquam pro me ipso deprecatum. Sic in illa omni defensione atque causa, quod esse in arte positum videbatur, ut de lege Appuleia dicerem, ut quid esset minuere maiestatem explicarem, perquam breviter perstrinxi atque attigi; his duabus partibus orationis, quarum altera commendationem habet, altera concitationem, quae minime praeceptis artium sunt perpolitae, omnis est a me illa causa tractata, ut et acerrimus in Caepionis invidia renovanda et in meis moribus erga meos necessarios declarandis mansuetissimus viderer: ita magis adfectis animis iudicum quam doctis, tua, Sulpici, est a nobis tum accusatio victa.”

[L] [202] Hic Sulpicius, “vere hercle,” inquit “Antoni, ista commemoras; nam ego nihil umquam vidi, quod tam e manibus elaberetur, quam mihi tum est elapsa illa ipsa causa. Cum enim, quem ad modum dixisti, tibi ego non iudicium, sed incendium

tradidissem, quod tuum principium, di immortales, fuit! Qui timor! Quae dubitatio, quanta haesitatio tractusque verborum! Vt tu illud initio, quod tibi unum ad ignoscendum homines dabant, tenuisti, te pro homine pernecessario, quaestore tuo, dicere! Quam tibi primum munisti ad te audiendum viam. [203] Ecce autem, cum te nihil aliud profecisse arbitrarer, nisi ut homines tibi civem improbum defendenti ignoscendum propter necessitudinem arbitrarentur, serpere occulte coepisti, nihil dum aliis suspicantibus, me vero iam pertimescente, ut illam non Norbani seditionem, sed populi Romani iracundiam neque eam iniustam, sed meritam ac debitam fuisse defenderes. Deinde qui locus a te praetermissus est in Caepionem? Vt tu illa omnia odio, invidia, misericordia miscuisti! Neque haec solum in defensione, sed etiam in Scauro ceterisque meis testibus, quorum testimonia non refellendo, sed ad eundem impetum populi confugiendo refutasti; [204] quae cum abs te modo commemorarentur, equidem nulla praecepta desiderabam; ipsam tamen istam demonstrationem defensionum tuarum [abs te ipso commemoratam] doctrinam esse non mediocrem puto." "Atqui, si ita placet," inquit [Antonius] "trademus etiam, quae nos sequi in dicendo quaeque maxime spectare solemus; docuit enim iam nos longa vita ususque rerum maximarum, ut quibus rebus animi hominum moverentur teneremus.

[LI] [205] Equidem primum considerare soleo, postuletne causa; nam neque parvis in rebus adhibendae sunt hae dicendi faces neque ita animatis hominibus, ut nihil ad eorum mentis oratione flectendas proficere possimus, ne aut inrisione aut odio digni putemur, si aut tragoedias agamus in nugis aut convellere adoriamur ea, quae non possint commoveri. [206] Iam quoniam haec fere maxime sunt in iudicum animis aut, quicumque illi erunt, apud quos agemus, oratione molienda, amor odium iracundia, invidia misericordia, spes laetitia, timor molestia: sentimus amorem conciliari, si id iure videamur, quod sit utile ipsis, apud quos agamus, defendere, aut si pro bonis viris aut certe pro eis, qui illis boni atque utiles sint, laborare, namque haec res amorem magis conciliat, illa virtutis defensio caritatem; plusque proficit, si proponitur spes utilitatis futurae quam praeteriti benefici commemoratio. [207] Enitendum est ut ostendas in ea re, quam defendas, aut dignitatem esse aut utilitatem, eumque, cui concilies hunc amorem, significes nihil ad utilitatem

suam rettulisse ac nihil omnino fecisse causa sua; invidetur enim commodis hominum ipsorum, studiis autem eorum ceteris commodandi favetur. [208] Videndumque hoc loco est ne, quos ob benefacta diligi volemus, eorum laudem atque gloriam, cui maxime invideri solet, nimis efferre videamur; atque eisdem his ex locis et in alios odium struere discemus et a nobis ac nostris demovere; eademque haec genera sunt tractanda in iracundia vel excitanda vel sedanda; nam si, quod ipsis, qui audiunt, perniciosum aut inutile sit, id factum augeas, odium creatur; sin, quod aut in bonos viros aut in eos, quos minime quisque debuerit, aut in rem publicam, tum excitatur, si non tam acerbum odium, tamen aut invidiae aut odi non dissimilis offensio; [209] item timor incutitur aut ex ipsorum periculis aut ex communibus: interior est ille proprius; sed hic quoque communis ad eandem similitudinem est perducendus.

[LII] Par atque una ratio est spei, laetitiae, molestiae; sed haud sciam an acerrimus longe sit omnium motus invidiae nec minus virium opus sit in ea comprimenda quam in excitanda. Invident autem homines maxime paribus aut inferioribus, cum se relictos sentiunt, illos autem dolent evolasse; sed etiam superioribus invidetur saepe vehementer et eo magis, si intolerantius se iactant et aequabilitatem communis iuris praestantia dignitatis aut fortunae suae transeunt; quae si inflammanda sunt, maxime dicendum est non esse virtute parata, deinde etiam vitiis atque peccatis, tum, si erunt honestiora atque graviora, tamen non esse tanta illa merita, quantam insolentiam hominis quantumque fastidium; [210] ad sedandum autem, magno illa labore, magnis periculis esse parta nec ad suum commodum, sed ad aliorum esse conlata; eumque, si quam gloriam peperisse videatur, tamen etsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abicere atque deponere; omninoque perficiendum est, quoniam plerique sunt invidi maximeque hoc est commune vitium et perpetuum, invidetur autem praestanti florentique fortunae, ut haec opinio minuatur et illa excellens opinione fortuna cum laboribus et miseriis permixta [esse] videatur. [211] Iam misericordia movetur, si is, qui audit, adduci potest ut illa, quae de altero deplorentur, ad suas res revocet, quas aut tulerit acerbas aut timeat, ut intuens alium crebro ad se ipsum revertatur; et cum singuli casus humanarum miseriarum graviter accipiuntur, si dicuntur

dolenter, tum adflicta et prostrata virtus maxime luctuosa est. Et ut illa altera pars orationis, quae probitatis commendatione boni viri debet speciem tueri, lenis, ut saepe iam dixi, atque summissa, sic haec, quae suscipitur ab oratore ad commutandos animos atque omni ratione flectendos, intenta ac vehemens esse debet.

[LIII] [212] Sed est quaedam in his duobus generibus, quorum alterum lene, alterum vehemens esse volumus, difficilis ad distinguendum similitudo; nam et ex illa lenitate, qua conciliamur eis, qui audiunt, ad hanc vim acerrimam, qua eosdem excitamus, influat oportet aliquid, et ex hac vi non numquam animi aliquid inflandum est illi lenitati; neque est ulla temperatior oratio quam illa, in qua asperitas contentionis oratoris ipsius humanitate conditur, remissio autem lenitatis quadam gravitate et contentione firmatur. [213] In utroque autem genere dicendi et illo, in quo vis atque contentio quaeritur, et hoc, quod ad vitam et mores accommodatur, et principia tarda [sunt] et exitus item spissi et producti esse debent. Nam neque adsiliendum statim est ad genus illud orationis; abest enim totum a causa et homines prius ipsum illud, quod proprium sui iudici est, audire desiderant; nec cum in eam rationem ingressus sis, celeriter discedendum est; [214] non enim, sicut argumentum, simul atque positum est, adripitur alterumque et tertium poscitur, ita misericordiam aut invidiam aut iracundiam, simul atque intuleris, possis commovere: argumentum ratio ipsa confirmat idque, simul atque emissum est, adhaerescit; illud autem genus orationis non cognitionem iudicis, sed magis perturbationem requirit, quam consequi nisi multa et varia et copiosa oratione et simili contentione actionis nemo potest; [215] qua re qui aut breviter aut summisse dicunt, docere iudicem possunt, commovere non possunt; in quo sunt omnia.

Iam illud perspicuum est, omnium rerum in contrarias partis facultatem ex eisdem suppeditari locis. Sed argumento resistendum est aut eis, quae comprobandi eius causa sumuntur, reprehendendis aut demonstrando, id, quod concludere illi velint, non effici ex propositis nec esse consequens, aut, si ita non refellas, adferendum est in contrariam partem, quod sit aut gravius aut aeque grave. [216] Illa autem, quae aut conciliationis causa leniter aut permotionis vehementer aguntur, contrariis commotionibus auferenda sunt, ut

odio benevolentia, ut misericordia invidia tollatur.

[LIV] Suavis autem est et vehementer saepe utilis iocus et facetiae; quae, etiam si alia omnia tradi arte possunt, naturae sunt propria certe neque ullam artem desiderant: in quibus tu longe aliis mea sententia, Caesar, excellis; quo magis mihi etiam aut testis esse potes nullam esse artem salis aut, si qua est, eam tu potissimum nos docere." [217] "Ego vero," inquit "omni de re facilius puto esse ab homine non inurbano, quam de ipsis facetiis disputari. Itaque cum quosdam Graecos inscriptos libros esse vidissem de ridiculis, non nullam in spem veneram posse me ex eis aliquid discere; inveni autem ridicula et salsa multa Graecorum; nam et Siculi in eo genere et Rhodii et Byzantii et praeter ceteros Attici excellunt; sed qui eius rei rationem quandam conati sunt artemque tradere, sic insulsi exstiterunt, ut nihil aliud eorum nisi ipsa insulsitas rideatur; [218] qua re mihi quidem nullo modo videtur doctrina ista res posse tradi. Etenim cum duo genera sint facetiarum, alterum aequabiliter in omni sermone fusum, alterum peracutum et breve, illa a veteribus superior cavillatio, haec altera dicacitas nominata est. Leve nomen habet utraque res. Quippe; leve enim est totum hoc risum movere. [219] Verum tamen, ut dicis, Antoni, multum in causis persaepe lepore et facetiis profici vidi. Sed cum illo in genere perpetuae festivitatis ars non desideretur (natura enim fingit homines et creat imitatores et narratores facetos adiuvante et vultu et voce et ipso genere sermonis) tum vero in hoc altero dicacitatis quid habet ars loci, cum ante illud facete dictum emissum haerere debeat, quam cogitari potuisse videatur? [220] Quid enim hic meus frater ab arte adiuvari potuit, cum a Philippo interrogatus quid latraret, furem se videre respondit? Quid in omni oratione Crassus vel apud centum viros contra Scaevolam vel contra accusatorem Brutum, cum pro Cn. Plancio diceret? Nam id, quod tu mihi tribuis, Antoni, Crasso est omnium sententia concedendum; non enim fere quisquam reperietur praeter hunc in utroque genere leporis excelleris: et illo, quod in perpetuitate sermonis, et hoc, quod in celeritate atque dicto est. [221] Nam haec perpetua contra Scaevolam Curiana defensio tota redundavit hilaritate quadam et ioco; dicta illa brevia non habuit; parcebat enim adversari dignitati, in quo ipse conservabat suam; quod est hominibus facetis et dicacibus difficillimum, habere hominum rationem et temporum et ea, quae occurrunt, cum

salsissime dici possunt, tenere; itaque non nulli ridiculi homines hoc ipsum non insulse interpretantur; [222] dicere enim aiunt Ennium, flammam a sapiente facilius ore in ardente opprimi, quam bona dicta teneat; haec scilicet bona dicta, quae salsa sint; nam ea dicta appellantur proprio iam nomine.

[LV] Sed ut in Scaevola continuit ea Crassus atque in illo altero genere, in quo nulli aculei contumeliarum inerant, causam illam disputationemque elusit, sic in Bruto, quem oderat et quem dignum contumelia iudicabat, utroque genere pugnavit. [223] Quam multa de balneis, quas nuper ille vendiderat, quam multa de amisso patrimonio dixit! Atque illa brevia, cum ille diceret se sine causa sudare, "minime" inquit "modo enim existi de balneis." Innumerabilia alia fuerunt, sed non minus iucunda illa perpetua: cum enim Brutus duo lectores excitasset et alteri de colonia Narbonensi Crassi orationem legendam dedisset, alteri de lege Servilia, et cum contraria inter sese de re publica capita contulisset, noster hic facetissime tris patris Bruti de iure civili libellos tribus legendos dedit. [224] Ex libro primo: "forte evenit ut in Privernati essemus." "Brute, testificatur pater se tibi Privernatem fundum reliquisse." Deinde ex libro secundo: "in Albano eramus ego et Marcus filius." "Sapiens videlicet homo cum primis nostrae civitatis norat hunc gurgitem; metuebat ne, cum is nihil haberet, nihil esse ei relictum putaretur." Tum ex libro tertio, in quo finem scribendi fecit - tot enim, ut audivi Scaevolam dicere, sunt veri Bruti libri - "in Tiburti forte adsedimus ego et Marcus filius." "Vbi sunt hi fundi, Brute, quos tibi pater publicis commentariis consignatos reliquit? Quod nisi puberem te, inquit, iam haberet, quartum librum composuisset et se etiam in balneis lotum cum filio scriptum reliquisset." [225] Quis est igitur qui non fateatur hoc lepore atque his facetiis non minus refutatum esse Brutum quam illis tragoediis, quas egit idem, cum casu in eadem causa efferretur anus Iunia. Pro di immortales, quae fuit illa, quanta vis! Quam inexspectata! Quam repentina! Cum coniectis oculis, gestu omni ei imminenti, summa gravitate et celeritate verborum "Brute, quid sedes? Quid illam anum patri nuntiare vis tuo? Quid illis omnibus, quorum imagines duci vides? Quid maioribus tuis? Quid L. Bruto, qui hunc populum dominatu regio liberavit? Quid te agere? Cui rei, cui gloriae, cui virtuti studere? Patrimonione augendo? At id non est

nobilitatis. [226] Sed fac esse, nihil superest; libidines totum dissipaverunt. An iuri civili? Est paternum. Sed dicet te, cum aedis venderes, ne in rutis quidem et caesis tibi paternum recepisse. An rei militari? Qui numquam castra videris! An eloquentiae? Quae neque est in te, et, quicquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti! Tu lucem aspicere audes? Tu hos intueri? Tu in foro, [tu in urbe,] tu in civium esse conspectu? Tu illam mortuam, tu imagines ipsas non perhorrescis? Quibus non modo imitandis, sed ne conlocandis quidem tibi locum ullum reliquisti."

[LVI] [227] Sed haec tragica atque divina; faceta autem et urbana innumerabilia vel ex una contione meministis; nec enim maior contentio umquam fuit nec apud populum gravior oratio quam huius contra conlegam in censura nuper neque lepore et festivitate conditior. Qua re tibi, Antoni, utrumque adsentior et multum facetias in dicendo prodesse saepe et eas arte nullo modo posse tradi: illud quidem admiror, te nobis in eo genere tribuisse tantum et non huius rei quoque palmam [ut ceterarum] Crasso detulisse." [228] Tum Antonius "ego vero ita fecissem," inquit "nisi interdum in hoc Crasso paulum inviderem; nam esse quamvis facetum atque salsum non nimis est per se ipsum invidendum; sed cum omnium sit venustissimus et urbanissimus, omnium gravissimum et severissimum et esse et videri, quod isti contigit uni, [id] mihi vix ferendum videbatur." [229] Hic cum adrisisset ipse Crassus, "ac tamen," inquit Antonius "cum artem esse facetiarum, Iuli, [ullam] negares, aperuisti quiddam, quod praecipiendum videretur: haberi enim dixisti rationem oportere hominum, rei, temporis, ne quid iocus de gravitate decerperet; quod quidem in primis a Crasso observari solet. Sed hoc praeceptum praetermittendarum est facetiarum, cum eis nihil opus sit; nos autem quo modo utamur, cum opus sit, quaerimus, ut in adversarium et maxime, si eius stultitia poterit agitari; in testem stultum, cupidum, levem, si facile homines audituri videbuntur. [230] Omnino probabiliora sunt, quae lacessiti dicimus quam quae priores, nam et ingeni celeritas maior est, quae apparet in respondendo, et humanitatis est responsio; videmur enim quieturi fuisse, nisi essemus lacessiti, ut in ipsa ista contione nihil fere dictum est ab hoc, quod quidem facetius dictum videretur, quod non

provocatus responderit; erat autem tanta in Domitio gravitas, tanta auctoritas, ut, quod esset ab eo obiectum, lepore magis levandum quam contentione frangendum videretur."

[LVII] [231] Tum Sulpicius "quid igitur? Patiemur" inquit "Caesarem, qui quamquam [M.] Crasso facetias concedit, tamen multo in eo studio magis ipse elaborat, non explicare nobis totum genus hoc iocandi quale sit et unde ducatur; praesertim cum tantam vim et utilitatem salis et urbanitatis esse fateatur?" "Quid, si" inquit Iulius "adsentior Antonio dicenti nullam esse artem salis?" [232] Hic cum Sulpicius reticuisset, "quasi vero" inquit Crassus "horum ipsorum, de quibus Antonius iam diu loquitur, ars ulla sit: observatio quaedam est, ut ipse dixit, earum rerum, quae in dicendo valent; quae si eloquentis facere posset, quis esset non eloquens? Quis enim haec non vel facile vel certe aliquo modo posset ediscere? Sed ego in his praeceptis hanc vim et hanc utilitatem esse arbitror, non ut ad reperiendum quod dicamus, arte ducamur sed ut ea, quae natura, quae studio, quae exercitatione consequimur, aut recta esse confidamus aut prava intellegamus, cum quo referenda sint didicerimus. [233] Qua re, Caesar, ego quoque hoc a te peto, ut, si tibi videtur, disputes de hoc toto iocandi genere quid sentias, ne qua forte dicendi pars, quoniam ita voluistis, in hoc tali coetu atque in tam accurato sermone praeterita esse videatur." "Ego vero," inquit ille "quoniam conlectam a conviva, Crasse, exigis, non committam ut, si defugerim, tibi causam aliquam recusandi dem. Quamquam soleo saepe mirari eorum impudentiam, qui agunt in scaena gestum inspectante Roscio; quis enim sese commovere potest, cuius ille vitia non videat? Sic ego nunc, Crasso audiente, primum loquar de facetiis et docebo sus, ut aiunt, oratorem eum, quem cum Catulus nuper audisset, faenum alios aiebat esse oportere." [234] Tum ille "iocabatur" inquit "Catulus, praesertim cum ita dicat ipse, ut ambrosia alendus esse videatur. Verum te, Caesar, audiamus, ut Antoni reliqua videamus." Et Antonius "perpauca quidem mihi restant," inquit "sed tamen defessus iam labore atque itinere disputationis meae requiescam in Caesaris sermone quasi in aliquo peropportuno deversorio."

[LVIII] "Atqui" inquit Iulius "non nimis liberale hospitium meum dices; nam te in viam, simul ac perpaulum gustaris, extrudam et

eiciam." [235] Ac ne diutius vos demorer, de omni isto genere quid sentiam perbreviter exponam. De risu quinque sunt, quae quaerantur: unum, quid sit; alterum, unde sit; tertium, sitne oratoris risum velle movere; quartum, quatenus; quintum, quae sint genera ridiculi. Atque illud primum, quid sit ipse risus, quo pacto concitetur, ubi sit, quo modo exsistat atque ita repente erumpat, ut eum cupientes tenere nequeamus, et quo modo simul latera, os, venas, oculos, vultum occupet, viderit Democritus; neque enim ad hunc sermonem hoc pertinet, et, si pertineret, nescire me tamen id non puderet, quod ne illi quidem scirent, qui pollicerentur. [236] Locus autem et regio quasi ridiculi - nam id proxime quaeritur - turpitudine et deformitate - quadam continetur; haec enim ridentur vel sola vel maxime, quae notant et designant turpitudinem aliquam non turpiter. Est autem, ut ad illud tertium veniam, est plane oratoris movere risum; vel quod ipsa hilaritas benevolentiam conciliat ei, per quem excitata est; vel quod admirantur omnes acumen uno saepe in verbo positum maxime respondentis, non numquam etiam lacessentis; vel quod frangit adversarium, quod impedit, quod elevat, quod deterret, quod refutat; vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum, maxime quod tristitiam ac severitatem mitigat et relaxat odiosasque res saepe, quas argumentis dilui non facile est, ioco risuque dissolvit. [237] Quatenus autem sint ridicula tractanda oratori, perquam diligenter videndum est, quod in quarto loco quaerendi posueramus. Nam nec insignis improbitas et scelere iuncta nec rursus miseria insignis agitata ridetur: facinerosos [enim] maiore quadam vi quam ridiculi vulnerari volunt; miseros inludi nolunt, nisi se forte iactant; parcendum autem maxime est caritati hominum, ne temere in eos dicas, qui diliguntur.

[LIX] [238] Haec igitur adhibenda est primum in iocando moderatio; itaque ea facillime luduntur, quae neque odio magno neque misericordia maxima digna sunt; quam ob rem materies omnis ridiculorum est in eis vitiis, quae sunt in vita hominum neque carorum neque calamitosorum neque eorum, qui ob facinus ad supplicium rapiendi videntur; eaque belle agitata ridentur. [239] Est etiam deformitatis et corporis vitiorum satis bella materies ad iocandum; sed quaerimus idem, quod in ceteris rebus maxime quaerendum est, quatenus; in quo non modo illud praecipitur, ne quid

insulse, sed etiam, quid perridicule possis, vitandum est oratori utrumque, ne aut scurrilis iocus sit aut mimicus. Quae cuius modi sint facilius iam intellegemus, cum ad ipsa ridiculorum genera venerimus.

Duo sunt enim genera facetiarum, quorum alterum re tractatur, alterum dicto: [240] re, si quando quid tamquam aliqua fabella narratur, ut olim tu, Crasse, in Memmium, comedisse eum lacertum Largi, cum esset cum eo Tarracinae de amicula rixatus: salsa, ac tamen a te ipso ficta [tota] narratio; addidisti clausulam: tota Tarracina tum omnibus in parietibus inscriptas fuisse litteras L.L.L.M.M.; cum quaereres id quid esset, senem tibi quendam oppidanum dixisse: "lacerat lacertum Largi mordax Memmius." [241] Perspicitis genus hoc quam sit facetum, quam elegans, quam oratorium, sive habeas vere quod narrare possis, quod tamen est mendaciunculis aspergendum, sive fingas. Est autem huius generis virtus, ut ita facta demonstres, ut mores eius, de quo narres, ut sermo, ut vultus omnes exprimantur, ut eis, qui audiunt, tum geri illa fierique videantur. [242] In re est item ridiculum, quod ex quadam depravata imitatione sumi solet, ut idem Crassus: "per tuam nobilitatem, per vestram familiam!" Quid aliud fuit in quo contio rideret, nisi illa vultus et vocis imitatio? "Per tuas statuas!" Vero cum dixit et extento bracchio paulum etiam de gestu addidit, vehementius risimus. Ex hoc genere est illa Rosciana imitatio senis: "tibi ego, Antipho, has sero", inquit; seniumst, quom audio. Atqui ita est totum hoc ipso genere ridiculum, ut cautissime tractandum sit; mimorum est enim et ethologorum, si nimia est imitatio, sicut obscenitas. Orator surripiat oportet imitationem, ut is, qui audiet cogitet plura quam videat; praestet idem ingenuitatem et ruborem suum verborum turpitudine et rerum obscenitate vitanda.

[LX] [243] Ergo haec duo genera sunt eius ridiculi, quod in re positum est, quae sunt propria perpetuarum facetiarum, in quibus describuntur hominum mores et ita effinguntur, ut aut re narrata aliqua quales sint intellegantur aut imitatione breviter iniecta in aliquo insigni ad inridendum vitio reperiantur. [244] In dicto autem ridiculum est id, quod verbi aut sententiae quodam acumine movetur; sed ut in illo superiore genere vel narrationis vel imitationis vitanda est mimorum et ethologorum similitudo, sic in hoc scurrilis oratori

dicacitas magno opere fugienda est. Qui igitur distinguemus a Crasso, a Catulo, a ceteris familiarem vestrum Granium aut Vargulam amicum meum? Non me hercule in mentem mihi quidem venit: sunt enim dicaces; Granio quidem nemo dicacior. Hoc, opinor, primum, ne, quotienscumque potuerit dictum dici, necesse habeamus dicere. [245] Pusillus testis processit. "Licet" inquit "rogare?" Philippus. Tum quaesitor properans "modo breviter." Hic ille "non accusabis: perpusillum rogabo." Ridicule. Sed sedebat iudex L. Aurifex brevior ipse quam testis etiam: omnis est risus in iudicem conversus; visum est totum scurrile ridiculum. Ergo haec, quae cadere possunt in quos nolis, quamvis sint bella, sunt tamen ipso genere scurrilia; [246] ut iste, qui se vult dicacem et me hercule est, Appius, sed non numquam in hoc vitium scurrile delabitur. "Cenabo" inquit "apud te," huic lusco familiari meo, C. Sextio; "uni enim locum esse video." Est hoc scurrile, et quod sine causa lacessivit et tamen id dixit, quod in omnis luscos conveniret; ea, quia meditata putantur esse, minus ridentur: illud egregium Sexti et ex tempore "manus lava" inquit "et cena." [247] Temporis igitur ratio et ipsius dicacitatis moderatio et temperantia et raritas dictorum distinguent oratorem a scurra, et quod nos cum causa dicimus, non ut ridiculi videamur, sed ut proficiamus aliquid, illi totum diem et sine causa. Quid enim est Vargula adsecutus, cum eum candidatus A. Sempronius cum M. fratre suo complexus esset "puer, abige muscas"? Risum quaesivit, qui est mea sententia vel tenuissimus ingeni fructus. Tempus igitur dicendi prudentia et gravitate moderabimur; quarum utinam artem aliquam haberemus! Sed domina natura est.

[LXI] [248] Nunc exponamus genera ipsa summatim, quae risum maxime moveant. Haec igitur sit prima partitio, quod facete dicatur, id alias in re habere, alias in verbo facetias; maxime autem homines delectari, si quando risus coniuncte re verboque moveatur. Sed hoc mementote, quoscumque locos attingam, unde ridicula ducantur, ex eisdem locis fere etiam gravis sententias posse duci: tantum interest, quod gravitas honestis in rebus severisque, iocus in turpiculis et quasi deformibus ponitur, velut eisdem verbis et laudare frugi servum possimus et, si est nequam, iocari. Ridiculum est illud Neronianum vetus in furaci servo: solum esse, cui domi nihil sit nec

obsignatum nec occlusum, quod idem in bono servo dici solet. [249] Sed hoc eisdem <etiam> verbis; ex eisdem [autem] locis [nascuntur] omnia. Nam quod Sp. Carvilio graviter claudicanti ex vulnere ob rem publicam accepto et ob eam causam verecundanti in publicum prodire mater dixit "quin prodis, mi Spuri? Quotienscumque gradum facies, totiens tibi tuarum virtutum veniat in mentem," praeclarum et grave est: quod Calvino Glaucia claudicanti "ubi est vetus illud: num claudicat? At hic clodicat"! Hoc ridiculum est; et utrumque ex eo, quod in claudicatione animadverti potuit, est ductum. "Quid hoc Navio ignavius?" Severe Scipio; at in male olentem "video me a te circumveniri" subridicule Philippus; at utrumque genus continet verbi ad litteram immutati similitudo. [250] Ex ambiguo dicta vel argutissima putantur, sed non semper in ioco, saepe etiam in gravitate versantur. Africano illi superiori coronam sibi in convivio ad caput accommodanti, cum ea saepius rumperetur, P. Licinius Varus "noli mirari," inquit "si non convenit, caput enim magnum est": et laudabile et honestum; at ex eodem genere est "Calvo satis est, quod dicit parum." Ne multa: nullum genus est ioci, quo non ex eodem severa et gravia sumantur. [251] Atque hoc etiam animadvertendum est, non esse omnia ridicula faceta. Quid enim potest esse tam ridiculum quam sannio est? Sed ore, vultu, [imitandis moribus,] voce, denique corpore ridetur ipso; salsum hunc possum dicere atque ita, non ut eius modi oratorem esse velim, sed ut mimum.

[LXII] Qua re primum genus hoc, quod risum vel maxime movet, non est nostrum: morosum, superstitiosum, suspiciosum, gloriosum, stultum: naturae ridentur ipsae, quas personas agitare solemus, non sustinere. [252] Alterum genus est in imitatione admodum ridiculum, sed nobis furtim tantum uti licet, si quando, et cursim; aliter enim minime est liberale; tertium, oris depravatio, non digna nobis; quartum, obscenitas, non solum non foro digna, sed vix convivio liberorum. Detractis igitur tot rebus ex hoc oratorio loco facetiae reliquae sunt, quae aut in re, ut ante divisi, positae videntur esse aut in verbo; nam quod, quibuscumque verbis dixeris, facetum tamen est, re continetur; quod mutatis verbis salem amittit, in verbis habet omnem leporem.

[253] Ambigua sunt in primis acuta atque in verbo posita, non in re;

sed non saepe magnum risum movent; magis ut belle, ut litterate dicta laudantur; ut in illum Titium, qui cum studiose pila luderet et idem signa sacra noctu frangere putaretur gregalesque eum, cum in campum non venisset, requirerent, excusavit Vespa Terentius, quod eum bracchium fregisse diceret; ut illud Africani, quod est apud Lucilium. Quid Decius? Nuculam an confixum vis facere? Inquit: ut tuus amicus, Crasse, Granius, "non esse sextantis." [254] Et si quaeritis, is, qui appellatur dicax, hoc genere maxime excellet; sed risum movent alia maiorem. Ambiguum per se ipsum probatur id quidem, ut ante dixi, vel maxime; ingeniosi enim videtur vim verbi in aliud, atque ceteri accipiant, posse ducere; sed admirationem magis quam risum movet, nisi si quando incidit in aliud quoque genus ridiculi, quae genera percurram equidem.

[LXIII] [255] Sed scitis esse notissimum ridiculi genus, cum aliud exspectamus, aliud dicitur: hic nobismet ipsis noster error risum movet: quod si admixtum est etiam ambiguum, fit salsius; ut apud Novium videtur esse misericors ille, qui iudicatum duci videt: percontatur ita: "quanti addictus?" "Mille nummum." Si addidisset tantummodo "ducas licet"; esset illud genus ridiculi praeter exspectationem; sed quia addidit "nihil addo, ducas licet"; addito ambiguo [altero genere ridiculi], fuit, ut mihi quidem videtur, salsissimus. Hoc tum est venustum, cum in altercatione arripitur ab adversario verbum et ex eo, ut a Catulo in Philippum, in eum ipsum aliquid, qui lacessivit, infligitur. [256] Sed cum plura sint ambigui genera, de quibus est doctrina quaedam subtilior, attendere et aucupari verba oportebit; in quo, ut ea, quae sint frigidiora, vitemus, - est enim cavendum, ne arcessitum dictum putetur - permulta tamen acute dicemus. Alterum genus est, quod habet parvam verbi immutationem, quod in littera positum Graeci vocant paronomasian, ut "Nobiliorem mobiliorem" Cato; aut, ut idem, cum cuidam dixisset "eamus deambulatum" et ille "quid opus fuit de?" "Immo vero" inquit "quid opus fuit te?" Aut eiusdem responsio illa "si tu et adversus et aversus impudicus es." [257] Etiam interpretatio nominis habet acumen, cum ad ridiculum convertas, quam ob rem ita quis vocetur; ut ego nuper Nummium divisorem, ut Neoptolemum ad Troiam, sic illum in campo Martio nomen invenisse; atque haec omnia verbo continentur.

[LXIV] Saepe etiam versus facete interponitur, vel ut est vel paululum immutatus, aut aliqua pars versus, ut Stati a Scauro stomachante; ex quo sunt non nulli, qui tuam legem de civitate natam, Crasse, dicant: st, tacete, quid hoc clamoris? Quibus nec mater nec pater, tanta confidentia? Auferte istam enim superbiam. Nam in Caelio sane etiam ad causam utile fuit tuum illud, Antoni, cum ille a se pecuniam profectam diceret testis et haberet filium delicatiorem, abeunte iam illo, sentin senem esse tactum triginta minis? [258] In hoc genus coniciuntur etiam proverbia, ut illud Scipionis, cum Asellus omnis se provincias stipendia merentem peragrasse gloriaretur: "agas asellum" et cetera; qua re ea quoque, quoniam mutatis verbis non possunt retinere eandem venustatem, non in re, sed in verbis posita ducantur. [259] Est etiam in verbo positum non insulsum genus ex eo, cum ad verbum, non ad sententiam rem accipere videare; ex quo uno genere totus est Tutor, mimus vetus, oppido ridiculus. Sed abeo a mimis; tantum genus huius ridiculi insigni aliqua et nota re notari volo; est autem ex hoc genere illud, quod tu, Crasse, nuper ei, qui te rogasset, num tibi molestus esset futurus, si ad te bene ante lucem venisset, "tu vero" inquisti "molestus non eris." "Iubebis igitur te" inquit "suscitari?" Et tu "certe negaram te molestum futurum." [260] Ex eodem hoc vetus illud est, quod aiunt Maluginensem illum [M.] Scipionem, cum ex centuria sua renuntiaret Acidinum consulem praecoque dixisset "dic de L. Manlio": "virum bonum" inquit "egregiumque civem esse arbitror." Ridicule etiam illud L. [Porcius] Nasica censori Catoni; cum ille "ex tui animi sententia tu uxorem habes?" "Non hercule" inquit "ex mei animi sententia." Haec aut frigida sunt aut tum salsa, cum aliud est exspectatum. Natura enim nos, ut ante dixi, noster delectat error; ex quo, cum quasi decepti sumus exspectatione, ridemus.

[LXV] [261] In verbis etiam illa sunt, quae aut ex immutata oratione ducuntur aut ex unius verbi translatione aut ex inversione verborum. Ex immutatione, ut olim Rusca cum legem ferret annalem, dissuasor M. Servilius "dic mihi," inquit "M. Pinari, num, si contra te dixero, mihi male dicturus es, ut ceteris fecisti?" "Vt sementem feceris, ita metes" inquit. [262] Ex translatione autem, ut, cum Scipio ille maior Corinthiis statuam pollicentibus eo loco, ubi aliorum essent

imperatorum, turmalis dixit displicere. Invertuntur autem verba, ut, Crassus apud M. Perpernam iudicem pro Aculeone cum diceret, aderat contra Aculeonem Gratidiano L. Aelius Lamia, deformis, ut nostis; qui cum interpellaret odiose, “audiamus” inquit “pulchellum puerum” Crassus; cum esset arrisum, non potui mihi” inquit Lamia “formam ipse fingere, ingenium potui”; tum hic “audiamus” inquit “disertum”: multo etiam arrisum est vehementius. Sunt etiam illa venusta ut in gravibus sententiis, sic in facetiis - dixi enim dudum rationem aliam esse ioci, aliam severitatis, gravium autem et iocorum unam esse materiam - [263] ornant igitur in primis orationem verba relata contrarie, quod idem genus saepe est etiam facetum, ut Servius ille Galba cum iudices L. Scribonio tribuno plebis ferret familiaris suos et dixisset Libo “quando tandem, Galba, de triclinio tuo exibis? “ “Cum tu” inquit “de cubiculo alieno.” A quo genere ne illud quidem plurimum distat, quod Glaucia Metello “villam in Tiburti habes, cortem in Palatio.”

[LXVI] [264] Ac verborum quidem genera, quae essent faceta, dixisse me puto; rerum plura sunt, eaque magis, ut dixi ante, ridentur; in quibus est narratio, res sane difficilis; exprimenda enim sunt et ponenda ante oculos ea, quae videantur et veri similia, quod est proprium narrationis, et quae sint, quod ridiculi proprium est, subturpia; cuius exemplum, ut brevissimum, sit sane illud, quod ante posui, Crassi de Memmio. Et ad hoc genus ascribamus etiam narrationes apologorum. [265] Trahitur etiam aliquid ex historia, ut, cum Sex. Titius se Cassandram esse diceret, “multos” inquit Antonius “possum tuos Aiaces Oileos nominare.” Est etiam ex similitudine, quae aut conlationem habet aut tamquam imaginem: conlationem, ut ille Gallus olim testis in Pisonem, cum innumerabilem Magio praefecto pecuniam dixisset datam idque Scaurus tenuitate Magi redargueret,”erras,” inquit “Scaure; ego enim Magium non conservasse dico, sed tamquam nudus nuces legeret, in ventre abstulisse”; ut illud M. Cicero senex, huius viri optimi, nostri familiaris, pater,”nostros homines similis esse Syrorum venalium: ut quisque optime Graece sciret, ita esse nequissimum.” [266] Valde autem ridentur etiam imagines, quae fere in deformitatem aut in aliquod vitium corporis ducuntur cum similitudine turpioris: ut meum illud in Helvium Manciam “iam ostendam cuius modi sis,”

cum ille “ostende, quaeso”; demonstravi digito pictum Gallum in Marian scuto Cimbrico sub Novis distortum, eiecta lingua, buccis fluentibus; risus est commotus; nihil tam Manciae simile visum est; ut cum Tito Pinario mentum in dicendo intorquenti: “tum ut diceret, si quid vellet, si nucem fregisset.” [267] Etiam illa, quae minuendi aut augendi causa ad incredibilem admirationem efferuntur; velut tu, Crasse, in contione: “ita sibi ipsum magnum videri Memmium, ut in forum descendens caput ad fornicem Fabianum demitteret”; ex quo genere etiam illud est, quod Scipio apud Numantiam, cum stomacharetur cum C. Metello, dixisse dicitur: “si quintum pareret mater eius, asinum fuisse parituram.” [268] Arguta etiam significatio est, cum parva re et saepe verbo res obscura et latens inlustratur; ut, cum C. Fabricio P. Cornelius, homo, ut existimabatur, avarus et furax, sed egregie fortis et bonus imperator, gratias ageret quod se homo inimicus consulem fecisset, bello praesertim magno et gravi “nihil est, quod mihi gratias agas,” inquit “si malui compilari quam venire”; ut Asello Africanus obicienti lustrum illud infelix, “noli” inquit “mirari; is enim, qui te ex aerariis exemit, lustrum condidit et taurum immolavit.” [Tacita suspicio est, ut religione civitatem obstrinxisse videatur Mummius, quod Asellum ignominia levarit.]

[LXVII] [269] Vrbana etiam dissimulatio est, cum alia dicuntur ac sentias, non illo genere, de quo ante dixi, cum contraria dicas, ut Lamiae Crassus, sed cum toto genere orationis severe ludas, cum aliter sentias ac loquare; ut noster Scaevola vola Septumuleio illi Anagnino, cui pro C. Gracchi capite erat aurum repensum, roganti, ut se in Asiam praefectum duceret "quid tibi vis," inquit "insane? Tanta malorum est multitudo civium, ut tibi ego hoc confirmem, si Romae manseris, te paucis annis ad maximas pecunias esse venturum." [270] In hoc genere Fannius in annalibus suis Africanum hunc Aemilianum dicit fuisse egregium et Graeco eum verbo appellat eirona; sed, uti ei ferunt, qui melius haec norunt, Socratem opinor in hac ironia dissimulantiaque longe lepore et humanitate omnibus praestitisse. Genus est perelegans et cum gravitate salsum cumque oratoriis dictionibus tum urbanis sermonibus accommodatum. [271] Et hercule omnia haec, quae a me de facetiis disputantur, non maiora forensium actionum quam omnium sermonum condimenta sunt. Nam sicut quod apud Catonem est - qui multa rettulit, ex quibus a me exempli causa non nulla ponuntur - per mihi scitum videtur, C. Publicium solitum dicere "P. Mummium cuiusvis temporis hominem esse," sic profecto se res habet, nullum ut sit vitae tempus, in quo non deceat leporem humanitatemque versari. [272] Sed redeo ad cetera. Est huic finitimum dissimulationi, cum honesto verbo vitiosa res appellatur; ut cum Africanus censor tribu movebat eum centurionem, qui in Pauli pugna non adfuerat, cum ille se custodiae causa diceret in castris remansisse quaereretque, cur ab eo notaretur, "non amo" inquit "nimium diligentis." [273] Acutum etiam illud est, cum ex alterius oratione aliud excipias atque ille vult; ut Salinatori Maximus, cum Tarento amisso arcem tamen Livius retinuisset multaque ex ea proelia praeclara fecisset, cum aliquot post annis Maximus id oppidum recepisset rogaretque eum Salinator, ut meminisset opera sua se Tarentum recepisse, "quidni" inquit "meminerim? Numquam enim recepissem, nisi tu perdidisses." [274] Sunt etiam illa subabsurda, sed eo ipso nomine saepe ridicula, non solum mimis perapposita, sed etiam quodam modo nobis: homo fatuus, postquam rem habere coepit, est emortuus. Et quid est tibi ista mulier? Vxor. Similis me dius fidius. Et quamdiu ad aquas fuit, numquam est emortuus.

[LXVIII] Genus hoc levius et, ut dixi, mimicum, sed habet non numquam aliquid etiam apud nos loci, ut vel non stultus quasi stulte cum sale dicat aliquid: ut tibi, Antoni, Mancia, cum audisset te censorem a M. Duronio de ambitu postulatum, "aliquando" inquit "tibi tuum negotium agere licebit." [275] Valde haec ridentur et hercule omnia, quae a prudentibus [quasi] per simulationem [non intellegendi] subabsurde salseque dicuntur. Ex quo genere est etiam non videri intellegere quod intellegas, ut Pontidius "qualem existimas, qui in adulterio deprehenditur?" "Tardum!" Vt ego, qui in dilectu Metello, cum excusationem oculorum a me non acciperet et dixisset "tu igitur nihil vides?" [276] "Ego vero" inquam "a porta Esquilina video villam tuam;" ut illud Nasicae, qui cum ad poetam Ennium venisset eique ab ostio quaerenti Ennium ancilla dixisset domi non esse, Nasica sensit illam domini iussu dixisse et illum intus esse; paucis post diebus cum ad Nasicam venisset Ennius et eum ad ianuam quaereret, exclamat Nasica domi non esse, tum Ennius "quid? Ego non cognosco vocem" inquit "tuam?" Hic Nasica "homo es impudens: ego cum te quaererem ancillae tuae credidi te domi non esse, tu mihi non credis ipsi?" [277] Est bellum illud quoque, ex quo is, qui dixit inridetur in eo ipso genere, quo dixit; ut, cum Q. Opimius consularis, qui adulescentulus male audisset, festivo homini Egilio, qui videretur mollior nec esset, dixisset "quid tu, Egilia mea? Quando ad me venis cum tua colu et lana?" "Non pol" inquit "audeo, nam me ad famosas vetuit mater accedere."

[LXIX] [278] Salsa sunt etiam, quae habent suspicionem ridiculi absconditam, quo in genere est Siculi illud, cui cum familiaris quidam quereretur quod diceret uxorem suam suspendisse se de ficu, "amabo te," inquit "da mihi ex ista arbore quos seram surculos." In eodem genere est, quod Catulus dixit cuidam oratori malo: qui cum in epilogo misericordiam se movisse putaret, postquam adsedit, rogavit hunc videreturne misericordiam movisse, "ac magnam quidem," inquit "neminem enim puto esse tam durum, cui non oratio tua misericordia digna visa sit." [279] Me tamen hercule etiam illa valde movent stomachosa et quasi submorosa ridicula, non cum a moroso dicuntur; tum enim non sal, sed natura ridetur; in quo, ut mihi videtur, persalsum illud est apud Novium: "quid ploras, pater?" "Mirum ni cantem: condemnatus sum." Huic generi quasi contrarium

est ridiculi genus patientis ac lenti, ut, cum Cato percussus esset ab eo, qui arcam ferebat, cum ille diceret "cave," rogavit "num quid aliud ferret praeter arcam." [280] Est etiam stultitiae salsa reprehensio, ut ille Siculus, cui praetor Scipio patronum causae dabat hospitem suum, hominem nobilem, sed admodum stultum, "quaeso," inquit "praetor, adversario meo da istum patronum, deinde mihi neminem dederis." Movent illa etiam, quae coniectura explanantur longe aliter atque sunt, sed acute atque concinne; ut cum Scaurus accusaret Rutilium ambitus, cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras A. F. P. R. idque diceret esse, actum fide P. Rutili; Rutilius autem, ante factum, post relatum; C. Canius, eques Romanus, cum Rufo adesset, exclamat, neutrum illis litteris declarari: "quid ergo?" inquit Scaurus; "Aemilius fecit, plectitur Rutilius."

[LXX] [281] Ridentur etiam discrepantia: "quid huic abest nisi res et virtus?" Bella etiam est familiaris reprehensio quasi errantis; ut cum obiurgavit Albium Granius quod, cum eius tabulis quiddam ab Albucio probatum videretur, et valde absoluto Scaevola gauderet neque intellegeret contra suas tabulas esse iudicatum. [282] Huic similis est etiam admonitio in consilio dando familiaris, ut cum patrono malo, cum vocem in dicendo obtudisset, suadebat Granius, ut mulsum frigidum biberet, simul ac domum redisset, "perdam" inquit "vocem, si id fecero": "melius est" inquit "quam reum." [283] Bellum etiam est, cum quid cuique sit consentaneum dicitur; ut, cum Scaurus non nullam haberet invidiam ex eo, quod Phrygionis Pompei, locupletis hominis, bona sine testamento possederat, sederetque advocatus reo Bestiae, cum funus quoddam duceretur, accusator C. Memmius "vide," inquit "Scaure, mortuus rapitur, si potes esse possessor." [284] Sed ex his omnibus nihil magis ridetur, quam quod est praeter exspectationem, cuius innumerabilia sunt exempla, vel Appi maioris illius, qui in senatu, cum ageretur de agris publicis et de lege Thoria et peteretur Lucullus ab eis, qui a pecore eius depasci agros publicos dicerent, "non est" inquit "Luculli pecus illud; erratis"; - defendere Lucullum videbatur - "ego liberum puto esse: qua libet pascitur." [285] Placet etiam mihi illud Scipionis illius, qui Ti. Gracchum perculit: cum ei M. Flaccus multis probris obiectis P. Mucium iudicem tulisset; "eiero," inquit "iniquus est"; cum esset

admurmuratum, “ah,” inquit “P. C., non ego mihi illum iniquum eiero, verum omnibus.” Ab hoc vero Crasso nihil facetius: cum laesisset testis Silus Pisonem, quod se in eum audisse dixisset, “potest fieri,” inquit “Sile, ut is, unde te audisse dicis, iratus dixerit.” Adnuit Silus. “Potest etiam, ut tu non recte intellexeris.” Id quoque toto capite adnuit, ut se Crasso daret. “Potest etiam fieri,” inquit “ut omnino, quod te audisse dicis, numquam audieris.” Hoc ita praeter exspectationem accidit, ut testem omnium risus obrueret. Huius generis est plenus Novius, cuius iocus est familiaris “sapiens si algebis, tremes” et alia permulta.

[LXXI] [286] Saepe etiam facete concedas adversario id ipsum, quod tibi ille detrahit; ut C. Laelius, cum ei quidam malo genere natus diceret, indignum esse suis maioribus, “at hercule” inquit “tu tuis dignus.” Saepe etiam sententiose ridicula dicuntur, ut M. Cincius, quo die legem de donis et muneribus tulit, cum C. Cento prodisset et satis contumeliose “quid fers, Cinciole?” quaesisset, “Vt emas,” inquit “Gai, si uti velis.” [287] Saepe etiam salse, quae fieri non possunt, optantur; ut M. Lepidus, cum, ceteris se in campo exercentibus, ipse in herba recubuisset, “vellem hoc esset,” inquit “laborare.” Salsum est etiam quaerentibus et quasi percontantibus lente respondere quod nolint; ut censor Lepidus, cum M. Antistio Pyrgensi equum ademisset amicique [cum] vociferarentur et quaererent, quid ille patri suo responderet, cur ademptum sibi equum diceret, cum optimus colonus, parcissimus, modestissimus, frugalissimus esset “me istorum” inquit “nihil credere.” [288] Conliguntur a Graecis, alia non nulla, exsecrationes, admirationes, minationes; sed haec ipsa nimis mihi videor in multa genera discripsisse; nam illa, quae verbi ratione et vi continentur, certa fere ac definita sunt; quae plerumque, ut ante dixi, laudari magis quam rideri solent; [289] haec autem, quae sunt in re ipsa et sententia, partibus sunt innumerabilia, generibus pauca; exspectationibus enim decipiendis et naturis aliorum inridendis [ipsorum ridicule indicandis] et similitudine turpioris et dissimulatione et subabsurda dicendo et stulta reprehendendo risus moventur. Itaque imbuendus est is, qui iocose volet dicere, quasi natura quadam apta ad haec genera et moribus, ut ad cuiusque modi genus ridiculi vultus etiam accommodetur; qui quidem quo severior est et tristior, ut in te,

Crasse, hoc illa, quae dicuntur, salsiora videri solent. [290] Sed iam tu, Antoni, qui hoc deversorio sermonis mei libenter acquieturum te esse dixisti, tamquam in Pomptinum deverteris, neque amoenum neque salubrem locum, censeo, ut satis diu te putes requiesse et iter reliquum conficere pergas."

"Ego vero, atque hilare quidem a te acceptus," inquit "et cum doctior per te, tum etiam audacior factus iam ad iocandum; non enim vereor ne quis me in isto genere leviorem iam putet, quoniam quidem tu Fabricios mihi auctores et Africanos, Maximos, Catones, Lepidos protulisti. [291] Sed habetis ea, quae vultis ex me audire, de quibus quidem accuratius dicendum et cogitandum fuit; nam cetera faciliora sunt atque ex eis, quae dicta sunt, reliqua nascuntur omnia.

[LXXII] Ego enim cum ad causam sum adgressus atque omnia cogitando, quoad facere potui, persecutus, cum et argumenta causae et eos locos, quibus animi iudicum conciliantur, et illos, quibus permoventur, vidi atque cognovi, tum constituo quid habeat causa quaeque boni, quid mali; nulla enim fere potest res in dicendi disceptationem aut controversiam vocari, quae non habeat utrumque, sed, quantum habeat, id refert; [292] mea autem ratio haec esse in dicendo solet, ut, boni quod habeam, id amplectar, exornem, exaggerem, ibi commorer, ibi habitem, ibi haeream; a malo autem vitioque causae ita recedam, non ut me id fugere appareat, sed ut totum bono illo ornando et augendo dissimulatum obruatur; et, si causa est in argumentis, firmissima quaeque maxime tueor, sive plura sunt sive aliquod unum; sin autem in conciliatione aut in permotione causa est, ad eam me potissimum partem, quae maxime movere animos hominum potest, confero. [293] Summa denique huius generis haec est, ut si in refellendo adversario firmior esse oratio quam in confirmandis nostris rebus potest, omnia in illum tela conferam; si nostra probari facilius, quam illa redargui possunt, abducere animos a contraria defensione et ad nostram conor deducere. [294] Duo denique illa, quae facillima videntur, quoniam quae difficiliora sunt, non possum, mihi pro meo iure sumo: unum, ut molesto aut difficili argumento aut loco non numquam omnino nihil respondeam, quod forsitan aliquis iure inriserit; quis enim est, qui id facere non possit? Sed tamen ego de mea nunc, non de aliorum facultate disputo confiteorque me, si quae premat res vehementius, ita cedere solere, ut

non modo non abiecto, sed ne reiecto quidem scuto fugere videar, sed adhibere quandam in dicendo speciem atque pompam et pugnae similem fugam; consistere vero in meo praesidio sic, ut non fugiendi hostis, sed capiendi loci causa cessisse videar; [295] alterum est illud, quod ego maxime oratori cavendum et providendum puto quodque me sollicitare summe solet: non tam ut prosim causis, elaborare soleo, quam ut ne quid obsim; non quin enitendum sit in utroque, sed tamen multo est turpius oratori nocuisse videri causae quam non profuisse. Sed quid hoc loco vos inter vos, Catule?

[LXXIII] An haec, ut sunt contemnenda, contemnitis?" "Minime" inquit ille "sed Caesar de isto ipso quiddam velle dicere videbatur." "Me vero libente" inquit Antonius "dixerit sive refellendi causa sive quaerendi." [296] Tum Iulius "ego me hercule," inquit "Antoni, semper is fui, qui de te oratore sic praedicarem, unum te in dicendo mihi videri tectissimum propriumque hoc esse laudis tuae nihil a te umquam esse dictum, quod obesset ei, pro quo diceres; idque memoria teneo, cum mihi sermo cum hoc Crasso, multis audientibus, esset institutus Crassusque plurimis verbis eloquentiam laudaret tuam, dixisse me cum ceteris tuis laudibus hanc esse vel maximam quod non solum quod opus esset diceres, sed etiam quod non opus esset non diceres; [297] tum illum mihi respondere memini, cetera in te summe esse laudanda, illud vero improbi esse hominis et perfidiosi, dicere quod alienum esset et noceret ei, pro quo quisque diceret; qua re non sibi eum disertum, qui id non faceret, videri, sed improbum, qui faceret. Nunc, si tibi videtur, Antoni, demonstres velim, qua re tu hoc ita magnum putes nihil in causa mali facere, ut nihil tibi in oratore maius esse videatur."

[LXXIV] [298] "Dicam equidem, Caesar," inquit "quid intellegam, sed et tu et vos hoc omnes," inquit, "mementote, non me de perfecti oratoris divinitate quadam loqui, sed de exercitationis et consuetudinis meae mediocritate. Crassi quidem responsum excellentis cuiusdam est ingeni ac singularis; cui quidem portenti simile esse visum est posse aliquem inveniri oratorem, qui aliquid mali faceret dicendo obessetque ei, quem defenderet; [299] facit enim de se coniecturam; cuius tanta vis ingeni est, ut neminem nisi consulto putet, quod contra se ipsum sit, dicere; sed ego non de praestanti quadam et eximia, sed prope de vulgari et communi vi

nunc disputo. Ita apud Graecos fertur incredibili quadam magnitudine consili atque ingeni Atheniensis ille fuisse Themistocles; ad quem quidam doctus homo atque in primis eruditus accessisse dicitur eique artem memoriae, quae tum primum proferebatur, pollicitus esse se traditurum; cum ille quaesisset quidnam illa ars efficere posset, dixisse illum doctorem, ut omnia meminisset; et ei Themistoclem respondisse gratius sibi illum esse facturum, si se oblivisci quae vellet quam si meminisse docuisset. [300] Videsne quae vis in homine acerrimi ingeni, quam potens et quanta mens fuerit? Qui ita responderit, ut intellegere possemus nihil ex illius animo, quod semel esset infusum, umquam effluere potuisse; cum quidem ei fuerit optabilius oblivisci posse potius quod meminisse nollet quam quod semel audisset vidissetve meminisse. Sed neque propter hoc Themistocli responsum memoriae nobis opera danda non est neque illa mea cautio et timiditas in causis propter praestantem prudentiam Crassi neglegenda est; uterque enim istorum non mihi attulit aliquam, sed suam significavit facultatem. [301] Etenim permulta sunt in causis in omni parte orationis circumspicienda, ne quid offendas, ne quo inruas: saepe aliqui testis aut non laedit aut minus laedit, nisi lacessatur; orat reus, urgent advocati, ut invehamur, ut male dicamus, denique ut interrogemus: non moveor, non obtempero, non satis facio; neque tamen ullam adsequor laudem; homines enim imperiti facilius quod stulte dixeris reprehendere quam quod sapienter tacueris laudare possunt. [302] Hic quantum fit mali, si iratum, si non stultum, si non levem testem laeseris! Habet enim et voluntatem nocendi in iracundia et vim in ingenio et pondus in vita. Nec, si hoc Crassus non committit, ideo non multi et saepe committunt. Quo quidem mihi turpius videri nihil solet, quam quod ex oratoris dicto aliquo aut responso aut rogato sermo ille sequitur: “occidit.” “Adversariumne?” “Immo vero” aiunt “se et eum, quem defendit.”

[LXXV] [303] Hoc Crassus non putat nisi perfidia accidere posse; ego autem saepissime video in causis aliquid mali facere homines minime malos. Quid, illud, quod supra dixi, solere me cedere et, ut planius dicam, fugere ea, quae valde causam meam premerent, cum id non faciunt alii versanturque in hostium castris ac sua praesidia dimittunt, mediocriterne causis nocent, cum aut adversariorum

adiumenta confirmant aut ea, quae sanare nequeunt, exulcerant? [304] Quid, cum personarum, quas defendunt, rationem non habent, si, quae sunt in eis invidiosa, non mitigant extenuando, sed laudando et efferendo invidiosiora faciunt, quantum est in eo tandem mali? Quid, si in homines caros iudicibusque iucundos sine ulla praemunitione orationis acerbius et contumeliosius invehare, nonne a te iudices abalienes? [305] Quid, si, quae vitia aut incommoda sunt in aliquo iudice uno aut pluribus, ea tu in adversariis exprobrando non intellegas te in iudices invehi, mediocrene peccatum est? Quid, si, cum pro altero dicas, litem tuam facias aut laesus efferare iracundia, causam relinquas, nihilne noceas? In quo ego, non quo libenter male audiam, sed quia causam non libenter relinquo, nimium patiens et lentus existimor; ut, cum te ipsum, Sulpici, obiurgabam, quod ministratorem peteres, non adversarium; ex quo etiam illud adsequor, ut, si quis mihi male dicat, petulans aut plane insanus esse videatur. [306] In ipsis autem argumentis si quid posueris aut aperte falsum aut ei, quod dixeris dicturusve sis, contrarium aut genere ipso remotum ab usu iudiciorum ac foro, nihilne noceas? Quid multa? Omnis cura mea solet in hoc versari semper - dicam enim saepius - si possim ut boni efficiam aliquid dicendo; sin id minus, ut certe ne quid mali.

[LXXVI] [307] Itaque nunc illuc redeo, Catule, in quo tu me paulo ante laudabas, ad ordinem conlocationemque rerum ac locorum; cuius ratio est duplex; altera, quam adfert natura causarum, altera, quae oratorum iudicio et prudentia comparatur: nam ut aliquid ante rem dicamus, deinde ut rem exponamus, post ut eam probemus nostris praesidiis confirmandis, contrariis refutandis, deinde ut concludamus atque ita peroremus, hoc dicendi natura ipsa praescribit; [308] ut vero statuamus ea, quae probandi et docendi causa dicenda sunt quem ad modum componamus, id est vel maxime proprium oratoris prudentiae. Multa enim occurrunt argumenta; multa, quae in dicendo profutura videantur; sed eorum partim ita levia sunt, ut contemnenda sint; partim, etiam si quid habent adiumenti, sunt non numquam eius modi, ut insit in eis aliquid viti neque tanti sit illud, quod prodesse videatur, ut cum aliquo malo coniungatur; [309] quae autem utilia sunt atque firma, si ea tamen, ut saepe fit, valde multa sunt, ea, quae ex eis aut levissima sunt aut aliis gravioribus consimilia, secerni arbitror oportere atque ex oratione removeri: equidem cum conligo

argumenta causarum, non tam ea numerare soleo quam expendere.

[LXXVII] [310] Et quoniam, quod saepe iam dixi, tribus rebus homines ad nostram sententiam perducimus, aut docendo aut conciliando aut permovendo, una ex tribus his rebus res prae nobis est ferenda, ut nihil aliud nisi docere velle videamur; reliquae duae, sicuti sanguis in corporibus, sic illae in perpetuis orationibus fusae esse debebunt; nam et principia et ceterae partes orationis, de quibus paulo post pauca dicemus, habere hanc vim magno opere debent, ut ad eorum mentis, apud quos agetur, movendas pertinere possint. [311] Sed his partibus orationis quae, etsi nihil docent argumentando, persuadendo tamen et commovendo perficiunt plurimum, quamquam maxime proprius est locus et in exordiendo et in perorando, digredi tamen ab eo, quod proposueris atque agas, permovendorum animorum causa saepe utile est; [312] itaque vel re narrata et eita saepe datur ad commovendos animos digrediendi locus, vel argumentis nostris confirmatis vel contrariis refutatis vel utroque loco vel omnibus, si habet eam causa dignitatem atque copiam, recte id fieri potest; eaeque causae sunt ad augendum et ad ornandum gravissimae atque plenissimae, quae plurimos exitus dant ad eius modi digressionem, ut eis locis uti liceat, quibus animorum impetus eorum, qui audiant, aut impellantur aut reflectantur. [313] Atque etiam in illo reprehendo eos, qui, quae minime firma sunt, ea prima conlocant; in quo illos quoque errare arbitror, qui, si quando - id quod mihi numquam placuit - pluris adhibent patronos, ut in quoque eorum minimum putant esse, ita eum primum volunt dicere: res enim hoc postulat, ut eorum exspectationi, qui audiunt, quam celerrime succurratur; cui si initio satis factum non sit; multo plus sit in reliqua causa laborandum; male enim se res habet, quae non statim, ut dici coepta est, melior fieri videtur. [314] Ergo ut in oratore optimus quisque, sic in oratione firmissimum quodque sit primum; dum illud tamen in utroque teneatur, ut ea, quae excellent, serventur etiam ad perorandum; si quae erunt mediocria, nam vitiosis nusquam esse oportet locum, in mediam turbam atque in gregem coniciantur. [315] Hisce omnibus rebus consideratis tum denique id, quod primum est dicendum, postremum soleo cogitare, quo utar exordio. Nam si quando id primum invenire volui, nullum mihi occurrit nisi aut exile aut nugatorium aut vulgare aut commune.

[LXXVIII] Principia autem dicendi semper cum accurata et acuta et instructa sententiis, apta verbis, tum vero causarum propria esse debent; prima est enim quasi cognitio et commendatio orationis in principio, quaeque continuo eum, qui audit, permulcere atque allicere debet; [316] in quo admirari soleo non equidem istos, qui nullam huic rei operam dederunt, sed hominem in primis disertum atque eruditum, Philippum, qui ita solet surgere ad dicendum, ut quod primum verbum habiturus sit, nesciat; et ait idem, cum bracchium concalfecerit, tum se solere pugnare; neque attendit eos ipsos, unde hoc simile ducat, primas illas hastas ita iactare leniter, ut et venustati vel maxime serviant et reliquis viribus suis consulant. [317] Nec est dubium, quin exordium dicendi vehemens et pugnax non saepe esse debeat; sed si in ipso illo gladiatorio vitae certamine, quo ferro decernitur, tamen ante congressum multa fiunt, quae non ad vulnus, sed ad speciem valere videantur, quanto hoc magis in oratione est spectandum, in qua non vis potius quam delectatio postulatur! Nihil est denique in natura rerum omnium, quod se universum profundat et quod totum repente evolvat; sic omnia, quae fiunt quaeque aguntur acerrime, lenioribus principiis natura ipsa praetexuit. [318] Haec autem in dicendo non extrinsecus alicunde quaerenda, sed ex ipsis visceribus causae sumenda sunt; idcirco tota causa pertemptata atque perspecta, locis omnibus inventis atque instructis considerandum est quo principio sit utendum. [319] Sic et facile reperientur; sumentur enim ex eis rebus, quae erunt uberrimae vel in argumentis vel in eis partibus, ad quas dixi digredi saepe oportere; [ita] et momenti aliquid adferent, cum erunt paene ex intima defensione deprompta, et apparebit ea non modo non esse communia nec in alias causas posse transferri, sed penitus ex ea causa quae [tum] agatur, effloruisse.

[LXXIX] [320] Omne autem principium aut rei totius, quae agetur, significationem habere debebit aut aditum ad causam et communitionem aut quoddam ornamentum et dignitatem; sed oportet, ut aedibus ac templis vestibula et aditus, sic causis principia pro portione rerum praeponere; itaque in parvis atque infrequentibus causis ab ipsa re est exordiri saepe commodius; [321] sed cum erit utendum principio, quod plerumque erit, aut ex reo aut ex adversario aut ex re aut ex eis, apud quos agetur, sententias duci licebit. Ex reo (reos appello, quorum res est), quae significent bonum virum, quae

liberalem, quae calamitosum, quae misericordia dignum, quae valeant contra falsam criminationem; ex adversario eisdem ex locis fere contraria; [322] ex re, si crudelis, si nefanda, si praeter opinionem, si immerito, si misera, si ingrata, si indigna, si nova, si quae restitui sanarique non possit; ex eis autem, apud quos agetur, ut benevolos beneque existimantis efficiamus, quod agendo efficitur melius quam rogando. Est id quidem in totam orationem confundendum nec minime in extremam; sed tamen multa principia ex eo genere gignuntur. [323] Nam et attentum monent Graeci ut principio faciamus iudicem et docilem; quae sunt utilia, sed non principi magis propria quam reliquarum partium; faciliora etiam in principiis, quod et attenti tum maxime sunt, cum omnia exspectant et dociles magis in initiis esse possunt; inlustriora enim sunt, quae in principiis quam quae in mediis causis dicuntur aut arguendo aut refellendo. [324] Maximam autem copiam principiorum ad iudicem aut adliciendum aut incitandum ex eis locis trahemus, qui ad motus animorum conficiendos inerunt in causa, quos tamen totos explicare in principio non oportebit, sed tantum impelli iudicem primo leviter, ut iam inclinato reliqua incumbat oratio.

[LXXX] [325] Conexum autem ita sit principium consequenti orationi, ut non tamquam citharoedi prooemium adfictum aliquid, sed cohaerens cum omni corpore membrum esse videatur. Nam non nulli, cum illud meditati ediderunt, sic ad reliqua transeunt, ut audientiam fieri sibi non velle videantur. Atque eius modi illa prolusio debet esse, non ut Samnitium, qui vibrant hastas ante pugnam, quibus in pugnando nihil utuntur, sed ut ipsis sententiis, quibus proluserint, vel pugnare possint.

[326] Narrare vero rem quod breviter iubent, si brevitas appellanda est, cum verbum nullum redundat, brevis est L. Crassi oratio; sin tum est brevitas, cum tantum verborum est quantum necesse est, aliquando id opus est; sed saepe obest vel maxime in narrando, non solum quod obscuritatem adfert, sed etiam quod eam virtutem, quae narrationis est maxima, ut iucunda et ad persuadendum accommodata sit, tollit. Videant illa nam is postquam excessit ex ephebis ... [327] quam longa est narratio! Mores adulescentis ipsius et servilis percontatio, mors Chrysidis, vultus et forma et lamentatio sororis, reliqua pervarie iucundeque narrantur. Quod si hanc brevitatem

quaesisset: effertur, imus, ad sepulcrum venimus, in ignem imposita est, [fere] decem versiculis totum conficere potuisset; quamquam hoc ipsum "effertur, imus," concisum est ita, ut non brevitati servitum sit, sed magis venustati. [328] Quod si nihil fuisset, nisi "in ignem imposita est," tamen res tota cognosci facile potuisset. Sed et festivitatem habet narratio distincta personis et interpuncta sermonibus, et est et probabilius, quod gestum esse dicas, cum quem ad modum actum sit exponas, et multo apertius ad intellegendum est, si constituitur aliquando ac non ista brevitate percurritur. [329] Apertam enim narrationem tam esse oportet quam cetera; sed hoc magis in hac elaborandum est, quod et difficilius est non esse obscurum in re narranda quam aut in principio aut in argumentando aut in perorando; et maiore etiam periculo haec pars orationis obscura est quam ceterae, vel quia, si quo alio in loco est dictum quid obscurius, tantum id perit, quod ita dictum est, narratio obscura totam occaecat orationem; vel quod alia possis, semel si obscurius dixeris, dicere alio loco planius, narrationis unus est in causa locus. Erit autem perspicua narratio, si verbis usitatis, si ordine temporum servato, si non interrupte narrabitur.

[LXXXI] [330] Sed quando utendum sit aut non sit narratione, id est consili; neque enim si nota res est nec dubium quid gestum sit, narrare oportet, nec si adversarius narravit, nisi si refellemus; ac si quando erit narrandum, nec illa, quae suspicionem et crimen efficient contraque nos erunt, acriter persequemur et, quicquid potuerit, detrahemus; ne illud, quod Crassus, si quando fiat, perfidia, non stultitia fieri putat, ut causae noceamus, accidat. Nam ad summam totius causae pertinet, caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio.

[331] Sequitur, ut causa ponatur, in quo videndum est, quid in controversiam veniat; tum suggerenda sunt firmamenta causae coniuncte et infirmandis contrariis et tuis confirmandis. Namque una in causis ratio quaedam est eius orationis, quae ad probandam argumentationem valet; ea autem et confirmationem et reprehensionem quaerit; sed quia neque reprehendi, quae contra dicuntur, possunt, nisi tua confirmes, neque haec confirmari, nisi illa reprehendas, idcirco haec et natura et utilitate et tractatione coniuncta sunt. [332] Omnia autem concludenda sunt plerumque rebus augendis

vel inflammando iudice vel mitigando; omniaque cum superioribus orationis locis tum maxime extremo ad mentis iudicum quam maxime permovendas et ad utilitatem nostram vocandas conferenda sunt.

[333] Neque sane iam causa videtur esse cur secernamus ea praecepta, quae de suasionibus tradenda sunt aut laudationibus, sunt enim pleraque communia, sed tamen suadere aliquid aut dissuadere gravissimae mihi personae videtur esse; nam et sapientis est consilium explicare suum de maximis rebus et honesti et diserti, ut mente providere, auctoritate probare, oratione persuadere possis.

[LXXXII] Atque haec in senatu minore apparatu agenda sunt; sapiens enim est consilium multisque aliis dicendi relinquendus locus, vitanda etiam ingeni ostentationis suspicio: [334] contio capit omnem vim orationis et gravitatem varietatemque desiderat. Ergo in suadendo nihil est optabilius quam dignitas; nam qui utilitatem petit, non quid maxime velit suasor, sed quid interdum magis sequatur, videt. Nemo est enim, praesertim in tam clara civitate, quin putet expetendam maxime dignitatem, sed vincit utilitas plerumque, cum subest ille timor ea neglecta ne dignitatem quidem posse retineri. [335] Controversia autem est inter hominum sententias aut in illo, utrum sit utilius; aut etiam, cum id convenit, certatur, utrum honestati potius an utilitati consulendum sit; quae quia pugnare inter se saepe videntur, qui utilitatem defendet, enumerabit commoda pacis, opum, potentiae, vectigalium, praesidi militum, ceterarum rerum, quarum fructum utilitate metimur, itemque incommoda contrariorum; qui ad dignitatem impellit, maiorum exempla, quae erant vel cum periculo gloriosa, conliget, posteritatis immortalem memoriam augebit, utilitatem ex laude nasci defendet semperque eam cum dignitate esse coniunctam. [336] Sed quid fieri possit aut non possit quidque etiam sit necesse aut non sit, in utraque re maxime est quaerendum; inciditur enim omnis [iam] deliberatio, si intellegitur non posse fieri aut si necessitas adfertur; et qui id docuit non videntibus aliis, is plurimum vidit. [337] Ad consilium autem de re publica dandum caput est nosse rem publicam; ad dicendum vero probabiliter nosse mores civitatis, qui quia crebro mutantur, genus quoque orationis est saepe mutandum; et quamquam una fere vis est eloquentiae, tamen quia summa dignitas est populi, gravissima causa rei publicae, maximi

motus multitudinis, genus quoque dicendi grandius quoddam et inlustrius esse adhibendum videtur; maximaque pars orationis admovenda est ad animorum motus non numquam aut cohortatione aut commemoratione aliqua aut in spem aut in metum aut ad cupiditatem aut ad gloriam concitandos, saepe etiam a temeritate, iracundia, spe, iniuria, invidia, crudelitate revocandos.

[LXXXIII] [338] Fit autem ut, quia maxima quasi oratoris scaena videatur contionis esse, natura ipsa ad ornatius dicendi genus excitemur; habet enim multitudo vim quandam talem, ut, quem ad modum tibicen sine tibiis canere, sic orator sine multitudine audiente eloquens esse non possit. [339] Et cum sint populares multi variique lapsus, vitanda est acclamatio adversa populi, quae aut orationis peccato aliquo excitatur, si aspere, si arroganter, si turpiter, si sordide, si quo animi vitio dictum esse aliquid videtur, aut hominum offensione vel invidia, quae aut iusta est aut ex criminatione atque fama, aut res si displicet, aut si est in aliquo motu suae cupiditatis aut metus multitudo. His quattuor causis totidem medicinae opponuntur: tum obiurgatio, si est auctoritas; tum admonitio quasi lenior obiurgatio; tum promissio, si audierint, probaturos; tum deprecatio, quod est infirmum, sed non numquam utile. [340] Nullo autem loco plus facetiae prosunt et celeritas et breve aliquod dictum nec sine dignitate et cum lepore; nihil enim tam facile quam multitudo a tristitia et saepe ab acerbitate commode et breviter et acute et hilare dicto deducitur.

[LXXXIV] Eui fere, ut potui, vobis in utroque genere causarum quae sequi solerem, quae fugere, quae spectare quaque omnino in causis ratione versari. [341] Nec illud tertium laudationum genus est difficile, quod ego initio quasi a praeceptis nostris secreveram; sed et quia multa sunt orationum genera et graviora et maioris copiae, de quibus nemo fere praeciperet, et quod nos laudationibus non ita multum uti soleremus, totum hunc segregabam locum; ipsi enim Graeci magis legendi et delectationis aut hominis alicuius ornandi quam utilitatis huius forensis causa laudationes scriptitaverunt: quorum sunt libri, quibus Themistocles, Aristides, Agesilaus, Epaminondas? Philippus, Alexander aliique laudantur; nostrae laudationes, quibus in foro utimur, aut testimoni brevitatem habent nudam atque inornatam aut scribuntur ad funebrem contionem, quae ad orationis laudem minime

accommodata est. Sed tamen, quoniam est utendum aliquando, non numquam etiam scribendum, vel ut Q. Tuberoni Africanum avunculum laudanti scripsit C. Laelius, vel ut nosmet ipsi ornandi causa Graecorum more, si quos velimus, laudare possimus, sit a nobis quoque tractatus hic locus. [342] Perspicuum est igitur alia esse in homine optanda, alia laudanda: genus, forma, vires, opes, divitiae cetera[que], quae fortuna dat aut extrinsecus aut corpori, non habent in se veram laudem, quae deberi virtuti uni putatur; sed tamen, quod ipsa virtus in earum rerum usu et moderatione maxime cernitur, tractanda in laudationibus etiam haec sunt naturae et fortunae bona; in quibus est summa laus non extulisse se in potestate, non fuisse insolentem in pecunia, non se praetulisse aliis propter abundantiam fortunae, ut opes et copiae non superbiae videantur ac libidini, sed bonitati ac moderationi facultatem et materiam dedisse. [343] Virtus autem, quae est per se ipsa laudabilis et sine qua nihil laudari potest, tamen habet pluris partis, quarum alia est alia ad laudationem aptior; sunt enim aliae virtutes, quae videntur in moribus hominum et quadam comitate ac beneficentia positae; aliae, quae in ingeni aliqua facultate aut animi magnitudine ac robore; nam clementia, iustitia, benignitas, fides, fortitudo in periculis communibus iucunda est auditu in laudationibus; [344] omnes enim hae virtutes non tam ipsis, qui eas habent, quam generi hominum fructuosae putantur. Sapientia et magnitudo animi, qua omnes res humanae tenues ac pro nihilo putantur, et in excogitando vis quaedam ingeni et ipsa eloquentia admirationis habet non minus, iucunditatis minus: ipsos enim magis videntur, quos laudamus, quam illos, apud quos laudamus, ornare ac tueri. Sed tamen in laudando iungenda sunt etiam haec genera virtutum; ferunt enim aures hominum cum illa, quae iucunda et grata, tum etiam illa, quae mirabilia sunt in virtute, laudari.

[LXXXV] [345] Et quoniam singularum virtutum sunt certa quaedam officia ac munera et sua cuique virtuti laus propria debetur, erit explicandum in laude iustitiae, quid cum fide, quid cum aequabilitate, quid cum eius modi aliquo officio is, qui laudabitur, fecerit; itemque in ceteris res gestae ad cuiusque virtutis genus et vim et nomen accommodabuntur. [346] Gratissima autem laus eorum factorum habetur, quae suscepta videntur a viris fortibus sine emolumento ac praemio; quae vero etiam cum labore ac periculo

ipsorum, haec habent uberrimam copiam ad laudandum, quod et dici ornatissime possunt et audiri facillime; ea enim denique virtus esse videtur praestantis viri, quae est fructuosa aliis, ipsi aut laboriosa aut periculosa aut certe gratuita. Magna etiam illa Laus et admirabilis videri solet tulisse casus sapienter adversos, non fractum esse fortuna, retinuisse in rebus asperis dignitatem; [347] neque tamen illa non ornant, habiti honores, decreta virtutis praemia, res gestae iudiciis hominum comprobatae; in quibus etiam felicitatem ipsam deorum immortalium iudicio tribui laudationis est. Sumendae autem res erunt aut magnitudine praestabiles aut novitate primae aut genere ipso singulares; neque enim parvae neque usitatae neque vulgares admiratione aut omnino laude dignae videri solent. [348] Est etiam cum ceteris praestantibus viris comparatio in laudatione praeclara. De quo genere libitum mihi est paulo plura quam ostenderam dicere, non tam propter usum forensem, qui est a me omni hoc sermone tractatus, quam ut hoc videretis, si laudationes essent in oratoris officio, quod nemo negat, oratori virtutum omnium cognitionem, sine qua laudatio effici non possit, esse necessariam. [349] Iam vituperandi praecepta contrariis ex vitiis sumenda esse perspicuum est; simul est illud ante oculos, nec bonum virum proprie et copiose laudari sine virtutum nec improbum notari ac vituperari sine vitiorum cognitione satis insignite atque aspere posse. Atque his locis et laudandi et vituperandi saepe nobis est utendum in omni genere causarum. [350] Habetis de inveniendis rebus disponendisque quid sentiam; adiungam etiam de memoria, ut labore Crassum levem neque ei quicquam aliud, de quo disserat, relinquam nisi ea, quibus haec exornentur."

[LXXXVI] "Perge vero," inquit Crassus "libenter enim te cognitum iam artificem aliquandoque evolutum illis integumentis dissimulationis tuae nudatumque perspicio; et quod mihi nihil aut [quod] non multum relinquis, percommode facis estque mihi gratum." [351] "Iam istuc, quantum tibi ego reliquerim," inquit Antonius "erit in tua potestate; si enim vere agere volueris, omnia tibi relinquo; sin dissimulare, tu quem ad modum his satis facias, videris. Sed, ut ad rem redeam, non sum tanto ego" inquit "ingenio, quanto Themistocles fuit, ut oblivionis artem quam memoriae malim; gratiamque habeo Simonidi illi Cio, quem primum ferunt artem

memoriae protulisse. [352] Dicunt enim, cum cenaret Crannone in Thessalia Simonides apud Scopam fortunatum hominem et nobilem cecinissetque id carmen, quod in eum scripsisset, in quo multa ornandi causa poetarum more in Castorem scripta et Pollucem fuissent, nimis illum sordide Simonidi dixisse se dimidium eius ei, quod pactus esset, pro illo carmine daturum; reliquum a suis Tyndaridis, quos aeque laudasset, peteret, si ei videretur. [353] Paulo post esse ferunt nuntiatum Simonidi, ut prodiret; iuvenis stare ad ianuam duo quosdam, qui eum magno opere evocarent; surrexisse illum, prodisse, vidisse neminem: hoc interim spatio conclave illud, ubi epularetur Scopas, concidisse; ea ruina ipsum cum cognatis oppressum suis interisse: quos cum humare vellent sui neque possent obtritos internoscere ullo modo, Simonides dicitur ex eo, quod meminisset quo eorum loco quisque cubuisset, demonstrator unius cuiusque sepeliendi fuisse; hac tum re admonitus invenisse fertur ordinem esse maxime, qui memoriae lumen adferret. [354] Itaque eis, qui hanc partem ingeni exercerent, locos esse capiendos et ea, quae memoria tenere vellent effingenda animo atque in eis locis conlocanda; sic fore, ut ordinem rerum locorum ordo conservaret, res autem ipsas rerum effigies notaret atque ut locis pro cera, simulacris pro litteris uteremur.

[LXXXVII] [355] Qui sit autem oratori memoriae fructus, quanta utilitas, quanta vis, quid me attinet dicere? Tenere, quae didiceris in accipienda causa, quae ipse cogitaris? Omnis fixas esse in animo sententias? Omnem descriptum verborum apparatum? Ita audire vel eum, unde discas, vel eum, cui respondendum sit, ut illi non infundere in auris tuas orationem, sed in animo videantur inscribere? Itaque soli qui memoria vigent, sciunt quid et quatenus et quo modo dicturi sint, quid responderint, quid supersit: eidemque multa ex aliis causis aliquando a se acta, multa ab aliis audita meminerunt. [356] Qua re confiteor equidem huius boni naturam esse principem, sicut earum rerum, de quibus ante locutus sum, omnium; sed haec ars tota dicendi, sive artis imago quaedam et similitudo est, habet hanc vim, non ut totum aliquid, cuius in ingeniis nostris pars nulla sit, pariat et procreet, verum ut ea, quae sunt orta iam in nobis et procreata, educet atque confirmet; [357] verum tamen neque tam acri memoria fere quisquam est, ut, non dispositis notatisque rebus, ordinem verborum

omnium aut sententiarum complectatur, neque vero tam hebeti, ut nihil hac consuetudine et exercitatione adiuvetur. Vidit enim hoc prudenter sive Simonides sive alius quis invenit, ea maxime animis effingi nostris, quae essent a sensu tradita atque impressa; acerrimum autem ex omnibus nostris sensibus esse sensum videndi; qua re facillime animo teneri posse ea, quae perciperentur auribus aut cogitatione, si etiam commendatione oculorum animis traderentur; ut res caecas et ab aspectus iudicio remotas conformatio quaedam et imago et figura ita notaret, ut ea, quae cogitando complecti vix possemus, intuendo quasi teneremus. [358] His autem formis atque corporibus, sicut omnibus, quae sub aspectum veniunt, [admonetur memoria nostra atque excitatur;] sede opus est, etenim corpus intellegi sine loco non potest. Qua re ne in re nota et pervulgata multus et insolens sim, locis est utendum multis, inlustribus? explicatis, modicis intervallis; imaginibus autem agentibus, acribus, insignitis, quae occurrere celeriterque percutere animum possint; quam facultatem et exercitatio dabit, ex qua consuetudo gignitur, et similium verborum conversa et immutata casibus aut traducta ex parte ad genus notatio et unius verbi imagine totius sententiae informatio pictoris cuiusdam summi ratione et modo formarum varietate locos distinguentis.

[LXXXVIII] [359] Sed verborum memoria, quae minus est nobis necessaria, maiore imaginum varietate distinguitur; multa enim sunt verba, quae quasi articuli conectunt membra orationis, quae formari similitudine nulla possunt; eorum fingendae sunt nobis imagines, quibus semper utamur; rerum memoria propria est oratoris; eam singulis personis bene positis notare possumus, ut sententias imaginibus, ordinem locis comprehendamus. [360] Neque verum est, quod ab inertibus dicitur, opprimi memoriam imaginum pondere et obscurari etiam id, quod per se natura tenere potuisset: vidi enim ego summos homines et divina prope memoria, Athenis Charmadam, in Asia, quem vivere hodie aiunt, Scepsium Metrodorum, quorum uterque tamquam litteris in cera, sic se aiebat imaginibus in eis locis, quos haberet, quae meminisse vellet, perscribere. Qua re hac exercitatione non eruenda memoria est, si est nulla naturalis; sed certe, si latet, evocanda est.

[361] Habetis sermonem bene longum hominis, utinam non

impudentis! Illud quidem certe, non nimis verecundi; qui quidem, cum te, Catule, tum etiam L. Crasso audiente, de dicendi ratione tam multa dixerim; nam istorum aetas minus me fortasse movere debuit. Sed mihi ignoscetis profecto, si modo, quae causa me nunc ad hanc insolitam mihi loquacitatem impulerit, acceperitis."

[LXXXIX] [362] "Nos vero," inquit Catulus "etenim pro me hoc et pro meo fratre respondeo, non modo tibi ignoscimus, sed te diligimus magnamque tibi habemus gratiam; et cum humanitatem et facilitatem agnoscimus tuam, tum admiramur istam scientiam et copiam. Equidem etiam hoc me adsecutum puto, quod magno sum levatus errore et illa admiratione liberatus, quod multis cum aliis semper admirari solebam, unde esset illa tanta tua in causis divinitas; nec enim te ista attigisse arbitrabar, quae diligentissime cognosse et undique conlegisse usuque doctum partim correxisse video, partim comprobasse; [363] neque eo minus eloquentiam tuam et multo magis virtutem et diligentiam admiror et simul gaudeo iudicium animi mei comprobari, quod semper statui neminem sapientiae laudem et eloquentiae sine summo studio et labore et doctrina consequi posse. Sed tamen quidnam est [id] quod dixisti fore, ut tibi ignosceremus, si cognossemus, quae te causa in sermonem impulisset? Quae est enim alia causa, nisi quod nobis et horum adulescentium studio, qui te attentissime audierunt, morem gerere voluisti?" [364] Tum ille "adimere" inquit "omnem recusationem Crasso volui, quem ego paulo ante sciebam vel pudentius vel invitius, nolo enim dicere de tam suavi homine fastidiosius, ad hoc genus sermonis accedere. Quid enim poterit dicere? Consularem se [esse] hominem et censorium? Eadem nostra causa est. An aetatem adferet? Quadriennio minor est. An se haec nescire? Quae ego sero, quae cursim arripui, quae subsicivis operis, ut aiunt, iste a puero, summo studio, doctoribus. Nihil dicam de ingenio, cui par nemo fuit: etenim me dicentem qui audiret, nemo umquam tam sui despiciens fuit quin speraret aut melius aut eodem modo se posse dicere; Crasso dicente nemo tam arrogans, qui similiter se umquam dicturum esse confideret. Quam ob rem ne frustra hi tales viri venerint, te aliquando, Crasse, audiamus."

[XC] [365] Tum ille “ut ita ista esse concedam,” inquit “Antoni, quae sunt valde secus, quid mihi [tu] tandem hodie aut cuiquam homini quod dici possit reliquisti? Dicam enim vere, amicissimi homines, quod sentio: saepe ego doctos homines, quid dico saepe? Immo non numquam; saepe enim qui potui, qui puer in forum venerim neque inde umquam diutius quam quaestor afuerim? Sed tamen audivi, ut heri dicebam, et Athenis cum essem, doctissimos viros et in Asia istum ipsum Scepsium Metrodorum, cum de his ipsis rebus disputaret; neque vero mihi quisquam copiosius umquam visus est neque subtilius in hoc genere dicendi quam iste hodie esse versatus: quod si esset aliter et aliquid intellegerem ab Antonio praetermissum, non essem tam inurbanus et paene inhumanus, ut in eo gravarer, quod vos cupere sentirem.” [366] Tum Sulpicius “an ergo” inquit “oblitus es, Crasse, Antonium ita partitum esse tecum, ut ipse instrumentum oratoris exponeret, tibi eius distinctionem atque ornatum relinqueret?” Hic ille “primum quis Antonio permisit,” inquit “ut et partis faceret et utram vellet prior ipse sumeret? Deinde, ego si recte intellexi, cum valde libenter audirem, mihi coniuncte est visus de utraque re dicere.” “Ille vero” inquit Cotta “ornamenta orationis non attigit neque eam laudem, ex qua eloquentia nomen suum invenit.” “Verba igitur” inquit Crassus “mihi reliquit Antonius, rem ipse sumpsit.” [367] Tum Caesar “si, quod difficilius est, id tibi reliquit, est nobis” inquit “causa, cur te audire cupiamus; sin, quod facilius, tibi causa non est, cur recuses.” Et Catulus “quid, quod dixisti,” inquit “Crasse, si [hic] hodie apud te maneremus, te morem nobis esse gesturum, nihilne ad fidem tuam putas pertinere?” Tum Cotta ridens “possem tibi,” inquit “Crasse, concedere: sed vide ne quid Catulus attulerit religionis: opus hoc censorium est, id autem committere vides quam homini censorio conveniat.” “Agite vero” [ille] inquit “ut vultis. Sed nunc quidem, quoniam est id temporis, surgendum censeo et requiescendum; post meridiem, si ita vobis est commodum, loquemur aliquid, nisi forte in crastinum differre mavultis.” Omnes se vel statim vel si ipse post meridiem mallet, quam primum tamen audire velle dixerunt.

LIBER TERTIVS

[I] [1] Instituenti mihi, Quinte frater, eum sermonem referre et mandare huic tertio libro, quem post Antoni disputationem Crassus habuisset, acerba sane recordatio veterem animi curam molestiamque renovavit. Nam illud immortalitate dignum ingenium, illa humanitas, illa virtus L. Crassi morte exstincta subita est vix diebus decem post eum diem, qui hoc et superiore libro continetur. [2] Vt enim Romam rediit extremo ludorum scaenicorum die, vehementer commotus oratione ea, quae ferebatur habita esse in contione a Philippo, quem dixisse constabat videndum sibi esse aliud consilium; illo senatu se rem publicam gerere non posse, mane Idibus Septembribus et ille et senatus frequens vocatu Drusi in curiam venit; ibi cum Drusus multa de Philippo questus esset, rettulit ad senatum de illo ipso, quod in eum ordinem consul tam graviter in contione esset invectus. [3] Hic, ut saepe inter homines sapientissimos constare vidi, quamquam hoc Crasso, cum aliquid accuratius dixisset, semper fere contigisset, ut numquam dixisse melius putaretur, tamen omnium consensu sic esse tum iudicatum ceteros a Crasso semper omnis, illo autem die etiam ipsum a se superatum. Deploravit enim casum atque orbitatem senatus, cuius ordinis a consule, qui quasi parens bonus aut tutor fidelis esse deberet, tamquam ab aliquo nefario praedone diriperetur patrimonium dignitatis; neque vero esse mirandum, si, cum suis consiliis rem publicam profligasset, consilium senatus a re publica repudiaret. [4] Hic cum homini et vehementi et diserto et in primis forti ad resistendum Philippo quasi quasdam verborum faces admovisset, non tulit ille et graviter exarsit pigneribusque ablatis io Crassum instituit coercere. Quo quidem ipso in loco multa a Crasso divinitus dicta esse ferebantur, cum sibi illum consulem esse negaret, cui senator ipse non esset. “An tu, cum omnem auctoritatem universi ordinis pro pignere putaris eamque in conspectu populi Romani concideris, me his existimas pigneribus terreri? Non tibi illa sunt caedenda, si L. Crassum vis coercere: haec tibi est incidenda lingua, qua vel evulsa spiritu ipso libidinem tuam libertas mea refutabit.”

[II] [5] Permulta tum vehementissima contentione animi, ingeni, virium ab eo dicta esse constabat sententiamque eam, quam senatus

frequens secutus est ornatissimis et gravissimis verbis, ut populo Romano satis fieret, numquam senatus neque consilium rei publicae neque fidem defuisse ab eo dictam et eundem, id quod in auctoritatibus perscriptis exstat, scribendo adfuisse. [6] Illa tamquam cycnea fuit divini hominis vox et oratio, quam quasi exspectantes post eius interitum veniebamus in curiam, ut vestigium illud ipsum, in quo ille postremum, institisset, contueremur: namque tum latus ei dicenti condoluisse sudoremque multum consecutum esse audiebamus; ex quo cum cohorruisset, cum febri domum rediit dieque septimo lateris dolore consumptus est. [7] O fallacem hominum spem fragilemque fortunam et inanis nostras contentiones, quae medio in spatio saepe franguntur et corruunt aut ante in ipso cursu obruuntur, quam portum conspicere potuerunt! Nam quam diu Crassi fuit ambitionis labore vita districta, tam diu privatis magis officiis et ingeni laude floruit quam fructu amplitudinis aut rei publicae dignitate; qui autem annus ei primus ab honorum perfunctione aditum omnium concessu ad summam auctoritatem dabat, is eius omnem spem atque omnia vitae consilia morte pervertit. [8] Fuit hoc luctuosum suis, acerbum patriae, grave bonis omnibus; sed ei tamen rem publicam casus secuti sunt, ut mihi non erepta L. Crasso a dis immortalibus vita, sed donata mors esse videatur. Non vidit flagrantem bello Italiam, non ardentem invidia senatum, non sceleris nefarii principes civitatis reos, non luctum filiae, non exsilium generi, non acerbissimam C. Mari fugam, non illam post reditum eius caedem omnium crudelissimam, non denique in omni genere deformatam eam civitatem? in qua ipse florentissima multum omnibus [gloria] praestitisset.

[III] [9] Et quoniam attigi cogitatione vim varietatemque fortunae, non vagabitur oratio mea longius atque eis fere ipsis definietur viris, qui hoc sermone, quem referre suscepimus, continentur. Quis enim non iure beatam L. Crassi mortem illam, quae est a multis saepe defleta, dixerit, cum horum ipsorum sit, qui tum cum illo postremum fere conlocuti sunt, eventum recordatus? Tenemus enim memoria Q. Catulum, virum omni laude praestantem, cum sibi non incolumem fortunam, sed exsilium et fugam deprecaretur, esse coactum, ut vita se ipse privaret. [10] Iam M. Antoni in eis ipsis rostris, in quibus ille rem publicam constantissime consul defenderat quaeque censor

imperatoriis manubiis ornarat, positum caput illud fuit, a quo erant multorum [civium] capita servata; neque vero longe ab eo C. Iuli caput hospitis Etrusci scelere proditum cum L. Iuli fratris capite iacuit, ut ille, qui haec non vidit, et vixisse cum re publica pariter et cum illa simul exstinctus esse videatur. Neque enim propinquum suum, maximi animi virum, P. Crassum, suapte interfectum manu neque conlegae sui, pontificis maximi, sanguine simulacrum Vestae respersum esse vidit; cui maerori, qua mente ille in patriam fuit, etiam C. Carbonis, inimicissimi hominis, eodem illo die mors fuisset nefaria; [11] non vidit eorum ipsorum, qui tum adulescentes Crasso se dicarant, horribilis miserosque casus; ex quibus [C.] Cotta, quem ille florentem reliquerat, paucis diebus post mortem Crassi depulsus per invidiam tribunatu non multis ab eo tempore mensibus eiectus est e civitate; Sulpicius autem, qui in eadem invidiae flamma fuisset, quibuscum privatus coniunctissime vixerat, hos in tribunatu spoliare instituit omni dignitate; cui quidem ad summam gloriam eloquentiae efflorescenti ferro erepta vita est et poena temeritatis non sine magno rei publicae malo constituta. [12] Ego vero te, Crasse, cum vitae flore tum mortis opportunitate divino consilio et ornatum et exstinctum esse arbitror; nam tibi aut pro virtute animi constantiaque tua civilis ferri subeunda fuit crudelitas aut, si qua te fortuna ab atrocitate mortis vindicasset, eadem esse te funerum patriae spectatorem coegisset; neque solum tibi improborum dominatus, sed etiam propter admixtam civium caedem bonorum victoria maerori fuisset.

[IV] [13] Mihi quidem, Quinte frater, et eorum casus, de quibus ante dixi, et ea, quae nosmet ipsi ob amorem in rem publicam incredibilem et singularem pertulimus ac sensimus, cogitanti sententia saepe tua vera ac sapiens videri solet, qui propter tot tantos tam praecipitisque casus clarissimorum hominum atque optimorum virorum me semper ab omni contentione ac dimicatione [animi] revocasti. [14] Sed quoniam haec iam neque in integro nobis esse possunt et summi labores nostri magna compensati gloria mitigantur, pergamus ad ea solacia, quae non modo sedatis molestiis iucunda, sed etiam haerentibus salutaria nobis esse possint, sermonemque L. Crassi reliquum ac paene postremum memoriae prodamus, atque ei, si nequaquam parem illius ingenio, at pro nostro tamen studio meritam gratiam debitamque referamus. [15] Neque enim quisquam

nostrum, cum libros Platonis mirabiliter scriptos legit, in quibus omnibus fere Socrates exprimitur, non, quamquam illa scripta sunt divinitus, tamen maius quiddam de illo, de quo scripta sunt, suspicatur; quod item nos postulamus non a te quidem, qui nobis omnia summa tribuis, sed a ceteris, qui haec in manus sument, maius ut quiddam de L. Crasso, quam quantum a nobis exprimetur, suspicentur. [16] Nos enim, qui ipsi sermoni non interfuissemus et quibus C. Cotta tantum modo locos ac sententias huius disputationis tradidisset, quo in genere orationis utrumque oratorem cognoveramus, id ipsum sumus in eorum sermone adumbrare conati: quod si quis erit, qui ductus opinione vulgi aut Antonium ieiuniorem aut Crassum pleniorem fuisse putet, quam quo modo a nobis uterque inductus est, is erit ex eis, qui aut illos non audierit aut iudicare non possit; nam fuit uterque, ut eui antea, cum studio atque ingenio et doctrina praestans omnibus, tum in suo genere perfectus, ut neque in Antonio deesset hic ornatus orationis neque in Crasso redundaret.

[V] [17] Vt igitur ante meridiem discesserunt paulumque requierunt, in primis hoc a se Cotta animadversum esse dicebat, omne illud tempus meridianum Crassum in acerrima atque attentissima cogitatione posuisse seseque, qui vultum eius, cum ei dicendum esset, obtutumque oculorum in cogitando probe nosset atque in maximis causis saepe vidisset, tum dedita opera quiescentibus aliis in eam exedram venisse, in qua Crassus posito lectulo recubuisset, cumque eum defixum in cogitatione esse sensisset, statim recessisse atque in eo silentio duas horas fere esse consumptas. Deinde cum omnes inclinato iam in posmeridianum tempus die venissent ad Crassum, “quid est, Crasse,” inquit Iulius “imusne sessum? Etsi admonitum venimus te, non flagitatum.” [18] Tum Crassus “an me tam impudentem esse existimatis, ut vobis hoc praesertim munus putem me diutius posse debere?” “Quinam igitur” inquit “ille locus? An in media silva placet? Est enim is maxime et opacus et frigidus.” “Sane,” inquit Crassus “etenim est in eo loco sedes huic nostro non importuna sermoni.” Cum placuisset idem ceteris, in silvam venitur et ibi magna cum audiendi exspectatione considitur.

[19] Tum Crassus “cum auctoritas atque amicitia vestra tum Antoni facilitas eripuit” inquit “mihi in optima mea causa libertatem recusandi: quamquam in partienda disputatione nostra, cum sibi de

eis, quae dici ab oratore oporteret, sumeret, mihi autem relinqueret, ut explicarem, quem ad modum illa ornari oporteret, ea divisit, quae seiuncta esse non possunt. Nam cum omnis ex re atque verbis constet oratio, neque verba sedem habere possunt, si rem subtraxeris, neque res lumen, si verba semoveris. [20] Ac mihi quidem veteres illi maius quiddam animo complexi plus multo etiam vidisse videntur, quam quantum nostrorum ingeniorum acies intueri potest, qui omnia haec, quae supra et subter, unum esse et una vi atque [una] consensione naturae constricta esse dixerunt; nullum est enim genus rerum, quod aut avulsum a ceteris per se ipsum constare aut quo cetera si careant, vim suam atque aeternitatem conservare possint.

[VI] [21] Sed si haec maior esse ratio videtur, quam ut hominum possit sensu aut cogitatione comprehendi, est etiam illa Platonis vera et tibi, Catule, certe non inaudita vox, omnem doctrinam harum ingenuarum et humanarum artium uno quodam societatis vinculo contineri; ubi enim perspecta vis est rationis eius, qua causae rerum atque exitus cognoscuntur, mirus quidam omnium quasi consensus doctrinarum concentusque reperitur. [22] Sed si hoc quoque videtur esse altius, quam ut id nos humi strati suspicere possimus? illud certe tamen, quod amplexi sumus, quod profitemur, quod suscepimus, nosse et tenere debemus. Vna est enim, quod et ego hesterno die dixi et aliquot locis antemeridiano sermone significavit Antonius, eloquentia, quascumque in oras disputationis regionesve delata est; [23] nam sive de caeli natura loquitur sive de terrae, sive de divina vi sive de humana, sive ex inferiore loco sive ex aequo sive ex superiore, sive ut impellat homines sive ut doceat sive ut deterreat sive ut concitet sive ut reflectat sive ut incendat sive ut leniat, sive ad paucos sive ad multos sive inter alienos sive cum suis sive secum, rivis est diducta oratio, non fontibus, et, quocumque ingreditur, eodem est instructu ornatuque comitata. [24] Sed quoniam oppressi iam sumus opinionibus non modo vulgi, verum etiam hominum leviter eruditorum, qui, quae complecti tota nequeunt, haec facilius divulsa et quasi discerpta contrectant, et qui tamquam ab animo corpus, sic a sententiis verba seiungunt, quorum sine interitu fieri neutrum potest, non suscipiam oratione mea plus quam mihi imponitur; tantum significabo brevi neque verborum ornatum inveniri posse non partis expressisque sententiis, neque esse ullam

sententiam inlustrem sine luce verborum. [25] Sed prius quam illa conor attingere, quibus orationem ornari atque inluminari putem, proponam breviter quid sentiam de universo genere dicendi.

[VII] Natura nulla est, ut mihi videtur, quae non habeat in suo genere res compluris dissimilis inter se, quae tamen consimili laude dignentur; nam et auribus multa percipimus, quae etsi nos vocibus delectant, tamen ita sunt varia saepe, ut id, quod proximum audias, iucundissimum esse videatur; et oculis conliguntur paene innumerabiles voluptates, quae nos ita capiunt, ut unum sensum in dissimili genere delectent; et reliquos sensus voluptates oblectant dispares, ut sit difficile iudicium excellentis maxime suavitatis. [26] Atque hoc idem, quod est in naturis rerum, transferri potest etiam ad artis; una fingendi est ars, in qua praestantes fuerunt Myro, Polyclitus, Lysippus, qui omnes inter se dissimiles fuerunt, sed ita tamen, ut neminem sui velis esse dissimilem; una est ars ratioque picturae, dissimillimique tamen inter se Zeuxis, Aglaophon, Apelles, neque eorum quisquam est, cui quicquam in arte sua deesse videatur. Et si hoc in his quasi mutis artibus est mirandum et tamen verum, quanto admirabilius in oratione atque in lingua? Quae cum in eisdem sententiis verbisque versetur, summas habet dissimilitudines; non sic, ut alii vituperandi sint, sed ut ei, quos constet esse laudandos, in dispari tamen genere laudentur. [27] Atque id primum in poetis cerni licet, quibus est proxima cognatio cum oratoribus: quam sunt inter sese Ennius, Pacuvius Acciusque dissimiles, quam apud Graecos Aeschylus, Sophocles, Euripides, quamquam omnibus par paene laus in dissimili scribendi genere tribuitur! [28] Aspicite nunc eos homines atque intuemini, quorum de facultate quaerimus [quid intersit inter oratorum studia atque naturas]: suavitatem Isocrates, subtilitatem Lysias, acumen Hyperides, sonitum Aeschines, vim Demosthenes habuit. Quis eorum non egregius? Tamen quis cuiusquam nisi sui similis? Gravitatem Africanus, lenitatem Laelius, asperitatem Galba, profluens quiddam habuit Carbo et canorum. Quis horum non princeps temporibus illis fuit? Et suo tamen quisque in genere princeps.

[VIII] [29] Sed quid ego vetera conquiram, cum mihi liceat uti praesentibus exemplis atque vivis? Quid iucundius auribus nostris umquam accidit huius oratione Catuli? Quae est pura sic, ut Latine

loqui paene solus videatur, sic autem gravis, ut in singulari dignitate omnis tamen adsit humanitas ac lepos. Quid multa? Istum audiens equidem sic iudicare soleo, quicquid aut addideris aut mutaris aut detraxeris, vitiosius et deterius futurum. [30] Quid, noster hic Caesar nonne novam quandam rationem attulit orationis et dicendi genus induxit prope singulare? Quis umquam res praeter hunc tragicas paene comice, tristis remisse, severas hilare, forensis scaenica prope venustate tractavit atque ita, ut neque iocus magnitudine rerum excluderetur nec gravitas facetiis minueretur? [31] Ecce praesentes duo prope aequales Sulpicius et Cotta. Quid iam inter se dissimile? Quid tam in suo genere praestans? Limatus alter et subtilis, rem explicans propriis aptisque verbis; haeret in causa semper et quid iudici probandum sit cum acutissime vidit, omissis ceteris argumentis in eo mentem orationemque defigit; Sulpicius autem fortissimo quodam animi impetu, plenissima et maxima voce, summa contentione corporis et dignitate motus, verborum quoque ea gravitate et copia est, ut unus ad dicendum instructissimus a natura esse videatur.

[IX] [32] Ad nosmet ipsos iam revertor, quoniam sic fuimus semper comparati, ut hominum sermonibus quasi in aliquod contentionis iudicium vocaremur. Quid tam dissimile quam ego in dicendo et Antonius? Cum ille is sit orator, ut nihil eo possit esse praestantius, ego autem, quamquam memet mei paenitet, cum hoc maxime tamen in comparatione coniungar. Videtisne, genus hoc quod sit Antoni? Forte, vehemens, commotum in agendo, praemunitum et ex omni parte causae saeptum, acre, acutum, enucleatum, in sua quaque re commorans, honeste cedens, acriter insequens, terrens, supplicans, summa orationis varietate, nulla nostrarum aurium satietate. [33] Nos autem, quicumque in dicendo sumus, quoniam esse aliquo in numero vobis videmur, certe tamen ab huius multum genere distamus; quod quale sit, non est meum dicere, propterea quod minime sibi quisque notus est et difficillime de se quisque sentit; sed tamen dissimilitudo intellegi potest et ex motus mei mediocritate et ex eo, quod, quibus vestigiis primum institi, in eis fere soleo perorare et quod aliquanto me maior in verbis [quam in sententiis] eligendis labor et cura torquet verentem, ne, si paulo obsoletior fuerit oratio, non digna exspectatione et silentio fuisse videatur. [34] Quod si in nobis, qui

adsumus, tantae dissimilitudines sunt, tam certae res cuiusque propriae et in ea varietate fere melius a deteriore facultate magis quam genere distinguitur atque omne laudatur, quod in suo genere perfectum est, quid censetis, si omnis, qui ubique sunt aut fuerunt oratores, amplecti voluerimus, nonne fore ut, quot oratores, totidem paene reperiantur genera dicendi? Ex qua mea disputatione forsitan occurrat illud, si paene innumerabiles sint quasi formae figuraeque dicendi, specie dispares, genere laudabiles, non posse ea, quae inter se discrepant, eisdem praeceptis atque una institutione formari. [35] Quod non est ita, diligentissimeque hoc est eis, qui instituunt aliquos atque erudiunt, videndum, quo sua quemque natura maxime ferre videatur. Etenim videmus ex eodem quasi ludo [summorum in suo cuiusque genere artificum et magistrorum] exisse discipulos dissimilis inter se ac tamen laudandos, cum ad cuiusque naturam institutio doctoris accommodaretur. [36] Cuius est vel maxime insigne illud exemplum, ut ceteras artis omittamus, quod dicebat Isocrates doctor singularis se calcaribus in Ephoro, contra autem in Theopompo frenis uti solere: alterum enim exsultantem verborum audacia reprimebat alterum cunctantem et quasi verecundantem incitabat. Neque eos similis effecit inter se, sed tantum alteri adfinxit, de altero limavit, ut id conformaret in utroque, quod utriusque natura pateretur.

[X] [37] Haec eo mihi praedicenda fuerunt, ut si non omnia, quae proponerentur a me, ad omnium vestrum studium et ad genus id, quod quisque vestrum in dicendo probaret, adhaerescerent, id a me genus exprimi sentiretis, quod maxime mihi ipsi probaretur.

Ergo haec et agenda sunt ab oratore, quae explicavit Antonius, et dicenda quodam modo. Quinam igitur dicendi est modus melior, nam de actione post videro, quam Latine, ut plane, ut ornate, ut ad id, quodcumque agetur, apte congruenterque dicamus? [38] Atque eorum quidem, quae duo prima dixi, rationem non arbitror exspectari a me puri dilucidique sermonis, neque enim conamur docere eum dicere, qui loqui nesciat; nec sperare, qui Latine non possit, hunc ornate esse dicturum; neque vero, qui non dicat quod intellegamus, hunc posse quod admiremur dicere. Linquamus igitur haec, quae cognitionem habent facilem, usum necessarium. Nam alterum traditur litteris doctrinaque puerili, alterum adhibetur ob eam causam, ut intellegatur

quid quisque dicat, quod videmus ita esse necessarium, ut tamen eo minus nihil esse possit. [39] Sed omnis loquendi elegantia, quamquam expolitur scientia litterarum, tamen augetur legendis oratoribus et poetis; sunt enim illi veteres, qui ornare nondum poterant ea, quae dicebant, omnes prope praeclare locuti; quorum sermone adsuefacti qui erunt, ne cupientes quidem poterunt loqui nisi Latine. Neque tamen erit utendum verbis eis, quibus iam consuetudo nostra non utitur, nisi quando ornandi causa parce, quod ostendam; sed usitatis ita poterit uti, lectissimis ut utatur, is, qui in veteribus erit scriptis studiose et multum volutatus.

[XI] [40] Atque, ut Latine loquamur, non solum videndum est, ut et verba efferamus ea, quae nemo iure reprehendat, et ea sic et casibus et temporibus et genere et numero conservemus, ut ne quid perturbatum ac discrepans aut praeposterum sit, sed etiam lingua et spiritus et vocis sonus est ipse moderandus. [41] Nolo exprimi litteras putidius, nolo obscurari neglegentius; nolo verba exiliter exanimata exire, nolo inflata et quasi anhelata gravius. Nam de voce nondum ea dico, quae sunt actionis, sed hoc, quod mihi cum sermone quasi coniunctum videtur: sunt enim certa vitia, quae nemo est quin effugere cupiat; mollis vox aut muliebris aut quasi extra modum absona atque absurda. [42] Est autem vitium, quod non nulli de industria consectantur: rustica vox et agrestis quosdam delectat, quo magis antiquitatem, si ita sonet, eorum sermo retinere videatur; ut tuus, Catule, sodalis, L. Cotta, gaudere mihi videtur gravitate linguae sonoque vocis agresti et illud, quod loquitur, priscum visum iri putat, si plane fuerit rusticanum. Me autem tuus sonus et subtilitas ista delectat, omitto verborum, quamquam est caput; verum id adfert ratio, docent litterae, confirmat consuetudo et legendi et loquendi; sed hanc dico suavitatem, quae exit ex ore; quae quidem ut apud Graecos Atticorum, sic in Latino sermone huius est urbis maxime propria. [43] Athenis iam diu doctrina ipsorum Atheniensium interiit, domicilium tantum in illa urbe remanet studiorum, quibus vacant cives, peregrini fruuntur capti quodam modo nomine urbis et auctoritate; tamen eruditissimos homines Asiaticos quivis Atheniensis indoctus non verbis, sed sono vocis nec tam bene quam suaviter loquendo facile superabit. Nostri minus student litteris quam Latini; tamen ex istis, quos nostis, urbanis, in quibus minimum est

litterarum, nemo est quin litteratissimum togatorum omnium, Q. Valerium Soranum, lenitate vocis atque ipso oris pressu et sono facile vincat.

[XII] [44] Qua re cum sit quaedam certa vox Romani generis urbisque propria, in qua nihil offendi, nihil displicere, nihil animadverti possit, nihil sonare aut olere peregrinum, hanc sequamur neque solum rusticam asperitatem, sed etiam peregrinam insolentiam fugere discamus. [45] Equidem cum audio socrum meam Laeliam - facilius enim mulieres incorruptam antiquitatem conservant, quod multorum sermonis expertes ea tenent semper, quae prima didicerunt - sed eam sic audio, ut Plautum mihi aut Naevium videar audire, sono ipso vocis ita recto et simplici est, ut nihil ostentationis aut imitationis adferre videatur; ex quo sic locutum esse eius patrem iudico, sic maiores; non aspere ut ille, quem dixi, non vaste, non rustice, non hiulce, sed presse et aequabiliter et leniter. [46] Qua re Cotta noster, cuius tu illa lata, Sulpici, non numquam imitaris, ut Iota litteram tollas et E plenissimum dicas, non mihi oratores antiquos, sed messores videtur imitari." Hic cum adrisisset ipse Sulpicius, "sic agam vobiscum" inquit Crassus "ut quoniam me loqui voluistis, aliquid de vestris vitiis audiatis." "Vtinam quidem!" inquit ille "id enim ipsum volumus, idque si feceris, multa, ut arbitror, hic hodie vitia ponemus." [47] "At enim non sine meo periculo" Crassus inquit "possum, Sulpici, te reprehendere, quoniam Antonius mihi te simillimum dixit sibi videri." Tum ille "tu vero, quod monuit idem, ut ea, quae in quoque maxima essent, imitaremur; ex quo vereor ne nihil sim tui nisi supplosionem pedis imitatus et pauca quaedam verba et aliquem, si forte, motum." "Ergo ista," inquit Crassus "quae habes a me, non reprehendo, ne me ipsum inrideam - sunt autem ea multo et plura et maiora, quam dicis - quae autem sunt tua plane aut imitatione ex aliquo expressa, de his te, si qui me forte locus admonuerit, commonebo.

[XIII] [48] Praetereamus igitur praecepta Latine loquendi quae puerilis doctrina tradit et subtilior cognitio ac ratio litterarum alit aut consuetudo sermonis cotidiani ac domestici, libri confirmant et lectio veterum oratorum et poetarum; neque vero in illo altero diutius commoremur, ut disputemus, quibus rebus adsequi possimus, ut ea, quae dicamus, intellegantur: [49] Latine scilicet dicendo, verbis

usitatis ac proprie demonstrantibus ea, quae significari ac declarari volemus, sine ambiguo verbo aut sermone, non nimis longa continuatione verborum, non valde productis eis, quae similitudinis causa ex aliis rebus transferuntur, non discerptis sententiis, non praeposteris temporibus, non confusis personis, non perturbato ordine. Quid multa? Tam facilis est tota res, ut mihi permirum saepe videatur, cum difficilius intellegatur, quid patronus velit dicere, quam si ipse ille, qui patronum adhibet, de re sua diceret. [50] Isti enim, qui ad nos causas deferunt, ita nos plerumque ipsi docent, ut non desideres planius dici; easdem res autem simul ac Fufius aut vester aequalis Pomponius agere coepit, non aeque quid dicant, nisi admodum attendi, intellego; ita confusa est oratio, ita perturbata, nihil ut sit primum, nihil ut secundum, tantaque insolentia ac turba verborum, ut oratio, quae lumen adhibere rebus debet ea obscuritatem et tenebras adferat atque ut quodam modo ipsi sibi in dicendo obstrepere videantur. [51] Verum, si placet, quoniam haec satis spero vobis quidem certe maioribus molesta et putida videri, ad reliqua aliquanto odiosiora pergamus."

[XIV] "Atqui vides" inquit Antonius "quam alias res agamus [quam te inviti audiamus], qui adduci possimus - de me enim conicio - relictis ut rebus omnibus te sectemur; [te audiamus] ita de horridis rebus nitida, de ieiunis plena, de pervulgatis nova quaedam est oratio tua." [52] "Faciles enim," inquit "Antoni, partes eae fuerunt duae, quas modo percucurri vel potius paene praeterii, Latine loquendi planeque dicendi; reliquae sunt magnae, implicatae, variae, graves, quibus omnis admiratio ingeni, omnis laus eloquentiae continetur; nemo enim umquam est oratorem, quod Latine loqueretur, admiratus; si est aliter, inrident neque eum oratorem tantum modo, sed hominem non putant; nemo extulit eum verbis, qui ita dixisset, ut, qui adessent, intellegerent quid diceret, sed contempsit eum, qui minus id facere potuisset. [53] In quo igitur homines exhorrescunt? Quem stupefacti dicentem intuentur? In quo exclamant? Quem deum, ut ita dicam, inter homines putant? Qui distincte, qui explicate, qui abundanter, qui inluminate et rebus et verbis dicunt et in ipsa oratione quasi quendam numerum versumque conficiunt, id est, quod dico, ornate. Qui idem ita moderantur, ut rerum, ut personarum dignitates ferunt, ei sunt in eo genere laudandi laudis, quod ego aptum et congruens

nomino. [54] Qui ita dicerent, eos negavit adhuc se vidisse Antonius et eis hoc nomen dixit eloquentiae solis esse tribuendum. Qua re omnis istos me auctore deridete atque contemnite, qui se horum, qui nunc ita appellantur, rhetorum praeceptis omnem oratoriam vim complexos esse arbitrantur neque adhuc quam personam teneant aut quid profiteantur intellegere potuerunt. Vero enim oratori, quae sunt in hominum vita, quandoquidem in ea versatur orator atque ea est ei subiecta materies, omnia quaesita, audita, lecta, disputata, tractata, agitata esse debent. [55] Est enim eloquentia una quaedam de summis virtutibus; quamquam sunt omnes virtutes aequales et pares, sed tamen est specie alia magis alia formosa et inlustris, sicut haec vis, quae scientiam complexa rerum sensa mentis et consilia sic verbis explicat, ut eos, qui audiant, quocumque incubuerit, possit impellere; quae quo maior est vis, hoc est magis probitate iungenda summaque prudentia; quarum virtutum expertibus si dicendi copiam tradiderimus, non eos quidem oratores effecerimus, sed furentibus quaedam arma dederimus.

[XV] [56] Hanc, inquam, cogitandi pronuntiandique rationem vimque dicendi veteres Graeci sapientiam nominabant; hinc illi Lycurgi, hinc Pittaci, hinc Solones atque ab hac similitudine Coruncanii nostri, Fabricii, Catones, Scipiones fuerunt, non tam fortasse docti, sed impetu mentis simili et voluntate. Eadem autem alii prudentia, sed consilio ad vitae studia dispari quietem atque otium secuti, ut Pythagoras, Democritus, Anaxagoras, a regendis civitatibus totos se ad cognitionem rerum transtulerunt; quae vita propter tranquillitatem et propter ipsius scientiae suavitatem, qua nihil est hominibus iucundius, pluris, quam utile fuit rebus publicis, delectavit. [57] Itaque, ut ei studio se excellentissimis ingeniis homines dediderunt, ex ea summa facultate vacui ac liberi temporis multo plura, quam erat necesse, doctissimi homines otio nimio et ingeniis uberrimis adfluentes curanda sibi esse ac quaerenda et investiganda duxerunt. Nam vetus quidem illa doctrina eadem videtur et recte faciendi et bene dicendi magistra; neque disiuncti doctores, sed eidem erant vivendi praeceptores atque dicendi, ut ille apud Homerum Phoenix, qui se a Peleo patre Achilli iuveni comitem esse datum dicit ad bellum, ut efficeret oratorem verborum actoremque rerum. [58] Sed ut homines labore adsiduo et cotidiano adsueti, cum tempestatis causa

opere prohibentur, ad pilam se aut ad talos aut ad tesseras conferunt aut etiam novum sibi ipsi aliquem excogitant in otio ludum, sic illi a negotiis publicis tamquam ab opere aut temporibus exclusi aut voluntate sua feriati totos se alii ad poetas, alii ad geometras, alii ad musicos contulerunt, alii etiam, ut dialectici, novum sibi ipsi studium ludumque pepererunt atque in eis artibus, quae repertae sunt, ut puerorum mentes ad humanitatem fingerentur atque virtutem, omne tempus atque aetates suas consumpserunt.

[XVI] [59] Sed quod erant quidam eique multi, qui aut in re publica propter ancipitem, quae non potest esse seiuncta, faciendi dicendique sapientiam florerent, ut Themistocles, ut Pericles, ut Theramenes, aut, qui minus ipsi in re publica versarentur, sed huius tamen eiusdem sapientiae doctores essent, ut Gorgias, Thrasymachus, Isocrates, inventi sunt, qui, cum ipsi doctrina et ingeniis abundarent, a re autem civili et a negotiis animi quodam iudicio abhorrerent, hanc dicendi exercitationem exagitarent atque contemnerent; quorum princeps Socrates fuit. [60] Is qui omnium eruditorum testimonio totiusque iudicio Graeciae cum prudentia et acumine et venustate et subtilitate tum vero eloquentia, varietate, copia, quam se cumque in partem dedisset omnium fuit facile princeps, eisque, qui haec, quae nunc nos quaerimus, tractarent, agerent, docerent, cum nomine appellarentur uno, quod omnis rerum optimarum cognitio atque in eis exercitatio philosophia nominaretur, hoc commune nomen eripuit sapienterque sentiendi et ornate dicendi scientiam re cohaerentis disputationibus suis separavit; cuius ingenium variosque sermones immortalitati scriptis suis Plato tradidit, cum ipse litteram Socrates nullam reliquisset. [61] Hinc discidium illud exstitit quasi linguae atque cordis, absurdum sane et inutile et reprehendendum, ut alii nos sapere, alii dicere docerent. Nam cum essent plures orti fere a Socrate, quod ex illius variis et diversis et in omnem partem diffusis disputationibus alius aliud apprehenderat, proseminatae sunt quasi familiae dissentientes inter se et multum disiunctae et dispares, cum tamen omnes se philosophi Socraticos et dici vellent et esse arbitrarentur.

[XVII] [62] Ac primo ab ipso Platone Aristoteles et Xenocrates, quorum alter Peripateticorum, alter Academiae nomen obtinuit, deinde ab Antisthene, qui patientiam et duritiam in Socratico

sermone maxime adamarat, Cynici primum, deinde Stoici, tum ab Aristippo, quem illae magis voluptariae disputationes delectarant, Cyrenaica philosophia manavit, quam ille et eius posteri simpliciter defenderunt, hi, qui nunc voluptate omnia metiuntur, dum verecundius id agunt, nec dignitati satis faciunt, quam non aspernantur, nec voluptatem tuentur, quam amplexari volunt. Fuerunt etiam alia genera philosophorum, qui se omnes fere Socraticos esse dicebant, Eretricorum, Erilliorum, Megaricorum, Pyrrhoneorum; sed ea horum vi et disputationibus sunt iam diu fracta et exstincta. [63] Ex illis autem quae remanent, ea philosophia, quae suscepit patrocinium voluptatis, etsi cui vera videatur? procul abest tamen ab eo viro, quem quaerimus et quem auctorem publici consili et regendae civitatis ducem et sententiae atque eloquentiae principem in senatu, in populo, in causis publicis esse volumus. Nec ulla tamen ei philosophiae fiet iniuria a nobis; non enim repelletur inde, quo adgredi cupiet, sed in hortulis quiescet suis, ubi vult, ubi etiam recubans molliter et delicate nos avocat a Rostris, a iudiciis, a curia, fortasse sapienter, hac praesertim re publica. [64] Verum ego non quaero nunc, quae sit philosophia verissima, sed quae oratori coniuncta maxime; qua re istos sine ulla contumelia dimittamus; sunt enim et boni viri et, quoniam sibi ita videntur, beati; tantumque eos admoneamus, ut illud, etiam si est verissimum, tacitum tamen tamquam mysterium teneant, quod negant versari in re publica esse sapientis; nam si hoc nobis atque optimo cuique persuaserint, non poterunt ipsi esse, id quod maxime cupiunt, otiosi.

[XVIII] [65] Stoicos autem, quos minime improbo, dimitto tamen nec eos iratos vereor, quoniam omnino irasci nesciunt; atque hanc eis habeo gratiam, quod soli ex omnibus eloquentiam virtutem ac sapientiam esse dixerunt. Sed nimirum est in his, quod ab hoc, quem instruimus oratore, valde abhorreat; vel quod omnis, qui sapientes non sint, servos, latrones, hostis, insanos esse dicunt, neque tamen quemquam esse sapientem: valde autem est absurdum ei contionem aut senatum aut ullum coetum hominum committere, cui nemo illorum, qui adsint, sanus, nemo civis, nemo liber esse videatur. [66] Accedit quod orationis etiam genus habent fortasse subtile et certe acutum, sed, ut in oratore, exile, inusitatum, abhorrens ab auribus vulgi, obscurum, inane, ieiunum, ac tamen eius modi, quo uti ad

vulgus nullo modo possit: alia enim et bona et mala videntur Stoicis et ceteris civibus vel potius gentibus; alia vis honoris, ignominiae, praemi, supplici; vere an secus nihil ad hoc tempus; sed ea si sequamur, nullam umquam rem dicendo expedire possimus. [67] Reliqui sunt Peripatetici et Academici; quamquam Academicorum nomen est unum, sententiae duae; nam Speusippus Platonis sororis filius et Xenocrates, qui Platonem audierat, et qui Xenocratem Polemo et Crantor, nihil ab Aristotele, qui una audierat Platonem, magno opere dissensit; copia fortasse et varietate dicendi pares non fuerunt: Arcesilas primum, qui Polemonem audierat, ex variis Platonis libris sermonibusque Socraticis hoc maxime adripuit, nihil esse certi quod aut sensibus aut animo percipi possit; quem ferunt eximio quodam usum lepore dicendi aspernatum esse omne animi sensusque iudicium primumque instituisse - quamquam id fuit Socraticum maxime - non quid ipse sentiret ostendere, sed contra id, quod quisque se sentire dixisset, disputare. [68] Hinc haec recentior Academia manavit, in qua exstitit divina quadam celeritate ingeni dicendique copia Carneades; cuius ego etsi multos auditores cognovi Athenis, tamen auctores certissimos laudare possum et socerum meum Scaevolam, qui cum Romae audivit adulescens, et Q. Metellum L. F. familiarem meum, clarissimum virum, qui illum a se adulescente Athenis iam adfectum senectute multos dies auditum esse dicebat.

[XIX] [69] Haec autem, ut ex Appennino fluminum, sic ex communi sapientiae iugo sunt doctrinarum facta divortia, ut philosophi tamquam in superum mare [Ionium] defluerent Graecum quoddam et portuosum, oratores autem in inferum hoc, Tuscum et barbarum, scopulosum atque infestum laberentur, in quo etiam ipse Vlixes errasset. [70] Qua re, si hac eloquentia atque hoc oratore contenti sumus, qui sciat aut negare oportere, quod arguare, aut, si id non possis, tum ostendere, quod is fecerit, qui insimuletur, aut recte factum aut alterius culpa aut iniuria aut ex lege aut non contra legem aut imprudentia aut necessario, aut non eo nomine usurpandum, quo arguatur, aut non ita agi, ut debuerit ac licuerit; et, si satis esse putatis ea, quae isti scriptores artis docent, discere, quae multo tamen ornatius, quam ab illis dicuntur, et uberius explicavit Antonius - sed, si his contenti estis atque eis etiam, quae dici voluistis a me, ex

ingenti quodam oratorem immensoque campo in exiguum sane gyrum compellitis. [71] Sin veterem illum Periclem aut hunc etiam, qui familiarior nobis propter scriptorum multitudinem est, Demosthenem sequi vultis et si illam praeclaram et eximiam speciem oratoris perfecti et pulcritudinem adamastis, aut vobis haec Carneadia aut illa Aristotelia vis comprehendenda est. [72] Namque, ut ante dixi, veteres illi usque ad Socratem omnem omnium rerum, quae ad mores hominum, quae ad vitam, quae ad virtutem, quae ad rem publicam pertinebant, cognitionem et scientiam cum dicendi ratione iungebant; postea dissociati, ut eui, a Socrate [diserti a doctis] et deinceps a Socraticis item omnibus philosophi eloquentiam despexerunt, oratores sapientiam, neque quicquam ex alterius parte tetigerunt, nisi quod illi ab his aut ab illis hi mutuarentur; ex quo promisce haurirent, si manere in pristina communione voluissent. [73] Sed ut pontifices veteres propter sacrificiorum multitudinem tris viros epulones esse voluerunt, cum essent ipsi a Numa, ut etiam illud ludorum epulare sacrificium facerent, instituti, sic Socratici it se causarum actores et a communi philosophiae nomine separaverunt, cum veteres dicendi et intellegendi mirificam societatem esse voluissent.

[XX] [74] Quae cum ita sint, paululum equidem de me deprecabor et petam a vobis, ut ea, quae dicam, non de memet ipso, sed de oratore dicere putetis. Ego enim sum is, qui cum summo studio patris in pueritia doctus essem et in forum ingeni tantum, quantum ipse sentio, non tantum, quantum [ipse] forsitan vobis videar, detulissem, non possim dicere me haec, quae nunc complector, perinde, ut dicam discenda esse, didicisse; quippe qui omnium maturrime ad publicas causas accesserim annosque natus unum et viginti nobilissimum hominem et eloquentissimum in iudicium vocarim; cui disciplina fuerit forum, magister usus et leges et instituta Populi Romani mosque maiorum. [75] Paulum sitiens istarum artium, de quibus loquor, gustavi, quaestor in Asia cum essem, aequalem fere meum ex Academia rhetorem nactus, Metrodorum illum, de cuius memoria commemoravit Antonius; et inde decedens Athenis, ubi ego diutius essem moratus, nisi Atheniensibus, quod mysteria non referrent, ad quae biduo serius veneram, suscensuissem; qua re hoc, quod complector tantam scientiam vimque doctrinae, non modo non pro

me, sed contra me est potius - non enim quid ego, sed quid orator possit disputo - atque hos omnis, qui artis rhetoricas exponunt, perridiculos; scribunt enim de litium genere et de principiis et de narrationibus; [76] illa vis autem eloquentiae tanta est, ut omnium rerum, virtutum, officiorum omnisque naturae, quae mores hominum, quae animos, quae vitam continet, originem, vim mutationesque teneat, eadem mores, leges, iura describat, rem publicam regat, omniaque, ad quamcumque rem pertineant, ornate copioseque dicat. [77] In quo genere nos quidem versamur tantum quantum possumus, quantum ingenio, quantum mediocri doctrina, quantum usu valemus; neque tamen istis, qui in una philosophia quasi tabernaculum vitae suae conlocarunt, multum sane in disputatione concedimus.

[XXI] [78] Quid enim meus familiaris C. Velleius adferre potest, quam ob rem voluptas sit summum bonum, quod ego non copiosius possim vel tutari, si velim, vel refellere ex illis locis, quos euit Antonius, hac dicendi exercitatione, in qua Velleius est rudis, unus quisque nostrum versatus? Quid est, quod aut Sex. Pompeius aut duo Balbi aut meus amicus, qui cum Panaetio vixit, M. Vigellius de virtute hominum Stoici possint dicere, qua in disputatione ego his debeam aut vestrum quisquam concedere? [79] Non est enim philosophia similis artium reliquarum: nam quid faciet in geometria qui non didicerit? Quid in musicis? Aut taceat oportebit aut ne sanus quidem iudicetur. Haec vero, quae sunt in philosophia, ingeniis eruuntur ad id, quod in quoque veri simile est, eliciendum acutis atque acribus eaque exercitata oratione poliuntur. Hic noster vulgaris orator, si minus erit doctus, at tamen in dicendo exercitatus, hac ipsa exercitatione communi istos quidem [nostros] verberabit neque se ab eis contemni ac despici sinet; [80] sin aliquis exstiterit aliquando, qui Aristotelio more de omnibus rebus in utramque partem possit dicere et in omni causa duas contrarias orationes, praeceptis illius cognitis, explicare aut hoc Arcesilae modo et Carneadi contra omne, quod propositum sit, disserat, quique ad eam rationem adiungat hunc [rhetoricum] usum [moremque] exercitationemque dicendi, is sit verus, is perfectus, is solus orator. Nam neque sine forensibus nervis satis vehemens et gravis nec sine varietate doctrinae satis politus et sapiens esse orator potest. [81] Qua re Coracem istum veterem patiamur nos quidem pullos suos excludere in nido, qui evolent

clamatores odiosi ac molesti, Pamphilumque nescio quem sinamus in infulis tantam rem tamquam puerilis delicias aliquas depingere; nosque ipsi hac tam exigua disputatione hesterni et hodierni diei totum oratoris munus explicemus, dum modo illa res tanta sit, ut omnibus philosophorum libris, quos nemo [oratorum] istorum umquam attigit, comprehensa esse videatur."

[XXII] [82] Tum Catulus "haudquaquam hercule" inquit "Crasse, mirandum est esse in te tantam dicendi vel vim vel suavitatem vel copiam; quem quidem antea natura rebar ita dicere, ut mihi non solum orator summus, sed etiam sapientissimus homo viderere; nunc intellego illa te semper etiam potiora duxisse, quae ad sapientiam spectarent, atque ex his hanc dicendi copiam fluxisse. Sed tamen cum omnis gradus aetatis recordor tuae cumque vitam tuam ac studia considero, neque, quo tempore ista didiceris, video, nec magno opere te istis studiis, hominibus, libris intellego deditum. Neque tamen possum statuere, utrum magis mirer te illa, quae mihi persuades maxima esse adiumenta, potuisse in tantis tuis occupationibus perdiscere? an, si non potueris, posse isto modo dicere." [83] Hic Crassus "hoc tibi" inquit "Catule, primum persuadeas velim, me non multo secus facere, cum de oratore disputem, ac facerem, si esset mihi de histrione dicendum. Negarem enim posse eum satis facere in gestu, nisi palaestram, nisi saltare didicisset; neque, ea cum dicerem, me esse histrionem necesse esset, sed fortasse non stultum alieni artifici existimatorem. [84] Similiter nunc de oratore vestro impulsu loquor, summo scilicet; semper enim, quacumque de arte aut facultate quaeritur, de absoluta et perfecta quaeri solet. Qua re si iam me vultis esse oratorem, si etiam sat bonum, si bonum denique, non repugnabo; quid enim nunc sim ineptus? Ita me existimari scio: quod si ita est, summus tamen certe non sum; neque enim apud homines res est ulla difficilior neque maior neque quae plura adiumenta doctrinae desideret. [85] Ac tamen, quoniam de oratore nobis disputandum est, de summo oratore dicam necesse est; vis enim et natura rei, nisi perfecta ante oculos ponitur, qualis et quanta sit intellegi non potest. Me autem, Catule, fateor neque hodie in istis libris et cum istis hominibus vivere nec vero, id quod tu recte commeministi, ullum umquam habuisse sepositum tempus ad discendum ac tantum tribuisse doctrinae temporis, quantum mihi

puerilis aetas, forenses feriae concesserint.

[XXIII] [86] Ac, si quaeris, Catule, de doctrina ista quid ego sentiam, non tantum ingenioso homini et ei, qui forum, qui curiam, qui causas, qui rem publicam spectet, opus esse arbitror temporis, quantum sibi ei sumpserunt, quos discentis vita defecit: omnes enim artes aliter ab eis tractantur, qui eas ad usum transferunt, aliter ab eis, qui ipsarum artium tractatu delectati nihil in vita sunt aliud acturi. Magister hic Samnitium summa iam senectute est et cotidie commentatur, nihil enim curat aliud: at Q. Velocius puer addidicerat, sed quod erat aptus ad illud totumque cognorat, fuit, ut est apud Lucilium, quamvis bonus ipse Samnis in ludo ac rudibus cuivis satis asper; sed plus operae foro tribuebat, amicis, rei familiari. Valerius cotidie cantabat; erat enim scaenicus: quid faceret aliud? [87] At Numerius Furius, noster familiaris, cum est commodum, cantat; est enim paterfamilias, est eques Romanus; puer didicit quod discendum fuit. Eadem ratio est harum artium maximarum; dies et noctis virum summa virtute et prudentia videbamus, philosopho cum operam daret, Q. Tuberonem; at eius avunculum vix intellegeres id agere, cum ageret tamen, Africanum. Ista discuntur facile? si et tantum sumas, quantum opus sit, et habeas qui docere fideliter possit et scias etiam ipse discere; [88] sed si tota vita nihil velis aliud agere, ipsa tractatio et quaestio cotidie ex se gignit aliquid, quod cum desidiosa delectatione vestiges. Ita fit, ut agitatio rerum sit infinita, cognitio facilis, si usus doctrinam confirmet, mediocris opera tribuatur, memoria studiumque permaneat. Libet autem semper discere; ut si velim ego talis optime ludere aut pilae studio tenear, etiam fortasse, si adsequi non possim; at alii, quia praeclare faciunt, vehementius, quam causa postulat, delectantur, ut Titius pila, Brulla talis. [89] Qua re nihil est quod quisquam magnitudinem artium ex eo, quod senes discunt, pertimescat, namque aut senes ad eas accesserunt aut usque ad senectutem in studiis detinentur aut sunt tardissimi; res quidem se mea sententia sic habet, ut nisi quod quisque cito potuerit, numquam omnino possit perdiscere."

[XXIV] [90] "Iam, iam," inquit Catulus "intellego, Crasse, quid dicas; et hercule adsentior; satis video tibi homini ad perdiscendum acerrimo ad ea cognoscenda, quae dicis, fuisse temporis." "Pergisne" inquit Crassus "me, quae dicam, de me, non de re putare dicere? Sed

iam, si placet, ad instituta redeamus." "Mihi vero" Catulus inquit "placet."

[91] Tum Crassus “quorsum igitur haec spectat” inquit “tam longa et tam alte repetita oratio? Hae duae partes, quae mihi supersunt, inlustrandae orationis ac totius eloquentiae cumulandae, quarum altem dici postulat ornate, altera apte, hanc habent vim, ut sit quam maxime iucunda, quam maxime in sensus eorum, qui audiunt, influat et quam plurimis sit rebus instructa; [92] instrumentum autem hoc forense, litigiosum, acre, tractum ex vulgi opinionibus exiguum saneque mendicum est; illud rursus ipsum, quod tradunt isti, qui profitentur se dicendi magistros, non multum est maius quam illud vulgare ac forense: apparatu nobis opus est et rebus exquisitis, undique conlectis, arcessitis, comportatis, ut tibi, Caesar, faciendum est ad annum; ut ego in aedilitate laboravi, quod cotidianis et vernaculis rebus satis facere me posse huic populo non putabam. [93] Verborum eligendorum et conlocandorum et concludendorum facilis est vel ratio vel sine ratione ipsa exercitatio; rerum est silva magna, quam cum Graeci iam non tenerent ob eamque causam iuventus nostra dedisceret paene discendo, etiam Latini, si dis placet, hoc biennio magistri dicendi exstiterunt; quos ego censor edicto meo sustuleram, non quo, ut nescio quos dicere aiebant, acui ingenia adulescentium nollem, sed contra ingenia obtundi nolui, conroborari impudentiam. [94] Nam apud Graecos, cuicuimodi essent, videbam tamen esse praeter hanc exercitationem linguae doctrinam aliquam et humanitate dignam scientiam, hos vero novos magistros nihil intellegebam posse docere, nisi ut auderent; quod etiam cum bonis rebus coniunctum per se ipsum est magno opere fugiendum: hoc cum unum traderetur et cum impudentiae ludus esset, putavi esse censoris, ne longius id serperet, providere. [95] Quamquam non haec ita statuo atque decerno, ut desperem Latine ea, de quibus disputavimus, tradi ac perpoliri posse, patitur enim et lingua nostra et natura rerum veterem illam excellentemque prudentiam Graecorum ad nostrum usum moremque transferri, sed hominibus opus est eruditis, qui adhuc in hoc quidem genere nostri nulli fuerunt; sin quando exstiterint, etiam Graecis erunt anteponendi.

[XXV] [96] Ornatur igitur oratio genere primum et quasi colore quodam et suco suo; nam ut gravis, ut suavis, ut erudita sit, ut liberalis, ut admirabilis, ut polita, ut sensus, ut doloris habeat

quantum opus sit, non est singulorum articulorum; in toto spectantur haec corpore. Vt porro conspersa sit quasi verborum sententiarumque floribus, id non debet esse fusum aequabiliter per omnem orationem, sed ita distinctum, ut sint quasi in ornatu disposita quaedam insignia et lumina. [97] Genus igitur dicendi est eligendum, quod maxime teneat eos, qui audiant, et quod non solum delectet, sed etiam sine satietate delectet; non enim a me iam exspectari puto, ut moneam, ut caveatis, ne exilis, ne inculta sit vestra oratio, ne vulgaris, ne obsoleta; aliud quiddam maius et ingenia me hortantur vestra et aetates. [98] Difficile enim dictu est, quaenam causa sit, cur ea, quae maxime sensus nostros impellunt voluptate et specie prima acerrime commovent, ab eis celerrime fastidio quodam et satietate abalienemur. Quanto colorum pulcritudine et varietate floridiora sunt in picturis novis pleraque quam in veteribus! Quae tamen, etiam si primo aspectu nos ceperunt, diutius non delectant; cum eidem nos in antiquis tabulis illo ipso horrido obsoletoque teneamur. Quanto molliores sunt et delicatiores in cantu flexiones et falsae voculae quam certae et severae! Quibus tamen non modo austeri, sed, si saepius fiunt, multitudo ipsa reclamat. [99] Licet hoc videre in reliquis sensibus unguentis minus diu nos delectari summa et acerrima suavitate conditis quam his moderatis, et magis laudari quod terram quam quod crocum olere videatur; in ipso tactu esse modum et mollitudinis et levitatis. Quin etiam gustatus, qui est sensus ex omnibus maxime voluptarius quique dulcitudine praeter ceteros sensus commovetur, quam cito id, quod valde dulce est, aspernatur ac respuit! Quis potione uti aut cibo dulci diutius potest? Cum utroque in genere ea, quae leviter sensum voluptate moveant, facillime fugiant satietatem. [100] Sic omnibus in rebus voluptatibus maximis fastidium finitimum est; quo hoc minus in oratione miremur in qua vel ex poetis vel oratoribus possumus iudicare concinnam, distinctam, ornatam, festivam, sine intermissione, sine reprehensione, sine varietate, quamvis claris sit coloribus picta vel poesis vel oratio, non posse in delectatione esse diuturna. Atque eo citius in oratoris aut in poetae cincinnis ac fuco offenditur, quod sensus in nimia voluptate natura, non mente satiantur; in scriptis et in dictis non aurium solum, sed animi iudicio etiam magis infucata vitia noscuntur.

[XXVI] [101] Qua re “bene et praeclare” quamvis nobis saepe dicatur; “belle et festive” nimium saepe nolo; quamquam illa ipsa exclamatio “non potest melius” sit velim crebra; sed habeat tamen illa in dicendo admiratio ac summa laus umbram aliquam et recessum, quo magis id, quod erit inluminatum, exstare atque eminere videatur. [102] Numquam agit hunc versum Roscius eo gestu, quo potest: nam sapiens virtuti honorem praemium, haud praedam petit: sed abicit prorsus, ut in proximo: set quid video? Ferro saeptus possidet sedis sacras, incidat, aspiciat, admiretur, stupescat. Quid, ille alter quid petam praesidi? Quam leniter, quam remisse, quam non actuose! Instat enim o pater, o patria, o Priami domus! In quo tanta commoveri actio non posset, si esset consumpta superiore motu et exhausta. Neque id actores prius viderunt quam ipsi poetae, quam denique illi etiam, qui fecerunt modos, a quibus utrisque summittitur aliquid, deinde augetur, extenuatur, inflatur, variatur, distinguitur. [103] Ita sit nobis igitur ornatus et suavis orator - nec tamen potest aliter esse - ut suavitatem habeat austeram et solidam, non dulcem atque decoctam. Nam ipsa ad ornandum praecepta, quae dantur, eius modi sunt, ut ea quivis vel vitiosissimus orator explicare possit; qua re, ut ante dixi, primum silva rerum [ac sententiarum] comparanda est, qua de parte dixit Antonius; haec formanda filo ipso et genere orationis, inluminanda verbis, varianda sententiis.

[104] Summa autem laus eloquentiae est amplificare rem ornando, quod valet non solum ad augendum aliquid et tollendum altius dicendo, sed etiam ad extenuandum atque abiciendum.

[XXVII] Id desideratur omnibus eis in locis, quos ad fidem orationis faciendam adhiberi dixit Antonius, vel cum explanamus aliquid vel cum conciliamus animos vel cum concitamus; [105] sed in hoc, quod postremum dixi, amplificatio potest plurimum, eaque una laus oratoris est [et] propria maxime. Etiam maior est illa exercitatio quam extremo sermone instruxit Antonius, primo reiciebat, laudandi et vituperandi; nihil est enim ad exaggerandam et amplificandam orationem accommodatius, quam utrumque horum cumulatissime facere posse. [106] Consequentur etiam illi loci, qui quamquam proprii causarum et inhaerentes in earum nervis esse debent, tamen quia de universa re tractari solent, communes a veteribus nominati sunt; quorum partim habent vitiorum et peccatorum acrem quandam cum

amplificatione incusationem aut querelam, contra quam dici nihil solet nec potest, ut in depeculatorem, in proditorem, in parricidam; quibus uti confirmatis criminibus oportet, aliter enim ieiuni sunt atque inanes; [107] alii autem habent deprecationem aut miserationem; alii vero ancipitis disputationes, in quibus de universo genere in utramque partem disseri copiose licet. Quae exercitatio nunc propria duarum philosophiarum, de quibus ante dixi, putatur, apud antiquos erat eorum, a quibus omnis de rebus forensibus dicendi ratio et copia petebatur; de virtute enim, de officio, de aequo et bono, de dignitate, utilitate, honore, ignominia, praemio, poena similibusque de rebus in utramque partem dicendi etiam nos et vim et artem habere debemus. [108] Sed quoniam de nostra possessione depulsi in parvo et eo litigioso praediolo relicti sumus et aliorum patroni nostra tenere tuerique non potuimus, ab eis, quod indignissimum est, qui in nostrum patrimonium inruperunt, quod opus est nobis mutuemur.

[XXVIII] [109] Dicunt igitur nunc quidem illi, qui ex particula parva urbis ac loci nomen habent et Peripatetici philosophi aut Academici nominantur, olim autem propter eximiam rerum maximarum scientiam a Graecis politici philosophi appellati universarum rerum publicarum nomine vocabantur, omnem civilem orationem in horum alterutro genere versari: aut de finita controversia certis temporibus ac reis; hoc modo: placeatne a Karthaginiensibus captivos nostros redditis suis recuperari? Aut infinite de universo genere quaerentis: quid omnino de captivo statuendum ac sentiendum sit? Atque horum superius illud genus causam aut controversiam appellant eamque tribus, lite aut deliberatione aut laudatione, definiunt; haec autem altera quaestio infinita et quasi proposita consultatio nominatur. [110] Atque [hactenus loquantur] etiam hac in instituendo divisione utuntur, sed ita, non ut iure aut iudicio, vi denique recuperare amissam possessionem, sed ut [iure civili] surculo defringendo usurpare videantur. Nam illud alterum genus, quod est temporibus, locis, reis definitum, obtinent, atque id ipsum lacinia - nunc enim apud Philonem, quem in Academia [maxime] vigere audio, etiam harum iam causarum cognitio exercitatioque celebratur - alterum vero tantum modo in prima arte tradenda nominant et oratoris esse dicunt; sed neque vim neque naturam eius nec partis nec genera proponunt, ut praeteriri omnino fuerit satius quam attactum deseri;

nunc enim inopia reticere intelleguntur, tum iudicio viderentur.

[XXIX] [111] Omnis igitur res eandem habet naturam ambigendi, de qua quaeri et disceptari potest, sive in infinitis consultationibus disceptatur sive in eis causis, quae in civitate et forensi disceptatione versantur; neque est ulla, quae non aut ad cognoscendi aut ad agendi vim rationemque referatur; [112] nam aut ipsa cognitio rei scientiaque perquiritur, ut virtus suamne propter dignitatem an propter fructum aliquem expetatur; aut agendi consilium exquiritur, ut sitne sapienti capessenda res publica. [113] Cognitionis autem tres modi, coniectura, definitio et, ut ita dicam, consecutio: nam quid in re sit, coniectura quaeritur, ut illud, sitne in humano genere sapientia, quam autem vim quaeque res habeat, definitio explicat, ut si quaeratur, quid sit sapientia; consecutio autem tractatur, cum quid quamque rem sequatur, anquiritur, ut illud, sitne aliquando mentiri boni viri. [114] Redeunt rursus ad coniecturam eamque in quattuor genera dispertiunt; nam aut quid sit quaeritur, hoc modo: naturane sit ius inter homines an in opinionibus; aut, quae sit origo cuiusque rei, ut quod sit initium legum aut rerum publicarum; aut causa et ratio, ut si quaeratur, cur doctissimi homines de maximis rebus dissentiant; aut de immutatione, ut, si disputetur, num interire virtus in homine aut num in vitium possit convertere. [115] Definitionis autem sunt disceptationes aut, cum quaeritur, quid in communi mente quasi impressum sit, ut si disseratur, idne sit ius, quod maximae parti sit utile; aut, cum quid cuiusque sit proprium exquiritur, ut ornate dicere propriumne sit oratoris an id etiam aliquis praeterea facere possit, aut? cum res distribuitur in partis, ut si quaeratur, quot sint genera rerum expetendarum, ut sintne tria, corporis, animi externarumque rerum, aut, cum, quae forma et quasi naturalis nota cuiusque sit, describitur, ut si quaeratur avari species, seditiosi, gloriosi. [116] Consecutionis autem duo prima quaestionum genera ponuntur; nam aut simplex est disceptatio, ut si disseratur, expetendane sit gloria, aut ex comparatione, laus an divitiae magis expetendae sint; simplicium autem sunt tres modi: de expetendis fugiendisve rebus, ut expetendine honores sint, num fugienda paupertas; de aequo aut iniquo, ut aequumne sit ulcisci iniurias etiam propinquorum; de honesto aut turpi, ut hoc, sitne honestum gloriae causa mortem obire. [117] Comparationis autem duo sunt modi: unus, cum idemne sit an

aliquid intersit quaeritur; ut metuere et vereri, ut rex et tyrannus, ut adsentator et amicus; alter, cum quid praestet aliud alii quaeritur, ut illud, optimine cuiusque sapientes an populari laude ducantur. Atque eae quidem disceptationes, quae ad cognitionem referuntur, sic fere a doctissimis hominibus describuntur.

[XXX] [118] Quae vero referuntur ad agendum, aut in offici disceptatione versantur, quo in genere quid rectum faciendumque sit quaeritur, cui loco omnis virtutum et vitiorum est silva subiecta, aut in animorum aliqua permotione aut gignenda aut sedanda tollendave tractantur. Huic generi subiectae sunt cohortationes, obiurgationes, consolationes, miserationes omnisque ad omnem animi motum et impulsio et, si ita res feret, mitigatio. [119] Explicatis igitur his generibus ac modis disceptationum omnium nihil sane ad rem pertinet, si qua in re discrepavit ab Antoni divisione nostra partitio: eadem sunt membra in utriusque disputatione, sed paulo secus a me atque ab illo partita ac tributa. Nunc ad reliqua progrediar meque ad meum munus pensumque revocabo. Nam ex illis locis, quos euit Antonius, omnia sunt ad quaeque genera quaestionum argumenta sumenda; sed aliis generibus alii loci magis erunt apti; de quo non tam quia longum est quam quia perspicuum est, dici nihil est necesse. [120] Ornatissimae sunt igitur orationes eae, quae latissime vagantur et a privata [et a singulari] controversia se ad universi generis vim explicandam conferunt et convertunt, ut ei, qui audiant, natura et genere et universa re cognita de singulis reis et criminibus et litibus statuere possint. [121] Hanc ad consuetudinem exercitationis vos, adulescentes, est cohortatus Antonius atque a minutis angustisque concertationibus ad omnem vim varietatemque vos disserendi traducendos putavit; qua re non est paucorum libellorum hoc munus, ut ei, qui scripserunt de dicendi ratione, arbitrantur, neque Tusculani atque huius ambulationis antemeridianae aut nostrae posmeridianae sessionis; non enim solum acuenda nobis neque procudenda lingua est, sed onerandum complendumque pectus maximarum rerum et plurimarum suavitate, copia, varietate.

[XXXI] [122] Nostra est enim - si modo nos oratores, si in civium disceptationibus, si in periculis, si in deliberationibus publicis adhibendi auctores et principes sumus - nostra est, inquam, omnis ista prudentiae doctrinaeque possessio, in quam homines quasi

caducam atque vacuam abundantes otio, nobis occupatis, involaverunt atque etiam aut inridentes oratorem, ut ille in Gorgia Socrates, cavillantur aut aliquid de oratoris arte paucis praecipiunt libellis eosque rhetoricos inscribunt, quasi non illa sint propria rhetorum, quae ab eisdem de iustitia, de officio, de civitatibus instituendis et regendis, de omni vivendi denique etiam de naturae ratione dicuntur. [123] Quae quoniam iam aliunde non possumus, sumenda sunt nobis ab eis ipsis, a quibus expilati sumus; dum modo illa ad hanc civilem scientiam, quo pertinent et quam intuentur, transferamus, neque, ut ante dixi, omnem teramus in his discendis rebus aetatem; sed cum fontis viderimus, quos nisi qui celeriter cognorit, numquam cognoscet omnino, tum, quotienscumque opus erit, ex eis tantum, quantum res petet, hauriemus; [124] nam neque tam est acris acies in naturis hominum et ingeniis, ut res tantas quisquam nisi monstratas possit videre, neque tanta tamen in rebus obscuritas, ut eas non penitus acri vir ingenio cernat, si modo aspexerit. In hoc igitur tanto tam immensoque campo cum liceat oratori vagari libere atque ubicumque constiterit, consistere in suo, facile suppeditat omnis apparatus ornatusque dicendi; [125] rerum enim copia verborum copiam gignit; et, si est honestas in rebus ipsis, de quibus dicitur, exsistit ex re naturalis quidam splendor in verbis. Sit modo is, qui dicet aut scribet, institutus liberaliter educatione doctrinaque puerili et flagret studio et a natura adiuvetur et in universorum generum infinitis disceptationibus exercitatus ornatissimos scriptores oratoresque ad cognoscendum imitandumque delegerit, ne ille haud sane, quem ad modum verba struat et inluminet, a magistris istis requiret; ita facile in rerum abundantia ad orationis ornamenta sine duce natura ipsa, si modo est exercitata, delabitur."

[XXXII] [126] Hic Catulus "di immortales," inquit "quantam rerum varietatem, quantam vim, quantam copiam, Crasse, complexus es quantisque ex angustiis oratorem educere ausus es et in maiorum suorum regno conlocare! Namque illos veteres doctores auctoresque dicendi nullum genus disputationis a se alienum putasse accepimus semperque esse in omni orationis ratione versatos; [127] ex quibus Elius Hippias, cum Olympiam venisset maxima illa quinquennali celebritate ludorum, gloriatus est cuncta paene audiente Graecia nihil esse ulla in arte rerum omnium quod ipse nesciret; nec solum has

artis, quibus liberales doctrinae atque ingenuae continerentur, geometriam, musicam, litterarum cognitionem et poetarum atque illa, quae de naturis rerum, quae de hominum moribus, quae de rebus publicis dicerentur, se tenere sed anulum, quem haberet, pallium, quo amictus, soccos, quibus indutus esset, [se] sua manu confecisse. [128] Scilicet nimis hic quidem est progressus, sed ex eo ipso est coniectura facilis, quantum sibi illi oratores de praeclarissimis artibus appetierint, qui ne sordidiores quidem repudiarint. Quid de Prodico Cio, de Thrasymacho Calchedonio, de Protagora Abderita loquar? Quorum unus quisque plurimum ut temporibus illis etiam de natura rerum et disseruit et scripsit. [129] Ipse ille Leontinus Gorgias, quo patrono, ut Plato voluit, philosopho succubuit orator, qui aut non est victus umquam a Socrate neque sermo ille Platonis verus est; aut, si est victus, eloquentior videlicet fuit et disertior Socrates et, ut tu appellas, copiosior et melior orator - sed hic in illo ipso Platonis libro de omni re, quaecumque in disceptationem quaestionemque vocetur, se copiosissime dicturum esse profitetur; isque princeps ex omnibus ausus est in conventu poscere qua de re quisque vellet audire; cui tantus honos habitus est a Graecia, soli ut ex omnibus Delphis non inaurata statua sed aurea statueretur. [130] Sed hi, quos nominavi, multique praeterea summique dicendi doctores uno tempore fuerunt; ex quibus intellegi potest ita se rem habere, ut tu, Crasse, dicis, oratorisque nomen apud antiquos in Graecia maiore quadam vel copia vel gloria floruisse. [131] Quo quidem magis dubito tibine plus laudis an Graecis vituperationis statuam esse tribuendum: cum tu in alia lingua ac moribus natus occupatissima in civitate vel privatorum negotiis paene omnibus vel orbis terrae procuratione ac summi imperi gubernatione destrictus tantam vim rerum cognitionemque comprehenderis eamque omnem cum eius, qui consilio et oratione in civitate valeat, scientia atque exercitatione sociaris; illi nati in litteris ardentesque his studiis, otio vero diffluentes, non modo nihil acquisierint, sed ne relictum quidem et traditum et suum conservarint."

[XXXIII] [132] Tum Crassus "non in hac" inquit "una, Catule, re, sed in aliis etiam compluribus distributione partium ac separatione magnitudines sunt artium deminutae. An tu existimas, cum esset Hippocrates ille Cous, fuisse tum alios medicos, qui morbis, alios,

qui vulneribus, alios, qui oculis mederentur? Num geometriam Euclide aut Archimede, num musicam Damone aut Aristoxeno, num ipsas litteras Aristophane aut Callimacho tractante tam discerptas fuisse, ut nemo genus universum complecteretur atque ut alius aliam sibi partem in qua elaboraret seponeret? [133] Equidem saepe hoc audivi de patre et de socero meo, nostros quoque homines, qui excellere sapientiae gloria vellent, omnia, quae quidem tum haec civitas nosset, solitos esse complecti. Meminerant illi Sex. Aelium; M'. vero Manilium nos etiam vidimus transverso ambulantem foro; quod erat insigne eum, qui id faceret, facere civibus suis omnibus consili sui copiam; ad quos olim et ita ambulantis et in solio sedentis domi sic adibatur, non solum ut de iure civili ad eos, verum etiam de filia conlocanda, de fundo emendo, de agro colendo, de omni denique aut officio aut negotio referretur. [134] Haec fuit P. Crassi illius veteris, haec Ti. Coruncani, haec proavi generi mei Scipionis prudentissimi hominis sapientia, qui omnes pontifices maximi fuerunt, ut ad eos de omnibus divinis atque humanis rebus referretur; eidemque in senatu et apud populum et in causis amicorum et domi et militiae consilium suum fidemque praestabant. [135] Quid enim M. Catoni praeter hanc politissimam doctrinam transmarinam atque adventiciam defuit? Num, quia ius civile didicerat, causas non dicebat? Aut quia poterat dicere, iuris scientiam neglegebat? Vtroque in genere et elaboravit et praestitit. Num propter hanc ex privatorum negotiis conlectam gratiam tardior in re publica capessenda fuit? Nemo apud populum fortior, nemo melior senator; et idem facile optimus imperator; denique nihil in hac civitate temporibus illis sciri discive potuit, quod ille non cum investigarit et scierit tum etiam conscripserit. [136] Nunc contra plerique ad honores adipiscendos et ad rem publicam gerendam nudi veniunt atque inermes, nulla cognitione rerum, nulla scientia ornati. Sin aliquis excellit unus e multis, effert se, si unum aliquid adfert, aut bellicam virtutem aut usum aliquem militarem; quae sane nunc quidem obsoleverunt; aut iuris scientiam, ne eius quidem universi; nam pontificium, quod est coniunctum, nemo discit; aut eloquentiam, quam in clamore et in verborum cursu positam putant; omnium vero bonarum artium, denique virtutum ipsarum societatem cognationemque non norunt.

[XXXIV] [137] Sed ut ad Graecos referam orationem, quibus carere

hoc quidem in sermonis genere non possumus - nam ut virtutis a nostris, sic doctrinae sunt ab illis exempla petenda - septem fuisse dicuntur uno tempore, qui sapientes et haberentur et vocarentur: hi omnes praeter Milesium Thalen civitatibus suis praefuerunt. Quis doctior eisdem temporibus illis aut cuius eloquentia litteris instructior fuisse traditur quam Pisistrati? Qui primus Homeri libros confusos antea sic disposuisse dicitur, ut nunc habemus. Non fuit ille quidem civibus suis utilis, sed ita eloquentia floruit, ut litteris doctrinaque praestaret. [138] Quid Pericles? De cuius vi dicendi sic accepimus, ut, cum contra voluntatem Atheniensium loqueretur pro salute patriae severius, tamen id ipsum, quod ille contra popularis homines diceret, populare omnibus et iucundum videretur; cuius in labris veteres comici, etiam cum illi male dicerent (quod tum Athenis fieri licebat), leporem habitasse dixerunt tantamque in eodem vim fuisse, ut in eorum mentibus, qui audissent, quasi aculeos quosdam relinqueret. At hunc non declamator aliqui ad clepsydram latrare docuerat, sed, ut accepimus, Clazomenius ille Anaxagoras vir summus in maximarum rerum scientia: itaque hic doctrina, consilio, eloquentia excellens quadraginta annis praefuit Athenis et urbanis eodem tempore et bellicis rebus. [139] Quid Critias? Quid Alcibiades? Civitatibus quidem suis non boni, sed certe docti atque eloquentes, nonne Socraticis erant disputationibus eruditi? Quis Dionem Syracosium doctrinis omnibus expolivit? Non Plato? Atque eum idem ille non linguae solum, verum etiam animi ac virtutis magister ad liberandam patriam impulit, instruxit, armavit. Aliisne igitur artibus hunc Dionem instituit Plato, aliis Isocrates clarissimum virum Timotheum Cononis praestantissimi imperatoris filium, summum ipsum imperatorem hominemque doctissimum? Aut aliis Pythagorius ille Lysis Thebanum Epaminondam, haud scio an summum virum unum omnis Graeciae? Aut Xenophon Agesilaum? Aut Philolaus Archytam Tarentinum? Aut ipse Pythagoras totam illam veterem Italiae Graeciam, quae quondam magna vocitata est?

[XXXV] [140] Equidem non arbitror; sic enim video, unam quandam omnium rerum, quae essent homine erudito dignae atque eo, qui in re publica vellet excellere, fuisse doctrinam; quam qui accepissent, si eidem ingenio ad pronuntiandum valuissent et se ad dicendum quoque non repugnante natura dedissent, eloquentia praestitisse. [141]

Itaque ipse Aristoteles cum florere Isocratem nobilitate discipulorum videret, quod [ipse] suas disputationes a causis forensibus et civilibus ad inanem sermonis elegantiam transtulisset, mutavit repente totam formam prope disciplinae suae versumque quendam Philoctetae paulo secus dixit: ille enim turpe sibi ait esse tacere, cum barbaros, hic autem, cum Isocratem pateretur dicere; itaque ornavit et inlustravit doctrinam illam omnem rerumque cognitionem cum orationis exercitatione coniunxit. Neque vero hoc fugit sapientissimum regem Philippum, qui hunc Alexandro filio doctorem accierit, a quo eodem ille et agendi acciperet praecepta et eloquendi. [142] Nunc sive qui volet, eum philosophum, qui copiam nobis rerum orationisque tradat, per me appellet oratorem licet; sive hunc oratorem, quem ego dico sapientiam iunctam habere eloquentiae, philosophum appellare malet, non impediam; dum modo hoc constet, neque infantiam eius, qui rem norit, sed eam explicare dicendo non queat, neque inscientiam illius, cui res non suppetat, verba non desint, esse laudandam; quorum si alterum sit optandum, malim equidem indisertam prudentiam quam stultitiam loquacem; [143] sin quaerimus quid unum excellat ex omnibus, docto oratori palma danda est; quem si patiuntur eundem esse philosophum, sublata controversia est; sin eos diiungent, hoc erunt inferiores, quod in oratore perfecto inest illorum omnis scientia, in philosophorum autem cognitione non continuo inest eloquentia; quae quamvis contemnatur ab eis, necesse est tamen aliquem cumulum illorum artibus adferre videatur." Haec cum Crassus dixisset, parumper et ipse conticuit et a ceteris silentium fuit.

[XXXVI] [144] Tum Cotta "equidem," inquit "Crasse, non possum queri, quod mihi videare aliud quiddam, id quod non susceperis, disputasse; plus enim aliquanto attulisti, quam tibi erat tributum a nobis ac denuntiatum; sed certe ut eae partes fuerunt tuae, de inlustranda oratione ut diceres, et eras ipse iam ingressus atque in quattuor partis omnem orationis laudem discripseras, cum de duabus primis nobis quidem satis, sed, ut ipse dicebas, celeriter exigueque dixisses, duas tibi reliquas feceras, quem ad modum primum ornate, deinde etiam apte diceremus: [145] quo cum ingressus esses, repente te quasi quidam aestus ingeni tui procul a terra abripuit atque in altum a conspectu paene omnium abstraxit; omnem enim rerum scientiam

complexus non tu quidem eam nobis tradidisti; neque enim fuit tam exigui temporis; sed apud hos quid profeceris nescio, me quidem in Academiam totum compulisti. In qua velim sit illud, quod saepe posuisti, ut non necesse sit consumere aetatem atque ut possit is illa omnia cernere, qui tantum modo aspexerit; sed etiam si est aliquando spissius aut si ego sum tardior, profecto numquam conquiescam neque defatigabor ante, quam illorum ancipitis vias rationesque et pro omnibus et contra omnia disputandi percepero." [146] Tum Caesar "unum" inquit "me ex tuo sermone maxime, Crasse, commovit, quod eum negasti, qui non cito quid didicisset, umquam omnino posse perdiscere; ut mihi non sit difficile periclitari et aut statim percipere ista, quae tu verbis ad caelum extulisti, aut, si non potuerim, tempus non perdere, cum tamen his nostris possim esse contentus." [147] Hic Sulpicius "ego vero," inquit "Crasse, neque Aristotelem istum neque Carneadem nec philosophorum quemquam desidero. Vel me licet existimes desperare ista posse perdiscere vel, id quod facio, contemnere; mihi rerum forensium et communium vulgaris haec cognitio satis magna est ad eam, quam specto, eloquentiam; ex qua ipsa tamen permulta nescio; quae tum denique, cum causa aliqua, quae a me dicenda est, desiderat, quaero. Quam ob rem, nisi forte es iam defessus et si tibi non graves sumus, refer ad illa te, quae ad ipsius orationis laudem splendoremque pertinent; quae ego ex te audire volui, non ut desperarem me eloquentiam consequi posse, sed ut aliquid addiscerem."

[XXXVII] [148] Tum Crassus "pervulgatas res requiris" inquit "et tibi non incognitas, Sulpici: quis enim de isto genere non docuit, non instituit, non scriptum etiam reliquit? Sed geram morem et ea dumtaxat, quae mihi nota sunt, breviter exponam tibi; censebo tamen ad eos, qui auctores et inventores sunt harum sane minutarum rerum, revertendum. [149] Omnis igitur oratio conficitur ex verbis; quorum primum nobis ratio simpliciter videnda est, deinde coniuncte. Nam est quidam ornatus orationis, qui ex singulis verbis est; alius, qui ex continuatis [coniunctis] constat. Ergo utimur verbis aut eis, quae propria sunt et certa quasi vocabula rerum, paene una nata cum rebus ipsis; aut eis, quae transferuntur et quasi alieno in loco conlocantur; aut eis, quae novamus et facimus ipsi. [150] In propriis igitur est [verbis] illa laus oratoris, ut abiecta atque obsoleta fugiat, lectis atque

inlustribus utatur, in quibus plenum quiddam et sonans inesse videatur. Sed in hoc verborum genere propriorum dilectus est habendus quidam atque is aurium quodam iudicio ponderandus est; in quo consuetudo etiam bene loquendi valet plurimum. [151] Itaque hoc, quod vulgo de oratoribus ab imperitis dici solet "bonis hic verbis," aut "aliquis non bonis utitur," non arte aliqua perpenditur, sed quodam quasi naturali sensu iudicatur: in quo non magna laus est vitare vitium, quamquam est magnum, verum tamen hoc quasi solum quoddam atque fundamentum est, verborum usus et copia bonorum. [152] Sed quid ipse aedificet orator et in quo adiungat artem, id esse nobis quaerendum [atque explicandum] videtur.

[XXXVIII] Tria sunt igitur in verbo simplici, quae orator adferat ad inlustrandam atque exornandam orationem: aut inusitatum verbum aut novatum aut translatum. [153] Inusitata sunt prisca fere ac vetustate ab usu cotidiani sermonis iam diu intermissa, quae sunt poetarum licentiae liberiora quam nostrae; sed tamen raro habet etiam in oratione poeticum aliquod verbum dignitatem. Neque enim illud fugerim dicere, ut Caelius "qua tempestate Poenus in Italiam venit," nec "prolem" aut "subolem" aut "effari" aut "nuncupare" aut, ut tu soles, Catule, "non rebar" aut "opinabar"; aut alia multa, quibus loco positis grandior atque antiquior oratio saepe videri solet. [154] Novantur autem verba, quae ab eo, qui dicit, ipso gignuntur ac fiunt, vel coniungendis verbis, ut haec: tum pavor sapientiam omnem mi exanimato expectorat. Num non vis huius me versutiloquas malitias ... videtis enim et "versutiloquas" et "expectorat" ex coniunctione facta esse verba, non nata; sed saepe vel sine coniunctione verba novantur ut "ille senius desertus," ut "di genitales," ut "bacarum ubertate incurvescere." [155] Tertius ille modus transferendi verbi late patet, quem necessitas genuit inopia coacta et angustiis, post autem iucunditas delectatioque celebravit. Nam ut vestis frigoris depellendi causa reperta primo, post adhiberi coepta est ad ornatum etiam corporis et dignitatem, sic verbi translatio instituta est inopiae causa, frequentata delectationis. Nam gemmare vitis, luxuriem esse in herbis, laetas segetes etiam rustici dicunt. Quod enim declarari vix verbo proprio potest, id translato cum est dictum, inlustrat id, quod intellegi volumus, eius rei, quam alieno verbo posuimus, similitudo. [156] Ergo hae translationes quasi mutuationes sunt, cum quod non

habeas aliunde sumas, illae paulo audaciores, quae non inopiam indicant, sed orationi splendoris aliquid arcessunt; quarum ego quid vobis aut inveniendi rationem aut genera ponam?

[XXXIX] [157] [Similitudinis est ad verbum unum contracta brevitas, quod verbum in alieno loco tamquam in suo positum si agnoscitur, delectat, si simile nihil habet, repudiatur]; sed ea transferri oportet, quae aut clariorem faciunt rem, ut illa omnia: inhorrescit mare, tenebrae conduplicantur, noctisque et nimbum occaecat nigror, flamma inter nubis coruscat, caelum tonitru contremit, grando mixta imbri largifico subita praecipitans cadit, undique omnes venti erumpunt, saevi exsistunt turbines, fervit aestu pelagus: omnia fere, quo essent clariora, translatis per similitudinem verbis dicta sunt; [158] aut quo significatur magis res tota sive facti alicuius sive consili, ut ille, qui occultantem consulto, ne id, quod ageretur, intellegi posset, duobus translatis verbis similitudine ipsa indicat: quandoquidem is se circum vestit dictis, saepit se dolo. Non numquam etiam brevitas translatione conficitur, ut illud "si telum manu fugit": imprudentia teli missi brevius propriis verbis exponi non potuit, quam est uno significata translato. [159] Hoc in genere persaepe mihi admirandum videtur quid sit, quod omnes translatis et alienis magis delectentur verbis quam propriis et suis.

[XL] Nam si res suum nomen et vocabulum proprium non habet, ut pes in navi, ut nexum, quod per libram agitur, ut in uxore divortium, necessitas cogit, quod non habeas, aliunde sumere; sed in suorum verborum maxima copia tamen homines aliena multo magis, si sunt ratione translata, delectant. [160] Id accidere credo, vel quod ingeni specimen est quoddam transilire ante pedes posita et alia longe repetita sumere; vel quod is, qui audit, alio ducitur cogitatione neque tamen aberrat, quae maxima est delectatio; vel quod in singulis verbis res ac totum simile conficitur; vel quod omnis translatio, quae quidem sumpta ratione est, ad sensus ipsos admovetur, maxime oculorum, qui est sensus acerrimus. [161] Nam et odor urbanitatis et mollitudo humanitatis et murmur maris et dulcitudo orationis sunt ducta a ceteris sensibus; illa vero oculorum multo acriora, quae paene ponunt in conspectu animi, quae cernere et videre non possumus. Nihil est enim in rerum natura, cuius nos non in aliis rebus possimus uti vocabulo et nomine. Vnde enim simile duci potest, potest autem

ex omnibus, indidem verbum unum, quod similitudinem continet, translatum lumen adferet orationi. [162] Quo in genere primum est fugienda dissimilitudo: “caeli ingentes fornices”; quamvis sphaeram in scaenam, ut dicitur, attulerit Ennius, tamen in sphaera fornicis similitudo inesse non potest. Vive, Vlixes; dum licet: oculis postremum lumen radiatum rape! Non dixit “pete” non “cape,” - haberet enim moram sperantis diutius esse victurum - sed “rape”: est hoc verbum ad id aptatum, quod ante dixerat, “dum licet.”

[XLI] [163] Deinde videndum est ne longe simile sit ductum: “Syrtim” patrimoni, “scopulum” libentius dixerim; “Charybdim” bonorum, “voraginem” potius; facilius enim ad ea, quae visa, quam ad illa, quae audita sunt, mentis oculi feruntur; et quoniam haec vel summa laus est in verbis transferendis, ut sensum feriat id, quod translatum sit, fugienda est omnis turpitudo earum rerum, ad quas eorum animos, qui audient, trahet similitudo. [164] Nolo dici morte Africani “castratam” esse rem publicam, nolo “stercus curiae” dici Glauciam; quamvis sit simile, tamen est in utroque deformis cogitatio similitudinis; nolo esse aut maius, quam res postulet: “tempestas comissationis”; aut minus: “comissatio tempestatis”; nolo esse verbum angustius id, quod translatum sit, quam fuisset illud proprium ac suum: quidnam est, obsecro? Quid te adirier abnutas? Melius esset vetas, prohibes, absterres; quoniam ille dixerat: ilico istic, ne contagio mea bonis umbrave obsit ... [165] Atque etiam, si vereare, ne paulo durior translatio esse videatur, mollienda est praeposito saepe verbo; ut si olim, M. Catone mortuo, “pupillum” senatum quis relictum diceret, paulo durius; sin, “ut ita dicam, pupillum,” aliquanto mitius: etenim verecunda debet esse translatio, ut deducta esse in alienum locum, non inrupisse, atque ut precario, non vi, venisse videatur. [166] Modus autem nullus est florentior in singulis verbis neque qui plus luminis adferat orationi; nam illud, quod ex hoc genere profluit non est in uno verbo translato, sed ex pluribus continuatis conectitur, ut aliud dicatur, aliud intellegendum sit: neque me patiar iterum ad unum scopulum ut olim classem Achivom offendere. Atque illud, erras, erras; nam exsultantem te et praefidentem tibi repriment validae legum habenae atque imperi insistent iugo. [167] Sumpta re simili verba illius rei propria deinceps in rem aliam, ut dixi, transferuntur.

[XLII] Est hoc magnum ornamentum orationis, in quo obscuritas fugienda est; etenim hoc fere genere fiunt ea, quae dicuntur aenigmata; non est autem in verbo modus hic, sed in oratione, id est, in continuatione verborum. Ne illa quidem traductio atque immutatio in verbo quandam fabricationem habet [sed in oratione]: Africa terribili tremit horrida terra tumultu; [pro Afris est sumpta Africa,] neque factum est verbum, ut "mare saxifragis undis"; neque translatum, ut "mollitur mare"; sed ornandi causa proprium proprio commutatum: desine, Roma, tuos hostis ... et testes sunt campi magni ... Gravis est modus in ornatu orationis et saepe sumendus; ex quo genere haec sunt, Martem belli esse communem, Cererem pro frugibus, Liberum appellare pro vino, Neptunum pro mari, curiam pro senatu, campum pro comitiis, togam pro pace, arma ac tela pro bello; [168] quo item in genere et virtutes et vitia pro ipsis, in quibus illa sunt, appellantur: "luxuries quam in domum inrupit," et "quo avaritia penetravit"; aut "fides valuit, iustitia confecit." Videtis profecto genus hoc totum, cum inflexo immutatoque verbo res eadem enuntiatur ornatius; cui sunt finitima illa minus ornata, sed tamen non ignoranda, cum intellegi volumus aliquid aut ex parte totum, ut pro aedificiis cum parietes aut tecta dicimus; aut ex toto partem, ut cum unam turmam equitatum populi Romani dicimus; aut ex uno pluris: at Romanus homo, tamen etsi res bene gesta est corde suo trepidat; aut cum ex pluribus intellegitur unum: nos sumus Romani, qui fuimus ante Rudini; aut quocumque modo, non ut dictum est, in eo genere intellegitur, sed ut sensum est.

[XLIII] [169] Abutimur saepe etiam verbo non tam eleganter quam in transferendo, sed etiam si licentius, tamen interdum non impudenter; ut cum grandem orationem pro longa, minutum animum pro parvo dicimus. Verum illa videtisne esse non verbi, sed orationis, quae ex pluribus, ut eui, translationibus conexa sunt? Haec autem, quae aut immutata esse dixi aut aliter intellegenda ac dicerentur, sunt translata quodam modo. [170] Ita fit, ut omnis singulorum verborum virtus atque laus tribus exsistat ex rebus: si aut vetustum verbum sit, quod tamen consuetudo ferre possit; aut factum vel coniunctione vel novitate, in quo item est auribus consuetudinique parcendum; aut translatum, quod maxime tamquam stellis quibusdam notat et illuminat orationem.

[171] Sequitur continuatio verborum, quae duas res maxime, conlocationem primum, deinde modum quendam formamque desiderat. Conlocationis est componere et struere verba sic, ut neve asper eorum concursus neve hiulcus sit, sed quodam modo coagmentatus et levis; in quo lepide soceri mei persona lusit is, qui elegantissime id facere potuit, Lucilius: quam lepide lexeis compostae! Vt tesserulae omnes arte pavimento atque emblemate vermiculato. Quae cum dixisset in Albucium inludens, ne a me quidem abstinuit: Crassum habeo generum, ne rhetoricoterus tu sis. Quid ergo? Iste Crassus, quoniam eius abuteris nomine, quid efficit? Illud quidem; scilicet, ut ille vult et ego vellem, melius aliquanto quam Albucius: verum in me quidem lusit ille, ut solet. [172] Sed est tamen haec conlocatio conservanda verborum, de qua loquor; quae vinctam orationem efficit, quae cohaerentem, quae levem, quae aequabiliter fluentem; id adsequemini, si verba extrema cum consequentibus primis ita iungentur, ut neve aspere concurrant neve vastius diducantur.

[XLIV] [173] Hanc diligentiam subsequitur modus etiam et forma verborum, quod iam vereor ne huic Catulo videatur esse puerile; versus enim veteres illi in hac soluta oratione propemodum, hoc est, numeros quosdam nobis esse adhibendos putaverunt: interspirationis enim, non defetigationis nostrae neque librariorum notis, sed verborum et sententiarum modo interpunctas clausulas in orationibus esse voluerunt; idque princeps Isocrates instituisse fertur, ut inconditam antiquorum dicendi consuetudinem delectationis atque aurium causa, quem ad modum scribit discipulus eius Naucrates, numeris astringeret. [174] Namque haec duo musici, qui erant quondam idem poetae, machinati ad voluptatem sunt, versum atque cantum, ut et verborum numero et vocum modo delectatione vincerent aurium satietatem. Haec igitur duo, vocis dico moderationem et verborum conclusionem, quoad orationis severitas pati posset, a poetica ad eloquentiam traducenda duxerunt. [175] In quo illud est vel maximum, quod versus in oratione si efficitur coniunctione verborum, vitium est, et tamen eam coniunctionem sicuti versum numerose cadere et quadrare et perfici volumus. Neque est ex multis res una, quae magis oratorem ab imperito dicendi ignaroque distinguat, quam quod ille rudis incondite fundit quantum

potest et id, quod dicit, spiritu, non arte determinat, orator autem sic inligat sententiam verbis, ut eam numero quodam complectatur et astricto et soluto. [176] Nam cum vinxit forma et modis, relaxat et liberat immutatione ordinis, ut verba neque adligata sint quasi certa aliqua lege versus neque ita soluta, ut vagentur.

[XLV] Quonam igitur modo tantum munus insistemus ut arbitremur nos hanc vim numerose dicendi consequi posse? Non est res tam difficilis quam necessaria; nihil est enim tam tenerum neque tam flexibile neque quod tam facile sequatur quocumque ducas quam oratio. [177] Ex hac versus, ex hac eadem dispares numeri conficiuntur; ex hac haec etiam soluta variis modis multorumque generum oratio; non enim sunt alia sermonis, alia contentionis verba, neque ex alio genere ad usum cotidianum, alio ad scaenam pompamque sumuntur; sed ea nos cum iacentia sustulimus e medio, sicut mollissimam ceram ad nostrum arbitrium formamus et fingimus. Itaque ut tum graves sumus, tum subtiles, tum medium quiddam tenemus: sic institutam nostram sententiam sequitur orationis genus idque ad omnem aurium voluptatem et animorum motum mutatur et vertitur. [178] Sed ut in plerisque rebus incredibiliter hoc natura est ipsa fabricata, sic in oratione, ut ea, quae maximam utilitatem in se continerent, plurimum eadem haberent vel dignitatis vel saepe etiam venustatis. Incolumitatis ac salutis omnium causa videmus hunc statum esse huius totius mundi atque naturae, rotundum ut caelum terraque ut media sit eaque sua vi nutuque teneatur, sol ut eam circum feratur, ut accedat ad brumale signum et inde sensim ascendat in diversam partem; ut luna accessu et recessu [suo] solis lumen accipiat; ut eadem spatia quinque stellae dispari motu cursuque conficiant. [179] Haec tantam habent vim, paulum ut immutata cohaerere non possint, tantam pulchritudinem, ut nulla species ne cogitari quidem possit ornatior. Referte nunc animum ad hominum vel etiam ceterarum animantium formam et figuram. Nullam partem corporis sine aliqua necessitate adfictam totamque formam quasi perfectam reperietis arte, non casu.

[XLVI] Quid in eis arboribus? In quibus non truncus, non rami, non folia sunt denique nisi ad suam retinendam conservandamque naturam, nusquam tamen est ulla pars nisi venusta. Linquamus naturam artisque videamus. [180] Quid tam in navigio necessarium

quam latera, quam cavernae, quam prora, quam puppis, quam antennae, quam vela, quam mali? Quae tamen hanc habent in specie venustatem, ut non solum salutis, sed etiam voluptatis causa inventa esse videantur. Columnae templa et porticus sustinen; tamen habent non plus utilitatis quam dignitatis: Capitoli fastigium illud et ceterarum aedium non venustas, sed necessitas ipsa fabricata est; nam, cum esset habita ratio, quem ad modum ex utraque tecti parte aqua delaberetur, utilitatem templi fastigi dignitas consecuta est; ut, etiam si in caelo Capitolium statueretur, ubi imber esse non posset, nullam sine fastigio dignitatem habiturum fuisse videatur. [181] Hoc in omnibus item partibus orationis evenit, ut utilitatem ac prope necessitatem suavitas quaedam et lepos consequatur; clausulas enim atque interpuncta verborum animae interclusio atque angustiae spiritus attulerunt: id inventum ita est suave, ut, si cui sit infinitus spiritus datus, tamen eum perpetuare verba nolimus; id enim auribus nostris gratum est [inventum], quod hominum lateribus non tolerabile solum, sed etiam facile esse posset.

[XLVII] [182] Longissima est igitur complexio verborum, quae volvi uno spiritu potest; sed hic naturae modus est, artis alius. Nam cum sint numeri plures, iambum et trochaeum frequentem segregat ab oratore Aristoteles, Catule, vester, qui natura tamen incurrunt ipsi in orationem sermonemque nostrum; sed sunt insignes percussiones eorum numerorum et minuti pedes. Qua re primum ad heroum nos [dactylici et anapaesti spondi pedem] invitat: in quo impune progredi licet duo dumtaxat pedes aut paulo plus, ne plane in versum aut similitudinem versus incidamus. “Altae sunt geminae, quibus.” Hi tres [heroi] pedes in principia continuandorum verborum satis decore cadunt. [183] Probatur autem ab eodem illo maxime paean, qui est duplex: nam aut a longa oritur, quam tres breves consequuntur, ut haec verba “desinite, incipite? comprimite,” aut a brevibus deinceps tribus, extrema producta atque longa, sicut illa sunt “domuerant, sonipedes”; atque illi philosopho ordiri placet a superiore paeane, posteriore finire; est autem paean hic posterior non syllabarum numero, sed aurium mensura, quod est acrius iudicium et certius, par fere cretico, qui est ex longa et brevi et longa: ut Quid petam praesidi, aut exsequar? Quove nunc ... A quo numero exorsus est Fannius: “si, Quirites, minas illius.” Hunc ille clausulis aptiorem

putat, quas vult longa plerumque syllaba terminari.

[XLVIII] [184] Neque vero haec tam acrem curam diligentiamque desiderant, quam est illa poetarum; quos necessitas cogit et ipsi numeri ac modi sic verba versu includere, ut nihil sit ne spiritu quidem minimo brevius aut longius, quam necesse est. Liberior est oratio et plane, ut dicitur, sic est vere soluta, non ut fugiat tamen aut erret, sed ut sine vinculis sibi ipsa moderetur. Namque ego illud adsentior Theophrasto, qui putat orationem, quae quidem sit polita atque facta quodam modo, non astricte, sed remissius numerosam esse oportere. [185] Etenim, sicut ille suspicatur, et ex istis modis, quibus hic usitatus versus efficitur, post anapaestus, procerior quidam numerus, effloruit, inde ille licentior et divitior fluxit dithyrambus, cuius membra et pedes, ut ait idem, sunt in omni locupleti oratione diffusa; et, si numerosum est in omnibus sonis atque vocibus, quod habet quasdam impressiones et quod metiri possumus intervallis aequalibus, recte genus hoc numerorum, dum modo ne continui sint, in orationis laude ponitur. Nam si rudis et impolita putanda est illa sine intervallis loquacitas perennis et profluens, quid est aliud causae cur repudietur, nisi quod hominum auribus vocem natura modulatur ipsa? Quod fieri, nisi inest numerus in voce, non potest. [186] Numerus autem in continuatione nullus est; distinctio et aequalium aut saepe variorum intervallorum percussio numerum conficit, quem in cadentibus guttis, quod intervallis distinguuntur, notare possumus, in amni praecipitante non possumus. Quod si continuatio verborum haec soluta multo est aptior atque iucundior, si est articulis membrisque distincta, quam si continuata ac producta, membra illa modificata esse debebunt; quae si in extremo breviora sunt, infringitur ille quasi verborum ambitus; sic enim has orationis conversiones Graeci nominant. Qua re aut paria esse debent posteriora superioribus, et extrema primis aut, quod etiam est melius et iucundius, longiora.

[XLIX] [187] Atque haec quidem ab eis philosophis, quos tu maxime diligis, Catule, dicta sunt; quod eo saepius testificor, ut auctoribus laudandis ineptiarum crimen effugiam.” “Quarum tandem?” inquit Catulus “aut quid disputatione ista adferri potest elegantius aut omnino dici subtilius?” [188] “At enim vereor,” inquit Crassus “ne haec aut difficiliora istis ad persequendum esse videantur aut, quia

non traduntur in vulgari ista disciplina, nos ea maiora ac difficiliora videri velle videamur." Tum Catulus "erras," inquit "Crasse, si aut me aut horum quemquam putas a te haec opera cotidiana et pervagata exspectare. Ista, quae dicis, dici volumus; neque tam dici quam isto dici modo; neque tibi hoc pro me solum, sed pro his omnibus sine ulla dubitatione respondeo." [189] "Ego vero" inquit Antonius "inveni iam, quem negaram in eo, quem scripsi, libello me invenisse eloquentem. Sed eo te ne laudandi quidem causa interpellavi, ne quid de hoc tam exiguo sermonis tui tempore verbo uno meo deminueretur." [190] "Hanc igitur" Crassus inquit "ad legem cum exercitatione tum stilo, qui et alia et hoc maxime ornat ac limat, formanda nobis oratio est. Neque tamen hoc tanti laboris est, quanti videtur, nec sunt haec rhythmicorum aut musicorum acerrima norma dirigenda; efficiendum est illud modo nobis, ne fluat oratio, ne vagetur, ne insistat interius, ne excurrat longius, ut membris distinguatur, ut conversiones habeat absolutas. Neque semper utendum est perpetuitate et quasi conversione verborum, sed saepe carpenda membris minutioribus oratio est, quae tamen ipsa membra sunt numeris vincienda. [191] Neque vos paean aut herous ille conturbet: ipsi occurrent orationi; ipsi, inquam, se offerent et respondebunt non vocati. Consuetudo modo illa sit scribendi atque dicendi, ut sententiae verbis finiantur eorumque verborum iunctio nascatur ab proceris numeris ac liberis, maxime heroo aut paeane priore aut cretico, sed varie distincteque considat. Notatur enim maxime similitudo in conquiescendo. Et, si primi et postremi [illi] pedes sunt hac ratione servati, medii possunt latere, modo ne circuitus ipse verborum sit aut brevior, quam aures exspectent, aut longior, quam vires atque anima patiatur.

[L] [192] Clausulas autem diligentius etiam servandas esse arbitror quam superiora, quod in eis maxime perfectio atque absolutio iudicatur. Nam versus aeque prima et media et extrema pars attenditur, qui debilitatur, in quacumque est parte titubatum; in oratione autem pauci prima cernunt, postrema plerique: quae quoniam apparent et intelleguntur, varianda sunt, ne aut animorum iudiciis repudientur aut aurium satietate. [193] Duo enim aut tres fere sunt extremi servandi et notandi pedes, si modo non breviora et praecisa erunt superiora; quos aut chorios aut heroos aut alternos esse

oportebit aut in paeane illo posteriore, quem Aristoteles probat, aut ei pari cretico. Horum vicissitudines efficient, ut neque ei satientur, qui audient, fastidio similitudinis, nec nos id, quod faciemus, opera dedita facere videamur. [194] Quod si Antipater ille Sidonius, quem tu probe, Catule, meministi, solitus est versus hexametros aliosque variis modis atque numeris fundere ex tempore tantumque hominis ingeniosi ac memoris valuit exercitatio, ut, cum se mente ac voluntate coniecisset in versum, verba sequerentur; quanto id facilius in oratione, exercitatione et consuetudine adhibita, consequemur!

[195] Illud autem ne quis admiretur, quonam modo haec vulgus imperitorum in audiendo notet, cum in omni genere tum in hoc ipso magna quaedam est vis incredibilisque naturae. Omnes enim tacito quodam sensu sine ulla arte aut ratione quae sint in artibus ac rationibus recta ac prava diiudicant; idque cum faciunt in picturis et in signis et in aliis operibus, ad quorum intellegentiam a natura minus habent instrumenti, tum multo ostendunt magis in verborum, numerorum vocumque iudicio; quod ea sunt in communibus infixa sensibus nec earum rerum quemquam funditus natura esse voluit expertem. [196] Itaque non solum verbis arte positis moventur omnes, verum etiam numeris ac vocibus. Quotus enim quisque est qui teneat artem numerorum ac modorum? At in eis si paulum modo offensum est, ut aut contractione brevius fieret aut productione longius, theatra tota reclamant. Quid, hoc non idem fit in vocibus, ut a multitudine et populo non modo catervae atque concentus, sed etiam ipsi sibi singuli discrepantes eiciantur?

[LI] [197] Mirabile est, cum plurimum in faciendo intersit inter doctum et rudem, quam non multum differat in iudicando. Ars enim cum a natura profecta sit, nisi natura moveat ac delectet, nihil sane egisse videatur; nihil est autem tam cognatum mentibus nostris quam numeri atque voces; quibus et excitamur et incendimur et lenimur et languescimus et ad hilaritatem et ad tristitiam saepe deducimur; quorum illa summa vis carminibus est aptior et cantibus, non neglecta, ut mihi videtur, a Numa rege doctissimo maioribusque nostris, ut epularum sollemnium fides ac tibiae Saliorumque versus indicant; maxime autem a Graecia vetere celebrata. Quibus utinam similibusque de rebus disputari quam de puerilibus his verborum translationibus maluissetis! [198] Verum ut in versu vulgus, si est

peccatum, videt, sic, si quid in nostra oratione claudicat, sentit; sed poetae non ignoscit, nobis concedit: taciti tamen omnes non esse illud, quod diximus, aptum perfectumque cernunt. Itaque illi veteres, sicut hodie etiam non nullos videmus, cum circuitum et quasi orbem verborum conficere non possent, nam id quidem nuper vel posse vel audere coepimus, terna aut bina aut non nulli singula etiam verba dicebant; qui in illa infantia naturale illud, quod aures hominum flagitabant, tenebant tamen, ut et illa essent paria, quae dicerent, et aequalibus interspirationibus uterentur.

[LII] [199] Eui fere, ut potui, quae maxime ad ornatum orationis pertinere arbitrabar. Dixi enim de singulorum laude verborum, dixi de coniunctione eorum, dixi de numero atque forma; sed si habitum etiam orationis et quasi colorem aliquem requiritis, est et plena quaedam, sed tamen teres, et tenuis, non sine nervis ac viribus, et ea, quae particeps utriusque generis quadam mediocritate laudatur. His tribus figuris insidere quidam venustatis non fuco inlitus, sed sanguine diffusus debet color. [200] Tum denique hic nobis orator ita conformandus est et verbis et sententiis, ut, quem ad modum qui utuntur armis aut palaestra, non solum sibi vitandi aut feriendi rationem esse habendam putet, sed etiam, ut cum venustate moveatur, ut ei qui in armorum tractatione versantur, <sic verbis quidem ad aptam compositionem et decentiam, sententiis vero ad gravitatem orationis utatur>. Formantur autem et verba et sententiae paene innumerabiliter, quod satis scio notum esse vobis; sed inter conformationem verborum et sententiarum hoc interest, quod verborum tollitur, si verba mutaris, sententiarum permanet, quibuscumque verbis uti velis. [201] Quod quidem vos etsi facitis, tamen admonendos puto, ne quid esse aliud oratoris putetis, quod quidem sit egregium atque mirabile, nisi in singulis verbis illa tria tenere, ut translatis utamur frequenter, interdum factis, raro autem etiam pervetustis. In perpetua autem oratione, cum et coniunctionis levitatem et numerorum, quam dixi, rationem tenuerimus, tum est quasi luminibus distinguenda et frequentanda omnis oratio sententiarum atque verborum.

[LIII] [202] Nam et commoratio una in re permultum movet et inlustris explanatio rerumque, quasi gerantur, sub aspectum paene subiectio; quae et in exponenda re plurimum valent et ad

inlustrandum id, quod exponitur, et ad amplificandum; ut eis, qui audient, illud, quod augebimus, quantum efficere oratio poterit, tantum esse videatur; et huic contraria saepe percursio est et plus ad intellegendum, quam dixeris, significatio et distincte concisa brevitas et extenuatio et huic adiuncta inlusio a praeceptis Caesaris non abhorrens; [203] et ab re digressio, in qua cum fuerit delectatio, tum reditus ad rem aptus et concinnus esse debebit; propositioque quid sis dicturus et ab eo, quod est dictum, seiunctio et reditus ad propositum et iteratio et rationis apta conclusio; tum augendi minuendive causa veritatis supralatio atque traiectio; et rogatio atque huic finitima quasi percontatio eitioque sententiae suae; tum illa, quae maxime quasi inrepit in hominum mentis, alia dicentis ac significantis dissimulatio; quae est periucunda, cum orationis non contentione, sed sermone tractatur; deinde dubitatio, tum distributio, tum correctio vel ante vel postquam dixeris vel cum aliquid a te ipso reicias; [204] praemunitio etiam est ad id, quod adgrediare, et traiectio in alium; communicatio, quae est quasi cum eis ipsis, apud quos dicas, deliberatio; morum ac vitae imitatio vel in personis vel sine illis, magnum quoddam ornamentum orationis et aptum ad animos conciliandos vel maxime, saepe autem etiam ad commovendos; [205] personarum ficta inductio vel gravissimum lumen augendi; descriptio, erroris inductio, ad hilaritatem impulsio, anteoccupatio; tum duo illa, quae maxime movent, similitudo et exemplum; digestio, interpellatio, contentio, reticentia, commendatio; vox quaedam libera atque etiam effrenatio augendi causa; iracundia, obiurgatio, promissio, deprecatio, obsecratio, declinatio brevis a proposito, non ut superior illa digressio, purgatio, conciliatio, laesio, optatio atque exsecratio. His fere luminibus inlustrant orationem sententiae.

[LIV] [206] Orationis autem ipsius tamquam armorum est vel ad usum comminatio et quasi petitio vel ad venustatem ipsam tractatio. Nam et geminatio verborum habet interdum vim, leporem alias, et paulum immutatum verbum atque deflexum et eiusdem verbi crebra tum a primo repetitio, tum in extremum conversio et in eadem verba impetus et concursio et adiunctio et progressio et eiusdem verbi crebrius positi quaedam distinctio et revocatio verbi et illa, quae similiter desinunt aut quae cadunt similiter aut quae paribus paria referuntur aut quae sunt inter se similia. [207] Est etiam gradatio

quaedam et conversio et verborum concinna transgressio et contrarium et dissolutum et declinatio et reprehensio et exclamatio et imminutio et quod in multis casibus ponitur et quod de singulis rebus propositis ductum refertur ad singula et ad propositum subiecta ratio et item in distributis supposita ratio et permissio et rursum alia dubitatio et improvisum quiddam et dinumeratio et alia correctio et dissipatio et continuatum et interruptum et imago et sibi ipsi responsio et immutatio et diiunctio et ordo et relatio et digressio et circumscriptio. [208] Haec enim sunt fere atque horum similia vel plura etiam esse possunt, quae sententiis orationem verborumque conformationibus inluminent."

[LV] "Quae quidem te, Crasse, video," inquit Cotta "quod nota esse nobis putes, sine definitionibus et sine exemplis effudisse." "Ego vero" inquit Crassus "ne illa quidem, quae supra dixi, nova vobis esse arbitrabar, sed voluntati vestrum omnium parvi. [209] His autem de rebus sol me ille admonuit, ut brevior essem, qui ipse iam praecipitans me quoque haec praecipitem paene evolvere coegit. Sed tamen huius generis demonstratio est et doctrina ipsa vulgaris; usus autem gravissimus et in hoc toto dicendi studio difficillimus. [210] Quam ob rem quoniam de ornatu omni orationis sunt omnes, si non patefacti, at certe commonstrati loci, nunc quid aptum sit, hoc est, quid maxime deceat in oratione, videamus. Quamquam id quidem perspicuum est, non omni causae nec auditori neque personae neque tempori congruere orationis unum genus; [211] nam et causae capitis alium quendam verborum sonum requirunt, alium rerum privatarum atque parvarum; et aliud dicendi genus deliberationes, aliud laudationes, aliud iudicia, aliud sermones, aliud consolatio, aliud obiurgatio, aliud disputatio, aliud historia desiderat. Refert etiam qui audiant, senatus an populus an iudices: frequentes an pauci an singuli, et quales: ipsique oratores qua sint aetate, honore, auctoritate, debet videri; tempus, pacis an belli, festinationis an oti. [212] Itaque hoc loco nihil sane est quod praecipi posse videatur, nisi ut figuram orationis plenioris et tenuioris et item illius mediocris ad id, quod agemus, accommodatam deligamus. Ornamentis eisdem uti fere licebit alias contentius, alias summissius; omnique in re posse quod deceat facere artis et naturae est, scire quid quandoque deceat prudentiae.

[LVI] [213] Sed haec omnia perinde sunt, ut aguntur. Actio, inquam, in dicendo una dominatur; sine hac summus orator esse in numero nullo potest, mediocris hac instructus summos saepe superare. Huic primas dedisse Demosthenes dicitur, cum rogaretur quid in dicendo esset primum; huic secundas, huic tertias; quo mihi melius etiam illud ab Aeschine dictum videri solet; qui cum propter ignominiam iudicii cessisset Athenis et se Rhodum contulisset, rogatus a Rhodiis legisse fertur orationem illam egregiam, quam in Ctesiphontem contra Demosthenem dixerat; qua perlecta petitum ab eo est postridie, ut legeret illam etiam, quae erat contra ab Demosthene pro Ctesiphonte dicta: quam cum suavissima et maxima voce legisset, admirantibus omnibus "quanto" inquit "magis miraremini, si audissetis ipsum!" Ex quo satis significavit, quantum esset in actione, qui orationem eandem aliam fore putarit actore mutato. [214] Quid fuit in Graccho, quem tu melius, Catule, meministi, quod me puero tanto opere ferretur? "Quo me miser conferam? Quo vertam? In Capitoliumne? At fratris sanguine madet. An domum? Matremne ut miseram lamentantem videam et abiectam?" Quae sic ab illo esse acta constabat oculis, voce, gestu, inimici ut lacrimas tenere non possent. Haec ideo dico pluribus, quod genus hoc totum oratores, qui sunt veritatis ipsius actores, reliquerunt; imitatores autem veritatis, histriones, occupaverunt.

[LVII] [215] Ac sine dubio in omni re vincit imitationem veritas, sed ea si satis in actione efficeret ipsa per sese, arte profecto non egeremus; verum quia animi permotio, quae maxime aut declaranda aut imitanda est actione, perturbata saepe ita est, ut obscuretur ac paene obruatur, discutienda sunt ea, quae obscurant, et ea, quae sunt eminentia et prompta, sumenda. [216] Omnis enim motus animi suum quendam a natura habet vultum et sonum et gestum; corpusque totum hominis et eius omnis vultus omnesque voces, ut nervi in fidibus, ita sonant, ut a motu animi quoque sunt pulsae. Nam voces ut chordae sunt intentae, quae ad quemque tactum respondeant, acuta gravis, cita tarda, magna parva; quas tamen inter omnis est suo quoque in genere mediocris, atque etiam illa sunt ab his delapsa plura genera, leve asperum, contractum diffusum, continenti spiritu intermisso, fractum scissum, flexo sono extenuatum inflatum; [217] nullum est enim horum generum, quod non arte ac moderatione tractetur. Hi

sunt actori, ut pictori, eiti ad variandum colores.

[LVIII] Aliud enim vocis genus iracundia sibi sumat, acutum, incitatum, crebro incidens: ipsus hortatur me frater, ut meos malis miser mandarem natos ... et ea, quae tu dudum, Antoni, protulisti segregare abs te ausu's ... et ecquis hoc animadvortet? Vincite ... et Atreus fere totus. Aliud miseratio ac maeror, flexibile, plenum, interruptum, flebili voce: quo nunc me vortam? Quod iter incipiam ingredi? Domum paternamne? Anne ad Peliae filias? et illa o pater, o patria, o Priami domus! Et quae sequuntur haec omnia videi inflammarei, Priamo vi vitam evitarei. [218] Aliud metus, demissum et haesitans et abiectum: multis sum modis circumventus, morbo, exsilio atque inopia: tum pavor sapientiam omnem mi exanimato expectorat; mater terribilem minatur vitae cruciatum et necem, quae nemo est tam firmo ingenio et tanta confidentia, quin refugiat timido sanguen atque exalbescat metu. [219] Aliud vis, contentum, vehemens, imminens quadam incitatione gravitatis: iterum Thyestes Atreum adtrectatum advenit, iterum iam adgreditur me et quietum exsuscitat. maior mihi moles, maius miscendumst malum, qui illius acerbum cor contundam et comprimam. Aliud voluptas, effusum, lene, tenerum, hilaratum ac remissum: sed sibi cum tetulit coronam ob conligandas nuptias, tibi ferebat cum simulabat se sibi alacriter dare, tum ad te ludibunda docte et delicate detulit. Aliud molestia, sine commiseratione grave quoddam et uno pressu ac sono obductum: qua tempestate Helenam Paris innuptis iunxit nuptiis, ego tum gravida, expletis iam fui ad pariendum mensibus; per idem tempus Polydorum Hecuba partu postremo parit.

[LIX] [220] Omnis autem hos motus subsequi debet gestus, non hic verba exprimens scaenicus, sed universam rem et sententiam non demonstratione, sed significatione declarans, laterum inflexione hac forti ac virili, non ab scaena et histrionibus, sed ab armis aut etiam a palaestra; manus autem minus arguta, digitis subsequens verba, non exprimens; bracchium procerius proiectum quasi quoddam telum orationis; supplosio pedis in contentionibus aut incipiendis aut finiendis. [221] Sed in ore sunt omnia, in eo autem ipso dominatus est omnis oculorum; quo melius nostri illi senes, qui personatum ne Roscium quidem magno opere laudabant; animi est enim omnis actio et imago animi vultus, indices oculi: nam haec est una pars corporis,

quae, quot animi motus sunt, tot significationes [et commutationes] possit efficere; neque vero est quisquam qui eadem conivens efficiat. Theophrastus quidem Tauriscum quendam dicit actorem aversum solitum esse dicere, qui in agendo contuens aliquid pronuntiaret. [222] Qua re oculorum est magna moderatio; nam oris non est nimium mutanda species, ne aut ad ineptias aut ad pravitatem aliquam deferamur; oculi sunt, quorum tum intentione, tum remissione, tum coniectu, tum hilaritate motus animorum significemus apte cum genere ipso orationis; est enim actio quasi sermo corporis, quo magis menti congruens esse debet; oculos autem natura nobis, ut equo aut leoni saetas, caudam, auris, ad motus animorum declarandos dedit, qua re in hac nostra actione secundum vocem vultus valet; [223] is autem oculis gubernatur. Atque in eis omnibus, quae sunt actionis, inest quaedam vis a natura data; qua re etiam hac imperiti, hac vulgus, hac denique barbari maxime commoventur: verba enim neminem movent nisi eum, qui eiusdem linguae societate coniunctus est sententiaeque saepe acutae non acutorum hominum sensus praetervolant: accio quae prae se motum animi fert, omnis movet; isdem enim omnium animi motibus concitantur et eos isdem notis et in aliis agnoscunt et in se ipsi indicant.

[LX] [224] Ad actionis autem usum atque laudem maximam sine dubio partem vox obtinet; quae primum est optanda nobis; deinde, quaecumque erit, ea tuenda. de quo illud iam nihil ad hoc praecipiendi genus, quem ad modum voci serviatur: equidem tamen magno opere censeo serviendum; sed illud videtur ab huius nostri sermonis officio non abhorrere, quod, ut dixi paulo ante, plurimis in rebus quod maxime est utile, id nescio quo pacto etiam decet maxime. Nam ad vocem obtinendam nihil est utilius quam crebra mutatio; nihil perniciosius quam effusa sine intermissione contentio. [225] Quid, ad auris nostras et actionis suavitatem quid est vicissitudine et varietate et commutatione aptius? Itaque idem Gracchus, quod potes audire, Catule, ex Licinio cliente tuo, litterato homine, quem servum sibi ille habuit ad manum, cum eburneola solitus est habere fistula qui staret occulte post ipsum, cum contionaretur, peritum hominem, qui inflaret celeriter eum sonum, quo illum aut remissum excitaret aut a contentione revocaret." "Audivi me hercule," inquit Catulus "et saepe sum admiratus

hominis cum diligentiam tum etiam doctrinam et scientiam." [226] "Ego vero," inquit Crassus "ac doleo quidem illos viros in eam fraudem in re publica esse delapsos; quamquam ea tela texitur et ea in civitate ratio vivendi posteritati ostenditur, ut eorum civium, quos nostri patres non tulerunt, iam similis habere cupiamus." "Mitte, obsecro," inquit "Crasse," Iulius "sermonem istum et te ad Gracchi fistulam refer; cuius ego nondum plane rationem intellego."

[LXI] [227] "In omni voce" inquit Crassus "est quiddam medium, sed suum cuique voci: hinc gradatim ascendere vocem [utile] et suave est (nam a principio clamare agreste quiddam est), et idem illud ad firmandam est vocem salutare; deinde est quiddam contentionis extremum, quod tamen interius est, quam acutissimus clamor, quo te fistula progredi non sinet, et iam ab ipsa contentione revocabit: est item contra quiddam in remissione gravissimum quoque tamquam sonorum gradibus descenditur. Haec varietas et hic per omnis sonos vocis cursus et se tuebitur et actioni adferet suavitatem. Sed fistulatorem domi relinquetis, sensum huius consuetudinis vobiscum ad forum deferetis. [228] Edidi, quae potui, non ut volui, sed ut me temporis angustiae coegerunt; scitum est enim causam conferre in tempus, cum adferre plura, si cupias, non queas." "Tu vero" inquit Catulus "conlegisti omnia, quantum ego possum iudicare, ita divinitus, ut non a Graecis sumpsisse, sed eos ipsos haec docere posse videare; me quidem istius sermonis participem factum esse gaudeo; ac vellem ut meus gener, sodalis tuus, Hortensius, adfuisset; quem quidem ego confido omnibus istis laudibus, quas tu oratione complexus es, excellentem fore." [229] Et Crassus "fore dicis?" inquit, "ego vero esse iam iudico et tum iudicavi, cum me consule in senatu causam defendit Africae nuperque etiam magis, cum pro Bithyniae rege dixit. Quam ob rem recte vides, Catule; nihil enim isti adulescenti neque a natura neque a doctrina deesse sentio: [230] quo magis est tibi, Cotta, et tibi, Sulpici, vigilandum ac laborandum; non enim ille mediocris orator in vestram quasi succrescit aetatem, sed et ingenio peracri et studio flagranti et doctrina eximia et memoria singulari; cui quamquam faveo, tamen illum aetati suae praestare cupio, vobis vero illum tanto minorem praecurrere vix honestum est." "Sed iam surgamus" inquit "nosque curemus et aliquando ab hac contentione disputationis animos nostros curamque laxemus."

DE PARTITIONIBUS ORATORIAE (About the subdivisions of oratory)

M. TVLLI CICERONIS DE PARTITIONE ORATIO

[1] CICERO FILIUS. Studeo, mi pater, Latine ex te audire ea quae mihi tu de ratione dicendi Graece tradidisti — si modo tibi est otium, et si vis. CICERO PATER. An est, mi Cicero, quod ego malim quam te quam doctissimum esse? Otium autem primum est summum, quoniam aliquando Roma exeundi potestas data est; deinde ista tua studia vel maximis occupationibus meis anteferrem libenter.

[2] C.F. Visne igitur, ut tu me Graece soles ordine interrogare, sic ego te vicissim eisdem de rebus Latine interrogem? C.P. Sane, si placet. Sic enim et ego te meminisse intellegam quae accepisti et tu ordine audies quae requires.

[3] C.F. Quot in partes distribuenda est omnis doctrina dicendi? C.P. In tres. C.F. Cedo quas? C.P. Primum in ipsam vim oratoris, deinde in orationem, tum in quaestionem. C.F. In quo est ipsa vis? C.P. In rebus et verbis. Sed et res et verba invenienda sunt et collocanda — proprie autem in rebus invenire, in verbis eloqui dicitur, collocare autem, etsi est commune, tamen ad inveniendum refertur. Vox, motus, vultus atque omnis actio eloquendi comes est, earumque rerum omnium custos est memoria.

[4] C.F. Quid? orationis quot sunt partes? C.P. Quattuor. Earum duae valent ad rem docendam, narratio et confirmatio, ad impellendos animos duae, principium et peroratio. C.F. Quid? Quaestio quasnam habet partes? C.P. Infinitam, quam consultationem appello, et definitam, quam causam nomino.

[5] C.F. Quoniam igitur invenire primum est oratoris, quid quaeret? C.P. Ut inveniat quemadmodum fidem faciat eis quibus volet persuadere et quemadmodum motum eorum animis afferat. C.F. Quibus rebus fides fit? C.P. Argumentis, quae ducuntur ex locis aut in re ipsa insitis aut assumptis. C.F. Quos vocas locos? C.P. Eos in quibus latent argumenta. C.F. Quid est argumentum? C.P. Probabile inventum ad faciendam fidem.

[6] C.F. Quomodo igitur duo genera ista dividis? C.P. Quae sine

arte putantur, ea remota appello, ut testimonia. C.F. Quid insita? C.P. Quae inhaerent in ipsa re. C.F. Testimoniorum quae sunt genera? C.P. Divinum et humanum: divinum, ut oracula, ut auspicia, ut vaticinationes, ut responsa sacerdotum, haruspicum, coniectorum, humanum, quod spectatur ex auctoritate et ex voluntate et ex oratione aut libera aut expressa: in quo insunt scripta, pacta, promissa, iurata, quaesita.

[7] C.F. Quae sunt quae dicis insita? C.P. Quae infixa sunt rebus ipsis, [tum ex toto, tum ex partibus, tum ex notatione, tum ex eis rebus quae quodammodo affectae sunt ad id de quo quaeritur et ad id totum de quo disseritur; tum definitio adhibetur, tum partium enumeratio, tum notatio verbi; ex eis autem rebus quae quodammodo affectae sunt ad id de quo quaeritur alia coniugata appellantur [alia] ex genere, alia ex forma, alia ex similitudine, alia ex differentia, alia ex contrario, alia ex coniunctis, alia ex antecedentibus, alia ex consequentibus, alia ex repugnantibus, alia ex causis, alia ex effectis, alia ex comparatione maiorum aut parium aut minorum:] ut definitio, ut contrarium, ut ea quae sunt ipsi contrariove eius aut similia aut dissimilia aut consentanea aut dissentanea: ut ea quae sunt quasi coniuncta aut ea quae sunt quasi pugnantia inter se: ut earum rerum de quibus agitur causae, aut causarum eventus, id est, quae sunt effecta de causis: ut distributiones, ut genera partium generumve partes: ut primordia rerum et quasi praecurrentia, in quibus inest aliquid argumenti: ut rerum contentiones, quid maius, quid par, quid minus sit, in quibus aut naturae rerum aut facultates comparantur.

[8] C.F. Omnibusne igitur ex his locis argumenta sumemus? C.P. Immo vero scrutabimur et quaeremus ex omnibus: sed adhibebimus iudicium ut levia semper reiiciamus, nonnumquam etiam communia praetermittamus et non necessaria. C.F. Quoniam de fide respondisti, volo audire de motu. C.P. Loco quidem quaeris, sed planius quod vis explicabitur cum ad orationis ipsius quaestionumque rationem venero.

[9] C.F. Quid sequitur igitur? C.P. Cum inveneris, collocare: cuius in infinita quaestione ordo est idem fere quem exposui locorum; in definita autem adhibenda sunt illa etiam quae ad motus animorum pertinent. C.F. Quomodo igitur ista explicas? C.P. Habeo communia praecepta fidem faciendi et commovendi. Quoniam fides est firma

opinio, motus autem animi incitatio aut ad voluptatem aut ad molestiam aut ad metum aut ad cupiditatem (tot enim sunt motus genera, partes plures generum singulorum), omnem collocationem ad finem accommodo quaestionis. Nam est in proposito finis fides, in causa et fides et motus. Quare cum de causa dixero, in qua est propositum, de utroque dixero.

[10] C.F. Quid habes igitur de causa dicere? C.P. Auditorum eam genere distingui. Nam aut auscultator est modo qui audit aut disceptator, id est, rei sententiaeque moderator: ita ut aut delectetur aut statuat aliquid. Statuit autem aut de praeteritis, ut iudex, aut de futuris, ut senatus. Sic tria sunt genera, iudicii, deliberationis, exornationis — quae quia in laudationes maxime confertur, proprium habet iam ex eo nomen.

[11] C.F. Quas res sibi proponet in istis tribus generibus orator? C.P. Delectationem in exornatione, in iudicio aut saevitiam aut clementiam iudicis, in suasione autem aut spem aut reformidationem deliberantis. C.F. Cur igitur exponis hoc loco genera controversiarum? C.P. Ut rationem collocandi ad finem cuiusque accommodem.

[12] C.F. Quonam tandem modo? C.P. Quia quibus in orationibus delectatio finis est varii sunt ordines collocandi. Nam aut temporum servantur gradus aut generum distributiones, aut a minoribus ad maiora ascendimus aut a maioribus ad minora delabimur: aut haec inaequabili varietate distinguimus, cum parva magnis, simplicia coniunctis, obscura dilucidis, laeta tristibus, incredibilia probabilibus intexímus, quae in exornationem cadunt omnia.

[13] C.F. Quid? in deliberatione quid spectas? C.P. Principia vel non longa vel saepe nulla; sunt enim ad audiendum qui deliberant sua causa parati. Nec multum sane saepe narrandum est; est enim narratio aut praeteritarum rerum aut praesentium, suasio autem futurarum. Quare ad fidem et ad motum adhibenda est omnis oratio.

[14] C.F. Quid? in iudiciis quae est collocatio? C.P. Non eadem accusatoris et rei, quod accusator rerum ordinem prosequitur et singula argumenta quasi hasta in manu collocata vehementer proponit, concludit acriter, confirmat tabulis, decretis, testimoniis, accuratiusque in singulis commoratur; perorationisque praeceptis, quae ad incitandos animos valent, et in reliqua oratione paullulum

digrediens de cursu dicendi utitur et vehementius in perorando. Est enim propositum ut iratum efficiat iudicem.

[15] C.F. Quid faciendum est contra reo? C.P. Omnia longe secus. Sumenda principia ad benevolentiam conciliandam; narrationes aut amputandae quae laedunt, aut relinquendae si totae sunt molestae; firmamenta ad fidem posita aut per se diluenda aut obscuranda aut degressionibus obruenda; perorationes autem ad misericordiam conferendae. C.F. Semperne igitur ordinem collocandi quem volumus tenere possumus? C.P. Non sane; nam auditorum aures moderantur oratori prudenti et provido, et quod respuunt immutandum est.

[16] C.F. Expone deinceps quae ipsius orationis verborumque praecepta sint. C.P. Unum igitur genus est eloquendi sua sponte fusum, alterum conversum atque mutatum. Prima vis est in simplicibus verbis, in coniunctis secunda. Simplicia invenienda sunt, coniuncta collocanda. Et simplicia verba partim nativa sunt, partim reperta: nativa ea quae significata sunt sensu, reperta quae ex his facta sunt et novata aut similitudine aut imitatione aut inflexione aut adiunctione verborum. [17] Atque etiam est haec distinctio in verbis — altera natura, tractatione altera: natura, ut sint alia sonantiora, grandiora, leviora et quodammodo nitidiora, alia contra; tractatione autem, cum aut propria sumuntur rerum vocabula aut addita ad nomen aut nova aut prisca aut ab oratore modificata et inflexa quodammodo — qualia sunt ea quae transferuntur aut immutantur aut ea quibus tamquam abutimur aut ea quae obscuramus, quae incredibiliter tollimus quaeque mirabilius quam sermonis consuetudo patitur ornamus.

[18] C.F. Habeo de simplicibus verbis: nunc de coniunctione quaero. C.P. Numeri quidam sunt in coniunctione servandi, consecutioque verborum. Numeros aures ipsae metiuntur, ne aut non compleas verbis quod proposueris aut redundes; consecutio autem, ne generibus, numeris, temporibus, personis, casibus perturbetur oratio. Nam ut in simplicibus verbis quod non est Latinum, sic in coniunctis quod non est consequens vituperandum est. [19] Communia autem simplicium coniunctorumque sunt haec quinque quasi lumina, dilucidum, breve, probabile, illustre, suave. Dilucidum fit usitatis verbis propriis, dispositis aut circumscriptione conclusa aut

intermissione aut concisione verborum. Obscurum autem aut longitudine aut contractione orationis aut ambiguitate aut inflexione atque immutatione verborum. Brevitas autem conficitur simplicibus verbis semel una quaque re dicenda, nulli rei nisi ut dilucide dicas serviendo. Probabile autem genus est orationis si non nimis est comptum atque expolitum, si est auctoritas et pondus in verbis, si sententiae vel graves vel aptae opinionibus hominum et moribus. [20] Illustris autem oratio est si et verba gravitate delecta ponuntur et translata et superlata et ad nomen adiuncta et duplicata et idem significantia atque ab ipsa actione atque imitatione rerum non abhorrentia. Est enim haec pars orationis quae rem constituat paene ante oculos, is enim maxime sensus attingitur: sed ceteri tamen, et maxime mens ipsa moveri potest. Sed quae dicta sunt de oratione dilucida, cadunt in hanc illustrem omnia; est enim pluris aliquanto illustre quam illud dilucidum: altero fit ut intellegamus, altero vero ut videre videamur. [21] Suave autem genus erit dicendi primum elegantia et iucunditate verborum sonantium et lenium, deinde coniunctione quae neque asperos habeat concursus neque disiunctos atque hiantes et sit circumscripta non longo anfractu sed ad spiritum vocis apto habeatque similitudinem aequalitatemque verborum; tum ex contrariis sumpta verbis, crebra crebris, paria paribus respondeant: relataque ad idem verbum et geminata [atque duplicata] vel etiam saepius iterata ponantur, constructioque verborum tum coniunctionibus copuletur, tum dissolutionibus relaxetur. [22] Fit etiam suavis oratio cum aliquid aut invisum aut inauditum aut novum dicas. Delectat enim quidquid est admirabile, maximeque movet ea quae motum aliquem animi miscet oratio, quaeque significat oratoris ipsius amabiles mores: qui exprimuntur aut significando iudicio ipsius et animo humano ac liberali, aut inflexione sermonis cum aut augendi alterius aut minuendi sui causa alia dici ab oratore, alia existimari videntur, idque comitate fieri magis quam vanitate. Sed multa sunt suavitatis praecepta quae orationem aut magis obscuram aut minus probabilem faciant; itaque etiam hoc loco nobis est ipsis quid causa postulet iudicandum.

[23] C.F. Reliquum est igitur ut dicas de conversa oratione atque mutata. C.P. Est itaque id genus totum situm in commutatione verborum: quae simplicibus in verbis ita tractatur ut aut ex verbo

dilatetur aut in verbum contrahatur oratio — ex verbo cum aut proprium aut idem significans aut factum verbum in plura verba diducitur, ex oratione cum aut definitio ad unum verbum revocatur aut assumpta verba removentur aut circuitus diriguntur aut in coniunctione fit unum verbum ex duobus; [24] in coniunctis autem verbis triplex adhiberi potest commutatio, non verborum sed ordinis tantummodo, ut cum semel dictum sit directe sicut natura ipsa tulerit, invertatur ordo et idem quasi sursum versus retroque dicatur, deinde idem intercise atque permixte. Eloquendi autem exercitatio maxime in hoc toto convertendi genere versatur.

[25] C.F. Actio igitur sequitur, ut opinor. C.P. Est ita: quae quidem oratori et cum rerum et cum verborum momentis commutanda maxime est. Facit enim et dilucidam orationem et illustrem et probabilem et suavem non verbis sed varietate vocum, motu corporis, vultu, quae plurimum valebunt si cum orationis genere consentient eiusque vim ac varietatem subsequentur.

[26] C.F. Num quidnam de oratore ipso restat? C.P. Nihil sane praeter memoriam, quae est gemina litteraturae quodammodo et in dissimili genere persimilis. Nam ut illa constat ex notis litterarum et ex eo in quo imprimuntur illae notae, sic confectio memoriae tamquam cera locis utitur et in his imagines ut litteras collocat.

[27] C.F. Quoniam igitur vis oratoris omnis exposita est, quid habes de orationis praeceptis dicere? C.P. Quattuor esse eius partes, quarum prima et postrema ad motum animi valet — is enim initiis est et perorationibus concitandus — , secunda, narratio, et tertia, confirmatio, fidem facit orationi. Sed amplificatio quamquam habet proprium locum, saepe etiam primum, postremum quidem fere semper, tamen reliquo in cursu orationis adhibenda est, maximeque cum aliquid aut confirmatum est aut reprehensum. Itaque ad fidem quoque vel plurimum valet; est enim amplificatio vehemens quaedam argumentatio, ut illa docendi causa sit, haec commovendi.

[28] C.F. Perge igitur ordine quattuor istas mihi partes explicare. C.P. Faciam, et a principiis primum ordiar, quae quidem ducuntur aut ex personis aut ex rebus ipsis; sumuntur autem trium rerum gratia: ut amice, ut intellegenter, ut attente audiamur. Quorum primus locus est in personis nostris, disceptatorum, adversariorum; e quibus initia benevolentiae conciliandae comparantur aut meritis nostris efferendis

aut dignitate aut aliquo genere virtutis, et maxime liberalitatis, officii, iustitiae, fidei, contrariisque rebus in adversarios conferendis, et cum eis qui disceptant aliqua coniunctionis aut causa aut spe significanda: et si in nos aliquod odium offensiove collocata sit, tollenda ea minuendave aut diluendo aut extenuando aut compensando aut deprecando. [29] Intellegenter autem ut audiamur et attente, a rebus ipsis ordiendum est. Sed facillime auditor discit et quid agatur intellegit si complectare a principio genus naturamque causae, si definias, si dividas, si neque prudentiam eius impedias confusione partium nec memoriam multitudine; quaeque mox de narratione dilucida dicentur, eadem etiam huc poterunt recte referri. [30] Ut attente autem audiamur, trium rerum aliqua consequemur; nam aut magna quaedam proponemus aut necessaria aut coniuncta cum ipsis apud quos res agetur. Sit autem hoc etiam in praeceptis, ut si quando tempus ipsum aut res aut locus aut interventus alicuius aut interpellatio aut ab adversario dictum aliquod, et maxime in perorando, dederit occasionem nobis aliquam ut dicamus aliquid ad tempus apte, ne derelinquamus; et quae suo loco de amplificatione dicemus, multa ex his poterunt ad principiorum praecepta transferri.

[31] C.F. Quid? in narratione quae tandem conservanda sunt? C.P. Quoniam narratio est rerum explicatio et quaedam quasi sedes ac fundamentum constituendae fidei, ea sunt in ea servanda maxime quae etiam in reliquis fere dicendi partibus: quae partim sunt necessaria, partim assumpta ad ornandum. Nam ut dilucide probabiliterque narremus, necessarium est, sed assumimus etiam suavitatem. [32] Ergo ad dilucide narrandum eadem illa superiora explicandi et illustrandi praecepta repetemus, in quibus est brevitas ea quae saepissime in narratione laudatur, de qua supra dictum est. Probabilis autem erit si personis, si temporibus, si locis ea quae narrabuntur consentient: si cuiusque facti et eventi causa ponetur: si testata dici videbuntur, si cum hominum auctoritate, si cum lege, cum more, cum religione coniuncta: si probitas narrantis significabitur, si antiquitas, si memoria, si orationis veritas, et vitae fides. Suavis autem narratio est quae habet admirationes, exspectationes, exitus inopinatos, interpositos motus animorum, colloquia personarum, dolores, iracundias, metus, laetitias, cupiditates. Sed iam ad reliqua pergamus.

[33] C.F. Nempe ea sequuntur quae ad faciendam fidem pertinent. C.P. Ita est: quae quidem in confirmationem et reprehensionem dividuntur. Nam in confirmando nostra probare volumus, in reprehendendo redarguere contraria. Quoniam igitur omne quod in controversiam venit, id aut an sit necne aut quid sit aut quale sit quaeritur, in primo coniectura valet, in altero definitio, in tertio ratio.

[34] C.F. Teneo istam distributionem: nunc coniecturae locos quaero. C.P. In verisimilibus et in propriis rerum notis posita est tota. Sed appellemus docendi gratia verisimile quod plerumque ita fiat, ut adolescentiam procliviorem esse ad libidinem; propriae autem notae argumentum quod numquam aliter fit certumque declarat, ut fumus ignem. Verisimilia reperiuntur ex partibus et quasi membris narrationis; ea sunt in personis, in locis, in temporibus, in factis, in eventis, in rerum ipsarum negotiorumque naturis. [35] In personis naturae primum spectantur, valetudinis, figurae, virium, aetatis, marium, feminarum: atque haec quidem in corpore; animi autem aut quemadmodum affecti sint virtutibus, vitiis, artibus inertiis, aut quemadmodum commoti cupiditate, metu, voluptate, molestia. Atque haec quidem in natura spectantur. In fortuna genus, amicitiae, liberi, propinqui, affines, opes, honores, potestates, divitiae, libertas, et ea quae sunt eis contraria. [36] In locis autem et illa naturalia, maritimi an remoti a mari, plani an montuosi, leves an asperi, salubres an pestilentes, opaci an aprici, et illa fortuita, culti an inculti, celebres an deserti, coaedificati an vasti, obscuri an rerum gestarum vestigiis nobilitati, consecrati an profani. [37] In temporibus autem praesentia [et] praeterita [et] futura cernuntur; in his ipsis vetusta, recentia, instantia, paullo post aut aliquando futura. Insunt etiam in temporibus illa quae temporis quasi naturam notant, ut [hiems, ver, aestas, auctumnus aut] anni tempora, ut mensis, ut dies, [ut] nox, hora, [tempestas] quae sunt naturalia: fortuita autem sacrificia, festi dies, nuptiae. [38] Iam facta et eventus aut consilii sunt aut imprudentiae, quae est aut in casu aut in quadam animi permotione: casu cum aliter cecidit ac putatum sit, permotione cum aut oblivio aut error aut metus aut aliqua cupiditatis causa permovit. Est etiam in imprudentia necessitas ponenda. Rerum autem bonarum et malarum tria sunt genera, nam aut in animis aut in corporibus aut extra esse possunt. Huius igitur materiae ad argumentum subiectae

perlustrandae animo partes erunt omnes, et ad id quod agetur ex singulis coniectura capienda. [39] Est etiam genus argumentorum aliud quod ex facti vestigiis sumitur, ut telum, cruor, clamor editus, titubatio, permutatio coloris, oratio inconstans, tremor, ceterorum aliquid quod sensu percipi possit; etiamsi praeparatum aliquid, si communicatum cum aliquo, si postea visum, auditum, indicatum. [40] Verisimilia autem partim singula movent suo pondere, partim etiamsi videntur esse exigua per se, multum tamen cum sunt coacervata proficiunt. Atque in his verisimilibus insunt nonnumquam etiam certae rerum et propriae notae. Maximam autem facit fidem ad similitudinem veri primum exemplum, deinde introducta rei similitudo; fabula etiam nonnumquam, etsi est incredibilis, tamen homines commovet.

[41] C.F. Quid? definitionis quae ratio est et quae via? C.P. Non dubium est id quidem quin definitio genere declaretur et proprietate quadam aut etiam communium frequentia ex quibus proprium quid sit eluceat. Sed quoniam de propriis oritur plerumque magna dissensio, definiendum est saepe ex contrariis, saepe etiam ex dissimilibus, saepe ex paribus. Quam ob rem descriptiones quoque sunt in hoc genere saepe aptae et enumeratio consequentium, in primisque commovet explicatio vocabuli ac nominis.

[42] C.F. Sunt exposita iam fere ea quae de facto quaeque de facti appellatione quaeruntur. Nempe igitur ea restant quae, cum factum constet et nomen, qualia sint vocatur in dubium. C.P. Est ita ut dicis. C.F. Quae sunt igitur in eo genere partes? C.P. Aut iure factum depellendi aut ulsciscendi doloris gratia, aut pietatis aut pudicitiae aut religionis aut patriae nomine, aut denique necessitate, inscitia, casu. [43] Nam quae motu animi et perturbatione facta sine ratione sunt, ea defensionem contra crimen in legitimis iudiciis non habent, in liberis disceptationibus habere possunt. Hoc in genere, in quo quale sit quaeritur, [ex controversia] iure et recte necne actum sit quaeri solet: quorum disputatio ex locorum descriptione sumenda est.

[44] C.F. Age sis ergo, quoniam in confirmationem et reprehensionem diviseras orationis fidem, et dictum de altero est, expone nunc de reprehendendo. C.P. Aut totum est negandum quod in argumentatione adversarius sumpserit, si fictum aut falsum esse possis docere, aut redarguenda ea quae pro verisimilibus sumpta sint:

primum dubia sumpta esse pro certis, deinde etiam in perspicue falsis eadem posse dici, tum ex eis quae sumpserit non effici quod velit. Accidere autem oportet singula: sic universa frangentur. Commemoranda sunt etiam exempla quibus simili in disputatione creditum non sit, conquerenda conditio communis periculi si ingeniis hominum criminosorum sit exposita vita innocentium.

[45] C.F. Quoniam unde inveniuntur quae ad fidem pertinent habeo, quemadmodum in dicendo singula tractentur exspecto. C.P. Argumentationem quaerere videris, quae est argumenti explicatio[: quae sumpta ex eis locis qui sunt expositi conficienda et distinguenda dilucide est]. C.F. Plane istuc ipsum desidero.

[46] C.P. Est ergo (ut supra dictum est) explicatio argumenti argumentatio: sed ea conficitur cum sumpseris aut non dubia aut probabilia ex quibus id efficias quod aut dubium aut minus probabile per se videtur. Argumentandi autem duo sunt genera, quorum alterum ad fidem directo spectat, alterum se inflectit ad motum. Dirigitur cum proposuit aliquid quod probaret sumpsitque ea quibus niteretur, atque his confirmatis ad propositum se rettulit atque conclusit. Illa autem altera argumentatio quasi retro et contra: prius sumit quae vult eaque confirmat, deinde id quod proponendum fuit permotis animis iacit ad extremum. [47] Est autem illa varietas in argumentando et non iniucunda distinctio, ut cum interrogamus nosmet ipsi aut percunctamur aut imploramus aut optamus — quae sunt cum aliis compluribus sententiarum ornamenta. Vitare autem similitudinem poterimus non semper a proposito ordientes, et si non omnia disputando confirmabimus, breviterque interdum quae erunt satis aperta ponemus quodque ex his efficietur, si id apertum sit, non habebimus necesse semper concludere.

[48] C.F. Quid? illa quae sine arte appellantur, quae iamdudum assumpta dixisti, ecquonam modo artis indigent? C.P. Illa vero indigent, nec eo dicuntur sine arte quod ita sunt, sed quod ea non parit oratoris ars sed foris ad se delata tamen arte tractat, et maxime in testibus. [49] Nam et de toto genere testium quam id sit infirmum saepe dicendum est, et argumenta rerum esse propria, testimonia voluntatum, utendumque est exemplis quibus testibus creditum non sit; et de singulis testibus, si natura vani, si leves, si cum ignominia, si spe, si metu, si iracundia, si misericordia impulsi, si praemio, si

gratia adducti; comparandique superiore cum auctoritate testium quibus tamen creditum non sit. [50] Saepe etiam quaestionibus resistendum est, quod et dolorem fugientes multi in tormentis ementiti persaepe sint morique maluerint falsum fatendo quam infitiando dolere; multi etiam suam vitam neglexerint ut eos qui eis cariores quam ipsi sibi essent liberarent, alii autem aut natura corporis aut consuetudine dolendi aut metu supplicii ac mortis vim tormentorum pertulerint, alii ementiti sint in eos quos oderant. Atque haec exemplis firmanda sunt. [51] Neque est obscurum, quin, quoniam in utramque partem sunt exempla et item ad coniecturam faciendam loci, in contrariis contraria sint sumenda. Atque etiam incurrit alia quaedam in testibus et in quaestionibus ratio; saepe enim ea quae dicta sunt si aut ambigue aut inconstanter aut incredibiliter dicta sunt aut etiam aliter ab alio dicta, subtiliter reprehenduntur.

[52] C.F. Extrema tibi pars restat orationis, quae posita in perorando est, de qua sane velim audire. C.P. Facilior est explicatio perorationis. Nam est divisa in duas partes, amplificationem et enumerationem. Augendi autem et hic est proprius locus in perorando, et in cursu ipso orationis declinationes ad amplificandum dantur confirmata re aliqua aut reprehensa. [53] Est igitur amplificatio gravior quaedam affirmatio quae motu animorum conciliet in dicendo fidem. Ea et verborum genere conficitur et rerum. Verba ponenda sunt quae vim habeant illustrandi nec ab usu sint abhorrentia, gravia, plena, sonantia, iuncta, facta, cognominata, non vulgata, superlata, in primisque translata; nec in singulis verbis sed in continentibus soluta, quae dicuntur sine coniunctione, ut plura videantur. [54] Augent etiam relata verba, iterata, duplicata, et ea quae ascendunt gradatim ab humilioribus ad superiora; omninoque semper quasi naturalis et non explanata oratio, sed gravibus referta verbis, ad augendum accommodatior. Haec igitur in verbis, quibus actio vocis, vultus et gestus congruens et apta ad animos permovendos accommodanda est. Sed et in verbis et in actione causa erit tenenda et pro re agenda; nam haec quia videntur perabsurda cum graviora sunt quam causa fert, diligenter quid quemque deceat iudicandum est. [55] Rerum amplificatio sumitur eisdem ex locis omnibus quibus illa quae dicta sunt ad fidem; maximeque definitiones valent conglobatae et consequentium frequentatio et contrariarum et dissimilium et inter se

pugnantium rerum conflictio, et causae, et ea quae sunt de causis orta, maximeque similitudines et exempla; fictae etiam personae, muta denique loquantur; omninoque ea sunt adhibenda, si causa patitur, quae magna habentur, quorum est duplex genus: [56] alia enim magna natura videntur, alia usu — natura, ut caelestia, ut divina, ut ea quorum obscurae causae, ut in terris mundoque admirabilia quae sunt, ex quibus similibusque, si attendas, ad augendum permulta suppetunt; usu, quae videntur hominibus aut prodesse aut obesse vehementius, quorum sunt genera ad amplificandum tria. Nam aut caritate moventur homines, ut deorum, ut patriae, ut parentum, aut amore, ut fratrum, ut coniugum, ut liberorum, ut familiarium, aut honestate, ut virtutum, maximeque earum quae ad communionem hominum et liberalitatem valent. Ex eis et cohortationes sumuntur ad ea retinenda, et in eos a quibus ea violata sunt odia incitantur et miseratio nascitur. [57] [Proprius locus est augendi in his rebus aut amissis aut amittendi periculo.] Nihil est enim tam miserabile quam ex beato miser, et hoc totum quidem moveat, si bona ex fortuna quis cadat, et a quorum caritate divellatur, quae amittat aut amiserit, in quibus malis sit futurusve sit exprimatur breviter — cito enim arescit lacrima, praesertim in alienis malis; nec quidquam in amplificatione nimis enucleandum est, minuta est enim omnis diligentia; hic autem locus grandia requirit.

[58] Illud iam est iudicii, quo quaque in causa genere utamur augendi. In illis enim causis quae ad delectationem exornantur ei loci tractandi sunt qui movere possunt exspectationem, admirationem, voluptatem; in cohortationibus autem bonorum ac malorum enumerationes et exempla valent plurimum. In iudiciis accusatori fere quae ad iracundiam, reo plerumque quae ad misericordiam pertinent; nonnumquam tamen accusator misericordiam movere debet et defensor iracundiam.

[59] Enumeratio reliqua est, nonnumquam laudatori, suasori non saepe, accusatori saepius quam reo necessaria. Huius tempora duo sunt, si aut memoriae diffidas eorum apud quos agas vel intervallo temporis vel longitudine orationis, aut frequentatis firmamentis orationis et breviter expositis vim est habitura causa maiorem. [60] Et reo rarius utendum est, quod ponenda sunt contraria, quorum dissolutio in brevitate lucebit, aculei pungent. Sed erit in

enumeratione vitandum ne ostentatio memoriae suscepta videatur esse puerilis. Id effugiet qui non omnia minima repetet sed brevia singula attingens pondera rerum ipsa comprehendet.

[61] C.F. Quoniam et de ipso oratore et de oratione dixisti, expone eum mihi nunc quem ex tribus extremum proposuisti, quaestionis locum. C.P. Duo sunt, ut initio dixi, quaestionum genera, quorum alterum finitum temporibus et personis, causam appello, alterum infinitum nullis neque personis neque temporibus notatum propositum voco. Sed est consultatio quasi pars causae quaedam et controversiae: inest enim infinitum in definito, et ad illud tamen referuntur omnia. [62] Quam ob rem prius de proposito dicamus, cuius genera sunt duo — cognitionis alterum; eius scientia est finis, ut verine sint sensus: alterum actionis, quod refertur ad efficiendum quid, ut si quaeratur quibus officiis amicitia colenda sit. Rursus superioris genera sunt tria: sit necne, quid sit, quale sit. Sit necne, ut ius in naturane sit an in more; quid autem sit, sitne ius id quod maiori parti sit utile; quale autem sit, iuste vivere sit necne utile. [63] Actionis autem duo sunt genera — unum ad persequendum aliquid aut declinandum, ut quibus rebus adipisci gloriam possis aut quomodo invidia vitetur, alterum quod ad aliquod commodum usumque refertur, ut quemadmodum sit respublica administranda aut quemadmodum in paupertate vivendum. [64] Rursus autem ex cognitionis consultatione, ubi sit necne sit aut fuerit futurumve sit quaeritur, unum genus est quaestionis, possitne aliquid effici? ut cum quaeritur, ecquisnam perfecte sapiens esse possit? alterum, quemadmodum quidque fiat, ut quonam pacto virtus pariatur, naturane an ratione an usu? Cuius generis sunt omnes in quibus, ut in obscuris naturalibusque quaestionibus, causae rationesque rerum explicantur. [65] Illius autem generis in quo quid sit id de quo agitur quaeritur duo sunt genera, quorum in altero disputandum est, aliud an idem sit, ut pertinacia et perseverantia, in altero autem descriptio generis alicuius et quasi imago exprimenda est, ut qualis sit avarus aut quid sit superbia. [66] Tertio autem in genere, in quo quale sit quaeritur, aut de honestate aut de utilitate aut de aequitate dicendum est. De honestate sic, ut honestumne sit pro amico periculum aut invidiam subire; de utilitate autem sic, ut sitne utile in republica administranda versari; de aequitate vero sic, ut sitne aequum amicos

cognatis anteferre. Atque in hoc eodem genere in quo quale sit quaeritur exoritur aliud quoddam disputandi genus. Non enim simpliciter solum quaeritur quid honestum sit, quid utile, quid aequum, sed etiam ex comparatione, quid honestius, quid utilius, quid aequius, atque etiam, quid honestissimum, quid utilissimum, quid aequissimum; cuius generis illa sunt quae praestantissima sit dignitas vitae. Atque ea quidem quae dixi cognitionis sunt omnia. [67] Restant actionis, cuius alterum est praecipiendi genus quod ad rationem officii pertinet, ut quemadmodum colendi sint parentes, alterum autem ad sedandos animos et oratione sanandos, ut in consolandis maeroribus, ut in iracundia comprimenda aut in timore tollendo aut in cupiditate minuenda. Cui quidem generi contrarium est disputandi genus ad eosdem illos animi motus, quod in amplificanda oratione saepe faciendum est, vel gignendos vel concitandos. Atque haec fere est partitio consultationum.

[68] C.F. Cognovi: sed quae ratio sit in his inveniendi et disponendi requiro. C.P. Quid? tu aliamne censes et non eamdem quae est exposita, ut ex eisdem locis ad fidem et ad inveniendum ducantur omnia? Collocandi autem quae est exposita in aliis ratio, eadem huc transfertur. C.F. Cognita igitur omni distributione propositarum consultationum, causarum genera restant.

[69] C.P. Admodum; et earum quidem forma duplex est, quarum altera delectationem sectatur audientium, alterius ut obtineat, probet et efficiat quod agit, omnis est suscepta contentio. Itaque illud superius exornatio dicitur, quod cum latum genus esse potest saneque varium, unum ex eo delegimus, quod ad laudandos claros viros suscipimus et ad improbos vituperandos. Genus enim nullum est orationis quod aut uberius ad dicendum aut utilius civitatibus esse possit aut in quo magis orator in cognitione virtutum vitiorumque versetur. Reliquum autem genus causarum aut in provisione posteri temporis aut in praeteriti disceptatione versatur, quorum alterum deliberationis est, alterum iudicii. [70] Ex qua partitione tria genera causarum exstiterunt, unum quod a meliori parte laudationis est appellatum, deliberationis alterum, tertium iudiciorum. Quam ob rem de primo primum, si placet, disputemus. C.F. Mihi vero placet. C.P. Ac laudandi vituperandique rationes, quae non ad bene dicendum solum sed etiam ad honeste vivendum valent, exponam breviter,

atque a principiis exordiar et laudandi et vituperandi.

[71] Omnia enim sunt profecto laudanda quae coniuncta cum virtute sunt, et quae cum vitiis, vituperanda. Quam ob rem finis alterius est honestas, alterius turpitudo. Conficitur autem genus hoc dictionis narrandis exponendisque factis sine ullis argumentationibus, ad animi motus leniter tractandos magis quam ad fidem faciendam aut confirmandam accommodate. Non enim dubia firmantur sed ea quae certa aut pro certis posita sunt augentur. Quam ob rem ex eis quae ante dicta sunt et narrandi et augendi praecepta repetentur. [72] Et quoniam in his causis omnis ratio fere ad voluptatem auditoris et ad delectationem refertur, utendum erit eis in oratione singulorum verborum insignibus quae habent plurimum suavitatis: id est ut factis verbis aut vetustis aut translatis frequenter utamur, et in ipsa constructione verborum ut paria paribus et similia similibus saepe referantur, ut contraria, ut geminata, ut circumscripta numerose, non ad similitudinem versuum, sed ad explendum aurium sensum, apto quodam quasi verborum modo. [73] Adhibendaque frequentius etiam illa ornamenta rerum sunt, sive quae admirabilia et nec opinata, sive significata monstris, prodigiis, oraculis, sive quae videbuntur ei de quo agimus accidisse divina atque fatalia. Omnis enim exspectatio eius qui audit et admiratio et improvisi exitus habent aliquam in audiendo voluptatem. [74] Sed quoniam tribus in generibus bona malave versantur, externis, corporis, animi, prima sunt externa, quae ducuntur a genere: quo breviter modiceque laudato aut si erit infame praetermisso, si humile, vel praeterito vel ad augendam eius quem laudes gloriam tracto; deinceps si res patietur de fortunis erit et facultatibus dicendum, postea de corporis bonis, in quibus quidem quae virtutem maxime significat facillime forma laudatur. [75] Deinde est ad facta veniendum, quorum collocatio triplex est: aut enim temporum servandus est ordo aut in primis recentissimum quodque dicendum aut multa et varia facta in propria virtutum genera sunt dirigenda. Sed hic locus virtutum atque vitiorum latissime patens ex multis et variis disputationibus nunc in quamdam angustam et brevem concludetur. [76] Est igitur vis virtutis duplex; aut enim scientia cernitur virtus, aut actione. Nam quae prudentia, quae calliditas, quaeque gravissimo nomine sapientia appellatur, haec scientia pollet una; quae vero moderandis

cupiditatibus regendisque animi motibus laudatur, eius est munus in agendo; cui temperantiae nomen est. Atque illa prudentia in suis rebus domestica, in publicis civilis appellari solet. [77] Temperantia autem in suas itidem res et in communes distributa est, duobusque modis in rebus commodis discernitur, et ea quae absunt non expetendo et ab eis quae in potestate sunt abstinendo. In rebus autem incommodis est itidem duplex; nam quae venientibus malis obstat fortitudo, quae quod iam adest tolerat et perfert patientia nominatur. Quae autem haec uno genere complectitur, magnitudo animi dicitur: cuius est liberalitas in usu pecuniae, simulque altitudo animi in capiendis incommodis et maxime iniuriis, et omne quod est eius generis, grave, sedatum [non turbulentum]. [78] In communione autem quae posita pars est, iustitia dicitur, eaque erga deos religio, erga parentes pietas, vulgo autem bonitas, creditis in rebus fides, in moderatione animadvertendi lenitas, amicitia in benevolentia nominatur. Atque hae quidem virtutes cernuntur in agendo. Sunt autem aliae quasi ministrae comitesque sapientiae, quarum altera quae sint in disputando vera atque falsa quibusque positis quid sequatur distinguit et iudicat, quae virtus omnis in ratione scientiaque disputandi sita est; altera autem oratoria. [79] Nihil enim est aliud eloquentia nisi copiose loquens sapientia, quae ex eodem hausta genere quo illa quae in disputando est, uberior est atque latior et ad motus animorum vulgique sensus accommodatior. Custos vero virtutum omnium dedecus fugiens laudemque maxime consequens verecundia est. Atque hi sunt fere quasi quidam habitus animi sic affecti et constituti ut sint singuli inter se proprio virtutis genere distincti: a quibus ut quaeque res gesta est, ita sit honesta necesse est summeque laudabilis.

[80] Sunt autem alii quidam animi habitus ad virtutem quasi praeculti et praeparati rectis studiis et artibus, ut in suis rebus studia litterarum, ut numerorum ac sonorum, ut mensurae, ut siderum, ut equorum, ut venandi, ut armorum, in communibus propensiora studia in aliquo genere virtutis praecipue colendo aut divinis rebus deserviendo aut parentibus, amicis, hospitibus praecipue atque insigniter diligendis. [81] Atque haec quidem virtutum; vitiorum autem sunt genera contraria. Cernenda autem sunt diligenter, ne fallant ea nos vitia, quae virtutem videntur imitari. Nam et

prudentiam malitia et temperantiam immanitas in voluptatibus aspernandis et magnitudinem animi superbia in nimis extollendis et despicientia in contemnendis honoribus et liberalitatem effusio et fortitudinem audacia imitatur et patientiam duritia immanis et iustitiam acerbitas et religionem superstitio et lenitatem mollitia animi et verecundiam timiditas et illam disputandi prudentiam concertatio captatioque verborum, et hanc oratoriam vim inanis quaedam profluentia loquendi. Studiis autem bonis similia videntur ea quae sunt in eodem genere nimia. [82] Quam ob rem omnis vis laudandi vituperandique ex his sumetur virtutum vitiorumque partibus; sed in toto quasi contextu orationis haec erunt illustranda maxime, quemadmodum quisque generatus, quemadmodum educatus, quemadmodum institutus moratusque fuerit, et si quid cui magnum aut incredibile acciderit, maximeque si id divinitus accidisse potuerit videri; tum quod quisque senserit, dixerit, gesserit ad ea quae proposita sunt virtutum genera accommodabuntur, ex illisque eisdem inveniendi locis causae rerum et eventus et consequentia requirentur. Neque vero mors eorum quorum vita laudabitur silentio praeteriri debebit, si modo quid erit animadvertendum aut in ipso genere mortis aut in eis rebus quae post mortem erunt consecutae.

[83] C.F. Accepi ista, didicique breviter non solum quemadmodum laudarem alterum sed etiam quemadmodum eniterer ut possem ipse iure laudari. Videamus igitur deinceps in sententia dicenda quam viam et quae praecepta teneamus. C.P. Est igitur in deliberando finis utilitas, ad quem omnia ita referuntur in consilio dando sententiaque dicenda ut illa prima sint suasori aut dissuasori videnda, quid aut possit fieri aut non possit et quid aut necesse sit aut non necesse. Nam et si quid effici non potest, deliberatio tollitur quamvis utile sit, et si quid necesse est (necesse autem id est sine quo salvi liberive esse non possumus), id est reliquis et honestatibus in civili ratione et commodis anteponendum. [84] Cum autem quaeritur quid fieri possit, videndum etiam est quam facile possit; nam quae perdifficilia sunt perinde habenda saepe sunt ac si effici non possint. Et cum de necessitate attendemus, etsi aliquid non necessarium videbitur, videndum tamen erit quam sit magnum; quod enim permagnum est pro necessario saepe habetur. [85] Itaque cum constet hoc genus

causarum ex suasione et dissuasione, suasori proponitur simplex ratio, si et utile est et fieri potest, fiat, dissuasori duplex, una, si non utile est, ne fiat, altera, si fieri non potest, ne suscipiatur. Sic suasori utrumque docendum est, dissuasori alterum infirmare sat est. [86] Quare quoniam in his versatur omne consilium duobus, de utilitate ante dicamus, quae in discernendis bonis malisque versatur. Bonorum autem partim necessaria sunt, ut vita, pudicitia, libertas, partim non necessaria, ut liberi, coniuges, germani, parentes: quorum alia sunt per se expetenda, ut ea quae sita sunt in officiis atque virtutibus, alia quod aliquid commodi efficiunt, ut opes et copiae. [87] Eorum autem quae propter se expetuntur partim honestate ipsa, partim commoditate aliqua expetuntur: honestate ea quae proficiscuntur ab eis virtutibus de quibus paullo ante est dictum, quae sunt laudabilia ipsa per se: commoditate autem aliqua quae sunt in corporis aut in fortunae bonis expetenda, quorum alia sunt quasi cum honestate coniuncta, ut honos, ut gloria, alia diversa, ut vires, forma, valetudo, nobilitas, divitiae, clientelae. [88] Est etiam quaedam quasi materies subiecta honestati, quae maxime spectatur in amicitiis. Amicitiae autem caritate et amore cernuntur; nam cum deorum tum parentum patriaeque cultus eorumque hominum qui aut sapientia aut opibus excellunt ad caritatem referri solet, coniuges autem et liberi et fratres et alii quos usus familiaritasque coniunxit, quamquam etiam caritate ipsa, tamen amore maxime continentur. In his igitur rebus cum bona sint, facile est intellectu quae sint contraria. [89] Quodsi semper optima tenere possemus, haud sane, quoniam quidem ea perspicua sunt, consilio multum egeremus. Sed quia temporibus, quae vim habent maximam, persaepe evenit ut utilitas cum honestate certet, earumque rerum contentio plerumque deliberationes efficit ne aut opportuna propter dignitatem aut honesta propter utilitatem relinquantur, ad hanc difficultatem explicandam praecepta referamus. [90] Et quoniam non ad veritatem solum sed etiam ad opiniones eorum qui audiunt accommodanda est oratio, hoc primum intellegamus, hominum duo esse genera, alterum indoctum et agreste, quod anteferat semper utilitatem honestati, alterum humanum et politum, quod rebus omnibus dignitatem anteponat. Itaque huic generi laus, honor, gloria, fides, iustitia, omnisque virtus, illi autem alteri quaestus emolumentum fructusque proponitur. Atque

etiam voluptas, quae maxime est inimica virtuti bonique naturam fallaciter imitando adulterat, quam immanissimus quisque acerrime sequitur, neque solum honestis rebus sed etiam necessariis anteponit, in suadendo, cum ei generi hominum consilium des, saepe sane laudanda est.

[91] Et illud videndum, quanto magis homines mala fugiant quam sequantur bona. Nam neque honesta tam expetunt quam devitant turpia; quis enim honorem, quis gloriam, quis laudem, quis ullum decus tam umquam expetat quam ignominiam, infamiam, contumeliam, dedecus fugiat? quarum rerum dolor gravis est testis genus hominum ad honestatem natum, malo cultu pravisque opinionibus corruptum. Quare in cohortando atque suadendo propositum quidem nobis erit illud, ut doceamus qua via bona consequi malaque vitare possimus; [92] sed apud homines bene institutos plurimum de laude et de honestate dicemus, maximeque ea virtutum genera tractabimus quae in communi hominum utilitate tuenda augendaque versantur. Sin apud indoctos imperitosque dicemus, fructus, emolumenta, voluptates vitationesque dolorum proferantur; addantur etiam contumeliae atque ignominiae; nemo enim est tam agrestis quem non, si ipsa minus honestas, contumelia tamen et dedecus magnopere moveat. [93] Quare quod ad utilitatem spectat ex eis quae dicta sunt reperietur: quod autem, possit effici necne, in quo etiam quam facile possit quamque expediat quaeri solet, maxime ex causis eis quae quamque rem efficiant est videndum. Causarum autem genera sunt plura; nam sunt aliae quae ipsae conficiunt, aliae quae vim aliquam ad conficiendum afferunt. Itaque illae superiores conficientes vocentur, hae reliquae ponantur in eo genere ut sine his confici non possit. [94] Conficiens autem causa alia est absoluta et perfecta per se, alia aliquid adiuvans et efficiendi socia quaedam: cuius generis vis varia est, et saepe aut maior aut minor, ut et illa quae maximam vim habet sola saepe causa dicatur. Sunt autem aliae causae quae aut propter principium aut propter exitum conficientes vocantur. Cum autem quaeritur quid sit optimum factu, aut utilitas aut spes efficiendi ad assentiendum impellit animos.

[95] Et quoniam de utilitate iam diximus, de efficiendi ratione dicamus. Quo toto in genere quibuscum et contra quos et quo tempore et quo loco quibus facultatibus armorum, pecuniae,

sociorum, earumve rerum quae ad quamque rem efficiendam pertinent possimus uti requirendum est. Neque solum ea sunt quae nobis suppetunt sed etiam illa quae adversantur videnda; et si ex contentione procliviora erunt nostra, non solum effici posse quae suademus erit persuadendum sed curandum etiam ut illa facilia, proclivia, iucunda videantur. Dissuadentibus autem aut utilitas labefactanda est aut efficiendi difficultates efferendae, neque aliis ex praeceptis sed eisdem ex suasionis locis. [96] Uterque vero ad augendum habeat exemplorum aut recentium quo notiora sint aut veterum quo plus auctoritatis habeant, copiam; maximeque sit in hoc genere meditatus, ut possit vel utilia ac necessaria saepe honestis vel haec illis anteferre. Ad commovendos autem animos maxime proficient, si incitandi erunt, huiusmodi sententiae quae aut ad explendas cupiditates aut ad odium satiandum aut ad ulciscendas iniurias pertinebunt; sin autem reprimendi, de incerto statu fortunae dubiisque eventis rerum futurarum et retinendis suis fortunis si erunt secundae, sin autem adversae, de periculo commonendi. Atque hi quidem sunt perorationis loci. [97] Principia autem in sententiis dicendis brevia esse debent; non enim supplex ut ad iudicem venit orator sed hortator atque auctor. Quare proponere qua mente dicat, quid velit, quibus de rebus dicturus sit debet, hortarique ad se breviter dicentem audiendum. Tota autem oratio simplex et gravis et sententiis debet ornatior esse quam verbis.

[98] C.F. Cognovi iam laudationis et suasionis locos: nunc quae iudiciis accommodata sint exspecto, idque nobis genus restare unum puto. C.P. Recte intellegis. Atque eius quidem generis finis est aequitas, quae non simpliciter spectatur sed ex comparatione nonnumquam, ut cum de verissimo accusatore disputatur aut cum hereditatis sine lege aut sine testamento petitur possessio, in quibus causis quid aequius aequissimumve sit quaeritur; quas ad causas facultas petitur argumentationum ex eis de quibus mox dicetur aequitatis locis. [99] Atque etiam ante iudicium de constituendo ipso iudicio solet esse contentio, cum aut sitne actio illi qui agit aut iamne sit aut num iam esse desierit aut illane lege hisne verbis sit actio quaeritur. Quae etiamsi ante quam res in iudicium venit aut concertata aut diiudicata aut confecta non sunt, tamen in ipsis iudiciis permagnum saepe habent pondus cum ita dicitur: plus petisti; sero petisti; non fuit tua petitio; non a me, non hac lege, non his verbis, non hoc iudicio. [100] Quarum causarum genus est positum in iure civili quod est in privatarum rerum lege aut more positum; cuius scientia neglecta ab oratoribus plerisque nobis ad dicendum necessaria videtur. Quare de constituendis actionibus, de accipiendis subeundisque iudiciis, de excipienda iniquitate actionis, de comparanda aequitate, quod ea fere generis eius sunt ut quamquam in ipsum iudicium saepe delabantur tamen ante iudicium tractanda videantur, paullulum ea separo a iudiciis tempore magis agendi quam dissimilitudine generis. Nam omnia quae de iure civili aut de aequo et bono disceptantur cadunt in eam formam in qua quale quid sit ambigitur, de qua dicturi sumus; quae in aequitate et iure maxime consistit.

[101] In omnibus igitur causis tres sunt gradus ex quibus unus aliquis capiendus est, si plures non queas, ad resistendum. Nam aut ita constituendum est ut id quod obiicitur factum neges, aut illud quod factum fateare neges eam vim habere atque id esse quod adversarius criminetur, aut si neque de facto neque de facti appellatione ambigi potest, id quod arguere neges tale esse quale ille dicat et rectum esse quod feceris concedendumve defendas. [102] Ita primus ille status et quasi conflictio cum adversario coniectura quadam, secundus autem definitione atque descriptione aut

informatione verbi, tertius aequi et veri et recti et humani ad ignoscendum disputatione tractandus est. Et quoniam semper is qui defendit non solum resistat oportet aliquo statu aut infitiando aut definiendo aut aequitate opponenda sed etiam rationem subiiciat recusationis suae, primus ille status rationem habet iniqui criminis, ipsam negationem infitiationemque facti; secundus quod non sit in re quod ab adversario ponatur in verbo; tertius quod id recte factum esse defendat quod sine ulla nominis controversia factum fatetur. [103] Deinde uni cuique rationi opponendum est ab accusatore id quod si non esset in accusatione, causa omnino esse non posset. Itaque ea quae sic referuntur continentia causarum vocentur: quamquam non ea magis quae contra rationem defensionis afferuntur quam ipsae defensionis rationes continent causas. Sed distinguendi gratia rationem appellamus eam quae affertur ab reo ad recusandum depellendi criminis causa, quae nisi esset, quod defenderet non haberet: firmamentum autem quod contra ad labefactandam rationem refertur, sine quo accusatio stare non potest.

[104] Ex rationis autem et firmamenti conflictione et quasi concursu quaestio exoritur quaedam quam disceptationem voco: in qua quid veniat in iudicium et de quo disceptetur quaeri solet. Nam prima adversariorum contentio diffusam habet quaestionem; ut in coniectura, ceperitne pecunias Decius; in definitione, minueritne maiestatem Norbanus; in aequitate, iurene occiderit Opimius Gracchum. Haec, quae primam contentionem habent ex arguendo et resistendo, lata, ut dixi, et fusa sunt; rationum et firmamentorum contentio adducit in angustum disceptationem. Ea in coniectura nulla est; nemo enim eius quod negat factum rationem aut potest aut debet aut solet reddere. Itaque in his causis eadem et prima quaestio, et disceptatio est extrema. [105] In illis autem ubi ita dicitur: ‘Non minuit maiestatem quod egit de Caepione turbulentius; populi enim Romani dolor iustus vim illam excitavit, non tribuni actio; maiestas autem, quoniam est magnitudo quaedam, populi Romani in eius potestate ac iure retinendo aucta est potius quam diminuta,’ et ubi ita refertur: ‘Maiestas est in imperii atque in nominis populi Romani dignitate, quam minuit is qui per vim multitudinis rem ad seditionem vocavit,’ exsistit illa disceptatio, minueritne maiestatem qui voluntate populi Romani rem gratam et aequam per vim egerit. [106] In eis autem

causis ubi aliquid recte factum aut concedendum esse defenditur, cum est facti subiecta ratio, sicut ab Opimio: ‘Iure feci, salutis omnium et conservandae reipublicae causa,’ relatumque est ab Decio: ‘Ne sceleratissimum quidem civem sine iudicio iure ullo necare potuisti,’ oritur illa disceptatio: potueritne recte salutis reipublicae causa civem eversorem civitatis indemnatum necare. Ita disceptationes eae quae in his controversiis oriuntur quae sunt certis personis et temporibus notatae fiunt rursus infinitae detractis et temporibus et personis, et rursum ad consultationis formam rationemque revocantur. [107] Sed in gravissimis firmamentis etiam illa ponenda sunt, si qua ex scripto legis aut testamenti aut verborum ipsius iudicii aut alicuius stipulationis aut cautionis opponuntur defensioni contraria. Ac ne hoc quidem genus in eas causas incurrit quae coniectura continentur; quod enim factum negatur, id argui non potest scripto. Ne in definitionem quidem venit genere scripti ipsius; nam etiamsi verbum aliquod de scripto definiendum est quam vim habeat, ut cum ex testamentis quid sit penus aut cum ex lege praedii quaeritur quae sint ruta caesa, non scripti genus sed verbi interpretatio controversiam parit. [108] Cum autem aut plura significantur scripto propter verbi aut verborum ambiguitatem, ut liceat ei qui contra dicat eo trahere significationem scripti quo expediat ac velit, aut, si ambigue scriptum non sit, vel a verbis voluntatem et sententiam scriptoris abducere vel alio se eadem de re contrarie scripto defendere, tum disceptatio ex scripti contentione exsistit, ut in ambiguis disceptetur quid maxime significetur, in scripti sententiaeque contentione, utrum potius sequatur iudex, in contrariis scriptis, utrum magis sit comprobandum.

[109] Disceptatio autem cum est constituta, propositum esse debet oratori quo omnes argumentationes repetitae ex inveniendi locis coniiciantur. Quod quamquam satis est ei qui videt quid in quoque loco lateat quique illos locos tamquam thesauros aliquos argumentorum notatos habet, tamen ea quae sunt certarum causarum propria tangemus. [110] In coniectura igitur, cum est in infitiando reus, accusatori haec duo prima sunt — sed accusatorem pro omni actore et petitore appello: possunt enim etiam sine accusatione in causis haec eadem controversiarum genera versari — sed haec duo sunt ei prima, causa et eventus. Causam appello rationem efficiendi,

eventum id quod est effectum. Atque ipsa quidem partitio causarum paullo ante in suasionis locis distributa est. [111] Quae enim in consilio capiendo futuri temporis praecipiebantur, quam ob rem aut utilitatem viderentur habitura aut efficiendi facultatem, eadem qui de facto argumentabitur colligere debebit, quam ob rem et utilia illi quem arguet fuisse et ab eo effici potuisse demonstret. Utilitatis coniectura movetur si illud quod arguitur aut spe bonorum aut malorum metu fecisse dicitur, quod eo fit acrius quo illa in utroque genere maiora ponuntur. [112] Spectant etiam ad causam facti motus animorum, si ira recens, si odium vetus, si ulciscendi studium, si iniuriae dolor, si honoris, si gloriae, si imperii, si pecuniae cupiditas, si periculi timor, si aes alienum, si angustiae rei familiaris: si audax, si levis, si crudelis, si impotens, si incautus, si insipiens, si amans, si commota mente, si vinolentus, si cum spe efficiendi, si cum opinione celandi aut si patefactum esset depellendi criminis, vel perrumpendi periculi, vel in longinquum tempus differendi: aut si iudicii poena levior quam facti praemium: aut si facinoris voluptas maior quam damnationis dolor. [113] His fere rebus facti suspicio confirmatur, cum et voluntatis in reo causae reperiuntur et facultas. In voluntate autem utilitas ex adeptione alicuius commodi vitationeque alicuius incommodi quaeritur, ut aut spes aut metus impulisse videatur, aut aliquis repentinus animi motus, qui etiam citius in fraudem quam ratio utilitatis impellit. Quam ob rem sint haec dicta de causis.

[114] C.F. Teneo, et quaero qui sint illi eventus quos ex causis effici dixisti. C.P. Consequentia quaedam signa praeteriti et quasi impressa facti vestigia: quae quidem vel maxime suspicionem movent et quasi tacita sunt criminum testimonia, atque hoc quidem graviora quod causae communiter videntur insimulare et arguere omnes posse quorum modo interfuerit aliquid: haec proprie attingunt eos ipsos qui arguuntur, ut telum, ut vestigium, ut cruor, ut deprehensum aliquid, quod ablatum ereptumve videatur, ut responsum inconstanter, ut haesitatum, ut titubatum, ut cum aliquo visus ex quo suspicio oriatur, ut eo ipso in loco visus in quo facinus, ut pallor, ut tremor, ut scriptum aut obsignatum aut depositum quippiam. Haec enim et talia sunt quae aut in re ipsa aut etiam ante quam factum est aut postea suspiciosum crimen efficiant. [115] Quae si non erunt, tamen causis ipsis et efficiendi facultatibus niti oportebit, adiuncta illa disputatione

communi, non fuisse illum tam amentem ut indicia facti aut effugere aut occultare non posset, ut ita apertus esset, ut locum crimini relinqueret. Communis ille contra locus, audaciam temeritati, non prudentiae esse coniunctam. [116] Sequitur autem ille locus ad augendum, non esse exspectandum dum fateatur, argumentis peccata convinci; et hic etiam exempla ponentur.

[117] Atque haec quidem de argumentis. Sin autem erit etiam testium facultas, primum genus erit ipsum laudandum, dicendumque ne argumentis teneretur reus ipsum sua cautione effecisse, testes effugere non potuisse; deinde singuli laudentur [quae autem essent laudabilia dictum est]; deinde etiam argumento firmo, quia tamen saepe falsum est, posse recte non credi, viro bono et firmo sine vitio iudicis non posse non credi; atque etiam, si obscuri testes erunt aut tenues, dicendum erit non esse ex fortuna fidem ponderandam, aut eos esse cuiusque locupletissimos testes qui id de quo agatur facillime scire possint. Sin quaestiones habitae aut postulatio ut habeantur causam adiuvabunt, confirmandum genus primum quaestionum erit, dicendum de vi doloris, de opinione maiorum, qui eam rem totam nisi probassent certe repudiassent; [118] de institutis Atheniensium, Rhodiorum, doctissimorum hominum, apud quos etiam (id quod acerbissimum est) liberi civesque torquentur; de nostrorum etiam prudentissimorum hominum institutis, qui cum de servis in dominos quaeri noluissent, de incestu tamen, et coniuratione quae facta me consule est, quaerendum putaverunt. Irridenda etiam disputatio est qua solent uti ad infirmandas quaestiones et meditata puerilisque dicenda. Tum facienda fides diligenter esse et sine cupiditate quaesitum, dictaque quaestionis argumentis et coniectura ponderanda. Atque haec accusationis fere membra sunt.

[119] Defensionis autem primum infirmatio causarum: aut non fuisse, aut non tantas, aut non sibi soli, aut commodius potuisse idem consequi, aut non eis se esse moribus, non ea vita, aut nullos animi motus aut non tam impotentes fuisse. Facultatum autem infirmatione utetur si aut vires aut animum aut copias aut opes abfuisse demonstrabit, aut alienum tempus aut locum non idoneum, aut multos arbitros quorum crederet nemini: aut non se tam ineptum ut id susciperet quod occultare non posset, neque tam amentem ut poenas ac iudicia contemneret. [120] Consequentia autem diluet exponendo

non esse illa certa indicia facti quae etiam nullo admisso consequi possent, consistetque in singulis, et ea aut eorum quae ipse facta esse dicit propria esse defendet potius quam criminis, aut si sibi cum accusatore communia essent, pro periculo potius quam contra salutem valere debere; testiumque et quaestionum genus universum et quod poterit in singulis ex reprehensionis locis de quibus ante dictum est refellet. [121] Harum causarum principia suspiciosa ad acerbitatem ab accusatore ponentur, denuntiabiturque insidiarum commune periculum, excitabunturque animi ut attendant. Ab reo autem querela conflati criminis collectarumque suspicionum et accusatoris insidiae et item commune periculum proferetur, animique ad misericordiam allicientur et modice benevolentia iudicum colligetur. Narratio autem accusatoris erit quasi membratim gesti negotii suspiciosa explicatio, sparsis omnibus argumentis, obscuratis defensionibus; defensori aut praeteritis aut obscuratis suspicionum argumentis rerum ipsarum eventus erunt casusque narrandi. [122] In confirmandis autem nostris argumentationibus infirmandisque contrariis saepe erunt accusatori motus animorum incitandi, reo mitigandi. Atque haec quidem utrique maxime in peroratione facienda — alteri frequentatione argumentorum et coacervatione universa, alteri, si plane causam redarguendo explicarit, enumeratione ut quidque diluerit et miseratione ad extremum.

[123] C.F. Scire mihi iam videor quemadmodum coniectura tractanda sit. Nunc de definitione audiamus. C.P. Communia dantur in isto genere accusatori defensorique praecepta. Uter enim definiendo describendoque verbo magis ad sensum iudicis opinionemque penetrarit, et uter ad communem verbi vim et ad eam praeceptionem quam incohatam habebunt in animis ei qui audient magis et propius accesserit, is vincat necesse est. [124] Non enim argumentando hoc genus tractatur sed tamquam explicando excutiendoque verbo, ut si in reo pecunia absoluto rursusque revocato praevaricationem accusator esse definiat omnem iudicii corruptelam ab reo, defensor autem non omnem sed tantummodo accusatoris corruptelam ab reo: sit ergo haec contentio prima verborum, in qua, etiamsi propius accedat ad consuetudinem mentemque sermonis defensoris definitio, tamen accusator sententia legis nititur; [125] negat enim probari oportere eos qui leges scripserint

ratum habere iudicium si totum corruptum sit, si unus accusator corruptus sit non rescindere: nititur aequitate, ut utilitate scribenda lex sit, quaeque tum complecteretur in iudiciis corruptis ea verbo uno praevaricationis comprehendisse dicitur. [126] Defensor autem testabitur consuetudinem sermonis, verbique vim ex contrario reperiet, quasi ex vero accusatore, cui contrarium est nomen praevaricatoris; ex consequentibus, quod ea littera de accusatore solet dari iudici; ex nomine ipso, quod significat eum qui in contrariis causis quasi vare esse positus videatur. Sed huic tamen ipsi confugiendum est ad aequitatis locos, ad rerum iudicatarum auctoritatem, ad finem aliquem periculi; communeque sit hoc praeceptum, ut cum uterque definierit quam maxime potuerit ad communem sensum vimque verbi, tum similibus exemplisque eorum qui ita locuti sunt suam definitionem sententiamque confirmet. [127] Atque accusatori in hoc genere causarum locus ille communis, minime esse concedendum ut is qui de re confiteatur verbi se interpretatione defendat; defensor autem et ea quam proposui aequitate nitatur et ea cum secum faciat non re sed depravatione verbi se urgeri queratur. Quo in genere percensere poterit plerosque inveniendi locos; nam et similibus utetur et contrariis et consequentibus quamquam uterque, tamen reus, nisi plane erit absurda causa, frequentius. [128] Amplificandi autem causa, quae aut cum degredientur a causa dici volent aut cum perorabunt, haec vel ad odium vel ad misericordiam vel omnino ad animos iudicum movendos ex eis quae sunt ante posita sumentur, si modo rerum magnitudo hominumve aut invidia aut dignitas postulabit.

[129] C.F. Habeo ista; nunc ea quae cum quale sit quippiam disceptatur quaeri ex utraque parte deceat velim audire. C.P. Confitentur in isto genere qui arguuntur se id fecisse ipsum in quo reprehenduntur, sed quoniam iure se fecisse dicunt, iuris est omnis ratio nobis explicanda. Quod dividitur in duas partes primas, naturam atque legem, et utriusque generis vis in divinum et humanum ius est distributa, quorum aequitatis est unum, alterum religionis. [130] Aequitatis autem vis est duplex, cuius altera directa et veri et iusti et ut dicitur aequi et boni ratione defenditur, altera ad vicissitudinem referendae gratiae pertinet, quod in beneficio gratia, in iniuria ultio nominatur. Atque haec communia sunt naturae atque legis, sed

propria legis et ea quae scripta sunt et ea quae sine litteris aut gentium iure aut maiorum more retinentur. Scriptorum autem privatum aliud est, publicum aliud: publicum lex, senatusconsultum, foedus, privatum tabulae, pactum conventum, stipulatio. Quae autem scripta non sunt, ea aut consuetudine aut conventis hominum et quasi consensu obtinentur, atque etiam hoc in primis, ut nostros mores legesque tueamur quodammodo naturali iure praescriptum est. [131] Et quoniam breviter aperti fontes sunt quasi quidam aequitatis, meditata nobis ad hoc causarum genus esse debebunt ea quae dicenda erunt in orationibus de natura, de legibus, de more maiorum, de propulsanda iniuria, de ulciscenda, de omni parte iuris. Si imprudenter aut necessitate aut casu quippiam fecerit quod non concederetur eis qui sua sponte et voluntate fecissent, ad eius facti deprecationem ignoscendi petenda venia est quae sumetur ex plerisque locis aequitatis. Expositum est ut potui brevissime de omni controversiarum genere — nisi praeterea tu quid requiris.

[132] C.F. Illud equidem quod iam unum restare video, quale sit cum disceptatio versatur in scriptis. C.P. Recte intellegis; eo enim exposito munus promissi omne confecero. Sunt igitur ambigui duobus adversariis praecepta communia. Uterque enim hanc significationem qua utetur ipse dignam scriptoris prudentia esse defendet: uterque id quod adversarius ex ambigue scripto intellegendum esse dicet aut absurdum aut inutile aut iniquum aut turpe esse defendet aut etiam discrepare cum ceteris scriptis vel aliorum vel maxime si poterit eiusdem; quamque defendet ipse eam rem et sententiam quemvis prudentem et iustum hominem si ad integrum daretur scripturum fuisse, sed planius; [133] eamque sententiam quam significari posse dicet nihil habere aut captionis aut vitii, contrariam autem si probarint, fore ut multa vitia, stulta, iniqua, contraria consequantur. Cum autem aliud scriptor sensisse videtur et aliud scripsisse, qui scripto nitetur, eum re exposita recitatione uti oportebit, deinde instare adversario, iterare, renovare, interrogare num aut scriptum neget aut contra factum infitietur; post iudicem ad vim scripti vocet. [134] Hac confirmatione usus amplificet rem lege laudanda audaciamque confutet eius qui, cum palam contra fecerit idque fateatur, adsit tamen factumque defendat. Deinde infirmet defensionem: cum adversarius aliud voluisse, [aliud sensisse]

scriptorem, aliud scripsisse dicat, non esse ferendum a quoquam potius latoris sensum quam a lege explicari: cur ita scripserit si ita non senserit? cur, cum ea quae plane scripta sint neglexerit, quae nusquam scripta sint proferat? cur prudentissimos in scribendo viros summae stultitiae putet esse damnandos? quid impedierit scriptorem quo minus exciperet illud quod adversarius tamquam si exceptum esset ita dicit se secutum? [135] Utetur exemplis eis quibus idem scriptor aut, si id non poterit, quibus alii quod excipiendum putarint exceperint. Quaerenda etiam ratio est, si qua poterit inveniri, quare non sit exceptum; aut iniqua lex aut inutilis futura dicetur, aut alia causa obtemperandi, alia abrogandi: dissentire adversarii vocem atque legis. Deinde amplificandi causa de conservandis legibus, de periculo rerum publicarum atque privatarum cum aliis locis, tum in perorando maxime graviter erit vehementerque dicendum.

[136] Ille autem qui se sententia legis voluntateque defendet, in consilio atque in mente scriptoris, non in verbis ac litteris vim legis positam esse defendet, quodque nihil exceperit in lege laudabit, ne diverticula peccatis darentur atque ut ex facto cuiusque iudex legis mentem interpretaretur. Deinde erit utendum exemplis in quibus omnis aequitas perturbetur si verbis legum ac non sententiis pareatur. [137] Deinde genus eiusmodi calliditatis et calumniae retrahatur in odium iudicis cum quadam invidiosa querela. Et si incidet imprudentiae causa quae non ad delictum sed ad casum necessitatemve pertineat, quod genus paullo ante attigimus, erit eisdem aequitatis sententiis contra acerbitatem verborum deprecandum. Sin scripta inter se dissentient, tanta series artis est et sic inter se sunt pleraque connexa et apta, ut quae paullo ante praecepta dedimus ambigui quaeque proxime sententiae et scripti, eadem ad hoc genus causae tertium transferantur. [138] Nam quibus locis in ambiguo defendimus eam significationem quae nos adiuvat, eisdem in contrariis legibus nostra lex defendenda est. Deinde est efficiendum ut alterius scripti sententiam, alterius verba defendamus. Ita quae modo de scripto sententiaque praecepta sunt, eadem huc omnia transferemus.

[139] Expositae sunt tibi omnes oratoriae partitiones, quae quidem e media illa nostra Academia effloruerunt; neque sine ea aut inveniri aut intellegi aut tractari possunt; nam et partiri ipsum et definire et

ambigui partitiones dividere et argumentorum locos nosse et argumentationem ipsam concludere, et videre quae sumenda in argumentando sint quidque ex eis quae sumpta sunt efficiatur, et vera a falsis, verisimilia ab incredibilibus diiudicare et distinguere aut male sumpta aut male conclusa reprehendere, et eadem vel anguste disserere, ut dialectici qui appellantur, vel, ut oratorem decet, late exprimere illius exercitationis et subtiliter disputandi et copiose dicendi artis est. [140] De bonis vero rebus et malis, aequis, iniquis, utilibus, inutilibus, honestis, turpibus quam potest habere orator sine illis maximarum rerum artibus facultatem aut copiam? Quare haec tibi sint, mi Cicero, quae exposui, quasi indicia fontium illorum: ad quos si nobis eisdem ducibus aliisve perveneris, tum et haec ipsa melius et multo maiora alia cognosces. C.F. Ego vero, ac magno quidem studio, mi pater; multisque ex tuis praeclarissimis muneribus nullum maius exspecto.

DE OPTIMO GENERE ORATORUM (About the Best Kind of Orators)

M. TVLLI CICERONIS DE OPTIMO GENERE ORATORVM

[I] [1] Oratorum genera esse dicuntur tamquam poetarum; id secus est, nam alterum est multiplex. Poematis enim tragici, comici, epici, melici, etiam ac dithyrambici, quod magis est tractatum a Graecis quam a Latinis, suum cuiusque est, diversum a reliquis. Itaque et in tragoedia comicum vitiosum est et in comoedia turpe tragicum; et in ceteris suus est cuique certus sonus et quaedam intellegentibus nota vox. [2] Oratorum autem si quis ita numerat plura genera, ut alios grandis aut gravis aut copiosos, alios tenuis aut subtilis aut brevis, alios eis interiectos et tamquam medios putet, de hominibus dicit aliquid, de re parum. In re enim quid optimum sit quaeritur, in homine dicitur quod est. Itaque licet dicere et Ennium summum epicum poetam, si cui ita videtur, et Pacuvium tragicum et Caecilium fortasse comicum. [3] Oratorem genere non divido; perfectum enim quaero. Unum est autem genus perfecti, a quo qui absunt, non genere differunt, ut Terentius ab Accio, sed in eodem genere non sunt pares. Optimus est enim orator qui dicendo animos audientium et docet et delectat et permovet. Docere debitum est, delectare honorarium, permovere necessarium. [4] Haec ut alius melius quam alius, concedendum est; verum id fit non genere sed gradu. Optimum quidem unum est et proximum quod ei simillimum. Ex quo perspicuum est, quod optimo dissimillimum sit, id esse deterrimum.

[II] Nam quoniam eloquentia constat ex verbis et ex sententiis, perficiendum est, ut pure et emendate loquentes, quod est Latine, verborum praeterea et propriorum et translatorum elegantiam persequamur: in propriis ut lautissima eligamus, in translatis ut similitudinem secuti verecunde utamur alienis. [5] Sententiarum autem totidem genera sunt quot dixi esse laudum. Sunt enim docendi acutae, delectandi quasi argutae, commovendi graves. Sed et verborum est structura quaedam duas res efficiens, numerum et levitatem, et sententiae suam compositionem habent, et ad probandam rem accommodatum ordinem. Sed earum omnium rerum

ut aedificiorum memoria est quasi fundamentum, lumen actio.

[6] Ea igitur omnia in quo summa erunt, erit perfectissimus orator; in quo media, mediocris; in quo minima, deterrimus. Et appellabuntur omnes oratores, ut pictores appellantur etiam mali, nec generibus inter sese, sed facultatibus different. Itaque nemo est orator qui Demostheni se similem nolit esse; at Menander Homeri noluit; genus enim erat aliud. Id non est in oratoribus aut, etiam si est ut alius gravitatem sequens subtilitatem fugiat, contra alius acutiorem se quam ornatiorem velit, etiam si est in genere tolerabilis, certe non est optimus, si quidem, quod omnis laudes habet, id est optimum.

[III] [7] Haec autem dixi brevius quidem quam res petebat, sed ad id quod agimus non fuit dicendum pluribus; unum enim cum sit genus, id quale sit quaerimus. Est autem tale quale floruit Athenis; ex quo Atticorum oratorum ipsa vis ignota est, nota gloria. Nam alterum multi viderunt, vitiosi nihil apud eos esse, alterum pauci, laudabilia esse multa. Est enim vitiosum in sententia si quid absurdum aut alienum aut non acutum aut subinsulsum est; in verbis si inquinatum, si abiectum, si non aptum, si durum, si longe petitum. [8] Haec vitaverunt fere omnes qui aut Attici numerantur aut dicunt Attice. Sed qui eatenus valuerunt, sani et sicci dumtaxat habeantur, sed ita ut palaestritae; spatiari in xysto ut liceat, non ab Olympiis coronam petant. Qui, cum careant omni vitio, non sunt contenti quasi bona valetudine, sed viris, lacertos, sanguinem quaerunt, quandam etiam suavitatem coloris, eos imitemur si possumus; si minus, illos potius qui incorrupta sanitate sunt, quod est proprium Atticorum, quam eos quorum vitiosa abundantia est, qualis Asia multos tulit. [9] Quod cum faciemus — si modo id ipsum assequemur; est enim permagnum — imitemur, si potuerimus, Lysiam et eius quidem tenuitatem potissimum; est enim multis locis grandior, sed quia et privatas ille plerasque et eas ipsas aliis et parvarum rerum causulas scripsit, videtur esse ieiunior, cum se ipse consulto ad minutarum causarum genera limaverit. [IV] Quod qui ita faciet, ut, si cupiat uberior esse, non possit, habeatur sane orator, sed de minoribus; magno autem oratori etiam illo modo saepe dicendum est in tali genere causarum. [10] Ita fit ut Demosthenes certe possit summisse dicere, elate Lysias fortasse non possit. Sed si eodem modo putant exercitu in foro et in omnibus templis, quae circum forum sunt, collocato dici pro Milone

decuisse, ut si de re privata ad unum iudicem diceremus, vim eloquentiae sua facultate, non rei natura metiuntur.

[11] Qua re quoniam non nullorum sermo iam increbruit, partim se ipsos Attice dicere, partim neminem nostrum dicere, alteros neglegamus; satis enim eis res ipsa respondet, cum aut non adhibeantur ad causas aut adhibiti derideantur; nam si rideretur, esset id ipsum Atticorum. Sed qui dici a nobis Attico more nolunt, ipsi autem se non oratores esse profitentur, si teretes auris habent intellegensque iudicium, tamquam ad picturam probandam adhibentur etiam inscii faciendi cum aliqua sollertia iudicandi; [12] sin autem intellegentiam ponunt in audiendi fastidio neque eos quicquam excelsum magnificumque delectat, dicant se quiddam subtile et politum velle, grande ornatumque contemnere; id vero desinant dicere, qui subtiliter dicant, eos solos Attice dicere, id est quasi sicce et integre. Et ample et ornate et copiose cum eadem integritate Atticorum est. Quid? dubium est utrum orationem nostram tolerabilem tantum an etiam admirabilem esse cupiamus? Non enim iam quaerimus quid sit Attice, sed quid sit optime dicere. [13] Ex quo intellegitur, quoniam Graecorum oratorum praestantissimi sint ei qui fuerint Athenis, eorum autem princeps facile Demosthenes, hunc si qui imitetur, eum et Attice dicturum et optime, ut, quoniam Attici nobis propositi sunt ad imitandum, bene dicere id sit Attice dicere.

[V] Sed cum in eo magnus error esset, quale esset id dicendi genus, putavi mihi suscipiendum laborem utilem studiosis, mihi quidem ipsi non necessarium. [14] Converti enim ex Atticis duorum eloquentissimorum nobilissimas orationes inter seque contrarias, Aeschinis et Demosthenis; nec converti ut interpres, sed ut orator, sententiis isdem et earum formis tamquam figuris, verbis ad nostram consuetudinem aptis. In quibus non verbum pro verbo necesse habui reddere, sed genus omne verborum vimque servavi. Non enim ea me adnumerare lectori putavi oportere, sed tamquam appendere. [15] Hic labor meus hoc assequetur, ut nostri homines quid ab illis exigant, qui se Atticos volunt, et ad quam eos quasi formulam dicendi revocent intellegant.

‘Sed exorietur Thucydides; eius enim quidam eloquentiam admirantur.’ Id quidem recte; sed nihil ad eum oratorem quem quaerimus. Aliud est enim explicare res gestas narrando, aliud

argumentando criminari crimenve dissolvere; aliud narrantem tenere auditorem, aliud concitare. ‘At loquitur pulchre.’ [16] Num melius quam Plato? Necesse est tamen oratori quem quaerimus controversias explicare forensis dicendi genere apto ad docendum, ad delectandum, ad permovendum. [VI] Qua re si quis erit qui se Thucydideo genere causas in foro dicturum esse profiteatur, is abhorrebit etiam a suspicione eius quod versatur in re civili et forensi; sin Thucydidem laudabit, ascribat suae nostram sententiam.

[17] Quin ipsum Isocratem, quem divinus auctor Plato suum fere aequalem admirabiliter in Phaedro laudari fecit ab Socrate quemque omnes docti summum oratorem esse dixerunt, tamen hunc in numerum non repono. Non enim in acie versatur nec ferro, sed quasi rudibus eius eludit oratio. A me autem, ut cum maximis minima conferam, gladiatorum par nobilissimum inducitur, Aeschines, tamquam Aeserninus, ut ait Lucilius, non spurcus homo, sed acer et doctus cum Pacideiano hic componitur, — optimus longe post homines natos — . Nihil enim illo oratore arbitror cogitari posse divinius.

[18] Huic labori nostro duo genera reprehensionum opponuntur. Unum hoc: ‘Verum melius Graeci.’ A quo quaeratur ecquid possint ipsi melius Latine? Alterum: ‘Quid istas potius legam quam Graecas?’ Idem Andriam et Synephebos nec minus Andromacham aut Antiopam aut Epigonos Latinos recipiunt. Quod igitur est eorum in orationibus e Graeco conversis fastidium, nullum cum sit in versibus?

[VII] [19] Sed adgrediamur iam quod suscepimus, si prius euerimus quae causa in iudicium deducta sit. Cum esset lex Athenis, ne qvis popvli scitvm faceret vt qvisqvam corona donaretvr in magistratv privs qvam rationes rettvlisset; et altera lex, eos qvi a popvlo donarentvr, in contione donari debere; qvi a senatv, in senatv, Demosthenes curator muris reficiendis fuit eosque refecit pecunia sua; de hoc igitur Ctesiphon scitum fecit nullis ab illo rationibus relatis, ut corona aurea donaretur eaque donatio fieret in theatro populo convocato, qui locus non est contionis legitimae, atque ita praedicaretur, evm donari virtvtis ergo benevolentiaeqve qvam is erga popvlvm atheniensem haberet. [20] Hunc igitur Ctesiphontem in iudicium adduxit Aeschines quod contra leges scripsisset, ut et

rationibus non relatis corona donaretur et ut in theatro, et quod de virtute eius et benevolentia falsa scripsisset, cum Demosthenes nec vir bonus esset nec bene meritus de civitate.

Causa ipsa abhorret illa quidem a formula consuetudinis nostrae, sed est magna. Habet enim et legum interpretationem satis acutam in utramque partem et meritorum in rem publicam contentionem sane gravem. [21] Itaque causa fuit Aeschini, cum ipse a Demosthene esset capitis accusatus, quod legationem ementitus esset, ut ulciscendi inimici causa nomine Ctesiphontis iudicium fieret de factis famaque Demosthenis. Non enim tam multa dixit de rationibus non relatis, quam de eo quod civis improbus ut optimus laudatus esset. [22] Hanc multam Aeschines a Ctesiphonte petivit quadriennio ante Philippi Macedonis mortem; sed iudicium factum est aliquot annis post Alexandro iam Asiam tenente; ad quod iudicium concursus dicitur e tota Graecia factus esse. Quid enim tam aut visendum aut audiendum fuit quam summorum oratorum in gravissima causa accurata et inimicitiis incensa contentio? [23] Quorum ego orationes si, ut spero, ita expressero virtutibus utens illorum omnibus, id est sententiis et earum figuris et rerum ordine, verba persequens eatenus, ut ea non abhorreant a more nostro — quae si e Graecis omnia conversa non erunt, tamen ut generis eiusdem sint, elaboravimus — , erit regula, ad quam eorum dirigantur orationes qui Attice volent dicere. Sed de nobis satis. Aliquando enim Aeschinem ipsum Latine dicentem audiamus.

DE RE PUBLICA (On the Republic)

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LIBER SEXTVS

LIBER PRIMVS

(1) <im>petu liberavissent, nec C. Duelius A. Atilius L. Metellus terrore Karthaginis, non duo Scipiones oriens incendium belli Punici secundi sanguine suo restinxissent, nec id excitatum maioribus copiis aut Q. Maximus enervavisset, aut M. Marcellus contudisset, aut a portis huius urbis avolsum P. Africanus compulisset intra hostium moenia. M. vero Catoni homini ignoto et novo, quo omnes qui isdem rebus studemus quasi exemplari ad industriam virtutemque ducimur, certe licuit Tusculi se in otio delectare, salubri et propinquo loco. sed homo demens ut isti putant, cum cogeret eum necessitas nulla, in his undis et tempestatibus ad summam senectutem maluit iactari, quam in illa tranquillitate atque otio iucundissime vivere. omitto innumerabilis viros, quorum singuli saluti huic civitati fuerunt, et qui sunt <haut> procul ab aetatis huius; memoria, commemorare eos desino, ne quis se aut suorum aliquem praetermissum queratur. unum hoc definio, tantam esse necessitatem virtutis generi hominum a natura tantumque amorem ad communem salutem defendendam datum, ut ea vis omnia blandimenta voluptatis otique vicerit.

(2) Nec vero habere virtutem satis est quasi artem aliquam nisi utare; etsi ars quidem cum ea non utare scientia tamen ipsa teneri potest, virtus in usu sui tota posita est; usus autem eius est maximus civitatis gubernatio, et earum ipsarum rerum quas isti in angulis personant, reapse non oratione perfectio. nihil enim dicitur a philosophis, quod quidem recte honesteque dicatur, quod <non> ab iis partum confirmatumque sit, a quibus civitatibus iura discripta sunt. unde enim pietas, aut a quibus religio? unde ius aut gentium aut hoc ipsum civile quod dicitur? unde iustitia fides aequitas? unde pudor continentia fuga turpi<tu>dinis adpetentia laudis et honestatis? unde in laboribus et periculis fortitudo? nempe ab iis qui haec disciplinis informata alia moribus confirmarunt, sanxerunt autem alia legibus. (3) quin etiam Xenocraten ferunt, nobilem in primis philosophum, cum quaereretur ex eo quid adsequerentur eius discipuli, respondisse ut id sua sponte facerent quod cogerentur facere legibus. ergo ille, civis qui id cogit omnis imperio legumque poena, quod vix paucis persuadere oratione philosophi possunt, etiam

iis qui illa disputant ipsis est praeferendus doctoribus. quae est enim istorum oratio tam exquisita, quae sit anteponenda bene constitutae civitati publico iure et moribus? equidem quem ad modum ‘urbes magnas atque inperiosas’, ut appellat Ennius, viculis et castellis praeferendas puto, sic eos qui his urbibus consilio atque auctoritate praesunt, iis qui omnis negotii publici expertes sint, longe duco sapientia ipsa esse anteponendos. et quoniam maxime rapimur ad opes augendas generis humani, studemusque nostris consiliis et laboribus tutiorem et opulentiorem vitam hominum reddere, et ad hanc voluptatem ipsius naturae stimulis incitamur, teneamus eum cursum qui semper fuit optimi cuiusque, neque ea signa audiamus quae receptui canunt, ut eos etiam revocent qui iam processerint. (4) His rationibus tam certis tamque inlustribus opponuntur ab iis qui contra disputant primum labores qui sint re publica defendenda sustinendi, leve sane inpedimentum vigilanti et industrio, neque solum in tantis rebus sed etiam in mediocribus vel studiis vel officiis vel vero etiam negotiis contemnendum. adiunguntur pericula vitae, turpisque ab his formido mortis fortibus viris opponitur, quibus magis id miserum videri solet, natura se consumi et senectute, quam sibi dari tempus ut possint eam vitam, quae tamen esset reddenda naturae, pro patria potissimum reddere. illo vero se loco copiosos et disertos putant, cum calamitates clarissimorum virorum iniuriasque iis ab ingratis inpositas civibus colligunt. (5) hinc enim illa et apud Graecos exempla, Miltiadem victorem domitoremque Persarum, nondum sanatis volneribus iis quae corpore adverso in clarissima victoria accepisset, vitam ex hostium telis servatam in civium vinclis profudisse, et Themistoclem patria quam liberavisset pulsum atque proterritum, non in Graeciae portus per se servatos sed in barbariae sinus confugisse quam adflixerat, nec vero levitatis Atheniensium crudelitatisque in amplissimos civis exempla deficiunt. quae nata et frequentata apud illos etiam in gravissumam civitatem nostram dicunt redundasse; (6) nam vel exilium Camilli vel offensio commemoratur Ahalae vel invidia Nasicae vel expulsio Laenatis vel Opimi damnatio vel fuga Metelli vel acerbissima C. Mari clades ... principum caedes, vel eorum multorum pestes quae paulo post secutae sunt. nec vero iam <meo> nomine abstinent, et credo quia nostro consilio ac periculo sese in illa vita atque otio conservatos

putant, gravius etiam de nobis queruntur et amantius. sed haud facile dixerim, cur cum ipsi discendi aut visendi causa maria tramittant

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(7) salvam esse consulatu abiens in contione populo Romano idem iurante iurassem, facile iniuriarum omnium compensarem curam et molestiam. quamquam nostri casus plus honoris habuerunt quam laboris, neque tantum molestiae quantum gloriae, maioremque laetitiam ex desiderio bonorum percepimus, quam ex laetitia inproborum dolorem. sed si aliter ut dixi accidisset, qui possem queri? cum mihi nihil inproviso nec gravius quam expectavissem pro tantis meis factis evenisset. is enim fueram, cui cum liceret aut maiores ex otio fructus capere quam ceteris propter variam suavitatem studiorum in quibus a pueritia vixeram, aut si quid accideret acerbius universis, non praecipuam sed parem cum ceteris fortunae condicionem subire, non dubitaverim me gravissimis tempestatibus ac paene fulminibus ipsis obvium ferre conservandorum civium causa, meisque propriis periculis parere commune reliquis otium. (8) neque enim hac nos patria lege genuit aut educavit, ut nulla quasi alimenta exspectaret a nobis, ac tantummodo nostris ipsa commodis serviens tutum perfugium otio nostro suppeditaret et tranquillum ad quietem locum, sed ut plurimas et maximas nostri animi ingenii consilii partis ipsa sibi ad utilitatem suam pigneraretur, tantumque nobis in nostrum privatum usum quantum ipsi superesse posset remitteret.

(9) Iam illa, perfugia quae sumunt sibi ad excusationem quo facilius otio perfruantur, certe minime sunt audienda, cum ita dicunt accedere ad rem publicam plerumque homines nulla re bona dignos, cum quibus comparari sordidum, confligere autem multitudine praesertim incitata miserum et periculosum sit. quam ob rem neque sapientis esse accipere habenas cum insanos atque indomitos impetus volgi cohibere non possit, neque liberi cum inpuris atque inmanibus adversariis decertantem vel contumeliarum verbera subire, vel expectare sapienti non ferendas iniurias: proinde quasi bonis et fortibus et magno animo praeditis ulla sit ad rem publicam adeundi causa iustior, quam ne pareant inprobis, neve ab isdem lacerari rem publicam patiantur, cum ipsi auxilium ferre si cupiant non queant.

(10) Illa autem exceptio cui probari tandem potest, quod negant

sapientem suscepturum ullam rei publicae partem, extra quam si eum tempus et necessitas coegerit? quasi vero maior cuiquam necessitas accidere possit quam accidit nobis; in qua quid facere potuissem, nisi tum consul fuissem? consul autem esse qui potui, nisi eum vitae cursum tenuissem a pueritia, per quem equestri loco natus pervenirem ad honorem amplissimum? non igitur potestas est ex tempore aut cum velis opitulandi rei publicae, quamvis ea prematur periculis, nisi eo loco sis ut tibi id facere liceat. (11) maximeque hoc in hominum doctorum oratione mihi mirum videri solet, quod qui tranquillo mari gubernare se negent posse, quod nec didicerint nec umquam scire curaverint, iidem ad gubernacula se accessuros profiteantur excitatis maximis fluctibus. isti enim palam dicere atque in eo multum etiam gloriari solent, se de rationibus rerum publicarum aut constituendarum aut tuendarum nihil nec didicisse umquam nec docere, earumque rerum scientiam non doctis hominibus ac sapientibus, sed in illo genere exercitatis concedendam putant. quare qui convenit polliceri operam suam rei publicae tum denique si necessitate cogantur? cum, quod est multo proclivius, nulla necessitate premente rem publicam regere nesciant. equidem, ut verum esset sua voluntate sapientem descendere ad rationes civitatis non solere, sin autem temporibus cogeretur, tum id munus denique non recusare, tamen arbitrarer hanc rerum civilium minime neglegendam scientiam sapienti propterea, quod omnia essent ei praeparanda, quibus nesciret an aliquando uti necesse esset.

(12) Haec pluribus a me verbis dicta sunt ob eam causam, quod his libris erat instituta et suscepta mihi de re publica disputatio; quae ne frustra haberetur, dubitationem ad rem publicam adeundi in primis debui tollere. ac tamen si qui sunt qui philosophorum auctoritate moveantur, dent operam parumper atque audiant eos quorum summa est auctoritas apud doctissimos homines et gloria; quos ego existimo, etiamsi qui ipsi rem publicam non gesserint, tamen quoniam de re publica multa quaesierint et scripserint, functos esse aliquo rei publicae munere. eos vero septem quos Graeci sapientis nominaverunt, omnis paene video in media re publica esse versatos. neque enim est ulla res in qua propius ad deorum numen virtus accedat humana, quam civitatis aut condere novas aut conservare iam conditas.

(13) Quibus de rebus, quoniam nobis contigit ut idem et in gerenda re publica aliquid essemus memoria dignum consecuti, et in explicandis rationibus rerum civilium quandam facultatem, non modo usu sed etiam studio discendi et docendi * * * essemus auctores, cum superiores ali fuissent in disputationibus perpoliti, quorum res gestae nullae invenirentur, ali in gerendo probabiles, in disserendo rudes. nec vero nostra quaedam est instituenda nova et a nobis inventa ratio, sed unius aetatis clarissimorum ac sapientissimorum nostrae civitatis virorum disputatio repetenda memoria est, quae mihi tibique quondam adulescentulo est a P. Rutilio Rufo, Smyrnae cum simul essemus compluris dies, eita, in qua nihil fere quod magno opere ad rationes omnium <harum> rerum pertineret praetermissam puto.

(14) Nam cum P. Africanus hic Pauli filius feriis Latinis Tuditano cons. et Aquilio constituisset in hortis esse, familiarissimique eius ad eum frequenter per eos dies ventitaturos se esse dixissent, Latinis ipsis mane ad eum primus sororis filius venit Q. Tubero. quem cum comiter Scipio adpellavisset libenterque vidisset, ‘quid tu’ inquit ‘tam mane Tubero? dabant enim hae feriae tibi opportunam sane facultatem ad explicandas tuas litteras’. tum ille (Tubero): ‘mihi vero omne tempus est ad meos libros vacuum; numquam enim sunt illi occupati; te autem permagnum est nancisci otiosum, hoc praesertim motu rei publicae’. tum Scipio: ‘atqui nactus es, sed mehercule otiosiorem opera quam animo.’ et ille (Tubero): ‘at vero animum quoque relaxes oportet; sumus enim multi ut constituimus parati, si tuo commodo fieri potest, abuti tecum hoc otio.’ (Scipio) ‘libente me vero, ut aliquid aliquando de doctrinae studiis admoneamur.’

(15) Tum ille (Tubero): ‘visne igitur, quoniam et me quodam modo invitas et tui spem das, hoc primum Africane videamus, ante quam veniunt alii, quidnam sit de isto altero sole quod nuntiatum est in senatu? neque enim pauci neque leves sunt qui se duo soles vidisse dicant, ut non tam fides non habenda quam ratio quaerenda sit.’ hic Scipio: ‘quam vellem Panaetium nostrum nobiscum haberemus! qui cum cetera tum haec caelestia vel studiosissime solet quaerere. sed ego Tubero — nam tecum aperte quod sentio loquar — non nimis adsentior in omni isto genere nostro illi familiari, qui quae vix coniectura qualia sint possumus suspicari, sic adfirmat ut oculis ea

cernere videatur aut tractare plane manu. quo etiam sapientiorem Socratem soleo iudicare, qui omnem eius modi curam deposuerit, eaque quae de natura quaererentur, aut maiora quam hominum ratio consequi possit, aut nihil omnino ad vitam hominum adtinere dixerit.' (16) dein Tubero: 'nescio Africane cur ita memoriae proditum sit, Socratem omnem istam disputationem reiecisse, et tantum de vita et de moribus solitum esse quaerere. quem enim auctorem de illo locupletiorem Platone laudare possumus? cuius in libris multis locis ita loquitur Socrates, ut etiam cum de moribus de virtutibus denique de re publica disputet, numeros tamen et geometriam et harmoniam studeat Pythagorae more coniungere.' tum Scipio: 'sunt ista ut dicis; sed audisse te credo Tubero, Platonem Socrate mortuo primum in Aegyptum discendi causa, post in Italiam et in Siciliam contendisse, ut Pythagorae inventa perdisceret, eumque et cum Archyta Tarentino et cum Timaeo Locro multum fuisse et Philolai commentarios esse nanctum, cumque eo tempore in his locis Pythagorae nomen vigeret, illum se et hominibus Pythagoreis et studiis illis dedisse. itaque cum Socratem unice dilexisset, eique omnia tribuere voluisset, leporem Socraticum subtilitatemque sermonis cum obscuritate Pythagorae et cum illa plurimarum artium gravitate contexuit.' (17) Haec Scipio cum dixisset, L. Furium repente venientem aspexit, eumque ut salutavit, amicissime adprehendit et in lecto suo conlocavit. et cum simul P. Rutilius venisset, qui est nobis huius sermonis auctor, eum quoque ut salutavit, propter Tuberonem iussit adsidere. tum Furius: 'quid vos agitis? num sermonem vestrum aliquem diremit noster interventus?' 'minime vero', Africanus; 'soles enim tu haec studiose investigare quae sunt in hoc genere de quo instituerat paulo ante Tubero quaerere; Rutilius quidem noster etiam, sub ipsis Numantiae moenibus solebat mecum interdum eius modi aliquid conquirere.' 'quae res tandem inciderat?' inquit Philus. tum ille (Scipio): 'de solibus istis duobus; de quo studeo, Phile, ex te audire quid sentias.'

(18) Dixerat hoc ille, cum puer nuntiavit venire ad eum Laelium domoque iam exisse. tum Scipio calceis et vestimentis sumptis e cubiculo est egressus, et cum paululum inambulavisset in porticu, Laelium advenientem salutavit et eos, qui una venerant, Spurium Mummium, quem in primis diligebat, et C. Fannium et Quintum

Scaevolam, generos Laeli, doctos adulescentes, iam aetate quaestorios; quos cum omnis salutavisset, convertit se in porticu et coniecit in medium Laelium; fuit enim hoc in amicitia quasi quoddam ius inter illos, ut militiae propter eximiam belli gloriam Africanum ut deum coleret Laelius, domi vicissim Laelium, quod aetate antecedebat, observaret in parentis loco Scipio. dein cum essent perpauca inter se uno aut altero spatio conlocuti, Scipionique eorum adventus periucundus et pergratus fuisset, placitum est ut in aprico maxime pratuli loco, quod erat hibernum tempus anni, considerent; quod cum facere vellent, intervenit vir prudens omnibusque illis et iucundus et carus, M'. Manilius qui a Scipione ceterisque amicissime consalutatus adsedit proximus Laelio.

(19) Tum Philus: 'non mihi videtur' inquit 'quod hi venerunt alius nobis sermo esse quaerendus, sed agendum accuratius et dicendum dignum aliquid horum auribus.' hic Laelius: 'quid tandem agebatis, aut cui sermoni nos intervenimus?' (Philus) 'quaesierat ex me Scipio quidnam sentirem de hoc quod duo soles visos esse constaret.' (Laelius) 'ain vero, Phile? iam explorata nobis sunt ea quae ad domos nostras quaeque ad rem publicam pertinent? siquidem quid agatur in caelo quaerimus.' et ille (Philus): 'an tu ad domos nostras non censes pertinere scire quid agatur et quid fiat domi? quae non ea est quam parietes nostri cingunt, sed mundus hic totus, quod domicilium quamque patriam di nobis communem secum dederunt, cum praesertim si haec ignoremus, multa nobis et magna ignoranda sint. ac me quidem ut hercule etiam te ipsum Laeli omnisque avidos sapientiae cognitio ipsa rerum consideratioque delectat.' (20) tum Laelius: 'non inpedio, praesertim quoniam feriati sumus; sed possumus audire aliquid an serius venimus?' (Philus) nihil est adhuc disputatum, et quoniam est integrum, libenter tibi, Laeli, ut de eo disseras equidem concessero.' (Laelius) 'immo vero te audiamus, nisi forte Manilius interdictum aliquod inter duos soles putat esse componendum, ut ita caelum possideant ut uterque possederit.' tum Manilius: 'pergisne eam, Laeli, artem inludere, in qua primum excellis ipse, deinde sine qua scire nemo potest quid sit suum quid alienum? sed ista mox; nunc audiamus Philum, quem video maioribus iam de rebus quam me aut quam P. Mucium consuli.'

(21) Tum Philus: 'nihil novi vobis adferam, neque quod a me sit

<ex>cogitatum aut inventum; nam memoria teneo C. Sulpicium Gallum, doctissimum ut scitis hominem, cum idem hoc visum diceretur et esset casu apud M. Marcellum, qui cum eo consul fuerat, sphaeram quam M. Marcelli avus captis Syracusis ex urbe locupletissima atque ornatissima sustulisset, cum aliud nihil ex tanta praeda domum suam deportavisset, iussisse proferri; cuius ego sphaerae cum persaepe propter Archimedi gloriam nomen audissem, speciem ipsam non sum tanto opere admiratus; erat enim illa venustior et nobilior in volgus, quam ab eodem Archimede factam posuerat in templo Virtutis Marcellus idem. (22) sed posteaquam coepit rationem huius operis scientissime Gallus exponere, plus in illo Siculo ingenii quam videretur natura humana ferre potuisse iudicabam fuisse. dicebat enim Gallus sphaerae illius alterius solidae atque plenae vetus esse inventum, et eam a Thalete Milesio primum esse tornatam, post autem ab Eudoxo Cnidio, discipulo ut ferebat Platonis, eandem illam astris quae caelo inhaererent esse descriptam; cuius omnem ornatum et descriptionem sumptam ab Eudoxo multis annis post non astrologiae scientia sed poetica quadam facultate versibus Aratum extulisse. hoc autem sphaerae genus, in quo solis et lunae motus inessent et earum quinque stellarum quae errantes et quasi vagae nominarentur, in illa sphaera solida non potuisse finiri, atque in eo admirandum esse inventum Archimedi, quod excogitasset quem ad modum in dissimillimis motibus inaequabiles et varios cursus servaret una conversio. hanc sphaeram Gallus cum moveret, fiebat ut soli luna totidem conversionibus in aere illo quot diebus in ipso caelo succederet, ex quo et in [caelo] sphaera solis fieret eadem illa defectio, et incideret luna tum in eam metam quae esset umbra terrae, cum sol e regione

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(23) (Scipio) ‘fuit, quod et ipse hominem diligebam et in primis patri meo Paulo probatum et carum fuisse cognoveram. memini me admodum adulescentulo, cum pater in Macedonia consul esset et essemus in castris perturbari exercitum nostrum religione et metu, quod serena nocte subito candens et plena luna defecisset. tum ille cum legatus noster esset anno fere ante quam consul est declaratus, haud dubitavit postridie palam in castris docere nullum esse prodigium, idque et tum factum esse et certis temporibus esse semper

futurum, cum sol ita locatus fuisset ut lunam suo lumine non posset attingere.' 'ain tandem?' inquit Tubero; 'docere hoc poterat ille homines paene agrestes, et apud imperitos audebat haec dicere?' (Scipio) 'ille vero, et magna quidem cum

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(24) (Scipio) <neque in>solens ostentatio neque oratio abhorrens a persona hominis gravissimi; rem enim magnam <erat> adsecutus, quod hominibus perturbatis inanem religionem timoremque deiecerat.

(25) Atque eius modi quiddam etiam bello illo maximo quod Athenienses et Lacedaemonii summa inter se contentione gesserunt, Pericles ille et auctoritate et eloquentia et consilio princeps civitatis suae, cum obscurato sole tenebrae factae essent repente, Atheniensiumque animos summus timor occupavisset, docuisse civis suos dicitur, id quod ipse ab Anaxagora cuius auditor fuerat acceperat, certo illud tempore fieri et necessario, cum tota se luna sub orbem solis subiecisset; itaque etsi non omni intermenstruo, tamen id fieri non posse nisi intermenstruo tempore. quod cum disputando rationibusque docuisset, populum liberavit metu; erat enim tum haec nova et ignota ratio, solem lunae oppositu solere deficere, quod Thaletem Milesium primum vidisse dicunt. id autem postea ne nostrum quidem Ennium fugit; qui ut scribit, anno quinquagesimo <et> CCC. fere post Romam conditam 'Nonis Iunis soli luna obstitit et nox.' atque hac in re tanta inest ratio atque sollertia, ut ex hoc die quem apud Ennium et in maximis annalibus consignatum videmus, superiores solis defectiones reputatae sint usque ad illam quae Nonis Quinctilibus fuit regnante Romulo; quibus quidem Romulum tenebris etiamsi natura ad humanum exitum abripuit, virtus tamen in caelum dicitur sustulisse.'

(26) Tum Tubero: 'videsne, Africane, quod paulo ante secus tibi videbatur, doc

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(Scipio) lis, quae videant ceteri. quid porro aut praeclarum putet in rebus humanis, qui haec deorum regna perspexerit, aut diuturnum, qui cognoverit quid sit aeternum, aut gloriosum, qui viderit quam parva sit terra, primum universa, deinde ea pars eius quam homines incolant, quamque nos in exigua eius parte adfixi, plurimis

ignotissimi gentibus, speremus tamen nostrum nomen volitare et vagari latissime? (27) agros vero et aedificia et pecudes et inmensum argenti pondus atque auri qui bona nec putare nec appellare soleat, quod earum rerum videatur ei levis fructus, exiguus usus, incertus dominatus, saepe etiam taeterrimorum hominum inmensa possessio, quam est hic fortunatus putandus! cui soli vere liceat omnia non Quiritium sed sapientium iure pro suis vindicare, nec civili nexo sed communi lege naturae, quae vetat ullam rem esse cuiusquam, nisi eius qui tractare et uti sciat; qui inperia consulatusque nostros in necessariis, non in expetendis rebus, muneris fungendi gratia subeundos, non praemiorum aut gloriae causa adpetendos putet; qui denique, ut Africanum avum meum scribit Cato solitum esse dicere, possit idem de se praedicare, numquam se plus agere quam nihil cum ageret, numquam minus solum esse quam cum solus esset. (28) quis enim putare vere potest, plus egisse Dionysium tum cum omnia moliendo eripuerit civibus suis libertatem, quam eius civem Archimedem cum istam ipsam sphaeram, nihil cum agere videretur, de qua modo dicebatur effecerit? quis autem non magis solos esse, qui in foro turbaque quicum conloqui libeat non habeant, quam qui nullo arbitro vel secum ipsi loquantur, vel quasi doctissimorum hominum in concilio adsint, cum eorum inventis scriptisque se oblectent? quis vero divitiorem quemquam putet quam eum cui nihil desit quod quidem natura desideret, aut potentiorem quam illum qui omnia quae expetat consequatur, aut beatiorem quam qui sit omni perturbatione animi liberatus, aut firmiore fortuna quam qui ea possideat quae secum ut aiunt vel e naufragio possit ecferre? quod autem imperium, qui magistratus, quod regnum potest esse praestantius, quam despicientem omnia humana et inferiora sapientia ducentem nihil umquam nisi sempiternum et divinum animo volutare? cui persuasum sit appellari ceteros homines,esse solos eos qui essent politi propriis humanitatis artibus? (29) ut mihi Platonis illud, seu quis dixit alius, perelegans esse videatur: quem cum ex alto ignotas ad terras tempestas et in desertum litus detulisset, timentibus ceteris propter ignorationem locorum, animadvertisse dicunt in arena geometricas formas quasdam esse descriptas; quas ut vidisset, exclamavisse ut bono essent animo; videre enim se hominum vestigia; quae videlicet ille non ex agri consitura quam cernebat, sed

ex doctrinae indiciis interpretabatur. quam ob rem Tubero semper mihi et doctrina et eruditi homines et tua ista studia placuerunt.'

(30) Tum Laelius: 'non audeo quidem' inquit 'ad ista Scipio dicere, neque tam te aut Philum aut Manilium

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(Laelius) in ipsius paterno genere fuit noster ille amicus, dignus huic ad imitandum,

'Egregie cordatus homo, catus Aelius Sextus'

qui 'egregie cordatus' et 'catus' fuit et ab Ennio dictus est, non quod ea quaerebat quae numquam inveniret, sed quod ea respondebat quae eos qui quaesissent et cura et negotio solverent, cuique contra Galli studia disputanti in ore semper erat ille de Iphigenia Achilles:

'Astrologorum signa in caelo — quid sit observationis,
Cum capra aut nepa aut exoritur nomen aliquod beluarum — ,
Quod est ante pedes nemo spectat, caeli scrutantur plagas.'

atque idem — multum enim illum audiebam et libenter — Zethum illum Pacuvi nimis inimicam doctrinae esse dicebat; magis eum delectabat Neoptolemus Ennii, qui se ait 'philosophari velle, sed paucis; nam omnino haud placere'. quodsi studia Graecorum vos tanto opere delectant, sunt alia liberiora et transfusa latius, quae vel ad usum vitae vel etiam ad ipsam rem publicam conferre possumus. istae quidem artes, si modo aliquid, <id> valent, ut paulum acuant et tamquam inritent ingenia puerorum, quo facilius possint maiora discere.'

(31) Tum Tubero: 'non dissentio a te, Laeli, sed quaero quae tu esse maiora intellegas. (Laelius) dicam mehercule et contemnar a te fortasse, cum tu ista caelestia de Scipione quaesieris, ego autem haec quae videntur ante oculos esse magis putem quaerenda. quid enim mihi L. Pauli nepos, hoc avunculo, nobilissima in familia atque in hac tam clara re publica natus, quaerit quo modo duo soles visi sint, non quaerit cur in una re publica duo senatus et duo paene iam populi sint? nam ut videtis mors Tiberii Gracchi et iam ante tota illius ratio tribunatus divisit populum unum in duas partis; obtrectatores autem et invidi Scipionis, initiis factis a P. Crasso et Appio Claudio, tenent nihilo minus illis mortuis senatus alteram partem, dissidentem a

vobis auctore Metello et P. Mucio, neque hunc qui unus potest, concitatis sociis et nomine Latino, foederibus violatis, triumviris seditiosissimis aliquid cotidie novi molientibus, bonis viris locupletibus perturbatis, his tam periculosis rebus subvenire patiuntur. (32) quam ob rem si me audietis adulescentes, solem alterum ne metueritis; aut enim nullus esse potest, aut sit sane ut visus est, modo ne sit molestus, aut scire istarum rerum nihil, aut etiamsi maxime sciemus, nec meliores ob eam scientiam nec beatiores esse possumus; senatum vero et populum ut unum habeamus et fieri potest, et permolestum est nisi fit, et secus esse scimus, et videmus si id effectum sit et melius nos esse victuros et beatius.'

(33) Tum Mucius: 'quid esse igitur censes Laeli discendum nobis, ut istud efficere possimus ipsum quod postulas?' (Laelius) 'eas artis quae efficiant ut usui civitati simus; id enim esse praeclarissimum sapientiae munus maximumque virtutis vel documentum vel officium puto. quam ob rem ut hae feriae nobis ad utilissimos rei publicae sermones potissimum conferantur, Scipionem rogemus, ut explicet quem existimet esse optimum statum civitatis; deinde alia quaeremus. quibus cognitis spero nos ad haec ipsa via perventuros, earumque rerum rationem quae nunc instant explicaturos.'

(34) Cum id et Philus et Manilius et Mummius admodum adproba<vissent>

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nullum est exemplum cui malimus adsimulare rem publicam.

(Laelius) 'non solum ob eam causam fieri volui, quod erat aequum de re publica potissimum principem rei publicae dicere, sed etiam quod memineram persaepe te cum Panaetio disserere solitum coram Polybio, duobus Graecis vel peritissimis rerum civilium, multaque colligere ac docere, optimum longe statum civitatis esse eum quem maiores nostri nobis reliquissent. qua in disputatione quoniam tu paratior es, feceris — ut etiam pro his dicam — si de re publica quid sentias explicaris, nobis gratum omnibus.'

(35) Tum ille (Scipio): 'non possum equidem dicere me ulla in cogitatione acrius aut diligentius solere versari, quam in ista ipsa quae mihi Laeli a te proponitur. etenim cum in suo quemque opere artificem, qui quidem excellat, nihil aliud cogitare meditari curare

videam, nisi quo sit in illo genere melior, ego cum mihi sit unum opus hoc a parentibus maioribusque meis relictum, procuratio atque administratio rei publicae, non me inertiorem esse confitear quam opificem quemquam, si minus in maxima arte quam illi in minimis operae consumpserim? (36) sed neque iis contentus sum quae de ista consultatione scripta nobis summi ex Graecia sapientissimique homines reliquerunt, neque ea quae mihi videntur anteferre illis audeo. quam ob rem peto a vobis ut me sic audiatis: neque ut omnino expertem Graecarum rerum, neque ut eas nostris in hoc praesertim genere anteponentem, sed ut unum e togatis patris diligentia non inliberaliter institutum, studioque discendi a pueritia incensum, usu tamen et domesticis praeceptis multo magis eruditum quam litteris.'

(37) Hic Philus: 'non hercule' inquit 'Scipio dubito, quin tibi ingenio praestiterit nemo, usuque idem in re publica rerum maximarum facile omnis viceris, quibus autem studiis semper fueris tenemus. quam ob rem si ut dicis animum quoque contulisti in istam rationem et quasi artem, habeo maximam gratiam Laelio; spero enim multo uberiora fore quae a te dicentur, quam illa quae a Graecis nobis scripta sunt omnia.' tum ille (Scipio) 'permagnam tu quidem expectationem, quod onus est ei qui magnis de rebus dicturus est gravissimum, inponis orationi meae.' Et Philus: 'quamvis sit magna, tamen eam vinces ut soles; neque enim est periculum ne te 'e re publica disserentem deficiat oratio.'

(38) Hic Scipio: 'faciam quod vultis ut potero, et ingrediar in disputationem ea lege, qua credo omnibus in rebus disserendis utendam esse si errorem velis tollere, ut eius rei de qua quaeretur si nomen quod sit conveniat, explicetur quid declaretur eo nomine; quod si convenerit, tum demum decebit ingredi in sermonem; numquam enim quale sit illud de quo disputabitur intellegi poterit, nisi quod sit fuerit intellectum prius. quare quoniam de re publica quaerimus, hoc primum videamus quid sit id ipsum quod quaerimus.' cum adprobavisset Laelius, 'nec vero' inquit Africanus 'ita disseram de re tam inlustri tamque nota, ut ad illa elementa revolvar quibus uti docti homines his in rebus solent, ut a prima congressione maris et feminae, deinde a progenie et cognatione ordiar, verbisque quid sit et quot modis quidque dicatur definiam saepius; apud prudentes enim homines et in maxima re publica summa cum gloria belli domique

versatos cum loquar, non committam ut sit inlustrior illa ipsa res de qua disputem, quam oratio mea; nec enim hoc suscepi ut tamquam magister persequerer omnia, neque hoc polliceor me effecturum ut ne qua particula in hoc sermone praetermissa sit.' tum Laelius: 'ego vero istud ipsum genus orationis quod polliceris expecto.'

(39) Est igitur, inquit Africanus, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus. eius autem prima causa coeundi est non tam inbecillitas quam naturalis quaedam hominum quasi congregatio; non est enim singulare nec solivagum genus hoc, sed ita generatum ut ne in omnium quidem rerum affluen<tia>

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idque ipsa natura non invitaret solum sed etiam cogeret.

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(41) (Scipio) <quae>dam quasi semina, neque reliquarum virtutum nec ipsius rei publicae reperiatur ulla institutio. hi coetus igitur hac de qua eui causa instituti, sedem primum certo loco domiciliorum causa constituerunt; quam cum locis manuque saepsissent, eius modi coniunctionem tectorum oppidum vel urbem appellaverunt, delubris distinctam spatiisque communibus. omnis ergo populus, qui est talis coetus multitudinis qualem eui, omnis civitas, quae est constitutio populi, omnis res publica, quae ut dixi populi res est, consilio quodam regenda est, ut diuturna sit. id autem consilium primum semper ad eam causam referendum est quae causa genuit civitatem. (42) deinde aut uni tribuendum est, aut delectis quibusdam, aut suscipiendum est multitudini atque omnibus. quare cum penes unum est omnium summa rerum, regem illum unum vocamus, et regnum eius rei publicae statum. cum autem est penes delectos, tum illa civitas optimatium arbitrio regi dicitur. illa autem est civitas popularis — sic enim appellant -, in qua in populo sunt omnia. atque horum trium generum quodvis, si teneat illud vinculum quod primum homines inter se rei publicae societate devinxit, non perfectum illud quidem neque mea sententia optimum, sed tolerabile tamen, et aliud <ut> alio possit esse praestantius. nam vel rex aequus ac sapiens, vel delecti ac principes cives, vel ipse populus, quamquam id est minime probandum, tamen nullis interiectis

iniquitatibus aut cupiditatibus posse videtur aliquo esse non incerto statu.

(43) Sed et in regnis nimis expertes sunt ceteri communis iuris et consilii, et in optimatium dominatu vix particeps libertatis potest esse multitudo, cum omni consilio communi ac potestate careat, et cum omnia per populum geruntur quamvis iustum atque moderatum, tamen ipsa aequabilitas est iniqua, cum habet nullos gradus dignitatis. itaque si Cyrus ille Perses iustissimus fuit sapientissimusque rex, tamen mihi populi res — ea enim est ut dixi antea publica — non maxime expetenda fuisse illa videtur, cum regeretur unius nutu (Text zerstört) ac modo; si Massilienses nostri clientes per delectos et principes cives summa iustitia reguntur, inest tamen in ea condicione populi similitudo quaedam servitutis; si Athenienses quibusdam temporibus sublato Areopago nihil nisi populi scitis ac decretis agebant, quoniam distinctos dignitatis gradus non habebant, non tenebat ornatum suum civitas.

(44) Atque hoc loquor de tribus his generibus rerum publicarum non turbatis atque permixtis, sed suum statum tenentibus. quae genera primum sunt in iis singula vitiis quae ante dixi, deinde habent perniciosa alia vitia; nullum est enim genus illarum rerum publicarum, quod non habeat iter ad finitimum quoddam malum praeceps ac lubricum. nam illi regi, ut eum potissimum nominem, tolerabili aut si voltis etiam amabili Cyro subest ad inmutandi animi licentiam crudelissimus ille Phalaris, cuius in similitudinem dominatus unius proclivi cursu et facile delabitur. illi autem Massiliensium paucorum et principum administrationi civitatis finitimus est qui fuit quodam tempore apud Athenienses triginta <virorum illorum> consensus et factio. iam Atheniensium populi potestatem omnium rerum ipsi, ne alios requiramus, ad furorem multitudinis licentiamque conversam pesti

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(45) (Scipio) ‘taeterrimus, et ex hac vel optimatium vel factiosa tyrannica illa vel regia vel etiam persaepe popularis, itemque ex ea genus aliquod ecflorescere ex illis quae ante dixi solet, mirique sunt orbes et quasi circuitus in rebus publicis commutationum et vicissitudinum; quos cum cognosse sapientis est, tum vero prospicere inpendentis, in gubernanda re publica moderantem cursum atque in

sua potestate retinentem, magni cuiusdam civis et divini paene est viri. itaque quartum quoddam genus rei publicae maxime probandum esse sentio, quod est ex his quae prima dixi moderatum et permixtum tribus.'

(46) Hic Laelius: 'scio tibi ita placere Africane: saepe enim ex te audivi; sed tamen, nisi molestum est, ex tribus istis modis rerum publicarum velim scire quod optimum iudices. nam vel profuerit aliquid ad cog

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(47) (Scipio) 'et talis est quaeque res publica, qualis eius aut natura aut voluntas qui illam regit. itaque nulla alia in civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet; qua quidem certe nihil potest esse dulcius, et quae si aequa non est ne libertas quidem est. qui autem aequa potest esse — omitto dicere in regno, ubi ne obscura quidem est aut dubia servitus, sed in istis civitatibus in quibus verbo sunt liberi omnes? ferunt enim suffragia, mandant inperia magistratus, ambiuntur, rogantur, sed ea dant [magis] quae etiamsi nolint danda sint, et quae ipsi non habent unde ali petunt;sunt enim expertes imperii, consilii publici, iudicii delectorum iudicum, quae familiarum vetustatibus aut pecuniis ponderantur. in libero autem populo, ut Rhodi, ut Athenis, nemo est civium qui

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(48) (Scipio) <po>pulo aliquis unus pluresve divitiores opulentioresque extitissent, tum ex eorum fastidio et superbia nata esse commemorant, cedentibus ignavis et inbecillis et adrogantiae divitum succumbentibus. si vero ius suum populi teneant, negant quicquam esse praestantius, liberius, beatius, quippe qui domini sint legum, iudiciorum, belli, pacis, foederum, capitis unius cuiusque, pecuniae. hanc unam rite rem publicam, id est rem populi, appellari putant. itaque et a regum et a patrum dominatione solere in libertatem rem populi vindicari, non ex liberis populis reges requiri aut potestatem atque opes optimatium. (49) et vero negant oportere indomiti populi vitio genus hoc totum liberi populi repudiari: concordi populo et omnia referente ad incolumitatem et ad libertatem suam nihil esse inmutabilius, nihil firmius; facillimam autem in ea re publica esse posse concordiam, in qua idem conducat omnibus; ex

utilitatis varietatibus, cum aliis aliud expediat, nasci discordias; itaque cum patres rerum potirentur, numquam constitisse civitatis statum; multo iam id in regnis minus, quorum, ut ait Ennius, ‘nulla [regni] sancta societas nec fides est.’ quare cum lex sit civilis societatis vinculum, ius autem legis aequale, quo iure societas civium teneri potest, cum par non sit condicio civium? si enim pecunias aequari non placet, si ingenia omnium paria esse non possunt, iura certe paria debent esse eorum inter se qui sunt cives in eadem re publica. quid est enim civitas nisi iuris societas civium?

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(50) (Scipio) ceteras vero res publicas ne appellandas quidem putant iis nominibus quibus illae sese appellari velint. cur enim regem appellem Iovis optimi nomine hominem dominandi cupidum aut imperii singularis, populo oppresso dominantem, non tyrannum potius? tam enim esse clemens tyrannus quam rex inportunus potest: ut hoc populorum intersit utrum comi domino an aspero serviant; quin serviant quidem fieri non potest. quo autem modo adsequi poterat Lacedaemo illa tum, cum praestare putabatur disciplina rei publicae, ut bonis uteretur iustisque regibus, cum esset habendus rex quicumque genere regio natus esset? nam optimatis quidem quis ferat, qui non populi concessu sed suis comitiis hoc sibi nomen adrogaverunt? qui enim iudicatur iste optimus? doctrina artibus studiis, audio: quando?

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(51) (Scipio) Si fortuito id faciet, tam cito evertetur quam navis, si e vectoribus sorte ductus ad gubernacula accesserit. quodsi liber populus deliget quibus se committat, deligetque si modo salvus esse vult optimum quemque, certe in optimorum consiliis posita est civitatium salus, praesertim cum hoc natura tulerit, non solum ut summi virtute et animo praeesse inbecillioribus, sed ut hi etiam parere summis velint. verum hunc optimum statum pravis hominum opinionibus eversum esse dicunt, qui ignoratione virtutis, quae cum in paucis est tum a paucis iudicatur et cernitur, opulentos homines et copiosos, tum genere nobili natos esse optimos putant. hoc errore vulgi cum rem publicam opes paucorum, non virtutes tenere coeperunt, nomen illi principes optimatium mordicus tenent, re autem carent eo nomine. nam divitiae, nomen, opes vacuae consilio

et vivendi atque aliis imperandi modo dedecoris plenae sunt et insolentis superbiae, nec ulla deformior species est civitatis quam illa in qua opulentissimi optimi putantur. (52) virtute vero gubernante rem publicam, quid potest esse praeclarius? cum is qui inperat aliis servit ipse nulli cupiditati, cum quas ad res civis instituit et vocat, eas omnis conplexus est ipse, nec leges inponit populo quibus ipse non pareat, sed suam vitam ut legem praefert suis civibus. qui si unus satis omnia consequi posset, nihil opus esset pluribus; si universi videre optimum et in eo consentire possent, nemo delectos principes quaereret. difficultas ineundi consilii rem a rege ad plures, error et temeritas populorum a multitudine ad paucos transtulit. sic inter <in>firmitatem unius temeritatemque multorum medium optimates possederunt locum, quo nihil potest esse moderatius; quibus rem publicam tuentibus beatissimos esse populos necesse est, vacuos omni cura et cogitatione, aliis permisso otio suo, quibus id tuendum est neque committendum ut sua commoda populus neglegi a principibus putet. (53) nam aequabilitas quidem iuris, quam amplexantur liberi populi, neque servari potest — ipsi enim populi, quamvis soluti ecfrenatique sint, praecipue multis multa tribuunt, et est in ipsis magnus dilectus hominum et dignitatum -, eaque quae appellatur aequabilitas iniquissima est: cum enim par habetur honos summis et infimis, qui sint in omni populo necesse est, ipsa aequitas iniquissima est; quod in iis civitatibus quae ab optimis reguntur accidere non potest. haec fere Laeli et quaedam eiusdem generis ab iis qui eam formam rei publicae maxime laudant disputari solent.'

(54) Tum Laelius: 'quid tu' inquit 'Scipio? e tribus istis quod maxime probas?' (Scipio) recte quaeris quod maxime e tribus, quoniam eorum nullum ipsum per se separatim probo, anteponoque singulis illud quod conflatum fuerit ex omnibus. sed si unum ac simplex p<ro>bandum <sit>, regium <pro>bem ... pri ... in ... f ... hoc loco appellatur, occurrit nomen quasi patrium regis, ut ex se natis ita consulentis suis civibus et eos con<s>ervantis stu<dio>sius quam ... entis ... tem ... us ... tibus ... uos sustentari unius optimi et summi viri diligentia. (55) adsunt optimates, qui se melius hoc idem facere profiteantur, plusque fore dicant in pluribus consilii quam in uno, et eandem tamen aequitatem et fidem. ecce autem maxima voce clamat populus neque se uni neque paucis velle parere; libertate ne feris

quidem quicquam esse dulcius; hac omnes carere, sive regi sive optimatibus serviant. ita caritate nos capiunt reges, consilio optimates, libertate populi, ut in conparando difficile ad eligendum sit quid maxime velis.' (Laelius) 'credo' inquit, 'sed expediri quae restant vix poterunt, si hoc incohatum reliqueris.'

(56) (Scipio) 'imitemur ergo Aratum, qui magnis de rebus dicere exordiens a Iove incipiendum putat.' (Laelius) 'quo Iove? aut quid habet illius carminis simile haec oratio?' (Scipio) 'tantum' inquit 'ut rite ab eo dicendi principia capiamus, quem unum omnium deorum et hominum regem esse omnes docti indoctique [expoliri] consentiunt. 'quid?' inquit Laeliu.' 't ille (Scipio) 'quid censes nisi quod est ante oculos? sive haec ad utilitatem vitae constituta sunt a principibus rerum publicarum, ut rex putaretur unus esse in caelo, qui nutu ut ait Homerus, totum Olympum converteret, idemque et rex et pater haberetur omnium, magna auctoritas est multique testes, siquidem omnis multos appellari placet, ita consensisse gentes decretis videlicet principum, nihil esse rege melius, quoniam deos omnis censent unius regi numine; sive haec in errore inperitorum posita esse et fabularum similia dicimus, audiamus communis quasi doctores eruditorum hominum, qui tamquam oculis illa viderunt, quae nos vix audiendo cognoscimus.' 'quinam' inquit Laelius 'isti sunt?' et ille (Scipio) 'qui natura omnium rerum pervestiganda senserunt omnem hunc mundum mente'

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(58) (Scipio) 'sed si vis Laeli, dabo tibi testes nec nimis antiquos nec ullo modo barbaros.' (Laelius) 'istos' inquit volo.' (Scipio) 'videsne igitur minus quadringentorum annorum esse hanc urbem ut sine regibus sit?' (Laelius) 'vero minus.' (Scipio) 'quid ergo? haec quadringentorum annorum aetas ut urbis et civitatis num valde longa est?' (Laelius) 'ista vero' inquit 'adulta vix'. (Scipio) 'ergo his annis quadringentis Romae rex erat?' (Laelius) 'et superbus quidem. (Scipio) quid supra? (Laelius) 'iustissimus, et deinceps retro usque ad Romulum, qui ab hoc tempore anno sescentesimo rex erat.' (Scipio) 'ergo ne iste quidem pervetus?' (Laelius) 'minime, ac prope senescente iam Graecia.' 'cedo, num' Scipio 'barbarorum Romulus rex fuit?' (Laelius) 'si ut Graeci dicunt omnis aut Graios esse aut barbaros, vereor ne barbarorum rex fuerit; sin id nomen moribus

dandum est, non linguis, non Graecos minus barbaros quam Romanos puto.' et Scipio: 'atqui ad hoc de quo agitur non quaerimus gentem, ingenia quaerimus. si enim et prudentes homines et non veteres reges habere voluerunt, utor neque perantiquis neque inhumanis ac feris testibus.

(59) Tum Laelius: 'video te Scipio testimoniis satis instructum, sed apud me, ut apud bonum iudicem, argumenta plus quam testes valent.' tum Scipio: 'utere igitur argumento Laeli tute ipse sensus tui.' 'cuius' inquit ille (Laelius) 'sensus?' (Scipio) 'Si quando, si forte tibi visus es irasci alicui.' (Laelius) 'ego vero saepius quam vellem.' (Scipio) 'quid? tum cum tu es iratus, permittis illi iracundiae dominatum animi tui?' (Laelius) 'non mehercule' inquit, 'sed imitor Archytam illum Tarentinum, qui cum ad villam venisset et omnia aliter offendisset ac iusserat, 'a te [in] felicem' inquit vilico, 'quem necassem iam verberibus, nisi iratus essem.' (60) 'optime' inquit Scipio. 'ergo Archytas iracundiam videlicet dissidentem a ratione seditionem quandam animi esse iure ducebat, atque eam consilio sedari volebat; adde avaritiam, adde imperii, adde gloriae cupiditatem, adde libidines, et illud vides: si in animis hominum regale imperium sit, unius fore dominatum, consilii scilicet — ea est enim animi pars optima -, consilio autem dominante nullum esse libidinibus, nullum irae, nullum temeritati locum.' (Laelius) 'sic' inquit 'est.' (Scipio) 'probas igitur animum ita adfectum?' (Laelius) 'nihil vero' inquit 'magis.' (Scipio) 'ergo non probares, si consilio pulso libidines, quae sunt innumerabiles, iracundiaeve tenerent omnia?' (Laelius) 'ego vero nihil isto animo, nihil ita animato homine miserius ducerem.' (Scipio) 'sub regno igitur tibi esse placet omnis animi partes, et eas regi consilio?' (Laelius) 'miti vero sic placet.' (Scipio) 'cor igitur dubitas quid de re publica sentias? in qua si in plures translata res sit, intellegi iam licet nullum fore quod praesit inperium, quod quidem nisi unum sit esse nullum potest.'

(61) Tum Laelius: ‘quid quaeso interest inter unum et plures, si iustitia est in pluribus?’ et Scipio: ‘quoniam testibus meis intellexi Laeli te non valde moveri, non desinam te uti teste, ut hoc quod dico probem.’ ‘me?’ inquit ille (Laelius) ‘quonam modo?’ (Scipio) ‘quia animum adverti nuper, cum essemus in Formiano, te familiae valde interdicere, ut uni dicto audiens esset.’ (Laelius) ‘quippe vilico.’ (Scipio) ‘quid? domi pluresne praesunt negotiis tuis?’ (Laelius) ‘immo vero unus’ inquit. (Scipio) ‘quid? totam domum num quis alter praeter te regit?’ (Laelius) ‘minime vero.’ (Scipio) ‘quin tu igitur concedis <it>idem in re publica singulorum dominatus, si modo iusti sint, esse optimos?’ (Laelius) ‘adducor,’ inquit, ‘et prope modum adsentior.’

(62) Et Scipio: ‘tum magis adsentiare Laeli, si — ut omittam similitudines, uni gubernatori, uni medico, si digni modo sint iis artibus, rectius esse alteri navem committere, aegrum alteri quam multis — ad maiora pervenero.’ (Laelius) ‘quaenam ista sunt?’ (Scipio) ‘quid? tu non vides unius inportunitate et superbia Tarquinii nomen huic populo in odium venisse regium?’ (Laelius) ‘video vero’ inquit. (Scipio) ‘ergo etiam illud vides, de quo progrediente oratione plura me dicturum puto, Tarquinio exacto mira quadam exultasse populum insolentia libertatis; tum exacti in exilium innocentes, tum bona direpta multorum, tum annui consules, tum demissi populo fasces, tum provocationes omnium rerum, tum secessiones plebis, tum prorsus ita acta pleraque ut in populo essent omnia.’ (Laelius) ‘est’ inquit ‘ut dicis.’ (63) ‘est vero’ inquit Scipio ‘in pace et otio — licet enim lascivire, dum nihil metuas — ut in navi ac saepe etiam in morbo levi. sed ut ille qui navigat, cum subito so mare coepit horrescere, et ille aeger ingravescente morbo unius opem inplorat, sic noster populus in pace et domi imperat et ipsis magistratibus, minatur, recusat, appellat, provocat, in bello sic paret ut regi; valet enim salus plus quam libido. gravioribus vero bellis es etiam sine collega omne imperium nostri penes singulos esse voluerunt, quorum ipsum nomen vim suae potestatis indicat. nam dictator quidem ab eo appellatur quia dicitur, sed in nostris libris vides eum Laeli magistrum populi appellari.’ (Laelius) ‘video’ inquit. et Scipio: ‘sapienter igitur illi vete<res>

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(64) (Scipio.) ‘iusto quidem rege cum est populus orbatus, ‘pectora dura tenet desiderium,’ sicut ait Ennius, post optimi regis obitum;

... simul inter
Sese sic memorant: ‘o Romule Romule die,
Qualem te patriae custodem di genuerunt!
O pater, o genitor, o sanguen dis oriundum!’

non eros nec dominos appellant eos quibus iuste paruerunt, denique ne reges quidem, sed patriae custodes, sed patres, sed deos; nec sine causa; quid enim adiungunt?

‘Tu produxisti nos intra luminis oras.’

vitam honorem decus sibi datum esse iustitia regie existimabant. mansisset eadem voluntas in eorum posteris, si regum similitudo permansisset, sed vides unius iniustitia concidisse genus illud totum rei publicae.’ (Laelius) ‘video vero’ inquit ‘et studeo cursus istos mutationum non magis in nostra quam in omni re publica noscere.’

(65) Et Scipio: ‘est omnino, cum de illo genere rei publicae quod maxime probo quae sentio dixero, accuratius mihi dicendum de commutationibus rerum publicarum, etsi minime facile eas in ea re publica futuras puto. sed huius regiae prima et certissima est illa mutatio: cum rex iniustus esse coepit, perit illud ilico genus, et est idem ille tyrannus, deterrimum genus et finitimum optimo; quem si optimates oppresserunt, quod ferme evenit, habet statum res publica de tribus secundarium; est enim quasi regium, id est patrium consilium populo bene consulentium principum. sin per se populus interfecit aut eiecit tyrannum, est moderatior, quoad sentit et sapit, et sua re gesta laetatur, tuerique vult per se constitutam rem publicam. sin quando aut regi iusto vim populus attulit regnove eum spoliavit, aut etiam, id quod evenit saepius, optimatium sanguinem gustavit ac totam rem publicam substravit libidini suae: cave putes aut[em] mare ullum aut flammam esse tantam, quam non facilius sit sedare quam effrenatam insolentia multitudinem! tum fit illud quod apud Platonem est luculente dictum, si modo id exprimere Latine potuero; difficile factu est, sed conabor tamen. (66) “Cum” enim inquit “inexplebiles

populi fauces exaruerunt libertatis siti, malisque usus ille ministris non modice temperatam sed nimis meracam libertatem sitiens hausit, tum magistratus et principes, nisi valde lenes et remissi sint et large sibi libertatem ministrent, insequitur insimulat arguit, praepotentes reges tyrannos vocat.” puto enim tibi haec esse nota.’ ‘vero mihi’ inquit ille (Laelius) ‘notissima.’ (67) (Scipio) ‘ergo illa sequuntur, “eos qui pareant principibus agitari ab eo populo et servos voluntarios appellari; eos autem qui in magistratu privatorum similes esse velint, eosque privatos qui efficiant ne quid inter privatum et magistratum differat, <ef>ferunt laudibus, [et] mactant honoribus, ut necesse sit in eius modi re publica plena libertatis esse omnia, ut et privata domus omnis vacet dominatione, et hoc malum usque ad bestias perveniat, denique ut pater filium metuat, filius patrem neclegat, absit omnis pudor, ut plane liberi sint, nihil intersit civis an peregrinus, magister ut discipulos metuat et iis blandiatur, spernantque discipuli magistros, adulescentes ut senum sibi pondus adsumant, senes autem ad ludum adulescentium descendant, ne sint iis odiosi et graves; ex quo fit ut etiam servi se liberius gerant, uxores eodem iure sint quo viri, inque tanta libertate canes etiam et equi, aselli denique libere [sint] sic incurrant ut iis de via decedendam sit. ergo ex hac infinita,” inquit, “licentia haec summa cogitur, ut ita fastidiosae mollesque mentes evadant civium, ut si minima vis adhibeatur imperii, irascantur et perferre nequeant; ex quo leges quoque incipiunt neclegere, ut plane sine ullo domino sint.”’

(68) Tum Laelius: ‘prorsus’ inquit ‘expressa sunt a te quae dicta sunt ab illo.’ (Scipio) ‘atque ut iam ad sermonis mei auctorem revertar, ex hac nimia licentia, quam illi solam libertatem putant, ait ille ut ex stirpe quadam existere et quasi nasci tyrannum. nam ut ex nimia potentia principum oritur interitus principum, sic hunc nimis liberum populum libertas ipsa servitute adficit. sic omnia nimia, cum vel in tempestate vel in agris vel in corporibus laetiora fuerunt, in contraria fere convertuntur, maximeque <id> in rebus publicis evenit, nimiaque illa libertas et populis et privatis in nimiam servitutem cadit. itaque ex hac maxima libertate tyrannus gignitur et illa iniustissima et durissima servitus. ex hoc enim populo indomito vel potius immani deligitur aliqui plerumque dux contra illos principes adflictos iam et depulsos loco, audax, inpurus, consectans proterve

bene saepe de re publica meritos, populo gratificans et aliena et sua; cui quia privato so sunt oppositi timores, dantur imperia, et ea continuantur, praesidiis etiam, ut Athenis Pisistratus, saepiuntur, postremo, a quibus producti sunt, existunt eorum ipsorum tyranni; quos si boni oppresserunt, ut saepe fit, recreatur civitas; sin audaces, fit illa factio, genus aliud tyrannorum, eademque oritur etiam ex illo saepe optimatium praeclaro statu, cum ipsos principes aliqua pravitas de via deflexit. sic tanquam pilam rapiunt inter se rei publicae statum tyranni ab regibus, ab iis autem principes aut populi, a quibus aut factiones aut tyranni, nec diutius unquam tenetur idem rei publicae modus.

(69) Quod ita cum sit, <ex> tritus primis generibus longe praestat mea sententia regium, regio autem ipsi praestabit id quod erit aequatum et temperatum ex tribus primis rerum publicarum modis. placet enim esse quiddam in re publica praestans et regale, esse aliud auctoritati principum inpartitum ac tributum, esse quasdam res servatas iudicio voluntatique multitudinis. haec constitutio primum habet aequabilitatem quandam [magnam], qua carere diutius vix possunt liberi, deinde firmitudinem, quod et illa prima facile in contraria vitia convertuntur, ut exsistat ex rege dominus, ex optimatibus factio, ex populo turba et confusio; quodque ipsa genera generibus saepe conmutantur novis, hoc in hac iuncta moderateque permixta constitutione rei publicae non ferme sine magnis principum vitiis evenit. non est enim causa conversionis, ubi in suo quisque est gradu firmiter collocatus, et non subest quo praecipitet ac decidat.

(70) Sed vereor, Laeli vosque homines amicissimi ac prudentissimi, ne si diutius in hoc genere verser, quasi praecipientis cuiusdam et docentis et non vobiscum simul considerantis esse videatur oratio mea. quam ob rem ingrediar in ea quae nota sunt omnibus, quaesita autem a nobis iam diu. sic enim decerno, sic sentio, sic adfirmo, nullam omnium rerum publicarum aut constitutione aut discriptione aut disciplina conferendam esse cum ea, quam patres nostri nobis acceptam iam inde a maioribus reliquerunt. quam, si placet, quoniam ea quae tenebatis ipsi etiam ex me audire voluistis, simul et qualis sit et optimam esse ostendam, eitaque ad exemplum nostra re publica, accommodabo ad eam si potero omnem illam orationem quae est mihi habenda de optimo

civitatis statu. quod si tenere et consequi potuero, cumulate munus hoc, cui me Laelius praeposuit, ut opinio mea fert, effecero.'

(71) Tum Laelius: 'tuum vero' inquit 'Scipio, ac tuum quidem unius. quis enim te potius aut de malorum dixerit institutis, cum sis clarissimis ipse maioribus? aut de optimo statu civitatis? quem si habemus, etsi ne nunc quidem, tum vero, quis te possit esse florentior? aut de consiliis in posterum providendis? cum tu duobus huius urbis terroribus depulsis in omne tempus prospexeris?'

LIBER SECVNDVS

(1) <cupidi>tate audiendi, ingressus est sic loqui Scipio: ‘Catonis hoc senis est, quem ut scitis unice dilexi maximeque sum admiratus, cuique vel patris utriusque iudicio vel etiam meo studio me totum ab adulescentia dedidi; cuius me numquam satiare potuit oratio; tantus erat in homine usus rei publicae, quam et domi et militiae cum optime tum etiam diutissime gesserat, et modus in dicendo. et gravitate mixtus lepos, et summum vel discendi studium vel docendi, et orationi vita admodum congruens. (2) is dicere solebat ob hanc causam praestare nostrae civitatis statum ceteris civitatibus, quod in illis singuli fuissent fere quorum suam quisque rem publicam constituisset legibus atque institutis suis, ut Cretum Minos, Lacedaemoniorum Lycurgus, Atheniensium, quae persaepe commutata esset, tum Theseus tum Draco tum Solo tum Clisthenes tum multi alii, postremo exsanguem iam et iacentem doctus vir Phalereus sustentasset Demetrius, nostra autem res publica non unius esset ingenio sed multorum, nec una hominis vita sed aliquot constituta saeculis et aetatibus. nam neque ullum ingenium tantum extitisse dicebat, ut quem res nulla fugeret quisquam aliquando fuisset, neque cuncta ingenia conlata in unum tantum posse uno tempore providere, ut omnia complecterentur sine rerum usu ac vetustate. (3) quam ob rem, ut ille solebat, ita nunc mea repetet oratio populi Romani originem; libenter enim etiam verbo utor Catonis. faciliUs autem quod est propositum consequar, si nostram rem publicam vobis et nascentem et crescentem et adultam et iam firmam atque robustam ostendero. quam si mihi aliquam, ut apud Platonem Socrates, ipse finxero.’

(4) Hoc cum omnes adprobavissent, ‘quod habemus’ inquit ‘institutae rei publicae tam clarum ac tam omnibus notum exordium quam huius urbis condendae principium profectum a Romulo? qui patre Marte natus — concedamus enim famae hominum, praesertim non inveteratae solum sed etiam sapienter a maioribus proditae, bene meriti de rebus communibus ut genere etiam putarentur, non solum ingenio esse divino — is igitur ut natus sit, cum Remo fratre dicitur ab Amulio rege Albano ob labefactandi regni timorem ad Tiberim

exponi iussus esse; quo in loco cum esset silvestris beluae sustentatus uberibus, pastoresque eum sustulissent et in agresti cultu laboreque aluissent, perhibetur ut adoleverit et corporis viribus et animi ferocitate tantum ceteris praestitisse, ut omnes qui tum eos agros ubi hodie est haec urbs incolebant, aequo animo illi libenterque parerent. quorum copiis cum se ducem praebuisset, ut [et] iam a fabulis ad facta veniamus, oppressisse Longam Albam, validam urbem et potentem temporibus illis, Amuliumque regem interemisse fertur.

(5) Qua gloria parta urbem auspicato condere et firmare dicitur primum cogitavisse rem publicam. urbi autem locum, quod est ei qui diuturnam rem publicam serere conatur diligentissime providendum, incredibili opportunitate delegit. neque enim ad mare admovit, quod ei fuit illa manu copiisque facillimum, ut in agrum Rutulorum Aboriginumve procederet, aut in ostio Tiberino, quem in locum multis post annis rex Ancus coloniam deduxit, urbem ipse conderet, sed hoc vir excellenti providentia sensit ac vidit, non esse opportunissimos situs maritimos urbibus eis quae ad spem diuturnitatis conderentur atque imperii, primum quod essent urbes maritimae non solum multis periculis oppositae sed etiam caecis. (6) nam terra continens adventus hostium non modo expectatos sed etiam repentinos multis indiciis et quasi fragore quodam et sonitu ipso ante denuntiat, neque vero quisquam potest hostis advolare terra, quin eum non modo <ad>esse sed etiam quis et unde sit scire possimus. maritimus vero ille et navalis hostis ante adesse potest quam quisquam venturum esse suspicari queat, nec vero cum venit prae se fert aut qui sit aut unde veniat aut etiam quid velit, denique ne nota quidem ulla, pacatus an hostis sit, discerni ac iudicari potest.

(7) Est autem maritimis urbibus etiam quaedam corruptela ac mutatio morum; admiscentur enim novis sermonibus ac disciplinis, et inportantur non merces solum adventiciae sed etiam mores, ut nihil possit in patriis institutis manere integrum. iam qui incolunt eas urbes, non haerent in suis sedibus, sed volucri semper spe et cogitatione rapiuntur a domo longius, atque etiam cum manent corpore, animo tamen exulant et vagantur. nec vero ulla res magis labefactatam diu et Carthaginem et Corinthum pervertit aliquando, quam hic error ac dissipatio civium, quod mercandi cupiditate et navigandi et agrorum et armorum cultum reliquerant. (8) multa etiam

ad luxuriam invitamenta perniciosa civitatibus subpeditantur mari, quae vel capiuntur vel inportantur; atque habet etiam amoenitas ipsa vel sumptuosas vel desidiosas inlecebras multas cupiditatum. et quod de Corintho dixi, id haut scio an liceat de cuncta Graecia verissime dicere; nam et ipsa Peloponnesus fere tota in mari est, nec praeter Phliasios ulli sunt quorum agri non contingant mare, et extra Peloponnesum Aenianes et Doris et Dolopes soli absunt a mari. quid dicam insulas Graeciae? quae fluctibus cinctae natant paene ipsae simul cum civitatum institutis et moribus. (9) atque haec quidem ut supra dixi veteris sunt Graeciae. coloniarum vero quae est deducta a Graiis in Asiam Thracam Italiam Siciliam Africam praeter unam Magnesiam, quam unda non adluat? ita barbarorum agris quasi adtexta quaedam videtur ora esse Graeciae; nam e barbaris quidem ipsis nulli erant antea maritumi praeter Etruscos et Poenos. alteri mercandi causa, latrocinandi alteri. quae causa perspicua est malorum commutationumque Graeciae propter ea vitia maritimarum urbium quae ante paulo perbreviter adtigi. sed tamen in his vitiis inest illa magna commoditas, et quod ubique genitum est ut ad eam urbem quam incolas possit adnare, et rursus ut id quod agri efferant sui, quascumque velint in terras portare possint ac mittere.

(10) Qui potuit igitur divinius et utilitates conplecti maritimas Romulus et vitia vitare, quam quod urbem perennis amnis et aequabilis et in mare late influentis posuit in ripa? quo posset urbs et accipere a mari quo egeret, et reddere quo redundaret, eodemque ut flumine res ad victum cultumque maxime necessarias non solum mari absorberet, sed etiam invectas acciperet ex terra, ut mihi iam tum divinasse ille videatur hanc urbem sedem aliquando et domum summo esse imperio praebituram; nam hanc rerum tantam potentiam non ferme facilius alia ulla in parte Italiae posita urbs tenere potuisset.

(11) Urbis autem ipsius nativa praesidia quis est tam neclegens qui non habeat animo notata planeque cognita? cuius is est tractus doctusque muri cum Romuli tum etiam reliquorum regum sapientia definitus, ex omni parte arduis praeruptisque montibus ut unus aditus, qui esset inter Esquilinum Quirinalemque montem, maximo aggere obiecto fossa cingeretur vastissima, atque ut ita munita arx circuitu arduo et quasi circumciso saxo niteretur, ut etiam in illa

tempestate horribili Gallici adventus incolumis atque intacta permanserit. locumque delegit et fontibus abundantem et in regione pestilenti salubrem; colles enim sunt, qui cum perflantur ipsi tum adferunt umbram vallibus.

(12) Atque haec quidem perceleriter confecit; nam et urbem constituit, quam e suo nomine Romam iussit nominari, et ad firmandam novam civitatem novum quoddam et subagreste consilium, sed ad muniendas opes regni ac populi sui magni hominis et iam tum longe providentis secutus est, cum Sabinas honesto ortas loco virgines, quae Romam ludorum gratia venissent, quos tum primum anniversarios in circo facere instituisset Consualibus, rapi iussit, easque in familiarum amplissimarum matrimoniis collocavit. (13) qua ex causa cum bellum Romanis Sabini intulissent, proeliique certamen varium atque anceps fuisset, cum T. Tatio rege Sabinorum foedus icit, matronis ipsis quae raptae erant orantibus; quo foedere et Sabinos in civitatem adscivit sacris conmunicatis, et regnum suum cum illorum rege sociavit.

(14) Post interitum autem Tatii cum ad eum dominatus omnis reccidisset, quamquam cum Tatio in regium consilium delegerat principes — qui appellati sunt propter caritatem patres — populumque et suo et Tati nomine et Lucomonis, qui Romuli socius in Sabino proelio occiderat, in tribus tris curiasque triginta discripserat — quas curias earum nominibus nuncupavit quae ex Sabinis virgines raptae postea fuerant oratrices pacis et foederis — : sed quamquam ea Tatio sic erant discripta vivo, tamen eo interfecto multo etiam magis Romulus patrum auctoritate consilioque regnavit.

(15) Quo facto primum vidit iudicavitque idem quod Spartae Lycurgus paulo ante viderat, singulari imperio et potestate regia tum melius gubernari et regi civitates, si esset optimi cuiusque ad illam vim dominationis adiuncta auctoritas. itaque hoc consilio et quasi senatu fultus et munitus, et bella cum finitimis felicissime multa gessit, et cum ipse nihil ex praeda domum suam reportaret, locupletare civis non destitit. (16) tum, id quod retinemus hodie magna cum salute rei publicae, auspiciis plurimum obsecutus est Romulus. nam et ipse, quod principium rei publicae fuit, urbem condidit auspicato, et omnibus publicis rebus instituendis, qui sibi <ad>essent in auspiciis, ex singulis tribubus singulos cooptavit

augures, et habuit plebem in clientelas principum discriptam — quod quantae fuerit utilitati post videro — multaeque dictione ovium et boum — quod tunc erat res in pecore et locorum possessionibus, ex quo pecuniosi et locupletes vocabantur — non vi et suppliciis coercebat.

(17) Ac Romulus cum septem et triginta regnavisset annos, et haec egregia duo firmamenta rei publicae peperisset, auspicia et senatum, tantum est consecutus, ut cum subito sole obscurato non conparuisset, deorum in numero conlocatus putaretur; quam opinionem nemo umquam mortalis adsequi potuit sine eximia virtutis gloria. (18) atque hoc eo magis est in Romulo admirandum, quod ceteri qui dii ex hominibus facti esse dicuntur, minus eruditis hominum saeculis fuerunt, ut fingendi proclivis esset ratio, cum imperiti facile ad credendum inpellerentur, Romuli autem aetatem minus his sescentis annis iam inveteratis litteris atque doctrinis omnique illo antiquo ex inculta hominum vita errore sublato fuisse cernimus. nam si, id quod Graecorum investigatur annalibus, Roma condita est secundo anno olympiadis septumae, in id saeculum Romuli cecidit aetas, cum iam plena Graecia poetarum et musicorum esset, minorque fabulis nisi de veteribus rebus haberetur fides. nam centum et octo annis postquam Lycurgus leges scribere instituit, prima posita est olympias, quam quidam nominis errore ab eodem Lycurgo constitutam putant; Homerum autem qui minimum dicunt Lycurgi aetati triginta annis anteponunt fere. (19) ex quo intellegi potest permultis annis ante Homerum fuisse quam Romulum, ut iam doctis hominibus ac temporibus ipsis eruditis ad fingendum vix quicquam esset loci. antiquitas enim recepit fabulas fictas etiam non numq<uam incondite, haec aetas autem iam exculta praesertim eludens omne quod fieri non potest respuit>.

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(20) us ne<pos ei>us, ut di<xeru>nt quid<am, e>x filia. quo <vero> ille mor<tuus, e>odem <est an>no na<tus Si>moni<des ol>ympia<de se>xta et quin<quag>esima, <quo f>acilius <intel>legi pos<sit tu>m de Rol<mu>li [iam] immortalitate creditum, cum iam inveterata vita hominum ac tractata esset et cognita. sed profecto tanta fuit in eo vis ingenii atque virtutis, ut id de Romulo Proculo Iulio homini agresti crederetur, quod multis iam ante saeclis nullo

alio de mortali homines credidissent; qui inpulsu patrum, quo illi a se invidiam interitus Romuli pellerent, in contione dixisse fertur, a se visam esse in eo colle Romulum qui nunc Quirinalis vocatur; eum sibi mandasse ut populum rogaret, ut sibi eo in colle delubrum fieret; se deum esse et Quirinum vocari.

(21) Videtisne igitur unius viri consilio non solum ortum novum populum, neque ut in cunabulis vagientem relictum, sed adultum iam et paene puberem?' tum Laelius: 'nos vero videmus, et te quidem ingressum ratione ad disputandum nova, quae nusquam est in Graecorum libris. nam princeps ille, quo nemo in scribendo praestantior fuit, aream sibi sumpsit, in qua civitatem extrueret arbitratu suo, praeclaram ille quidem fortasse, sed a vita hominum abhorrentem et a moribus; (22) reliqui disseruerunt sine ullo certo exemplari formaque rei publicae de generibus et de rationibus civitatum; tu mihi videris utrumque facturus: es enim ita ingressus ut quae ipse reperias tribuere aliis malis, quam, ut facit apud Platonem Socrates, ipse fingere, et illa de urbis situ revoces ad rationem quae a Romulo casu aut necessitate facta sunt, et disputes non vaganti oratione sed defixa in una re publica. quare perge ut instituisti; prospicere enim iam videor te reliquos reges persequente quasi perfectam rem publicam.'

(23) 'Ergo' inquit Scipio 'cum ille Romuli senatus, qui constabat ex optimatibus, quibus ipse rex tantum tribuisset ut eos patres vellet nominari patriciosque eorum liberos, temptaret post Romuli excessum ut ipse regeret sine rege rem publicam, populus id non tulit, desiderioque Romuli postea regem flagitare non destitit; cum prudenter illi principes novam et inauditam ceteris gentibus interregni ineundi rationem excogitaverunt, ut quoad certus rex declaratus esset, nec sine rege civitas nec diuturno rege esset uno, nec committeretur ut quisquam inveterata potestate aut ad deponendum imperium tardior esset aut ad optinendum munitior. (24) quo quidem tempore novus ille populus vidit tamen id quod fugit Lacedaemonium Lycurgum, qui regem non deligendum duxit, si modo hoc in Lycurgi potestate potuit esse, sed habendum, qualiscumque is foret, qui modo esset Herculi stirpe generatus; nostri illi etiam tum agrestes viderunt virtutem et sapientiam regalem, non progeniem, quaeri oportere.

(25) Quibus cum esse praestantem Numam Pompilium fama ferret, praetermissis suis civibus regem alienigenam patribus auctoribus sibi ipse populus adscivit, eumque ad regnandum Sabinum hominem Romam Curibus accivit. qui ut huc venit, quamquam populus curiatis eum comitiis regem esse iusserat, tamen ipse de suo imperio curiatam legem tulit, hominesque Romanos instituto Romuli bellicis studiis ut vidit incensos, existimavit eos paulum ab illa consuetudine esse revocandos.

(26) Ac primum agros quos bello Romulus ceperat divisit viritim civibus, docuitque sine depopulatione atque praeda posse eos colendis agris abundare commodis omnibus, amoremque eis otii et pacis iniecit, quibus facillime iustitia et fides convalescit, et quorum patrocinio maxime cultus agrorum perceptioque frugum defenditur. idemque Pompilius et auspiciis maioribus inventis ad pristinum numerum duo augures addidit, et sacris e principum numero pontifices quinque praefecit, et animos propositis legibus his quas in monumentis habemus ardentis consuetudine et cupiditate bellandi religionum caerimoniis mitigavit, adiunxitque praeterea flamines Salios virginesque Vestales, omnisque partis religionis statuit sanctissime. (27) sacrorum autem ipsorum diligentiam difficilem, apparatum perfacilem esse voluit; nam quae perdiscenda quaeque observanda essent, multa constituit, sed ea sine inpensa. sic religionibus colendis operam addidit, sumptum removit, idemque mercatus ludos omnesque conveniundi causas et celebritates invenit. quibus rebus institutis ad humanitatem atque mansuetudinem revocavit animos hominum studiis bellandi iam immanis ac feros. Sic ille cum undequadraginta annos summa in pace concordiaque regnavisset, — sequamur enim potissimum Polybium nostrum, quo nemo fuit in exquirendis temporibus diligentior, — excessit e vita, duabus praeclarissimis ad diuturnitatem rei publicae rebus confirmatis, religione atque clementia.'

(28) Quae cum Scipio dixisset, 'verene' inquit Manilius 'hoc memoriae proditum est Africane, regem istum Numam Pythagorae ipsius discipulum aut certe Pythagoreum fuisse? saepe enim hoc de maioribus natu audivimus, et ita intellegimus vulgo existimari; neque vero satis id annalium publicorum auctoritate declaratum videmus.' tum Scipio: 'falsum est enim Manili' inquit 'id totum, neque solum

fictum sed etiam imperite absurdeque fictum; ea sunt enim demum non ferenda mendacia, quae non solum ficta esse sed ne fleri quidem potuisse cernimus. nam quartum iam annum regnante Lucio Tarquinio Superbo Sybarim et Crotonem et in eas Italiae partis Pythagoras venisse reperitur; olympias enim secunda et sexagesima eadem Superbi regni initium et Pythagorae declarat adventum. (29) ex quo intellegi regiis annis dinumeratis potest anno fere centesimo et quadragesimo post mortem Numae primum Italiam Pythagoram attigisse; neque hoc inter eos qui diligentissime persecuti sunt temporum annales, ulla est umquam in dubitatione versatum.' 'di inmortales' inquit Manilius, 'quantus iste est hominum et quam inveteratus error! ac tamen facile patior non esse nos transmarinis nec inportatis artibus eruditos, sed genuinis domesticisque virtutibus.' (30) 'atqui multo id facilius cognosces,' inquit Africanus, 'si progredientem rem publicam atque in optimum statum naturali quodam itinere et cursu venientem videris; quin hoc ipso sapientiam maiorum statues esse laudandam, quod multa intelleges etiam aliunde sumpta meliora apud nos multo esse facta, quam ibi fuissent unde huc translata essent atque ubi primum extitissent, intellegesque non fortuito populum Romanum sed consilio et disciplina confirmatum esse, nec tamen adversante fortuna.

(31) Mortuo rege Pompilio Tullum Hostilium populus regem interrege rogante comitiis curiatis creavit, isque de imperio exemplo Pompili populum consuluit curiatim. cuius excellens in re militari gloria magnaeque extiterunt res bellicae, fecitque idem et saepsit de manubis comitium et curiam, constituitque ius quo bella indicerentur, quod per se iustissime inventum sanxit fetiali religione, ut omne bellum quod denuntiatum indictumque non esset, id iniustum esse atque inpium iudicaretur. et ut advertatis animum quam sapienter iam reges hoc nostri viderint tribuenda quaedam esse populo — multa enim nobis de eo genere dicenda sunt — , ne insignibus quidem regiis Tullus nisi iussu populi est ausus uti. nam ut sibi duodecim lictores cum fascibus anteire liceret

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$(33) (Laelius?) '<neque) enim serpit sed volat in optimum statum instituto tuo sermone res publica.' (Scipio) 'post eum Numae Pompili nepos ex filia rex a populo est Ancus Marcius constitutus,

itemque de imperio suo legem curiatam tulit. qui cum Latinos bello devicisset, adscivit eos in civitatem, atque idem Aventinum et Caelium montem adiunxit urbi, quosque agros ceperat divisit, et silvas maritimas omnis publicavit quas ceperat, et ad ostium Tiberis urbem condidit colonisque firmavit. atque ita cum tres et viginti regnavisset annos, est mortuus.' tum Laelius: 'laudandus etiam iste rex; sed obscura est historia Romana, siquidem istius regis matrem habemus, ignoramus patrem.' (Scipio) 'ita est' inquit; 'sed temporum illorum tantum fere regum inlustrata sunt nomina.

(34) Sed hoc loco primum videtur insitiva quadam disciplina doctior facta esse civitas. influxit enim non tenuis quidam e Graecia rivulus in hanc urbem, sed abundantissimus amnis illarum disciplinarum et artium. fuisse enim quendam ferunt Demaratum Corinthium, et honore et auctoritate et fortunis facile civitatis suae principem; qui cum Corinthiorum tyrannum Cypselum ferre non potuisset, fugisse cum magna pecunia dicitur ac se contulisse Tarquinios, in urbem Etruriae florentissimam. cumque audiret dominationem Cypseli confirmari, defugit patriam vir liber ac fortis, et adscitus est civis a Tarquiniensibus atque in ea civitate domicilium et sedes collocavit. ubi cum de matre familias Tarquiniensi duo filios procreavisset, omnibus eos artibus ad Graecorum disciplinam eru

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(35) (Scipio) facile in civitatem receptus esset, propter humanitatem atque doctrinam Anco regi familiaris est factus usque eo ut consiliorum omnium particeps et socius paene regni putaretur. erat in eo praeterea summa comitas, summa in omnis civis opis, auxilii, defensionis, largiendi etiam benignitas. itaque mortuo Marcio cunctis populi suffragiis rex est creatus L. Tarquinius; sic enim suum nomen ex Graeco nomine inflexerat, ut in omni genere huius populi consuetudinem videretur imitatus. isque ut de suo imperio legem tulit, principio duplicavit illum pristinum patrum numerum, et antiquos patres maiorum gentium appellavit, quos priores sententiam rogabat, a se adscitos minorum. (36) Deinde equitatum ad hunc morem constituit qui usque adhuc est retentus, nec potuit Titiensium et Rhamnensium et Lucerum mutare cum cuperet nomina, quod auctor ei summa augur gloria Attus Navius non erat. atque etiam Corinthios video publicis equis adsignandis et alendis orborum et

viduarum tributis fuisse quondam diligentis. sed tamen prioribus equitum partibus secundis additis MDCCC fecit equites numerumque duplicavit. postea bello subegit Aequorum magnam gentem et ferocem et rebus populi Romani imminentem, idemque Sabinos cum a moenibus urbis reppulisset, equitatu fudit belloque devicit, atque eundem primum ludos maximos, qui Romani dicti sunt, fecisse accepimus, aedemque in Capitolio Iovi optimo maximo bello Sabino in ipsa pugna vovisse faciendam, mortuumque esse cum duodequadraginta regnavisset annos.'

(37) Tum Laelius: 'nunc fit illud Catonis certius, nec temporis unius nec hominis esse constitutionem <nostrae> rei publicae; perspicuum est enim, quanta in singulos reges rerum bonarum et utilium fiat accessio. sed sequitur is qui mihi videtur ex omnibus in re publica vidisse plurimum.' 'ita est' inquit Scipio. 'nam post eum Servius Tullius primus iniussu populi regnavisse traditur, quem ferunt ex serva Tarquiniensi natum, cum esset ex quodam regis cliente conceptus. qui cum famulorum <in> numero educatus ad epulas regis adsisteret, non latuit scintilla ingenii quae iam tum elucebat in puero; sic erat in omni vel officio vel sermone sollers. itaque Tarquinius, qui admodum parvos tum haberet liberos, sic Servium diligebat, ut is eius vulgo haberetur filius, atque eum summo studio omnibus iis artibus quas ipse didicerat ad exquisitissimam consuetudinem Graecorum erudiit. (38) sed cum Tarquinius insidiis Anci filiorum interisset, Serviusque ut ante dixi regnare coepisset, non iussu sed voluntate atque concessu civium, quod cum Tarquinius ex vulnere aeger fuisse et vivere falso diceretur, ille regio ornatu ius dixisset obaeratosque pecunia sua liberavisset, multaque comitate usus iussu Tarquinii se ius dicere probavisset, non commisit se patribus, sed Tarquinio sepulto populum de se ipse consuluit, iussusque regnare legem de imperio suo curiatam tulit. et primum Etruscorum iniurias bello est ultus; ex quo cum ma

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(39) (Scipio) duodeviginti censu maximo. deinde equitum magno numero ex omni populi summa separato, relicuum populum distribuit in quinque classis, senioresque a iunioribus divisit, easque ita disparavit ut suffragia non in multitudinis sed in locupletium potestate essent, curavitque, quod semper in re publica tenendum est,

ne plurimum valeant plurimi. quae discriptio si esset ignota vobis, explicaretur a me; nunc rationem videtis esse talem, ut equitum centuriae cum sex suffragiis et prima classis, addita centuria quae ad summum usum urbis fabris tignariis est data, LXXXVIIII centurias habeat; quibus e centum quattuor centuriis — tot enim reliquae sunt — octo solae si accesserunt, confecta est vis populi universa, reliquaque multo maior multitudo sex et nonaginta centuriarum neque excluderetur suffragiis, ne superbum esset, nec valeret nimis, ne esset periculosum. (40) in quo etiam verbis ac nominibus ipsis fuit diligens; qui cum locupletis assiduos appellasset ab asse dando, eos qui aut non plus mille quingentos aeris aut omnino nihil in suum censum praeter caput attulissent, proletarios nominavit, ut ex iis quasi proles, id est quasi progenies civitatis, expectari videretur. illarum autem sex et nonaginta centuriarum in una centuria tum quidem plures censebantur quam paene in prima classe tota. ita nec prohibebatur quisquam iure suffragii, et is valebat in suffragio plurimum, cuius plurimum intererat esse in optimo statu civitatem. quin etiam accensis velatis cornicinibus proletariis

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(41) statuo esse optume constitutam rem publicam, quae ex tribus generibus illis, regali et optumati et populari, confusa modice nec puniendo inritet animum inmanem ac ferum (Fremdzitat)

(42) (Scipio) sexaginta annis antiquior, quod erat XXXVIIII ante primam olympiadem condita. et antiquissimus ille Lycurgus eadem vidit fere. itaque ista aequabilitas atque hoc triplex rerum publicarum genus videtur mihi commune nobis cum illis populis fuisse. sed quod proprium sit in nostra re publica, quo nihil possit esse praeclarius, id persequar si potero subtilius; quod erit eius modi, nihil ut tale ulla in re publica reperiatur. haec enim quae adhuc eui ita mixta fuerunt et in hac civitate et in Lacedaemoniorum et in Karthaginiensium, ut temperata nullo fuerint modo. (43) nam in qua re publica est unus aliquis perpetua potestate, praesertim regia, quamvis in ea sit et senatus, ut tum fuit Romae cum erant reges, ut Spartae Lycurgi legibus, et ut sit aliquod etiam populi ius, ut fuit apud nostros reges, tamen illud excellit regium nomen, neque potest eius modi res publica non regnum et esse et vocari. ea autem forma civitatis mutabilis maxime est hanc ob causam. quod unius vitio praecipitata

in perniciosissimam partem facillime decidit. nam ipsum regale genus civitatis non modo non est reprehendendum, sed haud scio an reliquis simplicibus longe anteponendum, si ullum probarem simplex rei publicae genus, sed ita quoad statum suum retineat. is est autem status, ut unius perpetua potestate et iustitia uniusque sapientia regatur salus et aequabilitas et otium civium. desunt omnina ei populo multa qui sub rege est, in primisque libertas, quae non in eo est ut iusto utamur domino, sed ut nul<lo>

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(44) (Scipio) ferebant. etenim illi iniusto domino atque acerbo aliquamdiu in rebus gerundis prospere fortuna comitata est. nam et omne Latium bello devicit, et Suessam Pometiam urbem opulentam refertamque cepit, et maxima auri argentique praeda locupletatus votum patris Capitolii aedificatione persolvit, et colonias deduxit, et institutis eorum a quibus ortus erat dona magnifica quasi libamenta praedarum Delphos ad Apollinem misit.

(45) Hic ille iam vertetur orbis, cuius naturalem motum atque circuitum a primo discite adgnoscere. id enim est caput civilis prudentiae, in qua omnis haec nostra versatur oratio, videre itinera flexusque rerum publicarum, ut cum sciatis quo quaeque res inclinet, retinere aut ante possitis occurrere. nam rex ille de quo loquor, primum optimi regis caede maculatus integra so mente non erat, et cum metueret ipse poenam sceleris sui summam, metui se volebat; deinde victoriis divitiisque subnixus exultabat insolentia, neque suos mores regere poterat neque suorum libidines. (46) itaque cum maior eius filius Lucretiae Tricipitini filiae Conlatini uxori vim attulisset, mulierque pudens et nobilis ob illam iniuriam sese ipsa morte multavisset, tum vir ingenio et virtute praestans L. Brutus depulit a civibus suis iniustum illud durae servitutis iugum. qui cum privatus esset, totam rem publicam sustinuit, primusque in hac civitate docuit in conservanda civium libertate esse privatum neminem. quo auctore et principe concitata civitas et hac recenti querella Lucretiae patris ac propinquorum, et recordatione superbiae Tarquinii multarumque iniuriarum et ipsius et filiorum, exulem et regem ipsum et liberos eius et gentem Tarquiniorum esse iussit.

(47) Videtisne igitur ut de rege dominus extiterit, uniusque vitio genus rei publicae ex bono in deterrimum conversum sit? hic est

enim dominus populi quem Graeci tyrannum vocant; nam regem illum volunt esse, qui consulit ut parens populo, conservatque eos quibus est praepositus quam optima in condicione vivendi, sane bonum ut dixi rei publicae genus. sed tamen inclinatum et quasi pronum ad perniciosissimum statum. (48) simul atque enim se inflexit hic rex in dominatum iniustiorem, fit continuo tyrannus, quo neque taetrius neque foedius nec dis hominibusque invisius animal ullum cogitari potest; qui quamquam figura est hominis, morum tamen inmanitate vastissimas vincit beluas. quis enim hunc hominem rite dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam iuris communionem, nullam humanitatis societatem velit? sed erit hoc de genere nobis alius aptior dicendi locus, cum res ipsa admonuerit ut in eos dicamus qui etiam liberata iam civitate dominationes adpetiverunt.

(49) Habetis igitur primum ortum tyranni; nam hoc nomen Graeci regis iniusti esse voluerunt; nostri quidem omnes reges vocitaverunt qui soli in populos perpetuam potestatem haberent. itaque et Spurius Cassius et M. Manlius et Spurius Maelius regnum occupare voluisse dicti sunt, et modo

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(50) (Scipio) <La>cedaemone appellavit, nimis is quidem paucos, XXVIII, quos penes summam consilii voluit esse, cum imperii summam rex teneret; ex quo nostri idem illud secuti atque interpretati, quos senes ille appellavit, nominaverunt senatum, ut iam Romulum patribus lectis fecisse diximus; tamen excellit atque eminet vis potestas nomenque regium. inperti etiam populo potestatis aliquid, ut et Lycurgus et Romulus: non satiaris eum libertate, sed incenderis cupiditate libertatis, cum tantum modo potestatem gustandi feceris; ille quidem semper inpendebit timor, ne rex, quod plerumque evenit, exsistat iniustus. est igitur fragilis ea fortuna populi, quae posita est in unius ut dixi antea voluntate vel moribus.

(51) Quare prima sit haec forma et species et origo tyranni inventa nobis in ea re publica quam auspicato Romulus condiderit, non in illa quam ut perscripsit Plato sibi ipse Socrates perpolito illo in sermone depinxerit, ut, quem ad modum Tarquinius, non novam potestatem nactus, sed quam habebat usus iniuste, totum genus hoc regiae civitatis everterit; sit huic oppositus alter, bonus et sapiens et peritus

utilitatis dignitatisque civilis, quasi tutor et procurator rei publicae; sic enim appelletur quicumque erit rector et gubernator civitatis. quem virum facite ut agnoscatis; iste est enim qui consilio et opera civitatem tueri potest. quod quoniam nomen minus est adhuc tritum sermone nostro, saepiusque genus eius hominis erit in reliqua nobis oratione trac<tandum>

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(52) (Scipio) <cau>sas requisivit, civitatemque optandam magis quam sperandam, quam minimam potuit, non quae posset esse, sed in qua ratio rerum civilium perspici posset, effecit. ego autem, si modo consequi potuero, rationibus eisdem quas ille vidit non in umbra et imagine civitatis sed in amplissima re publica enitar, ut cuiusque et boni publici et mali causam tamquam virgula videar attingere. iis enim regiis quadraginta annis et ducentis paulo cum interregnis fere amplius praeteritis, pulsoque Tarquinio, tantum odium populum Romanum regalis nominis tenuit, quantum tenuerat post obitum vel potius excessum Romuli desiderium. itaque ut tum carere rege, sic pulso Tarquinio nomen regis audire non poterat. hic facultatem cum

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(53) (Scipio) lex illa tota sublata est. hac mente tum nostri maiores et Conlatinum innocentem suspicione cognationis expulerunt, et reliquos Tarquinios offensione nominis, eademque mente P. Valerius et fasces primus demitti iussit, cum dicere in contione coepisset, et aedis suas detulit sub Veliam, posteaquam, quod in excelsiore loco Veliae coepisset aedificare eo ipso ubi ac rex Tullus habitaverat, suspicionem populi sensit moveri; idemque, in quo fuit Publicola maxime, legem ad populum tulit eam quae centuriatis comitiis prima lata est, ne quis magistratus civem Romanum adversus provocationem necaret neve verberaret. (54) provocationem autem etiam a regibus fuisse declarant pontificii libri, significant nostri etiam augurales, itemque ab omni iudicio poenaque provocari licere indicant XII tabulae conpluribus legibus, et quod proditum memoriae est, X viros qui leges scripserint sine provocatione creatos, satis ostendit reliquos sine provocatione magistratus non fuisse, Lucique Valeri Potiti et M. Horati Barbati, hominum concordiae causa sapienter popularium, consularis lex

sanxit ne qui magistratus sine provocatione crearetur, neque vero leges Porciae, quae tres sunt trium Porciorum ut scitis, quicquam praeter sanctionem attulerunt novi. itaque Publicola lege illa de provocatione perlata statim securis de fascibus demi iussit, postridieque sibi collegam Sp. Lucretium subrogavit, suosque ad eum quod erat maior natu lictores transire iussit, instituitque primus ut singulis consulibus alternis mensibus lictores praeirent, ne plura insignia essent inperii in libero populo quam in regno fuissent. haud mediocris hic ut ego quidem intellego vir fuit, qui modica libertate populo data facilius genuit auctoritatem principum. neque ego haec nunc sine causa tam vetera vobis et tam obsoleta decanto, sed inlustribus in personis temporibusque exempla hominum rerumque definio, ad quae reliqua oratio dirigatur mea.

(56) Genuit igitur hoc in statu senatus rem publicam temporibus illis, ut in populo libero pauca per populum, pleraque senatus auctoritate et instituto ac more gererentur, atque uti consules potestatem haberent tempore dumtaxat annuam, genere ipso ac iure regiam, quodque erat ad obtinendam potentiam nobilium vel maximum, vehementer id retinebatur, populi comitia ne essent rata nisi ea patrum adprobavisset auctoritas. atque his ipsis temporibus dictator etiam est institutus decem fere annis post primos consules, T. Larcius, novumque id genus imperii visum est et proximum similitudini regiae. sed tamen omnia summa cum auctoritate a principibus cedente populo tenebantur, magnaeque res temporibus illis a fortissimis viris summo imperio praeditis, dictatoribus atque consulibus, belli gerebantur.

(57) Sed id quod fieri natura rerum ipsa cogebat, ut plusculum sibi iuris populus adscisceret liberatus a regibus, non longo intervallo, sexto decimo fere anno, Postumo Cominio Sp. Cassio consulibus consecutus est; in quo defuit fortasse ratio, sed tamen vincit ipsa rerum publicarum natura saepe rationem. id enim tenetote quod initio dixi, nisi aequabilis haec in civitate conpensatio sit et iuris et officii et muneris, ut et potestatis satis in magistratibus et auctoritatis in principum consilio et libertatis in populo sit, non posse hunc incommutabilem rei publicae conservari statum. (58) nam cum esset ex aere alieno commota civitas, plebs montem sacrum prius, deinde Aventinum occupavit. ac ne Lycurgi quidem disciplina genuit illos in

hominibus Graecis frenos; nam etiam Spartae regnante Theopompo sunt item quinque illi quos ephoros appellant, in Creta autem decem, qui cosmoe vocantur, ut contra consulare imperium tribuni plebis, sic illi contra vim regiam constituti.

(59) Fuerat fortasse aliqua ratio maioribus nostris in illo aere alieno medendi, quae neque Solonem Atheniensem non longis temporibus ante fugerat, neque post aliquanto nostrum senatum, cum sunt propter unius libidinem omnia nexa civium liberata nectierque postea desitum, semperque huic oneri, cum plebes publica calamitate inpendiis debilitata deficeret, salutis omnium causa aliqua sublevatio et medicina quaesita est. quo tum consilio praetermisso causa populo nata est, duobus tribunis plebis per seditionem creatis, ut potentia senatus atque auctoritas minueretur; quae tamen gravis et magna remanebat, sapientissimis et fortissimis et armis et consilio civitatem tuentibus, quorum auctoritas maxime florebat, quod cum honore longe antecellerent ceteris, voluptatibus erant inferiores nec pecuniis ferme superiores; eoque erat cuiusque gratior in re publica virtus, quod in rebus privatis diligentissime singulos cives opera consilio re tuebantur.

(60) Quo in statu rei publicae Sp. Cassium de occupando regno molientem, summa apud populum gratia florentem, quaestor accusavit, eumque ut audistis cum pater in ea culpa esse conperisse se dixisset, cedente populo morte mactavit. gratamque etiam illam legem quarto circiter et quinquagesimo anno post primos consules de multa et sacramento Sp. Tarpeius et A. Aternius consules comitiis centuriatis tulerunt. annis postea XX ex eo quod L. Papirius P. Pinarius censores multis dicendis vim armentorum a privatis in publicum averterant, levis aestumatio pecudum in multa lege C. Iuli P. Papiri consulum constituta est.

(61) Sed aliquot ante annis, cum summa esset auctoritas in senatu populo patiente atque parente, inita ratio est ut et consules et tribuni plebis magistratu se abdicarent, atque ut X viri maxima potestate sine provocatione crearentur, qui et summum imperium haberent et leges scriberent. qui cum X tabulas legum summa aequitate prudentiaque conscripsissent, in annum posterum decemviros alios subrogaverunt, quorum non similiter fides nec iustitia laudata. quo tamen e collegio laus est illa eximia C. Iuli, qui hominem nobilem L. Sestium, cuius in

cubiculo ecfossum esse se praesente corpus mortuum diceret, cum ipse potestatem summam haberet quod decemvirum unus sine provocatione esset, vades tamen poposcit, quod se legem illam praeclaram neglecturum negaret, quae de capite civis Romani nisi comitiis centuriatis statui vetaret.

(62) Tertius est annus decemviralis consecutus, cum idem essent nec alios subrogare voluissent. in hoc statu rei publicae, quem dixi iam saepe non posse esse diuturnum, quod non esset in omnis ordines civitatis aequabilis, erat penes principes tota res publica, praepositis X viris nobilissimis, non oppositis tribunis plebis, nullis aliis adiunctis magistratibus, non provocatione ad populum contra necem et verbera relicta. (63) ergo horum ex iniustitia subito exorta est maxima perturbatio et totius commutatio rei publicae; qui duabus tabulis iniquarum legum additis, quibus etiam quae diiunctis populis tribui solent conubia, haec illi ut ne plebei cum patribus essent, inhumanissima lege sanxerunt, quae postea plebiscito Canuleio abrogata est, libidinose[que] omni imperio et acerbe et avare populo praefuerunt. nota scilicet illa res et celebrata monumentis plurimis litterarum, cum Decimus quidam Verginius virginem filiam propter unius ex illis X viris intemperiem in foro sua manu interemisset, ac maerens ad exercitum qui tum erat in Algido confugisset, milites bellum illud quod erat in manibus reliquisse, et primum montem sacrum, sicut erat in simili causa antea factum, deinde Aventinum ar

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(Scipio) <maio>res nostros et probavisse maxime et retinuisse sapientissime iudico.'

(64) Cum ea Scipio dixisset silentioque omnium reliqua eius expectaretur oratio, tum Tubero: 'quoniam nihil ex te Africane hi maiores natu requirunt, ex me audies quid in oratione tua desiderem.' 'sane' inquit SCIPIO, 'et libenter quidem.' tum ille (Tubero): 'laudavisse mihi videris nostram rem publicam, cum ex te non de nostra sed de omni re publica quaesisset Laelius. nec tamen didici ex oratione tua, istam ipsam rem publicam quam laudas qua disciplina quibus moribus aut legibus constituere vel conservare possimus.'

(65) Hic Africanus: 'puto nobis mox de instituendis et conservandis civitatibus aptiorem Tubero fore disserundi locum; de optimo autem statu equidem arbitrabar me satis respondisse ad id

quod quaesierat Laelius. primum enim numero definieram genera civitatum tria probabilia, perniciosa autem tribus illis totidem contraria, nullumque ex eis unum esse optimum, sed id praestare singulis quod e tribus primis esset modice temperatum. (66) quod autem exemplo nostrae civitatis usus sum, non ad definiendum optimum statum valuit — nam id fieri potuit sine exemplo — , sed ut <in> civitate maxima reapse cerneretur, quale esset id quod ratio oratioque describeret. sin autem sine ullius populi exemplo genus ipsum exquiris optimi status, naturae imagine utendum est nobis, quoniam tu hanc imaginem urbis et populi ni

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(67) (Scipio) '<quem> iandudum quaero et ad quem cupio pervenire.' (Laelius) 'prudentem fortasse quaeris?' tum ille (Scipio): 'istum ipsum' (Laelius) 'est tibi ex eis ipsis qui adsunt bella copia, velut a te ipso ordiare.' tum Scipio: 'atque utinam ex omni senatu pro rata parte esset! sed tamen est ille prudens, qui, ut saepe in Africa vidimus, immani et vastae insidens beluae, coercet et regit [beluam] quocumque volt et levi admonitu aut tactu inflectit illam feram.' (Laelius) 'novi et tibi cum essem legatus saepe vidi.' (Scipio) 'ergo ille Indus aut Poenus unam coercet beluam, et eam docilem et humanis moribus adsuetam; at vero ea quae latet in animis hominum quaeque pars animi mens vocatur, non unam aut facilem ad subigendum frenat et domat <beluam>, si quando id efficit, quod perraro potest. namque et illa tenenda est ferox

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(69) dici possit'. tum Laelius: 'video iam, illum quem expectabam virum cui praeficias officio et muneri.'

'huic scilicet' Africanus 'uni paene — nam in hoc fere uno sunt cetera — , ut numquam a se ipso instituendo contemplandoque discedat, ut ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus. ut enim in fidibus aut tibiis atque ut in cantu ipso ac vocibus concentus est quidam tenendus ex distinctis sonis, quem inmutatum aut discrepantem aures eruditae ferre non possunt, isque concentus ex dissimillimarum vocum moderatione concors tamen efficitur et congruens, sic ex summis et infimis et mediis interiectis ordinibus ut sonis moderata ratione civitas con

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(70) (Philus) ‘plenam esse iustitiae.’ tum Scipio: ‘adsentior vero renuntioque vobis, nihil esse quod adhuc de re publica dictum putemus, aut quo possimus longius progredi, nisi erit confirmatum, non modo falsum illud esse, sine iniuria non posse, sed hoc verissimum esse, sine summa iustitia rem publicam geri nullo modo posse. sed, si placet, in hunc diem hactenus; reliqua — satis enim multa restant — differamus in crastinum.’

Cum ita placuisset, finis disputandi in eum diem factus est.

(3) et vehiculis tarditati, eademque cum accepisset homines inconditis vocibus inchoatum quiddam et confusum sonantes, incidit has et distinxit in partis, et ut signa quaedam sic verba rebus inpressit, hominesque antea dissociatos iucundissimo inter se sermonis vinculo conligavit. a simili etiam mente vocis qui videbantur infiniti soni paucis notis inventis sunt omnes signati et expressi, quibus et conloquia cum absentibus et indicia voluntatum et monumenta rerum praeteritarum tenerentur. accessit eo numerus, res cum ad vitam necessaria tum una inmutabilis et aeterna; quae prima inpulit etiam ut suspiceremus in caelum, nec frustra siderum motus intueremur, dinumerationibusque noctium ac die<rum>

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(4) quorum animi altius se extulerunt, et aliquid dignum dono ut ante dixi deorum aut efficere aut excogitare potuerunt. quare sint nobis isti qui de ratione vivendi disserunt magni homines (ut sunt), sint eruditi, sint veritatis et virtutis magistri, dam modo sit haec quaedam, sive a viris in rerum publicarum varietate versatis inventa, sive etiam in istorum otio ac litteris tractata, res (sicut est) minime quidem contemnenda, ratio civilis et disciplina populorum, quae perficit in bonis ingeniis, id quod iam persaepe perfecit, ut incredibilis quaedam et divina virtus exsisteret. quodsi quis ad ea instrumenta animi, quae natura quaeque civilibus institutis habuit, adiungendam sibi etiam doctrinam et uberiorem rerum cognitionem putavit, ut ii ipsi qui in horum librorum disputatione versantur, nemo est quin eos anteferre omnibus debeat. quid enim potest esse praeclarius, quam cum rerum magnarum tractatio atque usus cum illarum artium studiis et cognitione coniungitur? aut quid P. Scipione, quid C. Laelio, quid L. Philo perfectius cogitari potest? qui, ne quid praetermitterent quod ad summam laudem clarorum virorum pertineret, ad domesticum maiorumque morem etiam hanc a Socrate adventiciam doctrinam adhibuerunt. (6) quare qui utrumque voluit et potuit, id est ut cum maiorum institutis tum doctrina se instrueret, ad laudem hunc omnia consecutum puto. sin altera sit utra via prudentiae deligenda, tamen, etiamsi cui videbitur illa in optimis

studiis et artibus quieta vitae ratio beatior, haec civilis laudabilior est certe et inlustrior, ex qua vita sic summi viri ornantur, ut vel M'. Curius,

‘Quem nemo ferro potuit superare nec auro’,

vel

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cui nemo civis neque hostis
Quibit pro factis reddere opis pretium.

(7) fuisse sapientiam, tamen hoc in ratione utriusque generis interfuit, quod illi verbis et artibus aluerunt naturae principia, hi autem institutis et legibus. pluris vero haec tulit una civitas, si minus sapientis quoniam id nomen illi tam restricte tenent, at certe summa laude dignos, quoniam sapientium praecepta et inventa coluerunt. atque etiam, quot et sunt laudandae civitates et fuerunt — quoniam id est in rerum natura longe maximi consili, constituere eam rem publicam quae possit esse diuturna — , si singulos numeremus in singulas, quanta iam reperiatur virorum excellentium multitudo! quodsi aut Italiae Latium, aut eiusdem Sabinam aut Volscam gentem, si Samnium, si Etruriam, si magnam illam Graeciam conlustrare animo voluerimus, si deinde Assyrios, si Persas, si Poenos, ei haec

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(8) cati.’ et Philus: ‘praeclaram vero causam ad me defertis, cum me improbitatis patrocinium suscipere voltis.’ ‘atqui id tibi’ inquit Laelius ‘verendum est, si ea dixeris quae contra iustitiam dici solent, ne sic etiam sentire videare! cum et ipse sis quasi unicum exemplum antiquae probitatis et fidei, nec sit ignota consuetudo tua contrarias in partis disserendi, quod ita facillume verum inveniri putes.’ et Philus: ‘heia vero’ inquit, ‘geram morem vobis et me oblinam sciens; quod quoniam qui aurum quaerunt non putant sibi recusandum, nos cum iustitiam quaeramus, rem multo omni auro cariorem, nullam profecto molestiam fugere debemus. atque utinam, quem ad modum oratione sum usurus aliena, sic mihi ore uti liceret alieno! nunc ea dicenda sunt L. Furio Philo, quae Carneades, Graecos homo et consuetus quod commodum esset verbis’

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(12) (PHIL) ‘et reperiret et tueretur, alter autem de ipsa iustitia quattuor implevit sane grandis libros. nam ab Chrysippo nihil magnum nec magnificum desideravi, qui suo quodam more loquitur, ut omnia verborum momentis, non rerum ponderibus examinet. illorum fuit heroum, eam virtutem, quae est una, si modo est, maxime munifica et liberalis, et quae omnis magis quam sepse diligit, aliis nata potius quam siti, excitare iacentem et in illo divino solio non longe a sapientia conlocare. (13) nec vero illis aut voluntas defuit — quae enim iis scribendi alia causa aut quod omnino consilium fuit? — aut ingenium, quo omnibus praestiterunt; sed eorum et voluntatem et copiam causa vicit. ius enim de quo quaerimus civile est aliquod, naturale nullum; nam si esset, ut calida et frigida et amara et dulcia, sic essent iusta et iniusta eadem omnibus.

(14) Nunc autem, si quis illo Pacuviano ‘invehens alitum anguium curru’ multas et varias gentis et urbes despicere et oculis conlustrare possit, videat primum in illa incorrupta maxume gente Aegyptiorum, quae plurimorum saeculorum et eventorum memoriam litteris continet, bovem quendam putari deum, quem Apim Aegyptii nominant, multaque alia portenta apud eosdem et cuiusque generis beluas numero consecratas deorum; deinde Graeciae sicut apud nos delubra magnifica humanis consecrata simulacris, quae Persae nefaria putaverunt, eamque unam ob causam Xerxes inflammari Atheniensium fana iussisse dicitur, quod deos, quorum domus esset omnis hic mundus, inclusos parietibus contineri nefas esse duceret. (15) post autem cum Persis et Philippus, qui cogitavit, et Alexander, qui gessit, hanc bellandi causam inferebat, quod vellet Graeciae fana poenire; quae ne reficienda quidem Grai putaverunt, ut esset posteris ante os documentum Persarum sceleris sempiternum. quam multi, ut Tauri in Axino, ut rex Aegypti Busiris, ut Galli, ut Poeni, homines immolare et pium et diis immortalibus gratissumum esse duxerunt! vitae vero instituta sic distant, ut Cretes et Aetoli latrocinari honestum putent, Lacedaemonii suos omnis agros esse dictitarint quos spiculo possent attingere. Athenienses iurare etiam publice solebant omnem suam esse terram quae oleam frugesve ferret; Galli turpe esse ducunt frumentum manu quaerere, itaque armati alienos agros demetunt; (16) nos vero iustissimi homines, qui Transalpinas

gentis oleam et vitem serere non sinimus, quo pluris sint nostra oliveta nostraeque vineae; quod cum faciamus, prudenter facere dicimur, iuste non dicimur, ut intellegatis discrepare ab aequitate sapientiam. Lycurgus autem, ille legum optumarum et aequissumi iuris inventor, agros locupletium plebi ut servitio colendos dedit.

(17) Genera vero si velim iuris institutorum morum consuetudinumque describere, non modo in tot gentibus varia, sed in una urbe, vel in hac ipsa, milliens mutata demonstrem, ut hic iuris noster interpres alia nunc Manilius iura dicat esse de mulierum legatis et hereditatibus, alia solitus sit adulescens dicere nondum Voconia lege lata; quae quidem ipsa lex utilitatis virorum gratia rogata in mulieres plena est iniuriae. cur enim pecuniam non habeat mulier? cur virgini Vestali sit heres, non sit matri suae? cur autem, si pecuniae modus statuendus fuit feminis, P. Crassi filia posset habere, si unica patri esset, aeris milliens salva lege, mea triciens non posset'

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(18) (Philus) 'sanxisset iura nobis, et omnes isdem et idem non alias aliis uterentur. quaero autem, si iusti hominis et si boni est viri parere legibus, quibus? an quaecumque erunt? at nec inconstantiam virtus recipit, nec varietatem natura patitur, legesque poena, non iustitia nostra comprobantur; nihil habet igitur naturale ius; ex quo illud efficitur, ne iustos quidem esse natura. an vero in legibus varietatem esse dicunt, natura autem viros bonos eam iustitiam sequi quae sit, non eam quae putetur? esse enim hoc boni viri et iusti, tribuere id cuique quod sit quoque dignum. (19) ecquid ergo primum mutis tribuemus beluis? non enim mediocres viri sed maxumi et docti, Pythagoras et Empedocles, unam omnium animantium condicionem iuris esse denuntiant, clamantque inexpiabilis poenas impendere iis a quibus violatum sit animal. scelus est igitur nocere bestiae, quod scelus qui velit'

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(23) (Philus) 'sunt enim omnes, qui in populum vitae necisque potestatem habent, tyranni, sed se Iovis optimi nomine malunt reges vocari. cum autem certi propter divitias aut genus aut aliquas opes rem publicam tenent, est factio, sed vocantur illi optimates. si vero populus plurimum potest, omniaque eius arbitrio geruntur, dicitur illa libertas, est vero licentia. sed cum alius alium timet, et homo

hominem et ordo ordinem, tum quia sibi nemo confidit, quasi pactio fit inter populum et potentis; ex quo existit id, quod Scipio laudabat, coniunctum civitatis genus; etenim iustitiae non natura nec voluntas sed inbecillitas mater est. nam cum de tribus unum est optandum, aut facere iniuriam nec accipere, aut et facere et accipere, aut neutrum, optumum est facere, impune si possis, secundam nec facere nec pati, miserrimum digladiari semper tum faciendis tum accipiendis iniuriis. ita qui primum illud adsequi'

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(24) (PHIL) 'omni mementote. sapientia iubet augere opes, amplificare divitias, proferre fines — unde enim esset illa laus in summorum imperatorum incisa monumentis 'finis imperii propagavit', nisi aliquid de alieno accessisset? — imperare quam plurimis, frui voluptatibus, pollere regnare dominari; iustitia autem praecipit parcere omnibus, consulere generi hominum, suum cuique reddere, sacra publica aliena non tangere. quid igitur efficitur si sapientiae pareas? divitiae, potestates, opes, honores, imperia, regna vel privatis vel populis. sed quoniam de re publica loquimur, sunt<que> inlustriora quae publice fiunt, quoniamque eadem est ratio iuris in utroque, de populi sapientia dicendum puto, et <ut> iam omittam alios: noster hic populus, quem Africanus hesterno sermone a stirpe repetivit, cuius imperio iam orbis terrae tenetur, iustitia an sapientia est e minimo omnium <maximus factus?>

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(25) (Philus) 'praeter Arcadas et Atheniensis, qui credo timentes hoc interdictum iustitiae ne quando existeret, commenti sunt se de terra tamquam hos ex arvis musculos extitisse.

(26) Ad haec illa dici solent primum ab iis qui minime sunt in disserendo mali; qui in hac causa eo plus auctoritatis habent, quia cum de viro bono quaeritur, quem apertum et simplicem volumus esse, non sunt in disputando vafri, non veteratores, non malitiosi: negant enim sapientem idcirco virum bonum esse, quod eum sua sponte ac per se bonitas et iustitia delectet, sed quod vacua metu cura sollicitudine periculo vita bonorum virorum sit, contra autem improbis semper aliqui scrupus in animis haereat, semper iis ante oculos iudicia et supplicia versentur; nullum autem emolumentum esse, nullum iniustitia partum praemium tantum, semper ut timeas,

semper ut adesse, semper ut impendere aliquam poenam putes, damna'

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(27) (PHIL) 'Quaero: si duo sint, quorum alter optimus vir aequissimus, summa iustitia, singulari fide, alter insigni scelere et audacia, et si in eo sit errore civitas, ut bonum illum virum sceleratum, facinerosum, nefarium putet, contra autem <eum> qui sit inprobissimus existimet esse summa probitate ac fide, proque hac opinione omnium civium bonus ille vir vexetur, rapiatur, manus ei denique auferantur, effodiantur oculi, damnetur, vinciatur, uratur, exterminetur, egeat, postremo iure etiam optimo omnibus miserrimus esse videatur, contra autem ille improbus laudetur, colatur, ab omnibus diligatur, omnes ad eum honores, omnia imperia, omnes opes omnes undique copiae conferantur, vir denique optimus omnium existimatione et dignissimus omni fortuna optima iudicetur: quis tandem erit tam demens qui dubitet utrum se esse malit?

(28) Quod in singulis, idem est in populis: nulla est tam stulta civitas, quae non iniuste imperare malit quam servire iuste. nec vero longius abibo: consul ego quaesivi, cum vos mihi essetis in consilio, de Numantino foedere. quis ignorabat Q. Pompeium fecisse foedus, eadem in causa esse Mancinum? alter vir optimus etiam suasit rogationem me ex senatus consulto ferente, alter acerrime se defendit. si pudor quaeritur, si probitas, si fides, Mancinus haec attulit, si ratio, consilium, prudentia, Pompeius antistat. utrum'

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(41) (Laelius) 'Asia Ti. Gracchus, perseveravit in civibus, sociorum nominisque Latini iura neclexit ae foedera. quae si consuetudo ac licentia manare coeperit latius, imperiumque nostrum ad vim a iure traduxerit, ut qui adhuc voluntate nobis oboediunt, terrore teneantur, etsi nobis qui id aetatis sumus evigilatum fere est, tamen de posteris nostris et de illa immortalitate rei publicae sollicitor, quae poterat esse perpetua, si patriis viveretur institutis et moribus.'

(42) Quae cum dixisset Laelius, etsi omnes qui aderant significabant ab eo se esse admodum delectatos, tamen praeter ceteros Scipio quasi quodam gaudio elatus: 'multas tu quidem' inquit 'Laeli saepe causas ita defendisti, ut ego non modo tecum Servium

Galbam collegam nostrum, quem tu quoad vixit omnibus anteponebas, verum ne Atticorum quidem oratorum quemquam aut sua<vitate>

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(43) (Scipio) ‘reportare. ergo illam rem populi, id est rem publicam, quis diceret tum dum crudelitate unius oppressi essent universi, neque esset unum vinculum iuris nee consensus ac societas coetus, quod est populus? atque hoc idem Syracusis. urbs illa praeclara, quam ait Timaeus Graecarum maxumam, omnium autem esse pulcherrimam, arx visenda, portus usque in sinus oppidi et ad urbis crepidines infusi, viae latae, porticus, templa, muri nihilo magis efficiebant, Dionysio tenente ut esset illa res publica; nihil enim populi, et unius erat populus ipse. ergo ubi tyrannus est, ibi non vitiosam, ut heri dicebam, sed, ut nunc ratio cogit, dicendum est plane nullam esse rem publicam.’

(44) Praeclare quidem dicis’ Laelius; ‘etenim video iam quo pergat oratio.’ (Scipio) ‘vides igitur ne illam quidem quae tota sit in factionis potestate, posse vere dici rem publicam.’ (Laelius) ‘sic plane iudico.’ (Scipio) ‘et rectissime quidem iudicas; quae enim fuit tum Atheniensium res, dum post magnum illud Peloponnesiacum bellum triginta viri illi urbi iniustissime praefuerunt? num aut vetus gloria civitatis, aut species praeclara oppidi, aut theatrum, gymnasia, porticus, aut propylaea nobilia aut arx aut admiranda opera Phidiae, aut Piraeus ille magnificus rem publicam efficiebat?’ ‘minime vero’ Laelius ‘quoniam quidem populi res non erat.’ (Scipio) ‘quid? cum decemviri Romae sine provocatione fuerunt tertio illo anno, dum vindicias amisisset ipsa libertas?’ (Laelius.) ‘populi nulla res erat, immo vero id populus egit ut rem suam recuperaret.’

(45) (Scipio) ‘venio nunc ad tertium genus illud, in quo esse videbuntur fortasse angustiae. cum per populum agi dicuntur et esse in populi potestate omnia, cum de quocumque volt supplicium sumit multitudo, cum agunt, rapiunt, tenent, dissipant quae volunt, potesne tum Laeli negare rem esse illam publicam? dum populi sint omnia, quoniam quidem populi esse rem volumus rem publicam.’ tum Laelius: ‘ac nullam quidem citius negaverim esse rem publicam, quam istam quae tota plane sit in multitudinis potestate. nam si nobis non placebat Syracusis fuisse rem publicam, neque Agrigenti neque

Athenis dum essent tyranni, neque hic dum decemviri, non video qui magis in multitudinis dominatu rei publicae nomen appareat, quia primum mihi populus non est, ut tu optime definisti Scipio, nisi qui consensu iuris continetur, sed est tam tyrannus iste conventus, quam si esset unus, hoc etiam taetrior quia nihil ista, quae populi speciem et nomen imitatur, immanius belua est. nee vero convenit, dum furiosorum bona legibus in adgnatorum potestate sint, quod eorum iam'

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(46) (Scipio) 'dici possint, cur illa sit res publica resque populi, quae sunt dicta de regno.' 'et multo etiam magis,' inquit Mummius. 'nam in regem potius cadit domini similitudo, quod est unus; plures vero boni in qua re publica rerum potientur, nihil poterit esse illa beatius. sed tamen vel regnum malo quam liberum populum; id enim tibi restat genus vitiosissumae rei publicae tertium.'

(47) Ad hunc Scipio 'adgnosco', inquit, 'tuum morem istum Spuri aversum a ratione populari; et quamquam potest id lenius ferri quam tu soles ferre, tamen adsentior nullum esse de tribus his generibus quod sit probandum minus. illud tamen non adsentior iusto praestare regi optimates; si enim sapientia est quae gubernet rem publicam, quid tandem interest, haec in unone sit an in pluribus? sed errore quodam fallimur ita disputando; cum enim optumates appellantur, nihil potest videri praestabilius; quid enim optumo melius cogitari potest? cum autem regis est facta mentio, occurrit animis rex etiam iniustus. nos autem de iniusto is rege nihil loquimur nunc, cum de ipsa regali re publica quaerimus. quare cogitato Romulum aut Pompilium aut Tullium regem: fortasse non tam illius te rei publicae paenitebit.' (48) (Mummius) 'quam igitur relinquis populari rei publicae laudem?' tum ille (Scipio) 'quid? tibi tandem Spuri Rhodiorum, apud quos nuper fuimus una, nullane videtur esse res publica?' (Mummius) 'mihi vero videtur, et minime quidem vituperanda.' (Scipio) 'recte dicis; sed si meministi, omnes erant idem tum de plebe tum senatores, vicissitudinesque habebant quibus mensibus populari munere fungerentur, quibus senatorio; utrubique autem conventicium accipiebant, et in theatro et in curia res capitalis et reliquas omnis iudicabant idem; tantum poterat tantique erat quanti multitudo <senatus>'

LIBER QUARTUS

(2) Scipio: ‘gratiam, quam commode ordines discripti aetates classes equitatus, in quo suffragia sunt etiam senatus, nimis multis iam stulte hanc utilitatem tolli cupientibus, qui novam largitionem quaerunt aliquo plebiscito reddendorum equorum.

(3) Considerate nunc, cetera quam sint provisa sapienter ad illam civium beate et honeste vivendi societatem; ea est enim prima causa coeundi, et id hominibus effici ex re publica debet partim institutis, alia legibus. principio disciplinam puerilem ingenuis, de qua Graeci multum frustra laborarunt, et in qua una Polybius noster hospes nostrorum institutorum neglegentiam accusat, nullam certam aut destinatam legibus aut publice eitam aut unam omnium esse voluerunt. nam’

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(4) Scipio: ‘ri nudari puberem. ita sunt alte repetita quasi fundamenta quaedam verecundiae. iuventutis vero exercitatio quam absurda in gymnasiis! quam levis epheborum illa militia! quam contrectationes et amores soluti et liberi! mitto [aput] Eleos et Thebanos, apud quos in amore ingenuorum libido etiam permissam habet et solutam licentiam: Lacedaemonii ipsi, cum omnia concedunt in amore iuvenum praeter stuprum, tenui sane muro dissaepiunt id quod excipiunt; conplexus enim concubitusque permittunt palliis interiectis.’ hic Laelius: ‘praeclare intellego Scipio te in iis Graeciae disciplinis quas reprendis cum populis nobilissimis malle quam cum tuo Platone luctari, quem ne attingis quidem, praesertim cum

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LIBER QVINTVS

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(3) (Manilius?) ‘<nihil esse tam> regale quam explanationem aequitatis, in qua iuris erat interpretatio, quod ius privati petere solebant a regibus, ob easque causas agri arvi et arbusti et pascui lati atque uberes definiebantur, qui essent regii [qui] colerenturque sine regum opera et labore, ut eos nulla privati negotii cura a populorum rebus abduceret. nec vero quisquam privatus erat disceptator aut arbiter litis, sed omnia conficiebantur iudiciis regiis. et mihi quidem videtur Numa noster maxime tenuisse hunc morem veterem Graeciae regum. nam ceteri, etsi hoc quoque munere fungebantur, magnam tamen partem bella gesserunt et eorum iura coluerunt; illa autem diuturna pax Numae mater huic urbi iuris et religionis fuit, qui legum etiam scriptor fuit quas scitis extare, quod quidem huius civis proprium de quo agimus’

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(5) (Scipio) ‘<ra>dicum seminumque cognoscere num te offendet?’ (Manilius) ‘nihil, si modo opus extabit.’ (Scipio) ‘num id studium censes esse vilici?’ (Manilius) ‘minime, quippe eum agri culturam saepissime opera deficiat.’ (Scipio) ‘ergo, ut vilicus naturam agri novit, dispensator litteras scit, uterque autem se a scientiae delectatione ad efficiendi utilitatem refert, sic noster hic rector studuerit sane iuri et legibus cognoscendis, fontis quidem earum utique perspexerit, sed se responsitando et lectitando et scriptitando ne impediat, ut quasi dispensare rem publicam et in ea quodam modo vilicare possit, is summi iuris peritissimus, sine quo iustus esse nemo potest, civilis non inperitus, sed ita ut astrorum gubernator, physicorum medicus; uterque enim illis ad artem suam utitur, sed se a suo munere non impedit. illud autem videbit hic vir’

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(6) (Scipio.?) ‘<civi>tatibus, in quibus expetunt laudem optumi et decus, ignominiam fugiunt ae dedecus. nec vero tam metu poenaque terrentur, quae est constituta legibus, quam verecundia, quam natura homini dedit quasi quendam vituperationis non iniustae timorem. hanc ille rector rerum publicarum auxit opinionibus, perfecitque

institutis et disciplinis, ut pudor civis non minus a delictis arceret quam metus. atque haec quidem ad laudem pertinent, quae diei latius uberiusque potuerunt.

(7) Ad vitam autem usumque vivendi ea discripta ratio est iustis nuptiis, legitimis liberis, sanctis Penatium deorum Larumque familiarium sedibus, ut omnes et communibus commodis et suis uterentur, nec bene vivi sine bona re publica posset, nec esse quicquam civitate bene constituta beatius. quocirca permirum mihi videri solet, quae sit tanta doc’

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LIBER SEXTVS

Somnium Scipionis

(9) *Scipio:* “Cum in Africam venissem M.’ Manilio consuli ad quartam legionem tribunus, ut scitis, militum, nihil mihi fuit potius, quam ut Masinissam convenirem regem, familiae nostrae iustis de causis amicissimum. Ad quem ut veni, complexus me senex collacrimavit aliquantoque post suspexit ad caelum et: ‘Grates’, inquit, ‘tibi ago, summe Sol, vobisque, reliqui Caelites, quod, antequam ex hac vita migro, conspicio in meo regno et his tectis P. Cornelium Scipionem, cuius ego nomine ipso recreor; ita numquam ex animo meo discedit illius optimi atque invictissimi viri memoria.’ Deinde ego illum de suo regno, ille me de nostra re publica percontatus est, multisque verbis ultro citroque habitis ille nobis consumptus est dies.

(10) Post autem apparatu regio accepti sermonem in multam noctem produximus, cum senex nihil nisi de Africano loqueretur omniaque eius non facta solum, sed etiam dicta meminisset. Deinde, ut cubitum discessimus, me et de via fessum, et qui ad multam noctem vigilassem, artior, quam solebat, somnus complexus est. Hic mihi — credo equidem ex hoc, quod eramus locuti; fit enim fere, ut cogitationes sermonesque nostri pariant aliquid in somno tale, quale de Homero scribit Ennius, de quo videlicet saepissime vigilans solebat cogitare et loqui — Africanus se ostendit ea forma, quae mihi ex imagine eius quam ex ipso erat notior; quem ubi agnovi, equidem cohorrui, sed ille: ‘Ades,’ inquit, ‘animo et omitte timorem, Scipio, et, quae dicam, trade memoriae!

(11) Videsne illam urbem, quae parere populo Romano coacta per me renovat pristina bella nec potest quiescere?’ Ostendebat autem Carthaginem de excelso et pleno stellarum, illustri et claro quodam loco. ‘Ad quam tu oppugnandam nunc venis paene miles. Hanc hoc biennio consul evertes, eritque cognomen id tibi per te partum, quod habes adhuc a nobis hereditarium. Cum autem Carthaginem deleveris, triumphum egeris censorque fueris et obieris legatus Aegyptum, Syriam, Asiam, Graeciam, deligere iterum consul absens bellumque maximum conficies, Numantiam exscindes. Sed cum eris

curru in Capitolium invectus, offendes rem publicam consiliis perturbatam nepotis mei.

(12) Hic tu, Africane, ostendas oportebit patriae lumen animi, ingenii consiliique tui. Sed eius temporis ancipitem video quasi fatorum viam. Nam cum aetas tua septenos octiens solis anfractus reditusque converterit duoque hi numeri, quorum uterque plenus alter altera de causa habetur, circuitu naturali summam tibi fatalem confecerint, in te unum atque in tuum nomen se tota convertet civitas; te senatus, te omnes boni, te socii, te Latini intuebuntur; tu eris unus, in quo nitatur civitatis salus, ac, ne multa, dictator rem publicam constituas oportet, si impias propinquorum manus effugeris.'"

Hic cum exclamasset Laelius ingemuissentque vehementius ceteri: "St! Quaeso", inquit, "Ne me ex somno excitetis et parumper audite cetera!

(13) 'Sed quo sis, Africane, alacrior ad tutandam rem publicam, sic habeto, omnibus, qui patriam conservaverint, adiuverint, auxerint, certum esse in caelo definitum locum, ubi beati aevo sempiterno fruantur; nihil est enim illi principi deo, qui omnem mundum regit, quod quidem in terris fiat, acceptius quam concilia coetusque hominum iure sociati, quae 'civitates' appellantur; harum rectores et conservatores hinc profecti huc revertuntur.'

(14) Hic ego, etsi eram perterritus non tam mortis metu quam insidiarum a meis, quaesivi tamen, viveretne ipse et Paulus pater et alii, quos nos exstinctos arbitraremur. 'Immo vero', inquit, 'hi vivunt, qui e corporum vinculis tamquam e carcere evolaverunt, vestra vero, quae dicitur, vita mors est. Quin tu aspicis ad te venientem Paulum patrem?' Quem ut vidi, equidem vim lacrimarum profudi, ille autem me complexus atque osculans flere prohibebat.

(15) Atque ut ego primum fletu represso loqui posse coepi: 'Quaeso', inquam, 'pater sanctissime atque optime, quoniam haec est vita, ut Africanum audio dicere, quid moror in terris? Quin huc ad vos venire propero?' 'Non est ita,' inquit ille. 'Nisi enim deus is, cuius hoc templum est omne, quod conspicis, istis te corporis custodiis liberaverit, huc tibi aditus patere non potest. Homines enim sunt hac lege generati, qui tuerentur illum globum, quem in hoc templo medium vides, quae terra dicitur, iisque animus datus est ex

illis sempiternis ignibus, quae sidera et stellas vocatis, quae globosae et rotundae, divinis animatae mentibus, circulos suos orbesque conficiunt celeritate mirabili. Quare et tibi, Publi, et piis omnibus retinendus animus est in custodia corporis nec iniussu eius, a quo ille est vobis datus, ex hominum vita migrandum est, ne munus humanum assignatum a deo defugisse videamini. (16) Sed sic, Scipio, ut avus hic tuus, ut ego, qui te genui, iustitiam cole et pietatem, quae cum magna in parentibus et propinquis tum in patria maxima est; ea vita via est in caelum et in hunc coetum eorum, qui iam vixerunt et corpore laxati illum incolunt locum, quem vides.' Erat autem is splendidissimo candore inter flammas circus elucens. 'Quem vos, ut a Graiis accepistis, orbem lacteum nuncupatis.' Ex quo omnia mihi contemplanti praeclara cetera et mirabilia videbantur. Erant autem eae stellae, quas numquam ex hoc loco vidimus, et eae magnitudines omnium, quas esse numquam suspicati sumus; ex quibus erat ea minima, quae ultima a caelo, citima a terris luce lucebat aliena. Stellarum autem globi terrae magnitudinem facile vincebant. Iam ipsa terra ita mihi parva visa est, ut me imperii nostri, quo quasi punctum eius attingimus, paeniteret.

(17) Quam cum magis intuerer: 'Quaeso,' inquit Africanus, 'quousque humi defixa tua mens erit? Nonne aspicis, quae in templa veneris? Novem tibi orbibus vel potius globis conexa sunt omnia, quorum unus est caelestis, extimus, qui reliquos omnes complectitur, summus ipse deus arcens et continens ceteros; in quo sunt infixi illi, qui volvuntur, stellarum cursus sempiterni. Cui subiecti sunt septem, qui versantur retro contrario motu atque caelum. Ex quibus summum globum possidet illa, quam in terris Saturniam nominant. Deinde est hominum generi prosperus et salutaris ille fulgor, qui dicitur Iovis; tum rutilus horribilisque terris, quem Martium dicitis; deinde subter mediam fere regionem Sol obtinet, dux et princeps et moderator luminum reliquorum, mens mundi et temperatio, tanta magnitudine, ut cuncta sua luce lustret et compleat. Hunc ut comites consequuntur Veneris alter, alter Mercurii cursus, in infimoque orbe Luna radiis solis accensa convertitur. Infra autem iam nihil est nisi mortale et caducum praeter animos munere deorum hominum generi datos; supra Lunam sunt aeterna omnia. Nam ea, quae est media et nona, Tellus, neque movetur et infima est, et in eam feruntur omnia nutu

suo pondera.'

(18) Quae cum intuerer stupens, ut me recepi: 'Quid hic?' inquam, 'quis est, qui complet aures, tantus et tam dulcis sonus?' 'Hic est,' inquit, 'ille, qui intervallis disiunctus imparibus, sed tamen pro rata parte distinctis, impulsu et motu ipsorum orbium efficitur et acuta cum gravibus temperans varios aequabiliter concentus efficit; nec enim silentio tanti motus incitari possunt, et natura fert, ut extrema ex altera parte graviter, ex altera autem acute sonent. Quam ob causam summus ille caeli stellifer cursus, cuius conversio est concitatior, acuto et excitato movetur sono, gravissimo autem hic lunaris atque infimus; nam terra nona immobilis manens una sede semper haeret complexa medium mundi locum. Illi autem octo cursus, in quibus eadem vis est duorum, septem efficiunt distinctos intervallis sonos, qui numerus rerum omnium fere nodus est; quod docti homines nervis imitati atque cantibus aperuerunt sibi reditum in hunc locum, sicut alii, qui praestantibus ingeniis in vita humana divina studia coluerunt. (19) Hoc sonitu oppletae aures hominum obsurduerunt; nec est ullus hebetior sensus in vobis, sicut, ubi Nilus ad illa, quae Catadupa nominantur, praecipitat ex altissimis montibus, ea gens, quae illum locum accolit, propter magnitudinem sonitus sensu audiendi caret. Hic vero tantus est totius mundi incitatissima conversione sonitus, ut eum aures hominum capere non possint, sicut intueri solem adversum nequitis, eiusque radiis acies vestra sensusque vincitur.'

Haec ego admirans referebam tamen oculos ad terram identidem.

(20) Tum Africanus: 'Sentio,' inquit, 'te sedem etiam nunc hominum ac domum contemplari; quae si tibi parva, ut est, ita videtur, haec caelestia semper spectato, illa humana contemnito! Tu enim quam celebritatem sermonis hominum aut quam expetendam consequi gloriam potes? Vides habitari in terra raris et angustis in locis et in ipsis quasi maculis, ubi habitatur, vastas solitudines interiectas eosque, qui incolunt terram, non modo interruptos ita esse, ut nihil inter ipsos ab aliis ad alios manare possit, sed partim obliquos, partim transversos, partim etiam adversos stare vobis; a quibus exspectare gloriam certe nullam potestis.

(21) Cernis autem eandem terram quasi quibusdam redimitam et circumdatam cingulis, e quibus duos maxime inter se diversos et

caeli verticibus ipsis ex utraque parte subnixos obriguisse pruina vides, medium autem illum et maximum solis ardore torreri. Duo sunt habitabiles, quorum australis ille, in quo, qui insistunt, adversa vobis urgent vestigia, nihil ad vestrum genus; hic autem alter subiectus aquiloni, quem incolitis, cerne quam tenui vos parte contingat! Omnis enim terra, quae colitur a vobis, angustata verticibus, lateribus latior, parva quaedam insula est circumfusa illo mari, quod 'Atlanticum', quod 'magnum', quem 'Oceanum' appellatis in terris; qui tamen tanto nomine quam sit parvus, vides. (22) Ex his ipsis cultis notisque terris num aut tuum aut cuiusquam nostrum nomen vel Caucasum hunc, quem cernis, transcendere potuit vel illum Gangem tranatare? Quis in reliquis orientis aut obeuntis solis ultimis aut aquilonis austrive partibus tuum nomen audiet? Quibus amputatis cernis profecto, quantis in angustiis vestra se gloria dilatari velit. Ipsi autem, qui de nobis loquuntur, quam loquentur diu?

(23) Quin etiam si cupiat proles illa futurorum hominum deinceps laudes unius cuiusque nostrum a patribus acceptas posteris prodere, tamen propter eluviones exustionesque terrarum, quas accidere tempore certo necesse est, non modo non aeternam, sed ne diuturnam quidem gloriam assequi possumus. Quid autem interest ab iis, qui postea nascentur, sermonem fore de te, cum ab iis nullus fuerit, qui ante nati sunt — (24) qui nec pauciores et certe meliores fuerunt viri — praesertim cum apud eos ipsos, a quibus audiri nomen nostrum potest, nemo unius anni memoriam consequi possit. Homines enim populariter annum tantummodo solis, id est unius astri, reditu metiuntur; cum autem ad idem, unde semel profecta sunt, cuncta astra redierint eandemque totius caeli discriptionem longis intervallis rettulerint, tum ille vere vertens annus appellari potest; in quo vix dicere audeo, quam multa hominum saecula teneantur. Namque ut olim deficere sol hominibus exstinguique visus est, cum Romuli animus haec ipsa in templa penetravit, quandoque ab eadem parte sol eodemque tempore iterum defecerit, tum signis omnibus ad principium stellisque revocatis expletum annum habeto; cuius quidem anni nondum vicesimam partem scito esse conversam.

(25) Quocirca si reditum in hunc locum desperaveris, in quo omnia sunt magnis et praestantibus viris, quanti tandem est ista

hominum gloria, quae pertinere vix ad unius anni partem exiguam potest?

Igitur, alte spectare si voles atque hanc sedem et aeternam domum contueri, neque te sermonibus vulgi dederis nec in praemiis humanis spem posueris rerum tuarum! Suis te oportet illecebris ipsa virtus trahat ad verum decus; quid de te alii loquantur, ipsi videant! Sed loquentur tamen; sermo autem omnis ille et angustiis cingitur iis regionum, quas vides, nec umquam de ullo perennis fuit et obruitur hominum interitu et oblivione posteritatis exstinguitur.'

(26) Quae cum dixisset: 'Ego vero,' inquam, 'Africane, si quidem bene meritis de patria quasi limes ad caeli aditus patet, quamquam a pueritia vestigiis ingressus patris et tuis decori vestro non defui, nunc tamen tanto praemio exposito enitar multo vigilantius.' Et ille: 'Tu vero enitere et sic habeto, non esse te mortalem, sed corpus hoc; nec enim tu is es, quem forma ista declarat, sed mens cuiusque is est quisque, non ea figura, quae digito demonstrari potest. Deum te igitur scito esse, si quidem est deus, qui viget, qui sentit, qui meminit, qui providet, qui tam regit et moderatur et movet id corpus, cui praepositus est, quam hunc mundum ille princeps deus, et ut mundum ex quadam parte mortalem ipse deus aeternus, sic fragile corpus animus sempiternus movet.

(27) Nam quod semper movetur, aeternum est. Quod autem motum affert alicui, quodque ipsum agitatur aliunde, quando finem habet motus, vivendi finem habeat necesse est. Solum igitur, quod se movet, quia numquam deseritur a se, numquam ne moveri quidem desinit. Quin etiam ceteris, quae moventur, hic fons, hoc principium est movendi. Principii autem nulla est origo; nam ex principio oriuntur omnia, ipsum autem nulla ex re alia nasci potest; nec enim esset id principium, quod gigneretur aliunde. Quodsi numquam oritur, ne occidit quidem umquam. Nam principium exstinctum nec ipsum ab alio renascetur nec ex se aliud creabit, si quidem necesse est a principio oriri omnia. Ita fit, ut motus principium ex eo sit, quod ipsum a se movetur. Id autem nec nasci potest nec mori; vel concidat omne caelum omnisque natura et consistat necesse est nec vim ullam nanciscatur, qua a primo impulsa moveatur. (28) Cum pateat igitur aeternum id esse, quod a se ipso moveatur, quis est, qui hanc naturam animis esse tributam neget? Inanimum est enim omne, quod

pulsu agitatur externo; quod autem est animal, id motu cietur interno et suo; nam haec est propria natura animi atque vis. Quae si est una ex omnibus, quae sese moveat, neque nata certe est et aeterna est.

(29) Hanc tu exerce optimis in rebus! Sunt autem optimae curae de salute patriae; quibus agitatus et exercitatus animus velocius in hanc sedem et domum suam pervolabit; idque ocius faciet, si iam tum, cum erit inclusus in corpore, eminebit foras et ea, quae extra erunt, contemplans quam maxime se a corpore abstrahet. Namque eorum animi, qui se corporis voluptatibus dediderunt earumque se quasi ministros praebuerunt impulsuque libidinum voluptatibus oboedientium deorum et hominum iura violaverunt, corporibus elapsi circum terram ipsam volutantur nec hunc in locum nisi multis exagitati saeculis revertuntur.'

Ille discessit; ego somno solutus sum."

BRUTUS (Short History of Orators)

M. TVLLI CICERONIS BRVTVS

[1] Cum e Cilicia decedens Rhodum venissem et eo mihi de Q. Hortensi morte esset adlatum, opinione omnium maiorem animo cepi dolorem. nam et amico amisso cum consuetudine iucunda tum multorum officiorum coniunctione me privatum videbam et interitu talis auguris dignitatem nostri conlegi deminutam dolebam; qua in cogitatione et cooptatum me ab eo in conlegium recordabar, in quo iuratus iudicium dignitatis meae fecerat, et inauguratum ab eodem; ex quo augurum institutis in parentis eum loco colere debebam.

[2] Augebat etiam molestiam, quod magna sapientium civium bonorumque penuria vir egregius coniunctissimusque mecum consiliorum omnium societate alienissimo rei publicae tempore exstinctus et auctoritatis et prudentiae suae triste nobis desiderium reliquerat; dolebamque quod non, ut plerique putabant, adversarium aut obtrectatorem laudum mearum sed socium potius et consortem gloriosi laboris amiseram.

[3] Etenim si in leviorum artium studio memoriae proditum est poetas nobilis poetarum aequalium morte doluisse, quo tandem animo eius interitum ferre debui, cum quo certare erat gloriosius quam omnino adversarium non habere? cum praesertim non modo numquam sit aut illius a me cursus impeditus aut ab illo meus, sed contra semper alter ab altero adiutus et communicando et monendo et favendo.

[4] Sed quoniam perpetua quadam felicitate usus ille cessit e vita suo magis quam suorum civium tempore et tum occidit, cum lugere facilius rem publicam posset, si viveret, quam iuvare, vixitque tam diu quam licuit in civitate bene beateque vivere, nostro incommodo detrimentoque, si est ita necesse, doleamus, illius vero mortis opportunitatem benevolentia potius quam misericordia prosequamur, ut, quotienscumque de clarissumo et beatissumo viro cogitemus, illum potius quam nosmet ipsos diligere videamur.

[5] Nam si id dolemus, quod eo iam frui nobis non licet, nostrum est id malum; quod modice feramus, ne id non ad amicitiam sed ad

domesticam utilitatem referre videamur: sin tamquam illi ipsi acerbitatis aliquid acciderit angimur, summam eius felicitatem non satis grato animo interpretamur.

[6] Etenim si viveret Q. Hortensius, cetera fortasse desideraret una cum reliquis bonis et fortibus civibus, hunc autem aut praeter ceteros aut cum paucis sustineret dolorem, cum forum populi Romani, quod fuisset quasi theatrum illius ingeni, voce erudita et Romanis Graecisque auribus digna spoliatum atque orbatum videret.

[7] Equidem angor animo non consili, non ingeni, non auctoritatis armis egere rem publicam, quae didiceram tractare quibusque me adsuefeceram quaeque erant propria cum praestantis in re publica viri tum bene moratae et bene constitutae civitatis. quod si fuit in re publica tempus ullum, cum extorquere arma posset e manibus iratorum civium boni civis auctoritas et oratio, tum profecto fuit, cum patrocinium pacis exclusum est aut errore hominum aut timore.

[8] Ita nobismet ipsis accidit ut, quamquam essent multo magis alia lugenda, tamen hoc doleremus quod, quo tempore aetas nostra perfuncta rebus amplissimis tamquam in portum confugere deberet non inertiae neque desidiae, sed oti moderati atque honesti, cumque ipsa oratio iam nostra canesceret haberetque suam quandam maturitatem et quasi senectutem, tum arma sunt ea sumpta, quibus illi ipsi, qui didicerant eis uti gloriose, quem ad modum salutariter uterentur non reperiebant.

[9] Itaque ei mihi videntur fortunate beateque vixisse cum in ceteris civitatibus tum maxume in nostra, quibus cum auctoritate rerumque gestarum gloria tum etiam sapientiae laude perfrui licuit. quorum memoria et recordatio in maxumis nostris gravissimisque curis iucunda sane fuit, cum in eam nuper ex sermone quodam incidissemus.

[10] Nam cum inambularem in xysto et essem otiosus domi, M. ad me Brutus, ut consueverat, cum T. Pomponio venerat, homines cum inter se coniuncti tum mihi ita cari itaque iucundi, ut eorum aspectu omnis quae me angebat de re publica cura consederit. quos postquam salutavi: Quid vos, inquam, Brute et Attice? numquid tandem novi? Nihil sane, inquit Brutus, quod quidem aut tu audire velis aut ego pro certo dicere audeam.

[11] Tum Atticus: eo, inquit, ad te animo venimus, ut de re publica

esset silentium et aliquid audiremus potius ex te, quam te adficeremus ulla molestia. Vos vero, inquam, Attice, et praesentem me cura levatis et absenti magna solacia dedistis. nam vestris primum litteris recreatus me ad pristina studia revocavi. Tum ille: legi, inquit, perlubenter epistulam, quam ad te Brutus misit ex Asia, qua mihi visus est et monere te prudenter et consolari amicissume.

[12] Recte, inquam, est visus: nam me istis scito litteris ex diuturna perturbatione totius valetudinis tamquam ad aspiciendam lucem esse revocatum. atque ut post Cannensem illam calamitatem primum Marcelli ad Nolam proelio populus se Romanus erexit posteaque prosperae res deinceps multae consecutae sunt, sic post rerum nostrarum et communium gravissumos casus nihil ante epistulam Bruti mihi accidit, quod vellem aut quod aliqua ex parte sollicitudines adlevaret meas.

[13] Tum Brutus: volui id quidem efficere certe et capio magnum fructum, si quidem quod volui tanta in re consecutus sum. sed scire cupio, quae te Attici litterae delectaverint. Istae vero, inquam, Brute, non modo delectationem mihi, sed etiam, ut spero, salutem adtulerunt. Salutem? inquit ille. quodnam tandem genus istuc tam praeclarum litterarum fuit? An mihi potuit, inquam, esse aut gratior ulla salutatio aut ad hoc tempus aptior quam illius libri, quo me hic adfatus quasi iacentem excitavit?

[14] Tum ille: nempe eum dicis, inquit, quo iste omnem rerum memoriam breviter et, ut mihi quidem visum est, perdiligenter complexus est? Istum ipsum, inquam, Brute, dico librum mihi saluti fuisse. Tum Atticus: optatissimum mihi quidem est quod dicis; sed quid tandem habuit liber iste, quod tibi aut novum aut tanto usui posset esse?

[15] Ille vero et nova, inquam, mihi quidem multa et eam utilitatem quam requirebam, ut explicatis ordinibus temporum uno in conspectu omnia viderem. quae cum studiose tractare coepissem, ipsa mihi tractatio litterarum salutaris fuit admonuitque, Pomponi, ut a te ipso sumerem aliquid ad me reficiendum teque remunerandum si non pari, at grato tamen munere: quamquam illud Hesiodium laudatur a doctis, quod eadem mensura reddere iubet qua acceperis aut etiam cumulatiore, si possis.

[16] Ego autem voluntatem tibi profecto emetiar, sed rem ipsam

nondum posse videor; idque ut ignoscas, a te peto. nec enim ex novis, ut agricolae solent, fructibus est unde tibi reddam quod accepi — sic omnis fetus repressus exustusque flos siti veteris ubertatis exaruit — , nec ex conditis, qui iacent in tenebris et ad quos omnis nobis aditus, qui paene solis patuit, obstructus est. seremus igitur aliquid tamquam in inculto et derelicto solo; quod ita diligenter colemus, ut impendiis etiam augere possimus largitatem tui muneris: modo idem noster animus efficere possit quod ager, qui quom multos annos quievit, uberiores efferre fruges solet.

[17] Tum ille: ego vero et exspectabo ea quae polliceris, nec exigam nisi tuo commodo et erunt mihi pergrata, si solveris. Mihi quoque, inquit Brutus, [et] exspectanda sunt ea quae Attico polliceris, etsi fortasse ego a te huius voluntarius procurator petam, quod ipse, cui debes, incommodo exacturum negat.

[18] At vero, inquam, tibi ego, Brute, non solvam, nisi prius a te cavero amplius eo nomine neminem, cuius petitio sit, petiturum. Non mehercule, inquit, tibi repromittere istuc quidem ausim. nam hunc, qui negat, video flagitatorem non illum quidem tibi molestum, sed adsiduum tamen et acrem fore. Tum Pomponius: ego vero, inquit, Brutum nihil mentiri puto. videor enim iam te ausurus esse appellare, quoniam longo intervallo modo primum animadverti paulo te hilariorem.

[19] Itaque quoniam hic quod mihi deberetur se exacturum professus est, quod huic debes, ego a te peto. Quidnam id? inquam. Ut scribas, inquit, aliquid; iam pridem enim conticuerunt tuae litterae. nam ut illos de re publica libros edidisti, nihil a te sane postea accepimus: eisque nosmet ipsi ad rerum nostrarum memoriam comprehendendam impulsi atque incensi sumus. sed illa, cum poteris; atque ut possis, rogo.

[20] Nunc vero, inquit, si es animo vacuo, expone nobis quod quaerimus. Quidnam est id? inquam. Quod mihi nuper in Tusculano inchoavisti de oratoribus: quando esse coepissent, qui etiam et quales fuissent. quem ego sermonem cum ad Brutum tuum vel nostrum potius detulissem, magnopere hic audire se velle dixit. itaque hunc elegimus diem, cum te sciremus esse vacuum. quare, si tibi est commodum, ede illa quae coeperas et Bruto et mihi.

[21] Ego vero, inquam, si potuero, faciam vobis satis. Poteris,

inquit: relaxa modo paulum animum aut sane, si potes, libera. Nempe igitur hinc tum, Pomponi, ductus est sermo, quod erat a me mentio facta causam Deiotari fidelissimi atque optumi regis ornatissume et copiosissume a Bruto me audisse defensam. Scio, inquit, ab isto initio tractum esse sermonem teque Bruti dolentem vicem quasi deflevisse iudiciorum vastitatem et fori.

[22] Feci, inquam, istuc quidem et saepe facio. nam mihi, Brute, in te intuenti crebro in mentem venit vereri, ecquodnam curriculum aliquando sit habitura tua et natura admirabilis et exquisita doctrina et singularis industria. cum enim in maxumis causis versatus esses et cum tibi aetas nostra iam cederet fascisque submitteret, subito in civitate cum alia ceciderunt tum etiam ea ipsa, de qua disputare ordimur, eloquentia obmutuit.

[23] Tum ille: ceterarum rerum causa, inquit, istuc et doleo et dolendum puto; dicendi autem me non tam fructus et gloria quam studium ipsum exercitatioque delectat: quod mihi nulla res eripiet te praesertim tam studiosum et * * * . dicere enim bene nemo potest nisi qui prudenter intellegit; quare qui eloquentiae verae dat operam, dat prudentiae, qua ne maxumis quidem in bellis aequo animo carere quisquam potest.

[24] Praeclare, inquam, Brute, dicis eoque magis ista dicendi laude delector, quod cetera, quae sunt quondam habita in civitate pulcherrima, nemo est tam humilis qui se non aut posse adipisci aut adeptum putet; eloquentem neminem video factum esse victoria. sed quo facilius sermo explicetur, sedentes, si videtur, agamus. Cum idem placuisset illis, tum in pratulo propter Platonis statuam consedimus.

[25] Hic ego: laudare igitur eloquentiam et quanta vis sit eius expromere quantamque eis, qui sint eam consecuti, dignitatem afferat, neque propositum nobis est hoc loco neque necessarium. hoc vero sine ulla dubitatione confirmaverim, sive illa arte pariatur aliqua sive exercitatione quadam sive natura, rem unam esse omnium difficillumam. quibus enim ex quinque rebus constare dicitur, earum una quaeque est ars ipsa magna per sese. quare quinque artium concursus maxumarum quantam vim quantamque difficultatem habeat existimari potest.

[26] Testis est Graecia, quae cum eloquentiae studio sit incensa

iamdiuque excellat in ea praestetque ceteris, tamen omnis artes vetustiores habet et multo ante non inventas solum, sed etiam perfectas, quam haec est a Graecis elaborata dicendi vis atque copia. in quam cum intueor, maxime mihi occurrunt, Attice, et quasi lucent Athenae tuae, qua in urbe primum se orator extulit primumque etiam monumentis et litteris oratio est coepta mandari.

[27] Tamen ante Periclem, cuius scripta quaedam feruntur, et Thucydidem, qui non nascentibus Athenis sed iam adultis fuerunt, littera nulla est, quae quidem ornatum aliquem habeat et oratoris esse videatur. quamquam opinio est et eum, qui multis annis ante hos fuerit, Pisistratum et paulo seniorem etiam Solonem posteaque Clisthenem multum, ut temporibus illis, valuisse dicendo.

[28] Post hanc aetatem aliquot annis, ut ex Attici monumentis potest perspici, Themistocles fuit, quem constat cum prudentia tum etiam eloquentia praestitisse; post Pericles, qui cum floreret omni genere virtutis, hac tamen fuit laude clarissumus. Cleonem etiam temporibus illis turbulentum illum quidem civem, sed tamen eloquentem constat fuisse.

[29] Huic aetati suppares Alcibiades Critias Theramenes; quibus temporibus quod dicendi genus viguerit ex Thucydidi scriptis, qui ipse tum fuit, intellegi maxume potest. grandes erant verbis, crebri sententiis, compressione rerum breves et ob eam ipsam causam interdum subobscuri.

[30] Sed ut intellectum est quantam vim haberet accurata et facta quodam modo oratio, tum etiam magistri dicendi multi subito exstiterunt. tum Leontinus Gorgias, Thrasymachus Calchedonius, Protagoras Abderites, Prodicus Ceius, Hippias Eleius in honore magno fuit; aliique multi temporibus eisdem docere se profitebantur adrogantibus sane verbis, quemadmodum causa inferior — ita enim loquebantur — dicendo fieri superior posset.

[31] His opposuit sese Socrates, qui subtilitate quadam disputandi refellere eorum instituta solebat * verbis. huius ex uberrumis sermonibus exstiterunt doctissumi viri; primumque tum philosophia non illa de natura, quae fuerat antiquior, sed haec, in quad e bonis rebus et malis deque hominum vita et moribus disputatur, inventa dicitur. quod quoniam genus ab hoc quod proposuimus abhorret, philosophos aliud in tempus reiciamus; ad oratores, a quibus digressi

sumus, revertamur.

[32] Exstitit igitur iam senibus illis quos paulo ante diximus Isocrates, cuius domus cunctae Graeciae quasi ludus quidam patuit atque officina dicendi; magnus orator et perfectus magister, quamquam forensi luce caruit intraque parietes aluit eam gloriam, quam nemo meo quidem iudicio est postea consecutus. is et ipse scripsit multa praeclare et docuit alios; et cum cetera melius quam superiores, tum primus intellexit etiam in soluta oratione, dum versum effugeres, modum tamen et numerum quendam oportere servari.

[33] Ante hunc enim verborum quasi structura et quaedam ad numerum conclusio nulla erat; aut, si quando erat, non apparebat eam dedita opera esse quaesitam — quae forsitan laus sit — ; verum tamen natura magis tum casuque nonnunquam, quam aut ratione aliqua aut ulla observatione fiebat.

[34] Ipsa enim natura circumscriptione quadam verborum comprehendit concluditque sententiam, quae cum aptis constricta verbis est, cadit etiam plerumque numerose. nam et aures ipsae quid plenum, quid inane sit iudicant et spiritu quasi necessitate aliqua verborum comprensio terminatur; in quo non modo defici, sed etiam laborare turpe est.

[35] Tum fuit Lysias ipse quidem in causis forensibus non versatus, sed egregie subtilis scriptor atque elegans, quem iam prope audeas oratorem perfectum dicere. nam plane quidem perfectum et quoi nihil admodum desit Demosthenem facile dixeris. nihil acute inveniri potuit in eis causis quas scripsit, nihil, ut ita dicam, subdole, nihil versute, quod ille non viderit; nihil subtiliter dici, nihil presse, nihil enucleate, quo fieri possit aliquid limatius; nihil contra grande, nihil incitatum, nihil ornatum vel verborum gravitate vel sententiarum, quo quicquam esset elatius.

[36] Huic Hyperides proxumus et Aeschines fuit et Lycurgus et Dinarchus et is, cuius nulla exstant scripta, Demades aliique plures. haec enim aetas effudit hanc copiam; et, ut opinio mea fert, sucus ille et sanguis incorruptus usque ad hanc aetatem oratorum fuit, in qua naturalis inesset, non fucatus nitor.

[37] Phalereus enim successit eis senibus adulescens eruditissimus ille quidem horum omnium, sed non tam armis institutus quam

palaestra. itaque delectabat magis Atheniensis quam inflammabat. processerat enim in solem et pulverem non ut e militari tabernaculo, sed ut e Theophrasti doctissumi hominis umbraculis.

[38] Hic primus inflexit orationem et eam mollem teneramque reddidit et suavis, sicut fuit, videri maluit quam gravis, sed suavitate ea, qua perfunderet animos, non qua perfringeret; [et] tantum ut memoriam concinnitatis suae, non, quemadmodum de Pericle scripsit Eupolis, cum delectatione aculeos etiam relinqueret in animis eorum, a quibus esset auditus.

[39] Videsne igitur vel in ea ipsa urbe, in qua et nata et alta sit eloquentia, quam ea sero prodierit in lucem? si quidem ante Solonis aetatem et Pisistrati de nullo ut diserto memoriae proditum est. at hi quidem, ut populi Romani aetas est, senes, ut Atheniensium saecla numerantur, adulescentes debent videri. nam etsi Servio Tullio regnante viguerunt, tamen multo diutius Athenae iam erant, quam est Roma ad hodiernum diem. nec tamen dubito quin habuerit vim magnam semper oratio.

[40] Neque enim iam Troicis temporibus tantum laudis in dicendo Ulixi tribuisset Homerus et Nestori, quorum alterum vim habere voluit, alterum suavitatem, nisi iam tum esset honos eloquentiae; neque ipse poeta hic tam [idem] orna tus in dicendo ac plane orator fuisset. cuius etsi incerta sunt tempora, tamen annis multis fuit ante Romulum; si quidem non infra superiorem Lycurgum fuit, a quo est disciplina Lacedaemoniorum astricta legibus.

[41] Sed studium eius generis maiorque vis agnoscitur in Pisistrato. denique hunc proximo saeculo Themistocles insecutus est, ut apud nos, perantiquus, ut apud Athenienses, non ita sane vetus. fuit enim regnante iam Graecia, nostra autem civitate non ita pridem dominatu regio liberata. nam bellum Volscorum illud gravissimum, cui Coriolanus exsul interfuit, eodem fere tempore quo Persarum bellum fuit, similisque fortuna clarorum virorum;

[42] Si quidem uterque, cum civis egregius fuisset, populi ingrati pulsus iniuria se ad hostes contulit conatumque iracundiae suae morte sedavit. nam etsi aliter apud te est, Attice, de Coriolano, concede tamen ut huic generi mortis potius adsentiar. At ille ridens: tuo vero, inquit, arbitratu; quoniam quidem concessum est rhetoribus ementiri in historiis, ut aliquid dicere possint argutius. ut enim tu

nunc de Coriolano, sic Clitarchus, sic Stratocles de Themistocle finxit.

[43] Nam quem Thucydides, qui et Atheniensis erat et summo loco natus summusque vir et paulo aetate posterior, tantum <morbo> mortuum scripsit et in Attica clam humatum, addidit fuisse suspicionem veneno sibi conscivisse mortem: hunc isti aiunt, cum taurum immolavisset, excepisse sanguinem patera et eo poto mortuum concidisse. hanc enim mortem rhetorice et tragice ornare potuerunt; illa mors volgaris nullam praebebat materiem ad ornatum. quare quoniam tibi ita quadrat, omnia fuisse Themistocli paria et Coriolano, pateram quoque a me sumas licet, praebebo etiam hostiam, ut Coriolanus sit plane alter Themistocles.

[44] Sit sane, inquam, ut lubet, de isto; et ego cautius posthac historiam attingam te audiente, quem rerum Romanarum auctorem laudare possum religiosissumum. sed tum fere Pericles Xanthippi filius, de quo ante dixi, primus adhibuit doctrinam; quae quamquam tum nulla erat dicendi, tamen ab Anaxagora physico eruditus exercitationem mentis a reconditis abstrusisque rebus ad causas forensis popularisque facile traduxerat. huius suavitate maxume hilaratae Athenae sunt, huius ubertatem et copiam admiratae eiusdem vim dicendi terroremque timuerunt.

[45] Haec igitur aetas prima Athenis oratorem prope perfectum tulit. nec enim in constituentibus rem publicam nec in bella gerentibus nec in impeditis ac regum dominatione devinctis nasci cupiditas dicendi solet. pacis est comes otique socia et iam bene constitutae civitatis quasi alumna quaedam eloquentia.

[46] Itaque, ait Aristoteles, cum sublatis in Sicilia tyrannis res privatae longo intervallo iudiciis repeterentur, tum primum, quod esset acuta illa gens et controversiae nata, artem et praecepta Siculos Coracem et Tisiam conscripsisse — nam antea neminem solitum via nec arte, sed accurate tamen et descripte plerosque dicere — ; scriptasque fuisse et paratas a Protagora rerum illustrium disputationes, quae nunc communes appellantur loci.

[47] Quod idem fecisse Gor giam, cum singularum rerum laudes vituperationesque conscripsisset, quod iudicaret hoc oratoris esse maxume proprium, rem augere posse laudando vituperandoque rursus adfligere; huic Antiphontem Rhamnusium similia quaedam

habuisse conscripta; quo neminem umquam melius ullam oravisse capitis causam, cum se ipse defenderet se audiente, locuples auctor scripsit Thucydides.

[48] Nam Lysiam primo profiteri solitum artem esse dicendi; deinde, quod Theodorus esset in arte subtilior, in orationibus autem ieiunior, orationes eum scribere aliis coepisse, artem removisse. similiter Isocraten primo artem dicendi esse negavisse, scribere autem aliis solitum orationes, quibus in iudiciis uterentur; sed cum ex eo, quia quasi committeret contra legem 'quo quis iudicio circumveniretur', saepe ipse in iudicium vocaretur, orationes aliis destitisse scribere totumque se ad artes componendas transtulisse.

[49] Et Graeciae quidem oratorum partus atque fontis vides, ad nostrorum annalium rationem veteres, ad ipsorum sane recentes. nam ante quam delectata est Atheniensium civitas hac laude dicendi, multa iam memorabilia et in domesticis et in bellicis rebus effecerat. hoc autem studium non erat commune Graeciae, sed proprium Athenarum.

[50] Quis enim aut Argivum oratorem aut Corinthium aut Thebanum scit fuisse temporibus illis? nisi quid de Epaminonda docto homine suspicari lubet. Lacedaemonium vero usque ad hoc tempus audivi fuisse neminem. Menelaum ipsum dulcem illum quidem tradit Homerus, sed pauca dicentem. brevitas autem laus est interdum in aliqua parte dicendi, in universa eloquentia laudem non habet.

[51] At vero extra Graeciam magna dicendi studia fuerunt maxumique huic laudi habiti honores illustre oratorum nomen reddiderunt. nam ut semel e Piraeo eloquentia evecta est, omnis peragravit insulas atque ita peregrinata tota Asia est, ut se externis oblineret moribus omnemque illam salubritatem Atticae dictionis et quasi sanitatem perderet ac loqui paene dedisceret. hinc Asiatici oratores non contemnendi quidem nec celeritate nec copia, sed parum pressi et nimis redundantes; Rhodii saniores et Atticorum similiores.

[52] Sed de Graecis hactenus; et enim haec ipsa forsitan fuerint non necessaria. Tum Brutus: ista vero, inquit, quam necessaria fuerint non facile dixerim; iucunda certe mihi fuerunt neque solum non longa, sed etiam breviora quam vellem. Optime, inquam, sed

veniamus ad nostros, de quibus difficile est plus intellegere quam quantum ex monumentis suspicari licet.

[53] Quis enim putet aut celeritatem ingeni L. Bruto illi nobilitatis vestrae principi defuisse? qui de matre savianda ex oraculo Apollinis tam acute arguteque coniecerit; qui summam prudentiam simulatione stultitiae texerit; qui potentissimum regem clarissumi regis filium expulerit civitatemque perpetuo dominatu liberatam magistratibus annuis legibus iudiciisque devinxerit; qui collegae suo imperium abrogaverit, ut e civitate regalis nominis memoriam tolleret: quod certe effici non potuisset, nisi esset oratione persuasum.

[54] Videmus item paucis annis post reges exactos, cum plebes prope ripam Anionis ad tertium miliarium consedisset eumque montem, qui Sacer appellatus est, occupavisset, M. Valerium dictatorem dicendo sedavisse discordias, eique ob eam rem honores amplissumos habitos et eum primum ob eam ipsam causam Maxumum esse appellatum. ne L. Valerium quidem Potitum arbitror non aliquid potuisse dicendo, qui post decemviralem invidiam plebem in patres incitatam legibus et contionibus suis mitigaverit.

[55] Possumus Appium Claudium suspicari disertum, quia senatum iamiam inclinatum a Pyrrhi pace revocaverit; possumus C. Fabricium, quia sit ad Pyrrhum de captivis recuperandis missus orator; Ti. Coruncanium, quod ex pontificum commentariis longe plurumum ingenio valuisse videatur; M'. Curium, quod is tribunus plebis interrege Appio Caeco diserto homine comitia contra leges habente, cum de plebe consulem non accipiebat, patres ante auctores fieri coegerit; quod fuit permagnum nondum lege Maenia lata.

[56] Licet aliquid etiam de M. Popilli ingenio suspicari, qui cum consul esset eodemque tempore sacrificium publicum cum laena faceret, quod erat flamen Carmentalis, plebei contra patres concitatione et seditione nuntiata, ut erat laena amictus ita venit in contionem seditionemque cum auctoritate tum oratione sedavit. sed eos oratores habitos esse aut omnino tum ullum eloquentiae praemium fuisse nihil sane mihi legisse videor: tantummodo coniectura ducor ad suspicandum.

[57] Dicitur etiam C. Flaminius, is qui tribunus plebis legem de agro Gallico et Piceno viritim divi dundo tulerit, qui consul apud Tarsumennum sit interfectus, ad populum valuisse dicendo. Q. etiam

Maxumus Verrucosus orator habitus est temporibus illis et Q. Metellus, is qui bello Punico secundo cum L. Veturio Philone consul fuit. quem vero exstet et de quo sit memoriae proditum eloquentem fuisse et ita esse habitum, primus est M. Cornelius Cethegus, cuius eloquentiae est auctor et idoneus quidem mea sententia Q. Ennius, praesertim cum et ipse eum audiverit et scribat de mortuo; ex quo nulla suspicio est amicitiae causa esse mentitum.

[58] Est igitur sic apud illum in nono, ut opinor, annali:

additur orator Cornelius suaviloquenti
ore Cethegus Marcus Tuditano conlega
Marci filius —

et oratorem appellat et suaviloquentiam tribuit, quae nunc quidem non tam est in plerisque: latrant enim iam quidam oratores, non loquuntur; sed est ea laus eloquentiae certe maxuma:

is dictust ollis popularibus olim,
qui tum vivebant homines atque aevum agitabant,
flos delibatus populi —

[59] probe vero; ut enim hominis decus ingenium, sic ingeni ipsius lumen est eloquentia, qua virum excellentem praeclare tum illi homines florem populi esse dixerunt:

Suadai . . . medulla.

Peitho quam vocant Graeci, cuius effector est orator, hanc Suadam appellavit Ennius; eius autem Cethegum medullam fuisse vult, ut, quam deam in Pericli labris scripsit Eupolis sessitavisse, huius hic medullam nostrum oratorem fuisse dixerit.

[60] At hic Cethegus consul cum P. Tuditano fuit bello Punico secundo quaestorque his consulibus M. Cato modo plane annis cxl ante me consulem; et id ipsum nisi unius esset Enni testimonio cognitum, hunc vetustas, ut alios fortasse multos, oblivione obruisset. illius autem aetatis qui sermo fuerit ex Naevianis scriptis intellegi potest. his enim consulibus, ut in veteribus commentariis scriptum est, Naevius est mortuus; quamquam Varro noster diligentissumus investigator antiquitatis putat in hoc erratum vitamque Naevi

producit longius. nam Plautus P. Claudio L. Porcio viginti annis post illos quos ante dixi consulibus mortuus est Catone censore.

[61] Hunc igitur Cethegum consecutus est aetate Cato, qui annis ix post eum fuit consul. eum nos ut perveterem habemus, qui L. Marcio M'. Manilio consulibus mortuus est, annis lxxxvi ipsis ante me consulem. nec vero habeo quemquam antiquiorem, cuius quidem scripta proferenda putem, nisi quem Appi Caeci oratio haec ipsa de Pyrrho et nonnullae mortuorum laudationes forte delectant.

[62] Et hercules eae quidem exstant: ipsae enim familiae sua quasi ornamenta ac monumenta servabant et ad usum, si quis eiusdem generis occidisset, et ad memoriam laudum domesticarum et ad illustrandam nobilitatem suam. quamquam his laudationibus historia rerum nostrarum est facta mendosior. multa enim scripta sunt in eis quae facta non sunt: falsi triumphi, plures consulatus, genera etiam falsa et ad plebem transitiones, cum homines humiliores in alienum eiusdem nominis infunderentur genus; ut si ego me a M'. Tullio esse dicerem, qui patricius cum Ser. Sulpicio consul anno x post exactos reges fuit.

[63] Catonis autem orationes non minus multae fere sunt quam Attici Lysiae, cuius arbitror plurumas esse — est enim Atticus, quoniam certe Athenis est et natus et mortuus et functus omni civium munere, quamquam Timaeus eum quasi Licinia et Mucia lege repetit Syracusas — , et quodam modo est nonnulla in iis etiam inter ipsos similitudo: acuti sunt, elegantes faceti breves; sed ille Graecus ab omni laude felicior.

[64] Habet enim certos sui studiosos, qui non tam habitus corporis opimos quam gracilitates consectentur; quos, valetudo modo bona sit, tenuitas ipsa delectat — quamquam in Lysia sunt saepe etiam lacerti, sic ut [et] fieri nihil possit valentius; verum est certe genere toto strigosior — , sed habet tamen suos laudatores, qui hac ipsa eius subtilitate admodum gaudeant.

[65] Catonem vero quis nostrorum oratorum, qui quidem nunc sunt, legit? aut quis novit omnino? at quem virum, di boni! mitto civem aut senatorem aut imperatorem: oratorem enim hoc loco quaerimus: quis illo gravior in laudando, acerbior in vituperando, in sententiis argutior, in docendo edisserendoque subtilior? refertae sunt orationes amplius centum quinquaginta, quas quidem adhuc invenerim et

legerim, et verbis et rebus inlustribus. licet ex his eligant ea quae notatione et laude digna sint: omnes oratoriae virtutes in eis reperientur.

[66] Iam vero Origines eius quem florem aut quod lumen eloquentiae non habent? amatores huic desunt, sicuti multis iam ante saeclis et Philisto Syracusio et ipsi Thucydidi. nam ut horum concisis sententiis, interdum etiam non satis apertis [autem] cum brevitate tum nimio acumine, officit Theopompus elatione atque altitudine orationis suae — quod idem Lysiae Demosthenes — , sic Catonis luminibus obstruxit haec posteriorum quasi exaggerata altius oratio.

[67] Sed ea in nostris inscitia est, quod hi ipsi, qui in Graecis antiquitate delectantur eaque subtilitate, quam Atticam appellant, hanc in Catone ne noverunt quidem. Hyperidae volunt esse et Lysiae. laudo: sed cur nolunt Catones?

[68] Attico genere dicendi se gaudere dicunt. sapienter id quidem; atque utinam imitarentur nec ossa solum, sed etiam sanguinem! gratum est tamen, quod volunt. cur igitur Lysias et Hyperides amatur, cum penitus ignoretur Cato? antiquior est huius sermo et quaedam horridiora verba. ita enim tum loquebantur. id muta, quod tum ille non potuit, et adde numeros et, <ut> aptior sit oratio, ipsa verba compone et quasi coagmenta, quod ne Graeci quidem veteres factitaverunt: iam neminem antepones Catoni.

[69] Ornari orationem Graeci putant, si verborum immutationibus utantur, quos appellant *tropous*, et sententiarum orationisque formis, quae vocant *schemata*: non veri simile est quam sit in utroque genere et creber et distinctus Cato. nec vero ignoro nondum esse satis politum hunc oratorem et quaerendum esse aliquid perfectius; quippe cum ita sit ad nostrorum temporum rationem vetus, ut nullius scriptum exstet dignum quidem lectione, quod sit antiquius. sed maiore honore in omnibus artibus quam in hac una arte dicendi versatur antiquitas.

[70] Quis enim eorum qui haec minora animadvertunt non intellegit Canachi signa rigidiora esse quam ut imitentur veritatem? Calamidis dura illa quidem, sed tamen molliora quam Canachi; nondum Myronis satis ad veritatem adducta, iam tamen quae non dubites pulchra dicere; pulchriora Polycliti et iam plane perfecta, ut mihi quidem videri solent. similis in pictura ratio est: in qua Zeuxim et

Polygnotum et Timanthem et eorum, qui non sunt usi plus quam quattuor coloribus, formas et liniamenta laudamus; at in Aetione Nicomacho Protogene Apelle iam perfecta sunt omnia.

[71] Et nescio an reliquis in rebus omnibus idem eveniat: nihil est enim simul et inventum et perfectum; nec dubitari debet quin fuerint ante Homerum poetae, quod ex eis carminibus intellegi potest, quae apud illum et in Phaeacum et in procorum epulis canuntur. quid, nostri veteres versus ubi sunt?

quos olim Fauni vatesque canebant,
cum neque Musarum scopulos
nec dicti studiosus quisquam erat ante hunc

ait ipse de se nec mentitur in gloriando: sic enim sese res habet. nam et Odyssia Latina est sic [in] tamquam opus aliquod Daedali et Livianae fabulae non satis dignae quae iterum legantur.

[72] Atqui hic Livius [qui] primus fabulam C. Claudio Caeci filio et M. Tuditano consulibus docuit anno ipso ante quam natus est Ennius, post Romam conditam autem quarto decumo et quingentesimo, ut hic ait, quem nos sequimur. est enim inter scriptores de numero annorum controversia. Accius autem a Q. Maxumo quintum consule captum Tarento scripsit Livium annis xxx post quam eum fabulam docuisse et Atticus scribit et nos in antiquis commentariis invenimus;

[73] Docuisse autem fabulam annis post xi, C. Cornelio Q. Minucio consulibus ludis Iuventatis, quos Salinator Senensi proelio voverat. in quo tantus error Acci fuit, ut his consulibus xl annos natus Ennius fuerit: quoi aequalis fuerit Livius, minor fuit aliquanto is, qui primus fabulam dedit, quam ii, qui multas docuerant ante hos consules, et Plautus et Naevius.

[74] Haec si minus apta videntur huic sermoni, Brute, Attico adsigna, qui me inflammavit studio inlustrium hominum aetates et tempora persequendi. Ego vero, inquit Brutus, et delector ista quasi notatione temporum et ad id quod instituisti, oratorum genera distinguere aetatibus, istam diligentiam esse accommodatam puto.

[75] Recte, inquam, Brute, intellegis. atque utinam exstarent illa carmina, quae multis saeclis ante suam aetatem in epulis esse cantitata a singulis convivis de clarorum virorum laudibus in

Originibus scriptum reliquit Cato. tamen illius, quem in vatibus et Faunis adnumerat Ennius, bellum Punicum quasi Myronis opus delectat.

[76] Sit Ennius sane, ut est certe, perfectior: qui si illum, ut simulat, contemneret, non omnia bella persequens primum illud Punicum acerrimum bellum reliquisset. sed ipse dicit cur id faciat. ‘scripsere’ inquit ‘alii rem vorsibus’; et luculente quidem scripserunt, etiam si minus quam tu polite. nec vero tibi aliter videri debet, qui a Naevio vel sumpsisti multa, si fateris, vel, si negas, surripuisti.

[77] Cum hoc Catone grandiores natu fuerunt C. Flaminius C. Varro Q. Maximus Q. Metellus P. Lentulus P. Crassus, qui cum superiore Africano consul fuit. ipsum Scipionem accepimus non infantem fuisse. filius quidem eius, is qui hunc minorem Scipionem a Paulo adoptavit, si corpore valuisset, in primis habitus esset disertus; indicant cum oratiunculae tum historia quaedam Graeca scripta dulcissime.

[78] Numeroque eodem fuit Sex. Aelius, iuris quidem civilis omnium peritissumus, sed etiam ad dicendum paratus. de minoribus autem C. Sulpicius Galus, qui maxume omnium nobilium Graecis litteris studuit; isque et oratorum in numero est habitus et fuit reliquis rebus ornatus atque elegans. iam enim erat unctior quaedam splendidiorque consuetudo loquendi. nam hoc praetore ludos Apollini faciente cum Thyesten fabulam docuisset, Q. Marcio Cn. Servilio consulibus mortem obiit Ennius.

[79] Erat isdem temporibus Ti. Gracchus P. f., qui bis consul et censor fuit, cuius est oratio Graeca apud Rhodios; quem civem cum gravem tum etiam eloquentem constat fuisse. P. etiam Scipionem Nasicam, qui est Corculum appellatus, qui item bis consul et censor fuit, habitum eloquentem aiunt, illius qui sacra acceperit filium; dicunt etiam L. Lentulum, qui cum C. Figulo consul fuit. Q. Nobiliorem M. f. iam patrio instituto deditum studio litterarum — qui etiam Q. Ennium, qui cum patre eius in Aetolia militaverat, civitate donavit, cum triumvir coloniam deduxisset — et T. Annium Luscum huius Q. Fulvi conlegam non indisertum dicunt fuisse;

[80] Atque etiam L. Paullus Africani pater personam principis civis facile dicendo tuebatur. et vero etiam tum Catone vivo, qui annos quinque et octoginta natus excessit e vita, cum quidem eo ipso anno

contra Ser. Galbam ad populum summa contentione dixisset, quam etiam orationem scriptam reliquit — sed vivo Catone minores natu multi uno tempore oratores floruerunt.

[81] Nam et A. Albinus, is qui Graece scripsit historiam, qui consul cum L. Lucullo fuit, et litteratus et disertus fuit; et tenuit cum hoc locum quendam etiam Ser. Fulvius et Numerius Fabius Pictor et iuris et litterarum et antiquitatis bene peritus; Quinctusque Fabius Labeo fuit ornatus isdem fere laudibus. nam Q. Metellus, is cuius quattuor filii consulares fuerunt, in primis est habitus eloquens, qui pro L. Cotta dixit accusante Africano; cuius et aliae sunt orationes et contra Ti. Gracchum exposita est in C. Fanni annalibus.

[82] Tum ipse L. Cotta est veterator habitus; sed C. Laelius et P. Africanus in primis eloquentes, quorum exstant orationes, ex quibus existumari de ingeniis oratorum potest. sed inter hos aetate paulum his antecedens sine controversia Ser. Galba eloquentia praestitit; et nimirum is princeps ex Latinis illa oratorum propria et quasi legituma opera tractavit, ut egrederetur a proposito ornandi causa, ut delectaret animos aut permoveret, ut augeret rem, ut miserationibus, ut communibus locis uteretur. sed nescio quomodo huius, quem constat eloquentia praestitisse, exiliores orationes sunt et redolentes magis antiquitatem quam aut Laeli <aut> Scipionis aut etiam ipsius Catonis; itaque exaruerunt, vix iam ut appareant.

[83] De ipsius Laeli et Scipionis ingenio quamquam ea est fama, ut plurimum tribuatur ambobus, dicendi tamen laus est in Laelio inlustrior. at oratio Laeli de collegiis non melior quam de multis quam voles Scipionis; non quo illa Laeli quicquam sit dulcius aut quo de religione dici possit augustius, sed multo tamen vetustior et horridior ille quam Scipio; et, cum sint in dicendo variae voluntates, delectari mihi magis antiquitate videtur et lubenter verbis etiam uti paulo magis priscis Laelius.

[84] Sed est mos hominum, ut nolint eundem pluribus rebus excellere. nam ut ex bellica laude aspirare ad Africanum nemo potest, in qua ipsa egregium Viriathi bello reperimus fuisse Laelium: sic ingeni litterarum eloquentiae sapientiae denique etsi utrique primas, priores tamen libenter deferunt Laelio. nec mihi ceterorum iudicio solum videtur, sed etiam ipsorum inter ipsos concessu ita tributum fuisse.

[85] Erat omnino tum mos, ut in reliquis rebus melior, sic in hoc ipso humanior, ut faciles essent in suum cuique tribuendo. memoria teneo Smyrnae me ex P. Rutilio Rufo audisse, cum diceret adulescentulo se accidisse, ut ex senatus consulto P. Scipio et D. Brutus, ut opinor, consules de re atroci magnaque quaererent. nam cum in silva Sila facta caedes esset notique homines interfecti insimulareturque familia, partim etiam liberi societatis eius, quae picarias de P. Cornelio L. Mummio censoribus redemisset, decrevisse senatum, ut de ea re cognoscerent et statuerent consules.

[86] Causam pro publicanis accurate, ut semper solitus esset, eleganterque dixisse Laelium. cum consules re audita 'amplius' de consili sententia pronuntiavissent, paucis interpositis diebus iterum Laelium multo diligentius meliusque dixisse iterumque eodem modo a consulibus rem esse prolatam. tum Laelium, cum eum socii domum reduxissent egissentque gratias et ne defatigaretur oravissent, locutum esse ita: se, quae fecisset, honoris eorum causa studiose accurateque fecisse, sed se arbitrari causam illam a Ser. Galba, quod is in dicendo ardentior acriorque esset, gravius et vehementius posse defendi. itaque auctoritate C. Laeli publicanos causam detulisse ad Galbam;

[87] Illum autem, quod ei viro succedendum esset, verecunde et dubitanter recepisse. unum quasi comperendinatus medium diem fuisse, quem totum Galbam in consideranda causa componendaque posuisse; et cum cognitionis dies esset et ipse Rutilius rogatu sociorum domum ad Galbam mane venisset, ut eum admoneret et ad dicendi tempus adduceret, usque illum, quoad ei nuntiatum esset consules descendisse, omnibus exclusis commentatum in quadam testudine cum servis litteratis fuisse, quorum alii aliud dictare eodem [a] tempore solitus esset. interim cum esset ei nuntiatum tempus esse, exisse in aedes eo colore et iis oculis, ut egisse causam, non commentatum putares.

[88] Addebat etiam, idque ad rem pertinere putabat, scriptores illos male mulcatos exisse cum Galba; ex quo significabat illum non in agendo solum, sed etiam in meditando vehementem atque incensum fuisse. quid multa? magna exspectatione, plurumis audientibus, coram ipso Laelio sic illam causam tanta vi tantaque gravitate dixisse Galbam, ut nulla fere pars orationis silentio praeteriretur. itaque

multis querelis multaque miseratione adhibita socios omnibus adprobantibus illa die quaestione liberatos esse.

[89] Ex hac Rutili narratione suspicari licet, cum duae summae sint in oratore laudes, una subtiliter disputandi ad docendum, altera graviter agendi ad animos audientium permovendos, multoque plus proficiat is qui inflammet iudicem quam ille qui doceat, elegantiam in Laelio, vim in Galba fuisse. quae quidem vis tum maxume cognitast, cum Lusitanis a Ser. Galba praetore contra interpositam, ut existumabatur, fidem interfectis L. Libone tribuno plebis populum incitante et rogationem in Galbam privilegi similem ferente, summa senectute, ut ante dixi, M. Cato legem suadens in Galbam multa dixit; quam orationem in Origines suas rettulit, paucis ante quam mortuus est [an] diebus an mensibus.

[90] Tum igitur nihil recusans Galba pro sese et populi Romani fidem implorans cum suos pueros tum C. Gali etiam filium flens commendabat, cuius orbitas et fletus mire miserabilis fuit propter recentem memoriam clarissimi patris; isque se tum eripuit flamma, propter pueros misericordia populi commota, sicut idem scriptum reliquit Cato. atque etiam ipsum Libonem non infantem video fuisse, ut ex orationibus eius intellegi potest.

[91] Cum haec dixissem et paulum interquievissem: quid igitur, inquit, est causae, Brutus, si tanta virtus in oratore Galba fuit, cur ea nulla in orationibus eius appareat? quod mirari non possum in eis, qui nihil omnino scripti reliquerunt. Nec enim est eadem inquam, Brute, causa non scribendi et non tam bene scribendi quam dixerint. nam videmus alios oratores inertia nihil scripsisse, ne domesticus etiam labor accederet ad forensem — pleraeque enim scribuntur orationes habitae iam, non ut habeantur — ;

[92] Alios non laborare ut meliores fiant — nulla enim res tantum ad dicendum proficit quantum scriptio: memoriam autem in posterum ingeni sui non desiderant, cum se putant satis magnam adeptos esse dicendi gloriam eamque etiam maiorem visum iri, si in existimantium arbitrium sua scripta non venerint — ; alios, quod melius putent dicere se posse quam scribere, quod peringeniosis hominibus neque satis doctis plerumque contingit, ut ipsi Galbae.

[93] Quem fortasse vis non ingeni solum sed etiam animi et naturalis quidam dolor dicentem incendebat efficiebatque ut et

incitata et gravis et vehemens esset oratio; dein cum otiosus stilum prehenderat motusque omnis animi tamquam ventus hominem defecerat, flaccescebat oratio. quod iis qui limatius dicendi consectantur genus accidere non solet, propterea quod prudentia numquam deficit oratorem, qua ille utens eodem modo possit et dicere et scribere; ardor animi non semper adest, isque cum consedit, omnis illa vis et quasi flamma oratoris exstinguitur.

[94] Hanc igitur ob causam videtur Laeli mens spirare etiam in scriptis, Galbae autem vis occidisse. Fuerunt etiam in oratorum numero mediocrium L. et Sp. Mummii fratres, quorum exstant amborum orationes; simplex quidem Lucius et antiquus, Spurius autem nihilo ille quidem ornatior, sed tamen astrictior; fuit enim doctus e disciplina Stoicorum. multae sunt Sp. Albini orationes. sunt etiam L. et C. Aureliorum Orestarum, quos aliquo video in numero oratorum fuisse.

[95] P. etiam Popillius cum civis egregius tum non indisertus fuit; Gaius vero filius eius disertus, Gaiusque Tuditanus cum omni vita atque victu excultus atque expolitus, tum eius elegans est habitum etiam orationis genus. eodemque in genere est habitus is, qui iniuria accepta fregit Ti. Gracchum patientia, civis in rebus optimis constantissimus M. Octavius. at vero M. Aemilius Lepidus, qui est Porcina dictus, isdem temporibus fere quibus Galba, sed paulo minor natu et summus orator est habitus et fuit, apparet ex orationibus, scriptor sane bonus.

[96] Ut hoc in oratore Latino primum mihi videtur et levitas apparuisse illa Graecorum et verborum comprensio et iam artifex, ut ita dicam, stilus. hunc studiose duo adulescentes ingeniosissimi et prope aequales C. Carbo et Ti. Gracchus audire soliti sunt; de quibus iam dicendi locus erit, cum de senioribus pauca dixero. Q. enim Pompeius non contemptus orator temporibus illis fuit, qui summos honores homo per se cognitus sine ulla commendatione maiorum est adeptus.

[97] Tum L. Cassius multum potuit non eloquentia, sed dicendo tamen; homo non liberalitate, ut alii, sed ipsa tristitia et severitate popularis, cuius quidem legi tabellariae M. Antius Briso tribunus plebis diu restitit M. Lepido consule adiuvante; eaque res P. Africano vituperationi fuit, quod eius auctoritate de sententia deductus Briso

putabatur. tum duo Caepiones multum clientes consilio et lingua, plus auctoritate tamen et gratia sublevabant. Sex. Pompei sunt scripta nec nimis extenuata, quamquam veterum est similis, et plena prudentiae.

[98] P. Crassum valde probatum oratorem isdem fere temporibus accepimus, qui et ingenio valuit et studio et habuit quasdam etiam domesticas disciplinas. nam et cum summo illo oratore Ser. Galba, cuius Gaio filio filiam suam conlocaverat, adfinitate sese devinxerat et cum esset P. Muci filius fratremque haberet P. Scaevolam, domi ius civile cognoverat. in eo industriam constat summam fuisse maxumamque gratiam, cum et consuleretur plurimum et diceret.

[99] Horum aetatibus adiuncti duo C. Fannii C. M. filii fuerunt; quorum Gai filius, qui consul cum Domitio fuit, unam orationem de sociis et nomine Latino contra Gracchum reliquit sane et bonam et nobilem. Tum Atticus: quid ergo? estne ista Fanni? nam varia opinio pueris nobis erat. alii a C. Persio litterato homine scriptam esse aiebant, illo quem significat valde doctum esse Lucilius; alii multos nobilis, quod quisque potuisset, in illam orationem contulisse.

[100] Tum ego: audivi equidem ista, inquam, de maioribus natu, sed nunquam sum adductus ut crederem; eamque suspicionem propter hanc causam credo fuisse, quod Fannius in mediocribus oratoribus habitus esset, oratio autem vel optuma esset illo quidem tempore orationum omnium. sed nec eiusmodi est, ut a pluribus confusa videatur — unus enim sonus est totius orationis et idem stilus — , nec de Persio reticuisset Gracchus, cum ei Fannius de Menelao Maratheno et de ceteris obiecisset; praesertim cum Fannius numquam sit habitus elinguis. nam et causas defensitavit et tribunatus eius arbitrio et auctoritate P. Africani gestus non obscurus fuit.

[101] Alter autem C. Fannius M. filius, C. Laeli gener, et moribus et ipso genere dicendi durior. is soceri instituto, quem, quia cooptatus in augurum conlegium non erat, non admodum diligebat, praesertim cum ille Q. Scaevolam sibi minorem natu generum praetulisset — cui tamen Laelius se excusans non genero minori dixit se illud, sed maiori filiae detulisse — , is tamen instituto Laeli Panaetium audiverat. eius omnis in dicendo facultas historia ipsius non ineleganter scripta perspici potest, quae neque nimis est infans neque perfecte diserta.

[102] Mucius autem augur quod pro se opus erat ipse dicebat, ut de pecuniis repetundis contra T. Albucium. is oratorum in numero non fuit, iuris civilis intellegentia atque omni prudentiae genere praestitit. L. Coelius Antipater scriptor, quemadmodum videtis, fuit ut temporibus illis luculentus, iuris valde peritus, multorum etiam, ut L. Crassi, magister.

[103] Utinam in Ti. Graccho Gaioque Carbone talis mens ad rem publicam bene gerendam fuisset quale ingenium ad bene dicendum fuit: profecto nemo his viris gloria praestitisset. sed eorum alter propter turbulentissumum tribunatum, ad quem ex invidia foederis Numantini bonis iratus accesserat, ab ipsa re publica est interfectus; alter propter perpetuam in populari ratione levitatem morte voluntaria se a severitate iudicum vindicavit. sed fuit uterque summus orator.

[104] Atque hoc memoria patrum teste dicimus. nam et Carbonis et Gracchi habemus orationes nondum satis splendidas verbis, sed acutas prudentiaeque plenissumas. fuit Gracchus diligentia Corneliae matris a puero doctus et Graecis litteris eruditus. nam semper habuit exquisitos e Graecia magistros, in eis iam adulescens Diophanem Mytilenaeum Graeciae temporibus illis disertissumum. sed ei breve tempus ingeni augendi et declarandi fuit.

[105] Carbo, quoi vita suppeditavit, est in multis iudiciis causisque cognitus. hunc qui audierant prudentes homines, in quibus familiaris noster L. Gellius qui se illi contubernalem in consulatu fuisse narrabat, canorum oratorem et volubilem et satis acrem atque eundem et vehementem et valde dulcem et perfacetum fuisse dicebat; addebat industrium etiam et diligentem et in exercitationibus

commentationibusque multum operae solitum esse ponere.

[106] Hic optimus illis temporibus est patronus habitus eoque forum tenente plura fieri iudicia coeperunt. nam et quaestiones perpetuae hoc adulescente constitutae sunt, quae antea nullae fuerunt; L. enim Piso tribunus plebis legem primus de pecuniis repetundis Censorino et Manilio consulibus tulit — ipse etiam Piso et causas egit et multarum legum aut auctor aut dissuasor fuit, isque et orationes reliquit, quae iam evanuerunt, et annales sane exiliter scriptos — ; et iudicia populi, quibus aderat Carbo, iam magis patronum desiderabant tabella data; quam legem L. Cassius Lepido et Mancino consulibus tulit.

[107] Vester etiam D. Brutus M. filius, ut ex familiari eius L. Accio poeta sum audire solitus, et dicere non inculte solebat et erat cum litteris Latinis tum etiam Graecis, ut temporibus illis, eruditus. quae tribuebat idem Accius etiam Q. Maxumo L. Pauli nepoti; et vero ante Maxumum illum Scipionem, quo duce privato Ti. Gracchus occisus esset, cum omnibus in rebus vementem tum acrem aiebat in dicendo fuisse.

[108] Tum etiam P. Lentulus ille princeps ad rem publicam dumtaxat quod opus esset satis habuisse eloquentiae dicitur; isdemque temporibus L. Furius Philus perbene Latine loqui putabatur litteratiusque quam ceteri; P. Scaevola valde prudenter et acute; paulo etiam copiosius nec multo minus prudenter M'. Manilius. Appi Claudi volubilis sed paulo fervidior oratio. erat in aliquo numero etiam M. Fulvius Flaccus et C. Cato Africani sororis filius, mediocres oratores; etsi Flacci scripta sunt, sed ut studiosi litterarum. Flacci autem aemulus P. Decius fuit, non infans ille quidem sed ut vita sic oratione etiam turbulentus.

[109] M. Drusus C. f., qui in tribunatu C. Gracchum conlegam iterum tribunum fregit, vir et oratione gravis et auctoritate, eique proxime adiunctus C. Drusus frater fuit. tuus etiam gentilis, Brute, M. Pennus facete agitavit in tribunatu C. Gracchum paulum aetate antecedens. fuit enim M. Lepido et L. Oreste consulibus quaestor Gracchus, tribunus Pennus illius Marci filius, qui cum Q. Aelio consul fuit; sed is omnia summa sperans aedilicius est mortuus. nam de T. Flaminino, quem ipse vidi, nihil accepi nisi Latine diligenter locutum.

[110] His adiuncti sunt C. Curio M. Scaurus P. Rutilius C. Gracchus. de Scauro et Rutilio breviter licet dicere, quorum neuter summi oratoris habuit laudem et est uterque in multis causis versatus. erat in quibusdam laudandis viris, etiam si maximi ingeni non essent, probabilis tamen industria; quamquam his quidem non omnino ingenium, sed oratorium ingenium defuit. neque enim refert videre quid dicendum sit, nisi id queas solute et suaviter dicere; ne id quidem satis est, nisi id quod dicitur fit voce voltu motuque conditius.

[111] Quid dicam opus esse doctrina? sine qua etiam si quid bene dicitur adiuvante natura, tamen id, quia fortuito fit, semper paratum esse non potest. in Scauri oratione, sapientis hominis et recti, gravitas summa et naturalis quaedam inerat auctoritas, non ut causam sed ut testimonium dicere putares, cum pro reo diceret.

[112] Hoc dicendi genus ad patrocinia mediocriter aptum videbatur, ad senatoriam vero sententiam, cuius erat ille princeps, vel maxume; significabat enim non prudentiam solum, sed, quod maxume rem continebat, fidem. habebat hoc a natura ipsa, quod a doctrina non facile posset; quamquam huius quoque ipsius rei, quemadmodum scis, praecepta sunt. huius et orationes sunt et tres ad L. Fufidium libri scripti de vita ipsius acta sane utiles, quos nemo legit; at Cyri vitam et disciplinam legunt, praeclaram illam quidem, sed neque tam nostris rebus aptam nec tamen Scauri laudibus anteponendam.

[113] Ipse etiam Fufidius in aliquo patronorum numero fuit. Rutilius autem in quodam tristi et severo genere dicendi versatus est. erat uterque natura vehemens et acer; itaque cum una consulatum petivissent, non ille solum, qui repulsam tulerat, accusavit ambitus designatum competitorem, sed Scaurus etiam absolutus Rutilium in iudicium vocavit. multaque opera multaque industria Rutilius fuit, quae erat propterea gratior, quod idem magnum munus de iure respondendi sustinebat.

[114] Sunt eius orationes ieiunae; multa praeclara de iure; doctus vir et Graecis litteris eruditus, Panaeti auditor, prope perfectus in Stoicis; quorum peracutum et artis plenum orationis genus scis tamen esse exile nec satis populari adsensioni adcommodatum. itaque illa, quae propria est huius disciplinae, philosophorum de se ipsorum opinio firma in hoc viro et stabilis inventa est.

[115] Qui quom innocentissumus in iudicium vocatus esset, quo iudicio convolsam penitus scimus esse rem publicam, cum essent eo tempore eloquentissimi viri L. Crassus et M. Antonius consulares, eorum adhibere neutrum voluit. dixit ipse pro sese et pauca C. Cotta, quod sororis erat filius — et is quidem tamen ut orator, quamquam erat admodum adulescens — , et Q. Mucius enucleate ille quidem et polite, ut solebat, nequaquam autem ea vi atque copia, quam genus illud iudici et magnitudo causae postulabat.

[116] Habemus igitur in Stoicis oratoribus Rutilium, Scaurum in antiquis; utrumque tamen laudemus, quoniam per illos ne haec quidem in civitate genera hac oratoria laude caruerunt. volo enim ut in scaena sic etiam in foro non eos modo laudari, qui celeri motu et difficili utantur, sed eos etiam, quos statarios appellant, quorum sit illa simplex in agendo veritas, non molesta.

[117] Et quoniam Stoicorum est facta mentio, Q. Aelius Tubero fuit illo tempore, L. Pauli nepos; nullo in oratorum numero sed vita severus et congruens cum ea disciplina quam colebat, paulo etiam durior; qui quidem in triumviratu iudicaverit contra P. Africani avunculi sui testimonium vacationem augures quo minus iudiciis operam darent non habere; sed ut vita sic oratione durus incultus horridus; itaque honoribus maiorum respondere non potuit. fuit autem constans civis et fortis et in primis Graccho molestus, quod indicat Gracchi in eum oratio; sunt etiam in Gracchum Tuberonis. is fuit mediocris in dicendo, doctissumus in disputando.

[118] Tum Brutus: quam hoc idem in nostris contingere intellego quod in Graecis, ut omnes fere Stoici prudentissumi in disserendo sint et id arte faciant sintque architecti paene verborum, idem traducti a disputando ad dicendum inopes reperiantur. unum excipio Catonem, in quo perfectissumo Stoico summam eloquentiam non desiderem, quam exiguam in Fannio, ne in Rutilio quidem magnam, in Tuberone nullam video fuisse.

[119] Et ego: non, inquam, Brute, sine causa, propterea quod istorum in dialecticis omnis cura consumitur, vagum illud orationis et fusum et multiplex non adhibetur genus. tuus autem avunculus, quemadmodum scis, habet a Stoicis id, quod ab illis petendum fuit; sed dicere didicit a dicendi magistris eorumque more se exercuit. quod si omnia a philosophis essent petenda, Peripateticorum

institutis commodius fingeretur oratio.

[120] Quo magis tuum, Brute, iudicium probo, qui eorum [id est ex vetere Academia] philosophorum sectam secutus es, quorum in doctrina atque praeceptis disserendi ratio coniungitur cum suavitate dicendi et copia; quamquam ea ipsa Peripateticorum Academicorumque consuetudo in ratione dicendi talis est, ut nec perficere oratorem possit ipsa per sese nec sine ea orator esse perfectus. nam ut Stoicorum astrictior est oratio aliquantoque contractior quam aures populi requirunt, sic illorum liberior et latior quam patitur consuetudo iudiciorum et fori.

[121] Quis enim uberior in dicendo Platone? Iovem sic [ut] aiunt philosophi, si Graece loquatur, loqui. quis Aristotele nervosior, Theophrasto dulcior? lectitavisse Platonem studiose, audivisse etiam Demosthenes dicitur — idque apparet ex genere et granditate verborum; dicit etiam in quadam epistula hoc ipse de sese — , sed et huius oratio in philosophiam translata pugnacior, ut ita dicam, videtur et illorum in iudicia pacatior.

[122] Nunc reliquorum oratorum aetates, si placet, et gradus persequamur. Nobis vero, inquit Atticus, et vehementer quidem, ut pro Bruto etiam respondeam. Curio fuit igitur eiusdem aetatis fere sane illustris orator, cuius de ingenio ex orationibus eius existumari potest: sunt enim et aliae et pro Ser. Fulvio de incestu nobilis oratio. nobis quidem pueris haec omnium optima putabatur, quae vix iam comparet in hac turba novorum voluminum.

[123] Praeclare, inquit Brutus, teneo qui istam turbam voluminum effecerit. Et ego, inquam, intellego, Brute, quem dicas; certe enim et boni aliquid adtulimus iuventuti, magnificentius quam fuerat genus dicendi et ornatius; et nocuimus fortasse, quod veteres orationes post nostras non a me quidem — meis enim illas antepono — sed a plerisque legi sunt desitae. Me numera, inquit, in plerisque; quamquam video mihi multa legenda iam te auctore quae antea contemnebam.

[124] Atqui haec, inquam, de incestu laudata oratio puerilis est locis multis: de amore de tormentis de rumore loci sane inanes, verum tamen nondum tritis nostrorum hominum auribus nec erudita civitate tolerabiles. scripsit etiam alia nonnulla et multa dixit et inlustria et in numero patronorum fuit, ut eum mirer, cum et vita suppeditavisset et

splendor ei non defuisset, consulem non fuisse.

[125] Sed ecce in manibus vir et praestantissimo ingenio et flagranti studio et doctus a puero C. Gracchus: noli enim putare quemquam, Brute, pleniorem aut uberiorem ad dicendum fuisse. Et ille: sic prorsus, inquit, existumo atque istum de superioribus paene solum lego. Immo plane, inquam, Brute, legas censeo. damnum enim illius immaturo interitu res Romanae Latinaeque litterae fecerunt.

[126] Utinam non tam fratri pietatem quam patriae praestare voluisset. quam ille facile tali ingenio, diutius si vixisset, vel paternam esset vel avitam gloriam consecutus! eloquentia quidem nescio an habuisset parem neminem. grandis est verbis, sapiens sententiis, genere toto gravis. manus extrema non accessit operibus eius: praeclare inchoata multa, perfecta non plane. legendus, inquam, est hic orator, Brute, si quisquam alius, iuventuti; non enim solum acuere, sed etiam alere ingenium potest.

[127] Huic successit aetati C. Galba, Servi illius eloquentissimi viri filius, P. Crassi eloquentis et iuris periti gener. laudabant hunc patres nostri, favebant etiam propter patris memoriam, sed cecidit in cursu. nam rogatione Mamilia Iugurthinae coniurationis invidia, cum pro sese ipse dixisset, oppressus est. exstat eius peroratio, qui epilogus dicitur; qui tanto in honore pueris nobis erat ut eum etiam ediscemus. hic, qui in conlegio sacerdotum esset, primus post Romam conditam iudicio publico est condemnatus.

[128] P. Scipio, qui est in consulatu mortuus, non multum ille quidem nec saepe dicebat, sed et Latine loquendo cuivis erat par et omnis sale facetiisque superabat. eius conlega L. Bestia bonis initiis orsus tribunatus — nam P. Popillium vi C. Gracchi expulsum sua rogatione restituit — , vir et acer et non indisertus, tristis exitus habuit consulatus. nam invidiosa lege [Mamilia quaestio] C. Galbam sacerdotem et quattuor consularis, L. Bestiam C. Catonem Sp. Albinum civemque praestantissimum L. Opimium, Gracchi interfectorem, a populo absolutum, cum is contra populi studium stetisset, Gracchani iudices sustulerunt.

[129] Huius dissimilis in tribunatu reliquaque omni vita civis improbus C. Licinius Nerva non indisertus fuit. C. Fimbria temporibus isdem fere sed longius aetate provectus habitus est sane, ut ita dicam, luculentus patronus: asper maledicus, genere toto paulo

fervidior atque commotior, diligentia tamen et virtute animi atque vita bonus auctor in senatu; idem tolerabilis patronus nec rudis in iure civili et cum virtute tum etiam ipso orationis genere liber; cuius orationes pueri legebamus, quas iam reperire vix possumus.

[130] Atque etiam ingenio et sermone eleganti, valetudine incommoda C. Sextius Calvinus fuit; qui etsi, cum remiserant dolores pedum, non deerat in causis, tamen id non saepe faciebat. itaque consilio eius, cum volebant, homines utebantur, patrocinio, cum licebat. isdem temporibus M. Brutus, in quo magnum fuit, Brute, dedecus generi vestro, qui, cum tanto nomine esset patremque optimum virum habuisset et iuris peritissimum, accusationem factitaverit, ut Athenis Lycurgus. is magistratus non petivit sed fuit accusator vehemens et molestus, ut facile cerneres naturale quoddam stirpis bonum degeneravisse vitio depravatae voluntatis.

[131] Atque eodem tempore accusator de plebe L. Caesulenus fuit, quem ego audivi iam senem, cum ab L. Sabellio multam lege Aquilia de iustitia petivisset. non fecissem hominis paene infimi mentionem, nisi iudicarem qui suspiciosius aut criminosius diceret audivisse me neminem. doctus etiam Graecis T. Albucius vel potius paene Graecus. loquor, ut opinor; sed licet ex orationibus iudicare. fuit autem Athenis adulescens, perfectus Epicureus evaserat, minime aptum ad dicendum genus.

[132] Iam Q. Catulus non antiquo illo more sed hoc nostro, nisi quid fieri potest perfectius, eruditus. multae litterae, summa non vitae solum atque naturae sed orationis etiam comitas, incorrupta quaedam Latini sermonis integritas; quae perspici cum ex orationibus eius potest tum facillume ex eo libro, quem de consulatu et de rebus gestis suis conscriptum molli et Xenophonteo genere sermonis misit ad A. Furium poetam familiarem suum; qui liber nihilo notior est quam illi tres, de quibus ante dixi, Scauri libri.

[133] Tum Brutus: mihi quidem, inquit, nec iste notus est nec illi; sed haec mea culpa est, numquam enim in manus inciderunt. nunc autem et a te sumam et conquiram ista posthac curiosius.

Fuit igitur in Catulo sermo Latinus; quae laus dicendi non mediocris ab oratoribus plerisque neglecta est. nam de sono vocis et suavitate appellandarum litterarum, quoniam filium cognovisti, noli exspectare quid dicam. quamquam filius quidem non fuit in oratorum

numero; sed non deerat ei tamen in sententia dicenda cum prudentia tum elegans quoddam et eruditum orationis genus.

[134] Nec habitus est tamen pater ipse Catulus princeps in numero patronorum; sed erat talis ut, cum quosdam audires qui tum erant praestantes, videretur esse inferior, cum autem ipsum audires sine comparatione, non modo contentus esses, sed melius non quaereres.

[135] Q. Metellus Numidicus et eius conlega M. Silanus dicebant de re publica quod esset illis viris et consulari dignitati satis. M. Aurelius Scaurus non saepe dicebat, sed polite; Latine vero in primis est eleganter locutus. quae laus eadem in A. Albino bene loquendi fuit; nam flamen Albinus etiam in numero est habitus disertorum; Q. etiam Caepio, vir acer et fortis, cui fortuna belli crimini, invidia populi calamitati fuit.

[136] Tum etiam C. L. Memmii fuerunt oratores mediocres, accusatores acres atque acerbi; itaque in iudicium capitis multos vocaverunt, pro reis non saepe dixerunt. Sp. Thorius satis valuit in populari genere dicendi, is qui agrum publicum vitiosa et inutili lege vectigali levavit. M. Marcellus Aesernini pater non ille quidem in patronis, sed et in promptis tamen et non inexercitatis ad dicendum fuit, ut filius eius P. Lentulus.

[137] L. etiam Cotta praetorius in mediocrium oratorum numero, dicendi non ita multum laude processerat, sed de industria cum verbis tum etiam ipso sono quasi subrustico persequebatur atque imitabatur antiquitatem.

Atque ego et in hoc ipso Cotta et in aliis pluribus intellego me non ita disertos homines et rettulisse in oratorum numerum et relaturum. est enim propositum conligere eos, qui hoc munere in civitate functi sint, ut tenerent oratorum locum; quorum quidem quae fuerit ascensio et quam in omnibus rebus difficilis optimi perfectio atque absolutio ex eo quod dicam existimari potest.

[138] Quam multi enim iam oratores commemorati sunt et quam diu in eorum enumeratione versamur, cum tamen spisse atque vix, ut dudum ad Demosthenen et Hyperiden, sic nunc ad Antonium Crassumque pervenimus. nam ego sic existimo, hos oratores fuisse maximos et in his primum cum Graecorum gloria Latine dicendi copiam aequatam.

[139] Omnia veniebant Antonio in mentem; eaque suo quaeque

loco, ubi plurimum proficere et valere possent, ut ab imperatore equites, pedites, levis armatura, sic ab illo in maxume opportunis orationis partibus conlocabantur. erat memoria summa, nulla meditationis suspicio; imparatus semper adgredi ad dicendum videbatur, sed ita erat paratus, ut iudices illo dicente non numquam viderentur non satis parati ad cavendum fuisse.

[140] Verba ipsa non illa quidem elegantissimo sermone; itaque diligenter loquendi laude caruit — neque tamen est admodum inquinate locutus — , sed illa, quae proprie laus oratoris est in verbis. nam ipsum Latine loqui est illud quidem [est], ut paulo ante dixi, in magna laude ponendum, sed non tam sua sponte quam quod est a pleris que neglectum: non enim tam praeclarum est scire Latine quam turpe nescire, neque tam id mihi oratoris boni quam civis Romani proprium videtur. sed tamen Antonius in verbis et eligendis, neque id ipsum tam leporis causa quam ponderis, et conlocandis et comprensione devinciendis nihil non ad rationem et tamquam ad artem dirigebat; verum multo magis hoc idem in sententiarum ornamentis et conformationibus.

[141] Quo in genere quia praestat omnibus Demosthenes, idcirco a doctis oratorum est princeps iudicatus. *schemata* enim quae vocant Graeci, ea maxume ornant oratorem eaque non tam in verbis pingendis habent pondus quam in inluminandis sententiis. sed cum haec magna in Antonio tum actio singularis; quae si partienda est in gestum atque vocem, gestus erat non verba exprimens, sed cum sententiis congruens: manus humeri latera supplosio pedis status incessus omnisque motus cum verbis sententiisque consentiens; vox permanens, verum subrauca natura. sed hoc vitium huic uni in bonum convertebat.

[142] Habebat enim flebile quiddam in questionibus aptumque cum ad fidem faciendam tum ad misericordiam commovendam: ut verum videretur in hoc illud, quod Demosthenem ferunt ei, qui quaesivisset quid primum esset in dicendo, actionem, quid secundum, idem et idem tertium respondisse. nulla res magis penetrat in animos eosque fingit format flectit, talesque oratores videri facit, quales ipsi se videri volunt.

[143] Huic alii parem esse dicebant, alii anteponebant L. Crassum. illud quidem certe omnes ita iudicabant, neminem esse, qui horum

altero utro patrono cuiusquam ingenium requireret. equidem quamquam Antonio tantum tribuo quantum supra dixi, tamen Crasso nihil statuo fieri potuisse perfectius. erat summa gravitas, erat cum gravitate iunctus facetiarum et urbanitatis oratorius, non scurrilis lepos, Latine loquendi accurata et sine molestia diligens elegantia, in disserendo mira explicatio; cum de iure civili, cum de aequo et bono disputaretur, argumentorum et similitudinum copia.

[144] Nam ut Antonius coniectura movenda aut sedanda suspicione aut excitanda incredibilem vim habebat: sic in interpretando in definiendo in explicanda aequitate nihil erat Crasso copiosius; idque cum saepe alias tum apud centumviros in M.'. Curi causa cognitum est.

[145] Ita enim multa tum contra scriptum pro aequo et bono dixit, ut hominem acutissimum Q. Scaevolam et in iure, in quo illa causa vertebatur, paratissimum obrueret argumentorum exemplorumque copia; atque ita tum ab his patronis aequalibus et iam consularibus causa illa dicta est, cum uterque ex contraria parte ius civile defenderet, ut eloquentium iuris peritissimus Crassus, iuris peritorum eloquentissimus Scaevola putaretur. qui quidem cum peracutus esset ad excogitandum quid in iure aut in aequo verum aut esset aut non esset, tum verbis erat ad rem cum summa brevitate mirabiliter aptus.

[146] Quare sit nobis orator in hoc interpretandi explanandi edisserendi genere mirabilis sic ut simile nihil viderim; in augendo in ornando in refellendo magis existumator metuendus quam admirandus orator. verum ad Crassum revertamur.

[147] Tum Brutus: etsi satis, inquit, mihi videbar habere cognitum Scaevolam ex iis rebus, quas audiebam saepe ex C. Rutilio, quo utebar propter familiaritatem Scaevolae nostri, tamen ista mihi eius dicendi tanta laus nota non erat; itaque cepi voluptatem tam ornatum virum tamque excellens ingenium fuisse in nostra re publica.

[148] Hic ego: noli, inquam, Brute, existimare his duobus quicquam fuisse in nostra civitate praestantius. nam ut paulo ante dixi consultorum alterum disertissimum, disertorum alterum consultissimum fuisse, sic in reliquis rebus ita dissimiles erant inter sese, statuere ut tamen non posses utrius te malles similiorem. Crassus erat elegantium parcissimus, Scaevola parcorum elegantissimus; Crassus in summa comitate habebat etiam severitatis

satis, Scaevolae multa in severitate non deerat tamen comitas.

[149] Licet omnia hoc modo; sed vereor ne fingi videantur haec, ut dicantur a me quodam modo; res se tamen sic habet. cum omnis virtus sit, ut vestra, Brute, vetus Academia dixit, mediocritas, uterque horum medium quiddam volebat sequi; sed ita cadebat, ut alter ex alterius laude partem, uterque autem suam totam haberet.

[150] Tum Brutus: cum ex tua oratione mihi videor, inquit, bene Crassum et Scaevolam cognovisse, tum de te et de Ser. Sulpicio cogitans esse quandam vobis cum illis similitudinem iudico. Quonam, inquam, istuc modo? Quia mihi et tu videris, inquit, tantum iuris civilis scire voluisse quantum satis esset oratori et Servius eloquentiae tantum adsumpsisse, ut ius civile facile possit tueri; aetatesque vostrae ut illorum nihil aut non fere multum differunt.

[151] Et ego: de me, inquam, dicere nihil est necesse; de Servio autem et tu probe dicis et ego dicam quod sentio. non enim facile quem dixerim plus studi quam illum et ad dicendum et ad omnes bonarum rerum disciplinas adhibuisse. nam et in isdem exercitationibus ineunte aetate fuimus et postea una Rhodum ille etiam profectus est, quo melior esset et doctior; et inde ut rediit, videtur mihi in secunda arte primus esse maluisse quam in prima secundus. atque haud scio an par principibus esse potuisset; sed fortasse maluit, id quod est adeptus, longe omnium non eiusdem modo aetatis sed eorum etiam qui fuissent in iure civili esse princeps.

[152] Hic Brutus: ain tu? inquit: etiamne Q. Scaevolae Servium nostrum anteponis? Sic enim, inquam, Brute, existumo, iuris civilis magnum usum et apud Scaevolam et apud multos fuisse, artem in hoc uno; quod numquam effecisset ipsius iuris scientia, nisi eam praeterea didicisset artem, quae doceret rem universam tribuere in partes, latentem explicare definiendo, obscuram explanare interpretando, ambigua primum videre, deinde distinguere, postremo habere regulam, qua vera et falsa iudicarentur et quae quibus propositis essent quaeque non essent consequentia.

[153] Hic enim adtulit hanc artem omnium artium maxumam quasi lucem ad ea, quae confuse ab aliis aut respondebantur aut agebantur. Dialecticam mihi videris dicere, inquit. Recte, inquam, intellegis; sed adiunxit etiam et litterarum scientiam et loquendi elegantiam, quae ex scriptis eius, quorum similia nulla sunt, facillime perspici potest.

[154] Cumque discendi causa duobus peritissumis operam dedisset, L. Lucilio Balbo C. Aquilio Gallo, Galli hominis acuti et exercitati promptam et paratam in agendo et in respondendo celeritatem subtilitate diligentiaque superavit; Balbi docti et eruditi hominis in utraque re consideratam tarditatem vicit expediendis conficiendisque rebus. sic et habet quod uterque eorum habuit, et explevit quod utrique defuit.

[155] Itaque ut Crassus mihi videtur sapientius fecisse quam Scaevola — hic enim causas studiose recipiebat, in quibus a Crasso superabatur; ille se consuli nolebat, ne qua in re inferior esset quam Scaevola — , sic Servius sapientissume, cum duae civiles artes ac forenses plurimum et laudis haberent et gratiae, perfecit ut altera praestaret omnibus, ex altera tantum adsumeret, quantum esset et ad tuendum ius civile et ad obtinendam consularem dignitatem satis.

[156] Tum Brutus: ita prorsus, inquit, et antea putabam — audivi enim nuper eum studiose et frequenter Sami, cum ex eo ius nostrum pontificium, qua ex parte cum iure civili coniunctum esset, vellem cognoscere — et nunc meum iudicium multo magis confirmo testimonio et iudicio tuo; simul illud gaudeo, quod et aequalitas vestra et pares honorum gradus et artium studiorumque quasi finitima vicinitas tantum abest ab obtrectatione et invidia, quae solet lacerare plerosque, uti ea non modo non exulcerare vestram gratiam, sed etiam conciliare videatur. quali enim te erga illum perspicio, tali illum in te voluntate iudicioque cognovi.

[157] Itaque doleo et illius consilio et tua voce populum Romanum carere tam diu; quod cum per se dolendum est tum multo magis consideranti ad quos ista non translata sint, sed nescio quo pacto devenerint. Hic Atticus: dixeram, inquit, a principio, de re publica ut sileremus; itaque faciamus. nam si isto modo volumus singulas res desiderare, non modo querendi sed ne lugendi quidem finem reperiemus.

[158] Pergamus ergo, inquam, ad reliqua et institutum ordinem persequamur. paratus igitur veniebat Crassus, exspectabatur audiebatur; a principio statim, quod erat apud eum semper accuratum, exspectatione dignus videbatur. non multa iactatio corporis, non inclinatio vocis, nulla inambulatio, non crebra supplosio pedis; vehemens et interdum irata et plena iusti doloris

oratio, multae et cum gravitate facetiae; quodque difficile est, idem et perornatus et perbrevis; iam in altercando invenit parem neminem.

[159] Versatus est in omni fere genere causarum; mature in locum principum oratorum venit. accusavit C. Carbonem eloquentissimum hominem admodum adulescens; summam ingeni non laudem modo sed etiam admirationem est consecutus.

[160] defendit postea Liciniam virginem, cum annos xxvii natus esset. in ea ipsa causa fuit eloquentissimus orationisque eius scriptas quasdam partes reliquit. voluit adulescens in colonia Narbonensi causae popularis aliquid adtingere eamque coloniam, ut fecit, ipse deducere; exstat in eam legem senior, ut ita dicam, quam aetas illa ferebat oratio. multae deinde causae; sed ita tacitus tribunatus ut, nisi in eo magistratu cenavisset apud praeconem Granium idque nobis bis narravisset Lucilius, tribunum plebis nesciremus fuisse.

[161] Ita prorsus, inquit Brutus; sed ne de Scaevolae quidem tribunatu quicquam audivisse videor et eum collegam Crassi credo fuisse.

Omnibus quidem aliis, inquam, in magistratibus, sed tribunus anno post fuit eoque in rostris sedente suasit Serviliam legem Crassus; nam censuram sine Scaevola gessit: eum enim magistratum nemo umquam Scaevolarum petivit. sed haec Crassi cum edita oratio est, quam te saepe legisse certo scio, quattuor et triginta tum habebat annos totidemque annis mihi aetate praestabat. his enim consulibus eam legem suasit quibus nati sumus, cum ipse esset Q. Caepione consule natus et C. Laelio, triennio ipso minor quam Antonius. quod idcirco posui, ut dicendi Latine prima maturitas in qua aetate exstitisset posset notari et intellegeretur iam ad summum paene esse perductam, ut eo nihil ferme quisquam addere posset, nisi qui a philosophia a iure civili ab historia fuiss et instructior.

[162] Erit, inquit [M.] Brutus, aut iam est iste quem exspectas?

Nescio, inquam. sed est etiam L. Crassi in consulatu pro Q. Caepione defensiuncula non brevis ut laudatio, ut oratio autem brevis; postrema censoris oratio, qua anno duodequinquagesimo usus est. in his omnibus inest quidam sine ullo fuco veritatis color; quin etiam comprensio et ambitus ille verborum, si sic *periodon* appellari placet, erat apud illum contractus et brevis et in membra quaedam, quae *kola* Graeci vocant, dispertiebat orationem libentius.

[163] Hoc loco Brutus: quando quidem tu istos oratores, inquit, tanto opere laudas, vellem aliquid Antonio praeter illum de ratione dicendi sane exilem libellum, plura Crasso libuisset scribere: cum enim omnibus memoriam sui tum etiam disciplinam dicendi no bis reliquissent. nam Scaevolae dicendi elegantiam satis ex iis orationibus, quas reliquit, habemus cognitam.

[164] Et ego: mihi quidem a pueritia quasi magistra fuit, inquam, illa in legem Caepionis oratio; in qua et auctoritas ornatur senatus, quo pro ordine illa dicuntur, et invidia concitatur in iudicum et in accusatorum factionem, contra quorum potentiam popul ariter tum dicendum fuit. multa in illa oratione graviter, multa leniter, multa aspere, multa facete dicta sunt; plura etiam dicta quam scripta, quod ex quibusdam capitibus eitis nec explicatis intellegi potest. ipsa illa censoria contra Cn. Domitium conlegam non est oratio, sed quasi capita rerum et orationis commentarium paulo plenius. nulla est enim altercatio clamoribus umquam habita maioribus.

[165] et vero fuit in hoc etiam popularis dictio excellens; Antoni genus dicendi multo aptius iudiciis quam contionibus.

Hoc loco ipsum Domitium non relinquo. nam etsi non fuit in oratorum numero, tamen pone satis in eo fuisse orationis atque ingeni, quo et magistratus personam et consularem dignitatem tueretur; quod idem de C. Coelio dixerim, industriam in eo summam fuiss e summasque virtutes, eloquentiae tantum, quod esset in rebus privatis amicis eius, in re publica ipsius dignitati satis.

[166] eodem tempore M. Herennius in mediocribus oratoribus Latine et diligenter loquentibus numeratus est; qui tamen summa nobilitate hominem, cognatione sodalitate conlegio, summa etiam eloquentia, L. Philippum in consulatus petitione superavit. eodem temp ore C. Claudius etsi propter summam nobilitatem et singularem potentiam magnus erat, tamen etiam eloquentiae quandam mediocritatem adferebat.

[167] eiusdem fere temporis fuit eques Romanus C. Titius, qui meo iudicio eo pervenisse videtur quo potuit fere Latinus orator sine Graecis litteris et sine multo usu pervenire. huius orationes tantum argutiarum tantum exemplorum tantum urbanitatis habent, ut paene Attico stilo scriptae esse videantur. easdem argutias in tragoedias satis ille quidem acute sed parum tragice transtulit. quem studebat

imitari L. Afranius poeta, homo perargutus, in fabulis quidem etiam, ut scitis, disertus.

[168] fuit etiam Q. Rubrius Varro, qui a senatu hostis cum C. Mario iudicatus est, acer et vehemens accusator, in eo genere sane probabilis. doctus autem Graecis litteris propinquus noster, factus ad dicendum, M. Gratidius M. Antoni perfamiliaris, cuius pra efectus cum esset in Cilicia est interfectus, qui accusavit C. Fimbriam, M. Mari Gratidiani pater.

[169] Atque etiam apud socios et Latinos oratores habiti sunt Q. Vettius Vettianus e Marsis, quem ipse cognovi, prudens vir et in dicendo brevis; Q. D. Valerii Sorani, vicini et familiares mei, non tam in dicendo admirabiles quam docti et Graecis litteris et Latinis; C. Rusticelius Bononiensis, is quidem et exercitatus et natura volubilis; omnium autem eloquentissumus extra hanc urbem T. Betutius Barrus Asculanus, cuius sunt aliquot orationes Asculi habitae; illa Romae contra Caepionem nobilis sane, quoi or ationi Caepionis ore respondit Aelius, qui scriptitavit orationes multis, orator ipse numquam fuit.

[170] apud maiores autem nostros video disertissimum habitum ex Latio L. Papirium Fregellanum Ti. Gracchi P. f. fere aetate; eius etiam oratio est pro Fregellanis colonisque Latinis habita in senatu.

Tum Brutus: quid tu igitur, inquit, tribuis istis externis quasi oratoribus?

Quid censes, inquam, nisi idem quod urbanis? praeter unum, quod non est eorum urbanitate quadam quasi colorata oratio.

[171] Et Brutus: qui est, inquit, iste tandem urbanitatis color? Nescio, inquam; tantum esse quendam scio. id tu, Brute, iam intelleges, cum in Galliam veneris; audies tu quidem etiam verba quaedam non trita Romae, sed haec mutari dediscique possunt; illud est maius, quod in vocibus nostrorum oratorum retinnit quiddam et resonat urbanius. nec hoc in oratoribus modo apparet, sed etiam in ceteris.

[172] ego memini T. Tincam Placentinum hominem facetissimum cum familiari nostro Q. Granio praecone dicacitate certare.

Eon', inquit Brutus, de quo multa Lucilius?

Isto ipso; sed Tincam non minus multa ridicule dicentem Granius obruebat nescio quo sapore vernaculo; ut ego iam non mirer illud

Theophrasto accidisse, quod dicitur, cum percontaretur ex anicula quadam quanti aliquid venderet et respondisset illa atque a ddidisset ‘hospes, non pote minoris’, tulisse eum moleste se non effugere hospitis speciem, quom aetatem ageret Athenis optumeque loqueretur omnium. sic, ut opinor, in nostris est quidam urbanorum sicut illic Atticorum sonus. sed domum redeamus, id est ad nostros revortamur.

[173] Duobus igitur summis Crasso et Antonio L. Philippus proxumus accedebat, sed longo intervallo tamen proxumus. itaque eum, etsi nemo intercedebat qui se illi anteferret, neque secundum tamen neque tertium dixerim. nec enim in quadrigis eum secundum nume raverim aut tertium qui vix e carceribus exierit, cum palmam iam primus acceperit, nec in oratoribus qui tantum absit a primo, vix ut in eodem curriculo esse videatur. sed tamen erant ea in Philippo quae, qui sine comparatione illorum spectaret, satis mag na diceret: summa libertas in oratione, multae facetiae; satis creber in reperiendis, solutus in explicandis sententiis; erat etiam in primis, ut temporibus illis, Graecis doctrinis institutus, in altercando cum aliquo aculeo et maledicto facetus.

[174] horum aetati prope coniunctus L. Gellius non tam vendibilis orator, quam ut nescires quid ei deesset; nec enim erat indoctus nec tardus ad excogitandum nec Romanarum rerum immemor et verbis solutus satis; sed in magnos oratores inciderat eius aetas; m ultam tamen operam amicis et utilem praebuit atque ita diu vixit ut multarum aetatum oratoribus implicaretur.

[175] multum etiam in causis versabatur isdem fere temporibus D. Brutus, is qui consul cum Mamerco fuit, homo et Graecis doctus litteris et Latinis. dicebat etiam L. Scipio non imperite Gnaeusque Pompeius Sex. f. aliquem numerum obtinebat. nam Sex. frater e ius praestantissimum ingenium contulerat ad summam iuris civilis et ad perfectam geometriae rerumque Stoicarum scientiam. itam in iure et ante hos M. Brutus et paulo post eum C. Billienus homo per se magnus prope simili ratione summus evaserat; qui consu l factus esset, nisi in Marianos consulatus et in eas petitionis angustias incidisset.

[176] Cn. autem Octavi eloquentia, quae fuerat ante consulatum ignorata, in consulatu multis contionibus est vehementer probata. sed

ab eis, qui tantum in dicentium numero, non in oratorum fuerunt, iam ad oratores revortamur.

Censeo, inquit Atticus; eloquentis enim videbare, non sedulos velle conquirere.

[177] Festivitate igitur et facetiis, inquam, C. Iulius L. f. et superioribus et aequalibus suis omnibus praestitit oratorque fuit minime ille quidem vehemens, sed nemo unquam urbanitate, nemo lepore, nemo suavitate conditior. sunt eius aliquot orationes, e x quibus sicut ex eiusdem tragoediis lenitas eius sine nervis perspici potest.

[178] eius aequalis P. Cethegus, cui de re publica satis suppeditabat oratio — totam enim tenebat eam penitusque cognoverat; itaque in senatu consularium auctoritatem adsequebatur — ; sed in causis publicis nihil, privatis satis veterator videbatur. erat in privatis causis Q. Lucretius Vispillo et acutus et iuris peritus; nam Afella contionibus aptior quam iudiciis. prudens etiam T. Annius Velina et in eius generis causis orator sane tolerabilis. in eodem genere causarum multum erat T. Iuventius nimis ille q uidem lentus in dicendo et paene frigidus, sed et callidus et in capiendo adversario versutus et praeterea nec indoctus et magna cum iuris civilis intellegentia.

[179] cuius auditor P. Orbius meus fere aequalis in dicendo non nimis exercitatus, in iure autem civili non inferior quam magister fuit. nam T. Aufidius, qui vixit ad summam senectutem, volebat esse similis horum eratque et bonus vir et innocens, sed dicebat parum; nec sane plus frater eius M. Vergilius, qui tribunus plebis L. Sullae imperatori diem dixit. eius collega P. Magius in dicendo paulo tamen copiosior.

[180] sed omnium oratorum sive rabularum, qui et plane indocti et inurbani aut rustici etiam fuerunt, quos quidem ego cognoverim, solutissimum in dicendo et acutissimum iudico nostri ordinis Q. Sertorium, equestris C. Gargonium. fuit etiam facilis et expedi tus ad dicendum et vitae splendore multo et ingenio sane probabili T. Iunius L. f. tribunicius, quo accusante P. Sextius praetor designatus damnatus est ambitus; is processisset honoribus longius, nisi semper infirma atque etiam aegra valetudine fuisset.

[181] Atque ego praeclare intellego me in eorum commemoratione

versari qui nec habiti sint oratores neque fuerint, praeteririque a me aliquot ex veteribus commemoratione aut laude dignos. sed hoc quidem ignoratione; quid enim est superioris aetatis quod scr ibi possit de iis, de quibus nulla monumenta loquuntur nec aliorum nec ipsorum? de his autem quos ipsi vidimus neminem fere praetermittimus eorum quos aliquando dicentis audivimus.

[182] volo enim sciri in tanta et tam vetere re publica maxumis praemiis eloquentiae propositis omnes cupisse dicere, non plurumos ausos esse, potuisse paucos. ego tamen ita de uno quoque dicam, ut intellegi possit quem existimem clamatorem, quem oratorem f uisse. isdem fere temporibus aetate inferiores paulo quam Iulius sed aequales propemodum fuerunt C. Cotta P. Sulpicius Q. Varius Cn. Pomponius C. Curio L. Fufius M. Drusus P. Antistius; nec ulla aetate uberior oratorum fetus fuit.

[183] ex his Cotta et Sulpicius cum meo iudicio tum omnium facile primas tulerunt.

Hic Atticus: quo modo istuc dicis, inquit, cum tuo iudicio tum omnium? semperne in oratore probando aut improbando volgi iudicium cum intellegentium iudicio congruit? an alii probantur multitudine, alii autem ab iis qui intellegunt?

Recte requiris, inquam, Attice; sed audies ex me fortasse quod non omnes probent.

[184] An tu, inquit, id laboras, si huic modo Bruto probaturus es?

Plane, inquam, Attice, disputationem hanc de oratore probando aut improbando multo malim tibi et Bruto placere, eloquentiam autem meam populo probari velim. et enim necesse est, qui ita dicat ut a multitudine probetur, eundem doctis probari. nam quid in dicendo rectum sit aut pravum ego iudicabo, si modo is sum qui id possim aut sciam iudicare; qualis vero sit orator ex eo, quod is dicendo efficiet, poterit intellegi.

[185] tria sunt enim, ut quidem ego sentio, quae sint efficienda dicendo: ut doceatur is apud quem dicetur, ut delectetur, ut moveatur vehementius. quibus virtutibus oratoris horum quidque efficiatur aut quibus vitiis orator aut non adsequatur haec aut etia m in his labatur et cadat, artifex aliquis iudicabit. efficiatur autem ab oratore necne, ut ii qui audiunt ita afficiantur ut orator velit, volgi adsensu et populari adprobatione iudicari solet. itaque numquam de bono oratore aut non

bono doctis hominibus cum populo dissensio fuit.

[186] an censes, dum illi viguerunt quos ante dixi, non eosdem gradus oratorum volgi iudicio et doctorum fuisse? de populo si quem ita rogavisses: quis est in hac civitate eloquentissimus? in Antonio et Crasso aut dubitaret aut hunc alius, illum alius dicer et. nemone Philippum, tam suavem oratorem tam gravem tam facetum his anteferret, quem nosmet ipsi, qui haec arte aliqua volumus expendere, proximum illis fuisse diximus? nemo profecto; id enim ipsum est summi oratoris summum oratorem populo videri.

[187] quare tibicen Antigenidas dixerit discipulo sane frigenti ad populum: 'mihi cane et Musis'; ego huic Bruto dicenti, ut solet, apud multitudinem: 'mihi cane et populo, mi Brute', dixerim, ut qui audient quid efficiatur, ego etiam cur id efficiatur inte llegam. credit eis quae dicuntur qui audit oratorem, vera putat, adsentitur probat, fidem facit oratio:

[188] tu artifex quid quaeris amplius? delectatur audiens multitudo et ducitur oratione et quasi voluptate quadam perfunditur: quid habes quod disputes? gaudet dolet, ridet plorat, favet odit, contemnit invidet, ad misericordiam inducitur ad pudendum ad pig endum; irascitur miratur sperat timet; haec perinde accidunt ut eorum qui adsunt mentes verbis et sententiis et actione tractantur; quid est quod exspectetur docti alicuius sententia? quod enim probat multitudo, hoc idem doctis probandum est. denique hoc specimen est popularis iudici, in quo numquam fuit populo cum doctis intellegentibusque dissensio.

[189] cum multi essent oratores in vario genere dicendi, quis umquam ex his excellere iudicatus est volgi iudicio, qui non idem a doctis probaretur? quando autem dubium fuisset apud patres nostros eligendi cui patroni daretur optio, quin aut Antonium optaret aut Crassum? aderant multi alii; tamen utrum de his potius dubitasset aliquis, quin alterum nemo. quid? adulescentibus nobis cum esset Cotta et Hortensius, num quis, quoi quidem eligendi potestas esset, quemquam his anteponebat?

[190] Tum Brutus: quid tu, inquit, quaeris alios? de te ipso nonne quid optarent rei, quid ipse Hortensius iudicaret videbamus? qui cum partiretur tecum causas — saepe enim interfui — perorandi locum, ubi plurimum pollet oratio, semper tibi relinquebat.

Faciebat ille quidem, inquam, et mihi benevolentia, credo, ductus tribuebat omnia. sed ego quae de me populi sit opinio nescio; de reliquis hoc adfirmo, qui volgi opinione disertissimi habiti sint, eosdem intellegentium quoque iudicio fuisse probatissimo s.

[191] nec enim posset idem Demosthenes dicere, quod dixisse Antimachum clarum poetam ferunt: qui cum convocatis auditoribus legeret eis magnum illud, quod novistis, volumen suum et eum legentem omnes praeter Platonem reliquissent, 'legam' inquit 'nihilo min us: Plato enim mihi unus instar est centum milium'. et recte: poema enim reconditum paucorum adprobationem, oratio popularis adsensum volgi debet movere. at si eundem hunc Platonem unum auditorem haberet Demosthenes, cum esset relictus a ceteris, verbum f acere non posset.

[192] quid tu, Brute? possesne, si te ut Curionem quondam contio reliquisset?

Ego vero, inquit ille, ut me tibi indicem, in eis etiam causis, in quibus omnis res nobis cum iudicibus est, non cum populo, tamen si a corona relictus sim, non queam dicere.

Ita se, inquam, res habet. ut, si tibiae inflatae non referant sonum, abiciendas eas sibi tibicen putet, sic oratori populi aures tamquam tibiae sunt; eae si inflatum non recipiunt aut si auditor omnino tamquam equus non facit, agitandi finis faciendus e st.

[193] hoc tamen interest, quod volgus interdum non probandum oratorem probat, sed probat sine comparatione; cum a mediocri aut etiam malo delectatur, eo est contentus; esse melius non sentit, illud quod est qualecumque est probat. tenet enim aures vel medio cris orator, sit modo aliquid in eo; nec res ulla plus apud animos hominum quam ordo et ornatus valet.

[194] Quare quis ex populo, cum Q. Scaevolam pro M. Coponio dicentem audiret in ea causa de qua ante dixi, quicquam politius aut elegantius aut omnino melius aut exspectaret aut posse fieri putaret?

[195] cum is hoc probare vellet, M.'. Curium, cum ita heres institutus esset, 'si pupillus ante mortuus esset quam in suam tutelam venisset', pupillo non nato heredem esse non posse: quid ille non dixit de testamentorum iure, de antiquis formulis? quem ad m odum scribi oportuisset, si etiam filio non nato heres institueretur?

[196] quam captiosum esse populo quod scriptum esset neglegi et

opinione quaeri voluntates et interpretatione disertorum scripta simplicium hominum pervertere?

[197] quam ille multa de auctoritate patris sui, qui semper ius illud esse defenderat? quam omnino multa de conservando iure civili? quae quidem omnia cum perite et scienter, item breviter et presse et satis ornate et pereleganter diceret, quis esset in pop ulo, qui aut exspectaret aut fieri posse quicquam melius putaret? at vero, ut contra Crassus ab adulescente delicato, qui in litore ambulans scalmum repperisset ob eamque rem aedificare navem concupivisset, exorsus est, similiter Scaevolam ex uno scalmo c aptionis centumvirale iudicium hereditatis effecisse: hoc in illo initio consecutus, multis eiusdem generis sententiis delectavit animosque omnium qui aderant in hilaritatem a severitate traduxit; quod est unum ex tribus quae dixi ab oratore effici debere. deinde hoc voluisse eum qui testamentum fecisset, hoc sensisse, quoquo modo filius non esset qui in suam tutelam veniret, sive non natus sive ante mortuus, Curius heres ut esset; ita scribere plerosque et id valere et valuisse semper. haec et multa eius modi dicens fidem faciebat; quod est ex tribus oratoris officiis alterum.

[198] deinde aequum bonum, testamentorum sententias voluntatesque tutatus est: quanta esset in verbis captio cum in ceteris rebus tum in testamentis, si neglegerentur voluntates; quantam sibi potentiam Scaevola adsumeret, si nemo auderet testamentum facere postea nisi de illius sententia. haec cum graviter tum ab exemplis copiose, tum varie, tum etiam ridicule et facete explicans eam admirationem adsensionemque commovit, dixisse ut contra nemo videreur. hoc erat oratoris officium partitione tertium, genere maxumum. hic ille de populo iudex, qui separatim alterum admiratus esset, idem audito altero iudicium suum contemneret; at vero intellegens et doctus audiens Scaevolam sentiret esse quoddam uberius dicendi genus et ornatius. ab utroque autem causa perorat a si quaerere tur uter praestaret orator, numquam profecto sapientis iudicium a iudicio volgi discreparet.

[199] Qui praestat igitur intellegens imperito? magna re et difficili; si quidem magnum est scire quibus rebus efficiatur amittaturve dicendo illud quicquid est, quod aut effici dicendo oportet aut amitti non oportet. praestat etiam illo doctus auditor indo cto, quod saepe, cum oratores duo aut plures populi iudicio probantur, quod dicendi

genus optumum sit intellegit. nam illud quod populo non probatur, ne intellegenti quidem auditori probari potest. ut enim ex nervorum sono in fidibus quam scienter ei puls i sint intellegi solet, sic ex animorum motu cernitur quid tractandis his perficiat orator.

[200] itaque intellegens dicendi existumator non adsidens et adtente audiens sed uno aspectu et praeteriens de oratore saepe iudicat. videt oscitantem iudicem, loquentem cum altero, non numquam etiam circulantem, mittentem ad horas, quaesitorem ut dimittat rogantem: intellegit oratorem in ea causa non adesse qui possit animis iudicum admovere orationem tamquam fidibus manum. idem si praeteriens aspexerit erectos intuentis iudices, ut aut doceri de re idque etiam voltu probare videantur, aut ut avem cantu al iquo sic illos viderit oratione quasi suspensos teneri aut, id quod maxume opus est, misericordia odio motu animi aliquo perturbatos esse vehementius: ea si praeteriens, ut dixi, aspexerit, si nihil audiverit, tamen oratorem versari in illo iudicio et opus oratorium fieri aut perfectum iam esse profecto intelleget.

[201] Cum haec disseruissem, uterque adsensus est; et ego tamquam de integro ordiens: quando igitur, inquam, a Cotta et Sulpicio haec omnis fluxit oratio, cum hos maxume iudicio illorum hominum et illius aetatis dixissem probatos, revortar ad eos ipsos; tum reliquos, ut institui, deinceps persequar. quoniam ergo oratorum bonorum — hos enim quaerimus — duo genera sunt, unum attenuate presseque, alterum sublate ampleque dicentium, etsi id melius est quod splendidius et magnificentius, tamen in bonis omnia quae summa sunt iure laudantur.

[202] sed cavenda est presso illi oratori inopia et ieiunitas, amplo autem inflatum et corruptum orationis genus. inveniebat igitur acute Cotta, dicebat pure ac solute; et ut ad infirmitatem laterum perscienter contentionem omnem remiserat, sic ad virium im becillitatem dicendi accommodabat genus. nihil erat in eius oratione nisi sincerum, nihil nisi siccum atque sanum; illudque maxumum quod, cum contentione orationis flectere animos iudicum vix posset nec omnino eo genere diceret, tractando tamen impellebat , ut idem facerent a se commoti quod a Sulpicio concitati.

[203] fuit enim Sulpicius omnium vel maxume, quos quidem ego audiverim, grandis et, ut ita dicam, tragicus orator. vox cum magna

tum suavis et splendida; gestus et motus corporis ita venustus, ut tamen ad forum, non ad scaenam institutus videretur; incitata et volubilis nec ea redundans tamen nec circumfluens oratio. Crassum hic volebat imitari; Cotta malebat Antonium; sed ab hoc vis aberat Antoni, Crassi ab illo lepos.

[204] O magnam, inquit, artem, Brutus: si quidem istis, cum summi essent oratores, duae res maxumae altera alteri defuit.

Atque in his oratoribus illud animadvertendum est, posse esse summos qui inter se sint dissimiles. nihil enim tam dissimile quam Cotta Sulpicio, et uterque aequalibus suis plurimum praestitit. quare hoc doctoris intellegentis est videre, quo ferat natura sua quemque, et ea duce utentem sic instituere, ut Isocratem in acerrimo ingenio Theopompi et lenissimo Ephori dixisse traditum est, alteri se calcaria adhibere alteri frenos.

[205] Sulpici orationes quae feruntur, eas post mortem eius scripsisse P. Cannutius putatur aequalis meus, homo extra nostrum ordinem meo iudicio disertissimus. ipsius Sulpici nulla oratio est, saepeque ex eo audivi, cum se scribere neque consuesse neque po sse diceret. Cottae pro se lege Varia quae inscribitur, eam L. Aelius scripsit Cottae rogatu. fuit is omnino vir egregius et eques Romanus cum primis honestus idemque eruditissimus et Graecis litteris et Latinis, antiquitatisque nostrae et in inventis reb us et in actis scriptorumque veterum litterate peritus. quam scientiam Varro noster acceptam ab illo auctamque per sese, vir ingenio praestans omnique doctrina, pluribus et inlustrioribus litteris explicavit.

[206] sed idem Aelius Stoicus <esse> voluit, orator autem nec studuit unquam nec fuit. scribebat tamen orationes, quas alii dicerent; ut Q. Metello f., ut Q. Caepioni, ut Q. Pompeio Rufo; quamquam is etiam ipse scripsit eas quibus pro se est usus, sed non sine Aelio.

[207] his enim scriptis etiam ipse interfui, cum essem apud Aelium adulescens eumque audire perstudiose solerem. Cottam autem miror summum ipsum oratorem minimeque ineptum Aelianas leves oratiunculas voluisse existimari suas. his duobus eiusdem aetatis adnu merabatur nemo tertius, sed mihi placebat Pomponius maxime vel dicam minime displicebat. locus erat omnino in maxumis causis praeter eos de quibus supra dixi nemini; propterea quod Antonius, qui maxume expetebatur, facilis in causis recipiendis erat; fast

idiosior Crassus, sed tamen recipiebat. horum qui neutrum habebat, confugiebat ad Philippum fere aut ad Caesarem; Cotta <tum et> Sulpicius expetebantur. ita ab his sex patronis causae inlustres agebantur; neque tam multa quam nostra aetate iudicia fiebant , neque hoc quod nunc fit, ut causae singulae defenderentur a pluribus, quo nihil est vitiosius.

[208] respondemus iis quos non audivimus: in quo primum saepe aliter est dictum aliter ad nos relatum; deinde magni interest coram videre me quem ad modum adversarius de quaque re adseveret, maxime autem quem ad modum quaeque res audiatur. sed nihil vitiosi us quam, cum unum corpus debeat esse defensionis, nasci de integro causam, cum sit ab altero perorata.

[209] omnium enim causarum unum est naturale principium, una peroratio; reliquae partes quasi membra suo quaeque loco locata suam et vim et dignitatem tenent. cum autem difficile sit in longa oratione non aliquando aliquid ita dicere, ut sibi ipse non conve niat, quanto difficilius cavere, ne quid dicas, quod non conveniat eius orationi qui ante te dixerit. sed quia et labor multo maior est totam causam quam partem dicere et quia plures ineuntur gratiae, si uno tempore dicas pro pluribus, idcirco hanc consue tudinem lubenter adscivimus.

[210] Erant tamen, quibus videretur illius aetatis tertius Curio, quia splendidioribus fortasse verbis utebatur et quia Latine non pessume loquebatur usu credo aliquo domestico. nam litterarum admodum nihil sciebat; sed magni interest quos quisque audiat co tidie domi, quibuscum loquatur a puero, quem ad modum patres paedagogi matres etiam loquantur.

[211] legimus epistulas Corneliae matris Gracchorum: apparet filios non tam in gremio educatos quam in sermone matris. auditus est nobis Laeliae C. f. saepe sermo: ergo illam patris elegantia tinctam vidimus et filias eius Mucias ambas. quarum sermo mihi fu it notus, et neptes Licinias, quas nos quidem ambas, hanc vero Scipionis etiam tu, Brute, credo, aliquando audisti loquentem.

Ego vero ac lubenter quidem, inquit Brutus; et eo lubentius, quod L. Crassi erat filia.

[212] Quid Crassum, inquam, illum censes istius Liciniae filium, Crassi testamento qui fuit adoptatus?

Summo iste quidem dicitur ingenio fuisse, inquit; et vero hic Scipio conlega meus mihi sane bene et loqui videtur et dicere.

Recte, inquam, iudicas, Brute. etenim istius genus est ex ipsius sapientiae stirpe generatum. nam et de duobus avis iam diximus, Scipione et Crasso, et de tribus proavis, Q. Metello, cuius quattuor filii, P. Scipione, qui ex dominatu Ti. Gracchi privatus in libertatem rem publicam vindicavit, Q. Scaevola augure, qui peritissimus iuris idemque percomis est habitus.

[213] iam duorum abavorum quam est inlustre nomen, P. Scipionis qui bis consul fuit, qui est Corculum dictus, alterius omnium sapientissimi, C. Laeli!.

O generosam, inquit, stirpem et tamquam in unam arborem plura genera sic in istam domum multorum insitam atque <inluminatam> sapientiam!.

Similiter igitur suspicor, ut conferamus parva magnis, Curionis, etsi pupillus relictus est, patrio fuisse instituto puro sermone adsuefactam domum; et eo magis hoc iudico, quod neminem ex his quidem, qui aliquo in numero fuerunt, cognovi in omni genere honestarum artium tam indoctum tam rudem.

[214] nullum ille poetam noverat, nullum legerat oratorem, nullam memoriam antiquitatis conlegerat; non publicum ius, non privatum et civile cognoverat. quamquam id quidem fuit etiam in aliis et magnis quidem oratoribus, quos parum his instructos artibus vi dimus, ut Sulpicium, ut Antonium. sed ei tamen unum illud habebant dicendi opus elaboratum; idque cum constaret ex quinque notissimis partibus, nemo in aliqua parte earum omnino nihil poterat: in quacumque enim una plane clauderet, orator esse non posset; sed tamen alius in alia excellebat magis.

[215] reperiebat quid dici opus esset et quo modo praeparari et quo loco locari, memoriaque ea comprendebat Antonius, excellebat autem actione; erantque ei quaedam ex his paria cum Crasso, quaedam etiam superiora; at Crassi magis nitebat oratio. nec vero Su lpicio neque Cottae dicere possumus neque cuiquam bono oratori rem ullam ex illis quinque partibus plane atque omnino defuisse.

[216] itaque in Curione hoc verissime iudicari potest, nulla re una magis oratorem commendari quam verborum splendore et copia. nam cum tardus in cogitando tum in struendo dissipatus fuit. reliqua duo

sunt, agere et meminisse: in utroque cacinnos inridentiu m commovebat. motus erat is, quem et C. Iulius in perpetuum notavit, cum ex eo in utramque partem toto corpore vacillante quaesivit, quis loqueretur e luntre; et Cn. Sicinius homo impurus sed admodum ridiculus — neque aliud in eo oratoris simile quicquam.

[217] is cum tribunus plebis Curionem et Octavium consules produxisset Curioque multa dixisset sedente Cn. Octavio conlega, qui devinctus erat fasciis et multis medicamentis propter dolorem artuum delibutus, ‘numquam, inquit, Octavi, conlegae tuo gratiam re feres; qui nisi se suo more iactavisset, hodie te istic muscae comedissent.’ memoria autem ita fuit nulla, ut aliquotiens, tria cum proposuisset, aut quartum adderet aut tertium quaereret; qui in iudicio privato vel maxumo, cum ego pro Titinia Cottae pero ravissem, ille contra me pro Ser. Naevio diceret, subito totam causam oblitus est idque veneficiis et cantionibus Titiniae factum esse dicebat.

[218] Magna haec immemoris ingeni signa; sed nihil turpius quam quod etiam in scriptis obliviscebatur quid paulo ante posuisset: ut in eo libro, ubi se exeuntem e senatu et cum Pansa nostro et cum Curione filio conloquentem facit, cum senatum Caesar consul habuisset, omnisque ille sermo ductus <est> a percontatione fili quid in senatu esset actum. in quo multis verbis cum inveheretur in Caesarem Curio disputatioque esset inter eos, ut est consuetudo dialogorum, cum sermo esset institutus senatu misso, quem senatum Caesar consul habuisset, reprendit eas res, quas idem Caesar anno post et deinceps reliquis annis administravisset in Gallia.

[219] Tum Brutus admirans: tantamne fuisse oblivionem, inquit, in scripto praesertim, ut ne legens quidem umquam senserit quantum flagiti commisisset?

Quid autem, inquam, Brute, stultius quam, si ea vituperare volebat quae vituperavit, non eo tempore instituere sermonem, cum illarum rerum iam tempora praeterissent? sed ita totus errat, ut in eodem sermone dicat in senatum se Caesare consule non acceder e, sed id dicat ipso consule exiens e senatu. iam qui hac parte animi, quae custos est ceterarum ingeni partium, tam debilis esset, ut ne in scripto quidem meminisset quid paulo ante posuisset, huic minime mirum est ex tempore dicenti solitam effluere men tem.

[220] itaque cum ei nec officium deesset et flagraret studio dicendi, perpaucae ad eum causae deferebantur. orator autem, vivis eius aequalibus, proxumus optumis numerabatur propter verborum bonitatem, ut ante dixi, et expeditam ac profluentem quodam modo c eleritatem. itaque eius orationes aspiciendas tamen censeo. sunt illae quidem languidiores, verum tamen possunt augere et quasi alere id bonum, quod in illo mediocriter fuisse concedimus: quod habet tantam vim, ut solum sine aliis in Curione speciem orato ris alicuius effecerit. sed ad instituta redeamus.

[221] In eodem igitur numero eiusdem aetatis C. Carbo fuit, illius eloquentissimi viri filius. non satis acutus orator, sed tamen orator numeratus est. erat in verbis gravitas et facile dicebat et auctoritatem naturalem quandam habebat oratio. acutior Q. Va rius rebus inveniendis nec minus verbis expeditus; fortis vero actor et vemens et verbis nec inops nec abiectus et quem plane oratorem dicere auderes Cn. Pomponius lateribus pugnans, incitans animos, acer acerbus criminosus.

[222] Multum ab his aberat L. Fufius, tamen ex accusatione M.'. Aquili diligentiae fructum ceperat. nam M. Drusum tuum magnum avonculum, gravem oratorem ita dumtaxat cum de re publica diceret, L. autem Lucullum etiam acutum, patremque tuum, Brute, iuris quo que et publici et privati sane peritum, M. Lucullum, M. Octavium Cn. f., qui tantum auctoritate dicendoque valuit ut legem Semproniam frumentariam populi frequentis subfragiis abrogaverit, Cn. Octavium M. f., M. Catonem patrem, Q. etiam Catulum filium abducamus ex acie id est ab iudiciis et in praesidiis rei publicae, cui facile satis facere possint, conlocemus.

[223] Eodem Q. Caepionem referrem, nisi nimis equestri ordini deditus a senatu dissedisset. Cn. Carbonem, M. Marium et ex eodem genere compluris minime dignos elegantis conventus auribus aptissimos cognovi turbulentis contionibus. quo in genere, ut in his perturbem aetatum ordinem, nuper L. Quinctius fuit; aptior etiam Palicanus auribus imperitorum.

[224] Et quoniam huius generis facta mentio est, seditiosorum omnium post Gracchos L. Appuleius Saturninus eloquentissimus visus est: magis specie tamen et motu atque ipso amictu capiebat homines quam aut dicendi copia aut mediocritate prudentiae. longe

aut em post natos homines improbissimus C. Servilius Glaucia, sed peracutus et callidus cum primisque ridiculus. is ex summis et fortunae et vitae sordibus in praetura consul factus esset, si rationem eius haberi licere iudicatum esset. nam et plebem tenebat et equestrem ordinem beneficio legis devinxerat. is praetor eodem die, quo Saturninus tribunus plebis, Mario et Flacco consulibus publice est interfectus; homo simillimus Atheniensis Hyperboli, cuius improbitatem veteres Atticorum comoediae notaverunt.

[225] Quos Sex. Titius consecutus, homo loquax sane et satis acutus sed tam solutus et mollis in gestu, ut saltatio quaedam nasceretur, cui saltationi Titius nomen esset. ita cavendumst, ne quid in agendo dicendove facias, cuius imitatio rideatur. sed ad pa ulo superiorem aetatem revecti sumus; nunc ad eam de qua aliquantum sumus locuti revertamur.

[226] Coniunctus igitur Sulpici aetati P. Antistius fuit, rabula sane probabilis, qui multos cum tacuisset annos neque contemni solum sed inrideri etiam solitus esset, in tribunatu primum contra C. Iuli illam consulatus petitionem extraordinariam veram caus am agens est probatus; et eo magis quod eandem causam cum ageret eius conlega ille ipse Sulpicius, hic plura et acutiora dicebat. itaque post tribunatum primo multae ad eum causae, deinde omnes maxumae quaecumque erant deferebantur.

[227] Rem videbat acute, componebat diligenter, memoria valebat; verbis non ille quidem ornatis utebatur, sed tamen non abiectis; expedita autem erat et perfacile currens oratio; et erat eius quidam tamquam habitus non inurbanus; actio paulum cum vitio vocis tum etiam ineptiis claudicabat. hic temporibus floruit iis, quibus inter profectionem reditumque L. Sullae sine iure fuit et sine ulla dignitate res publica; hoc etiam magis probabatur, quod erat ab oratoribus quaedam in foro solitudo. Sulpicius occider at, Cotta aberat et Curio; vivebat e reliquis patronis eius aetatis nemo praeter Carbonem et Pomponium, quorum utrumque facile superabat.

[228] Inferioris autem aetatis erat proxumus L. Sisenna, doctus vir et studiis optimis deditus, bene Latine loquens, gnarus rei publicae, non sine facetiis, sed neque laboris multi nec satis versatus in causis; interiectusque inter duas aetates Hortensi et Sulpici nec maiorem consequi poterat et minori necesse erat cedere. huius omnis facultas

ex historia ipsius perspici potest, quae cum facile omnis vincat superiores, tum indicat tamen quantum absit a summo quamque genus hoc scriptionis nondum sit satis La tinis litteris inlustratum. nam Q. Hortensi admodum adulescentis ingenium ut Phidiae signum simul aspectum et probatum est.

[229] Is L. Crasso Q. Scaevola consulibus primum in foro dixit et apud hos ipsos quidem consules, et cum eorum qui adfuerunt tum ipsorum consulum, qui omnibus intellegentia anteibant, iudicio discessit probatus. undeviginti annos natus erat eo tempore, est autem L. Paullo C. Marcello consulibus mortuus: ex quo videmus eum in patronorum numero annos quattuor et quadraginta fuisse. hoc de oratore paulo post plura dicemus; hoc autem loco voluimus <eius> aetatem in disparem oratorum aetatem includere. quamquam id quidem omnibus usu venire necesse fuit, quibus paulo longior vita contigit, ut et cum multo maioribus natu, quam essent ipsi, et cum aliquanto minoribus compararentur. ut Accius isdem aedilibus ait se et Pacuvium docuisse fabulam, quom ille octoginta, ipse triginta annos natus esset:

[230] Sic Hortensius non cum suis aequalibus solum, sed et mea cum aetate et cum tua, Brute, et cum aliquanto superiore coniungitur, si quidem et Crasso vivo dicere solebat et magis iam etiam vigebat Antonio; et cum Philippo iam sene pro Cn. Pompei bonis di cens in illa causa, adulescens cum esset, princeps fuit et in eorum, quos in Sulpici aetate posui, numerum facile pervenerat et suos inter aequalis M. Pisonem M. Crassum Cn. Lentulum P. Lentulum Suram longe praestitit et me adulescentem nactus octo annis minorem, quam erat ipse, multos annos in studio eiusdem laudis exercuit et tecum simul, sicut ego pro multis, sic ille pro Appio Claudio dixit paulo ante mortem.

[231] Vides igitur, ut ad te oratorem, Brute, pervenerimus tam multis inter nostrum tuumque initium dicendi interpositis oratoribus; ex quibus, quoniam in hoc sermone nostro statui neminem eorum qui viverent nominare, ne vos curiosius eliceretis ex me quid de quoque iudicarem, eos qui iam sunt mortui nominabo.

Tum Brutus: non est, inquit, ista causa quam dicis, quam ob rem de iis qui vivunt nihil velis dicere.

Quaenam igitur, inquam, est?

Vereri te, inquit, arbitror ne per nos hic sermo tuus emanet et ii tibi suscenseant, quos praeterieris.

Quid? vos, inquam, tacere non poteritis?

Nos quidem, inquit, facillime; sed tamen te arbitror malle ipsum tacere quam taciturnitatem nostram experiri.

[232] Tum ego: vere tibi, inquam, Brute, dicam. non me existimavi in hoc sermone usque ad hanc aetatem esse venturum; sed ita traxit ordo aetatum orationem, ut iam ad minoris etiam pervenerim.

Interpone igitur, inquit, si quos videtur; deinde redeamus ad te et ad Hortensium.

Immo vero, inquam, ad Hortensium; de me alii dicent, si qui volent. Minime vero, inquit. nam etsi me facile omni tuo sermone tenuisti, tamen is mihi longior videtur, quod propero audire de te; nec vero tam de virtutibus dicendi tuis, quae cum omnibus tum certe mihi notissimae sunt, quam quod gradus tuos et quasi processus dicendi studeo cognoscere.

[233] Geretur, inquam, tibi mos, quoniam me non ingeni praedicatorem esse vis sed laboris mei. verum interponam, ut placet, alios et a M. Crasso, qui fuit aequalis Hortensi, exordiar.

Is igitur mediocriter a doctrina instructus, angustius etiam a natura, labore et industria et quod adhibebat ad obtinendas causas curam etiam et gratiam, in principibus patronis aliquot annos fuit. in huius oratione sermo Latinus erat, verba non abiecta, res compositae diligenter, nullus flos tamen neque lumen ullum, animi magna, vocis parva contentio, omnia fere ut similiter atque uno modo dicerentur. nam huius aequalis et inimicus C. Fimbria non ita diu iactare se potuit; qui omnia magna voce dicens ve rborum sane bonorum cursu quodam incitato ita furebat tamen, ut mirarere tam alias res agere populum, ut esset insano inter disertos locus.

[234] Cn. autem Lentulus multo maiorem opinionem dicendi actione faciebat quam quanta in eo facultas erat; qui cum esset nec peracutus, quamquam et ex facie et ex voltu videbatur, nec abundans verbis, etsi fallebat in eo ipso, sic intervallis, exclamationib us, voce suavi et canora, admirando inridebat, calebat in agendo, ut ea quae derant non desiderarentur. ita tamquam Curio copia nonnulla verborum, nullo alio bono, tenuit oratorum locum:

[235] Sic Lentulus ceterarum virtutum dicendi mediocritatem

actione occultavit, in qua excellens fuit. nec multo secus P. Lentulus, cuius et excogitandi et loquendi tarditatem tegebat formae dignitas, corporis motus plenus et artis et venustatis, vocis et suavitas et magnitudo. sic in hoc nihil praeter actionem fuit, cetera etiam minora quam in superiore.

[236] M. Piso quicquid habuit, habuit ex disciplina maxumeque ex omnibus qui ante fuerunt Graecis doctrinis eruditus fuit. habuit a natura genus quoddam acuminis quod etiam arte limaverat, quod erat in reprehendendis verbis versutum et sollers sed saepe sto machosum, nonnumquam frigidum, interdum etiam facetum. is laborem quasi cursum forensem diutius non tulit, quod et corpore erat infirmo et hominum ineptias ac stultitias, quae devorandae nobis sunt, non ferebat iracundiusque respuebat sive morose, ut puta batur, sive ingenuo liberoque fastidio. is cum satis floruisset adulescens, minor haberi est coeptus postea. deinde ex virginum iudicio magnam laudem est adeptus et ex eo tempore quasi revocatus in cursum tenuit locum tam diu, quam ferre potuit laborem; postea quantum detraxit ex studio tantum amisit ex gloria.

[237] P. Murena mediocri ingenio sed magno studio rerum veterum, litterarum et studiosus et non imperitus, multae industriae et magni laboris fuit. C. Censorinus Graecis litteris satis doctus, quod proposuerat explicans expedite, non invenustus actor sed in ers et inimicus fori. L. Turius parvo ingenio sed multo labore, quoquo modo poterat, saepe dicebat; itaque ei paucae centuriae ad consulatum defuerunt.

[238] C. Macer auctoritate semper eguit, sed fuit patronus propemodum diligentissimus. huius si vita, si mores, si voltus denique non omnem commendationem ingeni everteret, maius nomen in patronis fuisset. non erat abundans, non inops tamen; non valde nitens, non plane horrida oratio; vox gestus et omnis actio sine lepore; at in inveniendis componendisque rebus mira accuratio, ut non facile in ullo diligentiorem maioremque cognoverim, sed eam ut citius veteratoriam quam oratoriam diceres. hic etsi etiam in publicis causis probabatur, tamen in privatis inlustriorem obtinebat locum.

[239] C. deinde Piso statarius et sermonis plenus orator, minime ille quidem tardus in excogitando, verum tamen voltu et simulatione multo etiam acutior quam erat videbatur. nam eius aequalem M.'.

Glabrionem bene institutum avi Scaevolae diligentia socors i psius natura neglegensque tardaverat. etiam L. Torquatus elegans in dicendo, in existimando admodum prudens, toto genere perurbanus. meus autem aequalis Cn. Pompeius vir ad omnia summa natus maiorem dicendi gloriam habuisset, nisi eum maioris gloriae cupi ditas ad bellicas laudes abstraxisset. erat oratione satis amplus, rem prudenter videbat; actio vero eius habebat et in voce magnum splendorem et in motu summam dignitatem.

[240] Noster item aequalis D. Silanus, vitricus tuus, studi ille quidem habuit non multum, sed acuminis et orationis satis. Q. Pompeius A. f., qui Bithynicus dictus est, biennio quam nos fortasse maior, summo studio dicendi multaque doctrina, incredibili la bore atque industria, quod scire possum: fuit enim mecum et cum M. Pisone cum amicitia tum studiis exercitationibusque coniunctus. huius actio non satis commendabat orationem; in hac enim satis erat copiae, in illa autem leporis parum.

[241] Erat eius aequalis P. Autronius voce peracuta atque magna nec alia re ulla probabilis, et L. Octavius Reatinus, qui cum multas iam causas diceret, adulescens est mortuus — is tamen ad dicendum veniebat magis audacter quam parate — , et C. Staienus, qui se ipse adoptaverat et de Staieno Aelium fecerat, fervido quodam et petulanti et furioso genere dicendi: quod quia multis gratum erat et probabatur, ascendisset ad honores, nisi in facinore manifesto deprehensus poenas legibus et iudicio dedisset.

[242] Eodem tempore C. L. Caepasii fratres fuerunt, qui multa opera, ignoti homines et repentini, quaestores celeriter facti sunt, oppidano quodam et incondito genere dicendi. addamus huc etiam, ne quem vocalem praeterisse videamur, C. Cosconium Calidianum, qui nullo acumine eam tamen verborum copiam, si quam habebat, praebebat populo cum multa concursatione magnoque clamore. quod idem faciebat Q. Arrius, qui fuit M. Crassi quasi secundarum. is omnibus exemplo debet esse quantum in hac urbe polleat multorum oboedire tempori multorumque vel honori vel periculo servire.

[243] His enim rebus infimo loco natus et honores et pecuniam et gratiam consecutus etiam in patronorum — sine doctrina, sine ingenio — aliquem numerum pervenerat. sed ut pugiles inexercitati, etiam si pugnos et plagas Olympiorum cupidi ferre possunt, solemt

amen saepe ferre non possunt, sic ille cum omni iam fortuna prospere functus labores etiam magnos excepisset, illius iudicialis anni severitatem quasi solem non tulit.

[244] Tum Atticus: tu quidem de faece, inquit, hauris idque iam dudum, sed tacebam; hoc vero non putabam, te usque ad Staienos et Autronios esse venturum.

Non puto, inquam, existimare te ambitione me labi, quippe de mortuis; sed ordinem sequens in memoriam notam et aequalem necessario incurro. volo autem hoc perspici, omnibus conquisitis, qui in multitudine dicere ausi sint, memoria quidem dignos perpaucos , verum qui omnino nomen habuerint, non ita multos fuisse. sed ad sermonem institutum revertamur.

[245] T. Torquatus T. f. et doctus vir ex Rhodia disciplina Molonis et a natura ad dicendum satis solutus atque expeditus, cui si vita suppeditavisset, sublato ambitu consul factus esset, plus facultatis habuit ad dicendum quam voluntatis. itaque studio hui c non satisfecit, officio vero nec in suorum necessariorum causis nec in sententia senatoria defuit.

[246] Etiam M. Pontidius municeps noster multas privatas causas actitavit, celeriter sane verba volvens nec hebes in causis vel dicam plus etiam quam non hebes, sed effervescens in dicendo stomacho saepe iracundiaque vehementius; ut non cum adversario solum sed etiam, quod mirabile esset, cum iudice ipso, cuius delinitor esse debet orator, iurgio saepe contenderet. M. Messalla minor natu quam nos, nullo modo inops, sed non nimis ornatus genere verborum; prudens acutus, minime incautus patronus, in causis co gnoscendis componendisque diligens, magni laboris, multae operae multarumque causarum.

[247] Duo etiam Metelli, Celer et Nepos nihil in causis versati nec sine ingenio nec indocti hoc erant populare dicendi genus adsecuti. Cn. autem Lentulus Marcellinus nec umquam indisertus et in consulatu pereloquens visus est, non tardus sententiis, non in ops verbis, voce canora, facetus satis. C. Memmius L. f. perfectus litteris sed Graecis, fastidiosus sane Latinarum, argutus orator verbisque dulcis, sed fugiens non modo dicendi verum etiam cogitandi laborem, tantum sibi de facultate detraxit quantum imm inuit industriae.

[248] Hoc loco Brutus: quam vellem, inquit, de his etiam oratoribus qui hodie sunt tibi dicere luberet; et si de aliis minus, de duobus tamen quos a te scio laudari solere, Caesare et Marcello, audirem non minus lubenter quam audivi de iis qui fuerunt.

Cur tandem? inquam; an exspectas quid ego iudicem de istis qui tibi sunt aeque noti ac mihi?

Mihi mehercule, inquit, Marcellus satis est notus, Caesar autem parum; illum enim saepe audivi, hic, cum ego iudicare iam aliquid possem, afuit.

[249] Quid igitur de illo iudicas quem saepe audisti?

Quid censes, inquit, nisi id quod habiturus es similem tui?

Ne ego, inquam, si itast, velim tibi eum placere quam maxume.

Atqui et ita est, inquit, et vementer placet; nec vero sine causa. nam et didicit et omissis ceteris studiis unum id egit seseque cotidianis commentationibus acerrume exercuit.

[250] Itaque et lectis utitur verbis et frequentibus <sententis>, splendore vocis, dignitate motus fit speciosum et inlustre quod dicitur, omniaque sic suppetunt, ut ei nullam deesse virtutem oratoris putem; maxumeque laudandus est, qui hoc tempore ipso, cum liceat in hoc communi nostro et quasi fatali malo, consoletur se cum conscientia optumae mentis tum etiam usurpatione et renovatione doctrinae. vidi enim Mytilenis nuper virum atque, ut dixi, vidi plane virum. itaque cum eum antea tui similem in dicendo viderim, tum vero nunc a doctissimo viro tibique, ut intellexi, amicissimo Cratippo instructum omni copia multo videbam similiorem.

[251] Hic ego: etsi, inquam, de optumi viri nobisque amicissimi laudibus lubenter audio, tamen incurro in memoriam communium miseriarum, quarum oblivionem quaerens hunc ipsum sermonem produxi longius. sed de Caesare cupio audire quid tandem Atticus iudicet.

Et ille: praeclare, inquit, tibi constas, ut de iis qui nunc sint nihil velis ipse dicere; et hercule si sic ageres, ut de iis egisti qui iam mortui sunt, neminem ut praetermitteres, ne tu in multos Autronios et Staienos incurreres. quare sive hanc turbam effugere voluisti sive veritus <es> ne quis se aut praeteritum aut non satis laudatum queri posset, de Caesare tamen potuisti dicere, praesertim cum et tuum de illius ingenio notissimum iudicium esset nec illius de tuo obscurum.

[252] Sed tamen, Brute, inquit Atticus, de Caesare et ipse ita iudico et de hoc huius generis acerrumo existimatore saepissume audio, illum omnium fere oratorum Latine loqui elegantissume; nec id solum domestica consuetudine ut dudum de Laeliorum et Muciorum familiis audiebamus, sed quamquam id quoque credo fuisse, tamen, ut esset perfecta illa bene loquendi laus, multis litteris et iis quidem reconditis et exquisitis summoque studio et diligentia est consecutus:

[253] Qui[n] etiam in maxumis occupationibus ad te ipsum, inquit in me intuens, de ratione Latine loquendi accuratissume scripserit primoque in libro dixerit verborum dilectum originem esse eloquentiae tribueritque, mi Brute, huic nostro, qui me de illo maluit quam se dicere, laudem singularem; nam scripsit his verbis, cum hunc nomine esset adfatus: ac si, cogitata praeclare eloqui <ut> possent, nonnulli studio et usu elaboraverunt, cuius te paene principem copiae atque inventorem bene de nomine ac dignitate populi Romani meritum esse existumare debemus: hunc facilem et cotidianum novisse sermonem nunc pro relicto est habendum?

[254] Tum Brutus: amice hercule, inquit, et magnifice te laudatum puto, quem non solum principem atque inventorem copiae dixerit, quae erat magna laus, sed etiam bene meritum de populi Romani nomine et dignitate. quo enim uno vincebamur a victa Graecia, id aut ereptum illis est aut certe nobis cum illis communicatum.

[255] Hanc autem, inquit, gloriam testimoniumque Caesaris tuae quidem supplicationi non, sed triumphis multorum antepono.

Et recte quidem, inquam, Brute; modo sit hoc Caesaris iudici, non benevolentiae testimonium. plus enim certe adtulit huic populo dignitatis quisquis est ille, si modo est aliquis, qui non inlustravit modo sed etiam genuit in hac urbe dicendi copiam, quam illi qui Ligurum castella expugnaverunt: ex quibus multi sunt, ut scitis, triumphi.

[256] Verum quidem si audire volumus, omissis illis divinis consiliis, quibus saepe constituta est imperatorum sapientia salus civitatis aut belli aut domi, multo magnus orator praestat minutis imperatoribus. ‘at prodest plus imperator.’ quis negat? sed tam en — non metuo ne mihi adclametis; est autem quod sentias dicendi liber locus — malim mihi L. Crassi unam pro M’. Curio dictionem quam castellanos triumphos duo. ‘at plus interfuit rei publicae castellum

capi Ligurum quam bene defendi causam M'.Curi'.

[257] Credo; sed Atheniensium quoque plus interfuit firma tecta in domiciliis habere quam Minervae signum ex ebore pulcherrimum; tamen ego me Phidiam esse mallem quam vel optumum fabrum tignuarium. quare non quantum quisque prosit, sed quanti quisque sit ponderandum est; praesertim cum pauci pingere egregie possint aut fingere, operarii autem aut baiuli deesse non possint.

[258] Sed perge, Pomponi, de Caesare et redde quae restant.

Solum quidem, inquit ille, et quasi fundamentum oratoris vides locutionem emendatam et Latinam, cuius penes quos laus adhuc fuit, non fuit rationis aut scientiae sed quasi bonae consuetudinis. mitto C. Laelium P. Scipionem: aetatis illius ista fuit laus tamquam innocentiae sic Latine loquendi — nec omnium tamen; nam illorum aequales Caecilium et Pacuvium male locutos videmus — : sed omnes tum fere, qui nec extra urbem hanc vixerant neque eos aliqua barbaries domestica infuscaverat, recte loquebantur. sed hanc certe rem deteriorem vetustas fecit et Romae et in Graecia. confluxerunt enim et Athenas et in hanc urbem multi inquinate loquentes ex diversis locis. quo magis expurgandus est sermo et adhibenda tamquam obrussa ratio, quae mutari non potest, nec utendum pravissima consuetudinis regula.

[259] T. Flamininum, qui cum Q. Metello consul fuit, pueri vidimus: existumabatur bene Latine, sed litteras nesciebat. Catulus erat ille quidem minime indoctus, ut a te paulo est ante dictum, sed tamen suavitas vocis et lenis appellatio litterarum bene loquendi famam confecerat. Cotta, qui se valde dilatandis litteris a similitudine Graecae locutionis abstraxerat sonabatque contrarium Catulo, subagreste quiddam planeque subrusticum, alia quidem quasi inculta et silvestri via ad eandem laudem pervenerat. Sisenna autem quasi emendator sermonis usitati cum esse vellet, ne a C. Rusio quidem accusatore deterreri potuit quominus inusitatis verbis uteretur.

[260] Quidnam istuc est? inquit Brutus, aut quis est iste C. Rusius?

Et ille: fuit accusator, inquit, vetus, quo accusante C. Hirtilium Sisenna defendens dixit quaedam eius sputatilica esse crimina. tum C. Rusius: 'circumvenior, inquit, iudices, nisi subvenitis. Sisenna quid dicat nescio; metuo insidias. sputatilica, quid est hoc? sputa quid sit scio, tilica nescio.' maxumi risus; sed ille tamen familiaris

meus recte loqui putabat esse inusitate loqui.

[261] Caesar autem rationem adhibens consuetudinem vitiosam et corruptam pura et incorrupta consuetudine emendat. itaque cum ad hanc elegantiam verborum Latinorum — quae, etiam si orator non sis et sis ingenuus civis Romanus, tamen necessaria est — adiungit illa oratoria ornamenta dicendi, tum videtur tamquam tabulas bene pictas conlocare in bono lumine. hanc cum habeat praecipuam laudem in communibus, non video cui debeat cedere. splendidam quandam minimeque veteratoriam rationem dicendi tenet, voce motu for ma etiam magnificam et generosam quodam modo.

[262] Tum Brutus: orationes quidem eius mihi vehementer probantur. compluris autem legi; atque etiam commentarios quosdam scripsit rerum suarum.

Valde quidem, inquam, probandos; nudi enim sunt, recti et venusti, omni ornatu orationis tamquam veste detracta. sed dum voluit alios habere parata, unde sumerent qui vellent scribere historiam, ineptis gratum fortasse fecit, qui volent illa calamistris inurere: sanos quidem homines a scribendo deterruit; nihil est enim in historia pura et inlustri brevitate dulcius. sed ad eos, si placet, qui vita excesserunt, revertamur.

[263] C. Sicinius igitur Q. Pompei illius, qui censor fuit, ex filia nepos quaestorius mortuus est; probabilis orator, iam vero etiam probatus, ex hac inopi ad ornandum, sed ad inveniendum expedita Hermagorae disciplina. ea dat rationes certas et praecepta dicendi; quae si minorem habent apparatum — sunt enim exilia — , tamen habent ordinem et quasdam errare in dicendo non patientes vias. has ille tenens et paratus ad causas veniens, verborum non egens, ipsa illa comparatione disciplinaque dicendi iam in patronorum numerum pervenerat.

[264] Erat etiam vir doctus in primis C. Visellius Varro consobrinus meus, qui fuit cum Sicinio aetate coniunctus. is cum post curulem aedilitatem iudex quaestionis esset, est mortuus; in quo fateor volgi iudicium a iudicio meo dissensisse. nam populo non erat satis vendibilis: praeceps quaedam et cum idcirco obscura, quia peracuta, tum rapida et celeritate caecata oratio; sed neque verbis aptiorem cito alium dixerim neque sententiis crebriorem. praeterea perfectus in litteris iurisque civilis iam a patre Aculeone traditam tenuit

disciplinam.

[265] Reliqui sunt, qui mortui sint, L. Torquatus, quem tu non tam cito rhetorem dixisses, etsi non derat oratio, quam, ut Graeci dicunt, *politikon*. erant in eo plurumae litterae nec eae volgares, sed interiores quaedam et reconditae, divina memoria, summa verborum et gravitas et elegantia; atque haec omnia vitae decorabat gravitas et integritas. me quidem admodum delectabat etiam Triari in illa aetate plena litteratae senectutis oratio. quanta severitas in voltu, quantum pondus in verbis, quam nihil non consideratum exibat ex ore!.

[266] Tum Brutus Torquati et Triari mentione commotus — utrumque enim eorum admodum dilexerat — : ne ego, inquit, ut omittam cetera quae sunt innumerabilia, de istis duobus cum cogito, doleo nihil tuam perpetuam auctoritatem de pace valuisse. nam nec istos excellentis viros nec multos alios praestantis civis res publica perdidisset. Sileamus, inquam, Brute, de istis, ne augeamus dolorem. nam et praeteritorum recordatio est acerba et acerbior exspectatio reliquorum. itaque omittamus lugere et tantum quid quisque dicendo potuerit, quoniam id quaerimus, praedicemus.

[267] Sunt etiam ex iis, qui eodem bello occiderunt, M. Bibulus, qui et scriptitavit accurate, cum praesertim non esset orator, et egit multa constanter; Appius Claudius socer tuus, conlega et familiaris meus: hic iam et satis studiosus et valde cum doctus tum etiam exercitatus orator et cum auguralis tum omnis publici iuris antiquitatisque nostrae bene peritus fuit. L. Domitius nulla ille quidem arte, sed Latine tamen et multa cum libertate dicebat.

[268] duo praeterea Lentuli consulares, quorum Pu blius ille nostrarum iniuriarum ultor, auctor salutis, quicquid habuit, quantumcumque fuit, illud totum habuit e disciplina; instrumenta naturae derant; sed tantus animi splendor et tanta magnitudo, ut sibi omnia, quae clarorum virorum essent, non dubitaret asciscere eaque omni dignitate obtineret. L. autem Lentulus satis erat fortis orator, si modo orator, sed cogitandi non ferebat laborem; vox canora, verba non horrida sane, ut plena esset animi et terroris oratio; quaereres in iudiciis fortasse melius, in re publica quod erat esse iudicares satis.

[269] Ne T. quidem Postumius contemnendus in dicendo; de re publica vero non minus vemens orator quam bellator fuit, effrenatus et acer nimis, sed bene iuris publici leges atque instituta cognoverat.

Hoc loco Atticus: putarem te, inquit, ambitiosum esse, si, ut dixisti, ii quos iam diu conligis viverent. omnis enim commemoras, qui ausi aliquando sunt stantes loqui, ut mihi imprudens M. Servilium praeterisse videare.

[270] Non, inquam, ego istuc ignoro, Pomponi, multos fuisse, qui verbum numquam in publico fecissent, quom melius aliquanto possent quam isti oratores, quos colligo, dicere; sed his commemorandis etiam illud adsequor, ut intellegatis primum ex omni numero q uam non multi ausi sint dicere, deinde ex iis ipsis quam pauci fuerint laude digni.

[271] Itaque ne hos quidem equites Romanos amicos nostros, qui nuper mortui sunt, <omittam,> P. Cominium Spoletinum, quo accusante defendi C. Cornelium, in quo et compositum dicendi genus et acre et expeditum fuit; T. Accium Pisaurensem, cuius accusationi r espondi pro A. Cluentio, qui et accurate dicebat et satis copiose, eratque praeterea doctus Hermagorae praeceptis, quibus etsi ornamenta non satis opima dicendi, tamen, ut hastae velitibus amentatae, sic apta quaedam et parata singulis causarum generibus argumenta traduntur.

[272] Studio autem neminem nec industria maiore cognovi, quamquam ne ingenio quidem qui praestiterit facile dixerim C. Pisoni, genero meo. nullum tempus illi umquam vacabat aut a forensi dictione aut a commentatione domestica aut a scribendo aut a cogitando. itaque tantos processus efficiebat ut evolare, non excurrere videretur; eratque verborum et dilectus elegans et apta et quasi rotunda constructio; cumque argumenta excogitabantur ab eo multa et firma ad probandum tum concinnae acutaeque sententiae; gestusque natura ita venustus, ut ars etiam, quae non erat, et e disciplina motus quidam videretur accedere. vereor ne amore videar plura quam fuerint in illo dicere; quod non ita est: alia enim de illo maiora dici possunt. nam nec continentia nec pietate nec ullo genere virtutis quemquam eiusdem aetatis cum illo conferendum puto.

[273] Nec vero M. Caelium praetereundum arbitror, quaecumque eius in exitu vel fortuna vel mens fuit; qui quamdiu auctoritati meae paruit, talis tribunus plebis fuit, ut nemo contra civium perditorum popularem turbulentamque dementiam a senatu et a bonorum causa steterit constantius. quam eius actionem multum tamen et splendida

et grandis et eadem in primis faceta et perurbana commendabat oratio. graves eius contiones aliquot fuerunt, acres accusationes tres eaeque omnes ex rei publicae contentione susceptae; defensiones, etsi illa erant in eo meliora quae dixi, non contemnendae tamen saneque tolerabiles. hic cum summa voluntate bonorum aedilis curulis factus esset, nescio quomodo discessu meo discessit a sese ceciditque, posteaquam eos imitari coepit quos ipse perverterat.

[274] Sed de M. Calidio dicamus aliquid, qui non fuit orator unus e multis, potius inter multos prope singularis fuit: ita reconditas exquisitasque sententias mollis et pellucens vestiebat oratio. nihil tam tenerum quam illius comprensio verborum, nihil tam flexibile, nihil quod magis ipsius arbitrio fingeretur, ut nullius oratoris aeque in potestate fuerit: quae primum ita pura erat ut nihil liquidius, ita libere fluebat ut nusquam adhaeresceret; nullum nisi loco positum et tamquam in vermiculato emblemate, ut ait Lucilius, structum verbum videres; nec vero ullum aut durum aut insolens aut humile aut [in] longius ductum; ac non propria verba rerum, sed pleraque translata, sic tamen, ut ea non inruisse in alienum locum, sed immigrasse in suum diceres; nec vero haec soluta nec diffluentia, sed astricta numeris, non aperte nec eodem modo semper, sed varie dissimulanterque conclusis.

[275] Erant autem et verborum et sententiarum illa lumina, quae vocant Graeci *schemata*, quibus tamquam insignibus in ornatu distinguebatur omnis oratio. ‘qua de re agitur’ autem illud, quod multis locis in iuris consultorum includitur formulis, id ubi esset videbat.

[276] Accedebat ordo rerum plenus artis, actio liberalis totumque dicendi placidum et sanum genus. quod si est optumum suaviter dicere, nihil est quod melius hoc quaerendum putes. sed cum a nobis paulo ante dictum sit tria videri esse quae orator efficere deberet, ut doceret, ut delectaret, ut moveret, duo summe tenuit, ut et rem inlustraret disserendo et animos eorum qui audirent devinciret voluptate; aberat tertia illa laus, qua permoveret atque incitaret animos, quam plurumum pollere diximus; nec erat ulla vis atque contentio: sive consilio, quod eos quorum altior oratio actioque esset ardentior furere et bacchari arbitraretur, sive quod natura non esset ita factus sive quod non consuesset sive quod non posset. hoc unum

illi, si nihil utilitatis habebat, afuit; si opus erat, defuit.

[277] Quin etiam memini, cum in accusatione sua Q. Gallio crimini dedisset sibi eum venenum paravisse idque a se esse deprensum seseque chirographa testificationes indicia quaestiones manifestam rem deferre diceret deque eo crimine accurate et exquisite disputavisset, me in respondendo, cum essem argumentatus quantum res ferebat, hoc ipsum etiam posuisse pro argumento, quod ille, cum pestem capitis sui, cum indicia mortis se comperisse manifesto et manu tenere diceret, tam solute egisset, tam leniter, tam oscitanter.

[278] ‘Tu istuc, M. Calidi, nisi fingeres, sic ageres? praesertim cum ista eloquentia alienorum hominum pericula defendere acerrume soleas, tuum neglegeres? ubi dolor, ubi ardor animi, qui etiam ex infantium ingeniis elicere voces et querelas solet? nulla perturbatio animi, nulla corporis, frons non percussa, non femur; pedis, quod minimum est, nulla supplosio. itaque tantum afuit ut inflammares nostros animos, somnum isto loco vix tenebamus.’ sic nos summi oratoris vel sanitate vel vitio pro argumento ad diluendum crimen usi sumus.

[279] Tum Brutus: atque dubitamus, inquit, utrum ista sanitas fuerit an vitium? quis enim non fateatur, cum ex omnibus oratoris laudibus longe ista sit maxuma, inflammare animos audientium et quocumque res postulet modo flectere, qui hac virtute caruerit, id ei quod maxumum fuerit defuisse?

Sit sane ita, inquam; sed redeamus ad eum, qui iam unus restat, Hortensium; tum de nobismet ipsis, quoniam id etiam, Brute, postulas, pauca dicemus. quamquam facienda mentio est, ut quidem mihi videtur, duorum adulescentium, qui si diutius vixissent, magnam essent eloquentiae laudem consecuti.

[280] C. Curionem te, inquit Brutus, et C. Licinium Calvum arbitror dicere.

Recte, inquam, arbitraris; quorum quidem alter [quod verisimile dixisset] ita facile soluteque verbis volvebat satis interdum acutas, crebras quidem certe sententias, ut nihil posset ornatius esse, nihil expeditius. atque hic parum a magistris institutus naturam habuit admirabilem ad dicendum; industriam non sum expertus, studium certe fuit. qui si me audire voluisset, ut coeperat, honores quam opes consequi maluisset.

Quidnam est, inquit, istuc? et quem ad modum distinguis?

[281] Hoc modo, inquam. cum honos sit praemium virtutis iudicio studioque civium delatum ad aliquem, qui eum sententiis, qui suffragiis adeptus est, is mihi et honestus et honoratus videtur. qui autem occasione aliqua etiam invitis suis civibus nactus est imperium, ut ille cupiebat, hunc nomen honoris adeptum, non honorem puto. quae si ille audire voluisset, maxuma cum gratia et gloria ad summam amplitudinem pervenisset, ascendens gradibus

magistratuum, ut pater eius fecerat, ut reliqui clariores viri. quae quidem etiam cum P. Crasso M. f., <cum> initio aetatis ad amicitiam se meam contulisset, saepe egisse me arbitror, cum eum vementer hortarer, ut eam laudis viam rectissimam esse duceret, quam maiores eius ei tritam reliquissent.

[282] Erat enim cum institutus optume tum etiam perfecte planeque eruditus, ineratque et ingenium satis acre et orationis non inelegans copia; praetereaque sine arrogantia gravis esse videbatur et sine segnitia verecundus. sed hunc quoque absorbuit aestus quidam insolitae adulescentibus gloriae; qui quia navarat miles operam imperatori, imperatorem se statim esse cupiebat, cui muneri mos maiorum aetatem certam, sortem incertam reliquit. ita gravissumo suo casu, dum Cyri et Alexandri similis esse voluit, qui suum cursum transcurrerant, et L. Crassi et multorum Crassorum inventus est dissimillimus.

[283] Sed ad Calvum — is enim nobis erat propositus — revertamur; qui orator fuit cum litteris eruditior quam Curio tum etiam accuratius quoddam dicendi et exquisitius adferebat genus; quod quamquam scienter eleganterque tractabat, nimium tamen inquirens in se atque ipse sese observans metuensque, ne vitiosum conligeret, etiam verum sanguinem deperdebat. itaque eius oratio nimia religione attenuata doctis et attente audientibus erat inlustris, multitudine autem et a foro, cui nata eloquentia est, devorabatur.

[284] Tum Brutus: Atticum se, inquit, Calvus noster dici oratorem volebat: inde erat ista exilitas quam ille de industria consequebatur.

Dicebat, inquam, ita; sed et ipse errabat et alios etiam errare cogebat. nam si quis eos, qui nec inepte dicunt nec odiose nec putide, Attice putat dicere, is recte nisi Atticum probat neminem. insulsitatem enim et insolentiam tamquam insaniam quandam orationis odit, sanitatem autem et integritatem quasi religionem et verecundiam oratoris probat. haec omnium debet oratorum eadem esse sententia.

[285] Sin autem ieiunitatem et siccitatem et inopiam, dummodo sit polita, dum urbana, dum elegans, in Attico genere ponit, hoc recte dumtaxat; sed quia sunt in Atticis <aliis> alia meliora, videat ne ignoret et gradus et dissimilitudines et vim et varietatem Atticorum. ‘Atticos’, inquit, ‘volo imitari.’ quos? nec enim est unum genus. nam

quid est tam dissimile quam Demosthenes et Lysias, quam idem et Hyperides, quam horum omnium Aeschines? quem igitur imitaris? si aliquem: ceteri ergo Attice non dicebant? si omnis: qui potes, cum sint ipsi dissimillumi inter se? in quo illud etiam quaero, Phalereus ille Demetrius Atticene dixerit. mihi quidem ex illius orationibus redolere ipsae Athenae videntur. at est floridior, ut ita dicam, quam Hyperides, quam Lysias: natura quaedam aut voluntas ita dicendi fuit.

[286] Et quidem duo fuerunt per idem tempus dissimiles inter se, sed Attici tamen; quorum Charisius multarum orationum, quas scribebat aliis, cum cupere videretur imitari Lysiam; Demochares autem, qui fuit Demostheni sororis filius, et orationes scripsit aliquot et earum rerum historiam, quae erant Athenis ipsius aetate gestae, non tam historico quam oratorio genere perscripsit. at Charisi vult Hegesias esse similis, isque se ita putat Atticum, ut veros illos prae se paene agrestes putet.

[287] At quid est tam fractum, tam minutum, tam in ipsa, quam tamen consequitur, concinnitate puerile? ‘Atticorum similes esse volumus.’ optume; suntne igitur hi Attici oratores? ‘quis negare potest? hos imitamur.’ quo modo, qui sunt et inter se dissimiles et aliorum? ‘Thucydidem’ inquit ‘imitamur.’ optume, si historiam scribere, non si causas dicere cogitatis. Thucydides enim rerum gestarum pronuntiator sincerus et grandis etiam fuit; hoc forense concertatorium iudiciale non tractavit genus. orationes autem, quas interposuit — multae enim sunt — , eas ego laudare soleo: imitari neque possim, si velim, nec velim fortasse, si possim. ut si quis Falerno vino delectetur, sed eo nec ita novo ut proximis consulibus natum velit, nec rursus ita vetere ut Opimium aut Anicium consulem quaerat—’atqui hae notae sunt optumae’: credo; sed nimia vetustas nec habet eam, quam quaerimus, suavitatem nec est iam sane tolerabilis — :

[288] num igitur, qui hoc sentiat, si is potare velit, de dolio sibi hauriendum putet? minime; sed quandam sequatur aetatem. sic ego istis censuerim et novam istam quasi de musto ac lacu fervidam orationem fugiendam nec illam praeclaram Thucydidi nimis veterem tamquam Anicianam notam persequendam. ipse enim Thucydides, si posterius fuisset, multo maturior fuisset et mitior.

[289] ‘Demosthenem igitur imitemur.’ o di boni! quid, quaeso, nos aliud agimus aut quid aliud optamus? at non adsequimur. isti enim videlicet Attici nostri quod volunt adsequuntur. ne illud quidem intellegunt, non modo ita memoriae proditum esse sed ita necesse fuisse, cum Demosthenes dicturus esset, ut concursus audiendi causa ex tota Graecia fierent. at cum isti Attici dicunt, non modo a corona, quod est ipsum miserabile, sed etiam ab advocatis relinquuntur. quare si anguste et exiliter dicere est Atticorum, sint sane Attici; sed in comitium veniant, ad stantem iudicem dicant: subsellia grandiorem et pleniorem vocem desiderant.

[290] Volo hoc oratori contingat, ut cum auditum sit eum esse dicturum, locus in subselliis occupetur, compleatur tribunal, gratiosi scribae sint in dando et cedendo loco, corona multiplex, iudex erectus; cum surgat is qui dicturus sit, significetur a corona silentium, deinde crebrae adsensiones, multae admirationes; risus, cum velit, cum velit, fletus: ut, qui haec procul videat, etiam si quid agatur nesciat, at placere tamen et in scaena esse Roscium intellegat. haec cui contingant, eum scito Attice dicere, ut de Pericle audimus, ut de Hyperide, ut de Aeschine, de ipso quidem Demosthene maxume.

[291] Sin autem acutum, prudens et idem sincerum et solidum et exsiccatum genus orationis probant nec illo graviore ornatu oratorio utuntur et hoc proprium esse Atticorum volunt, recte laudant. est enim in arte tanta tamque varia etiam huic minutae subtilitati locus. ita fiet, ut non omnes qui Attice idem bene, sed ut omnes qui bene idem etiam Attice dicant. sed redeamus rursus ad Hortensium.

[292] Sane quidem, inquit Brutus; quamquam ista mihi tua fuit periucunda a proposita oratione digressio.

Tum Atticus: aliquotiens sum, inquit, conatus, sed interpellare nolui. nunc quoniam iam ad perorandum spectare videtur sermo tuus, dicam, opinor, quod sentio.

Tu vero, inquam, Tite.

Tum ille: ego, inquit, ironiam illam quam in Socrate dicunt fuisse, qua ille in Platonis et Xenophontis et Aeschinis libris utitur, facetam et elegantem puto. est enim et minime inepti hominis et eiusdem etiam faceti, cum de sapientia disceptetur, hanc sibi ipsum detrahere, eis tribuere inludentem, qui eam sibi adrogant: ut apud Platonem Socrates in caelum effert laudibus Protagoram Hippiam Prodicum

Gorgiam ceteros, se autem omnium rerum inscium fingit et rudem. decet hoc nescio quo modo illum, nec Epicuro, qui id reprehendit, adsentior. sed in historia, qua tu es usus in omni sermone, cum qualis quisque orator fuisset exponeres, vide quaeso, inquit, ne tam reprehendenda sit ironia quam in testimonio.

[293] Quorsus, inquam, istuc? non enim intellego.

Quia primum, inquit, ita laudavisti quosdam oratores ut imperitos posses in errorem inducere. equidem in quibusdam risum vix tenebam, cum Attico Lysiae Catonem nostrum comparabas, magnum mercule hominem vel potius summum et singularem virum — nemo dicet secus — sed oratorem? sed etiam Lysiae similem? quo nihil potest esse pictius. bella ironia, si iocaremur; sin adseveramus, vide ne religio nobis tam adhibenda sit quam si testimonium diceremus.

[294] Ego enim Catonem tuum ut civem, ut senatorem, ut imperatorem, ut virum denique cum prudentia et diligentia tum omni virtute excellentem probo; orationes autem eius ut illis temporibus valde laudo — significant enim formam quandam ingeni, sed admodum impolitam et plane rudem — , Origines vero cum omnibus oratoris laudibus refertas diceres et Catonem cum Philisto et Thucydide comparares, Brutone te id censebas an mihi probaturum? quos enim ne e Graecis quidem quisquam imitari potest, his tu comparas hominem Tusculanum nondum suspicantem quale esset copiose et ornate dicere.

[295] Galbam laudas. si ut illius aetatis principem, adsentior — sic enim accepimus — ; sin ut oratorem, cedo quaeso orationes — sunt enim — et dic hunc, quem tu plus quam te amas, Brutum velle te illo modo dicere. probas Lepidi orationes. paulum hic tibi adsentior, modo ita laudes ut antiquas; quod item de Africano, de Laelio, cuius tu oratione negas fieri quicquam posse dulcius, addis etiam nescio quid augustius. nomine nos capis summi viri vitaeque elegantissumae verissimis laudibus. remove haec: ne ista dulcis oratio ita sit abiecta ut eam aspicere nemo velit.

[296] Carbonem in summis oratoribus habitum scio; sed cum in ceteris rebus tum in dicendo semper, quo iam nihil est melius, id laudari qualecumque est solet. dico idem de Gracchis, etsi de eis ea sunt a te dicta, quibus ego adsentior. omitto ceteros; venio ad eos in quibus iam perfectam putas esse eloquentiam, quos ego audivi sine

controversia magnos oratores, Crassum et Antonium. de horum laudibus tibi prorsus adsentior, sed tamen non isto modo: ut Polycliti doryphorum sibi Lysippus aiebat, sic tu suasionem legis Serviliae tibi magistram fuisse; haec germana ironia est. cur ita sentiam non dicam, ne me tibi adsentari putes.

[297] Omitto igitur quae de his ipsis, quae de Cotta, quae de Sulpicio, quae modo de Caelio dixeris. hi enim fuerunt certe oratores; quanti autem et quales tu videris. nam illud minus curo, quod congessisti operarios omnes; ut mihi videantur mori voluisse nonnulli, ut a te in oratorum numerum referrentur.

Haec cum ille dixisset: longi sermonis initium pepulisti, inquam, Attice, remque commovisti nova disputatione dignam, quam in aliud tempus differamus.

[298] Volvendi enim sunt libri cum aliorum tum in primis Catonis. intelleges nihil illius liniamentis nisi eorum pigmentorum, quae inventa nondum erant, florem et colorem defuisse. nam de Crassi oratione sic existumo, ipsum fortasse melius potuisse scribere, alium, ut arbitror, neminem. nec in hoc *eirona* me duxeris esse, quod eam orationem mihi magistram fuisse dixerim. nam etsi [ut] tu melius existumare videris de ea, si quam nunc habemus, facultate, tamen adulescentes quid in Latinis potius imitaremur non habebamus.

[299] Quod autem plures a nobis nominati sunt, eo pertinuit, ut paulo ante dixi, quod intellegi volui, in eo, cuius omnes cupidissimi essent, quam pauci digni nomine evaderent. quare *eirona* me, ne si Africanus quidem fuit, ut ait in historia sua C. Fannius, existumari velim.

Ut voles, inquit Atticus. ego enim non alienum a te putabam quod et in Africano fuisset et in Socrate.

[300] Tum Brutus: de isto postea; sed tu, inquit me intuens, orationes nobis veteres explicabis?

Vero, inquam, Brute; sed in Cumano aut in Tusculano aliquando, si modo licebit, quoniam utroque in loco vicini sumus. sed iam ad id, unde digressi sumus, revertamur.

[301] Hortensius igitur cum admodum adulescens orsus esset in foro dicere, celeriter ad maiores causas adhiberi coeptus est; <et> quamquam inciderat in Cottae et Sulpici aetatem, qui annis decem maiores <erant>, excellente tum Crasso et Antonio, dein Philippo,

post Iulio, cum his ipsis dicendi gloria comparabatur. primum memoria tanta, quantam in nullo cognovisse me arbitror, ut quae secum commentatus esset, ea sine scripto verbis eisdem redderet, quibus cogitavisset. hoc adiumento ille tanto sic utebatur, ut sua et commentata et scripta et nullo referente omnia adversariorum dicta meminisset.

[302] Ardebat autem cupiditate sic, ut in nullo umquam flagrantius studium viderim. nullum enim patiebatur esse diem quin aut in foro diceret aut meditaretur extra forum. saepissume autem eodem die utrumque faciebat. adtuleratque minime volgare genus dicendi; duas quidem res quas nemo alius: partitiones, quibus de rebus dicturus esset, et conlectiones, memor et quae essent dicta contra quaeque ipse dixisset.

[303] Erat in verborum splendore elegans, com positione aptus, facultate copiosus; eaque erat cum summo ingenio tum exercitationibus maxumis consecutus. rem complectebatur memoriter, dividebat acute, nec praetermittebat fere quicquam, quod esset in causa aut ad confirmandum aut ad refellendum. vox canora et suavis, motus et gestus etiam plus artis habebat quam erat oratori satis. hoc igitur florescente Crassus est mortuus, Cotta pulsus, iudicia intermissa bello, nos in forum venimus.

[304] Erat Hortensius in bello primo anno miles, altero tribunus militum, Sulpicius legatus; aberat etiam M. Antonius; exercebatur una lege iudicium Varia, ceteris propter bellum intermissis; quoi frequens aderam, quamquam pro se ipsi dicebant oratores non illi quidem principes, L. Memmius et Q. Pompeius, sed oratores tamen teste diserto uterque Philippo, cuius in testimonio contentio et vim accusatoris habebat et copiam.

[305] Reliqui qui tum principes numerabantur in magistratibus erant cotidieque fere a nobis in contionibus audiebantur. erat enim tribunus plebis tum C. Curio, quamquam is quidem silebat, ut erat semel a contione universa relictus; Q. Metellus Celer non ille quidem orator sed tamen non infans; diserti autem Q. Varius C. Carbo Cn. Pomponius, et hi quidem habitabant in rostris; C. etiam Iulius aedilis curulis cotidie fere accuratas contiones habebat. sed me cupidissumum audiendi primus dolor percussit, Cotta cum est expulsus. reliquos frequenter audiens acerrumo studio tenebar

cotidieque et scribens et legens et commentans oratoriis tantum exercitationibus contentus non eram. iam consequente anno Q. Varius sua lege damnatus excesserat.

[306] Ego autem iuris civilis studio multum operae dabam Q. Scaevolae P. f., qui quamquam nemini <se> ad docendum dabat, tamen consulentibus respondendo studiosos audiendi docebat. atque huic anno proxumus Sulla consule et Pompeio fuit. tum P. Sulpici in tribunatu cotidie contionantis totum genus dicendi penitus cognovimus; eodemque tempore, cum princeps Academiae Philo cum Atheniensium optumatibus Mithridatico bello domo profugisset Romamque venisset, totum ei me tradidi admirabili quodam ad philosophiam studio concitatus; in quo hoc etiam commorabar adtentius — etsi rerum ipsarum varietas et magnitudo summa me delectatione retinebat — , sed tamen sublata iam esse in perpetuum ratio iudiciorum videbatur.

[307] Occiderat Sulpicius illo anno tresque proxumo trium aetatum oratores erant crudelissume interfecti, Q. Catulus M. Antonius C. Iulius. eodem anno etiam Moloni Rhodio Romae dedimus operam et actori summo causarum et magistro. haec etsi videntur esse a proposita ratione diversa, tamen idcirco a me proferuntur, ut nostrum cursum perspicere, quoniam voluisti, Brute, possis — nam Attico haec nota sunt — et videre quem ad modum simus in spatio Q. Hortensium ipsius vestigiis persecuti.

[308] Triennium fere fuit urbs sine armis; sed oratorum aut interitu aut discessu aut fuga — nam aberant etiam adulescentes M. Crassus et Lentuli duo — primas in causis agebat Hortensius, magis magisque cotidie probabatur Antistius, Piso saepe dicebat, minus saepe Pomponius, raro Carbo, semel aut iterum Philippus. at vero ego hoc tempore omni noctes et dies in omnium doctrinarum meditatione versabar.

[309] Eram cum Stoico Diodoto, qui cum habitavisset apud me <se> cumque vixisset, nuper est domi meae mortuus. a quo cum in aliis rebus tum studiosissime in dialectica exercebar, quae quasi contracta et astricta eloquentia putanda est; sine qua etiam tu, Brute, iudicavisti te illam iustam eloquentiam, quam dialecticam esse dilatatam putant, consequi non posse. huic ego doctori et eius artibus variis atque multis ita eram tamen deditus ut ab exercitationibus

oratoriis nullus dies vacuus esset.

[310] Commentabar declamitans — sic enim nunc loquuntur — saepe cum M. Pisone et cum Q. Pompeio aut cum aliquo cotidie, idque faciebam multum etiam Latine sed Graece saepius, vel quod Graeca oratio plura ornamenta suppeditans consuetudinem similiter Latine dicendi adferebat, vel quod a Graecis summis doctoribus, nisi Graece dicerem, neque corrigi possem neque doceri.

[311] Tumultus interim recuperanda re publica et crudelis interitus oratorum trium, Scaevolae Carbonis Antisti, reditus Cottae Curionis Crassi Lentulorum Pompei; leges et iudicia constituta, recuperata res publica; ex numero autem oratorum Pomponius Censorinus Murena sublati. tum primum nos ad causas et privatas et publicas adire coepimus, non ut in foro disceremus, quod plerique fecerunt, sed ut, quantum nos efficere potuissemus, docti in forum veniremus.

[312] Eodem tempore Moloni dedimus operam; dictatore enim Sulla legatus ad senatum de Rhodiorum praemiis venerat. itaque prima causa publica pro Sex. Roscio dicta tantum commendationis habuit, ut non ulla esset quae non digna nostro patrocinio videretur. deinceps inde multae, quas nos diligenter elaboratas et tamquam elucubratas adferebamus.

[313] Nunc quoniam totum me non naevo aliquo aut crepundiis sed corpore omni videris velle cognoscere, complectar nonnulla etiam quae fortasse videantur minus necessaria. erat eo tempore in nobis summa gracilitas et infirmitas corporis, procerum et tenue collum: qui habitus et quae figura non procul abesse putatur a vitae periculo, si accedit labor et laterum magna contentio. eoque magis hoc eos quibus eram carus commovebat, quod omnia sine remissione, sine varietate, vi summa vocis et totius corporis conte ntione dicebam.

[314] Itaque cum me et amici et medici hortarentur ut causas agere desisterem, quodvis potius periculum mihi adeundum quam a sperata dicendi gloria discedendum putavi. sed cum censerem remissione et moderatione vocis et commutato genere dicendi me et periculum vitare posse et temperatius dicere, ut consuetudinem dicendi mutarem, ea causa mihi in Asiam proficiscendi fuit. itaque cum essem biennium versatus in causis et iam in foro celebratum meum nomen esset, Roma sum profectus.

[315] Cum venissem Athenas, sex menses cum Antiocho veteris

Academiae nobilissumo et prudentissumo philosopho fui studiumque philosophiae numquam intermissum a primaque adulescentia cultum et semper auctum hoc rursus summo auctore et doctore renovavi. eodem tamen tempore Athenis apud Demetrium Syrum veterem et non ignobilem dicendi magistrum studiose exerceri solebam. post a me Asia tota peragrata est cum summis quidem oratoribus, quibuscum exercebar ipsis lubentibus; quorum erat princeps Menippus Stratonicensis meo iudicio tota Asia illis temporibus disertissimus; et, si nihil habere molestiarum nec ineptia rum Atticorum est, hic orator in illis numerari recte potest.

[316] adsiduissime autem mecum fuit Dionysius Magnes; erat etiam Aeschylus Cnidius, Adramyttenus Xenocles. hi tum in Asia rhetorum principes numerabantur. quibus non contentus Rhodum veni meque ad eundem quem Romae audiveram Molonem adplicavi cum actorem in veris causis scriptoremque praestantem tum in notandis animadvertendisque vitiis et instituendo docendoque prudentissimum. is dedit operam, si modo id consequi potuit, ut nimis redundantis nos et supra fluentis iuvenili quadam dicendi impunitate et licentia reprimeret et quasi extra ripas diffluentis coerceret. ita recepi me biennio post non modo exercitatior sed prope mutatus. nam et contentio nimia vocis resederat et quasi deferverat oratio lateribusque vires et corpori mediocris habitus accesserat.

[317] Duo tum excellebant oratores qui me imitandi cupiditate incitarent, Cotta et Hortensius; quorum alter remissus et lenis et propriis verbis comprendens solute et facile sententiam, alter ornatus, acer et non talis qualem tu eum, Brute, iam deflorescentem cognovisti, sed verborum et actionis genere commotior. itaque cum Hortensio mihi magis arbitrabar rem esse, quod et dicendi ardore eram propior et aetate coniunctior. etenim videram in isdem causis, ut pro M. Canuleio, pro Cn. Dolabella consulari, cum Cotta princeps adhibitus esset, priores tamen agere partis Hortensium. acrem enim oratorem, incensum et agentem et canorum concursus hominum forique strepitus desiderat.

[318] Unum igitur annum, cum redissemus ex Asia, causas nobilis egimus, cum quaesturam nos, consulatum Cotta, aedilitatem peteret Hortensius. interim me quaestorem Siciliensis excepit annus, Cotta ex consulatu est profectus in Galliam, princeps et erat et habebatur

Hortensius. cum autem anno post ex Sicilia me recepissem, iam videbatur illud in me, quicquid esset, esse perfectum et habere maturitatem quandam suam. nimis multa videor de me, ipse praesertim; sed omni huic sermoni propositum est, non ut ingenium et eloquentiam meam perspicias, unde longe absum, sed ut laborem et industriam.

[319] Cum igitur essem in plurumis causis et in principibus patronis quinquennium fere versatus, tum in patrocinio Siciliensi maxume in certamen veni designatus aedilis cum designato consule Hortensio.

Sed quoniam omnis hic sermo noster non solum enumerationem oratoriam verum etiam praecepta quaedam desiderat, quid tamquam notandum et animadvertendum sit in Hortensio breviter licet dicere.

[320] Nam is post consulatum — credo quod videret ex consularibus neminem esse secum comparandum, neglegeret autem eos qui consules non fuissent — summum illud suum studium remisit, quo a puero fuerat incensus, atque in omnium rerum abundantia voluit beatius, ut ipse putabat, remissius certe vivere. primus et secundus annus et tertius tantum quasi de picturae veteris colore detraxerat, quantum non quivis unus ex populo, sed existumator doctus et intellegens posset cognoscere. longius autem procedens ut in ceteris eloquentiae partibus, tum maxume in celeritate et continuatione verborum adhaerescens, sui dissimilior videbatur fieri cotidie.

[321] Nos autem non desistebamus cum omni genere exercitationis tum maxume stilo nostrum illud quod erat augere, quantumcumque erat. atque ut multa omittam in hoc spatio et in his post aedilitatem annis, et praetor primus et incredibili populari voluntate sum factus. nam cum propter adsiduitatem in causis et industriam tum propter exquisitius et minime volgare orationis genus animos hominum ad me dicendi novitate converteram.

[322] Nihil de me dicam: dicam de ceteris, quorum nemo erat qui videretur exquisitius quam volgus hominum studuisse litteris, quibus fons perfectae eloquentiae continetur; nemo qui philosophiam complexus esset matrem omnium bene factorum beneque dictorum; nemo qui ius civile didicisset rem ad privatas causas et ad oratoris prudentiam maxume necessariam; nemo qui memoriam rerum Romanarum teneret, ex qua, si quando opus esset, ab inferis

locupletissimos testes excitaret; nemo qui breviter arguteque incluso adversario laxaret iudicum animos atque a severitate paulisper ad hilaritatem risumque traduceret; nemo qui dilatare posset atque a propria ac definita disputatione hominis ac temporis ad communem quaestionem universi generis orationem traducere; nemo qui delectandi gratia digredi parumper a causa, nemo qui ad iracundiam magno opere iudicem, nemo qui ad fletum posset adducere, nemo qui animum eius, quod unum est oratoris maxume proprium, quocumque res postularet impellere.

[323] Itaque cum iam paene evanuisset Hortensius et ego anno meo, sexto autem post illum consulem, consul factus essem, revocare se ad industriam coepit, ne, cum pares honore essemus, aliqua re superiores videremur. sic duodecim post meum consulatum annos in maxumis causis, cum ego mihi illum, sibi me ille anteferret, coniunctissime versati sumus, consulatusque meus, qui illum primo leviter perstrinxerat, idem nos rerum mearum gestarum, quas ille admirabatur, laude coniunxerat.

[324] Maxume vero perspecta est utriusque nostrum exercitatio paulo ante quam perterritum armis hoc studium, Brute, nostrum conticuit subito et obmutuit: cum lege Pompeia ternis horis ad dicendum datis ad causas simillumas inter se vel potius easdem novi veniebamus cotidie. quibus quidem causis tu etiam, Brute, praesto fuisti complurisque et nobiscum et solus egisti, ut qui non satis diu vixerit Hortensius tamen hunc cursum confecerit: annis ante decem causas agere coepit quam tu es natus; idem quarto <et> sexagensumo anno, perpaucis ante mortem diebus, una tecum socerum tuum defendit Appium. dicendi autem genus quod fuerit in utroque, orationes utriusque etiam posteris nostris indicabunt.

[325] Sed si quaerimus, cur adulescens magis floruerit dicendo quam senior Hortensius, causas reperiemus verissumas duas. primum, quod genus erat orationis Asiaticum adulescentiae magis concessum quam senectuti. genera autem Asiaticae dictionis duo sunt: unum sententiosum et argutum, sententiis non tam gravibus et severis quam concinnis et venustis, qualis in historia Timaeus, in dicendo autem pueris nobis Hierocles Alabandeus, magis etiam Menecles frater eius fuit, quorum utriusque orationes sunt in primis ut Asiatico in genere laudabiles. aliud autem genus est non tam

sententiis frequentatum quam verbis volucre atque incitatum, quali est nunc Asia tota, nec flumine solum orationis sed etiam exornato et faceto genere verborum, in quo fuit Aeschylus Cnidius et meus aequalis Milesius Aeschines. in his erat admirabilis orationis cursus, ornata sententiarum concinnitas non erat.

[326] Haec autem, ut dixi, genera dicendi aptiora sunt adulescentibus, in senibus gravitatem non habent. itaque Hortensius utroque genere florens clamores faciebat adulescens. habebat enim et Meneclium illud studium crebrarum venustarumque sententiarum, in quibus, ut in illo Graeco, sic in hoc erant quaedam magis venustae dulcesque sententiae quam aut necessariae aut interdum utiles; et erat oratio cum incitata et vibrans tum etiam accurata et polita. non probabantur haec senibus — saepe videbam cum inridentem tum etiam irascentem et stomachantem Philippum — , sed mirabantur adulescentes, multitudo movebatur.

[327] Erat excellens iudicio volgi et facile primas tenebat adulescens. etsi enim genus illud dicendi auctoritatis habebat parum, tamen aptum esse aetati videbatur. et certe, quod et ingeni quaedam forma lucebat <usu> et exercitatione perfecta eratque verborum astricta comprensio, summam hominum admirationem excitabat. sed cum iam honores et illa senior auctoritas gravius quiddam requireret, remanebat idem nec decebat idem; quodque exercitationem studiumque dimiserat, quod in eo fuerat acerrimum, concinnitas illa crebritasque sententiarum pristina manebat, sed ea vestitu illo orationis, quo consuerat, ornata non erat. hoc tibi ille, Brute, minus fortasse placuit quam placuisset, si illum flagrantem studio et florentem facultate audire potuisses.

[328] Tum Brutus: ego vero, inquit, et ista, quae dicis, video qualia sint et Hortensium magnum oratorem semper putavi maxumeque probavi pro Messalla dicentem, cum tu afuisti.

Sic ferunt, inquam, idque declarat totidem quot dixit, ut aiunt, scripta verbis oratio. ergo ille a Crasso consule et Scaevola usque ad Paulum et Marcellum consules floruit, nos in eodem cursu fuimus a Sulla dictatore ad eosdem fere consules. sic Q. Hort ensi vox exstincta fato suo est, nostra publico.

Melius, quaeso, ominare, inquit Brutus.

[329] Sit sane ut vis, inquam, et id non tam mea causa quam tua;

sed fortunatus illius exitus, qui ea non vidit cum fierent, quae providit futura. saepe enim inter nos impendentis casus deflevimus, cum belli civilis causas in privatorum cupiditatibus inclusas, pacis spem a publico consilio esse exclusam videremus. sed illum videtur felicitas ipsius, qua semper est usus, ab eis miseriis, quae consecutae sunt, morte vindicavisse.

[330] Nos autem, Brute, quoniam post Hortensi clarissimi oratoris mortem orbae eloquentiae quasi tutores relicti sumus, domi teneamus eam saeptam liberali custodia, et hos ignotos atque impudentes procos repudiemus tueamurque ut adultam virginem caste et ab amatorum impetu quantum possumus prohibeamus. equidem etsi doleo me in vitam paulo serius tamquam in viam ingressum, priusquam confectum iter sit, in hanc rei publicae noctem incidisse, tamen ea consolatione sustentor quam tu mihi, Brute, adhibuisti tuis suavissimis litteris, quibus me forti animo esse oportere censebas, quod ea gessissem, quae de me etiam me tacente ipsa loquerentur viverentque mortuo; quae, si recte esset, salute rei publicae, sin secus, interitu ipso testimonium meorum de re publica consiliorum darent.

[331] Sed in te intuens, Brute, doleo, cuius in adulescentiam per medias laudes quasi quadrigis vehentem transversa incurrit misera fortuna rei publicae. hic me dolor tangit, haec me cura sollicitat et hunc mecum socium eiusdem et amoris et iudici. tibi favemus, te tua frui virtute cupimus, tibi optamus eam rem publicam in qua duorum generum amplissumorum renovare memoriam atque augere possis. tuum enim forum, tuum erat illud curriculum, tu illuc veneras unus, qui non linguam modo acuisses exercitatione dicendi, sed et ipsam eloquentiam locupletavisses graviorum artium instrumento et isdem artibus decus omne virtutis cum summa eloquentiae laude iunxisses.

[332] Ex te duplex nos afficit sollicitudo, quod et ipse re publica careas et illa te. tu tamen, etsi cursum ingeni tui, Brute, premit haec importuna clades civitatis, contine te in tuis perennibus studiis et effice id quod iam propemodum vel plane potius effeceras, ut te eripias ex ea, quam ego congessi in hunc sermonem, turba patronorum. nec enim decet te ornatum uberrumis artibus, quas cum domo haurire non posses, arcessivisti ex urbe ea, quae domus est semper habita doctrinae, numerari in volgo patronorum. nam quid te

exercuit Pammenes vir longe eloquentissimus Graeciae, quid illa vetus Academia atque eius heres Aristus hospes et familiaris meus, si quidem similes maioris partis oratorum futuri sumus?

[333] Nonne cernimus vix singulis aetatibus binos oratores laudabilis constitisse? Galba fuit inter tot aequalis unus excellens, cui, quem ad modum accepimus, et Cato cedebat senior et qui temporibus illis aetate inferiores fuerunt; Lepidus postea, deinde Carbo; nam Gracchi in contionibus multo faciliore et liberiore genere dicendi, quorum tamen ipsorum ad aetatem laus eloquentiae perfecta nondum fuit; Antonius, Crassus, post Cotta, Sulpicius, Hortensius. nihil dico amplius, tantum dico: si mihi accidisset, ut numerarer in multis * * * si operosa est concursatio magis oportunorum * * *.

ORATOR AD M. BRUTUM (About the Orator)

M. TVLLI CICERONIS ORATOR AD M. BRVTVMI.

[1] Vtrum difficilius aut maius esset negare tibi saepius idem roganti an efficere id quod rogares diu multumque, Brute, dubitavi. Nam et negare ei quem unice diligerem cuique me carissimum esse sentirem, praesertim et iusta petenti et praeclara cupienti, durum admodum mihi videbatur, et suscipere tantam rem, quantam non modo facultate consequi difficile esset sed etiam cogitatione complecti, vix arbitrabar esse eius qui vereretur reprehensionem doctorum atque prudentium. [2] Quid enim est maius quam, cum tanta sit inter oratores bonos dissimilitudo, iudicare quae sit optima species et quasi figura dicendi? Quod quoniam me saepius rogas, aggrediar non tam perficiendi spe quam experiendi voluntate; malo enim, cum studio tuo sim obsecutus, desiderari a te prudentiam meam quam, si id non fecerim, benevolentiam.

[3] Quaeris igitur idque iam saepius quod eloquentiae genus probem maxime et quale mihi videatur illud, quo nihil addi possit, quod ego summum et perfectissimum iudicem. In quo vereor ne, si id quod vis effecero eumque oratorem quem quaeris expressero, tardem studia multorum, qui desperatione debilitati experiri id nolent quod se assequi posse diffidant. [4] Sed par est omnis omnia experiri, qui res magnas et magno opere expetendas concupiverunt. Quod si quem aut natura sua [aut] illa praestantis ingeni vis forte deficiet aut minus instructus erit magnarum artium disciplinis, teneat tamen eum cursum quem poterit; prima enim sequentem honestum est in secundis tertiisque consistere. Nam in poetis non Homero soli locus est, ut de Graecis loquar, aut Archilocho aut Sophocli aut Pindaro, sed horum vel secundis vel etiam infra secundos; [5] nec vero Aristotelem in philosophia deterruit a scribendo amplitudo Platonis, nec ipse Aristoteles admirabili quadam scientia et copia ceterorum studia restinxit.

II. Nec solum ab optimis studiis excellentes viri deterriti non sunt, sed ne opifices quidem se ab artibus suis removerunt, qui aut Ialysi, quem Rhodi vidimus, non potuerunt aut Coae Veneris

pulchritudinem imitari, nec simulacro Iovis Olympii aut doryphori statua deterriti reliqui minus experti sunt quid efficere aut quo progredi possent; quorum tanta multitudo fuit, tanta in suo cuiusque genere laus, ut, cum summa miraremur, inferiora tamen probaremus. [6] In oratoribus vero, Graecis quidem, admirabile est quantum inter omnis unus excellat; ac tamen, cum esset Demosthenes, multi oratores magni et clari fuerunt et antea fuerant nec postea defecerunt. Qua re non est cur eorum qui se studio eloquentiae dediderunt spes infringatur aut languescat industria; nam neque illud ipsum quod est optimum desperandum est et in praestantibus rebus magna sunt ea quae sunt optimis proxima. [7] Atque ego in summo oratore fingendo talem informabo qualis fortasse nemo fuit. Non enim quaero quis fuerit, sed quid sit illud, quo nihil esse possit praestantius, quod in perpetuitate dicendi non saepe atque haud scio an numquam, in aliqua autem parte eluceat aliquando, idem apud alios densius, apud alios fortasse rarius. [8] Sed ego sic statuo, nihil esse in ullo genere tam pulchrum, quo non pulchrius id sit unde illud ut ex ore aliquo quasi imago exprimatur; quod neque oculis neque auribus neque ullo sensu percipi potest, cogitatione tantum et mente complectimur. Itaque et Phidiae simulacris, quibus nihil in illo genere perfectius videmus, et eis picturis quas nominavi cogitare tamen possumus pulchriora; [9] nec vero ille artifex cum faceret Iovis formam aut Minervae, contemplabatur aliquem e quo similitudinem duceret, sed ipsius in mente insidebat species pulchritudinis eximia quaedam, quam intuens in eaque defixus ad illius similitudinem artem et manum dirigebat.

III. Vt igitur in formis et figuris est aliquid perfectum et excellens, cuius ad cogitatam speciem imitando referuntur eaque sub oculos ipsa [non] cadit, sic perfectae eloquentiae speciem animo videmus, effigiem auribus quaerimus. [10] Has rerum formas appellat ideas ille non intellegendi solum sed etiam dicendi gravissimus auctor et magister Plato, easque gigni negat et ait semper esse ac ratione et intellegentia contineri; cetera nasci occidere fluere labi nec diutius esse uno et eodem statu. Quicquid est igitur de quo ratione et via disputetur, id est ad ultimam sui generis formam speciemque redigendum.

[11] Ac video hanc primam ingressionem meam non ex oratoriis

disputationibus ductam sed e media philosophia repetitam, et eam quidem cum antiquam tum subobscuram aut reprehensionis aliquid aut certe admirationis habituram. Nam aut mirabuntur quid haec pertineant ad ea quae quaerimus — quibus satis faciet res ipsa cognita, ut non sine causa alte repetita videatur — aut reprehendent, quod inusitatas vias indagemus, tritas relinquamus. [12] Ego autem et me saepe nova videri dicere intellego, cum pervetera dicam sed inaudita plerisque, et fateor me oratorem, si modo sim aut etiam quicumque sim, non ex rhetorum officinis sed ex Academiae spatiis exstitisse; illa enim sunt curricula multiplicium variorumque sermonum, in quibus Platonis primum sunt impressa vestigia. Sed et huius et aliorum philosophorum disputationibus et exagitatus maxime orator est et adiutus; omnis enim ubertas et quasi silva dicendi ducta ab illis est nec satis tamen instructa ad forensis causas, quas, ut illi ipsi dicere solebant, agrestioribus Musis reliquerunt. [13] Sic eloquentia haec forensis spreta a philosophis et repudiata multis quidem illa adiumentis magnisque caruit, sed tamen ornata verbis atque sententiis iactationem habuit in populo nec paucorum iudicium reprehensionemque pertimuit: ita et doctis eloquentia popularis et disertis elegans doctrina defuit.

IV. [14] Positum sit igitur in primis, quod post magis intellegetur, sine philosophia non posse effici quem quaerimus eloquentem, non ut in ea tamen omnia sint, sed ut sic adiuvet ut palaestra histrionem; parva enim magnis saepe rectissime conferuntur. Nam nec latius atque copiosius de magnis variisque rebus sine philosophia potest quisquam dicere; — [15] si quidem etiam in Phaedro Platonis hoc Periclem praestitisse ceteris dicit oratoribus Socrates, quod is Anaxagorae physici fuerit auditor; a quo censet eum, cum alia praeclara quaedam et magnifica didicisse tum uberem et fecundum fuisse gnarumque, quod est eloquentiae maximum, quibus orationis modis quaeque animorum partes pellerentur; quod idem de Demosthene existimari potest, cuius ex epistulis intellegi licet quam frequens fuerit Platonis auditor; — [16] nec vero sine philosophorum disciplina genus et speciem cuiusque rei cernere neque eam definiendo explicare nec tribuere in partis possumus nec iudicare quae vera quae falsa sint neque cernere consequentia, repugnantia videre, ambigua distinguere. Quid dicam de natura rerum, cuius

cognitio magnam orationi suppeditat copiam, de vita, de officiis, de virtute, de moribus? Satisne sine multa earum ipsarum rerum disciplina aut dici aut intellegi potest?

V. [17] Ad has tot tantasque res adhibenda sunt ornamenta innumerabilia; quae sola tum quidem tradebantur ab eis qui dicendi numerabantur magistri; quo fit ut veram illam et absolutam eloquentiam nemo consequatur, quod alia intellegendi alia dicendi disciplina est et ab aliis rerum ab aliis verborum doctrina quaeritur. [18] Itaque M. Antonius, cui vel primas eloquentiae patrum nostrorum tribuebat aetas, vir natura peracutus et prudens, in eo libro quem unum reliquit disertos ait se vidisse multos, eloquentem omnino neminem. Insidebat videlicet in eius mente species eloquentiae, quam cernebat animo, re ipsa non videbat. Vir autem acerrimo ingenio — sic enim fuit — multa et in se et in aliis desiderans neminem plane qui recte appellari eloquens posset videbat; [19] quod si ille nec se nec L. Crassum eloquentem putavit, habuit profecto comprehensam animo quandam formam eloquentiae, cui quoniam nihil deerat, eos quibus aliquid aut plura deerant in eam formam non poterat includere. Investigemus hunc igitur, Brute, si possumus, quem numquam vidit Antonius aut qui omnino nullus umquam fuit; quem si imitari atque exprimere non possumus, quod idem ille vix deo concessum esse dicebat, at qualis esse debeat poterimus fortasse dicere.

VI. [20] Tria sunt omnino genera dicendi, quibus in singulis quidam floruerunt, peraeque autem, id quod volumus, perpauci in omnibus. Nam et grandiloqui, ut ita dicam, fuerunt cum ampla et sententiarum gravitate et maiestate verborum, vehementes varii, copiosi graves, ad permovendos et convertendos animos instructi et parati — quod ipsum alii aspera tristi horrida oratione neque perfecta atque conclusa consequebantur, alii levi et structa et terminata — , et contra tenues acuti, omnia docentes et dilucidiora, non ampliora facientes, subtili quadam et pressa oratione limati; in eodemque genere alii callidi, sed impoliti et consulto rudium similes et imperitorum, alii in eadem ieiunitate concinniores, id est faceti, florentes etiam et leviter ornati. [21] Est autem quidam interiectus inter hos medius et quasi temperatus nec acumine posteriorum nec fulmine utens superiorum, vicinus amborum, in neutro excellens, utriusque particeps vel utriusque, si

verum quaerimus, potius expers; isque uno tenore, ut aiunt, in dicendo fluit nihil adferens praeter facilitatem et aequabilitatem aut addit aliquos ut in corona toros omnemque orationem ornamentis modicis verborum sententiarumque distinguit. [22] Horum singulorum generum quicumque vim in singulis consecuti sunt, magnum in oratoribus nomen habuerunt. Sed quaerendum est satisne id quod volumus effecerint.

VII. Videmus enim fuisse quosdam qui idem ornate et graviter, idem versute et subtiliter dicerent. Atque utinam in Latinis talis oratoris simulacrum reperire possemus! Esset egregium non quaerere externa, domesticis esse contentos. [23] Sed ego idem, qui in illo sermone nostro qui est eitus in Bruto multum tribuerim Latinis, vel ut hortarer alios vel quod amarem meos, recordor longe omnibus unum me anteferre Demosthenem, quem velim accommodare ad eam quam sentiam eloquentiam, non ad eam quam in aliquo ipse cognoverim. Hoc nec gravior exstitit quisquam nec callidior nec temperatior. Itaque nobis monendi sunt ei quorum sermo imperitus increbruit, qui aut dici se desiderant Atticos aut ipsi Attice volunt dicere, ut mirentur hunc maxime, quo ne Athenas quidem ipsas magis credo fuisse Atticas; quid enim sit Atticum discant eloquentiamque ipsius viribus, non imbecillitate sua metiantur. [24] Nunc enim tantum quisque laudat quantum se posse sperat imitari. Sed tamen eos studio optimo iudicio minus firmo praeditos docere quae sit propria laus Atticorum non alienum puto.

VIII. Semper oratorum eloquentiae moderatrix fuit auditorum prudentia. Omnes enim qui probari volunt voluntatem eorum qui audiunt intuentur ad eamque et ad eorum arbitrium et nutum totos se fingunt et accommodant. [25] Itaque Caria et Phrygia et Mysia, quod minime politae minimeque elegantes sunt, asciverunt aptum suis auribus opimum quoddam et tamquam adipatae dictionis genus, quod eorum vicini non ita lato interiecto mari Rhodii numquam probaverunt [Graecia autem multo minus], Athenienses vero funditus repudiaverunt; quorum semper fuit prudens sincerumque iudicium, nihil ut possent nisi incorruptum audire et elegans. Eorum religioni cum serviret orator, nullum verbum insolens, nullum odiosum ponere audebat. [26] Itaque hic, quem praestitisse diximus ceteris, in illa pro Ctesiphonte oratione longe optima summissius a primo, deinde, dum

de legibus disputat, pressius, post sensim incendens iudices, ut vidit ardentis, in reliquis exsultavit audacius. Ac tamen in hoc ipso diligenter examinante verborum omnium pondera reprehendit Aeschines quaedam et exagitat inludensque dura odiosa intolerabilia esse dicit; quin etiam quaerit ab ipso, cum quidem eum beluam appellat, utrum illa verba an portenta sint; ut Aeschini ne Demosthenes quidem videatur Attice dicere. [27] Facile est enim verbum aliquod ardens, ut ita dicam, notare idque restinctis iam animorum incendiis inridere. Itaque se purgans iocatur Demosthenes: negat in eo positas esse fortunas Graeciae, hocine an illo verbo usus sit, hucine an illuc manum porrexerit. Quonam igitur modo audiretur Mysus aut Phryx Athenis, cum etiam Demosthenes exagitetur ut putidus? Cum vero inclinata ululantique voce more Asiatico canere coepisset, quis eum ferret aut potius quis non iuberet auferri?

IX. [28] Ad Atticorum igitur auris teretes et religiosas qui se accommodant, ei sunt existimandi Attice dicere. Quorum genera plura sunt; hi unum modo quale sit suspicantur. Putant enim qui horride inculteque dicat, modo id eleganter enucleateque faciat, eum solum Attice dicere. Errant, quod solum; quod Attice, non falluntur. [29] Istorum enim iudicio, si solum illud est Atticum, ne Pericles quidem dixit Attice, cui primae sine controversia deferebantur; qui si tenui genere uteretur, numquam ab Aristophane poeta fulgere tonare permiscere Graeciam dictus esset. Dicat igitur Attice venustissimus ille scriptor ac politissimus Lysias — quis enim id possit negare? — , dum intellegamus hoc esse Atticum in Lysia, non quod tenuis sit atque inornatus, sed quod [non] nihil habeat insolens aut ineptum; ornate vero et graviter et copiose dicere aut Atticorum sit aut ne sit Aeschines neve Demosthenes Atticus. [30] Ecce autem aliqui se Thucydidios esse profitentur: novum quoddam imperitorum et inauditum genus. Nam qui Lysiam sequuntur, causidicum quendam sequuntur non illum quidem amplum atque grandem, subtilem et elegantem tamen et qui in forensibus causis possit praeclare consistere. Thucydides autem res gestas et bella narrat et proelia, graviter sane et probe, sed nihil ab eo transferri potest ad forensem usum et publicum. Ipsae illae contiones ita multas habent obscuras abditasque sententias vix ut intellegantur; quod est in oratione civili vitium vel maximum. [31] Quae est autem in hominibus tanta

perversitas, ut inventis frugibus glande vescantur? An victus hominum Atheniensium beneficio excoli potuit, oratio non potuit? Quis Porro umquam Graecorum rhetorum a Thucydide quicquam duxit? “At laudatus est ab omnibus.” Fateor; sed ita ut rerum explicator prudens severus gravis; non ut in iudiciis versaret causas, sed ut in historiis bella narraret; [32] itaque numquam est numeratus orator, nec vero, si historiam non scripsisset, nomen eius exstaret, cum praesertim fuisset honoratus et nobilis. Huius tamen nemo neque verborum neque sententiarum gravitatem imitatur, sed cum mutila quaedam et hiantia locuti sunt, quae vel sine magistro facere potuerunt, germanos se putant esse Thucydidas. Nactus sum etiam qui Xenophontis similem esse se cuperet, cuius sermo est ille quidem melle dulcior, sed a forensi strepitu remotissimus.

[33] Referamus nos igitur ad eum quem volumus incohandum et ea demum eloquentia informandum quam in nullo cognovit Antonius. X. Magnum opus omnino et arduum, Brute, conamur; sed nihil difficile amanti puto. Amo autem et semper amavi ingenium studia mores tuos. Incendor porro cotidie magis non desiderio solum, quo quidem conficior, congressus nostros, consuetudinem victus, doctissimos sermones requirens tuos, sed etiam incredibili fama virtutum admirabilium, quae specie dispares prudentia coniunguntur. [34] Quid enim tam distans quam a severitate comitas? Quis tamen umquam te aut sanctior est habitus aut dulcior? Quid tam difficile quam in plurimorum controversiis diiudicandis ab omnibus diligi? Consequeris tamen ut eos ipsos quos contra statuas aequos placatosque dimittas. Itaque efficis ut, cum gratiae causa nihil facias, omnia tamen sint grata quae facis. Ergo omnibus ex terris una Gallia communi non ardet incendio; in qua frueris ipse te, cum in Italiae luce cognosceris versarisque in optimorum civium vel flore vel robore. Iam quantum illud est, quod in maximis occupationibus numquam intermittis studia doctrinae, semper aut ipse scribis aliquid aut me vocas ad scribendum! [35] Itaque hoc sum adgressus statim Catone absoluto quem ipsum numquam attigissem tempora timens inimica virtuti, nisi tibi hortanti et illius memoriam mihi caram excitanti non parere nefas esse duxissem — , sed testificor me a te rogatum et recusantem haec scribere esse ausum. Volo enim mihi tecum commune esse crimen, ut, si sustinere tantam quaestionem

non potuero, iniusti oneris impositi tua culpa sit, mea recepti; in quo tamen iudici nostri errorem laus tibi dati muneris compensabit.

XI. [36] Sed in omni re difficillimum est formam, qui charakter Graece dicitur, exponere optimi, quod aliud aliis videtur optimum. Ennio delector, ait quispiam, quod non discedit a communi more verborum; Pacuvio, inquit alius: omnes apud hunc ornati elaboratique sunt versus, multo apud alterum neglegentius; fac alium Accio; varia enim sunt iudicia, ut in Graecis, nec facilis explicatio quae forma maxime excellat. In picturis alios horrida inculta, abdita et opaca, contra alios nitida laeta conlustrata delectant. Quid est quo praescriptum aliquod aut formulam exprimas, cum in suo quidque genere praestet et genera plura sint? Hac ego religione non sum ab hoc conatu repulsus existimavique in omnibus rebus esse aliquid optimum, etiam si lateret, idque ab eo posse qui eius rei gnarus esset iudicari. [37] Sed quoniam plura sunt orationum genera eaque diversa neque in unam formam cadunt omnia, laudationum [scriptionum] et historiarum et talium suasionum, qualem Isocrates fecit Panegyricum multique alii qui sunt nominati sophistae, reliquarumque scriptionum [rerum] formam, quae absunt a forensi contentione eiusque totius generis quod Graece epideiktikon nominatur, quia quasi ad inspiciendum delectationis causa comparatum est, non complectar hoc tempore; non quo neglegenda sit; est enim ilia quasi nutrix eius oratoris quem informare volumus et de quo molimur aliquid exquisitius dicere.

XII. Ab hac et verborum copia alitur et eorum constructio et numerus liberiore quadam fruitur licentia. [38] Datur etiam venia concinnitati sententiarum et arguti certique et circumscripti verborum ambitus conceduntur, de industriaque non ex insidiis sed aperte ac palam elaboratur, ut verba verbis quasi demensa et paria respondeant, ut crebro conferantur pugnantia comparenturque contraria et ut pariter extrema terminentur eundemque referant in cadendo sonum; quae in veritate causarum et rarius multo facimus et certe occultius. In Panathenaico autem Isocrates ea se studiose consectatum fatetur; non enim ad iudiciorum certamen, sed ad voluptatem aurium scripserat. [39] Haec tractasse Thrasymachum Calchedonium primum et Leontinum ferunt Gorgiam, Theodorum inde Byzantium multosque alios, quos logodaidalous appellat in Phaedro Socrates;

quorum satis arguta multa, sed ut modo primumque nascentia minuta et versiculorum similia quaedam nimiumque depicta. Quo magis sunt Herodotus Thucydidesque mirabiles; quorum aetas cum in eorum tempora quos nominavi incidisset, longissime tamen ipsi a talibus deliciis vel potius ineptiis afuerunt. Alter enim sine ullis salebris quasi sedatus amnis fluit, alter incitatior fertur et de bellicis rebus canit etiam quodam modo bellicum; primisque ab his, ut ait Theophrastus, historia commota est, ut auderet uberius quam superiores et ornatius dicere.

XIII. [40] Horum aetati successit Isocrates, qui praeter ceteros eiusdem generis laudatur semper a nobis, non numquam, Brute, leniter et erudite repugnante te; sed concedas mihi fortasse, si quid in eo laudem cognoveris. Nam cum concisus ei Thrasymachus minutis numeris videretur et Gorgias, qui tamen primi traduntur arte quadam verba iunxisse, Theodorus autem praefractior nec satis, ut ita dicam, rotundus, primus instituit dilatare verbis et mollioribus numeris explere sententias; in quo cum doceret eos qui partim in dicendo partim in scribendo principes exstiterunt, domus eius officina habita eloquentiae est.

[41] Itaque ut ego, cum a nostro Catone laudabar, vel reprehendi me a ceteris facile patiebar, sic Isocrates videtur testimonio Platonis aliorum iudicia debere contemnere. Est enim, ut scis, quasi in extrema pagina Phaedri his ipsis verbis loquens Socrates: Adulescens etiam nunc, o Phaedre, Isocrates est, sed quid de illo augurer libet dicere. Quid tandem? Inquit ille. Maiore mihi ingenio videtur esse quam ut cum orationibus Lysiae comparetur, praeterea ad virtutem maior indoles; ut minime mirum futurum sit si, cum aetate processerit, aut in hoc orationum genere cui nunc studet tantum quantum pueris reliquis praestet omnibus qui umquam orationes attigerunt aut, si contentus his non fuerit, divino aliquo animi motu maiora concupiscat; inest enim natura philosophia in huius viri mente quaedam. Haec de adulescente Socrates auguratur. [42] At ea de seniore scribit Plato et scribit aequalis et quidem exagitator omnium rhetorum hunc miratur unum; me autem qui Isocratem non diligunt una cum Socrate et cum Platone errare patiantur. Dulce igitur orationis genus et solutum et fluens, sententiis argutum, verbis sonans est in illo epidictico genere quod diximus proprium

sophistarum, pompae quam pugnae aptius, gymnasiis et palaestrae dicatum, spretum et pulsum foro. Sed quod educata huius nutrimentis eloquentia [est] ipsa se postea colorat et roborat, non alienum fuit de oratoris quasi incunabulis dicere. Verum haec ludorum atque pompae; nos autem iam in aciem dimicationemque veniamus.

XIV. [43] Quoniam tria videnda sunt oratori: quid dicat et quo quidque loco et quo modo, dicendum omnino est quid sit optimum in singulis, sed aliquanto secus atque in tradenda arte dici solet. Nulla praecepta ponemus, neque enim id suscepimus, sed excellentis eloquentiae speciem et formam adumbrabimus; nec quibus rebus ea paretur exponemus, sed qualis nobis esse videatur. [44] Ac duo breviter prima; sunt enim non tam insignia ad maximam laudem quam necessaria et tamen cum multis paene communia. Nam et invenire et iudicare quid dicas magna illa quidem sunt et tamquam animi instar in corpore, sed propria magis prudentiae quam eloquentiae: qua tamen in causa est vacua prudentia? Noverit igitur hic quidem orator, quem summum esse volumus, argumentorum et rationum locos. [45] Nam quoniam, quicquid est quod in controversia aut in contentione versetur, in eo aut sitne aut quid sit aut quale sit quaeritur: — sitne, signis; quid sit, definitionibus; quale sit, recti pravique partibus; quibus ut uti possit orator, non ille vulgaris sed hic excellens, a propriis personis et temporibus semper, si potest, avocet controversiam; latius enim de genere quam de parte disceptare licet, ut quod in universo sit probatum id in parte sit probari necesse; — [46] haec igitur quaestio a propriis personis et temporibus ad universi generis rationem traducta appellatur thesis. In hac Aristoteles adulescentis non ad philosophorum morem tenuiter disserendi, sed ad copiam rhetorum in utramque partem, ut ornatius et uberius dici posset, exercuit; idemque locos — sic enim appellat — quasi argumentorum notas tradidit unde omnis in utramque partem traheretur oratio.

XV. [47] Faciet igitur hic noster — non enim declamatorem aliquem de ludo aut rabulam de foro, sed doctissimum et perfectissimum quaerimus — , ut, quoniam loci certi traduntur, percurrat omnis, utatur aptis, generatim dicat; ex quo emanent etiam qui communes appellantur loci. Nec vero utetur imprudenter hac copia, sed omnia expendet et seliget; non enim semper nec in

omnibus causis ex isdem locis eadem argumentorum momenta sunt. [48] Iudicium igitur adhibebit nec inveniet solum quid dicat sed etiam expendet. Nihil enim est feracius ingeniis, eis praesertim quae disciplinis exculta sunt. Sed ut segetes fecundae et uberes non solum fruges verum herbas etiam effundunt inimicissimas frugibus, sic interdum ex illis locis aut levia quaedam aut causis aliena aut non utilia gignuntur. [49] Quorum ab oratoris iudicio dilectus nisi magnus adhibebitur, quonam modo ille in bonis haerebit et habitabit suis aut molliet dura aut occultabit quae dilui non poterunt atque omnino opprimet, si licebit, aut abducet animos aut aliud adferet, quod oppositum probabilius sit quam illud quod obstabit? [50] Iam vero ea quae invenerit qua diligentia conlocabit? Quoniam id secundum erat de tribus. Vestibula nimirum honesta aditusque ad causam faciet inlustris; cumque animos prima adgressione occupaverit, infirmabit excludetque contraria; de firmissimis alia prima ponet alia postrema inculcabitque leviora.

XVI. [51] Atque in primis duabus dicendi partibus qualis esset summatim breviterque descripsimus. Sed, ut ante dictum est, in his partibus, etsi graves atque magnae sunt, minus et artis est et laboris; cum autem et quid et quo loco dicat invenerit, illud est longe maximum, videre quonam modo; scitum est enim, quod Carneades noster dicere solebat, Clitomachum eadem dicere, Charmadam autem eodem etiam modo dicere. Quod si in philosophia tantum interest quem ad modum dicas, ubi res spectatur, non verba penduntur, quid tandem in causis existimandum est quibus totis moderatur oratio? [52] Quod quidem ego, Brute, ex tuis litteris sentiebam, non te id sciscitari, qualem ego in inveniendo et in conlocando summum esse oratorem vellem, sed id mihi quaerere videbare, quod genus ipsius orationis optimum iudicarem: rem difficilem, di immortales, atque omnium difficillimam. Nam cum est oratio mollis et tenera et ita flexibilis ut sequatur quocumque torqueas, tum et naturae variae et voluntates multum inter se distantia effecerunt genera dicendi: [53] flumen aliis verborum volubilitasque cordi est, qui ponunt in orationis celeritate eloquentiam; distincta alios et interpuncta intervalla, morae respirationesque delectant: quid potest esse tam diversum? Tamen est in utroque aliquid excellens. Elaborant alii in lenitate et aequabilitate et puro quasi quodam et candido genere

dicendi; ecce aliqui duritatem et severitatem quandam in verbis et orationis quasi maestitiam sequuntur; quodque paulo ante divisimus, ut alii graves alii tenues alii temperati vellent videri, quot orationum genera esse diximus totidem oratorum reperiuntur.

XVII. [54] Et quoniam coepi iam cumulatius hoc munus augere quam a te postulatum est — tibi enim tantum de orationis genere quaerenti respondi etiam breviter de inveniendo et conlocando — , ne nunc quidem solum de orationis modo dicam sed etiam de actionis: ita praetermissa pars nulla erit, quando quidem de memoria nihil est hoc loco dicendum, quae communis est multarum artium. [55] Quo modo autem dicatur, id est in duobus, in agendo et in eloquendo. Est enim actio quasi corporis quaedam eloquentia, cum constet e voce atque motu. Vocis mutationes totidem sunt quot animorum, qui maxime voce commoventur. Itaque ille perfectus, quem iam dudum nostra indicat oratio, utcumque se adfectum videri et animum audientis moveri volet, ita certum vocis admovebit sonum; de quo plura dicerem, si hoc praecipiendi tempus esset aut si tu hoc quaereres. Dicerem etiam de gestu, cum quo iunctus est vultus; quibus omnibus dici vix potest quantum intersit quem ad modum utatur orator. [56] Nam et infantes actionis dignitate eloquentiae saepe fructum tulerunt et diserti deformitate agendi multi infantes putati sunt; ut iam non sine causa Demosthenes tribuerit et primas et secundas et tertias actioni; si enim eloquentia nulla sine hac, haec autem sine eloquentia tanta est, certe plurimum in dicendo potest. Volet igitur ille qui eloquentiae principatum petet et contenta voce atrociter dicere et summissa leniter et inclinata videri gravis et inflexa miserabilis; [57] mira est enim quaedam natura vocis, cuius quidem e tribus omnino sonis, inflexo acuto gravi, tanta sit et tam suavis varietas perfecta in cantibus. XVIII. Est autem etiam in dicendo quidam cantus obscurior, non hic e Phrygia et Caria rhetorum epilogus paene canticum, sed ille quem significat Demosthenes et Aeschines, cum alter alteri obicit vocis flexiones; dicit plorare etiam Demosthenes istum quem saepe dicat voce dulci et clara fuisse.

[58] In quo illud etiam notandum mihi videtur ad studium persequendae suavitatis in vocibus: ipsa enim natura, quasi modularetur hominum orationem, in omni verbo posuit acutam

vocem nec una plus nec a postrema syllaba citra tertiam; quo magis naturam ducem ad aurium voluptatem sequatur industria. [59] Ac vocis quidem bonitas optanda est; non est enim in nobis, sed tractatio atque usus in nobis. Ergo ille princeps variabit et mutabit: omnis sonorum tum intendens tum remittens persequetur gradus. Idemque motu sic utetur, nihil ut supersit. In gestu status erectus et celsus; rarus incessus nec ita longus; excursio moderata eaque rara; nulla mollitia cervicum, nullae argutiae digitorum, non ad numerum articulus cadens; trunco magis toto se ipse moderans et virili laterum flexione, bracchii proiectione in contentionibus, contractione in remissis. [60] Vultus vero, qui secundum vocem plurimum potest, quantam adferet tum dignitatem tum venustatem! In quo cum effeceris ne quid ineptum sit aut vultuosum, tum oculorum est quaedam magna moderatio. Nam ut imago est animi vultus, sic indices oculi; quorum et hilaritatis et vicissim tristitiae modum res ipsae de quibus agetur temperabunt.

XIX. [61] Sed iam illius perfecti oratoris et summae eloquentiae species exprimenda est. Quem hoc uno excellere [id est oratione], cetera in eo latere indicat nomen ipsum; non enim inventor aut compositor aut actor qui haec complexus est omnia, sed et Graece ab eloquendo rhetor et Latine eloquens dictus est; ceterarum enim rerum quae sunt in oratore partem aliquam sibi quisque vindicat, dicendi autem, id est eloquendi, maxima vis soli huic conceditur.

[62] Quamquam enim et philosophi quidam ornate locuti sunt — si quidem et Theophrastus a divinitate loquendi nomen invenit et Aristoteles Isocratem ipsum lacessivit et Xenophontis voce Musas quasi locutas ferunt et longe omnium quicumque scripserunt aut locuti sunt exstitit et suavitate et gravitate princeps Plato — , tamen horum oratio neque nervos neque aculeos oratorios ac forensis habet. [63] Loquuntur cum doctis, quorum sedare animos malunt quam incitare, et de rebus placatis ac minime turbulentis docendi causa non capiendi loquuntur, ut in eo ipso, quod delectationem aliquam dicendo aucupentur, plus non nullis quam necesse sit facere videantur. Ergo ab hoc genere non difficile est hanc eloquentiam, de qua nunc agitur, secernere. [64] Mollis est enim oratio philosophorum et umbratilis nec sententiis nec verbis instructa popularibus nec vincta numeris, sed soluta liberius; nihil iratum habet, nihil invidum,

nihil atrox, nihil miserabile, nihil astutum; casta, verecunda, virgo incorrupta quodam modo. Itaque sermo potius quam oratio dicitur. Quamquam enim omnis locutio oratio est, tamen unius oratoris locutio hoc proprio signata nomine est.

[65] Sophistarum, de quibus supra dixi, magis distinguenda similitudo videtur, qui omnes eosdem volunt flores quos adhibet orator in causis persequi. Sed hoc differunt quod, cum sit his propositum non perturbare animos, sed placare potius nec tam persuadere quam delectare, et apertius id faciunt quam nos et crebrius, concinnas magis sententias exquirunt quam probabilis, a re saepe discedunt, intexunt fabulas, verba altius transferunt eaque ita disponunt ut pictores varietatem colorum, paria paribus referunt, adversa contrariis, saepissimeque similiter extrema definiunt.

XX. [66] Huic generi historia finitima est, in qua et narratur ornate et regio saepe aut pugna describitur; interponuntur etiam contiones et hortationes, sed in his tracta quaedam et fluens expetitur, non haec contorta et acris oratio. Ab his non multo secus quam a poetis haec eloquentia quam quaerimus sevocanda est. Nam etiam poetae quaestionem attulerunt, quidnam esset illud quo ipsi differrent ab oratoribus: numero maxime videbantur antea et versu, nunc apud oratores iam ipse numerus increbruit. [67] Quicquid est enim quod sub aurium mensuram aliquam cadit, etiam si abest a versu — nam id quidem orationis est vitium — numerus vocatur, qui Graece rhythmos dicitur. Itaque video visum esse non nullis Platonis et Democriti locutionem, etsi absit a versu, tamen quod incitatius feratur et clarissimis verborum luminibus utatur, potius poema putandum quam comicorum poetarum; apud quos, nisi quod versiculi sunt, nihil est aliud cotidiani dissimile sermonis. Nec tamen id est poetae maximum, etsi est eo laudabilior quod virtutes oratoris persequitur, cum versu sit astrictior. [68] Ego autem, etiam si quorundam grandis et ornata vox est poetarum, tamen in ea cum licentiam statuo maiorem esse quam in nobis faciendorum iungendorumque verborum, tum etiam non nulli eorum voluntati vocibus magis quam rebus inserviunt; nec vero, si quid est unum inter eos simile — id autem est iudicium electioque verborum — , propterea ceterarum rerum dissimilitudo intellegi non potest; sed id nec dubium est et, si quid habet quaestionis, hoc tamen ipsum ad id

quod propositum est non est necessarium. Seiunctus igitur orator a philosophorum eloquentia, a sophistarum, ab historicorum, a poetarum explicandus est nobis qualis futurus sit.

XXI. [69] Erit igitur eloquens — hunc enim auctore Antonio quaerimus — is qui in foro causisque civilibus ita dicet, ut probet, ut delectet, ut flectat. Probare necessitatis est, delectare suavitatis, flectere victoriae: nam id unum ex omnibus ad obtinendas causas potest plurimum. Sed quot officia oratoris, tot sunt genera dicendi: subtile in probando, modicum in delectando, vehemens in flectendo; in quo uno vis omnis oratoris est. [70] Magni igitur iudici, summae etiam facultatis esse debebit moderator ille et quasi temperator huius tripertitae varietatis; nam et iudicabit quid cuique opus sit et poterit quocumque modo postulabit causa dicere. Sed est eloquentiae sicut reliquarum rerum fundamentum sapientia. Vt enim in vita sic in oratione nihil est difficilius quam quid deceat videre. Prepon appellant hoc Graeci, nos dicamus sane decorum; de quo praeclare et multa praecipiuntur et res est cognitione dignissima; huius ignoratione non modo in vita sed saepissime et in poematis et in oratione peccatur. [71] Est autem quid deceat oratori videndum non in sententiis solum sed etiam in verbis. Non enim omnis fortuna, non omnis honos, non omnis auctoritas, non omnis aetas nec vero locus aut tempus aut auditor omnis eodem aut verborum genere tractandus est aut sententiarum semperque in omni parte orationis ut vitae quid deceat est considerandum; quod et in re de qua agitur positum est et in personis et eorum qui dicunt et eorum qui audiunt.

[72] Itaque hunc locum longe et late patentem philosophi solent in officiis tractare — non cum de recto ipso disputant, nam id quidem unum est — , grammatici in poetis, eloquentes in omni et genere et parte causarum. Quam enim indecorum est, de stillicidiis cum apud unum iudicem dicas, amplissimis verbis et locis uti communibus, de maiestate populi Romani summisse et subtiliter! XXII. Hic genere toto, at persona alii peccant aut sua aut iudicum aut etiam adversariorum, nec re solum sed saepe verbo; etsi sine re nulla vis verbi est, tamen eadem res saepe aut probatur aut reicitur alio atque alio elata verbo. [73] In omnibusque rebus videndum est quatenus; etsi enim suus cuique modus est, tamen magis offendit nimium quam parum; in quo Apelles pictores quoque eos peccare dicebat qui non

sentirent quid esset satis. Magnus est locus hic, Brute, quod te non fugit, et magnum volumen aliud desiderat; sed ad id quod agitur illud satis. Cum hoc decere — quod semper usurpamus in omnibus dictis et factis, minimis et maximi — cum hoc, inquam, decere dicimus, illud non decere, et id usquequaque quantum sit appareat in alioque ponatur aliudque totum sit, utrum decere an oportere dicas; [74] oportere enim perfectionem declarat offici, quo et semper utendum est et omnibus, decere quasi aptum esse consentaneumque tempori et personae; quod cum in factis saepissime tum in dictis valet, in vultu denique et gestu et incessu, contraque item dedecere; quod si poeta fugit ut maximum vitium, qui peccat etiam, cum probi orationem adfingit improbo stultove sapientis; si denique pictor ille vidit, cum in immolanda Iphigenia tristis Calchas esset, tristior Vlixes, maereret Menelaus, obvolvendum caput Agamemnonis esse, quoniam summum illum luctum penicillo non posset imitari; si denique histrio quid deceat quaerit, quid faciendum oratori putemus? — Sed cum hoc tantum sit, quid in causis earumque quasi membris faciat orator viderit: illud quidem perspicuum est, non modo partis orationis sed etiam causas totas alias alia forma dicendi esse tractandas.

XXIII. [75] Sequitur ut cuiusque generis nota quaeratur et formula: magnum opus et arduum, ut saepe iam diximus; sed ingredientibus considerandum fuit quid ageremus, nunc quidem iam quocumque feremur danda nimirum vela sunt. Ac primum informandus est ille nobis quem solum quidem vocant Atticum. [76] Summissus est et humilis, consuetudinem imitans, ab indisertis re plus quam opinione differens. Itaque eum qui audiunt, quamvis ipsi infantes sint, tamen illo modo confidunt se posse dicere. Nam orationis subtilitas imitabilis illa quidem videtur esse existimanti, sed nihil est experienti minus. Etsi enim non plurimi sanguinis est, habeat tamen sucum aliquem oportet, ut, etiam si illis maximis viribus careat, sit, ut ita dicam, integra valetudine. [77] Primum igitur eum tamquam e vinculis numerorum eximamus. Sunt enim quidam, ut scis, oratorii numeri, de quibus mox agemus, observandi ratione quadam, sed alio in genere orationis, in hoc omnino relinquendi. Solutum quiddam sit nec vagum tamen, ut ingredi libere, non ut licenter videatur errare. Verba etiam verbis quasi coagmentare neglegat. Habet enim ille tamquam hiatus et concursus vocalium molle quiddam et quod

indicet non ingratam neglegentiam de re hominis magis quam de verbis laborantis. [78] Sed erit videndum de reliquis, cum haec duo ei liberiora fuerint, circuitus conglutinatioque verborum. Illa enim ipsa contracta et minuta non neglegenter tractanda sunt, sed quaedam etiam neglegentia est diligens. Nam ut mulieres esse dicuntur non nullae inornatae, quas id ipsum deceat, sic haec subtilis oratio etiam incompta delectat; fit enim quiddam in utroque, quo sit venustius, sed non ut appareat. Tum removebitur omnis insignis ornatus quasi margaritarum, ne calamistri quidem adhibebuntur; [79] fucati vero medicamenta candoris et ruboris omnia repellentur; elegantia modo et munditia remanebit. Sermo purus erit et Latinus, dilucide planeque dicetur, quid deceat circumspicietur; XXIV. unum aberit, quod quartum numerat Theophrastus in orationis laudibus: ornatum illud, suave et adfluens. Acutae crebraeque sententiae ponentur et nescio unde ex abdito erutae; ac — quod in hoc oratore dominabitur verecundus erit usus oratoriae quasi supellectilis.

[80] Supellex est enim quodam modo nostra, quae est in ornamentis, alia rerum alia verborum. Ornatus autem verborum duplex: unus simplicium alter conlocatorum. Simplex probatur in propriis usitatisque verbis, quod aut optime sonat aut rem maxime explanat; in alienis aut translatum et factum aliunde ut mutuo, aut factum ab ipso ac novum aut priscum et inusitatum; sed etiam inusitata ac prisca sunt in propriis, nisi quod raro utimur. [81] Conlocata autem verba habent ornatum, si aliquid concinnitatis efficiunt, quod verbis mutatis non maneat manente sententia; nam sententiarum ornamenta quae permanent, etiam si verba mutaveris, sunt illa quidem permulta, sed quae emineant pauciora. Ergo ille tenuis orator, modo sit elegans, nec in faciendis verbis erit audax et in transferendis verecundus et parcus et in priscis in reliquisque ornamentis et verborum et sententiarum demissior; ea translatione fortasse crebrior, qua frequentissime sermo omnis utitur non modo urbanorum, sed etiam rusticorum: si quidem est eorum gemmare vitis, sitire agros, laetas esse segetes, luxuriosa frumenta. [82] Nihil horum parum audacter, sed aut simile est illi unde transferas, aut si res suum nullum habet nomen, docendi causa sumptum, non ludendi videtur. Hoc ornamento liberius paulo quam ceteris utetur hic summissus, nec tam licenter tamen quam si genere dicendi uteretur

amplissimo; XXV. itaque illud indecorum, quod quale sit ex decoro debet intellegi, hic quoque apparet, cum verbum aliquod altius transfertur idque in oratione humili ponitur quod idem in alia deceret.

[83] Illam autem concinnitatem, quae verborum conlocationem inluminat eis luminibus quae Graeci quasi aliquos gestus orationis schemata appellant, quod idem verbum ab eis etiam in sententiarum ornamenta transfertur, adhibet hic quidem subtilis, quem nisi quod solum ceteroqui recte quidam vocant Atticum, sed paulo parcius; nam sic ut in epularum apparatu a magnificentia recedens non se parcum solum sed etiam elegantem videri volet, et eliget quibus utatur; [84] sunt enim pleraque apta huius ipsius oratoris de quo loquor parsimoniae. Nam illa de quibus ante dixi huic acuto fugienda sunt: paria paribus relata et similiter conclusa eodemque pacto cadentia et immutatione litterae quasi quaesitae venustates, ne elaborata concinnitas et quoddam aucupium delectationis manifesto deprehensum appareat; [85] itemque si quae verborum iterationes contentionem aliquam et clamorem requirent, erunt ab hac summissione orationis alienae; ceteris promiscue poterit uti, continuationem verborum modo relaxet et dividat utaturque verbis quam usitatissimis, translationibus quam mollissimis; etiam illa sententiarum lumina adsumet, quae non erunt vehementer inlustria. Non faciet rem publicam loquentem nec ab inferis mortuos excitabit nec acervatim multa frequentans una complexione devinciet. Valentiorum haec laterum sunt nec ab hoc, quem informamus, aut exspectanda aut postulanda; erit enim ut voce sic etiam oratione suppressior. [86] Sed pleraque ex illis convenient etiam huic tenuitati, quamquam isdem ornamentis utetur horridius; talem enim inducimus. Accedet actio non tragica nec scaenae, sed modica iactatione corporis, vultu tamen multa conficiens; non hoc quo dicuntur os ducere, sed illo quo significant ingenue quo sensu quidque pronuntient.

XXVI. [87] Huic generi orationis aspergentur etiam sales, qui in dicendo nimium quantum valent; quorum duo genera sunt, unum facetiarum, alterum dicacitatis. Vtetur utroque; sed altero in narrando aliquid venuste, altero in iaciendo mittendoque ridiculo, cuius genera plura sunt; sed nunc aliud agimus. [88] Illud admonemus tamen ridiculo sic usurum oratorem ut nec nimis frequenti ne scurrile sit,

nec subobsceno ne mimicum, nec petulanti ne improbum, nec in calamitatem ne inhumanum, nec in facinus ne odii locum risus occupet, neque aut sua persona aut iudicum aut tempore alienum. haec enim ad illud indecorum referuntur. [89] Vitabit etiam quaesita nec ex tempore ficta, sed domo adlata, quae plerumque sunt frigida. Parcet et amicitiis et dignitatibus, vitabit insanabilis contumelias, tantum modo adversarios figet nec eos tamen semper nec omnis nec omni modo. Quibus exceptis sic utetur sale et facetiis, ut ego ex istis novis Atticis talem cognoverim neminem, cum id certe sit vel maxime Atticum. [90] Hanc ego iudico formam summissi oratoris, sed magni tamen et germani Attici; quoniam quicquid est salsum aut salubre in oratione, id proprium Atticorum est. E quibus tamen non omnes faceti: Lysias satis et Hyperides, Demades praeter ceteros fertur, Demosthenes minus habetur; quo quidem mihi nihil videtur urbanius, sed non tam dicax fuit quam facetus; est autem illud acrioris ingeni, hoc maioris artis.

[91] Vberius est aliud aliquantoque robustius quam hoc humile de quo dictum est, summissius autem quam illud de quo iam dicetur amplissimum. Hoc in genere nervorum vel minimum, suavitatis autem est vel plurimum. Est enim plenius quam hoc enucleatum, quam autem illud ornatum copiosumque summissius.

XXVII. [92] Huic omnia dicendi ornamenta conveniunt plurimumque est in hac orationis forma suavitatis. In qua multi floruerunt apud Graecos, sed Phalereus Demetrius meo iudicio praestitit ceteris, cuius oratio cum sedate placideque liquitur, tum inlustrant eam quasi stellae quaedam translata verba atque immutata. Translata dico, ut saepe iam, quae per similitudinem ab alia re aut suavitatis aut inopiae causa transferuntur; immutata, in quibus pro verbo proprio subicitur aliud quod idem significet sumptum ex re aliqua consequenti. [93] Quod quamquam transferendo fit, tamen alio modo transtulit cum dixit Ennius arce et urbe orba sum, alio modo, [si pro patria arcem dixisset; et] horridam Africam terribili tremere tumultu [cum dicit pro Afris immutate Africam]: hanc hypallagen rhetores, quia quasi summutantur verba pro verbis, metonymian grammatici vocant, quod nomina transferuntur; [94] Aristoteles autem translationi et haec ipsa subiungit et abusionem nem, quam katachresin vocat, ut cum minutum dicimus animum pro parvo; et

abutimur verbis propinquis, si opus est vel quod delectat vel quod decet. Iam cum fluxerunt continuo plures translationes, alia plane fit oratio; itaque genus hoc Graeci appellant allegorian: nomine recte, genere melius ille qui ista omnia translationes vocat. Haec frequentat Phalereus maxime suntque dulcissima; et quamquam translatio est apud eum multa, tamen immutationes nusquam crebriores. [95] In idem genus orationis — loquor enim de illa modica ac temperata — verborum cadunt lumina omnia, multa etiam sententiarum; latae eruditaeque disputationes ab eodem explicabuntur et loci communes sine contentione dicentur. Quid multa? E philosophorum scholis tales fere evadunt; et nisi coram erit comparatus ille fortior, per se hic quem dico probabitur. [96] Est enim quoddam etiam insigne et florens orationis pictum et expolitum genus, in quo omnes verborum, omnes sententiarum inligantur lepores. Hoc totum e sophistarum fontibus defluxit in forum, sed spretum a subtilibus, repulsum a gravibus in ea de qua loquor mediocritate consedit.

XXVIII. [97] Tertius est ille amplus copiosus, gravis ornatus, in quo profecto vis maxima est. Hic est enim, cuius ornatum dicendi et copiam admiratae gentes eloquentiam in civitatibus plurimum valere passae sunt, sed hanc eloquentiam, quae cursu magno sonituque ferretur, quam suspicerent omnes, quam admirarentur, quam se adsequi posse diffiderent. Huius eloquentiae est tractare animos, huius omni modo permovere. Haec modo perfringit, modo inrepit in sensus; inserit novas opiniones, evellit insitas. [98] Sed multum interest inter hoc dicendi genus et superiora. Qui in illo subtili et acuto elaboravit ut callide arguteque diceret, nec quicquam altius cogitavit, hoc uno perfecto magnus orator est, et si non maximus; minimeque in lubrico versabitur et, si semel constiterit, numquam cadet. Medius ille autem, quem modicum et temperatum voco, si modo suum illud satis instruxerit, non extimescet ancipites dicendi incertosque casus; etiam si quando minus succedit, ut saepe fit, magnum tamen periculum non adibit: alte enim cadere non potest. [99] At vero hic noster, quem principem ponimus, gravis acer ardens, si ad hoc unum est natus aut in hoc solo se exercuit aut huic generi studuit uni nec suam copiam cum illis duobus generibus temperavit, maxime est contemnendus. Ille enim summissus, quod acute et veteratorie dicit, sapiens iam, medius suavis, hic autem copiosissimus, si nihil aliud est, vix satis sanus videri solet. Qui enim nihil potest tranquille, nihil leniter, nihil partite definite distincte facete dicere, praesertim cum causae partim totae sint eo modo partim aliqua ex parte tractandae si is non praeparatis auribus inflammare rem coepit, furere apud sanos et quasi inter sobrios bacchari vinulentus videtur.

[100] Tenemus igitur, Brute, quem quaerimus, sed animo; nam manu si prehendissem, ne ipse quidem sua tanta eloquentia mihi persuasisset ut se dimitterem. XXIX. Sed inventus profecto est ille eloquens, quem numquam vidit Antonius. Quis est igitur is? Complectar brevi, disseram pluribus. Is est enim eloquens, qui et humilia subtiliter et alta graviter et mediocria temperate potest dicere. Nemo is, inquies, umquam fuit. Ne fuerit. [101] Ego enim quid desiderem, non quid viderim disputo redeoque ad illam Platonis de qua dixeram rei formam et speciem, quam etsi non cernimus, tamen

animo tenere possumus. Non enim eloquentem quaero neque quicquam mortale et caducum, sed illud ipsum, cuius qui sit compos, sit eloquens; quod nihil est aliud nisi eloquentia ipsa, quam nullis nisi mentis oculis videre possumus. Is erit igitur eloquens, ut idem illud iteremus, qui poterit parva summisse, modica temperate, magna graviter dicere. [102] Tota mihi causa pro Caecina de verbis interdicti fuit: res involutas definiendo explicavimus, mus, ius civile laudavimus, verba ambigua distinximus. Fuit ornandus in Manilia lege Pompeius: temperata oratione ornandi copiam persecuti sumus. Ius omne retinendae maiestatis Rabiri causa continebatur: ergo in ea omni genere amplificationis exarsimus. [103] At haec interdum temperanda et varianda sunt. Quod igitur in accusationis septem libris non reperitur gentis? Quod in Habiti? Quod in Corneli? Quod in plurimis nostris defensionibus? Quae exempla selegissem, nisi vel nota esse arbitrarer vel ipsi possent legere qui quaererent. Nulla est enim ullo in genere laus [oratoris] cuius in nostris orationibus non sit aliqua si non perfectio, at conatus tamen atque adumbratio. [104] Non adsequimur; at quid sequi deceat videmus. Nec enim nunc de nobis, sed de re dicimus; in quo tantum abest ut nostra miremur, et usque eo difficiles ac morosi sumus, ut nobis non satis faciat ipse Demosthenes; qui quamquam unus eminet inter omnis in omni genere dicendi, tamen non semper implet auris meas; ita sunt avidae et capaces et saepe aliquid immensum infinitumque desiderant.

XXX. [105] Sed tamen, quoniam et hunc tu oratorem cum eius studiosissimo Pammene, cum esses Athenis, totum diligentissime cognovisti nec eum dimittis e manibus et tamen nostra etiam lectitas, vides profecto illum multa perficere, nos multa conari, illum posse, nos velle quocumque modo causa postulet dicere. Nam ille magnus et successit ipse magnis et maximos oratores habuit aequalis; nos minus.

Magnum fecissemus, si quidem potuissemus quo contendimus pervenire in ea urbe in qua, ut ait Antonius, auditus eloquens nemo erat. [106] Atqui si Antonio Crassus eloquens visus non est aut sibi ipse, numquam Cotta visus esset, numquam Sulpicius, numquam Hortensius; nihil enim ample Cotta, nihil leniter Sulpicius, non multa graviter Hortensius; superiores magis ad omne genus apti, Crassum dico et Antonium. Ieiunas igitur huius multiplicis et aequabiliter in

omnia genera fusae orationis auris civitatis accepimus, easque nos primi, quicumque eramus et quantulumcumque dicebamus, ad huius generis [dicendi] audiendi incredibilia studia convertimus. [107] Quantis illa clamoribus adulescentuli diximus [de supplicio parricidarum], quae nequaquam satis defervisse post aliquanto sentire coepimus: Quid enim tam commune quam spiritus vivis, terra mortuis, mare fluctuantibus, litus eiectis? Ita vivunt, dum possunt, ut ducere animam de caelo non queant; ita moriuntur ut eorum ossa terram non tangant; ita iactantur fluctibus ut numquam adluantur; ita postremo eiciuntur ut ne ad saxa quidem mortui conquiescant, et quae sequuntur; sunt enim omnia sic ut adulescentis non tam re et maturitate quam spe et exspectatione laudati. Ab hac etiam indole iam illa matura: "Vxor generi, noverca filii, filiae paelex." [108] Nec vero hic erat unus ardor in nobis ut hoc modo omnia diceremus. Ipsa enim illa [pro Roscio] iuvenilis redundantia multa habet attenuata, quaedam etiam paulo hilariora, ut pro Habito, pro Cornelio compluresque atiae. Nemo enim orator tam multa ne in Graeco quidem otio scripsit quam multa sunt nostra, eaque hanc ipsam habent quam probo varietatem.

XXXI. [109] An ego Homero, Ennio, reliquis poetis et maxime tragicis concederem ut ne omnibus locis eadem contentione uterentur crebroque mutarent, non numquam etiam ad cotidianum genus sermonis accederent: ipse numquam ab illa acerrima contentione discederem? Sed quid poetas divino ingenio profero? Histriones eos vidimus quibus nihil posset in suo genere esse praestantius, qui non solum in dissimillimis personis satis faciebant, cum tamen in suis versarentur, sed et comoedum in tragoediis et tragoedum in comoediis admodum placere vidimus: ego non elaborem? [110] Cum dico me, te, Brute, dico; nam in me quidem iam pridem effectum est quod futurum fuit; tu autem eodem modo omnis causas ages? Aut aliquod causarum genus repudiabis? Aut in isdem causis perpetuum et eundem spiritum sine ulla commutatione obtinebis? Demosthenes quidem, cuius nuper inter imagines tuas ac tuorum, quod eum credo amares, cum ad te in Tusculanum venissem, imaginem ex aere vidi, nil Lysiae subtilitate cedit, nihil argutiis et acumine Hyperidi, nil levitate Aeschini et splendore verborum. [111] Multae sunt eius totae orationes subtiles, ut contra Leptinem; multae totae graves, ut

quaedam Philippicae; multae variae, ut contra Aeschinem falsae legationis, ut contra eundem pro causa Ctesiphontis. Iam illud medium quotiens vult arripit et a gravissimo discedens eo potissimum delabitur. Clamores tamen tum movet et tum in dicendo plurimum efficit, cum gravitatis locis utitur. [112] Sed ab hoc parumper abeamus, quando quidem de genere, non de homine quaerimus: rei potius, id est eloquentiae vim et naturam explicemus. Illud tamen quod iam ante diximus meminerimus, nihil nos praecipiendi causa esse dicturos atque ita potius acturos ut existimatores videamur loqui, non magistri. In quo tamen longius saepe progredimur, quod videmus non te haec solum esse lecturum, qui ea multo quam nos qui quasi docere videmur habeas notiora, sed hunc librum etiam si minus nostra commendatione, tuo tamen nomine divulgari necesse est.

XXXII. [113] Esse igitur perfecte eloquentis puto non eam tantum facultatem habere quae sit eius propria, fuse lateque dicendi, sed etiam vicinam eius ac finitimam dialecticorum scientiam adsumere. Quamquam aliud videtur oratio esse aliud disputatio, nec idem loqui esse quod dicere, ac tamen utrumque in disserendo est: disputandi ratio et loquendi dialecticorum sit, oratorum autem dicendi et ornandi. Zeno quidem ille, a quo disciplina Stoicorum est, manu demonstrare solebat quid inter has artis interesset; nam cum compresserat digitos pugnumque fecerat, dialecticam aiebat eius modi esse; cum autem deduxerat et manum dilataverat, palmae illius similem eloquentiam esse dicebat. [114] Atque etiam ante hunc Aristoteles principio artis rhetoricae dicit illam artem quasi ex altera parte respondere dialecticae, ut hoc videlicet differant inter se quod haec ratio dicendi latior sit, illa loquendi contractior. Volo igitur huic summo omnem quae ad dicendum trahi possit loquendi rationem esse notam; quae quidem res, quod te his artibus eruditum minime fallit, duplicem habuit docendi viam. Nam et ipse Aristoteles tradidit praecepta plurima disserendi et postea qui dialectici dicuntur spinosiora multa pepererunt. [115] Ego eum censeo qui eloquentiae laude ducatur non esse earum rerum omnino rudem, sed vel illa antiqua vel hac Chrysippi disciplina institutum. Noverit primum vim, naturam, genera verborum et simplicium et copulatorum; deinde quot modis quidque dicatur; qua ratione verum falsumne sit iudicetur; quid efficiatur e quoque, quid cuique consequens sit quidve

contrarium; cumque ambigue multa dicantur, quo modo quidque eorum dividi explanarique oporteat. Haec tenenda sunt oratori — saepe enim occurrunt — , sed quia sua sponte squalidiora sunt, adhibendus erit in his explicandis quidam orationis nitor.

XXXIII. [116] Et quoniam in omnibus quae ratione docentur et via primum constituendum est quid quidque sit — nisi enim inter eos qui disceptant convenit quid sit illud quod ambigitur, nec recte disseri umquam nec ad exitum perveniri potest — , explicanda est saepe verbis mens nostra de quaque re atque involuta rei notitia definiendo aperienda est, si quidem est definitio oratio, quae quid sit id de quo agitur ostendit quam brevissime; tum, ut scis, explicato genere cuiusque rei videndum est quae sint eius generis sive formae sive partes, ut in eas tribuatur omnis oratio. [117] Erit igitur haec facultas in eo quem volumus esse eloquentem, ut definire rem possit nec id faciat tam presse et anguste quam in illis eruditissimis disputationibus fieri solet, sed cum explanatius tum etiam uberius et ad commune iudicium popularemque intellegentiam accommodatius; idemque etiam, cum res postulabit, genus universum in species certas, ut nulla neque praetermittatur neque redundet, partietur ac dividet. Quando autem id faciat aut quo modo, nihil ad hoc tempus, quoniam, ut supra dixi, iudicem esse me, non doctorem volo. [118] Nec vero a dialecticis modo sit instructus et habeat omnis philosophiae notos ac tractatos locos. Nihil enim de religione, nihil de morte, nihil de pietate, nihil de caritate patriae, nihil de bonis rebus aut malis, nihil de virtutibus aut vitiis, nihil de officio, nihil de dolore, nihil de voluptate, nihil de perturbationibus animi et erroribus, quae saepe cadunt in causas et ieiunius aguntur, nihil, inquam, sine ea scientia quam dixi graviter ample copiose dici et explicari potest.

XXXIV. [119] De materia loquor orationis etiam nunc, non de ipso genere dicendi. Volo enim prius habeat orator rem de qua dicat, dignam auribus eruditis, quam cogitet quibus verbis quidque dicat [aut quo modo] — quem etiam, quo grandior sit et quodam modo excelsior, ut de Pericle dixi supra, ne physicorum quidem esse ignarum volo. Omnia profecto, cum se a caelestibus rebus referet ad humanas, excelsius magnificentiusque et dicet et sentiet. [120] Cum illa divina cognoverit, nolo ignoret ne haec quidem humana. Ius

civile teneat, quo egent causae forenses cotidie. Quid est enim turpius quam legitimarum et civilium controversiarum patrocinia suscipere, cum sis legum et civilis iuris ignarus? Cognoscat etiam rerum gestarum et memoriae veteris ordinem, maxime scilicet nostrae civitatis, sed etiam imperiosorum populorum et regum inlustrium; quem laborem nobis Attici nostri levavit labor, qui conservatis notatisque temporibus, nihil cum inlustre praetermitteret, annorum septingentorum memoriam uno libro conligavit. Nescire autem quid ante quam natus sis acciderit, id est semper esse puerum. Quid enim est aetas hominis, nisi ea memoria rerum veterum cum superiorum aetate contexitur? Commemoratio autem antiquitatis exemplorumque prolatio summa cum delectatione et auctoritatem orationi adfert et fidem. [121] Sic igitur instructus veniet ad causas, quarum habebit genera primum ipsa cognita. Erit enim ei perspectum nihil ambigi posse in quo non aut res controversiam faciat aut verba: res aut de vero aut de recto aut de nomine, verba aut de ambiguo aut de contrario. Nam si quando aliud in sententia videtur esse aliud in verbis, genus est quoddam ambigui quod ex praeterito verbo fieri solet, in quo quod est ambiguorum proprium res duas significari videmus.

XXXV. [122] Cum tam pauca sint genera causarum, etiam argumentorum praecepta pauca sunt. Traditi sunt e quibus ea ducantur duplices loci: uni e rebus ipsis, alteri adsumpti. Tractatio igitur rerum efficit admirabilem orationem; nam ipsae quidem res in perfacili cognitione versantur. Quid enim iam sequitur, quod quidem artis sit, nisi ordiri orationem, in quo aut concilietur auditor aut erigatur aut paret se ad discendum; rem breviter exponere et probabiliter et aperte, ut quid agatur intellegi possit; sua confirmare, adversaria evertere, eaque efficere non perturbate, sed singulis argumentationibus ita concludendis, ut efficiatur quod sit consequens eis quae sumentur ad quamque rem confirmandam; post omnia peroratione inflammantem restinguentemve concludere? Has partis quem ad modum tractet singulas difficile dictu est hoc loco; nec enim semper tractantur uno modo. [123] Quoniam autem non quem doceam quaero, sed quem probem, probabo primum eum qui quid deceat viderit. Haec enim sapientia maxime adhibenda eloquenti est, ut sit temporum personarumque moderator. Nam nec semper nec apud

omnis nec contra omnis nec pro omnibus nec cum omnibus eodem modo dicendum arbitror. XXXVI. Is erit ergo eloquens qui ad id quodcumque decebit poterit accommodare orationem. Quod cum statuerit, tum ut quidque erit dicendum ita dicet, nec satura ieiune nec grandia minute nec item contra, sed erit rebus ipsis par et aequalis oratio.

[124] Principia verecunda, nondum elatis incensa verbis, sed acuta sententiis vel ad offensionem adversarii vel ad commendationem sui. Narrationes credibiles nec historico sed prope cotidiano sermone explicatae dilucide. Dein si tenuis causa est, tum etiam argumentandi tenue filum et in docendo et in refellendo, idque ita tenebitur, ut quanta ad rem tanta ad orationem fiat accessio. [125] Cum vero causa ea inciderit in qua vis eloquentiae possit expromi, tum se latius fundet orator, tum reget et flectet animos et sic adficiet ut volet, id est ut causae natura et ratio temporis postulabit. Sed erit duplex eius omnis ornatus ille admirabilis, propter quem ascendit in tantum honorem eloquentia. Nam cum omnis pars orationis esse debet laudabilis, sic ut verbum nullum nisi aut grave aut elegans excidat, tum sunt maxime luminosae et quasi actuosae partes duae: quarum alteram in universi generis quaestione pono, quam, ut supra dixi, Graeci appellant thesin, alteram in augendis amplificandisque rebus, quae ab isdem auxesis est nominata. [126] Quae etsi aequabiliter toto corpore orationis fusa esse debet, tamen in communibus locis maxime excellet; qui communes sunt appellati eo quod videntur multarum idem esse causarum, sed proprii singularum esse debebunt. At vero illa pars orationis, quae est de genere universo, totas causas saepe continet. Quicquid est enim illud in quo quasi certamen est controversiae, quod Graece krinomenon dicitur, id ita dici placet, ut traducatur ad perpetuam quaestionem atque uti de universo genere dicatur, nisi cum de vero ambigitur, quod quaeri coniectura solet. [127] Dicetur autem non Peripateticorum more — est enim illorum exercitatio elegans iam inde ab Aristotele constituta — , sed aliquanto nervosius et ita de re communia dicentur, ut et pro reis multa leniter dicantur et in adversarios aspere. Augendis vero rebus et contra abiciendis nihil est quod non perficere possit oratio; quod [et] inter media argumenta faciendum est quotiescumque dabitur vel amplificandi vel minuendi locus, et paene infinite in perorando.

XXXVII. [128] Duo restant enim, quae bene tractata ab oratore admirabilem eloquentiam faciunt. Quorum alterum est, quod Graeci ethikon vocant, ad naturas et ad mores et ad omnem vitae consuetudinem accommodatum; alterum, quod idem pathetikon nominant, quo perturbantur animi et concitantur, in quo uno regnat oratio. Illud superius come iucundum, ad benevolentiam conciliandam paratum; hoc vehemens incensum incitatum, quo causae eripiuntur: quod cum rapide fertur, sustineri nullo pacto potest. [129] Quo genere nos mediocres aut multo etiam minus, sed magno semper usi impetu saepe adversarios de statu omni deiecimus. Nobis pro familiari reo summus orator non respondit Hortensius; a nobis homo audacissimus Catilina in senatu accusatus obmutuit; nobis privata in causa magna et gravi cum coepisset Curio pater respondere, subito adsedit, cum sibi venenis ereptam memoriam diceret. [130] Quid ego de miserationibus loquar? Quibus eo sum usus pluribus quod, etiam si plures dicebamus, perorationem mihi tamen omnes relinquebant; in quo ut viderer excellere non ingenio sed dolore adsequebar. Quae qualiacumque in me sunt — me [enim] ipsum paenitet quanta sint — , sed apparent in orationibus, etsi carent libri spiritu illo, propter quem maiora eadem illa cum aguntur quam cum leguntur videri solent.

XXXVIII. [131] Nec vero miseratione solum mens iudicum permovenda est — qua nos ita dolenter uti solemus ut puerum infantem in manibus perorantes tenuerimus, ut alia in causa excitato reo nobili, sublato etiam filio parvo, plangore et lamentatione complerimus forum — , sed est faciendum etiam ut irascatur iudex mitigetur, invideat faveat, contemnat admiretur, oderit diligat, cupiat fastidiat, speret metuat, laetetur doleat; qua in varietate duriorum accusatio suppeditabit exempla, mitiorum defensiones meae. [132] Nullo enim modo animus audientis aut incitari aut leniri potest, qui modus a me non temptatus sit, — dicerem perfectum, si ita iudicarem, nec in veritate crimen arrogantiae extimescerem; sed, ut supra dixi, nulla me ingeni sed magna vis animi inflammat, ut me ipse non teneam; nec umquam is qui audiret incenderetur, nisi ardens ad eum perveniret oratio. Vterer exemplis domesticis, nisi ea legisses, uterer alienis vel Latinis, si ulla reperirem, vel Graecis, si deceret. Sed Crassi perpauca sunt nec ea iudiciorum, nihil Antoni,

nihil Cottae, nihil Sulpici; dicebat melius quam scripsit, Hortensius. [133] Verum haec vis, quam quaerimus, quanta sit suspicemur, quoniam exemplum non habemus, aut si exempla sequimur, a Demosthene sumamus et quidem perpetuae dictionis ex eo loco unde in Ctesiphontis iudicio de suis factis, consiliis, meritis in rem publicam adgressus est dicere. Ea profecto oratio in eam formam quae est insita in mentibus nostris includi sic potest, ut maior eloquentia ne requiratur quidem.

XXXIX. [134] Sed iam forma [ipsa] restat et charakter ille qui dicitur; qui qualis esse debeat ex his quae supra dicta sunt intellegi potest. Nam et singulorum verborum et conlocatorum lumina attigimus; quibus sic abundabit, ex ore nullum nisi aut elegans aut grave exeat, ex omnique genere frequentissimae translationes erunt, quod eae propter similitudinem transferunt animos et referunt ac movent huc et illuc, qui motus cogitationis celeriter agitatus per se ipse delectat. Et reliqua ex conlocatione verborum quae sumuntur quasi lumina magnum adferunt ornatum orationi; sunt enim similia illis quae in amplo ornatu scaenae aut fori appellantur insignia, non quia sola ornent, sed quod excellant. [135] Eadem ratio est horum quae sunt orationis lumina et quodam modo insignia: cum aut duplicantur iteranturque verba aut leviter commutata ponuntur, aut ab eodem verbo ducitur saepius oratio aut in idem conicitur aut utrumque, aut adiungitur idem iteratum aut idem ad extremum refertur aut continenter unum verbum non in eadem sententia ponitur; aut cum similiter vel cadunt verba vel desinunt; aut cum sunt contrariis relata contraria; aut cum gradatim sursum versus reditur; aut cum demptis coniunctionibus dissolute plura dicuntur; aut cum aliquid praetereuntes cur id faciamus ostendimus; aut cum corrigimus nosmet ipsos quasi reprehendentes; aut si est aliqua exclamatio vel admirationis vel questionis; aut cum eiusdem nominis casus saepius commutantur.

[136] Sed sententiarum ornamenta maiora sunt; quibus quia frequentissime Demosthenes utitur, sunt qui putent idcirco eius eloquentiam maxime esse laudabilem. Et vero nullus fere ab eo locus sine quadam conformatione sententiae dicitur; nec quicquam est aliud dicere nisi omnis aut certe plerasque aliqua specie inluminare sententias: quas cum tu optime, Brute, teneas, quid attinet nominibus

uti aut exemplis? Tantum modo notetur locus.

XL. [137] Sic igitur dicet ille, quem expetimus, ut verset saepe multis modis eadem et una in re haereat in eademque commoretur sententia; saepe etiam ut extenuet aliquid, saepe ut inrideat; ut declinet a proposito deflectatque sententiam; ut proponat quid dicturus sit; ut, cum transegerit iam aliquid, definiat; ut se ipse revocet; ut quod dixit iteret; ut argumentum ratione concludat; ut interrogando urgeat; ut rursus quasi ad interrogata sibi ipse respondeat; ut contra ac dicat accipi et sentiri velit; ut addubitet ecquid potius aut quo modo dicat; ut dividat in partis; ut aliquid relinquat ac neglegat; ut ante praemuniat; ut in eo ipso in quo reprehendatur culpam in adversarium conferat; [138] ut saepe cum eis qui audiunt, non numquam etiam cum adversario quasi deliberet; ut hominum sermones moresque describat; ut muta quaedam loquentia inducat; ut ab eo quod agitur avertat animos; ut saepe in hilaritatem risumve convertat; ut ante occupet quod videatur opponi; ut comparet similitudines; ut utatur exemplis; ut aliud alii tribuens dispertiat; ut interpellatorem coerceat; ut aliquid reticere se dicat; ut denuntiet quid caveant; ut liberius quid audeat; ut irascatur etiam, ut obiurget aliquando; ut deprecetur, ut supplicet, ut medeatur; ut a proposito declinet aliquantum; ut optet, ut exsecretur; ut fiat eis apud quos dicet familiaris. [139] Atque alias etiam dicendi quasi virtutes sequetur: brevitatem, si res petet; saepe etiam rem dicendo subiciet oculis; saepe supra feret quam fieri possit; significatio saepe erit maior quam oratio: saepe hilaritas, saepe vitae naturarumque imitatio. XLI. Hoc in genere — nam quasi silvam vides — omnis eluceat oportet eloquentiae magnitudo.

[140] Sed haec nisi conlocata et quasi structa et nexa verbis ad eam laudem quam volumus aspirare non possunt. De quo cum mihi deinceps viderem esse dicendum, etsi movebant iam me illa quae supra dixeram tamen eis quae sequuntur perturbabar magis. Occurrebat enim posse reperiri non invidos solum, quibus referta sunt omnia, sed fautores etiam laudum mearum, qui non censerent eius viri esse, de cuius meritis senatus tanta iudicia fecisset comprobante populo Romano quanta de nullo, de artificio dicendi litteris tam multa mandare. Quibus si nihil aliud responderem nisi me M. Bruto negare roganti noluisse, iusta esset excusatio, cum et

amicissimo et praestantissimo viro et recta et honesta petenti satis facere voluissem. [141] Sed si profiterer — quod utinam possem! — Me studiosis dicendi praecepta et quasi vias quae ad eloquentiam ferrent traditurum, quis tandem id iustus rerum existimator reprehenderet? Nam quis umquam dubitavit quin in re publica nostra primas eloquentia tenuerit semper urbanis pacatisque rebus, secundas iuris scientia? Cum in altera gratiae, gloriae, praesidi plurimum esset, in altera praescriptionum cautionumque praeceptio, quae quidem ipsa auxilium ab eloquentia saepe peteret, ea vero repugnante vix suas regiones finisque defenderet. [142] Cur igitur ius civile docere semper pulchrum fuit hominumque clarissimorum discipulis floruerunt domus: ad dicendum si quis acuat aut adiuvet in eo iuventutem, vituperetur? Nam si vitiosum est dicere ornate, pellatur omnino e civitate eloquentia; sin ea non modo eos ornat penes quos est, sed etiam iuvat universam rem publicam, cur aut discere turpe est quod scire honestum est aut quod posse pulcherrimum est id non gloriosum est docere?

XLII. [143] "At alterum factitatum est, alterum novum." Fateor; sed utriusque rei causa est. Alteros enim respondentes audire sat erat, ut ei qui docerent nullum sibi ad eam rem tempus ipsi seponerent, sed eodem tempore et discentibus satis facerent et consulentibus; alteri, cum domesticum tempus in cognoscendis componendisque causis, forense in agendis, reliquum in sese ipsis reficiendis omne consumerent, quem habebant instituendi aut docendi locum? Atque haud scio an plerique nostrorum oratorum [contra atque nos] ingenio plus valuerint quam doctrina; itaque illi dicere melius quam praecipere, nos contra fortasse possumus. [144] "At dignitatem docere non habet." Certe, si quasi in ludo; sed si monendo, si cohortando, si percontando, si communicando, si interdum etiam una legendo, audiendo, nescio [cur] cum docendo etiam aliquid aliquando [si] possis meliores facere, cur nolis? An quibus verbis sacrorum alienatio fiat docere honestum est, [ut est]: quibus ipsa sacra retineri defendique possint non honestum est? [145] "At ius profitentur etiam qui nesciunt; eloquentiam autem illi ipsi qui consecuti sunt tamen ea se valere dissimulant." Propterea quod prudentia hominibus grata est, lingua suspecta. Num igitur aut latere eloquentia potest aut id quod dissimulat effugit aut est periculum ne quis putet in magna arte et

gloriosa turpe esse docere alios id quod ipsi fuerit honestissimum discere? [146] Ac fortasse ceteri tectiores; ego semper me didicisse prae me tuli. Qui enim possem, cum [et] afuissem domo adulescens et horum studiorum causa maria transissem et doctissimis hominibus referta domus esset et aliquae fortasse inessent in sermone nostro doctrinarum notae cumque vulgo scripta nostra legerentur, dissimulare me didicisse? Quid [erat cur] probarem nisi quod parum fortasse profeceram?

XLIII. Quod cum ita sit, tamen ea quae supra dicta sunt plus in disputando quam ea de quibus dicendum est dignitatis habuerunt. [147] De verbis enim componendis et de syllabis prope modum dinumerandis et dimetiendis loquemur; quae etiam si sunt, sicuti mihi videntur, necessaria, tamen fiunt magnificentius quam docentur. Est id omnino verum, at proprie in hoc dicitur. Nam omnium magnarum artium sicut arborum altitudo nos delectat, radices stirpesque non item; sed esse illa sine his non potest. Me autem sive pervulgatissimus ille versus, qui vetat artem pudere proloqui quam factites, dissimulare non sinit qui delecter, sive tuum studium a me hoc volumen expressit, tamen eis quos aliquid reprehensuros suspicabar respondendum fuit. [148] Quod si ea quae dixi non ita essent, quis tamen se tam durum agrestemque praeberet qui hanc mihi non daret veniam, ut cum meae forenses artes et actiones publicae concidissent, non me aut desidiae, quod facere non possum, aut maestitiae, cui resisto, potius quam litteris dederem? Quae quidem me antea in iudicia atque in curiam deducebant, nunc oblectant domi; nec vero talibus modo rebus qualis hic liber continet, sed multo etiam gravioribus et maioribus; quae si erunt perfectae, profecto maximis rebus forensibus nostris [et externis] inclusae [et domesticae] litterae respondebunt. Sed ad institutam disputationem revertamur.

XLIV. [149] Conlocabuntur igitur verba, aut ut inter se quam aptissime cohaereant extrema cum primis eaque sint quam suavissimis vocibus, aut ut forma ipsa concinnitasque verborum conficiat orbem suum, aut ut comprehensio numerose et apte cadat. Atque illud primum videamus quale sit, quod vel maxime desiderat diligentiam, ut fiat quasi structura quaedam nec tamen fiat operose; nam esset cum infinitus tum puerilis labor; quod apud Lucilium scite

exagitat in Albucio Scaevola:

quam lepide lexis compostae ut tesserulae omnes
arte pavimento atque emblemate vermiculato!

[150] Nolo haec tam minuta constructio appareat; sed tamen stilus exercitatus efficiet facile formulam componendi. Nam ut in legendo oculus sic animus in dicendo prospiciet quid sequatur, ne extremorum verborum cum insequentibus primis concursus aut hiulcas voces efficiat aut asperas. Quamvis enim suaves gravesque sententiae tamen, si in condite positis verbis efferuntur, offendent auris, quarum est iudicium superbissimum. Quod quidem Latina lingua sic observat, nemo ut tam rusticus sit qui vocalis nolit coniungere. [151] In quo quidam etiam Theopompum reprehendunt, quod eas litteras tanto opere fugerit, etsi idem magister eius Isocrates fecerat; at non Thucydides, ne ille quidem haud paulo maior scriptor Plato nec solum in eis sermonibus qui dialogoi dicuntur, ubi etiam de industria id faciendum fuit sed in populari oratione, qua mos est Athenis laudari in contione eos qui sint in proeliis interfecti; quae sic probata est, ut eam quotannis, ut scis, illo die recitari necesse sit. In ea est crebra ista vocalium concursio, quam magna ex parte ut vitiosam fugit Demosthenes.

XLV. [152] Sed Graeci viderint; nobis ne si cupiamus quidem distrahere voces conceditur. Indicant orationes illae ipsae horridulae Catonis, indicant omnes poetae praeter eos qui, ut versum facerent, saepe hiabant, ut Naevius:

vos, qui accolitis Histrum fluvium atque algidam
et ibidem:
quam numquam vobis Grai atque barbari.
At Ennius saepe
Scipio invicte,
et semel quidem nos:
hoc motu radiantis etesiae in vada ponti.

[153] Hoc idem nostri saepius non tulissent, quod Graeci laudare etiam solent. Sed quid ego vocalis? Sine vocalibus saepe brevitatis

causa contrahebant, ut ita dicerent: multi' modis, in vas' argenteis, palmi' crinibus, tecti' fractis. Quid vero licentius quam quod hominum etiam nomina contrahebant, quo essent aptiora? Nam ut duellum bellum, [et] duis bis, sic Duellium cum qui Poenos classe devicit Bellium nominaverunt, cum superiores appellati essent semper Duellii. Quin etiam verba saepe contrahuntur non usus causa sed aurium. Quo modo enim vester Axilla Ala factus est nisi fuga litterae vastioris? Quam litteram etiam e maxillis et taxillis et paxillo et vexillo consuetudo elegans Latini sermonis evellit. [154] Libenter etiam copulando verba iungebant, ut sodes pro si audes, sis pro si vis. Iam in uno capsis tria verba sunt. Ain pro aisne, nequire pro non quire, malle pro magis velle, nolle pro non velle, dein etiam saepe et exin pro deinde et pro exinde dicimus. Quid, illud non olet unde sit, quod dicitur cum illis, cum autem nobis non dicitur, sed nobiscum? Quia si ita diceretur, obscaenius concurrerent litterae, ut etiam modo, nisi autem interposuissem, concurrissent. Ex eo est mecum et tecum, non cum me et cum te, ut esset simile illis nobiscum atque vobiscum.

XLVI. [155] Atque etiam a quibusdam sero iam emendatur antiquitas, qui haec reprehendunt. Nam pro deum atque hominum fidem deorum aiunt. Ita credo hoc illi nesciebant: an dabat hanc consuetudo licentiam? Itaque idem poeta qui inusitatius contraxerat:

patris mei meum factum pudet
pro meorum factorum, et
texitur, exitium examen rapit

pro exitiorum, non dicit liberum, ut plerique loquimur, cum cupidos liberum aut in liberum loco dicimus, sed ut isti volunt:

neque tuom umquam in gremium extollas liberorum ex te genus,

et idem:

namque Aesculapi liberorum.

At ille alter in Chryse non solum:

cives, antiqui amici maiorum meum,

quod erat usitatum, sed durius etiam:

consilium socii, augurium atque extum interpretes;

idemque pergit:

postquam prodigium horriferum, portentum pavos;

quae non sane sunt in omnibus neutris usitata. Nec enim dixerim tam libenter armum iudicium, — etsi est apud eundem:

nihilne ad te de iudicio armum accidit?

[156] quam centuriam fabrum et procum, ut censoriae tabulae loquuntur, audeo dicere, non fabrorum aut procorum; planeque duorum virorum iudicium aut trium virorum capitalium aut decem virorum stlitibus iudicandis dico numquam. Et quid dixit Accius?

video sepulcra duo duorum corporum;

idemque

mulier una duum virum.

Quid verum sit intellego; sed alias ita loquor ut concessum est, ut hoc [vel] pro deum dico vel pro deorum, alias ut necesse est, cum trium virum, non virorum, et sestertium nummum, non sestertiorum nummorum, quod in his consuetudo varia non est.

XLVII. [157] Quid quod sic loqui, nosse, iudicasse vetant, novisse iubent et iudicavisse? Quasi vero nesciamus in hoc genere et plenum verbum recte dici et imminutum usitate. Itaque utrumque Terentius:

eho tu, cognatum tuom non noras?

Post idem

Stilponem inquam noveras.

Sient plenum est, sint imminutum; licet utare utroque.

Ergo ibidem:

quae quam sint cara post carendo intellegunt,

quamque attinendi magni dominatus sient.

Nec vero reprehenderim

scripsere alii rem

et scripserunt esse verius sentio, sed consuetudini auribus indulgenti libenter obsequor.

isdem campus habet

inquit Ennius; et in templis: EIDEM PROBAVIT; at isdem erat verius, nec tamen eisdem ut opimius; male sonabat isdem: impetratum est a consuetudine ut peccare suavitatis causa liceret. Et posmeridianas quadrigas quam postmeridianas quadriiugas libentius dixerim et me hercule quam me hercules. Non scire quidem barbarum iam videtur, nescire dulcius. Ipsum meridiem cur non medidiem? Credo, quod erat insuavius. [158] Vna praepositio est af,

quae nunc tantum in accepti tabulis manet ac ne his quidem omnium, in reliquo sermone mutata est; nam amovit dicimus et abegit et abstulit, ut iam nescias a'ne verum sit an ab an abs. Quid si etiam abfugit turpe visum est et abfer noluerunt, aufugit et aufer maluerunt? Quae praepositio praeter haec duo verba nullo alio in verbo reperietur. Noti erant et navi et nari, quibus cum IN praeponi oporteret, dulcius visum est ignotos, ignavos, ignaros dicere quam ut veritas postulabat. Ex usu dicunt et e re publica, quod in altero vocalis excipiebat, in altero esset asperitas, nisi litteram sustulisses, ut exegit, edixit; refecit, rettulit, reddidit: adiuncti verbi prima littera praepositionem commutavit, ut subegit, summovit, sustulit.

XLVIII. [159] Quid in verbis iunctis? Quam scite insipientem non insapientem, iniquum non inaequum, tricipitem non tricapitem, concisum non concaesum! Ex quo quidam pertisum etiam volunt, quod eadem consuetudo non probavit. Quid vero hoc elegantius, quod non fit natura, sed quodam instituto? Indoctus dicimus brevi prima littera, insatius producta, inhumanus brevi, infelix longa. Et, ne multis, quibus in verbis eae primae litterae sunt quae in sapiente atque felice, producte dicitur, in ceteris omnibus breviter; itemque composuit, consuevit, concrepuit, confecit. Consule veritatem: reprehendet; refer ad auris: probabunt. Quaere cur ita sit: dicent iuvare. Voluptati autem aurium morigerari debet oratio. [160] Quin ego ipse, cum scirem ita maiores locutos esse, ut nusquam nisi in vocali aspiratione uterentur, loquebar sic, ut pulcros, Cetegos, triumpos, Cartaginem dicerem; aliquando, idque sero, convicio aurium cum extorta mihi veritas esset, usum loquendi populo concessi, scientiam mihi reservavi. Orcivios tamen et Matones, Otones, Caepiones, sepulcra, coronas, lacrimas dicimus, quia per aurium iudicium licet. Burrum semper Ennius, numquam Pyrrhum;

vi patefecerunt Bruges,

non Phryges, ipsius antiqui declarant libri. Nec enim Graecam litteram adhibebant, nunc autem etiam duas, et cum Phrygum et Phrygibus dicendum esset, absurdum erat aut etiam in barbaris casibus Graecam litteram adhibere aut recto casu solum Graece loqui; tamen et Phryges, et Pyrrhum aurium causa dicimus. [161] Quin etiam, quod iam subrusticum videtur, olim autem politius, eorum verborum, quorum eaedem erant postremae duae litterae, quae sunt

in optimus, postremam litteram detrahebant, nisi vocalis insequebatur. Ita non erat ea offensio in versibus quam nunc fugiunt poetae novi. Sic enim loquebamur:

qui est omnibu' princeps

non omnibus princeps, et:

vita illa dignu' locoque

non dignus. Quod si indocta consuetudo tam est artifex suavitatis, quid ab ipsa tandem arte et doctrina postulari putamus? [162] Haec dixi brevius quam si haec de re una disputarem — est enim locus hic late patens de natura usuque verborum — longius autem quam instituta ratio postulabat.

XLIX. Sed quia rerum verborumque iudicium in prudentia est, vocum autem et numerorum aures sunt iudices, et quod illa ad intellegentiam referuntur, haec ad voluptatem, in illis ratio invenit, in his sensus artem. Aut enim neglegenda fuit nobis voluntas aurium, quibus probari nitebamur, aut ars eius conciliandae reperienda. [163] Duae sunt igitur res quae permulceant auris, sonus et numerus. De numero mox, nunc de sono quaerimus. Verba, ut supra diximus, legenda sunt potissimum bene sonantia, sed ea non ut poetae exquisita ad sonum, sed sumpta de medio.

Qua pontus Helles, [supera Tmolum ac Tauricos: locorum splendidis nominibus inluminatus est versus, sed proximus inquinatus insuavissima littera:

finis frugifera et efferta arva Asiae tenet.

[164] Qua re bonitate potius nostrorum verborum utamur quam splendore Graecorum, nisi forte sic loqui paenitet:

qua tempestate Helenam Paris

et quae sequuntur. Immo vero ista sequamur asperitatemque fugiamus:

habeo istanc ego perterricrepam

itemque:

versutiloquas malitias.

Nec solum componentur verba ratione, sed etiam finientur, quoniam id iudicium esse alterum aurium diximus. Et finiuntur aut ipsa compositione et quasi sua sponte, aut quodam genere verborum, in quibus ipsis concinnitas inest; quae sive casus habent in exitu similis sive paribus paria redduntur sive opponuntur contraria, suapte

natura numerosa sunt, etiam si nihil est factum de industria. [165] In huius concinnitatis consectatione Gorgiam fuisse principem accepimus; quo de genere illa nostra sunt in Miloniana: Est enim, iudices, haec non scripta, sed nata lex, quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus, ad quam non docti, sed facti, non instituti, sed imbuti sumus. Haec enim talia sunt, ut, quia referuntur eo quo debent referri, intellegamus non quaesitum esse numerum, sed secutum. [166] Quod fit item in contrariis referendis, ut illa sunt quibus non modo numerosa oratio sed etiam versus efficitur:

eam quam nihil accusas damnas
condemnas dixisset qui versum effugere vellet — ,
bene quam meritam esse autumas [dicis]
male merere? Id quod scis prodest nihil;
id quod nescis obest?

Versum efficit ipsa relatio contrariorum. Idem esset in oratione numerosum: Quod scis nihil prodest; quod nescis multum obest.

L. Semper haec, quae Graeci antitheta nominant, cum contrariis opponuntur contraria, numerum oratorium necessitate ipsa efficiunt etiam sine industria. [167] Hoc genere antiqui iam ante Isocratem delectabantur et maxime Gorgias, cuius in oratione plerumque efficit numerum ipsa concinnitas. Nos etiam in hoc genere frequentes, ut illa sunt in quarto accusationis: Conferte hanc pacem cum illo bello, huius praetoris adventum cum illius imperatoris victoria, huius cohortem impuram cum illius exercitu invicto, huius libidines cum illius continentia: ab illo qui cepit conditas, ab hoc qui constitutas accepit captas dicetis Syracusas.

[168] Ergo et hi numeri sint cogniti et genus illud tertium explicetur quale sit, numerosae et aptae orationis. Quod qui non sentiunt, quas auris habeant aut quid in his hominis simile sit nescio. Meae quidem et perfecto completoque verborum ambitu gaudent et curta sentiunt nec amant redundantia. Quid dico meas? Contiones saepe exclamare vidi, cum apte verba cecidissent. Id enim exspectant aures, ut verbis conligetur sententia. “Non erat hoc apud antiquos.” Et quidem nihil aliud fere non erat; nam et verba eligebant et sententias gravis et suavis reperiebant, sed eas aut vinciebant aut explebant parum. [169] “Hoc me ipsum delectat” inquiunt. Quid si antiquissima illa pictura

paucorum colorum magis quam haec iam perfecta delectet, illa nobis sit credo repetenda, haec scilicet repudianda! Nominibus veterum gloriantur. Habet autem ut in aetatibus auctoritatem senectus, sic in exemplis antiquitas, quae quidem apud me ipsum valet plurimum. Nec ego id quod deest antiquitati flagito potius quam laudo quod est; praesertim cum [ea] maiora iudicem quae sunt quam illa quae desunt. Plus est enim in verbis et in sententiis boni, quibus illi excellunt, quam in conclusione sententiarum, quam non habent.

LI. Post inventa conclusio est, qua credo usuros veteres illos fuisse, si iam nota atque usurpata res esset; qua inventa omnis usos magnos oratores videmus. [170] Sed habet nomen invidiam, cum in oratione iudiciali et forensi numerus [Latine, Graece rhythmos] inesse dicitur. Nimis enim insidiarum ad capiendas auris adhiberi videtur, si etiam in dicendo numeri ab oratore quaeruntur. Hoc freti isti et ipsi infracta et amputata loquuntur et eos vituperant qui apta et finita pronuntiant; si inanibus verbis levibusque sententiis, iure; sin probae res, lecta verba, quid est cur claudere aut insistere orationem malint quam cum sententia pariter excurrere? Hic enim invidiosus numerus nihil adfert aliud nisi ut sit apte verbis comprehensa sententia; quod fit etiam ab antiquis, sed plerumque casu saepe natura; et quae valde laudantur apud illos, ea fere quia sunt conclusa laudantur. [171] Et apud Graecos quidem iam anni prope quadringenti sunt cum hoc probatur; nos nuper agnovimus. Ergo Ennio licuit vetera contemnenti dicere:

versibus, quos olim Fauni vatesque canebant,

mihi de antiquis eodem modo non licebit? Praesertim cum dicturus non sim ante hunc, ut ille, nec quae sequuntur: Nos ausi reserare; — legi enim audivique non nullos, quorum prope modum absolute concluderetur oratio. Quod qui non possunt, non est eis satis non contemni, laudari etiam volunt. Ego autem illos ipsos laudo idque merito, quorum se isti imitatores esse dicunt, etsi in eis aliquid desidero, hos vero minime, qui nihil illorum nisi vitium sequuntur, cum a bonis absint longissime.

[172] Quod si auris tam inhumanas tamque agrestis habent, ne doctissimorum quidem virorum eos movebit auctoritas? Omitto Isocratem discipulosque eius Ephorum et Naucratem, quamquam orationis faciendae et ornandae auctores locupletissimi summi ipsi

oratores esse debebant. Sed quis omnium doctior, quis acutior, quis in rebus vel inveniendis vel iudicandis acrior Aristotele fuit? Quis porro Isocrati est adversatus infensius? Is igitur versum in oratione vetat esse, numerum iubet. Eius auditor Theodectes in primis, ut Aristoteles saepe significat, politus scriptor atque artifex hoc idem et sentit et praecipit; Theophrastus vero eisdem de rebus etiam accuratius. Quis ergo istos ferat, qui hos auctores non probent? Nisi omnino haec esse ab eis praecepta nesciunt. [173] Quod si ita est — nec vero aliter existimo — quid, ipsi suis sensibus non moventur? Nihilne eis inane videtur, nihil inconditum, nihil curtum, nihil claudicans, nihil redundans? In versu quidem theatra tota exclamant, si fuit una syllaba aut brevior aut longior; nec vero multitudo pedes novit nec ullos numeros tenet nec illud quod offendit aut curat aut in quo offendit intellegit; et tamen omnium longitudinum et brevitatum in sonis sicut acutarum graviumque vocum iudicium ipsa natura in auribus nostris conlocavit.

LII. [174] Visne igitur, Brute, totum hunc locum accuratius etiam explicemus quam illi ipsi, qui et haec et alia nobis tradiderunt, an his contenti esse quae ab illis dicta sunt possumus? Sed quid quaero velisne, cum litteris tuis eruditissime scriptis te id vel maxime velle perspexerim? Primum ergo origo, deinde causa, post natura, tum ad extremum usus ipse explicetur orationis aptae atque numerosae.

Nam qui Isocratem maxime mirantur, hoc in eius summis laudibus ferunt, quod verbis solutis numeros primum adiunxerit. Cum enim videret oratores cum severitate audiri, poetas autem cum voluptate, tum dicitur numeros secutus, quibus etiam in oratione uteretur, cum iucunditatis causa tum ut varietas occurreret satietati. [175] Quod ab eis vere quadam ex parte, non totum dicitur. Nam neminem in eo genere scientius versatum Isocrate confitendum est, sed princeps inveniendi fuit Thrasymachus, cuius omnia nimis etiam exstant scripta numerose. Nam, ut paulo ante dixi, paria paribus adiuncta et similiter definita itemque contrariis relata contraria, quae sua sponte, etiam si id non agas, cadunt plerumque numerose, Gorgias primum invenit, sed eis est usus intemperatius. Id autem est genus, ut ante dictum est, ex tribus partibus conlocationis alterum. [176] Horum uterque Isocratem aetate praecurrit, ut eos ille moderatione, non inventione vicerit. Est enim, ut in transferendis

faciendisque verbis tranquillior sic in ipsis numeris sedatior. Gorgias autem avidior est generis eius et his festivitatibus sic enim ipse censet — insolentius abutitur; quas Isocrates tamen, cum audivisset adulescens in Thessalia senem iam Gorgiam, moderatius temperavit. Quin etiam se ipse tantum quantum aetate procedebat — prope enim centum confecit annos — relaxabat a nimia necessitate numerorum, quod declarat in eo libro quem ad Philippum Macedonem scripsit, cum iam admodum esset senex; in quo dicit sese minus iam servire numeris quam solitus esset. Ita non modo superiores sed etiam se ipse correxerat.

LIII. [177] Quoniam igitur habemus aptae orationis eos principes auctoresque quos diximus et origo inventa est, causa quaeratur. Quae sic aperta est, ut mirer veteres non esse commotos, praesertim cum, ut fit, fortuito saepe aliquid concluse apteque dicerent. Quod cum animos hominum aurisque pepulisset, ut intellegi posset id quod casus effudisset cecidisse iucunde, notandum certe genus atque ipsi sibi imitandi fuerunt. Ipsae enim aures vel animus aurium nuntio naturalem quandam in se continet vocum omnium mensionem. [178] Itaque et longiora et breviora iudicat et perfecta ac moderata semper exspectat; mutila sentit quaedam et quasi decurtata, quibus tamquam debito fraudetur offenditur, productiora alia et quasi immoderatius excurrentia, quae magis etiam aspernantur aures; quod cum in plerisque tum in hoc genere nimium quod est offendit vehementius quam id quod videtur parum. Vt igitur poeticae versus inventus est terminatione aurium, observatione prudentium, sic in oratione animadversum est, multo illud quidem serius, sed eadem natura admonente, esse quosdam certos cursus conclusionesque verborum.

[179] Quoniam igitur causam quoque ostendimus, naturam nunc — id enim erat tertium — si placet explicemus; quae disputatio non huius instituti sermonis est, sed artis intimae. Quaeri enim potest, qui sit orationis numerus et ubi sit positus et natus ex quo, et is unusne sit an duo an plures quaque ratione componatur et ad quam rem et quando et quo loco et quem ad modum adhibitus aliquid voluptatis adferat. [180] Sed ut in plerisque rebus sic in hac duplex est considerandi via quarum altera est longior, brevior altera, eadem etiam planior.

LIV. Est autem longioris prima illa quaestio sitne omnino ulla numerosa oratio; quibusdam enim non videtur, quia nihil insit in ea certi ut in versibus, et quod ipsi, qui adfirment esse eos numeros, rationem cur sint non queant reddere. Deinde, si sit numerus in oratione, qualis sit aut quales, et e poeticisne numeris an ex alio genere quodam et, si e poeticis, quis eorum sit aut qui; namque aliis unus modo aliis plures aliis omnes idem videntur. Deinde, quicumque sunt sive unus sive plures, communesne sint omni generi orationis — quoniam aliud genus est narrandi aliud persuadendi aliud docendi an dispares numeri cuique orationis generi

accommodentur; si communes, qui sint; si dispares, quid intersit, et cur non aeque in oratione atque in versu numerus appareat. [181] Deinde, quod dicitur in oratione numerosum, id utrum numero solum efficiatur, an etiam vel compositione quadam vel genere verborum; an sit suum cuiusque, ut numerus intervallis, compositio vocibus, genus ipsum verborum quasi quadam forma et lumine orationis appareat, sitque omnium fons compositio ex eaque et numerus efficiatur et ea quae dicuntur orationis quasi formae et lumina, quae, ut dixi, Graeci vocant schemata. [182] At non est unum nec idem quod voce iucundum est et quod moderatione absolutum et quod inluminatum genere verborum; quamquam id quidem finitimum est numero, quia per se plerumque perfectum est; compositio autem ab utroque differt, quae tota servit gravitati vocum aut suavitati. Haec igitur fere sunt in quibus rei natura quaerenda sit.

LV. [183] Esse ergo in oratione numerum quendam non est difficile cognoscere. Iudicat enim sensus; in quo est iniquum quod accidit non agnoscere, si cur id accidat reperire nequeamus. Neque enim ipse versus ratione est cognitus, sed natura atque sensu, quem dimensa ratio docuit quid accideret. Ita notatio naturae et animadversio peperit artem. Sed in versibus res est apertior, quamquam etiam a modis quibusdam cantu remoto soluta esse videtur oratio maximeque id in optimo quoque eorum poetarum qui lyricoi a Graecis nominantur, quos cum cantu spoliaveris, nuda paene remanet oratio. [184] Quorum similia sunt quaedam etiam apud nostros, velut illa in Thyeste:

quemnam te esse dicam? Qui tarda in senecta

et quae sequuntur; quae, nisi cum tibicen accessit, orationis sunt solutae simillima. At comicorum senarii propter similitudinem sermonis sic saepe sunt abiecti, ut non numquam vix in eis numerus et versus intellegi possit. Quo est ad inveniendum difficilior in oratione numerus quam in versibus. [185] Omnino duo sunt quae condiant orationem, verborum numerorumque iucunditas. In verbis inest quasi materia quaedam, in numero autem expolitio. Sed ut ceteris in rebus necessitatis inventa antiquiora sunt quam voluptatis. [186] [Itaque et Herodotus et eadem superiorque aetas numero caruit nisi quando temere ac fortuito, et scriptores perveteres de numero nihil omnino, de oratione praecepta multa nobis reliquerunt.] — Nam

quod et facilius est et magis necessarium, id semper ante cognoscitur

LVI. ita translata aut facta aut coniuncta verba facile sunt cognita, quia sumebantur e consuetudine cotidianoque sermone. Numerus autem non domo depromebatur neque habebat aliquam necessitudinem aut cognationem cum oratione. Itaque serius aliquanto notatus et cognitus quasi quandam palaestram et extrema liniamenta orationi attulit. [187] Quod si et angusta quaedam atque concisa et alia est dilatata et fusa oratio, necesse est id non litterarum accidere natura, sed intervallorum longorum et brevium varietate; quibus implicata atque permixta oratio quoniam tum stabilis est tum volubilis, necesse est eius modi vi naturam numeri contineri. Nam circuitus ille, quem saepe iam diximus, incitatior numero ipso fertur et labitur, quoad perveniat ad finem et insistat. Perspicuum est igitur numeris astrictam orationem esse debere, carere versibus.

[188] Sed hi numeri poeticine sint an ex alio genere quodam deinceps est videndum. Nullus est igitur numerus extra poeticos, propterea quod definita sunt genera numerorum. Nam omnis talis est, ut unus sit e tribus. Pes enim, qui adhibetur ad numeros, partitur in tria, ut necesse sit partem pedis aut aequalem esse alteri parti aut altero tanto aut sesqui esse maiorem. Ita fit aequalis dactylus, duplex iambus, sesquiplex paean; qui pedes in orationem non cadere qui possunt? Quibus ordine locatis quod efficitur numerosum sit necesse est. [189] Sed quaeritur quo numero aut quibus potissimum sit utendum. Incidere vero omnis in orationem etiam ex hoc intellegi potest, quod versus saepe in oratione per imprudentiam dicimus. Est id vehementer vitiosum, sed non attendimus neque exaudimus nosmet ipsos; senarios vero et Hipponacteos effugere vix possumus; magnam enim partem ex iambis nostra constat oratio. Sed tamen eos versus facile agnoscit auditor; sunt enim usitatissimi; inculcamus autem per imprudentiam saepe etiam minus usitatos, sed tamen versus: vitiosum genus et longa animi provisione fugiendum. [190] Elegit ex multis Isocrati libris triginta fortasse versus Hieronymus Peripateticus in primis nobilis, plerosque senarios, sed etiam anapaestos; quo quid potest esse turpius? Etsi in legendo fecit malitiose; prima enim syllaba dempta ex primo verbo sententiae postremum ad verbum primam rursus syllabam adiunxit insequentis sententiae; ita factus est anapaestus is qui Aristophaneus nominatur;

quod ne accidat observari nec potest nec necesse est. Sed tamen hic corrector in eo ipso loco quo reprehendit, ut a me animum adversum est studiose inquirente in eum, immittit imprudens ipse senarium. Sit igitur hoc cognitum in solutis etiam verbis inesse numeros eosdemque esse oratorios qui sint poetici.

LVII. [191] Sequitur ergo ut qui maxime cadant in orationem aptam numeri videndum sit. Sunt enim qui iambicum putent, quod sit orationis simillimus, qua de causa fieri ut is potissimum propter similitudinem veritatis adhibeatur in fabulis, quod ille dactylicus numerus hexametrorum magniloquentiae sit accommodatior. Ephorus autem, levis ipse orator et profectus ex optima disciplina, paeana sequitur aut dactylum, fugit autem spondeum et trochaeum. Quod enim paean habebat tris brevis, dactylus autem duas, brevitate et celeritate syllabarum labi putat verba proclivius contraque accidere in spondeo et trochaeo; quorum quod alter e longis constet alter e brevibus, fieri alteram nimis incitatam alteram nimis tardam orationem, neutram temperatam. [192] Sed et illi priores errant et Ephorus in culpa est. Nam et qui paeana praetereunt, non vident mollissimum a sese numerum eundemque amplissimum praeteriri. Quod longe Aristoteli videtur secus, qui iudicat heroum numerum grandiorem quam desideret soluta oratio, iambum autem nimis e vulgari esse sermone. Ita neque humilem et abiectam orationem nec nimis altam et exaggeratam probat, plenam tamen eam vult esse gravitatis, ut eos qui audient ad maiorem admirationem possit traducere. [193] Trochaeum autem, qui est eodem spatio quo choreus, cordacem appellat, quia contractio et brevitas dignitatem non habeat. Ita paeana probat eoque ait uti omnis, sed ipsos non sentire cum utantur; esse autem tertium ac medium inter illos, et ita factos eos pedes esse, ut in eis singulis modus insit aut sesquiplex aut duplex aut par. Itaque illi de quibus ante dixi tantum modo commoditatis habuerunt rationem, nullam dignitatis. [194] Iambus enim et dactylus in versum cadunt maxime; itaque ut versum fugimus in oratione, sic hi sunt evitandi continuati pedes; aliud enim quiddam est oratio nec quicquam inimicius quam illa versibus; paean autem minime est aptus ad versum, quo libentius eum recepit oratio. Ephorus vero ne spondeum quidem, quem fugit, intellegit esse aequalem dactylo, quem probat. Syllabis enim metiendos pedes, non intervallis

existimat; quod idem facit in trochaeo, qui temporibus et intervallis est par iambo, sed eo vitiosus in oratione, si ponatur extremus, quod verba melius in syllabas longiores cadunt. Atque haec, quae sunt apud Aristotelem, eadem a Theophrasto Theodecteque de paeane dicuntur. [195] Ego autem sentio omnis in oratione esse quasi permixtos et confusos pedes, nec enim effugere possemus animadversionem, si semper isdem uteremur, quia nec numerosa esse, ut poema, neque extra numerum, ut sermo vulgi, esse debet oratio — alterum nimis est vinctum, ut de industria factum appareat, alterum nimis dissolutum, ut pervagatum ac vulgare videatur; ut ab altero non delectere, alterum oderis — ; [196] sit igitur, ut supra dixi, permixta et temperata numeris nec dissoluta nec tota numerosa, paeane maxime, quoniam optimus auctor ita censet, sed reliquis etiam numeris, quos ille praeterit, temperata.

LVIII. Quos autem numeros cum quibus tamquam purpuram misceri oporteat nunc dicendum est atque etiam quibus orationis generibus sint quique accommodatissimi. Iambus enim frequentissimus est in eis quae demisso atque humili sermone dicuntur; [197] paean autem in amplioribus, in utroque dactylus. Itaque in varia et perpetua oratione hi sunt inter se miscendi et temperandi. Sic minime animadvertetur delectationis aucupium et quadrandae orationis industria; quae latebit eo magis, si et verborum et sententiarum ponderibus utemur. Nam qui audiunt haec duo animadvertunt et iucunda sibi censent, verba dico, et sententias, eaque dum animis attentis admirantes excipiunt, fugit eos et praetervolat numerus; qui tamen si abesset, illa ipsa delectarent minus. [198] Nec vero is cursus est numerorum — orationis dico, nam est longe aliter in versibus — , nihil ut fiat extra modum; nam id quidem esset poema; sed omnis nec claudicans nec quasi fluctuans sed aequabiliter constanterque ingrediens numerosa habetur oratio. Atque id in dicendo numerosum putatur, non quod totum constat e numeris, sed quod ad numeros proxime accedit; quo etiam difficilius est oratione uti quam versibus, quod in illis certa quaedam et definita lex est, quam sequi sit necesse; in dicendo autem nihil est propositum, nisi ut ne immoderata aut angusta aut dissoluta aut fluens sit oratio. Itaque non sunt in ea tamquam tibicini percussionum modi, sed universa comprehensio et species orationis

clausa et terminata est, quod voluptate aurium iudicatur.

LIX. [199] Solet autem quaeri totone in ambitu verborum numeri tenendi sint an in primis partibus atque in extremis; plerique enim censent cadere tantum numerose oportere terminarique sententiam. Est autem, ut id maxime deceat? non ut solum; ponendus est enim ille ambitus, non abiciendus. Qua re cum aures extremum semper exspectent in eoque acquiescant, id vacare numero non oportet, sed ad hunc exitum iam a principio ferri debet verborum illa comprehensio et tota a capite ita fluere, ut ad extremum veniens ipsa consistat. [200] Id autem bona disciplina exercitatis, qui et multa scripserint et quaecumque etiam sine scripto dicent similia scriptorum effecerint, non erit difficillimum. Ante enim circumscribitur mente sententia confestimque verba concurrunt, quae mens eadem, qua nihil est celerius, statim dimittit, ut suo quodque loco respondeant; quorum discriptus ordo alias alia terminatione concluditur. Atque omnia illa et prima et media verba spectare debent ad ultimum. [201] Interdum enim cursus est in oratione incitatior, interdum moderata ingressio, ut iam a principio videndum sit quem ad modum velis venire ad extremum. Nec in numeris magis quam in reliquis ornamentis orationis, eadem cum faciamus quae poetae, effugimus tamen in oratione poematis similitudinem. Est enim in utroque et materia et tractatio: materia in verbis, tractatio in conlocatione verborum.

LX. Ternae autem sunt utriusque partes: verborum translatum, novum, priscum .- nam de propriis nihil hoc loco dicimus — ; conlocationis autem eae quas diximus, compositio, concinnitas, numerus. [202] Sed in utroque frequentiores sunt et liberiores poetae; nam et transferunt verba cum crebrius tum etiam audacius et priscis libentius utuntur et liberius novis. Quod idem fit in numeris, in quibus quasi necessitati parere coguntur. Sed tamen haec nec nimis esse diversa eque nullo modo coniuncta intellegi licet. Ita fit ut non item in oratione ut in versu numerus exstet idque quod numerosum in oratione dicitur non semper numero fiat, sed non numquam aut concinnitate aut constructione verborum. [203] Ita si numerus orationis quaeritur qui sit, omnis est, sed alius alio melior atque aptior; si locus, in omni parte verborum; si unde ortus sit, ex aurium voluptate; si componendorum ratio, dicetur alio loco, quia pertinet ad usum,

quae pars quarta et extrema nobis in dividendo fuit; si ad quam rem adhibeatur, ad delectationem; si quando, semper; si quo loco, in tota continuatione verborum; si quae res efficiat voluptatem, eadem quae in versibus, quorum modum notat ars, sed aures ipsae tacito eum sensu sine arte definiunt.

LXI. [204] Satis multa de natura; sequitur usus, de quo est accuratius disputandum. In quo quaesitum est in totone circuitu illo orationis, quem Graeci periodon, nos tum ambitum, tum circuitum, tum comprehensionem aut continuationem aut circumscriptionem dicimus, an in principiis solum an in extremis an in utraque parte numerus tenendus sit; deinde cum aliud videatur esse numerus aliud numerosum, quid intersit. [205] Tum autem in omnibusne numeris aequaliter particulas deceat incidere an facere alias breviores alias longiores, idque quando aut cur; quibusque partibus, pluribusne an singulis, imparibus an aequalibus, et quando aut istis aut illis sit utendum; quaeque inter se aptissime conlocentur et quo modo, an omnino nulla sit in eo genere distinctio; quodque ad rem maxime pertinet, qua ratione numerosa fiat oratio. [206] Explicandum etiam est unde orta sit forma verborum dicendumque quantos circuitus facere deceat deque eorum particulis et tamquam incisionibus disserendum est quaerendumque utrum una species et longitudo sit earum anne plures et, si plures, quo loco aut quando quoque genere uti oporteat. Postremo totius generis utilitas explicanda est, quae quidem patet latius; non ad unam enim rem aliquam, sed ad pluris accommodatur.

[207] Ac licet non ad singula respondentem de universo genere sic dicere, ut etiam singulis satis responsum esse videatur. Remotis igitur reliquis generibus unum selegimus hoc, quod in causis foroque versatur, de quo diceremus. Ergo in aliis, id est in historia et in eo quod appellamus epideiktikon placet omnia dici Isocrateo Theopompeoque more illa circumscriptione ambituque, ut tamquam in orbe inclusa currat oratio, quoad insistat in singulis perfectis absolutisque sententiis. [208] Itaque postea quam est nata haec vel circumscriptio vel comprehensio vel continuatio vel ambitus, si ita licet dicere, nemo, qui aliquo esset in numero, scripsit orationem generis eius quod esset ad delectationem comparatum remotumque a iudiciis forensique certamine, quin redigeret omnis fere in quadrum numerumque sententias. Nam cum is est auditor qui non vereatur ne

compositae orationis insidiis sua fides attemptetur, gratiam quoque habet oratori voluptati aurium servienti.

LXII. [209] Genus autem hoc orationis neque totum adsumendum est ad causas forensis neque omnino repudiandum, si enim semper utare, cum satietatem adfert tum quale sit etiam ab imperitis agnoscitur; detrahit praeterea actionis dolorem, aufert humanum sensum auditoris, tollit funditus veritatem et fidem. Sed quoniam adhibenda non numquam est, primum videndum est quo loco, deinde quam diu retinenda sit, tum quot modis commutanda. [210] Adhibenda est igitur numerosa oratio, si aut laudandum est aliquid ornatius, ut nos in accusationis secundo de Siciliae laude diximus, ut in senatu de consulatu meo, aut exponenda narratio, quae plus dignitatis desiderat quam doloris, ut in quarto accusationis de Hennensi Cerere, de Segestana Diana, de Syracusarum situ diximus. Saepe etiam in amplificanda re concessu omnium funditur numerose et volubiliter oratio. Id nos fortasse non perfecimus, conati quidem saepissime sumus; quod plurimis locis perorationes nostrae voluisse nos atque animo contendisse declarant. Id autem tum valet cum is qui audit ab oratore iam obsessus est ac tenetur. Non enim id agit ut insidietur et observet, sed iam favet processumque vult dicendique vim admirans non anquirit quid reprehendat. [211] Haec autem forma retinenda non diu est, nec dico in peroratione, quam ipsam includit, sed in orationis reliquis partibus. Nam cum sis eis locis usus quibus ostendi licere, transferenda tota dictio est ad illa quae nescio cur, cum Graeci kommata et kola nominent, nos non recte incisa et membra dicamus. Neque enim esse possunt rebus ignotis nota nomina, sed cum verba aut suavitatis aut inopiae causa transferre soleamus, in omnibus hoc fit artibus, ut, cum id appellandum sit quod propter rerum ignorationem ipsarum nullum habuerit ante nomen, necessitas cogat aut novum facere verbum aut a simili mutuari.

LXIII. [212] Quo autem pacto deceat incise membratimve dici iam videbimus; nunc quot modis mutentur comprehensiones conclusionesque dicendum est. Fluit omnino numerus a primo tum incitatius brevitate pedum, tum proceritate tardius. Cursum contentiones magis requirunt, eitiones rerum tarditatem. Insistit autem ambitus modis pluribus, e quibus unum est secuta Asia maxime, qui dichoreus vocatur, cum duo extremi chorei sunt, id est e

singulis longis et brevibus. Explanandum est enim, quod ab aliis eidem pedes aliis vocabulis nominantur. [213] Dichoreus non est ille quidem sua sponte vitiosus in clausulis, sed in orationis numero nihil est tam vitiosum quam si semper est idem. Cadit autem per se ille ipse praeclare, quo etiam satietas formidanda est magis. Me stante C. Carbo C. F. tribunus plebis in contione dixit his verbis: O Marce Druse, patrem appello — haec quidem duo binis pedibus incisim; dein membratim: Tu dicere solebas sacram esse rem publicam; — haec item membra ternis; [214] post ambitus: "Quicumque eam violavissent, ab omnibus esse ei poenas persolutas" — dichoreus; nihil enim ad rem, extrema illa longa sit an brevis; deinde: Patris dictum sapiens temeritas fili comprobavit — hoc dichoreo tantus clamor contionis excitatus est, ut admirabile esset. Quaero nonne id numerus effecerit? Verborum ordinem immuta, fac sic: "Comprobavit fili temeritas, iam nihil erit, etsi temeritas ex tribus brevibus et longa est, quem Aristoteles ut optimum probat, a quo dissentio." [215] "At eadem verba, eadem sententia." Animo istuc satis est, auribus non satis. Sed id crebrius fieri non oportet; primum enim numerus agnoscitur, deinde satiat, postea cognita facilitate contemnitur.

LXIV. Sed sunt clausulae plures, quae numerose et iucunde cadant. Nam et creticus, qui est e longa et brevi et longa, et eius aequalis paean, qui spatio par est, syllaba longior, quam commodissime putatur in solutam orationem inligari, cum sit duplex. Nam aut e longa est et tribus brevibus, qui numerus in primo viget, iacet in extremo, aut e totidem brevibus et longa, [in] quem optime cadere censent veteres; ego non plane reicio, sed alios antepono. [216] Ne spondeus quidem funditus est repudiandus, etsi, quod est e longis duabus, hebetior videtur et tardior; habet tamen stabilem quendam et non expertem dignitatis gradum, in incisionibus vero multo magis et in membris; paucitatem enim pedum gravitate sua et tarditate compensat. Sed hos cum in clausulis pedes nomino, non loquor de uno pede extremo: adiungo, quod minimum sit, proximum superiorem, saepe etiam tertium. [217] Ne iambus quidem, qui est e brevi et longa, aut par choreo qui habet tris brevis trochaeus, sed spatio par, non syllabis, aut etiam dactylus, qui est e longa et duabus brevibus, si est proximus a postremo, parum volubiliter pervenit ad

extremum, si est extremus choreus aut spondeus; numquam enim interest uter sit eorum in pede extremo. Sed idem hi tres pedes male concludunt, si quis eorum in extremo locatus est, nisi cum pro cretico postremus est dactylus; nihil enim interest dactylus sit extremus an creticus, quia postrema syllaba brevis an longa sit ne in versu quidem refert. [218] Qua re etiam paeana qui dixit aptiorem, in quo esset longa postrema, vidit parum, quoniam nihil ad rem est, postrema quam longa sit. Iam paean, quod pluris habeat syllabas quam tris, numerus a quibusdam, non pes habetur. Est quidem, ut inter omnis constat antiquos, Aristotelem, Theophrastum, Theodectem, Ephorum, unus aptissimus orationi vel orienti vel mediae; putant illi etiam cadenti, quo loco mihi videtur aptior creticus. Dochmius autem e quinque syllabis, brevi, duabus longis, brevi, longa, ut est hoc: amicos tenes, quovis loco aptus est, dum semel ponatur: iteratus aut continuatus numerum apertum et nimis insignem facit.

LXV. [219] His igitur tot commutationibus tamque variis si utemur, nec deprehendetur manifesto quid a nobis de industria fiat et occurretur satietati. Et quia non numero solum numerosa oratio sed et compositione fit et genere, quod ante dictum est, concinnitatis — compositione potest intellegi, cum ita structa verba sunt, ut numerus non quaesitus sed ipse secutus esse videatur, ut apud Crassum: Nam ubi libido dominatur, innocentiae leve praesidium est; ordo enim verborum efficit numerum sine ulla aperta oratoris industria — ; itaque si quae veteres illi, Herodotum dico et Thucydidem totamque eam aetatem, apte numeroseque dixerunt, ea non numero quaesito, sed verborum conlocatione ceciderunt. [220] Formae vero quaedam sunt orationis, in quibus ea concinnitas est ut sequatur numerus necessario. Nam cum aut par pari refertur aut contrarium contrario opponitur aut quae similiter cadunt verba verbis comparantur, quidquid ita concluditur, plerumque fit ut numerose cadat, quo de genere cum exemplis supra diximus; ut haec quoque copia facultatem adferat non semper eodem modo desinendi. Nec tamen haec ita sunt arta et astricta, ut ea, cum velimus, laxare nequeamus. Multum interest utrum numerosa sit, id est similis numerorum, an plane e numeris constet oratio; alterum si fit, intolerabile vitium est, alterum nisi fit, dissipata et inculta et fluens est oratio.

LXVI. [221] Sed quoniam non modo non frequenter verum etiam

raro in veris causis aut forensibus circumscripte numeroseque dicendum est, sequi videtur, ut videamus quae sint illa quae supra dixi incisa, quae membra. Haec enim in veris causis maximam partem orationis obtinent. Constat enim ille ambitus et plena comprehensio e quattuor fere partibus, quae membra dicimus, ut et auris impleat et neque brevior sit quam satis sit neque longior. Quamquam utrumque non numquam vel potius saepe accidit, ut aut citius insistendum sit aut longius procedendum, ne brevitas defrudasse auris videatur neve longitudo obtudisse. Sed habeo mediocritatis rationem; nec enim loquor de versu et est liberior aliquanto oratio. [222] [E quattuor igitur quasi hexametrorum instar versuum quod sit constat fere plena comprehensio.] His igitur singulis versibus quasi nodi apparent continuationis, quos in ambitu coniungimus. Sin membratim volumus dicere, insistimus atque, cum opus est, ab isto cursu invidioso facile nos et saepe diiungimus. Sed nihil tam debet esse numerosum quam hoc, quod minime apparet et valet plurimum. Ex hoc genere illud est Crassi: "Missos faciant patronos; ipsi prodeant"; — nisi intervallo dixisset "ipsi prodeant", sensisset profecto se fudisse senarium; omnino melius caderet prodeant ipsi; sed de genere nunc disputo; [223]—"cur clandestinis consiliis nos oppugnant? Cur de perfugis nostris copias comparant contra nos?" Prima sunt illa duo, quae kommata Graeci vocant, nos incisa dicimus; deinde tertium kolon illi, nos membrum; sequitur non longa — ex duobus enim versibus, id est membris, perfecta comprehensio est et in spondeos cadit; et Crassus quidem sic plerumque dicebat, idque ipse genus dicendi maxime probo.

LXVII. Sed quae incisim aut membratim efferuntur, ea vel aptissime cadere debent, ut est apud me: "Domus tibi deerat? At habebas.

Pecunia superabat? At egebas"; haec incise dicta sunt quattuor; [224] at membratim quae sequuntur duo: "Incurristi amens in columnas, in alienos insanus insanisti". Deinde omnia tamquam crepidine quadam comprehensione longiore sustinentur: "Depressam, caecam, iacentem domum pluris quam te et quam fortunas tuas aestimasti". Dichoreo finitur. At spondeis proximum illud. Nam in his, quibus ut pugiunculis uti oportet, brevitas faciet ipsa liberiores pedes; saepe enim singulis utendum est, plerumque binis, et utrisque

addi pedis potest, non fere ternis amplius. [225] Incisim autem et membratim tractata oratio in veris causis plurimum valet, maximeque eis locis, cum aut arguas aut refellas, ut nos in Corneliana secunda: “O callidos homines, o rem excogitatam, o ingenia metuenda!” Membratim adhuc; deinde caesim: Diximus, rursus membratim: “Testis dare volumus”. Extrema sequitur comprehensio, sed ex duobus membris, qua non potest esse brevior: “Quem, quaeso, nostrum fefellit ita vos esse facturos?” [226] Nec ullum genus est dicendi aut melius aut fortius quam binis aut ternis ferire verbis, non numquam singulis, paulo alias pluribus, inter quae variis clausulis interponit se raro numerosa comprehensio; quam perverse fugiens Hegesias, dum ille quoque imitari Lysiam vult alterum paene Demosthenem, saltat incidens particulas. Et is quidem non minus sententiis peccat quam verbis, ut non quaerat quem appellet ineptum qui illum cognoverit. Sed ego illa Crassi et nostra posui, ut qui vellet auribus ipsis quid numerosum etiam in minimis particulis orationis esset iudicaret. Et quoniam plura de numerosa oratione diximus quam quisquam ante nos, nunc de eius generis utilitate dicemus.

LXVIII. [227] Nihil enim est aliud, Brute, quod quidem tu minime omnium ignoras, pulchre et oratorie dicere nisi optimis sententiis verbisque lectissimis dicere. Et nec sententia ulla est quae fructum oratori ferat, nisi apte eita atque absolute, nec verborum lumen apparet nisi diligenter conlocatorum, et horum utrumque numerus inlustrat; numerus autem — saepe enim hoc testandum est — non modo non poetice vinctus verum etiam fugiens illum eique omnium dissimillimus; non quin idem sint numeri non modo oratorum et poetarum verum omnino loquentium, denique etiam sonantium omnium quae metiri auribus possumus, sed ordo pedum facit, ut id quod pronuntiatur aut orationis aut poematis simile videatur. [228] Hanc igitur, sive compositionem sive perfectionem sive numerum vocari placet, [et] adhibere necesse est, si ornate velis dicere, non solum, quod ait Aristoteles et Theophrastus, ne infinite feratur ut flumen oratio, quae non aut spiritu pronuntiantis aut interductu librari, sed numero coacta debet insistere, verum etiam quod multo maiorem habent apta vim quam soluta. Vt enim athletas nec multo secus gladiatores videmus nihil nec vitando facere caute nec petendo

vehementer, in quo non motus hic habeat palaestram quandam, ut quicquid in his rebus fiat utiliter ad pugnam idem ad aspectum etiam sit venustum, sic orator nec plagam gravem facit, nisi petitio fuit apta, nec satis tecte declinat impetum, nisi etiam in cedendo quid deceat intellegit. [229] Itaque qualis eorum motus quos apalaistrous Graeci vocant, talis horum mihi videtur oratio qui non claudunt numeris sententias, tantumque abest ut quod ei qui hoc aut magistrorum inopia aut ingeni tarditate aut laboris fuga non sunt adsecuti solent dicere — enervetur oratio compositione verborum, ut aliter in ea nec impetus ullus nec vis esse possit.

LXIX. Sed magnam exercitationem res flagitat, ne quid eorum qui genus hoc secuti non tenuerunt simile faciamus, ne aut verba traiciamus aperte, quo melius aut cadat aut volvatur oratio; [230] quod se L. Caelius Antipater in prooemio belli Punici nisi necessario facturum negat. O virum simplicem qui nos nihil celet, sapientem qui serviendum necessitati putet! Sed hic omnino rudis; nobis autem in scribendo atque in dicendo necessitatis excusatio non probatur; nihil est enim necesse et, si quid esset, id necesse tamen non erat confiteri. Et hic quidem, qui hanc a Laelio, ad quem scripsit, cui se purgat, veniam petit, et utitur ea traiectione verborum et nihilo tamen aptius explet concluditque sententias. Apud alios autem et Asiaticos maxime numero servientes inculcata reperias inania quaedam verba quasi complementa numerorum. Sunt etiam qui illo vitio, quod ab Hegesia maxime fluxit, infringendis concidendisque numeris in quoddam genus abiectum incidant versiculorum simillimum. [231] Tertium est, in quo fuerunt fratres illi Asiaticorum rhetorum principes Hierocles et Menecles minime mea sententia contemnendi. Etsi enim a forma veritatis et ab Atticorum regula absunt, tamen hoc vitium compensant vel facultate vel copia. Sed apud eos varietas non erat, quod omnia fere concludebantur uno modo. Quae vitia qui fugerit, ut neque verbum ita traiciat ut id de industria factum intellegatur, neque inferciens verba quasi rimas expleat, nec minutos numeros sequens concidat delumbetque sententias, nec sine ulla commutatione in eodem semper versetur genere numerorum, is omnia fere vitia vitaverit. Nam de laudibus multa diximus, quibus sunt illa perspicue vitia contraria.

LXX. [232] Quantum autem sit apte dicere, experiri licet, si aut

compositi oratoris bene structam conlocationem dissolvas permutatione verborum; — corrumpatur enim tota res, ut [et] haec nostra in Corneliana et deinceps omnia: “Neque me divitiae movent, quibus omnis Africanos et Laelios multi venalicii mercatoresque superarunt”: immuta paululum, ut sit multi superarunt mercatores venaliciique, perierit tota res; et quae sequuntur: “Neque vestis aut caelatum aurum et argentum, quo nostros veteres Marcellos Maximosque multi eunuchi e Syria Aegyptoque vicerunt”; verba permuta sic, ut sit “vicerunt eunuchi e Syria Aegyptoque”: adde tertium: “Neque vero ornamenta ista villarum, quibus L. Paullum et L. Mummium, qui rebus his urbem Italiamque omnem referserunt, ab aliquo video perfacile Deliaco aut Syro potuisse superari”; fac ita: “potuisse superari ab aliquo Syro aut Deliaco”; [233] videsne, ut ordine verborum paululum commutato, isdem tamen verbis stante sententia, ad nihilum omnia recidant, cum sint ex aptis dissoluta? Aut si alicuius inconditi arripias dissipatam aliquam sententiam eamque ordine verborum paululum commutato in quadrum redigas, efficiatur aptum illud, quod fuerit antea diffluens ac solutum. Age sume de Gracchi apud censores illud: “Abesse non potest quin eiusdem hominis sit probos improbare qui improbos probet”; quanto aptius, si ita dixisset: “Quin eiusdem hominis sit qui improbos probet probos improbare!” [234] Hoc modo dicere nemo umquam noluit nemoque potuit quin dixerit; qui autem aliter dixerunt, hoc adsequi non potuerunt. Ita facti sunt repente Attici; quasi vero Trallianus fuerit Demosthenes! Cuius non tam vibrarent fulmina illa, nisi numeris contorta ferrentur.

LXXI. Sed si quem magis delectant soluta, sequatur ea sane, modo sic ut, si quis Phidiae clipeum dissolverit, conlocationis universam speciem sustulerit, non singulorum operum venustatem; ut in Thucydide orbem modo orationis desidero, ornamenta comparent. [235] Isti autem cum dissolvunt orationem, in qua nec res nec verbum ullum est nisi abiectum, non clipeum, sed, ut in proverbio est — etsi humilius dictum est [tamen simile est] — , scopas (ut ita dicam) mihi videntur dissolvere. Atque ut plane genus hoc, quod ego laudo, contempsisse videantur, aut scribant aliquid vel Isocrateo more vel quo Aeschines aut Demosthenes utitur, tum illos existimabo non desperatione reformidavisse genus hoc, sed iudicio refugisse; aut

reperiam ipse eadem condicione qui uti velit, ut aut dicat aut scribat utra voles lingua eo genere quo illi volunt; facilius est enim apta dissolvere quam dissipata conectere. [236] Res se autem sic habet, ut brevissime dicam quod sentio: composite et apte sine sententiis dicere insania est, sententiose autem sine verborum et ordine et modo infantia, sed eius modi tamen infantia, ut ea qui utantur non stulti homines haberi possint, etiam plerumque prudentes; quo qui est contentus utatur. Eloquens vero, qui non approbationes solum sed admirationes, clamores, plausus, si liceat, movere debet, omnibus oportet ita rebus excellat, ut ei turpe sit quicquam aut exspectari aut audiri libentius.

[237] Habes meum de oratore, Brute, iudicium; quod aut sequere, si probaveris, aut tuo stabis, si aliud quoddam est tuum. In quo neque pugnabo tecum neque hoc meum, de quo tanto opere hoc libro adseveravi, umquam adfirmabo esse verius quam tuum. Potest enim non solum aliud mihi ac tibi, sed mihimet ipsi aliud alias videri. Nec in hac is modo re quae ad vulgi adsensum spectet et ad aurium voluptatem, quae duo sunt ad iudicandum levissima, sed ne in maximis quidem rebus quicquam adhuc inveni firmius, quod tenerem aut quo iudicium meum derigerem, quam id quodcumque mihi quam simillimum veri videretur, cum ipsum illud verum tamen in occulto lateret. [238] Tu autem velim, si tibi ea quae disputata sunt minus probabuntur, ut aut maius opus institutum putes quam effici potuerit, aut, dum tibi roganti voluerim obsequi, verecundia negandi scribendi me impudentiam suscepisse.

TOPICA (Topics of argumentation)

M. TVLLI CICERONIS TOPICA

[1] Maiores nos res scribere ingressos, C. Trebati, et his libris quos brevi tempore satis multos edidimus digniores, e cursu ipso revocavit voluntas tua. Cum enim mecum in Tusculano esses et in bibliotheca separatim uterque nostrum ad suum studium libellos quos vellet evolveret, incidisti in Aristotelis Topica quaedam, quae sunt ab illo pluribus libris explicata. Qua inscriptione commotus continuo a me librorum eorum sententiam requisisti; [2] quam cum tibi euissem, disciplinam inveniendorum argumentorum, ut sine ullo errore ad ea ratione et via perveniremus, ab Aristotele inventam illis libris contineri, verecunde tu quidem ut omnia, sed tamen facile ut cernerem te ardere studio, mecum ut tibi illa traderem egisti. Cum autem ego te non tam vitandi laboris mei causa quam quia tua id interesse arbitrarer, vel ut eos per te ipse legeres vel ut totam rationem a doctissimo quodam rhetore acciperes, hortatus essem, utrumque, ut ex te audiebam, es expertus. [3] Sed a libris te obscuritas reiecit; rhetor autem ille magnus haec, ut opinor, Aristotelia se ignorare respondit. Quod quidem minime sum admiratus eum philosophum rhetori non esse cognitum, qui ab ipsis philosophis praeter admodum paucos ignoretur; quibus eo minus ignoscendum est, quod non modo rebus eis quae ab illo dictae et inventae sunt allici debuerunt, sed dicendi quoque incredibili quadam cum copia tum etiam suavitate.

[4] Non potui igitur tibi saepius hoc roganti et tamen verenti ne mihi gravis esses — facile enim id cernebam — debere diutius, ne ipsi iuris interpreti fieri videretur iniuria. Etenim cum tu mihi meisque multa saepe scripsisses, veritus sum ne, si ego gravarer, aut ingratum id aut superbum videretur. Sed dum fuimus una, tu optimus es testis quam fuerim occupatus; [5] ut autem a te discessi in Graeciam proficiscens, cum opera mea nec res publica nec amici uterentur nec honeste inter arma versari possem, ne si tuto quidem mihi id liceret, ut veni Veliam tuaque et tuos vidi, admonitus huius aeris alieni nolui deesse ne tacitae quidem flagitationi tuae. Itaque

haec, cum mecum libros non haberem, memoria repetita in ipsa navigatione conscripsi tibique ex itinere misi, ut mea diligentia mandatorum tuorum te quoque, etsi admonitore non eges, ad memoriam nostrarum rerum excitarem. Sed iam tempus est ad id quod instituimus accedere.

[6] Cum omnis ratio diligens disserendi duas habeat partis, unam inveniendi alteram iudicandi, utriusque princeps, ut mihi quidem videtur, Aristoteles fuit. Stoici autem in altera elaboraverunt; iudicandi enim vias diligenter persecuti sunt ea scientia quam dialektikón appellant, inveniendi artem quae topikó dicitur, quae et ad usum potior erat et ordine naturae certe prior, totam reliquerunt. [7] Nos autem, quoniam in utraque summa utilitas est et utramque, si erit otium, persequi cogitamus, ab ea quae prior est ordiemur. Ut igitur earum rerum quae absconditae sunt demonstrato et notato loco facilis inventio est, sic, cum pervestigare argumentum aliquod volumus, locos nosse debemus; sic enim appellatae ab Aristotele sunt eae quasi sedes, e quibus argumenta promuntur. [8] Itaque licet definire locum esse argumenti sedem, argumentum autem rationem quae rei dubiae faciat fidem.

Sed ex his locis in quibus argumenta inclusa sunt, alii in eo ipso de quo agitur haerent, alii assumuntur extrinsecus. In ipso tum ex toto, tum ex partibus eius, tum ex nota, tum ex eis rebus quae quodam modo affectae sunt ad id de quo quaeritur. Extrinsecus autem ea ducuntur quae absunt longeque disiuncta sunt.

[9] Sed ad id totum de quo disseritur tum definitio adhibetur, quae quasi involutum evolvit id de quo quaeritur; eius argumenti talis est formula: Ius civile est aequitas constituta eis qui eiusdem civitatis sunt ad res suas obtinendas; eius autem aequitatis utilis cognitio est; utilis ergo est iuris civilis scientia; [10] — tum partium enumeratio, quae tractatur hoc modo: Si neque censu nec vindicta nec testamento liber factus est, non est liber; neque ulla est earum rerum; non est igitur liber; — tum notatio, cum ex verbi vi argumentum aliquod elicitur hoc modo: Cum lex assiduo vindicem assiduum esse iubeat, locupletem iubet locupleti; is est enim assiduus, ut ait L. Aelius, appellatus ab aere dando.

[11] Ducuntur etiam argumenta ex eis rebus quae quodam modo affectae sunt ad id de quo quaeritur. Sed hoc genus in pluris partis

distributum est. Nam alia coniugata appellamus, alia ex genere, alia ex forma, alia ex similitudine, alia ex differentia, alia ex contrario, alia ex adiunctis, alia ex antecedentibus, alia ex consequentibus, alia ex repugnantibus, alia ex causis, alia ex effectis, alia ex comparatione maiorum aut parium aut minorum.

[12] Coniugata dicuntur quae sunt ex verbis generis eiusdem. Eiusdem autem generis verba sunt quae orta ab uno varie commutantur, ut sapiens sapienter sapientia. Haec verborum coniugatio suzug¤a dicitur, ex qua huius modi est argumentum: Si compascuus ager est, ius est compascere.

[13] A genere sic ducitur: Quoniam argentum omne mulieri legatum est, non potest ea pecunia quae numerata domi relicta est non esse legata; forma enim a genere, quoad suum nomen retinet, nunquam seiungitur, numerata autem pecunia nomen argenti retinet; legata igitur videtur.

[14] A forma generis, quam interdum, quo planius accipiatur, partem licet nominare hoc modo: Si ita Fabiae pecunia legata est a viro, si ei viro materfamilias esset; si ea in manum non convenerat, nihil debetur. Genus enim est uxor; eius duae formae: una matrumfamilias, eae sunt, quae in manum convenerunt; altera earum, quae tantum modo uxores habentur. Qua in parte cum fuerit Fabia, legatum ei non videtur.

[15] A similitudine hoc modo: Si aedes eae corruerunt vitiumve faciunt quarum usus fructus legatus est, heres restituere non debet nec reficere, non magis quam servum restituere, si is cuius usus fructus legatus esset deperisset.

[16] A differentia: Non, si uxori vir legavit argentum omne quod suum esset, idcirco quae in nominibus fuerunt legata sunt. Multum enim differt in arcane positum sit argentum an in tabulis debeatur.

[17] Ex contrario autem sic: Non debet ea mulier cui vir bonorum suorum usum fructum legavit cellis vinariis et oleariis plenis relictis, putare id ad se pertinere. Usus enim, non abusus, legatus est. Ea sunt inter se contraria.

[18] Ab adiunctis: Si ea mulier testamentum fecit quae se capite nunquam deminuit, non videtur ex edicto praetoris secundum eas tabulas possessio dari. Adiungitur enim, ut secundum servorum, secundum exsulum, secundum puerorum tabulas possessio videatur

ex edicto dari.

[19] Ab antecedentibus autem et consequentibus et repugnantibus hoc modo; ab antecedentibus: Si viri culpa factum est divortium, etsi mulier nuntium remisit, tamen pro liberis manere nihil oportet.

[20] A consequentibus: Si mulier, cum fuisset nupta cum eo quicum conubium non esset, nuntium remisit; quoniam qui nati sunt patrem non sequuntur, pro liberis manere nihil oportet.

[21] A repugnantibus: Si paterfamilias uxori ancillarum usum fructum legavit a filio neque a secundo herede legavit, mortuo filio mulier usum fructum non amittet. Quod enim semel testamento alicui datum est, id ab eo invito cui datum est auferri non potest. Repugnat enim recte accipere et invitum reddere.

[22] Ab efficientibus rebus hoc modo: Omnibus est ius parietem directum ad parietem communem adiungere vel solidum vel fornicatum. Sed qui in pariete communi demoliendo damni infecti promiserit, non debebit praestare quod fornix viti fecerit. Non enim eius vitio qui demolitus est damnum factum est, sed eius operis vitio quod ita aedificatum est ut suspendi non posset.

[23] Ab effectis rebus hoc modo: Cum mulier viro in manum convenit, omnia quae mulieris fuerunt viri fiunt dotis nomine.

Ex comparatione autem omnia valent quae sunt huius modi: Quod in re maiore valet valeat in minore, ut si in urbe fines non reguntur, nec aqua in urbe arceatur. Item contra: Quod in minore valet, valeat in maiore. Licet idem exemplum convertere. Item: Quod in re pari valet valeat in hac quae par est; ut: Quoniam usus auctoritas fundi biennium est, sit etiam aedium. At in lege aedes non appellantur et sunt ceterarum rerum omnium quarum annuus est usus. Valeat aequitas, quae paribus in causis paria iura desiderat.

[24] Quae autem assumuntur extrinsecus, ea maxime ex auctoritate ducuntur. Itaque Graeci talis argumentationes étšxnouw vocant, id est artis expertis, ut si ita respondeas: Quoniam P. Scaevola id solum esse ambitus aedium dixerit, quod parietis communis tegendi causa tectum proiceretur, ex quo tecto in eius aedis qui protexisset aqua deflueret, id ambitus videri.

[25] His igitur locis qui sunt eiti ad omne argumentum reperiendum tamquam elementis quibusdam significatio et demonstratio datur. Utrum igitur hactenus satis est? Tibi quidem tam acuto et tam

occupato puto. Sed quoniam avidum hominem ad has discendi epulas recepi, sic accipiam, ut reliquiarum sit potius aliquid quam te hinc patiar non satiatum discedere. [26] Quando ergo unus quisque eorum locorum quos eui sua quaedam habet membra, ea quam subtilissime persequamur.

Et primum de ipsa definitione dicatur. Definitio est oratio quae id quod definitur explicat quid sit. Definitionum autem duo genera prima: unum earum rerum quae sunt, alterum earum quae intelleguntur. [27] Esse ea dico quae cerni tangique possunt, ut fundum aedes, parietem stillicidium, mancipium pecudem, supellectilem penus et cetera; quo ex genere quaedam interdum vobis definienda sunt. Non esse rursus ea dico quae tangi demonstrarive non possunt, cerni tamen animo atque intellegi possunt, ut si usus capionem, si tutelam, si gentem, si agnationem definias, quarum rerum nullum subest corpus, est tamen quaedam conformatio insignita et impressa intellegentia, quam notionem voco. Ea saepe in argumentando definitione explicanda est.

[28] Atque etiam definitiones aliae sunt partitionum aliae divisionum; partitionum, cum res ea quae proposita est quasi in membra discerpitur, ut si quis ius civile dicat id esse quod in legibus, senatus consultis, rebus iudicatis, iuris peritorum auctoritate, edictis magistratuum, more, aequitate consistat. Divisionum autem definitio formas omnis complectitur quae sub eo genere sunt quod definitur hoc modo: Abalienatio est eius rei quae mancipi est aut traditio alteri nexu aut in iure cessio inter quos ea iure civili fieri possunt.

Sunt etiam alia genera definitionum, sed ad huius libri institutum illa nihil pertinent; tantum est dicendum qui sit definitionis modus. [29] Sic igitur veteres praecipiunt: cum sumpseris ea quae sint ei rei quam definire velis cum aliis communia, usque eo persequi, dum proprium efficiatur, quod nullam in aliam rem transferri possit. Ut haec: Hereditas est pecunia. Commune adhuc; multa enim genera pecuniae. Adde quod sequitur: quae morte alicuius ad quempiam pervenit. Nondum est definitio; multis enim modis sine hereditate teneri pecuniae mortuorum possunt. Unum adde verbum: iure; iam a communitate res diiuncta videbitur, ut sit explicata definitio sic: Hereditas est pecunia quae morte alicuius ad quempiam pervenit iure. Nondum est satis; adde: nec ea aut legata testamento aut

possessione retenta; confectum est. Itemque: Gentiles sunt inter se qui eodem nomine sunt. Non est satis. Qui ab ingenuis oriundi sunt. Ne id quidem satis est. Quorum maiorum nemo servitutem servivit. Abest etiam nunc. Qui capite non sunt deminuti. Hoc fortasse satis est. Nihil enim video Scaevolam pontificem ad hanc definitionem addidisse. Atque haec ratio valet in utroque genere definitionum, sive id quod est, sive id quod intellegitur definiendum est.

[30] Partitionum autem et divisionum genus quale esset ostendimus, sed quid inter se differant planius dicendum est. In partitione quasi membra sunt, ut corporis, caput, umeri, manus, latera, crura, pedes et cetera. In divisione formae, quas Graeci eýdh vocant, nostri, si qui haec forte tractant, species appellant, non pessime id quidem sed inutiliter ad mutandos casus in dicendo. Nolim enim, ne si Latine quidem dici possit, specierum et speciebus dicere; et saepe his casibus utendum est; at formis et formarum velim. Cum autem utroque verbo idem significetur, commoditatem in dicendo non arbitror neglegendam.

[31] Genus et formam definiunt hoc modo: Genus est notio ad pluris differentias pertinens; forma est notio cuius differentia ad caput generis et quasi fontem referri potest. Notionem appello quod Graeci tum ¶nnoian tum pròlhcin. Ea est insita et ante percepta cuiusque cognitio enodationis indigens. Formae sunt igitur eae in quas genus sine ullius praetermissione dividitur; ut si quis ius in legem, morem, aequitatem dividat. Formas qui putat idem esse quod partis, confundit artem et similitudine quadam conturbatus non satis acute quae sunt secernenda distinguit. [32] Saepe etiam definiunt et oratores et poetae per translationem verbi ex similitudine cum aliqua suavitate. Sed ego a vestris exemplis nisi necessario non recedam. Solebat igitur Aquilius collega et familiaris meus, cum de litoribus ageretur, quae omnia publica esse vultis, quaerentibus eis quos ad id pertinebat, quid esset litus, ita definire, qua fluctus eluderet; hoc est, quasi qui adulescentiam florem aetatis, senectutem occasum vitae velit definire; translatione enim utens discedebat a verbis propriis rerum ac suis. Quod ad definitiones attinet, hactenus; reliqua videamus.

[33] Partitione tum sic utendum est, nullam ut partem relinquas; ut, si partiri velis tutelas, inscienter facias, si ullam praetermittas. At si

stipulationum aut iudiciorum formulas partiare, non est vitiosum in re infinita praetermittere aliquid. Quod idem in divisione vitiosum est. Formarum enim certus est numerus quae cuique generi subiciantur; partium distributio saepe est infinitior, tamquam rivorum a fonte diductio. [34] Itaque in oratoriis artibus quaestionis genere proposito, quot eius formae sint, subiungitur absolute. At cum de ornamentis verborum sententiarumve praecipitur, quae vocant sxæmata, non fit idem. Res est enim infinitior; ut ex hoc quoque intellegatur quid velimus inter partitionem et divisionem interesse. Quamquam enim vocabula prope idem valere videbantur, tamen quia res differebant, nomina rerum distare voluerunt.

[35] Multa etiam ex notatione sumuntur. Ea est autem, cum ex vi nominis argumentum elicitur; quam Graeci §tumolog¤an appellant, id est verbum ex verbo veriloquium; nos autem novitatem verbi non satis apti fugientes genus hoc notationem appellamus, quia sunt verba rerum notae. Itaque hoc quidem Aristoteles sÊmbolon appellat, quod Latine est nota. Sed cum intellegitur quid significetur, minus laborandum est de nomine. [36] Multa igitur in disputando notatione eliciuntur ex verbo, ut cum quaeritur postliminium quid sit — non dico quae sint postlimini; nam id caderet in divisionem, quae talis est: Postliminio redeunt haec: homo, navis, mulus clitellarius, equus, equa quae frenos recipere solet — ; sed cum ipsius postlimini vis quaeritur et verbum ipsum notatur; in quo Servius noster, ut opinor, nihil putat esse notandum nisi post, et liminium illud productionem esse verbi vult, ut in finitimo, legitimo, aeditimo non plus inesse timum quam in meditullio tullium; [37] Scaevola autem P. F. iunctum putat esse verbum, ut sit in eo et post et limen; ut, quae a nobis alienata, cum ad hostem pervenerint, ex suo tamquam limine exierint, hinc ea cum redierint post ad idem limen, postliminio redisse videantur. Quo genere etiam Mancini causa defendi potest, postliminio redisse; deditum non esse, quoniam non sit receptus; nam neque deditionem neque donationem sine acceptione intellegi posse.

[38] Sequitur is locus qui constat ex eis rebus quae quodam modo adfectae sunt ad id de quo ambigitur; quem modo dixi in plures partes distributum. Cuius est primus locus ex coniugatione, quam Graeci suzug¤an vocant, finitimus notationi, de qua modo dictum est; ut, si aquam pluviam eam modo intellegeremus quam imbri

collectam videremus, veniret Mucius, qui, quia coniugata verba essent pluvia et pluendo, diceret omnem aquam oportere arceri quae pluendo crevisset.

[39] Cum autem a genere ducetur argumentum, non erit necesse id usque a capite arcessere. Saepe etiam citra licet, dum modo supra sit quod sumitur, quam id ad quod sumitur; ut aqua pluvia ultimo genere ea est quae de caelo veniens crescit imbri, sed propiore, in quo quasi ius arcendi continetur, genus est aqua pluvia nocens: eius generis formae loci vitio et manu nocens, quarum altera iubetur ab arbitro coerceri altera non iubetur. [40] Commode etiam tractatur haec argumentatio quae ex genere sumitur, cum ex toto partis persequare hoc modo: Si dolus malus est, cum aliud agitur aliud simulatur, enumerare licet quibus id modis fiat, deinde in eorum aliquem id quod arguas dolo malo factum includere; quod genus argumenti in primis firmum videri solet.

[41] Similitudo sequitur, quae late patet, sed oratoribus et philosophis magis quam vobis. Etsi enim omnes loci sunt omnium disputationum ad argumenta suppeditanda, tamen aliis disputationibus abundantius occurrunt aliis angustius. Itaque genera tibi nota sint; ubi autem eis utare, quaestiones ipsae te admonebunt. [42] Sunt enim similitudines quae ex pluribus collationibus perveniunt quo volunt hoc modo: Si tutor fidem praestare debet, si socius, si cui mandaris, si qui fiduciam acceperit, debet etiam procurator. Haec ex pluribus perveniens quo vult appellatur inductio, quae Graece §pagvgó nominatur, qua plurimum est usus in sermonibus Socrates. [43] Alterum similitudinis genus collatione sumitur, cum una res uni, par pari comparatur hoc modo: Quem ad modum, si in urbe de finibus controversia est, quia fines magis agrorum videntur esse quam urbis, finibus regendis adigere arbitrum non possis, sic, si aqua pluvia in urbe nocet, quoniam res tota magis agrorum est, aquae pluviae arcendae adigere arbitrum non possis. [44] Ex eodem similitudinis loco etiam exempla sumuntur, ut Crassus in causa Curiana exemplis plurimis usus est, qui testamento sic heredes instituti, ut si filius natus esset in decem mensibus isque mortuus prius quam in suam tutelam venisset, hereditatem obtinuissent. Quae commemoratio exemplorum valuit, eaque vos in respondendo uti multum soletis. [45] Ficta enim exempla similitudinis habent vim; sed

ea oratoria magis sunt quam vestra; quamquam uti etiam vos soletis, sed hoc modo: Finge mancipio aliquem dedisse id quod mancipio dari non potest. Num idcirco id eius factum est qui accepit? aut num is qui mancipio dedit ob eam rem se ulla re obligavit? In hoc genere oratoribus et philosophis concessum est, ut muta etiam loquantur, ut mortui ab inferis excitentur, ut aliquid quod fieri nullo modo possit augendae rei gratia dicatur aut minuendae, quae Íperboló dicitur, multa alia mirabilia. Sed latior est campus illorum. Eisdem tamen ex locis, ut ante dixi, et [in] maximis et minimis [in] quaestionibus argumenta ducuntur.

[46] Sequitur similitudinem differentia rei maxime contraria superiori; sed est eiusdem dissimile et simile invenire. Eius generis haec sunt: Non, quem ad modum quod mulieri debeas, recte ipsi mulieri sine tutore auctore solvas, item, quod pupillo aut pupillae debeas, recte possis eodem modo solvere.

[47] Deinceps locus est qui e contrario dicitur. Contrariorum autem genera plura; unum eorum quae in eodem genere plurimum differunt, ut sapientia stultitia. Eodem autem genere dicuntur quibus propositis occurrunt tamquam e regione quaedam contraria, ut celeritati tarditas, non debilitas. Ex quibus contrariis argumenta talia existunt: Si stultitiam fugimus, sapientiam sequamur, et bonitatem si malitiam. Haec quae ex eodem genere contraria sunt appellantur adversa. [48] Sunt enim alia contraria, quae privantia licet appellemus Latine, Graeci appellant sterhtikã. Praeposito enim ‘in’ privatur verbum ea vi quam haberet si ‘in’ praepositum non fuisset, dignitas indignitas, humanitas inhumanitas, et cetera generis eiusdem, quorum tractactio est eadem quae superiorum quae adversa dixi. [49] Nam alia quoque sunt contrariorum genera, velut ea quae cum aliquo conferuntur, ut duplum simplum, multa pauca, longum breve, maius minus. Sunt etiam illa valde contraria quae appellantur negantia; ea épofatikå Graece, contraria aientibus: Si hoc est, illud non est. Quid enim opus exemplo est? Tantum intellegatur, in argumento quaerendo contrariis omnibus contraria non convenire.

[50] Ab adiunctis autem posui equidem exemplum paulo ante, multa adiungi, quae suscipienda essent si statuissemus ex edicto secundum eas tabulas possessionem dari, quas is instituisset cui testamenti factio nulla esset. Sed locus hic magis ad coniecturales

causas, quae versantur in iudiciis, valet, cum quaeritur quid aut sit aut evenerit aut futurum sit aut quid omnino fieri possit. [51] Ac loci quidem ipsius forma talis est. Admonet autem hic locus, ut quaeratur quid ante rem, quid cum re, quid post rem evenerit. 'Nihil hoc ad ius; ad Ciceronem,' inquiebat Gallus noster, si quis ad eum quid tale rettulerat, ut de facto quaereretur. Tu tamen patiere nullum a me artis institutae locum praeteriri; ne, si nihil nisi quod ad te pertineat scribendum putabis, nimium te amare videare. Est igitur magna ex parte locus hic oratorius non modo non iuris consultorum, sed ne philosophorum quidem. [52] Ante rem enim quaeruntur quae talia sunt: apparatus, colloquia, locus, constitutum, convivium; cum re autem: pedum crepitus, strepitus hominum, corporum umbrae et si quid eius modi; at post rem: pallor, rubor, titubatio, si qua alia signa conturbationis et conscientiae, praeterea restinctus ignis, gladius cruentus ceteraque quae suspicionem facti possunt movere.

[53] Deinceps est locus dialecticorum proprius ex consequentibus et antecedentibus et repugnantibus. Nam coniuncta, de quibus paulo ante dictum est, non semper eveniunt; consequentia autem semper. Ea enim dico consequentia quae rem necessario consequuntur; itemque et antecedentia et repugnantia. Quidquid enim sequitur quamque rem, id cohaeret cum re necessario; et quidquid repugnat, id eius modi est ut cohaerere numquam possit. Cum tripertito igitur distribuatur locus hic, in consecutionem, antecessionem, repugnantiam, reperiendi argumenti locus simplex est, tractandi triplex. Nam quid interest, cum hoc sumpseris, pecuniam numeratam mulieri deberi cui sit argentum omne legatum, utrum hoc modo concludas argumentum: Si pecunia signata argentum est, legata est mulieri. Est autem pecunia signata argentum. Legata igitur est; an illo modo: Si numerata pecunia non est legata, non est numerata pecunia argentum. Est autem numerata pecunia argentum; legata igitur est; an illo modo: Non et legatum argentum est et non est legata numerata pecunia. Legatum autem argentum est; legata igitur numerata pecunia est? [54] Appellant autem dialectici eam conclusionem argumenti, in qua, cum primum assumpseris, consequitur id quod annexum est primum conclusionis modum; cum id quod annexum est negaris, ut id quoque cui fuerit annexum negandum sit, secundus is appellatur concludendi modus; cum autem

aliqua coniuncta negaris et ex eis unum aut plura sumpseris, ut quod relinquitur tollendum sit, is tertius appellatur conclusionis modus. [55] Ex hoc illa rhetorum ex contrariis conclusa, quae ipsi §nyumæmata appellant; non quod omnis sententia proprio nomine §nyÊmhma non dicatur, sed, ut Homerus propter excellentiam commune poetarum nomen efficit apud Graecos suum, sic, cum omnis sententia §nyÊmhma dicatur, quia videtur ea quae ex contrariis conficitur acutissima, sola proprie nomen commune possedit. Eius generis haec sunt:

hoc metuere, alterum in metu non ponere!
eam quam nihil accusas damnas, bene quam
meritam esse autumas
dicis male merere?
id quod scis prodest nihil; id quod nescis obest? *

[56] Hoc disserendi genus attingit omnino vestras quoque in respondendo disputationes, sed philosophorum magis, quibus est cum oratoribus illa ex repugnantibus sententiis communis conclusio quae a dialecticis tertius modus, a rhetoribus §nyÊmhma dicitur. Reliqui dialecticorum modi plures sunt, qui ex disiunctionibus constant: Aut hoc aut illud; hoc autem; non igitur illud. Itemque: Aut hoc aut illud; non autem hoc; illud igitur. Quae conclusiones idcirco ratae sunt quod in disiunctione plus uno verum esse non potest. [57] Atque ex eis conclusionibus quas supra scripsi prior quartus posterior quintus a dialecticis modus appellatur. Deinde addunt coniunctionum negantiam sic: Non et hoc et illud; hoc autem; non igitur illud. Hic modus est sextus. Septimus autem: Non et hoc et illud; non autem hoc; illud igitur. Ex eis modis conclusiones innumerabiles nascuntur, in quo est tota fere dialektikæ. Sed ne hae quidem quas eui ad hanc institutionem necessariae.

[58] Proximus est locus rerum efficientium, quae causae appellantur; deinde rerum effectarum ab efficientibus causis. Harum exempla, ut reliquorum locorum, paulo ante posui equidem ex iure civili; sed haec patent latius.

Causarum enim genera duo sunt; unum, quod vi sua id quod sub eam vim subiectum est certe efficit, ut: Ignis accendit; alterum, quod naturam efficiendi non habet sed sine quo effici non possit, ut si quis aes statuae causam velit dicere, quod sine eo non possit effici. [59]

Huius generis causarum, sine quo non efficitur, alia sunt quieta, nihil agentia, stolida quodam modo, ut locus, tempus, materia, ferramenta, et cetera generis eiusdem; alia autem praecursionem quandam adhibent ad efficiendum et quaedam afferunt per se adiuvantia, etsi non necessaria, ut: Amori congressio causam attulerat, amor flagitio. Ex hoc genere causarum ex aeternitate pendentium fatum a Stoicis nectitur.

Atque ut earum causarum sine quibus effici non potest genera divisi, sic etiam efficientium dividi possunt. Sunt enim aliae causae quae plane efficiant nulla re adiuvante, aliae quae adiuvari velint, ut: Sapientia efficit sapientis sola per se; beatos efficiat necne sola per sese quaestio est. [60] Qua re cum in disputationem inciderit causa efficiens aliquid necessario, sine dubitatione licebit quod efficitur ab ea causa concludere. Cum autem erit talis causa, ut in ea non sit efficiendi necessitas, necessaria conclusio non sequitur. Atque illud quidem genus causarum quod habet vim efficiendi necessariam errorem afferre non fere solet; hoc autem sine quo non efficitur saepe conturbat. Non enim, si sine parentibus filii esse non possunt, propterea in parentibus causa fuit gignendi necessaria.

[61] Hoc igitur sine quo non fit, ab eo in quo certe fit diligenter est separandum. Illud enim est tamquam utinam ne in nemore Pelio — Nisi enim ‘accedissent abiegnae ad terram trabes,’ Argo illa facta non esset, nec tamen fuit in his trabibus efficiendi vis necessaria. At cum in Aiacis navim crispisulcans igneum fulmen iniectum est, inflammatur navis necessario.

[62] Atque etiam est causarum dissimilitudo, quod aliae sunt, ut sine ulla appetitione animi, sine voluntate, sine opinione suum quasi opus efficiant, vel ut omne intereat quod ortum sit; aliae autem aut voluntate efficiunt aut perturbatione animi aut habitu aut natura aut arte aut casu: voluntate, ut tu, cum hunc libellum legis; perturbatione, ut si quis eventum horum temporum timeat; habitu, ut qui facile et cito irascitur; natura, ut vitium in dies crescat; arte, ut bene pingat; casu, ut prospere naviget. Nihil horum sine causa nec quidquam omnino; sed huius modi causae non necessariae.

[63] Omnium autem causarum in aliis inest constantia, in aliis non inest. In natura et in arte constantia est, in ceteris nulla. Sed tamen earum causarum quae non sunt constantes aliae sunt perspicuae, aliae

latent. Perspicuae sunt quae appetitionem animi iudiciumque tangunt; latent quae subiectae sunt fortunae. Cum enim nihil sine causa fiat, hoc ipsum est fortuna, qui eventus obscura causa et latenter efficitur. Etiam ea quae fiunt partim sunt ignorata partim voluntaria; ignorata, quae necessitate effecta sunt; voluntaria, quae consilio. [64] Nam iacere telum voluntatis est, ferire quem nolueris fortunae. Ex quo aries subicitur ille in vestris actionibus: si telum manu fugit magis quam iecit. Cadunt etiam in ignorationem atque imprudentiam perturbationes animi; quae quamquam sunt voluntariae — obiurgatione enim et admonitione deiciuntur — tamen habent tantos motus, ut ea quae voluntaria sunt aut necessaria interdum aut certe ignorata videantur.

[65] Toto igitur loco causarum explicato, ex earum differentia in magnis quidem causis vel oratorum vel philosophorum magna argumentorum suppetit copia; in vestris autem si non uberior, at fortasse subtilior. Privata enim iudicia maximarum quidem rerum in iuris consultorum mihi videntur esse prudentia. Nam et adsunt multum et adhibentur in consilia et patronis diligentibus ad eorum prudentiam confugientibus hastas ministrant. [66] In omnibus igitur eis iudiciis, in quibus ex fide bona est additum, ubi vero etiam ut inter bonos bene agier oportet, in primisque in arbitrio rei uxoriae, in quo est quod eius aequius melius, parati eis esse debent. Illi dolum malum, illi fidem bonam, illi aequum bonum, illi quid socium socio, quid eum qui negotia aliena curasset ei cuius ea negotia fuissent, quid eum qui mandasset, eumve cui mandatum esset, alterum alteri praestare oporteret, quid virum uxori, quid uxorem viro tradiderunt. Licebit igitur diligenter argumentorum cognitis locis non modo oratoribus et philosophis, sed iuris etiam peritis copiose de consultationibus suis disputare.

[67] Coniunctus huic causarum loco ille locus est qui efficitur ex causis. Ut enim causa quid sit effectum indicat, sic quod effectum est quae fuerit causa demonstrat. Hic locus suppeditare solet oratoribus et poetis, saepe etiam philosophis, sed eis qui ornate et copiose loqui possunt, mirabilem copiam dicendi, cum denuntiant quid ex quaque re sit futurum. Causarum enim cognitio cognitionem eventorum facit.

[68] Reliquus est comparationis locus, cuius genus et exemplum supra positum est ut ceterorum; nunc explicanda tractatio est.

Comparantur igitur ea quae aut maiora aut minora aut paria dicuntur; in quibus spectantur haec: numerus, species, vis, quaedam etiam ad res aliquas affectio.

[69] Numero sic comparabuntur, plura bona ut paucioribus bonis anteponantur, pauciora mala malis pluribus, diuturniora bona brevioribus, longe et late pervagata angustis, ex quibus plura bona propagentur quaeque plures imitentur et faciant.

Specie autem comparantur, ut anteponantur quae propter se expetenda sunt eis quae propter aliud et ut innata atque insita assumptis atque adventiciis, integra contaminatis, iucunda minus iucundis, honesta ipsis etiam utilibus, proclivia laboriosis, necessaria non necessariis, sua alienis, rara vulgaribus, desiderabilia eis quibus facile carere possis, perfecta incohatis, tota partibus, ratione utentia rationis expertibus, voluntaria necessariis, animata inanimis, naturalia non naturalibus, artificiosa non artificiosis.

[70] Vis autem in comparatione sic cernitur: efficiens causa gravior quam non efficiens; quae se ipsis contenta sunt meliora quam quae egent aliis; quae in nostra quam quae in aliorum potestate sunt; stabilia incertis; quae eripi non possunt eis quae possunt.

Affectio autem ad res aliquas est huius modi: principum commoda maiora quam reliquorum; itemque quae iucundiora, quae pluribus probata, quae ab optimo quoque laudata. Atque ut haec in comparatione meliora, sic deteriora quae eis sunt contraria.

[71] Parium autem comparatio nec elationem habet nec summissionem; est enim aequalis. Multa autem sunt quae aequalitate ipsa comparantur; quae ita fere concluduntur: Si consilio iuvare cives et auxilio aequa in laude ponendum est, pari gloria debent esse ei qui consulunt et ei qui defendunt; at quod primum, est; quod sequitur igitur.

Perfecta est omnis argumentorum inveniendorum praeceptio, ut, cum profectus sis a definitione, a partitione, a notatione, a coniugatis, a genere, a formis, a similitudine, a differentia, a contrariis, ab adiunctis, a consequentibus, ab antecedentibus, a repugnantibus, a causis, ab effectis, a comparatione maiorum, minorum, parium, nulla praeterea sedes argumenti quaerenda sit.

[72] Sed quoniam ita a principio divisimus, ut alios locos diceremus in eo ipso de quo ambigitur haerere, de quibus satis est

dictum, alios assumi extrinsecus, de eis pauca dicamus, etsi ea nihil omnino ad vestras disputationes pertinent; sed tamen totam rem efficiamus, quandoquidem coepimus. Neque enim tu is es quem nihil nisi ius civile delectet, et quoniam haec ita ad te scribuntur ut etiam in aliorum manus sint ventura, detur opera, ut quam plurimum eis quos recta studia delectant prodesse possimus.

[73] Haec ergo argumentatio, quae dicitur artis expers, in testimonio posita est. Testimonium autem nunc dicimus omne quod ab aliqua re externa sumitur ad faciendam fidem. Persona autem non qualiscumque est testimoni pondus habet; ad fidem enim faciendam auctoritas quaeritur; sed auctoritatem aut natura aut tempus affert. Naturae auctoritas in virtute inest maxima; in tempore autem multa sunt quae afferant auctoritatem: ingenium, opes, aetas, fortuna, ars, usus, necessitas, concursio etiam non numquam rerum fortuitarum. Nam et ingeniosos et opulentos et aetatis spatio probatos dignos quibus credatur putant; non recte fortasse, sed vulgi opinio mutari vix potest ad eamque omnia dirigunt et qui iudicant et qui existimant. Qui enim rebus his quas dixi excellunt, ipsa virtute videntur excellere.

[74] Sed reliquis quoque rebus quas modo enumeravi quamquam in his nulla species virtutis est, tamen interdum confirmatur fides, si aut ars quaedam adhibetur — magna est enim vis ad persuadendum scientiae — aut usus; plerumque enim creditur eis qui experti sunt. Facit etiam necessitas fidem, quae tum a corporibus tum ab animis nascitur. Nam et verberibus, tormentis, igni fatigati quae dicunt ea videtur veritas ipsa dicere, et quae perturbationibus animi, dolore, cupiditate, iracundia, metu, qui necessitatis vim habent, afferunt auctoritatem et fidem.

[75] Cuius generis etiam illa sunt ex quibus verum nonnunquam invenitur, pueritia, somnus, imprudentia, vinolentia, insania. Nam et parvi saepe indicaverunt aliquid, quo id pertineret ignari, et per somnum, vinum, insaniam multa saepe patefacta sunt. Multi etiam in res odiosas imprudenter inciderunt, ut Staieno nuper accidit, qui ea locutus est bonis viris subauscultantibus pariete interposito, quibus patefactis in iudiciumque prolatis ille rei capitalis iure damnatus est. Huic simile quiddam de Lacedaemonio Pausania accepimus.

[76] Concursio autem fortuitorum talis est, ut si interventum est

casu, cum aut ageretur aliquid quod proferendum non esset, aut diceretur. In hoc genere etiam illa est in Palamedem coniecta suspicionum proditionis multitudo; quod genus refutare interdum veritas vix potest. Huius etiam est generis fama vulgi, quoddam multitudinis testimonium.

Quae autem virtute fidem faciunt ea bipertita sunt; ex quibus alterum natura valet alterum industria. Deorum enim virtus natura excellit, hominum autem industria. [77] Divina haec fere sunt testimonia: primum orationis — oracula enim ex eo ipso appellata sunt, quod inest in his deorum oratio — ; deinde rerum, in quibus insunt quasi quaedam opera divina: primum ipse mundus eiusque omnis ordo et ornatus; deinceps aerii volatus avium atque cantus; deinde eiusdem aeris sonitus et ardores multarumque rerum in terra portenta atque etiam per exta inventa praesensio; a dormientibus quoque multa significata visis. Quibus ex locis sumi interdum solent ad fidem faciendam testimonia deorum.

[78] In homine virtutis opinio valet plurimum. Opinio est autem non modo eos virtutem habere qui habeant, sed eos etiam qui habere videantur. Itaque quos ingenio, quos studio, quos doctrina praeditos vident quorumque vitam constantem et probatam, ut Catonis, Laeli, Scipionis, aliorumque plurium, rentur eos esse qualis se ipsi velint; nec solum eos censent esse talis qui in honoribus populi reque publica versantur, sed et oratores et philosophos et poetas et historicos, ex quorum et dictis et scriptis saepe auctoritas petitur ad faciendam fidem.

[79] Eitis omnibus argumentandi locis illud primum intellegendum est nec ullam esse disputationem in qua non aliquis locus incurrat, nec fere omnis locos incidere in omnem quaestionem et quibusdam quaestionibus alios, quibusdam alios esse aptiores locos. Quaestionum duo genera sunt: alterum infinitum, definitum alterum. Definitum est quod Ípòyesin Graeci, nos causam; infinitum quod yššin illi appellant, nos propositum possumus nominare.

[80] Causa certis personis, locis, temporibus, actionibus, negotiis cernitur aut in omnibus aut in plerisque eorum, propositum autem aut in aliquo eorum aut in pluribus nec tamen in maximis. Itaque propositum pars est causae. Sed omnis quaestio earum aliqua de re est quibus causae continentur, aut una aut pluribus aut nonnunquam

omnibus.

[81] Quaestionum autem ‘quacumque de re’ sunt duo genera: unum cognitionis alterum actionis. [82] Cognitionis sunt eae quarum est finis scientia, ut si quaeratur a naturane ius profectum sit an ab aliqua quasi condicione hominum et pactione. Actionis autem huius modi exempla sunt: Sitne sapientis ad rem publicam accedere. Cognitionis quaestiones tripertitae sunt; aut sitne aut quid sit aut quale sit quaeritur. Horum primum coniectura, secundum definitione, tertium iuris et iniuriae distinctione explicatur.

Coniecturae ratio in quattuor partes distributa est, quarum una est cum quaeritur sitne aliquid; altera unde ortum sit; tertia quae id causa effecerit; quarta in qua de commutatione rei quaeritur. Sitne sic: ecquidnam sit honestum, ecquid aequum re vera; an haec tantum in opinione sint. Unde autem sit ortum: ut cum quaeritur, natura an doctrina possit effici virtus. Causa autem efficiens sic quaeritur, quibus rebus eloquentia efficiatur. De commutatione sic: possitne eloquentia commutatione aliqua converti in infantiam.

[83] Cum autem quid sit quaeritur, notio explicanda est et proprietas et divisio et partitio. Haec enim sunt definitioni attributa; additur etiam descriptio, quam xaraktƒra Graeci vocant. Notio sic quaeritur: sitne id aequum quod ei qui plus potest utile est. Proprietas sic: in hominemne solum cadat an etiam in beluas aegritudo. Divisio et eodem pacto partitio sic: triane genera bonorum sint. Descriptio, qualis sit avarus, qualis assentator ceteraque eiusdem generis, in quibus et natura et vita describitur.

[84] Cum autem quaeritur quale quid sit, aut simpliciter quaeritur aut comparate; simpliciter: Expetendane sit gloria; comparate: Praeponendane sit divitiis gloria. Simplicium tria genera sunt: de expetendo fugiendoque, de aequo et iniquo, de honesto et turpi. Comparationum autem duo: unum de eodem et alio, alterum de maiore et minore. De expetendo et fugiendo huius modi: Si expetendae divitiae, si fugienda paupertas. De aequo et iniquo: Aequumne sit ulcisci a quocumque iniuriam acceperis. De honesto et turpi: Honestumne sit pro patria mori?

[85] Ex altero autem genere, quod erat bipertitum, unum est de eodem et alio: Quid intersit inter amicum et assentatorem, regem et tyrannum; alterum de maiore et minore, ut si quaeratur eloquentiane

pluris sit an iuris civilis scientia. De cognitionis quaestionibus hactenus.

[86] Actionis reliquae sunt, quarum duo genera: unum ad officium, alterum ad motum animi vel gignendum vel sedandum planeve tollendum. Ad officium sic, ut cum quaeritur suscipiendine sint liberi. Ad movendos animos cohortationes ad defendendam rem publicam, ad laudem, ad gloriam; quo ex genere sunt querellae, incitationes, miserationesque flebiles; rursusque oratio tum iracundiam restinguens, tum metum eripiens, tum exsultantem laetitiam comprimens, tum aegritudinem abstergens. Haec cum in propositi quaestionibus genera sint, eadem in causas transferuntur.

[87] Loci autem qui ad quasque quaestiones accommodati sint deinceps est videndum. Omnes illi quidem ad plerasque, sed alii ad alias, ut dixi, aptiores. Ad coniecturam igitur maxime apta quae ex causis, quae ex effectis, quae ex coniunctis sumi possunt. Ad definitionem autem pertinet ratio et scientia definiendi. Atque huic generi finitimum est illud quod appellari de eodem et de altero diximus, quod genus forma quaedam definitionis est; si enim quaeratur idemne sit pertinacia et perseverantia, definitionibus iudicandum est.

[88] Loci autem convenient in eius generis quaestionem consequentis, antecedentis, repugnantis; adiuncti etiam eis qui sumuntur ex causis et effectis. Nam si hanc rem illa sequitur, hanc autem non sequitur; aut si huic rei illa antecedit, huic non antecedit; aut si huic rei repugnat, illi non repugnat; aut si huius rei haec, illius alia causa est; aut si ex alio hoc, ex alio illud effectum est: ex quovis horum id de quo quaeritur idemne an aliud sit inveniri potest.

[89] Ad tertium genus quaestionis, in quo quale sit quaeritur, in comparationem ea cadunt quae paulo ante in comparationis loco enumerata sunt. In illud autem genus in quo de expetendo fugiendoque quaeritur adhibentur ea quae sunt aut animi aut corporis aut externa vel commoda vel incommoda. Itemque cum de honesto turpique quaeritur, ad animi bona aut mala omnis oratio dirigenda est.

[90] Cum autem de aequo et iniquo disseritur, aequitatis loci colligentur. Hi cernuntur bipertito, et natura et instituto. Natura partes habet duas, tributionem sui cuique et ulciscendi ius. Institutio

autem aequitatis tripertita est: una pars legitima est, altera conveniens, tertia moris vetustate firmata. Atque etiam aequitas tripertita dicitur esse: una ad superos deos, altera ad manes, tertia ad homines pertinere. Prima pietas, secunda sanctitas, tertia iustitia aut aequitas nominatur. De proposito satis multa, deinceps de causa pauciora dicenda sunt. Pleraque enim sunt ei cum proposito communia.

[91] Tria sunt igitur genera causarum: iudici, deliberationis, laudationis. Quarum fines ipsi declarant quibus utendum locis sit. Nam iudici finis est ius, ex quo etiam nomen. Iuris autem partes tum eitae, cum aequitatis. Deliberandi finis utilitas, cuius eae partes quae modo eitae. Laudationis finis honestas, de qua item est ante dictum.

[92] Sed definitae quaestiones a suis quaeque locis quasi propriis instruuntur, . . . quae in accusationem defensionemque partitae; in quibus exsistunt haec genera, ut accusator personam arguat facti, defensor aliquid opponat de tribus: aut non esse factum aut, si sit factum, aliud eius facti nomen esse aut iure esse factum. Itaque aut infitialis aut coniecturalis prima appelletur, definitiva altera, tertia, quamvis molestum nomen hoc sit, iuridicialis vocetur. Harum causarum propria argumenta ex eis sumpta locis quos euimus in praeceptis oratoriis explicata sunt.

[93] Refutatio autem accusationis, in qua est depulsio criminis, quoniam Graece stãsiw dicitur appelletur Latine status; in quo primum insistit quasi ad repugnandum congressa defensio. Atque in deliberationibus etiam et laudationibus idem existunt status. Nam et negantur saepe ea futura quae ab aliquo in sententia dicta sunt fore, si aut omnino fieri non possint aut sine summa difficultate non possint; in qua argumentatione status coniecturalis exsistit;

[94] aut cum aliquid de utilitate, honestate, aequitate disseritur deque eis rebus quae his sunt contrariae incurrunt status aut iuris aut nominis; quod idem contingit in laudationibus. Nam aut negari potest id factum esse quod laudetur, aut non eo nomine afficiendum quo laudator affecerit, aut omnino non esse laudabile quod non recte, non iure factum sit. Quibus omnibus generibus usus est nimis impudenter Caesar contra Catonem meum.

[95] Sed quae ex statu contentio efficitur, eam Graeci krinòmenon vocant, mihi placet id, quoniam quidem ad te scribo, qua de re agitur

vocari. Quibus autem hoc qua de re agitur continetur, ea continentia vocentur, quasi firmamenta defensionis, quibus sublatis defensio nulla sit. Sed quoniam lege firmius in controversiis disceptandis esse nihil debet, danda est opera ut legem adiutricem et testem adhibeamus. In qua re alii quasi status existunt novi, sed appellentur legitimae disceptationes.

[96] Tum enim defenditur non id legem dicere quod adversarius velit, sed aliud. Id autem contingit, cum scriptum ambiguum est, ut duae sententiae differentes accipi possint. Tum opponitur scripto voluntas scriptoris, ut quaeratur verbane plus an sententia valere debeant. Tum legi lex contraria affertur. Ista sunt tria genera quae controversiam in omni scripto facere possint: ambiguum, discrepantia scripti et voluntatis, scripta contraria. Iam hoc perspicuum est, non magis in legibus quam in testamentis, in stipulationibus, in reliquis rebus quae ex scripto aguntur, posse controversias easdem existere. Horum tractationes in aliis libris explicantur.

[97] Nec solum perpetuae actiones sed etiam partes orationis isdem locis adiuvantur, partim propriis, partim communibus; ut in principiis, quibus ut benevoli, ut dociles, ut attenti sint qui audiant, efficiendum est propriis locis; itemque narrationes ut ad suos fines spectent, id est ut planae sint, ut breves, ut evidentes, ut credibiles, ut moderatae, ut cum dignitate. Quae quamquam in tota oratione esse debent, magis tamen sunt propria narrandi.

[98] Quae autem sequitur narrationem fides, ea persuadendo quoniam efficitur, qui ad persuadendum loci maxime valeant dictum est in eis in quibus de omni ratione dicendi. Peroratio autem et alia quaedam habet et maxime amplificationem, cuius effectus hic debet esse, ut aut perturbentur animi aut tranquillentur et, si ita affecti iam ante sint, ut aut augeat eorum motus aut sedet oratio.

[99] Huic generi, in quo et misericordia et iracundia et odium et invidia et ceterae animi affectiones perturbantur, praecepta suppeditantur aliis in libris, quos poteris mecum legere cum voles. Ad id autem quod te velle senseram, cumulate satis factum esse debet voluntati tuae.

[100] Nam ne praeterirem aliquid quod ad argumentum in omni ratione reperiendum pertineret, plura quam a te desiderata erant sum complexus fecique quod saepe liberales venditores solent, ut, cum aedes fundumve vendiderint rutis caesis receptis, concedant tamen aliquid emptori quod ornandi causa apte et loco positum esse videatur; sic tibi nos ad id quod quasi mancipio dare debuimus ornamenta quaedam voluimus non debita accedere.

DE LEGIBUS (On the Laws)

M. TVLLI CICERONIS DE LEGIBVS LIBRI TRESM. TVLLI CICERONIS DE LEGIBVS

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LIBER PRIMVS

Atticvs:[1] Lucus quidem ille et haec Arpinatium quercus agnoscitur, saepe a me lectus in Mario: si enim manet illa quercus, haec est profecto; etenim est sane uetus.

Qvintvs: Manet uero, Attice noster, et semper manebit: sata est enim ingenio. Nullius autem agricolae cultu stirps tam diuturna quam poetae uersu seminari potest.

Atticvs: Quo tandem modo, Quinte? Aut quale est istuc quod poetae serunt? Mihi enim uideris fratrem laudando suffragari tibi.

[2] **Qvintvs:** Sit ita sane; uerum tamen dum Latinae loquentur litterae, quercus huic loco non deerit quae Mariana dicatur, eaque, ut ait Scaeuola de fratris mei Mario, canescet saeclis innumerabilibus, nisi forte Athenae tuae sempiternam in arce oleam tenere potuerunt, aut quam Homericus Vlixes Deli se proceram et teneram palmam uidisse dixit, hodie monstrant eandem, multaque alia multis locis diutius commemoratione manent quam natura stare potuerunt. Quare glandifera illa quercus, ex qua olim euolauit nuntia fulua Iouis miranda uisa figura, nunc sit haec. Sed cum eam tempestas uetustasue consumpserit, tamen erit his in locis quercus quam Marianam quercum uoca<bu>nt.

[3] **Atticvs:** Non dubito id quidem. Sed hoc iam non ex te, Quinte, quaero, uerum ex ipso poeta, tuine uersus hanc quercum seuerint, an ita factum de Mario, ut scribis, acceperis.

Marcvs: Respondebo tibi equidem, sed non ante quam mihi tu ipse responderis, Attice, certen <non> longe a tuis aedibus inambulans post excessum suum Romulus Proculo Iulio dixerit se deum esse et Quirinum uocari templumque sibi dedicari in eo loco iusserit, et uerumne sit <ut> Athenis non longe item a tua illa antiqua domo Orithyiam Aquilo sustulerit; sic enim est traditum.

[4] **Atticvs:** Quorsum tandem aut cur ista quaeris?

Marcvs: Nihil sane, nisi ne nimis diligenter inquiras in ea quae isto modo memoriae sint prodita.

Atticvs: Atqui multa quaeruntur in Mario fictane an uera sint, et a nonnullis quod et in recenti memoria et in Arpinati homine uers<atur>, ueritas a te postulatur.

Marcvs: Et mehercule ego me cupio non mendacem putari, sed tamen nonnulli isti, Tite noster, faciunt imperite, qui in isto periculo non ut a poeta sed ut a teste ueritatem exigant, nec dubito quin idem et cum Egeria conlocutum Numam et ab aquila Tarquinio apicem impositum putent.

[5] **Qvintvs:** Intellego te, frater, alias in historia leges obseruandas putare, alias in poemate.

Marcvs: Quippe cum in illa ad ueritatem, Quinte, <quaeque> referantur, in hoc ad delectationem pleraque; quamquam et apud Herodotum patrem historiae et apud Theopompum sunt innumerabiles fabulae.

Atticvs: Teneo quam optabam occasionem neque omittam.

Marcvs: Quam tandem, Tite?

Atticvs: Postulatur a te iam diu uel flagitatur potius historia. Sic enim putant, te illam tractante effici posse, ut in hoc etiam genere Graeciae nihil cedamus. Atque ut audias quid ego ipse sentiam, non solum mihi uideris eorum studiis qui [tuis] litteris delectantur, sed etiam patriae debere hoc munus, ut ea quae salua per te est, per te eundem sit ornata. Abest enim historia litteris nostris, ut et ipse intellego et ex te persaepe audio. Potes autem tu profecto satis facere in ea, quippe cum sit opus, ut tibi quidem uideri solet, unum hoc oratorium maxime.

[6] Quam ob rem adgredere, quaesumus, et sume ad hanc rem tempus, quae est a nostris hominibus adhuc aut ignorata aut relicta. Nam post annalis pontificum maximorum, quibus nihil potest esse iucundius, si aut ad Fabium aut ad eum qui tibi semper in ore est Catonem, aut ad Pisonem aut ad Fannium aut ad Vennonium uenias, quamquam ex his alius alio plus habet uirium, tamen quid tam exile quam isti omnes? Fannii autem aetati coniunctus <Coelius Anti>pater paulo inflauit uehementius, habuitque uires agrestis ille quidem atque horridas, sine nitore ac palaestra, sed tamen admonere reliquos potuit ut adcuratius scriberent. Ecce autem successere huic <G>elli<us>, Clodius, Asellio, nihil ad Coelium, sed potius ad antiquorum languorem et inscitiam.

[7] Nam quid Macrum numerem? Cuius loquacitas habet aliquid argutiarum nec id tamen ex illa erudita Graecorum copia, sed ex librariolis Latinis: in orationibus autem multa s<ane a>pt<a

L>ati<n>o <ser>m<oni> imp<er>t<iens>, Sisenna, eius amicus, omnis adhuc nostros scriptores — nisi qui forte nondum ediderunt, de quibus existimare non possumus — facile superauit. Is tamen neque orator in numero uestro umquam est habitus, et in historia puerile quiddam consectatur, ut unum Clitarchum neque praeterea quemquam de Graecis legisse uideatur, eum tamen uelle dumtaxat imitari: quem si adsequi posset, aliquantum ab optumo tamen abesset. Quare tuum est munus hoc, a te exspectatur; nisi quid Quinto uidetur secus.

[8] **Qvintvs:** Mihi uero nihil, et saepe de isto conlocuti sumus; sed est quaedam inter nos parua dissensio.

Atticvs: Quae tandem?

Qvintvs: A quibus temporibus scribendi capiatur exordium. Ego enim ab ultimis censeo, quoniam illa sic scripta sunt ut ne legantur quidem, ipse autem aequalem aetatis suae memoriam deposcit, ut ea conplectatur quibus ipse interfuit.

Atticvs: Ego uero huic potius adsentior. Sunt enim maxumae res in hac memoria atque aetate nostra; tum autem hominis amicissimi Cn. Pompeii laudes inlustrabit, incurret etiam in <praeclarum> illum et memorabilem annum suum: quae ab isto malo praedicari quam, ut aiunt, de Remo et Romulo.

Marcvs: Intellego equidem a me istum laborem iam diu postulari, Attice. Quem non recusarem, si mihi ullum tribueretur uacuum tempus et liberum. Neque enim occupata opera neque inpedito animo res tanta suscipi potest: utrumque opus est, et cura uacare et negotio.

[9] **Atticvs:** Quid? Ad cetera quae scripsisti plura quam quisquam e nostris, quod tibi tandem tempus uacuum fuit concessum?

Marcvs: Subsiciua quaedam tempora incurrunt, quae ego perire non patior, ut si qui dies ad rusticandum dati sint, ad eorum numerum adcommodentur quae scribimus. Historia uero nec institui potest nisi praeparato otio, nec exiguo tempore absolui, et ego animi pendere soleo, cum semel quid orsus, [si] traducor alio, neque tam facile interrupta contexo quam absoluo instituta.

[10] **Atticvs:** Legationem aliquam nimirum ista oratio postulat, aut eius modi quampiam cessationem liberam atque otiosam.

Marcvs: Ego uero aetatis potius uacationi confidebam, cum praesertim non recusarem, quominus more patrio sedens in solio

consulentibus responderem senectutisque non inertis grato atque honesto fungerer munere. Sic enim mihi liceret et isti rei quam desideras et multo uberioribus atque maioribus operae quantum uellem dare.

[11] **Atticvs:** Atqui uereor ne istam causam nemo noscat, tibique semper dicendum sit, et eo magis quod te ipse mutasti, et aliud dicendi instituisti genus, ut, quem ad modum Roscius familiaris tuus in senectute numeros in cantu <remissius> cecinerat ipsasque tardiores fecerat tibias, sic tu a con<ten>tionibus quibus summis uti solebas, cotidie relaxes aliquid, ut iam oratio tua non multum a philosophorum lenitate absit. Quod sustinere cum uel summa senectus posse uideatur, nullam tibi a causis uacationem uideo dari.

[12] **Qvintvs:** At mehercule ego arbitrabar posse id populo nostro probari, si te ad ius respondendum dedisses; quam ob rem, cum placebit, experiendum tibi id censeo.

Marcvs: Si quidem, Quinte, nullum esset in experiundo periculum. Sed uereor ne, dum minuere uelim laborem, augeam, atque ad illam causarum operam, ad quam ego numquam nisi paratus et meditatus accedo, adiungatur haec iuris interpretatio, quae non tam mihi molesta sit propter laborem, quam quod dicendi cogitationem auferat, sine qua ad nullam maiorem umquam causam sum ausus accedere.

[13] **Atticvs:** Quin igitur ista ipsa explicas nobis his subsiciuis, ut ais, temporibus, et conscribis de iure ciuili subtilius quam ceteri? Nam a primo tempore aetatis iuri studere te memini, quom ipse etiam ad Scaeuolam uentitarem, neque umquam mihi uisus es ita te ad dicendum dedisse, ut ius ciuile contemneres.

Marcvs: In longum sermonem me uocas, Attice, quem tamen, nisi Quintus aliud quid nos agere mauult, suscipiam, et, quoniam uacui sumus, dicam.

Qvintvs: Ego uero libenter audierim. Quid enim agam potius, aut in quo melius hunc consumam diem?

[14] **Marcvs:** Quin igitur ad illa spatia nostra sedesque pergimus? Vbi, cum satis erit ambulatum, requiescemus, nec profecto nobis delectatio deerit, aliud ex alio quaerentibus.

Atticvs: Nos uero, et hac quidem ad <L>irem, si placet, per ripam et umbram. Sed iam ordire explicare, quaeso, de iure ciuili quid

sentias.

Marcvs: Egone? Summos fuisse in ciuitate nostra uiros, qui id interpretari populo et responsitare soliti sint, sed eos magna professos in paruis esse uersatos. Quid enim est tantum quantum ius ciuitatis? Quid autem tam exiguum quam est munus hoc eorum qui consuluntur? Quam<quam> est [populo] necessarium, nec uero eos, qui ei muneri praefuerunt, uniuersi iuris fuisse expertis existimo, sed hoc ciuile quod uocant eatenus exercuerunt, quoad populo praestare uoluerunt; id autem in cogniti<one> tenue est, in usu necessarium. Quam ob rem quo me uocas, aut quid hortaris? ut libellos conficiam de stillicidiorum ac de parietum iure? An ut stipulationum et iudiciorum formulas conponam? Quae et conscripta a multis sunt diligenter, et sunt humiliora quam illa quae a nobis exspectari puto.

[15] **Atticvs:** Atqui, si quaeris ego quid exspectem, quoniam scriptum est a te de optimo rei publicae statu, consequens esse uidetur ut scribas tu idem de legibus: sic enim fecisse uideo Platonem illum tuum, quem tu admiraris, quem omnibus anteponis, quem maxime diligis.

Marcvs: Visne igitur, ut ille cum Crete Clinia et cum Lacedaemonio Megillo aestiuo, quem ad modum describit, die in cupressetis Gnosiorum et spatiis siluestribus, crebro insistens, interdum adquiescens, de institutis rerum publicarum ac de optimis legibus disputa<ba>t, sic nos inter has procerissimas populos in uiridi opacaque ripa inambulantes, tum autem residentes, quaeramus isdem de rebus aliquid uberius quam forensis usus desiderat?

[16] **Atticvs:** Ego uero ista audire cupio.

Marcvs: Quid ait Quintus?

Qvintvs: Nulla de re magis.

Marcvs: Et recte quidem; nam sic habetote, nullo in genere disputandi <p>o<t>est magis patefieri, quid sit homini a natura tributum, quantam uim rerum optimarum mens humana contineat, cuius muneris colendi efficiendique causa nati et in lucem editi simus, quae sit coniunctio hominum, quae naturalis societas inter ipsos. His enim explicatis, fons legum et iuris inueniri potest.

[17] **Atticvs:** Non ergo a praetoris edicto, ut plerique nunc, neque a duodecim tabulis, ut superiores, sed penitus ex intima philosophia hauriendam iuris disciplinam putas?

Marcvs: Non enim id quaerimus hoc sermone, Pomponi, quem ad modum caueamus in iure, aut quid de quaque consultatione respondeamus. Sit ista res magna, sicut est, quae quondam a multis claris uiris, nunc ab uno summa auctoritate et scientia sustinetur, sed nobis ita complectenda in hac disputatione tota causa est uniuersi iuris ac legum, ut, hoc ciuile quod dicimus, in paruum quendam et angustum locum concludatur. Natura enim iuris explicanda nobis est, eaque ab hominis repetenda natura, considerandae leges quibus ciuitates regi debeant; tum haec tractanda, quae conposita sunt et descripta iura et iussa populorum, in quibus ne nostri quidem populi latebunt quae uocantur iura ciuilia.

[18] **Qvintvs:** Alte uero et, ut oportet, a capite, frater, repetis quod quaerimus, et qui aliter ius ciuile tradunt, non tam iustitiae quam litigandi tradunt uias.

Marcvs: Non ita est, Quinte, ac potius ignoratio iuris litigiosa est quam scientia. Sed hoc posterius: nunc iuris principia uideamus.

Igitur doctissimis uiris proficisci placuit a lege, haud scio an recte, si modo, ut idem definiunt, lex est ratio summa, insita in natura, quae iubet ea quae facienda sunt, prohibetque contraria. Eadem ratio, cum est in hominis mente confirmata et <per>fecta, lex est.

[19] Itaque arbitrantur prudentiam esse legem, cuius ea uis sit, ut recte facere iubeat, uetet delinquere, eamque rem illi Graeco putant nomine nÒmon <a> suum cuique tribuendo appellatam, ego nostro a legendo. Nam ut illi aequitatis, sic nos delectus uim in lege ponimus, et proprium tamen utrumque legis est. Quod si ita recte dicitur, ut mihi quidem plerumque uideri solet, a lege ducendum est iuris exordium. Ea est enim naturae uis, ea mens ratioque prudentis, ea iuris atque iniuriae regula. Sed quoniam in populari ratione omnis nostra uersatur oratio, populariter interdum loqui necesse erit, et appellare eam legem, quae scripta sancit quod uult aut iubendo <aut prohibendo>, ut uulgus appellare <solet>. Constituendi uero iuris ab illa summa lege capiamus exordium, quae, saeclis <communis> omnibus, ante nata est quam scripta lex ulla aut quam omnino ciuitas constituta.

[20] **Qvintvs:** Commodius uero et ad rationem instituti sermonis sapientius.

Marcvs: Visne ergo ipsius iuris ortum a fonte repetamus? Quo

inuento non erit dubium, quo sint haec referenda quae quaerimus.

Qvintvs: Ego uero ita esse faciendum censeo.

Atticvs: Me quoque adscribe fratris sententiae.

Marcvs: Quoniam igitur eius rei publicae, quam optumam esse docuit in illis sex libris Scipio, tenendus est nobis et seruandus status, omnesque leges adcommodandae ad illud ciuitatis genus, serendi etiam mores nec scriptis omnia sancienda, repetam stirpem iuris a natura, qua duce nobis omnis <haec> est disputatio explicanda.

Atticvs: Rectissime, et quidem ista duce errari nullo pacto potest.

[21] **Marcvs:** Dasne igitur hoc nobis, Pomponi, (nam Quinti noui sententiam), deorum immortalium <n>ut<u>, ratione, potestate, mente, numine (siue quod est aliud uerbum quo planius significem quod uolo) naturam omnem regi? Nam, si hoc <c>o<m>probas, ab eo nobis causa ordienda est potissimum.

Atticvs: Do sane, si postulas; etenim propter hunc concentum auium strepitumque fluminum non uereor condiscipulorum ne quis exaudiat.

Marcvs: Atqui cauendum est; solent enim (id quod uirorum bonorum est) admodum irasci, nec uero ferent, si audierint, te primum caput ui<ri> optimi prodidisse, in quo scripsit nihil curare deum nec sui nec alieni.

[22] **Atticvs:** Perge, quaeso. Nam id quod tibi concessi, quorsus pertineat, exspecto.

Marcvs: Non faciam longius. Huc enim pertinet: animal hoc prouidum, sagax, multiplex, acutum, memor, plenum rationis et consilii, quem uocamus hominem, praeclara quadam condicione generatum esse a supremo deo. Solum est enim ex tot animantium generibus atque naturis particeps rationis et cogitationis, quom cetera sint omnia expertia. Quid est autem, non dicam in homine, sed in omni caelo atque terra, ratione diuinius? Quae quom adoleuit atque perfecta est, nominatur rite sapientia. [23] Est igitur, quoniam nihil est ratione melius, eaque <est> et in homine et in deo, prima homini cum deo rationis societas. Inter quos autem ratio, inter eosdem etiam recta ratio [et] communis est: quae cum sit lex, lege quoque consociati homines cum dis putandi sumus. Inter quos porro est communio legis, inter eos communio iuris est. Quibus autem haec sunt inter eos communia, ei ciuitatis eiusdem habendi sunt. Si uero isdem imperiis

et potestatibus parent, multo iam magis parent [autem] huic caelesti discriptioni mentique diuinae et praepotenti deo, ut iam uniuersus <sit> hic mundus una ciuitas communis deorum atque hominum existimanda. Et quod in ciuitatibus ratione quadam, de qua dicetur idoneo loco, agnationibus familiarum distinguuntur status, id in rerum natura tanto est magnificentius tantoque praeclarius, ut homines deorum agnatione et gente teneantur.

[24] Nam cum de natura hominis quaeritur, <haec> disputari sole<n>t — <et> nimirum ita est, ut disputatur — perpetuis cursibus conuersionibus<que> caelestibus exstitisse quandam maturitatem serendi generis humani, quod sparsum in terras atque satum diuino auctum sit animorum munere, cumque alia quibus cohaererent homines e mortali genere sumpserint, quae fragilia essent et caduca, animum esse ingeneratum a deo. Ex quo uere uel agnatio nobis cum caelestibus uel genus uel stirps appellari potest. Itaque ex tot generibus nullum est animal praeter hominem quod habeat notitiam aliquam dei, ipsisque in hominibus nulla gens est neque tam mansueta neque tam fera, quae non, etiamsi ignoret qualem haberi deum deceat, tamen habendum sciat.

[25] Ex quo efficitur illud, ut is agnoscat deum, qui, unde ortus sit, quasi recordetur <ac> cognoscat. Iam uero uirtus eadem in homine ac deo est, neque alio ullo in gen<ere> praeterea. Est autem uirtus nihil aliud, nisi perfecta et ad summum perducta natura: est igitur homini cum deo similitudo. Quod cum ita sit, quae tandem esse potest proprior certiorue cognatio? Itaque ad hominum commoditates et usus tantam rerum ubertatem natura largita est, ut ea, quae gignuntur, donata consulto nobis, non fortuito nata uideantur, nec solum ea quae frugibus atque bacis terrae fetu profunduntur, sed etiam pecudes, qu<om> perspicuum sit <plerasque> esse ad usum hominum, partim ad fructum, partim ad uescendum, procreatas.

[26] Artes uero innumerabiles repertae sunt, docente natura, quam imitata ratio res ad uitam necessarias sollerter consecuta est.

Ipsum autem hominem eadem natura non solum celeritate mentis ornauit sed <ei> et sensus tamquam satellites attribuit ac nuntios, et rerum plurimarum obscuras nec satis <expressas> intellegentias enodauit, quasi fundamenta quaedam scientiae, figuramque corporis habilem et aptam ingenio humano dedit. Nam cum ceteras animantes

abiecisset ad pastum, solum hominem erexit et ad caeli quasi cognationis domiciliique pristini conspectum excitauit, tum speciem ita formauit oris, ut in ea penitus reconditos mores effingeret.

[27] Nam et oculi nimis argute quem ad modum animo affecti simus, loquuntur et is qui appellatur uultus, qui nullo in animante esse praeter hominem potest, indicat mores, quoius uim Graeci norunt, nomen omnino non habent. Omitto opportunitates habilitatesque reliqui corporis, moderationem uocis, orationis uim, quae conciliatrix est humanae maxime societatis. Neque enim omnia sunt huius disputationis ac temporis, et hunc locum satis, ut mihi uidetur, in iis libris quos legistis, expressit Scipio. Nunc quoniam hominem, quod principium reliquarum rerum esse uoluit, <ita> generauit et ornauit deus, perspicuum <fi>t illud (ne omnia disserantur), ipsam per se naturam longius progredi, quae etiam nullo docente, profecta ab iis quorum ex prima et inchoata intellegentia genera cognouit, confirmat ipsa per se rationem et perficit.

[28] **Atticvs:** Di immortales, quam tu longe iuris principia repetis! atque ita ut ego non modo ad illa non properem, quae exspectabam a te de iure ciuili, sed facile patiar te hunc diem uel totum in isto sermone consumere. Sunt enim haec maiora, quae aliorum causa fortasse conplecteris, quam ipsa illa, quorum haec causa praeparantur.

Marcvs: Sunt haec quidem magna, quae nunc breuiter attinguntur. Sed omnium quae in hominum doctorum disputatione uersantur, nihil est profecto praestabilius, quam plane intellegi, nos ad iustitiam esse natos, neque opinione sed natura constitutum esse ius. Id iam patebit, si hominum inter ipsos societatem coniunctionemque perspexeris.

[29] Nihil est enim unum uni tam simile, tam par, quam omnes inter nosmet ipsos sumus. Quodsi deprauatio consuetudinum, si opinionum ua<r>i<e>tas non inbecillitatem animorum torqueret et flecteret, quocumque c<u>pisset, sui nemo ipse tam similis esset quam omnes sunt omnium. Itaque quaecumque est hominis definitio, una in omnis ualet.

[30] Quod argumenti satis est nullam dissimilitudinem esse in genere. Quae si esset, non una omnis definitio contineret. Etenim ratio, qua una praestamus beluis, per quam coniectura ualemus,

argumentamur, refellimus, disserimus, conficimus aliquid, cun<ctis hominib>us certe est communis, doctrina differens, discendi quidem facultate par. Nam et sensibus eadem omni<um> conprehenduntur, et ea quae mouent sensus, itidem mouent omnium, quaeque in animis imprimuntur, de quibus ante dixi, inchoatae intellegentiae, similiter in omnibus imprimuntur, interpresque mentis oratio uerbis discrepat, sententiis congruens. Nec est quisquam gentis ullius, qui ducem naturam nactus ad uirtutem peruenire non possit.

[31] Nec solum in rectis, sed etiam in prauitatibus insignis est humani generis similitudo. Nam et uoluptate capiuntur omnes, quae etsi est inlecebra turpitudinis, tamen habet quiddam simile naturalis boni; le<n>itatis enim et suauitatis <specie> delectans, sic ab errore mentis tamquam salutare aliquid adsciscitur, similique inscitia mors fugitur quasi dissolutio naturae, uita expetitur, quia nos in quo nati sumus continet, dolor in maximis malis ducitur, cum sua asperitate, tum quod naturae interitus uidetur sequi; [32] propterque honestatis et gloriae similitudinem beati, qui honorati sunt, uidentur, miseri autem, qui sunt inglorii. Molestiae, laetitiae, cupiditates, timores similiter omnium mentes peruagantur, nec si opiniones aliae sunt apud alios, idcirco qui canem et felem ut deos colunt, non eadem superstitione qua ceterae gentes conflictantur. Quae autem natio non comitatem, non benignitatem, non gratum animum et beneficii memorem diligit? Quae superbos, quae maleficos, quae crudeles, quae ingratos non aspernatur, non odit? Quibus ex rebus cum omne genus hominum sociatum inter se esse intellegatur, illud extremum est, [. . . .] quod recte uiuendi ratio meliores efficit. Quae si adprobatis, pergam<us> ad reliqua; sin quid requiritis, id explicemus prius.

Atticvs: Nos uero nihil, ut pro utroque respondeam.

[33] **Marcvs:** Sequitur igitur ad participandum alium <cum> alio communicandumque inter omnes ius <n>os natura esse factos. Atque hoc in omni hac disputatione sic intellegi uolo, quo<m> dicam naturam [esse]; tantam autem esse corruptelam malae consuetudinis, ut ab ea tamquam igniculi exstinguantur a natura dati, exorianturque et confirmentur uitia contraria. Quodsi, quo modo s<un>t natura, sic iudicio homines ‘humani, ut ait poeta, nihil a se alienum putarent’, coleretur ius aeque ab omnibus. Quibus enim ratio <a> natura data est, isdem etiam recta ratio data est; ergo et lex, quae est recta ratio in

iubendo et uetando; si lex, ius quoque; et omnibus ratio. Ius igitur datum est omnibus, recteque Socrates exsecrari eum solebat qui primus utilitatem a <iure> seiunxisset; id enim querebatur caput esse exitiorum omnium. Vnde enim illa Pythagorea uox, [de amicitia locus]: <ut unus fiat ex pluribus.>

[34] . . . Ex quo perspicitur, quom hanc beniuolentiam tam late longeque diffusam uir sapiens in aliquem pari uirtute praeditum contulerit, tum illud effici (quod quibusdam incredibile uideatur, sit autem necessarium) ut <non> in ill<o> sese plus quam alterum diligat: quid enim est quod differat, quom sint cuncta paria? Quod si interesse quippiam tantulum modo potuerit in <ea>, iam amicitiae nomen occiderit, cuius est ea uis ut simul atque sibi aliquid <esse> alter maluerit, nulla sit.

Quae praemuniuntur omnia reliquo sermoni disputationique nostrae, quo facilius ius in natura esse positum intellegi possit. De quo quom perpauca dixero, tum ad ius ciuile ueniam, ex quo haec omnis est nata oratio.

Qvintvs: Tu uero iam perpauca scilicet. Ex his enim quae dixisti, <etsi aliter> Attico, uidetur mihi quidem certe ex natura ortum esse ius.

[35] **Atticvs:** An mihi aliter uideri possit, cum haec iam perfecta sint, primum quasi muneribus deorum nos esse instructos et ornatos, secundo autem loco unam esse hominum inter ipsos uiuendi parem communemque rationem, deinde omnes inter se naturali quadam indulgentia et beniuolentia, tum etiam societate iuris contineri? quae quom uera esse, recte ut arbitror, concesserimus, qui iam licet nobis a natura leges et iura seiungere?

[36] **Marcvs:** Recte dicis, et res se sic habet. Verum philosophorum more, non ueterum quidem illorum, sed eorum qui quasi officinas instruxerunt sapientiae, quae fuse olim disputabantur ac libere, ea nunc articulatim distincta dicuntur. Nec enim satis fieri censent huic loco qui nunc est in manibus, nisi separatim hoc ipsum, <a> natura esse ius, disputarint.

Atticvs: Et scilicet tua libertas disserendi amissa est, aut tu is es qui in disputando non tuum iudicium sequaris, sed auctoritati aliorum pareas!

[37] **Marcvs:** Non semper, Tite, sed iter huius sermonis quod sit,

uides: ad res publicas firmandas et ad stabiliend<o>s <mo>res sanandos<que> populos omnis nostra pergit oratio. Quocirca uereor committere ut non bene prouisa et diligenter explorata principia ponantur, nec tamen <spero fore> ut omnibus probentur — nam id fieri non potest — , sed ut eis qui omnia recta atque honesta per se expetenda duxerunt, et aut nihil omnino in bonis numerandum nisi quod per se ipsum laudabile esset, aut certe nullum habendum magnum bonum, nisi quod uere laudari sua sponte posset:

[38] iis omnibus, siue in Academia uetere cum Speusippo, Xenocrate, Polemone manserunt, siue Aristotelem et Theophrastum, cum illis congruentes re, genere docendi paulum differentes, secuti sunt, siue, ut Zenoni uisum est, rebus non commutatis immutauerunt uocabula, siue etiam Aristonis difficilem atque arduam, sed iam tamen fractam et conuictam sectam secuti sunt, ut uirtutibus exceptis atque uitiis cetera in summa aequalitate ponerent: iis omnibus haec quae dixi prob<e>ntur. [39] Sibi autem indulgentes et corpori deseruientes atque omnia quae sequantur in uita quaeque fugiant uoluptatibus et doloribus ponderantes, etiam si uera dic<a>nt — nihil enim opus est hoc loco litibus — , in hortulis suis iubeamus dicere, atque etiam ab omni societate rei publicae, cuius partem nec norunt ullam neque umquam nosse uoluerunt, paulisper facessant rogemus. Perturbatricem autem harum omnium rerum Academiam, hanc ab Arcesila et Carneade recentem, exoremus ut sileat. Nam si inuaserit in haec, quae satis scite nobis instructa et composita uidentur, nimias edet ruinas. Quam quidem ego placare cupio, submouere non audeo.

. . . . . .

[40] Nam etiam sine illius suffimentis expiati sumus. At uero scelerum in homines atque <in deos> inpietatum nulla expiatio est. Itaque poenas luunt, non tam iudiciis — quae quondam nusquam erant, hodie multifariam nulla sunt, ubi <sunt> tamen, persaepe falsa sunt — <a>t eos agitant insectanturque furiae, non ardentibus taedis sicut in fabulis, sed angore conscientiae fraudisque cruciatu. Quodsi homines ab iniuria poena, non natura arcere deberet, quaenam sollicitudo uexaret impios sublato suppliciorum metu? Quorum tamen nemo tam audax umquam fuit, quin aut abnuer<e>t a se commissum esse facinus, aut iusti sui doloris causam aliquam fingeret, defensionemque facinoris a naturae iure aliquo quaereret.

Quae si appellare audent impii, quo tandem studio colentur a bonis? Quodsi poena, si metus supplicii, non ipsa turpitudo deterret ab iniuriosa facinerosaque uita, nemo est iniustus, a<t> incauti potius habendi sunt inprobi.

[41] Tum autem qui non ipso honesto mouemur ut boni uiri simus, sed utilitate aliqua atque fructu, callidi sumus, non boni. Nam quid faciet is homo in tenebris qui nihil timet nisi testem et iudicem? Quid in deserto quo loco nactus, quem multo auro spoliare possit, imbecillum atque solum? Noster quidem hic natura iustus uir ac bonus etiam conloquetur, iuuabit, in uiam deducet. Is uero qui nihil alterius causa faciet et metietur suis commodis omnia, uidetis, credo, quid sit acturus! Quodsi negabit se illi uitam erepturum et aurum ablaturum, numquam ob eam causam negabit quod id natura turpe iudicet, sed quod metuat ne emanet, id est ne malum habeat. O rem dignam, in qua non modo docti, sed etiam agrestes erubescant!

[42] Iam uero illud stultissimum, existimare omnia iusta esse quae s<c>ita sint in populorum institutis aut legibus. Etiamne si quae leges sint tyrannorum? Si triginta illi Athenis leges inponere uoluissent, et si omnes Athenienses delectarentur tyrannicis legibus, num idcirco eae leges iustae haberentur? Nihilo credo magis illa quam interrex noster tulit, ut dictator quem uellet ciuium <nominatim> aut indicta causa inpune posset occidere. Est enim unum ius quo deuincta est hominum societas et quod lex constituit una, quae lex est recta ratio imperandi atque prohibendi. Quam qui ignorat, is est iniustus, siue est illa scripta uspiam siue nusquam. Quodsi iustitia est obtemperatio scriptis legibus institutisque populorum, et si, ut eidem dicunt, utilitate omnia metienda sunt, negleget leges easque perrumpet, si poterit, is qui sibi eam rem fructuosam putabit fore. Ita fit ut nulla sit omnino iustitia, si neque natura est <et> ea quae propter utilitatem constituitur utilitate <a>lia conuellitur.

[43] Atqui si natura confirmatura ius non erit, uirtutes omnes tollantur. Vbi enim liberalitas, ubi patriae caritas, ubi pietas, ubi aut bene merendi de altero aut referendae gratiae uoluntas poterit existere? Nam haec nascuntur ex eo quod natura propensi sumus ad diligendos homines, quod fundamentum iuris est. Neque solum in homines obsequia, sed etiam in deos caerimoniae religionesque toll<e>ntur, quas non metu, sed ea coniunctione quae est homini cum

deo conseruandas puto. Quodsi populorum iussis, si principum decretis, si sententiis iudicum iura constituerentur, ius esset latrocinari, ius adulterare, ius testamenta falsa supponere, si haec suffragiis aut scitis multitudinis probarentur.

[44] Quodsi tanta potestas est stultorum sententiis atque iussis, ut eorum suffragiis rerum natura uertatur, cur non sanciunt ut quae mala perniciosaque sunt, habeantur pro bonis et salutaribus? Aut <cur> cum ius ex iniuria lex facere possit, bonum eadem facere non possit ex malo? Atqui nos legem bonam a mala nulla alia nisi natura<e> norma diuidere possumus. Nec solum ius et <in>iuria natura diiudicatur, sed omnino omnia honesta et turpia. Nam, <ut> communis intellegentia nobis notas res eff<e>cit easque in animis nostris inchoauit, honesta in uirtute ponuntur, in uitiis turpia.

[45] Haec autem in opinione existimare, non in natura posita, dementis est. Nam nec arboris nec equi uirtus quae dicitur (in quo abutimur nomine) in opinione <po>sita est, sed in natura. Quod si ita est, honesta quoque et turpia natura diiudicanda sunt. Nam si opinione uniuersa uirtus, eadem eius etiam partes probarentur. Quis igitur prudentem et, ut ita dicam, catum non ex ipsius habitu sed ex aliqua re externa iudicet? Est enim uirtus <boni alicuius> perfecta ratio, quod certe in natura est: igitur omnis honestas eodem modo.

Nam ut uera et falsa, ut consequentia et contraria sua sponte, non aliena iudicantur, sic constans et perpetua ratio uitae, quae uirtus est, itemque inconstantia, quod est uitium, sua natura proba<b>i<tur>; nos ingenia i<udice>m<us> non item?

[46] An ingenia natura, uirtutes et uitia quae existunt ab ingeniis, aliter iudicabuntur? An ea <si> non aliter, honesta et turpia non ad naturam referri necesse erit? <Si> quod laudabile bonum est, in se habeat quod laudetur, necesse est; ipsum enim bonum non est opinionibus, sed natura. Nam ni ita esset, beati quoque opinione esse<mus>, quo quid dici potest stultius? Quare quom et bonum et malum natura iudicetur, et ea sint principia naturae, certe honesta quoque et turpia simili ratione diiudicanda et ad naturam referenda sunt.

[47] Sed perturbat nos opinionum uarietas hominumque dissensio, et quia non idem contingit in sensibus, hos natura certos putamus; illa quae aliis sic, aliis secus, nec isdem semper uno modo uidentur,

ficta esse dicimus. Quod est longe aliter. Nam sensus nostros non parens, non nutrix, non magister, non poeta, non scaena deprauat, non multitudinis consensus abducit. At uero animis omnes tenduntur insidiae, uel ab iis quos modo enumeraui qui teneros et rudes quom acceperunt, inficiunt et flectunt ut uolunt, uel ab ea quae penitus in omni sensu implicata insidet, imitatrix boni uoluptas, malorum autem mater omnium; quoius blanditiis corrupti, quae natura bona sunt, quia dulcedine hac et scabie carent, non cern<imus> satis.

[48] Sequitur (ut conclusa mihi iam haec sit omnis oratio), id quod ante oculos ex iis est quae dicta sunt, et ius et omne honestum sua sponte esse expetendum. Etenim omnes uiri boni ipsam aequitatem et ius ipsum amant, nec est uiri boni errare et diligere quod per se non sit diligendum: per se igitur ius est expetendum et colendum. Quod si ius, etiam iustitia; sin ea, reliquae quoque uirtutes per se colendae sunt. Quid? Liberalitas gratuitane est an mercennaria? Si sine praemio benignus est, gratuita; si cum mercede, conducta. Nec est dubium quin is qui liberalis benignusue dicitur, officium non, fructum sequatur. Ergo item iustitia nihil expetit praemii, nihil pretii: per se igitur expetitur eademque omnium uirtutum causa atque sententia est.

[49] Atque etiam si emolumentis, non <sua> sponte uirtus expetitur, una erit uirtus quae malitia rectissime dicetur. Vt enim quisque maxume ad suum commodum refert, quaecumque agit, ita minime est uir bonus, <sic> qui uirtutem praemio metiuntur, nullam uirtutem nisi malitiam put<a>nt. Vbi enim beneficus, si nemo alterius causa benigne facit? Vbi gratus, si non <tu>m ipsi cernunt<ur> grati, quo<m> referunt gratiam? Vbi illa sancta amicitia, si non ipse amicus per se amatur toto pectore, ut dicitur? Qui etiam deserendus et abiciendus est, desperatis emolumentis et fructibus; quo quid potest dici immanius? Quodsi amicitia per se colenda est, societas quoque hominum et aequalitas et iustitia per se expetenda. Quod ni ita est, omnino iustitia nulla est. Id enim iniustissimum ipsum est, iustitiae mercedem quaerere.

[50] Quid uero de modestia, quid de temperantia, quid de continentia, quid de uerecundia, pudore pudicitiaque dicemus? Infamiaene metu non esse petulantes, an legum et iudiciorum? Innocentes ergo et uerecundi sunt, ut bene audiant, et, ut rumorem

bonum colligant, erubescent impudica loqui. At me istorum philosophorum pudet, qui <uitii> iudicium uitare <uolunt, nec se> uitio ipso <no>tat<os> putant.

[51] Quid enim? Possumus eos, qui a stupro arcentur infamiae metu, pudicos dicere, quom ipsa infamia propter rei <turp>itudinem consequatur? Nam quid aut laudari rite aut uituperari potest, si ab eius natura recesseris quod aut laudandum aut uituperandum putes? An corporis prauitates, si erunt perinsignes, habebunt aliquid offensionis, animi deformitas non habebit? Cuius turpitudo ex ipsis uitiis facillime perspici potest. Quid enim foedius auaritia, quid immanius libidine, quid contemptius timiditate, quid abiectius tarditate et stultitia dici potest? Quid ergo? Eos qui singulis uitiis excellunt aut etiam pluribus, propter damna aut detrimenta aut cruciatus aliquos miseros esse dicimus, an propter uim turpitudinemque uitiorum? Quod item ad contrariam laudem <de> uirtute dici potest.

[52] Nam si propter alias res uirtus expetitur, melius esse aliquid quam uirtutem necesse est: pecuniamne igitur an honores an formam an ualetudinem? Quae et quom adsunt perparua sunt, et quam diu adfutura sint, certum sciri nullo modo potest. An id quod turpissimum dictu est, uoluptatem? At in ea quidem spernenda et repudianda uirtus uel maxime cernitur. Sed uidetisne quanta series rerum sententiarumque sit, atque ut ex alio alia nectantur? Quin labebar longius, nisi me retinuissem.

Qvintvs: Quo tandem? Libenter enim, frater, quo ista oratione <tendis> tecum prolab<ar>.

Marcvs: Ad finem bonorum, quo referuntur et quoius a<pi>scendi causa sunt facienda omnia, controuersam rem et plenam dissensionis inter doctissimos sed aliquando tam<en> iudicandam.

[53] **Atticvs:** Qui istuc fieri potest L. Gellio mortuo?

Marcvs: Quid tandem id ad rem?

Atticvs: Quia me Athenis audire ex Phaedro meo memini, Gellium familiarem tuum, quom pro consule ex praetura in Graeciam uenisset <esset>que Athenis, philosophos, qui tum erant, in locum unum conuocasse ipsisque magno opere auctorem fuisse, ut aliquando controuersiarum aliquem facerent modum. Quodsi essent eo animo ut nollent aetatem in litibus conterere, posse rem conuenire,

et simul operam suam illis esse pollicitum, si posset inter eos aliquid conuenire.

Marcvs: Ioculare istuc quidem, Pomponi, et a multis saepe derisum. Sed ego plane uellem me arbitrum inter antiquam Academiam et Zenonem datum.

Atticvs: Quo tandem istuc modo?

Marcvs: Quia de re una solum dissident, de ceteris mirifice congruunt.

Atticvs: Ain tandem? Vna de re est solum dissensio?

[54] **Marcvs:** Quae quidem ad rem pertineat una: quippe quom antiqui omne quod secundum naturam esset, quo iuuaremur in uita, bonum esse decreuerint, hic nisi quod honestum esset <non> putarit bonum.

Atticvs: Paruam uero controuersiam dicis, at non eam quae dirimat omnia!

Marcvs: Probe quidem sentires, si re ac non uerbis dissiderent.

Atticvs: Ergo adsentiris Antiocho familiari meo (magistro enim non audeo dicere), quocum uixi et qui me ex nostris paene conuellit hortulis, deduxitque in Academiam perpauculis passibus.

Marcvs: Vir iste fuit ille <quidem> acutus et prudens, et in suo genere perfectus mihique, ut scis, familiaris, cui tamen ego adsentiar in omnibus necne, mox uidero. Hoc dico, controuersiam totam istam posse sedari.

Atticvs: Qui istuc tandem uides?

[55] **Marcvs:** Quia si, ut Chius Aristo dixit, solum bonum esse <dixisset> quod honestum esset malumque quod turpe, ceteras res omnis plane pares, ac ne minimum quidem utrum adessent an abessent interesse, ualde a Xenocrate et Aristotele et ab illa Platonis familia discreparet, esset<que> inter eos de re maxima et de omni uiuendi ratione dissensio. Nunc uero cum decus, quod antiqui summum bonum esse dixerant, hic solum bonum dicat; itemque dedecus <quod> illi summum malum, hic solum; diuitias, ualetudinem, pulchritudinem, commodas res appellet, non bonas; paupertatem, debilitatem, dolorem incommodas, non malas; sentit idem quod Xenocrates, quod Aristoteles, loquitur alio modo. Ex hac autem non rerum sed uerborum discordia controuersia est nata de finibus, in qua, quoniam usus capionem duodecim tabulae intr<a>

quinque pedes esse <n>oluerunt, depasci ueterem possessionem Academiae ab hoc acuto homine non sinemus, nec Mamilia lege singuli, sed e XII tres arbitri fines regemus.

[56] **Qvintvs:** Quamnam igitur sententiam dicimus?

Marcvs: Requiri placere terminos quos Socrates pepigerit, iisque parere.

Qvintvs: Praeclare, frater, iam nunc a te uerba usurpantur ciuilis iuris et legum, quo de genere expecto disputationem tuam. Nam ista quidem magna diiudicatio est, ut ex te ipso saepe cognoui. Sed certe ita res se habet, ut ex natura uiuere summum bonum sit, id est uita modica et apta uirtu<ti> perfrui; atqui naturam sequi et eius quasi lege uiuere, id est nihil, quantum in ipso sit praetermittere, quominus ea quae natura postulet consequatur . . . quo <par>iter haec uelit uirtut<is> tamquam lege <nos> uiuere. Quapropter hoc diiudicari nescio an numquam, sed hoc sermone certe non potest, si quidem id quod suscepimus perfecturi sumus.

[57] **Atticvs:** At ego huc declinabam nec inuitus.

Qvintvs: Licebit alias. Nunc id agamus quod coepimus, quom praesertim ad id nihil pertineat haec de summo malo bonoque dissensio.

Marcvs: Prudentissime, Quinte, dicis. Nam quae a me adhuc dicta sunt . . .

Qvintvs: . . . nec Lycurgi leges neque Solonis neque Charondae neque Zaleuci, nec nostras duodecim tabulas nec plebiscita desidero, sed te existimo cum populis, tum etiam singulis, hodierno sermone leges uiuendi et disciplinam daturum.

[58] **Marcvs:** Est huius uero disputationis, Quinte, proprium, id quod expectas, atque utinam esset etiam facultatis meae! Sed profecto ita se res habet, ut quoniam uitiorum emendatricem legem esse oportet commendatricemque uirtutum, ab ea<dem> uiuendi doctrina ducatur. Ita fit ut mater omnium bonarum rerum <sit> sapientia, a quoius amore Graeco uerbo philosophia nomen inuenit, qua nihil a dis immortalibus uberius, nihil florentius, nihil praestabilius hominum uitae datum est. Haec enim una nos cum ceteras res omnes, tum, quod est difficillimum, docuit, ut nosmet ipsos nosceremus, cuius praecepti tanta uis et tanta sententia est, ut ea non homini quoipiam, sed Delphico deo tribueretur.

[59] Nam qui se ipse norit, primum aliquid se habere sentiet diuinum ingeniumque in se suum sicut simulacrum aliquod dicatum putabit, tantoque munere deorum semper dignum aliquid et faciet et sentiet, et quom se ipse perspexerit totumque temptarit, intelleget quem ad modum a natura subornatus in uitam uenerit, quantaque instrumenta habeat ad obtinendam adipiscendamque sapientiam, quoniam principio rerum omnium quasi adumbratas intellegentias animo ac mente conceperit, quibus inlustratis sapientia duce bonum uirum et, ob eam ipsam causam, cernat se beatum fore.

[60] Nam quom animus cognitis percep tisque uirtutibus a corporis obsequio indulgentiaque discesserit, uoluptatemque sicut labem aliquam dedecoris oppresserit, omnemque mortis dolorisque timorem effugerit, societateque caritatis co<h>ae<s>erit cum suis, omnesque natura coniunctos suos duxerit, cultumque deorum et puram religionem susceperit, et exacuerit illam, ut oculorum, sic ingenii aciem ad bona seligenda et reicienda contraria (quae uirtus ex prouidendo est appellata prudentia), quid eo dici aut cogitari poterit beatius?

[61] Idemque quom caelum, terras, maria rerumque omnium naturam perspexerit, eaque unde generata quo recur<sur>a, quando, quo modo obitura, quid in iis mortale et caducum, quid diuinum aeternumque sit uiderit, ipsumque ea moderantem et regentem <deum> paene prenderit, seseque non <oppidi> circumdatum moenibus popularem alicuius definiti loci, sed ciuem totius mundi quasi unius urbis agnouerit, in hac ille magnificentia rerum, atque in hoc conspectu et cognitione naturae, dii inmortales, qua<le>m se ipse noscet! [quod Apollo praecepit Pythius] Quam contemnet, quam despiciet, quam pro nihilo putabit ea quae uolgo dicuntur amplissima!

[62] Atque haec omnia quasi saepimento aliquo uallabit disserendi ratione, ueri et falsi iudicandi scientia, et arte quadam intellegendi quid quamque rem sequatur et quid sit quoique contrarium. Quomque se ad ciuilem societatem natum senserit, non solum illa subtili disputatione sibi utendum putabit sed etiam fusa latius perpetua oratione, qua regat populos, qua stabiliat leges, qua castiget improbos, qua tueatur bonos, qua laudet claros uiros, qua praecepta salutis et laudis apte ad persuadendum edat suis ciuibus, qua hortari

ad decus, reuocare a flagitio, consolari possit adflictos, factaque et consulta fortium et sapientium cum improborum ignominia sempiternis monumentis prodere. Quae quom tot res tantaeque sint, quae inesse in homine perspiciantur ab iis qui se ipsi uelint nosse, earum parens est educatrixque sapientia.

[63] **Atticvs:** Laudata quidem a te grauiter et uere! Sed quorsus hoc pertinet?

Marcvs: Primum ad ea, Pomponi, de quibus acturi iam sumus, quae tanta esse uolumus. Non enim erunt, nisi ea fuerint, unde illa manant, amplissima. Deinde facio et lubenter et, ut spero, recte, quod eam quoius studio teneor quaeque me eum, quicumque sum, effecit, non possum silentio praeterire.

Atticvs: Re<cte> uero facis et merito et pie, fuitque id, ut dicis, in hoc sermone faciundum.

LIBER SECUNDVS

[1] Atticus: Sed visne, quoniam et satis iam ambulatum est, et tibi aliud dicendi initium sumendum est, locum mutemus et in insula quae est in Fibreno — nam opinor <id> illi alteri flumini nomen est — sermoni reliquo demus operam sedentes?

Marcus: Sane quidem. Nam illo loco libentissime soleo uti, sive quid mecum ipse cogito, sive aliquid scribo aut lego.

[2] **Atticus:** Equidem, qui nunc potissimum huc venerim, satiari non queo, magnificasque villas et pavimenta marmorea et laqueata tecta contemno. Ductus vero aquarum, quos isti Nilos et Euripos vocant, quis non cum haec videat inriserit? Itaque ut tu paulo ante de lege et de iure disserens ad naturam referebas omnia, sic in his ipsis rebus, quae ad requietem animi delectationemque quaeruntur, natura dominatur. Quare antea mirabar — nihil enim his in locis nisi saxa et montis cogitabam, itaque ut facerem et narrationibus inducebar tuis et versibus — , sed mirabar ut dixi, te tam valde hoc loco delectari. Nunc contra miror te cum Roma absis usquam potius esse.

[3] **Marcus:** Ego veto, cum licet pluris dies abesse, praesertim hoc tempore anni, et amoenitatem et salubritatem hanc sequor; raro autem licet. Sed nimirum me alia quoque causa delectat, quae te non attingit Tite.

Atticus: Quae tandem ista causa est?

Marcus: Quia si verum dicimus, haec est mea et huius fratris mei germana patria. Hic enim orti stirpe antiquissima sumus, hic sacra, hic genus, hic maiorum multa vestigia. Quid plura? Hanc vides villam, ut nunc quidem est, lautius aedificatam patris nostri studio, qui cum esset infirma valetudine, hic fere aetatem egit in litteris. Sed hoc ipso in loco, cum avos viveret et antiquo more parva esset villa, ut illa Curiana in Sabinis, me scito esse natum. Qua re inest nescio quid et latet in animo ac sensu meo, quo me plus hic locus fortasse delectet, si quidem etiam ille sapientissimus vir Ithacam ut videret inmortalitatem scribitur repudiasse.

[4] **Atticus:** Ego vero tibi istam iustam causam puto, cur huc libentius venias atque hunc locum diligas. Quin ipse, vere dicam, sum illi villae amicior modo factus atque huic omni solo, in quo tu

ortus et procreatus es. Movemur enim nescio quo pacto locis ipsis, in quibus eorum quos diligimus aut admiramur adsunt vestigia. Me quidem ipsae illae nostrae Athenae non tam operibus magnificis exquisitisque antiquorum artibus delectant, quam recordatione summorum virorum, ubi quisque habitare, ubi sedere, ubi disputare sit solitus, studioseque eorum etiam sepulcra contemplor. Quare istum ubi tu es natus plus amabo posthac locum.

Marcus: Gaudeo igitur me incunabula paene mea tibi ostendisse.

[5] **Atticus:** Equidem me cognosse admodum gaudeo. Sed illud tamen quale est quod paulo ante dixisti, hunc locum — id enim ego te accipio dicere Arpinum — germanam patriam esse vestram? Numquid duas habetis patrias, an est una illa patria communis? Nisi forte sapienti illi Catoni fuit patria non Roma sed Tusculum.

Marcus: Ego mehercule et illi et omnibus municipibus duas esse censeo patrias, unam naturae, alteram civitatis: ut ille Cato, quom esset Tusculi natus, in populi Romani civitatem susceptus est, ita<que> quom ortu Tusculanus esset, civitate Romanus, habuit alteram loci patriam, alteram iuris; ut vestri Attici, priusquam Theseus eos demigrare ex agris et in astu quod appellatur omnis conferre se iussit, et sui erant idem et Attici, sic nos et eam patriam dicimus ubi nati, et illam <a> qua excepti sumus. Sed necesse est caritate eam praestare <e> qua rei publicae nomen universae civitati est, pro qua mori et cui nos totos dedere et in qua nostra omnia ponere et quasi consecrare debemus. Dulcis autem non multo secus est ea quae genuit quam illa quae excepit. Itaque ego hanc meam esse patriam prorsus numquam negabo, dum illa sit maior, haec in ea contineatur. * duas habet civitatis, sed unam illas civitatem putat.

[6] **Atticus:** Recte igitur Magnus ille noster me audiente posuit in iudicio, quom pro Ampio tecum simul diceret, rem publicam nostram iustissimas huic municipio gratias agere posse, quod ex eo duo sui conservatores exstitissent, ut iam videar adduci, hanc quoque quae te procrearit esse patriam tuam. Sed ventum in insulam est. Hac vero nihil est amoenius. Etenim hoc quasi rostro finditur Fibrenus, et divisus aequaliter in duas partes latera haec adluit, rapideque dilapsus cito in unum confluit, et tantum conplectitur quod satis sit modicae palaestrae loci. Quo effecto, tamquam id habuerit operis ac muneris, ut hanc nobis efficeret sedem ad disputandum, statim praecipitat in

Lirem, et quasi in familiam patriciam venerit, amittit nomen obscurius, Liremque multo gelidiorem facit. Nec enim ullum hoc frigidius flumen attigi, cum ad multa accesserim, ut vix pede temptare id possim, quod in Phaedro Platonis facit Socrates.

[7] **Marcus:** Est vero ita. Sed tamen huic amoenitate, quem ex Quinto saepe audio, Thyamis Epirotes tuus ille nihil opinor concesserit.

Quintus: Est ita ut dicis. Cave enim putes Attici nostri Amalthio platanisque illis quicquam esse praeclarius. Sed si videtur considamus hic in umbra, atque ad eam partem sermonis ex qua egressi sumus revertamur.

Marcus: Praeclare exigis Quinte — at ego effugisse arbitrabar — , et tibi horum nihil deberi potest.

Quintus: Ordire igitur, nam hunc tibi totum dicamus diem.

Marcus: 'A Iove Musarum primordia', sicut in Aratio carmine orsi sumus.

Quintus: Quorsum istuc?

Marcus: Quia nunc item ab eodem et a ceteris diis immortalibus sunt nobis agendi capienda primordia.

[8] **Quintus:** Optime vero frater, et fieri sic decet.

Marcus: Videamus igitur rursus, priusquam adgrediamur ad leges singulas, vim naturamque legis, ne quom referenda sint ad eam nobis omnia, labamur interdum errore sermonis, ignoremusque vim rationis eius qua iura nobis definienda sint.

Quintus: Sane quidem hercle, et est ista recta docendi via.

Marcus: Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, nec scitum aliquod esse populorum, sed aeternum quiddam, quod universum mundum regeret imperandi prohibendique sapientia. Ita principem legem illam et ultimam mentem esse dicebant omnia ratione aut cogentis aut vetantis dei. Ex quo illa lex, quam di humano generi dederunt, recte est laudata: est enim ratio mensque sapientis ad iubendum et ad deterrendum idonea.

[9] **Quintus:** Aliquotiens iam iste iocus a te tactus est. Sed antequam ad populares leges venias, vim istius caelestis legis explana si placet, ne aestus nos consuetudinis absorbeat et ad sermonis morem usitati trahat.

Marcus: A parvis enim Quinte didicimus, ‘si in ius vocat’ atque alia eius modi leges <alias> nominare. Sed vero intellegi sic oportet, et hoc et alia iussa ac vetita populorum vim habere ad recte facta vocandi et a peccatis avocandi, quae vis non modo senior est quam aetas populorum et civitatium, sed aequalis illius caelum atque terras tuentis et regentis dei. [10] Neque enim esse mens divina sine ratione potest, nec ratio divina non hanc vim in rectis pravisque sanciendis habere, nec quia nusquam erat scriptum, ut contra omnis hostium copias in ponte unus adsisteret, a tergoque pontem interscindi iuberet, idcirco minus Coclitem illum rem gessisse tantam fortitudinis lege atque imperio putabimus, nec si regnante <L.> Tarquinio nulla erat Romae scripta lex de stupris, idcirco non contra illam legem sempiternam Sex. Tarquinius vim Lucretiae Tricipitini filiae attulit. Erat enim ratio, profecta a rerum natura, et ad recte faciendum inpellens et a delicto avocans, quae non tum denique incipit lex esse quom scripta est, sed tum quom orta est. Orta autem est simul cum mente divina. Quam ob rem lex vera atque princeps, apta ad iubendum et ad vetandum, ratio est recta summi Iovis.

[11] **Quintus:** Adsentior frater, ut quod est rectum verumque, <aeternum quoque ratio, est> sit, neque cum litteris quibus scita scribuntur aut oriatur aut occidat. Marcus: Ergo ut illa divina mens summa lex est, item quom in homine est perfecta in mente sapientis. Quae sunt autem varie et ad tempus descriptae populis, favore magis quam re legum nomen tenent. Omnem enim legem, quae quidem recte lex appellari possit, esse laudabilem qui<bus>dam talibus argumentis docent. Constare profecto ad salutem civium civitatumque incolumitatem vitamque hominum quietam et beatam inventas esse leges, eosque qui primum eiusmodi scita sanxerint, populis ostendisse ea se scripturos atque laturos, quibus illi adscitis susceptisque honeste beateque viverent, quaeque ita conposita sanctaque essent, eas leges videlicet nominarent. Ex quo intellegi par est, eos qui perniciosa et iniusta populis iussa descripserint, quom contra fecerint quam polliciti professique sint, quidvis potius tulisse quam leges, ut perspicuum esse possit, in ipso nomine legis interpretando inesse vim et sententiam iusti et veri legendi.

[12] Quaero igitur a te Quinte, sicut illi solent: quo si civitas careat ob eam ipsam causam quod eo careat pro nihilo habenda sit, id estne

numerandum in bonis?

Quintus: Ac maxumis quidem.

Marcus: Lege autem carens civitas estne ob ipsum habenda nullo loco?

Quintus: Dici aliter non potest.

Marcus: Necesse est igitur legem haberi in rebus optimis.

Quintus: Prorsus adsentior.

[13] **Marcus:** Quid quod multa perniciose, multa pestifere sciscuntur in populis, quae non magis legis nomen adtingunt, quam si latrones aliqua consensu suo sanxerint? Nam neque medicorum praecepta dici vere possunt, si quae inscii inperitique pro salutaribus mortifera conscripserint, neque in populo lex, cuicuimodi fuerit illa, etiam si perniciosum aliquid populus acceperit. Ergo est lex iustorum iniustorumque distinctio, ad illam antiquissimam et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quae supplicio inprobos adficiunt, defendunt ac tuentur bonos.

Quintus: Praeclare intellego, nec vero iam aliam esse ullam legem puto non modo habendam sed ne appellandam quidem.

[14] **Marcus:** Igitur tu Titias et Apuleias leges nullas putas?

Quintus: Ego vero ne Livias quidem.

Marcus: Et recte, quae praesertim uno versiculo senatus puncto temporis sublatae sint. Lex autem illa, cuius vim explicavi, neque tolli neque abrogari potest.

Quintus: Eas tu igitur leges rogabis videlicet quae numquam abrogentur.

Marcus: Certe, si modo acceptae a duobus vobis erunt. Sed ut vir doctissimus fecit Plato atque idem gravissimus philosophorum omnium, qui princeps de re publica conscripsit idemque separatim de legibus <eius>, id mihi credo esse faciundum, ut priusquam ipsam legem recitem, de eius legis laude dicam. Quod idem et Zaleucum et Charondam fecisse video, quom quidem illi non studii et delectationis sed rei publicae causa leges civitatibus suis scripserint. Quos imitatus Plato videlicet hoc quoque legis putavit esse, persuadere aliquid, non omnia vi ac minis cogere.

[15] **Quintus:** Quid quod Zaleucum istum negat ullum fuisse Timaeus?

Marcus: At <ait> Theophrastus, auctor haud deterior mea quidem

sententia — meliorem multi nominant — , commemorant vero ipsius cives, nostri clientes, Locri. Sed sive fuit sive non fuit, nihil ad rem: loquimur quod traditum est.

Sit igitur hoc iam a principio persuasum civibus, dominos esse omnium rerum ac moderatores deos, eaque quae gerantur eorum geri iudicio ac numine, eosdemque optime de genere hominum mereri, et qualis quisque sit, quid agat, quid in se admittat, qua mente, qua pietate colat religiones, intueri, piorumque et impiorum habere rationem . . . <conprehendantur, ratione nulla>.

[16] His enim rebus inbutae mentes haud sane abhorrebunt ab utili aut a vera sententia. Quid est enim verius quam neminem esse oportere tam stulte adrogantem, ut in se rationem et mentem putet inesse, in caelo mundoque non putet? Aut ut ea quae vix summa ingenii ratione moveri putet? Quem vero astrorum ordines, quem dierum noctiumque vicissitudines, quem mensum temperatio, quemque ea quae gignuntur nobis ad fruendum, non gratum esse cogunt, hunc hominem omnino numerari qui decet? Quomque omnia quae rationem habent praestent iis quae sint rationis expertia, nefasque sit dicere ullam rem praestare naturae omnium rerum, rationem inesse in ea confitendum est. Utilis esse autem has opiniones quis neget, quom intellegat quam multa firmentur iure iurando, quantae saluti sint foederum religiones, quam multos divini supplicii metus a scelere revocarit, quamque sancta sit societas civium inter ipsos, diis inmortalibus interpositis tum iudicibus <tum> testibus? Habes legis prooemium; sic enim haec appellat Plato.

[17] **Quintus:** Habeo vero frater, et in hoc admodum delector quod in aliis rebus aliisque sententiis versaris atque ille. Nihil enim tam dissimile quam vel ea quae ante dixisti, vel hoc ipsum de deis exordium. Unum illud mihi videris imitari, orationis genus.

Marcus: Velle fortasse: quis enim id potest aut umquam poterit imitari? Nam sententias interpretari perfacile est, quod quidem ego facerem, nisi plane esse vellem meus. Quid enim negotii est eadem prope verbis isdem conversa dicere?

Quintus: Prorsus adsentior. Verum ut modo tute dixisti, te esse malo tuum. Sed iam exprome si placet istas leges de religione.

[18] **Marcus:** Expromam equidem ut potero, et quoniam et locus et sermo <haudquaquam> familiaris est, legum leges voce proponam.

Quintus: Quidnam id est?

Marcus: Sunt certa legum verba Quinte, neque ita prisca ut in veteribus XII sacratisque legibus, et tamen, quo plus auctoritatis habeant, paulo antiquiora quam hic sermo <noster> est. Eum morem igitur cum brevitate si potuero consequar. Leges autem a me edentur non perfectae — nam esset infinitum — , sed ipsae summae rerum atque sententiae.

Quintus : Ita vero necesse est. Quare audiamus.

[19] **Marcus:** ‘Ad divos adeunto caste, pietatem adhibento, opes amovento. Qui secus faxit, deus ipse vindex erit.’ ‘Separatim nemo habessit deos neve novos neve advenas nisi publice adscitos; privatim colunto quos rite a patribus <cultos acceperint>.’ ‘<in urbibus> delubra habento. Lucos in agris habento et Larum sedes.’ ‘Ritus familiae patrumque servanto.’ ‘Divos et eos qui caelestes semper habiti sunt colunto et ollos quos endo caelo merita locaverint, Herculem, Liberum, Aesculapium, Castorem, Pollucem, Quirinum, ast olla propter quae datur homini ascensus in caelum, Mentem, Virtutem, Pietatem, Fidem, earumque laudum delubra sunto, nec ulla vitiorum sacra sollemnia obeunto.’ ‘Feriis iurgia <a>movento, easque in famulis operibus patratis habento, idque ut ita cadat in annuis anfractibus descriptum esto.’ ‘Certasque fruges certasque bacas sacerdotes publice libanto <hoc> certis sacrificiis ac diebus,

[20] itemque alios ad dies ubertatem lactis feturaeque servanto, idque ne omitti possit, ad eam rem rationem cursus annuos sacerdotes finiunto, quaeque quoique divo decorae grataeque sint hostiae, providento.’ ‘Divisque aliis <alii> sacerdotes, omnibus pontifices, singulis flamines sunto. Virginesque Vestales in urbe custodiunto ignem foci publici sempitemum.’ ‘Quoque haec privatim et publice modo rituque fiant, discunto ignari a publicis sacerdotibus. Eorum autem genera sunto tria: unum quod praesit caerimoniis et sacris, alterum quod interpretetur fatidicorum et vatium ecfata incognita, quae eorum senatus populusque asciverit. Interpretes autem Iovis optumi maxumi, publici augures, signis et auspiciis operam danto, disciplinam tenento,

[21] sacerdotesque vineta virgetaque et salutem populi auguranto, quique agent rem duelli quique popularem, auspicium praemonento ollique obtemperanto. Divorumque iras providento sisque apparento,

caelique fulgura regionibus ratis temperanto, urbemque et agros et templa liberata et effata habento. Quaeque augur iniusta nefasta vitiosa dira deixerit, inrita infectaque sunto, quique non paruerit, capital esto.' 'Foederum pacis belli indotiarum ratorum fetiales iudices non<tii> sunto, bella disceptanto.' 'Prodigia portenta ad Etruscos <et> haruspices si senatus iussit deferunto, Etruriaque principes disciplinam doceto. Quibus divis creverint, procuranto, idemque fulgura atque obstita pianto.' 'Nocturna mulierum sacrificia ne sunto praeter olla quae pro populo rite fient. Neve quem initianto nisi ut adsolet Cereri Graeco sacro.'

[22] 'Sacrum commissum quod neque expiari poterit impie commissum esto; quod expiari poterit publici sacerdotes expianto.' 'Loedis publicis quod sive curriculo et <sine> certatione corporum <sive> cantu et fidibus et tibiis fiat, popularem laetitiam moderanto eamque cum divum honore iungunto.' 'Ex patriis ritibus optuma colunto.ë 'Praeter Idaeae Matris famulos eosque iustis diebus ne quis stipem cogito.' 'Sacrum sacrove commendatum qui clepsit rapsitve, parricida esto.' 'Periurii poena divina exitium, humana dedecus.' 'Incestum pontifices supremo supplicio sanciunto.' 'Impius ne audeto placare donis iram deorum.' ',Caute vota reddunto.' 'Poena violati iuris esto.' '<quocirca> Nequis agrum consecrato.' 'Auri, argenti, eboris sacrandi modus esto.' 'Sacra privata perpetua manento.' 'Deorum Manium iura sancta sunto. <Bo>nos leto datos divos habento. Sumptum in ollos luctumque minuunto.'

[23] **Atticus:** Conclusa quidem est a te magna lex sane quam brevi! Sed ut mihi quidem videtur, non multum discrepat ista constitutio religionum a legibus Numae nostrisque moribus.

Marcus: An censes, quom in illis de re publica libris persuadere videatur Africanus, omnium rerum publicarum nostram veterem illam fuisse optumam, non necesse esse optumae rei publicae leges dare consentaneas?

Atticus : Immo prorsus ita censeo.

Marcus: Ergo adeo expectate leges, quae genus illud optumum rei publicae contineant, et si quae forte a me hodie rogabuntur, quae non sint in nostra re publica nec fuerint, tamen <fu>erunt fere in more maiorum, qui tum ut lex valebat.

[24] **Atticus:** Suade igitur si placet istam ipsam legem, ut ego 'ut ei

tu rogas' possim dicere.

Marcus: Ain tandem Attice? Non es dicturus aliter?

Atticus: Prorsus maiorem quidem rem nullam sciscam aliter, in minoribus si voles remittam hoc tibi.

Quintus: Atque mea quidem <eadem> sententia est.

Marcus: At ne longum fiat videte.

Atticus: Utinam quidem! Quid enim agere malimus?

Marcus: Caste iubet lex adire ad deos, animo videlicet in quo sunt omnia; nec tollit castimoniam corporis, sed hoc oportet intellegi, quom multum animus corpori praestet, observeturque ut casto corpore adeatur, multo esse in animis id servandum magis. Nam illud vel aspersione aquae vel dierum numero tollitur, animi labes nec diuturnitate evanescere nec amnibus ullis elui potest.

[25] Quod autem pietatem adhiberi, opes amoveri iubet, significat probitatem gratam esse deo, sumptum esse removendum. Quom enim paupertatem cum divitiis etiam inter homines esse aequalem velimus, cur eam sumptu ad sacra addito deorum aditu arceamus? Praesertim cum ipsi deo nihil minus gratum futurum sit, quam non omnibus patere ad se placandum et colendum viam. Quod autem non iudex sed deus ipse vindex constituitur, praesentis poenae metu religio confirmari videtur. Suosque deos aut novos aut alienigenas coli confusionem habet religionum et ignotas caerimonias nos<tris> sacerdotibus.

[26] Nam <a> patribus acceptos deos ita placet coli, si huic legi paruerint ipsi patres. Delubra esse in urbibus censeo, nec sequor magos Persarum quibus auctoribus Xerses inflammasse templa Graeciae dicitur, quod parietibus includerent deos, quibus omnia deberent esse patentia ac libera, quorumque hic mundus omnis templum esset et domus.

XI Melius Graii atque nostri, qui ut augerent pietatem in deos, easdem illos urbis quas nos incolere voluerunt. Adfert enim haec opinio religionem utilem civitatibus, si quidem et illud bene dictum est a Pythagora doctissimo viro, tum maxume et pietatem et religionem versari in animis, cum rebus divinis operam daremus, et quod Thales qui sapientissimus in septem fuit, homines existimare oportere, omnia <quae> cernerent deorum esse plena; fore enim omnis castioris, veluti quom in fanis essent maxime religiosis. Est

enim quaedam opinione species deorum in oculis, non solum in mentibus.

[27] Eandemque rationem luci habent in agris, neque ea quae a maioribus prodita est cum dominis tum famulis, posita in fundi villaeque conspectu, religio Larum repudianda est. Iam ritus familiae patrumque servare, id est, quoniam antiquitas proxume accedit ad deos, a dis quasi traditam religionem tueri. Quod autem ex hominum genere consecratos, sicut Herculem et ceteros, coli lex iubet, indicat omnium quidem animos inmortalis esse, sed fortium bonorumque divinos.

[28] Bene vero quod Mens, Pietas, Virtus, Fides consecrantur humanae, quarum ommum Romae dedicata publice templa sunt, ut illas qui habeant — habent autem omnes boni — deos ipsos in animis suis conlocatos putent. Nam illud vitiosum Athenis quod Cylonio scelere expiato, Epimenide Crete suadente, fecerunt Contumeliae fanum et Inpudentiae, <magnumque consecravit gymnasiis in simulacra Amorum et Cupidinum quod Graeciasuscepit consilium audax>. Virtutes enim, non vitia consecrari decet. Araque vetusta in Palatio Febris et altera Esquiliis Malae Fortunae detest<anda>, atque omnia eius modi repudianda sunt. Quodsi fingenda nomina, Vicaepotae potius vincendi atque potiundi, Statae standi, cognominaque Statoris et Invicti Iovis, rerumque expetendarum nomina, Salutis, Honoris, Opis, Victoriae, quoniamque exspectatione rerum bonarum erigitur animus, recte etiam Spes a Calatino consecrata est. Fortunaque sit vel Huiusce diei — nam valet in omnis dies — , vel Respiciens ad opem ferendam, vel Fors in quo incerti casus significantur magis, vel Primigenia a gignendo comes.

XII [29] Tum feriarum festorumque dierum ratio in liberis requietem habet litium et iurgiorum, in servis operum et laborum; quas conpositio anni conferre debet ad perfectionem operum rusticorum. Quod <ad> tempus ut sacrificiorum libamenta serventur fetusque pecorum quae dicta in lege sunt, diligenter habenda ratio intercalandi est, quod institutum perite a Numa posteriorum pontificum neglegentia dissolutum est. Iam illud ex institutis pontificum et haruspicum non mutandum est, quibus hostiis immolandum quoique deo, cui maioribus, cui lactentibus, cui

maribus, cui feminis. Plures autem deorum omnium, singuli singulorum sacerdotes et respondendi iuris et conficiendarum religionum facultatem adferunt. Quomque Vesta quasi focum urbis, ut Graeco nomine est appellata — quod nos prope idem <ac> Graecum, <non> interpretatum nomen tenemus — , conplexa sit, ei colendae <VI> virgines praesint, ut advigiletur facilius ad custodiam ignis, et sentiant mulieres <in> naturam feminarum omnem castitatem pati.

[30] Quod sequitur vero, non solum ad religionem pertinet sed etiam ad civitatis statum, ut sine iis, qui sacris publice praesint, religioni privatae satis facere non possint. Continet enim rem publicam, consilio et auctoritate optimatium semper populum indigere, discriptioque sacerdotum nullum iustae religionis genus praetermittit. Nam sunt ad placandos deos alii constituti, qui sacris praesint sollemnibus, ad interpretanda alii praedicta vatium, neque multorum ne esset infinitum, neque ut ea ipsa quae suscepta publice essent quisquam extra conlegium nosset.

[31] Maximum autem et praestantissimum in re publica ius est augurum cum auctoritate coniunctum, neque vero hoc quia sum ipse augur ita sentio, sed quia sic existimari nos est necesse. Quid enim maius est, si de iure quaerimus, quam posse a summis imperiis et summis potestatibus comitiatus et concilia vel instituta dimittere vel habita rescindere? Quid gravius quam rem susceptam dirimi, si unus augur ‘alio <die>‘ dixerit? Quid magnificentius quam posse decernere, ut magistratu se abdicent consules? Quid religiosius quam cum populo, cum plebe agendi ius aut dare aut non dare? Quid, legem si non iure rogata est tollere, ut Titiam decreto conlegi, ut Livias consilio Philippi consulis et auguris? Nihil domi, nihil militiae per magistratus gestum sine eorum auctoritate posse cuiquam probari?

XIII [32] **Atticus:** Age iam ista video fateorque esse magna. Sed est in conlegio vestro inter Marcellum et Appium optimos augures magna dissensio — nam eorum ego in libros incidi — , cum alteri placeat auspicia ista ad utilitatem esse rei publicae composita, alteri disciplina vestra quasi divinari videatur posse. Hac tu de re quaero quid sentias.

Marcus: Egone? Divinationem, quam Graeci *mavtikev* appellant,

esse sentio, et huius hanc ipsam partem quae est in avibus ceterisque signis <quod> disciplinae nostrae. Si enim deos esse concedimus, eorumque mente mundum regi, et eosdem hominum consulere generi, et posse nobis signa rerum futurarum ostendere, non video cur esse divinationem negem.

[33] Sunt autem ea quae posui, ex quibus id quod volumus efficitur et cogitur. Iam vero permultorum exemplorum et nostra est plena res publica et omnia regna omnesque populi cunctaeque gentes, <ex> augurum praedictis multa incredibiliter vera cecidisse. Neque enim Polyidi neque Melampodis neque Mopsi neque Amphiarai neque Calchantis neque Heleni tantum nomen fuisset, neque tot nationes id ad hoc tempus retinuissent, ut Phrygum, Lycaonum, Cilicum maximeque Pisidarum, nisi vetustas ea certa esse docuisset. Nec vero Romulus noster auspicato urbem condidisset, neque Atti Navi nomen memoria floreret tam diu, nisi omnes hi multa ad veritatem admirabilia dixissent. Sed dubium non est quin haec disciplina et ars augurum evanuerit iam et vetustate et neglegentia. Ita neque illi adsentior qui hanc scientiam negat umquam in nostro collegio fuisse, neque illi qui esse etiam nunc putat. Quae mihi videtur apud maiores fuisse duplex, ut ad rei publicae tempus non numquam, ad agendi consilium saepissime pertineret.

[34] **Atticus:** Credo hercle ita esse, istique rationi potissimum adsentior. Sed redde cetera.

XIV **Marcus:** Reddam vero, et id si potero brevi. Sequitur enim de iure belli, in quo et suscipiendo et gerendo et deponendo ius ut plurimum valeret et fides, eorumque ut publici interpretes essent, lege sanximus. Iam de haruspicum religione, de expiationibus et procurationibus satis esse plane in ipsa lege dictum puto.

Atticus: Adsentior, quoniam omnis haec in religione versatur oratio.

Marcus: At vero quod sequitur quo modo aut tu adsentiare ego reprehendam sane quaero Tite.

Atticus: Quid tandem id est?

[35] **Marcus:** De nocturnis sacrificiis mulierum.

Atticus: Ego vero adsentior, excepto praesertim in ipsa lege sollemni sacrificio ac publico.

Marcus: Quid ergo aget Iacchus Eumolpidaeque vostri et augusta

illa mysteria, si quidem sacra nocturna tollimus? Non enim populo Romano sed omnibus bonis firmisque populis leges damus.

[36] **Atticus:** Excipis credo illa quibus ipsi initiati sumus.

Marcus : Ego vero excipiam. Nam mihi cum multa eximia divinaque videntur Athenae tuae peperisse atque in vitam hominum attulisse, tum nihil meilus illis mysteriis, quibus ex agresti immanique vita exculti ad humanitatem et mitigati sumus, initiaque ut appellantur ita re vera principia vitae cognovimus, neque solum cum laetitia vivendi rationem accepimus, sed etiam cum spe meliore moriendi. Quid autem mihi displiceat in nocturnis, poetae indicant comici. Qua licentia Romae data quidnam egisset ille qui in saerificium cogitatam libidinem intulit, quo ne inprudentiam quidem oculorum adici fas fuit?

Atticus : Tu vero istam Romae legem rogato, nobis nostras ne ademeris.

XV [37] **Marcus:** Ad nostras igitur revertor. Quibus profecto diligentissime sanciendum est, ut mulierum famam multorum oculis lux clara custodiat, initienturque eo ritu Cereri quo Romae initiantur. Quo in genere severitatem maiorum senatus vetus auctoritas de Bacchanalibus et consulum exercitu adhibito quaestio animadversioque declarat. Atque omnia nocturna — ne nos duriores forte videamur — in media Graecia Pagondas Thebanus lege perpetua sustulit. Novos vero deos et in his colendis nocturnas pervigilationes sic Aristophanes facetissumus poeta veteris comoediae vexat, ut apud eum Sabatius et quidam alii dei peregrini iudicati e civitate eiciantur. Publicus autem sacerdos inprudentiam consilio expiatam metu liberet, audaciam <libid>ines inmittendi religionibus foedas damnet atque inpiam iudicet.

[38] Iam ludi publici quoniam sunt cavea circoque divisi, sint corporum certationes cursu et pugillatu et luctatione curriculisque equorum usque ad certam victoriam <in> circo constitutae, cavea cantui vacet ac fidibus et tibiis, dummodo ea moderata sint ut lege praescribitur. Adsentior enim Platoni nihil tam facile in animos teneros atque mollis influere quam varios canendi sonos, quorum dici vix potest quanta sit vis in utramque partem. Namque et incitat languentis, et languefacit excitatos, et tum remittit animos tum contrahit, civitatumque hoc multarum in Graecia interfuit, antiquom

vocum conservari modum; quarum mores lapsi ad mollitias pariter sunt inmutati cum cantibus, aut hac dulcedine corruptelaque depravati ut quidam putant, aut cum severitas morum ob alia vitia cecidisset, tum fuit in auribus animisque mutatis etiam huic mutationi locus.

[39] Quam ob rem ille quidem sapientissimus Graeciae vir longeque doctissimus valde hanc labem veretur. Negat enim mutari posse musicas leges sine mutatione legum publicarum. Ego autem nec tam valde id timendum nec plane contemnendum puto. Illud quidem <videmus>, quae solebat quondam conpleri severitate iucunda Livianis et Naevianis modis, nunc ut eadem exultet <cavea> * cervices oculosque pariter cum modorum flexionibus torqueant. Graviter olim ista vindicabat vetus illa Graecia, longe providens quam sensim pernicies inlapsa civium [in] animos, malis studiis malisque doctrinis repente totas civitates everteret, si quidem illa severa Lacedaemo nervos iussit quos plures quam septem haberet in Timothei fidibus in<ci>di.

XVI, [40] Deinceps in lege est ut de ritibus patriis colantur optuma. De quocum<que> consulerent Athenienses Apollinem Pythium, quas potissimum religiones tenerent, oraclum editum est ‘eas quae essent in more maiorum’. Quo cum iterum venissent maiorumque morem dixissent saepe esse mutatum, quaesissentque quem morem potissimum sequerentur e variis, respondit ‘optumum’. Et profecto ita est ut id habendum sit antiquissimum et deo proximum, quod sit optumum. Stipem sustulimus nisi eam quam ad paucos dies propriam Idaeae Matris excepimus. Implet enim superstitione animos et exhaurit domus. Sacrilego poena est, neque ei soli qui sacrum abstulerit, sed etiam ei qui sacro commendatum.

[41] Quod et nunc multis fit in fanis, <et olim> Alexander in Cilicia deposuisse apud Solensis in delubro pecuniam dicitur, et Atheniensis Clisthenes civis egregius, quom rebus timeret suis, Iunoni Samiae filiarum dotis credidisse. Iam de periuriis, de incesto nihil sane hoc quidem loco disputandum est. Donis impii ne placare audeant deos, Platonem audiant, qui vetat dubitare qua sit mente futurus deus, quom vir nemo bonus ab inprobo se donari velit. Diligentiam votorum satis in lege dictum est * ac votis sponsio qua obligamur deo. Poena vero violatae religionis iustam recusationem non habet.

Quid ego hic sceleratorum utar exemplis, quorum plenae tragoediae? Quae ante oculos sunt, ea potius adtingam. Etsi haec commemoratio vereor ne supra hominis fortunam esse videatur, tamen quoniam sermo mihi est apud vos, nihil reticebo volamque hoc quod loquar diis inmortalibus gratum potius videri quam grave.

XVII [42] Omnia tum perditorum civium scelere discessu meo religionum iura polluta sunt, vexati nostri Lares familiares, in eorum sedibus exaedificatum templum Licentiae, pulsus a delubris is qui illa servarat: circumspicite celeriter animo — nihil enim attinet quemquam nominari — , qui sint rerum exitus consecuti: nos, qui illam custodem urbis omnibus ereptis nostris rebus ac perditis violari ab impiis passi non sumus eamque ex nostra domo in ipsius patris domum detulimus, iudicia senatus, Italiac, gentium denique omnium conservatae patriae consecuti sumus. Quo quid accidere potuit homini praeclarius? Quorum scelere religiones tum prostratae adflictaeque sunt, partim ex illis distracti ac dissipati iacent; qui vero ex iis et horum scelerum principes fuerant et praeter ceteros in omni religione inpii, non solum <nullo in> vita cruciatu atque dedecore, verum etiam sepultura et iustis exsequiarum carent.

[43] **Quintus:** Equidem ista agnosco frater, et meritas dis gratias ago. Sed nimis saepe secus aliquanto videmus evadere.

Marcus: Non enim Quinte recte existimamus quae poena divina sit, sed opinionibus vulgi rapimur in errorem, nec vera cernimus. Morte aut dolore corporis aut luctu animi aut offensione iudicii hominum miserias ponderamus, quae fateor humana esse et multis bonis viris accidisse. Sceleri <ipsi in>est poena tristis et praeter eos eventus qui secuntur per se ipsa maxima est: vidimus eos, qui nisi odissent patriam numquam inimici nobis fuissent, ardentis tum cupiditate, tum metu, tum conscientia quid<quid> agerent, modo timentis, vicissim contemnentis religiones, iudicia corrupta ab isdem <corrupta> — hominum, non deorum.

[44] Reprimam iam me, non insequar longius, eoque minus quo plus poenarum habeo quam petivi. Tantum ponam brevi, duplicem poenam esse divinam, quod constat et ex vexandis vivorum animis et ea fama mortuorum, ut eorum exitium et iudicio vivorum et gaudio conprobetur.

XVIII [45] Agri autem ne consecrentur, Platoni prorsus adsentior,

qui si modo interpretari potuero, his fere verbis utitur: ‘Terra igitur ut focus domiciliorum sacra deorum omnium est. Quocirca ne quis iterum idem consecrato. Aurum autem et argentum in urbibus et privatim et in fanis invidiosa res est. Tum ebur ex inani<mi> corpore extractum haud satis castum donum deo. Iam aes atque ferrum duelli instrumenta, non fani. Ligneum autem quod <quis>que voluerit uno e ligno <di>cato, itemque lapideum, in delubris communibus, textile ne operosius quam mulieris opus menstruum. Color autem albus praecipue decorus deo est, cum in cetero tum maxime in textili; tincta vero absint nisi a bellicis insignibus. Divinissima autem dona aves et formae ab uno pictore uno absolutae die, itemque cetera huius exempli dona sunto.’ Haec illi placent. Sed ego cetera non tam restricte praefinio, vel hominum <di>vitiis vel subsidiis temporum inductus: terrae cultum segniorem suspicor fore, si ad eam utendam ferroque subigendam superstitionis aliquid accesscrit.

Atticus: Habeo ista. Nunc de sacris perpetuis et de Manium iure restat.

Marcus: O miram memoriam Pomponi tuam! At mihi ista exciderant.

[46] **Atticus:** Ita credo. Sed tamen hoc magis eas res et memini et specto, quod et ad pontificium ius et ad civile pertinent.

Marcus: Vero, et a peritissimis sunt istis de rebus et responsa et scripta multa, et ego in hoc omni sermone nostro, quod ad cumque legis genus me disputatio nostra deduxerit, tractabo quoad potero eius ipsius generis ius civile nostrum, sed ita locus ut ipse notus sit, ex quo ducatur quaeque pars iuris, ut non difficile sit, qui modo ingenio possit moveri, quaecumque nova causa consultatiove acciderit, eius tenere ius, quom scias a quo sit capite repetendum.

XIX [47] Sed iuris consulti, sive erroris obiciundi causa, quo plura et difficiliora scire videantur, sive, quod similius veri est, ignoratione docendi — nam non solum scire aliquid artis est, sed quaedam ars [est] etiam docendi — saepe quod positum est in una cognitione, id in infinita dispertiuntur. Velut in hoc ipso genere, quam magnum illud Scaevolae faciunt, pontifices ambo et eidem iuris peritissimi! ‘Sae<pe>‘ inquit Publi filius ‘ex patre audivi, pontificem bonum neminem esse, nisi qui ius civile cognosset.’ Totumne? Quid ita? Quid enim ad pontificem de iure parietum aut aquarum aut luminum

<ni>si eo quod cum religione coniunctum est? Id autem quantulum est! De sacris credo, de votis, de feriis et de sepulcris, et si quid eius modi est. Cur igitur haec tanta facimus, cum cetera perparva sint, de sacris autem, qui locus patet latius, haec sit una sententia, ut conserventur semper et deinceps familiis prodantur, et ut in lege posui perpetua sint sacra?

[48] Hoc posito haec iura pontificum auctoritate consecuta sunt, ut, ne morte patris familias sacrorum memoria occideret, iis essent ea adiuncta ad quos eiusdem morte pecunia venerit. Hoc uno posito, quod est ad cognitionem disciplinae satis, innumerabilia nascuntur quibus implentur iuris consultorum libri. Quaeruntur enim qui adstringantur sacris. Heredum , causa iustissima est; nulla est enim persona quae ad vicem eius qui e vita emigrarit propius accedat. Deinde qui morte testamentove eius tantundem capiat quantum omnes heredes: id quoque ordine, est enim ad id quod propositum est adcommodatum. Tertio loco, si nemo sit heres, is qui de bonis quae eius fuerint quom moritur usu ceperit plurimum possidendo. Quarto qui, si nemo sit qui ullam rem ceperit, de creditoribus eius plurimum servet.

[49] Extrema illa persona est, ut, si is, qui ei qui mortuus sit pecuniam debuerit, nemini <qui> eam solverit, proinde habeatur quasi eam pecuniam ceperit.

XX Haec nos a Scaevola didicimus, non ita descripta ab antiquis. Nam illi quidem his verbis docebant: tribus modis sacris adstringitur: hereditate, aut si maiorem partem pecuniae capiat, aut si maior pars pecuniae legata est, si inde quippiam ceperit. [50] Sed pontificem sequamur. Videtis igitur omnia pendere ex uno illo, quod pontifi<ces> cum pecunia sacra coniungi volunt, isdemque ferias et caerimonias adscribendas putant. Atque etiam hoc docent Scaevolae, quom est partitio, ut si in testamento deducta scripta non sit, ipsique minus ceperint quam omnibus heredibus relinquatur, sacris ne alligentur. In donatione hoc idem secus interpretantur: <et> quod pater familias in eius donatione qui in ipsius potestate est adprobavit, ratum est; quod eo insciente factum est, si id is non adprobat, ratum non est.

[51] His propositis quaestiunculae multae nascuntur, quas qui non intellegat, si ad caput referat, per se ipse facile perspiciat. Veluti si

minus quis cepisset ne sacris alligaretur, at post de eius heredibus aliquis exegisset pro sua parte id quod ab eo quoi ipse heres esset praetermissum fuisset, eaque pecunia non minor esset facta cum superiore exactione quam heredibus omnibus esset relicta, qui eam pecuniam exegisset, solum sine coheredibus sacris alligari. Quin etiam cavent ut, cui plus legatum sit quam sine religione capere liceat, is per aes et libram heredes testamenti solvat, propterea quod eo loco res est ita soluta hereditate, quasi ea pecunia legata non esset.

XXI [52] Hoc ego loco multisque aliis quaero a vobis Scaevolae, pontifices maximi et homines meo quidem iudicio acutissimi, quid sit quod ad ius pontificium civile adpetatis; civilis enim iuris scientia pontificium quodam modo tollitis. Nam sacra cum pecunia pontificum auctoritate, nulla lege coniuncta sunt. Itaquc si vos tantummodo pontifices essetis, pontificalis maneret auctoritas; sed quod idem iuris civilis estis peritissimi, hac scientia illam eludistis. Placuit P. Scaevolae et Ti. Coruncanio pontificibus maximis itemque ceteris, eos qui tantundem caperent quantum omnes heredes sacris alligari. Habeo ius pontificium.

[53] Quid huc accessit ex iure civili? Partitionis caput scriptum caute, ut centum nummi deducerentur: inventa est ratio cur pecunia sacrorum molestia liberaretur. Quodsi hoc qui testamentum faciebat cavere noluisset, admonet iuris consultus hic quidem ipse Mucius, pontifex idem, ut minus capiat quam omnibus heredibus relinquatur. Super<iores> dicebant, quicquid cepisset adstringi: rursus sacris liberatur. Hoc vero nihil ad pontificium ius, sed e medio est iure civili, ut per aes et libram heredem testamenti solvant et eodem loco res sit, quasi ea pecunia legata non esset, <et> si is cui legatum est stipulatus est id ipsum quod legatum est, ut ea pecunia ex stipulatione debeatur, sitque ea non <adligata sacris.> [*Plutarch. quaest. Rom. 34]: . . .

[54] *<Venio ad Manium iura, quae maiores nostri et sapientissime instituerunt et religiosissime coluerent. Februario autem mense, qui tum extremus anni mensis erat, mortuis parentari voluerunt; quod tamen D. Brutus, ut scriptum a Sisenna est, Decembri facere solebat. Cuius ego rei causam cum mecum quaererem, Brutum reperiebam in hac re idcirco a more maiorum discessisse, nam Sisennam video causam, cur ille vetus institutum non servaret, ignorare, Brutum*

antem maiorum nostrorum institutum temere neglexisse non fit mihi veri simile> , doctum hominem sane, cuius fuit Accius perfamiliaris; sed mensem credo extremum anni ut veteres Februarium sic hic Decembrem sequebatur. Hostia autem maxima parentare pietatis esse adiunctum putabat.

XXII [55] Iam tanta religio est sepulcrorum, ut extra sacra et gentem inferri fas negent esse, idque apud maiores nostros A. Torquatus in gente Popillia iudicavit. Nec vero tam denicales, quae a nece appellatae sunt quia residentur mortuis, quam ceterorum caelestium quieti dies feriae nominarentur, nisi maiores eos qui ex hac vita migrassent in deorum numero esse voluissent. Eas in eos dies conferre ius, ut nec ipsius neque publicae feriae sint. Totaque huius iuris conpositio pontificalis magnam religionem caerimoniamque declarat, neque necesse est edisseri a nobis, quae finis funestae familiae, quod genus sacrificii Lari vervecibus fiat, quem ad modum os resectum terra obtegatur, quaeque in porca contracta iura sint, quo tempore incipiat sepulcrum esse et religione teneatur.

[56] At mihi quidem antiquissimum sepulturae genus illud fuisse videtur quo apud Xenophontem Cyrus utitur: redditur enim terrae corpus, et ita locatum ac situm quasi operimento matris obducitur. Eodemque ritu in eo sepulcro quod <haud> procul a Fontis ara est, regem nostrum Numam conditum accepimus, gentemque Corneliam usque ad memoriam nostram hac sepultura scimus esse usam. C. Mari sitas reliquias apud Anienem dissipari iussit Sylla victor, acerbiore odio incitatus, quam si tam sapiens fuisset quam fuit vehemens.

[57] Quod haud scio an timens <ne> suo corpori posset accidere, primus e patriciis Corneliis igni voluit cremari. Dedarat enim Ennius de Africano: ‘Hic est ille situs’, vere, nam siti dicuntur ii qui conditi sunt. Nec tamen eorum ante sepulcrum est quam iusta facta et porcus caesus est. Et quod nunc communiter in omnibus sepultis venit usu <ut> humati dicantur, id erat proprium tum in iis quos humus iniecta contexerat, eumque morem ius pontificale confirmat. Nam prius quam in os iniecta gleba est, locus ille ubi crematum est corpus nihil habet religionis; iniecta gleba tum et ille humatus est et sepulcrum vocatur, ac tum denique multa religiosa iura conplectitur. Itaque in

eo qui in nave necatus, deinde in mare proiectus esset, decrevit P. Mucius familiam puram, quod os supra terram non extaret; porcam heredi esse contrac<tam>, et habendas triduum ferias et porco femina piaculum faci<undum>. Si in mari mortuus esset, eadem praeter piaculum et ferias.

XXIII [58] **Atticus:** Video quae sint in pontificio iure, sed quaero ecquidnam sit in legibus.

Marcus: Pauca sane Tite, et ut arbitror non ignota vobis. Sed ea non tam ad religionem spectant quam ad ius sepulcrorum. 'Hominem mortuum' inquit lex in XII ' in urbe ne sepelito neve urito.' Credo vel propter ignis periculum. Quod autem addit 'neve urito', indicat non qui uratur sepelin, sed qui humetur.

Atticus: Quid quod post XII in urbe sepulti sunt clari viri?

Marcus: Credo Tite fuisse aut eos quibus hoc ante hanc legem virtutis causa tributum est, ut Poplicolae, ut Tuberto, quod eorum posteri iure tenuerunt, aut eos si qui hoc ut C. Fabricius virtutis causa soluti legibus consecuti sunt. Sed <ut> in urbe sepeliri lex vetat, sic decretum a pontificum collegio, non esse ius in loco publico fieri sepulcrum. Nostis extra portam Collinam aedem Honoris. Aram in eo loco fuisse memoriae proditum est. Ad eam cum lamina esset inventa, et in ea scriptum <lamina> 'Honoris', ea causa fuit <ut> aedis haec dedicare<tur>. Sed quom multa in eo loco sepulcra fuissent, exarata sunt. Statuit enim collegium locum publicum non potuisse privata religione obligari.

[59] Iam cetera in XII minuendi sumptus sunt lamentationisque funebris, translata de Solonis fere legibus. 'Hoc plus' inquit 'ne facito. Rogum ascea ne polito.' Nostis quae sequuntur. Discebamus enim pueri XII ut carmen necessarium, quas iam nemo discit. Extenuato igitur sumptu tribus reciniis et tunicula purpurea et decem tibicinibus, tollit etiam <nimiam> lamentationem: 'Mulieres genas ne radunto neve lessum funeris ergo habento.' Hoc veteres interpretes Sex. Aelius L. Acilius non satis se intellegere dixerunt, sed suspicari vestimenti aliquod genus funebris, L. Aelius lessum quasi lugubrem eiulationem, ut vox ipsa significat. Quod eo magis iudico verum esse quia lex Solonis id ipsum vetat. Haec laudabilia et locupletibus fere cum plebe communia. Quod quidem maxime e natura est, tolli fortunae discrimen in morte.

XXIV [60] Cetera item funebria quibus luctus augetur XII sustulerulit. ‘Homini’ inquit ‘mortuo ne ossa legito quoi pos funus faciat.’ Excipit bellicam peregrinamque mortem. Haec praeterea sunt in legibus: <De uncturaque> ‘servilis unctura tollitor omnisque circumpotatio.’ Quae et recte tolluntur, neque tollerentur nisi <in usu> fuissent. ‘Ne sumptuosa respersio, ne longae coronae nec acerrae praeferantur.’ Illa iam significatio est laudis ornamenta ad mortuos pertinere, quod coronam virtute partam et ei qui peperisset et eius parenti sine fraude esse lex impositam iubet. Credoque quod erat factitatum ut uni plura funera fierent lectique plures sternerentur, id quoque ne fieret lege sanctum est. Qua in lege quom esset ‘neve aurum addito’, <videtote> quam humane excipiat altera lex <praecipit altera lege>: ‘At cui auro dentes iuncti escunt, ast im cum ub sepeliet uretve, se fraude esto.’ Et simul illud videtote, aliud habitum esse sepelire et urere.

[61] Duae sunt praeterea leges de sepulcris, quarum altera privatorum aedificiis, altera ipsis sepulcris cavet. Nam quod ‘rogum bustumve novum’ vetat ‘propius sexaginta pedes adigi aedes alienas invito domino’, incendium videtur arcere <vetat>. Quod autem ‘forum’, id est vestibulum sepulcri, ‘bustumve usu capi’ vetat, tuetur ius sepulcrorum. Haec habemus in XII, sane secundum naturam, quae norma legis est. Reliqua sunt in more: funus ut indicatur si quid ludorum, dominusque funeris utatur accenso atque lictoribus,

[62] honoratorum virorum laudes in contione memorentur, easque etiam <et> cantus ad tibicinem prosequatur, cui nomen neniae, quo vocabulo etiam <apud> Graecos cantus lugubres nominantur.

XXV **Atticus:** : Gaudeo nostra iura ad naturam accommodari, maiorumque sapientia admodum delector. Sed requiro ut ceteri sumptus sic etiam sepulcrorum modum.

Marcus : Recte requiris. Quos enim ad sumptus progressa iam ista res sit, in C. Figuli sepulcro vidisse [te] credo. Minimam olim istius rei fuisse cupiditatem multa extant exempla maiorum. Nostrae quidem legis interpretes, quo capite iubentur sumptum et luctum removere a deorum Manium iure, hoc intellegant in primis, sepulcrorum magnificentiam esse minuendam.

[63] Nec haec a sapientissimis legum scriptoribus neglecta sunt. Nam et Atheniensium in more a Cecrope ut aiunt permansit hoc ius terra humandi, quod quom proxumi fecerant obductaque terra erat, frugibus obserebatur, ut sinus et gremium quasi matris mortuo tribueretur, solum autem frugibus expiatum ut vivis redderetur. Sequebantur epulae quas inibant propinqui coronati, apud quos de mortui laude quom siquid veri erat praedicatum — nam mentiri nefas habebatur — , iusta confecta erant.

[64] Postea quom, ut scribit Phalereus <Demetrius>, sumptuosa fieri funera et lamentabilia coepissent, Solonis lege sublata sunt, quam legem eisdem prope verbis nostri Xviri in decimam tabulam coniecerunt. Nam de tribus reciniis et pleraque illa Solonis sunt. De lamentis vero expressa verbis sunt: ‘mulieres genas ne radunto neve lessum funeris ergo habento.’

XXVI De sepulcris autem nihil est apud Solonem amplius quam ‘ne quis ea deleat neve alienum inferat’, poenaque est, ‘si quis bustum’ — nam id puto appellari t . . . mbon—’aut monimentum’ inquit ‘aut columnam violarit deiecerit fregerit’. Sed post aliquanto propter has amplitudines sepulcrorum, quas in Ceramico videmus, lege sanctum est, ‘ne quis sepulcrum faceret operosius quam quod decem homines effecerint triduo’;

[65] neque id opere tectorio exornari nec hermas hos quos vocant licebat inponi, nec de mortui laude nisi in publieis sepulturis, nec ab alio nisi qui publice ad eam rem constitutus esset dici licebat. Sublata etiam erat celebritas virorum ac mulierum, quo lamentatio minueretur; auget enim luctum concursus hominum.

[66] Quocirca Pittacus omnino accedere quemquam vetat in funus

aliorum. Sed ait rursus idem Demetrius increbruisse eam funerum sepulcrorumque magnificentiam quae nunc fere Romae est. Quam consuetudinem lege minuit ipse. Fuit enim hic vir ut scitis non solum eruditissimus, sed etiam civis in re publica maximus tuendaeque civitatis peritissimus. Is igitur sumptum minuit non solum poena sed etiam tempore: ante lucem enim iussit efferri. Sepulcris autem novis finivit modum; nam super terrae tumulum noluit quid<quam> statui nisi columellam tribus cubitis ne altiorem aut mensam aut labellum, et huic procurationi certum magistratum praefecerat.

XXVII [67] Haec igitur Athenienses tui. Sed videamus Platonem, qui iusta funerum reicit ad interpretes religionum; quem nos morem tenemus. De sepulcris autem dicit haec: vetat ex agro culto, eove qui coli possit, ullam partem sumi sepulcro; sed quae natura agri tantum modo efficere possit, ut mortuorum corpora sine detrimento vivorum recipiat, ea potissimum ut conpleatur; quae autem terra fruges ferre et ut mater cibos suppeditare possit, eam ne quis nobis minuat neve vivos neve mortuos.

[68] Extrui autem vetat sepulcrum altius, quam quod <quinque homines> quinque diebus absolverint, nec e lapide excitari plus nec inponi, quam quod capiat laudem mortui incisam ne plus quattuor herois versibus, quos longos appellat Ennius. Habemus igitur huius quoque auctoritatem de sepulcris summi viri, a quo item funerum sumptus praefinitur ex censibus a minis quinque usque ad minam. Deinceps dicit eadem illa de inmortalitate animorum et reliqua post mortem tranquillitate bonorum, poenis impiorum.

[69] Habetis igitur explicatum omnem ut arbitror religionum locum.

Quintus: Nos vero frater, et copiose quidem; sed perge cetera.

Marcus: Pergam equidem, et quoniam libitum est vobis me ad haec inpellere, hodierno sermone conficiam, spero, hoc praesertim die; video enim Platonem idem fecisse, omnemque orationem eius de legibus peroratam esse uno aestivo die. Sic igitur faciam, et dicam de magistratibus. Id enim est profecto quod constituta religione rem publieam contineat maxime.

Atticus : Tu vero dic et istam rationem quam coepisti tene.

LIBER TERTIVS

I [1] Marcus: Sequar igitur ut institui divinum illum virum quem <nimia> quadam admiratione commotus saepius fortasse laudo quam necesse est.

Atticus: Platonem videlicet dicis.

Marcus: Istum ipsum Attice.

Atticus: Tu vero eum nec nimis valde umquam nec nimis saepe laudaveris. Nam hoc mihi etiam nostri illi, qui neminem nisi suum laudari volunt, concedunt, ut eum arbitratu meo diligam.

Marcus: Bene hercle faciunt. Quid enim est elegantia tua dignius? Cuius et vita et oratio consecuta mihi videtur difficillimam illam societatem gravitatis cum humanitate.

Atticus: Sane gaudeo quod te interpellavi, quoniam quidem tam praeclarum mihi dedisti iudicii tui testimonium. Sed perge ut coeperas.

Marcus: Laudemus igitur prius legem ipsam veris et propriis generis sui laudibus?

Atticus: Sane quidem, sicut de religionum lege fecisti.

[2] **Marcus:** Videtis igitur magistratus hanc esse vim ut praesit praescribatque recta et utilia et coniuncta cum legibus. Ut enim magistratibus leges, ita populo praesunt magistratus, vereque dici potest, magistratum esse legem loquentem, legem autem mutum magistratum.

[3] Nihil porro tam aptum est ad ius condicionemque naturae — quod quom dico, legem a me dici intellegi volo — quam imperium, sine quo nec domus ulla nec civitas nec gens nec hominum universum genus stare, nec rerum natura omnis nec ipse mundus potest. Nam et hic deo paret, et huic oboediunt maria terraeque, et hominum vita iussis supremae legis obtemperat.

II [4] Atque ut ad haec citeriora veniam et notiora nobis: omnes antiquae gentes regibus quondam paruerunt. Quod genus imperii primum ad homines iustissimos et sapientissimos deferebatur — idque et in re publica nostra maxime valuit, quoad ei regalis potestas praefuit — , deinde etiam deinceps posteris prodebatur, quo <et> in iis qui etiam nunc regnant<ur> manet. Quibus autem regia potestas

non placuit, non ii nemini, sed non semper uni parere voluerunt. Nos autem quoniam leges damus liberis populis, quaeque de optima re publica sentiremus, in sex libris ante diximus, accommodabimus hoc tempore leges ad illum quem probamus civitatis statum.

[5] Magistratibus igitur opus est, sine quorum prudentia ac diligentia esse civitas non potest, quorumque discriptione omnis rei publicae moderatio continetur. Neque solum iis praescribendus est imperandi, sed etiam civibus obtemperandi modus. Nam et qui bene imperat, paruerit aliquando necesse est, et qui modeste paret, videtur qui aliquando imperet dignus esse. Itaque oportet et eum qui paret sperare, se aliquo tempore imperaturum, et illum qui imperat cogitare, brevi tempore sibi esse parendum. Nec vero solum ut obtemperent oboediantque magistratibus, sed etiam ut eos colant diligantque praescribimus, ut Charondas in suis facit legibus, noster vero Plato Titanum e genere <esse> statuit eos qui ut illi caelestibus, sic hi adversentur magistratibus. Quae cum ita sint ad ipsas iam leges veniamus si placet.

Atticus: Mihi vero et istud et ordo iste rerum placet.

III [6] **Marcus:** ‘Justa imperia sunto, isque cives modeste ac sine recusatione parento. Magistratus nec oboedientem et <in>noxium civem multa vinculis verberibusve coherceto, ni par maiorve potestas populusve prohibessit, ad quos provocatio esto. Cum magistratus iudicassit inrogassitve, per populum multae poenae certatio esto. Militiae ab eo qui imperabit provocatio nec esto, quodque is qui bellum geret imperassit, ius ratumque esto.’

‘Minoris magistratus partiti iuris ploeres in ploera sunto. Militiae quibus iussi erunt imperanto eorumque tribuni sunto. Domi pecuniam publicam custodiunto, vincula sontium servanto, capitalia vindicanto, aes argentum aurumve publice signanto, litis contractas iudicanto, <quod> quodcumque senatus creverit agunto.’

[7] ‘Suntoque aediles curatores urbis annonae ludorumque sollemnium, ollisque ad honoris amplioris gradum is primus ascensus esto.’

‘Censoris populi aevitates suboles familias pecuniasque censento, urbis templa vias aquas aerarium vectigalia tuento, populique partis in tribus discribunto, exin pecunias aevitatis ordinis partiunto, equitum peditumque prolem discribunto, caelibes esse prohibento,

mores populi regunto, probrum in senatu ne relinquonto. Bini sunto, magistratum quinquennium habento eaque potestas semper esto, reliqui magistratus annui sunto.'

[8] 'Iuris disceptator, qui privata iudicet iudicarive iubeat, praetor esto. Is iuris civilis custos esto. Huic potestate pari quotcumque senatus creverit populusve iusserit, tot sunto.'

'Regio imperio duo sunto, iique <a> praeeundo iudicando consulendo praetores iudices consules appellamino. Militiae summum ius habento, nemini parento. Ollis salus populi suprema lex esto.'

[9] 'Eundem magistratum, ni interfuerint decem anni, ne quis capito. Aevitatem annali lege servanto.'

'Ast quando duellum gravius discordiaeve civium escunt, oenus ne amplius sex menses, si senatus creverit, idem iuris quod duo consules teneto, isque ave sinistra dictus populi magister esto. Equitatumque qui regat habeto pari iure cum eo quicumque erit iuris disceptator. Reliqui magistratus ne sunto.'

'Ast quando consules magisterve populi nec erunt, auspicia patrum sunto, ollique ec se produnto qui comitiatu creare consules rite possit.'

'Imperia potestates legationes, cum senatus creverit populusve jusserit, ex urbe exeunto, duella iusta iuste gerunto, sociis parcunto, se et suos continento, populi <sui> gloriam augento, domum cum laude redeunto.'

'Rei suae ergo ne quis legatus esto.'

'Plebes quos pro se contra vim auxilii ergo decem creassit, ei tribuni eius sunto, quodque ei prohibessint quodque plebem rogassint, ratum esto; sanctique sunto; neve plebem orbam tribunis relinquunto.'

[10] 'Omnes magistratus auspicium iudiciumque habento, exque is senatus esto. Eius decreta rata sunto. At potestas par maiorve prohibessit, perscripta servanto.'

'Is ordo vitio vacato, ceteris specimen esto.'

'Creatio magistratuum, iudicia populi, iussa vetita cum cosciscentur, suffragia optumatibus nota, plebi libera sunto.'

IV 'Ast quid erit quod extra magistratus coerari oesus sit, qui coeret populus creato eique ius coerandi dato.

‘Cum populo patribusque agendi ius esto consuli praetori magistro populi equitumque, eique quem patres prodent consulum rogandorum ergo; tribunisque quos sibi plebes creassit ius esto cum patribus agendi; idem ad plebem quod oesus erit ferunto.’

‘Quae cum populo quaeque in patribus agentur, modica sunto.’

[11] ‘Senatori qui nec aderit aut causa aut culpa esto. Loco senator et modo orato, causas populi teneto.’

‘Vis in populo abesto. Par maiorve potestas plus valeto. Ast quid turbassitur in agendo, fraus actoris esto. Intercessor rei malae salutaris civis esto.’

‘Qui agent auspicia servanto, auguri publico parento, promulgata proposita in aerario Ü cognita agunto; nec plus quam de singulis rebus semel consulunto; rem populum docento, doceri a magistratibus privatisque patiunto.’

‘Privilegia ne inroganto. De capite civis nisi per maximum comitiatum ollosque quos censores in partibus populi locassint ne ferunto.’

‘Donum ne capiunto neve danto neve petenda neve gerenda neve gesta potestate. Quod quis earum rerum migrassit, noxiae poena par esto.’

Cesoris fidem legum custodiunto. Privati ad eos acta referunto, nec eo magis lege liberi sunto.ë

Lex recitata est: discedere et tabellam iubebo dari.

V [12] **Quintus:** Quam brevi frater in conspectu posita est a te omnium magistratuum discriptio, sed ea paene nostrae civitatis, etsi a te paulum adlatum est novi.

Marcus: Rectissime Quinte animadvertis. Haec est enim quam Scipio laudat in <illis> libris et quam maxime probat temperationem rei publicae, quae effici non potuisset nisi tali discriptione magistratuum. Nam sic habetote, magistratibus iisque qui praesint contineri rem publicam, et ex eorum conpositione quod cuiusque rei publicae genus sit intellegi. Quae res cum sapientissime moderatissimeque constituta esset a maioribus nostris, nihil habui sane <aut> non multum quod putarem novandum in legibus.

[13] **Atticus:** Reddes igitur nobis, ut in religionis lege fecisti admonitu et rogatu meo, sic de magistratibus, ut disputes, quibus de causis maxime placeat ista discriptio.

Marcus: Faciam Attice ut vis, et locum istum totum, ut a doctissimis Graeciae quaesitum et disputatum est, explicabo, et ut institui nostra iura attingam.

Atticus: Istud maxime exspecto disserendi genus.

Marcus: Atqui pleraque sunt dicta in illis libris, quod faciendum fuit quom de optuma re publica quaereretur. Sed huius loci de magistratibus sunt propria quaedam, a Theophrasto primum, deinde a Dio<ge>ne Stoico quaesita subtilius.

VI [14] **Atticus:** Ain tandem? Etiam a Stoicis ista tractata sunt?

Marcus: Non sane nisi ab eo quem modo nominavi, et postea a magno homine et in primis erudito Panaetio. Nam veteres verbo tenus acute illi quidem, sed non ad hunc usum popularem atque civilem, de re publica disserebant. Ab Academia magis ista manarunt Platone principe. Post Aristoteles inlustravit omnem hunc civilem in disputando locum, Heraclidesque Ponticus profectus ab eodem Platone. Theophrastus vero institutus ab Aristotele habitavit ut scitis in eo genere rerum, ab eodemque Aristotele doctus Dicaearchus huic rationi studioque non defuit. Post a Theophrasto Phalereus ille Demetrius, de quo feci supra mentionem, mirabiliter doctrinam ex umbraculis eruditorum otioque non modo in solem atque in pulverem, sed in ipsum discrimen aciemque produxit. Nam et mediocriter doctos magnos in re publica viros, et doctissimos homines non nimis in re publica versatos multos commemorare possumus: qui vero utraque re excelleret, ut et doctrinae studiis et regenda civitate princeps esset, quis facile praeter hunc inveniri potest?

Atticus: Puto posse, et quidem aliquem de tribus nobis. Sed perge ut coeperas.

VII [15] **Marcus:**: Quaesitum igitur ab illis est, placeretne unum in civitate esse magistratum cui reliqui parerent. Quod exactis regibus intellego placuisse nostris maioribus. Sed quoniam regale civitatis genus, probatum quondam, postea non tam regni quam regis vitiis repudiatum est, nomen tantum videbitur regis repudiatum, res manebit si unus omnibus reliquis magistratibus imperabit.

[16] Quare nec ephori Lacedaemone sine causa a Theopompo oppositi regibus, nec apud nos consulibus tribuni. Nam illud quidem ipsum quod in iure positum est habet consul, ut ei reliqui magistratus

omnes pareant, excepto tribuno, qui post exstitit ne id quod fuerat esset. Hoc enim primum minuit consulare ius, quod exstitit ipse qui eo non teneretur, deinde quod attulit auxilium reliquis non modo magistratibus, sed etiam privatis consuli non parentibus.

[17] **Quintus:** Magnum dicis malum. Nam ista potestate nata gravitas optimatium cecidit, convaluitque vis multitudinis.

Marcus: Non est Quinte ita. Non ius enim illud solum superbius populo, <sed> et violentius videri necesse erat. Quo posteaquam modica et sapiens temperatio accessit*

[*Macrobius de differentiis et societatibus 17,6: Cicero de legibus tertio:* Qui poterit socios tueri, si dilectum rerum utilium et inutilium non habebit? Ü convertem lex in omnis est.]

VIII [18] 'Domum cum laude redeunto.' Nihil enim praeter laudem bonis atque innocentibus neque ex hostibus neque a sociis reortandum.

Iam illud apertum est profecto nihil esse turpius quam quemquam legari nisi rei publicae causa. Omitto quem ad modum isti se gerant atque gesserint, qui legatione hereditates aut syngraphas suas persecuntur. In hominibus est hoc fortasse vitium. Sed quaero quid reapse sit turpius, quam sine procuratione senator legatus, sine mandatis, sine ullo rei publicae munere? Quod quidem genus legationis ego consul, quamquam ad commodum senatus pertinere videbatur, tamen adprobante senatu frequentissimo, nisi mihi levis tribunus plebis tum intercessisset, sustulissem. Minui tamen tempus, et quod erat infinitum, annuum feci. Ita turpitudo manet, diutunitate sublata. Sed iam si placet de provinciis decedatur, in urbemque redeatur.

Atticus: Nobis vero placet, sed iis qui in provinciis sunt minime placet.

[19] **Marcus:** At vero Tite si parebunt his legibus, nihil erit iis urbe, nihil domo sua dulcius, nec laboriosius molestiusque provincia. Sed sequitur lex quae sancit eam tribunorum plebis potestatem, quae est in re publica nostra. De qua disseri nihil necesse est.

Quintus: At mehercule ego frater quaero, de ista potestate quid sentias. Nam mihi quidem pestifera videtur, quippe quae in seditione et ad seditionem nata sit. Cuius primum ortum si recordari volumus, inter arma civium et occupatis et obsessis urbis locis procreatum

videmus. Deinde quom esset cito necatus tamquam ex XII tabulis insignis ad deformitatem puer, brevi tempore nescio

IX quo pacto recreatus multoque taetrior et foedior natus est. Quae enim ille non edidit? Qui primum, ut inpio dignum fuit, patribus omnem honorem eripuit, omnia infima summis paria fecit, turbavit, miscuit. Cum adflixisset prineipum gravitatem, numquam tamen conquievit.

[20] Namque ut C. Flaminium atque ea quae iam prisca videntur propter vetustatem relinquam, quid iuris bonis viris Tiberi Gracchi tribunatus reliquit? Etsi quinquennio ante D[ecim]um Brutum et P. Scipionem consules — quos et quantos viros! — homo omnium infimus et sordidissimus tribunus plebis C. Curiatius in vincula coniecit, quod ante factum non erat. C. vero Gracchi tribunatus sicis quas ipse se proiecisse in forum dixit, quibus digladiarentur inter se cives, nonne omnem rei publicae statum perturbavit? Quid iam de Saturnino, Sulpicio, reliquis dicam? Quos ne depellere quidem a se sine ferro potuit res publica.

[21] Cur autem aut vetera aut aliena proferam potius quam et nostra et recentia? Quis, inquam, tam audax, tam nobis inimicus fuisset, ut cogitaret umquam de statu nostro labefactando, nisi mucronem aliquem tribunicium exacuisset in nos? Quem quom homines scelerati ac perditi non modo ulla in domo, sed nulla in gente reperirent, gentis sibi in tenebris rei publicae perturbandas putaverunt. Quod nobis quidem egregium et ad inmortalitatem memoriae gloriosum, neminem in nos mercede ulla tribunum potuisse reperiri, nisi cui ne esse quidem licuisset tribuno.

[22] Sed ille quas strages edidit! Eas videlicet quas sine ratione ac sine ulla spe bona furor edere potuit inpurae beluae, multorum inflammatus furoribus. Quam ob rem in ista quidem re vehementer Sullam probo, qui tribunis plebis sua lege iniuriae faciendae potestatem ademerit, auxilii ferendi reliquerit, Pompeiumque nostrum <in> ceteris rebus omnibus semper amplissimis summisque ecfero laudibus, de tribunicia potestate taceo. Nec enim reprehendere libct, nec laudare possum.

X [23] **Marcus:** Vitia quidem tribunatus praeclare Quinte perspicis, sed est iniqua in omni re accusanda praetermissis bonis malorum enumeratio vitiorumque selectio. Nam isto quidem modo vel

consulatus vitupe[rari po]test, si consulum quos enumerare nolo peccata collegeris. Ego enim fateor in ista ipsa potestate inesse quiddam mali, sed bonum, quod est quaesitum in ea, sine isto malo non haberemus. ‘Nimia potestas est tribunorum plebis.’ Quis negat? Sed vis populi multo saevior multoque vehementior, quae ducem quom habet interdum lenior est, quam si nullum haberet. Dux enim suo se periculo progredi cogitat, populi impetus periculi rationem sui non habet.

[24] ‘At aliquando incenditur.’ Et quidem saepe sedatur. Quod enim est tam desperatum collegium, in quo nemo e decem sana mente sit? Quin ipsum Ti. Gracchum non solum neglectus sed etiam sublatus intercessor evertit. Quid enim illum aliud perculit, nisi quod potestatem intercedenti collegae abrogavit? Sed tu sapientiam maiorum in illo vide: concessa plebei a patribus ista potestate arma ceciderunt, restincta seditio est, inventum est temperamentum, quo tenuiores cum principibus aequari se putarent, in quo uno fuit civitatis salus. ‘At duo Gracchi fuerunt.’ Et praeter eos quamvis enumeres multos licet, cum deni creentur, <non>nullos in omni memoria reperies perniciosos tribunos, leves etiam, non bonos, fortasse plures: invidia quidem summus ordo caret, plebes de suo iure periculosas contentione nullas facit.

[25] Quam ob rem aut exigendi reges non fuerunt, aut plebi re, non verbo, danda libertas. Quae tamen sic data est, ut multis <institutis> praeclarissimis adduceretur, ut auctoritati principum cederet.

XI Nostra autem causa quae, optume et dulcissume frater, incidit in tribuniciam potestatem, nihil habuit contentionis cum tribunatu. Non enim plebes incitata nostris rebus invidit, sed vincula soluta sunt et servitia concitata, adiuncto terrore etiam militari. Neque nobis cum illa tum peste certamen fuit, sed cum gravissimo rei publicae tempore, cui si non cessissem, non diuturnum beneficii mei patria fructum tulisset. Atque haec rerum exitus indicavit: quis enim non modo liber, sed etiam servus libertate dignus fuit, cui nostra salus cara non esset?

[26] Quodsi is casus fuisset rerum quas pro salute rei publicae gessimus, ut non omnibus gratus esset, et si nos multitudinis furentis inflammata invidia pepulisset, tribuniciaque vis in me populum, sicut Gracchus in Laenatem, Saturninus in Metellum incitasset, ferremus o

Quinte frater, consolarenturque nos non tam philosophi qui Athenis fuerunt — qui hoc facere debebant — , quam clarissimi vin qui illa urbe pulsi carere ingrata civitate quam manere in <im>proba maluerunt. Pompeium vero quod una ista in re non ita valde probas, vix satis mihi illud videris attendere, non solum ei quid esset optimum videndum fuisse, sed etiam quid necessarium. Sensit enim deberi non posse huic civitati illam potestatem: quippe quam tanto opere populus noster ignotam expetisset, qui posset carere cognita? Sapientis autem civis fuit, causam nec perniciosam et ita popularem ut non posset obsisti, perniciose populari civi non relinquere. — Scis solere frater in huius modi sermone, ut transiri alio possit, dici 'admodum' aut 'prorsus ita est.'

Quintus: Haud equidem adsentior. Tu tamen ad reliqua pergas velim.

Marcus: Perseveras tu quidem et in tua vetere sententia permanes.

Atticus: Nec mehercule ego sane a Quinto nostro dissentio. Sed ea quae restant audiamus.

XII [27] **Marcus:** Deinceps igitur omnibus magistratibus auspicia et iudicia dantur: iudicia <ita> ut esset populi potestas ad quam provocaretur, auspicia ut multos inutiles comitiatus probabiles inpedirent morae. Saepe enim populi impetum iniustum auspiciis di immortales represserunt. Ex iis autem qui magistratum ceperunt quod senatus efficitur, populare <est> sane neminem in summum locum nisi per populum venire, sublata cooptatione censoria. Sed praesto est huius viti temperatio, quod senatus lege nostra confirmatur auctoritas.

[28] Sequitur enim: 'Eius decreta rata sunto.' Nam ita se res habet, ut si senatus dominus sit publici consilii, quodque is creverit defendant omnes, et si ordines reliqui principis ordinis consilio rem publicam gubernari velint, possit ex temperatione iuris, cum potestas in populo, auctoritas in senatu sit, teneri ille moderatus et concors civitatis status, praesertim si proximae legi parebitur; nam proximum est: 'Is ordo vitio careto, ceteris specimen esto.'

Quintus: Praeclara vero frater ista lex, sed et late patet ut vitio careat ordo, et censorem quaerit interpretem.

[29] **Atticus:** Ille vero etsi tuus est totus ordo, gratissimamque

memoriam retinet consulatus tui, pace tua dixerim: non modo censores sed etiam iudices omnes potest defatigare.

XIII **Marcus:** Omitte ista Attice! Non enim de hoc senatu nec his de hominibus qui nunc sunt, sed de futuris, si qui forte his legibus parere voluerint, haec habetur oratio. Nam cum omni vitio carere lex iubeat, ne veniet quidem in eum ordinem quisquam vitii particeps. Id autem difficile factu est nisi educatione quadam et disciplina; de qua dicemus aliquid fortasse, si quid fuerit loci aut temporis.

[30] **Atticus:** Locus certe non derit, quoniam tenes ordinem legum; tempus vero largitur longitudo diei. Ego autem, etiam si praeterieris, repetam a te istum de educatione et de disciplina locum.

Marcus: Tu vero et istum Attice, et si quem alium praeteriero.

'Ceteris specimen esto.' Quod si tenemus, <tenemus> omnia. Ut enim cupiditatibus principum et vitiis infici solet tota civitas, sic emendari et corrigi continentia. vir magnus et nobis omnibus amicus L. Lucullus ferebatur, quasi commodissime respondisset, cum esset obiecta magnificentia villae Tusculanae, duo se habere vicinos, superiorem equitem Romanum, inferiorem libertinum: quorum cum essent magnificae villae, concedi sibi oportere quod iis qui inferioris ordinis essent liceret. Non vides Luculle a te id ipsum natum ut illi cuperent quibus id si tu non faceres non liceret?

[31] Quis enim ferret istos, cum videret eorum villas signis et tabulis refertas, partim publicis, partim etiam sacris et religiosis, quis non frangeret eorum libidines, nisi illi ipsi qui eas frangere deberent cupiditatis eiusdem tenerentur?

XIV Nec enim tantum mali est peccare principes, quamquam est magnum hoc per se ipsum malum, quantum illud quod permulti imitatores principum existunt. Nam licet videre, si velis replicare memoriam temporum, qualescumquc summi civitatis viri fuerint, talem civitatem fuisse; quaecumque mutatio morum in principibus extiterit, eandem in populo secutam.

[32] Idque haud paulo est verius, quam quod Platoni nostro placet. Qui musicorum cantibus ait mutatis mutari civitatum status: ego autem nobilium vita victuque mutato mores mutari civitatum puto. Quo perniciosius de re publica merentur vitiosi principes, quod non solum vitia concipiunt ipsi, sed ea infundunt in civitatem, neque solum obsunt quod ipsi corrumpuntur, sed etiam quod corrumpunt,

plusque exemplo quam peccato nocent. Atque haec lex, dilatata in ordinem cunctum, coangustari etiam potest: pauci enim atque admodum pauci honore et gloria amplificati vel corrumpere mores civitatis vel corrigere possunt. Sed haec et nunc satis, et in illis libris tractata sunt diligentius. Quare ad reliqua veniamus.

XV [33] Proximum autem est de suifragiis, quae iubeo nota esse optimatibus, populo libera.

Atticus: Ita mehereule attendi, nec satis intellexi quid sibi lex aut quid verba ista vellent.

Marcus: Dicam Tite et versabor in re difficili ac multum et saepe quaesita, suffragia in magistratu mandando ac de reo iudicando <sciscenda>que in lege aut rogatione clam an palam ferri melius esset.

Quintus: An etiam id dubium est? Vereor ne a te rursus dissentiam.

Marcus: Non facies Quinte. Nam ego in ista sum sententia qua te fuisse semper scio, nihil ut fuerit in suffragiis voce melius; sed optineri an possit videndum est.

[34] **Quintus:** Atqui frater bona tua venia dixerim, ista sententia maxime et fallit imperitos, et obest saepissime rei publicae, cum aliquid verum et rectum esse dicitur, sed optineri id est obsisti posse populo negatur. Primum enim obsistitur cum agitur severe, deinde vi opprimi in bona causa est melius quam malae cedere. Quis autem non sentit omnem auctoritatem optimatium tabellariam legem abstulisse? Quam populus liber numquam desideravit, idem oppressus dominatu ac potentia principum flagitavit. Itaque graviora iudicia de potentissimis hominibus extant vocis quam tabellae. Quam ob rem suffragandi nimia libido in non bonis causis eripienda fuit potentibus, non latebra danda populo, in qua bonis ignorantibus quid quisque sentiret, tabella vitiosum occultaret suffragium. Itaque isti rationi neque lator quisquam est inventus nec auctor umquam bonus.

XVI [35] Sunt enim quattuor leges tabellariae, quarum prima de magistratibus mandandis: ea est Gabinia, lata ab homine ignoto et sordido. Secuta biennio post Cassia est de populi iudiciis, a nobili homine lata L. Cassio, sed, pace familiae dixerim, dissidente a bonis atque omnis rumusculos populari ratione aucupante. Carbonis est tertia de iubendis legibus ac vetandis, seditiosi atque inprobi civis,

cui ne reditus quidem ad bonos salutem a bonis potuit adferre.

[36] Uno in genere relinqui videbatur vocis suffragium, quod ipse Cassius exceperat, perduellionis. Dedit huic quoque iudicio C. Coelius tabellam, doluitque quoad vixit se ut opprimeret C. Popillium nocuisse rei publicae. Et avus quidem noster singulari virtute in hoc municipio quoad vixit restitit M.Gratidio cuius in matrimonio sororem aviam nostram habebat, ferenti legem tabellariam. Excitabat enim fluctus in simpulo ut dicitur Gratidius, quos post filius eius Marius in Aegaeo excitavit mari. Ac nostro quidem avo, cum res esset ad se delata, M. Scaurus consul: 'Utinam' inquit 'M. Cicero isto animo atque virtute in summa re publica nobiscum versari quam in municipali maluisses!'

[37] Quam ob rem, quoniam non recognoscimus nunc leges populi Romani, sed aut repetimus ereptas aut novas scribimus, non quid hoc populo optineri possit, sed quid optimum sit tibi dicendum puto. Nam Cassiae legis culpam Scipio tuus sustinet, quo auctore lata esse dicitur; tu si tabellariam tuleris, ipse praestabis. Nec enim mihi placet nec Attico nostro quantum e vultu eius intellego.

XVII **Atticus:** Mihi vero nihil umquam populare placuit, eamque optimam rem publicam esse dico, quam hic consul constituerat, quae sit in potestate optimorum.

[38] **Marcus:** Vos <qui>dem ut video legem antiquastis sine tabella. Sed ego, etsi satis dixit pro se in illis libris Scipio, tamen ita libertatem istam largior populo, ut auctoritate et valeant et utantur boni. Sic enim a me recitata lex est de suffragiis: 'Optimatibus nota, plebi libera sunto.' Quae lex hanc sententiam continet, ut omnes leges tollat quae postea latae sunt quae tegunt omni ratione suffragium, ne quis inspiciat tabellam, ne roget, ne appellet. Pontes etiam lex Maria fecit angustos.

[39] Quae si opposita sunt ambitiosis, ut sunt fere, non reprehendo; si non valuerint tamen leges ut ne sit ambitus, habeat sane populus tabellam quasi vindicem libertatis, dummodo haec optimo cuique et gravissimo civi ostendatur ultroque offeratur, ut in eo sit ipso libertas <in> quod populo potestas honeste bonis gratificandi datur. Eoque nunc fit illud quod a te modo Quinte dictum est, ut minus multos tabella condemnet, quam solebat vox, quia populo licere satis est: hoc retento reliqua voluntas auctoritati aut gratiae traditur. Itaque, ut

omittam largitione corrupta suffragia, non vides, si quando ambitus sileat, quaeri in suifragiis quid optimi viri sentiant? Quam ob rem lege nostra libertatis species datur, auctoritas bonorum retinetur, contentionis causa tollitur.

XVIII [40] Deinde sequitur, quibus ius sit cum populo agendi aut cum senatu. <Tum> gravis et ut arbitror praeclara lex: 'Quae cum populo quaeque in patribus agentur, modica sunto', id est modesta atque sedata. Actor enim moderatur et fingit non modo mentes ac voluntates, sed paene vultus eorum apud quos agit. Quod <ni>si in senatu non difficile; est enim ipse senator is cuius non ad actorem referatur animus, sed qui per se ipse spectari velit. Huic iussa tria sunt: ut adsit, nam gravitatem res habet, cum frequens ordo est; ut loco dicat, id est rogatus; ut modo, ne sit infinitus. Nam brevitas non modo senatoris sed etiam oratoris magna laus est in sententia, nec est umquam longa oratione utendum — quod fit ambitione saepissime — , nisi aut peccante senatu nullo magistratu adiuvante tolli diem utile est, aut cum tanta causa est ut opus sit oratoris copia vel ad hortandum vel ad docendum; quorum generum in utroque magnus noster Cato est.

[41] Quodque addit 'causas populi teneto, est senatori necessarium nosse rem publicam — idque late patet: quid habeat militum, quid valeat aerario, quos socios res publica habeat, quos amicos, quos stipendiarios, qua quisque sit lege, condicione, foedere — , tenere consuetudinem decernendi, nosse exempla maiorum. Videtis iam genus hoc omne scientiae, diligentiae, memoriae, sine quo paratus esse senator nullo pacto potest.

[42] Deinceps sunt cum populo actiones, in quibus primum et maximum , vis abesto'. Nihil est enim exitiosius civitatibus, nihil tam contrarium iuri ac legibus, nihil minus civile et inhumanius, quam composita et constituta re publica quicquam agi per vim. Parere iubet intercessori, quo nihil praest<abil>ius: impediri enim bonam rem melius quam concedi malae.

XIX Quod vero actoris iubeo esse fraudem, id totum dixi ex Crassi sapientissimi hominis sententia, quem est senatus secutus, cum decrevisset C. Claudio consule de Cn. Carbonis seditione referente, invito eo qui cum populo ageret seditionem non posse fieri, quippe cui liceat concilium, simul atque intercessum turbarique

coeptum sit, dimittere. Quod qui <agere> perget cum agi nihil potest, vim quaerit, cuius inpunitatem amittit hac lege.

[43] Sequitur illud ‘intecessor rei malae salutaris civis esto’. Quis non studiose rei publicae subvenerit hac tam praeclara legis voce laudatus?

Sunt deinde posita deinceps quae habemus etiam in publicis institutis atque legibus: ‘Auspicia servanto, auguri <publico> parento.’ est autem boni auguris meminisse <se> maximis rei publicae temporibus praesto esse debere, Iovique optimo maximo se consiliarium atque administrum datum, ut sibi eos quos in auspicio esse iusserit, caelique partes sibi definitas esse traditas, e quibus saepe opem rei publicae ferre possit. Deinde de promulgatione, de singulis rebus agendis, de privatis magistratibusve audiendis.

[44] Tum leges praeclarissimae de duodecim tabulis tralatae duae, quarum altera privilegia tollit, altera de capite civis rogari nisi maximo comitiatu vetat. Et nondum in<ven>tis seditiosis tribunis plebis, ne cogitatis quidem, admirandum tantum maioris in posterum providisse. In privatos homines leges ferri noluerunt, id est enim privilegium: quo quid est iniustius, cum legis haec vis sit, <ut sit> scitum et iussum in omnis? Ferri de singulis <ni>si centuriatis comitiis noluerunt. Discriptus enim populus censu ordinibus aetatibus plus adhibet ad suffragium <con>silii quam fuse in tribus convocatus.

[45] Quo verius in causa nostra vir magni ingenii summaque prudentia L. Cotta dicebat, nihil omnino actum esse de nobis. Praeter enim quam quod comitia illa essent armis gesta servilibus, praeterea neque tributa capitis comitia rata esse posse neque ulla privilegii. Quocirca nihil nobis opus esse lege, de quibus nihil omnino actum esset legibus. Sed visum est et vobis et clarissimis viris melius, de quo servi et latrones scivisse <se> aliquid dicerent, de hoc eodem cunctam Italiam quid sentiret ostendere.

XX [46] Sequitur de captis pecuniis et de ambitu. <Leges> quae cum magis iudiciis quam <legum> verbis sancienda sint, adiungitur ‘noxiae poena par esto’, ut in suo vitio quisque plectatur, vis capite, avaritia multa, honoris cupiditas ignominia sanciatur.

Extremae leges sunt nobis non usitatae, rei publicae necessariae. Legum custodiam nullam habemus, itaque eae leges sunt quas

apparitores nostri volunt: a librariis petimus, publicis litteris consignatam memoriam publicam nullam habemus. Graeci hoc diligentius, apud quos *nomofulakoi* crea<ba>ntur, nec ei solum litteras — nam id quidem etiam apud maiores nostros erat — , sed etiam facta hominum observabant ad legesque revocabant.

[47] Haec detur cura censoribus, quando quidem eos in re publica semper volumus esse. Apud eosdem qui magistratu abierint edant et exponant, quid in magistratu gesserint, deque iis censores praeiudicent. Hoc in Graecia fit publice constitutis accusatoribus, qui quidem graves esse non possunt, nisi sunt voluntarii. Quocirca melius rationes referri causamque exponi censoribus, integram tamen legi accusatori iudicioque servari. Sed satis iam disputatum est de magistratibus, nisi forte quid desideratis.

Atticus: Quid? Si nos tacemus, locus ipse te non admonet, quid tibi sit deinde dicendum?

Marcus: Mihine? De iudiciis arbitror Pomponi; id est enim iunctum magistratibus.

[48] **Atticus:** Quid? De iure populi Romani, quem ad modum instituisti, dicendum nihil putas?

Marcus:: Quid tandem hoc loco est quod requiras?

Atticus: Egone? Quod ignorari ab iis qui in re publica versantur turpissimum puto. Nam ut modo a te dictum est leges a librariis peti, sic animadverto <ple>rosque in magistratibus ignoratione iuris sui tantum sapere quantum apparitores velint. Quam ob rem si de sacrorum alienatione dicendum putasti, quom de religione leges proposueras, faciendum tibi est ut magistratibus lege constitutis de potestatum iure disputes.

[49] **Marcus:** Faciam breviter si consequi potuero. Nam pluribus verbis scripsit ad patrem tuum M. Iunius sodalis, perite meo quidem iudicio et diligenter. Nos autem de iure nat<ur>ae cogitare per nos atque dicere debemus, de iure populi Romani quae relicta sunt et tradita.

Atticus: Sic prorsum censeo, et id ipsum quod dicis exspecto.*

Philosophical Treatises

PARADOXA STOICORUM (Stoic Paradoxes)

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M. TVLLI CICERONIS PARADOXA AD M. BRUTUM

[1] Animadverti, Brute, saepe Catonem, avunculum tuum, cum in senatu sententiam diceret, locos graves ex philosophia tractare abhorrentes ab hoc usu forensi et publico, sed dicendo consequi tamen, ut illa etiam populo probabilia viderentur. [2] Quod eo maius est illi quam aut tibi aut nobis, quia nos ea philosophia plus utimur, quae peperit dicendi copiam, et in qua dicuntur ea, quae non multum discrepent ab opinione populari, Cato autem, perfectus mea sententia Stoicus, et ea sentit, quae non sane probantur in volgus, et in ea est haeresi, quae nullum sequitur florem orationis neque dilatat argumentum, minutis interrogatiunculis quasi punctis, quod proposuit, efficit. [3] Sed nihil est tam incredibile, quod non dicendo fiat probabile, nihil tam horridum, tam incultum, quod non splendescat oratione et tamquam excolatur. Quod cum ita putarem, feci etiam audacius quam ille ipse, de quo loquor. Cato enim dumtaxat de magnitudine animi, de continentia, de morte, de omni laude virtutis, de dis inmortalibus, de caritate patriae Stoice solet oratoriis ornamentis adhibitis dicere, ego tibi illa ipsa, quae vix in gymnasiis et in otio Stoici probant, ludens conieci in communes locos. [4] Quae quia sunt admirabilia contraque opinionem omnium [ab ipsis etiam parãdoja appellantur], temptare volui possentne proferri in lucem [id est in forum], et ita dici, ut probarentur, an alia quaedam esset erudita, alia popularis oratio, eoque hos locos scripsi libentius, quod mihi ista parãdoja quae appellant maxime videntur esse Socratica longeque verissima. [5] Accipies igitur hoc parvum opusculum lucubratum his iam contractioribus noctibus, quoniam illud maiorum vigiliarum munus in tuo nomine apparuit, et degustabis genus exercitationum earum, quibus uti consuevi, cum ea, quae dicuntur in scholis Getikox, ad nostrum hoc oratorium transfero dicendi genus. Hoc tamen opus in acceptum ut referas, nihil postulo; non enim est tale, ut in arce poni possit quasi illa Minerva Phidiae, sed tamen ut ex eadem officina exisse appareat.

PARADOXON I.

ÜOti mÒnon tÚ kalÚn égayÒn.

[6] Vereor, ne cui vestrum ex Socraticorum hominum disputationibus, non ex meo sensu deprompta haec videatur oratio, dicam, quod sentio, tamen, et dicam brevius, quam res tanta dici potest. Numquam hercule ego neque pecunias istorum neque tecta magnifica neque opes neque imperia neque eas, quibus maxume astricti sunt, voluptates in bonis rebus aut expetendis esse duxi, quippe cum viderem rebus his circumfluentis ea tamen desiderare maxime, quibus abundarent. Neque enim umquam expletur nec satiatur cupiditatis sitis, neque solum ea qui habent libidine augendi cruciantur, sed etiam amittendi metu. [7] In quo equidem continentissimorum hominum, maiorum nostrorum, saepe requiro prudentiam, qui haec inbecilla et commutabilia [pecuniae membra] verbo bona putaverunt appellanda, cum re ac factis longe aliter iudicavissent. Potestne bonum cuiquam malo esse, aut potest quisquam in abundantia bonorum ipse esse non bonus? Atqui ista omnia talia videmus, ut et inprobi habeant et absint probis. [8] Quam ob rem licet inrideat, si qui vult, plus apud me tamen vera ratio valebit quam vulgi opinio; neque ego umquam bona perdidisse dicam, si quis pecus aut supellectilem amiserit, nec non saepe laudabo sapientem illum, Biantem, ut opinor, qui numeratur in septem; cuius quom patriam Prienam cepisset hostis ceterique ita fugerent, ut multa de suis rebus asportarent, cum esset admonitus a quodam, ut idem ipse faceret, ‘Ego vero’, inquit, ‘facio; nam omnia mecum porto mea.’ [9] Ille haec ludibria fortunae ne sua quidem putavit, quae nos appellamus etiam bona. Quid est igitur, quaeret aliquis, bonum? Si, quod recte fit et honeste et cum virtute, id bene fieri vere dicitur, quod rectum et honestum et cum virtute est, id solum opinor bonum. [10] Sed haec videri possunt odiosiora, cum lentius disputantur; vita atque factis inlustrata sunt summorum virorum haec, quae verbis subtilius, quam satis est, disputari videntur. Quaero enim a vobis, num ullam cogitationem habuisse videantur ii, qui hanc rem publicam tam praeclare fundatam nobis reliquerunt, aut argenti ad avaritiam aut amoenitatum ad

delectationem aut supellectilis ad delicias aut epularum ad voluptates. [11] Ponite ante oculos unum quemque veterum. Voltis a Romulo? voltis post liberam civitatem ab iis ipsis, qui liberaverunt? Quibus tandem gradibus Romulus escendit in caelum? iisne, quae isti bona appellant, an rebus gestis atque virtutibus? Quid? a Numa Pompilio minusne gratas dis inmortalibus capudines ac fictiles urnulas fuisse quam felicatas Saliorum pateras arbitramur? Omitto reliquos; sunt enim omnes pares inter se praeter Superbum. [12] Brutum si qui roget, quid egerit in patria liberanda, si quis item reliquos eiusdem consilii socios, quid spectaverint, quid secuti sint, num quis existat, cui voluptas, cui divitiae, cui denique praeter officium fortis et magni viri quicquam aliud propositum fuisse videatur? Quae res ad necem Porsennae C. Mucium inpulit sine ulla spe salutis suae? quae vis Coclitem contra omnes hostium copias tenuit in ponte solum? quae patrem Decium, quae filium devota vita inmisit in armatas hostium copias? quid continentia C. Fabrici, quid tenuitas victus M'. Curi sequebatur? quid? duo propugnacula belli Punici, Cn. et P. Scipiones, qui Carthaginiensium adventum corporibus suis intercludendum putaverunt, quid? Africanus maior, <quid? minor,> quid? inter horum aetates interiectus Cato, quid? innumerabiles alii (nam domesticis exemplis abundamus) cogitassene quicquam in vita sibi esse expetendum, nisi quod laudabile esset et praeclarum, videntur? [13] Veniant igitur isti inrisores huius orationis ac sententiae et iam vel ipsi iudicent, utrum se horum alicuius, qui marmoreis tectis ebore et auro fulgentibus, qui signis, qui tabulis, qui caelato auro et argento, qui Corinthiis operibus abundant, an C. Fabrici, qui nihil habuit eorum, nihil habere voluit, similes malint. [14] Atque haec quidem, quae modo huc, modo illuc transferuntur, facile adduci solent ut in bonis rebus esse negent, illud arte tenent accurateque defendunt, voluptatem esse summum bonum; quae quidem mihi vox pecudum videtur esse, non hominum. Tu, cum tibi sive deus sive mater, ut ita dicam, rerum omnium natura dederit animum, quo nihil est praestantius neque divinius, sic te ipse abicies atque prosternes, ut nihil inter te atque inter quadripedem aliquam putes interesse? Quicquam bonum est, quod non eum, qui id possidet, meliorem facit? [15] Ut enim est quisque maxime boni particeps, ita est laudabilis maxime; neque est ullum bonum, de quo

non is, qui id habeat, honeste possit gloriari. Quid autem est horum in voluptate? melioremne efficit aut laudabiliorem virum? an quisquam in potiendis voluptatibus gloriando se et praedicatione ecfert? Atqui si voluptas, quae plurimorum patrociniis defenditur, in rebus bonis habenda non est, eaque quo est maior, eo magis mentem ex sua sede et statu demovet, profecto nihil est aliud bene et beate vivere nisi honeste et recte vivere.

PARADOXON II.

ÜOti aÈtãrkhw ¾ éretØ prÚw eÈdaimon¤an.

[16] Nec vero ego M. Regulum aerumnosum nec infelicem nec miserum umquam putavi. Non enim magnitudo animi cruciabatur eius a Poenis, non gravitas, non fides, non constantia, non ulla virtus, non denique animus ipse, qui tot virtutum praesidio tantoque comitatu, cum corpus eius caperetur, capi certe ipse non potuit. C. vero Marium vidimus, qui mihi secundis rebus unus ex fortunatis hominibus, adversis unus ex summis viris videbatur, quo beatius esse mortali nihil potest. [17] Nescis, insane, nescis, quantas vires virtus habeat; nomen tantum virtutis usurpas, quid ipsa valeat, ignoras. Nemo potest non beatissimus esse, qui est totus aptus ex sese, quique in se uno sua ponit omnia. Cui spes omnis et ratio et cogitatio pendet ex fortuna, huic nihil potest esse certi, nihil, quod exploratum habeat permansurum sibi unum diem. Eum tu hominem terreto, si quem eris nanctus, istis mortis aut exilii minis. Mihi vero quicquid acciderit in tam ingrata civitate, ne recusanti quidem evenerit, non modo [non] repugnanti. Quid enim ego laboravi aut quid egi, aut in quo evigilarunt curae et cogitationes meae, siquidem nihil peperi tale, nihil consecutus sum, ut eo statu essem, quem neque fortunae temeritas neque inimicorum labefactaret iniuria? [18] Mortemne mihi minitaris, ut omnino ab hominibus, an exilium, ut ab inprobis demigrandum sit? Mors terribilis iis, quorum cum vita omnia extinguuntur, non iis, quorum laus emori non potest, exilium autem illis, quibus quasi circumscriptus est habitandi locus, non iis, qui omnem orbem terrarum unam urbem esse ducunt. Te miseriae, te aerumnae premunt omnes, qui te beatum, qui te florentem putas, <te> tuae lubidines torquent, tu dies noctesque cruciaris, cui nec sat est, quod est, et id ipsum ne non diuturnum sit futurum, times, te conscientiae stimulant maleficiorum tuorum, te metus exanimant iudiciorum atque legum, quocumque adspexisti, ut furiae sic tuae tibi occurrunt iniuriae, quae te suspirare libere non sinunt. [19] Quam ob rem, ut inprobo et stulto et inerti nemini bene esse potest, sic bonus vir et sapiens et fortis miser esse nemo potest. Nec vero, quoius virtus moresque laudandi sunt, eius non laudanda vita est, neque

porro fugienda vita est, quae laudanda est; esset autem fugienda, si esset misera. Quam ob rem, quicquid est laudabile, idem et beatum et florens et expetendum videri decet.

PARADOXON III.

ÜOti ýsa tå èmartÆmata kaÐ tå katory‰mata.

[20] Parva, inquit, est res. At magna culpa; nec enim peccata rerum eventis, sed vitiis hominum metienda sunt. In quo peccatur, id potest aliud alio maius esse aut minus, ipsum quidem illud peccare, quoquo verteris, unum est. Auri navem evertat gubernator an paleae, in re aliquantum, in gubernatoris inscitia nihil interest. Lapsa est lubido in muliere ignota, dolor ad pauciores pertinet, quam si petulans fuisset in aliqua generosa ac nobili virgine; peccavit vero nihilo minus, siquidem est peccare tamquam transire lineas; quod cum feceris, culpa commissa est; quam longe progrediare, cum semel transieris, ad augendam transeundi culpam nihil pertinet. Peccare certe licet nemini. Quod autem non licet, id hoc uno tenetur, si arguitur non licere. Id si nec maius nec minus umquam fieri potest, quoniam in eo est peccatum, si non licuit, quod semper unum et idem est, quae ex eo peccata nascantur, aequalia sint oportet. [21] Quodsi virtutes sunt pares inter se, paria esse etiam vitia necesse est. Atqui pares esse virtutes, nec bono viro meliorem nec temperante temperantiorem nec forti fortiorem nec sapiente sapientiorem posse fieri facillume potest perspici. An virum bonum dices, qui depositum nullo teste, cum lucrari inpune posset auri pondo decem, reddiderit, si idem in decem milibus pondo auri non idem fecerit? aut temperantem, qui se in aliqua libidine continuerit, in aliqua effuderit? [22] Una virtus est consentiens cum ratione et perpetua constantia; nihil huc addi potest, quo magis virtus sit, nihil demi, ut virtutis nomen relinquatur. Etenim si bene facta recte facta sunt et nihil recto rectius, certe ne bono quidem melius quicquam inveniri potest. Sequitur igitur, ut etiam vitia sint paria, siquidem pravitates animi recte vitia dicuntur. Atqui, quoniam pares virtutes sunt, recte facta, quando a virtutibus proficiscuntur, paria esse debent, itemque peccata, quoniam ex vitiis manant, sint aequalia necesse est. [23] ‘A philosophis’, inquit, ‘ista sumis.’ Metuebam, ne ‘a lenonibus’ diceres. ‘Socrates disputabat isto modo.’ Bene hercule narras; nam istum doctum et sapientem virum fuisse memoriae traditum est. Sed tamen quaero ex te, quoniam verbis inter nos contendimus, non pugnis: utrum nobis est

quaerendum, quid baioli atque operarii an quid homines doctissimi senserint? praesertim cum hac sententia non modo verior, sed ne utilior quidem hominum vitae reperiri ulla possit. Quae vis est enim, quae magis arceat homines ab improbitate omni, quam si senserint nullum in delictis esse discrimen? aeque peccare se, si privatis ac si magistratibus manus adferant? quamcumque in domum stuprum intulerint, eandem esse labem lubidinis? [24] 'Nihilne igitur interest' (nam hoc dicet aliquis), 'patrem quis necet anne servum?' Nuda ista si ponas, iudicari, qualia sint, non facile possint. Patrem vita privare si per se scelus est, Saguntini, qui parentes suos liberos emori quam servos vivere maluerunt, parricidae fuerunt. Ergo et parenti non numquam adimi vita sine scelere potest et servo saepe sine iniuria non potest. Causa igitur haec, non natura distinguit; quae quoniam utro accessit, id fit propensius, si utroque adiuncta est, paria fiant necesse est. [25] Illud tamen interest, quod in servo necando, si id fit iniuria, semel peccatur, in patris vita violanda multa peccantur; violatur is, qui procreavit, is, qui aluit, is, qui erudivit, is, qui in sede ac domo atque in re publica conlocavit; multitudine peccatorum praestat eoque poena maiore dignus est. Sed nos in vita, non quae cuique peccato poena sit, sed quantum cuique liceat, spectare debemus; quicquid non oportet, scelus esse, quicquid non licet, nefas putare debemus. Etiamne in minimis rebus? Etiam, siquidem rerum modum figere non possumus, animorum modum tenere possumus. [26] Histrio si paulum se movit extra numerum, aut si versus pronuntiatus est syllaba una brevior aut longior, exsibilatur, exploditur; in vita tu, quae omni gestu moderatior, omni versu aptior esse debet, in syllaba te peccasse dices? Poetam non audio in nugis; in vitae societate audiam civem digitis peccata dimetientem sua? Si vis, sane sint breviora, leviora qui possunt videri? cum, quicquid peccetur, perturbatione peccetur rationis atque ordinis, perturbata autem semel ratione et ordine nihil possit addi, quo magis peccari posse videatur.

PARADOXON IV.

ÜOti pçw êfrvn ma¤netai.

[27] Ego vero te non stultum, ut saepe, non inprobum, ut semper, sed dementem . . . . . rebus ad victum necessariis esse invictus potest. Sapientis animus magnitudine consilii, tolerantia rerum humanarum, contemptione fortunae, virtutibus denique omnibus ut moenibus saeptus vincetur et expugnabitur, qui ne civitate quidem pelli potest? Quae est enim civitas? omnisne conventus etiam ferorum et immanium? omnisne etiam fugitivorum ac latronum congregata unum in locum multitudo? Certe negabis. Non igitur erat illa tum civitas, cum leges in ea nihil valebant, cum iudicia iacebant, cum mos patrius occiderat, cum ferro pulsis magistratibus senatus nomen in re publica non erat; praedonum ille concursus et te duce latrocinium in foro constitutum et reliquiae coniurationis a Catilinae furiis ad tuum scelus furoremque conversae, non civitas erat. [28] Itaque pulsus ego civitate non sum, quae nulla erat, accersitus in civitatem sum, cum esset in re publica consul, qui tum nullus fuerat, esset senatus, qui tum occiderat, esset consensus populi liber, esset iuris et aequitatis, quae vincla sunt civitatis, repetita memoria. Ac vide, quam ista tui latrocinii tela contempserim. Iactam et inmissam a te nefariam in me iniuriam semper duxi, pervenisse ad me numquam putavi, nisi forte, cum parietes disturbabas aut cum tectis sceleratas faces inferebas, meorum aliquid ruere aut deflagrare arbitrabare. [29] Nihil neque meum est neque quoiusquam, quod auferri, quod eripi, quod amitti potest. Si mihi eripuisses divinam animi mei conscientiam meis curis, vigiliis, consiliis stare te invitissimo rem publicam, si huius aeterni beneficii inmortalem memoriam delevisses, multo etiam magis, si illam mentem, unde haec consilia manarunt, mihi eripuisses, tum ego accepisse me confiterer iniuriam. Sed si haec nec fecisti nec facere potuisti, reditum mihi gloriosum iniuria tua dedit, non exitum calamitosum. Ergo ego semper civis, et tum maxime, cum meam salutem senatus exteris nationibus <ut> civis optumi commendabat, tu ne nunc quidem, nisi forte idem hostis esse et civis potest. An tu civem ab hoste natura ac loco, non animo factisque distinguis? [30] Caedem in foro fecisti, armatis latronibus

templa tenuisti, privatorum domos, aedes sacras incendisti. Cur hostis Spartacus, si tu civis? Potes autem esse tu civis, propter quem aliquando civitas non fuit? et me tuo nomine appellas, cum omnes meo discessu exulasse rem publicam putent? Numquamne, homo amentissime, te circumspicies, numquam, nec quid facias, considerabis, nec quid loquare? Nescis exilium scelerum esse poenam, meum illud iter ob praeclarissimas res a me gestas esse susceptum? [31] Omnes scelerati atque impii, quorum tu te ducem esse profiteris, quos leges exilio adfici volunt, exules sunt, etiamsi solum non mutarunt. An, cum omnes te leges exulem esse iubeant . . . . ~appellet inimicus, qui cum telo fuerit? Ante senatum tua sica deprehensa est. Qui hominem occiderit? Plurimos occidisti. Qui incendium fecerit? Aedis Nympharum manu tua deflagravit. Qui templa occupaverit? In foro castra posuisti. [32] Sed quid ego communes leges profero, quibus omnibus es exul? Familiarissimus tuus de te privilegium tulit, ut, si in opertum Bonae Deae accessisses, exulares. At te id fecisse etiam gloriari soles. Quo modo igitur tot legibus eiectus in exilium nomen exulis non perhorrescis? ‘Romae sum’, inquit. Et quidem in operto fuisti. Non igitur, ubi quisque erit, eius loci ius tenebit, si ibi eum legibus esse non oportebit.

PARADOXON V.

ÜOti mÒnow ž sofÚw §leÊyerow kaÐ pçw
afrwn douloj.

[33] Laudetur vero hic imperator aut etiam appelletur aut hoc nomine dignus putetur! Quo modo aut cui tandem hic libero imperabit, qui non potest cupiditatibus suis imperare? Refrenet primum libidines, spernat voluptates, iracundiam teneat, coerceat avaritiam, ceteras animi labes repellat, tum incipiat aliis imperare, cum ipse improbissimis dominis, dedecori ac turpitudini, parere desierit; dum quidem his oboediet, non modo imperator, sed liber habendus omnino non erit. Praeclare enim est hoc usurpatum a doctissimis (quorum ego auctoritate non uterer, si mihi apud aliquos agrestes haec habenda esset oratio; cum vero apud prudentissimos loquar, quibus haec inaudita non sint, cur ego simulem me, si quid in his studiis operae posuerim, perdidisse?) dictum est igitur ab eruditissimis viris nisi sapientem liberum esse neminem. [34] Quid est enim libertas? Potestas vivendi, ut velis. Quis igitur vivit, ut volt, nisi qui recte vivit? qui gaudet officio, cui vivendi via considerata atque provisa est, qui ne legibus quidem propter metum paret, sed eas sequitur et colit, quia id salutare esse maxime iudicat, qui nihil dicit, nihil facit, nihil cogitat denique nisi libenter ac libere, cuius omnia consilia resque omnes, quas gerit, ab ipso proficiscuntur eodemque referuntur, nec est ulla res, quae plus apud eum polleat quam ipsius voluntas atque iudicium; cui quidem etiam, quae vim habere maximam dicitur, Fortuna ipsa cedit, si, ut sapiens poeta dixit, ‘suis ea cuique fingitur moribus.’ Soli igitur hoc contingit sapienti, ut nihil faciat invitus, nihil dolens, nihil coactus. [35] Quod etsi ita esse pluribus verbis disserendum est, illud tamen et breve et confitendum est, nisi qui ita sit adfectus, esse liberum neminem. Igitur omnes improbi servi. Nec hoc tam re est quam dictu inopinatum atque mirabile. Non enim ita dicunt eos esse servos, ut mancipia, quae sunt dominorum facta nexo aut aliquo iure civili, sed, si servitus sit, sicut est, oboedientia fracti animi et abiecti et arbitrio carentis suo, quis neget omnes leves, omnes cupidos, omnes denique improbos esse servos? [36] An ille mihi liber, cui mulier imperat, cui leges imponit,

praescribit, iubet, vetat, quod videtur? qui nihil imperanti negare potest, nihil recusare audet? Poscit, dandum est; vocat, veniendum est; eicit, abeundum; minatur, extimescendum. Ego vero istum non modo servum, sed nequissimum servum, etiamsi in amplissima familia natus sit, appellandum puto. Atque in pari stultitia sunt, quos signa, quos tabulae, quos caelatum argentum, quos Corinthia opera, quos aedificia magnifica nimio opere delectant. 'At sumus', inquit, 'principes civitatis.' Vos vero ne conservorum quidem vestrorum principes estis. [37] Sed ut in magna familia sunt alii lautiores, ut sibi videntur, servi, sed tamen servi, ut atrienses, at qui tractant ista, qui tergent, qui ungunt, qui verrunt, qui spargunt, non honestissimum locum servitutis tenent, sic in civitate, qui se istarum rerum cupiditatibus dediderunt, ipsius servitutis locum paene infimum obtinent. 'Magna', inquit, 'bella gessi, magnis imperiis et provinciis praefui.' Gere igitur animum laude dignum. Aetionis tabula te stupidum detinet aut signum aliquod Polycleti. Mitto, unde sustuleris, quo modo habeas; intuentem te, admirantem, clamores tollentem cum video, servum esse ineptiarum omnium iudico. [38] 'Nonne igitur sunt illa festiva?' Sunt (nam nos quoque oculos eruditos habemus); sed, obsecro te, ita venusta habeantur ista, non ut vincla virorum sint, sed ut oblectamenta puerorum. Quid enim censes? si L. Mummius aliquem istorum videret matellionem Corinthium cupidissime tractantem, cum ipse totam Corinthum contempsisset, utrum illum civem excellentem an atriensem diligentem putaret? Revivescat M'. Curius aut eorum aliquis, quorum in villa ac domo nihil splendidum, nihil ornatum fuit praeter ipsos, et videat aliquem summis populi beneficiis usum barbatulos mullos exceptantem de piscina et pertractantem et murenarum copia gloriantem, nonne hunc hominem ita servum iudicet, ut ne in familia quidem dignum maiore aliquo negotio putet? [39] An eorum servitus dubia est, qui cupiditate peculii nullam condicionem recusant durissimae servitutis? Hereditatis spes quid iniquitatis in serviendo non suscipit? quem nutum locupletis orbi senis non observat? loquitur ad voluntatem; quicquid denunciatum est, facit, adsectatur, adsidet, muneratur. Quid horum est liberi? quid denique servi non inertis? [40] Quid? iam illa cupiditas, quae videtur esse liberalior, honoris, imperii, provinciarum, quam dura est domina, quam

imperiosa, quam vehemens! Cethego, homini non probatissimo, servire coegit eos, qui sibi esse amplissimi videbantur, munera mittere, noctu venire domum ad eum, precari, denique supplicare. Quae servitus est, si haec libertas existimari potest? Quid? cum cupiditatis dominatus excessit et alius est dominus exortus ex conscientia peccatorum, timor, quam est illa misera, quam dura servitus! Adulescentibus paulo loquacioribus est serviendum, omnes, qui aliquid scire videntur, tamquam domini timentur. Iudex vero quantum habet dominatum! quo timore nocentes adficit! An non est omnis metus servitus? [41] Quid valet igitur illa eloquentissimi viri, L. Crassi, copiosa magis quam sapiens oratio: 'Eripite nos ex servitute'? Quae est ista servitus tam claro homini tamque nobili? Omnis animi debilitati et humilis et fracti timiditas servitus est. 'Nolite sinere nos cuiquam servire.' In libertatem vindicari volt? Minime; quid enim adiungit? 'Nisi vobis universis.' Dominum mutare, non liber esse volt. 'Quibus et possumus et debemus.' Nos vero, siquidem animo excelso et alto et virtutibus exaggerato sumus, nec debemus nec possumus; tu posse te dicito, quoniam quidem potes, debere ne dixeris, quoniam nihil quisquam debet, nisi quod est turpe non reddere. Sed haec hactenus. Ille videat, quo modo imperator esse possit, cum eum ne liberum quidem esse ratio et veritas ipsa convincat.

PARADOXON VI.

[42] Quae est ista in commemoranda pecunia tua tam insolens ostentatio? solusne tu dives? pro di immortales! egone me audisse aliquid et didicisse non gaudeam? Solusne dives? Quid, si ne dives quidem? quid, si pauper etiam? Quem enim intellegimus divitem aut hoc verbum in quo homine ponimus? Opinor in eo, quoi tanta possessio sit, ut ad liberaliter vivendum facile contentus sit, qui nihil quaerat, nihil appetat, nihil optet amplius. [43] Animus oportet tuus se iudicet divitem, non hominum sermo neque possessiones tuae. Nihil sibi deesse putat, nihil curat amplius, satiatus est aut contentus etiam pecunia; concedo, dives est. Sin autem propter aviditatem pecuniae nullum quaestum turpem putas, cum isti ordini ne honestus quidem possit esse ullus, si cotidie fraudas, decipis, poscis, pacisceris, aufers, eripis, si socios spolias, aerarium expilas, si testamenta amicorum <ne> expectas quidem atque ipse supponis, haec utrum abundantis an egentis signa sunt? [44] Animus hominis dives, non arca, <quae> appellari solet. Quamvis illa sit plena, dum te inanem videbo, divitem non putabo. Etenim ex eo, quantum cuique satis est, metiuntur homines divitiarum modum. Filiam quis habet, pecunia est opus; duas, maiore; pluris, maiore etiam; si, ut aiunt ~Danaum quinquaginta sint filiae, tot dotes magnam quaerunt pecuniam. Quantum enim cuique opus est, ad id accommodatur, ut ante dixi, divitiarum modus. Qui igitur non filias plures, sed innumerabiles cupiditates habet, quae brevi tempore maximas copias exhaurire possint, hunc quo modo ego appellabo divitem, cum ipse egere se sentiat? [45] Multi ex te audierunt, cum diceres neminem esse divitem, nisi qui exercitum alere posset suis fructibus, quod populus Romanus tantis vectigalibus iam pridem vix potest. Ergo hoc proposito numquam eris dives ante, quam tibi ex tuis possessionibus tantum reficietur, ut eo tueri sex legiones et magna equitum ac peditum auxilia possis. Iam fateris igitur non esse te divitem, cui tantum desit, ut expleas id, quod exoptas. Itaque istam paupertatem vel potius egestatem ac mendicitatem tuam numquam obscure tulisti. [46] Nam ut iis, qui honeste rem quaerunt mercaturis faciendis, operis dandis, publicis sumendis, intellegimus opus esse quaesito, sic, qui videt

domi tuae pariter accusatorum atque indicum consociatos greges, qui nocentes et pecuniosos reos eodem te actore corruptelam iudicii molientes, qui tuas mercedum pactiones in patrociniis, ~intercidas pecuniarum in coitionibus candidatorum, dimissiones libertorum ad defaenerandas diripiendasque provincias, qui expulsiones vicinorum, qui latrocinia in agris, qui cum servis, cum libertis, cum clientibus societates, qui possessiones vacuas, qui proscriptiones locupletium, qui caedes municipiorum, qui illam Sullani temporis messem recordetur, qui testamenta subiecta, tot qui sublatos homines, qui denique omnia venalia, edictum decretum, alienam suam sententiam, forum domum, vocem silentium: quis hunc non putet confiteri sibi quaesito opus esse? Cui quaesito autem opus sit, quis umquam hunc vere dixerit divitem? [47] Etenim divitiarum est fructus in copia, copiam autem declarat satietas rerum atque abundantia; quam tu quoniam numquam adsequere, numquam omnino es dives futurus. Meam autem quoniam pecuniam contemnis, et recte (est enim ad volgi opinionem mediocris, ad tuam nulla, ad meam modica), de me silebo, de re loquar. [48] Si censenda nobis sit atque aestimanda res, utrum tandem pluris aestimemus pecuniam Pyrrhi, quam Fabricio dabat, an continentiam Fabrici, qui illam pecuniam repudiabat? utrum aurum Samnitum an responsum M'. Curi? hereditatem L. Pauli an liberalitatem Africani, qui eius hereditatis Q. Maximo fratri partem suam concessit? Haec profecto, quae sunt summarum virtutum pluris aestimanda sunt quam illa, quae sunt pecuniae. Quis igitur, siquidem, ut quisque, quod plurimi sit, possideat, ita divitissimus habendus sit, dubitet, quin in virtute divitiae sint? quoniam nulla possessio, nulla vis auri et argenti pluris quam virtus aestimanda est. [49] O di immortales! non intellegunt homines, quam magnum vectigal sit parsimonia. Venio enim iam ad sumptuosos, relinquo istum quaestuosum. Capit ille ex suis praediis sescena sestertia, ego centena ex meis; illi aurata tecta in villis et sola marmorea facienti et signa, tabulas, supellectilem et vestem infinite concupiscenti non modo ad sumptum ille est fructus, sed etiam ad faenus exiguus. Ex meo tenui vectigali detractis sumptibus cupiditatis aliquid etiam redundabit. Uter igitur est divitior, cui deest an cui superat? qui eget an qui abundat? cuius possessio quo est maior, eo plus requirit ad se tuendam, an quae suis se viribus

sustinet? [50] Sed quid ego de me loquor, qui morum ac temporum vitio aliquantum etiam ipse fortasse in huius saeculi errore verser? M'. Manilius patrum nostrorum memoria, ne semper Curios et Luscinos loquamur, pauper tandem fuit? habuit enim aediculas in Carinis et fundum in Labicano; nos igitur divitiores, qui plura habemus? Utinam quidem! sed non aestimatione census, verum victu atque cultu terminatur pecuniae modus. [51] Non esse cupidum pecunia est, non esse emacem vectigal est; contentum vero suis rebus esse maximae sunt certissimaeque divitiae. Etenim si isti callidi rerum aestimatores prata et areas quasdam magno aestimant, quod ei generi possessionum minime quasi noceri potest, quanti est aestimanda virtus, quae nec eripi nec subripi potest neque naufragio neque incendio amittitur nec tempestatum nec temporum perturbatione mutatur! qua praediti qui sunt, soli sunt divites; [52] soli enim possident res et fructuosas et sempiternas solique, quod est proprium divitiarum, contenti sunt rebus suis, satis esse putant, quod est, nihil adpetunt, nulla re egent, nihil sibi deesse sentiunt, nihil requirunt; inprobi autem et avari, quoniam incertas atque in casu positas possessiones habent et plus semper adpetunt, nec eorum quisquam adhuc inventus est, quoi, quod haberet, esset satis, non modo non copiosi ac divites, sed etiam inopes ac pauperes existimandi sunt.

ACADEMICA (The Academics)

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LIBER PRIMUS
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LIBER PRIMUS

[1] In Cumano nuper cum mecum Atticus noster esset, nuntiatum est nobis a M. Varrone venisse eum Roma pridie vesperi et, nisi de via fessus esset, continuo ad nos venturum fuisse. quod cum audissemus, nullam moram interponendam putavimus quin videremus hominem nobiscum et studiis eisdem et vetustate amicitiae coniunctum; itaque confestim ad eum ire perreximus. paulumque cum ab eius villa abessemus, ipsum ad nos venientem vidimus; atque illum complexi, ut mos amicorum est (satis enim longo inter vallo * *), ad suam villam reduximus.

hic pauca primo atque ea percunctantibus nobis ecquid forte Roma novi. <Tum> Atticus 'Omitte ista quae nec percunctari nec audire sine molestia possumus quaeso' inquit 'et quaere potius ecquid ipse novi. silent enim diutius Musae Varronis quam solebant, nec tamen istum cessare sed celare quae scribat existimo.' 'Minime vero' inquit ille; 'intemperantis enim arbitror esse scribere quod occultari velit; sed habeo magnum opus in manihus, quae iam pridem; ad hunc enim ipsum' (me autem dicebat) 'quaedam institui, quae et sunt magna sane et limantur a me politius.'

Et ego 'Ista quidem' inquam Varro iam diu expectans non audeo tamen flagitare; audivi enim e Libone nostro, cuius nosti studium (nihil enim eius modi celare possumus), non te ea intermittere sed accuratius tractare nec de manibus umquam deponere. illud autem mihi ante hoc tempus numquam in mentem venit a te requirere. sed nunc postea quam sum ingressus res eas quas tecum simul didici mandare monumentis philosophiamque veterem illam a Socrate ortam Latinis litteris illustrare, quaero quid sit cur cum multa scribas genus hoc praetermittas, praesertim cum et ipse in eo excellas et id studium totaque ea res longe ceteris et studiis et artibus antccedat.'

[2] Tum ille: 'Rem a me saepe deliberatam ei multum agitatam requiris. itaque non haesitans respondebo, sed ea dicam quae mihi sunt in promptu, quod ista ipsa de re multum ut dixi et diu cogitavi. nam cum philosophium viderem diligentissime Graecis litteris explicatam, existimavi si qui de nostris eius studio tenerentur, si essent Graecis doctrinis eruditi, Graeca potius quam nostra lecturos,

sin a Graecorum artibus et disciplinis abhorrerent, ne haec quidem curaturos, quae sine eruditione Graeca intellegi non possunt. itaque ea nolui scribere quae nec indocti intellegere possent nec docti legere curarent. Vides autem eadem ipse; didicisti enim non posse nos Amafinii aut Rabirii similes esse, qui nulla arte adhibita de rebus ante oculos positis vulgari sermone disputant, nihil definiunt nihil partiuntur nihil apta interrogatione concludunt nullam denique artem esse nec dicendi nec disserendi putant; nos autem praeceptis dialecticorum et oratorum etiam, quoniam utramque vim virtutem esse nostri putant, sic parentes ut legibus verbis quoque novis cogimur uti, qune docti ut dixi a Graecis petere malent, indocti ne a nobis quidem accipient, ut frustra omnis suscipiatur <labor>.

Iam vero physica, si Epicurum id est si Democritum probarem, possem scribere ita plane ut Amafinius. quid est enim magnum, cum causas rerum efficientium sustuleris,de corpusculorum (ita enim appellat atomos) concursione fortuita loqui? nostra tu physica nosti; quae cum contineantur ex effectione et ex materia ea quam fingit et format effectio, adhibenda etiam geometria est; quam quibusnam quisquam enuntiare verbis aut quem ad intellegendum poterit adducere? Haec ipsa de vita et moribus et de expetendis fugiendisque rebus illi simpliciter, pecudis enim et hominis idem bonum esse censent; apud nostros autem non ignoras quae sit et quanta subtilitas.

sive enim Zenonem sequare, magnum est efficere ut quis intellegat quid sit illud verum et simplex bonum quod non possit ab honestate seiungi (quod bonum quale sit negat omnino Epicurus <se> sine voluptatibus sensum moventibus ne suspicari <quidem>; si vero Academiam veterem persequemur, quam nos ut scis probamus quam erit illa acute explicanda nobis, quam argute quam obscure etiam contra Stoicos disserendum. Totum igitur illud philosophiae studium mihi quidem ipse sumo et ad vitae constantiam quantum possum et ad delectationem animi nec ullum arbitror ut apud Platonem est maius aut melius a deis datum munus homini;

sed meos amicos in quibus est studium in Graeciam mitto id est ad Graecos ire iubeo ut ex [a] fontibus potius hauriant quam rivulos consectentur. quae autem nemo adhuc docuerat nec erat unde studiosi scire possent ea quantum potui (nihil enim magnopere meorum miror) feci ut essent nota nostris. a Graecis enim peti non

poterant ac post L. Aelii nostri occasum ne a Latinis quidem. et tamen in illis veteribus nostris, quae Menippium imitati nom interpretati quadam hilaritate conspersimus multa admixta ex intima philosophia multa dicta dialectice quae quo facilius minus docti intellegerent iucunditate quadam ad legendum invitati; in laudationibus, in his ipsis antiquatatum prooemiis philosophiae <more> scribere voluimus si modo consecuti sumus.'

[3] Tum ego 'Sunt' inquam 'ista Varro. nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum deduxerunt ut possemus aliquando qui et ubi essemus agnoscere. tu aetatem patriae tu descriptiones temporum tu sacrorum iura tu sacerdotum tu domesticam tu bellicam disciplinam, tu sedum regionum locorum tu omnium divinarum humanarumque rerum nomina genera officia causas aperuisti; plurimum quidem poetis nostris omninoque Latinis et litteris luminis et verbis attulisti atque ipse varium et elegans omni fere numero poema fecisti philosophiamque multis locis inchoasti, ad impellandum satis, ad edocendorum parum. Causam autem probabilem tu quidem affers: aut enim Graeca legere malent qui erunt eruditi aut ne haec quidem qui illa nescient. sed eam mihi non sane probas immo vero et haec qui illa non poterunt et qui Graeca poterunt non contemnent sua. quid enim causae est cur poetas Latinos Graecis litteris eruditi legant philosophos non legant? an quia delectat Ennius Pacuvius Accius multi alii qui non verba seri vim Graecorum expresserunt poetarum — quanto magis philosophi delectabunt, si ut illi Aeschylum Sophociem Euripidem sic hi Platonem imitentur Aristotelem Theophrastum. oratores quidem laudari video si qui nostris Hyperidem sint aut Demosthenem imitati.

Ego autem Varro (dicam enim ut res est), dum me ambitio dum honores dum causae dum rei publicae non solum cura sed quaedam etiam procuratio multis officiis implicatum et constrictum tenebat aninno haec inclusa habebam et ne obsolescerent renovabam cum licebat legendo; nunc vero et fortunae gravissimo percussus vulnere et administratione rei publicae liberatus doloris medicinam a philosophia peto et otii oblectationem hanc honestissmam iudico. aut enim huic aetati hoc maxime aptum est, aut his rebus si quas dignas laude gessimus hoc in primis consentaneum, aut etiam ad nostros

cives erudiendos nilil utilius, aut si haec ita non sunt nihil aliud video quod agere possimus.

Brutus quidem noster excellens omni genere laudis sic philosophiam Latinis litteris persequitur nihil ut isdem de rebus Graeca desideres; et eandem quidem sententiam sequitur quam tu, nam Aristum Athenis audivit aliquamdiu, cuius tu fratrem Antiochum. quam ob rem da quaeso te huic etiam generi litterarum.'

[4] Tum ille: 'Istuc quidem considerabo, nec vero sine te. sed de te ipso quid est' inquit 'quod audio?'
'Quanam' inquam 'de re?'
Va. 'Relictam a te veterem Academiam' inquit,'tractari autem novam.'
'Quid ergo' inquam 'Antiocho id magis licuerit nostro familiari, remigrare in domum veterem e nova, quam nobis in novam e vetere? certe enim recentissima quaeque sunt correcta et emendata maxime. quamquam Antiochi magister Philo, magnus vir ut tu existimas ipse negaret in libris, quod coram etiam ex ipso audiebamus, duas Academias esse, erroremque eorum qui ita putarent coarquit.'
Va. 'Est' inquit 'ut dicis; sed ignorare te non arbitror quae contra Philonis Antiochus scripserit.'
Ci. 'Immo vero et ista et totam veterem Academiam, a qua absum tam diu, renovari a te nisi molestum est velim', et simul 'adsidamus' inquam 'si videtur.
Va. 'Sane istuc quidem' inquit, 'sum enim admodum infirmus. sed videamus idemne Attico placeat fieri a me quod te velle video.'
'Mihi vero' ille; quid est enim quod malim quam ex Antiocho iam pridem audita recordari et simul videre satisne ea commode dici possint Latine?
Quae cam essent dicta, in conspectu consedimus omnes.

Tum Varro ita exorsus est: 'Socrates mihi videtur, id quod constat inter omnes, primus a rebus occultis et ab ipsa natura involutis, in quibus omnes ante eum philosophi occupati fuerunt, avocavisse philosophiam et ad vitam communem adduxisse, ut de virtutibus et de vitiis omninoque de bonis rebus et malis quaereret, caelestia autem vel procul esse a nostra cognitione censeret vel, si maxime

cognita essent, nihil tamen ad bene vivendum.

hic in omnibus fere sermonibus, qui ab is qui illum audierunt perscripti varie copioseque sunt, ita disputat ut nihil affirmet ipse refellat alios, nihil se scire dicat nisi id ipsum, eoque praestare ceteris, quod illi quae nesciant scire se putent, ipse se nihil scire id unum sciat, ob eamque rem se arbitrari ab Apolline omnium sapientissimum esse dictum, quod haec esset una hommis sapientia, non arbitrari sese scire quod nesciat. quae cum diceret constanter et in ea sententia permaneret, omnis eius oratio tantum in virtute laudanda et in hominibus ad virtutis studium cohortandis consumebatur, ut e Socraticorum libris maximeque Platonis intellegi potest.

Platonis autem auctoritate, qui varius et multiplex et copiosus fuit, una et consentiens duobus vocabulis philosophiae forma instituta est Academicorum et Peripateticorum, qui rebus congruentes nominibus differebant. nam cum Speusippum sororis fillum Plato philosophine quasi heredem reliquisset, duo autem praestantissimo studio atque doctrina, Xenocratem Calchedonium et Aristotelem Stagiritem, qui erant cum Aristotele Peripatetici dicti sunt, qula disputabant inambulantes in Lycio, illi autem, quia Platonis instituto in Academia, quod est alterum gymnasium, coetus erant et sermones habere soliti, e loci vocabulo nomen habuerunt. sed utrique Platonis ubertate completi certam quandam disciplinae formulam composuerunt et eam quidem plenam ac refertam, illum autem Socraticam dubitanter de omnibus rebus et nulla affirmatione adhibita consuetudinem disserendi reliquerunt. ita facta est, quod minime Socrates probabat, ars quaedam philosophiae et rerum ordo et descriptio disciplinae.

Quae quidem erat primo duobus ut dixi nominibus una; nihil enim inter Peripateticos et illam veterem Academiam differebat. abundantia quadam ingenii prnestabat, ut mihi quidem videtur, Aristoteles, sed idem fons erat utrisque et eadem rerum expetendarum fugiendarumque partitio.

[5] Sed quid ago' inquit 'aut sumne sanus qui haec vos doceo? nam etsi non sus Minervam ut aiunt, tamen inepte quisquis Minervam docet.'

Tum Atticus ‘Tu vero’ inquit ‘perge Varro; valde enim amo nostra atque nostros, meque ista delectant cum Latine dicuntur et isto modo.’
‘Quid me’ inquam ‘putas, qui philosophiam iam professus sim populo nostro me exhibiturum.’
Va. ‘Pergamus igitur’ inquit, ‘quoniam placet. Fuit ergo iam accepta a Platone philosophandi ratio triplex, una de vita et moribus, altera dc natura et rebus occultis, tertia de disserendo et quid verum quid falsum quid rectum in oratione pravumve quid consentiens quid repugnet iudicando.
Ac primum illam partem bene vivendi a natura petebant eique parendum esse dicibant, neque ulla alia in re nisi in natura quaerendum csse illud summum bonum quo omnia referrentur, constituebantque extremum esse rerum expetentiarum et finem bonorum adeptum esse omnia e natura et animo et corpore et vita. corporis autem alia ponebant esse in toto alia in partibus, valetudinem vires pulchritudinem in toto, in partibus autem sensus integros et praestantiam aliquam partium singularum, ut in pedibus celeritatem, vim in manibus, claritatem in voce, in lingua etiam explanatam iocum impressionem;

animi autem quae essent ad comprehendendam ingeniis virtutem idonea, eaque ab his in naturam et mores dividebantur. naturae celeritatem ad discendum et memoriam dabant, quorum utrumque mentis esset proprium et ingenii; morum autem putabant studia esse et quasi consuetudinem, quam partim assiduitate exercitationis partim ratione formabant, in quibus erat ipsa philosophia; in qua quod inchoatum est neque <absolutum> progressio quaedam ad virtutem appellatur, quod autem absolutum, id est virtus, quasi perfectio naturae omniumque rerum quas in animis ponunt una res optuna. ergo haec animorum;

vitae autem (id enim erat tertium) adiuncta esse dicebant quae ad virtutis usum valerent. Iam virtus in animi bonis et in corporis cernitur et in quibusdam quae non tam naturae quam beatae vitae adiuncta sunt. hominem enim esse censebant quasi partem quandam civitatis et universi generis humani, eumque esse coniunctum cum hominibus humana quadam societate. ac de summo quidem atque

naturali bono sic agunt; cetera autem pertinere ad id putant aut adaugendum aut [ad] tenendum, ut divitias ut opes ut gloriam ut gratiam.

[6] Ita tripertita ab his inducitur ratio bonorum. atque haec illa sunt tria genera quae putant plerique Peripateticos dicere. id quidem non falso; est enim haec partitio illorum; illud imprudenter, si alios esse Academicos qui tum appellarentur alios Peripateticos arbitrantur. communis haec ratio, et utrisque hic bonorum finis videbatur, adipisci quae essent prima in natura quaeque ipsa per sese expetenda aut omnia aut maxima; ea sunt autem maxima, quae in ipso animo atque in ipsa virtute versantur. itaque omnis illa antiqua philosophia sensit in una virtute esse positam beatam vitam, nec tamen beatissimam nisi adiungerentur etiam corporis et cetera quae supra dicta sunt ad virtutis usum idonea.

Ex hac descriptione agendi quoque aliquid in vita et officii ipsius initium reperiebatur, quod erat in conservatione <sui et in appetitione> earum rerum quas natura praescriberet. hinc gignebatur fuga desidiae voluptatumque contemptio, ex quo laborum dolorumque susceptio multorum magnorum<que> recti honestique causa et earum rerum quae erant congruentes cum praescriptione naturae; unde et amicitia exsistebat et iustitia atque aequitas, eaeque et voluptatibus et multis vitue commodis anteponebantur. Haec quidem fuit apud eos morum institutio et eius partis quam primam posui forma atque descriptio.

De natura autem (id enim sequebatur) ita dicebant ut eam dividerent in res duas, ut altera esset efficiens, altera autem quasi huic se praebens, eaque efficeretur aliquid. in eo quod efficeret vim esse censebant, in eo autem quod efficeretur tantum modo materiam quandam; in utroque tamen utrumque: neque enim materiam ipsam cohaerere potilisse si nulla vi contineretur, neque vim sine aliqua materia; nihil est enim quod non alicubi esse cogatur. sed quod ex utroque, id iam corpus et quasi qualitatem quandam nominabant — dabitis enim profecto ut in rebus inusitatis, quod Graeci ipsi faciunt a quibus haec iam diu tractantur, utamur verbis interdum inauditis.'

[7] 'Nos vero' inquit Atticus; 'quin etiam Graecis licebit utare cum voles, si te Latina forte deficient.' Va. 'Bene sane facis; sod enitar ut Latine loquar, nisi in huiusce modi verbis ut philosophiam aut

rhetoricam aut physicam aut dialecticam appellem, quibus ut aliis multis consuetudo iam utitur pro Latinis. qualitates igitur appellavi *poiotaetas* Graeci vocant, quod ipsum apud Graccos non est vulgi verbum sed philosophorum, atque id in multis; dialecticorum vero verba nulla sunt publica, suis utuntur. et id quidem commune omnium fere est artium; aut enim nova sunt rerum novarum facienda nomina aut ex aliis transferenda. quod si Gracci faciunt qui in his rebus tot iam saecla versantur, quanto id nobis magis concedendum est, qui haec nunc primum tractare conamur.'

'Tu vero' inquam 'Varro bene etiam meriturus mihi videris de tuis civibus, si eos non modo copia rerum auxeris ut effecisti, sed etiam verborum.' VA. 'Audebimus ergo' inquit 'novis verbis uti te auctore, si necesse erit. earum igitur qualitatum sunt aliae principes aliae ex his ortae. principes sunt unius modi et simplices; ex his autem ortae variae sunt et quasi multiformes. itaque aer (hoc quoque utimur enim pro Latino) et ignis et aqua et terra prima sunt; ex his autem ortae animantium formae earumque rerum quae gignuntur e terra. ergo illa initia et ut e Gracco vertam elementa dicuntur; e quibus aer et ignis movendi vim habent et efficiendi, reliquae partes accipiendi et qasi patiendi, aquam dico et terram. quintum genus, e quo essent astra mentesque, singulare eorumque quattuor quae supra dixi dissimile Aristoteles quoddam esse rebatur.

Sed subiectam putant omnibus sine ulla specie atque carentem omni illa qualitate (faciamus enim tractando usitatius hoc verbum et tritius) materiam quandam, ex ipia omnia expressa atque effecta sint, quae tota omnia accipere possit omnibusque modis mutari atque ex omni parte eoque etiam interire, non in nihilum sed in suos partes, quae infinite secari ac dividi possint, cum sit nihil omnino in rerum natura minimum quod dividi nequeat. quae autem moveantur omnia intervallis moveri, quae intervalla item infinite dividi possint.

et cum ita moveatur illa vis quam qualitatem esse diximus, et cum sic ultro citroque versetur, et materiam ipsam totam penitus commutari putant et illa effici quae appellant qualia; e quibus in omni natura cohaerente et continuata cum omnibus suis partibus unum effectum esse mundum, extra quem nulla pars materiae sit nullumque corpus. Partis autem esse mundi omnia quae insint in eo, quae natura sentiente teneantur, in qua ratio perfecta insit, quae sit eadem

sempiterna (nihil enim valentius esse a quo intereat);

quam vim animum esse dicunt mundi, eandemque esse mentem sapientiumque perfectam, quem deum appellant, omniumque rerum quae sunt ei subiectae quasi prudentiam quandam procurantem caelestia maxime, deinde in terris ea quae pertineant ad homines; quam interdum eandem necessitatem appellant, quia nihil aliter possit atque ab ea constitutum sit, inter <dum> * * quasi fatalem et immutabilem continuationem ordinis sempiterni, non numquam quidem eandem fortunam, quod efficiat multa improvisa et necopinata nobis propter obscuritatem ignorationemque causarum.

[8] Tertia deinde philosophiae pars, qune erat in ratione et in disserendo, sic tractabatur ab utrisque. Quamqunm oriretur a sensibus tamen non esse indicium veritatis in sensibus. mentem volebant rerum esse iudicem, solam censebant idoneam cui crederetur, quia sola cerneret id quod semper esset simplex et unius modi et tale quale esset (hanc illi *idean* appellabant, iam a Platone ita nominatam, nos recte speciem possumus dicere).

Sensus autem omnis hebetes et tardos esse arbitrabantur nec percipcre ullo modi, res eas quae subiectae sensibus viderentur, quod essent aut ita parvae ut sub sensum cadere non possent, aut ita mobiles et concitatae ut nihil umquam unum esset <et> constans, ne idem quidem, quia continenter laberentur et fluerent omnia. itaque hanc omnem partem rerum opinabilem appellabant;

scientiam autem nusquam esse censebant nisi in animi notionibus atque rationibus. qua de causa definitiones rerum probabant et has adl omnia de quibus disceptabatur adhibebant; verborum etiam explicatio probabatur, id est qua de causa quaeque essent ita nominata, quam *etymologian* appellabant; post argumentis quibusdam et quasi rerum notis ducibus utebantur ad probandum et ad concludendum id quod explanari volebant. in qua tradebatur omnis dialecticae disciplina id est orationis ratione conclusae; huic quasi ex altera parte oratoria vis dicendi adhibebatur, explicatrix orationis perpetuae ad persuadendam accommodatae.

Haec forma erat illis prima, a Platone tradita; cuius quas acceperim dissupationes si vultis exponam.'

'Nos vero volumus' inquam, 'ut pro Attico etiam respondeam.'

Att. ‘Et recte quidem’ inquit ‘respondes; pracclare enim explicatur Peripateticorum et Academiae veteris auctoritas.’

[9] Va. ‘Aristoteles igitur primus species quas paulo ante dixi labefactavit, quas mirifice Plato erat amplexatus, ut in iis quiddam divinum esse diceret. Theophrastus autem, vir et oratione snavis et ita moratus ut prae se probitatem quandam et ingenuitatem ferat, vehementius etiam fregit quodam modo auctoritatem veteris disciplinae; spoliavit enim virtutem suo decore imbecillamque reddidit, quod negavit in ea sola positum esse beate vivere.

Nam Strato eius auditor quamquam fuit acri ingenio tamen ab ea disciplina omnino semovendus est; qui cum maxime necessariam partem philosophiae, quae, posita est in virtute et in moribus, reliquisset totumque se ad investigationem naturae contulisset, in ea ipsa plurimum dissedit a suis. Speusippus autem et Xenocrates, qui primi Platonis rationem auctoritatemquc susceperant, et post eos Polemo et Crates unaque Crantor in Academia congregati diligenter ea, quae a superioribus acceperant, tuebantur. Iam Polemonem audiverant assidue Zeno et Arcesilas.

Sed Zeno, cum Arcesilum anteiret aetate valdeque subtiliter clissereret et peracute moveretur, corrigere conatus est disciplinam eam quoque si videtur correctionem explicabo, sicut solebat Antiochus.’
‘Mihi vero’inquam ‘videtur, quod vides idem significare Pomponium.’

[10] Va. ‘Zeno igitur nullo modo is erat qui ut Theophrasttis nervos virtutis inciderit, sed contra qui omnia quae[que] ad beatam vitam pertinerent in una virtute poneret nec quicquam aliud numeraret hi bonis idque appellaret honestum quod esset simplex quoddam et solum et unum bonum.

cetera autem etsi nec bona nec mala essent tamen alia secundum naturam dicebat alia naturae esse contraria, his is ipsis alia interiecta et media numerabat. quae autem secundum naturam essent ea sumenda et quadam aestimatione dignanda docebat, contraque contraria; neutra autem in mediis relinquebat, in quibus ponebat nihil

omnino esse momenti.

sed quae essent sumenda, ex iis alia pluris esse aestimanda alia minoris. quae pluris ea praeposita appellabat, reiecta autem quae minoris. Atque ut haec non tam rebus quam vocabulis mutaverat, sic inter recte factum atque peccatum officium et contra officim media locabat quaedam, recte facta sola in bonis actionibus ponetis, prave id est peccata in malis; officia autem conservata praetermissaque media putabat ut dixi.

cumque superiores non omnem virtutem in ratione esse dicerent sed quasdam virtutes quasi natura aut more perfectas. hic ornnis in ratione ponebat. cumque illi ea genera virtutum quae supra dixi seiungi posse arbitrarentur, hic nec id ullo modo fieri posse disserebat, nec virtutis usum modo ut superiores sed ipsum habitum per se esse praeclarum, nec tamen virtutem cuiquam adessc qquin ea semper uteretur. cumque perturbationem animi illi ex homine non tollerent naturaque et condolescere et concupiscere et extimescere et efferri laetitia dicerent. sed ea contraherent in angustumque deducerent, hic omnibus his quasi morbis voluit carere sapientem.

cumque eas perturbationes antiquti naturales esse dicerent et rationis expertes aliaque in parte animi cupiditatem alia rationem rollocarent, ne his quidem assentiebatur; nam et perturbationes voluntarias esse putabat opinionisque iudicio suscipi et omnium perturbationum matrem esse arbitrabatur immoderatam quandam intemperantiam. Haec fere de moribus.

[11] De naturis autem sic sentiebat, primum ut in quattuor initiis rerum illis quintam hanc naturam, ex qua superiores sensus et mentem effici rebantur, non adhiberet; statuebat enim ignem esse ipsam naturam quae quidque gigneret et mentem atque sensus. discrepabat etiam ab isdem, quod nullo modo arbitrabatur quicquam effici posse ab ea quae expers esset corporis, cuius generis Xenocrates et superiores etiam animum esse dixerant, nec vero aut quod efficeret aliquid aut quod efficeretur posse esse non corpus.

Plurima autem in illa tertia philosophiae parte mutavit. in qua primum de sensibus ipsis quaedam dixit nova, quos iunctos esse censuit e quadam quasi impulsione oblata extrinsecus. quam ille *phantasian* nos visum appellemus licet, et teramus hoc quidem verbum, erit enim utendum in reliquo sermone saepius — sed ad

haec quae visa sunt et quasi accepta sensibus assensionem adiungit animomorum, quam esse vult in nobis positam et voluntariam.

visis non omnibus adiungebat fidem sed is solum quae propriam quandam haberent declarationem earum rerum quae viderentur; id autem visum cum ipsum per se cerneretur, comprehenibile — feretis haec?' Att. 'nos vero' inquit; 'quonam enim alio modo *katalaempton* diceres?' — Va. 'Sed cum acceptum iam et approbatum esset, comprehensionem appellabat, similem is rebus quae manu prenderentur; ex quo etiam nomen hoc duxerat [at] cum eo verbo antea nemo tali in re usus esset, plurimisque idem novis verbis (nova enim dicebat) usus est. Quod autem erat sensu comprensum id ipsum sensum appellabat, et si ita erat comprensum ut convelli ratione non posset scientiam, sin aliter inscientiam nominabat; ex qua existebat etiam opinio, quae esset imbecilla et cum falso incognitoque communis.

sed inter scientiam et inscientiam comprehensionem illam quam dixi collocabat, eamque neque in rectis neque in pravis numerabat, sed soli credendum esse dicebat. E quo sensibus etiam fidem tribuebat, quod ut supra dixi comprehensio facta sensibus et vera esse illi et fidelis videbatur, non quod omnia quae essent in re comprehenderet, sed quia nihil quod cadere in eam posset relinqueret, quodque natura quasi normam scientiae et principium sui dedisset unde postea notiones rerum in animis imprimerentur; e quibus non principia solum sed latiores quaedam ad rationem inveniendam viae reperiuntur. errorem autem et temeritatem et ignorantiam et opinationem et susppcionem et uno nomine omnia quae essent aliena firmae et constantis assensionis a virtute. sapientiaque removebat.

Atque in his fere commutatio constitit omnis dissensioque Zenonis a superioribus.'

[12] Quae cum dixisset [et], 'Breviter sane minimeque obscure eita est' inquam 'a te Varro et veteris Academiae ratio et Stoicorum. horum esse autem arbitror, ut Antiocho nostro familiari placebat, correctionem veteris Academiae potius quam aliquam novam diciplinam putandam.'

Tum Varro 'Tuae sunt nunc partes' inquit qui ab antiquorum ratione desciscis et ea quae ab Arcesila novata sunt probas, docere

quod et qua de causa discidium factum sit, ut videamus satisne ista sit iusta defectio.'

Tum ego 'Cum Zenone' inquam 'ut accepimus Arcesilas sibi omne certamen instituit, non pertinacia aut studio vincendi ut quidem mihi videtur, sed earum rerum obscuritate, quae ad confessionem ignorationis adduxerant Socratem et [vel ut] iam ante Socratem Democritum Anaxagoram Empedociem omnes paene veteres, qui nihil cognosci nihil percipi nihil sciri posse dixerunt, angustos sensus imbecillos animos brevia curricula vitae et ut Democritus in profundo veritatem esse demersam, opinionibus et institutis omnia teneri nihil veritati relinqui, deinceps omnia tellebris circumfusa esse dixerunt.

itaque Arcesilas negabat esse quicquam quod sciri posset, ne illud quidem ipsum quod Socrates sibi reliquisset, ut nihil scire se sciret; sic omnia latere censebat in occulto neque esse quicquam quod cerni aut intellegi posset; quibus de causis nihil oportere neque profiteri neque affirmare quemquam neque assensione approbare, cohibereque semper et ab omni lapsu continere temeritatem, quae tum esset insignis cum aut falsa aut incognita res approbaretur neque hoc quicquam esse turpias quam cognitioni et perceptioni assensionem approbationemque praecurrere. huic rationi quod erat consentaneum faciebat ut contra omnium sententias disserens de sua plerosque deduceret, ut cum in eadem re paria contrariis in partibus momenta rationum invenirentur facilius ab utraque parte assensio sustinerctur.

Hanc Academiam novam appellant, quae mihi vetus videtur, si quidem Platonem ex illa vetere numeramus, cuius in libris nihil affirmatur et in utramque partem multa disseruntur, de omnibus quaeritur nihil certi dicitur — sed tamen illa quam euisti vetus, haec nova nominetur. quae usque ad Carneadem perducta, qui quartus ab Arcesila fuit, in eadem Arcesilae ratione permansit. Carneades autem nullius philosophiae partis ignarus et, ut cognovi ex is qui illum audierant maximeque ex Epicureo Zenone, qui cum ab eo plurimum dissentiret unum tamen praeter ceteros mirabatur, incredibili quadam fuit facultate et

* * *

quid autem stomachatur Mnesarchus, quid Antipater digladiatur cum Carneade tot voluminibus?

* * *

LIBER SECUNDUS

* * *

atqui si in crederemus. nun egeremus perpendiculis non normis non regulis

* * *

quid lunae quae liniamenta sint potesne dicere [ne] cuius et nascentis et inseniscentis alias hebetiora alias acutiora videntur cornua.

* * *

quid tam planum videtur quam mare; e quo etiam aequor illud poetae vocant

* * *

**in aqua remum integrum quasi fractum videmus*
quid mare nonne caeruleum? at eius unda cum est pulsa remis, purpurascit, et quidem aquae tinctum quodam modo et infectum

* * *

alius adultis, alius valentibus alius. aegris, alius siccis alius vinulentis

* * *

si quando enim nos demersimus ut qui urinantur, aut nihil superum aut obscure admodum cernimus

* * *

quibus etiam alabaster plenus unguenti putre esse videtur

* * *

nihil ab homine percipi posse, nihilque remanere sapienti diligentissimam inquisitionem veritatis propterea quia si incertis rebus esset asseneus etiam si fortasse verae forent liberari errore non posset. quae maxima est culpa aapientis.

* * *

quae cum similitudine veri concinere maxime sibi videretur

* * *

probabile vel veri simile ... quod nos ad agendum sine adsensione potest invitare; sine adsensione autem dito ut id quod agimus non opinemur verum esse aut nos id scire arbitremur, agamus tamen. ... talia mihi videntur omnia quae probabilia vel veri similia putavi nominanda; quae tu si alio nomine vis vocare, nihil repugno; satis enim mihi est te iam bene accepisse quid dicam, id est quibus rebus

haec nomina imponam; non enim vocabulorum opificem sed rerum inquisitorem decet esse sapientem.

* * *

frangere avaritiam, scelera ponere, vitam suam exponere ad imitandum iuventuti

* * *

qui enim serius honores adamaverunt, vix admittuntur ad eos nec satis commendati multitudini possunt esse.

* * *

Academico sapienti ab omnibus ceterarum sectarum qui sibi sapinentis videntur secundas partes dari, cum primas sibi quemque vindicare necesse sit, ex quo posse probabiliter confici eum recte primum esse iudicio suo qui omnium ceterorum iudicio sit secundus. fac enim verbi causa Stoicum adesse sapientem; contra eos potissmum Academicorum exarsit ingenium. ergo Zeno vel Chrysippus si interrogetur qui sit sapiens, respondebit eum esse quem ipse descripserit; contra Epicurus vel quis alius adversariorum negabit suumque potius peritissimum voluptatum aucupem sapientem esse contendet. inde ad iurgium. clamat Zeno et tota illa porticus tumultuatur, hominem natum ad nihil aliud esse quam honestatem, ipsam suo splendore ad se animos ducere nullo prorsus commodo extrinsecus posito et quasi lenocinante mercede, voluptatemque illam Epicuri solis inter se pecoribus esse communem, in quorum societatem et hominem et sapientem trudere nefas esse. contra ille convocata de hortulis in auxilium quasi liber turba temulenlorum quaerentium tamen quam incomptis unguibus bacchantes asperoque ore discerpant, voluptatis nomen suavitatem quietem teste populo exaggerans instat acriter ut nisi ea beatus nemo esse posse videatur. in quorum rixam si Academnicus incurrerit, utrosque audiet trahentes se ad suas partes. sed si in illos aut in istos concesserit, ab eis quos deseret insanus imperitus temerariusque clamabitur. itaque cum et hac et illac aurem diligenter admoverit. interrogatus quid ei videatur dubitare se dicet. roga nunc Stoicum qui sit melior, Epicurusne qui delirare illum clamat, an Academicas qui sibi adhuc de re tanta deliberandum esse pronuntiat: nemo dubitat Academicum praelatum iri. rursus te ad illum converte et quaere quem magis amet, Zenonem a quo bestia vocatur, an Arcesilan a quo

audit ‘tu fortasse verum dicis sed requiram diligentius’: nonne apertum est totam illam porticum insanam, Academicos autem prae illis modestos cautosque homines videri Epicuro?

* * *

(Academicis) marem fuisse occultandi sententiam suam, nec eam cuiquam nisi qui secum ad senectutem usque vixissent aperire consuesse.

LIBER TERTIUS

* * *

in tanta animantium varietate homini ut soli cupiditas ingeneraretur cognitionis et scientiae

* * *

quod si liceret ut iis qui in itinere deerravissent sic vitam deviam secutos corrigere errorem paenitendo, facilior esset emendatio temeritatis

* * *

digladiari autem semper, depugnare in facinorosis et audacibus quis non cum miserrimum tum etiam stultissimum dixerit?

* * *

aliqua potestas sit, vindicet se in libertatem

* * *

mihi autem non modo ad sapientiam caeci videmur sed ad ea ipsa quae aliqua ex parte verni videantur hebetes et obtunsi

* * *

disputationem se habuisse cum M. Varrone homine omnium facile acutissimo et sine ulla dubitatione doctissimo

* * *

fixus

* * *

DE FINIBUS BONORUM ET MALORUM (About the Ends of Goods and Evils)

M. TVLLI CICERONIS DE FINIBVS BONORVM ET MALORVMM. TVLLI CICERONIS DE FINIBVS BONORVM ET MALORVM

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LIBER PRIMVS

[1] Non eram nescius, Brute, cum, quae summis ingeniis exquisitaque doctrina philosophi Graeco sermone tractavissent, ea Latinis litteris mandaremus, fore ut hic noster labor in varias reprehensiones incurreret. nam quibusdam, et iis quidem non admodum indoctis, totum hoc displicet philosophari. quidam autem non tam id reprehendunt, si remissius agatur, sed tantum studium tamque multam operam ponendam in eo non arbitrantur. erunt etiam, et ii quidem eruditi Graecis litteris, contemnentes Latinas, qui se dicant in Graecis legendis operam malle consumere. postremo aliquos futuros suspicor, qui me ad alias litteras vocent, genus hoc scribendi, etsi sit elegans, personae tamen et dignitatis esse negent. [2] Contra quos omnis dicendum breviter existimo. Quamquam philosophiae quidem vituperatoribus satis responsum est eo libro, quo a nobis philosophia defensa et collaudata est, cum esset accusata et vituperata ab Hortensio. qui liber cum et tibi probatus videretur et iis, quos ego posse iudicare arbitrarer, plura suscepi veritus ne movere hominum studia viderer, retinere non posse. Qui autem, si maxime hoc placeat, moderatius tamen id volunt fieri, difficilem quandam temperantiam postulant in eo, quod semel admissum coerceri reprimique non potest, ut propemodum iustioribus utamur illis, qui omnino avocent a philosophia, quam his, qui rebus infinitis modum constituant in reque eo meliore, quo maior sit, mediocritatem desiderent. [3] Sive enim ad sapientiam perveniri potest, non paranda nobis solum ea, sed fruenda etiam [sapientia] est; sive hoc difficile est, tamen nec modus est ullus investigandi veri, nisi inveneris, et quaerendi defatigatio turpis est, cum id, quod quaeritur, sit pulcherrimum. etenim si delectamur, cum scribimus, quis est tam invidus, qui ab eo nos abducat? sin laboramus, quis est, qui alienae modum statuat industriae? nam ut Terentianus Chremes non inhumanus, qui novum vicinum non vult ‘fodere aut arare aut aliquid ferre denique’ — non enim illum ab industria, sed ab inliberali labore deterret — , sic isti curiosi, quos offendit noster minime nobis iniucundus labor.

[4] Iis igitur est difficilius satis facere, qui se Latina scripta dicunt contemnere. in quibus hoc primum est in quo admirer, cur in

gravissimis rebus non delectet eos sermo patrius, cum idem fabellas Latinas ad verbum e Graecis expressas non inviti legant. quis enim tam inimicus paene nomini Romano est, qui Ennii Medeam aut Antiopam Pacuvii spernat aut reiciat, quod se isdem Euripidis fabulis delectari dicat, Latinas litteras oderit?

Synephebos ego, inquit, potius Caecilii aut Andriam Terentii quam utramque Menandri legam? [5] A quibus tantum dissentio, ut, cum Sophocles vel optime scripserit Electram, tamen male conversam Atilii mihi legendam putem, de quo Lucilius: 'ferreum scriptorem', verum, opinor, scriptorem tamen, ut legendus sit. rudem enim esse omnino in nostris poetis aut inertissimae segnitiae est aut fastidii delicatissimi. mihi quidem nulli satis eruditi videntur, quibus nostra ignota sunt. an 'Utinam ne in nemore . . .' nihilo minus legimus quam hoc idem Graecum, quae autem de bene beateque vivendo a Platone disputata sunt, haec explicari non placebit Latine? [6] Quid? si nos non interpretum fungimur munere, sed tuemur ea, quae dicta sunt ab iis quos probamus, eisque nostrum iudicium et nostrum scribendi ordinem adiungimus, quid habent, cur Graeca anteponant iis, quae et splendide dicta sint neque sint conversa de Graecis? nam si dicent ab illis has res esse tractatas, ne ipsos quidem Graecos est cur tam multos legant, quam legendi sunt. quid enim est a Chrysippo praetermissum in Stoicis? legimus tamen Diogenem, Antipatrum, Mnesarchum, Panaetium, multos alios in primisque familiarem nostrum Posidonium. quid? Theophrastus mediocriterne delectat, cum tractat locos ab Aristotele ante tractatos? quid? Epicurei num desistunt de isdem, de quibus et ab Epicuro scriptum est et ab antiquis, ad arbitrium suum scribere? quodsi Graeci leguntur a Graecis isdem de rebus alia ratione compositis, quid est, cur nostri a nostris non legantur?

[7] Quamquam, si plane sic verterem Platonem aut Aristotelem, ut verterunt nostri poetae fabulas, male, credo, mererer de meis civibus, si ad eorum cognitionem divina illa ingenia transferrem. sed id neque feci adhuc nec mihi tamen, ne faciam, interdictum puto. locos quidem quosdam, si videbitur, transferam, et maxime ab iis, quos modo nominavi, cum inciderit, ut id apte fieri possit, ut ab Homero Ennius, Afranius a Menandro solet. Nec vero, ut noster Lucilius, recusabo, quo minus omnes mea legant. utinam esset ille Persius,

Scipio vero et Rutilius multo etiam magis, quorum ille iudicium reformidans Tarentinis ait se et Consentinis et Siculis scribere. facete is quidem, sicut alia; sed neque tam docti tum erant, ad quorum iudicium elaboraret, et sunt illius scripta leviora, ut urbanitas summa appareat, doctrina mediocris. [8] Ego autem quem timeam lectorem, cum ad te ne Graecis quidem cedentem in philosophia audeam scribere? quamquam a te ipso id quidem facio provocatus gratissimo mihi libro, quem ad me de virtute misisti. Sed ex eo credo quibusdam usu venire; ut abhorreant a Latinis, quod inciderint in inculta quaedam et horrida, de malis Graecis Latine scripta deterius. quibus ego assentior, dum modo de isdem rebus ne Graecos quidem legendos putent. res vero bonas verbis electis graviter ornateque dictas quis non legat? nisi qui se plane Graecum dici velit, ut a Scaevola est praetore salutatus Athenis Albucius. [9] Quem quidem locum comit multa venustate et omni sale idem Lucilius, apud quem praeclare Scaevola:

Graecum te, Albuci, quam Romanum atque Sabinum,
municipem Ponti, Tritani, centurionum,
praeclarorum hominum ac primorum signiferumque,
maluisti dici. Graece ergo praetor Athenis,
id quod maluisti, te, cum ad me accedis, saluto:
‘chaere,’ inquam, ‘Tite!’ lictores, turma omnis chorusque:
‘chaere, Tite!’ hinc hostis mi Albucius, hinc inimicus.

[10] Sed iure Mucius. ego autem mirari [satis] non queo unde hoc sit tam insolens domesticarum rerum fastidium. non est omnino hic docendi locus; sed ita sentio et saepe disserui, Latinam linguam non modo non inopem, ut vulgo putarent, sed locupletiorem etiam esse quam Graecam. quando enim nobis, vel dicam aut oratoribus bonis aut poetis, postea quidem quam fuit quem imitarentur, ullus orationis vel copiosae vel elegantis ornatus defuit? Ego vero, quoniam forensibus operis, laboribus, periculis non deseruisse mihi videor praesidium, in quo a populo Romano locatus sum, debeo profecto, quantumcumque possum, in eo quoque elaborare, ut sint opera, studio, labore meo doctiores cives mei, nec cum istis tantopere pugnare, qui Graeca legere malint, modo legant illa ipsa, ne simulent,

et iis servire, qui vel utrisque litteris uti velint vel, si suas habent, illas non magnopere desiderent. [11] Qui autem alia malunt scribi a nobis, aequi esse debent, quod et scripta multa sunt, sic ut plura nemini e nostris, et scribentur fortasse plura, si vita suppetet; et tamen, qui diligenter haec, quae de philosophia litteris mandamus, legere assueverit, iudicabit nulla ad legendum his esse potiora. quid est enim in vita tantopere quaerendum quam cum omnia in philosophia, tum id, quod his libris quaeritur, qui sit finis, quid extremum, quid ultimum, quo sint omnia bene vivendi recteque faciendi consilia referenda, quid sequatur natura ut summum ex rebus expetendis, quid fugiat ut extremum malorum? qua de re cum sit inter doctissimos summa dissensio, quis alienum putet eius esse dignitatis, quam mihi quisque tribuat, quid in omni munere vitae optimum et verissimum sit, exquirere? [12] An, partus ancillae sitne in fructu habendus, disseretur inter principes civitatis, P. Scaevolam M'.que Manilium, ab iisque M. Brutus dissentiet — quod et acutum genus est et ad usus civium non inutile, nosque ea scripta reliquaque eiusdem generis et legimus libenter et legemus — , haec, quae vitam omnem continent, neglegentur? nam, ut sint illa vendibiliora, haec uberiora certe sunt. quamquam id quidem licebit iis existimare, qui legerint. nos autem hanc omnem quaestionem de finibus bonorum et malorum fere a nobis explicatam esse his litteris arbitramur, in quibus, quantum potuimus, non modo quid nobis probaretur, sed etiam quid a singulis philosophiae disciplinis diceretur, persecuti sumus.

[13] Ut autem a facillimis ordiamur, prima veniat in medium Epicuri ratio, quae plerisque notissima est. quam a nobis sic intelleges eitam, ut ab ipsis, qui eam disciplinam probant, non soleat accuratius explicari; verum enim invenire volumus, non tamquam adversarium aliquem convincere. accurate autem quondam a L. Torquato, homine omni doctrina erudito, defensa est Epicuri sententia de voluptate, a meque ei responsum, cum C. Triarius, in primis gravis et doctus adolescens, ei disputationi interesset. [14] Nam cum ad me in Cumanum salutandi causa uterque venisset, pauca primo inter nos de litteris, quarum summum erat in utroque studium, deinde Torquatus: Quoniam nacti te, inquit, sumus aliquando otiosum, certe audiam, quid sit, quod Epicurum nostrum non tu

quidem oderis, ut fere faciunt, qui ab eo dissentiunt, sed certe non probes, eum quem ego arbitror unum vidisse verum maximisque erroribus animos hominum liberavisse et omnia tradidisse, quae pertinerent ad bene beateque vivendum. sed existimo te, sicut nostrum Triarium, minus ab eo delectari, quod ista Platonis, Aristoteli, Theophrasti orationis ornamenta neglexerit. nam illud quidem adduci vix possum, ut ea, quae senserit ille, tibi non vera videantur.

[15] Vide, quantum, inquam, fallare, Torquate. oratio me istius philosophi non offendit; nam et complectitur verbis, quod vult, et dicit plane, quod intellegam; et tamen ego a philosopho, si afferat eloquentiam, non asperner, si non habeat, non admodum flagitem. re mihi non aeque satisfacit, et quidem locis pluribus. sed quot homines, tot sententiae; falli igitur possumus.

Quam ob rem tandem, inquit, non satisfacit? te enim iudicem aequum puto, modo quae dicat ille bene noris.

[16] Nisi mihi Phaedrum, inquam, tu mentitum aut Zenonem putas, quorum utrumque audivi, cum mihi nihil sane praeter sedulitatem probarent, omnes mihi Epicuri sententiae satis notae sunt. atque eos, quos nominavi, cum Attico nostro frequenter audivi, cum miraretur ille quidem utrumque, Phaedrum autem etiam amaret, cotidieque inter nos ea, quae audiebamus, conferebamus, neque erat umquam controversia, quid ego intellegerem, sed quid probarem.

[17] Quid igitur est? inquit; audire enim cupio, quid non probes. Principio, inquam, in physicis, quibus maxime gloriatur, primum totus est alienus. Democritea dicit perpauca mutans, sed ita, ut ea, quae corrigere vult, mihi quidem depravare videatur. ille atomos quas appellat, id est corpora individua propter soliditatem, censet in infinito inani, in quo nihil nec summum nec infimum nec medium nec ultimum nec extremum sit, ita ferri, ut concursionibus inter se cohaerescant, ex quo efficiantur ea, quae sint quaeque cernantur, omnia, eumque motum atomorum nullo a principio, sed ex aeterno tempore intellegi convenire. [18] Epicurus autem, in quibus sequitur Democritum, non fere labitur. quamquam utriusque cum multa non probo, tum illud in primis, quod, cum in rerum natura duo quaerenda sint, unum, quae materia sit, ex qua quaeque res efficiatur, alterum, quae vis sit, quae quidque efficiat, de materia disseruerunt, vim et

causam efficiendi reliquerunt. sed hoc commune vitium, illae Epicuri propriae ruinae: censet enim eadem illa individua et solida corpora ferri deorsum suo pondere ad lineam, hunc naturalem esse omnium corporum motum. [19] Deinde ibidem homo acutus, cum illud ocurreret, si omnia deorsus e regione ferrentur et, ut dixi, ad lineam, numquam fore ut atomus altera alteram posset attingere itaque * * attulit rem commenticiam: declinare dixit atomum perpaulum, quo nihil posset fieri minus; ita effici complexiones et copulationes et adhaesiones atomorum inter se, ex quo efficeretur mundus omnesque partes mundi, quaeque in eo essent. Quae cum tota res (est) ficta pueriliter, tum ne efficit [quidem], quod vult. nam et ipsa declinatio ad libidinem fingitur — ait enim declinare atomum sine causa; quo nihil turpius physico, quam fieri quicquam sine causa dicere, — et illum motum naturalem omnium ponderum, ut ipse constituit, e regione inferiorem locum petentium sine causa eripuit atomis nec tamen id, cuius causa haec finxerat, assecutus est. [20] Nam si omnes atomi declinabunt, nullae umquam cohaerescent, sive aliae declinabunt, aliae suo nutu recte ferentur, primum erit hoc quasi, provincias atomis dare, quae recte, quae oblique ferantur, deinde eadem illa atomorum, in quo etiam Democritus haeret, turbulenta concursio hunc mundi ornatum efficere non poterit. ne illud quidem physici, credere aliquid esse minimum, quod profecto numquam putavisset, si a Polyaeno, familiari suo, geometrica discere maluisset quam illum etiam ipsum dedocere. Sol Democrito magnus videtur, quippe homini erudito in geometriaque perfecto, huic pedalis fortasse; tantum enim esse censet, quantus videtur, vel paulo aut maiorem aut minorem. [21] Ita, quae mutat, ea corrumpit, quae sequitur sunt tota Democriti, atomi, inane, imagines, quae eidola nominant, quorum incursione non solum videamus, sed etiam cogitemus; infinitio ipsa, quam apeirian vocant, tota ab illo est, tum innumerabiles mundi, qui et oriantur et intereant cotidie. Quae etsi mihi nullo modo probantur, tamen Democritum laudatum a ceteris ab hoc, qui eum unum secutus esset, nollem vituperatum.

[22] Iam in altera philosophiae parte. quae est quaerendi ac disserendi, quae logikh dicitur, iste vester plane, ut mihi quidem videtur, inermis ac nudus est. tollit definitiones, nihil de dividendo ac partiendo docet, non quo modo efficiatur concludaturque ratio tradit,

non qua via captiosa solvantur ambigua distinguantur ostendit; iudicia rerum in sensibus ponit, quibus si semel aliquid falsi pro vero probatum sit, sublatum esse omne iudicium veri et falsi putat.

[23] Confirmat autem illud vel maxime, quod ipsa natura, ut ait ille, sciscat et probet, id est voluptatem et dolorem. ad haec et quae sequamur et quae fugiamus refert omnia. quod quamquam Aristippi est a Cyrenaicisque melius liberiusque defenditur, tamen eius modi esse iudico, ut nihil homine videatur indignius. ad maiora enim quaedam nos natura genuit et conformavit, ut mihi quidem videtur. ac fieri potest, ut errem, sed ita prorsus existimo, neque eum Torquatum, qui hoc primus cognomen invenerit, aut torquem illum hosti detraxisse, ut aliquam ex eo perciperet corpore voluptatem, aut cum Latinis tertio consulatu conflixisse apud Veserim propter voluptatem; quod vero securi percussit filium, privavisse se etiam videtur multis voluptatibus, cum ipsi naturae patrioque amori praetulerit ius maiestatis atque imperii. [24] quid? T. Torquatus, is qui consul cum Cn. Octavio fuit, cum illam severitatem in eo filio adhibuit, quem in adoptionem D. Silano emancipaverat, ut eum Macedonum legatis accusantibus, quod pecunias praetorem in provincia cepisse arguerent, causam apud se dicere iuberet reque ex utraque parte audita pronuntiaret eum non talem videri fuisse in imperio, quales eius maiores fuissent, et in conspectum suum venire vetuit, numquid tibi videtur de voluptatibus suis cogitavisse?

Sed ut omittam pericula, labores, dolorem etiam, quem optimus quisque pro patria et pro suis suscipit, ut non modo nullam captet, sed etiam praetereat omnes voluptates, dolores denique quosvis suscipere malit quam deserere ullam officii partem, ad ea, quae hoc non minus declarant, sed videntur leviora, veniamus. [25] Quid tibi, Torquate, quid huic Triario litterae, quid historiae cognitioque rerum, quid poetarum evolutio, quid tanta tot versuum memoria voluptatis affert? nec mihi illud dixeris: ‘Haec enim ipsa mihi sunt voluptati, et erant illa Torquatis.’ Numquam hoc ita defendit Epicurus neque Metrodorus aut quisquam eorum, qui aut saperet aliquid aut ista didicisset. et quod quaeritur saepe, cur tam multi sint Epicurei, sunt aliae quoque causae, sed multitudinem haec maxime allicit, quod ita putant dici ab illo, recta et honesta quae sint, ea facere ipsa per se laetitiam, id est voluptatem. homines optimi non intellegunt totam

rationem everti, si ita res se habeat. nam si concederetur, etiamsi ad corpus nihil referatur, ista sua sponte et per se esse iucunda, per se esset et virtus et cognitio rerum, quod minime ille vult expetenda.

[26] Haec igitur Epicuri non probo, inquam. De cetero vellem equidem aut ipse doctrinis fuisset instructior — est enim, quod tibi ita videri necesse est, non satis politus iis artibus, quas qui tenent, eruditi appellantur — aut ne deterruisset alios a studiis. quamquam te quidem video minime esse deterritum.

Quae cum dixissem, magis ut illum provocarem quam ut ipse loquerer, tum Triarius leniter arridens: Tu quidem, inquit, totum Epicurum paene e philosophorum choro sustulisti. Quid ei reliquisti, nisi te, quoquo modo loqueretur, intellegere, quid diceret? Aliena dixit in physicis nec ea ipsa, quae tibi probarentur; si qua in iis corrigere voluit, deteriora fecit. disserendi artem nullam habuit. voluptatem cum summum bonum diceret, primum in eo ipso parum vidit, deinde hoc quoque alienum; nam ante Aristippus, et ille melius. addidisti ad extremum etiam indoctum fuisse.

[27] Fieri, inquam, Triari, nullo pacto potest, ut non dicas, quid non probes eius, a quo dissentias. quid enim me prohiberet Epicureum esse, si probarem, quae ille diceret? cum praesertim illa perdiscere ludus esset. Quam ob rem dissentientium inter se reprehensiones non sunt vituperandae, maledicta, contumeliae, tum iracundiae, contentiones concertationesque in disputando pertinaces indignae philosophia mihi videri solent.

[28] Tum Torquatus: Prorsus, inquit, assentior; neque enim disputari sine reprehensione nec cum iracundia aut pertinacia recte disputari potest. sed ad haec, nisi molestum est, habeo quae velim. An me, inquam, nisi te audire vellem, censes haec dicturum fuisse? Utrum igitur percurri omnem Epicuri disciplinam placet an de una voluptate quaeri, de qua omne certamen est? Tuo vero id quidem, inquam, arbitratu. Sic faciam igitur, inquit: unam rem explicabo, eamque maximam, de physicis alias, et quidem tibi et declinationem istam atomorum et magnitudinem solis probabo et Democriti errata ab Epicuro reprehensa et correcta permulta. nunc dicam de voluptate, nihil scilicet novi, ea tamen, quae te ipsum probaturum esse confidam.

[29] Certe, inquam, pertinax non ero tibique, si mihi probabis ea,

quae dices, libenter assentiar. Probabo, inquit, modo ista sis aequitate, quam ostendis. sed uti oratione perpetua malo quam interrogare aut interrogari. Ut placet, inquam. Tum dicere exorsus est. Primum igitur, inquit, sic agam, ut ipsi auctori huius disciplinae placet: constituam, quid et quale sit id, de quo quaerimus, non quo ignorare vos arbitrer, sed ut ratione et via procedat oratio. quaerimus igitur, quid sit extremum et ultimum bonorum, quod omnium philosophorum sententia tale debet esse, ut ad id omnia referri oporteat, ipsum autem nusquam. hoc Epicurus in voluptate ponit, quod summum bonum esse vult, summumque malum dolorem, idque instituit docere sic: [30] Omne animal, simul atque natum sit, voluptatem appetere eaque gaudere ut summo bono, dolorem aspernari ut summum malum et, quantum possit, a se repellere, idque facere nondum depravatum ipsa natura incorrupte atque integre iudicante. itaque negat opus esse ratione neque disputatione, quam ob rem voluptas expetenda, fugiendus dolor sit. sentiri haec putat, ut calere ignem, nivem esse albam, dulce mel. quorum nihil oportere exquisitis rationibus confirmare, tantum satis esse admonere. interesse enim inter argumentum conclusionemque rationis et inter mediocrem animadversionem atque admonitionem. altera occulta quaedam et quasi involuta aperiri, altera prompta et aperta iudicari. etenim quoniam detractis de homine sensibus reliqui nihil est, necesse est, quid aut ad naturam aut contra sit, a natura ipsa iudicari. ea quid percipit aut quid iudicat, quo aut petat aut fugiat aliquid, praeter voluptatem et dolorem? [31] Sunt autem quidam e nostris, qui haec subtilius velint tradere et negent satis esse, quid bonum sit aut quid malum, sensu iudicari, sed animo etiam ac ratione intellegi posse et voluptatem ipsam per se esse expetendam et dolorem ipsum per se esse fugiendum. itaque aiunt hanc quasi naturalem atque insitam in animis nostris inesse notionem, ut alterum esse appetendum, alterum aspernandum sentiamus. Alii autem, quibus ego assentior, cum a philosophis compluribus permulta dicantur, cur nec voluptas in bonis sit numeranda nec in malis dolor, non existimant oportere nimium nos causae confidere, sed et argumentandum et accurate disserendum et rationibus conquisitis de voluptate et dolore disputandum putant. [32] Sed ut perspiciatis, unde omnis iste natus error sit voluptatem accusantium doloremque

laudantium, totam rem aperiam eaque ipsa, quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt, explicabo. nemo enim ipsam voluptatem, quia voluptas sit, aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos, qui ratione voluptatem sequi nesciunt, neque porro quisquam est, qui dolorem ipsum, quia dolor sit, amet, consectetur, adipisci velit, sed quia non numquam eius modi tempora incidunt, ut labore et dolore magnam aliquam quaerat voluptatem. ut enim ad minima veniam, quis nostrum exercitationem ullam corporis suscipit laboriosam, nisi ut aliquid ex ea commodi consequatur? quis autem vel eum iure reprehenderit, qui in ea voluptate velit esse, quam nihil molestiae consequatur, vel illum, qui dolorem eum fugiat, quo voluptas nulla pariatur? [33] At vero eos et accusamus et iusto odio dignissimos ducimus, qui blanditiis praesentium voluptatum deleniti atque corrupti, quos dolores et quas molestias excepturi sint, obcaecati cupiditate non provident, similique sunt in culpa, qui officia deserunt mollitia animi, id est laborum et dolorum fuga. et harum quidem rerum facilis est et expedita distinctio. nam libero tempore, cum soluta nobis est eligendi optio, cumque nihil impedit, quo minus id, quod maxime placeat, facere possimus, omnis voluptas assumenda est, omnis dolor repellendus. temporibus autem quibusdam et aut officiis debitis aut rerum necessitatibus saepe eveniet, ut et voluptates repudiandae sint et molestiae non recusandae. itaque earum rerum hic tenetur a sapiente delectus, ut aut reiciendis voluptatibus maiores alias consequatur aut perferendis doloribus asperiores repellat.

[34] Hanc ego cum teneam sententiam, quid est cur verear, ne ad eam non possim accommodare Torquatos nostros? quos tu paulo ante cum memoriter, tum etiam erga nos amice et benivole collegisti, nec me tamen laudandis maioribus meis corrupisti nec segniorem ad respondendum reddidisti. quorum facta quem ad modum, quaeso, interpretaris? sicine eos censes aut in armatum hostem impetum fecisse aut in liberos atque in sanguinem suum tam crudelis fuisse, nihil ut de utilitatibus, nihil ut de commodis suis cogitarent? at id ne ferae quidem faciunt, ut ita ruant itaque turbent, ut earum motus et impetus quo pertineant non intellegamus, tu tam egregios viros censes tantas res gessisse sine causa? [35] Quae fuerit causa, mox videro; interea hoc tenebo, si ob aliquam causam ista, quae sine

dubio praeclara sunt, fecerint, virtutem iis per se ipsam causam non fuisse. — Torquem detraxit hosti. — Et quidem se texit, ne interiret. — At magnum periculum adiit. — In oculis quidem exercitus. — Quid ex eo est consecutus? — Laudem et caritatem, quae sunt vitae sine metu degendae praesidia firmissima. — Filium morte multavit. — Si sine causa, nollem me ab eo ortum, tam inportuno tamque crudeli; sin, ut dolore suo sanciret militaris imperii disciplinam exercitumque in gravissimo bello animadversionis metu contineret, saluti prospexit civium, qua intellegebat contineri suam. atque haec ratio late patet. [36] In quo enim maxime consuevit iactare vestra se oratio, tua praesertim, qui studiose antiqua persequeris, claris et fortibus viris commemorandis eorumque factis non emolumento aliquo, sed ipsius honestatis decore laudandis, id totum evertitur eo delectu rerum, quem modo dixi, constituto, ut aut voluptates omittantur maiorum voluptatum adipiscendarum causa aut dolores suscipiantur maiorum dolorum effugiendorum gratia.

[37] Sed de clarorum hominum factis illustribus et gloriosis satis hoc loco dictum sit. erit enim iam de omnium virtutum cursu ad voluptatem proprius disserendi locus. nunc autem explicabo, voluptas ipsa quae qualisque sit, ut tollatur error omnis imperitorum intellegaturque ea, quae voluptaria, delicata, mollis habeatur disciplina, quam gravis, quam continens, quam severa sit. Non enim hanc solam sequimur, quae suavitate aliqua naturam ipsam movet et cum iucunditate quadam percipitur sensibus, sed maximam voluptatem illam habemus, quae percipitur omni dolore detracto, nam quoniam, cum privamur dolore, ipsa liberatione et vacuitate omnis molestiae gaudemus, omne autem id, quo gaudemus, voluptas est, ut omne, quo offendimur, dolor, doloris omnis privatio recte nominata est voluptas. ut enim, cum cibo et potione fames sitisque depulsa est, ipsa detractio molestiae consecutionem affert voluptatis, sic in omni re doloris amotio successionem efficit voluptatis. [38] Itaque non placuit Epicuro medium esse quiddam inter dolorem et voluptatem; illud enim ipsum, quod quibusdam medium videretur, cum omni dolore careret, non modo voluptatem esse, verum etiam summam voluptatem. quisquis enim sentit, quem ad modum sit affectus, eum necesse est aut in voluptate esse aut in dolore. omnis autem privatione doloris putat Epicurus terminari summam

voluptatem, ut postea variari voluptas distinguique possit, augeri amplificarique non possit. [39] At etiam Athenis, ut e patre audiebam facete et urbane Stoicos irridente, statua est in Ceramico Chrysippi sedentis porrecta manu, quae manus significet illum in hae esse rogatiuncula delectatum: 'Numquidnam manus tua sic affecta, quem ad modum affecta nunc est, desiderat?' — Nihil sane.—'At, si voluptas esset bonum, desideraret.' — Ita credo.—'Non est igitur voluptas bonum.' Hoc ne statuam quidem dicturam pater aiebat, si loqui posset. conclusum est enim contra Cyrenaicos satis acute, nihil ad Epicurum. nam si ea sola voluptas esset, quae quasi titillaret sensus, ut ita dicam, et ad eos cum suavitate afflueret et illaberetur, nec manus esse contenta posset nec ulla pars vacuitate doloris sine iucundo motu voluptatis. sin autem summa voluptas est, ut Epicuro placet, nihil dolere, primum tibi recte, Chrysippe, concessum est nihil desiderare manum, cum ita esset affecta, secundum non recte, si voluptas esset bonum, fuisse desideraturam. idcirco enim non desideraret, quia, quod dolore caret, id in voluptate est.

[40] Extremum autem esse bonorum voluptatem ex hoc facillime perspici potest: Constituamus aliquem magnis, multis, perpetuis fruentem et animo et corpore voluptatibus nullo dolore nec impediente nec inpendente, quem tandem hoc statu praestabiliorem aut magis expetendum possimus dicere? inesse enim necesse est in eo, qui ita sit affectus, et firmitatem animi nec mortem nec dolorem timentis, quod mors sensu careat, dolor in longinquitate levis, in gravitate brevis soleat esse, ut eius magnitudinem celeritas, diuturnitatem allevatio consoletur. [41] Ad ea cum accedit, ut neque divinum numen horreat nec praeteritas voluptates effluere patiatur earumque assidua recordatione laetetur, quid est, quod huc possit, quod melius sit, accedere? Statue contra aliquem confectum tantis animi corporisque doloribus, quanti in hominem maximi cadere possunt, nulla spe proposita fore levius aliquando, nulla praeterea neque praesenti nec expectata voluptate, quid eo miserius dici aut fingi potest? quodsi vita doloribus referta maxime fugienda est, summum profecto malum est vivere cum dolore, cui sententiae consentaneum est ultimum esse bonorum eum voluptate vivere. nec enim habet nostra mens quicquam, ubi consistat tamquam in extremo, omnesque et metus et aegritudines ad dolorem referuntur,

nec praeterea est res ulla, quae sua natura aut sollicitare possit aut angere. [42] Praeterea et appetendi et refugiendi et omnino rerum gerendarum initia proficiscuntur aut a voluptate aut a dolore. quod cum ita sit, perspicuum est omnis rectas res atque laudabilis eo referri, ut cum voluptate vivatur. quoniam autem id est vel summum bonorum vel ultimum vel extremum — quod Graeci *telos* nominant — , quod ipsum nullam ad aliam rem, ad id autem res referuntur omnes, fatendum est summum esse bonum iucunde vivere.

Id qui in una virtute ponunt et splendore nominis capti quid natura postulet non intellegunt, errore maximo, si Epicurum audire voluerint, liberabuntur: istae enim vestrae eximiae pulchraeque virtutes nisi voluptatem efficerent, quis eas aut laudabilis aut expetendas arbitraretur? ut enim medicorum scientiam non ipsius artis, sed bonae valetudinis causa probamus, et gubernatoris ars, quia bene navigandi rationem habet, utilitate, non arte laudatur, sic sapientia, quae ars vivendi putanda est, non expeteretur, si nihil efficeret; nunc expetitur, quod est tamquam artifex conquirendae et comparandae voluptatis — [43] Quam autem ego dicam voluptatem, iam videtis, ne invidia verbi labefactetur oratio mea — . nam cum ignoratione rerum bonarum et malarum maxime hominum vita vexetur, ob eumque errorem et voluptatibus maximis saepe priventur et durissimis animi doloribus torqueantur, sapientia est adhibenda, quae et terroribus cupiditatibusque detractis et omnium falsarum opinionum temeritate derepta certissimam se nobis ducem praebeat ad voluptatem. sapientia enim est una, quae maestitiam pellat ex animis, quae nos exhorrescere metu non sinat. qua praeceptrice in tranquillitate vivi potest omnium cupiditatum ardore restincto. cupiditates enim sunt insatiabiles, quae non modo singulos homines, sed universas familias evertunt, totam etiam labefactant saepe rem publicam. [44] Ex cupiditatibus odia, discidia, discordiae, seditiones, bella nascuntur, nec eae se foris solum iactant nec tantum in alios caeco impetu incurrunt, sed intus etiam in animis inclusae inter se dissident atque discordant, ex quo vitam amarissimam necesse est effici, ut sapiens solum amputata circumcisaque inanitate omni et errore naturae finibus contentus sine aegritudine possit et sine metu vivere. [45] Quae est enim aut utilior aut ad bene vivendum aptior partitio quam illa, qua est usus Epicurus? qui unum genus posuit

earum cupiditatum, quae essent et naturales et necessariae, alterum, quae naturales essent nec tamen necessariae, tertium, quae nec naturales nec necessariae. quarum ea ratio est, ut necessariae nec opera multa nec impensa expleantur; ne naturales quidem multa desiderant, propterea quod ipsa natura divitias, quibus contenta sit, et parabilis et terminatas habet; inanium autem cupiditatum nec modus ullus nec finis inveniri potest. [46] Quodsi vitam omnem perturbari videmus errore et inscientia, sapientiamque esse solam, quae nos a libidinum impetu et a formidinum terrore vindicet et ipsius fortunae modice ferre doceat iniurias et omnis monstret vias, quae ad quietem et ad tranquillitatem ferant, quid est cur dubitemus dicere et sapientiam propter voluptates expetendam et insipientiam propter molestias esse fugiendam?

[47] Eademque ratione ne temperantiam quidem propter se expetendam esse dicemus, sed quia pacem animis afferat et eos quasi concordia quadam placet ac leniat. temperantia est enim, quae in rebus aut expetendis aut fugiendis ut rationem sequamur monet. nec enim satis est iudicare quid faciendum non faciendumve sit, sed stare etiam oportet in eo, quod sit iudicatum. plerique autem, quod tenere atque servare id, quod ipsi statuerunt, non possunt, victi et debilitati obiecta specie voluptatis tradunt se libidinibus constringendos nec quid eventurum sit provident ob eamque causam propter voluptatem et parvam et non necessariam et quae vel aliter pararetur et qua etiam carere possent sine dolore tum in morbos gravis, tum in damna, tum in dedecora incurrunt, saepe etiam legum iudiciorumque poenis obligantur. [48] Qui autem ita frui volunt voluptatibus, ut nulli propter eas consequantur dolores, et qui suum iudicium retinent, ne voluptate victi faciant id, quod sentiant non esse faciendum, ii voluptatem maximam adipiscuntur praetermittenda voluptate. idem etiam dolorem saepe perpetiuntur, ne, si id non faciant, incidant in maiorem. ex quo intellegitur nec intemperantiam propter se esse fugiendam temperantiamque expetendam, non quia voluptates fugiat, sed quia maiores consequatur.

[49] Eadem fortitudinis ratio reperietur. nam neque laborum perfunctio neque perpessio dolorum per se ipsa allicit nec patientia nec assiduitas nec vigiliae nec ea ipsa, quae laudatur, industria, ne fortitudo quidem, sed ista sequimur, ut sine cura metuque vivamus

animumque et corpus, quantum efficere possimus, molestia liberemus. ut enim mortis metu omnis quietae vitae status perturbatur, et ut succumbere doloribus eosque humili animo inbecilloque ferre miserum est, ob eamque debilitatem animi multi parentes, multi amicos, non nulli patriam, plerique autem se ipsos penitus perdiderunt, sic robustus animus et excelsus omni est liber cura et angore, cum et mortem contemnit, qua qui affecti sunt in eadem causa sunt, qua ante quam nati, et ad dolores ita paratus est, ut meminerit maximos morte finiri, parvos multa habere intervalla requietis, mediocrium nos esse dominos, ut, si tolerabiles sint, feramus, si minus, animo aequo e vita, cum ea non placeat, tamquam e theatro exeamus. quibus rebus intellegitur nec timiditatem ignaviamque vituperari nec fortitudinem patientiamque laudari suo nomine, sed illas reici, quia dolorem pariant, has optari, quia voluptatem.

[50] Iustitia restat, ut de omni virtute sit dictum. sed similia fere dici possunt. ut enim sapientiam, temperantiam, fortitudinem copulatas esse docui cum voluptate, ut ab ea nullo modo nec divelli nec distrahi possint, sic de iustitia iudicandum est, quae non modo numquam nocet cuiquam, sed contra semper afficit cum vi sua atque natura, quod tranquillat animos, tum spe nihil earum rerum defuturum, quas natura non depravata desiderat. [et] quem ad modum temeritas et libido et ignavia semper animum excruciant et semper sollicitant turbulentaeque sunt, sic [inprobitas si] cuius in mente consedit, hoc ipso, quod adest, turbulenta est; si vero molita quippiam est, quamvis occulte fecerit, numquam tamen id confidet fore semper occultum. plerumque improborum facta primo suspicio insequitur, dein sermo atque fama, tum accusator, tum iudex; [51] Multi etiam, ut te consule, ipsi se indicaverunt. quodsi qui satis sibi contra hominum conscientiam saepti esse et muniti videntur, deorum tamen horrent easque ipsas sollicitudines, quibus eorum animi noctesque diesque exeduntur, a diis inmortalibus supplicii causa importari putant. quae autem tanta ex improbis factis ad minuendas vitae molestias accessio potest fieri, quanta ad augendas, cum conscientia factorum, tum poena legum odioque civium? et tamen in quibusdam neque pecuniae modus est neque honoris neque imperii nec libidinum nec epularum nec reliquarum cupiditatum, quas nulla

praeda umquam improbe parta minuit, [sed] potius inflammat, ut coercendi magis quam dedocendi esse videantur.

[52] Invitat igitur vera ratio bene sanos ad iustitiam, aequitatem, fidem, neque homini infanti aut inpotenti iniuste facta conducunt, qui nec facile efficere possit, quod conetur, nec optinere, si effecerit, et opes vel fortunae vel ingenii liberalitati magis conveniunt, qua qui utuntur, benivolentiam sibi conciliant et, quod aptissimum est ad quiete vivendum, caritatem, praesertim cum omnino nulla sit causa peccandi. [53] Quae enim cupiditates a natura proficiscuntur, facile explentur sine ulla iniuria, quae autem inanes sunt, iis parendum non est. nihil enim desiderabile concupiscunt, plusque in ipsa iniuria detrimenti est quam in iis rebus emolumenti, quae pariuntur iniuria. Itaque ne iustitiam quidem recte quis dixerit per se ipsam optabilem, sed quia iucunditatis vel plurimum afferat. nam diligi et carum esse iucundum est propterea, quia tutiorem vitam et voluptatem pleniorem efficit. itaque non ob ea solum incommoda, quae eveniunt inprobis, fugiendam inprobitatem putamus, sed multo etiam magis, quod, cuius in animo versatur, numquam sinit eum respirare, numquam adquiescere.

[54] Quodsi ne ipsarum quidem virtutum laus, in qua maxime ceterorum philosophorum exultat oratio, reperire exitum potest, nisi derigatur ad voluptatem, voluptas autem est sola, quae nos vocet ad se et alliciat suapte natura, non potest esse dubium, quin id sit summum atque extremum bonorum omnium, beateque vivere nihil aliud sit nisi cum voluptate vivere.

[55] Huic certae stabilique sententiae quae sint coniuncta explicabo brevi. nullus in ipsis error est finibus bonorum et malorum, id est in voluptate aut in dolore, sed in his rebus peccant, cum e quibus haec efficiantur ignorant. animi autem voluptates et dolores nasci fatemur e corporis voluptatibus et doloribus — itaque concedo, quod modo dicebas, cadere causa, si qui e nostris aliter existimant, quos quidem video esse multos, sed imperitos — , quamquam autem et laetitiam nobis voluptas animi et molestiam dolor afferat, eorum tamen utrumque et ortum esse e corpore et ad corpus referri, nec ob eam causam non multo maiores esse et voluptates et dolores animi quam corporis. nam corpore nihil nisi praesens et quod adest sentire possumus, animo autem et praeterita et futura. ut enim aeque

doleamus animo, cum corpore dolemus, fieri tamen permagna accessio potest, si aliquod aeternum et infinitum impendere malum nobis opinemur. quod idem licet transferre in voluptatem, ut ea maior sit, si nihil tale metuamus. [56] Iam illud quidem perspicuum est, maximam animi aut voluptatem aut molestiam plus aut ad beatam aut ad miseram vitam afferre momenti quam eorum utrumvis, si aeque diu sit in corpore. Non placet autem detracta voluptate aegritudinem statim consequi, nisi in voluptatis locum dolor forte successerit, at contra gaudere nosmet omittendis doloribus, etiamsi voluptas ea, quae sensum moveat, nulla successerit, eoque intellegi potest quanta voluptas sit non dolere. [57] Sed ut iis bonis erigimur, quae expectamus, sic laetamur iis, quae recordamur. stulti autem malorum memoria torquentur, sapientes bona praeterita grata recordatione renovata delectant. est autem situm in nobis ut et adversa quasi perpetua oblivione obruamus et secunda iucunde ac suaviter meminerimus. sed cum ea, quae praeterierunt, acri animo et attento intuemur, tum fit ut aegritudo sequatur, si illa mala sint, laetitia, si bona.

O praeclaram beate vivendi et apertam et simplicem et directam viam! eum enim certe nihil homini possit melius esse quam vacare omni dolore et molestia perfruique maximis et animi et corporis voluptatibus, videtisne quam nihil praetermittatur quod vitam adiuvet, quo facilius id, quod propositum est, summum bonum consequamur? clamat Epicurus, is quem vos nimis voluptatibus esse deditum dicitis; non posse iucunde vivi, nisi sapienter, honeste iusteque vivatur, nec sapienter, honeste, iuste, nisi iucunde. [58] Neque enim civitas in seditione beata esse potest nec in discordia dominorum domus; quo minus animus a se ipse dissidens secumque discordans gustare partem ullam liquidae voluptatis et liberae potest. atqui pugnantibus et contrariis studiis consiliisque semper utens nihil quieti videre, nihil tranquilli potest.

[59] Quodsi corporis gravioribus morbis vitae iucunditas impeditur, quanto magis animi morbis impediri necesse est! animi autem morbi sunt cupiditates inmensae et inanes divitiarum, gloriae, dominationis, libidinosarum etiam voluptatum. accedunt aegritudines, molestiae, maerores, qui exedunt animos conficiuntque curis hominum non intellegentium nihil dolendum esse animo, quod sit a dolore corporis

praesenti futurove seiunctum. nec vero quisquam stultus non horum morborum aliquo laborat, nemo igitur est non miser. [60] Accedit etiam mors, quae quasi saxum Tantalo semper impendet, tum superstitio, qua qui est imbutus quietus esse numquam potest. praeterea bona praeterita non meminerunt, praesentibus non fruuntur, futura modo expectant, quae quia certa esse non possunt, conficiuntur et angore et metu maximeque cruciantur, cum sero sentiunt frustra se aut pecuniae studuisse aut imperiis aut opibus aut gloriae. nullas enim consequuntur voluptates, quarum potiendi spe inflammati multos labores magnosque susceperant. [61] ecce autem alii minuti et angusti aut omnia semper desperantes aut malivoli, invidi, difficiles, lucifugi, maledici, monstruosi, alii autem etiam amatoriis levitatibus dediti, alii petulantes, alii audaces, protervi, idem intemperantes et ignavi, numquam in sententia permanentes, quas ob causas in eorum vita nulla est intercapedo molestiae. igitur neque stultorum quisquam beatus neque sapientium non beatus. Multoque hoc melius nos veriusque quam Stoici. illi enim negant esse bonum quicquam nisi nescio quam illam umbram, quod appellant honestum non tam solido quam splendido nomine, virtutem autem nixam hoc honesto nullam requirere voluptatem atque ad beate vivendum se ipsa esse contentam.

[62] Sed possunt haec quadam ratione dici non modo non repugnantibus, verum etiam approbantibus nobis. sic enim ab Epicuro sapiens semper beatus inducitur: finitas habet cupiditates, neglegit mortem, de diis inmortalibus sine ullo metu vera sentit, non dubitat, si ita melius sit, migrare de vita. his rebus instructus semper est in voluptate. neque enim tempus est ullum, quo non plus voluptatum habeat quam dolorum. nam et praeterita grate meminit et praesentibus ita potitur, ut animadvertat quanta sint ea quamque iucunda, neque pendet ex futuris, sed expectat illa, fruitur praesentibus ab iisque vitiis, quae paulo ante collegi, abest plurimum et, cum stultorum vitam cum sua comparat, magna afficitur voluptate. dolores autem si qui incurrunt, numquam vim tantam habent, ut non plus habeat sapiens, quod gaudeat, quam quod angatur. [63] Optime vero Epicurus, quod exiguam dixit fortunam intervenire sapienti maximasque ab eo et gravissimas res consilio ipsius et ratione administrari neque maiorem voluptatem ex infinito tempore aetatis

percipi posse, quam ex hoc percipiatur, quod videamus esse finitum. In dialectica autem vestra nullam existimavit esse nec ad melius vivendum nec ad commodius disserendum viam. In physicis plurimum posuit. ea scientia et verborum vis et natura orationis et consequentium repugnantiumve ratio potest perspici. omnium autem rerum natura cognita levamur superstitione, liberamur mortis metu, non conturbamur ignoratione rerum, e qua ipsa horribiles existunt saepe formidines. denique etiam morati melius erimus, cum didicerimus quid natura desideret. tum vero, si stabilem scientiam rerum tenebimus, servata illa, quae quasi delapsa de caelo est ad cognitionem omnium, regula, ad quam omnia iudicia rerum dirigentur, numquam ullius oratione victi sententia desistemus. [64] Nisi autem rerum natura perspecta erit, nullo modo poterimus sensuum iudicia defendere. quicquid porro animo cernimus, id omne oritur a sensibus; qui si omnes veri erunt, ut Epicuri ratio docet, tum denique poterit aliquid cognosci et percipi. quos qui tollunt et nihil posse percipi dicunt, ii remotis sensibus ne id ipsum quidem expedire possunt, quod disserunt. praeterea sublata cognitione et scientia tollitur omnis ratio et vitae degendae et rerum gerendarum. sic e physicis et fortitudo sumitur contra mortis timorem et constantia contra metum religionis et sedatio animi omnium rerum occultarum ignoratione sublata et moderatio natura cupiditatum generibusque earum explicatis, et, ut modo docui, cognitionis regula et iudicio ab eadem illa constituto veri a falso distinctio traditur.

[65] Restat locus huic disputationi vel maxime necessarius de amicitia, quam, si voluptas summum sit bonum, affirmatis nullam omnino fore. de qua Epicurus quidem ita dicit, omnium rerum, quas ad beate vivendum sapientia comparaverit, nihil esse maius amicitia, nihil uberius, nihil iucundius. nec vero hoc oratione solum, sed multo magis vita et factis et moribus comprobavit. quod quam magnum sit fictae veterum fabulae declarant, in quibus tam multis tamque variis ab ultima antiquitate repetitis tria vix amicorum paria reperiuntur, ut ad Orestem pervenias profectus a Theseo. at vero Epicurus una in domo, et ea quidem angusta, quam magnos quantaque amoris conspiratione consentientis tenuit amicorum greges! quod fit etiam nunc ab Epicureis. sed ad rem redeamus; de hominibus dici non necesse est.

[66] Tribus igitur modis video esse a nostris de amicitia disputatum. alii cum eas voluptates, quae ad amicos pertinerent, negarent esse per se ipsas tam expetendas, quam nostras expeteremus, quo loco videtur quibusdam stabilitas amicitiae vacillare, tuentur tamen eum locum seque facile, ut mihi videtur, expediunt. ut enim virtutes, de quibus ante dictum est, sic amicitiam negant posse a voluptate discedere. nam cum solitudo et vita sine amicis insidiarum et metus plena sit, ratio ipsa monet amicitias comparare, quibus partis confirmatur animus et a spe pariendarum voluptatum seiungi non potest. [67] Atque ut odia, invidiae, despicationes adversantur voluptatibus, sic amicitiae non modo fautrices fidelissimae, sed etiam effectrices sunt voluptatum tam amicis quam sibi, quibus non solum praesentibus fruuntur, sed etiam spe eriguntur consequentis ac posteri temporis. quod quia nullo modo sine amicitia firmam et perpetuam iucunditatem vitae tenere possumus neque vero ipsam amicitiam tueri, nisi aeque amicos et nosmet ipsos diligamus, idcirco et hoc ipsum efficitur in amicitia, et amicitia cum voluptate conectitur. nam et laetamur amicorum laetitia aeque atque nostra et pariter dolemus angoribus. [68] Quocirca eodem modo sapiens erit affectus erga amicum, quo in se ipsum, quosque labores propter suam voluptatem susciperet, eosdem suscipiet propter amici voluptatem. quaeque de virtutibus dicta sunt, quem ad modum eae semper voluptatibus inhaererent, eadem de amicitia dicenda sunt. praeclare enim Epicurus his paene verbis: ‘Eadem’, inquit, ‘scientia confirmavit animum, ne quod aut sempiternum aut diuturnum timeret malum, quae perspexit in hoc ipso vitae spatio amicitiae praesidium esse firmissimum.’

[69] Sunt autem quidam Epicurei timidiores paulo contra vestra convicia, sed tamen satis acuti, qui verentur ne, si amicitiam propter nostram voluptatem expetendam putemus, tota amicitia quasi claudicare videatur. itaque primos congressus copulationesque et consuetudinum instituendarum voluntates fieri propter voluptatem; cum autem usus progrediens familiaritatem effecerit, tum amorem efflorescere tantum, ut, etiamsi nulla sit utilitas ex amicitia, tamen ipsi amici propter se ipsos amentur. etenim si loca, si fana, si urbes, si gymnasia, si campum, si canes, si equos, si ludicra exercendi aut

venandi consuetudine adamare solemus, quanto id in hominum consuetudine facilius fieri poterit et iustius?

[70] Sunt autem, qui dicant foedus esse quoddam sapientium, ut ne minus amicos quam se ipsos diligant. quod et posse fieri intellegimus et saepe etiam videmus, et perspicuum est nihil ad iucunde vivendum reperiri posse, quod coniunctione tali sit aptius. Quibus ex omnibus iudicari potest non modo non impediri rationem amicitiae, si summum bonum in voluptate ponatur, sed sine hoc institutionem omnino amicitiae non posse reperiri.

[71] Quapropter si ea, quae dixi, sole ipso illustriora et clariora sunt, si omnia dixi hausta e fonte naturae, si tota oratio nostra omnem sibi fidem sensibus confirmat, id est incorruptis atque integris testibus, si infantes pueri, mutae etiam bestiae paene loquuntur magistra ac duce natura nihil esse prosperum nisi voluptatem, nihil asperum nisi dolorem, de quibus neque depravate iudicant neque corrupte, nonne ei maximam gratiam habere debemus, qui hac exaudita quasi voce naturae sic eam firme graviterque comprehenderit, ut omnes bene sanos in viam placatae, tranquillae, quietae, beatae vitae deduceret? Qui quod tibi parum videtur eruditus, ea causa est, quod nullam eruditionem esse duxit, nisi quae beatae vitae disciplinam iuvaret. [72] An ille tempus aut in poetis evolvendis, ut ego et Triarius te hortatore facimus, consumeret, in quibus nulla solida utilitas omnisque puerilis est delectatio, aut se, ut Plato, in musicis, geometria, numeris, astris contereret, quae et a falsis initiis profecta vera esse non possunt et, si essent vera, nihil afferrent, quo iucundius, id est quo melius viveremus, eas ergo artes persequeretur, vivendi artem tantam tamque et operosam et perinde fructuosam relinqueret? non ergo Epicurus ineruditus, sed ii indocti, qui, quae pueros non didicisse turpe est, ea putant usque ad senectutem esse discenda.

Quae cum dixisset, Explicavi, inquit, sententiam meam, et eo quidem consilio, tuum iudicium ut cognoscerem, quoniam mihi ea facultas, ut id meo arbitratu facerem, ante hoc tempus numquam est data.

LIBER SECVNDVS

[1] Hic cum uterque me intueretur seseque ad audiendum significarent paratos, Primum, inquam, deprecor, ne me tamquam philosophum putetis scholam vobis aliquam explicaturum, quod ne in ipsis quidem philosophis magnopere umquam probavi. quando enim Socrates, qui parens philosophiae iure dici potest, quicquam tale fecit? eorum erat iste mos qui tum sophistae nominabantur, quorum e numero primus est ausus Leontinus Gorgias in conventu poscere quaestionem, id est iubere dicere, qua de re quis vellet audire. audax negotium, dicerem impudens, nisi hoc institutum postea translatum ad philosophos nostros esset.

[2] Sed et illum, quem nominavi, et ceteros sophistas, ut e Platone intellegi potest, lusos videmus a Socrate. is enim percontando atque interrogando elicere solebat eorum opiniones, quibuscum disserebat, ut ad ea, quae ii respondissent, si quid videretur, diceret. qui mos cum a posterioribus non esset retentus, Arcesilas eum revocavit instituitque ut ii, qui se audire vellent, non de se quaererent, sed ipsi dicerent, quid sentirent; quod cum dixissent, ille contra. sed eum qui audiebant, quoad poterant, defendebant sententiam suam. apud ceteros autem philosophos, qui quaesivit aliquid, tacet; quod quidem iam fit etiam in Academia. ubi enim is, qui audire vult, ita dixit: ‘Voluptas mihi videtur esse summum bonum’, perpetua oratione contra disputatur, ut facile intellegi possit eos, qui aliquid sibi videri dicant, non ipsos in ea sententia esse, sed audire velle contraria.

[3] Nos commodius agimus. non enim solum Torquatus dixit quid sentiret, sed etiam cur. ego autem arbitror, quamquam admodum delectatus sum eius oratione perpetua, tamen commodius, cum in rebus singulis insistas et intellegas quid quisque concedat, quid abnuat, ex rebus concessis concludi quod velis et ad exitum perveniri. cum enim fertur quasi torrens oratio, quamvis multa cuiusque modi rapiat, nihil tamen teneas, nihil apprehendas, nusquam orationem rapidam coerceas. Omnis autem in quaerendo, quae via quadam et ratione habetur, oratio praescribere primum debet ut quibusdam in formulis ea res agetur, ut, inter quos disseritur, conveniat quid sit id, de quo disseratur.

[4] Hoc positum in Phaedro a Platone probavit Epicurus sensitque in omni disputatione id fieri oportere. sed quod proximum fuit non vidit. negat enim definiri rem placere, sine quo fieri interdum non potest, ut inter eos, qui ambigunt, conveniat quid sit id, de quo agatur, velut in hoc ipso, de quo nunc disputamus. quaerimus enim finem bonorum. possumusne hic scire qualis sit, nisi contulerimus inter nos, cum finem bonorum dixerimus, quid finis, quid etiam sit ipsum bonum?

[5] atqui haec patefactio quasi rerum opertarum, cum quid quidque sit aperitur, definitio est. qua tu etiam inprudens utebare non numquam. nam hunc ipsum sive finem sive extremum sive ultimum definiebas id esse, quo omnia, quae recte fierent, referrentur neque id ipsum usquam referretur. praeclare hoc quidem. bonum ipsum etiam quid esset, fortasse, si opus fuisset, definisses aut quod esset natura adpetendum aut quod prodesset aut quod iuvaret aut quod liberet modo. nunc idem, nisi molestum est, quoniam tibi non omnino displicet definire et id facis, cum vis, velim definias quid sit voluptas, de quo omnis haec quaestio est.

[6] Quis, quaeso, inquit, est, qui quid sit voluptas nesciat, aut qui, quo magis id intellegat, definitionem aliquam desideret? Me ipsum esse dicerem, inquam, nisi mihi viderer habere bene cognitam voluptatem et satis firme conceptam animo atque comprehensam. Nunc autem dico ipsum Epicurum nescire et in eo nutare eumque, qui crebro dicat diligenter oportere exprimi quae vis subiecta sit vocibus, non intellegere interdum, quid sonet haec vox voluptatis, id est quae res huic voci subiciatur. Tum ille ridens: Hoc vero, inquit, optimum, ut is, qui finem rerum expetendarum voluptatem esse dicat, id extremum, id ultimum bonorum, id ipsum quid et quale sit, nesciat! Atqui, inquam, aut Epicurus quid sit voluptas aut omnes mortales, qui ubique sunt, nesciunt. Quonam, inquit, modo? Quia voluptatem hanc esse sentiunt omnes, quam sensus accipiens movetur et iucunditate quadam perfunditur.

[7] Quid ergo? istam voluptatem, inquit, Epicurus ignorat? Non semper, inquam; nam interdum nimis etiam novit, quippe qui testificetur ne intellegere quidem se posse ubi sit aut quod sit ullum bonum praeter illud, quod cibo et potione et aurium delectatione et obscena voluptate capiatur. an haec ab eo non dicuntur? Quasi vero

me pudeat, inquit, istorum, aut non possim quem ad modum ea dicantur ostendere! Ego vero non dubito, inquam, quin facile possis, nec est quod te pudeat sapienti adsentiri, qui se unus, quod sciam, sapientem profiteri sit ausus. nam Metrodorum non puto ipsum professum, sed, cum appellaretur ab Epicuro, repudiare tantum beneficium noluisse; septem autem illi non suo, sed populorum suffragio omnium nominati sunt.

[8] Verum hoc loco sumo verbis his eandem certe vim voluptatis Epicurum nosse quam ceteros. omnes enim iucundum motum, quo sensus hilaretur. Graece donn, Latine voluptatem vocant. Quid est igitur, inquit, quod requiras? Dicam, inquam, et quidem discendi causa magis, quam quo te aut Epicurum reprehensum velim. Ego quoque, inquit, didicerim libentius si quid attuleris, quam te reprehenderim. Tenesne igitur, inquam, Hieronymus Rhodius quid dicat esse summum bonum, quo putet omnia referri oportere? Teneo, inquit, finem illi videri nihil dolere. Quid? idem iste, inquam, de voluptate quid sentit?

[9] Negat esse eam, inquit, propter se expetendam. Aliud igitur esse censet gaudere, aliud non dolere. Et quidem, inquit, vehementer errat; nam, ut paulo ante docui, augendae voluptatis finis est doloris omnis amotio. Non dolere, inquam, istud quam vim habeat postea videro; aliam vero vim voluptatis esse, aliam nihil dolendi, nisi valde pertinax fueris, concedas necesse est. Atqui reperies, inquit, in hoc quidem pertinacem; dici enim nihil potest verius. Estne, quaeso, inquam, sitienti in bibendo voluptas? Quis istud possit, inquit, negare? Eademne, quae restincta siti? Immo alio genere; restincta enim sitis stabilitatem voluptatis habet, inquit, illa autem voluptas ipsius restinctionis in motu est. Cur igitur, inquam, res tam dissimiles eodem nomine appellas?

[10] Quid paulo ante, inquit, dixerim nonne meministi, cum omnis dolor detractus esset, variari, non augeri voluptatem? Memini vero, inquam; sed tu istuc dixti bene Latine, parum plane. varietas enim Latinum verbum est, idque proprie quidem in disparibus coloribus dicitur, sed transfertur in multa disparia: varium poema, varia oratio, varii mores, varia fortuna, voluptas etiam varia dici solet, cum percipitur e multis dissimilibus rebus dissimilis efficientibus voluptates. eam si varietatem diceres, intellegerem, ut etiam non

dicente te intellego; ista varietas quae sit non satis perspicio, quod ais, cum dolore careamus, tum in summa voluptate nos esse, cum autem vescamur iis rebus, quae dulcem motum afferant sensibus, tum esse in motu voluptatem, qui faciat varietatem voluptatum, sed non augeri illam non dolendi voluptatem, quam cur voluptatem appelles nescio.

[11] An potest, inquit ille, quicquam esse suavius quam nihil dolere? Immo sit sane nihil melius, inquam — nondum enim id quaero — , num propterea idem voluptas est, quod, ut ita dicam, indolentia? Plane idem, inquit, et maxima quidem, qua fieri nulla maior potest. Quid dubitas igitur, inquam, summo bono a te ita constituto, ut id totum in non dolendo sit, id tenere unum, id tueri, id defendere?

[12] Quid enim necesse est, tamquam meretricem in matronarum coetum, sic voluptatem in virtutum concilium adducere? invidiosum nomen est, infame, suspectum. itaque hoc frequenter dici solet a vobis, non intellegere nos, quam dicat Epicurus voluptatem. quod quidem mihi si quando dictum est — est autem dictum non parum saepe — , etsi satis clemens sum in disputando, tamen interdum soleo subirasci. egone non intellego, quid sit don Graece, Latine voluptas? utram tandem linguam nescio? deinde qui fit, ut ego nesciam, sciant omnes, quicumque Epicurei esse voluerunt? quod vestri quidem vel optime disputant, nihil opus esse eum, qui philosophus futurus sit, scire litteras. itaque ut maiores nostri ab aratro adduxerunt Cincinnatum illum, ut dictator esset, sic vos de pagis omnibus colligitis bonos illos quidem viros, sed certe non pereruditos.

[13] ergo illi intellegunt quid Epicurus dicat, ego non intellego? ut scias me intellegere, primum idem esse dico voluptatem, quod ille GREEK. et quidem saepe quaerimus verbum Latinum par Graeco et quod idem valeat; hic nihil fuit, quod quaereremus. nullum inveniri verbum potest quod magis idem declaret Latine, quod Graece, quam declarat voluptas. huic verbo omnes, qui ubique sunt, qui Latine sciunt, duas res subiciunt, laetitiam in animo, commotionem suavem iucunditatis in corpore. nam et ille apud Trabeam ‘voluptatem animi nimiam’ laetitiam dicit eandem, quam ille Caecilianus, qui ‘omnibus laetitiis laetum’ esse se narrat. sed hoc interest, quod voluptas dicitur

etiam in animo — vitiosa res, ut Stoici putant, qui eam sic definiunt: sublationem animi sine ratione opinantis se magno bono frui — , non dicitur laetitia nec gaudium in corpore.

[14] in eo autem voluptas omnium Latine loquentium more ponitur, cum percipitur ea, quae sensum aliquem moveat, iucunditas. hanc quoque iucunditatem, si vis, transfer in animum; iuvare enim in utroque dicitur, ex eoque iucundum, modo intellegas inter illum, qui dicat: 'Tanta laetitia auctus sum, ut nihil constet', et eum, qui: 'Nunc demum mihi animus ardet', quorum alter laetitia gestiat, alter dolore crucietur, esse illum medium: 'Quamquam haec inter nos nuper notitia admodum est', qui nec laetetur nec angatur, itemque inter eum, qui potiatur corporis expetitis voluptatibus, et eum, qui crucietur summis doloribus, esse eum, qui utroque careat.

[15] Satisne igitur videor vim verborum tenere, an sum etiam nunc vel Graece loqui vel Latine docendus? et tamen vide, ne, si ego non intellegam quid Epicurus loquatur, cum Graece, ut videor, luculenter sciam, sit aliqua culpa eius, qui ita loquatur, ut non intellegatur. quod duobus modis sine reprehensione fit, si aut de industria facias, ut Heraclitus, 'cognomento qui skoteinñw perhibetur, quia de natura nimis obscure memoravit', aut cum rerum obscuritas, non verborum, facit ut non intellegatur oratio, qualis est in Timaeo Platonis. Epicurus autem, ut opinor, nec non vult, si possit, plane et aperte loqui, nec de re obscura, ut physici, aut artificiosa, ut mathematici, sed de illustri et facili et iam in vulgus pervagata loquitur. Quamquam non negatis nos intellegere quid sit voluptas, sed quid ille dicat. e quo efficitur, non ut nos non intellegamus quae vis sit istius verbi, sed ut ille suo more loquatur, nostrum neglegat.

[16] si enim idem dicit, quod Hieronymus, qui censet summum bonum esse sine ulla molestia vivere, cur mavult dicere voluptatem quam vacuitatem doloris, ut ille facit, qui quid dicat intellegit? sin autem voluptatem putat adiungendam eam, quae sit in motu — sic enim appellat hanc dulcem: 'in motu', illam nihil dolentis 'in stabilitate' — , quid tendit? cum efficere non possit ut cuiquam, qui ipse sibi notus sit, hoc est qui suam naturam sensumque perspexerit, vacuitas doloris et voluptas idem esse videatur. hoc est vim afferre, Torquate, sensibus, extorquere ex animis cognitiones verborum, quibus inbuti sumus. quis enim est, qui non videat haec esse in natura

rerum tria? unum, cum in voluptate sumus, alterum, cum in dolore, tertium hoc, in quo nunc equidem sum, credo item vos, nec in dolore nec in voluptate; ut in voluptate sit, qui epuletur, in dolore, qui torqueatur. tu autem inter haec tantam multitudinem hominum interiectam non vides nec laetantium nec dolentium?

[17] Non prorsus, inquit, omnisque, qui sine dolore sint, in voluptate, et ea quidem summa, esse dico. Ergo in eadem voluptate eum, qui alteri misceat mulsum ipse non sitiens, et eum, qui illud sitiens bibat? Tum ille: Finem, inquit, interrogandi, si videtur, quod quidem ego a principio ita me malle dixeram hoc ipsum providens, dialecticas captiones. Rhetorice igitur, inquam, nos mavis quam dialectice disputare? Quasi vero, inquit, perpetua oratio rhetorum solum, non etiam philosophorum sit. Zenonis est, inquam, hoc Stoici. omnem vim loquendi, ut iam ante Aristoteles, in duas tributam esse partes, rhetoricam palmae, dialecticam pugni similem esse dicebat, quod latius loquerentur rhetores, dialectici autem compressius. obsequar igitur voluntati tuae dicamque, si potero, rhetorice, sed hac rhetorica philosophorum, non nostra illa forensi, quam necesse est, cum populariter loquatur, esse interdum paulo hebetiorem.

[18] sed dum dialecticam, Torquate, contemnit Epicurus, quae una continet omnem et perspiciendi quid in quaque re sit scientiam et iudicandi quale quidque sit et ratione ac via disputandi, ruit in dicendo, ut mihi quidem videtur, nec ea, quae docere vult, ulla arte distinguit, ut haec ipsa, quae modo loquebamur. summum a vobis bonum voluptas dicitur. aperiendum est igitur, quid sit voluptas; aliter enim explicari, quod quaeritur, non potest. quam si explicavisset, non tam haesitaret. aut enim eam voluptatem tueretur, quam Aristippus, id est, qua sensus dulciter ac iucunde movetur, quam etiam pecudes, si loqui possent, appellarent voluptatem, aut, si magis placeret suo more loqui, quam ut Omnes Danai atque Mycenenses. Attica pubes reliquique Graeci, qui hoc anapaesto citantur, hoc non dolere solum voluptatis nomine appellaret, illud Aristippeum contemneret, aut, si utrumque probaret, ut probat, coniungeret doloris vacuitatem cum voluptate et duobus ultimis uteretur.

[19] multi enim et magni philosophi haec ultima bonorum iuncta fecerunt, ut Aristoteles virtutis usum cum vitae perfectae prosperitate

coniunxit, Callipho adiunxit ad honestatem voluptatem, Diodorus ad eandem honestatem addidit vacuitatem doloris. idem fecisset Epicurus, si sententiam hanc, quae nunc Hieronymi est, coniunxisset cum Aristippi vetere sententia. illi enim inter se dissentiunt. propterea singulis finibus utuntur et, cum uterque Graece egregie loquatur, nec Aristippus, qui voluptatem summum bonum dicit, in voluptate ponit non dolere, neque Hieronymus, qui summum bonum statuit non dolere, voluptatis nomine umquam utitur pro illa indolentia, quippe qui ne in expetendis quidem rebus numeret voluptatem.

[20] duae sunt enim res quoque, ne tu verba solum putes. unum est sine dolore esse, alterum cum voluptate. vos ex his tam dissimilibus rebus non modo nomen unum — nam id facilius paterer — , sed etiam rem unam ex duabus facere conamini, quod fieri nullo modo potest. hic, qui utrumque probat, ambobus debuit uti, sicut facit re, neque tamen dividit verbis. cum enim eam ipsam voluptatem, quam eodem nomine omnes appellamus, laudat locis plurimis, audet dicere ne suspicari quidem se ullum bonum seiunctum ab illo Aristippeo genere voluptatis, atque ibi hoc dicit, ubi omnis eius est oratio de summo bono. in alio vero libro, in quo breviter comprehensis gravissimis sententiis quasi oracula edidisse sapientiae dicitur, scribit his verbis, quae nota tibi profecto, Torquate, sunt — quis enim vestrum non edidicit Epicuri kurÛaw dñjaw, id est quasi maxime ratas, quia gravissimae sint ad beate vivendum breviter enuntiatae sententiae? — animadverte igitur rectene hanc sententiam interpreter:'

[21] Si ea, quae sunt luxuriosis efficientia voluptatum, liberarent eos deorum et mortis et doloris metu docerentque qui essent fines cupiditatum, nihil haberemus <quod reprehenderemus>, cum undique complerentur voluptatibus nec haberent ulla ex parte aliquid aut dolens aut aegrum, id est autem malum.' Hoc loco tenere se Triarius non potuit. Obsecro, inquit, Torquate, haec dicit Epicurus? quod mihi quidem visus est, cum sciret, velle tamen confitentem audire Torquatum. At ille non pertimuit saneque fidenter: Istis quidem ipsis verbis, inquit; sed quid sentiat, non videtis. Si alia sentit, inquam, alia loquitur, numquam intellegam quid sentiat; sed plane dicit quod intellegit. idque si ita dicit, non esse reprehendendos

luxuriosos, si sapientes sint, dicit absurde, similiter et si dicat non reprehendendos parricidas, si nec cupidi sint nec deos metuant nec mortem nec dolorem. et tamen quid attinet luxuriosis ullam exceptionem dari aut fingere aliquos, qui, cum luxuriose viverent, a summo philosopho non reprehenderentur eo nomine dumtaxat, cetera caverent?

[22] sed tamen nonne reprehenderes, Epicure, luxuriosos ob eam ipsam causam, quod ita viverent, ut persequerentur cuiusque modi voluptates, cum esset praesertim, ut ais tu, summa voluptas nihil dolere? atqui reperiemus asotos primum ita non religiosos, ut edint de patella, deinde ita mortem non timentes, ut illud in ore habeant ex Hymnide: 'Mihi sex menses satis sunt vitae, septimum Orco spondeo'. iam doloris medicamenta illa Epicurea tamquam de narthecio proment: 'Si gravis, brevis; si longus, levis.' Unum nescio, quo modo possit, si luxuriosus sit, finitas cupiditates habere.

[23] quid ergo attinet dicere: 'Nihil haberem, quod reprehenderem, si finitas cupiditates haberent'? hoc est dicere: 'Non reprehenderem asotos, si non essent asoti.' isto modo ne improbos quidem, si essent boni viri. hic homo severus luxuriam ipsam per se reprehendendam non putat, et hercule, Torquate, ut verum loquamur, si summum bonum voluptas est, rectissime non putat. Noli enim mihi fingere asotos, ut soletis, qui in mensam vomant, et qui de conviviis auferantur crudique postridie se rursus ingurgitent, qui solem, ut aiunt, nec occidentem umquam viderint nec orientem, qui consumptis patrimoniis egeant. nemo nostrum istius generis asotos iucunde putat vivere. mundos, elegantis, optimis cocis, pistoribus, piscatu, aucupio, venatione, his omnibus exquisitis, vitantes cruditatem, quibus vinum defusum e pleno sit chrysizon, ut ait Lucilius, cui nihildum situlus et sacculus abstulerit, adhibentis ludos et quae sequuntur, illa, quibus detractis clamat Epicurus se nescire quid sit bonum; adsint etiam formosi pueri, qui ministrent, respondeat his vestis, argentum, Corinthium, locus ipse, aedificium — hos ergo asotos bene quidem vivere aut beate numquam dixerim.

[24] ex quo efficitur, non ut voluptas ne sit voluptas, sed ut voluptas non sit summum bonum. Nec ille, qui Diogenem Stoicum adolescens, post autem Panaetium audierat, Laelius, eo dictus est sapiens, quod non intellegeret quid suavissimum esset — nec enim

sequitur, ut, cui cor sapiat, ei non sapiat palatus — , sed quia parvi id duceret. O lapathe, ut iactare, nec es satis cognitu' qui sis! In quo [cognitu] Laelius clamores sofòw ille so lebat Edere compellans gumias ex ordine nostros. praeclare Laelius, et recte sofñw, illudque vere: O Publi, o gurges, Galloni! es homo miser, inquit. Cenasti in vita numquam bene, cum omnia in ista Consumis squilla atque acupensere cum decimano. is haec loquitur, qui in voluptate nihil ponens negat eum bene cenare, qui omnia ponat in voluptate, et tamen non negat libenter cenasse umquam Gallonium — mentiretur enim — , sed bene. ita graviter et severe voluptatem secrevit a bono. ex quo illud efficitur, qui bene cenent omnis libenter cenare, qui libenter, non continuo bene.

[25] semper Laelius bene. quid bene? dicet Lucilius: 'cocto, condito', sed cedo caput cenae: 'sermone bono', quid ex eo? 'si quaeris, libenter'; veniebat enim ad cenam, ut animo quieto satiaret desideria naturae. recte ergo is negat umquam bene cenasse Gallonium, recte miserum, cum praesertim in eo omne studium consumeret. quem libenter cenasse nemo negat. cur igitur non bene? quia, quod bene, id recte, frugaliter, honeste; ille porro [male] prave, nequiter, turpiter cenabat; non igitur <bene>. nec lapathi suavitatem acupenseri Galloni Laelius anteponebat, sed suavitatem ipsam neglegebat; quod non faceret, si in voluptate summum bonum poneret.

[26] Semovenda est igitur voluptas, non solum ut recta sequamini, sed etiam ut loqui deceat frugaliter. possumusne ergo in vita summum bonum dicere, cum id ne in cena quidem posse videamur? Quo modo autem philosophus loquitur? 'Tria genera cupiditatum, naturales et necessariae, naturales et non necessariae, nec naturales nec necessariae.' primum divisit ineleganter; duo enim genera quae erant, fecit tria. hoc est non dividere, sed frangere. qui haec didicerunt, quae ille contemnit, sic solent: 'Duo genera cupiditatum, naturales et inanes, naturalium duo, necessariae et non necessariae.' confecta res esset. vitiosum est enim in dividendo partem in genere numerare.

[27] sed hoc sane concedamus. contemnit enim disserendi elegantiam, confuse loquitur. gerendus est mos, modo recte sentiat. et quidem illud ipsum non nimium probo et tantum patior,

philosophum loqui de cupiditatibus finiendis. an potest cupiditas finiri? tollenda est atque extrahenda radicitus. quis est enim, in quo sit cupiditas, quin recte cupidus dici possit? ergo et avarus erit, sed finite, et adulter, verum habebit modum, et luxuriosus eodem modo. qualis ista philosophia est, quae non interitum afferat pravitatis, sed sit contenta mediocritate vitiorum? quamquam in hac divisione rem ipsam prorsus probo, elegantiam desidero. appellet haec desideria naturae, cupiditatis nomen servet alio, ut eam, cum de avaritia, cum de intemperantia, cum de maximis vitiis loquetur, tamquam capitis accuset.

[28] Sed haec quidem liberius ab eo dicuntur et saepius. quod equidem non reprehendo; est enim tanti philosophi tamque nobilis audacter sua decreta defendere. sed tamen ex eo, quod eam voluptatem, quam omnes gentes hoc nomine appellant, videtur amplexari saepe vehementius, in magnis interdum versatur angustiis, ut hominum conscientia remota nihil tam turpe sit, quod voluptatis causa non videatur esse facturus. deinde, ubi erubuit — vis enim est permagna naturae — , confugit illuc, ut neget accedere quicquam posse ad voluptatem nihil dolentis. at iste non dolendi status non vocatur voluptas. ‘Non laboro’, inquit, ‘de nomine’. Quid, quod res alia tota est? ‘Reperiam multos, vel innumerabilis potius, non tam curiosos nec tam molestos, quam vos estis, quibus, quid velim, facile persuadeam.’ quid ergo dubitamus, quin, si non dolere voluptas sit summa, non esse in voluptate dolor sit maximus? cur id non ita fit? ‘Quia dolori non voluptas contraria est, sed doloris privatio.’

[29] Hoc vero non videre, maximo argumento esse voluptatem illam, qua sublata neget se intellegere omnino quid sit bonum — eam autem ita persequitur: quae palato percipiatur, quae auribus; cetera addit, quae si appelles, honos praefandus sit — hoc igitur, quod solum bonum severus et gravis philosophus novit, idem non videt ne expetendum quidem esse, quod eam voluptatem hoc eodem auctore non desideremus, cum dolore careamus.

[30] quam haec sunt contraria! hic si definire, si dividere didicisset, si loquendi vim, si denique consuetudinem verborum teneret, numquam in tantas salebras incidisset. nunc vides, quid faciat. quam nemo umquam voluptatem appellavit, appellat; quae duo sunt, unum facit. hanc in motu voluptatem — sic enim has suaves et quasi dulces

voluptates appellat — interdum ita extenuat, ut M'. Curium putes loqui, interdum ita laudat, ut quid praeterea sit bonum neget se posse ne suspicari quidem. quae iam oratio non a philosopho aliquo, sed a censore opprimenda est. non est enim vitium in oratione solum, sed etiam in moribus. luxuriam non reprehendit, modo sit vacua infinita cupiditate et timore. hoc loco discipulos quaerere videtur, ut, qui asoti esse velint, philosophi ante fiant.

[31] A primo, ut opinor, animantium ortu petitur origo summi boni. 'Simul atque natum animal est, gaudet voluptate et eam appetit ut bonum, aspernatur dolorem ut malum.' De malis autem et bonis ab iis animalibus, quae nondum depravata sint, ait optime iudicari. haec et tu ita posuisti, et verba vestra sunt. quam multa vitiosa! summum enim bonum et malum vagiens puer utra voluptate diiudicabit, stante an movente? quoniam, si dis placet, ab Epicuro loqui discimus. si stante, hoc natura videlicet vult, salvam esse se, quod concedimus; si movente, quod tamen dicitis, nulla turpis voluptas erit, quae praetermittenda sit, et simul non proficiscitur animal illud modo natum a summa voluptate, quae est a te posita in non dolendo.

[32] Nec tamen argumentum hoc Epicurus a parvis petivit aut etiam a bestiis, quae putat esse specula naturae, ut diceret ab iis duce natura hanc voluptatem expeti nihil dolendi. nec enim haec movere potest appetitum animi, nec ullum habet ictum, quo pellat animum, status hic non dolendi, itaque in hoc eodem peccat Hieronymus. at ille pellit, qui permulcet sensum voluptate. itaque Epicurus semper hoc utitur, ut probet voluptatem natura expeti, quod ea voluptas, quae in motu sit, et parvos ad se alliciat et bestias, non illa stabilis, in qua tantum inest nihil dolere. qui igitur convenit ab alia voluptate dicere naturam proficisci, in alia summum bonum ponere?

[33] Bestiarum vero nullum iudicium puto. quamvis enim depravatae non sint, pravae tamen esse possunt. ut bacillum aliud est inflexum et incurvatum de industria, aliud ita natum, sic ferarum natura non est illa quidem depravata mala disciplina, sed natura sua. nec vero ut voluptatem expetat, natura movet infantem, sed tantum ut se ipse diligat, ut integrum se salvumque velit. omne enim animal, simul et ortum est, se ipsum et omnes partes suas diligit duasque, quae maximae sunt, in primis amplectitur, animum et corpus, deinde utriusque partes. nam sunt et in animo praecipua quaedam et in

corpore, quae cum leviter agnovit, tum discernere incipit, ut ea, quae prima data sunt natura, appetat asperneturque contraria.

[34] in his primis naturalibus voluptas insit necne, magna quaestio est. nihil vero putare esse praeter voluptatem, non membra, non sensus, non ingenii motum, non integritatem corporis, non valitudinem [corporis], summae mihi videtur inscitiae. Atque ab isto capite fluere necesse est omnem rationem bonorum et malorum. Polemoni et iam ante Aristoteli ea prima visa sunt, quae paulo ante dixi. ergo nata est sententia veterum Academicorum et Peripateticorum, ut finem bonorum dicerent secundum naturam vivere, id est virtute adhibita frui primis a natura datis. Callipho ad virtutem nihil adiunxit nisi voluptatem, Diodorus vacuitatem doloris. * * his omnibus, quos dixi, consequentes fines sunt bonorum, Aristippo simplex voluptas, Stoicis consentire naturae, quod esse volunt e virtute, id est honeste, vivere, quod ita interpretantur: vivere cum intellegentia rerum earum, quae natura evenirent, eligentem ea, quae essent secundum naturam, reicientemque contraria.

[35] ita tres sunt fines expertes honestatis, unus Aristippi vel Epicuri, alter Hieronymi, Carneadi tertius, tres, in quibus honestas cum aliqua accessione, Polemonis, Calliphontis, Diodori, una simplex, cuius Zeno auctor, posita in decore tota, id est in honestate; nam Pyrrho, Aristo, Erillus iam diu abiecti. reliqui sibi constiterunt, ut extrema cum initiis convenirent, ut Aristippo voluptas, Hieronymo doloris vacuitas, Carneadi frui principiis naturalibus esset extremum. Epicurus autem cum in prima commendatione voluptatem dixisset, si eam, quam Aristippus, idem tenere debuit ultimum bonorum, quod ille; sin eam, quam Hieronymus, <ne> fecisset idem, ut voluptatem illam Aristippi in prima commendatione poneret.

[36] Nam quod ait sensibus ipsis iudicari voluptatem bonum esse, dolorem malum, plus tribuit sensibus, quam nobis leges permittunt, <cum> privatarum litium iudices sumus. nihil enim possumus iudicare, nisi quod est nostri iudicii — in quo frustra iudices solent, cum sententiam pronuntiant, addere: ‘si quid mei iudicii est’; si enim non fuit eorum iudicii, nihilo magis hoc non addito illud est iudicatum — . quid iudicant sensus? dulce amarum, leve asperum, prope longe, stare movere, quadratum rotundum.

[37] aequam igitur pronuntiabit sententiam ratio adhibita primum

divinarum humanarumque rerum scientia, quae potest appellari rite sapientia, deinde adiunctis virtutibus, quas ratio rerum omnium dominas, tu voluptatum satellites et ministras esse voluisti. quarum adeo omnium sententia pronuntiabit primum de voluptate nihil esse ei loci, non modo ut sola ponatur in summi boni sede, quam quaerimus, sed ne illo quidem modo, ut ad honestatem applicetur. de vacuitate doloris eadem sententia erit.

[38] reicietur etiam Carneades, nec ulla de summo bono ratio aut voluptatis non dolendive particeps aut honestatis expers probabitur. ita relinquet duas, de quibus etiam atque etiam consideret. aut enim statuet nihil esse bonum nisi honestum, nihil malum nisi turpe, cetera aut omnino nihil habere momenti aut tantum, ut nec expetenda nec fugienda, sed eligenda modo aut reicienda sint, aut anteponet eam, quam cum honestate ornatissimam, tum etiam ipsis initiis naturae et totius perfectione vitae locupletatam videbit. quod eo liquidius faciet, si perspexerit rerum inter eas verborumne sit controversia.

[39] Huius ego nunc auctoritatem sequens idem faciam. quantum enim potero, minuam contentiones omnesque simplices sententias eorum, in quibus nulla inest virtutis adiunctio, omnino a philosophia semovendas putabo, primum Aristippi Cyrenaicorumque omnium, quos non est veritum in ea voluptate, quae maxima dulcedine sensum moveret, summum bonum ponere contemnentis istam vacuitatem doloris.

[40] hi non viderunt, ut ad cursum equum, ad arandum bovem, ad indagandum canem, sic hominem ad duas res, ut ait Aristoteles, ad intellegendum et agendum, esse natum quasi mortalem deum, contraque ut tardam aliquam et languidam pecudem ad pastum et ad procreandi voluptatem hoc divinum animal ortum esse voluerunt, quo nihil mihi videtur absurdius.

[41] Atque haec contra Aristippum, qui eam voluptatem non modo summam, sed solam etiam ducit, quam omnes unam appellamus voluptatem. aliter autem vobis placet. sed ille, ut dixi, vitiose. nec enim figura corporis nec ratio excellens ingenii humani significat ad unam hanc rem natum hominem, ut frueretur voluptatibus. Nec vero audiendus Hieronymus, cui summum bonum est idem, quod vos interdum vel potius nimium saepe dicitis, nihil dolere. non enim, si malum est dolor, carere eo malo satis est ad bene vivendum. hoc

dixerit potius Ennius: ‘Nimium boni est, cui nihil est mali’. nos beatam vitam non depulsione mali, sed adeptione boni iudicemus, nec eam cessando, sive gaudentem, ut Aristippus, sive non dolentem, ut hic, sed agendo aliquid considerandove quaeramus.

[42] quae possunt eadem contra Carneadeum illud summum bonum dici, quod is non tam, ut probaret, protulit, quam ut Stoicis, quibuscum bellum gerebat, opponeret. id autem eius modi est, ut additum ad virtutem auctoritatem videatur habiturum et expleturum cumulate vitam beatam, de quo omnis haec quaestio est. nam qui ad virtutem adiungunt vel voluptatem, quam unam virtus minimi facit, vel vacuitatem doloris, quae etiamsi malo caret, tamen non est summum bonum, accessione utuntur non ita probabili, nec tamen, cur id tam parce tamque restricte faciant, intellego. quasi enim emendum eis sit, quod addant ad virtutem, primum vilissimas res addunt, dein singulas potius, quam omnia, quae prima natura approbavisset, ea cum honestate coniungerent.

[43] Quae quod Aristoni et Pyrrhoni omnino visa sunt pro nihilo, ut inter optime valere et gravissime aegrotare nihil prorsus dicerent interesse, recte iam pridem contra eos desitum est disputari. dum enim in una virtute sic omnia esse voluerunt, ut eam rerum selectione expoliarent nec ei quicquam, aut unde oriretur, darent, aut ubi niteretur, virtutem ipsam, quam amplexabantur, sustulerunt. Erillus autem ad scientiam omnia revocans unum quoddam bonum vidit, sed nec optimum nec quo vita gubernari possit. itaque hic ipse iam pridem est reiectus; post enim Chrysippum <eum> non sane est disputatum. Restatis igitur vos; nam cum Academicis incerta luctatio est, qui nihil affirmant et quasi desperata cognitione certi id sequi volunt, quodcumque veri simile videatur.

[44] cum Epicuro autem hoc plus est negotii, quod e duplici genere voluptatis coniunctus est, quodque et ipse et amici eius et multi postea defensores eius sententiae fuerunt, et nescio quo modo, is qui auctoritatem minimam habet, maximam vim, populus cum illis facit. quos nisi redarguimus, omnis virtus, omne decus, omnis vera laus deserenda est. ita ceterorum sententiis semotis relinquitur non mihi cum Torquato, sed virtuti cum voluptate certatio. quam quidem certationem homo et acutus et diligens, Chrysippus, non contemnit totumque discrimen summi boni in earum comparatione positum

putat. ego autem existimo, si honestum esse aliquid ostendero, quod sit ipsum vi sua propter seque expetendum, iacere vestra omnia. itaque eo, quale sit, breviter, ut tempus postulat, constituto accedam ad omnia tua, Torquate, nisi memoria forte defecerit.

[45] Honestum igitur id intellegimus, quod tale est, ut detracta omni utilitate sine ullis praemiis fructibusve per se ipsum possit iure laudari. quod quale sit, non tam definitione, qua sum usus, intellegi potest, quamquam aliquantum potest, quam communi omnium iudicio et optimi cuiusque studiis atque factis, qui permulta ob eam unam causam faciunt, quia decet, quia rectum, quia honestum est, etsi nullum consecuturum emolumentum vident. homines enim, etsi aliis multis, tamen hoc uno plurimum a bestiis differunt, quod rationem habent a natura datam mentemque acrem et vigentem celerrimeque multa simul agitantem et, ut ita dicam, sagacem, quae et causas rerum et consecutiones videat et similitudines transferat et disiuncta coniungat et cum praesentibus futura copulet omnemque complectatur vitae consequentis statum. eademque ratio fecit hominem hominum adpetentem cumque iis natura et sermone et usu congruentem, ut profectus a caritate domesticorum ac suorum serpat longius et se implicet primum civium, deinde omnium mortalium societate atque, ut ad Archytam scripsit Plato, non sibi se soli natum meminerit, sed patriae, sed suis, ut perexigua pars ipsi relinquatur.

[46] et quoniam eadem natura cupiditatem ingenuit homini veri videndi, quod facillime apparet, cum vacui curis etiam quid in caelo fiat scire avemus, his initiis inducti omnia vera diligimus, id est fidelia, simplicia, constantia, tum vana, falsa, fallentia odimus, ut fraudem, periurium, malitiam, iniuriam. eadem ratio habet in se quiddam amplum atque magnificum, ad imperandum magis quam ad parendum accommodatum, omnia humana non tolerabilia solum, sed etiam levia ducens, altum quiddam et excelsum, nihil timens, nemini cedens, semper invictum.

[47] atque his tribus generibus honestorum notatis quartum sequitur et in eadem pulchritudine et aptum ex illis tribus, in quo inest ordo et moderatio. cuius similitudine perspecta in formarum specie ac dignitate transitum est ad honestatem dictorum atque factorum. nam ex his tribus laudibus, quas ante dixi, et temeritatem reformidat et non audet cuiquam aut dicto protervo aut facto nocere vereturque

quicquam aut facere aut eloqui, quod parum virile videatur.

[48] Habes undique expletam et perfectam, Torquate, formam honestatis, quae tota quattuor his virtutibus, quae a te quoque commemoratae sunt, continetur. hanc se tuus Epicurus omnino ignorare dicit quam aut qualem esse velint qui honestate summum bonum metiantur. Si enim ad honestatem omnia referant neque in ea voluptatem dicant inesse, ait eos voce inani sonare — his enim ipsis verbis utitur — neque intellegere nec videre sub hanc vocem honestatis quae sit subicienda sententia. ut enim consuetudo loquitur, id solum dicitur honestum, quod est populari fama gloriosum. ‘Quod’, inquit, ‘quamquam voluptatibus quibusdam est saepe iucundius, tamen expetitur propter voluptatem.’

[49] Videsne quam sit magna dissensio? philosophus nobilis, a quo non solum Graecia et Italia, sed etiam omnis barbaria commota est, honestum quid sit, si id non sit in voluptate, negat se intellegere, nisi forte illud, quod multitudinis rumore laudetur. ego autem hoc etiam turpe esse saepe iudico et, si quando turpe non sit, tum esse non turpe, cum id a multitudine laudetur, quod sit ipsum per se rectum atque laudabile, non ob eam causam tamen illud dici esse honestum, quia laudetur a multis, sed quia tale sit, ut, vel si ignorarent id homines, vel si obmutuissent, sua tamen pulchritudine esset specieque laudabile. itaque idem natura victus, cui obsisti non potest, dicit alio loco id, quod a te etiam paulo ante dictum est, non posse iucunde vivi nisi etiam honeste.

[50] quid nunc ‘honeste’ dicit? idemne, quod iucunde? ergo ita: non posse honeste vivi, nisi honeste vivatur? an nisi populari fama? sine ea igitur iucunde negat posse <se> vivere? quid turpius quam sapientis vitam ex insipientium sermone pendere? quid ergo hoc loco intellegit honestum? certe nihil nisi quod possit ipsum propter se iure laudari. nam si propter voluptatem, quae est ista laus, quae possit e macello peti? non is vir est, ut, cum honestatem eo loco habeat, ut sine ea iucunde neget posse vivi, illud honestum, quod populare sit, sentiat et sine eo neget iucunde vivi posse, aut quicquam aliud honestum intellegat, nisi quod sit rectum ipsumque per se sua vi, sua natura, sua sponte laudabile.

[51] Itaque, Torquate, cum diceres clamare Epicurum non posse iucunde vivi, nisi honeste et sapienter et iuste viveretur, tu ipse mihi

gloriari videbare. tanta vis inerat in verbis propter earum rerum, quae significabantur his verbis, dignitatem, ut altior fieres, ut interdum insisteres, ut nos intuens quasi testificarere laudari honestatem et iustitiam aliquando ab Epicuro. quam te decebat iis verbis uti, quibus si philosophi non uterentur, philosophia omnino non egeremus! istorum enim verborum amore, quae perraro appellantur ab Epicuro, sapientiae, fortitudinis, iustitiae, temperantiae, praestantissimis ingeniis homines se ad philosophiae studium contulerunt.

[52] 'Oculorum', inquit Plato, 'est in nobis sensus acerrimus, quibus sapientiam non cernimus. quam illa ardentis amores excitaret sui!' Cur tandem? an quod ita callida est, ut optime possit architectari voluptates? Cur iustitia laudatur? aut unde est hoc contritum vetustate proverbium: 'quicum in tenebris'? hoc dictum in una re latissime patet, ut in omnibus factis re, non teste moveamur.

[53] sunt enim levia et perinfirma, quae dicebantur a te, animi conscientia improbos excruciari, tum etiam poenae timore, qua aut afficiantur aut semper sint in metu ne afficiantur aliquando. non oportet timidum aut inbecillo animo fingi non bonum illum virum, qui, quicquid fecerit, ipse se cruciet omniaque formidet, sed omnia callide referentem ad utilitatem, acutum, versutum, veteratorem, facile ut excogitet quo modo occulte, sine teste, sine ullo conscio fallat.

[54] an tu me de L. Tubulo putas dicere? qui cum praetor quaestionem inter sicarios exercuisset, ita aperte cepit pecunias ob rem iudicandam, ut anno proximo P. Scaevola tribunus plebis ferret ad plebem vellentne de ea re quaeri. quo plebiscito decreta a senatu est consuli quaestio Cn. Caepioni. profectus in exilium Tubulus statim nec respondere ausus; erat enim res aperta. Non igitur de improbo, sed <de> callido improbo quaerimus, qualis Q. Pompeius in foedere Numantino infitiando fuit, nec vero omnia timente, sed primum qui animi conscientiam non curet, quam scilicet comprimere nihil est negotii. is enim, qui occultus et tectus dicitur, tantum abest ut se indicet, perficiet etiam ut dolere alterius improbe facto videatur. quid est enim aliud esse versutum?

[55] memini me adesse P. Sextilio Rufo, cum is rem ad amicos ita deferret, se esse heredem Q. Fadio Gallo, cuius in testamento scriptum esset se ab eo rogatum ut omnis hereditas ad filiam

perveniret. id Sextilius factum negabat. poterat autem inpune; quis enim redargueret? nemo nostrum credebat, eratque veri similius hunc mentiri, cuius interesset, quam illum, qui id se rogasse scripsisset, quod debuisset rogare. addebat etiam se in legem Voconiam iuratum contra eam facere non audere, nisi aliter amicis videretur. aderamus nos quidem adolescentes, sed multi amplissimi viri, quorum nemo censuit plus Fadiae dandum, quam posset ad eam lege Voconia pervenire. tenuit permagnam Sextilius hereditatem, unde, si secutus esset eorum sententiam, qui honesta et recta emolumentis omnibus et commodis anteponerent, nummum nullum attigisset. num igitur eum postea censes anxio animo aut sollicito fuisse? nihil minus, contraque illa hereditate dives ob eamque rem laetus. magni enim aestimabat pecuniam non modo non contra leges, sed etiam legibus partam. quae quidem vel cum periculo est quaerenda vobis; est enim effectrix multarum et magnarum voluptatum.

[56] ut igitur illis, qui, recta et honesta quae sunt, ea statuunt per se expetenda, adeunda sunt saepe pericula decoris honestatisque causa, sic vestris, qui omnia voluptate metiuntur, pericula adeunda sunt, ut adipiscantur magnas voluptates. si magna res, magna hereditas agetur, cum pecunia voluptates pariantur plurimae, idem erit Epicuro vestro faciendum, si suum finem bonorum sequi volet, quod Scipioni magna gloria proposita, si Hannibalem in Africam retraxisset. itaque quantum adiit periculum! ad honestatem enim illum omnem conatum suum referebat, non ad voluptatem. sic vester sapiens magno aliquo emolumento commotus cicuta, si opus erit, dimicabit.

[57] occultum facinus esse potuerit, gaudebit; deprehensus omnem poenam contemnet. erit enim instructus ad mortem contemnendam, ad exilium, ad ipsum etiam dolorem. quem quidem vos, cum improbis poenam proponitis, inpetibilem facitis, cum sapientem semper boni plus habere vultis, tolerabilem. Sed finge non solum callidum eum, qui aliquid improbe faciat, verum etiam praepotentem, ut M. Crassus fuit, qui tamen solebat uti suo bono, ut hodie est noster Pompeius, cui recte facienti gratia est habenda; esse enim quam vellet iniquus iustus poterat inpune. quam multa vero iniuste fieri possunt, quae nemo possit reprehendere!

[58] si te amicus tuus moriens rogaverit, ut hereditatem reddas suae filiae, nec usquam id scripserit, ut scripsit Fadius, nec cuiquam

dixerit, quid facies? tu quidem reddes; ipse Epicurus fortasse redderet, ut Sextus Peducaeus, Sex. F., is qui hunc nostrum reliquit effigiem et humanitatis et probitatis suae filium, cum doctus, tum omnium vir optimus et iustissimus, cum sciret nemo eum rogatum a Caio Plotio, equite Romano splendido, Nursino, ultro ad mulierem venit eique nihil opinanti viri mandatum euit hereditatemque reddidit. sed ego ex te quaero, quoniam idem tu certe fecisses, nonne intellegas eo maiorem vim esse naturae, quod ipsi vos, qui omnia ad vestrum commodum et, ut ipsi dicitis, ad voluptatem referatis, tamen ea faciatis, e quibus appareat non voluptatem vos, sed officium sequi, plusque rectam naturam quam rationem pravam valere.

[59] si scieris, inquit Carneades, aspidem occulte latere uspiam, et velle aliquem inprudentem super eam assidere, cuius mors tibi emolumentum futura sit, improbe feceris, nisi monueris ne assidat, sed inpunite tamen; scisse enim te quis coarguere possit? Sed nimis multa. perspicuum est enim, nisi aequitas, fides, iustitia proficiscantur a natura, et si omnia haec ad utilitatem referantur, virum bonum non posse reperiri; deque his rebus satis multa in nostris de re publica libris sunt dicta a Laelio.

[60] Transfer idem ad modestiam vel temperantiam, quae est moderatio cupiditatum rationi oboediens. satisne ergo pudori consulat, si quis sine teste libidini pareat? an est aliquid per se ipsum flagitiosum, etiamsi nulla comitetur infamia? Quid? fortes viri voluptatumne calculis subductis proelium ineunt, sanguinem pro patria profundunt, an quodam animi ardore atque impetu concitati? utrum tandem censes, Torquate, Imperiosum illum, si nostra verba audiret, tuamne de se orationem libentius auditurum fuisse an meam, cum ego dicerem nihil eum fecisse sua causa omniaque rei publicae, tu contra nihil nisi sua? si vero id etiam explanare velles apertiusque diceres nihil eum fecisse nisi voluptatis causa, quo modo eum tandem laturum fuisse existimas?

[61] esto, fecerit, si ita vis, Torquatus propter suas utilitates — malo enim dicere quam voluptates, in tanto praesertim viro — , num etiam eius collega P. Decius, princeps in ea familia consulatus, cum se devoverat et equo admisso in mediam aciem Latinorum irruebat, aliquid de voluptatibus suis cogitabat? ubi ut eam caperet aut quando? cum sciret confestim esse moriendum eamque mortem

ardentiore studio peteret, quam Epicurus voluptatem petendam putat. quod quidem eius factum nisi esset iure laudatum, non esset imitatus quarto consulatu suo filius, neque porro ex eo natus cum Pyrrho bellum gerens consul cecidisset in proelio seque e continenti genere tertiam victimam rei publicae praebuisset.

[62] Contineo me ab exemplis. Graecis hoc modicum est: Leonidas, Epaminondas, tres aliqui aut quattuor; ego si nostros colligere coepero, perficiam illud quidem, ut se virtuti tradat constringendam voluptas, sed dies me deficiet, et, ut Aulus Varius, qui est habitus iudex durior, dicere consessori solebat, cum datis testibus alii tamen citarentur: 'Aut hoc testium satis est, aut nescio, quid satis sit,' sic a me satis datum est testium. Quid enim? te ipsum, dignissimum maioribus tuis, voluptasne induxit, ut adolescentulus eriperes P. Sullae consulatum? quem cum ad patrem tuum rettulisses, fortissimum virum, qualis ille vel consul vel civis cum semper, tum post consulatum fuit! quo quidem auctore nos ipsi ea gessimus, ut omnibus potius quam ipsis nobis consuluerimus.

[63] At quam pulchre dicere videbare, cum ex altera parte ponebas cumulatum aliquem plurimis et maximis voluptatibus nullo nec praesenti nec futuro dolore, ex altera autem cruciatibus maximis toto corpore nulla nec adiuncta nec sperata voluptate, et quaerebas, quis aut hoc miserior aut superiore illo beatior; deinde concludebas summum malum esse dolorem, summum bonum voluptatem! Lucius Thorius Balbus fuit, Lanuvinus, quem meminisse tu non potes. is ita vivebat, ut nulla tam exquisita posset inveniri voluptas, qua non abundaret. erat et cupidus voluptatum et eius generis intellegens et copiosus, ita non superstitiosus, ut illa plurima in sua patria sacrificia et fana contemneret, ita non timidus ad mortem, ut in acie sit ob rem publicam interfectus.

[64] cupiditates non Epicuri divisione finiebat, sed sua satietate. habebat tamen rationem valitudinis: utebatur iis exercitationibus, ut ad cenam et sitiens et esuriens veniret, eo cibo, qui et suavissimus esset et idem facillimus ad concoquendum, vino et ad voluptatem et ne noceret. cetera illa adhibebat, quibus demptis negat se Epicurus intellegere quid sit bonum. aberat omnis dolor, qui si adesset, nec molliter ferret et tamen medicis plus quam philosophis uteretur. color egregius, integra valitudo, summa gratia, vita denique conferta voluptatum omnium varietate.

[65] hunc vos beatum; ratio quidem vestra sic cogit. at ego quem huic anteponam non audeo dicere; dicet pro me ipsa virtus nec dubitabit isti vestro beato M. Regulum anteponere, quem quidem, cum sua voluntate, nulla vi coactus praeter fidem, quam dederat hosti, ex patria Karthaginem revertisset, tum ipsum, cum vigiliis et fame cruciaretur, clamat virtus beatiorem fuisse quam potantem in rosa Thorium. bella magna gesserat, bis consul fuerat, triumpharat nec tamen sua illa superiora tam magna neque tam praeclara ducebat quam illum ultimum casum, quem propter fidem constantiamque susceperat, qui nobis miserabilis videtur audientibus, illi perpetienti erat voluptarius. non enim hilaritate nec lascivia nec risu aut ioco, comite levitatis, saepe etiam tristes firmitate et constantia sunt beati.

[66] stuprata per vim Lucretia a regis filio testata civis se ipsa interemit. hic dolor populi Romani duce et auctore Bruto causa civitati libertatis fuit, ob eiusque mulieris memoriam primo anno et vir et pater eius consul est factus. tenuis Lucius Verginius unusque de multis sexagesimo anno post libertatem receptam virginem filiam sua manu occidit potius, quam ea Ap. Claudii libidini, qui tum erat summo <ne> imperio, dederetur.

[67] Aut haec tibi, Torquate, sunt vituperanda aut patrocinium voluptatis repudiandum. quod autem patrocinium aut quae ista causa est voluptatis, quae nec testes ullos e claris viris nec laudatores poterit adhibere? ut enim nos ex annalium monimentis testes excitamus eos, quorum omnis vita consumpta est in laboribus gloriosis, qui voluptatis nomen audire non possent, sic in vestris disputationibus historia muta est. numquam audivi in Epicuri schola Lycurgum, Solonem, Miltiadem, Themistoclem, Epaminondam

nominari, qui in ore sunt ceterorum omnium philosophorum. nunc vero, quoniam haec nos etiam tractare coepimus, suppeditabit nobis Atticus noster e thesauris suis quos et quantos viros!

[68] nonne melius est de his aliquid quam tantis voluminibus de Themista loqui? sint ista Graecorum; quamquam ab iis philosophiam et omnes ingenuas disciplinas habemus; sed tamen est aliquid, quod nobis non liceat, liceat illis. Pugnant Stoici cum Peripateticis. alteri negant quicquam esse bonum, nisi quod honestum sit, alteri plurimum se et longe longeque plurimum tribuere honestati, sed tamen et in corpore et extra esse quaedam bona. et certamen honestum et disputatio splendida! omnis est enim de virtutis dignitate contentio. at cum tuis cum disseras, multa sunt audienda etiam de obscenis voluptatibus, de quibus ab Epicuro saepissime dicitur.

[69] non potes ergo ista tueri, Torquate, mihi crede, si te ipse et tuas cogitationes et studia perspexeris; pudebit te, inquam, illius tabulae, quam Cleanthes sane commode verbis depingere solebat. iubebat eos, qui audiebant, secum ipsos cogitare pictam in tabula Voluptatem pulcherrimo vestitu et ornatu regali in solio sedentem, praesto esse Virtutes ut ancillulas, quae nihil aliud agerent, nullum suum officium ducerent, nisi ut Voluptati ministrarent et eam tantum ad aurem admonerent, si modo id pictura intellegi posset, ut caveret ne quid faceret inprudens, quod offenderet animos hominum, aut quicquam, e quo oriretur aliquis dolor. ‘Nos quidem Virtutes sic natae sumus, ut tibi serviremus, aliud negotii nihil habemus.’

[70] At negat Epicurus — hoc enim vestrum lumen est — quemquam, qui honeste non vivat, iucunde posse vivere. quasi ego id curem, quid ille aiat aut neget. illud quaero, quid ei, qui in voluptate summum bonum ponat, consentaneum sit dicere. quid affers, cur Thorius, cur Caius Postumius, cur omnium horum magister, Orata, non iucundissime vixerit? ipse negat, ut ante dixi, luxuriosorum vitam reprehendendam, nisi plane fatui sint, id est nisi aut cupiant aut metuant. quarum ambarum rerum cum medicinam pollicetur, luxuriae licentiam pollicetur. his enim rebus detractis negat se reperire in asotorum vita quod reprehendat.

[71] Non igitur potestis voluptate omnia dirigentes aut tueri aut retinere virtutem. nam nec vir bonus ac iustus haberi debet qui, ne malum habeat, abstinet se ab iniuria. nosti, credo, illud: ‘Nemo pius

est, qui pietatem—'; cave putes quicquam esse verius. nec enim, dum metuit, iustus est, et certe, si metuere destiterit, non erit; non metuet autem, sive celare poterit, sive opibus magnis quicquid fecerit optinere, certeque malet existimari bonus vir, ut non sit, quam esse, ut non putetur. ita, quod certissimum est, pro vera certaque iustitia simulationem nobis iustitiae traditis praecipitisque quodam modo ut nostram stabilem conscientiam contemnamus, aliorum errantem opinionem aucupemur.

[72] Quae dici eadem de ceteris virtutibus possunt, quarum omnium fundamenta vos in voluptate tamquam in aqua ponitis. quid enim? fortemne possumus dicere eundem illum Torquatum? — delector enim, quamquam te non possum, ut ais, corrumpere, delector, inquam, et familia vestra et nomine. et hercule mihi vir optimus nostrique amantissimus, Aulus Torquatus, versatur ante oculos, cuius quantum studium et quam insigne fuerit erga me temporibus illis, quae nota sunt omnibus, scire necesse est utrumque vestrum. quae mihi ipsi, qui volo et esse et haberi gratus, grata non essent, nisi eum perspicerem mea causa mihi amicum fuisse, non sua, nisi hoc dicis sua, quod interest omnium recte facere. si id dicis, vicimus. id enim volumus, id contendimus, ut officii fructus sit ipsum officium.

[73] hoc ille tuus non vult omnibusque ex rebus voluptatem quasi mercedem exigit. sed ad illum redeo. si voluptatis causa cum Gallo apud Anienem depugnavit provocatus et ex eius spoliis sibi et torquem et cognomen induit ullam aliam ob causam, nisi quod ei talia facta digna viro videbantur, fortem non puto. iam si pudor, si modestia, si pudicitia, si uno verbo temperantia poenae aut infamiae metu coercebuntur, non sanctitate sua se tuebuntur, quod adulterium, quod stuprum, quae libido non se proripiet ac proiciet aut occultatione proposita aut inpunitate aut licentia? Quid?

[74] illud, Torquate, quale tandem videtur, te isto nomine, ingenio, gloria, quae facis, quae cogitas, quae contendis quo referas, cuius rei causa perficere quae conaris velis, quid optimum denique in vita iudices non audere in conventu dicere? quid enim mereri velis, iam cum magistratum inieris et in contionem ascenderis — est enim tibi edicendum quae sis observaturus in iure dicendo, et fortasse etiam, si tibi erit visum, aliquid de maioribus tuis et de te ipso dices more

maiorum — , quid merearis igitur, ut dicas te in eo magistratu omnia voluptatis causa facturum esse, teque nihil fecisse in vita nisi voluptatis causa? ‘An me’, inquis, ‘tam amentem putas, ut apud imperitos isto modo loquar?’ At tu eadem ista dic in iudicio aut, si coronam times, dic in senatu. numquam facies. cur, nisi quod turpis oratio est? mene ergo et Triarium dignos existimas, apud quos turpiter loquare?

[75] Verum esto: verbum ipsum voluptatis non habet dignitatem, nec nos fortasse intellegimus. hoc enim identidem dicitis, non intellegere nos quam dicatis voluptatem. rem videlicet difficilem et obscuram! individua cum dicitis et intermundia, quae nec sunt ulla nec possunt esse, intellegimus, voluptas, quae passeribus omnibus nota est, a nobis intellegi non potest? quid, si efficio ut fateare me non modo quid sit voluptas scire — est enim iucundus motus in sensu — , sed etiam quid eam tu velis esse? tum enim eam ipsam vis, quam modo ego dixi, et nomen inponis, in motu ut sit et faciat aliquam varietatem, tum aliam quandam summam voluptatem, quo addi nihil possit; eam tum adesse, cum dolor omnis absit; eam stabilem appellas. sit sane ista voluptas.

[76] dic in quovis conventu te omnia facere, ne doleas. si ne hoc quidem satis ample, satis honeste dici putas, dic te omnia et in isto magistratu et in omni vita utilitatis tuae causa facturum, nihil nisi quod expediat, nihil denique nisi tua causa: quem clamorem contionis aut quam spem consulatus eius, qui tibi paratissimus est, futuram putas? eamne rationem igitur sequere, qua tecum ipse et cum tuis utare, profiteri et in medium proferre non audeas? at vero illa, quae Peripatetici, quae Stoici dicunt, semper tibi in ore sunt in iudiciis, in senatu. officium, aequitatem, dignitatem, fidem, recta, honesta, digna imperio, digna populo Romano, omnia pericula pro re publica, mori pro patria, haec cum loqueris, nos barones stupemus, tu videlicet tecum ipse rides.

[77] nam inter ista tam magnifica verba tamque praeclara non habet ullum voluptas locum, non modo illa, quam in motu esse dicitis, quam omnes urbani rustici, omnes, inquam, qui Latine loquuntur, voluptatem vocant, sed ne haec quidem stabilis, quam praeter vos nemo appellat voluptatem. Vide igitur ne non debeas verbis nostris uti, sententiis tuis. quodsi vultum tibi, si incessum fingeres, quo

gravior viderere, non esses tui similis; verba tu fingas et ea dicas, quae non sentias? aut etiam, ut vestitum, sic sententiam habeas aliam domesticam, aliam forensem, ut in fronte ostentatio sit, intus veritas occultetur? vide, quaeso, rectumne sit. mihi quidem eae verae videntur opiniones, quae honestae, quae laudabiles, quae gloriosae, quae in senatu, quae apud populum, quae in omni coetu concilioque profitendae sint, ne id non pudeat sentire, quod pudeat dicere.

[78] Amicitiae vero locus ubi esse potest aut quis amicus esse cuiquam, quem non ipsum amet propter ipsum? quid autem est amare, e quo nomen ductum amicitiae est, nisi velle bonis aliquem affici quam maximis, etiamsi ad se ex iis nihil redundet? 'Prodest', inquit, 'mihi eo esse animo.' Immo videri fortasse. esse enim, nisi eris, non potes. qui autem esse poteris, nisi te amor ipse ceperit? quod non subducta utilitatis ratione effici solet, sed ipsum a se oritur et sua sponte nascitur. 'At enim sequor utilitatem.' Manebit ergo amicitia tam diu, quam diu sequetur utilitas, et, si utilitas amicitiam constituet, tollet eadem.

[79] sed quid ages tandem, si utilitas ab amicitia, ut fit saepe, defecerit? relinquesne? quae ista amicitia est? retinebis? qui convenit? quid enim de amicitia statueris utilitatis causa expetenda vides. 'Ne in odium veniam, si amicum destitero tueri.' Primum cur ista res digna odio est, nisi quod est turpis? quodsi, ne quo incommodo afficiare, non relinques amicum, tamen, ne sine fructu alligatus sis, ut moriatur optabis. Quid, si non modo utilitatem tibi nullam afferet, sed iacturae rei familiaris erunt faciendae, labores suscipiendi, adeundum vitae periculum? ne tum quidem te respicies et cogitabis sibi quemque natum esse et suis voluptatibus? vadem te ad mortem tyranno dabis pro amico, ut Pythagoreus ille Siculo fecit tyranno? aut, Pylades cum sis, dices te esse Orestem, ut moriare pro amico? aut, si esses Orestes, Pyladem refelleres, te indicares et, si id non probares, quo minus ambo una necaremini non precarere?

[80] Faceres tu quidem, Torquate, haec omnia; nihil enim arbitror esse magna laude dignum, quod te praetermissurum credam aut mortis aut doloris metu. non quaeritur autem quid naturae tuae consentaneum sit, sed quid disciplinae. ratio ista, quam defendis, praecepta, quae didicisti, quae probas, funditus evertunt amicitiam, quamvis eam Epicurus, ut facit, in caelum efferat laudibus. At coluit

ipse amicitias. Quis, quaeso, illum negat et bonum virum et comem et humanum fuisse? de ingenio eius in his disputationibus, non de moribus quaeritur. sit ista in Graecorum levitate perversitas, qui maledictis insectantur eos, a quibus de veritate dissentiunt. sed quamvis comis in amicis tuendis fuerit, tamen, si haec vera sunt — nihil enim affirmo — , non satis acutus fuit.

[81] At multis se probavit. Et quidem iure fortasse, sed tamen non gravissimum est testimonium multitudinis. in omni enim arte vel studio vel quavis scientia vel in ipsa virtute optimum quidque rarissimum est. ac mihi quidem, quod et ipse bonus vir fuit et multi Epicurei et fuerunt et hodie sunt et in amicitiis fideles et in omni vita constantes et graves nec voluptate, sed officio consilia moderantes, hoc videtur maior vis honestatis et minor voluptatis. ita enim vivunt quidam, ut eorum vita refellatur oratio. atque ut ceteri dicere existimantur melius quam facere, sic hi mihi videntur facere melius quam dicere.

[82] Sed haec nihil sane ad rem; illa videamus, quae a te de amicitia dicta sunt. e quibus unum mihi videbar ab ipso Epicuro dictum cognoscere, amicitiam a voluptate non posse divelli ob eamque rem colendam esse, quod, <quoniam> sine ea tuto et sine metu vivi non posset, ne iucunde quidem posset. satis est ad hoc responsum. Attulisti aliud humanius horum recentiorum, numquam dictum ab ipso illo, quod sciam, primo utilitatis causa amicum expeti, cum autem usus accessisset, tum ipsum amari per se etiam omissa spe voluptatis. hoc etsi multimodis reprehendi potest, tamen accipio, quod dant. mihi enim satis est, ipsis non satis. nam aliquando posse recte fieri dicunt nulla expectata nec quaesita voluptate.

[83] Posuisti etiam dicere alios foedus quoddam inter se facere sapientis, ut, quem ad modum sint in se ipsos animati, eodem modo sint erga amicos; id et fieri posse et saepe esse factum et ad voluptates percipiendas maxime pertinere. hoc foedus facere si potuerunt, faciant etiam illud, ut aequitatem, modestiam, virtutes omnes per se ipsas gratis diligant. an vero, si fructibus et emolumentis et utilitatibus amicitias colemus, si nulla caritas erit, quae faciat amicitiam ipsam sua sponte, vi sua, ex se et propter se expetendam, dubium est, quin fundos et insulas amicis anteponamus?

[84] Licet hic rursus ea commemores, quae optimis verbis ab Epicuro de laude amicitiae dicta sunt. non quaero, quid dicat, sed quid convenienter possit rationi et sententiae suae dicere. ‘Utilitatis causa amicitia est quaesita.’ Num igitur utiliorem tibi hunc Triarium putas esse posse, quam si tua sint Puteolis granaria? collige omnia, quae soletis: ‘Praesidium amicorum.’ Satis est tibi in te, satis in legibus, satis in mediocribus amicitiis praesidii. iam contemni non poteris. odium autem et invidiam facile vitabis. ad eas enim res ab Epicuro praecepta dantur. et tamen tantis vectigalibus ad liberalitatem utens etiam sine hac Pyladea amicitia multorum te benivolentia praeclare tuebere et munies.

[85] ‘At quicum ioca seria, ut dicitur, quicum arcana, quicum occulta omnia?’ Tecum optime, deinde etiam cum mediocri amico. sed fac ista esse non inportuna; quid ad utilitatem tantae pecuniae? vides igitur, si amicitiam sua caritate metiare, nihil esse praestantius, sin emolumento, summas familiaritates praediorum fructuosorum mercede superari. me igitur ipsum ames oportet, non mea, si veri amici futuri sumus. Sed in rebus apertissimis nimium longi sumus. perfecto enim et concluso neque virtutibus neque amicitiis usquam locum esse, si ad voluptatem omnia referantur, nihil praeterea est magnopere dicendum. ac tamen, ne cui loco non videatur esse responsum, pauca etiam nunc dicam ad reliquam orationem tuam.

[86] quoniam igitur omnis summa philosophiae ad beate vivendum refertur, idque unum expetentes homines se ad hoc studium contulerunt, beate autem vivere alii in alio, vos in voluptate ponitis, item contra miseriam omnem in dolore, id primum videamus, beate vivere vestrum quale sit. atque hoc dabitis, ut opinor, si modo sit aliquid esse beatum, id oportere totum poni in potestate sapientis. nam si amitti vita beata potest, beata esse non potest. quis enim confidit semper sibi illud stabile et firmum permansurum, quod fragile et caducum sit? qui autem diffidet perpetuitati bonorum suorum, timeat necesse est, ne aliquando amissis illis sit miser. beatus autem esse in maximarum rerum timore nemo potest.

[87] nemo igitur esse beatus potest. neque enim in aliqua parte, sed in perpetuitate temporis vita beata dici solet, nec appellatur omnino vita, nisi confecta atque absoluta, nec potest quisquam alias beatus esse, alias miser; qui enim existimabit posse se miserum esse beatus

non erit. nam cum suscepta semel est beata vita, tam permanet quam ipsa illa effectrix beatae vitae sapientia neque expectat ultimum tempus aetatis, quod Croeso scribit Herodotus praeceptum a Solone. At enim, quem ad modum tute dicebas, negat Epicurus diuturnitatem quidem temporis ad beate vivendum aliquid afferre, nec minorem voluptatem percipi in brevitate temporis, quam si illa sit sempiterna.

[88] haec dicuntur inconstantissime. cum enim summum bonum in voluptate ponat, negat infinito tempore aetatis voluptatem fieri maiorem quam finito atque modico. qui bonum omne in virtute ponit, is potest dicere perfici beatam vitam perfectione virtutis; negat enim summo bono afferre incrementum diem. qui autem voluptate vitam effici beatam putabit, qui sibi is conveniet, si negabit voluptatem crescere longinquitate? igitur ne dolorem quidem. an dolor longissimus quisque miserrimus, voluptatem non optabiliorem diuturnitas facit? quid est igitur, cur ita semper deum appellet Epicurus beatum et aeternum? dempta enim aeternitate nihilo beatior Iuppiter quam Epicurus; uterque enim summo bono fruitur, id est voluptate. ‘At enim hic etiam dolore.’ At eum nihili facit; ait enim se, si uratur, ‘Quam hoc suave!’ dicturum.

[89] qua igitur re ab deo vincitur, si aeternitate non vincitur? in qua quid est boni praeter summam voluptatem, et eam sempiternam? quid ergo attinet gloriose loqui, nisi constanter loquare? In voluptate corporis — addam, si vis, ‘animi’, dum ea ipsa, ut vultis, sit e corpore — situm est vivere beate. Quid? istam voluptatem perpetuam quis potest praestare sapienti? nam quibus rebus efficiuntur voluptates, eae non sunt in potestate sapientis. non enim in ipsa sapientia positum est beatum esse, sed in iis rebus, quas sapientia comparat ad voluptatem. totum autem id externum est, et quod externum, id in casu est. ita fit beatae vitae domina fortuna, quam Epicurus ait exiguam intervenire sapienti.

[90] Age, inquies, ista parva sunt. Sapientem locupletat ipsa natura, cuius divitias Epicurus parabiles esse docuit. Haec bene dicuntur, nec ego repugno, sed inter sese ipsa pugnant. negat enim tenuissimo victu, id est contemptissimis escis et potionibus, minorem voluptatem percipi quam rebus exquisitissimis ad epulandum. huic ego, si negaret quicquam interesse ad beate vivendum quali uteretur victu, concederem, laudarem etiam; verum enim diceret, idque

Socratem, qui voluptatem nullo loco numerat, audio dicentem, cibi condimentum esse famem, potionis sitim. sed qui ad voluptatem omnia referens vivit ut Gallonius, loquitur ut Frugi ille Piso, non audio nec eum, quod sentiat, dicere existimo.

[91] naturales divitias dixit parabiles esse, quod parvo esset natura contenta. Certe, nisi voluptatem tanti aestimaretis. Non minor, inquit, voluptas percipitur ex vilissimis rebus quam ex pretiosissimis. Hoc est non modo cor non habere, sed ne palatum quidem. qui enim voluptatem ipsam contemnunt, iis licet dicere se acupenserem maenae non anteponere. cui vero in voluptate summum bonum est, huic omnia sensu, non ratione sunt iudicanda, eaque dicenda optima, quae sint suavissima.

[92] Verum esto; consequatur summas voluptates non modo parvo, sed per me nihilo, si potest; sit voluptas non minor in nasturcio illo, quo vesci Persas esse solitos scribit Xenophon, quam in Syracusanis mensis, quae a Platone graviter vituperantur; sit, inquam, tam facilis, quam vultis, comparatio voluptatis, quid de dolore dicemus? cuius tanta tormenta sunt, ut in iis beata vita, si modo dolor summum malum est, esse non possit. ipse enim Metrodorus, paene alter Epicurus, beatum esse describit his fere verbis: ‘cum corpus bene constitutum sit et sit exploratum ita futurum.’ an id exploratum cuiquam potest esse, quo modo se hoc habiturum sit corpus, non dico ad annum, sed ad vesperum? dolor ergo, id est summum malum, metuetur semper, etiamsi non aderit; iam enim adesse poterit. qui potest igitur habitare in beata vita summi mali metus?

[93] Traditur, inquit, ab Epicuro ratio neglegendi doloris. Iam id ipsum absurdum, maximum malum neglegi. sed quae tandem ista ratio est? Maximus dolor, inquit, brevis est. Primum quid tu dicis breve? deinde dolorem quem maximum? quid enim? summus dolor plures dies manere non potest? vide, ne etiam menses! nisi forte eum dicis, qui, simul atque arripuit, interficit. quis istum dolorem timet? illum mallem levares, quo optimum atque humanissimum virum, Cn. Octavium, Marci filium, familiarem meum, confici vidi, nec vero semel nec ad breve tempus, sed et saepe et plane diu. quos ille, di inmortales, cum omnes artus ardere viderentur, cruciatus perferebat! nec tamen miser esse, quia summum id malum non erat, tantum modo laboriosus videbatur; at miser, si in flagitiosa et vitiosa vita

afflueret voluptatibus.

[94] Quod autem magnum dolorem brevem, longinquum levem esse dicitis, id non intellego quale sit. video enim et magnos et eosdem bene longinquos dolores, quorum alia toleratio est verior, qua uti vos non potestis, qui honestatem ipsam per se non amatis. fortitudinis quaedam praecepta sunt ac paene leges, quae effeminari virum vetant in dolore. quam ob rem turpe putandum est, non dico dolere — nam id quidem est interdum necesse — , sed saxum illud Lemnium clamore Philocteteo funestare, Quod eiulatu, questu, gemitu, fremitibus Resonando mutum flebiles voces refert. Huic Epicurus praecentet, si potest, cui <e> viperino morsu venae viscerum Veneno inbutae taetros cruciatus cient! Sic Epicurus: 'Philocteta, st! brevis dolor.' At iam decimum annum in spelunca iacet. 'Si longus, levis; dat enim intervalla et relaxat.'

[95] Primum non saepe, deinde quae est ista relaxatio, cum et praeteriti doloris memoria recens est et futuri atque inpendentis torquet timor? 'Moriatur', inquit. Fortasse id optimum, sed ubi illud: 'Plus semper voluptatis'? si enim ita est, vide ne facinus facias, cum mori suadeas. potius ergo illa dicantur: turpe esse, viri non esse debilitari dolore, frangi, succumbere. nam ista vestra: 'Si gravis, brevis; si longus, levis' dictata sunt. virtutis, magnitudinis animi, patientiae, fortitudinis fomentis dolor mitigari solet.

[96] Audi, ne longe abeam, moriens quid dicat Epicurus, ut intellegas facta eius cum dictis discrepare: 'Epicurus Hermarcho salutem. Cum ageremus', inquit, 'vitae beatum et eundem supremum diem, scribebamus haec. tanti autem aderant vesicae et torminum morbi, ut nihil ad eorum magnitudinem posset accedere.' Miserum hominem! Si dolor summum malum est, dici aliter non potest. sed audiamus ipsum: 'Compensabatur', inquit, 'tamen cum his omnibus animi laetitia, quam capiebam memoria rationum inventorumque nostrorum. sed tu, ut dignum est tua erga me et philosophiam voluntate ab adolescentulo suscepta, fac ut Metrodori tueare liberos.'

[97] non ego iam Epaminondae, non Leonidae mortem huius morti antepono, quorum alter cum vicisset Lacedaemonios apud Mantineam atque ipse gravi vulnere exanimari se videret, ut primum dispexit, quaesivit salvusne esset clipeus. cum salvum esse flentes sui respondissent, rogavit essentne fusi hostes. cum id quoque, ut

cupiebat, audivisset, evelli iussit eam, qua erat transfixus, hastam. ita multo sanguine profuso in laetitia et in victoria est mortuus. Leonidas autem, rex Lacedaemoniorum, se in Thermopylis trecentosque eos, quos eduxerat Sparta, cum esset proposita aut fuga turpis aut gloriosa mors, opposuit hostibus. praeclarae mortes sunt imperatoriae; philosophi autem in suis lectulis plerumque moriuntur. refert tamen, quo modo. <beatus> sibi videtur esse moriens. magna laus. ‘Compensabatur’, inquit, ‘cum summis doloribus laetitia.’

[98] Audio equidem philosophi vocem, Epicure, sed quid tibi dicendum sit oblitus es. primum enim, si vera sunt ea, quorum recordatione te gaudere dicis, hoc est, si vera sunt tua scripta et inventa, gaudere non potes. nihil enim iam habes, quod ad corpus referas; est autem a te semper dictum nec gaudere quemquam nisi propter corpus nec dolere. ‘Praeteritis’, inquit, ‘gaudeo.’ Quibusnam praeteritis? si ad corpus pertinentibus, rationes tuas te video compensare cum istis doloribus, non memoriam corpore perceptarum voluptatum; sin autem ad animum, falsum est, quod negas animi ullum esse gaudium, quod non referatur ad corpus. cur deinde Metrodori liberos commendas? quid <in> isto egregio tuo officio et tanta fide — sic enim existimo — ad corpus refers?

[99] Huc et illuc, Torquate, vos versetis licet, nihil in hac praeclara epistula scriptum ab Epicuro congruens et conveniens decretis eius reperietis. ita redarguitur ipse a sese, convincunturque scripta eius probitate ipsius ac moribus. nam ista commendatio puerorum, memoria et caritas amicitiae, summorum officiorum in extremo spiritu conservatio indicat innatam esse homini probitatem gratuitam, non invitatam voluptatibus nec praemiorum mercedibus evocatam. quod enim testimonium maius quaerimus, quae honesta et recta sint, ipsa esse optabilia per sese, cum videamus tanta officia morientis?

[100] Sed ut epistulam laudandam arbitror eam, quam modo totidem fere verbis interpretatus sum, quamquam ea cum summa eius philosophia nullo modo congruebat, sic eiusdem testamentum non solum <a> philosophi gravitate, sed etiam ab ipsius sententia iudico discrepare. scripsit enim et multis saepe verbis et breviter arteque in eo libro, quem modo nominavi, mortem nihil ad nos pertinere. quod enim dissolutum sit, id esse sine sensu, quod autem sine sensu sit, id nihil ad nos pertinere omnino. hoc ipsum elegantius poni meliusque

potuit. nam quod ita positum est, quod dissolutum sit, id esse sine sensu, id eius modi est, ut non satis plane dicat quid sit dissolutum.

[101] sed tamen intellego quid velit. quaero autem quid sit, quod, cum dissolutione, id est morte, sensus omnis extinguatur, et cum reliqui nihil sit omnino, quod pertineat ad nos, tam accurate tamque diligenter caveat et sanciat ut Amynomachus et Timocrates, heredes sui, de Hermarchi sententia dent quod satis sit ad diem agendum natalem suum quotannis mense Gamelione itemque omnibus mensibus vicesimo die lunae dent ad eorum epulas, qui una secum philosophati sint, ut et sui et Metrodori memoria colatur.

[102] haec ego non possum dicere non esse hominis quamvis et belli et humani, sapientis vero nullo modo, physici praesertim, quem se ille esse vult, putare ullum esse cuiusquam diem natalem. quid? idemne potest esse dies saepius, qui semel fuit? certe non potest. an eiusdem modi? ne id quidem, nisi multa annorum intercesserint milia, ut omnium siderum eodem, unde profecta sint, fiat ad unum tempus reversio. nullus est igitur cuiusquam dies natalis. 'At habetur!' Et ego id scilicet nesciebam! Sed ut sit, etiamne post mortem coletur? idque testamento cavebit is, qui nobis quasi oraculum ediderit nihil post mortem ad nos pertinere? haec non erant eius, qui innumerabilis mundos infinitasque regiones, quarum nulla esset ora, nulla extremitas, mente peragravisset. num quid tale Democritus? ut alios omittam, hunc appello, quem ille unum secutus est.

[103] quodsi dies notandus fuit, eumne potius, quo natus, an eum, quo sapiens factus est? Non potuit, inquies, fieri sapiens, nisi natus esset. [et] Isto modo, ne si avia quidem eius nata non esset. res tota, Torquate, non doctorum hominum, velle post mortem epulis celebrari memoriam sui nominis. quos quidem dies quem ad modum agatis et in quantam hominum facetorum urbanitatem incurratis, non dico — nihil opus est litibus — ; tantum dico, magis fuisse vestrum agere Epicuri diem natalem, quam illius testamento cavere ut ageretur.

[104] Sed ut ad propositum — de dolore enim cum diceremus, ad istam epistulam delati sumus — , nunc totum illud concludi sic licet: qui in summo malo est, is tum, cum in eo est, non est beatus; sapiens autem semper beatus est et est aliquando in dolore; non est igitur

summum malum dolor. Iam illud quale tandem est, bona praeterita non effluere sapienti, mala meminisse non oportere? primum in nostrane potestate est, quid meminerimus? Themistocles quidem, cum ei Simonides an quis alius artem memoriae polliceretur, ‘Oblivionis’, inquit, ‘mallem. Nam memini etiam quae nolo, oblivisci non possum quae volo.’

[105] Magno hic ingenio, sed res se tamen sic habet, ut nimis imperiosi philosophi sit vetare meminisse. vide ne ista sint Manliana vestra aut maiora etiam, si imperes quod facere non possim. quid, si etiam iucunda memoria est praeteritorum malorum? ut proverbia non nulla veriora sint quam vestra dogmata. vulgo enim dicitur: ‘Iucundi acti labores’, nec male Euripides — concludam, si potero, Latine; Graecum enim hunc versum nostis omnes — : ‘Suavis laborum est praeteritorum memoria.’ Sed ad bona praeterita redeamus. quae si a vobis talia dicerentur, qualibus Caius Marius uti poterat, ut expulsus, egens, in palude demersus tropaeorum recordatione levaret dolorem suum, audirem et plane probarem. nec enim absolvi beata vita sapientis neque ad exitum perduci poterit, si prima quaeque bene ab eo consulta atque facta ipsius oblivione obruentur.

[106] sed vobis voluptatum perceptarum recordatio vitam beatam facit, et quidem corpore perceptarum. nam si quae sunt aliae, falsum est omnis animi voluptates esse e corporis societate. corporis autem voluptas si etiam praeterita delectat, non intellego, cur Aristoteles Sardanapalli epigramma tantopere derideat, in quo ille rex Syriae glorietur se omnis secum libidinum voluptates abstulisse. Quod enim ne vivus quidem, inquit, diutius sentire poterat, quam dum fruebatur, quo modo id potuit mortuo permanere? effluit igitur voluptas corporis et prima quaeque avolat saepiusque relinquit causam paenitendi quam recordandi. itaque beatior Africanus cum patria illo modo loquens: ‘Desine, Roma, tuos hostes’ reliquaque praeclare: ‘Nam tibi moenimenta mei peperere labores.’ Laboribus hic praeteritis gaudet, tu iubes voluptatibus, et hic se ad ea revocat, e quibus nihil umquam rettulerit ad corpus, tu totus haeres in corpore.

[107] Illud autem ipsum qui optineri potest, quod dicitis, omnis animi et voluptates et dolores ad corporis voluptates ac dolores pertinere? nihilne te delectat umquam — video, quicum loquar — , te igitur, Torquate, ipsum per se nihil delectat? omitto dignitatem,

honestatem, speciem ipsam virtutum, de quibus ante dictum est, haec leviora ponam: poema, orationem cum aut scribis aut legis, cum omnium factorum, cum regionum conquiris historiam, signum, tabula, locus amoenus, ludi, venatio, villa Luculli — nam si 'tuam' dicerem, latebram haberes; ad corpus diceres pertinere — , sed ea, quae dixi, ad corpusne refers? an est aliquid, quod te sua sponte delectet? aut pertinacissimus fueris, si in eo perstiteris ad corpus ea, quae dixi, referri, aut deserueris totam Epicuri voluptatem, si negaveris.

[108] Quod vero a te disputatum est maiores esse voluptates et dolores animi quam corporis, quia trium temporum particeps animus sit, corpore autem praesentia solum sentiantur, qui id probari potest, ut is, qui propter me aliquid gaudeat, plus quam ego ipse gaudeat? [animo voluptas oritur propter voluptatem corporis, et maior est animi voluptas quam corporis. ita fit, ut gratulator laetior sit quam is, cui gratulatur.] Sed dum efficere vultis beatum sapientem, cum maximas animo voluptates percipiat omnibusque partibus maiores quam corpore, quid occurrat non videtis. animi enim quoque dolores percipiet omnibus partibus maiores quam corporis. ita miser sit aliquando necesse est is, quem vos beatum semper vultis esse, nec vero id, dum omnia ad voluptatem doloremque referetis, efficietis umquam.

[109] Quare aliud aliquod, Torquate, hominis summum bonum reperiendum est, voluptatem bestiis concedamus, quibus vos de summo bono testibus uti soletis. quid, si etiam bestiae multa faciunt duce sua quaeque natura partim indulgenter vel cum labore, ut in gignendo, in educando, perfacile appareat aliud quiddam iis propositum, non voluptatem? partim cursu et peragratione laetantur, congregatione aliae coetum quodam modo civitatis imitantur;

[110] videmus in quodam volucrium genere non nulla indicia pietatis, cognitionem, memoriam, in multis etiam desideria videmus. ergo in bestiis erunt secreta e voluptate humanarum quaedam simulacra virtutum, in ipsis hominibus virtus nisi voluptatis causa nulla erit? et homini, qui ceteris animantibus plurimum praestat, praecipue a natura nihil datum esse dicemus?

[111] Nos vero, siquidem in voluptate sunt omnia, longe multumque superamur a bestiis, quibus ipsa terra fundit ex sese

pastus varios atque abundantes nihil laborantibus, nobis autem aut vix aut ne vix quidem suppetunt multo labore quaerentibus. nec tamen ullo modo summum pecudis bonum et hominis idem mihi videri potest. quid enim tanto opus est instrumento in optimis artibus comparandis? quid tanto concursu honestissimorum studiorum, tanto virtutum comitatu, si ea nullam ad aliam rem nisi ad voluptatem conquiruntur?

[112] ut, si Xerxes, cum tantis classibus tantisque equestribus et pedestribus copiis Hellesponto iuncto Athone perfosso mari ambulavisset terra navigavisset, si, cum tanto impetu in Graeciam venisset, causam quis ex eo quaereret tantarum copiarum tantique belli, mel se auferre ex Hymetto voluisse diceret, certe sine causa videretur tanta conatus, sic nos sapientem plurimis et gravissimis artibus atque virtutibus instructum et ornatum non, ut illum, maria pedibus peragrantem, classibus montes, sed omne caelum totamque cum universo mari terram mente complexum voluptatem petere si dicemus, mellis causa dicemus tanta molitum.

[113] ad altiora quaedam et magnificentiora, mihi crede, Torquate, nati sumus, nec id ex animi solum partibus, in quibus inest memoria rerum innumerabilium, in te quidem infinita, inest coniectura consequentium non multum a divinatione differens, inest moderator cupiditatis pudor, inest ad humanam societatem iustitiae fida custodia, inest in perpetiendis laboribus adeundisque periculis firma et stabilis doloris mortisque contemptio — ergo haec in animis, tu autem etiam membra ipsa sensusque considera, qui tibi, ut reliquae corporis partes, non comites solum virtutum, sed ministri etiam videbuntur.

[114] Quid? si in ipso corpore multa voluptati praeponenda sunt, ut vires, valitudo, velocitas, pulchritudo, quid tandem in animis censes? in quibus doctissimi illi veteres inesse quiddam caeleste et divinum putaverunt. Quodsi esset in voluptate summum bonum, ut dicitis, optabile esset maxima in voluptate nullo intervallo interiecto dies noctesque versari, cum omnes sensus dulcedine omni quasi perfusi moverentur. quis est autem dignus nomine hominis, qui unum diem totum velit esse in genere isto voluptatis? Cyrenaici quidem non recusant; vestri haec verecundius, illi fortasse constantius.

[115] sed lustremus animo non has maximas artis, quibus qui

carebant inertes a maioribus nominabantur, sed quaero num existimes, non dico Homerum, Archilochum, Pindarum, sed Phidian, Polyclitum, Zeuxim ad voluptatem artes suas direxisse. ergo opifex plus sibi proponet ad formarum quam civis excellens ad factorum pulchritudinem? quae autem est alia causa erroris tanti tam longe lateque diffusi, nisi quod is, qui voluptatem summum bonum esse decernit, non cum ea parte animi, qua inest ratio atque consilium, sed cum cupiditate, id est cum animi levissima parte, deliberat? Quaero enim de te, si sunt di, ut vos etiam putatis, qui possint esse beati, cum voluptates corpore percipere non possint, aut, si sine eo genere voluptatis beati sint, cur similem animi usum in sapiente esse nolitis.

[116] Lege laudationes, Torquate, non eorum, qui sunt ab Homero laudati, non Cyri, non Agesilai, non Aristidi aut Themistocli, non Philippi aut Alexandri, lege nostrorum hominum, lege vestrae familiae; neminem videbis ita laudatum, ut artifex callidus comparandarum voluptatum diceretur. non elogia monimentorum id significant, velut hoc ad portam: ‘Hunc unum plurimae consentiunt gentes populi primarium fuisse virum.’

[117] Idne consensisse de Calatino plurimas gentis arbitramur, primarium populi fuisse, quod praestantissimus fuisset in conficiendis voluptatibus? ergo in iis adolescentibus bonam spem esse dicemus et magnam indolem, quos suis commodis inservituros et quicquid ipsis expediat facturos arbitrabimur? nonne videmus quanta perturbatio rerum omnium consequatur, quanta confusio? tollitur beneficium, tollitur gratia, quae sunt vincla concordiae. nec enim, cum tua causa cui commodes, beneficium illud habendum est, sed faeneratio, nec gratia deberi videtur ei, qui sua causa commodaverit. maximas vero virtutes iacere omnis necesse est voluptate dominante. sunt etiam turpitudines plurimae, quae, nisi honestas natura plurimum valeat, cur non cadant in sapientem non est facile defendere.

[118] Ac ne plura complectar — sunt enim innumerabilia — , bene laudata virtus voluptatis aditus intercludat necesse est. quod iam a me expectare noli. tute introspice in mentem tuam ipse eamque omni cogitatione pertractans percontare ipse te perpetuisne malis voluptatibus perfruens in ea, quam saepe usurpabas, tranquillitate degere omnem aetatem sine dolore, adsumpto etiam illo, quod vos

quidem adiungere soletis, sed fieri non potest, sine doloris metu, an, cum de omnibus gentibus optime mererere, cum opem indigentibus salutemque ferres, vel Herculis perpeti aerumnas. sic enim maiores nostri labores non fugiendos tristissimo tamen verbo aerumnas etiam in deo nominaverunt.

[119] elicerem ex te cogeremque, ut responderes, nisi vererer ne Herculem ipsum ea, quae pro salute gentium summo labore gessisset, voluptatis causa gessisse diceres. Quae cum dixissem, Habeo, inquit Torquatus, ad quos ista referam, et, quamquam aliquid ipse poteram, tamen invenire malo paratiores. Familiares nostros, credo, Sironem dicis et Philodemum, cum optimos viros, tum homines doctissimos. Recte, inquit, intellegis. Age sane, inquam. sed erat aequius Triarium aliquid de dissensione nostra iudicare. Eiuro, inquit adridens, iniquum, hac quidem de re; tu enim ista lenius, hic Stoicorum more nos vexat. Tum Triarius: Posthac quidem, inquit, audacius. nam haec ipsa mihi erunt in promptu, quae modo audivi, nec ante aggrediar, quam te ab istis, quos dicis, instructum videro. Quae cum essent dicta, finem fecimus et ambulandi et disputandi.

LIBER TERTIVS

[1] Voluptatem quidem, Brute, si ipsa pro se loquatur nec tam pertinaces habeat patronos, concessuram arbitror convictam superiore libro dignitati. etenim sit inpudens, si virtuti diutius repugnet, aut si honestis iucunda anteponat aut pluris esse contendat dulcedinem corporis ex eave natam laetitiam quam gravitatem animi atque constantiam. quare illam quidem dimittamus et suis se finibus tenere iubeamus, ne blanditiis eius inlecebrisque impediatur disputandi severitas. [2] quaerendum est enim, ubi sit illud summum bonum, quod reperire volumus, quoniam et voluptas ab eo remota est, et eadem fere contra eos dici possunt, qui vacuitatem doloris finem bonorum esse voluerunt, nec vero ullum probetur <oportet> summum bonum, quod virtute careat, qua nihil potest esse praestantius. itaque quamquam in eo sermone, qui cum Torquato est habitus, non remissi fuimus, tamen haec acrior est cum Stoicis parata contentio. quae enim de voluptate dicuntur, ea nec acutissime nec abscondite disseruntur; neque enim qui defendunt eam versuti in disserendo sunt nec qui contra dicunt causam difficilem repellunt. [3] ipse etiam dicit Epicurus ne argumentandum quidem esse de voluptate, quod sit positum iudicium eius in sensibus, ut commoneri nos satis sit, nihil attineat doceri. quare illa nobis simplex fuit in utramque partem disputatio. nec enim in Torquati sermone quicquam implicatum aut tortuosum fuit, nostraque, ut mihi videtur, dilucida oratio. Stoicorum autem non ignoras quam sit subtile vel spinosum potius disserendi genus, idque cum Graecis tum magis nobis, quibus etiam verba parienda sunt inponendaque nova rebus novis nomina. quod quidem nemo mediocriter doctus mirabitur cogitans in omni arte, cuius usus vulgaris communisque non sit, multam novitatem nominum esse, cum constituantur earum rerum vocabula, quae in quaque arte versentur. [4] itaque et dialectici et physici verbis utuntur iis, quae ipsi Graeciae nota non sint, geometrae vero et musici, grammatici etiam more quodam loquuntur suo. ipsae rhetorum artes, quae sunt totae forenses atque populares, verbis tamen in docendo quasi privatis utuntur ac suis. atque ut omittam has artis elegantes et ingenuas, ne opifices quidem tueri sua artificia possent, nisi

vocabulis uterentur nobis incognitis, usitatis sibi. quin etiam agri cultura, quae abhorret ab omni politiore elegantia, tamen eas res, in quibus versatur, nominibus notavit novis. quo magis hoc philosopho faciendum est. ars est enim philosophia vitae, de qua disserens arripere verba de foro non potest. [5] Quamquam ex omnibus philosophis Stoici plurima novaverunt, Zenoque, eorum princeps, non tam rerum inventor fuit quam verborum novorum. quodsi in ea lingua, quam plerique uberiorem putant, concessum a Graecia est ut doctissimi homines de rebus non pervagatis inusitatis verbis uterentur, quanto id nobis magis est concedendum, qui ea nunc primum audemus attingere? et quoniam saepe diximus, et quidem cum aliqua querela non Graecorum modo, sed eorum etiam, qui se Graecos magis quam nostros haberi volunt, nos non modo non vinci a Graecis verborum copia, sed esse in ea etiam superiores, elaborandum est ut hoc non in nostris solum artibus, sed etiam in illorum ipsorum adsequamur. quamquam ea verba, quibus instituto veterum utimur pro Latinis, ut ipsa philosophia, ut rhetorica, dialectica, grammatica, geometria, musica, quamquam Latine ea dici poterant, tamen, quoniam usu percepta sunt, nostra ducamus.

[6] Atque haec quidem de rerum nominibus. de ipsis rebus autem saepenumero, Brute, vereor ne reprehendar, cum haec ad te scribam, qui cum in philosophia, tum in optimo genere philosophiae tantum processeris. quod si facerem quasi te erudiens, iure reprehenderer. sed ab eo plurimum absum neque, ut ea cognoscas, quae tibi notissima sunt, ad te mitto, sed quia facillime in nomine tuo adquiesco, et quia te habeo aequissimum eorum studiorum, quae mihi communia tecum sunt, existimatorem et iudicem. attendes igitur, ut soles, diligenter eamque controversiam diiudicabis, quae mihi fuit cum avunculo tuo, divino ac singulari viro. [7] nam in Tusculano cum essem vellemque e bibliotheca pueri Luculli quibusdam libris uti, veni in eius villam, ut eos ipse, ut solebam, depromerem. quo cum venissem, M. Catonem, quem ibi esse nescieram, vidi in bibliotheca sedentem multis circumfusum Stoicorum libris. erat enim, ut scis, in eo aviditas legendi, nec satiari poterat, quippe qui ne reprehensionem quidem vulgi inanem reformidans in ipsa curia soleret legere saepe, dum senatus cogeretur, nihil operae rei publicae detrahens. quo magis tum in summo otio

maximaque copia quasi helluari libris, si hoc verbo in tam clara re utendum est, videbatur. [8] quod cum accidisset ut alter alterum necopinato videremus, surrexit statim. deinde prima illa, quae in congressu solemus: Quid tu, inquit, huc? a villa enim, credo, et: Si ibi te esse scissem, ad te ipse venissem.

Heri, inquam, ludis commissis ex urbe profectus veni ad vesperum. causa autem fuit huc veniendi ut quosdam hinc libros promerem. et quidem, Cato, hanc totam copiam iam Lucullo nostro notam esse oportebit; nam his libris eum malo quam reliquo ornatu villae delectari. est enim mihi magnae curae — quamquam hoc quidem proprium tuum munus est — , ut ita erudiatur, ut et patri et Caepioni nostro et tibi tam propinquo respondeat. laboro autem non sine causa; nam et avi eius memoria moveor — nec enim ignoras, quanti fecerim Caepionem, qui, ut opinio mea fert, in principibus iam esset, si viveret — , et Lucullus mihi versatur ante oculos, vir cum virtutibus omnibus excellens, tum mecum et amicitia et omni voluntate sententiaque coniunctus.

[9] Praeclare, inquit, facis, cum et eorum memoriam tenes, quorum uterque tibi testamento liberos suos commendavit, et puerum diligis. quod autem meum munus dicis non equidem recuso, sed te adiungo socium. addo etiam illud, multa iam mihi dare signa puerum et pudoris et ingenii, sed aetatem vides.

Video equidem, inquam, sed tamen iam infici debet iis artibus, quas si, dum est tener, conbiberit, ad maiora veniet paratior.

Sic, et quidem diligentius saepiusque ista loquemur inter nos agemusque communiter. sed residamus, inquit, si placet. Itaque fecimus.

[10] Tum ille: Tu autem cum ipse tantum librorum habeas, quos hic tandem requiris?

Commentarios quosdam, inquam, Aristotelios, quos hic sciebam esse, veni ut auferrem, quos legerem, dum essem otiosus; quod quidem nobis non saepe contingit.

Quam vellem, inquit, te ad Stoicos inclinavisses! erat enim, si cuiusquam, certe tuum nihil praeter virtutem in bonis ducere.

Vide, ne magis, inquam, tuum fuerit, cum re idem tibi, quod mihi, videretur, non nova te rebus nomina inponere. ratio enim nostra consentit, pugnat oratio.

Minime vero, inquit ille, consentit. quicquid enim praeter id, quod honestum sit, expetendum esse dixeris in bonisque numeraveris, et honestum ipsum quasi virtutis lumen extinxeris et virtutem penitus everteris.

[11] Dicuntur ista, Cato, magnifice, inquam, sed videsne verborum gloriam tibi cum Pyrrhone et cum Aristone, qui omnia exaequant, esse communem? de quibus cupio scire quid sentias.

Egone quaeris, inquit, quid sentiam? quos bonos viros, fortes, iustos, moderatos aut audivimus in re publica fuisse aut ipsi vidimus, qui sine ulla doctrina naturam ipsam secuti multa laudabilia fecerunt, eos melius a natura institutos fuisse, quam institui potuissent a philosophia, si ullam aliam probavissent praeter eam, quae nihil aliud in bonis haberet nisi honestum, nihil nisi turpe in malis; ceterae philosophorum disciplinae, omnino alia magis alia, sed tamen omnes, quae rem ullam virtutis expertem aut in bonis aut in malis numerent, eas non modo nihil adiuvare arbitror neque firmare, quo meliores simus, sed ipsam depravare naturam. nam nisi hoc optineatur, id solum bonum esse, quod honestum sit, nullo modo probari possit beatam vitam virtute effici. quod si ita sit, cur opera philosophiae sit danda nescio. si enim sapiens aliquis miser esse possit, ne ego istam gloriosam memorabilemque virtutem non magno aestimandam putem.

[12] Quae adhuc, Cato, a te dicta sunt, eadem, inquam, dicere posses, si sequerere Pyrrhonem aut Aristonem. nec enim ignoras his istud honestum non summum modo, sed etiam, ut tu vis, solum bonum videri. quod si ita est, sequitur id ipsum, quod te velle video, omnes semper beatos esse sapientes. hosne igitur laudas et hanc eorum, inquam, sententiam sequi nos censes oportere?

Minime vero istorum quidem, inquit. cum enim virtutis hoc proprium sit, earum rerum, quae secundum naturam sint, habere delectum, qui omnia sic exaequaverunt, ut in utramque partem ita paria redderent, uti nulla selectione uterentur, hi virtutem ipsam sustulerunt.

[13] Istud quidem, inquam, optime dicis, sed quaero nonne tibi faciendum idem sit nihil dicenti bonum, quod non rectum honestumque sit, reliquarum rerum discrimen omne tollenti.

Si quidem, inquit, tollerem, sed relinquo.

[14] Quonam modo? inquam. si una virtus, unum istud, quod honestum appellas, rectum, laudabile, decorum — erit enim notius quale sit pluribus notatum vocabulis idem declarantibus — , id ergo, inquam, si solum est bonum, quid habebis praeterea, quod sequare? aut, si nihil malum, nisi quod turpe, inhonestum, indecorum, pravum, flagitiosum, foedum — ut hoc quoque pluribus nominibus insigne faciamus — , quid praeterea dices esse fugiendum?

Non ignoranti tibi, inquit, quid sim dicturus, sed aliquid, ut ego suspicor, ex mea brevi responsione arripere cupienti non respondebo ad singula, explicabo potius, quoniam otiosi sumus, nisi alienum putas, totam Zenonis Stoicorumque sententiam.

Minime id quidem, inquam, alienum, multumque ad ea, quae quaerimus, explicatio tua ista profecerit.

[15] Experiamur igitur, inquit, etsi habet haec Stoicorum ratio difficilius quiddam et obscurius. nam cum in Graeco sermone haec ipsa quondam rerum nomina novarum * * non videbantur, quae nunc consuetudo diuturna trivit; quid censes in Latino fore?

Facillimum id quidem est, inquam. si enim Zenoni licuit, cum rem aliquam invenisset inusitatam, inauditum quoque ei rei nomen inponere, cur non liceat Catoni? nec tamen exprimi verbum e verbo necesse erit, ut interpretes indiserti solent, cum sit verbum, quod idem declaret, magis usitatum. equidem soleo etiam quod uno Graeci, si aliter non possum, idem pluribus verbis exponere. et tamen puto concedi nobis oportere ut Graeco verbo utamur, si quando minus occurret Latinum, ne hoc ephippiis et acratophoris potius quam proegmenis et apoproegmenis concedatur; quamquam haec quidem praeposita recte et reiecta dicere licebit.

[16] Bene facis, inquit, quod me adiuvas, et istis quidem, quae modo dixisti, utar potius Latinis, in ceteris subvenies, si me haerentem videbis.

Sedulo, inquam, faciam. sed ‘fortuna fortis’; quare conare, quaeso. quid enim possumus hoc agere divinius?

Placet his, inquit, quorum ratio mihi probatur, simulatque natum sit animal — hinc enim est ordiendum — , ipsum sibi conciliari et commendari ad se conservandum et ad suum statum eaque, quae conservantia sint eius status, diligenda, alienari autem ab interitu iisque rebus, quae interitum videantur adferre. id ita esse sic probant,

quod ante, quam voluptas aut dolor attigerit, salutaria appetant parvi aspernenturque contraria, quod non fieret, nisi statum suum diligerent, interitum timerent. fieri autem non posset ut appeterent aliquid, nisi sensum haberent sui eoque se diligerent. ex quo intellegi debet principium ductum esse a se diligendo. [17] in principiis autem naturalibus [diligendi sui] plerique Stoici non putant voluptatem esse ponendam. quibus ego vehementer adsentior, ne, si voluptatem natura posuisse in iis rebus videatur, quae primae appetuntur, multa turpia sequantur. satis esse autem argumenti videtur quam ob rem illa, quae prima sunt adscita natura, diligamus, quod est nemo, quin, cum utrumvis liceat, aptas malit et integras omnis partis corporis quam, eodem usu, inminutas aut detortas habere. rerum autem cognitiones, quas vel comprehensiones vel perceptiones vel, si haec verba aut minus placent aut minus intelleguntur, katalÆceiw appellemus licet, eas igitur ipsas propter se adsciscendas arbitramur, quod habeant quiddam in se quasi complexum et continens veritatem. id autem in parvis intellegi potest, quos delectari videamus, etiamsi eorum nihil intersit, si quid ratione per se ipsi invenerint. [18] artis etiam ipsas propter se adsumendas putamus, cum quia sit in iis aliquid dignum adsumptione, tum quod constent ex cognitionibus et contineant quiddam in se ratione constitutum et via. a falsa autem adsensione magis nos alienatos esse quam a ceteris rebus, quae sint contra naturam, arbitrantur. iam membrorum, id est partium corporis, alia videntur propter eorum usum a natura esse donata, ut manus, crura, pedes, ut ea, quae sunt intus in corpore, quorum utilitas quanta sit a medicis etiam disputatur, alia autem nullam ob utilitatem quasi ad quendam ornatum, ut cauda pavoni, plumae versicolores columbis, viris mammae atque barba. [19] Haec dicuntur fortasse ieiunius; sunt enim quasi prima elementa naturae, quibus ubertas orationis adhiberi vix potest, nec equidem eam cogito consectari. verum tamen cum de rebus grandioribus dicas, ipsae res verba rapiunt; ita fit cum gravior, tum etiam splendidior oratio.

Est, ut dicis, inquam. sed tamen omne, quod de re bona dilucide dicitur, mihi praeclare dici videtur. istius modi autem res dicere ornate velle puerile est, plane autem et perspicue expedire posse docti et intellegentis viri.

[20] Progrediamur igitur, quoniam, inquit, ab his principiis naturae

discessimus, quibus congruere debent quae sequuntur. sequitur autem haec prima divisio: Aestimabile esse dicunt — sic enim, ut opinor, appellemus — id, quod aut ipsum secundum naturam sit aut tale quid efficiat, ut selectione dignum propterea sit, quod aliquod pondus habeat dignum aestimatione, quam illi éj¤an vocant, contraque inaestimabile, quod sit superiori contrarium. initiis igitur ita constitutis, ut ea, quae secundum naturam sunt, ipsa propter se sumenda sint contrariaque item reicienda, primum est officium — id enim appello kayƒkon — , ut se conservet in naturae statu, deinceps ut ea teneat, quae secundum naturam sint, pellatque contraria. qua inventa selectione et item reiectione sequitur deinceps cum officio selectio, deinde ea perpetua, tum ad extremum constans consentaneaque naturae, in qua primum inesse incipit et intellegi, quid sit, quod vere bonum possit dici. [21] prima est enim conciliatio hominis ad ea, quae sunt secundum naturam. simul autem cepit intellegentiam vel notionem potius, quam appellant ¶nnoian illi, viditque rerum agendarum ordinem et, ut ita dicam, concordiam, multo eam pluris aestimavit quam omnia illa, quae prima dilexerat, atque ita cognitione et ratione collegit, ut statueret in eo collocatum summum illud hominis per se laudandum et expetendum bonum, quod cum positum sit in eo, quod žmolog¤an Stoici, nos appellemus convenientiam, si placet, — cum igitur in eo sit id bonum, quo omnia referenda sint, honeste facta ipsumque honestum, quod solum in bonis ducitur, quamquam post oritur, tamen id solum vi sua et dignitate expetendum est; eorum autem, quae sunt prima naturae, propter se nihil est expetendum. [22] cum vero illa, quae officia esse dixi, proficiscantur ab initiis naturae, necesse est ea ad haec referri, ut recte dici possit omnia officia eo referri, ut adipiscamur principia naturae, nec tamen ut hoc sit bonorum ultimum, propterea quod non inest in primis naturae conciliationibus honesta actio; consequens enim est et post oritur, ut dixi. est tamen ea secundum naturam multoque nos ad se expetendam magis hortatur quam superiora omnia.

Sed ex hoc primum error tollendus est, ne quis sequi existimet, ut duo sint ultima bonorum. etenim, si cui propositum sit conliniare hastam aliquo aut sagittam, sicut nos ultimum in bonis dicimus, [sic illi facere omnia, quae possit, ut conliniet] huic in eius modi

similitudine omnia sint facienda, ut conliniet, et tamen, ut omnia faciat, quo propositum adsequatur, sit hoc quasi ultimum, quale nos summum in vita bonum dicimus, illud autem, ut feriat, quasi seligendum, non expetendum.

[23] Cum autem omnia officia a principiis naturae proficiscantur, ab isdem necesse est proficisci ipsam sapientiam. sed quem ad modum saepe fit, ut is, qui commendatus sit alicui, pluris eum faciat, cui commendatus sit, quam illum, a quo, sic minime mirum est primo nos sapientiae commendari ab initiis naturae, post autem ipsam sapientiam nobis cariorem fieri, quam illa sint, a quibus ad hanc venerimus. atque ut membra nobis ita data sunt, ut ad quandam rationem vivendi data esse appareant, sic appetitio animi, quae žrmÆ Graece vocatur, non ad quodvis genus vitae, sed ad quandam formam vivendi videtur data, itemque et ratio et perfecta ratio. [24] ut enim histrioni actio, saltatori motus non quivis, sed certus quidam est datus, sic vita agenda est certo genere quodam, non quolibet; quod genus conveniens consentaneumque dicimus. nec enim gubernationi aut medicinae similem sapientiam esse arbitramur, sed actioni illi potius, quam modo dixi, et saltationi, ut in ipsa insit, non foris petatur extremum, id est artis effectio. et tamen est etiam aliqua cum his ipsis artibus sapientiae dissimilitudo, propterea quod in illis quae recte facta sunt non continent tamen omnes partes, e quibus constant; quae autem nos aut recta aut recte facta dicamus, si placet, illi autem appellant katory‰mata, omnes numeros virtutis continent. sola enim sapientia in se tota conversa est, quod idem in ceteris artibus non fit. [25] Inscite autem medicinae et gubernationis ultimum cum ultimo sapientiae comparatur. sapientia enim et animi magnitudinem complectitur et iustitiam, et ut omnia, quae homini accidant, infra se esse iudicet, quod idem ceteris artibus non contingit. tenere autem virtutes eas ipsas, quarum modo feci mentionem, nemo poterit, nisi statuerit nihil esse, quod intersit aut differat aliud ab alio, praeter honesta et turpia.

[26] Videamus nunc, quam sint praeclare illa his, quae iam posui, consequentia. cum enim hoc sit extremum — sentis enim, credo, me iam diu, quod tšlow Graeci dicant, id dicere tum extremum, tum ultimum, tum summum; licebit etiam finem pro extremo aut ultimo dicere — , cum igitur hoc sit extremum, congruenter naturae

convenienterque vivere, necessario sequitur omnes sapientes semper feliciter, absolute, fortunate vivere, nulla re impediri, nulla prohiberi, nulla egere. quod autem continet non magis eam disciplinam, de qua loquor, quam vitam fortunasque nostras, id est ut, quod honestum sit, id solum bonum iudicemus, potest id quidem fuse et copiose et omnibus electissimis verbis gravissimisque sententiis rhetorice et augeri et ornari, sed consectaria me Stoicorum brevia et acuta delectant. concluduntur igitur eorum argumenta sic: [27] Quod est bonum, omne laudabile est; quod autem laudabile est, omne est honestum; bonum igitur quod est, honestum est. satisne hoc conclusum videtur? certe; quod enim efficiebatur ex iis duobus, quae erant sumpta, in eo vides esse conclusum. duorum autem, e quibus effecta conclusio est, contra superius dici solet non omne bonum esse laudabile. nam quod laudabile sit honestum esse conceditur. illud autem perabsurdum, bonum esse aliquid, quod non expetendum sit, aut expetendum, quod non placens, aut, si id, non etiam diligendum; ergo et probandum; ita etiam laudabile; id autem honestum. ita fit, ut, quod bonum sit, id etiam honestum sit. [28] Deinde quaero, quis aut de misera vita possit gloriari aut de non beata. de sola igitur beata. ex quo efficitur gloriatione, ut ita dicam, dignam esse beatam vitam, quod non possit nisi honestae vitae iure contingere. ita fit, ut honesta vita beata vita sit. Et quoniam is, cui contingit ut iure laudetur, habet insigne quiddam ad decus et ad gloriam, ut ob ea, quae tanta sint, beatus dici iure possit, idem de vita talis viri rectissime dicetur. ita, si beata vita honestate cernitur, quod honestum est, id bonum solum habendum est. [29] Quid vero? negarine ullo modo possit <numquam> quemquam stabili et firmo et magno animo, quem fortem virum dicimus, effici posse, nisi constitutum sit non esse malum dolorem? ut enim qui mortem in malis ponit non potest eam non timere, sic nemo ulla in re potest id, quod malum esse decreverit, non curare idque contemnere. quo posito et omnium adsensu adprobato illud adsumitur, eum, qui magno sit animo atque forti, omnia, quae cadere in hominem possint, despicere ac pro nihilo putare. quae cum ita sint, effectum est nihil esse malum, quod turpe non sit. Atque iste vir altus et excellens, magno animo, vere fortis, infra se omnia humana ducens, is, inquam, quem efficere volumus, quem quaerimus, certe et confidere sibi debet ac suae vitae et actae et consequenti et bene de

sese iudicare statuens nihil posse mali incidere sapienti. ex quo intellegitur idem illud, solum bonum esse, quod honestum sit, idque esse beate vivere: honeste, id est cum virtute, vivere.

[30] Nec vero ignoro varias philosophorum fuisse sententias, eorum dico, qui summum bonum, quod ultimum appello, in animo ponerent. quae quamquam vitiose quidam secuti sunt, tamen non modo iis tribus, qui virtutem a summo bono segregaverunt, cum aut voluptatem aut vacuitatem doloris aut prima naturae in summis bonis ponerent, sed etiam alteris tribus, qui mancam fore putaverunt sine aliqua accessione virtutem ob eamque rem trium earum rerum, quas supra dixi, singuli singulas addiderunt, — his tamen omnibus eos antepono, cuicuimodi sunt, qui summum bonum in animo atque in virtute posuerunt. [31] sed sunt tamen perabsurdi et ii, qui cum scientia vivere ultimum bonorum, et qui nullam rerum differentiam esse dixerunt, atque ita sapientem beatum fore, nihil aliud alii momento ullo anteponentem, <et qui>, ut quidam Academici constituisse dicuntur, extremum bonorum et summum munus esse sapientis obsistere visis adsensusque suos firme sustinere. his singulis copiose responderi solet, sed quae perspicua sunt longa esse non debent. quid autem apertius quam, si selectio nulla sit ab iis rebus, quae contra naturam sint, earum rerum, quae sint secundum naturam, <fore ut> tollatur omnis ea, quae quaeratur laudeturque, prudentia?

Circumscriptis igitur iis sententiis, quas posui, et iis, si quae similes earum sunt, relinquitur ut summum bonum sit vivere scientiam adhibentem earum rerum, quae natura eveniant, seligentem quae secundum naturam et quae contra naturam sint reicientem, id est convenienter congruenterque naturae vivere.

[32] Sed in ceteris artibus cum dicitur artificiose, posterum quodam modo et consequens putandum est, quod illi §pigennhmatikÒn appellant; cum autem in quo sapienter dicimus, id a primo rectissime dicitur. quicquid enim a sapientia proficiscitur, id continuo debet expletum esse omnibus suis partibus; in eo enim positum est id, quod dicimus esse expetendum. nam ut peccatum est patriam prodere, parentes violare, fana depeculari, quae sunt in effectu, sic timere, sic maerere, sic in libidine esse peccatum est etiam sine effectu. verum ut haec non in posteris et in consequentibus, sed in primis continuo peccata sunt, sic ea, quae proficiscuntur a virtute, susceptione prima,

non perfectione recta sunt iudicanda.

[33] Bonum autem, quod in hoc sermone totiens usurpatum est, id etiam definitione explicatur. sed eorum definitiones paulum oppido inter se differunt et tamen eodem spectant. ego adsentior Diogeni, qui bonum definierit id, quod esset natura absolutum. id autem sequens illud etiam, quod prodesset — »fšlhma enim sic appellemus — , motum aut statum esse dixit e natura absoluto. cumque rerum notiones in animis fiant, si aut usu aliquid cognitum sit aut coniunctione aut similitudine aut collatione rationis, hoc quarto, quod extremum posui, boni notitia facta est. cum enim ab iis rebus, quae sunt secundum naturam, ascendit animus collatione rationis, tum ad notionem boni pervenit. [34] hoc autem ipsum bonum non accessione neque crescendo aut cum ceteris comparando, sed propria vi sua et sentimus et appellamus bonum. ut enim mel, etsi dulcissimum est, suo tamen proprio genere saporis, non comparatione cum aliis dulce esse sentitur, sic bonum hoc, de quo agimus, est illud quidem plurimi aestimandum, sed ea aestimatio genere valet, non magnitudine. nam cum aestimatio, quae éj¤a dicitur, neque in bonis numerata sit nec rursus in malis, quantumcumque eo addideris, in suo genere manebit. alia est igitur propria aestimatio virtutis, quae genere, non crescendo valet. [35] Nec vero perturbationes animorum, quae vitam insipientium miseram acerbamque reddunt, quas Graeci pãyh appellant — poteram ego verbum ipsum interpretans morbos appellare, sed non conveniret ad omnia; quis enim misericordiam aut ipsam iracundiam morbum solet dicere? at illi dicunt pãyow. sit igitur perturbatio, quae nomine ipso vitiosa declarari videtur [nec eae perturbationes vi aliqua naturali moventur]. omnesque eae sunt genere quattuor, partibus plures, aegritudo, formido, libido, quamque Stoici communi nomine corporis et animi ¾donÆn appellant, ego malo laetitiam appellare, quasi gestientis animi elationem voluptariam. perturbationes autem nulla naturae vi commoventur, omniaque ea sunt opiniones ac iudicia levitatis. itaque his sapiens semper vacabit.

[36] Omne autem, quod honestum sit, id esse propter se expetendum commune nobis est cum multorum aliorum philosophorum sententiis. praeter enim tres disciplinas, quae virtutem a summo bono excludunt, ceteris omnibus philosophis haec

est tuenda sententia, maxime tamen his [Stoicis], qui nihil aliud in bonorum numero nisi honestum esse voluerunt. sed haec quidem est perfacilis et perexpedita defensio. quis est enim, aut quis umquam fuit aut avaritia tam ardenti aut tam effrenatis cupiditatibus, ut eandem illam rem, quam adipisci scelere quovis velit, non multis partibus malit ad sese etiam omni inpunitate proposita sine facinore quam illo modo pervenire? [37] quam vero utilitatem aut quem fructum petentes scire cupimus illa, quae occulta nobis sunt, quo modo moveantur quibusque de causis ea <quae> versantur in caelo? quis autem tam agrestibus institutis vivit, aut quis <se> contra studia naturae tam vehementer obduravit, ut a rebus cognitione dignis abhorreat easque sine voluptate aut utilitate aliqua non requirat et pro nihilo putet? aut quis est, qui maiorum, aut Africanorum aut eius, quem tu in ore semper habes, proavi mei, ceterorumque virorum fortium atque omni virtute praestantium facta, dicta, consilia cognoscens nulla animo afficiatur voluptate? [38] quis autem honesta in familia institutus et educatus ingenue non ipsa turpitudine, etiamsi eum laesura non sit, offenditur? quis animo aequo videt eum, quem inpure ac flagitiose putet vivere? quis non odit sordidos, vanos, leves, futtiles? quid autem dici poterit, si turpitudinem non ipsam per se fugiendam esse statuemus, quo minus homines tenebras et solitudinem nacti nullo dedecore se abstineant, nisi eos per se foeditate sua turpitudo ipsa deterreat? Innumerabilia dici possunt in hanc sententiam, sed non necesse est. Nihil est enim, de quo minus dubitari possit, quam et honesta expetenda per se et eodem modo turpia per se esse fugienda.

[39] Constituto autem illo, de quo ante diximus, quod honestum esset, id esse solum bonum, intellegi necesse est pluris id, quod honestum sit, aestimandum esse quam illa media, quae ex eo comparentur. stultitiam autem et timiditatem et iniustitiam et intemperantiam cum dicimus esse fugiendas propter eas res, quae ex ipsis eveniant, non ita dicimus, ut cum illo, quod positum est, solum id esse malum, quod turpe sit, haec pugnare videatur oratio, propterea quod ea non ad corporis incommodum referuntur, sed ad turpes actiones, quae oriuntur e vitiis. quas enim kak¤aw Graeci appellant, vitia malo quam malitias nominare.

[40] Ne tu, inquam, Cato, verbis illustribus et id, quod vis,

declarantibus! itaque mihi videris Latine docere philosophiam et ei quasi civitatem dare. quae quidem adhuc peregrinari Romae videbatur nec offerre sese nostris sermonibus, et ista maxime propter limatam quandam et rerum et verborum tenuitatem. scio enim esse quosdam, qui quavis lingua philosophari possint; nullis enim partitionibus, nullis definitionibus utuntur ipsique dicunt ea se modo probare, quibus natura tacita adsentiatur. itaque in rebus minime obscuris non multus est apud eos disserendi labor. quare attendo te studiose et, quaecumque rebus iis, de quibus hic sermo est, nomina inponis, memoriae mando; mihi enim erit isdem istis fortasse iam utendum. Virtutibus igitur rectissime mihi videris et ad consuetudinem nostrae orationis vitia posuisse contraria. quod enim vituperabile est per se ipsum, id eo ipso vitium nominatum puto, vel etiam a vitio dictum vituperari. sin kak¤an malitiam dixisses, ad aliud nos unum certum vitium consuetudo Latina traduceret. nunc omni virtuti vitium contrario nomine opponitur.

[41] Tum ille: His igitur ita positis, inquit, sequitur magna contentio, quam tractatam a Peripateticis mollius — est enim eorum consuetudo dicendi non satis acuta propter ignorationem dialecticae — Carneades tuus egregia quadam exercitatione in dialecticis summaque eloquentia rem in summum discrimen adduxit, propterea quod pugnare non destitit in omni hac quaestione, quae de bonis et malis appelletur, non esse rerum Stoicis cum Peripateticis controversiam, sed nominum. mihi autem nihil tam perspicuum videtur, quam has sententias eorum philosophorum re inter se magis quam verbis dissidere; maiorem multo inter Stoicos et Peripateticos rerum esse aio discrepantiam quam verborum, quippe cum Peripatetici omnia, quae ipsi bona appellant, pertinere dicant ad beate vivendum, nostri non ex omni, quod aestimatione aliqua dignum sit, compleri vitam beatam putent.

[42] An vero certius quicquam potest esse quam illorum ratione, qui dolorem in malis ponunt, non posse sapientem beatum esse, cum eculeo torqueatur? eorum autem, qui dolorem in malis non habent, ratio certe cogit ut in omnibus tormentis conservetur beata vita sapienti. etenim si dolores eosdem tolerabilius patiuntur qui excipiunt eos pro patria quam qui leviore de causa, opinio facit, non natura, vim doloris aut maiorem aut minorem. [43] Ne illud quidem est

consentaneum, ut, si, cum tria genera bonorum sint, quae sententia est Peripateticorum, eo beatior quisque sit, quo sit corporis aut externis bonis plenior, ut hoc idem adprobandum sit nobis, ut, qui plura habeat ea, quae in corpore magni aestimantur, sit beatior. illi enim corporis commodis compleri vitam beatam putant, nostri nihil minus. nam cum ita placeat, ne eorum quidem bonorum, quae nos bona vere appellemus, frequentia beatiorem vitam fieri aut magis expetendam aut pluris aestimandam, certe minus ad beatam vitam pertinet multitudo corporis commodorum. [44] etenim, si et sapere expetendum sit et valere, coniunctum utrumque magis expetendum sit quam sapere solum, neque tamen, si utrumque sit aestimatione dignum, pluris sit coniunctum quam sapere ipsum separatim. nam qui valitudinem aestimatione aliqua dignam iudicamus neque eam tamen in bonis ponimus, idem censemus nullam esse tantam aestimationem, ut ea virtuti anteponatur. quod idem Peripatetici non tenent, quibus dicendum est, quae et honesta actio sit et sine dolore, eam magis esse expetendam, quam si esset eadem actio cum dolore. nobis aliter videtur, recte secusne, postea; sed potestne rerum maior esse dissensio?

[45] Ut enim obscuratur et offunditur luce solis lumen lucernae, et ut interit <in> magnitudine maris Aegaei stilla mellis, et ut in divitiis Croesi teruncii accessio et gradus unus in ea via, quae est hinc in Indiam, sic, cum sit is bonorum finis, quem Stoici dicunt, omnis ista rerum corporearum aestimatio splendore virtutis et magnitudine obscuretur et obruatur atque intereat necesse est. et quem ad modum oportunitas — sic enim appellemus eÈkair¤an — non fit maior productione temporis — habent enim suum modum, quae oportuna dicuntur — , sic recta effectio — katÒryvsin enim ita appello, quoniam rectum factum katÒryvma — , recta igitur effectio, item convenientia, denique ipsum bonum, quod in eo positum est, ut naturae consentiat, crescendi accessionem nullam habet. [46] ut enim oportunitas illa, sic haec, de quibus dixi, non fiunt temporis productione maiora, ob eamque causam Stoicis non videtur optabilior nec magis expetenda beata vita, si sit longa, quam si brevis, utunturque simili: ut, si cothurni laus illa esset, ad pedem apte convenire, neque multi cothurni paucis anteponerentur nec maiores minoribus, sic, quorum omne bonum convenientia atque oportunitate

finitur, nec plura paucioribus nec longinquiora brevioribus anteponent. [47Nec vero satis acute dicunt: si bona valitudo pluris aestimanda sit longa quam brevis, sapientiae quoque usus longissimus quisque sit plurimi. non intellegunt valitudinis aestimationem spatio iudicari, virtutis oportunitate, ut videantur qui illud dicant idem hoc esse dicturi, bonam mortem et bonum partum meliorem longum esse quam brevem. non vident alia brevitate pluris aestimari, alia diuturnitate. [48] itaque consentaneum est his, quae dicta sunt, ratione illorum, qui illum bonorum finem, quod appellamus extremum, quod ultimum, crescere putent posse — isdem placere esse alium alio et sapientiorem itemque alium magis alio vel peccare vel recte facere, quod nobis non licet dicere, qui crescere bonorum finem non putamus. ut enim qui demersi sunt in aqua nihilo magis respirare possunt, si non longe absunt a summo, ut iam iamque possint emergere, quam si etiam tum essent in profundo, nec catulus ille, qui iam adpropinquat ut videat, plus cernit quam is, qui modo est natus, item qui processit aliquantum ad virtutis habitum nihilo minus in miseria est quam ille, qui nihil processit.

Haec mirabilia videri intellego, sed cum certe superiora firma ac vera sint, his autem ea consentanea et consequentia, ne de horum quidem est veritate dubitandum. sed quamquam negant nec virtutes nec vitia crescere, tamen utrumque eorum fundi quodam modo et quasi dilatari putant.

[49] Divitias autem Diogenes censet eam modo vim habere, ut quasi duces sint ad voluptatem et ad valitudinem bonam; sed, etiam uti ea contineant, non idem facere eas in virtute neque in ceteris artibus, ad quas esse dux pecunia potest, continere autem non potest, itaque, si voluptas aut si bona valitudo sit in bonis, divitias quoque in bonis esse ponendas, at, si sapientia bonum sit, non sequi ut etiam divitias bonum esse dicamus. neque ab ulla re, quae non sit in bonis, id, quod sit in bonis, contineri potest, ob eamque causam, quia cognitiones comprehensionesque rerum, e quibus efficiuntur artes, adpetitionem movent, cum divitiae non sint in bonis, nulla ars divitiis contineri potest. [50] quod si de artibus concedamus, virtutis tamen non sit eadem ratio, propterea quod haec plurimae commentationis et exercitationis indigeat, quod idem in artibus non sit, et quod virtus stabilitatem, firmitatem, constantiam totius vitae complectatur, nec

haec eadem in artibus esse videamus.

Deinceps explicatur differentia rerum, quam si non ullam esse diceremus, confunderetur omnis vita, ut ab Aristone, neque ullum sapientiae munus aut opus inveniretur, cum inter res eas, quae ad vitam degendam pertinerent, nihil omnino interesset, neque ullum dilectum adhiberi oporteret. itaque cum esset satis constitutum id solum esse bonum, quod esset honestum, et id malum solum, quod turpe, tum inter illa, quae nihil valerent ad beate misereve vivendum, aliquid tamen, quod differret, esse voluerunt, ut essent eorum alia aestimabilia, alia contra, alia neutrum. [51] quae autem aestimanda essent, eorum in aliis satis esse causae, quam ob rem quibusdam anteponerentur, ut in valitudine, ut in integritate sensuum, ut in doloris vacuitate, ut gloriae, divitiarum, similium rerum, alia autem non esse eius modi, itemque eorum, quae nulla aestimatione digna essent, partim satis habere causae, quam ob rem reicerentur, ut dolorem, morbum, sensuum amissionem, paupertatem, ignominiam, similia horum, partim non item. hinc est illud exortum, quod Zeno prohgmšnon, contraque quod époprohgmšnon nominavit, cum uteretur in lingua copiosa factis tamen nominibus ac novis, quod nobis in hac inopi lingua non conceditur; quamquam tu hanc copiosiorem etiam soles dicere. Sed non alienum est, quo facilius vis verbi intellegatur, rationem huius verbi faciendi Zenonis exponere.

[52] Ut enim, inquit, nemo dicit in regia regem ipsum quasi productum esse ad dignitatem (id est enim prohgmšnon), sed eos, qui in aliquo honore sunt, quorum ordo proxime accedit, ut secundus sit, ad regium principatum, sic in vita non ea, quae primo loco sunt, sed ea, quae secundum locum optinent, prohgmšna, id est producta, nominentur; quae vel ita appellemus — id erit verbum e verbo — vel promota et remota vel, ut dudum diximus, praeposita vel praecipua, et illa reiecta. re enim intellecta in verborum usu faciles esse debemus. [53] quoniam autem omne, quod est bonum, primum locum tenere dicimus, necesse est nec bonum esse nec malum hoc, quod praepositum vel praecipuum nominamus. idque ita definimus; quod sit indifferens cum aestimatione mediocri; quod enim illi édiãforon dicunt, id mihi ita occurrit, ut indifferens dicerem. neque enim illud fieri poterat ullo modo, ut nihil relinqueretur in mediis, quod aut secundum naturam esset aut contra, nec, cum id relinqueretur, nihil

in his poni, quod satis aestimabile esset, nec hoc posito non aliqua esse praeposita. [54] recte igitur haec facta distinctio est, atque etiam ab iis, quo facilius res perspici possit, hoc simile ponitur: Ut enim, inquiunt, si hoc fingamus esse quasi finem et ultimum, ita iacere talum, ut rectus adsistat, qui ita talus erit iactus, ut cadat rectus, praepositum quiddam habebit ad finem, qui aliter, contra, neque tamen illa praepositio tali ad eum, quem dixi, finem pertinebit, sic ea, quae sunt praeposita, referuntur illa quidem ad finem, sed ad eius vim naturamque nihil pertinent. [55] Sequitur illa divisio, ut bonorum alia sint ad illud ultimum pertinentia (sic enim appello, quae telikã dicuntur; nam hoc ipsum instituamus, ut placuit, pluribus verbis dicere, quod uno non poterimus, ut res intellegatur), alia autem efficientia, quae Graeci poihtikã, alia utrumque. de pertinentibus nihil est bonum praeter actiones honestas, de efficientibus nihil praeter amicum, sed et pertinentem et efficientem sapientiam volunt esse. nam quia sapientia est conveniens actio, est <in> illo pertinenti genere, quod dixi; quod autem honestas actiones adfert et efficit, [id] efficiens dici potest.

[56] Haec, quae praeposita dicimus, partim sunt per se ipsa praeposita, partim quod aliquid efficiunt, partim utrumque, per se, ut quidam habitus oris et vultus, ut status, ut motus, in quibus sunt et praeponenda quaedam et reicienda; alia ob eam rem praeposita dicentur, quod ex se aliquid efficiant, ut pecunia, alia autem ob utramque rem, ut integri sensus, ut bona valitudo. [57] De bona autem fama — quam enim appellant eÈdoj¤an, aptius est bonam famam hoc loco appellare quam gloriam — Chrysippus quidem et Diogenes detracta utilitate ne digitum quidem eius causa porrigendum esse dicebant; quibus ego vehementer assentior. qui autem post eos fuerunt, cum Carneadem sustinere non possent, hanc, quam dixi, bonam famam ipsam propter se praepositam et sumendam esse dixerunt, esseque hominis ingenui et liberaliter educati velle bene audire a parentibus, a propinquis, a bonis etiam viris, idque propter rem ipsam, non propter usum, dicuntque, ut liberis consultum velimus, etiamsi postumi futuri sint, propter ipsos, sic futurae post mortem famae tamen esse propter rem, etiam detracto usu, consulendum.

[58] Sed cum, quod honestum sit, id solum bonum esse dicamus,

consentaneum tamen est fungi officio, cum id officium nec in bonis ponamus nec in malis. est enim aliquid in his rebus probabile, et quidem ita, ut eius ratio reddi possit, ergo ut etiam probabiliter acti ratio reddi possit. est autem officium, quod ita factum est, ut eius facti probabilis ratio reddi possit. ex quo intellegitur officium medium quiddam esse, quod neque in bonis ponatur neque in contrariis. quoniamque in iis rebus, quae neque in virtutibus sunt neque in vitiis, est tamen quiddam, quod usui possit esse, tollendum id non est. est autem eius generis actio quoque quaedam, et quidem talis, ut ratio postulet agere aliquid et facere eorum. quod autem ratione actum est, id officium appellamus. est igitur officium eius generis, quod nec in bonis ponatur nec in contrariis.

[59] Atque perspicuum etiam illud est, in istis rebus mediis aliquid agere sapientem. iudicat igitur, cum agit, officium illud esse. quod quoniam numquam fallitur in iudicando, erit in mediis rebus officium. quod efficitur hac etiam conclusione rationis: Quoniam enim videmus esse quiddam, quod recte factum appellemus, id autem est perfectum officium, erit [autem] etiam inchoatum, ut, si iuste depositum reddere in recte factis sit, in officiis ponatur depositum reddere; illo enim addito ‘iuste’ fit recte factum, per se autem hoc ipsum reddere in officio ponitur. quoniamque non dubium est quin in iis, quae media dicimus, sit aliud sumendum, aliud reiciendum, quicquid ita fit aut dicitur, omne officio continetur. ex quo intellegitur, quoniam se ipsi omnes natura diligant, tam insipientem quam sapientem sumpturum, quae secundum naturam sint, reiecturumque contraria. ita est quoddam commune officium sapientis et insipientis, ex quo efficitur versari in iis, quae media dicamus.

[60] Sed cum ab his omnia proficiscantur officia, non sine causa dicitur ad ea referri omnes nostras cogitationes, in his et excessum e vita et in vita mansionem. in quo enim plura sunt quae secundum naturam sunt, huius officium est in vita manere; in quo autem aut sunt plura contraria aut fore videntur, huius officium est de vita excedere. ex quo apparet et sapientis esse aliquando officium excedere e vita, cum beatus sit, et stulti manere in vita, cum sit miser. [61] nam bonum illud et malum, quod saepe iam dictum est, postea consequitur, prima autem illa naturae sive secunda sive contraria sub

iudicium sapientis et dilectum cadunt, estque illa subiecta quasi materia sapientiae. itaque et manendi in vita et migrandi ratio omnis iis rebus, quas supra dixi, metienda. nam neque virtute retinetur <ille> in vita, nec iis, qui sine virtute sunt, mors est oppetenda. et saepe officium est sapientis desciscere a vita, cum sit beatissimus, si id oportune facere possit, quod est convenienter naturae. sic enim censent, oportunitatis esse beate vivere. itaque a sapientia praecipitur se ipsam, si usus sit, sapiens ut relinquat. quam ob rem cum vitiorum ista vis non sit, ut causam afferant mortis voluntariae, perspicuum est etiam stultorum, qui idem miseri sint, officium esse manere in vita, si sint in maiore parte rerum earum, quas secundum naturam esse dicimus. et quoniam excedens e vita et manens aeque miser est nec diuturnitas magis ei vitam fugiendam facit, non sine causa dicitur iis, qui pluribus naturalibus frui possint, esse in vita manendum.

[62] Pertinere autem ad rem arbitrantur intellegi natura fieri ut liberi a parentibus amentur. a quo initio profectam communem humani generis societatem persequimur. quod primum intellegi debet figura membrisque corporum, quae ipsa declarant procreandi a natura habitam esse rationem. neque vero haec inter se congruere possent, ut natura et procreari vellet et diligi procreatos non curaret. atque etiam in bestiis vis naturae perspici potest; quarum in fetu et in educatione laborem cum cernimus, naturae ipsius vocem videmur audire. quare <ut> perspicuum est natura nos a dolore abhorrere, sic apparet a natura ipsa, ut eos, quos genuerimus, amemus, inpelli. [63] ex hoc nascitur ut etiam communis hominum inter homines naturalis sit commendatio, ut oporteat hominem ab homine ob id ipsum, quod homo sit, non alienum videri. ut enim in membris alia sunt tamquam sibi nata, ut oculi, ut aures, alia etiam ceterorum membrorum usum adiuvant, ut crura, ut manus, sic inmanes quaedam bestiae sibi solum natae sunt, at illa, quae in concha patula pina dicitur, isque, qui enat e concha, qui, quod eam custodit, pinoteres vocatur in eandemque cum se recepit includitur, ut videatur monuisse ut caveret, itemque formicae, apes, ciconiae aliorum etiam causa quaedam faciunt. multo haec coniunctius homines. itaque natura sumus apti ad coetus, concilia, civitates. [64] mundum autem censent regi numine deorum, eumque esse quasi communem urbem et civitatem hominum et deorum, et unum quemque nostrum eius mundi esse partem; ex quo illud natura consequi, ut communem utilitatem nostrae anteponamus. ut enim leges omnium salutem singulorum saluti anteponunt, sic vir bonus et sapiens et legibus parens et civilis officii non ignarus utilitati omnium plus quam unius alicuius aut suae consulit. nec magis est vituperandus proditor patriae quam communis utilitatis aut salutis desertor propter suam utilitatem aut salutem. ex quo fit, ut laudandus is sit, qui mortem oppetat pro re publica, quod deceat cariorem nobis esse patriam quam nosmet ipsos. quoniamque illa vox inhumana et scelerata ducitur eorum, qui negant se recusare quo minus ipsis mortuis terrarum omnium deflagratio consequatur — quod vulgari quodam versu Graeco pronuntiari solet — , certe verum est etiam iis, qui aliquando futuri sint, esse propter ipsos consulendum. [65] ex hac animorum affectione testamenta

commendationesque morientium natae sunt. quodque nemo in summa solitudine vitam agere velit ne cum infinita quidem voluptatum abundantia, facile intellegitur nos ad coniunctionem congregationemque hominum et ad naturalem communitatem esse natos. Inpellimur autem natura, ut prodesse velimus quam plurimis in primisque docendo rationibusque prudentiae tradendis. [66] itaque non facile est invenire qui quod sciat ipse non tradat alteri; ita non solum ad discendum propensi sumus, verum etiam ad docendum. Atque ut tauris natura datum est ut pro vitulis contra leones summa vi impetuque contendant, sic ii, qui valent opibus atque id facere possunt, ut de Hercule et de Libero accepimus, ad servandum genus hominum natura incitantur. Atque etiam Iovem cum Optimum et Maximum dicimus cumque eundem Salutarem, Hospitalem, Statorem, hoc intellegi volumus, salutem hominum in eius esse tutela. minime autem convenit, cum ipsi inter nos viles neglectique simus, postulare ut diis inmortalibus cari simus et ab iis diligamur. Quem ad modum igitur membris utimur prius, quam didicimus, cuius ea causa utilitatis habeamus, sic inter nos natura ad civilem communitatem coniuncti et consociati sumus. quod ni ita se haberet, nec iustitiae ullus esset nec bonitati locus. [67] Et quo modo hominum inter homines iuris esse vincula putant, sic homini nihil iuris esse cum bestiis. praeclare enim Chrysippus, cetera nata esse hominum causa et deorum, eos autem communitatis et societatis suae, ut bestiis homines uti ad utilitatem suam possint sine iniuria. Quoniamque ea natura esset hominis, ut ei cum genere humano quasi civile ius intercederet, qui id conservaret, eum iustum, qui migraret, iniustum fore. sed quem ad modum, theatrum cum commune sit, recte tamen dici potest eius esse eum locum, quem quisque occuparit, sic in urbe mundove communi non adversatur ius, quo minus suum quidque cuiusque sit. [68] Cum autem ad tuendos conservandosque homines hominem natum esse videamus, consentaneum est huic naturae, ut sapiens velit gerere et administrare rem publicam atque, ut e natura vivat, uxorem adiungere et velle ex ea liberos. ne amores quidem sanctos a sapiente alienos esse arbitrantur. Cynicorum autem rationem atque vitam alii cadere in sapientem dicunt, si qui eius modi forte casus inciderit, ut id faciendum sit, alii nullo modo.

[69] Ut vero conservetur omnis homini erga hominem societas,

coniunctio, caritas, et emolumenta et detrimenta, quae »felÆmata et blãmmata appellant, communia esse voluerunt; quorum altera prosunt, nocent altera. neque solum ea communia, verum etiam paria esse dixerunt. incommoda autem et commoda — ita enim eÈxrhstÆmata et dusxrhstÆmata appello — communia esse voluerunt, paria noluerunt. illa enim, quae prosunt aut quae nocent, aut bona sunt aut mala, quae sint paria necesse est. commoda autem et incommoda in eo genere sunt, quae praeposita et reiecta diximus; ea possunt paria non esse. sed emolumenta communia esse dicuntur, recte autem facta et peccata non habentur communia.

[70] Amicitiam autem adhibendam esse censent, quia sit ex eo genere, quae prosunt. quamquam autem in amicitia alii dicant aeque caram esse sapienti rationem amici ac suam, alii autem sibi cuique cariorem suam, tamen hi quoque posteriores fatentur alienum esse a iustitia, ad quam nati esse videamur, detrahere quid de aliquo, quod sibi adsumat. minime vero probatur huic disciplinae, de qua loquor, aut iustitiam aut amicitiam propter utilitates adscisci aut probari. eaedem enim utilitates poterunt eas labefactare atque pervertere. etenim nec iustitia nec amicitia esse omnino poterunt, nisi ipsae per se expetuntur.

[71] Ius autem, quod ita dici appellarique possit, id esse natura, alienumque esse a sapiente non modo iniuriam cui facere, verum etiam nocere. nec vero rectum est cum amicis aut bene meritis consociare aut coniungere iniuriam, gravissimeque et verissime defenditur numquam aequitatem ab utilitate posse seiungi, et quicquid aequum iustumque esset, id etiam honestum vicissimque, quicquid esset honestum, id iustum etiam atque aequum fore.

[72] Ad easque virtutes, de quibus disputatum est, dialecticam etiam adiungunt et physicam, easque ambas virtutum nomine appellant, alteram, quod habeat rationem, ne cui falso adsentiamur neve umquam captiosa probabilitate fallamur, eaque, quae de bonis et malis didicerimus, ut tenere tuerique possimus. nam sine hac arte quemvis arbitrantur a vero abduci fallique posse. recte igitur, si omnibus in rebus temeritas ignoratioque vitiosa est, ars ea, quae tollit haec, virtus nominata est. [73] physicae quoque non sine causa tributus idem est honos, propterea quod, qui convenienter naturae victurus sit, ei proficiscendum est ab omni mundo atque ab eius procuratione. nec

vero potest quisquam de bonis et malis vere iudicare nisi omni cognita ratione naturae et vitae etiam deorum, et utrum conveniat necne natura hominis cum universa. quaeque sunt vetera praecepta sapientium, qui iubent tempori parere et sequi deum et se noscere et nihil nimis, haec sine physicis quam vim habeant — et habent maximam — videre nemo potest. atque etiam ad iustitiam colendam, ad tuendas amicitias et reliquas caritates quid natura valeat haec una cognitio potest tradere. nec vero pietas adversus deos nec quanta iis gratia debeatur sine explicatione naturae intellegi potest.

[74] Sed iam sentio me esse longius provectum, quam proposita ratio postularet. verum admirabilis compositio disciplinae incredibilisque rerum me traxit ordo; quem, per deos inmortales! nonne miraris? quid enim aut in natura, qua nihil est aptius, nihil descriptius, aut in operibus manu factis tam compositum tamque compactum et coagmentatum inveniri potest? quid posterius priori non convenit? quid sequitur, quod non respondeat superiori? quid non sic aliud ex alio nectitur, ut, si ullam litteram moveris, labent omnia? nec tamen quicquam est, quod moveri possit. [75] quam gravis vero, quam magnifica, quam constans conficitur persona sapientis! qui, cum ratio docuerit, quod honestum esset, id esse solum bonum, semper sit necesse est beatus vereque omnia ista nomina possideat, quae irrideri ab inperitis solent. rectius enim appellabitur rex quam Tarquinius, qui nec se nec suos regere potuit, rectius magister populi — is enim est dictator — quam Sulla, qui trium pestiferorum vitiorum, luxuriae, avaritiae, crudelitatis, magister fuit, rectius dives quam Crassus, qui nisi eguisset, numquam Euphraten nulla belli causa transire voluisset. recte eius omnia dicentur, qui scit uti solus omnibus, recte etiam pulcher appellabitur — animi enim liniamenta sunt pulchriora quam corporis — , recte solus liber nec dominationi cuiusquam parens nec oboediens cupiditati, recte invictus, cuius etiamsi corpus constringatur, animo tamen vincula inici nulla possint, nec expectet ullum tempus aetatis, [76] uti tum denique iudicetur beatusne fuerit, cum extremum vitae diem morte confecerit, quod ille unus e septem sapientibus non sapienter Croesum monuit; nam si beatus umquam fuisset, beatam vitam usque ad illum a Cyro extructum rogum pertulisset. quod si ita est, ut neque quisquam nisi bonus vir et omnes boni beati sint, quid philosophia magis colendum

aut quid est virtute divinius?

LIBER QVARTVS

I. [1] Quae cum dixisset, finem ille. Ego autem: Ne tu, inquam, Cato, ista exposuisti, ut tam multa memoriter, ut tam obscura, dilucide, itaque aut omittamus contra omnino velle aliquid aut spatium sumamus ad cogitandum; tam enim diligenter, etiam si minus vere - nam nondum id quidem audeo dicere - , sed tamen accurate non modo fundatam, verum etiam exstructam disciplinam non est facile perdiscere.

Tum ille: Ain tandem? inquit, cum ego te hac nova lege videam eodem die accusatori responderet tribus horis perorare, in hac me causa tempus dilaturum putas? Quae tamen a te agetur non melior, quam illae sunt, quas interdum optines. Quare istam quoque aggredere tractatam praesertim et ab aliis et a te ipso saepe, ut tibi deesse non possit oratio.

[2] Tum ego: Non mehercule, inquam, soleo temere contra Stoicos, non quo illis admodum assentiar, sed pudore impedior; ita multa dicunt, quae vix intellegam.

Obscura, inquit, quaedam esse confiteor, nec tamen ab illis ita dicuntur de industria, sed inest in rebus ipsis obscuritas.

Cur igitur easdem res, inquam, Peripateticis dicentibus verbum nullum est, quod non intellegatur?

Easdemne res? inquit, an parum disserui non verbis Stoicos a Peripateticis, sed universa re et tota sententia dissidere?

Atqui, inquam, Cato, si istud optinueris, traducas me ad te totum licebit.

Putabam equidem satis, inquit, me dixisse. Quare ad ea primum, si videtur; sin aliud quid voles, postea.

Immo istud quidem, inquam, quo loco quidque, nisi iniquum postulo, arbitratu meo.

Ut placet, inquit, etsi enim illud erat aptius, aequum cuique concedere.

II.[3] Existimo, igitur, inquam, Cato, veteres illos Platonis auditores, Speusippum, Aristotelem, Xenocratem, deinde eorum, Polemonem, Theophrastum, satis et copiose et eleganter habuisse constitutam disciplinam, ut non esset causa Zenoni, cum Polemonem

audisset, cur et ab eo ipso et a superioribus dissideret. Quorum fuit haec institutio, in qua animadvertas velim quid mutandum putes nec expectes, dum ad omnia dicam, quae a te dicta sunt; universa enim illorum ratione cum tota vestra confligendum puto.

[4] Qui cum viderent ita nos esse natos, ut et communiter ad eas virtutes apti essemus, quae notae illustresque sunt, iustituiam dico, temperantiam, ceteras generis eiusdem - quae omnes similes artium reliquarum materia tantum ad meliorem partem et tractatione differunt -, easque ipsas virtutes viderent nos magnificentius appetere et ardentius, habere etiam insitam quandam vel potius innatam cupiditatem scientiae natosque esse ad congregationem hominum et ad societatem communitatemque generis humani, eaque in maximis ingeniis maxime elucere, totam philosophiam tris in partis diviserunt, quam partitionem a Zenone esse retentam videmus.

[5] Quarum cum una sit, qua mores conformari putantur, differo eam partem, quae quasi stirps ets huius quaestionis. Qui sit enim finis bonorum, mox, hoc loco tantum dico, a veteribus Peripateticis Academicisque, qui re consentientes vocabulis differebant, eum locum, quem civilem recte appellaturi videmur, Graeci politiko/n, graviter et copiose esse tractatum.

III. Quam multa illi de re publica scripserunt, quam multa de legibus! Quam multa non solum praecepta in artibus, sed etiam exempla in orationibus bene dicendi reliquerunt! primum enim ipsa illa, quae subtiliter disserenda erant, polite apteque dixerunt tum definientes, tum partientes, ut vestri etiam; sed vos squalidius, illorum vides quam niteat oratio.

[6] Deinde ea quae requirebant orationem ornatam et gravem, quam magnifice sunt dicta ab illis, quam splendide! De iustitia, de temperantia, de fortitudine, de amicitia, de aetate degenda, de philosophia, de capessenda re publica, [de temperantia, de fortitudine] hominum non spinas vellentium, ut Stoici, nec ossa nudantium, sed eorum, qui grandia ornate vellent, enucleate minora dicere. Itaque quae sunt eorum consolationes, quae cohortationes, quae etiam monita et consilia scripta ad summos viros! Erat enim apud eos , ut est rerum ipsarum natura, sic dicendi exercitatio duplex. Nam quicquid quaeritur, id habet aut generis ipsius sine personis temporibusque aut his adiunctis facti aut iuris aut nominis

controversiam. Ergo in utroque exercebantur, eaque disciplina effecit tantam illorum utroque in genere dicendi copiam.

[7] Totum genus hoc Zeno et qui ab eo sunt aut non potuerunt aut noluerunt, certe reliquerunt. Quamquam scripsit artem rhetoricam Cleanthes, Chrysippus etiam, sed sic, ut, si quis obmutescere concupierit, nihil aliud legere debeat. Itaque vides, quo modo loquantur, nova verba fingunt, deserunt usitata.
At quanta conantur! Mundum hunc omnem oppidum esse nostrum! Incendi igitur eos, qui audiunt, vides. Quantam rem agas, ut Circeis qui habitet totum hunc mundum suum municipium esse existimet? Quid? Ille incendat? Restinguet citius, si ardentem acceperit. Ista ipsa, quae tu breviter: regem, dictatorem, divitem solum esse sapientem, a te quidem apte ac rotunde; quippe: habes enim a rhetoribus; illorum vero ista ipsa quam exilia de virtutis vi! Quam tantam volunt esse, ut beatum per se efficere possit. Pungunt quasi aculeis interrogatiunculis angustis, quibus etiam qui assentiuntur nihil commutantur animo et idem abeunt, qui venerant. Res enim fortasse verae, certe graves, non ita tractantur, ut debent, sed aliquanto minutius.

IV. [8] Sequitur disserendi ratio cognitioque naturae; nam de summo mox, ut dixi, videbimus et ad id explicandum disputationem omnem conferemus. In his igitur partibus duabus nihil erat, quod Zeno commutare gestiret. Res enim se praeclare habebat, et quidem in utraque parte. Quid enim ab antiquis ex eo genere, quod ad disserendum valet, praetermissum est? Qui et definierunt plurima et definiendi artes reliquerunt, quodque est definitioni adiunctum, ut res in partes dividatur, id et fit ab illis et quem ad modum fieri oporteat traditur; item de contrariis, a quibus ad genera formasque generum venerunt. Iam argumenti ratione conclusi caput esse faciunt ea, quae perspicua dicunt, deinde ordinem sequuntur, tum, quid verum sit in singulis, extrema conclusio est.

[9] Quanta autem ab illis varietas argumentorum ratione concludentium eorumque cum captiosis interrogationibus dissimilitudo! Quid, quod plurimis locis quasi denuntiant, ut neque sensuum fidem sine ratione nec rationis sensibus exquiramus? Quid?

Ea, quae dialectici nunc tradunt et docent, nonne ab illis instituta sunt aut inventa sunt? De quibus etsi a Chrysippo maxime est elaboratum, tamen a Zenone minus multo quam ab antiquis; ab hoc autem quaedam non melius quam veteres, quaedam omnino relicta.

[10] Cumque duae sint artes, quibus perfecte ratio et oratio compleatur, una inveniendi, altera disserendi, hanc posteriorem et Stoici et Peripatetici, priorem autem illi egregie tradiderunt, hi omnino ne attigerunt quidem. Nam e quibus locis quasi thesauris argumenta depromerentur, vestri ne suspicati quidem sunt, superiores autem artificio et via tradiderunt. Quae quidem res efficit, ne necesse sit isdem de rebus semper quasi dictata decantare neque a commentariolis suis discedere. Nam qui sciet ubi quidque positum sit quaque eo veniat, is, etiamsi, quid obrutum erit, poterit eruere semperque esse in disputando suus. Quod etsi ingeniis magnis praediti quidam dicendi copiam sine ratione consequuntur, ars tamen est dux certior quam natura. Aliud est enim poëtarum more verba fundere, aliud ea, quae dicas, ratione et arte distinguere.

V.[11] Similia dici possunt de explicatione naturae, qua et hi utuntur et vestri, neque vero ob duas modo causas, quo modo Epicuro videtur, ut pellatur mortis et religionis metus, sed etiam modestiam quandam cognitio rerum caelestium affert iis, qui videant quanta sit etiam apud deos moderatio, quantus ordo, et magnitudinem animi deorum opera et facta cernentibus, iustitiam etiam, cum cognitum habeas quod sit summi rectoris ac domini numen, quod consilium, quae voluntas; cuius ad naturam apta ratio vera illa et summa lex a philosophis dicitur.

[12] Inest in eadem explicatione naturae insatiabilis quaedam e cognoscendis rebus voluptas,in qua una confectis rebus necessariis vacui negotiis honeste ac liberaliter possimus vivere. Ergo in hac ratione tota de maximis fere rebus Stoici illos secuti sunt, ut et deos esse et quattuor ex rebus omnia constare dicerent.Cum autem quarerentur res admodum difficilis, num quinta quaedam natura videretur esse, ex qua ratio et intellegentia oriretur, in quo etiam de animis cuius generis essent quaereretur, Zeno id dixit esse ignem, non nulla deinde aliter, sed ea pauca; de maximma autem re eodem modo, divina mente atque natura mundum universum et eius maxima partis administrari. Materiam vero rerum et copiam apud hos exilem,

apud illos uberrimam reperiemus.

[13] Quam multa ab iis conquisita et collecta sunt de omnium animantium genere, ortu, membris, aetatibus! Quam multa de rebus iis, quae gignuntur e terra! Quam multae quamque de variis rebus et causae, cur quidque fiat! Qua ex omni copia plurima et certissima argumenta sumuntur ad cuiusque rei naturam explicandam. Ergo adhuc, quantum equidem intellego, causa non videtur fuisse mutandi nominis. Non enim, si omnia non sequebatur, idcirco non erat ortus illinc. Equidem etiam Epicurum, in physicis quidem, Democriteum puto. Pauca mutat vel plura sane; at cum de plurimis eadem dicit, tum certe de maximis. Quod idem cum vestri faciant, non satis magnam tribuunt inventoribus gratiam.

VI. [14] Sed haec hactenus. Nunc videamus, quaeso, de summo bono, quod continet philosophiam, quid tandem attulerit, quam ob rem ab inventoribus tamquam a parentibus dissentiret. Hoc igitur loco, quamquam a te, Cato, diligenter est explicatum, finis hic bonorum [qui continet philosophiam] et quis a Stoicis et quem ad modum diceretur, tamen ego quoque exponam, ut perspiciamus, si potuerimus, quidnam a Zenone novi sit allatum. Cum enim superiores, e quibus planissime Polemo, secundum naturam vivere summum bonum esse dixissent, his verbis tria significari Stoici dicunt, unum eius modi, vivere adhibentem scientiam earum rerum, quae natura evenirent. Hunc ipsum Zenonis aiunt esse finem declarantem illud, quod a te dictum est, convenienter naturae vivere.

[15] Alterum significari idem, ut si diceretur, officia media omnia aut pleraque servantem vivere. Hoc sic expositum dissimile est superiori. Illud enim rectum est - quod katortwma dicebas - contingitque sapienti soli, hoc autem inchoati cuiusdam officii est, non perfecti, quod cadere in non nullos insipientes potest. Tertium autem omnibus aut maximis rebus iis, quae secundum naturam sint, fruentem vivere. Hoc non est positum in nostra actione. Completur enim et ex eo genere vitae, quod virtute fruitur, et ex iis rebus, quae sunt secundum naturam neque sunt in nostra potestate. Sed hoc summum bonum, quod tertia significatione intellegitur, eaque vita, quae ex summo bono degitur, quia coniuncta ei virtus est. In sapientem solum cadit, isque finis bonorum, ut ab ipsis Stoicis scriptum videmus, a Xenocrate atque ab Aristotele constitutus est.

Itaque ab iis constitutio illa prima naturae, a qua tu, quoque ordiebare, his prope verbis exponitur:

VII. [16] Omnis natura vult esse conservatrix sui, ut et salva sit et in genere conservetur suo. Ad hanc rem aiunt artis quoque requisitas, quae naturam adiuvarent in quibus ea numeretur in primis, quae est est vivendi ars, ut tueatur, quod a natura datum sit, quod desit, adquirat. Idemque diviserunt naturam hominis in animum et corpus. Cumque eorum utrumque per se expetendum esse dixissent, virtutes quoque utriusque eorum per se expetendas esse dicebant, <et> cum animum infinita quadam laude anteponerent corpori, virtutes quoque animi bonis corporis anteponebant.

[17] Sed cum sapientiam totius hominis custodem et procuratricem esse vellent, quae esset naturae comes et adiutrix, hoc sapientiae munus esse dicebant, ut, <cum> eum tueretur, qui constaret ex animo et corpore, in utroque iuvaret eum ac contineret. Atque ita re simpliciter primo collocata reliqua subtilius persequentes corporis bona facilem quandam rationem habere censebant; de animi bonis accuratius exquirebant in primisque reperiebant inesse in iis iustitiae semina primique ex omnibus philosophis natura tributum esse docuerunt, ut ii, qui procreati essent, a procreatoribus amarentur, et, id quod temporum ordine antiquius est, ut coniugis virorum et uxorum natura coniuncta esse dicerent, qua ex stirpe orirentur amicitia cognationum. Atque ab his initiis profecti omnium virtutum et originem et progressionem persecuti sunt. Ex quo magnitudo quoque animi existebat, qua facile posset repugnari obsistique fortunae, quod maximae res essent in potestate sapientis. Varietates autem iniurasque fortunae facile veteres philosophorum praeceptis instituta vita superabat.

[18] Principiis autem a natura datis amplitudines quaedam bonorum excitabantur partim profectae a contemplatione rerum occultiorum, quod erat insitus menti cognitionis amor, e quo etiam rationis explicandae disserendique cupiditas consequebatur; quodque hoc solum animal natum est pudoris ac verecundiae particeps appetensque coniunctiorum hominum ad societatem animadvertentesque in omnibus rebus, quas ageret aut diceret, ut ne quid ab eo fieret nisi honeste ac decore, his initiis, ut ante dixi, <et> seminibus a natura datis temperantia, modestia, iustitia et omnis

honestas perfecte absoluta est.

VIII. [19] Habes, inquam, Cato, formam eorum, de quibus loquor, philosophorum. Qua exposita scire cupio quae causa sit, cur Zeno ab hac antiqua constitutione desciverit, quidnam horum ab eo non sit probatum; quodne omnem naturam conservatricem sui dixerint, an quod omne animal ipsum sibi commendatum, ut se et salvum in suo genere et incolume vellet, an <quod>, cum omnium artium finis is esset, quem natura maxime quaereret, idem statui debere de totius arte vitae, an quod, cum ex animo constaremus et corpore, et haec ipsa et eorum virtutes per se esse sumendas. An vero displicuit ea, quae tributa est animi virtutibus tanta praestantia? An quae de prudentia, de cognitione rerum, de coniunctione generis humani, quaeque ab eisdem de temperantia, de modestia, de magnitudine animi, de omni honestate dicuntur? Fatebuntur Stoici haec omnia dicta esse praeclare, neque eam causam Zenoni desciscendi fuisse.

[20] Alia quaedam dicent, credo, magna antiquorum esse peccata, quae ille veri investigandi cupidus nullo modo ferre potuerit. Quid enim perversius, quid intolerabilius, quid stultius quam bonam valetudinem, quam dolorum omnium vacuitatem, quam integritatem oculorum reliquorumque sensuum ponere in bonis potius, quam dicerent nihil omnino inter eas res iisque contrarias interesse? Ea enim omnia, quae illi bona dicerent, praeposita esse, non bona, itemque illa, quae in corpore excellerent, stulte antiquos dixisse per se esse expetenda; sumenda potius quam expetenda. Ea denique omni vita, quae in una virtute consisteret, illam vitam, quae etiam ceteris rebus, quae essent secundum naturam, abundaret, magis expetendam non esse, sed magis sumendam. Cumque ipsa virtus efficiat ita beatam vitam, ut beatior esse non possit, tamen quaedam deesse sapientibus tum, cum sint beatissimi; itaque eos id agere, ut a se dolores, morbos, debilitates repellant.

IX. [21] O magnam vim ingenii causamque iustam, cur nova existeret disciplina! Perge porro. Sequuntur enim ea, quae tu scientissime complexus es, omnium insipientiam, iniustitiam, alia vitia similia esse, omniaque peccata esse paria, eosque, qui natura doctrinaque longe ad virtutem processissent, nisi eam plane consecuti essent, summe esse miseros, neque inter eorum vitam et improbissimorum quicquam omnino interesse, ut Plato, tantus ille

vir, si sapiens non fuerit, nihil melius quam quivis improbissimus nec beatius vixerit. Haec videlicet est correctio philosophiae veteris et emendatio, quae omnino aditum habere nullum potest in urbem, in forum, in curiam. Quis enim ferre posset ita loquentem eum, qui se auctorem vitae graviter et sapienter agendae profiteretur, nomina rerum commutantem, cumque idem sentiret quod omnes, quibus rebus eandem vim tribueret, alia nomina inponentem, verba modo mutantem, de opinionibus nihil detrahentem?

[22] Patronusne causae in epilogo pro reo dicens negaret esse malum exilium, publicationem bonorum? Haec reicienda esse, non fugienda? Nec misericordem iudicem esse oportere? In contione autem si loqueretur, si Hannibal ad portas venisset murumque iaculo traiecisset, negaret esse in malis capi, venire, interfici, patriam amittere? An senatus, cum triumphum Africano decerneret, 'quod eius virtute' aut 'felicitate' posset dicere, si neque virtus in ullo nisi in sapiente nec felicitas vere dici potest? Quae est igitur ista philosophia, quae communi more in foro loquitur, in libellis suo? Praesertim cum, quod illi suis verbis significent, in eo nihil novetur, [de ipsis rebus nihil mutetur] eaedem res maneant alio modo.

[23] Quid enim interest, divitias, opes, valitudinem bona dicas anne praeposita, cum ille, qui ista bona dicit, nihilo plus iis tribuat quam tu, qui eadem illa praeposita nominas? Itaque homo in primis ingenuus et gravis, dignus illa familiaritate Scipionis et Laelii, Panaetius, cum ad Q. Tuberonem de dolore patiendo scriberet, quod esse caput debebat, si probari posset, nusquam posuit, non esse malum dolorem, sed quid esset et quale, quantumque in eo inesset alieni, deinde quae ratio esset perferendi; cuius quidem, quoniam Stoicus fuit, sententia condemnata mihi videtur esse inanitas ista verborum.

X. [24] Sed ut proprius ad ea, Cato, accedam, quae a te dicta sunt, pressius agamus eaque, quae modo dixisti, cum iis conferamus, quae tuis antepono. Quae sunt igitur communia vobis cum antiquis, iis sic utamur quasi concessis; quae in controversiam veniunt, de iis, si placet, disseramus.

Mihi vero, inquit, placet agi subtilius et, ut ipse dixisti, pressius. Quae enim adhuc protulisti, popularia sunt, ego autem a te

elegantiora desidero.
A mene tu? inquam. Sed tamen enitar et, si minus multa mihi occurrent, non fugiam ista popularia.

[25] Sed primum positum sit nosmet ipsos commendatos esse nobis primamque ex natura hanc habere appetitionem, ut conservemus nosmet ipsos. Hoc convenit; sequitur illud, ut animadvertamus qui simus ipsi, ut nos, quales oportet esse, servemus. Sumus igitur homines. Ex animo constamus et corpore, quae sunt cuiusdam modi, nosque oportet, ut prima appetitio naturalis postulat, haec diligere constituereque ex his finem illum summi boni atque ultimi. Quem, si prima vera sunt, ita constitui necesse est: earum rerum, quae sint secundum naturam, quam plurima et quam maxima adipisci. [26] Hunc igitur finem illi tenuerunt, quodque ego pluribus verbis, illi brevius secundum naturam vivere, hoc iis bonorum videbatur extremum.

XI. Age nunc isti doceant, vel tu potius - quis enim ista melius? -, quonam modo ab isdem principiis profecti efficiatis, ut honeste vivere - id est enim vel e virtute vel naturae congruenter vivere - summum bonum sit, et quonam modo aut quo loco corpus subito deserueritis omniaque ea, quae, secundum naturam cum sint, absint a nostra potestate, ipsum denique officium. Quaero igitur, quo modo hae tantae commendationes a natura profectae subito a sapientia relictae sint.

[27] Quodsi non hominis summum bonum quaeremus, sed cuiusdam animantis, is autem esset nihil nisi animus - liceat enim fingere aliquid eiusmodi, quo verum facilius reperiamus -, tamen illi animo non esset hic vester finis. Desideraret enim valitudinem, vacuitatem doloris, appeteret etiam conservationem sui earumque rerum custodiam finemque, sibi constitueret secundum naturam vivere. Quod est, ut dixi, habere ea, quae secundum naturam sint, vel omnia vel plurima et maxima.

[28] Cuiuscumque enim modi animal constitueris, necesse est, etiamsi id sine corpore sit, ut fingimus, tamen esse in animo quaedam similia eorum, quae sunt in corpore, ut nullo modo, nisi ut exposui, constitui possit finis bonorum. Chrysippus autem exponens differentias animantium ait alias earum corpore excellere, alias autem

animo, non nullas valere utraque re; deinde disputat, quod cuiusque generis animantium statui deceat extremum. Cum autem hominem in eo genere posuisset, ut ei tribueret animi excellentiam, summum bonum id constituit, non ut excelleret animus, sed ut nihil esse praeter animum videretur. Uno autem modo in virtute sola summum bonum recte poneretur, si quod esset animal, quod totum ex mente constaret, id ipsum tamen sic, ut ea mens nihil haberet in se, quod esset secundum naturam, ut valitudo est.

[29] Sed id ne cogitari quidem potest quale sit, ut non repugnet ipsum sibi.
Sin dicit obscurari quaedam nec apparere, quia valde parva sint, nos quoque concedimus; quod dicit Epicurus etiam de voluptate, quae minime sint voluptates, eas obscurari saepe et obrui. Sed non sunt in eo genere tantae commoditates corporis tamque productae temporibus tamque multae. Itaque in quibus propter eorum exiguitatem obscuratio consequitur, saepe accidit, ut nihil interesse nostra fateamur, sint illa necne sint, ut in sole, quod a te dicebatur, lucernam adhibere nihil interest aut teruncium adicere Croesi pecuniae.

[30] Quibus autem in rebus tanta obscuratio non fit, fieri tamen potest, ut id ipsum, quod interest, non sit magnum. Ut ei, qui iucunde vixerit annos decem, si aeque vita iucunda menstrua addatur, quia momentum aliquod habeat ad iucundum accessio, bonum sit; si autem id non concedatur, non continuo vita beata tollitur. Bona autem corporis huic sunt, quod posterius posui, similiora. Habent enim accessionem dignam, in qua elaboretur, ut mihi in hoc Stoici iocari videantur interdum, cum ita dicant, si ad illam vitam, quae cum virtute degatur, ampulla aut strigilis accedat, sumpturum sapientem eam vitam potius, quo haec adiecta sint, nec beatiorem tamen ob eam causam fore.

[31] Hoc simile tandem est? Non risu potius quam oratione eiciendum? Ampulla enim sit necne sit, quis non iure optimo irrideatur, si laboret? At vero pravitate membrorum et cruciatu dolorum si quis quem levet, magnam ineat gratiam, nec si ille sapiens ad tortoris eculeum a tyranno ire cogatur, similem habeat

vultum et si ampullam perdidisset, sed ut magnum et difficile certamen iniens, cum sibi cum capitali adversario, dolore, depugnandum videret, excitaret omnes rationes fortitudinis ac patientiae, quarum praesidio iniret illud difficile, ut dixi, magnumque proelium. Deinde non quaerimus, quid obscuretur aut intereat, quia sit admodum parvum, sed quid tale sit, ut expleat summam. Una voluptas e multis obscuratur in illa vita voluptaria, sed tamen ea, quamvis parva sit, pars est eius vitae, quae posita est in voluptate. Nummus in Croesi divitiis obscuratur, pars est tamen divitiarum. Quare obscurentur etiam haec, quae secundum naturam esse dicimus, in vita beata; sint modo partes vitae beatae.

XIII. [32] Atqui si, ut convenire debet inter nos, est quaedam appetitio naturalis ea, quae secundum naturam sunt, appetens, eorum omnium est aliquae summa facienda. Quo constituto tum licebit otiose ista quaerere, de magnitudine rerum, de excellentia, quanta in quoque sit ad beate vivendum, de istis ipsis obscurationibus, quae propter exiguitatem vix aut ne vix quidem appareant. Quid, de quo nulla dissensio est? Nemo enim est, qui aliter dixerit quin omnium naturarum simile esset id, ad quod omnia referrentur, quod est ultimum rerum appetendarum. Omnis enim est natura diligens sui. Quae est enim, quae se umquam deserat aut partem aliquam sui aut eius partis habitum aut vini aut ullius earum rerum, quae secundum naturam sunt, aut motum aut statum? Quae autem natura suae primae institutionis oblita est? Nulla profecto <est> , quin suam vim retineat a primo ad extremum. Quo modo igitur evenit, ut hominis natura sola esset, quae hominem relinqueret, quali oblivisceretur corporis, quae summum bonum non in toto homine, sed in parte hominis poneret?

[33] Quo modo autem, quod ipsi etiam fatentur constatque inter omnis, conservabitur ut simile sit omnium naturarum illud ultimum, de quo quaeritur? Tum enim esset simile, si in ceteris quoque naturis id cuique esset ultimum, quod in quaque excelleret. Tale enim visum est ultimum Stoicorum. [34] Quid dubitas igitur mutare principia naturae? Quid enim dicis omne animal, simul atque sit ortum, applicatum esse ad se diligendum esseque in se conservando occupatum? Quin potius ita dicis, omne animal applicatum esse ad id, quod in eo sit optimum, et in eius unius occupatum esse custodia, reliquasque naturas nihil aliud agere, nisi ut id conservent, quod in

quaque optimum sit? Quo modo autem optimum, si bonum praeterea nullum est? Sin autem reliqua appetenda sunt, cur, quod est ultimum rerum appetendarum, id non aut ex omnium earum aut ex plurimarum et maximarum appetitione concluditur? Ut Phidias potest a primo instituere signum idque perficere, potest ab alio inchoatum accipere et absolvere, huic est sapientia similis; non enim ipsa genuit hominem, sed accepit a natura inchoatum. Hanc ergo intuens debet institutum illud quasi signum absolvere.

[35] Qualem igitur hominem natura inchoavit? et quod est munus, quod opus sapientiae? Quid est, quod ab ea absolvi et perfici debeat? Si est nihil in eo, quod perficiendum est, praeter motum ingenii quendam, id est rationem, necesse est huic ultimum esse virtute agere; rationis enim perfectio est virtus; si est nihil nisi corpus, summa erunt illa: valitudo, vacuitas doloris, pulchritudo, cetera.

XIV. [36] Nunc de hominis summo bono quaeritur; quid igitur dubitamus in tota eius natura quaerere quid sit effectum? cum enim constet inter omnes omne officium munusque sapientiae in hominis cultu esse occupatum, alii - ne me existimes contra Stoicos solum dicere - eas sententias afferunt, ut summum bonum in eo genere ponant, quod sit extra nostram potestatem, tamquam de inanimo aliquo loquantur, alii contra, quasi corpus nullum sit hominis, ita praeter animum nihil curant, cum praesertim ipse quoque animus non inane nescio quid sit - neque enim id possum intellegere -, sed in quodam genere corporis, ut ne is quidem virtute una contentus sit, sed appetat vacuitatem doloris. quam ob rem utique idem faciunt, ut si laevam partem neglegerent, dexteram tuerentur, aut ipsius animi, ut fecit Erillus, cognitionem amplexarentur, actionem relinquerent. Eorum enim omnium multa praetermittentium, dum eligant aliquid, quod sequantur, quasi curta sententia; at vero illa perfecta atque plena eorum, qui cum de hominis summo bono quaererent, nullam in eo neque animi neque corporis partem vacuam tutela reliquerunt.

[37] Vos autem, Cato, quia virtus, ut omnes fatemur, altissimum locum in homine et maxime excellentem tenet, et quod eos, qui sapientes sunt, absolutos et perfectos putamus, aciem animorum nostrorum virtutis splendore praestringitis. In omni enim animante est summum aliquid atque optimum, ut in equis, in canibus, quibus tamen et dolore vacare opus est et valere; sic igitur in homine

perfectio ista in eo potissimum, quod est optimum, id est in virtute, laudatur. Itaque mihi non satis videmini considerare quod iter sit naturae quaeque progressio. Non enim, quod facit in frugibus, ut, cum ad spicam perduxerit ab herba, relinquat et pro nihilo habeat herbam, idem facit in homine, cum eum ad rationis habitum perduxit. Semper enim ita adsumit aliquid, ut ea, quae prima dederit, non deserat.

[38] Itaque sensibus rationem adiunxit et ratione effecta sensus non reliquit. Ut si cultura vitium, cuius hoc munus est, ut efficiat, ut vitis cum partibus suis omnibus quam optime se habeat -, sed sic intellegamus - licet enim, ut vos quoque soletis, fingere aliquid docendi causa si igitur illa cultura vitium in vite insit ipsa, cetera, credo, velit, quae ad colendam vitem attinebunt, sicut antea, se autem omnibus vitis partibus praeferat statuatque nihil esse mellus in vite quam se. similiter sensus, cum accessit ad naturam, tuetur illam quidem, sed etiam se tuetur; cum autem assumpta ratío est, tanto in dominatu locatur, ut omnia illa prima naturae hulus tutelae subiciantur.

[39] Itaque non discedit ab eorum curatione, quibus praeposita vitam omnem debet gubernare, ut mirari satis istorum inconstantiam non possim. Naturalem enim appetitionem, quam vocant o)rmh)n , itemque officium, ipsam etiam virtutem tuentem volunt esse earum rerum, quae secundum naturam sunt. Cum autem ad summum bonum volunt pervenire, transiliunt omnia et duo nobis opera pro uno relinquunt, ut alia sumamus, alia expetamus, potius quam uno fine utrumque concluderent.

XV. [40] At enim iam dicitis virtutem non posse constitui, si ea, quae extra virtutem sint, ad beate vivendum pertineant. Quod totum contra est. introduci enim virtus nullo modo potest, nisi omnia, quae leget quaeque reiciet, unam referentur ad summam. Nam si +omnino nos+ neglegemus, in Aristonea vitia incidemus et peccata obliviscemurque quae virtuti ipsi principia dederimus; sin ea non neglegemus neque tamen ad finem summi boni referemus, non multum ab Erilli levitate aberrabimus. Duarum enim vitarum nobis erunt instituta capienda. Facit enim ille duo seiuncta ultima bonorum, quae ut essent vera, coniungi debuerunt; nunc ita separantur, ut disiuncta sint, quo nihil potest esse perversius.

[41] Itaque contra est, ac dicitis; nam constitui virtus nullo modo potesti nisi ea, quae sunt prima naturae, ut ad summam pertinentia tenebit. Quaesita enim virtus est, non quae relinqueret naturam, sed quae tueretur. At, illa, ut vobis placet, partem quandam tuetur, reliquam deserit. Atque ipsa hominis institutio si loqueretur, hoc diceret, primos suos quasi coeptus appetendi fuisse, ut se conservaret in ea natura, in qua ortus esset. Nondum autem explanatum satis, erat, quid maxime natura vellet. Explanetur igitur. Quid ergo aliud intellegetur nisi uti ne quae pars naturae neglegatur? In qua si nihil est praeter rationem, sit in una virtute finis bonorum; sin est etiam corpus, ista explanatio naturae nempe hoc effecerit, ut ea, quae ante explanationem tenebamus, relinquamus. Ergo id est convenienter naturae vivere, a natura discedere.

[42] Ut quidam Philosophi, cum a sensibus profecti maiora quaedam et diviniora vidissent, sensus reliquerunt, sic isti, cum ex appetitione rerum virtutis pulchritudinem aspexissent, omnia, quae praeter virtutem ipsam viderant, abiecerunt obliti naturam omnem appetendarum rerum ita late patere, ut a principiis permanaret ad fines, neque intellegunt se rerum illarum pulchrarum atque admirabilium fundamenta subducere.

XVI. [43] Itaque mihi videntur omnes quidem illi errasse, qui finem bonorum esse dixerunt honeste vivere, sed alius alio magis, Pyrrho scilicet maxime, qui virtute constituta nihil omnino, quod appetendum sit, relinquat, deinde Aristo, qui nihil relinquere non est ausus, introduxit autem, quibus commotus sapiens appeteret aliquid. Quodcumque in mentem incideret, et quodcumque tamquam occurreret. Is hoc melior, quam Pyrrho, quod aliquod genus appetendi dedit, deterior quam ceteri, quod penitus a natura recessit. Stoici autem, quod finem bonorum in una virtute ponunt, similes sunt illorum; quod autem principium officii quaerunt, melius quam Pyrrho; quod ea non occurrentia fingunt, vincunt Aristonem; quod autem ea, quae ad naturam accommodata et per se assumenda esse dicunt, non adiungunt ad finem bonorum, desciscunt a natura et quodam modo sunt non dissimiles Aristonis. Ille enim occurrentia nescio quae comminiscebatur; hi autem ponunt illi quidem prima naturae, sed ea seiungunt a finibus et a summa bonorum; quae cum praeponunt, ut sit aliqua rerum selectio, naturam videntur sequi; cum

autem negant ea quicquam ad beatam vitam pertinere, rursus naturam relinquunt.

[44] Atque adhuc ea dixi, causa cur Zenoni non fuisset, quam ob rem a superiorum auctoritate discederet. Nunc reliqua videamus, nisi aut ad haec, Cato, dicere aliquid vis aut nos iam longiores sumus.

Neutrum vero, inquit ille. Nam et a te perfici istam disputationem volo, nec tua mihi oratio longa videri potest.

[45] Optime, inquam. Quid enim mihi potest esse optatius quam cum Catone, omnium virtutum auctore, de virtutibus disputare? Sed primum illud vide, gravissimam illam vestram sententiam, quae familiam ducit, honestum quod sit, id esse bonum solum honesteque vivere bonorum finem, communem fore vobis cum omnibus, qui in una virtute constituunt finem bonorum, quodque dicitis, informari non posse virtutem, si quicquam, nisi quod honestum sit, numeretur, idem dicetur ab illis, modo quos nominavi. Mihi autem aequius videbatur Zenonem cum Polemone disceptantem, a quo quae essent principia naturae acceperat, a communibus initiis progredientem videre ubi primum insisteret et unde causa controversiae nasceretur, non stantem cum iis, qui ne dicerent quidem sua summa bona esse a natura profecta, uti isdem argumentis, quibus illi uterentur, isdemque sententiis.

XVII. [46] Minime vero illud probo, quod, cum docuistis, ut vobis videmini, bonum solum esse, quod honestum sit, tum rursum dicitis initia proponi necesse esse apta is et accommodata naturae, quorum ex selectione virtus possit existere. Non enim in selectione virtus ponenda erat, ut id ipsum, quod erat bonorum ultimum, aliud aliquid adquireret. Nam omnia, quae sumenda quaeque legenda aut optanda sunt, inesse debent in summa bonorum, ut is, qui eam adeptus sit, nihil praeterea desideret. Videsne ut, quibus summa est in voluptate, perspicuum sit quid iis faciendum sit aut non faciendum? ut nemo dubitet, eorum omnia officia quo spectare, quid sequi, quid fugere debeant? Sit hoc ultimum bonorum, quod nunc a me defenditur; apparet statim, quae sint officia, quae actiones. Vobis autem, quibus nihil est aliud propositum nisi rectum atque honestum, unde officii, unde agendi principlum nascatur non reperietis.

[47] Hoc igitur quaerentes omnes, et ii, qui quodcumque in mentem veniat aut quodcumque occurrat se sequi dicent, et vos ad naturam

revertemini. Quibus natura iure responderit non esse verum aliunde finem beate vivendi, a se principia rei gerendae peti; esse enim unam rationem, qua et principia rerum agendarum et ultima bonorum continerentur, atque ut Aristonis esset explosa sententia dicentis nihil differre aliud ab alio, nec esse res ullas praeter virtutes et vitia, inter quas quicquam omnino interesset, sic errare Zenonem, qui nulla in re nisi in virtute aut vitio propensionem ne minimi quidem momenti ad summum bonum adipiscendum esse diceret et, cum ad beatam vitam nullum momentum cetera haberent, ad appetitionem tamen rerum esse in iis momenta diceret; quasi vero haec appetitio non ad summi boni adeptionem pertineret!

[48] Quid autem minus consentaneum est quam quod aiunt cognitio summo bono reverti se ad naturam, ut ex ea petant agendi principium, id est officii? Non enim actionis aut officii ratio impellit ad ea, quae secundum naturam sunt, petenda, sed ab iis et appetitio et actio commovetur.

XVIII. Nunc venio ad tua illa brevia, quae consectaria esse dicebas, et primum illud, quo nihil potest brevius: Bonum omne laudabile, laudabile autem honestum, bonum igitur omne honestum. 0 plumbeum pugionem! Quis enim tibi primum illud concesserit? - quo quidem concesso nihil opus est secundo; si enim omne bonum laudabile est, omne honestum est - [49] Quis tibi ergo istud dabit praeter Pyrrhonem, Aristonem eorumve similes, quos tu non probas? Aristoteles, Xenocrates, tota illa familia non dabit, quippe qui valitudinem, vires, divitias, gloriam, multa alia bona esse dicant, laudabilia non dicant. Et hi quidem ita non sola virtute finem bonorum contineri putant, ut rebus tamen omnibus virtutem anteponant; quid censes eos esse facturos, qui omnino virtutem a bonorum fine segregaverunt, Epicurum, Hieronymum, illos etiam, si qui Carneadeum finem tueri volunt?

[50] Iam autem Callipho aut Diodorus quo modo poterunt tibi istud concedere, qui ad honestatem aliud adiungant, quod ex eodem genere non sit? Placet igitur tibi, Cato, cum res sumpseris non concessas, ex illis efficere, quod velis? Iam ille sorites , quo nihil putatis esse vitiosius: quod bonum sit, id esse optabile, quod optabile, id expetendum, quod expetendum, id laudabile, deinde reliqui gradus. Sed ego in hoc resisto; eodem modo is enim tibi nemo dabit, quod,

expetendum sit, id esse laudabile. Illud vero minime consectarium, sed in primis hebes, illorum scilicet, non tuum, gloriatione dignam esse beatam vitam, quod non possit sine honestate contingere, ut iure quisquam glorietur.

[51] Dabit hoc Zenoni Polemo, etiam magister eius et tota illa gens et reliqui, qui virtutem omnibus rebus multo anteponentes adiungunt ei tamen aliquid summo in bono finiendo. Si enim virtus digna est gloriatione, ut est, tantumque praestat reliquis rebus, ut dici vix possit, et beatus esse poterit virtute una praeditus carens ceteris, nec tamen illud tibi concedetur, praeter virtutem nihil in bonis esse ducendum. Illi autem, quibus summum bonum sine virtute est, non dabunt fortasse vitam beatam habere, in quo iure possit gloriari, etsi illi quidem etiam voluptates faciunt interdum gloriosas.

XIX. [52] Vides igitur te aut ea sumere, quae non concedantur, aut ea, quae etiam concessa te nihil iuvent.
Equidem in omnibus istis conclusionibus hoc putarem philosophia nobisque dignum, et maxime, cum summum bonum quaereremus, vitam nostram, consilia, voluntates, non verba corrigi. Quis enim potest istis, quae te, ut ais, delectant, brevibus et acutis auditis de sententia decedere? Nam cum expectant et avent audire cur dolor malum non sit, dicunt illi asperum esse dolere, molestum, odiosum, contra naturam, difficile toleratu, sed, quia nulla sit in dolore nec fraus nec improbitas nec malitia nec culpa nec turpitudo, non esse illud malum. Haec qui audierit, ut ridere non curet, discedet tamen nihilo firmior ad dolorem ferendum, quam venerat.

[53] Tu autem negas fortem esse quemquam posse, qui dolorem malum putet. Cur fortior sit, si illud, quod tute concedis, asperum et vix ferendum putabit? Ex rebus enim timiditas, non ex vocabulis nascitur.

Et ais, si una littera commota sit, fore tota ut labet disciplina. Utrum igitur tibi litteram videor an totas paginas commovere? Ut enim sit apud illos, id quod est a te laudatum, ordo rerum conservatus et omnia inter se apta et conexa - sic enim aiebas -, tamen persequi non debemus, si a falsis principiis profecta congruunt ipsa sibi et a proposito non aberrant.

[54] In prima igitur constitutione Zeno tuus a natura recessit, cumque summum bonum posuisset in ingenii praestantia, quam virtutem vocamus, nec quicquam aliud bonum esse dixisset, nisi quod esset honestum, nec virtutem posse constare, si in ceteris rebus esset quicquam, quod aliud alio melius esset aut peius, his propositis tenuit prorsus consequentia. Recte dicis; negare non possum. Sed ita falsa sunt ea, quae consequuntur, ut illa, e quibus haec nata sunt, vera esse non possint.

[55] Docent enim nos, ut scis, dialectici, si ea, quae rem aliquam sequantur, falsa sint, falsam illam ipsam esse, quam sequantur. Ita fit illa conclusio non solum vera, sed ita perspicua, ut dialectici ne rationem quidem reddi putent oportere: si illud, hoc; non autem hoc: igitur ne illud quidem. Sic consequentibus vestris sublatis prima tolluntur. Quae sequuntur igitur? Omnes, qui non sint sapientes, aeque miseros esse, sapientes omnes summe beatos, recte facta omnia aequalia, omnia peccata paria; quae cum magnifice primo dici viderentur, considerata minus probabantur. Sensus enim cuiusque et natura rerum atque ipsa veritas clamabat quodam modo non posse adduci, ut inter eas res, quas Zeno exaequaret, nihil interesset.

XX. [56] Postea tuus ille Poenulus - scis enim Citieos, clientes tuos, e Phoenica profectos -, homo igitur acutus, causam non optinens repugnante natura verba versare coepit et primum rebus iis, quas nos bonas ducimus, concessit, ut haberentur aestimabiles et ad naturam accommodatae, faterique coepit sapienti, hoc est summe beato, commodius tamen esse si ea quoque habeat, quae bona, non audet appellare, naturae accommodata esse concedit, negatque Platonem, si sapiens non sit, eadem esse in causa, qua tyrannum Dionysium; huic mori optimum esse propter desperationem sapientiae, illi propter spem vivere. Peccata autem partim esse tolerabilia, partim nullo modo, propterea quod alia peccata plures, alia pauciores quasi numeros officii praeterirent. Iam insipientes alios ita esse, ut nullo modo ad sapientiam possent pervenire, alios, qui possent, si id egissent, sapientiam consequi.

[57] Hic loquebatur aliter atque omnes, sentiebat idem, quod ceteri. Nec vero minoris aestimanda ducebat ea, quae ipse bona negaret esse, quam illi, qui ea bona esse dicebant. Quid igitur voluit sibi, qui illa mutaverit? Saltem aliquid de pondere detraxisset et paulo minoris

aestimavisset ea quam Peripatetici, ut sentire quoque aliud, non solum dicere is videretur. Quid? de ipsa beata vita, ad quam omnia referuntur, quae dicitis? Negatis eam esse, quae expleta sit omnibus iis rebus, quas natura desideret. Totamque eam in una virtute ponitis; cumque omnis controversia aut de re soleat aut de nomine esse, utraque earum nascitur, si aut res ignoratur aut erratur in nomine. Quorum si neutrum est, opera danda est, ut verbis utamur quam usitatissimis et quam maxime aptis, id est rem declarantibus. [58] Num igitur dubium est, quin, si in re ipsa nihil peccatur a superioribus, verbis illi commodius utantur? Videamus igitur sententias eorum, tum ad verba redeamus.

XXI. Dicunt appetitionem animi moveri, cum aliquid ei secundum naturam esse videatur, omniaque, quae secundum naturam sint, aestimatione aliqua digna eaque pro eo, quantum in quoque sit ponderis, esse aestimanda, quaeque secundum naturam sint, partim nihil habere in sese eius appetitionis, de qua saepe iam diximus, quae nec honesta nec laudabilia dicantur, partim, quae voluptatem habeant in omni animante, sed in homine rationem etiam. Ex ea quae sint apta, ea bonesta, ea pulchra, ea laudabilia, illa autem superiora naturale nominantur, quae coniuncta cum honestis vitam beatam perficiunt et absolvunt.

[59] Omnium autem eorum commodorum, quibus non illi plus tribuunt, qui illa bona esse dicunt, quam Zeno, qui negat, longe praestantissimum esse, quod honestum esset atque laudabile. Sed si duo honesta proposita sint, alterum cum valitudine, alterum cum morbo, non esse dubium, ad utrum eorum natura nos ipsa deductura sit. Sed tamen tantam vim esse honestatis, tantumque eam rebus omnibus praestare et excellere, ut nullis nec suppliciis nec praemiis demoveri possit ex eo, quod rectum esse decreverit, omniaque, quae dura, difficilia, adversa videantur, ea virtutibus iis, quibus a natura essemus ornati, opteri posse, non faciles illas quidem nec contemnendas - quid enim esset in virtute tantum? -, sed ut hoc iudicaremus, non esse in iis partem maximam positam beate aut secus vivendi.

[60] Ad summam ea, quae Zeno aestimanda et sumenda et apta naturae esse dixit, eadem illi bona appellant, vitam autem beatam illi eam, quae constaret ex iis rebus, quas dixi, aut plurimis aut

gravissimis. Zeno autem, quod suam, quod propriam speciem habeat, cur appetendum sit, id solum bonum appellat, beatam autem vitam eam solam, quae cum virtute degatur.

XXII. Si de re disceptari oportet, nulla mihi tecum, Cato, potest esse dissensio. Nihil est enim, de quo aliter tu sentias atque ego, modo commutatis verbis ipsas res conferamus. Nec hoc ille non vidit, sed verborum magnificentia est et gloria delectatus. Qui si ea, quae dicit, ita sentiret, ut verba significant, quid inter eum et vel Pyrrhonem vel Aristonem interesset? Sin autem eos non probabat, quid attinuit cum iis, quibuscum re concinebat, verbis discrepare?

[61] Quid, si reviviscant Platonis illi et deinceps qui eorum auditores fuerunt, et tecum ita loquantur? 'Nos cum te, M. Cato, studiosissimum philosophiae, iustissimum virum, optimum iudicem, religiosissimum testem, audiremus, admirati sumus, quid esset cur nobis Stoicos anteferres, qui de rebus bonis et malis sentirent ea, quae ab hoc Polemone Zeno cognoverat, nominibus uterentur iis, quae prima specie admirationem, re explicata risum moverent. Tu autem, si tibi illa probabantur, cur non propriis verbis ea tenebas? sin te auctoritas commovebat, nobisne omnibus et Platoni ipsi nescio quem illum anteponebas? Praesertim cum in re publica princeps esse velles ad eamque tuendam cum summa tua dignitate maxime a nobis ornari atque instrui posses. nobis enim ista quaesita, a nobis descripta, notata, praecepta sunt, omniumque rerum publicarum reetionis genera, status, mutationes, leges etiam et instituta ac mores civitatum perscripsimus. Eloquentiae vero, quae et principibus maximo ornamento est, et qua te audimus valere plurimum, quantum tibi ex monumentis nostris addidisses!' Ea cum dixissent, quid tandem talibus viris responderes?

[62] Rogarem te, inquit, ut diceres pro me tu idem, qui illis orationem dictavisses, vel potius paulum loci mihi, ut iis responderem, dares, nisi et te audire nunc mallem et istis tamen alio tempore responsurus essem, tum scilicet, cum tibi.

XXIII. Atque, si verum respondere velles, Cato, haec erant dicenda, non eos tibi non probatos, tantis ingeniis homines tantaque auctoritate, sed te animadvertisse, quas res illi propter antiquitatem parum vidissent, eas a Stoicis esse perspectas, eisdemque de rebus hos cum acutius disseruisse, tum sensisse gravius et fortius, quippe

qui primum valitudinem bonam expetendam negent esse, eligendam dicant, nec quia bonum sit valere, sed quia sit non nihilo aestimandum - neque tamen pluris [quam] illis videtur, qui illud non dubitant bonum dicere -; hoc vero te ferre non potuisse, quod antiqui illi quasi barbati, ut nos de nostris solemus dicere, crediderint, eius, qui honeste viveret, si idem etiam bene valeret, bene audiret, copiosus esset, optabiliorem fore vitam melioremque et magis expetendam quam illius, qui aeque vir bonus ‘multis modis’ esset, ut Ennii Alcmaeo,

‘circumventus morbo, exilio atque inopia’.

[63] Illi igitur antiqui non tam acute optabiliorem illam vitam putant, praestantiorem, beatiorem, Stoici autem tantum modo praeponendam in seligendo, non quo beatior ea vita sit, sed quod ad naturam accommodatior.
Et, qui sapientes non sint, omnes aeque esse miseros, Stoici hoc videlicet viderunt, illos autem id fugerat superiores, qui arbitrabantur homines sceleribus et parricidiis inquinatos nihilo miseriores esse quam eos, qui, cum caste et integre viverent, nondum perfectam illam sapientiam essent consecuti.

[64] Atque hoc loco similitudines eas, quibus illi uti solent, dissimillimas proferebas. Quis enim ignorat, si plures ex alto emergere velint, propius fore eos quidem ad respirandum, qui ad summam iam aquam adpropinquent, sed nihilo magis respirare posse quam eos, qui sint in profundo? Nihil igitur adiuvat procedere et progredi in virtute, quo minus miserrimus sit, ante quam ad eam pervenerit, quoniam in aqua nihil adiuvat, et, quoniam catuli, qui iam dispecturi sunt, caeci aeque et ii, qui modo nati, Platonem quoque necesse est, quoniam nondum videbat sapientiam, aeque caecum animo ac Phalarim fuisse?

XXIV. [65] Ista similia non sunt, Cato, in quibus quamvis multum processeris tamen illud in eadem causa est, a quo abesse velis, donec evaseris; nec enim ille respirat, ante quam emersit, et catuli aeque caeci, prius quam dispexerunt, ac si ita futuri semper essent. Illa sunt similia: hebes acies est cuipiam oculorum, corpore alius senescit; hi curatione adhibita levantur in dies, valet alter plus cotidie, alter videt. His similes sunt omnes, qui virtuti student levantur vitiis, levantur erroribus, nisi forte censes Ti. Gracchum patrem <non> beatiorem fuisse quam fillum, cum alter stabilire rem publicam studuerit, alter evertere. Nec tamen ille erat sapiens - quis enim hoc aut quando aut ubi aut unde? -; sed quia studebat laudi et dignitati, multum in virtute processerat.

[66] Conferam avum tuum Drusum cum C. Graccho, eius fere, aequalí? Quae hic rei publicae vulnera inponebat, eadem ille sanabat. Si nihil est, quod tam miseros faciat quam inpietas et scelus, ut iam omnes insipientes sint miseri, quod profecto sunt, non est tamen

aeque miser, qui patriae consulit, et is, qui illam extinctam cupit. Levatio igitur vitiorum magna fit in iis, qui habent ad virtutem progressionis aliquantum.

[67] Vestri autem progressionem ad virtutem fieri, aiunt, levationem vitiorum fieri negant. at quo utantur homines acuti argomento ad probandum, operae pretium est considerare. quarum, inquit, artium summae crescere possunt, earum etiam contrariorum summa poterit augeri; ad virtutis autem summam accedere nihil potest; ne vitia quidem igitur crescere poterunt, quae sunt virtutum contraria. utrum igitur tandem perspicuisne dubia aperiuntur, an dubiis perspicua tolluntur? Atqui hoc perspicuum est, vitia alia [in] aliis esse maiora, illud dubium, ad id, quod summum bonum dicitis, ecquaenam possit fieri accessio. Vos autem cum perspicuis dubia debeatis illustrare, dubiis perspicua conamini tollere.

[68] Itaque rursus eadem ratione, qua sum paulo ante usus, haerebitis. si enim propterea vitia alia aliis maiora non sunt, quia ne ad finem quidem bonorum eum, quem vos facitis, quicquam potest accedere, quoniam perspicuum est vitia non esse omnium paria, finis bonorum vobis mutandus est. Teneamus enim illud necesse est, cum consequens aliquod falsum sit, illud, cuius id consequens sit, non posse esse verum.

XXV. Quae est igitur causa istarum angustiarum? Gloriosa ostentatio in constituendo summo bono. Cum enim, quod honestum sit, id solum bonum esse confirmatur, tollitur cura valitudinis, diligente rei familiaris, adininistratio rei publicae, ordo gerendorum negotiorum, officia vitae, ipsum denique illud honestum, in quo uno vultis esse omnia, deserendum est. quae diligentissime contra Aristonem dicuntur a Chryippo. Ex ea difficultate illae ‘fallaciloquae’, ut ait Accius, ‘malitiae’ natae sunt.

[69] Quod enim sapientia, pedem ubi poneret, non habebat sublatis officiis omnibus, officia autem tollebantur dilectu omni et discrimine remoto, quae esse <non> poterant rebus omnibus sic exaequatis, ut inter eas nihil interesset, ex his angustiis ista evaserunt deteriora quam Aristonis. Illa tamen simplicia, vestra versuta. Roges enim Aristonem, bonane ei videantur haec: vacuitas doloris, divitiae, valitudo; neget. Quid? quae contraria sunt his, malane? Nihilo magis. Zenonem roges; respondeat totidem verbis. Admirantes quaeramus

ab utroque, quonam modo vitam agere possimus, si nihil interesse nostra putemus, valeamus aegrine simus, vacemus an cruciemur dolore, frigus, famem propulsare possimus necne possimus. Vives, inquit Aristo, magnifice atque praeclare, quod erit cumque visum ages, numquam angere, numquam cupies, numquam timebis.

[70] Quid Zeno? Portenta haec esse dicit, neque ea ratione ullo modo posse vivi; se dicere inter honestum et turpe nimium quantum, nescio quid inmensum, inter ceteras res nihil omnino interesse.

[71] Idem adhuc; audi. Reliqua et risum contine, si potes: Media illa, inquit, inter quae nihil interest, tamen eiusmodi sunt, ut eorum alia eligenda sint, alia reicienda, alia omnino neglegenda, hoc est, ut eorum alia velis, alia nolis, alia non cures. - At modo dixeras nihil in istis rebus esse, quod interesset. - Et hunc idem dico, inquieta sed ad virtutes et ad vitia nihil interesse.

XXVI. [72] - Quis istud, quaeso, nesciebat? verum audiamus. - Ista, inquit, quae dixisti, valere, locupletem esse, non dolere, bona non dico, sed dicam Graece prohgme/na , Latine autem p r o d u c t a - sed p r a e p o s i t a aut p r a e c i p u a malo, sit tolerabilius et mollius -; illa autem, morbum, egestatem, dolorem, non appello m a l a, sed, si libet, r e i e c t a n e a. Itaque illa non dico me expetere, sed legere, nec optare, sed sumere, contraria autem non fugere, sed quasi secernere. Quid ait Aristoteles reliquique Platonis alumni? Se omnia, quae secundum naturam sint, b o n a appellare, quae autem contra, m a l a.

Videsne igitur Zenonem tuum cum Aristone verbis concinere, re dissidere, cum Aristotele et illis re consentire, verbis discrepare? cur igitur, cum de re conveniat, non malumus usitate loqui? aut doceat paratiorem me ad contemnendam pecuniam fore, si illam in rebus praepositis quam si in bonis duxero, fortioremque in patiendo dolore, si eum asperum et difficilem perpessu et contra naturam esse quam si malum dixero.

[73] Facete M. Piso, familiaris noster, et alia multa et hoc loco Stoicos irridebat: ‘Quid enim?’ aiebat. ‘Bonum negas esse divitias, praeposìtum esse dicis? Quid adiuvas? avaritiamne minuis? Quo modo? Si verbum sequimur, primum longius verbum praepositum quam bonum’. - Nihil ad rem! - ‘Ne sit sane; at certe gravius. nam bonum ex quo appellatum sit, nescio, praepositum ex eo credo, quod

praeponatur aliis. id mihi magnum videtur.' Itaque dicebat plus tribui divitiis a Zenone, qui eas in praepositis poneret, quam ab Aristotele, qui bonum esse divitias fateretur, sed neque magnum bonum et prae rectis honestisque contemnendum ac despiciendum nec magnopere expetendum, omninoque de istis omnibus verbis a Zenone mutatis ita disputabat, et, quae bona negarentur ab eo esse et quae mala, illa laetioribus nominibus appellari ab eo quam a nobis, haec tristioribus. Piso igitur hoc modo, vir optimus tuique, ut scis, amantissimus. nos paucis ad haec additis finem faciamus aliquando; longum est enim ad omnia respondere, quae a te dicta sunt.

XXVII. [74] Nam ex eisdem verborum praestrigiis et regna nata vobis sunt et imperia et divitiae, et tantae quidem, ut omnia, quae ubique sint, sapientis esse dicatis. Solum praeterea formosum, solum liberum, solum civem, <stultos&t; omnia contraria, quos etiam insanos esse vultis. Haec para/doca illi, nos admirabilia dicamus. quid autem habent admirationis, cum prope accesseris? Conferam tecum, quam cuique verso rem subicias; nulla erit controversia. Omnia peccata paria dicitis. Non ego tecum iam ita iocabor, ut isdem his de rebus, cum L. Murenam te accusante defenderem. apud imperitos tum illa dicta sunt, aliquid etiam coronae datum; nunc agendum est subtilius. Peccata paria.

[75] - Quonam modo? - Quia nec honesto quic quam honestius nec turpi turpius. - Perge porro; nam de isto magna dissensio est. Illa argumenta propria videamus, cur omnia sint paria peccata. - Ut, inquit, in fidibus pluribus, nisi nulla earum <non> ita contenta nervis sit, ut concentum servare possit, omnes aeque incontentae sint, sic peccata, quia discrepant, aeque discrepant; paria sunt igitur. - Hic ambiguo ludimur. Aeque enim contingit omnibus fidibus, ut incontentae sint. Illud non continuo, ut aeque incontentae. Collatio igitur ista te nihil iuvat. Nec enim, omnes avaritias si aeque avaritias esse dixerimus, sequetur ut etiam aequas esse dicamus. Ecce aliud simile dissimile.

[76] Ut enim, inquit, gubernator aeque peccat, si palearum navem evertit et si auri, item aeque peccat, qui parentem et qui servum iniuria verberat. - Hoc non videre, cuius generis onus navis vehat, id ad gubernatoris artem nil pertinere! Itaque aurum paleamne portet, ad bene aut ad male gubernandum nihil interesse! At quid inter

parentem et servulum intersit, intellegi et potest et debet. Ergo in gubernando nihil, in officio plurimum interest, quo in genere peccetur. Et si in ipsa gubernatione neglegentia est navis eversa, maius est peccatum in auro quam in palea. omnibus enim artibus volumus attributam esse eam, quae communis appellatur prudentia, quam omnes, qui cuique artificio praesunt, debent habere. Ita ne hoc quidem modo paria peccata sunt.

XVIII. [77] Urgent tamen et nihil remittunt. Quoniam, inquiunt, omne peccatum inbecillitatis et inconstantiae est, haec autem vitia in omnibus stultis aeque magna sunt, necesse est paria esse peccata. Quasi vero aut concedatur in omnibus stultis aeque magna esse vitia, et eadem inbecillitate et inconstantia L. Tubulum fuisse, qua illum, cuius is condemnatus est rogatione, P. Scaevolam, et quasi nihil inter res quoque ipsas, in quibus peccatur, intersit, ut, quo hae maiores minoresve sint, eo, quae peccentur in his rebus, aut maiora sint aut minora!

[78] Itaque - iam enim concludatur oratio - hoc uno vitio maxime mihi premi videntur tui Stoici, quod se posse putant duas contrarias sententias optinere. quid enim est tam repugnans quam eundem dicere, quod honestum sit, solum id bonum esse, qui dicat appetitionem rerum ad vivendum accommodatarum natura profectam? Ita cum ea volunt retinere, quae superiori sententiae conveniunt, in Aristonem incidunt; cum id fugiunt, re eadem defendunt, quae Peripatetici, verba.tenent mordicus. Quae rursus dum sibi evelli ex ordine nolunt, horridiores evadunt, asperiores, duriores et oratione et moribus.

[79] Quam illorum tristitiam atque asperitatem fugiens Panaetius nec acerbitatern sententiarum nec disserendi spinas probavit fuitque in altero genere mitior, in altero illustrior semperque habuit in ore Platonem, Aristotelem, Xenocratem, Theophrastum, Dicaearchum, ut ipsius scripta declarant. Quos quidem tibi studiose et diligenter tractandos magnopere censeo. Sed quoniam et advesperascit et mihi ad villam revertendum est, nunc quidem hactenus; verum hoc idem saepe faciamus.

[80] Nos vero, inquit ille; nam quid possumus facere melius? Et hanc quidem primam exigam a te operam, ut audias me quae a te dicta sunt refellentem. sed memento te, quae nos sentiamus, omnia

probare, nisi quod verbis aliter utamur, mihi autem vestrorum nihil probari.

Scrupulum, inquam, abeunti; sed videbimus.

Quae cum essent dicta, discessimus.

LIBER QVINTVS

I. [1] Cum audissem Antiochum, Brute, ut solebam, cum M.Pisone in eo gymnasio, quod Ptolomaeum vocatur, unaque nobiscum Q. frater et T.Pomponius Luciusque Cicero, frater noster cognatione patruelis, amore germanus, constituimus inter nos ut ambulationem postmeridianam conficeremus in Academia, maxime quod is locus ab omni turba id temporis vacuus esset. Itaque ad tempus ad Pisonem omnes. Inde sermone vario sex illa a Dipylo stadia confecimus. Cum autem venissemus in Academiae non sine causa nobilitata spatia, solitudo erat ea, quam volueramus.

[2] Tum Piso: Naturane nobis hoc, inquit, datum dicam an errore quodam, ut, cum ea loca vídeamus, in quibus memoria dignos viros acceperimus multum esse versatos, magis moveamur, quam si quando eorum ipsorum aut facta audiamus aut scriptum aliquod legamus? Velut ego nunc moveor. Venit enim mihi Platonis in mentem, quem accepimus primum hic disputare solitum; cuius etiam illi hortuli propinqui non memoriam solum mihi afferunt, sed ipsum videntur in conspectu meo ponere. Hic Speusippus, hic Xenocrates, hic eius auditor Polemo, cuius illa ipsa sessio fuit, quam videmus. Equidem etiam curiam nostram — Hostiliam dico, non hanc novam, quae minor mihi esse videtur, posteaquam est maior — solebam intuens Scipionem, Catonem, Laelium, nostrum vero in primis avum cogitare; tanta vis admonitionis inest in locis; ut non sine causa ex iis memoriae ducta sit disciplina.

[3] Tum Quintus: Est plane, Piso, ut dicis, inquit. nam me ipsum huc modo venientem convertebat ad sese Coloneus ille locus, cuius incola Sophocles ob oculos versabatur, quem scis quam admirer quemque eo delecter. Me quidem ad altiorem memoriam Oedipodis huc venientis et illo mollissimo carmine quaenam essent ipsa haec loca requirentis species quaedam commovit, inaniter scilicet, sed commovit tamen. Tum Pomponius: At ego, quem vos ut deditum Epicuro insectari soletis, sum multum equidem cum Phaedro, quem unice diligo, ut scitis, in Epicuri hortis, quos modo praeteribamus, sed veteris proverbii admonitu vivorum memini, nec tamen Epicuri licet oblivisci, si cupiam, cuius imaginem non modo in tabulis nostri

familiares, sed etiam in poculis et in anulis habent.

II. [4] Hic ego: Pomponius quidem, inquam, noster iocari videtur, et fortasse suo iure. Ita enim se Athenis collocavit, ut sit paene unus ex Atticis, ut id etiam cognomen videatur habiturus. Ego autem tibi, Piso, assentior usu hoc venire, ut acrius aliquanto et attentius de claris viris locorum admonitu cogitemus. Scis enim me quodam tempore Metapontum venisse tecum neque ad hospitem ante devertisse, quam Pythagorae ipsum illum locum, ubi vitam ediderat, sedemque viderim. Hoc autem tempore, etsi multa in omni parte Athenarum sunt in ipsis locis indicia summorum virorum, tamen ego illa moveor exhedra. Modo enim fuit Carneadis, quem videre videor — est, enim nota imago — , a sedeque ipsa tanta ingenii, magnitudine orbata desiderari illam vocem puto.

[5] Tum Piso: Quoniam igitur aliquid omnes, quid Lucius noster? inquit. An eum locum libenter invisit, ubi Demosthenes et Aeschines inter se decertare soliti sunt? Suo enim quisque studio maxime ducitur. Et ille, cum erubuisset: Noli, inquit, ex me quaerere, qui in Phalericum etiam descenderim, quo in loco ad fluctum alunt declamare solitum Demosthenem, ut fremitum assuesceret voce vincere. Modo etiam paulum ad dexteram de via declinavi, ut ad Pericli sepulcrum accederem. Quamquam id quidem, infinitum est in hac urbe; quacumque enim ingredimur, in aliqua historia vestigium ponimus.

[6] Tum Piso: Atqui, Cicero, inquit, ista studia, si ad imitandos summos viros spectant, ingeniosorum sunt; sin tantum modo ad indicia veteris memoriae cognoscenda, curiosorum. te autem hortamur omnes, currentem quidem, ut spero, ut eos, quos novisse vis, imitari etiam velis. Hic ego: Etsi facit hic quidem, inquam, Piso, ut vides, ea, quae praecipis, tamen mihi grata hortatio tua est. Tum ille amicissime, ut solebat: Nos vero, inquit, omnes omnia ad huius adolescentiam conferamus, in primisque ut aliquid suorum studiorum philosophiae quoque impertiat, vel ut te imitetur, quem amat, vel ut illud ipsum, quod studet, facere possit ornatius. Sed utrum hortandus es nobis, Luci, inquit, an etiam tua sponte propensus es? Mihi quidem Antiochum, quem audis, satis belle videris attendere. Tum ille timide vel potius verecunde: Facio, inquit. equidem, sed audistine modo de Carneade? Rapior illuc, revocat autem Antiochus, nec est

praeterea, quem audiamus.

III. [7] Tum Piso: Etsi hoc, inquit, fortasse non poterit sic abire, cum hic assit — me autem dicebat — , tamen audebo te ab hac Academia nova ad veterem illam vocare, in qua, ut dicere Antiochum audiebas, non ii soli numerantur, qui Academici vocantur, Speusippus, Xenocrates, Polemo, Crantor ceterique, sed etiam Peripatetici veteres, quorum princeps Aristoteles, quem excepto Platone haud scio an recte dixerim principem philosophorum. Ad eos igitur converte te, quaeso. ex eorum enim scriptis et institutis cum omnis doctrina liberalis, omnis historia. omnis sermo elegans sumi potest, tum varietas est tanta artium, ut nemo sine eo instrumento ad ullam rem illustriorem satis ornatus possit accedere. Ab his oratores, ab his imperatores ac rerum publicarum principes extiterunt. Ut ad minora veniam, mathematici, poëtae, musici, medici denique ex hac tamquam omnium artificum officina profecti sunt.

[8] Atque ego: Scis me, inquam, istud idem sentire, Piso, sed a te opportune facta mentio est. Studet enim meus is audire Cicero quaenam sit istius veteris, quam commemoras, Academiae de finibus bonorum Peripateticorumque sententia. Censemus autem facillime te id explanare posse, quod et Staseam Neapolitanum multos annos habueris apud te et complures iam menses Athenis haec ipsa te ex Antiocho videamus exquirere. Et ille ridens: Age, age, inquit, — satis enim scite me nostri sermonis principium esse voluisti — exponamus adolescenti,. Si quae forte — possumus. Dat enim id nobis solitudo, quod si qui deus diceret, numquam putarem me in Academia tamquam philosophum disputaturum. Sed ne, dum huic obsequor, vobis molestus sim. Mihi, inquam, qui te id ipsum rogavi? Tum, Quintus et Pomponius cum idem se velle dixissent, Piso exorsus est. Cuius oratio attende, quaeso, Brute, satisne videatur Antiochi complexa esse sententiam, quam tibi, qui fratrem eius Aristum frequenter audieris, maxime probatam existimo.

IV. [9] Sic est igitur locutus: Quantus ornatus in Peripateticorum disciplina sit satis est a me, ut brevissime potuit, paulo ante dictum. Sed est forma eius disciplinae, sicut fere ceterarum, triplex: una pars est naturae, disserendi altera, vivendi tertia. Natura sic ab iis investigata est, ut nulla pars caelo, mari, terra, ut poëtice loquar, praetermissa sit; quin etiam, cum de rerum initiis omnique mundo

locuti essent, ut multa non modo probabili argumentatione, sed etiam necessaria mathematicorum ratione concluderent, maximam materiam ex rebus per se investigatis ad rerum occultarum cognitionem attulerunt.

[10] Persecutus est Aristoteles animantium omnium ortus, victus, figuras, Theophrastus autem stirpium naturas omniumque fere rerum, quae e terra gignerentur, causas atque rationes; qua ex cognitione facilior facta est investigatio rerum occultissimarum. Disserendique ab isdem non dialectice solum, sed etiam oratorie praecepta sunt tradita, ab Aristoteleque principe de singulis rebus in utramque partem dicendi exercitatio est instituta, ut non contra omnia semper, sicut Arcesilas, diceret, et tamen ut in omnibus rebus, quicquid ex utraque parte dici posset, expromeret.

[11] Cum autem tertia pars bene vivendo praecepta quaereret, ea quoque est ab isdem non solum ad privatae vitae rationem, sed etiam ad rerum publicarum rectionem relata. Omnium fere civitatum non Graeciae solum, sed etiam barbariae ab Aristotele mores, instituta, disciplinas, a Theophrasto leges etiam cognovimus. Cumque uterque eorum docuisset qualem in re publica principem [esse] conveniret, pluribus praeterea conscripsisset qui esset optimus rei publicae status, hoc amplius Theophrastus: quae essent in re publica rerum inclinationes et momenta temporum, quibus esset moderandum, utcumque res postularet. Vitae autem degendae ratio maxime quidem illis placuit quieta. In contemplatione et cognitione posita rerum, quae quia deorum erat vitae simillima, sapiente visa est dignissima. Atque his de rebus et splendida est eorum et illustris oratio.

V. [12] De summo autem bono, quia duo genera librorum sunt, unum populariter scriptum, quod e)cwteriko/n appellabant, alterum limatius, quod in commentariis reliquerunt, non semper idem dicere videntur, nec in summa tamen ipsa aut varietas est ulla apud hos quidem, quos nominavi, aut inter ipsos dissensio. sed cum beata vita quaeratur idque sit unum, quod philosophia spectare et sequi debeat, sitne ea tota sita in potestate sapientis an possit aut labefactari aut eripi rebus adversis, in eo non numquam variari inter eos et dubitari videtur. quod maxime efficit Theophrasti de beata vita liber, in quo multum admodum fortunae datur. Quod si ita se habeat, non possit beatam praestare vitam sapientia. Haec mihi videtur delicatior, ut ita

dicam, molliorque ratio, quam virtutis vis gravitasque postulat. Quare teneamus Aristotelem et eius filium Nicomachum, cuius accurate scripti de moribus libri dicuntur illi quidem esse Aristoteli, sed non video, cur non potuerit patri similis esse filius. Theophrastum tamen adhibeamus ad pleraque, dum modo plus in virtute teneamus, quam ille tenuit, firmitatis et roboris.

[13] Simus igitur contenti his. namque ii horum posteri meliores illi quidem mea sententia quam reliquarum philosophi disciplinarum, sed ita degenerant, ut ipsi ex se nati esse videantur. primum Theophrasti, Strato, physicum se voluit; in quo etsi est magnus, tamen nova pleraque et perpauca de moribus. huius, Lyco, oratione locuples, rebus ipsis ielunior. Concinnus deinde et elegans huius, Aristo, sed ea, quae desideratur, a magno philosopho, gravitas, in eo non fuit; scripta sane et multa et polita, sed nescio quo pacto auctoritatem oratio non habet.

[14] Praetereo multos, in bis doctum hominem et suavem, Hieronymum, quem iam cur Peripateticum appellem nescio. summum ením bonum exposuit vacuitatem doloris; qui autem de summo bono dissentit de tota philosophiae ratione dissentit. Critolaus imitari voluit antiquos, et quidem est gravitate proximus, et redundat oratio, ac tamen is quidem in patriis institutis manet. Diodorus, eius auditor, adiungit ad honestatem vacuitatem doloris. Hic quoque suus est de summoque bono dissentiens dici vere Peripateticus non potest. Antiquorum autem sententiam Antiochus noster mihi videtur persequi diligentissime, quam eandem Aristoteli fuisse et Polemonis docet.

VI. [15] Facit igitur Lucius noster prudenter, qui audire de summo bono potissimum velit; hoc enim constituto in philosophia constituta sunt omnia. Nam ceteris in rebus síve praetermissum sive ignoratum est quippiam, non plus incommodi est, quam quanti quaeque earum rerum est, in quibus neglectum est aliquíd. summum autem bonum si ignoretur, vivendi rationem ignorari necesse est, ex quo tantus error consequitur, ut quem in portum se recipiant scire non possint. Cognitis autem rerum finibus, cum intellegitur, quid sit et bonorum extremum et malorum, inventa vitae via est conformatioque omnium officiorum, cum quaeritur, quo quodque referatur;

[16] ex quo, id quod omnes expetunt, beate vivendi ratio inveniri et

comparari potest. Quod quoniam in quo sit magna dissensio est, Carneadea nobis adhibenda divisio est, qua noster Antiochus libenter uti solet. Ille igitur vidit, non modo quot fuissent adhuc philosophorum de summo bono, sed quot omnino esse possent sententiae. negabat igitur ullam esse artem, quae ipsa a se proficisceretur; etenim semper illud extra est, quod arte comprehenditur. Nihil opus est exemplis hoc facere longius. Est enim perspicuum nullam artem ipsam in se versari, sed esse aliud artem ipsam, aliud quod propositum sit arti. quoniam igitur, ut medicina valitudinis, navigationis gubernatio, sic vivendi ars est prudente, necesse est eam quoque ab aliqua re esse constitutam et profectam.

[17] Constitit autem fere inter omnes id, in quo prudentia versaretur et quod assequi vellet, aptum et accommodatum naturae esse oportere et tale, ut ipsum per se invitaret et alliceret appetitum animi, quem o)rmh/n Graeci vocant. Quid autem sit, quod ita moveat itaque a natura in primo ortu appetatur, non constat deque eo est inter philosophos, cum summum bonum exquiritur, omnis dissensio. Totius enim quaestionis eius, quae habetur de finibus bonorum et malorum, cum quaeritur, in his quid sít extremum et ultimum, fons reperiendus est, in quo sint prima invitamenta naturae; quo invento omnis ab eo quasi capite de summo bono et malo disputatio ducitur.

VII. Voluptatis alii primum appetitum putant et primam depulsionem doloris. Vacuitatem doloris alii censent primum ascitam et primum declinatum dolorem. [18] Ab iis alii, quae prima secundum naturam nominant, proficiscuntur, in quibus numerant incolumitatem conservationemque omnium partium, valitudinem, sensus integros, doloris vacuitatem, viris, pulchritudinem, cetera generis eiusdem, quorum similia sunt prima in animis quasi virtutum igniculi et semina. Ex his tribus cum unum aliquid sit, quo primum natura moveatur vel ad appetendum vel ad repellendum, nec quicquam omnino praeter haec tria possit esse, necesse est omnino offícium aut fugiendi aut sequendi ad eorum aliquid referri, ut illa prudente, quam artem vitae esse diximus, in earum trium rerum aliqua versetur, a qua totius vitae, ducat exordium.

[19] Ex eo autem, quod statuerit esse, quo primum natura moveatur, existet recti etiam ratio atque honesti, quae cum uno

aliquo ex tribus illis congruere possit, ut aut id honestum is sit, facere omnia [aut] voluptatis causa, etiam si eam non consequare, aut non dolendi, etiam si id assequi nequeas, aut eorum, quae secundum naturam sunt, adipiscendi, etiam si nihil consequare. Ita fit ut, quanta differentia est in principiis naturalibus, tanta sit in finibus bonorum malorumque dissimilitudo. Alii rursum isdem a principiis omne officium referent aut ad voluptatem aut ad non dolendum aut ad prima illa secundum naturam optinenda.

[20] Expositis iam igitur sex de summo bono sententiis trium proximarum hi principes: voluptatis Aristippus, non dolendi Hieronymus, fruendi rebus iis, quas primas secundum naturam esse diximus, Carneades non ille quidem auctor, sed defensor disserendi causa fuit. Superiores tres erant, quae esse possent, quarum est una sola defensa, eaque vehementer. Nam voluptatis causa facere omnia, cum, etiamsi nihil consequamur, tamen ipsum illud consilium ita faciendi per se expetendum et honestum et solum bonum sit, nemo dixit. Ne vitationem quidem doloris ipsam per se quisquam in rebus expetendis putavit, nisi etiam evitare posset. at vero facere omnia, ut adipiscamur, quae secundum naturam sint, etiam si ea non assequamur, id esse et honestum et solum per se expetendum et solum bonum Stoici dicunt.

VIII. [21] Sex igitur hae sunt simplices de summo bonorum malorumque sententiae, duae sine patrono, quattuor defensae. Iunctae autem et duplices expositiones summi boni tres omnino fuerunt, nec vero plures, si penitus rerum naturam videas, esse potuerunt. Nam aut voluptas adiungi potest ad honestatem, ut Calliphonti Dinomachoque placuit, aut doloris vacuitas, ut Diodoro, aut prima naturae, ut antiquis, quos eosdem Academicos et Peripateticos nominavimus. sed quoniam non possunt omnia simul dici, haec in praesentia nota esse debebunt, voluptatem semovendam esse, quando ad maiora quaedam, ut iam apparebit, nati sumus. de vacuitate doloris eadem fere dici solent, quae de voluptate. [Quando igitur et de voluptate cum Torquato et de honestate, in qua una omne bonum poneretur, cum Catone est disputatum, primum, quae contra voluptatem dicta sunt, eadem fere cadunt contra vacuitatem doloris.]

[22] Nec vero alia sunt quaerenda contra Carneadeam illam sententiam. Quocumque enim modo summum bonum sic exponitur,

ut id vacet honestate, nec officia nec virtutes in ea ratione nec amicitiae constare possunt. Coniunctio autem cum honestate vel voluptatis vel non dolendi id ipsum honestum, quod amplecti vult, id efficit turpe. Ad eas enim res referre, quae agas, quarum una, si quis malo careat, in summo eum bono dicat esse, altera versetur in levissima parte naturae, obscurantis est omnem splendorem honestatis, ne dicam inquinantis. Restant Stoici, qui cum a Peripateticis et Academicis omnia transtulissent, nominibus aliis easdem res secuti sunt. Hos contra singulos dici est melius. sed nunc, quod agimus; de illis, cum volemus.

[23] Democriti autem securitas, quae est animi tamquam tranquillitas, quam appellant eu)qumi/an , eo separanda fuit ab hac disputatione, quia [ista animi tranquillitas] ea ipsa est beata vita; quaerimus autem, non quae sit, sed unde sit. Iam explosae eiectaeque sententiae Pyrrhonis, Aristonis, Erilli quod in hunc orbem, quem circum scripsimus, incidere non possunt, adhibendae omnino non fuerunt. Nam cum omnis haec quaestio de finibus et quasi de extremis bonorum et maiorum ab eo proficiscatur, quod diximus naturae esse aptum et accommodatum, quodque ipsum per se primum appetatur, hoc totum et ii tollunt, qui in rebus iis, in quibus nihil [quod non] aut honestum aut turpe sit, negant esse ullam causam, cur aliud alii anteponatur, nec inter eas res quicquam omnino putant interesse, et Erillus, si ita sensit, nihil esse bonum praeter scientiam, omnem consilii capiendi causam inventionemque officii sustulit. Sic exclusis sententiis reliquorum cum praeterea nulla esse possit, haec antiquorum valeat necesse est. ergo instituto veterum, quo etiam Stoici utuntur, hinc capiamus exordium.

IX. [24] Omne animal se ipsum diligit ac, simul et ortum est, id agit, se ut conservet, quod hic ei primus ad omnem vitam tuendam appetitus a natura datur, se ut conservet atque ita sit affectum. Ut optime, secundum naturam affectum esse possit. Hanc initio institutionem confusam habet et incertam, ut tantum modo se tueatur, qualecumque sit, sed nec quid sit nec quid possit nec quid ipsius natura sit intellegit. Cum autem processit paulum et quatenus quicquid se attingat ad seque pertineat perspicere coepit, tum sensim incipit progredi seseque agnoscere et intellegere quam ob causam habeat eum, quem diximus, animi appetitum coeptatque et ea, quae

naturae sentit apta, appetere et propulsare contraria. Ergo omni animali illud, quod appetiti positum est in eo, quod naturae est accommodatum. ita finis bonorum existit secundum naturam vivere sic affectum, ut optime is affici possit ad naturamque accommodatissime.

[25] Quoniam autem sua cuiusque animantis natura est, necesse est finem quoque omnium hunc esse, ut natura expleatur — nihil enim prohibet quaedam esse et inter se animalibus reliquis et cum bestiis homini communia, quoniam omnium est natura communis — , sed extrema illa et summa, quae quaerimus, inter animalium genera distincta et dispertita sint et sua cuique propria et ad id apta, quod cuiusque natura desideret.

[26] Quare cum dicimus omnibus animalibus extremum esse secundum naturam vivere, non ita accipiendum est, quasi dicamus unum esse omnium extremum, sed ut omnium artium recte dici potest commune esse, ut in aliqua scientia versentur, scientiam autem suam cuiusque artis esse, sic commune animalium omnium secundum naturam vivere, sed naturas esse diversas, ut aliud equo sit e natura, aliud bovi, aliud homini. et tamen in omnibus est summa communis, et quidem non solum in animalibus, sed etiam in rebus omnibus iis, quas natura alit, auget, tuetur. In quibus videmus ea, quae gignuntur e terra, multa quodam modo efficere ipsa sibi per se, quae ad vivendum crescendumque valeant, ut [in] suo genere perveniant ad extremum; ut iam liceat una comprehensione omnia complecti non dubitantemque dicere omnem naturam esse servatricem sui idque habere propositum quasi finem et extremum, se ut custodiat quam in optimo sui generis statu; ut necesse sit omnium rerum, quae natura vigeant, similem esse finem, non eundem. ex quo intellegi debet homini id esse in bonis ultimum, secundum naturam vivere, quod ita interpretemur: vivere ex hominis natura undique perfecta et nihil requirente.

[27] Haec igitur nobis explicanda sunt, sed si enodatius, vos ignoscetis. Huius enim aetati [et huic] nunc haec primum fortasse audientis servire debemus. Ita prorsus, inquam; etsi ea quidem, quae adhuc dixisti, quamvis ad aetatem recte isto modo dicerentur.

X. Exposita igitur, inquit, terminatione rerum expetendarum cur ista se res ita habeat, ut dixi, deinceps demonstrandum est. quam ob

rem ordiamur ab eo, quod primum posui, quod idem reapse primum est, ut intellegamus omne animal se ipsum dirigere. Quod quamquam dubitationem non habet — est enim in fixum in ipsa natura comprehenditur[que] suis cuiusque sensibus sic, ut, contra si quis dicere velit, non audiatur — , tamen, ne quid praetermittamus, rationes quoque, cur hoc ita sit, afferendas puto.

[28] Etsi qui potest intellegi aut cogitari esse aliquod animal, quod se oderit? Res enim concurrent contrariae. Nam cum appetitus ille animi aliquid ad se trahere coeperit consulto, quod sibi obsit, quia — sit sibi inimicus, cum id sua causa faciet, et oderit se et simul diliget, quod fieri non potest. Necesseque est, si quis sibi ipsi inimicus est, eum quae bona sunt mala putare, bona contra quae mala, et quae appetenda fugere, quae fugienda appetere, quae sine dubio vitae est eversio. Neque enim, si non nulli reperiuntur, qui aut laqueos aut alia exitia quaerant aut ut ille apud Terentium, qui ‘decrevit tantisper se minus iniuriae suo nato facere’, ut ait ipse, ‘dum fiat miser’, inimicus ipse sibi putandus est.

[29] Sed alii dolore moventur, alii cupiditate, iracundia etiam multi effetuntur et, cum in mala scientes inruunt, tum se optime sibi consulere arbitrantur. itaque dicunt nec dubitant: ‘mihi sic usus est, tibi ut opus est facto, fac’. Et qui ipsi sibi bellum indixissent, cruciari dies, noctes torqueri vellent, nec vero sese ipsi accusarent ob eam causam, quod se male suis rebus consuluisse dicerent. Eorum enim est haec querela, qui sibi cari sunt seseque diligunt. quare, quotienscumque dicetur male quis de se mereri sibique esse inimicus atque hostis, vitam denique fugere, intellegatur aliquam subesse eius modi causam, ut ex eo ipso intellegi possit sibi quemque esse carum.

[30] Nec vero id satis est, neminem esse, qui ipse se oderit, sed illud quoque intellegendum est, neminem esse, qui,quo modo se habeat, nihil sua censeat inte resse. tolletur enim appetitus animi, si, ut in lis rebus, inter quas nihil interest, neutram in partem propensiores sumus, item in nobismet ipsis quem ad modum affecti simus nihil nostra arbitrabimur interesse.

XI. Atque etiam illud si qui dicere velit, perabsurdum sit, ita diligi a sese quemque, ut ea via diligendi ad aliam rem quampiam referatur, non ad eum ipsum, qui sese diligat. Hoc cum in amicitiis, cum in officiis, cum in virtutibus dicitur, quomodocumque dicitura intellegi

tamen, quid dicatur potest, in nobismet autem ipsis [ne] intellegi quidem, ut propter aliam quampiam rem, verbi gratia propter voluptatem, nos amemus; propter nos enim illam, non propter eam nosmet ipsos diligimus.

[31] Quamquam quid est, quod magis perspicuum sit, [quam] non modo carum sibi quemque, verum etiam vehementer carum esse? Quis est enim aut quotus quisque, cui, mora cum adpropinquet, non 'refugiat timido sanguen átque exalbescát metu'? Etsi hoc quidem est in vitio, dissolutionem naturae tam valde perhorrescere — quod item est reprehendendum in dolore — , sed quia fere sic afficiuntur omnes, satis argomenti est ab interitu naturam abhorrere; idque quo magis quidam ita faciunt, ut iure etiam reprehendantur, hoc magis intellegendum est haec ipsa nimia in quibusdam futura non fuisse, nisi quaedam essent modica natura. Nec vero dico eorum metum mortis, qui, quia privari se vitae bonis arbitrentur, aut quia quasdam post mortem formidines extimescant, aut si metuant, ne cum dolore moriantur, idcirco mortem fugiant; in parvis enim saepe, qui nihil eorum cogitant, si quando iis ludentes minamur praecipitaturos alicunde, extimescunt. quin etiam 'ferae', inquit Pacuvius, 'quíbus abest, ad praécavendum intéllegendi astútia', iniecto terrore mortis 'horrescunt'.

[32] Quis autem de ipso sapiente aliter existimat, quin, etiam cum decreverit esse moriendum, tamen discessu a suis atque ipsa relinquenda luce moveatur? Maxime autem in hoc quidem genere vis est perspicua naturae, cum et mendicitatem multi perpetiantur, ut vivant, et angantur adpropinquatione mortis confecti homines senectute et ea perferant, quae Philoctetam videmus in fabulis. qui cum cruciaretur non ferendis doloribus, propagabat tamen vitam aucupio, 'sagittarum <ictu> configebat tardus celeres, stans volantis', ut apud Accium est, pennarumque contextu corpori tegumenta faciebat.

[33] De hominum genere aut omnino de animalium loquor, cum arborum et stirpium eadem paene natura sit sive enim, ut doctissimis viris visum est, maior aliqua causa atque divinior hanc vim ingenuit, sive hoc ita fit fortuito, videmus ea, quae terra gignit, corticibus et radicibus valida servari, quod contingit animalibus sensuum distributione et quadam compactione membrorum. Qua quidem de re

quamquam assentior iis, qui haec omnia regi natura putant, quae si natura neglegat, ipsa esse non possit, tamen concedo, ut, qui de hoc dissentiunt, existiment, quod velint, ac vel hoc intellegant, si quando naturam hominis dicam, hominem dicere me; nihil enim hoc differt. Nam prius a se poterit quisque discedere quam appetitum earum rerum, quae sibi conducant, amittere. iure igitur gravissimi philosophi initium summi boni a natura petiverunt et illum appetitum rerum ad naturam accommodatarum ingeneratum putaverunt omnibus, quia continentur ea commendatione naturae, qua se ipsi diligunt.

XII. [34] Deinceps videndum est, quoniam satis apertum est sibi quemque natura esse carum, quae sit hominis natura. Id est enim, de quo quaerimus. atqui perspicuum est hominem e corpore animoque constare, cum primae sint animi partes, secundae corporis. Deinde id quoque videmus, et ita figuratum corpus, ut excellat aliis, animumque ita constitutum, ut et sensibus instructus sit et habeat praestantiam mentis, cui tota bominis natura pareat, in qua sit mirabilis quaedam vis rationis et cognitionis et scientiae virtutumque omnium. Iam quae corporis sunt, ea nec auctoritatem cum animi partibus, comparandam et cognitionem habent faciliorem. Itaque ab his ordiamur.

[35] Corporis igitur nostri partes totaque figura et forma et statura quam apta ad naturam sit, apparet, neque est dubium, quin frons, oculi, aures et reliquae partes quales propriae sint hominis intellegatur. Sed certe opus est ea valere et vigere et naturales motus ususque habere, ut nec absit quid eorum nec aegrum debilitatumve sit; id enim natura desiderat. Est autem etiam actio quaedam corporis, quae motus et status naturae congruentis tenet; in quibus si peccetur distortione et depravatione quadam aut motu statuve deformi, ut si aut manibus ingrediatur quis aut non ante, sed retro, fugere plane se ipse et hominem ex homine exuena naturam odisse videatur. Quam ob rem etiam sessiones quaedam et flexi fractique motus, quales protervorum hominum aut mollium esse solent, contra naturam sunt, ut, etiamsi animi vitio id eveniat, tamen in corpore immutari hominis natura videatur.

[36] Itaque e contrario moderati aequabilesque habitus, affectiones ususque corporis apti esse ad naturam videntur. Iam vero animus

non esse solum, sed etiam cuiusdam modi debet esse, ut et omnis partis suas habeat incolumis et de virtutibus nulla desit. Atque in sensibus est sua cuiusque virtus, ut ne quid impediat quo minus suo sensus quisque munere fungatur in iis rebus celeriter expediteque percipiendis, quae subiectae sunt sensibus.

XIII. Animi autem et eius animi partis, quae princeps est, quaeque mens nominatur, plures sunt virtutes, sed duo prima genera, unum earum, quae ingenerantur suapte natura appellanturque non voluntariae, alterum autem earum, quae in voluntate positae magis proprio nomine appellari solent, quarum est excellens in animorum laude praestantia. Prioris generis est docilitas, memoria; quae fere omnia appellantur uno ingenii nomine, easque virtutes qui habent, ingeniosi vocantur. Alterum autem genus est magnarum verarumque virtutum, quas appellamus voluntarias, ut prudentiam, temperantiam, fortitudinem, iustitiam et reliquas eiusdem generis. Et summatim quidem haec erant de corpore animoque dicenda, quibus quasi informatum est quid hominis natura postulet.

[37] Ex quo perspicuum est, quoniam ipsi a nobis diligamur omniaque et in animo et in corpore perfecta velimus esse, ea nobis ipsa cara esse propter se et in iis esse ad bene vivendum momenta maxima. Nam cui proposito sit conservatio sui, necesse est huic partes quoque sui caras suo genere laudabiles. Ea enim vita expetitur, quae sit animi corporisque expleta virtutibus, in eoque summum bonum poni necesse est, quandoquidem id tale esse debet, ut rerum expetendarum sit extremum. Quo cognito dubitari non potest, quin, cum ipsi homines sibi sint per se et sua sponte cari, partes quoque et corporis et animi et earum rerum, quae sunt in utriusque motu et statu, sua caritate colantur et per se ipsae appetantur.

[38] Quibus expositis facilis est coniectura ea maxime esse expetenda ex nostris, quae plurimum habent dignitatis, ut optimae cuiusque partis, quae per se expetatur, virtus sit expetenda maxime. Ita fiet, ut animi virtus corporis virtuti anteponatur animique virtutes non voluntarias vincant virtutes voluntariae, quae quidem proprie virtutes appellantur multumque excellunt, propterea quod ex ratione gignuntur, qua nihil est, in homine divinius. Etenim omnium rerum, quas et creat natura et tuetur, quae aut sine animo sunt aut multo secus, earum summum bonum in corpore est, ut non inscite illud

dictum videatur in sue, animum illi pecudi datum pro sale, ne putisceret.

XIV. Sunt autem bestiae quaedam, in quibus inest aliquid simile virtutis, ut in leonibus, ut in canibus, in equis, in quibus non corporum solum, ut in suibus, sed etiam animorum aliqua ex parte motus quosdam videmus. in homine autem summa omnis animi est et in animo rationis, ex qua virtus est, quae rationis absolutio definitur, quam etiam atque etiam explicandam putant.

[39] Earum etiam rerum, quas terra gignit, educatio quaedam et perfectio est non dissimilis animantium. itaque et 'vivere' vitem et 'mori' dicimus arboremque et 'novellan' et 'vetulam' et 'vigere' et 'senescere'. Ex quo non est alienum, ut animantibus, sic illis et apta quaedam ad naturam putare et aliena earumque augendarum et alendarum quandam cultricem esse, quae sit scientia atque ars agricolarum, quae circumcidat, amputet, erigat, extollat, adminiculet, ut, quo natura ferat, eo possint ire, ut ipsae vites, si loqui possint, ita se tractandas tuendasque esse fateantur. Et nunc quidem quod eam tuetur, ut de vite potissimum loquar, est id extrinsecus; in ipsa enim parum magna vis inest, ut quam optime se habere possit, si nulla cultura adhibeatur.

[40] At vero si ad vitem sensus accesserit, ut appetitum quendam habeat et per se ipsa moveatur, quid facturam putas? An ea, quae per vinitorem antea consequebatur, per se ipsa curabit? Sed videsne accessuram ei curam, ut sensus quoque suos eorumque omnem appetitum et si qua sint adiuncta ei membra tueatur — sic ad illa, quae semper habuit, iunget ea, quae postea accesserint, nec eundem fínem habebit, quem cultor eius habebat, sed volet secundum eam naturam, quae postea ei adiuncta erit, vivere. Ita similis erit ei finis boni, atque antea fuerat, neque idem tamen; non enim iam stirpis bonum quaeret, sed animalis. quid, si non sensus modo ei sit datus, verum etiam animus hominis? Non necesse est et illa pristina manere, ut tuenda sint, et haec multo esse cariora, quae accesserint animique optimam quamque partem carissimam, in eaque expletione naturae summi boni finem consistere, cum longe multumque praestet mens atque ratio? Sic, quod est extremum omnium appetendorum atque ductum a prima commendatione naturae, multis gradibus adscendit, ut ad summum perveniret, quod cumulatur ex integritate

corporis et ex mentis ratione perfecta.

XV. [41] Cum igitur ea sit, quam exposui, forma naturae, si, ut initio dixi, simul atque ortus esset, se quisque cognosceret iudicareque posset quae vis et totius esset naturae et partium singularum, continuo videret quid esset hoc, quod quaerimus, omnium rerum, quasi expetimus, summum et ultimum nec ulla in re peccare posset. Nunc vero a primo quidem mirabiliter occulta natura est nec perspici nec cognosci potest. Progredientibus autem aetatibus sensim tardeve potius quasi nosmet ipsos cognoscimus. itaque prima illa commendatio, quae a natura nostri facta est nobis, incerta et obscura est, primusque appetitus ille animi tantum agit, ut salvi atque integri esse possimus. Cum autem dispicere coepimus et sentire quid, simus et quid <ab> animantibus ceteris differamus, tum ea sequi incipimus, ad quae nati sumus.

[42] Quam similitudinem videmus in bestiis, quae primo, in quo loco natae sunt, ex eo se non commoventi deinde suo quaeque appetitu movetur. serpere anguiculos, nare anaticulas, evolare merulas, cornibus uti videmus boves, nepas aculeis. Suam denique cuique naturam esse ad vivendum ducem. Quae similitudo in genere etiam humano apparet. Parvi enim primo ortu sic iacent, tamquam omnino sine animo sint. Cum autem paulum firmitatis accessit, et animo utuntur et sensibus conitunturque, ut sese erigant, et manibus utuntur et eos agnoscunt, a quibus educantur. Deinde aequalibus delectantur libenterque se cum iis congregant dantque se ad ludendum fabellarumque auditione ducuntur deque eo, quod ipsis superat, aliis gratificari volunt animadvertuntque ea, quae domi fiunt, curiosius incipiuntque commentari aliquid et discere et eorum, quos vident, volunt non ignorare nomina, quibusque rebus cum is aequalibus decertant, si vicerunt, efferunt se laetitia, victi debilitantur animosque demittunt. quorum sine causa fieri nihil putandum est.

[43] Est enim natura sic generata vis hominis, ut ad omnem virtutem percipiendam facta videatur, ob eamque causam parvi virtutum simulacris, quarum in se habent semina, sine doctrina moventur; sunt enim prima elementa naturae, quibus auctis vírtutis quasi germen efficitur. Nam cum ita nati factique simus, ut et agendi aliquid et diligendi aliquos et liberalitatis et referendae gratiae principia in nobis contineremus atque ad scientiam, prudentiam,

fortitudinem aptos animos haberemus a contrariisque rebus alienos, non sine causa eas, quas dixi, in pueris virtutum quasi scintillas videmus, e quibus accendi philosophi ratio debet, ut eam quasi deum ducem subsequens ad naturae perveniat extremum. nam, ut saepe iam dixi, in infirma aetate inbecillaque mente vis naturae quasi per caliginem cernitur; cum autem progrediens confirmatur animus, agnoscit ille quidem naturae vim, sed ita, ut progredi possit longius, per se sit tantum inchoata.

XVI. [44] Intrandum est igitur in rerum naturam et penitus quid ea postulet pervidendum; aliter enim nosmet ipsos nosse non possumus. quod praeceptum quia maius erat, quam ut ab homine videretur, idcirco assignatum est deo. Iubet igitur nos Pythius Apollo noscere nosmet ipsos. Cognitio autem haec est una nostri, ut vim corporis animique norimus sequamurque eam vitam, quae rebus iis ipsis perfruatur. quoniam autem is animi appetitus a principio fuit, ut ea, quae dixi, quam perfectissima natura haberemus, confitendum est, cum id adepti simus, quod appetitum is sit, in eo quasi in ultimo consistere naturam, atque id esse summum bonum; quod certe universum sua sponte ipsum expeti et propter se necesse est, quoniam ante demonstratum est etiam singulas eius partes esse per se expetendas.

[45] In enumerandis autem corporis commodis si quis praetermissam a nobis voluptatem putabit, in aliud tempus ea quaestio differatur. Utrum enim sit voluptas in iis rebus, quas primas secundum naturam esse diximus, necne sit ad id, quod agimus, nihil interest. si enim, ut mihi quidem videtur, non explet bona naturae voluptas, iure praetermissa est; sin autem est in ea, quod quidam volunt, nihil impedit hanc nostram comprehensionem summi boni. quae enim constituta sunt prima naturae, ad ea si voluptas accesserit, unum aliquod accesserit commodum corporis neque eam constitutionem summi boni, quae est proposta, mutaverit.

XVII. [46] Et adhuc quidem ita nobis progresso ratio est, ut ea duceretur omnis a prima commendatione naturae. nunc autem aliud iam argumentandi sequamur genus, ut non solum quia nos diligamus, sed quia cuiusque partis naturae et in corpore et in animo sua quaeque vis sit, idcirco in his rebus summe nostra sponte moveamur. Atque ut a corpore ordiar, videsne ut, si quae in membris prava aut

debilitata aut inminuta sint, occultent homines? Ut etiam contendant et elaborent, si efficere possint, ut aut non appareat corporis vitium aut quam minimum appareat? Multosque etiam dolores curationis causa perferant, ut, si ipse usus membrorum non modo non maior, verum etiam minor futurus sit, eorum tamen species ad naturam revertatur? Etenim, cum omnes natura totos se expetendos putent, nec id ob aliam rem, sed propter ipsos, necesse est eius etiam partis propter se expeti, quod universum propter se expetatur.

[47] Quid? In motu et in statu corporis nihil inest, quod animadvertendum esse ipsa natura iudicet? Quem ad modum quis ambulet, sedeat, qui ductus oris, qui vultus in quoque sit? Nihilne est in his rebus, quod dignum libero aut indignum esse ducamus? Nonne odio multos dignos putamus, qui quodam motu aut statu videntur naturae legem et modum contempsisse? Et quoniam haec deducuntur de corpore quid est cur non recte pulchritudo etiam ipsa propter se expetenda ducatur? Nam si pravitatem inminutionemque corporis propter se fugiendam putamus, cur non etiam, ac fortasse magis, propter se formae dignitatem sequamur? Et si turpitudinem fugimus in statu et motu corporis, quid est cur pulchritudinem non sequamur? Atque etiam valítudinem, vires, vacuitatem doloris non propter utilitatem solum, sed etiam ipsas propter se expetemus. quoniam enim natura suis omnibus expleri partibus vult, hunc statum corporis per se ipsum expetit, qui est maxime e natura, quae tota perturbatur, si aut aegrum corpus est aut dolet aut, caret viribus.

XVIII. [48] Videamus animi partes, quarum est conspectus illustrior; quae quo sunt excelsiores, eo dant clariora indicia naturae. Tantus est igitur innatus in nobis cognitionis amor et scientiae, ut nemo dubitare possit quin ad eas res hominum natura nullo emolumento invitata rapiatur. Videmusne ut pueri ne verberibus quidem a contemplandis rebus perquirendisque deterreantur? ut pulsi recurrant? ut aliquid scire se gaudeant? ut id aliis narrare gestiant? ut pompa, ludis atque eius modi spectaculis teneantur ob eamque rem vel famem et sitim perferant? quid vero? qui ingenuis studiis atque artibus delectantur, nonne videmus eos nec valitudinis nec rei familiaris habere rationem omniaque perpeti ipsa cognitione et scientia captos et cum maximis curis et laboribus compensare eam, quam ex discendo capiant, voluptatem?

[49] [Ut] mihi quidem Homerus huius modi quiddam vidisse videatur in iis, quae de Sirenum cantibus finxerit. neque enim vocum suavitate videntur aut novitate quadam et varietate cantandi revocare eos solitae, qui praetervehebantur, sed quia multa se scire profitebantur, ut homines ad earum saxa discendi cupiditate adhaerescerent. ita enim invitant Ulixem — nam verti, ut quaedam Homeri, sic istum ipsum locum — :

O decus Argolicum, quin puppim flectis, Ulixes,
Auribus ut nostros possis agnoscere cantus!
Nam nemo haec umquam est transvectus caerula cursu,
Quin prius adstiterit vocum dulcedine captus,
Post variis avido satiatus pectore musis
Doctior ad patrias lapsus pervenerit oras.
Nos grave certamen belli clademque tenemus,
Graecia quam Troiae divino numine vexit,
Omniaque e latis rerum vestigia terris.

Vidit Homerus probari fabulam non posse, si cantiunculis tantus irretitus vir teneretur; scientiam pollicentur, quam non erat mirum sapientiae cupido patria esse cariorem. Atque omnia quidem scire, cuiuscumque modi sint, cupere curiosorum, duci vero maiorum rerum contemplatione ad cupiditatem scientiae summorum virorum est putandum.

XIX. [50] Quem enim ardorem studii censetis fuisse in Archimede, qui dum in pulvere quaedam describit attentius, ne patriam <quidem> captam esse senserit? quantum Aristoxeni ingenium consumptum videmus in musicis? quo studio Aristophanem putamus aetatem in litteris duxisse? quid de Pythagora? quid de Platone aut de Democrito loquar? a quibus propter discendi cupiditatem videmus ultimas terras esse peragratas. quae qui non vident, nihil umquam magnum ac cognitione dignum amaverunt.

Atque hoc loco, qui propter animi voluptates coli dicunt ea studia, quae dixi, non intellegunt idcirco esse ea propter se expetenda, quod nulla utilitate obiecta delectentur animi atque ipsa scientia, etiamsi incommodatura sit, gaudeant.

[51] Sed quid attinet de rebus tam apertis plura requirere? Ipsi enim quaeramus a nobis stellarum motus contemplationesque rerum caelestium eorumque omnium, quae naturae obscuritate occultantur, cognitiones quem ad modum nos moveant, et quid historia delectet, quam solemus persequi usque ad extremum, <cum> praetermissa repetimus, inchoata persequimur. Nec vero sum nescius esse utilitatem in historia, non modo voluptatem.

[52] Quid, cum fictas fabulas, e quibus utilitas nulla elici potest, cum voluptate legimus? quid, cum volumus nomina eorum, qui quid gesserint, nota nobis esse, parentes, patriam, multa praeterea minime necessaria? quid, quod homines infima fortuna, nulla spe rerum gerendarum, opifices denique delectantur historia? Maximeque eos videre possumus res gestas audire et legere velle, qui a spe gerendi absunt confecti senectute. Quocirca intellegi necesse est in ipsis rebus, quae discuntur et cognoscuntur, invitamenta inesse, quibus ad discendum cognoscendumque moveamur.

[53] Ac veteres quidem philosophi in beatorum insulis fingunt qualis futura sit vita sapientium, quos cura omni liberatos, nullum necessarium vitae cultum aut paraturn requirentis, nihil aliud esse acturos putant, nisi ut omne tempus inquirendo ac discendo in naturae cognitione consumant. Nos autem non solum beatae vitae istam esse oblectationem videmus, sed etiam levamentum miseriarum. itaque multi, cum in potestate essent hostium aut tyrannorum, multi in custodia, multi in exillo dolorem suum doctrinae studiis levaverunt.

[54] Princeps huius civitatis Phalereus Demetrius cum patria pulsus esset iniuria, ad Ptolomaeum se regem Alexandream contulit. Qui cum in hac ipsa philosophia, ad quam te hortamur, excelleret Theophrastique esset auditor, multa praeclara in illo calamitoso otio scripsit non ad usum aliquem suum, quo erat orbatus, sed animi cultus ille erat ei quasi quidam humanitatis cibus. Equidem e Cn. Aufidio, praetorio, erudito homine, oculis capto, saepe audiebam, cum se lucis magis quam utilitatis desiderio moveri diceret. somnum denique nobis, nisi requietem corporibus et is medicinam quandam laboris afferret, contra naturam putaremus datum; aufert enim sensus actionemque tollit omnem. Itaque si aut requietem natura non quaereret aut eam posset alia quadam ratione consequi. Facile

pateremur, qui etiam nunc agendi aliquid discendique causa prope contra naturam vígillas suscipere soleamus.

XX. [55] Sunt autem etiam clariora vel plane perspicua minimeque dubitanda indicia naturae, maxime scilicet in homine sed in omni animali, ut appetat animus aliquid agere semper neque ulla condicione quietem sempiternam possit pati. Facile est hoc cernere in primis puerorum aetatulis. Quamquam enim vereor, ne nimius in hoc genere videar, tamen omnes veteres philosophi, maxime nostri, ad incunabula accedunt, quod in pueritia facillime se arbitrantur naturae voluntatem posse cognoscere. Videmus igitur ut conquiescere ne infantes quidem possint. cum vero paulum processerunt, lusionibus vel laboriosis delectantur, ut ne verberibus quidem deterreri possint, eaque cupiditas agendi aliquid adolescit una cum aetatibus. Itaque, ne si iucundissimis quidem nos somniis usuros putemus, Endymionis somnum nobis velimus dari, idque si accidat, mortis instar putemus.

[56] Quin etiam inertissimos homines nescio qua singolari segnitia praeditos videmus tamen et corpore et animo moveri semper et, cum re nulla impediantur necessaria, aut alveolum poscere aut quaerere quempiam ludum aut sermonem aliquem requirere, cumque non habeant ingenuas ex doctrina oblectationes, circulos aliquos et sessiunculas consectari. quin ne bestiae quidem, quas delectationis causa concludimus, cum copiosius alantur, quam si essent liberae, facile patiuntur sese contineri motusque solutos et vagos a natura sibi tributos requirunt.

[57] Itaque ut quisque optime natus institutusque est, esse omnino nolit in vita, si gerendis negotiis orbatus possit paratissimis vesci voluptatibus. Nam aut privatim aliquid gerere malunt aut, qui attore animo sunt, capessunt rem publicam honoribus imperiisque adipiscendis aut totos se ad studia doctrinae conferunt. Qua in vita tantum abest ut voluptates consectentur, etiam curas, sollicitudines, vigilias perferunt optimaque parte hominis, quae in nobis divina ducenda est, ingenii et mentis acie fruuntur nec voluptatem requirentes nec fugientes laborem. Nec vero intermittunt aut admirationem earum rerum, quae sunt ab antiquis repertae, aut investigationem novarum. Quo studio cum satiari non possint, omnium ceterarum rerum obliti níhil abiectum, nihil humile cogitant; tantaque est vis talibus in studiis, ut eos etiam, qui sibi alios

proposuerunt fines bonorum, quos utilitate aut voluptate dirigunt, tamen in rebus quaerendis explicandisque naturis aetates contenere videamus.

XXI. [58] Ergo hoc quidem apparet, nos ad agendum esse natos. Actionum autem genera plura, ut obscurentur etiam minora maioribus, maximae autem sunt primum, ut mihi quidem videtur et iis, quorum nunc in ratione versamur, consideratio cognitioque rerum caelestium et earum, quas a natura occultatas et latentes indagare ratio potest, deinde rerum publicarum administratio aut administrandi scientia, tum prudens, temperata, fortis, iusta ratio reliquaeque virtutes et actiones virtutibus congruentes, quae uno verbo complexi omnia honesta dicimus; ad quorum et cognitionem et usum iam corroborati natura ipsa praeeunte deducimur. Omnium enim rerum principia parva sunt, sed suis progressionibus usa augentur nec sine causa; in primo enim ortu inest teneritas ac mollitia quaedam, ut nec res videre optimas nec agere possint. Virtutis enim beataeque vitae, quae duo maxime expetenda sunt, serius lumen apparet, multo etiam serius, ut plane qualia sint intellegantur. Praeclare enim Plato: ‘Beatum, cui etiam in senectute contigerit, ut sapientiam verasque opiniones assequi possit’. Quare, quoniam de primis naturae commodis satis dietum est nunc de maioribus consequentibusque videamus.

[59] Natura igitur corpus quidem bominis sic et genuit et formavit, ut alia in primo ortu perficeret, alia progrediente aetate fingeret neque sane multum adiumentis externis et adventiciis uteretur. Animum autem reliquis rebus ita perfecit, ut corpus; sensibus enim ornavit ad res percipiendas idoneis, ut nihil aut non multum adiumento ullo ad suam confirmationem indigerent; quod autem in homine praestantissimum atque optimum est, id deseruit. Etsi dedit talem mentem, quae omnem virtutem accipere posset, ingenuitque sine doctrina notitias parvas rerum maximarum et quasi instituit docere et induxit in ea, quae inerant, tamquam elementa virtutis. Sed virtutem ipsam inchoavit, nihil amplius.

[60] Itaque nostrum est — quod nostrum dico, artis est — ad ea principia, quae accepimus. Consequentia exquirere, quoad sit id, quod volumus, effectum. quod quidem pluris est haud paulo magisque ipsum propter se expetendum quam aut sensus aut corporis ea, quae diximus, quibus tantum praestat mentis excellens perfectio, ut vix cogitari possit quid intersit. Itaque omnis honos, omnis

admiratio, omne studium ad virtutem et ad eas actiones, quae virtuti sunt consentaneae, refertur, eaque omnia, quae aut ita in animis sunt aut ita geruntur, uno nomine honesta dicuntur. Quorum omnium quae sint notitiae, quae quidem significentur rerum vocabulis, quaeque cuiusque vis et natura sit mox videbimus.

XXII. [61] Hoc autem loco tantum explicemus haec honesta, quae dico, praeterquam quod nosmet ipsos diligamus, praeterea suapte natura per se esse expetenda. Indicant pueri, in quibus ut in speculis natura cernitur. Quanta studia decertantium sunt! Quanta ipsa certamina! Ut illi efferuntur laetitia, cum vicerunt! ut pudet victos! Ut se accusari nolunt! Quam cupiunt laudari! Quos illi labores non perferunt, ut aequalium principes sint! Quae memoria est in iis bene merentium, quae referendae gratiae cupiditas! Atque ea in optima quaque indole maxime apparenti in qua haec honesta, quae intellegimus, a natura tamquam adumbrantur.

[62] Sed haec in pueris; expressa vero in iis aetatibus, quae iam confirmatae sunt. quis est tam dissimile homini. Qui non moveatur et offensione turpitudinis et comprobatione honestatis? Quis est, qui non oderit libidinosam, protervam adolescentiam? Quis contra in illa aetate pudorem, constantiam, etiamsi sua nihil intersit, non tamen diligat? Quis Pullum Numitorium Fregellanum, proditorem, quamquam rei publicae nostrae profuit, non odit? Quis &suae> urbis conservatorem Codrum, quis Erechthei filias non maxime laudat? Cui Tubuli nomen odio non est? Quis Aristidem non mortuum diligit? an obliviscimur, quantopere in audiendo in legendoque moveamur, cum pie, cum amice, cum magno animo aliquid factum cognoscimus?

[63] Quid loquor de nobis, qui ad laudem et ad decus nati, suscepti, instituti sumus? Qui clamores vulgi atque imperitorum excitantur in theatris, cum illa dicuntur: ‘Ego sum Orestes’, contraque ab altero: ‘Immo enimvero ego sum, inquam, Orestes!’ Cum autem etiam exitus ab utroque datur conturbato errantique regi, ambo ergo se una necari cum precantur, quotiens hoc agitur, ecquandone nisi admirationibus maximis? Nemo est igitur, quin hanc affectionem animi probet atque laudet, qua non modo utilitas nulla quaeritur, sed contra utilitatem etiam conservatur fides.

[64] Talibus exemplis non fictae solum fabulae, verum etiam

historiae refertae sunt, et quidem maxime nostrae. Nos enim ad sacra Idaea accipienda optimum virum delegimus, nos tutores misimus regibus, nostri imperatores pro salute patriae sua capita voverunt, nostri consules regem inimicissimum moenibus iam adpropinquantem monuerunt, a veneno ut caveret, nostra in re publica [Lucretia] et quae per vim oblatum stuprum volontaria morte lueret inventa est et qui interficeret filiam, ne stupraretur. Quae quidem omnia et innumerabilia praeterea quis est quin intellegat et eos qui fecerint dignitatis splendore ductos inmemores fuisse utilitatum suarum nosque, cum ea laudemus, nulla alla re nisi honestate duci?

XXIII. Quibus rebus expositis breviter — nec enim sum copiam, quam potui, quia dubitatio in re nulla erat, persecutus — sed his rebus concluditur profecto et virtutes omnes et honestum illud, quod ex iis oritur et in iis haeret, per se esse expetendum. [65] In omni autem honesto, de quo loquimur, nihil est tam illustre nec quod latius pateat quam coniunctio inter homines hominum et quasi quaedam societas et communicatio utilitatum et ipsa caritas generis humani. Quae nata a primo satu, quod a procreatoribus nati diliguntur et tota domus coniugio et stirpe coniungitur, serpit sensim foras, cognationibus primum, tum affinitatibus, deinde amicitiis, post vicinitatibus, tum civibus et iis, qui publice socii atque amici sunt, deinde totius complexu gentis humanae. Quae animi affectio suum cuique tribuens atque hanc, quam dico. Societatem coniunctionis humanae munifice et aeque tuens iustitia dicitur, cui sunt adiunctae pietas, bonitas, liberalitas, benignitas, comitas, quaeque sunt generis eiusdem. Atque haec ita iustitiae propria sunt, ut sint virtutum reliquarum communia.

[66] Nam cum sic hominis natura generata sit, ut habeat quiddam ingenitum quasi civile atque populare, quod Graeci politiko/n vocant, quicquid aget quaeque virtus, id a communitate et ea, quam exposui, caritate ac societate humana non abhorrebit, vicissimque iustitia, ut ipsa se fundet in ceteras virtutes, sic illas expetet. servari enim iustitia nisi a forti viro, nisi a sapiente non potest. qualis est igitur omnis haec, quam dico, conspiratio consensusque virtutum, tale est illud ipsum honestum, quandoquidem honestum aut ipsa virtus est aut res gesta virtute; quibus rebus vita consentiens virtutibusque

respondens recta et honesta et constans et naturae congruens existimari potest.

[67] Atque haec coniunctio confusioque virtutum tamen a philosophis ratione quadam distinguitur. nam cum ita copulatae conexaeque sint, ut omnes omnium participes sint nec alia ab alia possit separari, tamen proprium suum cuiusque munus est, ut fortitudo in laboribus periculisque cernatur, temperantia in praeterrnittendis voluptatibus, prudentia in dilectu bonorum et malorum, iustitia in suo cuique tribuendo. Quando igitur inest in omni virtute cura quaedam quasi foras spectans aliosque appetens atque complectens, existit illud, ut amici, ut fratres, ut propinqui, ut affines, ut cives, ut omnes denique — quoniam unam societatem hominum esse volumus — propter se expetendi sint. atqui eorum nihil est eius generis, ut sit in fine atque extrerno bonorum.

[68] Ita fit, ut duo genera propter se expetendorum reperiantur, unum, quod est in iis, in quibus completar illud extremum, quae sunt aut animi aut corporis; haec autem, quae sunt extrinsecus, id est quae neque in animo insunt neque in corpore, ut amici, ut parentes ut liberi, ut propinqui, ut ipsa patria, sunt illa quidem sua sponte cara, sed eodem in genere, quo illa, non sunt. nec vero umquam summum bonum assequi quisquam posset, si omnia illa, quae sunt extra, quamquam expetenda, summo bono continerentur.

XXIV. [69] Quo modo igitur, inquies, verum esse poterit omnia referri ad summum bonum, si amicítiae, si propinquitates, si reliqua externa summo bono non continentur? Hac videlicet ratione, quod ea, quae externa sunt, iis tuemur officiis, quae oriuntur a suo cuiusque genere virtutis. nam et amici cultus et parentis ei, qui officio fungitur, in eo ipso prodest, quod ita fungi officio in recte factis est, quae sunt orta virtutibus. Quae quidem sapientes sequuntur duce natura tamquam videntes; non perfecti autem homines et tamen ingeniis excellentibus praediti excitantur saepe gloria, quae habet speciem honestatis et similitudinem. Quodsi ipsam honestatem undique pertectam atque absolutam. rem unam praeclarissimam omnium maximeque laudandam, penitus viderent, quonam gaudio complerentur, cum tantopere eius adumbrata opinione laetentur?

[70] Quem enim deditum voluptatibus, quem cupiditatum incendiis inflammatum in iis potiendis, quae acerrime concupivisset, tanta

laetitia perfundi arbitramur, quanta aut superiorem Africanum Hannibale victo aut posteriorem Karthagine eversa? Quem Tiberina descensio festo illo die tanto gaudio affecit, quanto L. Paulum, cum regem Persem captum adduceret, eodem flumine invectio?

[71] Age nunc, Luci noster, extrue animo altitudinem excellentiamque virtutum: iam non dubitabis, quin earum compotes homines magno animo erectoque viventes semper sint beati, qui omnis motus fortunae mutationesque rerum et temporum levis et inbecillos fore intellegant, si in virtutis certamen venerint. Illa enim, quae sunt a nobis bona corporis numerata, complent ea quidem beatissimam vitam, sed ita, ut sine illis possit beata vita existere. Ita enim parvae et exiguae sunt istae accessiones bonorum, ut, quem ad modum stellae in radiis solis, sic istae in virtutum splendore ne cernantur quidem.

[72] Atque hoc ut vere dicitur, parva esse ad beate vivendum momenta ista corporis commodorum, sic nimis violentum est nulla esse dicere; qui enim sic disputant, obliti mihi videntur, quae ipsi fecerint principia naturae. Tribuendum est igitur his aliquid, dum modo quantum tribuendum sit intellegas. Est enim philosophi non tam gloriosa quam vera quaerentis nec pro nihilo putare ea, quae secundum naturam illi ipsi gloriosi esse fatebantur, et videre [esse] <esse> tantam vim virtutis tantamque, ut ita dicam, auctoritatem honestatis, ut reliqua non illa quidem nulla, sed ita parva sint, ut nulla esse videantur. Haec est nec omnia spernentis praeter virtutem et virtutem ipsam suis laudibus amplificantis oratio, denique haec est undique completa et perfecta explicatio summi boni. Hinc ceteri particulas arripere conati suam quisque videro voluit afferre sententiam.

XXV. [73] Saepe ab Aristotele, a Theophrasto mirabiliter est laudata per se ipsa rerum scientia; hoc uno captus Erillus scientiam summum bonum esse defendit nec rem ullam aliam per se expetendam. Multa sunt dicta ab antiquis de contemnendis ac despiciendis rebus humanis; hoc unum Aristo tenuit: praeter vitia atque virtutes negavit rem esse ullam aut fugiendam aut expetendam. Positum est a nostris in iis esse rebus, quae secundum naturam essent, non dolere; hoc Hieronymus summum bonum esse dixit. at vero Callipho et post eum Diodorus, cum is alter voluptatem

adamavisset, alter vacuitatem doloris, neuter honestate carere potuit, quae est a nostris laudata maxime.

[74] Quin etiam ipsi voluptarii deverticula quaerunt et virtutes habent in ore totos dies voluptatemque primo dumtaxat expeti dicunt, deinde consuetudine quasi alteram quandam naturam effici, qua inpulsi multa faciant nullam quaerentes voluptatem. Stoici restant, ei quidem non unam aliquam aut alteram <rem> a nobis, sed totam ad se nostram philosophiam transtulerunt; atque ut reliqui fures earum rerum, quas ceperunt, signa commutant, sic illi, ut sententiis nostris pro suis uterentur, nomina tamquam rerum notas mutaverunt. Ita relinquitur sola haec disciplina digna studiosis ingenuarum artium, digna eruditis, digna claris viris, digna principibus, digna regibus.

[75] Quae cum dixisset paulumque institisset, Quid est? inquit; satisne vobis videor pro meo iure in vestris auribus commentatus?

Et ego: Tu vero, inquam, Piso, ut saepe alias, sic hodie ita nosse ista visus es, ut, si tui nobis potestas saepius fieret, non multum Graecis supplicandum putarem. quod quidem eo probavi magis, quia memini Staseam Neapolitanum, doctorem illum tuum, nobilem sane Peripateticum, aliquanto ista secus dicere solitumi assentientem iis, qui multum in fortuna secunda aut adversa, multum in bonis aut malis corporis ponerent.

Est, ut dicis, inquit; sed haec ab Antiocho, familiari nostro, dicuntur multo melius et fortius, quam a Stasea dicebantur. quamquam ego non quaero, quid tibi a me probatum sit, sed huic Ciceroni nostro, quem discipulum cupio a te abducere.

XXVI. [76] Tum Lucius: Mihi vero ista valde probata sunt, quod item fratri puto.

Tum mihi Piso: Quid ergo? inquit, dasne adolescenti veniam? an eum discere ea mavis, quae cum plane perdidiceriti nihil sciat?

Ego vero isti, inquam, permitto. sed nonne merninisti licere mihi ista probare, quae sunt a te dicta? quis enim potest ea, quae probabilia videantur ei, non probare?

An vero, inquit, quisquam potest probare, quod perceptfum, quod. comprehensum, quod cognitum non habet?

Non est ista, inquam, Piso, magna dissensio. Nihil enim est aliud,

quam ob rem mihi percipi nihil posse videatur, nisi quod percipiendi vis ita definitur a Stoicis, ut negent quicquam posse percipi nisi tale verum, quale falsum esse non possit. Itaque haec cum illis est dissensio, cum Peripateticis nulla sane. Sed haec omittamus; habent enim et bene longam et satis litigiosam disputationem.

[77] Illud mihi a te nimium festinanter dictum videtur, sapientis omnis esse semper beatos; nescio quo modo praetervolavit oratio. Quod nisi ita efficitur, quae Theophrastus de fortuna, de dolore, de cruciatu corporis dixit, cum quibus coniungi vitam beatam nullo modo posse putavit, vereor, ne vera sint. nam illud vehementer repugnat, eundem beatum esse et multis malis oppressum. haec quo modo conveniant, non sane intellego.

Utrum igitur tibi non placet, inquit, virtutisne tantam esse vim, ut ad beate vivendum se ipsa contenta sit? an, si id probas, fieri ita posse negas, ut ii, qui virtutis compotes sint, etiam malis quibusdam affecti beati sint?

Ego vero volo in virtute vim esse quam maximam; sed quanta sit alias, nunc tantum possitne esse tanta. si quicquam extra virtutem habeatur in bonis.

[78] Atqui, inquit, si Stoicis concedis ut virtus sola, si adsit vitam efficiat beatam, concedis etiam Peripateticis. Quae enim mala illi non audent appellare, aspera autem et incommoda et reicienda et aliena naturae esse concedunt, ea nos mala dicimus, sed exigua et paene minima. quare si potest esse beatus is, qui est in asperis reiciendisque rebus, potest is quoque esse. Qui est in parvis malis.

Et ego: Piso, inquam, si est quisquam, qui acute in causis videre soleat quae res agatur. Is es profecto tu. Quare attende, quaeso. nam adhuc, meo fortasse vitio, quid ego quaeram non perspicis.

Istic sum, inquit. expectoque quid ad id, quod quaerebam, respondeas.

XXVII. [79] Respondebo me non quaerere, inquam, hoc tempore quid virtus efficere possit, sed quid constanter dicatur, quid ipsum a se dissentiat.

Quo igitur, inquit, modo?

Quia, cum a Zenone, inquam, hoc magnifice tamquam ex oraculo editur: ‘Virtus ad beate vivendum se ipsa contenta est’, <et> Quare? inquit, respondet: ‘Quia, nisi quod honestum est, nullum est aliud bonum! Non quaero iam verumne sit; illud dico, ea, quae dicat, praeclare inter se cohaerere.

[80] Dixerit hoc idem Epicurus, semper beatum esse sapientem — quod quidem solet ebullire non numquam — , quem quidem, cum summis doloribus conficiatur, ait dicturum: ‘Quam suave est! quam nihil curo!’; non pugnem cum homine, cur tantum habeat in natura boni; illud urgueam, non intellegere eum quid sibi dicendum sit, cum dolorem summum malum esse dixerit. Eadem nunc mea adversum te oratio est. dicis eadem omnia et bona et mala, quae quidem dicunt ii, qui numquam philosophum pictum, ut dicitur, viderunt: valitudinem, vires, staturam, formam, integritatem unguiculorum omnium <bona>, deformitatem, morbum, debilitatem mala.

[81] Iam illa externa parce tu quidem; sed haec cum corporis bona sint, eorum conficientia certe in bonis numerabis, amicos, liberos, propinquos, divitias, honores, opes. Contra hoc attende me nihil dicere, [illud dicere], si ista mala sunt, in quae potest incidere sapiens, sapientem esse non esse ad beate vivendum satis.

Immo vero, inquit, ad beatissime vivendum parum est, ad beate vero satis.

Animadverti, ínquam, te isto modo paulo ante ponere, et scio ab Antiocho nostro dici sic solere; sed quid minus probandum quam esse aliquem beatum nec satis beatum? Quod autem satis est, eo quicquid accessit, nimium est; et nemo nimium beatus est; ita nemo beato beatior.

[82] Ergo, inquit, tibi Q.Metellus, qui tris filios consules vidit, e quibus unum etiam et censorem et triumphantem, quartum autem practorem, eosque salvos reliquit et tris filias nuptas, cum ipse consul, censor, etiam augur fuisset triumphasset, ut sapiens fuerit, nonne beatior quam, ut item sapiens fuerit, qui in potestate hostium vigiliis et inedia necatus est, Regulus?

XXVIII. [83] Quid me istud rogas? inquam. Stoicos roga.

Quid igitur, inquit, eos responsuros putas?

Nihilo beatiorem esse Metellum quam Regulum.

Inde igitur, inquit, ordiendum est.

Tamen a proposito, inquam, aberramus. Non enim quaero quid verum, sed quid cuique dicendum sit. Utinam quidem dicerent alium alio beatiorem! Iam ruinas videres. In virtute enim sola et in ipso honesto cum sit bonum positum, cumque nec virtus, ut placet illis, nec honestum crescat, idque bonum solum sit, quo qui potiatur, necesse est beatus sit, cum id augeri non possit, in quo uno positum est beatum esse, qui potest esse quisquam alius alio beatior? videsne, ut haec concinant? Et hercule — fatendum est enim, quod sentio — mirabilis est apud illos contextus rerum. Respondent extrema primis, media utrisque, omnia omnibus. Quid sequatur, quid repugnet, vident. Ut in geometria, prima si dederis, danda sunt omnia. Concede nihil esse bonum, nisi quod bonestum sit: concedendum est in virtute <esse> positam beatam vitam vide rursus retro: dato hoc dandum erit illud.

[84] Quod vestri non item. 'Tria genera bonorum'; proclivi currit oratio. venit ad extremum; haeret in salebra. cupit enim dícere nihil posse ad beatam vitam deesse sapienti. honesta oratio, Socratica, Platonis etiam. Audeo dicere, inquit. Non potes, nisi retexueris illa. paupertas si malum est, mendicus beatus esse nemo potest, quamvis sit sapiens. at Zeno eum non beatum modo, sed etiam divitem dicere ausus est. dolere malum est: in crucem qui agitur, beatus esse non potest. Bonum liberi: misera orbitas. Bonum patria: miserum exilium. Bonum valitudo: miser morbus. Bonum integritas corporis: misera debilitas. Bonum incolumis acies: misera caecitas. Quae si potest singula consolando levare, universa quo modo sustinebit? Sit enim idem caecus, debilis. Morbo gravissimo affectus, exul, orbus, egens, torqueatur eculeo: quem hunc appellas, Zeno? Beatum, inquit. Etiam beatissimum? Quippe, inquieta cum tam docuerim gradus istam rem non habere quam virtutem, in qua sit ipsum etíam beatum.

[85] Tibi hoc incredibile, quod beatissimum. quid? tuum credibile? Si enim ad populum me vocas, eum. Qui ita affectus, beatum esse

numquam probabis; si ad prudentes, alterum fortasse dubitabunt, sitne tantum in virtute, ut ea praediti vel in Phalaridis tauro beati sint, alterum non dubitabunt, quin et Stoici conveniente sibi dicant et vos repugnantia.

Theophrasti igitur, inquit, tibi liber ille placet de beata vita?

Tamen aberramus a proposito, et, ne longius, prorsus, inquam, Piso, si ista mala sunt, placet.

[86] Nonne igitur tibi videntur, inquit, mala?

Id quaeris, inquam, in quo, utrum respondero, verses te huc atque illuc necesse est.

Quo tandem modo? inquit.

Quia, si mala sunt, is, qui erit in iis, beatus non erit. si mala non sunt, iacet omnis ratio Peripateticorum.

Et ille ridens: Video, inquit, quid agas; ne discipulum abducam, times.

Tu vero, inquam, ducas licet, si sequetur; erit enim mecum, si tecum erit.

XXIX. Audi igitur, inquit, Luci; tecum enim mihi instituenda oratio est. Omnis auctoritas philosophiae, ut ait Theophrastus, consistit in beata vita comparanda; beate enim vivendi cupiditate incensi omnes sumus. [87] Hoc mihi cum tuo fratre convenit. quare hoc videndum est, possitne nobis hoc ratio philosophorum dare. pollicetur certe. Nisi enim id faceret, cur Plato Aegyptum peragravit, ut a sacerdotibus barbaris numeros et caelestia acciperet? Cur post Tarentum ad Archytam? Cur ad reliquos Pythagoreos, Echecratem, Timaeum, Arionem, Locros, ut, cum Socratem expressisset, adiungeret Pythagoreorum disciplinam eaque, quae Socrates repudiabat, addisceret? Cur ipse Pythagoras et Aegyptum lustravit et Persarum magos adiit? Cur tantas regiones barbarorum pedibus obiit, tot maria transmisit? Cur haec eadem Democritus? Qui — vere falsone, quaerere mittimus — dicitur oculis se privasse; certe, ut quam minime animus a cogitationibus abduceretur, patrimonium neglexit, agros deseruit incultos, quid quaerens aliud nisi vitam beatam quam si etiam in rerum cognitione ponebat, tamen ex illa investigazione naturae consequi volebat, bono ut esset animo. Id

enim ille summum bonum eu)qumi/an et saepe a)qambi/an appellat, id est animum terrore liberum.

[88] Sed haec etsi praeclare, nondum tamen perpolita. Pauca enim, neque ea ipsa enucleate, ab hoc de virtute quidem dicta. Post enim haec in hac urbe primum a Socrate quaeri coepta, deinde in hunc locum delata sunt, nec dubitatum, quin in virtute omnis ut bene, sic etiam beate vivendi spes poneretur. Quae cum Zeno didicisset a nostris, ut in aetionibus praescribi solet, 'DE EADEM RE [FECIT] ALIO MODO'. Hoc tu nunc in illo probas. scilicet vocabulis rerum mutatis inconstantiae crimen ille effugit, nos effugere non possumus! Ille Metelli vitam negat beatiorem quam Reguli, praeponendam tamen, nec magis expetendam, sed magis sumendam et, si optio esset, eligendam Metelli. Reguli reiciendam; ego, quam ille praeponendam et magis eligendam, beatiorem hanc appello nec ullo minimo momento plus ei vitae tribuo quam Stoici.

[89] Quid interest, nisi quod ego res notas notis verbis appello, illi nomina nova quaerunt, quibus idem dicant? Ita, quem ad modum in senatu semper est aliquis, qui interpretem postulet, sic, isti nobis cum interprete audiendi sunt. bonum appello quicquid secundurn naturam est, quod contra malum, nec ego solus, sed tu etiam, Chrysippe, in foro, domi; in schola desinis. quid ergo? Aliter homines, aliter philosophos loqui putas oportere? Quanti quidque sit aliter docti et indocti, sed cum constiterit inter doctos quanti res quaeque sit — si homines essent, usitate loquerentur — , dum res maneant, verba fingant arbitratu suo.

XXX. [90] Sed venio ad inconstantiae crimen, ne saepius dicas me aberrare; quam tu ponis in verbis, ego positam in re putabam. Si satis erit hoc perceptum, in quo adiutores Stoicos optimos habemus, tantam vim esse virtutis, ut omnia, si ex altera parte ponantur, ne appareant quidem, cum omnia, quae illi commoda certe dicunt esse et sumenda et eligenda et praeposita — quae ita definiunt, ut satis magno aestimanda sint — , haec igitur cum ego tot nominibus a Stoicis appellata, partim novis et commenticiis, ut ista 'producta' et 'reducta', partim idem significantibus — quid enim interest, expetas an eligas? Mihi quidem etiam lautius videtur, quod eligitur, et ad quod dilectus adhibetur — , sed, cum ego ista omnia bona dixero, tantum refert quam magna dicam, cum expetenda, quam valde. Sin

autem nec expetenda ego magis quam tu eligenda, nec illa pluris aestimanda ego, qui bona, quam tu, producta qui appellas, omnia ista necesse est obscurari nec apparere et in virtutis tamquam in solis radios incurrere.

[91] At enim, qua in vita est aliquid mali, ea beata esse non potest. Ne seges quidem igitur spicis uberibus et crebris, si avenam uspiam videris, nec mercatura quaestuosa, si in maximis lucris paulum aliquid damni contraxerit. an hoc usque quaque, aliter in vita? Et non ex maxima parte de tota iudicabis? an dubium est, quin virtus ita maximam partem optineat in rebus humanis, ut reliquas obruat? Audebo igitur cetera, quae secundum naturam sint, bona appellare nec fraudare suo vetere nomine neque iam aliquod potius novum exquirere,virtutis autem amplitudinem quasi in altera librae lance ponere.

[92] Terram, mihi crede, ea lanx et maria deprimet. Semper enim ex eo, quod maximas partes continet latissimeque funditur, tota res appellatur. Dicimus aliquem hilare vivere; ergo, si semel tristior effectus est, hilara vita amissa est? At hoc in eo M. Crasso, quem semel ait in vita risisse Lucilius, non contigit, ut ea re minus a)ge/ lastoj ut ait idem, vocaretur. Polycratem Samium felicem appellabant. nihil acciderat ei, quod nollet, nisi quod anulum, quo delectabatur, in mari abiecerat. Ergo infelix una molestia, felix rursus, cum is ipse anulus in praecordiis piscis inventus est? Ille vero, si insipiens — quo certe, quoniam tyrannus — , numquam beatus; si sapiens, ne tum quidem miser, cum ab Oroete, praetore Darei, in crucem actus est. At multis malis affectus. Quis negat? Sed ea mala virtuti magnitudine obruebantur.

XXXI. [93] An ne hoc quidem Peripateticis concedis, ut dicant omnium bonorum virorum, id est sapientium omnibusque virtutibus ornatorum, vitam omnibus partibus plus habere semper boni quam mali? Quis hoc dicit? Stoici scilicet. Minime; sed isti ipsi, qui voluptate et dolore omnia metiuntur, nonne clamant sapienti plus semper adesse quod velit quam quod nolit? Cum tantum igitur in virtute ponant ii, qui fatentur se virtutis causa, nisi ea voluptatem faceret, ne manum quidem versuros fuisse, quid facere nos oportet, qui quamvis minimam animi praestantiam omnibus bonis corporis anteire dicamus, ut ea ne in conspectu quidem relinquantur? Quis est

enim, qui hoc cadere in sapientem dicere audeat, ut, si fieri possit, virtutem in perpetuum abiciat, ut dolore omni liberetur? Quis nostrum dixerit, quos non pudet ea, quae Stoici aspera dicunt, mala dicere, melius esse turpiter aliquid facere cum voluptate quam honeste cum dolore?

[94] Nobis Heracleotes ille Dionysius flagitiose descivisse videtur a Stoicis propter oculorum dolorem. quasi vero hoc didicisset a Zenone, non dolere, cum doleret! Illud audierat nec tamen didicerat, malum illud non esse, quia turpe non esset, et esse ferendum viro. Hic si Peripateticus fuisset, permansisset, credo, in sententia, qui dolorem malum dicunt esse, de asperitate autem eius fortiter ferenda praecipiunt eadem, quae Stoici. Et quidem Arcesilas tuus, etsi fuit in disserendo pertinacior, tamen noster fuit; erat enim Polemonis. Is cum arderet podagrae doloribus visitassetque hominem Charmides Epicureus perfamiliaris et tristis exiret, Mane, quaeso, inquit, Charmide noster; nihil illinc huc pervenit. Ostendit pedes et pectus. Ac tamen hic mallet non dolere.

XXXII. [95] Haec igitur est nostra ratio, quae tibi videtur inconstans, cum propter virtutis caelestem quandam et divinam tantamque praestantiam, ut, ubi virtus sit resque magnae <et>summe laudabiles virtute gestae, ibi esse miseria et aerumna non possit, tamen labor possit, possit molestia, non dubitem dicere omnes sapientes esse semper beatos, sed tamen fieri posse, ut sit alius alio beatior. Atqui iste locus est, Piso, tibi etiam atque etiam confirmandus, inquam; quem si tenueris, non modo meum Ciceronem, sed etiam me ipsum abducas licebit.

[96] Tum Quintus: Mihi quidem, inquit, satis hoc confirmatum videtur, laetorque eam philosophiam, cuius antea supellectilem pluris aestimabam quam possessiones reliquarum — ita mihi dives videbatur, ut ab ea petere possem, quicquid in studiis nostris concupissem — , hanc igitur laetor etiam acutiorem repertam quam ceteras, quod quidam ei deesse dicebant.

Non quam nostram quidem, inquit Pomponius iocans; sed mehercule pergrata mihi oratio tua. Quae enim dici Latine posse non arbitrabar, ea dicta sunt a te verbis aptis nec minus plane quam dicuntur a Graecis. Sed tempus est, si videtur, et recta quidem ad me.

Quod cum ille dixisset et satis disputatum videretur, in oppidum ad Pomponium perreximus omnes.

TUSCULANAE QUAESTIONES (Tusculum Disputations)

M. TVLLI CICERONIS TVSCVLANAE DISPVTATIONESM. TVLLI CICERONIS TVSCVLANARVM DISPVTATIONVM

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LIBER PRIMVS

1 Cum defensionum laboribus senatoriisque muneribus aut omnino aut magna ex parte essem aliquando liberatus, rettuli me, Brute, te hortante maxime ad ea studia, quae retenta animo, remissa temporibus, longo intervallo intermissa revocavi, et cum omnium artium, quae ad rectam vivendi viam pertinerent, ratio et disciplina studio sapientiae, quae philosophia dicitur, contineretur, hoc mihi Latinis litteris inlustrandum putavi, non quia philosophia Graecis et litteris et doctoribus percipi non posset, sed meum semper iudicium fuit omnia nostros aut invenisse per se sapientius quam Graecos aut accepta ab illis fecisse meliora, quae quidem digna statuissent, in quibus elaborarent.

2 Nam mores et instituta vitae resque domesticas ac familiaris nos profecto et melius tuemur et lautius, rem vero publicam nostri maiores certe melioribus temperaverunt et institutis et legibus. quid loquar de re militari? in qua cum virtute nostri multum valuerunt, tum plus etiam disciplina. iam illa, quae natura, non litteris adsecuti sunt, neque cum Graecia neque ulla cum gente sunt conferenda. quae enim tanta gravitas, quae tanta constantia, magnitudo animi, probitas, fides, quae tam excellens in omni genere virtus in ullis fuit, ut sit cum maioribus nostris comparanda?

3 Doctrina Graecia nos et omni litterarum genere superabat; in quo erat facile vincere non repugnantes. nam cum apud Graecos antiquissimum e doctis genus sit poetarum, siquidem Homerus fuit et Hesiodus ante Romam conditam, Archilochus regnante Romulo, serius poeticam nos accepimus. annis fere cccccx post Romam conditam Livius fabulam dedit, C.Claudio,Caeci filio, M.Tuditano consulibus, anno ante natum Ennium. qui fuit maior natu quam Plautus et Naevius. II. sero igitur a nostris poetae vel cogniti vel recepti. quamquam est in Originibus solitos esse in epulis canere convivas ad tibicinem de clarorum hominum virtutibus; honorem tamen huic generi non fuisse declarat oratio Catonis, in qua obiecit ut probrum M.Nobiliori, quod is in provinciam poetas duxisset; duxerat autem consul ille in Aetoliam, ut scimus, Ennium. quo minus igitur honoris erat poetis, eo minora studia fuerunt, nec tamen, si qui

magnis ingeniis in eo genere extiterunt, non satis Graecorum gloriae responderunt.

4 an censemus, si Fabio, nobilissimo homini, laudi datum esset, quod pingeret, non multos etiam apud nos futuros Polyclitos et Parrhasios fuisse? honos alit artes, omnesque incenduntur ad studia gloria, iacentque ea semper, quae apud quosque improbantur. summam eruditionem Graeci sitam censebant in nervorum vocumque cantibus; igitur et Epaminondas, princeps meo iudicio Graeciae, fidibus praeclare cecinisse dicitur, Themistoclesque aliquot ante annos cum in epulis recusaret lyram, est habitus indoctior. ergo in Graecia musici floruerunt, discebantque id omnes, nec qui nesciebat satis excultus doctrina putabatur.

5 in summo apud illos honore geometria fuit, itaque nihil mathematicis inlustrius; at nos metiendi ratiocinandique utilitate huius artis terminavimus modum. III. At contra oratorem celeriter complexi sumus, nec eum primo eruditum, aptum tamen ad dicendum, post autem eruditum. nam Galbam Africanum Laelium doctos fuisse traditum est, studiosum autem eum, qui is aetate anteibat, Catonem, post vero Lepidum, Carbonem, Gracchos, inde ita magnos nostram ad aetatem, ut non multum aut nihil omnino Graecis cederetur. Philosophia iacuit usque ad hanc aetatem nec ullum habuit lumen litterarum Latinarum; quae inlustranda et excitanda nobis est, ut, si occupati profuimus aliquid civibus nostris, prosimus etiam, si possumus, otiosi.

6 in quo eo magis nobis est elaborandum, quod multi iam esse libri Latini dicuntur scripti inconsiderate ab optimis illis quidem viris, sed non satis eruditis. fieri autem potest, ut recte quis sentiat et id quod sentit polite eloqui non possit; sed mandare quemquam litteris cogitationes suas, qui eas nec disponere nec inlustrare possit nec delectatione aliqua allicere lectorem, hominis est intemperanter abutentis et otio et litteris. itaque suos libros ipsi legunt cum suis, nec quisquam attingit praeter eos, qui eandem licentiam scribendi sibi permitti volunt. quare si aliquid oratoriae laudis nostra attulimus industria, multo studiosius philosophiae fontis aperiemus, e quibus etiam illa manabant.

IV. 7 Sed ut Aristoteles, vir summo ingenio, scientia, copia, cum motus esset Isocratis rhetoris gloria, dicere docere etiam coepit

adulescentes et prudentiam cum eloquentia iungere, sic nobis placet nec pristinum dicendi studium deponere et in hac maiore et uberiore arte versari. hanc enim perfectam philosophiam semper iudicavi, quae de maximis quaestionibus copiose posset ornateque dicere; in quam exercitationem ita nos studiose [operam] dedimus, ut iam etiam scholas Graecorum more habere auderemus. ut nuper tuum post discessum in Tusculano cum essent complures mecum familiares, temptavi, quid in eo genere possem. ut enim antea declamitabam causas, quod nemo me diutius fecit, sic haec mihi nunc senilis est declamatio. ponere iubebam, de quo quis audire vellet; ad id aut sedens aut ambulans disputabam.

8 itaque dierum quinque scholas, ut Graeci appellant, in totidem libros contuli. fiebat autem ita ut, cum is qui audire vellet dixisset, quid sibi videretur, tum ego contra dicerem. haec est enim, ut scis, vetus et Socratica ratio contra alterius opinionem disserendi. nam ita facillime, quid veri simillimum esset, inveniri posse Socrates arbitrabatur. Sed quo commodius disputationes nostrae explicentur, sic eas exponam, quasi agatur res, non quasi narretur. ergo ita nascetur exordium:

V. 9 Malum mihi videtur esse mors. Iisne, qui mortui sunt, an iis, quibus moriendum est? Utrisque. Est miserum igitur, quoniam malum. Certe. Ergo et ii, quibus evenit iam ut morerentur, et ii, quibus eventurum est, miseri. Mihi ita videtur. Nemo ergo non miser. Prorsus nemo. Et quidem, si tibi constare vis, omnes, quicumque nati sunt eruntve, non solum miseri, sed etiam semper miseri. nam si solos eos diceres miseros quibus moriendum esset, neminem tu quidem eorum qui viverent exciperes — moriendum est enim omnibus, — esset tamen miseriae finis in morte. quoniam autem etiam mortui miseri sunt, in miseriam nascimur sempiternam. necesse est enim miseros esse eos qui centum milibus annorum ante occiderunt, vel potius omnis, quicumque nati sunt. Ita prorsus existimo.

10 Dic quaeso: num te illa terrent, triceps apud inferos Cerberus, Cocyti fremitus, travectio Acherontis, ‘mento summam aquam attingens enectus siti’ Tantalus? tum illud, quod ‘Sisyphus versat saxum sudans nitendo neque proficit hilum?’ fortasse etiam inexorabiles iudices, Minos et Rhadamanthus? apud quos nec te

L.Crassus defendet nec M.Antonius nec, quoniam apud Graecos iudices res agetur, poteris adhibere Demosthenen; tibi ipsi pro te erit maxima corona causa dicenda. haec fortasse metuis et idcirco mortem censes esse sempiternum malum. VI. Adeone me delirare censes, ut ista esse credam? An tu haec non credis? Minime vero. Male hercule narras. Cur? quaeso. Quia disertus esse possem, si contra ista dicerem.

11 Quis enim non in eius modi causa? aut quid negotii est haec poetarum et pictorum portenta convincere? Atqui pleni libri sunt contra ista ipsa disserentium philosophorum. Inepte sane. quis enim est tam excors, quem ista moveant? Si ergo apud inferos miseri non sunt, ne sunt quidem apud inferos ulli. Ita prorsus existimo. Ubi sunt ergo ii, quos miseros dicis, aut quem locum incolunt? si enim sunt, nusquam esse non possunt. Ego vero nusquam esse illos puto. Igitur ne esse quidem? Prorsus isto modo, et tamen miseros ob id ipsum quidem, quia nulli sint.

12 Iam mallem Cerberum metueres quam ista tam inconsiderate diceres. Quid tandem? Quem esse negas, eundem esse dicis. ubi est acumen tuum? cum enim miserum esse dicis, tum eum qui non sit dicis esse. Non sum ita hebes, ut istud dicam. Quid dicis igitur? Miserum esse verbi causa M.Crassum, qui illas fortunas morte dimiserit, miserum Cn.Pompeium, qui tanta gloria sit orbatus, omnis denique miseros, qui hac luce careant. Revolveris eodem. sint enim oportet, si miseri sunt; tu autem modo negabas eos esse, qui mortui essent. Si igitur non sunt, nihil possunt esse; ita ne miseri quidem sunt. Non dico fortasse etiam, quod sentio; nam istuc ipsum, non esse, cum fueris, miserrimum puto.

13 Quid? miserius quam omnino numquam fuisse? ita, qui nondum nati sunt, miseri iam sunt, quia non sunt, et nos, si post mortem miseri futuri sumus, miseri fuimus ante quam nati. ego autem non commemini, ante quam sum natus, me miserum; tu si meliore memoria es, velim scire, ecquid de te recordere. VII. Ita iocaris, quasi ego dicam eos miseros, qui nati non sint, et non eos miseros, qui mortui sunt. Esse ergo eos dicis. Immo, quia non sint, cum fuerint, eo miseros esse. Pugnantia te loqui non vides? quid enim tam pugnat, quam non modo miserum, sed omnino quicquam esse, qui non sit? an tu egressus porta Capena cum Calatini,

Scipionum, Serviliorum, Metellorum, sepulcra vides, miseros putas illos? Quoniam me verbo premis, posthac non ita dicam, miseros esse, sed tantum miseros, ob id ipsum, quia non sint. Non dicis igitur: ‘miser est M.Crassus’, sed tantum: ‘miser M.Crassus’? Ita plane.

14 Quasi non necesse sit, quicquid isto modo pronunties, id aut esse aut non esse! an tu dialecticis ne imbutus quidem es? in primis enim hoc traditur: omne pronuntiatum (sic enim mihi in praesentia occurrit ut appellarem axioma, — utar post alio, si invenero melius) id ergo est pronuntiatum, quod est verum aut falsum. cum igitur dicis: ‘miser M.Crassus’, aut hoc dicis: ‘miser est Crassus’, ut possit iudicari, verum id falsumne sit, aut nihil dicis omnino. Age, iam concedo non esse miseros, qui mortui sint, quoniam extorsisti, ut faterer, qui omnino non essent, eos ne miseros quidem esse posse. quid? qui vivimus, cum moriendum sit, nonne miseri sumus? quae enim potest in vita esse iucunditas, cum dies et noctes cogitandum sit iam iamque esse moriendum?

VIII. 15 Ecquid ergo intellegis, quantum mali de humana condicione deieceris? Quonam modo? Quia, si mors etiam mortuis miserum esset, infinitum quoddam et sempiternum malum haberemus in vita; nunc video calcem, ad quam cum sit decursum, nihil sit praeterea extimescendum. sed tu mihi videris Epicharmi, acuti nec insulsi hominis ut Siculi, sententiam sequi. Quam? non enim novi. Dicam, si potero, Latine. scis enim me Graece loqui in Latino sermone non plus solere quam in Graeco Latine. Et recte quidem. sed quae tandem est Epicharmi ista sententia? ‘Emori nolo, sed me esse mortuum nihil aestimo. ‘Iam adgnosco Graecum. sed quoniam coegisti, ut concederem, qui mortui essent, eos miseros non esse, perfice, si potes, ut ne moriendum quidem esse miserum putem.

16 Iam istuc quidem nihil negotii est, sed ego maiora molior. Quo modo hoc nihil negotii est? aut quae sunt tandem ista maiora? Quia, quoniam post mortem mali nihil est, ne mors quidem est malum, cui proxumum tempus est post mortem, in quo mali nihil esse concedis: ita ne moriendum quidem esse malum est; id est enim perveniendum esse ad id, quod non esse malum confitemur. Uberius ista, quaeso. haec enim spinosiora, prius ut confitear me cogunt quam ut adsentiar. sed quae sunt ea, quae dicis te maiora moliri? Ut doceam, si possim, non modo malum non esse, sed bonum etiam esse mortem. Non

postulo id quidem, aveo tamen audire. ut enim non efficias quod vis, tamen, mors ut malum non sit, efficies. sed nihil te interpellabo; continentem orationem audire malo.

17 Quid, si te rogavero aliquid, nonne respondebis? Superbum id quidem est, sed, nisi quid necesse erit, malo non roges. IX. Geram tibi morem et ea quae vis, ut potero, explicabo, nec tamen quasi Pythius Apollo, certa ut sint et fixa, quae dixero, sed ut homunculus unus e multis probabilia coniectura sequens. ultra enim quo progrediar, quam ut veri similia videam, non habeo; certa dicent ii, qui et percipi ea posse dicunt et se sapientis esse profitentur. Tu, ut videtur; nos ad audiendum parati sumus.

18 Mors igitur ipsa, quae videtur notissima res esse, quid sit, primum est videndum. sunt enim qui discessum animi a corpore putent esse mortem; sunt qui nullum censeant fieri discessum, sed una animum et corpus occidere, animumque in corpore extingui. qui discedere animum censent, alii statim dissipari, alii diu permanere, alii semper. quid sit porro ipse animus, aut ubi, aut unde, magna dissensio est. aliis cor ipsum animus videtur, ex quo excordes, vecordes concordesque dicuntur et Nasica ille prudens bis consul ‘Corculum’ et ‘egregie cordatus homo, catus Aelius Sextus’.

19 Empedocles animum esse censet cordi suffusum sanguinem; aliis pars quaedam cerebri visa est animi principatum tenere; aliis nec cor ipsum placet nec cerebri quandam partem esse animum, sed alii in corde, alii in cerebro dixerunt animi esse sedem et locum; animum autem alii animam, ut fere nostri declarat nomen: nam et agere animam et efflare dicimus et animosos et bene animatos et ex animi sententia; ipse autem animus ab anima dictus est; Zenoni Stoico animus ignis videtur. X. sed haec quidem quae dixi, cor, cerebrum, animam, ignem volgo, reliqua fere singuli. ut multo ante veteres, proxime autem Aristoxenus, musicus idemque philosophus, ipsius corporis intentionem quandam, velut in cantu et fidibus quae harmonia dicitur: sic ex corporis totius natura et figura varios motus cieri tamquam in cantu sonos.

20 hic ab artificio suo non recessit et tamen dixit aliquid, quod ipsum quale esset erat multo ante et dictum et explanatum a Platone. Xenocrates animi figuram et quasi corpus negavit esse ullum, numerum dixit esse, cuius vis, ut iam ante Pythagorae visum erat, in

natura maxuma esset. eius doctor Plato triplicem finxit animum, cuius principatum, id est rationem, in capite sicut in arce posuit, et duas partes parere voluit, iram et cupiditatem, quas locis disclusit: iram in pectore, cupiditatem supter praecordia locavit.

21 Dicaearchus autem in eo sermone, quem Corinthi habitum tribus libris exponit, doctorum hominum disputantium primo libro multos loquentes facit; duobus Pherecratem quendam Phthiotam senem, quem ait a Deucalione ortum, disserentem inducit nihil esse omnino animum, et hoc esse nomen totum inane, frustraque animalia et animantis appellari, neque in homine inesse animum vel animam nec in bestia, vimque omnem eam, qua vel agamus quid vel sentiamus, in omnibus corporibus vivis aequabiliter esse fusam nec separabilem a corpore esse, quippe quae nulla sit, nec sit quicquam nisi corpus unum et simplex, ita figuratum ut temperatione naturae vigeat et sentiat.

22 Aristoteles, longe omnibus Platonem semper excipio praestans et ingenio et diligentia, cum quattuor nota illa genera principiorum esset complexus, e quibus omnia orerentur, quintam quandam naturam censet esse, e qua sit mens; cogitare enim et providere et discere et docere et invenire aliquid et tam multa [alia] meminisse, amare, odisse, cupere, timere, angi, laetari, haec et similia eorum in horum quattuor generum inesse nullo putat; quintum genus adhibet vacans nomine et sic ipsum animum endelecheian appellat novo nomine quasi quandam continuatam motionem et perennem. XI. Nisi quae me forte fugiunt, haec sunt fere de animo sententiae. Democritum enim, magnum illum quidem virum, sed levibus et rotundis corpusculis efficientem animum concursu quodam fortuito, omittamus; nihil est enim apud istos, quod non atomorum turba conficiat.

23 Harum sententiarum quae vera sit, deus aliqui viderit; quae veri simillima, magna quaestio est. utrum igitur inter has sententias diiudicare malumus an ad propositum redire? Cuperem equidem utrumque, si posset, sed est difficile confundere. quare si, ut ista non disserantur, liberari mortis metu possumus, id agamus; sin id non potest nisi hac quaestione animorum explicata, nunc, si videtur, hoc, illud alias. Quod malle te intellego, id puto esse commodius; efficiet enim ratio ut, quaecumque vera sit earum sententiarum quas eui,

mors aut malum non sit aut sit bonum potius.

24 nam si cor aut sanguis aut cerebrum est animus, certe, quoniam est corpus, interibit cum reliquo corpore; si anima est, fortasse dissipabitur; si ignis, extinguetur; si est Aristoxeni harmonia, dissolvetur. quid de Dicaearcho dicam, qui nihil omnino animum dicat esse? his sententiis omnibus nihil post mortem pertinere ad quemquam potest; pariter enim cum vita sensus amittitur; non sentientis autem nihil est ullam in partem quod intersit. reliquorum sententiae spem adferunt, si te hoc forte delectat, posse animos, cum e corporibus excesserint, in caelum quasi in domicilium suum pervenire. Me vero delectat, idque primum ita esse velim, deinde, etiamsi non sit, mihi persuaderi tamen velim. Quid tibi ergo opera nostra opus est? num eloquentia Platonem superare possumus? evolve diligenter eius eum librum, qui est de animo: amplius quod desideres nihil erit. Feci mehercule, et quidem saepius; sed nescio quo modo, dum lego, adsentior, cum posui librum et mecum ipse de inmortalitate animorum coepi cogitare, adsensio omnis illa elabitur.

25 Quid? hoc dasne aut manere animos post mortem aut morte ipsa interire? Do vero. Quid, si maneant? Beatos esse concedo. Sin intereant? Non esse miseros, quoniam ne sint quidem; iam istuc coacti a te paulo ante concessimus. Quo modo igitur aut cur mortem malum tibi videri dicis? quae aut beatos nos efficiet, animis manentibus, aut non miseros sensu carentis.

XII. 26 Expone igitur, nisi molestum est, primum, si potes, animos remanere post mortem, tum, si minus id obtinebis — est enim arduum — , docebis carere omni malo mortem. ego enim istuc ipsum vereor ne malum sit non dico carere sensu, sed carendum esse. Auctoribus quidem ad istam sententiam, quam vis obtineri, uti optimis possumus, quod in omnibus causis et debet et solet valere plurimum, et primum quidem omni antiquitate, quae quo propius aberat ab ortu et divina progenie, hoc melius ea fortasse quae erant vera cernebant.

27 Itaque unum illud erat insitum priscis illis, quos cascos appellat Ennius, esse in morte sensum neque excessu vitae sic deleri hominem, ut funditus interiret; idque cum multis aliis rebus, tum e pontificio iure et e caerimoniis sepulcrorum intellegi licet, quas maxumis ingeniis praediti nec tanta cura coluissent nec violatas tam

inexpiabili religione sanxissent, nisi haereret in eorum mentibus mortem non interitum esse omnia tollentem atque delentem, sed quandam quasi migrationem commutationemque vitae, quae in claris viris et feminis dux in caelum soleret esse, in ceteris humi retineretur et permaneret tamen.

28 ex hoc et nostrorum opinione ‘Romulus in caelo cum diis agit aevum’, ut famae adsentiens dixit Ennius, et apud Graecos indeque perlapsus ad nos et usque ad Oceanum Hercules tantus et tam praesens habetur deus; hinc Liber Semela natus eademque famae celebritate Tyndaridae fratres, qui non modo adiutores in proeliis victoriae populi Romani, sed etiam nuntii fuisse perhibentur. quid? Ino Cadmi filia nonne Leukothea nominata a Graecis Matuta habetur a nostris? quid? totum prope caelum, ne pluris persequar, nonne humano genere completum est?

XIII. 29 si vero scrutari vetera et ex is ea quae scriptores Graeciae prodiderunt eruere coner, ipsi illi maiorum gentium dii qui habentur hinc nobis profecti in caelum reperientur. quaere, quorum demonstrentur sepulcra in Graecia; reminiscere, quoniam es initiatus, quae tradantur mysteriis: tum denique, quam hoc late pateat, intelleges. sed qui nondum ea quae multis post annis (homines) tractare coepissent physica didicissent, tantum sibi persuaserant, quantum natura admonente cognoverant, rationes et causas rerum non tenebant, visis quibusdam saepe movebantur, iisque maxime nocturnis, ut vide rentur ei, qui vita excesserant, vivere.

30 Ut porro firmissimum hoc adferri videtur cur deos esse credamus, quod nulla gens tam fera, nemo omnium tam sit inmanis, cuius mentem non imbuerit deorum opinio (multi de diis prava sentiunt — id enim vitioso more effici solet — omnes tamen esse vim et naturam divinam arbitrantur, nec vero id conlocutio hominum aut consessus efficit, non institutis opinio est confirmata, non legibus; omni autem in re consensio omnium gentium lex naturae putanda est) — quis est igitur, qui suorum mortem primum non eo lugeat, quod eos orbatos vitae commodis arbitretur? tolle hanc opinionem, luctum sustuleris. nemo enim maeret suo incommodo: dolent fortasse et anguntur, sed illa lugubris lamentatio fletusque maerens ex eo est, quod eum, quem dileximus, vitae commodis privatum arbitramur idque sentire. atque haec ita sentimus, natura duce, nulla ratione

nullaque doctrina.

XIV. 14 Maxumum vero argumentum est naturam ipsam de inmortalitate animorum tacitam iudicare, quod omnibus curae sunt, et maxumae quidem, quae post mortem futura sint. ‘serit arbores, quae alteri saeclo prosint’, ut ait (Statius) in Synephebis, quid spectans nisi etiam postera saecula ad se pertinere? ergo arbores seret diligens agricola, quarum aspiciet bacam ipse numquam; vir magnus leges, instituta, rem publicam non seret? quid procreatio liberorum, quid propagatio nominis, quid adoptationes filiorum, quid testamentorum diligentia, quid ipsa sepulcrorum monumenta, elogia significant nisi nos futura etiam cogitare?

32 Quid? illud num dubitas, quin specimen naturae capi deceat ex optima quaque natura? quae est melior igitur in hominum genere natura quam eorum, qui se natos ad homines iuvandos, tutandos, conservandos, arbitrantur? abiit ad deos Hercules: numquam abisset, nisi, cum inter homines esset, eam sibi viam munivisset. vetera iam ista et religione omnium consecrata: XV. quid in hac re publica tot tantosque viros ob rem publicam interfectos cogitasse arbitramur? iisdemne ut finibus nomen suum quibus vita terminaretur? nemo umquam sine magna spe inmortalitatis se pro patria offerret ad mortem.

33 licuit esse otioso Themistocli, licuit Epaminondae, licuit, ne et vetera et externa quaeram, mihi; sed nescio quo modo inhaeret in mentibus quasi saeclorum quoddam augurium futurorum, idque in maximis ingeniis altissimisque animis et existit maxime et apparet facillime. quo quidem dempto, quis tam esset amens, qui semper in laboribus et periculis viveret?

34 loquor de principibus; quid? poetae nonne post mortem nobilitari volunt? unde ergo illud: ‘Aspicite, o cives, senis Enni imaginis formam: Hic vestrum panxit maxima facta patrum’? mercedem gloriae flagitat ab iis quorum patres adfecerat gloria, idemque: ‘Nemo me lacrimis decoret nec funera fletu Faxit. Cur? volito vivos per ora virum.’ sed quid poetas? opifices post mortem nobilitari volunt. quid enim Phidias sui similem speciem inclusit in clupeo Minervae, cum inscribere (nomen) non liceret? quid? nostri philosophi nonne in is libris ipsis, quos scribunt de contemnenda gloria, sua nomina inscribunt?

35 Quodsi omnium consensus naturae vox est, omnesque qui ubique sunt consentiunt esse aliquid, quod ad eos pertineat qui vita cesserint, nobis quoque idem existimandum est, et si, quorum aut ingenio aut virtute animus excellit, eos arbitrabimur, quia natura optima sint, cernere naturae vim maxume, veri simile est, cum optumus quisque maxume posteritati serviat, esse aliquid, cuius is post mortem sensum sit habiturus.

XVI. 36 Sed ut deos esse natura opinamur, qualesque sint, ratione cognoscimus, sic permanere animos arbitramur consensu nationum omnium, qua in sede maneant qualesque sint, ratione discendum est. cuius ignoratio finxit inferos easque formidines, quas tu contemnere non sine causa videbare. in terram enim cadentibus corporibus isque humo tectis, e quo dictum est humari, sub terra censebant reliquam vitam agi mortuorum; quam eorum opinionem magni errores consecuti sunt, quos auxerunt poetae.

37 frequens enim consessus theatri, in quo sunt mulierculae et pueri, movetur audiens tam grande carmen: ‘Adsum atque advenio Acherunte vix via alta atque ardua Per speluncas saxis structas asperis pendentibus Maxumis, ubi rigida constat crassa caligo inferum,’ tantumque valuit error — qui mihi quidem iam sublatus videtur — , ut, corpora cremata cum scirent, tamen ea fieri apud inferos fingerent, quae sine corporibus nec fieri possent nec intellegi. animos enim per se ipsos viventis non poterant mente complecti, formam aliquam figuramque quaerebant. inde Homeri tota n(I!(Bkuia, inde ea quae meus amicus Appius nekuomante(I](Ba faciebat, inde in vicinia nostra Averni lacus, unde animae excitantur obscura umbra opertae, imagines mortuorum, alto ostio Acheruntis, falso sanguine. has tamen imagines loqui volunt, quod fieri nec sine lingua nec sine palato nec sine faucium, laterum, pulmonum vi et figura potest. nihil enim animo videre poterant, ad oculos omnia referebant.

38 Magni autem est ingenii sevocare mentem a sensibus et cogitationem ab consuetudine abducere. itaque credo equidem etiam alios tot saeculis, sed quod litteris exstet, Pherecydes Syrius primus dixit animos esse hominum sempiternos, antiquus sane; fuit enim meo regnante gentili. hanc opinionem discipulus eius Pythagoras maxime confirmavit, qui cum Superbo regnante in Italiam venisset,

tenuit Magnam illam Graeciam cum [honore] disciplinae, tum etiam auctoritate, multaque saecula postea sic viguit Pythagoreorum nomen, ut nulli alii docti viderentur. XVII. sed redeo ad antiquos. rationem illi sententiae suae non fere reddebant, nisi quid erat numeris aut descriptionibus explicandum:

9 Platonem ferunt, ut Pythagoreos cognosceret, in Italiam venisse et didicisse Pythagorea omnia primumque de animorum aeternitate, non solum sensisse idem quod Pythagoram, sed rationem etiam attulisse. quam, nisi quid dicis, praetermittamus et hanc totam spem inmortalitatis relinquamus. An tu cum me in summam exspectationem adduxeris, deseris? errare mehercule malo cum Platone, quem tu quanti facias scio et quem ex tuo ore admiror, quam cum istis vera sentire.

40 Macte virtute! ego enim ipse cum eodem ipso non invitus erraverim. num igitur dubitamus — an sicut pleraque — quamquam hoc quidem minime; persuadent enim mathematici terram in medio mundo sitam ad universi caeli complexum quasi puncti instar optinere, quod k(I!(Bntron illi vocant; eam porro naturam esse quattuor omnia gignentium corporum, ut, quasi partita habeant inter se ac divisa momenta, terrena et umida suopte nutu et suo pondere ad paris angulos in terram et in mare ferantur, reliquae duae partes, una ignea, altera animalis, ut illae superiores in medium locum mundi gravitate ferantur et pondere, sic hae rursum rectis lineis in caelestem locum subvolent, sive ipsa natura superiora adpetente sive quod a gravioribus leviora natura repellantur. quae cum constent, perspicuum debet esse animos, cum e corpore excesserint, sive illi sint animales, id est spirabiles, sive ignei, sublime ferri.

41 si vero aut numerus quidam sit animus, quod subtiliter magis quam dilucide dicitur, aut quinta illa non nominata magis quam non intellecta natura, multo etiam integriora ac puriora sunt, ut a terra longissime se ecferant. Horum igitur aliquid animus, ne tam vegeta mens aut in corde cerebrove aut in Empedocleo sanguine demersa iaceat. XVIII. Dicaearchum vero cum Aristoxeno aequali et condiscipulo suo, doctos sane homines, omittamus; quorum alter ne condoluisse quidem umquam videtur, qui animum se habere non sentiat, alter ita delectatur suis cantibus, ut eos etiam ad haec transferre conetur. harmonian autem ex intervallis sonorum nosse

possumus, quorum varia compositio etiam harmonias efficit plures; membrorum vero situs et figura corporis vacans animo quam possit harmoniam efficere, non video. sed hic quidem, quamvis eruditus sit, sicut est, haec magistro concedat Aristoteli, canere ipse doceat; bene enim illo Graecorum proverbio praecipitur: ‘quam quisque norit artem, in hac se exerceat.’

42 illam vero funditus eiciamus individuorum corporum levium et rutundorum concursionem fortuitam, quam tamen Democritus concalefactam et spirabilem, id est animalem, esse volt. is autem animus, qui, si est horum quattuor generum, ex quibus omnia constare dicuntur, ex inflammata anima constat, ut potissimum videri video Panaetio, superiora capessat necesse est. nihil enim habent haec duo genera proni et supera semper petunt. ita, sive dissipantur, procul a terris id evenit, sive permanent et conservant habitum suum, hoc etiam magis necesse est ferantur ad caelum et ab is perrumpatur et dividatur crassus hic et concretus aer, qui est terrae proximus. calidior est enim vel potius ardentior animus quam est hic aer, quem modo dixi crassum atque concretum; quod ex eo sciri potest, quia corpora nostra terreno principiorum genere confecta ardore animi concalescunt.

XIX. 43 accedit ut eo facilius animus evadat ex hoc aere, quem saepe iam appello, eumque perrumpat, quod nihil est animo velocius, nulla est celeritas quae possit cum animi celeritate contendere. qui si permanet incorruptus suique similis, necesse est ita feratur, ut penetret et dividat omne caelum hoc, in quo nubes, imbres, ventique coguntur, quod et umidum et caliginosum est propter exhalationes terrae. Quam regionem cum superavit animus naturamque sui similem contigit et adgnovit, iunctis ex anima tenui et ex ardore solis temperato ignibus, insistit et finem altius se ecferendi facit. cum enim sui similem et levitatem et calorem adeptus (est), tamquam paribus examinatus ponderibus nullam in partem movetur, eaque ei demum naturalis est sedes, cum ad sui simile penetravit; in quo nulla re egens aletur et sustentabitur iisdem rebus, quibus astra sustentantur et aluntur.

44 Cumque corporis facibus inflammari soleamus ad omnis fere cupiditates eoque magis incendi, quod iis aemulemur, qui ea habeant quae nos habere cupiamus, profecto beati erimus, cum corporibus

relictis et cupiditatum et aemulationum erimus expertes; quodque nunc facimus, cum laxati curis sumus, ut spectare aliquid velimus et visere, id multo tum faciemus liberius totosque nos in contemplandis rebus perspiciendisque ponemus, propterea quod et natura inest in mentibus nostris insatiabilis quaedam cupiditas veri videndi et orae ipsae locorum illorum, quo pervenerimus, quo faciliorem nobis cognitionem rerum caelestium, eo maiorem cognoscendi cupiditatem dabant.

45 haec enim pulchritudo etiam in terris ‘patritam’ illam et ‘avitam’, ut ait Theophrastus, philosophiam cognitionis cupiditate incensam excitavit. praecipue vero fruentur ea, qui tum etiam, cum has terras incolentes circumfusi erant caligine, tamen acie mentis dispicere cupiebant. XX. Etenim si nunc aliquid adsequi se putant, qui ostium Ponti viderunt et eas angustias, per quas penetravit ea quae est nominata Argo, quia Argivi in ea delecti viri Vecti petebant pellem inauratam arietis, aut ii qui Oceani freta illa viderunt, ‘Europam Libyamque rapax ubi dividit unda’, quod tandem spectaculum fore putamus, cum totam terram contueri licebit eiusque cum situm, formam, circumscriptionem, tum et habitabiles regiones et rursum omni cultu propter vim frigoris aut caloris vacantis?

46 nos enim ne nunc quidem oculis cernimus ea quae videmus; neque est enim ullus sensus in corpore, sed, ut non physici solum docent verum etiam medici, qui ista aperta et patefacta viderunt, viae quasi quaedam sunt ad oculos, ad auris, ad naris a sede animi perforatae. itaque saepe aut cogitatione aut aliqua vi morbi impediti apertis atque integris et oculis et auribus nec videmus, nec audimus, ut facile intellegi possit animum et videre et audire, non eas partis quae quasi fenestrae sint animi, quibus tamen sentire nihil queat mens, nisi id agat et adsit. quid, quod eadem mente res dissimillimas comprendimus, ut colorem, saporem, calorem, odorem, sonum? quae numquam quinque nuntiis animus cognosceret, nisi ad eum omnia referrentur et is omnium iudex solus esset. atque ea profecto tum multo puriora et dilucidiora cernentur, cum, quo natura fert, liber animus pervenerit.

47 nam nunc quidem, quamquam foramina illa, quae patent ad animum a corpore, callidissimo artificio natura fabricata est, tamen terrenis concretisque corporibus sunt intersaepta quodam modo: cum

autem nihil erit praeter animum, nulla res obiecta impediet, quo minus percipiat, quale quidque sit. XXI. Quamvis copiose haec diceremus, si res postularet, quam multa, quam varia, quanta spectacula animus in locis caelestibus esset habiturus.

48 quae quidem cogitans soleo saepe mirari non nullorum insolentiam philosophorum, qui naturae cognitionem admirantur eiusque inventori et principi gratias exultantes agunt eumque venerantur ut deum; liberatos enim se per eum dicunt gravissimis dominis, terrore sempiterno, et diurno ac nocturno metu. quo terrore? quo metu? quae est anus tam delira quae timeat ista, quae vos videlicet, si physica non didicissetis, timeretis, 'Acherunsia templa alta Orci, pallida leti, nubila tenebris loca'? non pudet philosophum in eo gloriari, quod haec non timeat et quod falsa esse cognoverit? e quo intellegi potest, quam acuti natura sint, quoniam haec sine doctrina crediturí fuerunt.

49 praeclarum autem nescio quid adepti sunt, quod didicerunt se, cum tempus mortis venisset, totos esse perituros. quod ut ita sit — nihil enim pugno — , quid habet ista res aut laetabile aut gloriosum? Nec tamen mihi sane quicquam occurrit, cur non Pythagorae sit et Platonis vera sententia. ut enim rationem Plato nullam adferret — vide, quid homini tribuam — , ipsa auctoritate me frangeret: tot autem rationes attulit, ut velle ceteris, sibi certe persuasisse videatur.

XXII. 50 Sed plurimi contra nituntur animosque quasi capite damnatos morte multant, neque aliud est quicquam cur incredibilis is animorum videatur aeternitas, nisi quod nequeunt qualis animus sit vacans corpore intellegere et cogitatione comprehendere. quasi vero intellegant, qualis sit in ipso corpore, quae conformatio, quae magnitudo, qui locus; ut, si iam possent in homine vivo cerni omnia quae nunc tecta sunt, casurusne in conspectum videatur animus, an tanta sit eius tenuitas, ut fugiat aciem?

51 haec reputent isti qui negant animum sine corpore se intellegere posse: videbunt, quem in ipso corpore intellegant. mihi quidem naturam animi intuenti multo difficilior occurrit cogitatio, multo obscurior, qualis animus in corpore sit tamquam alienae domi, quam qualis, cum exierit et in liberum caelum quasi domum suam venerit. si enim, quod numquam vidimus, id quale sit intellegere non possumus, certe et deum ipsum et divinum animum corpore

liberatum cogitatione complecti possumus. Dicaearchus quidem et Aristoxenus, quia difficilis erat animi quid aut qualis esset intellegentia, nullum omnino animum esse dixerunt.

52 est illud quidem vel maxumum animo ipso animum videre, et nimirum hanc habet vim praeceptum Apollinis, quo monet ut se quisque noscat. non enim credo id praecipit, ut membra nostra aut staturam figuramve noscamus; neque nos corpora sumus, nec ego tibi haec dicens corpori tuo dico. cum igitur 'nosce te' dicit, hoc dicit: 'nosce animum tuum.' nam corpus quidem quasi vas est aut aliquod animi receptaculum; ab animo tuo quicquid agitur, id agitur a te. hunc igitur nosse nisi divinum esset, non esset hoc acrioris cuiusdam animi praeceptum tributum deo.

53 Sed si, qualis sit animus, ipse animus nesciet, dic quaeso, ne esse quidem se sciet, ne moveri quidem se? ex quo illa ratio nata est Platonis, quae a Socrate est in Phaedro explicata, a me autem posita est in sexto libro de re publica: XXIII. 'Quod semper movetur, aeternum est; quod autem motum adfert alicui quodque ipsum agitatur aliunde, quando finem habet motus, vivendi finem habeat necesse est. solum igitur, quod se ipsum movet, quia numquam deseritur a se, numquam ne moveri quidem desinit; quin etiam ceteris quae moventur hic fons, hoc principium est movendi.

54 principii autem nulla est origo; nam e principio oriuntur omnia, ipsum autem nulla ex re alia nasci potest; nec enim esset id principium, quod gigneretur aliunde. quod si numquam oritur, ne occidit quidem umquam; nam principium extinctum nec ipsum ab alio renascetur, nec ex se aliud creabit, siquidem necesse est a principio oriri omnia. ita fit, ut motus principium ex eo sit, quod ipsum a se movetur; id autem nec nasci potest nec mori, vel concidat omne caelum omnisque natura <et> consistat necesse est nec vim ullam nanciscatur, qua a primo inpulsa moveatur. cum pateat igitur aeternum id esse, quod se ipsum moveat, quis est qui hanc naturam animis esse tributam neget? inanimum est enim omne, quod pulsu agitatur externo; quod autem est animal, id motu cietur interiore et suo; nam haec est propria natura animi atque vis. quae si est una ex omnibus quae se ipsa [semper] moveat, neque nata certe est et aeterna est'.

55 licet concurrant omnes plebei philosophi — sic enim ii, qui a

Platone et Socrate et ab ea familia dissident, appellandi videntur — , non modo nihil umquam tam eleganter explicabunt, sed ne hoc quidem ipsum quam subtiliter conclusum sit intellegent. sentit igitur animus se moveri; quod cum sentit, illud una sentit, se vi sua, non aliena moveri, nec accidere posse ut ipse umquam a se deseratur. ex quo efficitur aeternitas, nisi quid habes ad haec. Ego vero facile sim passus ne in mentem quidem mihi aliquid contra venire; ita isti faveo sententiae.

XXIV. 56 Quid? illa tandem num leviora censes, quae declarant inesse in animis hominum divina quaedam? quae si cernerem quem ad modum nasci possent, etiam quem ad modum interirent viderem. nam sanguinem, bilem, pituitam, ossa, nervos, venas, omnem denique membrorum et totius corporis figuram videor posse dicere unde concreta et quo modo facta sint: animum ipsum — si nihil esset in eo nisi id, ut per eum viveremus, tam natura putarem hominis vitam sustentari quam vitis, quam arboris; haec enim etiam dicimus vivere. item si nihil haberet animus hominis nisi ut appeteret aut fugeret, id quoque esset ei commune cum bestiis.

57 Habet primum memoriam, et eam infinitam rerum innumerabilium. quam quidem Plato recordationem esse volt vitae superioris. nam in illo libro, qui inscribitur Menon, pusionem quendam Socrates interrogat quaedam geometrica de dimensione quadrati. ad ea sic ille respondet ut puer, et tamen ita faciles interrogationes sunt, ut gradatim respondens eodem perveniat, quo si geometrica didicisset. ex quo effici volt Socrates, ut discere nihil aliud sit nisi recordari. quem locum multo etiam accuratius explicat in eo sermone, quem habuit eo ipso die, quo excessit e vita; docet enim quemvis, qui omnium rerum rudis esse videatur, bene interroganti respondentem declarare se non tum illa discere, sed reminiscendo recognoscere, nec vero fieri ullo modo posse, ut a pueris tot rerum atque tantarum insitas et quasi consignatas in animis notiones, quas ennoias vocant, haberemus, nisi animus, ante quam in corpus intravisset, in rerum cognitione viguisset.

58 cumque nihil esset,ut omnibus locis a Platone disseritur — nihil enim putat esse, quod oriatur et intereat, idque solum esse, quod semper tale sit quale est, (idean appellat ille, nos speciem) — , non potuit animus haec in corpore inclusus adgnoscere, cognita attulit; ex

quo tam multarum rerum cognitionis admiratio tollitur. neque ea plane videt animus, cum repente in tam insolitum tamque perturbatum domicilium inmigravit, sed cum se collegit atque recreavit, tum adgnoscit illa reminiscendo. ita nihil est aliud discere nisi recordari.

59 Ego autem maiore etiam quodam modo memoriam admiror. quid est enim illud quo meminimus, aut quam habet vim aut unde naturam? non quaero, quanta memoria Simonides fuisse dicatur, quanta Theodectes, quanta is, qui a Pyrrho legatus ad senatum est missus, Cineas, quanta nuper Charmadas, quanta, qui modo fuit, Scepsius Metrodorus, quanta noster Hortensius: de communi hominum memoria loquor, et eorum maxume qui in aliquo maiore studio et arte versantur, quorum quanta mens sit, difficile est existimare; ita multa meminerunt.

XXV. 60 Quorsus igitur haec spectat oratio? quae sit illa vis et unde sit, intellegendum puto. non est certe nec cordis, nec sanguinis, nec cerebri, nec atomorum; animae sit ignisne nescio, nec me pudet ut istos fateri nescire quod nesciam: illud, si ulla alia de re obscura adfirmare possem, sive anima sive ignis sit animus, eum iurarem esse divinum. quid enim, obsecro te, terrane tibi hoc nebuloso et caliginoso caelo aut sata aut concreta videtur tanta vis memoriae? si quid sit hoc non vides, at quale sit vides; si ne id quidem, at quantum sit profecto vides. quid igitur?

61 utrum capacitatem aliquam in animo putamus esse, quo tamquam in aliquod vas ea, quae meminimus, infundantur? absurdum id quidem; qui enim fundus aut quae talis animi figura intellegi potest aut quae tanta omnino capacitas? an inprimi quasi ceram animum putamus, et esse memoriam signatarum rerum in mente vestigia? quae possunt verborum, quae rerum ipsarum esse vestigia, quae porro tam inmensa magnitudo, quae illa tam multa possit effingere?

62 Quid? illa vis quae tandem est quae investigat occulta, quae inventio atque excogitatio dicitur? ex hacne tibi terrena mortalique natura et caduca concreta ea videtur? aut qui primus, quod summae sapientiae Pythagorae visum est, omnibus rebus imposuit nomina? aut qui dissipatos homines congregavit et ad societatem vitae convocavit, aut qui sonos vocis, qui infiniti videbantur, paucis

litterarum notis terminavit, aut qui errantium stellarum cursus, praegressiones, institutiones notavit? omnes magni; etiam superiores, qui fruges, qui vestitum, qui tecta, qui cultum vitae, qui praesidia contra feras invenerunt, a quibus mansuefacti et exculti a necessariis artificiis ad elegantiora defluximus. nam et auribus oblectatio magna parta est inventa et temperata varietate et natura sonorum, et astra suspeximus cum ea quae sunt infixa certis locis, tum illa non re sed vocabulo errantia, quorum conversiones omnisque motus qui animo vidit, is docuit similem animum suum eius esse, qui ea fabricatus esset in caelo.

63 nam cum Archimedes lunae, solis, quinque errantium motus in sphaeram inligavit, effecit idem quod ille, qui in Timaeo mundum aedificavit, Platonis deus, ut tarditate et celeritate dissimillimos motus una regeret conversio. quod si in hoc mundo fieri sine deo non potest, ne in sphaera quidem eosdem motus Archimedes sine divino ingenio potuisset imitari.

XXVI. 64 Mihi vero ne haec quidem notiora et inlustriora carere vi divina videntur, ut ego aut poetam grave plenumque carmen sine caelesti aliquo mentis instinctu putem fundere, aut eloquentiam sine maiore quadam vi fluere abundantem sonantibus verbis uberibusque sententiis. philosophia vero, omnium mater artium, quid est aliud nisi, ut Plato, donum, ut ego, inventum deorum? haec nos primum ad illorum cultum, deinde ad ius hominum, quod situm est in generis humani societate, tum ad modestiam magnitudinemque animi erudivit, eademque ab animo tamquam ab oculis caliginem dispulit, ut omnia supera, infera, prima, ultima, media videremus.

65 prorsus haec divina mihi videtur vis, quae tot res efficiat et tantas. quid est enim memoria rerum et verborum? quid porro inventio? profecto id, quo ne in deo quidem quicquam maius intellegi potest. non enim ambrosia deos aut nectare aut Iuventate pocula ministrante laetari arbitror, nec Homerum audio, qui Ganymeden ab dis raptum ait propter formam, ut Iovi bibere ministraret; non iusta causa, cur Laomedonti tanta fieret iniuria. fingebat haec Homerus et humana ad deos transferebat: divina mallem ad nos. quae autem divina? vigere, sapere, invenire, meminisse. ergo animus qui , ut ego dico, divinus est, ut Euripides dicere audet, deus. Et quidem, si deus aut anima aut ignis est, idem

est animus hominis. nam ut illa natura caelestis et terra vacat et umore, sic utriusque harum rerum humanus animus est expers; sin autem est quinta quaedam natura, ab Aristotele inducta primum, haec et deorum est et animorum. Hanc nos sententiam secuti his ipsis verbis in Consolatione hoc expressimus:

XXVII. 66 ‘Animorum nulla in terris origo inveniri potest; nihil enim est in animis mixtum atque concretum aut quod ex terra natum atque fictum esse videatur, nihil ne aut umidum quidem aut flabile aut igneum. his enim in naturis nihil inest, quod vim memoriae, mentis, cogitationis habeat, quod et praeterita teneat et futura provideat et complecti possit praesentia. quae sola divina sunt, nec invenietur umquam, unde ad hominem venire possint nisi a deo. singularis est igitur quaedam natura atque vis animi seiuncta ab his usitatis notisque naturis. ita, quicquid est illud, quod sentit, quod sapit, quod vivit, quod viget, caeleste et divinum ob eamque rem aeternum sit necesse est. nec vero deus ipse, qui intellegitur a nobis, alio modo intellegi potest nisi mens soluta quaedam et libera, segregata ab omni concretione mortali, omnia sentiens et movens ipsaque praedita motu sempiterno. hoc e genere atque eadem e natura est humana mens.’

67 Ubi igitur aut qualis est ista mens? — ubi tua aut qualis? potesne dicere? an, si omnia ad intellegendum non habeo quae habere vellem, ne iis quidem quae habeo mihi per te uti licebit? non valet tantum animus, ut se ipse videat, at ut oculus, sic animus se non videns, alia cernit. non videt autem, quod minimum est, formam suam (quamquam fortasse id quoque, sed relinquamus); vim certe, sagacitatem, memoriam, motum, celeritatem videt. haec magna, haec divina, haec sempiterna sunt; qua facie quidem sit aut ubi habitet, ne quaerendum quidem est.

XXVIII. 68 Ut cum videmus speciem primum candoremque caeli, dein conversionis celeritatem tantam quantam cogitare non possumus, tum vicissitudines dierum ac noctium commutationesque temporum quadrupertitas ad maturitatem frugum et ad temperationem corporum aptas eorumque omnium moderatorem et ducem solem, lunamque adcretione et deminutione luminis quasi fastorum notantem et significantem dies, tum in eodem orbe in duodecim partes distributo, quinque stellas ferri eosdem cursus

constantissime servantis disparibus inter se motibus, nocturnamque caeli formam undique sideribus ornatam, tum globum terrae eminentem e mari, fixum in medio mundi universi loco, duabus oris distantibus habitabilem et cultum, quarum altera, quam nos incolimus, Sub axe posita ad stellas septem, unde horrifer, Aquilonis stridor gelidas molitur nives, altera australis, ignota nobis, quam vocant Graeci antixthona,

69 ceteras partis incultas, quod aut frigore rigeant aut urantur calore; hic autem, ubi habitamus, non intermittit suo tempore Caelum nitescere, arbores frondescere, Vites laetificae pampinis pubescere, Rami bacarum ubertate incurvescere, Segetes largiri fruges, florere omnia, Fontes scatere, herbis prata convestirier, tum multitudinem pecudum partim ad vescendum, partim ad cultus agrorum, partim ad vehendum, partim ad corpora vestienda, hominemque ipsum quasi contemplatorem caeli ac deorum cultorem atque hominis utilitati agros omnis et maria parentia — :

70 haec igitur et alia innumerabilia cum cernimus, possumusne dubitare quin iis praesit aliquis vel effector, si haec nata sunt, ut Platoni videtur, vel, si semper fuerunt, ut Aristoteli placet, moderator tanti operis et muneris? sic mentem hominis, quamvis eam non videas, ut deum non vides, tamen, ut deum adgnoscis ex operibus eius, sic ex memoria rerum et inventione et celeritate motus omnique pulchritudine virtutis vim divinam mentis adgnoscito. XXIX. In quo igitur loco est? credo equidem in capite, et cur credam adferre possum. sed alias, ubi sit animus; certe quidem in te est. quae est ei natura? propria, puto, et sua. sed fac igneam, fac spirabilem: nihil ad id de quo agimus. illud modo videto, ut deum noris, etsi eius ignores et locum et faciem, sic animum tibi tuum notum esse oportere, etiamsi ignores et locum et formam.

71 in animi autem cognitione dubitare non possumus, nisi plane in physicis plumbei sumus, quin nihil sit animis admixtum, nihil concretum, nihil copulatum, nihil coagmentatum, nihil duplex: quod cum ita sit, certe nec secerni, nec dividi, nec discerpi, nec distrahi potest, ne interire (quidem) igitur. est enim interitus quasi discessus et secretio ac diremptus earum partium, quae ante interitum iunctione aliqua tenebantur. His et talibus rationibus adductus Socrates nec patronum quaesivit ad iudicium capitis nec iudicibus supplex fuit adhibuitque liberam contumaciam a magnitudine animi ductam, non a superbia, et supremo vitae die de hoc ipso multa disseruit et paucis ante diebus, cum facile posset educi e custodia, noluit, et tum, paene in manu iam mortiferum illud tenens poculum, locutus ita est, ut non ad mortem trudi, verum in caelum videretur escendere.

XXX. 72 Ita enim censebat itaque disseruit, duas esse vias

duplicesque cursus animorum e corpore excedentium: nam qui se humanis vitiis contaminavissent et se totos libidinibus dedissent, quibus caecati vel domesticis vitiis atque flagitiis se inquinavissent vel, re publica violanda, fraudes inexpiabiles concepissent, iis devium quoddam iter esse, seclusum a concilio deorum; qui autem se integros castosque servavissent, quibusque fuisset minima cum corporibus contagio seseque ab is semper sevocavissent essentque in corporibus humanis vitam imitati deorum, iis ad illos a quibus essent profecti reditum facilem patere.

73 Itaque commemorat, ut cygni, qui non sine causa Apollini dicati sint, sed quod ab eo divinationem habere videantur, qua providentes quid in morte boni sit cum cantu et voluptate moriantur, sic omnibus bonis et doctis esse faciendum. (nec vero de hoc quisquam dubitare posset, nisi idem nobis accideret diligenter de animo cogitantibus, quod iis saepe usu venit, qui cum acriter oculis deficientem solem intuerentur, ut aspectum omnino amitterent; sic mentis acies se ipsa intuens non numquam hebescit, ob eamque causam contemplandi diligentiam amittimus. itaque dubitans, circumspectans, haesitans, multa adversa reverens tamquam in rate in mari inmenso nostra vehitur oratio).

74 sed haec et vetera et a Graecis; Cato autem sic abiit e vita, ut causam moriendi nactum se esse gauderet. vetat enim dominans ille in nobis deus iniussu hinc nos suo demigrare; cum vero causam iustam deus ipse dederit, ut tunc Socrati, nunc Catoni, saepe multis, ne ille me Dius Fidius vir sapiens laetus ex his tenebris in lucem illam excesserit, nec tamen ille vincla carceris ruperit — leges enim vetant — , sed tamquam a magistratu aut ab aliqua potestate legitima, sic a deo evocatus atque emissus exierit. Tota enim philosophorum vita, ut ait idem, commentatio mortis est.

XXXI. 75 nam quid aliud agimus, cum a voluptate, id est a corpore, cum a re familiari, quae est ministra et famula corporis, cum a re publica, cum a negotio omni sevocamus animum, quid, inquam, tum agimus nisi animum ad se ipsum advocamus, secum esse cogimus maximeque a corpore abducimus? secernere autem a corpore animum, nec quicquam aliud, est mori discere. quare hoc commentemur, mihi crede, disiungamusque nos a corporibus, id est consuescamus mori. hoc, et dum erimus in terris, erit illi caelesti

vitae simile, et cum illuc ex his vinclis emissi feremur, minus tardabitur cursus animorum. nam qui in compedibus corporis semper fuerunt, etiam cum soluti sunt, tardius ingrediuntur, ut ii qui ferro vincti multos annos fuerunt. quo cum venerimus, tum denique vivemus. nam haec quidem vita mors est, quam lamentari possem, si liberet.

76 Satis tu quidem in Consolatione es lamentatus; quam cum lego, nihil malo quam has res relinquere, his vero modo auditis, multo magis. Veniet tempus, et quidem celeriter, sive retractabis, sive properabis; volat enim aetas. tantum autem abest ab eo ut malum mors sit, quod tibi dudum videbatur, ut verear ne homini nihil sit non malum aliud certius, nihil bonum aliud potius, si quidem vel di ipsi vel cum dis futuri sumus Quid refert? Adsunt enim, qui haec non probent. ego autem numquam ita te in hoc sermone dimittam, ulla uti ratione mors tibi videri malum possit. Qui potest, cum ista cognoverim?

77 Qui possit, rogas? catervae veniunt contra dicentium, nec solum Epicureorum, quos equidem non despicio, sed nescio quo modo doctissimus quisque contemnit, acerrume autem deliciae meae Dicaearchus contra hanc inmortalitatem disseruit. is enim tris libros scripsit, qui Lesbiaci vocantur quod Mytilenis sermo habetur, in quibus volt efficere animos esse mortalis. Stoici autem usuram nobis largiuntur tamquam cornicibus: diu mansuros aiunt animos, semper negant. XXXII. num non vis igitur audire, cur, etiamsi ita sit, mors tamen non sit in malis? Ut videtur, sed me nemo de inmortalitate depellet.

78 Laudo id quidem, etsi nihil nimis oportet confidere; movemur enim saepe aliquo acute concluso, labamus mutamusque sententiam clarioribus etiam in rebus; in his est enim aliqua obscuritas. id igitur si acciderit, simus armati. Sane quidem, sed ne accidat, providebo. Num quid igitur est causae, quin amicos nostros Stoicos dimittamus? eos dico, qui aiunt manere animos, cum e corpore excesserint, sed non semper. Istos vero qui, quod tota in hac causa difficillimum est, suscipiant, posse animum manere corpore vacantem, illud autem, quod non modo facile ad credendum est, sed eo concesso, quod volunt, consequens, id vero non dant, ut, cum diu permanserit, ne intereat.

79 Bene reprehendis, et se isto modo res habet. credamus igitur Panaetio a Platone suo dissentienti? quem enim omnibus locis divinum, quem sapientissimum, quem sanctissimum, quem Homerum philosophorum appellat, huius hanc unam sententiam de inmortalitate animorum non probat. volt enim, quod nemo negat, quicquid natum sit interire; nasci autem animos, quod declaret eorum similitudo qui procreentur, quae etiam in ingeniis, non solum in corporibus appareat. alteram autem adfert rationem, nihil esse quod doleat, quin id aegrum esse quoque possit; quod autem in morbum cadat, id etiam interiturum; dolere autem animos, ergo etiam interire.

XXXIII. 80 haec refelli possunt: sunt enim ignorantis, cum de aeternitate animorum dicatur, de mente dici, quae omni turbido motu semper vacet, non de partibus iis, in quibus aegritudines, irae, libidinesque versentur, quas is, contra quem haec dicuntur, semotas a mente et disclusas putat. iam similitudo magis apparet in bestiis, quarum animi sunt rationis expertes; hominum autem similitudo in corporum figura magis exstat, et ipsi animi magni refert quali in corpore locati sint. multa enim e corpore existunt, quae acuant mentem, multa, quae obtundant. Aristoteles quidem ait omnis ingeniosos melancholicos esse, ut ego me tardiorem esse non moleste feram. enumerat multos, idque quasi constet, rationem cur ita fiat adfert. quod si tanta vis est ad habitum mentis in iis quae gignuntur in corpore, ea sunt autem, quaecumque sunt, quae similitudinem faciant, nihil necessitatis adfert, cur nascantur animi, similitudo. omitto dissimilitudines.

81 vellem adesse posset Panaetius — vixit cum Africano — , quaererem ex eo, cuius suorum similis fuisset Africani fratris nepos, facie vel patris, vita omnium perditorum ita similis, ut esset facile deterrimus; cuius etiam similis P.Crassi, et sapientis et eloquentis et primi hominis, nepos multorumque aliorum clarorum virorum, quos nihil attinet nominare, nepotes et filii. Sed quid agimus? oblitine sumus hoc nunc nobis esse propositum, cum satis de aeternitate dixissemus, ne si interirent quidem animi, quicquam mali esse in morte? Ego vero memineram, sed te de aeternitate dicentem aberrare a proposito facile patiebar.

XXXIV. 82 Video te alte spectare et velle in caelum migrare. spero fore ut contingat id nobis. sed fac, ut isti volunt, animos non

remanere post mortem: video nos, si ita sit, privari spe beatioris vitae; mali vero quid adfert ista sententia? fac enim sic animum interire ut corpus: num igitur aliquis dolor aut omnino post mortem sensus in corpore est? nemo id quidem dicit, etsi Democritum insimulat Epicurus, Democritii negant. ne in animo quidem igitur sensus remanet; ipse enim nusquam est. ubi igitur malum est, quoniam nihil tertium est? an quod ipse animi discessus a corpore non fit sine dolore? ut credam ita esse, quam est id exiguum! sed falsum esse arbitror, et fit plerumque sine sensu, non numquam etiam cum voluptate, totum. que hoc leve est, qualecumque est; fit enim ad punctum temporis.

83 ‘Illud angit vel potius excruciat, discessus ab omnibus iis quae sunt bona in vita’. vide ne ‘a malis’ dici verius possit. quid ego nunc lugeam vitam hominum? vere et iure possum; sed quid necesse est, cum id agam ne post mortem miseros nos putemus fore, etiam vitam efficere deplorando miseriorem? fecimus hoc in eo libro, in quo nosmet ipsos, quantum potuimus, consolati sumus. a malis igitur mors abducit, non a bonis, verum si quaerimus. et quidem hoc a Cyrenaico Hegesia sic copiose disputatur, ut is a rege Ptolomaeo prohibitus esse dicatur illa in scholis dicere, quod multi is auditis mortem sibi ipsi consciscerent.

84 Callimachi quidem epigramma in Ambraciotam Theombrotum est, quem ait, cum ei nihil accidisset adversi, e muro se in mare abiecisse, lecto Platonis libro. eius autem, quem dixi, Hegesiae liber est apokarteron, quo a vita quidem per inediam discedens revocatur ab amicis; quibus respondens vitae humanae enumerat incommoda. possem idem facere, etsi minus quam ille, qui omnino vivere expedire nemini putat. mitto alios: etiamne nobis expedit? qui et domesticis et forensibus solaciis ornamentisque privati certe si ante occidissemus, mors nos a malis, non a bonis abstraxisset.

XXXV. 85 Sit igitur aliquis, qui nihil mali habeat, nullum a fortuna volnus acceperit: Metellus ille honoratis quattuor filiis aut quinquaginta Priamus, e quibus septemdecim iusta uxore natis; in utroque eandem habuit fortuna potestatem, sed usa in altero est: Metellum enim multi filii, filiae, nepotes, neptes in rogum inposuerunt, Priamum tanta progenie orbatum, cum in aram confugisset, hostilis manus interemit. hic si vivis filiis incolumi

regno occidisset astante ope barbarica Tectis caelatis laqueatis, utrum tandem a bonis an a malis discessisset? tum profecto videretur a bonis. at certe ei melius evenisset nec tam flebiliter illa canerentur: ‘Haec omnia vidi inflammari, Priamo vi vitam evitari, Iovis aram sanguine turpari.’ quasi vero ista vi quicquam tum potuerit ei melius accidere! quodsi ante occidisset, talem eventum omnino amisisset; hoc autem tempore sensum amisit malorum.

86 Pompeio, nostro familiari, cum graviter aegrotaret Neapoli, melius est factum. coronati Neapolitani fuerunt, nimirum etiam Puteolani; volgo ex oppidis publice gratulabantur: ineptum sane negotium et Graeculum, sed tamen fortunatum. utrum igitur, si tum esset extinctus, a bonis rebus an a malis discessisset? certe a miseris. non enim cum socero bellum gessisset, non inparatus arma sumpsisset, non domum reliquisset, non ex Italia fugisset, non exercitu amisso nudus in servorum ferrum et manus incidisset, non liberi defleti, non fortunae omnes a victoribus possiderentur. qui, si mortem tum obisset, in amplissimis fortunis occidisset, is propagatione vitae quot, quantas, quam incredibilis hausit calamitates! XXXVI. haec morte effugiuntur, etiamsi non evenerunt, tamen, quia possunt evenire; sed homines ea sibi accidere posse non cogitant: Metelli sperat sibi quisque fortunam, proinde quasi aut plures fortunati sint quam infelices aut certi quicquam sit in rebus humanis aut sperare sit prudentius quam timere.

87 Sed hoc ipsum concedatur, bonis rebus homines morte privari: ergo etiam carere mortuos vitae commodis idque esse miserum? certe ita dicant necesse est. an potest is, qui non est, re ulla carere? triste enim est nomen ipsum carendi, quia subicitur haec vis: habuit, non habet; desiderat requirit indiget. haec, opinor, incommoda sunt carentis: caret oculis, odiosa caecitas; liberis, orbitas. valet hoc in vivis, mortuorum autem non modo vitae commodis, sed ne vita quidem ipsa quisquam caret. de mortuis loquor, qui nulli sunt: nos, qui sumus, num aut cornibus caremus aut pinnis? ecquis id dixerit? certe nemo. quid ita? quia, cum id non habeas quod tibi nec usu nec natura sit aptum, non careas, etiamsi sentias te non habere.

88 hoc premendum etiam atque etiam est et urguendum confirmato illo, de quo, si mortales animi sunt, dubitare non possumus, quin tantus interitus in morte sit, ut ne minima quidem

suspicio sensus relinquatur — hoc igitur probe stabilito et fixo illud excutiendum est, ut sciatur, quid sit carere, ne relinquatur aliquid erroris in verbo. carere igitur hoc significat: egere eo quod habere velis; inest enim velle in carendo, nisi cum sic tamquam in febri dicitur alia quadam notione verbi. dicitur enim alio modo etiam carere, cum aliquid non habeas et non habere te sentias, etiamsi id facile patiare. (ita) carere in morte non dicitur; nec enim esset dolendum; dicitur illud: 'bono carere', quod est malum. sed ne vivus quidem bono caret, si eo non indiget; sed in vivo intellegi tamen potest regno te carere — dici autem hoc in te satis subtiliter non potest; posset in Tarquinio, cum regno esset expulsus — : at in mortuo ne intellegi quidem. carere enim sentientis est; nec sensus in mortuo: ne carere quidem igitur in mortuo est.

XXXVII. 89 Quamquam quid opus est in hoc philosophari, cum rem non magnopere philosophia egere videamus? quotiens non modo ductores nostri, sed universi etiam exercitus ad non dubiam mortem concurrerunt! quae quidem si timeretur, non Lucius Brutus arcens eum reditu tyrannum, quem ipse expulerat, in proelio concidisset; non cum Latinis decertans pater Decius, cum Etruscis filius, cum Pyrrho nepos se hostium telis obiecissent; non uno bello pro patria cadentis Scipiones Hispania vidisset, Paulum et Geminum Cannae, Venusia Marcellum, Litana Albinum, Lucani Gracchum. num quis horum miser hodie? ne tum quidem post spiritum extremum; nec enim potest esse miser quisquam, sensu perempto.

90 'At id ipsum odiosum est, sine sensu esse.' Odiosum, si id esset carere. Cum vero perspicuum sit nihil posse in eo esse, qui ipse non sit, quid potest esse in eo odiosum, qui nec careat nec sentiat? Quamquam hoc quidem nimis saepe, sed eo, quod i hoc inest omnis animi constracto ex metu mortis. Qui enim satis viderit, id quod est luce clarius, animo et corpore consumpto totoque animante deleto et facto interitu universo illud animal, quod fuerit, factum esse nihil, is plane perspiciet inter Hippocentaurum, qui numquam fuerit, et regem Agamemnonem nihil interesse, nece pluris nunc facere M. Camillum hoc civilie bellum, quam ego vivo illo fecerim Romam captam. Cur igitur et Camillus doleret, si haec post trecentos et quinquaginta fere annos eventura putaret, et ego doleam, si ad decem milia annorum gentem aliquam urbe nostra potituram putem? Quia tanta caritas

partiae est, ut eam non sensu nostro, sed salute ipsius metiamur.

XXXVIII. 91 Itaque non deterret sapientem mors,quae propter incertos casus cotidie imminet,propter brevitatem vitae numquam potest longe abesse,quo minus in omne tempus rei p. suisque consulat,cum posteritatem ipsam,cuius sensum habiturus non sit,ad se putet pertinere.quare licet etiam mortalem esse animum iudicantem aeterna moliri,non gloriae cupiditate,quam sensurus non sis,sed virtutis,quam necessario gloria,etiamsi tu id non agas,consequatur. Natura vero <si> se sic habet,ut,quo modo initium nobis rerum omnium ortus noster adferat,sic exitum mors,ut nihil pertinuit ad nos ante ortum, sic nihil post mortem pertinebit.in quo quid potest esse mali,cum mors nec ad vivos pertineat nec ad mortuos?

92 alteri nulli sunt,alteros non attinget.quam qui leviorem faciunt,somni simillimam volunt esse: quasi vero quisquam ita nonaginta annos velit vivere,ut,cum saxaginta confecerit,reliquos dormiat; ne sui quidem id velint,not modo ipse.Endymion vero,si fabulas audire volumus,ut nescio quando in Latmo obdormivit,qui est mons Cariae,nondum,opinor,est experrectus.num igitur eum curare censes,cum Luna laboret, a qua consopitus putatur, ut eum dormientem oscularetur? quid curet autem, qui ne sentit quidem? habes somnum imaginem mortis eamque cotidie induis: et dubitas quin sansus in morte nullus sit, cum in eius simulacro videas esse nullum sensum?

XXXIX. 93 Pellantur ergo istae ineptiae paene aniles, ante tempus mori miserum esse. quod tandem tempus? naturaene? at ea quidem dedit usuram tamquam pecuniae nalla praestituta die.quid est igitur quod querare, si repetit,cum volt? ea enim condicione acceperas. Idem,si puer parvus occidit, aequo animo ferendum putant, si vero in cunis, ne querendum quidem. atqui ab hoc acerbius exegit natura quod dederat. ‘nondum gustaverat’,inquit,’vitae suavitatem; hic autem iam sperabat magna,quibus frui coeperat.’ at id quidem in ceteris rebus melius putatur, aliquam partem quam nullam attingere: cur in vita secus? (quamquam non male ait Callimachus multo saepius lacrimasse Priamum quam Troilum). eorum autem,qui exacta aetate moriuntur,fortuna laudatur.

94 cur? nam, reor, nullis, si vita longior daretur, posset esse

iucundior; nihil enim est profecto homini prudentia dulcius,quam, ut cetera auferat, adfert certe senectus. Quae vero aetas longa est, aut quid omnino homini longum? nonne Modo pueros,modo adulescentes in cursu a tergo insequens Nec opinantis adsecuta est senectus? sed quia ultra nihil habemus, hoc longum dicimus. Omnia ista, perinde ut cuique data sunt pro rata parte, ita aut longa aut brevia dicuntur. apud Hypanim fluvium, qui ab Europae parte in Pontum influit, Aristoteles ait bestiolas quasdam nasci, quae unum diem vivant. ex his igitur hora VIII quae mortua est, provecta aetate mortua est; quae vero occidente sole, decrepita, eo magis, si etiam solstitiali die. confer nostram longissimam aetatem cum aeternitate: in eodem propemodum brevitate qua illae bestiolae reperiemur.

XL. 95 Contemnamus igitur omnis ineptias — quod enim levius huic levitati nomen inponam? — totamque vim bene vivendi in animi robore ac magnitudine et in omnium rerum humanarum contemptione ac despicientia et in omni virtute ponamus. nam nunc quidem cogitationibus mollissimis effeminamur, ut, si ante mors adventet quam Chaldaeorum promissa consecuti sumus, spoliati magnis quibusdam bonis, inlusi destitutique videamur.

96 quodsi expectando et desiderando pendemus animis, cruciamur, angimur, pro di immortales, quam illud iter iucundum esse debet, quo confecto nulla reliqua cura, nulla sollicitudo futura sit! quam me delectat Theramenes! quam elato animo est! etsi enim flemus, cum legimus, tamen non miserabiliter vir clarus emoritur: qui cum coniectus in carcerem triginta iussu tyrannorum venenum ut sitiens obduxisset, reliquum sic e poculo eiecit, ut id resonaret, quo sonitu reddito adridens ‘popino’ inquit ‘hoc pulchro Critiae’, qui in eum fuerat taeterrimus. Graeci enim <in> conviviis solent nominare, cui poculum tradituri sint. lusit vir egregius extremo spiritu, cum iam praecordiis conceptam mortem contineret, vereque ei, cui venenum praebiberat, mortem eam est auguratus, quae brevi consecuta est.

97 Quis hanc maximi animi aequitatem in ipsa morte laudaret, si mortem malum iudicaret? vadit enim in eundem carcerem atque in eundem paucis post annis scyphum Socrates, eodem scelere iudicum quo tyrannorum Theramenes. quae est igitur eius oratio, qua facit eum Plato usum apud iudices iam morte multatum? XLI. ‘Magna me’ inquit ‘spes tenet, iudices, bene mihi evenire, quod mittar ad

mortem. necesse est enim sit alterum de duobus, ut aut sensus omnino omnes mors auferat aut in alium quendam locum ex his locis migretur. quam ob rem, sive sensus extinguitur morsque ei somno similis est, qui non numquam etiam sine visis somniorum placatissimam quietem adfert, di boni, quid lucri est emori! aut quam multi dies reperiri possunt, qui tali nocti anteponantur! cui si similis est perpetuitas omnis consequentis temporis, quis me beatior?

98 sin vera sunt quae dicuntur, migrationem esse mortem in eas oras, quas qui e vita excesserunt incolunt, id multo iam beatius est. tene, cum ab is, qui se iudicum numero haberi volunt, evaseris, ad eos venire, qui vere iudices appellentur, Minoem Rhadamanthum Aeacum Triptolemum, convenireque eos qui iuste <et> cum fide vixerint — haec peregrinatio mediocris vobis videri potest? ut vero conloqui cum Orpheo Musaeo Homero Hesiodo liceat, quanti tandem aestimatis? equidem saepe emori, si fieri posset, vellem, ut ea quae dico mihi liceret invisere. quanta delectatione autem adficerer, cum Palamedem, cum Aiacem, cum alios iudicio iniquo circumventos convenirem! temptarem etiam summi regis, qui maximas copias duxit ad Troiam, et Ulixi Sisyphique prudentiam, nec ob eam rem, cum haec exquirerem sicut hic faciebam, capite damnarer. — Ne vos quidem, iudices i qui me absolvistis, mortem timueritis.

99 nec enim cuiquam bono mali quicquam evenire potest nec vivo nec mortuo, nec umquam eius res a dis inmortalibus neglegentur, nec mihi ipsi hoc accidit fortuito. nec vero ego is, a quibus accusatus aut a quibus condemnatus sum, habeo quod suscenseam, nisi quod mihi nocere se crediderunt.' et haec quidem hoc modo; nihil autem melius extremo: 'sed tempus est' inquit 'iam hinc abire, me, ut moriar, vos, ut vitam agatis. utrum autem sit melius, dii inmortales sciunt, hominem quidem scire arbitror neminem.' XLII. Ne ego haud paulo hunc animum malim quam eorum omnium fortunas, qui de hoc iudicaverunt. etsi, quod praeter deos negat scire quemquam, id scit ipse utrum sit melius — nam dixit ante — , sed suum illud, nihil ut adfirmet, tenet ad extemum;

100 nos autem teneamus, ut nihil censeamus esse malum, quod sit a natura datum omnibus, intellegamusque, si mors malum sit, esse sempiternum malum. nam vitae miserae mors finis esse videtur; mors

si est misera, finis esse nullus potest. Sed quid ego Socratem aut Theramenem, praestantis viros virtutis et sapientiae gloria, commemoro, cum Lacedaemonius quidam, cuius ne nomen quidem proditum est, mortem tantopere contempserit, ut, cum ad eam duceretur damnatus ab ephoris et esset voltu hilari atque laeto dixissetque ei quidam inimicus: ‘contemnisne leges Lycurgi?’, responderit: ‘ego vero illi maximam gratiam habeo, qui me ea poena multaverit, quam sine mutuatione et sine versura possem dissolvere.’ o virum Sparta dignum! ut mihi quidem, qui tam magno animo fuerit, innocens damnatus esse videatur. talis innumerabilis nostra civitas tulit.

101 sed quid duces et principes nominem, cum legiones scribat Cato saepe alacris in eum locum profectas, unde redituras se non arbitrarentur? pari animo Lacedaemonii in Thermopylis occiderunt, in quos Simonides: ‘Dic, hospes, Spartae nos te hic vidisse iacentis, Dum sanctis patriae legibus obsequimur.’ quid ille dux Leonidas dicit? ‘pergite animo forti, Lacedaemonii, hodie apud inferos fortasse cenabimus.’ fuit haec gens fortis, dum Lycurgi leges vigebant. e quibus unus, cum Perses hostis in conloquio dixisset glorians: ‘solem prae iaculorum multitudine et sagittarum non videbitis’, ‘in umbra igitur’ inquit ‘pugnabimus.’

102 viros commemoro: qualis tandem Lacaena? quae cum filium in proelium misisset et interfectum audisset,’idcirco’ inquit ‘genueram, ut esset, qui pro patria mortem non dubitaret occumbere’. XLIII. Esto: fortes et duri Spartiatae; magnam habet vim rei p. disciplina. quid? Cyrenaeum Theodorum, philosophum non ignobilem, nonne miramur? cui cum Lysimachus rex crucem minaretur,’istis, quaeso’ inquit ‘ista horribilia minitare purpuratis tuis: Theodori quidem nihil interest, humine an sublime putescat.’ Cuius hoc dicto admoneor, ut aliquid etiam de humatione et sepultura dicendum existimem, rem non difficilem, is praesertim cognitis, quae de nihil sentiendo paulo ante dicta sunt. de qua Socrates quidem quid senserit, apparet in eo libro in quo moritur, de quo iam tam multa diximus.

103 cum enim de inmortalitate animorum disputavisset et iam moriendi tempus urgeret, rogatus a Critone, quem ad modum sepeliri vellet, ‘multam vero’ inquit ‘operam, amici, frustra consumpsi;

Critoni enim nostro non persuasi me hinc avolaturum neque mei quicquam relicturum. verum tamen, Crito, si me adsequi potueris aut sicubi nanctus eris, ut tibi videbitur, sepelito. sed, mihi crede, nemo me vestrum, cum hinc excessero, consequetur.' praeclare is quidem, qui et amico permiserit et se ostenderit de hoc toto genere nihil laborare.

104 durior Diogenes, et is quidem eadem sentiens, sed ut Cynicus asperius: proici se iussit inhumatum. tum amici: 'volucribusne et feris?' 'minime vero' inquit, 'sed bacillum propter me, quo abigam, ponitote.' 'qui poteris?' illi, 'non enim senties.' 'quid igitur mihi ferarum laniatus oberit nihil sentienti?' praeclare Anaxagras, qui cum Lampsaci moreretur, quaerentibus amicis, velletne Clazomenas in patriam, si quid accidisset, auferri, 'nihil necesse est' inquit, 'undique enim ad inferos tantundem viae est.' totaque de ratione humationis unum tenendum est, ad corpus illam pertinere, sive occiderit animus sive vigeat. in corpore autem perspicuum est vel extincto animo vel elapso nullum residere sensum.

LXIV. 105 Sed plena errorum sunt omnia. trahit Hectorem ad currum religatum Achilles: lacerari eum et sentire, credo, putat. ergo hic ulciscitur, ut quidem sibi videtur; at illa sicut acerbissimam rem maeret: 'Vidi, videre quod me passa aegerrume, Hectorem curru quadriiugo raptarier.' quem Hectorem, aut quam diu ille erit Hector? melius Accius et aliquando sapiens Achilles: 'Immo enimvero corpus Priamo reddidi, Hectora abstuli.' non igitur Hectora traxisti, sed corpus quod fuerat Hectoris.106 ecce alius exoritur e terra, qui matrem dormire non sinat: 'Mater, te appello, tu, quae curam somno suspensam levas, Neque te mei miseret, surge et sepeli natum — !' haec cum pressis et flebilibus modis, qui totis theatris maestitiam inferant, concinuntur, difficile est non eos qui inhumati sint miseros iudicare. 'prius quam ferae volucresque—' metuit, ne laceratis membris minus bene utatur; ne combustis, non extimescit. 'Neu reliquias semesas sireis denudatis ossibus Per terram sanie delibutas foede divexarier—' non intellego, quid metuat, cum tam bonos septenarios fundat ad tibiam. Tenendum est igitur nihil curandum esse post mortem, cum multi inimicos etiam mortuos poeniuntur. exsecratur luculentis sane versibus apud Ennium Thyestes, primum ut naufragio pereat Atreus: durum hoc sane; talis enim interitus non

est sine gravi sensu; illa inania: ‘Ipse summis saxis fixus asperis, evisceratus, Latere pendens, saxa spargens tabo, sanie et sanguine atro—’

107 non ipsa saxa magis sensu omni vacabunt quam ille ‘latere pendens’, cui se hic cruciatum censet optare. quae essent dura, si sentiret, <sunt> nulla sine sensu. illud vero perquam inane: ‘Neque sepulcrum, quo recipiat, habeat, portum corporis, Ubi remissa humana vita corpus requiescat malis.’ vides, quanto haec in errore versentur: portum esse corporis et requiescere in sepulcro putat mortuum; magna culpa Pelopis, qui non erudierit filium nec docuerit, quatenus esset quidque curandum.

XLV. 108 Sed quid singulorum opiniones animadvertam, nationum varios errores perspicere cum liceat? condiunt Aegyptii mortuos et eos servant domi; Persae etiam cera circumlitos condunt, ut quam maxime permaneant diuturna corpora. Magorum mos est non humare corpora suorum, nisi a feris sint ante laniata; in Hyrcania plebs publicos alit canes, optumates domesticos: nobile autem genus canum illud scimus esse, sed pro sua quisque facultate parat a quibus lanietur, eamque optumam illi esse censent sepulturam. permulta alia colligit Chrysippus, ut est in omni historia curiosus, sed ita taetra sunt quaedam, ut ea fugiat et reformidet oratio. totus igitur hic locus est contemnendus in nobis, non neglegendus in nostris, ita tamen, ut mortuorum corpora nihil sentire vivi sentiamus;

109 quantum autem consuetudini famaeque dandum sit, id curent vivi, sed ita, ut intellegant nihil id ad mortuos pertinere. Sed profecto mors tum aequissimo animo oppetitur, cum suis se laudibus vita occidens consolari potest. nemo parum diu vixit, qui virtutis perfectae perfecto functus est munere. multa mihi ipsi ad mortem tempestiva fuerunt. quam utinam potuissem obire! nihil enim iam adquirebatur, cumulata erant officia vitae, cum fortuna bella restabant. quare si ipsa ratio minus perficiet, ut mortem neglegere possimus, at vita acta perficiat, ut satis superque vixisse videamur. quamquam enim sensus abierit, tamen suis et propriis bonis laudis et gloriae, quamvis non sentiant, mortui non carent. etsi enim nihil habet in se gloria cur expetatur, tamen virtutem tamquam umbra sequitur.

XLVI. 110 verum multitudinis iudicium de bonis <bonum> si

quando est, magis laudandum est quam illi ob eam rem beati. non possum autem dicere, quoquo modo hoc accipietur, Lycurgum Solonem legum et publicae disciplinae carere gloria, Themistoclem Epaminondam bellicae virtutis. ante enim Salamina ipsam Neptunus obruet quam Salaminii tropaei memoriam, priusque e Boeotia Leuctra tollentur quam pugnae Leuctricae gloria. multo autem tardius fama deseret Curium Fabricium Calatinum, duo Scipiones duo Africanos, Maximum Marcellum Paulum, Catonem Laelium, innumerabilis alios; quorum similitudinem aliquam qui arripuerit, non eam fama populari, sed vera bonorum laude metiens, fidenti animo, si ita res feret, gradietur ad mortem; in qua aut summum bonum aut nullum malum esse cognovimus. secundis vero suis rebus volet etiam mori; non enim tum cumulus bonorum iucundus esse potest quam molesta decessio.

111 hanc sententiam significare videtur Laconis illa vox, qui, cum Rhodius Diagoras, Olympionices nobilis, uno die duo suos filios victores Olympiae vidsset, accessit ad senem et gratulatus: ‘morere Diagora’ inquit; ‘non enim in caelum ascensurus es.’ magna haec, et nimium fortasse, Graeci putant vel tum potius putabant, isque, qui hoc Diagorae dixit, permagnum existimans tris Olympionicas una e domo prodire cunctari illum diutius in vita fortunae obiectum inutile putabat ipsi. Ego autem tibi quidem, quod satis esset, paucis verbis, ut mihi videbar, responderam — concesseras enim nullo in malo mortuos esse — ; sed ob eam causam contendi ut plura dicerem, quod in desiderio et luctu haec est consolatio maxima. nostrum enim et nostra causa susceptum dolorem modice ferre debemus, ne nosmet ipsos amare videamur; illa suspicio intolerabili dolore cruciat, si opinamur eos quibus orbati sumus esse cum aliquo sensu in is malis quibus volgo opinantur. hanc excutere opinionem mihimet volui radicitus, eoque fui fortasse longior.

XLVII. 112 Tu longior? non mihi quidem. prior enim pars orationis tuae faciebat, ut mori cuperem, posterior, ut modo non nollem, modo non laborarem; omni autem oratione illud certe perfectum est, ut mortem non ducerem in malis. Num igitur etiam rhetorum epilogum desideramus? an hanc iam artem plane relinquimus? Tu vero istam ne relinqueris, quam semper ornasti, et quidem iure; illa enim te, verum si loqui volumus, ornaverat. sed

quinam est iste epilogus? aveo enim audire, quicquid est.

113 Deorum inmortalium iudicia solent in scholis proferre de morte, nec vero ea fingere ipsi, sed Herodoto auctore aliisque pluribus. primum Argiae sacerdotis Cleobis et Bito filii praedicantur. nota fabula est. cum enim illam ad sollemne et statum sacrificium curru vehi ius esset satis longe ab oppido ad fanum morarenturque iumenta, tum iuvenes i quos modo nominavi veste posita corpora oleo perunxerunt, ad iugum accesserunt. ita sacerdos advecta in fanum, cum currus esset ductus a filiis, precata a dea dicitur, ut id illis praemii daret pro pietate, quod maxumum homini dari posset a deo; post epulatos cum matre adulescentis somno se dedisse,mane inventos esse mortuos.

114 simili precatione Trophonius et Agamedes usi dicuntur; qui cum Apollini Delphis templum exaedificavissent, venerantes deum petiverunt mercedem non parvam quidem operis et laboris sui: nihil certi, sed quod esset optimum homini. quibus Apollo se id daturum ostendit post eius diei diem tertium; qui ut inluxit, mortui sunt reperti. iudicavisse deum dicunt, et eum quidem deum,cui reliqui dii concessissent, ut praeter ceteros divinaret. XLVIII. adfertur etiam de Sileno fabella quaedam: qui cum a Mida captus esset, hoc ei muneris pro sua missione dedisse scribitur: docuisse regem non nasci homini longe optimum esse, proximum autem quam primum mori.

115 qua est sententia in Cresphonte usus Euripedes: ‘Nam nos decebat coetus celebrantis domum Lugere, ubi esset aliquis in lucem editus, Humanae vitae varia reputantis mala; At, qui labores morte finisset gravis, Hunc omni amicos laude et laetitia exsequi.’ simile quiddam est in Consolatione Crantoris: ait enim Terinaeum quendam Elysium, cum graviter filii mortem maereret, venisse in psychomantium quaerentem, quae fuisset tantae calamitatis causa; huic in tabellis tris huius modi versiculos datos: ‘Igraris homines in vita mentibus errant: Euthynous potitur fatorum numine leto. Sic fuit utilius finiri ipsique tibique.’

116 his et talibus auctoribus usi confirmant causam rebus a diis inmortalibus iudicatam. Alcidamas quidem, rhetor antiquus in primis nobilis, acripsit etima laudationem mortis, quae constat ex enumeratione humanorum malorum; cui rationes eae quae exquisitius a philosophis colliguntur defuerunt, ubertas orationis non

defuit. Clarae vero mortes pro patria oppetitae non solum gloriosae rhetoribus, sed etiam beatae videri solent. repetunt ab Erechtheo, cuius etiam filiae cupide mortem expetiverunt pro vita civium; <commemorant> Codrum, qui se in medios inmisit hostis veste famulari, ne posset adgnosci, si esset ornatu regio, quod oraculum erat datum, si rex interfectus esset, victrices Athenas fore; Menoeceus non praetermittitur, qui item oraculo edito largitus est patriae suum sanguinem; <nam> Iphigenia Aulide duci se immolandam iubet, ut hostium elicatur suo. veniunt inde ad propiora: XLIX. Harmodius in ore est et Aristogiton; Lacedaemonius Leonidas, Thebanus Epaminondas viget. nostros non norunt, quos enumerare magnum est: ita sunt multi, quibus videmus optabilis mortes fuisse cum gloria.

117 Quae cum ita sint, magna tamen eloquentia est utendum atque ita velut superiore e loco contionandum, ut homines mortem vel optare incipiant vel certe timere desistant? nam si supremus ille dies non extinctionem, sed commutationem adfert loci, quid optabilius? sin autem perimit ac delet omnino, quid melius quam in mediis vitae laboribus obdormiscere et ita coniventem somno consopiri sempiterno? quod si fiat, melior Enni quam Solonis oratio. hic enim noster: ‘nemo me lacrimis decoret’ inquit ‘nec funera fletu faxit!’ at vero ille sapiens: ‘Mors mea ne careat lacrimis: linquamus amicis Maerorem, ut celebrent funera cum gemitu.’

118 nos vero, si quid tale acciderit, ut a deo denuntiatum videatur ut exeamus e vita, laeti et agentes gratias paremus emittique nos e custodia et levari vinclis arbitremur,ut aut in aeternam et plane in nostram domum remigremus aut omni sensu molestiaque careamus; sin autem nihil denuntiabitur, eo tamen simus animo, ut horribilem illum diem aliis nobis faustum putemus nihilque in malis ducamus, quod sit vel a diis inmortalibus vel a natura parente omnium constitutum. non enim temere nec fortuito sati et creati sumus, sed profecto fuit quaedam vis, quae generi consuleret humano nec id gigneret aut aleret, quod cum exanclavisset omnes labores, tum incideret in mortis malum sempiternum: portum potius paratum nobis et perfugium putemus.

119 quo utinam velis passis pervehi liceat! sin reflantibus ventis reiciemur, tamen eodem paulo tardius referamur necesse est. quod

autem omnibus necesse est, idne miserum esse uni potest? Habes epilogum, ne quid preatermissum aut relictum putes. Ego vero, et quidem fecit etiam iste me epilogus firmiorem. Optime, inquam. sed nunc quidem valetudini tribuamus aliquid, cras autem et quot dies erimus in Tusculano, agamus haec et ea potissimum, quae levationem habeant aegritudinum formidinum cupiditatum, qui omnis philosohpiae est fructus uberrimus.

LIBER SECVNDVS

1 Neoptolemus quidem apud Ennium “philosophari sibi” ait “necesse esse, sed paucis; nam omnino haud placere”. Ego autem, Brute, necesse mihi quidem esse arbitror philosophari; nam quid possum, praesertim nihil agens, agere melius? sed non paucis, ut ille. Difficile est enim in philosophia pauca esse ei nota cui non sint aut pleraque aut omnia. Nam nec pauca nisi e multis eligi possunt nec, qui pauca perceperit, non idem reliqua eodem studio persequetur. 2 Sed tamen in vita occupata atque, ut Neoptolemi tum erat, militari, pauca ipsa multum saepe prosunt et ferunt fructus, si non tantos quanti ex universa philosophia percipi possunt, tamen eos quibus aliqua ex parte interdum aut cupiditate aut aegritudine aut metu liberemur; velut ex ea disputatione quae mihi nuper habita est in Tusculano, magna videbatur mortis effecta contemptio, quae non minimum valet ad animum metu liberandum. Nam qui id quod vitari non potest metuit, is vivere animo quieto nullo modo potest; sed qui non modo quia necesse est mori, verum etiam quia nihil habet mors quod sit horrendum, mortem non timet, magnum is sibi praesidium ad beatam vitam comparat. 3 Quamquam non sumus ignari multos studiose contra esse dicturos; quod vitare nullo modo potuimus, nisi nihil omnino scriberemus. Etenim si orationes, quas nos multitudinis iudicio probari volebamus (popularis est enim illa facultas, et effectus eloquentiae est audientium adprobatio) sed si reperiebantur non nulli qui nihil laudarent, nisi quod se imitari posse confiderent, quemque sperandi sibi, eumdem bene dicendi finem proponerent, et cum obruerentur copia sententiarum atque verborum, ieiunitatem et famem se malle quam ubertatem et copiam dicerent, unde erat exortum genus Atticorum eis ipsis qui id sequi se profitebantur ignotum, qui iam conticuerunt paene ab ipso foro inrisi - 4 quid futurum putamus, cum adiutore populo quo utebamur antea, nunc minime nos uti posse videamus? Est enim philosophia paucis contenta iudicibus, multitudinem consulto ipsa fugiens eique ipsi et suspecta et invisa, ut, vel si quis universam velit vituperare, secundo id populo facere possit, vel si in eam quam nos maxime sequimur, conetur invadere, magna habere possit auxilia a reliquorum

philosophorum disciplinis.

Nos autem universae philosophiae vituperatoribus respondimus in Hortensio, pro Academia autem quae dicenda essent, satis accurate in Academicis quattuor libris explicata arbitramur; sed tamen tantum abest, ut scribi contra nos nolimus, ut id etiam maxime optemus. In ipsa enim Graecia philosophia tanto in honore numquam fuisset, nisi doctissimorum contentionibus dissensionibusque viguisset. 5 Quam ob rem hortor omnes qui facere id possunt, ut huius quoque generis laudem iam languenti Graeciae eripiant et transferant in hanc urbem, sicut reliquas omnes, quae quidem erant expetendae, studio atque industria sua maiores nostri transtulerunt. Atque oratorum quidem laus ita ducta ab humili venit ad summum, ut iam, quod natura fert in omnibus fere rebus, senescat brevique tempore ad nihilum ventura videatur, philosophia nascatur Latinis quidem litteris ex his temporibus, eamque nos adiuvemus nosque ipsos redargui refellique patiamur. Quod ii ferunt animo iniquo qui certis quibusdam destinatisque sententiis quasi addicti et consecrati sunt eaque necessitate constricti, ut, etiam quae non probare soleant, ea cogantur constantiae causa defendere; nos qui sequimur probabilia nec ultra quam id quod veri simile occurrit, progredi possumus, et refellere sine pertinacia et refelli sine iracundia parati sumus.

6 Quodsi haec studia traducta erunt ad nostros, ne bibliothecis quidem Graecis egebimus, in quibus multitudo infinita librorum propter eorum est multitudinem qui scripserunt. Eadem enim dicuntur a multis, ex quo libris omnia referserunt. Quod accidet etiam nostris, si ad haec studia plures confluxerint. Sed eos, si possumus, excitemus, qui liberaliter eruditi adhibita etiam disserendi elegantia ratione et via philosophantur.

7 Est enim quoddam genus eorum qui se philosophos appellari volunt, quorum dicuntur esse Latini sane multi libri; quos non contemno equidem, quippe quos numquam legerim; sed quia profitentur ipsi illi qui eos scribunt se neque distincte neque distribute neque eleganter neque ornate scribere, lectionem sine ulla delectatione neglego. Quid enim dicant et quid sentiant ii qui sunt ab ea disciplina, nemo ne mediocriter quidem doctus ignorat. Quam ob rem, quoniam quem ad modum dicant ipsi non laborant, cur legendi sint nisi ipsi inter se qui idem sentiunt, non intellego. 8 Nam, ut

Platonem reliquosque Socraticos et deinceps eos qui ab his profecti sunt legunt omnes, etiam qui illa aut non adprobant aut non studiosissime consectantur, Epicurum autem et Metrodorum non fere praeter suos quisquam in manus sumit, sic hos Latinos ii soli legunt qui illa recta dici putant. Nobis autem videtur, quicquid litteris mandetur, id commendari omnium eruditorum lectioni decere; nec, si id ipsi minus consequi possumus, idcirco minus id ita faciendum esse sentimus. 9 Itaque mihi semper Peripateticorum Academiaeque consuetudo de omnibus rebus in contrarias partis disserendi non ob eam causam solum placuit, quod aliter non posset quid in quaque re veri simile esset inveniri, sed etiam quod esset ea maxima dicendi exercitatio. Qua princeps usus est Aristoteles, deinde eum qui secuti sunt. Nostra autem memoria Philo, quem nos frequenter audivimus, instituit alio tempore rhetorum praecepta tradere, alio philosophorum: ad quam nos consuetudinem a familiaribus nostris adducti in Tusculano, quod datum est temporis nobis, in eo consumpsimus. Itaque cum ante meridiem dictioni operam dedissemus, sicut pridie feceramus, post meridiem in Academiam descendimus; in qua disputationem habitam non quasi narrantes exponimus, sed eisdem fere verbis, ut actum disputatumque est.

10 Est igitur ambulantibus ad hunc modum sermo ille nobis institutus et a tali quodam ductus exordio: Dici non potest quam sim hesterna disputatione tua delectatus vel potius adiutus. Etsi enim mihi sum conscius numquam me nimis vitae cupidum fuisse, tamen interdum obiiciebatur animo metus quidam et dolor cogitanti fore aliquando finem huius lucis et amissionem omnium vitae commodorum. Hoc genere molestiae sic, mihi crede, sum liberatus, ut nihil minus curandum putem.

11 Minime mirum id quidem. Nam efficit hoc philosophia: medetur animis, inanes sollicitudines detrahit, cupiditatibus liberat, pellit timores. Sed haec eius vis non idem potest apud omnes; tum valet multum, cum est idoneam complexa naturam. “Fortes” enim non modo “fortuna adiuvat”, ut est in vetere proverbio, sed multo magis ratio, quae quibusdam quasi praeceptis confirmat vim fortitudinis. Te natura excelsum quendam videlicet et altum et humana despicientem genuit, itaque facile in animo forti contra mortem habita insedit

oratio. Sed haec eadem num censes apud eos ipsos valere nisi admodum paucos, a quibus inventa, disputata, conscripta sunt? Quotus enim quisque philosophorum invenitur, qui sit ita moratus, ita animo ac vita constitutus, ut ratio postulat? qui disciplinam suam non ostentationem scientiae, sed legem vitae putet? qui obtemperet ipse sibi et decretis suis pareat? 12 Videre licet alios tanta levitate et iactatione, ut eis fuerit non didicisse melius, alios pecuniae cupidos, gloria non nullos, multos libidinum servos, ut cum eorum vita mirabiliter pugnet oratio. Quod quidem mihi videtur esse turpissimum. Ut enim, si grammaticum se professus quispiam barbare loquatur, aut si absurde canat is qui se haberi velit musicum, hoc turpior sit quod in eo ipso peccet cuius profitetur scientiam, sic philosophus in vitae ratione peccans hoc turpior est quod in officio cuius magister esse vult, labitur artemque vitae professus delinquit in vita.
Nonne verendum est igitur, si est ita, ut dicis, ne philosophiam falsa gloria exornes? Quod est enim maius argumentum nihil eam prodesse quam quosdam perfectos philosophos turpiter vivere?

13 Nullum vero id quidem argumentum est. Nam ut agri non omnes frugiferi sunt qui coluntur, falsumque illud Accii:

Probae etsi in segetem sunt deteriorem datae Fruges, tamen ipsae suapte natura enitent,

sic animi non omnes culti fructum ferunt. Atque, ut in eodem simili verser, ut ager quamvis fertilis sine cultura fructuosus esse non potest, sic sine doctrina animus; ita est utraque res sine altera debilis. Cultura autem animi philosophia est; haec extrahit vitia radicitus et praeparat animos ad satus accipiendos eaque mandat eis et, ut ita dicam, serit, quae adulta fructus uberrimos ferant. Agamus igitur, ut coepimus. Dic, si vis, de quo disputari velis. 14 Dolorem existimo maximum malorum omnium. Etiamne malus quam dedecus? Non audeo id dicere equidem, et me pudet tam cito de sententia esse deiectam. Magis esset pudendum, si in sententia permaneres. Quid enim minus est dignum, quam tibi peius quicquam videri dedecore, flagitio, turpitudine? quae ut effugias, quis est non modo recusandus, sed non ultro adpetendus, subeundus, excipiendus dolor? Ita prorsus existimo. Quare ne sit sane summum malum dolor, malum certe est.

Videsne igitur, quantum breviter admonitus de doloris terrore deieceris?

15 Video plane, sed plus desidero. Experiar equidem; sed magna res est, animoque mihi opus est non repugnante. Habebis id quidem. Ut enim heri feci, sic nunc rationem, quo ea me cumque ducet, sequar.

Primum igitur de imbecillitate multorum et de variis disciplinis philosophorum loquar. Quorum princeps et auctoritate et antiquitate, Socraticus Aristippus, non dubitavit summum malum dolorem dicere. Deinde ad hanc enervatam muliebremque sententiam satis docilem se Epicurus praebuit. Hunc post Rhodius Hieronymus dolore vacare summum bonum dixit; tantum in dolore duxit mali. Ceteri praeter Zenonem, Aristonem, Pyrrhonem idem fere, quod modo tu, malum illud quidem, sed alia peiora. 16 Ergo, id quod natura ipsa et quaedam generosa virtus statim respuit, ne scilicet dolorem summum malum diceres oppositoque dedecore sententia depellerere, in eo magistra vitae philosophia tot saecula permanet. Quod huic officium, quae laus, quod decus erit tanti, quod adipisci cum dolore corporis velit, qui dolorem summum malum sibi esse persuaserit? quam porro quis ignominiam, quam turpitudinem non pertulerit, ut effugiat dolorem, si id summum malum esse decreverit? quis autem non miser non modo tunc, cum premetur summis doloribus, si in his est summum malum, sed etiam cum sciet id sibi posse evenire? et quis est, cui non possit? Ita fit ut omnino nemo esse possit beatus. 17 Metrodorus quidem perfecte eum beatum putat, cui corpus bene constitutum sit et exploratum ita semper fore. Quis autem est iste, cui id exploratum possit esse?

Epicurus vero ea dicit, ut mihi quidem risus captare videatur. Adfirmat enim quodam loco, si uratur sapiens, si crucietur - exspectas fortasse dum dicat: “patietur, perferet, non succumbet”; magna mehercule laus et eo ipso, per quem iuravi, Hercule, digna! - sed Epicuro, homini aspero et duro, non est hoc satis; in Phalaridis tauro si erit, dicet: “Quam suave est, quam hoc non curo!” Suave etiam? an parum est, si “non amarum”? At id quidem illi ipsi, qui dolorem malum esse negant, non solent dicere cuiquam suave esse cruciari; asperum, difficile, odiosum, contra naturam dicunt nec tamen malum. Hic qui solum hoc malum dicit et malorum omnium

extremum, sapientem censet id suave dicturum. 18 Ego a te non postulo, ut dolorem eisdem verbis adficias quibus Epicurus voluptatem, homo, ut scis, voluptarius. Ille dixerit sane idem in Phalaridis tauro, quod si esset in lectulo; ego tantam vim non tribuo sapientiae contra dolorem. Sit fortis in perferendo, officio satis est; ut laetetur etiam, non postulo. Tristis enim res est sine dubio, aspera, amara, inimica naturae, ad patiendum tolerandumque difficilis. 19 Aspice Philoctetam, cui concedendum est gementi; ipsum enim Herculem viderat in Oeta magnitudine dolorum eiulantem. Nihil igitur hunc virum sagittae quas ab Hercule acceperat tum consolabantur cum

E viperino morsu venae viscerum
Veneno inbutae taetros cruciatus cient.

Itaque exclamat auxilium expetens, mori cupiens:

Heu! qui salsis fluctibus mandet
Me ex sublimo vertice saxi?
iam iam absumor, conficit animam
Vis vulneris, ulceris aestus.

Difficile dictu videtur eum non in malo esse, et magno quidem qui ita clamare cogatur.

20 Sed videamus Herculem ipsum qui tum dolore frangebatur, cum immortalitatem ipsa morte quaerebat. Quas hic voces apud Sophoclem in Trachiniis edit! cui cum Deianira sanguine Centauri tinctam tunicam induisset inhaessissetque ea visceribus, ait ille:

O multa dictu gravia, perpessu aspera,
Quae corpore exanclata atque animo pertuli!
Nec mihi iunonis terror implacabilis
Nec tantum invexit tristis Eurystheus mali,
Quantum una vaecors Oenei partu edita.
Haec me inretivit veste furiali inscium,
Quae latere inhaerens morsu lacerat viscera
Urgensque graviter pulmonum haurit spiritus;

iam decolorem sanguinem omnem exorbuit.
Sic corpus clade horribili absumptum extabuit,
Ipse illigatus peste interimor textili.
Hos non hostilis dextra, non Terra edita
Moles Gigantum, non biformato impetu
Centaurus ictus corpori inflixit meo,
Non Graia vis, non barbara ulla inmanitas,
Non saeva terris gens relegata ultimis,
Quas peragrans undique omnem ecferitatem expuli,
Sed feminae vir feminea interimor manu.
O nate! vere hoc nomen usurpa patri,
Ne me occidentem matris superet caritas.
Huc arripe ad me manibus abstractam piis;
iam cernam, mene an illam potiorem putes.
21 Perge, aude, nate, illacrima patris pestibus,
Miserere! Gentes nostras flebunt miserias.
Heu! virginalem me ore ploratum edere,
Quem vidit nemo ulli ingemescentem malo!
Ecfeminata virtus adflicta occidit.
Accede, nate, adsiste, miserandum aspice
Evisceratum corpus laceratum patris!
Videte, cuncti, tuque, caelestum sator,
iace, obsecro, in me vim coruscam fulminis!
Nunc, nunc dolorum anxiferi torquent vertices,
Nunc serpit ardor. O ante victrices manus,
22 O pectora, o terga, o lacertorum tori!
Vestrone pressu quondam Nemeaeus leo
Frendens efflavit graviter extremum halitum?
Haec dextra Lernam taetra mactata excetra
Pacavit? haec bicorporem adiflixit manum?
Erymanthiam haec vastificam abiecit beluam?
Haec e Tartarea tenebrica abstractum plaga
Tricipitem eduxit Hydra generatum canem?
Haec interemit tortu multiplicabili
Draconem auriferam optutu adservantem arborem?
Multa alia victrix nostra lustravit manus,
Nec quisquam e nostris spolla cepit laudibus.

Possumusne nos contemnere dolorem, cum ipsum Herculem tam intoleranter dolere videamus?

23 Veniat Aeschylus, non poeta solum, sed etiam Pythagoreus; sic enim accepimus. Quo modo fert apud eum Prometheus dolorem, quem excipit ob furtum Lemnium!

Unde ignis cluet mortalibus clam
Divisus; eum doctus Prometheus
Clepsisse dolo poenasque iovi
Fato expendisse supremo.

Has igitur poenas pendens adfixus ad Causacum dicit haec:

Titanum suboles, socia nostri sanguinis,
Generata Caelo, aspicite religatum asperis
Vinctumque saxis, navem ut horrisono freto
Noctem paventes timidi adnectunt navitae.
Saturnius me sic infixit iuppiter,
iovisque numen Mulciberi ascivit manus.
Hos ille cuneos fabrica crudeli inserens
Perrupit artus; qua miser sollertia
Transverberatus castrum hoc Furiarum incolo.
24 iam tertio me quoque funesto die
Tristi advolatu aduncis lacerans unguibus
iovis satelles pastu dilaniat fero.
Tum iecore opimo farta et satiata adfatim
Clangorem fundit vastum et sublime avolans
Pinnata cauda nostrum adulat sanguinem.
Cum vero adesum inflatu renovatumst iecur,
Tum rursum taetros avida se ad pastus refert.
Sic hanc custodem maesti cruciatus alo,
Quae me perenni vivum foedat miseria.
Namque, ut videtis, vinclis constrictus iovis
Arcere nequeo diram volucrem a pectore.
25 Sic me ipse viduus pestes excipio anxias
Amore mortis terminum anquirens mali,
Sed longe a leto numine aspellor iovis.

Atque haec vetusta saeclis glomerata horridis
Luctifica clades nostro infixa est corpori,
E quo liquatae solis ardore excidunt
Guttae, quae saxa adsidue instillant Caucasi.

Vix igitur posse videmur ita adfectum non miserum dicere et, si hunc miserum, certe dolorem malum.

26 Tu quidem adhuc meam causam agis; sed hoc mox videro, interea, unde isti versus? non enim adgnosco. Dicam hercle; etenim recte requiris. Videsne abundare me otio? Quid tum? Fuisti saepe, credo, cum Athenis esses, in scholis philosophorum. Vero, ac libenter quidem. Animadvertebas igitur, etsi tam nemo erat admodum copiosus, verum tamen versus ab eis admisceri orationi. Ac multos quidem a Dionysio Stoico. Probe dicis. Sed is quasi dictata, nullo dilectu, nulla elegantia, Philo et proprium numerum et lecta poemata et loco adiungebat. Itaque postquam adamavi hanc quasi senilem declamationem, studiose equidem utor nostris poetis ; sed sicubi illi defecerunt, verti enim multa de Graecis, ne quo ornamento in hoc genere disputationis careret Latina oratio. 27 Sed videsne, poetae quid mali adferant? Lamentantes inducunt fortissimos viros, molliunt animos nostros, ita sunt deinde dulces, ut non legantur modo, sed etiam ediscantur. Sic ad malam domesticam disciplinam vitamque umbratilem et delicatam cum accesserunt etiam poetae, nervos omnes virtutis elidunt. Recte igitur a Platone eiiciuntur ex ea civitate quam finxit ille, cum optimos mores et optimum rei publicae statum exquireret. At vero nos, docti scilicet a Graecia, haec a pueritia et legimus et ediscimus, hanc eruditionem liberalem et doctrinam putamus.

28 Sed quid poetis irascimur? Virtutis magistri, philosophi inventi sunt, qui summum malum dolorem dicerent. At tu, adulescens, cum id tibi paulo ante dixisses videri, rogatus a me, etiamne maius quam dedecus, verbo de sententia destitisti. Roga hoc idem Epicurum; maius dicet esse malum mediocrem dolorem quam maximum dedecus; in ipso enim dedecore mali nihil esse, nisi sequantur dolores. Quis igitur Epicurum sequitur dolor, cum hoc ipsum dicit, summum malum esse dolorem? quo dedecus maius a philosopho nullum expecto. Quare satis mihi dedisti, cum respondisti maius tibi

videri malum dedecus quam dolorem. Hoc ipsum enim si tenebis, intelleges quam sit obsistendum dolori; nec tam quaerendum est dolor malumne sit, quam firmandus animus ad dolorem ferendum.

29 Concludunt ratiunculas Stoici, cur non sit malum; quasi de verbo, non de re laboretur. Quid me decipis, Zeno? Nam cum id, quod mihi horribile videtur, tu omnino malum negas esse, capior et scire cupio quo modo id quod ego miserrimum existimem ne malum quidem sit. “Nihil est”, inquit, “malum, nisi quod turpe atque vitiosum est”. Ad ineptias redis. Illud enim, quod me angebat, non eximis. Scio dolorem non esse nequitiam; desine id me docere; hoc doce doleam necne doleam, nihil interesse. “Numquam quicquam”, inquit, “ad beate quidem vivendum, quod est in una virtute positum ; sed est tamen reiiciendum”. Cur? “Asperum est, contra naturam, difficile perpessu, triste, durum”.

30 Haec est copia verborum, quod omnes uno verbo malum appellamus, id tot modis posse dicere. Definis tu mihi, non tollis dolorem, cum dicis asperum, contra naturam vix quod ferri tolerarique possit; nec mentiris; sed re succumbere non oportebat verbis gloriantem. “Dum nihil bonum, nisi quod honestum, nihil malum, nisi quod turpe” - optare hoc quidem est, non docere. Illud et melius et verius, omnia quae natura aspernetur, in malis esse, quae adsciscat, in bonis. Hoc posito et verborum concertatione sublata tantum tamen excellet illud, quod recte amplexantur isti, quod honestum, quod rectum, quod decorum appellamus, quod idem interdum virtutis nomine amplectimur, ut omnia praeterea, quae bona corporis et fortunae putantur, perexigua et minuta videantur, ne malum quidem ullum nec si in unum locum collata omnia sint, cum turpitudinis malo comparanda. 31 Quare si, ut initio concessisti, turpitudo peius est quam dolor, nihil est plane dolor. Nam dum tibi turpe nec dignum viro videbitur gemere, eiulare, lamentari, frangi, debilitari dolore, dum honestas, dum dignitas, dum decus aderit, tuque in ea intuens te continebis, cedet profecto virtuti dolor et animi inductione languescet. Aut enim nulla virtus est aut contemnendus omnis dolor. Prudentiamne vis esse, sine qua ne intellegi quidem ulla virtus potest? Quid ergo? ea patieturne te quicquam facere nihil proficientem et frustra laborantem, an temperantia sinet te

inmoderate facere quicquam, an coli iustitia poterit ab homine propter vim doloris enuntiante commissa, prodente conscios, multa officia relinquente? 32 Quid? fortitudini comitibusque eius, magnitudini animi, gravitati, patientiae, rerum humanarum despicientiae quo modo respondebis? adflictusne et iacens et lamentabili voce deplorans audieris: “O virum fortem!”? Te vero ita adfectum ne virum quidem quisquam dixerit. Amittenda igitur fortitudo est aut sepeliendus dolor.
Ecquid scis igitur, si quid de Corinthiis tuis amiseris, posse habere te reliquam supellectilem salvam, virtutem autem si unam amiseris (etsi amitti non potest virtus), sed si unam confessus eris te non habere, nullam esse te habiturum? 33 Num igitur fortem virum, num magno animo, num patientem, num gravem, num humana contemnentem potes dicere aut Philoctetam illum -? a te enim malo discedere; sed ille certe non fortis, qui iacet

in tecto umido,
Quod eiulatu, questu, gemitu, fremitibus
Resonando mutum flebiles voces refert.

Non ego dolorem dolorem esse nego (cur enim fortitudo desideraretur?), sed eum opprimi dico patientia, si modo est aliqua patientia; si nulla est, quid exornamus philosophiam aut quid eius nomine gloriosi sumus? Pungit dolor, vel fodiat sane; si nudus es, da iugulum; sin tectus “vulcaniis armis”, id est fortitudine, resiste; haec enim te, nisi ita facies, custos dignitatis relinquet et deseret. 34 Cretum quidem leges, quas sive iuppiter sive Minos sanxit de iovis quidem sententia, ut poetae ferunt, itemque Lycurgi laboribus erudiunt iuventutem, venando currendo, esuriendo sitiendo, algendo aestuando. Spartae vero pueri ad aram sic verberibus accipiuntur,

Ut multus e visceribus sanguis exeat,

non numquam etiam, ut, cum ibi essem, audiebam, ad necem; quorum non modo nemo exclamavit umquam, sed ne ingemuit quidem. Quid ergo? hoc pueri possunt, viri non poterunt? et mos valet, ratio non valebit?

35 Interest aliquid inter laborem et dolorem. Sunt finitima omnino, sed tamen differt aliquid. Labor est functio quaedam vel

animi vel corporis gravioris operis et muneris, dolor autem motus asper in corpore alienus a sensibus. Haec duo Graeci illi, quorum copiosior est lingua quam nostra, uno nomine appellant. Itaque industrios homines illi studiosos vel potius amantis doloris appellant, nos commodius laboriosos; aliud est enim laborare, aliud dolere. O verborum inops interdum, quibus abundare te semper putas, Graecia! Aliud, inquam, est dolere, aliud laborare. Cum varices secabantur C. Mario, dolebat; cum aestu magno ducebat agmen, laborabat. Est inter haec quaedam tamen similitudo; consuetudo enim laborum perpessionem dolorum efficit faciliorem. 36 Itaque illi qui Graeciae formam rerum publicarum dederunt, corpora iuvenum firmari labore voluerunt. Quod Spartiatae etiam in feminas transtulerunt quae ceteris in urbibus mollissimo cultu "parietum umbris occuluntur". Illi autem voluerunt nihil horum simile esse

apud Lacaenas virgines
Quibus magis palaestra, Eurota, sol, pulvis, labor,
Militia in studio est quam fertilitas barbara.

Ergo his laboriosis exercitationibus et dolor intercurrit non numquam, impelluntur, feriuntur, abiiciuntur, cadunt, et ipse labor quasi callum quoddam obducit dolori.

37 Militiam vero - nostram dico, non Spartiatarum, quorum procedit ad modum acies ac tibiam, nec adhibetur ulla sine anapaestis pedibus hortatio; nostri exercitus primum unde nomen habeant, vides; deinde qui labor, quantus agminis: ferre plus dimidiati mensis cibaria, ferre, si quid ad usum velint ferre vallum; nam scutum, gladium, galeam in onere nostri milites non plus numerant quam umeros, lacertos, manus. Arma enim membra militis esse dicunt; quae quidem ita geruntur apte, ut si usus fuerit, abiectis oneribus expeditis armis ut membris pugnare possint. Quid? exercitatio legionum, quid? ille cursus, concursus, clamor quanti laboris est! Ex hoc ille animus in proeliis paratus ad vulnera. Adduc pari animo inexercitatum militem, mulier videbitur. 38 Cur tantum interest inter novum et veterem exercitum quantum experti sumus? Aetas tironum plerumque melior, sed ferre laborem, contemnere vulnus consuetudo docet. Quin etiam videmus ex acie efferri saepe sancios, et quidem

rudem illum et inexercitatum quamvis levi ictu ploratus turpissimos edere; at vero ille exercitatus et vetus ob eamque rem fortior medicum modo requirens, a quo obligetur:

O Patricoles, inquit, ad vos adveniens auxilium et vestras manus
Peto, prius quam oppeto malam pestem mandatam hostili manu,
Neque sanguis ullo potis est pacto profluens consistere,
Si qui sapientia magis vestra mors devitari potest.
Namque Aesculapi liberorum saucii opplent porticus;
Non potest accedi -
Certe Enrypylus hic quidem est, hominem, exercitum!

39 Ubi tantum luctus continuatur, vide quam non flebiliter respondeat, rationem etiam adferat cur aequo animo sibi ferendum sit:

Qui alteri exitium parat,
Eum scire oportet sibi paratam pestem ut participet parem.

Abducet Patricoles, credo, ut collocet in cubili, ut vulnus obliget. Siquidem homo esset; sed nihil vidi minus. Quaerit enim quid actum sit:

Eloquere, eloquere, res Argiuum proelio ut se sustinet.
Non potest ecfari tantum dictis, quantum factis suppetit
Laboris.

Quiesce igitur et vulnus adliga. Etiamsi Eurypylus posset, non posset Aesopus:

Ubi fortuna Hectoris nostram acrem aciem inclinatam...

et cetera explicat in dolore. Sic est enim intemperans militaris in forti viro gloria. Ergo haec veteranus miles facere poterit, doctus vir sapiensque non poterit? Ille vero melius, ac non paulo quidem. 40 Sed adhuc de consuetudine exercitationis loquor, nondum de ratione et sapientia. Aniculae saepe inediam biduum aut triduum ferunt. Subduc cibum unum diem athletae: iovem, iovem Olympium, eum ipsum cui se exercebit, implorabit, ferre non posse clamabit. Consuetudinis magna vis est. Pernoctant venatores in nive, in

montibus uri se patiantur, inde pugiles caestibus contusi ne ingemescunt quidem. 41 Sed quid hos quibus Olympiorum victoria consulatus ille antiquus videtur? gladiatores, aut perditi homines aut barbari, quas plagas perferunt! quo modo illi, qui bene instituti sunt, accipere plagam malunt quam turpiter vitare! quam saepe apparet nihil eos malle quam vel domino satis facere vel populo! mittunt etiam vulneribus confecti ad dominos qui quaerant quid velint; si satis eis factum sit, se velle decumbere. Quis mediocris gladiator ingemuit, quis vultum mutavit umquam? quis non modo stetit, verum etiam decubuit turpiter? quis, cum decubuisset, ferrum recipere iussus collum contraxit? Tantum exercitatio, meditatio, consuetudo valet. Ergo hoc poterit

Samnis, spurcus homo, vita illa dignus locoque,

vir natus ad gloriam ullam partem animi tam mollem habebit, quam non meditatione et ratione conroboret? Crudele gladiatorum spectaculum et inhumanum non nullis videri solet, et haud scio an ita sit, ut nunc fit. Cum vero sontes ferro depugnabant, auribus fortasse multae, oculis quidem nulla poterat esse fortior contra dolorem et mortem disciplina.

42 De exercitatione et consuetudine et commentatione dixi; age sis, nunc de ratione videamus, nisi quid vis ad haec.
Egone ut te interpellem? ne hoc quidem vellem; ita me ad credendum tua ducit oratio.
Sitne igitur malum dolere necne, Stoici viderint, qui contortulis quibusdam et minutis conclusiunculis nec ad sensus permanantibus effici volunt non esse malum dolorem. Ego illud, quicquid sit tantum esse quantum videatur non puto, falsaque eius visione et specie moveri homines dico vehementius, doloremque omnem esse tolerabilem. Unde igitur ordiar? an eadem breviter attingam quae modo dixi, quo facilius oratio progredi possit longius? 43 Inter omnes igitur hoc constat, nec doctos homines solum, sed etiam indoctos, virorum esse fortium et magnanimorum et patientium et humana vincentium toleranter dolorem pati; nec vero quisquam fuit qui eum qui ita pateretur non laudandum putaret. Quod ergo et postulatur a fortibus et laudatur, cum fit, id aut extimescere veniens aut non ferre praesens nonne turpe est? Atqui vide ne, cum omnes

rectae animi adfectiones virtutes appellentur, non sit hoc proprium nomen omnium, sed ab ea quae una ceteris excellebat, omnes nominatae sint. Appellata est enim ex viro virtus; viri autem propria maxime est fortitudo, cuius munera duo sunt maxima, mortis dolorisque contemptio. Utendum est igitur his, si virtutis compotes, vel potius si viri volumus esse, quoniam a viris virtus nomen est mutuata. Quaeres fortasse quo modo, et recte; talem enim medicinam philosophia profitetur.

44 Venit Epicurus, homo minime malus vel potius vir optimus; tantum monet quantum intellegit. “Neglege”, inquit, “dolorem”. Quis hoc dicit? Idem qui dolorem summum malum. Vix satis constanter. Audiamus. “Si summus dolor est”, inquit, “necesse est brevem esse”. “Iteradum eadem ista mihi!” non enim satis intellego quid summum dicas esse, quid breve. “Summum, quo nihil sit superius, breve, quo nihil brevius. Contemno magnitudinem doloris, a qua me brevitas temporis vindicabit ante paene quam venerit”. Sed si est tantus dolor quantus Philoctetae? “Bene plane magnus mihi quidem videtur, sed tamen non summus; nihil enim dolet nisi pes; possunt oculi, potest caput latera, pulmones, possunt omnia. Longe igitur abest a summo dolore. Ergo, inquit, dolor diuturnus habet laetitiae plus quam molestiae”. 45 Nunc ego non possum tantum hominem nihil sapere dicere, sed nos ab eo derideri puto. Ego summum dolorem (“summum” autem dico, etiamsi decem atomis est maior alius) non continuo esse dico brevem multosque possum bonos viros nominare, qui complures annos doloribus podagrae crucientur maximis. Sed homo catus numquam terminat nec magnitudinis nec diuturnitatis modum, ut sciam quid summum dicat in dolore, quid breve in tempore. Omittamus hunc igitur nihil prorsus dicentem cogamusque confiteri non esse ab eo doloris remedia quaerenda, qui dolorem malorum omnium maximum dixerit, quamvis idem forticulum se in torminibus et in stranguria sua praebeat. Aliunde igitur est quaerenda medicina, et maxime quidem, si quid maxime consentaneum sit, quaerimus, ab eis quibus, quod honestum sit, summum bonum, quod turpe, summum videtur malum. His tu praesentibus gemere et iactare te non audebis profecto; loquetur enim eorum voce Virtus ipsa tecum:

46 “Tune, cum pueros Lacedaemone, adulescentes Olympiae, barbaros in harena videris excipientis gravissimas plagas et ferentis silentio, si te forte dolor aliquis pervellerit, exclamabis ut mulier, non constanter et sedate feres?” “Fieri non potest; natura non patitur.”- Audio. Pueri ferunt gloria ducti, ferunt pudore alii, multi metu, et tamen veremur, ut hoc, quod a tam multis et quod tot locis perferatur, natura patiatur? Illa vero non modo patitur, verum etiam postulat; nihil enim habet praestantius, nihil quod magis expetat quam honestatem, quam laudem, quam dignitatem, quam decus. Hisce ego pluribus nominibus unam rem declarari volo, sed utor, ut quam maxime significem, pluribus. Volo autem dicere illud homini longe optimum esse, quod ipsum sit optandum per se, a virtute profectum vel in ipsa virtute situm, sua sponte laudabile, quod quidem citius dixerim solum quam non summum bonum. Atque ut haec de honesto, sic de turpi contraria, nihil tam taetrum, nihil tam aspernandum, nihil homine indignius.

47 Quod si tibi persuasum est (principio enim dixisti plus in dedecore mali tibi videri quam in dolore), reliquum est ut tute tibi imperes; quamquam hoc nescio quo modo dicatur. Quasi duo simus, ut alter imperet, alter pareat; non inscite tamen dicitur.
Est enim animus in partis tributus duas, quarum altera rationis est particeps, altera expers. Cum igitur praecipitur ut nobismet ipsis imperemus, hoc praecipitur, ut ratio coerceat temeritatem. Est in animis omnium fere natura molle quiddam, demissum, humile, enervatum quodam modo et languidum. Si nihil esset aliud, nihil esset homine deformius; sed praesto est domina omnium et regina ratio, quae conixa per se et progressa longius fit perfecta virtus. Haec ut imperet illi parti animi quae oboedire debet, id videndum est viro.
48 “Quonam modo?” inquies. Vel ut dominus servo vel ut imperator militi vel ut parens filio. Si turpissime se illa pars animi geret quam dixi esse mollem, si se lamentis muliebriter lacrimisque dedet, vinciatur et constringatur amicorum propinquorumque custodiis; saepe enim videmus fractos pudore, qui ratione nulla vincerentur. Ergo hos quidem ut famulos vinclis prope ac custodia, qui autem erunt firmiores nec tamen robustissimi, hos admonitu oportebit ut bonos milites revocatos dignitatem tueri. Non nimis in Niptris ille

sapientissimus Graeciae saucius lamentatur vel modice potius:

Pedetemptim, inquit ite et sedato nisu,
Ne succussu arripiat maior
Dolor.

49 Pacuvius hoc melius quam Sophocles (apud illum enim perquam febiliter Ulixes lamentatur in vulnere); tamen huic leviter gementi illi ipsi qui ferunt saucium, personae gravitatem intuentes non dubitant dicere:

Tu quoque, Ulixes, quamquam graviter
Cernimus ictum, nimis paene animo es
Molli, qui consuetus in armis
Aevom agere...

Intellegit poeta prudens ferendi doloris consuetudinem esse non contemnendam magistram. 50 Atque ille non inmoderate magno in dolore:

Retinete, tenete! opprimit ulcus ;
Nudate! heu miserum me! excrucior.

Incipit labi, deinde ilico desinit:

Operite, abscedite, iam iam
Mittite ; nam attrectatu et quassu
Saevum amplificatis dolorem.

Videsne ut obmutuerit non sedatus corporis, sed castigatus animi dolor? Itaque in extremis Niptris alios quoque obiurgat, idque moriens:

Conqueri fortunam adversam, non lamentari decet.
Id viri est officium, fletus muliebri ingenio additus.

Huius animi pars illa mollior rationi sic paruit, ut severo imperatori miles pudens.

51 In quo vero erit perfecta sapientia (quem adhuc nos quidem vidimus neminem; sed philosophorum sententiis, qualis hic futurus sit, si modo aliquando fuerit, exponitur), is igitur sive ea ratio quae erit in eo perfecta atque absoluta sic illi parti imperabit inferiori, ut iustus parens probis filiis ; nutu, quod volet, conficiet, nullo labore, nulla molestia; eriget ipse se, suscitabit, instruet, armabit, ut tamquam hosti sic obsistat dolori. Quae sunt ista arma? Contentio, confirmatio sermoque intimus, cum ipse secum: “Cave turpe quicquam, languidum, non virile”. 52 Obversentur species honestae animo, Zeno proponatur Eleates, qui perpessus est omnia potius quam conscios delendae tyrannidis indicaret; de Anaxarcho Democritio cogitetur, qui cum Cypri in manus Timocreontis regis incidisset, nullum genus supplicii deprecatus est neque recusavit. Callanus Indus, indoctus ac barbarus, in radicibus Caucasi natus, sua voluntate vivus combustus est; nos, si pes condoluit si dens, ferre non possumus. Opinio est enim quaedam effeminata ac levis - nec in dolore magis quam eadem in voluptate -, qua cum liquescimus fluimusque mollitia, apis aculeum sine clamore ferre non possumus. 53 At vero C. Marius, rusticanus vir, sed plane vir, cum secaretur, ut supra dixi, principio vetuit se alligari, nec quisquam ante Marium solutus dicitur esse sectus. Cur ergo postea alii? Valuit auctoritas. Videsne igitur opinionis esse, non naturae malum? Et tamen fuisse acrem morsum doloris idem Marius ostendit; crus enim alterum non praebuit. Ita et tulit dolorem ut vir, et ut homo maiorem ferre sine causa necessaria noluit.
Totum igitur in eo est, ut tibi imperes. Ostendi autem, quod esset imperandi genus; atque haec cogitatio, quid patientia, quid fortitudine, quid magnitudine animi dignissimum sit, non solum animam comprimit, sed ipsum etiam dolorem nescio quo pacto mitiorem facit.

54 Ut enim fit in proelio, ut ignavus miles ac timidus, simul ac viderit hostem, abiecto scuto fugiat, quantum possit, ob eamque causam pereat non numquam etiam integro corpore, cum ei qui steterit, nihil tale evenerit, sic qui doloris speciem ferre non possunt, abiiciunt se atque ita adflicti et exanimati iacent; qui autem restiterunt, discedunt saepissime superiores. Sunt enim quaedam

animi similitudines cum corpore. Ut onera contentis corporibus facilius feruntur, remissis opprimunt, simillime animus intentione sua depellit pressum omnem ponderum, remissione autem sic urgetur, ut se nequeat extollere. 55 Et, si verum quaerimus, in omnibus officiis persequendis animi est adhibenda contentio; ea est sola offici tamquam custodia. Sed hoc idem in dolore maxime est providendum, ne quid abiecte, ne quid timide, ne quid ignave, ne quid serviliter muliebriterve faciamus, in primisque refutetur ac reiiciatur Philocteteus ille clamor. Ingemescere non numquam viro concessum est, idque raro, eiulatus ne mulieri quidem. Et hic nimirum est "lessus", quem duodecim tabulae in funeribus adhiberi vetuerunt. 56 Nec vero umquam ne ingemescit quidem vir fortis ac sapiens, nisi forte ut se intendat ad firmitatem, ut in stadio cursores exclamant quam maxime possunt. Faciunt idem, cum exercentur, athletae, pugiles vero, etiam cum feriunt adversarium, in iactandis caestibus ingemescunt, non quod doleant animove succumbant, sed quia profundenda voce omne corpus intenditur venitque plaga vehementior.

Quid? qui volunt exclamare maius, nam satis habent latera, fauces, linguam intendere, e quibus elici vocem et fundi videmus? Toto corpore atque omnibus ungulis, ut dicitur, contentioni vocis adserviunt. 57 Genu mehercule M. Antonium vidi, cum contente pro se ipse lege Varia diceret, terram tangere. Ut enim balistae lapidum et reliqua tormenta telorum eo graviores emissiones habent, quo sunt contenta atque adducta vehementius, sic vox, sic cursus, sic plaga hoc gravior, quo est missa contentior. Cuius contentionis cum tanta vis sit, si gemitus in dolore ad confirmandum animum valebit, utemur; sin erit ille gemitus elamentabilis, si inbecillus, si abiectus, si flebilis, ei qui se dederit vix eum virum dixerim. Qui quidem gemitus si levationis aliquid adferret, tamen videremus, quid esset fortis et animosi viri; cum vero nihil imminuat doloris, cur frustra turpes esse volumus? Quid est enim fletu muliebri viro turpius? 58 Atque hoc praeceptam, quod de dolore datur, patet latius. Omnibus enim rebus, non solum dolori, simili contentione animi resistendum est. Ira exardescit, libido concitatur; in eandem arcem confugiendum est, eadem sunt arma sumenda. Sed quoniam de dolore loquimur, illa omittamus. Ad ferendum igitur dolorem placide atque sedate

plurimum proficit toto pectore, ut dicitur, cogitare quam id honestum sit. Sumus enim natura, ut ante dixi (dicendum est enim saepius), studiosissimi adpetentissimique honestatis; cuius si quasi lumen aliquod aspeximus, nihil est quod, ut eo potiamur, non parati simus et ferre et perpeti. Ex hoc cursu atque impetu animorum ad aeram laudem atque honestatem illa pericula adeuntur in proeliis; non sentiunt viri fortes in acie vulnera, vel sentiunt, sed mori malunt quam tantum modo de dignitatis gradu demoveri. 59 Fulgentis gladios hostium videbant Decii, cum in aciem eorum inruebant. His levabat omnem vulnerum metum nobilitas mortis et gloria. Nam tam ingemuisse Epaminondam putas, cum una cum sanguine vitam effluere sentiret? Imperantem enim patriam Lacedaemoniis relinquebat, quam acceperat servientem. Haec sunt solacia, haec fomenta summorum dolorum.

60 Dices: quid in pace, quid domi, quid in lectulo? ad philosophos me revocas, qui in aciem non saepe prodeunt. E quibus homo sane levis, Heracleotes Dionysius, cum a Zenone fortis esse didicisset, a dolore dedoctus est. Nam cum ex renibus laboraret, ipso in eiulatu clamitabat falsa esse illa quae antea de dolore ipse sensisset. Quem cum Cleanthes condiscipulus rogaret quaenam ratio eum de sententia deduxisset, respondit: “Quia, cum tantum operae philosophiae dedissem, si dolorem tamen ferre non possem, satis esset argumenti malum esse dolorem. Plurimos autem annos in philosophia consumpsi nec ferre possum; malum est igitur dolor. “Tum Cleanthem, cum pede terram percussisset, versum ex Epigonis ferunt dixisse:

Audisne haec Amphiarae sub terram abdite?

Zenonem significabat, a quo illum degenerare dolebat. 61 At non noster Posidonius; quem et ipse saepe vidi et id dicam, quod solebat narrare Pompeius, se, cum Rhodum venisset decedens ex Syria, audire voluisse Posidonium; sed cum audisset eum graviter esse aegrum, quod vehementer eius artus laborarent, voluisse tamen nobilissimum philosophum visere; quem ut vidisset et salutavisset honorificisque verbis prosecutus esset molesteque se dixisset ferre, quod eum non posset audire, at ille “Tu vero”, inquit, “potes, nec committam ut dolor corporis efficiat ut frustra tantus vir ad me

venerit. “Itaque narrabat eum graviter et copiose de hoc ipso, nihil esse bonum, nisi quod esset honestum, cubantem disputavisse, cumque quasi faces ei doloris admoverentur, saepe dixisse: “Nihil agis, dolor! quamvis sis molestus, numquam te esse confitebor malum”.

62 Omninoque omnes clari et nobilitati labores continuo fiunt etiam tolerabiles. Videmusne ut, apud quos eorum ludorum qui gymnici nominantur magnus honos sit, nullum ab eis qui in id certamen descendant devitari dolorem? apud quos autem venandi et equitandi laus viget, qui hanc petessunt, nullum fugiunt dolorem. Quid de nostris ambitionibus, quid de cupiditate honorum loquar? quae flamma est per quam non cucurrerint ii qui haec olim punctis singulis colligebant? Itaque semper Africanus Socraticum Xenophontem in manibus habebat, cuius in primis laudabat illud, quod diceret eosdem labores non esse aeque graves imperatori et militi, quod ipse honos laborem leviorem faceret imperatorium. 63 Sed tamen hoc evenit, ut in vulgus insipientium opinio valeat honestatis, cum ipsam videre non possint. Itaque fama et multitudinis iudicio moventur, cum id honestum putent quod a plerisque laudetur. Te autem, si in oculis sis multitudinis, tamen eius iudicio stare nolim nec, quod illa putet, idem putare pulcherrimum. Tuo tibi iudicio est utendum; tibi si recta probanti placebis, tum non modo tete viceris, quod paulo ante praecipiebam, sed omnes et omnia. 64 Hoc igitur tibi propone, amplitudinem animi et quasi quandam exaggerationem quam altissimam animi, quae maxime eminet contemnendis et despiciendis doloribus, unam esse omnium rem pulcherrimam, eoque pulchriorem, si vacet populo neque plausum captans se tamen ipsa delectet. Quin etiam mihi quidem laudabiliora videntur omnia, quae sine venditatione et sine populo teste fiunt, non quo fugiendus sit (omnia enim bene facta in luce se collocari volunt), sed tamen nullum theatrum virtuti conscientia maius est.

65 Atque in primis meditemur illud, ut haec patientia dolorum quam saepe iam animi intentione dixi esse firmandam, in omni genere se aequabilem praebeat. Saepe enim multi qui aut propter victoriae cupiditatem aut propter gloriae aut etiam, ut ius suum et libertatem tenerent, vulnera exceperunt fortiter et tulerunt, iidem omissa contentione dolorem morbi ferre non possunt; neque enim

illum quem facile tulerant ratione aut sapientia tulerant, sed studio potius et gloria. Itaque barbari quidam et inmanes ferro decertare acerrime possunt, aegrotare viriliter non queunt. Graeci autem homines, non satis animosi, prudentes, ut est captus hominum, satis, hostem aspicere non possunt, eidem morbos toleranter atque humane ferunt. At Cimbri et Celtiberi in proeliis exultant, lamentantur in morbo. Nihil enim potest esse aequabile, quod non a certa ratione proficiscatur. 66 Sed cum videas eos qui aut studio aut opinione ducantur, in eo persequendo atque adipiscendo dolore non frangi, debeas existimare aut non esse malum dolorem aut, etiamsi, quicquid asperum alienumque natura sit, id appellari placeat malum, tantulum tamen esse, ut a virtute ita obruatur, ut nusquam appareat. Quae meditare, quaeso, dies et noctes. Latius enim manabit haec ratio et aliquanto maiorem locum quam de uno dolore occupabit. Nam si omnia fugiendae turpitudinis adipiscendaeque honestatis causa faciemus, non modo stimulos doloris, sed etiam fulmina fortunae contemnamus licebit, praesertim cum paratum sit illud ex hesterna disputatione perfugium. 67 Ut enim, si cui naviganti praedones insequantur, deus qui dixerit: “Eiice te navi; praesto est, qui excipiat, vel delphinus, ut Arionem Methymnaeum vel equi Pelopis illi Neptanii, qui “per undas currus suspensos rapuisse “dicuntur, excipient te et, quo velis, perferent”, omnem omittat timorem, sic urgentibus asperis et odiosis doloribus, si tanti sint, ut ferendi non sint, quo sit confugiendum, tu vides.

Haec fere hoc tempore putavi esse dicenda. Sed tu fortasse in sententia permanes. Minime vero, meque biduo duarum rerum quas maxime timebam spero liberatum metu. Cras ergo ad clepsydram ; sic enim diximus, et tibi hoc video non posse deberi. Ita prorsus, et illud quidem ante meridiem, hoc eodem tempore. Sic faciemus tuisque optimis studiis obsequemur.

LIBER TERTIVS

I. [1] Quidnam esse, Brute, causae putem, cur, cum constemus ex animo et corpore, corporis curandi tuendique causa quaesita sit ars atque eius utilitas deorum inmortalium inventioni consecrata, animi autem medicina nec tam desiderata sit, ante quam inventa, nec tam culta, posteaquam cognita est, nec tam multis grata et probata, pluribus etiam suspecta et invisa? An quod corporis gravitatem et dolorem animo iudicamus, animo morbum corpore non sentimus? Ita fit ut animus de se ipse tum iudicet, cum id ipsum, quo iudicatur, aegrotet.

[2] Quodsi talis nos natura genuisset, ut eam ipsam intueri et perspicere eademque optima duce cursum vitae conficere possemus, haut erat sane quod quisquam rationem ac doctrinam requireret. Nunc parvulos nobis dedit igniculos, quos celeriter malis moribus opinionibusque depravati sic restinguimus, ut nusquam naturae lumen appareat. Sunt enim ingeniis nostris semina innata virtutum, quae si adolescere liceret, ipsa nos ad beatam vitam natura perduceret. Nunc autem, simul atque editi in lucem et suscepti sumus, in omni continuo pravitate et in summa opinionum perversitate versamur, ut paene cum lacte nutricis errorem suxisse videamur. Cum vero parentibus redditi, dein magistris traditi sumus, tum ita variis imbuimur erroribus, ut vanitati veritas et opinioni confirmatae natura ipsa cedat.

II. [3]Accedunt etiam poetae, qui cum magnam speciem doctrinae sapientiaeque prae se tulerunt, audiuntur leguntur ediscuntur et inhaerescunt penitus in mentibus. Cum vero eodem quasi maxumus quidam magister populus accessit atque omnis undique ad vitia consentiens multitudo, tum plane inficimur opinionum pravitate a naturaque desciscimus, ut nobis optime naturae vim vidisse videantur, qui nihil melius homini, nihil magis expetendum, nihil praestantius honoribus, imperiis, populari gloria iudicaverunt. Ad quam fertur optumus quisque veramque illam honestatem expetens, quam unam natura maxime anquirit, in summa inanitate versatur consectaturque nullam eminentem effigiem virtutis, sed adumbratam imaginem gloriae. Est enim gloria solida quaedam res et expressa,

non adumbrata; ea est consentiens laus bonorum, incorrupta vox bene iudicantium de eccellenti virtute, ea virtuti resonat tamquam imago; quae quia recte factorum plerumque comes est, non est bonis viris repudianda.

[4] Illa autem, quae se eius imitatricem esse volt, temeraria atque inconsiderata et plerumque peccatorum vitiorumque laudatrix, fama popularis, simulatione honestatis formam eius pulchritudinemque corrumpit. Qua caecitate homines, cum quaedam etiam praeclara cuperent eaque nescirent nec ubi nec qualia essent, funditus alii everterunt suas civitates, alii ipsi occiderunt. Atque hi quidem optuma petentes non tam voluntate quam cursus errore falluntur. Quid? qui pecuniae cupiditate, qui voluptatum libidine feruntur, quorumque ita perturbantur animi, ut non multum absint ab insania, quod insipientibus contingit omnibus, is nullane est adhibenda curatio? utrum quod minus noceant animi aegrotationes quam corporis, an quod corpora curari possint, animorum medicina nulla sit?

III. [5] At et morbi perniciosiores pluresque sunt animi quam corporis — hi enim ipsi odiosi sunt, quod ad animum pertinent eumque sollicitant — , ‘animusque aeger’, ut ait Ennius, ‘semper errat neque pati neque perpeti potest, cupere numquam desinit.’ Quibus duobus morbis, ut omittam alios, aegritudine et cupiditate, qui tandem possunt in corpore esse graviores? Qui vero probari potest ut sibi mederi animus non possit, cum ipsam medicinam corporis animus invenerit, cumque ad corporurn sanationem multum ipsa corpora et natura valeat nec omnes, qui curari se passi sint, continuo etiam convalescant, animi autem, qui se sanari voluerint praeceptisque sapientium paruerint, sine ulla dubitatione sanentur?

[6] Est profecto animi medicina, philosophia; cuius auxilium non ut in corporis morbis petendum est foris, omnibusque opibus viribus, ut nosmet ipsi nobis mederi possimus, elaborandum est.
Quamquam de universa philosophia, quanto opere et expetenda esset et colenda, satis, ut arbitror, dictum est in Hortensio. De maxumis autem rebus nihil fere intermisimus postea nec disputare nec scribere. His autem libris exposita sunt ea quae a nobis cum familiaribus nostris in Tusculano erant disputata. Sed quoniam

duobus superioribus de morte et de dolore dictum est, tertius dies disputationis hoc tertium volumen efficiet.

[7] Ut enim in Academiam nostram descendimus inclinato iam in postmeridianum tempus die, poposci eorum aliquem, qui aderant, causam disserendi. Tum res acta sic est:

IV. -Videtur mihi cadere in sapientem aegritudo.

-Num reliquae quoque perturbationes animi, formidines libidines iracundiae? Haec enim fere sunt [eius modi], quae Graeci *pa/qh* appellant; ego poteram 'morbos', et id verbum esset e verbo, sed in consuetudinem nostram non caderet. Nam misereri, invidere, gestire, laetari, haec omnia morbos Graeci appellant, motus animi rationi non obtemperantis, nos autem hos eosdem motus concitati animi recte, ut opinor, perturbationes dixerimus, morbos autem non satis usitate, nisi quid aliud tibi videtur.

[8] Mihi vero isto modo.

-Haecine igitur cadere in sapientem putas? Prorsus existimo.

-Ne ista gloriosa sapientia non magno aestimanda est, siquidem non multum differt ab insania.

-Quid? tibi omnisne animi commotio videtur insania?

-Non mihi quidem soli, sed, id quod admirari saepe soleo, maioribus quoque nostris hoc ita visum intellego multis saeculis ante Socratem, a quo haec omnis, quae est de vita et de moribus, philosophia manavit.

-Quonam tandem modo?

-Quia nomen insaniae significat mentis aegrotationem et morbum, id est insanitatem et aegrotum animum, quam appellarunt insaniam.

[9] (Omnis autem perturbationes animi morbos, philosophi appellant negantque stultum quemquam his morbis vacare. Qui autem in morbo sunt, sani non sunt; et omnium insipientium animi in morbo sunt: omnes insipientes igitur insaniunt). Sanitatem enim animorum positam in tranquillitate quadam constantiaque censebant; his rebus mentem vacuam appellarunt insaniam, propterea quod in perturbato animo sicut in corpore sanitas esse non posset.

V. [10] Nec minus illud acute, quod animi adfectionem lumine mentis carentem nominaverunt amentiam eandemque dementiam. Ex quo intellegendum est eos qui haec rebus nomina posuerunt sensisse hoc idem, quod a Socrate acceptum diligenter Stoici retinuerunt, omnis insipientes esse non sanos. Qui est enim animus in aliquo morbo — morbos autem hos perturbatos motus, ut modo dixi, philosophi appellant — , non magis est sanus quam id corpus quod in morbo est. Ita fit ut sapientia sanitas sit animi, insipientia autem quasi insanitas quaedam, quae est insania eademque dementia; multoque melius haec notata sunt verbis Latinis quam Graecis.

[11] Quod aliis quoque multis locis reperietur; sed id alias, nunc, quod instat. Totum igitur id quod quaerimus quid et quale sit, verbi vis ipsa declarat. Eos enim sanos quoniam intellegi necesse est, quorum mens motu quasi morbo perturbata nullo sit, qui contra adfecti sint, hos insanos appellari necesse est. Itaque nihil melius, quam quod est in consuetudine sermonis Latini, cum exisse ex potestate dicimus eos, qui ecfrenati feruntur aut libidine aut iracundia — quamquam ipsa iracundia libidinis est pars; sic enim definitur: iracundia ulciscendi libido-; qui igitur exisse ex potestate dicuntur, idcirco dicuntur, quia non sint in potestate mentis, cui regnum totius animi a natura tributum est. Graeci autem *mani/an* unde appellent, non facile dixerim; eam tamen ipsam distinguimus nos melius quam illi. Hanc enim insaniam, quae iuncta stultitiae patet latius a furore disiungimus. Graeci volunt illi quidem, sed parum valent verbo: quem nos furorem, *melagxoli/an* illi vocant; quasi vero atra bili solum mens ac non saepe vel iracundia graviore vel timore vel dolore moveatur; quo genere Athamantem, Alcmaeonem, Aiacem, Orestem furere dicimus. Qui ita sit adfectus, eum dominum esse rerum suarum vetant duodecim tabulae; itaque non est scriptum ‘si insanus’, sed ‘si furiosus escit’. Stultitiam enim censuerunt, constantia id est sanitate vacantem, posse tamen tueri mediocritatem officiorum et vitae communem cultum atque usitatum; furorem autem esse rati sunt mentis ad omnia caecitatem. Quod cum maius esse videatur quam insania, tamen eius modi est, ut furor in sapientem cadere possit, non possit insania. Sed haec alia quaestio est; nos ad propositum revertamur.

VI. [12] -Cadere, opinor, in sapientem aegritudinem tibi dixisti videri.

-Et vero ita existimo.

-Humanum id quidem, quod ita existumas. Non enim e silice nati sumus, sed est natura in animis tenerum quiddam atque molle, quod aegritudine quasi tempestate quatiatur, nec absurde Crantor ille, qui <in> nostra Academia vel in rimis fuit nobilis, 'minime' inquit 'adsentior is qui istam nescio quam indolentiam magno opere laudant, quae nec potest ulla esse nec debet. Ne aegrotus sim; si' inquit 'fuero, sensus adsit, sive secetur quid sive avellatur a corpore. Nam istuc nihil dolere non sine magna mercede contingit inmanitatis in animo, stuporis in corpore.'

[13] Sed videamus ne haec oratio sit hominum adsentantium nostrae inbecillitati et indulgentium mollitudini; nos autem audeamus non solum ramos amputare miseriarum, sed omnis radicum fibras evellere. Tamen aliquid relinquetur fortasse; ita sunt altae stirpes stultitiae; sed relinquetur id solum quod erit necessarium. Illud quidem sic habeto, nisi sanatus animus sit, quod sine philosophia fieri non potest, finem miseriarum nullum fore. Quam ob rem, quoniam coepimus, tradamus nos ei curandos: sanabimur, si volemus. Et progrediar quidem longius: non enim de aegritudine solum, quamquam id quidem primum, sed de omni animi, ut ego posui, perturbatione, morbo, ut Graeci volunt, explicabo. Et primo, si placet, Stoicorum more agamus, qui breviter astringere solent argumenta; deinde nostro instituto vagabimur.

VII. [14] Qui fortis est, idem est fidens (quoniam confidens mala consuetudine loquendi in vitio ponitur, ductum verbum a confidendo, quod laudis est). Qui autem est fidens, is profecto non extimescit; discrepat enim a timendo confidere. Atqui, in quem cadit aegritudo, in eundem timor; quarum enim rerum praesentia sumus in aegritudine, easdem inpendentes et venientes timemus. Ita fit ut fortitudini aegritudo repugnet. Veri simile est igitur, in quem cadat aegritudo, cadere in eundem timorem et infractionem quidem animi et demissionem. Quae in quem cadunt, in eundem cadit, ut serviat, ut victum, si quando, se esse fateatur. Quae qui recipit, recipiat idem necesse est timiditatem et ignaviam. Non cadunt autem haec in virum fortem: igitur ne aegritudo quidem. At nemo sapiens nisi fortis: non

cadet ergo in sapientem aegritudo.

[15] Praeterea necesse est, qui fortis sit, eundem esse magni animi; qui autem magni animi sit, invictum; qui invictus sit, cum res humanas despicere atque infra se positas arbitrari. Despicere autem nemo potest eas res, propter quas aegritudine numquam adfici potest; ex quo efficitur fortem virum aegritudine, numquam adfici. Omnes autem sapientes fortes: non cadit igitur in sapientem aegritudo. Et quem ad modum oculus conturbatus non est probe adfectus ad suum munus fungendum, et reliquae partes totumve corpus statu cum est motum, deest officio suo et muneri, sic conturbatus animus non est aptus ad exequendum munus suum. Munus autem animi est ratione bene uti; et sapientis animus ita semper adfectus est, ut ratione optime utatur; numquam igitur est perturbatus. At aegritudo perturbatio est animi: semper igitur ea sapiens vacabit.

VIII. [16] Veri etiam simile illud est, qui sit temperans- quem Graeci *sw/frona* appellant eamque virtutem *swfrosu/nhn* vocant, quam soleo equidem tum temperantiam, tum moderationem appellare, non numquam etiam modestiam; sed haud scio an recte ea virtus frugalitas appellari possit, quod angustius apud Graccos valet qui frugi homines *xrhsi/mouj* appellant, id est tantum modo utilis; at illud est latius; omnis enim abstinentia, omnis innocentia (quae apud Graecos usitatum nomen nullum habet, sed habere potest *a)bla/beian* ; nam est innocentia adfectio talis animi quae noceat nemini) — reliquas etiam virtutes frugalitas continet. Quae nisi tanta esset, et si is angustiis, quibus plerique putant teneretur, numquam esset L. Pisonis cognomen tanto opere laudatum.

[17] Sed quia, nec qui propter metum praesidium reliquit, quod est ignaviae, nec qui propter avaritiam clam depositum non reddidit, quod est iniustitiae, nec qui propter temeritatem male rem gessit, quod est stultitiae, frugi appellari solet, eo tris virtutes, fortitudinem iustitiam prudentiam, frugalitas complexa est (etsi hoc quidem commune est virtutum; omnes enim inter se nexae et iugatae sunt): reliqua igitur et quarta virtus [ut] sit ipsa frugalitas. Eius enim videtur esse proprium motus animi adpetentis regere et sedare semperque adversantem libidini moderatam in omni re servare constantiam. Cui contrarium vitium nequitia dicitur.

[18] Frugalitas, ut opinor, a fruge, qua nihil melius e terra, nequitia

ab eo (etsi erit hoc fortasse durius, sed temptemus: lusisse putemur, si nihil sit) ab eo, quod nequicquam est in tali homine, ex quo idem ‘nihili’ dicitur. — Qui sit frugi igitur vel, si mavis, moderatus et temperans, eum necesse est esse constantem; qui autem constans, quietum; qui quietus, perturbatione omni vacuum, ergo etiam aegritudine. Et sunt illa sapientis: aberit igitur a sapiente aegritudo.

IX. Itaque non inscite Heracleotes Dionysius ad ea disputat, quae apud Homerum Achilles queritur hoc, ut opinor, modo:

‘Corque meum penitus turgescit tristibus iris,
Cum decore atque omni me orbatum laude recordor.’

[19] Num manus adfecta recte est, cum in tumore est, aut num aliud quodpiam membrum tumidum ac turgidum non vitiose se habet? Sic igitur inflatus et tumens animus in vitio est. Sapientis autem animus semper vacat vitio, numquam turgescit, numquam tumet; at irati animus eius modi est: numquam igitur sapiens irascitur. Nam si irascitur, etiam concupiscit; proprium est enim irati cupere, a quo laesus videatur, ei quam maxumum dolorem inurere. Qui autem id concupierit, cum necesse est, si id consecutus sit, magno opere laetari. Ex quo fit, ut alieno malo gaudeat; quod quoniam non cadit in sapientem, ne ut irascatur quidem cadit. Sin autem caderet in sapientem aegritudo, caderet etiam iracundia; qua quoniam vacat, aegritudine etiam vacabit.

[20] Etenim si sapiens in aegritudinem incidere posset, posset etiam in misericordiam, posset in invidentiam (non dixi ‘invidiam’, quae tum est, cum invidetur; ab incidendo autem invidentia recte dici potest, ut effugiamus ambiguum nomen invidiae. Quod verbum ductum est a nimis intuendo fortunam alterius, ut est in Melanippo:

‘Quisnam florem liberum invidit meum?’

Male Latine videtur, sed praeclare Accius; ut enim ‘videre’, sic ‘invidere florem’ rectius quam ‘flori’. Nos consuetudine prohibemur; poÎta ius suum tenuit et dixit audacius).

X. [21] Cadit igitur in eundem et misereri et invidere. Nam qui dolet rebus alicuius adversis, idem alicuius etiam secundis dolet, ut Theophrastus interitum deplorans Callisthenis sodalis sui, rebus Alexandri prosperis angitur, itaque dicit Callisthenem incidisse in

hominem summa potentia summaque fortuna, sed ignarum quem ad modum rebus secundis uti conveniret. Atqui, quem ad modum misericordia aegritudo est ex alterius rebus adversis, sic invidentia aegritudo est ex alterius rebus secundis. In quem igitur cadit misereri, in eundem etiam invidere; non cadit autem invidere in sapientem: ergo ne misereri quidem. Quodsi aegre ferre sapiens soleret, misereri etiam soleret. Abest ergo a sapiente aegritudo.

[22] Haec sic dicuntur a Stoicis concludunturque contortius. Sed latius aliquando dicenda sunt et diffusius; sententiis tamen utendum eorum potissimum, qui maxime forti et, ut ita dicam, virili utuntur ratione atque sententia. Nam Peripatetici, familiares nostri, quibus nihil est uberius, nihil eruditius, nihil gravius, mediocritates vel perturbationum vel morborum animi mihi non sane probant. Omne enim malum, etiam mediocre, malum est; nos autem id agimus, ut id in sapiente nullum sit omnino. Nam ut corpus, etiamsi mediocriter aegrum est, sanum non est, sic in animo ista mediocritas caret sanitate. Itaque praeclare nostri, ut alia multa, molestiam sollicitudinem angorem propter similitudinem corporum aegrorum aegritudinem nominaverunt.

[23] Hoc propemodum verbo Graeci omnem animi perturbationem appellant; vocant enim *pa/qoj* , id est morbum, quicumque est motus in animo turbidus. Nos melius: aegris enim corporibus simillima animi est aegritudo, at non similis aegrotationis est libido, non inmoderata laetitia, quae est voluptas animi elata et gestiens. Ipse etiam metus non est morbi admodum similis, quamquam aegritudini est finitimus, sed proprie, ut aegrotatio in corpore, sic aegritudo in animo nomen habet non seiunctum a dolore. Doloris huius igitur origo nobis explicanda est, id est causa efficiens aegritudinem in animo tamquam aegrotationem in corpore. Nam ut medici causa morbi inventa curationem esse inventam putant, sic nos causa aegritudinis reperta medendi facultatem reperiemus.

XI. [24] Est igitur causa omnis in opinione, nec vero aegritudinis solum, sed etiam reliquarum omnium perturbationum, quae sunt genere quattuor, partibus plures. Nam cum omnis perturbatio sit animi motus vel rationis expers vel rationem aspernans vel rationi non oboediens, isque motus aut boni aut mali opinione citetur bifariam, quattuor perturbationes aequaliter distributae sunt. Nam

duae sunt ex opinione boni; quarum altera, voluptas gestiens, id est praeter modum elata laetitia, opinione praesentis magni alicuius boni altera, cupiditas , quae recte vel libido dici potest, quae est inmoderata adpetitio opinati magni boni rationi non obtemperans,

[25] — ergo haec duo genera, voluptas gestiens et libido, bonorum opinione turbantur, ut duo reliqua, metus et aegritudo, malorum. Nam et m e t u s opinio magni mali inpendentis et aegritudo est opinio magni mali praesentis, et quidem recens opinio talis mali, ut in eo rectum videatur esse angi, id autem est, ut is qui doleat oportere opinetur se dolere. His autem perturbationibus, quas in vitam hominum stultitia quasi quasdam Furias inmittit atque incitat, omnibus viribus atque opibus repugnandum est, si volumus hoc, quod datum est vitae, tranquille placideque traducere.
Sed cetera alias; nunc aegritudinem, si possumus, depellamus. Id enim sit propositum, quandoquidem eam tu videri tibi in sapientem cadere dixisti, quod ego nullo modo existimo; taetra enim res est, misera, detestabilis, omni contentione, velis, ut ita dicam, remisque fugienda.

XII. [26] Qualis enim tibi ille videtur

‘Tantalo prognatus, Pelope natus, qui quondam a socru
Oenomao rege Hippodameam raptis nanctus nuptiis -’?

Iovis iste quidem pronepos. Tamne ergo abiectus tamque fractus?

‘Nolite’ inquit ‘hospites ad me adire, ilico istic,
Ne contagio mea bonis umbrave obsit.
tanta vis sceleris in corpore haeret.’

Tu te, Thyesta, damnabis orbabisque luce propter vim sceleris alieni? Quid? illum filium Solis nonne patris ipsius luce indignum putas?

‘Refugere oculi, corpus macie extabuit,
Lacrimae peredere umore exanguis genas,
Situm inter oris barba paedore horrida atque

Intonsa infuscat pectus inluvie scabrum.’

Haec mala, o stultissime Aceta, ipse tibi addidisti; non inerant in is quae tibi casus invexerat, et quidem inveterato malo, cum tumor animi resedisset- est autem aegritudo, ut docebo, in opinione mali recentis-; sed maeres videlicet regni desiderio, non filiae. Illam enim oderas, et iure fortasse; regno non aequo animo carebas. Est autem inpudens luctus maerore se conficientis, quod imperare non liceat liberis.

[27] Dionysius quidem tyrannus Syracusis expulsus Corinthi pueros docebat: usque eo imperio carere non poterat. Tarquinio vero quid impudentius, qui bellum gereret cum is qui eius non tulerant superbiam? Is cum restitui in regnum nec Veientium nec Latinorum armis potuisset, Cumas contulisse se dicitur inque ea urbe senio et aegritudine esse confectus.

XIII. Hoc tu igitur censes sapienti accidere posse, ut aegritudine opprimatur, id est miseria? Nam cum omnis perturbatio miseria est, tum carnificina est aegritudo. Habet ardorem libido, levitatem laetitia gestiens, humilitatem metus, sed aegritudo maiora quaedam, tabem cruciatum adflictationem foeditatem, lacerat exest animum planeque conficit. Hanc nisi exuimus sic ut abiciamus, miseria carere non possumus.

[28] Atque hoc quidem perspicuum est, tum aegritudinem existere, cum quid ita visum sit, ut magnum quoddam malum adesse et urgere videatur. Epicuro autem placet opinionem mali aegritudinem esse natura, ut quicumque intueatur in aliquod maius malum, si id sibi accidisse opinetur, sit continuo in aegritudine. Cyrenaici non omni malo aegritudinem effici censent, sed insperato et necopinato malo. Est id quidem non mediocre ad aegritudinem augendam; videntur enim omma repentina graviora. Ex hoc et illa iure laudantur:

‘Ago cum genui, tum morituros scivi et ei rei sustuli.
Praeterea ad Troiam cum misi ob defendendam Graeciam,
Scibam me in mortiferum bellum, non in epulas mittere.’

XIV. [29] Haec igitur praemeditatio futurorum malorum lenit eorum adventum, quae venientia longe ante videris. Itaque apud

Euripiden a Theseo dicta laudantur; licet enim, ut saepe facimus, in Latinum illa convertere:

‘Nam qui haec audita a docto meminissem viro,
Futuras mecum commentabar miserias:
Aut mortem acerbam aut exili maestam fugam
Aut semper aliquam molem meditabar mali,
Ut, si qua invecta diritas casu foret,
Ne me inparatum cura laceraret repens.’

[30] Quod autem Theseus a docto se audisse dicit, id de se ipso loquitur Euripides. Fuerat enim auditor Anaxagorae, quem ferunt nuntiata morte filii dixisse: ‘sciebam me genuisse mortalem.’ Quae vox declarat is esse haec acerba, quibus non fuerint cogitata. Ergo id quidem non dubium, quin omnia, quae mala putentur, sint inprovisa graviora. Itaque quamquam non haec una res efficit maximam aegritudinem, tamen, quoniam multum potest provisio animi et praeparatio ad minuendum dolorem, sint semper omnia homini humana meditata. Et nimirum haec est illa praestans et divina sapientia, et perceptas penitus et pertractatas res humanas habere, nihil admirari, cum acciderit, nihil, ante quam evenerit, non evenire posse arbitrari.

‘Quam ob rem omnis, cum secundae res sunt maxume, tum maxime
Meditari secum oportet, quo pacto adversam aerumnam ferant.
Pericla, damna peregre rediens semper secum cogitet,
Aut fili peccatum aut uxoris mortem aut morbum filiae,
Communia esse haec, ne quid horum umquam accidat animo novum;
Quicquid praeter spem eveniat, omne id deputare esse in lucro.’

XV. [31] Ergo hoc Terentius a philosophia sumptum cum tam commode dixerit, nos, e quorum fontibus id haustum est, non et dicemus hoc melius et constantius sentiemus? Hic est enim ille voltus semper idem, quem dicitur Xanthippe praedicare solita in viro suo fuisse Socrate: eodem semper se vidisse exeuntem illum domo et revertentem. Nec vero ea frons erat, quae M. Crassi illius veteris, quem semel ait in omni vita risisse Lucilius, sed tranquilla et serena;

sic enim accepimus. Iure autem erat semper idem voltus, cum mentis, a qua is fingitur, nulla fieret mutatio. Quare accipio equidem a Cyrenaicis haec arma contra casus et eventus, quibus eorum advenientes impetus diuturna praemeditatione frangantur, simulque iudico malum illud opinionis esse, non naturae; si enim in re esset, cur fierent provisa leviora?

[32] Sed est, isdem de rebus quod dici possit subtilius, si prius Epicuri sententiam viderimus. Qui censet necesse esse omnis in aegritudine esse, qui se in malis esse arbitrentur, sive illa ante provisa et expectata sint sive inveteraverint. Nam neque vetustate minui mala nec fieri praemeditata leviora, stultamque etiam esse meditationem futuri mali aut fortasse ne futuri quidem: satis esse odiosum malum omne, cum venisset; qui autem semper cogitavisset accidere posse aliquid adversi, ei fieri illud sempiternum malum; si vero ne futurum quidem sit, frustra suscipi miseriam voluntariam; ita semper angi aut accipiendo aut cogitando malo.

[33] Levationem autem aegritudinis in duabus rebus ponit, avocatione a cogitanda molestia et revocatione ad contemplandas voluptates. Parere enim censet animum rationi posse et, quo illa ducat, sequi. Vetat igitur ratio intueri molestias, abstrahit ab acerbis cogitationibus, hebetem aciem ad miserias contemplandas facit; a quibus cum cecinit receptui, inpellit rursum et incitat ad conspiciendas totaque mente contrectandas varias voluptates, quibus ille et praeteritarum memoria et spe consequentium sapientis vitam refertam putat. Haec nostro more nos diximus, Epicurii dicunt suo; sed quae dicant, videamus, quo modo, neglegamus.

XVI. [34] Principio male reprehendunt praemeditationem rerum futurarum. Nihil est enim quod tam optundat elevetque aegritudinem quam perpetua in omni vita cogitatio nihil esse quod non accidere possit, quam meditatio condicionis humanae, quam vitae lex commentatioque parendi, quae non hoc adfert, ut semper maereamus, sed ut numquam. Neque enim, qui rerum naturam, qui vitae varietatem, qui inbecillitatem generis humani cogitat, maeret, cum haec cogitat, sed tum vel maxime sapientiae fungitur munere; utrumque enim consequitur, ut et considerandis rebus humanis proprio philosophiae fruatur officio et adversis casibus triplici consolatione sanetur, primum quod posse accidere diu cogitavit, quae

cogitatio una maxime molestias omnis extenuat et diluit, deinde quod humana humane ferenda intellegit, postremo quod videt malum nullum esse nisi culpam, culpam autem nullam esse, cum id, quod ab homine non potuerit praestari, evenerit.

[35] Nam revocatio illa, quam adfert, cum a contuendis nos malis avocat, nulla est. Non est enim in nostra potestate fodicantibus eis rebus, quas malas esse opinemur, dissimulatio vel oblivio: lacerant, vexant, stimulos admovent, ignis adhibent, respirare non sinunt. Et tu oblivisci iubes, quod contra naturam est, qui, <quod> a natura datum est, auxilium extorqueas inveterati doloris? Est enim tarda illa quidem medicina, sed tamen magna, quam adfert longinquitas et dies. Iubes me bona cogitare, oblivisci malorum. Diceres aliquid, et magno quidem philosopho dignum, si ea bona esse sentires, quae essent homine dignissima.

XVII. [36] Pythagoras mihi si diceret aut Socrates aut Plato: 'Quid iaces aut quid maeres aut cur succumbis cedisque fortunae? quae pervellere te forsitan potuerit et pungere, non potuit certe vires frangere. Magna vis est in virtutibus; eas excita, si forte dormiunt. Iam tibi aderit princeps fortitudo, quae te animo tanto esse coget, ut omnia, quae possint homini evenire, contemnas et pro nihilo putes. Aderit temperantia, quae est eadem moderatio, a me quidem paulo ante appellata frugalitas, quae te turpiter et nequiter facere nihil patietur. Quid est autem nequius aut turpius ecfeminato viro? Ne iustitia quidem sinet te ista facere, cui minimum esse videtur in hac causa loci; quae tamen ita dicet dupliciter esse te iniustum, cum et alienum adpetas, qui mortalis natus condicionem postules inmortalium et graviter feras te, quod utendum acceperis, reddidisse.

[37] Prudentiae vero quid respondebis docenti virtutem sese esse contentam, quo modo ad bene vivendum, sic etiam ad beate? Quae si extrinsecus religata pendeat et non et oriatur a se et rursus ad se revertatur et omnia sua complexa nihil quaerat aliunde, non intellego, cur aut verbis tam vehementer ornanda aut re tantopere expetenda videatur'. Ad haec bona me si revocas, Epicure, pareo, sequor, utor te ipso duce, obliviscor etiam malorum, ut iubes, eoque facilius, quod ea ne in malis quidem ponenda censeo. Sed traducis cogitationes meas ad voluptates. Quas? Corporis, credo, aut quae propter corpus vel recordatione vel spe cogitentur. Num quid est aliud? rectene

interpretor sententiam tuam? Solent enim isti negare nos intellegere, quid dicat Epicurus.

[38] Hoc dicit, et hoc ille acriculus me audiente Athenis senex Zeno, istorum acutissimus, contendere et magna voce dicere solebat: eum esse beatum, qui praesentibus voluptatibus frueretur confideretque se fruiturum aut in omni aut in magna parte vitali dolore non interveniente, aut si interveniret, si summus foret, futurum brevem, sin productior, plus habiturum iucundi quam mali; haec cogitantem fore beatum, praesertim cum et ante perceptis bonis contentus esset <et> nec mortem nec deos extimesceret. Habes formam Epicuri vitae beatae verbis Zenonis expressam, nihil ut possit negari.

XVIII. [39] Quid ergo? huiusne vitae propositio et cogitatio aut Thyestem levare poterit aut Aeetam, de quo paulo ante dixi, aut Telamonem pulsum patria exulantem atque egentem? in quo haec admiratio fiebat:

‘Hicine est ille Telamon, modo quem gloria ad caelum extulit,
Quem aspectabant, cuius ob os Grai ora obvertebant sua?

[40] Quodsi cui, ut ait idem, ‘simul animus cum re concidit’, a gravibus illis antiquis philosophis petenda medicina est, non ab his voluptariis. Quam enim isti bonorum copiam dicunt? Fac sane esse summum bonum non dolere — quamquam id non vocatur voluptas, sed non necesse est nunc omnia-: idne est, quo traducti luctum levemus? Sit sane summum malum dolere: in eo igitur qui non est, si malo careat, continuone fruitur summo bono?

[41] Quid tergiversamur, Epicure, nec fatemur eam nos dicere voluptatem, quam tu idem. cum os perfricuisti, soles dicere? Sunt haec tua verba necne? In eo quidem libro, qui continet omnem disciplinam tuam, fungar enim iam interpretis munere, ne quis me putet fingere — dicis haec: ‘Nec equidem habeo, quod intellegam bonum illud, detrahens eas voluptates quae sapore percipiuntur, detrahens eas quae rebus percipiuntur veneriis, detrahens eas quae auditu e cantibus, detrahens eas etiam quae ex formis percipiuntur oculis suavis motiones, sive quae aliae voluptates in toto homine gignuntur quolibet sensu. Nec vero ita dici potest, mentis laetitiam

solam esse in bonis. Laetantem enim mentem ita novi: spe eorum omnium, quae supra dixi, fore ut natura iis potiens dolore careat.'

[42] Atque haec quidem his verbis, quivis ut intellegat, quam voluptatem norit Epicurus. Deinde paulo infra: 'Saepe quaesivi' inquit 'ex is qui appellabantur sapientes, quid haberent quod in bonis relinquerent, si illa detraxissent, nisi si vellent voces inanis fundere: nihil ab is potui cognoscere. Qui si virtutes ebullire volent et sapientias, nihil aliud dicent nisi eam viam, qua efficiantur eae voluptates quas supra dixi.' Quae secuntur, in eadem sententia sunt, totusque liber, qui est de summo bono refertus est et verbis et sententiis talibus.

[43] Ad hancine igitur vitam Telamonem illum revocabis, ut leves aegritudinem, et si quem tuorum adflictum maerore videris, huic acipenserem potius quam aliquem Socraticum libellum dabis? hydrauli hortabere ut audiat voces potius quam Platonis? expones, quae spectet, florida et varia? fasciculum ad naris admovebis? incendes odores et sertis redimiri iubebis et rosa? si vero aliquid etiam — , tum plane luctum omnem absterseris.

XIX. [44] Haec Epicuro confitenda sunt aut ea, quae modo expressa ad verbum dixi tollenda de libro vel totus liber potius abiciundus; est enim confertus voluptatibus. Quaerendum igitur, quem ad modum aegritudine privemus eum qui ita dicat:

'Pol mihi fortuna magis nunc defit quam genus.
Namque regnum suppetebat mihi, ut scias, quanto e loco,
Quantis opibus, quibus de rebus lapsa fortuna accidat.'

Quid? huic calix mulsi impingendus est, ut plorare desinat, aut aliquid eius modi? Ecce tibi ex altera parte ab eodem poeta:

'Ex opibus summis opis egens, Hector, tuae'

Huic subvenire debemus; quaerit enim auxilium:

'Quid petam praesidi aut exequar quove nunc
Auxilio exili aut fugae freta sim?
Arce et urbe orba sum. Quo accidam? quo applicem?
Cui nec arae patriae domi stant, fractae et disiectae iacent,
Fana fiamma deflagrata, tosti alti stant parietes

Deformati atque abiete crispa -’

Scitis quae sequantur, et illa in primis:

‘O pater, o patria, o Priami domus,
Saeptum altisono cardine templum!
Vidi ego te adstante ope barbarica
Tectis caelatis laqueatis,
Auro ebore instructam regifice.’

[45] 0 poetam egregium! quamquam ab his cantoribus Euphorionis contemnitur. Sentit omnia repentina et necopinata esse graviora. Exaggeratis igitur regiis opibus, quae videbantur sempiternae fore, quid adiungit?

‘Haec omnia vidi inflammari,
Priamo vi vitam evitari,
Iovis aram sanguine turpari.’

[46] Praeclarum carmen! est enim et rebus et verbis et modis lugubre. Eripiamus huic aegritudinem. Quo modo? Conlocemus in culcita plumea, psaltriam adducamus, demus hedychrum, incendamus scutellam dulciculae potionis aliquid videamus et cibi? Haec tandem bona sunt, quibus aegritudines gravissumae detrahantur? Tu enim paulo ante ne intellegere quidem te alia ulla dicebas. Revocari igitur oportere a maerore ad cogitationem bonorum conveniret mihi cum Epicuro, si, quid esset bonum, conveniret.

XX. Dicet aliquis: Quid ergo? tu Epicurum existimas ista voluisse, aut libidinosas eius fuisse sententias? Ego vero minime; video enim ab eo dici multa severe, multa praeclare. Itaque, ut saepe dixi, de acumine agitur eius, non de moribus; quamvis spernat voluptates eas quas, modo laudavit, ego tamen meminero quod videatur ei summum bonum. Non enim verbo solum posuit voluptatem, sed explanavit quid diceret: ‘Saporem’ inquit ‘et corporum complexum et ludos atque cantus et formas eas quibus oculi iucunde moveantur.’ Num fingo, num mentior? cupio refelli; quid enim laboro nisi ut veritas in omni quaestione explicetur?

[47] ‘At idem ait non crescere voluptatem dolore detracto, summamque esse voluptatem nihil dolere.’ Paucis verbis tria magna peccata: unum, quod secum ipse pugnat; modo enim ne suspicari quidem se quicquam bonum, nisi sensus quasi titillarentur voluptate; nunc autem summam voluptatem esse dolore carere: potestne magis secum ipse pugnare? Alterum peccatum quod, cum in natura tria sint, unum gaudere, alterum dolere, tertium nec gaudere nec dolere, hic primum et tertium putat idem esse nec distinguit a non dolendo voluptatem. Tertium peccatum commune cum quibusdam, quod, cum virtus maxime expetatur eiusque adipiscendae causa philosophia quaesita sit, ille a virtute summum bonum separavit.

[48] ‘At laudat saepe virtutem’. Et quidem C. Gracchus, cum largitiones maximas fecisset et effudisset aerarium verbis tamen defendebat aerarium. Quid verba audiam cum facta videam? L. Piso ille Frugi semper contra legem frumentariam dixerat. Is lege lata consularis ad frumentum accipiundum venerat. Animum advertit Gracchus in contione Pisonem stantem; quaerit audiente p. R., qui sibi constet, cum ea lege frumentum petat, quam dissuaserit. ‘Nolim’ inquit ‘mea bona, Gracche, tibi viritim dividere libeat, sed, si facias, partem petam.’ Parumne declaravit vir gravis et sapiens lege Sempronia patrimonium publicum dissipari? Lege orationes Gracchi, patronum aerarii esse dices.

[49] Negat Epicurus iucunde posse vivi, nisi cum virtute vivatur, negat ullam in sapientem vim esse fortunae, tenuem victum antefert copioso, negat ullum esse tempus, quo sapiens non beatus sit: omnia philosopho digna, sed cum voluptate pugnantia. ‘Non istam dicit voluptatem.’ Dicat quamlibet; nempe eam dicit, in qua virtutis nulla pars, insit. Age, si voluptatem non intellegimus, ne dolorem quidem? Nego igitur eius esse, qui dolore summum malum metiatur, mentionem facere virtutis.

XXI. [50] Et queruntur quidam Epicurei, viri optimi — nam nullum genus est minus malitiosum — , me studiose dicere contra Epicurum. Ita credo, de honore aut de dignitate contendimus. Mihi summum in animo bonum videtur, illi autem in corpore, mihi in virtute, illi in voluptate. Et illi pugnant, et quidem vicinorum fidem implorant — multi autem sunt, qui statim convolent -; ego sum is qui dicam me non laborare, actum habiturum, quod egerint.

[51] Quid enim? de bello Punico agitur? De quo ipso cum aliud M. Catoni, aliud L. Lentulo videretur, nulla inter eos concertatio umquam fuit: hi nimis iracunde agunt, praesertim cum ab is non sane animosa defendatur sententia, pro qua non in senatu, non in contione, non apud exercitum neque ad censores dicere audeant. Sed cum istis alias, et eo quidem animo, nullum ut certamen instituam, verum dicentibus facile cedam; tantum admonebo, si maxime verum sit ad corpus omnia referre sapientem sive, ut honestius dicam, nihil facere nisi quod expediat, sive omnia referre ad utilitatem suam, quoniam haec plausibilia non sunt, ut in sinu gaudeant, gloriose loqui desinant.

XXII. [52] Cyrenaicorum restat sententia; qui tum aegritudinem censent existere, si necopinato quid evenerit. Est id quidem magnum, ut supra dixi; etiam Chrysippo ita videri scio, quod provisum ante non sit, id ferire vehementius; sed non sunt in hoc omnia. Quamquam hostium repens adventus magis aliquanto conturbat quam expectatus, et maris subita tempestas quam ante provisa terret navigantes vehementius, et eius modi sunt pleraque. Sed cum diligenter necopinatorum naturam consideres, nihil aliud reperias nisi omnia videri subita maiora, et quidem ob duas causas, primum quod, quanta sint quae accidunt, considerando spatium non datur, deinde, cum videtur praecaveri potuisse, si provisum esset, quasi culpa contractum malum aegritudinem acriorem facit.

[53] Quod ita esse dies declarat, quae procedens ita mitigat, ut isdem malis manentibus non modo leniatur aegritudo, sed in plerisque tollatur. Karthaginienses multi Romae servierunt, Macedones rege Perse capto; vidi etiam in Peloponneso, cum essem adulescens, quosdam Corinthios. Hi poterant omnes eadem illa de Andromacha deplorare:

‘Haec omnia vidi...’,

Sed iam decantaverant fortasse. Eo enim erant voltu, oratione, omni reliquo motu et statu, ut eos Argivos aut Sicyonios diceres, magisque me moverant Corinthi subito aspectae parietinae quam ipsos Corinthios, quorum animis diuturna cogitatio callum vetustatis obduxerat.

[54] Legimus librum Clitomachi, quem ille eversa Karthagine misit consolando causa ad captivos, cives suos; in eo est disputatio scripta

Carneadis, quam se ait in commentarium rettulisse. Cum ita positum esset, videri fore in aegritudine sapientem patria capta, quae Carneades contra dixerit, scripta sunt. Tanta igitur calamitatis praesentis adhibetur a philosopho medicina, quanta inveteratae ne desideratur quidem, nec, si aliquot annis post idem ille liber captivis missus esset, volneribus mederetur, sed cicatricibus. Sensim enim et pedetemptim progrediens extenuatur dolor, non quo ipsa res immutati soleat aut possit, sed id, quod ratio debuerat, usus docet, minora esse ea quae sint visa maiora.

XXIII. [55] Quid ergo opus est, dicet aliquis, ratione aut omnino consolatione ulla, qua solemus uti, cum levare dolorem maerentium volumus? hoc enim fere tum habemus in promptu, nihil oportere inopinatum videri; aut qui tolerabilius feret incommodum, qui cognoverit necesse esse homini tale aliquid accidere? Haec enim oratio de ipsa summa mali nihil detrahit, tantum modo adfert, nihil evenisse quod non opinandum fuisset. Neque tamen genus id orationis in consolando non valet, sed id haud sciam an plurimum. * Ergo ista necopinata non habent tantam vim, ut aegritudo ex is omnis oriatur; feriunt enim fortasse gravius, non id efficiunt, ut ea, quae accidant maiora videantur; quia recentia sunt, maiora videntur, non quia repentina.*

[56] Duplex est igitur ratio veri reperiendi non in is solum, quae mala,sed in is etiam, quae bona videntur. Nam aut ipsius rei natura qualis et quanta sit, quaerimus, ut de paupertate non numquam, cuius onus disputando levamus docentes, quam parva et quam pauca sint quae natura desideret, aut a disputando subtilitate orationem ad exempla traducimus. Hic Socrates commemoratur, hic Diogenes, hic Caecilianum illud:

‘Saepe est etiam sub palliolo sordido sapientia.’

Cum enim paupertatis una eademque sit vis, quidnam dici potest, quam ob rem C. Fabricio tolerabilis ea fuerit, alii negent se ferre posse?

[57] Huic igitur alteri generi similis est ea ratio consolandi, quae docet humana esse quae acciderint. Non enim id solum continet ea disputatio, ut cognitionem adferat generis humani, sed significat tolerabilia esse, quae et tulerint et ferant ceteri.

XXIV. De paupertate agitur: multi patientes pauperes

commemorantur; de contemnendo honore: multi inhonorati proferuntur, et quidem propter id ipsum beatiores, eorumque, qui privatum otium negotiis publicis antetulerunt, nominatim vita laudatur, nec siletur illud potentissimi regis anapaestum, qui laudat senem et fortunatum esse dicit, quod inglorius sit atque ignobilis ad supremum diem perventurus; [58] similiter commemorandis exemplis orbitates quoque liberum praedicantur, eorumque, qui gravius ferunt, luctus aliorum exemplis leniuntur. Sic perpessio ceterorum facit, ut ea quae acciderint multo minora quam quanta sint existimata, videantur. Ita fit, sensim cogitantibus ut, 'quantum sit ementita opinio, appareat. Atque hoc idem et Telamo ille declarat:

'Ego cum genui...'

et Theseus:

'Futuras mecum commentabar miserias'

et Anaxagoras: 'Sciebam me genuisse mortalem.' Hi enim omnes diu cogitantes de rebus humanis intellegebant eas nequaquam pro opinione volgi esse extimescendas. Et mihi quidem videtur idem fere accidere is qui ante meditantur, quod is quibus medetur dies, nisi quod ratio quaedam sanat illos, hos ipsa natura intellecto eo quod rem continet, illud malum, quod opinatum sit esse maxumum, nequaquam esse tantum, ut vitam beatam possit evertere.

[59] Hoc igitur efficitur, ut ex illo necopinato plaga maior sit, non, ut illi putant, ut, cum duobus pares casus evenerint, is modo aegritudine adficiatur, cui ille necopinato casus evenerit. Itaque dicuntur non nulli in maerore, cum de hac communi hominum condicione audivissent, ea lege esse nos natos, ut nemo in perpetuum esse posset expers mali, gravius etiam tulisse.

XXV. Quocirca Carneades, ut video nostrum scribere Antiochum, reprehendere Chrysippum solebat laudantem Euripideum carmen illud:

'Mortalis nemo est quem non attingat dolor
Morbusque; multis sunt humandi liberi,
Rursum creandi, morsque est finita omnibus.
Quae generi humano angorem nequicquam adferunt:
Reddenda terrae est terra, tum vita omnibus
Metenda ut fruges. Sic iubet Necessitas.'

[60] Negabat genus hoc orationis quicquam omnino ad levandam aegritudinem pertinere. Id enim ipsum dolendum esse dicebat, quod in tam crudelem necessitatem incidissemus; nam illam quidem orationem ex commemoratione alienorum malorum ad malivolos consolandos esse accommodatam. Mihi vero longe videtur secus. Nam et necessitas ferendae condicionis humanae quasi cum deo pugnare prohibet admonetque esse hominem, quae cogitatio magno opere luctum levat, et enumeratio exemplorum, non ut animum malivolorum oblectet, adfertur, sed ut ille qui maeret ferundum sibi id censeat, quod videat multos moderate et tranquille tulisse.

[61] Omnibus enim modis fulciendi sunt, qui ruunt nec cohaerere possunt propter magnitudinem aegritudinis. Ex quo ipsam aegritudinem *lu/phn* Chrysippus quasi solutionem totius hominis appellatam putat. Quae tota poterit evelli explicata, ut principio dixi, causa aegritudinis; est enim nulla alia nisi opinio et iudicium magni praesentis atque urgentis mali. Itaque et dolor corporis, cuius est morsus acerrumus, perferetur spe proposita boni, et acta aetas honeste ac splendide tantam adfert consolationem, ut eos qui ita vixerint aut non attingat aegritudo aut perleviter pungat animi dolor.

XXVI. Sed ad hanc opinionem magni mali cum illa etiam opinio accessit oportere, rectum esse, ad offÏcium pertinere ferre illud aegre quod acciderit, tum denique efficitur illa gravis aegritudinis perturbatio.

[62] Ex hac opinione sunt illa varia et detestabilia genera lugendi: paedores, muliebres lacerationes genarum, pectoris feminum capitis percussiones; hinc ille Agamemno Homericus et idem Accianus

‘Scindens dolore identidem intonsam comam’;

In quo facetum illud Bionis, perinde stultissimum regem in luctu capillum sibi evellere quasi calvitio maeror levaretur.

[63] Sed haec omnia faciunt opinantes ita fieri oportere. Itaque et Aeschines in Demosthenem invehitur, quod is septimo die post filiae mortem hostias immolavisset. At quam rhetorice, quam copiose! quas sententias colligit, quae verba contorquet! ut licere quidvis rhetori intellegas. Quae nemo probaret, nisi insitum illud in animis haberemus, omnis bonos interitu suorum quam gravissime maerere oportere. Ex hoc evenit, ut in animi doloribus alii solitudines captent, ut ait Homerus de Bellerophonte:

‘Qui miser in campis maerens errabat Aleis
Ipse suum cor edens, hominum vestigia vitans’;

et Nioba fingitur lapidea propter aeternum, credo, in luctu silentium, Hecubam autem putant propter animi acerbitatem quandam et rabiem fingi in canem esse conversam. Sunt autem alii, quos in luctu cum ipsa solitudine loqui saepe delectat, ut illa apud Ennium nutrix:

‘Cupido cepit miseram nunc me proloqui
Caelo atque terrae Medeai miserias.’

XXVII. [64] Haec omnia recta vera debita putantes faciunt in dolore, maximeque declaratur hoc quasi officii iudicio fieri, quod, si qui forte, cum se in luctu esse vellent, aliquid fecerunt humanius aut si hilarius locuti sunt, revocant se rursus ad maestitiam peccatique se insimulant, quod dolere intermiserint. Pueros vero matres et magistri castigare etiam solent, nec verbis solum, sed etiam verberibus, ‘si quid in domestico luctu hilarius ab is factum est aut dictum, plorare cogunt. Quid? ipsa remissio luctus cum est consecuta intellectumque est nihil profici maerendo, nonne res declarat fuisse totum illud voluntarium?

[65] Quid ille Terentianus ‘ipse se poeniens’, id est *e(auto/n timwrou/menoj* ?

‘Decrevi tantisper me minus iniuriae,
Chremes, meo gnato facere, dum fiam miser.’

Hic decernit, ut miser sit. Num quis igitur quicquam decernit invitus?

‘Malo quidem me quovis dignum deputem -’

Malo se dignum deputat, nisi miser sit. Vides ergo opinionis esse, non naturae malum. Quid, quos res ipsa lugere prohibet? ut apud Homerum cotidianae neces interitusque multorum sedationem maerendi adferunt, apud quem ita dicitur:

‘Namque nimis multos atque omni luce cadentis
Cernimus, ut nemo possit maerore vacare.
Quo magis est aequum tumulis mandare peremptos
Firmo animo et luctum lacrinus finire diurnis.’

[66] Ergo in potestate est abicere dolorem, cum velis, tempori servientem. An est ullum tempus, quoniam quidem res in nostra potestate est, cui non ponendae curae aegritudinis causa serviamus? Constabat eos, qui concidentem volneribus Cn. Pompeium vidissent, cum in illo ipso acerbissimo miserrimoque spectaculo sibi timerent, quod se classe hostium circumfusos viderent, nihil aliud tum egisse, nisi ut remiges hortarentur et ut salutem adipiscerentur fuga; posteaquam Tyrum venissent tum adflictari lamentarique coepisse. Timor igitur ab his aegritudinem potuit repellere, ratio ac sapientia vera non poterit?

XXVIII. Quid est autem quod plus valeat ad ponendum dolorem, quam cum est intellectum nil profici et frustra esse susceptum? Si igitur deponi potest, etiam non suscipi potest; voluntate igitur et iudicio suscipi aegritudinem confitendum est.

[67] Idque indicatur eorum patientia, qui cum multa sint saepe perpessi, facilius ferunt quicquid accidit, obduruisseque iam sese contra fortunam arbitrantur, ut ille apud Euripidem:

‘Si mihi nunc tristis primum inluxisset dies
Nec tam aerumnoso navigavissem salo,
Esset dolendi causa, ut iniecto eculei
Freno repente tactu exagitantur novo;
Sed iam subactus miseriis optorpui.’

Defetigatio igitur miseriarum aegritudines cum faciat leniores, intellegi necesse est non rem ipsam causam atque fontem esse maeroris.

[68] Philosophi summi nequedum tamen sapientiam consecuti nonne intellegunt in summo se malo esse? Sunt enim insipientes, neque insipientia ullum maius malum est; neque tamen lugent. Quid ita? Quia huic generi malorum non adfingitur illa opinio, rectum esse

et aequum et ad officium pertinere aegre ferre, quod sapiens non sis, quod idem adfingimus huic aegritudini, in qua luctus inest, quac omnium maxuma est.

[69] Itaque Aristoteles veteres philosophos accusans, qui existumavissent philosophiam suis ingeniis esse perfectam, ait eos aut stultissimos aut gloriosissimos fuisse; sed se videre, quod paucis annis magna accessio facta esset, brevi tempore philosophiam plane absolutam fore. Theophrastus autem moriens accusasse naturam dicitur, quod cervis et cornicibus vitam diuturnam, quorum id nihil interesset, hominibus, quorum maxime interfuisset, tam exiguam vitam dedisset; quorum si aetas potuisset esse longinquior, futurum fuisse ut omnibus perfectis artibus omni doctrina hominum vita erudiretur. Querebatur igitur se tum, cum illa videre coepisset, extingui. Quid? ex ceteris philosophis nonne optumus et gravissumus quisque confitetur multa se ignorare et multa sibi etiam atque etiam esse discenda?

[70] Neque tamen, cum se in media stultitia, qua nihil est peius, haerere intellegant, aegritudine premuntur; nulla enim admiscetur opinio officiosi doloris. Quid, qui non putant lugendum viris? qualis fuit Q. Maxumus efferens filium consularem qualis L. Paulus duobus paucis diebus amissis fÏliis, qualis M. Cato praetore designato mortuo filio, quales reliqui, quos in Consolatione conlegimus.

[71] Quid hos aliud placavit nisi quod luctum et maerorem esse non putabant viri? Ergo id, quod alii rectum opinantes aegritudini se solent dedere, id hi turpe putantes aegritudinem reppulerunt. Ex quo intellegitur non natura, sed in opinione esse aegritudinem.

XXIX. Contra dicuntur haec: quis tam demens, ut sua voluntate maereat? natura adfert dolorem, cui quidem Crantor, inquiunt, vester cedendum putat; premit enim atque instat, nec resisti potest. Itaque Oileus ille apud Sophoclem, qui Telamonem antea de Aiacis morte consolatus esset, is cum audivisset de suo, fractus est. De cuius commutata mente sic dicitur:

‘Nec vero tanta praeditus sapientia
Quisquam est, qui aliorum aerumnam dictis adlevans
Non idem, cum fortuna mutata impetum
Convertat, clade subita frangatur sua,

Ut illa ad alios dicta et praecepta excidant.'

Haec cum disputant, hoc student efficere, naturae obsisti nullo modo posse; et tamen fatentur graviores aegritudines suscipi, quam natura cogat. Quae est igitur amentia? ut nos quoque idem ab illis requiramus.

Sed plures sunt causae suscipiendi doloris:

[72] primum illa opinio mali, quo viso atque persuaso aegritudo insequitur necessario; deinde etiam gratum mortuis se facere, si graviter eos lugeant, arbitrantur; accedit superstitio muliebris quaedam; existumant enim diis inmortalibus se facilius satis facturos, si eorum plaga perculsi adflictos se et stratos esse fateantur. Sed haec inter se quam repugnent, plerique non vident. Laudant enim eos, qui aequo animo moriantur; qui alterius mortem aequo animo ferant, eos putant vituperandos. Quasi fieri ullo modo possit, quod in amatorio sermone dici solet, ut quisquam plus alterum diligat quam se.

[73] Praeclarum illud est et, si quaeris, rectum quoque et verum, ut eos, qui nobis carissimi esse debeant, aeque ac nosmet ipsos amemus; ut vero plus, fieri nullo pacto potest. Ne optandum quidem est in amicitia, ut me ille plus quam se, ego illum plus quam me; perturbatio vitae, si ita sit, atque officiorum omnium consequatur.

XXX. Sed de hoc alias; nunc illud satis est, non attribuere ad amissionem amicorum miseriam nostram, ne illos plus quam ipsi velint, si sentiant, plus certe quam nosmet ipsos diligamus. Nam quod aiunt plerosque consolationibus nihil levari adiunguntque consolatores ipsos confiteri se miseros, cum ad eos impetum suum fortuna converterit, utrumque dissolvitur. Sunt enim ista non naturae vitia, sed culpae. Stultitiam. autem accusare quamvis copiose licet. Nam et qui non levantur, <se> ipsi <se> ad miseriam invitant, et qui suos casus aliter ferunt atque ut auctores aliis ipsi fuerunt, non sunt vitiosiores quam fere plerique, qui avari avaros, gloriae cupidos gloriosi reprehendunt. Est enim proprium stultitiae aliorum vitia cernere, oblivisci suorum.

[74] Sed nimirum hoc maxume est premendum, cum constet aegritudinem vetustate tolli, hanc vim non esse in die positam, sed in cogitatione diuturna. Nam si et eadem res est et idem est homo, qui potest quicquam de dolore mutari, si neque de eo, propter quod delet,

quicquam est mutatum neque de eo, qui dolet? Cogitatio igitur diuturna nihil esse in re mali dolori medetur, non ipsa diuturnitas.

XXXI. Hic mihi adferunt mediocritates. Quae si naturales sunt, quid opus est consolatione? natura enim ipsa terminabit modum; sin opinabiles, opinio tota tollatur. Satis dictum esse arbitror aegritudinem esse opinionem mali praesentis, in qua opinione illud insit, ut aegritudinem suscipere oporteat.

[75] Additur ad hanc definitionem a Zenone recte, ut illa opinio praesentis mali sit recens. Hoc autem verbum sic interpretantur, ut non tantum illud recens esse velint, quod paulo ante acciderit, sed quam diu in illo opinato malo vis quaedam insit, ut vigeat et habeat quandam viriditatem, tam diu appelletur recens. Ut Artemisia illa, Mausoli Cariae regis uxor, quae nobile illud Halicarnasi fecit sepulcrum, quam diu vixit, vixit in luctu eodemque etiam confecta contabuit. Huic erat illa opinio cotidie recens; quae tum denique non appellatur recens, cum vetustate exaruit. Haec igitur officia sunt consolantium, tollere aegritudinem funditus aut sedare aut detrahere quam plurumum aut sopprimere nec pati manare longius aut ad alia traducere.

[76] Sunt qui unum officium consolantis putent malum illud omnino non esse, ut Cleanthi placet; sunt qui non magnum malum, ut Peripatetici; sunt qui abducant a malis ad bona, ut Epicurus; sunt qui satis putent estendere nihil inopinati accidisse, < ut cyrenaici> [nihil mali]. Chrysippus aut caput esse censet in consolando detrahere illam opinionem maerenti, se officio fungi putet iusto atque debito. Sunt etiam qui haec omnia genera consolando colligant — alius enim alio modo movetur — , ut fere nos in Consolatione omnia in consolationem unam coniecimus; erat enim in tumore animus, et omnis in eo temptabatur curatio. Sed sumendum tempus est non minus in animorum morbis quam in corporum; ut Prometheus ille Aeschyli, cui cum dÏctum esset:

‘Atqui, Prometheu, te hoc tenere existimo,
Mederi posse rationem iracundiae,’

respondit:

‘Siquidem qui tempestivam medicinam admovens
Non adgravescens volnus inlidat manu.’

XXXII. [77] Erit igitur in consolationibus prima medicina docere aut nullum malum esse aut admodum parvum, altera et de communi condicione vitae et proprie, si quid sit de ipsius qui maereat disputandum, tertia summam esse stultitiam frustra confici maerore, cum intellegas nihil posse profici. Nam Cleanthes quidem sapientem consolatur, qui consolatione non eget. Nihil enim esse malum, quod turpe non sit, si lugenti persuaseris, non tu illi luctum, sed stultitiam detraxeris; alienum autem tempus docendi. Et tamen non satis mihi videtur vidisse hoc Cleanthes, suscipi aliquando aegritudinem posse ex eo ipso, quod esse summum malum Cleanthes ipse fateatur. Quid enim dicemus, cum Socrates Alcibiadi persuasisset, ut accepimus, eum nihil hominis esse nec quicquam inter Alcibiadem summo loco natum et quemvis baiolum interesse, cum se Alcibiades adflictaret lacrimansque Socrati supplex esset, ut sibi virtutem traderet turpitudinemque depelleret, — quid dicemus, Cleanthe? num in illa re, quae aegritudine Alcibiadem adficiebat, mali nihil fuisse?

[78] Quid? illa Lyconis qualia sunt? qui aegritudinem extenuans parvis ait eam rebus moveri, fortunae et corporis incommodis, non animi malis. Quid ergo? illud, quod Alcibiades dolebat, non ex animi malis vitiisque constabat? Ad Epicuri consolationem satis est ante dictum.

XXXIII. [79] Ne illa quidem firmissima consolatio est, quamquam et usitata est et saepe prodest: ‘non tibi hoc soli.’ Prodest haec quidem, ut dixi, sed nec semper nec omnibus; sunt enim qui respuant; sed refert, quo modo adhibeatur. Ut enim tulerit quisque eorum qui sapienter tulerunt, non quo quisque incommodo adfectus sit, praedicandum est. Chrysippi ad veritatem firmissima est, ad tempus aegritudinis difficilis. Magnum opus est probare maerenti illum suo iudicio et, quod se ita putet oportere facere, maerere. Nimirum igitur, ut in causis non semper utimur eodem statu — sic enim appellamus controversiarum genera-, sed ad tempus, ad controversiae naturam, ad personam accomodamus, sic in aegritudine lenienda, quam quisque curationem recipere possit, videndum est.

[80] Sed nescio quo pacto ab eo, quod erat a te propositum,

aberravit oratio. Tu enim de sapiente quaesieras, cui aut malum videri nullum potest, quod vacet turpitudine, aut ita parvum malum, ut id obruatur sapientia vixque appareat, qui nihil opinione adfingat adsumatque ad aegritudinem nec id putet esse rectum, se quam maxume excruciari luctuque confĬci, quo pravius nihil esse possit. Edocuit tamen ratio, ut mihi quidem videtur, cum hoc ipsum proprie non quaereretur hoc tempore, num quod esset malum nisi quod idem dici turpe posset, tamen ut videremus, quicquid esset in aegritudine mali, id non naturale esse, sed voluntario iudicio et opinionis errore contractum.

[81] Tractatum est autem a nobis id genus aegritudinis, quod unum est omnium maxumum, ut eo sublato reliquorum remedia ne magnopere quaerenda arbitraremur.

XXXIV. Sunt enim certa, quae de paupertate, certa, quae de vita inhonorata et ingloria dici soleant; separatim certae scholae sunt de exilio, de interitu patriae, de servitute, de debilitate, de caecitate, de omni casu, in quo nomen poni solet calamitatis. Haec Graeci in singulas scholas et in singulos libros dispertiunt; opus enim quaerunt (quamquam plenae disputationes delectationis sunt);

[82] et tamen, ut medici toto corpore curando minimae etiam parti, si condoluit, medentur, sic philosophia cum universam aegritudinem sustulit, <sustulit> etiam, si quis error alicunde, extitit, si paupertas momordit, si ignominia pupugit, si quid tenebrarum obfudit exilium, aut eorum quae modo dixi si quid extitit. Etsi singularum rerum sunt propriae consolationes, de quibus audies tu quidem, cum voles. Sed ad eundem fontem revertendum est, aegritudine procul abesse a sapiente, quod inanis sit, quod frustra suscipiatur, quod non natura exoriatur, sed iudicio, sed opinione, sed quadam invitatione ad dolendum, cum id decreverimus ita fieri oportere.

[83] Hoc detracto, quod totum est voluntarium, aegritudo erit sublata illa maerens, morsus tamen et contractiuncula quaedam animi relinquetur. Hanc dicant sane naturalem, dum aegritudinis nomen absit grave taetrum funestum, quod cum sapientia esse atque, ut ita dicam, habitare nullo modo possit. At quae stirpes sunt aegritudinis, quam multae, quam amarae! quae ipso trunco everso omnes eligendae sunt et, si necesse erit, singulis disputationibus. Superest enim nobis hoc, cuicuimodi est, otium. Sed ratio una omnium est

aegritudinum, plura nomina. Nam et invidere aegritudinis est et aemulari et obtrectare et misereri et angi, lugere, maerere, aerumna adfici, lamentari, sollicitari, dolere, in molestia esse, adflictari, desperare.

[84] Haec omnia definiunt Stoici, eaque verba quae dixi singularum rerum sunt, non, ut videntur, easdem res significant, sed aliquid differunt; quod alio loco fortasse tractabimus. Haec sunt illae fibrae stirpium, quas initio dixi, persequendae et omnes eligendae, ne umquam ulla possit existere. Magnum opus et difficile, quis negat? Quid autem praeclarurn non idem arduum? Sed tamen id se effecturam philosophia profitetur, nos modo curationem eius recipiamus.

Verum haec quidem hactenus, cetera, quotienscumque voletis, et hoc loco et aliis parata vobis erunt.

LIBER QVARTVS

I. [1] Cum multis locis nostrorum hominum ingenia virtutesque, Brute, soleo mirari, tum maxime in is studiis, quae sero admodum expetita in hanc civitatem e Graecia transtulerunt. Nam cum a primo urbis ortu regiis institutis, partim etiam legibus auspicia, caerimoniae, comitia, provocationes, patrum consilium equitum peditumque discriptio, tota res militaris divinitus esset constituta, tum progressio admirabilis incredibilisque cursus ad omnem excellentiam factus est dominatu regio re p. liberata. Nec vero hic locus est, ut de moribus institutisque maiorum et disciplina ac temperatione civitatis loquamur; aliis haec locis satis accurate a nobis dicta sunt maximeque in is sex libris, quos de re publica scripsimus.

[2] Hoc autem loco consideranti mihi studia doctrinae multa sane occurrunt, cur ea quoque arcessita aliunde neque solum expetita, sed etiam conservata et culta videantur. Erat enim illis paene in conspectu praestanti sapientia et nobilitate Pythagoras, qui fuit in Italia temporibus isdem quibus L. Brutus patriam liberavit, praeclarus auctor nobilitatis tuae. Pythagorae autem doctrina cum longe lateque flueret, permanavisse mihi videtur in hanc civitatem, idque cum coniectura probabile est, tum quibusdam etiam vestigiis indicatur. Quis enim est qui putet, cum floreret in Italia Graecia potentissumis et maximis urbibus, ea quae magna dicta est, in isque primum ipsius Pythagorae, deinde postea Pythagoreorum tantum nomen esset, nostrorum hominum ad eorum doctissimas voces aures clausas fuisse?

[3] Quin etiam arbitror propter Pythagoreorum admirationem Numam quoque regem Pythagoreum a posterioribus existimatum. Nam cum Pythagorae disciplinam et instituta cognoscerent regisque eius aequitatem et sapientiam a maioribus suis accepissent, aetates autem et tempora ignorarent propter vetustatem, eum, qui sapientia excelleret, Pythagorae auditorem crediderunt fuisse.

II. Et de coniectura quidem hactenus. Vestigia autem Pythagoreorum quamquam multa colligi possunt, paucis tamen utemur, quoniam non id agitur hoc tempore. Nam cum carminibus

soliti illi esse dicantur et praecepta quaedam occultius tradere et mentes suas a cogitationum intentione cantu fidibusque ad tranquillitatem traducere, gravissumus auctor in Originibus dixit Cato morem apud maiores hunc epularum fuisse, ut deinceps, qui accubarent, canerent ad tibiam clarorum virorum laudes atque virtutes; ex quo perspicuum est et cantus tum fuisse discriptos vocum sonis et carmina.

[4] Quamquam id quidem etiam duodecim tabulae declarant, condi iam tum solitum esse carmen; quod ne liceret fieri ad alterius iniuriam, lege sanxerunt. Nec vero illud non eruditorum temporum argumentum est, quod et deorum pulvinaribus et epulis magistratuum fides praecinunt, quod proprium eius fuit, de qua loquor, disciplinae. Mihi quidem etiam Appi Caeci carmen, quod valde Panaetius laudat epistola quadam, quae est ad Q. Tuberonem, Pythagoreum videtur. Multa etiam sunt in nostris institutis ducta ab illis; quae praetereo, ne ea, quae repperisse ipsi putamur, aliunde didicisse videamur.

[5] Sed ut ad propositum redeat oratio, quam brevi tempore quot et quanti poetae, qui autem oratores extiterunt! facile ut appareat nostros omnia consequi potuisse, simul ut velle coepissent.

III. Sed de ceteris studiis alio loco et dicemus, si usus fuerit, et saepe diximus. Sapientiae studium vetus id quidem in nostris, sed tamen ante Laeli aetatem et Scipionis non reperio quos appellare possim nominatim. Quibus adulescentibus Stoicum Diogenen et Academicum Carneadem video ad senatum ab Atheniensibus missos esse legatos, qui cum rei publicae nullam umquam partem attigissent essetque eorum alter Cyrenaeus alter Babylonius, numquam profecto scholis essent excitati neque ad illud munus electi, nisi in quibusdam principibus temporibus illis fuissent studia doctrinae. Qui cum cetera litteris mandarent, alii ius civile, alii orationes suas, alii monumenta maiorum, hanc amplissimam omnium artium, bene vivendi disciplinam, vita magis quam litteris persecuti sunt.

[6] Itaque illius verae elegantisque philosophiae, quae ducta a Socrate in Peripateticis adhuc permansit et idem alio modo dicentibus Stoicis, cum Academici eorum controversias disceptarent, nulla fere sunt: aut pauca admodum Latina monumenta sive propter magnitudinem rerum occupationemque hominum, sive etiam quod imperitis ea probari posse non arbitrabantur, cum interim illis

silentibus C. Amafinius extitit dicens, cuius libris editis commota multitudo contulit se ad eam potissimum disciplinam, sive quod erat cognitu perfacilis, sive quod invitabantur inlecebris blandis voluptatis, sive etiam, quia nihil erat prolatum melius, illud quod erat tenebant.

[7] Post Amafinium autem multi eiusdem aemuli rationis multa cum scripsissent, Italiam totam occupaverunt, quodque maxumum argumentum est non dici illa subtiliter, quod et tam facile ediscantur et ab indoctis probentur, id illi firmamentum esse disciplinae putant.

IV. Sed defendat, quod quisque sentit; sunt enim iudicia libera: nos institutum tenebimus nullisque unius disciplinae legibus adstricti, quibus in philosophia necessario pareamus, quid sit in quaque re maxime probabile, semper requiremus. Quod cum saepe alias, tum nuper in Tusculano studiose egimus. Itaque expositis tridui disputationibus quartus dies hoc libro concluditur. Ut enim in inferiorem ambulationem descendimus, quod feceramus idem superioribus diebus, acta res est sic:

[8] - Dicat, si quis volt, qua de re disputari velit.

- Non mihi videtur omni animi perturbatione posse sapiens vacare.

- Aegritudine quidem hesterna disputatione videbatur, nisi forte temporis causa nobis adsentiebare.

- Minime vero; nam mihi egregie probata est oratio tua.

- Non igitur existumas cadere in sapientem aegritudinem?

- Prorsus non arbitror.

- Atqui, si ista perturbare animum sapientis non potest, nulla poterit. Quid enim? metusne conturbet? At earum rerum est absentium metus, quarum praesentium est aegritudo; sublata igitur aegritudine sublatus est metus. Restant duae perturbationes, laetitia gestiens et libido; quae si non cadent in sapientem, semper mens erit tranquilla sapientis.

- Sic prorsus intellego.

[9] - Utrum igitur mavis? statimne nos vela facere an quasi e portu egredientis paululum remigare?

- Quidnam est istuc? non enim intellego.

V. Quia Chrysippus et Stoici cum de animi perturbationibus disputant, magnam partem in his partiendis et definiendis occupati sunt, illa eorum perexigua oratio est, qua medeantur animis nec eos turbulentos esse patiantur, Peripatetici autem ad placandos animos multa adferunt, spinas partiendi et definiendi praetermittunt. Quaerebam igitur, utrum panderem vela orationis statim an eam ante paululum dialecticorum remis propellerem.

- Isto modo vero; erit enim hoc totum, quod quaero, ex utroque perfectius.

[10] - Est id quidem rectius; sed post requires, si quid fuerit obscurius.

- Faciam equidem; tu, tamen, ut soles, dices ista ipsa obscura planius quam dicuntur a Graecis.

- Enitar equidem, sed intento opus est animo, ne omnia dilabantur, si unum aliquid effugerit. Quoniam, quae Graeci *pa/qh* vocant, nobis perturbationes appellari magis placet quam morbos, in his explicandis veterem illam equidem Pythagorae primum, dein Platonis discriptionem sequar, qui animum in duas partes dividunt: alteram rationis participem faciunt, alteram expertem; in participe rationis ponunt tranquillitatem, id est placidam quietamque constantiam, in illa altera motus turbidos cum irae tum cupiditatis, contrarios inimicosque rationi.

[11] Sit igitur hic fons; utamur tamen in his perturbationibus describendis Stoicorum definitionibus et partitionibus, qui mihi videntur in hac quaestione versari acutissime.

VI. Est igitur Zenonis haec definitio, ut perturbatio sit, quod *pa/qoj* ille dicit, aversa a recta ratione contra naturam animi commotio. Quidam brevius perturbationem esse adpetitum vehementiorem, sed vehementiorem eum volunt esse, qui longius discesserit a naturae constantia. Partes autem perturbationum volunt ex duobus opinatis bonis nasci et ex duobus opinatis malis; ita esse quattuor, ex bonis libidinem et laetitiam, ut sit laetitia praesentium bonorum libido futurorum, ex malis metum et aegritudinem nasci censent, metum futuris, aegritudinem praesentibus; quae enim venientis metuuntur, eadem adficiunt aegritudine instantia.

[12] Laetitia autem et libido in bonorum opinione versantur, cum

libido ad id, quod videtur bonum, inlecta et inflammata rapiatur, laetitia ut adepta iam aliquid concupitum ecferatur et gestiat. Natura enim omnes ea, quae bona videntur, secuntur fugiuntque contraria; quam ob rem simul obiecta species est cuiuspiam, quod bonum videatur, ad id adipiscendum impellit ipsa natura. Id cum constanter prudenterque fit, eius modi adpetitionem Stoici *bou/lhsin* appellant, nos appellemus v o l u n t a t e m. Eam illi putant in solo esse sapiente; quam sic definiunt: voluntas est, quae quid cum ratione desiderat. Quae autem ratione adversante incitata est vehementius, ea libido est vel cupiditas effrenata, quae in omnibus stultis invenitur.

[13] Itemque cum ita movemur, ut in bono simus aliquo, dupliciter id contingit. Nam cum ratione animus movetur placide atque constanter, tum illud g a u d i u m dicitur; cum autem inaniter et effuse animus exultat, tum illa laetitia gestiens vel nimia dici potest, quam ita definiunt: sine ratione animi elationem. Quoniamque, ut bona natura adpetimus, sic a malis natura declinamus, quae declinatio si cum ratione fiet, c a u t i o appelletur, eaque intellegatur in solo esse sapiente; quae autem sine ratione et cum exanimatione humili atque fracta, nominetur metus; est igitur metus ratione aversa cautio.

[14] Praesentis autem mali sapientis adfectio nulla est, stultorum aegritudo est, eaque adficiuntur in malis opinatis animosque demittunt et contrahunt rationi non obtemperantes. Itaque haec prima definitio est, ut aegritudo sit animi adversante ratione contractio. Sic quattuor perturbationes sunt, tres constantiae, quoniam aegritudini nulla constantia opponitur.

VII. Sed omnes perturbationes iudicio censent fieri et opinione. Itaque eas definiunt pressius, ut intellegatur, non modo quam vitiosae, sed etiam quam in nostra sint potestate. Est ergo a e g r i t u d o opinio recens mali praesentis, in quo demitti contrahique animo rectum esse videatur, l a e t i t i a opinio recens boni praesentis, in quo ecferri rectum esse videatur, m e t u s opinio impendentis mali, quod intolerabile esse videatur, l i b i d o opinio venturi boni, quod sit ex usu iam praesens esse atque adesse.

[15] Sed quae iudicia quasque opiniones perturbationum esse dixi, non in eis perturbationes solum positas esse dicunt, verum illa etiam quae efficiuntur perturbationibus, ut aegritudo quasi morsum aliquem

doloris efficiat, metus recessum quendam animi et fugam, laetitia profusam hilaritatem, libido effrenatam adpetentiam. Opinationem autem, quam in omnis definitiones superiores inclusimus, volunt esse inbecillam adsensionem.

[16] Sed singulis perturbationibus partes eiusdem generis plures subiciuntur, ut a e g r i t u d i n i invidentia - utendum est enim docendi causa verbo minus usitato, quoniam invidia non in eo qui invidet solum dicitur, sed etiam in eo cui invidetur-, aemulatio, obtrectatio, misericordia, angor, luctus, maeror, aerumna, dolor, lamentatio, sollicitudo, molestia, adflictatio, desperatio, et si quae sunt de genere eodem. Sub m e t u m autem subiecta sunt pigritia, pudor, terror, timor, pavor, exanimatio, conturbatio, formido, v o l u p t a t i malevolentia laetans malo alieno, delectatio, iactatio et similia, l u b i d i n i ira, excandescentia, odium, inimicitia, discordia, indigentia, desiderium et cetera eius modi.

VIII. [17] Haec autem definiunt hoc modo: invidentiam esse dicunt a e g r i t u d i n e m susceptam propter alterius res secundas, quae nihil noceant invidenti. (Nam si qui doleat eius rebus secundis a quo ipse laedatur, non recte dicatur invidere, ut si Hectori Agamemno; qui autem, cui alterius commoda nihil noceant, tamen eum doleat is frui, is invideat profecto.) Aemulatio autem dupliciter illa quidem dicitur, ut et in laude et in vitio nomen hoc sit; nam et imitatio virtutis aemulatio dicitur - sed ea nihil hoc loco utimur; est enim laudis-, et est aemulatio aegritudo, si eo quod concupierit alius potiatur, ipse careat. Obtrectatio autem est, ea quam intellegi *zhlotupi/an* volo, aegritudo ex eo, quod alter quoque potiatur eo quod ipse concupiverit.

[18] Misericordia est aegritudo ex miseria alterius iniuria laborantis (nemo enim parricidae aut proditoris supplicio cordia commovetur); angor aegritudo premens, luctus aegritudo ex eius qui carus fuerit Ïnteritu acerbo, maeror aegritudo flebilis, aerumna aegritudo laboriosa, dolor aegritudo crucians, lamentatio aegritudo cum eiulatu, sollicitudo aegritudo cum cogitatione, molestia aegritudo permanens, adflictatio aegritudo cum vexatione corporis, desperatio aegritudo sine ulla rerum expectatione meliorum.

[19] Quae autem subiecta sunt sub m e t u m, ea sic definiunt: pigritiam metum consequentis laboris, terrorem metum

concutientem, ex quo fit ut pudorem rubor, terrorem pallor et tremor et dentium crepitus consequatur, timorem metum mali adpropinquantis, pavorem metum mentem loco moventem, ex quo illud Enni:

‘Tum pavor sapientiam omnem mi exanimato expectorat’,

Exanimationem metum subsequentem et quasi comitem pavoris, conturbationem metum excutientem cogitata, formidinem metum permanentem.

IX . [20] V o l u p t a t i s autem partes hoc modo describunt, ut malevolentia sit voluptas ex malo alterius sine emolumento suo, delectatio voluptas suavitate auditus animum deleniens; et qualis est haec aurium, tales sunt oculorum et tactionum et odorationum et saporum, quae sunt omnes unius generis ad perfundendum animum tamquam inliquefactae voluptates, Iactatio est voluptas gestiens et se efferens insolentius.

[21] Quae autem l i b i d i n i subiecta sunt, ea sic definiuntur, ut ira sit libido poeniendi eius qui videatur laesisse iniuria, excandescentia autem sit ira nascens et modo existens, quae *qu/mwsij* Graece dicitur, odium ira inveterata, inimicitia ira ulciscendi tempus observans, discordia ira acerbior intimo animo et corde concepta, indigentia libido inexplebilis, desiderium libido eius, qui nondum adsit, videndi. Distinguunt illud etiam, ut libido sit earum rerum, quae dicuntur, de quodam aut quibusdam, quae *kathgorh/mata* dialectici appellant, ut habere divitias, capere honores, indigentia rerum ipsarum sit, ut honorum, ut pecuniae.

[22] Omnium autem perturbationum fontem esse dicunt intemperantiam, quae est [a] tota mente a recta ratione defectio, sic aversa a praescriptione rationis, ut nullo modo adpetitiones animi nec regi nec contineri queant. Quem ad modum igitur temperantia sedat adpetitiones et efficit, ut eae rectae rationi pareant, conservatque considerata iudicia mentis, sic huic inimica intemperantia omnem animi statum infiammat conturbat incitat, itaque et aegritudines et metus et reliquae perturbationes omnes gignuntur ex ea.

X. [23] Quem ad modum, cum sanguis corruptus est aut pituita redundat aut bilis, in corpore morbi aegrotationesque nascuntur, sic pravarum opinionum conturbatio et ipsarum inter te repugnantia sanitate spoliat animum morbisque perturbat. Ex perturbationibus

autem primum morbi conficiuntur, quae vocant illi *nosh/mata*, eaque quae sunt eis morbis contraria, quae habent ad res certas vitiosam o f f e n s i o n e m atque fastidium, deinde a e g r o t a t i o n e s, quae appellantur a Stoicis *a)rrwsth/mata* , isque item oppositae contrariae offensiones. Hoc loco nimium operae consumitur a Stoicis, maxime a Chrysippo, dum morbis corporum comparatur morborum animi similitudo; qua oratione praetermissa minime necessaria ea, quae rem continenti pertractemus.

[24] Intellegatur igitur perturbationem iactantibus se opinionibus inconstanter et turbide in motu esse semper; cum autem hic fervor concitatioque animi inveteraverit et tamquam in venis medullisque insederit, tum existet et morbus et aegrotatio et offensiones eae, quae sunt eis morbis aegrotationibusque contrariae.

XI. Haec, quae dico, cogitatione inter se differunt, re quidem copulata sunt, eaque oriuntur ex libidine et ex laetitia. Nam cum est concupita pecunia nec adhibita continuo ratio quasi quaedam Socratica medicina, quae sanaret eam cupiditatem, permanat in venas et inhaeret in visceribus illud malum, existitque morbus et aegrotatio, quae evelli inveterata non possunt, eique morbo nomen est avaritia;

[25] similiterque ceteri morbi, ut gloriae cupiditas, ut mulierositas, ut ita appellem eam quae Graece *filoguni/a* dicitur, ceterique similiter morbi aegrotationesque nascuntur. Quae autem sunt his contraria, ea nasci putantur a metu, ut odium mulierum, quale in *misgu/nw* Atili est, in hominum universum genus, quod accepimus de Timone qui *misa/nqrwpoj* appellatur, ut inhospitalitas est: quae omnes aegrotationes animi ex quodam metu nascuntur earum rerum quas fugiunt et oderunt.

[26] Definiunt autem animi a e g r o t a t i o n e m opinationem vehementem de re non expetenda, tamquam valde expetenda sit, inhaerentem et penitus insitam. Quod autem nascitur ex o f f e n s i o n e, ita definiunt: opinionem vehementem de re non fugienda inhaerentem et penitus insitam tamquam fugienda; haec autem opinatio est iudicatio se scire, quod nesciat. Aegrotationi autem talia quaedam subiecta sunt: avaritia, ambitio, mulierositas, pervicacia, ligurritio, vinulentia, cuppedia, et si qua similia. Est autem avaritia opinatio vehemens de pecunia, quasi valde expetenda sit, inhaerens et penitus insita, similisque est eiusdem generis definitio reliquarum.

[27] Offensionum autem definitiones sunt eius modi, ut inhospitalitas sit opinio vehemens valde fugiendum esse hospitem, eaque inhaerens et penitus insita; similiterque definitur et mulierum odium, ut Hippolyti, et, ut Timonis, generis humani.

XII. Atque ut ad valetudinis similitudinem veniamus eaque conlatione utamur aliquando, sed parcius quam solent Stoici: ut sunt alii ad alios morbos procliviores - itaque dicimus gravidinosos quosdam, <quosdam> torminosos, non quia iam sint, sed quia saepe sint - <sic> alii ad metum, alii ad aliam perturbationem; ex quo in aliis anxietas, unde anxii, in aliis iracundia dicitur. Quae ab ira differt, estque aliud iracundum esse, aliud iratum, ut differt anxietas ab angore (neque enim omnes anxii, qui anguntur aliquando, nec, qui anxii, semper anguntur), ut inter ebrietatem <et ebriositatem> interest, aliudque est amatorem esse, aliud amantem. Atque haec aliorum ad alios morbos proclivitas late patet; nam pertinet ad omnes perturbationes;

[28] in multis etiam vitiis apparet, sed nomen res non habet. Ergo et invidi et malivoli [et lividi] et timidi et misericordes, quia proclives ad eas perturbationes <sunt>, non quia semper feruntur. Haec igitur proclivitas ad suum quodque genus a similitudine corporis aegrotatio dicatur, dum ea intellegatur ad aegrotandum proclivitas. Sed haec in bonis rebus, quod alii ad alia bona sunt aptiores, f a c i l i t a s nominetur, in malis p r o c l i v i t a s, ut significet lapsionem, in neutris habeat superius nomen.

XIII. Quo modo autem in corpore est morbus, est aegrotatio, est vitium, sic in animo. Mo r b u m appellant totius corporis corruptionem, a e g r o t a t i o n e m morbum cum imbecillitate, v i t i u m, cum partes corporis inter se dissident, ex quo pravitas membrorum, distortio, deformitas.

[29] Itaque illa duo, morbus et aegrotatio, ex totius valetudinis corporis conquassatione et perturbatione gignuntur, vitium autem integra valetudine ipsum ex se cernitur. Sed in animo tantum modo cogitatione possumus morbum ab aegrotatione seiungere, vitiositas autem est habitus aut adfectio in tota vita inconstans et a se ipsa dissentiens. Ita fit, ut in altera corruptione opinionum morbus efficiatur et aegrotatio, in altera inconstantia et repugnantia. Non enim omne vitium partis habet dissentientis, ut eorum, qui non longe

a sapientia absunt, adfectio est illa quidem discrepans sibi ipsa, dum est insipiens, sed non distorta nec prava. Morbi autem et aegrotationes partes sunt vitiositatis, sed perturbationes sintne eiusdem partes, quaestio est.

[30] Vitia enirn adfectiones sunt manentes, perturbationes autem moventes, ut non possint adfectionum manentium partes esse. Atque ut in malis attingit animi naturam corporis similitudo, sic in bonis. Sunt enim in corpore praecipua, pulchritudo, vires valetudo, firmitas, velocitas, sunt item in animo. <Ut> enim corporis temperatio, cum ea congruunt inter se e quibus constamus, sanitas, sic animi dicitur, cum eius iudicia opinionesque concordant, eaque animi est virtus, quam alii ipsam temperantiam dicunt esse, alii obtemperantem temperantiae praeceptis et eam subsequentem nec habentem ullam speciem suam, sed sive hoc sive illud sit, in solo esse sapiente. Est autem quaedam animi sanitas, quae in insipientem etiam cadat, cum curatione [et perturbatione] medicorum conturbatio mentis aufertur.

[31] Et ut corporis est quaedam apta figura membrorum cum coloris quadam suavitate eaque dicitur pulchritudo, sic in animo opinionum iudiciorumque aequabilitas et constantia cum firmitate quadam et stabilitate virtutem subsequens aut virtutis vim ipsam continens pulchritudo vocatur. Itemque viribus corporis et nervis et efficacitati similes similibus quoque verbis animi vires nominantur. Velocitas autem corporis celeritas appellatur, quae eadem ingenii etiam laus habetur propter animi multarum rerum brevi tempore percursionem.

XIV. Illud animorum corporumque dissimile, quod animi valentes morbo temptari non possunt, corpora possunt; sed corporum offensiones sine culpa accidere possunt, animorum non item, quorum omnes morbi et perturbationes ex aspernatione rationis eveniunt. Itaque in hominibus solum existunt; nam bestiae simile quiddam faciunt, sed in perturbationes non incidunt.

[32] Inter acutos autem et inter hebetes interest, quod ingeniosi, ut aes Corinthium in aeruginem, sic illi in morbum et incidunt tardius et recreantur ocius, hebetes non item. Nec vero in omnem morbum ac perturbationem animus ingeniosi cadit; non enim in ulla ecferata et immania; quaedam autem humanitatis quoque habent primam speciem, ut misericordia aegritudo metus. Aegrotationes autem

morbique animorum difficilius evelli posse putantur quam summa illa vitia, quae virtutibus sunt contraria. Morbis enim manentibus vitia sublata esse [non] possunt, quia non tam celeriter sanantur quam illa tolluntur.

[33] Habes ea quae de perturbationibus enucleate disputant Stoici, quae *logika/* appellant, quia disseruntur subtilius. Ex quibus quoniam tamquam ex scrupulosis cotibus enavigavit oratio, reliquae disputationis cursum teneamus, modo satis illa dilucide dixerimus pro rerum obscuritate.
Prorsus satis; sed si quae diligentius erunt cognoscenda, quaeremus alias, nunc vela, quae modo dicebas, expectamus et cursum.

XV. [34] Quando, ut aliis locis de virtute et diximus et saepe dicendum erit - pleraeque enim quaestiones, quae ad vitam moresque pertinent, a virtutis fonte ducuntur -, quando igitur virtus est adfectio animi constans conveniensque, laudabiles efficiens eos, in quibus est, et ipsa per se sua sponte separata etiam utilitate laudabilis, ex ea proficiscuntur honestae voluntates sententiae actiones omnisque recta ratio (quamquam ipsa virtus brevissume recta ratio dici potest). Huius igitur virtutis contraria est vitiositas - sic enim malo quam malitiam appellare eam quam Graeci *kaki/an* appellant; nam malitia certi cuiusdam vitii nomen est, vitiositas omnium -; ex qua concitantur perturbationes, quae sunt, ut paulo ante diximus, turbidi animorum concitatique motus, aversi a ratione et inimicissimi mentis vitaeque tranquillae. Inportant enim aegritudines anxias atque acerbas animosque adfligunt et debilitant metu; idem inflammant adpetitione nimia, quam tum cupiditatem tum libidinem dicimus, inpotentiam quandam animi a temperantia et moderation plurimum dissidentem.

[35] Quae si quando adepta erit id quod ei fuerit concupitum, tum ecferetur alacritate, ut ‘nihil ei constet’, quod agat, ut ille, qui ‘voluptatem animi nimiam summum esse errorem’ arbitratur. Eorum igitur malorum in una virtute posita sanatio est.

XVI. Quid autem est non miserius solum, sed foedius etiam et deformius quam aegritudine quis adflictus debilitatus iacens? Cui miseriae proxumus est is qui adpropinquans aliquod malum metuit

exanimatusque pendet animi. Quam vim mali significantes poÎtae impendere apud inferos saxum Tantalo faciunt

‘Ob scelera animique inpotentiam et superbiloquentiam.’

Ea communis poena stultitiae est; omnibus enim, quorum mens abhorret a ratione, semper aliqui talis terror impendet.

[36] Atque ut haec tabificae mentis perturbationes sunt, aegritudinem dico et metum, sic hilariores illae, cupiditas avide semper aliquid expetens et inanis alacritas, id est laetitia gestiens, non multum differunt ab amentia. Ex quo intellegitur, qualis ille sit, quem tum moderatum, alias modestum temperantem, alias constantem continentemque dicimus; non numquam haec eadem vocabula ad frugalitatis nomen tamquam ad caput referre volumus. Quodnisi eo nomine virtutes continerentur, numquam ita pervolgatum illud esset, ut iam proverbio locum optineret, ‘hominem frugi omnia recte facere’. Quod idem cum Stoici de sapiente dicunt, nimis admirabiliter nimisque magnifice dicere videntur.

XVII. [37] Ergo, hic, quisquis est qui moderatione et constantia quietus animo est sibique ipse placatus, ut nec tabescat molestiis nec frangatur timore nec sitienter quid expetens ardeat desiderio nec alacritate futili gestiens deliquescat, is est sapiens quem quaerimus, is est beatus, cui nihil humanarum rerum aut intolerabile ad demittendum animum aut nimis laetabile ad ecferendum videri potest. Quid enim videatur ei magnum in rebus humanis, cui aeternitas omnis totiusque mundi nota sit magnitudo? Nam quid aut in studiis humanis aut in tam exigua brevitate vitae magnum sapienti videri potest, qui semper animo sic excubat, ut ei nihil inprovisum accidere possit, nihil inopinatum, nihil omnino novum?

[38] Atque idem ita acrem in omnis partis aciem intendit, ut semper videat sedem sibi ac locum sine molestia atque angore vivendi, ut, quemcumque casum fortuna invexerit, hunc apte et quiete ferat. Quod qui faciet, non aegritudine solum vacabit, sed etiam perturbationibus reliquis omnibus. HÏs autem vacuus animus perfecte atque absolute beatos efficit, idemque concitatus et abstractus ab integra certaque ratione non constantiam solum amittit, verum etiam sanitatem. Quocirca mollis et enervata putanda est Peripateticorum ratio et oratio, qui perturbari animos necesse dicunt esse, sed adhibent modum quendam, quem ultra progredi non oporteat.

[39] Modum tu adhibes vitio? an vitium nullum est non parere rationi? an ratio parum praecipit nec bonum illud esse, quod aut cupias ardenter aut adeptus ecferas te insolenter, nec porro malum, quo aut oppressus iaceas aut, ne opprimare, mente vix constes? eaque omnia aut nimis tristia aut nimis laeta errore fieri, qui [si] error stultis extenuetur die ut, cum res eadem maneat, aliter ferant inveterata aliter recentia, sapientis ne attingat quidem omnino?

[40] Etenim quis erit tandem modus iste? quaeramus enim modum aegritudinis, in qua operae plurimum ponitur. Aegre tulisse P. Rupilium fratris repulsam consulatus scriptum apud Fannium est; sed tamen transisse videtur modum, quippe qui ob eam causam a vita recesserit; moderatius igitur ferre debuit. Quid, si, cum id ferret modice, mors liberorum accessisset? 'Nata esset aegritudo nova, sed ea modica'. Magna tamen facta esset accessio. Quid, si deinde dolores graves corporis, si bonorum amissio, si caecitas, si exilium? Si pro singulis malis aegritudines accederent, summa ea fieret, quae non sustineretur.

XVIII. [41] Qui modum igitur vitio quaerit, similiter facit, ut si posse putet eum qui se e Leucata praecipitaverit sustinere se, cum velit. Ut enim id non potest, sic animus perturbatus et incitatus nec cohibere se potest nec, quo loco vult, insistere. Omninoque, quae crescentia perniciosa sunt, eadem sunt vitiosa nascentia; [42] aegritudo autem ceteraeque perturbationes amplificatae certe pestiferae sunt; igitur etiam susceptae continuo in magna pestis parte versantur. Etenim ipsae se impellunt, ubi semel a ratione discessum est, ipsaque sibi imbecillitas indulget in altumque provehitur imprudens nec reperit locum consistendi. Quam ob rem nihil interest, utrum moderatas perturbationes adprobent an moderatam iniustitiam, moderatam ignaviam, moderatam intemperantiam; qui enim vitiis modum apponit, is partem suscipit vitiorum quod cum ipsum per se odiosum est, tum eo molestius, quia sunt in lubrico incitataque semel proclivi labuntur sustinerique nullo modo possunt.

XIX. [43] Quid, quod idem Peripatetici perturbationes istas, quas nos extirpandas putamus, non modo naturalis esse dicunt, sed etiam utiliter a natura datas? Quorum est talis oratio: primum multis verbis iracundiam laudant, cotem fortitudinis esse dicunt, multoque et in hostem et in improbum civem vehementioris iratorum impetus esse,

levis autem ratiunculas eorum, qui itam cogitarent: ‘proelium rectum est hoc fieri, convenit dimicare pro legibus, pro libertate, pro patria;’ haec nullam habent vim, nisi ira excanduit fortitudo. Nec vero de bellatoribus solum disputant: imperia severiora nulla esse putant sine aliqua acerbitate iracundiae; oratorem denique non modo accusantem, sed ne defendentem quidem probant sine aculeis iracundiae, quae etiamsi non adsit, tamen verbis atque motu simulandam arbitrantur, ut auditoris iram oratoris incendat actio. Virum denique videri negant qui irasci nesciet, eamque, quam lenitatem nos dicimus, vitioso lentitudinis nomine appellant.

[44] Nec vero solum hanc libidinem laudant - est enim ira, ut modo definivi, ulciscendi libido -, sed ipsum illud genus vel libidinis vel cupiditatis ad summam utilitatem esse dicunt a natura datum; nihil enim quemquam nisi quod lubeat praeclare facere posse. Noctu ambulabat in publico Themistocles, quod somnum capere non posset, quaerentibusque respondebat Miltiadis tropaeis se e somno suscitari. Cui non sunt auditae Demosthenis vigiliae? qui dolere se aiebat, si quando opificum antelucana victus esset industria. Philosophiae denique ipsius principes numquam in suis studiis tantos progressus sine flagranti cupiditate facere potuissent. Ultimas terras lustrasse Pythagoran Democritum Platonem accepimus; ubi enim quicquid esset quod disci posset, eo veniendum iudicaverunt. Num putamus haec fieri sine summo cupiditatis ardore potuisse?

XX. [45] Ipsam aegritudinem, quam nos ut taetram et inmanem beluam fugiendam diximus, non sine magna utilitate a natura dicunt constitutam, ut homines castigationibus reprehensionibus ignominiis adfici se in delicto dolerent. Impunitas enim peccatorum data videtur eis qui ignominiam et infamiam ferunt sine dolore; morderi est melius conscientia. Ex quo est illud e vita ductum ab Afranio: nam cum dissolutus filius:

‘Heu me miserum!’

tum severus pater:

‘Dum modo doleat aliquid, doleat quidlubet.’

[46] Reliquas quoque partis aegritudinis utilis esse dicunt, misericordiam ad opem ferendam et calamitates horninum indignorum sublevandas; ipsum illud aemulari obtrectare non esse

inutile, cum aut se non idem videat consecutum, quod alium, aut alium idem, quod se; metum vero si qui sustulisset, omnem vitae diligentiam sublatam fore, quae summa esset in eis qui leges, qui magistratus, qui paupertatem, qui ignominiam, qui mortem, qui dolorem timerent. Haec tamen ita disputant, ut resecanda esse fateantur, evelli penitus dicant nec posse nec opus esse et in omnibus fere rebus mediocritatem esse optumam existiment. Quae cum exponunt, nihilne tibi videntur an aliquid dicere?

- Mihi vero dicere aliquid, itaque expecto, quid ad ista.

XXI. [47] - Reperiam fortasse, sed illud ante: videsne, quanti fuerit apud Academicos verecondia? plane enim dicunt, quod ad rem pertineat. Peripateticis respondetur a Stoicis; digladientur illi per me licet, cui nihil est necesse nisi, ubi sit illud, quod veri simillimum videatur, anquirere. Quid est igitur quod occurrat in hac quaestione, e quo possit attingi aliquid veri simile, quo longius mens humana progredi non potest? Definitio perturbationis, qua recte Zenonem usum puto; ita enim definit, ut perturbatio sit aversa <a> ratione contra naturam animi commotio, vel brevius, ut perturbatio sit adpetitus vehementior, vehementior autem intellegatur is qui procul absit a naturae constantia.

[48] Quid ad has definitiones possim dicere? Atque haec pleraque sunt prudenter acuteque disserentium, illa quidem ex rhetorum pompa: ‘ardores animorum cotesque virtutum.’ An vero vir fortis, nisi stomachari coepit, non potest fortis esse? Gladiatorium id quidem. Quamquam in eis ipsis videmus saepe constantiam:

‘Conlocuntur, congrediuntur, quaerunt aliquid, postulant,’

ut magis placati quam irati esse videantur. Sed in illo genere sit sane Pacideianus aliquis hoc animo, ut narrat Lucilius:

‘Occidam illum equidem et vincam, si id quaeritis’ inquit,
‘Verum illud credo fore: in os prius accipiam ipse
Quam gladium in stomacho furi ac pulmonibus sisto.
Odi hominem, iratus pugno, nec longius quicquam
Nobis, quam dextrae gladium dum acconuno alter;
Usque adeo studio atque odio illius ecferor ira’;

XXII. [49] At sine hac gladiatoria iracundia videmus progredientem apud Homerum Aiacem multa cum hilaritate, cum depugnaturus esset cum Hectore; cuius, ut arma sumpsit, ingressio laetitiam attulit sociis, terrorem autem hostibus, ut ipsum Hectorem, quem ad modum est apud Homerum, toto pectore trementem provocasse ad pugnam paeniteret. Atque hi conlocuti inter se, prius quam manum consererent, leniter et quiete nihil ne in ipsa quidem pugna iracunde rabioseve fecerunt. Ego ne Torquatum quidem illum, qui hoc cognomen invenit, iratum existimo Gallo torquem detraxisse, nec Marcellum apud Clastidium ideo fortem fuisse, quia fuerit iratus.

[50] De Africano quidem, quia notior est nobis propter recentem memoriam, vel iurare possum non illum iracundia tum inflammatum fuisse, cum in acie M. Alliennium Paelignum scuto protexerit gladiumque hosti in pectus infixerit. De L. Bruto fortasse dubitarim, an propter infinitum odium tyranni ecfrenatius in Arruntem invaserit; video enim utrumque comminus ictu cecidisse contrario. Quid igitur huc adhibetis iram? An fortitudo, nisi insanire coepit, impetus suos non habet? Quid? Herculem, quem in caelum ista ipsa, quam vos iracundiam esse vultis, sustulit fortitudo, iratumne censes conflixisse cum Erymanthio apro aut leone Nemeaeo? An etiam Theseus Marathonii tauri cornua conprehendit iratus? Vide ne fortitudo minime sit rabiosa sitque iracundia tota levitatis.

XXIII. Neque enim est ulla fortitudo, quae rationis est expers. [51] ‘Contemnendae res humanae sunt, neglegenda mors est, patibiles et dolores et labores putandi’. Haec cum constituta sunt iudicio atque sententia, tum est robusta illa et stabilis fortitudo, nisi forte, quae vehementer acriter animose fiunt iracunde fieri suspicamur. Mihi ne Scipio quidem ille pontufex maxumus, qui hoc Stoicorum verum esse declaravit, numquam privatum esse sapientem, iratus videtur fuisse Ti. Graccho tum, cum consulem languentem reliquit atque ipse privatus, ut si consul esset, qui rem publicam salvam esse vellent, se sequi iussit.

[52] Nescio ecquid ipsi nos fortiter in re p. fecerimus: si quid fecimus, certe irati non fecimus. An est quicquam similius insaniae quam ira? quam bene Ennius ‘initium’ dixit ‘insaniae.’ Color, vox, oculi, spiritus, inpotentia dictorum ac factorum quam partem habent sanitatis? Quid Achille Homerico foedius, quid Agamemnone in

iurgio? Nam Aiacem quidem ira ad furorem mortemque perduxit. Non igitur desiderat fortitudo advocatam iracundiam; satis est instructa parata armata per sese. Nam isto quidem modo licet dicere utilem vinulentiam ad fortitudinem, utilem etiam dementiam, quod et insani et ebrii multa faciunt saepe vehementĬus. Semper Aiax fortis, fortissimus tamen in furore; nam

Facinus fecit maximum, cum Danais inclinantibus
Summam rem perfecit manu.

XXIV. [53] Proelium restituit insaniens: dicamus igitur utilem insaniam? Tracta definitiones fortitudinis: intelleges eam stomacho non egere. Fortitudo est igitur 'adfectio animi legi summae in perpetiendis rebus obtemperans' vel 'conservatio stabilis iudicii in eis rebus quae formidolosae videntur subeundis et repellendis' vel 'scientia rerum formidolosarum contrariarumque aut omnino neglegendarum conservans earum rerum stabile iudicium' vel brevius, ut Chrysippus (nam superiores definitiones erant Sphaeri, hominis in primis bene definientis, ut putant Stoici; sunt enim omnino omnes fere similes, sed declarant communis notiones alia magis alia) - quo modo igitur Chrysippus? 'Fortitudo est' inquit 'scientia rerum perferendarum vel adfectio animi in patiendo ac perferendo summae legi parens sine timore.' Quamvis licet insectemur istos, ut Carneades solebat, metuo ne soli philosophi sint. Quae enim istarum definitionum non aperit notionem nostram, quam habemus omnes de fortitudine tectam atque involutam? Qua aperta quis est qui aut bellatori aut imperatori aut oratori quaerat aliquid neque eos existumet sine rabie quicquam fortiter facere posse?

[54] Quid? Stoici, qui omnes insipientes insanos esse dicunt, nonne ista conligunt? Remove perturbationes maxumeque iracundiam: iam videbuntur monstra dicere. Nunc autem ita disserunt, sic se dicere omnes stultos insanire, ut male olere omne caenum. 'At non semper.' Commove: senties. Sic iracundus non semper iratus est; lacesse: iam videbis furentem. Quid? ista bellatrix iracundia, cum domum rediit, qualis est cum uxore, cum liberis, cum familia? an tum quoque est utilis? Est igitur aliquid quod perturbata mens melius possit facere quam constans? an quisquam potest sine perturbatione mentis irasci?

Bene igitur nostri, cum omnia essent in moribus vitia, quod nullum erat iracundia foedius, iracundos solos morosos nominaverunt.

XXV. [55] Oratorem vero irasci minime decet, simulare non <de>decet. An tibi irasci tum videmur, cum quid in causis acrius et vehementius dicimus? Quid? cum iam rebus transactis et praeteritis orationes scribimus, num irati scribimus?

'Ecquis hoc animadvertit? vincite!'

Num aut egisse umquam iratum Aesopum aut scripsisse existimas iratum Accium? Aguntur ista praeclare et ab oratore quidem melius, si modo est orator, quam ab ullo histrione, sed aguntur leniter et mente tranquilla.

Libidinem vero laudare cuius est libidinis? Themistoclem mihi et Demosthenen profertis, additis Pithagoran Democritum Platonem. Quid? vos studia libidinem vocatis? quae vel optimarum rerum, ut ea sunt quae profertis, sedata tamen et tranquilla esse debent. Iam aegritudinem laudare, unam rem maxime detestabilem, quorum est tandem philosophorum? At commode dixit Afranius:

'Dum modo doleat aliquid, doleat quidlibet.'

Dixit enim de adolescente perdito ac dissoluto, nos autem de constanti viro ac sapienti quaerimus. Et quidem ipsam illam iram centurio habeat aut signifer vel ceteri, de quibus dici non necesse est, ne rhetorum aperiamus mysteria; utile est enim uti motu animi, qui uti ratione non potest: nos autem, ut testificor saepe, de sapiente quaerimus.

XXVI. [56] At etiam aemulari utile est, obtrectare, misereri. Cur misereare potius quam feras opem, si id facere possis? an sine misericordia liberales esse non possumus? Non enim suscipere ipsi aegritudines propter alios debemus, sed alios, si possumus, levare aegritudine. Obtrectare vero alteri aut illa vitiosa aemulatione, quae rivalitati similis est, aemulari quid habet utilitatis, cum sit aemulantis angi alieno bono quod ipse non habeat, obtrectantis autem angi alieno bono, quod id etiam alius habeat? Qui id adprobari possit, aegritudinem suscipere pro experientia, si quid habere velis? nam solum habere velle summa dementia est.

[57] Mediocritates autem malorum quis laudare recte possit? Quis

enim potest, in quo libido cupiditasve sit, non libidinosus et cupidus esse? in quo ira, non iracundus? in quo angor, non anxius? in quo timor, non timidus? Libidinosum igitur et iracundum et anxium et timidum censemus esse sapientem? De cuius excellentia multa quidem dici quamvis fuse lateque possunt, sed brevissime illo modo, sapientiam esse rerum divinarum et humanarum scientiam cognitionemque, quae cuiusque rei causa sit; ex quo eflÏcitur, ut divina imitetur, humana omnia inferiore virtute ducat. In hanc tu igitur tamquam in mare, quod est ventis subiectum perturbationem cadere tibi dixisti videri? Quid est quod tantam gravitatem constantiamque perturbet? an improvisum aliquid aut repentinum? Quid potest accidere tale ei, cui nihil, quod homini evenire possit, <non praemeditatum sit>? Nam quod aiunt nimia resecari oportere, naturale relinqui, quid tandem potest esse naturale, quod idem nimium esse possit? Sunt enim omnia ista ex errorum orta radicibus, quae evellenda et extrahenda penitus, non circumcidenda nec amputanda sunt.

XXVII. [58] Sed quoniam suspicor te non tam de sapiente quam de te ipso quaerere - illum enim putas omni perturbatione esse liberum, te vis -, videamus, quanta sint quae <a> philosophia remedia morbis animorum adhibeantur. Est enim quaedam medicina certe, nec tam fuit hominum generi infensa atque inimica natura, ut corporibus tot res salutaris, animis nullam invenerit; de quibus hoc etiam est merita melius, quod corporum adiumenta adhibentur extrinsecus, animorum salus inclusa in is ipsis est. Sed quo maior est in eis praestantia et divinior, eo maiore indigent diligentia. Itaque bene adhibita ratio cernit, quid optumum sit, neglecta multis implicatur erroribus.

[59] Ad te igitur mihi iam convertenda omnis oratio est; simulas enim quaerere te de sapiente, quaeris autem fortasse de te. Earum igitur perturbationum, quas exposui, variae sunt curationes. Nam neque omnis aegritudo, una ratione sedatur (alia est enim lugenti, alia miseranti aut invidendi adhibenda medicina); est etiam in omnibus quattuor perturbationibus illa distinctio, utrum ad universam perturbationem, quae est aspernatio rationis aut adpetitus vehementior, an ad singulas, ut ad metum lubidinem reliquas melius adhibeatur oratio, et utili illudne non videatur aegre ferundum, ex quo suscepta sit aegritudo, an omnium rerum tollenda omnino

aegritudo, ut, si quis aegre ferat se pauperem esse, idne disputes, paupertatem malum non esse, an hominem aegre ferre nihil oportere. Nimirum hoc melius, ne, si forte de paupertate non persuaseris, sit aegritudini concedendum; aegritudine autem sublata propriis rationibus, quibus heri usi sumus, quodam modo etiam paupertatis malum tollitur.

XXVIII. [60] Sed omnis eius modi perturbatio animi placatione abluatur illa quidem, cum doceas nec bonum illud esse, ex quo laetitia aut libido oriatur, nec malum, ex quo aut metus aut aegritudo; verum tamen haec est certa et propria sanatio, si doceas ipsas perturbationes per se esse vitiosas nec habere quicquam aut naturale aut necessarium, ut ipsam aegritudinem leniri videmus, cum obicimus maerentibus imbecillitatem animi ecfeminati, cumque eorum gravitatem constantiamque laudamus, qui non turbulente humana patiantur. Quod quidem solet eis etiam accidere, qui illa mala esse censent, ferenda tamen aequo animo arbitrantur. Putat aliquis esse voluptatem bonum, alius autem, pecuniam; tamen et ille ab intemperantia et hic ab avaritia avocari potest. Illa autem altera ratio et oratio, quae simul et opinionem falsam tollit et aegritudinem detrahit, est ea quidem utilior, sed raro proficit neque est ad volgus adhibenda.

[61] Quaedam autem sunt aegritudines, quas levare illa medicina nullo modo possit, ut, si quis aegre ferat nihil in se esse virtutis, nihil animi, nihil officii, nihil honestatis, propter mala is quidem angatur, sed alia quaedam sit ad eum admovenda curatio, et talis quidem, quae possit esse omnium etiam de ceteris rebus discrepantium philosophorum. Inter omnis enim convenire oportet commotiones animorum a recta ratione aversas esse vitiosas, ut, etiamsi vel mala sint illa, quae metum aegritudinemve, vel bona, quae cupiditatem laetitiamve moveant, tamen sit vitiosa ipsa commotio. Constantem enim quendam volumus, sedatum, gravem, humana omnia spernentem illum esse, quem magnanimum et fortem virum dicimus. Talis autem nec maerens nec timens nec cupiens nec gestiens esse quisquam potest. Eorum enim haec sunt, qui eventus humanos superiores quam suos animos esse ducunt.

XXIX. [62] Quare omnium philosophorum, ut ante dixi, una ratio est medendi, ut nihil, quale sit illud quod perturbet animum, sed de

ipsa sit perturbatione dicendum. Itaque primum in ipsa cupiditate, cum id solum agitur utea tollatur, non, est quaerendum, bonum illud necne sit quod lubidinem moveat, sed lubido ipsa tollenda ut, sive, quod honestum est, id sit summum bonum, sive voluptas sive horum utrumque coniunctum sive tria illa genera bonorum, tamen, etiamsi virtutis ipsius vehementior adpetitus sit, eadem sit omnibus ad deterrendum adhibenda oratio. Continet autem omnem sedationem animi humana in conspectu posita natura; quae quo facilius expressa cernatur, explicanda est oratione communis condicio lexque vitae.

[63] Itaque non sine causa, cum Orestem fabulam doceret Euripides, primos tris versus revocasse dicitur Socrates:

‘Neque tam terribilis ulla fando oratio est,
Nec sors nec ira caelitum invectum malum,
Quod non natura humana patiendo ecferat.’

Est autem utilis ad persuadendum ea quae acciderint ferri et posse et oportere enumeratio eorum qui tulerunt. Etsi aegritudinis sedatio et hesterna disputatione explicata est et in Consolationis libro, quem in medio - non enim sapientes eramus - maerore et dolore conscripsimus; quodque vetat Chrysippus, ad recentÏs quasi tumores animi remedium adhibere, id nos fecimus naturaeque vim attulimus, ut magnitudini medicinae doloris magnitudo concederet.

XXX. [64] Sed aegritudini, de qua satis est disputatum, finitimus est metus, de quo pauca dicenda sunt. Est enim metus, ut aegritudo praesentis, sic ille futuri mali. Itaque non nulli aegritudinis partem quandam metum esse dicebant, alii autem metum praemolestiam appellabant, quod esset quasi dux consequentis molestiae. Quibus igitur rationibus instantia feruntur, eisdem contemnuntur sequentia. Nam videndum est in utrisque, ne quid humile summissum molle ecfeminatum fractum abiectumque faciamus. Sed quamquam de ipsius metus inconstantia inbecillitate levitate dicendum est, tamen multum prodest ea, quae metuuntur, ipsa contemnere. Itaque sive casu accidit sive consilio, percommode factum est, quod eis de rebus quae maxime metuuntur, de morte et de dolore, primo et proxumo die disputatum est. Quae si probata sunt, metu magna ex parte liberati sumus.

XXXI. [65] Ac de malorum opinione hactenus; videamus nunc de bonorum, id est de laetitia et de cupiditate. Mihi quidem in tota ratione ea, quae pertinet ad animi perturbationem, una, res videtur causam continere, omnis eas esse in nostra potestate, omnis iudicio susceptas, omnis voluntarias. Hic igitur error est eripiendus, haec detrahenda opinio atque ut in malis opinatis tolerabilia, sic in bonis sedatiora sunt effÏcienda ea quae magna et laetabilia ducuntur. Atque hoc quidem commune malorum et bonorum, ut, si iam difficile sit persuadere nihil earum rerum, quae perturbent animum, aut in bonis aut in malis esse habendum, tamen alia ad alium motum curatio sit adhibenda aliaque ratione malevolus, alia amator, alia rursus anxius, alia timidus corrigendus.

[66] Atque erat facile sequentem eam rationem, quae maxume probatur de bonis et malis, negare umquam laetitia adfici posse insipientem, quod nihil umquam haberet boni; sed loquimur nunc more communi. Sint sane ista bona, quae putantur, honores divitiae voluptates cetera, tamen in eis ipsis potiundis exultans gestiensque laetitia turpis est, ut, si ridere concessum sit, vituperetur tamen cachinnatio. Eodem enim vitio est ecfusio animi in laetitita quo in dolore contractio, eademque levitate cupiditas est in appetendo qua laetitia in fruendo, et ut nimis adflicti molestia, sic nimis elati laetitia iure iudicantur leves; et, curvi invidere aegritudinis sit, malis autem

alienis voluptatem capere laetitiae, utrumque immanitate et feritate quadam proponendo castigari solet; atque ut cavere decet, timere non decet, sic gaudere decet, laetari non decet, quoniam docendi causa a gaudio laetitiam distinguimus;

[67] illud iam supra diximus, contractionem animi recte fieri numquam posse, elationem posse. Aliter enim Naevianus ille gaudet Hector:

‘Laetus sum laudari me abs te, pater, a laudato viro’,

aliter ille apud Trabeam:

‘Lena delenita argento nutum observabit meum,
Quid velim, quid studeam. Adveniens digito impellam ianuam,
Fores patebunt. De Inproviso Chrysis ubi me aspexerit,
Alacris ob viam mihi veniet complexum exoptans meum,
Mihi se dedet.’

Quam haec pulchra putet, ipse iam dicet:

‘Fortunam ipsam anteibo fortunis meis’.

XXXII. [68] Haec laetitia quam turpis sit, satis est diligenter attendentem penitus videre. Et ut turpes sunt, qui ecferunt se laetitia tum cum fruuntur Veneriis voluptatibus, sic flagitiosi, qui eas inflammato animo concupiscunt. Totus vero iste, qui volgo appellatur amor - nec hercule invenio, quo nomine alio possit appellari -, tantae levitatis est, ut nihil videam quod putem conferendum. Quem Caecilius

‘deum qui non summum putet,
aut stultum aut rerum esse imperitum’ existumat.
‘Cui in manu sit,’quem esse dementem velit,
Quem sapere’ quem sanari’ quem in morbum inici,
. . . . . .
Quem contra amari, quem expeti, quem arcessier.’

[69] 0 praeclaram emendatricem vitae poÎticam, quae amorem flagitii et levitatis auctorem in concilio deorum conlocandum putet! De comoedia loquor, quae, si haec flagitia non probaremus, nulla esset omnino; quid ait ex tragoedia princeps ille Argonautarum?

‘Tu me amoris magis quam honoris servavisti gratia.’

Quid ergo? hic amor Medeae quanta miseriarum excitavit incendia! Atque ea tamen apud alium poÎtam patri dicere audet se ‘coniugem’ habuisse

‘Illum, Amor quem dederat, qui plus pollet potiorque est patre’.

XXXIII. [70] Sed poÎtas ludere sinamus, quorum fabulis in hoc flagitio versari ipsum videmus Iovem: ad magistros virtutis philosophos veniamus, qui amorem negant stupri esse et in eo litigant cum Epicuro non multum, ut opinio mea fert, mentiente. Quis est enim iste amor amicitiae? cur neque deformem adulescentem quisquam amat neque formosum senem? Mihi quidem haec in Graecorum gymnasiis nata consuetudo videtur, in quibus isti liberi et concessi sunt amores. Bene ergo Ennius:

‘Flagiti principium est nudare inter civis corpora.’

Qui ut sint, quod fieri posse video, pudici, solliciti tamen et anxii sunt, eoque magis, quod se ipsi continent et coercent.

[71] Atque, ut muliebris amores omittam, quibus maiorem licentiam natura concessit, quis aut de Ganymedi raptu dubitat, quid poetae velint, aut non intellegit, quid apud Euripidem et loquatur et cupiat Laius? Quid denique homines doctissimi et summi poetae de se ipsis et carminibus edunt et cantibus? Fortis vir in sua re p. cognitus quae de iuvenum amore scribit Alcaeus! Nam Anacreontis quidem tota poÎsis est amatoria. Maxume vero omnium flagrasse amore Reginum Ibycum apparet ex scriptis.

XXXIV. Atque horum omnium lubidinosos esse amores videmus: philosophi sumus exorti, et auctore quidem nostro Platone, quem non iniuria Dicaearchus accusat, qui amori auctoritatem tribueremus.

[72] Stoici vero et Sapientem amaturum esse dicunt amorem ipsum ‘conatum amicitiae faciendae ex pulchritudinis specie’ definiunt. Qui si quis est in rerum natura sine sollicitudine, sine desiderio, sine cura, sine suspirio, sit sane; vacat enim omni libidine; haec autem de libidine oratio est. Sin autem est aliquis amor, ut est certe, qui nihil absit aut non multum ab insanÏa, qualis in Leucadia est:

‘Si quidem sit quisquam deus,
Cui ego sim curae’

[73] At id erat deis omnibus curandum, quem ad modum hic frueretur voluptate amatoria!

‘Heu me infelicem!’

Nihil verius. Probe et ille:

‘Sanusne es, qui temere lamentare?’

Sic insanus videtur etiam suis. At quas tragoedias efficit!

‘Te, Apollo sancte, fer opem, teque, amnipotens Neptune, invoco,
Vosque adeo, Venti!’

Mundum totum se ad amorem suum sublevandum conversurum putat, Venerem unam excludit ut iniquam:

‘Nam quid ego te appellem, Venus?’

Eam prae lubidine negat curare quicquam: quasi vero ipse non propter lubidinem tanta flagitia et faciat et dicat.

XXXV. [74] Sic igitur adfecto haec adhibenda curatio est, ut et illud quod cupiat ostendatur quam leve, quam contemnendum, quam nihili, sit omnino, quam facile vel aliunde vel alio modo perfici vel omnino neglegi sit; abducendus etiam est non numquam ad alia studia sollicitudines curas negotia, loci denique mutatione tamquam aegroti non convalescentes saepe curandus est;

[75] etiam novo quidam amore veterem amorem tamquam clavo clavum eiciendum putant; maxume autem, admonendus <est>, quantus sit furor amoris. Omnibus, enim ex animi perturbationibus est profecto nulla vehementior, ut, si iam ipsa illa accusare nolis, stupra dico et corruptelas et adulteria, incesta denique, quorum omnium accusabilis est turpitudo, - sed ut haec omittas, perturbatio ipsa mentis in amore foeda per se est.

[76] Nam ut illa praeteream, quae sunt furoris, haec ipsa per sese quam habent levitatem, quae videntur esse mediocria,

Iniuriae
Suspiciones inimicitiae indutiae
Bellum pax rursum! incerta haec si tu postules
Ratione certa facere, nihilo plus agas,
Quam si des operam, ut cum ratione insanias.

Haec inconstantia mutabilitasque mentis quem non ipsa pravitate deterreat? Est etiam illud, quod in omni perturbatione dicitur, demonstrandum, nullam esse nisi opinabilem, nisi iudicio susceptam, nisi voluntariam. Etenim si naturalis amor esset, et amarent omnes et semper amarent et idem amarent, neque alium pudor, alium cogitatio, alium satietas deterreret.

XXXVI. [77] Ira vero, quae quam diu perturbat animum, dubitationem insaniae non habet, cuius inpulsu existit etiam inter fratres tale iurgium:

‘Quis homo te exsuperavit usquam gentium impudentia?’
‘Quis autem malitia te?’ —

Nosti, quae secuntur; alternis enim versibus intorquentur inter fratres gravissimae contumeliae, ut facile appareat Atrei filios esse, eius qui meditatur poenam in fratrem novam:

Maior mihi moles, maius miscendum malum,
Qui illius acerbum cor contundam et comprimam’.

Quo igitur haec erumpit moles? audi Thyestem:

‘Ipsus hortatur me frater, ut meos malis miser
Mandarem natos’ -

Eorum viscera apponit; quid est enim quo non progrediatur eodem ira, quo furor? Itaque iratos proprie dicimus exisse de potestate, id est de consilio, de ratione, de mente; horum enim potestas in totum animum esse debet.

[78] His aut subtrahendi sunt ei, in quos impetum conantur facere, dum se ipsi conligant, - quid est autem se ipsum colligere nisi dissupatas animi partis rursum in suum locum cogere? - aut rogandi orandique sunt, ut, si quam habent ulciscendi vim, differant in tempus aliud, dum defervescat ira. Defervescere autem certe signiiÏcat ardorem animi invita ratione excitatum. Ex quo illud laudatur Archytae, qui cum vilico factus esset iratior, ‘Quo te modo’ inquit ‘accepissem, nisi iratus essem!’

XXXVII. [79] Ubi sunt ergo isti, qui iracundiam utilem dicunt -

potest utilis esse insania? - aut naturalem? An quicquam est secundum naturam, quod fit repugnante ratione? Quo modo autem, si naturalis esset ira, aut alius alio magis iracundus esset, aut finem haberet prius quam esset ulta, ulciscendi lubido, aut quemquam paeniteret, quod fecisset per iram? Ut Alexandrum regem videmus, qui cum interemisset Clitum familiarem suum, vix a se manus abstinuit; tanta vis fuit paenitendi. Quibus cognitis quis est qui dubitet quin hic quoque motus animi sit totus opinabilis ac voluntarius? Quis enim dubitarit quin aegrotationes animi, qualis est avaritia, gloriae cupiditas, ex eo, quod magni aestumetur ea res ex qua animus aegrotat, oriantur? Unde intellegi debet perturbationem quoque omnem esse in opinione.

[80] Et si fidentia, id est firma animi confisio, scientia quaedam est et opinio gravis non temere adsentientis, metus quoque est diffidentia expectati et inpendentis mali, et si spes est expectatio boni, mali expectationem esse necesse est metum. Ut igitur metus, sic reliquae perturbationes sunt in malo. Ergo ut constantia scientiae, sic perturbatio erroris est. Qui autem natura dicuntur iracundi aut misericordes aut invidi aut tale quid, ei sunt constituti quasi mala valetudine animi, sanabiles tamen, ut Socrates dicitur: cum multa in conventu vitia conlegisset in eum Zopyrus, qui se naturam cuiusque ex forma perspicere profitebatur, derisus est a ceteris, qui illa in Socrate vitia non agnoscerent, ab ipso autern Socrate sublevatus, cum illa sibi insita, sed ratione a se deiecta diceret.

[81] Ergo ut optuma quisque valetudine adfectus potest videri [ut] natura ad aliquem morbum proclivior, sic animus alius ad alia vitia propensior. Qui autem non natura, sed culpa vitiosi esse dicuntur, eorum vitia constant e falsis opinionibus rerum bonarum et malarum, ut sit alius ad alios motus perturbationesque proclivior. Inveteratio autem, ut in corporibus, aegrius depellitur quam perturbatio, citiusque repentinus oculorum tumor sanatur quam diuturna lippitudo depellitur.

XXXVIII. [82] Sed cognita iam causa perturbationum quae omnes oriuntur ex iudiciis opinionum et voluntatibus, sit iam huius disputationis modus. Scire autem nos oportet cognitis, quoad possunt ab homine cognosci, bonorum et malorum finibus nihil a philosophia posse aut maius aut utilius optari quam haec, quae a nobis hoc

quadriduo disputata sunt. Morte enim contempta et dolore ad patiendum levato adiunximus sedationem aegritudinis, qua nullum homini malum maius est. Etsi enim omnis animi perturbatio gravis est nec multum differt ab amentia, [tamen ita] ceteros, cum sunt in aliqua perturbatione aut metus aut laetitiae aut cupiditatis, commotos modo et perturbatos dicere solemus, at eos, qui se aegritudini dediderunt, miseros adflictos aerumnosos calamitosos.

[83] Itaque non fortuito factum videtur, sed a te ratione propositum, ut separatim de aegritudine et de ceteris perturbationibus disputaremus; in ea est enim fons miseriarum et caput. Sed et aegritudinis et reliquorum animi morborum una sanatio est, omnis opinabilis esse et voluntarios ea reque suscipi, quod ita rectum esse videatur. Hunc errorem quasi radicem malorum omnium stirpitus philosophia se extracturam pollicetur.

[84] Demus igitur nos huic excolendos patiamurque nos sanari. His enim malis insidentibus non modo beati, sed ne sani quidem esse possumus. Aut igitur negemus quicquam ratione confici, cum contra nihil sine ratione recte fieri possit, aut, cum philosohia ex rationum conlatione constet, ab ea, si et boni et beati volumus esse, omnia adiumenta et auxilia petamus bene beateque vivendi.

LIBER QVINTVS

I. [1] Quintus hic dies, Brute, finem faciet Tusculanarum disputationum, quo die est a nobis ea de re, quam tu, ex omnibus maxime probas, disputatum. Placere enim tibi admodum sensi et ex eo libro, quem ad me accuratissime scripsisti, et ex multis sermonibus tuis virtutem ad beate vivendum se ipsa esse contentam. Quod etsi difficile est probatu propter tam varia et tam multa tormenta fortunae, tale tamen est, ut elaborandum sit, quo facilius probetur. Nihil est enim omnium quae in philosophia tractantur, quod gravius magnificentiusque dicatur.

[2] Nam cum ea causa impulerit eos qui primi se ad philosophiae studium contulerunt, ut omnibus rebus posthabitis totos se in optumo vitae statu exquirendo conlocarent, profecto spe beate vivendi tantam in eo studio curam operamque posuerunt. Quodsi ab is inventa et perfecta virtus est, et si praesidi ad beate vivendum in virtute satis est, quis est qui non praeclare et ab illis positam et a nobis susceptam operam philosophandi arbitretur? Sin autem virtus subiecta sub varios incertosque casus famula fortunae est nec tantarum virium est, ut se ipsa tueatur, vereor ne non tam virtutis fiducia nitendum nobis ad spem beate vivendi quam vota facienda videantur.

[3] Equidem eos casus, in quibus me fortuna vehementer exercuit, mecum ipse considerans huic incipio sententiae diffidere interdum et humani generis imbecillitatem fragilitatemque extimescere. Vereor enim ne natura, cum corpora nobis infirma dedisset isque et morbos insanabilis et dolores intolerabilis adiunxisset, animos quoque dederit et corporum doloribus congruentis et separatim suis angoribus et molestiis implicatos.

[4] Sed in hoc me ipse castigo, quod ex aliorum et ex nostra fortasse mollitia, non ex ipsi virtute de virtutis robore existumo. Illa enim, si modo est ulla virtus, quam dubitationem avunculus tuus, Brute, sustulit, omnia, quae cadere in hominem possunt, subter se habet eaque despiciens casus contemnit humanos culpaque omni carens praeter se ipsam nihil censet ad se pertinere. Nos autem omnia adversa cum venientia metu augentes, tum maerore praesentia rerum naturam quam errorem nostrum damnare malumus.

II. [5] Sed et huius culpae et ceterorum vitiorum peccatorumque nostrorum omnis a philosophia petenda correctio est. Cuius in sinum cum a primis temporibus aetatis nostra voluntas studiumque nos compulisset, his gravissimis casibus in eundem portum, ex quo eramus egressi, magna iactati tempestate confugimus. 0 vitae philosophia dux, o virtutis indagatrix expultrixque vitiorum! quid non modo nos, sed omnino vita hominum sine te esse potuisset? Tu urbis peperisti, tu dissipatos homines in societatem vitae convocasti, tu eos inter se primo domiciliis, deinde coniugiis, tum litterarum et vocum communione iunxisti, tu inventrix legum, tu magistra morum et disciplinae fuisti; ad te confugimus, a te opem petimus, tibi nos, ut antea magna ex parte, sic nunc penitus totosque tradimus. Est autem unus dies bene et ex praeceptis tuis actus peccanti inmortalitati anteponendus.

[6] Cuius igitur potius opibus utamur quam tuis, quae et vitae tranquillitatem largita nobis es et terrorem mortis sustulisti? Ac philosophia quidem tantum abest ut proinde ac de hominum est vita merita laudetur, ut a plerisque neglecta a multis etiam vituperetur. Vituperare quisquam vitae parentem et hoc parricidio se inquinare audet et tam impie ingratus esse, ut eam accuset, quam vereri deberet, etiamsi minus percipere potuisset? Sed, ut opinor, hic error et haec indoctorum animis offusa caligo est, quod tam longe retro respicere non possunt nec eos, a quibus vita hominum instructa primis sit, fuisse philosophos arbitrantur.

III. [7] Quam rem antiquissimam cum videamus, nomen tamen esse confitemur recens. Nam sapientiam quidem ipsam quis negare potest non modo re esse antiquam, verum etiam nomine? Quae divinarum humanarumque rerum, tum initiorum causarumque cuiusque rei cognitione hoc pulcherrimum nomen apud antiquos adsequebatur. Itaque et illos septem, qui a Graecis *sofoi/*, sapientes a nostris et habebantur et nominabantur, et multis ante saeculis Lycurgum, cuius temporibus Homerus etiam fuisse ante hanc urbem conditam traditur, et iam heroicis aetatibus Ulixem et Nestorem accepimus et fuisse et habitos esse sapientis.

[8] Nec vero Atlans sustinere caelum nec Prometheus adfixus Caucaso nec stellatus Cepheus cum uxore genero filia traderetur, nisi caelestium divina cognitio nomen eorum ad errorem fabulae

traduxisset. A quibus ducti deinceps omnes, qui in rerum contemplatione studia ponebant, sapientes et habebantur et nominabantur, idque eorum nomen usque ad Pythagorae manavit aetatem. Quem, ut scribi auditor Platonis Ponticus Heraclides, vir doctus in primis, Phliuntem ferunt venisse, eumque cum Leonte, principe Phliasiorum, docte et copiose disseruisse quaedam. Cuius ingenium et eloquentiam cum admiratus esset Leon, quaesivisse ex eo, qua maxime arte confideret; at illum: artem quidem se scire nullam, sed esse philosophum. Admiratum Leontem novitatem nominis quaesivisse, quinam essent philosophi, et quid inter eos et reliquos interesset;

[9] Pythagoram autem respondisse similem sibi videri vitam hominum et mercatum eum, qui haberetur maxumo ludorum apparatu totius Graeciae celebritate; nam ut illic alii corporibus exercitatis gloriam et nobilitatem coronae peterent, alii emendi aut vendendi quaestu et lucro ducerentur, esset autem quoddam genus eorum, idque vel maxime ingenuum, qui nec plausum nec lucrum quaererent, sed visendi causa venirent studioseque perspicerent, quid ageretur et quo modo, item nos quasi in mercatus quandam celebritatem ex urbe aliqua sic in hanc vitam ex alia vita et natura profectos alios gloriae servire, alios pecuniae, raros esse quosdam, qui ceteris omnibus pro nihilo habitis rerum naturam studiose intuerentur; hos se appellare sapientiae studiosos — id est enim philosophos -; et ut illic liberalissimum esset spectare nihil sibi adquirentem, sic in vita longe omnibus studiis contemplationem rerum, cognitionemque praestare.

IV. [10] Nec vero Pythagoras nominis solum inventor, sed rerum etiam ipsarum amplificator fuit. Qui cum post hunc Phliasium sermonem in Italiam venisset, exornavit eam Graeciam, quae magna dicta est, et privatim et publice praestantissumis et institutis et artibus. Cuius de disciplina aliud tempus fuerit fortasse dicendi. Sed ab antiqua philosophia usque ad Socratem, qui Archelaum, Anaxagorae discipulum, audierat, numeri motusque tractabantur, et unde omnia orerentur quove reciderent, studioseque ab is siderum magnitudines intervalla cursus anquirebantur et cuncta caelestia. Socrates autem primus philosophiam devocavit e caelo et in urbibus conlocavit et in domus etiam introduxit et coegit de vita et moribus

rebusque bonis et malis quaerere.

[11] Cuius multiplex ratio disputandi rerumque varietas et ingeni magnitudo Platonis memoria et litteris consecrata plura genera effecit dissentientium philosophorum, e quibus nos id potissimum consecuti sumus, quo Socratem usum arbitrabamur, ut nostram ipsi sententiam tegeremus, errore alios levaremus et in omni disputatione, quid esset simillimum veri, quaereremus. Quem morem cum Carneades acutissime copiosissimeque tenuisset, fecimus et alias saepe et nuper in Tusculano, ut ad eam consuetudinem disputaremus. Et quadridui quidem sermonem superioribus ad te perscriptum libris misimus, quinto autem die cum eodem in loco consedissemus, sic est propositum, de quo disputaremus:

V. [12] -Non mihi videtur ad beate vivendum satis posse virtutem.
- At hercule Bruto meo videtur, cuius ego iudicium, pace tua dixerim, longe antepono tuo.
- Non dubito, nec id nunc agitur, tu illum quantum ames, sed hoc, quod mihi dixi videri, quale sit, de quo a te disputari volo.
- Nempe negas ad beate vivendum satis posse virtutem?
- Prorsus nego.
- Quid? ad recte honeste laudabiliter, postremo ad bene vivendum satisne est praesidi in virtute?
- Certe satis.
- Potes igitur aut, qui male vivat, non eum miserum dicere aut, quem bene fateare, eum negare beate vivere?
- Quidni possim? nam etiam in tormentis recte honeste laudabiliter et ob eam rem bene vivi potest, dum modo intellegas, quid nunc dicam ‘bene.’ Dico enim constanter graviter sapienter fortiter. Haec etiam in eculeum coiciuntur, quo vita non adspirat beata.

[13] -Quid igitur? solane beata vita, quaeso, relinquitur extra ostium limenque carceris, cum constantia gravitas fortitudo sapientia reliquaeque virtutes rapiantur ad tortorem nullumque recusent nec supplicium nec dolorem?
- Tu, si quid es facturus, nova aliqua conquiras oportet; ista me minime movent, non solum quia pervulgata sunt, sed multo magis, quia, tamquam levia quadam vina nihil valent in aqua, sic Stoicorum

ista magis gustata quam potata delectant. Velut iste chorus virtutum in eculeum impositus imagines constituit ante oculos cum amplissima dignitate, ut ad eas cursim perrectura nec eas beata vita a se desertas passura videatur; cum autem animum ab ista pictura imaginibusque virtutum ad rem veritatemque traduxeris, hoc nudum relinquitur, possitne quis beatus esse, quam diu torqueatur.

[14] Quam ob rem hoc nunc quaeramus; virtutes autem noli vereri ne expostulent et querantur se a beata vita esse relictas. Si enim nulla virtus prudentia vacat, prudentia ipsa hoc videt, non omnis bonos esse etiam beatos, multaque de M. Atilio Q. Caepione M. Aquilio recordatur, beatamque vitam, si imaginibus potius uti quam rebus ipsis placet, conantem ire in eculeum retinet ipsa prudentia negatque ei cum dolore et cruciatu quicquam esse commune.

VI. [15] -Facile patior te isto modo agere, etsi iniquum est praescribere mihi te, quem ad modum a me disputari velis. Sed quaero, utrum aliquid actum superioribus diebus an nihil arbitremur.
- Actum vero, et aliquantum quidem.
- Atqui, si ita est, profligata iam haec et paene ad exitum adducta quaestio est.
- Quo tandem modo?
- Quia motus turbulenti iactationesque animorum incitatae et impetu inconsiderato elatae rationem omnem repellentes vitae beatae nullam partem relinquunt. Quis enim potest mortem aut dolorem metuens, quorum alterum saepe adest, alterum semper impendet, esse non miser? Quid, si idem, quod plerumque fit paupertatem ignominiam infamiam timet, si debilitatem caecitatem, si denique, quod non modo singulis homininibus, sed potentibus populis saepe contigit, servitutem? potest ea timens esse quisquam beatus?

[16] Quid, qui non modo ea futura timet, verum etiam fert sustinetque praesentia — adde eodem exilia luctus orbitates: qui rebus his fractus aegritudine eliditur, potest tandem esse non miserrimus? Quid vero? illum, quem libidinibus inflammatum et furentem videmus, omnia rabide adpetentem cum inexplebili cupiditate, quoque affluentius voluptates undique hauriat, eo gravius

ardentiusque sitientem, nonne recte miserrimum dixeris? quid? elatus ille levitate inanique lactitia exultans et temere gestiens nonne tanto miserior quanto sibi videtur beatior? Ergo ut hi miseri, sic contra illi beati, quos nulli metus terrent, nullae aegritudines exedunt, nullae libidines incitant, nullae futtiles laetitiae exultantes languidis liquefaciunt voluptatibus. Ut maris igitur tranquillitas intellegitur nulla ne minima quidem aura fluctus commovente, sic animi quietus et placatus status cernitur, cum perturbatio nulla est, qua moveri queat.

[17] Quodsi est qui vim fortunae, qui omnia humana, quae cuique accidere possunt, tolerabilia ducat, ex quo nec timor eum nec angor attingat, idemque si nihil concupiscat, nulla ecferatur animi inani voluptate, quid est cur is non beatus sit? et si haec virtute efficiuntur, quid est cur virtus ipsa per se non efficiat beatos?

VII. — Atqui alterum dici non potest, quin i, qui nihil metuant, nihil angantur, nihil concupiscant, nulla impotenti laetitia ecferantur, beati sint, itaque id tibi concedo. Alterum autem iam integrum non est; superioribus enim disputationibus effectum est vacare omni animi perturbatione sapientem.

[18] -Nimirum igitur confecta res est; videtur enim ad exitum venisse quaestio.
- Propemodum id quidem.
- Verum tamen mathematicorum iste mos est, non est philosophorum. Nam geometrae cum aliquid docere volunt, si quid ad eam rem pertinet eorum quae ante docuerunt, id sumunt pro concesso et probato, illud modo explicant, de quo ante nihil scriptum est; philosophi quamcumque rem habent in manibus, in eam quae conveniunt, congerunt omnia, etsi alio loco disputata sunt. Quod ni ita esset, cur Stoicus, si esset quaesitum, satisne ad beate vivendum virtus posset, multa diceret? Cui satis esset rispondere se ante docuisse nihil bonum esse nisi quod honestum esset, hoc probato consequens esse beatam vitam virtute esse contentam, et quo modo hoc sit consequens illi, sic illud huic, ut, si beata vita virtute contenta sit, nisi honestum quod sit, nihil aliud sit bonum.

[19] Sed tamen non agunt sic; nam et de honesto et de summo bono

separatim libri sunt, et cum ex eo efficiatur satis magnam in virtute ad beate vivendum esse vim, nihilo minus hoc agunt separatim. Propriis enim et suis argumentis et admonitionibus tractanda quaeque res est, tanta praesertim. Cave enim putes ullam in philosophia vocem emissam clariorem ullumve esse philosophiae promissum uberius aut maius. Nam quid profitetur? o di boni! perfecturam se, qui legibus suis paruisset, ut esset contra fortunam semper armatus, ut omnia praesidia haberet in se bene beateque vivendi, ut esset semper denique beatus.

[20] Sed videro, quid efficiat; tantisper hoc ipsum magni aestumo, quod pollicetur. Nam Xerxes quidem refertus omnibus praemiis donisque fortunae, non equitatu, non pedestribus copiis, non navium moltitudine, non infinito pondere auri contentus praemium proposuit, qui invenisset novam voluptatem — qua ipsa non fuit contentus; neque enim umquam finem inveniet libido -, nos vellem praemio elicere possemus, qui nobis aliquid adtulisset, quo hoc firmius crederemus.

VIII. [21] -Vellem id quidem, sed habeo paulum, quod requiram. Ego enim adsentior eorum quae posuisti alterum alteri consequens esse, ut, quem ad modum, si, quod honestum sit, id solum sit bonum, sequatur vitam beatam virtute confici, sic, si vita beata in virtute sit, nihil esse nisi virtutem bonum. Sed Brutus tuus auctore Aristo et Antiocho non sentit hoc; putat enim, etiamsi sit bonum aliquod praeter virtutem, tamen ad beate vivendum satis posse virtutem.
- Quid igitur? contra Brutumne me dicturum putas?
- Tu vero, ut videtur; nam praefinire non est meum.

[22] -Quid cuique igitur consentaneum sit, alio loco. Nam ista mihi et cum Antiocho saepe et cum Aristo nuper, cum Athenis imperator apud eum deversarer, dissensio fuit. Mihi enim non videbatur quisquam esse beatus posse, cum in malis esset; in malis autem sapientem esse posse, si essent ulla corporis aut fortunae mala. Dicebantur haec, quae scripsit etiam Antiochus locis pluribus, virtutem ipsam per se beatam vitam efficere posse neque tamen beatissimam; deinde ex maiore parte plerasque res nominari, etiamsi quae pars abesset, ut vires, ut valetudinem, ut divitias, ut honorem, ut

gloriam, quae genere, non numero cernerentur; item beatam vitam, etiamsi ex aliqua parte clauderet, tamen ex multo maiore parte optinere nomen suum.

[23] Haec nunc enucleare non ita necesse est, quamquam non constantissime dici mihi videntur. Nam et, qui beatus est, non intellego quid requirat, ut sit beatior — si est enim quod desit, ne beatus quidem est — , et quod ex maiore parte unam quamque rem appellari spectarique dicunt, est ubi id isto modo valeat; cum vero tria genera malorum esse dicant, qui duorum generum malis omnibus urgeatur, ut omnia advorsa sint in fortuna, omnibus oppressum corpus et confectum doloribus, huic paulumne ad beatam vitam deesse dicemus, non modo ad beatissimam?

IX. [24] Hoc illud est, quod Theophrastus sustinere non potuit. Nam cum statuisset verbera, tormenta, cruciatus, patriae eversiones, exilia, orbitates magnam vim habere ad male misereque vivendum, non est ausus elate et ample loqui, cum humiliter demisseque sentiret. Quam bene, non quaeritur, constanter quidem certe. Itaque mihi placere non solet consequentia reprehendere, cum prima concesseris. Hic autem elegantissimus omnium philosophorum et eruditissimus non magnopere reprehenditur, cum tria genera dicit bonorum, vexatur autem ab omnibus primum in eo libro quem scripsit de vita beata, in quo multa disputat, quam ob rem is, qui torqueatur qui crucietur, beatus esse non possit. In eo etiam putatur dicere in rotam — id est genus quoddam tormenti apud Graecos — beatam vitam non escendere. Non usquam id quidem dicit omnino, sed quae dicit, idem valent.

[25] Possum igitur, cui concesserim in malis esse dolores corporis, in malis naufragia fortunae, huic suscensere dicenti non omnis bonos esse beatos, cum in omnis bonos ea, quae ille in malis numerat, cadere possint? Vexatur idem Theophrastus libris et scholis omnium philosophorum, quod in Callisthene suo laudarit illam sententiam:

‘Vitam regit fortuna, non sapientia.’

Negant ab ullo philosopho quicquam dictum esse languidius. Recte id quidem, sed nihil intellego dici potuiisse constantius. Si enim tot sunt in corpore bona, tot extra corpus in casu atque fortuna, nonne consentaneum est plus fortunam, quae domina rerum sit et externarum et ad corpus pertinentium, quam consilium valere?

[26] An malumus Epicurum imitari? qui multa praeclare saepe dicit; quam enim sibi constanter convenienterque dicat, non laborat. Laudat tenuem victum. Philosophi id quidem, sed si Socrates aut Antisthenes diceret, non is qui finem bonorum voluptatem esse dixerit. Negat quemquam iucunde posse vivere, nisi idem honeste sapienter iusteque vivat. Nihil gravius, nihil philosophia dignius, nisi idem hoc ipsum 'honeste sapienter iuste' ad voluptatem referret. Quid melius quam: 'fortunam exiguam intervenire sapienti'? sed hoc isne dicit, qui, cum dolorem non modo maxumum malum, sed solum malum etiam dixerit, toto corpore opprimi possit doloribus acerrumis tum, cum maxime contra fortunam glorietur?

[27] Quod idem melioribus etiam verbis Metrodorus: 'Occupavi te' inquit, 'Fortuna, atque cepi omnisque aditus tuos interclusi, ut ad me adspirare non posses.' Praeclare, si Aristo Chius aut si Stoicus Zenon diceret, qui, nisi quod turpe esset, nihil malum duceret; tu vero, Metrodore, qui omne bonum in visceribus medullisque condideris et definieris summum bonum firma corporis adfectione exploratagque <eius> spe contineri, Fortunae aditus interclusisti? Quo modo? isto enim bono iam exspoliari potes.

X. [28] Atqui his capiuntur imperiti, et propter huius modi sententias istorum hominum est multitudo; acute autem disputantis illud est, non quid quisque dicat, sed quid cuique dicendum sit, videre. Velut in ea ipsa sententia, quam in hac disputatione suscepimus, omnis bonos semper beatos volumus esse. Quos dicam bonos, perspicuum est; omnibus enim virtutibus instructos et ornatos tum sapientis, tum viros bonos dicimus. Videamus, qui dicendi sint beati.

[29] Equidem eos existimo, qui sint in bonis nullo adiuncto malo; neque ulla alia huic verbo, cum beatum dicimus, subiecta notio est nisi secretis malis omnibus cumulata bonorum complexio. Hanc assequi virtus, si quicquam praeter ipsam boni est, non potest. Aderit enim malorum, si mala illa ducimus, turba quaedam: paupertas, ignobilitas, humilitas, solitudo, amissio suorum, graves dolores corporis, perdita valitudo, debilitas, caecitas, interitus patriae, exilium, servitus denique. In his tot et tantis — atque etiam plura possunt accidere — potest esse sapiens; nam haec casus importat, qui, in sapientem potest incurrere. At si ea mala sunt, quis potest

praestare semper sapientem beatum fore, cum vel in omnibus his uno tempore esse possit?

[30] Non igitur facile concedo neque Bruto meo neque communibus magistris nec veteribus illis, Aristoteli Speusippo Xenocrati Polemoni, ut, cum ea quae supra enumeravi in malis numerent, idem dicant semper beatum esse sapientem. Quos si titulus hic delectat insignis et pulcher, Pythagora Socrate Platone dignissimus, inducant animum illa, quorum splendori capiuntur, vires valetudinem pulchritudinem divitias honores opes contemnere eaque, quae is contraria sunt, pro nihilo ducere: tum poterunt clarissima voce profiteri se neque fortunae impetu nec multitudinis opinione nec dolore nec paupertate terreri, omniaque sibi in sese esse posita, nec esse quicquam extra suam potestatem, quod ducant in bonis.

[31] Nunc et haec loqui, quae sunt magni cuiusdam et alti viri, et eadem, quae vulgus, in malis et bonis numerare concedi nullo modo potest. Qua gloria commotus Epicurus exoritur; cui etiam, si displacet, videtur semper sapiens beatus. Hic dignitate huius sententiae capitur, sed numquam id diceret, si ipse se audiret. Quid est enim quod minus conveniat, quam ut is, qui vel summum vel solum malum dolorem esse dicat, idem censeat ‘quam hoc suave est!’ tum, cum dolore crucietur, dicturum esse sapientem? Non igitur ex singulis vocibus philosophi spectandi sunt, sed ex perpetuitate atque constantia.

XI. [32] -Adducis me, ut tibi adsentiar. Sed tua quoque vide ne desideretur constantia.
- Quonam modo?
- Quia legi tuum nuper quartum de finibus; in eo mihi videbare contra Catonem disserens hoc velle ostendere — quod mihi quidem probatur — inter Zenonem et Peripateticos nihil praeter verborum novitatem interesse. Quod si ita est, quid est causae quin, si Zenonis rationi consentaneum sit satis magnam vim in virtute esse ad beate vivendum, liceat idem Peripateticis dicere? Rem enim opinor spectari oportere, non verba.

[33] Tu quidem tabellis obsignatis agis mecum et testificaris, quid dixerim aliquando aut scripserim. Cum aliis isto modo, qui legibus

impositis disputant: nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi. Verum tamen, quoniam de constantia paulo ante diximus, non ego hoc loco id quaerendum puto, verumne sit, quod Zenoni placuerit quodque eius auditori Aristoni, bonum esse solum, quod honestum esset, sed si ita esset, tum <fueritne consentaneum>, ut totum hoc beate vivere in una virtute poneret.

[34] Quare demus hoc sane Bruto, ut sit beatus semper sapiens — quam sibi conveniat, ipse viderit; gloria quidem huius sententiae quis est illo viro dignior? -, nos tamen teneamus, ut sit idem beatissimus.

XII. Et si Zeno Citieus, advena quidam et ignobilis verborum opifex, insinuasse se in antiquam philosophiam videtur, huius sententiae gravitas a Platonis auctoritate repetatur, apud quem saepe haec oratio usurpata est, ut nihil praeter virtutem diceretur bonum.

[35] Velut in Gorgia Socrates, cum esset ex eo quaesitum, Archelaum Perdiccae filium, qui tum fortunatissimus haberetur, nonne beatum putaret, 'Haud scio' inquit; 'numquam enim cum eo conlocutus sum. — Ain tu? an aliter id scire non potes? — Nullo modo. — Tu igitur ne de Persarum quidem rege magno potes dicere, beatusne sit? — An ego possim, cum ignorem, quam sit doctus, quam vir bonus? — Quid? tu in eo sitam vitam beatam putas? — Ita prorsus existimo, bonos beatos, improbos miseros. — Miser ergo Archelaus? — Certe, si iniustus.'

[36] Videturne omnem hic beatam vitam in una virtute ponere? Quid vero? in Epitaphio quo modo idem? 'Nam cui viro' inquit 'ex se ipso apta sunt omnia, quae ad beate vivendum ferunt, nec suspensa aliorum aut bono casu aut contrario pendere ex alterius eventis et errare coguntur, huic optume vivendi ratio comparata est. Hic est ille moderatus, hic fortis, hic sapiens, hic et nascentibus et cadentibus cum reliquis commodis, tum maxime liberis parebit et oboediet praecepto illi veteri; neque enim laetabitur umquam nec maerebit nimis, quod semper in se ipso omnem spem reponet sui.' Ex hoc igitur Platonis quasi quodam sancto augustoque fonte nostra omnis manabit oratio.

XIII. [37] Unde igitur ordiri rectius possumus quam a communi parente natura? quae, quicquid genuit, non modo animal, sed etiam quod ita ortum esset e terra, ut stirpibus suis niteretur, in suo quidque

genere perfectum esse voluit. Itaque et arbores et vites et ea, quae sunt humiliora neque se tollere a terra altius possunt, alia semper virent, alia hieme nudata verno tempore tepefacta frondescunt, neque est ullum quod non ita vigeat interiore quodam motu et suis in quoque seminibus inclusis, ut aut flores aut fruges fundat aut bacas, omniaque in omnibus, quantum in ipsis sit, nulla vi impediente perfecta sint.

[38] Facilius vero etiam in bestiis, quod is sensus a natura est datus, vis ipsius naturae perspici potest. Namque alias bestias nantis aquarum incolas esse voluit, alias volucres caelo frui libero, serpentis quasdam, quasdam esse gradientis, earum ipsarum partim solivagas, partim congregatas, inmanis alias, quasdam autem cicures, non nullas abditas terraque tectas. Atque earum quaeque suum tenens munus, cum in disparis animantis vitam transire non possit, manet in lege naturae. Et ut bestiis aliud alii praecipui a natura datum est, quod suum quaeque retinet nec discedit ab eo, sic homini multo quiddam praestantius; etsi praestantia debent ea dici, quae habent aliquam comparationem, humanus autem animus decerptus ex mente divina cum alio nullo nisi cum ipso deo, si hoc fas est dictu, comparari potest.

[39] Hic igitur si est excultus et si eius acies ita curata est, ut ne caecaretur erroribus, fit perfecta mens, id est absoluta ratio, quod est idem virtus. Et si omne beatum est, cui nihil deest, et quod in suo genere expletum atque cumulatum est, idque virtutis est proprium, certe omnes virtutis compotes beati sunt. Et hoc quidem mihi cum Bruto convenit, id est cum Aristotele Xenocrate Speusippo Polemone.

[40] Sed mihi videntur etiam beatissimi. Quid enim deest ad beate vivendum ei, qui confidit suis bonis? aut, qui diffidit, beatus esse qui potest? At diffidat necesse est, qui bona dividit tripertito.

XIV. Qui enim poterit aut corporis firmitate aut fortunae stabilitate confidere? Atqui nisi stabili et fixo et permanente bono beatus esse nemo potest. Quid ergo eius modi istorum est? ut mihi Laconis illud dictum in hos cadere videatur, qui glorianti cuidam mercatori, quod multas navis in omnem oram maritimam dimisisset, ‘Non sane optabilis quidem ista’ inquit ‘rudentibus apta fortuna.’ An dubium est quin nihil sit habendum in eo genere, quo vita beata

compleatur, si id possit amitti? Nihil enim interarescere, nihil extingui, nihil cadere debet eorum, in quibus vita beata consistit. Nam qui timebit ne quid ex is deperdat, beatus esse non poterit.

[41] Volumus enim eum, qui beatus sit, tutum esse, inexpugnabilem, saeptum atque munitum, non ut parvo metu praeditus sit, sed ut nullo. Ut enim innocens is dicitur, non qui leviter nocet, sed qui nihil nocet, sic sine metu is habendus est, non qui parva metuit, sed qui omnino metu vacat. Quae est enim alia fortitudo nisi animi adfectio cum in adeundo periculo et in labore ac dolore patiens, tum procul ab omni metu? Atque haec certe non ita se haberent, nisi omne bonum in una honestate consisteret.

[42] Qui autem illam maxume optatam et expetitam securitatem — securitatem autem nunc appello vacuitatem aegritudinis, in qua vita beata posita est — habere quisquam potest, cui aut adsit aut adesse possit multitudo malorum? Qui autem poterit esse celsus et erectus et ea, quae homini accidere possunt, omnia parva ducens, qualem sapientem esse volumus, nisi omnia sibi in se posita censebit? An Lacedaemonii Philippo minitante per litteras se omnia quae conarentur prohibiturum quaesiverunt, num se esset etiam mori prohibiturus: vir is, quem quaerimus, non multo facilius tali animo reperietur quam civitas universa? Quid? ad hanc fortitudinem, de qua loquimur, temperantia adiuncta, quae sit moderatrix omnium commotionum, quid potest ad beate vivendum deesse ei, quem fortitudo ab aegritudine et a metu vindicet, temperantia cum a libidine avocet, tum insolenti alacritate gestire non sinat? Haec efficere virtutem ostenderem, nisi superioribus diebus essent esplicata.

XV. [43] Atque.cum perturbationes animi miseriam, sedationes autem vitam efficiant beatam, duplexque ratio perturbationis sit, quod aegritudo et metus in malis opinatis, in bonorum autem errore laetitia gestiens libidoque versetur, quae omnia cum consilio et ratione pugnant, his tu tam gravibus concitationibus tamque ipsis inter se dissentientibus atque distractis quem vacuum solutum liberum videris, hunc dubitabis beatum dicere? Atqui sapiens semper ita adfectus est; semper igitur sapiens beatus est. Atque etiam omne bonum laetabile est; quod autem laetabile, id praedicandum et prae se ferendum; quod tale autem, id etiam gloriosum; si vero gloriosum,

certe laudabile; quod laudabile autem, profecto etiam honestum; quod bonum igitur, id honestum.

[44] At quae isti bona numerant, ne ipsi quidem honesta dicunt; solum igitur bonum, quod honestum; ex quo efficitur honestate una vitam contineri beatam. Non sunt igitur ea bona dicenda nec habenda, quibus abundantem licet esse miserrimum.

[45] An dubitas quin praestans valetudine, viribus, forma, acerrumis integerrumisque sensibus, adde etiam, si lubet, pernicitatem et velocitatem, da divitias, honores, imperia, opes, gloriam — si fuerit is, qui haec habet, iniustus, intemperans, timidus, hebeti ingenio atque nullo dubitabisne eum miserum dicere? Qualia igitur ista bona sunt, quae qui habeat miserrimus esse possit? Videamus ne, ut acervus ex sui generis granis, sic beata vita ex sui similibus partibus effici debeat. Quod si ita est, ex bonis, quae sola honesta sunt, efficiendum est beatum; ea mixta ex dissimilibus si erunt, honestum ex is effici nihil poterit; quo detracto quid poterit beatum intellegi? Etenim, quicquid est, quod bonum sit, id expetendum est; quod autem expetendum, id certe adprobandum; quod vero adprobaris, id gratum acceptumque habendum; ergo etiam dignitas ei tribuenda est. Quod si ita est, laudabile sit necesse est; bonum igitur omne laudabile, ex quo efficitur, ut, quod sit honestum, id sit solum bonum.

[46] Quod ni ita tenebimus, multa erunt, quae nobis bona dicenda sint; omitto divitias — quas cum quivis quamvis indignus habere possit, in bonis non numero; quod enim est bonum, id non quivis habere potest -, omitto nobilitatem famamque popularem stultorum in roborumque consensu excitatam: haec, quae sunt minima, tamen bona dicantur necesse est, candiduli dentes, venusti oculi, color suavis et ea quae Anticlea laudat Ulixi pedes abluens:

‘Lenitudo orationis, mollitudo corporis.’

Ea si bona ducemus, quid erit in philosophi gravitate quam in volgi opinione stultorumque turba quod dicatur aut gravius aut grandius?

[47] At enim eadem Stoici praecipua ‘vel ‘producta’ dicunt, quae ‘bona’ isti. Dicunt illi quidem, sed is vitam beatam completi negant; hi autem sine is esse nullam putant aut, si sit beata, beatissimam certe negant. Nos autem volumus beatissimam, idque nobis Socratica illa

conclusione confirmatur. Sic enim princeps ille philosophiae disserebat: qualis cuiusque animi adfectus esset, talem esse hominem; qualis autem homo ipse esset, talem eius esse orationem; orationi autem facta similia, factis vitam. Adfectus autem animi in bono viro laudabilis; et vita igitur laudabilis boni viri; et honesta ergo, quoniam laudabilis. Ex quibus bonorum beatam vitam esse concluditur.

[48] Etenim, pro deorum atque hominum fidem! parumne cognitum est superioribus nostris disputationibus, an delectationis et oti consumendi causa locuti sumus, sapientem ab omni concitatione animi, quam perturbationem voco, semper vacare, semper in animo eius esse placidissimarn pacem? Vir igitur temperatus, constans, sine metu, sine aegritudine, sine alacritate, ulla, sine libidine nonne beatus? At semper sapiens talis; semper igitur beatus. Iam vero qui potest vir bonus non ad id, quod laudabile sit, omnia referre, quae agit quaeque sentit? refert autem omnia ad beate vivendum; beata igitur vita laudabilis; nec quicquam sine virtute laudabile: beata igitur vita virtute conficitur.

XVII. [49] Atque hoc sic etiam concluditur: nec in misera vita quicquam est praedicabile aut gloriandum nec in ea, quae nec misera sit nec beata. Et est in aliqua vita praedicabile aliquid et gloriandum ac prae se ferendum, ut Epaminondas:

‘Consiliis nostris laus est attonsa Laconum,’

ut Africanus:

‘A sole exoriente supra Maeotis paludes
Nemo est qui factis aequiperare queat.’

[50] Quod si <est>, beata, vita glorianda et praedicanda et prae se ferenda est; nihil est enim aliud quod praedicandum et prae se ferendum sit. Quibus positis intellegis quid sequatur; et quidem, nisi ea vita beata est, quae est eadem honesta, sit aliud necesse est melius vita beata; quod erit enim honestum, certe fatebuntur esse melius; ita erit beata vita melius aliquid; quo quid potest dici perversius? Quid? cum fatentur satis magnam vim esse in vitiis ad miseram vitam, nonne fatendum est eandem vim <in> virtute esse ad beatam vitam? contrariorum enim contraria sunt consequentia.

[51] Quo loco quaero, quam vim habeat libra illa Critolai, qui cum in alteram lancem animi bona imponat, in alteram corporis et externa, tantum propendere illam [boni] lancem putet, ut terram et maria deprimat.

XVIII. Quid ergo aut hunc prohibet aut etiam Xenocratem illum gravissumum philosophorum, exaggerantem tantopere virtutem, extenuantem cetera et abicientem, in virtute non beatam modo vitam, sed etiam beatissimam ponere?

[52] Quod quidem nisi fit, virtutum interitus consequetur. Nam in quem cadit aegritudo, in eundem metum cadere necesse est (est enim metus futurae aegritudinis sollicita exspectatio); in quem autem metus, in eundem formido timiditas pavor ignavia; ergo, ut idem vincatur interdum nec putet ad se praeceptum illud Atrei pertinere:

'Proinde ita parent se in vita, ut vinci nesciant.'

Hic autem vincetur, ut dixi, nec modo vincetur, sed etiam serviet; at nos [autem] virtutem semper liberam volumus, semper invictam; quae nisi sunt, sublata virtus est.

[53] Atque si in virtute satis est praesidi ad bene vivendum, satis est etiam ad beate; satis est enim certe in virtute, ut fortiter vivamus; si fortiter, etiam ut magno animo, et quidem ut nulla re umquam terreamur semperque simus invicti. Sequitur, ut nihil paeniteat, nihil desit, nihil obstet; ergo omnia profluenter absolute prospere, igitur beate. Satis autem virtus ad fortiter vivendum potest; satis ergo etiam ad beate.

[54] Etenim ut stultitia, etsi adepta est quod concupivit, numquam se tamen satis consecutam putat, sic sapientia semper eo contenta est quod adest, neque eam umquam sui paenitet.

XIX. Similemne putas C. Laeli unum consulatum fuisse, et cum quidem cum repulsa (si, cum sapiens et bonus vir, qualis ille fuit, suffragiis praeteritur, non populus [a bono consule] potius quam ille [a bono populo] repulsam fert) — sed tamen utrum malles te, si potestas esset, semel ut Laelium consulem an ut Cinnam quater?

[55] Non dubito, tu quid responsurus sis; itaque video, cui committam. Non quemvis hoc idem interrogarem; responderet enim alius fortasse se non modo quattuor consulatus uni anteponere, sed unum diem Cinnae multorum et clarorum virorum totis aetatibus. Laelius si digito quem attigisset, poenas dedisset; at Cinna collegae

sui consulis Cn. Octavi praecidi caput iussit, P. Crassi L. Caesaris, nobilissimorum hominum, quorum virtus fuerat domi militiaeque cognita, M. Antoni, omnium eloquentissimi quos ego audierim, C. Caesaris, in quo mihi videtur specimen fuisse humanitatis salis suavitatis leporis. Beatusne igitur, qui hos interfecit? Mihi contra non solum eo videtur miser, quod ea fecit, sed etiam quod ita se gessit, ut ea facere ei liceret (etsi peccare nemini licet; sed sermonis errore labimur; id enim licere dicimus, quod cuique concediltur).

[56] Utrum tandem beatior C. Marius tum, cum Cimbricae victoriae gloriam cum collega Catulo communicavit, paene altero Laelio — nam hunc illi duco simillimum -, an cum civili bello victor iratus necessariis Catuli deprecantibus non semel respondit, sed saepe: 'moriatur'? In quo beatior ille, qui huic nefariae voci paruit, quam is, qui tam scelerate imperavit. Nam cum accipere quam facere praestat iniuriam, tum morti iam ipsi adventanti paulum procedere ob viam, quod fecit Catulus, quam quod Marius, talis viri interitu sex suos obruere consulatus et contaminare extremum tempus aetatis.

XX. [57] Duodequadraginta annos tyrannus Syracusanorum fuit Dionysius, cum quinque et viginti natus annos dominatum occupavisset. Qua pulchritudine urbem, quibus autem opibus praeditam servitute oppressam tenuit civitatem! Atqui de hoc homine a bonis auctoribus sic scriptum accepimus, summam fuisse eius in victu temperantiam in rebusque gerundis virum acrem et industrium, eundem tamen maleficum natura et iniustum; ex quo omnibus bene veritatem intuentibus videri necesse est miserrimum. Ea enim ipsa, quae concupierat, ne tum quidem, cum omnia se posse censebat, consequebatur.

[58] Qui cum esset bonis parentibus atque honesto loco natus — etsi id quidem alius alio modo tradidit — abundaretque et aequalium familiaritatibus et consuetudine propinquorum, haberet etiam more Graeciae quosdam adulescentis amore coniunctos, credebat eorum nemini, sed is quos ex familiis locupletium servos delegerat, quibus nomen servitutis ipse detraxerat, et quibusdam convenis et feris barbaris corporis custodiam committebat. Ita propter iniustam dominatus cupiditatem in carcerem quodam modo ipse se incluserat. Quin etiam ne tonsori collum committeret, tondere filias suas docuit. Ita sordido ancillarique artificio regiae virgines ut tonstriculae

tondebant barbam et capillum patris. Et tamen ab is ipsis, cum iam essent adultae, ferrum removit instituitque, ut candentibus iuglandium putaminibus barbam sibi et capillum adurerent.

[59] Cumque duas uxores haberet, Aristomachen civem suam, Doridem autem Locrensem, sic noctu ad eas ventitabat, ut omnia specularetur et perscrutaretur ante. Et cum fossam latam cubiculari lecto circumdedisset eiusque fossae transitum ponticulo ligneo coniunxisset, eum ipsum, cum forem cubiculi clauserat, detorquebat. Idemque cum in communibus suggestis consistere non auderet, contionari ex turri alta solebat.

[60] Atque is cum pila ludere vellet — studiose enim id factitabat — tunicamque poneret, adulescentulo, quem amabat, tradidisse gladium dicitur. Hic cum quidam familiaris iocans dixisset: 'huic quidem certe vitam tuam committis' adrisissetque adulescens, utrumque iussit interfici, alterum, quia viam demonstravisset interimendi sui, alterum, quia dictum id risu adprobavisset. Atque eo facto sic doluit, nihil ut tulerit gravius in vita; quem enim vehementer amarat, occiderat. Sic distrahuntur in contrarias partis impotentium cupiditates. Cum huic obsecutus sis illi est repugnandum.

XXI. [61] Quamquam hic quidem tyrannus ipse iudicavit, quam esset beatus. Nam cum quidam ex eius adsentatoribus, Damocles, commemoraret in sermone copias eius, opes, maiestatem dominatus, rerum abundantiam, magnificentiam aedium regiarum negaretque umquam beatiorem quemquam fuisse, 'Visne igitur' inquit, 'o Damocle, quoniam te haec vita delectat, ipse eam degustare et fortunam experiri meam?' Cum se ille cupere dixisset, conlocari iussit hominem in aureo lecto strato pulcherrimo textili stragulo, magnificis operibus picto, abacosque compluris ornavit argento auroque caelato. Tum ad mensam eximia forma pueros delectos iussit consistere eosque nutum illius intuentis diligenter ministrare.

[62] Aderant unguenta coronae, incendebantur odores, mensae conquisitissimis epulis extruebantur. Fortunatus sibi Damocles videbatur. In hoc medio apparatu fulgentem gladium e lacunari saeta equina aptum demitti iussit, ut impenderet illius beati cervicibus. Itaque nec pulchros illos ministratores aspiciebat nec plenum artis argentum nec manum porrigebat in mensam; iam ipsae defluebant coronae; denique exoravit tyrannum, ut abire liceret, quod iam beatus

nollet esse. Satisne videtur declarasse Dionysius nihil esse ei beatum, cui semper aliqui terror impendeat? Atque ei ne integrum quidem erat, ut ad iustitiam remigraret, civibus libertatem et iura redderet; is enim se adulescens inprovida aetate inretierat erratis eaque commiserat, ut salvus esse non posset, si sanus esse coepisset.

[63] Quantopere vero amicitias desideraret, quarum infidelitatem extimescebat, declaravit in Pythagoriis duobus illis, quorum cum alterum vadem mortis accepisset, alter, ut vadem suum liberaret, praesto fuisset ad horam mortis destinatam, 'Utinam ego' inquit 'tertius vobis amicus adscriberer!' Quam huic erat miserum carere consuetudine amicorum, societate victus, sermone omnino familiari, homini praesertim docto a puero et artibus ingenuis erudito, musicorum vero perstudioso; poÎtam etiam tragicum — quam bonum, nihil ad rem; in hoc enim genere nescio quo pacto magis quam in aliis suum cuique pulchrum est; adhuc neminem cognovi poÎtam (et mihi fuit cum Aquinio amicitia), qui sibi non optumus videretur; sic se res habet: te tua, me delectant mea — sed ut ad Dionysium redeamus: omni cultu et victu humano carebat; vivebat cum fugitivis, cum facinerosis, cum barbaris; neminem, qui aut libertate dignus esset aut vellet omnino liber esse, sibi amicum arbitrabatur.

XXIII. [64] Non ego iam cum huius vita, qua taetrius, miserius, detestabilius excogitare nihil possum, Platonis aut Archytae vitam comparabo, doctorum hominum et plane sapientium: ex eadem urbe humilem homunculum a pulvere et radio excitabo, qui multis annis post fuit, Archimedem. Cuius ego quaestor ignoratum ab Syracusanis, cum esse omnino negarent, saeptum undique et vestitum vepribus et dumetis indagavi sepulcrum. Tenebam enim quosdam senariolos, quos in eius monumento esse inscriptos acceperam, qui declarabant in summo sepulcro sphaeram esse positam cum cylindro.

[65] Ego autem cum omnia conlustrarem oculis — est enim ad portas Agragantinas magna frequentia sepulcrorum -, animum adverti columellam non multum e dumis eminentem, in qua inerat sphaerae figura et cylindri. Atque ego statim Syracusanis — erant autem principes mecum — dixi me illud ipsum arbitrari esse, quod quaererem. lnmissi cum falcibus multi purgarunt et aperuerunt

locum.

[66] Quo cum patefactus esset aditus, ad adversam basim accessimus. Apparebat epigramma exesis posterioribus partibus versiculorum dimidiatum fere. Ita nobilissima Graeciae civitas, quondam vero etiam doctissima, sui civis unius acutissimi monumentum ignorasset, nisi ab homine Arpinate didicisset. Sed redeat, unde aberravit oratio: quis est omnium, qui modo cum Musis, id est cum humanitate et cum doctrina, habeat aliquod commercium, qui se non hunc mathematicum malit quam illum tyrannum? Si vitae modum actionemque quaerimus, alterius mens rationibus agitandis exquirendisque alebatur cum oblectatione sollertiae, qui est unus suavissimus pastus animorum, alterius in caede et iniuriis cum et diurno et nocturno metu. Age confer Democritum Pythagoram, Anaxagoram: quae regna, quas opes studiis eorum et delectationibus antepones?

[67] Etenim, quae pars optuma est in homine, in ea situm esse necesse est illud, quod quaeris, optumum. Quid est autem in homine sagaci ac bona mente melius? Eius bono fruendum est igitur, si beati esse volumus; bonum autem mentis est virtus; ergo hac beatam vitam contineri necesse est. Hinc omnia quae pulchra honesta praeclara sunt, ut supra dixi, sed dicendum idem illud paulo uberius videtur, plena gaudiorum sunt. Ex perpetuis autem plenisque gaudiis cum perspicuum sit vitam beatam existere, sequitur ut ea existat ex honestate.

XXIV. [68] Sed ne verbis solum attingamus ea quae volumus ostendere, proponenda quaedam quasi moventia sunt, quae nos magis ad cognitionem intellegentiamque convertant. Sumatur enim nobis quidam praestans vir optumis artibus, isque animo parumper et cogitatione fingatur. Primum ingenio eximio sit necesse est; tardis enim mentibus virtus non facile comitatur; deinde ad investigandam veritatem studio incitato. Ex quo triplex ille animi fructus existet, unus in cognitione rerum positus et in explicatione naturae, alter in discriptione expetendarum fugiendarumque rerum <et in ratione be>ne vivendi, tertius in iudicando, quid cuique rei sit consequens quid repugnans, in quo inest omnis cum subtilitas disserendi, tum veritas iudicandi.

[69] Quo tandem igitur gaudio adfici necesse est sapientis animum

cum his habitantem pernoctantemque curis! ut, cum totius mundi motus conversionesque perspexerit sideraque viderit innumerabilia caelo inhaerentia cum eius ipsius motu congruere certis infixa sedibus, septem alia suos quaeque tenere cursus multum inter se aut altitudine aut humilitate distantia quorum vagi motus rata tamen et certa sui cursus spatia definiant — horum nimirum aspectus impulit illos veteres et admonuit, ut plura quaererent; inde est indagatio nata initiorum et tamquam seminum, unde essent omnia orta generata concreta, quaeque cuiusque generis vel inanimi vel animantis vel muti vel loquentis origo, quae vita, qui interitus quaeque ex alio in aliud vicissitudo atque mutatio, unde terra et quibus librata ponderibus, quibus cavernis maria sustineantur, qua omnia delata gravitate medium mundi locum semper expetant, qui est idem infimus in rutundo.

XXV . [70] Haec tractanti animo et noctes et dies cogitanti existit illa <a>deo Delphis praecepta cognitio, ut ipsa se mens agnoscat coniunctamque cum divina mente se sentiat, ex quo insatiabili gaudio compleatur. Ipsa enirn cogitatio de vi et natura deorum studium incendit illius aeternitatem imitandi, neque se in brevitate vitae conlocatam putat, cum rerum causas alias ex aliis aptas et necessitate nexas videt, quibus ab aeterno tempore fluentibus in aeternum ratio tamen mensque, moderatur.

[71] Haec ille intuens atque suspiciens vel potius omnis partis orasque circumspiciens quanta rursus animi tranquillitate humana et citeriora considerat! Hinc illa cognitio virtutis existit, efflorescunt genera partesque virtutum, invenitur, quid sit quod natura spectet extremum in bonis, quid in malis ultumum, quo referenda sint officia, quae degendae aetatis ratio deligenda. Quibus et talibus rebus exquisitis hoc vel maxime efficitur, quod hac disputatione agimus, ut virtus ad beate vivendum sit se ipsa contenta.

[72] Sequitur tertia, quae per omnis partis sapientiae manat et funditur, quae rem definit, genera dispertit, sequentia adiungit, perfecta concludit, vera et falsa diiudicat, disserendi ratio et scientia. Ex qua cum summa utilitas existit ad res ponderandas, tum maxume ingenua delectatio et digna sapientia. Sed haec otii. Transeat idem iste sapiens ad rem publicam tuendam. Quid eo possit esse praestantius, cum [contineri] prudentia utilitatem civium cernat, iustitia nihil in suam domum inde derivet, reliquis utatur tot tam variisque virtutibus? Adiunge fructum amicitiarum, in quo doctis positum est cum consilium omnis vitae consentiens et paene conspirans, tum summa iucunditas e cotidiano cultu atque victu. Quid haec tandem vita desiderat, quo sit beatior? cui refertae tot tantisque gaudiis Fortuna ipsa cedat necesse est. Quodsi gaudere talibus bonis animi, id est virtutibus, beatum est omnesque sapientes is gaudiis perfruuntur, omnis eos beatos esse confiteri necesse est.

XXVI. [73] -Etiamne in cruciatu atque tormentis?
- An tu me in viola putabas aut in rosa dicere? An Epicuro, qui tantum modo induit personam philosophi et sibi ipse hoc nomen inscripsit, dicere licebit, quod quidem, ut habet se res, me tamen plaudente dicit, nullum sapienti esse tempus, etiamsi uratur torqueatur secetur, quin possit esclamare: ‘Quam pro nihilo puto!’, cum praesertim omne malum dolore definiat bonum voluptate, haec nostra honesta turpia inrideat dicatque nos in vocibus occupatos inanis sonos fundere, neque quicquam ad nos pertinere nisi quod aut leve aut asperum in corpore sentiatur: huic ergo, ut dixi, non multum differenti a iudicio ferarum oblivisci licebit sui et tum fortunam contemnere, cum sit omne et bonum eius et malum in potestate fortunae, tum dicere se beatum in summo cruciatu atque tormentis, cum constituerit non modo summum malum esse dolorem, sed etiam solum?

[74] Nec vero illa sibi remedia comparavit ad tolerandum dolorem, firmitatem animi, turpitudinis verecundiam, exercitationem consuetudinemque patiendi, [praecepta fortitudinis], duritiam virilem, sed una se dicit recordatione adquiescere praeteritarum

voluptatium, ut si quis aestuans, cum vim caloris non facile patiatur, recordari velit sese aliquando in Arpinati nostro gelidis fluminibus circumfusum fuisse — non enim video, quo modo sedare possint mala praesentia praeteritae voluptates -; [75] sed cum is dicat semper beatum esse sapientem, cui dicere hoc, si sibi constare vellet, non liceret, quidnam faciendum est is qui nihil expetendum, nihil in bonis ducendum, quod honestate careat, existumant? Me quidem auctore etiam Peripatetici veteresque Academici balbuttire aliquando desinant aperteque et clara voce audeant dicere beatam vitam in Phalaridis taurum descensuram.

XXVII. [76] Sint enim tria genera bonorum, ut iam a laqueis Stoicorum, quibus usum me pluribus quam soleo intellego, recedamus, sint sane illa genera bonorum, dum corporis <et> externa iaceant humi et tantum modo, quia sumenda sint, appellentur bona, animi autem illa divina longe lateque se pandant caelumque contingant; ut, ea qui adeptus sit, cur eum beatum modo et non beatissimum etiam dixerim? Dolorem vero sapiens extimescet? is enim huic maxime sententiae repugnat. Nam contra mortem nostram atque nostrorum contraque aegritudinem et reliquas animi perturbationes satis esse videmur superiorum dierum disputationibus armati et parati; dolor esse videtur acerrumus virtutis adversarius; is ardentis faces intentat, is fortitudinem, magnitudinem animi, patientiam se debilitaturum minatur.

[77] Huic igitur succumbet virtus, huic beata sapientis et constantis viri vita cedet? Quam turpe, o di boni! Pueri Spartiatae non ingemescunt verberum dolore laniati. Adulescentium greges Lacedaemone vidimus ipsi incredibili contentione certantis pugnis calcibus unguibus morsu denique, cum examinarentur prius quam victos se faterentur. Quae barbaria India vastior aut agrestior? in ea tamen gente primum ei, qui sapientes habentur, nudi aetatem agunt et Caucasi nives hiemalemque vim perferunt sine dolore, cumque ad flammam se adplicaverunt, sine gemitu aduruntur.

[78] Mulieres vero in India, cum est cuius earum vir mortuus, in certamen iudiciumque veniunt, quam plurumum ille dilexerit — plures enim singulis solent esse nuptae -; quae est victrix, ea laeta prosequentibus suis una cum viro in rogum imponitur, illa victa maesta discedit. Numquam naturam mos vinceret; est enim ea

semper invicta; sed nos umbris deliciis otio languore desidia animum infecimus, opinionibus maloque more delenitum mollivimus. Aegyptiorum morem quis ignorat? quorum inbutae mentes pravitatis erroribus quamvis carnificinam prius subierint quam ibim aut aspidem aut faelem aut canem aut corcodillum violenti quorum etiamsi inprudentes quippiam fecerint, poenam nullam recusent.

[79] De hominibus loquor; quid? bestiae non frigus, non famem, non montivagos atque silvestris cursus lustrationesque patiuntur? non pro suo partu ita propugnant, ut vulnera excipiant, nullos impetus nullos ictus reformident? Omitto, quae perferant quaeque patiantur ambitiosi honoris causa, laudis studiosi gloriae gratia, amore incensi cupiditatis. Plena vita exemplorum est.

XXVIII. [80] Sed adhibeat oratio modum et redeat illuc, unde deflexit. Dabit, inquam, se in tormenta vita beata nec iustitiam temperantiam in primisque fortitudinem, magnitudinem animi, patientiam prosecuta, cum tortoris os viderit, consistet virtutibusque omnibus sine ullo animi terrore ad cruciatum profectis resistet extra fores, ut ante dixi, limenque carceris. Quid enim ea foedius, quid deformius sola relicta, <a> comitatu pulcherrimo segregata? quod tamen fieri nullo pacto potest; nec enim virtutes sine beata vita cohaerere possunt nec illa sine virtutibus.

[81] Itaque eam tergiversari non sinent secumque rapient, ad quemcumque ipsae dolorem cruciatumque ducentur. Sapientis est enim proprium nihil quod paenitere possit facere, nihil invitum, splendide constanter graviter honeste omnia, nihil ita exspectare quasi certo futurum, nihil, cum acciderit, admirari, ut inopinatum ac novum accidisse videatur, omnia ad suum arbitrium referre, suis stare iudiciis. Quo quid sit beatius, mihi certe in mentem venire non potest.

[82] Stoicorum quidem facilis conclusio est; qui cum finem bonorum esse senserint congruere naturae cumque ea convenienter vivere, cum id sit in sapientis situm non officio solum, verum etiam potestate, sequatur necesse est, ut, cuius in potestate summum bonum, in eiusdem vita beata sit. Ita fit semper vita beata sapientis.
Habes, quae fortissime de beata vita dici putem et, quo modo nunc est, nisi quid tu melius attuleris, etiam verissime.

XXIX. Melius equidem adferre nihil possum, sed a te impetrarim lubenter, ut, nisi molestum sit, quoniam te nulla vincula impediunt ullius certae disciplinae libasque ex omnibus, quodcumque te maxime specie veritatis movet, — quod paulo ante Peripateticos veteremque Academiam hortari videbare, ut sine retractatione libere dicere auderent sapientis esse semper beatissimos, id velim audire, quem ad modum his putes consentaneum esse id dicere. Multa enim a te contra istam sententiam dicta sunt et Stoicorum ratione conclusa.

[83] Utamur igitur libertate, qua nobis solis in philosophia licet uti, quorum oratio nihil ipsa iudicat, sed habetur in omnis partis, ut ab aliis possit ipsa per sese nullius auctoritate adiuncta iudicari. Et quoniam videris hoc velle, ut, quaecumque dissentientium philosophorum sententia sit de finibus, tamen virtus satis habeat ad vitam beatam praesidi, — quod quidem Carneadem disputare solitum accepimus, sed is ut contra Stoicos, quos studiosissime semper refellebat et contra quorum disciplinam ingenium eius exarserat: nos illud quidem cum pace agemus — si enim Stoici finis bonorum recte posiverunt, confecta res est: necesse est semper beatum esse sapientem — , [84] sed quaeramus unam quamque reliquorum sententiam, si fieri potest, ut hoc praeclarum quasi decretum beatae vitae possit omnium sententiis et disciplinis convenire.

XXX. Sunt autem haec de finibus, ut opinor, retentae defensaeque sententiae: primum simplices quattuor, nihil bonum nisi honestum, ut Stoici, nihil bonum nisi voluptatem, ut Epicurus, nihil bonum nisi vacuitatem <doloris>, ut Hieronymus, nihil bonum nisi naturae primis bonis aut omnibus aut maxumis frui, ut Carneades contra Stoicos disserebat.

[85] Haec igitur simplicia, illa mixta: tria genera bonorum, maxuma animi, secunda corporis, externa tertia, ut Peripatetici nec multo veteres Academici secus; voluptatem cum honestate Dinomachus et Callipho copulavit, indolentiam autem honestati Peripateticus Diodorus adiunxit. Haec sunt sententiae, stabilitatis aliquid habeant; nam Aristonis Pyrrhonis Erilli non nullorumque aliorum evanuerunt. Hi quid possint optinere, videamus omissis Stoicis, quorum satis videor defendisse sententiam. Et Peripateticorum quidem explicata causa est praeter Theophrastum et si qui illum secuti imbecillius horrent dolorem et reformidant; reliquis quidem licet facere id quod

fere faciunt, ut gravitatem dignitatemque virtutis exaggerent. Quam cum ad caelum extulerunt, quod facere eloquentes homines copiose solent, reliqua ex conlatione facile est conterere atque contemnere. Nec enim licet is, qui laudem cum dolore petendam esse dicant, negare eos esse beatos, qui illam adepti sunt. Quamquam enim sint in quibusdam malis, tamen hoc nomen beati longe et late patet.

XXXI. [86] Nam ut quaestuosa mercatura, fructuosa aratio dicitura non si altera semper omni damno, altera omni tempestatis calamitate semper vacat, sed si multo maiore ex parte exstat in utraque felicitas, sic vita non solum si undique referta bonis est, sed si multo maiore et graviore ex parte bona propendent, beata recte dici potest.

[87] Sequetur igitur horum ratione vel ad supplicium beata vita virtutem cumque ea descendet in taurum Aristotele Xenocrate Speusippo Polemone auctoribus nec eam minis aut blandimentis corrupta deseret. Eadem Calliphontis erit Diodorique sententia, quorum uterque honestatem sic complectitur, ut omnia quae sine ea sint, longe [et] retro ponenda censeat. Reliqui habere se videntur angustius, enatant tamen, Epicurus Hieronymus et si qui sunt qui desertum illum Carneadeum <finem> curent defendere; nemo est enim eorum quin bonorum animum putet esse iudicem eumque condocefaciat, ut ea, quae bona malave videantur, possit contemnere.

[88] Nam quae tibi Epicuri videtur, eadem erit Hieronymi et Carneadis causa et hercule omnium reliquorum. Quis enim parum est contra mortem aut dolorem paratus? Ordiamur ab eo, si placet, quem mollem, quem voluptarium dicimus. Quid? is tibi mortemne videtur aut dolorem timere, qui eum diem, quo moritur, beatum appellat maxumisque doloribus adfectus eos ipsos inventorum suorum memoria et recordatione confutat? Nec haec sic agit, ut ex tempore quasi effuttire videatur. De morte enim ita sentit, ut dissoluto animante sensum extinctum putet, quod autem sensu careat, nihil ad nos id iudicet pertinere. Item <in> dolore certa habet quae sequatur, cuius magnitudinem brevitate consolatur, longinquitatem levitate.

[89] Qui tandem isti grandiloqui contra haec duo, quae maxime angunt, melius se habent quam Epicurus?
An ad cetera, quae mala putantur, non et Epicurus et reliqui philosophi satis parati videntur? Quis non paupertatem extimescit?

neque tamen quisquam philosophorum.

XXXII. Hic vero ipse quam parvo est contentus! nemo de tenui victu plura dixit. Etenirn, quae res pecuniae cupiditatem adferunt, ut amori, ut ambitioni, ut cotidianis sumptibus copiae suppetant, cum procul ab his omnibus rebus absit, cur pecuniam magnopere desideret vel potius cur curet omnino?

[90] An Scythes Anacharsis potuit pro nihilo pecuniam ducere, nostrates philosophi facere non poterunt? Illius epistula fertur his verbis: 'Anacharsis Hannoni salutem. Mihi amictui est Scythicum tegimen, calciamentum solorum callum, cubile terra, pulpamentum fames, lacte caseo carne vescor. Quare ut ad quietum me licet venias. Munera autem ista, quibus es delectatus, vel civibus tuis vel diis inmortalibus dona.' Omnes fere philosophi omnium disciplinarum, nisi quos a recta ratione natura vitiosa detorsisset, eodem hoc animo esse potuerunt.

[91] Socrates, in pompa cum magna vis auri argentique ferretur, 'Quam multa non desidero!' inquit. Xenocrates, cum legati ab Alexandro quinquaginta ei talenta attulissent, quac erat pecunia temporibus illis, Athenis praesertim, maxuma, abduxit legatos ad cenam in Academiam; is apposuit tantum, quod satis esset, nullo apparatu. Cum postridie rogarent cum, cui numerari iuberet, 'Quid? vos hesterna' inquit 'cenula non intellexistis me pecunia non egere?', Quos cum tristioris vidisset, triginta minas accepit, ne aspernari regis liberalitatem videretur.

[92] At vero Diogenes liberius, ut Cynicus, Alexandro roganti, ut diceret, si quid opus esset, 'Nunc quidem paululum' inquit 'a sole.' Offecerat videlicet apricanti. Et hic quidem disputare solebat, quanto regem Persarum vita fortunaque superaret; sibi nihil deesse, illi nihil satis umquam fore; se eius voluptates non desiderare, quibus numquam satiari ille posset, suas eum consequi nullo modo posse.

XXXIII. [93] Vides, credo, ut Epicurus cupiditatum genera divi serit, non nimis fortasse subtiliter, utiliter tamen: partim esse naturales et necessarias, partim naturales et non necessarias, partim neutrum; necessarias satiari posse paene nihilo; divitias enim naturae esse parabiles; secundum autem genus cupiditatum nec ad potiendum difficile esse censet nec vero ad carendum; tertias, quod essent plane

inanes neque necessitatem modo, sed ne naturam quidem attingerent, funditus eiciendas putavit.

[94] Hoc loco multa ab Epicureis disputantur, eaeque voluptates singillatim extenuantur; quarum genera [non] contemnunt, quaerunt tamen copiam. Nam et obscenas voluptates, de quibus multa ab illis habetur oratio, facilis communis in medio sitas esse dicunt, easque si natura requirat, non genere aut loco aut ordine, sed forma aetate figura metiendas putant, ab isque abstinere minime esse difficile, si aut valitudo aut officium aut fama postulet, omninoque genus hoc voluptatum optabile esse, si non obsit, prodesse numquam.

[95] Totumque hoc de voluptate sic ille praecipit, ut voluptatem ipsam per se, quia voluptas sit, semper optandam <et> expetendam putet, eademque ratione dolorem ob id ipsum, quia dolor sit, semper esse fugiendum; itaque hac usurum compensatione sapientem, <ut> et voluptatem fugiat, si ea maiorem dolorem effectura sit, et dolorem suscipiat maiorem efficientem voluptatem; omniaque iucunda, quamquam sensu corporis iudicentur, ad animum referri tamen.

[96] Quocirca corpus gaudere tam diu, dum praesentem sentiret voluptatem, animum et praesentem percipere pariter cum corpore et prospicere venientem nec praeteritam praeterfluere sinere. Ita perpetuas et contextas voluptates in sapiente fore semper, cum expectatio speratarum voluptatum <cum> perceptarum memoria iungeretur.

XXXIV. [97] Atque his similia ad victum etiam transferuntur, extenuaturque magnificentia et sumptus epularum, quod parvo cultu natura contenta sit. Etenim quis hoc non videt, desideriis omnia ista condiri ? Darius in fuga cum aquam turbidam et cadaveribus inquinatam bibisset, negavit umquam se bibisse iucundius: numquam videlicet sitiens biberat. Nec esuriens Ptolomaeus ederat; cui cum peragranti Aegyptum comitibus non consecutis cibarius in casa panis datus esset, nihil visum est illo pane iucundius. Socraten ferunt, cum usque ad vesperum contentius ambularet quaesitumque esset ex eo, quare id faceret, respondisse se, quo melius cenaret, obsonare ambulando famem.

[98] Quid? victum Lacedaemoniorum in philitiis nonne videmus? ubi cum tyrannus cenavisset Dionysius, negavit se iure illo nigro, quod cenae caput erat, delectatum. Tum is qui illa coxerat: ‘Minime

mirum; condimenta enim defuerunt.' 'Quae tandem?' inquit ille. 'Labor in venatu, sudor, cursus ad Eurotam, fames, sitis; his enim rebus Lacedaemoniorum epulae condiuntur.' Atque hoc non ex hominum more solum, sed etiam ex bestiis intellegi potest, quae, ut quicquid obiectum est, quod modo a natura non sit alienum, eo contentae non quaerunt amplius.

[99] Civitates quaedam universae more doctae parsimonia delectantur, ut de Lacedaemoniis paulo ante diximus. Persarum a Xenophonte victus exponitur, quos negat ad panem adhibere quicquam praeter nasturcium. Quamquam, si quaedam etiam suaviora natura desideret, quam multa ex terra arboribusque gignuntur cum copia facili, tum suavitate praestanti! Adde siccitatem, quae consequitur hanc continentiam in victu, adde integritatem valetudinis, confer sudantis ructantis refertos epulis tamquam opimos boves: [100] tum intelleges, qui voluptatem maxime sequantur, eos minime consequi, iucunditatemque victus esse in desiderio, non in satietate.

XXXV. Timotheum, clarum hominem Athenis et principem civitatis, ferunt, cum cenavisset apud Platotiem eoque convivio admodum delectatus esset vidissetque eum postridie, dixisse: 'Vestrae quidem cenae non solum in praesentia, sed etiam postero die iucundae sunt' Quid quod ne mente quidem recte uti possumus multo cibo et potione completi? Est praeclara epistula Platonis ad Dionis propinquos, in qua scriptum est his fere verbis: 'Quo cum venissem, vita illa beata, quae ferebatur, plena Italicarum Syracusiarumque mensarum, nullo modo mihi placuit, bis in die saturum fieri nec umquam pernoctare solum ceteraque, quae comitantur huic vitae, in qua sapiens nemo efficietur umquam, moderatus vero multo minus.

[101] Quae enim natura tam rnirabiliter temperari potest?' quo modo igitur iucunda vita potest esse, a qua absit prudentia, absit moderatio? Ex quo Sardanapalli, opulentissimi Syriae regis, error adgnoscitur, qui incidi iussit in busto:

'Haec habeo, quae edi, quaeque exsaturata libido
Hausit; at illa iacent multa et praeclara relicta.'

‘Quid aliud’ inquit Aristoteles ‘in bovis, non in regis sepulcro inscriberes? Haec habere se mortuum dicit, quae ne vivus quidem diutius habebat quam fruebatur.’

[102] Cur igitur divitiae desiderentur, aut ubi pauper tas beatos esse non sinit? Signis, credo, tabulis studes. Si quis est qui bis delectetur, nonne melius tenues homines fruuntur quam illi qui is abundant? Est enim carum rerum omnium <in> nostra urbe summa in publico copia. Quae qui privatim habent, nec tam multa et raro vident, cum in sua rura venerunt; quos tamen pungit aliquid, cum, illa unde habeant, recordantur. Dies deficiat, si velim paupertatis causam defendere. Aperta enim res est, et cotidie nos ipsa natura admonet, quam paucis, quam parvis rebus egeat, quam vilibus.

XXXVI. [103] Num igitur ignobilitas aut humilitas aut etiam popularis offensio sapientem beatum esse prohibebit? Vide ne plus commendatio in vulgus et haec, quae expetitur, gloria molestiae habeat quam voluptatis. Leviculus sane noster Demosthenes, qui illo susurro delectari se dicebat aquam ferentis mulierculae, ut mos in Graecia est, insusurrantisque alteri: ‘Hic est ille Demosthenes.’ Quid hoc levius? At quantus orator! Sed apud alios loqui videlicet didicerat, non multum ipse secum.

[104] Intellegendum est igitur nec gloriam popularem ipsam per sese expetendam nec ignobilitatem extimescendam. ‘Veni Athenas’ inquit Democritus ‘neque me quisquam ibi adgnovit.’ Constantem hominem et gravem, qui glorietur a gloria se afuisse! An tibicines ique, qui fidibus utuntur, suo, non multitudinis arbitrio cantus numerosque moderantur, vir sapiens multo arte maiore praeditus non quid verissimum sit, sed quid velit vulgus, exquiret? An quicquam stultius quam, quos singulos sicut operarios barbarosque contemnas, eos aliquid putare esse universos? Ille vero nostras ambitiones levitatesque contemnet honoresque populi etiam ultro delatos repudiabit; nos autem eos nescimus, ante quam paenitere coepit, contemnere.

[105] Est apud Heraclitum physicum de principe Ephesiorum Hermodoro; universos ait Ephesios esse morte multandos, quod, cum civitate expellerent Hermodorum, ita locuti sint: ‘Nemo de nobis unus excellat; sin quis extiterit, alio in loco et apud alios sit.’ An hoc non ita fit omni in populo? nonne omnem exsuperantiam virtutis

oderunt? Quid? Aristides — malo enim Graecorurn quatn nostra proferre — nonne ob eam causam expulsus est patria, quod praeter modum iustus esset? Quantis igitur molestiis vacant, qui nihil omnino cum populo contrahunt! Quid est enim dulcius otio litterato? is dico litteris, quibus infinitatem rerum atque naturae et in hoc ipso mundo caelum terras maria cognoscimus.

XXXVII. [106] Contempto igitur honore, contempla etiam pecunia quid relinquitur quod extimescendum sit? Exilium, credo, quod in maxumis malis ducitur. Id si propter alienam et offensam populi voluntatem malum est, quam sit ea contemnenda, [sicut a] paulo ante dictum est. Sin abesse a patria miserum est, plenae miserorum provinciae sunt, ex quibus admodum pauci in patriam revertuntur.

[107] ‘At multantur bonis exules’. Quid tum? parumne multa de toleranda paupertate dicuntur? Iam vero exilium, si rerum naturam, non ignominiam nominis quaerimus, quantum a perpetua peregrinatione differt? In qua aetates suas philosophi nobilissimi consumpserunt, Xenocrates Crantor, Arcesilas Lacydes, Aristoteles Theophrastus, Zeno Cleanthes, Chrysippus Antipater, Carneades Clitomachus, Philo Antiochus, Panaetius Posidonius, innumerabiles alii, qui semel egressi numquam domum reverterunt. ‘At enim sine ignominia’. <An potest exilium ignominia> adficere sapientem? de sapiente enim haec omnis oratio est, cui iure id accidere non possit; nam iure exulantem consolari non oportet.

[108] Postremo ad omnis casus facillima ratio est eorum, qui ad voluptatem ea referunt quae secuntur in vita, ut, quocumque haec loco suppeditetur ibi beate queant vivere. Itaque ad omnem rationem Teucri vox accommodari potest:

‘Patria est, ubicumque est bene’.

Socrates quidem cum rogaretur, cuiatem se esse diceret, ‘mundanum’ inquit; totius enim mundi se incolam et civem arbitrabatur. Quid? T. Albucius nonne animo aequissimo Athenis exul philosophabatur? cui tamen illud ipsum non accidisset, si in re p. quiescens Epicuri legibus paruisset.

[109] Qui enim beatior Epicurus, quod in patria vivebat, quam, quod Athenis, Metrodorus? Aut Plato Xenocratem vincebat aut Polemo Arcesilam, quo esset beatior? Quanti vero ista civitas aestimanda est, ex qua boni sapientesque pelluntur? Damaratus

quidem, Tarquinii nostri regis pater, tyrannum Cypselum quod ferre non poterat, fugit Tarquinios Corintho et ibi suas fortunas constituit ac liberos procreavit. Num stulte anteposuit exilii libertatem domesticae servituti?

XXXVIII. [110] Iam vero motus animi, sollicitudines aegritudinesque oblivione leniuntur traductis animis ad voluptatem. Non sine causa igitur Epicurus ausus est dicere semper in pluribus bonis esse sapientem, quia semper sit in voluptatibus. Ex quo effici putat ille, quod quaerimus, ut sapiens semper beatus sit.

[111] 'Etiamne, si sensibus carebit oculorum, si aurium?' Etiam; nam ista ipsa contemnit. Primum enim horribilis ista caecitas quibus tandem caret voluptatibus? Cum quidam etiam disputent ceteras voluptates in ipsis habitare sensibus, quae autem aspectu percipiantur, ea non versari in oculorum ulla iucunditate, ut ea, quae gustemus olfaciamus tractemus audiamus, in ea ipsa, ubi sentimus, parte versentur. In oculis tale nil fit; animus accipit, quae videmus. Animo autem multis modis variisque delectari licet, etiamsi non adhibeatur aspectus. Loquor enim de docto homine et erudito, cui vivere est cogitare. Sapientis autem cogitatio non ferme ad investigandum adhibet oculos advocatos.

[112] Etenim si nox non adimit vitam beatam, cur dies nocti similis adimat? Nam illud Antipatri Cyrenaici est quidem paulo obscenius, sed non absurda sententia est; cuius caecitatem cum mulierculae lamentarentur, 'Quid agitis?' inquit, 'an vobis nulla videtur voluptas esse nocturna?' Appium quidem veterem illum, qui caecus annos multos fuit, et ex magistratibus et ex rebus gestis intellegimus in illo suo casu nec privato nec publico muneri defuisse. C. Drusi domum compleri a consultoribus solitam accepimus; cum, quorum res esset, sua ipsi non videbant, caecum adhibebant ducem. Pueris nobis Cn. Aufidius praetorius et in senatu sententiam dicebat nec amicis deliberantibus deerat et Graecam scribebat historiam et videbat in litteris.

XXXIX. [113] Diodotus Stoicus caecus multos annos nostrae domi vixit. Is vero, quod credibile vix esset, cum in philosophia multo etiam magis adsidue quam antea versaretur et cum fidibus Pythagoreorum more uteretur cumque ei libri noctes et dies legerentur, quibus in studiis oculis non egebat, tum, quod sine oculis

fieri posse vix videtur, geometriae munus tuebatur verbis praecipiens discentibus, unde quo quamque lineam scriberent. Asclepiadem ferunt, non ignobilem Eretricum philosophum, cum quidam quaereret, quid ei caecitas attulisset, respondisse, puero ut uno esset comitatior. Ut enim vel summa paupertas tolerabilis sit, si liceat quod quibusdam Graecis cotidie, sic caecitas. ferri facile possit, si non desint subsidia valetudinum.

[114] Democritus luminibus amissis alba scilicet discernere et atra non poterat, at vero bona mala, aequa iniqua, honesta turpia, utilia inutilia, magna parva poterat, et sine varietate colorum licebat vivere beate, sine notione rerum non licebat. Atque hic vir impediri etiam animi aciem aspectu oculorum arbitrabatur, et cum alii saepe, quod ante pedes esset, non viderent, ille <in> infinitatem omnem peregrinabatur, ut nulla in extremitate consisteret. Traditum est etiam Homerum caecum fuisse; at eius picturam, non poÎsin videmus: quae regio, quae ora, qui locus Graeciae, quae species formaque pugnae, quae acies, quod remigium qui motus hominum, qui ferarum non ita expictus est, ut, quae ipse non viderit, nos ut videremus, effecerit? Quid ergo? aut Homero delectationem animi ac voluptatem aut cuiquam docto defuisse umquam arbitramur?

[115] Aut, ni ita se res haberet, Anaxagoras aut hic ipse Democritus agros et patrimonia sua reliquissent, huic discendi quaerendique divinae delectationi toto se animo dedissent? Itaque augurem Tiresiam, quem sapientem fingunt poÎtae, numquam inducunt deplorantem caecitatem suam; at vero Polyphemum Homerus cum inmanem ferumque finxisset, cum ariete etiam conloquentem facit eiusque laudare, fortunas, quod, qua vellet, ingredi posset et, quae vellet, attingere. Recte hic quidem; nihilo enim erat ipse Cyclops quam aries ille prudentior.

XL. [116] In surditate vero quidnam est mali? Erat s˜rdaster M. Crassus, sed aliud molestius, quod male audiebat, etiamsi, ut mihi videbatur, iniuria. [Epicurei] Nostri Graece fere nesciunt nec Graeci Latine. Ergo hi in illorum et illi in horum sermone surdi, omnesque nos in eis linguis quas non intellegimus, quae sunt innumerabiles, surdi profecto sumus. ‘At vocem citharoedi non audiunt’. Ne stridorem quidem serrae, tum cum acuitur, aut grunditum cum iugulatur suis nec, cum quiescere volunt, fremitum murmurantis

maris; et si cantus eos forte delectant, primum cogitare debent, ante quam hi sint inventi, multos beate vixisse sapientis, deinde multo maiorem percipi posse legendis iis quam audiendis voluptatem.

[117] Tum, ut paulo ante caecos ad aurium traducebamus voluptatem, sic licet surdos ad oculorum. Etenim, qui secum loqui poterit, sermonem alterius non requiret. Congerantur in unum omnia, ut idem oculis et auribus captus sit, prematur etiam doloribus acerrumis corporis. Qui primum per se ipsi plerumque conficiunt hominem; sin forte longinquitate producti vehementius tamen torquent, quam ut causa sit cur ferantur. quid est tandem, di boni, quod laboremus? portus enim praesto est, [quoniam mors ibidem est], aeternum nihil sentiendi receptaculum. Theodorus Lysimacho mortem minitanti 'Magnum vero' inquit 'effecisti, si cantharidis vim consecutus es'.

[118] Paulus Persi deprecanti, ne in triumpho duceretur, 'In tua id quidem potestate est.' Multa primo die, cum de ipsa morte quaereremus, non pauca etiam postero, cum ageretur de dolore, sunt dicta de morte, quae qui recordetur, haud sane periculum est ne non mortem aut optandam aut certe non timendam putet.

XLI. Mihi quidem in vita, servanda videtur illa lex, quae in Graecorum conviviis optinetur: 'Aut bibat' inquit 'aut abeat'. Et recte. Aut enim fruatur aliquis pariter cum aliis voluptate potandi aut, ne sobrius in violentiam vinolentorum incidat, ante discedat. Sic iniurias fortunae, quas ferre nequeas, defugiendo relinquas. Haec eadem, quae Epicurus, totidem verbis dicit Hieronymus.

[119] Quodsi hi philosophi, quorum ea sententia est, ut virtus per se ipsa nihil valeat, omneque, quod honestum nos et laudabile esse dicamus, id illi cassum quiddam et inani vocis sono decoratum esse dicant, ei tamen semper beatum censent esse sapientem, quid tandem a Socrate et Platone profectis philosophis faciendum videtur? Quorum alii tantam praestantiam in bonis animi esse dicunt, ut ab iis corporis et externa obruantur, alii autem haec ne bona quidem ducunt, in animo reponunt omnia.

[120] Quorum controversiam solebat tamquam honorarius arbiter iudicare Carneades. Nam cum, quaecumque bona Peripateticis, eadem Stoicis commoda viderentur neque tamen Peripatetici plus tribuerent divitiis bonae valetudini ceteris rebus generis eiusdem

quam Stoici, cum ea re, non verbis ponderarentur, causam esse dissidendi negabat. Quare hunc locum ceterarum disciplinarum philosophi quem ad modum optinere possint, ipsi viderint; mihi tamen gratum est, quod de sapientium perpetua bene vivendi facultate dignum quiddam philosophorum voce profitentur.

[121] Sed quoniam mane est eundum, has quinque dierum disputationes memoria comprehendamus. Equidem me etiam conscripturum arbitror — ubi enim melius uti possumus hoc, cuicuimodi est, otio? -, ad Brutumque nostrum hos libros alteros quinque mittemus, a quo non modo inpulsi sumus ad philosophiae scriptiones, verum etiam lacessiti. In quo quantum ceteris profuturi simus, non facile dixerim, nostris quidem acerbissimis doloribus variisque et undique circumfusis molestiis alia nulla potuit inveniri levatio.

DE NATURA DEORUM (On the Nature of the Gods)

M. TVLLI CICERONIS DE NATVRA DEORVMM. TVLLI CICERONIS DE NATVRA DEORVM AD M. BRVTVM

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LIBER PRIMVS

[1] Cum multae res in philosophia nequaquam satis adhuc explicatae sint, tum perdifficilis, Brute, quod tu minime ignoras, et perobscura quaestio est de natura deorum, quae et ad cognitionem animi pulcherrima est et ad moderandam religionem necessaria. De qua [cum] tam variae sint doctissimorum hominum tamque discrepantes sententiae, magno argumento esse debeat [ea] causa, principium philosophiae ad h* scientiam, prudenterque Academici a rebus incertis adsensionem cohibuisse. Quid est enim temeritate turpius aut quid tam temerarium tamque indignum sapientis gravitate atque constantia quam aut falsum sentire aut, quod non satis explorate perceptum sit et cognitum, sine ulla dubitatione defendere? [2] Velut in hac quaestione plerique, quod maxime veri simile est et quo omnes +sese duce natura venimus, deos esse dixerunt, dubitare se Protagoras, nullos esse omnino Diagoras Melius et Theodorus Cyrenaicus putaverunt. Qui vero deos esse dixerunt, tanta sunt in varietate et dissensione, ut eorum infinitum sit enumerare sententias. Nam et de figuris deorum et de locis atque sedibus et de actione vitae multa dicuntur, deque is summa philosophorum dissensione certatur; quod vero maxime rem causamque continet, utrum nihil agant, nihil moliantur, omni curatione et administratione rerum vacent, an contra ab iis et a principio omnia facta et constituta sint et ad infinitum tempus regantur atque moveantur, in primis [quae] magna dissensio est, eaque nisi diiudicatur, in summo errore necesse est homines atque in maximarum rerum ignoratione versari. [3] Sunt enim philosophi et fuerunt, qui omnino nullam habere censerent rerum humanarum procurationem deos. Quorum si vera sententia est, quae potest esse pietas, quae sanctitas, quae religio? Haec enim omnia pure atque caste tribuenda deorum numini ita sunt, si animadvertuntur ab is et si est aliquid a deis inmortalibus hominum generi tributum; sin autem dei neque possunt nos iuvare nec volunt nec omnino curant nec, quid agamus, animadvertunt nec est, quod ab is ad hominum vitam permanare possit, quid est, quod ullos deis inmortalibus cultus, honores, preces adhibeamus? In specie autem fictae simulationis sicut reliquae virtutes item pietas inesse non

potest; cum qua simul sanctitatem et religionem tolli necesse est, quibus sublatis perturbatio vitae sequitur et magna confusio; [4] atque haut scio, an pietate adversus deos sublata fides etiam et societas generis humani et una excellentissuma virtus iustitia tollatur.

Sunt autem alii philosophi, et hi quidem magni atque nobiles, qui deorum mente atque ratione omnem mundum administrari et regi censeant, neque vero id solum, sed etiam ab isdem hominum vitae consuli et provideri; nam et fruges et reliqua, quae terra pariat, et tempestates ac temporum varietates caelique mutationes, quibus omnia, quae terra gignat, maturata pubescant, a dis inmortalibus tribui generi humano putant, multaque, quae dicentur, in his libris colligunt, quae talia sunt, ut ea ipsa dei inmortales ad usum hominum fabricati paene videantur. Contra quos Carneades ita multa disseruit, ut excitaret homines non socordes ad veri investigandi cupiditatem. [5] Res enim nulla est, de qua tantopere non solum indocti, sed etiam docti dissentiant; quorum opiniones cum tam variae sint tamque inter se dissidentes, alterum fieri profecto potest, ut earum nulla, alterum certe non potest, ut plus una vera sit.

Qua quidem in causa et benivolos obiurgatores placare et invidos vituperatores confutare possumus, ut alteros reprehendisse paeniteat, alteri didicisse se gaudeant; nam qui admonent amice, docendi sunt, qui inimice insectantur, repellendi. [6] Multum autem fluxisse video de libris nostris, quos compluris brevi tempore edidimus, variumque sermonem partim admirantium, unde hoc philosophandi nobis subito studium extitisset, partim, quid quaque de re certi haberemus, scire cupientium; multis etiam sensi mirabile videri eam nobis potissimum probatam esse philosophiam, quae lucem eriperet et quasi noctem quandam rebus offunderet, desertaeque disciplinae et iam pridem relictae patrocinium necopinatum a nobis esse susceptum.

Nos autem nec subito coepimus philosophari nec mediocrem a primo tempore aetatis in eo studio operam curamque consumpsimus et, cum minime videbamur, tum maxime philosophabamur; quod et orationes declarant refertae philosophorum sententiis et doctissimorum hominum familiaritates, quibus semper domus nostra floruit, et principes illi Diodotus, Philo, Antiochus, Posidonius, a quibus instituti sumus. [7] Et si omnia philosophiae praecepta referuntur ad vitam, arbitramur nos et publicis et privatis in rebus ea

praestitisse, quae ratio et doctrina praescripserit. Sin autem quis requirit, quae causa nos inpulerit, ut haec tam sero litteris mandaremus, nihil est, quod expedire tam facile possimus. Nam cum otio langueremus et is esset rei publicae status, ut eam unius consilio atque cura gubernari necesse esset, primum ipsius rei publicae causa philosophiam nostris hominibus explicandam putavi magni existimans interesse ad decus et ad laudem civitatis res tam gravis tamque praeclaras Latinis etiam litteris contineri. [8] Eoque me minus instituti mei paenitet, quod facile sentio, quam multorum non modo discendi, sed etiam scribendi studia commoverim. Complures enim Graecis institutionibus eruditi ea, quae didicerant, cum civibus suis communicare non poterant, quod illa, quae a Graecis accepissent, Latine dici posse diffiderent; quo in genere tantum profecisse videmur, ut a Graecis ne verborum quidem copia vinceremur. [9] Hortata etiam est, ut me ad haec conferrem, animi aegritudo fortunae magna et gravi commota iniuria; cuius si maiorem aliquam levationem reperire potuissem, non ad hanc potissimum confugissem. Ea vero ipsa nulla ratione melius frui potui, quam si me non modo ad legendos libros, sed etiam ad totam philosophiam pertractandam dedissem. Omnes autem eius partes atque omnia membra tum facillume noscuntur, cum totae quaestiones scribendo explicantur; est enim admirabilis quaedam continuatio seriesque rerum, ut alia ex alia nexa et omnes inter se aptae conligataeque videantur.

[10] Qui autem requirunt, quid quaque de re ipsi sentiamus, curiosius id faciunt, quam necesse est; non enim tam auctoritatis in disputando quam rationis momenta quaerenda sunt. Quin etiam obest plerumque iis, qui discere volunt, auctoritas eorum, qui se docere profitentur; desinunt enim suum iudicium adhibere, id habent ratum, quod ab eo, quem probant, iudicatum vident. Nec vero probare soleo id, quod de Pythagoreis accepimus, quos ferunt, si quid adfirmarent in disputando, cum ex iis quaereretur, quare ita esset, respondere solitos “ipse dixit”; ipse autem erat Pythagoras: tantum opinio praeiudicata poterat, ut etiam sine ratione valeret auctoritas.

[11] Qui autem admirantur nos hanc potissimum disciplinam secutos, his quattuor Academicis libris satis responsum videtur. Nec vero desertarum relictarumque rerum patrocinium suscepimus; non

enim hominum interitu sententiae quoque occidunt, sed lucem auctoris fortasse desiderant. Ut haec in philosophia ratio contra omnia disserendi nullamque rem aperte iudicandi profecta a Socrate, repetita ab Arcesila, confirmata a Carneade usque ad nostram viguit aetatem; quam nunc prope modum orbam esse in ipsa Graecia intellego. Quod non Academiae vitio, sed tarditate hominum arbitror contigisse. Nam si singulas disciplinas percipere magnum est, quanto maius omnis; quod facere is necesse est, quibus propositum est veri reperiendi causa et contra omnes philosophos et pro omnibus dicere. [12] Cuius rei tantae tamque difficilis facultatem consecutum esse me non profiteor, secutum esse prae me fero. Nec tamen fieri potest, ut, qui hac ratione philosophentur, hi nihil habeant, quod sequantur. Dictum est omnino de hac re alio loco diligentius, sed quia nimis indociles quidam tardique sunt, admonendi videntur saepius. Non enim sumus i, quibus nihil verum esse videatur, sed i, qui omnibus veris falsa quaedam adiuncta esse dicamus tanta similitudine, ut in is nulla insit certa iudicandi et adsentiendi nota. Ex quo exsistit et illud multa esse probabilia, quae, quamquam non perciperentur, tamen, quia visum quendam haberent insignem et inlustrem, his sapientis vita regeretur.

[13] Sed iam, ut omni me invidia liberem, ponam in medio sententias philosophorum de natura deorum. Quo quidem loco convocandi omnes videntur, qui, quae sit earum vera, iudicent; tum demum mihi procax Academia videbitur, si aut consenserint omnes aut erit inventus aliquis, qui, quid verum sit, invenerit. Itaque mihi libet exclamare ut in Synephebis:

“pro deum, popularium omnium, [omnium] adulescentium
clamo, postulo, obsecro, oro, ploro atque inploro fidem”

non levissuma de re, ut queritur ille in civitate fieri facinora capitalia:

“ab amico amante argentum accipere meretrix non vult”,

[14] sed ut adsint, cognoscant, animadvertant, quid de religione, pietate, sanctitate, caerimoniis, fide, iure iurando, quid de templis, delubris sacrificiisque sollemnibus, quid de ipsis auspiciis, quibus nos praesumus, existimandum sit (haec enim omnia ad hanc de dis

inmortalibus quaestionem referenda sunt): profecto eos ipsos, qui se aliquid certi habere arbitrantur, addubitare coget doctissimorum hominum de maxuma re tanta dissensio.

[15] Quod cum saepe alias, tum maxime animadverti, cum apud C. Cottam, familiarem meum, accurate sane et diligenter de dis inmortalibus disputatumst. Nam cum feriis Latinis ad eum ipsius rogatu arcessituque venissem, offendi eum sedentem in exedra et cum C. Velleio senatore disputantem, ad quem tum Epicurei primas ex nostris hominibus deferebant. Aderat etiam Q. Lucilius Balbus, qui tantos progressus habebat in Stoicis, ut cum excellentibus in eo genere Graecis compararetur.

Tum, ut me Cotta vidit, "Peroportune" inquit "venis; oritur enim mihi magna de re altercatio cum Velleio, cui pro tuo studio non est alienum te interesse."

[16] "Atqui mihi quoque videor" inquam "venisse, ut dicis, oportune. Tres enim trium disciplinarum principes convenistis. M. enim Piso si adesset, nullius philosophiae — earum quidem, quae in honore sunt — vacaret locus."

Tum Cotta "Si" inquit "liber Antiochi nostri, qui ab eo nuper ad hunc Balbum missus est, vera loquitur, nihil est, quod Pisonem, familiarem tuum, desideres; Antiocho enim Stoici cum Peripateticis re concinere videntur, verbis discrepare; quo de libro, Balbe, velim scire, quid sentias."

"Egone" inquit ille "miror Antiochum, hominem in primis acutum, non vidisse interesse plurimum inter Stoicos, qui honesta a commodis non nomine, sed genere toto diiungerent, et Peripateticos, qui honesta commiscerent cum commodis, ut ea inter se magnitudine et quasi gradibus, non genere differrent. Haec enim est non verborum parva, sed rerum permagna dissensio. [17] Verum hoc alias; nunc quod coepimus, si videtur."

"Mihi vero" inquit Cotta "videtur. Sed ut hic, qui intervenit," me intuens "ne ignoret, quae res agatur, de natura agebamus deorum, quae cum mihi videretur perobscura, ut semper videri solet, Epicuri ex Velleio sciscitabar sententiam. Quam ob rem" inquit "Vellei, nisi molestum est, repete, quae coeperas."

"Repetam vero, quamquam non mihi, sed tibi hic venit adiutor; ambo enim" inquit adridens "ab eodem Philone nihil scire didicistis."

Tum ego: “Quid didicerimus, Cotta viderit, tu autem nolo existimes me adiutorem huic venisse, sed auditorem, et quidem aecum, libero iudicio, nulla eius modi adstrictum necessitate, ut mihi velim, nolim sit certa quaedam tuenda sententia.”

[18] Tum Velleius fidenter sane, ut solent isti, nihil tam verens, quam ne dubitare aliqua de re videretur, tamquam modo ex deorum concilio et ex Epicuri intermundiis descendisset, “Audite” inquit “non futtilis commenticiasque sententias, non opificem aedificatoremque mundi Platonis de Timaeo deum, nec anum fatidicam Stoicorum Pronoeam, quam Latine licet Providentiam dicere, neque vero mundum ipsum animo et sensibus praeditum, rutundum, ardentem, volubilem deum, portenta et miracula non disserentium philosophorum, sed somniantium. [19] Quibus enim oculis animi intueri potuit vester Plato fabricam illam tanti operis, qua construi a deo atque aedificari mundum facit; quae molitio, quae ferramenta, qui vectes, quae machinae, qui ministri tanti muneris fuerunt; quem ad modum autem oboedire et parere voluntati architecti aer, ignis, aqua, terra potuerunt; unde vero ortae illae quinque formae, ex quibus reliqua formantur, apte cadentes ad animum afficiendum pariendosque sensus? Longum est ad omnia, quae talia sunt, ut optata magis quam inventa videantur; [20] sed illa palmaris, quod, qui non modo natum mundum introduxerit, sed etiam manu paene factum, is eum dixerit fore sempiternum. Hunc censes primis, ut dicitur, labris gustasse physiologiam, id est naturae rationem, qui quicquam, quod ortum sit, putet aeternum esse posse? Quae est enim coagmentatio non dissolubilis, aut quid est, cuius principium aliquod sit, nihil sit extremum? Pronoea vero si vestra est, Lucili, eadem, requiro, quae paulo ante, ministros, machinas, omnem totius operis dissignationem atque apparatum; sin alia est, cur mortalem fecerit mundum, non, quem ad modum Platonicus deus, sempiternum. [21] Ab utroque autem sciscitor, cur mundi aedificatores repente exstiterint, innumerabilia saecla dormierint; non enim, si mundus nullus erat, saecla non erant (saecla nunc dico non ea, quae dierum noctiumque numero annuis cursibus conficiuntur; nam fateor ea sine mundi conversione effici non potuisse; sed fuit quaedam ab infinito tempore aeternitas, quam nulla circumscriptio temporum metiebatur, spatio tamen qualis ea fuerit intellegi potest, quod ne in

cogitationem quidem cadit, ut fuerit tempus aliquod, nullum cum tempus esset) — [22] isto igitur tam inmenso spatio, quaero, Balbe, cur Pronoea vestra cessaverit. Laboremne fugiebat? At iste nec attingit deum nec erat ullus, cum omnes naturae numini divino, caelum, ignes, terrae, maria, parerent. Quid autem erat, quod concupisceret deus mundum signis et luminibus tamquam aedilis ornare? Si, ut [deus] ipse melius habitaret, antea videlicet tempore infinito in tenebris tamquam in gurgustio habitaverat. Post autem: varietatene eum delectari putamus, qua caelum et terras exornatas videmus? Quae ista potest esse oblectatio deo? Quae si esset, non ea tam diu carere potuisset. [23] An haec, ut fere dicitis, hominum causa a deo constituta sunt? Sapientiumne? Propter paucos igitur tanta est rerum facta molitio. An stultorum? At primum causa non fuit, cur de inprobis bene mereretur; deinde quid est adsecutus, cum omnes stulti sint sine dubio miserrimi, maxime quod stulti sunt (miserius enim stultitia quid possumus dicere), deinde quod ita multa sunt incommoda in vita, ut ea sapientes commodorum conpensatione leniant, stulti nec vitare venientia possint nec ferre praesentia. Qui vero mundum ipsum animantem sapientemque esse dixerunt, nullo modo viderunt animi natura intellegentis in quam figuram cadere posset. De quo dicam equidem paulo post, nunc autem hactenus: [24] Admirabor eorum tarditatem, qui animantem inmortalem et eundem beatum rutundum esse velint, quod ea forma neget ullam esse pulchriorem Plato: At mihi vel cylindri vel quadrati vel coni vel pyramidis videtur esse formosior. Quae vero vita tribuitur isti rutundo deo? Nempe ut ea celeritate contorqueatur, cui par nulla ne cogitari quidem possit; in qua non video, ubinam mens constans et vita beata possit insistere. Quodque in nostro corpore, si minima ex parte significetur, molestum sit, cur hoc idem non habeatur molestum in deo? Terra enim profecto, quoniam mundi pars est, pars est etiam dei; atqui terrae maxumas regiones inhabitabilis atque incultas videmus, quod pars earum adpulsu solis exarserit, pars obriguerit nive pruinaque longinquo solis abscessu; quae, si mundus est deus, quoniam mundi partes sunt, dei membra partim ardentia partim refrigerata ducenda sunt.

[25] Atque haec quidem vestra, Lucili; qualia vero * est, ab ultimo repetam superiorum. Thales enim Milesius, qui primus de talibus

rebus quaesivit, aquam dixit esse initium rerum, deum autem eam mentem, quae ex aqua cuncta fingeret: si dei possunt esse sine sensu; et mentem cur aquae adiunxit, si ipsa mens constare potest vacans corpore? Anaximandri autem opinio est nativos esse deos longis intervallis orientis occidentisque, eosque innumerabilis esse mundos. Sed nos deum nisi sempiternum intellegere qui possumus? [26] Post Anaximenes aera deum statuit, eumque gigni esseque inmensum et infinitum et semper in motu: quasi aut aer sine ulla forma deus esse possit, cum praesertim deum non modo aliqua, sed pulcherrima specie deceat esse, aut non omne, quod ortum sit, mortalitas consequatur. Inde Anaxagoras, qui accepit ab Anaximene disciplinam, primus omnium rerum discriptionem et modum mentis infinitae vi ac ratione dissignari et confici voluit. In quo non vidit neque motum sensu iunctum et [in] continentem infinito ullum esse posse, neque sensum omnino, quo non ipsa natura pulsa sentiret. Deinde si mentem istam quasi animal aliquod voluit esse, erit aliquid interius, ex quo illud animal nominetur; quid autem interius mente: cingatur igitur corpore externo; [27] quod quoniam non placet, aperta simplexque mens nulla re adiuncta, quae sentire possit, fugere intellegentiae nostrae vim et notionem videtur. Crotoniates autem Alcmaeo, qui soli et lunae reliquisque sideribus animoque praeterea divinitatem dedit, non sensit sese mortalibus rebus inmortalitatem dare. Nam Pythagoras, qui censuit animum esse per naturam rerum omnem intentum et commeantem, ex quo nostri animi carperentur, non vidit distractione humanorum animorum discerpi et lacerari deum, et cum miseri animi essent, quod plerisque contingeret, tum dei partem esse miseram, quod fieri non potest. [28] Cur autem quicquam ignoraret animus hominis, si esset deus? Quo modo porro deus iste, si nihil esset nisi animus, aut infixus aut infusus esset in mundo? Tum Xenophanes, qui mente adiuncta omne praeterea, quod esset infinitum, deum voluit esse, de ipsa mente item reprehendetur ut ceteri, de infinitate autem vehementius, in qua nihil neque sentiens neque coniunctum potest esse. Nam Parmenides quidem commenticium quiddam: coronae similem efficit (stephanen appellat) continentem ardorum lucis orbem, qui cingit caelum, quem appellat deum; in quo neque figuram divinam neque sensum quisquam suspicari potest. Multaque eiusdem monstra, quippe qui bellum, qui

discordiam, qui cupiditatem ceteraque generis eiusdem ad deum revocet, quae vel morbo vel somno vel oblivione vel vetustate delentur; eademque de sideribus, quae reprehensa in alio iam in hoc omittantur. [29] Empedocles autem multa alia peccans in deorum opinione turpissume labitur. Quattuor enim naturas, ex quibus omnia constare censet, divinas esse vult; quas et nasci et extingui perspicuum est et sensu omni carere. Nec vero Protagoras, qui sese negat omnino de deis habere, quod liqueat, sint, non sint qualesve sint, quicquam videtur de natura deorum suspicari. Quid Democritus, qui tum imagines eorumque circumitus in deorum numero refert, tum illam naturam, quae imagines fundat ac mittat, tum sententiam intellegentiamque nostram, nonne in maximo errore versatur? Cum idem omnino, quia nihil semper suo statu maneat, neget esse quicquam sempiternum, nonne deum omnino ita tollit, ut nullam opinionem eius reliquam faciat? Quid aer, quo Diogenes Apolloniates utitur deo, quem sensum habere potest aut quam formam dei? [30] Iam de Platonis inconstantia longum est dicere, qui in Timaeo patrem huius mundi nominari neget posse, in Legum autem libris, quid sit omnino deus, anquiri oportere non censeat. Quod vero sine corpore ullo deum vult esse (ut Graeci dicunt asomaton), id, quale esse possit, intellegi non potest: careat enim sensu necesse est, careat etiam prudentia, careat voluptate; quae omnia una cum deorum notione conprehendimus. Idem et in Timaeo dicit et in Legibus et mundum deum esse et caelum et astra et terram et animos et eos, quos maiorum institutis accepimus. Quae et per se sunt falsa perspicue et inter se vehementer repugnantia. [31] Atque etiam Xenophon paucioribus verbis eadem fere peccat; facit enim in his, quae a Socrate dicta rettulit, Socratem disputantem formam dei quaeri non oportere, eundemque et solem et animum deum dicere, et modo unum, tum autem plures deos; quae sunt isdem in erratis fere quibus ea, quae de Platone dicimus. [32] Atque etiam Antisthenes in eo libro, qui physicus inscribitur popularis, deos multos, naturalem unum esse dicens tollit vim et naturam deorum. Nec multo secus Speusippus Platonem avunculum subsequens et vim quandam dicens, qua omnia regantur, eamque animalem, evellere ex animis conatur cognitionem deorum. [33] Aristotelesque in tertio de philosophia libro multa turbat a magistro suo Platone dissentiens; modo enim menti

tribuit omnem divinitatem, modo mundum ipsum deum dicit esse, modo alium quendam praeficit mundo eique eas partis tribuit, ut replicatione quadam mundi motum regat atque tueatur, tum caeli ardorem deum dicit esse non intellegens caelum mundi esse partem, quem alio loco ipse designarit deum, quo modo autem caeli divinus ille sensus in celeritate tanta conservari potest? Ubi deinde illi tot dii, si numeramus etiam caelum deum? Cum autem sine corpore idem vult esse deum, omni illum sensu privat, etiam prudentia, quo porro modo mundus moveri carens corpore aut quo modo semper se movens esse quietus et beatus potest? [34] Nec vero eius condiscipulus Xenocrates in hoc genere prudentior est, cuius in libris, qui sunt de natura deorum, nulla species divina describitur; deos enim octo esse dicit, quinque eos, qui in stellis vagis nominantur, unum, qui ex omnibus sideribus, quae infixa caelo sint, ex dispersis quasi membris simplex sit putandus deus, septimum solem adiungit octavamque lunam; qui, quo sensu beati esse possint, intellegi non potest. Ex eadem Platonis schola Ponticus Heraclides puerilibus fabulis refersit libros, et tamen modo mundum, tum mentem divinam esse putat, errantibus etiam stellis divinitatem tribuit sensuque deum privat et eius formam mutabilem esse vult, eodemque in libro rursus terram et caelum refert in deos. [35] Nec vero Theophrasti inconstantia ferenda est; modo enim menti divinum tribuit principatum, modo caelo, tum autem signis sideribusque caelestibus. Nec audiendus eius auditor Strato, is, qui physicus appellatur, qui omnem vim divinam in natura sitam esse censet, quae causas gignendi, augendi, minuendi habeat, sed careat omni et sensu et figura.

[36] Zeno autem, ut iam ad vestros, Balbe, veniam, naturalem legem divinam esse censet, eamque vim obtinere recta imperantem prohibentemque contraria. Quam legem quo modo efficiat animantem intellegere non possumus; deum autem animantem certe volumus esse, atque hic idem alio loco aethera deum dicit: si intellegi potest nihil sentiens deus, qui numquam nobis occurrit neque in precibus neque in optatis neque in votis. Aliis autem libris rationem quandam per omnium naturam rerum pertinentem vi divina esse adfectam putat. Idem astris hoc idem tribuit, tum annis mensibus annorumque mutationibus. Cum vero Hesiodi Theogoniam, id est originem deorum, interpretatur, tollit omnino usitatas perceptasque

cognitiones deorum; neque enim Iovem neque Iunonem neque Vestam neque quemquam, qui ita appelletur, in deorum habet numero, sed rebus inanimis atque mutis per quandam significationem haec docet tributa nomina. [37] Cuius discipuli Aristonis non minus magno in errore sententiast, qui neque formam dei intellegi posse censeat neque in dis sensum esse dicat dubitetque omnino, deus animans necne sit. Cleanthes autem, qui Zenonem audivit una cum eo, quem proxime nominavi, tum ipsum mundum deum dicit esse, tum totius naturae menti atque animo tribuit hoc nomen, tum ultimum et altissimum atque undique circumfusum et extremum omnia cingentem atque conplexum ardorem, qui aether nominetur, certissimum deum iudicat; idemque quasi delirans in his libris, quos scripsit contra voluptatem, tum fingit formam quandam et speciem deorum, tum divinitatem omnem tribuit astris, tum nihil ratione censet esse divinius. Ita fit, ut deus ille, quem mente noscimus atque in animi notione tamquam in vestigio volumus reponere, nusquam prorsus appareat. [38] At Persaeus eiusdem Zenonis auditor eos esse habitos deos, a quibus aliqua magna utilitas ad vitae cultum esset inventa, ipsasque res utiles et salutares deorum esse vocabulis nuncupatas, ut ne hoc quidem diceretilla inventa esse deorum, sed ipsa divina; quo quid absurdius quam aut res sordidas atque deformis deorum honore adficere aut homines iam morte deletos reponere in deos, quorum omnis cultus esset futurus in luctu. [39] Iam vero Chrysippus, qui Stoicorum somniorum vaferrumus habetur interpres, magnam turbam congregat ignotorum deorum, atque ita ignotorum, ut eos ne coniectura quidem informare possimus, cum mens nostra quidvis videatur cogitatione posse depingere. Ait enim vim divinam in ratione esse positam et in universae naturae animo atque mente, ipsumque mundum deum dicit esse et eius animi fusionem universam, tum eius ipsius principatum, qui in mente et ratione versetur, communemque rerum naturam universam atque omnia continentem, tum fatalem +umbram et necessitatem rerum futurarum, ignem praeterea et eum, quem ante dixi, aethera, tum ea, quae natura fluerent atque manarent, ut et aquam et terram et aera, solem, lunam, sidera universitatemque rerum, qua omnia continerentur, atque etiam homines eos, qui inmortalitatem essent consecuti. [40] Idemque disputat aethera esse eum, quem homines

Iovem appellarent, quique aer per maria manaret, eum esse Neptunum, terramque eam esse, quae Ceres diceretur, similique ratione persequitur vocabula reliquorum deorum. Idemque etiam legis perpetuae et aeternae vim, quae quasi dux vitae et magistra officiorum sit, Iovem dicit esse, eandemque fatalem necessinatem appellat sempiternam rerum futurarum veritatem; quorum nihil tale est, ut in eo vis divina inesse videatur. [41] Et haec quidem in primo libro de natura deorum; in secundo autem volt Orphei, Musaei, Hesiodi Homerique fabellas accommodare ad ea, quae ipse primo libro de deis inmortalibus dixerit, ut etiam veterrimi poetae, qui haec ne suspicati quidem sint, Stoici fuisse videantur. Quem Diogenes Babylonius consequens in eo libro, qui inscribitur de Minerva, partum Iovis ortumque virginis ad physiologiam traducens deiungit a fabula.

[42] Eui fere non philosophorum iudicia, sed delirantium somnia. Nec enim multo absurdiora sunt ea, quae poetarum vocibus fusa ipsa suavitate nocuerunt, qui et ira inflammatos et libidine furentis induxerunt deos feceruntque, ut eorum bella, proelia, pugnas, vulnera videremus, odia, praeterea discidia, discordias, ortus, interitus, querellas, lamentationes, effusas in omni intemperantia libidines, adulteria, vincula, cum humano genere concubitus mortalisque ex inmortali procreatos.

[43] Cum poetarum autem errore coniungere licet portenta magorum Aegyptiorumque in eodem genere dementiam, tum etiam vulgi opiniones, quae in maxima inconstantia, veritatis ignoratione versantur.

Ea qui consideret, quam inconsulte ac temere dicantur, venerari Epicurum et in eorum ipsorum numero, de quibus haec quaestio est, habere debeat. Solus enim vidit primum esse deos, quod in omnium animis eorum notionem inpressisset ipsa natura. Quae est ennim gens aut quod genus hominum, quod non habeat sine doctrina anticipationem quandam deorum, quam appellat prolempsin Epicurus, id est anteceptam animo rei quandam informationem, sine qua nec intellegi quicquam nec quaeri nec disputari potest. Quoius rationis vim atque utilitatem ex illo caelesti Epicuri de regula et iudicio volumine accepimus. [44] Quod igitur fundamentum huius quaestionis est, id praeclare iactum videtis. Cum enim non instituto

aliquo aut more aut lege sit opinio constituta maneatque ad unum omnium firma consensio, intellegi necesse est esse deos, quoniam insitas eorum vel potius innatas cognitiones habemus; de quo autem omnium natura consentit, id verum esse necesse est; esse igitur deos confitendum est. Quod quoniam fere constat inter omnis non philosophos solum, sed etiam indoctos, fatemur constare illud etiam, hanc nos habere sive anticipationem, ut ante dixi, sive praenotionem deorum (sunt enim rebus novis nova ponenda nomina, ut Epicurus ipse prolempsin appellavit, quam antea nemo eo verbo nominarat) — [45] hanc igitur habemus, ut deos beatos et inmortales putemus. Quae enim nobis natura informationem ipsorum deorum dedit, eadem insculpsit in mentibus, ut eos aeternos et beatos haberemus. Quod si ita est, vere eita illa sententia est ab Epicuro, quod beatum aeternumque sit, id nec habere ipsum negotii quicquam nec exhibere alteri, itaque neque ira neque gratia teneri, quod, quae talia essent, inbecilla essent omnia.

Si nihil aliud quaereremus, nisi ut deos pie coleremus et ut superstitione liberaremur, satis erat dictum; nam et praestans deorum natura hominum pietate coleretur, cum et aeterna esset et beatissima (habet enim venerationem iustam, quicquid excellit), et metus omnis a vi atque ira deorum pulsus esset; intellegitur enim a beata inmortalique natura et iram et gratiam segregari; quibus remotis nullos a superis inpendere metus. Sed ad hanc confirmandam opinionem anquirit animus et formam et vitam et actionem mentis atque agitationem in deo.

[46] Ac de forma quidem partim natura nos admonet, partim ratio docet. Nam a natura habemus omnes omnium gentium speciem nullam aliam nisi humanam deorum; quae enim forma alia occurrit umquam aut vigilanti cuiquam aut dormienti? Sed ne omnia revocentur ad primas notiones, ratio hoc idem ipsa declarat. [47] Nam cum praestantissumam naturam, vel quia beata est vel quia sempiterna, convenire videatur eandem esse pulcherrimam, quae conpositio membrorum, quae conformatio liniamentorum, quae figura, quae species humana potest esse pulchrior? Vos quidem, Lucili, soletis (nam Cotta meus modo hoc, modo illud), cum artificium effingitis fabricamque divinam, quam sint omnia in hominis figura non modo ad usum, verum etiam ad venustatem apta,

describere; [48] quod si omnium animantium formam vincit hominis figura, deus autem animans est, ea figura profecto est, quae pulcherrimast omnium. Quoniamque deos beatissimos esse constat, beatus autem esse sine virtute nemo potest nec virtus sine ratione constare nec ratio usquam inesse nisi in hominis figura, hominis esse specie deos confitendum est. [49] Nec tamen ea species corpus est, sed quasi corpus, nec habet sanguinem, sed quasi sanguinem.

Haec quamquam et inventa sunt acutius et dicta subtilius ab Epicuro, quam ut quivis ea possit agnoscere, tamen fretus intellegentia vestra dissero brevius, quam causa desiderat. Epicurus autem, qui res occultas et penitus abditas non modo videat animo, sed etiam sic tractet ut manu, docet eam esse vim et naturam deorum, ut primum non sensu, sed mente cernatur, nec soliditate quadam nec ad numerum, ut ea, quae ille propter firmitatem steremnia appellat, sed imaginibus similitudine et transitione perceptis, cum infinita simillumarum imaginum species ex innumerabilibus individuis existat et ad deos adfluat, cum maximis voluptatibus in eas imagines mentem intentam infixamque nostram intellegentiam capere, quae sit et beata natura et aeterna. [50] Summa vero vis infinitatis et magna ac diligenti contemplatione dignissima est. In qua intellegi necesse est eam esse naturam, ut omnia omnibus paribus paria respondeant; hanc isonomian appellat Epicurus, id est aequabilem tributionem. Ex hac igitur illud efficitur, si mortalium tanta multitudo sit, esse inmortalium non minorem, et si, quae interimant, innumerabilia sint, etiam ea, quae conservent infinita esse debere.

Et quaerere a nobis, Balbe, soletis, quae vita deorum sit quaeque ab is degatur aetas. [51] Ea videlicet, qua nihil beatius, nihil omnibus bonis affluentius cogitari potest. Nihil enim agit, nullis occupationibus est inplicatus, nulla opera molitur, sua sapientia et virtute gaudet, habet exploratum fore se semper cum in maximis tum in aeternis voluptatibus. [52] Hunc deum rite beatum dixerimus, vestrum vero laboriosissimum. Sive enim ipse mundus deus est, quid potest esse minus quietum, quam nullo puncto temporis intermisso versari circum axem caeli admirabili celeritate: nisi quietum autem, nihil beatum est; sive in ipso mundo deus inest aliquis, qui regat, qui gubernet, qui cursus astrorum, mutationes temporum, rerum vicissitudines ordinesque conservet, terras et maria contemplans

hominum commoda vitasque tueatur, ne ille est inplicatus molestis negotiis et operosis. [53] Nos autem beatam vitam in animi securitate et in omnium vacatione munerum ponimus. docuit enim nos idem, qui cetera, natura effectum esse mundum, nihil opus fuisse fabrica, tamque eam rem esse facilem, quam vos effici negetis sine divina posse sollertia, ut innumerabiles natura mundos effectura sit, efficiat, effecerit. Quod quia, quem ad modum natura efficere sine aliqua mente possit, non videtis, ut tragici poetae cum explicare argumenti exitum non potestis, confugitis ad deum. [54] Cuius operam profecto non desideraretis, si inmensam et interminatam in omnis partis magnitudinem regionum videretis, in quam se iniciens animus et intendens ita late longeque peregrinatur, ut nullam tamen oram ultimi videat, in qua possit insistere. In hac igitur inmensitate latitudinum, longitudinum, altitudinum infinita vis innumerabilium volitat atomorum, quae interiecto inani cohaerescunt tamen inter se et aliae alias adprehendentes continuantur; ex quo efficiuntur eae rerum formae et figurae, quas vos effici posse sine follibus et incudibus non putatis. Itaque inposuistis in cervicibus nostris sempiternum dominum, quem dies et noctes timeremus. Quis enim non timeat omnia providentem et cogitantem et animadvertentem et omnia ad se pertinere putantem curiosum et plenum negotii deum? [55] Hinc vobis extitit primum illa fatalis necessitas, quam *heimarmenen* dicitis, ut, quicquid accidat, id ex aeterna veritate causarumque continuatione fluxisse dicatis. Quanti autem haec philosophia aestimandast, cui tamquam aniculis, et his quidem indoctis, fato fieri videantur omnia. Sequitur *mantike* vestra, quae Latine divinatio dicitur, qua tanta inbueremur superstitione, si vos audire vellemus, ut haruspices, augures, harioli, vates, coniectores nobis essent colendi. [56] His terroribus ab Epicuro soluti et in libertatem vindicati nec metuimus eos, quos intellegimus nec sibi fingere ullam molestiam nec alteri quaerere, et pie sancteque colimus naturam excellentem atque praestantem.

Sed elatus studio vereor, ne longior fuerim. Erat autem difficile rem tantam tamque praeclaram inchoatam relinquere; quamquam non tam dicendi ratio mihi habenda fuit quam audiendi."

[57] Tum Cotta comiter, ut solebat, "Atqui," inquit "Vellei, nisi tu aliquid dixisses, nihil sane ex me quidem audire potuisses. Mihi enim

non tam facile in mentem venire solet, quare verum sit aliquid, quam quare falsum; idque cum saepe, tum, cum te audirem paulo ante, contigit. Roges me, qualem naturam deorum esse, dicam: nihil fortasse respondeam; quaeras, putemne talem esse, qualis modo a te sit eita: nihil dicam mihi videri minus.

Sed ante quam adgrediar ad ea, quae a te disputata sunt, de te ipso dicam, quid sentiam. [58] Saepe enim de L. Crasso, illo familiari tuo, videor audisse, cum te togatis omnibus sine dubio anteferret, paucos tecum Epicureos e Graecia compararet, sed, quod ab eo te mirifice diligi intellegebam, arbitrabar illum propter benivolentiam uberius id dicere. Ego autem, etsi vereor laudare praesentem, iudico tamen de re obscura atque difficili a te dictum esse dilucide, neque sententiis solum copiose, sed verbis etiam ornatius, quam solent vestri. [59] Zenonem, quem Philo noster coryphaeum appellare Epicureorum solebat, cum Athenis essem, audiebam frequenter, et quidem ipso auctore Philone, credo, ut facilius iudicarem, quam illa bene refellerentur, cum a principe Epicureorum accepissem, quem ad modum dicerentur. Non igitur ille ut plerique, sed isto modo ut tu: distincte, graviter, ornate. Sed quod in illo mihi usu saepe venit, idem modo, cum te audirem, accidebat, ut moleste ferrem tantum ingenium (bona venia me audies) in tam leves, ne dicam, in tam ineptas sententias incidisse. [60] Nec ego nunc ipse aliquid adferam melius. Ut enim modo dixi, omnibus fere in rebus, sed maxime in physicis, quid non sit, citius, quam quid sit, dixerim. Roges me, quid aut quale sit deus: auctore utar Simonide, de quo cum quaesivisset hoc idem tyrannus Hiero, deliberandi sibi unum diem postulavit; cum idem ex eo postridie quaereret, biduum petivit; cum saepius duplicaret numerum dierum admiransque Hiero requireret, cur ita faceret, “Quia, quanto diutius considero,” inquit “tanto mihi spes videtur obscurior”. Sed Simoniden arbitror (non enim poeta solum suavis, verum etiam ceteroqui doctus sapiensque traditur), quia multa venirent in mentem acuta atque subtilia, dubitantem, quid eorum esset verissimum, desperasse omnem veritatem. [61] Epicurus vero tuus (nam cum illo malo disserere quam tecum) quid dicit, quod non modo philosophia dignum esset, sed mediocri prudentia?

Quaeritur primum in ea quaestione, quae est de natura deorum, sintne dei necne sint. “Difficile est negare.” Credo, si in contione

quaeratur, sed in huius modi sermone et in consessu [familiari] facillimum. Itaque ego ipse pontifex, qui caerimonias religionesque publicas sanctissime tuendas arbitror, is hoc, quod primum est, esse deos persuaderi mihi non opinione solum, sed etiam ad veritatem plane velim. Multa enim occurrunt, quae conturbent, ut interdum nulli esse videantur. [62] Sed vide, quam tecum agam liberaliter: quae communia sunt vobis cum ceteris philosophis non attingam, ut hoc ipsum; placet enim omnibus fere mihique ipsi in primis deos esse. Itaque non pugno; rationem tamen eam, quae a te adfertur, non satis firmam puto. Quod enim omnium gentium generumque hominibus ita videretur, id satis magnum argumentum esse dixisti, cur esse deos confiteremur. Quod cum leve per se, tum etiam falsum est. Primum enim unde tibi notae sunt opiniones nationum? Equidem arbitror multas esse gentes sic inmanitate efferatas, ut apud eas nulla suspicio deorum sit. [63] Quid Diagoras, Atheos qui dictus est, posteaque Theodorus nonne aperte deorum naturam sustulerunt? Nam Abderites quidem Protagoras, cuius a te modo mentio facta est, sophistes temporibus illis vel maximus, cum in principio libri sic posuisset "De divis neque, ut sint neque ut non sint, habeo dicere", Atheniensium iussu urbe atque agro est exterminatus librique eius in contione combusti; ex quo equidem existimo tardioris ad hanc sententiam profitendam multos esse factos, quippe cum poenam ne dubitatio quidem effugere potuisset. Quid de sacrilegis, quid de impiis periurisque dicemus?

"Tubulus si Lucius umquam,
si Lupus aut Carbo aut Neptuni filius",

ut ait Lucilius, putasset esse deos, tam periurus aut tam inpurus fuisset? [64] Non est igitur tam explorata ista ratio ad id, quod vultis confirmandum, quam videtur. Sed quia commune hoc est argumentum aliorum etiam philosophorum, omittam hoc tempore; ad vestra propria venire malo.

[65] Concedo esse deos; doce me igitur, unde sint, ubi sint, quales sint corpore, animo, vita; haec enim scire desidero. Abuteris ad omnia atomorum regno et licentia; hinc quodcumque in solum venit, ut dicitur, effingis atque efficis. Quae primum nullae sunt. Nihil est

enim, * * quod vacet corpore. Corporibus autem omnis obsidetur locus; ita nullum inane nihil esse individuum potest. [66] Haec ego nunc physicorum oracla fundo, vera an falsa nescio, sed veri [simile] tamen similiora quam vestra. Ista enim flagitia Democriti sive etiam ante Leucippi esse corpuscula quaedam levia, alia aspera, rutunda alia, partim autem angulata et hamata, curvata quaedam et quasi adunca, ex iis effectum esse caelum atque terram nulla cogente natura, sed concursu quodam fortuito — hanc tu opinionem, C. Vellei, usque ad hanc aetatem perduxisti, priusque te quis de omni vitae statu quam de ista auctoritate deiecerit; ante enim iudicasti Epicureum te esse oportere, quam ista cognovisti: ita necesse fuit aut haec flagitia concipere animo aut susceptae philosophiae nomen amittere. [67] Quid enim mereas, ut Epicureus esse desinas? "Nihil equidem," inquis "ut rationem vitae beatae veritatemque deseram". Ista igitur est veritas? Nam de vita beata nihil repugno, quam tu ne in deo quidem esse censes, nisi plane otio langueat. Sed ubi est veritas? In mundis, credo, innumerabilibus omnibus minimis temporum punctis aliis nascentibus, aliis cadentibus; an in individuis corpusculis tam praeclara opera nulla moderante natura, nulla ratione fingentibus? Sed oblitus liberalitatis meae, qua tecum paulo ante uti coeperam, plura complector. Concedam igitur ex individuis constare omnia; quid ad rem? [68] Deorum enim natura quaeritur. Sint sane ex atomis; non igitur aeterni. +Quia enim ex atomis, id natum aliquandost; si natum, nulli dei ante quam nati; et si ortus est deorum, interitus sit, necesse est, ut tu paulo ante de Platonis mundo disputabas. Ubi igitur illud vestrum beatum et aeternum, quibus duobus verbis significatis deum? Quod cum efficere vultis, in dumeta conrepitis. Ita enim dicebas, non corpus esse in deo, sed quasi corpus, nec sanguinem, sed tamquam sanguinem.

[69] Hoc persaepe facitis, ut, cum aliquid non veri simile dicatis et effugere reprehensionem velitis, adferatis aliquid, quod omnino ne fieri quidem possit, ut satius fuerit illud ipsum, de quo ambigebatur, concedere quam tam inpudenter resistere. Velut Epicurus, cum videret, si atomi ferrentur in locum inferiorem suopte pondere, nihil fore in nostra potestate, quod esset earum motus certus et necessarius, invenit, quo modo necessitatem effugeret, quod videlicet Democritum fugerat: ait atomum, cum pondere et gravitate directo

deorsus feratur, declinare paululum. [70] Hoc dicere turpius est quam illud, quod vult non posse defendere. Idem facit contra dialecticos; a quibus cum traditum sit in omnibus diiunctionibus, in quibus “aut etiam aut non” poneretur, alterum utrum esse verum, pertimuit, ne, si concessum esset huius modi aliquid “aut vivet cras aut non vivet Epicurus”, alterutrum fieret necessarium: totum hoc “aut etiam aut non” negavit esse necessarium; quo quid dici potuit obtusius? Urguebat Arcesilas Zenonem, cum ipse falsa omnia diceret, quae sensibus viderentur, Zenon autem non nulla visa esse falsa, non omnia; timuit Epicurus, ne, si unum visum esset falsum, nullum esset verum: omnes sensus veri nuntios dixit esse. Nihil horum nisi +valde; graviorem enim plagam accipiebat, ut leviorem repelleret.

[71] Idem facit in natura deorum: dum individuorum corporum concretionem fugit, ne interitus et dissipatio consequatur, negat esse corpus deorum, sed tamquam corpus, nec sanguinem, sed tamquam sanguinem. Mirabile videtur quod non rideat haruspex, cum haruspicem viderit; hoc mirabilius, quam vos inter vos risum tenere possitis? “Non est corpus, sed quasi corpus”: hoc intellegerem, quale esset, si in cereis fingeretur aut fictilibus figuris; in deo quid sit quasi corpus aut quid sit quasi sanguis, intellegere non possum. Ne tu quidem Vellei, sed non vis fateri.

[72] Ista enim a vobis quasi dictata redduntur, quae Epicurus oscitans halucinatus est, cum quidem gloriaretur, ut videmus in scriptis, se magistrum habuisse nullum. Quod et non praedicanti tamen facile equidem crederem, sicut mali aedificii domino glorianti se architectum non habuisse; nihil enim olet ex Academia, nihil [ne] ex Lycio, nihil ne e puerilibus quidem disciplinis. Xenocraten audire potuit (quem virum, dii inmortales), et sunt, qui putent, audisse; ipse non vult: credo, plus nemini. Pamphilum, quendam Platonis auditorem, ait a se Sami auditum (ibi enim adulescens habitabat cum patre et fratribus, quod in eam pater eius Neocles agripeta venerat, sed cum agellus eum non satis aleret, ut opinor, ludi magister fuit); [73] sed hunc Platonicum mirifice contemnit Epicurus: ita metuit, ne quid umquam didicisse videatur. In Nausiphane Democriteo tenetur; quem cum a se non neget auditum, vexat tamen omnibus contumeliis. Atqui si haec Democritea non audisset, quid audierat, quid est in physicis Epicuri non a Democrito? Nam etsi quaedam

commutavit, ut quod paulo ante de inclinatione atomorum dixi, tamen pleraque dicit eadem: atomos, inane, imagines, infinitatem locorum innumerabilitatemque mundorum, eorum ortus, interitus, omnia fere, quibus naturae ratio continetur.

[74] Nunc istuc quasi corpus et quasi sanguinem quid intellegis? Ego enim te scire ista melius quam me non fateor solum, sed etiam facile patior; cum quidem semel dicta sunt, quid est, quod Velleius intellegere possit, Cotta non possit? Itaque corpus quid sit, sanguis quid sit intellego, quasi corpus et quasi sanguis quid sit, nullo prorsus modo intellego. Neque tu me celas, ut Pythagoras solebat alienos, nec consulto dicis occulte tamquam Heraclitus, sed, quod inter nos liceat, ne tu quidem intellegis. [75] Illud video pugnare te, species ut quaedam sit deorum, quae nihil concreti habeat, nihil solidi, nihil expressi, nihil eminentis, sitque pura, levis, perlucida. Dicemus igitur idem quod in Venere Coa: corpus illud non est, sed simile corporis, nec ille fusus et candore mixtus rubor sanguis est, sed quaedam sanguinis similitudo; sic in Epicureo deo non rem, sed similitudines esse rerum. Fac id, quod ne intellegi quidem potest, mihi esse persuasum; cedo mihi istorum adumbratorum deorum liniamenta atque formas. [76] Non deest hoc loco copia rationum, quibus docere velitis humanas esse formas deorum; primum quod ita sit informatum anticipatum[que] mentibus nostris, ut homini, cum de deo cogitet, forma occurrat humana; deinde cum, quoniam rebus omnibus excellat natura divina, forma quoque esse pulcherrima debeat, nec esse humana ullam pulchriorem; tertiam rationem adfertis, quod nulla in alia figura domicilium mentis esse possit. [77] Primum igitur quidque considera, quale sit; arripere enim mihi videmini quasi vestro iure rem nullo modo probabilem. [Primum] omnium quis tam caecus in contemplandis rebus umquam fuit, ut non videret species istas hominum conlatas in deos aut consilio quodam sapientium, quo facilius animos imperitorum ad deorum cultum a vitae pravitate converterent aut superstitione, ut essent simulacra, quae venerantes deos ipsos se adire crederent. Auxerunt autem haec eadem poetae, pictores, opifices; erat enim non facile agentis aliquid et molientes deos in aliarum formarum imitatione servare. Accessit etiam ista opinio fortasse, quod homini homine pulchrius nihil videatur. Sed tu hoc, physice, non vides, quam blanda conciliatrix et quasi sui sit lena natura? An putas ullam esse terra marique beluam, quae non sui generis belua maxime delectetur? Quod ni ita esset, cur non gestiret taurus equae contrectatione, equus

vaccae? An tu aquilam aut leonem aut delphinum ullam anteferre censes figuram suae? Quid igitur mirum, si hoc eodem modo homini natura praescripsit, ut nihil pulchrius quam hominem putaret? * * eam esse causam, cur deos hominum similis putaremus:

[78] Quid censes, si ratio esset in beluis non suo quasque generi plurimum tributuras fuisse? At mehercule ego (dicam enim, ut sentio), quamvis amem ipse me, tamen non audeo dicere pulchriorem esse me, quam ille fuerit taurus, qui vexit Europam; non enim hoc loco de ingeniis aut de orationibus nostris, sed de specie figuraque quaeritur. Quod si fingere nobis et iungere formas velimus, qualis ille maritimus Triton pingitur, natantibus invehens beluis adiunctis humano corpori, nolis esse. Difficili in loco versor; est enim vis tanta naturae, ut homo nemo velit nisi hominis similis esse — et quidem formica formicae. [79] Sed tamen cuius hominis? Quotus enim quisque formonsus est, Athenis cum essem, e gregibus epheborum vix singuli reperiebantur — video, quid adriseris, sed ita tamen se res habet. Deinde nobis, qui concedentibus philosophis antiquis adulescentulis delectamur, etiam vitia saepe iucunda sunt. Naevos in articulo pueri delectat Alcaeum; at est corporis macula naevos; illi tamen hoc lumen videbatur. Q. Catulus, huius collegae et familiaris nostri pater, dilexit municipem tuum Roscium, in quem etiam illud est eius:

“constiteram exorientem Auroram forte salutans,
cum subito a laeva Roscius exoritur.
pace mihi liceat caelestes dicere vestra:
mortalis visus pulchrior esse deo.”

Huic deo pulchrior; at erat, sicuti hodie est, perversissimis oculis: Quid refert, si hoc ipsum salsum illi et venustum videbatur?

[80] Redeo ad deos. Ecquos si non tam strabones at paetulos esse arbitramur, ecquos naevum habere, ecquos silos, flaccos, frontones, capitones, quae sunt in nobis, an omnia emendata in illis? Detur id vobis; num etiam una est omnium facies? Nam si plures, aliam esse alia pulchriorem necesse est, igitur aliquis non pulcherrimus deus; si una omnium facies est, florere in caelo Academiam necesse est: si enim nihil inter deum et deum differt, nulla est apud deos cognitio,

nulla perceptio.

[81] Quid si etiam, Vellei, falsum illud omnino est nullam aliam nobis de deo cogitantibus speciem nisi hominis occurrere: Tamenne ista tam absurda defendes? Nobis fortasse sic occurrit, ut dicis; a parvis enim Iovem, Iunonem, Minervam, Neptunum, Vulcanum, Apollinem, reliquos deos ea facie novimus, qua pictores fictoresque voluerunt, neque solum facie, sed etiam ornatu, aetate, vestitu. At non Aegyptii nec Syri nec fere cuncta barbaria; firmiores enim videas apud eos opiniones esse de bestiis quibusdam quam apud nos de sanctissimis templis et simulacris deorum. [82] Etenim fana multa spoliata et simulacra deorum de locis sanctissimis ablata videmus a nostris, at vero ne fando quidem auditumst crocodilum aut ibin aut faelem violatum ab Aegyptio. Quid igitur censes Apim illum sanctum Aegyptiorum bovem nonne deum videri Aegyptiis? Tam, hercle, quam tibi illam vestram Sospitam. Quam tu numquam ne in somnis quidem vides nisi cum pelle caprina, cum hasta, cum scutulo, cum calceolis repandis. At non est talis Argia nec Romana Iuno. Ergo alia species Iunonis Argivis, alia Lanuinis. Et quidem alia nobis Capitolini, alia Afris Hammonis Iovis. [83] Non pudet igitur physicum, id est speculatorem venatoremque naturae, ab animis consuetudine inbutis petere testimonium veritatis? Isto enim modo dicere licebit Iovem semper barbatum, Apollinem semper inberbem, caesios oculos Minervae, caeruleos esse Neptuni. Et quidem laudamus esse Athenis Volcanum eum, quem fecit Alcamenes, in quo stante atque vestito leviter apparet claudicatio non deformis: Claudum igitur habebimus deum, quoniam de Volcano sic accepimus. Age et his vocabulis esse deos facimus, quibus a nobis nominantur? [84] At primum quot hominum linguae, tot nomina deorum; non enim ut tu, Velleius, quocumque veneris, sic idem in Italia Volcanus, idem in Africa, idem in Hispania. Deinde nominum non magnus numerus ne in pontificiis quidem nostris, deorum autem innumerabilis. An sine nominibus sunt? Istud quidem ita vobis dicere necesse est; quid enim attinet, cum una facies sit, plura esse nomina? Quam bellum erat, Vellei, confiteri potius nescire, quod nescires, quam ista effutientem nauseare atque ipsum sibi displicere. An tu mei simile putas esse aut tui deum? Profecto non putas.

“Quid ergo, solem dicam aut lunam aut caelum deum? Ergo etiam

beatum: quibus fruentem voluptatibus? et sapientem: qui potest esse in eius modi trunco sapientia?" Haec vestra sunt. [85] Si igitur nec humano *, quod docui, nec tali aliquo, quod tibi ita persuasum est, quid dubitas negare deos esse? Non audes. Sapienter id quidem, etsi hoc loco non populum metuis, sed ipsos deos. Novi ego Epicureos omnia sigilla venerantes. Quamquam video non nullis videri Epicurum, ne in offensionem Atheniensium caderet, verbis reliquisse deos, re sustulisse. Itaque in illis selectis eius brevibusque sententiis, quas appellatis *kurias doxas*, haec, ut opinor, prima sententia est: "Quod beatum et inmortale est, id nec habet nec exhibet cuiquam negotium"; in hac ita eita sententia sunt, qui existiment, quod ille inscitia plane loquendi fecerit, fecisse consulto: De homine minime vafro male existimant. [86] Dubium est enim, utrum dicat aliquid esse beatum et inmortale an, si quod sit, id esse tale. Non animadvertunt hic eum ambigue locutum esse, sed multis aliis locis et illum et Metrodorum tam aperte quam paulo ante te. Ille vero deos esse putat, nec quemquam vidi, qui magis ea, quae timenda esse negaret, timeret, mortem dico et deos: Quibus mediocres homines non ita valde moventur, his ille clamat omnium mortalium mentes esse perterritas; tot milia latrocinantur morte proposita, alii omnia, quae possunt, fana conpilant: Credo aut illos mortis timor terret aut hos religionis.

[87] Sed quoniam non audes (iam enim cum ipso Epicuro loquar) negare esse deos, quid est, quod te inpediat aut solem aut mundum aut mentem aliquam sempiternam in deorum numero ponere? "Numquam vidi" inquit "animam rationis consilique participem in ulla alia nisi humana figura." Quid solis numquidnam aut lunae aut quinque errantium siderum simile vidisti? Sol duabus unius orbis ultimis partibus definiens motum cursus annuos conficit; huius hanc lustrationem eiusdem incensa radiis menstruo spatio luna complet; quinque autem stellae eundem orbem tenentes, aliae propius a terris, aliae remotius, ab isdem principiis disparibus temporibus eadem spatia conficiunt. Num quid tale, Epicure, vidisti? [88] Ne sit igitur sol, ne luna, ne stellae, quoniam nihil esse potest nisi, quod attigimus aut vidimus. Quid deum ipsum numne vidisti? Cur igitur credis esse? Omnia tollamus ergo, quae aut historia nobis aut ratio nova adfert. Ita fit, ut mediterranei mare esse non credant. Quae sunt tantae animi

angustiae, ut, si Seriphi natus esses nec umquam egressus ex insula, in qua lepusculos vulpeculasque saepe vidisses, non crederes leones et pantheras esse, cum tibi, quales essent, dicerentur, si vero de elephanto quis diceret, etiam rideri te putares.

[89] Et tu quidem, Vellei, non vestro more, sed dialecticorum, quae funditus gens vestra non novit, [angustia] argumenti sententiam conclusisti. Beatos esse deos sumpsisti: Concedimus. Beatum autem esse sine virtute neminem posse: Id quoque damus, et libenter quidem, virtutem autem sine ratione constare non posse: conveniat id quoque necesse est. Adiungis nec rationem esse nisi in hominis figura. Quem tibi hoc daturum putas? Si enim ita esset, quid opus erat te gradatim istuc pervenire? Sumpsisses tuo iure. Quod autem est istuc gradatim? Nam a beatis ad virtutem, a virtute ad rationem video te venisse gradibus; a ratione ad humanam figuram quo modo accedis? Praecipitare istuc quidem est, non descendere.

[90] Nec vero intellego, cur maluerit Epicurus deos hominum similes dicere quam homines deorum. Quaeres, quid intersit: Si enim hoc illi simile sit, esse illud huic. Video, sed hoc dico non ab hominibus formae figuram venisse ad deos; di enim semper fuerunt, nati numquam sunt, si quidem aeterni sunt futuri; at homines nati; ante igitur humana forma quam homines, eaque erant forma dii inmortales: non ergo illorum humana forma, sed nostra divina dicenda est.

Verum hoc quidem, ut voletis; illud quaero, quae fuerit tanta fortuna (nihil enim ratione in rerum natura factum esse vultis) — [91] sed tamen quis iste tantus casus, unde tam felix concursus atomorum, ut repente homines deorum forma nascerentur? Seminane deorum decidisse de caelo putamus in terras et sic homines patrum similes extitisse? Vellem diceretis; deorum cognationem agnoscerem non invitus. Nihil tale dicitis, sed casu esse factum, ut essemus similes deorum. Et nunc argumenta quaerenda sunt, quibus hoc refellatur, utinam tam facile vera invenire possim quam falsa convincere.

Etenim enumerasti memoriter et copiose, ut mihi quidem admirari luberet in homine esse Romano tantam scientiam, usque a Thale Milesio de deorum natura philosophorum sententias. [92] Omnesne tibi illi delirare visi sunt, qui sine manibus et pedibus constare deum posse decreverint?

Ne hoc quidem vos movet considerantis, quae sit utilitas quaeque oportunitas in homine membrorum, ut iudicetis membris humanis deos non egere? Quid enim pedibus opus est sine ingressu, quid manibus, si nihil conprehendendum est, quid reliqua discriptione omnium corporis partium, in qua nihil inane, nihil sine causa, nihil supervacuaneum est, itaque nulla ars imitari sollertiam naturae potest. Habebit igitur linguam deus et non loquetur, dentes, palatum, fauces nullum ad usum, quaeque procreationis causa natura corpori adfinxit, ea frustra habebit deus; nec externa magis quam interiora, cor, pulmones, iecur, cetera — quae detracta utilitate quid habent venustatis (quando quidem haec esse in deo propter pulchritudinem voltis)?

[93] Istisne fidentes somniis non modo Epicurus et Metrodorus et Herinarchus contra Pythagoram, Platonem Empedoclemque dixerunt, sed meretricula etiam Leontium contra Theophrastum scribere ausast — scito illa quidem sermone et Attico, sed tamen: tantunn Epicuri hortus habuit licentiae. Et soletis queri; Zeno quidem etiam litigabat; quid dicam Albucium; nam Phaedro nihil elegantius, nihil humanius, sed stomachabatur senex, si quid asperius dixeram, cum Epicurus Aristotelem vexarit contumeliosissime, Phaedoni Socratico turpissime male dixerit, Metrodori sodalis sui fratrem Timocraten, quia nescio quid in philosophia dissentiret, totis voluminibus conciderit, in Democritum ipsum, quem secutus est, fuerit ingratus, Nausiphanem magistrum suum, a quo [non] nihil didicerat, tam male acceperit. Zeno quidem non eos solum, qui tum erant, Apollodorum, Sillim, ceteros, figebat maledictis, sed Socraten ipsum, parentem philosophiae, Latino verbo utens scurram Atticum fuisse dicebat, Chrysippum numquam nisi Chrysippam vocabat. [94] Tu ipse paulo ante cum tamquam senatum philosophorum recitares, summos viros desipere, delirare, dementis esse dicebas. Quorum si nemo verum vidit de natura deorum, verendum est, ne nulla sit omnino.

Nam ista, quae vos dicitis, sunt tota commenticia, vix digna lucubratione anicularum. Non enim sentitis, quam multa vobis suscipienda sint, si inpetraritis, ut concedamus eandem hominum esse et deorum figuram. Omnis cultus et curatio corporis erit eadem adhibenda deo, quae adhibetur homini, ingressus, cursus, accubitio, inclinatio, sessio, conprehensio, ad extremum etiam sermo et oratio.

[95] Nam quod et maris deos et feminas esse dicitis, quid sequatur, videtis. Equidem mirari satis non possum, unde ad istas opiniones vester ille princeps venerit.

Sed clamare non desinitis retinendum hoc esse, deus ut beatus inmortalisque sit. Quid autem obstat, quo minus sit beatus, si non sit bipes, aut ista sive beatitas sive beatitudo dicendast (utrumque omnino durum, sed usu mollienda nobis verba sunt) — verum ea, quaecumque est, cur aut in solem illum aut in hunc mundum aut in aliquam mentem aeternam figura membrisque corporis vacuam cadere non potest? [96] Nihil aliud dicis nisi "Numquam vidi solem aut mundum beatum." Quid, mundum praeter hunc umquamne vidisti? Negabis. Cur igitur non sescenta milia esse mundorum, sed innumerabilia ausus es dicere? "Ratio docuit." Ergo hoc te ratio non docebit, cum praestantissima natura quaeratur eaque beata et aeterna, quae sola divina naturast, ut inmortalitate vincamur ab ea natura, sic animi praestantia vinci, atque ut animi item corporis? Cur igitur, cum ceteris rebus inferiores simus, forma pares sumus; ad similitudinem enim deorum propius accedebat humana virtus quam figura. [97] [An quicquam tam puerile dici potest (ut eundem locum diutius urgeam) quam, si ea genera beluarum, quae in rubro mari Indiave gignantur, nulla esse dicamus? Atqui ne curiosissimi quidem homines exquirendo audire tam multa possunt, quam sunt multa, quae terra, mari, paludibus, fluminibus existunt; quae negemus esse, quia numquam vidimus?]

Ipsa vero quam nihil ad rem pertinet, quae vos delectat maxime, similitudo. Quid, canis nonne similis lupo (atque, ut Ennius, "simia quam similis turpissuma bestia nobis"); at mores in utroque dispares. Elephanto beluarum nulla prudentior; ad figuram quae vastior? [98] De bestiis loquor; quid, inter ipsos homines nonne et simillimis formis dispares mores et moribus [paribus] figura dissimilis?

Etenim si semel, Vellei, suscipimus genus hoc argumenti, attende, quo serpat. Tu enim sumebas nisi in hominis figura rationem inesse non posse; sumet alius nisi in terrestri, nisi in eo, qui natus sit, nisi in eo, qui adoleverit, nisi in eo, qui didicerit, nisi in eo, qui ex animo constet et corpore caduco et infirmo, postremo nisi in homine atque mortali. Quod si in omnibus his rebus obsistis, quid est, quod te forma una conturbet? His enim omnibus, quae proposui, adiunctis in

homine rationem esse et mentem videbas; quibus detractis deum tamen nosse te dicis, modo liniamenta maneant. Hoc est non considerare, sed quasi sortiri, quid loquare.

[99] Nisi forte ne hoc quidem adtendis non modo in homine, sed etiam in arbore, quicquid supervacuaneum sit aut usum non habeat, obstare. Quam molestum est uno digito plus habere; quid ita? Quia nec speciem nec usum alium quinque desiderant. Tuus autem deus non digito uno redundat, sed capite, collo, cervicibus, lateribus, alvo, tergo, poplitibus, manibus, pedibus, feminibus, cruribus. Si ut inmortalis sit, quid haec ad vitam membra pertinent, quid ipsa facies? Magis illa, cerebrum, cor, pulmones, iecur: Haec enim sunt domicilia vitae; oris quidem habitus ad vitae firmitatem nihil pertinet. [100] Et eos vituperabas, qui ex operibus magnificis atque praeclaris, cum ipsum mundum, cum eius membra, caelum, terras, maria, cumque horum insignia, solem, lunam, stellasque vidissent, cumque temporum maturitates, mutationes, vicissitudinesque cognovissent, suspicati essent aliquam excellentem esse praestantemque naturam, quae haec effecisset, moveret, regeret, gubernaret. Qui etiam si aberrant a coniectura, video tamen, quid sequantur: Tu quod opus tandem magnum et egregium habes, quod effectum divina mente videatur, ex quo esse deos suspicere? “Habebam” inquis “in animo insitam informationem quandam dei”. Et barbati quidem Iovis, galeatae Minervae: Num igitur esse talis putas? [101] Quanto melius haec vulgus imperitorum, qui non membra solum hominis deo tribuant, sed usum etiam membrorum; dant enim arcum, sagittas, hastam, clipeum, fuscinam, fulmen, et si actiones, quae sint deorum, non vident, nihil agentem tamen deum non queunt cogitare. Ipsi, qui inridentur, Aegyptii nullam beluam nisi ob aliquam utilitatem, quam ex ea caperent, consecraverunt; velut ibes maximam vim serpentium conficiunt, cum sint aves excelsae cruribus rigidis, corneo proceroque rostro; avertunt pestem ab Aegypto, cum volucris anguis ex vastitate Libyae vento Africo invectas interficiunt atque consumunt, ex quo fit, ut illae nec morsu vivae noceant nec odore mortuae. Possum de ichneumonum utilitate, de crocodilorum, de faelium dicere, sed nolo esse longus. Ita concludam tamen beluas a barbaris propter beneficium consecratas, vestrorum deorum non modo beneficium nullum extare, sed ne factum quidem omnino. [102]

“Nihil habet” inquit “negotii.” Profecto Epicurus quasi pueri delicati nihil cessatione melius existimat, at ipsi tamen pueri etiam, cum cessant exercitatione aliqua ludicra, delectantur: Deum sic feriatum volumus cessatione torpere, ut, si se commoverit, vereamur ne beatus esse non possit? Haec oratio non modo deos spoliat motu et actione divina, sed etiam homines inertis efficit, si quidem agens aliquid ne deus quidem esse beatus potest.

[103] Verum sit sane, ut vultis, deus effigies hominis et imago: Quod eius est domicilium, quae sedes, qui locus, quae deinde actio vitae, quibus rebus, id quod vultis, beatus est? Utatur enim suis bonis oportet [et] fruatur, qui beatus futurus est. Nam locus quidem his etiam naturis, quae sine animis sunt, suus est cuique propris, ut terra infimum teneat, hanc inundet aqua, superior [aeri], aetheriis ignibus altissima ora reddatur; bestiarum autem terrenae sunt aliae, partim aquatiles, aliae quasi ancipites in utraque sede viventes, sunt quaedam etiam, quae igne nasci putentur, appareantque in ardentibus fornacibus saepe volitantes. [104] Quaero igitur, vester deus primum ubi habitet, deinde quae causa eum loco moveat, si modo movetur aliquando, post, cum hoc proprium sit animantium, ut aliquid adpetant, quod sit naturae accommodatum, deus quid appetat, ad quam denique rem motu mentis ac rationis utatur, postremo quo modo beatus sit, quo modo aeternus. Quicquid enim horum attigeris ulcus est: Ita male instituta ratio exitum reperire non potest.

[105] Sic enim dicebas speciem dei percipi cogitatione, non sensu nec esse in ea ullam soliditatem neque eandem ad numerum permanere eamque esse eius visionem, ut similitudine et transitione cernatur, neque deficiat umquam ex infinitis corporibus similium accessio, ex eoque fieri, ut in haec intenta mens nostra beatam illam naturam et sempiternam putet. Hoc, per ipsos deos, de quibus loquimur, quale tandem est? Nam si tantum modo ad cogitationem valent nec habent ullam soliditatem nec eminentiam, quid interest, utrum de hippocentauro an de deo cogitemus; omnem enim talem conformationem animi ceteri philosophi motum inanem vocant, vos autem adventum in animos et introitum imaginum dicitis. [106] Ut igitur, Ti. Gracchum cum videor contionantem in Capitolio videre de M. Octavio deferentem sitellam, tum eum motum animi dico esse inanem, tu autem et Gracchi et Octavi imagines remanere, quae, in

Capitolium cum pervenerint, tum ad animum meum referantur — hoc idem fieri in deo, cuius crebra facie pellantur animi, ex quo esse beati atque aeterni intellegantur. [107] Fac imagines esse, quibus pulsentur animi: Species dumtaxat obicitur quaedam; num etiam cur ea beata sit, cur aeterna?

Quae autem istae imagines vestrae aut unde? A Democrito omnino haec licentia; sed et ille reprehensus a multis est, nec vos exitum reperitis, totaque res vacillat et claudicat. Nam quid est, quod minus probari possit, omnium in me incidere imagines, Homeri, Archilochi, Romuli, Numae, Pythagorae, Platonis — nec ea forma, qua illi fuerant: Quo modo illi ergo? Et quorum imagines: Orpheum poetam docet Aristoteles numquam fuisse, et hoc Orphicum carmen Pythagorei ferunt cuiusdam fuisse Cerconis; at Orpheus, id est imago eius, ut vos vultis, in animum meum saepe incurrit. [108] Quid, quod eiusdem hominis in meum, aliae aliae in tuum; quid, quod earum rerum, quae numquam omnino fuerunt neque esse potuerunt, ut Scyllae, ut Chimaerae; quid, quod hominum, locorum, urbium earum, quas numquam vidimus; quid, quod, simul ac mihi collibitum est, praesto est imago; quid, quod etiam ad dormientem veniunt invocatae. Tota res, Vellei, nugatoria est. Vos autem non modo oculis imagines, sed etiam animis inculcatis: Tanta est inpunitas garriendi. At quam licenter. [109] "Fluentium frequenter transitio fit visionum, ut e multis una videatur." Puderet me dicere non intellegere, si vos ipsi intellegeretis, qui ista defenditis. Quo modo enim probas continenter imagines ferri, aut si continenter, quo modo aeterne? "Innumerabilitas" inquit "suppeditat atomorum." Num eadem ergo ista faciet, ut sint omnia sempiterna? Confugis ad aequilibritatem (sic enim isonomian, si placet, appellemus) et ais, quoniam sit natura mortalis, inmortalem etiam esse oportere. Isto modo, quoniam homines mortales sunt, sint aliqui inmortales, et quoniam nascuntur in terra, nascantur in aqua. "Et quia sunt, quae interimant, sint, quae conservent." Sint sane, sed ea conservent, quae sunt; deos istos esse non sentio. [110] Omnis tamen ista rerum effigies ex individuis quo modo corporibus oritur? Quae etiam si essent, quae nulla sunt, pellere sepse et agitari inter se concursu fortasse possent, formare, figurare, colorare, animare non possent. Nullo igitur modo inmortalem deum efficitis.

Videamus nunc de beato. Sine virtute certe nullo modo; virtus autem actuosa; et deus vester nihil agens; expers virtutis igitur; ita ne beatus quidem. [111] Quae ergo vita? “Suppeditatio” inquis “bonorum nullo malorum interventu.” Quorum tandem bonorum? Voluptatum credo, nempe ad corpus pertinentium; nullam enim novistis nisi profectam a corpore et redeuntem ad corpus animi voluptatem. Non arbitror te velle similem esse Epicureorum reliquorum, quos pudeat quarundam Epicuri vocum, quibus ille testatur se [ne] intellegere quidem ullum bonum, quod sit seiunctum a delicatis et obscenis voluptatibus; quas quidem non erubescens persequitur omnis nominatim. [112] Quem cibum igitur aut quas potiones aut quas vocum aut florum varietates aut quos tactus, quos odores adhibebis ad deos, ut eos perfundas voluptatibus? Ac poetae quidem nectar, ambrosiam epulas conparant et aut Iuventatem aut Ganymedem pocula ministrantem, tu autem, Epicure, quid facies? Neque enim, unde habeat ista deus tuus, video, nec quo modo utatur. Locupletior igitur hominum natura ad beate vivendum est quam deorum, quod pluribus generibus fruitur voluptatum. [113] At has levioris ducis voluptates, quibus quasi titillatio (Epicuri enim hoc verbum est) adhibetur sensibus. Quo usque ludis? Nam etiam Philo noster ferre non poterat aspernari Epicureos mollis et delicatas voluptates. Summa enim memoria pronuntiabat plurimas Epicuri sententias is ipsis verbis, quibus erant scriptae. Metrodori vero, qui est Epicuri collega sapientiae, multa inpudentiora recitabat; accusat enim Timocratem, fratrem suum, Metrodorus, quod dubitet omnia, quae ad beatam vitam pertineant, ventre metiri, neque id semel dicit, sed saepius. Adnuere te video, nota enim tibi sunt; proferrem libros, si negares. Neque nunc reprehendo, quod ad voluptatem omnia referantur (alia est ea quaestio), sed doceo deos vestros esse voluptatis expertes, ita vestro iudicio ne beatos quidem. [114] “At dolore vacant.” Satin est id ad illam abundantem bonis vitam beatissimam? “Cogitat” inquiunt “adsidue beatum esse se; habet enim nihil aliud, quod agitet in mente.” Conprehende igitur animo et propone ante oculos deum nihil aliud in omni aeternitate nisi “Mihi pulchre est” et “Ego beatus sum” cogitantem. Nec tamen video, quo modo non vereatur iste deus beatus, ne intereat, cum sine ulla intermissione pulsetur agiteturque atomorum incursione sempiterna, cumque ex ipso imagines semper

afluant. Ita nec beatus est vester deus nec aeternus.

[115] “At etiam de sanctitate, de pietate adversus deos libros scripsit Epicurus.” At quo modo in his loquitur: Ut [Ti.] Coruncanium aut P. Scaevolam pontifices maximos te audire dicas, non eum, qui sustulerit omnem funditus religionem nec manibus ut Xerses, sed rationibus deorum inmortalium templa et aras everterit. Quid est enim, cur deos ab hominibus colendos dicas, cum dei non modo homines non colant, sed omnino nihil curent, nihil agant? [116] “At est eorum eximia quaedam praestansque natura, ut ea debeat ipsa per se ad se colendam elicere sapientem.” An quicquam eximium potest esse in ea natura, quae sua voluptate laetans nihil nec actura sit umquam neque agat neque egerit? Quae porro pietas ei debetur, a quo nihil acceperis, aut quid omnino, cuius nullum meritum sit, ei deberi potest? Est enim pietas iustitia adversum deos; cum quibus quid potest nobis esse iuris, cum homini nulla cum deo sit communitas? Sanctitas autem est scientia colendorum deorum; qui quam ob rem colendi sint, non intellego nullo nec accepto ab his nec sperato bono. [117] Quid est autem, quod deos veneremur propter admirationem eius naturae, in qua egregium nihil videmus?

Nam superstitione, quod gloriari soletis, facile est liberare, cum sustuleris omnem vim deorum. Nisi forte Diagoram aut Theodorum, qui omnino deos esse negabant, censes superstitiosos esse potuisse; ego ne Protagoram quidem, cui neutrum licuerit, nec esse deos nec non esse. Horum enim sententiae omnium non modo superstitionem tollunt, in qua inest timor inanis deorum, sed etiam religionem, quae deorum cultu pio continetur. [118] Quid i, qui dixerunt totam de dis inmortalibus opinionem fictam esse ab hominibus sapientibus rei publicae causa, ut, quos ratio non posset, eos ad officium religio duceret, nonne omnem religionem funditus sustulerunt? Quid Prodicus Cius, qui ea, quae prodessent hominum vitae, deorum in numero habita esse dixit, quam tandem religionem reliquit? [119] Quid, qui aut fortis aut claros aut potentis viros tradunt post mortem ad deos pervenisse eosque esse ipsos, quos nos colere, precari venerarique soleamus, nonne expertes sunt religionum omnium? Quae ratio maxime tractata ab Euhemero est, quem noster et interpretatus est et secutus praeter ceteros Ennius; ab Euhemero autem et mortes et sepulturae demonstrantur deorum; utrum igitur

hic confirmasse videtur religionem an penitus totam sustulisse? Omitto Eleusinem sanctam illam et augustam, “Ubi initiantur gentes orarum ultimae”, praetereo Samothraciam eaque, quae Lemni “Nocturno aditu occulta coluntur silvestribus saepibus densa”; quibus explicatis ad rationemque revocatis rerum magis natura cognoscitur quam deorum.

[120] Mihi quidem etiam Democritus, vir magnus in primis, cuius fontibus Epicurus hortulos suos inrigavit, nutare videtur in natura deorum. Tum enim censet imagines divinitate praeditas inesse in universitate rerum, tum principia mentis, quae sunt in eodem universo, deos esse dicit, tum animantes imagines, quae vel prodesse nobis solent vel nocere, tum ingentes quasdam imagines tantasque, ut universum mundum conplectantur extrinsecus, quae quidem omnia sunt patria Democriti quam Democrito digniora; [121] quis enim istas imagines conprehendere animo potest, quis admirari, quis aut cultu aut religione dignas iudicare?

Epicurus vero ex animis hominum extraxit radicitus religionem, cum dis inmortalibus et opem et gratiam sustulit. Cum enim optimam et praestantissumam naturam dei dicat esse, negat idem esse in deo gratiam: Tollit id, quod maxime proprium est optimae praestantissimaeque naturae. Quid enim melius aut quid praestantius bonitate et beneficentia; qua cum carere deum vultis, neminem deo, nec deum nec hominem carum, neminem ab eo amari, neminem diligi vultis: ita fit, ut non modo homines a deis, sed ipsi dei inter se ab aliis alii neglegantur. Quanto Stoici melius, qui a vobis reprehenduntur: Censent autem sapientes sapientibus etiam ignotis esse amicos; nihil est enim virtute amabilius, quam qui adeptus erit, ubicumque erit gentium, a nobis diligetur. [122] Vos autem quid mali datis, cum [in] inbecillitate gratificationem et benivolentiam ponitis. Ut enim omittam vim et naturam deorum, ne homines quidem censetis, nisi inbecilli essent, futuros beneficos et benignos fuisse? Nulla est caritas naturalis inter bonos? Carum ipsum verbum est amoris, ex quo amicitiae nomen est ductum; quam si ad fructum nostrum referemus, non ad illius commoda, quem diligemus, non erit ista amicitia, sed mercatura quaedam utilitatum suarum. Prata et arva et pecudum greges diliguntur isto modo, quod fructus ex is capiuntur, hominum caritas et amicitia gratuita est; quanto igitur magis deorum,

qui nulla re egentes et inter se diligunt et hominibus consulunt. Quod ni ita sit, quid veneramur, quid precamur deos, cur sacris pontifices, cur auspiciis augures praesunt, quid optamus a deis inmortalibus, quid vovemus? “At etiam liber est Epicuri de sanctitate.” [123] Ludimur ab homine non tam faceto quam ad scribendi licentiam libero. Quae enim potest esse sanctitas, si dii humana non curant, quae autem animans natura nihil curans? Verius est igitur nimirum illud, quod familiaris omnium nostrum Posidonius disseruit in libro quinto de natura deorum, nullos esse deos Epicuro videri, quaeque is de deis inmortalibus dixerit invidiae detestandae gratia dixisse; neque enim tam desipiens fuisset, ut homunculi similem deum fingeret, liniamentis dumtaxat extremis, non habitu solido, membris hominis praeditum omnibus usu membrorum ne minimo quidem, exilem quendam atque perlucidum, nihil cuiquam tribuentem, nihil gratificantem, omnino nihil curantem, nihil agentem. Quae natura primum nulla esse potest, idque videns Epicurus re tollit, oratione relinquit deos; [124] deinde si maxime talis est deus, ut nulla gratia, nulla hominum caritate teneatur, valeat — quid enim dicam “propitius sit”; esse enim propitius potest nemini, quoniam, ut dicitis, omnis in inbecillitate est et gratia et caritas.”

LIBER SECVNDVS

[1] Quae cum Cotta dixisset, tum Velleius “Ne ego” inquit “incautus, qui cum Academico et eodem rhetore congredi conatus sim. Nam neque indisertum Academicum pertimuissem nec sine ista philosophia rhetorem quamvis eloquentem; neque enim flumine conturbor inanium verborum nec subtilitate sententiarum, si orationis est siccitas. Tu autem, Cotta, utraque re valuisti; corona tibi et iudices defuerunt. Sed ad ista alias, nunc Lucilium, si ipsi commodum est, audiamus.”

[2] Tum Balbus: “Eundem equidem mallem audire Cottam, dum, qua eloquentia falsos deos sustulit, eadem veros inducat. Est enim et philosophi et pontificis et Cottae de dis inmortalibus habere non errantem et vagam ut Academici, sed ut nostri stabilem certamque sententiam. Nam contra Epicurum satis superque dictum est; sed aveo audire, tu ipse, Cotta, quid sentias.” “An” inquit “oblitus es, quid initio dixerim, facilius me, talibus praesertim de rebus, quid non sentirem, quam quid sentirem posse dicere? [3] Quod si haberem aliquid, quod liqueret, tamen te vicissim audire vellem, cum ipse tam multa dixissem.”

Tum Balbus: “Geram tibi morem et agam, quam brevissume potero; etenim convictis Epicuri erroribus longa de mea disputatione detracta oratio est. Omnino dividunt nostri totam istam de dis inmortalibus quaestionem in partis quattuor. Primum docent esse deos, deinde quales sint, tum mundum ab his administrari, postremo consulere eos rebus humanis. Nos autem hoc sermone, quae priora duo sunt, sumamus; tertium et quartum, quia maiora sunt, puto esse in aliud tempus differenda.”

“Minime vero” inquit Cotta “nam et otiosi sumus et his de rebus agimus, quae sunt etiam negotiis anteponenda.”

[4] Tum Lucilius “Ne egere quidem videtur” inquit “oratione prima pars. Quid enim potest esse tam apertum tamque perspicuum, cum caelum suspeximus caelestiaque contemplati sumus, quam esse aliquod numen praestantissimae mentis, quo haec regantur? Quod ni ita esset, qui potuisset adsensu omnium dicere Ennius “aspice hoc sublime candens, quem invocant omnes Iovem” — illum vero et

Iovem et dominatorem rerum et omnia motu regentem et, ut idem Ennius, “patrem divumque hominumque” et praesentem ac praepotentem deum? Quod qui dubitet, haud sane intellego, cur non idem, sol sit an nullus sit, dubitare possit; [5] qui enim est hoc illo evidentius? Quod nisi cognitum conprehensumque animis haberemus, non tam stabilis opinio permaneret nec confirmaretur diuturnitate temporis nec una cum saeclis aetatibusque hominum inveterare potuisset. Etenim videmus ceteras opiniones fictas atque vanas diuturnitate extabuisse. Quis enim hippocentaurum fuisse aut Chimaeram putat, quaeve anus tam excors inveniri potest, quae illa, quae quondam credebantur apud inferos, portenta extimescat? Opinionis enim commenta delet dies, naturae iudicia confirmat.

Itaque et in nostro populo et in ceteris deorum cultus religionumque sanctitates existunt in dies maiores atque meliores; [6] idque evenit non temere nec casu, sed quod et praesentes saepe di vim suam declarant, ut et apud Regillum bello Latinorum, cum A. Postumius dictator cum Octavio Mamillio Tusculano proelio dimicaret, in nostra acie Castor et Pollux ex equis pugnare visi sunt, et recentiore memoria idem Tyndaridae Persem victum nuntiaverunt. P. enim Vatinius, avus huius adulescentis, cum e praefectura Reatina Romam venienti noctu duo iuvenes cum equis albis dixissent regem Persem illo die captum, [cum] senatui nuntiavisset, primo quasi temere de re publica locutus in carcerem coniectus est, post a Paulo litteris allatis, cum idem dies constitisset, et agro a senatu et vacatione donatus est. Atque etiam cum ad fluvium Sagram Crotoniatas Locri maximo proelio devicissent, eo ipso die auditam esse eam pugnam ludis Olympiae memoriae proditum est. Saepe Faunorum voces exauditae, saepe visae formae deorum quemvis aut non hebetem aut impium deos praesentes esse confiteri coegerunt.

[7] Praedictiones vero et praesensiones rerum futurarum quid aliud declarant nisi hominibus ea, quae sint, ostendi, monstrari, portendi, praedici, ex quo illa ostenta, monstra, portenta, prodigia dicuntur. Quod si ea ficta credimus licentia fabularum, Mopsum, Tiresiam, Amphiaraum, Calchantem, Helenum (quos tamen augures ne ipsae quidem fabulae adscivissent, si res omnino repudiarent), ne domesticis quidem exemplis docti numen deorum conprobabimus? Nihil nos P. Clodi bello Punico primo temeritas movebit, qui etiam

per iocum deos inridens, cum cavea liberati pulli non pascerentur, mergi eos in aquam iussit, ut biberent, quoniam esse nollent? Qui risus classe devicta multas ipsi lacrimas, magnam populo Romano cladem attulit. Quid collega eius, [L.] Iunius, eodem bello nonne tempestate classem amisit, cum auspiciis non paruisset? Itaque Clodius a populo condemnatus est, Iunius necem sibi ipse conscivit. [8] C. Flaminium Coelius religione neglecta cecidisse apud Transumenum scribit cum magno rei publicae vulnere. Quorum exitio intellegi potest eorum imperiis rem publicam amplificatam, qui religionibus paruissent. Et si conferre volumus nostra cum externis, ceteris rebus aut pares aut etiam inferiores reperiemur, religione, id est cultu deorum, multo superiores. [9] An Atti Navi lituus ille, quo ad investigandum suem regiones vineae terminavit, contemnendus est? Crederem, nisi eius augurio rex Hostilius maxima bella gessisset. Sed neglegentia nobilitatis augurii disciplina omissa veritas auspiciorum spreta est, species tantum retenta; itaque maximae rei publicae partes, in is bella quibus rei publicae salus continetur, nullis auspiciis administrantur, nulla peremnia servantur, nulla ex acuminibus, nulli viri vocantur, ex quo in procinctu testamenta perierunt; tum enim bella gerere nostri duces incipiunt, cum auspicia posuerunt. [10] At vero apud maiores tanta religionis vis fuit, ut quidam imperatores etiam se ipsos dis inmortalibus capite velato verbis certis pro re publica devoverent. Multa ex Sibyllinis vaticinationibus, multa ex haruspicum responsis commemorare possum quibus ea confirmentur, quae dubia nemini debent esse. Atqui et nostrorum augurum et Etruscorum haruspicum disciplinam P. Scipione C. Figulo consulibus res ipsa probavit. quos cum Ti. Gracchus consul iterum crearet, primus rogator, ut eos rettulit, ibidem est repente mortuus. Gracchus cum comitia nihilo minus peregisset remque illam in religionem populo venisse sentiret, ad senatum rettulit. senatus quos ad soleret, referendum censuit. haruspices introducti responderunt non fuisse iustum comitiorum rogatorem. [11] tum Gracchus, ut e patre audiebam, incensus ira: “itane vero, ego non iustus, qui et consul rogavi et augur et auspicato? an vos Tusci ac barbari auspiciorum populi Romani ius tenetis et interpretes esse comitiorum potestis?” itaque tum illos exire iussit. post autem e provincia litteras ad collegium misit, se cum

legeret libros recordatum esse vitio sibi tabernaculum captum fuisse hortos Scipionis, quod, cum pomerium postea intrasset habendi senatus causa, in redeundo cum idem pomerium transiret auspicari esset oblitus; itaque vitio creatos consules esse. augures rem ad senatum; senatus ut abdicarent consules; abdicaverunt. quae quaerimus exempla maiora: vir sapientissimus atque haud sciam an omnium praestantissimus peccatum suum, quod celari posset, confiteri maluit quam haerere in re publica religionem, consules summum imperium statim deponere quam id tenere punctum temporis contra religionem. [12] magna augurum auctoritas; quid haruspicum ars nonne divina? Haec [et] innumerabilia ex eodem genere qui videat nonne cogatur confiteri deos esse? quorum enim interpretes sunt, eos ipsos esse certe necesse est; deorum autem interpretes sunt; deos igitur esse fateamur. At fortasse non omnia eveniunt, quae praedicta sunt. ne aegri quidem quia non omnes convalescunt, idcirco ars nulla medicina est. signa ostenduntur a dis rerum futurarum; in his si qui erraverunt, non deorum natura, sed hominum coniectura peccavit.

Itaque inter omnis omnium gentium summa constat; omnibus enim innatum est et in animo quasi inscriptum esse deos. [13] quales sint, varium est, esse nemo negat. Cleanthes quidem noster quattuor de causis dixit in animis hominum informatas deorum esse notiones, primam posuit eam, de qua modo dixi, quae orta esset ex praesensione rerum futurarum; alteram, quam ceperimus ex magnitudine commodorum, quae percipiuntur caeli temperatione, fecunditate terrarum aliarumque commoditatum complurium copia; [14] tertiam quae terreret animos fulminibus, tempestatibusn, nimbis, nivibus, grandinibus, vastitate, pestilentia, terrae motibus et saepe fremitibus lapideisque imbribus et guttis imbrium quasi cruentis, tum labibus aut repentinis terrarum hiatibus, tum praeter naturam hominum pecudumque portentis, tum facibus visis caelestibus, tum stellis — is quas Graeci komhtaV, nostri cincinnatas vocant, quae nuper bello Octaviano magnarum fuerunt calamitatum praenuntiae — , tum sole geminato, quod, ut e patre audivi, Tuditano et Aquilio consulibus evenerat, quo quidem anno P. Africanus, sol alter, extinctus est, quibus exterriti homines vim quandam esse caelestem et diviam suspicati sunt; [15] quartam causam esse eamque vel

maximam aequabilitatem motus [constantissimamque] conversionem caeli, solis lunae siderumque omnium distinctionem, utilitatem, pulchritudinem, ordinem, quarum rerum aspectus ipse satis indicaret non esse ea fortuita: ut, si quis in domum aliquam aut in gymnasium aut in forum venerit, cum videat omnium rerum rationem, modum, disciplinam, non possit ea sine causa fieri iudicare, sed esse aliquem intellegat, qui praesit et cui pareatur, multo magis in tantis motionibus tantisque vicissitudinibus, tam multarum rerum atque tantarum ordinibus, in quibus nihil umquam inmensa et infinita vetustas mentita sit, statuat necesse est ab aliqua mente tantos naturae motus gubernari. [16] Chrysippus quidem, quamquam est acerrimo ingenio, tamen ea dicit, ut ab ipsa natura didicisse, non ut ipse repperisse videatur. “Si enim” inquit “est aliquid in rerum natura quod hominis mens, quod ratio, quod vis, quod potestas humana efficere non possit, est certe id, quod illud efficit, homine melius; atqui res caelestes omnesque eae, quarum est ordo sempiternus, ab homine confici non possunt; est igitur id, quo illa conficiuntur, homine melius. id autem quid potius dixeris quam deum? Etenim si di non sunt, quid esse potest in rerum natura homine melius; in eo enim solo est ratio, qua nihil potest esse praestantius; esse autem hominem, qui nihil in omni mundo melius esse quam se putet, desipientis adrogantiae est; ergo est aliquid melius. est igitur profecto deus. [17] An vero, si domum magnam pulchramque videris, non possis adduci ut, etiam si dominum non videas, muribus illam et mustelis aedificatam putes: tantum ergo ornatum mundi, tantam varietatem pulchritudinemque rerum caelestium, tantam vim et magnitudinem maris atque terrarum si tuum ac non deorum inmortalium domicilium putes, nonne plane desipere videare? An ne hoc quidem intellegimus omnia supera esse meliora, terram autem esse infimam, quam crassissimus circumfundat aer: ut ob eam ipsam causam, quod etiam quibusdam regionibus atque urbibus contingere videmus, hebetiora ut sint hominum ingenia propter caeli pleniorem naturam, hoc idem generi humano evenerit, quod in terra hoc est in crassissima regione mundi conlocati sint. [18] Et tamen ex ipsa hominum sollertia esse aliquam mentem et eam quidem acriorem et divinam existimare debemus. unde enim hanc homo “arripuit”, ut ait apud Xenophontem Socrates, quin et umorem et calorem, qui est

fusus in corpore, et terrenam ipsam viscerum soliditatem, animum denique illum spirabilem, si quis quaerat, unde habeamus, apparet; quorum aliud a terra sumpsimus, aliud ab umore, aliud ab igni, aliud ab aere eo, quem spiritum dicimus, illud autem, quod vincit haec omnia, rationem dico et, si placet pluribus verbis, mentem, consilium, cogitationem, prudentiam, ubi invenimus, unde sustulimus? An cetera mundus habebit omnia, hoc unum, quod plurimi est, non habebit? atqui certe nihil omnium rerum melius est mundo, nihil praestantius, nihil pulchrius, nec solum nihil est, sed ne cogitari quidem quicquam melius potest. et si ratione et sapientia nihil est melius, necesse est haec inesse in eo, quod optimum esse concedimus. [19] Quid vero tanta rerum consentiens, conspirans, continuata cognatio quem non coget ea, quae dicuntur a me, conprobare? possetne uno tempore florere, dein vicissim horrere terra, aut tot rebus ipsis se inmutantibus solis accessus discessusque solstitiis brumisque cognosci. aut aestus maritimi fretorumque angustiae ortu aut obitu lunae commoveri, aut una totius caeli conversione cursus astrorum dispares conservari? haec ita fieri omnibus inter se concinentibus mundi partibus profecto non possent, nisi ea uno divino et continuato spiritu continerentur.

[20] Atque haec cum uberius disputantur et fusius, ut mihi est in animo facere, facilius effugiunt Academicorum calumniam ; cum autem, ut Zeno solebat, brevius angustiusque concluduntur, tum apertiora sunt ad reprendendum, nam ut profluens amnis aut vix aut nullo modo, conclusa autem aqua facile conrumpitur, sic orationis flumine reprensoris convicia diluuntur, angustia autem conclusae rationis non facile se ipsa tutatur. Haec enim, quae dilatantur a nobis, Zeno sic premebat: [21] “Quod ratione utitur, id melius est quam id, quod ratione non utitur; nihil autem mundo melius; ratione igitur mundus utitur”, similiter effici potest sapientem esse mundum, similiter beatum, similiter aeternum; omnia enim haec meliora sunt quam ea, quae sunt his carentia, nec mundo quicquam melius. ex quo efficietur esse mundum deum. [22] Idemque hoc modo: “Nullius sensu carentis pars aliqua potest esse sentiens; mundi autem partes sentientes sunt; non igitur caret sensu mundus”. Pergit idem et urguet angustius: “Nihil,” inquit “quod animi quodque rationis est expers, id generare ex se potest animantem compotemque rationis; mundus

autem generat animantis compotesque rationis; animans est igitur mundus composque rationis". Idemque similitudine, ut saepe solet, rationem conclusit hoc modo: "Si ex oliva modulate canentes tibiae nascerentur, num dubitares, quin inesset in oliva tibicini quaedam scientia? quid si platani fidiculas ferrent numerose sonantes: idem scilicet censeres in platanis inesse musicam, cur igitur mundus non animans sapiensque iudicetur, cum ex se procreet animantis atque sapientis?"

[23] Sed quoniam coepi secus agere atque initio dixeram (negaram enim hanc primam partem egere oratione, quod esset omnibus perspicuum deos esse), tamen id ipsum rationibus physicis, id est naturalibus, confirmari volo. Sic enim res se habet, ut omnia, quae alantur et quae crescant, contineant in se vim caloris, sine qua neque ali possent nec crescere. nam omne quod est calidum et igneum cietur et agitur motu suo; quod autem alitur et crescit motu quodam utitur certo et aequabili; qui quam diu remanet in nobis, tam diu sensus et vita remanet, refrigerato autem et extincto calore occidimus ipsi et extinguimur. [24] Quod quidem Cleanthes his etiam argumentis docet, quanta vis insit caloris in omni corpore: negat enim esse ullum cibum tam gravem, quin is nocte et die concoquatur; cuius etiam in reliquiis inest calor iis, quas natura respuerit. iam vero venae et arteriae micare non desinunt quasi quodam igneo motu, animadversumque saepe est, cum cor animantis alicuius evolsum ita mobiliter palpitaret, ut imitaretur igneam celeritatem. Omne igitur, quod vivit, sive animal, sive terra editum, id vivit propter inclusum in eo calorem, ex quo intellegi debet eam caloris naturam vim habere in se vitalem per omnem mundum pertinentem. [25] Atque id facilius cernemus toto genere hoc igneo, quod tranat omnia subtilius explicato. Omnes igitur partes mundi (tangam autem maximas) calore fultae sustinentur. Quod primum in terrena natura perspici potest. nam et lapidum conflictu atque tritu elici ignem videmus et recenti fossione terram fumare calentem, atque etiam ex puteis iugibus aquam calidam trahi, et id maxime fieri temporibus hibernis, quod magna vis terrae cavernis contineatur caloris eaque hieme sit densior ob eamque causam calorem insitum in terris contineat artius. [26] longa est oratio multaeque rationes, quibus doceri possit omnia, quae terra concipiat, semina quaeque ipsa ex se generata stirpibus

infixa contineat ea temperatione caloris et oriri et augescere. Atque aquae etiam admixtum esse calorem primum ipse liquor aquae declarat et fusio, quae neque conglaciaret frigoribus neque nive pruinaque concresceret, nisi eadem se admixto calore liquefacta et dilapsa diffunderet; itaque et aquilonibus reliquisque frigoribus adiectis durescit umor, et idem vicissim mollitur tepefactus et tabescit calore. atque etiam maria agitata ventis ita tepescunt, ut intellegi facile possit in tantis illis umoribus esse inclusum calorem; nec enim ille externus et adventicius habendus est tepor, sed ex intumis maris partibus agitatione excitatus, quod nostris quoque corporibus contingit, cum motu atque exercitatione recalescunt. ipse vero aer, qui natura est maxime frigidus, minime est expers caloris; [27] ille vero et multo quidem calore admixtus est: ipse enim oritur ex respiratione aquarum; earum enim quasi vapor quidam aer habendus est, is autem existit motu eius caloris, qui aquis continetur, quam similitudinem cernere possumus in his aquis, quae effervescunt subiectis ignibus. Iam vero reliqua quarta pars mundi: ea et ipsa tota natura fervida est et ceteris naturis omnibus salutarem inpertit et vitalem calorem. [28] Ex quo concluditur, cum omnes mundi partes sustineantur calore, mundum etiam ipsum simili parique natura in tanta diuturnitate servari, eoque magis, quod intellegi debet calidum illud atque igneum ita in omni fusum esse natura, ut in eo insit procreandi vis et causa gignendi, a quo et animantia omnia et ea, quorum stirpes terra continentur, et nasci sit necesse et augescere.

[29] Natura est igitur, quae contineat mundum omnem eumque tueatur, et ea quidem non sine sensu atque ratione. Omnem enim naturam necesse est, quae non solitaria sit neque simplex sed cum alio iuncta atque conexa, habere aliquem in se principatum, ut in homine mentem, in belua quiddam simile mentis, unde oriantur rerum adpetitus; in arborum autem et earum rerum, quae gignuntur e terra, radicibus inesse principatus putatur, principatum autem id dico, quod Graeci hgemonikon vocant, quo nihil in quoque genere nec potest nec debet esse praestantius, ita necesse est illud etiam, in quo sit totius naturae principatus, esse omnium optumum omniumque rerum potestate dominatuque dignissimum. [30] videmus autem in partibus mundi (nihil est enim in omni mundo, quod non pars universi sit) inesse sensum atque rationem. in ea parte igitur, in qua

mundi inest principatus, haec inesse necessest, et acriora quidem atque maiora. quocirca sapientem esse mundum necesse est, naturamque eam, quae res omnes conplexa teneat, perfectione rationis excellere, eoque deum esse mundum omnemque vim mundi natura divina contineri.

[31]Atque etiam mundi ille fervor purior perlucidior mobiliorque multo ob easque causas aptior ad sensus commovendos quam hic noster calor, quo haec, quae nota nobis sunt, retinentur et vigent. absurdum igitur est dicere, cum homines bestiaeque hoc calore teneantur et propterea moveantur ac sentiant, mundum esse sine sensu, qui integro et libero et puro eodemque acerrimo et mobilissimo ardore teneatur, praesertim cum is ardor qui est mundi non agitatus ab alio neque externo pulsu sed per se ipse ac sua sponte moveatur; nam quid potest esse mundo valentius, quod pellat atque moveat calorem eum, quo ille teneatur. [32] Audiamus enim Platonem quasi quendam deum philosophorum; cui duo placet esse motus, unum suum, alterum externum, esse autem divinius, quod ipsum ex se sua sponte moveatur quam, quod pulsu agitetur alieno. hunc autem motum in solis animis esse ponit, ab isque principium motus esse ductum putat. quapropter, quoniam ex mundi ardore motus omnis oritur, is autem ardor non alieno inpulsu, sed sua sponte movetur, animus sit necesse est; ex quo efficitur animantem esse mundum. Atque ex hoc quoque intellegi poterit in eo inesse intellegentiam, quod certe est mundus melior quam ulla natura. ut enim nulla pars est corporis nostri, quae non minoris sit quam nosmet ipsi sumus, sic mundum universum pluris esse necesse est quam partem aliquam universi. quod si ita est, sapiens sit mundus necesse est, nam ni ita esset, hominem, qui esset mundi pars, quoniam rationis esset particeps, pluris esse quam mundum omnem oporteret.

[33] Atque etiam si a primis incohatisque naturis ad ultimas perfectasque volumus procedere, ad deorum naturam perveniamus necesse est. Prima enim animadvertimus a natura sustineri ea, quae gignantur e terra, quibus natura nihil tribuit amplius quam, ut ea alendo atque augendo tueretur. [34] bestiis autem sensum et motum dedit et cum quodam adpetitu accessum ad res salutares a pestiferis recessum, hoc homini amplius, quod addidit rationem, qua regerentur animi adpetitus, qui tum remitterentur, tum continerentur. quartus

autem est gradus et altissimus eorum, qui natura boni sapientesque gignuntur, quibus a principio innascitur ratio recta constansque, quae supra hominem putanda est deoque tribuenda, id est mundo, in quo necesse est perfectam illam atque absolutam inesse rationem. [35] Neque enim dici potest in ulla rerum institutione non esse aliquid extremum atque perfectum, ut enim in vite, ut in pecude, nisi, quae vis obstitit, videmus naturam suo quodam itinere ad ultimum pervenire, atque ut pictura et fabrica ceteraeque artes habent quendam absoluti operis effectum, sic in omni natura ac multo etiam magis necesse est absolvi aliquid ac perfici. etenim ceteris naturis multa externa, quo minus perficiantur, possunt obsistere, universam autem naturam nulla res potest impedire propterea, quod omnis naturas ipsa cohibet et continet. Quocirca necesse est esse quartum illum et altissimum gradum, quo nulla vis possit accedere. [36] is autem est gradus, in quo rerum omnium natura ponitur; quae quoniam talis est, ut et praesit omnibus et eam nulla res possit inpedire, necesse est intellegentem esse mundum et quidem etiam sapientem.

Quid autem est inscitius quam eam naturam, quae omnis res sit conplexa, non optumam dici, aut, cum sit optuma, non primum animantem esse, deinde rationis et consilii compotem, postremo sapientem. qui enim potest aliter esse optima? neque enim, si stirpium similis sit aut etiam bestiarum, optuma putanda sit potius quam deterruma. Nec vero, si rationis particeps sit nec sit tamen a principio sapiens, non sit deterior mundi potius quam humana condicio. homo enim sapiens fieri potest, mundus autem, si in aeterno praeteriti temporis spatio fuit insipiens, numquam profecto sapientiam consequetur; ita erit homine deterior. quod quoniam absurdum est, et sapiens a principio mundus et deus habendus est.

[37] Neque enim est quicquam aliud praeter mundum quoi nihil absit quodque undique aptum atque perfectum expletumque sit omnibus suis numeris et partibus. Scite enim Chrysippus, ut clipei causa involucrum vaginam autem gladii, sic praeter mundum cetera omnia aliorum causa esse generata, ut eas fruges atque fructus, quos terra gignit, animantium causa, animantes autem hominum, ut ecum vehendi causa, arandi bovem, venandi et custodiendi canem; ipse autem homo ortus est ad mundum contemplandum et imitandum —

nullo modo perfectus, sed est quaedam particula perfecti. [38] sed mundus quoniam omnia conplexus est neque est quicquam, quod non insit in eo, perfectus undique est; qui igitur potest ei desse id, quod est optimum? nihil autem est mente et ratione melius; ergo haec mundo deesse non possunt. Bene igitur idem Chrysippus, qui similitudines adiungens omnia in perfectis et maturis docet esse meliora, ut in equo quam in eculeo, in cane quam in catulo, in viro quam in puero; item quod in omni mundo optimum sit, id in perfecto aliquo atque absoluto esse debere; [39] est autem nihil mundo perfectius, nihil virtute melius; igitur mundi est propria virtus. Nec vero hominis natura perfecta est, et efficitur tamen in homine virtus; quanto igitur in mundo facilius; est ergo in eo virtus. sapiens est igitur et propterea deus. Atque hac mundi divinitate perspecta tribuenda est sideribus eadem divinitas; quae ex mobilissima purissimaque aetheris parte gignuntur neque ulla praeterea sunt admixta natura totaque sunt calida atque perlucida, ut ea quoque rectissime et animantia esse et sentire atque intellegere dicantur. [40] Atque ea quidem tota esse ignea duorum sensuum testimonio confirmari Cleanthes putat, tactus et oculorum. nam solis calor et candor inlustrior est quam ullius ignis, quippe qui inmenso mundo tam longe lateque conluceat, et is eius tactus est, non ut tepefaciat solum, sed etiam saepe comburat, quorum neutrum faceret, nisi esset igneus. “ergo” inquit “cum sol igneus sit Oceanique alatur umoribus” (quia nullus ignis sine pastu aliquo possit permanere) “necesse est aut ei similis sit igni, quem adhibemus ad usum atque victum, aut ei, qui corporibus animantium continetur. [41] atqui hic noster ignis, quem usus vitae requirit, confector est et consumptor omnium idemque, quocumque invasit, cuncta disturbat ac dissipat; contra ille corporeus vitalis et salutaris omnia conservat, alit, auget, sustinet sensuque adficit.” negat ergo esse dubium horum ignium sol utri similis sit, cum is quoque efficiat, ut omnia floreant et in suo quaeque genere pubescant, quare, cum solis ignis similis eorum ignium sit, qui sunt in corporibus animantium, solem quoque animantem esse oportet, et quidem reliqua astra, quae oriantur in ardore caelesti, qui aether vel caelum nominatur.

[42] Cum igitur aliorum animantium ortus in terra sit, aliorum in aqua, in aere aliorum, absurdum esse Aristoteli videtur in ea parte,

quae sit ad gignenda animantia aptissima, animal gigni nullum putare. sidera autem aetherium locum optinent; qui quoniam tenuissimus est et semper agitatur et viget, necesse est, quod animal in eo gignatur, id et sensu acerrumo et mobilitate celerrima esse. quare cum in aethere astra gignantur, consentaneum est in his sensum inesse et intellegentiam, ex quo efficitur in deorum numero astra esse ducenda. Etenim licet videre acutiora ingenia et ad intellegendum aptiora eorum, qui terras incolant eas, in quibus aer sit purus ac tenuis, quam illorum, qui utantur crasso caelo atque concreto. [43] quin etiam cibo, quo utare, interesse aliquid ad mentis aciem putant. probabile est igitur praestantem intellegentiam in sideribus esse, quae et aetheriam partem mundi incolant et marinis terrenisque umoribus longo intervallo extenuatis alantur. Sensum autem astrorum atque intellegentiam maxume declarat ordo eorum atque constantia (nihil est enim, quod ratione et numero moveri possit sine consilio), in quo nihil est temerarium, nihil varium, nihil fortuitum. ordo autem siderum et in omni aeternitate constantia neque naturam significat (est enim plena rationis) neque fortunam, quae amica varietati constantiam respuit. sequitur ergo, ut ipsa sua sponte, suo sensu ac divinitate moveantur. [44] Nec vero Aristoteles non laudandus in eo, quod omnia, quae moventur, aut natura moveri censuit aut vi aut voluntate; moveri autem solem et lunam et sidera omnia; quae autem natura moverentur, haec aut pondere deorsum aut levitate in sublime ferri, quorum neutrum astris contingeret propterea, quod eorum motus in orbem circumque ferretur; nec vero dici potest vi quadam maiore fieri, ut contra naturam astra moveantur (quae enim potest maior esse?); restat igitur, ut motus astrorum sit voluntarius. Quae qui videat, non indocte solum, verum etiam impie faciat, si deos esse neget. nec sane multum interest, utrum id neget, an eos omni procuratione atque actione privet; mihi enim, qui nihil agit, esse omnino non videtur. esse igitur deos ita perspicuum est, ut, id qui neget, vix eum sanae mentis existimem.

[45] Restat, ut qualis eorum natura sit, consideremus; in quo nihil est difficilius quam a consuetudine oculorum aciem mentis abducere. ea difficultas induxit et vulgo imperitos et similes philosophos imperitorum, ut nisi figuris hominum constitutis nihil possent de dis inmortalibus cogitare; cuius opinionis levitas confutata a Cotta non

desiderat orationem meam. Sed cum talem esse deum certa notione animi praesentiamus, primum ut sit animans, deinde ut in omni natura nihil eo sit praestantius, ad hanc praesensionem notionemque nostram nihil video quod potius accommodem quam ut primum hunc ipsum mundum, quo nihil excellentius fieri potest, animantem esse et deum iudicem. [46] Hic quam volet Epicurus iocetur, homo non aptissimus ad iocandum minimeque resipiens patriam, et dicat se non posse intellegere qualis sit volubilis et rutundus deus, tamen ex hoc, quod etiam ipse probat, numquam me movebit. Placet enim illi esse deos, quia necesse sit praestantem esse aliquam naturam qua nihil sit melius. mundo autem certe nihil est melius; nec dubium, quin, quod animans sit habeatque sensum et rationem et mentem, id sit melius quam id, quod is careat. [47] ita efficitur animantem, sensus mentis rationis mundum esse compotem; qua ratione deum esse mundum concluditur. Sed haec paulo post facilius cognoscentur ex is rebus ipsis, quas mundus efficit. interea Vellei noli quaeso prae te ferre vos plane expertes esse doctrinae. conum tibi ais et cylindrum et pyramidem pulchriorem quam sphaeram videri, novum etiam oculorum iudicium habetis. sed sint ista pulchriora dumtaxat aspectu — quod mihi tamen ipsum non videtur; quid enim pulchrius ea figura, quae sola omnis alias figuras complexa continet, quaeque nihil asperitatis habere, nihil offensionis potest, nihil incisum angulis nihil anfractibus, nihil eminens nihil lacunosum; cumque duae formae praestantissimae sint, ex solidis globus (sic enim sfairan interpretari placet), ex planis autem circulus aut orbis, qui kukloV Graece dicitur, his duabus formis contingit solis ut omnes earum partes sint inter se simillumae a medioque tantum absit extremum, quo nihil fieri potest aptius — [48] sed si haec non videtis, quia numquam eruditum illum pulverem attigistis, ne hoc quidem physici intellegere potuistis, hanc aequabilitatem motus constantiamque ordinum in alia figura non potuisse servari? Itaque nihil potest indoctius quam, quod a vobis adfirmari solet. nec enim Inunc ipsum mundum pro certo rutundum esse dicitis, nam posse fieri, ut sit alia figura, innumerabilesque mundos alios aliarum esse formarum. [49] quae si bis bina quot essent didicisset Epicurus certe non diceret; sed dum palato quid sit optimum iudicat, ‘caeli palatum’, ut ait Ennius, non suspexit.

Nam cum duo sint genera siderum, quorum alterum spatiis inmutabilibus ab ortu ad occasum commeans nullum umquam cursus sui vestigium infleclat, alterum autem continuas conversiones duas isdem spatiis cursibusque conficiat, ex utraque re et mundi volubilitas, quae nisi in globosa forma esse non posset, et stellarum rutundi ambitus cognoscuntur. Primusque sol, qui astrorum tenet principatum, ita movetur ut, cum terras larga luce compleverit, easdem modo his modo illis ex partibus opacet; ipsa enim umbra terrae soli officiens noctem efficit. nocturnorum autem spatiorum eadem est aequabilitas quae diurnorum. eiusdemque solis tum accessus modici tum recessus et frigoris et caloris modum temperant. circumitus enim solis orbium quinque et sexaginta et trecentorum quarta fere diei parte addita conversionem conficiunt annuam; inflectens autem sol cursum tum ad septem triones tum ad meridiem aestates et hiemes efficit et ea duo tempora, quorum alterum hiemi senescenti adiunctum est alterum aestati: ita ex quattuor temporum mutationibus omnium, quae terra marique gignuntur, initia causaeque ducuntur. [50] iam solis annuos cursus spatiis menstruis luna consequitur, cuius tenuissimum lumen facit proximus accessus ad solem, digressus autem longissimus quisque plenissimum. neque solum eius species ac forma mutatur tum crescendo tum defectibus in initia recurrendo, sed etiam regio; quae cum est aquilonia aut australis, in lunae quoque cursu est et brumae quaedam et solstitii similitudo, multaque ab ea manant et fluunt, quibus et animantes alantur augescantque et pubescant maturitatemque adsequantur, quae oriuntur e terra.

[51] Maxume vero sunt admirabiles motus earum quinque stellarum, quae falso vocantur errantes; nihil enim errat, quod in omni aeternitate conservat progressus et regressus reliquosque motus constantis et ratos. quod eo est admirabilius in is stellis, quas dicimus, quia tum occultantur tum rursus aperiuntur, tum adeunt tum recedunt, tum antecedunt tum autem subsecuntur, tum celerius moventur tum tardius, tum omnino ne moventur quidem sed ad quoddam tempus insistunt. quarum ex disparibus motionibus magnum annum mathematici nominaverunt, qui tum efficitur, cum solis et lunae et quinque errantium ad eandem inter se comparationem confectis omnium spatiis est facta conversio; [52]

quae, quam longa sit, magna quaestio est, esse vero certam et definitam necesse est. Nam ea, quae Saturni stella dicitur Fainwnque a Graecis nominatur, quae a terra abest plurimum, XXX fere annis cursum suum conficit, in quo cursu multa mirabiliter efficiens tum antecedendo tum retardando, tum vespertinis temporibus delitiscendo tum matutinis rursum se aperiendo nihil inmutat sempiternis saeclorum aetatibus, quin eadem isdem temporibus efficiat, infra autem hanc propius a terra Iovis stella fertur, quae Faeqwn dicitur, eaque eundem duodecim signorum orbem annis duodecim conficit easdemque quas Saturni stella efficit in cursu varietates. [53] Huic autem proximum inferiorem orbem tenet PuroeiV, quae stella Martis appellatur, eaque quattuor et viginti mensibus sex, ut opinor, diebus minus eundem lustrat orbem quem duae superiores, infra hanc autem stella Mercuri est (ea Stilbwn appellatur a Graecis), quae anno fere vertenti signiferum lustrat orbem neque a sole longius umquam unius signi intervallo discedit tum antevertens tum subsequens. Infima est quinque errantium terraeque proxuma stella Veneris, quae FwsforoV Graece Lucifer Latine dicitur cum antegreditur solem, cum subsequitur autem EsperoV: ea cursum anno conficit et latitudinem lustrans signiferi orbis et longitudinem, quod idem faciunt stellae superiores, neque umquam ab sole duorum signorum intervallo longius discedit tum antecedens tum subsequens. [54] Hanc igitur in stellis constantiam, hanc tantam tam variis cursibus in omni aeternitate convenientiam temporum non possum intellegere sine mente ratione consilio. quae cum in sideribus inesse videamus, non possumus ea ipsa non in deorum numero reponere.

Nec vero eae stellae, quae inerrantes vocantur, non significant eandem mentem atque prudentiam, quarum est cotidiana conveniens constansque conversio, nec habent aetherios cursus neque caelo inhaerentes, ut plerique dicunt physicae rationis ignari; non est enim aetheris ea natura, ut vi sua stellas conplexa contorqueat, nam tenuis ac perlucens et aequabili calore suffusus aether non satis aptus ad stellas continendas videtur; [55] habent igitur suam sphaeram stellae inerrantes ab aetheria coniunctione secretam et liberam. earum autem perennes cursus atque perpetui cum admirabili incredibilique constantia declarant in his vim et mentem esse divinam, ut haec ipsa qui non sentiat deorum vim habere is nihil omnino sensurus esse

videatur.

[56] Nulla igitur in caelo nec fortuna nec temeritas nec erratio nec vanitas inest contraque omnis ordo veritas ratio constantia, quaeque his vacant ementita et falsa plenaque erroris, ea circum terras infra lunam, quae omnium ultima est, in terrisque versantur. caelestem ergo admirabilem ordinem incredibilemque constantiam, ex qua conservatio et salus omnium omnis oritur, qui vacare mente putat is ipse mentis expers habendus est. [57] Haut ergo ut opinor erravero, si a principe investigandae veritatis huius disputationis principium duxero. Zeno igitur naturam ita definit, ut eam dicat ignem esse artificiosum ad gignendum progredientem via, censet enim artis maxume proprium esse creare et gignere, quodque in operibus nostrarum artium manus efficiat id multo artificiosius naturam efficere, id est ut dixi ignem artificiosum magistrum artium reliquarum. Atque hac quidem ratione omnis natura artificiosa est, quod habet quasi viam quandam et sectam quam sequatur. [58] ipsius vero mundi, qui omnia conplexu suo coercet et continet, natura non artificiosa solum sed plane artifex ab eodem Zenone dicitur, consultrix et provida utilitatum oportunitatumque omnium, atque ut ceterae naturae suis seminibus quaeque gignuntur augescunt continentur, sic natura mundi omnis motus habet voluntarios, conatusque et adpetitiones, quas ormaV Graeci vocant, et is consentaneas actiones sic adhibet ut nosmet ipsi qui animis movemur et sensibus. Talis igitur mens mundi cum sit ob eamque causam vel prudentia vel providentia appellari recte possit (Graece enim pronoia dicitur), haec potissimum providet et in is maxime est occupata, primum ut mundus quam aptissimus sit ad permanendum, deinde ut nulla re egeat, maxume autem ut in eo eximia pulchritudo sit atque omnis ornatus.

[59] Dictum est de universo mundo, dictum etiam est de sideribus, ut iam prope modum appareat multitudo nec cessantium deorum nec ea quae agant molientium cum labore operoso ac molesto. non enim venis et nervis et ossibus continentur nec his escis aut potionibus vescuntur, ut aut nimis acres aut nimis concretos umores colligant, nec is corporibus sunt ut casus aut ictus extimescant aut morbos metuant ex defetigatione membrorum, quae verens Epicurus monogrammos deos et nihil agentes commentus est. illi autem

pulcherruma forma praediti purissimaque in regione caeli collocati ita feruntur moderanturque cursus, ut ad omnia conservanda et tuenda consensisse videantur.

[60] Multae autem aliae naturae deorum ex magnis beneficiis eorum non sine causa et a Graeciae sapientissimis et a maioribus nostris constitutae nominataeque sunt. quicquid enim magnam utilitatem generi adferret humano, id non sine divina bonitate erga homines fieri arbitrabantur, itaque tum illud quod erat a deo natum nomine ipsius dei nuncupabant, ut cum fruges Cererem appellamus vinum autem Liberum, ex quo illud Terenti "sine Cerere et Libero friget Venus", [61] tum autem res ipsa, in qua vis inest maior aliqua, sic appellatur ut ea ipsa vis nominetur deus, ut Fides ut Mens, quas in Capitolio dedicatas videmus proxume a M. Aemilio Scauro, ante autem ab [A.] Atilio Calatino erat Fides consecrata. vides Virtutis templum vides Honoris a M. Marcello renovatum, quod multis ante annis erat bello Ligustico a Q. Maxumo dedicatum. quid Opis quid Salutis quid Concordiae Libertatis Victoriae; quarum omnium rerum quia vis erat tanta ut sine deo regi non posset, ipsa res deorum nomen optinuit. quo ex genere Cupidinis et Voluptatis et Lubentinae Veneris vocabula consecrata sunt, vitiosarum rerum neque naturalium — quamquam Velleius aliter existimat, sed tamen ea ipsa vitia naturam vehementius saepe pulsant. [62] Utilitatum igitur magnitudine constituti sunt ei di qui utilitates quasque gignebant, atque is quidem nominibus quae paulo ante dicta sunt quae vis sit in quoque declaratur deo.

Suscepit autem vita hominum consuetudoque communis ut beneficiis excellentis viros in caelum fama ac voluntate tollerent, hinc Hercules hinc Castor et Pollux hinc Aesculapius hinc Liber etiam (hunc dico Liberum Semela natum, non eum quem nostri maiores auguste sancteque Liberum cum Cerere et Libera consecraverunt, quod quale sit ex mysteriis intellegi potest; sed quod ex nobis natos liberos appellamus, idcirco Cerere nati nominati sunt Liber et Libera, quod in Libera servant, in Libero non item) — hlnc etiam Romulum, quem quidam eundem esse Quirinum putant. quorum cum remanerent animi atque aeternitate fruerentur, rite di sunt habiti, cum et optimi essent et aeterni.

[63] Alia quoque ex ratione et quidem physica magna fluxit

multitudo deorum, qui induti specie humana fabulas poetis suppeditaverunt, hominum autem vitam superstitione omni referserunt. atque hic locus a Zenone tractatus post a Cleanthe et Chrysippo pluribus verbis explicatus est. Nam vetus haec opinio Graeciam opplevit, esse exsectum Caelum a filio Saturno, vinctum autem Saturnum ipsum a filio Iove: [64] physica ratio non inelegans inclusa est in impias fabulas. caelestem enim altissimam aetheriamque naturam id est igneam, quae per sese omnia gigneret, vacare voluerunt ea parte corporis quae coniunctione alterius egeret ad procreandum. Saturnum autem eum esse voluerunt qui cursum et conversionem spatiorum ac temporum contineret, qui deus Graece id ipsum nomen habet: KronoV enim dicitur, qui est idem cronoV id est spatium temporis. Saturnus autem est appellatus quod saturaretur annis; ex se enim natos comesse fingitur solitus, quia consumit aetas temporum spatia annisque praeteritis insaturabiliter expletur. vinctus autem a Iove, ne inmoderatos cursus haberet, atque ut eum siderum vinclis alligaret, sed ipse Iuppiter, id est iuvans pater, quem conversis casibus appellamus a iuvando Iovem, a poetis "pater divomque hominumque" dicitur, a maioribus autem nostris optumus maxumus, et quidem ante optimus id est beneficentissimus quam maximus, quia maius est certeque gratius prodesse omnibus quam opes magnas habere — [65] hunc igitur Ennius, ut supra dixi, nuncupat ita dicens "aspice hoc sublime candens, quem invocant omnes Iovem" planius quam alio loco idem "cui quod in me est exsecrabor hoc quod lucet quicquid est"; hunc etiam augures nostri cum dicunt "Iove fulgente tonante": dicunt enim "caelo fulgente et tonante". Euripides autem ut multa praeclare sic hoc breviter:

"vides sublime fusum immoderatum aethera,
qui terram tenero circumiectu amplectitur:
hunc summum habeto divum, hunc perhibeto Iovem".

[66] Aer autem, ut Stoici disputant, interiectus inter mare et caelum Iunonis nomine consecratur, quae est soror et coniux Iovis, quod [ei] et similitudo est aetheris et cum eo summa coniunctio. effeminarunt autem eum Iunonique tribuerunt, quod nihil est eo mollius. sed Iunonem a iuvando credo nominatam. Aqua restabat et terra, ut essent ex fabulis tria regna divisa. datum est igitur Neptuno alterum, Iovis ut volumus fratri, maritimum omne regnum, nomenque productum ut Portunus a porta sic Neptunus a nando, paulum primis litteris immutatis. Terrena autem vis omnis atque natura Diti patri dedicata est, qui dives ut apud Graecos Ploutwn, quia et recidunt omnia in terras et oriuntur e terris, +Cui Proserpinam (quod Graecorum nomen est, ea enim est quae Persefonh Graece nominatur) — quam frugum semen esse volunt absconditamque quaeri a matre fingunt. [67] Mater autem est a gerendis frugibus Ceres tamquam geres, casuque prima littera itidem immutata ut a Graecis; nam ab illis quoque Dhmhthr quasi gh mhthr nominata est. Iam qui magna verteret Mavors, Minerva autem quae vel minueret vel minaretur. Cumque in omnibus rebus vim haberent maxumam prima et extrema, principem in sacrificando Ianum esse voluerunt, quod ab eundo nomen est ductum, ex quo transitiones perviae iani foresque in liminibus profanarum aedium ianuae nominantur. Nam Vestae nomen a Graecis (ea est enim quae ab illis Estiadicitur); vis autem eius ad aras et focos pertinet, itaque in ea dea, quod est rerum custos intumarum, omnis et precatio et sacrificatio extrema est. [68] Nec longe absunt ab hac vi di Penates, sive a penu ducto nomine (est enim omne quo vescuntur homines penus) sive ab eo quod penitus insident; ex quo etiam penetrales a poetis vocantur. lam Apollinis nomen est Graecun, quem solem esse volunt, Dianam autem et lunam eandem esse putant, cum sol dictus sit vel quia solus ex omnibus sideribus est tantus vel quia cum est exortus obscuratis omnibus solus apparet, luna a lucendo nominata sit; eadem est enim Lucina, itaque ut apud Graecos Dianam eamque Luciferam sic apud nostros Iunonem Lucinam in pariendo invocant, quae eadem Diana Omnivaga dicitur non a venando sed quod in septem numeratur tamquam vagantibus; [69] Diana dicta quia noctu quasi diem efficeret, adhibetur autem ad partus, quod i maturescunt aut septem non

numquam aut ut plerumque novem lunae cursibus, qui quia mensa spatia conficiunt menses nominantur; concinneque ut multa Timaeus, qui cum in historia dixisset qua nocte natus Alexander esset eadem Dianae Ephesiae templum deflagravisse, adiunxit minime id esse mirandum, quod Diana quom in partu Olympiadis adesse voluisset afuisset domo. Quae autem dea ad res omnes veniret Venerem nostri nominaverunt, atque ex ea potius venustas quam Venus ex venustate. [70] Videtisne igitur ut a physicis rebus bene atque utiliter inventis tracta ratio sit ad commenticios et fictos deos. Quae res genuit falsas opiniones erroresque turbulentos et superstitiones paene aniles. et formae enim nobis deorum et aetates et vestitus ornatusque noti sunt, genera praeterea coniugia cognationes, omniaque traducta ad similitudinem inbecillitatis humanae. nam et perturbatis animis inducuntur: accepimus enim deorum cupiditates aegritudines iracundias; nec vero, ut fabulae ferunt, bellis proeliisque caruerunt, nec solum ut apud Homerum cum duo exercitus contrarios alii dei ex alia parte defenderent, sed etiam ut cum Titanis ut cum Gigantibus sua propria bella gesserunt. haec et dicuntur et creduntur stultissime et plena sunt futtilitatis summaeque levitatis. [71] Sed tamen is fabulis spretis ac repudiatis deus pertinens per naturam cuiusque rei, per terras Ceres per maria Neptunus alii per alia, poterunt intellegi qui qualesque sint quoque eos nomine consuetudo nuncupaverit. Quos deos et venerari et colere debemus, cultus autem deorum est optumus idemque castissimus atque sanctissimus plenissimusque pietatis, ut eos semper pura integra incorrupta et mente et voce veneremur. non enim philosophi solum verum etiam maiores nostri superstitionem a religione separaverunt. [72] nam qui totos dies precabantur et immolabant, ut sibi sui liberi superstites essent, superstitiosi sunt appellati, quod nomen patuit postea latius; qui autem omnia quae ad cultum deorum pertinerent diligenter retractarent et tamquam relegerent, [i] sunt dicti religiosi ex relegendo, [tamquam] elegantes ex eligendo, [tamquam] [ex] diligendo diligentes, ex intellegendo intellegentes; his enim in verbis omnibus inest vis legendi eadem quae in religioso. ita factum est in superstitioso et religioso alterum vitii nomen alterum laudis. Ac mihi videor satis et esse deos et quales essent ostendisse.

[73] Proximum est, ut doceam deorum providentia mundum

administrari. magnus sane locus est et a vestris Cotta vexatus, ac nimirum vobiscum omne certamen est. Nam vobis Vellei minus notum est, quem ad modum quidque dicatur; vestra enim solum legitis vestra amatis, ceteros causa incognita condemnatis, velut a te ipso hesterno die dictumst anum fatidicam Pronoean a Stoicis induci, id est Providentiam. quod eo errore dixisti, quia existumas ab is providentiam fingi quasi quandam deam singularem, quae mundum omnem gubernet et regat. [74 sed id praecise dicitur: ut, si quis dicat Atheniensium rem publicam consilio regi, desit illud "Arii pagi", sic, cum dicimus providentia mundum administrari, deesse arbitrato "deorum", plene autem et perfecte sic dici existumato, providentia deorum mundum administrari, ita salem istum, quo caret vestra natio, in inridendis nobis nolitote consumere, et mercule si me audiatis ne experiamini quidem; non decet non datum est non potestis. nec vero hoc in te unum convenit moribus domesticis ac nostrorum hominum urbanitate limatum, sed cum in reliquos vestros tum in eum maxime, qui ista peperit, hominem sine arte sine litteris, insultantem in omnes, sine acumine ullo sine auctoritate sine lepore.

[75] Dico igitur providentia deorum mundum et omnes mundi partes et initio constitutas esse et omni tempore administrari. Eamque disputationem tris in partes nostri fere dividunt, quarum prima pars est, quae ducitur ab ea ratione, quae docet esse deos; quo concesso confitendum est eorum consilio mundum administrari. secunda est autem quae docet omnes res subiectas esse naturae sentienti ab eaque omnia pulcherrume geri; quo constituto sequitur ab animantibus principiis eam esse generatam. tertius est locus, qui ducitur ex admiratione rerum caelestium atque terrestrium.

[76] Primum igitur aut negandum est esse deos, quod et Democritus simulacra et Epicurus imagines inducens quodam pacto negat, aut qui deos esse concedant, is fatendum est eos aliquid agere idque praeclarum; nihil est autem praeclarius mundi administratione; deorum igitur consilio administratur. Quod si aliter est, aliquid profecto sit necesse est melius et maiore vi praeditum quam deus, quale id cumque est, sive inanima natura sive necessitas vi magna incitata haec pulcherrima opera efficiens, quae videmus; [77] non est igitur natura deorum praepotens neque excellens, si quidem ea subiecta est ei vel necessitati vel naturae, qua caelum maria terrae

regantur, nihil est autem praestantius deo; ab eo igitur mundum necesse est regi; nulli igitur est naturae oboediens aut subiectus deus; omnem ergo regit ipse naturam. Etenim si concedimus intellegentes esse deos, concedimus etiam providentes et rerum quidem maxumarum. ergo utrum ignorant, quae res maxumae sint quoque eae modo tractandae et tuendae, an vim non habent, qua tantas res sustineant et gerant? at et ignoratio rerum aliena naturae deorum est, et sustinendi muneris propter inbecillitatem difficultas minime cadit in maiestatem deorum. ex quo efficitur id, quod volumus, deorum providentia mundum administrari. [78] Atqui necesse est, cum sint di (si modo sunt, ut profecto sunt), animantis esse, nec solum animantes, sed etiam rationis compotes inter seque quasi civili conciliatione et societate coniunctos, unum mundum ut communem rem publicam atque urbem aliquam regentis. [79] sequitur, ut eadem sit in is quae humano in genere ratio, eadem veritas utrobique sit eademque lex, quae est recti praeceptio pravique depulsio, ex quo intellegitur prudentiam quoque et mentem a deis ad homines pervenisse (ob eamque causam maiorum institutis Mens Fldes Virtus Concordia consecratae et publice dedicatae sunt; quae qui convenit penes deos esse negare, cum eorum augusta et sancta simulacra veneremur: quod si inest in hominum genere mens fides virtus concordia, unde haec in terram nisi ab superis defluere potuerunt?), cumque sint in nobis consilium ratio prudentia, necesse est deos haec ipsa habere maiora, nec habere solum, sed etiam his uti in maxumis et optumis rebus. [80] nihil autem nec maius nec melius mundo; necesse est ergo eum deorum consilio et providentia administrari. Postremo cum satis docuerimus hos esse deos, quorum insignem vim et inlustrem faciem videremus, solem dico et Iunam et vagas stellas et inerrantes et caelum et mundum ipsum et earum rerum vim, quae inessent in omni mundo cum magno usu et commoditate generis humani, efficitur omnia regi divina mente atque prudentia. Ac de prima quidem parte satis dictum est. [81] Sequitur, ut doceam omnia subiecta esse naturae, eaque ab ea pulcherrime geri. Sed quid sit ipsa natura, explicandum est ante breviter, quo facilius id, quod docere volumus, intellegi possit. namque alii naturam esse censent vim quandam sine ratione cientem motus in corporibus necessarios, alii autem vim participem rationis atque ordinis tamquam via

progredientem declarantemque, quid cuiusque rei causa efficiat, quid sequatur, cuius sollertiam nulla ars, nulla manus, nemo opifex consequi possit imitando; seminis enim vim esse tantam, ut id, quamquam sit perexiguum, tamen, si inciderit in concipientem conprendentemque naturam nanctumque sit materiam, qua ali augerique possit, ita fingat et efficiat in suo quidque genere, partim ut tantum modo per stirpes alantur suas, partim ut moveri etiam et sentire et appetere possint et ex sese similia sui gignere. [82] Sunt autem, qui omnia naturae nomine appellent, ut Epicurus, qui ita dividit, omnium quae sint naturam esse corpora et inane quaeque is accidant. Sed nos cum dicimus natura constare administrarique mundum, non ita dicimus, ut glaebam aut fragmentum lapidis aut aliquid eius modi nulla cohaerendi natura, sed ut arborem ut animal, in quibus nulla temeritas sed ordo apparet et artis quaedam similitudo.

[83] Quod si ea quae a terra stirpibus continentur arte naturae vivunt et vigent, profecto ipsa terra eadem vi continetur arte naturae, quippe quae gravidata seminibus omnia pariat et fundat ex sese, stirpes amplexa alat et augeat ipsaque alatur vicissim a superis externisque naturis; eiusdemque exspirationibus et aer alitur et aether et omnia supera. Ita si terra natura tenetur et viget, eadem ratio in reliquo mundo est; stirpes enim terrae inhaerent, animantes autem adspiratione aeris sustinentur; ipseque aer nobiscum videt nobiscum audit nobiscum sonat, nihil enim eorum sine eo fieri potest; quin etiam movetur nobiscum, quacumque enim imus qua movemur videtur quasi locum dare et cedere. [84] quaeque in medium locum mundi, qui est infimus, et quae a medio in superum quaeque conversione rutunda circum medium feruntur, ea continentem mundi efficiunt unamque naturam. Et cum quattuor genera sint corporum, vicissitudine eorum mundi continuata natura est. nam ex terra aqua ex aqua oritur aer ex aere aether, deinde retrorsum vicissim ex aethere aer inde aqua ex aqua terra infima. sic naturis is ex quibus omnia constant sursus deorsus ultro citro commeantibus mundi partium coniunctio continetur. [85] Quae aut sempiterna sit necessest hoc eodem ornatu quem videmus, aut certe perdiuturna, permanens ad longinquum et inmensum paene tempus. quorum utrumvis ut sit, sequitur natura mundum administrari. Quae enim classium navigatio

aut quae instructio exercitus aut, rursus ut ea quae natura efficit conferamus, quae procreatio vitis aut arboris, quae porro animantis figura conformatioque membrorum tantam naturae sollertiam significat quantam ipse mundus? aut igitur nihil est quod sentiente natura regatur, aut mundum regi confitendum est. [86] Etenim qui reliquas naturas omnes earumque semina contineat, qui potest ipse non natura administrari; ut, si qui dentes et pubertatem natura dicat existere, ipsum autem hominem cui ea existant non constare natura, non intellegat ea quae ecferant aliquid ex sese perfectiores habere naturas quam ea quae ex his efferantur. omnium autem rerum quae natura administrantur seminator et sator et parens ut ita dicam atque educator et altor est mundus omniaque sicut membra et partes suas nutricatur et continet. quod si mundi partes natura administrantur, necesse est mundum ipsum natura administrari. Cuius quidem administratio nihil habet in se quod reprehendi possit; ex his enim naturis quae erant quod effici optimum potuit effectum est. [87] doceat ergo aliquis potuisse melius; sed nemo umquam docebit, et si quis corrigere aliquid volet aut deterius faciet aut id quod fieri [non] potuerit desiderabit.

Quod si omnes mundi partes ita constitutae sunt ut neque ad usum meliores potuerint esse neque ad speciem pulchriores, videamus utrum ea fortuitane sint an eo statu quo cohaerere nullo modo potuerint nisi sensu moderante divinaque providentia. Si igitur meliora sunt ea quae natura quam illa quae arte perfecta sunt, nec ars efficit quicquam sine ratione, ne natura quidem rationis expers est habenda. Qui igitur convenit, signum aut tabulam pictam cum aspexeris, scire adhibitam esse artem, cumque procul cursum navigii videris, non dubitare, quin id ratione atque arte moveatur, aut cum solarium vel descriptum vel ex aqua contemplere, intellegere declarari horas arte, non casu, mundum autem, qui et has ipsas artes et earum artifices et cuncta conplectatur consilii et rationis esse expertem putare. [88] Quod si in Scythiam aut in Brittanniam sphaeram aliquis tulerit hanc, quam nuper familiaris noster effecit Posidonius, cuius singulae conversiones idem efficiunt in sole et in luna et in quinque stellis errantibus, quod efficitur in caelo singulis diebus et noctibus, quis in illa barbaria dubitet, quin ea sphaera sit perfecta ratione; hi autem dubitant de mundo, ex quo et oriuntur et

fiunt omnia, casune ipse sit effectus aut necessitate aliqua an ratione ac mente divina, et Archimedem arbitrantur plus valuisse in imitandis sphaerae conversionibus quam naturam in efficiendis; praesertim cum multis partibus sint illa perfecta quam haec simulata sollertius. [89] Utque ille apud Accium pastor, qui navem numquam ante vidisset, ut procul divinum et novum vehiculum Argonautarum e monte conspexit, primo admirans et perterritus hoc modo loquitur:

‘tanta moles labitur
fremibunda ex alto ingenti sonitu et strepitu:
prae se undas volvit, vertices vi suscitat,
ruit prolapsa, pelagus respergit, reflat;
ita dum interruptum credas nimbum volvier,
dum quod sublime ventis expulsum rapi
saxum aut procellis, vel globosos turbines
existere ictos undis concursantibus —
nisi quas terrestres pontus strages conciet
aut forte Triton fuscina evertens specus
subter radices penitus undanti in freto
molem ex profundo saxeam ad caelum eruit’:
dubitat primo, quae sit ea natura, quam cernit ignotam; idemque
iuvenibus visis auditoque nautico cantu:
‘Sicut inciti atque alacres rostris perfremunt delphini’
— Item alia multa —
‘Silvani melo
consimilem ad aures cantum et auditum refert.’ —

[90] ergo ut hic primo aspectu inanimum quiddam sensuque vacuum se putat cernere, post autem signis certioribus, quale sit id, de quo dubitaverat, incipit suspicari, sic philosophi debuerunt, si forte eos primus aspectus mundi conturbaverat, postea, cum vidissent motus eius finitos et aequabiles omniaque ratis ordinibus moderata inmutabilique constantia, intellegere inesse aliquem non solum habitatorem in hac caelesti ac divina domo, sed etiam rectorem et moderatorem et tamquam architectum tanti operis tantique muneris.

Nunc autem mihi videntur ne suspicari quidem, quanta sit admirabilitas caelestium rerum atque terrestrium.

[91] Principio enim terra sita in media parte mundi circumfusa undique est hac animali spirabilique natura, cui nomen est aer — Graecum illud quidem, sed perceptum iam tamen usu a nostris; tritum est enim pro Latino. Hunc rursus amplectitur inmensus aether, qui constat ex altissimis ignibus (mutuemur hoc quoque verbum dicaturque tam aether Latine, quam dicitur aer, etsi interpretatur Pacuvius: 'hoc, quod memoro, nostri caelum, Grai perhibent aethera' — quasi veto non Graius hoc dicat. 'At Latine loquitur.' Si quidem nos non quasi Graece loquentem audiamus; docet idem alio loco: 'Graiugena: de isto aperit ipsa oratio.') — [92] Sed ad maiora redeamus. Ex aethere igitur innumerabiles flammae siderum exsistunt, quorum est princeps sol omnia clarissima luce conlustrans, multis partibus maior atque amplior quam terra universa, deinde reliqua sidera magnitudinibus inmensis. Atque hi tanti ignes tamque multi non modo nihil nocent terris rebusquc terrestribus, sed ita prosunt, ut, si moti loco sint, conflagrare terras necesse sit a tantis ardoribus moderatione et temperatione sublata. [93] Hic ego non mirer esse quemquam, qui sibi persuadeat corpora quaedam solida atque individua vi et gravitate ferri mundumque effici ornatissimum et pulcherrimum ex eorum corporum concursione fortuita? Hoc qui existimat fieri potuisse, non intellego, cur non idem putet, si innumerabiles unius et viginti formae litterarum vel aureae vel qualeslibet aliquo coiciantur, posse ex is in terram excussis annales Enni, ut deinceps legi possint, effici; quod nescio an ne in uno quidem versu possit tantum valere fortuna. [94] Isti autem quemadmodum adseverant ex corpusculis non colore, non qualitate aliqua (quam poioteta Graeci vocant), non sensu praeditis, sed concurrentibus temere atque casu mundum esse perfectum, vel innumerabiles potius in omni puncto temporis alios nasci, alios interire: quod si mundum efficere potest concursus atomorum, cur porticum cur templum cur domum cur urbem non potest, quae sunt minus operosa et multo quidem faciliora. Certe ita temere de mundo effuttiunt, ut mihi quidem numquam hunc admirabilem caeli ornatum (qui locus est proxumus) suspexisse videantur. [95] Praeclare ergo Aristoteles 'Si essent', inquit, 'qui sub terra semper habitavissent bonis et inlustribus domiciliis, quae essent ornata signis atque picturis instructaque rebus his omnibus, quibus abundant i, qui beati

putantur, nec tamen exissent umquam supra terram, accepissent autem fama et auditione esse quoddam numen et vim deorum, deinde aliquo tempore patefactis terrae faucibus ex illis abditis sedibus evadere in haec loca, quae nos incolimus, atque exire potuissent: cum repente terram et maria caelumque vidissent, nubium magnitudinem ventorumque vim cognovissent aspexissentque solem eiusque cum magnitudinem pulchritudinemque, tum etiam efficientiam cognovissent, quod is diem efficeret toto caelo luce diffusa, cum autem terras nox opacasset, tum caelum totum cernerent astris distinctum et ornatum lunaeque luminum varietatem tum crescentis, tum senescentis, eorumque omnium ortus et occasus atque in omni aeternitate ratos inmutabilesque cursus — quae cum viderent, profecto et esse deos et haec tanta opera deorum esse arbitrarentur.' [96] Atque haec quidem ille; nos autem tenebras cogitemus tantas, quantae quondam eruptione Aetnaeorum ignium finitimas regiones obscuravisse dicuntur, ut per biduum nemo hominem homo agnosceret, cum autem tertio die sol inluxisset, tum ut revixisse sibi viderentur: quod si hoc idem ex aeternis tenebris contingeret, ut subito lucem aspiceremus, quaenam species caeli videretur? Sed adsiduitate cotidiana et consuetudine oculorum adsuescunt animi neque admirantur neque requirunt rationes earum rerum, quas semper vident, proinde quasi novitas nos magis quam magnitudo rerum debeat ad exquirendas causas excitare. [97] Quis enim hunc hominem dixerit, qui, cum tam certos caeli motus, tam ratos astrorum ordines tamque inter se omnia conexa et apta viderit, neget in his ullam inesse rationem eaque casu fieri dicat, quae, quanto consilio gerantur, nullo consilio adsequi possumus. An, cum machinatione quadam moveri aliquid videmus ut sphaeram, ut horas, ut alia permulta, non dubitamus, quin illa opera sint rationis, cum autem impetum caeli cum admirabili celeritate moveri vertique videamus constantissime conficientem vicissitudines anniversarias cum summa salute et conservatione rerum omnium, dubitamus, quin ea non solum ratione fiant, sed etiam excellenti divinaque ratione?

[98] Licet enim iam remota subtilitate disputandi oculis quodam modo contemplari pulchritudinem rerum earum, quas divina providentia dicimus constitutas.

Ac principio terra universa cernatur locata in media sede mundi,

solida et globosa et undique ipsa in sese nutibus suis conglobata, vestita floribus, herbis, arboribus, frugibus, quorum omnium incredibilis multitudo insatiabili varietate distinguitur. Adde huc fontum gelidas perennitates, liquores perlucidos amnium, riparum vestitus viridissimos, speluncarum concavas altitudines, saxorum asperitates, inpendentium montium altitudines inmensitatesque camporum; adde etiam reconditas auri argentique venas infinitimamque vim marmoris. [99] Quae vero et quam varia genera bestiarum vel cicurum vel ferarum, qui volucrium lapsus atque cantus, qui pecudum pastus, quae vita silvestrium. Quid iam de hominum genere dicam, qui quasi cultores terrae constituti non patiuntur eam nec inmanitate beluarum efferari nec stirpium asperitate vastari, quorumque operibus agri, insulae litoraque collucent distincta tectis et urbibus. Quae si, ut animis, sic oculis videre possemus, nemo cunctam intuens terram de divina ratione dubitaret.

[100] At vero quanta maris est pulchritudo, quae species universi, quae multitudo et varietas insularum, quae amoenitates orarum ac litorum, quot genera quamque disparia partim submersarum, partim fluitantium et innantium beluarum, partim ad saxa nativis testis inhaerentium. Ipsum autem mare sic terram adpetens litoribus eludit, ut una ex duabus naturis conflata videatur.

[101] Exin mari finitimus aer die et nocte distinguitur, isque tum fusus et extenuatus sublime fertur, tum autem concretus in nubes cogitur umoremque colligens terram auget imbribus, tum effluens huc et illuc ventos efficit. Idem annuas frigorum et calorum facit varietates idemque et volatus alitum sustinet et spiritu ductus alit et sustentar animantes.

Restat ultimus et a domiciliis nostris altissimus omnia cingens et coercens caeli conplexus, qui idem aether vocatur, extrema ora et determinatio mundi, in quo cum admirabilitate maxima igneae formae cursus ordinatos definiunt. [102] E quibus sol, cuius magnitudine multis patribus terra superarur, circum eam ipsam volvitur, isque oriens et occidens diem noctemque conficit et modo accedens, tum autem recedens binas in singulis annis reversiones ab extremo contrarias facit, quarum in intervallo tum quasi tristitia quadam contrahit terram, tum vicissim laetificat, ut cum caelo

hilarata videatur. [103] Luna autem, quae est, ut ostendunt mathematici, maior quam dimidia pars terrae, isdem spatiis vagatur, quibus sol, sed tum congrediens cum sole, tum degrediens et eam lucem, quam a sole accepit, mittit in terras et varias ipsa lucis mutationes habet, atque etiam tum subiecta atque opposita soli radios eius et lumen obscurat, tum ipsa incidens in umbram terrae, cum est e regione solis, interpositu interiectuque terrae repente deficit. Isdemque spatiis eae stellae, quas vagas dicimus, circum terram feruntur eodemque modo oriuntur et occidunt, quarum motus tum incitantur, tum retardantur, saepe etiam insistunt, [104] quo spectaculo nihil potest admirabilius esse, nihil pulchrius. Sequitur stellarum inerrantium maxima multitudo, quarum ita descripta distinctio est, ut ex notarum figurarum similitudine nomina invenerint." Atque hoc loco me intuens "Utar", inquit, "carminibus Arateis, quae a te admodum adulescentulo conversa ita me delectant, quia Latina sunt, ut multa ex is memoria teneam. Ergo, ut oculis adsidue videmus, sine ulla mutatione aut varietate

'cetera labuntur celeri caelestia motu
cum caeloque simul noctesque diesque feruntur',

[105] quorum contemplatione nullius expleri potest animus naturae constantiam videre cupientis.

'Extremusque adeo duplici de cardine vertex
dicitur esse polus.'

Hunc circum Arctoe duae feruntur numquam occidentes.

'Ex his altera apud Graios Cynosura vocatur,
altera dicitur esse Helice',

cuius quidem clarissimas stellas totis noctibus cernimus, quas 'nostri Septem soliti vocitare Triones';
[106] paribusque stellis similiter distinctis eundem caeli verticem lustrat parva Cynosura.

'Hac fidunt duce nocturna Phoenices in alto.

Sed prior illa magis stellis distincta refulget
et late prima confestim a nocte videtur.
Haec vero parva est, sed nautis usus in hac est;
nam cursu interiore brevi convertitur orbe.'

Et quo sit earum stellarum admirabilior aspectus,

'has inter veluti rapido cum gurgite flumen
torvus Draco serpit supter supraque revolvens
sese conficiensque sinus e corpore flexos'.

[107] Eius cum totius est praeclara species, tum in primis aspicienda est figura capitis atque ardor oculorum:

'Huic non una modo caput ornans stella relucet,
verum tempora sunt duplici fulgore notata
e trucibusque oculis duo fervida lumina flagrant
atque uno mentum radianti sidere lucet;
opstipum caput, ac tereti cervice reflexum
optutum in cauda maioris figere dicas.'

[108] Et relicum quidem corpus Draconis totis noctibus cernimus,

'hoc caput hic paulum sese subitoque recondit,
ortus ubi atque obitus parti admiscetur in una'.

Id autem caput attingens
'defessa velut maerentis imago vertitur',
quam quidem Graeci

'Engonasin vocitant, genibus quia nixa feratur'.
'Hic illa eximio posita est fulgore Corona.'

Atque haec quidem a tergo, propter caput autem Anguitenens,

[109] 'quem claro perhibent Ophiuchum nomine Graii'.
'Hic pressu duplici palmarum continet Anguem
atque eius ipse manet religatus corpore torto;

namque virum medium Serpens sub pectora cingit.
Ille tamen nitens graviter vestigia ponit
atque oculos urget pedibus pectusque Nepai.'

Septentriones autem sequitur

'Arctophylax, vulgo qui dicitur esse Bootes,
quod quasi temone adiunctam prae se quatit Arctum'.

[110] Dein quae sequuntur: 'huic' enim Booti

'supter praecordia fixa videtur
stella micans radiis, Arcturus nomine claro';

cuius [pedibus] subiecta fertur
'Spicum inlustre tenens splendenti corpore Virgo'.
Atque ita demetata signa sunt, ut in tantis descriptionibus divina sollertia appareat:

'Et Natos Geminos invisses sub caput Arcti;
subiectus mediaest Cancer, pedibusque tenetur
magnus Leo tremulam quatiens e corpore flammam.'

Auriga

'sub laeva Geminorum obductus parte feretur.
Adversum caput huic Helice truculenta tuetur.
At Capra laeum umerum clara optinet.'

[Tum quae sequuntur:]

'Verum haec est magno atque inlustri praedita signo,
contra Haedi exiguum iaciunt mortalibus ignem .'

Cuius sub pedibus
'corniger est valido conixus corpore Taurus'.
[111] Eius caput stellis conspersum est frequentibus;
'has Graeci stellas Hyadas vocitare suerunt'

a pluendo — hyein enim est pluere — , nostri imperite Suculas, quasi a subus essent, non ab imbribus nominatae. Minorem autem Septentrionem Cepheus passis palmis [post] terga subsequitur;

‘namque ipsum ad tergum Cynosurae vertitur Arcti’.

Hunc antecedit

‘obscura specie stellarum Cassiepia’.
‘Hanc autem inlustri versatur corpore propter
Andromeda aufugiens aspectu maesta parentis.’
‘Huic Equos ille iubam quatiens fulgore micanti
summum contingit caput alvo, stellaque iungens
una tenet duplices communi lumine formas
aeternum ex astris cupiens conectere nodum.’
‘Exin contortis Aries cum cornibus haeret.’

Quem propter

‘Pisces, quorum alter paulum praelabitur ante
et magis horriferis aquilonis tangitur auris’.

[112] Ad pedes Andromedae Perseus describitur,

‘quem summa ab regione aquilonis flamina pulsant’.

Cuius

’propter laeum genum’
‘Vergilias tenui cum luce videbis’.
‘Inde Fides leviter posita et convexa videtur.’

Inde

‘est ales Avis lato sub tegmine caeli’.

Capiti autem Equi proxima est Aquari dextra totusque deinceps Aquarius. Tum

’gelidum valido de pectore frigus anhelans
corpore semifero magno Capricornus in orbe;
quem cum perpetuo vestivit lumine Titan,
brumali flectens contorquet tempore currum’.

[113] Hic autem aspicitur

‘sese ostendens emergit Scorpios alte
posteriore trahens flexum vi corporis Arcum’
. ‘propter nitens pinnis convolvitur Ales’.
‘At propter se Aquila ardenti cum corpore portat.’

Deinde Delphinus.
‘Exinde Orion obliquo corpore nitens.’
[114] Quem subsequens
‘fervidus ille Canis stelarum luce’
refulget. Post Lepus subsequitur

‘curriculum numquam defesso corpore sedans.
At Canis ad caudam serpens prolabitur Argo’.
‘Hanc Aries tegit et squamoso corpore Pisces
Fluminis inlustri tangentem corpore ripas.

Quem longe ‘serpentem’ et manantem aspicies

’proceraque Vincla videbis,
quae retinent Pisces caudarum a parte locata’.
‘Inde Nepae cernes propter fulgentis acumen
Aram, quam flatu permulcet spiritus austri.’

Propter quae Centaurus

‘cedit Equi partis properans subiungere Chelis.
Hic dextram porgens, quadrupes qua vasta tenetur’.
‘tendit et inlustrem truculentus cedit ad Aram.
Hic sese infernis e partibus erigit Hydra’,

cuius longe corpus est fusum,

‘in medioque sinu fulgens Cretera relucet.
Extremam nitens plumato corpore Corvus
rostro tundit, et hic Geminis est ille sub ipsis
Ante Canem, Procyon Graio qui nomine fertur’.

[115] Haec omnis descriptio siderum atque hic tantus caeli ornatus ex corporibus huc et illuc casu et temere cursantibus potuisse effici cuiquam sano videri potest, aut vero alia, quae natura mentis et rationis expers haec efficere potuit, quae non modo, ut fierent, ratione eguerunt, sed intellegi, qualia sint, sine summa ratione non possunt?

Nec vero haec solum admirabilia, sed nihil maius, quam quod ita stabilis est mundus atque ita cohaeret, ad permanendum, ut nihil ne excogitari quidem possit aptius. Omnes enim partes eius undique medium locum capessentes nituntur aequaliter. Maxime autem corpora inter se iuncta permanent, cum quasi quodam vinculo circumdato colligantur; quod facit ea natura, quae per omnem mundum omnia mente et ratione conficiens funditur et ad medium rapit et convertit extrema. [116] Quocirca si mundus globosus est ob eamque causam omnes eius partes undique aequabiles ipsae per se atque inter se continentur, contingere idem terrae necesse est, ut omnibus eius partibus in medium vergentibus (id autem medium infimum in sphaera est) nihil interrumpat, quo labefactari possit tanta contentio gravitatis et ponderum. Eademque ratione mare, cum supra terram sit, medium tamen terrae locum expetens conglobatur undique aequabiliter neque redundat umquam neque effunditur. [117] Huic autem continens aer fertur ille quidem levitate sublimi, sed tamen in omnes partes se ipse fundit; itaque et mari continuatus et iunctus est et natura fertur ad caelum, cuius tenuitate et calore temperatus vitalem et salutarem spiritum praebet animantibus. Quem complexa summa pars caeli quae aetheria dicitur, et suum retinet ardorem tenuem et nulla admixtione concretum et cum aeris extremitate coniungitur. In aethere autem astra volvuntur, quae se et nisu suo conglobata continent et forma ipsa figuraque sua momenta sustentant; sunt enim rutunda, quibus formis, ut ante dixisse videor, minime noceri potest. [118] Sunt autem stellae natura flammeae; quocirca terrae maris aquarum[que reliquarum] vaporibus aluntur is, qui a sole ex agris tepefactis et ex aquis excitantur; quibus altae renovataeque stellae atque omnis aether effundunt eadem et rursum trahunt indidem, nihil ut fere intereat aut admodum paululum, quod astrorum ignis et aetheris flamma consumat. Ex quo eventurum nostri putant id, de quo Panaetium addubitare dicebant, ut ad extremum omnis mundus ignesceret, cum umore consumpto neque terra ali

posset nec remearet aer, cuius ortus aqua omni exhausta esse non posset: ita relinqui nihil praeter ignem, a quo rursum animante ac deo renovatio mundi fieret atque idem ornatus oreretur. [119] Nolo in stellarum ratione multus vobis videri, maximeque earum, quae errare dicuntur; quarum tantus est concentus ex dissimillimis motibus, ut, cum summa Saturni refrigeret, media Martis incendat, is interiecta Iovis inlustret et temperet, infraque Martem duae soli oboediant, ipse sol mundum omnem sua Iuce compleat, ab eoque luna inluminata graviditates et partus adferat maturitatesque gignendi. Quae copulatio rerum et quasi consentiens ad mundi incolumitatem coagmentatio naturae quem non movet, hunc horum nihil umquam reputavisse certo scio. [120] Age ut a caelestibus rebus ad terrestres veniamus, quid est in his, in quo non naturae ratio intellegentis appareat? Principio eorum, quae gignuntur e terra, stirpes et stabilitatem dant his, quae sustinent, et e terra sucum trahunt, quo alantur ea, quae radicibus continentur; obducunturque libro aut cortice trunci, quo sint a frigoribus et caloribus tutiores. Iam vero vites sic claviculis adminicula tamquam manibus adprehendunt atque ita se erigunt ut animantes; quin etiam a caulibus brassicae, si propter sati sint, ut a pestiferis et nocentibus refugere dicuntur nec eos ulla ex parte contingere.

[121] Animantium vero quanta varietas est, quanta ad eam rem vis, ut in suo quaeque genere permaneat. Quarum aliae coriis tectae sunt, aliae villis vestitae, aliae spinis hirsutae; pluma alias, alias squama videmus obductas, alias esse cornibus armatas, alias habere effugia pinnarum. Pastum autem animantibus large et copiose natura eum, qui cuique aptus erat, comparavit. Enumerare possum, ad eum pastum capessendum conficiendumque quae sit in figuris animantium et quam sollers subtilisque descriptio partium quamque admirabilis fabrica membrorum. Omnia enim, quae quidem intus inclusa sunt, ita nata atque ita locata sunt, ut nihil eorum supervacuaneum sit, nihil ad vitam retinendam non necessarium. [122] Dedit autem eadem natura beluis et sensum et adpetitum, ut altero conatum haberent ad naturales pastus capessendos, altero secernerent pestifera a salutaribus. Tam vero alia animalia gradiendo, alia serpendo ad pastum accedunt, alia volando, alia nando, cibumque partim oris hiatu et dentibus ipsis capessunt, partim unguium tenacitate arripiunt,

partim aduncitate rostrorum, alia sugunt, alia carpunt, alia vorant, alia mandunt. Atque etiam aliorum east humilitas, ut cibum terrestrem rostris facile contingant. [123] Quae autem altiora sunt, ut anseres, ut cycni, ut grues, ut camelli, adiuvantur proceritate collorum; manus etiam data elephantost, quia propter magnitudinem corporis difficiles aditus habebat ad pastum. At quibus bestiis erat is cibus, ut aliis generis escis vescerentur, aut vires natura dedit aut celeritatem. Data est quibusdam etiam machinatio quaedam atque sollertia, ut in araneolis aliae quasi rete texunt, ut, si quid inhaeserit, conficiant, aliae autem ut * * ex inopinato observant et, si quid incidit, arripiunt idque consumunt. Pina vero (sic enim Graece dicitur) duabus grandibus patula conchis cum parva squilla quasi societatem coit comparandi cibi; itaque cum pisciculi parvi in concham hiantem innataverunt, tum admonita a squilla pina morsu conprimit conchas: sic dissimillimis bestiolis communiter cibus quaeritur; [124] in quo admirandum est, congressune aliquo inter se an iam inde ab ortu natura ipsa congregatae sint. Est etiam admiratio nonnulla in bestiis aquatilibus is, quae gignuntur in terra; veluti crocodili fluviatilesque testudines quaedamque serpentes ortae extra aquam, simul ac primum niti possunt, aquam persequuntur. Quin etiam anitum ova gallinis saepe subponimus; e quibus pulli orti primo aluntur ab his ut a matribus, a quibus exclusi fotique sunt; deinde eas relinquunt et effugiunt sequentes, cum primum aquam quasi naturalem domum videre potuerunt: tantam ingenuit animantibus conservandi sui natura custodiam. Legi etiam scriptum esse avem quandam, quae platalea nominaretur; eam sibi cibum quaerere advolantem ad eas avis, quae se in mari mergerent; quae cum emersissent piscemque cepissent, usque eo premere earum capita mordicus, dum illae captum amitterent, in quod ipsa invaderet. Eademque haec avis scribitur conchis se solere complere, eas, cum stomachi calore concoxerit, evomere atque ita eligere ex his, quae sunt esculenta. [125] Ranae autem marinae dicuntur obruere sese harena solere et moveri prope aquam; ad quas quasi ad escam pisces cum accesserint, confici a ranis atque consumi. Miluo est quoddam bellum quasi naturale cum corvo; ergo alter alterius, ubicumque nanctus est, ova frangit. Illud vero (ab Aristotele animadversum, a quo pleraque) quis potest non mirari: grues cum loca calidiora

petentes maria transmittant, trianguli efficere formam; eius autem summo angulo aer ab is adversus pellitur, deinde sensim ab utroque latere, tamquam remis, ita pinnis cursus avium levatur; basis autem trianguli, quam efficiunt grues, ea tamquam a puppi ventis adiuvatur; eaeque in tergo praevolantium colla et capita reponunt; quod quia ipse dux facere non potest, quia non habet, ubi nitatur, revolat, ut ipse quoque quiescat; in eius locum succedit ex his, quae adquierunt, eaque vicissitudo in omni cursu conservatur. [126] Multa eiusmodi proferre possum, sed genus ipsum videtis. lam vero illa etiam notiora, quanto se opere custodiant bestiae, ut in pastu circumspectent, ut in cubilibus delitiscant. Atque illa mirabilia, quod — ea quae nuper, id est paucis ante saeclis, medicorum ingeniis reperta sunt — vomitione canes, purgando autem alvo se ibes Aegyptiae curant. Auditum est pantheras, quae in barbaria venenata carne caperentur, remedium quoddam habere, quo cum essent usae non morerentur, capras autem in Creta feras, cum essent confixae venenatis sagittis, herbam quaerere, quae dictamnus vocaretur, quam cum gustavissent, sagittas excidere dicunt e corpore; [127] cervaeque paulo ante partum perpurgant se quadam herbula, quae seselis dicitur. lam illa cernimus, ut contra vim et metum suis se armis quaeque defendat: cornibus tauri, apri dentibus, cursu leones, aliae fuga se, aliae occultatione tutantur, atramenti effusione saepiae, torpore torpedines, multae etiam insectantis odoris intolerabili foeditate depellunt.

Ut vero perpetuus mundi esset ornatus, magna adhibita cura est a providentia deorum, ut semper essent et bestiarum genera et arborum omniumque rerum, quae a terra stirpibus continerentur; quae quidem omnia eam vim seminis habent in se, ut ex uno plura generentur. Idque semen inclusum est in intuma parte earum bacarum, quae ex quaque stirpe funduntur, isdemque seminibus et homines adfatim vescuntur et terrae eiusdem generis stirpium renovatione conplentur. [128] Quid loquar, quanta ratio in bestiis ad perpetuam conservationem earum generis appareat? Nam primum aliae mares, aliae feminae sunt, quod perpetuitatis causa machinata natura est, deinde partes corporis et ad procreandum et ad concipiendum aptissimae, et in mari et in femina commiscendorum corporum mirae libidines; cum autem in locis semen insedit, rapit omnem fere cibum ad sese eoque

saeptum fingit animal; quod cum ex utero elapsum excidit, in iis animantibus, quae lacte aluntur, omnis fere cibus matrum lactescere incipit, eaque, quae paulo ante nata sunt, sine magistro duce natura mammas adpetunt earumque ubertate saturantur. Atque ut intellegamus nihil horum esse fortuitum et haec omnia esse opera providae sollertisque naturae, quae multiplices fetus procreant, ut sues, ut canes, iis mammarum data est multitudo, quas easdem paucas habent eae bestiae, quae pauca gignunt. [129] Quid dicam, quantus amor bestiarum sit in educandis custodiendisque is, quae procreaverunt, usque ad eum finem, dum possint se ipsa defendere. Etsi pisces, ut aiunt, ova cum genuerunt, relinquunt, facile enim illa aqua et sustinentur et fetum fundunt; testudines autem et crocodilos dicunt, cum in terra partum ediderint, obruere ova, deinde discedere: ita et nascuntur et educantur ipsa per sese. Iam gallinae avesque reliquae et quietum requirunt ad pariendum locum et cubilia sibi nidosque construunt eosque quam possunt mollissume substernunt, ut quam facillume ova serventur; e quibus pullos cum excuderunt, ita tuentur, ut et pinnis foveant, ne frigore laedantur, et, si est calor a sole, se opponant; cum autem pulli pinnulis uti possunt, tum volatus eorum matres prosequuntur, reliqua cura liberantur. [130] Accedit etiam ad nonnullorum animantium et earum rerum, quas terra gignit, conservationem et salutem hominum etiam sollertia et diligentia. Nam multae et pecudes et stirpes sunt, quae sine procuratione hominum salvae esse non possunt.

Magnae etiam oportunitates ad cultum hominum atque abundantiam aliae aliis in locis reperiuntur. Aegyptum Nilus inrigat, et cum tota aestate obrutam oppletamque tenuit, tum recedit mollitosque et oblimatos agros ad serendum relinquit. Mesopotamiam fertilem efficit Euphrates, in quam quotannis quasi novos agros invehit. Indus vero, qui est omnium fluminum maximus, non aqua solum agros laetificat et mitigat, sed eos etiam conserit; magnam enim vim seminum secum frumenti similium dicitur deportare. [131] Multaque alia in aliis locis commemorabilia proferre possum, multos fertiles agros alios aliorum fructuum. Sed ilta quanta benignitas naturae, quod tam multa ad vescendum tam vane, tam iucunda gignit, neque ea uno tempore anni, ut semper et novitate delectemur et copia. Quam tempestivos autem dedit, quam salutares

non modo hominum, sed etiam pecudum generi, is denique omnibus, quae oriuntur e terra, ventos etesias; quorum flatu nimii temperantur calores, ab isdem etiam maritimi cursus celeres et certi diriguntur. Multa praetereunda sunt et tamen multa dicuntur. [132] Enumerari enim non possunt fluminum oportunitates, aestus maritimi simul cum luna accedentes et recedentes, montes vestiti atque silvestres, salinae ab ora maritima remotissimae, medicamentorum salutarium plenissumae terrae, artes denique innumerabiles ad victum et ad vitam necessariae. Iam diei noctisque vicissitudo conservat animantes tribuens aliud agendi tempus, aliud quiescendi.

Sic undique omni ratione concluditur mente consilioque divino omnia in hoc mundo ad salutem omnium conservationemque admirabiliter administrari. [133] Sin quaeret quispiam, cuiusnam causa tantarum rerum molitio facta sit — arborumne et herbarum, quae, quamquam sine sensu sunt, tamen a natura sustinentur: at id quidem absurdum est; an bestiarum: nihilo probabilius deos mutarum et nihil intellegentium causa tantum laborasse. Quorum igitur causa quis dixerit effectum esse mundum? Eorum scilicet animantium, quae ratione utuntur; hi sunt di et homines; quibus profecto nihil est meIius; ratio est enim, quae praestet omnibus. Ita fit credibile deorum et hominum causa factum esse mundum, quaeque in eo mundo sint omnia.

Faciliusque intellegetur a dis inmortalibus hominibus esse provisum, si erit tota hominis fabricatio perspecta omnisque humanae naturae figura atque perfectio. [134] Nam cum tribus rebus animantium vita teneatur, cibo, potione, spiritu, ad haec omnia percipienda os est aptissimum, quod adiunctis naribus spiritu augetur, dentibus autem in ore constructis manditur atque ab iis extenuatur et mollitur cibus. Eorum adversi acuti morsu dividunt escas, intimi autem conficiunt, qui genuini vocantur; quae confectio etiam a lingua adiuvari videtur. [135] Linguam autem ad radices eius haerens excipit stomachus, quo primum inlabuntur ea, quae accepta sunt ore. Is utraque ex parte tosillas attingens palato extremo atque intimo terminatur atque is agitatione et motibus linguae, cum depulsum et quasi detrusum cibum accepit, depellit. Ipsius autem partes eae, quae sunt infra quam id, quod devoratur, dilatantur, quae autem supra, contrahuntur. [136] Sed cum aspera arteria (sic enim a medicis appellatur) ostium habeat adiunctum linguae radicibus paulo supra, quam ad linguam stomachus adnectitur, eaque ad pulmones usque pertineat excipiatque animam eam, quae ductast spiritu eandemque a pulmonibus respiret et reddat, tegitur quodam quasi operculo, quod ob eam causam datum est, ne, si quid in eam cibi forte incidisset, spiritus impediretur. Sed cum alvi natura subiecta stomacho cibi et potionis sit receptaculum, pulmones autem et cor extrinsecus spiritum ducant, in alvo multa sunt mirabiliter effecta, quae constant fere e nervis; est autem multiplex et tortuosa arcetque et continet, sive illud aridum est sive humidum, quod recepit, ut id mutari et concoqui possit, eaque tum adstringitur, tum relaxatur, atque omne, quod accepit, cogit et confundit, ut facile et calore, quem multum habet, et terendo cibo et praeterea spiritu omnia cocta atque confecta in reliquum corpus dividantur. In pulmonibus autem inest raritas quaedam et adsimilis spongiis mollitudo ad hauriendum spiritum aptissima, qui tum se contrahunt adspirantes, tum in respiratu dilatantur, ut frequenter ducatur cibus animalis, quo maxime aluntur animantes. [137] Ex intestinis autem et alvo secretus a reliquo cibo sucus is, quo alimur permanat ad iecur per quasdam a medio intestino usque ad portas iecoris (sic enim appellantur) ductas et directas vias, quae pertinent ad iecur eique adhaerent; atque inde

aliae * * pertinentes sunt, per quas cadit cibus a iecore dilapsus. Ab eo cibo cum est secreta bilis eique umores, qui e renibus profunduntur, reliqua se in sanguinem vertunt ad easdemque portas iecoris confluunt, ad quas omnes eius viae pertinent; per quas lapsus cibus in hoc ipso loco in eam venam, quae cava appellatur, confunditur perque eam ad cor confectus iam coctusque perlabitur; a corde autem in totum corpus distribuitur per venas admodum multas in omnes partes corporis pertinentes. [138] Quemadmodum autem reliquiae cibi depellantur tum astringentibus se intestinis, tum relaxantibus, haud sane difficile dictu est, sed tamen praetereundum est, ne quid habeat iniucunditatis oratio. Illa potius explicetur incredibilis fabrica naturae: nam quae spiritu in pulmones anima ducitur, ea calescit primum ipso ab spiritu, deinde contagione pulmonum, ex eaque pars redditur respirando, pars concipitur cordis parte quadam, quam ventriculum cordis appellant, cui similis alter adiunctus est, in quem sanguis a iecore per venam illam cavam influit. Eoque modo exis partibus et sanguis per venas in omne corpus diffunditur et spiritus per arterias; utraeque autem crebrae multaeque toto corpore intextae vim quandam incredibilem artificiosi operis divinique testantur. [139] Quid dicam de ossibus; quae subiecta corpori mirabiles commissuras habent et ad stabilitatem aptas et ad artus finiendos adcommodatas et ad motum et ad omnem corporis actionem. Huc adde nervos, a quibus artus contlnentur, eorumque inplicationem corpore toto pertinentem; qui sicut venae et arteriae a corde tractae et profectae in corpus omne ducuntur.

[140] Ad hanc providentiam naturae tam diligentem tamque sollertem adiungi multa possunt, e quibus intellegatur, quantae res hominibus a dis quamque eximiae tributae sint. Qui primum eos humo excitatos, celsos et erectos constituerunt, ut deorum cognitionem caelum intuentes capere possent. Sunt enim ex terra homines non ut incolae atque habitatores, sed quasi spectatores superarum rerum atque caelestium, quarum spectaculum ad nullum aliud genus animantium pertinet. Sensus autem interpretes ac nuntii rerum in capite tamquam in arce mirifice ad usus necessarios et facti et conlocati sunt. Nam oculi tamquam speculatores altissimum locum optinent, ex quo plurima conspicientes fungantur suo munere; [141] et aures, cum sonum percipere debeant, qui natura in sublime fertur,

recte in altis corporum partibus collocatae sunt; itemque nares et, quod omnis odor ad supera fertur, recte sursum sunt et, quod cibi et potionis iudicium magnum earum est, non sine causa vicinitatem oris secutae sunt. Iam gustatus, qui sentire eorum, quibus vescimur, genera deberet, habitat in ea parte oris, qua esculentis et posculentis iter natura patefecit. Tactus autem toto corpore aequabiliter fusus est, ut omnes ictus omnesque minimos et frigoris et caloris adpulsus sentire possimus. Atque ut in aedificiis architecti avertunt ab oculis naribusque dominorum ea, quae profluentia necessario taetri essent aliquid habitura, sic natura res similis procul amandavit a sensibus.

[142] Quis vero opifex praeter naturam, qua nihil potest esse callidius, tantam sollertiam persequi potuisset in sensibus? Quae primum oculos membranis tenuissimis vestivit et saepsit; quas perlucidas fecit, ut per eas cerni posset, firmas autem, ut continerentur. Sed lubricos oculos fecit et mobiles, ut et declinarent, si quid noceret, et aspectum, quo vellent, facile converterent; aciesque ipsa, qua cernimus, quae pupula vocatur, ita parva est, ut ea, quae nocere possint, facile vitet; palpebraeque quae sunt tegmenta oculorum, mollissimae, tactune laederent aciem, aptissime factae et ad claudendas pupulas, ne quid incideret, et ad aperiendas, idque providit ut identidem fieri posset cum maxima celeritate. [143] Munitaeque sunt palpebrae tamquam vallo pilorum, quibus et apertis oculis, si quid incideret, repelleretur, et somno coniventibus, cum oculis ad cernendum non egeremus, ut qui tamquam involuti quiescerent. Latent praeterea utiliter et excelsis undique partibus saepiuntur. Primum enim superiora superciliis obducta sudorem a capite et fronte defluentem repellunt; genae deinde ab inferiore parte tutantur subiectae leviterque eminentes; nasusque ita Iocatus est ut quasi murus oculis lnterlectus esse videatur. [144] Auditus autem semper patet; eius enim sensu etiam dormientes egemus; a quo cum sonus est acceptus, etiam e somno excitamur. Flexuosum iter habet, ne quid intrare possit, si simplex et directum pateret; provisum etiam, ut, si qua minima bestiola conaretur inrumpere, in sordibus aurium tamquam in visco inhaeresceret. Extra autem eminent, quae appellantur aures, et regendi causa factae tutandique sensus, et ne adiectae voces laberentur atque errarent, prius quam sensus ab his pulsus esset. Sed duros et quasi corneolos habent introitus multisque

cum flexibus, quod his naturis relatus amplificatur sonus; quocirca et in fidibus testudine resonatur aut cornu, et ex tortuosis locis et inclusis referuntur ampliores. [145] Similiter nares, quae semper propter necessarias utilitates patent, contractiores habent introitus, ne quid in eas, quod noceat, possit pervadere; umoremque semper habent ad pulverem multaque alia depellenda non inutilem. Gustatus praeclare saeptus est; ore enim continetur et ad usum apte et ad incolumitatis custodiam. Omnesque sensus hominum multo antecellunt sensibus bestiarum. Primum enim oculi in his artibus, quarum iudicium est oculorum, in pictis, fictis caelatisque formis, in corporum etiam motione atque gestu multa cernunt subtilius; colorum etiam et figurarum tum venustatem atque ordinem et, ut ita dicam, decentiam oculi iudicant, atque etiam alia maiora: nam et virtutes et vitia cognoscunt, iratum, propitium, laetantem, dolentem, fortem, ignavum, audacem timidumque cognoscunt. [146] Auriumque item est admirabile quoddam artificiosumque iudicium, quo iudicatur et in vocis et in tibiarum nervorumque cantibus varietas sonorum, intervalla, distinctio, et vocis genera permulta, canorum, fuscum, leve, asperum, grave, acutum, flexibile, durum, quae hominum solum auribus iudicantur. Nariumque item et gustandi et parte tangendi magna iudicia sunt. Ad quos sensus capiendos et perfruendos plures etiam, quam vellem, artes repertae sunt; perspicuum est enim, quo conpositiones unguentorum, quo ciborum conditiones, quo corporum lenocinia processerint.

[147] Iam vero animum ipsum mentemque hominis, rationem, consilium, prudentiam qui non divina cura perfecta esse perspicit, is his ipsis rebus mihi videtur carere. De quo dum disputarem, tuam mihi dari vellem, Cotta, eloquentiam. Quo enim tu illa modo diceres, quanta primum intellegentia, deinde consequentium rerum cum primis coniunctio et conprehensio esset in nobis; ex quo videlicet iudicamus, quid ex quibusque rebus efficiatur, idque ratione concludimus singulasque res definimus circumscripteque conplectimur, ex quo scientia intellegitur, quam vim habeat qualis[que] sit; qua ne in deo quidem est res ulla praestantior. Quanta vero illa sunt, quae vos Academici infirmatis et tollitis, quod et sensibus et animo ea, quae extra sunt, percipimus atque conprendimus; [148] ex quibus conlatis inter se et conparatis artes

quoque efficimus partim ad usum vitae, partim ad oblectationem necessarias. Iam vero domina rerum, ut vos soletis dicere, eloquendi vis, quam est praeclara quamque divina. Quae primum efficit, ut et ea, quae ignoramus, discere et ea, quae scimus, alios docere possimus; deinde hac cohortamur, hac persuademus, hac consolamur adflictos, hac deducimus perterritos a timore, hac gestientes conprimimus, hac cupiditates iracundiasque restinguimus; haec nos iuris, legum, urbium societate devinxit, haec a vita inmani et fera segregavit. [149] Ad usum autem orationis incredibile est, nisi diligenter adtenderis, quanta opera machinata natura sit. Primum enim a pulmonibus arteria usque ad os intimum pertinet, per quam vox principium a mente ducens percipitur et funditur. Deinde in ore sita Iingua est finita dentibus; ea vocem inmoderate profusam fingit et terminat atque sonos vocis distinctos et pressos efficit, cum et dentes et alias partes pellit oris; itaque plectri similem linguam nostri solent dicere, chordarum dentes, nares cornibus his, quae ad nervos resonant in cantibus.

[150] Quam vero aptas quamque multarum artium ministras manus natura homini dedit. Digitorum enim contractio facilis facilisque porrectio propter molles commissuras et artus nullo in motu laborat. Itaque ad pingendum, fingendum, ad scalpendum, ad nervorum eliciendos sonos, ad tibiarum apta manus est admotione digitorum. Atque haec oblectationis, illa necessitatis, cultus dico agrorum extructionesque tectorum, tegumenta corporum vel texta vel suta omnemque fabricam aeris et ferri; ex quo intellegitur ad inventa animo percepta sensibus adhibitis opificum manibus omnia nos consecutos, ut tecti, ut vestiti, ut salvi esse possemus, urbes, muros, domicilia, delubra haberemus. [151] Iam vero operibus hominum id est manibus cibi etiam varietas invenitur et copia. Nam et agri multa efferunt manu quaesita, quae vel statim consumantur vel mandentur condita vetustati, et praeterea vescimur bestiis et terrenis et aquatilibus et volantibus partim capiendo, partim alendo. Efficimus etiam domitu nostro quadripedum vectiones, quorum celeritas atque vis nobis ipsis adfert vim et celeritatem. Nos onera quibusdam bestiis, nos iuga inponimus; nos elephantorum acutissumis sensibus, nos sagacitate canum ad utilitatem nostram abutimur; nos e terrae cavernis ferrum elicimus, rem ad colendos agros necessariam, nos

aeris, argenti, auri venas penitus abditas invenimus et ad usum aptas et ad ornatum decoras. Arborum autem confectione omnique materia et culta et silvestri partim ad calficiendum corpus igni adhibito et ad mitigandum cibum utimur, partim ad aedificandum, ut tectis saepti frigora caloresque pellamus. [152] Magnos vero usus adfert ad navigia facienda, quorum cursibus subpeditantur omnes undique ad vitam copiae. Quasque res violentissimas natura genuit, earum moderationem nos soli habemus, maris atque ventorum, propter nauticarum rerum scientiam, plurimisque maritimis rebus fruimur atque utimur. Terrenorum item commodorum omnis est in homine dominatus: nos campis, nos montibus fruimur, nostri sunt amnes, nostri lacus, nos fruges serimus, nos arbores; nos aquarum inductionibus terris fecunditatem damus, nos flumina arcemus, derigimus, avertimus; nostris denique manibus in rerum natura quasi alteram naturam efficere conamur. [153] Quid vero hominum ratio non in caelum usque penetravit? Soli enim ex animantibus nos astrorum ortus, obitus cursusque cognovimus, ab hominum genere finitus est dies, mensis, annus, defectiones solis et lunae cognitae praedictaeque in omne posterum tempus, quae, quantae, quando futurae sint. Quae contuens animus accedit ad cognitionem deorum, e qua oritur pietas, cui coniuncta iustitia est reliquaeque virtutes, e quibus vita beata exsistit par et similis deorum, nulla alia re nisi immortalitate, quae nihil ad bene vivendum pertinet, cedens caelestibus.

Quibus rebus expositis satis docuisse videor, hominis natura quanto omnis anteiret animantes. Ex quo debet intellegi nec figuram situmque membrorum nec ingenii mentisque vim talem effici potuisse fortuna. [154] Restat, ut doceam atque aliquando perorem omnia, quae sint in hoc mundo, quibus utantur homines, hominum causa facta esse et parata. Principio ipse mundus deorum hominumque causa factus est, quaeque in eo sunt, ea parata ad fructum hominum et inventa sunt. Est enim mundus quasi communis deorum atque hominum domus aut urbs utrorumque; soli enim ratione utentes iure ac lege vivunt. Ut igitur Athenas et Lacedaemonem Atheniensium Lacedaemoniorumque causa putandum est conditas esse omniaque, quae sint in his urbibus eorum populorum recte esse dicuntur, sic, quaecumque sunt in omni mundo, deorum atque hominum putanda sunt. [155] Iam vero circumitus solis

et lunae reliquorumque siderum, quamquam etiam ad mundi cohaerentiam pertinent, tamen et spectaculum hominibus praebent; nulla est enim insatiabilior species, nulla pulchrior et ad rationem sollertiamque praestantior; eorum enim cursus dimetati maturitates temporum et varietates mutationesque cognovimus. Quae si hominibus solis nota sunt, hominum facta esse causa iudicandum est. [156] Terra vero feta frugibus et vario leguminum genere, quae cum maxuma largitate fundit, ea ferarumne an hominum causa gignere videtur? Quid de vitibus olivetisque dicam, quarum uberrumi laetissumique fructus nihil omnino ad bestias pertinent; neque enim serendi neque colendi nec tempestive demetendi percipiendique fructus neque condendi ac reponendi ulla pecudum scientia est, earumque omnium rerum hominum est et usus et cura. [157] Ut fides igitur et tibias eorum causa factas dicendum est, qui illis uti possent, sic ea, quae dixi, is solis confitendum est esse parata, qui utuntur, nec, si quae bestiae furantur aliquid ex is aut rapiunt, illarum quoque causa ea nata esse dicemus. Neque enim homines murum aut formicarum causa frumentum condunt, sed coniugum et liberorum et familiarum suarum; itaque bestiae furtim ut dixi, fruuntur, domini palam et libere; [158] hominum igitur causa eas rerum copias comparatas fatendum est Nisi forte tanta ubertas varietasque pomorum eorumque iucundus non gustatus solum, sed odoratus etiam et aspectus dubitationem adfert, quin hominibus solis ea natura donaverit. Tantumque abest, ut haec bestiarum etiam causa parata sint, ut ipsas bestias hominum gratia generatas esse videamus. Quid enim oves aliud adferunt, nisi ut earum villis confectis atque contextis homines vestiantur; quae quidem neque ali neque sustentari neque ullum fructum edere ex se sine cultu hominum et curatione potuissent. Canum vero tam fida custodia tamque amans dominorum adulatio tantumque odium in externos et tam incredibilis ad investigandum sagacitas narium, tanta alacritas in venando quid significat aliud, nisi se ad hominum commoditates esse generatos. [159] Quid de bubus loquar; quorum ipsa terga declarant non esse se ad onus accipiendum figurata, cervices autem natae ad iugum, tum vires umerorum et latitudines ad aratra extrahenda. Quibus cum terrae subigerentur fissione glebarum, ab illo aureo genere, ut poetae loquuntur, vis nulla umquam adferebatur:

‘Ferrea tum vero proles exorta repentest
ausaque funestum primast fabricarier ensem
et gustare manu iunctum domitumque iuvencum’:

tanta putabatur utilitas percipi e bubus, ut eorum visceribus vesci scelus haberetur. Longum est mulorum persequi utilitates et asinorum, quae certe ad hominum usum paratae sunt. [160] Sus vero quid habet praeter escam; cui quidem, ne putesceret, animam ipsam pro sale datam dicit esse Chrysippus; qua pecude, quod erat ad vescendum hominibus apta, nihil genuit natura fecundius. Quid multitudinem suavitatemque piscium dicam, quid avium; ex quibus tanta percipitur voluptas, ut interdum Pronoea nostra Epicurea fuisse videatur, atque eae ne caperentur quidem nisi hominum ratione atque sollertia; quamquam avis quasdam, et alites et oscines, ut nostri augures appellant, rerum augurandarum causa esse natas putamus. [161] Iam vero immanes et feras beluas nanciscimur venando, ut et vescamur is et exerceamur in venando ad similitudinem bellicae disciplinae et utamur domitis et condocefactis, ut elephantis, multaque ex earum corporibus remedia morbis et vulneribus eligamus, sicut ex quibusdam stirpibus et herbis, quarum utilitates longinqui temporis usu et periclitatione percepimus. Totam licet animis tamquam oculis lustrare terram mariaque omnia: cernes iam spatia frugifera atque immensa camporum vestitusque densissimos montium, pecudum pastus, tum incredibili cursus maritimos celeritate. [162] Nec veto supra terram, sed etiam in intumis eius tenebris plurimarum rerum latet utilitas, quae ad usum hominum orta ab hominibus solis invenitur.

Illud vero, quod uterque vestrum arripiet fortasse ad reprendendum, Cotta, quia Carneades lubenter in Stoicos invehebatur, Velleius, quia nihil tam inridet Epicurus quam praedictionem rerum futurarum, mihi videtur vel maxume confirmare deorum prudentia consuli rebus humanis. Est enim profecto divinatio, quae multis locis, rebus, temporibus apparet cum in privatis rebus, tum maxume in publicis: [163] multa cernunt haruspices, multa augures provident, multa oraclis declarantur, multa vaticinationibus, multa somniis, multa portentis; quibus cognitis multae saepe res [ex] hominum sententia atque utilitate partae, multa

etiam pericula depulsa sunt. Haec igitur sive vis sive ars sive natura ad scientiam rerum futurarum homini profecto est nec ali cuiquam a dis inmortalibus data.

Quae si singula vos forte non movent, universa certe tamen inter se conexa atque coniuncta movere debebant.

[164] Nec vero universo generi hominum solum, sed etiam singulis a dis immortalibus consuli et provideri solet. Licet enim contrahere universitatem generis humani eamque gradatim ad pauciores, postremo deducere ad singulos. Nam si omnibus hominibus, qui ubique sunt quacumque in ora ac parte terrarum ab huiusce terrae, quam nos incolimus, continuatione distantium, deos consulere censemus ob has causas, quas ante diximus, his quoque hominibus consulunt, qui has nobiscum terras ab oriente ad occidentem colunt. [165] Sin autem consulunt, qui quasi magnam quandam insulam incolunt, quam nos orbem terrae vocamus, etiam illis consulunt, qui partes eius insulae tenent, Europam, Asiam, Africam. Ergo et earum partes diligunt, ut Romam, Athenas, Spartam, Rhodum, et earum urbium separatim ab universis singulos diligunt, ut Pyrrhi bello Curium, Fabricium, Coruncanium, primo Punico Calatinum, Duellium, Metellum, Lutatium, secundo Maxumum, Marcellum, Africanum, post hos Paulum, Gracchum, Catonem, patrumve memoria Scipionem, Laelium; multosque praeterea et nostra civitas et Graecia tulit singulares viros, quorum neminem nisi iuvante deo talem fuisse credendum est. [166] Quae ratio poetas maxumeque Homerum inpulit, ut principibus heroum, Ulixi, Diomedi, Agamemnoni, Achilli certos deos discriminum et periculorum comites adiungeret. Praeterea ipsorum deorum saepe praesentiae, quales supra commemoravi, declarant ab is et [in] civitatibus et singulis hominibus consuli; quod quidem intellegitur etiam significationibus rerum futurarum, quae tum dormientibus, tum vigilantibus portenduntur; multa praeterea ostentis, multa in extis admonemur multisque rebus aliis, quas diuturnus usus ita notavit, ut artem divinationis efficeret. [167] Nemo igitur vir magnus sine aliquo adflatu divino umquam fuit. Nec vero ita refellendum est, ut, si segetibus aut vinetis cuiuspiam tempestas nocuerit aut si quid e vitae commodis casus abstulerit, eum, cui quid horum acciderit, aut invisum deo aut neglectum a deo iudicemus. Magna di curant, parva

neglegunt. Magnis autem viris prosperae semper omnes res, siquidem satis a nostris et a principe philosophiae Socrate dictum est de ubertatibus virtutis et copiis. [168] Haec mihi fere in mentem veniebant, quae dicenda putarem de natura deorum. Tu autem, Cotta, si me audias, eandem causam agas teque et principem civem et pontificem esse cogites et, quoniam in utramque partem vobis licet disputare, hanc potius sumas eamque facultatem disserendi, quam tibi a rhetoricis exercitationibus acceptam amplificavit Academia, potius huc conferas. Mala enim et impia consuetudo est contra deos disputandi, sive ex animo id fit sive simulate."

LIBER TERTIVS

[1] Quae cum Balbus dixisset, tum adridens Cotta "Sero", inquit, "mihi, Balbe, praecipis, quid defendam. Ego enim te disputante, quid contra dicerem, mecum ipse meditabar neque tam refellendi tui causa quam ea, quae minus intellegebam, requirendi. Cum autem suo cuique iudicio sit utendum, difficile factu est me id sentire, quod tu velis."

[2] Hic Velleius "Nescis", inquit, "quanta cum expectatione, Cotta, sim te auditurus. Iucundus enim Balbo nostro sermo tuus contra Epicurum fuit; praebebo igitur ego me tibi vicissim attentum contra Stoicos auditorem. Spero enim te, ut soles, bene paratum venire."

[3] Tum Cotta "Sic mehercule", inquit, "Vellei; neque enim mihi par ratio cum Lucilio est, ac tecum fuit". "Qui tandem?" inquit ille. "Quia mihi videtur Epicurus vester de dis immortalibus non magnopere pugnare: tantummodo negare deos esse non audet, ne quid invidiae subeat aut criminis; cum vero deos nihil agere, nihil curare confirmat membrisque humanis esse praeditos, sed eorum membrorum usum nullum habere, ludere videtur satisque putare, si dixerit esse quandam beatam naruram et aeternam.

[4] A Balbo autem animadvertisti, credo, quam multa dicta sint quamque, etiamsi minus vera, tamen apta inter se et cohaerentia. Itaque cogito, ut dixi, non tam refellere eius orationem quam ea, quae minus intellexi, requirere. Quare, Balbe, tibi permitto, responderene mihi malis de singulis rebus quaerenti ex te ea, quae parum accepi, an universam audire orationem meam." Tum Balbus: "Ego vero, si quid explanari tibi voles, respondere malo; sin me interrogare non tam intellegendi causa quam refellendi, utrum voles, faciam, vel ad singula, quae requires, statim respondebo vel, cum peroraris, ad omnia."

[5] Tum Cotta "Optime", inquit; "quam ob rem sic agamus, ut nos ipsa ducit oratio. Sed antequam de re, pauca de me. Non enim mediocriter moveor auctoritate tua, Balbe, orationeque ea, quae me in perorando cohortabatur, ut meminissem me et Cottam esse et pontificem; quod eo, credo, valebat, ut opiniones, quas a maioribus accepimus de dis immortalibus, sacra, caerimonias religionesque

defenderem. Ego vero eas defendam semper semperque defendi nec me ex ea opinione, quam a maioribus accepi de cultu deorum inmortalium, ullius umquam oratio aut docti aut indocti movebit. Sed cum de religione agitur, Ti. Coruncanium, P. Scipionem, P. Scaevolam pontifices maximos, non Zenonem aut Cleanthen aut Chrysippum sequor habeoque C. Laelium augurem eundemque sapientem, quem potius audiam dicentem de religione in illa oratione nobili quam quemquam principem Stoicorum. Cumque omnis populi Romani religio in sacra et in auspicia divisa sit, tertium adiunctum sit, si quid praedictionis causa ex portentis et monstris Sibyllae interpretes haruspicesve monuerunt, harum ego religionum nullam umquam contemnendam putavi mihique ita persuasi, Romulum auspiciis, Numam sacris constitutis fundamenta iecisse nostrae civitatis, quae numquam profecto sine summa placatione deorum inmortalium tanta esse potuisset.

[6] Habes, Balbe, quid Cotta, quid pontifex sentiat; fac nunc ego intellegam, tu quid sentias; a te enim philosopho rationem accipere debeo religionis, maioribus autem nostris etiam nulla ratione reddita credere." Tum Balbus "Quam igitur a me rationem", inquit, "Cotta, desideras?" Et ille "Quadripertita", inquit, "fuit divisio tua, primum ut velles docere deos esse, deinde quales essent, tum ab is mundum regi, postremo consulere eos rebus humanis. Haec, si recte memini, partitio fuit." "Rectissume", inquit Balbus; "sed expecto, quid requiras."

[7] Tum Cotta "Primum quidque videamus", inquit, "et si id est primum, quod inter omnis nisi admodum impios convenit, mihi quidem ex animo exuri non potest, esse deos, id tamen ipsum, quod mihi persuasum est auctoritate maiorum, cur ita sit, nihil tu me doces." "Quid est", inquit Balbus, "si tibi persuasum est, cur a me velis discere?" Tum Cotta "Quia sic adgredior", inquit, "ad hanc disputationem, quasi nihil umquam audierim de dis immortalibus, nihil cogitaverim; rudem me et integrum discipulum accipe et ea, quae requiro, doce."

[8]"Dic igitur", inquit, "quid requiras." "Egone, primum illud, cur, quom istam partem ne egere quidem oratione dixisses, quod esset perspicuum et inter omnis constaret deos esse, de eo ipso tam multa dixeris." "Quia te quoque", inquit, "animadverti, Cotta, saepe, cum

in foro diceres, quam plurimis posses argumentis onerare iudicem, si modo eam facultatem tibi daret causa. Atque hoc idem et philosophi faciunt et ego, ut potui, feci. Tu autem quod quaeris, similiter facis, ac si me roges, cur te duobus contuear oculis et non altero coniveam, cum idem uno adsequi possim."

[9] Tum Cotta "Quam simile istud sit", inquit, "tu videris. Nam ego neque in causis, si quid est evidens, de quo inter omnis conveniat, argumentari soleo — perspicuitas enim argumentatione elevatur — nec, si id facerem in causis forensibus, idem facerem in hac suptilitate sermonis. Cur coniveres autem altero oculo, causa non esset, cum idem optutus esset amborum et cum rerum natura, quam tu sapientem esse vis, duo lumina ab animo ad oculos perforata nos habere voluisset. Sed quia non confidebas tam esse id perspicuum, quam tu velis, propterea multis argumentis deos esse docere voluisti. Mihi enim unum sat erat, ita nobis maioris nostros tradidisse. Sed tu auctoritates contemnis, ratione pugnas;

[10] patere igitur rationem meam cum tua ratione contendere. Adfers haec omnia argumenta, cur dii sint, remque mea sententia minime dubiam argumentando dubiam facis; mandavi enim memoriae non numerum solum, sed etiam ordinem argumentorum tuorum. Primum fuit, cum caelum suspexissemus, statim nos intellegere esse aliquod numen, quo haec regantur. Ex hoc illud etiam: 'Aspice hoc sublime candens, quem invocant omnes Iovem'

[11] quasi vero quisquam nostrum istum potius quam Capitolinum Iovem appellet aut hoc perspicuum sit constetque inter omnes, eos esse deos, quos tibi Velleius multique praeterea ne animantis quidem esse concedant. Grave etiam argumentum tibi videbatur, quod opinio de dis inmortalibus et omnium esset et cottidie cresceret: placet igitur tantas res opinione stultorum iudicari, vobis praesertim, qui illos insanos esse dicatis? 'At enim praesentis videmus deos, ut apud Regillum Postumius, in Salaria Vatinius' — nescio quid etiam de Locrorum apud Sagram proelio. Quos igitur tu Tyndaridas appellabas, id est homines homine natos, et quos Homerus, qui recens ab illorum aetate fuit, sepultos esse dicit Lacedaemone, eos tu cum cantheriis albis nullis calonibus obviam Vatinio venisse existimas et victoriam populi Romani Vatinio potius homini rustico quam M. Catoni, qui tum erat princeps, nuntiavisse? Ergo et illud in

silice, quod hodie apparet apud Regillum, tamquam vestigium ungulae Castoris equi credis esse?

[12] Nonne mavis illud credere, quod probari potest, animos praeclarorum hominum, quales isti Tyndaridae fuerunt, divinos esse et aeternos quam eos, qui semel cremati essent, equitare et in acie pugnare potuisse. Aut si hoc fieri potuisse dicis, doceas oportet, quomodo, nec fabellas aniles proferas."

[13] Tum Lucilius "An tibi", inquit, "fabellae videntur? Nonne ab A. Postumio aedem Castori et Polluci in foro dedicatam, nonne senatus consultum de Vatinio vides? Nam de Sagra Graecorum etiam est volgare proverbium, qui quae adfirmant certiora esse dicunt quam illa, quae apud Sagram. His igitur auctoribus nonne debes moveri?" Tum Cotta "Rumoribus", inquit, "mecum pugnas, Balbe; ego autem a te rationes requiro * *

[14] Fati necessitate secuntur, quae futura sunt; effugere enim nemo id potest, quod futurum est. Saepe autem ne utile quidem est scire, quid futurum sit; miserum est enim nihil proficientem angi nec habere ne spei quidem extremum et tamen commune solacium; praesertim cum vos idem fato fieri dicatis omnia, quod autem semper ex omni aeternitate verum fuerit, id esse fatum: quid igitur iuvat aut quid adfert ad cavendum scire aliquid futurum, cum id certe futurum sit? Unde porro ista divinatio, quis invenit fissum iecoris, quis cornicis cantum notavit, quis sortis? Quibus ego credo nec possum Atti Navi, quem commemorabas, lituum contemnere; sed qui ista intellecta sint a philosophis, debeo discere, praesertim cum plurimis de rebus divini isti mentiantur.

[15] 'At medici quoque' — ita enim dicebas—'saepe falluntur.' Quid simile medicina, cuius ego rationem video, et divinatio, quae unde oriatur non intellego? Tu autem etiam Deciorum devotionibus placatos deos esse censes. Quae fuit eorum tanta iniquitas, ut placari populo Romano non possent nisi viri tales occidissent? Consilium illud imperatorium' fuit, quod Graeci strategema appellant, sed eorum imperatorum, qui patriae consulerent, vitae non parcerent; rebantur enim fore, ut exercitus imperatorem equo incitato se in hostem inmittentem persequeretur, id quod evenit. Nam Fauni vocem equidem numquam audivi; tibi, si audivisse te dicis, credam, etsi, Faunus omnino quid sit, nescio. Non igitur adhuc, quantum quidem

in te est, Balbe, intellego deos esse; quos equidem credo esse, sed nil docent Stoici.

[16] Nam Cleanthes, ut dicebas, quattuor modis informatas in animis hominum putat deorum esse notiones. Unus is modus est, de quo satis dixi, qui est susceptus ex praesensione rerum futurarum; alter ex perturbationibus tempestatum et reliquis motibus; tertius ex commoditate rerum, quas percipimus, et copia; quartus ex astrorum ordine caelique constantia. De praesensione diximus. De perturbationibus caelestibus et maritimis et terrenis non possumus dicere, cum ea fiant, non esse multos, qui illa metuant et a dis inmortalibus fieri existument;

[17] sed non id quaeritur, sintne aliqui, qui deos esse putent: di utrum sint necne sint, quaeritur. Nam reliquae causae, quas Cleanthes adfert, quarum una est de commodorum, quae capimus, copia, altera de temporum ordine caelique constantia, tum tractabuntur a nobis, cum disputabimus de providentia deorum, de qua plurima a te, Balbe, dicta sunt;

[18] eodemque illa etiam differemus, quod Chrysippum dicere aiebas, quoniam esset aliquid in rerum natura, quod ab homine effici non posset, esse aliquid homine melius, quaeque in domo pulchra cum pulchritudine mundi comparabas, et cum totius mundi convenientiam consensumque adferebas; Zenonisque brevis et acutulas confusiones in eam partem sermonis, quam modo dixi, differemus; eodemque tempore illa omnia, quae a te physice dicta sunt de vi ignea deque eo calore, ex quo omnia generari dicebas, loco suo quaerentur; omniaque, quae a te nudius tertius dicta sunt, cum docere velles deos esse, quare et mundus universus et sol et luna et stellae sensum ac mentem haberent, in idem tempus reservabo.

[19] A te autem idem illud etiam atque etiam quaeram, quibus rationibus tibi persuadeas deos esse." Tum Balbus: "Equidem attulisse rationes mihi videor, sed eas tu ita refellis, ut, cum me interrogaturus esse videare et ego me ad respondendum compararim, repente avertas orationem nec des respondendi locum. Itaque maximae res tacitae praeterierunt, de divinatione, de fato, quibus de quaestionibus tu quidem strictim, nostri autem multa solent dicere, sed ab hac ea quaestione, quae nunc in manibus est, separantur; quare, si videtur, noli agere confuse, ut hoc explicemus, hac

disputatione quod quaeritur.”

[20] “Optime”, inquit Cotta.”Itaque quoniam quattuor in partes totam quaestionem divisisti de primaque diximus, consideremus secundam; quae mihi talis videtur fuisse, ut, cum ostendere velles, quales di essent, ostenderes nullos esse. A consuetudine oculorum animum abducere difficillimum dicebas, sed, cum deo nihil praestantius esset, non dubitabas, quin mundus esset deus, quo nihil in rerum natura melius esset: modo possemus eum animantem cogitare vel potius ut cetera oculis, sic animo hoc cernere.

[21] Sed cum mundo negas quicquam esse melius, quid dicis melius? Si pulchrius, adsentior; si aptius ad utilitates nostras, id quoque adsentior; sin autem id dicis, nihil esse mundo sapientius, nullo modo prorsus adsentior, non quod difficile sit mentem ab oculis sevocare, sed quo magis sevoco, eo minus id, quod tu vis, possum mente comprendere. ‘Nihil est mundo melius in rerum natura.’ Ne in terris quidem urbe nostra; num igitur idcirco in urbe esse rationem, cogitationem, mentem putas aut, quoniam non sit, num idcirco existimas formicam anteponendam esse huic pulcherrumae urbi, quod in urbe sensus sit nullus, in formica non modo sensus, sed etiam mens, ratio, memoria? Videre oportet, Balbe, quid tibi concedatur, non te ipsum, quod velis, sumere.

[22] Istum enim locum totum illIa vetus Zenonis brevis et, ut tibi videbatur, acuta conclusio dilatavit. Zeno enim ita concludit: ‘Quod ratione utitur, id melius est quam id, quod ratione non utitur; nihil autem mundo melius; ratione igitur mundus utitur.’

[23] Hoc si placet, iam efficies, ut mundus optime librum legere videatur; Zenonis enim vestigiis hoc modo rationem poteris concludere: ‘Quod litteratum est, id est melius, quam quod non est litteratum; nihil autem mundo melius; litteratus igitur est mundus’ — isto modo etiam disertus et quidem mathematicus, musicus, omni denique doctrina eruditus, postremo philosophus erit mundus. Saepe dixisti nihil fieri sine deo nec ullam vim esse naturae, ut sui dissimilia posset effingere: concedam non modo animantem et sapientem esse mundum, sed fidicinem etiam et tubicinem, quoniam earum quoque artium homines ex eo procreantur? Nihil igitur adfert pater iste Stoicorum, quare mundum ratione uti putemus, nec cur animantem quidem esse. Non est igitur mundus deus; et tamen nihil

est eo melius: nihil est enim eo pulchrius, nihil salutarius nobis, nihil ornatius aspectu motuque constantius. Quod si mundus universus non est deus, ne stellae quidem, quas tu innumerabilis in deorum numero reponebas. Quarum te cursus aequabiles aeternique delectabant, nec mehercule iniuria, sunt enim admirabili incredibilique constantia.

[24] Sed non omnia, Balbe, quae cursus certos et constantis habent, ea deo potius tribuenda sunt quam naturae. Quid Chalcidico Euripo in motu identidem reciprocando putas fieri posse constantius, quid freto Siciliensi, quid Oceani fervore illis in locis, 'Europam Libyamque rapax ubi dividit unda'? Quid aestus maritimi vel Hispanienses vel Brittannici eorumque certis temporibus vel accessus vel recessus sine deo fieri nonne possunt? Vide, quaeso, si omnis motus omniaque, quae certis temporibus ordinem suum conservant, divina dicimus, ne tertianas quoque febres et quartanas divinas esse dicendum sit; quarum reversione et motu quid potest esse constantius? Sed omnium talium rerum ratio reddenda est;

[25] quod vos cum facere non potestis, tamquam in aram confugitis ad deum. Et Chrysippus tibi acute dicere videbatur, homo sine dubio versutus et callidus — versutos eos appello, quorum celeriter mens versatur, callidos autem, quorum tamquam manus opere, sic animus usu concalluit — ; is igitur 'Si aliquid est', inquit, 'quod homo efficere non possit, qui id efficit, melior est homine; homo autem haec, quae in mundo sunt, efficere non potest; qui potuit igitur, is praestat homini; homini autem praestare quis possit nisi deus; est igitur deus'. Haec omnia in eodem, quo illa Zenonis, errore versantur.

[26] Quid enim sit melius, quid praestabilius, quid inter naturam et rationem intersit, non distinguitur. Idemque, si dei non sint, negat esse in omni natura quicquam homine melius; id autem putare quemquam hominem, nihil homine esse melius, summae adrogantiae censet esse. Sit sane adrogantis pluris se putare quam mundum; at illud non modo non adrogantis, sed potius prudentis, intellegere se habere sensum et rationem, haec eadem Orionem et Caniculam non habere. Et 'Si domus pulchra sit, intellegamus eam dominis', inquit, 'aedificatam esse, non muribus; sic igitur mundum deorum domum existimare debemus'. Ita prorsus existimarem, si illum aedificatum,

non, quemadmodum docebo, a natura conformatum putarem.

[27] At enim quaerit apud Xenophontem Socrates, unde animum arripuerimus, si nullus fuerit in mundo. Et ego quaero, unde orationem, unde numeros, unde cantus; nisi vero loqui solem cum Iuna putamus, cum propius accesserit, aut ad harmoniam canere mundum, ut Pythagoras existimat. Naturae ista sunt, Balbe, naturae non artificiose ambulantis, ut ait Zeno — quod quidem quale sit, iam videbimus — , sed omnia cientis et agitantis motibus et mutationibus suis.

[28] Itaque illa mihi placebat oratio de convenientia consensuque naturae, quam quasi cognatione continuatam conspirare dicebas; illud non probabam, quod negabas id accidere potuisse, nisi ea uno divino spiritu contineretur. Illa vero cohaeret et permanet naturae viribus, non deorum, estque in ea iste quasi consensus, quam synpatheian Graeci vocant; sed ea, quo sua sponte maior est, eo minus divina ratione fieri existimanda est.

[29] Illa autem, quae Carneades adferebat, quemadmodum dissolvitis? Si nullum corpus inmortale sit, nullum esse corpus sempiternum: corpus autem inmortale nullum esse, ne individuum quidem nec, quod dirimi distrahive non possit; cumque omne animal patibilem naturam habeat, nullum est eorum, quod effugiat accipiendi aliquid extrinsecus, id est quasi ferendi et patiendi necessitatem, et si omne animal tale est, inmortale nullum est. Ergo itidem, si omne animal secari ac dividi potest, nullum est eorum individuum, nullum aeternum; atqui omne animal ad accipiendam vim externam et ferundam paratum est; mortale igitur omne animal et dissolubile et dividuum sit necesse est.

[30] Ut enim, si omnis cera commutabilis esset, nihil esset cereum, quod commutari non posset, item nihil argenteum, nihil aeneum, si commutabilis esset natura argenti et aeris similiter igitur, si omnia, quae sunt, e quibusdam rebus constant, et si ea, e quibus cuncta constant, mutabilia sunt, nullum corpus esse potest non mutabile; mutabilia autem sunt illa, ex quibus omnia constant, ut vobis videtur; omne igitur corpus mutabile est. At si esset corpus aliquod immortale, non esset omne mutabile; ita efficitur, ut omne corpus mortale sit. Etenim omne corpus aut aqua aut aer aut ignis aut terra est aut id, quod est concretum ex iis aut ex aliqua parte eorum.

Horum autem nihil est, quin intereat;

[31] nam et terrenum omne dividitur, et humor ita mollis est, ut facile premi conlidique possit; ignis vero et aer omni pulsu facillime pellitur naturaque cedens est maxume et dissupabilis. Praetereaque omnia haec tum intereunt, cum in naturam aliam convertuntur; quod fit, cum terra in aquam se vertit et cum ex aqua oritur aer, ex aere aether, cumque eadem vicissim retro commeant. Quod si ita est, ut ea intereant, e quibus constet omne animal, nullum est animal sempiternum.

[32] Et ut haec omittamus, tamen animal nullum inveniri potest, quod neque natum umquam sit et semper sit futurum. Omne enim animal sensus habet; sentit igitur et calida et frigida et dulcia et amara nec potest ullo sensu iocunda accipere, non accipere contraria; si igitur voluptatis sensum capit, doloris etiam capit; quod autem dolorem accipit, id accipiat etiam interitum necesse est; omne igitur animal confitendum est esse mortale.

[33] Praeterea, si quid est, quod nec voluptatem sentiat nec dolorem, id animal esse non potest; sin autem, quod animal est, id illa necesse est sentiat, et, quod ea sentiat, non potest esse aeternum; et omne animal sentit; nullum igitur animal aeternum est. Praeterea nullum potest esse animal, in quo non et adpetitio sit et declinatio naturalis. Adpetuntur autem, quae secundum naturam sunt, declinantur contraria; et omne animal adpetit quaedam et fugit a quibusdam; quod autem refugit, id contra naturam est, et quod est contra naturam, id habet vim interemendi. Omne ergo animal intereat necesse est.

[34] Innumerabilia sunt, ex quibus effici cogique possit nihil esse, quod sensum habeat, quin id intereat; etenim ea ipsa, quae sentiuntur, ut frigus, ut calor, ut voluptas, ut dolor, ut cetera, cum amplificata sunt, interimunt; nec ullum animal est sine sensu; nullum igitur animal aeternum est. Etenim aut simplex est natura animantis, ut vel terrena sit vel ignea vel animalis vel umida, quod quale sit ne intellegi quidem potest, aut concretum ex pluribus naturis, quarum suum quaeque locum habeat, quo naturae vi feratur, alia infimum, alia summum, alia medium. Haec ad quoddam tempus cohaerere possunt, semper autem nullo modo possunt; necessest enim in suum quaeque locum natura rapiatur. Nullum igitur animal est

sempiternum.

[35] Sed omnia vestri, Balbe, solent ad igneam vim referre Heraclitum, ut opinor, sequentes, quem ipsum non omnes interpretantur uno modo; quem, quoniam, quid diceret, intellegi noluit, omittamus; vos autem ita dicitis, omnem vim esse ignem, itaque et animantis, cum calor defecerit, tum interire, et in omni natura rerum id vivere, id vigere, quod caleat. Ego autem non intellego, quomodo calore extincto corpora intereant, non intereant umore aut spiritu amisso, praesertim cum intereant etiam nimio calore.

[36] Quamobrem id quidem commune est de calido; verum tamen videamus exitum. Ita voltis, opinor, nihil esse animal intrinsecus in natura atque mundo praeter ignem: qui magis quam praeter animam, unde animantium quoque constet animus, ex quo animal dicitur? Quomodo autem hoc, quasi concedatur, sumitis, nihil esse animum nisi ignem; probabilius enim videtur tale quiddam esse animum, ut sit ex igni atque anima temperatum. ‘Quodsi ignis ex sese ipse animal est nulla se alia admiscente natura, quoniam is, cum inest in corporibus nostris, efficit, ut sentiamus, non potest ipse esse sine sensu.’ Rursus eadem dici possunt: quidquid est enim, quod sensum habeat, id necesse est sentiat et voluptatem et dolorem, ad quem autem dolor veniat, ad eundem etiam interitum venire. Ita fit, ut ne ignem quidem efficere possitis aeternum.

[37] Quid enim? Non eisdem vobis placet omnem ignem pastus indigere nec permanere ullo modo posse, nisi alatur, ali autem solem, lunam, reliqua astra aquis, alia dulcibus, alia marinis; eamque causam Cleanthes adfert, cur se sol referat nec longius progrediatur solstitiali orbi itemque brumali, ne longius discedat a cibo. Hoc totum quale sit, mox; nunc autem concludatur illud: quod interire possit, id aeternum non esse natura; ignem autem interiturum esse, nisi alatur; non esse igitur natura ignem sempiternum.

[38] Qualem autem deum intellegere nos possumus nulla virtute praeditum? Quid enim? Prudentiamne deo tribuemus, quae constat ex scientia rerum bonarum et malarum et nec bonarum nec malarum? Cui mali nihil est nec esse potest, quid huic opus est dilectu bonorum et malorum, quid autem ratione, quid intellegentia; quibus utimur ad eam rem, ut apertis obscura adsequamur; at opscurum deo nihil

potest esse. Nam iustitia, quae suum cuique distribuit, quid pertinet ad deos; hominum enim societas et communitas, ut vos dicitis, iustitiam procreavit. Temperantia autem constat ex praetermittendis voluptatibus corporis: cui si locus in caelo est, est etiam voluptatibus. Nam fortis deus intellegi qui potest, in dolore an in labore an in periculo: quorum deum nihil adtingit.

[39] Nec ratione igitur utentem nec virtute ulla praeditum deum intellegere qui possumus? Nec vero volgi atque imperitorum inscitiam despicere possum, cum ea considero, quae dicuntur a Stoicis. Sunt enim illa imperitorum: piscem Syri venerantur, omne fere genus bestiarum Aegyptii consecraverunt; iam vero in Graecia multos habent ex hominibus deos, Alabandum Alabandis, Tenedi Tenen, Leucotheam, quae fuit Ino, et eius Palaemonem filium cuncta Graecia — Herculem, Aesculapium, Tyndaridas, Romulum nostrum aliosque compluris, quos quasi novos et adscripticios cives in caelum receptos putant.

[40] Haec igitur indocti; quid vos philosophi, qui meliora? Omitto illa, sunt enim praeclara: sit sane deus ipse mundus. Hoc credo illud esse ‘sublime candens, quem invocant omnes Iovem’. Quare igitur pluris adiungimus deos? Quanta autem est eorum multitudo: mihi quidem sane multi videntur; singulas enim stellas numeras deos eosque aut beluarum nomine appellas, ut Capram, ut Nepam, ut Taurum, ut Leonem, aut rerum inanimarum, ut Argo, ut Aram, ut Coronam.

[41] Sed ut haec concedantur, reliqua qui tandem non modo concedi, sed omnino intellegi possunt? Cum fruges Cererem, vinum Liberum dicimus, genere nos quidem sermonis utimur usitato, sed ecquem tam amentem esse putas, qui illud, quo vescatur, deum credat esse? Nam quos ab hominibus pervenisse dicis ad deos, tu reddes rationem, quemadmodum id fieri potuerit aut cur fieri desierit, et ego discam libenter; quomodo nunc quidem est, non video, quo pacto ille, cui ‘in monte Oetaeo inlatae lampades’ fuerint, ut ait Accius, ‘in domum aeternam patris’ ex illo ardore pervenerit; quem tamen Homerus apud inferos conveniri facit ab Ulixe sicut ceteros, qui excesserant vita.

[42] Quamquam quem potissimum Herculem colamus, scire sane velim; pluris enim tradunt nobis ii, qui interiores scrutantur et

reconditas litteras, antiquissimum Iove natum — sed item Iove antiquissimo, nam Ioves quoque pluris in priscis Graecorum litteris invenimus: ex eo igitur et Lysithoe est is Hercules, quem concertavisse cum Apolline de tripode accepimus. Alter traditur Nilo natus Aegyptius, quem aiunt Phrygias litteras conscripsisse. Tertius est ex Idaeis Digitis; cui inferias adferunt Cretes. Quartus Iovis est et Asteriae, Latonae sororis, qui Tyri maxime colitur, cuius Carthaginem filiam ferunt; quintus in India, qui Belus dicitur, sextus hic ex Alcmena, quem Iuppiter genuit, sed tertius Iuppiter, quoniam, ut iam docebo, pluris Ioves etiam accepimus.

[43] Quando enim me in hunc locum deduxit oratio, docebo meliora me didicisse de colendis dis inmortalibus iure pontificio et more maiorum capedunculis his, quas Numa nobis reliquit, de quibus in illa aureola oratiuncula dicit Laelius, quam rationibus Stoicorum. Si enim vos sequar, dic, quid ei respondeam, qui me sic roget: ‘Si di sunt, suntne etiam Nymphae deae? Si Nymphae, Panisci etiam et Satyri; hi autem non sunt; ne Nymphae quidem igitur. At earum templa sunt publice vota et dedicata. Ne ceteri quidem ergo di, quorum templa sunt dedicata. Age porro: Iovem et Neptunum deum numeras; ergo etiam Orcus frater eorum deus, et illi, qui fluere apud inferos dicuntur, Acheron, Cocytus, Pyriphlegethon; tum Charon, tum Cerberus di putandi.

[44] At id quidem repudiandum; ne Orcus quidem igitur; quid dicitis ergo de fratribus?’ Haec Carneades aiebat, non ut deos tolleret — quid enim philosopho minus conveniens — , sed ut Stoicos nihil de dis explicare convinceret; itaque insequebatur: ‘Quid enim’, aiebat, ‘si hi fratres sunt in numero deorum, num de patre eorum Saturno negari potest, quem volgo maxime colunt ad occidentem? Qui si est deus, patrem quoque eius Caelum esse deum confitendum est. Quod si ita est, Caeli quoque parentes di habendi sunt Aether et Dies eorumque fratres et sorores, qui a genealogis antiquis sic nominantur — Amor, Dolus, Metus, Labor, Invidentia, Fatum, Senectus, Mors, Tenebrae, Miseria, Querella, Gratia, Fraus, Pertinacia, Parcae, Hesperides, Somnia; quos omnis Erebo et Nocte natos ferunt. Aut igitur haec monstra probanda sunt aut prima illa tollenda.

[45] Quid Apollinem, Volcanum, Mercurium, ceteros deos esse

dices, de Hercule, Aesculapio, Libero, Castore, Polluce dubitabis? At hi quidem coluntur aeque atque illi, apud quosdam etiam multo magis. Ergo hi dei sunt habendi mortalibus nati matribus. Quid Aristaeus, qui olivae dicitur inventor, Apollinis filius, Theseus, qui Neptuni, reliqui, quorum patres di, non erunt in deorum numero? Quid quorum matres? Opinor etiam magis; ut enim iure civili, qui est matre libera, liber est, item iure naturae, qui dea matre est, deus sit necesse est. Itaque Achillem Astypalenses insulani sanctissume colunt; qui si deus est, et Orpheus et Rhesus di sunt, Musa matre nati; nisi forte maritumae nuptiae terrenis anteponuntur. Si hi di non sunt, quia nusquam coluntur, quomodo illi sunt?'

[46] Vide igitur, ne virtutibus hominum isti honores habeantur, non immortalitatibus; quod tu quoque, Balbe, visus es dicere. Quomodo autem potes, si Latonam deam putas, Hecatam non putare, quae matre Asteria est sorore Latonae? An haec quoque dea est? vidimus enim eius aras delubraque in Graecia. Sin haec dea est, cur non Eumenides? Quae si deae sunt, quarum et Athenis fanumst et apud nos, ut ego interpretor, lucus Furinae, Furiae deae sunt, speculatrices, credo, et vindices facinorum et sceleris.

[47] Quodsi tales dei sunt, ut rebus humanis intersint, Natio quoque dea putanda est, cui, cum fana circumimus in agro Ardeati, rem divinam facere solemus; quae quia partus matronarum tueatur, a nascentibus Natio nominata est. Ea si dea est, di omnes illi, qui commemorabantur a te, Honos, Fides, Mens, Concordia, ergo etiam Spes, Moneta omniaque, quae cogitatione nobismet ipsis possumus fingere. Quod si verisimile non est, ne illud quidem est, haec unde fluxerunt. Quid autem dicis, si di sunt illi, quos colimus et accepimus, cur non eodem in genere Serapim Isimque numeremus? Quod si facimus, cur barbarorum deos repudiemus? Boves igitur et equos, ibis, accipitres, aspidas, crocodilos, pisces, canes, lupos, faelis, multas praeterea beluas in deorum numerum reponemus. Quae si reiciamus, illa quoque, unde haec nata sunt, reiciemus.

[48] Quid deinde, Ino dea ducetur et Leukothea a Graecis, a nobis Matuta dicetur, cum sit Cadmi filia, Circe autem er Pasiphae et Aeeta e Perseide Oceani filia natae patre Sole in deorum numero non habebuntur? Quamquam Circen quoque coloni nostri Cercienses religiose colunt. Ergo hanc deam ducis: quid Medeae respondebis,

quae duobus dis avis, Sole et Oceano, Aeeta patre, matre Idyia procreata est, quid huius Absyrto fratri — qui est apud Pacuvium Aegialeus, sed illud nomen veterum litteris usitatius — ? Qui si di non sunt, vereor, quid agat Ino; haec enim omnia ex eodem fonte fluxerunt.

[49] An Amphiataus erit deus et Trophonius? Nostri quidem publicani, cum essent agri in Boeotia deorum inmortalium excepti lege censoria, negabant inmortalis esse ullos, qui aliquando homines fuissent. Sed si sunt hi di, est certe Erectheus, cuius Athenis et delubrum vidimus et sacerdotem. Quem si deum facimus, quid aut de Codro dubitare possumus aut de ceteris, qui pugnantes pro patriae libertate ceciderunt? Quod si probabile non est, ne illa quidem superiora, unde haec manant, probanda sunt.

[50] Atque in plerisque civitatibus intellegi potest augendae virtutis gratia, quo libentius rei publicae causa periculum adiret optimus quisque, virorum fortium memoriam honore deorum immortalium consecratam. Ob eam enim ipsam causam Erectheus Athenis filiaeque eius in numero deorum sunt, itemque [Leonaticuml est delubrum Athenis, quod Leokorion nominatur. Alabandenses quidem sanctius Alabandum colunt, a quo est urbs illa condita, quam quemquam nobilium deorum; apud quos non inurbane Stratonicus ut multa, cum quidam ei molestus Alabandum deum esse confirmaret, Herculem negaret, ‘ergo’, inquit, ‘mihi Alabandus, tibi Hercules sit iratus’.

[51] Illa autem, Balbe, quae tu a caelo astrisque ducebas, quam longe serpant, non vides: solem deum esse lunamque, quorum alterum Apollinem Graeci, alteram Dianam putant. Quod si luna dea est, ergo etiam Lucifer ceteraeque errantes numerum deorum optinebunt; igitur etiam inerrantes. Cur autem arci species non in deorum numero reponatur; est enim pulcher et ob eam speciem, quia causam habeat admirabilem, Thaumante dicitur Iris esse nata. Cuius si divina natura est, quid facies nubibus; arcus enim ipse e nubibus efficitur quodam modo coloratis; quarum una etiam Centauros peperisse dicitur. Quod si nubes retuleris in deos, referendae certe erunt tempestates, quae populi Romani ritibus consecratae sunt. Ergo imbres, nimbi, procellae, turbines dei putandi; nostri quidem duces mare ingredientes inmolare hostiam fluctibus consuerunt.

[52] Iam si est Ceres a gerendo — ita enim dicebas — , terra ipsa dea est et ita habetur; quae est enim alia Tellus; sin terra, mare etiam, quem Neptunum esse dicebas; ergo et flumina et fontes. Itaque et Fontis delubrum Masso ex Corsica dedicavit, et in augurum precatione Tiberinum, Spinonem, Anemonem, Nodinum, alia propinquorum fluminum nomina videmus. Ergo hoc aut in inmensum serpet aut nihil horum recipiemus; nec illa infinita ratio superstitionis probabitur; nihil ergo horum probandum est.

[53] Dicamus igitur, Balbe, oportet contra illos etiam, qui hos deos ex hominum genere in caelum translatos non re, sed opinione esse dicunt, quos auguste omnes sancteque veneramur. Principio Ioves tres numerant ii, qui theologi nominantur, ex quibus primum et secundum natos in Arcadia; alterum patre Aethere, ex quo etiam Proserpinam natam ferunt et Liberum, alterum patre Caelo, qui genuisse Minervam dicitur, quam principem et inventricem belli ferunt; tertium Cretensem Saturni filium; cuius in illa insula sepulcrum ostenditur. Dioscoroe etiam apud Graios multis modis nominantur: primi tres, qui appellantur Anactes Athenis, ex rege Iove antiquissimo et Proserpina nati Tritopatreus, Eubuleus, Dionysus; secundi Iove tertio nati et Leda, Castor et Pollux; tertii dicuntur a nonnullis Alco et Melampus et Tmolus, Atrei filii, qui Pelope natus fuit.

[54] Iam Musae primae quattuor Iove altero, Thelxinoe, Aoede, Arche, Melete; secundae Iove tertio et Mnemosyne procreatae novem; tertiae Piero natae et Antiopa, quas Pieridas et Pierias solent poetae appellare, isdem nominibus et eodem numero, quo proxumae superiores. Cumque tu solem, quia solus esset, appellatum esse dicas, Soles ipsi quam multi a theologis proferuntur. Unus eorum Iove natus nepos Aetheris; alter Hyperione; tertius Volcano Nili filio, cuius urbem Aegyptii volunt esse eam, quae Heliopolis appellatur; quartus is, quem heroicis temporibus Acantho Rhodi peperisse dicitur, pater Ialysi, Camiri, Lindi, unde Rhodii; quintus, qui Colchis fertur Aeetam et Circam procreavisse.

[55] Volcani item complures: primus Caelo natus, ex quo et Minerva Apollinem eum, cuius in tutela Athenas antiqui historici esse voluerunt; secundus Nilo natus Opas, ut Aegyptii appellant, quem custodem esse Aegypti volunt; tertius ex tertio Iove et Iunone,

qui Lemni fabricae traditur praefuisse; quartus Maemalio natus, qui tenuit insulas propter Siciliam, quae Volcaniae nominantur.

[56] Mercurius unus Caelo patre, Die matre natus, cuius obscenius excitata natura traditur, quod aspectu Proserpinae commotus sit; alter Valentis et Phoronidis filius is, qui sub terris habetur idem Trophonius; tertius Iove tertio natus et Maia, ex quo et Penelopa Pana natum ferunt; quartus Nilo patre, quem Aegyptii nefas habent nominare; quintus, quem colunt Pheneatae, qui Argum dicitur interemisse ob eamque causam in Aegyptum profugisse atque Aegyptiis leges et litteras tradidisse: hunc Aegyptii Theyt appellant eodemque nomine anni primus mensis apud eos vocatur.

[57] Aesculapiorum primus Apollinis, quem Arcades colunt, qui specillum invenisse primusque volnus dicitur obligavisse; secundus secundi Mercuri frater: is fulmine percussus dicitur humatus esse Cynosuris; tertius Arsippi et Arsinoae, qui primus purgationem alvi dentisque evolsionem, ut ferunt, invenit, cuius in Arcadia non longe a Lusio flumine sepulcrum er lucus ostenditur. Apollinum antiquissimus is, quem paulo antea e Volcano natum esse dixi custodem Athenarum; alter Corybantis filius natus in Creta, cuius de illa insula cum Iove ipso certamen fuisse traditur; tertius Iove tertio natus et Latona, quem ex Hyperboreis Delphos ferunt advenisse; quartus in Arcadia, quem Arcades Nomion appellant, quod ab eo se leges ferunt accepisse.

[58] Dianae item plures: prima Iovis et Proserpinae, quae pinnatum Cupidinem genuisse dicitur; secunda notior, quam Iove tertio et Latona natam accepimus; tertiae pater Upis traditur, Glauce mater: eam saepe Graeci Upim paterno nomine appellant. Dionysos multos habemus: primum Iove et Proserpina natum; secundum Nilo, qui Nysam dicitur interemisse; tertium Cabiro patre, eumque regem Asiae praefuisse dicunt, cui Sabazia sunt instituta; quartum Iove et Luna, cui sacra Orphica putantur confici; quintum Nyso natum et Thyone, a quo trieterides constitutae putantur.

[59] Venus prima Caelo et Die nata, cuius Eli delubrum vidimus; altera spuma procreata, ex qua et Mercurio Cupidinem secundum natum accepimus; tertia Iove nata et Diona, quae nupsit Volcano, sed ex ea et Marte natus Anteros dicitur; quarta Syria Cyproque concepta, quae Astarte vocatur, quam Adonidi nupsisse proditum est.

Minerva prima, quam Apollinis matrem supra diximus; secunda orta Nilo, quam Aegyptii Saietae colunt; tertia illa, quam a Iove generatam supra diximus; quarta Iove nata et Coryphe Oceani filia, quam Arcades Korian nominant et quadrigarum inventricem ferunt; quinta Pallantis, quae patrem dicitur interemisse virginitatem suam violare conantem, cui pinnarum talaria adfigunt.

[60] Cupido primus Mercurio et Diana prima natus dicitur; secundus Mercurio et Venere secunda; tertius, qui idem est Anteros, Marte et Venere tertia. Atque haec quidem et alia eius modi ex vetere Graeciae fama collecta sunt. Quibus intellegis resistendum esse, ne perturbentur religiones; vestri autem non modo haec non refellunt, verum etiam confirmant interpretando, quorsum quidque pertineat. Sed eo iam, unde huc digressi sumus, revertamur.

[61] Num censes igitur suptiliore ratione opus esse ad haec refellenda? Nam mentem fidem, spem, virtutem, honorem, victoriam, salutem, concordiam ceteraque huiusmodi rerum vim habere videmus, non deorum. Aut enim in nobismet insunt ipsis, ut mens, ut spes, ut fides, ut virtus, ut concordia, aut optandae nobis sunt, ut honos, ut salus, ut victoria; quarum rerum utilitatem video, video etiam consecrata simulacra; quare autem in iis vis deorum insit, tum intellegam, cum ex te cognovero. Quo in genere vel maxime est fortuna numeranda, quam nemo ab inconstantia et temeritate seiunget, quae digna certe non sunt deo.

[62] Iam vero quid vos illa delectat explicatio fabularum et enodatio nominum? Exsectum a filio Caelum, vinctum itidem a filio Saturnum, haec et alia generis eiusdem ita defenditis, ut ii, qui ista finxerunt, non modo non insani, sed etiam fuisse sapientes videantur. In enodandis autem nominibus, quod miserandum sit, laboratis: ‘Saturnus, quia se saturat annis; Mavors, quia magna vertit; Minerva, quia minuit aut quia minatur; Venus, quia venit ad omnia; Ceres a gerendo.’ Quam periculosa consuetudo. In multis enim nominibus haerebitis: quid Veiovi facies, quid Volcano? Quamquam, quoniam Neptunum a nando appellatum putas, nullum erit nomen, quod non possis una littera explicare, unde ductum sit; in quo quidem magis tu mihi natare visus es quam ipse Neptunus.

[63] Magnam molestiam suscepit et minime necessariam primus Zeno, post Cleanthes, deinde Chrysippus, commenticiarum

fabularum reddere rationem, vocabulorum, cur quidque ita appellatum sit, causas explicare. Quod cum facitis, illud profecto confitemini, longe aliter se rem habere, atque hominum opinio sit; eos enim, qui di appellantur, rerum naturas esse non figuras deorum. Qui tantus error fuit, ut perniciosis etiam rebus non modo nomen deorum tribueretur, sed etiam sacra constituerentur. Febris enim fanum in Palatio et Orbonae ad aedem Larum et aram Malae Fortunae Exquiliis consecratam videmus.

[64] Omnis igitur talis a philosophia pellatur error, ut, cum de dis inmortalibus disputemus, dicamus digna dis inmortalibus. De quibus habeo ipse, quid sentiam, non habeo autem, quid tibi adsentiar. Neptunum esse dicis animum cum intellegentia per mare pertinentem, idem de Cerere; istam autem intellegentiam aut maris aut terrae non modo comprehendere animo, sed ne suspicione quidem possum attingere. Itaque aliunde mihi quaerendum est, ut et esse deos, et quales sint dii, discere possim, quoniam, qualis tu eos esse vis, agnoscere non possum.

[65] Videamus ea, quae secuntur: primum deorumne prudentia mundus regatur; deinde, consulantne di rebus humanis. Haec enim mihi ex tua partitione restant duo; de quibus si vobis videtur, accuratius disserendum puto .” “Mihi vero”, inquit Velleius, “valde videtur; nam et maiora expecto et is, quae dicta sunt, vehementer adsentior.” Tum Balbus “Interpellare te”, inquit, “Cotta nolo, sed sumemus tempus aliud; efficiam profecto, ut fateare. Sed * * ‘Nequaquam istuc istac ibit; magna inest certatio. Nam ut ego illi supplicarem tanta blandiloquentia, ni ob rem?’

[66] Parumne ratiocinari videtur et sibi ipsa nefariam pestem machinari? Illud vero quam callida ratione: ‘Qui volt, quod volt, ita dat se res, ut operam dabit’, qui est versus omnium seminator malorum. ‘Ille traversa mente mihi hodie tradidit repagula, quibus ego iram omnem recludam atque illi perniciem dabo; mihi maerores, illi luctum, exitium illi, exilium mihi.’ Hanc videlicet rationem, quam vos divino beneficio homini solum tributam dicitis, bestiae non habent;

[67] videsne igitur, quanto munere deorum simus adfecti? Atque eadem Medea patrem patriamque fugiens, ‘postquam pater adpropinquat iamque paene, ut conprehendatur, parat, puerum interea

optruncat membraque articulatim dividit perque agros passim dispergit corpus: id ea gratia, ut, dum nati dissipatos artus captaret parens, ipsa interea effugeret, illum ut maeror tardaret sequi, sibi salutem ut familiari pareret parricidio'.

[68] Huic ut scelus, sic ne ratio quidem defuit. Quid ille funestas epulas fratri conparans nonne versat huc et illuc cogitatione rationem: 'Maior mihi moles, maius miscendumst malum, qui illius acerbum cor contundam et conprimam.' Nec tamen ille ipse est praetereundus, 'qui non sat habuit coniugem inlexe in stuprum.' De quo recte et verissume loquitur Atreus: 'Quod re in summa summum esse arbitror periclum, matres coinquinari regias, contaminari stirpem, admisceri genus.' At id ipsum quam callide, qui regnum adulterio quaereret: 'Addo', inquit, 'huc, quod mihi portento caelestum pater prodigium misit, regni stabilimen mei, agnum inter pecudes aurea clarum coma quondam Thyestem clepere ausum esse e regia, qua in re adiutricem coniugem cepit sibi.'

[69] Videturne summa inprobitate usus non sine summa esse ratione? Nec vero scaena solum referta est his sceleribus, sed multo vita communis paene maioribus. Sentit domus uniuscuiusque, sentit forum, sentit curia, campus, socii, provinciae, ut, quemadmodum ratione recte fiat, sic ratione peccetur, alterumque et a paucis et raro, alterum et semper et a plurimis, ut satius fuerit nullam omnino nobis a dis immortalibus datam esse rationem quam tanta cum pernicie datam. Ut vinum aegrotis, quia prodest raro, nocet saepissime, melius est non adhibere omnino quam spe dubiae salutis in apertam perniciem incurrere, sic haud scio, an melius fuerit humano generi motum istum celerem cogitationis, acumen, sollertiam, quam rationem vocamus, quoniam pestifera sit multis, admodum paucis salutaris, non dari omnino quam tam munifice et tam large dari.

[70] Quamobrem si mens voluntasque divina idcirco consuluit hominibus, quod iis est Iargita rationem, is solis consuluit, quos bona ratione donavit, quos videmus, si modo ulli sint, esse perpaucos. Non placet autem paucis a dus inmortalibus esse consultum; sequitur ergo, ut nemini consultum sit. Huic loco sic soletis occurrere: non idcirco non optume nobis a dis esse provisum, quod multi eorum beneficio perverse uterentur; etiam patrimoniis multos male uti nec ob eam causam eos beneficium a patribus nullum habere. Quisquam

istuc negat, aut quae est in collatione ista similitudo? Nec enim Herculi nocere Deianira voluit, cum ei tunicam sanguine Centauri tinctam dedit, nec prodesse Pheraeo Iasoni is, qui gladio vomicam eius aperuit, quam sanare medici non potuerant. Multi enim et, cum obesse vellent, profuerunt et, cum prodesse, offuerunt; ita non fit ex eo, quod datur, ut voluntas eius, qui dederit, appareat, nec si is, qui accepit, bene utitur, idcirco is, qui dedit, amice dedit.

[71] Quae enim libido, quae avaritia, quod facinus aut suscipitur nisi consilio capto aut sine animi motu et cogitatione, id est ratione, perficitur; nam omnis opinio ratio est, et quidem bona ratio, si vera, mala autem, si falsa est opinio. Sed a deo tantum rationem habemus, si modo habemus, bonam autem rationem aut non bonam a nobis. Non enim ut patrimonium relinquitur, sic ratio est homini beneficio deorum data; quid enim potius hominibus dii dedissent, si is nocere voluissent; iniustitiae autem, intemperantiae, timiditatis quae semina essent, si is vitiis ratio non subesset? Medea modo et Atreus commemorabatur a nobis, heroicae personae, inita subductaque ratione nefaria scelera meditantes.

[72] Quid? Levitates comicae parumne semper in ratione versantur? Parumne suptiliter disputat ille in Eunucho: ‘Quid igitur faciam?’ ‘Exclusit, revocat; redeam? Non, si me obsecret.’ Ille vero in Synephebis Academicorum more contra communem opinionem non dubitat pugnare ratione, qui ‘in amore summo summaque inopia suave’ esse dicit ‘parentem habere avarum, inlepidum, in liberos difficilem, qui te nec amet nec studeat tui’,

[73] atque huic incredibili sententiae ratiunculas suggerit: ‘Aut tu illum fructu fallas aut per litteras avertas aliquod nomen aut per servolum percutias pavidum; postremo a parco patre quod sumas, quanto dissipes libentius’; idemque facilem et liberalem patrem incommodum esse amanti filio disputat: ‘Quem neque quo pacto fallam nec quid inde auferam nec quem dolum ad eum aut machinam commoliar, scio quicquam: ita omnis meos dolos, fallacias, praestrigias praestrinxit commoditas patris.’ Quid ergo isti doli, quid machinae, quid fallaciae praestrigiaeque? Num sine ratione esse potuerunt? O praeclarum munus deorum! Ut Phormio possit dicere: ‘Cedo senem; iam instructa sunt mihi in corde consilia omnia.’

[74] Sed exeamus e theatro, veniamus in forum! Sessum ite, precor! Quid ut iudicetur? Qui tabularium incenderit. Quod facinus occultius: at se Q. Sosius, splendidus eques Romanus, ex agro Piceno, fecisse confessus est. Qui transcripserit tabulas publicas; id quoque L. Alenus fecit, cum chirographum sex primorum imitatus est; quid hoc homine sollertius? Cognosce alias quaestiones, auri Tolossani, coniurationis Iugurthinae; repete superiora: Tubuli de pecunia capta ob rem iudicandam; posteriora: de incestu rogatione Peducaea; tum haec cotidiana: sicae, venena, peculatus, testamentorum etiam lege nova quaestiones. Inde illa actio OPE CONSILIOQUE TUO FURTUM AIO FACTUM ESSE; inde tot iudicia de fide mala, tutelae mandati, pro socio, fiduciae, reliqua, quae ex empto aut vendito aut conducto aut locato contra fidem fiunt, inde iudicium publicum rei privatae lege Plaetoria, inde everriculum malitiarum omnium, iudicium de dolo malo, quod C. Aquillius familiaris noster protulit; quem dolum idem Aquillius tum teneri putat, cum aliud sit simulatum, aliud actum.

[75] Hanc igitur tantam a dis inmortalibus arbitramur malorum sementim esse factam? Si enim rationem hominibus di dederunt, malitiam dederunt; est enim malitia versuta et fallax ratio nocendi; idem etiam di fraudem dederunt, facinus ceteraque, quorum nihil nec suscipi sine ratione nec effici potest. Utinam igitur, ut illa anus optat, ‘ne in nemore Pelio securibus caesae accidissent abiegnae ad terram trabes’, sic istam calliditatem hominibus di ne dedissent, qua perpauci bene utuntur, qui tamen ipsi saepe a male utentibus obprimuntur, innumerabiles autem improbe utuntur, ut donum hoc divinum rationis et consilii ad fraudem hominibus, non ad bonitatem impertitum esse videatur.

[76] Sed urgetis identidem hominum esse istam culpam, non deorum. Ut si medicus gravitatem morbi, gubernator vim tempestatis accuset; etsi hi quidem homunculi, sed tamen ridiculi: ‘Quis enim te adhibuisset’, dixerit quispiam, ‘si ista non essent.’ Contra deum licet disputare liberius: ‘In hominum vitiis ais esse culpam: eam dedisses hominibus rationem, quae vitia culpamque excluderet.’ Ubi igitur locus fuit errori deorum? Nam patrimonia spe bene tradendi relinquimus, qua possumus falli; deus falli qui potuit? An ut Sol, in

currum quom Phaethontem filium sustulit, aut Neptunus, cum Theseus Hippolytum perdidit, cum ter optandi a Neptuno patre habuisset potestatem?

[77] Poetarum ista sunt; nos autem philosophi esse volumus, rerum auctores, non fabularum. Atque hi tamen ipsi di poetici, si scissent perniciosa fore illa filiis, peccasse in beneficio putarentur. Et si verum est, quod Aristo Chius dicere solebat, nocere audientibus philosophos is, qui bene dicta male interpretarentur — posse enim asotus ex Aristippi, acerbos e Zenonis schola exire — prorsus, si, qui audierunt, vitiosi essent discessuri, quod perverse philosophorum disputationem interpretarentur, tacere praestaret philosophis quam is, qui se audissent, nocere.

[78] Sic, si homines rationem bono consilio a dis immortalibus datam in fraudem malitiamque convertunt, non dari illam quam dari humano generi melius fuit. Ut si medicus sciat eum aegrotum, qui iussus sit vinum sumere, meracius sumpturum statimque periturum, magna sit in culpa, sic vestra ista Providentia reprendenda, quae rationem dederit is, quos scierit ea perverse et inprobe ussuros. Nisi forte dicitis eam nescisse. Utinam quidem; sed non audebitis, non enim ignoro, quanti eius nomen putetis.

[79] Sed hic quidem locus concludi iam potest. Nam si stultitia consensu omnium philosophorum maius est malum, quam si omnia mala et fortunae et corporis ex altera parte ponantur, sapientiam autem nemo adsequitur, in summis malis omnes sumus, quibus vos optume consultum a dis inmortalibus dicitis. Nam ut nihil interest, utrum nemo valeat an nemo possit valere, sic non intellego, quid intersit, utrum nemo sit sapiens an nemo esse possit. Ac nos quidem nimis multa de re apertissuma; Telamo autem uno versu totum locum conficit, cur di homines neglegant: ‘Nam si curent, bene bonis sit, male malis; quod nunc abest.’ Debebant illi quidem omnis bonos efficere, siquidem hominum generi consulebant;

[80] sin id minus, bonis quidem certe consulere debebant. Cur igitur duo Scipiones fortissimos et optimos viros in Hispania Poenus oppressit, cur Maximus extulit filium consularem, cur Marcellum Annibal interemit, cur Paulum Cannae sustulerunt, cur Poenorum crudelitati Reguli corpus est praebitum, cur Africanum domestici parietes non texerunt? Sed haec vetera et alia permulta; propiora

videamus! Cur avunculus meus vir innocentissumus idemque doctissumus P. Rutilius in exilio est, cur sodalis meus interfectus domi suae Drusus, cur temperantiae prudentiaeque specimen ante simulacrum Vestae pontifex maximus est Q. Scaevola trucidatus, cur ante etiam tot civitatis principes a Cinna interempti, cur omnium perfidiosissimus C. Marius Q. Catulum praestantissuma dignitate virum mori potuit iubere?

[81] Dies deficiat, si velim enumerare, quibus bonis male evenerit, nec minus, si commemorem, quibus improbis optime. Cur enim Marius tam feliciter septimum consul domi suae senex est mortuus, cur omnium crudelissumus tam diu Cinna regnavit? 'At dedit poenas.' Prohiberi melius fuit impedirique, ne tot summos viros interficeret, quam ipsum aliquando poenas dare. Summo cruciatu supplicioque Q. Varius homo importunissumus periit; si, quia Drusum ferro, Metellum veneno sustulerat, illos conservari melius fuit quam poenas sceleris Varium pendere. Duodequadraginta Dionysius tyrannus annos fuit opulentissumae et beatissumae civitatis;

[82] quam multos ante hunc in ipso Graeciae flore Pisistratus. 'At Phalaris, at Apollodorus poenas sustulit.' Multis quidem ante cruciatis et necatis. Et praedones multi saepe poenas dant, nec tamen possumus dicere non pluris captivos acerbe quam praedones necatos. Anaxarchum Democriteum a Cyprio tyranno excarnificatum accepimus, Zenonem Eleatem in tormentis necatum; quid dicam de Socrate, cuius morti inlacrimare soleo Platonem legens? Videsne igitur deorum iudicio, si vident res humanas, discrimen esse sublatum?

[83] Diogenes quidem Cynicus dicere solebat Harpalum, qui temporibus illis praedo felix habebatur, contra deos testimonium dicere, quod in illa fortuna tam diu viveret. Dionysius, de quo ante dixi, cum fanum Proserpinae Locris expilavisset, navigabat Syracusas; isque cum secundissumo vento cursum teneret, ridens 'Videtisne', inquit, 'amici, quam bona a dis inmortalibus navigatio sacrilegis detur?' Atque homo acutus cum bene planeque percepisset, in eadem sententia perseverabat. Qui quom ad Peloponnesum classem appulisset et in fanum venisset Iovis Olympii, aureum ei detraxit amiculum grandi pondere, quo Iovem ornarat e manubus

Carthaginiensium tyrannus Gelo, atque in eo etiam cavillatus est aestate grave esse aureum amiculum, hieme frigidum, eique laneum pallium iniecit, cum id esse ad omne anni tempus diceret. Idemque Aesculapi Epidauri barbam auream demi iussit; neque enim convenire barbatum esse filium, cum in omnibus fanis pater imberbis esset.

[84] Iam mensas argenteas de omnibus delubris iussit auferri, in quibus, quod more veteris Graeciae inscriptum esset BONORUM DEORUM, uti se eorum bonitate velle dicebat. Idem Victoriolas aureas et pateras coronasque, quae simulacrorum porrectis manibus sustinebantur, sine dubitatione tollebat eaque se accipere, non auferre dicebat; esse enim stultitiam, a quibus bona precaremur, ab is porrigentibus et dantibus nolle sumere. Eundemque ferunt haec, quae dixi, sublata de fanis in forum protulisse et per praeconem vendidisse exactaque pecunia edixisse, ut, quod quisque a sacris haberet, id ante diem certam in suum quicque fanum referret: ita ad impietatem in deos in homines adiunxit iniuriam. Hunc igitur nec Olympius Iuppiter fulmine percussit nec Aesculapius misero diuturnoque morbo tabescentem interemit, atque in suo lectulo mortuus tyranni dis non invitis in rogum inlatus est eamque potestatem, quam ipse per scelus erat nanctus, quasi iustam et legitimam hereditatis loco filio tradidit.

[85] Invita in hoc loco versatur oratio; videtur enim auctoritatem adferre peccandi; recte videretur, nisi et virtutis et vitiorum sine ulla divina ratione grave ipsius conscientiae pondus esset; qua sublata iacent omnia. Ut enim nec domus nec res publica ratione quadam et disciplina dissignata videatur, si in ea nec recte factis praemia extent ulla nec supplicia peccatis, sic mundi divina in homines moderatio profecto nulla est, si in ea discrimen nullum est bonorum et malorum.

[86] ‘At enim minora di neglegunt neque agellos singulorum nec viticulas persecuntur, nec, si uredo aut grando cuipiam nocuit, id Iovi animadvertendum fuit; ne in regnis quidem reges omnia minima curant’: sic enim dicitis. Quasi ego paulo ante de fundo Formiano P. Rutili sim questus, non de amissa salute. Atque hoc quidem omnes mortales sic habent, externas commoditates, vineta, segetes, oliveta, ubertatem frugum et fructuum, omnem denique commoditatem

prosperitatemque vitae a dis se habere; virtutem autem nemo umquam acceptam deo rettulit.

[87] Nimirum recte; propter virtutem enim iure laudamur et in virtute recte gloriamur; quod non contingeret, si id donum a deo, non a nobis haberemus. At vero aut honoribus aucti aut re familiari, aut si aliud quippiam nacti sumus fortuiti boni aut depulimus mali, tum dis gratias agimus, tum nihil nostrae laudi adsumptum arbitramur. Num quis, quod bonus vir esset, gratias dis egit umquam? At quod dives, quod honoratus, quod incolumis; Iovemque Optimum et maximum ob eas res appellant, non quod nos iustos, temperantes, sapientes efficiat, sed quod salvos, incolumis, opulentos, copiosos;

[88] neque Herculi quisquam decumam vovit umquam, si sapiens factus esset — quamquam Pythagoras, cum in geometria quiddam novi invenisset, Musis bovem inmolavisse dicitur; sed id quidem non credo, quoniam ille ne Apollini quidem Delio hostiam inmolare voluit, ne aram sanguine aspergeret. Ad rem autem ut redeam, iudicium hoc omnium mortalium est, fortunam a deo petendam, a se ipso sumendam esse sapientiam. Quamvis licet Menti delubra et Virtuti et Fidei et Spei consecremus, tamen haec in nobis ipsis sita videmus; salutis, opis, victoriae facultas a dis expetenda est. Inproborum igitur prosperitates secundaeque res redarguunt, ut Diogenes dicebat, vim omnem deorum ac potestatem.

[89] ‘At nonnumquam bonos exitus habent boni.’ Eos quidem arripimus adtribuimusque sine ulla ratione dis inmortalibus. At Diagoras cum Samothracam venisset, Atheus ille qui dicitur, atque ei quidam amicus: ‘Tu, qui deos putas humana neglegere, nonne animadvertis ex tot tabulis pictis, quam multi votis vim tempestatis effugerint in portumque salvi pervenerint?’, ‘Ita fit’, inquit, ‘illi enim nusquam picti sunt, qui naufragia fecerunt in marique perierunt.’ Idemque, cum ei naviganti vectores adversa tempestate timidi et perterriti dicerent non iniuria sibi illud accidere, qui illum in eandem navem recepissent, ostendit eis in eodem cursu multas alias laborantis quaesivitque, num etiam in is navibus Diagoram vehi crederent. Sic enim res se habet, ut ad prosperam adversamve fortunam, qualis sis aut quemadmodum vixeris, nihil intersit.

[90] ‘Non animadvertunt’, inquit, ‘omnia di, ne reges quidem.’ Quid est simile? Reges enim, si scientes praetermittunt, magna culpa

est; at deo ne excusatio quidem est inscientiae. Quem vos praeclare defenditis, cum dicitis eam vim deorum esse, ut, etiamsi quis morte poenas sceleris effugerit, expetantur eae poenae a liberis, a nepotibus, a posteris. O miram aequitatem deorum! Ferretne civitas ulla latorem istius modi legis, ut condemnaretur filius aut nepos, si pater aut avus deliquisset? 'Quinam Tantalidarum internecioni modus paretur aut quaenam umquam ob mortem Myrtili poenis luendis dabitur satias supplici?'

[91] Utrum poetae Stoicos depravarint an Stoici poetis dederint auctoritatem, non facile dixerim; portenta enim ab utrisque et flagitia dicuntur. Neque enim, quem Hipponactis iambus laeserat aut qui erat Archilochi versu volneratus, a deo inmissum dolorem, non conceptum a se ipso continebat, nec cum Aegisthi libidinem aut cum Paridis videmus, a deo causam requirimus, cum culpae paene vocem audiamus, nec ego multorum aegrorum salutem non ab Hippocrate potius quam ab Aesculapio datam iudico, nec Lacedaemoniorum disciplinam dicam umquam ab Apolline potius Spartae quam a Lycurgo datam. Critolaus, inquam, evertit Corinthum, Carthaginem Asdrubal; hi duo illos oculos orae maritumae effoderunt, non iratus aliqui, quem omnino irasci posse negatis, deus.

[92] At subvenire certe potuit et conservare urbis tantas atque talis; vos enim ipsi dicere soletis nihil esse, quod deus efficere non possit, et quidem sine labore ullo; ut enim hominum membra nulla contentione mente ipsa ac voluntate moveantur, sic numine deorum omnia fingi, moveri mutarique posse. Neque id dicitis superstitiose atque aniliter, sed physica constantique ratione; materiam enim rerum, ex qua et in qua omnia sint, totam esse flexibilem et commutabilem, ut nihil sit, quod non ex ea quamvis subito fingi convertique possit, eius autem universae fictricem et moderatricem divinam esse providentiam; hanc igitur, quocumque se moveat, efficere posse, quicquid velit. Itaque aut nescit, quid possit, aut neglegit res humanas aut, quid sit optimum, non potest iudicare.

[93] 'Non curat singulos homines.' Non mirum: ne civitates quidem; non eas: ne nationes quidem et gentis. Quod si has etiam contemnet, quid mirum est omne ab ea genus humanum esse contemptum? Sed quomodo idem dicitis non omnia deos persequi, idem voltis a dis inmortalibus hominibus dispertiri ac dividi somnia

— idcirco haec tecum, quia vestra est de somniorum veritate sententia — , atque idem etiam vota suscipi dicitis oportere? Nempe singuli vovent, audit igitur mens divina etiam de singulis; videtis ergo non esse eam tam occupatam, quam putabatis. Fac esse distentam, caelum versantem, terram tuentem, maria moderantem: cur tam multos deos nihil agere et cessare patitur, cur non rebus humanis aliquos otiosos deos praeficit, qui a te, Balbe, innumerabiles explicati sunt? Haec fere dicere habui de natura deorum, non ut eam tollerem, sed ut intellegeretis, quam esset obscura et quam difficiles explicatus haberet."

[94] Quae cum dixisset, Cotta finem. Lucilius autem "Vehementius", inquit, "Cotta tu quidem invectus es in eam Stoicorum rationem, quae de providentia deorum ab illis sanctissume et prudentissume constituta est. Sed quoniam advesperascit, dabis nobis diem aliquem, ut contra ista dicamus. Est enim mihi tecum pro aris et focis certamen et pro deorum templis atque delubris proque urbis muris, quos vos pontifices sanctos esse dicitis diligentiusque urbem religione quam ipsis moenibus cingitis; quae deseri a me, dum quidem spirare potero, nefas iudico."

[95] Tum Cotta: "Ego vero et opto redargui me, Balbe, et ea, quae disputavi, disserere malui quam iudicare, et facile me a te vinci posse certo scio." "Quippe", inquit Velleius, "qui etiam somnia putet ad nos mitti ab Iove, quae ipsa tamen tam levia non sunt, quam est Stoicorum de natura deorum oratio." Haec cum essent dicta, ita discessimus, ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior.

DE DIVINATIONE (On Divination)

M. TVLLI CICERONIS DE DIVINATIONEMARCI TVLLI CICERONIS DE DIVINATIONE

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LIBER PRIOR
LIBER ALTER

LIBER PRIOR

I 1 Vetus opinio est iam usque ab heroicis ducta temporibus, eaque et populi Romani et omnium gentium firmata consensu, versari quandam inter homines divinationem, quam Graeci μαντική appellant, id est praesensionem et scientiam rerum futurarum. Magnifica quaedam res et salutaris, si modo est ulla, quaque proxime ad deorum vim natura mortalis possit accedere. Itaque ut alia nos melius multa quam Graeci, sic huic praestantissimae rei nomen nostri a divis, Graeci, ut Plato interpretatur, a furore duxerunt. 2 Gentem quidem nullam video neque tam humanam atque doctam neque tam immanem tamque barbaram, quae non significari futura et a quibusdam intellegi praedicique posse censeat. Principio Assyrii, ut ab ultimis auctoritatem repetam, propter planitiam magnitudinemque regionum quas incolebant, cum caelum ex omni parte patens atque apertum intuerentur, traiectiones motusque stellarum observitaverunt, quibus notati, quid cuique significaretur memoriae prodiderunt. Qua in natione Chaldaei, non ex artis sed ex gentis vocabulo nominati, diuturna observatione siderum scientiam putantur effecisse, ut praedici posset, quid cuique eventurum et quo quisque fato natus esset. Eandem artem etiam Aegyptii longinquitate temporum innumerabilibus paene saeculis consecuti putantur Cilicum autem et Pisidarum gens et his finituma Pamphylia, quibus nationibus praefuimus ipsi, volatibus avium cantibus que certissimis signis declarari res futuras putant. 3 Quam vero Graecia coloniam misit in Aeoliam, Ioniam, Asiam, Siciliam, Italiam sine Pythio aut Dodonaeo aut Hammonis oraculo? Aut quod bellum susceptum ab ea sine consilio deorum est?

II Nec unum genus est divinationis publice privatimque celebratum. Nam, ut omittam ceteros populos, noster quam multa genera complexus est! Principio huius urbis parens Romulus non solum auspicato urbem condidisse, sed ipse etiam optumus augur fuisse traditur. Deinde auguribus et reliqui reges usi, et exactis regibus nihil publice sine auspiciis nec domi nec militiae gerebatur. Cumque magna vis videretur esse et impetriendis consulendisque rebus et monstris interpretandis ac procurandis in haruspicum

disciplina, omnem hanc ex Etruria scientiam adhibebant, ne genus esset ullum divinationis quod neglectum ab iis videretur. **4** Et cum duobus modis animi sine ratione et scientia motu ipsi suo soluto et libero incitarentur, uno furente, altero somniante, furoris divinationem Sibyllinis maxime versibus contineri arbitrati eorum decem interpretes delectos e civitate esse voluerunt. Ex quo genere saepe hariolorum etiam et vatum furibundas praedictiones, ut Octaviano bello Corneli Culleoli, audiendas putaverunt. Nec vero somnia graviora, si quae ad rem publicam pertinere visa sunt, a summo consilio neglecta sunt. Quin etiam memoria nostra templum Iunonis Sospitae L. Iulius, qui cum P. Rutilio consul fuit, de senatus sententia refecit ex Caeciliae, Baliarici filiae, somnio.

III **5** Atque haec, ut ego arbitror, veteres rerum magis eventis moniti quam ratione docti probaverunt. Philosophorum vero exquisita quaedam argumenta, cur esset vera divinatio, conlecta sunt; e quibus, ut de antiquissumis loquar, Colophonius Xenophanes unus, qui deos esse diceret, divinationem funditus sustulit; reliqui vero omnes, praeter Epicurum balbutientem de natura deorum, divinationem probaverunt, sed non uno modo. Nam cum Socrates omnesque Socratici Zenoque et ii qui ab eo essent profecti manerent in antiquorum philosophorum sententia vetere Academia et Peripateticis consentientibus, cumque huic rei magnam auctoritatem Pythagoras iam ante tribuisset, qui etiam ipse augur vellet esse, plurumisque locis gravis auctor Democritus praesensionem rerum futurarum comprobaret, Dicaearchus Peripateticus cetera divinationis genera sustulit, somniorum et furoris reliquit, Cratippusque, familiaris noster, quem ego parem summis Peripateticis iudico, isdem rebus fidem tribuit, reliqua divinationis genera reiecit. **6** Sed cum Stoici omnia fere illa defenderent, quod et Zeno in suis commentariis quasi semina quaedam sparsisset et ea Cleanthes paulo uberiora fecisset, accessit acerrumo vir ingenio, Chrysippus, qui totam de divinatione duobus libris explicavit sententiam uno praeterea de oraclis, uno de somniis; quem subsequens unum librum Babylonius Diogenes edidit, eius auditor, duo Antipater, quinque noster Posidonius. Sed a Stoicis vel princeps eius disciplinae, Posidoni doctor, discipulus Antipatri, degeneravit Panaetius, nec tamen ausus est negare vim esse divinandi, sed dubitare se dixit.

Quod illi in aliqua re invitissumis Stoicis Stoico facere licuit, nos ut in reliquis rebus faciamus a Stoicis non concedetur? praesertim cum id, de quo Panaetio non liquet, reliquis eiusdem disciplinae solis luce videatur clarius. **7** Sed haec quidem laus Academiae praestantissumi philosophi iudicio et testimonio comprobata est.

IV Etenim nobismet ipsis quaerentibus quid sit de divinatione iudicandum, quod a Carneade multa acute et copiose contra Stoicos disputata sint, verentibusque ne temere vel falsae rei vel non satis cognitae adsentiamur, faciendum videtur ut diligenter etiam atque etiam argumenta cum argumentis comparemus, ut fecimus in iis tribus libris quos de natura deorum scripsimus. Nam cum omnibus in rebus temeritas in adsentiendo errorque turpis est, tum in eo loco maxime, in quo iudicandum est quantum auspiciis rebusque divinis religionique tribuamus; est enim periculum, ne aut neglectis iis impia fraude aut susceptis anili superstitione obligemur.

V **8** Quibus de rebus et alias saepe et paulo accuratius nuper, cum essem cum Q. fratre in Tusculano, disputatum est. Nam cum ambulandi causa in Lyceum venissemus (id enim superiori gymnasio nomen est), "Perlegi," ille inquit, "tuum paulo ante tertium de natura deorum, in quo disputatio Cottae quamquam labefactavit sententiam meam, non funditus tamen sustulit." "Optime vero," inquam; "etenim ipse Cotta sic disputata ut Stoicorum magis argumenta confutet quam hominum deleat religionem." Tum Quintus: "Dicitur quidem istuc," inquit, "a Cotta, et vero saepius, credo, ne communia iura migrare videatur; sed studio contra Stoicos disserendi deos mihi videtur funditus tollere. **9** Eius orationi non sane desidero quid respondeam; satis enim defensa religio est in secundo libro a Lucilio, cuius disputatio tibi ipsi, ut in extremo tertio scribis, ad veritatem est visa propensior. Sed, quod praetermissum est in illis libris (credo, quia commodius arbitratus es separatim id quaeri deque eo disseri), id est de divinatione, quae est earum rerum quae fortuitae putantur praedictio atque praesensio, id, si placet, videamus quam habeat vim et quale sit. Ego enim sic existimo, si sint ea genera divinandi vera de quibus accepimus quaeque colimus, esse deos, vicissimque, si di sint, esse qui divinent."

VI **10** "Arcem tu quidem Stoicorum," inquam, "Quinte, defendis, siquidem ista sic reciprocantur, ut et, si divinatio sit, di sint et, si di

sint, sit divinatio. Quorum neutrum tam facile quam tu arbitraria conceditur. Nam et natura significari futura sine deo possunt et, ut sint di, potest fieri ut nulla ab iis divinatio generi humano tributa sit." Atque ille: "Mihi vero," inquit, "satis est argomenti et esse deos et eos consulere rebus humanis, quod esse clara et perspicua divinationis genera iudico. De quibus quid ipse sentiam, si placet, exponam, ita tamen, si vacas animo neque habes aliquid quod huic sermoni praevertendum putes." **11** "Ego vero," inquam, "philosophiae, Quinte, semper vaco; hoc autem tempore, cum sit nihil aliud quod lubenter agere possim, multo magis aveo audire de divinatione quid sentias." "Nihil," inquit, "equidem novi, nec quod praeter ceteros ipse sentiam; nam cum antiquissimam sententiam, tum omnium populorum et gentium consensu comprobatam sequor. Duo sunt enim divinandi genera, quorum alterum artis est, alterum naturae. **12** Quae est autem gens aut quae civitas, quae non aut extispicum aut monstra aut fulgora interpretantium aut augurum aut astrologorum aut sortium (ea enim fere artis sunt) aut somniorum aut vatìcinationum (haec enim duo naturale putantur) praedictione moveatur? Quarum quidem rerum eventa magis arbitror quam causas quaeri oportere. Est enim vis et natura quaedam, quae tum observatis longo tempore significationibus, tum aliquo instinctu inflatuque divino futura praenuntiat.

VII Quare omittat urguere Carneades, quod faciebat etiam Panaetius, requirens Iuppiterne cornicem a laeva, corvum ab dextera canere iussisset. Observata sunt haec tempore immenso et [in significatione eventus] animadversa et notata. Nihil est autem quod non longinquitas temporum excipiente memoria prodendisque monumentis efficere atque adsequi possit. **13** Mirari licet quae sint animadversa a medicis herbarum genera, quae radicum ad morsus bestiarum, ad oculorum morbos, ad vulnera, quorum vini atque naturam ratio numquam explicavit, utilitate et ars est et inventor probatus. Age ea, quae quamquam ex alio genere sunt, tamen divinationi sunt similiora, videamus:

"Atque etiam ventos praemonstrat saepe futuros inflatum mare, cum subito penitusque tumescit,
saxaque cana salis niveo spumata liquore tristificas certant Neptuno

reddere voces, aut densus
stridor cum celso e vertice montis ortus adaugescit scopulorum saepe repulsus."

VIII Atque his rerum praesensionibus Prognostica tua referta sunt. Quis igitur elicere causas praesensionum potest? Etsi video Boëthum Stoicum esse conatum, qui hactenus aliquid egit, ut earum rationem rerum explicaret, quae in mari caelove fierent. **14** Illa vero cur eveniant, quis probabiliter dixerit?

"Cana fulix itidem fugiens e gurgite ponti
nuntiat horribilis clamans instare procellas
haud modicos tremulo fundens e guttere cantus.
Saepe etiam pertriste canit de pectore carmen
et matutinis acredula vocibus instat,
vocibus instat et adsiduas iacit ore querellas,
cum primum gelidos rores aurora remittit;
fuscaque non numquam cursans per litora cornix
demersit caput et fluctum cervice recepit."

IX **15** Videmus haec signa numquam fere ementientia nec tamen cur ita fiat videmus.

"Vos quoque signa videtis, aquai dulcis alumnae,
cum clamore paratis inanis fundere voces
absurdoque sono fontis et stagna cietis."

Quis est, qui ranunculos hoc videre suspicari possit? Sed inest in ranunculis vis et natura quaedam significans aliquid, per se ipsa satis certa, cognitioni autem hominum obscurior.

"Mollipedesque boves, spectantes lumina caeli,
naribus umiferum duxere ex aëre sucum."

Non quaero cur, quoniam quid eveniat intellego.

"lam vero semper viridis semperque gravata
lentiscus, triplici solita grandescere fetu,

ter fruges fundens tria tempora monstrat arandi.”

16 Ne hoc quidem quaero, cur haec arbor una ter fioreat aut cur arandi maturitatem ad signum floris accommodet; hoc sum contentus, quod, etiamsi cur quidque fiat ignorem, quid fiat intellego. Pro omni igitur divinatione idem quod pro rebus iis quas commemoravi respondebo.

X Quid scammoneae radix ad purgandum, quid aristolochia ad morsus serpentium possit, quae nomen ex inventore repperit, rem ipsam inventor ex somnio - posse video, quod satis est; cur possit, nescio. Sic ventorum et imbrium signa, quae dixi, rationem quam habeant non satis perspicio; vim et eventum agnosco, scio, adprobo. Similiter, quid fissum in extis, quid fibra valeat, accipio; quae causa sit, nescio. Atque horum quidem plena vita est; extis enim omnes fere utuntur. Quid? de fulgurum vi dubitare num possumus? Nonne cum multa alia mirabilia, tum illud in primis: cum Summanus in fastigio Iovis optumi maxumi, qui tum erat fictilis, e caelo ictus esset nec usquam eius simulacri caput inveniretur, haruspices in Tiberim id depulsum esse dixerunt, idque inventum est eo loco, qui est ab haruspicibus demonstratus.

XI **17** Sed quo potius utar aut auctore aut teste quam te? Cuius edidici etiam versus, et lubenter quidem, quos in secundo [de] consulatu Urania Musa pronuntiat:

“Principio aetherio flammatus Iuppiter igni
vertitur et totum conlustrat lumine mundum
menteque divina caelum terrasque petessit,
quae penitus sensus hominum vitasque retentat,
aetheris aeterni saepta atque inclusa cavernis.
Et, si stellarum motus cursusque vagantis
nosse velis, quae sint signorum in sede locatae,
quae verbo et falsis Graiorum vocibus errant,
re vera certo lapsu spatioque feruntur,
omnia iam cernes divina mente notata.

18 Nam primum astrorum volucris te consule motus
concursusque gravis stellarum ardore micantis

tu quoque, cum tumulos Albano in monte nivalis
lustrasti et laeto mactasti laete Latinas,
vidisti et claro tremulos ardore cometas,
multaque misceri nocturna strage putasti,
quod ferme dirum in tempus cecidere Latinae,
cum claram speciem concreto lumine luna
abdidit et subito stellanti nocte perempta est.
Quid vero Phoebi fax, tristis nuntia belli
quae magnum ad columen flammato ardore volabat,
praecipitis caeli partis obitusque petessens?
aut cum terribili perculsus fulmine civis
luce serenanti vitalia lumina liquit,
aut cum se gravido tremefecit corpore tellus?
Iam vero variae nocturno tempore visae
terribiles formae bellum motusque monebant,
multaque per terras vates oracla furenti
pectore fundebant tristis minitantia casus,

19 atque ea, quae lapsu tandem cecidere, vetusto,
haec fore perpetuis signis clarisque frequentans
ipse deum genitor caelo terrisque canebat.

XII Nunc ea, Torquato quae quondam et consule Cotta
Lydius ediderat Tyrrhenae gentis haruspex,
omnia fixa tuus glomerans determinat annus.
Nam pater altitonans stellanti nixus Olympo
ipse suos quondam tumulos ac templa petivit
et Capitolinis iniecit sedibus ignis.
Tum species ex aere vetus veneratque Nattae
concidit, elapsaeque vetusto numine leges,
et divom simulacra peremit fulminis ardor.

20 Hic silvestris erat Romani nominis altrix
Martia, quae parvos Mavortis semine natos
uberibus gravidis vitali rore rigabat;
quae tum cum pueris flammato fulminis ictu
concidit atque avolsa pedum vestigia liquit.

Tum quis non artis scripta ac monumenta volutans
voces tristificas chartis promebat Etruscis?
Omnes civilem generosa stirpe profectam
volvier ingentem cladem pestemque monebant;
tum legum exitium constanti voce ferebant,
templa deumque adeo fiammis urbemque iubebant
eripere et stragem horribilem caedemque vereri;
atque haec fixa gravi fato ac fundata teneri,
ni prius excelsum ad columen formata decore
sancta Iovis species claros spectaret in ortus:
tum fore ut occultos populus sanctusque senatus
cernere conatus posset, si solis ad ortum
conversa inde patrum sedes populique videret.

21 Haec tardata diu species multumque morata
consule te tandem celsa est in sede locata
atque una fixi ac signati temporis hora
Iuppiter excelsa clarabat sceptra columna,
et clades patriae flamma ferroque parata
vocibus Allobrogum patribus populoque patebat.

XIII Rite igitur veteres, quorum monumenta tenetis
qui populos urbisque modo ac virtute regebant,
rite etiam vestri, quorum pietasque fidesque
praestitit et longe vicit sapientia cunctos,
praecipue colucre vigeiiti numine divos.
Haec adeo penitus cura videre sagaci,
otia qui studiis laeti tenuere decoris,

22 inque Academia umbrifera nitidoque Lyceo
fuderunt claras fecundi pectoris artis.
E quibus ereptum primo iam a flore iuventae
te patria in media virtutum mole locavit.
Tu tamen anxiferas curas requiete relaxans,
quod patriae vacat, his studiis nobisque sacrasti.”

Tu igitur animum poteris inducere contra ea quae a me

disputantur de divinatione, dicere, qui et gesseris ea, quae gessisti, et ea quae pronuntiavi, accuratissume scripseris? **23** Quid quaeris, Carneades, cur haec ita fiant aut qua arte perspici possint? Nescire me fateor, evenire autem ipsum dico videre. "Casu," inquis. Itane vero? Quicquam potest casu esse factum, quod omnes habet in se numeros veritatis? Quattuor tali iacti casu Venerium efficiunt; num etiam centum Venerios, si quadringentos talos ieceris, casu futuros putas? Adspersa temere pigmenta in tabula oris liniamenta efficere possunt; num etiam Veneris Coae pulchritudinem effici posse adspersione fortuita putas? Sus rostro si humi A litteram impresserit, num propterea suspicari poteris Andromacham Enni ab ea posse describi? Fingebat Carneades in Chiorum lapicidinis saxo diffisso caput exstitisse Panisci; credo, aliquam non dissimilem figuram, sed certe non talem, ut eam factam a Scopa diceres. Sic enim se profecto res habet, ut numquam perfecte veritatem casus imitetur.

XIV **24** "At non numquam ea, quae praedicta sunt, minus eveniunt." Quae tandem id ars non habet? Earum dico artium, quae coniectura continentur et sunt opinabiles. An medicina ars non putanda est? Quam tamen multa fallunt. Quid? Gubernatores nonne falluntur? An Achivorum exercitus et tot navium rectores non ita profecti sunt ab Ilio, ut "profectione laeti piscium lasciviam intuerentur," ut ait Pacuvius, "nec tuendi satietas capere posset"?

"Interea prope iam occidente sole inhorrescit mare,
tenebrae conduplicantur noctisque et nimbum occaecat nigror."

Num igitur tot clarissimorum ducum regumque naufragium sustulit artem gubernandi? Aut num imperatorum scientia nihil est, quia summus imperator nuper fugit amisso exercitu? Aut num propterea nulla est rei publicae gerendae ratio atque prudente, quia multa Cn. Pompeium, quaedam M. Catonem, non nulla etiam te ipsum fefellerunt? Similis est haruspicum responsio omnisque opinabilis divinatio; coniectura enim nititur, ultra quam progredi non potest. **25** Ea fallit fortasse non numquam, sed tamen ad veritatem saepissime dirigit; est enim ab omni aeternitate repetita, in qua, cum paene innumerabiliter res eodem modo evenirent isdem signis antegressis, ars est effecta eadem saepe animadvertendo ac notando.

XV Auspicia vero vestra quam constant! Quae quidem nunc a Romanis auguribus ignorantur (bona hoc tua venia dixerim), a Cilicibus, Pamphyliis, Pisidis, Lyciis tenentur. **26** Nam quid ego hospitem nostrum, clarissumum atque optumum virum, Deiotarum regem, commemorem? Qui nihil umquam nisi auspicato gerit. Qui cum ex itinere quodam proposito et constituto revertisset aquilae admonitus volatu, conclave illud, ubi erat mansurus, si ire perrexisset, proxima nocte corruit. **27** Itaque, ut ex ipso audiebam, persaepe revertit ex itinere, cum iam progressus esset multorum dierum viam. Quoius quidem hoc praeclarissimum est, quod, posteaquam a Caesare tetrarchia et regno pecuniaque multatus est, negat se tamen eorum auspiciorum, quac sibi ad Pompeium proficiscenti secunda evenerint, paenitere; senatus enim auctoritatem et populi Romani libertatem atque imperii dignitatem suis armis esse defensam, sibique eas aves, quibus auctoribus officium et fidem secutus esset, bene consuluisse; antiquiorem enim sibi fuisse possessionibus suis gloriari. Ille mihi videtur igitur vere augurari. Nam nostri quidem magistratus auspiciis utuntur coactis; necesse est enim offa obiecta cadere frustum ex pulli ore, cum pascitur; **28** quod autem scriptum habetis, [aut] tripudium fieri, si ex ea quid in solidum ceciderit, hoc quoque, quod dixi, coactum tripudium solistimum dicitis. Itaque multa auguria, multa auspicia, quod Cato ille sapiens queritur, neglegentia collegii amissa plane et deserta sunt.

XVI Nihil fere quondam maioris rei nisi auspicato ne privatim quidem gerebatur, quod etiam nunc nuptiarum auspices declarant, qui re omissa nomen tantum tenent. Nam ut nunc extis (quamquam id ipsum aliquanto minus quam olim), sic tum avibus magnae res impetriri solebant. Itaque, sinistra dum non exquirimus, in dira et in vitiosa incurrimus. **29** Ut P. Claudius, Appi Caeci filius, eiusque collega L. Iunius classis maxumas perdiderunt, cum vitio navigassent. Quod eodem modo evenit Agamemnoni; qui,cum Achivi coepissent

“inter sese strepere aperteque artem obterere extispicum
solvere imperat secundo rumore adversaque avi.”

Sed quid vetera? M. Crasso quid acciderit videmus, dirarum

obnuntiatione neglecta. In quo Appius, collega tuus, bonus augur, ut ex te audire soleo, non satis scienter virum bonum e civem egregium censor C. Ateium notavit, quod ementitu auspicia subscriberet. Esto; fuerit hoc censoris, si iudicabat ementitum; at illud minime auguris, quod adscripsit ob ea causam populum Romanum calamitatem maxumam cepisse. Si enim ea causa calamitatis fuit, non in eo est culpa, qui obnuntiavit, sed in eo, qui non paruit. Veram enim fuisse obnuntiationem, ut ait idem augur et censor, exitus adprobavit; quae si falsa fuisset, nullam adferre potuisset causam calamitatis. Etenim dirae, sicut cetera auspicia, ut omina, ut signa, non causas adferunt, cur quid eveniat, sed nuntiant eventura, nisi provideris. **30** Non igitur obnuntiatio Atei causam finxit calamitatis, sed signo obiecto monuit Crassum quid eventurum esset, nisi cavisset. Ita aut illa obnuntiatio nihil valuit aut, si, ut Appius iudicat, valuit, id valuit, ut peccatum haereat non in eo qui monuerit, sed in eo qui non obtemperarit.

XVII Quid? Lituus iste vester, quod clarissumum est insigne auguratus, unde vobis est traditus? Nempe eo Romulus regiones direxìt tum, cum urbem condidit. Qui quidem Romuli lituus, id est incurvum et leviter a summo inflexu bacillum, quod ab eius litui, quo canitur, similitudine nomen invenit, cum situs esset in curia Saliorum, quae est in Palatio eaque defiagravisset, inventus est integer. **31** Quid? Multis annis post Romulum, Prisco regnante Tarquinio, quis veterum scriptorum non loquitur quae sit ab Atto Navio per lituum regionum facta discriptio? Qui cum propter paupertatem sues puer pasceret, una ex iis amissa, vovisse dicitur, si recuperasset, uvam se deo daturum, quae maxima esset in vinea; itaque, sue inventa, ad meridiem spectans in vinea media dicitur constitisse, cumque in quattuor partis vineam divisisset trisque partis aves abdixissent, quarta parte, quae erat reliqua, in regiones distributa, mirabili magnitudine uvam, ut scriptum videmus, invenit. Qua re celebrata, cum vicini omnes ad eum de rebus suis referrent, erat in magno nomine et gloria. **32** Ex quo factum est, ut eum ad se rex Priscus arcesseret. Cuius cum temptaret scientiam auguratus, dixit ei cogitare se quiddam; id possetne fieri, consuluit. Ille augurio acto posse respondit. Tarquinius autem dixit se cogitasse cotem novacula posse praecidi; tum Attum iussisse experiri. Ita cotem in comitium allatam inspectante et rege et populo novacula esse

discissam. Ex eo evenit ut et Tarquinius augure Atto Navio uteretur et populus de suis rebus ad eum referret. **33** Cotem autem illam et novaculam defossam in comitio supraque impositum puteal accepimus. Negemus omnia, comburamus annales, fiera haec esse dicamus, quidvis denique potius quam deos res humanas curare fateamur; quid quod scriptum apud te est de Ti. Graccho, nonne et augurum et haruspicum comprobat disciplinam? Qui cum tabernaculum vitio cepisset inprudens, quod inauspicato pomerium transgressus esset, comitia consulibus rogandis habuit. Nota res est et a te ipso mandata monumentis. Sed et ipse augur Ti. Gracchus auspiciorum auctoritatem confessione errati sui comprobavit, et haruspicum disciplinae magna accessit auctoritas, qui recentibus comitiis in senatum introducti negaverunt iustum comitiorum rogatorem fuisse.

XVIII **34** Iis igitur adsentior, qui duo genera divinationum esse dixerunt, unum, quod particeps esset artis, alterum, quod arte careret. Est enim ars in iis, qui novas res coniectura persequuntur, veteres observatione didicerunt. Carent autem arte ii qui non ratione aut coniectura observatis ac notatis signis, sed concitatione quadam animi aut soluto liberoque motu futura praesentiunt, quod et somniantibus saepe contingit et non numquam vaticinantibus per furorem, ut Bacis Boeotius, ut Epimenides Cres, ut Sibylla Erythrea. Cuius generis oracla etiam habenda sunt, non ea quae aequatis sortibus ducuntur, sed illa quae instinctu divino adflatuque funduntur; etsi ipsa sors contemnenda non est, si et auctoritatem habet vetustatis, ut eae sunt sortes, quas e terra editas accepimus; quae tamen ductae ut in rem apte cadant fieri credo posse divinitus. Quorum omnium interpretes, ut grammatici poetarum, proxime ad eorum, quos interpretantur, divinationem videntur accedere. **35** Quae est igitur ista calliditas, res vetustate robustas calumniando velle pervertere? “Non reperio causam.” Latet fortasse obscuritate involuta naturae; non enim me deus ista scire, sed his tantum modo uti voluit. Utar igitur nec adducar aut in extis totam Etruriam delirare aut eandem gentem in fulgoribus errare aut fallaciter portenta interpretari, cum terrae saepe fremitus, saepe mugitus, saepe motus multa nostrae rei publicae, multa ceteris civitatibus gravia et vera praedixerint. **36** Quid? qui inridetur partus hic mulae nonne, quia

fetus exstitit in sterilitate naturae, praedictus est ab haruspicibus incredibilis partus malorum? Quid? Ti. Gracchus Publi filius, qui bis consul et censor fuit, idemque et summus augur et vir sapiens civisque praestans, nonne, ut C. Gracchus, filius eius, scriptum reliquit, duobus anguibus domi comprehensis haruspices convocavit? Qui cum respondissent, si marem emisisset, uxori brevi tempore esse moriendum, si feminam, ipsi, aequius esse censuit se maturam oppetere mortem quam P. Africani filia adulescentem; feminam emisit, ipse paucis post diebus est mortuus.

XIX Inrideamus haruspices, vanos, futtiles esse dicamus quorumque disciplinam et sapientissimus vir et eventus ac re comprobavit contemnamus; [condemnemus] etiam Babylonem et eos qui e Caucaso caeli signa servantes numeris motibus stellarum cursus persequuntur; condemnemus, in quam, hos aut stultitiae aut vanitatis aut impudentiae, qui quadringenta septuaginta milia annorum, ut ipsi dicunt, monumentis comprehensa continenti et mentiri iudicemus ne saeculorum reliquorum iudicium, quod de ipsis futurum sit pertimescere. **37** Age, barbari vani atque fallaces; num etiam Graiorum historia mentita est? quae Croeso Pythius Apollo, ut de naturali divinatione dicam, quae Atheniensibu quae Lacedaemoniis, quae Tegeatis, quae Argivis, quae Corinthiis responderit, quis ignorat? Conlegit innumerabilia oracula Chrysippus nec ullum sine locuplete auctore atque teste; quae, quia nota tibi sunt, relinquo; defendo unum hoc numquam illud oraclum Delphis tam celebre et tam clarum fuisset neque tantis donis refertum omnium populorum atque regum, nisi omnis aetas oraclorum illorum veritatem esse experta. **38** “Idem iam diu non facit.” Ut igitur nunc minore gloria est, quia minus oraculorum veritas excellit, sic tum, nisi summa veritate, in tanta gloria non fuisset. Potest autem vis illa terrae, quae mentem Pythiae divino adflatu concitabat, evanuisse vetustate, ut quosdam evanuisse et exaruisse amnes aut in alium cursum contortos et deflexos videmus. Sed ut vis acciderit (magna enim quaestio est), modo maneat id quod negari non potest nisi omnem historiam perverterimus: multis saeclis verax fuisse id oraculum.

XX **39** Sed omittamus oracula, veniamus ad somnia. De quibus disputans Chrysippus, multis et minutis somniis configendis, facit idem quod Antipater, ea conquirens quae, Antiphontis interpretatione

esplicata, declarant illa quidem acumen interpretis, sed exemplis grandioribus decuit uti. Dionysi mater, eius qui Syracosiorum tyrannus fuit, ut scriptum apud Philistum est, et doctum hominem et diligentem et aequalem temporum illorum, cum praegnans hunc ipsum Dionysium alvo contineret, somniavit se peperisse Satyriscum. Huic interpretes portentorum, qui Galeotae tum in Sicilia nominabantur, responderunt, ut ait Philistus, eum, quem illa peperisset, clarissimum Graeciae diuturna cum fortuna fore. **40** Num te ad fabulas revoco vel nostrorum vel Graecorum poetarum? Narrat enim et apud Ennium Vestalis illa:

"Et cita cum tremulis anus attulit artubus lumen,
talia tum memorat lacrimans, exterrita somno.
Eurydica prognata, pater quam noster amavit,
vires vitaque corpus meum nunc deserit omne.
Nam me visus homo pulcher per amoena salicta
et ripas raptare locosque novos. Ita sola
postilla, germana soror, errare videbar
tardaque vestigare et quaerere te, neque posse
corde capessere: semita nulla pedem stabilitat.

41 Exim compellare pater me voce videtur
his verbis: O gnata, tibi sunt ante gerendae
aerumnae, post ex fluvio fortuna resistet.
Haec ecfatus pater, germana, repente recessit
nec sese dedit in conspectum corde cupitus,
quamquam multa manus ad caeli caerula templa
tendebam lacrumans et blanda voce vocabam.
Vix aegro cum corde meo me somnus reliquit."

XXI **42** Haec, etiamsi ficta sunt a poeta, non absunt tamen a consuetudine somniorum. Sit sane etiam illud commenticium, quo Priamus est conturbatus, quia

"mater gravida parere se ardentem facem
visa est in somnis Hecuba; quo facto pater
rex ipse Priamus somnio, mentis metu

perculsus, curis sumptus suspirantibus,
exsacrificabat hostiis balantibus.
Tum coniecturam postulat pacem petens,
ut se edoceret obsecrans Apollinem
quo sese vertant tantae sortes somnium.
Ibi ex oraclo voce divina edidit
Apollo: puerum, primus Priamo qui foret
postilla natus, temperaret tollere:
eum esse exitium Troiae, pestem Pergamo."

43 Sint haec, ut dixi, somnia fabularum, hisque adiungatur etiam Aeneae somnium, quod nimirum in Fabi Pictoris Graecis annalibus eius modi est, ut omnia quae ab Aenea gesta sunt quaeque illi acciderunt, ea fuerint quae ei secundum quietem visa sunt.

XXII Sed propiora videamus. Cuiusnam modi est Superbi Tarquini somnium, de quo in Bruto Acci loquitur ipse?

44 "Quoniam quieti corpus nocturno impetu
dedi, sopore placans artus languidos,
visust in somnis pastor ad me appellere
pecus lanigerum eximia pulchritudine;
duos consanguineos arietes inde eligi
praeclarioremque alterum immolare me;
deinde eius germanum cornibus conitier,
in me arietare, eoque ictu me ad casum dari;
exim prostratum terra, graviter saucium,
resupinum in caelo contueri maxumum ac
mirificum facinus: dextrorsum orbem flammeum
radiatum solis liquier cursu novo."

45 Eius igitur somnii a coniectoribus quae sit interpretatio facta videamus:

"Rex, quae in vita usurpant homines, cogitant curant vident,
quaeque agunt vigilantes agitantque, ea si cui in somno accidunt,
minus mirandum est; sed in re tanta haud temere visa se offerunt.
Proin vide ne, quem tu esse hebetem deputes aeque ac pecus,

is sapientia munitum pectus egregium gerat
teque regno expellat; nam id, quod de sole ostentum est tibi,
populo commutationem rerum portendit fore
perpropinquam. Haec bene verruncent populo! Nam quod ad dexteram
cepit cursum ab laeva signum praepotens, pulcherrume
auguratum est rem Romanam publicam summam fore.”

XXIV **46** Age nunc ad externa redeamus. Matrem Phalaridis scribit Ponticus Heraclides, doctus vir, auditor et discipulus Platonis, visam esse videre in somnis simulacra deorum, quae ipsa domi consecravisset; ex iis Mercurium e patera, quam dextera manu teneret, sanguinem visum esse fundere; qui cum terram attigisset, refervescere videretur sic, ut tota domus sanguine redundaret. Quod matris somnium immanis filii crudelitas comprobavit. Quid ego, quae magi Cyro illi principi interpretati sint, ex Dinonis Persicis fibris proferam? Nam cum dormienti ei sol ad pedes visus esset, ter eum scribit frustra adpetivisse manibus, cum se convolvens sol elaberetur et abiret; ei magos dixisse, quod genus sapientium et doctorum habebatur in Persis, ex triplici adpetitione solis triginta annos Cyrum regnaturum esse portendi. Quod ita contigit; nam ad septuagesimum pervenit, cum quadraginta natus annos regnare coepisset.

47 Est profecto quiddam etiam in barbaris gentibus praesentiens atque divinans, siquidem ad mortem proficiscens Cafianus Indus, cum inscenderet in rogum ardentem, “O praeclarum discessum,” inquit, “e vita, cum, ut Herculi contigit, mortali corpore cremato, in lucem animus excesserit! “ Cumque Alexander eum rogaret, si quid vellet, ut diceret, “ Optume, “ inquit; “ propediem te videbo. “ Quod ita contigit; nam Babylone paucis post diebus Alexander est mortuus. Discedo parumper a somniis, ad quae mox revertar. Qua nocte templum Ephesiae Dianae deflagravit, eadem, constat ex Olympiade natum esse Alexandrum, atque, ubi lucere coepisset, clamitasse magos pestem ac perniciem Asiae proxuma nocte natam.

XXIV **48** Haec de Indis et magis; redeamus ad somnia. Hannibalem Coelius scribit, cum columnam auream, quae esset in fano Iunonis Laciniae, auferre vellet dubitaretque utrum ea solida esset an extrinsecus inaurata, perterebravisse, cumque solidam

invenisset, statuisse tollere. Ei secundum quietem visam esse Iunonem praedicere ne id faceret, minarique, si fecisset, se curaturam ut eum quoque oculum, quo bene videret, amitteret; idque ab homine acuto non esso neglectum; itaque ex eo auro, quod exterebratum esset, buculam curasse faciendam et eam in summa columna conlocavisse. **49** Hoc item in Sileni, quem Coelius sequitur, Graeca historia est (is autem diligentissume res Hannibalis persecutus est): Hannibalem, cum cepisset Saguntum, visum esse in somnis a Iove in deorum concilium vocari; quo cum venisset, Iovem imperavisse, ut Italiae bellum inferret, ducemque ei unum e concilio datum, quo illum utentem cum exercitu progredi coepisse; tum ei ducem illum praecepisse ne respiceret; illum autem id diutius facere non potuisse elatumque cupiditate respexisse; tum visam beluam vastam et immanem circumplicatam serpentibus, quacumque incederet, omnia arbusta, virgulta, tecta pervertere, et eum admiratum quaesisse de deo quodnam illud esset tale monstrum, et deum respondisse vastitatem esse Italiae praecepisseque ut pergeret protinus, quid retro atque a tergo fieret ne laboraret. **50** Apud Agathoclem scriptum in historia est Hamilcarem Karthaginiensem, cum oppugnaret Syracusas, visum esse audire vocem se postridie cenaturum Syracusis; cum autem is dies inluxisset, magnam seditionem in castris eius inter Poenos et Siculos milites esse factam; quod cum sensissent Syracusani, improviso eos in castra inrupisse Hamilcaremque ab iis vivum esse sublatum: ita res somnium comprobavit. Plena exemplorum est historia, tum referta vita communis. **51** At vero P. Decius ille Quinti filius, qui primus e Deciis consul fuit, cum esset tribunus militum M. Valerio A. Cornelio, consulibus, a Samnitibusque premeretur noster exercitus, cum pericula proeliorum iniret audacius monereturque, ut cautior esset, dixit, quod exstat in annalibus, sibi in somnis visum esse, cum in mediis hostibus versaretur, occidere cum maxuma gloria. Et tum quidem incolumis exercitum obsidione liberavit; post triennium autem, cum consul esset, devovit se et in aciem Latinorum inrupit armatus. Quo eius facto superati sunt et deleti Latini. Cuius mors ita gloriosa fuit, ut eandem concupisceret filius.

XXV **52** Sed, veniamus nunc, si placet, ad somnia philosophorum. Est apud Platonem Socrates, cum esset in custodia publica, dicens

Critoni, suo familiari, sibi post tertium die esse moriendum; vidisse se in somnis pulchritudine eximia feminam, quae se nomine appellans diceret Homericum quendam eius modi versum:

"Tertia te Phthiae tempestas laeta locabit."

quod, ut est dictum, sic scribitur contigisse. Xenophon Socraticus (qui vir et quantus!) in ea militia qua cum Cyro minor perfunctus est sua scribit somnia, quorum eventus mirabile exstiterunt. **53** Mentiri Xenophontem an delirare dicemus? Quid, singolari vir ingenio Aristoteles et paene divino ipsene errat an alios vult errare, cum scribit Eudemum Cyprium familiarem suum, iter in Macedoniam facientem Pheras venis se, quae erat urbs in Thessalia tum admodum nobilis, ab Alexandro autem tyranno crudeli dominatu tenebatur; in igitur oppido ita graviter aegrum Eudemum fuisse, ut omne medici diffiderent; ei visum in quiete egregia facie iuvenem dicere fore ut perbrevi convalesceret, paucisque diebus interiturum Alexandrum tyrannum, ipsum autem Eudemum quinquennio post domum esse rediturum. Atque ita quidem prima statim scribit Aristoteles consecuta: et convaluisse Eudemum et ab uxoris fratribus interfectum tyrannum; quinto autem anno exeunte, cum esset spes ex illo somnio in Cyprum illum ex Sicilia esse rediturum, proeliantem eum ad Syracusas occidisse; ex quo ita illud somnium esse interpretatum, ut, cum animus Eudemi e corpore excesserit, tum domum revertisse videatur. **54** Adiungamus philosophis doctissimum hominem, poëtam quidem divinum, Sophoclem; qui, cum aede Herculis patera aurea gravis subrepta esset, in somni vidit ipsum deum dicentem qui id fecisset. Quod semel ille iterumque neglexit. Ubi idem saepius, ascendit in Ariu pagum, detulit rem; Areopagitae comprehendi iubent eum, qui a Sophocle erat nominatus; is quaestione adhibita confessus est pateramque rettulit. Quo facto fanum illud Indicis Herculis nominatum est.

XXVI **55** Sed quid ego Graecorum? Nescio quo modo me magis nostra delectant. Omnes hoc historici, Fabii, Gellii, se proxume Coelius: cum bello Latino ludi votivi maxumi primum fierent, civitas ad arma repente est excitata, itaque ludis intermissis instaurativi constituti sunt. Qui ante quam fierent, cumque iam populus consedisset, servus per circum cum virgis caederetur, furcam ferens ductus est. Exin cuidam rustico Romano dormienti visus est venire

qui diceret praesulem sibi non placuisse ludis, idque ab eodem iussum esse eum senatui nuntiare; illum non esse ausum. Iterum esse idem iussum et monitum, ne vim suam experiri vellet; ne tu quidem esse ausum. Exin filium eius esse mortuum, eandem in somnis admonitionem fuisse tertiam. Tum illum etiam debilem factum rem ad amicos detulisse, quorum de sententia lecticula in curiam esse delatum, cumque senatui somnium enarravisset, pedibus suis salvum domum revertisse. Itaque somnio comprobato a senatu ludos illos iterum instauratos memoriae proditum est. **56** Gaius vero Gracchus multi dixit, ut scriptum apud eundem Coelium est, sibi in somnis quaesturam petenti Tiberium fratrem visum esse dicere, quam vellet cunctaretur, tamen eodem sibi leto, quo ipse interesse esse pereundum. Hoc, ante quam tribunus plebi C. Gracchus factus esset, et se audisse scribit Coelius et dixisse multis. Quo somnio quid inveniri potest certius?

XXVII Quid? illa duo somnia, quae creberrume commemorantur a Stoicis, quis tandem potest contemnere? Unum de Simonide: qui, cum ignotum quendam proiectum mortuum vidisset eumque humavisset haberetque in animo nave conscendere, moneri visus est, ne id faceret, ab eo quem sepultura adfecerat; si navigavisset, eum naufragio esse periturum; itaque Simonidem redisse, perisse ceteros, qui tum navigassent. **57** Alterum ita traditum clarum admodum somnium: cum duo quidam Arcades familiares iter una facerent et Megaram venissent, alterum ad cauponem devertisse, ad hospitem alterum. Qui ut cenati quiescerent, concubia nocte visum esse in somnis ei qui erat in hospitio illum alterum orare ut subveniret, quod sibi a caupone interitus pararetur; eum primo, perterritum somnio, surrexisse; dein, cum se conlegisset idque visum pro nihilo habendum esse duxisset, recubuisse; tum ei dormienti eundem illum visum esse rogare, ut, quoniam sibi vivo non subvenisset, mortem suam ne inultam esse pateretur; se interfectum in plaustrum a caupone esse coniectum et supra stercus iniectum; petere, ut mane ad portam adesset, prius quam plaustrum ex oppido exiret. Hoc vero eum somnio commotum mane bubulco praesto ad portam fuisse, quaesisse ex eo, quid esset in plaustro; illum perterritum fugisse, mortuum erutum esse, cauponem re patefacta, poenas dedisse. Quid hoc somnio dici potest divinius?

XXVIII **58** Sed quid aut plura aut vetera quaerimus? Saepe tibi meum narravi, saepe ex te audivi tuum somnium: me, cum Asiae pro consule praeessem, vidisse in quiete, cum tu, equo advectus ad quandam magni fluminis ripam, provectus subito atque delapsus in flumen nusquam apparuisses, me contremuisse timore perterritum; tum te repente laetum exstitisse eodemque equo adversam ascendisse ripam, nosque inter nos esse complexos. Facilis coniectura huius somnii, mihique a peritis in Asia praedictum est fore eos eventus rerum qui acciderunt. **59** Venio nunc ad tuum. Audivi equidem ex te ipso, sed mihi saepius noster Sallustius narravit, cum in illa fuga nobis gloriosa, patriae calamitosa in villa quadam campi Atinatis maneres magnamque partem noctis vigilasses, ad lucem denique arte [te] et graviter dormitare coepisse; itaque, quamquam iter instaret, tamen silentium fieri iussisse [se] neque esse passum te excitari; cum autem experrectus esses hora secunda fere, te sibi somnium narravisse: visum tibi esse, cum in locis solis maestus errares, C. Marium cum fascibus laureatis quaerere ex te quid tristis esses, cumque te tu patria vi pulsum esse dixisses, prehendisse eum dextram tuam et bono animo te iussisse esse lictorique proxumo tradidisse ut te in monumentum suum deduceret, et dixisse in eo tibi salutem fore. Tum et se exclamasse Sallustius narrat reditum tibi celerem et gloriosum paratum, et te ipsum visum somnio delectari. Nam illud mihi ipsi celeriter nuntiatum est, ut audivisses in monumento Mari de tuo reditu magnificentissumum illud senatus consultum esse factum, referente optumo et clarissumo viro consule, idque frequentissimo theatro incredibili clamore et plausu comprobatum, dixisse te nihil illo Atinati somnio fieri posse divinius.

XXIX **60** “At multa falsa,” Immo obscura fortasse nobis. Sed sint falsa quaedam; contra vera quid dicimus? Quae quidem multo plura evenirent, si ad quietem integrì iremus. Nunc onusti cibo et vino perturbata et confusa cernimus. Vide quid Socrates in Platonis Politia loquatur. Dicit enim cum dormientibus ea pars animi quae mentis et rationis sit particeps sopita langueat, illa autem in qua feritas quaedam sit atque agrestis immanitas cum sit immoderato obstupefacta potu atque pastu, exsultare eam in somno immoderateque iactari. “Itaque huic omnia visa obiciuntur a mente ac ratione vacua, ut aut cum matre corpus miscere videatur aut cum

quovis alio vel nomine vel deo, saepe belua, atque etiam trucidare aliquem et impie cruentari multaque facere impure atque taetre cum temeritate et impudentia. **61** At qui salubri et moderato cultu atque victu quieti se tradiderit ea parte animi quae mentis et consilii est agitàta et erecta saturataque bonarum cogitationum epulis, eaque parte animi quae voluptate alitur nec inopia eneeta nec satietate adfluenti (quorum utrumque praestringere aciem mentis solet, sive deest naturae quippiam, sive abundat atque adfluit), illa etiam tertia parte animi, in qua irarum exsistit ardor, sedata atque restincta, tum eveniet, duabus animi temerariis partibus compressis, ut illa tertia pars rationis et mentis eluceat et se vegetam ad somniandum acremque praebeat: tum ei visa quietis occurrent tranquilla atque veracia." Haec verba ipsa Platonis expressi.

XXX **62** Epicurum igitur audiemus potius? Namque Carneades concertationis studio modo ait hoc, modo illud; at ille quod sentit: sentit autem nihil umquam elegans, nihil decorum. Hunc ergo antepones Platoni et Socrati? Qui ut rationem non redderent, auctoritate tamen hos minutos philosophos vincerent. Iubet igitur Plato sic ad somnum proficisci corporibus adfectis, ut nihil sit, quod errorem animis perturbationemque adferat. Ex quo etiam Pythagoreis interdictum putatur, ne faba vescerentur, quod habet infiationem magnam is cibus tranquillitati mentis quaerenti vera contrariam. **63** Cum ergo est somno sevocatus animus a societate et a contagione corporis, tum meminit praeteritorum, praesentia cernit, futura providet; iacet enim corpus dormientis ut mortui, viget autem et vivit animus. Quod multo magis faciet post mortem, cum omnino corpore excesserit. Itaque adpropinquante morte multo est divinior. Nam et id ipsum vident, qui sunt morbo gravi et mortifero adfecti, instare mortem; itaque iis occurrunt plerumque imagines mortuorum, tumque vel maxume laudi student, eosque, qui secus quam decuit vixerunt, peccatorum suorum tum maxume paenitet. **64** Divinare autem morientes illo etiam exemplo confirmat Posidonius, quod adfert, Rhodium quendam morientem sex aequales nominasse et dixisse, qui primus eorum, qui secundus, qui deinde deinceps moriturus esset. Sed tribus modis censet deorum adpulsu homines somniare: uno, quod provideat animus ipse per sese, quippe qui deorum cognatione teneatur; altero, quod plenus aer sit immortalium

animorum, in quibus tamquam insignitae notae veritatis appareant; tertio, quod ipsi di cum dormientibus conloquantur. ldque, ut modo dixi, facilius evenit adpropinquante morte, ut animi futura augurentur. **65** Ex quo et illud est Calliani, de quo ante dixi, et Homerici Hectoris, qui moriens propinquam Achilli mortem denuntiat.

XXXI Neque enim illud verbum temere consuetudo adprobavisset, si ea res nulla esset omnino:

"praesagibat animus frustra me ire, cum exirem domo."

Sagire enim sentire acute est; ex quo sagae anus, quia multa scire volunt, et sagaces dicti canes. Is igitur qui ante sagit quam oblata res est, dicitur praesagire, id est futura ante sentire.

66Inest igitur in animis praesagatio extrinsecus iniecta atque inclusa divinitus. Ea si exarsit acrius, furor appellatur, cum a corpore animus abstractus divino instinctu concitatur:

H, "Sed quid oculis rabere visa es derepente ardentibus?
ubi illa paululo ante sapiens virginalis modestia?"
C. "Mater, optumatum multo mulier melior mulierum,
missa sum superstitiosis hariolationibus,
meque Apollo fatis fandis dementem invitam ciet.
Virgines vereor aequalis; patris mei meum factum pudet,
optumi viri; mea mater, tui me miseret; mei piget.
Optumam progeniem Priamo peperisti extra me: hoc dolet: men
obesse, illos prodesse, me obstare, illos obsequi!"

O poema tenerum et moratum atque molle! **67** Sed hoc minus ad rem; illud, quod volumus, expressum est, ut vaticinari furor vera soleat:

"Adest, adest fax obvoluta sanguine atque incendio.
multos annos latuit; cives, ferte opem et restinguite!"

Deus inclusus corpore humano iam, non Cassandra loquitur.

"lamque mari magno classis cita
texitur; exitium examen rapit;

adveniet, fera velivolantibus
navibus complebit manus litora.”

XXXII **68** Tragoedias loqui videor et fabulas. At ex te ipso non commenticiam rem, sed factam eiusdem generis audivi: C. Coponium ad te venisse Dyrrachium, cum praetorio imperio classi Rhodiae praeesset, cum primo bominem prudentem atque doctum, eumque dixisse remigem quendam e quinqueremi Rhodiorum vaticinatum madefactum iri minus xxx diebus Graeciam sanguine, rapinas Dyrrachii et conscensionem in naves cum fuga fugientibusque miserabilem respectum incendiorum fore; sed Rhodiorum classi propinquum reditum ac domum itionem dari. Tum neque te ipsum non esse commotum Marcumque Varronem et M. Catonem, qui tum ibi erant, doctos homines, vehementer esse perterritos. Paucis sane post diebus ex Pharsalia fuga venisse Labienum; qui cum interitum exercitus nuntiavisset, reliqua vaticinationis brevi esse confecta. **69** Nam et ex horreis direptum effusumque frumentum vias omnis angiportusque constraverat, et naves subito perterriti metu conscendistis et noctu ad oppidum respicientes flagrantis onerarias, quas incenderant milites quia sequi noluerant, videbatis; postremo a Rhodia classe deserti verum vatem fuisse sensistis.

70 Exposui quam brevissime potui somnii et furoris oracla, quae carere arte dixeram. Quorum amborum generum una ratio est, qua Cratippus noster uti solet, animos hominum quadam ex parte extrinsecus esse tractos et haustos (ex quo intellegitur esse extra divinum animum, humanus unde ducatur), humani autem animi eam partem, quae sensum, quae motum, quae adpetitum habeat, non esse ab actione corporis seiugatam; quae autem pars animi rationis atque intellegentiae sit particeps, eam tum maxume vigere, cum plurimum absit a corpore. **71** Itaque expositis exemplis verarum vaticinationum et somniorum Cratippus solet rationem concludere hoc modo: “Si sine oculis non potest exstare officium et munus oculorum, possunt autem aliquando oculi non fungi suo munere, qui vel semel ita est usus oculis, ut vera cerneret, is habet sensum oculorum vera cernentium. Item igitur, si sine divinatione non potest et officium et munus divinationis exstare, potest autem quis, cum divinationem habeat, errare aliquando nec vera cernere, satis est ad confirmandam divinationem semel aliquid esse ita divinatum, ut nihil fortuito

cecidisse videatur. Sunt autem eius generis innumerabilia; esse igitur divinationem confitendum est.”

XXXIII **72** Quae vero aut coniectura explicantur aut eventis animadversa ac notata sunt, ea genera divinandi, ut supra dixi, non naturale, sed artificiosa dicuntur; in quo haruspices, augures coniectoresque numerantur. Haec inprobantur a Peripateticis, a Stoicis defenduntur. Quorum alia sunt posata in monumentis et disciplina, quod Etruscorum declarant, et haruspicini et fulgurales et rituales libri, vestri etiam augurales; alia autem subito ex tempore coniectura explicantur, ut apud Homerum Calchas, qui ex passerum numero belli Troiani annos auguratus est, et ut in Sullae scriptum historia videmus, quod te inspectante factum est, ut, cum ille in agro Nolano immolaret ante praetorium, ab infima ara subito anguis emergeret, cum quidem C. Postumius haruspex oraret illum, ut in expeditionem exercitum educeret; id cum Sulla fecisset, tum ante oppidum Nolam florentissuma Samnitium castra cepit. **73** Facta coniectura etiam in Dionysio est, paulo ante quam regnare coepit; qui cum per agrum Leontinum iter faciens equum ipse demisisset in flumen, submersus equus voraginibus non exstitit; quem cum maxima contentione non potuisset extrahere, discessit, ut ait Philistus, aegre ferens. Cum autem aliquantum progressus esset, subito exaudivit hinnitum respexitque et equum alacrem laetus adspexit, cuius in iuba examen apium consederat. Quod ostentum babuit hanc vim, ut Dionysius paucis post diebus regnare coeperit.

XXXIV **74** Quid? Lacedaemoniis paulo ante Leuctricam calamitatem quae significatio facta est, cum in Herculis fano arma sonuerunt Herculisque simulacrum multo sudore manavit! At eodem tempore Thebis, ut ait Callisthenes, in templo Herculis valvae clausae repagulis subito se ipsae aperuerunt, armaque, quae fixa in parietibus fuerant, ea sunt humi inventa. Cumque eodem tempore apud Lebadiam Trophonio res divina fieret, gallos gallinaceos in eo loco sic adsidue canere coepisse, ut nihil intermitterent; tum augures dixisse Boeotios Thebanorum esse victoriam, propterea quod avis illa victa siliere soleret, canere, si vicisset. **75** Eademque tempestate multis signis Lacedaemoniis Leuctricae pugnae calamitas denuntiabatur. Namque et in Lysandri, qui Lacedaemoniorum clarissumus fuerat, statua, quae Delphis stabat, in capite corona

subito exstitit ex asperis herbis et agrestibus, stellaeque aureae quae Delphis erant a Lacedaemoniis positae post navalem illam victoriam Lysandri qua Athenienses conciderunt, qua in pugna quia Castor et Pollux cum Lacedaemoniorum classe visi esse dicebantur, - eorum insignia deorum, stellae aureae, quas dixi, Delphis positae, paulo ante Leuctricam pugnam deciderunt neque repertae sunt. **76** Maximum vero illud portentum isdem Spartiatis fuit, quod, cum oraclum ab love Dodonaeo petivissent de victoria sciscitantes legatique [vas] illud in quo inerant sortes collocavissent, simia, quam rex Molossorum in deliciis habebat, et sortes ipsas et cetera quae erant ad sortem parata disturbavit et aliud alio dissupavit, Tum ea, quae praeposita erat oraclo, sacerdos dixisse dicitur de salute Lacedaemoniis esse, non de victoria cogitandum.

XXXV **77** Quid? Bello Punico secundo nonne C. Flaminius, consul iterum, neglexit signa rerum futurarum magna cum clade rei publicae? Qui exercitu lustrato cum Arretium versus castra movisset et contra Hannibalem legiones duceret, et ipse et equus eius ante signum lovis Statoris sine causa repente concidit nec eam rem habuit religioni, obiecto signo, ut peritis videbatur, ne committeret proelium. Idem, cum tripudio auspicaretur, pullarius diem proelii committendi differebat. Tum Flaminius ex eo quaesivit, si ne postea quidem pulli pascerentur, quid faciendum censeret. Cum ille quiescendum respondisset, Flaminius: “Praeclara vero auspicia, si esurientibus pullis res geri poterit, saturis nihil geretur!” Itaque signa convelli et se sequi iussit. Quo tempore cum signifer primi hastati signum non posset movere loco, nec quicquam proficeretur plures cum accederent, Flaminius re nuntiata suo more neglexit. Itaque tribus iis horis concisus exercitus atque ipse interfectus est. **78** Magnum illud etiam, quod addidit Coelius, eo tempore ipso, cum hoc calamitosum proelium fìeret, tantos terrae motus in Liguribus, Gallia compluribusque insulis totaque in Italia factos esse, ut multa oppida conruerint, multis locis labes factae sint terraeque desiderint fluminaque in contrarias partes fluxerint atque in amnes mare influxerit.

XXXVI Fiunt certae divinationum coniecturae a peritis. Midae illi Phrygi, cum puer esset, dormienti formicae in os tritici grana

congesserunt. Divitissumum fore praedictum est; quod evenit. At Platoni cum in cunis parvulo dormienti apes in labellis consedissent, responsum est singolari illum suavitate orationis fore: ita futura eloquente provisa in infante est. **79** Quid? amores ac deliciae tuae, Roscius, num aut ipse aut pro eo Lanuvium totum mentiebatur? Qui cum esset in cunabulis educareturque in Solonio, qui est campus agri Lanuvini, noctu lumine apposito experrecta nutrix animadvertit puerum dormientem circumplicatum serpentis amplexu. Quo aspectu exterrita clamorem sustulit. Pater autem Rosci ad haruspices rettulit, qui responderunt nihil illo pucro clarius, nihil nobilius fore. Atque hanc speciem Pasiteles caelavit argento et noster expressit Archias versibus.
Quid igitur expectamus? An dum in foro nobiscum di immortales, dum in viis versentur, dum domi? Qui quidem ipsi se nobis non offerunt, vim autem suam longe lateque diffundunt, quam tum terrae cavernis includunt, tum hominum naturis implicant. Nam terrae vis Pythiam Delphis incitabat, naturae Sibyllam. Quid enim? Non videmus quam sint varia terrarum genera? Ex quibus et mortifera quaedam pars est, ut et Ampsancti in Hirpinis et in Asia Plutonia quae vidimus, et sunt partes agrorum aliae pestilentes, aliae salubres, aliae quae acuta ingenia gignant, aliae quae retusa: quac omnia fiunt et ex caeli varietate et ex disparili adspiratione terrarum.
80 Fit etiam saepe specie quadam, saepe vocum gravitate et cantibus, ut pellantur animi vehementius, saepe etiam cura et timore, qualis est illa

“flexanima tamquam lymphata aut Bacchi sacris
commota in tumulis Teucrum commemorans suum.”

XXXVII Atque etiam illa concitatio declarat vini in animis esse divinam. Negat enim sine furore Democritus quemquam poetam magnum esse posse, quod idem dicit Plato. Quem, si placet, appellet furorem, dum modo is furor ita laudetur ut in Phaedro [Platonis] laudatus est. Quid? Vestra oratio in causis, quid? ipsa actio potest esse vehemens et gravis et copiosa, nisi est animus ipse commotior? Equidem etiam in te saepe vidi et, ut ad leviora veniamus, in Aesopo, familiari tuo, tantum ardorem vultuum atque motuum, ut eum vis

quaedam abstraxisse a sensu mentis videretur.
81 Obiciuntur etiam saepe formae, quae reapse nullae sunt; speciem autem offerunt; quod contigisse Brenno dicitur eiusque Gallicis copiis, cum fano Apollinis Delphici nefarium bellum intulisset. Tum enim ferunt ex oraclo ecfatam esse Pythiam:

"Ego providebo rem istam et albae virgines."

Ex quo factum ut viderentur virgines ferre arma contra et nive Gallorum obrueretur exercitus.

XXXVIII Aristoteles quidem eos etiam, qui valetudinis vitio furerent et melancholici dicerentur, censebat habere aliquid in animis praesagiens atque divinum. Ego autem haud scio an nec cardiacis tribuendum hoc sit nec phreneticis; animi enim integri, non vitiosi est corporis divinatio.

82 Quam quidem esse re vera hac Stoicorum ratione concluditur: 'Si sunt di neque ante declarant hominibus quae futura sint, aut non diligunt homines, aut quid eventurum sit ignorant, aut existumant nihil interesse hominum scire quid sit futurum, aut non censent esse suae maiestatis praesignificare hominibus quae sunt futura, aut ea ne ipsi quidem di significare possunt. At neque non diligunt nos (sunt enim benefici generique hominum amici), neque ignorant ea quae ab ipsis constituta et designata sunt, neque nostra nihil interest scire ea quae eventura sint (erimus enim cautiores, si sciemus), neque hoc alienum ducunt maiestate sua (nihil est enim beneficentia praestantius), neque non possunt futura praenoscere. **83** Non igitur sunt di nec significant futura. Sunt autem di; significant ergo. Et non, si significant, nullas vias dant nobis ad significationis scientiam (frustra enim significarent); nec, si dant vias, non est divinatio: est igitur divinatio."

XXXIX **84** Hac ratione et Chrysippus et Diogenes et Antipater utitur. Quid est igitur cur dubitandum sit quin sint ea, quae disputavi, verissuma, si ratio mecum facit, si eventa, si populi, si nationes, si Graeci, si barbari, si maiores etiam nostri, si denique hoc semper ita putatum est, si summi phdosophi, si poëtae, si sapientissumi viri, qui res publicas constituerunt, qui urbes condiderunt? An dum bestiae loquantur exspectamus, hominum consentiente auctoritate contenti non sumus? **85** Nec vero quicquam aliud adfertur cur ea quae dico

divinandi genera nulla sint, nisi quod difficile dictu videtur quae cuiusque divinationis ratio, quae causa sit. Quid enim habet haruspex, cur pulmo incisus etiam in bonis extis dirimat tempus et proferat diem? Quid augur, cur a dextra corvus, a sinistra cornix faciat ratum? Quid astrologus, cur stella Iovis aut Veneris coniuncta cum luna ad ortus puerorum salutaris sit, Saturni Martisve contraria? Cur autem deus dormientes nos moneat, vigilantes neglegat? Quid deinde causae est, cur Cassandra furens futura prospiciat, Priamus sapiens hoc idem facere non queat? **86** Cur fiat quidque, quaeris. Recte omnino; sed non nunc id agitur; fiat necne fiat, id quaeritur: ut si magnetem lapidem esse dicam qui ferrum ad se adliciat et adtrahat, rationem cur id fiat adferre nequeam, fieri omnino neges. Quod idem facis in divinatione, quam et cernimus ipsi et audimus et legimus et a patribus accepimus. Neque ante philosophiam patefactam, quae nuper inventa est, hac de re communis vita dubitavit, et, posteaquam philosophia processit, nemo aliter philosophus sensit, in quo modo esset auctoritas. **87** Dixi de Pythagora, de Democrito, de Socrate, excepi de antiquis praeter Xenophanem neminem, adiunxi veterem Academiam, Peripateticos, Stoicos; unus dissentit Epicurus. Quid vero hoc turpius, quam quod idem nullam censet gratuitam esse virtutem?

XL Quis est autem, quem non moveat clarissumis monumentis testata consignataque antiquitas? Calchantem augurem scribit Homerus longe optumum, eumque ducem classium fuisse ad Ilium, - auspiciorum, credo, scientia, non locorum. **88** Amphilochus et Mopsus Argivorum reges fuerunt, sed iidem augures, iique urbis in ora marituma Ciliciae Graecas condiderunt; atque etiam ante hos Amphiaraus et Tiresias non humiles et obscuri neque eorum similes, ut apud Ennium est,

“qui sui quaestus causa fictas suscitant sententias”

sed clari et praestantes viri, qui avibus et signis admoniti futura dicebant; quorum de altero etiam apud inferos Homerus ait solum sapere, ceteros umbrarum vagari modo; Amphiaraum autem sic bonoravit fama Graeciae, deus ut haberetur, atque ut ab eius solo, in quo est humatus, oracla peterentur. **89** Quid? Asiae rex Priamus nonne et Helenum filium et Cassandram filiam divinantes habebat, alterum auguriis, alteram mentis incitatione et permotione divina?

Quo in genere Marcios quosdam fratres, nobili loco natos, apud maiores nostros fuisse scriptum videmus. Quid? Polyidum Corinthium nonne Homerus et aliis multa et filio ad Troiam proficiscenti mortem praedixisse commemorat? Omnino apud veteres, qui rerum potiebantur, iidem auguria tenebant; ut enim sapere sic divinare regale ducebant: [ut] testis est nostra civitas, in qua et reges augures et postea privati eodem sacerdotio praediti rem publicam religionum auctoritate rexerunt.

XLI **90** Eaque divinationum ratio ne in barbaris quidem gentibus neglecta est, siquidem et in Gallia Druidae sunt, e quibus ipse Divitiacum Haeduum hospitem tuum laudatoremque cognovi, qui et naturae rationem, quam fisiologi/an Graeci appellant, notam esse sibi profitebatur, et partim auguriis, partim coniectura, quae essent futura dicebat, et in Persis augurantur et divinant magi, qui congregantur in fano commentando causa atque inter se conloquendi, quod etiam idem vos quondam facere Nonis solebatis; **91** nec quisquam rex Persarum potest esse, qui non ante magorum disciplinam scientiamque perceperit. Licet autem videre et genera quaedam et nationes huic scientiae deditas. Telmessus in Caria est, qua in urbe excellit haruspicum disciplina; itemque Elis in Peloponneso familias duas certas habet, lamidarum unam, alteram Clutidarum, haruspicinae nobilitate praestantes. In Syria Chaldaei cognitione astrorum sollertiaque ingeniorum antecellunt. **92** Etruria autem de caelo tacta scientissume animadvertit, eademque interpretatur quid quibusque ostendatur monstris atque portentis. Quocirca bene apud maiores nostros senatus, tum cum florebat imperium, decrevit ut de principum filiis x ex singulis Etruriae populis in disciplinam traderentur, ne ars tanta propter tenuitatem hominum a religionis auctoritate abduceretur ad mercedem atque quaestum. Phryges autem et Pisidae et Cilices et Arabum natio avium significationibus plurimum obtemperant, quod idem factitatum in Umbria accepimus.

XLII **93** Ac mihi quidem videntur e locis quoque ipsis, qui a quibusque incolebantur, divinationum opportunitates esse ductae. Etenim Aegyptii et Babylonii in camporum patentium aequoribus habitantes, cum ex terra nihil emineret quod contemplationi caeli officere posset, omnem curam in siderum cognitione posuerunt; Etrusci autem, quod religione imbuti studiosius et crebrius hostias

immolabant, extorum cognitioni se maxume dediderunt, quodque propter aeris crassitudinem de caelo apud eos multa fiebant, et quod ob eandem causam multa invisitata partim e caelo, alia ex terra oriebantur, quaedam etiam ex hominum pecudumve conceptu et satu, ostentorum exercitatissumi interpretes exstiterunt. Quorum quidem vim, ut tu soles dicere, verba ipsa prudenter a maioribus posita declarant. Quia enim ostendunt, portendunt, monstrant, praedicunt, ostenta, portenta, monstra, prodigia dicuntur. **94** Arabes autem et Phryges et Cilices, quod pastu pecudum maxume utuntur, campos et montes hieme et aestate peragrantes, propterea facilius cantus avium et volatus notaverunt; eademque et Pisidiae causa fuit et huic nostrae Umbriae. Tum Caria tota praecipueque Telmesses, quos ante dixi, quod agros uberrumos maximeque fertiles incolunt, in quibus multa propter fecundidatem fingi gignique possunt, in ostentis animadvertendis diligentes fuerunt.

XLIII **95** Quis vero non videt in optuma quaque re publica plurimum auspicia et reliqua divinandi genera valuisse? Quis rex umquam fuit, quis populus, qui non uteretur praedictione divina? Neque solum in pace, sed in bello multo etiam magis, quo maius erat certamen et discrimen salutis. Omitto nostros, qui nihil in bello sine extis agunt, nihil sine auspiciis domi [habent auspicia]; externa videamus. Namque et Athenienses omnibus semper publicis consiliis divinos quosdam sacerdotes, quos ma/nteij vocant, adhibuerunt, et Lacedaemonii regibus suis augurem adsessorem dederunt, itemque senibus (sic enim consilium publicum appellant) augurem interesse voluerunt, iidemque de rebus maioribus semper aut Delphis oraclum aut ab Hammone aut a Dodona petebant; **96** Lycurgus quidem, qui Lacedaemoniorum rem publicam temperavit, leges suas auctoritate Apollinis Delphici confirma, vit; quas cum vellet Lysander commutare, eadem est prohibitus religione. Atque etiam qui praeerant Lacedaemoniis, non contenti vigilantibus curis, in Pasiphaae fano, quod est in agro propter urbem, somniandi causa excubabant, quia vera quietis oracla ducebant.
97 Ad nostra iam redeo. Quotiens senatus decemviros ad libros ire iussit! Quantis in rebus quamque saepe responsis haruspicum paruit! nam et cum duo visi soles essent, et cum tres lunae, et cum faces, et

cum sol nocte visus esset, et cum e caelo fremitus auditus, et cum caelum discessisse visum esset atque in eo animadversi globi. Delata etiam ad senatum labes agri Privernatis, cum ad infinitam altitudinem terra desidisset Apuliaque maximis terrae motibus conquassata esset. Quibus portentis magna populo Romano bella perniciosaeque seditiones denuntiabantur, inque his omnibus responsa haruspicum cum Sibyllae versibus congruebant. **98** Quid cum Cumis Apollo sudavit, Capuae Victoria? Quid, ortus androgyni nonne fatale quoddam monstrum fuit? Quid cum fluvius Atratus sanguine fluxit? Quid quod saepe lapidum, sanguinis non numquam, terrae interdum, quondam etiam lactis imber effluxit? Quid cum in Capitolio ictus Centaurus - caelo est, in Aventino portae et homines, Tusculi aedes Castoris et Poflucis Romaeque Pietatis? Nonne et haruspices ea responderunt, quae evenerunt, et in Sibyllae libris eaedem repertae praedictiones sunt?

XLIV **99** Caeciliae Q. filiae somnio modo Marsico bello templum est a senatu Iunoni Sospitae restitutum. Quod quidem somnium Sisenna cum disputavisset mirifice ad verbum cum re convenisse, tum insolenter, credo ab Epicureo aliquo inductus, disputat somniis credi non oportere. Idem contra ostenta nibil disputat exponitque initio belli Marsici et deorum simulacra sudavisse, et sanguinem fluxisse, et discessisse caelum, et ex occulto auditas esse voces, quae pericula belli nuntiarent, et Lanuvii clipeos, quod haruspicibus tristissumum visum esset, a muribus esse derosos. **100** Quid quod in annalibus habemus Veienti bello, cum lacus Albanus praeter modum crevisset, Veientem quendam ad nos hominem nobilem perfugisse, eumque dixisse ex fatis, quae Veientes scripta haberent, Veios capi non posse, dum lacus is redundaret, et, si lacus emissus lapsu et cursu suo ad mare profluxisset, perniciosum populo Romano; sin autem ita esset eductus, ut ad mare pervenire non posset, tum salutare nostris fore? Ex quo illa mirabilis a maioribus Albanae aquae facta deductio est. Cum autem Veientes bello fessi legatos ad senatum misissent, tum ex iis quidam dixisse dicitur non omnia illum transfugam ausum esse senatui dicere: in isdem enim fatis scriptum Veientes habere fore ut brevi a Gallis Roma caperetur, quod quidem sexennio post Veios captos factum esse videmus.

XLV **101** Saepe etiam et in proeliis Fauni auditi et in rebus turbidis veridicae voces ex occulto missae esse dicuntur; cuius generis duo sint ex multis exempla, sed maxuma. Nam non multo ante urbem captam exaudita vox est a luco Vestae, qui a Palati radice in novam viam devexus est, ut muri et portae reficerentur; futurum esse, nisi provisum esset, ut Roma caperetur. Quod neglectum cum caveri poterat, post acceptam illam maximam cladem expiatum est; ara enim Aio Loquenti, quam saeptam videmus, exadversus eum locum consecrata est. Atque etiam scriptum a multis est, cum terrae motus factus esset ut sue plena procuratio fieret, vocem ab aede Iunonis ex arce exstitisse; quocirca Iunonem iram appellatam Monetam. Haec igitur et a dis significata et a nostris maioribus iudicata contemnimus?

102 Neque solum deorum voces Pythagorei observitaverunt, sed etiam hominum, quae vocant omina. Quae maiores nostri quia valere censebant, idcirco omnibus rebus agendis "quod bonum, faustum, felix fortunatumque esset" praefabantur, rebusque divinis, quae publice fierent, ut "faverent linguis" imperabatur, inque feriis imperandis ut "litibus et iurgiis se abstinerent". Itemque in lustranda colonia ab eo qui eam deduceret, et cum imperator exercitum, censor populum lustraret, bonis nominibus qui hostias ducerent eligebantur. Quod idem in dilectu consules observant, ut primus miles fiat bono nomine. **103** Quae quidem a te scis et consule et imperatore summa cum religione esse servata. Praerogativam etiam maiores omen iustorum comitiorum esse voluerunt.

XLVI Atque ego exempla ominum nota proferam. L. Paulus consul iterum, cum ei bellum ut cum rege Perse gereret obtigisset, ut ea ipsa die domum ad vesperum rediit, filiolam suam Tertiam, quae tum erat admodum parva, osculans animadvertit tristiculam. "Quid est," inquit, "mea Tertia? quid tristis es?" "Mi pater," inquit, "Persa periit." Tum ille artius puellam complexus: 'Accipio," inquit, "mea filia, omen. Erat autem mortuus catellus eo nomine, **104** L. Flaccum, flaminem Martialem, ego audivi, cum diceret Caeciliam Metelli, cum vellet sororis suae filiam in matrimonium conlocare, exisse in quoddam sacellum ominis capiendi causa, quod fieri more veterum solebat. Cum virgo staret et Caecilia in sella sederet, neque diu ulla vox exstitisset, puellam defatigatam petisse a matertera, ut sibi

concederet paulisper ut in eius sella requiesceret; illam autem dixisse: “Vero, mea puella, tibi concedo meas sedes.” Quod omen res consecuta est; ipsa enim brevi mortua est, virgo autem nupsit, cui Caecilia nupta fuerat. Haec posse contemni vel etiam rideri praeclare intellego, sed id ipsum est deos non putare, quae ab iis significantur contemnere.

XLVII **105** Quid de auguribus loquar? Tuae partes sunt, tuum, inquam, auspiciorum atrocinium debet esse. Tibi App. Claudius augur consuli nuntiavit addubitato salutis augurio bellum domesticum triste ac turbulentum fore; quod paucis post mensibus exortum paucioribus a te est diebus oppressum. Cui quidem auguri vehementer adsentior; solus enim multorum annorum memoria non decantandi augurii, sed divinandi tenuit disciplinam. Quem inridebant collegae tui eumque tum Pisidam, tum Soranum augurem esse dicebant; quibus nulla videbatur in auguriis aut praesensio aut scientia veritatis futurae; sapienter aiebant ad opinione imperitorum esse fictas religiones. Quod longe secus est neque enim in pastoribus illis, quibus Romulus praefuit, ne in ipso Romulo haec calliditas esse potuit, ut ad errorem multitudinis religionis simulacra fingerent. Sed difficultas laborque discendi disertare neglegentiam reddidit; malunt enim disserere nihil esse in auspiciis quam, quid sit, ediscere. **106** Quid est illo auspicio divinius, quod apud te in Mario est? ut utar potissumum auctore te:

“Hic Iovis altisoni subito pinnata satelles
arboris e trunco, serpentis saucia morsu,
subrigit ipsa, feris transfigens unguibus anguem
semianimum et varia graviter cervice micantem.
Quem se intorquentem lanians rostroque cruentans
iam satiata animos, iam duros ulta dolores
abicit ecflantem et laceratum adfligit in unda
seque obitu a solis nitidos convertit ad ortus.
Hanc ubi praepetibus pinnis lapsuque volantem
conspexit Marius, divini numinis augur,
faustaque signa suae laudis reditusque notavit,
partibus intonuit caeli pater ipse sinistris.
Sic aquilae clarum firmavit Iuppiter omen.”

XLVIII **107** Atque ille Romuli auguratus pastoralis, non urbanus fuit, nec fictus ad opiniones imperitorum, sed a certis acceptus et posteris traditus. Itaque Romulus augur, ut apud Ennium est, cum fratre item augure

"Curantes magna cum cura, tum cupientes
regni dant operam simul auspicio augurioque.
In monte
Remus auspicio se devovet atque secundam
solus avem servat; at Romulus pulcher in alto
quaerit Aventino, servat genus altivolantum.
Certabant, urbem Romam Remoramne vocarent;
omnibus cura viris uter esset induperator.
Exspectant, veduti consul cum mittere signum
volt, omnes avidi spectant ad carceris oras,
108 quam mox emittat pictis e faucibus currus:
sic exspectabat populus atque ore timebat
rebus, utri magni victoria sit data regni.
Interea sol albus recessit in infera noctis.
Exin candida se radiis dedit icta foras lux,
et simul ex alto longe pulcherruma praepes
laeva volavit avis. Simul aureus exoritur sol,
cedunt ce caelo ter quattuor corpora sancta
avium, praepetibus sese pulchrisque locis dant.
Conspicit inde sibi data Romulus esse priora,
auspicio regni stabilita scamna solumque."

XLIX **109** Sed ut, unde huc digressa est, eodem redeat oratio: si nihil queam disputare quam ob rem quidque fiat, et tantum modo fieri ea quae commemoravi doceam, parumne Epicuro Carneadive respondeam? Quid si etiam ratio exstat artificiosae praesensionis facilis, divinae autem paulo obscurior? Quae enim extis, quae fulgoribus, quae portentis, quae astris praesentiuntur, haec notata sunt observatione diuturna; adfert autem vetustas omnibus in rebus longinqua observatione incredibilem scientiam; quae potest esse etiam sine motu atque impulsu deorum, cum quid ex quoque eveniat et quid quamque rem significet crebra animadversione perspectum est. **110** Altera divinatio est naturalis, ut ante dixi; quae physica

disputandi subtditate reverenda est ad naturam deorum, a qua, ut doctissimis sapientissimisque placuit, haustos animos et libatos habemus; cumque omnia completa et referta sint aeterno sensu et mente divina, necesse est cognatione divinorum animorum animos humanos commoveri. Sed vigìlantes animi vitae necessitatibus serviunt diiunguntque se a societate divina vinclis corporis impediti. **111** (Rarum est quoddam genus eorum qui se a corpore àvocent et ad divinarum rerum cognitionem cura omni studioque rapiantur). Horum sunt auguria non divini impetus, sed rationis humanae; nam et natura futura praesentiunt, ut aquarum eluviones et deflagrationem futuram aliquando caeli atque terrarum; alii autem in re publica esercitati, ut de Atheniensi Solone accepimus, orientem tyrannidem multo ante prospiciunt. Quos prudentes possumus dicere, id est providentes, divinos nullo modo possumus, non plus quam Milesium Thalem, qui, ut obiurgatores suos convinceret ostenderetque etiam philosophum, si ei commodum esset, pecuniam facere posse, omnem oleam, ante quam florere coepisset, in agro Milesio coemisse dicitur. **112**Animadverterat fortasse quadam scientia olearum ubertatem fore. Et quidem idem primus defectionem solis, quae Astyage regnante facta est, praedixisse fertur.

L Multa medici multa gubernatores, agricolae etiam multa praesentiunt, sed nullam eorum divinationem voco, ne illam quidem, qua ab Anaximandro physico moniti Lacedaemonii sunt, ut urbem et tecta linquerent armatique in agro excubarent, quod terrae motus instaret, tum cum et urbs tota corruit et e monte Taygeto extrema [montis] quasi puppis avolsa est. Ne Pherecydes quidem, ille Pythagorae magister, potius divinus habebitur quam physicus, quod, cum vidisset haustam aquam de iugi puteo, terrae motus dixit instare. **113** Nec vero umquam animus hominis naturaliter divinat, nisi cum ita solutus est et vacuus, ut ei plane nihil sit cum corpore; quod aut vatibus contingit aut dormientibus. Itaque ea duo genera a Dicaearcho probantur et, ut dixi, a Cratippo nostro; si propterea quod ea proficiscuntur a natura, sint summa sane, modo ne sola; sin autem nihil esse in observatione putant, multa tollunt quibus vitae ratio continetur. Sed quoniam dant aliquid, idque non parvum [vaticinationes cum somniisl, nihil est quod cum his magnopere

pugnemus, praesertim cum sint, qui omnino nullam divinationem probent.

114 Ergo et ii, quorum animi spretis corporibus evolant atque excurrunt foras, ardore aliquo infiammati atque incitati cernunt illa profecto quae vaticinantes pronuntiant, multisque rebus inflammantur tales animi, qui corporibus non inhaerent, ut ii qui sono quodam vocum et Phrygiis cantibus incitantur. Multos nemora silvaeque, multos amnes aut maria commovent, quorum furibunda mens videt ante muto quae sint futura. Quo de genere illa sunt:

"eheu videte!
iudicavit inclitum iudicium inter deas tris aliquis,
quo iudicio Lacedaemonia mulier, Furiarum una, adveniet."

Eodem enim modo multa a vaticinantibus saepe praedicta sunt neque solum >solutis< verbis, sed etiam

"versibus quos olim Fauni vatesque canebant."

115 Similiter Marcius et Publicius vates cecinisse dicuntur; quo de genere Apollinis operta prolata sunt. Credo etiam anhelitus quosdam fuisse terrarum, quibus inflatae mentes oracla funderent.

LI Atque haec quidem vatium ratio est, nec dissimilis sane somniorum. Nam quae vigilantibus accidunt vatibus, eadem nobis dormientibus. Viget enim animus in somnis liber ab sensibus omnique impeditione curarum, iacente et mortuo paene corpore. Qui quia vixit ab omni aeternitate versatusque est cum innumerabilibus animis, omnia quae in natura rerum sunt videt, si modo temperatis escis modicisque potionibus ita est adfectus, ut sopito corpore ipse vigilet. Haec somniantis est divinatio.

116 Hic magna quaedam exoritur, neque ea naturalis, sed artificiosa somniorum [Antiphonis] interpretatio eodemque modo et oraculorum et vaticinationum: sunt enim explanatores, ut grammatici poëtarum. Nam ut aurum et argentum, aes, ferrum frustra natura divina genuisset, nisi eadem docuisset quem ad modum ad eorum venas perveniretur, nec fruges terrae bacasve arborum cum utilitate ulla generi bumano dedisset, nisi hearum cultus et conditiones tradidisset, materiave quicquam iuvaret, nisi confectionis eius fabricam haberemus, sic cum omni utilitate quam di hominibus

dederunt ars aliqua coniuncta est per quam illa utilitas percipi possit. Item igitur somniis, vaticinationibus, oraclis, quod erant multa obscura, multa ambigua, explanationes adhibitae sunt interpretum.

117 Quo modo autem aut vates aut somniantes ea videant, quae nusquam etiam tunc sint, magna quaestio est. Sed esplorata si sint ea quae ante quaeri debeant, sint haec quae quaerimus faciliora. Continet enim totam hanc quaestionem ea ratio, quae est de natura deorum, quae a te secundo libro est esplicata dilucide. Quam si obtinemus, stabit illud quod hunc locum continet de quo agimus: esse deos, et eorum providentia mundum administrari, eosdemque consulere rebus humanis, nec solum universis, verum etiam singulis. Haec si tenemus, quae mihi quidem non videntur posse convelli, profecto hominibus a dis futura significari necesse est.

LII **118** Sed distinguendum videtur quonam modo. Nam non placet Stoicis singulis iecorum fissis aut avium cantibus interesse deum (neque enim decorum est nec dis dignum nec fieri ullo pacto potest), sed ita a principio incohatum esse mundum, ut certis rebus certa signa praecurrerent, alia in extis, alia in avibus, alia in fulgoribus, alia in ostentis, alia in stellis, alia in somniantium visis, alia in furentium vocibus. Ea quibus bene percepta sunt, ii non saepe falluntur; male coniecta maleque interpretata falsa sunt non rerum vitio, sed interpretum inscientia. Hoc autem posito atque concesso, esse quandam vim divinam hominum vitam continentem, non difficile est, quae fieri certe videmus, ea qua ratione fiant suspicari. Nam et ad hostiam deligendam potest dux esse vis quaedam sentiens, quae est toto confusa mundo, et tum ipsum, cum immolare velis, extorum fieri mutatio potest, ut aut absit aliquid aut supersit; parvis enim momentis multa natura aut adfingit aut mutat aut detrahit. **119** Quod ne dubitare possimus, maximo est argumento quod paulo ante interitum Caesaris contigit. Qui cum immolaret illo die quo primum in sella aurea sedit et cum purpurea veste processit, in extis bovis opimi cor non fuit. Num igitur censes ullum animal, quod sanguinem habeat, sine corde esse posse? Qua ille rei [non est] novitate perculsus, cum Spurinna diceret timendum esse ne et consilium et vita deficeret: earum enim rerum utramque a corde proficisci. Postero die caput in iecore non fuit. Quae quidem illi portendebantur a dis irnmortalibus ut videret interitum, non ut caveret. Cum igitur eae

partes in extis non reperiuntur, sine quibus victuma illa vivere nequisset, intellegendum est in ipso immolationis tempore eas partes, quae absint, interisse.

LIII **120** Eademque efficit in avibus divina mens, ut tum huc, tum illuc volent alites, tum in hac, tum in illa parte se occultent, tum a dextra, tum a sinistra parte canant oscines. Nam si animal omne, ut vult, ita utitur motu sui corporis, prono, obliquo, supino, membraque quocumque vult flectit, contorquet, porrigit, contrabit eaque ante efficit paene quam cogitat, quanto id deo est facilius, cuius numini parent omnia! **121** Idemque mittit et signa nobis eius generis qualia permulta historia tradidit, quale scriptum illud videmus: si luna paulo ante solis ortum defecisset in signo Leonis, fore ut armis Dareus et Persae ab Alexandro et Macedonibus [proelio] vincerentur Dareusque moreretur; et si puella nata biceps esset, seditionem in populo fore, corruptelam et adulterium domi; et si mulier leonem peperisse visa esset, fore, ut ab exteris gentibus vinceretur ea res publica, in qua id contigisset. Eiusdem generis etiam illud est quod scribit Herodotus, Croesi filium, cum esset infans, locutum; quo ostento regnum patris et domum funditus concidisse. Caput arsisse Servio Tullio dormienti quae historia non prodidit? Ut igitur qui se tradidit quieti praeparato animo cum bonis, cogitationibus, tum rebus ad tranquillitatem adcommodatis, certa et vera cernit in somnis, sic castus animus purusque vigilantis et ad astrorum et ad avium reliquorumque signorum et ad extorum veritatem est paratior.

LIV **122** Hoc nimirum est ffiud, quod de Socrate accepimus, quodque ab ipso in libris Socraticorum saepe dicitur: esse divinum quiddam, quod daimo/nion appellat, cui semper ipse paruerit numquam impellenti, saepe revocanti. Et Socrates quidem (quo quem auctorem meliorem quaerimus?) Xenophonti consulenti sequereturne Cyrum, posteaquam exposuit quae ipsi videbantur, “Et nostrum quidem,” inquit, “humanum est consilium; sed de rebus et obscuris et incertis ad Apollinem censeo referundum, ad quem etiam Athenienses publice de maioribus rebus semper rettulerunt. **123** Scriptum est item, cum Critonis, sui familiaris, oculum adligatum vidisset, quaesivisse quid esset; cum autem ille respondisset in agro ambulanti ramulum adductum, ut remissus esset, in oculum suum recidisse, tum Socrates: ‘Non enim paruisti mihi revocanti, cum

uterer, qua soleo, praesagatione divina.” Idem etiam Socrates, cum apud Delium male pugnatum esset Lachete praetore fugeretque cum ipso Lachete, ut ventum est in trivium, eadem, qua ceteri, fugere noluit. Quibus quaerentibus cur non eadem via pergeret, deterreri se a deo dixit; cum quidem ii, qui alia via fugerant, in hostium equitatum inciderunt. Permulta conlecta sunt ab Antipatro, quae mirabiliter a Socrate divinata sunt; quac praetermittam; tibi enim nota sunt, mihi ad commemorandum non necessaria. **124** Illud tamen eius philosophi magnificum ac paene divinum, quod, cum impiis sententiis damnatus esset, aequissimo animo se dixit mori; neque enim domo egredienti neque illud suggestum, in quo causam dixerat, ascendenti signum sibi ullum, quod consuesset, a deo quasi mali alicuius impendentis datum.

LV Equidem sic arbitror, etiamsi multa fallant eos, qui aut arte aut coniectura divinare videantur, esse tamen divinationem; homines autem, ut in ceteris artibus, sic in hac posse falli. Potest accidere ut aliquod signum dubie datum pro certo sit acceptum, potest aliquod latuisse aut ipsum aut quod esset illi contrarium. Mihi autem ad hoc, de quo disputo, probandum satis est non modo plura, sed etiam pauciora divine praesensa et praedicta reperiri. **125** Quin etiam hoc non dubitans dixerim, si unum aliquid ita sit praedictum praesensumque, ut, cum evenerit, ita cadat, ut praedictum sit, neque in eo quicquam casu et fortuito factum esse appareat, esse certe divinationem, idque esse omnibus confitendum.

Quocirca primum mihi videtur, ut Posidonius facit, a deo, de quo satis dictum est, deinde a fato, deinde a natura vis omnis divinandi ratioque repetenda. Fieri igitur omnia fato ratio cogit fateri. Fatum autem id appello, quod Graeci e)imarme)nhn , id est ordinem seriemque causarum, cum causae causa nexa rem ex se gignat. Ea est ex omni aeternitate fluens veritas sempiterna. Quod cum ita sit, nihil est factum quod non futurum fuerit, eodemque modo nihil est futurum cuius non causas id ipsum efficientes natura contineat. **126** Ex quo intellegitur ut fatum sit non id quod superstitiose, sed id quod physice dicitur, causa aeterna rerum, cur et ea, quae praeterierunt, facta sint et, quae instant, fiant et, quae sequuntur, futura sint. Ita fit ut et observatione notari possit quae res quamque causam plerumque consequatur, etiamsi non semper (nam id quidem adfirmare difficile

est), easdemque causas veri simile est rerum futurarum cerni ab iis qui aut per furorem eas aut in quiete videant.

LVI **127** Praeterea, cum fato omnia fiant, id quod alio loco ostendetur, si quis mortalis possit esse, qui conligationem causarum omnium perspiciat animo, nihil eum profecto fallat. Qui enim teneat causas rerum futurarum, idem necesse est omnia teneat quae futura sint. Quod cum nemo facere nisi deus possit, relinquendum est homini, ut signis quibusdam consequentia declarantibus futura praesentiat. Non enim illa quae futura sunt subito exsistunt, sed est quasi rudentis explicatio sic traductio temporis nihil novi efficientis et primum quidque replicantis. Quod et ii vident, quibus naturalis divinatio data est, et ii, quibus cursus rerum observando notatus est. Qui etsi causas ipsas non cernunt, signa tamen causarum et notas cernunt; ad quas adhibita memoria et diligentia et monumentis superiorum efficitur ea divinatio, quae artificiosa dicitur, extorum, fulgorum, ostentorum signorumque caelestium. **128** Non est igitur ut mirandum sit ea praesentiri a divinantibus quac nusquam sint; sunt enim omnia, sed tempore absunt. Atque ut in seminibus vis inest earum rerum, quae ex iis progignuntur, sic in causis conditae sunt res futurae, quas esse futuras aut concitata mens aut soluta somno cernit aut ratio aut coniectura praesentit. Atque ut ii qui solis et lunae reliquorumque siderum ortus, obitus motusque cognorunt, quo quidque tempore eorum futurum sit multo ante praedicunt, sic, qui cursum rerum eventorumque consequentiam diuturnitate pertractata notaverunt, aut semper aut, si id difficile est, plerumque, quodsi ne id quidem conceditur, non numquam certe quid futurum sit intellegunt. Atque haec quidem et quaedam eiusdem modi argumenta, cur sit divinatio, ducuntur a fato.

LVII **129** A natura autem alia quaedam ratio est, quae docet, quanta sit animi vis seiuncta a corporis sensibus, quod maxime contingit aut dormientibus aut mente permotis. Ut enim deorum animi sine oculis, sine auribus, sine lingua sentiunt inter se quid quisque sentiat (ex quo fit ut homines, etiam cum taciti optent quid aut voveant, non dubitent quin di illud exaudiant), sic animi hominum, cum aut somno soluti vacant corpore aut mente permoti per se ipsi liberi incitati moventur, cernunt ea quae permixti cum corpore [animi] videre non possunt. **130** Atque hanc quidem

rationem naturae difficile est fortasse traducere ad id genus divinationis, quod ex arte profectum dicimus; sed tamen id quoque rimatur, quantum potest, Posidonius. Esse censet in natura signa quaedam rerum futurarum. Etenim Ceos accepirnus ortum Caniculae diligenter quotannis solere servare coniecturamque capere, ut scribit Ponticus Heraclides, salubrisne an pestilens annus futurus sit: nam si obscurior quasi caligit nosa stella exstiterit, pingue et concretum esse caelum, ut eius adspiratio gravis et pestilens futura sit; sin inlustris et perlucida stella apparuerit, significari caelum esse tenue purumque et propterea salubre. **131** Democritus autem censet sapienter instituisse veteres ut hostiarum immolatarum inspicerentur exta; quorum ex habitu atque ex colore tum salubritatis, tum pestilentiae signa percipi, non numquam etiam quae sit vel sterilitas agrorum vel fertilitas futura. Quae si a natura profecta observatio atque usus agnovit, multa adferre potuit dies, quae animadvertendo notarentur, ut ille Pacuvianus, qui in Chryse physicus inducitur, minime naturam rerum cognosse videatur:

“nam isti qui linguam avium intellegunt
plusque ex alieno iecore sapiunt quam ex suo
magis audiendum quam auscultandum censeo.

Cur, quaeso, cum ipse paucis interpositis versibus dicas satis luculente:

“Quidquid est hoc, omnia animat, format, alit, auget creat,
sepelit recipitque in sese omnia omniumque idemst pater,
indidemque eadem aeque oriuntur de integro atque eodem occidunt.”

Quid est igitur cur, cum domus sit omnium una, eaque communis, cumque animi hominum semper fuerint futurique sint, cur ii, quid ex quoque eveniat, et quid quamque rem significet, perspicere non possint? Haec habui,” inquit, “de divinatione quae dicerem.

LVIII **132** Nunc illa testabor, non me sortilegos neque eos, qui quaestus causa hariolentur, ne psychomantia quidem, quibus Appius, amicus tuus, uti solebat, agnoscere; non habeo denique nauci Marsum augurem, non vicanos haruspices, non de circo astrologos,

non Isiacos coniectores, non interpretes somniorum; non enim sunt ii aut scientia aut arte divini, sed

“superstitiosi vates impudentesque harioli
aut inertes aut insani aut quibus egestas imperat,
qui sibi semitam non sapiunt, alteri monstrant viam;
quibus divitias pollicentur, ab iis dracumam ipsi petunt.
De his divitiis sibi deducant dracumam, reddant cetera.”

Atque haec quidem Ennius, qui paucis ante versibus esse deos censet, sed eos non curare opinatur quid agat humanum genus. Ego autem, qui et curare arbitror et monere etiam ac multa praedicere, levitate, vanitate, malitia exclusa divinationem probo”. Quae cum dixisset Quintus, “Praeclare tu quidem,” inquam,” paratus* * * *

LIBER ALTER

I **1** Quaerenti mihi multumque et diu cogitanti quanam re possem prodesse quam plurimis, ne quando intermitterem consulere rei publicae, nulla maior occurrebat, quam si optimarum artium vias traderem meis civibus; quod compluribus iam libris me arbitror consecutum. Nam et cohortati sumus ut maxime potuimus ad philosophiae studium eo libro qui est inscriptus Hortensius, et, quod genus philosophandi minime adrogans maximeque et constans et elegans arbitraremur, quattuor Academicis libris ostendimus. **2** Cumque fundamentum esset philosophiae positum in finibus bonorum et malorum, perpurgatus est is locus a nobis quinque libris, ut quid a quoque et quid contra quemque philosophum diceretur intellegi posset. Totidem, subsecuti libri Tusculanarum disputationum res ad beate vivendum maxime necessarias aperuerunt. Primus enim est de contemnenda morte, secundus de tolerando dolore, de aegritudine lenienda tertius, quartus de reliquis animi perturbationibus, quintus eum locum complexus est, qui totam philosophiam maxime inlustrat: docet enim ad beate vivendum virtutem se ipsa esse contentam. **3** Quibus rebus editis tres libri perfecti sunt de natura deorum, in quibus omnis eius loci quaestio continetur. Quae ut plane esset cumulateque perfecta, de divinatione ingressi sumus his libris scribere; quibus, ut est in animo, de fato si adiunxerimus, erit abunde satisfactum toti huic quaestioni. Atque his libris adnumerandi sunt sex de re publica, quos tum scripsimus, cum gubernacula rei publicae tenebamus: magnus locus philosophiaeque proprius a Platone, Aristotele, Theophrasto totaque Peripateticorum familia tractatus uberrime. Nam quid ego de Consolatione dicam? quae mihi idem ipsi sane aliquantum medetur, ceteris item multum illam profuturam Puto. Interiectus est etiam nuper liber is, quem ad nostrum Atticum de senectute misimus; in primisque quoniam philosophia vir bonus efficitur et fortis, Cato noster in horum librorum numero ponendus est. **4** Cumque Aristoteles itemque Theophrastus, excellentes viri cum subtilitate tum copia, cum philosophia dicendi etiam praecepta coniunxerint, nostri quoque oratorii libri in eundem librorum numerum reverendi videntur: ita

tres erunt de oratore, quartus Brutus, quintus Orator.

II Adhuc haec erant; ad reliqua alacri tendebamus animo sic parati, ut, nisi quae causa gravior obstitisset, nullum philosophiae locum esse pateremur, qui non Latinis litteris inlustratus pateret. Quod enim munus rei publicae adferre maius meliusve possumus, quam si docemus atque erudimus iuventutem, his praesertim moribus atque temporibus, quibus ita prolapsa est, ut omnium opibus refrenanda ac coercenda sit? **5** Nec vero id effici posse confido, quod ne postulandum quidem est, ut omnes adulescentes se ad haec studia convertant. Pauci utinam! quorum tamen in re publica late patere poterit industria. Equidem ex iis etiam fructum capio laboris mei, qui iam aetate provecti in nostris libris adquiescunt; quorum studio legendi meum scribendi studium vehementius in dies incitatur; quos quidem plures quam rebar esse cognovi. Magnificum illud etiam Romanisque hominibus gloriosum, ut Graecis de philosophia litteris non egeant; **6** quod adsequar profecto, si instituta perfecero. Ac mihi quidem explicandae philosophiae causam attulit casus gravis civitatis, cum in armis civilibus nec tueri meo more rem publicam nec nihil agere poteram, nec quid potius, quod quidem me dignum esset, agerem reperiebam. Dabunt igitur mihi veniam mei cives, vel gratiam potius habebunt, quod, cum esset in unius potestate res publica, neque ego me abdidi neque deserui neque adflixi neque ita gessi quasi homini aut temporibus iratus, neque porro ita aut adulatus aut admiratus fortunam sum alterius, ut me meae paeniteret. Id enim ipsum a Platone philosophiaque didiceram, naturales esse quasdam conversiones rerum publicarum, ut eae tum a principibus tenerentur, tum a populis, aliquando a singulis. **7** Quod cum accidisset nostrae rei publicae, tum pristinis orbati muneribus haec studia renovare coepimus, ut et animus molestiis hac potissimum re levaretur et prodessemus civibus nostris qua re cumque possemus. In libris enim sententiam dicebamus, contionabamur, philosophiam nobis pro rei publicae procuratione substitutam putabamus. Nunc quoniam de re publica consuli coepti sumus, tribuenda est opera rei publicae, vel omnis potius in ea cogitatio et cura ponenda; tantum huic studio relinquendum, quantum vacabit a publico officio et munere. Sed haec alias pluribus; nunc ad institutam disputationem revertamur.

III **8** Nam cum de divinatione Quintus frater ea disseruisset quae

superiore libro scripta sunt, satisque ambulatum videretur, tum in bibliotheca quae in Lycio est adsedimus. Atque ego: “Adcurate tu quidem”, inquam, “Quinte, et stoice Stoicorum sententiam defendisti, quodque me maxime delectat, plurimis nostris exemplis usus es, et iis quidem claris et inlustribus. Dicendum est mihi igitur ad ea quae sunt a te dicta, sed ita nihil ut adfirmem, quaeram omnia, dubitans plerumque et mihi ipse diffidens. Si enim aliquid certi haberem quod dicerem, ego ipse divinarem, qui esse divinationem nego. **9** Etenim me movet illud quod in primis Carneades quaerere solebat, quarumnam rerum divinatio esset. Earumne, quae sensibus perciperentur? At eas quidem cernimus, audimus, gustamus, olfacimus, tangimus. Num quid ergo in his rebus est, quod previsione aut permotione mentis magis quam natura ipsa sentiamus? Aut num nescio qui ille divinus, si oculis captus sit, ut Tiresias fuit, possit, quae alba sint, quae nigra dicere, aut, si surdus sit, varietates vocum aut modos noscere? Ad nullam igitur earum rerum quae sensu accipiuntur divinatio adhibetur. Atqui ne in iis quidem rebus quae arte tractantur divinatione opus est. Etenim ad aegros non vates aut hariolos, sed medicos solemus adducere; nec vero qui fidibus aut tibiis uti volunt ab haruspicibus accipiunt earum tractationem, sed a musicis. **10** Eadem in litteris ratio est reliquisque rebus, quarum est disciplina. Num censes eos, qui divinare dicuntur, posse rispondere, sol maiorne quam terra sit an tantus quantus videatur, lunaque suo lumine an solis utatur? sol, luna quem motum habeat? quem quinque stellae, quae errare dicuntur? Nec haec qui divini habentur profitentur se esse dicturos, nec eorum, quae in geometria describuntur, quae vera, quae falsa sint: sunt enim ea mathematicorum, non hariolorum.

IV De illis vero rebus quae in philosophia versantur, num quid est quod quisquam divinorum aut rispondere soleat aut consuli quid bonum sit, quid malum, quid neutrum? Sunt enim haec propria philosophorum. **11** Quid? de officio num quis haruspicem consulit quem ad modum sit cum parentibus, cum fratribus, cum amicis vivendum, quem ad modum utendum pecunia, quem ad modum honorË, quem ad modum imperio? Ad sapientes haec, non ad divinos referri solent. Quid? quae a dialecticis aut physicis tractantur, num quid eorum divinari potest, unusne mundus sit an plures, quae sint initia rerum, ex quibus nascuntur omnia? Physicorum est ista

prudente. Quomodo autem “mentientem”, quem ψευδόμενον vocant, dissolvas aut quem ad modum soriti resistas (quem, si necesse sit, Latino verbo liceat “acervalem” appellare; sed nihil opus est: ut enim ipsa “philosophia” et multa verba Graecorum, sic “sorites, satis Latino sermone tritus est), ergo haec quoque dialectici dicent, non divini. Quid? cum quaeritur qui sit optimus rei publicae status, quae leges, qui mores aut utiles aut inutiles, haruspicesne ex Etruria arcessentur an principes statuent et delecti viri periti rerum civilium? **12** Quodsi nec earum rerum, quae subiectae sensibus sunt, una divinatio est nec earum quae artibus continentur, nec earum, quae in philosophia disseruntur, nec earum, quae in re publica versantur, quarum rerum sit nihil prorsus intellego. Nam aut omnium debet esse, aut aliqua ei materia danda est in qua versari possit. Sed nec omnium divinatio est, ut ratio docuit, nec locus nec materia invenitur, cui divinationem praeficere possimus.

V Vide igitur, ne nulla sit divinatio. Est quidam Graecus vulgaris in hanc sententiam versus:

“Bene qui coniciet, vatem bunc perhibebo optumum.”

Num igitur aut, quae tempestas impendeat, vates melius coniciet quam gubernator, aut morbi naturam acutius quam medicus, aut belli administrationem prudentius quam imperator coniectura adsequetur? **13** Sed animadverti, Quinte, te caute et ab iis coniecturis quae haberent artem atque prudentiam, et ab iis rebus quae sensibus aut artificiis perciperentur, abducere divinationem eamque ita definire: divinationem esse earum rerum praedictionem et praesensionem quae essent fortuitae. Primum eodem revolveris: nam et medici et gubernatoris et imperatoris praesensio est rerum fortuitarum. Num igitur aut haruspex aut augur aut vates quis aut somnians melius coniecerit aut e morbo evasurum aegrotum aut e periculo navem aut ex insidiis exercitum quam medicus, quam gubernator, quam imperator? **14** Atqui ne illa quidem divinantis esse dicebas, ventos aut imbres impendentes quibusdam praesentire signis (in quo nostra quaedam Aratea memoriter a te pronuntiata sunt) etsi haec ipsa fortuita sunt: plerumque enim, non semper eveniunt. Quae est igitur aut ubi versatur fortuitarum rerum praesensio, quam divinationem vocas? Quae enim praesentiri aut arte aut ratione aut usu aut

coniectura possunt, ea non divinis tribuenda putas, sed peritis. Ita relinquitur ut ea fortuita divinari possint quae nulla nec arte nec sapientia provideri possunt: ut, si quis M. Marcellum illum, qui ter consul fuit, multis annis ante dixisset naufragio esse periturum, divinasset profecto: nulla enim arte alia id nec sapientia scire potuisset. Talium ergo rerum, quae in fortuna positae sunt, praesensio divinatio est.

VI **15** Potestne igitur earum rerum, quae nihil habent rationis quare futurae sint, esse ulla praesensio? Quid est enim aliud fors, quid fortuna, quid casus, quid eventus, nisi cum sic aliquid cecidit, sic evenit, ut vel aliter cadere atque evenire potue rit? Quomodo ergo id quod temere fit, caeco casu et volubilitate fortunae, praesentiri et praedici potest? **16** Medicus morbum ingravescentem ratione providet, insidias imperatori tempestates gubernator; et tamen ii ipsi saepe falluntur, qui nihil sine certa ratione opinantur; ut agricola, cum florem oleae videt, bacam quoque se visurum putat, non sine ratione ille quidem, sed non numquam tamen fallitur. Quodsi falluntur ii qui nihil sine aliqua probabili coniectura ac ratione dicunt, quid existimandum est de coniectura eorum qui extis aut avibus aut ostentis aut oraclis aut somniis futura praesentiunt? Nondum dico quam haec signa nulla sint, fissum iecoris, corvi cantus, volatus aquilae, stellae traiectio, voces furentium, sortes, somnia; de quibus singulis dicam suo loco; nunc de universis. **17** Qui potest provideri quicquam futurum esse quod neque causam habet ullam neque notam cur futurum sit? Solis defectiones itemque lunae praedicuntur in multos annos ab iis qui siderum motus numeris persequuntur; ea praedicunt enim quae naturae necessitas perfectura est. Vident ex constantissimo motu lunae quando illa e regione solis +facta+ incurrat in umbram terrae, quae est meta noctis, ut eam obscurari necesse sit, quandoque eadem luna subiecta atque opposita soli nostris oculis eius lumen obscuret, quo in signo quaeque errantium stelliarum quoque tempore futura sit, qui exortus quoque die signi alicuius aut qui occasus futurus sit. Haec qui ante dicunt, quam rationem sequantur vides.

VII **18** Qui thesaurum inventum aut hereditatem venturam dicunt, quid sequuntur? Aut in qua rerum natura inest id futurum? Quodsi

haec eaque quae sunt eiusdem generis habent aliquam talem necessitatem, quid est tandem quod casu fieri aut forte fortuna putemus? Nihil enim est tam contrarium rationi et constantiae quam fortuna, ut mihi ne in deum quidem cadere videatur ut sciat quid casu et fortuito futurum sit. Si enim scit, certe illud eveniet; sin certe eveniet, nulla fortuna est; est autem fortuna; rerum igitur fortuitarum nulla praesensio est. **19** Aut si negas esse fortunam, et omnia, quae fiunt quaeque futura sunt, ex omni aeternitate definita dicis esse fataliter, muta definitionem divinationis, quam dicebas praesensionem esse rerum fortuitarum. Si enim nihil fieri potest, nihil accidere, nihil evenire, nisi quod ab omni aeternitate certum fuerit esse futurum rato tempore, quae potest esse fortuna? Qua sublata qui locus est divinationi, quae a te fortuitarum rerum est dicta praesensio? Quamquam dicebas omnia, quae fierent futurave essent, fato contineri. Anile sane et plenum superstitionis fati nomen ipsum; sed tamen apud Stoicos de isto fato multa dicuntur; de quo alias; nunc quod necesse est.

VIII **20** Si omnia fato, quid mihi divinatio prodest? Quod enim is qui divinat praedicit, id vero futurum est, ut ne illud quidem sciam quale sit, quod Deiotarum, necessarium nostrum, ex itinere aquila revocavit; qui nisi revertisset, in eo conclavi ei cubandum fuisset, quod proxuma nocte corruit; ruina igitur oppressus esset. At id neque, si fatum fuerat, effugisset nec, si non fuerat, in eum casum incidisset. Quid ergo adiuvat divinatio, aut quid est quod me moneant aut sortes aut exta aut ulla praedictio? Si enim fatum fuit classes populi Romani bello Punico primo alteram naufragio, alteram a Poenis depressam interire, etiamsi tripudium solistumum pulli fecissent L. Iunio et P. Claudio consulibus, classes tamen interissent. Sin, cum auspiciis obtemperatum esset, interiturae classes non fuerunt, non interierunt fato; vultis autem omnia fato; nulla igitur est divinatio. **21** Quodsi fatum fuit bello Punico secundo exercitum populi Romani ad lacum Trasumennum interire num id vitari potuit, si Flaminius consul iis signis iisque auspiciis quibus pugnare prohibebatur paruisset? [Certe potuit.] Aut igitur non fato interiit exercitus (mutari enim fata non possunt) aut, si fato (quod certe vobis ita dicendum est), etiamsi obtemperasset auspiciis, idem eventurum fuisset. Ubi est igitur ista divinatio Stoicorum? Quae, si fato omnia

fiunt, nihil nos admonere potest ut cautiores simus; quoquo enim modo nos gesserimus, fiet tamen illud quod futurum est; sin autem id potest flecti, nullum est fatum; ita ne divinatio quidem, quoniam ea rerum futurarum est; nihil autem est pro certo futurum, quod potest aliqua procuratione accidere ne fiat.

IX **22** Atque ego ne utilem quidem arbitror esse nobis futurarum rerum scientiam. Quae enim vita fuisset Priamo, si ab adulescentia scisset quos eventus senectutis esset habiturus? Abeamus a fabulis, propiora videamus. Clarissimorum hominum nostrae civitatis gravissimos exitus in Consolatione conlegimus. Quid igitur? Ut omittamus superiores, Marcone Crasso putas utile fuisse tum, cum maxumis opibus fortunisque florebat, scire sibi interfecto Publio filio exercituque deleto trans Euphratem cum ignominia et dedecore esse pereundum? An Cn. Pompeium censes tribus suis consulatibus, tribus triumphis, maximarum rerum gloria laetaturum fuisse, si sciret se in solitudine Aegyptiorum trucidatum iri amisso exercitu, post mortem vero ea consecutura, quae sine lacrimis non possumus dicere? **23** Quid vero Caesarem putamus, si divinasset fore ut in eo senatu quem maiore ex parte ipse cooptasset, in curia Pompeia, ante ipsius Pompei sirnulacrum, tot centurionibus suis inspectantibus, a nobilissumis civibus, partim etiam a se omnibus rebus ornatis, trucidatus ita iaceret, ut ad eius corpus non modo amicorum, sed ne servorum quidem quisquam accederet, quo cruciatu animi vitam acturum fuisse? Certe igitur ignoratio futurorum malorum utilior est quam scientia. **24** Nam illud quidem dici, praesertim a Stoicis, nullo modo potest: “Non isset ad arma Pompeius, non transisset Crassus Euphratem, non suscepisset bellum civile Caesar.” Non igitur fatalis exitus habuerunt. Vultis autem evenire omnia fato: nihil ergo illis profuisset divinare; atque etiam omnem fructum vitae superioris perdidissent; quid enim posset iis esse laetum exitus suos cogitantibus? Ita, quoquo sese verterint Stoici, iaceat necesse est omnis eorum sollertia. Si enim id, quod eventurum est, vel hoc vel illo modo potest evenire, fortuna valet plurimum; quae autem fortuita sunt, certa esse non possunt. Sin autem certum est quid quaque de re quoque tempore futurum sit, quid est quod me adiuvent haruspices, cum res tristissumas portendi dixerunt,

X **25** addunt ad extremum omnia levius casura rebus divinis

procuratisi Si enim nihil fit extra fatum, nihil levari re divina potest. Hoc sentit Homerus, cum querentem Iovem inducit, quod Sarpedonem filium a morte contra fatum eripere non posset. Hoc idem significat Graecus ille in eam sententiam versus:

"quod fore paratum est, id summum exsuperat Iovem."

Totum omnino fatum etiam Atellanio versu iure mihi esse inrisum videtur; sed in rebus tam severis non est iocandi locus. Concludatur igitur ratio: si enim provideri nihil potest futurum esse eorum quae casu fiunt, quia esse certa non possunt, divinatio nulla est; sin autem idcirco possunt provideri, quia certa sunt et fatalia, rursus divinatio nulla est; eam enim tu fortuitarum rerum esse dicebas.
26 Sed haec fuerit nobis tamquam levis armaturae prima orationis excursio; nunc comminus agamus experiamurque si possimus cornua commovere disputationis tuae.

XI Duo enim genera divinandi esse dicebas, unum artificiosum, alterum naturale; artificiosum constare partim ex coniectura, partim ex observatione diuturna; naturale, quod animus adriperet aut exciperet extrinsecus ex divinitate, unde omnes animos haustos aut acceptos aut libatos haberemus. Artificiosa divinationis illa fere genera ponebas: extispicum eorumque qui ex fulgoribus ostentisque praedicerent, tum augurum eorumque qui signis aut ominibus uterentur, omneque genus coniecturale in hoc fere genere ponebas. **27** Illud autem naturale aut concitatione mentis edi et quasi fundi videbatur aut animo per somnum sensibus et curis vacuo provideri. Duxisti autem divinationem omnem a tribus rebus, a deo, a fato, a natura. Sed tamen cum explicare nihil posses, pugnasti commenticiorum exemplorum mirifica copia. De quo primum hoc libet dicere: hoc ego philosophi non esse arbitror, testibus uti qui aut casu veri aut malitia falsi fictique esse possunt; argumentis et rationibus oportet quare quidque ita sit docere, non eventis, iis praesertim quibus mihi liceat non credere.

XII **28** Ut ordiar ab haruspicina, quam ego rei publicae causa communisque religionis colendam censeo - sed soli sumus; licet verum exquirere sine invidia, mihi praesertim de plerisque dubitanti -, inspiciamus, si placet, exta primum. Persuaderi igitur cuiquam

potest ea, quae significari dicuntur extis, cognita esse ab haruspicibus observatione diuturna? Quam diuturna ista fuit? Aut quam longinquo tempore observari potuit? Aut quo modo est contata inter ipsos, quae pars inimica, quae pars familiaris esset, quod fissum periculum, quod commodum aliquod ostenderet? An haec inter se haruspices Etrusci, Elii, Aegyptii, Poeni contulerunt? At id, praeterquam quod fieri non potuit, ne fingi quidem potest; alios enim alio more videmus exta interpretari, nec esse unam omnium disciplinam. **29** Et certe si est in extis aliqua vis quae declaret futura, necesse est eam aut cum rerum natura esse coniunctam aut conformari quodam modo numine deorum vique divina. Cum rerum natura, tanta tamque praeclara, in omnes partes motusque diffusa, quid habere potest commune non dicam gallinaceum fel (sunt enim qui vel argutissima haec exta esse dicant), sed tauri opimi iecur aut cor aut pulmo quid habet naturale, quod declarare possit quid futurum sit?

XIII **30** Democritus tamen non inscite nugatur, ut physicus, quo genere nihil adrogantius:

"quod est ante pedes nemo spectat, caeli scrutantur plagas".

Verum is tamen habitu extorum et colore declarari censet haec dumtaxat: pabuli genus et earum rerum, quas terra procreet, vel ubertatem vel tenuitatem; salubritatem etiam aut pestilentiam extis significari putat. 0 mortalem beatum, cui certo scio ludum numquam defuisse! Huncine hominem tantis delectatum esse nugis, ut non videret tum futurum id veri simile, si omnium pecudum exta eodem temporem eundem habitum se coloremque converterent? Sed si eadem hora aliae pecudis iecur nitidum atque plenum est, aliae horridum et exile, quid est quod declarari possit habitu extorum et colore? **31** An hoc eiusdem modi est quale Pherecydeum illud quod est a te dictum, qui, cum aquam ex puteo vidisset haustam, terrae motum dixit futurum? Parum, credo, impudenter, quod, cum factus est motus, dicere audent quae vis id effecerit; etiamne futurum esse aquae iugis colore praesentiunt? Multa istius modi dicuntur in scholis, sed credere omnia vide ne non sit necesse. **32** Verum sint sane ista Democritea vera; quando ea nos extis exquirimus? Aut quando aliquid eius modi ab haruspice inspectis extis audivimus? Ab aqua aut ab igni pericula monent; tum hereditates, tum damna denuntiant; fissum familiare et vitale tractant; caput iecoris ex omni

parte diligentissume considerant; si vero id non est inventum, nihil putant accidere potuisse tristius.

XIV **33** Haec observari certe non potuerunt, ut supra docui. Sunt igitur artis inventa, non vetustatis, si est ars ulla rerum incognitarum; cum rerum autem natura quam cognationem habent? Quae ut uno consensu iuncta sit et continens (quod video placuisse physicis, eisque maxume, qui omne, quod esset, unum esse dixerunt), quid habere mundus potest cum thesauri inventione coniunctum? Si enim extis pecuniae mihi amplificatio ostenditur idque fit natura, primum exta sunt coniuncta mundo, deinde meum lucrum natura rerum continetur. Nonne pudet physicos haec dicere? Ut enim iam sit aliqua in natura rerum contagio, quam esse concedo (multa enim Stoici conligunt; nam et musculorum iecuscula bruma dicunt augeri, et puleium aridum florescere brumali ipso die et inflatas rumpi vesiculas, et semina malorum, quae in iis mediis inclusa sint, in contrarias partis se vertere; iam nervos in fidibus aliis pulsis resonare alios, ostreisque et conchylus omnibus contingere ut cum luna pariter crescant pariterque decrescant, arboresque ut hiemali tempore cum luna simul senescente, quia tum exsiccatae sint, tempestive caedi putentur; **34** quid de fretis aut de marinis aestibus plura dicam, quorum accessus et recessus lunae motu gubernantur? Sescenta licet eiusdem modi proferri, ut distantium rerum cognatio naturalis appareat) - demus hoc: nihil enim huic disputationi adversatur; num etiam, si fissum cuiusdam modi fuerit in iecore, lucrum ostenditur? Qua ex coniunctione naturae et quasi concentu atque consensu, quam ***sumpa/qeian*** Graeci appellant, convenire potest aut fissum iecoris cum lucello meo aut meus quaesticulus cum caelo, terra rerumque natura?

XV Concedam hoc ipsum, si vis, etsi magnam iacturam causae fecero, si ullam esse convenientiam naturae cum extis concessero. **35** Sed tamen eo concesso qui evenit, ut is qui impetrire velit convenientem hostiam rebus suis immolet? Hoc erat, quod ego non rebar posse dissolvi. At quam festive dissolvitur! Pudet me non tui quidem, cuius etiam memoriam admiror, sed Chrysippi, Antipatri, Posidoni, qui idem istuc quidem dicunt quod est dictum a te, ad hostiam deligendam ducem esse vim quandam sentientem atque divinam, quae toto confusa mundo sit. Illud vero multo etiam melius,

quod et a te usurpatum est et dicitur ab illis: cum immolare quispiam velit, tum fieri extorum mutationem, ut aut absit aliquid aut supersit; deorum enim numini parere omnia. **36** Haec iam, mihi crede, ne aniculae quidem existimant. An censes eundem vitulum si alius delegerit, sine capite iecur inventurum; si alius, cum capite? Haec decessio capitis aut accessio subitone fieri potest, ut se exta ad immolatoris fortunam accommodent? Non perspicitis aleam quandam esse in hostiis deligendis, praesertim cum res ipsa doceat? Cum enim tristissuma exta sine capite fuerunt, quibus nihil videtur esse dirius, proxuma hostia litatur saepe pulcherrume. Ubi igitur illae minae superiorum extorum? Aut quae tam subito facta est deorum tanta placatio?

XVI Sed adfers in tauri opimi extis immolante Caesare, cor non fuisse; id quia non potuerit accidere, ut sine corde victuma illa viveret, iudicandum esse tum interisse cor, cum immolaretur. **37** Qui fit, ut alterum intellegas, sine corde non potuisse bovem vivere, alterum non videas, cor subito non potuisse nescio quo avolare? Ego enim possum vel nescire quae vis sit cordis ad vivendum, vel suspicari contractum aliquo morbo bovis exile et exiguum et vietum cor et dissimile cordis fuisse; tu vero quid habes, quare putes, si paulo ante cor fuerit in tauro opimo, subito id in ipsa immolatione interisse? An quod adspexerit vestitu purpureo excordem Caesarem, ipse corde privatus est? Urbem philosophiae, mihi crede, proditis, dum castella defenditis; nam, dum haruspicinam veram esse vultis, physiologiam totam pervertitis. Caput est in iecore, cor in extis: iam abscedet, simul ac molam et vinum insperseris; deus id eripiet, vis aliqua conficiet aut exedet. Non ergo omnium interitus atque ortus natura conficiet, et erit aliquid quod aut ex nihilo oriatur aut in nihilum subito occidat. Quis hoc physicus dixit umquam? Haruspices dicunt; his igitur quam physicis credendum potius existumas?

XVII **38** Quid? Cum pluribus deis immolatur, qui tandem evenit ut litetur aliis, aliis non litetur? Quae autem inconstantia deorum est, ut primis minentur extis, bene promittant secundis? Aut tanta inter eos dissensio, saepe etiam inter proxumos, ut Apollinis exta bona sint, Dianae non bona? Quid est tam perspicuum quam, cum fortuito hostiae adducantur, talia cuique exta esse, qualis cuique obtigerit hostia? “At enim id ipsum habet aliquid divini, quae cuique hostia

obtingat, tamquam in sortibus, quae cui ducatur." Mox de sortibus; quamquam tu quidem non hostiarum causam confirmas sortium similitudine, sed infirmas sortis conlatione hostiarum. **39** An, cum in Aequimaelium misimus qui adferat agnum quem immolemus, is mihi agnus adfertur qui habet exta rebus accommodata, et ad eum agnum non casu, sed duce deo servus deducitur? Nam si casum in eo quoque esse dicis quasi sortem quandam cum deorum voluntate coniunctam, doleo tantam Stoicos nostros Epicureis inridendi sui facultatem dedisse; non enim ignoras quam ista derideant. **40** Et quidem illi faciliius facere possunt: deos enim ipsos iocandi causa induxit Epicurus perlucidos et perflabilis et habitantis tamquam inter duos lucos sic inter duos mundos propter metum ruinarum, eosque habere putat eadem membra, quae nos, nec usum ullum habere membrorum. Ergo hic, circumitione quadam deos tollens, recte non dubitat divinationem tollere; sed non, ut hic sibi constata item Stoici. Illius enim deus, nihil habens nec sui nec alieni negoti, non potest hominibus divinationem impertire; vester autem deus potest non impertire, ut nihilo minus mundum regat et hominibus consulat. **41** Cur igitur vos induitis in eas captiones, quas numquam explicetis? Ita enim cum magis properant, concludere solent: "si di sunt, est divinatio; sunt autem di; est ergo divinatio." Multo est probabilius: "non est autem divinatio; non sunt ergo di." Vide quam temere committant ut, si nulla sit divinatio, nulli sint di. Divinatio enim perspicue tollitur, deos esse retinendum est.

XVIII **42** Atque hac extispicum divinatione sublata omnis haruspicina sublata est. Ostenta enim sequuntur et fulgura. Valet autem in fulguribus observatio diuturna, in ostentis ratio plerumque coniecturaque adhibetur. Quid est igitur quod observatum sit in fulgure? Caelum in sedecim partes diviserunt Etrusci. Facile id quidem fuit, quattuor, quas nos babemus, duplicare, post idem iterum facere, ut ex eo dicerent fulmen qua ex parte venisset. Primum id quid interest, deinde quid significai? Nonne perspicuum est ex prima admiratione hominum, quod tonitrua iactusque fulminum extimuissent, credidisse ea efficere rerum omnium praepotentem Iovem? Itaque in nostris commentariis scriptum habemus: "Iove tonante Augurante comitia populi habere nefas." **43** Hoc fortasse rei publicae causa constitutum est; comitiorum enim non habendorum

causas esse voluerunt. Itaque comitiorum solum vitium est fulmen, quod idem omnibus rebus optumum auspicium habemus si sinistrum fuit. Sed de auspiciis alio loco; nunc de fulgoribus.

XIX Quid igitur minus a physicis dici debet quam quicquam certi significari rebus incertis? Non enim te puto esse eum qui Iovi fulmen fabricatos esse Cyclopas in Aetna putes; **44** nam esset mirabile, quo modo id Iuppiter totiens iaceret, cum unum haberet; nec vero fulminibus homines quid aut faciendum esset aut cavendum moneret. Placet enim Stoicis eos anhelitus terrae qui frigidi sint cum fluere coeperint ventos esse; cum autem se in nubem induerint eiusque tenuissimam quamque partem coeperint dividere atque disrumpere idque crebrius facere et vehementius, tum et fulgores et tonitrua exsistere; si autem nubium conflictu ardor expressus se emiserit, id esse fulmen. Quod igitur vi naturae, nulla constantia, nullo raro tempore videmus effici, ex eo significationem rerum consequentium quaerimus? Scilicet, si ista Iuppiter significaret, tam multa frustra fulmina emitteret! **45** Quid enim proficit cum in medium mare fulmen iecit? Quid cum in altissimos montis, quod plerumque fit? Quid cum in desertas solitudines? Quid cum in earum gentium oras, in quibus haec ne observantur quidem?

XX "At inventum est caput in Tiberi." Quasi ego artem aliquam istorum esse negem! Divinationem nego. Caeli enim distributio, quam ante dixi, et certarum rerum notatio docet, unde fulmen venerit, quo concesserit; quid significet autem, nulla ratio docet. Sed urges me meis versibus:

"nam pater altitonans stellanti nixus Olympo
ipse suos quondam tumulos ac templa petivit
et Capitolinis iniecit sedibus ignis."

Tum statua Nattae, tum simulacra deorum Romulusque et Remus cum attrice belua vi fulminis icti conciderunt, deque his rebus haruspicum exstiterunt responsa verissuma. **46** Mirabile autem illud, quod, eo ipso tempore quo fieret indicium coniurationis in senatu, signum Iovis biennio post quam erat locatum in Capitolio conlocabatur. "Tu igitur animum induces - sic enim mecum agebas - causam istam et contra facta tua et contra scripta difendere?" Frater

es; eo vereor. Verum quid tibi hic tandem nocet? Resne quae talis est an ego qui verum explicari volo? Itaque nihil contra dico, a te rationem totius haruspicinae peto. Sed te mirificam in latebram coniecisti; quod enim intellegeres fore ut premerere, cum ex te causas unius cuiusque divinationis exquirerem, multa verba fecisti: te, cum res videres, rationem causamque non quaerere; quid fieret, non cur fieret, ad rem pertinere; quasi ego aut fieri concederem aut esset philosophi causam, cur quidque fieret, non quaerere! **47** Et eo quidem loco et Prognostica nostra pronuntiabas et genera herbarum, scammoniam aristolochiaeque radicem, quarum causam ignorares, vini et effectum videres.

XXI Dissimile totum; nam et prognosticorum causas persecuti sunt et BoÎthus Stoicus, qui est a te nominatus, et noster etiam Posidonius; et, si causae non reperiantur istarum rerum, res tamen ipsae observari animadvertique potuerunt. Nattae vero statua aut aera legum de caelo tacta quid habent observatum ac vetustum? “Pinarii Nattae nobiles; a nobilitate igitur periculum.” Hoc tam callide Iuppiter cogitavit! ‘Romulus lactens fulmine ictus, urbi igitur periculum ostenditur, ei quam ille condidit.’ Quam scite per notas nos certiores facit Iuppiter! “At eodem tempore signum Iovis conlocabatur quo coniuratio indicabatur.” Et tu scilicet mavis numine deorum id factum quam casu arbitrari; et redemptor, qui columnam illam de Cotta et de Torquato conduxerat faciendam, non inertia aut inopia tardior fuit, sed a deis immortalibus ad istam horam reservatus est! **48** Non equidem plane despero ista esse vera, sed nescio et discere a te volo. Nam cum mihi quaedam casu viderentur sic evenire ut praedicta essent a divinantibus, dixisti multa de casu, ut Venerium iaci posse casu quattuor talis iactis, sed quadringentis centum Venerios non posse casu consistere. Primum nescio cur non possint, sed non pugno; abundas enim similibus. Habes et respersionem pigmentorum et rostrum suis et alia permulta. Idem Carneadem fingere dicis de capite Panisci; quasi non potuerit id evenire casu et non in omni marmore necesse sit inesse vel Praxitelia capita! Illa enim ipsa efficiuntur detractione, neque quicquam illuc adfertur a Praxitele; sed cum multa sunt detracta et ad liniamenta oris perventum est, tum intellegas illud, quod iam expolitum sit, intus fuisse. **49** Potest igitur tale aliquid etiam sua sponte in lapicidinis

Chiorum exstitisse. Sed sit hoc fictum; quid? in nubibus numquam animadvertisti leonis formam aut hippocentauri? Potest igitur, quod modo negabas, veritatem casus imitari.

XXII Sed quoniam de extis et de fulgoribus satis est disputatum, ostenta restant, ut tota haruspicina sit pertractata. Mulae partus prolatus est a te. Res mirabilis, propterea quia non saepe fit; sed si fieri non potuisset, facta non esset. Atque hoc contra omnia ostenta valeat: numquam, quod fieri non potuerit, esse factum; sin potuerit, non esse mirandum. Causarum enim ignoratio in re nova mirationem facit; eadem ignoratio si in rebus usitatis est, non miramur. Nam qui mulam peperisse miratur, is quo modo equa pariat, aut omnino quae natura partum animantis faciat, ignorat. Sed quod crebro videt non miratur, etiamsi cur fiat nescit; quod ante non vidit, id si evenit ostentum esse censet. Utrum igitur cum concepit mula an cum peperit, ostentum est? **50** Conceptio contra naturam fortasse, sed partus prope necessarius.

XXIII Sed quid plura? Ortum videamus haruspicinae; sic facillume quid habeat auctoritatis iudicabimus. Tages quidam dicitur in agro Tarquiniensi, cum terra araretur et sulcus altius esset impressus, exstitisse repente et eum adfatus esse qui arabat. Is autem Tages, ut in libris est Etruscorum, puerili specie dicitur visus, sed senili fuisse prudentia. Eius adspectu cum obstipuisset bubulcus clamoremque maiorem cum admiratione edidisset, concursum esse factum, totamque brevi tempore in eum locum Etruriam convenisse. Tum illum plura locutum multis audientibus, qui omnia verba eius exceperint litterisque mandarint. Omnem autem orationem fuisse eam qua haruspicinae disciplina contineretur; eam postea crevisse rebus novis cognoscendis et ad eadem illa principia referendis. Haec accepimus ab ipsis, haec scripta conservant, hunc fontem habent disciplinae. **51** Num ergo opus est ad haec refellenda Carneade? Num Epicuro? Estne quisquam ita desipiens, qui credat exaratum esse, deum dicam an hominem? Si deum, cur se contra naturam in terram abdiderat, ut patefactus aratro lucem adspiceret? Quid? Idem nonne poterat deus hominibus disciplinam superiore e loco tradere? Si autem homo ille Tages fuit, quonam modo potuit terra oppressus vivere? Unde porro illa potuit, quae docebat alios, ipse didicisse? Sed ego insipientior quam illi ipsi qui ista credunt, qui quidem contra eos

tam diu disputem.

XXIV Vetus autem illud Catonis admodum scitum est, qui mirari se aiebat, quod non rideret haruspex, haruspicem cum vidisset. **52** Quota enim quaeque res evenit praedicta ab istis? Aut, si evenit quippiam, quid adferri potest cur non casu id evenerit? Rex Prusias, cum Hannibali apud eum exsulanti depugnari placeret, negabat se audere, quod exta prohiberent. “ Ain tu?” inquit, “ carunculae vitulinae mavis quam imperatori veteri credere?” Quid? Ipse Caesar cum a summo haruspice moneretur ne in Africam ante brumam tramitteret, nonne tramisit? Quod ni fecisset, uno in loco omnes adversariorum copiae convenissent. Quid ego haruspicum responsa commemorem (possum equidem innumerabilia), quae aut nullos habuerint exitus aut contrarios? **53** Hoc civili bello, di immortales, quam multa luserunt! Quae nobis in Graeciam Roma responsa haruspicum missa sunt! Quae dicta Pompeio! Etenim ille admodum extis et ostentis movebatur. Non lubet commemorare, nec vero necesse est, tibi praesertim qui interfuisti; vides tamen omnia fere contra ac dicta sint evenisse. Sed haec hactenus; nunc ad ostenta veniamus.

XXV **54** Multa me consule a me ipso scripta recitasti, multa ante Marsicum bellum a Sisenna collecta attulisti, multa ante Lacedaemoniorum malam pugnam in Leuctris a Callisthene commemorata dixisti. De quibus dicam equidem singulis, quoad videbitur; sed dicendum etiam est de universis. Quae est enim ista a deis profecta significatio et quasi denuntiatio calamitatum? Quid autem volunt di immortales, primum ea significantes quae sine interpretibus non possimus intellegere, deinde ea quae cavere nequeamus? At hoc ne homines quidem probi faciunt, ut amicis impendentes calamitates praedicant, quas illi effugere nullo modo possint; ut medici, quamquam intellegunt saepe, tamen numquam aegris dicunt illo morbo eos esse morituros: omnis enim praedictio mali tum probatur, cum ad praedictionem cautio adiungitur. **55** Quid igitur aut ostenta aut eorum interpretes vel Lacedaemonios olim vel nuper nostros adiuverunt? Quae si signa deorum putanda sunt, cur tam obscura fuerunt? Si enim ut intellegeremus quid esset eventurum, aperte declarari oportebat; aut ne occulte quidem, si ea sciri nolebant.

XXVI Iam vero coniectura omnis, in qua nititur divinatio, ingeniis hominum in multas aut diversas aut etiam contrarias partis saepe diducitur. Ut enim in causis iudicialibus alia coniectura est accusatoris, alia defensoris et tamen utriusque credibilis, sic in omnibus iis rebus quae coniectura investigari videntur anceps reperitur oratio.
Quas autem res tum natura, tum casus adfert (nonnumquam etiam errorem creat similitudo), magna stultitia est earum rerum deos facere effectores, causas rerum non quaerere. **56** Tu vates Boeotios credis Lebadiae vidisse ex gallorum gallinaceorum cantu victoriam esse Thebanorum, quia galli victi silere solerent, canere victores. Hoc igitur per gallinas Iuppiter tantae civitati signum dabat? An illae aves, nisi cum vicerunt, canere non solent? "At tum canebant nec vicerant: id enim est", inquies, "ostentum." Magnum vero, quasi pisces, non galli cecinerint! Quod autem est tempus, quo illi non cantent, vel nocturnum vel diurnum? Quodsi victores alacritate et quasi laetitia ad canendum excitantur, potuit accidisse alia quoque laetitia, qua ad cantum moverentur. **57** Democritus quidem optumis verbis causam explicat cur ante lucem galli canant: depulso enim de pectore et in omne corpus diviso et mitificato cibo, cantus edere quiete satiatos; qui quidem silientio noctis, ut ait Ennius,

"... favent faucibus russis
cantu, plausuque premunt alas."

Cum igitur hoc animal tam sit canorum sua sponte, quid in mentem venit Callistheni dicere deos gallis signum dedisse cantandi, cum id vel natura vel casus efficere potuisset?

XXVII **58** Sanguine pluisse senatui nuntiatum est, Atratum etiam fluvium fluxisse sanguine, deorum sudasse simulacra. Num censes his nuntiis Thalen aut Anaxagoran aut quemquam physicum crediturum fuisse? Nec enim sanguis nec sudor nisi e corpore. Sed et decoloratio quaedam ex aliqua contagione terrena maxume potest sanguini similis esse, et umor adlapsus extrinsecus, ut in tectoriis videmus austro, sudorem videtur imitari. Atque haec in bello plura et maiora videntur timentibus, eadem non tam animadvertuntur in pace; accedit illud etiam, quod in metu et periculo cum creduntur facilius,

tum finguntur impunius. **59** Nos autem ita leves atque inconsiderati sumus, ut, si mures corroserint aliquid, quorum est opus hoc unum, monstrum putemus. Ante vero Marsicum bellum quod clipeos Lanuvii, ut a te dictum est, mures rossent, maxumum id portentum haruspices esse dixerunt; quasi vero quicquam intersit, mures diem noctem aliquid rodentes scuta an cribra corroserint! Nam si ista sequimur, quod Platonis Politian nuper apud me mures corroserunt, de re publica debui pertimescere, aut, si Epicuri de voluptate liber rosus esset, putarem annonam in macello cariorem fore.

XXVIII **60** An vero illa nos terrent, si quando aliqua portentosa aut ex pecude aut ex homine nata dicuntur? Quorum omnium, ne sim longior, una ratio est. Quicquid enim oritur, qualecumque est, causam habeat a natura necesse est, ut, etiamsi praeter consuetudinem exstiterit, praeter naturam tamen non possit exsistere. Causam igitur investigato in re nova atque admirabili, si poteris; si nullam reperies, illud tamen exploratum habeto, nihil fieri potuisse sine causa, eumque terrorem, quem tibi rei novitas adtulerit, naturae ratione depellito. Ita te nec terrae fremitus nec caeli discessus nec lapideus aut sanguineus imber nec traiectio stellae nec faces visae terrebunt. **61** Quarum omnium causas si a Chrysippo quaeram, ipse ille divinationis auctor numquam illa dicet facta fortuito naturalemque rationem omnium reddet; nihil enim fieri sine causa potest; nec quicquam fit, quod fieri non potest; nec, si id factum est quod potuit fieri, portentum debet videri; nulla igitur portenta sunt. Nam si, quod raro fit, id portentum putandum est, sapientem esse portentum est; saepius enim mulam peperisse arbitror quam sapientem fuisse. Illa igitur ratio concluditur: nec id quod non potuerit fieri factum umquam esse, nec, quod potuerit, id portentum esse; ita omnino nullum esse portentum. **62** Quod etiam coniector quidam et interpres portentorum non inscite respondisse dicitur ei qui [cum] ad eum rettulisset quasi ostentum quod anguis domi vectem circumiectus fuisset: “Tum esset” inquit “ostentum, si anguem vectis circumplicavisset”. Hoc ille responso satis aperte declaravit nihil habendum esse, quod fieri posset, ostentum.

XXIX C. Gracchus ad M. Pomponium scripsit, duobus anguibus domi comprehensis, haruspices a patre convocatos. Qui magis anguibus quam lacertis, quam muribus? Quia sunt haec cotidiana,

angues non item; quasi vero referat, quod fieri potest, quam id saepe fiat. Ego tamen miror, si emissio feminae anguis mortem adferebat Ti. Graccho, emissio autem maris anguis erat mortifera Corneliae, cur alteram utram emiserit; nihil enim scribit respondisse haruspices, si neuter anguis emissus esset, quid esset futurum. "At mors insecuta Gracchum est." Causa quidem, credo, aliqua morbi gravioris, non emissione serpentis; neque enim tanta est infelicitas haruspicum, ut ne casu quidem umquam fiat quod futurum illi esse dixerint.

XXX **63** Nam illud mirarer, si crederem, quod apud Homerum Calchantem dixisti ex passerum numero belli Troiani annos auguratum; de quoius coniectura sic apud Homerum, ut nos otiosi convertimus, loquitur Agamemnon:

"Ferte, viri, et duros animo tolerate labores,
auguris ut nostri Calchantis fata queamus
scire ratosne habeant an vanos pectoris orsus.
Namque omnes memori portentum mente retentant,
qui non funestis liquerunt lumina fatis.
Argolicis primum ut vestita est classibus Aulis
quae Priamo cladem et Troiae pestemque ferebant,
nos circum latices gelidos, fumantibus aris,
aurigeris divom placantes numina tauris
sub platano umbrifera, fons unde emanat aquai,
vidimus immani specie tortuque draconem
terribilem, Iovis ut pulsu penetraret ab ara;
qui platani in ramo foliorum tegmine saeptos
corripuit pullos; quos cum consumeret octo,
nona super tremulo genetrix clangore volabat;
cui ferus immani laniavit viscera morsu.
64 Hunc, ubi tam teneros volucris matremque peremit,
qui luci ediderat, genitor Saturnius idem
abdidit et duro formavit tegmine saxi.
Nos autem timidi stantes mirabile monstrum
vidimus in mediis divom vorsarier aris.
Tum Calchas haec est fidenti voce locutus:
'Quidnam torpentes subito obstipuistis, Achivi?
Nobis haec portenta deum dedit ipse creator

tarda et sera nimis, sed fama ac laude perenni.
Nam quot avis taetro mactatas dente videtis,
tot nos ad Troiam belli exanclabimus annos;
quae decumo cadet et poena satiabit Achivos.'
Edidit haec Calchas; quae iam matura videtis."

65 Quae tandem ista auguratio est ex passeribus annorum potius quam aut mensuum aut dierum? Cur autem de passerculis coniecturam facit, in quibus nullum erat monstrum, de dracone silet, qui, id quod fieri non potuit, lapideus dicitur factus? Postremo quid simile habet passer annis? Nam de angue illo, qui Sullae apparuit immolanti, utrumque memini, et Sullam, cum in expeditionem educturus esset, immolavisse, et anguem ab ara exstitisse, eoque die rem praeclare esse gestam non haruspicis consilio, sed imperatoris.

XXXI **66** Atque haec ostentorum genera mirabile nihil habent; quae cum facta sunt, tum ad coniecturam aliqua interpretatione revocantur, ut illa tritici grana in os pueri Midae congesta, aut apes, quas dixisti in labris Platonis consedisse pueri, non tam mirabilia sint quam coniecta belle; quae tamen vel ipsa falsa esse vel ea, quae praedicta sunt, fortuito cecidisse potuerunt. De ipso Roscio potest illud quidem esse falsum ut circumligatus fuerit angui, sed ut in cunis fuerit anguis non tam est mirum, in Solonio praesertim, ubi ad focum angues nundinari solent. Nam quod haruspices responderint nihil illo clarius, nihil nobilius fore, miror deos immortales histrioni futuro claritatem ostendisse, nullam ostendisse Africano. **67** Atque etiam a te Flaminiana ostenta collecta sunt. Quod ipse et equus eius repente conciderit, non sane mirabile hoc quidem. Quod evelli primi hastati signum non potuerit, timide fortasse signifer evellebat, quod fidenter infixerat. Nam Dionysi equus quid attulit admirationis, quod emersit e flumine quodque habuit apes in iuba? Sed quia brevi tempore regnare coepit, quod acciderat casu vim habuit ostenti. "At Lacedaemoniis in Herculis fano arma sonuerunt eiusdemque dei Thebis valvae clausae subito se aperuerunt, eaque scuta, quae fuerant sublime fixa, sunt humi inventa." Eorum cum fieri nihil potuerit sine aliquo motu, quid est, cur divinitus ea potius quam casu facta esse dicamus?

XXXII **68** “At in Lysandri statuae capite Delphis exstitit corona ex asperis herbis, et quidem subito.” Itane? Censes ante coronam herbae exstitisse quam conceptum esse semen? Herbam autem asperam credo avium congestu, non humano satu; iam quicquid in capite est, id coronae simile videri potest. Nam quod eodem tempore stellas aureas Castoris et Pollucis Delphis positas decidisse neque eas usquam repertas esse dixisti, furum id magis factum quam deorum videtur. Simiae vero Dodonaeae improbitatem historiis Graecis mandatam esse demiror. **69** Quid minus mirum quam illam monstruosissumam bestiam urnam evertisse, sortes dissupavisse? Et negant historici Lacedaemoniis ullum ostentum hoc tristius accidisse! Nam illa praedicta Veientium, si lacus Albanus redundasset isque in mare fluxisset, Romam perituram; si repressus esset, Veios * * *, ita aqua Albana deducta ad utilitatem agri suburbani, non ad arcem urbemque retinendam. “At paulo post audita vox est monentis ut providerent ne a Gallis Roma caperetur; ex eo Aio Loquenti aram in nova via consecratam”. Quid ergo? Aius iste Loquens, quom eum nemo norat, et aiebat et loquebatur et ex eo nomen invenit; posteaquam et sedem et aram et nomen invenit, obmutuit! Quod idem dici de Moneta potest; a qua praeterquam de sue plena quid umquam moniti sumus?

XXXIII **70** Satis multa de ostentis; auspicia restant et sortes, eae quae ducuntur, non illae quae vaticinatione funduntur, quae oracla verius dicimus; de quibus tum dicemus, cum ad naturalem divinationem venerimus. Restat etiam de Chaldaeis; sed primum auspicia videamus. “Difficilis auguri locus ad contra dicendum.” Marso fortasse, sed Romano facillumus. Non enim sumus ii nos augures, qui avium reliquorumve signorum observatione futura dicamus. Et tamen credo Romulum, qui urbem auspicato condidit, habuisse opinionem esse in providendis rebus augurando scientiam (errabat enim multis in rebus antiquitas), quam vel usu iam vel doctrina vel vetustate immutatam videmus; retinetur autem et ad opinionem vulgi et ad magnas utilitates rei publicae mos, religio, disciplina, ius augurium, collegio auctoritas. **71** Nec vero non omni supplicio digni P. Claudius L. Iunius consules, qui contra auspicia

navigaverunt; parendum enim religioni fuit nec patrius mos tam contumaciter repudiandus. Iure igitur alter populi iudicio damnatus est, alter mortem sibi ipse conscivit. “Flaminius non paruit auspiciis, itaque periit cum exercitu.” At anno post Paulus paruit; num minus cecidit in Cannensi pugna cum exercitu?
Etenim, ut sint auspicia, quae nulla sunt, haec certe, quibus utimur, sive tripudio sive de caelo, simulacra sunt auspiciorum, auspicia nullo modo.

XXXIV “Q. Fabi, te mihi in auspicio esse volo.” Respondet: “Audivi.” Hic apud maiores adhibebatur peritus, nunc quilubet. Peritum autem esse necesse est eum qui, silentium quid sit, intellegat; id enim silentium dicimus in auspiciis, quod omni vitio caret. **72** Hoc intellegere perfecti auguris est; illi autem qui in auspicium adhibetur, cum ita imperavit is, qui auspicatur: “Dicito, silentium esse videbitur”, nec suspicit nec circumspicit; statim respondet silentium esse videri. Tum ille: “Dicito, si pascentur.” “Pascuntur”. Quae aves? Aut ubi? Attulit, inquit, in cavea pullos is, qui ex eo ipso nominatur pullarius. Haec sunt igitur aves internuntiae Iovis! Quae pascantur necne, quid refert? Nihil ad auspicia; sed quia, cum pascuntur, necesse est aliquid ex ore cadere et terram pavire (terripavium primo, post terripudium dictum est; hoc quidem iam tripudium dicitur) - cum igitur offa cecidit ex ore pulli, tum auspicanti tripudium solistimum nuntiatur.

XXXV **73** Ergo hoc auspicium divini quicquam habere potest, quod tam sit coactum et expressum? Quo antiquissumos augures non esse usos argomento est, quod decretum collegii vetus habemus omnem avem tripudium facere posse. Tum igitur esset auspicium, si modo esset ei liberum se ostendisse; tum avis illa videri posset interpres et satelles Iovis; nunc vero inclusa in cavea et fame enecta si in offam pultis invadit, et si aliquid ex eius ore cecidit, hoc tu auspicium aut hoc modo Romulum auspicari solitum putas? **74** Iam de caelo servare non ipsos censes solitos qui auspicabantur? Nunc imperant pullario; ille renuntiat fulmen sinistrum, auspicium optumum quod habemus ad omnis res praeterquam ad comitia; quod quidem institutum rei publicae causa est, ut comitiorum vel in iudiciis populi

vel in iure legum vel in creandis magistratibus principes civitatis essent interpretes.
“At Ti. Gracchi litteris Scipio et Figulus consules, cum augures iudicassent eos vitio creatos esse, magistratu se abdicaverunt.” Quis negat augurum disciplinam esse? Divinationem nego. “At haruspices divini; quos cum Ti. Gracchus, propter mortem repentinam eius qui in praerogativa reverenda subito concidisset, in senatum introduxisset, non iustum rogatorem fuisse dixerunt.” **75** Primum vide, ne in eum dixerint, qui rogator centuriae fuisset; is enim erat mortuus: id autem sine divinatione coniectura poterant dicere. Deinde fortasse casu qui nullo modo est ex hoc genere tollendus. Quid enim scire Etrusci haruspices aut de tabernaculo recte capto aut de pomerii iure potuerunt? Equidem adsentior C. Marcello potius quam App. Claudio, qui ambo mei collegae fuerunt, existimoque ius augurum, etsi divinationis opinione principio constitutum sit, tamen postea rei publicae causa conservatum ac retentum.

XXXVI **76** Sed de hoc loco plura in aliis, nunc hactenus. Externa enim auguria, quae sunt non tam artificiosa quam superstitiosa, videamus. Omnibus fere avibus utuntur, nos admodum paucis; alia illis sinistra sunt, alia nostris. Solebat ex me Deiotarus percontari nostri augurii disciplinam, ego ex illo sui. Di immortales, quantum differebat!, ut quaedam essent etiam contraria. Atque ille iis semper utebatur, nos, nisi dum a populo auspicia accepta habemus, quam multum iis utimur? Bellicam rem administrari maiores nostri nisi auspicato noluerunt; quam multi anni sunt, cum bella a proconsulibus et a propraetoribus administrantur, qui auspicia non habent?
77 Itaque nec amnis transeunt auspicato, nec tripudio auspicantur. Ubi ergo avium divinatio? Quae, quoniam ab iis qui auspicia nulla habent bella administrantur, ab urbanis retenta videtur, a bellicis esse sublata. Nam ex acuminibus quidem, quod totum auspicium militare est, iam M. Marcellus ille quinquiens consul totum omisit, idem imperatori idem augur optumus. Et quidem ille dicebat, si quando rem agere vellet, ne impediretur auspiciis, lectica operta facere iter se solere. Huic simile est, quod nos augures praecipimus, ne iuges auspicium obveniat, ut iumenta iubeant diiungere. **78** Quid est aliud, nolle moneri a Iove, nisi efficere ut aut ne fieri possit auspicium aut,

si fiat, videri?

XXXVII Nam illud admodum ridiculum, quod negas Deiotarum auspiciorum, quae sibi ad Pompeium proficiscenti facta sint, paenitere, quod fidem secutus amicitiamque populi Romani functus sit officio; antiquiorem enim sibi fuisse laudem et gloriam quam regnum et possessiones suas. Credo id quidem, sed hoc nihil ad auspicia; nec enim ei cornix canere potuit recte eum facere, quod populi Romani libertatem difendere pararet; ipse hoc sentiebat, sicuti sensit. **79** Aves eventus significant aut adversos aut secundos; virtutis auspiciis video esse usum Deiotarum, quae vetat spectare fortunam, dum praestetur fides. Aves vero prosperos eventus ostenderunt, certe fefellerunt. Fugit e proelio cum Pompeio: grave tempus! Discessit ab eo: luctuosa res! Caesarem eodem tempore hostem et hospitem vidit: quid hoc tristius? Is cum ei Trocmorum tetrarchian eripuisset et adseculae suo Pergameno nescio cui dedisset eidemque detraxisset Armeniam a senatu datam, cumque ab eo magnificentissumo hospitio acceptus esset, spoliatum reliquit et hospitem et regem. Sed labor longius; ad propositum revertar. Si eventa quaerimus quae exquiruntur avibus, nullo modo prospera Deiotaro; sin officia, a virtute ipsius, non ab auspiciis petita sunt.

XXXVIII **80** Omitte igitur lituum Romuli, quem in maximo incendio negas potuisse comburi; contemne cotem Atti Navi. Nihil debet esse in philosophia commenticiis fabellis loci; illud erat philosophi potius, totius augurii primum naturam ipsam videre, deinde inventionem, deinde constantiam. Quae est igitur natura, quae volucris huc et illuc passim vagantis efficiat ut significent aliquid et tum vetent agere, tum iubeant aut cantu aut volatu? Cur autem aliis a laeva, aliis a dextra datum est avibus ut ratum auspicium facere possint? Quo modo autem haec aut quando aut a quibus inventa dicemus? Etrusci tamen habent exaratum puerum auctorem disciplinae suae; nos quem? Attumne Navium? At aliquot annis antiquior Romulus et Remus, ambo augures, ut accepimus. An Pisidarum aut Cilicum aut Phrygum ista inventa dicemus? Placet igitur humanitatis expertes habere divinitatis auctores?

XXXIX **81** “At omnes reges, populi, nationes utuntur auspiciis.” Quasi vero quicquam sit tam valde quam nihil sapere vulgare, aut

quasi tibi ipsi in iudicando placeat multitudo! Quotus quisque est, qui voluptatem neget esse bonum? plerique etiam summum bonum dicunt. Num igitur eorum frequente Stoici de sententia deterrentur? Aut num plerisque in rebus sequitur eorum auctoritatem multitudo? Quid mirum igitur si in auspiciis et in omni divinatione imbecilli animi superstitiosa ista concipiant, verum dispicere non possint? **82** Quae autem est inter augures conveniens et coniuncta constantia? Ad nostri augurii consuetudinem dixit Ennius:

"tum tonuit laevum bene tempestate serena."

At Homericus Aiax apud Achillem querens de ferocitate Troianorum nescio quid hoc modo nuntiat:

"prospera Iuppiter his dextris fulgoribus edit."

Ita nobis sinistra videntur, Graiis et barbaris dextra meliora; quamquam haud ignoro, quae bona sint, sinistra nos dicere, etiamsi dextra sint; sed certe nostri sinistrum nominaverunt externique dextrum, quia plerumque id melius videbatur. Haec quanta dissensio est! **83** Quid quod aliis avibus utuntur, aliis signis, aliter observant, alia respondent? Non necesse est fateri partim horum errore susceptum esse, partim superstitione, multa fallendo?

XL Atque his superstitionibus non dubitasti etiam omina adiungere: Aemilia Paulo Persam perisse, quod pater omen accepit; Caecilia se sororis filiae sedes suas tradere. Iam illa:. "Favete linguis" et "praerogativam, omen comitiorum". Hoc est ipsum esse contra se copiosum et disertum, Quando enim ista observans quieto et libero animo esse poteris, ut ad rem gerendam non superstitionem habeas, sed rationem ducem? Itane, si quis aliquid ex sua re atque ex suo sermone dixerit et eius verbum aliquod apte ceciderit ad id, quod ages aut cogitabis, ea res tibi aut timorem adferet aut alacritatem? **84** Cum M. Crassus exercitum Brundisii imponeret, quidam in portu caricas Cauno advectas vendens "Cauneýs" clamitabat. Dicamus, si placet, monitum ab eo Crassum, caveret ne iret; non fuisse periturum, si omini paruisset. Quae si suscipiamus, pedis offensio nobis et abruptio corrigiae et sternumenta erunt observanda.

XLI **85** Sortes restant et Chaldaei, ut ad vates veniamus et ad somnia. Dicendum igitur putas de sortibus? Quid enim sors est? Idem prope modum quod micare, quod talos iacere, quod tesseras, quibus in rebus temeritas et casus, non ratio nec consilium valet.

Tota res est inventa fallaciis aut ad quaestum aut ad superstitionem aut ad errorem. Atque ut in haruspicina fecimus, sic videamus clarissumarum sortium quae tradatur inventio. Numerium Suffustium Praenestinorum monumenta declarant, honestum hominem et nobilem, somniis crebris, ad extremum etiam minacibus cum iuberetur certo in loco silicem caedere, perterritum visis, inridentibus suis civibus id agere coepisse; itaque perfracto saxo sortis erupisse in robore insculptas priscarum litterarum notis. Is est hodie locus saeptus religiose propter Iovis pueri, qui lactens, cum Iunone Fortunae in gremio sedens, mammam adpetens, castissime colitur a matribus. **86** Eodemque tempore in eo loco, ubi Fortunae nunc sita est aedes, mel ex olea fluxisse dicunt, haruspicesque dixisse summa nobilitate illas sortis futuras, eorumque iussu ex illa olea arcam esse factam, eoque conditas sortis, quae hodie Fortunae monitu tolluntur. Quid igitur in his potest esse certi, quae Fortunae monitu pueri manu miscentur atque ducuntur? Quo modo autem istae positae in illo loco? Quis robur illud cecidit, dolavit, inscripsit? "Nihil est," inquiunt, "quod deus efficere non possit." Utinam sapientis Stoicos effecisset, ne omnia cum superstitiosa sollicitudine et miseria crederent! Sed hoc quidem genus divinationis vita iam communis explosit; fani pulchritudo et vetustas Praenestinarum etiam nunc retinet sortium nomen, atque id in volgus. **87** Quis enim magistratus aut quis vir inlustrior utitur sortibus? Ceteris vero in locis sortes plane refrixerunt: quod Carneadem Clitomachus scribit dicere solitum, nusquam se fortunatiorem quam Praeneste vidisse Fortunam.

Ergo hoc divinationis genus omittamus, (XLII) ad Chaldaeorum monstra veniamus; de quibus Eudoxus, Platonis auditori in astrologia iudicio doctissimorum hominum facile princeps, sic opinatur, id quod scriptum reliquit, Chaldaeis in praedictione et in notatione cuiusque vitae ex natali die minime esse credendum. **88** Nominat etiam Panaetius, qui unus e Stoicis astrologorum praedicta reiecit, Anchialum et Cassandrum, summos astrologos illius aetatis, qua erat ipse, cum in ceteris astrologiae partibus excellerent, hoc praedictionis genere non usos. Scylax Halicarnassius, familiaris Panaeti, excellens in astrologia idemque in regenda sua civitate princeps, totum hoc Chaldaeicum praedicendi genus repudiavit. **89** Sed, ut ratione utamur

omissis testibus, sic isti disputant qui haec Chaldaeorum natalicia praedicta defendunt: vim quandam esse aiunt signifero in orbe, qui Graece ***zwdiako/j*** dicitur, talem ut eius orbis una quaeque pars alia alio modo moveat immutetque caelum, perinde ut quaeque stellae in his finitumisque partibus sint quoque tempore, eamque vim varie moveri ab iis sideribus quae vocentur errantia; cum autem in eam ipsam partem orbis venerint, in qua sit ortus eius qui nascatur, aut in eam quae coniunctum aliquid habeat aut consentiens, ea triangula illi et quadrata nominant. Etenim cum tempore anni tempestatumque caeli conversiones commutationesque tantae fiant accessu stellarum et recessu, cumque ea vi solis efficiantur quae videmus, non veri simile solum, sed etiam verum esse censent, perinde utcumque temperatus sit aÎr, ita pueros orientis animari atque formari, ex eoque ingenia, mores, animum, corpus, actionem vitae, casus cuiusque eventusque fingi.

XLIII **90** 0 delirationem incredibilem! (non enim omnis error stultitia dicenda est). Quibus etiam Diogenes Stoicus concedit aliquid, ut praedicere possint dumtaxat qualis quisque natura et ad quam quisque maxume rem aptus futurus sit; cetera quae profiteantur negat ullo modo posse sciri; etenim geminorum formas esse similis, vitam atque fortunam plerumque disparem. Procles et Eurysthenes, Lacedaemoniorum reges, gemini fratres fuerunt; at ii nec totidem annos vixerunt (anno enim Procli vita brevior fuit), multumque is fratri rerum gestarum gloria praestitit. **91** At ego id ipsum, quod vir optumus Diogenes Chaldaeis quasi quadam praevaricatione concedit, nego posse intellegi. Etenim cum, ut ipsi dicunt, Ortus nascentium luna moderetur, eaque animadvertant et notent sidera natalicia Chaldaei, quaecumque lunae iuncta videantur, oculorum fallacissimo sensu iudicant ea quae ratione atque animo videre debebant. Docet enim ratio mathematicorum, quam istis notam esse oportebat, quanta humilitate luna feratur terram paene contingens, quantum absit a proxuma Mercuri stella, multo autem longius a Veneris, deinde alio intervallo distet a sole, cuius lumine conlustrari putatur; reliqua vero tria intervalla infinita et immensa, a sole ad Martis, inde ad Iovis, ab eo ad Saturni stellam; inde ad caelum ipsum, quod extremum atque ultumum mundi est. **92** Quae potest igitur contagio ex infinito paene intervallo pertinere ad lunam vel potius ad terram?

XLIV Quid? Cum dicunt, id quod iis dicere necesse est, omnis omnium ortus quicumque gignantur in omni terra quae incolatur, eosdem esse, eademque omnibus qui eodem statu caeli et stellarum nati sint accidere necesse esse, nonne eius modi sunt, ut ne caeli quidem naturam interpretes istos caeli nosse appareat? Cum enim illi orbes, qui caelum quasi medium dividunt et aspectum nostrum definiunt (qui a Graecis ὁρίζοντες nominantur, a nobis " finientes" rectissume nominari possunt) varietatem maxumam habeant aliique in aliis locis sint, necesse est ortus occasusque siderum non fieri eodem tempore apud omnis.
93 Quodsi eorum vi caelum modo hoc, modo illo modo temperatur, qui potest eadem vis esse nascentium, cum caeli tanta sit dissirnilitudo? In his locis quae nos incolimus post solstitium Canicula exoritur, et quidem aliquot diebus; at apud Trogodytas, ut scribitur, ante solstitium; ut, si iam concedamus aliquid vini caelestem ad eos qui in terra gignuntur pertinere, confitendum sit illis eos qui nascuntur eodem tempore posse in dissimilis incidere naturas propter caeli dissimilitudinem; quod minime illis placet; volunt enim illi omnis eodem tempore ortos, qui ubique sint nati, eadem condicione nasci.

XLV **94** Sed quae tanta dementia est, ut in maxumis motibus mutationibusque caeli nihil intersit qui ventus, qui imber, quae tempestas ubique sit? Quarum rerum in proxumis locis tantae dissimilitudines saepe sunt, ut alia Tusculi, alia Romae eveniat saepe tempestas; quod qui navigant maxume animadvertunt, cum in flectendis promunturiis ventorum mutationes maxumas saepe sentiunt. Haec igitur cum sit tum serenitas, tum perturbatio caeli, estne sanorum hominum hoc ad nascentium ortus pertinere non dicere (quod non certe pertinet), illud nescio quid tenue, quod sentiri nullo modo, intellegi autem vix potest, quae a luna ceterisque sideribus caeli temperatio fiat, dicere ad puerorum ortus pertinere? Quid? quod non intellegunt seminum vim, quae ad gignendum procreandumque plurimum valeat, funditus tolli, mediocris erroris est? Quis enim non videt et formas et mores et plerosque status ac motus effingere a parentibus liberos? Quod non contingeret, si haec non vis et natura gignentium efficeret, sed temperatio lunae caelique

moderatio. **95** Quid? quod uno et eodem temporis puncto nati dissimilis et naturas et vitas et casus habent, parumne declarat nihil ad agendam vitam nascendi tempus pertinere? Nisi forte putamus neminem eodem tempore ipso et conceptum et natum, quo Africanum. Num quis igitur talis fuit?

XLVI **96** Quid? Illudne dubium est quin multi, cum ita nati essent ut quaedam contra naturam depravata haberent, restituerentur et corrigerentur ab Natura, cum se ipsa revocasset, aut arte atque medicina? Ut, quorum linguae sic inhaererent, ut loqui non possent, eae scalpello resectae liberarentur. Multi etiam naturae vitium meditatione atque exercitatione sustulerunt, ut Demosthenem scribit Phalereus, cum "rho" dicere nequiret, exercitatione fecisse ut planissume diceret. Quodsi haec astro ingenerata et tradita essent, nulla res ea mutare posset. Quid? Dissimilitudo locorum nonne dissimiles bominum procreationes habet? Quas quidem percurrere oratione facile est, quid inter Indos et Persas, Aethiopas et Syros differat corporibus, animis, ut incredibilis varietas dissimilitudoque sit. **97** Ex quo intellegitur plus terrarum situs quam lunae tactus ad nascendum valere. Nam quod aiunt quadringenta septuaginta milia annorum in periclitandis experiundisque pueris, quicumque essent nati, Babylonios posuisse, fallunt: si enim esset factitatum, non esset desitum; neminem autem habemus auctorem, qui id aut fieri dicat aut factum sciat.

XLVII Videsne, me non ea dicere, quae Carneades, sed ea, quae princeps Stoicorum Panaetius dixerit? Ego autem etiam haec requiro, omnesne, qui Cannensi pugna ceciderint, uno astro fuerint; exitus quidem omnium unus et idem fit. Quid? Qui ingenio atque animo singulares, num astro quoque uno? Quod enim tempus quo non innumerabiles nascuntur? At certe similis nemo Homeri. **98** Et, si ad rem pertinet quo modo caelo adfecto compositisque sideribus quodque animal oriatur, valeat id necesse est non in hominibus solum, verum in bestiis etiam; quo quid potest dici absurdius? L. quidem Tarutius Firmanus, familiaris noster, in primis Chaldaeicis rationibus eruditus, urbis etiam nostrae natalem diem repetebat ab iis Pardibus, quibus eam a Romulo conditam accepimus, Romamque, in iugo cum esset Luna, natam esse dicebat, nec eius fata canere dubitabat. **99** 0 vim maxumam erroris! Etiamne urbis natalis dies ad

vim stellarum et lunae pertinebat? Fac in puero referre ex qua adfectione caeli primum spiritum duxerit; num hoc in latere aut in caemento, ex quibus urbs effecta est, potuit valere? Sed quid plura? Cotidie refelluntur. Quam multa ego Pompeio, quam multa Crasso, quam multa huic ipsi Caesari a Chaldaeis dicta memini, neminem eorum nisi senectute, nisi domi, nisi cum claritate esse moriturum! Ut mihi permirum videatur quemquam exstare qui etiam nunc credat iis quorum praedicta cotidie videat re et eventis refelli.

XLVIII **100** Restant duo divinandi genera, quae habere dicimur a natura, non ab arte, vaticinandi et somniandi; de quibus, Quinte," inquam, "si placet, disseramus." "Mihi vero," inquit, "placet; his enim quae adhuc disputasti prorsus adsentior, et, vere ut loquar, quamquam tua me oratio confirmavit, tamen etiam mea sponte nimis superstitiosam de divinatione Stoicorum sententiam iudicabam; haec me Peripateticorum ratio magis movebat, et veteris Dicaearchi et eius, qui nunc floret, Cratippi, qui censent esse in mentibus hominum tamquam oraclum aliquod, ex quo futura praesentiant, si aut furore divino incitatus animus aut somno relaxatus solute moveatur ac libere. His de generibus quid sentias et quibus ea rationibus infirmes, audire sane velim."

XLIX **101** Quae cum ille dixisset, tum ego rursus quasi ab alio principio sum exorsus dicere. "Non ignoro," inquam, "Quinte, te semper ita sensisse, ut de ceteris divinandi generibus dubitares, ista duo, furoris et somnii, quae a libera mente fluere viderentur, probares. Dicam igitur de istis ipsis duobus generibus mihi quid videatur, si prius et Stoicorum conclusio rationis et Cratippi nostri quid valeat videro. Dixisti enim et Chrysippum et Diogenem et Antipatrum concludere hoc modo: "Si sunt di neque ante declarant hominibus quae futura sint, aut non diligunt homines, aut quid eventurum sit ignorant, aut existumant nihil interesse hominum scire quid sit futurum, aut non censent esse suae maiestatis praesignificare hominibus quae sint futura, aut ea ne ipsi quidem di significare possunt. **102** At neque non diligunt nos (sunt enim benefici generique hominum amici), neque ignorant ea quae ab ipsis constituta et designata sunt, neque nostra nihil interest scire ea quae futura sunt (erimus enim cautiores, si sciemus), neque hoc alienum ducunt maiestate sua (nihil est enim beneficentia praestantius), neque non

possunt futura praenoscere. Non igitur di sunt nec significant nobis futura. Sunt autem di; significant ergo. Et non, si significant futura, nullas dant vias nobis ad significationum scientiam (frustra enim significarent), nec, si dant vias, non est divinatio: est igitur divinatio." **103** 0 acutos homines! Quam paucis verbis confectum negotium putant! Ea sumunt ad concludendum, quorum iis nihil conceditur. Conclusio autem rationis ea probanda est, in qua ex rebus non dubiis id quod dubitatur efficitur.

L Videsne Epicurum, quem hebetem et rudem dicere solent Stoici, quem ad modum quod in natura rerum omne esse dicimus id infinitum esse concluserit? "Quod finitum est" inquit "habet extremum." Quis hoc non dederit?- "Quod autem habet extremum, id cernitur ex alio extrinsecus." Hoc quoque est concedendum. "At, quod omne est, id non cernitur ex alio extrinsecus." Ne hoc quidem negari potest. "Nihil igitur cum habeat extremum, infinitum sit necesse est." **104** Videsne, ut ad rem dubiam concessis rebus pervenerit? Hoc vos dialectici non facitis, nec solum ea non sumitis ad concludendum quae ab omnibus concedantur, sed ea sumitis quibus concessis nihilo magis efficiatur quod velitis. Primum enim hoc sumitis: "Si sunt di, benefici in homines sunt." Quis hoc vobis dabit? Epicurusne? qui negat quicquam deos nec alieni curare nec sui; an noster Ennius? qui magno plausu loquitur adsentiente populo:

"Ego deum genus esse semper dixi et dicam caelitum,
sed eos non curare opinor quid agat humanum genus."

Et quidem, cur sic opinetur, rationem subicit; sed nihil est necesse dicere quae sequuntur; tantum sat est intellegi, id sumere istos pro certo, quod dubium controversumque sit.

LI **105** Sequitur porro, nihil deos ignorare quod omnia sint ab iis constituta. Hic vero quanta pugna est doctissumorum hominum negantium esse haec a dis immortalibus constituta! "At nostra interest scire ea quae eventura sint." Magnus Dicaearchi liber est nescire ea melius esse quam scire. Negant id esse alienum maiestate deorum: scilicet casas omnium introspicere, ut videant quid cuique conducat. **106** "Neque non possunt futura praenoscere. " Negant posse ii, quibus non placet esse certum quid futurum sit. Videsne

igitur quae dubia sint, ea sumi pro certis atque concessis? Deinde contorquent et ita concludunt: “Non igitur et sunt di nec significant futura”; id enim iam perfectum arbitrantur. Deinde adsumunt: ‘Sunt autem di”, quod ipsum non ab omnibus conceditur. “Significant ergo.” Ne id quidem sequitur; possunt enim non significare et tamen esse di. Nec, si significent, non dare vias aliquas ad scientiam significationis. At id quoque potest, ut non dent homini, ipsi habeant; cur enim Tuscis potius quam Romanis darent? “ Nec, si dant vias, nulla est divinatio. “ Fac dare deos, quod absurdum est; quid refert, si accipere non possumus? Extremum : ‘Est igitur divinatio.” Sit extremum, effectum tamen non est; ex falsis enim, ut ab ipsis didicimus, verum effici non potest. Iacet igitur tota conclusio.

LII **107** Veniamus nunc ad optumum virum, familiarem nostrum, Cratippum. “Si sine oculis” inquit “non potest exstare officium et munus oculorum, possunt autem aliquando oculi non fungi suo munere, qui vel semel ita est usus oculis ut vera cerneret, is habet sensum oculorum vera cernentium. Item igitur, si sine divinatione non potest officium et munus divinationis exstare, potest autem, cum quis divinationem habeat, errare aliquando nec vera cernere, satis est ad confirmandam divinationem semel aliquid ita esse divinatum nihil ut fortuito cecidisse videatur. Sunt autem eius generis innumerabilia; esse igitur divinationem confitendum est.” Festive et breviter; sed cum bis sumpsit quod voluit, etiamsi faciles nos ad concedendum habuerit, id tamen quod adsumit concedi nullo modo potest. **108** “Si” inquit “aliquando oculi peccent, tamen, quia recte aliquando viderunt, inest in iis vis videndi; item, si quis semel aliquid in divinatione dixerit, is, etiam cum peccet, tamen existumandus sit habere vim divinandi.”

LIII Vide, quaeso, Cratippe noster, quam sint ista similia; nam mihi non videntur. Oculi enim vera cernentes utuntur natura atque sensu; animi, si quando vel vaticinando vel somniando vera viderunt, usi sunt fortuna atque casu; nisi forte concessuros tibi existumas eos, qui somnia pro somniis habent, si quando aliquod somnium verum evaserit, non id fortuito accidisse. Sed demus tibi istas duas sumptiones (ea quae λήμματα appellant dialectici, sed nos latine loqui malumus), adsumptio tamen (quam πρόσληψις idem vocant) non dabitur. **109** Adsumit autem Cratippus hoc modo: “Sunt autem

innumerabiles praesensiones non fortuitae.” At ego dico nullam: vide, quanta sit controversia; iam adsumptione non concessa nulla conclusio est. “At impudentes sumus, qui, cum tam perspicuum sit, non concedamus.” Quid est perspicuum? “Multa vera” inquit “evadere.” Quid quod multo plura falsa? Nonne ipsa varietas, quae est propria fortunae, fortunam esse causam, non naturam esse docet? Deinde, si tua ista conclusio, Cratippe, vera est (tecum enim mihi res est), nonne intellegis eadem uti posse et haruspices et fulguratores et interpretes ostentorum et augures et sortilegos et Chaldaeos? Quorum generum nullum est, ex quo non aliquid, sicut praedictum sit, evaserit. Ergo aut ea quoque genera divinandi sunt quae tu rectissume improbas, aut, si ea non sunt, non intellego cur haec duo sint quae relinquis. Qua ergo ratione haec inducis, eadem illa possunt esse quae tollis.

LIV **110** Quid vero habet auctoritatis furor iste, quem divinum vocatis, ut, quae sapiens non videat, ea videat insanus, et is, qui humanos sensus amiserit, divinos adsecutus sit? Sibyllae versus observamus, quos illa furens fudisse dicitur. Quorum interpres nuper falsa quadam hominum fama dicturus in senatu putabatur eum, quem re vera regem habebamus, appellandum quoque esse regem, si salvi esse vellemus. Hoc si est in libris, in quem hominem et in quod tempus est? Callide enim, qui illa composuit, perfecit ut, quodcumque accidisset, praedictum videretur, hominum et temporum definitione sublata. **111** Adhibuit etiam latebram obscuritatis, ut iidem versus alias in aliam rem posse accommodari viderentur. Non esse autem illud carmen furentis cum ipsum poÎma declarat (est enim magis artis et diligentiae quam incitationis et motus), tum vero ea, quae ***a(krostixi/j*** dicitur, cum deinceps ex primis versus litteris aliquid conectitur, ut in quibusdam Ennianis: “ Q. ENNIUS FECIT”. Id certe magis est attenti animi quam furentis. **112** Atque in Sibyllinis ex primo versu cuiusque sententiae primis litteris illius sententiae carmen omne praetexitur. Hoc scriptoris est, non furentis, adhibentis diligentiam, non insani. Quam ob rem Sibyllam quidem sepositam et conditam habeamus, ut, id quod proditum est a maioribus, iniussu senatus ne legantur quidem libri valeantque ad deponendas potius quam ad suscipiendas religiones; cum antistitibus agamus, ut quidvis potius ex illis libris quam regem proferant, quem

Romae posthac nec di nec homines esse patientur.

LV “At multi saepe vera vaticinati, ut Cassandra:

“iamque mari magno...”

eademque paulo post:

‘eheu videte!”

113 Num igitur me cogis etiam fabulis credere? Quae delectationis habeant quantum voles, verbis sententiis numeris cantibus adiuventur; auctoritatem quidem nullam debemus nec fidem commenticiis rebus adiungere. Eodemque modo nec ego Publicio nescio cui nec Marciis vatibus nec Apollinis opertis credendum existimo; quorum partim ficta aperte, partim effutita temere numquam ne mediocri quidem cuiquam, non modo prudenti probata sunt. **114** “Quid?’ inquies, “remex ille de classe Coponi nonne ea praedixit quae facta sunt? “Ille vero, et ea quidem quae omnes eo tempore ne acciderent timebamus. Castra enim in Thessalia castris conlata audiebamus, videbaturque nobis exercitus Caesaris et audaciae plus habere, quippe qui patriae bellum intulisset, et roboris propter vetustatem; casum autem proeli nemo nostrum erat quin timeret, sed, ita ut constantibus hominibus par erat, non aperte. Ille autem Graecus, quid mirum si magnitudine timoris, ut plerumque fit, a constantia atque a mente atque a se ipse discessit? Qua perturbatione animi, quae, sanus cum esset, timebat ne evenirent, ea demens eventura esse dicebat. Utrum tandem, per deos atque homines, magis veri simile est vesanum remigem an aliquem nostrum, qui ibi tum eramus, me, Catonem, Varronem, Coponium ipsum, consilia deorum immortalium perspicere potuisse?

LVI **115** Sed iam ad te venio,

“o sancte Apollo, qui umbilicum certum terrarum obsides,
unde superstitiosa primum saeva evasit vox fera.”

Tuis enim oraclis Chrysippus totum volumen implevit partim falsis, ut ego opinor, partim casu veris, ut fit in omni oratione saepissime, partim flexiloquis et obscuris, ut interpres egeat interprete et sors ipsa ad sortes reverenda sit, partim ambiguis et quae ad dialecticum deferenda sint. Nam cum illa sors edita est opulentissumo regi Asiae:

“Croesus Halyn penetrans magnam pervertet opum vim”

hostium vim se perversurum putavit, pervertit autem suam: **116** utrum igitur eorum accidisset, verum oraclum fuisset. Cur autem hoc credam umquam editum Croeso? Aut Herodotum cur veraciorem ducam Ennio? Num minus ille potuit de Croeso quam de Pyrrho fingere Ennius? Quis enim est, qui credat Apollinis ex oraclo Pyrrho esse responsum:

“aiio te, Aeacida, Romanos vincere posse”?

Primum latine Apollo numquam locutus est; deinde ista sors inaudita Graecis est; praeterea Pyrrhi temporibus iam Apollo versus facere desierat; postremo, quamquam semper fuit, ut apud Ennium est,

“stolidum genus Aeacidarum
- bellipotentes sunt magis quam sapientipotentes -”,

tamen hanc amphiboliam versus intellegere potuisset, “vincere te Romanos” nihilo magis in se quam in Romanos valere; nam illa amphibolia, quae Croesum decepit, vel Chrysippum potuisset fallere, haec vero ne Epicurum quidem.

LVII **117** Sed, quod caput est, cur isto modo iam oracla Delphis non eduntur non modo nostra aetate, sed iam diu [tantum modo], iam ut nihil possit esse contemptius? Hoc loco cum urguentur evanuisse aiunt vetustate vim loci eius, unde anhelitus ille terrae fieret, quo Pythia mente incitata oracla ederet. De vino aut salsamento putes loqui, quae evanescunt vetustate; de vi loci agitur, neque solum naturali, sed etiam divina; quae quo tandem modo evanuit? “Vetustate,” inquies. Quae vetustas est, quae vim divinam conficere possit? Quid tam divinum autem quam adflatus e terra mentem ita movens ut eam providam rerum futurarum efficiat, ut ea non modo cernat multo ante, sed etiam numero versuque pronuntiet? Quando ista vis autem evanuit? An postquam homines minus creduli esse coeperunt? **118** Demosthenes quidem, qui abhinc annos prope trecentos fuit, iam tum ***filippi/zein*** Pythiam dicebat, id est quasi cum Philippo facere. Hoc autem eo spectabat, ut eam a Philippo corruptam diceret; quod licet existumare in aliis quoque oraclis Delphicis aliquid non sinceri fuisse. Sed nescio quo modo isti

philosophi superstitiosi et paene fanatici quidvis malle videntur quam se non ineptos. Evanuisse mavultis et extinctum esse id quod, si umquam fuisset, certe aeternum esset, quam ea, quae non sunt credenda, non credere.

LVIII **119** Similis est error in somniis; quorum quidem defensio repetita quam longe est! Divinos animos censent esse nostros, eosque esse tractos extrinsecus, animorumque consentientium multitudine completum esse mundum; hac igitur mentis et ipsius divinitate, et coniunctione cum externis mentibus cerni quae sint futura. Contrahi autem animum Zeno et quasi labi putat atque concidere, et ipsum esse dormire. Iam Pythagoras et Plato, locupletissimi auctores, quo in somnis certiora videamus, praeparatos quodam cultu atque victu proficisci ad dormiendum iubent; faba quidem Pythagorei utique abstinere, quasi vero eo cibo mens, non venter infletur. Sed nescio quo modo nihil tam absurde dici potest quod non dicatur ab aliquo philosophorum. **120** Utrum igitur censemus dormientium animos per sene ipsos in somniando moveri an, ut Democritus censet, externa et adventicia visione pulsari? Sive enim sic est sive illo modo, videri possunt permulta somniantibus falsa pro veris. Nam et navigantibus moveri videntur ea quae stant, et quodam obtutu oculorum duo pro uno lucernae lumina. Quid dicam insanis, quid ebriis quam multa falsa videantur? Quodsi eius modi visis credendum non est, cur somniis credatur nescio. Nam tam licet de his erroribus, si velis, quam de somniis disputare, ut ea, quae stant, si moveri videantur, terrae motum significare dicas aut repentinam aliquam fugam, gemino autem lucernae lumine declarari dissensionem ac seditionem moveri.

LIX **121** Iam ex insanorum aut ebriorum visis innumerabilia coniectura trahi possunt, quae futura videantur. Quis est enim, qui totum diem iaculans non aliquando conliniet? Totas noctes somniamus, neque ulla est fere, qua non dormiamus; et miramur aliquando id quod somniarimus evadere? Quid est tam incertum quam talorum iactus? Tamen nemo est quin saepe iactans Venerium iaciat aliquando, non numquam etiam iterum ac tertium. Num igitur, ut inepti, Veneris id impulsu fieri malumus quam casu dicere?

Quodsi ceteris temporibus falsis visis credendum non est, non video, quid praecipui somnus habeat, in quo valeant falsa pro veris. **122** Quodsi ita natura paratum esset ut ea dormientes agerent quae somniarent, adligandi omnes essent, qui cubitum irent; maiores enim quam ulli insani efficerent motus somniantes. Quodsi insanorum visis fides non est habenda, quia falsa sunt, cur credatur somniantium visis, quae multo etiam perturbatiora sunt, non intellego; an quod insani sua visa coniectori non narrant, narrant qui somniaverunt? Quaero etiam, si velim scribere quid aut legere aut canere vel voce vel fidibus aut geometricum quiddam aut physicum aut dialecticum esplicare, somniumne exspectandum sit, an ars adhibenda, sine qua nihil earum rerum nec fieri nec expediri potest. Atqui, ne si navigare quidem velim, ita gubernem, ut somniaverim; praesens enim poena sit. **123** Qui igitur convenit aegros a coniectore somniorum potius quam a medico petere medicinam? An Aesculapius, an Serapis potest nobis praescribere per somnum curationem valetudinis, Neptunus gubernantibus non potest? Et si sine medico medicinam dabit Minerva, Musae scribendi, legendi,ceterarum artium scientiam somniantibus non dabunt? At si curatio daretur valetudinis, haec quoque quae dixi darentur; quae quoniam non dantur, medicina non datur; qua sublata tollitur omnis auctoritas somniorum.

LX **124** Sed haec quoque in promptu fuerint; nunc interiora videamus. Aut enim divina vis quaedam consulens nobis somniorum significationes facit, aut coniectores ex quadam conveniente et coniunctione naturae, quam vocant συμπάθεια, quid cuique rei conveniat ex somniis, et quid quamque rem sequatur, intellegunt, aut eorum neutrum est, sed quaedam observatio constans atque diuturna est, cum quid visum secundum quietem sit, quid evenire et quid sequi soleat. Primum igitur intellegendum est nullam vim esse divinam effectricem somniorum. Atque illud quidem perspicuum est, nulla visa somniorum proficisci a numine deorum. Nostra enim causa di id facerent, ut providere futura possemus. **125** Quotus igitur est quisque qui somniis pareat, qui intellegat, qui meminerit? Quam multi vero qui contemnant eamque superstitionem imbecilli animi atque anilis putent? Quid est igitur, cur his hominibus consulens deus somniis moneat eos, qui illa non modo cura, sed ne memoria quidem

digna ducant? Nec enim ignorare deus potest, qua mente quisque sit, nec frustra ac sine causa quid facere dignum deo est quod abhorret etiam ab hominis constantia. Ita, si pleraque somnia aut ignorantur aut negleguntur, aut nescit hoc deus aut frustra somniorum significatione utitur; at horum neutrum in deum cadit; nihil igitur a deo somniis significari fatendum est.

LXI **126** Illud etiam requiro, cur, si deus ista visa nobis providendi causa dat, non vigilantibus potius det quam dormientibus. Sive enim externus et adventicius pulsus animos dormientium commovet, sive per se ipsi animi moventur, sive quae causa alia est cur secundum quietem aliquid videre, audire, agere videamur, eadem causa vigilantibus esse poterat; idque si nostra causa di secundum quietem facerent, vigilantibus idem facerent, praesertim cum Chrysippus Academicos refellens permulto clariora et certiora esse dicat quae vigilantibus videantur quam quae somniantibus. Fuit igitur divina beneficentia dignius, cum consulerent nobis, clariora visa dare vigilanti quam obscuriora per somnum. Quod quoniam non fit, somnia divina putanda non sunt. **127** Iam vero quid opus est circumitione et anfractu, ut sit utendum interpretibus, somniorum, potius quam derecto deus, siquidem nobis consulebat, “hoc facito, hoc ne feceris” diceret idque visum vigilanti potius quam dormienti daret?

LXII Iam vero quis dicere audeat vera omnia esse somnia? “Aliquot somnia vera,” inquit Ennius, “ sed omnia non necesse est.” Quae est tandem ista distinctio? Quae vera, quae falsa habet? Et si vera a deo mittuntur, falsa unde nascuntur? Nam si ea quoque divina, quid inconstantius deo? Quid inscitius autem est quam mentes mortalium falsis et mendacibus visis concitare? Sin vera visa divina sunt, falsa autem et inania humana, quae est ista designandi licentia, ut hoc deus, hoc natura fecerit potius quam aut omnia deus, quod negatis, aut omnia natura? Quod quoniam illud negatis, hoc necessario confitendum est. **128** Naturam autem eam dico, qua numquam animus insistens agitatione et motu esse vacuus potest. Is cum languore corporis nec membris uti nec sensibus potest, incidit in visa varia et incerta ex reliquiis, ut ait Aristoteles, inhaerentibus earum rerum quas vigilans gesserit aut cogitaverit; quarum perturbatione mirabiles interdum exsistunt species somniorum; quae

si alia falsa, alia vera, qua nota internoscantur scire sane velim. Si nulla est, quid istos interpretes audiamus? Sin quaepiam est, aveo audire quae sit; sed haerebunt.

LXIII **129** Venit enim iam in contentionem, utrum sit probabilius, deosne inmortalis, rerum omnium praestantia excellentis, concursare omnium mortalium, qui ubique sunt, non modo lectos, verum etiam grabatos, et, cum stertentem aliquem viderint, obicere iis visa quaedam tortuosa et obscura, quae illi exterriti somno ad coniectorem mane deferant, an natura fieri ut mobiliter animus agitatus, quod vigilans viderit, dormiens videre videatur. Utrum philosophia dignius, sagarum superstitione ista interpretari an explicatione naturae? Ut, si iam fieri possit vera coniectura somniorum, tamen isti, qui profitentur, eam facere non possint: ex levissimo enim et indoctissimo genere constant. Stoici autem tui negant quemquam nisi sapientem divinum esse posse. **130** Chrysippus quidem divinationem definit his verbis: "vim cognoscentem et videntem et explicantem signa, quae a dis hominibus portendantur"; officium autem esse eius praenoscere, dei erga homines mente qua sint quidque significent, quemadmodumque ea procurentur atque expientur. Idemque somniorum coniectionem definit hoc modo: esse vim cernentem et explanantem quae a dis hominibus significentur in somnis. Quid ergo? ad haec mediocri opus est prudentia an et ingenio praestanti et eruditione perfecta? Talem autem cognovimus neminem.

LXIV **131** Vide igitur, ne, etiamsi divinationem tibi esse concessero, quod numquam faciam, neminem tamen divinum reperire possimus. Qualis autem ista mens est deorum, si neque ea nobis significant in somnis quae ipsi per nos intellegamus, neque ea quorum interpretes habere possimus? Similes enim sunt dei, si ea nobis obiciunt, quorum nec scientiam neque explanatorem habeamus, tamquam si Poeni aut Hispani in senatu nostro loquerentur sine interprete. **132** Iam vero quo pertinent obscuritates et aenigmata somniorum? Intellegi enim a nobis di velle debebant ea quae nostra causa nos monerent. "Quid? poÎta nemone, physicus obscurus?" **133** Ille vero nimis etiam obscurus Euphorion; at non Homerus; uter igitur melior? Valde Heraclitus obscurus, minime Democritus; num igitur conferendi? Mea causa me mones quod non

intellegam: quid me igitur mones? Ut si quis medicus aegroto imperet ut sumat

“terrigenam, herbigradam, domiportam, sanguine cassam”,

potius quam hominum more “cocleam” diceret. Nam Pacuvianus Amphio

“quadrupes, tardigrada, agrestis, humilis, aspera,
capite brevi, cervice anguina, aspectu truci,
sviscerata, inanima cum animali sono”

cum dixisset obscurius, tum Attici respondent:

“non intellegimus, nisi si aperte dixeris.”

At ille uno verbo: “testudo”. Non potueras hoc igitur a principio, citharista, dicere?

LXV **134** Defert ad coniectorem quidam somniasse se ovum pendere ex fascea lecti sui cubicularis (est hoc in Chrysippi libro somnium); respondit coniector thesaurum defossum esse sub lecto. Fodit, invenit auri aliquantum, idque circumdatum argento; misit coniectori quantulum visum est de argento. Tum ille “Nihilne” inquit “de vitello?” Id enim ei ex ovo videbatur aurum declarasse, reliquum argentum. Nemone igitur umquam alius ovum somniavit? Cur ergo hic nescio qui thesaurum solus invenit? Quam multi inopes digni praesidio deorum nullo somnio ad thesaurum reperiendum admonentur! Quam autem ob causam tam est obscure admonitus, ut ex ovo nasceretur thesauri similitudo, potius quam aperte thesaurum quaerere iuberetur, sicut aperte Simonides vetitus est navigare? **135** Ergo obscura somnia minime consentanea maiestati deorum.

LXVI Ad aperta et clara veniamus, quale est de illo interfecto a copone Megaris, quale de Simonide, qui ab eo, quem humarat, vetitus est navigare, quale etiam de Alexandro, quod a te praeteritum esse miror. Qui, cum Ptolomaeus, familiari eius, in proelio telo venenato ictus esset eoque vulnere summo cum dolore moreretur, Alexander adsidens somno est consopitus. Tum secundum quietem visus ei dicitur draco is, quem mater Olympias alebat, radiculam ore ferre et simul dicere, quo illa loci nasceretur (neque is longe aberat ab eo loco); eius autem esse vim tantam ut Ptolomaeum facile sanaret. Cum Alexander experrectus narrasset amicis somnium,

emissi sunt qui illam radiculam quaererent; qua inventa et PtolÚmaeus sanatus dicitur et multi milites, qui erant eodem genere teli vulnerati. **136** Multa etiam sunt a te ex historiis prolata somnia, matris Phalaridis, Cyri superioris, matris Dionysi, Poeni Hamilcaris, Hannibalis, P. Deci; pervulgatum iam illud de praesule, C. Gracchi etiam et recens Caeciliae, Baliarici filiae, somnium. Sed haec externa ob eamque causam ignota nobis sunt, nonnulla etiam ficta fortasse: quis enim auctor istorum? De nostris somniis quid habemus dicere? Tu de emerso me et equo ad ripam, ego de Mario cum fascibus laureatis me in suum deduci iubente monumentum.

LXVII Omnium somniorum, Quinte, una ratio est; quae, per deos immortalis, videamus ne nostra superstitione et depravatione superetur. **137** Quem enim tu Marium visum a me putas? Speciem, credo, eius et imaginem, ut Democrito videtur. Unde profectam imaginem? A corporibus enim solidis et a certis figuris vult fluere imagines; quod igitur Mari corpus erat? "Ex eo," inquit, "quod fuerat." Ista igitur me imago Mari in campum Atinatem persequebatur? "Plena sunt imaginum omnia; nulla enim species cogitari potest nisi pulsu imaginum." **138** Quid ergo? istae imagines ita nobis dicto audientes sunt, ut, simul atque velimus, accurrant? Etiamne earum rerum quae nullae sunt? Quae est enim forma tam invisitata, tam nulla, quam non sibi ipse fingere animus possit, ut, quae numquam vidimus, ea tamen informata habeamus, oppidorum situs, hominum figuras? **139** Num igitur, cum aut muros Babylonis aut Homeri faciem cogito, imago illorum me aliqua pellit? Omnia igitur quae volumus nota nobis esse possunt: nihil est enim de quo cogitare nequeamus; nullae ergo imagines obrepunt in animos dormientium extrinsecus, nec omnino fluunt ullae; nec cognovi quemquam qui maiore auctoritate nihil diceret. Animorum est ea vis eaque natura, ut vigeant vigilantes nullo adventicio pulsu, sed suo motu incredibili quadam celeritate. Hi cum sustinentur membris et corpore et sensibus, omnia certiora cernunt, cogitant, sentiunt. Cum autem haec subtracta sunt desertusque animus languore corporis, tum agitatur ipse per sese. Itaque in eo et formae versantur et actiones, et multa audiri, multa dici videntur. **140** Haec scilicet in imbecillo remissoque animo multa omnibus modis confusa et variata versantur, maxumeque reliquiae rerum earum moventur in animis et agitantur, de quibus vigilantes aut cogitavimus aut egimus; ut mihi temporibus illis multum in animo Marius versabatur recordanti quam ille gravem suum casum magno animo, quam constanti tulisset. Hanc credo causam de illo somniandi fuisse.

LXVIII Tibi autem de me cum sollicitudine cogitanti subito sum visus emersus e flumine. Inerant enim in utriusque nostrum animis vigilantium cogitationum vestigia. At quaedam adiuncta sunt, ut mihi de monumento Mari, tibi, quod equus in quo ego vehebar, mecum una demersus rursus apparuit. **141** An tu censes ullam anum tam

deliram futuram fuisse ut somniis crederet, nisi ista casu non numquam forte temere concurrerent? Alexandro draco loqui visus est. Potest omnino hoc esse falsum, potest verum; sed, ut verum sit, non est mirabile; non enim audivit ille draconem loquentem, sed est visus audire, et quidem, quo maius sit, cum radicem ore teneret, locutus est; sed nihil est magnum somnianti. Quaero autem cur Alexandro tam inlustre somnium, tam certum, nec huic eidem alias, nec multa ceteris; mihi quidem praeter hoc Marianum nihil sane quod meminerim. Frustra igitur consumptae tot noctes tam longa in aetate. **142** Nunc quidem propter intermissionem forensis operae et lucubrationes detraxi et meridiationes addidi, quibus uti antea non solebam, nec tam multum dormiens ullo somnio sum admonitus, tantis praesertim de rebus, nec mihi magis umquam videor quam cum aut in foro magistratus aut in curia senatum video, somniare.

LXIX Etenim (ex divisione hoc secundum est) quae est continuato coniunctioque naturae, quam, ut dixi, vocant συμπάθεια, eius modi, ut thesaurus ex ovo intellegi debeat? Nam medici ex quibusdam rebus et advenientis et crescentis morbos intellegunt, nonnullas etiam valetudinis significationes, ut hoc ipsum, pleni enectine simus, ex quodam genere somniorum intellegi posse dicunt. Thesaurus vero et hereditas et honos et victoria et multa generis eiusdem qua cum somniis naturali cognatione iunguntur? **143** Dicitur quidam, cum in somnis complexu Venerio iungeretur, calculos eiecisse. Video ***sumpa/qeian*** : visum est enim tale obiectum dormienti, ut id, quod evenit, naturae vis, non opinio erroris effecerit. Quae igitur natura obtulit illam speciem Simonidi, a qua vetaretur navigare? Aut quid naturae copulatum habuit Alcibiadis quod scribitur somnium? qui paulo ante interitum visus est in somnis amicae esse amictus amiculo. Is cum esset proiectus inhumatus ab omnibusque desertus iaceret, amica corpus eius texit suo pallio. Ergo hoc inerat in rebus futuris et causas naturalis habebat, an, et ut videretur et ut eveniret, casus effecit?

LXX **144** Quid? ipsorum interpretum coniecturae nonne magis ingenia declarant eorum quam vim consensumque naturae? Cursor ad Olympia proficisci cogitans visus est in somnis curru quadrigarum vehi. Mane ad coniectorem. At ille “Vinces” inquit; “id enim celeritas significat et vis equorum.” Post idem ad Antiphontem. Is

autem “Vincare” inquit “necesse est; an non intellegis quattuor ante te cucurrisse?” Ecce alius cursor (atque horum somniorum et talium plenus est Chrysippi liber, plenus Antipatri; sed ad cursorem redeo): ad interpretem detulit aquilam se in somnis visum esse factum. At ille: “ Vicisti; ista enim avi volat nulla vehementius. “ Huic eidem Antipho “Baro,” inquit, “victum te esse non vides? Ista enim avis insectans alias avis et agitans semper ipsa postrema est.” **145** Parere quaedam matrona cupiens, dubitans essetne praegnans, visa est in quiete obsignatam habere naturam. Rettulit. Negavit eam, quoniam obsignata fuisset, concipere potuisse. At alter praegnantem esse dixit; nam inane obsignari nihil solere. Quae est ars coniectoris eludentis ingenio? An ea quae dixi et innumerabilia quae conlecta habent Stoici quicquam significant nisi acumen hominum ex similitudine aliqua coniecturam modo huc, modo illuc ducentium? Medici signa quaedam habent ex venis et ex spiritu aegroti multisque ex aliis futura praesentiunt; gubernatores, cum exsultantis lolligines viderunt aut delphinos se in portum conicientes, tempestatem significari putant. Haec ratione explicari et ad naturam revocari facile possunt, ea vero, quae paulo ante dixi, nullo modo.

LXXI **146** “At enim observatio diuturna (haec enim pars una restat) notandis rebus fecit artem. “ Ain tandem? “ Somnia observari possunt. “ Quonam modo? Sunt enim innumerabiles varietates. Nihil tam praepostere, tam incondite, tam monstruose cogitari potest, quod non possimus somniare; quo modo igitur haec infinita et semper nova aut memoria complecti aut observando notare possumus? Astrologi motus errantium stellarum notaverunt: inventus est enim ordo in iis stellis, qui non putabatur. Cedo tandem qui sit ordo aut quae concursatio somniorum; quo modo autem distingui possunt vera somnia a falsis, cum eadem et aliis aliter evadant et isdem non semper eodem modo? Ut mihi mirum videatur, cum mendaci homini ne verum quidem dicenti credere soleamus, quo modo isti, si somnium verum evasit aliquod, non ex multis potius uni fidem derogent quam ex uno innumerabilia confirment.
147 Si igitur neque deus est effector somniorum neque naturae societas ulla cum somniis, neque observatione inveniri potuit scientia, effectum est ut nihil prorsus somniis tribuendum sit,

praesertim cum illi ipsi, qui ea vident, nihil divinent, ii qui interpretantur coniecturam adhibeant, non naturam, casus autem innumerabilibus paene saeculis in omnibus plura mirabilia quam in somniorum visis effecerit, neque coniectura, quae in varias partis duci possit, non numquam etiam in contrarias, quicquam sit incËrtius.

LXXII **148** Explodatur haec quoque somniorum divinatio pariter cum ceteris. Nam, ut vere loquamur, superstitio fusa per gentis oppressit omnium fere animos atque hominum imbecillitatem occupavit. Quod et in iis libris dictum est, qui sunt de natura deorum, et hac disputatione id maxume egimus. Multum enim et nobismet ipsis et nostris profuturi videbamur si eam funditus sustulissemus. Nec vero (id enim diligenter intellegi volo) superstitione tollenda religio tollitur. Nam et maiorum instituta tueri sacris caerimoniisque retinendis sapientis est, et esse praestantem aliquam aeternamque naturam, et eam suspiciendam admirandamque hominum generi pulchritudo mundi ordoque rerum caelestium cogit confiteri. **149** Quam ob rem, ut religio propaganda etiam est quae est iuncta cum cognitione naturae, sic superstitionis stirpes omnes eligendae. Instat enim et urget et, quo te cumque verteris, persequitur, sive tu vatem sive tu omen audieris, sive immolaris sive avem adspexeris, si Chaldaeum, si haruspicem videris, si fulserit, si tonuerit, si tactum aliquid erit de caelo, si ostenti simile natum factumve quippiam; quorum necesse est plerumque aliquid eveniat, ut numquam liceat quieta mente consistere. **150** Perfugium videtur omnium laborum et sollicitudinum esse somnus. At ex eo ipso plurumae curae metusque nascuntur; qui quidem ipsi per se minus valerent et magis contemnerentur, nisi somniorum patrocinium philosophi suscepissent, nec ii quidem contemptissimi, sed in primis acuti et consequentia et repugnantia videntes, qui prope iam absoluti et perfecti putantur. Quorum licentiae nisi Carneades restitisset, haud scio an soli iam philosophi iudicarentur. Cum quibus omnis fere nobis disceptatio contentioque est, non quod eos maxume contemnamus, sed quod videntur acutissime sententias suas prudentissimeque defendere. Cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri

videantur, conferre causas et quid in quamque sententiam dici possit expromere, nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum, tenebimus hanc consuetudinem a Socrate traditam eaque inter nos, si tibi, Quinte frater, placebit, quam saepissime utemur." "Mihi vero", inquit ille, "nihil potest esse iucundius."

DE FATO (On Fate)

M. TVLLI CICERONIS DE FATO

[1] . . . . quia pertinet ad mores, quod ethos illi vocant, nos eam partem philosophiae de moribus appellare solemus, sed decet augentem linguam Latinam nominare moralem; explicandaque vis est ratioque enuntiationum, quae Graeci axiomata vocant; quae de re futura cum aliquid dicunt deque eo, quod possit fieri aut non possit, quam vim habeant, obscura quaestio est, quam Peri Dynaton philosophi appellant, totaque est Logike, quam rationem disserendi voco. Quod autem in aliis libris feci, qui sunt de natura deorum, itemque in iis, quos de divinatione edidi, ut in utramque partem perpetua explicaretur oratio, quo facilius id a quoque probaretur, quod cuique maxime probabile videretur, id in hac disputatione de fato casus quidam ne facerem inpedivit.

[2] Nam cum essem in Puteolano Hirtiusque noster, consul designatus, isdem in locis, vir nobis amicissimus et his studiis, in quibus nos a pueritia viximus, deditus, multum una eramus, maxime nos quidem exquirentes ea consilia, quae ad pacem et ad concordiam civium pertinerent. Cum enim omnes post interitum Caesaris novarum perturbationum causae quaeri viderentur iisque esse occurrendum putaremus, omnis fere nostra in his deliberationibus consumebatur oratio, idque et saepe alias et quodam liberiore, quam solebat, et magis vacuo ab interventoribus die, cum ad me ille venisset, primo ea, quae erant cotidiana et quasi legitima nobis, de pace et de otio.

[3] Quibus actis, Quid ergo? inquit ille, quoniam oratorias exercitationes non tu quidem, ut spero, reliquisti, sed certe philosophiam illis anteposuisti, possumne aliquid audire? Tu vero, inquam, vel audire vel dicere; nec enim, id quod recte existimas, oratoria illa studia deserui, quibus etiam te incendi, quamquam flagrantissumum acceperam, nec ea, quae nunc tracto, minuunt, sed augent potius illam facultatem. Nam cum hoc genere philosophiae, quod nos sequimur, magnam habet orator societatem; subtilitatem enim ab Academia mutuatur et ei vicissim reddit ubertatem orationis

et ornamenta dicendi. Quam ob rem, inquam, quoniam utriusque studii nostra possessio est, hodie, utro frui malis, optio sit tua. Tum Hirtius: Gratissumum, inquit, et tuorum omnium simile; nihil enim umquam abnuit meo studio voluntas tua.

[4] Sed quoniam rhetorica mihi vestra sunt nota teque in eis et audivimus saepe et audiemus atque hanc Academicorum contra propositum disputandi consuetudinem indicant te suscepisse Tusculanae disputationes, ponere aliquid, ad quod audiam, si tibi non est molestum, volo. An mihi, inquam, potest quicquam esse molestum, quod tibi gratum futurum sit? Sed ita audies, ut Romanum hominem, ut timide ingredientem ad hoc genus disputandi, ut longo intervallo haec studia repetentem. Ita, inquit, audiam te disputantem, ut ea lego, quae scripsisti. Proinde ordire. Considamus hic.

[5] . . . quorum in aliis, ut in Antipatro poeta, ut in brumali die natis, ut in simul aegrotantibus fratribus, ut in urina, ut in unguibus, ut in reliquis eius modi, naturae contagio valet, quam ego non tollo — vis est nulla fatalis; in aliis autem fortuita quaedam esse possunt, ut in illo naufrago, ut in Icadio, ut in Daphita. Quaedam etiam Posidonius (pace magistri dixerim) comminisci videtur; sunt quidem absurda. Quid enim? si Daphitae fatum fuit ex equo cadere atque ita perire, ex hocne equo, qui cum equus non esset, nomen habebat alienum? aut Philippus hasne in capulo quadrigulas vitare monebatur? quasi vero capulo sit occisus. Quid autem magnum aut naufragum illum sine nomine in rivo esse lapsum — quamquam huic quidem hic scribit praedictum in aqua esse pereundum); ne hercule Icadii quidem praedonis video fatum ullum; nihil enim scribit ei praedictum:

[6] quid mirum igitur ex spelunca saxum in crura eius incidisse? puto enim, etiamsi Icadius tum in spelunca non fuisset, saxum tamen illud casurum fuisse. Nam aut nihil omnino est fortuitum, aut hoc ipsum potuit evenire fortuna. Quaero igitur (atque hoc late patebit), si fati omnino nullum nomen, nulla natura, nulla vis esset et forte temere casu aut pleraque fierent aut omnia, num aliter, ac nunc eveniunt, evenirent. Quid ergo adtinet inculcare fatum, cum sine fato ratio omnium rerum ad naturam fortunamve referatur?

[7] Sed Posidonium, sicut aequum est, cum bona gratia dimittamus, ad Chrysippi laqueos revertamur. Cui quidem primum

de ipsa contagione rerum respondeamus, reliqua postea persequemur. Inter locorum naturas quantum intersit, videmus; alios esse salubris, alios pestilentis, in aliis esse pituitosos et quasi redundantis, in aliis exsiccatos atque aridos; multaque sunt alia, quae inter locum et locum plurimum differant. Athenis tenue caelum, ex quo etiam acutiores putantur Attici, crassum Thebis, itaque pingues Thebani et valentes. Tamen neque illud tenue caelum efficiet, ut aut Zenonem quis aut Arcesilam aut Theophrastum audiat, neque crassum, ut Nemea potius quam Isthmo victoriam petat. Diiunge longius.

[8] Quid enim loci natura adferre potest, ut in porticu Pompeii potius quam in campo ambulemus? tecum quam cum alio? Idibus potius quam Kalendis? Ut igitur ad quasdam res natura loci pertinet aliquid, ad quasdam autem nihil, sic astrorum adfectio valeat, si vis, ad quasdam res, ad omnis certe non valebit. At enim, quoniam in naturis hominum dissimilitudines sunt, ut alios dulcia, alios subamara delectent, alii libidinosi, alii iracundi aut crudeles aut superbi sint, alii a talibus vitiis abhorreant, — quoniam igitur, inquit, tantum natura a natura distat, quid mirum est has dissimilitudines ex differentibus causis esse factas?

[9] Haec disserens, qua de re agatur, et in quo causa consistat, non videt. Non enim, si alii ad alia propensiores sunt propter causas naturalis et antecedentis, idcirco etiam nostrarum voluntatum atque adpetitionum sunt causae naturales et antecedentes. Nam nihil esset in nostra potestate, si ita se res haberet. Nunc vero fatemur, acuti hebetesne, valentes inbecilline simus, non esse id in nobis. Qui autem ex eo cogi putat, ne ut sedeamus quidem aut ambulemus voluntatis esse, is non videt, quae quamque rem res consequatur. Ut enim et ingeniosi et tardi ita nascantur antecedentibus causis itemque valentes et inbecilli, non sequitur tamen, ut etiam sedere eos et ambulare et rem agere aliquam principalibus causis definitum et constitutum sit.

[10] Stilponem, Megaricum philosophum, acutum sane hominem et probatum temporibus illis accepimus. Hunc scribunt ipsius familiares et ebriosum et mulierosum fuisse, neque haec scribunt vituperantes, sed potius ad laudem; vitiosam enim naturam ab eo sic edomitam et conpressam esse doctrina, ut nemo umquam vinulentum illum, nemo in eo libidinis vestigium viderit. Quid? Socraten nonne legimus quem

ad modum notarit Zopyrus physiognomon, qui se profitebatur hominum mores naturasque ex corpore, oculis, vultu, fronte pernoscere? stupidum esse Socraten dixit et bardum, quod iugula concava non haberet -obstructas eas partes et obturatas esse dicebat; addidit etiam mulierosum; in quo Alcibiades cachinnum dicitur sustulisse.

[11] Sed haec ex naturalibus causis vitia nasci possunt, extirpari autem et funditus tolli, ut is ipse, qui ad ea propensus fuerit, a tantis vitiis avocetur, non est id positum in naturalibus causis, sed in voluntate, studio, disciplina. Quae tolluntur omnia, si vis et natura fati ex divinationis ratione firmabitur. Etenim si est divinatio, qualibusnam a perceptis artis proficiscitur? ('percepta' appello, quae dicuntur Graece *theoremata*)? Non enim credo nullo percepto aut ceteros artifices versari in suo munere, aut eos, qui divinatione utantur, futura praedicere.

[12] Sint igitur astrologorum percepta huius modi: 'Si quis (verbi causa) oriente Canicula natus est, is in mari non morietur.' Vigila, Chrysippe, ne tuam causam, in qua tibi cum Diodoro, valente dialectico, magna luctatio est, deseras. Si enim est verum, quod ita conectitur: 'Si quis oriente Canicula natus est, in mari non morietur', illud quoque verum est: 'Si Fabius oriente Canicula natus est, Fabius in mari non morietur.' Pugnant igitur haec inter se, Fabium oriente Canicula natum esse, et Fabium in mari moriturum; et quoniam certum in Fabio ponitur, natum esse eum Canicula oriente, haec quoque pugnant, et esse Fabium, et in mari esse moriturum. Ergo haec quoque coniunctio est ex repugnantibus: 'Et est Fabius, et in mari Fabius morietur', quod, ut propositum est, ne fieri quidem potest. Ergo illud: 'Morietur in mari Fabius' ex eo genere est, quod fieri non potest. Omne ergo, quod falsum dicitur in futuro, id fieri non potest.

[13] At hoc, Chrysippe, minime vis, maximeque tibi de hoc ipso cum Diodoro certamen est. Ille enim id solum fieri posse dicit, quod aut sit verum aut futurum sit verum, et, quicquid futurum sit, id dicit fieri necesse esse et, quicquid non sit futurum, id negat fieri posse. Tu, et quae non sint futura, posse fieri dicis, ut frangi hanc gemmam, etiamsi id numquam futurum sit, neque necesse fuisse Cypselum regnare Corinthi, quamquam id millensimo ante anno Apollinis

oraculo editum esset. At si ista conprobabis divina praedicta, et quae falsa in futuris dicentur, in eis habebis ut ea fieri non possint (ut si dicatur Africanum Karthagine non esse potiturum), et si vere dicatur de futuro, idque ita futurum sit, dicas esse necessarium est; quae est tota Diodori vobis inimica sententia.

[14] Etenim si illud vere conectitur: 'Si oriente Canicula natus es, in mari non moriere', primumque quod est in conexo, 'Natus es oriente Canicula', necessarium est (omnia enim vera in praeteritis necessaria sunt, ut Chrysippo placet dissentienti a magistro Cleanthe, quia sunt inmutabilia nec in falsum e vero praeterita possunt convertere) — si igitur, quod primum in conexo est, necessarium est, fit etiam, quod consequitur, necessarium. Quamquam hoc Chrysippo non videtur valere in omnibus; sed tamen, si naturalis est causa, cur in mari Fabius non moriatur, in mari Fabius mori non potest.

[15] Hoc loco Chrysippus aestuans falli sperat Chaldaeos ceterosque divinos, neque eos usuros esse coniunctionibus, ut ita sua percepta pronuntient: 'Si quis natus est oriente Canicula, is in mari non morietur', sed potius ita dicant: 'Non et natus est quis oriente Canicula, et is in mari morietur.' O licentiam iocularem! ne ipse incidat in Diodorum, docet Chaldaeos, quo pacto eos exponere percepta oporteat. Quaero enim, si Chaldaei ita loquantur, ut negationes infinitarum coniunctionum potius quam infinita conexa ponant, cur idem medici, cur geometrae, cur reliqui facere non possint. Medicus in primis, quod erit ei perspectum in arte, non ita proponet: 'Si cui venae sic moventur, is habet febrim', sed potius illo modo: 'Non et venae sic cui moventur, et is febrim non habet.' Itemque geometres non ita dicet: 'In sphaera maximi orbes medii inter se dividuntur', sed potius illo modo: 'Non et sunt in sphaera maximi orbes, et ei non medii inter se dividuntur.'

[16] Quid est, quod non possit isto modo ex conexo transferri ad coniunctionum negationem? Et quidem aliis modis easdem res efferre possumus. Modo dixi: 'In sphaera maximi orbes medii inter se dividuntur'; possum dicere: 'Si in sphaera maximi orbes erunt', possum dicere: 'Quia in sphaera maximi orbes erunt'. Multa genera sunt enuntiandi nec ullum distortius quam hoc, quo Chrysippus sperat Chaldaeos contentos Stoicorum causa fore. Illorum tamen nemo ita loquitur; maius est enim has contortiones orationis quam

signorum ortus obitusque perdiscere.

[17] Sed ad illam Diodori contentionem, quam *Peri Dynaton* appellant revertamur, in qua quid valeat id quod fieri possit anquiritur. Placet igitur Diodoro id solum fieri posse, quod aut verum sit aut verum futurum sit. Qui locus attingit hanc quaestionem, nihil fieri, quod non necesse fuerit, et, quicquid fieri possit, id aut esse iam aut futurum esse, nec magis commutari ex veris in falsa posse ea, quae futura, quam ea, quae facta sunt; sed in factis inmutabilitatem apparere, in futuris quibusdam, quia non apparet, ne inesse quidem videri, ut in eo, qui mortifero morbo urgeatur, verum sit 'Hic morietur hoc morbo', at hoc idem si vere dicatur in eo, in quo vis morbi tanta non appareat, nihilo minus futurum sit. Ita fit, ut commutatio ex vero in falsum ne in futuro quidem ulla fieri possit. Nam 'Morietur Scipio' talem vim habet, ut, quamquam de futuro dicitur, tamen ut id non possit convertere in falsum; de homine enim dicitur, cui necesse est mori.

[18] Sic si diceretur, 'Morietur noctu in cubiculo suo vi oppressus Scipio', vere diceretur; id enim fore diceretur, quod esset futurum; futurum autem fuisse ex eo, quia factum est, intellegi debet. Nec magis erat verum 'Morietur Scipio' quam 'Morietur illo modo', nec magis necesse mori Scipioni quam illo modo mori, nec magis inmutabile ex vero in falsum 'Necatus est Scipio' quam 'Necabitur Scipio'; nec, cum haec ita sint, est causa, cur Epicurus fatum extimescat et ab atomis petat praesidium easque de via deducat et uno tempore suscipiat res duas inenodabiles, unam, ut sine causa fiat aliquid — , ex quo existet, ut de nihilo quippiam fiat, quod nec ipsi nec cuiquam physico placet — alteram, ut, cum duo individua per inanitatem ferantur, alterum e regione moveatur, alterum declinet.

[19] Licet enim Epicuro concedenti omne enuntiatum aut verum aut falsum esse non vereri, ne omnia fato fieri sit necesse; non enim aeternis causis naturae necessitate manantibus verum est id, quod ita enuntiatur: 'Descendit in Academiam Carneades', nec tamen sine causis, sed interest inter causas fortuito antegressas et inter causas cohibentis in se efficientiam naturalem. Ita et semper verum fuit 'Morietur Epicurus, cum duo et septuaginta annos vixerit, archonte Pytharato', neque tamen erant causae fatales, cur ita accideret, sed, quod ita cecidit, certe casurum sicut cecidit fuit.

[20] Nec ei qui dicunt inmutabilia esse quae futura sint nec posse verum futurum convertere in falsum, fati necessitatem confirmant, sed verborum vim interpretantur. At qui introducunt causarum seriem sempiternam, ei mentem hominis voluntate libera spoliatam necessitate fati devinciunt. Sed haec hactenus; alia videamus. Concludit enim Chrysippus hoc modo: 'Si est motus sine causa, non omnis enuntiatio (quod *axioma* dialectici appellant) aut vera aut falsa erit; causas enim efficientis quod non habebit, id nec verum nec falsum erit; omnis autem enuntiatio aut vera aut falsa est; motus ergo sine causa nullus est.

[21] Quod si ita est, omnia, quae fiunt, causis fiunt antegressis; id si ita est, fato omnia fiunt; efficitur igitur fato fieri, quaecumque fiant.' Hic primum si mihi libeat adsentiri Epicuro et negare omnem enuntiationem aut veram esse aut falsam, eam plagam potius accipiam quam fato omnia fieri conprobem; illa enim sententia habet aliquid disputationis, haec vero non est tolerabilis. Itaque contendit omnis nervos Chrysippus, ut persuadeat omne *axioma* aut verum esse aut falsum. Ut enim Epicurus veretur, ne, si hoc concesserit, concedendum sit fato fieri, quaecumque fiant, (si enim alterum utrum ex aeternitate verum sit, esse id etiam certum et, si certum, etiam necessarium; ita et necessitatem et fatum confirmari putat), sic Chrysippus metuit, ne, si non obtinuerit omne, quod enuntietur, aut verum esse aut falsum, non teneat omnia fato fieri et ex causis aeternis rerum futurarum.

[22] Sed Epicurus declinatione atomi vitari necessitatem fati putat. Itaque tertius quidam motus oritur extra pondus et plagam, cum declinat atomus intervallo minimo (id appellat *elachiston*). Quam declinationem sine causa fieri si minus verbis, re cogitur confiteri. Non enim atomus ab atomo pulsa declinat. Nam qui potest pelli alia ab alia, si gravitate feruntur ad perpendiculum corpora individua rectis lineis, ut Epicuro placet? sequitur autem ut, si alia ab alia numquam depellatur, ne contingat quidem alia aliam; ex quo efficitur, etiamsi sit atomus eaque declinet, declinare sine causa.

[23] Hanc Epicurus rationem induxit ob eam rem, quod veritus est, ne, si semper atomus gravitate ferretur naturali ac necessaria, nihil liberum nobis esset, cum ita moveretur animus, ut atomorum motu cogeretur. Id Democritus, auctor atomorum, accipere maluit,

necessitate omnia fieri, quam a corporibus individuis naturalis motus avellere. Acutius Carneades, qui docebat posse Epicureos suam causam sine hac commenticia declinatione defendere. Nam cum docerent esse posse quendam animi motum voluntarium, id fuit defendi melius quam introducere declinationem, cuius praesertim causam reperire non possent; quo defenso facile Chrysippo possent resistere. Cum enim concessissent motum nullum esse sine causa, non concederent omnia, quae fierent, fieri causis antecedentibus; voluntatis enim nostrae non esse causas externas et antecedentis.

[24] Communi igitur consuetudine sermonis abutimur, cum ita dicimus, velle aliquid quempiam aut nolle sine causa; ita enim dicimus 'sine causa', ut dicamus: sine externa et antecedente causa, non sine aliqua; ut, cum vas inane dicimus, non ita loquimur, ut physici, quibus inane esse nihil placet, sed ita, ut verbi causa sine aqua, sine vino, sine oleo vas esse dicamus, sic, cum sine causa animum dicimus moveri, sine antecedente et externa causa moveri, non omnino sine causa dicimus. De ipsa atomo dici potest, cum per inane moveatur gravitate et pondere, sine causa moveri, quia nulla causa accedat extrinsecus.

[25] Rursus autem, ne omnes a physicis inrideamur si dicamus quicquam fieri sine causa, distinguendum est et ita dicendum, ipsius individui hanc esse naturam, ut pondere et gravitate moveatur, eamque ipsam esse causam, cur ita feratur. Similiter ad animorum motus voluntarios non est requirenda externa causa; motus enim voluntarius eam naturam in se ipse continet, ut sit in nostra potestate nobisque pareat, nec id sine causa; eius rei enim causa ipsa natura est.

[26] Quod cum ita sit, quid est, cur non omnis pronuntiatio aut vera aut falsa sit, nisi concesserimus fato fieri, quaecumque fiant? Quia futura vera, inquit, non possunt esse ea, quae causas, cur futura sint, non habent; habeant igitur causas necesse est ea, quae vera sunt; ita, cum evenerint, fato evenerint. Confectum negotium, siquidem concedendum tibi est aut fato omnia fieri, aut quicquam fieri posse sine causa.

[27] An aliter haec enuntiatio vera esse potest, 'Capiet Numantiam Scipio', nisi ex aeternitate causa causam serens hoc erit effectura? An hoc falsum potuisset esse, si esset sescentis saeculis ante dictum? Et

si tum non esset vera haec enuntiatio: ‘Capiet Numantiam Scipio’, ne illa quidem eversa vera est haec enuntiatio: ‘Cepit Numantiam Scipio.’ Potest igitur quicquam factum esse, quod non verum fuerit futurum esse? Nam ut praeterita ea vera dicimus, quorum superiore tempore vera fuerit instantia, sic futura, quorum consequenti tempore vera erit instantia, ea vera dicemus.

[28] Nec, si omne enuntiatum aut verum aut falsum est, sequitur ilico esse causas inmutabilis, easque aeternas, quae prohibeant quicquam secus cadere, atque casurum sit; fortuitae sunt causae, quae efficiant, ut vere dicantur, quae ita dicentur: ‘Veniet in senatum Cato’, non inclusae in rerum natura atque mundo; et tamen tam est inmutabile venturum, cum est verum, quam venisse (nec ob eam causam fatum aut necessitas extimescenda est); etenim erit confiteri necesse ‘Si hoc enuntiatum, “Veniet in Tusculanum Hortensius,” vera non est, sequitur, ut falsa sit.’ Quorum isti neutrum volunt; quod fieri non potest. Nec nos impediet illa ignava ratio, quae dicitur; appellatur enim quidam a philosophis *Argos Logos*, cui si pareamus, nihil omnino agamus in vita. Sic enim interrogant: ‘Si fatum tibi est ex hoc morbo convalescere, sive tu medicum adhibueris sive non adhibueris, convalesces;

[29] item, si fatum tibi est ex hoc morbo non convalescere, sive tu medicum adhibueris sive non adhibueris, non convalesces; et alterutrum fatum est; medicum ergo adhibere nihil attinet.’ Recte genus hoc interrogationis ignavum atque iners nominatum est, quod eadem ratione omnis e vita tolletur actio. Licet etiam inmutare, ut fati nomen ne adiungas et eandem tamen teneas sententiam, hoc modo: ‘Si ex aeternitate verum hoc fuit: “Ex isto morbo convalesces”, sive adhibueris medicum sive non adhibueris, convalesces; itemque, si ex aeternitate falsum hoc fuit: “Ex isto morbo convalesces”, sive adhibueris medicum sive non adhibueris, non convalesces’; deinde cetera.

[30] Haec ratio a Chrysippo reprehenditur. Quaedam enim sunt, inquit, in rebus simplicia, quaedam copulata; simplex est: ‘Morietur illo die Socrates’; huic, sive quid fecerit sive non fecerit, finitus est moriendi dies. At si ita fatum est: ‘Nascetur Oedipus Laio’, non poterit dici: ‘sive fuerit Laius cum muliere sive non fuerit’; copulata enim res est et confatalis; sic enim appellat, quia ita fatum sit et

concubiturum cum uxore Laium et ex ea Oedipum procreaturum, ut, si esset dictum: ‘Luctabitur Olympiis Milo’ et referret aliquis: ‘Ergo, sive habuerit adversarium sive non habuerit, luctabitur’, erraret; est enim copulatum ‘luctabitur’, quia sine adversario nulla luctatio est. Omnes igitur istius generis captiones eodem modo refelluntur. ‘Sive tu adhibueris medicum sive non adhibueris, convalesces’ captiosum; tam enim est fatale medicum adhibere quam convalescere. Haec, ut dixi, confatalia ille appellat.

[31] Carneades genus hoc totum non probabat et nimis inconsiderate concludi hanc rationem putabat. Itaque premebat alio modo nec ullam adhibebat calumniam; cuius erat haec conclusio: ‘Si omnia antecedentibus causis fiunt, omnia naturali conligatione conserte contexteque fiunt; quod si ita est, omnia necessitas efficit; id si verum est, nihil est in nostra potestate; est autem aliquid in nostra potestate; at, si omnia fato fiunt, omnia causis antecedentibus fiunt; non igitur fato fiunt, quaecumque fiunt.’

[32] Haec artius adstringi ratio non potest. Nam si quis velit idem referre atque ita dicere: ‘Si omne futurum ex aeternitate verum est, ut ita certe eveniat, quem ad modum sit futurum, omnia necesse est conligatione naturali conserte contexteque fieri’, nihil dicat. Multum enim differt, utrum causa naturalis ex aeternitate futura vera efficiat, an etiam sine aeternitate naturali, futura quae sint, ea vera esse possint intellegi. Itaque dicebat Carneades ne Apollinem quidem futura posse dicere nisi ea, quorum causas natura ita contineret, ut ea fieri necesse esset.

[33] Quid enim spectans deus ipse diceret Marcellum eum, qui ter consul fuit, in mari esse periturum? Erat hoc quidem verum ex aeternitate, sed causas id efficientis non habebat. Ita ne praeterita quidem ea, quorum nulla signa tamquam vestigia extarent, Apollini nota esse censebat; quanto minus futura, causis enim efficientibus quamque rem cognitis posse denique sciri quid futurum esset; ergo nec de Oedipode potuisse Apollinem praedicere nullis in rerum natura causis praepositis, cur ab eo patrem interfici necesse esset, nec quicquam eius modi. Quocirca, si Stoicis, qui omnia fato fieri dicunt, consentaneum est huiusmodi oracula ceteraque, quae ad divinationem pertinent, comprobare, eis autem qui, quae futura sunt ea vera esse ex aeternitate dicunt non idem dicendum est, vide ne non

eadem sit illorum causa et Stoicorum; hi enim urguentur angustius, illorum ratio soluta ac libera est.

[34] Quodsi concedatur nihil posse evenire nisi causa antecedente, quid proficiatur, si ea causa non ex aeternis causis apta dicatur? Causa autem ea est, quae id efficit, cuius est causa, ut vulnus mortis, cruditas morbi, ignis ardoris. Itaque non sic causa intellegi debet, ut, quod cuique antecedat, id ei causa sit, sed quod cuique efficienter antecedat, nec, quod in campum descenderim, id fuisse causae, cur pila luderem, nec Hecubam causam interitus fuisse Troianis, quod Alexandrum genuerit, nec Tyndareum Agamemnoni, quod Clytaemnestram. Hoc enim modo viator quoque bene vestitus causa grassatori fuisse dicetur, cur ab eo spoliaretur.

[35] Ex hoc genere illud est Ennii,

utinam ne in nemore Pelio securibus
caesae accidissent abiegnae ad terram trabes!

Licuit vel altius: 'Utinam ne in Pelio nata ulla umquam esset arbor!' etiam supra: 'Utinam ne esset mons ullus Pelius!' similiterque superiora repetentem regredi infinite licet.

Neve inde navis inchoandi exordium
cepisset.

Quorsum haec praeterita? quia sequitur illud,

Nam numquam era errans mea domo ecferret pedem
Medea, animo aegra, amore saevo saucia,

non erat ut eae res causam adferrent amoris.

[36] Interesse autem aiunt, utrum eius modi quid sit, sine quo effici aliquid non possit, an eius modi, cum quo effici aliquid necesse sit. Nulla igitur earum est causa, quoniam nulla eam rem sua vi efficit, cuius causa dicitur; nec id, sine quo quippiam non fit, causa est, sed id, quod cum accessit, id, cuius est causa, efficit necessario. Nondum enim ulcerato serpentis morsu Philocteta quae causa in rerum natura continebatur, fore ut is in insula Lemno linqueretur? post autem causa fuit propior et cum exitu iunctior.

[37] Ratio igitur eventus aperuit causam; sed ex aeternitate vera fuit haec enuntiatio: ‘Relinquetur in insula Philoctetes’, nec hoc ex vero in falsum poterat convertere. Necesse est enim in rebus contrariis duabus — contraria autem hoc loco ea dico, quorum alterum ait quid, alterum negat — ex eis igitur necesse est invito Epicuro alterum verum esse, alterum falsum, ut ‘Sauciabitur Philocteta’ omnibus ante saeculis verum fuit, ‘Non sauciabitur’ falsum; nisi forte volumus Epicureorum opinionem sequi, qui tales enuntiationes nec veras nec falsas esse dicunt aut, cum id pudet, illud tamen dicunt, quod est inpudentius, veras esse ex contrariis diiunctiones, sed, quae in his enuntiata sint, eorum neutrum esse verum.

[38] O admirabilem licentiam et miserabilem inscientiam disserendi! Si enim aliquid in eloquendo nec verum nec falsum est, certe id verum non est; quod autem verum non est, qui potest non falsum esse? aut, quod falsum non est, qui potest non verum esse? tenebitur igitur id, quod a Chrysippo defenditur, omnem enuntiationem aut veram aut falsam esse; ratio ipsa coget et ex aeternitate quaedam esse vera, et ea non esse nexa causis aeternis et a fati necessitate esse libera.

[39] Ac mihi quidem videtur, cum duae sententiae fuissent veterum philosophorum, una eorum, qui censerent omnia ita fato fieri, ut id fatum vim necessitatis adferret, in qua sententia Democritus, Heraclitus, Empedocles, Aristoteles fuit, altera eorum, quibus viderentur sine ullo fato esse animorum motus voluntarii, Chrysippus tamquam arbiter honorarius medium ferire voluisse — sed applicat se ad eos potius, qui necessitate motus animos liberatos volunt; dum autem verbis utitur suis, delabitur in eas difficultates, ut necessitatem fati confirmet invitus.

[40] Atque hoc, si placet, quale sit videamus in adsensionibus, quas prima oratione tractavi. Eas enim veteres illi, quibus omnia fato fieri videbantur, vi effici et necessitate dicebant. Qui autem ab eis dissentiebant, fato adsensiones liberabant negabantque fato adsensionibus adhibito necessitatem ab his posse removeri, iique ita disserebant: ‘Si omnia fato fiunt, omnia fiunt causa antecedente, et, si adpetitus, illa etiam, quae adpetitum sequuntur, ergo etiam adsensiones; at, si causa adpetitus non est sita in nobis, ne ipse quidem adpetitus est in nostra potestate; quod si ita est, ne illa

quidem, quae adpetitu efficiuntur, sunt sita in nobis; non sunt igitur neque adsensiones neque actiones in nostra potestate. Ex quo efficitur, ut nec laudationes iustae sint nec vituperationes nec honores nec supplicia'. Quod cum vitiosum sit, probabiliter concludi putant non omnia fato fieri, quaecumque fiant.

[41] Chrysippus autem cum et necessitatem inprobaret et nihil vellet sine praepositis causis evenire, causarum genera distinguit, ut et necessitatem effugiat et retineat fatum. 'Causarum enim', inquit, 'aliae sunt perfectae et principales, aliae adiuvantes et proximae. Quam ob rem, cum dicimus omnia fato fieri causis antecedentibus, non hoc intellegi volumus: causis perfectis et principalibus, sed causis adiuvantibus et proximis'. Itaque illi rationi, quam paulo ante conclusi, sic occurrit: si omnia fato fiant, sequi illud quidem, ut omnia causis fiant antepositis, verum non principalibus causis et perfectis, sed adiuvantibus et proximis. Quae si ipsae non sunt in nostra potestate, non sequitur, ut ne adpetitus quidem sit in nostra potestate. At hoc sequeretur, si omnia perfectis et principalibus causis fieri diceremus, ut, cum eae causae non essent in nostra potestate, ne ille quidem esset in nostra potestate.

[42] Quam ob rem, qui ita fatum introducunt, ut necessitatem adiungant, in eos valebit illa conclusio; qui autem causas antecedentis non dicent perfectas neque principalis, in eos nihil valebit. Quod enim dicantur adsensiones fieri causis antepositis, id quale sit, facile a se explicari putat. Nam quamquam adsensio non possit fieri nisi commota viso, tamen, cum id visum proximam causam habeat, non principalem, hanc habet rationem, ut Chrysippus vult, quam dudum diximus, non ut illa quidem fieri possit nulla vi extrinsecus excitata (necesse est enim adsensionem viso commoveri), sed revertitur ad cylindrum et ad turbinem suum, quae moveri incipere nisi pulsa non possunt. Id autem cum accidit, suapte natura, quod superest, et cylindrum volvi et versari turbinem putat.

[43] 'Ut igitur', inquit, 'qui protrusit cylindrum, dedit ei principium motionis, volubilitatem autem non dedit, sic visum obiectum inprimet illud quidem et quasi signabit in animo suam speciem, sed adsensio nostra erit in potestate, eaque, quem ad modum in cylindro dictum est, extrinsecus pulsa, quod reliquum est, suapte vi et natura movebitur. Quodsi aliqua res efficeretur sine causa antecedente,

falsum esset omnia fato fieri; sin omnibus, quaecumque fiunt, veri simile est causam antecedere, quid adferri poterit, cur non omnia fato fieri fatendum sit? modo intellegatur, quae sit causarum distinctio ac dissimilitudo.'

[44] Haec cum ita sint a Chrysippo explicata, si illi, qui negant adsensiones fato fieri, fateantur tamen eas sine viso antecedente fieri, alia ratio est; sed, si concedunt anteire visa, nec tamen fato fieri adsensiones, quod proxima illa et continens causa non moveat adsensionem, vide, ne idem dicant. Neque enim Chrysippus, concedens adsensionis proximam et continentem causam esse in viso positam, eam causam esse ad adsentiendum necessariam concedet, ut, si omnia fato fiant, omnia causis fiant antecedentibus et necessariis; itemque illi, qui ab hoc dissentiunt confitentes non fieri adsensiones sine praecursione visorum, dicent, si omnia fato fierent eius modi, ut nihil fieret nisi praegressione causae, confitendum esse fato fieri omnia; ex quo facile intellectu est, quoniam utrique patefacta atque explicata sententia sua ad eundem exitum veniant, verbis eos, non re dissidere.

[45] Omninoque cum haec sit distinctio, ut quibusdam in rebus vere dici possit, cum hae causae antegressae sint, non esse in nostra potestate, quin illa eveniant, quorum causae fuerint, quibusdam autem in rebus causis antegressis in nostra tamen esse potestate, ut illud aliter eveniat, hanc distinctionem utrique adprobant, sed alteri censent, quibus in rebus, cum causae antecesserint, non sit in nostra potestate, ut aliter illa eveniant, eas fato fieri; quae autem in nostra potestate sint, ab eis fatum abesse . . . .

[46] Hoc modo hanc causam disceptari oportet, non ab atomis errantibus et de via declinantibus petere praesidium. 'Declinat', inquit, 'atomus'. Primum cur? aliam enim quandam vim motus habebant a Democrito inpulsionis, quam plagam ille appellat, a te, Epicure, gravitatis et ponderis. Quae ergo nova causa in natura est, quae declinet atomum? aut num sortiuntur inter se, quae declinet, quae non? aut cur minimo declinent intervallo, maiore non? aut cur declinent uno minimo, non declinent duobus aut tribus?

[47] Optare hoc quidem est, non disputare. Nam neque extrinsecus inpulsam atomum loco moveri et declinare dicis, neque in illo inani, per quod feratur atomus, quicquam fuisse causae, cur ea non e

regione ferretur, nec in ipsa atomo mutationis aliquid factum est quam ob rem naturalem motum sui ponderis non teneret. Ita cum attulisset nullam causam, quae istam declinationem efficeret, tamen aliquid sibi dicere videtur, cum id dicat, quod omnium mentes aspernentur ac respuant.

[48] Nec vero quisquam magis confirmasse mihi videtur non modo fatum, verum etiam necessitatem et vim omnium rerum sustulisseque motus animi voluntarios, quam hic, qui aliter obsistere fato fatetur se non potuisse, nisi ad has commenticias declinationes confugisset. Nam, ut essent atomi, quas quidem esse mihi probari nullo modo potest, tamen declinationes istae numquam explicarentur. Nam si atomis, ut gravitate ferantur, tributum est necessitate naturae, quod omne pondus nulla re inpediente moveatur et feratur necesse est, illud quoque necesse est, declinare, quibusdam atomis vel, si volunt, omnibus naturaliter . . . .

FRAGMENTA

Gel. N.A. 7.2.15: Chrysippus aestuans laboransque, quonam <pacto> explicet et fato omnia fieri, et esse aliquid in nobis, intricatur hoc modo.

Serv. A. 3.376: Fatum est conexio rerum per aeternitatem se invicem tenens, quae suo ordine et lege variatur, ita tamen, ut ipsa varietas habeat aeternitatem.

August. C.D. 5.8: Tales sunt hominum mentes, quali pater ipse Iuppiter auctiferas lustravit lumine terras.

Macr. Sat. 3.16.3 sq.: Nam cum esset apud se ad Lavernium Scipio unaque Pontius, adlatus est forte Scipioni acupenser, qui admodum raro capitur, sed est piscis, ut ferunt, in primis nobilis. Cum autem Scipio unum et alterum ex iis, qui eum salutatum venerant, invitavisset pluresque etiam invitaturus videretur, in aurem Pontius: ‘Scipio’, inquit, ‘vide, quid agas; acupenser iste paucorum hominum est.’

CATO MAIOR DE SENECTUTE (On Old Age)

M. TVLLI CICERONIS CATO MAIOR DE SENECTVTE

I.1. O Tite, si quid ego adiuero curamve levasso,
Quae nunc te coquit et versat in pectore fixa,
Ecquid erit praemi?

Licet enim mihi versibus eisdem adfari te, Attice, quibus adfatur Flamininum

Ille vir haud magna cum re, sed plenus fidei;

quamquam certo scio non, ut Flamininum,

Sollicitari te, Tite, sic noctesque diesque;

novi enim moderationem animi tui et aequitatem, teque non cognomen solum Athenis deportasse, sed humanitatem et prudentiam intellego. Et tamen te suspicor eisdem rebus quibus me ipsum interdum gravius commoveri, quarum consolatio et maior est et in aliud tempus differenda. Nunc autem visum est mihi de senectute aliquid ad te conscribere.

2. Hoc enim onere, quod mihi commune tecum est, aut iam urgentis aut certe adventantis senectutis et te et me etiam ipsum levari volo; etsi te quidem id modice ac sapienter, sicut omnia, et ferre et laturum esse certo scio. Sed mihi, cum de senectute vellem aliquid scribere, tu occurrebas dignus eo munere, quo uterque nostrum communiter uteretur. Mihi quidem ita iucunda huius libri confectio fuit, ut non modo omnis absterserit senectutis molestias, sed effecerit mollem etiam et iucundam senectutem. Numquam igitur satis digne laudari philosophia poterit, cui qui pareat, omne tempus aetatis sine molestia possit degere.

3. Sed de ceteris et diximus multa et saepe dicemus; hunc librum ad te de senectute misimus. Omnem autem sermonem tribuimus non Tithono, ut Aristo Cius, (parum enim esset auctoritatis in fabula), sed M. Catoni seni, quo maiorem auctoritatem haberet oratio; apud quem Laelium et Scipionem facimus admirantis quod is tam facile senectutem ferat, eisque eum respondentem. Qui si eruditius videbitur disputare quam consuevit ipse in suis libris, attribuito

litteris Graecis, quarum constat eum perstudiosum fuisse in senectute. Sed quid opus est plura? Iam enim ipsius Catonis sermo explicabit nostram omnem de senectute sententiam.

II. 4. Scipio. Saepe numero admirari soleo cum hoc C. Laelio cum ceterarum rerum tuam excellentem, M. Cato, perfectamque sapientiam, tum vel maxime quod numquam tibi senectutem gravem esse senserim, quae plerisque senibus sic odiosa est, ut onus se Aetna gravius dicant sustinere. Cato. Rem haud sane difficilem, Scipio et Laeli, admirari videmini. Quibus enim nihil est in ipsis opis ad bene beateque vivendum, eis omnis aetas gravis est; qui autem omnia bona a se ipsi petunt, eis nihil malum potest videri quod naturae necessitas adferat. Quo in genere est in primis senectus, quam ut adipiscantur omnes optant, eandem accusant adeptam; tanta est stultitiae inconstantia atque perversitas. Obrepere aiunt eam citius, quam putassent. Primum quis coegit eos falsum putare? Qui enim citius adulescentiae senectus quam pueritiae adulescentia obrepit? Deinde qui minus gravis esset eis senectus, si octingentesimum annum agerent quam si octogesimum? Praeterita enim aetas quamvis longa cum effluxisset, nulla consolatio permulcere posset stultam senectutem.

5. Quocirca si sapientiam meam admirari soletis (quae utinam digna esset opinione vestra nostroque cognomine!), in hoc sumus sapientes, quod naturam optimam ducem tamquam deum sequimur eique paremus; a qua non veri simile est, cum ceterae partes aetatis bene descriptae sint, extremum actum tamquam ab inerti poeta esse neglectum. Sed tamen necesse fuit esse aliquid extremum et, tamquam in arborum bacis terraeque fructibus maturitate tempestiva quasi vietum et caducum, quod ferundum est molliter sapienti. Quid est enim aliud Gigantum modo bellare cum dis nisi naturae repugnare?

6. Laelius. Atqui, Cato, gratissimum nobis, ut etiam pro Scipione pollicear, feceris, si, quoniam speramus, volumus quidem certe senes fieri, multo ante a te didicerimus, quibus facillime rationibus ingravescentem aetatem ferre possimus. Cato. Faciam vero, Laeli, praesertim si utrique vestrum, ut dicis, gratum futurum est. Laelius. Volumus sane, nisi molestum est, Cato, tamquam longam aliquam viam confeceris, quam nobis quoque ingrediundum sit, istuc, quo

pervenisti videre quale sit.

III. 7. Cato. Faciam, ut potero, Laeli. Saepe enim interfui querellis aequalium meorum — pares autem, vetere proverbio, cum paribus facillime congregantur — quae C. Salinator, quae Sp. Albinus, homines consulares nostri fere aequales, deplorare solebant, tum quod voluptatibus carerent sine quibus vitam nullam putarent, tum quod spernerentur ab eis, a quibus essent coli soliti. Qui mihi non id videbantur accusare, quod esset accusandum. Nam si id culpa senectutis accideret, eadem mihi usu venirent reliquisque omnibus maioribus natu, quorum ego multorum cognovi senectutem sine querella, qui se et libidinum vinculis laxatos esse non moleste ferrent nec a suis despicerentur. Sed omnium istius modi querellarum in moribus est culpa, non in aetate. Moderati enim et nec difficiles nec inhumani senes tolerabilem senectutem agunt; importunitas autem et inhumanitas omni aetati molesta est.

8. Laelius. Est, ut dicis, Cato; sed fortasse dixerit quispiam tibi propter opes et copias et dignitatem tuam tolerabiliorem senectutem videri, id autem non posse multis contingere. Cato. Est istuc quidem, Laeli, aliquid, sed nequaquam in isto sunt omnia. Ut Themistocles fertur Seriphio cuidam in iurgio respondisse, cum ille dixisset non eum sua, sed patriae gloria splendorem adsecutum: ‘Nec hercule,’ inquit, ‘si ego Seriphius essem, nec tu, si Atheniensis clarus umquam fuisses.’ Quod eodem modo de senectute dici potest. Nec enim in summa inopia levis esse senectus potest ne sapienti quidem, nec insipienti etiam in summa copia non gravis.

9. Aptissima omnino sunt, Scipio et Laeli, arma senectutis artes exercitationesque virtutum, quae in omni aetate cultae, cum diu multumque vixeris, mirificos ecferunt fructus, non solum quia numquam deserunt, ne extremo quidem tempore aetatis (quamquam id quidem maximum est), verum etiam quia conscientia bene actae vitae multorumque bene factorum recordatio iucundissima est.

IV. 10. Ego Q. Maximum, eum qui Tarentum recepit, senem adulescens ita dilexi, ut aequalem; erat enim in illo viro comitate condita gravitas, nec senectus mores mutaverat. Quamquam eum colere coepi non admodum grandem natu, sed tamen iam aetate provectum. Anno enim post consul primum fuerat quam ego natus sum, cumque eo quartum consule adulescentulus miles ad Capuam

profectus sum quintoque anno post ad Tarentum. Quaestor deinde quadriennio post factus sum, quem magistratum gessi consulibus Tuditano et Cethego, cum quidem ille admodum senex suasor legis Cinciae de donis et muneribus fuit. Hic et bella gerebat ut adulescens, cum plane grandis esset, et Hannibalem iuveniliter exsultantem patientia sua molliebat; de quo praeclare familiaris noster Ennius:

Unus homo nobis cunctando restituit rem,
Noenum rumores ponebat ante salutem:
Ergo plusque magisque viri nunc gloria claret.

11. Tarentum vero qua vigilantia, quo consilio recepit! cum quidem me audiente Salinatori, qui amisso oppido fugerat in arcem, glorianti atque ita dicenti; ‘Mea opera, Q. Fabi, Tarentum recepisti,’ ‘Certe,’ inquit ridens, ‘nam nisi tu amisisses numquam recepissem.’ Nec vero in armis praestantior quam in toga; qui consul iterum Sp. Carvilio conlega quiescente C. Flaminio tribuno plebis, quoad potuit, restitit agrum Picentem et Gallicum viritim contra senatus auctoritatem dividenti; augurque cum esset, dicere ausus est optimis auspiciis ea geri, quae pro rei publicae salute gererentur, quae contra rem publicam ferrentur, contra auspicia ferri.

12. Multa in eo viro praeclara cognovi; sed nihil admirabilius, quam quo modo ille mortem fili tulit clari viri et consularis. Est in manibus laudatio, quam cum legimus, quem philosophum non contemnimus? Nec vero ille in luce modo atque in oculis civium magnus, sed intus domique praestantior. Qui sermo, quae praecepta, quanta notitia antiquitatis, scientia iuris auguri! Multae etiam, ut in homine Romano, litterae. Omnia memoria tenebat, non domestica solum, sed etiam externa bella. Cuius sermone ita tum cupide fruebar, quasi iam divinarem id quod evenit, illo exstincto, fore, unde discerem, neminem.

V. 13. Quorsus igitur haec tam multa de Maximo? Quia profecto videtis nefas esse dictu miseram fuisse talem senectutem. Nec tamen omnes possunt esse Scipiones aut Maximi, ut urbium expugnationes, ut pedestres navalesve pugnas, ut bella a se gesta, ut triumphos recordentur. Est etiam quiete et pure atque eleganter actae aetatis

placida ac lenis senectus, qualem accepimus Platonis, qui uno et octogesimo anno scribens est mortuus, qualem Isocratis, qui eum librum, qui Panathenaicus inscribitur, quarto et nonagesimo anno scripsisse se dicit, vixitque quinquennium postea; cuius magister Leontinus Gorgias centum et septem complevit annos neque umquam in suo studio atque opere cessavit. Qui, cum ex eo quaereretur, cur tam diu vellet esse in vita, 'Nihil habeo,' inquit, 'quod accusem senectutem.' Praeclarum responsum et docto homine dignum.

14. Sua enim vitia insipientes et suam culpam in senectutem conferunt, quod non faciebat is, cuius modo mentionem feci, Ennius:

Sicut fortis equus, spatio qui saepe supremo
Vicit Olympia, nunc senio confectus quiescit.

Equi fortis et victoris senectuti comparat suam. Quem quidem probe meminisse potestis; anno enim undevicesimo post eius mortem hi consules T. Flamininus et M'. Acilius facti sunt; ille autem Caepione et Philippo iterum consulibus mortuus est, cum ego quinque et sexaginta annos natus legem Voconiam magna voce et bonis lateribus suasissem. Annos septuaginta natus (tot enim vixit Ennius) ita ferebat duo, quae maxima putantur onera, paupertatem et senectutem, ut eis paene delectari videretur.

15. Etenim, cum complector animo, quattuor reperio causas, cur senectus misera videatur: unam, quod avocet a rebus gerendis; alteram, quod corpus faciat infirmius; tertiam, quod privet fere omnibus voluptatibus; quartam, quod haud procul absit a morte. Earum, si placet, causarum quanta quamque sit iusta una quaeque, videamus. VI. A rebus gerendis senectus abstrahit. Quibus? An eis, quae iuventute geruntur et viribus? Nullaene igitur res sunt seniles quae, vel infirmis corporibus, animo tamen administrentur? Nihil ergo agebat Q. Maximus, nihil L. Paulus, pater tuus, socer optimi viri, fili mei? Ceteri senes, Fabricii, Curii, Coruncanii, cum rem publicam consilio et auctoritate defendebant, nihil agebant?

16. Ad Appi Claudi senectutem accedebat etiam, ut caecus esset; tamen is, cum sententia senatus inclinaret ad pacem cum Pyrrho foedusque faciendum, non dubitavit dicere illa, quae versibus

persecutus est Ennius:

> Quo vobis mentes, rectae quae stare solebant
> Antehac, dementis sese flexere viai?

ceteraque gravissime; notum enim vobis carmen est; et tamen ipsius Appi exstat oratio. Atque haec ille egit septimo decimo anno post alterum consulatum, cum inter duos consulatus anni decem interfuissent, censorque ante superiorem consulatum fuisset; ex quo intellegitur Pyrrhi bello grandem sane fuisse; et tamen sic a patribus accepimus.

17. Nihil igitur adferunt qui in re gerenda versari senectutem negant, similesque sunt ut si qui gubernatorem in navigando nihil agere dicant, cum alii malos scandant, alii per foros cursent, alii sentinam exhauriant, ille autem clavum tenens quietus sedeat in puppi, non faciat ea quae iuvenes. At vero multo maiora et meliora facit. Non viribus aut velocitate aut celeritate corporum res magnae geruntur, sed consilio, auctoritate, sententia; quibus non modo non orbari, sed etiam augeri senectus solet.

18. Nisi forte ego vobis, qui et miles et tribunus et legatus et consul versatus sum in vario genere bellorum, cessare nunc videor, cum bella non gero. At senatui, quae sint gerenda, praescribo et quo modo; Karthagini male iam diu cogitanti bellum multo ante denuntio; de qua vereri non ante desinam quam illam excisam esse cognovero.

19. Quam palmam utinam di immortales, Scipio, tibi reservent, ut avi reliquias persequare! cuius a morte tertius hic et tricesimus annus est, sed memoriam illius viri omnes excipient anni consequentes. Anno ante me censorem mortuus est, novem annis post meum consulatum, cum consul iterum me consule creatus esset. Num igitur, si ad centesimum annum vixisset, senectutis eum suae paeniteret? Nec enim excursione nec saltu nec eminus hastis aut comminus gladiis uteretur, sed consilio, ratione, sententia; quae nisi essent in senibus, non summum consilium maiores nostri appellassent senatum.

20. Apud Lacedaemonios quidem ei, qui amplissimum magistratum gerunt, ut sunt, sic etiam nominantur senes. Quod si

legere aut audire voletis externa, maximas res publicas ab adulescentibus labefactatas, a senibus sustentatas et restitutas reperietis.

Cedo, qui vestram rem publicam tantam amisistis tam cito?

Sic enim percontantur in Naevi poetae Ludo. Respondentur et alia et hoc in primis:

Proveniebant oratores novi, stulti adulescentuli.

Temeritas est videlicet florentis aetatis, prudentia senescentis.

VII. 21. At memoria minuitur. Credo, nisi eam exerceas, aut etiam si sis natura tardior. Themistocles omnium civium perceperat nomina; num igitur censetis eum, cum aetate processisset, qui Aristides esset, Lysimachum salutare solitum? Equidem non modo eos novi, qui sunt, sed eorum patres etiam et avos, nec sepulcra legens vereor, quod aiunt, ne memoriam perdam; his enim ipsis legendis in memoriam redeo mortuorum. Nec vero quemquam senem audivi oblitum, quo loco thesaurum obruisset; omnia, quae curant, meminerunt; vadimonia constituta, quis sibi, cui ipsi debeant.

22. Quid iuris consulti, quid pontifices, quid augures, quid philosophi senes, quam multa meminerunt! Manent ingenia senibus, modo permaneat studium et industria, neque ea solum in claris et honoratis viris, sed in vita etiam privata et quieta. Sophocles ad summam senectutem tragoedias fecit; quod propter studium cum rem neglegere familiarem videretur, a filiis in iudicium vocatus est, ut, quem ad modum nostro more male rem gerentibus patribus bonis interdici solet, sic illum quasi desipientem a re familiari removerent iudices. Tum senex dicitur eam fabulam, quam in manibus habebat et proxime scripserat, Oedipum Coloneum, recitasse iudicibus quaesisseque, num illud carmen desipientis videretur. Quo recitato sententiis iudicum est liberatus.

23. Num igitur hunc, num Homerum, Hesiodum, Simonidem, Stesichorum, num, quos ante dixi, Isocraten, Gorgian, num philosophorum principes, Pythagoram, Democritum, num Platonem, num Xenocraten, num postea Zenonem, Cleanthem, aut eum, quem vos etiam vidistis Romae, Diogenem Stoicum, coegit in suis studiis obmutescere senectus? An in omnibus studiorum agitatio vitae aequalis fuit?

24. Age, ut ista divina studia omittamus, possum nominare ex agro Sabino rusticos Romanos, vicinos et familiares meos, quibus absentibus numquam fere ulla in agro maiora opera fiunt, non serendis, non percipiendis, non condendis fructibus. Quamquam in aliis minus hoc mirum est; nemo enim est tam senex qui se annum non putet posse vivere: sed idem in eis elaborant quae sciunt nihil ad se omnino pertinere.

Serit arbores, quae alteri saeclo prosint,

ut ait Statius noster in Synephebis.

25. Nec vero dubitat agricola, quamvis sit senex, quaerenti, cui serat respondere: 'Dis immortalibus, qui me non accipere modo haec a maioribus voluerunt, sed etiam posteris prodere.' VIII. Et melius Caecilius de sene alteri saeclo prospiciente quam illud idem:

Edepol, senectus, si nil quicquam aliud viti
Adportes tecum, cum advenis, unum id sat est,
Quod diu vivendo multa, quae non volt, videt.

Et multa fortasse, quae volt; atque in ea, quae non volt, saepe etiam adulescentia incurrit. Illud vero idem Caecilius vitiosius:

Tum equidem in senecta hoc deputo miserrimum,
Sentire ea aetate eumpse esse odiosum alteri.

26. Iucundum potius quam odiosum. Ut enim adulescentibus bona indole praeditis sapientes senes delectantur, leviorque fit senectus eorum qui a iuventute coluntur et diliguntur, sic adulescentes senum praeceptis gaudent, quibus ad virtutum studia ducuntur; nec minus intellego me vobis quam mihi vos esse iucundos. Sed videtis, ut senectus non modo languida atque iners non sit, verum etiam sit operosa et semper agens aliquid et moliens, tale scilicet quale cuiusque studium in superiore vita fuit. Quid qui etiam addiscunt aliquid? ut et Solonem versibus gloriantem videmus, qui se cotidie aliquid addiscentem dicit senem fieri, et ego feci qui litteras Graecas senex didici; quas quidem sic avide arripui quasi diuturnam sitim explere cupiens, ut ea ipsa mihi nota essent quibus me nunc exemplis uti videtis. Quod cum fecisse Socratem in fidibus audirem, vellem

equidem etiam illud (discebant enim fidibus antiqui), sed in litteris certe elaboravi.

IX. 27. Ne nunc quidem vires desidero adulescentis (is enim erat locus alter de vitiis senectutis), non plus quam adulescens tauri aut elephanti desiderabam. Quod est, eo decet uti et, quicquid agas, agere pro viribus. Quae enim vox potest esse contemptior quam Milonis Crotoniatae? qui, cum iam senex esset athletasque se exercentes in curriculo videret, aspexisse lacertos suos dicitur inlacrimansque dixisse: 'At hi quidem mortui iam sunt.' Non vero tam isti quam tu ipse, nugator; neque enim ex te umquam es nobilitatus, sed ex lateribus et lacertis tuis. Nihil Sex. Aelius tale, nihil multis annis ante Ti. Coruncanius, nihil modo P. Crassus, a quibus iura civibus praescribebantur, quorum usque ad extremum spiritum est provecta prudentia.

28. Orator metuo ne languescat senectute; est enim munus eius non ingeni solum, sed laterum etiam et virium. Omnino canorum illud in voce splendescit etiam nescio quo pacto in senectute, quod equidem adhuc non amisi, et videtis annos. Sed tamen est decorus seni sermo quietus et remissus, facitque per se ipsa sibi audientiam diserti senis composita et mitis oratio. Quam si ipse exsequi nequeas, possis tamen Scipioni praecipere et Laelio. Quid enim est iucundius senectute stipata studiis iuventutis?

29. An ne illas quidem vires senectuti relinquemus, ut adulescentis doceat, instituat, ad omne offici munus instruat? Quo quidem opere quid potest esse praeclarius? Mihi vero et Cn. et P. Scipiones et avi tui duo, L. Aemilius et P. Africanus, comitatu nobilium iuvenum fortunati videbantur nec ulli bonarum artium magistri non beati putandi, quamvis consenuerint vires atque defecerint. Etsi ipsa ista defectio virium adulescentiae vitiis efficitur saepius quam senectutis; libidinosa enim et intemperans adulescentia effetum corpus tradit senectuti.

30. Cyrus quidem apud Xenophontem eo sermone, quem moriens habuit, cum admodum senex esset, negat se umquam sensisse senectutem suam imbecilliorem factam, quam adulescentia fuisset. Ego L. Metellum memini puer, qui cum quadriennio post alterum consulatum pontifex maximus factus esset viginti et duos annos ei sacerdotio praefuit, ita bonis esse viribus extremo tempore aetatis, ut

adulescentiam non requireret. Nihil necesse est mihi de me ipso dicere, quamquam est id quidem senile aetatique nostrae conceditur.

X. 31. Videtisne, ut apud Homerum saepissime Nestor de virtutibus suis praedicet? Tertiam iam enim aetatem hominum videbat, nec erat ei verendum ne vera praedicans de se nimis videretur aut insolens aut loquax. Etenim, ut ait Homerus, 'ex eius lingua melle dulcior fluebat oratio,' quam ad suavitatem nullis egebat corporis viribus. Et tamen dux ille Graeciae nusquam optat, ut Aiacis similis habeat decem, sed ut Nestoris; quod si sibi acciderit, non dubitat, quin brevi sit Troia peritura.

32. Sed redeo ad me. Quartum ago annum et octogesimum; vellem equidem idem possem gloriari quod Cyrus, sed tamen hoc queo dicere, non me quidem eis esse viribus, quibus aut miles bello Punico aut quaestor eodem bello aut consul in Hispania fuerim aut quadriennio post, cum tribunus militaris depugnavi apud Thermopylas M'. Glabrione consule; sed tamen, ut vos videtis, non plane me enervavit, non adflixit senectus, non curia vires meas desiderat, non rostra, non amici, non clientes, non hospites. Nec enim umquam sum adsensus veteri illi laudatoque proverbio, quod monet 'mature fieri senem, si diu velis senex esse.' Ego vero me minus diu senem esse mallem quam esse senem, ante quam essem. Itaque nemo adhuc convenire me voluit, cui fuerim occupatus.

32. At minus habeo virium quam vestrum utervis. Ne vos quidem T. Ponti centurionis vires habetis; num idcirco est ille praestantior? Moderatio modo virium adsit, et tantum quantum potest quisque nitatur, ne ille non magno desiderio tenebitur virium. Olympiae per stadium ingressus esse Milo dicitur, cum umeris sustineret bovem. Utrum igitur has corporis an Pythagorae tibi malis vires ingeni dari? Denique isto bono utare, dum adsit, cum absit, ne requiras, nisi forte adulescentes pueritiam, paululum aetate progressi adulescentiam debent requirere. Cursus est certus aetatis et una via naturae, eaque simplex, suaque cuique parti aetatis tempestivitas est data, ut et infirmitas puerorum, et ferocitas iuvenum et gravitas iam constantis aetatis et senectutis maturitas naturale quiddam habeat, quod suo tempore percipi debeat.

34. Audire te arbitror, Scipio, hospes tuus avitus Masinissa quae faciat hodie nonaginta natus annos; cum ingressus iter pedibus sit, in

equum omnino non ascendere; cum autem equo, ex equo non descendere; nullo imbri, nullo frigore adduci ut capite operto sit, summam esse in eo siccitatem corporis, itaque omnia exsequi regis officia et munera. Potest igitur exercitatio et temperantia etiam in senectute conservare aliquid pristini roboris. XI. Non sunt in senectute vires. Ne postulantur quidem vires a senectute. Ergo et legibus et institutis vacat aetas nostra muneribus eis, quae non possunt sine viribus sustineri. Itaque non modo, quod non possumus, sed ne quantum possumus quidem cogimur.

35. At multi ita sunt imbecilli senes, ut nullum offici aut omnino vitae munus exsequi possint. At id quidem non proprium senectutis vitium est, sed commune valetudinis. Quam fuit imbecillus P. Africani filius, is qui te adoptavit, quam tenui aut nulla potius valetudine! Quod ni ita fuisset, alterum illud exstitisset lumen civitatis; ad paternam enim magnitudinem animi doctrina uberior accesserat. Quid mirium igitur in senibus si infirmi sint aliquando, cum id ne adulescentes quidem effugere possint? Resistendum, Laeli et Scipio, senectuti est, eiusque vitia diligentia compensanda sunt, pugnandum tamquam contra morbum sic contra senectutem;

36. habenda ratio valetudinis, utendum exercitationibus modicis, tantum cibi et potionis adhibendum ut reficiantur vires, non opprimantur. Nec vero corpori solum subveniendum est, sed menti atque animo multo magis; nam haec quoque, nisi tamquam lumini oleum instilles, exstinguuntur senectute. Et corpora quidem exercitationum defatigatione ingravescunt, animi autem exercendo levantur. Nam quos ait Caecilius

— comicos stultos senes,

hos significat credulos, obliviosos, dissolutos, quae vitia sunt non senectutis, sed inertis, ignavae, somniculosae senectutis. Ut petulantia, ut libido magis est adulescentium quam senum, nec tamen omnium adulescentium, sed non proborum, sic ista senilis stultitia, quae deliratio appellari solet, senum levium est, non omnium.

37. Quattuor robustos filios, quinque filias, tantam domum, tantas clientelas Appius regebat et caecus et senex, intentum enim animum tamquam arcum habebat nec languescens succumbebat senectuti. Tenebat non modo auctoritatem, sed etiam imperium in suos: metuebant servi, verebantur liberi, carum omnes habebant; vigebat in

illa domo mos patrius et disciplina.

38. Ita enim senectus honesta est, si se ipsa defendit, si ius suum retinet, si nemini emancipata est, si usque ad ultimum spiritum dominatur in suos. Ut enim adulescentem in quo est senile aliquid, sic senem in quo est aliquid adulescentis probo; quod qui sequitur, corpore senex esse poterit, animo numquam erit. Septimus mihi liber Originum est in manibus; omnia antiquitatis monumenta colligo; causarum inlustrium quascumque defendi nunc cum maxime conficio orationes; ius augurium, pontificium, civile tracto; multum etiam Graecis litteris utor, Pythagoreorumque more exercendae memoriae gratia, quid quoque die dixerim, audierim, egerim, commemoro vesperi. Hae sunt exercitationes ingeni, haec curricula mentis, in his desudans atque elaborans corporis vires non magno opere desidero. Adsum amicis, venio in senatum frequens ultroque adfero res multum et diu cogitatas, easque tueor animi, non corporis viribus. Quas si exsequi nequirem, tamen me lectulus meus oblectaret ea ipsa cogitantem, quae iam agere non possem; sed ut possim, facit acta vita. Semper enim in his studiis laboribusque viventi non intellegitur quando obrepat senectus. Ita sensim sine sensu aetas senescit nec subito frangitur, sed diuturnitate exstinguitur.

XII. 39. Sequitur tertia vituperatio senectutis, quod eam carere dicunt voluptatibus. O praeclarum munus aetatis, siquidem id aufert a nobis, quod est in adulescentia vitiosissimum! Accipite enim, optimi adulescentes, veterem orationem Archytae Tarentini, magni in primis et praeclari viri, quae mihi tradita est cum essem adulescens Tarenti cum Q. Maximo. Nullam capitaliorem pestem quam voluptatem corporis hominibus dicebat a natura datam, cuius voluptatis avidae libidines temere et ecfrenate ad potiendum incitarentur.

40. Hinc patriae proditiones, hinc rerum publicarum eversiones, hinc cum hostibus clandestina colloquia nasci; nullum denique scelus, nullum malum facinus esse, ad quod suscipiendum non libido voluptatis impelleret; stupra vero et adulteria et omne tale flagitium nullis excitari aliis inlecebris nisi voluptatis; cumque homini sive natura sive quis deus nihil mente praestabilius dedisset, huic divino muneri ac dono nihil tam esse inimicum quam voluptatem;

41. nec enim libidine dominante temperantiae locum esse, neque

omnino in voluptatis regno virtutem posse consistere. Quod quo magis intellegi posset, fingere animo iubebat tanta incitatum aliquem voluptate corporis, quanta percipi posset maxima; nemini censebat fore dubium, quin tam diu, dum ita gauderet, nihil agitare mente, nihil ratione, nihil cogitatione consequi posset. Quocirca nihil esse tam detestabile tamque pestiferum quam voluptatem, siquidem ea, cum maior esset atque longinquior, omne animi lumen exstingueret. Haec cum C. Pontio Samnite, patre eius, a quo Caudino proelio Sp. Postumius, T. Veturius consules superati sunt, locutum Archytam Nearchus Tarentinus, hospes noster, qui in amicitia populi Romani permanserat, se a maioribus natu accepisse dicebat, cum quidem ei sermoni interfuisset Plato Atheniensis, quem Tarentum venisse L. Camillo Ap. Claudio consulibus reperio.

42. Quorsus hoc? Ut intellegeretis, si voluptatem aspernari ratione et sapientia non possemus, magnam habendam esse senectuti gratiam, quae efficeret, ut id non liberet, quod non operteret. Impedit enim consilium voluptas, rationi inimica est, mentis, ut ita dicam, praestringit oculos, nec habet ullum cum virtute commercium. Invitus feci, ut fortissimi viri T. Flaminini fratrem L. Flamininum e senatu eicerem septem annis post quam consul fuisset, sed notandam putavi libidinem. Ille enim, cum esset consul in Gallia, exoratus in convivio a scorto est, ut securi feriret aliquem eorum, qui in vinculis essent, damnati rei capitalis. Hic Tito fratre suo censore, qui proximus ante me fuerat, elapsus est; mihi vero et Flacco neutiquam probari potuit tam flagitiosa et tam perdita libido, quae cum probro privato coniungeret imperi dedecus.

XIII. 43. Saepe audivi ex maioribus natu, qui se porro pueros a senibus audisse dicebant, mirari solitum C. Fabricium, quod, cum apud regem Pyrrhum legatus esset, audisset a Thessalo Cinea esse quendam Athenis, qui se sapientem profiteretur, eumque dicere omnia, quae faceremus, ad voluptatem esse referenda. Quod ex eo audientis M'. Curium et Ti. Coruncanium optare solitos, ut id Samnitibus ipsique Pyrrho persuaderetur, quo facilius vinci possent, cum se voluptatibus dedissent. Vixerat M'. Curius cum P. Decio, qui quinquennio ante eum consulem se pro re publica quarto consulatu devoverat; norat eundem Fabricius, norat Coruncanius; qui cum ex sua vita, tum ex eius, quem dico, Deci, facto iudicabant esse profecto

aliquid natura pulchrum atque praeclarum, quod sua sponte peteretur, quodque spreta et contempta voluptate optimus quisque sequeretur.

44. Quorsus igitur tam multa de voluptate? Quia non modo vituperatio nulla, sed etiam summa laus senectutis est, quod ea voluptates nullas magno opere desiderat. Caret epulis extructisque mensis et frequentibus poculis; caret ergo etiam vinulentia et cruditate et insomniis. Sed si aliquid dandum est voluptati, quoniam eius blanditiis non facile obsistimus, — divine enim Plato 'escam malorum' appellat voluptatam, quod ea videlicet homines capiantur ut pisces, — quamquam immoderatis epulis caret senectus, modicis tamen coviviis delectari potest. C. Duellium M. f., qui Poenos classe primus devicerat, redeuntem a cena senem saepe videbam puer; delectabatur cereo funali et tibicine, quae sibi nullo exemplo privatus sumpserat; tantum licentiae dabat gloria.

45. Sed quid ego alios? Ad me ipsum iam revertar. Primum habui semper sodalis. Sodalitates autem me quaestore constitutae sunt sacris Idaeis Magnae Matris acceptis. Epulabar igitur cum sodalibus omnino modice, sed erat quidam fervor aetatis; qua progrediente omnia fiunt in dies mitiora. Neque enim ipsorum conviviorum delectationem voluptatibus corporis magis quam coetu amicorum et sermonibus metiebar. Bene enim maiores accubitionem epularem amicorum, quia vitae coniunctionem haberet, convivium nominaverunt, melius quam Graeci, qui hoc idem tum compotationem, tum concenationem vocant, ut, quod in eo genere minimum est, id maxime probare videantur.

XIV. 46. Ego vero propter sermonis delectationem tempestivis quoque conviviis delector, nec cum aequalibus solum, qui pauci admodum restant, sed cum vestra etiam aetate atque vobiscum, habeoque senectuti magnam gratiam, quae mihi sermonis aviditatem auxit, potionis et cibi sustulit. Quod si quem etiam ista delectant, (ne omnino bellum indixisse videar voluptati, cuius est fortasse quidam naturalis modus), non intellego ne in istis quidem ipsis voluptatibus carere sensu senectutem. Me vero et magisteria delectant a maioribus instituta et is sermo, qui more maiorum a summo adhibetur in poculo, et pocula, sicut in Symposio Xenophontis est, minuta atque rorantia, et refrigeratio aestate et vicissim aut sol aut ignis hibernus; quae quidem etiam in Sabinis persequi soleo, conviviumque

vicinorum cotidie compleo, quod ad multam noctem quam maxime possumus vario sermone producimus.

47. At non est voluptatum tanta quasi titillatio in senibus. Credo, sed ne desideratio quidem; nihil autem est molestum, quod non desideres. Bene Sophocles, cum ex eo quidem iam adfecto aetate quaereret, utereturne rebus veneriis, 'Di meliora!' inquit; ' libenter vero istinc sicut ab domino agresti ac furioso profugi.' Cupidis enim rerum talium odiosum fortasse et molestum est carere, satiatis vero et expletis iucundius est carere quam frui. Quamquam non caret is, qui non desiderat; ergo hoc non desiderare dico esse iucundius.

48. Quod si istis ipsis voluptatibus bona aetas fruitur libentius, primum parvulis fruitur rebus, ut diximus, deinde eis, quibus senectus, etiamsi non abunde potitur, non omnino caret. Ut Turpione Ambivio magis delectatur, qui in prima cavea spectat, delectatur tamen etiam, qui in ultima, sic adulescentia voluptates propter intuens magis fortasse laetatur, sed delectatur etiam senectus procul eas spectans tantum quantum sat est.

49. At illa quanti sunt, animum, tamquam emeritis stipendiis libidinis, ambitionis, contentionis, inimicitiarum cupiditatum omnium, secum esse secumque, ut dicitur, vivere! Si vero habet aliquod tamquam pabulum studi atque doctrinae, nihil est otiosa senectute iucundius. Videbamus in studio dimetiendi paene caeli atque terrae C. Galum, familiarem patris tui, Scipio. Quotiens illum lux noctu aliquid describere ingressum, quotiens nox oppressit, cum mane coepisset! Quam delectabat eum defectiones solis et lunae multo ante nobis praedicere!

50. Quid in levioribus studiis, sed tamen acutis? Quam gaudebat bello suo Punico Naevius! quam Truculento Plautus, quam Pseudolo! Vidi etiam senem Livium; qui, cum sex aniis ante quam ego natus sum fabulam docuisset Centone Tuditanoque consulibus, usque ad adulescentiam meam processit aetate. Quid de P. Licini Crassi et pontifici et civilis iuris studio loquar aut de huius P. Scipionis qui his paucis diebus pontifex maximus factus est? Atque eos omnis, quos commemoravi, his studiis flagrantis senes vidimus. M. vero Cethegum, quem recte 'Suadae medullam' dixit Ennius, quanto studio exerceri in dicendo videbamus etiam senem! Quae sunt igitur epularum aut ludorum aut scortorum voluptates cum his voluptatibus

comparandae? Atque haec quidem studia doctrinae, quae quidem prudentibus et bene institutis pariter cum aetate crescunt, ut honestum illud Solonis sit, quod ait versiculo quodam, ut ante dixi, senescere se multa in dies addiscentem, qua voluptate animi nulla certe potest esse maior.

XV. 51. Venio nunc ad voluptates agricolarum, quibus ego incredibiliter delector; quae nec ulla impediuntur senectute et mihi ad sapientis vitam proxime videntur accedere. Habent enim rationem cum terra, quae numquam recusat imperium nec umquam sine usura reddit, quod accepit, sed alias minore, plerumque maiore cum faenore. Quamquam me quidem non fructus modo, sed etiam ipsius terrae vis ac natura delectat. Quae cum gremio mollito ac subacto sparsum semen excepit, primum id occaecatum cohibet, ex quo occatio, quae hoc efficit, nominata est, deinde tepefactum vapore et compressu suo diffundit et elicit herbescentem ex eo viriditatem, quae nixa fibris stirpium sensim adulescit culmoque erecta geniculato vaginis iam quasi pubescens includitur; ex quibus cum emersit, fundit frugem spici ordine structam et fcontra avium minorum morsus munitur vallo aristarum.

52. Quid ego vitium ortus, satus, incrementa commemorem? Satiari delectatione non possum, ut meae senectutis requiem oblectamentumque noscatis. Omitto enim vim ipsam omnium, quae generantur e terra; quae ex fici tantulo grano aut ex acini vinaceo aut ex ceterarum frugum aut stirpium minutissimis seminibus tantos truncos ramosque procreet. Malleoli, plantae, sarmenta, viviradices, propagines, nonne efficiunt, ut quemvis cum admiratione delectent? Vitis quidem, quae natura caduca est et, nisi fulta est, fertur ad terram, eadem, ut se erigat claviculis suis quasi manibus quicquid est nacta, complectitur; quam serpentem multiplici lapsu et erratico ferro amputans coercet ars agricolarum, ne silvescat sarmentis et in omnis partis nimia fundatur.

53. Itaque ineunte vere in eis, quae relicta sunt, exsistit tamquam ad articulos sarmentorum ea, quae gemma dicitur, a qua oriens uva se ostendit, quae et suco terrae et calore solis augescens primo est peracerba gustatu, deinde maturata dulcescit, vestitaque pampinis nec modico tepore caret et nimios solis defendit ardores. Qua quid potest esse cum fructu laetius, tum aspectu pulchrius? Cuius quidem non

utilitas me solum, ut ante dixi, sed etiam cultura et natura ipsa delectat, adminiculorum ordines, capitum iugatio, religatio et propagatio vitium, sarmentorum ea, quam dixi aliorum amputatio, aliorum immissio. Quid ego irrigationes, quid fossiones agri repastinationesque proferam, quibus fit multo terra fecundior?

54. Quid de utilitate loquar stercorandi? Dixi in eo libro, quem de rebus rusticis scripsi; de qua doctus Hesiodus ne verbum quidem fecit, cum de cultura agri scriberet. At Honerus, qui multis, ut mihi videtur, ante saeculis fuit, Laeten lenientem desiderium, quod capiebat e filio, colentem agrum et eum stercorantem facit. Nec vero segetibus solum et pratis et vineis et arbustis res rusticae laetae sunt, sed hortis etiam et pomariis, tum pecudum pastu, apium examinibus, florum omnium varietate. Nec consitiones modo delectant sed etiam insitiones, quibus nihil invenit agri cultura sollertius.

XVI. 55. Possum persequi permulta oblectamenta rerum rusticarum, sed haec ipsa, quae dixi, sentio fuisse longiora. Ignoscetis autem; nam et studio rusticarum rerum provectus sum, et senectus est natura loquacior, ne ab omnibus eam vitiis videar vindicare. Ergo in hac vita M'. Curius, cum de Samnitibus, de Sabinis, de Pyrrho triumphasset, consumpsit extremum tempus aetatis. Cuius quidem ego villam contemplans (abest enim non longe a me) admirari satis non possum vel hominis ipsius continentiam vel temporum disciplinam. Curio ad focum sedenti magnum auri pondus Samnites cum attulissent, repudiati sunt; non enim aurum habere praeclarum sibi videri dixit, sed eis qui haberent aurum imperare.

56. Poteratne tantus animus efficere non iucundam senctutem? Sed venio ad agricolas, ne a me ipso recedam. In agris erant tum senatores, id est senes, siquidem aranti L. Quinctio Cincinnato nuntiatum est eum dictatorem esse factum; cuius dictatoris iussu magister equitum C. Servilius Ahala Sp. Maelium regnum adpetentem occupatum interemit. A villa in senatum arcessebatur et Curius et ceteri senes, ex quo, qui eos arcessebant viatores nominati sunt. Num igitur horum senectus miserabilis fuit, qui se agri cultione oblectabant? Mea quidem sententia haud scio an nulla beatior possit esse, neque solum officio, quod hominum generi universo cultura agrorum est salutaris, sed et delectatione, quam dixi, et saturitate copiaque rerum omnium, quae ad victum hominum, ad cultum etiam

deorum pertinent, ut, quoniam haec quidem desiderant, in gratiam iam cum voluptate redeamus. Semper enim boni assiduique domini referta cella vinaria, olearia, etiam penaria est, villaque tota locuples est, abundat porco, haedo, agno, gallina, lacte, caseo, melle. Iam hortum ipsi agricolae succidiam alteram appellant. Conditiora facit haec supervacaneis etiam operis aucupium atque venatio.

57. Quid de pratorum viriditate aut arborum ordinibus aut vinearum olivetorumve specie plura dicam? Brevi praecidam: agro bene culto nihil potest esse nec usu uberius nec specie ornatius; ad quem fruendum non modo non retardat, verum etiam invitat atque adlectat senectus. Ubi enim potest illa aetas aut calescere vel apricatione melius vel igni, aut vicissim umbris aquisve refrigerari salubrius?

58. Sibi habeant igitur arma, sibi equos, sibi hastas, sibi clavam et pilam, sibi natationes atque cursus, nobis senibus ex lusionibus multis talos relinquant et tesseras, id ipsum ut lubebit, quoniam sine eis beata esse senectus potest.

XVII. 59. Multas ad res perutiles Xenophontis libri sunt, quos legite, quaeso, studiose, ut facitis. Quam copiose ab eo agri cultura laudatur in eo libro, qui est de tuenda re familiari, qui Oeconomicus inscribitur! Atque ut intellegatis nihil ei tam regale videri quam studium agri colendi, Socrates in eo libro loquitur cum Critobulo Cyrum minorem, Persarum regem, praestantem ingenio atque imperi gloria, cum Lysander Lacedaemonius, vir summae virtutis, venisset ad eum Sardis eique dona a sociis adtulisset, et ceteris in rebus communem erga Lysandrum atque humanum fuisse et ei quendam consaeptum agrum diligenter consitum ostendisse. Cum autem admiraretur Lysander et proceritates arborum et derectos in quincuncem ordines et humum subactam atque puram et suavitatem odorum, qui adflarentur ex floribus, tum eum dixisse mirari se non modo diligentiam, sed etiam sollertiam eius, a quo essent illa dimensa atque discripta; et Cyrum respondisse: ‘Atqui ego ista sum omnia dimensus; mei sunt ordines, mea discriptio, multae etiam istarum arborum mea manu sunt satae.’ Tum Lysandrum intuentem purpuram eius et nitorem corporis ornatumque Persicum multo auro multisque gemmis dixisse; ‘Recte vero te, Cyre, beatum ferunt, quoniam virtuti tuae fortuna coniuncta est.’

60. Hac igitur fortuna frui licet senibus, nec aetas impedit, quo minus et ceterarum rerum et in primis agri colendi studia teneamus usque ad ultimum tempus senectutis. M. quidem Valerium Corvinum accepimus ad centesimum annum perduxise, cum esset acta iam aetate in agris eosque coleret; cuius inter primum et sextum consulatum sex et quadraginta anni interfuerunt. Ita, quantum spatium aetatis maiores ad senectutis initium esse voluerunt, tantus illi cursus honorum fuit; atque huius extrema aetas hoc beatior quam media, quod auctoritatis habebat plus, laboris minus; apex est autem senectutis auctoritas.

61. Quanta fuit in L. Caecilio Metello, quanta in A. Atilio Calatino! in quem illud elogium: 'Hunc unum plurimae consentiunt gentes populi primarium fuisse virum.' Notum est carmen incisum in sepulcro. Iure igitur gravis, cuius de laudibus omnium esset fama consentiens. Quem virum nuper P. Crassum, pontificem maximum, quem postea M. Lepidum eodem sacerdotio praeditum, vidimus! Quid de Paulo aut Africano loquar aut, ut iam ante, de Maximo? quorum non in sententia solum, sed etiam in nutu residebat auctoritas. Habet senectus, honorata praesertim, tantam auctoritatem, ut ea pluris sit quam omnes adulescentiae voluptates.

XVIII. 62. Sed in omni oratione mementote eam me senectutem laudare, quae fundamentis adulescentiae constituta sit. Ex quo efficitur id quod ego magno quondam cum assensu omnium dixi, miseram esse senectutem quae se oratione defenderet. Non cani, nec rugae repente auctoritatem arripere possunt, sed honeste acta superior aetas fructus capit auctoritatis extremos.

63. Haec enim ipsa sunt honorabilia quae videntur levia atque communia, salutari, adpeti, decedi, adsurgi, deduci, reduci, consuli; quae et apud nos et in aliis civitatibus, ut quaeque optime morata est, ita diligentissime observantur. Lysandrum Lacedaemonium, cuius modo feci mentionem, dicere aiunt solitum Lacedaemonem esse honestissimum domicilium senectutis: nusquam enim tantum tribuitur aetati, nusquam est senectus honoratior. Quin etiam memoriae proditum est, cum Athenis ludis quidam in theatrum grandis natu venisset, magno consessu locum nusquam ei datum a suis civibus; cum autem ad Lacedaemonios accessisset, qui legati cum essent, certo in loco consederant, consurrexisse omnes illi

dicuntur et senem sessum recepisse.

64. Quibus cum a cuncto consessu plausus esset multiplex datus, dixisse ex eis quendam Atheniensis scire, quae recta essent, sed facere nolle. Multa in nostro collegio praeclara, sed hoc de quo agimus in primis, quod, ut quisque aetate antecedit, ita sententiae principatum tenet, neque solum honore antecedentibus, sed eis etiam, qui cum imperio sunt, maiores natu augures anteponuntur. Quae sunt igitur voluptates corporis cum auctoritatis praemiis comparandae? Quibus qui splendide usi sunt, ei mihi videntur fabulam aetatis peregisse nec tamquam inexercitati histriones in extremo actu corruisse.

65. At sunt morosi et anxii et iracundi et difficiles senes. Si quaerimus, etiam avari; sed haec morum vitia sunt, non senectutis. Ac morositas tamen et ea vitia, quae dixi, habent aliquid excusationis non illius quidem iustae, sed quae probari posse videatur; contemni se putant, despici, inludi; praeterea in fragili corpore odiosa omnis offensio est. Quae tamen omnia dulciora fiunt et moribus bonis et artibus; idque cum in vita, tum in scaena intellegi potest ex eis fratribus, qui in Adelphis sunt. Quanta in altero diritas, in altero comitas! Sic se res habet; ut enim non omne vinum, sic non omnis natura vetustate coacescit. Severitatem in senectute probo, sed eam, sicut alia, modicam, acerbitatem nullo modo.

66. Avaritia vero senilis quid sibi velit, non intellego; potest enim quicquam esse absurdius quam, quo viae minus restet, eo plus viatici quaerere? XIX. Quarta restat causa, quae maxime angere atque sollicitam habere nostram aetatem videtur, adpropinquatio mortis, quae certe a senectute non potest esse longe. O miserum senem qui mortem contemnendam esse in tam longa aetate non viderit! quae aut plane neglegenda est, si omnino exstinguit animum, aut etiam optanda, si aliquo eum deducit, ubi sit futurus aeternus; atqui tertium certe nihil inveniri potest.

67. Quid igitur timeam, si aut non miser post mortem aut beatus etiam futurus sum? Quamquam quis est tam stultus, quamvis sit adulescens, cui sit exploratum se ad vesperum esse victurum? Quin etiam aetas illa multo pluris quam nostra casus mortis habet; facilius in morbos incidunt adulescentes, gravius aegrotant, tristius curantur. Itaque pauci veniunt ad senectutem; quod ni ita accideret, melius et

prudentius viveretur. Mens enim et ratio et consilium in senibus est; qui si nulli fuissent, nullae omnino civitates fuissent. Sed redeo ad mortem impendentem. Quod est istud crimen senectutis, cum id ei videatis cum adulescentia esse commune?

68. Sensi ego in optimo filio, tu in exspectatis ad amplissimam dignitatem fratribus, Scipio, mortem omni aetati esse communem. At sperat adulescens diu se victurum, quod sperare idem senex non potest. Insipienter sperat. Quid enim stultius quam incerta pro certis habere, falsa pro veris? At senex ne quod speret quidem habet. At est eo meliore condicione quam adulescens, quoniam id, quod ille sperat, hic consecutus est; ille vult diu vivere, hic diu vixit.

69. Quamquam, O di boni! quid est in hominis natura diu? Da enim summum tempus, exspectemus Tartessiorum regis aetatem (fuit enim, ut scriptum video, Arganthonius quidam Gadibus, qui octoginta regnavit annos, centum viginti vixit) — sed mihi ne diuturnum quidem quicquam videtur in quo est aliquid extremum. Cum enim id advenit, tum illud, quod praeteriit, effluxit; tantum remanet, quod virtute et recte factis consecutus sis; horae quidem cedunt et dies et menses et anni, nec praeteritum tempus umquam revertitur, nec quid sequatur sciri potest; quod cuique temporis ad vivendum datur, eo debet esse contentus.

70. Neque enim histrioni, ut placeat, peragenda fabula est, modo, in quocumque fuerit actu, probetur, neque sapientibus usque ad 'Plaudite' veniendum est. Breve enim tempus aetatis satis longum est ad bene honesteque vivendum; sin processerit longius, non magis dolendum est, quam agricolae dolent praeterita verni temporis suavitate aestatem autumnumque venisse. Ver enim tamquam adulescentiam significat ostenditque fructus futuros, reliqua autem tempora demetendis fructibus et percipiendis accommodata sunt.

71. Fructus autem senectutis est, ut saepe dixi, ante partorum bonorum memoria et copia. Omnia autem quae secundum naturam fiunt sunt habenda in bonis. Quid est autem tam secundum naturam quam senibus emori? Quod idem contingit adulescentibus adversante et repugnante natura. Itaque adulescentes mihi mori sic videntur, ut cum aquae multitudine flammae vis opprimitur, senes autem sic, ut cum sua sponte nulla adhibita vi consumptus ignis exstinguitur; et quasi poma ex arboribus, cruda si sunt, vix evelluntur, si matura et cocta, decidunt, sic vitam adulescentibus vis aufert, senibus maturitas; quae quidem mihi tam iucunda est, ut, quo propius ad mortem accedam, quasi terram videre videar aliquandoque in portum ex longa navigatione esse venturus.

XX. 72. Senectutis autem nullus est certus terminus, recteque in ea vivitur, quoad munus offici exsequi et tueri possit [mortemque contemnere]; ex quo fit, ut animosior etiam senectus sit quam adulescentia et fortior. Hoc illud est quod Pisistrato tyranno a Solone responsum est, cum illi quaerenti, qua tandem re fretus sibi tam audaciter obsisteret, respondisse dicitur: 'Senectute.' Sed vivendi est

finis optimus, cum integra mente certisque sensibus opus ipsa suum eadem quae coagmentavit, natura dissolvit. Ut navem, ut aedificium idem destruit facillime, qui construxit, sic hominem eadem optime quae conglutinavit natura dissolvit. Iam omnis conglutinatio recens aegre, inveterata facile divellitur. Ita fit ut illud breve vitae reliquum nec avide adpetendum senibus nec sine causa deserendum sit; vetatque Pythagoras iniussu imperatoris, id est dei, de praesidio et statione vitae decedere.

73. Solonis quidem sapientis est elogium, quo se negat velle suam mortem dolore amicorum et lamentis vacare. Volt, credo, se esse carum suis; sed haud scio an melius Ennius:

Nemo me lacrumis decoret neque funera fletu faxit.

74. Non censet lugendam esse mortem, quam immortalitas consequatur. Iam sensus moriendi aliquis esse potest, isque ad exiguum tempus, praesertim seni; post mortem quidem sensus aut optandus aut nullus est. Sed hoc meditatum ab adulescentia debet esse mortem ut neglegamus, sine qua meditatione tranquillo animo esse nemo potest. Moriendum enim certe est, et incertum an hoc ipso die. Mortem igitur omnibus horis impendentem timens qui poterit animo consistere?

75. De qua non ita longa disputatione opus esse videtur, cum recorder non L. Brutum, qui in liberanda patria est interfectus, non duos Decios, qui ad voluntariam mortem cursum equorum incitaverunt, non M. Atilium, qui ad supplicium est profectus, ut fidem hosti datam conservaret, non duos Scipiones, qui iter Poenis vel corporibus suis obstruere voluerunt, non avum tuum L. Paulum, qui morte luit conlegae in Cannensi ignominia temeritatem, non M. Marcellum, cuius interitum ne crudelissimus quidem hostis honore sepulturae carere passus est, sed legiones nostras, quod scripsi in Originibus, in eum locum saepe profectas alacri animo et erecto, unde se redituras numquam arbitrarentur. Quod igitur adulescentes, et ei quidem non solum indocti, sed etiam rustici, contemnunt, id docti senes extimescent?

76. Omnino, ut mihi quidem videtur, studiorum omnium satietas vitae facit satietatem. Sunt pueritiae studia certa; num igitur ea desiderant adulescentes? Sunt ineuntis adulescentiae: num ea

constans iam requirit aetas quae media dicitur? Sunt etiam eius aetatis; ne ea quidem quaeruntur in senectute. Sunt extrema quaedam studia senectutis: ergo, ut superiorum aetatum studia occidunt, sic occidunt etiam senectutis; quod cum evenit, satietas vitae tempus maturum mortis adfert.

XXI. 77. Non enim video cur, quid ipse sentiam de morte, non audeam vobis dicere, quod eo cernere mihi melius videor, quo ab ea propius absum. Ego vestros patres, P. Scipio, tuque, C. Laeli, viros clarissimos mihique amicissimos, vivere arbitror, et eam quidem vitam, quae est sola vita nominanda. Nam, dum sumus inclusi in his compagibus corporis, munere quodam necessitatis et gravi opere perfungimur; est enim animus caelestis ex altissimo domicilio depressus et quasi demersus in terram, locum divinae naturae aeternitatique contrarium. Sed credo deos immortalis sparsisse animos in corpora humana, ut essent, qui terras tuerentur, quique caelestium ordinem contemplantes imitarentur eum vitae modo atque constantia. Nec me solum ratio ac disputatio impulit, ut ita crederem, sed nobilitas etiam summorum philosophorum et auctoritas.

78. Audiebam Pythagoram Pythagoreosque, incolas paene nostros, qui essent Italici philosophi quondam nominati, numquam, dubitasse, quin ex universa mente divina delibatos animos haberemus. Demonstrabantur mihi praeterea, quae Socrates supremo vitae die de immortalitate aminorum disseruisset, is qui esset omnium sapientissimus oraculo Apollinis iudicatus. Quid multa? Sic persuasi mihi, sic sentio, cum tanta celeritas animorum sit, tanta memoria praeteritorum futurorumque prudentia, tot artes, tantae scientiae, tot inventa, non posse eam naturam, quae res eas contineat, esse mortalem, cumque semper agitetur animus nec principium motus habeat, quia se ipse moveat, ne finem quidem habiturum esse motus, quia numquam se ipse sit relicturus; et, cum simplex animi esset natura, neque haberet in se quicquam admixtum dispar sui atque dissimile, non posse eum dividi; quod si non posset, non posse interire; magnoque esse argumento homines scire pleraque ante quam nati sint, quod iam pueri, cum artis difficilis discant, ita celeriter res innumerabilis arripiant, ut eas non tum primum accipere videantur, sed reminisci et recordari. Haec Platonis fere.

XXII. 79. Apud Xenophontem autem moriens Cyrus maior haec

dicit: ‘Nolite arbitrari, O mihi carissimi filii, me, cum a vobis discessero, nusquam aut nullum fore. Nec enim, dum eram vobiscum, animum meum videbatis, sed eum esse in hoc corpore ex eis rebus quas gerebam intellegebatis. Eundem igitur esse creditote, etiamsi nullum videbitis.

80. Nec vero clarorum virorum post mortem honores permanerent, si nihil eorum ipsorum animi efficerent, quo diutius memoriam sui teneremus. Mihi quidem numquam persuaderi potuit animos, dum in corporibus essent mortalibus, vivere, cum excessissent ex eis, emori, nec vero tum animum esse insipientem, cum ex insipienti corpore evasisset, sed cum omni admixtione corporis liberatus purus et integer esse coepisset, tum esse sapientem. Atque etiam cum hominis natura morte dissolvitur, ceterarum rerum perspicuum est quo quaeque discedat; abeunt enim illuc omnia, unde orta sunt, animus autem solus nec cum adest nec cum discedit, apparet. Iam vero videtis nihil esse morti tam simile quam somnum.

81. Atqui dormientium animi maxime declarant divinitatem suam; multa enim, cum remissi et liberi sunt, futura prospiciunt. Ex quo intellegitur quales futuri sint, cum se plane corporis vinculis relaxaverint. Qua re, si haec ita sunt, sic me colitote,’ inquit, ‘ut deum; sin una est interiturus animus cum corpore, vos tamen, deos verentes, qui hanc omnem pulchritudinem tuentur et regunt, memoriam nostri pie inviolateque servabitis.’

XXIII. 82. Cyrus quidem haec moriens; nos, si placet, nostra videamus. Nemo umquam mihi, Scipio, persuadebit aut patrem tuum Paulum, aut duos avos, Paulum et Africanum, aut Africani patrem, aut patruum, aut multos praestantis viros quos enumerare non est necesse, tanta esse conatos, quae ad posteritatis memoriam pertinerent, nisi animo cernerent posteritatem ad se ipsos pertinere. Anne censes, ut de me ipse aliquid more senum glorier, me tantos labores diurnos nocturnosque domi militiaeque suscepturum fuisse, si eisdem finibus gloriam meam, quibus vitam, essem terminaturus? Nonne melius multo fuisset otiosam et quietam aetatem sine ullo labore et contentione traducere? Sed nescio quo modo animus erigens se posteritatem ita semper prospiciebat, quasi, cum excessisset e vita, tum denique victurus esset. Quod quidem ni ita se haberet, ut animi inmortales essent, haud optimi cuiusque animus

maxime ad inmortalitatem et gloriam niteretur.

83. Quid, quod sapientissimus quisque aequissimo animo moritur, stultissimus iniquissimo, nonne vobis videtur is animus qui plus cernat et longius, videre se ad meliora proficisci, ille autem cuius obtusior sit acies, non videre? Equidem efferor studio patres vestros, quos colui et dilexi videndi, neque vero eos solos convenire aveo quos ipse cognovi, sed illos etiam de quibus audivi et legi et ipse conscripsi; quo quidem me proficiscentem haud sane quid facile retraxerit, nec tamquam Peliam recoxerit. Et si quis deus mihi largiatur, ut ex hac aetate repuerascam et in cunis vagiam, valde recusem, nec vero velim quasi decurso spatio ad carceres a calce revocari.

84. Quid habet enim vita commodi? Quid non potius laboris? Sed habeat sane, habet certe tamen aut satietatem aut modum. Non lubet enim mihi deplorare vitam, quod multi, et ei docti, saepe fecerunt, neque me vixisse paenitet, quoniam ita vixi, ut non frustra me natum existimem, ut ex vita ita discedo tamquam ex hospitio, non tamquam e domo. Commorandi enim natura devorsorium nobis, non habitandi dedit. O praeclarum diem, cum in illud divinum animorum concilium coetumque proficiscar cumque ex hac turba et conluvione discedam! Proficiscar enim non ad eos solum viros, de quibus ante dixi, verum etiam ad Catonem meum, quo nemo vir melior natus est, nemo pietate praestantior; cuius a me corpus est crematum, quod contra decuit ab illo meum, animus vero, non me deserens sed respectans, in ea profecto loca discessit, quo mihi ipsi cernebat esse veniendum. Quem ego meum casum fortiter ferre visus sum, non quo aequo animo ferrem, sed me ipse consolabar existimans non longinquum inter nos digressum et discessum fore.

85. His mihi rebus, Scipio (id enim te cum Laelio admirari solere dixisti), levis est senectus, nec solum non molesta sed etiam iucunda. Quod si in hoc erro, qui animos hominum inmortalis esse credam, libenter erro; nec mihi hunc errorem, quo delector, dum vivo, extorqueri volo; sin mortuus, ut quidam minuti philosophi censent, nihil sentiam, non vereor, ne hunc errorem meum philosophi mortui irrideant. Quod si non sumus inmortales futuri, tamen exstingui homini suo tempore optabile est. Nam habet natura, ut aliarum omnium rerum, sic vivendi modum. Senectus autem aetatis est

peractio tamquam fabulae, cuius defatigationem fugere debemus, praesertim adiuncta satietate. Haec habui, de senectute quae dicerem, ad quam utinam perveniatis, ut ea, quae ex me audistis, re experti probare possitis.

LAELIUS DE AMICITIA (On Friendship)

M. TVLLI CICERONIS LAELIVS DE AMICITIA

[1] Q. Mucius augur multa narrare de C. Laelio socero suo memoriter et iucunde solebat nec dubitare illum in omni sermone appellare sapientem; ego autem a patre ita eram deductus ad Scaevolam sumpta virili toga, ut, quoad possem et liceret, a senis latere numquam discederem; itaque multa ab eo prudenter disputata, multa etiam breviter et commode dicta memoriae mandabam fierique studebam eius prudentia doctior. Quo mortuo me ad pontificem Scaevolam contuli, quem unum nostrae civitatis et ingenio et iustitia praestantissimum audeo dicere. Sed de hoc alias; nunc redeo ad augurem.

[2] Cum saepe multa, tum memini domi in hemicyclio sedentem, ut solebat, cum et ego essem una et pauci admodum familiares, in eum sermonem illum incidere qui tum forte multis erat in ore. Meministi enim profecto, Attice, et eo magis, quod P. Sulpicio utebare multum, cum is tribunus plebis capitali odio a Q. Pompeio, qui tum erat consul, dissideret, quocum coniunctissime et amantissime vixerat, quanta esset hominum vel admiratio vel querella.

[3] Itaque tum Scaevola cum in eam ipsam mentionem incidisset, exposuit nobis sermonem Laeli de amicitia habitum ab illo secum et cum altero genero, C. Fannio Marci filio, paucis diebus post mortem Africani. Eius disputationis sententias memoriae mandavi, quas hoc libro exposui arbitratu meo; quasi enim ipsos induxi loquentes, ne ‘inquam’ et ‘inquit’ saepius interponeretur, atque ut tamquam a praesentibus coram haberi sermo videretur.

[4] Cum enim saepe mecum ageres ut de amicitia scriberem aliquid, digna mihi res cum omnium cognitione tum nostra familiaritate visa est. Itaque feci non invitus ut prodessem multis rogatu tuo. Sed ut in Catone Maiore, qui est scriptus ad te de senectute, Catonem induxi senem disputantem, quia nulla videbatur aptior persona quae de illa aetate loqueretur quam eius qui et diutissime senex fuisset et in ipsa senectute praeter ceteros floruisset,

sic cum accepissemus a patribus maxime memorabilem C. Laeli et P. Scipionis familiaritatem fuisse, idonea mihi Laeli persona visa est quae de amicitia ea ipsa dissereret quae disputata ab eo meminisset Scaevola. Genus autem hoc sermonum positum in hominum veterum auctoritate, et eorum inlustrium, plus nescio quo pacto videtur habere gravitatis; itaque ipse mea legens sic afficior interdum ut Catonem, non me loqui existimem.

[5] Sed ut tum ad senem senex de senectute, sic hoc libro ad amicum amicissimus scripsi de amicitia. Tum est Cato locutus, quo erat nemo fere senior temporibus illis, nemo prudentior; nunc Laelius et sapiens (sic enim est habitus) et amicitiae gloria excellens de amicitia loquetur. Tu velim a me animum parumper avertas, Laelium loqui ipsum putes. C. Fannius et Q. Mucius ad socerum veniunt post mortem Africani; ab his sermo oritur, respondet Laelius, cuius tota disputatio est de amicitia, quam legens te ipse cognosces.

[6] *Fannius:* Sunt ista, Laeli; nec enim melior vir fuit Africano quisquam nec clarior. Sed existimare debes omnium oculos in te esse coniectos unum; te sapientem et appellant et existimant. Tribuebatur hoc modo M. Catoni; scimus L. Acilium apud patres nostros appellatum esse sapientem; sed uterque alio quodam modo, Acilius, quia prudens esse in iure civili putabatur, Cato, quia multarum rerum usum habebat; multa eius et in senatu et in foro vel provisa prudenter vel acta constanter vel responsa acute ferebantur; propterea quasi cognomen iam habebat in senectute sapientis.

[7] Te autem alio quodam modo non solum natura et moribus, verum etiam studio et doctrina esse sapientem, nec sicut vulgus, sed ut eruditi solent appellare sapientem, qualem in reliqua Graecia neminem (nam qui septem appellantur, eos, qui ista subtilius quaerunt, in numero sapientium non habent), Athenis unum accepimus, et eum quidem etiam Apollinis oraculo sapientissimum iudicatum; hanc esse in te sapientiam existimant, ut omnia tua in te posita esse ducas humanosque casus virtute inferiores putes. Itaque ex me quaerunt, credo ex hoc item Scaevola, quonam pacto mortem Africani feras, eoque magis quod proximis Nonis cum in hortos D. Bruti auguris commentandi causa, ut adsolet, venissemus, tu non adfuisti, qui diligentissime semper illum diem et illud munus solitus esses obire.

[8] *Scaevola:* Quaerunt quidem, C. Laeli, multi, ut est a Fannio dictum, sed ego id respondeo, quod animum adverti, te dolorem, quem acceperis cum summi viri tum amicissimi morte, ferre moderate nec potuisse non commoveri nec fuisse id humanitatis tuae; quod autem Nonis in collegio nostro non adfuisses, valetudinem respondeo causam, non maestitiam fuisse.

Laelius: Recte tu quidem, Scaevola, et vere; nec enim ab isto officio, quod semper usurpavi, cum valerem, abduci incommodo meo debui, nec ullo casu arbitror hoc constanti homini posse contingere, ut ulla intermissio fiat officii.

[9] Tu autem, Fanni, quod mihi tantum tribui dicis quantum ego nec adgnosco nec postulo, facis amice; sed, ut mihi videris, non recte iudicas de Catone; aut enim nemo, quod quidem magis credo, aut si quisquam, ille sapiens fuit. Quo modo, ut alia omittam, mortem filii tulit! memineram Paulum, videram Galum, sed hi in pueris, Cato in perfecto et spectato viro.

[10] Quam ob rem cave Catoni anteponas ne istum quidem ipsum, quem Apollo, ut ais, sapientissimum iudicavit; huius enim facta, illius dicta laudantur. De me autem, ut iam cum utroque vestrum loquar, sic habetote:

Ego si Scipionis desiderio me moveri negem, quam id recte faciam, viderint sapientes; sed certe mentiar. Moveor enim tali amico orbatus qualis, ut arbitror, nemo umquam erit, ut confirmare possum, nemo certe fuit; sed non egeo medicina, me ipse consolor et maxime illo solacio quod eo errore careo quo amicorum decessu plerique angi solent. Nihil mali accidisse Scipioni puto, mihi accidit, si quid accidit; suis autem incommodis graviter angi non amicum sed se ipsum amantis est.

[11] Cum illo vero quis neget actum esse praeclare? Nisi enim, quod ille minime putabat, immortalitatem optare vellet, quid non adeptus est quod homini fas esset optare? qui summam spem civium, quam de eo iam puero habuerant, continuo adulescens incredibili virtute superavit, qui consulatum petivit numquam, factus consul est bis, primum ante tempus, iterum sibi suo tempore, rei publicae paene sero, qui duabus urbibus eversis inimicissimis huic imperio non modo praesentia verum etiam futura bella delevit. Quid dicam de moribus facillimis, de pietate in matrem, liberalitate in sorores,

bonitate in suos, iustitia in omnes? nota sunt vobis. Quam autem civitati carus fuerit, maerore funeris indicatum est. Quid igitur hunc paucorum annorum accessio iuvare potuisset? Senectus enim quamvis non sit gravis, ut memini Catonem anno ante quam est mortuus mecum et cum Scipione disserere, tamen aufert eam viriditatem in qua etiam nunc erat Scipio.

[12] Quam ob rem vita quidem talis fuit vel fortuna vel gloria, ut nihil posset accedere, moriendi autem sensum celeritas abstulit; quo de genere mortis difficile dictu est; quid homines suspicentur, videtis; hoc vere tamen licet dicere, P. Scipioni ex multis diebus, quos in vita celeberrimos laetissimosque viderit, illum diem clarissimum fuisse, cum senatu dimisso domum reductus ad vesperum est a patribus conscriptis, populo Romano, sociis et Latinis, pridie quam excessit e vita, ut ex tam alto dignitatis gradu ad superos videatur deos potius quam ad inferos pervenisse.

[13] Neque enim assentior iis qui haec nuper disserere coeperunt, cum corporibus simul animos interire atque omnia morte deleri; plus apud me antiquorum auctoritas valet, vel nostrorum maiorum, qui mortuis tam religiosa iura tribuerunt, quod non fecissent profecto si nihil ad eos pertinere arbitrarentur, vel eorum qui in hac terra fuerunt magnamque Graeciam, quae nunc quidem deleta est, tum florebat, institutis et praeceptis suis erudierunt, vel eius qui Apollinis oraculo sapientissimus est iudicatus, qui non tum hoc, tum illud, ut in plerisque, sed idem semper, animos hominum esse divinos, iisque, cum ex corpore excessissent, reditum in caelum patere, optimoque et iustissimo cuique expeditissimum.

[14] Quod idem Scipioni videbatur, qui quidem, quasi praesagiret, perpaucis ante mortem diebus, cum et Philus et Manilius adesset et alii plures, tuque etiam, Scaevola, mecum venisses, triduum disseruit de re publica; cuius disputationis fuit extremum fere de immortalitate animorum, quae se in quiete per visum ex Africano audisse dicebat. Id si ita est, ut optimi cuiusque animus in morte facillime evolet tamquam e custodia vinclisque corporis, cui censemus cursum ad deos faciliorem fuisse quam Scipioni? Quocirca maerere hoc eius eventu vereor ne invidi magis quam amici sit. Sin autem illa veriora, ut idem interitus sit animorum et corporum nec ullus sensus maneat, ut nihil boni est in morte, sic certe nihil mali; sensu enim amisso fit

idem, quasi natus non esset omnino, quem tamen esse natum et nos gaudemus et haec civitas dum erit laetabitur.

[15] Quam ob rem cum illo quidem, ut supra dixi, actum optime est, mecum incommodius, quem fuerat aequius, ut prius introieram, sic prius exire de vita. Sed tamen recordatione nostrae amicitiae sic fruor ut beate vixisse videar, quia cum Scipione vixerim, quocum mihi coniuncta cura de publica re et de privata fuit, quocum et domus fuit et militia communis et, id in quo est omnis vis amicitiae, voluntatum, studiorum, sententiarum summa consensio. Itaque non tam ista me sapientiae, quam modo Fannius commemoravit, fama delectat, falsa praesertim, quam quod amicitiae nostrae memoriam spero sempiternam fore, idque eo mihi magis est cordi, quod ex omnibus saeculis vix tria aut quattuor nominantur paria amicorum; quo in genere sperare videor Scipionis et Laeli amicitiam notam posteritati fore.

[16] *Fannius:* Istuc quidem, Laeli, ita necesse est. Sed quoniam amicitiae mentionem fecisti et sumus otiosi, pergratum mihi feceris, spero item Scaevolae, si quem ad modum soles de ceteris rebus, cum ex te quaeruntur, sic de amicitia disputaris quid sentias, qualem existimes, quae praecepta des.

Scaevola: Mihi vero erit gratum; atque id ipsum cum tecum agere conarer, Fannius antevertit. Quam ob rem utrique nostrum gratum admodum feceris.

[17] *Laelius:* Ego vero non gravarer, si mihi ipse confiderem; nam et praeclara res est et sumus, ut dixit Fannius, otiosi. Sed quis ego sum? aut quae est in me facultas? doctorum est ista consuetudo, eaque Graecorum, ut iis ponatur de quo disputent quamvis subito; magnum opus est egetque exercitatione non parva. Quam ob rem quae disputari de amicitia possunt, ab eis censeo petatis qui ista profitentur; ego vos hortari tantum possum ut amicitiam omnibus rebus humanis anteponatis; nihil est enim tam naturae aptum, tam conveniens ad res vel secundas vel adversas.

[18] Sed hoc primum sentio, nisi in bonis amicitiam esse non posse; neque id ad vivum reseco, ut illi qui haec subtilius disserunt, fortasse vere, sed ad communem utilitatem parum; negant enim quemquam esse virum bonum nisi sapientem. Sit ita sane; sed eam sapientiam interpretantur quam adhuc mortalis nemo est consecutus,

nos autem ea quae sunt in usu vitaque communi, non ea quae finguntur aut optantur, spectare debemus. Numquam ego dicam C. Fabricium, M'. Curium, Ti. Coruncanium, quos sapientes nostri maiores iudicabant, ad istorum normam fuisse sapientes. Quare sibi habeant sapientiae nomen et invidiosum et obscurum; concedant ut viri boni fuerint. Ne id quidem facient, negabunt id nisi sapienti posse concedi.

[19] Agamus igitur pingui, ut aiunt, Minerva. Qui ita se gerunt, ita vivunt ut eorum probetur fides, integritas, aequitas, liberalitas, nec sit in eis ulla cupiditas, libido, audacia, sintque magna constantia, ut ii fuerunt modo quos nominavi, hos viros bonos, ut habiti sunt, sic etiam appellandos putemus, quia sequantur, quantum homines possunt, naturam optimam bene vivendi ducem. Sic enim mihi perspicere videor, ita natos esse nos ut inter omnes esset societas quaedam, maior autem ut quisque proxime accederet. Itaque cives potiores quam peregrini, propinqui quam alieni; cum his enim amicitiam natura ipsa peperit; sed ea non satis habet firmitatis. Namque hoc praestat amicitia propinquitati, quod ex propinquitate benevolentia tolli potest, ex amicitia non potest; sublata enim benevolentia amicitiae nomen tollitur, propinquitatis manet.

[20] Quanta autem vis amicitiae sit, ex hoc intellegi maxime potest, quod ex infinita societate generis humani, quam conciliavit ipsa natura, ita contracta res est et adducta in angustum ut omnis caritas aut inter duos aut inter paucos iungeretur.

Est enim amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benevolentia et caritate consensio; qua quidem haud scio an excepta sapientia nihil melius homini sit a dis immortalibus datum. Divitias alii praeponunt, bonam alii valetudinem, alii potentiam, alii honores, multi etiam voluptates. Beluarum hoc quidem extremum, illa autem superiora caduca et incerta, posita non tam in consiliis nostris quam in fortunae temeritate. Qui autem in virtute summum bonum ponunt, praeclare illi quidem, sed haec ipsa virtus amicitiam et gignit et continet nec sine virtute amicitia esse ullo pacto potest.

[21] Iam virtutem ex consuetudine vitae sermonisque nostri interpretemur nec eam, ut quidam docti, verborum magnificentia metiamur virosque bonos eos, qui habentur, numeremus, Paulos,

Catones, Galos, Scipiones, Philos; his communis vita contenta est; eos autem omittamus, qui omnino nusquam reperiuntur.

[22] Talis igitur inter viros amicitia tantas opportunitates habet quantas vix queo dicere. Principio qui potest esse vita 'vitalis', ut ait Ennius, quae non in amici mutua benevolentia conquiescit? Quid dulcius quam habere quicum omnia audeas sic loqui ut tecum? Qui esset tantus fructus in prosperis rebus, nisi haberes, qui illis aeque ac tu ipse gauderet? adversas vero ferre difficile esset sine eo qui illas gravius etiam quam tu ferret. Denique ceterae res quae expetuntur opportunae sunt singulae rebus fere singulis, divitiae, ut utare, opes, ut colare, honores, ut laudere, voluptates, ut gaudeas, valetudo, ut dolore careas et muneribus fungare corporis; amicitia res plurimas continet; quoquo te verteris, praesto est, nullo loco excluditur, numquam intempestiva, numquam molesta est; itaque non aqua, non igni, ut aiunt, locis pluribus utimur quam amicitia. Neque ego nunc de vulgari aut de mediocri, quae tamen ipsa et delectat et prodest, sed de vera et perfecta loquor, qualis eorum qui pauci nominantur fuit. Nam et secundas res splendidiores facit amicitia et adversas partiens communicansque leviores.

[23] Cumque plurimas et maximas commoditates amicitia contineat, tum illa nimirum praestat omnibus, quod bonam spem praelucet in posterum nec debilitari animos aut cadere patitur. Verum enim amicum qui intuetur, tamquam exemplar aliquod intuetur sui. Quocirca et absentes adsunt et egentes abundant et imbecilli valent et, quod difficilius dictu est, mortui vivunt; tantus eos honos, memoria, desiderium prosequitur amicorum. Ex quo illorum beata mors videtur, horum vita laudabilis. Quod si exemeris ex rerum natura benevolentiae coniunctionem, nec domus ulla nec urbs stare poterit, ne agri quidem cultus permanebit. Id si minus intellegitur, quanta vis amicitiae concordiaeque sit, ex dissensionibus atque ex discordiis percipi potest. Quae enim domus tam stabilis, quae tam firma civitas est, quae non odiis et discidiis funditus possit everti? Ex quo quantum boni sit in amicitia iudicari potest.

[24] Agrigentinum quidem doctum quendam virum carminibus Graecis vaticinatum ferunt, quae in rerum natura totoque mundo constarent quaeque moverentur, ea contrahere amicitiam, dissipare discordiam. Atque hoc quidem omnes mortales et intellegunt et re

probant. Itaque si quando aliquod officium exstitit amici in periculis aut adeundis aut communicandis, quis est qui id non maximis efferat laudibus? Qui clamores tota cavea nuper in hospitis et amici mei M. Pacuvi nova fabula! cum ignorante rege, uter Orestes esset, Pylades Orestem se esse diceret, ut pro illo necaretur, Orestes autem, ita ut erat, Orestem se esse perseveraret. Stantes plaudebant in re ficta; quid arbitramur in vera facturos fuisse? Facile indicabat ipsa natura vim suam, cum homines, quod facere ipsi non possent, id recte fieri in altero iudicarent.

Hactenus mihi videor de amicitia quid sentirem potuisse dicere; si quae praeterea sunt (credo autem esse multa), ab iis, si videbitur, qui ista disputant, quaeritote.

[25] *Fannius:* Nos autem a te potius; quamquam etiam ab istis saepe quaesivi et audivi non invitus equidem; sed aliud quoddam filum orationis tuae.

Scaevola: Tum magis id diceres, Fanni, si nuper in hortis Scipionis, cum est de re publica disputatum, adfuisses. Qualis tum patronus iustitiae fuit contra accuratam orationem Phili!

Fannius: Facile id quidem fuit iustitiam iustissimo viro defendere.

Scaevola: Quid? amicitiam nonne facile ei qui ob eam summa fide, constantia iustitiaque servatam maximam gloriam ceperit?

[26] *Laelius:* Vim hoc quidem est adferre. Quid enim refert qua me ratione cogatis? cogitis certe. Studiis enim generorum, praesertim in re bona, cum difficile est, tum ne aequum quidem obsistere.

Saepissime igitur mihi de amicitia cogitanti maxime illud considerandum videri solet, utrum propter imbecillitatem atque inopiam desiderata sit amicitia, ut dandis recipiendisque meritis quod quisque minus per se ipse posset, id acciperet ab alio vicissimque redderet, an esset hoc quidem proprium amicitiae, sed antiquior et pulchrior et magis a natura ipsa profecta alia causa. Amor enim, ex quo amicitia nominata est, princeps est ad benevolentiam coniungendam. Nam utilitates quidem etiam ab iis percipiuntur saepe qui simulatione amicitiae coluntur et observantur temporis causa, in amicitia autem nihil fictum est, nihil simulatum et, quidquid est, id est verum et voluntarium.

[27] Quapropter a natura mihi videtur potius quam ab indigentia orta amicitia, applicatione magis animi cum quodam sensu amandi

quam cogitatione quantum illa res utilitatis esset habitura. Quod quidem quale sit, etiam in bestiis quibusdam animadverti potest, quae ex se natos ita amant ad quoddam tempus et ab eis ita amantur ut facile earum sensus appareat. Quod in homine multo est evidentius, primum ex ea caritate quae est inter natos et parentes, quae dirimi nisi detestabili scelere non potest; deinde cum similis sensus exstitit amoris, si aliquem nacti sumus cuius cum moribus et natura congruamus, quod in eo quasi lumen aliquod probitatis et virtutis perspicere videamur.

[28] Nihil est enim virtute amabilius, nihil quod magis adliciat ad diligendum, quippe cum propter virtutem et probitatem etiam eos, quos numquam vidimus, quodam modo diligamus. Quis est qui C. Fabrici, M'. Curi non cum caritate aliqua benevola memoriam usurpet, quos numquam viderit? quis autem est, qui Tarquinium Superbum, qui Sp. Cassium, Sp. Maelium non oderit? Cum duobus ducibus de imperio in Italia est decertatum, Pyrrho et Hannibale; ab altero propter probitatem eius non nimis alienos animos habemus, alterum propter crudelitatem semper haec civitas oderit.

[29] Quod si tanta vis probitatis est ut eam vel in iis quos numquam vidimus, vel, quod maius est, in hoste etiam diligamus, quid mirum est, si animi hominum moveantur, cum eorum, quibuscum usu coniuncti esse possunt, virtutem et bonitatem perspicere videantur? Quamquam confirmatur amor et beneficio accepto et studio perspecto et consuetudine adiuncta, quibus rebus ad illum primum motum animi et amoris adhibitis admirabilis quaedam exardescit benevolentiae magnitudo. Quam si qui putant ab imbecillitate proficisci, ut sit per quem adsequatur quod quisque desideret, humilem sane relinquunt et minime generosum, ut ita dicam, ortum amicitiae, quam ex inopia atque indigentia natam volunt. Quod si ita esset, ut quisque minimum esse in se arbitraretur, ita ad amicitiam esset aptissimus; quod longe secus est.

[30] Ut enim quisque sibi plurimum confidit et ut quisque maxime virtute et sapientia sic munitus est, ut nullo egeat suaque omnia in se ipso posita iudicet, ita in amicitiis expetendis colendisque maxime excellit. Quid enim? Africanus indigens mei? Minime hercule! ac ne ego quidem illius; sed ego admiratione quadam virtutis eius, ille vicissim opinione fortasse non nulla, quam de meis moribus habebat,

me dilexit; auxit benevolentiam consuetudo. Sed quamquam utilitates multae et magnae consecutae sunt, non sunt tamen ab earum spe causae diligendi profectae.

[31] Ut enim benefici liberalesque sumus, non ut exigamus gratiam (neque enim beneficium faeneramur sed natura propensi ad liberalitatem sumus), sic amicitiam non spe mercedis adducti sed quod omnis eius fructus in ipso amore inest, expetendam putamus.

[32] Ab his qui pecudum ritu ad voluptatem omnia referunt longe dissentiunt, nec mirum; nihil enim altum, nihil magnificum ac divinum suspicere possunt qui suas omnes cogitationes abiecerunt in rem tam humilem tamque contemptam. Quam ob rem hos quidem ab hoc sermone removeamus, ipsi autem intellegamus natura gigni sensum diligendi et benevolentiae caritatem facta significatione probitatis. Quam qui adpetiverunt, applicant se et propius admovent ut et usu eius, quem diligere coeperunt, fruantur et moribus sintque pares in amore et aequales propensioresque ad bene merendum quam ad reposcendum, atque haec inter eos sit honesta certatio. Sic et utilitates ex amicitia maximae capientur et erit eius ortus a natura quam ab imbecillitate gravior et verior. Nam si utilitas amicitias conglutinaret, eadem commutata dissolveret; sed quia natura mutari non potest, idcirco verae amicitiae sempiternae sunt. Ortum quidem amicitiae videtis, nisi quid ad haec forte vultis.

Fannius: Tu vero perge, Laeli; pro hoc enim, qui minor est natu, meo iure respondeo.

[33] *Scaevola:* Recte tu quidem. Quam ob rem audiamus.

Laelius: Audite vero, optimi viri, ea quae saepissime inter me et Scipionem de amicitia disserebantur. Quamquam ille quidem nihil difficilius esse dicebat, quam amicitiam usque ad extremum vitae diem permanere. Nam vel ut non idem expediret, incidere saepe, vel ut de re publica non idem sentiretur; mutari etiam mores hominum saepe dicebat, alias adversis rebus, alias aetate ingravescente. Atque earum rerum exemplum ex similitudine capiebat ineuntis aetatis, quod summi puerorum amores saepe una cum praetexta toga ponerentur.

[34] Sin autem ad adulescentiam perduxissent, dirimi tamen interdum contentione vel uxoriae condicionis vel commodi alicuius, quod idem adipisci uterque non posset. Quod si qui longius in

amicitia provecti essent, tamen saepe labefactari, si in honoris contentionem incidissent; pestem enim nullam maiorem esse amicitiis quam in plerisque pecuniae cupiditatem, in optimis quibusque honoris certamen et gloriae; ex quo inimicitias maximas saepe inter amicissimos exstitisse.

[35] Magna etiam discidia et plerumque iusta nasci, cum aliquid ab amicis quod rectum non esset postularetur, ut aut libidinis ministri aut adiutores essent ad iniuriam; quod qui recusarent, quamvis honeste id facerent, ius tamen amicitiae deserere arguerentur ab iis quibus obsequi nollent. Illos autem qui quidvis ab amico auderent postulare, postulatione ipsa profiteri omnia se amici causa esse facturos. Eorum querella inveterata non modo familiaritates exstingui solere sed odia etiam gigni sempiterna. Haec ita multa quasi fata impendere amicitiis ut omnia subterfugere non modo sapientiae sed etiam felicitatis diceret sibi videri.

[36] Quam ob rem id primum videamus, si placet, quatenus amor in amicitia progredi debeat. Numne, si Coriolanus habuit amicos, ferre contra patriam arma illi cum Coriolano debuerunt? num Vecellinum amici regnum adpetentem, num Maelium debuerunt iuvare?

[37] Ti. quidem Gracchum rem publicam vexantem a Q. Tuberone aequalibusque amicis derelictum videbamus. At C. Blossius Cumanus, hospes familiae vestrae, Scaevola, cum ad me, quod aderam Laenati et Rupilio consulibus in consilio, deprecatum venisset, hanc ut sibi ignoscerem, causam adferebat, quod tanti Ti. Gracchum fecisset ut, quidquid ille vellet, sibi faciendum putaret. Tum ego: ‘Etiamne, si te in Capitolium faces ferre vellet?’ ‘Numquam’ inquit ‘voluisset id quidem; sed si voluisset, paruissem.’ Videtis, quam nefaria vox! Et hercule ita fecit vel plus etiam quam dixit; non enim paruit ille Ti. Gracchi temeritati sed praefuit, nec se comitem illius furoris, sed ducem praebuit. Itaque hac amentia quaestione nova perterritus in Asiam profugit, ad hostes se contulit, poenas rei publicae graves iustasque persolvit. Nulla est igitur excusatio peccati, si amici causa peccaveris; nam cum conciliatrix amicitiae virtutis opinio fuerit, difficile est amicitiam manere, si a virtute defeceris.

[38] Quod si rectum statuerimus vel concedere amicis, quidquid velint, vel impetrare ab iis, quidquid velimus, perfecta quidem

sapientia si simus, nihil habeat res vitii; sed loquimur de iis amicis qui ante oculos sunt, quos vidimus aut de quibus memoriam accepimus, quos novit vita communis. Ex hoc numero nobis exempla sumenda sunt, et eorum quidem maxime qui ad sapientiam proxime accedunt.

[39] Videmus Papum Aemilium Luscino familiarem fuisse (sic a patribus accepimus), bis una consules, collegas in censura; tum et cum iis et inter se coniunctissimos fuisse M'. Curium, Ti. Coruncanium memoriae proditum est. Igitur ne suspicari quidem possumus quemquam horum ab amico quippiam contendisse, quod contra fidem, contra ius iurandum, contra rem publicam esset. Nam hoc quidem in talibus viris quid attinet dicere, si contendisset, impetraturum non fuisse? cum illi sanctissimi viri fuerint, aeque autem nefas sit tale aliquid et facere rogatum et rogare. At vero Ti. Gracchum sequebantur C. Carbo, C. Cato, et minime tum quidem C. frater, nunc idem acerrimus.

[40] Haec igitur lex in amicitia sanciatur, ut neque rogemus res turpes nec faciamus rogati. Turpis enim excusatio est et minime accipienda cum in ceteris peccatis, tum si quis contra rem publicam se amici causa fecisse fateatur. Etenim eo loco, Fanni et Scaevola, locati sumus ut nos longe prospicere oporteat futuros casus rei publicae. Deflexit iam aliquantum de spatio curriculoque consuetudo maiorum.

[41] Ti. Gracchus regnum occupare conatus est, vel regnavit is quidem paucos menses. Num quid simile populus Romanus audierat aut viderat? Hunc etiam post mortem secuti amici et propinqui quid in P. Scipione effecerint, sine lacrimis non queo dicere. Nam Carbonem, quocumque modo potuimus, propter recentem poenam Ti. Gracchi sustinuimus; de C. Gracchi autem tribunatu quid expectem, non libet augurari. Serpit deinde res; quae proclivis ad perniciem, cum semel coepit, labitur. Videtis in tabella iam ante quanta sit facta labes, primo Gabinia lege, biennio autem post Cassia. Videre iam videor populum a senatu disiunctum, multitudinis arbitrio res maximas agi. Plures enim discent quem ad modum haec fiant, quam quem ad modum iis resistatur.

[42] Quorsum haec? Quia sine sociis nemo quicquam tale conatur. Praecipiendum est igitur bonis ut, si in eius modi amicitias ignari

casu aliquo inciderint, ne existiment ita se alligatos ut ab amicis in magna aliqua re publica peccantibus non discedant; improbis autem poena statuenda est, nec vero minor iis qui secuti erunt alterum, quam iis qui ipsi fuerint impietatis duces. Quis clarior in Graecia Themistocle, quis potentior? qui cum imperator bello Persico servitute Graeciam liberavisset propterque invidiam in exsilium expulsus esset, ingratae patriae iniuriam non tulit, quam ferre debuit, fecit idem, quod xx annis ante apud nos fecerat Coriolanus. His adiutor contra patriam inventus est nemo; itaque mortem sibi uterque conscivit.

[43] Quare talis improborum consensio non modo excusatione amicitiae tegenda non est sed potius supplicio omni vindicanda est, ut ne quis concessum putet amicum vel bellum patriae inferentem sequi; quod quidem, ut res ire coepit, haud scio an aliquando futurum sit. Mihi autem non minori curae est, qualis res publica post mortem meam futura, quam qualis hodie sit.

[44] Haec igitur prima lex amicitiae sanciatur, ut ab amicis honesta petamus, amicorum causa honesta faciamus, ne exspectemus quidem, dum rogemur; studium semper adsit, cunctatio absit; consilium vero dare audeamus libere. Plurimum in amicitia amicorum bene suadentium valeat auctoritas, eaque et adhibeatur ad monendum non modo aperte sed etiam acriter, si res postulabit, et adhibitae pareatur.

[45] Nam quibusdam, quos audio sapientes habitos in Graecia, placuisse opinor mirabilia quaedam (sed nihil est quod illi non persequantur argutiis): partim fugiendas esse nimias amicitias, ne necesse sit unum sollicitum esse pro pluribus; satis superque esse sibi suarum cuique rerum, alienis nimis implicari molestum esse; commodissimum esse quam laxissimas habenas habere amicitiae, quas vel adducas, cum velis, vel remittas; caput enim esse ad beate vivendum securitatem, qua frui non possit animus, si tamquam parturiat unus pro pluribus.

[46] Alios autem dicere aiunt multo etiam inhumanius (quem locum breviter paulo ante perstrinxi) praesidii adiumentique causa, non benevolentiae neque caritatis, amicitias esse expetendas; itaque, ut quisque minimum firmitatis haberet minimumque virium, ita amicitias appetere maxime; ex eo fieri ut mulierculae magis amicitiarum praesidia quaerant quam viri et inopes quam opulenti et

calamitosi quam ii qui putentur beati.

[47] O praeclaram sapientiam! Solem enim e mundo tollere videntur, qui amicitiam e vita tollunt, qua nihil a dis immortalibus melius habemus, nihil iucundius. Quae est enim ista securitas? Specie quidem blanda sed reapse multis locis repudianda. Neque enim est consentaneum ullam honestam rem actionemve, ne sollicitus sis, aut non suscipere aut susceptam deponere. Quod si curam fugimus, virtus fugienda est, quae necesse est cum aliqua cura res sibi contrarias aspernetur atque oderit, ut bonitas malitiam, temperantia libidinem, ignaviam fortitudo; itaque videas rebus iniustis iustos maxime dolere, imbellibus fortes, flagitiosis modestos. Ergo hoc proprium est animi bene constituti, et laetari bonis rebus et dolere contrariis.

[48] Quam ob rem si cadit in sapientem animi dolor, qui profecto cadit, nisi ex eius animo exstirpatam humanitatem arbitramur, quae causa est cur amicitiam funditus tollamus e vita, ne aliquas propter eam suscipiamus molestias? Quid enim interest motu animi sublato non dico inter pecudem et hominem, sed inter hominem et truncum aut saxum aut quidvis generis eiusdem? Neque enim sunt isti audiendi qui virtutem duram et quasi ferream esse quandam volunt; quae quidem est cum multis in rebus, tum in amicitia tenera atque tractabilis, ut et bonis amici quasi diffundatur et incommodis contrahatur. Quam ob rem angor iste, qui pro amico saepe capiendus est, non tantum valet ut tollat e vita amicitiam, non plus quam ut virtutes, quia non nullas curas et molestias adferunt, repudientur.

Cum autem contrahat amicitiam, ut supra dixi, si qua significatio virtutis eluceat, ad quam se similis animus applicet et adiungat, id cum contigit, amor exoriatur necesse est.

[49] Quid enim tam absurdum quam delectari multis inanimis rebus, ut honore, ut gloria, ut aedificio, ut vestitu cultuque corporis, animante virtute praedito, eo qui vel amare vel, ut ita dicam, redamare possit, non admodum delectari? Nihil est enim remuneratione benevolentiae, nihil vicissitudine studiorum officiorumque iucundius.

[50] Quid, si illud etiam addimus, quod recte addi potest, nihil esse quod ad se rem ullam tam alliciat et attrahat quam ad amicitiam similitudo? concedetur profecto verum esse, ut bonos boni diligant

adsciscantque sibi quasi propinquitate coniunctos atque natura. Nihil est enim appetentius similium sui nec rapacius quam natura. Quam ob rem hoc quidem, Fanni et Scaevola, constet, ut opinor, bonis inter bonos quasi necessariam benevolentiam, qui est amicitiae fons a natura constitutus. Sed eadem bonitas etiam ad multitudinem pertinet. Non enim est inhumana virtus neque immunis neque superba, quae etiam populos universos tueri iisque optime consulere soleat; quod non faceret profecto, si a caritate vulgi abhorreret.

[51] Atque etiam mihi quidem videntur, qui utilitatum causa fingunt amicitias, amabilissimum nodum amicitiae tollere. Non enim tam utilitas parta per amicum quam amici amor ipse delectat, tumque illud fit, quod ab amico est profectum, iucundum, si cum studio est profectum; tantumque abest, ut amicitiae propter indigentiam colantur, ut ii qui opibus et copiis maximeque virtute, in qua plurimum est praesidii, minime alterius indigeant, liberalissimi sint et beneficentissimi. Atque haud sciam an ne opus sit quidem nihil umquam omnino deesse amicis. Ubi enim studia nostra viguissent, si numquam consilio, numquam opera nostra nec domi nec militiae Scipio eguisset? Non igitur utilitatem amicitia, sed utilitas amicitiam secuta est.

[52] Non ergo erunt homines deliciis diffluentes audiendi, si quando de amicitia, quam nec usu nec ratione habent cognitam, disputabunt. Nam quis est, pro deorum fidem atque hominum! qui velit, ut neque diligat quemquam nec ipse ab ullo diligatur, circumfluere omnibus copiis atque in omnium rerum abundantia vivere? Haec enim est tyrannorum vita nimirum, in qua nulla fides, nulla caritas, nulla stabilis benevolentiae potest esse fiducia, omnia semper suspecta atque sollicita, nullus locus amicitiae.

[53] Quis enim aut eum diligat quem metuat, aut eum a quo se metui putet? Coluntur tamen simulatione dumtaxat ad tempus. Quod si forte, ut fit plerumque, ceciderunt, tum intellegitur quam fuerint inopes amicorum. Quod Tarquinium dixisse ferunt, tum exsulantem se intellexisse quos fidos amicos habuisset, quos infidos, cum iam neutris gratiam referre posset.

DE OFFICIIS (On Duties)

M. TVLLI CICERONIS DE OFFICIIS AD MARCVM FILIVM LIBRI TRESM. TVLLI CICERONIS DE OFFICIIS

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LIBER PRIMVS

[1] Quamquam te, Marce fili, annum iam audientem Cratippum idque Athenis abundare oportet praeceptis institutisque philosophiae propter summam et doctoris auctoritatem et urbis, quorum alter te scientia augere potest, altera exemplis, tamen, ut ipse ad meam utilitatem semper cum Graecis Latina coniunxi neque id in philosophia solum, sed etiam in dicendi exercitatione feci, idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam quidem ad rem nos, ut videmur, magnum attulimus adiumentum hominibus nostris, ut non modo Graecarum litterarum rudes, sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad iudicandum.

[2] Quam ob rem disces tu quidem a principe huius aetatis philosophorum et disces quam diu voles; tam diu autem velle debebis, quoad te quantum proficias non paenitebit. Sed tamen nostra legens non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse, de rebus ipsis utere tuo iudicio — nihil enim impedio — orationem autem Latinam efficies profecto legendis nostris pleniorem. Nec vero hoc arroganter dictum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate dicere, quoniam in eo studio aetatem consumpsi, si id mihi assumo, videor id meo iure quodam modo vindicare.

[3] Quam ob rem magnopere te hortor, mi Cicero, ut non solum orationes meas, sed hos etiam de philosophia libros, qui iam illis fere se aequarunt, studiose legas, — vis enim maior in illis dicendi, — sed hoc quoque colendum est aequabile et temperatum orationis genus. Et id quidem nemini video Graecorum adhuc contigisse, ut idem utroque in genere elaboraret sequereturque et illud forense dicendi et hoc quietum disputandi genus, nisi forte Demetrius Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens, dulcis tamen, ut Theophrasti discipulum possis agnoscere. Nos autem quantum in utroque profecerimus, aliorum sit iudicium, utrumque certe secuti sumus.

[4] Equidem et Platonem existimo si genus forense dicendi tractare

voluisset, gravissime et copiosissime potuisse dicere et Demosthenem si illa, quae a Platone didicerat, tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse; eodemque modo de Aristotele et Isocrate iudico, quorum uterque suo studio delectatus contempsit alterum. Sed cum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri maxime volui, quod et aetati tuae esset aptissimum et auctoritati meae. Nam cum multa sint in philosophia et gravia et utilia accurate copioseque a philosophis disputata, latissime patere videntur ea quae de officiis tradita ab illis et praecepta sunt. Nulla enim vitae pars neque publicis neque privatis neque forensibus neque domesticis in rebus, neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest in eoque et colendo sita vitae est honestas omnis et neglegendo turpitudo.

[5] Atque haec quidem quaestio communis est omnium philosophorum. Quis est enim, qui nullis officii praeceptis tradendis philosophum se audeat dicere? Sed sunt non nullae disciplinae, quae propositis bonorum et malorum finibus officium omne pervertant. Nam qui summum bonum sic instituit, ut nihil habeat cum virtute coniunctum, idque suis commodis, non honestate metitur, hic, si sibi ipse consentiat et non interdum naturae bonitate vincatur, neque amicitiam colere possit nec iustitiam nec liberalitatem; fortis vero dolorem summum malum iudicans aut temperans voluptatem summum bonum statuens esse certe nullo modo potest.

[6] Quae quamquam ita sint in promptu, ut res disputatione non egeat, tamen sunt a nobis alio loco disputata. Hae disciplinae igitur si sibi consentaneae velint esse, de officio nihil queant dicere, neque ulla officii praecepta firma, stabilia, coniuncta naturae tradi possunt, nisi aut ab iis, qui solam, aut ab iis, qui maxime honestatem propter se dicant expetendam. Ita propria est ea praeceptio Stoicorum, Academicorum, Peripateticorum, quoniam Aristonis, Pyrrhonis, Erilli iam pridem explosa sententia est, qui tamen haberent ius suum disputandi de officio, si rerum aliquem dilectum reliquissent, ut ad officii inventionem aditus esset. Sequemur igitur hoc quidem tempore et hac in quaestione potissimum Stoicos, non ut interpretes, sed, ut solemus, e fontibus eorum iudicio arbitrioque nostro quantum quoque modo videbitur, hauriemus.

[7] Placet igitur, quoniam omnis disputatio de officio futura est, ante definire, quid sit officium, quod a Panaetio praetermissum esse miror. Omnis enim, quae a ratione suscipitur de aliqua re institutio, debet a definitione proficisci, ut intellegatur, quid sit id de quo disputetur. . . . Omnis de officio duplex est quaestio. Unum genus est, quod pertinet ad finem bonorum, alterum, quod positum est in praeceptis, quibus in omnes partes usus vitae conformari possit. Superioris generis huiusmodi sunt exempla, omniane officia perfecta sint, num quod officium aliud alio maius sit et quae sunt generis eiusdem. Quorum autem officiorum praecepta traduntur, ea quamquam pertinent ad finem bonorum, tamen minus id apparet, quia magis ad institutionem vitae communis spectare videntur; de quibus est nobis his libris explicandum.

[8] Atque etiam alia divisio est officii. Nam et medium quoddam officium dicitur et perfectum. Perfectum officium rectum, opinor, vocemus, quoniam Graeci *katorthoma*, hoc autem commune officium *kathekon* vocant. Atque ea sic definiunt, ut rectum quod sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit, ratio probabilis reddi possit.

[9] Triplex igitur est, ut Panaetio videtur, consilii capiendi deliberatio. Nam aut honestumne factu sit an turpe dubitant id, quod in deliberationem cadit; in quo considerando saepe animi in contrarias sententias distrahuntur. Tum autem aut anquirunt aut consultant ad vitae commoditatem iucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint iuvare et suos, conducat id necne, de quo deliberant; quae deliberatio omnis in rationem utilitatis cadit. Tertium dubitandi genus est, cum pugnare videtur cum honesto id, quod videtur esse utile. Cum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit ut distrahatur in deliberando animus afferatque ancipitem curam cogitandi.

[10] Hac divisione, cum praeterire aliquid maximum vitium in dividendo sit, duo praetermissa sunt. Nec enim solum, utrum honestum an turpe sit, deliberari solet, sed etiam duobus propositis honestis utrum honestius, itemque duobus propositis utilibus utrum utilius. Ita quam ille triplicem putavit esse rationem in quinque partes distribui debere reperitur. Primum igitur est de honesto, sed

dupliciter, tum pari ratione de utili, post de comparatione eorum disserendum.

[11] Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinet ea, quae nocitura videantur, omniaque, quae sint ad vivendum necessaria anquirat et paret, ut pastum, ut latibula, ut alia generis eiusdem. Commune item animantium omnium est coniunctionis appetitus procreandi causa et cura quaedam eorum, quae procreata sint. Sed inter hominem et beluam hoc maxime interest, quod haec tantum, quantum sensu movetur, ad id solum, quod adest quodque praesens est se accommodat, paulum admodum sentiens praeteritum aut futurum. Homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt earumque praegressus et quasi antecessiones non ignorat, similitudines comparat rebusque praesentibus adiungit atque adnectit futuras, facile totius vitae cursum videt ad eamque degendam praeparat res necessarias.

[12] Eademque natura vi rationis hominem conciliat homini et ad orationis et ad vitae societatem ingeneratque inprimis praecipuum quendam amorem in eos, qui procreati sunt impellitque, ut hominum coetus et celebrationes et esse et a se obiri velit ob easque causas studeat parare ea, quae suppeditent ad cultum et ad victum, nec sibi soli, sed coniugi, liberis, ceterisque quos caros habeat tuerique debeat, quae cura exsuscitat etiam animos et maiores ad rem gerendam facit.

[13] Inprimisque hominis est propria veri inquisitio atque investigatio. Itaque cum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre, audire, addiscere cognitionemque rerum aut occultarum aut admirabilium ad beate vivendum necessariam ducimus. Ex quo intellegitur, quod verum, simplex sincerumque sit, id esse naturae hominis aptissimum. Huic veri videndi cupiditati adiuncta est appetitio quaedam principatus, ut nemini parere animus bene informatus a natura velit nisi praecipienti aut docenti aut utilitatis causa iuste et legitime imperanti; ex quo magnitudo animi existit humanarumque rerum contemptio.

[14] Nec vero illa parva vis naturae est rationisque, quod unum hoc animal sentit, quid sit ordo, quid sit quod deceat, in factis dictisque qui modus. Itaque eorum ipsorum, quae aspectu sentiuntur, nullum

aliud animal pulchritudinem, venustatem, convenientiam partium sentit; quam similitudinem natura ratioque ab oculis ad animum transferens multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservandam putat cavetque ne quid indecore effeminateve faciat, tum in omnibus et opinionibus et factis ne quid libidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur id, quod quaerimus, honestum, quod etiamsi nobilitatum non sit, tamen honestum sit, quodque vere dicimus, etiamsi a nullo laudetur, natura esse laudabile.

[15] Formam quidem ipsam, Marce fili, et tamquam faciem honesti vides, "quae si oculis cerneretur, mirabiles amores ut ait Plato, excitaret sapientiae". Sed omne, quod est honestum, id quattuor partium oritur ex aliqua. Aut enim in perspicientia veri sollertiaque versatur aut in hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide aut in animi excelsi atque invicti magnitudine ac robore aut in omnium, quae fiunt quaeque dicuntur ordine et modo, in quo inest modestia et temperantia. Quae quattuor quamquam inter se colligata atque implicata sunt, tamen ex singulis certa officiorum genera nascuntur, velut ex ea parte, quae prima discripta est, in qua sapientiam et prudentiam ponimus, inest indagatio atque inventio veri, eiusque virtutis hoc munus est proprium.

[16] Ut enim quisque maxime perspicit, quid in re quaque verissimum sit quique acutissime et celerrime potest et videre et explicare rationem, is prudentissimus et sapientissimus rite haberi solet. Quocirca huic quasi materia, quam tractet et in qua versetur, subiecta est veritas.

[17] Reliquis autem tribus virtutibus necessitates propositae sunt ad eas res parandas tuendasque, quibus actio vitae continetur, ut et societas hominum coniunctioque servetur et animi excellentia magnitudoque cum in augendis opibus utilitatibusque et sibi et suis comparandis, tum multo magis in his ipsis despiciendis eluceat. Ordo autem et constantia et moderatio et ea, quae sunt his similia, versantur in eo genere ad quod est adhibenda actio quaedam, non solum mentis agitatio. Is enim rebus, quae tractantur in vita, modum quendam et ordinem adhibentes, honestatem et decus conservabimus.

[18] Ex quattuor autem locis, in quos honesti naturam vimque

divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim trahimur et ducimur ad cognitionis et scientiae cupiditatem, in qua excellere pulchrum putamus, labi autem, errare, nescire, decipi et malum et turpe ducimus. In hoc genere et naturali et honesto duo vitia vitanda sunt, unum, ne incognita pro cognitis habeamus hisque temere assentiamur, quod vitium effugere qui volet — omnes autem velle debent — adhibebit ad considerandas res et tempus et diligentiam.

[19] Alterum est vitium, quod quidam nimis magnum studium multamque operam in res obscuras atque difficiles conferunt easdemque non necessarias. Quibus vitiis declinatis quod in rebus honestis et cognitione dignis operae curaeque ponetur, id iure laudabitur, ut in astrologia C. Sulpicium audimus, in geometria Sex. Pompeium ipsi cognovimus, multos in dialecticis, plures in iure civili, quae omnes artes in veri investigatione versantur, cuius studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit, a qua tamen fit intermissio saepe multique dantur ad studia reditus; tum agitatio mentis, quae numquam adquiescit, potest nos in studiis cognitionis etiam sine opera nostra continere. Omnis autem cogitatio motusque animi aut in consiliis capiendis de rebus honestis et pertinentibus ad bene beateque vivendum aut in studiis scientiae cognitionisque versabitur. Ac de primo quidem officii fonte diximus.

[20] De tribus autem reliquis latissime patet ea ratio, qua societas hominum inter ipsos et vitae quasi communitas continetur; cuius partes duae: iustitia, in qua virtutis splendor est maximus, ex qua viri boni nominantur, et huic coniuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet. Sed iustitiae primum munus est, ut ne cui quis noceat, nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis.

[21] Sunt autem privata nulla natura, sed aut vetere occupatione, ut qui quondam in vacua venerunt, aut victoria, ut qui bello potiti sunt, aut lege, pactione, condicione, sorte; ex quo fit, ut ager Arpinas Arpinatium dicatur, Tusculanus Tusculanorum; similisque est privatarum possessionum discriptio. Ex quo, quia suum cuiusque fit eorum, quae natura fuerant communia, quod cuique optigit, id quisque teneat; e quo si quis [quaevis] sibi appetet, violabit ius

humanae societatis.

[22] Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium adferre, mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.

[23] Fundamentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuipiam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt, unde verba sint ducta, credamusque, quia fiat, quod dictum est appellatam fidem. Sed iniustitiae genera duo sunt, unum eorum, qui inferunt, alterum eorum, qui ab is, quibus infertur, si possunt, non propulsant iniuriam. Nam qui iniuste impetum in quempiam facit aut ira aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio; qui autem non defendit nec obsistit, si potest, iniuriae, tam est in vitio, quam si parentes aut amicos aut patriam deserat.

[24] Atque illae quidem iniuriae, quae nocendi causa de industria inferuntur, saepe a metu proficiscuntur, cum is, qui nocere alteri cogitat, timet, ne, nisi id fecerit, ipse aliquo afficiatur incommodo. Maximam autem partem ad iniuriam faciendam aggrediuntur, ut adipiscantur ea, quae concupiverunt; in quo vitio latissime patet avaritia.

[25] Expetuntur autem divitiae cum ad usus vitae necessarios, tum ad perfruendas voluptates. In quibus autem maior est animus, in is pecuniae cupiditas spectat ad opes et ad gratificandi facultatem, ut nuper M. Crassus negabat ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse, cuius fructibus exercitum alere non posset. Delectant etiam magnifici apparatus vitaeque cultus cum elegantia et copia, quibus rebus effectum est, ut infinita pecuniae cupiditas esset. Nec vero rei familiaris amplificatio nemini nocens vituperanda est, sed fugienda semper iniuria est.

[26] Maxime autem adducuntur plerique, ut eos iustitiae capiat oblivio, cum in imperiorum, honorum, gloriae cupiditatem

inciderunt. Quod enim est apud Ennium:

”Nulla sancta societas
Nec fides regni est”,

id latius patet. Nam quidquid eiusmodi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare sanctam societatem. Declaravit id modo temeritas C. Caesaris, qui omnia iura divina et humana pervertit propter eum, quem sibi ipse opinionis errore finxerat principatum. Est autem in hoc genere molestum, quod in maximis animis splendidissimisque ingeniis plerumque existunt honoris, imperii, potentiae, gloriae cupiditates. Quo magis cavendum est, ne quid in eo genere peccetur.

[27] Sed in omni iniustitia permultum interest, utrum perturbatione aliqua animi, quae plerumque brevis est et ad tempus, an consulto et cogitata fiat iniuria. Leviora enim sunt ea, quae repentino aliquo motu accidunt, quam ea, quae meditata et praeparata inferuntur. Ac de inferenda quidem iniuria satis dictum est.

[28] Praetermittendae autem defensionis deserendique officii plures solent esse causae. Nam aut inimicitias aut laborem aut sumptus suscipere nolunt aut etiam neglegentia, pigritia, inertia aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos esse patiantur. Itaque videndum est, ne non satis sit id, quod apud Platonem est in philosophos dictum, quod in veri investigatione versentur quodque ea, quae plerique vehementer expetant, de quibus inter se digladiari soleant, contemnant et pro nihilo putent, propterea iustos esse. Nam alterum [iustitiae genus] assequuntur, ut inferenda ne cui noceant iniuria, in alterum incidunt; discendi enim studio impediti, quos tueri debent, deserunt. Itaque eos ne ad rem publicam quidem accessuros putant nisi coactos. Aequius autem erat id voluntate fieri; nam hoc ipsum ita iustum est, quod recte fit, si est voluntarium.

[29] Sunt etiam, qui aut studio rei familiaris tuendae aut odio quodam hominum suum se negotium agere dicant nec facere cuiquam videantur iniuriam. Qui altero genere iniustitiae vacant, in alterum incurrunt; deserunt enim vitae societatem, quia nihil conferunt in eam studii, nihil operae, nihil facultatum.

[30] Quando igitur duobus generibus iniustitiae propositis adiunximus causas utriusque generis easque res ante constituimus, quibus iustitia contineretur, facile quod cuiusque temporis officium sit poterimus, nisi nosmet ipsos valde amabimus, iudicare. Est enim difficilis cura rerum alienarum. Quamquam Terentianus ille Chremes "humani nihil a se alienum putat"; sed tamen, quia magis ea percipimus atque sentimus, quae nobis ipsis aut prospera aut adversa eveniunt, quam illa, quae ceteris, quae quasi longo intervallo interiecto videmus, aliter de illis ac de nobis iudicamus. Quocirca bene praecipiunt, qui vetant quicquam agere, quod dubites aequum sit an iniquum. Aequitas lucet ipsa per se, dubitatio cogitationem significat iniuriae.

[31] Sed incidunt saepe tempora, cum ea, quae maxime videntur digna esse iusto homine, eoque quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, [etiamne furioso?] facere promissum quaeque pertinent ad veritatem et ad fidem; ea migrare interdum et non servare fit iustum. Referri enim decet ad ea, quae posui principio fundamenta iustitiae, primum ut ne cui noceatur, deinde ut communi utilitati serviatur. Ea cum tempore commutantur, commutatur officium et non semper est idem.

[32] Potest enim accidere promissum aliquod et conventum, ut id effici sit inutile vel ei, cui promissum sit, vel ei, qui promiserit. Nam si, ut in fabulis est, Neptunus, quod Theseo promiserat, non fecisset, Theseus Hippolyto filio non esset orbatus. Ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit; quo impetrato in maximos luctus incidit. Nec promissa igitur servanda sunt ea, quae sint is, quibus promiseris inutilia, nec si plus tibi ea noceant, quam illi prosint, cui promiseris, contra officium est, maius anteponi minori, ut si constitueris, cuipiam te advocatum in rem praesentem esse venturum atque interim graviter aegrotare filius coeperit, non sit contra officium non facere, quod dixeris, magisque ille, cui promissum sit, ab officio discedat, si se destitutum queratur. Iam illis promissis standum non esse quis non videt, quae coactus quis metu, quae deceptus dolo promiserit? quae quidem pleraque iure praetorio liberantur, nonnulla legibus.

[33] Existunt etiam saepe iniuriae calumnia quadam et nimis callida sed malitiosa iuris interpretatione. Ex quo illud "summum ius summa

iniuria” factum est iam tritum sermone proverbium. Quo in genere etiam in re publica multa peccantur, ut ille, qui, cum triginta dierum essent cum hoste indutiae factae, noctu populabatur agros, quod dierum essent pactae, non noctium indutiae. Ne noster quidem probandus, si verum est Q. Fabium Labeonem seu quem alium — nihil enim habeo praeter auditum — arbitrum Nolanis et Neapolitanis de finibus a senatu datum, cum ad locum venisset, cum utrisque separatim locutum, ne cupide quid agerent, ne appetenter, atque ut regredi quam progredi mallent. Id cum utrique fecissent, aliquantum agri in medio relictum est. Itaque illorum finis sic, ut ipsi dixerant, terminavit; in medio relictum quod erat, populo Romano adiudicavit. Decipere hoc quidem est, non iudicare. Quocirca in omni est re fugienda talis sollertia.

[34] Sunt autem quaedam officia etiam adversus eos servanda, a quibus iniuriam acceperis. Est enim ulciscendi et puniendi modus; atque haud scio an satis sit eum, qui lacessierit iniuriae suae paenitere, ut et ipse ne quid tale posthac et ceteri sint ad iniuriam tardiores. Atque in re publica maxime conservanda sunt iura belli. Nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim, cumque illud proprium sit hominis, hoc beluarum, confugiendum est ad posterius, si uti non licet superiore.

[35] Quare suscipienda quidem bella sunt ob eam causam, ut sine iniuria in pace vivatur, parta autem victoria conservandi i, qui non crudeles in bello, non inmanes fuerunt, ut maiores nostri Tusculanos, Aequos, Volscos, Sabinos, Hernicos in civitatem etiam acceperunt, at Karthaginem et Numantiam funditus sustulerunt; nollem Corinthum, sed credo aliquid secutos, oportunitatem loci maxime, ne posset aliquando ad bellum faciendum locus ipse adhortari. Mea quidem sententia paci, quae nihil habitura sit insidiarum, semper est consulendum. In quo si mihi esset obtemperatum, si non optimam, at aliquam rem publicam, quae nunc nulla est, haberemus. Et cum iis, quos vi deviceris consulendum est, tum ii, qui armis positis ad imperatorum fidem confugient, quamvis murum aries percusserit, recipiendi. In quo tantopere apud nostros iustitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recepissent, earum patroni essent more maiorum.

[36] Ac belli quidem aequitas sanctissime fetiali populi Romani

iure perscripta est. Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum. [Popilius imperator tenebat provinciam, in cuius exercitu Catonis filius tiro militabat. Cum autem Popilio videretur unam dimittere legionem, Catonis quoque filium, qui in eadem legione militabat, dimisit. Sed cum amore pugnandi in exercitu remansisset, Cato ad Popilium scripsit, ut, si eum patitur in exercitu remanere, secundo eum obliget militiae sacramento, quia priore amisso iure cum hostibus pugnare non poterat.

[37] Adeo summa erat observatio in bello movendo.] M. quidem Catonis senis est epistula ad M. filium, in qua scribit se audisse eum missum factum esse a consule cum in Macedonia bello Persico miles esset. Monet igitur ut caveat, ne proelium ineat; negat enim ius esse, qui miles non sit cum hoste pugnare. Equidem etiam illud animadverto, quod, qui proprio nomine perduellis esset, is hostis vocaretur, lenitate verbi rei tristitiam mitigatam. Hostis enim apud maiores nostros is dicebatur, quem nunc peregrinum dicimus. Indicant duodecim tabulae: aut status dies cum hoste, itemque adversus hostem aeterna auctoritas. Quid ad hanc mansuetudinem addi potest, eum, quicum bellum geras, tam molli nomine appellare? Quamquam id nomen durius effecit iam vetustas; a peregrino enim recessit et proprie in eo, qui arma contra ferret, remansit.

[38] Cum vero de imperio decertatur belloque quaeritur gloria, causas omnino subesse tamen oportet easdem, quas dixi paulo ante iustas causas esse bellorum. Sed ea bella, quibus imperii proposita gloria est, minus acerbe gerenda sunt. Ut enim cum civi aliter contendimus, si est inimicus, aliter si competitor (cum altero certamen honoris et dignitatis est, cum altero capitis et famae) sic cum Celtiberis, cum Cimbris bellum ut cum inimicis gerebatur, uter esset, non uter imperaret, cum Latinis, Sabinis, Samnitibus, Poenis, Pyrrho de imperio dimicabatur. Poeni foedifragi, crudelis Hannibal, reliqui iustiores. Pyrrhi quidem de captivis reddendis illa praeclara:

Nec mi aurum posco nec mi pretium dederitis,
Nec cauponantes bellum, sed belligerantes
Ferro, non auro vitam cernamus utrique.
Vosne velit an me regnare era, quidve ferat Fors,

Virtute experiamur. Et hoc simul accipe dictum:
Quorum virtuti belli Fortuna pepercit,
Eorundem libertati me parcere certum est.
Dono, ducite, doque volentibus cum magnis dis.

[39] Regalis sane et digna Aeacidarum genere sententia. Atque etiam si quid singuli temporibus adducti hosti promiserunt, est in eo ipso fides conservanda, ut primo Punico bello Regulus captus a Poenis, cum de captivis commutandis Romam missus esset iurassetque se rediturum, primum, ut venit, captivos reddendos in senatu non censuit, deinde, cum retineretur a propinquis et ab amicis, ad supplicium redire maluit quam fidem hosti datam fallere.

[40 [Secundo autem Punico bello post Cannensem pugnam quos decem Hannibal Romam misit astrictos iure iurando se redituros esse nisi de redimendis is, qui capti erant, impetrassent, eos omnes censores, quoad quisque eorum vixit, quod peierassent in aerariis reliquerunt, nec minus illum, qui iure iurando fraude culpam invenerat. Cum enim permissu Hannibalis exisset e castris, rediit paulo post, quod se oblitum nescio quid diceret; deinde egressus e castris iure iurando se solutum putabat, et erat verbis, re non erat. Semper autem in fide quid senseris, non quid dixeris, cogitandum est. Maximum autem exemplum est iustitiae in hostem a maioribus nostris constitutum, cum a Pyrrho perfuga senatui est pollicitus se venenum regi daturum et eum necaturum. Senatus et C. Fabricius eum Pyrrho dedit. Ita ne hostis quidem et potentis et bellum ultro inferentis interitum cum scelere approbavit.]

[41] Ac de bellicis quidem officiis satis dictum est. Meminerimus autem etiam adversus infimos iustitiam esse servandam. Est autem infima condicio et fortuna servorum, quibus non male praecipiunt, qui ita iubent uti, ut mercennariis, operam exigendam, iusta praebenda. Cum autem duobus modis, id est aut vi aut fraude, fiat iniuria, fraus quasi vulpeculae, vis leonis videtur; utrumque homine alienissimum, sed fraus odio digna maiore. Totius autem iniustitiae nulla capitalior quam eorum, qui tum, cum maxime fallunt, id agunt, ut viri boni esse videantur. De iustitia satis dictum.

[42] Deinceps, ut erat propositum, de beneficentia ac de liberalitate dicatur, qua quidem nihil est naturae hominis accommodatius, sed

habet multas cautiones. Videndum est enim, primum ne obsit benignitas et iis ipsis, quibus benigne videbitur fieri, et ceteris, deinde ne maior benignitas sit, quam facultates, tum ut pro dignitate cuique tribuatur; id enim est iustitiae fundamentum, ad quam haec referenda sunt omnia. Nam et qui gratificantur cuipiam, quod obsit illi, cui prodesse velle videantur, non benefici neque liberales, sed perniciosi assentatores iudicandi sunt, et qui aliis nocent, ut in alios liberales sint, in eadem sunt iniustitia, ut si in suam rem aliena convertant.

[43] Sunt autem multi et quidem cupidi splendoris et gloriae, qui eripiunt aliis, quod aliis largiantur, ique arbitrantur se beneficos in suos amicos visum iri, si locupletent eos quacumque ratione. Id autem tantum abest ab officio, ut nihil magis officio possit esse contrarium. Videndum est igitur, ut ea liberalitate utamur. quae prosit amicis, noceat nemini. Quare L. Sullae, C. Caesaris pecuniarum translatio a iustis dominis ad alienos non debet liberalis videri; nihil est enim liberale, quod non idem iustum.

[44] Alter locus erat cautionis, ne benignitas maior esset quam facultates, quod qui benigniores volunt esse, quam res patitur, primum in eo peccant, quod iniuriosi sunt in proximos; quas enim copias his et suppeditari aequius est et relinqui eas transferunt ad alienos. Inest autem in tali liberalitate cupiditas plerumque rapiendi et auferendi per iniuriam, ut ad largiendum suppetant copiae. Videre etiam licet plerosque non tam natura liberales quam quadam gloria ductos, ut benefici videantur facere multa, quae proficisci ab ostentatione magis quam a voluntate videantur. Talis autem simulatio vanitati est coniunctior quam aut liberalitati aut honestati.

[45] Tertium est propositum, ut in beneficentia dilectus esset dignitatis; in quo et mores eius erunt spectandi, in quem beneficium conferetur, et animus erga nos et communitas ac societas vitae et ad nostras utilitates officia ante collata; quae ut concurrant omnia, optabile est; si minus, plures causae maioresque ponderis plus habebunt.

[46] Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus praeclare agitur, si sunt simulacra virtutis, etiam hoc intellegendum puto, neminem omnino esse neglegendum, in quo aliqua significatio virtutis appareat, colendum

autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua multa iam dicta sunt, iustitia. Nam fortis animus et magnus in homine non perfecto nec sapiente ferventior plerumque est, illae virtutes bonum virum videntur potius attingere. Atque haec in moribus.

[47] De benivolentia autem, quam quisque habeat erga nos, primum illud est in officio, ut ei plurimum tribuamus, a quo plurimum diligamur, sed benivolentiam non adulescentulorum more ardore quodam amoris, sed stabilitate potius et constantia iudicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia, maior quaedam cura adhibenda est; nullum enim officium referenda gratia magis necessarium est.

[48] Quodsi ea, quae utenda acceperis, maiore mensura, si modo possis, iubet reddere Hesiodus, quidnam beneficio provocati facere debemus? An imitari agros fertiles, qui multo plus efferunt, quam acceperunt? Etenim si in eos, quos speramus nobis profuturos, non dubitamus, officia conferre, quales in eos esse debemus, qui iam profuerunt? Nam cum duo genera liberalitatis sint, unum dandi beneficii, alterum reddendi, demus necne in nostra potestate est, non reddere viro bono non licet, modo id facere possit sine iniuria.

[49] Acceptorum autem beneficiorum sunt dilectus habendi, nec dubium, quin maximo cuique plurimum debeatur. In quo tamen inprimis, quo quisque animo, studio, benivolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam sine iudicio, vel morbo in omnes vel repentino quodam quasi vento impetu animi incitati; quae beneficia aeque magna non sunt habenda atque ea, quae iudicio, considerate constanterque delata sunt. Sed in collocando beneficio et in referenda gratia, si cetera paria sunt, hoc maxime officii est, ut quisque opis indigeat, ita ei potissimum opitulari; quod contra fit a plerisque; a quo enim plurimum sperant, etiamsi ille iis non eget, tamen ei potissimum inserviunt.

[50] Optime autem societas hominum coniunctioque servabitur, si, ut quisque erit coniunctissimus, ita in eum benignitatis plurimum conferetur. Sed quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius. Est enim primum quod cernitur in universi generis humani societate. Eius autem vinculum est ratio et oratio, quae docendo, discendo, communicando, disceptando,

iudicando conciliat inter se homines coniungitque naturali quadam societate, neque ulla re longius absumus a natura ferarum, in quibus inesse fortitudinem saepe dicimus, ut in equis, in leonibus, iustitiam, aequitatem, bonitatem non dicimus; sunt enim rationis et orationis expertes.

[51] Ac latissime quidem patens hominibus inter ipsos, omnibus inter omnes societas haec est. In qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas, ut quae discripta sunt legibus et iure civili, haec ita teneantur, ut sit constitutum e quibus ipsis, cetera sic observentur, ut in Graecorum proverbio est, amicorum esse communia omnia. Omnium autem communia hominum videntur ea, quae sunt generis eius, quod ab Ennio positum in una re transferri in permultas potest:

Homo, qui erranti comiter monstrat viam,
Quasi lumen de suo lumine accendat, facit.
Nihilo minus ipsi lucet, cum illi accenderit.

Una ex re satis praecipit, ut quidquid sine detrimento commodari possit, id tribuatur vel ignoto.

[52] Ex quo sunt illa communia: non prohibere aqua profluente, pati ab igne ignem capere, si qui velit, consilium fidele deliberanti dare, quae sunt iis utilia, qui accipiunt, danti non molesta. Quare et his utendum est et semper aliquid ad communem utilitatem afferendum. Sed quoniam copiae parvae singulorum sunt, eorum autem, qui his egeant, infinita est multitudo, vulgaris liberalitas referenda est ad illum Ennii finem “nihilominus ipsi lucet”, ut facultas sit, qua in nostros simus liberales.

[53] Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, proprior est eiusdem gentis, nationis, linguae, qua maxime homines coniunguntur. Interius etiam est eiusdem esse civitatis; multa enim sunt civibus inter se communia, forum, fana, porticus, viae, leges, iura, iudicia, suffragia, consuetudines praeterea et familiaritates multisque cum multis res rationesque contractae. Artior vero colligatio est societatis propinquorum; ab illa enim inmensa societate humani generis in exiguum angustumque concluditur.

[54] Nam cum sit hoc natura commune animantium, ut habeant libidinem procreandi, prima societas in ipso coniugio est, proxima in liberis, deinde una domus, communia omnia; id autem est principium urbis et quasi seminarium rei publicae. Sequuntur fratrum coniunctiones, post consobrinorum sobrinorumque, qui cum una domo iam capi non possint, in alias domos tamquam in colonias exeunt. Sequuntur conubia et affinitates ex quibus etiam plures propinqui; quae propagatio et suboles origo est rerum publicarum. Sanguinis autem coniunctio et benivolentia devincit homines [et] caritate.

[55] Magnum est enim eadem habere monumenta maiorum, eisdem uti sacris, sepulchra habere communia. Sed omnium societatum nulla praestantior est, nulla firmior, quam cum viri boni moribus similes sunt familiaritate coniuncti; illud enim honestum, quod saepe dicimus, etiam si in alio cernimus, [tamen] nos movet atque illi in quo id inesse videtur amicos facit.]

[56] Et quamquam omnis virtus nos ad se allicit facitque, ut eos diligamus, in quibus ipsa inesse videatur, tamen iustitia et liberalitas id maxime efficit. Nihil autem est amabilius nec copulatius, quam morum similitudo bonorum; in quibus enim eadem studia sunt, eaedem voluntates, in iis fit, ut aeque quisque altero delectetur ac se ipso, efficiturque id, quod Pythagoras vult in amicitia, ut unus fiat ex pluribus. Magna etiam illa communitas est, quae conficitur ex beneficiis ultro et citro datis acceptis, quae et mutua et grata dum sunt, inter quos ea sunt firma devinciuntur societate.

[57] Sed cum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior quam ea, quae cum re publica est uni cuique nostrum. Cari sunt parentes, cari liberi, propinqui, familiares, sed omnes omnium caritates patria una complexa est, pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum immanitas, qui lacerarunt omni scelere patriam et in ea funditus delenda occupati et sunt et fuerunt.

[58] Sed si contentio quaedam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus proximi liberi totaque domus, quae spectat in nos solos neque aliud ullum potest habere perfugium,

deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quamobrem necessaria praesidia vitae debentur his maxime quos ante dixi, vita autem victusque communis, consilia, sermones, cohortationes, consolationes, interdum etiam obiurgationes in amicitiis vigent maxime, estque ea iucundissima amicitia, quam similitudo morum coniugavit.

[59] Sed in his omnibus officiis tribuendis videndum erit, quid cuique maxime necesse sit et quid quisque vel sine nobis aut possit consequi aut non possit. Ita non idem erunt necessitudinum gradus qui temporum, suntque officia, quae aliis magis quam aliis debeantur, ut vicinum citius adiuveris in fructibus percipiendis quam aut fratrem aut familiarem, at, si lis in iudicio sit, propinquum potius et amicum quam vicinum defenderis. Haec igitur et talia circumspicienda sunt in omni officio [et consuetudo exercitatioque capienda], ut boni ratiocinatores officiorum esse possimus et addendo deducendoque videre, quae reliqui summa fiat, ex quo quantum cuique debeatur intellegas.

[60] Sed ut nec medici nec imperatores nec oratores quamvis artis praecepta perceperint, quicquam magna laude dignum sine usu et exercitatione consequi possunt, sic officii conservandi praecepta traduntur illa quidem, ut facimus ipsi, sed rei magnitudo usum quoque exercitationemque desiderat. Atque ab iis rebus, quae sunt in iure societatis humanae, quemadmodum ducatur honestum, ex quo aptum est officium, satis fere diximus.

[61] Intellegendum autem est, cum proposita sint genera quattuor, e quibus honestas officiumque manaret, splendidissimum videri, quod animo magno elatoque humanasque res despiciente factum sit. Itaque in probris maxime in promptu est, si quid tale dici potest:

“Vos enim, iuvenes, animum geritis muliebrem,
illa” virgo “viri”

et si quid eiusmodi:

Salmacida, spolia sine sudore et sanguine.

Contraque in laudibus, quae magno animo et fortiter excellenterque gesta sunt, ea nescio quomodo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone, Salamine, Plataeis,

Thermopylis, Leuctris, hinc noster Cocles, hinc Decii, hinc Cn. et P. Scipiones, hinc M. Marcellus, innumerabiles alii, maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicae gloriae, quod statuas quoque videmus ornatu fere militari.

[62] Sed ea animi elatio, quae cernitur in periculis et laboribus, si iustitia vacat pugnatque non pro salute communi, sed pro suis commodis, in vitio est; non modo enim id virtutis non est, sed est potius immanitatis omnem humanitatem repellentis. Itaque probe definitur a Stoicis fortitudo, cum eam virtutem esse dicunt propugnantem pro aequitate. Quocirca nemo, qui fortitudinis gloriam consecutus est insidiis et malitia, laudem est adeptus: nihil enim honestum esse potest, quod iustitia vacat.

[63] Praeclarum igitur illud Platonis: "Non," inquit, "solum scientia, quae est remota ab iustitia calliditas potius quam sapientia est appellanda, verum etiam animus paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciae potius nomen habeat, quam fortitudinis." Itaque viros fortes et magnanimos eosdem bonos et simplices, veritatis amicos minimeque fallaces esse volumus; quae sunt ex media laude iustitiae.

[64] Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime pertinacia et nimia cupiditas principatus innascitur. Ut enim apud Platonem est, omnem morem Lacedaemoniorum inflammatum esse cupiditate vincendi, sic, ut quisque animi magnitudine maxime excellet, ita maxime vult princeps omnium vel potius solus esse. Difficile autem est, cum praestare omnibus concupieris, servare aequitatem, quae est iustitiae maxime propria. Ex quo fit ut neque disceptatione vinci se nec ullo publico ac legitimo iure patiantur, existuntque in re publica plerumque largitores et factiosi, ut opes quam maximas consequantur et sint vi potius superiores quam iustitia pares. Sed quo difficilius, hoc praeclarius; nullum enim est tempus, quod iustitia vacare debeat.

[65] Fortes igitur et magnanimi sunt habendi non qui faciunt, sed qui propulsant iniuriam. Vera autem et sapiens animi magnitudo honestum illud, quod maxime natura sequitur, in factis positum, non in gloria iudicat principemque se esse mavult quam videri. Etenim qui ex errore imperitae multitudinis pendet, hic in magnis viris non

est habendus. Facillime autem ad res iniustas impellitur, ut quisque altissimo animo est, gloriae cupiditate; qui locus est sane lubricus, quod vix invenitur, qui laboribus susceptis periculisque aditis non quasi mercedem rerum gestarum desideret gloriam.

[66] Omnino fortis animus et magnus duabus rebus maxime cernitur, quarum una in rerum externarum despicientia ponitur, cum persuasum est nihil hominem nisi quod honestum decorumque sit aut admirari aut optare aut expetere oportere, nullique neque homini neque perturbationi animi nec fortunae succumbere. Altera est res, ut cum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxime utiles, sed ut vehementer arduas plenasque laborum et periculorum cum vitae, tum multarum rerum, quae ad vitam pertinent.

[67] Harum rerum duarum splendor omnis, amplitudo, addo etiam utilitatem, in posteriore est, causa autem et ratio efficiens magnos viros in priore. In eo est enim illud, quod excellentes animos et humana contemnentes facit. Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum iudices et ab omni animi perturbatione liber sis. Nam et ea, quae eximia plerisque et praeclara videntur, parva ducere eaque ratione stabili firmaque contemnere fortis animi magnique ducendum est, et ea, quae videntur acerba, quae multa et varia in hominum vita fortunaque versantur, ita ferre, ut nihil a statu naturae discedas, nihil a dignitate sapientis. robusti animi est magnaeque constantiae.

[68] Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate, nec qui invictum se a labore praestiterit, vinci a voluptate. Quam ob rem et haec vitanda et pecuniae fugienda cupiditas; nihil enim est tam angusti animi tamque parvi quam amare divitias, nihil honestius magnificentiusque quam pecuniam contemnere, si non habeas, si habeas, ad beneficentiam liberalitatemque conferre. Cavenda etiam est gloriae cupiditas, ut supra dixi; eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero imperia expetenda ac potius aut non accipienda interdum aut deponenda non numquam.

[69] Vacandum autem omni est animi perturbatione, cum cupiditate et metu, tum etiam aegritudine et voluptate nimia et iracundia, ut tranquillitas animi et securitas adsit, quae affert cum constantiam tum

etiam dignitatem. Multi autem et sunt et fuerunt, qui eam, quam dico, tranquillitatem expetentes a negotiis publicis se removerint ad otiumque perfugerint, in his et nobilissimi philosophi longeque principes et quidam homines severi et graves, nec populi nec principum mores ferre potuerunt vixeruntque non nulli in agris delectati re sua familiari.

[70] His idem propositum fuit quod regibus, ut ne qua re egerent, ne cui parerent, libertate uterentur, cuius proprium est sic vivere ut velis. Quare cum hoc commune sit potentiae cupidorum cum his, quos dixi, otiosis, alteri se adipisci id posse arbitrantur, si opes magnas habeant, alteri si contenti sint et suo et parvo. In quo neutrorum omnino contemnenda sententia est, sed et facilior et tutior et minus aliis gravis aut molesta vita est otiosorum, fructuosior autem hominum generi et ad claritatem amplitudinemque aptior eorum, qui se ad rem publicam et ad magnas res gerendas accomodaverunt.

[71] Quapropter et iis forsitan concedendum sit rem publicam non capessentibus, qui excellenti ingenio doctrinae sese dediderunt, et iis, qui aut valitudinis imbecillitate aut aliqua graviore causa impediti a re publica recesserunt, cum eius administrandae potestatem aliis laudemque concederent. Quibus autem talis nulla sit causa, si despicere se dicant ea, quae plerique mirentur, imperia et magistratus, iis non modo non laudi, verum etiam vitio dandum puto. Quorum iudicium in eo, quod gloriam contemnant et pro nihilo putent, difficile factu est non probare, sed videntur labores et molestias, tum offensionum et repulsarum quasi quandam ignominiam timere et infamiam. Sunt enim qui in rebus contrariis parum sibi constent, voluptatem severissime contemnant, in dolore sint molliores, gloriam neglegant, frangantur infamia atque ea quidem non satis constanter.

[72] Sed iis qui habent a natura adiumenta rerum gerendarum, abiecta omni cunctatione adipiscendi magistratus et gerenda res publica est; nec enim aliter aut regi civitas aut declarari animi magnitudo potest. Capessentibus autem rem publicam nihilominus quam philosophis, haud scio an magis etiam, et magnificentia et despicientia adhibenda est rerum humanarum, quam saepe dico, et tranquillitas animi atque securitas, si quidem nec anxii futuri sunt et

cum gravitate constantiaque victuri.

[73] Quae faciliora sunt philosophis, quo minus multa patent in eorum vita, quae fortuna feriat, et quo minus multis rebus egent, et quia si quid adversi eveniat, tam graviter cadere non possunt. Quocirca non sine causa maiores motus animorum concitantur maioraque studia efficiendi rem publicam gerentibus quam quietis, quo magis iis et magnitudo est animi adhibenda et vacuitas ab angoribus. Ad rem gerendam autem qui accedit, caveat, ne id modo consideret, quam illa res honesta sit, sed etiam ut habeat efficiendi facultatem; in quo ipso considerandum est, ne aut temere desperet propter ignaviam aut nimis confidat propter cupiditatem. In omnibus autem negotiis priusquam adgrediare, adhibenda est praeparatio diligens.

[74] Sed cum plerique arbitrentur res bellicas maiores esse quam urbanas, minuenda est haec opinio. Multi enim bella saepe quaesiverunt propter gloriae cupiditatem, atque id in magnis animis ingeniisque plerumque contingit, eoque magis, si sunt ad rem militarem apti et cupidi bellorum gerendorum; vere autem si volumus iudicare multae res extiterunt urbanae maiores clarioresque quam bellicae.

[75] Quamvis enim Themistocles iure laudetur et sit eius nomen quam Solonis illustrius citeturque Salamis clarissimae testis victoriae, quae anteponatur consilio Solonis ei, quo primum constituit Areopagitas, non minus praeclarum hoc quam illud iudicandum est. Illud enim semel profuit, hoc semper proderit civitati; hoc consilio leges Atheniensium, hoc maiorum instituta servantur. Et Themistocles quidem nihil dixerit, in quo ipse Areopagum adiuverit, at ille vere [a] se adiutum Themistoclem; est enim bellum gestum consilio senatus eius, qui a Solone erat constitutus.

[76] Licet eadem de Pausania Lysandroque dicere, quorum rebus gestis quamquam imperium Lacedaemoniis partum putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinae conferendi sunt; quin etiam ob has ipsas causas et parentiores habuerunt exercitus et fortiores. Mihi quidem neque pueris nobis M. Scaurus C. Mario neque, cum versaremur in re publica, Q. Catulus Cn. Pompeio cedere videbatur; parvi enim sunt foris arma, nisi est consilium domi. Nec plus Africanus, singularis et vir et imperator in exscindenda Numantia rei publicae profuit quam eodem tempore P. Nasica privatus, cum Ti. Gracchum interemit; quamquam haec quidem res non solum ex domestica est ratione — attingit etiam bellicam, quoniam vi manuque confecta est — sed tamen id ipsum est gestum consilio urbano sine exercitu.

[77] Illud autem optimum est, in quod invadi solere ab improbis et invidis audio “cedant arma togae concedat laurea laudi”. Ut enim alios omittam, nobis rem publicam gubernantibus nonne togae arma cesserunt? Neque enim periculum in re publica fuit gravius umquam nec maius otium. Ita consiliis diligentiaque nostra celeriter de manibus audacissimorum civium delapsa arma ipsa ceciderunt. Quae res igitur gesta umquam in bello tanta? qui triumphus conferendus?

[78] Licet enim mihi, M. fili, apud te gloriari, ad quem et hereditas huius gloriae et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus, Cn. Pompeius, multis audientibus, hoc tribuit, ut diceret frustra se triumphum tertium deportaturum fuisse, nisi meo in rem publicam beneficio ubi triumpharet esset habiturus. Sunt igitur domesticae fortitudines non inferiores militaribus; in

quibus plus etiam quam in his operae studiique ponendum est.

[79] Omnino illud honestum, quod ex animo excelso magnificoque quaerimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut oboedire consilio rationique possit in exsequendis negotiis et in labore tolerando. Honestum autem id, quod exquirimus, totum est positum in animi cura et cogitatione; in quo non minorem utilitatem afferunt, qui togati rei publicae praesunt, quam qui bellum gerunt. Itaque eorum consilio saepe aut non suscepta aut confecta bella sunt, non numquam etiam illata, ut M. Catonis bellum tertium Punicum, in quo etiam mortui valuit auctoritas.

[80] Qua re expetenda quidem magis est decernendi ratio quam decertandi fortitudo, sed cavendum, ne id bellandi magis fuga quam utilitatis ratione faciamus. Bellum autem ita suscipiatur, ut nihil aliud nisi pax quaesita videatur. Fortis vero animi et constantis est non perturbari in rebus asperis nec tumultuantem de gradu deici, ut dicitur, sed praesenti animo uti et consilio nec a ratione discedere.

[81] Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura et aliquanto ante constituere, quid accidere possit in utramque partem et quid agendum sit, cum quid evenerit, nec committere, ut aliquando dicendum sit “non putaram”. Haec sunt opera magni animi et excelsi et prudentia consilioque fidentis; temere autem in acie versari et manu cum hoste confligere immane quiddam et beluarum simile est; sed cum tempus necessitasque postulat, decertandum manu est et mors servituti turpitudinique anteponenda.

[82] [De evertendis autem diripiendisque urbibus valde considerandum est, ne quid temere, ne quid crudeliter. Idque est viri magni rebus agitatis punire sontes, multitudinem conservare, in omni fortuna recta atque honesta retinere.] Ut enim sunt, quemadmodum supra dixi, qui urbanis rebus bellicas anteponant, sic reperias multos, quibus periculosa et calida consilia quietis et cogitatis splendidiora et maiora videantur.

[83] Numquam omnino periculi fuga committendum est, ut inbelles timidique videamur, sed fugiendum illud etiam, ne offeramus nos periculis sine causa, quo esse nihil potest stultius. Quapropter in adeundis periculis consuetudo imitanda medicorum est, qui leviter

aegrotantes leniter curant, gravioribus autem morbis periculosas curationes et ancipites adhibere coguntur. Quare in tranquillo tempestatem adversam optare dementis est, subvenire autem tempestati quavis ratione sapientis, eoque magis, si plus adipiscare re explicata boni quam addubitata mali. Periculosae autem rerum actiones partim iis sunt, qui eas suscipiunt, partim rei publicae.

[84] Itemque alii de vita, alii de gloria et benivolentia civium in discrimen vocantur. Promptiores igitur debemus esse ad nostra pericula quam ad communia dimicareque paratius de honore et gloria quam de ceteris commodis. Inventi autem multi sunt, qui non modo pecuniam, sed etiam vitam profundere pro patria parati essent, idem gloriae iacturam ne minimam quidem facere vellent, ne re publica quidem postulante, ut Callicratidas, qui, cum Lacedaemoniorum dux fuisset Peloponnesiaco bello multaque fecisset egregie, vertit ad extremum omnia, cum consilio non paruit eorum, qui classem ab Arginusis removendam nec cum Atheniensibus dimicandum putabant. Quibus ille respondit Lacedaemonios classe illa amissa aliam parare posse, se fugere sine suo dedecore non posse. Atque haec quidem Lacedaemoniis plaga mediocris, illa pestifera, qua, cum Cleombrotus invidiam timens temere cum Epaminonda conflixisset, Lacedaemoniorum opes corruerunt. Quanto Q. Maximus melius! de quo Ennius:

Unus homo nobis cunctando restituit rem.
Noenum rumores ponebat ante salutem.
Ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. Sunt enim qui quod sentiunt, etsi optimum sit, tamen invidiae metu non audeant dicere.

[85] Omnino qui rei publicae praefuturi sunt duo Platonis praecepta teneant: unum, ut utilitatem civium sic tueantur, ut quaecumque agunt, ad eam referant obliti commodorum suorum, alterum, ut totum corpus rei publicae curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio rei publicae ad eorum utilitatem, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem neglegunt,

rem perniciosissimam in civitatem inducunt, seditionem atque discordiam; ex quo evenit, ut alii populares, alii studiosi optimi cuiusque videantur, pauci universorum.

[86] Hinc apud Athenienses magnae discordiae, in nostra re publica non solum seditiones, sed etiam pestifera bella civilia; quae gravis et fortis civis et in re publica dignus principatu fugiet atque oderit tradetque se totum rei publicae neque opes aut potentiam consectabitur totamque eam sic tuebitur, ut omnibus consulat. Nec vero criminibus falsis in odium aut invidiam quemquam vocabit omninoque ita iustitiae honestatique adhaerescet, ut, dum ea conservet, quamvis graviter offendat mortemque oppetat potius, quam deserat illa, quae dixi.

[87] Miserrima omnino est ambitio honorumque contentio, de qua praeclare apud eundem est Platonem "similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautae certarent, quis eorum potissimum gubernaret". Idemque praecipit, "ut eos adversarios existimemus, qui arma contra ferant, non eos, qui suo iudicio tueri rem publicam velint", qualis fuit inter P. Africanum et Q. Metellum sine acerbitate dissensio.

[88] Nec vero audiendi qui graviter inimicis irascendum putabunt idque magnanimi et fortis viri esse censebunt; nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementia. In liberis vero populis et in iuris aequabilitate exercenda etiam est facilitas et altitudo animi quae dicitur, ne si irascamur aut intempestive accedentibus aut impudenter rogantibus in morositatem inutilem et odiosam incidamus et tamen ita probanda est mansuetudo atque clementia, ut adhibeatur rei publicae causa severitas, sine qua administrari civitas non potest. omnis autem et animadversio et castigatio contumelia vacare debet neque ad eius, qui punitur aliquem aut verbis castigat, sed ad rei publicae utilitatem referri.

[89] Cavendum est etiam ne maior poena quam culpa sit et ne isdem de causis alii plectantur, alii ne appellentur quidem. prohibenda autem maxime est ira puniendo; numquam enim iratus qui accedet ad poenam mediocritatem illam tenebit, quae est inter nimium et parum, quae placet Peripateticis et recte placet, modo ne laudarent iracundiam et dicerent utiliter a natura datam. Illa vero omnibus in rebus repudianda est optandumque, ut ii, qui praesunt rei

publicae, legum similes sint, quae ad puniendum non iracundia, sed aequitate ducuntur.

[90] Atque etiam in rebus prosperis et ad voluntatem nostram fluentibus superbiam magnopere, fastidium arrogantiamque fugiamus. nam ut adversas res, sic secundas inmoderate ferre levitatis est praeclaraque est aequabilitas in omni vita et idem semper vultus eademque frons, ut de Socrate itemque de C. Laelio accepimus. Philippum quidem Macedonum regem rebus gestis et gloria superatum a filio, facilitate et humanitate video superiorem fuisse. Itaque alter semper magnus, alter saepe turpissimus, ut recte praecipere videantur, qui monent, ut, quanto superiores simus, tanto nos geramus summissius. Panaetius quidem Africanum auditorem et familiarem suum solitum ait dicere, "ut equos propter crebras contentiones proeliorum ferocitate exultantes domitoribus tradere soleant, ut iis facilioribus possint uti, sic homines secundis rebus effrenatos sibique praefidentes tamquam in gyrum rationis et doctrinae duci oportere, ut perspicerent rerum humanarum imbecillitatem varietatemque fortunae".

[91] Atque etiam in secundissimis rebus maxime est utendum consilio amicorum isque maior etiam quam ante tribuenda auctoritas. Isdemque temporibus cavendum est ne assentatoribus patefaciamus aures neve adulari nos sinamus, in quo falli facile est. tales enim nos esse putamus, ut iure laudemur; ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus turpiter irridentur et in maximis versantur erroribus.

[92] sed haec quidem hactenus. Illud autem sic est iudicandum, maximas geri res et maximi animi ab iis, qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat; esse autem magni animi et fuisse multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quaedam seseque suarum rerum finibus continerent aut interiecti inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes neque excludentes ab eius usu suos potiusque et amicis impertientes et rei publicae, si quando usus esset. quae primum bene parta sit nullo neque turpi quaestu neque odioso, tum quam plurimis, modo dignis, se utilem praebeat] deinde augeatur ratione, diligentia, parsimonia [nec libidini potius

luxuriaeque quam liberalitati et beneficentiae pareat. Haec praescripta servantem licet magnifice, graviter animoseque vivere atque etiam simpliciter, fideliter, + vere hominum amice.

[93] Sequitur ut de una reliqua parte honestatis dicendum sit, in qua verecundia et quasi quidam ornatus vitae, temperantia et modestia omnisque sedatio perturbationum animi et rerum modus cernitur. hoc loco continetur id, quod dici latine decorum potest; Graece enim *prepon* dicitur.

[94] Huius vis ea est, ut ab honesto non queat separari; nam et quod decet honestum est et quod honestum est decet. qualis autem differentia sit honesti et decori, facilius intellegi quam explanari potest. quicquid est enim, quod deceat, id tum apparet, cum antegressa est honestas. Itaque non solum in hac parte honestatis, de qua hoc loco disserendum est, sed etiam in tribus superioribus quid deceat apparet. Nam et ratione uti atque oratione prudenter et agere quod agas considerate omnique in re quid sit veri videre et tueri decet, contraque falli, errare, labi, decipi tam dedecet quam delirare et mente esse captum; et iusta omnia decora sunt, iniusta contra, ut turpia, sic indecora. Similis est ratio fortitudinis. quod enim viriliter animoque magno fit, id dignum viro et decorum videtur, quod contra, id ut turpe sic indecorum.

[95] Quare pertinet quidem ad omnem honestatem hoc, quod dico, decorum, et ita pertinet, ut non recondita quadam ratione cernatur, sed sit in promptu. est enim quiddam, idque intellegitur in omni virtute, quod deceat; quod cogitatione magis a virtute potest quam re separari. ut venustas et pulchritudo corporis secerni non potest a valitudine, sic hoc, de quo loquimur, decorum totum illud quidem est cum virtute confusum, sed mente et cogitatione distinguitur.

[96] Est autem eius discriptio duplex; nam et generale quoddam decorum intellegimus, quod in omni honestate versatur, et aliud huic subiectum, quod pertinet ad singulas partes honestatis. Atque illud superius sic fere definiri solet, decorum id esse, quod consentaneum sit hominis excellentiae in eo, in quo natura eius a reliquis animantibus differat. quae autem pars subiecta generi est, eam sic definiunt, ut id decorum velint esse, quod ita naturae consentaneum sit, ut in eo moderatio et temperantia appareat cum specie quadam liberali.

[97] Haec ita intellegi, possumus existimare ex eo decoro, quod poetae sequuntur, de quo alio loco plura dici solent. Sed tum servare illud poetas, quod deceat, dicimus, cum id quod quaque persona dignum est, et fit et dicitur, ut si Aeacus aut Minos diceret:

oderint, dum metuant,

aut:

natis sepulchro ipse est parens,

indecorum videretur, quod eos fuisse iustos accepimus; at Atreo dicente plausus excitantur, est enim digna persona oratio; sed poetae quid quemque deceat, ex persona iudicabunt; nobis autem personam imposuit ipsa natura magna cum excellentia praestantiaque animantium reliquarum.

[98] Quocirca poetae in magna varietate personarum etiam vitiosis quid conveniat et quid deceat videbunt, nobis autem cum a natura constantiae, moderationis, temperantiae, verecundiae partes datae sint cumque eadem natura doceat non neglegere, quemadmodum nos adversus homines geramus, efficitur ut et illud, quod ad omnem honestatem pertinet, decorum quam late fusum sit appareat et hoc, quod spectatur in uno quoque genere virtutis. Ut enim pulchritudo corporis apta compositione membrorum movet oculos et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt, sic hoc decorum, quod elucet in vita, movet approbationem eorum, quibuscum vivitur, ordine et constantia et moderatione dictorum omnium atque factorum.

[99] adhibenda est igitur quaedam reverentia adversus homines et optimi cuiusque et reliquorum. nam neglegere quid de se quisque sentiat, non solum arrogantis est sed etiam omnino dissoluti. est autem quod differat in hominum ratione habenda inter iustitiam et verecundiam. Iustitiae partes sunt non violare homines, verecundiae non offendere, in quo maxime vis perspicitur decori. His igitur eitis quale sit id, quod decere dicimus, intellectum puto.

[100] Officium autem, quod ab eo ducitur, hanc primum habet viam, quae deducit ad convenientiam conservationemque naturae; quam si sequemur ducem, nunquam aberrabimus sequemurque et id, quod acutum et perspicax natura est, et id, quod ad hominum consociationem accommodatum, et id, quod vehemens atque forte. Sed maxima vis decori in hac inest parte, de qua disputamus; neque

enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item ad naturam accommodati sunt.

[101] Duplex est enim vis animorum atque natura; una pars in appetitu posita est, quae est *orme* Graece, quae hominem huc et illuc rapit, altera in ratione, quae docet et explanat, quid faciendum fugiendumque sit. Ita fit, ut ratio praesit, appetitus obtemperet. Omnis autem actio vacare debet temeritate et neglegentia nec vero agere quicquam, cuius non possit causam probabilem reddere; haec est enim fere discriptio officii.

[102] Efficiendum autem est, ut appetitus rationi oboediant eamque neque praecurrant nec propter pigritiam aut ignaviam deserant sintque tranquilli atque omni animi perturbatione careant; ex quo elucebit omnis constantia omnisque moderatio. nam qui appetitus longius evagantur et tamquam exultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine dubio finem et modum transeunt. relinquunt enim et abiciunt oboedientiam nec rationi parent, cui sunt subiecti lege naturae; a quibus non modo animi perturbantur, sed etiam corpora. licet ora ipsa cernere iratorum aut eorum, qui aut libidine aliqua aut metu commoti sunt aut voluptate nimia gestiunt; quorum omnium vultus, voces, motus statusque mutantur.

[103] Ex quibus illud intellegitur, ut ad officii formam revertamur, appetitus omnes contrahendos sedandosque esse excitandamque animadversionem et diligentiam, ut ne quid temere ac fortuito, inconsiderate neglegenterque agamus. neque enim ita generati a natura sumus, ut ad ludum et iocum facti esse videamur, ad severitatem potius et ad quaedam studia graviora atque maiora. ludo autem et ioco uti illo quidem licet, sed sicut somno et quietibus ceteris tum, cum gravibus seriisque rebus satis fecerimus. ipsumque genus iocandi non profusum nec immodestum, sed ingenuum et facetum esse debet. ut enim pueris non omnem ludendi licentiam damus, sed eam, quae ab honestatis actionibus non sit aliena, sic in ipso ioco aliquod probi ingenii lumen eluceat.

[104] Duplex omnino est iocandi genus, unum illiberale, petulans, flagitiosum, obscenum, alterum elegans, urbanum, ingeniosum, facetum, quo genere non modo Plautus noster et Atticorum antiqua comoedia, sed etiam philosophorum Socraticorum libri referti sunt, multaque multorum facete dicta, ut ea, quae a sene Catone collecta

sunt, quae vocantur *apophthegmata*. Facilis igitur est distinctio ingenui et illiberalis ioci. alter est, si tempore fit, ut si remisso animo, [severissimo] homine dignus, alter ne libero quidem, si rerum turpitudo adhibetur et verborum obscenitas. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus elatique voluptate in aliquam turpitudinem delabamur. Suppeditant autem et campus noster et studia venandi honesta exempla ludendi.

[105] Sed pertinet ad omnem officii quaestionem semper in promptu habere, quantum natura hominis pecudibus reliquisque beluis antecedat; illae nihil sentiunt nisi voluptatem ad eamque feruntur omni impetu, hominis autem mens discendo alitur et cogitando, semper aliquid aut anquirit aut agit videndique et audiendi delectatione ducitur. quin etiam, si quis est paulo ad voluptates propensior, modo ne sit ex pecudum genere (sunt enim quidam homines non re, sed nomine) sed si quis est paulo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis propter verecundiam.

[106] Ex quo intellegitur corporis voluptatem non satis esse dignam hominis praestantia eamque contemni et reici oportere, sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse eius fruendae modum. Itaque victus cultusque corporis ad valitudinem referatur et ad vires, non ad voluptatem. Atque etiam, si considerare volumus, quae sit in natura excellentia et dignitas, intellegemus, quam sit turpe diffluere luxuria et delicate ac molliter vivere, quamque honestum parce, continenter, severe, sobrie.

[107] Intellegendum etiam est duabus quasi nos a natura indutos esse personis; quarum una communis est ex eo, quod omnes participes sumus rationis praestantiaeque eius, qua antecellimus bestiis, a qua omne honestum decorumque trahitur et ex qua ratio inveniendi officii exquiritur, altera autem quae proprie singulis est tributa. ut enim in corporibus magnae dissimilitudines sunt, alios videmus velocitate ad cursum, alios viribus ad luctandum valere, itemque in formis aliis dignitatem inesse, aliis venustatem, sic in animis existunt maiores etiam varietates.

[108] Erat in L. Crasso, in L. Philippo multus lepos, maior etiam magisque de industria in C. Caesare, L. filio; at isdem temporibus in M. Scauro et in M. Druso adulescente singularis severitas, in C.

Laelio multa hilaritas, in eius familiari Scipione ambitio maior, vita tristior. de Graecis autem dulcem et facetum festivique sermonis atque in omni oratione simulatorem, quem *eirona* Graeci nominarunt, Socratem accepimus, contra Pythagoram et Periclem summam auctoritatem consecutos sine ulla hilaritate. Callidum Hannibalem ex Poenorum, ex nostris ducibus Q. Maximum accepimus, facile celare, tacere, dissimulare, insidiari, praeripere hostium consilia. In quo genere Graeci Themistoclem et Pheraeum Iasonem ceteris anteponunt, in primisque versutum et callidum factum Solonis, qui, quo et tutior eius vita esset et plus aliquanto rei publicae prodesset, furere se simulavit.

[109] Sunt his alii multum dispares, simplices et aperti, qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici, itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum quod velint consequantur, ut Sullam et M. Crassum videbamus. quo in genere versutissimum et patientissimum Lacedaemonium Lysandrum accepimus, contraque Callicratidan, qui praefectus classis proximus post Lysandrum fuit. Itemque in sermonibus alium [quemque], quamvis praepotens sit, efficere, ut unus de multis esse videatur, quod in Catulo, et in patre et in filio, idemque in Q. Mucio, + Mancia vidimus. Audivi ex maioribus natu, hoc idem fuisse in P. Scipione Nasica, contraque patrem eius, illum qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem habuisse sermonis, [ne Xenocratem quidem severissimum philosophorum,] ob eamque rem ipsam magnum et clarum fuisse. Innumerabiles aliae dissimilitudines sunt naturae morumque, minime tamen vituperandorum.

[110] Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius, decorum illud, quod quaerimus, retineatur. Sic enim est faciendum, ut contra universam naturam nihil contendamus, ea tamen conservata propriam nostram sequamur, ut etiamsi sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur; neque enim attinet naturae repugnare nec quicquam sequi, quod assequi non queas. ex quo magis emergit quale sit decorum illud, ideo quia nihil decet invita Minerva, ut aiunt, id est adversante et repugnante natura.

[111] Omnino si quicquam est decorum, nihil est profecto magis

quam aequabilitas [cum] universae vitae, tum singularum actionum, quam conservare non possis, si aliorum naturam imitans, omittas tuam. Ut enim sermone eo debemus uti, qui innatus est nobis, ne, ut quidam, Graeca verba inculcantes iure optimo rideamur, sic in actiones omnemque vitam nullam discrepantiam conferre debemus.

[112] Atque haec differentia naturarum tantam habet vim, ut non numquam mortem sibi ipse consciscere alius debeat, alius [in eadem causa] non debeat. Num enim alia in causa M. Cato fuit, alia ceteri, qui se in Africa Caesari tradiderunt? atqui ceteris forsitan vitio datum esset, si se interemissent, propterea quod lenior eorum vita et mores fuerant faciliores; Catoni cum incredibilem tribuisset natura gravitatem, eamque ipse perpetua constantia roboravisset semperque in proposito susceptoque consilio permansisset, moriendum potius quam tyranni vultus aspiciendus fuit.

[113] Quam multa passus est Ulixes in illo errore diuturno, cum et mulieribus, si Circe et Calypso mulieres appellandae sunt, inserviret et in omni sermone omnibus affabilem [et iocundum] esse se vellet! Domi vero etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando, quod cupiebat, veniret. At Aiax, quo animo traditur, milies oppetere mortem quam illa perpeti maluisset. Quae contemplantes expendere oportebit, quid quisque habeat sui, eaque moderari nec velle experiri, quam se aliena deceant; id enim maxime quemque decet, quod est cuiusque maxime suum.

[114] [Suum] quisque igitur noscat ingenium acremque se et bonorum et vitiorum suorum iudicem praebeat, ne scaenici plus quam nos videantur habere prudentiae. Illi enim non optumas, sed sibi accomodatissimas fabulas eligunt; qui voce freti sunt, Epigonos Medumque, qui gestu Melanippam, Clytemestram, semper Rupilius, quem ego memini, Antiopam, non saepe Aesopus Aiacem. ergo histrio hoc videbit in scena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus. sin aliquando necessitas nos ad ea detruserit, quae nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea, si non decore, at quam minime indecore facere possimus, nec tam est enitendum, ut bona, quae nobis data non sint, sequamur, quam ut vitia fugiamus.

[115] Ac duabus iis personis, quas supra dixi, tertia adiungitur,

quam casus aliqui aut tempus imponit, quarta etiam, quam nobismet ipsis iudicio nostro accommodamus. nam regna, imperia, nobilitatem, honores, divitiae, opes eaque, quae sunt his contraria, in casu sita temporibus gubernantur; ipsi autem gerere quam personam velimus, a nostra voluntate proficiscitur. Itaque se alii ad philosophiam, alii ad ius civile, alii ad eloquentiam applicant, ipsarumque virtutum in alia alius mavult excellere.

[116] quorum vero patres aut maiores aliqua gloria praestiterunt, ii student plerumque eodem in genere laudis excellere, ut Q. Mucius P. f. In iure civili, Pauli filius Africanus in re militari. quidam autem ad eas laudes quas a patribus acceperunt, addunt aliquam suam, ut hic idem Africanus eloquentia cumulavit bellicam gloriam, quod idem fecit Timotheus, Cononis filius, qui cum belli laude non inferior fuisset quam pater, ad eam laudem doctrinae et ingenii gloriam adiecit. fit autem interdum, ut nonnulli omissa imitatione maiorum suum quoddam institutum consequantur, maximeque in eo plerumque elaborant ii, qui magna sibi proponunt obscuris orti maioribus.

[117] Haec igitur omnia, cum quaerimus quid deceat, complecti animo et cogitatione debemus; in primis autem constituendum est, quos nos et quales esse velimus et in quo genere vitae, quae deliberatio est omnium difficillima. Ineunte enim adulescentia, cum est maxima inbecillitas consilii, tum id sibi quisque genus aetatis degendae constituit, quod maxime adamavit. Itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, iudicare.

[118] Nam quod Herculem Prodicus dicit, ut est apud Xenophontem, cum primum pubesceret, quod tempus a natura ad deligendum, quam quisque viam vivendi sit ingressurus, datum est, exisse in solitudinem atque ibi sedentem diu secum multumque dubitasse, cum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset, hoc Herculi, “Iovis satu edito” potuit fortasse contingere, nobis non item, qui imitamur quos cuique visum est atque ad eorum studia institutaque impellimur. Plerumque autem parentium praeceptis imbuti ad eorum consuetudinem moremque deducimur; alii multitudinis iudicio feruntur, quaeque maiori parti pulcherrima videntur, ea maxime exoptant; nonnulli tamen sive

felicitate quadam sive bonitate naturae sine parentium disciplina rectam vitae secuti sunt viam.

[119] Illud autem maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine aut praeclara eruditione atque doctrina aut utraque re ornati spatium etiam deliberandi habuerunt, quem potissimum vitae cursum sequi vellent; in qua deliberatione ad suam cuiusque naturam consilium est omne revocandum. Nam cum in omnibus quae aguntur, ex eo, quomodo quisque natus est, ut supra dictum est, quid deceat, exquirimus, tum in tota vita constituenda multo est ei rei cura maior adhibenda, ut constare in perpetuitate vitae possimus nobismet ipsis nec in ullo officio claudicare.

[120] Ad hanc autem rationem quoniam maximam vim natura habet, fortuna proximam, utriusque omnino habenda ratio est in deligendo genere vitae, sed naturae magis; multo enim et firmior est et constantior, ut fortuna nonunquam tamquam ipsa mortalis cum immortali natura pugnare videatur. Qui igitur ad naturae suae non vitiosae genus consilium vivendi omne contulerit, is constantiam teneat (id enim maxime decet) nisi forte se intellexerit errasse in deligendo genere vitae. Quod si acciderit (potest autem accidere) facienda morum institutorumque mutatio est. Eam mutationem si tempora adiuvabunt, facilius commodiusque faciemus; sin minus, sensim erit pedetemptimque facienda, ut amicitias, quae minus delectent et minus probentur, magis decere censent sapientes sensim diluere quam repente praecidere.

[121] Commutato autem genere vitae omni ratione curandum est ut id bono consilio fecisse videamur. Sed quoniam paulo ante dictum est imitandos esse maiores, primum illud exceptum sit ne vitia sint imitanda, deinde si natura non feret, ut quaedam imitari possit (ut superioris filius Africani, qui hunc Paulo natum adoptavit, propter infirmitatem valetudinis non tam potuit patris similis esse, quam ille fuerat sui) si igitur non poterit sive causas defensitare sive populum contionibus tenere sive bella gerere, illa tamen praestare debebit, quae erunt in ipsius potestate, iustitiam, fidem, liberalitatem, modestiam, temperantiam, quo minus ab eo id, quod desit, requiratur. Optima autem hereditas a patribus traditur liberis omnique patrimonio praestantior gloria virtutis rerumque gestarum, cui dedecori esse nefas et vitium iudicandum est.

[122] Et quoniam officia non eadem disparibus aetatibus tribuuntur aliaque sunt iuvenum, alia seniorum, aliquid etiam de hac distinctione dicendum est. Est igitur adulescentis maiores natu vereri exque iis deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur; ineuntis enim aetatis inscitia senum constituenda et regenda prudentia est. Maxime autem haec aetas a libidinibus arcenda est exercendaque in labore patientiaque et animi et corporis, ut eorum et in bellicis et in civilibus officiis vigeat industria. Atque etiam cum relaxare animos et dare se iucunditati volent, caveant intemperantiam, meminerint verecundiae, quod erit facilius, si in eiusmodi quidem rebus maiores natu nolent interesse.

[123] Senibus autem labores corporis minuendi, exercitationes animi etiam augendae videntur, danda vero opera, ut et amicos et iuventutem et maxime rem publicam consilio et prudentia quam plurimum adiuvent. Nihil autem magis cavendum est senectuti quam ne languori se desidiaeque dedat; luxuria vero cum omni aetati turpis, tum senectuti foedissima est. Sin autem etiam libidinum intemperantia accessit, duplex malum est, quod et ipsa senectus dedecus concipit et facit adulescentium impudentiorem intemperantiam.

[124] Ac ne illud quidem alienum est, de magistratuum, de privatorum, [de civium], de peregrinorum officiis dicere. Est igitur proprium munus magistratus intellegere se gerere personam civitatis debereque eius dignitatem et decus sustinere, servare leges, iura discribere, ea fidei suae commissa meminisse. Privatum autem oportet aequo et pari cum civibus iure vivere neque summissum et abiectum neque se efferentem, tum in re publica ea velle, quae tranquilla et honesta sint; talem enim solemus et sentire bonum civem et dicere.

[125] Peregrini autem atque incolae officium est nihil praeter suum negotium agere, nihil de alio anquirere minimeque esse in aliena re publica curiosum. — Ita fere officia reperientur, cum quaeretur quid deceat et quid aptum sit personis, temporibus, aetatibus. Nihil est autem quod tam deceat, quam in omni re gerenda consilioque capiendo servare constantiam.

[126] Sed quoniam decorum illud in omnibus factis, dictis, in corporis denique motu et statu cernitur idque positum est in tribus

rebus, formositate, ordine, ornatu ad actionem apto, difficilibus ad eloquendum, sed satis erit intellegi, in his autem tribus continetur cura etiam illa, ut probemur iis, quibuscum apud quosque vivamus, his quoque de rebus pauca dicantur. Principio corporis nostri magnam natura ipsa videatur habuisse rationem, quae formam nostram reliquamque figuram, in qua esset species honesta, eam posuit in promptu, quae partes autem corporis ad naturae necessitatem datae aspectum essent deformem habiturae atque foedum, eas contexit atque abdidit.

[127] Hanc naturae tam diligentem fabricam imitata est hominum verecundia. Quae enim natura occultavit, eadem omnes, qui sana mente sunt, removent ab oculis ipsique necessitati dant operam ut quam occultissime pareant; quarumque partium corporis usus sunt necessarii, eas neque partes neque earum usus suis nominibus appellant, quodque facere turpe non est, modo occulte, id dicere obscenum est. Itaque nec actio rerum illarum aperta petulantia vacat nec orationis obscenitas.

[128] Nec vero audiendi sunt Cynici aut se qui fuerunt Stoici paene cynici qui reprehendunt et irrident, quod ea, quae turpia non sint, verbis flagitiosa ducamus, illa autem, quae turpia sunt, nominibus appellemus suis. Latrocinari, fraudare, adulterare re turpe est, sed dicitur non obscene; liberis dare operam re honestum est, nomine obscenum; pluraque in eam sententiam ab eisdem contra verecundiam disputantur. Nos autem naturam sequamur et ab omni, quod abhorret ab oculorum auriumque approbatione fugiamus; status, incessus, sessio, accubitio, vultus, oculi, manuum motus teneat illud decorum.

[129] Quibus in rebus duo maxime sunt fugienda, ne quid effeminatum aut molle et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque concedendum est, ut is haec apta sint, nobis dissoluta. Scaenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scaenam sine subligaculo prodeat nemo; verentur enim, ne, si quo casu evenerit, ut corporis partes quaedam aperiantur, aspiciantur non decore. Nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur. Retinenda igitur est huius generis verecundia, praesertim natura ipsa magistra et duce.

[130] Cum autem pulchritudinis duo genera sint, quorum in altero venustas sit, in altero dignitas, venustatem muliebrem ducere debemus, dignitatem virilem. Ergo et a forma removeatur omnis viro non dignus ornatus, et huic simile vitium in gestu motuque caveatur. Nam et palaestrici motus sunt saepe odiosiores et histrionum nonnulli gestus ineptiis non vacant, et in utroque genere quae sunt recta et simplicia laudantur. Formae autem dignitas coloris bonitate tuenda est, color exercitationibus corporis. Adhibenda praeterea munditia est non odiosa neque exquisita nimis, tantum quae fugiat agrestem et inhumanam neglegentiam. Eadem ratio est habenda vestitus, in quo, sicut in plerisque rebus, mediocritas optima est.

[131] Cavendum autem est, ne aut tarditatibus utamur [in] ingressu mollioribus, ut pomparum ferculis similes esse videamur, aut in festinationibus suscipiamus nimias celeritates, quae cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constantiam. Sed multo etiam magis elaborandum est, ne animi motus a natura recedant, quod assequemur, si cavebimus ne in perturbationes atque exanimationes incidamus et si attentos animos ad decoris conservationem tenebimus.

[132] Motus autem animorum duplices sunt; alteri cogitationis, alteri appetitus. Cogitatio in vero exquirendo maxime versatur, appetitus impellit ad agendum. Curandum est igitur, ut cogitatione ad res quam optimas utamur, appetitum rationi oboedientem praebeamus. Et quoniam magna vis orationis est eaque duplex, altera contentionis, altera sermonis, contentio disceptationibus tribuatur iudiciorum, contionum, senatus, sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia. Contentionis praecepta rhetorum sunt, nulla sermonis, quamquam haud scio an possint haec quoque esse. Sed discentium studiis inveniuntur magistri, huic autem qui studeant sunt nulli, rhetorum turba referta omnia; quamquam, quae verborum sententiarumque praecepta sunt, eadem ad sermonem pertinebunt.

[133] Sed cum orationis indicem vocem habeamus, in voce autem duo sequamur, ut clara sit, ut suavis, utrumque omnino a natura petundum est, verum alterum exercitatio augebit, alterum imitatio presse loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito

iudicio putares uti litterarum, quamquam erant litterati; sed et alii; hi autem optime uti lingua Latina putabantur. Sonus erat dulcis, litterae neque expressae, neque oppressae, ne aut obscurum esset aut putidum, sine contentione vox nec languens nec canora. Uberior oratio L. Crassi nec minus faceta, sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Caesar, Catuli patris frater, vicit omnes, ut in illo ipso forensi genere dicendi contentiones aliorum sermone vinceret. In omnibus igitur his elaborandum est, si in omni re quid deceat exquirimus.

[134] Sit ergo hic sermo, in quo Socratici maxime excellunt, lenis minimeque pertinax, insit in eo lepos. Nec vero, tamquam in possessionem suam venerit, excludat alios, sed cum reliquis in rebus tum in sermone communi vicissitudinem non iniquam putet. Ac videat in primis, quibus de rebus loquatur, si seriis, severitatem adhibeat, si iocosis leporem. In primisque provideat, ne sermo vitium aliquod indicet inesse in moribus; quod maxime tum solet evenire, cum studiose de absentibus detrahendi causa aut per ridiculum aut severe, maledice contumelioseque dicitur.

[135] Habentur autem plerumque sermones aut de domesticis negotiis aut de re publica aut de artium studiis atque doctrina. Danda igitur opera est, ut, etiamsi aberrare ad alia coeperit, ad haec revocetur oratio, sed utcumque aderunt; neque enim isdem de rebus nec omni tempore nec similiter delectamur. Animadvertendum est etiam, quatenus sermo delectationem habeat, et ut incipiendi ratio fuerit, ita sit desinendi modus.

[136] Sed quomodo in omni vita rectissime praecipitur, ut perturbationes fugiamus, id est motus animi nimios rationi non obtemperantes, sic eiusmodi motibus sermo debet vacare, ne aut ira existat aut cupiditas aliqua aut pigritia aut ignavia aut tale aliquid appareat, maximeque curandum est, ut eos, quibuscum sermonem conferemus, et vereri et diligere videamur. Obiurgationes etiam nonnumquam incidunt necessariae, in quibus utendum est fortasse et vocis contentione maiore et verborum gravitate acriore, id agendum etiam, ut ea facere videamur irati. Sed ut ad urendum et secandum, sic ad hoc genus castigandi raro invitique veniemus, nec unquam nisi necessario, si nulla reperietur alia medicina, sed tamen ira procul absit, cum qua nihil recte fieri, nihil considerate potest.

[137] Magnam autem partem clementi castigatione licet uti, gravitate tamen adiuncta, ut et severitas adhibeatur et contumelia repellatur, atque etiam illud ipsum, quod acerbitatis habet obiurgatio, significandum est ipsius id causa, qui obiurgetur, esse susceptum. Rectum est autem etiam in illis contentionibus, quae cum inimicissimis fiunt, etiam si nobis indigna audiamus, tamen gravitatem retinere, iracundiam pellere; quae enim cum aliqua perturbatione fiunt, ea nec constanter fieri possunt neque is, qui adsunt, probari. Deforme etiam est de se ipsum praedicare, falsa praesertim, et cum inrisione audientium imitari militem gloriosum.

[138] Et quoniam omnia persequimur, volumus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse, cuius finis est usus, ad quem accommodanda est aedificandi descriptio et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio, qui primus ex illa familia consul factus est, honori fuisse accepimus, quod praeclaram aedificasset in Palatio et plenam dignitatis domum, quae cum vulgo viseretur, suffragata domino, novo homini, ad consulatum putabatur. Hanc Scaurus demolitus accessionem adiunxit aedibus. Itaque ille in suam domum consulatum primus attulit, hic, summi et clarissimi viri filius, in domum multiplicatam non repulsam solum rettulit, sed ignominiam etiam et calamitatem.

[139] Ornanda enim est dignitas domo, non ex domo tota quaerenda, nec domo dominus, sed domino domus honestanda est, et, ut in ceteris habenda ratio non sua solum, sed etiam aliorum, sic in domo clari hominis, in quam et hospites multi recipiendi et admittenda hominum cuiusque modi multitudo, adhibenda cura est laxitatis. Aliter ampla domus dedecori saepe domino fit, si est in ea solitudo, et maxime, si aliquando alio domino solita est frequentari. Odiosum est enim, cum a praetereuntibus dicitur:

o domus antiqua, heu quam dispari
dominare domino

quod quidem his temporibus in multis licet dicere.

[140] Cavendum autem est, praesertim si ipse aedifices, ne extra modum sumptu et magnificentia prodeas, quo in genere multum mali

etiam in exemplo est. Studiose enim plerique praesertim in hanc partem facta principum imitantur, ut L. Luculli, summi viri, virtutem quis? at quam multi villarum magnificentiam imitati! Quarum quidem certe est adhibendus modus ad mediocritatemque revocandus. Eademque mediocritas ad omnem usum cultumque vitae transferenda est. Sed haec hactenus.

[141] In omni autem actione suscipienda tria sunt tenenda, primum ut appetitus rationi pareat, quo nihil est ad officia conservanda accommodatius, deinde ut animadvertatur, quanta illa res sit, quam efficere velimus, ut neve maior neve minor cura et opera suscipiatur, quam causa postulet. Tertium est, ut caveamus, ut ea, quae pertinent ad liberalem speciem et dignitatem, moderata sint. Modus autem est optimus decus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium praestantissimum est appetitum obtemperare rationi.

[142] Deinceps de ordine rerum et de opportunitate temporum dicendum est. Haec autem scientia continentur ea, quam Graeci *eutaxin* nominant, non hanc, quam interpretamur modestiam, quo in verbo modus inest, sed illa est *eutaxia*, in qua intellegitur ordinis conservatio. Itaque, ut eandem nos modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia rerum earum, quae agentur aut dicentur, loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore; nam et ordinem sic definiunt, compositionem rerum aptis et accommodatis locis. Locum autem actionis opportunitatem temporis esse dicunt; tempus autem actionis opportunum Graece *eukairia*, Latine appellatur occasio. Sic fit, ut modestia haec, quam ita interpretamur, ut dixi, scientia sit opportunitatis idoneorum ad agendum temporum.

[143] Sed potest eadem esse prudentiae definitio, de qua principio diximus, hoc autem loco de moderatione et temperantia et harum similibus virtutibus quaerimus. Itaque quae erant prudentiae propria suo loco dicta sunt; quae autem harum virtutum, de quibus iam diu loquimur, quae pertinent ad verecundiam et ad eorum approbationem, quibuscum vivimus, nunc dicenda sunt.

[144] Talis est igitur ordo actionum adhibendus, ut, quemadmodum in oratione constanti, sic in vita omnia sint apta inter se et convenientia; turpe enim valdeque vitiosum in re severa convivio

digna aut delicatum aliquem inferre sermonem. Bene Pericles, cum haberet collegam in praetura Sophoclem poetam iique de communi officio convenissent et casu formosus puer praeteriret dixissetque Sophocles: “O puerum pulchrum, Pericle!” “At enim praetorem, Sophocle, decet non solum manus sed etiam oculos abstinentes habere.” Atqui hoc idem Sophocles si in athletarum probatione dixisset, iusta reprehensione caruisset. Tanta vis est et loci et temporis. Ut si qui, cum causam sit acturus, in itinere aut in ambulatione secum ipse meditetur, aut si quid aliud attentius cogitet, non reprehendatur, at hoc idem si in convivio faciat, inhumanus videatur inscitia temporis.

[145] Sed ea, quae multum ab humanitate discrepant, ut si qui in foro cantet aut si qua est alia magna perversitas, facile apparet nec magnopere admonitionem et praecepta desiderat; quae autem parva videntur esse delicta neque a multis intellegi possunt, ab iis est diligentius declinandum. Ut in fidibus aut tibiis quamvis paulum discrepent, tamen id a sciente animadverti solet, sic videndum est in vita ne forte quid discrepet, vel multo etiam magis, quo maior et melior actionum quam sonorum concentus est.

[146] Itaque ut in fidibus musicorum aures vel minima sentiunt, sic nos, si acres ac diligentes iudices esse volumus animadversores[que] vitiorum, magna saepe intellegemus ex parvis. Ex oculorum optutu, superciliorum aut remissione aut contractione, ex maestitia, ex hilaritate, ex risu, ex locutione, ex reticentia, ex contentione vocis, ex summissione, ex ceteris similibus facile iudicabimus, quid eorum apte fiat, quid ab officio naturaque discrepet. Quo in genere non est incommodum, quale quidque eorum sit, ex aliis iudicare, ut, si quid dedeceat in illis, vitemus ipsi; fit enim nescio quomodo ut magis in aliis cernamus, quam in nobismet ipsis, si quid delinquitur. Itaque facillume corriguntur in discendo, quorum vitia imitantur emendandi causa magistri.

[147] Nec vero alienum est ad ea deligenda, quae dubitationem afferunt, adhibere doctos homines vel etiam usu peritos et, quid iis de quoque officii genere placeat exquirere. Maior enim pars eo fere deferri solet, quo a natura ipsa deducitur. In quibus videndum est, non modo quid quisque loquatur, sed etiam quid quisque sentiat atque etiam de qua causa quisque sentiat. Ut enim pictores et ii qui

signa fabricantur et vero etiam poetae suum quisque opus a vulgo considerari vult, ut si quid reprehensum sit a pluribus, id corrigatur, iique et secum et ab aliis, quid in eo peccatum sit exquirunt, sic aliorum iudicio permulta nobis et facienda et non facienda et mutanda et corrigenda sunt.

[148] Quae vero more agentur institutisque civilibus, de his nihil est praecipiendum; illa enim ipsa praecepta sunt, nec quemquam hoc errore duci oportet, ut siquid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere; magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota est eicienda; est enim inimica verecundiae, sine qua nihil rectum esse potest, nihil honestum.

[149] Eos autem, quorum vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes ac bene meritos aut merentes sic ut aliquo honore aut imperio affectos observare et colere debemus, tribuere etiam multum senectuti, cedere iis, qui magistratum habebunt, habere dilectum civis et peregrini in ipsoque peregrino privatimne an publice venerit. Ad summam, ne agam de singulis, totius generis hominum conciliationem et consociationem colere, tueri, servare debemus.

[150] Iam de artificiis et quaestibus, qui liberales habendi, qui sordidi sint, haec fere accepimus. Primum improbantur ii quaestus, qui in odia hominum incurrunt, ut portitorum, ut feneratorum. Illiberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur a mercatoribus, quod statim vendant; nihil enim proficiant, nisi admodum mentiantur; nec vero est quicquam turpius vanitate. Opificesque omnes in sordida arte versantur; nec enim quicquam ingenuum habere potest officina. Minimeque artes eae probandae, quae ministrae sunt voluptatum:

Cetarii, lanii, coqui, fartores, piscatores,

ut ait Terentius; adde huc, si placet, unguentarios, saltatores, totumque ludum talarium.

[151] Quibus autem artibus aut prudentia maior inest aut non mediocris utilitas quaeritur ut medicina, ut architectura, ut doctrina rerum honestarum, eae sunt iis, quorum ordini conveniunt, honestae. Mercatura autem, si tenuis est, sordida putanda est; sin magna et copiosa, multa undique apportans multisque sine vanitate inpertiens, non est admodum vituperanda; atque etiam si satiata quaestu vel contenta potius, ut saepe ex alto in portum, ex ipso se portu in agros possessionesque contulit, videtur iure optimo posse laudari. Omnium autem rerum, ex quibus aliquid adquiritur, nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius. De qua quoniam in Catone Maiore satis multa diximus, illim assumes quae ad hunc locum pertinebunt.

[152] Sed ab iis partibus, quae sunt honestatis, quem ad modum officia ducerentur, satis eitum videtur. Eorum autem ipsorum, quae

honesta sunt, potest incidere saepe contentio et comparatio, de duobus honestis utrum honestius, qui locus a Panaetio est praetermissus. Nam cum omnis honestas manet a partibus quattuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis, haec in deligendo officio saepe inter se comparentur necesse est.

[153] Placet igitur aptiora esse naturae ea officia, quae ex communitate, quam ea, quae ex cognitione ducantur, idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut omnium rerum affluentibus copiis [quamvis] omnia, quae cognitione digna sint, summo otio secum ipse consideret et contempletur, tamen si solitudo tanta sit, ut hominem videre non possit, excedat e vita. Princepsque omnium virtutum illa sapientia, quam *sophian* Graeci vocant — prudentiam enim, quam Graeci *phronesin* dicunt, aliam quandam intellegimus, quae est rerum expetendarum fugiendarumque scientia; illa autem sapientia, quam principem dixi, rerum est divinarum et humanarum scientia, in qua continetur deorum et hominum communitas et societas inter ipsos; ea si maxima est, ut est, certe necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque [naturae] manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur; pertinet igitur ad societatem generis humani; ergo haec cognitioni anteponenda est.

[154] Atque id optimus quisque re ipsa ostendit et iudicat. Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriae, cui subvenire opitularique possit, non illa omnia relinquat atque abiciat, etiamsi dinumerare se stellas aut metiri mundi magnitudinem posse arbitretur? atque hoc idem in parentis, in amici re aut periculo fecerit.

[155] Quibus rebus intellegitur, studiis officiisque scientiae praeponenda esse officia iustitiae, quae pertinent ad hominum utilitatem, qua nihil homini esse debet antiquius. Atque illi ipsi, quorum studia vitaque omnis in rerum cognitione versata est, tamen ab augendis hominum utilitatibus et commodis non recesserunt. Nam et erudierunt multos, quo meliores cives utilioresque rebus suis

publicis essent, ut Thebanum Epaminondam Lysis Pythagoreus, Syracosium Dionem Plato multique multos, nosque ipsi, quicquid ad rem publicam attulimus, si modo aliquid attulimus, a doctoribus atque doctrina instructi ad eam et ornati accessimus.

[156] Neque solum vivi atque praesentes studiosos discendi erudiunt atque docent, sed hoc idem etiam post mortem monumentis litterarum assequuntur. Nec enim locus ullus est praetermissus ab iis, qui ad leges, qui ad mores, qui ad disciplinam rei publicae pertineret, ut otium suum ad nostrum negotium contulisse videantur. Ita illi ipsi doctrinae studiis et sapientiae dediti ad hominum utilitatem suam intelligentiam prudentiamque potissimum conferunt; ob eamque etiam causam eloqui copiose, modo prudenter, melius est quam vel acutissime sine eloquentia cogitare, quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate iuncti sumus.

[157] Atque ut apium examina non fingendorum favorum causa congregantur, sed cum congregabilia natura sint, fingunt favos, sic homines, ac multo etiam magis, natura congregati adhibent agendi cogitandique sollertiam. Itaque, nisi ea virtus, quae constat ex hominibus tuendis, id est ex societate generis humani, attingat cognitionem rerum, solivaga cognitio et ieiuna videatur, itemque magnitudo animi remota communitate coniunctioneque humana feritas sit quaedam et immanitas. Ita fit, ut vincat cognitionis studium consociatio hominum atque communitas.

[158] Nec verum est quod dicitur a quibusdam propter necessitatem vitae, quod ea, quae natura desideraret, consequi sine aliis atque efficere non possemus, idcirco initam esse cum hominibus communitatem et societatem; quodsi omnia nobis, quae ad victum cultumque pertinent, quasi virgula divina, ut aiunt, suppeditarentur, tum optimo quisque ingenio negotiis omnibus omissis totum se in cognitione et scientia collocaret. Non est ita. Nam et solitudinem fugeret et socium studii quaereret, tum docere, tum discere vellet, tum audire, tum dicere. Ergo omne officium, quod ad coniunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod cognitione et scientia continetur.

[159] Illud forsitan quaerendum sit, num haec communitas, quae maxime est apta naturae ea sit etiam moderationi modestiaeque semper anteponenda. non placet; sunt enim quaedam partim ita

foeda, partim ita flagitiosa, ut ea ne conservandae quidem patriae causa sapiens facturus sit. Ea Posidonius collegit permulta, sed ita taetra quaedam, ita obscena, ut dictu quoque videantur turpia. Haec igitur non suscipiet rei publicae causa, ne res publica quidem pro se suscipi volet. Sed hoc commodius se res habet, quod non potest accidere tempus, ut intersit rei publicae quicquam illorum facere sapientem.

[160] Quare hoc quidem effectum sit, in officiis deligendis id genus officiorum excellere, quod teneatur hominum societate. [Etenim cognitionem prudentiamque sequetur considerata actio; ita fit, ut agere considerate pluris sit quam cogitare prudenter]. Atque haec quidem hactenus. Patefactus enim locus est ipse, ut non difficile sit in exquirendo officio quid cuique sit praeponendum videre. In ipsa autem communitate sunt gradus officiorum, ex quibus quid cuique praestet intellegi possit, ut prima diis immortalibus, secunda patriae, tertia parentibus, deinceps gradatim reliquis debeantur.

[161] Quibus ex rebus breviter disputatis intellegi potest non solum id homines solere dubitare, honestumne an turpe sit, sed etiam duobus propositis honestis utrum honestius sit. Hic locus a Panaetio est, ut supra dixi, praetermissus. Sed iam ad reliqua pergamus.

LIBER SECVNDVS

[1] Quemadmodum officia ducerentur ab honestate, Marce fili, atque ab omni genere virtutis, satis explicatum arbitror libro superiore. Sequitur ut haec officiorum genera persequar, quae pertinent ad vitae cultum et ad earum rerum, quibus utuntur homines, facultatem, ad opes, ad copias [; in quo tum quaeri dixi, quid utile, quid inutile, tum ex utilibus quid utilius aut quid maxime utile]. De quibus dicere adgrediar, si pauca prius de instituto ac de iudicio meo dixero.

[2] Quamquam enim libri nostri complures non modo ad legendi, sed etiam ad scribendi studium excitaverunt, tamen interdum vereor ne quibusdam bonis viris philosophiae nomen sit invisum mirenturque in ea tantum me operae et temporis ponere. Ego autem quam diu res publica per eos gerebatur, quibus se ipsa commiserat, omnes meas curas cogitationesque in eam conferebam. Cum autem dominatu unius omnia tenerentur neque esset usquam consilio aut auctoritati locus, socios denique tuendae rei publicae summos viros amisissem, nec me angoribus dedidi, quibus essem confectus, nisi iis restitissem, nec rursum indignis homine docto voluptatibus.

[3] Atque utinam res publica stetisset quo coeperat statu nec in homines non tam commutandarum quam evertendarum rerum cupidos incidisset! Primum enim, ut stante re publica facere solebamus, in agendo plus quam in scribendo operae poneremus, deinde ipsis scriptis non ea, quae nunc, sed actiones nostras mandaremus, ut saepe fecimus. Cum autem res publica, in qua omnis mea cura, cogitatio, opera poni solebat, nulla esset omnino, illae scilicet litterae conticuerunt forenses et senatoriae.

[4] Nihil agere autem cum animus non posset, in his studiis ab initio versatus aetatis existimavi honestissime molestias posse deponi, si me ad philosophiam retulissem Cui cum multum adulescens discendi causa temporis tribuissem posteaquam honoribus inservire coepi meque totum rei publicae tradidi, tantum erat philosophiae loci, quantum superfuerat amicorum et rei publicae tempori. Id autem omne consumebatur in legendo, scribendi otium non erat.

[5] Maximis igitur in malis hoc tamen boni assecuti videmur, ut ea

litteris mandaremus, quae nec erant satis nota nostris et erant cognitione dignissima. Quid enim est, per deos, optabilius sapientia, quid praestantius, quid homini melius, quid homine dignius? Hanc igitur qui expetunt, philosophi nominantur, nec quicquam aliud est philosophia, si interpretari velis, praeter studium sapientiae. Sapientia autem est, ut a veteribus philosophis definitum est, rerum divinarum et humanarum causarumque, quibus eae res continentur, scientia, cuius studium qui vituperat haud sane intellego quidnam sit quod laudandum putet.

[6] Nam sive oblectatio quaeritur animi requiesque curarum, quae conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiae virtutisque ducitur, aut haec ars est aut nulla omnino, per quam eas assequamur. Nullam dicere maximarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium atque in maximis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, cum ab hoc discendi genere discesseris. Sed haec cum ad philosophiam cohortamur, accuratius disputari solent, quod alio quodam libro fecimus. Hoc autem tempore tantum nobis declarandum fuit, cur orbati rei publicae muneribus, ad hoc nos studium potissimum contulissemus.

[7] Occuritur autem nobis, et quidem a doctis et eruditis quaerentibus, satisne constanter facere videamur, qui, cum percipi nihil posse dicamus, tamen et aliis de rebus disserere soleamus et hoc ipso tempore praecepta officii persequamur. Quibus vellem satis cognita esset nostra sententia. Non enim sumus ii, quorum vagetur animus errore nec habeat umquam quid sequatur. Quae enim esset ista mens vel quae vita potius, non modo disputandi, sed etiam vivendi ratione sublata? Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissentientes alia probabilia, contra alia dicimus.

[8] Quid est igitur, quod me impediat ea, quae probabilia mihi videantur, sequi, quae contra improbare atque adfirmandi arrogantiam vitantem fugere temeritatem, quae a sapientia dissidet plurimum? Contra autem omnia disputantur a nostris, quod hoc ipsum probabile elucere non possit, nisi ex utraque parte causarum esset facta contentio. Sed haec explanata sunt in Academicis nostris

satis, ut arbitror, diligenter. Tibi autem, mi Cicero, quamquam in antiquissima nobilissimaque philosophia Cratippo auctore versaris iis simillimo, qui ista praeclara pepererunt, tamen haec nostra, finituma vestris, ignota esse nolui. Sed iam ad instituta pergamus.

[9] Quinque igitur rationibus propositis officii persequendi, quarum duae ad decus honestatemque pertinerent, duae ad commoda vitae, copias, opes, facultates, quinta ad eligendi iudicium, si quando ea, quae dixi, pugnare inter se viderentur, honestatis pars confecta est, quam quidem tibi cupio esse notissimam. Hoc autem de quo nunc agimus, id ipsum est, quod utile appellatur. In quo verbo lapsa consuetudo deflexit de via sensimque eo deducta est, ut honestatem ab utilitate secernens constitueret esse honestum aliquid, quod utile non esset, et utile, quod non honestum, qua nulla pernicies maior hominum vitae potuit afferri.

[10] Summa quidem auctoritate philosophi severe sane atque honeste haec tria genera confusa cogitatione distinguunt: quicquid enim iustum sit, id etiam utile esse censent, itemque quod honestum, idem iustum, ex quo efficitur, ut, quicquid honestum sit, idem sit utile. Quod qui parum perspiciunt, ii saepe versutos homines et callidos admirantes, malitiam sapientiam iudicant. Quorum error eripiendus est opinioque omnis ad eam spem traducenda, ut honestis consiliis iustisque factis, non fraude et malitia se intellegant ea, quae velint, consequi posse.

[11] Quae ergo ad vitam hominum tuendam pertinent, partim sunt inanima, ut aurum, argentum, ut ea, quae gignuntur e terra, ut alia generis eiusdem, partim animalia, quae habent suos impetus et rerum appetitus. Eorum autem rationis expertia sunt, alia ratione utentia. Expertes rationis equi, boves, reliquae pecudes, apes, quarum opere efficitur aliquid ad usum hominum atque vitam. Ratione autem utentium duo genera ponunt, deorum unum, alterum hominum. Deos placatos pietas efficiet et sanctitas; proxime autem et secundum deos homines hominibus maxime utiles esse possunt.

[12] Earumque item rerum, quae noceant et obsint, eadem divisio est. Sed quia deos nocere non putant, iis exceptis homines hominibus obesse plurimum arbitrantur. Ea enim ipsa, quae inanima diximus, pleraque sunt hominum operis effecta, quae nec haberemus, nisi manus et ars accessisset, nec iis sine hominum administratione

uteremur. Neque enim valitudinis curatio neque navigatio, neque agricultura neque frugum fructuumque reliquorum perceptio et conservatio sine hominum opera ulla esse potuisset.

[13] Iam vero et earum rerum quibus abundaremus, exportatio, et earum quibus egeremus invectio certe nulla esset, nisi iis muneribus homines fungerentur. Eademque ratione nec lapides ex terra exciderentur ad usum nostrum necessarii, nec ferrum, aes, aurum, argentum effoderetur penitus abditum sine hominum labore et manu. Tecta vero, quibus et frigorum vis pelleretur et calorum molestiae sedarentur, unde aut initio generi humano dari potuissent aut postea subvenire, si aut vi tempestatis aut terrae motu aut vetustate cecidissent, nisi communis vita ab hominibus harum rerum auxilia petere didicisset?

[14] Adde ductus aquarum, derivationes fluminum, agrorum inrigationes, moles oppositas fluctibus, portus manu factos, quae unde sine hominum opere habere possemus? Ex quibus multisque aliis perspicuum est, qui fructus quaeque utilitates ex rebus iis, quae sint inanima, percipiantur, eas nos nullo modo sine hominum manu atque opera capere potuisse. Qui denique ex bestiis fructus aut quae commoditas, nisi homines adiuvarent, percipi posset? Nam et qui principes inveniendi fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt, nec hoc tempore sine hominum opera aut pascere eas aut domare aut tueri aut tempestivos fructus ex iis capere possemus; ab eisdemque et eae, quae nocent, interficiuntur et, quae usui possunt esse, capiuntur.

[15] Quid enumerem artium multitudinem, sine quibus vita omnino nulla esse potuisset? Qui enim aegris subveniretur, quae esset oblectatio valentium, qui victus aut cultus, nisi tam multae nobis artes ministrarent quibus rebus exculta hominum vita tantum distat a victu et cultu bestiarum. Urbes vero sine hominum coetu non potuissent nec aedificari nec frequentari, ex quo leges moresque constituti, tum iuris aequa discriptio certaque vivendi disciplina; quas res et mansuetudo animorum consecuta et verecundia est effectumque, ut esset vita munitior atque ut dando et accipiendo mutandisque facultatibus et commodis nulla re egeremus.

[16] Longiores hoc loco sumus quam necesse est. Quis est enim, cui non perspicua sint illa, quae pluribus verbis a Panaetio

commemorantur, neminem neque ducem bello nec principem domi magnas res et salutares sine hominum studiis gerere potuisse. Commemoratur ab eo Themistocles, Pericles, Cyrus, Agesilaos, Alexander, quos negat sine adiumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis. Atque ut magnas utilitates adipiscimur conspiratione hominum atque consensu, sic nulla tam detestabilis pestis est, quae non homini ab homine nascatur. Est Dicaearchi liber de interitu hominum, Peripatetici magni et copiosi, qui collectis ceteris causis eluvionis, pestilentiae, vastitatis, beluarum etiam repentinae multitudinis, quarum impetu docet quaedam hominum genera esse consumpta, deinde comparat, quanto plures deleti sint homines hominum impetu, id est bellis aut seditionibus, quam omni reliqua calamitate.

[17] Cum igitur hic locus nihil habeat dubitationis, quin homines plurimum hominibus et prosint et obsint, proprium hoc statuo esse virtutis, conciliare animos hominum et ad usus suos adiungere. Itaque, quae in rebus inanimis quaeque in usu et tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis, hominum autem studia, ad amplificationem nostrarum rerum prompta ac parata, virorum praestantium sapientia et virtute excitantur.

[18] Etenim virtus omnis tribus in rebus fere vertitur, quarum una est in perspiciendo, quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quaeque gignantur, quae cuiusque rei causa sit, alterum cohibere motus animi turbatos, quos Graeci *pathe* nominant, appetitionesque, quas illi *hormas*, oboedientes efficere rationi, tertium iis, quibuscum congregemur, uti moderate et scienter, quorum studiis ea, quae natura desiderat, expleta cumulataque habeamus, per eosdemque, si quid importetur nobis incommodi, propulsemus ulciscamurque eos, qui nocere nobis conati sint, tantaque poena adficiamus, quantam aequitas humanitasque patiatur.

[19] Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post, sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat? Nam et cum prospero flatu eius utimur, ad exitus pervehimur optatos

et cum reflavit, affligimur. Haec igitur ipsa fortuna ceteros casus rariores habet, primum ab inanimis procellas, tempestates, naufragia, ruinas, incendia, deinde a bestiis ictus, morsus, impetus. Haec ergo, ut dixi, rariora.

[20] At vero interitus exercituum, ut proxime trium, saepe multorum clades imperatorum, ut nuper summi et singularis viri, invidiae praeterea multitudinis atque ob eas bene meritorum saepe civium expulsiones, calamitates, fugae, rursusque secundae res, honores, imperia, victoriae, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt. Hoc igitur cognito dicendum est, quonam modo hominum studia ad utilitates nostras allicere atque excitare possimus. Quae si longior fuerit oratio cum magnitudine utilitatis comparetur; ita fortasse etiam brevior videbitur.

[21] Quaecumque igitur homines homini tribuunt ad eum augendum atque honestandum, aut benivolentiae gratia faciunt, cum aliqua de causa quempiam diligunt, aut honoris, si cuius virtutem suspiciunt quemque dignum fortuna quam amplissima putant, aut cui fidem habent et bene rebus suis consulere arbitrantur, aut cuius opes metuunt, aut contra, a quibus aliquid exspectant, ut cum reges popularesve homines largitiones aliquas proponunt, aut postremo pretio ac mercede ducuntur, quae sordidissima est illa quidem ratio et inquinatissima et iis, qui ea tenentur, et illis, qui ad eam confugere conantur.

[22] Male enim se res habet, cum quod virtute effici debet, id temptatur pecunia. Sed quoniam non numquam hoc subsidium necessarium est, quemadmodum sit utendum eo dicemus, si prius iis de rebus, quae virtuti propriores sunt, dixerimus. Atque etiam subiciunt se homines imperio alterius et potestati de causis pluribus. Ducuntur enim aut benivolentia aut beneficiorum magnitudine aut dignitatis praestantia aut spe sibi id utile futurum aut metu ne vi parere cogantur aut spe largitionis promissisque capti aut postremo, ut saepe in nostra re publica videmus, mercede conducti.

[23] Omnium autem rerum nec aptius est quicquam ad opes tuendas ac tenendas quam diligi nec alienius quam timeri. Praeclare enim Ennius ‘Quem metuunt oderunt; quem quisque odit, perisse expetit’. Multorum autem odiis nullas opes posse obsistere, si antea

fuit ignotum, nuper est cognitum. Nec vero huius tyranni solum, quem armis oppressa pertulit civitas ac paret cum maxime mortuo interitus declarat, quantum odium hominum valeat ad pestem, sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit. Malus enim est custos diuturnitatis metus contraque benivolentia fidelis vel ad perpetuitatem.

[24] Sed iis, qui vi oppressos imperio coercent, sit sane adhibenda saevitia, ut eris in famulos, si aliter teneri non possunt; qui vero in libera civitate ita se instruunt, ut metuantur, iis nihil potest esse dementius. Quamvis enim sint demersae leges alicuius opibus, quamvis timefacta libertas, emergunt tamen haec aliquando aut iudiciis tacitis aut occultis de honore suffragiis. Acriores autem morsus sunt intermissae libertatis quam retentae. Quod igitur latissime patet neque ad incolumitatem solum, sed etiam ad opes et potentiam valet plurimum, id amplectamur, ut metus absit, caritas retineatur. Ita facillime quae volemus et privatis in rebus et in re publica consequemur. Etenim qui se metui volent, a quibus metuentur, eosdem metuant ipsi necesse est.

[25] Quid enim censemus superiorem illum Dionysium quo cruciatu timoris angi solitum, qui cultros metuens tonsorios candente carbone sibi adurebat capillum? quid Alexandrum Pheraeum quo animo vixisse arbitramur? qui, ut scriptum legimus, cum uxorem Theben admodum diligeret, tamen ad eam ex epulis in cubiculum veniens barbarum, et eum quidem, ut scriptum est, conpunctum notis Thraeciis destricto gladio iubebat anteire praemittebatque de stipatoribus suis qui scrutarentur arculas muliebres et, ne quod in vestimentis telum occultaretur, exquirerent. O miserum, qui fideliorem et barbarum et stigmatiam putaret, quam coniugem. Nec eum fefellit; ab ea est enim ipsa propter pelicatus suspicionem interfectus. Nec vero ulla vis imperii tanta est, quae premente metu possit esse diuturna.

[26] Testis est Phalaris, cuius est praeter ceteros nobilitata crudelitas, qui non ex insidiis interiit, ut is, quem modo dixi, Alexander, non a paucis, ut hic noster, sed in quem universa Agrigentinorum multitudo impetum fecit. Quid? Macedones nonne Demetrium reliquerunt universique se ad Pyrrhum contulerunt? Quid? Lacedaemonios iniuste imperantes nonne repente omnes fere

socii deseruerunt spectatoresque se otiosos praebuerunt Leuctricae calamitatis? Externa libentius in tali re quam domestica recordor. Verum tamen quam diu imperium populi Romani beneficiis tenebatur, non iniuriis, bella aut pro sociis aut de imperio gerebantur, exitus erant bellorum aut mites aut necessarii, regum, populorum, nationum portus erat et refugium senatus, nostri autem magistratus imperatoresque ex hac una re maximam laudem capere studebant, si provincias, si socios aequitate et fide defendissent.

[27] Itaque illud patrocinium orbis terrae verius quam imperium poterat nominari. Sensim hanc consuetudinem et disciplinam iam antea minuebamus, post vero Sullae victoriam penitus amisimus; desitum est enim videri quicquam in socios iniquum, cum exstitisset in cives tanta crudelitas. Ergo in illo secuta est honestam causam non honesta victoria. Est enim ausus dicere hasta posita, cum bona in foro venderet et bonorum virorum et locupletium et certe civium, praedam se suam vendere. Secutus est, qui in causa impia, victoria etiam foediore, non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis iure comprehenderet.

[28] Itaque vexatis ac perditis exteris nationibus ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua numquam nostri imperatores ex transalpinis bellis triumpharunt. Multa praeterea commemorarem nefaria in socios, si hoc uno quicquam sol vidisset indignius. Iure igitur plectimur. Nisi enim multorum impunita scelera tulissemus, numquam ad unum tanta pervenisset licentia, a quo quidem rei familiaris ad paucos, cupiditatum ad multos improbos venit hereditas.

[29] Nec vero umquam bellorum civilium semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt, quam P. Sulla cum vibrasset dictatore propinquo suo, idem sexto tricensimo anno post a sceleratiore hasta non recessit, alter autem, qui in illa dictatura scriba fuerat, in hac fuit quaestor urbanus. Ex quo debet intellegi talibus praemiis propositis numquam defutura bella civilia. Itaque parietes modo urbis stant et manent, iique ipsi iam extrema scelera metuentes, rem vero publicam penitus amisimus. Atque in has clades incidimus, (redeundum est enim ad

propositum), dum metui quam cari esse et diligi malumus. Quae si populo Romano iniuste imperanti accidere potuerunt, quid debent putare singuli? Quod cum perspicuum sit benivolentiae vim esse magnam, metus imbecillam, sequitur ut disseramus, quibus rebus facillime possimus eam, quam volumus, adipisci cum honore et fide caritatem.

[30] Sed ea non pariter omnes egemus; nam ad cuiusque vitam institutam accommodandum est, a multisne opus sit an satis sit a paucis diligi. Certum igitur hoc sit, idque et primum et maxime necessarium familiaritates habere fidas amantium nos amicorum. haec enim est una res prorsus, ut non multum differat inter summos et mediocres viros, eaque utrisque est propemodum comparanda.

[31 Honore et gloria et benivolentia civium fortasse non aeque omnes egent, sed tamen, si cui haec suppetunt, adiuvant aliquantum cum ad cetera, tum ad amicitias comparandas. Sed de amicitia alio libro dictum est, qui inscribitur Laelius; nunc dicamus de gloria, quamquam ea quoque de re duo sunt nostri libri, sed attingamus, quandoquidem ea in rebus maioribus administrandis adiuvat plurimum. Summa igitur et perfecta gloria constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore dignos putat. Haec autem, si est simpliciter breviterque dicendum, quibus rebus pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus.

[32] Ac primum de illis tribus, quae ante dixi, benevolentiae praecepta videamus; quae quidem capitur beneficiis maxime, secundo autem loco voluntate benefica benivolentia movetur, etiamsi res forte non suppetit; vehementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis, beneficentiae, iustitiae, fidei omniumque earum virtutum, quae pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet animosque omnium natura et specie sua commovet maximeque quasi perlucet ex iis, quas commemoravi, virtutibus, idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hae quidem causae diligendi gravissimae; possunt enim praeterea nonnullae esse leviores.

[33] Fides autem ut habeatur duabus rebus effici potest, si existimabimur adepti coniunctam cum iustitia prudentiam. Nam et iis fidem habemus, quos plus intellegere quam nos arbitramur quosque et futura prospicere credimus et cum res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse; hanc enim utilem homines existimant veramque prudentiam. Iustis autem et fidis hominibus, id est bonis viris, ita fides habetur, ut nulla sit in iis fraudis iniuriaeque suspicio. Itaque his salutem nostram, his fortunas, his liberos rectissime committi arbitramur.

[34] Harum igitur duarum ad fidem faciendam iustitia plus pollet, quippe cum ea sine prudentia satis habeat auctoritatis; prudentia sine iustitia nihil valet ad faciendam fidem. Quo enim quis versutior et callidior, hoc invisior et suspectior detracta opinione probitatis. Quam ob rem intellegentiae iustitia coniuncta quantum volet habebit ad faciendam fidem virium, iustitia sine prudentia multum poterit, sine iustitia nihil valebit prudentia.

[35] Sed ne quis sit admiratus cur, cum inter omnes philosophos constet a meque ipso saepe disputatum sit, qui unam haberet, omnes habere virtutes, nunc ita seiungam, quasi possit quisquam, qui non idem prudens sit, iustus esse, alia est illa, cum veritas ipsa limatur in disputatione, subtilitas, alia, cum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut vulgus, ita nos hoc loco loquimur, ut alios fortes, alios viros bonos, alios prudentes esse dicamus. Popularibus enim verbis est agendum et usitatis, cum loquimur de opinione populari, idque eodem modo fecit Panaetius. Sed ad propositum revertamur.

[36] Erat igitur ex iis tribus, quae ad gloriam pertinerent, hoc tertium, ut cum admiratione hominum honore ab iis digni iudicaremur. Admirantur igitur communiter illi quidem omnia, quae magna et praeter opinionem suam animadverterunt, separatim autem in singulis, si perspiciunt nec opinata quaedam bona. Itaque eos viros suspiciunt maximisque efferunt laudibus, in quibus existimant se excellentes quasdam et singulares perspicere virtutes, despiciunt autem eos et contemnunt, in quibus nihil virtutis, nihil animi, nihil nervorum putant. Non enim omnes eos contemnunt, de quibus male existumant. Nam quos improbos, maledicos, fraudulentos putant et ad faciendam iniuriam instructos, eos contemnunt quidem neutiquam

sed de iis male existumant. Quam ob rem, ut ante dixi, contemnuntur ii, qui ‘nec sibi nec alteri’, ut dicitur, in quibus nullus labor, nulla industria, nulla cura est.

[37] Admiratione autem adficiuntur ii, qui anteire ceteris virtute putantur et cum omni carere dedecore, tum vero iis vitiis, quibus alii non facile possunt obsistere. Nam et voluptates, blandissumae dominae, maioris partis animos a virtute detorquent et, dolorum cum admoventur faces, praeter modum plerique exterrentur; vita, mors, divitiae, paupertas omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo magnoque despiciunt, cumque aliqua iis ampla et honesta res obiecta est, totos ad se convertit et rapit, tum quis non admiretur splendorem pulcritudinemque virtutis?

[38] Ergo et haec animi despicientia admirabilitatem magnam facit et maxume iustitia, ex qua una virtute viri boni appellantur, mirifica quaedam multitudini videtur, nec iniuria. Nemo enim iustus esse potest, qui mortem, qui dolorem, qui exilium, qui egestatem timet, aut qui ea, quae sunt his contraria, aequitati anteponit. Maximeque admirantur eum, qui pecunia non movetur; quod in quo viro perspectum sit, hunc igni spectatum arbitrantur. Itaque illa tria quae proposita sunt ad gloriam, omnia iustitia conficit, et benivolentiam, quod prodesse vult plurimis, et ob eandem causam fidem et admirationem, quod eas res spernit et neglegit, ad quas plerique inflammati aviditate rapiuntur.

[39] Ac mea quidem sententia omnis ratio atque institutio vitae adiumenta hominum desiderat, in primisque, ut habeat quibuscum possit familiares conferre sermones; quod est difficile, nisi speciem prae te boni viri feras. Ergo etiam solitario homini atque in agro vitam agenti opinio iustitiae necessaria est, eoque etiam magis, quod eam si non habebunt, [iniusti habebuntur] nullis praesidiis saepti multis afficientur iniuriis.

[40] Atque iis etiam, qui vendunt, emunt, conducunt, locant contrahendisque negotiis implicantur, iustitia ad rem gerendam necessaria est, cuius tanta vis est, ut ne illi quidem, qui maleficio et scelere pascuntur, possint sine ulla particula iustitiae vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur aliquid aut eripit, is sibi ne in latrocinio quidem relinquit locum, ille autem, qui archipirata dicitur, nisi aequabiliter praedam dispertiat, aut interficiatur a sociis

aut relinquatur. Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. Itaque propter aequabilem praedae partitionem et Bardulis Illyrius latro, de quo est apud Theopompum, magnas opes habuit et multo maiores Viriatus Lusitanus, cui quidem etiam exercitus nostri imperatoresque cesserunt, quem C. Laelius, is qui Sapiens usurpatur, praetor fregit et comminuit ferocitatemque eius ita repressit, ut facile bellum reliquis traderet. Cum igitur tanta vis iustitiae sit, ut ea etiam latronum opes firmet atque augeat, quantam eius vim inter leges et iudicia et in constituta re publica fore putamus?

[41] Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud maiores nostros iustitiae fruendae causa videntur olim bene morati reges constituti. Nam cum premeretur in otio multitudo ab iis, qui maiores opes habebant, ad unum aliquem confugiebant virtute praestantem, qui cum prohiberet iniuria tenuiores, aequitate constituenda summos cum infimis pari iure retinebat. Eademque constituendarum legum fuit causa quae regum.

[42] Ius enim semper est quaesitum aequabile; neque enim aliter esset ius. Id si ab uno iusto et bono viro consequebantur, erant eo contenti; cum id minus contingeret, leges sunt inventae, quae cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de iustitia magna esset opinio multitudinis. Adiuncto vero, ut idem etiam prudentes haberentur, nihil erat, quod homines iis auctoribus non posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda iustitia est, cum ipsa per sese (nam aliter iustitia non esset), tum propter amplificationem honoris et gloriae. Sed ut pecuniae non quaerendae solum ratio est, verum etiam collocandae, quae perpetuos sumptus suppeditet, nec solum necessarios, sed etiam liberales, sic gloria et quaerenda et collocanda ratione est.

[43] Quamquam praeclare Socrates hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut qualis haberi vellet, talis esset. Quod si qui simulatione et inani ostentatione et ficto non modo sermone sed etiam voltu stabilem se gloriam consequi posse rentur, vehementer errant. Vera gloria radices agit atque etiam propagatur, ficta omnia celeriter tamquam flosculi decidunt nec simulatum potest quicquam esse diuturnum.

Testes sunt permulti in utramque partem, sed brevitatis causa familia contenti erimus una. Tiberius enim Gracchus, P. f., tam diu laudabitur, dum memoria rerum Romanarum manebit, at eius filii nec vivi probabantur bonis et mortui numerum optinent iure caesorum. Qui igitur adipisci veram gloriam volet, iustitiae fungatur officiis. Ea quae essent, dictum est in libro superiore.

[44] Sed ut facillime, quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen quaedam praecepta danda sunt. Nam si quis ab ineunte aetate habet causam celebritatis et nominis aut a patre acceptam, quod tibi, mi Cicero, arbitror contigisse, aut aliquo casu atque fortuna, in hunc oculi omnium coniciuntur atque in eum, quid agat, quemadmodum vivat, inquiritur, et, tamquam in clarissima luce versetur, ita nullum obscurum potest nec dictum eius esse nec factum.

[45] Quorum autem prima aetas propter humilitatem et obscuritatem in hominum ignoratione versatur, ii, simul ac iuvenes esse coeperunt, magna spectare et ad ea rectis studiis debent contendere; quod eo firmiore animo facient, quia non modo non invidetur illi aetati verum etiam favetur. Prima est igitur adulescenti commendatio ad gloriam, si qua ex bellicis rebus comparari potest, in qua multi apud maiores nostros extiterunt; semper enim fere bella gerebantur. Tua autem aetas incidit in id bellum, cuius altera pars sceleris nimium habuit, altera felicitatis parum. Quo tamen in bello cum te Pompeius alae [alteri] praefecisset, magnam laudem et a summo viro et ab exercitu consequebare equitando, iaculando, omni militari labore tolerando. Atque ea quidem tua laus pariter cum re publica cecidit. Mihi autem haec oratio suscepta non de te est, sed de genere toto. Quam ob rem pergamus ad ea, quae restant.

[46] Ut igitur in reliquis rebus multo maiora opera sunt animi quam corporis, sic eae res quas ingenio ac ratione persequimur, gratiores sunt quam illae, quas viribus. Prima igitur commendatio proficiscitur a modestia, tum pietate in parentes, in suos benivolentia. Facillume autem et in optimam partem cognoscuntur adulescentes, qui se ad claros et sapientes viros bene consulentes rei publicae contulerunt, quibuscum si frequentes sunt, opinionem adferunt populo eorum fore se similes, quos sibi ipsi delegerint ad imitandum.

[47] P. Rutilii adulescentiam ad opinionem et innocentiae et iuris

scientiae P. Mucii commendavit domus. Nam L. quidem Crassus, cum esset admodum adulescens, non aliunde mutuatus est, sed sibi ipse peperit maximam laudem ex illa accusatione nobili et gloriosa, et qua aetate qui exercentur, laude adfici solent, ut de Demosthene accepimus, ea aetate L. Crassus ostendit, id se in foro optume iam facere, quod etiam tum poterat domi cum laude meditari.

[48] Sed cum duplex ratio sit orationis, quarum in altera sermo sit, in altera contentio, non est id quidem dubium, quin contentio [orationis] maiorem vim habeat ad gloriam (ea est enim, quam eloquentiam dicimus); sed tamen difficile dictu est, quantopere conciliet animos comitas adfabilitasque sermonis. Extant epistolae et Philippi ad Alexandrum et Antipatri ad Cassandrum et Antigoni ad Philippum filium, trium prudentissimorum (sic enim accepimus); quibus praecipiunt, ut oratione benigna multitudinis animos ad benivolentiam alliciant militesque blande appellando [sermone] deleniant. Quae autem in multitudine cum contentione habetur oratio, ea saepe universam excitat [gloriam]; magna est enim admiratio copiose sapienterque dicentis; quem qui audiunt, intellegere etiam et sapere plus quam ceteros arbitrantur. Si vero inest in oratione mixta modestia gravitas nihil admirabilius fieri potest, eoque magis, si ea sunt in adulescente.

[49] Sed cum sint plura causarum genera, quae eloquentiam desiderent, multique in nostra re publica adulescentes et apud iudices et apud populum et apud senatum dicendo laudem assecuti sint, maxima est admiratio in iudiciis, quorum ratio duplex est. Nam ex accusatione et ex defensione constat, quarum etsi laudabilior est defensio, tamen etiam accusatio probata persaepe est. Dixi paulo ante de Crasso. Idem fecit adulescens M. Antonius. Etiam P. Sulpicii eloquentiam accusatio inlustravit, cum seditiosum et inutilem civem, C. Norbanum, in iudicium vocavit.

[50] Sed hoc quidem non est saepe faciendum nec umquam nisi aut rei publicae causa, ut ii, quos ante dixi, aut ulciscendi gratia, ut duo Luculli, aut patrocinii, ut nos pro Siculis, pro Sardis in Albucio Iulius. In accusando etiam M.' Aquilio L. Fufii cognita industria est. Semel igitur aut non saepe certe. Sin erit, cui faciendum sit saepius, rei publicae tribuat hoc muneris, cuius inimicos ulcisci saepius non est reprehendendum; modus tamen adsit. Duri enim hominis, vel

potius vix hominis videtur periculum capitis inferre multis. Id cum periculosum ipsi est, tum etiam sordidum ad famam committere, ut accusator nominere; quod contigit M. Bruto, summo genere nato, illius filio, qui iuris civilis in primis peritus fuit.

[51] Atque etiam hoc praeceptum officii diligenter tenendum est, ne quem umquam innocentem iudicio capitis arcessas; id enim sine scelere fieri nullo pacto potest. Nam quid est tam inhumanum, quam eloquentiam a natura ad salutem hominum et ad conservationem datam ad bonorum pestem perniciemque convertere? Nec tamen, ut hoc fugiendum est, item est habendum religioni nocentem aliquando, modo ne nefarium impiumque defendere. Vult hoc multitudo, patitur consuetudo, fert etiam humanitas. Iudicis est semper in causis verum sequi, patroni non numquam veri simile, etiam si minus sit verum, defendere, quod scribere, praesertim cum de philosophia scriberem, non auderem, nisi idem placeret gravissimo Stoicorum Panaetio. Maxime autem et gloria paritur et gratia defensionibus, eoque maior, si quando accidit, ut ei subveniatur, qui potentis alicuius opibus circumveniri urgerique videatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, extat oratio.

[52] Sed eitis adulescentium officiis, quae valeant ad gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est, cuius est ratio duplex. Nam aut opera benigne fit indigentibus aut pecunia. Facilior est haec posterior locupleti praesertim, sed illa lautior ac splendidior et viro forti claroque dignior. Quamquam enim in utroque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur, largitioque, quae fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur, qua quo in plures usus sis, eo minus in multos uti possis.

[53] At qui opera, id est virtute et industria, benefici et liberales erunt, primum, quo pluribus profuerint, eo plures ad benigne faciendum adiutores habebunt, dein consuetudine beneficentiae paratiores erunt et tamquam exercitatiores ad bene de multis promerendum. Praeclare in epistula quadam Alexandrum filium Philippus accusat, quod largitione benivolentiam Macedonum consectetur: ‘Quae te, malum!’ inquit, ‘ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id

agis, ut Macedones non te regem suum, sed ministrum et praebitorem sperent fore?' Bene 'ministrum et praebitorem', quia sordidum regi, melius etiam, quod largitionem 'corruptelam ' dixit esse; fit enim deterior, qui accipit, atque ad idem semper expectandum paratior.

[54] Hoc ille filio, sed praeceptum putemus omnibus. Quam ob rem id quidem non dubium est, quin illa benignitas, quae constet ex opera et industria, et honestior sit et latius pateat et possit prodesse pluribus. Non numquam tamen est largiendum nec hoc benignitatis genus omnino repudiandum est et saepe idoneis hominibus indigentibus de re familiari impertiendum, sed diligenter atque moderate. Multi enim patrimonia effuderunt, inconsulte largiendo. Quid autem est stultius quam. quod libenter facias, curare ut id diutius facere non possis? Atque etiam sequuntur largitionem rapinae. Cum enim dando egere coeperunt, alienis bonis manus afferre coguntur. Ita, cum benivolentiae comparandae causa benefici esse velint, non tanta studia assequuntur eorum, quibus dederunt, quanta odia eorum, quibus ademerunt.

[55] Quam ob rem nec ita claudenda res est familiaris, ut eam benignitas aperire non possit, nec ita reseranda, ut pateat omnibus; modus adhibeatur isque referatur ad facultates. Omnino meminisse debemus id, quod a nostris hominibus saepissime usurpatum iam in proverbii consuetudinem venit, largitionem fundum non habere. Etenim quis potest modus esse, cum et idem, qui consueverunt et idem illud alii desiderent. Omnino duo sunt genera largorum, quorum alteri prodigi, alteri liberales; prodigi, qui epulis et viscerationibus et gladiatorum muneribus ludorum venationumque apparatu pecunias profundunt in eas res, quarum memoriam aut brevem aut nullam omnino sint relicturi, liberales autem, qui suis facultatibus aut captos a praedonibus redimunt, aut aes alienum suscipiunt amicorum aut in filiarum collocatione adiuvant aut opitulantur vel in re quaerenda vel augenda.

[56] Itaque miror, quid in mentem venerit Theophrasto, in eo libro, quem de divitiis scripsit, in quo multa praeclare, illud absurde: est enim multus in laudanda magnificentia et apparitione popularium munerum taliumque sumptuum facultatem fructum divitiarum putat. Mihi autem ille fructus liberalitatis, cuius pauca exempla posui, multo et maior videtur et certior. Quanto Aristoteles gravius et verius

nos reprehendit, qui has pecuniarum effusiones non admiremur, quae fiunt ad multitudinem deleniendam. At ii, ‘qui ab hoste obsidentur, si emere aquae sextarium cogerentur mina, hoc primo incredibile nobis videri omnesque mirari, sed cum adtenderint, veniam necessitati dare, in his immanibus iacturis infinitisque sumptibus nihil nos magnopere mirari, cum praesertim neque necessitati subveniatur nec dignitas augeatur ipsaque illa delectatio multitudinis ad breve exiguumque tempus *capiatur* eaque a levissimo quoque, in quo tamen ipso una cum satietate memoria quoque moriatur voluptatis.’

[57] Bene etiam colligit ‘haec pueris et mulierculis et servis et servorum simillimis liberis esse grata, gravi vero homini et ea, quae fiunt, iudicio certo ponderanti probari posse nullo modo’. Quamquam intellego in nostra civitate inveterasse iam bonis temporibus, ut splendor aedilitatum ab optimis viris postuletur. Itaque et P. Crassus cum cognomine dives tum copiis functus est aedilicio maximo munere, et paulo post L. Crassus cum omnium hominum moderatissimo Q. Mucio magnificentissima aedilitate functus est, deinde C. Claudius App. f., multi post, Luculli, Hortensius, Silanus; omnes autem P. Lentulus me consule vicit superiores; hunc est Scaurus imitatus; magnificentissima vero nostri Pompei munera secundo consulatu; in quibus omnibus quid mihi placeat, vides.

[58] Vitanda tamen suspicio est avaritiae. Mamerco, homini divitissimo, praetermissio aedilitatis consulatus repulsam attulit. Quare et si postulatur a populo, bonis viris si non desiderantibus, ad tamen approbantibus faciundum est, modo pro facultatibus, nos ipsi ut fecimus, et si quando aliqua res maior atque utilior populari largitione adquiritur, ut Oresti nuper prandia in semitis decumae nomine magno honori fuerunt. Ne M. quidem Seio vitio datum est, quod in caritate asse modium populo dedit; magna enim se et inveterata invidia nec turpi iactura, quando erat aedilis, nec maxima liberavit. Sed honori summo nuper nostro Miloni fuit qui gladiatoribus emptis rei publicae causa, quae salute nostra continebatur, omnes P. Clodii conatus furoresque compressit.

[59] Causa igitur largitionis est, si aut necesse est aut utile. In his autem ipsis mediocritatis regula optima est. L. quidem Philippus, Q. f., magno vir ingenio inprimisque clarus, gloriari solebat se sine ullo munere adeptum esse omnia, quae haberentur amplissima. Dicebat

idem Cotta, Curio. Nobis quoque licet in hoc quodam modo gloriari; nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus nostro quidem anno, quod contigit eorum nemini, quos modo nominavi, sane exiguus sumptus aedilitatis fuit.

[60] Atque etiam illae impensae meliores, muri, navalia, portus, aquarum ductus omniaque, quae ad usum rei publicae pertinent, quamquam, quod praesens tamquam in manum datur, iucundius est, tamen haec in posterum gratiora. Theatra, porticus, nova templa verecundius reprehendo propter Pompeium, sed doctissimi non probant, ut et hic ipse Panaetius, quem multum in his libris secutus sum non interpretatus, et Phalereus Demetrius, qui Periclem, principem Graeciae vituperat, quod tantam pecuniam in praeclara illa propylaea coniecerit. Sed de hoc genere toto in iis libris, quos de re publica scripsi, diligenter est disputatum. Tota igitur ratio talium largitionum genere vitiosa est, temporibus necessaria et tum ipsum et ad facultates accommodanda et mediocritate moderanda est.

[61] In illo autem altero genere largiendi, quod a liberalitate proficiscitur, non uno modo in disparibus causis adfecti esse debemus. Alia causa est eius, qui calamitate premitur, et eius, qui res meliores quaerit nullis suis rebus adversis.

[62] Propensior benignitas esse debebit in calamitosos, nisi forte erunt digni calamitate. In iis tamen, qui se adiuvari volent, non ne adfligantur, sed ut altiorem gradum ascendant, restricti omnino esse nullo modo debemus, sed in deligendis idoneis iudicium et diligentiam adhibere. Nam praeclare Ennius ‘Bene facta male locata male facta arbitror’.

[63] Quod autem tributum est bono viro et grato, in eo cum ex ipso fructus est, tum etiam ex ceteris. Temeritate enim remota gratissima est liberalitas, eoque eam studiosius plerique laudant, quod summi cuiusque bonitas commune perfugium est omnium. Danda igitur opera est, ut iis beneficiis quam plurimos adficiamus, quorum memoria liberis posterisque prodatur, ut iis ingratis esse non liceat. Omnes enim immemorem beneficii oderunt eamque iniuriam in deterrenda liberalitate sibi etiam fieri, eumque, qui faciat communem hostem tenuiorum putant. Atque haec benignitas etiam rei publicae est utilis, redimi e servitute captos, locupletari tenuiores; quod quidem volgo solitum fieri ab ordine nostro in oratione Crassi

scriptum copiose videmus. Hanc ergo consuetudinem benignitatis largitioni munerum longe antepono; haec est gravium hominum atque magnorum, illa quasi assentatorum populi multitudinis levitatem voluptate quasi titillantium.

[64] Conveniet autem cum in dando munificum esse, tum in exigendo non acerbum in omnique re contrahenda, vendundo emendo, conducendo locando, vicinitatibus et confiniis aequum, facilem, multa multis de suo iure cedentem, a litibus vero, quantum liceat et nescio an paulo plus etiam, quam liceat, abhorrentem. Est enim non modo liberale paulum non numquam de suo iure decedere, sed interdum etiam fructuosum. Habenda autem ratio est rei familiaris, quam quidem dilabi sinere flagitiosum est, sed ita, ut inliberalitatis avaritiaeque absit suspicio. Posse enim liberalitate uti non spoliantem se patrimonio nimirum est pecuniae fructus maximus. Recte etiam a Theophrasto est laudata hospitalitas. Est enim, ut mihi quidem videtur, valde decorum patere domos hominum inlustrium hospitibus inlustribus idque etiam rei publicae est ornamento homines externos hoc liberalitatis genere in urbe nostra non egere. Est autem etiam vehementer utile iis, qui honeste posse multum volunt, per hospites apud externos populos valere opibus et gratia. Theophrastus quidem scribit Cimonem Athenis etiam in suos curiales Laciadas hospitalem fuisse; ita enim instituisse et vilicis imperavisse, ut omnia praeberentur, quicumque Laciades in villam suam devertisset.

[65] Quae autem opera, non largitione beneficia dantur, haec tum in universam rem publicam tum in singulos cives conferuntur. Nam in iure cavere, consilio iuvare atque hoc scientiae genere prodesse quam plurimis vehementer et ad opes augendas pertinet et ad gratiam. Itaque cum multa praeclara maiorum, tum quod optime constituti iuris civilis summo semper in honore fuit cognitio atque interpretatio; quam quidem ante hanc confusionem temporum in possessione sua principes retinuerunt, nunc, ut honores, ut omnes dignitatis gradus, sic huius scientiae splendor deletus est, idque eo indignius, quod eo tempore hoc contigit, cum is esset, qui omnes superiores, quibus honore par esset, scientia facile vicisset. Haec igitur opera grata multis et ad beneficiis obstringendos homines accommodata.

[66] Atque huic arti finitima est dicendi gravior facultas et gratior et ornatior. Quid enim eloquentia praestabilius vel admiratione audientium vel spe indigentium vel eorum, qui defensi sunt, gratia? Huic quoque ergo a maioribus nostris est in toga dignitatis principatus datus. Diserti igitur hominis et facile laborantis, quodque in patriis est moribus, multorum causas et non gravate et gratuito defendentis beneficia et patrocinia late patent.

[67] Admonebat me res, ut hoc quoque loco intermissionem eloquentiae, ne dicam interitum deplorarem, ni vererer, ne de me ipso aliquid viderer queri. Sed tamen videmus, quibus extinctis oratoribus, quam in paucis spes quanto in paucioribus facultas, quam in multis sit audacia. Cum autem omnes non possint, ne multi quidem, aut iuris periti esse aut diserti, licet tamen opera prodesse multis beneficia petentem, commendantem iudicibus, magistratibus, vigilantem pro re alterius, eos ipsos, qui aut consuluntur aut defendunt, rogantem; quod qui faciunt, plurimum gratiae consequuntur, latissimeque eorum manat industria.

[68] Iam illud non sunt admonendi, (est enim in promptu), ut animadvertant, cum iuvare alios velint, ne quos offendant. Saepe enim aut eos laedunt, quos non debent, aut eos, quos non expedit; si imprudentes, neglegentiae est, si scientes temeritatis. Utendum etiam est excusatione adversus eos, quos invitus offendas, quacumque possis, quare id, quod feceris, necesse fuerit nec aliter facere potueris, ceterisque operis et officiis erit id, quod violatum videbitur, compensandum.

[69] Sed cum in hominibus iuvandis aut mores spectari aut fortuna soleat, dictu quidem est proclive, itaque volgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est, sed quis est tandem, qui inopis et optimi viri causae anteponat in opera danda gratiam fortunati et potentis? A quo enim expeditior et celerior remuneratio fore videtur, in eum fere est voluntas nostra propensior. Sed animadvertendum est diligentius, quae natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiam si referre gratiam non potest, habere certe potest. Commode autem, quicumque dixit, 'pecuniam qui habeat, non reddidisse, qui reddiderit non habere, gratiam autem et, qui rettulerit, habere et, qui habeat, rettulisse'. At qui se locupletes, honoratos, beatos putant, ii ne obligari quidem beneficio volunt; qui etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint, atque etiam a se aut postulari aut exspectari aliquid suspicantur, patrocinio vero se usos aut clientes appellari mortis instar putant.

[70] At vero ille tenuis, cum quidquid factum sit, se spectatum, non fortunam putat, non modo illi qui est meritus, sed etiam illis, a quibus exspectat (eget enim multis), gratum se videri studet, neque vero verbis auget suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod, si opulentum fortunatumque defenderis, in uno illo aut, si forte, in liberis eius manet gratia; sin autem inopem, probum tamen et modestum, omnes non improbi humiles quae magna in populo multitudo est, praesidium sibi paratum vident.

[71] Quam ob rem melius apud bonos quam apud fortunatos beneficium collocari puto. Danda omnino opera est, ut omni generi satis facere possimus, sed, si res in contentionem veniet, nimirum Themistocles est auctor adhibendus, qui cum consuleretur, utrum bono viro pauperi an minus probato diviti filiam collocaret 'Ego vero, inquit, malo virum, qui pecunia egeat, quam pecuniam quae viro'. Sed corrupti mores depravatique sunt admiratione divitiarum; quarum magnitudo quid ad unumquemque nostrum pertinet? Illum fortasse adiuvat, qui habet; ne id quidem semper; sed fac iuvare; utentior sane sit, honestior vero quomodo? Quod si etiam bonus erit vir, ne impediant divitiae quominus iuvetur, modo ne adiuvent,

sitque omne iudicium, non quam locuples, sed qualis quisque sit. Extremum autem praeceptum in beneficiis operaque danda, ne quid contra aequitatem contendas, ne quid pro iniuria; fundamentum enim est perpetuae commendationis et famae iustitia, sine qua nihil potest esse laudabile.

[72] Sed quoniam de eo genere beneficiorum dictum est, quae ad singulos spectant, deinceps de iis, quae ad universos quaeque ad rem publicam pertinent, disputandum est. Eorum autem ipsorum partim eius modi sunt, ut ad universos cives pertineant, partim, singulos ut attingant, quae sunt etiam gratiora. Danda opera est omnino, si possit, utrisque, nec minus, ut etiam singulis consulatur, sed ita, ut ea res aut prosit aut certe ne obsit rei publicae. C. Gracchi frumentaria magna largitio, exhauriebat igitur aerarium; modica M. Octavii et rei publicae tolerabilis et plebi necessaria, ergo et civibus et rei publicae salutaris.

[73] In primis autem videndum erit ei, qui rem publicam administrabit, ut suum quisque teneat neque de bonis privatorum publice deminutio fiat. Perniciose enim Philippus in tribunatu cum legem agrariam ferret, quam tamen antiquari facile passus est et in eo vehementer se moderatum praebuit — sed cum in agendo multa populariter, tum illud male, ‘non esse in civitate duo milia hominum, qui rem haberent’. Capitalis oratio est ad aequationem bonorum pertinens, qua peste quae potest esse maior? Hanc enim ob causam maxime, ut sua tenerentur, res publicae civitatesque constitutae sunt. Nam, etsi duce natura congregabantur homines, tamen spe custodiae rerum suarum urbium praesidia quaerebant.

[74] Danda etiam opera est, ne, quod apud maiores nostros saepe fiebat propter aerarii tenuitatem assiduitatemque bellorum, tributum sit conferendum, idque ne eveniat multo ante erit providendum. Sin quae necessitas huius muneris alicui rei publicae obvenerit (malo enim quam nostrae ominari neque tamen de nostra, sed de omni re publica disputo), danda erit opera, ut omnes intellegant, si salvi esse velint, necessitati esse parendum. Atque etiam omnes, qui rem publicam gubernabunt, consulere debebunt ut earum rerum copia sit, quae sunt necessariae. Quarum qualis comparatio fieri soleat et debeat, non est necesse disputare; est enim in promptu; tantum locus attingendus fuit.

[75] Caput autem est in omni procuratione negotii et muneris publici, ut avaritiae pellatur etiam minima suspicio. ‘Utinam’, inquit C. Pontius Samnis, ‘ad illa tempora me fortuna reservavisset et tum essem natus, quando Romani dona accipere coepissent. Non essem passus diutius eos imperare.’ Ne illi multa saecula expectanda fuerunt: modo enim hoc malum in hanc rem publicam invasit. Itaque facile patior tum potius Pontium fuisse, si quidem in illo tantum fuit roboris. Nondum centum et decem anni sunt, cum de pecuniis repetundis a L. Pisone lata lex est nulla antea cum fuisset. At vero postea tot leges et proxumae quaeque duriores, tot rei, tot damnati, tantum [Italicum] bellum propter iudiciorum metum excitatum, tanta sublatis legibus et iudiciis expilatio direptioque sociorum, ut inbecillitate aliorum, non nostra virtute valeamus.

[76] Laudat Africanum Panaetius, quod fuerit abstinens. Quidni laudet? Sed in illo alia maiora; laus abstinentiae non hominis est solum, sed etiam temporum illorum. Omni Macedonum gaza, quae fuit maxima, potitus [est] Paulus; tantum in aerarium pecuniae invexit, ut unius imperatoris praeda finem attulerit tributorum. At hic nihil domum suam intulit praeter memoriam nominis sempiternam. Imitatus patrem Africanus nihilo locupletior Carthagine eversa. Quid? qui eius collega fuit in censura, L. Mummius, num quid copiosior, cum copiosissimam urbem funditus sustulisset? Italiam ornare quam domum suam maluit; quamquam Italia ornata domus ipsa mihi videtur ornatior.

[77] Nullum igitur vitium taetrius est, ut eo, unde digressa est, referat se oratio, quam avaritia, praesertim in principibus et rem publicam gubernantibus. Habere enim quaestui rem publicam non modo turpe est, sed sceleratum etiam et nefarium. Itaque, quod Apollo Pythius oraclum edidit, Spartam nulla re alia nisi avaritia esse perituram, id videtur non solum Lacedaemoniis, sed etiam omnibus opulentis populis praedixisse. Nulla autem re conciliare facilius benivolentiam multitudinis possunt ii, qui rei publicae praesunt, quam abstinentia et continentia.

[78] Qui vero se populares volunt ob eamque causam aut agrariam rem temptant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant, labefactant fundamenta rei publicae, concordiam primum, quae esse non potest, cum aliis

adimuntur, aliis condonantur pecuniae, deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. Id enim est proprium, ut supra dixi, civitatis atque urbis, ut sit libera et non sollicita suae rei cuiusque custodia.

[79] Atque in hac pernicie rei publicae ne illam quidem consequuntur, quam putant, gratiam. Nam cui res erepta est, est inimicus; cui data est, etiam dissimulat se accipere voluisse et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo. At vero ille, qui accipit iniuriam, et meminit et prae se fert dolorem suum, nec, si plures sunt ii, quibus inprobe datum est, quam illi, quibus iniuste ademptum est, idcirco plus etiam valent. Non enim numero haec iudicantur, sed pondere. Quam autem habet aequitatem, ut agrum multis annis aut etiam saeculis ante possessum qui nullum habuit habeat, qui autem habuit amittat?

[80] Ac propter hoc iniuriae genus Lacedaemonii Lysandrum ephorum expulerunt, Agim regem, quod nunquam antea apud eos acciderat, necaverunt, exque eo tempore tantae discordiae secutae sunt, ut et tyranni existerent et optumates exterminarentur et praeclarissime constituta res publica dilaberetur. Nec vero solum ipsa cecidit, sed etiam reliquam Graeciam evertit contagionibus malorum, quae a Lacedaemoniis profectae manarunt latius. Quid? nostros Gracchos, Ti. Gracchi summi viri filios, Africani nepotes, nonne agrariae contentiones perdiderunt?

[81] At vero Aratus Sicyonius iure laudatur, qui, cum eius civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem clandestino introitu urbe est potitus, cumque tyrannum Nicoclem inproviso oppressisset, sescentos exules, qui locupletissimi fuerant eius civitatis, restituit remque publicam adventu suo liberavit. Sed cum magnam animadverteret in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum esse arbitrabatur et quinquaginta annorum possessiones movere non nimis aequum putabat, propterea quod tam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine iniuria, iudicavit neque illis adimi nec iis non satis fieri, quorum illa fuerant, oportere.

[82] Cum igitur statuisset opus esse ad eam rem constituendam pecunia Alexandream se proficisci velle dixit remque integram ad

reditum suum iussit esse, isque celeriter ad Ptolomaeum, suum hospitem, venit, qui tum regnabat alter post Alexandream conditam. Cui cum euisset patriam se liberare velle causamque docuisset, a rege opulento vir summus facile impetravit, ut grandi pecunia adiuvaretur. Quam cum Sicyonem attulisset, adhibuit sibi in consilium quindecim principes, cum quibus causas cognovit et eorum, qui aliena tenebant, et eorum, qui sua amiserant, perfecitque aestumandis possessionibus, ut persuaderet aliis, ut pecuniam accipere mallent, possessionibus cederent, aliis, ut commodius putarent numerari sibi, quod tanti esset, quam suum recuperare. Ita perfectum est, ut omnes concordia constituta sine querella discederent.

[83] O virum magnum dignumque, qui in re publica nostra natus esset! Sic par est, agere cum civibus, non, ut bis iam vidimus, hastam in foro ponere et bona civium voci subicere praeconis. At ille Graecus, id quod fuit sapientis et praestantis viri, omnibus consulendum putavit, eaque est summa ratio et sapientia boni civis, commoda civium non divellere atque omnis aequitate eadem continere. Habitent gratis in alieno. Quid ita? ut, cum ego emerim, aedificarim, tuear, impendam, tu me invito fruare meo? Quid est aliud aliis sua eripere, aliis dare aliena?

[84] Tabulae vero novae quid habent argumenti, nisi ut emas mea pecunia fundum, eum tu habeas, ego non habeam pecuniam? Quam ob rem ne sit aes alienum, quod rei publicae noceat, providendum est, quod multis rationibus caveri potest, non, si fuerit, ut locupletes suum perdant, debitores lucrentur alienum. Nec enim ulla res vehementius rem publicam continet quam fides, quae esse nulla potest, nisi erit necessaria solutio rerum creditarum. Numquam vehementius actum est quam me consule ne solveretur. Armis et castris temptata res est ab omni genere hominum et ordine; quibus ita restiti, ut hoc totum malum de re publica tolleretur. Numquam nec maius aes alienum fuit nec melius nec facilius dissolutum est; fraudandi enim spe sublata solvendi necessitas consecuta est. At vero hic nunc victor tum quidem victus, quae cogitarat, cum ipsius intererat, tum ea perfecit, cum eius iam nihil interesset. Tanta in eo peccandi libido fuit, ut hoc ipsum eum delectaret peccare, etiam si causa non esset.

[85] Ab hoc igitur genere largitionis, ut aliis detur, aliis auferatur,

aberunt ii, qui rem publicam tuebuntur, inprimisque operam dabunt, ut iuris et iudiciorum aequitate suum quisque teneat et neque tenuiores propter humilitatem circumveniantur neque locupletibus ad sua vel tenenda vel recuperanda obsit invidia, praeterea, quibuscumque rebus vel belli vel domi poterunt, rem publicam augeant imperio, agris, vectigalibus. Haec magnorum hominum sunt, haec apud maiores nostros factitata, haec genera officiorum qui persecuntur cum summa utilitate rei publicae magnam ipsi adipiscentur et gratiam et gloriam.

[86] In his autem utilitatum praeceptis Antipater Tyrius, Stoicus, qui Athenis nuper est mortuus, duo praeterita censet esse a Panaetio, valitudinis curationem et pecuniae; quas res a summo philosopho praeteritas arbitror, quod essent faciles; sunt certe utiles. Sed valetudo sustentatur notitia sui corporis et observatione, quae res aut prodesse soleant aut obesse, et continentia in victu omni atque cultu corporis tuendi causa praetermittendis voluptatibus, postremo arte eorum quorum ad scientiam haec pertinent.

[87] Res autem familiaris quaeri debet iis rebus, a quibus abest turpitudo, conservari autem diligentia et parsimonia, eisdem etiam rebus augeri. Has res commodissime Xenophon Socraticus persecutus est in eo libro, qui Oeconomicus inscribitur, quem nos, ista fere aetate cum essemus, qua es tu nunc, e Graeco in Latinum convertimus. Sed toto hoc de genere, de quaerenda, de collocanda pecunia, (vellem etiam de utenda), commodius a quibusdam optimis viris ad Ianum medium sedentibus quam ab ullis philosophis ulla in schola disputatur. Sunt tamen ea cognoscenda; pertinent enim ad utilitatem, de qua hoc libro disputatum est.

[88] Sed utilitatum comparatio, quoniam hic locus erat quartus, a Panaetio praetermissus, saepe est necessaria. Nam et corporis commoda cum externis [et externa cum corporis] et ipsa inter se corporis et externa cum externis comparari solent. Cum externis corporis hoc modo comparantur, valere ut malis quam dives esse, [cum corporis externa hoc modo, dives esse potius quam maximis corporis viribus,] ipsa inter se corporis sic, ut bona valitudo voluptati anteponatur, vires celeritati, externorum autem, ut gloria divitiis, vectigalia urbana rusticis.

[89] Ex quo genere comparationis illud est Catonis senis: a quo

cum quaereretur, quid maxime in re familiari expediret, respondit: “Bene pascere”; quid secundum: “Satis bene pascere”; quid tertium: “Male pascere”; quid quartum “Arare”; et cum ille, qui quaesierat, dixisset: “Quid faenerari?”, tum Cato: “Quid hominem,” inquit, “occidere?” Ex quo et multis aliis intellegi debet utilitatum comparationes fieri solere recteque hoc adiunctum esse exquirendorum officiorum genus.

[90] Reliqua deinceps persequemur.

LIBER TERTIVS

[1] P. Scipionem, Marce fili, eum, qui primus Africanus appellatus est, dicere solitum scripsit Cato, qui fuit eius fere aequalis, numquam se minus otiosum esse, quam cum otiosus, nec minus solum, quam cum solus esset. Magnifica vero vox et magno viro ac sapiente digna; quae declarat illum et in otio de negotiis cogitare et in solitudine secum loqui solitum, ut neque cessaret umquam et interdum conloquio alterius non egeret. Ita duae res, quae languorem adferunt ceteris, illum acuebant, otium et solitudo. Vellem nobis hoc idem vere dicere liceret, sed si minus imitatione tantam ingenii praestantiam consequi possumus, voluntate certe proxime accedimus. Nam et a re publica forensibusque negotiis armis impiis vique prohibiti otium persequimur et ob eam causam urbe relicta rura peragrantes saepe soli sumus.

[2] Sed nec hoc otium cum Africani otio nec haec solitudo cum illa comparanda est. Ille enim requiescens a rei publicae pulcherrimis muneribus otium sibi sumebat aliquando et coetu hominum frequentiaque interdum tamquam in portum se in solitudinem recipiebat, nostrum autem otium negotii inopia, non requiescendi studio constitutum est. Extincto enim senatu deletisque iudiciis quid est, quod dignum nobis aut in curia aut in foro agere possimus?

[3] Ita qui in maxima celebritate atque in oculis civium quondam vixerimus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos quantum licet et saepe soli sumus. Sed quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni, propterea et otio fruor, non illo quidem, quo debeat is, qui quondam peperisset otium civitati, nec eam solitudinem languere patior, quam mihi adfert necessitas, non voluntas.

[4] Quamquam Africanus maiorem laudem meo iudicio assequebatur. Nulla enim eius ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus extat; ex quo intellegi debet illum mentis agitatione investigationeque earum rerum, quas cogitando consequebatur, nec otiosum nec solum umquam fuisse; nos autem, qui non tantum roboris habemus, ut cogitatione tacita a

solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Itaque plura brevi tempore eversa quam multis annis stante re publica scripsimus.

[5] Sed cum tota philosophia, mi Cicero, frugifera et fructuosa nec ulla pars eius inculta ac deserta sit, tum nullus feracior in ea locus est nec uberior, quam de officiis, a quibus constanter honesteque vivendi praecepta ducuntur. Quare quamquam a Cratippo nostro, principe huius memoriae philosophorum, haec te assidue audire atque accipere confido, tamen conducere arbitror talibus aures tuas vocibus undique circumsonare, nec eas, si fieri possit, quicquam aliud audire.

[6] Quod cum omnibus est faciendum, qui vitam honestam ingredi cogitant, tum haud scio an nemini potius quam tibi. Sustines enim non parvam expectationem imitandae industriae nostrae, magnam honorum, non nullam fortasse nominis. Suscepisti onus praeterea grave et Athenarum et Cratippi; ad quos cum tamquam ad mercaturam bonarum artium sis profectus, inanem redire turpissimum est dedecorantem et urbis auctoritatem et magistri. Quare quantum coniti animo potes, quantum labore contendere, si discendi labor est potius quam voluptas, tantum fac ut efficias neve committas, ut, cum omnia suppeditata sint a nobis, tute tibi defuisse videare. Sed haec hactenus; multa enim saepe ad te cohortandi gratia scripsimus; nunc ad reliquam partem propositae divisionis revertamur.

[7] Panaetius igitur, qui sine controversia de officiis accuratissime disputavit quemque nos correctione quadam adhibita potissimum secuti sumus, tribus generibus propositis, in quibus deliberare homines et consultare de officio solerent, uno cum dubitarent, honestumne id esset, de quo ageretur, an turpe, altero utilene esset an inutile, tertio, si id, quod speciem haberet honesti, pugnaret cum eo, quod utile videretur, quomodo ea discerni oporteret, de duobus generibus primis tribus libris explicavit, de tertio autem genere deinceps se scripsit dicturum nec exsolvit id, quod promiserat.

[8] Quod eo magis miror, quia scriptum a discipulo eius Posidonio est, triginta annis vixisse Panaetium posteaquam illos libros edidisset. Quem locum miror a Posidonio breviter esse tactum in quibusdam commentariis, praesertim cum scribat nullum esse locum in tota philosophia tam necessarium.

[9] Minime vero assentior iis, qui negant eum locum a Panaetio praetermissum, sed consulto relictum, nec omnino scribendum fuisse, quia numquam posset utilitas cum honestate pugnare. De quo alterum potest habere dubitationem, adhibendumne fuerit hoc genus, quod in divisione Panaetii tertium est an plane omittendum, alterum dubitari non potest, quin a Panaetio susceptum sit, sed relictum. Nam qui e divisione tripertita duas partes absolverit, huic necesse est restare tertiam; praeterea in extremo libro tertio de hac parte pollicetur se deinceps esse dicturum.

[10] Accedit eodem testis locuples Posidonius, qui etiam scribit in quadam epistola, P. Rutilium Rufum dicere solere, qui Panaetium audierat, ut nemo pictor esset inventus, qui in Coa Venere eam partem, quam Apelles inchoatam reliquisset, absolveret (oris enim pulchritudo reliqui corporis imitandi spem auferebat), sic ea, quae Panaetius praetermisisset [et non perfecisset] propter eorum, quae perfecisset, praestantiam neminem persecutum.

[11] Quam ob rem de iudicio Panaetii dubitari non potest; rectene autem hanc tertiam partem ad exquirendum officium adiunxerit an secus, de eo fortasse disputari potest. Nam, sive honestum solum bonum est, ut Stoicis placet, sive, quod honestum est, id ita summum bonum est, quemadmodum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant, dubitandum non est quin numquam possit utilitas cum honestate contendere. Itaque accepimus Socratem exsecrari solitum eos, qui primum haec natura cohaerentia opinione distraxissent. Cui quidem ita sunt Stoici assensi, ut et, quicquid honestum esset, id utile esse censerent, nec utile quicquam, quod non honestum.

[12] Quodsi is esset Panaetius, qui virtutem propterea colendam diceret, quod ea efficiens utilitatis esset, ut ii, qui res expetendas vel voluptate vel indolentia metiuntur, liceret ei dicere utilitatem aliquando cum honestate pugnare. Sed cum sit is, qui id solum bonum iudicet, quod honestum sit, quae autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri nec decessione peiorem, non videtur debuisse eiusmodi deliberationem introducere, in qua quod utile videretur cum eo, quod honestum est, compararetur.

[13] Etenim quod summum bonum a Stoicis dicitur, convenienter

naturae vivere, id habet hanc, ut opinor, sententiam, cum virtute congruere semper, cetera autem, quae secundum naturam essent, ita legere, si ea virtuti non repugnarent. Quod cum ita sit, putant quidam hanc comparationem non recte introductam nec omnino de eo genere quicquam praecipiendum fuisse. Atque illud quidem honestum, quod proprie vereque dicitur id in sapientibus est solis neque a virtute divelli umquam potest. In iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum nullo modo, similitudines honesti esse possunt.

[14] Haec enim officia, de quibus his libris disputamus, media Stoici appellant; ea communia sunt et late patent, quae et ingenii bonitate multi assequuntur et progressione discendi. Illud autem officium, quod rectum idem appellant, perfectum atque absolutum est et, ut idem dicunt, omnes numeros habet nec praeter sapientem cadere in quemquam potest.

[15] Cum autem aliquid actum est, in quo media officia compareant, id cumulate videtur esse perfectum propterea, quod vulgus, quid absit a perfecto, non fere intellegit; quatenus autem intellegit, nihil putat praetermissum, quod idem in poematis, in picturis usu venit in aliisque compluribus, ut delectentur imperiti laudentque ea, quae laudanda non sint, ob eam, credo, causam, quod insit in his aliquid probi, quod capiat ignaros, qui idem, quid in unaquaque re vitii sit, nequeant iudicare. Itaque cum sunt docti a peritis, desistunt facile sententia. Haec igitur officia, de quibus his libris disserimus, quasi secunda quaedam honesta esse dicunt, non sapientium modo propria, sed cum omni hominum genere communia.

[16] Itaque iis omnes, in quibus est virtutis indoles, commoventur. Nec vero, cum duo Decii aut duo Scipiones fortes viri commemorantur, aut cum Fabricius, aut Aristides iustus nominatur, aut ab illis fortitudinis aut ab his iustitiae tamquam a sapiente petitur exemplum; nemo enim horum sic sapiens, ut sapientem volumus intellegi, nec ii, qui sapientes habiti et nominati, M. Cato et C. Laelius, sapientes fuerunt, ne illi quidem septem, sed ex mediorum officiorum frequentia similitudinem quandam gerebant speciemque sapientium.

[17] Quocirca nec id, quod vere honestum est, fas est cum utilis

repugnantia comparari, nec id quod communiter appellamus honestum, quod colitur ab iis, qui bonos se viros haberi volunt, cum emolumentis umquam est comparandum tamque id honestum, quod in nostram intellegentiam cadit, tuendum conservandumque nobis est quam illud, quod proprie dicitur vereque est honestum, sapientibus; aliter enim teneri non potest, si quae ad virtutem est facta progressio. Sed haec quidem de his, qui conservatione officiorum existimantur boni.

[18] Qui autem omnia metiuntur emolumentis et commodis neque ea volunt praeponderari honestate, ii solent in deliberando honestum cum eo, quod utile putant, comparare, boni viri non solent. Itaque existimo Panaetium, cum dixerit homines solere in hac comparatione dubitare, hoc ipsum sensisse, quod dixerit solere modo, non etiam oportere. Etenim non modo pluris putare, quod utile videatur quam quod honestum sit, sed etiam haec inter se comparare et in his addubitare turpissimum est. Quid ergo est quod non numquam dubitationem adferre soleat considerandumque videatur? Credo, si quando dubitatio accidit, quale sit id, de quo consideretur.

[19] Saepe enim tempore fit, ut quod turpe plerumque haberi soleat, inveniatur non esse turpe. Exempli causa ponatur aliquid, quod pateat latius. Quod potest maius scelus quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se adstrinxit scelere, si qui tyrannum occidit quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus praeclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestas utilitatem secuta est. Itaque, ut sine ullo errore diiudicare possimus, si quando cum illo, quod honestum intellegimus, pugnare id videbitur, quod appellamus utile, formula quaedam constituenda est; quam si sequemur in comparatione rerum, ab officio numquam recedemus.

[20] Erit autem haec formula Stoicorum rationi disciplinaeque maxime consentanea; quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis et a Peripateticis vestris, qui quondam idem erant, qui Academici, quae honesta sunt, anteponuntur iis, quae videntur utilia, tamen splendidius haec ab eis disserentur, quibus, quicquid honestum est idem utile videtur nec utile quicquam, quod non honestum, quam ab iis, quibus et honestum

aliquid non utile aut utile non honestum. Nobis autem nostra Academia magnam licentiam dat, ut, quodcumque maxime probabile occurrat, id nostro iure liceat defendere. Sed redeo ad formulam.

[21] Detrahere igitur alteri aliquid et hominem hominis incommodo suum commodum augere magis est contra naturam quam mors, quam paupertas, quam dolor, quam cetera, quae possunt aut corpori accidere aut rebus externis. Nam principio tollit convictum humanum et societatem. Si enim sic erimus adfecti, ut propter suum quisque emolumentum spoliet aut violet alterum, disrumpi necesse est eam, quae maxime est secundum naturam, humani generis societatem.

[22] Ut, si unum quodque membrum sensum hunc haberet, ut posse putaret se valere, si proximi membri valitudinem ad se traduxisset, debilitari et interire totum corpus necesse esset, sic, si unus quisque nostrum ad se rapiat commoda aliorum detrahatque quod cuique possit, emolumenti sui gratia, societas hominum et communitas evertatur necesse est. Nam sibi ut quisque malit, quod ad usum vitae pertineat, quam alteri adquirere, concessum est non repugnante natura, illud natura non patitur, ut aliorum spoliis nostras facultates, copias, opes augeamus.

[23] Neque vero hoc solum natura, id est iure gentium, sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur, eodem modo constitutum est, ut non liceat sui commodi causa nocere alteri. Hoc enim spectant leges, hoc volunt, incolumem esse civium coniunctionem; quam qui dirimunt, eos morte, exsilio, vinclis, damno coercent. Atque hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana; cui parere qui velit (omnes autem parebunt, qui secundum naturam volent vivere), numquam committet, ut alienum appetat, et id, quod alteri detraxerit, sibi adsumat.

[24] Etenim multo magis est secundum naturam excelsitas animi et magnitudo itemque comitas, iustitia, liberalitas quam voluptas, quam vita, quam divitiae; quae quidem contemnere et pro nihilo ducere comparantem cum utilitate communi magni animi et excelsi est. [Detrahere autem de altero sui commodi causa magis est contra naturam quam mors, quam dolor, quam cetera generis eiusdem.]

[25] Itemque magis est secundum naturam, pro omnibus gentibus, si fieri possit, conservandis aut iuvandis, maximos labores

molestiasque suscipere imitantem Herculem illum, quem hominum fama beneficiorum memor in concilio caelestium conlocavit quam vivere in solitudine non modo sine ullis molestiis sed etiam in maximis voluptatibus, abundantem omnibus copiis, ut excellas etiam pulchritudine et viribus. Quocirca optimo quisque et splendidissimo ingenio longe illam vitam huic anteponit. Ex quo efficitur, hominem naturae oboedientem homini nocere non posse.

[26] Deinde qui alterum violat, ut ipse aliquid commodi consequatur, aut nihil existimat se facere contra naturam aut magis fugienda censet mortem, paupertatem, dolorem, amissionem etiam liberorum, propinquorum, amicorum, quam facere cuiquam iniuriam. Si nihil existimat contra naturam fieri hominibus violandis, quid cum eo disseras, qui omnino hominem ex homine tollat? Sin fugiendum id quidem censet, sed multo illa peiora, mortem, paupertatem, dolorem, errat in eo, quod ullum aut corporis aut fortunae vitium vitiis animi gravius existimat. Ergo unum debet esse omnibus propositum, ut eadem sit utilitas uniuscuiusque et universorum; quam si ad se quisque rapiet, dissolvetur omnis humana consortio.

[27] Atque etiam si hoc natura praescribit, ut homo homini, quicumque sit, ob eam ipsam causam, quod is homo sit, consultum velit, necesse est secundum eandem naturam omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem lege naturae, idque ipsum si ita est, certe violare alterum naturae lege prohibemur. Verum autem primum, verum igitur extremum.

[28] Nam illud quidem absurdum est, quod quidam dicunt, parenti se aut fratri nihil detracturos sui commodi causa, aliam rationem esse civium reliquorum. Hi sibi nihil iuris, nullam societatem communis utilitatis causa statuunt esse cum civibus quae sententia omnem societatem distrahit civitatis. Qui autem civium rationem dicunt habendam, externorum negant, ii dirimunt communem humani generis societatem; qua sublata beneficentia, liberalitas, bonitas, iustitia funditus tollitur; quae qui tollunt, etiam adversus deos immortales impii iudicandi sunt. Ab iis enim constitutam inter homines societatem evertunt, cuius societatis artissimum vinculum est magis arbitrari esse contra naturam hominem homini detrahere sui commodi causa quam omnia incommoda subire vel externa vel corporis vel etiam ipsius animi. ~Iustitia enim una virtus omnium est

domina et regina virtutum.

[29] Forsitan quispiam dixerit: Nonne igitur sapiens, si fame ipse conficiatur, abstulerit cibum alteri homini ad nullam rem utili? Minime vero: non enim mihi est vita mea utilior quam animi talis affectio, neminem ut violem commodi mei gratia. Quid? si Phalarim, crudelem tyrannum et immanem, vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat?

[30] Haec ad iudicandum sunt facillima. Nam si quid ab homine ad nullam partem utili utilitatis tuae causa detraxeris, inhumane feceris contraque naturae legem, sin autem is tu sis, qui multam utilitatem rei publicae atque hominum societati, si in vita remaneas, adferre possis si quid ob eam causam alteri detraxeris, non sit reprehendendum. Sin autem id non sit eiusmodi, suum cuique incommodum ferendum est potius quam de alterius commodis detrahendum. Non igitur magis est contra naturam morbus aut egestas aut quid eiusmodi quam detractio atque appetitio alieni, sed communis utilitatis derelictio contra naturam est; est enim iniusta.

[31] Itaque lex ipsa naturae, quae utilitatem hominum conservat et continet, decernet profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariae, qui si occiderit, multum de communi utilitate detraxerit, modo hoc ita faciat, ut ne ipse de se bene existimans seseque diligens hanc causam habeat ad iniuriam. Ita semper officio fungetur utilitati consulens hominum et ei, quam saepe commemoro, humanae societati.

[32] Nam quod ad Phalarim attinet, perfacile iudicium est. Nulla est enim societas nobis cum tyrannis et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim, ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et immanitas beluae a communi tamquam humanitate corporis segreganda est. Huius generis quaestiones sunt omnes eae, in quibus ex tempore officium exquiritur.

[33] Eiusmodi igitur credo res Panaetium persecuturum fuisse, nisi aliqui casus aut occupatio eius consilium peremisset. Ad quas ipsas

consultationes ex superioribus libris satis multa praecepta sunt, quibus perspici possit, quid sit propter turpitudinem fugiendum, quid sit, quod idcirco fugiendum non sit, quod omnino turpe non sit. Sed quoniam operi inchoato, prope tamen absoluto, tamquam fastigium imponimus, ut geometrae solent non omnia docere, sed postulare, ut quaedam sibi concedantur, quo facilius quae volunt, explicent, sic ego a te postulo, mi Cicero, ut mihi concedas si potes, nihil praeter id, quod honestum sit, propter se esse expetendum. Sin hoc non licet per Cratippum, at illud certe dabis, quod honestum sit, id esse maxime propter se expetendum. Mihi utrumvis satis est et tum hoc tum illud probabilius videtur nec praeterea quicquam probabile.

[34] Ac primum in hoc Panaetius defendendus est, quod non utilia cum honestis pugnare aliquando posse dixerit (neque enim ei fas erat) sed ea, quae viderentur utilia. Nihil vero utile, quod non idem honestum, nihil honestum, quod non idem utile sit, saepe testatur negatque ullam pestem maiorem in vitam hominum invasisse quam eorum opinionem, qui ista distraxerint. Itaque non ut aliquando anteponeremus utilia honestis, sed ut ea sine errore diiudicaremus, si quando incidissent, induxit eam, quae videretur esse, non quae esset, repugnantiam. Hanc igitur partem relictam explebimus nullis adminiculis, sed, ut dicitur, Marte nostro. Neque enim quicquam est de hac parte post Panaetium explicatum, quod quidem mihi probaretur, de iis, quae in manus meas venerint.

[35] Cum igitur aliqua species utilitatis obiecta est, commoveri necesse est. Sed si, cum animum attenderis, turpitudinem videas adiunctam ei rei, quae speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intellegendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quod si nihil est tam contra naturam quam turpitudo (recta enim et convenientia et constantia natura desiderat aspernaturque contraria) nihilque tam secundum naturam quam utilitas, certe in eadem re utilitas et turpitudo esse non potest. Itemque, si ad honestatem nati sumus eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni pondere gravior habenda quam reliqua omnia, quod Aristoteli placet, necesse est, quod honestum sit, id esse aut solum aut summum bonum, quod autem bonum, id certe utile, ita, quicquid honestum, id utile.

[36] Quare error hominum non proborum, cum aliquid, quod utile

visum est, arripuit, id continuo secernit ab honesto. Hinc sicae, hinc venena, hinc falsa testamenta nascuntur, hinc furta, peculatus, expilationes, direptionesque sociorum et civium, hinc opum nimiarum, potentiae non ferendae, postremo etiam in liberis civitatibus regnandi existunt cupiditates, quibus nihil nec taetrius nec foedius excogitari potest. Emolumenta enim rerum fallacibus iudiciis vident, poenam, non dico legum, quam saepe perrumpunt, sed ipsius turpitudinis, quae acerbissima est, non vident.

[37] Quam ob rem hoc quidem deliberantium genus pellatur e medio (est enim totum sceleratum et impium), qui deliberant, utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent; in ipsa enim dubitatione facinus inest, etiamsi ad id non pervenerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis ipsa deliberatio.

[38] Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est; satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil iniuste, nihil libidinose, nihil incontinenter esse faciendum. Hinc ille Gyges inducitur a Platone, qui cum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum aeneumque equum, ut ferunt fabulae, animadvertit, cuius in lateribus fores essent; quibus apertis corpus hominis mortui vidit magnitudine invisitata anulumque aureum in digito; quem ut detraxit, ipse induit (erat autem regius pastor), tum in concilium se pastorum recepit. Ibi cum palam eius anuli ad palmam converterat, a nullo videbatur, ipse autem omnia videbat; idem rursus videbatur, cum in locum anulum inverterat. Itaque hac oportunitate anuli usus reginae stuprum intulit eaque adiutrice regem dominum interemit, sustulit quos obstare arbitrabatur, nec in his eum facinoribus quisquam potuit videre. Sic repente anuli beneficio rex exortus est Lydiae. Hunc igitur ipsum anulum si habeat sapiens, nihil plus sibi licere putet peccare, quam si non haberet; honesta enim bonis viris, non occulta quaeruntur.

[39] Atque hoc loco philosophi quidam minime mali illi quidem, sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone, quasi vero ille aut factum id esse aut fieri potuisse defendat. Haec est vis huius anuli et huius exempli: si nemo sciturus,

nemo ne suspicaturus quidem sit, cum aliquid divitiarum, potentiae, dominationis, libidinis causa feceris, si id diis hominibusque futurum sit semper ignotum, sisne facturus? Negant id fieri posse. Quamquam potest id quidem, sed quaero, quod negant posse, id si posset, quidnam facerent. Urgent rustice sane. Negant enim posse et in eo perstant, hoc verbum quid valeat non vident. Cum enim quaerimus, si celare possint, quid facturi sint, non quaerimus, possintne celare, sed tamquam tormenta quaedam adhibemus, ut si responderint se impunitate proposita facturos, quod expediat, facinorosos se esse fateantur, si negent, omnia turpia per se ipsa fugienda esse concedant. Sed iam ad propositum revertamur.

[40] Incidunt multae saepe causae, quae conturbent animos utilitatis specie, non, cum hoc deliberetur, relinquendane sit honestas propter utilitatis magnitudinem (nam id quidem improbum est), sed illud, possitne id, quod utile videatur, fieri non turpiter. Cum Collatino collegae Brutus imperium abrogabat, poterat videri facere id iniuste; fuerat enim in regibus expellendis socius Bruti consiliorum et adiutor. Cum autem consilium hoc principes cepissent, cognationem Superbi nomenque Tarquiniorum et memoriam regni esse tollendam, quod erat utile, patriae consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset.

[41] At in eo rege, qui urbem condidit, non item. Species enim utilitatis animum pepulit eius; cui cum visum esset utilius solum quam cum altero regnare, fratrem interemit. Omisit hic et pietatem et humanitatem, ut id, quod utile videbatur, neque erat, assequi posset, et tamen muri causa opposuit, speciem honestatis nec probabilem nec sane idoneam. Peccavit igitur, pace vel Quirini vel Romuli dixerim.

[42] Nec tamen nostrae nobis utilitates omittendae sunt aliisque tradendae, cum his ipsi egeamus, sed suae cuique utilitati, quod sine alterius iniuria fiat, serviendum est. Scite Chrysippus, ut multa, “qui stadium, inquit, currit, eniti et contendere debet quam maxime possit, ut vincat, supplantare eum, quicum certet, aut manu depellere nullo modo debet; sic in vita sibi quemque petere, quod pertineat ad usum, non iniquum est, alteri deripere ius non est”.

[43] Maxime autem perturbantur officia in amicitiis, quibus et non tribuere, quod recte possis et tribuere quod non sit aequum, contra

officium est. Sed huius generis totius breve et non difficile praeceptum est. Quae enim videntur utilia, honores, divitiae, voluptates, cetera generis eiusdem, haec amicitiae numquam anteponenda sunt. At neque contra rem publicam neque contra ius iurandum ac fidem amici causa vir bonus faciet, ne si iudex quidem erit de ipso amico; ponit enim personam amici, cum induit iudicis. Tantum dabit amicitiae, ut veram amici causam esse malit, ut orandae litis tempus, quoad per leges liceat, accomodet.

[44] Cum vero iurato sententia dicendast, meminerit deum se adhibere testem, id est, ut ego arbitror, mentem suam, qua nihil homini dedit deus ipse divinius. Itaque praeclarum a maioribus accepimus morem rogandi iudicis, si eum teneremus, qvae salva fide facere possit. Haec rogatio ad ea pertinet, quae paulo ante dixi honeste amico a iudice posse concedi. Nam si omnia facienda sint, quae amici velint, non amicitiae tales, sed coniurationes putandae sint.

[45] Loquor autem de communibus amicitiis; nam in sapientibus viris perfectisque nihil potest esse tale. Damonem et Phintiam Pythagoreos ferunt hoc animo inter se fuisse, ut, cum eorum alteri Dionysius tyrannus diem necis destinavisset et is, qui morti addictus esset, paucos sibi dies commendandorum suorum causa postulavisset, vas factus est alter eius sistendi, ut si ille non revertisset, moriendum esset ipsi. Qui cum ad diem se recepisset, admiratus eorum fidem tyrannus petivit, ut se ad amicitiam tertium adscriberent.

[46] Cum igitur id, quod utile videtur in amicitia, cum eo, quod honestum est, comparatur, iaceat utilitatis species, valeat honestas. Cum autem in amicitia, quae honesta non sunt, postulabuntur, religio et fides anteponatur amicitiae; sic habebitur is, quem exquirimus dilectus officii. Sed utilitatis specie in republica saepissime peccatur, ut in Corinthi disturbatione nostri; durius etiam Athenienses, qui sciverunt, ut Aeginetis, qui classe valebant, pollices praeciderentur. Hoc visum est utile; nimis enim imminebat propter propinquitatem Aegina Piraeo. Sed nihil, quod crudele, utile; est enim hominum naturae, quam sequi debemus, maxima inimica crudelitas.

[47] Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse

pro cive, qui civis non sit, rectum est non licere, quam legem tulerunt sapientissimi consules Crassus et Scaevola. Usu vero urbis prohibere peregrinos, sane inhumanum est. Illa praeclara, in quibus publicae utilitatis species prae honestate contemnitur. Plena exemplorum est nostra res publica cum saepe, tum maxime bello Punico secundo, quae Cannensi calamitate accepta maiores animos habuit quam unquam rebus secundis; nulla timoris significatio, nulla mentio pacis. Tanta vis est honesti, ut speciem utilitatis obscuret.

[48] Athenienses cum Persarum impetum nullo modo possent sustinere statuerentque, ut urbe relicta, coniugibus et liberis Troezene depositis, naves conscenderent libertatemque Graeciae classe defenderent, Cyrsilum quendam suadentem, ut in urbe manerent Xerxemque reciperent, lapidibus obruerunt. Atque ille utilitatem sequi videbatur, sed ea nulla erat repugnante honestate.

[49] Themistocles post victoriam eius belli, quod cum Persis fuit, dixit in contione se habere consilium rei publicae salutare, sed id sciri non opus esse; postulavit, ut aliquem populus daret, quicum communicaret; datus est Aristides. Huic ille, classem Lacedaemoniorum, quae subducta esset ad Gytheum, clam incendi posse quo facto frangi Lacedaemoniorum opes necesse esset. Quod Aristides cum audisset, in contionem magna exspectatione venit dixitque perutile esse consilium, quod Themistocles adferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt totamque eam rem, quam ne audierant quidem, auctore Aristide repudiaverunt. Melius hi quam nos, qui piratas immunes, socios vectigales habemus. Maneat ergo, quod turpe sit, id numquam esse utile, ne tum quidem, cum id, quod utile esse putes, adipiscare; hoc enim ipsum, utile putare quod turpe sit, calamitosum est.

[50] Sed incidunt, ut supra dixi, saepe causae, cum repugnare utilitas honestati videatur, ut animadvertendum sit, repugnetque plane an possit cum honestate coniungi. Eius generis hae sunt quaestiones: Si exempli gratia vir bonus Alexandrea Rhodum magnum frumenti numerum advexerit in Rhodiorum inopia et fame summaque annonae caritate, si idem sciat complures mercatores Alexandrea solvisse navesque in cursu frumento onustas petentes Rhodum viderit, dicturusne sit id Rhodiis an silentio suum quam

plurimo venditurus? Sapientem et bonum virum fingimus; de eius deliberatione et consultatione quaerimus, qui celaturus Rhodios non sit, si id turpe iudicet, sed dubitet, an turpe non sit.

[51] In huiusmodi causis aliud Diogeni Babylonio videri solet, magno et gravi Stoico, aliud Antipatro, discipulo eius, homini acutissimo; Antipatro omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret, Diogeni venditorem, quatenus iure civili constitutum sit, dicere vitia oportere, cetera sine insidiis agere et, quoniam vendat, velle quam optime vendere. "Advexi, eui, vendo meum non pluris, quam ceteri, fortasse etiam minoris, cum maior est copia; cui fit iniuria?"

[52] Exoritur Antipatri ratio ex altera parte: "Quid ais? tu, cum hominibus consulere debeas et servire humanae societati eaque lege natus sis et ea habeas principia naturae, quibus parere et quae sequi debeas, ut utilitas tua communis sit utilitas vicissimque communis utilitas tua sit, celabis homines, quid iis adsit commoditatis et copiae? Respondebit Diogenes fortasse sic: "Aliud est celare, aliud tacere, neque ego nunc te celo, si tibi non dico, quae natura deorum sit, qui sit finis bonorum, quae tibi plus prodessent cognita quam tritici vilitas. Sed non, quicquid tibi audire utile est, idem mihi dicere necesse est."

[53] "Immo vero," inquiet ille "necesse est, si quidem meministi esse inter homines natura coniunctam societatem." "Memini," inquiet ille, "sed num ista societas talis est, ut nihil suum cuiusque sit? Quod si ita est, ne vendendum quidem quicquam est, sed donandum."
Vides in hac tota disceptatione non illud dici "quamvis hoc turpe sit, tamen, quoniam expedit, faciam", sed ita expedire, ut turpe non sit, ex altera autem parte, ea re, quia turpe sit, non esse faciendum.

[54] Vendat aedes vir bonus, propter aliqua vitia, quae ipse norit, ceteri ignorent, pestilentes sint et habeantur salubres, ignoretur in omnibus cubiculis apparere serpentes, *sint,* male materiatae et ruinosae, sed hoc praeter dominum nemo sciat; quaero, si haec emptoribus venditor non dixerit aedesque vendiderit pluris multo. quam se venditurum putarit, num id iniuste aut improbe fecerit? "Ille vero" inquit Antipater. "Quid est enim aliud erranti viam non

monstrare, quod Athenis execrationibus publicis sanctum est, si hoc non est, emptorem pati ruere et per errorem in maximam fraudem incurrere. Plus etiam est quam viam non monstrare; nam est scientem in errorem alterum inducere."

[55] Diogenes contra "Num te emere coegit, qui ne hortatus quidem est? Ille, quod non placebat, proscripsit, tu quod placebat, emisti. Quod si qui proscribunt villam bonam beneque aedificatam non existimantur fefellisse, etiam si illa nec bona est nec aedificata ratione, multo minus, qui domum non laudarunt. Ubi enim iudicium emptoris est, ibi fraus venditoris quae potest esse? Sin autem dictum non omne praestandum est, quod dictum non est, id praestandum putas? Quid vero est stultius quam venditorem eius rei, quam vendat, vitia narrare? Quid autem tam absurdum quam si domini iussu ita praeco praedicet: "6domum pestilentem vendo?"

[56] Sic ergo in quibusdam causis dubiis ex altera parte defenditur honestas, ex altera ita de utilitate dicitur, ut id, quod utile videatur, non modo facere honestum sit, sed etiam non facere turpe. Haec est illa, quae videtur utilium fieri cum honestis saepe dissensio. Quae diiudicanda sunt; non enim, ut quaereremus, euimus, sed ut explicaremus.

[57] Non igitur videtur nec frumentarius ille Rhodios nec hic aedium venditor celare emptores debuisse. Neque enim id est celare, quicquid reticeas, sed cum, quod tu scias, id ignorare emolumenti tui causa velis eos, quorum intersit id scire. Hoc autem celandi genus quale sit et cuius hominis, quis non videt? Certe non aperti, non simplicis, non ingenui, non iusti, non viri boni, versuti potius obscuri, astuti, fallacis, malitiosi, callidi, veteratoris, vafri. Haec tot et alia plura nonne inutile est vitiorum subire nomina?

[58] Quod si vituperandi qui reticuerunt, quid de iis existimandum est, qui orationis vanitatem adhibuerunt? C. Canius, eques Romanus, nec infacetus et satis litteratus, cum se Syracusas otiandi, ut ipse dicere solebat, non negotiandi causa contulisset, dictitabat se hortulos aliquos emere velle, quo invitare amicos et ubi se oblectare sine interpellatoribus posset. Quod cum percrebuisset, Pythius ei quidam, qui argentariam faceret Syracusis, venales quidem se hortos non habere, sed licere uti Canio, si vellet, ut suis, et simul ad cenam hominem in hortos invitavit in posterum diem. Cum ille promisisset,

tum Pythius, qui esset ut argentarius apud omnes ordines gratiosus, piscatores ad se convocavit et ab iis petivit, ut ante suos hortulos postridie piscarentur, dixitque quid eos facere vellet. Ad cenam tempori venit Canius; opipare a Pythio adparatum convivium, cumbarum ante oculos multitudo, pro se quisque, quod ceperat, adferebat; ante pedes Pythii pisces abiciebantur.

[59] Tum Canius "quaeso", inquit, "quid est hoc, Pythi? tantumne piscium? tantumne cumbarum?" Et ille: "Quid mirum?" inquit, "hoc loco est Syracusis quidquid est piscium, hic aquatio, hac villa isti carere non possunt." Incensus Canius cupiditate contendit a Pythio, ut venderet. Gravate ille primo. Quid multa? impetrat. Emit homo cupidus et locuples tanti, quanti Pythius voluit, et emit instructos. Nomina facit, negotium conficit. Invitat Canius postridie familiares suos, venit ipse mature, scalmum nullum videt. Quaerit ex proximo vicino, num feriae quaedam piscatorum essent, quod eos nullos videret. "Nullae, quod sciam," ille, "sed hic piscari nulli solent. Itaque heri mirabar quid accidisset."

[60] Stomachari Canius, sed quid faceret? Nondum enim C. Aquilius, collega et familiaris meus, protulerat de dolo malo formulas; in quibus ipsis, cum ex eo quaereretur, quid esset dolus malus, respondebat, cum esset aliud simulatum, aliud actum. Hoc quidem sane luculente, ut ab homine perito definiendi. Ergo et Pythius et omnes aliud agentes, aliud simulantes perfidi, improbi, malitiosi. Nullum igitur eorum factum potest utile esse, cum sit tot vitiis inquinatum.

[61] Quod si Aquiliana definitio vera est, ex omni vita simulatio dissimulatioque tollenda est. Ita nec ut emat melius nec ut vendat quicquam simulabit aut dissimulabit vir bonus. Atque iste dolus malus et legibus erat vindicatus, ut tutela duodecim tabulis, circumscriptio adulescentium lege Plaetoria et sine lege iudiciis, in quibus additur ex fide bona. Reliquorum autem iudiciorum haec verba maxime excellunt: in arbitrio rei uxoriae melivs aeqvivs, in fiducia vt inter bonos bene agier. Quid ergo? aut in eo, qvod melivs aeqvivs, potest ulla pars inesse fraudis? aut cum dicitur inter bonos bene agier, quicquam agi dolose aut malitiose potest? Dolus autem malus in simulatione, ut ait Aquilius, continetur. Tollendum est igitur ex rebus contrahendis omne mendacium. Non inlicitatorem venditor,

non qui contra se liceatur emptor apponet. Uterque si ad eloquendum venerit, non plus quam semel eloquetur.

[62] Quintus quidem Scaevola, Publi filius, cum postulasset, ut sibi fundus, cuius emptor erat, semel indicaretur idque venditor ita fecisset, dixit se pluris aestumare; addidit centum milia. Nemo est, qui hoc viri boni fuisse neget; sapientis negant, ut si minoris quam potuisset vendidisset. Haec igitur est illa pernicies, quod alios bonos alios sapientes existimant. Ex quo Ennius "nequiquam sapere sapientem, qui ipse sibi prodesse non quiret". Vere id quidem, si, quid esset prodesse mihi cum Ennio conveniret.

[63] Hecatonem quidem Rhodium, discipulum Panaetii, video in iis libris, quos de officio scripsit Q. Tuberoni, dicere, sapientis esse nihil contra mores, leges, instituta facientem habere rationem rei familiaris. Neque enim solum nobis divites esse volumus, sed liberis, propinquis, amicis maximeque rei publicae. Singulorum enim facultates et copiae divitiae sunt civitatis. Huic Scaevolae factum, de quo paulo ante dixi, placere nullo modo potest. Etenim omnino tantum se negat facturum compendii sui causa, quod non liceat.

[64] Huic nec laus magna tribuenda nec gratia est. Sed sive et simulatio et dissimulatio dolus malus est, perpaucae res sunt, in quibus non dolus malus iste versetur, sive vir bonus est is, qui prodest quibus potest, nocet nemini, certe istum virum bonum non facile reperimus. Numquam igitur est utile peccare, quia semper est turpe, et, quia semper est honestum virum bonum esse, semper est utile.

[65] Ac de iure quidem praediorum sanctum apud nos est iure civili, ut in iis vendendis vitia dicerentur, quae nota essent venditori. Nam cum ex duodecim tabulis satis esset ea praestari, quae essent lingua nuncupata, quae qui infitiatus esset, dupli poena subiret, a iuris consultis etiam reticentiae poena est constituta; quicdquid enim esset in praedio vitii, id statuerunt, si venditor sciret, nisi nominatim dictum esset, praestari oportere.

[66] Ut, cum in arce augurium augures acturi essent iussissentque Ti. Claudium Centumalum, qui aedes in Caelio monte habebat, demoliri ea, quorum altitudo officeret auspiciis, Claudius proscripsit insulam [vendidit], emit P. Calpurnius Lanarius. Huic ab auguribus illud idem denuntiatum est. Itaque Calpurnius cum demolitus esset

cognossetque Claudium aedes postea proscripsisse, quam esset ab auguribus demoliri iussus, arbitrum illum adegit QUICQUID SIBI DARE FACERE OPORTERET EX FIDE BONA. M. Cato sententiam dixit, huius nostri Catonis pater (ut enim ceteri ex patribus, sic hic, qui illud lumen progenuit, ex filio est nominandus)is igitur iudex ita pronuntiavit, cum in vendundo rem eam scisset et non pronuntiasset, emptori damnum praestari oportere.

[67] Ergo ad fidem bonam statuit pertinere notum esse emptori vitium, quod nosset venditor. Quod si recte iudicavit, non recte frumentarius ille, non recte aedium pestilentium venditor tacuit. Sed huiusmodi reticentiae iure civili comprehendi non possunt; quae autem possunt diligenter tenentur. M. Marius Gratidianus, propinquus noster, C. Sergio Oratae vendiderat aedes eas, quas ab eodem ipse paucis ante annis emerat. Eae serviebant, sed hoc in mancipio Marius non dixerat; adducta res in iudicium est. Oratam Crassus, Gratidianum defendebat Antonius. Ius Crassus urgebat, “quod vitii venditor non dixisset sciens, id oportere praestari”, aequitatem Antonius, “quoniam id vitium ignotum Sergio non fuisset, qui illas aedes vendidisset, nihil fuisse necesse dici nec eum esse deceptum, qui id, quod emerat, quo iure esset, teneret”. Quorsus haec? Ut illud intellegas, non placuisse maioribus nostris astutos.

[68] Sed aliter leges, aliter philosophi tollunt astutias; leges, quatenus manu tenere possunt, philosophi, quatenus ratione et intellegentia. Ratio ergo hoc postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne igitur insidiae tendere plagas, etiam si excitaturus non sis, nec agitaturus? Ipsae enim ferae nullo insequente saepe incidunt. Sic tu aedes proscribas, tabulam tamquam plagam ponas, [domum propter vitia vendas,] in eam aliquis incurrat inprudens?

[69] Hoc quamquam video propter depravationem consuetudinis neque more turpe haberi neque aut lege sanciri aut iure civili, tamen naturae lege sanctum est. Societas est enim (quod etsi saepe dictum est, dicendum est tamen saepius), latissime quidem quae pateat, omnium inter omnes, interior eorum, qui eiusdem gentis sint, propior eorum, qui eiusdem civitatis. Itaque maiores aliud ius gentium, aliud ius civile esse voluerunt, quod civile, non idem continuo gentium, quod autem gentium, idem civile esse debet. Sed nos veri iuris

germanaeque iustitiae solidam et expressam effigiem nullam tenemus, umbra et imaginibus utimur. Eas ipsas utinam sequeremur! feruntur enim ex optimis naturae et veritatis exemplis.

[70] Nam quanti verba illa: UTI NE PROPTER TE FIDEMVE TUAM CAPTUS FRAUDATUSVE SIM! quam illa aurea: UT INTER BONOS BENE AGIER OPORTET ET SINE FRAUDATIONE!Sed, qui sint “boni” et quid sit “bene agi,” magna quaestio est. Q. quidem Scaevola, pontifex maximus, summam vim esse dicebat in omnibus iis arbitriis, in quibus adderetur EX FIDE BONA, fideique bonae nomen existimabat manare latissime, idque versari in tutelis, societatibus, fiduciis, mandatis, rebus emptis, venditis, conductis, locatis, quibus vitae societas contineretur; in iis magni esse iudicis statuere, praesertim cum in plerisque essent iudicia contraria, quid quemque cuique praestare oporteret.

[71] Quocirca astutiae tollendae sunt eaque malitia, quae vult illa quidem videri se esse prudentiam, sed abest ab ea distatque plurimum; prudentia est enim locata in dilectu bonorum et malorum, malitia, si omnia quae turpia sunt, mala sunt, mala bonis ponit ante. Nec vero in praediis solum ius civile ductum a natura malitiam fraudemque vindicat, sed etiam in mancipiorum venditione venditoris fraus omnis excluditur. Qui enim scire debuit de sanitate, de fuga, de furtis, praestat edicto aedilium. Heredum alia causa est.

[72] Ex quo intellegitur, quoniam iuris natura fons sit, hoc secundum naturam esse, neminem id agere, ut ex alterius praedetur inscitia. Nec ulla pernicies vitae maior inveniri potest quam in malitia simulatio intellegentiae, ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim quisque reperietur, qui impunitate et ignoratione omnium proposita abstinere possit iniuria.

[73] Periclitemur, si placet, et in iis quidem exemplis, in quibus peccari volgus hominum fortasse non putet. Neque enim de sicariis, veneficis, testamentariis, furibus, peculatoribus, hoc loco disserendum est, qui non verbis sunt et disputatione philosophorum, sed vinclis et carcere fatigandi, sed haec consideremus, quae faciunt ii, qui habentur boni. L. Minuci Basili locupletis hominis falsum testamentum quidam e Graecia Romam attulerunt. Quod quo facilius obtinerent, scripserunt heredes secum M. Crassum et Q. Hortensium,

homines eiusdem aetatis potentissimos. Qui cum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpae, alieni facinoris munusculum non repudiaverunt. Quid ergo? Satin est hoc, ut non deliquisse videantur? Mihi quidem non videtur, quamquam alterum vivum amavi, alterum non odi mortuum.

[74] Sed cum Basilus M. Satrium sororis filium nomen suum ferre voluisset eumque fecisset heredem (hunc dico patronum agri Piceni et Sabini; o turpe notam temporum [nomen illorum]!), non erat aequum principes civis rem habere, ad Satrium nihil praeter nomen pervenire. Etenim si is, qui non defendit iniuriam neque propulsat a suis, cum potest, iniuste facit, ut in primo libro disserui, qualis habendus est is, qui non modo non repellit, sed etiam adiuvat iniuriam? Mihi quidem etiam verae hereditates non honestae videntur, si sunt malitiosis blanditiis, officiorum non veritate, sed simulatione quaesitae. Atqui in talibus rebus aliud utile interdum, aliud honestum videri solet. Falso; nam eadem utilitatis quae honestatis est regula.

[75] Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans "est istuc quidem honestum, verum hoc expedit", res a natura copulatas audebit errore divellere, qui fons est fraudium, maleficiorum, scelerum omnium. Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen eius inrepere, hac vi non utatur, ne si exploratum quidem habeat id omnino neminem umquam suspicaturum. At dares hanc vim M. Crasso, ut digitorum percussione heres posset scriptus esse, qui re vera non esset heres, in foro, mihi crede, saltaret. Homo autem iustus isque, quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se, quid sit vir bonus, nescire fateatur.

[76] At vero, si qui voluerit animi sui complicatam notionem evolvere, iam se ipse doceat eum virum bonum esse, qui prosit, quibus possit, noceat nemini nisi lacessitus iniuria. Quid ergo? Hic non noceat, qui quodam quasi veneno perficiat, ut veros heredes moveat, in eorum locum ipse succedat? "Non igitur faciat" dixerit quis, "quod utile sit, quod expediat?" Immo intellegat nihil nec expedire nec utile esse, quod sit iniustum. Hoc qui non didicerit, bonus vir esse non poterit.

[77*C*. Fimbriam consularem audiebam de patre nostro puer iudicem M. Lutatio Pinthiae fuisse, equiti Romano sane honesto, cum is sponsionem fecisset ni vir bonvs esset. Itaque ei dixisse Fimbriam se illam rem numquam iudicaturum, ne aut spoliaret fama probatum hominem, si contra iudicavisset, aut statuisse videretur virum bonum esse aliquem, cum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quicquam esse utile, quod non honestum sit. Itaque talis vir non modo facere, sed ne cogitare quidem quicquam audebit, quod non audeat praedicare. Haec non turpe est dubitare philosophos, quae ne rustici quidem dubitent? a quibus natum est id, quod iam contritum est vetustate proverbium. Cum enim fidem alicuius bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices. Hoc quam habet vim nisi illam, nihil expedire quod non deceat, etiam si id possis nullo refellente optinere?

[78] Videsne hoc proverbio neque Gygi illi posse veniam dari neque huic, quem paulo ante fingebam digitorum percussione hereditates omnium posse converrere? Ut enim, quod turpe est, id, quamvis occultetur, tamen honestum fieri nullo modo potest, sic, quod honestum non est, id utile ut sit effici non potest adversante et repugnante natura.

[79] At enim cum permagna praemia sunt, est causa peccandi. C. Marius, cum a spe consulatus longe abesset et iam septimum annum post praeturam iaceret neque petiturus umquam consulatum videretur, Q. Metellum, cuius legatus erat, summum virum et civem cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est, bellum illum ducere, si se consulem fecissent, brevi tempore aut vivum aut mortuum Iugurtham se in potestatem populi Romani redacturum. Itaque factus est ille quidem consul, sed a fide iustitiaque discessit, qui optimum et gravissimum civem, cuius legatus et a quo missus esset, in invidiam falso crimine adduxerit.

[80] Ne noster quidem Gratidianus officio viri boni functus est tum, cum praetor esset, collegiumque praetorium tribuni plebi adhibuissent, ut res nummaria de communi sententia constitueretur;

iactabatur enim temporibus illis nummus sic, ut nemo posset scire, quid haberet. Conscripserunt communiter edictum cum poena atque iudicio constitueruntque, ut omnes simul in rostra post meridiem escenderent. Et ceteri quidem alius alio: Marius ab subselliis in rostra recta idque, quod communiter compositum fuerat, solus edixit. Et ea res, si quaeris, ei magno honori fuit; omnibus vicis statuae, ad eas tus, cerei. Quid multa? Nemo umquam multitudini fuit carior.

[81] Haec sunt, quae conturbent in deliberatione non numquam, cum id, in quo violatur aequitas, non ita magnum, illud autem, quod ex eo paritur, permagnum videtur, ut Mario praeripere collegis et tribunis plebi popularem gratiam non ita turpe, consulem ob eam rem fieri, quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula est, quam tibi cupio esse notissimam: aut illud, quod utile videtur, turpe ne sit, aut si turpe est, ne videatur esse utile. Quid igitur? possumusne aut illum Marium virum bonum iudicare aut hunc? Explica atque excute intellegentiam tuam, ut videas, quae sit in ea [species] forma et notio viri boni. Cadit ergo in virum bonum mentiri, emolumenti sui causa criminari, praeripere, fallere? Nihil profecto minus.

[82] Est ergo ulla res tanti aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est, quod afferre tantum utilitas ista, quae dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem iustitiamque detraxerit? Quid enim interest, utrum ex homine se convertat quis in beluam an hominis figura immanitatem gerat beluae?
Quid? qui omnia recta et honesta neglegunt, dummodo potentiam consequantur, nonne idem faciunt, quod is, qui etiam socerum habere voluit eum, cuius ipse audacia potens esset. Utile ei videbatur plurimum posse alterius invidia. Id quam iniustum in patriam et quam turpe esset, non videbat. Ipse autem socer in ore semper Graecos versus de Phoenissis habebat, quos dicam ut potero; incondite fortasse sed tamen, ut res possit intellegi:

‘Nam si violandum est ius, regnandi gratia,
Violandum est; aliis rebus pietatem colas.’

Capitalis Eteocles vel potius Euripides, qui id unum quod omnium sceleratissimum fuerit, exceperit.

[83] Quid igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? Ecce tibi, qui rex populi Romani dominusque omnium gentium esse concupiverit idque perfecerit. Hanc cupiditatem si honestam quis esse dicit, amens est; probat enim legum et libertatis interitum earumque oppressionem taetram et detestabilem gloriosam putat. Qui autem fatetur honestum non esse in ea civitate, quae libera fuerit quaeque esse debeat, regnare, sed ei, qui id facere possit, esse utile, qua hunc obiurgatione aut quo potius convitio a tanto errore coner avellere? Potest enim, di immortales, cuiquam esse utile foedissimum et taeterrimum parricidium patriae, quamvis is, qui se eo obstrinxerit, ab oppressis civibus parens nominetur? Honestate igitur dirigenda utilitas est, et quidem sic, ut haec duo verbo inter se discrepare, re unum sonare videantur.

[84] Non habeo ad volgi opinionem quae maior utilitas quam regnandi esse possit, nihil contra inutilius ei, qui id iniuste consecutus sit, invenio, cum ad veritatem coepi revocare rationem. Possunt enim cuiquam esse utiles angores, sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima? ‘Multi iniqui atque infideles regno, pauci benivoli’ inquit Accius. At cui regno? quod a Tantalo et Pelope proditum iure optinebatur. Nam quanto plures ei regi putas, qui exercitu populi Romani populum ipsum Romanum oppressisset civitatemque non modo liberam, sed etiam gentibus imperantem servire sibi coegisset?

[85] Hunc tu quas conscientiae labes in animo censes habuisse, quae vulnera? Cuius autem vita ipsi potest utilis esse, cum eius vitae ea condicio sit, ut qui illam eripuerit, in maxima et gratia futurus sit et gloria? Quod si haec utilia non sunt, quae maxime videntur, quia plena sunt dedecoris ac turpitudinis, satis persuasum esse debet, nihil esse utile, quod non honestum sit.

[86] Quamquam id quidem cum saepe alias, tum Pyrrhi bello a C. Fabricio consule iterum et a senatu nostro iudicatum est. Cum enim rex Pyrrhus populo Romano bellum ultro intulisset cumque de imperio certamen esset cum rege generoso ac potente, perfuga ab eo venit in castra Fabricii eique est pollicitus, si praemium sibi proposuisset, se, ut clam venisset, sic clam in Pyrrhi castra rediturum

et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum idque eius factum laudatum a senatu est. Atqui si speciem utilitatis opinionemque quaerimus, magnum illud bellum perfuga unus et gravem adversarium imperii sustulisset, sed magnum dedecus et flagitium, quicum laudis certamen fuisset, eum non virtute, sed scelere superatum.

[87] Utrum igitur utilius vel Fabricio, qui talis in hac urbe qualis Aristides Athenis fuit, vel senatui nostro qui numquam utilitatem a dignitate seiunxit, armis cum hoste certare an venenis? Si gloriae causa imperium expetundum est, scelus absit, in quo non potest esse gloria; sin ipsae opes expetuntur quoquo modo, non poterunt utiles esse cum infamia. Non igitur utilis illa L. Philippi Q. f. sententia, quas civitates L. Sulla pecunia accepta ex senatus consulto liberavisset, ut eae rursus vectigales essent, neque iis pecuniam, quam pro libertate dederant, redderemus. Ei senatus est assensus. Turpe imperio! Piratarum enim melior fides quam senatus. ‘At aucta vectigalia, utile igitur.’ Quousque audebunt dicere quicquam utile, quod non honestum?

[88] Potest autem ulli imperio, quod gloria debet fultum esse et benevolentia sociorum, utile esse odium et infamia? Ego etiam cum Catone meo saepe dissensi. Nimis mihi praefracte videbatur aerarium vectigaliaque defendere, omnia publicanis negare, multa sociis, cum in hos benefici esse deberemus, cum illis sic agere, ut cum colonis nostris soleremus, eoque magis, quod illa ordinum coniunctio ad salutem rei publicae pertinebat. Male etiam Curio, cum causam Transpadanorum aequam esse dicebat, semper autem addebat “vincat utilitas”. Potius doceret non esse aequam, quia non esset utilis rei publicae, quam cum utilem diceret non esse, aequam fateretur.

[89] Plenus est sextus liber de officiis Hecatonis talium quaestionum, sitne boni viri in maxima caritate annonae familiam non alere. In utramque partem disputat, sed tamen ad extremum utilitate, ut putat, officium dirigit magis quam humanitate. Quaerit, si in mari iactura facienda sit, equine pretiosi potius iacturam faciat an servuli vilis. Hic alio res familiaris, alio ducit humanitas. “Si tabulam de naufragio stultus arripuerit, extorquebitne eam sapiens, si potuerit?” Negat, quia sit iniurium. Quid? dominus navis eripietne suum? Minime, non plus quam navigantem in alto eicere de navi

velit, quia sua sit. Quoad enim perventum est eo, quo sumpta navis est, non domini est navis, sed navigantium.

[90] Quid? si una tabula sit, duo naufragi, eique sapientes, sibine uterque rapiat an alter cedat alteri? Cedat vero, sed ei, cuius magis intersit vel sua vel rei publicae causa vivere. Quid? si haec paria in utroque? Nullum erit certamen, sed quasi sorte aut micando victus alteri cedet alter Quid? si pater fana expilet, cuniculos agat ad aerarium, indicetne id magistratibus filius? Nefas id quidem est, quin etiam defendat patrem si arguatur. Non igitur patria praestat omnibus officiis? Immo vero, sed ipsi patriae conducit pios habere cives in parentes. Quid? si tyrannidem occupare, si patriam prodere conabitur pater, silebitne filius? Immo vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit, minabitur etiam; ad extremum, si ad perniciem patriae res spectabit, patriae salutem anteponet saluti patris.

[91] Quaerit etiam, si sapiens adulterinos nummos acceperit imprudens pro bonis, cum id nescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait, Antipater negat, cui potius assentior. Qui vinum fugiens vendat sciens, debeatne dicere. Non necesse putat Diogenes, Antipater viri boni existimat. Haec sunt quasi controversiae iura Stoicorum. In mancipio vendundo dicendane vitia, non ea, quae nisi dixeris, redhibeatur mancipium iure civili, sed haec, mendacem esse, aleatorem, furacem, ebriosum. Alteri dicenda videntur, alteri non videntur.

[92] Si quis aurum vendens orichalcum se putet vendere, indicetne ei vir bonus aurum illud esse, an emat denario, quod sit mille denarium? Perspicuum est iam et quid mihi videatur et quae sit inter eos philosophos, quos nominavi, controversia. Pacta et promissa semperne servanda sint, qvae nec vi nec dolo malo, ut praetores solent, facta sint. Si quis medicamentum cuipiam dederit ad aquam intercutem pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento umquam postea uteretur, si eo medicamento sanus factus sit et annis aliquot post inciderit in eundem morbum nec ab eo, quicum pepigerat, impetret, ut iterum eo liceat uti, quid faciendum sit. Cum sit is inhumanus, qui non concedat, nec ei quicquam fiat iniuriae, vitae et saluti consulendum.

[93] Quid? si qui sapiens rogatus sit ab eo, qui eum heredem faciat,

cum ei testamento sestertium milies relinquatur, ut antequam hereditatem adeat luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset, faciat quod promiserit necne? Promisisse nollem et id arbitror fuisse gravitatis; quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit, nisi forte eam pecuniam in rei publicae magnum aliquod tempus contulerit, ut vel saltare, cum patriae consulturus sit, turpe non sit.

[94] Ac ne illa quidem promissa servanda sunt, quae non sunt iis ipsis utilia, quibus illa promiseris. Sol Phaetonti filio, ut redeamus ad fabulas, facturum se esse dixit, quidquid optasset. Optavit, ut in currum patris tolleretur; sublatus est; atque is ante quam constitit ictu fulminis deflagravit; quanto melius fuerat in hoc promissum patris non esse servatum. Quid? quod Theseus exegit promissum a Neptuno? Cui cum tres optationes Neptunus dedisset, optavit interitum Hippolyti filii, cum is patri suspectus esset de noverca; quo optato impetrato, Theseus in maximis fuit luctibus.

[95] Quid? *quod* Agamemnon cum devovisset Dianae, quod in suo regno pulcherrimum natum esset illo anno, immolavit Iphigeniam, qua nihil erat eo quidem anno natum pulchrius. Promissum potius non faciendum, quam tam taetrum facinus admittendum fuit. Ergo et promissa non facienda nonnumquam neque semper deposita reddenda. Si gladium quis apud te sana mente deposuerit, repetat insaniens, reddere peccatum sit, officium non reddere. Quid? si is, qui apud te pecuniam deposuerit, bellum inferat patriae, reddasne depositum? Non credo, facies enim contra rem publicam, quae debet esse carissima. Sic multa, quae honesta natura videntur esse, temporibus fiunt non honesta. Facere promissa, stare conventis, reddere deposita commutata utilitate fiunt non honesta. Ac de iis quidem, quae videntur esse utilitates contra iustitiam simulatione prudentiae, satis arbitror dictum.

[96] Sed quoniam a quattuor fontibus honestatis primo libro officia duximus, in eisdem versemur, cum docebimus, ea, quae videantur esse utilia neque sint, quam sint virtutis inimica. Ac de prudentia quidem, quam vult imitari malitia, itemque de iustitia, quae semper est utilis, disputatum est. Reliquae sunt duae partes honestatis quarum altera in animi excellentis magnitudine et praestantia

cernitur, altera in conformatione et moderatione continentiae et temperantiae.

[97] Utile videbatur Ulixi, ut quidem poetae tragici prodiderunt, nam apud Homerum, optimum auctorem, talis de Ulixe nulla suspicio est, sed insimulant eum tragoediae simulatione insaniae militiam subterfugere voluisse. Non honestum consilium, at utile, ut aliquis fortasse dixerit, regnare et Ithacae vivere otiose cum parentibus, cum uxore, cum filio. Ullum tu decus in cotidianis laboribus cum hac tranquillitate conferendum putas? Ego vero istam contemnendam et abiciendam, quoniam quae honesta non sit ne utilem quidem esse arbitror.

[98] Quid enim auditurum putas fuisse Ulixem, si in illa simulatione perseverasset? Qui cum maximas res gesserit in bello, tamen haec audiat ab Aiace

"Cuius ipse princeps iuris iurandi fuit,
Quod omnes scitis, solus neglexit fidem.
Furere adsimulare, ne coiret, institit.
Quod ni Palamedi perspicax prudentia
Istius percepset malitiosam audaciam
Fide sacratae ius perpetuo falleret."

[99] Illi vero non modo cum hostibus, verum etiam cum fluctibus, id quod fecit, dimicare melius fuit quam deserere consentientem Graeciam ad bellum barbaris inferendum. Sed omittamus et fabulas et externa; ad rem factam nostramque veniamus. M. Atilius Regulus, cum consul iterum in Africa ex insidiis captus esset duce Xanthippo Lacedaemonio, imperatore autem patre Hannibalis Hamilcare, iuratus missus est ad senatum, ut nisi redditi essent Poenis captivi nobiles quidam, rediret ipse Carthaginem. Is cum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam iudicavit; quae erat talis: manere in patria, esse domui suae cum uxore, cum liberis, quam calamitatem accepisset in bello communem fortunae bellicae iudicantem tenere consularis dignitatis gradum. Quis haec negat esse utilia? quem censes? Magnitudo animi et fortitudo negat.

[100] Num locupletiores quaeris auctores? Harum enim est virtutum proprium nihil extimescere, omnia humana despicere, nihil, quod

homini accidere possit intolerandum putare. Itaque quid fecit? In senatum venit, mandata euit, sententiam ne diceret, recusavit; quamdiu iure iurando hostium teneretur, non esse se senatorem. Atque illud etiam, ("O stultum hominem," dixerit quispiam, "et repugnantem utilitati suae!"), reddi captivos negavit esse utile; illos enim adulescentes esse et bonos duces, se iam confectum senectute. Cuius cum valuisset auctoritas, captivi retenti sunt, ipse Carthaginem rediit, neque eum caritas patriae retinuit nec suorum. Neque vero tum ignorabat se ad crudelissimum hostem et ad exquisita supplicia proficisci, sed ius iurandum conservandum putabat. Itaque tum, cum vigilando necabatur, erat in meliore causa, quam si domi senex captivus, periurus consularis remansisset.

[101] At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit. Quo modo stulte? etiamne, si rei publicae conducebat? Potest autem, quod inutile rei publicae sit, id cuiquam civi utile esse? Pervertunt homines ea, quae sunt fundamenta naturae, cum utilitatem ab honestate seiungunt. Omnes enim expetimus utilitatem ad eamque rapimur nec facere aliter ullo modo possumus. Nam quis est, qui utilia fugiat? aut quis potius, qui ea non studiosissime persequatur? Sed quia nusquam possumus nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus, utilitatis nomen non tam splendidum quam necessarium ducimus.

[102] Quid est igitur, dixerit quis, in iure iurando? num iratum timemus Iovem? At hoc quidem commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii dicunt, nihil exhibere alteri, sed eorum etiam, qui deum semper agere aliquid et moliri volunt, numquam nec irasci deum nec nocere. Quid autem iratus Juppiter plus nocere potuisset, quam nocuit sibi ipse Regulus? Nulla igitur vis fuit religionis, quae tantam utilitatem perverteret. An ne turpiter faceret? Primum minima de malis? Non igitur tantum mali turpitudo ista habebat, quantum ille cruciatus. Deinde illud etiam apud Accium:

"Fregistin fidem?
Neque dedi neque do infideli cuiquam."

quamquam ab impio rege dicitur, luculente tamen dicitur.

[103] Addunt etiam, quemadmodum nos dicamus videri quaedam utilia, quae non sint, sic se dicere videri quaedam honesta, quae non sunt, ut hoc ipsum videtur honestum conservandi iuris iurandi causa ad cruciatum revertisse, sed fit non honestum, quia, quod per vim hostium esset actum, ratum esse non debuit. Addunt etiam, quicquid valde utile sit, id fieri honestum, etiam si antea non videretur. Haec fere contra Regulum. Sed prima videamus.

[104] Non fuit Juppiter metuendus ne iratus noceret, qui neque irasci solet nec nocere. Haec quidem ratio non magis contra Reguli, quam contra omne ius iurandum valet. Sed in iure iurando non qui metus, sed quae vis sit, debet intellegi. Est enim ius iurandum affirmatio religiosa; quod autem affirmate, quasi deo teste promiseris, id tenendum est. Iam enim non ad iram deorum, quae nulla est, sed ad iustitiam et ad fidem pertinet. Nam praeclare Ennius:

"O Fides alma apta pinnis et ius iurandum Iovis."

Qui ius igitur iurandum violat, is fidem violat, quam in Capitolio vicinam Iovis optimi maximi, ut in Catonis oratione est, maiores nostri esse voluerunt.

[105] At enim ne iratus quidem Juppiter plus Regulo nocuisset, quam sibi nocuit ipse Regulus. Certe, si nihil malum esset nisi dolere. Id autem non modo non summum malum, sed ne malum quidem esse maxima auctoritate philosophi affirmant. Quorum quidem testem non mediocrem, sed haud scio an gravissimum Regulum nolite quaeso vituperare. Quem enim locupletiorem quaerimus quam principem populi Romani, qui retinendi officii causa cruciatum subierit voluntarium? Nam quod aiunt minima de malis, id est, ut turpiter potius quam calamitose; an est ullum maius malum turpitudine? Quae si in deformitate corporis habeat aliquid offensionis, quanta illa depravatio et foeditas turpificati animi debet videri?

[106] Itaque nervosius qui ista disserunt, solum audent malum dicere id, quod turpe sit, qui autem remissius, ii tamen non dubitant summum malum dicere. Nam illud quidem "Neque dedi neque do infideli cuiquam" idcirco recte a poeta, quia, cum tractaretur Atreus, personae serviendum fuit. Sed si hoc sibi sument, nullam esse fidem, quae infideli data sit, videant, ne quaeratur latebra periurio.

[107] Est autem ius etiam bellicum fidesque iuris iurandi saepe cum hoste servanda. Quod enim ita iuratum est, ut mens conciperet fieri oportere, id servandum est; quod aliter, id si non fecerit, nullum est periurium. Ut, si praedonibus pactum pro capite pretium non attuleris, nulla fraus est, ne si iuratus quidem id non feceris. Nam pirata non est ex perduellium numero definitus, sed communis hostis omnium; cum hoc nec fides debet nec ius iurandum esse commune.

[108] Non enim falsum iurare periurare est, sed quod ex animi tvi sententia iuraris, sicut verbis concipitur more nostro, id non facere periurium est. Scite enim Euripides: "Iuravi lingua, mentem iniuratam gero". Regulus vero non debuit condiciones pactionesque bellicas et hostiles perturbare periurio. Cum iusto enim et legitimo hoste res gerebatur, adversus quem et totum ius fetiale et multa sunt iura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset.

[109] At vero T. Veturius et Sp. Postumius, cum iterum consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub iugum missis, pacem cum Samnitibus fecerant, dediti sunt iis, iniussu enim populi senatusque fecerant. Eodemque tempore Ti. Numicius, Q. Maelius, qui tum tribuni pl. erant, quod eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur. Atque huius deditionis ipse Postumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui, ut Numantinis, quibuscum sine senatus auctoritate foedus fecerat, dederetur, rogationem suasit eam, quam L. Furius, Sex. Atilius ex senatus consulto ferebant; qua accepta est hostibus deditus. Honestius hic quam Q. Pompeius, quo, cum in eadem causa esset, deprecante accepta lex non est. Hic ea, quae videbatur utilitas, plus valuit quam honestas, apud superiores utilitatis species falsa ab honestatis auctoritate superata est.

[110] At non debuit ratum esse, quod erat actum per vim. Quasi vero forti viro vis possit adhiberi. Cur igitur ad senatum proficiscebatur, cum praesertim de captivis dissuasurus esset? Quod maximum in eo est, id reprehenditis. Non enim suo iudicio stetit, sed suscepit causam, ut esset iudicium senatus; cui nisi ipse auctor fuisset, captivi profecto Poenis redditi essent. Ita incolumis in patria Regulus restitisset. Quod quia patriae non utile putavit, idcirco sibi

honestum et sentire illa et pati credidit. Nam quod aiunt, quod valde utile sit, id fieri honestum, immo vero esse, non fieri. Est enim nihil utile, quod idem non honestum, nec quia utile, honestum, sed, quia honestum, utile. Quare ex multis mirabilibus exemplis haud facile quis dixerit hoc exemplo aut laudabilius aut praestantius.

[111] Sed ex tota hac laude Reguli unum illud est admiratione dignum, quod captivos retinendos censuit. Nam quod rediit, nobis nunc mirabile videtur, illis quidem temporibus aliter facere non potuit. Itaque ista laus non est hominis, sed temporum. Nullum enim vinculum ad astringendam fidem iure iurando maiores artius esse voluerunt. Id indicant leges in duodecim tabulis, indicant sacratae, indicant foedera, quibus etiam cum hoste devincitur fides, indicant notiones animadversionesque censorum, qui nulla de re diligentius quam de iure iurando iudicabant.

[112] L. Manlio A. f., cum dictator fuisset, M. Pomponius tr. pl. diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset; criminabatur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare iussisset. Quod cum audivisset adulescens filius negotium exhiberi patri, accurisse Romam et cum primo luci Pomponii domum venisse dicitur. Cui cum esset nuntiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo remotisque arbitris ad se adulescentem iussit venire. At ille, ut ingressus est, confestim gladium destrinxit iuravitque se illum statim interfecturum, nisi ius iurandum sibi dedisset se patrem missum esse facturum. Iuravit hoc terrore coactus Pomponius; rem ad populum detulit, docuit, cur sibi causa desistere necesse esset, Manlium missum fecit. Tantum temporibus illis ius iurandum valebat. Atque hic T. Manlius is est, qui ad Anienem Galli, quem ab eo provocatus occiderat, torque detracto cognomen invenit, cuius tertio consulatu Latini ad Veserim fusi et fugati, magnus vir in primis et qui perindulgens in patrem, idem acerbe severus in filium.

[113] Sed, ut laudandus Regulus in conservando iure iurando, sic decem illi, quos post Cannensem pugnam iuratos ad senatum misit Hannibal, se in castra redituros ea, quorum erant potiti Poeni, nisi de redimendis captivis impetravissent, si non redierunt, vituperandi. De quibus non omnes uno modo; nam Polybius, bonus auctor inprimis,

ex decem nobilissimis, qui tum erant missi, novem revertisse dicit re a senatu non impertrata; unum ex decem, qui paulo post, quam erat egressus e castris, redisset, quasi aliquid esset oblitus, Romae remansisse. Reditu enim in castra liberatum se esse iure iurando interpretabatur, non recte. Fraus enim distringit, non dissolvit periurium. Fuit igitur stulta calliditas, perverse imitata prudentiam. Itaque decrevit senatus, ut ille veterator et callidus, vinctus ad Hannibalem duceretur.

[114] Sed illud maximum: octo hominum milia tenebat Hannibal, non quos in acie cepisset, aut qui periculo mortis diffugissent, sed qui relicti in castris fuissent a Paulo et a Varrone consulibus. Eos senatus non censuit redimendos, cum id parva pecunia fieri posset, ut esset insitum militibus nostris aut vincere aut emori. Qua quidem re audita fractum animum Hannibalis scribit idem, quod senatus populusque Romanus rebus afflictis tam excelso animo fuisset. Sic honestatis comparatione ea, quae videntur utilia, vincuntur.

[115] *C.* Acilius autem, qui Graece scripsit historiam, plures ait fuisse, qui in castra revertissent eadem fraude, ut iure iurando liberarentur eosque a censoribus omnibus ignominiis notatos. Sit iam huius loci finis. Perspicuum est enim ea, quae timido animo, humili, demisso fractoque fiant, quale fuisset Reguli factum, si aut de captivis quod ipsi opus esse videretur, non quod rei publicae, censuisset aut domi remanere voluisset, non esse utilia, quia sint flagitiosa, foeda, turpia.

[116] Restat quarta pars, quae decore, moderatione, modestia, continentia, temperantia continetur. Potest igitur quicquam utile esse, quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici atque Annicerii philosophi nominati omne bonum in voluptate posuerunt virtutemque censuerunt ob eam rem esse laudandam, quod efficiens esset voluptatis. Quibus obsoletis floret Epicurus, eiusdem fere adiutor auctorque sententiae. Cum his “viris” equisque, ut dicitur, si honestatem tueri ac retinere sententia est, decertandum est.

[117] Nam si non modo utilitas, sed vita omnis beata corporis firma constitutione eiusque constitutionis spe explorata, ut a Metrodoro scriptum est, continetur, certe haec utilitas et quidem summa (sic enim censent), cum honestate pugnabit. Nam ubi primum prudentiae

locus dabitur? an ut conquirat undique suavitates? Quam miser virtutis famulatus servientis voluptati. Quod autem munus prudentiae? an legere intellegenter voluptates? fac nihil isto esse iucundius, quid cogitari potest turpius? Iam, qui dolorem summum malum dicat, apud eum quem habet locum fortitudo, quae est dolorum laborumque contemptio? Quamvis enim multis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore, tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore. Et si illum audiam de continentia et temperantia, dicit ille quidem multa multis locis, sed aqua haeret, ut aiunt. Nam qui potest temperantiam laudare is, qui ponat summum bonum in voluptate? Est enim temperantia libidinum inimica, libidines autem consectatrices voluptatis.

[118] Atque in his tamen tribus generibus quoquo modo possunt, non incallide tergiversantur. Prudentiam introducunt scientiam suppeditantem voluptates, depellentem dolores. Fortitudinem quoque aliquo modo expediunt, cum tradunt rationem neglegendae mortis, perpetiendi doloris. Etiam temperantiam inducunt non facillime illi quidem, sed tamen quoquo modo possunt. Dicunt enim voluptatis magnitudinem doloris detractione finiri. Iustitia vacillat vel iacet potius omnesque eae virtutes, quae in communitate cernuntur et in societate generis humani. Neque enim bonitas nec liberalitas nec comitas esse potest, non plus quam amicitia, si haec non per se expetantur, sed ad voluptatem utilitatemve referantur.

[119] Conferamus igitur in pauca. Nam ut utilitatem nullam esse docuimus, quae honestati esset contraria, sic omnem voluptatem dicimus honestati esse contrariam. Quo magis reprehendendos Calliphontem et Dinomachum iudico, qui se dirempturos controversiam putaverunt, si cum honestate voluptatem tamquam cum homine pecudem copulavissent. Non recipit istam coniunctionem honestas, aspernatur, repellit. Nec vero finis bonorum et malorum, qui simplex esse debet, ex dissimillimis rebus misceri et temperari potest. Sed de hoc (magna enim res est) alio loco pluribus; nunc ad propositum.

[120] Quemadmodum igitur, si quando ea, quae videtur utilitas, honestati repugnat, diiudicanda res sit, satis est supra disputatum. Sin autem speciem utilitatis etiam voluptas habere dicetur, nulla potest

esse ei cum honestate coniunctio. Nam, ut tribuamus aliquid voluptati, condimenti fortasse non nihil, utilitatis certe nihil habebit.

[121] Habes a patre munus, Marce fili, mea quidem sententia magnum, sed perinde erit, ut acceperis. Quamquam hi tibi tres libri inter Cratippi commentarios tamquam hospites erunt recipiendi, sed, ut, si ipse venissem Athenas, quod quidem esset factum, nisi me e medio cursu clara voce patria revocasset, aliquando me quoque audires, sic, quoniam his voluminibus ad te profecta vox est mea, tribues iis temporis, quantum poteris, poteris autem quantum voles. Cum vero intellexero te hoc scientiae genere gaudere, tum et praesens tecum propediem, ut spero, et dum aberis, absens loquar. Vale igitur, mi Cicero, tibique persuade esse te quidem mihi carissimum, sed multo fore cariorem, si talibus monumentis praeceptisque laetabere.

Letters

EPISTULAE AD ATTICUM (Letters to Atticus)

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LIBER PRIMUS

I.1 (10)

Cicero Attico Sal.

[Rome, shortly before 17 July 65 B.C.]

Petitionis nostrae, quam tibi summae curae esse scio, huius modi ratio est, quod adhuc coniectura provideri possit. Prensat unus P. Galba. Sine fuco ac fallaciis more maiorum negatur. Ut opinio est hominum, non aliena rationi nostrae fuit illius haec praepropera prensatio. Nam illi ita negant vulgo, ut mihi se debere dicant. Ita quiddam spero nobis profici, cum hoc percrebrescit, plurimos nostros amicos inveniri. Nos autem initium prensandi facere cogitaramus eo ipso tempore, quo tuum puerum cum his litteris proficisci Cincius dicebat, in campo comitiis tribuniciis a. d. XVI Kalend. Sextiles. Competitores, qui certi esse videantur, Galba et Antonius et Q. Cornificius. Puto te in hoc aut risisse aut ingemuisse. Ut frontem ferias, sunt, qui etiam Caesonium putent. Aquilium non arbitrabamur, qui denegavit et iuravit morbum et illud suum regnum iudiciale opposuit. Catilina, si iudicatum erit meridie non lucere, certus erit competitor. De Aufidio et Palicano non puto te exspectare dum scribam. De iis, qui nunc petunt, Caesar certus putatur. Thermus cum Silano contendere existimatur; qui sic inopes et ab amicis et existimatione sunt, ut mihi videatur non esse *adunaton* Curium obducere. Sed hoc praeter me nemini videtur. Nostris rationibus maxime conducere videtur Thermum fieri cum Caesare. Nemo est enim ex iis, qui nunc petunt, qui, si in nostrum annum reciderit, firmior eandidatus fore videatur, propterea quod curator est viae Flaminiae, quae tum erit absoluta sane facile. Eum libenter nunc Caesari consuli aecuderim. Petitorum haec est adhuc informata cogitatio. Nos in omni munere candidatorio fungendo summam adhibebimus diligentiam, et fortasse, quoniam videtur in suffragiis multum posse Gallia, cum Romae a iudiciis forum refrixerit, excurremus mense Septembri legati ad Pisonem, ut Ianuario

revertamur. Cum perspexero voluntates nobilium, scribam ad te. Cetera spero prolixa esse his dumtaxat urbanis competitoribus. Illam manum tu mihi cura ut praestes, quoniam propius abes, Pompei, nostri amici. Nega me ei iratum fore, si ad mea comitia non venerit. Atque haec huius modi sunt.

Sed est, quod abs te mihi ignosci pervelim. Caecilius, avunculus tuus, a P. Vario cum magna pecunia fraudaretur, agere coepit cum eius fratre A. Caninio Satyro de iis rebus, quas eum dolo malo mancipio accepisse de Vario diceret. Una agebant ceteri creditores, in quibus erat L. Lucullus et P. Scipio et, is quem putabant magistrum fore, si bona venirent, L. Pontius. Verum hoc ridiculum est de magistro. Nunc cognosce rem. Rogavit me Caecilius, ut adessem contra Satyrum. Dies fere nullus est, quin hic Sattrus domum meam ventitet; observat L. Domitium maxime, me habet proximum; fuit et mihi et Quinto fratri magno usui in nostri petitionibus. Sane sum perturbatus cum ipsius Satyri familiaritate tum Domiti, in quo uno maxime ambitio nostra nititur. Demonstravi haec Caecilio simul et illud ostendi, si ipse unus cum illo uno contenderet, me ei satis facturum fuisse; nunc in causa universorum creditorum, hominum praesertim amplissimorum, qui sine eo, quem Caecilius suo nomine perhiberet, facile causam communem sustinerent, aequum esse eum et officio meo consulere et tempori. Durius accipere hoc mihi visus est, quam vellem, et quam homines belli solent, et postea prorsus ab instituta nostra paucorum dierum consuetudine longe refugit. Abs te peto, ut mihi hoc ignoscas et me existimes humanitate esse prohibitum, ne contra amici summam existimationem miserrimo eius tempore venirem, cum is omnia sua studia et officia in me contulisset. Quodsi voles in me esse durior, ambitionem putabis mihi obstitisse. Ego autem arbitror, etiamsi id sit, mihi ignoscendum esse, *hepei ouch hiereion oude boeien*. Vides enim, in quo cursu simus et quam omnes gratias non modo retinendas, verum etiam acquirendas putemus. Spero tibi me causam probasse, cupio quidem certe.

Hermathena tua valde me delectat et posita ita belle est, ut totum gymnasium eius *anathema* esse videatur. Multum te amamus.

I.II (11)

Cicero Attico Sal.

[Rome, shortly after I.I]

L. Iulio Caesare, C. Marcio Figulo consulibus filiolo me auctum scito salva Terentia. Abs te tam diu nihil litterarum! Ego de meis ad te rationibus scripsi antea diligenter. hoc tempore Catilinam, competitorem nostrum, defendere cogitamus. Iudices habemus, quos volumus, summa accusatoris voluntate. Spero, si absolutus erit, coniunctiorem illum nobis fore in ratione petitionis; sin aliter acciderit, humaniter feremus.

Tuo adventu nobis opus est maturo; nam prorsus summa hominum est opinio tuos familiares nobiles homines adversarios honori nostro fore. Ad eorum voluntatem mihi conciliandam maximo te mihi usui fore video. Quare Ianuario mense, ut constituisti, cura ut Romae sis.

I.III (8)

Cicero Attico Sal.

[Rome, end of 67]

Aviam tuam scito desiderio tui mortuam esse, et simul quod verita sit, ne Latinae in officio non manerent et in montem Albanum hostias non adducerent. Eius rei consolationem ad te L. Saufeium missurum esse arbitror. Nos hic te ad mensem Ianuarium exspectamus ex quodam rumore an ex litteris tuis ad alios missis; nam ad me de eo nihil scripsisti. Signa quae nobis curasti, ea sunt ad Caietam exposita. Nos ea non vidimus; neque enim exeundi Roma potestas nobis fuit. Misimus, qui pro vectura solveret. Te multum amamus, quod ea abs te diligenter parvoque curata sunt.

Quod ad me saepe scripsisti de nostro amico placando, feci et expertus sum omnia, sed mirandum in modum est animo abalienato. Quibus de suspicionibus etsi audisse te arbitror, tamen ex me, cum veneris, cognosces. Sallustium praesentem restituere in eius veterem gratiam non potui. Hoc ad te scripsi, quod is me accusare de te solebat. In se expertus est illum esse minus exorabilem, meum

studium nec sibi nec tibi defuisse. Tulliolam C. Pisoni L. f. Frugi despondimus.

I.IV (9)

Cicero Attico Sal.

[Rome, beginning of 66]

Crebras exspectationes nobis tui commoves. Nuper quidem, cum iam te adventare arbitraremur, repente abs te in mensem Quintilem reiecti sumus. Nunc vero sentio, quod commodo tuo facere poteris, venias ad id tempus, quod scribis; obieris Quinti fratris comitia, nos longo intervallo viseris, Acutilianam controversiam transegeris. Hoc me etiam Peducaeus ut ad te scriberem admonuit. Putamus enim utile esse te aliquando eam rem transigere. Mea intercessio parata et est et fuit. Nos hic incredibili ac singulari populi voluntate de C. Macro transegimus. Cui cum aequi fuissemus, tamen multo maiorem fructum ex populi existimatione illo damnato cepimus quam ex ipsius, si absolutus esset, gratia cepissemus.

Quod ad me de Hermathena scribis, per mihi gratum est. Est ornamentum Academiae proprium meae, quod et Hermes commune omnium et Minerva singulare est insigne eius gymnasii. Quare velim, ut scribis, ceteris quoque rebus quam plurimis eum locum ornes. Quae mihi antea signa misisti, ea non dum vidi; in Formiano sunt, quo ego nunc proficisci cogitabam. Illa omnia in Tusculanum deportabo. Caietam, si quando abundare coepero, ornabo. Libros tuos conserva et noli desperare eos me meos facere posse. Quod si adsequor, supero Crassum divitiis atque omnium vicos et prata contemno.

I.V (1)

Cicero Attico Sal.

[Rome, shortly before November 27, 68]

Quantum dolorem acceperim et quanto fructu sim privatus et forensi

et domestico Luci fratris nostri morte, in primis pro nostra consuetudine tu existimare potes. Nam mihi omnia, quae iucunda ex humanitate alterius et moribus homini accidere possunt, ex illo accidebant. Quare non dubito, quin tibi quoque id molestum sit, cum et meo dolore moveare et ipse omni virtute officioque ornatissimum tuique et sua sponte et meo sermone amantem adfinem amicumque amiseris.

Quod ad me scribis de sorore tua, testis erit tibi ipsa, quantae mihi curae fuerit, ut Quinti fratris animus in eam esset is, qui esse deberet. Quem cum esse offensiorem arbitrarer, eas litteras ad eum misi quibus et placarem ut fratrem et monerem ut minorem et obiurgarem ut errantem. Itaque ex iis, quae postea saepe ab eo ad me scripta sunt, confido ita esse omnia, ut et oporteat et velimus.

De litterarum missione sine causa abs te accusor. Numquam enim a Pomponia nostra certior sum factus esse, cui dare litteras possem, porro autem neque mihi accidit, ut haberem, qui in Epirum proficisceretur, nequedum te Athenis esse audiebamus. De Acutiliano autem negotio quod mihi mandaras, ut primum a tuo digressu Romam veni, confeceram; sed accidit, ut et contentione nihil opus esset, et ut ego, qui in te satis consilii statuerim esse, mallem Peducaeum tibi consilium per litteras quam me dare. Etenim, cum multos dies aures meas Acutilio dedissem, cuius sermonis genus tibi notum esse arbitror, non mihi grave duxi scribere ad te de illius querimoniis, cum eas audire, quod erat subodiosum, leve putassem. Sed abs te ipso, qui me accusas, unas mihi scito litteras redditas esse, cum et otii ad scribendum plus et facultatem dandi maiorem habueris.

Quod scribis, etiamsi cuius animus in te esset offensior, a me recolligi oportere, teneo, quid dicas, neque id neglexi, sed est miro quodam modo adfectus. Ego autem, quae dicenda fuerunt de te, non praeterii; quid autem contendendum esset, ex tua putabam voluntate me statuere oportere. Quam si ad me perscripseris, intelleges me neque diligentiorem esse voluisse, quam tu esses, neque neglegentiorem fore, quam tu velis. De Tadiana re mecum Tadius locutus est te ita scripsisse, nihil esse iam, quod laboraretur, quoniam hereditas usu capta esset. Id mirabamur te ignorare, de tutela legitima, in qua dicitur esse puella, nihil usu capi posse. Epiroticam

emptionem gaudeo tibi placere. Quae tibi mandavi, et quae tu intelleges convenire nostro Tusculano, velim, ut scribis, cures, quod sine molestia tua facere poteris. Nam nos ex omnibus molestiis et laboribus uno illo in loco conquiescimus. Quintum fratrem cotidie exspectamus. Terentia magnos articulorum dolores habet. Et te et sororem tuam et matrem maxime diligit salutemque tibi plurimam ascribit et Tulliola, deliciae nostrae. Cura, ut valeas et nos ames et tibi persuadeas te a me fraterne amari.

I.VI (2)

Cicero Attico Sal.

[Rome, shortly after November 27, 68]

Non committam posthac, ut me accusare de epistularum neglegentia possis; tu modo videto, in tanto otio ut par in hoc mihi sis. Domum Fabirianam nam Neapoli, quam tu iam dimensam et exaedificatam animo habebas, M. Fontius emit HS [130,000]. Id te scire volui, si quid forte ea res ad cogitationes tuas pertineret. Quintus frater, ut mihi videtur, quo volumus animo, est in Pomponiam, et cum ea nunc in Arpinatibus praediis erat, et secum habebat hominem *chrestomathe*, D. Turranium. Pater nobis decessit a. d. IV Kal. Dec.

Haec habebam fere, quae te scire vellem. Tu velim, si qua ornamenta *gymnasiode* reperire poteris, quae loci sint eius, quem tu non ignoras, ne praetermittas. Nos Tusculano ita delectamur, ut nobismet ipsis tum denique, cum illo venimus, placeamus. Quid agas omnibus de rebus, et quid acturus sis, fac nos quam diligentissime certiores.

I.VII (3)

Cicero Attico Sal.

[Rome, before February 13, 67]

Apud matrem recte est, eaque nobis curae est. L. Cincio HS [20,400] constitui me curaturum Idibus Febr. Tu velim ea, quae nobis emisse

et parasse scribis, des operam ut quam primum habeamus, et velim cogites, id quod mihi pollicitus es, quem ad modum bibliothecam nobis conficere possis. Omnem spem delectationis nostrae, quam, cum in otium venerimus, habere volumus, in tua humanitate positam habemus.

I.VIII (4)

Cicero Attico Sal.

[Rome, after February 13, 67]

Apud te est, ut volumus. Mater tua et soror a me Quintoque fratre diligitur. Cum Acutilio sum locutus. Is sibi negat a suo procuratore quicquam scriptum esse et miratur istam controversiam fuisse, quod ille recusarit satis dare amplius abs te non peti. Quod te de Tadiano negotio decidisse scribis, id ego Tadio et gratum esse intellexi et magno opere iucundum. Ille noster amicus, vir mehercule optimus et mihi amicissimus, sane tibi iratus est. Hoc si quanti tu aestimes sciam, tum, quid mihi elaborandum sit, scire possim.

L. Cincio HS [20,400] pro signis Megaricis, ut tu ad me scripseras, curavi. Hermae tui Pentelici cum capitibus aeneis, de quibus ad me scripsisti, iam nunc me admodum delectant. Quare velim et eos et signa et cetera, quae tibi eius loci et nostri studii et tuae elegantiae esse videbuntur, quam plurima quam primumque mittas, et maxime quae tibi gymnasii xystique videbuntur esse. Nam in eo genere sic studio efferimur, ut abs te adiuvandi, ab aLus prope reprehendendi simus. Si Lentuli navis non erit, quo tibi placebit, imponito. Tulliola deliciolae nostrae, tuum munusculum flagitat et me ut sponsorem appellat; mi autem abiurare certius est quam dependere.

I.IX (5)

Cicero Attico Sal.

[Rome, March or April 67]

Nimium raro nobis abs te litterae adferuntur, cum et multo tu facilius reperias, qui Romam proficiscantur, quam ego, qui Athenas, et certius tibi sit me esse Romae quam mihi te Athenis. Itaque propter hanc dubitationem meam brevior haec ipsa epistula est, quod, cum incertus essem, ubi esses, nolebam illum nostrum familiarem sermonem in alienas manus devenire.

Signa Megarica et Hermas, de quibus ad me scripsisti, vehementer exspecto. Quicquid eiusdem generis habebis, dignum Academia tibi quod videbitur, ne dubitaris mittere et arcae nostrae confidito. Genus hoc est voluptatis meae; quae *gymnasiode* maxime sunt, ea quaero. Lentulus naves suas pollicetur. Peto abs te, ut haec diligenter cures. Thyillus te rogat et ego eius rogatu *Eymolpidon patria*.

I.X (6)

Cicero Attico Sal.

[Rome, before July 67]

Cum essem in Tusculano (erit hoc tibi pro illo tuo: “Cum essem in Ceramico “) verum tamen cum ibi essem, Roma puer a sorore tua missus epistulam mihi abs te adlatam dedit nuntiavitque eo ipso die post meridiem iturum eum, qui ad te proficisceretur. Eo factum est, ut epistulae tuae rescriberem aliquid, brevitate temporis tam pauca cogerer scribere.

Primum tibi de nostro amico placando aut etiam plane restituendo polliceor. Quod ego etsi mea sponte ante faciebam, eo nunc tamen et agam studiosius et contendam ab illo vehementius, quod tantum ex epistula voluntatem eius rei tuam perspicere videor. Hoc te intellegere volo, pergraviter illum esse oftensum; sed, quia nullam video gravem subesse causam, magno opere confido illum fore in officio et in nostra potestate.

Signa nostra et Hermeraclas, ut scribis, cum commodissime poteris, velim imponas, et si quod aliud *oikeion* eius loci, quem non ignoras, reperies, et maxime quae tibi palaestrae gymnasiique videbuntur esse. Etenim ibi sedens haec ad te scribebam, ut me locus ipse admoneret. Praeterea t tibi mando, quos in tectorio atrioli possim

includere, et putealia sigillata duo. Bibliothecam tuam cave cuiquam des pondeas, quamvis acrem amatorem inveneris; nam ego omnes meas vindemiolas eo reservo, ut illud subsidium senectuti parem.

De fratre confido ita esse, ut semper volui et elaboravi. Multa signa sunt eius rei, non minimum, quod soror praegnans est. De comitiis meis et tibi me permisisse memini, et ego iam pridem hoc communibus amicis, qui te exspectant, praedico, te non modo non arcessi a me, sed prohiberi, quod intellegam multo magis interesse tua te agere, quod agendum est hoc tempore, quam mea te adesse comitiis. Proinde eo animo te velim esse, quasi mei negotii causa in ista loca missus esses; me autem eum et offendes erga te et audies, quasi mihi, si quae parta erunt, non modo te praesente, sed per te parta sint. Tulliola tibi dicm dat, sponsorem me appellat.

I.XI (7)

Cicero Attico Sal.

[Rome, July or August 67]

Et mea sponte faciebam antea et post duabus epistulis tuis perdiligenter in eandem rationem scriptis magno opere sum commotus. Eo accedebat hortator adsiduus Sallustius, ut agerem quam diligentissime cum Lucceio de vestra vetere gratia reconcilianda. Sed cum omnia fecissem, non modo eam voluntatem eius quae fuerat erga te, recuperare non potui, verum ne causam quidem elicere immutatae voluntatis. Tametsi iactat ille quidem illud suum arbitrium, et ea. quae iam tum, cum aderas, offendere eius animum intellegebam, tamen habet quiddam profecto, quod magis in animo eius insederit, quod neque epistulae tuae neque nostra adlegatio tam potest facile delere, quam tu praesens non modo oratione, sed tuo vultu illo familiari tolles, si modo tanti putaris, id quod, si me audies et si humanitati tuae constare voles, certe putabis. Ac, ne illud mirere, cur, cum ego antea significarim tibi per litteras me sperare illum in nostra potestate fore, nunc idem videar diffidere, incredibile est, quanto mihi videatur illius voluntas obstinatior et in hac iracundia offirmatior. Sed haec aut sanabuntur, cum veneris, aut

ei molesta erunt, in utro culpa erit.

Quod in epistula tua scriptum erat me iam arbitrari designatum esse, scito nihil tam exercitum esse nunc Romae quam candidatos omnibus iniquitatibus, nec, quando futura sint comitia, sciri. Verum haec audies de Philadelpho.

Tu velim, quae Academiae nostrae parasti, quam primum mittas. Mire quam illius loci non modo usus, sed etiam cogitatio delectat. Libros vero tuos cave cuiquam tradas; nobis eos, quem ad modum scribis, conserva. Summum me eorum studium tenet sicut odium iam ceterarum rerum; quas tu incredibile est quam brevi tempore quanto deteriores offensurus sis, quam reliquisti.

I.XII (12)

Cicero Attico Sal.

[Rome, January 1, 61]

Teucris illa lentum sane negotium, neque Cornelius ad Terentiam postea rediit. Opinor, ad Considium, Axium, Selicium confugiendum est; nam a Caecilio propinqui minore centesimis nummum movere non possunt. Sed ut ad prima illa redeam, nihil ego illa impudentius, astutius, lentius vidi. “ Libertum mitto, Titomandavi.”*Skepseis* atque *anabolai* sed nescio an *tautomaton hemon*. Nam mihi Pompeiani prodromi nuntiant aperte Pompeium acturum Antonio succedi oportere, eodemque tempore aget praetor ad populum. Res eius modi est, ut ego nec per bonorum nec per popularem existimationem honeste possim hominem defendere, nec mihi libeat, quod vel maximum est. Etenim accidit hoc, quod totum cuius modi sit, mando tibi, ut perspicias. Libertum ego habeo sane nequam hominem, Hilarum dico, ratiocinatorem et clientem tuum. De eo mihi Valerius interpres nuntiat, Thyillusque se audisse scribit haec, esse hominem cum Antonio; Antonium porro in cogendis pecuniis dictitare partem mihi quaeri et a me custodem communis quaestus libertum esse missum. Non sum mediocriter commotus neque tamen credidi, sed certe aliquid sermonis fuit. Totum investiga, cognosce, perspice et nebulonem illum, si quo pacto potes, ex istis locis amove. Huius

sermonis Valerius auctorem Cn. Plancium nominabat. Mando tibi plane totum, ut videas cuius modi sit.

Pompeium nobis amicissimum constat esse. Divortium Muciae vehementer probatur. P. Clodium, Appi f., credo te audisse cum veste muliebri deprehensum domi C. Caesaris, cum pro populo fieret, eumque per manus servulae servatum et eductum; rem esse insigni infamia. Quod te moleste ferre certo scio.

Quod praeterea ad te scribam, non habeo, et me hercule eram in scribendo conturbatior. Nam puer festivus anagnostes noster Sositheus decesserat, meque plus quam servi mors debere videbatur, commoverat. Tu velim saepe ad nos scribas. Si rem nullam habebis, quod in buccam venerit, scribito. Kal. Ianuariis M. Messalla, M. Pisone coss.

I.XIII (13)

Cicero Attico Sal.

[Rome, January 25, 61]

Accepi tuas tres iam epistulas, unam a M. Cornelio, quam Tribus Tabernis, ut opinor, ei dedisti, alteram, quam mihi Canusinus tuus hospes reddidit, tertiam, quam, ut scribis, ancora soluta de phaselo dedisti; quae fuerunt omnes, ut rhetorum pueri loquuntur, cum humanitatis sparsae sale tum insignes amoris notis. Quibus epistulis sum equidem abs te lacessitus ad rescribendum; sed idcirco sum tardior, quod non invenio fidelem tabellarium. Quotus enim quisque est, qui epistulam paulo graviorem ferre possit, nisi eam pellectione relevarit ? Accedit eo, quod mihi non est notum ut quisque in Epirum proficiscitur. Ego enim te arbitror caesis apud Amaltheam tuam victimis, statim esse ad Sicyonem oppugnandum profectum, neque tamen id ipsum certum habeo, quando ad Antonium proficiscare, aut quid in Epiro temporis ponas. Ita neque Achaicis hominibus neque Epiroticis paulo liberiores litteras committere audeo.

Sunt autem post discessum a me tuum res dignae litteris nostris, sed non committendae eius modi periculo, ut aut interire aut aperiri aut intercipi possint. Primum igitur scito primum me non esse

rogatum sententiam praepositumque esse nobis pacificatorem Allobrogum, idque admurmurante senatu neque me invito esse factum. Sum enim et ab observando homine perverso liber et ad dignitatem in re publica retinendam contra illius voluntatem solutus, et ille secundus in dicendo locus habet auctoritatem paene principis et voluntatem non nimis devinctam beneficio consulis. Tertius est Catulus, quartus, si etiam hoc quaeris, Hortensius. Consul autem ipse parvo animo et pravo tamen cavillator genere illo moroso, quod etiam sine dicacitate ridetur, facie magis quam facetiis ridiculus, nihil agens cum re publica, seiunctus ab optimatibus, a quo nihil speres boni rei publicae, quia non vult, nihil speres mali, quia non audet. Eius autem collega et in me perhonorificus et partium studiosus ac defensor bonarum. Qui nunc leviter inter se dissident. Sed vereor, ne hoc, quod infectum est, serpat longius. Credo enim te audisse, cum apud Caesarem pro populo fieret, venisse eo muliebri vestitu virum, idque sacrificium cum virgines instaurrassent, mentionem a Q. Cornificio in senatu tactam (is fuit princeps, ne tu forte aliquem nostrum putes); postea rem ex senatus consulto ad virgines atque ad pontifices relatam idque ab iis nefas esse decretum; diende ex senatus consulto consules rogationem promulgasse; uxori Caesarem nuntium re misisse. In hac causa Piso amicitia P. Clodi ductus operam dat, ut ea rogatio, quam ipse fert et fert ex senatus consulto et de religione, antiquetur. Messalla vehementer adhuc agit severe. Boni viri precibus Clodi removentur a causa, operae comparantur, nosmet ipsi, qui Lycurgei a principio fuissemus, cotidie demitigamur, instat et urget Cato. Quid multa ? Vereor, ne haec neglecta a bonis, defensa ab improbis magnorum rei publicae malorum causa sit. Tuus autem ille amicus (scin, quem dicam?), de quo tu ad me scripsisti, posteaquam non auderet reprehendere, laudare coepisse, nos, ut ostendit, admodum diligit, amplectitur, amat, aperte laudat, occulte, sed ita, ut perspicuum sit, invidet. Nihil come, nihil simplex, nihil *en tois politikois* illustre, nihil honestum, nihil forte, nihil liberum. Sed haec ad te scribam alias subtilius; nam neque adhuc mihi satis nota sunt, et huic terrae filio nescio cui committere epistulam tantis de rebus non audeo.

Provincias praetores nondum sortiti sunt. Res eodem est loci, quo reliquisti. *Topothesian*, quam postulas, Miseni et Puteolorum,

includam orationi meae. “A. d. III Non. Decembr.” mendose fuisse animadverteram. Quae laudas ex orationibus, mihi crede, valde mihi placebant, sed non audebam antea dicere; nunc vero, quod a te probata sunt, multo mi *attikotera* videntur. In illam orationem Metellinam addidi quaedam. Liber tibi mittetur, quoniam te amor nostri *philretora* reddidit.

Novi tibi quidnam scribam? quid? etiam. Messalla consul Autronianam domum emit HS [+134,000+]. “ Quid id ad me ?” inquies. Tantum, quod ea emptione et nos bene emisse iudicati sumus, et homines intellegere coeperunt licere amicorum facultatibus in emendo ad dignitatem aliquam pervenire. Teucris illa lentum negotium est, sed tamen est in spe. Tu ista confice. A nobis liberiorem epistulam exspecta. VI Kal. Febr. M. Messalla, M. Pisone coss.

I.XIV (14)

Cicero Attico Sal.

[Rome, February 13, 61]

Vereor, ne putidum sit scribere ad te, quam sim occupatus, sed tamen ita distinebar, ut huic vix tantulae epistulae tempus habuerim atque id ereptum e summis occupationibus. Prima contio Pompei qualis fuisset, scripsi ad te antea, non iucunda miseris, inanis improbis, beatis non grata, bonis non gravis; itaque frigebat. Tum Pisonis consulis impulsu levissimus tribunus pl. Fufius in contionem producit Pompeium. Res agebatur in circo Flaminio, et erat in eo ipso loco illo die nundinarum *panegyris*. Quaesivit ex eo, placeretne ei iudices a praetore legi, quo consilio idem praetor uteretur. Id autem erat de Clodiana religione ab senatu constitutum. Tum Pompeius *mal aristokratikos* locutus est senatusque auctoritatem sibi omnibus in rebus maximam videri semperque visam esse respondit et id multis verbis. Postea Messalla consul in senatu de Pompeio quaesivit, quid de religione et de promulgata rogatione sentiret. Locutus ita est in senatu, ut omnia illius ordinis consulta *genikos* laudaret, mihique, ut adsedit, dixit se putare satis ab se etiam “de istis

rebus” esse responsum. Crassus posteaquam vidit illum excepisse laudem ex eo, quod suspicarentur homines ei consulatum meum placere, surrexit ornatissimeque de meo consulatu locutus est, cum ita diceret, “se, quod esset senator, quod civis, quod liber, quod viveret, mihi acceptum referre; quotiens coniugem, quotiens domum, quotiens patriam videret, totiens se beneficium meum videre.” Quid multa? totum hunc locum, quem ego varie meis orationibus, quarum tu Aristarchus es, soleo pingere, de flamma, de ferro (nosti illas *lekythous*) valde graviter pertexuit. Proximus Pompeio sedebam. Intellexi hominem moveri, utrum Crassum inire eam gratiam, quam ipse praetermisisset, an esse tantas res nostras, quae tam libenti senatu laudarentur, ab eo praesertim, qui mihi laudem illam eo minus deberet, quod meis omnibus litteris in Pompeiana laude perstrictus esset. Hic dies me valde Crasso adiunxit, et tamen ab illo aperte tecte quicquid est datum, libenter accepi. Ego autem ipse, di boni! quo modo *eneperpereusamen* novo auditori Pompeio! Si umquam mihi *periodoi*, si *kampai*, si *enthymemata*, si *kataskeuai* suppeditaverunt, illo tempore. Quid multa? clamores. Etenim haec erat *hypothesis*, de gravitate ordinis, de equestri concordia, de consensione Italiae, de intermortuis reliquiis coniurationis, de vilitate, de otio. Nosti iam in hac materia sonitus nostros. Tanti fuerunt, ut ego eo brevior sim, quod eos usque istinc exauditos putem.

Romanae autem se res sic habent. Senatus *Areios pagos*, nihil constantius, nihil severius, nihil fortius. Nam, cum dies venisset rogationi ex senatus consulto ferendae, concursabant barbatuli iuvenes, totus ille grex Catilinae, duce filiola Curionis et populum, ut antiquaret, rogabant. Piso autem consul lator rogationis idem erat dissuasor. Operae Clodianae pontes occuparant, tabellae ministrabantur ita, ut nulla daretur “VTI ROGAS.” Hic tibi in rostra Cato advolat, commulcium Pisoni consuli mirificum facit, si id est commulcium, vox plena gravitatis, plena auctoritatis, plena denique salutis. Accedit eodem etiam noster Hortensius, multi praeterea boni; insignis vero opera Favoni fuit. Hoc concursu optimatium comitia dimittuntur, senatus vocatur. Cum decerneretur frequenti senatu contra pugnante Pisone, ad pedes omnium singillatim accidente Clodio, ut consules populum cohortarentur ad rogationem accipiendam, homines ad quindecim Curioni nullum senatus

consultum facienti adsenserunt, ex altera parte facile CCCC fuerunt. Acta res est. Fufius tribunus tum concessit. Clodius contiones miseras habebat, in quibus Lucullum, Hortensium, C. Pisonem, Messallam consulem contumeliose laedebat; me tantum "comperisse" omnia criminabatur. Senatus et de provinciis praetorum et de legationibus et de ceteris rebus decernebat, ut, antequam rogatio lata esset, ne quid ageretur.

Habes res Romanas. Sed tamen etiam illud, quod non speraram, audi. Messalla consul est egregius, fortis, constans, diligens, nostri laudator, amator, imitator. Ille alter uno vitio minus vitiosus, quod iners, quod somni plenus, quod imperitus, quod *apraktotatos* sed voluntate ita *kachektes*, ut Pompeium post illam contionem, in qua ab eo senatus laudatus est, odisse coeperit. Itaque mirum in modum omnes a se bonos alienavit. Neque id magis amicitia Clodi adductus fecit quam studio perditarum rerum atque partium. Sed habet sui similem in magistratibus praeter Fufium neminem. Bonis utimur tribunis pl., Cornuto vero Pseudocatone. Quid quaeris?

Nunc ut ad privata redeam, *Teukris* promissa patravit. Tu mandata effice, quae recepisti. Quintus frater, qui Argiletani aedificii reliquum dodrantem emit HS [725,000], Tusculanum venditat, ut, si possit, emat Pacilianam domum. Cum Lucceio in gratiam redii. Video hominem valde petiturire. Navabo operam. Tu quid agas, ubi sis, cuius modi istae res sint, fac me quam diligentissime certiorem. Idibus Febr.

I.XV (15)

Cicero Attico Sal.

[Rome, March 15, 61]

Asiam Quinto, suavissimo fratri, obtigisse audisti. Non enim dubito, quin celerius tibi hoc rumor quam ullius nostrum litterae nuntiarint. Nunc, quoniam et laudis avidissimi semper fuimus et praeter ceteros *philellenes* et sumus et habemur et multorum odia atque inimicitias rei publicae causa suscepimus, *pantoies aretes mimneskeo* curaque, effice, ut ab omnibus et laudemur et amemur. His de rebus plura ad te

in ea epistula scribam, quam ipsi Quinto dabo. Tu me velim certiorem facias, quid de meis mandatis egeris atque etiam quid de tuo negotio; nam, ut Brundisio profectus es, nullae mihi abs te sunt redditae litterae. Valde aveo scire, quid agas. Idibus Martiis.

I.XVI (16)

Cicero Attico Sal.

[Rome, June/July, 61]

Quaeris ex me, quid acciderit de iudicio, quod tam praeter opinionem omnium factum sit, et simul vis scire, quo modo ego minus, quam soleam, proeliatus sim. Respondebo tibi *hysteron proteron Homerikos*. Ego enim, quam diu senatus auctoritas mihi defendenda fuit, sic acriter et vehementer proeliatus sum, ut clamor concursusque maxima cum mea laude fierent. Quodsi tibi umquam sum visus in re publica fortis, certe me in illa causa admiratus esses. Cum enim ille ad contiones confugisset in iisque meo nomine ad invidiam uteretur, di immortales! quas ego pugnas et quantas strages edidi! quos impetus in Pisonem, in Curionem, in totam illam manum feci! quo modo sum insectatus levitatem senum, libidinem iuventutis! Saepe, ita me di iuvent! te non solum auctorem consiliorum meorum, verum etiam spectatorem pugnarum mirificarum desideravi. Postea vero quam Hortensius excogitavit, ut legem de religione Fufius tribunus pl. ferret, in qua nihil aliud a consulari rogatione differebat nisi iudicum genus (in eo autem erant omnia), pugnavitque, ut ita fieret, quod et sibi et aliis persuaserat nullis illum iudicibus effugere posse, contraxi vela perspiciens inopiam iudicum, neque dixi quicquam pro testimonio, nisi quod erat ita notum atque testatum, ut non possem praeterire. Itaque, si causam quaeris absolutionis, ut iam *pros to proteron* revertar, egestas iudicum fuit et turpitudo. Id autem ut accideret, commissum est Hortensi consilio, qui dum veritus est, ne Fufius ei legi intercederet, quae ex senatus consulto ferebatur, non vidit illud, satius esse illum in infamia relinqui ac sordibus quam infirmo iudicio committi, sed ductus odio properavit rem deducere in

iudicium, cum illum plumbeo gladio iugulatum iri tamen diceret.

Sed iudicium si quaeris quale fuerit, incredibili exitu, sic uti nunc ex eventu ab aliis, a me tamen ex ipso initio consilium Hortensi reprehendatur. Nam, ut reiectio facta est clamoribus maximis, cum accusator tamquam censor bonus homines nequissimos reiceret, reus tamquam clemens lanista frugalissimum quemque secerneret, ut primum iudices consederunt, valde diffidere boni coeperunt. Non enim umquam turpior in ludo talario consessus fuit, maculosi senatores, nudi equites, tribuni non tam aerati quam, ut appellantur, aerarii. Pauci tamen boni inerant, quos reiectione fugare ille non potuerat, qui maesti inter sui dissimiles et maerentes sedebant et contagione turpitudinis vehementer permovebantur. Hic, ut quaeque res ad consilium primis postulationibus referebatur, incredibilis erat severitas nulla varietate sententiarum. Nihil impetrabat reus, plus accusatori dabatur, quam postulabat; triumphabat (quid quaeris?) Hortensius se vidisse tantum; nemo erat, qui illum reum ac non miliens condemnatum arbitraretur. Me vero teste producto credo te ex acclamatione Clodi advocatorum audisse quae consurrectio iudicum facta sit, ut me circumsteterint, ut aperte iugula sua pro meo capite P. Clodio ostentarint. Quae mihi res multo honorificentior visa est quam aut illa, cum iurare tui cives Xenocratem testimonium dicentem prohibuerunt, aut cum tabulas Metelli Numidici, cum eae, ut mos est, circumferrentur, nostri iudices aspicere noluerunt. Multo haec, inquam, nostra res maior. Itaque iudicum vocibus, cum ego sic ab iis ut salus patriae defenderer, fractus reus et una patroni omnes conciderunt; ad me autem eadem frequentia postridie convenit, quacum abiens consulatu sum domum reductus. Clamare praeclari Areopagitae se non esse venturos nisi praesidio constituto. Refertur ad consilium. Una sola sententia praesidium non desideravit. Defertur res ad senatum. Gravissime ornatissimeque decernitur; laudantur iudices; datur negotium magistratibus. Responsurum hominem nemo arbitrabatur. *Espete nun moi, Moysai — hoppos de proton pur empese.*

Nosti Calvum ex Nanncianis illum, illum laudatorem meum, de cuius oratione erga me honorifica ad te scripseram. Biduo per unum servum et eum ex ludo gladiatorio confecit totum negotium; arcessivit ad se, promisit, intercessit, dedit. Iam vero (o di boni, rem

perditam!) etiam noctes certarum mulierum atque adulescentulorum nobilium introductiones non nullis iudicibus pro mercedis cumulo fuerunt. Ita summo discessu bonorum, pleno foro servorum XXV iudices ita fortes tamen fuerunt, ut summo proposito periculo vel perire maluerint quam perdere omnia. XXXI fuerunt, quos fames magis quam fama commoverit. Quorum Catulus cum vidisset quendam, "Quid vos," inquit, " praesidium a nobis postulabatis ? an, ne nummi vobis eriperentur, timebatis?" Habes, ut brevissime potui, genus iudicii et causam absolutionis. Quaeris deinceps, qui nunc sit status rerum et qui meus. Rei publicae statum illum, quem tu meo consilio, ego divino confirmatum putabam, qui bonorum omnium coniunctione et auctoritate consulatus mei fixus et fundatus videbatur, nisi quis nos deus respexerit, elapsum scito esse de manibus uno hoc iudicio, si iudicium est triginta homines populi Romani levissimos ac nequissimos nummulis acceptis ius ac fas omne delere et, quod omnes non modo homines, verum etiam pecudes factum esse sciant, id Talnam et Plautum et Spongiam et ceteras huius modi quisquilias statuere numquam esse factum. Sed tamen, ut te de re publica consoler, non ita, ut sperarunt mali, tanto imposito rei publicae vulnere, alacris exsultat improbitas in victoria. Nam plane ita putaverunt, cum religio, cum pudicitia, cum iudiciorum fides, cum senatus auctoritas concidisset, fore ut aperte victrix nequitia ac libido poenas ab optimo quoque peteret sui doloris, quem improbissimo cuique inusserat severitas consulatus mei. Idem ego ille (non enim mihi videor insolenter gloriari, cum de me apud te loquor, in ea praesertim epistula, quam nolo aliis legi) idem, inquam, ego recreavi adflictos animos bonorum unum quemque confirmans, excitans; insectandis vero exagitandisque nummariis iudicibus omnem omnibus studiosis ac fautoribus illius victoriac *parresian* eripui, Pisonem consulem nulla in re consistere umquam sum passus, desponsam homini iam Syriam ademi, senatum ad pristinam suam severitatem revocavi atque abiectum excitavi, Clodium praesentem fregi in senatu cum oratione perpetua plenissima gravitatis tum altercatione huius modi; ex qua licet pauca degustes; nam cetera non possunt habere eandem neque vim neque venustatem remoto illo studio contentionis, quem *agona* vos appellatis. Nam, ut Idibus Maiis in senatum convenimus, rogatus ego

sententiam multa dixi de summa re publica, atque ille locus inductus a me est divinitus, ne una plaga accepta patres conscripti conciderent, ne deficerent; vulnus esse eius modi, quod mihi nec dissimulandum nec pertimescendum videretur, ne aut ignorando stultissimi aut metuendo ignavissimi iudicaremur: bis absolutum esse Lentulum, bis Catilinam, hunc tertium iam esse a iudicibus in rem publicam immissum. “Erras, Clodi; non te iudices urbi, sed carceri reservarunt, neque te retinere in civitate, sed exsilio privare voluerunt. Quam ob rem, patres conscripti, erigite animos, retinete vestram dignitatem. Manet illa in re publica bonorum consensio; dolor accessit bonis viris, virtus non est imminuta; nihil est damni factum novi, sed, quod erat, inventum est. In unius hominis perditi iudicio plures similes reperti sunt.” Sed quid ago ? paene orationem in epistulam inclusi. Redeo ad altercationem. Surgit pulchellus puer, obicit mihi me ad Baias fuisse. Falsum, sed tamen “Quid? Hoc simile est,” inquam, “quasi in operto dicas fuisse?” “Quid,” inquit, “homini Arpinati cum aquis calidis?” “Narra,” inquam, “patrono tuo, qui Arpinatis aquas concupivit” (nosti enim Marianas).” Quousque,” inquit, “hunc regem feremus ?” “Regem appellas,” inquam, “cum Rex tui mentionem nullam fecerit?”; ille autem Regis hereditatem spe devorarat. “Domum,” inquit, “emisti.” “Putes,” inquam, “dicere: Iudices emisti.” “Iuranti,” inquit, “tibi non crediderunt.” “Mihi vero,” in quam, “XXV iudices crediderunt, XXXI, quoniam nummos ante acceperunt, tibi nihil crediderunt.” Magnis clamoribus adflictus conticuit et concidit.

Noster autem status est hic. Apud bonos iidem sumus, quos reliquisti, apud sordem urbis et faecem multo melius nunc, quam reliquisti. Nam et illud nobis non obest, videri nostrum testimonium non valuisse; missus est sanguis invidiae sine dolore atque etiam hoc magis, quod omnes illi fautores illius flagitii rem manifestam illam redemptam esse a iudicibus confitentur. Accedit illud, quod illa contionalis hirudo aerarii, misera ac ieiuna plebecula, me ab hoc Magno unice diligi putat, et hercule multa et iucunda consuetudine coniuncti inter nos sumus usque eo, ut nostri isti comissatores coniurationis barbatuli iuvenes illum in sermonibus “Cn. Ciceronem” appellent. Itaque et ludis et gladiatoribus mirandas *episemasias* sine ulla pastoricia fistula auferebamus.

Nunc est exspectatio comitiorum; in quae omnibus invitis trudit noster Magnus Auli filium atque in eo neque auctoritate neque gratia pugnat, sed quibus Philippus omnia castella expugnari posse dicebat, in quae modo asellus onustus auro posset ascendere. Consul autem ille deterioris histrionii similis suscepisse negotium dicitur et domi divisores habere; quod ego non credo. Sed senatus consulta duo iam facta sunt odiosa, quod in consulem facta putantur, Catone et Domitio postulante, unum, ut apud magistratus inquiri liceret, alterum, cuius domi divisores habitarent, adversus rem publicam. Lurco autem tribunus pl., qui magistratum insimul cum lege alia iniit, solutus est et Aelia et Fufia, ut legem de ambitu ferret, quam ille bono auspicio claudus homo promulgavit. Ita comitia in a. d. VI Kal. Sext. dilata sunt. Novi est in lege hoc, ut, qui nummos in tribu pronuntiarit, si non dederit, impune sit, sin dederit, ut, quoad vivat, singulis tribubus HS [3,000] debeat. Dixi hanc legem P. Clodium iam ante servasse; pronuntiare enim solitum esse et non dare. Sed heus tu! videsne consulatum illum nostrum, quem Curio antea *apotheosin* vocabat, si hic factus erit, fabam mimum futurum? Quare, ut opinor, *philosopheteon*, id quod tu facis, et istos consulatus non flocci facteon.

Quod ad me scribis te in Asiam statuisse non ire, equidem mallem, ut ires, ac vereor, ne quid in ista re minus commode fiat; sed tamen non possum reprehendere consilium tuum, praesertim cum egomet in provinciam non sim profectus. Epigrammatis tuis, quae in Amaltheo posuisti, contenti erimus, praesertim cum et Thyillus nos reliquerit, et Archias nihil de me scripserit. Ac vereor, ne, Lucullis quoniam Graecum poema condidit, nunc ad Caecilianam fabulam spectet. Antonio tuo nomine gratias egi eamque epistulam Mallio dedi. Ad te ideo antea rarius scripsi, quod non habebam idoneum, cui darem, nec satis sciebam, quo darem. Valde te venditavi. Cincius si quid ad me tui negotii detulerit, suscipiam; sed nunc magis in suo est occupatus; in quo ego ei non desum. Tu, si uno in loco es futurus, crebras a nobis litteras exspecta; ast plures etiam ipse mittito. Velim ad me scribas, cuius modi sit *Amaltheion* tuum, quo ornatu, qua *topothesiai*, et, quae poemata quasque historias de *Amaltheioi* habes, ad me mittas. Lubet mihi facere in Arpinati. Ego tibi aliquid de meis scriptis mittam. Nihil erat absoluti.

I.XVII (17)

Cicero Attico Sal.

[Rome, December 5, 61]

Magna mihi varietas voluntatis et dissimilitudo opinionis ac iudicii Quinti fratis mei demonstrata est ex litteris tuis, in quibus ad me epistularum illius exempla misisti. Qua ex re et molestia sum tanta adfectus, quantam mihi meus amor summus erga utrumque vestrum adferre debuit, et admiratione, quidnam accidisset, quod adferret Quinto fratri meo aut offensionem tam gravem aut commutationem tantam voluntatis. Atque illud a me iam ante intellegebatur, quod te quoque ipsum discedentem a nobis suspicari videbam, subesse nescio quid opinionis incommodae sauciumque esse eius animum et insedisse quasdam odiosas suspiciones. Quibus ego mederi cum cuperem antea saepe et vehementius etiam post sortitionem provinciae, nec tantum intellegebam ei esse offensionis, quantum litterae tuae declararant, nec tantum proficiebam, quantum volebam. Sed tamen hoc me ipse consolabar, quod non dubitabam, quin te ille aut Dyrrachi aut in istis locis uspiam visurus esset; quod cum accidisset, confidebam ac mihi persuaseram fore ut omnia placarentur inter vos non modo sermone ac disputatione, sed conspectu ipso congressuque vestro. Nam quanta sit in Quinto fratre meo comitas, quanta iucunditas, quam mollis animus et ad accipiendam et ad deponendam offensionem, nihil attinet me ad te, qui ea nosti, scribere. Sed accidit perincommode, quod eum nusquam vidisti. Valuit enim plus, quod erat illi non nullorum artificiis inculcatum, quam aut officium aut necessitudo aut amor vester ille pristinus, qui plurimum valere debuit. Atque huius incommodi culpa ubi resideat, facilius possum existimare quam scribere; vereor enim, ne, dum defendam meos, non parcam tuis. Nam sic intellego, ut nihil a domesticis vulneris factum sit, illud quidem, quod erat, eos certe sanare potuisse. Sed huiusce rei totius vitium, quod aliquanto etiam latius patet, quam videtur, praesenti tibi commodius exponam. De iis

litteris, quas ad te Thessalonica misit, et de sermonibus, quos ab illo et Romae apud amicos tuos et in itinere habitos putas, ecquid tantum causae sit, ignoro, sed omnis in tua posita est humanitate mihi spes huius levandae molestiae. Nam, si ita statueris, et irritabiles animos esse optimorum saepe hominum et eosdem placabiles et esse hanc agilitatem, ut ita dicam, mollitiamque naturae plerumque bonitatis et, id quod caput est, nobis inter nos nostra sive incommoda sive vitia sive iniurias esse tolerandas, facile haec, quem ad modum spero, mitigabulltur; quod ego ut facias te oro. Nam ad me, qui te unice diligo, maxime pertinet neminem esse meorum, qui aut te non amet aut abs te non ametur.

Illa pars epistulae tuae minime fuit necessaria, in qua exponis, quas facultates aut provincialium aut urbanorum commodorum et aliis temporibus et me ipso consule praetermiseris. Mihi enim perspecta est et ingenuitas et magnitudo animi tui; neque ego inter me atque te quicquam interesse umquam duxi praeter voluntatem institutae vitae, quod me ambitio quaedam ad honorum studium, te autem alia minime reprehendenda ratio ad honestum otium duxit. Vera quidem laude probitatis, diligentiae, religionis neque me tibi neque quemquam antcpono, amoris vero erga me. cum a fraterno amore domesticoque discessi, tibi primas defero. Vidi enim, vidi penitusque perspexi in meis variis temporibus et sollicitudines et laetitias tuas. Fuit mihi saepe et laudis nostrae gratulatio tua iucunda et timoris consolatio grata. Quin mihi nunc te absente non solum consilium, quo tu excellis, sed etiam sermonis communicatio, quae mihi suavissima tecum solet esse, maxime deest — quid dicam? in publicana re, quo in genere mihi neglegenti esse non licet, an in forensi labore, quem antea propter ambitionem sustinebam, nunc, ut dignitatem tueri gratia possim, an in ipsis domesticis negotiis, in quibus ego cum antea tum vero post discessum fratris te sermonesque nostros desidero? Postremo non labor meus, non requies, non negotium, non otium, non forenses res, non domesticae, non publicae, non privatae carere diutius tuo suavissimo atque amantissimo consilio ac sermone possunt.

Atque harum rerum commemorationem verecundia saepe impedivit utriusque nostrum; nunc autem ea fuit necessaria propter eam partem epistulae tuae, per quam te ac mores tuos mihi purgatos

ac probatos esse voluisti. Atque in ista incommoditate alienati illius animi et offensi illud inest tamen commodi, quod et mihi et ceteris amicis tuis nota fuit et abs te aliquanto ante testificata tua voluntas omittendae provinciae, ut, quod una non estis, non dissensione ac discidio vestro, sed voluntate ac iudicio tuo factum esse videatur. Quare et illa, quae violata, expiabuntur, et haec nostra, quae sunt sanctissime conservata, suarm religionem obtinebunt.

Nos hic in re publica infirma, misera commutabili que versamur. Credo enim te audisse nostros equites paene a senatu esse diiunctos; qui primum illud valde graviter tulerunt, promulgatum ex senatus consulto fuisse, ut de eis, qui ob iudicandum accepissent, quaereretur. Qua in re decernenda cum ego casu non adfuissem, sensissemque id equestrem ordinem ferre moleste neque aperte dicere, obiurgavi senatum, ut mihi visus sum, summa cum auctoritate, et in causa non verecunda admodum gravis et copiosus fui. Ecce aliae deliciae equitum vix ferendae! quas ego non solum tuli, sed etiam ornavi. Asiam qui de censoribus conduxerunt, questi sunt in senatu se cupiditate prolapsos nimium magno conduxisse, ut induceretur locatio, postulaverunt. Ego princeps in adiutoribus atque adeo secundus; nam, ut illi auderent hos postulare, Crassus eos impulit. Invidiosa res, turpis postulatio et confessio temeritatis. Summum erat periculum, ne, si nihil impetrassent, plane alienarentur a senatu. Huic quoque rei subventum est maxime a nobis perfectumque, ut frequentissimo senatu et libentissimo uterentur multaque a me de ordinum dignitate et concordia dicta sunt Kal. Decembr. et postridie. Neque adhuc res confecta est, sed voluntas senatus perspecta; unus enim contra dixerat Metellus consul designatus. Atqui erat dicturus, ad quem propter diei brevitatem perventum non est, heros ille noster Cato. Sic ego conservans rationem institutionemque nostram tueor, ut possum, illam a me conglutinatam concordiam. Sed tamen, quoniam ista sunt tam infirma, munitur quaedam nobis ad retinendas opes nostras tuta, ut spero, via; quam tibi litteris satis explicare non possum, significatione parva ostendam tamen. Utor Pompeio familiarissime. Video, quid dicas. Cavebo, quae sunt cavenda, ac scribam alias ad te de meis consiliis capessendae rei publicae plura.

Lucceium scito consulatum habere in animo statim petere. Duo enim soli dicuntur petituri, Caesar (cum eo coire per Arrium cogitat) et Bibulus (cum hoc se putat per C. Pisonem posse coniungi). Rides? Non sunt haec ridicula, mihi crede. Quid aliud scribam ad te, quid? Multa sunt, sed in aliud tempus. + exspectare velis, cures ut sciam. Iam illud modeste rogo, quod maxime cupio, ut quam primum venias. Nonis Decembribus.

I.XVIII (18)

Cicero Attico Sal.

[Rome, January 20, 60]

Nihil mihi nunc scito tam deesse uam hominem eum, quocum omnia, que me cura aliqua adficiunt, uno communicem, qui me amet, qui sapiat, quicum ego cum loquar, nihil fingam, nihil dissimulem, nihil obtegam. Abest enim frater *aphelestatos* et amantissimus. Metellus non homo, sed "litus atque aer et solitudo mera." Tu autem, qui saepissime curam et angorem animi mei sermone et consilio levasti tuo, qui mihi et in publica re socius et in privatis omnibus conscius et omnium meorum sermonum et consiliorum particeps esse soles, ubinam es? Ita sum ab omnibus destitutus. ut tantum requietis habeam, quantum cum uxore et filiola et mellito Cicerone consumitur. Nam illae ambitiosae nostrae fucosaeque amicitiae sunt in quodam splendore forensi, fructum domesticum non habent. Itaque, cum bene completa domus est tempore matutino, cum ad forum stipati gregibus amicorum descendimus, reperire ex magna turba neminem possumus, quocum aut iocari libere aut suspirare familiariter possimus. Quare te exspectamus, te desideramus, te iam etiam arcessimus. Multa sunt enim, quae me sollicitant anguntque; quae mihi videor aures nactus tuas unius ambulationis sermone exhaurire posse.

Ac domesticarum quidem sollicitudinum aculeos omnes et scrupulos occultabo, neque ego huic epistulae atque ignoto tabellario committam. Atque hi (nolo enim te permoveri) non sunt permolesti, sed tamen insident et urgent et nullius amantis consilio aut sermone requiescunt; in re publica vero, quam quam animus est praesens, tamen vulnus etiam atque etiam ipsa medicina efficit. Nam, ut ea breviter, quae post tuum discessum acta sunt, colligam, iam exclames necesse est res Romanas diutius stare non posse. Etenim post profectionem tuam primus, ut opinor, introitus fuit in causam fabulae Clodianae, in qua ego nactus, ut mihi videbar, locum resecandae

libidinis et coercendae iuventutis; vehemens fui et omnes profudi vires animi atque ingenii mei non odio adductus alicuius, sed spe corrigendae et sanandae civitatis. Adflicta res publica est empto constupratoque iudicio. Vide, quae sint postea consecuta. Consul est impositus is nobis, quem nemo praeter nos philosophos aspicere sine suspiritu posset. Quantum hoc vulnus! facto senatus consulto de ambitu, de iudiciis nulla lex perlata, exagitatus senatus, alienati equites Romani. Sic ille annus duo firmamenta rei publicae per me unum constituta evertit; nam et senatus auctoritatem abiecit et ordinum concordiam diiunxit. Instat hic nunc ille annus egregius. Eius initium eius modi fuit, ut anniversaria sacra Iuventatis non committerentur; nam M. Luculli uxorem Memmius suis sacris initiavit; Menelaus aegre id passus divortium fecit. Quamquam ille pastor Idaeus Menelaum solum contempserat, hic noster Paris tam Menelaum quam Agamemnonem liberum non putavit. Est autem C. Herennius quidam tribunus pl., quem tu fortasse ne nosti quidem; tametsi potes nosse, tribulis enim tuus est, et Sextus, pater eius, nummos vobis dividere solebat. Is ad plebem P. Clodium traducit, idemque fert, ut universus populus in Campo Martio suffragium de re Clodi ferat. Hunc ego accepi in senatu, ut soleo, sed nihil est illo homine lentius. Metellus est consul egregius et nos amat, sed imminuit auctoritatem suam, quod habet dicis causa promulgatum illud idem de Clodio. Auli autem filius, o di immortales! quam ignavus ac sine animo miles! quam dignus, qui Palicano, sicut facit, os ad male audiendum cotidie praebeat! Agraria autem promulgata est a Flavio sane levis eadem fere, quae fuit Plotia. Sed interea *politikos aner oud onar* quisquam inveniri potest; qui poterat, familiaris noster (sic est enim; volo te hoc scire) Pompeius togulam illam pictam silentio tuetur suam. Crassus verbum nullum contra gratiam. Ceteros iam nosti; qui ita sunt stulti, ut amissa re publica piscinas suas fore salvas sperare videantur. Unus est, qui curet constantia magis et integritate quam, ut mihi videtur, consilio aut ingenio, Cato; qui miseros publicanos, quos habuit amantissimos sui, tertium iam mensem vexat neque iis a senatu responsum dari patitur. Ita nos cogimur reliquis de rebus nihil decernere, ante quam publicanis responsum sit. Quare etiam legationes reiectum iri puto.

Nunc vides quibus fluctibus iactemur, et, si ex iis, quae scripsimus

tanta, etiam a me non scripta perspicis, revise nos aliquando et, quamquam sunt haec fugienda, quo te voco, tamen fac ut amorem nostrum tanti aestimes, ut eo vel cum his molestiis perfrui velis. Nam, ne absens censeare, curabo edicendum et proponendum locis omnibus; sub lustrum autem censeri germani negotiatoris est. Quare cura, ut te quam primum videamus. Vale. Kal. Febr. Q. Metello, L. Afranio coss.

I.XIX (19)

Cicero Attico Sal.

[Rome, March 15, 60]

Non modo si mihi tantum esset otii, quantum est tibi, verum etiam si tam breves epistulas vellem mittere, quam tu soles, facile te superarem et in scribendo multo essem crebrior quam tu. Sed ad summas atque incredibiles occupationes meas accedit, quod nullam a me volo epistulam ad te sine argumento ac sententia pervenire. Et primum tibi, ut aequum est civi amanti patriam, quae sint in re publica, exponam; deinde, quoniam tibi amore nos proximi sumus, scribemus etiam de nobis ea, quae scire te non nolle arbitramur.

Atque in re publica nunc quidem maxime Gallici belli versatur metus. Nam Haedui fratres nostri pugnam nuper malam pugnarunt, et Helvetii sine dubio sunt in armis excursionesque in provinciam faciunt. Senatus decrevit, ut consules duas Gallias sortirentur, delectus haberetur, vacationes ne valerent, legati cum auctoritate mitterentur, qui adirent Galliae civitates darentque operam, ne eae se cum Helvetiis coniungerent. Legati sunt Q. Metellus Creticus et L. Faccus et, *to epi tei pakei myron*, Lentulus Clodiani filius. Atque hoc loco illud non queo praeterire, quod, cum de consularibus mea prima sors exisset, una voce senatus frequens retinendum me in urbe censuit. Hoc idem post me Pompeio accidit, ut nos duo quasi pignora rei publicae retineri videremur. Quid enim ego aliorum in me *epiphonemata* exspectem, cum haec domi nascantur?

Urbanae autem res sic se habent. Agraria lex a Flavio tribuno pl.

vehementer agitabatur auctore Pompeio; quae nihil populare habebat praeter auctorem. Ex hac ego lege secunda contionis voluntate omnia illa tollebam, quae ad privatorum incommodum pertinebant, liberabam agrum eum, qui P. Mucio, L. Calpurnio consulibus publicus fuisset, Sullanorum hominum possessiones confirmabam, Volaterranos et Arretinos, quorum agrum Sulla publicarat neque diviserat, in sua possessione retinebam; unam rationem non reiciebam, ut ager hac adventicia pecunia emeretur, quae ex novis vectigalibus per quinquennium reciperetur. Huic toti rationi agrariae senatus adversabatur suspicans Pompeio novam quandam potentiam quaeri; Pompeius vero ad voluntatem perferendae legis incubuerat. Ego autem magna cum agrariorum gratia confirmabam omnium privatorum possessiones; is enim est noster exercitus, hominum, ut tute scis, locupletium; populo autem et Pompeio (nam id quoque volebam) satis faciebam emptione, qua constituta diligenter et sentinam urbis exhauriri et Italiae solitudinem frequentari posse arbitrabar. Sed haec tota res interpellata bello refrixerat. Metellus est consul sane bonus et nos admodum diligit; ille alter nihil ita est, ut plane, quid emerit, nesciat. Haec sunt in re publica, nisi etiam illud ad rem publicam putas pertinere, Herennium quendam, tribunum pl., tribulem tuum sane hominem nequam atque egentem, saepe iam de P. Clodio ad plebem traducendo agere coepisse. Huic frequenter interceditur. Haec sunt, ut opinor, in re publica.

Ego autem, ut semel Nonarum illarum Decembrium iunctam invidia ac multorum inimicitiis eximiam quandam atque immortalem gloriam consecutus sum, non destiti eadem animi magnitudine in re publica versari et illam institutam ac susceptam dignitatem tueri, sed, posteaquam primum Clodi absolutione levitatem infirmitatemque iudiciorum perspexi, deinde vidi nostros publicanos facile a senatu diiungi, quam quam a me ipso non divellerentur, tum autem beatos homines, hos piscinarios dico amicos tuos, non obscure nobis invidere, putavi mihi maiores quasdam opes et firmiora praesidia esse quaerenda. Itaque primum, eum qui nimium diu de rebus nostris tacuerat, Pompeium adduxi in eam voluntatem, ut in senatu non semel, sed saepe multisque verbis huius mihi salutem imperii atque orbis terrarum adiudicarit; quod non tam interfuit mea (neque enim illae res aut ita sunt obscurae, ut testimonium, aut ita dubiae, ut

laudationem desiderent) quam rei publicae, quod erant quidam improbi, qui contentionem fore aliquam mihi cum Pompeio ex rerum illarum dissensione arbitrarentur. Cum hoc ego me tanta familiaritate coniunxi, ut uterque nostrum in sua ratione munitior et in re publica firmior hac coniunctione esse possit Odia autem illa libidinosae et delicatae iuventutis, quae erant in me incitata, sic mitigata sunt comitate quadam mea, me unum ut omnes illi colant; nihil iam denique a me asperum in quemquam fit nec tamen quicquam populare ac dissolutum, sed ita temperata tota ratio est, ut rei publicae constantiam praestem, privatis meis rebus propter infirmitatem bonorum, iniquitatem malevolorum, odium in me improborum adhibeam quandam cautionem et diligentiam atque ita, tametsi his novis amicitiis implicati sumus, ut crebro mihi vafer ille Siculus insusurret Epicharmus cantilenam illam suam: *Naphe kai memnas apistein; arthra tauta tan phrenon*. Ac nostrae quidem rationis ac vitae quasi quandam formam, ut opinor, vides.

De tuo autem negotio saepe ad me scribis. Cui mederi nunc non possmus; est enim illud senatus consultum summa pedariorum voluntate nullius nostrum auctioritate factum. Nam, quod me esse ad scribendum vides, ex ipso senatus consulto intellegere potes aliam rem tum relatam, hoc autem de populis liberis sine causa additum. Et ita factum est a P. .Servilio filio, qui in postremis sententiam dixit, sed immutari hoc tempore non potest. Itaque conventus, qui initio celebrabantur, iam diu fieri desierunt. Tu si tuis blanditiis tamen a Sicyoniis nummulorum aliquid expresseris, velim me facias certiorem.

Commentarium consulatus mei Graece compositum misi ad te. In quo si quid erit, quod homini Attico minus Graecum eruditumque videatur, non dicam, quod tibi, ut opinor, Panhormi Lucullus de suis historiis dixerat, se, quo facilius illas probaret Romani hominis esse, idcirco barbara quaedam et *soloika* dispersisse; apud me si quid erit eius modi, me imprudente erit et invito. Latinum si perfecero, ad te mittam. Tertium poema exspectato, ne quod genus a me ipso laudis meae praetermittatur. Hic tu cave dicas: *Tis pater ainesei*; si est enim apud homines quicquam quod potius sit, laudetur, nos vituperemur, qui non potius alia laudemus; quamquam non *egkomiastika* sunt haec, sed *istorika*, quae scribimus.

Quintus frater purgat se mihi per litteras et adfirmat nihil a se cuiquam de te secus esse dictum. Verum haec nobis coram summa cura et diligentia sunt agenda; tu modo nos revise aliquando. Cossinius hic, cui dedi litteras, valde mihi bonus homo et non levis et amans tui visus est et talis, qualem esse eum tuae mihi litterne nuntiarant. Idibus Martiis.

I.XX (20)

Cicero Attico Sal.

[Rome, May 60]

Cum e Pompeiano me Romam recepissem a. d. IV Idus Maias, Cincius noster eam mihi abs te epistulam reddidit, quam tu Idibus Febr. dederas. Ei nunc epistulae litteris his respondebo. Ac primum tibi perspectum esse iudicium de te meum laetor, deinde te in iis rebus, quae mihi asperius a nobis atque nostris et iniucundius actae videbantur, moderatissimum fuisse vehementissime gaudeo idque neque amoris mediocris et ingenii summi ac sapientiae iudico. Qua de re cum ad me ita suaviter, diligenter, officiose, humaniter scripseris, ut non modo te hortari amplius non debeam, sed ne exspectare quidem abs te aut ab ullo homine tantum facilitatis ac mansuetudinis potuerim, nihil duco esse commodius quam de his rebus nihil iam amplius scribere. Cum erimus congressi, tum, si quid res feret, coram inter nos conferemus.

Quod ad me de re publica scribis, disputas tu quidem et amanter et prudenter, et a meis consiliis ratio tua non abhorret; nam neque de statu nobis nostrae dignitatis est recedendum neque sine nostris copiis intra alterius praesidia veniendum, et is, de quo scribis, nihil habet amplum, nihil excelsum, nihil non summissum atque populare. Verum tamen fuit ratio mihi fortasse ad tranquillitatem meorum temporum non inutilis, sed mehercule rei publicae multo etiam utilior quam mihi civium improborum impetus in me reprimi, cum hominis amplissima fortuna, auctoritate, gratia fluctuantem sententiam confirmassem et a spe malorum ad mearum rerum laudem

convertissem. Quod si cum aliqua levitate mihi faciendum fuisset, nullam rem tanti aestimassem; sed tamen a me ita sunt acta omnia, non ut ego illi adsentiens levior, sed ut ille me probans gravior videretur. Reliqua sic a me aguntur et agentur, ut non committamus, ut ea, quae gessimus, fortuito gessisse videamur. Meos bonos viros, illos quos significas, et, eam quam mihi dicis obtigisse, *Spartan* non modo numquam deseram, sed etiam, si ego ab illa deserar, tamen in mea pristina sententia permanebo. Illud tamen velim existimes, me hanc viam optimatem post Catuli mortem nec praesidio ullo nec comitatu tenere. Nam, ut ait Rhinton, ut opinor, *Hoi men par oyden eisi, tois d ouden melei*. Mihi vero ut invideant piscinarii nostri, aut scribam ad te alias aut in congressum nostrum reservabo. A curia autem nulla me res divellet, vel quod ita rectum est, vel quod rebus meis maxime consentaneum, vel quod, a senatu quanti fiam, minime me paenitet.

De Sicyoniis, ut ad te scripsi antea, non multum spei est in senatu; nemo est enim, idem qui queratur. Quare, si id exspectas, longum est; alia via, si qua potes, pugna. Cum est actum, neque animadversum est, ad quos pertineret, et raptim in eam sententiam pedarii cucurrerunt. Inducendi senatus consulti maturitas nondum est, quod neque sunt, qui querantur, et multi partim malevolentia, partim opinione aequitatis delectantur.

Metellus tuus est egregius consul; unum reprehendo, quod otium nuntiari e Gallia non magno opere gaudet. Cupit, credo, triumphare. Hoc vellem mediocrius; cetera egregia. Auli filius vero ita se gerit, ut eius consulatus non consulatus sit, sed Magni nostri *hypopion*.

De meis scriptis misi ad te Graece perfectum consulatum meum. Eum librum L. Cossinio dedi. Puto te Latinis meis delectari, huic autem Graeco Graecum invidere. Alii si scripserint, mittemus ad te; sed, mihi crede, simul atque hoc nostrum legerunt, nescio quo pacto retardantur.

Nunc, ut ad rem meam redeam, L. Papirius Paetus, vir bonus amatorque noster, mihi libros eos, quos Ser. Claudius reliquit, donavit. Cum mihi per legem Cinciam licere capere Cincius, amicus tuus, diceret, libenter dixi me accepturum, si attulisset. Nunc, si me amas, si te a me amari scis, enitere per amicos, clientes, hospites, libertos denique ac servos tuos, ut scida ne qua depereat; nam et

Graecis iis libris, quos suspicor, et Latinis, quos scio illum reliquisse, mihi vehementer opus est. Ego autem cotidie magis, quod mihi de forensi labore temporis datur, in iis studiis conquiesco. Per mihi, per, inquam, gratum feceris, si in hoc tam diligens fueris, quam soles in iis rebus, quas me valde velle arbitraris, ipsiusque Paeti tibi negotia commendo, de quibus tibi ille agit maximas gratias, et, ut iam invisas nos, non solum rogo, sed etiam suadeo.

LIBER SECUNDUS

[I] Scr. Romae m. Iun. a. 694 (60).

CICERO ATTICO SAL.

Kal. Iuniis eunti mihi Antium et gladiatores M. Metelli cupide relinquenti venit obviam tuus puer. is mihi litteras abs te et commentarium consulatus mei Graece scriptum reddidit. in quo laetatus sum me aliquanto ante de isdem rebus Graece item scriptum librum L. Cossinio ad te perferendum dedisse; nam si ego tuum ante legissem, furatum me abs te esse diceres. quamquam tua illa (legi enim libenter) horridula mihi atque incompta visa sunt, sed tamen erant ornata hoc ipso quod ornamenta neglexerant et, ut mulieres, ideo bene olere quia nihil olebant videbantur. meus autem liber totum Isocrati myrothecium atque omnis eius discipulorum arculas ac non nihil etiam Aristotelia pigmenta consumpsit. quem tu Corcyrae, ut mihi aliis litteris significas, strictim attigisti, post autem, ut arbitror, a Cossinio accepisti. quem tibi ego non essem ausus mittere nisi eum lente ac fastidiose probavissem.

[2] quamquam ad me rescripsit iam Rhodo Posidonius se, nostrum illud hupomnema <cum> legeret, quod ego ad eum ut ornatius de isdem rebus scriberet miseram, non modo non excitatum esse ad scribendum sed etiam plane deterritum. quid quaeris? conturbavi Graecam nationem. ita vulgo qui instabant ut darem sibi quod ornarent iam exhibere mihi molestiam destiterunt. tu, si tibi placuerit liber, curabis ut et Athenis sit et in ceteris oppidis Graeciae; videtur enim posse aliquid nostris rebus lucis adferre.

[3] oratiunculas autem et quas postulas et pluris etiam mittam, quoniam quidem ea quae nos scribimus adulescentulorum studiis excitati te etiam delectant. fuit enim mihi commodum, quod in eis orationibus quae Philippicae nominantur enituerat civis ille tuus Demosthenes, et quod se ab hoc refractariolo iudiciali dicendi genere abiunxerat ut semnoteros tis et politikoteros videretur, curare ut meae quoque essent orationes quae consulares nominarentur. quarum una est in senatu Kal. Ianuariis, altera ad populum de lege agraria, tertia

de Othone, quarta pro Rabirio, quinta de proscriptorum filiis, sexta cum provinciam in contione deposui, septima quom Catilinam emisi, octava quam habui ad populum postridie quam Catilina profugit, nona in contione quo die Allobroges indicarunt, decima in senatu Nonis Decembribus. sunt praeterea duae breves, quasi apospasmatia legis agrariae. hoc totum soma curabo ut habeas; et quoniam te cum scripta tum res meae delectant, isdem ex libris perspicies et quae gesserim et quae dixerim; aut ne poposcisses; ego enim tibi me non offerebam.

[4] quod quaeris quid sit quo te arcessam, ac simul impeditum te negotiis esse significas neque recusas quin, non modo si opus sit sed etiam si velim, accurras, nihil sane est necesse, verum tamen videbare mihi tempora peregrinationis commodius posse discribere. nimis abes diu, praesertim cum sis in propinquis locis, neque nos te fruimur et tu nobis cares. ac nunc quidem otium est, sed, si paulo plus furor pulchelli progredi posset, valde ego te istim excitarem. verum praeclare Metellus impedit et impediet. quid quaeris? est consul philopatris et, ut semper iudicavi, natura bonus. ille autem non simulat sed plane tribunus pl. fieri cupit. qua <de> re quom in senatu ageretur, fregi hominem et inconstantiam eius reprehendi qui Romae tribunatum pl. peteret cum in Sicilia hereditatem se petere dictitasset, neque magno opere dixi esse nobis laborandum, quod nihilo magis ei liciturum esset plebeio rem publicam perdere quam similibus eius me consule patriciis esset licitum. iam cum se ille septimo die venisse a freto neque sibi obviam quemquam prodire potuisse et noctu se introisse dixisset in eoque se in contione iactasset, nihil ei novi dixi accidisse. ‘ex Sicilia septimo die Romam; ante tribus horis Roma Interamnam. Noctu introisti; idem ante. non est itum obviam; ne tum quidem quom iri maxime debuit.’ quid quaeris? hominem petulantem modestum reddo non solum perpetua gravitate orationis sed etiam hoc genere dictorum. itaque iam familiariter cum ipso cavillor ac iocor; quin etiam cum candidatum deduceremus, quaerit ex me num consuessem Siculis locum gladiatoribus dare. negavi. ‘at ego’ inquit ‘novus patronus instituam; sed soror, quae tantum habeat consularis loci, unum mihi solum pedem dat’ ‘noli,’ inquam ‘de uno pede sororis queri; licet etiam alterum tollas.’ non consulare inquies dictum. fateor; sed ego illam

odi male consularem. ‘ea est enim seditiosa, ea cum viro bellum gerit’ neque solum cum Metello sed etiam cum Fabio, quod eos +esse in hoc esse+ moleste fert.

[6] quod de agraria lege quaeris, sane iam videtur refrixisse. quod me quodam modo molli bracchio de Pompei familiaritate obiurgas, nolim ita existimes, me mei praesidi causa cum illo coniunctum esse, sed ita res erat instituta ut, si inter nos esset aliqua forte dissensio, maximas in re publica discordias versari esset necesse. quod a me ita praecautum atque provisum est non ut ego de optima illa mea ratione decederem sed ut ille esset melior et aliquid de populari levitate deponeret. quem de meis rebus, in quas eum multi incitarant, multo scito gloriosius quam de suis praedicare; sibi enim bene gestae, mihi conservatae rei publicae dat testimonium. hoc facere illum mihi quam prosit nescio; rei publicae certe prodest. quid? si etiam Caesarem cuius nunc venti valde sunt secundi reddo meliorem, num tantum obsum rei publicae?

[7] quin etiam si mihi nemo invideret, si omnes, ut erat aequum, faverent, tamen non minus esset probanda medicina quae sanaret vitiosas partis rei publicae quam quae exsecaret. nunc vero, quom equitatus ille quem ego in clivo Capitolino te signifero ac principe conlocaram senatum deseruerit, nostri autem principes digito se caelum putent attingere si mulli barbati in piscinis sint qui ad manum accedant, alia autem neglegant, nonne tibi satis prodesse videor si perficio ut nolint obesse qui possunt?

[8] nam Catonem nostrum non tu amas plus quam ego; sed tamen ille optimo animo utens et summa fide nocet interdum rei publicae; dicit enim tamquam in Platonis politeiai, non tamquam in Romuli faece sententiam. quid verius quam in iudicium venire qui ob rem iudicandam pecuniam acceperit? censuit hoc Cato, adsensit senatus; equites curiae bellum, non mihi; nam ego dissensi. quid impudentius publicanis renuntiantibus? fuit tamen retinendi ordinis causa facienda iactura. restitit et pervicit Cato. itaque nunc consule in carcere incluso, saepe item seditione commota, aspiravit nemo eorum quorum ego concursu itemque ii consules qui post me fuerunt rem publicam defendere solebant. ‘quid ergo? istos’ inquies ‘mercede conductos habebimus?’ quid faciemus, si aliter non possumus? an libertinis atque etiam servis serviamus? sed, ut tu ais, halis spoudes.

[9] Favonius meam tribum tulit honestius quam suam, Luccei perdidit. accusavit Nasicam inhoneste ac modeste tamen; dixit ita ut Rhodi videretur molis potius quam Moloni operam dedisse. mihi quod defendissem leviter suscensuit. nunc tamen petit iterum rei publicae causa. Lucceius quid agat scribam ad te cum Caesarem videro, qui aderit biduo.

[10] quod Sicyonii te laedunt, Catoni et eius aemulatori attribuis Servilio. quid? ea plaga nonne ad multos bonos viros pertinet? sed si ita placuit, laudemus, deinde in dissensionibus soli relinquamur?

[11] Amalthea mea te exspectat et indiget tui. Tusculanum et Pompeianum valde me delectant, nisi quod me, illum ipsum vindicem aeris alieni, aere non Corinthio sed hoc circumforaneo obruerunt. in Gallia speramus esse otium. prognostica mea cum oratiunculis prope diem exspecta et tamen quid cogites de adventu tuo scribe ad nos. nam mihi Pomponia nuntiari iussit te mense Quintili Romae fore. id a tuis litteris quas ad me de censu tuo miseras discrepabat.

[12] Paetus, ut antea ad te scripsi, omnis libros quos frater suus reliquisset mihi donavit. hoc illius munus in tua diligentia positum est. si me amas, cura ut conserventur et ad me perferantur; hoc mihi nihil potest esse gratius. et cum Graecos tum vero diligenter Latinos ut conserves velim. tuum esse hoc munusculum putabo. ad Octavium dedi litteras; cum ipso nihil eram locutus; neque enim ista tua negotia provincialia esse putabam neque te in tocullionibus habebam. sed scripsi, ut debui, diligenter.

[II] Scr. ad villam m. Dec., a. 694 (60).

CICERO ATTICO SAL.

cura, amabo te, Ciceronem nostrum. ei nos theioi videmur. Pellenaion in manibus tenebam et hercule magnum acervum Dicaearchi mihi ante pedes exstruxeram. O magnum hominem et unde multo plura didiceris quam de Procilio! Korinthion et Athenaion puto me Romae habere. mihi +credes lege hec doceo+ mirabilis vir est. Herodes, si homo esset, eum potius legeret quam unam litteram scriberet. qui me epistula petivit, ad te, ut video,

comminus accessit. coniurasse mallem quam restitisse coniurationi, si illum mihi audiendum putassem.

[3] de lolio sanus non es; de vino laudo. sed heus tu, ecquid vides Kalendas venire, Antonium non venire? iudices cogi? nam ita ad me mittunt, Nigidium minari in contione se iudicem qui non adfuerit compellaturum. velim tamen si quid est de Antoni adventu quod audieris scribas ad me et, quoniam huc non venis, cenes apud nos utique pridie Kal. Cave aliter facias. cura ut valeas.

[III] Scr. ad villam m. Dec. a. 694 (60).

CICERO ATTICO SAL.

primum, ut opinor, euangelia. Valerius absolutus est Hortensio defendente. id iudicium Auli filio condonatum putabatur; et Epicratem suspicor, ut scribis, lascivum fuisse. etenim mihi caligae eius et fasciae cretatae non placebant. quid sit sciemus cum veneris.

[2] fenestrarum angustias quod reprehendis, scito te Kurou paideian reprehendere. nam cum ego idem istuc dicerem, Cyrus aiebat viridariorum diaphaseis latis luminibus non tam esse suavis; etenim esto opsis men he a, to de horomenon b, g, aktines de d kai e. vides enim cetera. nam si kat' eidolon emptoseis videremus, valde laborarent eidola in angustiis. nunc fit lepide illa ekchusis radiorum. cetera si reprehenderis, non feres tacitum, nisi si quid erit eius modi quod sine i sumptu corrigi possit.

[3] venio nunc ad mensem Ianuarium et ad hupostasin nostram ac politeian, in qua Sokratikos eis hekateron sed tamen ad extremum, ut illi solebant,ten areskousan. est res sane magni consili; nam aut fortiter resistendum est legi agrariae, in quo est quaedam dimicatio sed plena laudis, aut quiescendum, quod est non dissimile atque ire in Solonium aut Antium, aut etiam adiuvandum, quod a me aiunt Caesarem sic exspectare ut non dubitet. nam fuit apud me Cornelius, hunc dico Balbum, Caesaris familiarem. is adfirmabat illum omnibus in rebus meo et Pompei consilio usurum daturumque operam ut cum Pompeio Crassum coniungeret.

[4] hic sunt haec, coniunctio mihi summa cum Pompeio, si placet,

etiam cum Caesare, reditus in gratiam cum inimicis, pax cum multitudine, senectutis otium. sed me katakleis mea illa commovet quae est in libro tertio:

interea cursus, quos prima a parte iuventae
quosque adeo consul virtute animoque petisti,
hos retine atque auge famam laudesque bonorum.

haec mihi cum in eo libro in quo multa sunt scripta aristokratikos Calliope ipsa praescripserit, non opinor esse dubitandum quin semper nobis videatur heis oionos aristos amunesthai peri patres. sed haec ambulationibus compitaliciis reservemus. tu pridie compitalia memento. Balineum calfieri iubebo. et Pomponiam Terentia rogat; matrem adiungemus. Theophrastou peri philotimias adfer mihi de libris Quinti fratris.

[IV] Scr. Anti medio circ. m. Aprili a. 695 (59).

CICERO ATTICO SAL.

fecisti mihi pergratum quod Serapionis librum ad me misisti; ex quo quidem ego, quod inter nos liceat dicere, millesimam partem vix intellego. pro eo tibi praesentem pecuniam solvi imperavi, ne tu expensum muneribus ferres. at quoniam nummorum mentio facta est, amabo te, cura ut cum Titinio quoquo modo poteris transigas. si in eo quod ostenderat non stat, mihi maxime placet ea quae male empta sunt reddi, si voluntate Pomponiae fieri poterit; si ne id quidem, nummi potius reddantur quam ullus sit scrupulus. valde hoc velim ante quam proficiscare amanter, ut soles, diligenterque conficias. Clodius ergo, ut ais, ad Tigranem!

[2] velim +Sirpiae+ condicione; sed facile patior. accommodatius enim nobis est ad liberam legationem tempus illud, cum et Quintus noster iam, ut speramus, in otio consederit et iste sacerdos bonae deae cuius modi futurus sit scierimus. interea quidem cum Musis nos delectabimus animo aequo, immo vero etiam gaudenti ac libenti, neque mihi umquam veniet in mentem Crasso invidere neque paenitere quod a me ipse non desciverim.

[3] de geographia dabo operam ut tibi satis faciam; sed nihil certi polliceor. Magnum opus est, sed tamen, ut iubes, curabo ut huius

peregrinationis aliquod tibi opus exstet.

[4] tu quicquid indagaris de re publica et maxime quos consules futuros putes facito ut sciam. tametsi nimis sum curiosus; statui enim nihil iam de re publica cogitare. Terentiae saltum perspeximus. quid quaeris? praeter quercum Dodonaeam nihil desideramus quo minus Epirum ipsam possidere videamur.

[6] nos circiter Kal. aut in Formiano erimus aut in Pompeiano. tu, si in Formiano non erimus, si nos amas, in Pompeianum venito. id et nobis erit periucundum et tibi non sane devium.

[7] de muro imperavi Philotimo ne impediret quo minus id fieret quod tibi videretur. tu censeo tamen adhibeas Vettium. his temporibus tam dubia vita optimi cuiusque magni aestimo unius aestatis fructum palaestrae Palatinae, sed ita tamen ut nihil minus velim quam Pomponiam et puerum versari in timore ruinae.

[V] Scr. Anti medio m. Apr. a. 695 (59).

CICERO ATTICO SAL.

cupio equidem et iam pridem cupio Alexandream reliquamque Aegyptum visere et simul ab hac hominum satietate nostri discedere et cum aliquo desiderio reverti; sed hoc tempore et his mittentibus aideomai Troas kai Troiadas helkesipeplous quid enim nostri optimates, si qui reliqui sunt, loquentur? an me aliquo praemio de sententia esse deductum? Pouludamas moi protos elencheien anathesei, Cato ille noster qui mihi unus est pro centum milibus. quid vero historiae de nobis ad annos Dc praedicabunt? quas quidem ego multo magis vereor quam eorum hominum qui hodie vivunt rumusculos. sed, opinor, excipiamus et exspectemus. si enim deferetur, erit quaedam nostra potestas et tum deliberabimus. etiam hercule est in non accipiendo non nulla gloria. qua re si quid Theophanes tecum forte contulerit ne omnino repudiaris.

[2] de istis rebus exspecto tuas litteras, quid Arrius narret, quo animo se destitutum ferat, et qui consules parentur, utrum, ut populi sermo, Pompeius et Crassus an, ut mihi scribitur, cum Gabinio Servius Sulpicius, et num quae novae leges et num quid novi omnino, et quoniam Nepos proficiscitur, cuinam auguratus deferatur;

quo quidem uno ego ab istis capi possum. vide levitatem meam. sed quid ego haec quae cupio deponere et toto animo atque omni cura philosophein? sic inquam in animo est; vellem ab initio, nunc vero, quoniam quae putavi esse praeclara expertus sum quam essent inania, cum omnibus Musis rationem habere cogito.

[3] tu tamen de Curtio ad me rescribe certius, et nunc quis in eius locum paretur, et quid de P. Clodio fiat, et omnia, quem ad modum polliceris, epi scholes scribe, et quo die Roma te exiturum putes velim ad me scribas, ut certiorem te faciam quibus in locis futurus sim, epistulamque statim des de iis rebus de quibus ad te scripsi. valde enim exspecto tuas litteras.

[VI] Scr. Anti medio m. Apr. a. 695 (59).

CICERO ATTICO SAL.

quod tibi superioribus litteris promiseram, fore ut opus exstaret huius peregrinationis, nihil iam magno opere confirmo; sic enim sum complexus otium ut ab eo divelli non queam. itaque aut libris me delecto, quorum habeo Anti festivam copiam, aut fluctus numero (nam ad lacertas captandas tempestates non sunt idoneae); a scribendo prorsus abhorret animus. etenim geographika quae constitueram magnum opus est. ita valde Eratosthenes, quem mihi proposueram, a Serapione et ab Hipparcho reprehenditur. quid censes si Tyrannio accesserit? et hercule sunt res difficiles ad explicandum et homoeideis nec tam possunt antherographeisthai quam videbantur et, quod caput est, mihi quaevis satis iusta causa cessandi est qui etiam dubitem an hic Anti considam et hoc tempus omne consumam, ubi quidem ego mallem duumvirum quam Romae fuisse.

[2] tu vero sapientior Buthroti domum parasti. sed, mihi crede, proxima est illi municipio haec Antiatium civitas. esse locum tam prope Romam ubi multi sint qui Vatinium numquam viderint, ubi nemo sit praeter me qui quemquam ex viginti viris vivum et salvum velit, ubi me interpellet nemo, diligant omnes! hic, hic nimirum politeuteon; nam istic non solum non licet sed etiam taedet. itaque anekdota quae tibi uni legamus Theopompio genere aut etiam asperiore multo pangentur. neque aliud iam quicquam politeuomai

nisi odisse improbos et id ipsum nullo cum stomacho sed potius cum aliqua scribendi voluptate. sed ut ad rem, scripsi ad quaestores urbanos de Quinti fratris negotio. vide quid narrent, ecquae spes sit denari an cistophoro Pompeiano iaceamus. praeterea de muro statue quid faciendum sit. aliud quid? etiam. quando te proficisci istinc putes fac ut sciam.

[VII] Scr. Anti medio m. Apr. a. 695 (59).

CICERO ATTICO SAL.

de geographia etiam atque etiam deliberabimus. orationes autem a me duas postulas; quarum alteram non libebat mihi scribere +qui absciram+, alteram, ne laudarem eum quem non amabam. sed id quoque videbimus. denique aliquid exstabit, ne tibi plane cessasse videamur.

[2] de Publio quae ad me scribis sane mihi iucunda sunt, eaque etiam velim omnibus vestigiis indagata ad me adferas cum venies, et interea scribas si quid intelleges aut suspicabere, et maxime de legatione quid sit acturus. equidem ante quam tuas legi litteras, +in+ hominem ire cupiebam, non me hercule ut differrem cum eo vadimonium (nam mira sum alacritate ad litigandum), sed videbatur mihi, si quid esset in eo populare quod plebeius factus esset, id amissurus. ‘quid enim? ad plebem transisti ut Tigranem ires salutatum? narra mihi, reges Armenii patricios resalutare non solent?’ quid quaeris? acueram <me> ad exagitandam hanc eius legationem. quam si ille contemnit, et si, ut scribis, bilem id commovet et latoribus et auspicibus legis curiatae, spectaculum egregium. hercule verum ut loquamur, subcontumeliose tractatur noster Publius, primum qui, cum domi Caesaris quondam unus vir fuerit, nunc ne in viginti quidem esse potuerit; deinde alia legatio dicta erat, alia data est. illa opima ad exigendas pecunias Druso, ut opinor, Pisaurensi an epuloni Vatinio reservatur; haec ieiuna tabellari legatio datur ei cuius tribunatus ad istorum tempora reservatur. incende hominem, amabo te, quod potes. Vna spes est salutis istorum inter istos dissensio; cuius ego quaedam initia sensi ex Curione. iam vero Arrius consulatum sibi ereptum fremit; Megabocchus et haec

sanguinaria iuventus inimicissima est. accedat vero, accedat etiam ista rixa auguratus. spero me praeclaras de istis rebus epistulas ad te saepe missurum.

[4] sed illud quid sit scire cupio, quod iacis obscure iam etiam ex ipsis quinque viris loqui quosdam. quidnam id est? si est enim aliquid, plus est boni quam putaram. atque haec sic velim existimes non me abs te kata to praktikon quaerere, quod gestiat animus aliquid agere in re publica. iam pridem gubernare me taedebat, etiam cum licebat; nunc vero cum cogar exire de navi non abiectis sed ereptis gubernaculis, cupio istorum naufragia ex terra intueri, cupio, ut ait tuus amicus Sophocles,

kan hupo stegei
puknes akouein psakados heudousei phreni.

[5] de muro quid opus sit videbis. Castricianum mendum nos corrigemus, et tamen ad me Quintus HS cci&;[c] I[c][c] scripserat, +non ad sororem tuam HS xxx. a.+ Terentia tibi salutem dicit. Cicero tibi mandat ut Aristodemo idem de se respondeas quod de fratre suo, sororis tuae filio, respondisti. de Amaltheiai quod me admones non neglegemus. cura ut valeas.

[VIII] Scr. Anti medio m. Apr. a. 695 (59).

CICERO ATTICO SAL.

epistulam cum a te avide exspectarem ad vesperum, ut soleo, ecce tibi nuntius pueros venisse Roma! voco, quaero ecquid litterarum. negant. ‘quid ais?’ inquam ‘nihilne a Pomponio?’ perterriti voce et vultu confessi sunt se accepisse sed excidisse in via. quid quaeris? permoleste tuli; nulla enim abs te per hos dies epistula inanis aliqua re utili et suavi venerat. nunc si quid in ea epistula quam ante diem xvi Kal. Maias dedisti fuit historia dignum, scribe quam primum, ne ignoremus; sin nihil praeter iocationem, redde id ipsum. et scito Curionem adulescentem venisse ad me salutatum. valde eius sermo de Publio cum tuis litteris congruebat; ipse vero mirandum in modum ‘reges odisse superbos.’ peraeque narrabat incensam esse iuventutem neque ferre haec posse. bene habemus nos, si in his spes est; opinor,

aliud agamus. ego me do historiae; quamquam licet me Saufeium putes esse. nihil me est inertius.

[2] sed cognosce itinera nostra, ut statuas ubi nos visurus sis. in Formianum volumus venire parilibus; inde, quoniam putas praetermittendum nobis esse hoc tempore cratera illum delicatum, Kal. Maias de Formiano proficiscemur, ut Anti simus a. d. v Nonas Maias. ludi enim Anti futuri sunt a iiii ad pr. Nonas Maias. Eos Tullia spectare vult. Inde cogito in Tusculanum, deinde Arpinum, Romam ad Kal. Iunias. te aut in Formiano aut Anti aut in Tusculano cura ut videamus. epistulam superiorem restitue nobis et appinge aliquid novi.

[IX] Scr. Anti medio m. Apr. a. 695 (59).

CICERO ATTICO SAL.

subito cum mihi dixisset Caecilius quaestor puerum se Romam mittere, haec scripsi raptim, ut tuos <elicerem> mirificos cum Publio dialogos, cum eos de quibus scribis, tum illum quem abdis et ais longum esse quae ad ea responderis perscribere; illum vero qui nondum habitus est, quem illa boopis, cum e Solonio redierit, ad te est relatura, sic velim putes, nihil hoc posse mihi esse iucundius. si vero quae de me pacta sunt ea non servantur, in caelo sum, ut sciat hic noster Hierosolymarius traductor ad plebem quam bonam meis putissimis orationibus gratiam rettulerit. quarum exspecta divinam palinoidian. etenim quantum coniectura auguramur, si erit nebulo iste cum his dynastis in gratia, non modo de cynico consulari sed ne de istis quidem piscinarum Tritonibus poterit se iactare. non enim poterimus ulla esse invidia spoliati opibus et illa senatoria potentia. sin autem ab iis dissentiet, erit absurdum in nos invehi. verum tamen invehatur. Festive, mihi crede, et minore sonitu quam putaram, orbis hic in re publica est conversus citius omnino quam potuit; +id culpa Catonis, sed rursus improbitate istorum qui auspicia, qui Aeliam legem, qui Iuniam et Liciniam, qui Caeciliam et Didiam neglexerunt, qui omnia remedia rei publicae effuderunt, qui regna qui praedia tetrarchis, qui immanis pecunias paucis dederunt.

[2] video iam quo invidia transeat et ubi sit habitatura. nihil me

existimaris neque usu neque a Theophrasto didicisse, nisi brevi tempore desiderari nostra illa tempora videris. etenim si fuit invidiosa senatus potentia, cum ea non ad populum sed ad tris homines immoderatos redacta sit, quid iam censes fore? proinde isti licet faciant quos volent consules, tribunos pl., denique etiam Vatini strumam sacerdoti dibaphoi vestiant, videbis brevi tempore magnos non modo eos qui nihil titubarunt sed etiam illum ipsum qui peccavit Catonem.

[3] nam nos quidem, si per istum tuum a sodalem Publium licebit, sophisteuein cogitamus, si ille +cogitat tantum+, dumtaxat nos defendere, et, quod est proprium artis huius, epangellomai andr' apamunesthai hote tis proteros chalepenei patria propitia sit. habet a nobis, etiam si non plus quam debitum est, plus certe quam postulatum est. male vehi malo alio gubernante quam tam ingratis vectoribus bene gubernare.

[4] sed haec coram commodius. nunc audi quod quaeris. Antium me ex Formiano recipere cogito a. d. v Nonas Maias; Antio volo Nonis Maus proficisci in Tusculanum. sed cum e Formiano rediero (ibi esse usque ad pr. K. Maias volo), faciam statim te certiorem. Terentia tibi salutem, kai Kikeron ho mikros aspazetai Titon ton Athenaion.

[X] Scr. ab Appi Foro xii K. Apr. a. 695 (59).

CICERO ATTICO SAL.

volo ames meam constantiam. ludos Anti spectare non placet; est enim huposoloikon, quom velim vitare omnium deliciarum suspicionem, repente anaphainesthai non solum delicate sed etiam inepte peregrinantem. qua re usque ad Nonas Maias te in Formiano exspectabo. nunc fac ut sciam quo die te visuri simus. ab Appi foro hora quarta. dederam aliam paulo ante a tribus tabernis.

[XI] Scr. in Formiano circ. vi K. Mai. a. 695 (59).

CICERO ATTICO SAL.

narro tibi, plane relegatus mihi videor postea quam in Formiano sum.

dies enim nullus erat, Anti cum essem, quo die non melius scirem Romae quid ageretur quam ii qui erant Romae. etenim litterae tuae non solum quid Romae sed etiam quid in re publica, neque solum quid fieret verum etiam quid futurum esset indicabant. nunc nisi si quid ex praetereunte viatore exceptum est, scire nihil possumus. qua re quamquam iam te ipsum exspecto, tamen isti puero quem ad me statim iussi recurrere da ponderosam aliquam epistulam plenam omnium non modo actorum sed etiam opinionum tuarum, ac diem quo Roma sis exiturus cura ut sciam. nos in Formiano esse volumus usque ad prid. Nonas Maias. eo si ante eam diem non veneris, Romae te fortasse videbo; nam Arpinum quid ego te invitem?

trechei', all' agathe kourotrophos, out' ar' egoge
hes gaies dunamai glukeroteron allo idesthai.

haec igitur. cura ut valeas.

[XII] Scr. a Tribus Tabernis xiii K. Mai. a. 695 (59).

CICERO ATTICO SAL.

negent illi Publium plebeium factum esse? hoc vero regnum est et ferri nullo pacto potest. emittat ad me Publius qui obsignent; iurabo Gnaeum nostrum, conlegam Balbi, Anti mihi narrasse se in auspicio fuisse. O suavis epistulas tuas uno tempore mihi datas duas! quibus euangelia quae reddam nescio; deberi quidem plane fateor. sed vide sunkurema.

[2] emerseram commodum ex Antiati in Appiam ad tris tabernas ipsis Cerialibus, cum in me incurrit Roma veniens Curio meus. ibidem ilico puer abs te cum epistulis. ille ex me, nihilne audissem novi. ego negare. 'Publius' inquit 'tribunatum pl. petit.' 'quid ais?' 'et inimicissimus quidem Caesaris, et ut omnia' inquit 'ista rescindat.' 'quid Caesar?' inquam 'negat se quicquam de illius adoptione tulisse.' deinde suum, Memmi, Metelli Nepotis exprompsit odium. complexus iuvenem dimisi properans ad epistulas. Vbi sunt qui aiunt zoses phones? quanto magis vidi ex tuis litteris quam ex illius sermone quid ageretur, de ruminatione cotidiana, de cogitatione Publi, de lituis boopidos, de signifero Athenione, de litteris missis ad Gnaeum, de Theophanis Memmique sermone; quantam porro mihi

exspectationem dedisti convivi istius aselgous! sum in curiositate oxupeinos, sed tamen facile patior te id ad me sumposion non scribere; praesentem audire malo.

[3] quod me ut scribam aliquid hortaris, crescit mihi quidem materies, ut dicis, sed tota res etiam nunc fluctuat, kat' oporen trux. quae si desederit, magis erunt liquata quae scribam. quae si statim a me ferre non potueris, primus habebis tamen et aliquamdiu solus.

[4] Dicaearchum recte amas; luculentus homo est et civis haud paulo melior quam isti nostri adikaiarchoi. Litteras scripsi hora decima Cerialibus statim ut tuas legeram, sed eas eram daturus, ut putaram, postridie ei qui mihi primus obviam venisset. Terentia delectata est tuis litteris; impertit tibi multam salutem, kai Kikeron ho philosophos ton politikon Titon aspazetai.

[XIII] Scr. in Formiano m. Apr. circ. v K. Mai. a. 695 (59).

CICERO ATTICO SAL.

facinus indignum! epistulam authorei tibi a tribus tabernis rescriptam ad tuas suavissimas epistulas neminem reddidisse! at scito eum fasciculum, quo illam conieceram, domum eo ipso die latum esse quo ego dederam et ad me in Formianum relatum esse. itaque tibi tuam epistulam iussi referri, ex qua intellegeres quam mihi tum illae gratae fuissent.

[2] Romae quod scribis sileri, ita putabam; at hercule in agris non siletur, nec iam ipsi agri regnum vestrum ferre possunt. si vero in hanc Telepulon veneris Laistrugonien, Formias dico, qui fremitus hominum! quam irati animi! quanto in odio noster amicus Magnus! cuius cognomen una cum Crassi divitis cognomine consenescit. credas mihi velim, neminem adhuc offendi qui haec tam lente quam ego fero ferret. qua re, mihi crede, philosophomen. iuratus tibi possum dicere nihil esse tanti. tu si litteras ad Sicyonios habes, advola in Formianum, unde nos pridie Nonas Maias cogitamus.

[XIV] Scr. in Formiano circ. iv K. Mai. a. 695 (59).

CICERO ATTICO SAL.

quantam tu mihi moves exspectationem de sermone Bibuli, quantam de colloquio boopidos, quantam etiam de illo delicato convivio! proinde ita fac venias ut ad sitientis auris. quamquam nihil est iam quod magis timendum nobis putem quam ne ille noster Sampsiceramus, quom se omnium sermonibus sentiet vapulare et quom has actiones euanatreptous videbit, ruere incipiat. ego autem usque eo sum enervatus ut hoc otio quo nunc tabescimus malim enturanneisthai quam cum optima spe dimicare.

[2] de pangendo quod me crebro adhortaris, fieri nihil potest. basilicam habeo non villam frequentia Formianorum +ad quam partem basilicae tribum Aemiliam+. sed omitto vulgus; post horam quartam molesti ceteri non sunt. C. Arrius proximus est vicinus, immo ille quidem iam contubernalis, qui etiam se idcirco Romam ire negat ut hic mecum totos dies philosophetur. ecce ex altera parte Sebosus, ille Catuli familiaris. quo me vertam? statim me hercule Arpinum irem, ni te in Formiano commodissime exspectari viderem dumtaxat ad pr. Nonas Maias; vides enim quibus hominibus aures sint deditae meae. <O> occasionem mirificam, si qui nunc dum hi apud me sunt emere de me fundum Formianum velit! et tamen illud probem: ‘Magnum quid adgrediamur et multae cogitationis atque oti’? sed tamen satis fiet a nobis neque parcetur labori.

[XV] Scr. in Formiano circ. iii K. Mai. a. 695 (59).

CICERO ATTICO SAL.

Vt scribis ita video non minus incerta in re publica quam in epistula tua, sed tamen ista ipsa me varietas sermonum opinionumque delectat. Romae enim videor esse cum tuas litteras lego et, ut fit in tantis rebus, modo hoc modo illud audire. illud tamen explicare non possum quidnam inveniri possit nullo recusante ad facultatem agrariam.

[2] Bibuli autem ista magnitudo animi in comitiorum dilatione quid habet nisi ipsius iudicium sine ulla correctione rei publicae? nimirum in Publio spes est. fiat, fiat tribunus pl., si nihil aliud ut eo citius tu ex Epiro revertare; nam ut illo tu careas non video posse fieri, praesertim si mecum aliquid volet disputare. sed id quidem non

dubium est quin si quid erit eius modi sis advolaturus. verum ut hoc non sit, tamen, sive ruet <sive> geret rem publicam, praeclarum spectaculum mihi propono, modo te consessore spectare liceat.

[3] Cum haec maxime scriberem, ecce tibi Sebosus! nondum plane ingemueram, 'salve' inquit Arrius. hoc est Roma decedere! quos ego homines effugi cum in hos incidi! ego vero in montis patrios et ad incunabula nostra pergam. denique si solus non potuero, cum rusticis potius quam cum his perurbanis, ita tamen ut, quoniam tu certi nihil scribis, in Formiano tibi praestoler usque ad iii Nonas Maias.

[4] Terentiae pergrata est adsiduitas tua et diligentia in controversia Mulviana. nescit omnino te communem causam defendere eorum qui agros publicos possideant; sed tamen tu aliquid publicanis pendis, haec etiam id recusat. ea tibi igitur et Kikeron, aristokratikotatos pais, salutem dicunt.

[XVI] Scr. in Formiano in m. Maio a. 695 (59).

CICERO ATTICO SAL.

cenato mihi et iam dormitanti pridie K; Maias epistula est illa reddita in qua de agro Campano scribis. quid quaeris? primo ita me pupugit ut somnum mihi ademerit, sed id cogitatione magis quam molestia; cogitanti autem haec fere succurrebant. primum ex eo quod superioribus litteris scripseras, ex familiari te illius audisse prolatum iri aliquid quod nemo improbaret, maius aliquid timueram. hoc mihi eius modi non videbatur. deinde ut me egomet consoler, omnis exspectatio largitionis agrariae in agrum Campanum videtur esse derivata, qui ager; ut dena iugera sint, non amplius homines quinque milia potest sustinere; reliqua omnis multitudo ab illis abalienetur necesse est. praeterea si ulla res est quae bonorum animos quos iam video esse commotos vehementius possit incendere, haec certe est et eo magis quod portoriis Italiae sublatis, agro Campano diviso, quod vectigal superest domesticum praeter vicensimam? quae mihi videtur una contiuncula clamore pedisequorum nostrorum esse peritura.

[2] Gnaeus quidem noster iam plane quid cogitet nescio .
phusai gar ou smikroisin auliskois eti,

all’ agriais phusaisi phorbeias ater

qui quidem etiam istuc adduci potuerit. nam adhuc haec esophizeto, se leges Caesaris probare, actiones ipsum praestare debere; agrariam legem sibi placuisse, potuerit intercedi necne nihil ad se pertinere; de rege Alexandrino placuisse sibi aliquando confici; Bibulus de caelo tum servasset necne sibi quaerendum non fuisse; de publicanis voluisse illi ordini commodare; quid futurum fuerit si Bibulus tum in forum descendisset se divinare non potuisse. nunc vero, Sampsicerame, quid dices? vectigal te nobis in monte Antilibano constituisse, agri Campani abstulisse? quid? hoc quem ad modum obtinebis? ‘oppressos vos’ inquit ‘tenebo exercitu Caesaris.’ non me hercule me tu quidem tam isto exercitu quam ingratis animis eorum hominum qui appellantur boni, qui mihi non modo praemiorum sed ne sermonum quidem umquam fructum ullum aut gratiam rettulerunt.

[3] quod si in eam me partem incitarem, profecto iam aliquam reperirem resistendi viam. nunc prorsus hoc statui, ut, quoniam tanta controversia est Dicaearcho familiari tuo cum Theophrasto amico meo ut ille tuus ton praktikon bion longe omnibus anteponat, hic autem ton theoretikon utrique a me mos gestus esse videatur. puto enim me Dicaearcho adfatim satis fecisse; respicio nunc ad hanc familiam quae mihi non modo ut requiescam permittit, sed reprehendit quia non semper quierim. qua re incumbamus, o noster Tite, ad illa praeclara studia et eo unde discedere non oportuit aliquando revertamur.

[4] quod de Quinti fratris epistula scribis, ad me quoque fuit prosthe leon, opithen de — . quid dicam nescio; nam ita deplorat primis versibus mansionem suam ut quemvis movere possit, ita rursus remittit ut me roget ut annalis suos emendem et edam. illud tamen quod scribis animadvertas velim de portorio circumvectionis; ait se de consili sententia rem ad senatum reiecisse. nondum videlicet meas litteras legerat quibus ad eum re consulta et explorata perscripseram non deberi. velim si qui Graeci iam Romam ex Asia de ea causa venerunt videas et, si tibi videbitur, iis demonstres quid ego de ea re sentiam. si possum discedere, ne causa optima in senatu pereat, ego satis faciam publicanis; ei de me (vere tecum loquar), in

hac re malo universae Asiae et negotiatoribus; nam eorum quoque vehementer interest. hoc ego sentio valde nobis opus esse. sed tu id videbis. quaestores autem, quaeso, num etiam de cistophoro dubitant? nam si aliud nihil erit, cum erimus omnia experti, ego ne illud quidem contemnam quod extremum est; te in Arpinati videbimus et hospitio agresti accipiemus, quoniam maritimum hoc contempsisti.

[XVII] Scr. in Formiano in. m. Mai. a. 695 (59).

CICERO ATTICO SAL.

prorsus ut scribis ita sentio, turbatur Sampsiceramus. nihil est quod non timendum sit; homologoumenos turannida suskeuazetai. quid enim ista repentina adfinitatis coniunctio, quid ager Campanus, quid effusio pecuniae significant? quae si essent extrema tamen esset nimium mali, sed ea natura rei est ut haec extrema esse non possint. quid enim? eos haec ipsa per se delectare possunt? numquam huc venissent nisi ad alias res pestiferas aditus sibi compararent. verum, ut scribis, haec in Arpinati a. d. vi circiter Idus Maias non deflebimus, ne et opera et oleum philologiae nostrae perierit; sed conferemus tranquillo animo.

[2] di immortales neque tam me euelpistia consolatur ut antea quam adiaphoria, qua nulla in re tam utor quam in hac civili et publica. quin etiam quod est subinane in nobis et non aphilodoxon (bellum est enim sua vitia nosse), id adficitur quadam delectatione. solebat enim me pungere ne Sampsicerami merita in patriam ad annos sescentos maiora viderentur quam nostra. hac quidem cura certe iam vacuus sum; iacet enim ille sic ut + phocis + Curiana stare videatur. sed haec coram.

[3] tu tamen videris mihi Romae fore ad nostrum adventum, quod sane facile patiar si tuo commodo fieri possit; sin ut scribis ita venies, velim ex Theophane expiscere quonam in me animo sit arabarches. quaeres scilicet kata to kedemonikon et ad me ab eo quasi hupothekas adferes quem ad modum me geram. aliquid ex eius sermone poterimus peri ton holon suspicari.

[XVIII] Scr. Romae m. Iun. aut in. Quint. a. 695 (59).

CICERO ATTICO SAL.

accepi aliquot epistulas tuas, ex quibus intellexi quam suspenso animo et sollicito scire averes quid esset novi. tenemur undique neque iam quo minus serviamus recusamus, sed mortem et eiectionem quasi maiora timemus, quae multo sunt minora. atque hic status qui nunc est una voce omnium gemitur neque verbo cuiusquam sublevatur. Skopos est, ut suspicor, illis qui tenent, nullam cuiquam argitionem relinquere. Vnus loquitur et palam adversatur adulescens Curio. huic plausus maximi, consalutatio forensis perhonorifica, signa praeterea benevolentiae permulta a bonis impertiuntur. Fufium clamoribus et conviciis et sibilis consectantur. his ex rebus non spes, sed dolor est maior cum videas civitatis voluntatem solutam, virtutem adligatam.

[2] ac ne forte quaeras kata lepton de singulis rebus, universa res eo est deducta spes ut nulla sit aliquando non modo privatos verum etiam magistratus liberos fore. hac tamen in oppressione sermo in circulis dumtaxat et in conviviis est liberior quam fuit. vincere incipit timorem dolor, sed ita ut omnia sint plenissima desperationis. habet etiam Campana lex exsecrationem in contione candidatorum, si mentionem fecerint quo aliter ager possideatur atque ut ex legibus Iuliis. non dubitant iurare ceteri; Laterensis existimatur laute fecisse quod tribunatum pl. petere destitit ne iuraret.

[3] sed de re publica non libet plura scribere. displiceo mihi nec sine summo scribo dolore. me tueor ut oppressis omnibus non demisse, ut tantis rebus gestis parum fortiter. A Caesare valde liberaliter invitor in legationem illam, sibi ut sim legatus, atque etiam libera legatio voti causa datur. sed haec et praesidi apud pudorem pulchelli non habet satis et a fratris adventu me ablegat, illa et munitior est et non impedit quo minus adsim quom velim. hanc ego teneo sed usurum me non puto, neque tamen scit quisquam. non lubet fugere, aveo pugnare. Magna sunt hominum studia. sed nihil adfirmo; tu hoc silebis.

[4] de Statio manu misso et non nullis aliis rebus angor equidem, sed iam prorsus occallui. tu vellem ego vel cuperem adesses; nec

mihi consilium nec consolatio deesset. sed ita te para ut, si inclamaro, advoles.

[XIX] Scr. Romae mmedio m Quint. a. 695 (59).

CICERO ATTICO SAL.

multa me sollicitant et ex rei publicae tanto motu et ex iis periculis quae mihi ipsi intenduntur et sescenta sunt; sed mihi nihil est molestius quam Statium manu missum; ne/c meum imperium, ac mi/tto imperium, no/n simultate/m meam Reverteri saltem! nec quid faciam scio neque tantum est in re quantus est sermo. ego autem ne irasci possum quidem iis quos valde amo; tantum doleo ac mirifice quidem. + cetera in magnis rebus+. minae Clodi contentionesque <quae> mihi proponuntur modice me tangunt; etenim vel subire eas videor mihi summa cum dignitate vel declinare nulla cum molestia posse. dices fortasse: ‘dignitatis halis tamquam druos, saluti, si me amas, consule.’ me miserum! cur non ades? nihil profecto te praeteriret. ego fortasse tuphlotto et nimium toi kaloi prospepontha.

[2] scito nihil umquam fuisse tam infame, tam turpe, tam peraeque omnibus generibus, ordinibus, aetatibus offensum quam hunc statum qui nunc est, magis me hercule quam vellem non modo quam putarem. populares isti iam etiam modestos homines sibilare docuerunt. Bibulus in caelo est nec qua re scio, sed ita laudatur quasi Vnus homo nobis cunctando restituit rem. Pompeius, nostri amores, quod mihi summo dolori est, ipse se adflixit. neminem tenent voluntate; ne me tu necesse sit iis uti vereor. ego autem neque pugno cum illa causa propter illam amicitiam neque approbo, ne omnia improbem quae antea gessi; utor via. populi sensus maxime theatro et spectaculis perspectus est; nam gladiatoribus qua dominus qua advocati sibilis conscissi; ludis Apollinaribus Diphilus tragoedus in nostrum Pompeium petulanter invectus est;

nostra miseria/ tu es magnus —
miliens coactus est dicere;

Eandem virtutem istam veniet tempus cum graviter gemes totius theatri clamore dixit itemque cetera. nam et eius modi sunt ii versus

uti in tempus ab inimico Pompei scripti esse videantur:

si neque leges neque mores cogunt — ,

et cetera magno cum fremitu et clamore sunt dicta. Caesar cum venisset mortuo plausu, Curio filius est insecutus. huic ita plausum est ut salva re publica Pompeio plaudi solebat. tulit Caesar graviter. Litterae Capuam ad Pompeium volare dicebantur. inimici erant equitibus qui Curioni stantes plauserant, hostes omnibus; Rosciae legi, etiam frumentariae minitabantur. sane res erat perturbata. equidem malueram quod erat susceptum ab illis silentio transiri, sed vereor ne non liceat. non ferunt homines quod videtur esse tamen ferendum; sed est iam una vox omnium magis odio firmata quam praesidio.

[4] noster autem Publius mihi minitatur, inimicus est. impendet negotium, ad quod tu scilicet advolabis. videor mihi nostrum illum consularem exercitum bonorum omnium, etiam sat bonorum habere firmissimum. Pompeius significat studium erga me non mediocre; idem adfirmat verbum de me illum non esse facturum; in quo non me ille fallit sed ipse fallitur. Cosconio mortuo sum in eius locum invitatus. id erat vocari in locum mortui. nihil me turpius apud homines fuisset neque vero ad istam ipsam asphaleian quicquam alienius. sunt enim illi apud bonos invidiosi, ego apud improbos meam retinuissem invidiam, alienam adsumpsissem. Caesar me sibi vult esse legatum.

[5] honestior declinatio haec periculi; sed ego hoc non repudio. quid ergo est? pugnare malo. nihil tamen certi. iterum dico ‘utinam adesses!’ sed tamen si erit necesse, arcessemus. quid aliud? quid? hoc opinor. certi sumus perisse omnia; quid enim akkizometha tam diu? sed haec scripsi properans et me hercule timide. posthac ad te aut, si perfidelem habebo cui dem, scribam plane omnia aut, si obscure scribam, tu tamen intelleges. in iis epistulis me Laelium, te Furium faciam; cetera erunt en ainigmois. hic Caecilium colimus et observamus diligenter. edicta Bibuli audio ad te missa. Iis ardet dolore et ira noster Pompeius.

[XX] Scr. Romae in Quint. a. 695 (59).

CICERO ATTICO SAL.

Anicato, ut te velle intellexeram, nullo loco defui. Numestium ex litteris tuis studiose scriptis libenter in amicitiam recepi. Caecilium quibus rebus possum tueor diligenter. Varro satis facit nobis. Pompeius amat nos carosque habet. ‘credis?’ inquies. credo; prorsus mihi persuadet; sed quia volgo pragmatici homines omnibus historiis, praeceptis, versibus denique cavere iubent et vetant credere, alterum facio ut caveam, alterum ut non credam facere non possum.

[2] Clodius adhuc mihi denuntiat periculum. Pompeius adfirmat non esse periculum, adiurat; addit etiam se prius occisum iri ab eo quam me violatum iri. tractatur res. simul et quid erit certi, scribam ad te. si erit pugnandum, arcessam ad societatem laboris; si quies dabitur, ab Amalthea te non commovebo.

[3] de re <publica> breviter ad te scribam; iam enim charta ipsa ne nos prodat pertimesco. itaque posthac, si erunt mihi plura ad te scribenda, allegoriais obscurabo. nunc quidem novo quodam morbo civitas moritur, ut, cum omnes ea quae sunt acta improbent, querantur, doleant, varietas nulla in re sit, aperteque loquantur et iam, clare gemant, tamen medicina nulla adferatur. neque enim resisti sine internecione posse arbitramur nec videmus qui finis cedendi praeter exitium futurus sit.

[4] Bibulus hominum admiratione et benevolentia in caelo est; edicta eius et contiones describunt et legunt. novo quodam genere in summam gloriam venit. populare nunc nihil tam est quam odium popularium. haec quo sint eruptura timeo; sed si dispicere quid coepero scribam ad te apertius. tu si me amas tantum quantum profecto amas, expeditus facito ut sis si inclamaro ut accurras; sed do operam et dabo ne sit necesse. quod scripseram +et+ Furio scripturum, nihil necesse est tuum nomen mutare; me faciam Laelium et te Atticum neque utar meo chirographo neque signo, si modo erunt eius modi litterae quas in alienum incidere nolim.

[6] Diodotus mortuus est; reliquit nobis HS fortasse +centiens+. comitia Bibulus cum Archilochio edicto in ante diem xv Kal. Novembr. distulit. A Vibio libros accepi. poeta ineptus et tamen scit nihil, sed est non inutilis. describo et remitto.

[XXI] Scr. Romae post viii K. Sext., ante xv K. Nov. a. 695 (59).

CICERO ATTICO SAL.

de re publica quid ego tibi subtiliter? tota periit atque hoc est miserior quam reliquisti, quod tum videbatur eius modi dominatio civitatem oppressisse quae iucunda esset multitudini, bonis autem ita molesta ut tamen sine pernicie, nunc repente tanto in odio est omnibus ut quorsus eruptura sit horreamus. nam iracundiam atque intemperantiam illorum sumus experti qui Catoni irati omnia perdiderunt, sed ita lenibus uti videbantur venenis ut posse videremur sine dolore interire; nunc vero sibilis vulgi, sermonibus honestorum, fremitu Italiae vereor ne exarserint.

[2] equidem sperabam, ut saepe etiam loqui tecum solebam, sic orbem rei publicae esse conversum ut vix sonitum audire, vix impressam orbitam videre possemus; et fuisset ita, si homines transitum tempestatis exspectare potuissent. sed cum diu occulte suspirassent, postea iam gemere, ad extremum vero loqui omnes et clamare coeperunt.

[3] itaque ille noster amicus insolens infamiae, semper in laude versatus, circumfluens gloria, deformatus corpore, fractus animo, quo se conferat nescit; progressum praecipitem, inconstantem reditum videt; bonos inimicos habet, improbos ipsos non amicos. ac vide mollitiem animi. non tenui lacrimas cum illum a. d. viii Kal. Sextilis vidi de edictis Bibuli contionantem. qui antea solitus esset iactare se magnificentissime illo in loco summo cum amore populi, cunctis faventibus, ut ille tum humilis, ut demissus erat, ut ipse etiam sibi, non iis solum qui aderant, displicebat!

[4] O spectaculum uni Crasso iucundum, ceteris non item! nam quia deciderat ex astris, lapsus potius quam progressus videbatur, et, ut Apelles si venerem, aut Protogenes si Ialysum illum suum caeno oblitum videret, magnum, credo, acciperet dolorem, sic ego hunc omnibus a me pictum et politum artis coloribus subito deformatum non sine magno dolore vidi. quamquam nemo putabat propter Clodianum negotium me illi amicum esse debere, tamen tantus fuit amor ut exhauriri nulla posset iniuria. itaque Archilochia in illum edicta Bibuli populo ita sunt iucunda ut eum locum ubi proponuntur prae multitudine eorum qui legunt transire nequeamus, ipsi ita acerba ut tabescat dolore, mihi me hercule molesta, quod et eum quem semper dilexi nimis excruciant et timeo tam vehemens vir tamque acer in ferro et tam insuetus contumeliae ne omni animi impetu dolori et iracundiae pareat.

[5] Bibuli qui sit exitus futurus nescio. Vt nunc res se habet, admirabili gloria est. qui cum comitia in mensem Octobrem distulisset, quod solet ea res populi voluntatem offendere, putarat Caesar oratione sua posse impelli contionem ut iret ad Bibulum; multa cum seditiosissime diceret, vocem exprimere non potuit. quid quaeris? sentiunt se nullam ullius partis voluntatem tenere. eo magis vis nobis est timenda.

[6] Clodius inimicus est nobis. Pompeius confirmat eum nihil esse facturum contra me. mihi periculosum est credere, ad resistendum me paro. studia spero me summa habiturum omnium ordinum. te cum ego desidero, tum vero res ad tempus illud vocat. plurimum consili, animi, praesidi denique mihi, si te ad tempus videro, accesserit. Varro mihi satis facit. Pompeius loquitur divinitus. spero

nos aut cum summa gloria aut certe sine molestia discessuros. tu quid agas, quem ad modum te oblectes, quid cum Sicyonus egeris ut sciam cura.

[XXII] Scr. Romae post viil K. Sext., ante xv K. Nov. a. 69; (59): fort. m. Sext.

CICERO ATTICO SAL.

quam vellem Romae mansisses! <mansisses> profecto si haec fore putassemus. nam pulchellum nostrum facillime teneremus aut certe quid esset facturus scire possemus. nunc se res sic habet. volitat, furit; nihil habet certi, multis denuntiat; quod fors obtulerit id acturus videtur; cum videt quo sit in odio status hic rerum, in eos qui haec egerunt impetum facturus videtur; cum autem rursus opes eorum et exercitus recordatur, convertit se in bonos, nobis autem ipsis tum vim tum iudicium minatur.

[2] Cum hoc Pompeius egit et, ut ad me ipse referebat (alium enim habeo neminem testem), vehementer egit, cum diceret in summa se perfidiae et sceleris infamia fore, si mihi periculum crearetur ab eo quem ipse armasset cum plebeium fieri passus esset; fidem recepisse sibi et ipsum et Appium de me; hanc si ille non servaret, ita laturum ut omnes intellegerent nihil sibi antiquius amicitia nostra fuisse. haec et in eam sententiam cum multa dixisset, aiebat illum primo sane diu multa contra, ad extremum autem manus dedisse et adfirmasse nihil se contra eius voluntatem esse facturum. sed postea tamen ille non destitit de nobis asperrime loqui. quod si non faceret tamen ei nihil crederemus atque omnia, sicut facimus, pararemus.

[3] nunc ita nos gerimus ut in dies singulos et studia in nos hominum et opes nostrae augeantur; rem publicam nulla ex parte attingimus, in causis atque in illa opera nostra forensi summa industria versamur; quod egregie non modo iis qui utuntur opera, sed etiam in vulgus gratum esse sentimus. domus celebratur, occurritur, renovatur memoria consulatus, studia significantur; in eam spem adducimur ut nobis ea contentio quae impendet interdum non fugienda videatur.

[4] nunc mihi et consiliis opus est tuis et amore et fide. qua re

advola. expedita mihi erunt omnia si te habebo. multa per Varronem nostrum agi possunt quae te urgente erunt firmiora, multa ab ipso Publio elici, multa cognosci quae tibi occulta esse non poterunt, multa etiam — sed absurdum est singula explicare cum ego requiram te ad omnia. Vnum illud tibi persuadeas velim, omnia mihi fore explicata si te videro; sed totum est in eo si ante quam ille ineat magistratum. puto Pompeium Crasso urgente, si tu aderis qui per boopin ex ipso intellegere possis qua fide ab illis agatur, nos aut sine molestia aut certe sine errore futuros. precibus nostris et cohortatione non indiges; quid mea voluntas, quid tempus, quid rei magnitudo postulet intellegis.

[6] de re publica nihil habeo ad te scribere nisi summum odium omnium hominum in eos qui tenent omnia. mutationis tamen spes nulla. sed, quod facile sentias, taedet ipsum Pompeium vehementerque paenitet. non provideo satis quem exitum futurum putem; sed certe videntur haec aliquo eruptura.

[7] Libros Alexandri, neglegentis hominis et non boni poetae sed tamen non inutilis, tibi remisi. Numerium Numestium libenter accepi in amicitiam et hominem gravem et prudentem et dignum tua commendatione cognovi.

[XXIII] Scr. Romae ante xv K. Nov. a. 695 (59): fort. medio m. Sext.

CICERO ATTICO SAL.

numquam ante arbitror te epistulam meam legisse nisi mea manu scriptam. ex eo colligere poteris quanta occupatione distinear. nam cum vacui temporis nihil haberem, et cum recreandae voculae causa necesse esset mihi ambulare, haec dictavi ambulans.

[2] primum igitur illud te scire volo, Sampsiceramum nostrum amicum vehementer sui status paenitere restituique in eum locum cupere ex quo decidit, doloremque suum impertire nobis et medicinam interdum aperte quaerere, quam ego possum invenire nullam; deinde omnis illius partis auctores ac socios nullo adversario consenescere, consensionem universorum nec voluntatis nec sermonis maiorem umquam fuisse. nos autem (nam id te scire cupere

certo scio) publicis a consiliis nullis intersumus totosque nos ad forensem operam laboremque contulimus. ex quo, quod facile intellegi possit, in multa commemoratione earum rerum quas gessimus desiderioque versamur. sed boopidos nostrae consanguineus non mediocris terrores iacit atque denuntiat et Sampsiceramo negat, ceteris prae se fert et ostentat. quam ob rem si me amas tantum quantum profecto amas, si dormis expergiscere, si stas ingredere, si ingrederis curre, si curris advola. credibile non est quantum ego in consiliis prudentia tua, quodque maximum est, quantum in amore et fide ponam. magnitudo rei longam orationem fortasse desiderat, coniunctio vero nostrorum animorum brevitate contenta est. permagni nostra interest te, si comitiis non potueris, at declarato illo esse Romae. cura ut valeas.

[XXIV] Scr. Romae ammte xv K. Nov. a. 695 (59): fort. m Sext.

CICERO ATTICO SAL.

quas Numestio litteras dedi, sic te iis evocabam ut nihil acrius neque incitatius fieri posset. ad illam celeritatem adde etiam si quid potes. ac ne sis perturbatus (novi enim te et non ignoro quam sit amor omnis sollicitus atque anxius) — sed res est, ut spero, non tam exitu molesta quam aditu.

[2] Vettius ille, ille noster index, Caesari, ut perspicimus, pollicitus est sese curaturum ut in aliquam suspicionem facinoris Curio filius adduceretur. itaque insinuavit in familiaritatem adulescentis et cum eo ut res indicat, saepe congressus rem in eum locum deduxit ut diceret sibi certum esse cum suis servis in Pompeium impetum facere eumque occidere. hoc Curio ad patrem detulit, ille ad Pompeium. res delata ad senatum est. introductus Vettius primo negabat se umquam cum Curione constitisse, neque id sane diu; nam statim fidem publicam postulavit. reclamatum est. tum exposuit manum fuisse iuventutis duce Curione, in qua Paulus initio fuisset et Q. Caepio hic Brutus et Lentulus, flaminis filius, conscio patre; postea C. Septimium scribam Bibuli pugionem sibi a Bibulo attulisse. quod totum inrisum est, Vettio pugionem defuisse nisi ei consul dedisset, eoque magis id eiectum est quod a. d. iii Idus Maias Bibulus

Pompeium fecerat certiorem ut caveret insidias; in quo ei Pompeius gratias egerat.

[3] introductus Curio filius dixit ad ea quae Vettius dixerat, maximeque in eo tum quidem Vettius est reprehensus quod dixerat adulescentium consilium ut in foro [cum] gladiatoribus Gabini Pompeium adorirentur; in eo principem Paulum fuisse, quem constabat eo tempore in Macedonia fuisse. fit senatus consultum ut Vettius, quod confessus esset se cum telo fuisse, in vincula coniceretur; qui emisisset, eum contra rem publicam esse facturum. res erat in ea opinione ut putarent id esse actum ut Vettius in foro cum pugione et item servi eius comprehenderentur cum telis, deinde ille se diceret indicaturum. idque ita factum esset nisi Curiones rem ante ad Pompeium detulissent. tum senatus consultum in contione recitatum est. postero autem die Caesar, is qui olim praetor cum esset Q. Catulum ex inferiore loco iusserat dicere, Vettium in rostra produxit eumque in eo loco constituit quo Bibulo consuli adspirare non liceret. hic ille omnia quae voluit de re publica dixit, ut qui illuc factus institutusque venisset primum Caepionem de oratione sua sustulit, quem in senatu acerrime nominarat, ut appareret noctem et nocturnam deprecationem intercessisse. deinde quos in senatu ne tenuissima quidem suspicione attigerat, eos nominavit, L. Lucullum, a quo solitum esse ad se mitti C. Fannium, illum qui in P. Clodium subscripserat, L. Domitium, cuius domum constitutam fuisse unde eruptio fieret. me non nominavit sed dixit consularem disertum vicinum consulis sibi dixisse Ahalam Servilium aliquem aut Brutum opus esse reperiri. addidit ad extremum, cum iam dimissa contione revocatus a Vatinio fuisset, se audisse a Curione his de rebus consciunt esse Pisonem generum meum et M. Laterensem.

[4] nunc reus erat apud Crassum divitem Vettius de vi et, cum esset damnatus, erat indicium postulaturus. quod si impetrasset, iudicia fore videbantur. ea nos, utpote qui nihil contemnere soleremus, <non contemnabamus sed> non pertimescebamus. hominum quidem summa erga nos studia significabantur; sed prorsus vitae taedet; ita sunt omnia omnium miseriarum plenissima. modo caedem timueramus +que oratio fortissimi senis, Q. Considi, discusserat ea inquam cotidie timere potueramus+, subito exorta est. quid quaeris? nihil me <infortunatus, nihil> fortunatius est Catulo cum splendore

vitae tum +hoc+ tempore. nos tamen in his miseriis erecto animo et minime perturbato sumus honestissimeque et dignitatem nostram magna cura tuemur. .

[5] Pompeius de Clodio iubet nos esse sine cura et summam in nos benevolentiam omni oratione significat. te habere consiliorum auctorem, sollicitudinum socium, omni in cogitatione coniunctum cupio. qua re ut Numestio mandavi tecum ut ageret, item atque eo, si potest, acrius te rogo ut plane ad nos advoles. Respiraro si te videro.

[XXV] Scr. Romae ante K. a. 695 (59): fort. m. Oct.

CICERO ATTICO SAL.

Cum aliquem apud te laudaro tuorum familiarium, volam illum scire ex te me id fecisse, ut nuper me scis scripsisse ad te de Varronis erga me officio, te ad me rescripsisse eam rem summae tibi voluptati esse. sed ego mallem ad illum scripsisses mihi illum satis facere, non quo faceret sed ut faceret; mirabiliter enim moratus est sicut nosti, helikta kai ouden — . sed nos tenemus praeceptum illud tas ton kratounton — . at hercule alter tuus familiaris Hortalus quam plena manu, quam ingenue, quam ornate nostras laudes in astra sustulit, cum de Flacci praetura et de illo tempore Allobrogum diceret! sic habeto nec amantius nec honorificentius nec copiosius potuisse dici. ei te hoc scribere a me tibi esse missum sane volo.

[2] sed quid tu scribas? quem iam ego venire atque adesse arbitror; ita enim egi tecum superioribus litteris. valde te exspecto, valde desidero neque ego magis quam ipsa res et tempus poscit. his de negotiis quid scribam ad te nisi idem quod saepe? re publica nihil desperatius, iis quorum opera nihil maiore odio. nos, ut opinio et spes et coniectura nostra fert, firmissima benevolentia hominum muniti sumus. qua re advola; aut expedies nos omni molestia aut eris particeps. ideo sum brevior quod, ut spero, coram brevi tempore conferre quae volumus licebit. cura ut valeas.

LIBER TERTIUS

[I] Scr. proficiscens in exsilium in. in Apr. a. 696 (58).

CICERO ATTICO SAL.

Cum antea maxime nostra interesse arbitrabar te esse nobiscum, tum vero, ut legi rogationem, intellexi ad iter id quod constitui nihil mihi optatius cadere posse quam ut tu me quam primum consequerere, ut, cum ex Italia profecti essemus, sive per Epirum iter esset faciendum, tuo tuorumque praesidio uteremur, sive aliud quid agendum esset, certum consilium de tua sententia capere possemus. quam ob rem te oro des operam ut me statim consequare; quod eo facilius potes quoniam de provincia Macedonia perlata lex est. pluribus verbis tecum agerem nisi pro me apud te res ipsa loqueretur.

[II] Scr. in itinere vi Id. Apr. a. 696 (58).

CICERO ATTICO SAL.

itineris nostri causa fuit quod non habebam locum ubi pro meo iure diutius esse possem quam in fundo Siccae, praesertim nondum rogatione correcta, et simul intellegebam ex eo loco, si te haberem, posse me Brundisium referre, sine te autem non esse nobis illas partis tenendas propter Autronium. nunc ut ad te antea scripsi, si ad nos veneris, consilium totius rei capiemus. iter esse molestum scio sed tota calamitas omnis molestias habet. plura scribere non possum; ita sum animo perculso et abiecto. cura ut valeas. data vi Idus Aprilis naribus Luc.

[III] Scr. Itinere circ. Non. Apr. a. 696 (58).

CICERO ATTICO SAL.

Vtinam illum diem videam cum tibi agam gratias quod me vivere coegisti! adhuc quidem valde me paenitet. sed te oro ut ad me Vibonem statim venias quo ego multis de causis converti iter meum.

sed eo si veneris, de tota itinere ac fuga mea consilium capere potero. si id non feceris, mirabor; sed confido te esse facturum.

[IV] Scr. in itinere inter Vibonem et Brundisium post e Id. Apr. a. 696 (58).

CICERO ATTICO SAL.

miseriae nostrae potius velim quam inconstantiae tribuas quod a Vibone quo te arcessebamus subito discessimus. adlata est enim nobis rogatio de pernicie mea; in qua quod correctum esse audieramus erat eius modi ut mihi ultra quingenta milia liceret esse, illuc pervenire non liceret. statim iter Brundisium versus contuli ante diem rogationis, ne et Sicca apud quem eram periret et quod Melitae esse non licebat. nunc tu propera ut nos consequare, si modo recipiemur. adhuc invitamur benigne, sed quod superest timemus. me, mi Pomponi, valde paenitet vivere; qua in re apud me tu plurimum valuisti. sed haec coram. fac modo ut venias.

[V] Scr. Thuriis iv Id. Apr., ut videtur, a. 696 (58).

CICERO ATTICO SAL.

Terentia tibi et saepe et maximas agit gratias. id est mihi gratissimum. ego vivo miserrimus et maximo dolore conficior. ad te quid scribam nescio. si enim es Romae, iam me adsequi non potes; sin es in via, cum eris me adsecutus, coram agemus quae erunt agenda. tantum te oro ut, quoniam me ipsum semper amasti, ut eodem amore sis; ego enim idem sum. inimici mei mea mihi, non me ipsum ademerunt. cura ut valeas. data iiii Idus April. Thuri.

[VI] Scr. in Tarenthmo xiv K. Mai. a. 696 (58).

CICERO ATTICO SAL.

non fuerat mihi dubium quin te Tarenti aut Brundisi visurus essem idque ad multa pertinuit, in eis et ut in Epiro consisteremus et de reliquis rebus tuo consilio uteremur. quoniam id non contigit, erit hoc

quoque in magno numero nostrorum malorum. nobis iter est in Asiam, maxime Cyzicum. meos tibi commendo. me vix misereque sustento. data xiiii K. Maias de Tarentino.

[VII] Scr. Brundisii pr. K. Mai. a. 696 (58).

CICERO ATTICO SAL.

Brundisium veni a. d xiiii Kal. Maias. eo die pueri tui mihi a te litteras reddiderunt, et alii pueri post diem tertium eius diei alias litteras attulerunt. quod me rogas et hortaris ut apud te in Epiro sim, voluntas tua mihi valde grata est et minime nova. esset consilium mihi quidem optatum, si liceret ibi omne tempus consumere; odi enim celebritatem, fugio homines, lucem aspicere vix possum, esset mihi ista solitudo, praesertim tam familiari in loco, non amara; sed itineris causa ut deverterer, primum est devium, deinde ab Autronio et ceteris quadridui, deinde sine te. nam castellum munitum habitanti mihi prodesset, transeunti non est necessarium. quod si auderem, Athenas peterem. sane ita cadebat ut vellem. nunc et nostri hostes ibi sunt et te non habemus et veremur ne interpretentur illud quoque oppidum ab Italia non satis abesse nec scribis quam ad diem te exspectemus.

[2] quod me ad vitam vocas, unum efficis ut a me manus abstineam, alterum non potes ut me non nostri consili vitaeque paeniteat. quid enim est quod me retineat, praesertim si spes ea non est quae nos proficiscentis prosequebatur? non faciam ut enumerem miserias omnis in quas incidi per summam iniuriam et scelus non tam inimicorum meorum quam invidorum, ne et meum maerorem exagitem et te in eundem luctum vocem; hoc adfirmo, neminem umquam tanta calamitate esse adfectum, nemini mortem magis optandam fuisse. quoius oppetendae tempus honestissimum praetermissum est; reliqua tempora sunt non tam ad medicinam quam ad finem doloris.

[3] de re publica video te conligere omnia quae putes aliquam spem mihi posse adferre mutandarum rerum. quae quamquam exigua sunt, tamen, quoniam placet, exspectemus. tu nihilo minus si properans nos consequere; nam aut accedemus in Epirum aut tarde

per Candaviam ibimus. dubitationem autem de Epiro non inconstantia nostra adferebat sed quod de fratre ubi eum visuri essemus nesciebamus; quem quidem ego nec (quo) modo visurus nec ut dimissurus sim scio. id est maximum et miserrimum mearum omnium miseriarum. ego et saepius ad te et plura scriberem, nisi mihi dolor meus cum omnis partis mentis tum maxime huius generis facultatem ademisset. videre te cupio. cura ut valeas. data pr. Kal. Mat Brundisi.

[VIII] Scr. Thessalonicae iv K. Iun. a. 696 (58).

CICERO ATTICO SAL.

Brundisio proficiscens scripseram ad te quas ob causas in Epirum non essemus profecti, quod et Achaia prope esset plena audacissimorum inimicorum et exitus difficilis haberet cum inde proficisceremur. accessit cum Dyrrachi essemus ut duo nuntii adferrentur, unus classe fratrem Epheso Athenas, alter pedibus per Macedoniam venire. itaque illi obviam misimus Athenas ut inde Thessalonicam veniret. ipsi processimus et Thessalonicam a. d. x Kal. Iunias venimus neque de illius itinere quicquam certi habebamus nisi eum ab Epheso ante aliquanto profectum.

[2] nunc istic quid agatur magno opere timeo; quamquam tu altera epistula scribis Idibus Maus audiri fore ut acrius postularetur, altera iam esse mitiora. sed haec est pridie data quam illa, quo conturber magis. itaque cum meus me maeror cotidianus lacerat et conficit tum vero haec addita cura vix mihi vitam reliquam facit. sed et navigatio perdifficilis fuit et ille incertus ubi ego essem fortasse alium cursum petivit. nam Phaetho libertus eum non vidit. vento reiectus ab Ilio in Macedoniam Pellae mihi praesto fuit. reliqua quam mihi timenda sint video nec quid scribam habeo et omnia timeo, nec tam miserum est quicquam quod non in nostram fortunam cadere videatur. equidem adhuc miser in maximis meis aerumnis et luctibus hoc metu adiecto maneo Thessalonicae suspensus nec audeo quicquam.

[3] nunc ad ea quae scripsisti. Tryphonem Caecilium non vidi. sermonem tuum et Pompei cognovi ex tuis litteris. Motuit in re publica non tantum ego impendere video quantum tu aut vides aut ad

me consolandum adfers. Tigrane enim neglecto sublata sunt omnia. Varroni me iubes agere gratias. faciam; item Hypsaeo. quod suades ne longius discedamus dum acta mensis Mai ad nos perferantur, puto me ita esse facturum sed ubi nondum statui; atque ita perturbato sum animo de Quinto ut nihil queam statuere sed tamen statim te faciam certiorem.

[4] ex epistularum mearum inconstantia puto te mentis meae motum videre qui, etsi incredibili et singulari calamitate adflictus sum, tamen non tam est ex miseria quam ex culpae nostrae recordatione commotus. cuius enim scelere impulsi ac proditi simus iam profecto vides, atque utinam iam ante vidisses neque totum animum tuum maerori mecum simul dedisses! qua re cum me adflictum et confectum luctu audies, existimato me stultitiae meae poenam ferre gravius quam eventi, quod ei crediderim quem esse nefarium non putarim. me et meorum malorum memoria et metus de fratre in scribendo impedit. tu ista omnia vide et guberna Terentia tibi maximas gratias agit. Litterarum exemplum quas ad Pompeium scripsi misi tibi. data iiii Kal. Iunias Thessalonicae.

[IX] Scr. Thessalonicae 1d. Iun. a. 696 (58).

CICERO ATTICO SAL.

Quintus frater cum ex Asia discessisset ante Kal. Maias et Athenas venisset Idibus, valde fuit ei properandum, ne quid absens acciperet calamitatis, si quis forte fuisset qui contentus nostris malis non esset. itaque eum malui properare Romam quam ad me venire et simul (dicam enim quod verum est, ex quo magnitudinem miseriarum mearum perspicere possis) animum inducere non potui ut aut illum amantissimum mei mollissimo animo tanto in maerore aspicerem aut meas miserias luctu adflictus et perditam fortunam illi offerrem aut ab illo aspici paterer. atque etiam illud timebam, quod profecto accidisset, ne a me digredi non posset. versabatur mihi tempus illud ante oculos quom ille aut lictores dimitteret aut vi avelleretur ex complexu meo. huius acerbitatis eventum altera acerbitate non videndi fratris vitavi. in hunc me casum vos vivendi auctores impulistis.

[2] itaque mei peccati luo poenas. quam quam me tuae litterae sustentant ex quibus quantum tu ipse speres facile perspicio; quae quidem tamen aliquid habebant solaci ante quam eo venisti a Pompeio. ‘nunc Hortensium adlice et eius modi viros.’ obsecro, mi Pomponi, nondum perspicis quorum opera, quorum insidiis, quorum scelere perierimus? sed tecum haec omnia coram agemus; tantum dico quod scire te puto, nos non inimici sed invidi perdiderunt. nunc si ita sunt quae speras, sustinebimus nos et spe qua iubes nitemur; sin, ut mihi videntur, infirma sunt, quod optimo tempore facere non licuit minus idoneo fiet.

[3] Terentia tibi saepe agit gratias. mihi etiam unum de malis in metu est, fratris miseri negotium; quod si sciam quoius modi sit, sciam quid agendum mihi sit. me etiam nunc istorum beneficiorum et litterarum exspectatio, ut tibi placet, Thessalonicae tenet. si quid erit novi adlatum, sciam de reliquo quid agendum sit. tu si, ut scribis, Kal. Iuniis Roma profectus es, prope diem nos videbis. Litteras quas ad Pompeium scripsi tibi misi. data id. Iun. Thessalonicae.

[X] Scr. Thcssalonicae xko K. Qithit. a. 696 (58).

CICERO ATTICO SAL.

Acta quae essent usque ad a. d. viii Kal. Iunias cognovi ex tuis litteris; reliqua exspectabam, ut tibi placebat, Thessalonicae. quibus adlatis facilius statuere potero ubi sim. nam si erit causa, si quid agetur, si spem videro, aut ibidem opperiar aut me ad te conferam; sin, ut tu scribis, ista evanuerint, aliquid aliud videbimus. omnino adhuc nihil mihi significatis nisi discordiam istorum; quae tamen inter eos de omnibus potius rebus est quam de me. itaque quid ea mihi prosit nescio sed tamen quoad me vos sperare vultis vobis obtemperabo.

[2] nam quod me tam saepe et tam vehementer obiurgas et animo infirmo esse dicis, quaeso, ecquod tantum malum est quod in mea calamitate non sit? ecquis umquam tam ex amplo statu, tam in bona causa, tantis facultatibus ingeni, consili, gratiae, tantis praesidiis bonorum omnium concidit? possum oblivisci qui fuerim, non sentire qui sim, quo caream honore, qua gloria, quibus liberis, quibus

fortunis, quo fratre? quem ego, ut novum calamitatis genus attendas, quom pluris facerem quam me ipsum semperque fecissem, vitavi ne viderem, ne aut illius luctum squaloremque aspicerem aut me quem ille florentissimum reliquerat perditum illi adflictumque offerrem. Mitto cetera intolerabilia; etenim fletu impedior. hic utrum tandem sum accusandus quod doleo, an quod commisi ut haec non aut retinerem, quod facile fuisset nisi intra parietes meos de mea pernicie consilia inirentur, aut certe vivus non amitterem?

[3] haec eo scripsi ut potius relevares me, quod facis, quam ut castigatione aut obiurgatione dignum putares, eoque ad te minus multa scribo quod et maerore impedior et quod exspectem istinc magis habeo quam quod ipse scribam. quae si erunt adlata, faciam te consili nostri certiorem. tu, ut adhuc fecisti, quam plurimis de rebus ad me velim scribas, ut prorsus ne quid ignorem. data xiiii Kal. Quintilis Thessalonicae.

[XI] Scr. Thessalonicae iv K. Quint. a. 696 (58).

CICERO ATTICO SAL.

me et tuae litterae et quidam boni nuntii, non optimis tamen auctoribus, et exspectatio vestrarum litterarum et quod tibi ita placuerat adhuc Thessalonicae tenebat. si accepero litteras quas exspecto, si spes erit ea quae rumoribus adferebatur, ad te me conferam; si non erit, faciam te certiorem quid egerim.

[2] tu me, ut facis, opera, consilio, gratia iuva; consolari iam desine, obiurgare vero noli; quod cum facis, ut ego tuum amorem et dolorem desidero! quem ita adfectum mea aerumna esse arbitror ut te ipsum consolari nemo possit. Quintum fratrem optimum humanissimumque sustenta. ad me obsecro te ut omnia certa perscribas. data iiii Kal. Quintilis.

[XII] Scr. Thessalonicae xvi Kal. Sext. a. 696 (58).

CICERO ATTICO SAL.

tu quidem sedulo argumentaris quid sit sperandum et maxime per senatum idemque caput rogationis proponi scribis qua re in senatu

dici nihil liceat. itaque siletur. hic tu me accusas quod me adflictem, cum ita sim adflictus ut nemo umquam, quod tute intellegis. spem ostendis secundum comitia. quae ista est eodem tribuno pl. et inimico consule designato? percussisti autem me etiam de oratione prolata.

[2] cui vulneri ut scribis medere, si quid potes. scripsi equidem olim ei iratus, quod ille prior scripserat, sed ita compresseram ut numquam emanaturam putarem. quo modo exciderit nescio. sed quia numquam accidit ut cum eo verbo uno concertarem et quia scripta mihi videtur neglegentius quam ceterae, puto posse probari non esse meam. id, si putas me posse sanari, cures velim; sin plane perii, minus laboro.

[3] ego etiam nunc eodem in loco iaceo sine sermone ullo, sine cogitatione ulla. scilicet tibi, ut scribis, significaram ut ad me venires; Üsi donatam utÜ intellego te istic prodesse, hic ne verbo quidem levare me posse. non queo plura scribere nec est quod scribam; vestra magis exspecto. data xvi Kal. Sextilis Thessalonicae.

[XIII] Scr. Thessalonicae Non. Sext. a. 696 (58). .

CICERO ATTICO SAL.

quod ad te scripseram me in Epiro futurum, postea quam extenuari spem nostram et evanescere vidi, mutavi consilium nec me Thessalonica commovi, ubi esse statueram quoad aliquid ad me de eo scriberes, quod proximis litteris scripseras fore uti secundum comitia aliquid de nobis in senatu ageretur; id tibi Pompeium dixisse. qua de re quoniam comitia habita sunt tuque nihil ad me scribis, proinde habebo ac si scripsisses nihil esse neque (me) temporis non longinqui spe ductum esse moleste feram. quem autem motum te videre scripseras qui nobis utilis fore videretur, eum nuntiant qui veniunt nullum fore. in tribunis pl. designatis reliqua spes est. quam si exspectaro, non erit quod putes me causae meae, voluntati meorum defuisse.

[2] quod me saepe accusas cur hunc meum casum tam graviter feram, debes ignoscere, cum ita me adflictum videas ut neminem umquam nec videris nec audieris. nam quod scribis te audire me etiam mentis errore ex dolore adfici, mihi vero mens integra est.

atque utinam tam in periculo fuisset! cum ego iis quibus meam salutem carissimam esse arbitrabar inimicissimis crudelissimisque usus sum; qui, ut me paulum inclinari timore viderunt, sic impulerunt ut omni suo scelere et perfidia abuterentur ad exitium meum. nunc quoniam est Cyzicum nobis eundum, quo rarius ad me litterae perferentur, hoc velim diligentius omnia quae putaris me scire opus esse perscribas. Quintum fratrem meum fac diligas; quem ego miser si incolumem relinquo, non me totum perisse arbitrabor. data Nonis Sextilibus.

[XIV] Scr. Thessalonicae x K. Sext. a. 696 (58).

CICERO ATTICO SAL.

ex tuis litteris plenus sum exspectatione de Pompeio quidnam de nobis velit aut ostendat. comitia enim credo esse habita; quibus absolutis scribis illi placuisse agi de nobis. si tibi stultus esse videor qui sperem, facio tuo iussu, etsi scio te me iis epistulis potius et meas spes solitum esse remorari. nunc velim mihi plane perscribas quid videas. scio nos nostris multis peccatis in hanc aerumnam incidisse. ea si qui casus aliqua ex parte correxerit, minus moleste feremus nos vixisse et adhuc vivere.

[2] ego propter viae celebritatem et cotidianam exspectationem rerum novarum non commovi me adhuc Thessalonica. sed iam extrudimur non a Plancio (nam is quidem retinet) verum ab ipso loco minime apposito ad tolerandam in tanto luctu calamitatem. in Epirum ideo, ut scripseram, non veni, quod subito mihi universi nuntii venerant et litterae qua re nihil esset necesse quam proxime Italiam esse. hinc, si aliquid a comitiis audierimus, nos in Asiam convertemus; neque adhuc stabat quo potissimum sed scies. data xii Sextilis Thessalonicae.

[XV] Scr. Thessalonicae xiv K. Sept. a. 696 (58).

CICERO ATTICO SAL.

accepi Idibus Sextilibus quattuor epistulas a te missas, unam qua me obiurgas et rogas ut sim firmior, alteram qua Crassi libertum ais tibi

de mea sollicitudine macieque narrasse, tertiam qua demonstras acta in senatu, quartam de eo quod a Varrone scribis tibi esse confirmatum de voluntate Pompei.

[2] ad primam tibi hoc scribo, me ita dolere ut non modo a mente non deserar sed id ipsum doleam, me tam firma mente ubi utar et quibuscum non habere. nam si tu me uno non sine maerore cares, quid me censes qui et te et omnibus? et si tu incolumis me requiris, quo modo a me ipsam incolumitatem desiderari putas? nolo commembrare quibus rebus sim spoliatus, non solum quia non ignoras sed etiam ne rescindam ipse dolorem meum; hoc confirmo neque tantis bonis esse privatum quemquam neque in tantas miserias incidisse. dies autem non modo non levat luctum hunc sed etiam auget. nam ceteri dolores mitigantur vetustate, hic non potest non et sensu praesentis miseriae et recordatione praeteritae vitae cotidie augeri. desidero enim non mea solum neque meos sed me ipsum. quid enim sum? sed non faciam ut aut tuum animum angam querelis aut meis vulneribus saepius manus adferam. nam quod purgas eos quos ego mihi scripsi invidisse et in eis Catonem, ego vero tantum illum puto ab isto scelere afuisse ut maxime doleam plus apud me simulationem aliorum quam istius fidem valuisse. ceteros quod purgas, debent mihi probati esse, tibi si sunt. sed haec sero agimus.

[3] Crassi libertum nihil puto sincere locutum. in senatu rem probe scribis actam. sed quid Curio? an illam orationem non legit? quae unde sit prolata nescio. sed Axius eiusdem diei scribens ad me acta non ita laudat Curionem. at potest ille aliquid praetermittere, tu, nisi quod erat, profecto non scripsisti. Varronis sermo facit exspectationem Caesaris. atque utinam ipse Varro incumbat in causam! quod profecto cum sua sponte tum te instante faciet.

[7] ego si me aliquando vestri et patriae compotem fortuna fecerit, certe efficiam ut maxime laetere unus ex omnibus amicis meaque officia et studia quae parum antea luxerunt (fatendum est enim) sic exsequar ut me aeque tibi ac fratri et liberis nostris restitutum putes. si quid in te peccavi ac potius quoniam peccavi ignosce; in me enim ipsum peccavi vehementius. neque haec eo scribo quo te non meo casu maximo dolore esse adfectum sciam, sed profecto, si quantum me amas et amasti tantum amare deberes ac debuisses, numquam esses passus me quo tu abundabas egere consilio nec esses passus

mihi persuaderi utile nobis esse legem de collegiis perferri. sed tu tantum lacrimas praebuisti dolori meo, quod erat amoris, tam quam ipse ego; quod meritis meis perfectum potuit, ut dies et noctes quid mihi faciendum esset cogitares, id abs te meo non tuo scelere praetermissum est. quod si non modo tu sed quisquam fuisset qui me Pompei minus liberali responso perterritum a turpissimo consilio revocaret, quod unus tu facere maxime potuisti, (aut occubuissem honeste) aut victores hodie viveremus. hic mihi ignosces; me enim ipsum multo magis accuso, deinde te quasi me alterum et simul meae culpae socium quaero. ac si restituor, etiam minus videbimur deliquisse abs teque certe quoniam nullo nostro tuo ipsius beneficio diligemur.

[5] quod te cum Culleone scribis de privilegio locutum, est aliquid sed multo est melius abrogari. si enim nemo impediet, sic est firmius; sin erit qui ferri non sinat, idem senatus consulto intercedet. nec quicquam aliud opus est [quam] abrogari; nam prior lex nos nihil laedebat. quam si ut est promulgata laudare voluissemus aut ut erat neglegenda neglegere, nocere omnino nobis non potuisset. hic mihi primum meum consilium defuit sed etiam obfuit Caeci, caeci inquam fuimus in vestitu mutando, in populo rogando, quod nisi nominatim mecum agi coeptum esset fieri perniciosum fuit. sed pergo praeterita verum tamen ob hanc causam ut, si quid agetur, legem illam in qua popularia multa sunt ne tangatis.

[6] verum est stultum me praecipere quid agatis aut quo modo. Vtinam modo agatur aliquid! in quo ipso multa occultant tuae litterae, credo, ne vehementius desperatione perturber. quid enim vides agi posse aut quo modo? per senatumne? at tute scripsisti ad me quoddam caput legis Clodium in curiae poste fixisse, NE REFERRI NEVE DICI LICERET. Quo modo igitur Domitius se dixit relaturum? quo modo autem iis quos tu scribis et de re dicentibus et ut referretur postulantibus Clodius tacuit? ac si per populum, poteritne nisi de omnium tribunorum pl. sententia? quid de bonis? quid de domo? poteritne restitui? aut si non poterit, egomet quo modo potero? haec nisi vides expediri, quam in spem me vocas? sin autem spei nihil est, quae est mihi vita? itaque exspecto Thessalonicae acta Kal. Sext., ex quibus statuam in tuosne agros confugiam, ut neque videam homines quos nolim et te, ut scribis,

videam et propius sim si quid agatur, idque intellexi cum tibi tum Quinto fratri placere, an abeam Cyzicum.

[7] nunc, Pomponi, quoniam nihil impertisti tuae prudentiae ad salutem meam, quod aut in me ipso satis esse consili decreras aut te nihil plus mihi debere quam ut praesto esses, quoniamque ego proditus, inductus, coniectus in fraudem omnia mea praesidia neglexi, totam Italiam iam erectam ad me defendendum destitui et reliqui, me, meos meis tradidi inimicis inspectante et tacente te qui, si non plus ingenio valebas quam ego, certe timebas minus, si potes, erige adflictos et in eo nos iuva; sin omnia sunt obstructa, id ipsum fac ut sciamus et nos aliquando aut obiurgare aut communiter consolari desine. ego si tuam fidem accusarem, non me potissimum tuis tectis crederem; meam amentiam accuso quod (me) a te tantum amari quantum ego vellem putavi. quod si fuisset, fidem eandem, curam maiorem adhibuisses, me certe ad exitium praecipitantem retinuisses, istos labores quos nunc in naufragiis nostris suscipis non subisses.

[8] qua re fac ut omnia ad me perspecta et explorata perscribas meque, ut facis, velis esse aliquem, quoniam qui fui et qui esse potui iam esse non possum, et ut his litteris non te sed me ipsum a me esse accusatum putes. si qui erunt quibus putes opus esse meo nomine litteras dari, velim conscribas curesque dandas. data xiiii Kal. Sept.

[XVI] Scr. Thessalonicae xii K. Sept. a. 696 (58).

CICERO ATTICO SAL.

totum iter mihi incertum facit exspectatio litterarum vestrarum Kal. Sextil. datarum. nam si spes erit, Epirum, si minus, Cyzicum aut aliud aliquid sequemur. tuae quidem litterae quo saepius a me leguntur, hoc spem faciunt mihi minorem; quae cum . . . . lectae sunt, tum id quod attulerunt ad spem infirmant, ut facile appareat te et consolationi servire et veritati. itaque te rogo plane ut ad me quae scies ut erunt, quae putabis ita scribas. data xii Kal.

[XVII] Scr. Thessalonicae pr. Nomm. Sept. a. 696 (58).

CICERO ATTICO SAL.

de Quinto fratre nuntii nobis tristes nec varii venerant ex ante diem (III) non. Iun. usque ad prid. Kal. Sept. eo autem die Livineius L. Reguli libertus ad me a Regulo missus venit. is omnino mentionem nullam factam esse nuntiavit sed fuisse tamen sermonem de C. Clodi filio isque mihi a Q. fratre litteras attulit. sed postridie Sesti pueri venerunt qui a te litteras attulerunt non tam exploratas a timore quam sermo Livinei fuerat. sane sum in meo infinito maerore sollicitus et eo magis quod Appi quaestio est.

[2] cetera quae ad me eisdem litteris scribis de nostra spe, intellego esse languidiora quam alii ostendunt. ego autem quoniam non longe ab eo tempore absumus in quo res diiudicabitur, aut ad te conferam me aut etiam nunc circum haec loca commorabor.

[3] scribit ad me frater omnia sua per te unum sustineri. quid te aut horter quod facis, aut agam gratias quod non exspectas? tantum velim fortuna det nobis potestatem ut incolumes amore nostro perfruamur. tuas litteras semper maxime exspecto; in quibus cave vereare ne aut diligentia tua mihi molesta aut veritas acerba sit. data pr. Nonas Sept.

[XVIII] Scr. Thessalonicae media m. Sept. a. 696 (58).

CICERO ATTICO SAL.

exspectationem nobis non parvam attuleras cum scripseras Varronem tibi pro amicitia confirmasse causam nostram Pompeium certe suscepturum et, simul a Caesare ei litterae quas exspectaret remissae essent, actorem etiam daturum. Vtrum id nihil fuit, an adversatae sunt Caesaris litterae, an est aliquid in spe? etiam illud scripseras eundem ‘secundum comitia’ dixisse.

[2] fac, si vides quantis in malis iaceam et si putas esse humanitatis tuae, me fac de tota causa nostra certiorem. nam Quintus frater, homo mirus, qui me tam valde amat, omnia mittit spei plena metuens, credo, defectionem animi mei; tuae autem litterae sunt variae; neque enim me desperare vis nec temere sperare. fac, obsecro te, ut omnia quae perspici a te possunt sciamus.

[XIX] Scr. Thessalonicae xvi K. Oct. a. 696 (58).

CICERO ATTICO SAL.

quoad eius modi mihi litterae a vobis adferebantur ut aliquid ex iis esset exspectandum, spe et cupiditate Thessalonicae retentus sum; postea quam omnis actio huius anni confecta nobis videbatur, in Asiam ire nolui, quod et celebritas mihi odio est et, si fieret aliquid a novis magistratibus, abesse longe nolebam. itaque in Epirum ad te statui me conferre, non quo mea interesset loci natura qui lucem omnino fugerem, sed et (ad) salutem libentissime ex tuo portu proficiscar et, si ea praecisa erit, nusquam facilius hanc miserrimam vitam vel sustentabo vel, quod multo est melius, abiecero. (ero) cum paucis, multitudinem dimittam.

[2] me tuae litterae numquam in tantam spem adduxerunt quantam aliorum; ac tamen mea spes etiam tenuior semper fuit quam tuae litterae. sed tamen quoniam coeptum est agi, quoquo modo coeptum est et quacumque de causa, non deseram neque optimi atque unici fratris miseras ac luctuosas preces nec Sesti ceterorumque promissa nec spem aerumnosissimae mulieris Terentiae nec miserrimae [mulieris] Tulliolae obsecrationem et fidelis litteras tuas. mihi Epirus aut iter ad salutem dabit aut quod scripsi supra.

[3] te oro et obsecro, T. Pomponi, si me omnibus amplissimis, carissimis iucundissimisque rebus perfidia hominum spoliatum, si me a meis consiliariis proditum et proiectum vides, si intellegis me coactum ut ipse me et meos perderem, ut me tua misericordia iuves et Quintum fratrem qui potest esse salvus sustentes, Terentiam liberosque meos tueare, me, si putas te istic visurum, exspectes, si minus, invisas, si potes, mihique ex agro tuo tantum adsignes quantum meo corpore occupari potest, et pueros ad me cum litteris quam primum et quam saepissime mittas. data xvi Kal. Octobris.

[XX] Scr. Thessalonicae iv Non. Oct. a. 696 (58).

CICERO S. D. Q. CAECILIO Q. N POMPONIANO ATTICO

quod quidem ita esse et avunculum tuum functum esse officio

vehementissime probo, gaudere me tum dicam, si mihi hoc verbo licebit uti. me miserum! quam omnia essent ex sententia, si nobis animus, si consilium, si fides eorum quibus credidimus non defuisset! quae conligere nolo ne augeam maerorem; sed tibi venire in mentem certo scio quae vita esset nostra, quae suavitas, quae dignitas. ad quae reciperanda, per fortunas! incumbe, ut facis, diemque natalem reditus mei cura ut in tuis aedibus amoenissimis agam tecum et cum meis. ego huic spei et exspectationi quae nobis proponitur maxime tamen volui praestolari apud te in Epiro, sed ita ad me scribitur ut putem esse commodius nos eisdem in locis esse.

[2] de domo et Curionis oratione ut scribis ita est. in universa salute, si ea modo nobis restituetur, inerunt omnia; ex quibus nihil malo quam domum. sed tibi nihil mando nominatim, totum me tuo amori fideique commendo. quod te in tanta hereditate ab omni occupatione expedisti, valde mihi gratum est. quod facultates tuas ad meam salutem polliceris ut omnibus rebus a te praeter ceteros iuver, id quantum sit praesidium video intellegoque te multas partis meae salutis et suscipere et posse sustinere neque ut ita facias rogandum esse. quod me vetas quicquam suspicari accidisse ad animum tuum quod secus a me erga te commissum aut praetermissum videretur, geram tibi morem et liberabor ista cura, tibi tamen eo plus debebo quo tua in me humanitas fuerit excelsior quam in te mea. velim quid videas, quid intellegas, quid agatur ad me scribas tuosque omnis ad nostram salutem adhortere. rogatio Sesti neque dignitatis satis habet nec cautionis. nam et nominatim ferri oportet et de bonis diligentius scribi, et id animadvertas velim. data iiii Nonas Octobris Thessalonicae.

[XXI] Scr. Thessalonicae v K. Nov. a. 696 (58)

CICERO ATTICO SAL.

triginta dies erant ipsi cum has dabam litteras per quos nullas a vobis acceperam. mihi autem erat in animo iam, ut antea ad te scripsi, ire in Epirum et ibi omnem casum potissimum exspectare. te oro ut, si quid erit quod perspicias quamcumque in partem, quam planissime ad me scribas et meo nomine, ut scribis, litteras quibus putabis opus esse ut

des. data v Kal. Novembris.

[XXII] Scr. partim Thessalonicae partim Dyrrachi vi K. Dec. a. 696 (58).

CICERO ATTICO SAL.

etsi diligenter ad me Quintus frater et Piso quae essent acta scripserant, tamen vellem tua te occupatio non impedisset quo minus, ut consuesti, ad me quid ageretur et quid intellegeres perscriberes. me adhuc Plancius liberalitate sua retinet iam aliquotiens conatum ire in Epirum. spes homini est iniecta non eadem quae mihi posse nos una decedere; quam rem sibi magno honori sperat fore. sed iam, cum adventare milites dicentur, faciendum nobis erit ut ab eo discedamus. quod cum faciemus, ad te statim mittemus, ut scias ubi simus.

[2] Lentulus suo in nos officio, quod et re et promissis et litteris declarat, spem nobis non nullam adfert Pompei voluntatis; saepe enim tu ad me scripsisti eum totum esse in illius potestate. de Metello scripsit ad me frater quantum speraret profectum esse per te. mi Pomponi, pugna ut tecum et cum meis mihi liceat vivere et scribe ad me omnia. premor luctu, desiderio cum omnium rerum (tum meorum) qui mihi me cariores semper fuerunt. cura ut valeas.

[4] ego quod per Thessaliam si irem in Epirum perdiu nihil eram auditurus et quod mei studiosos habeo Dyrrachinos, ad eos perrexi, cum illa superiora Thessalonicae scripsissem. Inde cum ad te me convertam, faciam ut scias, tuque ad me velim omnia quam diligentissime cuicuimodi sunt scribas. ego iam aut rem aut ne spem quidem exspecto. data vi Kal. Decembr. Dyrrachi.

III.23

Scr. Dyrrachi pr. K. Dec. a. 696 (58).

CICERO ATTICO SAL.

A. d. v Kal. Decembr. tris epistulas a te accepi, unam datam a. d. viii Kal. Novembris in qua me hortaris ut forti animo mensem Ianuarium exspectem, eaque quae ad spem putas pertinere de Lentuli studio, de

Metelli voluntate, de tota Pompei ratione perscribis. in altera epistula praeter consuetudinem tuam diem non adscribis sed satis significas tempus; lege enim ab octo tribunis pl. promulgata scribis te eas litteras eo ipso die dedisse, id est a. d. iiii Kal. Novembris, et quid putes utilitatis eam promulgationem attulisse perscribis. in quo si iam nostra salus cum hac lege desperata erit, velim pro tuo in me amore hanc inanem meam diligentiam miserabilem potius quam ineptam putes, sin est aliquid spei, des operam ut maiore diligentia posthac a nostris magistratibus defendamur.

[2] nam ea veterum tribunorum pl. rogatio tria capita habuit; unum de reditu meo scriptum incaute; nihil enim restituitur praeter civitatem et ordinem, quod mihi pro meo casu satis est; sed quae cavenda fuerint et quo modo te non fugit. alterum caput est tralaticium de impunitate, SI QVID CONTRA ALIAS LEGES EIVS LEGIS ERGO FACTVM SIT. Tertium caput, mi Pomponi, quo consilio et a quo sit inculcatum vide. scis enim Clodium sanxisse ut vix aut ut omnino non posset nec per senatum nec per populum infirmari sua lex. sed vides numquam esse observatas sanctiones earum legum; quae abrogarentur. nam si id esset, nulla fere abrogari posset; neque enim ulla est quae non ipsa se saepiat difficultate abrogationis. sed cum lex abrogatur, illud ipsum abrogatur quo modo eam abrogari oporteat.

[3] hoc quom et re vera ita sit et quom semper ita habitum observatumque sit, octo nostri tribuni pl. caput posuerunt hoc: SI QVID IN HAC ROGATIONE SCRIPTVM EST QVOD PER LEGES PLEBISVE SCITA, hoc est quod per legem Clodiam, PROMVLGARE, ABROGARE, DEROGARE, OBROGARE SINE FRAVDE SVA NON LICEAT, NON LICVERIT, QVODVE EI, QVI PROMVLGAVIT, <ABROGAVIT>, DEROGAVIT, <OBROGAVIT>, OB EAM REM POENAE MVLTAEVE SIT, E. H. L. N. R.

[4] atque hoc in illis tribunis pl. non laedebat; lege enim collegi sui non tenebantur. quo maior est suspicio malitiae aliquoius, cum id quod ad ipsos nihil pertinebat erat autem contra me scripserunt, ut novi tribuni pl. si essent timidiores multo magis sibi eo capite utendum putarent. neque id a Clodio praetermissum est; dixit enim in contione a. d. III Nonas Novembris hoc capite designatis tribunis pl.

praescriptum esse quid liceret. tamen in lege nulla esse eius modi caput te non fallit, quod si opus esset, omnes in abrogando <uterentur>r;. Vt Ninnium aut ceteros fugerit investiges velim et quis attulerit et qua re octo tribuni pl. ad senatum de me referre non dubitarint, <sive> . . . sive quod observandum illud caput non putabant, eidem in abrogando tam cauti fuerint ut id metuerent soluti cum essent, quod ne iis quidem qui lege tenentur est curandum. id caput sane nolim novos tribunos pl. ferre; sed perferant modo quidlibet; uno capite quo revocabor, modo res conficiatur, ero contentus. iam dudum pudet tam multa scribere; vereor enim ne re iam desperata legas, ut haec mea diligentia miserabilis tibi, aliis inridenda videatur. sed si est aliquid in spe, vide legem quam T. Fadio scripsit Visellius. ea mihi perplacet; nam Sesti nostri quam tu tibi probari scribis mihi non placet.

[5] Tertia est epistula pridie Idus Novembr. data, in qua exponis prudenter et diligenter quae sint quae rem distinere videantur, de Crasso, de Pompeio, de ceteris. qua re oro te ut, si qua spes erit posse studiis bonorum, auctoritate, multitudine comparata rem confici, des operam ut uno impetu perfringantur, in eam rem incumbas ceterosque excites. sin, ut ego perspicio cum tua coniectura tum etiam mea, spei nihil est, oro obtestorque te ut Quintum fratrem ames quem ego miserum misere perdidi neve quid eum patiare gravius consulere de se quam expediat sororis tuae filio, meum Ciceronem quoi nihil misello relinquo praeter invidiam et ignominiam nominis mei tueare quoad poteris, Terentiam, unam omnium aerumnosissimam, sustentes tuis officiis. ego in Epirum proficiscar quom primorum dierum nuntios excepero. tu ad me velim proximis litteris ut se initia dederint perscribas. data pridie Kal. Decembr.

[XXIV] Scr. Dyrrachium Id. Dec. a. 696 (58).

CICERO ATTICO SAL.

antea quom ad me scripsissetis vestro consensu consulum provincias ornatas esse, etsi verebar quorsum id casurum esset, tamen sperabam vos aliquid aliquando vidisse prudentius; postea quam mihi et dictum est et scriptum vehementer consilium vestrum reprehendi, sum

graviter commotus, quod illa ipsa spes exigua quae erat videretur esse sublata. nam si tribuni pl. nobis suscensent, quae potest spes esse? ac videntur iure suscensere, cum et expertes consili fuerint ei qui causam nostram susceperant, et vestra concessione omnem vim sui iuris amiserint, praesertim cum ita dicant, se nostra causa voluisse suam potestatem esse de consulibus ornandis non ut eos impedirent sed ut ad nostram causam adiungerent; nunc si consules a nobis alieniores esse velint, posse id libere facere; sin velint nostra causa, nihil posse se invitis. nam quod scribis, ni ita vobis placuisset, illos hoc idem per populum adsecuturos fuisse, invitis tribunis pl. fieri nullo modo potuit. ita vereor ne et studia tribunorum amiserimus et, si studia maneant, vinclum illud adiungendorum consulum amissum sit.

[2] accedit aliud non parvum incommodum quod gravis illa opinio, ut quidem ad nos perferebatur, senatum nihil decernere ante quam de nobis actum esset, amissa est, praesertim in ea causa quae non modo necessaria non fuit sed etiam inusitata ac nova (neque enim umquam arbitror ornatas esse provincias designatorum), ut, cum in hoc illa constantia quae erat mea causa suscepta imminuta sit, nihil iam possit non decerni. Iis ad quos relatum est amicis placuisse non mirum est; erat enim difficile reperire qui contra tanta commoda duorum consulum palam sententiam diceret. fuit omnino difficile non obsequi vel amicissimo homini Lentulo vel Metello qui simultatem humanissime deponeret; sed vereor ne hos tamen tenere potuerimus, tribunos pl. amiserimus. haec res quem ad modum ceciderit et tota res quo loco sit velim ad me scribas et ita ut instituisti. nam ista veritas, etiam si iucunda non est, mihi tamen grata est. data iiii Id. Decembr.

[XXV] Scr. Dyrrachi m. Dec. a. 696 (58) post iv Id., ante ii K. Ian.

CICERO ATTICO SAL.

post tuum a me discessum litterae mihi Roma adlatae sunt ex quibus perspicio nobis in hac calamitate tabescendum esse. neque enim (sed bonam in partem accipies) si ulla spes salutis nostrae subesset, tu pro

tuo amore in me hoc tempore discessisses. sed ne ingrati aut ne omnia velle nobiscum una interire videamur, hoc omitto; illud abs te peto des operam, id quod mihi adfirmasti, ut te ante Kalendas Ianuarias ubicumque erimus sistas.

[XXVI] Scr. Dyrrachi m. Ianuario a. 697 (57).

CICERO ATTICO SAL.

Litterae mihi a Quinto fratre cum senatus consulto quod de me est factum adlatae sunt. mihi in animo est legum lationem exspectare et, si obtrectabitur, utar auctoritate senatus et potius vita quam patria carebo. tu, quaeso, festina ad nos venire.

[XXVII] Scr. Dyrrachi ex. m. Ian. a. 697 (57).

CICERO ATTICO SAL.

ex tuis litteris et ex re ipsa nos funditus perisse video. te oro ut quibus in rebus tui mei indigebunt nostris miseriis ne desis. ego te, ut scribis, cito videbo.

LIBER QUARTUS

[I] Scr. Romae med. mn. Sept. a. 697 (57).

CICERO ATTICO SAL.

Cum primum Romam veni fuitque cui recte ad te litteras darem, nihil prius faciendum mihi putavi quam ut tibi absenti de reditu nostro gratularer. cognoram enim, ut vere scribam, te in consiliis mihi dandis nec fortiorem nec prudentiorem quam me ipsum nec etiam pro praeterita mea in te observantia nimium in custodia salutis meae diligentem eundemque te, qui primis temporibus erroris nostri aut potius furoris particeps et falsi timoris socius fuisses, acerbissime discidium nostrum tulisse plurimumque operae, studi, diligentiae, laboris ad conficiendum reditum meum contulisse.

[2] itaque hoc tibi vere adfirmo, in maxima laetitia et exoptatissima gratulatione unum ad cumulandum gaudium conspectum aut potius complexum mihi tuum defuisse. quem semel nactus si umquam dimisero ac nisi etiam praetermissos fructus tuae suavitatis praeteriti temporis omnis exegero, profecto hac restitutione fortunae me ipse non satis dignum iudicabo.

[3] nos adhuc, in nostro statu quod difficillime reciperari posse arbitrati sumus, splendorem nostrum illum forensem et in senatu auctoritatem et apud viros bonos gratiam magis quam optaramus consecuti sumus; in re autem familiari, quae quem ad modum fracta, dissipata, direpta sit non ignoras, valde laboramus tuarumque non tam facultatum quas ego nostras esse iudico quam consiliorum ad conligendas et constituendas reliquias nostras indigemus.

[4] nunc etsi omnia aut scripta esse a tuis arbitror aut etiam nuntiis ac rumore perlata, tamen ea scribam brevi quae te puto potissimum ex meis litteris velle cognoscere. Pr. Nonas Sextilis Dyrrachio sum profectus ipso illo die quo lex est lata de nobis. Brundisium veni Nonis Sextilibus. ibi mihi Tulliola mea fuit praesto natali suo ipso die qui casu idem natalis erat et Brundisinae coloniae et tuae vicinae salutis; quae res animadversa a multitudine summa Brundinisorum gratulatione celebrata est. ante diem iii Idus Sextilis cognovi, quom

Brundisi essem, litteris Quinti mirifico studio omnium aetatum atque ordinum, incredibili concursu Italiae legem comitiis centuriatis esse perlatam. Inde a Brundisinis honestissime ornatus iter ita feci ut undique ad me cum gratulatione legati convenerint.

[5] ad urbem ita veni ut nemo ullius ordinis homo nomenclatori notus fuerit qui mihi obviam non venerit, praeter eos inimicos quibus id ipsum, se inimicos esse, non liceret aut dissimulare aut negare. Cum venissem ad portam Capenam, gradus templorum ab infima plebe completi erant. A qua plausu maximo cum esset mihi gratulatio significata, similis et frequentia et plausus me usque ad Capitolium celebravit in foroque et in ipso Capitolio miranda multitudo fuit.

[6] postridie in senatu qui fuit dies Nonarum Septembr. senatui gratias egimus. eo biduo cum esset annonae summa caritas et homines ad theatrum primo, deinde ad senatum concurrissent, impulsu Clodi mea opera frumenti inopiam esse clamarent, cum per eos dies senatus de annona haberetur et ad eius procurationem sermone non solum plebis verum etiam bonorum Pompeius vocaretur idque ipse cuperet multitudoque a me nominatim ut id decernerem postularet, feci et accurate sententiam dixi. Cum abessent consulares, quod tuto se negarent posse sententiam dicere, praeter Messallam et Afranium, factum est senatus consultum in meam sententiam, ut cum Pompeio ageretur ut eam rem susciperet lexque ferretur. quo senatus consulto recitato cum (populus) more hoc insulso et novo plausum meo nomine recitando dedisset, habui contionem. omnes magistratus praesentes praeter unum praetorem et duos tribunos pl. dederunt. postridie senatus frequens et omnes consulares nihil Pompeio postulanti negarunt. ille legatos quindecim cum postularet, me principem nominavit et ad omnia me alterum se fore dixit. legem consules conscripserunt qua Pompeio per quinquennium omnis potestas rei frumentariae toto orbe terrarum daretur, alteram Messius qui omnis pecuniae dat potestatem et adiungit classem et exercitum et maius imperium in provinciis quam sit eorum qui eas obtineant. illa nostra lex consularis nunc modesta videtur, haec messi non ferenda. Pompeius illam velle se dicit, familiares hanc. consulares duce Favonio fremunt; nos tacemus et eo magis quod de domo nostra nihil adhuc pontifices responderunt. qui si sustulerint religionem, aream praeclaram habebimus; superficiem consules ex senatus

consulto aestimabunt; sin aliter, +demolientur, suo+ nomine locabunt, rem totam aestimabunt.

[8] ita sunt res nostrae, Vt in secundis fluxae, ut in advorsis bonae. in re familiari valde sumus, ut scis, perturbati. praeterea sunt quaedam domestica quae litteris non committo. quin tum fratrem insigni pietate, virtute, fide praeditum sic amo ut debeo. te exspecto et oro ut matures venire eoque animo venias ut me tuo consilio egere non sinas. alterius vitae quoddam initium ordimur. iam quidam qui nos absentis defenderunt incipiunt praesentibus occulte irasci, aperte invidere. vehementer te requirimus.

[II] Scr. Romae in. m. Oct. a. 697 (57).

CICERO ATTICO SAL.

si forte rarius tibi a me quam a ceteris litterae redduntur peto a te ut id non modo neglegentiae meae sed ne occupationi quidem tribuas; quae etsi summa est, tamen nulla esse potest tanta ut interrumpat iter amoris nostri et offici mei. nam ut veni Romam, iterum nunc sum certior factus esse cui darem litteras; itaque has alteras dedi. prioribus tibi declaravi adventus noster qualis fuisset et quis esset status atque omnes res nostrae quem ad modum essent, Vt in secundis fluxae, ut in advorsis bonae.

[2] post illas datas litteras secuta est summa contentio de domo. diximus apud pontifices pr. Kal. Octobris. Acta res est accurate a nobis et, si umquam in dicendo fuimus aliquid aut etiam si numquam alias fuimus, tum profecto doloris magnitudo vim quandam nobis dicendi dedit. itaque oratio iuventuti nostrae deberi non potest; quam tibi, etiam si non desideras, tamen mittam cito.

[3] Cum pontifices decressent ita, SI NEQVE POPVLI IVSSV NEQVE PLEBIS SCITV IS QVI SE DEDICASSE DICERET NOMINATIM EI REI PRAEFECTVS ESSET NEQVE POPVLI IVSSV AUT PLEBIS SCITV ID FACERE IVSSVS ESSET VIDERI, POSSE SINE RELIGIONE EAM PARTEM AREAE MIHI RESTITVI, mihi facta statim est gratulatio; nemo enim dubitabat quin domus nobis esset adiudicata; cum subito ille in contionem

escendit quam Appius ei dedit. nuntiat iam populo pontifices secundum se decrevisse, me autem vi conari in possessionem venire; hortatur ut se et Appium sequantur et suam libertatem vi defendant. hic cum etiam illi infimi partim admirarentur partim inriderent hominis amentiam, ego statuerem illuc non accedere nisi cum consules ex senatus consulto porticum Catuli restituendam locassent Kal Octobr. habetur senatus frequens.

[4] adhibentur omnes pontifices qui erant senatores. A quibus Marcellinus, qui erat cupidissimus mei, sententiam primus rogatus quaesivit quid essent in decernendo secuti. tum M. Lucullus de omnium conlegarum sententia respondit religionis iudices pontifices fuisse, legis esse senatum; se et conlegas suos de religione statuisse, in senatu de lege statuturos cum senatu. itaque sub quisque horum loco sententiam rogatus multa secundum causam nostram disputavit. Cum ad Clodium ventum est, cupiit diem consumere neque ei finis est factus, sed tamen cum horas tris fere dixisset, odio et strepitu senatus coactus est aliquando perorare. Cum fieret senatus consultum in sententiam Marcellini omnibus praeter unum adsentientibus, Serranus (intercessit. de) intercessione statim ambo consules referre coeperunt. Cum sententiae gravissimae dicerentur, senatui placere mihi domum restitui, porticum Catuli locari, auctoritatem ordinis ab omnibus magistratibus defendi si quae vis esset facta, senatum existimaturum eius opera factum esse qui senatus consulto intercessisset, Serranus pertimuit et Cornicinus ad suam veterem fabulam rediit; abiecta toga se ad generi pedes abiecit. ille noctem sibi postulavit. non concedebant, reminiscebantur enim Kal. Ianuar. vix tandem tibi de mea voluntate concessum est.

[5] postridie senatus consultum factum est id quod ad te misi. deinde consules porticum Catuli restituendam locarunt; illam porticum redemptores statim sunt demoliti libentissimis omnibus. nobis superficiem aedium consules de consili sententia aestimarunt sestertio viciens, cetera valde inliberaliter, Tusculanam villam quingentis milibus, Formianum HS ducentis quinquaginta milibus. quae aestimatio non modo vehementer ab optimo quoque sed etiam a plebe reprehenditur. dices: ‘quid igitur causae fuit?’ dicunt illi quidem pudorem meum, quod neque negarim neque vehementius postularim; sed non est id; nam hoc quidem etiam profuisset; verum

iidem, mi T. Pomponi, iidem inquam illi quos ne tu quidem ignoras qui mihi pinnas inciderant nolunt easdem renasci. sed, ut spero, iam renascuntur. tu modo ad nos veni; quod vereor ne tardius interventu Varronis tui nostrique facias.

[6] quoniam acta quae sint habes, de reliqua nostra cogitatione cognosce. ego me a Pompeio legari ita sum passus ut nulla re impedirer. quod nisi vellem mihi esset integrum ut, si comitia censorum proximi consules haberent, petere possem, votivam legationem sumpsissem prope omnium fanorum, lucorum; sic enim nostrae rationes utilitatis meae postulabant. sed volui meam potestatem esse vel petendi vel ineunte aestate exeundi et interea me esse in oculis civium de me optime meritorum non alienum putavi.

[7] ac forensium quidem rerum haec nostra consilia sunt, domesticarum autem valde impedita. domus aedificatur, scis quo sumptu, qua molestia; reficitur Formianum, quod ego nec relinquere possum nec videre; Tusculanum proscripsi; suburbano facile careo. amicorum benignitas exhausta est in ea re quae nihil habuit praeter dedecus, quod sensisti tu absens (nos) praesentes; quorum studiis ego et copiis, si esset per meos defensores licitum, facile essem omnia consecutus. quo in genere nunc vehementer laboratur. cetera quae me sollicitant mustikotera sunt. amamur a fratre et a filia. (te) exspectamus.

[III] Scr. Romae vi K. Dec. a. 697 (57).

CICERO ATTICO SAL.

avere te certo scio cum scire quid hic agatur tum mea a me scire, non quo certiora sint ea quae in oculis omnium geruntur si a me scribantur quam cum ab aliis aut scribantur tibi aut nuntientur, sed ut perspicias ex meis litteris quo animo ea feram quae geruntur et qui sit hoc tempore aut mentis meae sensus aut omnino vitae status.

[2] armatis hominibus ante diem tertium Nonas Novembris expulsi sunt fabri de area nostra, disturbata porticus Catuli quae ex senatus consulto consulum locatione reficiebatur et ad tectum paene pervenerat, Quinti fratris domus primo fracta coniectu lapidum ex area nostra, deinde inflammata iussu Clodi, inspectante urbe

coniectis ignibus, magna querela et gemitu non dicam bonorum, qui nescio an nulli sint, sed plane hominum omnium. ille demens ruere, post hunc vero furorem nihil nisi caedem inimicorum cogitare, vicatim ambire, servis aperte spem libertatis ostendere. etenim antea cum iudicium tollebat, habebat ille quidem difficilem manifestamque causam sed tamen causam; poterat infitiari, poterat in alios derivare, poterat etiam aliquid iure factum defendere; post has ruinas, incendia, rapinas desertus a suis vix iam Decimum designatorem, vix Gellium retinet, servorum consiliis utitur, videt, si omnis quos vult palam occiderit, nihilo suam causam difficiliorem quam adhuc sit in iudicio futuram. itaque ante diem tertium Idus Novembris, cum sacra via descenderem, insecutus est me cum suis. clamor, lapides, fustes, gladii, haec improvisa omnia. discessimus in vestibulum Tetti Damionis. qui erant mecum facile operas aditu prohibuerunt. ipse occidi potuit, sed ego diaeta curare incipio, chirurgiae taedet. ille omnium vocibus cum se non ad iudicium sed ad supplicium praesens trudi videret, omnis Catilinas Acidinos postea reddidit. nam Milonis domum, eam quae (est in) Cermalo, pr. Idus Novembr. expugnare et incendere ita conatus est ut palam hora quinta cum scutis homines eductis gladiis, alios cum accensis facibus adduxerit. ipse domum P. Sullae pro castris sibi ad eam impugnationem sumpserat. tum ex Anniana Milonis domo Q. Flaccus eduxit viros acris; occidit homines ex omni latrocinio Clodiano notissimos, ipsum cupivit, sed ille se in interiora aedium Sullae. exin senatus postridie Idus. domi Clodius. Egregius Marcellinus, omnes acres. Metellus calumnia dicendi tempus exemit adiuvante Appio, etiam hercule familiari tuo, de cuius constantia virtute (tuae) verissimae litterae. Sestius furere. ille postea, si comitia sua non fierent, urbi minari. (Milo) proposita Marcellini sententia, quam ille de scripto ita dixerat ut totam nostram causam areae, incendiorum, periculi mei iudicio complecteretur eaque omnia comitiis anteferret, proscripsit se per omnis dies comitialis de caelo servaturum.

[4] contiones turbulentae Metelli, temerariae Appi, furiosissimae Publi haec tamen summa, nisi Milo in campo obnuntiasset, comitia futura. ante diem xii Kal. Decembr. Milo ante mediam noctem cum, magna manu in campum venit. Clodius cum haberet fugitivorum delectas copias, in campum ire non est ausus. Milo permansit ad

meridiem mirifica hominum laetitia summa cum gloria. contentio fratrum trium turpis, fracta vis, contemptus furor. Metellus tamen postulat ut sibi postero die in foro obnuntietur; nihil esse quod in campum nocte veniretur; se hora prima in comitio fore. itaque ante diem xi Kal. in comitium Milo de nocte venit. Metellus cum prima luce furtim in campum itineribus prope deviis currebat; adsequitur inter lucos hominem Milo, obnuntiat. ille se recepit magno et turpi Q. Flacci convicio. ante diem x Kal. nundinae. contio biduo nulla. ante diem viii Kal. haec ego scribebam hora noctis nona. Milo campum iam tenebat. Marcellus candidatus ita stertebat ut ego vicinus audirem. Clodi vestibulum vacuum sane mihi nuntiabatur, pauci pannosi, linea lanterna. meo consilio omnia illi fieri querebantur ignari quantum in illo heroe esset animi, quantum etiam consili. miranda virtus est. nova quaedam divina mitto; sed haec summa est. comitia fore non arbitror; reum Publium, nisi ante occisus erit, fore a Milone puto; si se in turba ei iam obtulerit, occisum iri ab ipso Milone video. non dubitat facere, prae se fert; casum illum nostrum non extimescit. numquam enim cuiusquam invidi et perfidi consilio est usurus nec inerti nobili crediturus.

[6] nos animo dumtaxat vigemus etiam magis (quam) cum florebamus, re familiari comminuti sumus. Quinti fratris tamen liberalitati pro facultatibus nostris, ne omnino exhaustus essem, illo recusante subsidiis amicorum respondemus. quid consili de omni nostro statu capiamus te absente nescimus. qua re adpropera.

[IV] Scr. Romae iii K. Febr. a. 698 (56).

CICERO ATTICO SAL.

periucundus mihi Cincius fuit ante diem iii Kal. Febr. ante lucem; dixit enim mihi te esse in Italia seseque ad te pueros mittere. quos sine meis litteris ire nolui, non quo haberem quod tibi, praesertim iam prope praesenti, scriberem sed ut hoc ipsum significarem, mihi tuum adventum suavissimum exspectatissimumque esse. qua re advola ad nos eo animo ut nos ames, te amari scias. cetera coram agemus. haec properantes scripsimus. quo die venies, utique cum tuis apud me sis.

[V] Scr. in Antiati m. April. aut Mai. a. 698 (56).

CICERO ATTICO SAL.

ain tu? me existimas ab ullo malle mea legi probarique quam a te? cur igitur cuiquam misi prius? Urgebar ab eo ad quem misi, et non habebam exemplar. quid? etiam (dudum enim circumrodo quod devorandum est) subturpicula mihi videbatur esse palinoidia. sed valeant recta, vera, honesta consilia. non est credibile quae sit perfidia in istis principibus, ut volunt esse et ut essent si quicquam haberent fidei. senseram noram inductus, relictus, proiectus ab iis. tamen hoc eram animo ut cum iis in re publica consentirem. idem erant qui fuerant. vix aliquando te auctore resipui. dices ea te monuisse, suasisse a quae facerem, non etiam ut scriberem. ego me hercule mihi necessitatem volui imponere huius novae coniunctionis, ne qua mihi liceret labi ad illos qui etiam tum cum misereri mei debent non desinunt invidere. sed tamen modici fuimus hupothesei, ut scripsi. erimus uberiores si et ille libenter accipiet, et ii subringentur qui villam me moleste ferunt habere quae Catuli fuerat, a Vettio emisse non cogitant; qui domum negant oportuisse me aedificare, vendere aiunt oportuisse. sed quid ad hoc, si, quibus sententiis dixi quod et ipsi probarent, laetati sunt tamen me contra Pompei voluntatem dixisse? finis sit. quoniam qui nihil possunt ii me nolunt amare, demus operam ut ab iis qui a possunt diligamur. dices “vellem iam pridem.” scio te voluisse et me Usinum germanum fuisse. sed iam tempus est me ipsum a me amari, quando ab illis nullo modo possum. domum meam quod crebro invisis est mihi valde gratum. viaticum Crassipes praeripit. tu de via recta in hortos. videtur commodius ad te; postridie scilicet; quid enim tua? sed viderimus. bibliothecam mihi tui pinxerunt constructione et sittybis. Eos velim laudes.

[VI] Scr. in Antiati m. Apr. aut Mai. a. 698 (56).

CICERO ATTICO SAL.

de Lentulo scilicet sic fero ut debeo. virum bonum et magnum

hominem et in summa magnitudine animi multa humanitate temperatum perdidimus nosque malo solacio sed non nullo tamen consolamur quod ipsius vicem minime dolemus non ut Saufeius et vestri sed me hercule quia sic amabat patriam ut mihi aliquo deorum beneficio videatur ex eius incendio esse ereptus. nam quid foedius nostra vita, praecipue mea? nam tu quidem, etsi es natura politikos, tamen nullam habes propriam servitutem, communi frueris nomine;

[2] ego vero qui, si loquor de re publica quod oportet, insanus, si quod opus est, servus existimor, si taceo, oppressus et captus, quo dolore esse debeo? quo sum scilicet, hoc etiam acriore quod ne dolere quidem possum ut non ingratus videar. quid si cessare libeat et in oti portum confugere? nequiquam; immo etiam in bellum et in castra. ergo erimus opadoi qui tagoi esse noluimus? sic faciendum est, tibi enim ipsi (quoi utinam semper paruissem!) sic video placere. reliquum iam est Spartan elaches, tautan kosmei non me hercule possum et Philoxeno ignosco qui reduci in carcerem maluit. verum tamen id ipsum mecum in his locis commentor ut ista (ne) improbem, idque tu cum una erimus confirmabis. A te litteras crebro ad me scribi video sed omnis uno tempore accepi. quae res etiam auxit dolorem meum. casu enim trinas ante legeram quibus meliuscule Lentulo .esse scriptum erat. ecce quartae fulmen! sed ille, ut scripsi, non miser, nos vero ferrei.

[3] quod me admones ut scribam illa Hortensiana, in alia incidi non immemor istius mandati tui; sed me hercule (in) incipiendo refugi ne qui videor stulte illius amici intemperiem non tulisse rursus stulte iniuriam illius faciam inlustrem si quid scripsero, et simul ne bathutes mea quae in agendo apparuit in scribendo sit occultior et aliquid satisfactio levitatis habere videatur.

[4] sed viderimus; tu modo quam saepissime ad me aliquid. epistulam Lucceio nunc quam misi, qua meas res ut scribat rogo, fac ut ab eo sumas (valde bella est) eumque ut adproperet adhorteris et quod mihi se ita facturum rescripsit agas gratias, domum nostram quoad poteris invisas, Vestorio aliquid significes. valde enim est in me liberalis.

[VII] Scr. in Arpinati m. Apr. aut Mai. a. 698 (56).

CICERO ATTICO SAL.

nihil eukairoteron epistula tua quae me sollicitum de Quinto nostro, puero optimo, valde levavit. venerat horis duabus ante Chaerippus, mera monstra nuntiarat. de Apollonio quod scribis, qui illi di irati! homini Graeco qui conturbat atque idem putat sibi licere quod equitibus Romanis. nam Terentius suo iure. de Metello ouch hosie phthimenoisin, sed tamen multis annis civis nemo erat mortuus qui quidem . . . tibi nummi meo periculo sint. quid enim vereris? quemcumque heredem fecit, nisi Publium fecit, virum fecit, non improbe, quamquam fuit ipse. qua re in hoc thecam nummariam non retexeris, in aliis eris cautior.

[3] mea mandata de domo curabis, praesidia locabis, Milonem admonebis. Arpinatium fremitus est incredibilis de Laterio. quid quaeris? equidem dolui; ho de ouk empazeto muthon quod superest, etiam puerum Ciceronem curabis et amabis, ut facis.

[VIII] Scr. in Antiati m. Apr. aut Mai. a. 698 (56).

CICERO ATTICO SAL.

multa me in epistula tua delectarunt sed nihil magis quam patina tyrotarichi. nam de rauducsulo quod scribis, mepo meg' eipeis prin teleutesant' ideis aedificati tibi in agris nihil reperio. in oppido est quiddam, de quo est dubium sitne venale, ac proximum quidem nostris aedibus. hoc scito, Antium Buthrotum esse Romae, ut Corcyrae illud tuum (Antium). nihil quietius, nihil alsius, nihil amoenius. eie moi houtos philos oikos.

[2] postea vero, quam Tyrannio mihi libros disposuit, mens addita videtur meis aedibus. qua quidem in re mirifica opera Dionysi et Menophili tui fuit. nihil venustius quam illa tua pegmata, postquam mi sillybis libros inlustrarunt. vale. et scribas ad me velim de gladiatoribus, sed ita bene si rem gerunt; non quaero, male si se gesserunt.

[IX] Scr. Neapoli iv K. Mai a. 699 (55).

CICERO ATTICO SAL.

sane velim scire num censum impediant tribuni diebus vitiandis (est enim hic rumor) totaque de censura quid agant, quid cogitent. nos hic cum Pompeio fuimus. multa mecum de re publica sane sibi displicens, ut loquebatur (sic est enim in hoc homine dicendum), Syriam spernens, Hispaniam iactans, hic quoque, ut loquebatur; et opinor usque quaque, de hoc cum dicemus, sit hoc quasi kai tode Phokulidou. tibi etiam gratias agebat quod signa componenda suscepisses; in nos vero suavissime hercule est effusus. venit etiam ad me in Cumanum a se. nihil minus velle mihi visus est quam Messallam consulatum petere. de quo ipso si quid scis velim scire.

[2] quod Lucceio scribis te nostram gloriam commendaturum et aedificium nostrum quod crebro invisis, gratum. Quintus frater ad me scripsit se, quoniam Ciceronem suavissimum tecum haberes, ad te Nonis Maias venturum.)ego me de Cumano movi ante diem v Kal. Maias. eo die Neapoli apud Paetum. ante diem IIII Kal. Maias iens in Pompeianum bene mane haec scripsi.

[X] Scr. in Cttn:ano ix K. Mat a. 699 (55).

CICERO ATTICO SAL.

Puteolis magnus est rumor Ptolomaeum esse in regno. si quid habes certius velim scire. ego hic pascor bibliotheca Fausti. fortasse tu putabas his rebus Puteolanis et Lucrinensibus. ne ista quidem desunt. sed me hercule (ut) a ceteris oblectationibus deseror [et] voluptatum propter rem publicam, sic litteris sustentor et recreor maloque in illa tua sedecula quam habes sub imagine Aristotelis sedere quam in istorum sella curuli tecumque apud te ambulare quam cum eo quocum video esse ambulandum. sed de illa ambulatione fors viderit aut si qui est qui curet deus;

[2] nostram ambulationem et Laconicum eaque quae Cyrea sint velim quod poterit invisas et urgeas Philotimum ut properet, ut possim tibi aliquid in eo genere respondere. Pompeius in Cumanum parilibus venit. misit ad me statim qui salutem nuntiaret. ad eum postridie mane vadebam, cum haec scripsi.

[XI] Scr. in Cumano a. d. v. K. Mai. a. 699 (55).

CICERO ATTICO SAL.

delectarunt me epistulae tuae quas accepi uno tempore duas ante diem v Kal. Perge reliqua. gestio scire ista omnia. etiam illud cuius modi sit velim perspicias; potes a Demetrio. dixit mihi Pompeius Crassum a se in Albano exspectari ante diem iiii Kal.; is cum venisset, Romam (eum) et se statim venturos ut rationes cum publicanis putarent. quaesivi gladiatoribusne. respondit ante quam inducerentur. id cuius modi sit aut nunc si scies aut cum is Romam venerit ad me mittas velim.

[2] nos hic voramus litteras cum homine mirifico (ita me hercule sentio) Dionysio qui te omnisque vos salutat. Ouden glukuteron e pant' eidenai. qua re ut homini curioso ita perscribe ad me quid primus dies, quid secundus, quid censores, quid Appius, quid illa populi Appuleia; denique etiam quid a te fiat ad me velim scribas. non enim, ut vere loquamur, tam rebus novis quam tuis litteris delector. ego mecum praeter Dionysium eduxi neminem nec metuo tamen ne mihi sermo desit. +abs te opere+ delector. tu Lucceio nostrum librum dabis. Demetri Magnetis tibi mitto, statim ut sit qui a te mihi epistulam referat.

[XII] Scr. um Mai. a. 699 (55).

CICERO ATTICO SAL.

Egnatius Romae est. sed ego cum eo de re Halimeti vehementer Anti egi. graviter se acturum cum Aquilio confirmavit. videbis ergo hominem si voles. Macroni vix videor praesto esse (posse); Idibus enim auctionem Larini video et biduum praeterea. id tu, quoniam Macronem tanti facis, ignoscas mihi velim. sed si me diligis, postridie Kal. cena apud me cum Pilia. prorsus id facies. Kalendis cogito in hortis Crassipedis quasi in deversorio cenare. facio fraudem senatus consulto. Inde domum cenatus, ut sim mane praesto Miloni. ibi te igitur videbo et permanebo. domus te nostra tota salutat.

[XIII] Scr. in Tusculano m. Nov. post xvii K. Dec. a. 699 (55).

CICERO ATTICO SAL.

nos in Tusculanum venisse a. d. xvii Kal. Dec. video te scire. ibi Dionysius nobis praesto fuit. Romae a. d. xiiii Kal. volumus esse. quid dico 'volumus'? immo vero cogimur. Milonis nuptiae. comitiorum non nulla opinio est. ego, ut sit rata, afuisse me in altercationibus quas in senatu factas audio fero non moleste. nam aut defendissem quod non placeret aut defuissem cui non oporteret. sed me hercule velim res istas et praesentem statum rei publicae et quo animo consules ferant hunc skulmon scribas ad me quantum pote. valde sum oxupeinos et, si quaeris, omnia mihi sunt suspecta.

[2] Crassum quidem nostrum minore dignitate aiunt profectum paludatum quam olim aequalem eius L. Paulum, item iterum consulem. O hominem nequam! de libris oratoriis factum est a me diligenter. diu multumque in manibus fuerunt. describas licet. illud (etiam atque) etiam te rogo, ten parousan katastasin tupodos, ne istuc hospes veniam.

[XIV] Scr. in Cumano m. Mai. post vi Id. a. 700 (54).

CICERO ATTICO SAL.

Vestorius noster me per litteras fecit certiorem te Roma a. d. vi Idus Maias putari profectum esse tardius quam dixeras quod minus valuisses. si iam melius vales, vehementer gaudeo. velim domum ad te scribas ut mihi tui libri pateant non secus ac si ipse adesses cum ceteri tum Varronis. est enim mihi utendum quibusdam rebus ex his libris ad eos quos in manibus habeo; quos, ut spero, tibi valde probabo.

[2] tu velim si quid forte novi habes, maxime a Quinto fratre, deinde a C. Caesare, et si quid forte de comitiis, de re publica (soles enim tu haec festive odorari), scribas ad me; si nihil habebis, tamen scribas aliquid. numquam enim mihi tua epistula aut intempestiva aut loquax visa est. maxime autem rogo rebus tuis totoque itinere ex sententia confecto nos quam primum revisas. Dionysium iube salvere. cura ut valeas.

[XV] Scr. Romae vi K. Sext. a. 700 (54).

CICERO ATTICO SAL.

de Eutychide gratum qui vetere praenomine, novo nomine T. erit Caecilius, ut est ex me et ex te iunctus Dionysius M. Pomponius. valde me hercule mihi gratum est Eutychidem tuam erga me benevolentiam cognosse (et) suam illam in meo dolore sumpatheian neque tum mihi obscuram neque post ingratam fuisse.

[2] iter Asiaticum tuum puto tibi suscipiendum fuisse; numquam enim tu sine iustissima causa tam longe a tot tuis et hominibus et rebus carissimis et suavissimis abesse voluisses. sed humanitatem tuam amoremque in tuos reditus celeritas declarabit. sed vereor ne lepore suo detineat diutius praetor Clodius et homo pereruditus, ut aiunt, et nunc quidem deditus Graecis litteris Pituanius. sed si vis homo esse, recipe te ad nos ad quod tempus confirmasti. Cum illis tamen cum salvi venerint Romae vivere licebit. avere te scribis accipere aliquid a me litterarum.

[3] dedi ac multis quidem de rebus hemerolegdon perscripta omnia; sed ut conicio, quoniam mihi non videris in Epiro diu fuisse, redditas tibi non arbitror. genus autem mearum ad te quidem litterarum eius modi fere est ut non libeat cuiquam dare nisi de quo exploratum sit tibi eum redditurum.

[4] nunc Romanas res accipe. A. d. iiii Nonas Quintilis Sufenas et Cato absoluti, Procilius condemnatus. ex quo intellectum est trisareiopagitas ambitum, comitia, interregnum, maiestatem, totam denique rem publicam flocci non facere, [debemus] patrem familias domi suae occidi nolle, neque tamen id ipsum abunde; nam absolverunt xxii, condemnarunt xxviii. Publius sane diserto epilogo criminans (me) mentis iudicum commoverat. Hortalus in ea causa fuit cuius modi solet. nos verbum nullum; verita est enim pusilla, quae nunc laborat, ne animum Publi offenderem.

[5] his rebus actis Reatini me ad sua Tempe duxerunt ut agerem causam contra Interamnatis apud consulem et decem legatos, quod lacus Velinus a M'. Curio emissus interciso monte in Nar defluit; ex quo est illa siccata et umida tamen modice Rosia. vixi cum Axio, qui etiam me ad septem aquas duxit.

[6] redii Romam Fontei causa a. d. vii Idus Quint. veni in spectaculum primum magno et aequabili plausu. sed hoc ne curaris;

ego ineptus qui scripserim. deinde Antiphonti operam. is erat ante manu missus quam productus. ne diutius pendeas, palmam tulit; sed nihil tam pusillum, nihil tam sine voce, nihil tam . . . verum haec tu tecum habeto. in Andromacha tamen maior fuit quam Astyanax, in ceteris parem habuit neminem. quaeris nunc de Arbuscula; valde placuit. ludi magnifici et grati; venatio in aliud tempus dilata.

[7] sequere nunc me in campum. ardet ambitus; sema de toi ereo; faenus ex triente Idibus Quintilibus factum erat bessibus. dices "istuc quidem non moleste fero." O virum! o civem! Memmium Caesaris omnes opes confirmant. Cum eo Domitium consules iunxerunt, qua pactione epistulae committere non audeo. Pompeius fremit, queritur, Scauro studet, sed utrum fronte an mente dubitatur. Exoche in nullo est; pecunia omnium dignitatem exaequat. Messalla languet, non quo aut animus desit aut amici sed coitio consulum (et) Pompeius obsunt. ea comitia puto fore ut ducantur. tribunicii candidati iurarunt se arbitrio Catonis petituros. apud eum HS quingena deposuerunt ut qui a Catone damnatus esset id perderet et competitoribus tribueretur.

[8] haec ego pridie scribebam quam comitia fore putabantur. sed ad te, quinto Kal. Sextil. si facta erunt et tabellarius non erit profectus, tota comitia perscribam. quae si, ut putantur, gratuita fuerint, plus unus Cato potuerit quam (omnes leges) omnesque iudices.

[9] Messius defendebatur a nobis de legatione revocatus; nam eum Caesari legarat Appius. Servilius edixit ut adesset. tribus habet Pomptinam, Velinam, Maeciam. pugnatur acriter; agitur tamen satis. deinde me expedio ad Drusum, inde ad Scaurum. parantur orationibus indices gloriosi. fortasse accedent etiam consules designati. in quibus si Scaurus non fuerit, in hoc iudicio valde laborabit. . ex Quinti fratris litteris suspicor iam eum esse in Britannia. suspenso animo exspecto quid agat. illud quidem sumus adepti, quod multis et magnis indiciis possumus iudicare, nos Caesari et carissimos et iucundissimos esse. Dionysium velim salvere iubeas et eum roges et hortere ut quam primum veniat, ut possit Ciceronem meum atque etiam me ipsum erudire.

[XVI] Scr. Romae ex. m. Iun. aut in. Quint. a. 700 (54).

CICERO ATTICO SAL.

occupationum mearum vel hoc signum erit quod epistula librari manu est. de epistularum frequentia te nihil accuso, sed pleraeque tantum modo mihi nuntiabant ubi esses, vel etiam significabant recte esse, quod erant abs te. quo in genere maxime delectarunt duae fere eodem tempore abs te Buthroto datae. scire enim volebam te commode navigasse. sed haec epistularum frequentia non tam ubertate sua quam crebritate delectavit. illa fuit gravis et plena rerum quam mihi M. Paccius, hospes tuus, reddidit. ad eam rescribam igitur et hoc quidem primum. paccio ratione et verbis et re ostendi quid tua commendatio ponderis haberet. itaque in intimis est meis, cum antea notus non fuisset.

[2] nunc pergam ad cetera. Varro, de quo ad me scribis, includetur in aliquem locum, si modo erit locus. sed nosti genus dialogorum meorum. Vt in oratoriis, quos tu in caelum fers, non potuit mentio fieri cuiusquam ab iis qui disputant, nisi eius qui illis notus aut auditus esset, ita hanc ego de re publica quam institui disputationem in Africani personam et Phili et Laeli (et) Manili contuli. adiunxi adulescentis Q. Tuberonem, P. Rutilium, duo Laeli generos, Scaevolam et Fannium. itaque cogitabam, quoniam in singulis libris utor prohoemiis ut Aristoteles in iis quos exoterikous vocat, aliquid efficere ut non sine causa istum appellarem; id quod intellego tibi placere. Vtinam modo conata efficere possim! rem enim, quod te non fugit, magnam complexus sum et gravem et plurimi oti, quo ego maxime egeo.

[3] quod in iis libris quos laudas personam desideras Scaevolae, non eam temere dimovi sed feci idem quod in politeiai deus ille noster Plato. Cum in Piraeum Socrates venisset ad Cephalum, locupletem et festivum senem, quoad primus ille sermo habetur, adest in disputando senex, deinde cum ipse quoque commodissime locutus esset, ad rem divinam dicit se velle discedere neque postea revertitur. credo Platonem vix putasse satis consonum fore si hominem id aetatis in tam longo sermone diutius retinuisset. multo ego magis hoc mihi cavendum putavi in Scaevola, qui et aetate et valetudine erat ea qua eum esse meministi et iis honoribus ut vix satis decorum videretur eum pluris dies esse in Crassi Tusculano. et erat primi libri sermo non alienus a Scaevolae studiis, reliqui libri technologian habent, ut scis. huic ioculatorem senem ilium, ut noras,

interesse sane nolui.

[4] de re Piliae quod scribis erit mihi curae. etenim est luculenta res Aureliani, ut scribis, indiciis. et in eo me etiam Tulliae meae venditabo. Vestorio non desum. gratum enim tibi id esse intellego et ut ille intellegat curo. sed scis qui? Cum habeat duo facilis nihil difficilius.

[5] nunc ad ea (quae) quaeris de C. Catone. lege Iunia et Licinia scis absolutum; Fufia ego tibi nuntio absolutum iri neque patronis suis tam libentibus quam accusatoribus. is tamen et mecum et cum Milone in gratiam rediit. Drusus reus est factus a Lucretio. iudicibus reiciendis (dies est dictus) a. d. v Non. Quint. de Procilio rumores non boni, sed iudicia nosti. Hirrus cum Domitio in gratia est. senatus consultum quod hi consules de provinciis fecerunt QVICVMQVE POSTHAC — non mihi videtur esse valiturum.

[6] de Messalla quod quaeris, quid scribam nescio. numquam ego vidi tam paris candidatos. Messallae copias nosti. Scaurum Triarius reum fecit. si quaeris, nulla est magno opere commota sumpatheia, sed tamen habet aedilitas eius memoriam non ingratam et est pondus apud rusticos in patris memoria. reliqui duo plebeii sic exaequantur ut Domitius valeat amicis adiuvetur tamen non (nihil) gratissimo munere, Memmius Caesaris commendetur militibus, Pompei Gallia nitatur. quibus si non valuerit, putant fore aliquem qui comitia in adventum Caesaris detrudat, Catone praesertim absoluto.

[7] Paccianae epistulae respondi. nunc te obiurgari patere, si iure. scribis enim in ea epistula quam C. Decimius mihi reddidit Buthroto datam in Asiam tibi eundum esse te arbitrari. mihi me hercule nihil videbatur esse in quo tantulum interesset utrum per procuratores ageres an per te ipsum, ut a tuis totiens et tam longe abesses. sed haec mallem integra re tecum egissem, profecto enim aliquid egissem. nunc reprimam susceptam obiurgationem. Vtinam valeat ad celeritatem reditus tui! ego ad te propterea minus saepe scribo quod certum non habeo ubi sis aut ubi futurus sis; huic tamen nescio cui, quod videbatur isti (te) visurus esse, putavi dandas esse litteras. tu quoniam iturum te in Asiam esse putas, ad quae tempora te exspectemus facias me certiorem velim et de Eutychide quid egeris.

[XVII] Scr. Romae K. Oct. a. 700 (54).

puto te existimare me nunc oblitum consuetudinis et instituti mei rarius ad te scribere quam solebam; sed quoniam loca et itinera tua nihil habere certi video, neque in Epirum neque Athenas neque in Asiam cuiquam nisi ad te ipsum proficiscenti dedi litteras. neque enim (eae) sunt epistulae nostrae quae si perlatae non sint nihil ea res nos offensura sit; quae tantum habent mysteriorum ut eas ne librariis quidem fere committamus, +lepidum quo excidat+.

[2] consules flagrant infamia quod C. Memmius candidatus pactionem in senatu recitavit quam ipse (et) suus competitor Domitius cum consulibus fecisset uti ambo HS quadragena consulibus darent, si essent ipsi consules facti, nisi tris augures dedissent qui se adfuisse dicerent cum lex curiata ferretur quae lata non esset, et duo consularis qui se dicerent in ornandis provinciis consularibus scribendo adfuisse, cum omnino ne senatus quidem fuisset. haec pactio non verbis sed nominibus et perscriptionibus multorum tabulis cum esse facta diceretur, prolata a Memmio est nominibus inductis auctore Pompeio. hic Appius erat idem. nihil sane iacturae. corruerat alter et plane inquam iacebat.

[3] Memmius autem dirempta coitione invito Calvino plane refrixerat et eo magis nunc totus iacet quod iam intellegebamus enuntiationem illam Memmi valde Caesari displicere. Messalla noster et eius Domitius competitor liberalis in populo valde fuit. nihil gratius. certi erant consules. at senatus decrevit ut tacitum iudicium ante comitia fieret ab iis consiliis quae erant (ex) omnibus sortita in singulos candidatos. Magnus timor candidatorum. sed quidam iudices, in his Opimius, Veiento, Rantius, tribunos pl. appellarunt, ne iniussu populi iudicarent. res cedit; comitia dilata ex senatus consulto dum lex de tacito iudicio ferretur. venit legi dies. Terentius intercessit. consules qui illud levi bracchio egissent rem ad senatum detulerunt. hic Abdera non tacente me. dices ‘tamen tu non quiescis?’ ignosce, vix possum. verum tamen quid tam ridiculum? senatus decreverat ne prius comitia haberentur quam lex lata esset; si qui intercessisset, res integra referretur. coepta ferri leviter, intercessum non invitis, res ad senatum. de ea re ita censuerunt comitia primo quoque tempore haberi esse e re publica.

[4] Scaurus qui erat paucis diebus illis absolutus, cum ego +patrem + eius ornatissime defendissem, obnuntiationibus per Scaevolam interpositis singulis diebus usque ad pr. Kal. i, Octobr., quo ego haec die scripsi, sublatis populo tributim domi suae satis fecerat. sed tamen etsi uberior liberalitas huius, gratior esse videbatur eorum qui occuparant. cuperem vultum videre tuum cum haec legeres; nam profecto spem habes nullam haec negotia multarum nundinarum fore. sed senatus hodie fuerat futurus, id est Kal. Octobribus; iam enim luciscit. ibi loquetur praeter Antium et Favonium libere nemo; nam Cato aegrotat. de me nihil timueris, sed tamen promitto nihil.

[5] quid quaeris aliud? iudicia, credo. Drusus, Scaurus non fecisse videntur. tres candidati fore rei putabantur, Domitius a Memmio, Messalla a Q. Pompeio Rufo, Scaurus a Triario aut a L. Caesare. ‘quid poteris’ inquies ‘pro iis dicere?’ ne vivam (si) scio; in illis quidem tribus libris quos tu dilaudas nihil reperio.

[6] cognosce cetera. ex fratris litteris incredibilia de Caesaris in me amore cognovi, eaque sunt ipsius Caesaris uberrimis litteris confirmata. Britannici belli exitus exspectatur; constat enim aditus insulae esse muratos mirificis molibus. etiam illud iam cognitum est neque argenti scripulum esse ullum in illa insula neque ullam spem praedae nisi ex mancipiis; ex quibus nullos puto te litteris aut musicis eruditos exspectare.

[7] Paulus in medio foro basilicam iam paene texerat isdem antiquis columnis, illam autem quam locavit facit magnificentissimam. quid quaeris? nihil gratius illo monumento, nihil gloriosius. itaque Caesaris amici, me dico et Oppium, dirumparis licet, (in) monumentum illud quod tu tollere laudibus solebas, ut forum laxaremus et usque ad atrium libertatis explicaremus, contempsimus sexcenties HS; cum privatis non poterat transigi minore pecunia. efficiemus rem gloriosissimam; nam in campo Martio saepta tributis comitiis marmorea sumus et tecta facturi eaque cingemus excelsa porticu, ut mille passuum conficiatur. simul adiungetur huic operi villa etiam publica. dices ‘quid mihi hoc monumentum proderit?’ +ad quid id laboramus res Romanas+. non enim te puto de lustro quod iam desperatum est, aut de iudiciis quae lege +Coctia+ fiant quaerere.

[XVIII] Scr. Romae ex. m. Oct. a. 700 (54).

CICERO ATTICO SAL.

+nunc ut opinionem habeas rerum+, ferendum est. quaeris ego me ut gesserim. constanter et libere. ‘quid? ille’ inquies ut ferebat?’ humaniter meaeque dignitatis quoad mihi satis factum esset habendam sibi rationem putabat. quo modo ergo absolutus? omnino +porpapumnai. accusatorum incredibilis infantia, id est L. Lentuli L. f., quem fremunt omnes praevaricatum, deinde Pompei mira contentio, iudicum sordes. ac tamen xxxii condemnarunt xxxviii absolverunt. iudicia reliqua impendent.

[2] nondum est plane expeditus. dices ‘tu ergo haec quo modo fers?.’ belle me hercule et in eo me valde amo. amisimus, mi Pomponi, omnem non modo sucum ac sanguinem sed etiam colorem et speciem pristinam civitatis. nulla est res publica quae delectet, in qua acquiescam. ‘idne igitur’ inquies ‘facile fers?’ id ipsum; recordor enim quam bella paulisper nobis gubernantibus civitas fuerit, quae mihi gratia relata sit. nullus dolor me angit unum omnia posse; dirumpuntur ii qui me aliquid posse doluerunt. multa mihi dant solacia, nec tamen ego de meo statu demigro, quaeque vita maxime est ad naturam ad eam me refero, ad litteras et studia nostra. dicendi laborem delectatione oratoria consolor; domus me et rura nostra delectant; non recordor unde ceciderim sed unde surrexerim. fratrem mecum et te si habebo, per me isti pedibus trahantur; vobis emphilosophesai possum. locus ille animi nostri stomachus ubi habitabat olim concalluit; privata modo et domestica nos delectant. miram securitatem videbis; cuius plurimae me hercule partes sunt in tuo reditu; nemo enim in terris est mihi tam consentientibus sensibus.

[3] sed accipe alia. res fluit ad interregnum, et est non nullus odor dictaturae, sermo quidem multus; qui etiam Gabinium apud timidos iudices adiuvit. candidati consulares omnes rei ambitus. accedit etiam Gabinius; quem P. Sulla non dubitans quin foris esset postularat contra dicente et nihil obtinente Torquato. sed omnes absolventur nec posthac quisquam damnabitur nisi qui hominem occiderit. hoc tamen agitur severius, itaque iudicia calent. M. Fulvius Nobilior condemnatus est; multi alii urbani ne respondent quidem.

[4] quid aliud novi? etiam. absoluto Gabinio stomachantes alii iudices hora post Antiochum Gabinium nescio quem (e) Sopolidis pictoribus libertum, accensum Gabini, lege Papia condemnarunt. itaque dixit statim +resp. lege maiestatis ousoimrisamaphiei+. Pomptinus vult a. d. iiii Non. Novembr. triumphare. huic obviam Cato et Servilius praetores ad portam et Q. Mucius tribunus. negant enim latum de imperio, et est latum hercule insulse. sed erit cum Pomptino Appius consul. Cato tamen adfirmat se vivo illum non triumphaturum. id ego puto ut multa eiusdem ad nihilum recasurum. Appius sine lege suo sumptu in Ciliciam cogitat.

[5] A Quinto fratre et a Caesare accepi a. d. viiii Kal. Nov. xvii litteras datas a litoribus Britanniae proximis a. d. vi Kal. Octobr. confecta Britannia, obsidibus acceptis, nulla praeda, imperata tamen pecunia exercitum ex Britannia reportabant. Q. Pilius erat iam ad Caesarem profectus. tu, si aut amor in te est nostri ac tuorum aut ulla veritas aut etiam si sapis ac frui tuis commodis cogitas, adventare et prope adesse iam debes. non me hercule aequo animo te careo; te autem quid mirum, qui Dionysium tanto opere desiderem? quem quidem abs te cum dies venerit et ego et Cicero meus flagitabit. abs te proximas litteras habebam Epheso a. d. v Idus Sextil. datas.

[XIX] Scr. Romae ex. m. Nov. a. 700 (54).

CICERO ATTICO SAL.

O exspectatas mihi tuas litteras! O gratum adventum! O constantiam promissi et fidem miram! O navigationem amandam! quam me hercule ego valde timebam recordans superioris tuae transmissionis derreis. sed nisi fallor citius te quam scribis videbo. credo enim te putasse tuas mulieres in Apulia esse. quod cum secus erit, quid te Apulia moretur? num Vestorio dandi sunt dies et ille Latinus attikismos ex intervallo regustandus? quin tu huc advolas et invisis illius nostrae rei publicae +Germane putavi de nummis+ ante comitia tributim uno loco divisis palam, inde absolutum Gabinium dictaturam +fruere iustitio et omnium rerum licentia+.

[2] perspice aequitatem animi mei et +ludum et contemptionem Seleucianae provinciae+ et me hercule cum Caesare suavissimam

coniunctionem (haec enim me una ex hoc naufragio tabula delectat); qui quidem Quintum meum tuumque, di boni! quem ad modum tractat honore, dignitate, gratia! non secus ac si ego essem imperator. hiberna legionis eligendi optio delata commodum, ut ad me Quintus scribit. hunc tu non ames? quem igitur istorum? sed heus tu! scripseramne tibi me esse legatum Pompeio et extra urbem quidem fore ex Idibus Ianuarus? visum est hoc mihi ad multa quadrare. sed quid plura? Coram opinor reliqua, ut tu tamen aliquid exspectes. Dionysio plurimam salutem; cui quidem ego non modo servavi sed etiam aedificavi locum. quid quaeris? ad summam laetitiam meam quam ex tuo reditu capio magnus illius adventus cumulus accedet. quo die ad me venies, tu, si me amas, apud me cum tuis maneas.

LIBER QUINTUS

[I] Scr. Menturnis iii aut prid. Non. Mai. a. 703 (49).

CICERO ATTICO SAL.

ego vero et tuum in discessu vidi animum et meo sum ipse testis. quo magis erit tibi videndum ne quid novi decernatur, ut hoc nostrum desiderium ne plus sit annuum. de Annio Saturnino curasti probe.

[2] de satis dando vero te rogo, quoad eris Romae tu ut satis des. et sunt aliquot satisdationes secundum mancipium veluti Mennianorum praediorum vel Atilianorum. de Oppio factum est (ut) volui, et maxime quod DCCC aperuisti. quae quidem ego utique vel versura facta solvi volo, ne extrema exactio nostrorum nominum exspectetur.

[3] nunc venio ad transversum illum extremae epistulae tuae versiculum in quo me admones de sorore. quae res se sic habet. Vt veni in Arpinas, cum ad me frater venisset, in primis nobis sermo isque multus de te fuit. ex quo ego veni ad ea quae fueramus ego et tu inter nos de sorore in Tusculano locuti. nihil tam vidi mite, nihil tam placatum quam tum meus frater erat in sororem tuam, ut, etiam si qua fuerat ex ratione sumptus offensio, non appareret. ille sic dies. postridie ex Arpinati profecti sumus. Vt in Arcano Quintus maneret dies fecit, ego Aquini, sed prandimus in Arcano. Nosti hunc fundum. quo ut venimus, humanissime Quintus ‘Pomponia’ inquit ‘tu invita mulieres, ego viros accivero.’ nihil potuit, mihi quidem ut visum est, dulcius idque cum verbis tum etiam animo ac vultu. at illa audientibus nobis ‘ego ipsa sum’ inquit ‘hic hospita,’ id autem ex eo, ut opinor, quod antecesserat Statius ut prandium nobis videret. tum Quintus ‘en’ inquit mihi haec ego patior cotidie.’

[4] dices ‘quid quaeso istuc erat?’ Magnum; itaque me ipsum commoverat; sic absurde et aspere verbis vultuque responderat. dissimulavi dolens. discubuimus omnes praeter illam, cui tamen Quintus de mensa misit. illa reiecit. quid multa? nihil meo fratre lenius, nihil asperius tua sorore mihi visum est; et multa praetereo quae tum mihi maiori stomacho quam ipsi Quinto fuerunt. ego inde Aquinum. Quintus in Arcano remansit et Aquinum ad me postridie

mane venit mihique narravit nec secum illam dormire voluisse (et) cum discessura esset fuisse eius modi qualem ego vidissem. quid quaeris? vel ipsi hoc dicas licet, humanitatem ei meo iudicio illo die defuisse. haec ad te scripsi fortasse pluribus quam necesse fuit, ut videres tuas quoque esse partis instituendi et monendi. reliquum est ut ante quam proficiscare mandata nostra exhaurias, scribas ad me omnia, Pomptinum extrudas, cum profectus eris cures ut sciam, sic habeas nihil me hercule te mihi nec carius esse nec suavius. A. Torquatum amantissime dimisi Menturnis, optimum virum; cui me ad te scripsisse aliquid in sermone significes velim.

[II] Scr. in Pompeiano vi Id. Mat a. 703 (51).

CICERO ATTICO SAL.

A. d. vi Idus Maias, cum has dabam litteras, ex Pompeiano proficiscebar ut eo die manerem in Trebulano apud Pontium. deinde cogitabam sine ulla mora iusta itinera facere. in Cumano cum essem, venit ad me, quod mihi pergratum fuit, noster Hortensius; cui deposcenti mea mandata cetera universe mandavi, illud proprie, ne pateretur quantum esset in ipso prorogari nobis provincias. in quo eum tu velim confirmes gratumque mihi fecisse dicas quod et venerit ad me et hoc mihi praetereaque si quid opus esset promiserit. confirmavi ad eam causam etiam Furnium nostrum quem ad annum tribunum pl. videbam fore.

[2] habuimus in Cumano quasi pusillam Romam. tanta erat in his locis multitudo; cum interim rufio noster, quod se a Vestorio observari videbat, strategemate hominem percussit; nam ad me non accessit. itane? cum Hortensius veniret et infirmus et tam longe et Hortensius, cum maxima praeterea multitudo, ille non venit? non, inquam.'non vidisti igitur hominem?' inquies. qui potui non videre cum per emporium Puteolanorum iter facerem? in quo illum agentem aliquid credo salutavi, post etiam iussi valere cum me exiens e sua villa numquid vellem rogasset. hunc hominem parum gratum quisquam putet aut non in eo ipso laudandum quod laudari non laborarit?

[3] sed redeo ad illud. noli putare mihi aliam consolationem esse

huius ingentis molestiae nisi quod spero non longiorem annua fore. hoc me ita velle multi non credunt ex consuetudine aliorum; tu qui scis omnem diligentiam adhibebis tum scilicet cum id agi debebit, cum ex Epiro redieris. de re publica scribas ad me velim si quid erit quod +operare+. nondum enim satis huc erat adlatum quo modo Caesar ferret de auctoritate perscripta, eratque rumor de Transpadanis eos iussos iiii viros creare. quod si ita est, magnos motus timeo. sed aliquid ex Pompeio sciam.

[III] Scr. in. Trebulano v Id. Mai. a. 703 (51).

CICERO ATTICO SAL.

A. d. vi Idus Maias veni in Trebulanum ad Pontium. ibi mihi tuae litterae binae redditae sunt tertio abs te die. eodem autem exiens e Pompeiano Philotimo dederam ad te litteras; nec vero nunc erat sane quod scriberem. qui de re publica rumores scribe, quaeso; in oppidis enim summum video timorem sed multa inania. quid de his cogites et quando scire velim.

[2] ad quas litteras tibi rescribi velis nescio. nullas enim adhuc acceperam praeter quae mihi binae simul in Trebulano redditae sunt; quarum alterae edictum P. Licini habebant (erant autem Nonis Maus datae), alterae rescriptae ad meas Menturnensis. quam vereor ne quid fuerit spoudaioteron in iis quas non accepi quibus rescribi vis! (apud) Lentulum ponam te in gratia.

[3] Dionysius nobis cordi est. Nicanor tuus operam mihi dat egregiam. iam deest quod scribam et lucet. Beneventi cogitabam hodie. nostra continentia et diligentia +esse satis faciemus satis. A Pontio ex Trebulano a. d. v Idus Maias.

[IV] Scr. Bemaeventi iv Id. Mai a. 701 (51).

CICERO ATTICO SAL.

Beneventum veni a. d. v Idus Majas. ibi accepi eas litteras quas tu superioribus litteris significaveras te dedisse; ad quas ego eo ipso die dederam ex Trebulano a Pontio. ac binas quidem tuas Beneventi accepi quarum alteras Funisulanus multo mane mihi dedit, alteras

scriba Tullius. gratissima est mihi tua cura de illo meo primo et maximo mandato; sed tua profectio spem meam debilitat. ac +me ille illud labat+, non quo — , sed inopia cogimur eo contenti esse. de illo altero quem scribis tibi visum esse non alienum, vereor adduci ut nostra possit, et tu ais dusdiagnoston esse. equidem sum facilis, sed tu aberis et me absente res (haerebit). habebis mei rationem. nam posset aliquid, si utervis nostrum adesset, agente Servilia Servio fieri probabile. nunc si iam res placeat, agendi tamen viam non video.

[2] nunc venio ad eam epistulam quam accepi a Tullio. de Marcello fecisti diligenter. igitur senatus consultum si erit factum, scribes ad me; si minus, rem tamen conficies; mihi enim attribui oportebit, item Bibulo. sed non dubito quin senatus consultum expeditum sit in quo praesertim sit compendium populi. de Torquato probe. de Masone et Ligure, cum venerint. de illo quod Chaerippus (quoniam hic quoque 'prosneusin sustulisti), o provincia! etiamne hic mihi curandus est? curandus autem hactenus ne qutd ad senatum 'consule!' aut 'numera!' nam de ceteris — sed tamen commode, quod cum Scrofa. de Pomptino recte scribis. est enim ita ut, si ante Kal. Iunias Brundisi futurus sit, minus urgendi fuerint M'. Anneius et (L.)Tullius.

[3] quae de Sicinio audisti ea mihi probantur, modo ne illa exceptio in aliquem incurrat bene de nobis meritum sed considerabimus, rem enim probo. de nostro itinere quod statuero, de quinque praefectis quid Pompeius facturus sit cum ex ipso cognoro faciam ut scias. de Oppio bene curasti quod ei de d*ccc* exposuisti idque, quoniam Philotimum habes, perfice et cognosce rationem et ut agam planius, si me amas, prius quam proficiscaris effice. Magna me cura levaris.

[4] habes ad omnia. etsi paene praeterii chartam tibi deesse. mea captio est, si quidem eius inopia minus multa ad me scribis. tu vero aufer ducentos; etsi meam in eo parsimoniam huius paginae contractio significat. dum acta et rumores vel etiam si qua certa babes de Caesare exspecto. Litteras et aliis et Pomptino de omnibus rebus diligenter dabis.

[V] Scr. Venusiae ii aut prid. Id. Mai. a. 703 (51).

CICERO ATTICO SAL.

plane deest quod scribam; nam nec quod mandem habeo (nihil enim praetermissum est), nec quod narrem (novi enim nihil), nec iocandi locus est; ita me multa sollicitant. tantum tamen scito, Idibus Maus nos Venusia mane proficiscentis has dedisse. eo autem die credo aliquid actum in senatu. sequantur igitur nos tuae litterae quibus non modo res omnis sed etiam rumores cognoscamus. eas accipiemus Brundisi; ibi enim Pomptinum ad eam diem quam tu scripsisti exspectare consilium est.

[2] nos Tarenti quos cum Pompeio dialogous de re publica habuerimus ad te perscribemus. etsi id ipsum scire cupio quod ad tempus recte ad te scribere possim, id est quam diu Romae futurus sis, ut aut quo dem posthac litteras sciam aut ne dem frustra. sed ante quam proficiscare, utique explicatum sit illud HS x*x* et d*ccc*. hoc velim in maximis rebus et maxime necessariis habeas, ut quod auctore te velle coepi adiutore adsequar.

[VI] Scr. Tarenti xiv K. Iun. a. 703 (51).

CICERO ATTICO SAL.

Tarentum veni at d. xv Kal. Iunias. quod Pomptinum statueram exspectare, commodissimum duxi dies eos quoad ille veniret cum Pompeio consumere eoque magis quod ei gratum esse id videbam, qui etiam a me petierit ut secum et apud se essem cotidie. quod concessi libenter. multos enim eius praeclaros de re publica sermones accipiam, instruar etiam consiliis idoneis ad hoc nostrum negotium.

[2] sed ad te brevior iam in scribendo incipio fieri dubitans Romaene sis an iam profectus. quod tamen quoad ignorabo, scribam aliquid potius quam committam ut tibi cum possint reddi a me litterae non reddantur. nec tamen iam habeo quod aut mandem tibi aut narrem. mandavi omnia; quae quidem tu, ut polliceris, exhauries. narrabo cum aliquid habebo novi. illud tamen non desinam, dum adesse (te) putabo, de Caesaris nomine rogare ut confectum relinquas. avide exspecto tuas litteras et maxime ut norim tempus profectionis tuae.

[VII] Scr. Tarenti xi K. Iun. a. 705 (49).

CICERO ATTICO SAL.

cotidie vel potius in dies singulos breviores litteras ad te mitto; cotidie enim magis suspicor te in Epirum iam profectum. sed tamen ut mandatum scias me curasse, quo de ante, ait se Pompeius quinos praefectos delaturum novos vacationis iudiciariae causa. ego cum triduum cum Pompeio et apud Pompeium fuissem, proficiscebar Brundisium a. d. xi Kal. Iunias. civem illum egregium relinquebam et ad haec quae timentur propulsanda paratissimum. tuas litteras exspectabo cum ut quid agas tum (ut) ubi sis sciam.

[VIII] Scr. Brundisi iv aut iii Nomm. Iun. a. 703 (51).

CICERO ATTICO SAL.

me et incommoda valetudo, (e) qua iam emerseram utpote cum sine febri laborassem, et Pomptini exspectatio de quo adhuc ne rumor quidem venerat, tenebat duodecimum iam diem Brundisi; sed cursum exspectabamus.

[2] tu si modo es Romae (vix enim puto), sin es, hoc vehementer animadvertas velim. Roma acceperam litteras Milonem meum queri per litteras iniuriam meam quod Philotimus socius esset in bonis suis. id ego ita fieri volui de C. Duroni sententia quem et amicissimum Miloni perspexeram et talem virum qualem tu iudicas cognoram. eius autem consilium meumque hoc fuerat, primum ut in potestate nostra esset res, ne illum malus emptor alienus mancipiis quae permulta secum habet spoliaret, deinde ut Faustae .quoi cautum ille esse voluisset ratum esset. erat etiam illud ut ipsi nos si quid servari posset quam facillime servaremus. nunc rem totam perspicias velim; nobis enim scribuntur saepe maiora. si ille queritur, si scribit ad amicos, si idem Fausta vult, Philotimus, ut ego ei coram dixeram mihique ille receperat, ne sit invito Milone in bonis. nihil nobis fuerat tanti. sin haec leviora sunt, tu iudicabis. loquere cum Duronio. scripsi etiam ad Camillum, (ad Caelium), ad Lamiam eoque magis quod non confidebam Romae te esse. summa erit haec. statues ut ex fide, fama reque mea videbitur.

[IX] Scr. Acti xvii. K. Quint. a. 703 (51).

CICERO ATTICO SAL.

Actium venimus a. d. xvii Kal. Quintilis, cum quidem et Corcyrae et Sybotis muneribus tuis quae et Araus et meus amicus Eutychides opipare et philoprosenestata nobis congesserant epulati essemus Saliarem in modum. Actio maluimus iter facere pedibus qui incommodissime navigassemus, et Leucatam flectere molestum videbatur, actuariis autem minutis Patras accedere sine impedimentis non satis visum est decorum. ego, ut saepe tu me currentem hortatus es, cotidie meditor, praecipio meis, faciam denique ut summa modestia et summa abstinentia munus hoc extraordinarium traducamus. Parthus velim quiescat et fortuna nos iuvet, nostra praestabimus.

[2] tu quaeso quid agas, ubi quoque tempore futurus sis, qualis res nostras Romae reliqueris, maxime de X*X* et D*C*CC cura ut sciamus. id unis diligenter litteris datis quae ad me utique perferantur consequere. illud tamen, quoniam nunc abes cum id non agitur, aderis autem ad tempus, ut mihi recepisti, memento curare per te et per omnis nostros, in primis per Hortensium, ut annus noster maneat suo statu, ne quid novi decernatur. hoc tibi ita mando ut dubitem an etiam te rogem ut pugnes ne intercaletur. sed non audeo tibi omnia onera imponere; annum quidem utique teneto. Cicero meus, modestissimus et suavissimus puer, tibi salutem dicit. Dionysium semper equidem, ut scis, dilexi, sed cotidie pluris facio et me hercule in primis quod te amat nec tui mentionem intermitti sinit.

[X] Scr. Athenis prid. K. aut K. Quint. a. 703 (51).

CICERO ATTICO SAL.

Vt Athenas a. d. vi Kal. Quintilis veneram, exspectabam ibi iam quartum diem Pomptinum neque de eius adventu certi quicquam habebam. eram autem totus, crede mihi, tecum et, quamquam sine iis per me ipse, tamen acrius vestigiis tuis monitus de te cogitabam. quid quaeris? non me hercule alius ullus sermo nisi de te.

[2] sed tu de me ipso aliquid scire fortasse mavis. haec sunt. adhuc sumptus nec in me aut publice aut privatim nec in quemquam comitum. nihil accipitur lege Iulia, nihil ab hospite. persuasum est omnibus meis serviendum esse famae meae. belle adhuc. hoc animadversum Graecorum laude et multo sermone celebratur. quod superest, elaboratur in hoc a me, sicut tibi sensi placere. sed haec tum laudemus cum erunt perorata.

[3] reliqua sunt eius modi ut meum consilium saepe reprehendam quod non aliqua ratione ex hoc negotio emerserim. O rem minime aptam meis moribus! o illud verum erdoi tis! dices 'quid adhuc? nondum enim in negotio versaris?' sane scio et puto molestiora restare. etsi haec ipsa fero equidem fronte, ut puto, et vultu bellissime sed angor intimis sensibus; ita multa vel iracunde vel insolenter vel in omni genere stulte insulse adroganter et dicuntur et tacentur cotidie; quae non quo te celem non perscribo sed quia dusexeileta sunt. itaque admirabere meam bathuteta cum salvi redierimus; tanta mihi melete huius virtutis datur.

[4] ergo haec quoque hactenus; etsi mihi nihil erat propositum ad scribendum, quia quid ageres, ubi terrarum esses, ne suspicabar quidem. nec hercule umquam tam diu ignarus rerum mearum fui, quid de Caesaris, quid de Milonis nominibus actum sit; ac non modo nemo domo (sed) ne Roma quidem quisquam, ut sciremus in re publica quid ageretur. qua re si quid erit quod scias de iis rebus quas putabis scire me velle, per mihi gratum erit si id curaris ad me perferendum.

[5] quid est praeterea? nihil sane nisi illud. valde me Athenae delectarunt urbe dumtaxat et urbis ornamento et hominum amore in te et in nos quadam benevolentia; +sed multum ea philosophia sursum deorsum+, si quidem est in Aristo, apud quem eram. nam Xenonem tuum vel nostrum potius Quinto concesseram, et tamen propter vicinitatem totos dies simul eramus. tu velim cum primum poteris tua consilia ad me scribas, ut sciam quid agas, ubi quoque (tempore), maxime quando Romae futurus sis.

[XI] Scr. Athenis pr. Non. Quint. a. 703 (51).

CICERO ATTICO SAL.

Hui, totiensne me litteras dedisse Romam, cum ad te nullas darem? at vero posthac frustra potius dabo quam, si recte dari potuerint, committam ut non dem. ne provincia nobis prorogetur, per fortunas! dum ades, quicquid provideri (poterit) provide. non dici potest quam flagrem desiderio urbis, quam vix harum rerum insulsitatem feram.

[2] Marcellus foede in Comensi. etsi ille magistratum non gesserat, erat tamen Transpadanus. ita mihi videtur non minus stomachi nostro (quam) Caesari fecisse. sed hoc ipse viderit.

[3] Pompeius mihi quoque videbatur, quod scribis a Varronem dicere, in Hispaniam certe iturus. id ego minime probabam; qui quidem Theophani facile persuasi nihil esse melius quam illum nusquam discedere. ergo Graecus incumbet. valet autem auctoritas eius apud illum plurimum.

[4] ego has pr. Nonas Quintilis proficiscens Athenis dedi, cum ibi decem ipsos fuissem dies. venerat Pomptinus, una Cn. Volusius; aderat quaestor; tuus unus Tullius aberat. aphracta Rhodiorum et dicrota Mytilenaeorum habebam et aliquid epikopon. de Parthis erat silentium. quod superest, di iuvent!

[5] nos adhuc iter per Graeciam summa cum admiratione fecimus, nec me hercule habeo quod adhuc quem accusem meorum. videntur mihi nosse nostram causam et condicionem profectionis suae; plane serviunt existimationi meae. quod superest, si verum illud est hoiaper he despoina, certe permanebunt. nihil enim a me fieri ita videbunt ut sibi sit delinquendi locus. sin id parum profuerit, fiet aliquid a nobis severius. nam adhuc lenitate dulces sumus et, ut spero, proficimus aliquantum. sed ego hanc, ut Siculi dicunt, anexian in unum annum meditatus sum. proinde pugna ne, si quid prorogatum sit, turpis inveniar.

[6] nunc redeo ad quae mihi mandas. +in praefectis excusatio iis+, quos voles deferto. non ero tam meteoros quam in Appuleio fui. Xenonem tam diligo quam tu, quod ipsum sentire certo scio. apud Patronem et reliquos barones te in maxima gratia posui et hercule merito tuo feci. nam mihi Ister dixit te scripsisse ad se mihi ex illius litteris rem illam curae fuisse, quod ei pergratum erat. sed cum Patro mecum egisset ut peterem a vestro Ariopago hupomnematismon tollerent quem Polycharmo praetore fecerant, commodius visum est et Xenoni et post ipsi Patroni me ad Memmium scribere, qui pridie

quam ego Athenas veni Mytilenas profectus erat, ut is ad suos scriberet posse id sua voluntate fieri. non enim dubitabat Xeno quin ab Ariopagitis invito Memmio impetrari non posset. Memmius autem aedificandi consilium abiecerat; sed erat Patroni iratus. itaque scripsi ad eum accurate; cuius epistulae misi ad te exemplum.

[7] tu velim Piliam meis verbis consolere. indicabo enim tibi, tu illi nihil dixeris. accepi fasciculum in quo erat epistula Piliae. abstuli, aperui, legi. valde scripta est sumpathos. Brundisio quae tibi epistulae redditae sunt sine mea, tum videlicet datas cum ego me non belle haberem. nam illam nomanaria me excusationem.ne acceperis. cura ut omnia sciam sed maxime ut valeas.

[XII] Scr. in medio mari med. m. Quint. a. 703 (51).

CICERO ATTICO SAL.

negotium magnum est navigare atque id mense Quintili. Sexto die Delum Athenis venimus. Pr. Nonas Quintilis a Piraeo ad Zostera vento molesto, qui nos ibidem Nonis tenuit. ante viii Idus ad Ceo iucunde; inde Gyarum saevo vento non adverso; hinc Syrum, inde Delum, utroque citius quam vellemus, cursum confecimus. nam nosti aphracta Rhodiorum; nihil quod minus fluctum ferre possit. itaque erat in animo nihil festinare nec me Delo movere nisi omnia akra Gureon pura vidissem.

[2] de Messalla ad te statim ut audivi de Gyaro dedi litteras et id ipsum consilium nostrum etiam ad Hortensium cui quidem valde sunegonion. sed tuas de eius iudici sermonibus et me hercule omni de rei publicae statu litteras exspecto politikoteron quidem scriptas, quoniam meos cum Thallumeto nostro pervolutas libros, eius modi inquam litteras ex quibus ego non quid fiat (nam id vel Helonius, vir gravissimus, potest efficere, cliens tuus) sed quid futurum sit sciam. Cum haec leges, habebimus consules. omnia perspicere poteris de Caesare, de Pompeio, de ipsis iudiciis.

[3] nostra autem negotia, quoniam Romae commoraris, amabo te, explica. cui rei fugerat me rescribere, de strue laterum, plane rogo, de aqua, si quid poterit fieri, eo sis animo quo soles esse; quam ego cum mea sponte tum tuis sermonibus aestimo plurimi. ergo tu id conficies.

praeterea si quid Philippus rogabit quod in tua re faceres, id velim facias. plura scribam ad te cum constitero. nunc eram plane in medio mari.

[XIII] Scr. Ephesi vii K. Sext. a. 703 (51).

CICERO ATTICO SAL.

Ephesum venimus a. d. xi Kal. Sextilis sexagesimo et quingentesimo post pugnam Bovillanam. navigavimus sine timore et sine nausea sed tardius propter aphractorum Rhodiorum imbecillitatem. de concursu legationum, privatorum et de incredibili multitudine quae mihi iam Sami sed mirabilem in modum Ephesi praesto fuit aut audisse te puto aut 'quid ad me attinet?' verum tamen decumani (quasi) venissem cum imperio, Graeci quasi Ephesio praetori se alacres obtulerunt. ex quo te intellegere certo scio multorum annorum ostentationes meas nunc in discrimen esse adductas. sed ut spero, utemur ea palaestra quam a te didicimus omnibusque satis faciemus et eo facilius quod in nostra provincia confectae sunt pactiones. sed hactenus, praesertim cum cenanti mihi nuntiarit Cestius se de nocte proficisci.

[2] tua negotiola Ephesi curae mihi fuerunt, Thermoque, tametsi ante adventum meum liberalissime erat pollicitus tuis omnibus, tamen Philogenem et Seium tradidi, Apollonidensem Xenonem commendavi. omnino omnia se facturum recepit. ego praeterea rationem Philogeni permutationis eius quam tecum feci edidi. ergo haec quoque hactenus.

[3] redeo ad urbana. per fortunas! quoniam Romae manes, primum illud praefulci atque praemuni quaeso ut simus annui, ne intercaletur quidem. deinde exhauri mea mandata maximeque si quid potest de illo domestico scrupulo quem non ignoras, dein de Caesare cuius in cupiditatem te auctore incubui nec me piget. et si intellegis quam meum sit scire et curare quid in re publica fiat — fiat autem? immo vero etiam quid futurum sit, perscribe ad me omnia, sed diligentissime imprimisque ecquid iudiciorum status aut factorum aut futurorum etiam laboret. de aqua, si curae est, si quid Philippus aget animadvertes.

[XIV] Scr. Trallibus vi K. Sext. a. 703 (51).

CICERO ATTICO SAL.

ante quam aliquo loco consedero, neque longas a me neque semper mea manu litteras exspectabis; cum autem erit spatium, utrumque praestabo. nunc iter conficiebamus aestuosa et pulverulenta via. dederam Epheso pridie; has dedi Trallibus. in provincia mea fore me putabam Kal. Sextilibus. ex ea die, si me amas, parapegma eniausion commoveto. interea tamen haec mihi quae vellem adferebantur, primum otium Parthicum, dein confectae pactiones publicanorum, postremo seditio militum sedata ab Appio stipendiumque eis usque ad Idus Quintilis persolutum.

[2] nos Asia accepit admirabiliter. adventus noster nemini ne minimo quidem fuit sumptui. spero meos omnis servire laudi meae. tamen magno timore sum sed bene speramus. omnes iam nostri praeter Tullium tuum venerunt. erat mihi in animo recta proficisci ad exercitum, aestivos mensis reliquos rei militari dare, hibernos iuris dictioni.

[3] tu velim, si me nihilo minus nosti curiosum in re publica quam te, scribas ad me omnia quae sint, quae futura sint. nihil mihi gratius facere potes; nisi tamen id erit mihi gratissimum, si quae tibi mandavi confeceris imprimisque illud endomuchon, quo mihi scis nihil esse carius. habes epistulam plenam festinationis et pulveris; reliquae subtiliores erunt.

[XV] Scr. Laodiceae ili Non. Sext. a. 703 (51).

CICERO ATTICO SAL.

Laodiceam veni pridie Kal. Sextilis. ex hoc die clavum anni movebis. nihil exoptatius adventu meo, nihil carius. sed est incredibile quam me negoti taedeat, non habeat satis magnum campum ille tibi non ignotus cursus animi et industriae meae, praeclara opera cesset. quippe, ius Laodiceae me dicere, cum Romae A. Plotius dicat, et, cum exercitum noster amicus habeat tantum, me nomen habere duarum legionum exilium? denique haec non desidero,

lucem, forum, urbem, domum, vos desidero. sed feram ut potero, sit modo annuum. si prorogatur, actum est. verum perfacile resisti potest, tu modo Romae sis.

[2] quaeris quid hic agam. ita vivam ut maximos sumptus facio. mirifice delector hoc instituto. admirabilis abstinentia ex praeceptis tuis, ut verear ne illud quod tecum permutavi versura mihi solvendum sit. Appi vulnera non refrico, sed apparent nec occuli possunt. iter Laodicea faciebam a. d. iii Non. Sextilis, cum has litteras dabam, in castra in Lycaoniam. Inde ad Taurum cogitabam, ut cum Moeragene signis collatis, si possem, de servo tuo deciderem. clitellae bovi sunt impositae; plane non est nostrum onus. sed feremus, modo, si me amas, sim annuus adsis tu ad tempus ut senatum totum excites. mirifice sollicitus sum quod iam diu mihi ignota sunt ista omnia. qua re ut ad te ante scripsi, cum cetera tum res publica cura ut mihi nota sit. plura scribam +tarde tibi redditu iri+, sed dabam familiari homini ac domestico, C. Andronico Puteolano. tu autem saepe dare tabellariis publicanorum poteris per magistros scripturae et portus nostrarum dioecesium.

[XVI] Scr. in itinere a Synnada ad Philomellum inter a. d. v et iii Id. Sext. a. 703 (51).

CICERO ATTICO SAL.

etsi in ipso itinere et via discedebant publicanorum tabellarii et eramus in cursu, tamen surripiendum aliquid putavi spati, ne me immemorem mandati tui putares. itaque subsedi in ipsa via, dum haec quae longiorem desiderant orationem summatim tibi perscriberem.

[2] maxima exspectatione in perditam et plane eversam in perpetuum provinciam nos venisse scito pridie Kal. Sextilis, moratos triduum Laodiceae, triduum Apameae, totidem dies Synnade. . audivimus nihil aliud nisi imperata epikephalaia solvere non posse, onas omnium venditas, civitatum gemitus, ploratus, monstra quaedam non hominis sed ferae nescio cuius immanis. quid quaeris? taedet omnino eos vitae.

[3] levantur tamen miserae civitates quod nullus fit sumptus in nos

neque in legatos neque in quaestorem neque in quemquam. scito non modo nos foenum aut quod e lege Iulia dari solet non accipere sed ne ligna quidem, nec praeter quattuor lectos et tectum quemquam accipere quicquam, multis locis ne tectum quidem et in tabernaculo manere plerumque. itaque incredibilem in modum concursus fiunt ex agris, ex vicis, ex domibus omnibus. me hercule etiam adventa nostro reviviscunt. iustitia, abstinentia, clementia tui Ciceronis [itaque] opiniones omnium superavit.

[4] Appius ut audivit nos venire, in ultimam provinciam se coniecit Tarsum usque. ibi forum agit. de Partho silentium est, sed tamen concisos equites nostros a barbaris nuntiabant ii qui veniebant. Bibulus ne cogitabat quidem etiam nunc in provinciam suam accedere; id autem facere ob eam causam dicebant quod tardius vellet decedere. nos in castra properabamus quae aberant tridui.

[XVII] Scr. in itinere ad castra inter iv Id. a prid. Id. Sext. a. 703 (51).

CICERO ATTICO SAL.

accepi Roma sine epistula tua fasciculum litterarum; in quo, si modo valuisti et Romae fuisti, Philotimi duco esse culpam, non tuam. haud epistulam dictavi sedens in raeda, cum in castra proficiscerer a quibus aberam bidui. paucis diebus habebam certos homines quibus darem litteras. itaque eo me servavi.

[2] nos tamen, etsi hoc te ex aliis audire malo, sic in provincia nos gerimus, quod ad abstinentiam attinet, ut nullus terruncius insumatur in quemquam. id fit etiam et legatorum et tribunorum et praefectorum diligentia; nam omnes mirifice sumphilodoxousin gloriae meae. Lepta noster mirificus est. sed nunc propero. perscribam ad te paucis diebus omnia.

[3] Cicerones nostros Deiotarus filius, qui rex ab senatu appellatus est, secum in regnum. dum in aestivis nos essemus, illum pueris locum esse bellissimum duximus.

[4] Sestius ad me scripsit quae tecum esset de mea domestica et maxima cura locutus et quid tibi esset visum. amabo te, incumbe in eam rem et ad me scribe quid et possit et tu censeas. idem scripsit

Hortensium de proroganda nostra provincia dixisse nescio quid. mihi in Cumano diligentissime se ut annui essemus defensurum receperat. si quicquam me amas, hunc locum muni. dici non potest quam invitus a vobis absim; et simul hanc gloriam iustitiae et abstinentiae fore inlustriorem spero si cito decesserimus, id quod Scaevolae contigit qui solos novem mensis Asiae praefuit.

[6] Appius noster cum me adventare videret, profectus est Tarsum usque Laodicea. ibi forum agit, cum ego sim in provincia. quam eius iniuriam non insector. satis enim habeo negoti in sanandis vulneribus quae sunt imposita provinciae; quod do operam ut faciam quam minima cum illius contumelia. sed hoc Bruto nostro velim dicas, illum fecisse non belle qui adventu meo quam longissime potuerit discesserit.

[XVIII] Scr. in castris ad Cybistra xi K. Oct. a. 703 (51).

CICERO ATTICO SAL.

quam vellem Romae esses, si forte non es! nihil enim certi habebamus nisi accepisse nos tuas litteras a. d. xiiii Kal. Sextil. datas, in quibus scriptum esset te in Epirum iturum circiter Kal. Sextil. sed sive Romae es sive in Epiro, Parthi Euphraten transierunt duce Pacoro, Orodis regis Parthorum filio, (cum) cunctis fere copiis. Bibulus nondum audiebatur esse in Syria; Cassius in oppido Antiochia est cum omni exercitu, nos in Cappadocia ad Taurum cum exercitu ad Cybistra; hostis in Cyrrhestica quae Syriae pars proxima est provinciae meae. his de rebus scripsi ad senatum, quas litteras, si Romae es, videbis putesne reddendas et multa, immo omnia, quorum kephalaion ne quid inter caesa et porrecta, ut aiunt, oneris mihi addatur aut temporis. nobis enim hac infirmitate exercitus inopia sociorum, praesertim fidelium, certissimum subsidium est hiems. ea si venerit nec illi ante in meam provinciam transierint, unum vereor ne senatus propter urbanarum rerum metum Pompeium nolit dimittere. quod si alium ad ver mittit, non laboro, nobis modo temporis ne quid prorogetur.

[2] haec igitur, si es Romae; sin abes aut etiam si ades, haec negotia sic se habent. stamus animis et, quia consiliis, ut videmur,

bonis utimur, speramus etiam manu. tuto consedimus copioso a frumento, Ciliciam prope conspiciente, expedito ad mutandum loco, parvo exercitu sed, ut spero, ad benevolentiam erga nos consentiente. quem nos Deiotari adventu cum suis omnibus copiis duplicaturi eramus. sociis multo fidelioribus utimur quam quisquam usus est; quibus incredibilis videtur nostra et mansuetudo et abstinentia. dilectus habetur civium Romanorum; frumentum ex agris in loca tuta comportatur. si fuerit occasio, manu, si minus, locis nos defendemus.

[3] qua re bono animo es. video enim te et, quasi coram adsis, ita cerno sumpatheian amoris tui. sed te rogo, si ullo pacto fieri poterit, si integra in senatu nostra causa ad Kal. Ianuarias manserit, ut Romae sis mense Ianuario. profecto nihil accipiam iniuriae, si tu aderis. amicos consules habemus, nostrum tribunum pl. Furnium. verum tua est opus adsiduitate, prudentia, gratia. tempus est necessarium. sed turpe est me pluribus verbis agere tecum.

[4] Cicerones nostri sunt apud Deiotarum sed, si opus erit, deducentur Rhodum. tu si es Romae, ut soles, diligentissime, si in Epiro, mitte tamen ad nos de tuis aliquem tabellarium, ut et (tu) quid nos agamus et nos quid tu agas quidque acturus sis scire possimus. ego tui Bruti rem sic ago ut suam ipse non ageret. sed iam exhibeo pupillum neque defendo; sunt enim negotia et lenta et inania. faciam tamen satis tibi quidem cui difficilius est quam ipsi; sed certe satis faciam utrique.

[XIX] Scr. in castris ad Cybistin x K. Oct. a. 703 (51).

CICERO ATTICO SAL.

obsignaram iam epistulam eam, quam puto te modo perlegisse scriptam mea manu in qua omnia continentur, cum subito Apellae tabellarius a. d. xi Kal. Octobris septimo quadragesimo die Roma celeriter (hui tam longe!) mihi tuas litteras reddidit. ex quibus non dubito quin tu Pompeium exspectaris dum Arimino rediret et iam in Epirum profectus sis, magisque vereor, ut scribis, ne in Epiro sollicitus sis non minus quam nos hic sumus. de Atiliano nomine scripsi ad Philotimum ne appellaret Messallam.

[2] itineris nostri famam ad te pervenisse laetor magisque laetabor

si reliqua cognoris. filiolam tuam tibi +iam Romae+ iucundam esse gaudeo, eamque quam numquam vidi tamen et amo et amabilem esse certo scio. etiam atque etiam vale.

[3] de Patrone et tuis condiscipulis quae de parietinis in Melita laboravi ea tibi grata esse gaudeo. quod scribis libente te repulsam tulisse eum qui cum sororis tuae fili patruo certarit, magni amoris signum. itaque me etiam admonuisti ut gauderem; nam mihi in mentem non venerat. 'non credo' inquis. Vt libet; sed plane gaudeo, quoniam to nemesan interest tou phthonein.

[XX] Scr. in Cilicia inter a. d. xii et iv K. Ian. a. 703 (51).

CICERO ATTICO SAL.

Saturnalibus mane se mihi Pindenissitae dediderunt septimo et quinquagesimo die postquam oppugnare eos coepimus. 'qui malum! isti Pindenissitae qui sunt?' inquies; 'nomen audivi numquam.' quid ego faciam? num potui Ciliciam Aetoliam aut Macedoniam reddere? hoc iam sic habeto nec hoc exercitu (nec) hic tanta negotia geri potuisse. quae cognosce en epitomei; sic enim concedis mihi proximis litteris. Ephesum ut venerim nosti, qui etiam mihi gratulatus es illius diei celebritatem qua nihil me umquam delectavit magis. Inde (in) oppidis iis +quae erant+ mirabiliter accepti Laodiceam pridie Kal. Sextilis venimus. ibi morati biduum perinlustres fuimus honorificisque verbis omnis iniurias revellimus superiores, quod idem (Colossis), dein Apameae quinque dies morati et Synnadis triduum, Philomeli quinque dies, Iconi decem fecimus. nihil ea iuris dictione aequabilius, nihil lenius, nihil gravius.

[2] Inde in castra veni a. d. VII Kalendas Septembris. A. d. III exercitum lustravi apud Iconium. ex his castris, cum graves de Parthis nuntii venirent, perrexi in Ciliciam per Cappadociae partem eam quae Ciliciam attingit, eo consilio ut Armenius Artavasdes et ipsi Parthi Cappadocia se excludi putarent. Cum dies quinque ad Cybistra [Cappadociae] castra habuissem, certior sum factus Parthos ab illo aditu Cappadociae longe abesse, Ciliciae magis imminere. itaque confestim iter in Ciliciam feci per Tauri pylas. Tarsum veni a. d. III Nonas Octobris.

[3] Inde ad Amanum contendi qui Syriam a Cilicia in aquarum divertio dividit; qui mons erat hostium plenus sempiternorum. hic a. d. iii Idus Octobr. magnum numerum hostium occidimus. castella munitissima nocturno Pomptini adventu, nostro matutino cepimus, incendimus. imperatores appellati sumus. castra paucos dies habuimus ea ipsa quae contra Darium habuerat apud Issum Alexander, imperator haud paulo melior quam aut tu aut ego. ibi dies quinque morati direpto et vastato Amano inde discessimus. interim (scis enim dici quaedam panika, dici item ta kena tou polemou) rumore adventus nostri et Cassio qui Antiochia tenebatur animus accessit et Parthis timor iniectus est. itaque eos cedentis ab oppido Cassius insecutus rem bene gessit. qua in fuga magna auctoritate Osaces dux Parthorum vulnus accepit eoque interiit paucis post diebus. erat in Syria nostrum nomen in gratia.

[4] venit interim Bibulus; credo, voluit appellatione hac inani nobis esse par. in eodem Amano coepit loreolam in mustaceo quaerere. at ille cohortem primam totam perdidit centurionemque primi pili nobilem sui generis Asinium Dentonem et reliquos cohortis eiusdem et Sex. Lucilium, T. Gavi Caepionis locupletis et splendidi hominis filium, tribunum militum sane plagam odiosam acceperat cum re tum tempore. nos ad Pindenissum, quod oppidum munitissimum Eleutherocilicum omnium memoria in armis fuit. feri homines et acres et omnibus rebus ad defendendum parati. cinximus vallo et fossa; aggere maximo, vineis, turre altissima, magna tormentorum copia, multis sagittariis, magno labore, apparatu multis sauciis nostris, incolumi exercitu negotium confecimus. hilara sane Saturnalia militibus quoque quibus equis exceptis reliquam praedam concessimus. mancipia venibant Saturnalibus tertiis. Cum haec scribebam, in tribunali res erat ad HS c*x*x. hinc exercitum in hiberna agri male pacati deducendum Quinto fratri dabam; ipse me Laodiceam recipiebam.

[6] haec adhuc. sed ad praeterita revertamur. quod me maxime hortaris et quod pluris est quam omnia, in quo laboras ut etiam Ligurino Momoi satis faciamus, moriar si quicquam fieri potest elegantius. nec iam ego hanc continentiam appello, quae virtus voluptati resistere videtur. ego in vita mea nulla umquam voluptate tanta sum adfectus quanta adficior hac integritate, nec me tam fama

quae summa est quam res ipsa delectat. quid quaeris? fuit tanti. me ipse non noram nec satis sciebam quid in hoc genere facere possem. recte pephusiomai. nihil est praeequis carius. interim haec lampra. Ariobarzanes opera mea vivit, regnat; en parodoi consilio et auctoritate et quod insidiatoribus eius aprositon me non modo adorodoketon praebui regem regnumque servavi. interea e Cappadocia ne pilum quidem. Brutum abiectum quantum potui excitavi; quem non minus amo quam tu, paene dixi quam te. atque etiam spero toto anno imperi nostri terruncium sumptus in provincia nullum fore.

[7] habes omnia. nunc publice litteras Romam mittere parabam. Vberiores erunt quam si ex Amano misissem. at te Romae non fore! sed est totum (in eo) quid Kalendis Martiis futurum sit. vereor enim ne cum de provincia agetur, si Caesar resistet, nos retineamur. his tu si adesses, nihil timerem.

[8] redeo ad urbana quae ego diu ignorans ex tuis iucundissimis litteris a. d. v Kal. Ianuarias denique cognovi. eas diligentissime Philogenes, libertus tuus, curavit perlonga et non satis tuta via perferendas. nam quas Laeni pueris scribis datas non acceperam. iucunda de Caesare et quae senatus decrevit et quae tu speras. quibus ille si cedit, salvi sumus. incendio Plaetoriano quod Seius ambustus es minus moleste fero. Lucceius de Q. Cassio cur tam vehemens fuerit et quid actum sit aveo scire.

[9] ego cum Laodiceam venero, Quinto sororis tuae filio togam puram iubeor dare; cui moderabor diligentius. Deiotarus cuius auxiliis magnis usus sum ad me, ut scripsit, cum Ciceronibus Laodiceam venturus erat. tuas etiam Epiroticas exspecto litteras, ut habeam rationem non modo negoti verum etiam oti tui. Nicanor in officio est et a me liberaliter tractatur. quem, ut puto, Romam cum litteris publicis mittam, ut et diligentius perferantur et idem ad me certa de te et a te referat. Alexis quod mihi totiens salutem adscribit est gratum; sed cur non suis litteris idem facit quod meus ad te Alexis facit? Phemio quaeritur keras. sed haec hactenus. cura ut valeas et ut sciam quando cogites Romam. etiam atque etiam vale.

[10] tua tuosque Thermo et praesens Ephesi diligentissime commendaram et nunc per litteras ipsumque intellexi esse perstudiosum tui. tu velim, quod antea ad te scripsi, de domo

Pammeni des operam ut quod tuo meoque beneficio puer habet cures ne qua ratione convellatur. Vtrique nostrum honestum existimo; tum mihi erit pergratum.

[XXI] Scr. Laodiceae Id. Febr. a. 704 (50).

CICERO ATTICO SAL.

ite in Epirum salvum venisse et, ut scribis, ex sententia navigasse vehementer gaudeo, non esse Romae meo tempore pernecessario submoleste fero. hoc me tamen consolor uno: spero te istic iucunde hiemare et libenter requiescere.

[2] C. Cassius, frater Q. Cassi familiaris tui, pudentiores illas litteras miserat de quibus tu ex me requiris quid sibi voluerint quam eas quas postea misit, quibus per se scribit confectum esse Parthicum bellum. recesserant illi quidem ab Antiochia ante Bibuli adventum sed nullo nostro euemeremati; hodie vero hiemant in Cyrrhestica, maximumque bellum impendet. nam et Orodi regis Parthorum filius in provincia nostra est, nec dubitat Deiotarus, cuius filio pacta est Artavasdis filia ex quo sciri potest, quin cum omnibus copiis ipse prima aestate Euphraten transiturus sit. quo autem die Cassi litterae victrices in senatu recitatae sunt, datae Nonis Octobribus, eodem meae tumultum nuntiantes. Axius noster ait nostras auctoritatis plenas fuisse, illis negat creditum. Bibuli nondum erant adlatae; quas certo scio plenas timoris fore.

[3] ex his rebus hoc vereor ne cum Pompeius propter metum rerum novarum nusquam dimittatur, Caesari nullus honos a senatu habeatur, dum hic nodus expediatur, non putet senatus nos ante quam successum sit oportere decedere nec in tanto motu rerum tantis provinciis singulos legatos praeesse. hic ne quid mihi prorogetur, quod ne intercessor quidem sustinere possit, horreo atque eo magis quod tu abes qui consilio, gratia, studio multis rebus occurreres. sed dices me ipsum mihi sollicitudinem struere. cogor ut velim ita sit; sed omnia metuo. etsi bellum akroteleution habet illa tua epistula quam dedisti nauseans Buthroto, tibi, ut video et spero, nulla ad decedendum erit mora.' mallem 'ut video,' nihil opus fuit ut spero.'

[4] acceperam autem satis celeriter Iconi per publicanorum

tabellarios a Lentuli triumpho datas. in his glukupikron illud confirmas moram mihi nullam fore; deinde addis, si quid secus, te ad me esse venturum. angunt me dubitationes tuae; simul et vides quas acceperim litteras. nam quas Hermonis centurionis caculae ipse scribis te dedisse non accepi. Laeni pueris te dedisse saepe ad me scripseras. eas Laodiceae denique, cum eo venissem, iii Idus Februar. Laenius mihi reddidit datas a. d. x Kal. Octobris. Laenio tuas commendationes et statim verbis et reliquo tempore re probabo. eae litterae cetera vetera habebant, unum hoc novum de Cibyratis pantheris. multum te amo quod respondisti M. Octavio te non putare. sed posthac omnia quae recta non erunt pro certo negato. nos enim et nostra sponte bene firmi et me hercule auctoritate tua inflammati vicimus omnis (hoc tu ita reperies) cum abstinentia tum iustitia, facilitate, clementia. cave putes quicquam homines magis umquam esse miratos quam nullum terruncium me obtinente provinciam sumptus factum esse nec in rem publicam nec in quemquam meorum praeter quam in L. Tullium legatum. is ceteroqui abstinens sed Iulia lege transitans, semel tamen in diem, non ut alii solebant omnibus vicis (praeter eum semel nemo accepit), facit ut mihi excipiendus sit, cum terruncium nego sumptus factum. praeter eum accepit nemo. has a nostro Q. Titinio sordis accepimus.

[6] ego aestivis confectis Quintum fratrem hibernis et Ciliciae praefeci. Q. Volusium tui Tiberi generum, certum hominem sed mirifice etiam abstinentem, misi in Cyprum ut ibi pauculos dies esset, ne cives Romani pauci qui illic negotiantur ius sibi dictum negarent; nam evocari ex insula

[7] Cyprios non licet. ipse in Asiam profectus sum Tarso Nonis Ianuariis, non me hercule dici potest qua admiratione Ciliciae civitatum maximeque Tarsensium. postea veroquam Taurum transgressus sum, mirifica exspectatio Asiae nostrarum dioecesium quae sex mensibus imperi mei nullas meas acceperat litteras, numquam hospitem viderat. illud autem tempus quotannis ante me fuerat in hoc quaestu. civitates locupletes ne in hiberna milites reciperent magnas pecunias dabant, Cyprii talenta Attica cc; qua ex insula (non huperbolikos sed verissime loquor) nummus nullus me obtinente erogabitur. ob haec beneficia quibus illi obstupescunt nullos honores mihi nisi verborum decerni sino, statuas, fana,

tethrippa prohibeo nec sum in ulla re alia molestus civitatibus — sed fortasse tibi qui haec praedicem de me. perfer, si me amas; tu enim me haec facere voluisti.

[8] iter igitur ita per Asiam feci ut etiam fames qua nihil miserius est, quae tum erat in hac mea Asia (messis enim nulla fuerat), mihi optanda fuerit. quacumque iter feci, nulla vi, nullo iudicio, nulla contumelia, auctoritate et cohortatione perfeci ut et Graeci et cives Romani qui frumentum compresserant magnum numerum populis pollicerentur.

[9] Idibus Februariis, quo die has litteras dedi, forum institueram agere Laodiceae Cibyraticum et Apamense, ex Idibus Martiis ibidem Synnadense, Pamphylium (tum Phemio dispiciam keras, Lycaonium, Isauricum; ex Idibus Maiis in Ciliciam, ut ibi Iunius consumatur, velim tranquille a Parthis. Quintilis, si erit ut volumus, in itinere est per provinciam redeuntibus consumendus. venimus enim (in) provinciam Laodiceam Sulpicio et Marcello consulibus pridie Kalendas Sextilis. Inde nos oportet decedere a. d. III Kalendas Sextilis. primum contendam a Quinto fratre ut se praefici patiatur, quod et illo et me invitissimo fiet. sed aliter honeste fieri non potest, praesertim cum virum optimum Pomptinum ne nunc quidem retinere possim. rapit enim hominem Postumius Romam, fortasse etiam Postumia.

[10] habes consilia nostra; nunc cognosce de Bruto. Familians habet Brutus tuus quosdam creditores Salaminiorum ex Cypro, M. Scaptium et P. Matinium; quos mihi maiorem in modum commendavit. Matinium non novi, Scaptius ad me in castra venit. pollicitus sum curaturum me Bruti causa ut ei Salaminii pecuniam solverent. egit gratias. praefecturam petivit. negavi me cuiquam negotianti dare (quod idem tibi ostenderam Cn. Pompeio petenti probaram institutum meum, quid dicam Torquato de M. Laenio tuo, multis aliis?); sin praefectus vellet esse syngraphae causa, me curaturum ut exigeret. Gratias egit, discessit. Appius noster turmas aliquot equitum dederat huic Scaptio per quas Salaminios coerceret, et eundem habuerat praefectum; vexabat Salaminios. ego equites ex Cypro decedere iussi. moleste tulit Scaptius. [11] quid multa? ut ei fidem meam praestarem, cum ad me Salaminii Tarsum venissent et in iis Scaptius, imperavi ut pecuniam solverent. multa de syngrapha,

de Scapti iniuriis. negavi me audire; hortatus sum, petivi etiam pro meis in civitatem beneficiis ut negotium conficerent, dixi denique me coacturum. homines non modo non recusare sed etiam hoc dicere, se a me solvere quod enim praetori dare consuessent, quoniam ego non acceperam, se a me quodam modo dare atque etiam minus esse aliquanto in Scapti nomine quam in vectigali praetorio. conlaudavi homines. ‘recte’ inquit Scaptius, ‘sed subducamus summam. interim cum ego in edicto translaticio centesimas me observaturum haberem cum anatocismo anniversario, ille ex syngrapha postulabat quaternas. ‘quid ais?’ inquam, ‘possumne contra meum edictum?’ at ille profert senatus consultum Lentulo Philippoque consulibus, VT QVI CILICIAM OBTINERET IVS EX ILLA SVNGRAPHA DICERET.

[12] cohorrui primo; etenim erat interitus civitatis. reperio duo senatus consulta isdem consulibus de eadem syngrapha. Salaminii cum Romae versuram facere vellent, non poterant, quod lex Gabinia vetabat. tum iis Bruti familiares freti gratia Bruti dare volebant quaternis, si sibi senatus consulto caveretur. fit gratia Bruti senatus consultum, VT NEVE SALAMINIS NEVE QVI EIS DEDISSET FRAVDI ESSET. Pecuniam numerarunt. at postea venit in mentem faeneratoribus nihil se iuvare illud senatus consultum, quod ex syngrapha ius dici lex Gabinia vetaret. tum fit senatus consultum, VT EX EA SVNGRAPHA IUS DICERETUR, (non ut alio iure ea syngrapha) esset quam ceterae sed ut eodem. Cum haec disseruissem, seducit me Scaptius; ait se nihil contra dicere sed illos putare talenta cc se debere; ea se velle accipere; debere autem illos paulo minus. rogat ut eos ad ducenta perducam. 'optime' inquam. voco illos ad me remoto Scaptio. 'quid? vos quantum' inquam 'debetis?' respondent cvi. refero ad Scaptium. homo clamare. 'quid? opus est' inquam 'rationes conferatis.' adsidunt, subducunt; (ad) nummum convenit. illi se numerare velle, urgere ut acciperet. Scaptius me rursus seducit, rogat ut rem sic relinquam. dedi veniam homini impudenter petenti; Graecis querentibus, ut in fano deponerent postulantibus non concessi. clamare omnes qui aderant, (alii) nihil impudentius Scaptio qui centesimis cum anatocismo contentus (non) esset, alii nihil stultius. mihi autem impudens magis quam stultus videbatur; nam aut bono nomine centesimis contentus non erat aut non bono quaternas centesimas sperabat. habes meam causam.

[13] quae si Bruto non probatur, nescio cur illum amemus. sed avunculo eius certe probabitur, praesertim cum senatus consultum modo factum sit, puto, postquam tu es profectus, in creditorum causa ut centesimae perpetuo faenore ducerentur. hoc quid intersit, si tuos digitos novi, certe habes subductum. in quo quidem, hodou parergon, (L.) Lucceius M. f. queritur apud me per litteras summum esse periculum ne culpa senatus his decretis res ad tabulas novas perveniat; commemorat quid olim mali C. Iulius fecerit cum dieculam duxerit; numquam rei publicae plus. sed ad rem redeo. meditare adversus Brutum causam meam, si haec causa est contra quam nihil honeste dici potest, praesertim cum integram rem et

causam reliquerim.

[14] reliqua sunt domestica. de endomuchoi probo idem quod tu, Postumiae filio, quoniam Pontidia nugatur. sed vellem adesses. A Quinto fratre his mensibus nihil exspectaris; nam Taurus propter nives ante mensem Iunium transiri non potest. Thermum, ut rogas, creberrimis litteris fulcio. P. Valerium negat habere quicquam Deiotarus rex eumque ait (a) se sustentari. Cum scies Romae intercalatum sit necne, velim ad me scribas certum quo die mysteria futura sint. Litteras tuas minus paulo exspecto quam si Romae esses sed tamen exspecto.

LIBER SEXTUS

[I] Scr. Laodiceae vi K. Mart. a. 704 (50).

CICERO ATTICO SAL.

Accepi tuas litteras a. d. quintum terminalia Laodiceae; quas legi libentissime plenissimas amoris, humanitatis, offici, diligentiae. Iis igitur respondebo <non>chrusea chalkeion (sic enim postulas) nec oikonomian meam instituam, sed ordinem conservabo tuum. recentissimas a Cybistris te meas litteras habere ais a. d. xi Kalendas Octobris datas et scire vis tuas ego quas acceperim. omnis fere quas commemoras, praeter eas quas scribis Lentuli pueris et Equotutico et Brundisio datas. qua re non oichetai tua industria quod vereris sed praeclare ponitur, si quidem id egisti ut ego delectarer. nam nulla re sum delectatus magis.

[2] quod meam bathuteta in Appio tibi, liberalitatem etiam in Bruto probo, vehementer gaudeo; ac putaram paulo secus. Appius enim ad me ex itinere bis terve hupomempsimoirous litteras miserat quod quaedam a se constituta rescinderem. Vt si medicus, cum aegrotus alii medico traditus sit, irasci velit ei medico qui sibi successerit si quae ipse in curando constituerit mutet ille, sic Appius, cum ex aphaireseos provinciam curarit, sanguinem miserit, quicquid potuit detraxerit, mihi tradiderit enectam, prosanatrephomenen eam a me non libenter videt sed modo suscenset, modo gratias agit. nihil enim a me fit cum ulla illius contumelia; tantum modo dissimilitudo meae rationis offendit hominem. quid enim potest esse tam dissimile quam illo imperante exhaustam esse sumptibus et iacturis provinciam, nobis eam obtinentibus nummum nullum esse erogatum nec privatim nec publice? quid dicam de illius praefectis, comitibus, legatis etiam? de rapinis, de libidinibus, de contumeliis? nunc autem domus me hercule nulla tanto consilio aut tanta disciplina gubernatur aut tam modesta est quam nostra tota provincia. haec non nulli amici Appi ridicule interpretantur qui me idcirco putent bene audire velle ut ille male audiat, et recte facere non meae laudis sed illius contumeliae causa. sin Appius, ut Bruti litterae quas ad te misit significabant,

gratias nobis agit non moleste fero, sed tamen eo ipso die quo haec ante lucem scribebam, cogitabam eius multa inique constituta et acta tollere.

[3] nunc venio ad Brutum quem ego omni studio te auctore sum complexus, quem etiam amare coeperam; sed ilico me revocavi, ne te offenderem. noli enim putare me quicquam maluisse quam ut mandatis satis facerem nec ulla de re plus laborasse. mandatorum autem mihi libellum dedit, isdemque de rebus tu mecum egeras. omnia sum diligentissime persecutus. primum ab Ariobarzane sic contendi ut talenta quae mihi pollicebatur illi daret. quoad mecum rex fuit, perbono loco res erat; post a Pompei procuratoribus sescentis premi coeptus est. Pompeius autem quom ob ceteras causas plus potest unus quam ceteri omnes, tum quod putatur ad bellum Parthicum esse venturus. ei tamen sic nunc solvitur, tricesimo quoque die talenta Attica xxxiii et hoc ex tributis. nec inde satis efficitur in usuram menstruam. sed Gnaeus noster clementer id fert; sorte caret, usura nec ea solida contentus est. Alii neque solvit cuiquam nec potest solvere; nullum enim aerarium, nullum vectigal habet. Appi instituto tributa imperat. ea vix in faenus Pompei quod satis sit efficiunt. amici regis duo tresve perdivites sunt sed ii suum tam diligenter tenent quam ego aut tu. equidem non desino tamen per litteras rogare, suadere, accusare regem.

[4] Deiotarus etiam mihi narravit se ad eum legatos misisse de re Bruti; eos sibi responsum rettulisse illum non habere. et me hercule ego ita iudico, nihil illo regno spoliatius, nihil rege egentius. itaque aut tutela cogito me abdicare aut ut pro Glabrione Scaevola faenus et impendium recusare. ego tamen quas per te Bruto promiseram praefecturas, M. Scaptio, L. Gavio, qui in regno rem Bruti procurabant, detuli; nec enim in provincia mea negotiabantur. tu autem meministi nos sic agere ut quot vellet praefecturas sumeret, dum ne negotiatori. itaque duas ei praeterea dederam. sed ii quibus petierat de provincia decesserant.

[5] nunc cognosce de Salaminiis, quod video tibi etiam novum accidisse tamquam mihi. numquam enim ex illo audivi illam pecuniam esse suam; quin etiam libellum ipsius habeo, in quo est, ‘Salaminii pecuniam debent M. Scaptio et P. Matinio, familiaribus meis.’ Eos mihi commendat; adscribit etiam et quasi calcar admovet

intercessisse se pro iis magnam pecuniam. confeceram ut solverent centesimis bienni ductis cum renovatione singulorum annorum. at Scaptius quaternas postulabat. metui, si impetrasset, ne tu ipse me amare desineres; nam ab edicto meo recessissem et civitatem in Catonis et in ipsius Bruti fide locatam meisque beneficiis ornatam funditus perdidissem.

[6] atque hoc tempore ipso impingit mihi epistulam Scaptius Bruti rem illam suo periculo esse, quod nec mihi umquam Brutus dixerat nec tibi, etiam ut praefecturam Scaptio deferrem. id vero per te exceperamus <ne> negotiatori; quod si cuiquam, huic tamen non. fuerat enim praefectus Appio et quidem habuerat turmas equitum quibus inclusum in curia senatum Salamine obsederat, ut fame senatores quinque morerentur. itaque ego, quo die tetigi provinciam, cum mihi Cyprii legati Ephesum obviam venissent, litteras misi ut equites ex insula statim decederent. his de causis credo Scaptium iniquius de me aliquid ad Brutum scripsisse. sed tamen hoc sum animo. si Brutus putabit me quaternas centesimas oportuisse decernere, cum tota provincia singulas observarem itaque edixissem idque etiam acerbissimis faeneratoribus probaretur, si praefecturam negotiatori denegatam queretur, quod ego Torquato nostro in tuo Laenio, Pompeio ipsi in Sex. Statio negavi et iis probavi, si equites deductos moleste feret, accipiam equidem dolorem mihi illum irasci sed multo maiorem non esse eum talem qualem putassem.

[7] illud quidem fatebitur Scaptius, me ius dicente sibi omnem pecuniam ex edicto meo auferendi potestatem fuisse. addo etiam illud quod vereor tibi ipsi ut probem. consistere usura debuit quae erat in edicto meo. deponere volebant: impetravi a Salaminus ut silerent. veniam illi quidem mihi dederunt, sed quid iis fiet, si huc Paulus venerit? sed totum hoc Bruto dedi; qui de me ad te humanissimas litteras scripsit, ad me autem, etiam cum rogat aliquid, contumaciter, adroganter, akoinonoetos solet scribere. tu autem velim ad eum scribas de his rebus, ut sciam quo modo haec accipiat; facies enim me certiorem. atque haec superioribus litteris diligenter ad te per scripseram sed plane te intellegere volui mihi non excidisse illud quod tu ad me quibusdam litteris scripsisses, si nihil aliud de hac provincia nisi illius benevolentiam deportassem, mihi id satis esse. sit sane, quoniam ita tu vis, sed tamen cum eo credo quod sine

peccato meo fiat. igitur meo decreto soluta res Scaptio stat. quam id rectum sit tu iudicabis; ne ad Catonem quidem provocabo.

[8] sed noli me putare enkeleusmata illa tua abiecisse quae mihi in visceribus haerent. flens mihi meam famam commendasti; quae epistula tua est in qua <non> eius mentionem facias? itaque irascatur qui volet; patiar. to gar eu met' emou praesertim cum sex libris tamquam praedibus me ipse obstrinxerim, quos tibi tam valde probari gaudeo. E quibus unum historikon requiris de Cn. Flavio, Anni filio. ille vero ante decemviros non fuit quippe qui aedilis curulis fuerit, qui magistratus multis annis post decemviros institutus est. quid ergo profecit quod protulit fastos? occultatam putant quodam tempore istam tabulam, ut dies agendi peterentur a paucis. nec vero pauci sunt auctores Cn. Flavium scribam fastos protulisse actionesque composuisse, ne me hoc vel potius Africanum (is enim loquitur) commentum putes. ouk elathe se illud de gestu histrionis. tu sceleste suspicaris, ego aphelos scripsi. de me imperatore scribis te ex Philotimi litteris cognosse; sed credo te, iam in Epiro cum esses, binas meas de omnibus rebus accepisse, unas a Pindenisso capto, alteras Laodicea, utrasque tuis pueris datas. quibus de rebus propter casum navigandi per binos tabellarios misi Romam publice litteras.

[10] de Tullia mea tibi adsentior scripsique ad eam et ad Terentiam mihi placere. tu enim ad me iam ante scripseras, 'ac vellem te in tuum veterem gregem rettulisses.' correcta vero epistula Memmiana nihil negoti fuit; multo enim malo hunc a Pontidia quam illum a Servilia. qua re adiunges Saufeium nostrum, hominem semper amantem mei, nunc credo eo magis quod debet etiam fratris Appi amorem erga me cum reliqua hereditate crevisse; qui declaravit quanti me faceret cum saepe tum in Bursa. ne tu me sollicitudine magna liberaris.

[11] Furni exceptio mihi non placet; nec enim ego ullum aliud tempus timeo nisi quod ille solum excipit. sed scriberem ad te de hoc plura, si Romae esses. in Pompeio te spem omnem oti ponere non miror. ita res est removendumque censeo illud 'dissimulantem.' sed enim oikonomia si perturbatior est, tibi adsignato. te enim sequor schediazonta.

[12] Cicerones pueri amant inter se, exercentur, sed discunt, alter, uti dixit Isocrates in Ephoro et Theopompo, frenis eget, alter

calcaribus. Quinto togam puram Liberalibus cogitabam dare; mandavit enim pater. ea sic observabo quasi intercalatum non sit. Dionysius mihi quidem in amoribus est; pueri autem aiunt eum furenter irasci; sed homo nec doctior nec sanctior fieri potest nec tui meique amantior.

[13] Thermum, Silium vere audis laudari. valde honeste se gerunt. adde M. Nonium, Bibulum, me, si voles. iam Scrofa vellem haberet ubi posset; est enim lautum negotium. ceteri infirmant politeuma Catonis. Hortensio quod causam meam commendas valde gratum. de Amiano spei nihil putat esse Dionysius. Terenti nullum vestigium adgnovi. Moeragenes certe perut. feci iter per eius possessionem in qua animal reliquum nullum est. haec non noram tum, cum Democrito tuo <cum> locutus sum. Rhosica vasa mandavi. sed heus tu! quid cogitas? in felicatis lancibus et splendidissimis canistris holusculis nos soles pascere; quid te in vasis fictilibus appositurum putem? Keras Phemio mandatum est; reperietur, modo aliquid illo dignum canat.

[14] Parthicum bellum impendet. Cassius ineptas litteras misit, necdum Bibuli erant adlatae. quibus recitatis puto fore ut aliquando commoveatur senatus. equidem sum in magna animi perturbatione. si, ut opto, non prorogatur nostrum negotium, habeo Iunium et Quintilem in metu. esto; duos quidem mensis sustinebit Bibulus. quid illo fiet quem reliquero, praesertim si fratrem? quid me autem, si non tam cito decedo? Magna turba est. mihi tamen cum Deiotaro convenit ut ille in meis castris esset cum suis copiis omnibus. habet autem cohortis quadringenarias nostra armatura xxx, equitum ci[c] ci[c]. erit ad sustentandum quoad Pompeius veniat; qui litteris quas ad me mittit significat suum negotium illud fore. hiemant in nostra provincia Parthi; exspectatur ipse Orodes. quid quaeris? aliquantum est negoti. de Bibuli edicto nihil novi praeter illam exceptionem de qua tu ad me scripseras nimis gravi praeiudicio in ordinem nostrum.' ego tamen habeo isodunamousan sed tectiorem ex Q. Muci P. L edicto Asiatico, EXTRA QVAM SI ITA NEGOTIVM GESTVM EST VT EO STARI NON OPORTEAT EX FIDE BONA, multaque sum secutus Scaevolae, in iis illud in quo sibi libertatem censent Graeci datam, ut Graeci inter se disceptent suis legibus. breve autem edictum est propter hanc meam diairesin quod duobus generibus

edicendum putavi. quorum unum est provinciale in quo est de rationibus civitatum, de aere alieno, de usura, de syngraphis, in eodem omnia de publicanis; alterum, quod sine edicto satis commode transigi non potest, de hereditatum possessionibus, de bonis possidendis, vendendis, magistris faciendis, quae ex edicto et postulari et fieri solent. Tertium de reliquo iure dicundo agraphon reliqui. dixi me de eo genere mea decreta ad edicta urbana accommodaturum. itaque curo et satis facio adhuc omnibus. Graeci vero exsultant quod peregrinis iudicibus utuntur. 'nugatoribus quidem' inquies. quid refert? tamen se autonomian adeptos putant. vestri enim credo gravis habent Turpionem sutorium et Vettium mancipem.

[16] de publicanis quid agam videris quaerere. habeo in deliciis, obsequor, verbis laudo, orno; efficio ne cui molesti sint. To paradoxotaton, usuras eorum quas pactionibus adscripserant servavit etiam Servilius. ego sic. diem statuo satis laxam, quam ante si solverint, dico me centesimas ducturum; si non solverint, ex pactione. itaque et Graeci solvunt tolerabili faenore et publicanis res est gratissima, si illa iam habent pleno modio, verborum honorem, invitationem crebram. quid plura? sunt omnes ita mihi familiares ut se quisque maxime putet. sed tamen meden autois — scis reliqua.

[17] de statua Africani (o pragmaton asunkloston! sed me id ipsum delectavit in tuis litteris) ain tu? Scipio hic Metellus proavum suum nescit censorem non fuisse? atqui nihil habuit aliud inscriptum nisi cos ea statua quae ad Opis [per te] posita in excelso est. in illa autem quae est ad polukleous Herculem inscriptum est CONSVL; quam esse eiusdem status, amictus, anulus, imago ipsa declarat. at me hercule ego, cum in turma inauratarum equestrium quas hic Metellus in Capitolio posuit animadvertissem in Serapionis subscriptione Africani imaginem, erratum fabrile putavi, nunc video Metelli.

[18] O anistoresian turpem! nam illud de Flavio et fastis, si secus est, commune erratum est et tu belle eporesas et nos publicam prope opinionem secuti sumus, ut multa apud Graecos. quis enim non dixit eupolin ton tes archaias ab Alcibiade navigante in Siciliam deiectum esse in mare? redarguit Eratosthenes; adfert enim quas ille post id tempus fabulas docuerit. num idcirco Duris Samius, homo in historia diligens, quod cum multis erravit, inridetur? quis Zaleucum leges

Locris scripsisse non dixit? num igitur iacet Theophrastus si id a Timaeo tuo familiari reprensum est? sed nescire proavum suum censorem non fuisse turpe est, praesertim cum post eum consulem nemo Cornelius illo vivo censor fuerit.

[19] quod de Philotimo et de solutione HS XXDC scribis, Philotimum circiter Kal. Ianuarias in Chersonesum audio venisse. at mi ab eo nihil adhuc. reliqua mea Camillus scribit se accepisse. ea quae sint nescio et aveo scire. verum haec posterius et coram fortasse commodius.

[20] illud me, mi Attice, in extrema fere parte epistulae commovit; scribis enim sic, ti loipon; deinde me obsecras amantissime ne obliviscar vigilare et ut animadvertam quae fiant. num quid de quo inaudisti? etsi nihil eius modi est . pollou ge kai dei. nec enim me fefellisset nec fallet. sed ista admonitio tua tam accurata nescio quid mihi significare visa est.

[21] de M. Octavio iterum iam tibi rescribo te illi probe respondisse; paulo vellem fidentius. nam Caelius libertum ad me misit et litteras accurate scriptas et de pantheris et] a civitatibus. rescripsi alterum me moleste ferre, si ego in tenebris laterem nec audiretur Romae nullum in mea provincia nummum nisi in aes alienum erogari, docuique nec mihi conciliare pecuniam licere nec illi capere monuique eum quem plane diligo ut cum alios accusasset cautius viveret; illud autem alterum alienum esse existimatione mea, Cibyratas imperio meo publice venari.

[22] Lepta tua epistula gaudio exsultat; etenim scripta belle est meque apud eum magna in gratia posuit. filiola tua gratum mihi fecit quod tibi diligenter mandavit ut mihi salutem adscriberes, gratum etiam Pilia, sed illa officiosius quod mihi quem iam pridem . . . numquam vidit. igitur tu quoque salutem utrique adscribito. Litterarum datarum dies pr. Kal. Ianuar. suavem habuit recordationem clarissimi iuris iurandi quod ego non eram oblitus. Magnus enim praetextatus illo die fui. habes ad omnia. non, ut postulasti, chrusea chalkeion sed paria paribus respondimus.

[23] ecce autem alia pusilla epistula quam non relinquam anantiphoneton. bene me hercule [potuit Lucceius Tusculanum, nisi forte (solet enim) cum suo tibicine[. et velim scire qui sit eius status. Lentulum quidem nostrum <omnia> praeter Tusculanum

proscripsisse audio. cupio hos expeditos videre, cupio etiam Sestium, adde sis Caelium; in quibus omnibus est aidesthen men anenasthai, deisan d' hupodechthai de Memmio restituendo ut Curio cogitet te audisse puto. de Egnati Sidicini nomine nec nulla nec magna spe sumus. Pinarium quem mihi commendas diligentissime Deiotarus curat graviter aegrum. respondi etiam minori.

[24] tu velim dum ero Laodiceae, id est ad Idus Maias, quam saepissime mecum per litteras colloquare et cum Athenas veneris (iam enim sciemus de rebus urbanis, de provinciis, quae omnia in mensem Martium sunt conlata), utique ad me tabellarios mittas. et heus tu! [genuarios] a Caesare per Herodem talenta Attica L extorsistis? in quo, ut audio, magnum odium Pompei suscepistis. putat enim suos nummos vos comedisse, Caesarem in nemore aedificando diligentiorem fore. haec ego ex P. Vedio, magno nebulone sed Pompei tamen familiari, audivi. hic Vedius mihi obviam venit cum duobus essedis et raeda equis iuncta et lectica et familia magna pro qua, si Curio legem pertulerit, HS centenos pendat necesse est. erat praeterea cynocephalus in essedo nec deerant onagri. numquam vidi hominem nequiorem. sed extremum audi. deversatus est Laodiceae apud Pompeium Vindullum. Ibi sua deposuit cum ad me profectus est. moritur interim Vindullus; quae res ad Magnum Pompeium pertinere putabatur. C. Vennonius domum Vindulli venit. Cum omnia obsignaret, in Vedianas res incidit. in his inventae sunt quinque imagunculae matronarum in quibus una sororis amici tui hominis 'bruti' qui hoc utatur et illius 'lepidi' qui haec tam neglegenter ferat. haec te volui paristoresai. sumus enim ambo belle curiosi.

[26] Vnum etiam velim cogites. audio Appium propulon Eleusine facere. num inepti fuerimus si nos quoque Academiae fecerimus? 'puto' inquies. ergo id ipsum scribes ad me. equidem valde ipsas Athenas amo. volo esse aliquod monumentum; odi falsas inscriptiones statuarum alienarum. sed ut tibi placebit, faciesque me in quem diem Romana incidant mysteria certiorem et quo modo hiemaris. cura ut valeas. post Leuctricam pugnam die septingentesimo sexagesimo quinto.

[II] Scr. Laodiceae in. m. Mai. a. 704 (50).

CICERO ATTICO SAL.

Cum Philogenes libertus tuus Laodiceam ad me salutandi causa venisset et se statim ad te navigaturum esse diceret, has ei litteras dedi quibus ad eas rescripsi quas acceperam a Bruti tabellario. et respondebo primum postremae tuae paginae quae mihi magnae molestiae fuit quod ad te scriptum est a Cincio de Stati sermone; in quo hoc molestissimum est, Statium dicere a me quoque id consilium probari. <probari> autem? de isto hactenus dixerim, me vel plurima vincla tecum summae coniunctionis optare, etsi sunt amoris artissima; tantum abest ut ego ex eo quo astricti sumus laxari aliquid velim.

[2] illum autem multa de istis rebus asperius solete loqui saepe sum expertus, saepe etiam lenivi iratum. id scire te arbitror. in hac autem peregrinatione militiave nostra saepe incensum ira vidi, saepe placatum. quid ad Statium scripserit nescio. quicquid acturus de tali re fuit, scribendum tamen ad libertum non fuit. mihi autem erit maximae curae ne quid fiat secus quam volumus quamque oportet. nec satis est in eius modi re se quemque praestare ac maximae partes istius offici sunt pueri Ciceronis sive iam adulescentis; quod quidem illum soleo hortari. ac mihi videtur matrem valde, ut debet, amare teque mirifice. sed est magnum illud quidem verum tamen multiplex pueri ingenium; quo ego regendo habeo negoti satis.

[3] quoniam respondi postremae tuae paginae prima mea, nunc ad primam revertar tuam. Peloponnesias civitates omnis maritimas esse hominis non nequam sed etiam tuo iudicio probati Dicaearchi tabulis credidi. is multis nominibus in Trophoniana Chaeronis narratione Graecos in eo reprendit quod mare tantum secuti sint nec ullum in Peloponneso locum excipit. quom mihi auctor placeret (etenim erat historikotatos et vixerat in Peloponneso), admirabar tamen et vix adcredens communicavi cum Dionysio. atque is primo est commotus, deinde, quod de [deo cum] isto Dicaearcho non minus bene existimabat quam tu de C. Vestorio, ego de M. Cluvio, non dubitabat quin ei crederemus. Arcadiae censebat esse Lepreon quoddam maritimum; Tenea autem et Aliphera et Tritia neoktista ei videbantur, idque toi ton neon katalogoi confirmabat ubi mentio non fit istorum. itaque istum ego locum totidem verbis a Dicaearcho

transtuli. ‘Phliasios’ autem dici sciebam et ita fac ut habeas; nos quidem sic habemus. sed primo me analogia deceperat, Phlious, Opous, Sipous, quod Opountioi, Sipountioi. sed hoc continuo correximus.

[4] laetari te nostra moderatione et continentia video. tum id magis faceres, si adesses. atque hoc foro quod egi ex Idibus Februarus Laodiceae ad Kal. Maias omnium dioecesium praeter Ciliciae mirabilia quaedam effecimus. ita multae civitates omni aere alieno liberatae, multae valde levatae sunt, omnes suis legibus et iudiciis usae autonomian adeptae revixerunt. his ego duobus generibus facultatem ad se aere alieno liberandas aut levandas dedi, uno quod omnino nullus in imperio meo sumptus factus est (nullum cum dico non loquor huperbolikos), nullus inquam, ne terruncius quidem.

[5] hac autem re incredibile est quantum civitates emerserint. accessit altera. mira erant in civitatibus ipsorum furta Graecorum quae magistratus sui fecerant. quaesivi ipse de iis qui annis decem proximis magistratum gesserant. aperte fatebantur. itaque sine ulla ignominia suis umeris pecunias populis rettulerunt. populi autem nullo gemitu publicanis quibus hoc ipso lustro nihil solverant etiam superioris lustri <reliqua> reddiderunt. itaque publicanis in oculis sumus. ‘gratis’ inquis viris. sensimus. iam cetera iuris dictio nec imperita et clemens cum admirabili facilitate; aditus autem ad me minime provinciales; nihil per cubicularium; ante lucem inambulabam domi ut olim candidatus. grata haec et magna mihique nondum laboriosa ex illa vetere militia.

[6] Nonis Maiis in Ciliciam cogitabam. ibi cum Iunium mensem consumpsissem (atque utinam in pace! magnum enim bellum impendet a Parthis), Quintilem in reditu ponere. annuae enim mihi operae a. d. iii Kal. Sextil. emerentur. Magna autem in spe sum mihi nihil temporis prorogatum iri. habebam acta urbana usque ad Nonas Martias; e quibus intellegebam Curionis nostri constantia omnia potius actum iri quam de provinciis. ergo, ut spero, prope diem te videbo.

[7] venio ad Brutum tuum, immo nostrum, sic enim mavis. equidem omnia feci quae potui aut in mea provincia perficere aut in regno experiri. omni igitur modo egi cum rege et ago cotidie per litteras scilicet. ipsum enim triduum quadriduumve mecum habui

turbulentis in rebus quibus eum liberavi. sed et tum praesens et postea creberrimis litteris non destiti rogare et petere mea causa; suadere et hortari sua. multum profeci sed quantum non plane, quia longe absum, scio. Salaminios autem (hos enim poteram coercere) adduxi ut totum nomen Scaptio vellent solvere sed centesimis ductis a proxima quidem syngrapha nec perpetuis sed renovatis quotannis. numerabantur nummi; noluit Scaptius. tu qui ais Brutum cupere aliquid perdere? Quaternas habebat in syngrapha. fieri non poterat nec, si posset, ego pati possem. audio omnino Scaptium paenitere. nam quod senatus consultum esse dicebat ut ius ex syngrapha diceretur, eo consilio factum est quod pecuniam Salaminii contra legem Gabiniam sumpserant. vetabat autem Auli lex ius dici de ita sumpta pecunia. decrevit igitur senatus ut ius diceretur ex ista syngrapha. nunc ista habet iuris idem quod ceterae, nihil praecipui.

[8] haec a me ordine facta puto me Bruto probaturum, tibi nescio, Catoni certe probabo. sed iam ad te ipsum revertor. ain tandem, Attice, laudator integritatis et elegantiae nostrae, ausus es hoc ex ore tuo —— inquit Ennius, ut equites Scaptio ad pecuniam cogendam darem me rogare? an tu si mecum esses qui scribis morderi te interdum quod non simul sis, paterere me id facere si vellem? ‘non amplius’ inquis ‘quinquaginta.’ Cum Spartaco minus multi primo fuerunt. quid tandem isti mali in tam tenera insula non fecissent? non fecissent autem? immo quid ante adventum meum non fecerunt? inclusum in curia senatum habuerunt Salaminium ita multos dies ut interierint non nulli fame. erat enim praefactus Appi Scaptius et habebat turmas ab Appio. id me igitur tu cuius me hercule os mihi ante oculos solet versari cum de aliquo officio ac laude cogito, tu me inquam rogas praefectus ut Scaptius sit? Alias hoc statueramus ut negotiatorem neminem idque Bruto probaramus. habeat is turmas? cur potius quam cohortis? sumptu iam nepos evadit Scaptius.

[9] ‘volunt’ inquit ‘principes.’ scio; nam ad me Ephesum usque venerunt flentesque equitum scelera et miserias suas detulerunt. itaque statim dedi litteras ut ex Cypro equites ante certam diem decederent, ob eamque causam tum ob ceteras Salaminii nos in caelum decretis suis sustulerunt. sed iam quid opus equitatu? solvunt enim Salaminii; nisi forte id volumus armis efficere ut faenus quaternis centesimis ducant. et ego audebo legere umquam aut

attingere eos libros quos tu dilaudas, si tale quid fecero? nimis inquam in isto Brutum amasti, dulcissime Attice, nos vereor ne parum. atque haec scripsi ego ad Brutum scripsisse te ad me.

[10] cognosce nunc cetera. pro Appio nos hic omnia facimus honeste tamen sed plane libenter. nec enim ipsum odimus et Brutum amamus et Pompeius mirifice a me contendit quem me hercule plus plusque in dies diligo. C. Coelium quaestorem huc venire audisti. nescio quid sit hominis. sed Pammenia illa mihi non placent. ego me spero Athenis fore mense Septembri. tuorum itinerum tempora scire sane velim. euetheian Semproni Rufi cognovi ex epistula tua Corcyraea. quid quaeris? invideo potentiae Vestori. cupiebam etiam nunc plura garrire sed lucet; urget turba, festinat Philogenes. valebis igitur et valere Piliam et Caeciliam nostram iubebis litteris et salvebis a meo Cicerone.

[III] Scr. in Cilicia tim. liam ante v K. Quint. a. 704 (50).

CICERO ATTICO SAL.

Etsi nil sane habebam novi quod post accidisset quam dedissem ad te Philogeni liberto tuo litteras, tamen cum Philotimum Romam remitterem, scribendum aliquid ad te fuit. ac primum illud quod me maxime angebat — non quo me aliquid iuvare posses; quippe; res enim est in manibus, tu autem abes longe gentium; polla d' en metaichmioi notos kulindei kumat' eureies halos. — obrepit dies, ut vides (mihi enim a. d. iii Kal. Sextil. de provincia decedendum est), nec succeditur. quem relinquam qui provinciae praesit? ratio quidem et opinio hominum postulat fratrem, primum quod videtur esse honos, nemo igitur potior; deinde quod solum habeo praetorium. Pomptinus enim ex pacto et convento (nam ea lege exierat) iam a me discesserat; quaestorem nemo dignum putat; etenim est 'levis, libidinosus, tagax.'

[2] de fratre autem primum illud est: persuaderi ei non posse arbitror; odit enim provinciam, et hercule nihil odiosius, nihil molestius. deinde ut mihi nolit negare, quidnam mei sit offici? cum bellum esse in Syria magnum putetur, id videatur in hanc provinciam erupturum, hic praesidi nihil sit, sumptus annuus decretus sit,

videaturne aut pietatis esse meae fratrem relinquere aut diligentiae nugarum aliquid relinquere? Magna igitur, ut vides, sollicitudine adficior, magna inopia consili. quid quaeris? toto negotio nobis opus non fuit. quanto tua provincia melior! decedes cum voles, nisi forte iam decessisti; quem videbitur praeficies Thesprotiae et Chaoniae. necdum tamen ego Quintum conveneram, ut iam, si id placeret, scirem possetne ab eo impetrari; nec tamen, si posset, quid vellem habebam.

[3] hoc est igitur eius modi. reliqua plena adhuc et laudis et gratiae, digna iis libris quos dilaudas, conservatae civitates, cumulate publicanis satis factum, offensus contumelia nemo, decreto iusto et severo perpauci nec tamen quisquam ut queri audeat, res gestae dignae triumpho; de quo ipso nihil cupide agemus, sine tuo quidem consilio certe nihil. clausula est difficilis in tradenda provincia. sed haec deus aliquis gubernabit.

[4] de urbanis rebus scilicet plura tu scis; saepius et certiora audis; equidem doleo non me tuis litteris certiorem fieri. huc enim odiosa adferebantur de Curione, de Paulo; non quo ullum periculum videam stante Pompeio vel etiam sedente, valeat modo; sed me hercule Curionis et Pauli meorum familiarium vicem doleo. formam igitur mihi totius rei publicae, si iam es Romae aut cum eris, velim mittas quae mihi obviam veniat ex qua me fingere possim et praemeditari quo animo accedam ad urbem. est enim quiddam advenientem non esse peregrinum atque hospitem. et quod paene praeterii, Bruti tui causa, ut saepe ad te scripsi, feci omnia. Cyprii numerabant; sed Scaptius centesimis renovato in singulos annos faenore contentus non fuit. Ariobarzanes non in Pompeium prolixior per ipsum quam per me in Brutum. quem tamen ego praestare non poteram; erat enim rex perpauper aberamque ab eo ita longe ut nihil possem nisi litteris; quibus pugnare non destiti. summa haec est. pro ratione pecuniae liber alius est Brutus tractatus quam Pompeius. Bruto curata hoc anno talenta circiter c, Pompeio in sex mensibus promissa cc. iam in Appi negotio quantum tribuerim Bruto dici vix potest. quid est igitur quod laborem? amicos habet meras nugas, Matinium, Scaptium. qui quia non habuit a me turmas equitum quibus Cyprum vexaret, ut ante me fecerat, fortasse suscenset, aut quia praefectus non est, quod ego nemini tribui negotiatori, non C. Vennonio meo familiari, non tuo M.

Laenio, et quod tibi Romae ostenderam me servaturum; in quo perseveravi. sed quid poterit queri is qui auferre pecuniam cum posset noluit? [aut Scaptius] qui in Cappadocia fuit, puto esse satis factum. is a me tribunatum cum accepisset quem ego ex Bruti litteris ei detulissem, postea scripsit ad me se uti nolle eo tribunatu.

[6] Gavius est quidam cui cum praefecturam detulissem Bruti rogatu multa et dixit et fecit cum quadam mea contumelia, P. Clodi canis. is me nec proficiscentem Apameam prosecutus est nec, cum postea in castra venisset atque inde discederet, num quid vellem rogavit et fuit aperte mihi nescio qua re non amicus. hunc ego si in praefectis habuissem, quem tu me hominem putares? qui, ut scis, potentissimorum hominum contumaciam numquam tulerim, ferrem huius adseculae? etsi hoc plus est quam ferre, tribuere etiam aliquid benefici et honoris. is igitur Gavius, cum Apameae me nuper vidisset Romam proficiscens, me ita appellavit <ut&t; Culleolum vix auderem, 'Vnde' inquit me iubes petere cibaria praefecti?' respondi lenius quam putabant oportuisse qui aderant me non instituisse iis dare cibaria quorum opera non essem usus. abiit iratus.

[7] huius nebulonis oratione si Brutus moveri potest, licebit eum solus ames, me aemulum non habebis. sed illum eum futurum esse puto qui esse debet. tibi tamen causam notam esse volui et ad ipsum haec perscripsi diligentissime. omnino (soli enim sumus) nullas umquam ad me litteras misit Brutus, ne proxime quidem de Appio, in quibus non inesset adrogans, akoinonoeton aliquid. tibi autem valde solet in ore esse Granius autem non contemnere se et reges odisse superbos. in quo tamen ille mihi risum magis quam stomachum movere solet. sed plane parum cogitat quid scribat aut ad quem.

[8] Q. Cicero puer legit, ut opinor, et certe, epistulam inscriptam patri suo. solet enim aperire idque de meo consilio, si quid forte sit quod opus sit sciri. in ea autem epistula erat idem illud de sorore quod ad me. mirifice conturbatum vidi puerum. lacrimans mecum est questus. quid quaeris? miram in eo pietatem suavitatem humanitatemque perspexi. quo maiorem spem habeo nihil fore aliter ac deceat. id te igitur scire volui.

[9] ne illud quidem praetermittam. Hortensius filius fuit Laodiceae gladiatoribus flagitiose et turpiter. hunc ego patris causa vocavi ad cenam quo die venit, et eiusdem patris causa nihil amplius. is mihi

dixit se Athenis me exspectaturum ut mecum decederet. recte inquam; quid enim dicerem? omnino puto nihil esse quod dixit; nolo quidem, ne offendam patrem quem me hercule multum so diligo. sin fuerit meus comes, moderabor ita ne quid eum offendam quem minime volo. haec sunt; etiam illud. orationem Q. Celeris mihi velim mittas contra M. Servilium. Litteras mitte quam primum; si nihil, vel per tuum tabellarium. Piliae et filiae salutem. cura ut valeas.

[IV] Scr. in itinere paulo post Non. Iun. a. 704 (50).

CICERO ATTICO SAL.

Tarsum venimus Nonis Iuniis. ibi me multa moverunt, magnum in Syria bellum, magna in Cilicia latrocinia, mihi difficilis ratio administrandi, quod paucos dies habebam reliquos annui muneris, illud autem difficillimum, relinquendus erat ex senatus consulto qui praeesset. nihil minus probari poterat quam quaestor Mescinius. nam de Coelio nihil audiebamus. rectissimum videbatur fratrem cum imperio relinquere; in quo multa molesta, discessus noster, belli periculum, militum improbitas, sescenta praeterea. O rem totam odiosam! sed haec fortuna viderit, quoniam consilio non multum uti licet.

[2] tu quando Romam salvus ut spero venisti, videbis, ut soles, omnia quae intelleges nostra interesse, imprimis de Tullia mea, cuius de condicione quid mihi placeret scripsi ad Terentiam cum tu in Graecia esses; deinde de honore nostro. quod enim tu afuisti, vereor ut satis diligenter actum in senatu sit de litteris meis. illud praeterea mustikoteron ad te scribam, tu sagacius a odorabere. tes damartos mou ho apeleutheros (oistha hon lego) edoxe moi proen, ex hon alogeuomenos parephthengeto, pephurakenai tas psephous ek tes ones ton huparchonton ton tou Krotoniatou turannoktonou. dedoika de me ti] noeseis.] Heis depou touto de periskepsamenos ta loipa exasphalisai.. non queo tantum quantum vereor scribere; tu autem fac ut mihi tuae litterae volent obviae. haec festinans scripsi in itinere atque agmine. Piliae et puellae Caeciliae bellissimae salutem dices.

[V] Scr. in castris v K. Quint. a. 704 (50).

CICERO ATTICO SAL.

Nunc quidem profecto Romae es. quo te, si ita est, salvum venisse gaudeo; unde quidem quam diu afuisti, magis a me abesse videbare quam si domi esses; minus enim mihi meae notae res erant, minus etiam publicae. qua re velim, etsi ut spero te haec legente aliquantum iam viae processero, tamen obvias mihi litteras quam argutissimas de omnibus rebus crebro mittas, imprimis de quo scripsi ad te antea. tes xunaorou tes emes houxeleutheros edoxe moi thama battarizon kai aluon en tois xullogois kai tais leschais hupo ti pephurakenai tas psephous en tois huparchousin tois tou Krotoniatou. hoc tu indaga, ut soles, et hoc magis. ex asteos heptalophou steichon paredoken mnon kd, me, opheilema toi Kamilloi, heauton te opheilonta mnas kd ek ton Krotoniatikon kai ek ton Cherronesitikon me kai mnas kleronomesai chm, km. touton de mede obolon dieulutesthai, panton opheilethenton tou deuterou menos tei noumeniai. ton de apeleutheron autou, onta homonumon toi Kononos patri, meden holoscheros pephrontikenai. tauta oun proton men hina panta soizetai, deuteron de hina mede ton tokon oligoreseis ton apo tes proekkeimenes hemeras. Hosas auton enenkamen sphodra dedoika: kai gar paren pros hemas kataskepsomenos kai ti schedon elpisas: apognous d' alogos apeste epeipon 'eiko: aischron toi deron te menein' — , meque obiurgavit vetere proverbio ta men didomena — . reliqua vide et quantum fieri potest perspice.

[3] nos etsi annuum tempus prope iam emeritum habebamus (dies enim xxxiii erant reliqui), sollicitudine provinciae tamen vel maxime urgebamur. Cum enim arderet Syria bello et Bibulus in tanto maerore suo maximam curam belli sustineret ad meque legati eius quaestor et amici eius litteras mitterent ut subsidio venirem, etsi exercitum infirmum habebam, auxilia sane bona sed ea Galatarum, Pisidarum, Lyciorum (haec enim sunt nostra robora), tamen esse officium meum putavi exercitum habere quam proxime hostem quoad mihi praeesse provinciae per senatus consultum liceret. sed quo ego maxime delectabar, Bibulus molestus mihi non erat, de omnibus rebus scribebat ad me potius. et mihi decessionis dies lelethotos obrepebat. qui cum advenerit, allo problema quem praeficiam, nisi Caldus quaestor venerit; de quo adhuc nihil certi habebamus.

[4] cupiebam me hercule longiorem epistulam facere, sed nec erat res de qua scriberem nec iocari prae cura poteram. valebis igitur et puellae salutem Atticulae dices nostraeque Piliae.

[VI] Scr. Rhodi circ. iv Id. Sext. a. 704 (50).

CICERO ATTICO SAL.

Ego dum in provincia omnibus rebus Appium orno, subito sum factus accusatoris eius socer. ‘id quidem’ inquis ‘di approbent!’ ita velim teque ita cupere certo scio. sed crede mihi, nihil minus putaram ego qui de Ti. Nerone qui mecum egerat certos homines ad mulieres miseram, qui Romam venerunt factis sponsalibus. sed hoc spero melius; mulieres quidem valde intellego delectari obsequio et comitate adulescentis. cetera noli exakanthizein.

[2] sed heus tu! purous eis demon Athenis? placet hoc tibi? etsi non impediebant mei certe libri. non enim ista largitio fuit in civis sed in hospites liberalitas. me tamen de Academiae propuloi iubes cogitare, cum iam Appius de Eleusine non cogitet? de Hortensio te certo scio dolere; equidem excrucior; decreram enim cum eo valde familiariter vivere.

[3] nos provinciae praefecimus Coelium. ‘puerum’ inquies ‘et fortasse fatuum et non gravem et non continentem!’ adsentior; fieri non potuit aliter. nam quas multo ante tuas acceperam litteras in quibus epechein te scripseras quid esset mihi faciendum de relinquendo, eae me pungebant; videbam enim quae tibi essent epoches causae, et erant eaedem mihi. puero tradere? fratri autem? illud non utile nobis. nam praeter fratrem nemo erat quem sine contumelia quaestori, nobili praesertim, anteferrem. tamen, dum impendere Parthi videbantur, statueram fratrem relinquere aut etiam rei publicae causa contra senatus consultum ipse remanere. qui postea quam incredibili felicitate discesserunt sublata dubitatio est. videbam sermones, ‘Hui, fratrem reliquit! num est hoc non plus annum obtinere provinciam? quid quod senatus eos voluit praeesse provinciis qui non praefuissent? at hic triennium!’ ergo haec ad populum.

[4] quid quae tecum? numquam essem sine cura, si quid iracundius

contumeliosius aut neglegentius, quae fert vita hominum. quid si quid filius puer et puer bene sibi fidens? qui esset dolor? quem pater non dimittebat teque id censere moleste ferebat. at nunc Coelius non dico equidem quod egerit — ,' sed tamen multo minus laboro. adde illud. Pompeius, eo robore vir, iis radicibus, Q. Cassium sine sorte delegit, Caesar Antonium; ego sorte datum offenderem, ut etiam inquireret in eum quem reliquissem? hoc melius, et huius rei plura exempla, senectuti quidem nostrae profecto aptius. at te apud eum, di boni, quanta in gratia posui! eique legi litteras non tuas sed librari tui. amicorum litterae me ad triumphum vocant, rem a nobis, ut ego arbitror, propter hanc palingenesian nostram non neglegendam. qua re tu quoque, mi Attice, incipe id cupere quo nos minus inepti videamur.

[VII] Scr. Tarsi ante iii K. Sext. a. 704 (50).

CICERO ATTICO SAL.

Quintus filius pie sane, me quidem certe multum hortante, sed currentem animum patris sui sorori tuae reconciliavit. Eum valde tuae litterae excitarunt. quid quaeris? confido rem ut volumus esse. Bis ad te antea scripsi de re mea familiari, si modo tibi redditae litterae sunt, Graece en ainigmois. scilicet nihil est movendum; sed tamen aphelos percontando de nominibus Milonis et ut expediat ut mihi receperit hortando aliquid [aut] proficies

[2] ego Laodiceae quaestorem Mescinium exspectare iussi, ut confectas rationes lege Iulia apud duas civitates possem relinquere. Rhodum volo puerorum causa, inde quam primum Athenas, etsi etesiae valde reflant; sed plane volo his magistratibus quorum voluntatem in supplicatione sum expertus. tu tamen mitte mihi, quaeso, obviam litteras numquid putes rei publicae nomine tardandum esse nobis. Tiro ad te dedisset litteras, nisi eum graviter aegrum Issi reliquissem. sed nuntiant melius esse. ego tamen angor; nihil enim illo adulescente castius, nihil diligentius.

[VIII] Scr. Ephesi K. Oct. a. 704 (50).

CICERO ATTICO SAL.

Cum instituissem ad te scribere calamumque sumpsissem, Batonius e navi recta ad me venit domum Ephesi et epistulam tuam reddidit pridie Kal. Octobris. laetatus sum felicitate navigationis tuae, opportunitate Piliae, etiam hercule sermone eiusdem de coniugio Tulliae meae.

[2] Batonius autem meros terrores ad me attulit Caesarianos, cum Lepta etiam plura locutus est, spero falsa, sed certe horribilia, exercitum nullo modo dimissurum, cum illo praetores designatos, Cassium tribunum pl., Lentulum consulem facere, Pompeio in animo esse urbem relinquere.

[3] sed heus tu! numquid moleste fers de illo qui se solet anteferre patruo sororis tuae fili? at a quibus victus! sed ad rem.

[4] nos etesiae vehementissime tardarunt; detraxit xx ipsos dies etiam aphractus Rhodiorum. Kal. Octobr. Epheso conscendentes hanc epistulam dedimus L. Tarquitio simul e portu egredienti sed expeditius naviganti. nos Rhodiorum aphractis ceterisque longis navibus tranquillitates aucupaturi eramus; ita tamen properabamus ut non posset magis.

[5] de rauducsulo Puteolano gratum. nunc velim dispicias res Romanas, videas quid nobis de triumpho cogitandum putes ad quem amici me vocant. ego nisi Bibulus qui, dum unus hostis in Syria fuit, pedem porta non plus extulit quam domo sua, adniteretur de triumpho, aequo animo essem. nunc vero aischron siopan. sed explora rem totam, ut quo die congressi erimus consilium capere possimus. sat multa, qui et properarem et ei litteras darem qui aut mecum aut paulo ante venturus esset. Cicero tibi plurimam salutem dicit. tu dices utriusque nostrum verbis et Piliae tuae et filiae.

[IX] Scr. Athenis Id. Oct. a. 704 (50).

CICERO ATTICO SAL.

In Piraeea cum exissem pridie Idus Octobr., accepi ab Acasto servo meo statim tuas litteras. quas quidem cum exspectassem iam diu, admiratus sum, ut vidi obsignatam epistulam, brevitatem eius, ut

aperui, rursus sunchusin litterularum, quia solent tuae compositissimae et clarissimae esse, ac, ne multa, cognovi ex eo quod ita scripseras te Romam venisse a. d. xii Kal. Oct. cum febri. percussus vehementer nec magis quam debui, statim quaero ex Acasto. ille et tibi et sibi visum et ita se domi ex tuis audisse ut nihil esset incommode. id videbatur approbare quod erat in extremo, febriculam tum te habentem scripsisse. sed te amavi tamen admiratusque sum quod nihilo minus ad me tua manu scripsisses. qua re de hoc satis. spero enim, quae tua prudentia et temperantia est, hercule, ut me iubet Acastus, confido te iam ut volumus valere.

[2] A Turranio te accepisse meas litteras gaudeo. paraphulaxon, si me amas, ten tou phuratou philotimian: autika gar. hanc, quae me hercule mihi magno dolori est (dilexi enim hominem), procura, quantulacumque est, Precianam hereditatem prorsus ille ne attingat. dices nummos mihi opus esse ad apparatum triumphi. in quo, ut praecipis, nec me kenon in expetendo cognosces nec atuphon in abiciendo.

[3] intellexi ex tuis litteris te ex Turranio audisse a me provinciam fratri traditam. adeon ego non perspexeram prudentiam litterarum tuarum? epechein te scribebas. quid erat dubitatione dignum, si esset quicquam cur placeret fratrem et talem fratrem relinqui? athetesis ista mihi tua, non epoche videbatur. monebas de Q. Cicerone puero ut eum quidem neutiquam relinquerem. toumon oneiron emoi. eadem omnia quasi conlocuti essemus vidimus. non fuit faciendum aliter meque epichronia epoche tua dubitatione liberavit. sed puto te accepisse de hac re epistulam scriptam accuratius.

[4] ego tabellarios postero die ad vos eram missurus; quos puto ante venturos quam nostrum Saufeium. sed eum sine meis litteris ad te venire vix rectum erat. tu mihi, ut polliceris, de Tulliola mea, id est de Dolabella, perscribes, de re publica quam praevideo in summis periculis, de censoribus, maximeque de signis, tabulis quid fiat, referaturne. Idibus Octobribus has dedi litteras, quo die, ut scribis, Caesar Placentiam legiones iiii. quaeso, quid nobis futurum est? in arce Athenis statio mea nunc placet.

LIBER SEPTIMUS

[I] Scr. Athenis xvii K. Nov. a. 704 (50).

CICERO ATTICO SAL.

Dederam equidem L. Saufeio litteras et dederam ad te unum, quod cum non esset temporis mihi ad scribendum satis, tamen hominem tibi tam familiarem sine meis litteris ad te venire nolebam; sed ut philosophi ambulant, has tibi redditum iri putabam prius. sin iam illas accepisti, scis me Athenas venisse pr. Idus Octobris, e navi egressum in Piraeum tuas ab Acasto nostro litteras accepisse, conturbatum quod cum febre Romam venisses, bono tamen animo esse coepisse quod Acastus ea quae vellem de adlevato corpore tuo nuntiaret, cohorruisse autem me eo quod tuae litterae de legionibus Caesaris adferrent, et egisse tecum ut videres ne quid philotimia eius quem nosti nobis noceret; et, de quo iam pridem ad te scripseram, Turranius autem secus tibi Brundisi dixerat (quod ex iis litteris cognovi quas a Xenone, optimo viro, accepi), cur fratrem provinciae non praefecissem exposui breviter. haec fere sunt in illa epistula.

[2] nunc audi reliqua. per fortunas! omnem tuum amorem quo me es amplexus omnemque tuam prudentiam quam me hercule in omni genere iudico singularem confer ad eam curam ut de omni statu meo cogites. videre enim mihi videor tantam dimicationem, nisi idem deus qui nos melius quam optare auderemus Parthico bello liberavit respexerit rem publicam, — sed tantam quanta numquam fuit. age, hoc malum mihi commune est cum omnibus. nihil tibi mando ut de eo cogites, illud meum proprium problema, quaeso, suscipe. videsne ut te auctore sim utrumque complexus? ac vellem a principio te audisse amicissime monentem. all' emon oupote thumon eni stethessin epeithes sed aliquando tamen persuasisti ut alterum complecterer quia de me erat optime meritus, alterum quia tantum valebat. feci igitur itaque effeci omni obsequio ut neutri illorum quisquam esset me carior.

[3] haec enim cogitabamus, nec mihi coniuncto cum Pompeio fore necesse peccare in re publica aliquando nec cum Caesare sentienti

pugnandum esse cum Pompeio. tanta erat illorum coniunctio. nunc impendet, ut et tu ostendis et ego video, summa inter eos contentio. me autem uterque numerat suum, nisi forte simulat alter. nam Pompeius non dubitat; vere enim iudicat ea quae de re publica nunc sentiat mihi valde probari. utriusque autem accepi eius modi litteras eodem tempore quo tuas, ut neuter quemquam omnium pluris facere quam me videretur.

[4] verum quid agam? non quaero illa ultima (si enim castris res geretur, video cum altero vinci satius esse quam cum altero vincere), sed illa quae tum agentur cum venero, ne ratio absentis habeatur, ut exercitum dimittat. 'DIC, M. TVLLI.' quid dicam? 'exspecta, amabo te, dum Atticum conveniam '? non est locus ad tergiversandum. contra Caesarem? 'ubi illae sunt densae dexterae?' nam ut illi hoc liceret adiuvi rogatus ab ipso Ravennae de Caelio tribuno pl. ab ipso autem? etiam a Gnaeo nostro in illo divino tertio consulatu. aliter sensero; aideomai non Pompeium modo sed troas kai Troiadas. Pouludamas moi protos elencheien katathesei.

[5] quis? tu ipse scilicet laudator et factorum et scriptorum meorum. hanc ergo plagam effugi per duos superiores Marcellorum consulatus cum est actum de provincia Caesaris, nunc incido in discrimen ipsum? itaque +ut stultus+ primus suam sententiam dicat, mihi valde placet de triumpho nos moliri aliquid, extra urbem esse cum iustissima causa. tamen dabunt operam ut eliciant sententiam meam. ridebis hoc loco fortasse. quam vellem etiam nunc in provincia morari! plane opus fuit, si hoc impendebat. etsi nil miserius. nam hodou parergon volo te hoc scire. omnia illa prima quae etiam (tu) tuis litteris in caelum ferebas epitekta fuerunt.

[6] quam non est facilis virtus: quam vero difficilis eius diuturna simulatio! Cum enim hoc rectum et gloriosum putarem, ex annuo sumptu qui mihi decretus esset me C. Coelio quaestori relinquere annuum, referre in aerarium ad HS +cI[c]+, ingemuit nostra cohors omne illud putans distribui sibi oportere, ut ego amicior invenirer Phrygum et Cilicum aerariis quam nostro. sed me non moverunt; nam et mea laus apud me plurimum valuit nec tamen quicquam honorifice in quemquam fieri potuit quod praetermiserim. sed haec fuerit ut ait Thucydides, ekbole logou non inutilis.

[7] tu autem de nostro statu cogitabis primum quo artificio tueamur

benevolentiam Caesaris, deinde de ipso triumpho; quem video, nisi rei publicae tempora impedient, euporiston. iudico autem cum ex litteris amicorum tum ex supplicatione. quam qui non decrevit, plus decrevit quam si omnis decresset triumphos. ei porro adsensus est unus familiaris meus, Favonius, alter iratus, Hirrus. Cato autem et scribendo adfuit et ad me de sententia sua iucundissimas litteras misit. sed tamen gratulans mihi Caesar de supplicatione triumphat de sententia Catonis nec scribit quid ille sententiae dixerit sed tantum supplicationem eum mihi non decrevisse.

[8] redeo ad Hirrum. coeperas eum mihi placare; perfice. habes Scrofam, habes Silium. ad eos ego et iam antea scripsi ad ipsum Hirrum. locutus enim erat cum iis commode se potuisse impedire sed noluisse; adsensum tamen esse Catoni, amicissimo meo, cum is honorificentissimam in me sententiam dixisset; nec me ad se ullas litteras misisse, cum ad omnis mitterem. verum dicebat. ad eum enim solum et ad Crassipedem non scripseram.

[9] atque haec de rebus forensibus; redeamus domum. Diiungere me ab illo volo. merus est phurates germanus Lartidius. alla ta men protetuchthai easomen achnumenoi per. reliqua expediamus, hoc primum — quod accessit cura dolori meo, — sed tamen hoc, quicquid est, Precianum cum lis rationibus quas ille meas tractat admisceri nolo. scripsi ad Terentiam, scripsi etiam ad ipsum, me quicquid possem nummorum ad apparatum sperati triumphi ad te redacturum. ita puto amempta fore; verum ut libebit. hanc quoque suscipe curam quem ad modum experiamur. id tu et ostendisti quibusdam litteris ex Epiro (an) Athenis datis et in eo ego te adiuvabo.

[II] Scr. Brundisi v K. Dec. a. 704 (50).

CICERO ATTICO SAL.

Brundisium venimus vii Kalend. Decembr. usi tua felicitate navigandi; ita belle nobis flavit ab Epiro lenissimus Onchesmites. hunc spondeiazonta si cui voles ton neoteron pro tuo vendito.

[2] valetudo tua me valde conturbat; significant enim tuae litterae te prorsus laborare. ego autem, cum sciam quam sis fortis,

vehementius esse quiddam suspicor quod te cogat cedere et prope modum infringat. etsi alteram quartanam Pamphilus tuus mihi dixit decessisse et alteram leviorem accedere. Terentia vero, quae quidem eodem tempore ad portam Brundisinam venit quo ego in portum mihique obvia in foro fuit, L. Pontium sibi in Trebulano dixisse narrabat etiam eam decessisse. quod si ita est, (est) quod maxime me hercule opto idque spero tua prudentia et temperantia te consecutum.

[3] venio ad epistulas tuas; quas ego sescentas uno tempore accepi, aliam alia iucundiorem, quae quidem erant tua manu. nam Alexidis manum amabam quod tam prope accedebat ad similitudinem tuae, litteras non amabam quod indicabant te non valere. cuius quoniam mentio facta est, Tironem Patris aegrum reliqui, adulescentem, ut nosti (et adde, si quid vis), probum. nihil vidi melius. itaque careo aegre et, quamquam videbatur se non graviter habere, tamen sum sollicitus maximamque spem habeo in M'. Curi diligentia de qua ad me scripsit Tiro et multi nuntiarunt. Curius autem ipse sensit quam tu velles se a me diligi et eo sum admodum delectatus. et me hercule est quam facile diligas autochthon in homine urbanitas. eius testamentum deporto trium Ciceronum signis obsignatum cohortisque praetoriae. fecit palam te ex libella, me ex terruncio. in Actio Corcyrae Alexio me opipare muneratus est. Q. Ciceroni obsisti non potuit quo minus Thyamim videret.

[4] filiola tua te delectari laetor et probari tibi phusiken esse ten pros ta tekna. etenim si haec non est, nulla potest homini esse ad hominem naturae adiunctio; qua sublata vitae societas tollitur. 'bene eveniat!' inquit Carneades spurce sed tamen prudentius quam Lucius noster et Patron qui, cum omnia ad se referant, (numquam) quicquam alterius causa fieri putent et, cum ea re bonum virum oportere esse dicant ne malum habeat non quo id natura rectum sit, non intellegant se de callido homine loqui non de bono viro. sed haec, opinor, sunt in iis libris quos tu laudando animos mihi addidisti.

[5] redeo ad rem. quo modo exspectabam epistulam quam Philoxeno dedisses! scripseras enim in ea esse de sermone Pompei Neapolitano. eam mihi Patron Brundisi reddidit; Corcyrae, ut opinor, acceperat. nihil potuit esse iucundius. erat enim de re publica, de opinione quam is vir haberet integritatis meae, de benevolentia quam ostendit eo sermone quem habuit de triumpho. sed tamen hoc

iucundissimum quod intellexi te ad eum venisse ut eius animum erga me perspiceres. hoc mihi, inquam, accidit iucundissimum.

[6] de triumpho autem nulla me cupiditas umquam tenuit ante Bibuli impudentissimas litteras quas amplissime supplicatio consecuta est. A quo si ea gesta essent quae scripsit, gauderem et honori faverem; nunc illum qui pedem porta quoad hostis cis Euphratem fuit non extulerit honore augeri, me in cuius exercitu spem illius exercitus habuit idem non adsequi dedecus est nostrum, nostrum, inquam, te coniungens. itaque omnia experiar et, ut spero, adsequar. quod si tu valeres, iam mihi quaedam explorata essent; sed, ut spero, valebis.

[7] de rauducsulo Numeriano multum te amo. Hortensius quid egerit aveo scire, Cato quid agat; qui quidem in me turpiter fuit malevolus. dedit integritatis, iustitiae, clementiae, fidei mihi testimonium quod non quaerebam; quod postulabam id negavit. itaque Caesar iis litteris quibus mihi gratulatur et omnia pollicetur quo modo exsultat Catonis in me ingratissimi iniuria! at hic idem Bibulo dierum xx. ignosce mihi; non possum haec ferre nec feram.

[8] cupio ad omnis tuas epistulas, sed nihil necesse est; iam enim te videbo. illud tamen de Chrysippo — nam de altero illo minus sum admiratus, operario homine; sed tamen ne illo quidem quicquam improbius. Chrysippum vero quem ego propter litterularum nescio quid libenter vidi, in honore habui discedere a puero insciente me! Mitto alia quae audio multa, mitto furta; fugam non fero qua mihi nihil visum est sceleratius. itaque usurpavi vetus illud Drusi, ut ferunt, praetoris in eo qui eadem liber non iuraret, me istos liberos non addixisse, praesertim cum adesset nemo a quo recte vindicarentur. id tu, ut videbitur, ita accipies; ego tibi adsentiar. uni tuae disertissimae epistulae non rescripsi in qua est de periculis rei publicae. quid rescriberem? valde eram perturbatus. sed ut nihil magno opere metuam Parthi faciunt qui repente Bibulum semivivum reliquerunt.

[III] Scr. in Tretulano v Id. Dec. a. 704 (50).

CICERO ATTICO SAL.

A. d. viii Idus Decembr. Aeculanum veni et ibi tuas litteras legi quas Philotimus mihi reddidit. E quibus hanc primo aspectu voluptatem cepi quod erant a te ipso scriptae, deinde earum accuratissima diligentia sum mirum in modum delectatus. ac primum illud in quo te Dicaearcho adsentiri negas, etsi cupidissime expetitum a me est et te approbante ne diutius anno in provincia essem, tamen non est nostra contentione perfectum. sic enim scito, verbum in senatu factum esse numquam de ullo nostrum qui provincias obtinuimus quo in iis diutius quam ex senatus consulto maneremus, ut iam ne istius quidem rei culpam sustineam quod minus diu fuerim in provincia quam fortasse fuerit utile.

[2] sed ‘quid si hoc melius?’ (saepe) opportune dici videtur ut in hoc ipso. Sive enim ad concordiam res adduci potest sive ad bonorum victoriam, utriusvis rei me aut adiutorem velim esse aut certe non expertem; sin vincuntur boni, ubicumque essem, una cum iis victus essem. qua re celeritas nostri reditus ametameletos debet esse. quod si ista nobis cogitatio de triumpho iniecta non esset quam tu quoque approbas, ne tu haud multum requireres illum virum qui in sexto libro informatus est. quid enim tibi faciam qui illos libros devorasti? quin nunc ipsum non dubitabo rem tantam abicere, si id erit rectius. utrumque vero simul agi non potest et de triumpho ambitiose et de re publica libere. sed ne dubitaris quin quod honestius id mihi futurum sit antiquius.

[3] nam quod putas utilius esse vel mihi quod tutius sit vel etiam ut rei publicae prodesse possim, me esse cum imperio, id coram considerabimus quale sit. habet enim res deliberationem; etsi ex parte magna tibi adsentior. de animo autem meo erga rem publicam bene facis quod non dubitas, et illud probe iudicas nequaquam satis pro meis officiis, pro ipsius in alios effusione illum in me liberalem fuisse, eiusque rei causam vere explicas, et eis quae de Fabio Caninioque acta scribis valde consentiunt. quae si secus essent totumque se ille in me profudisset, tamen illa quam scribis custos urbis me praeclarae inscriptionis memorem esse cogeret nec mihi concederet ut imitarer Volcacium aut Servium quibus tu es contentus, sed aliquid nos vellet nobis dignum et sentire et defendere. quod quidem agerem, si liceret, alio modo ac nunc agendum est.

[4] de sua potentia dimicant homines hoc tempore periculo

civitatis. nam si res publica defenditur, cur ea consule isto ipso defensa non est? cur ego in cuius causa rei publicae salus consistebat defensus postero anno non sum? cur imperium illi aut cur illo modo prorogatum est? cur tanto opere pugnatum est ut de eius absentis ratione habenda decem tribuni pl. ferrent? his ille rebus ita convaluit ut nunc in uno civi spes ad resistendum sit; qui mallem tantas ei viris non dedisset quam nunc tam valenti resisteret.

[5] sed quoniam res eo deducta est, non quaeram, ut scribis, pou skaphos to ton Atreidon; mihi skaphos unum erit quod a Pompeio gubernabitur. illud ipsum quod ais, 'quid fiet, cum erit dictum, DIC, M. TVLLI?' — suntoma 'CN. POMPEIO ADSENTIOR.' ipsum tamen Pompeium separatim ad concordiam hortabor. sic enim sentio, maximo in periculo rem esse. vos scilicet plura qui in urbe estis. verum tamen haec video, cum homine audacissimo paratissimoque negotium esse, omnis damnatos, omnis ignominia adfectos, omnis damnatione ignominiaque dignos illac facere, omnem fere iuventutem, omnem illam urbanam ac perditam plebem, tribunos valentis addito C. Cassio, omnis qui aere alieno premantur, quos pluris esse intellego quam putaram (causam solum illa causa non habet, ceteris rebus abundat); hic omnia facere omnis ne armis decernatur, quorum exitus semper incerti, nunc vero etiam in alteram partem magis timendi. Bibulus de provincia decessit, Veientonem praefecit; in decedendo erit, ut audio, tardior. quem cum ornavit Cato, declaravit iis se solis non invidere quibus nihil aut non multum ad dignitatem posset accedere.

[6] nunc venio ad privata; fere enim respondi tuis litteris de re publica et iis quas in suburbano et iis quas postea scripsisti. ad privata venio. unum etiam de Caelio tantum abest ut meam ille sententiam moveat ut valde ego ipsi quod de sua sententia decesserit paenitendum putem. sed quid est quod ei vici Luccei sint addicti? hoc te praetermisisse miror.

[7] de Philotimo faciam equidem ut mones. sed ego mihi ab illo hoc tempore non rationes exspectabam quas tibi edidit, verum id reliquum quod ipse in Tusculano me referre in commentarium mea manu voluit quodque idem in Asia mihi sua manu scriptum dedit. id si praestaret, quantum mihi aeris alieni esse tibi edidit tantum et plus etiam mihi ipse deberet. sed in hoc genere, si modo per rem publicam

licebit, non accusabimur posthac, neque hercule antea neglegentes fuimus sed amicorum multitudine occupati. ergo utemur, ut polliceris, et opera et consilio tuo nec tibi erimus, ut spero, in eo molesti.

[8] de serperastris cohortis meae nihil est quod doleas. ipsi enim se conlegerunt admiratione integritatis meae. sed me moverat nemo magis quam is quem tu neminem putas. idem et initio fuerat et nunc est egregius. sed in ipsa decessione significavit sperasse se aliquid et id quod animum induxerat paulisper non tenuit sed cito ad se rediit meisque honorificentissimis erga se officiis victus pluris ea duxit quam omnem pecuniam.

[9] ego a Curio tabulas accepi quas mecum porto. Hortensi legata cognovi. nunc aveo scire quid hominis sit et quarum rerum auctionem instituat. nescio enim cur, cum portam Flumentanam Caelius occuparit, ego Puteolos non meos faciam.

[10] venio ad 'Piraeea,' in quo magis reprehendendus sum quod homo Romanus 'Piraeea' scripserim, non 'Piraeum' (sic enim omnes nostri locuti sunt), quam quod addiderim '(in).' non enim hoc ut oppido praeposui sed ut loco. et tamen Dionysius noster et qui est nobiscum Nicias Cous non rebatur oppidum esse Piraeea. sed de re videro. nostrum quidem si est peccatum, in eo est quod non ut de oppido locutus sum sed ut de loco secutusque sum non dico Caecilium, mane ut ex portu in Piraeum (malus enim auctor latinitatis est), sed Terentium cuius fabellae propter elegantiam sermonis putabantur a C. Laelio scribi, heri aliquot adulescentuli coiimus in Piraeum, et idem, Mercator hoc addebat, captam e sunio. quod si demous oppida volumus esse, tam est oppidum Sunium quam Piraeus. sed quoniam grammaticus es, si hoc mihi zetema persolveris, magna me molestia liberans.

[11] ille mihi litteras blandas mittit; facit idem pro eo Balbus. mihi certum est ab honestissima sententia digitum nusquam sed scis illi reliquum quantum sit. Putasne igitur verendum esse ne aut obiciat id nobis aliquis, si languidius, aut repetat, si fortius? quid ad haec reperis? 'solvamus' inquis. age, a Caelio mutuabimur. hoc tu tamen consideres velim; puto enim, in senatu si quando praeclare pro re publica dixero, Tartessium istum tuum mihi exeunti, 'iube sodes nummos curare.

[12] quid superest? etiam. gener est suavis mihi, Tulliae, Terentiae. quantumvis vel ingeni vel humanitatis, +satis+; reliqua, quae nosti, ferenda. scis enim quos +aperierimus+. qui omnes praeter eum de quo per te egimus, +reum+ me facerent. ipsis enim expensum nemo feret. sed haec coram; nam multi sermonis sunt. Tironis reficiendi spes est in M'. Curio, cui ego scripsi tibi eum gratissimum facturum. data v Idus Decembr. a Pontio ex Trebulano.

[IV] Scr. in Pompeiano iv aut iii Id. Dec. a. 704 (50).

CICERO ATTICO SAL.

Dionysium flagrantem desiderio tui misi ad te nec me hercule aequo animo, sed fuit concedendum. quem quidem cognovi quom doctum, quod mihi iam ante erat notum tum sane plenum offici, studiosum etiam meae laudis, frugi hominem ac, ne libertinum laudare videar, plane virum bonum. Pompeium vidi iiii Idus Decembris.

[2] fuimus una horas duas fortasse. Magna laetitia mihi visus est adfici meo adventu; de triumpho hortari, suscipere partis suas, monere ne ante in senatum accederem quam rem confecissem, ne dicendis sententiis aliquem tribunum alienarem. quid quaeris? in hoc officio sermonis nihil potuit esse prolixius. de re publica autem ita mecum locutus est quasi non dubium bellum haberemus, nihil ad spem concordiae. plane illum a se alienatum cum ante intellegeret, tum vero proxime iudicasse. venisse Hirtium a Caesare qui esset illi familiarissimus, ad se non accessisse et, cum ille a. d. viii Idus Decembr. vesperi venisset, Balbus de tota re constituisset a. d. vii ad Scipionem ante lucem venire, multa de nocte eum profectum esse ad Caesarem. hoc illi tekmeriodes videbatur esse alienationis.

[3] quid multa? nihil me aliud consolatur nisi quod illum, quoi etiam inimici alterum consulatum, fortuna summam potentiam dederit, non arbitror fore tam amentem ut haec in discrimen adducat. quod si ruere coeperit, ne ego multa timeo, quae non audeo scribere. sed ut nunc est, a. d. iii Nonas Ian. ad urbem cogito.

[V] Scr. in Formiano xv K. Ian.. a. 704 (50).

CICERO ATTICO SAL.

multas uno tempore accepi epistulas tuas; quae mihi, quamquam recentiora audiebam ex iis qui ad me veniebant, tamen erant iucundae; studium enim et benevolentiam declarabant. valetudine tua moveor et Piliam in idem genus morbi delapsam curam tibi adferre maiorem sentio.

[2] date igitur operam ut valeatis. de Tirone video tibi curae esse. quem quidem ego, etsi mirabilis utilitates mihi praebet, cum valet, in omni genere vel negotiorum vel studiorum meorum, tamen propter humanitatem et modestiam malo salvum quam propter usum meum.

[3] Philogenes mecum nihil umquam de Luscenio locutus est; de ceteris rebus habes Dionysium. sororem tuam non venisse in Arcanum miror. de Chrysippo meum consilium probari tibi non moleste fero. ego in Tusculanum nihil sane hoc tempore; devium est tois apantosin et habet alia duschresta. sed de Formiano Tarracinam pridie Kal. Ian. Inde Pomptinam summam, inde (in) Albanum Pompei. ita ad urbem iii Nonas natali meo.

[4] de re publica cotidie magis timeo. non enim boni, ut putantur, consentiunt. quos ego equites Romanos, quos senatores vidi, qui acerrime cum cetera tum hoc iter Pompei vituperarent! pace opus est. ex victoria cum multa mala tum certe tyrannus exsistet. sed haec propediem coram. iam plane mihi deest quod ad te scribam; nec enim de re publica quod uterque nostrum scit eadem, et domestica nota sunt ambobus. reliquum est iocari, si hic sinat. nam ego is sum qui illi concedi putem utilius esse quod postulat quam signa conferri. sero enim resistimus ei quem per annos decem aluimus contra nos. ‘quid senties igitur? ‘ inquis. nihil scilicet nisi de sententia tua nec prius quidem quam nostrum negotium aut confecerimus aut deposuerimus. cura igitur ut valeas. aliquando apotripsai quartanam istam diligentia quae in te summa est.

[VI] Scr. in Formiano xiv K. Ian. a. 704 (50).

CICERO ATTICO SAL.

plane deest quod ad te scribam; nota omnia tibi sunt, nec ipse habeo

a te quod exspectem. tantum igitur nostrum illud sollemne servemus ut ne quem istuc euntem sine litteris dimittamus.

[2] de re publica valde timeo nec adhuc fere inveni qui non concedendum putaret Caesari quod postularet potius quam depugnandum. est illa quidem impudens postulatio, opinione valentior cur autem nunc primum ei resistamus? ou gar de tode meizon epi kakon quam cum quinquennium prorogabamus aut cum ut absentis ratio haberetur ferebamus, nisi forte haec illi tum arma dedimus ut nunc cum bene parato pugnaremus. dices, 'quid tu igitur sensurus es?' non idem quod dicturus; sentiam enim omnia facienda ne armis decertetur dicam idem quod Pompeius neque id faciam humili animo. sed rursus hoc permagnum rei publicae malum est et quodam modo mihi praeter ceteros non rectum me in tantis rebus a Pompeio dissidere.

[VII] Scr. in Formiano inter xiiii et x K. Iun. a. 704 (50).

CICERO ATTICO SAL.

'Dionysius, vir optimus, ut mihi quoque est perspectus, et doctissimus tuique amantissimus, Romam venit xv Kalend. Ian. et litteras a te mihi reddidit.' tot enim verba sunt de Dionysio in epistula tua, illud +putato+ non adscribis, 'et tibi gratias egit.' atqui certe ille agere debuit et, si esset factum, quae tua est humanitas, adscripsisses. mihi autem nulla de eo palinoidia datur propter superioris epistulae testimonium. sit igitur sane bonus vir. hoc enim ipsum bene fecit quod mihi sui cognoscendi penitus etiam istam facultatem dedit. Philogenes recte ad te scripsit; curavit enim quod debuit. Eum ego uti ea pecunia volui quoad liceret; itaque usus est menses xliii. Pomptinum cupio valere et, quod scribis in urbem introisse, vereor quid sit; nam id nisi gravi de causa non fecisset. ego quoniam iiii Non. Ian. compitalicius dies est, nolo eo die in Albanum venire, (ne) molestus familiae veniam. iii non. Ian. igitur; inde ad urbem pridie Nonas. tua lepsis quem in diem incurrat nescio, sed prorsus te commoveri incommodo valetudinis tuae nolo.

[4] de honore nostro nisi quid occulte Caesar per suos tribunos molitus erit, cetera videntur esse tranquilla; tranquillissimus autem

animus meus qui totum istuc aequi boni facit et eo magis quod iam a multis audio constitutum esse Pompeio et eius consilio in Siciliam me mittere quod imperium habeam. id est Abderitikon. nec enim senatus decrevit nec populus iussit me imperium in Sicilia habere. sin hoc res publica ad Pompeium refert, qui me magis quam privatum aliquem mittat? itaque si hoc imperium mihi molestum erit, utar ea porta quam primum videro. nam quod scribis mirificam exspectationem esse mei neque tamen quemquam bonorum aut sat bonorum dubitare quid facturus sim, ego quos tu bonos esse dicas non intellego. ipse nullos novi, sed ita, si ordines bonorum quaerimus; nam singulares sunt boni viri. verum in dissensionibus ordines bonorum et genera quaerenda sunt. senatum bonum putas per quem sine imperio provinciae sunt (numquam enim Curio sustinuisset, si cum eo agi coeptum esset; quam sententiam senatus sequi noluit; ex quo factum est ut Caesari non succederetur), an publicanos qui numquam firmi sed nunc Caesari sunt amicissimi, an faeneratores, an agricolas quibus optatissimum est otium? nisi eos timere putas ne sub regno sint qui id numquam, dum modo otiosi essent, recusarunt. quid ergo?

[6] exercitum retinentis cum legis dies transierit rationem haberi placet? mihi vero ne absentis quidem; sed cum id datum est, illud una datum est. annorum enim decem imperium et ita latum (placet)? placet igitur etiam me expulsum et agrum Campanum perisse et adoptatum patricium a plebeio, Gaditanum a Mytilenaeo, et Labieni divitiae et Mamurrae placent et Balbi horti et Tusculanum. sed horum omnium fons unus est. imbecillo resistendum fuit et id erat facile; nunc legiones XI, equitatus tantus quantum volet, Transpadani, plebes urbana, tot tribuni pl., tam perdita iuventus, tanta auctoritate dux, tanta audacia. Cum hoc aut depugnandum est aut habenda e lege ratio.

[7] ‘depugna’ inquis ‘potius quam servias.’ ut quid? si victus eris, proscribare, si viceris, tamen servias? ‘quid ergo’ inquis ‘facturus es?’ idem quod pecudes quae dispulsae sui generis sequuntur greges. ut bos armenta sic ego bonos viros aut eos quicumque dicentur boni sequar, etiam si ruent. quid sit optimum male contractis rebus plane video. nemini est enim exploratum cum ad arma ventum sit quid futurum sit, at illud omnibus, si boni victi sint, nec in caede

principum clementiorem hunc fore quam Cinna fuerit nec moderatiorem quam Sulla in pecuniis locupletum. empoliteuomai soi iam dudum et facerem diutius, nisi me lucerna desereret. ad summam 'DIC, M. TVLLI.' adsentior Cn. Pompeio, id est T. Pomponio. Alexim, humanissimum puerum, nisi forte dum ego absum adulescens factus est (id enim agere videbatur), salvere iubeas velim.

[VIII] Scr. in Formiano vi aut v K. Ian. a. 704 (50) .

CICERO ATTICO SAL.

quid opus est de Dionysio tam valde adfirmare? an mihi nutus tuus non faceret fidem? suspicionem autem eo mihi maiorem tua taciturnitas adtulerat, quod et tu soles conglutinare amicitias testimoniis tuis et illum aliter cum aliis de nobis locutum audiebam. sed prorsus ita esse ut scribis mihi persuades. itaque ego is in illum sum quem tu me esse vis.

[2] diem tuum ego quoque ex epistula quadam tua quam incipiente febricula scripseras mihi notaveram et animadverteram posse pro re nata te non incommode ad me in Albanum venire iii Nonas Ianuar. sed, amabo te, nihil incommodo valetudinis feceris. quid enim est tantum in uno aut altero die?

[3] Dolabellam video Liviae testamento cum duobus coheredibus esse in triente sed iuberi mutare nomen. est politikon skemma rectumne sit nobili adulescenti mutare nomen mulieris testamento. sed id philosophoteron dieukrinesomen, cum sciemus quantum quasi sit in trientis triente.

[4] quod putasti fore ut ante quam istuc venirem Pompeium viderem, factum est ita; nam vi Kal. ad Lavernium (me) consecutus est. una Formias venimus et ab hora octava ad vesperum secreto conlocuti sumus. quod quaeris ecquae spes pacificationis sit, quantum ex Pompei multo et accurato sermone perspexi, ne voluntas quidem est. sic enim existimat, si ille vel dimisso exercitu consul factus sit, sunchusin tes politeias fore, atque etiam putat eum, cum audierit contra se diligenter parari, consulatum hoc anno neglecturum ac potius exercitum provinciamque retenturum. sin autem ille fureret, vehementer hominem contemnebat et suis et rei publicae copiis

confidebat. quid quaeris? etsi mihi crebro xunos Enualios occurrebat, tamen levabar cura virum forte m et peritum et plurimum auctoritate valentem audiens politikos de pacis simulatae periculis disserentem. habebamus autem in manibus Antoni contionem habitam x Kal. Ianuar., in qua erat accusatio Pompei usque a toga pura, querela de damnatis, terror armorum. in quibus ille ‘quid censes’ aiebat ‘facturum esse ipsum, si in possessionem rei publicae venerit, cum haec quaestor eius infirmus et inops audeat dicere?’ quid multa? non modo non expetere pacem istam sed etiam timere visus est. ex illa autem sententia +i+ relinquendae urbis movet hominem, ut puto. mihi autem illud molestissimum est, quod solvendi sunt nummi Caesari et instrumentum triumphi eo conferendum. est enim amorphon antipoliteuomenou chreopheileten esse. sed haec et multa alia coram.

[IX] Scr. in Formiano v aut iv K. Ian. a. 704 (50).

CICERO ATTICO SAL.

‘cotidiene’ inquis ‘a te accipiendae litterae sunt?’ si habebo cui dem, cotidie. ‘at iam ipse ades.’ tum igitur cum venero desinam. unas video mihi a te non esse redditas quas L. Quinctius familiaris meus cum ferret ad bustum Basili vulneratus et despoliatus est.

[2] videbis igitur num quid fuerit in iis quod me scire opus sit et simul hoc dieukrineseis problema sane politikon. Cum sit necesse aut haberi Caesaris rationem illo exercitum vel per senatum vel per tribunos pl. obtinente, aut persuaderi Caesari ut tradat provinciam atque exercitum et ita consul fiat, aut, si id ei non persuadeatur, haberi comitia sine illius ratione illo patiente atque obtinente provinciam, aut, si per tribunos pl. non patiatur (et) tamen quiescat, rem adduci ad interregnum, aut, si ob eam causam quod ratio eius non habeatur exercitum adducat, armis cum eo contendere, illum autem initium facere armorum aut statim nobis minus paratis aut tum cum comitiis amicis eius postulantibus ut e lege ratio habeatur impetratum non sit, ire autem ad arma aut hanc unam ob causam quod ratio non habeatur aut addita causa si forte tribunus pl. senatum impediens aut populum incitans notatus aut senatus consulto

circumscriptus aut sublatus aut expulsus sit dicensve se expulsum ad illum confugerit, suscepto autem bello aut tenenda sit urbs aut ea relicta ille commeatu et reliquis copiis interdudendus — quod horum malorum quorum aliquod certe subeundum est minimum putes. dices profecto persuaderi illi ut tradat exercitum et ita consul fiat. est omnino id eius modi ut, si ille eo descendat, contra dici nihil possit idque eum, si non obtinet ut ratio habeatur retinentis exercitum, noli facere miror. nobis autem, ut quidam putant, nihil est timendum magis quam ille consul. 'at sic malo' inquies 'quam cum exercitu.' certe; sed istud ipsum 'sic,' scio, magnum malum putat aliquis neque ei remedium est ullum 'cedendum est, si id volet.' vide consulem illum iterum quem vidisti consulatu priore 'at tum imbecillus plus' inquit valuit quam tota res publica.' quid nunc putas? et eo consule Pompeio certum est esse in Hispania. o rem miseram! si quidem id ipsum deterrimum est quod recusari non potest et quod ille si faciat, iam iam (a) bonis omnibus summam ineat gratiam.

[4] tollamus igitur hoc quo illum posse adduci negat; de reliquis quid est deterrimum? concedere illi quod, ut idem dicit, impudentissime postulat. nam quid impudentius? tenuisti provinciam per annos decem non tibi a senatu sed a te ipso per vim et per factionem datos; praeteriit tempus non legis sed libidinis tuae, fac tamen legis; ut succedatur decernitur; impedis et ais, 'habe meam rationem.' habe tu nostram. exercitum tu habeas diutius quam populus iussit invito senatu? 'depugnes oportet, nisi concedis.' Cum bona quidem spe, ut ait idem, vel vincendi vel in libertate moriendi. iam si pugnandum est, quo tempore, in casu, quo consilio, in temporibus situm est. itaque te in ea quaestione non exerceo; ad ea quae dixi adfer si quid habes. equidem dies noctesque torqueor.

[X] Scr. ad urbem xiv sub noctem aut xiiii ante lucem in K. Febr. a. 705 (49).

CICERO ATTICO SAL.

subito consilium cepi ut ante quam luceret exirem, ne qui conspectus fieret aut sermo, lictoribus praesertim laureatis. de reliquo neque hercule quid agam neque quid acturus sim scio; ita sum perturbatus

temeritate nostri amentissimi consili. tibi vero quid suadeam quoius ipse consilium exspecto? Gnaeus noster quid consili ceperit capiatve nescio, adhuc in oppidis coartatus et stupens. omnes, si in Italia consistat, erimus una; sin cedet, consili res est. adhuc certe, nisi ego insanio, stulte omnia et incaute. tu, quaeso, crebro ad me scribe vel quod in buccam venerit.

[XI] Scr. in Campania inter xiv et ix K. Febr. a. 705 (49).

CICERO ATTICO SAL.

quaeso, quid est hoc? aut quid agitur? mihi enim tenebrae sunt. 'Cingulum' inquit 'nos tenemus, Anconem amisimus; Labienus discessit a Caesare.' utrum de imperatore populi Romani an de Hannibale loquimur? O hominem amentem et miserum qui ne umbram quidem umquam tou kalou viderit! atque haec ait omnia facere se dignitatis causa. ubi est autem dignitas nisi ubi honestas? honestum igitur habere exercitum nullo publico consilio, occupare urbis civium quo facilior sit aditus ad patriam, chreon apokopas, phugadon kathodous, sescenta alia scelera moliri, ten theon megisten host' echein turannida — ? sibi habeat suam fortunam! unam me hercule tecum apricationem in illo lucrativo tuo sole malim quam omnia istius modi regna vel potius mori miliens quam semel istius modi quicquam cogitare. 'quid si tu velis?' inquis.

[2] age, quis est cui velle non liceat? sed ego hoc ipsum 'velle' miserius esse duco quam in crucem tolli. una res est ea miserior, adipisci quod ita volueris. sed haec hactenus. libenter enim in his molestiis enscholazo toson.

[3] Redeamus ad nostrum. per fortunas! quale tibi consilium Pompei videtur? hoc quaero quod urbem reliquerit. ego enim aporo. tum nihil absurdius. urbem tu relinquas? ergo idem, si Galli venirent? 'non est' inquit 'in parietibus res publica.' at in aris et focis. 'fecit Themistocles.' fluctum enim totius barbariae ferre urbs una non poterat. at idem Pericles non fecit annum fere post quinquagesimum, cum praeter moenia nihil teneret; nostri olim urbe reliqua capta arcem tamen retinuerunt. houtos pou ton prosthen epeuthometha klea andron

[4] rursus autem ex dolore municipali sermonibusque eorum quos convenio videtur hoc consilium exitum habiturum. mira hominum querela est (nescio (an) istic, sed facies ut sciam) sine magistratibus urbem esse, sine senatu. fugiens denique Pompeius mirabiliter homines movet. quid quaeris? alia causa facta est. nihil iam concedendum putant Caesari. haec tu mihi explica qualia sint.

[5] ego negotio praesum non turbulento. vult enim me Pompeius esse quem tota haec Campania et maritima ora habeat episkopon, ad quem dilectus et summa negoti referatur. itaque vagus esse cogitabam. te puto iam videre quae sit horme Caesaris, qui populus, qui totius negoti status. ea velim scribas ad me et quidem, quoniam mutabilia sunt, quam saepissime. acquiesco enim et scribens ad te et legens tua.

[XII] Scr. in Formiano x K. Febr. a. 705 (49).

CICERO ATTICO SAL.

Unam adhuc a te epistulam acceperam datam xii Kal. in qua significabatur aliam te ante dedisse quam non acceperam. sed quaeso ut scribas quam saepissime non modo si quid scies aut audieris sed etiam si quid suspicabere, maximeque quid nobis faciendum aut non faciendum putes.

[2] nam quod rogas curem ut scias quid Pompeius agat, ne ipsum quidem scire puto; nostrum quidem nemo. vidi Lentulum consulem Formiis x Kal., vidi Libonem; plena timoris et erroris omnia. ille iter Larinum; ibi enim cohortes et Luceriae et Teani reliquaque in Apulia. Inde utrum consistere uspiam velit an mare transire nescitur. si manet, vereor ne exercitum firmum habere non possit; sin discedit, quo aut qua, aut quid nobis agendum sit nescio. nam istum quidem quoius phalarismon times omnia taeterrime facturum puto. nec eum rerum prolatio nec senatus magistratuumque discessus nec aerarium clausum tardabit.

[3] sed haec, ut scribis, cito sciemus. interim velim mihi ignoscas quod ad te scribo tam multa totiens. acquiesco enim et tuas volo elicere litteras maximeque consilium quid agam aut quo me pacto geram. demittamne me penitus in causam? non deterreor periculo sed

dirumpor dolore. tamne nullo consilio aut tam contra meum consilium gesta esse omnia! an cuncter et tergiverser et iis me dem qui tenent, qui potiuntur? ‘Aideomai Troas’ nec solum civis sed etiam amici officio revocor; etsi frangor saepe misericordia puerorum.

[4] Ut igitur ita perturbato, etsi te eadem sollicitant, scribe aliquid et maxime, si Pompeius Italia cedit, quid nobis agendum putes. M’. quidem Lepidus (nam fuimus una) eum finem statuit, L. Torquatus eundem. me cum multa tum etiam lictores impediunt. nihil vidi umquam quod minus explicari posset. itaque a te nihildum certi exquiro sed quid videatur. denique ipsam aporian tuam cupio cognoscere. Labienum ab illo discessisse prope modum constat

[5] si ita factum esset ut ille Romam veniens magistratus et senatum Romae offenderet, magno usui causae nostrae fuisset. damnasse enim sceleris hominem amicum rei publicae causa videretur, quod nunc quoque videtur sed minus prodest. non enim habet cui prosit eumque arbitror paenitere, nisi forte id ipsum est falsum discessisse illum. nos quidem pro certo habebamus. .

[6] et velim, quamquam, ut scribis, domesticis te finibus tenes, formam mihi urbis exponas, ecquod Pompei desiderium, ecquae Caesaris invidia appareat, etiam quid censeas de Terentia et Tullia, Romae eas esse an mecum an aliquo tuto loco. haec et si quid aliud ad me scribas velim vel potius scriptites.

[XIII] Scr. Menturnis ix K. Febr. a. 705 (49).

CICERO ATTICO SAL.

de Vennonianis rebus tibi adsentior. Labienum heroa iudico. facinus iam diu nullum civile praeclarius, qui, ut aliud nihil, hoc tamen profecit, dedit illi dolorem. sed etiam ad summam profectum aliquid puto. amo etiam Pisonem. cuius iudicium de genero suspicor visum iri grave. quamquam genus belli quod sit vides. ita civile est ut non ex civium dissensione sed ex unius perditi civis audacia natum sit. is autem valet exercitu, tenet multos spe et promissis, omnia omnium concupivit. huic tradita urbs est nuda praesidio, referta copiis. quid est quod ab eo non metuas qui illa templa et tecta non patriam sed

praedam putet? quid autem sit acturus aut quo modo nescio, sine senatu, sine magistratibus. ne simulare quidem poterit quicquam politikos. nos autem ubi exsurgere poterimus aut quando? quorum dux quam astrategetos tu quoque animadvertis quoi ne Picena quidem nota fuerint; quam autem sine consilio res testis. ut enim alia omittam decem annorum peccata, quae condicio non huic fugae praestitit?

[2] nec vero nunc quid cogitet scio ac non desino per litteras sciscitari. nihil esse timidius constat, nihil perturbatius. itaque nec praesidium cuius parandi causa ad urbem retentus est nec locum ac sedem praesidi ullam video. spes omnis in duabus insidiose retentis paene alienis legionibus. nam dilectus adhuc quidem invitorum est et a pugnando abhorrentium; condicionum autem amissum tempus est. quid futurum sit non video; commissum quidem a nobis certe est sive a nostro duce ut e portu sine gubernaculis egressi tempestati nos traderemus.

[3] itaque de Ciceronibus nostris dubito quid agam; nam mihi interdum amandandi videntur in Graeciam; de Tullia autem et Terentia, cum mihi barbarorum adventus [ad urbem] proponitur, quinia timeo; cum autem Dolabellae venit in mentem, paulum respiro. sed velim consideres quid faciendum putes primum pros to asphales (aliter enim mihi de illis ac de me ipso consulendum est), deinde ad opiniones, ne reprehendamur quod eas Romae velimus esse in communi bonorum fuga. quin etiam tibi et Peducaeo (scripsit enim ad me) quid faciatis videndum est. is enim splendor est vestrum ut eadem postulentur a vobis quae ab amplissimis civibus. sed de hoc tu videbis, quippe cum de me ipso ac de meis te considerare velim.

[4] reliquum est ut et quid agatur quoad poteris explores scribasque ad me et quid ipse coniectura adsequare; quod etiam a te magis exspecto. nam acta omnibus nuntiantibus a te exspecto futura. ‘mantis d’ aristos — .’ loquacitati ignosces, quae et me levat ad te quidem scribentem et elicit tuas litteras. aenigma [Oppiorum ex Velia] plane non intellexi; est enim numero Platonis obscurius.

[XIV] Scr. Calibus a. d. vi K. Febr. a. 705 (49).

CICERO ATTICO SAL.

A. d. vi Kal. Febr. Capuam Calibus proficiscens, cum leviter lippirem, has litteras dedi. L. Caesar mandata Caesaris detulit ad Pompeium a. d. viii Kal., cum is esset cum consulibus Teani. probata condicio est, sed ita ut ille de iis oppidis quae extra suam provinciam occupavisset praesidia deduceret. id si fecisset, responsum est ad urbem nos redituros esse et rem per senatum confecturos. spero posse in praesentia pacem nos habere; nam et illum furoris et hunc nostrum copiarum suppaenitet. me Pompeius Capuam venire voluit et adiuvare dilectum; in quo parum prolixe respectent Campani coloni. gladiatores Caesaris qui Capuae sunt, de quibus ante ad te falsum ex A. Torquati litteris scripseram, sane commode Pompeius distribuit binos singulis patribus familiarum. scutorum in ludo I[c][c] fuerunt. eruptionem facturi fuisse dicebantur. sane multum in eo rei publicae provisum est.

[3] de mulieribus nostris in quibus est tua soror, quaeso videas ut satis honestum nobis sit eas Romae esse cum ceterae illa dignitate discesserint. hoc scripsi ad eas et ad te ipsum antea. velim eas cohortere ut exeant, praesertim cum ea praedia in ora maritima habeamus quoi ego praesum ut in iis pro re nata non incommode possint esse. nam si quid offendimus in genero nostro (quod quidem ego praestare non debeo) — sed id fit maius quod mulieres nostrae praeter ceteras Romae remanserunt. tu ipse cum Sexto scire velim quid cogites de exeundo de totaque re quid existimes. equidem ad paceni hortari non desino; quae vel iniusta utilior est quam iustissimum bellum cum civibus. sed haec ut fors tulerit.

[XV] Scr. Capuae v K. Febr. a. 705 (49).

CICERO ATTICO SAL.

Ut ab urbe discessi, nullum adhuc intermisi diem quin aliquid ad te litterarum darem, non quo haberem magno opere quod scriberem sed ut loquerer tecum absens; quo mihi, cum coram id non licet, nihil est iucundius.

[2] Capuam cum venissem a. d. vi Kal. pridie quam has litteras dedi, consules conveni multosque nostri ordinis. omnes cupiebant Caesarem abductis praesidiis stare condicionibus iis quas tulisset; uni

Favonio leges ab illo nobis imponi non placebat. sed +is auditus in+ consilio. Cato enim ipse iam servire quam pugnare mavult; sed tamen ait in senatu se adesse velle cum de condicionibus agatur, si Caesar adductus sit ut praesidia deducat. ita, quod maxime opus est, in Siciliam ire non curat; quod metuo ne obsit, in senatu esse vult. Postumius autem, de quo nominatim senatus decrevit ut statim in Siciliam iret Furfanioque succederet, negat se sine Catone iturum et suam in senatu operam auctoritatemque quam magni aestimat. ita res ad Fannium pervenit. is cum imperio in Siciliam praemittitur.

[3] in disputationibus nostris summa varietas est. plerique negant Caesarem in condicione mansurum postulataque haec ab eo interposita esse quo minus quod opus esset ad bellum a nobis pararetur. ego autem eum puto facturum ut praesidia deducat. vicerit enim, si consul factus erit, et minore scelere vicerit quam quo ingressus est. sed accipienda plaga est. sumus enim flagitiose imparati cum a militibus tum a pecunia; quam quidem omnem non modo privatam quae in urbe est sed etiam publicam quae in in aerario est illi reliquimus. Pompeius ad legiones Appianas est profectus; Labienum secum habet. ego tuas opiniones de his rebus exspecto. Formias me continuo recipere cogitabam.

[XVI] Scr. Calibus iv K. Febr. a. 705 (49).

CICERO ATTICO SAL.

omnis arbitror mihi tuas litteras redditas esse sed primas praepostere, reliquas ordine quo sunt missae per Terentiam. de mandatis Caesaris adventuque Labieni et responsis consulum ac Pompei scripsi ad te litteris iis quas a. d. v Kal. Capua dedi pluraque praeterea in eandem epistulam conleci.

[2] nunc has exspectationes habemus duas, unam quid Caesar acturus sit cum acceperit ea quae referenda ad illum data sunt L. Caesari, alteram quid Pompeius agat. qui quidem ad me scribit paucis diebus se firmum exercitum habiturum spemque adfert, si in Picenum agrum ipse venerit, nos Romam redituros esse. Labienum secum habet non dubitantem de imbecillitate Caesaris copiarum; cuius adventu Gnaeus noster multo animi plus habet. nos a

consulibus Capuam venire iussi sumus ad Nonas Febr. Capua profectus sum Formias a. d. iii Kal. Eo die cum Calibus tuas litteras hora fere nona accepissem, has statim dedi. de Terentia et Tullia tibi adsentior.

[3] ad quas scripseram ad te ut referrent. si nondum profectae sunt, nihil est quod se moveant, quoad perspiciamus quo loci sit res.

[XVII] Scr. in Formiano iv non. Febr. a. 705 (49).

CICERO ATTICO SAL.

tuae litterae mihi gratae iucundaeque sunt. de pueris in Graeciam transportandis tum cogitabam cum fuga ex Italia quaeri videbatur. nos enim Hispaniam peteremus; illis hoc aeque commodum non erat. tu ipse cum Sexto etiam nunc mihi videris Romae recte esse posse; etenim minime amici Pompeio nostro esse debetis. nemo enim umquam tantum de urbanis praediis detraxit. videsne me etiam iocari?

[2] scire iam te oportet L. Caesar quae responsa referat a Pompeio, quas ab eodem ad Caesarem ferat litteras. scriptae enim et datae ita sunt ut proponerentur in publico. in quo accusavi mecum ipse Pompeium qui, cum scriptor luculentus esset, tantas res atque eas quae in omnium manus venturae essent Sestio nostro scribendas dederit. itaque nihil umquam legi scriptum sestiodesteron. perspici tamen ex litteris Pompei potest nihil Caesari negari omniaque ei cumulate quae postulet dari. quae ille amentissimus fuerit nisi acceperit, praesertim cum impudentissime postulaverit. quis enim tu es qui dicas, 'si in Hispaniam profectus erit, si praesidia dimiserit'? tamen conceditur: minus honeste nunc quidem violata iam ab illo re publica illatoque bello quam si olim de ratione habenda impetrasset. et tamen vereor ut his ipsis contentus sit. nam cum ista mandata dedisset L. Caesari, debuit esse paulo quietior dum responsa referrentur; dicitur autem nunc esse acerrimus.

[3] Trebatius quidem scribit se ab illo viiii Kal. Febr. rogatum esse ut scriberet ad me ut essem ad urbem; nihil ei me gratius facere posse. haec verbis plurimis. intellexi ex dierum ratione, ut primum de discessu nostro Caesar audisset, laborare eum coepisse ne omnes abessemus. itaque non dubito quin ad Pisonem, quin ad Servium scripserit; illud admiror non ipsum ad me scripsisse, non per Dolabellam, non per Caelium egisse. quamquam non aspernor Trebati litteras, a quo me unice diligi scio.

[4] rescripsi ad Trebatium (nam ad ipsum Caesarem qui mihi nihil scripsisset nolui) quam illud hoc tempore esset difficile; me tamen in praediis meis esse neque dilectum ullum neque negotium suscepisse. in quo quidem manebo dum spes pacis erit; sin bellum geretur, non deero officio nec dignitati meae, pueros hupekthemenos in Graeciam. totam enim Italiam flagraturam bello intellego. tantum mali (est) excitatum partim ex improbis, partim ex invidis civibus. sed haec paucis diebus ex illius ad nostra responsa responsis intellegentur quorsum evasura sint. tum ad te scribam plura, si erit bellum; sin +autem+ etiam indutiae, te ipsum, ut spero, videbo.

[5] ego iiii Nonas Febr., quo die has litteras dedi, in Formiano, quo Capua redieram, mulieres exspectabam. quibus quidem scripseram tuis litteris admonitus ut Romae manerent. sed audio maiorem

quendam in urbe timorem esse. Capuae Nonis Febr. esse volebam, quia consules iusserant. quicquid huc erit a Pompeio adlatum, statim ad te scribam tuasque de istis rebus litteras exspectabo.

[XVIII] Scr. imi Formiano iii Non. Febr. a. 705 (49).

CICERO ATTICO SAL.

IIII non. Febr. mulieres nostrae Formias venerunt tuaque erga se officia plena tui suavissimi studi ad me pertulerunt. eas ego, quoad sciremus utrum turpi pace nobis an misero bello esset utendum, in Formiano esse volui et una Cicerones. ipse cum fratre Capuam ad consules (Nonis enim adesse iussi sumus) iii Nonas profectus sum, cum has litteras dedi. responsa Pompei grata populo et probata contioni esse dicuntur. ita putaram. quae quidem ille si repudiarit, iacebit; si acceperit — . 'utrum igitur' inquies 'mavis?' responderem, si quem ad modum parati essemus scirem.

[2] Cassium erat hic auditum expulsum Ancona eamque urbem a nobis teneri. si bellum futurum est, negotium utile. Caesarem quidem L. Caesare cum mandatis de pace misso tamen aiunt acerrime dilectum habere, loca occupare, vincire praesidiis. O perditum latronem! o vix ullo otio compensandam hanc rei publicae turpitudinem! sed stomachari desinamus, tempori pareamus, cum Pompeio in Hispaniam eamus. haec optima in malis, quoniam illius alterum consulatum a re publica ne data quidem occasione reppulimus. sed haec hactenus.

[3] de Dionysio fugit me ad te antea scribere; sed ita constitui, exspectare responsa Caesaris, ut, si ad urbem rediremus, ibi nos exspectaret, sin tardius id fieret, tum eum arcesseremus. omnino quid ille facere debuerit in nostra illa fuga, quid docto homine et amico dignum fuerit, cum praesertim rogatus esset, scio, sed haec non nimis exquiro a Graecis. tu tamen videbis, si erit, quod nolim, arcessendus, ne molesti simus invito.

[4] Quintus frater laborat ut tibi quod debet ab Egnatio solvat; nec Egnatio voluntas deest nec parum locuples est, sed cum tale tempus sit ut Q. Titinius (multum enim est nobiscum) viaticum se neget habere idemque debitoribus suis denuntiarit ut eodem faenore

uterentur, atque hoc idem etiam L. Ligus fecisse dicatur, nec hoc tempore aut domi nummos Quintus habeat aut exigere ab Egnatio aut versuram usquam facere possit, miratur te non habuisse rationem huius publicae difficultatis. ego autem etsi illud pseudesiodeion (ita enim putatur) observo 'mede diken,' praesertim in te a quo nihil umquam vidi temere fieri, tamen illius querela movebar. hoc quicquid est te scire volui.

[XIX] Scr. in. Formiano iii Non. Febr. a. 705 (49).

CICERO ATTICO SAL.

nihil habeo quod ad te scribam qui etiam eam epistulam quam eram elucubratus ad te non dederim. erat enim plena spei bonae, quod et contionis voluntatem audieram et illum condicionibus usurum putabam, praesertim suis. ecce tibi iii Nonas Febr. inane accepi litteras tuas, Philotimi, Furni, Curionis ad Furnium, quibus inridet L. Caesaris legationem. plane oppressi videmur nec quid consili capiam scio. nec me hercule de me laboro, de pueris quid agam non habeo. Capuam tamen proficiscebar haec scribens quo facilius de Pompei rebus cognoscerem.

[XX] Scr. Capuae Non. Febr. a. 705 (49).

CICERO ATTICO SAL.

breviloquentem iam me tempus ipsum facit. pacem enim desperavi, bellum nostri nullum administrant. cave enim putes quicquam esse minoris his consulibus; quorum ego spe audiendi aliquid et cognoscendi nostri apparatus maximo imbri Capuam veni pridie Nonas, ut eram iussus. illi autem nondum venerant sed erant venturi inanes, imparati. Gnaeus autem Luceriae dicebatur esse et adire cohortis legionum Appianarum non firmissimarum. at illum ruere nuntiant et iam iamque adesse, non ut manum conserat (quicum enim?) sed ut fugam intercludat.

[2] ego autem in Italia kai sunapothanein — nec te id consulo; sin extra, quid ago? ad manendum hiems, lictores, improvidi et neglegentes duces, ad fugam hortatur amicitia Gnaei, causa bonorum,

turpitudo coniungendi cum tyranno; qui quidem incertum est Phalarimne an Pisistratum sit imitaturus. haec velim explices et me iuves consilio; etsi te ipsum istic iam calere puto, sed tamen quantum poteris. ego si quid hic hodie novi cognoro, scies; iam enim aderunt consules ad suas Nonas. tuas cotidie litteras exspectabo; ad has autem cum poteris rescribes. mulieres et Cicerones in Formiano reliqui.

[XXI] Scr. Calibus vi Id. Febr. ante lucem a. 705 (49).

CICERO ATTICO SAL.

de malis nostris tu prius audis quam ego. istim enim emanant. boni autem hinc quod exspectes nihil est. veni Capuam ad Nonas Febr. ita ut iusserant consules. eo die Lentulus venit sero. alter consul omnino non venerat vii Idus. eo enim die ego Capua discessi et mansi Calibus. Inde has litteras postridie ante lucem dedi. haec Capuae dum fui cognovi, nihil in consulibus, nullum usquam dilectum nec enim conquisitores phainoprosopein audent cum ille adsit, contraque noster dux nusquam sit, nihil agat, nec nomina dant. deficit enim non voluntas sed spes. Gnaeus autem noster (O rem miseram et incredibilem!) ut totus iacet! non animus est, non consilium, non copiae, non diligentia. Mittam illa, fugam ab urbe turpissimam, timidissimas in oppidis contiones, ignorationem non solum adversari sed etiam suarum copiarum; hoc cuius modi est?

[2] vii Idus Febr. Capuam C. Cassius tribunus pl. venit, adtulit mandata ad consules ut Romam venirent, pecuniam de sanctiore aerario auferrent, statim exirent. urbe relicta redeant; quo praesidio? deinde exeant; quis sinat? consul ei rescripsit ut prius ipse in Picenum. at illud totum erat amissum; sciebat nemo praeter me ex litteris Dolabellae. mihi dubium non erat quin ille iam iamque foret in Apulia, Gnaeus noster in navi.

[3] ego quid agam skemma magnum — neque me hercule mihi quidem ullum, nisi omnia essent acta turpissime, neque ego ullius consili particeps — sed tamen quod me deceat. ipse me Caesar ad pacem hortatur; sed antiquiores litterae quam ruere coepit. Dolabella, Caelius me illi valde satis facere. mira me aporia torquet. iuva me

consilio si potes, et tamen ista quantum potes provide. nihil habeo tanta rerum perturbatione quod scribam. tuas litteras exspecto.

[XXII] Scr. in Formiano vi Id. Febr. vesperi aut v Id. mane a. 705 (49).

CICERO ATTICO SAL.

pedem in Italia video nullum esse qui non in istius potestate sit. de Pompeio scio nihil eumque, nisi in navim se contulerit, exceptum iri puto. O celeritatem incredibilem! huius autem nostri — sed non possum sine dolore accusare eum de quo angor et crucior. tu caedem non sine causa times, non quo minus quicquam Caesari expediat ad diuturnitatem victoriae et dominationis sed video quorum arbitrio sit acturus.

[2] +recte sit censeo cedendum de oppidis iis egeo consili+. quod optimum factu videbitur facies. Cum Philotimo loquere atque adeo Terentiam habebis Idibus. ego quid agam? qua aut terra aut mari persequar eum qui ubi sit nescio? etsi terra quidem qui possum? mari quo? tradam igitur isti me? fac posse tuto (multi enim hortantur), num etiam honeste? nullo modo. equidem a te petam consilium, ut soleo. explicari res non potest; sed tamen si quid in mentem venit velim scribas et ipse quid sis acturus.

[XXIII] Scr. in Formiano v Id. Febr. vesp. aut iv Id. a. 705 (49).

CICERO ATTICO SAL.

v Idus Febr. vesperi a Philotimo litteras accepi Domitium exercitum firmum habere, cohortis ex Piceno Lentulo et Thermo ducentibus cum Domiti exercitu coniunctas esse, Caesarem intercludi posse eumque id timere, bonorum animos recreatos Romae, improbos quasi perculsos. haec metuo equidem ne sint somnia, sed tamen M'. Lepidum, L. Torquatum, C. Cassium tribunum pl. (hi enim sunt nobiscum, id est in Formiano) Philotimi litterae ad vitam .revocaverunt. ego autem illa metuo ne veriora sint, nos omnis paene iam captos esse, Pompeium Italia cedere; quem quidem (o rem acerbam!) persequi Caesar dicitur. persequi Caesar Pompeium?

quid? ut interficiat? O me miserum! et non omnes nostra corpora opponimus? in quo tu quoque ingemiscis. sed quid faciamus? victi, oppressi, capti plane sumus.

[2] ego tamen Philotimi litteris lectis mutavi consilium de mulieribus. quas, ut scripseram ad te, Romam remittebam; sed mihi venit in mentem multum fore sermonem me iudicium iam de causa publica fecisse; qua desperata quasi hunc gradum mei reditus esse quod mulieres revertissent. de me autem ipso tibi adsentior, ne me dem incertae et periculosae fugae, cum rei publicae nihil prosim, nihil Pompeio; pro quo emori cum pie possum tum libenter. manebo igitur, etsi vivere — .

[3] quod quaeris hic quid agatur, tota Capua et omnis hic dilectus iacet; desperata res est, in fuga omnes sunt, nisi qui deus iuverit ut Pompeius istas Domiti copias cum suis coniungat. sed videbamur omnia biduo triduove scituri. Caesaris litterarum exemplum tibi misi; rogaras enim. cui nos valde satis facere multi ad me scripserunt; quod patior facile, dum ut adhuc nihil faciam turpiter.

[XXIV] Scr. in Formiano iv Id. Febr. a. 705 (49).

CICERO ATTICO SAL.

Philotimi litterae me quidem non nimis sed eos qui in his locis erant admodum delectarunt. ecce postridie Cassio litterae Capua a Lucretio, familiari eius, Nigidium a Domitio Capuam venisse. Eum dicere Vibullium cum paucis militibus e Piceno currere ad Gnaeum, confestim insequi Caesarem, Domitium non habere militum iii milia. idem scripsit Capua consules discessisse. non dubito quin Gnaeus in fuga sit; modo effugiat. ego a consilio fugiendi, ut tu censes, absum.

[XXV] Scr. in Formiano iv aut iii Id. Febr. a. 705 (49).

CICERO ATTICO SAL.

Cum dedissem ad te litteras tristis et metuo ne veras de Lucreti ad Cassium litteris Capua missis, Cephalio venit a vobis. attulit etiam a te litteras hilariores nec tamen firmas, ut soles. omnia facilius credere possum quam quod scribitis, Pompeium exercitum habere. nemo huc

ita adfert omniaque quae nolim. O rem miseram! malas causas semper obtinuit, in optima concidit. quid dicam nisi illud eum scisse (neque enim erat difficile), hoc nescisse? erat enim ars difficilis recte rem publicam regere. sed iam iamque omnia sciemus et scribemus ad te statim.

[XXVI] Scr. in Formiano xv K. Mart. a, 705 (49).

CICERO ATTICO SAL.

non venit idem usu mihi quod tu tibi scribis, ‘quotiens exorior.’ ego enim nunc (primum) paulum exorior et maxime quidem iis litteris quae Roma adferuntur de Domitio, de Picentium cohortibus. omnia erant facta hoc biduo laetiora. itaque fuga quae parabatur repressa est; Caesaris interdicta, si te secundo lumine hic offendero — respuuntur; bona de Domitio, praeclara de Afranio fama est.

[2] quod me amicissime admones ut mihi integrum quoad possim servem, gratum est; quod addis, ne propensior ad turpem causam videar, certe videri possum. ego me ducem in civili bello quoad de pace ageretur negavi esse, non quin rectum esset sed quia quod multo rectius fuit id mihi fraudem tulit. plane eum quoi noster alterum consulatum deferret et triumphum (at quibus verbis! ‘pro tuis rebus gestis amplissimis’) inimicum habere nolueram. ego scio et quem metuam et quam ob rem. sin erit bellum, ut video fore, partes meae non desiderabuntur.

[3] de HS *XX* Terentia tibi rescripsit. Dionysio, dum existimabam vagos nos fore, nolui molestus esse; tibi autem crebro ad me scribenti de eius officio nihil rescripsi, quod diem ex die exspectabam ut statuerem quid esset faciendum. nunc, ut video, pueri certe in Formiano videntur hiematuri. et ego? nescio. si enim erit bellum, cum Pompeio esse constitui. quod habebo certi faciam ut scias. ego bellum foedissimum futurum puto, nisi qui, ut tu scribis, Parthicus casus exstiterit.

LIBER OCTAVUS

[I] Scr. in Formiano xiv K. Mart a. 705 (49).

CICERO ATTICO SAL.

Cum ad te litteras dedissem, redditae mihi litterae sunt a Pompeio: cetera de rebus in Piceno gestis quae ad se Vibullius scripsisset, de dilectu Domiti, quae sunt vobis nota nec tamen tam laeta erant in iis litteris quam ad me Philotimus scripserat. ipsam tibi epistulam misissem sed iam subito fratris puer proficiscebatur. cras igitur mittam. sed in ea Pompei epistula erat in extremo ipsius manu, 'tu censeo Luceriam venias. nusquam eris tutius.' id ego in eam partem accepi, haec oppida atque oram maritimam illum pro derelicto habere, nec sum miratus eum qui caput ipsum reliquisset reliquis membris non parcere.

[2] ei statim rescripsi hominemque certum misi de comitibus meis, nec non quaerere ubi tutissimo essem; si me vellet sua aut rei publicae causa Luceriam venire, statim esse venturum; hortatusque sum ut oram maritimam retineret, si rem frumentariam sibi ex provinciis suppeditari vellet. hoc me frustra scribere videbam; sed uti in urbe retinenda tunc, sic nunc in Italia non relinquenda testificabar sententiam meam. sic enim parari video ut Luceriam omnes copiae contrahantur et ne is quidem locus (sit) stabilis sed ex eo ipso, si urgeamur, paretur fuga. quo minus mirere, si invitus in eam causam descendo in qua neque pacis neque victoriae ratio quaesita sit umquam sed semper flagitiosae et calamitosae fugae, eundum, ut quemcumque fors tulerit casum subeam potius cum iis qui dicuntur esse boni quam videar a bonis dissentire. etsi prope diem video bonorum, id est lautorum et locupletum, urbem refertam fore, municipiis vero his relictis refertissimam. quo ego in numero essem, si hos lictores molestissimos non haberem, nec me M'. Lepidi, L. Volcaci, Ser. Sulpici comitum paeniteret, quorum nemo nec stultior est quam L. Domitius nec inconstantior quam Ap. Claudius.

[4] Vnus Pompeius me movet beneficio, non auctoritate. quam enim ille habeat auctoritatem in hac causa? qui, cum omnes

Caesarem metuebamus, ipse eum diligebat, postquam ipse metuere coepit, putat omnis hostis illi esse oportere. ibimus tamen Luceriam. nec eum fortasse delectabit noster adventus; dissimulare enim non potero mihi quae adhuc acta sint displicere. ego si somnum capere possem, tam longis te epistulis non obtunderem. tu, si tibi eadem causa est, me remunerere sane velim.

[II] Scr. in Formiano xiii K. Mart. a. 705 (49).

CICERO ATTICO SAL.

mihi vero omnia grata, et quod scripsisti ad me quae audieras et quod non credidisti quae digna diligentia mea non erant et quod monuisti quod sentiebas. ego ad Caesarem unas Capua litteras dedi quibus ad ea rescripsi quae mecum ille de gladiatoribus suis egerat, brevis sed benevolentiam significantis, non modo sine contumelia sed etiam cum maxima laude Pompei. id enim illa sententia postulabat qua illum ad concordiam hortabar. eas si quo ille misit, in publico proponat velim. alteras eodem die dedi quo has ad te. non potui non dare, cum et ipse ad me scripsisset et Balbus. earum exemplum ad te misi. nihil arbitror fore quod reprehendas. si qua erunt, doce me quo modo mempsin effugere possim.

[2] ‘nihil’ inquies ‘omnino scripseris.’ qui magis effugias eos qui volent fingere? verum tamen ita faciam, quoad fieri poterit. nam quod me hortaris ad memoriam factorum, dictorum, . scriptorum etiam meorum, facis amice tu quidem mihique gratissimum sed mihi videris aliud tu honestum meque dignum in hac causa iudicare atque ego existimem. mihi enim nihil ulla in gente umquam ab ullo auctore rei publicae ac duce turpius factum esse videtur quam a nostro amico factum est. quoius ego vicem doleo; qui urbem reliquit, id est patriam, pro qua et in qua mori praeclarum fuit. ignorare mihi videris haec quanta sit clades.

[3] es enim etiam nunc domi tuae sed invitis perditissimis hominibus esse diutius non potes. hoc miserius, hoc turpius quicquam? vagamur egentes cum coniugibus et liberis; in unius hominis quotannis periculose aegrotantis anima positas omnis nostras spes habemus non expulsi sed evocati ex patria; quam non

servandam ad reditum nostrum sed diripiendam et inflammandam reliquimus. ita multi nobiscum sunt? non in suburbanis? non in hortis? non in ipsa (urbe)? et, si nunc sunt, non erunt? nos interea ne Capuae quidem sed Luceriae, et oram quidem maritimam iam relinquemus, Afranium exspectabimus (et) Petreium. nam in Labieno parum est dignitatis. hic tu in me . . . illud desideras. nihil de me dico, alii viderint. hic quidem quae est . . .? domi vestrae estis et eritis omnes boni. quis tum se mihi non ostendit? quis nunc adest hoc bello? sic enim iam appellandum est.

[4] Vibulli res gestae sunt adhuc maximae. id ex Pompei litteris cognosces; in quibus animadvertito illum locum ubi erit diplei. videbis de Gnaeo nostro ipse Vibullius quid existimet. quo igitur haec spectat oratio? ego pro Pompeio libenter emori possum; facio pluris omnium hominum neminem; sed non ita (ut tu) uno in eo iudico spem de salute rei publicae. significas enim aliquanto secus quam solebas, ut etiam Italia, si ille cedat, putes cedendum. quod ego nec rei publicae puto esse utile nec liberis meis, praeterea neque rectum neque honestum +sed cur+. ‘poterisne igitur videre tyrannum?’ quasi intersit audiam an videam, aut locupletior mihi sit quaerendus auctor quam Socrates qui, cum xxx tyranni essent, pedem porta non extulit. est mihi praeterea praecipua causa manendi. de qua utinam aliquando tecum loquar! ego xiii Kalend., cum eadem lucerna hanc epistulam scripsissem qua inflammaram tuam, Formiis ad Pompeium, si de pace agetur, profecturus, si de bello, quid ero?

[III] Scr. in Caleno xii K. Mart. a. 705 (49).

CICERO ATTICO SAL.

maximis et miserrimis rebus perturbatus, cum coram tecum mihi potestas deliberandi non esset, uti tamen tuo consilio volui. deliberatio autem omnis haec est, si Pompeius Italia excedat, quod eum facturum esse suspicor, quid mihi agendum putes. et quo facilius consilium dare possis, quid in utramque partem mihi in mentem veniat explicabo brevi.

[2] Cum merita Pompei summa erga salutem meam familiaritasque quae mihi cum eo est, tum ipsa rei publicae causa me adducit ut mihi

vel consilium meum cum illius consilio vel fortuna (mea cum illius fortuna) coniungenda esse videatur. accedit illud. si maneo et illum comitatum optimorum et clarissimorum civium desero, cadendum est in unius potestatem. qui etsi multis rebus significat se nobis esse amicum (et ut esset a me est, tute scis, propter suspicionem huius impendentis tempestatis multo ante provisum), tamen utrumque considerandum est et quanta fides ei sit habenda et, si maxime exploratum sit eum nobis amicum fore, sitne viri fortis et boni civis esse in ea urbe in qua cum summis honoribus imperiisque usus sit, res maximas gesserit, sacerdotio sit amplissimo praeditus, non futurus (sit, qui fuerit), subeundumque periculum sit cum aliquo fore dedecore, si quando Pompeius rem publicam reciperarit.

[3] in hac parte haec sunt. vide nunc quae sint in altera. nihil actum est a Pompeio nostro sapienter, nihil fortiter, addo etiam nihil nisi contra consilium auctoritatemque meam. omitto illa vetera, quod istum in rem publicam ille aluit, auxit, armavit, ille legibus per vim et contra auspicia ferendis auctor, ille Galliae ulterioris adiunctor, ille gener, ille in adoptando P. Clodio augur, ille restituendi mei quam retinendi studiosior, ille provinciae propagator, ille absentis in omnibus adiutor, idem etiam tertio consulatu, postquam esse defensor rei publicae coepit, contendit ut decem tribuni pl. ferrent ut absentis ratio haberetur, quod idem ipse sanxit lege quadam sua, Marcoque Marcello consuli finienti provincias Gallias Kalendarum Martiarum die restitit — sed ut haec omittam, quid foedius, quid perturbatius hoc ab urbe discessu sive potius turpissima fuga? quae condicio non accipienda fuit potius quam relinquenda patria?

[4] malae condiciones erant, fateor, sed num quid hoc peius? at reciperabit rem publicam. quando? aut quid ad eam spem est parati? non ager Picenus amissus? non patefactum iter ad urbem? non pecunia omnis et publica et privata adversario tradita? denique nulla causa, nullae vires, nulla sedes quo concurrant qui rem publicam defensam velint. Apulia delecta est, inanissima pars Italiae et ab impetu huius belli remotissima; fuga et maritima opportunitas visa quaeri desperatione. invite cepi Capuam, non quo munus illud defugerem, sed in ea causa in qua nullus esset ordinum, nullus apertus privatorum dolor, bonorum autem esset aliquis sed hebes, ut solet, et, ut ipse sensi, esset multitudo et infimus quisque propensus

in alteram partem, multi mutationis rerum cupidi, dixi ipsi me nihil suscepturum sine praesidio et sine pecunia. itaque habui nihil omnino negoti, quod ab initio vidi nihil quaeri praeter fugam. eam si nunc sequor, quonam? Cum illo non; ad quem cum essem profectus, cognovi in iis locis esse Caesarem, ut tuto Luceriam venire non possem. infero mari nobis incerto cursu hieme maxima navigandum est. age iam, cum fratre an sine eo cum filio? at quo modo? in utraque enim re summa difficultas erit summus animi dolor; qui autem impetus illius erit in nos absentis fortunasque nostras! acrior quam in ceterorum, quod putabit fortasse in nobis violandis aliquid se habere populare. age iam, has compedes, fascis, inquam, hos laureatos ecferre ex Italia quam molestum est! qui autem locus erit nobis tutus, ut iam placatis utamur fluctibus, ante quam ad illum venerimus? qua autem aut quo nihil scimus.

[6] at si restitero et fuerit nobis in hac parte locus, idem fecero quod in Cinnae dominatione (L.) Philippus, quod L. Flaccus, quod Q. Mucius, quoquo modo ea res huic quidem cecidit; qui tamen ita dicere solebat se id fore videre quod factum est sed malle quam armatum ad patriae moenia accedere. aliter Thrasybulus et fortasse melius. sed est certa quaedam illa Muci ratio atque sententia, est illa etiam Philippi, et cum sit necesse servire tempori et non amittere tempus cum sit datum. sed in hoc ipso habent tamen idem fasces molestiam. sit enim nobis amicus, quod incertum est, sed sit; deferet triumphum. +non accipere ne periculosum sit,+ invidiosum ad bonos. ‘O rem’ inquis ‘difficilem et inexplicabilem!’ atqui explicanda est. quid enim fieri potest? ac ne me existimaris ad manendum esse propensiorem quod plura in eam partem verba fecerim, potest fieri, quod fit in multis quaestionibus, ut res verbosior haec fuerit, illa verior. quam ob rem ut maxima de re aequo animo deliberanti ita mihi des consilium velim. Navis et in Caieta est parata nobis et Brundisi.

[7] sed ecce nuntii scribente me haec ipsa noctu in Caleno, ecce litterae Caesarem ad Corfinium, Domitium Corfini cum firmo exercitu et pugnare cupiente. non puto etiam hoc Gnaeum nostrum commissurum ut Domitium relinquat; etsi Brundisium Scipionem cum cohortibus duabus praemiserat, legionem ei Fausto conscriptam in Siciliam sibi placere a consule duci scripserat ad consules. sed

turpe Domitium deserere erit implorantem eius auxilium. est quaedam spes mihi quidem non magna sed in his locis firma Afranium in Pyrenaeo cum Trebonio pugnasse, pulsum Trebonium, etiam Fabium tuum transisse cum cohortibus, summa autem Afranium cum magnis copiis adventare. id si est, in Italia fortasse manebitur. ego autem cum esset incertum iter Caesaris, quod vel ad Capuam vel ad Luceriam iturus putabatur, Leptam misi ad Pompeium (et) litteras; ipse ne quo inciderem reverti Formias. haec te scire volui scripsique sedatiore animo quam proxime scripseram, nullum meum iudicium interponens sed exquirens tuum.

[IV] Scr. in Formiano viii K. Mart. ante lucem a. 705 (49).

CICERO ATTICO SAL.

Dionysius quidem tuus potius quam noster, cuius ego cum satis cognossem mores tuo tamen potius stabam iudicio quam meo, ne tui quidem testimoni quod ei saepe apud me dederas veritus superbum se praebuit in fortuna quam putavit nostram fore; cuius fortunae nos, quantum humano consilio effici poterit, motum ratione quadam gubernabimus. cui qui noster honos, quod obsequium, quae etiam ad ceteros contempti cuiusdam hominis commendatio defuit? ut meum iudicium reprehendi a Quinto fratre vulgoque ab omnibus mallem quam illum non efferre me laudibus Ciceronesque nostros meo potius labore subdoceri quam me alium iis magistrum quaerere; ad quem ego quas litteras, di immortales, miseram, quantum honoris significantis, quantum amoris! Dicaearchum me hercule aut Aristoxenum diceres arcessi, non unum hominem omnium loquacissimum et minime aptum ad docendum.

[2] sed est memoria bona. me dicet esse meliore. quibus litteris ita respondit ut ego nemini cuius causam non reciperem. semper enim, ‘si potero, si ante suscepta causa non impediar.’ numquam reo cuiquam tam humili, tam sordido, tam nocenti, tam alieno tam praecise negavi quam hic mihi plane nulla exceptione praecidit. nihil cognovi ingratius; in quo vitio nihil mali non inest. sed de hoc nimis multa.

[3] ego navem paravi. tuas litteras tamen exspecto, ut sciam quid

respondeant consultationi meae. Sulmone C. Atium Paelignum aperuisse Antonio portas, cum essent cohortes quinque, Q. Lucretium inde effugisse +scis Gnaeum ire Brundisium desertum+. confecta res est.

[V] Scr. in Formiano vii K. Mart. a. 705 (49).

CICERO ATTICO SAL.

Cum ante lucem viii Kal. litteras ad te de Dionysio dedissem, vesperi ad nos eodem die venit ipse Dionysius auctoritate tua permotus, ut suspicor; quid enim putem aliud? etsi solet eum, cum aliquid furiose fecit, paenitere. numquam autem cerritior fuit quam in hoc negotio. nam quod ad te non scripseram, postea audivi a tertio miliario tum eum isse polla maten keraessin es eera thumenanta, multa, inquam, mala cum dixisset: suo capiti, ut aiunt. sed en meam mansuetudinem! Coniecenim in fasciculum una cum tua vehementem ad illum epistulam. hanc ad me referri volo nec ullam ob aliam causam Pollicem servum a pedibus meum Romam misi. eo autem ad te scripsi ut, si tibi forte reddita esset, mihi curares referendam, ne in illius manus perveniret.

[2] Novi si quid esset scripsissem. pendeo animi exspectatione (de re) Corfiniensi, in qua de salute rei publicae decernetur. tu fasciculum, qui est M'. Curio inscriptus, velim cures ad eum perferendum Tironemque Curio commendes et ut det ei si quid opus erit in sumptum roges.

[VI] Scr. imi Formniano ix K Mart., ut videtur, a. 705 (49).

CICERO ATTICO SAL.

obsignata iam ista epistula quam de nocte daturus eram, sicut dedi (nam eam vesperi scripseram), C. Sosius praetor in Formianum venit ad M'. Lepidum vicinum nostrum quoius quaestor fuit. Pompei litterarum ad consules exemplum attulit:

[2] 'Litterae mihi a L. Domitio a. d. xiii Kalend. Mart. adlatae sunt. earum exemplum infra scripsi. nunc ut ego non scribam, tua sponte te intellegere scio quanti rei publicae intersit omnis copias in unum

locum primo quoque tempore convenire. tu, si tibi videbitur, dabis operam ut quam primum ad nos venias, praesidi Capuae quantum constitueris satis esse relinquas.' deinde supposuit exemplum epistulae Domiti quod ego ad te pridie miseram. di immortales, qui me horror perfudit! quam sum sollicitus quidnam futurum sit! hoc tamen spero, magnum nomen imperatoris fore, magnum in adventu terrorem. spero etiam, quoniam adhuc nihil nobis obfuit + nihil mutasset neglegentia hoc quod cum fortiter et diligenter tum etiam me hercule+.

[4] modo enim audivi quartanam a te discessisse. moriar si magis gauderem si id mihi accidisset. Piliae dic non esse aequum eam diutius habere nec id esse vestrae concordiae. Tironem nostrum ab altera relictum audio. sed eum video in sumptum ab aliis mutuatum; ego autem Curium nostrum si quid opus esset rogaram. malo Tironis verecundiam in culpa esse quam inliberalitatem Curi.

[VII] Scr. ut Formiano vii K Mart., ut videtur, a. 705 (49).

CICERO ATTICO SAL.

Vnum etiam restat amico nostro ad omne dedecus ut Domitio non subveniat. 'at nemo dubitat quin subsidio venturus sit.' ego non puto. 'deseret igitur talem civem et eos quos una scis esse cum habeat praesertim is ipse cohortis triginta?' Nisi me omnia fallunt, deseret. incredibiliter pertimuit, nihil spectat nisi fugam.

[2] quoi tu (video enim quid sentias) me comitem putas debere esse. ego vero quem fugiam habeo, quem sequar non habeo. quod enim tu meum laudas et memorandum dicis, malle quod dixerim me cum Pompeio vinci quam cum istis vincere, ego vero malo sed cum illo Pompeio qui tum erat aut qui mihi esse videbatur, cum hoc vero qui ante fugit quam scit aut quem fugiat aut quo, qui nostra tradidit, qui patriam reliquit, Italiam relinquit, si malui, contigit, victus sum. quod superest, nec ista videre possum quae numquam timui ne viderem nec me hercule istum propter quem mihi non modo meis sed memet ipso carendum est.

[3] ad Philotimum scripsi de viatico sive a Moneta (nemo enim solvit) sive ab Oppiis tuis contubernalibus. cetera apposita tibi

mandabo.

[VIII] Scr. in Formiano vi K. Mart. a. 705(49).

CICERO ATTICO SAL.

O rem turpem et ea re miseram! sic enim sentio, id demum aut potius id solum esse miserum quod turpe sit. aluerat Caesarem; eundem repente timere coeperat, condicionem pacis nullam probarat, nihil ad bellum pararat, urbem reliquerat, Picenum amiserat culpa, in Apuliam se compegerat, ibat in Graeciam, omnis nos aprosphonetous, expertis sui tanti, tam inusitati consili relinquebat.

[2] ecce subito litterae Domiti ad illum, ipsius ad consules. fulsisse mihi videbatur to kalon ad oculos eius et exclamasse ille vir qui esse debuit, pros tauth' ho ti chre kai palamasthon kai pant' ep' emoi tektainesthon: to gar eu met' emou. at ille tibi polla chairein toi kaloi dicens pergit Brundisium. Domitium autem aiunt re audita et eos qui una essent se tradidisse. O rem lugubrem! itaque intercludor dolore quo (minus) ad te plura scribam. tuas litteras exspecto.

[IX] Scr. in Formiano v K. Mart. a. 705 (49).

CICERO ATTICO SAL.

epistulam meam quod pervulgatam scribis esse non fero moleste, quin etiam ipse multis dedi describendam. ea enim et acciderunt iam et impendent, ut testatum esse velim de pace quid senserim. Cum autem ad eam hortarer eum praesertim hominem, non videbar ullo modo facilius moturus quam si id quod eum hortarer convenire eius sapientiae dicerem. eam si admirabilem dixi quom eum ad salutem patriae hortabar, non sum veritus ne viderer adsentari quoi tali in re libenter me ad pedes abiecissem. qua autem est 'aliquid impertias temporis,' non est de pace sed de me ipso et de meo officio ut aliquid cogitet. nam quod testificor me expertem belli fuisse, etsi id re perspectum est, tamen eo scripsi quo in suadendo plus auctoritatis haberem; eodemque pertinet quod causam eius probo.

[2] sed quid haec nunc? Vtinam aliquid profectum esset! ne ego istas litteras in contione recitari velim, si quidem ille ipse ad eundem

scribens in publico proposuit epistulam illam in qua est ‘pro tuis rebus gestis amplissimis’ (amplioribusne quam suis, quam Africani? ita tempus ferebat), si quidem etiam vos duo tales ad quintum miliarium quid nunc ipsum de se recipienti, quid agenti, quid acturo? quanto autem ferocius ille causae suae confidet, cum vos, cum vestri similis non modo frequentis sed laeto vultu gratulantis viderit! num igitur peccamus?’ minime vos quidem; sed tamen signa conturbantur quibus voluntas a simulatione distingui posset. quae vero senatus consulta ‘o video? sed apertius quam proposueram.

[3] ego Arpini volo esse pridie Kal., deinde circum villulas nostras errare quas visurum me postea desperavi. Eugene tua consilia et tamen pro temporibus non incauta mihi valde probantur. Lepido quidem (nam fere sundiemereuomen, quod gratissimum illi est) numquam placuit ex Italia exire, Tullo multo minus. crebro enim illius litterae ab aliis ad nos commeant. sed me illorum sententiae minus movebant; minus multa dederant illi rei publicae pignora. tua me hercule auctoritas vehementer movet; adfert enim et reliqui temporis reciperandi rationem et praesentis tuendi. sed obsecro te, quid hoc miserius quam alterum plausus in foedissima causa quaerere, alterum offensiones in optima? alterum existimari conservatorem inimicorum, alterum desertorem amicorum? et me hercule quamvis amemus Gnaeum nostrum, ut et facimus et debemus, tamen hoc quod talibus viris non subvenit laudare non possum. nam sive timuit, quid ignavius? sive, ut quidam putant, meliorem suam causam illorum caede fore putavit, quid iniustius? sed haec omittamus; augemus enim dolorem retractando.

[4] vi Kal. vesperi Balbus minor ad me venit occulta via currens ad Lentulum consulem missu Caesaris cum litteris, cum mandatis, cum promissione provinciae, Romam ut redeat. quoi persuaderi posse non arbitror, nisi erit conventus. idem aiebat nihil malle Caesarem quam ut Pompeium adsequeretur (id credo) et rediret in gratiam. id non credo et metuo ne omnis haec clementia ad Cinneam illam crudelitatem conligatur. Balbus quidem maior ad me scribit nihil malle Caesarem quam principe Pompeio sine metu vivere. tu, puto, haec credis. sed cum haec scribebam v Kalend., Pompeius iam Brundisium venisse poterat; expeditus enim antecesserat legiones xi (K.) Luceria. sed hoc teras horribili vigilantia, celeritate, diligentia

est. plane quid futurum sit nescio.

[X] Scr. in Formiano iv K. Mart. a. 705 (49).

CICERO ATTICO SAL.

Dionysius cum ad me praeter opinionem meam venisset, locutus sum cum eo liberalissime; tempora exposui, rogavi ut diceret quid haberet in animo; me nihil ab ipso invito contendere. respondit se quod in nummis haberet nescire quo loci esset; alios non solvere, aliorum diem nondum esse. dixit etiam alia quaedam de servulis suis qua re nobiscum esse non posset. morem gessi; dimisi a me ut magistrum Ciceronum non libenter, ut hominem ingratum non invitus. volui te scire et quid ego de eius facto iudicarem.

[XI] Scr. in Formiano in K. Mart. a. 705 (49).

CICERO ATTICO SAL.

quod me magno animi motu perturbatum putas, sum equidem sed non tam magno quam tibi fortasse videor. levatur enim omnis cura cum aut constitit consilium aut cogitando nihil explicatur. lamentari autem licet illud quidem totos dies; sed vereor ne nihil cum proficiam etiam dedecori sim studiis ac litteris nostris. consumo igitur omne tempus considerans quanta vis sit illius viri quem nostris libris satis diligenter, ut tibi quidem videmur, expressimus. tenesne igitur moderatorem illum rei publicae quo referre velimus omnia? nam sic quinto, ut opinor, in libro loquitur Scipio, ‘Vt enim gubernatori cursus secundus, medico salus, imperatori victoria, sic huic moderatori rei publicae beata civium vita proposita est, ut opibus firma, copiis locuples, gloria ampla, virtute honesta sit. huius enim operis maximi inter homines atque optimi illum esse perfectorem volo.’

[2] hoc Gnaeus noster cum antea numquam tum in hac causa minime cogitavit. dominatio quaesita ab utroque est, non id actum beata et honesta civitas ut esset. nec vero ille urbem reliquit quod eam tueri non posset nec Italiam quod ea pelleretur, sed hoc a primo cogitavit, omnis terras, omnia maria movere, reges barbaros incitare,

gentis feras armatas in Italiam adducere, exercitus conficere maximos. genus illud Sullani regni iam pridem appetitur multis qui una sunt cupientibus. an censes nihil inter eos convenire, nullam pactionem fieri potuisse? hodie potest. sed neutri skopos est ille ut nos beati simus; uterque regnare vult.

[3] haec a te invitatus breviter exposui. voluisti enim me o quid de his malis sentirem ostendere. Prothespizo igitur, noster Attice, non hariolans ut illa cui nemo credidit sed coniectura prospiciens, iamque mari magno — non multo, inquam, secus possum vaticinari. tanta malorum impendet Ilias. atque hoc nostra gravior est causa qui domi sumus quam illorum qui una transierunt, quod illi [qui] alterum metuunt, nos utrumque.

[4] ‘cur igitur’ inquis ‘remansimus?’ vel tibi paruimus vel non occurrimus vel hoc fuit rectius. conculcari, inquam, miseram Italiam videbis proxima aestate +qaut utriusque in+ mancipiis ex omni genere conlectis, nec tam +iptio+ pertimescenda, quae Luceriae multis sermonibus denuntiata esse dicitur, quam +universam+ interitus tantas in confligendo utriusque viris video futuras. habes coniecturam meam. tu autem consolationis fortasse aliquid exspectasti. nihil invenio nihil fieri potest miserius, nihil perditius, nihil foedius. quod quaeris quid Caesar ad me scripserit, quod saepe, gratissimum sibi esse quod quierim, oratque in eo ut perseverem. Balbus minor haec eadem mandata. iter autem eius erat ad Lentulum consulem cum litteris Caesaris praemiorumque promissis si Romam revertisset. verum cum habeo rationem dierum, ante puto tramissurum quam potuerit conveniri.

[6] epistularum Pompei duarum quas ad me misit neglegentiam meamque in rescribendo diligentiam volui tibi notam esse. earum exempla ad te misi.

[7] Caesaris hic per Apuliam ad Brundisium cursus quid efficiat exspecto. Vtinam aliquid simile Parthicis rebus! simul aliquid audiero, scribam ad te. tu ad me velim bonorum sermones Romae frequentes esse dicuntur. scio equidem te in publicum non prodire, sed tamen audire te multa necesse est. memini librum tibi adferri a Demetrio Magnete ad te missum [scio] peri homonoias. Eum mihi velim mittas. vides quam causam mediter.

[XII] Scr. in Formiano prid. K. Mart. a. 705 (49).

CICERO ATTICO SAL.

mihi molestior (lippitudo) erat etiam quam ante fuerat. dictare tamen hanc epistulam malui quam Gallo Fadio amantissimo utriusque nostrum nihil ad te litterarum dare. nam pridie quidem, quoquo modo potueram, scripseram ipse eas litteras quarum vaticinationem falsam esse cupio. huius autem epistulae non solum ea causa est ut ne quis a me dies intermittatur quin dem ad te litteras sed etiam haec iustior, ut a te impetrarem ut sumeres aliquid temporis +quod tibi et quia+ perexiguo opus est, explicari mihi tuum consilium plane volo, ut penitus intellegam.

[2] omnia sunt integra nobis; nihil praetermissum est quod non habeat sapientem excusationem, non modo probabilem. nam certe neque tum peccavi cum imperatam iam Capuam non solum ignaviae delictum sed etiam perfidiae suspicionem fugiens accipere nolui, neque cum post condiciones pacis per L. Caesarem et (L.) fabatum adlatas cavi ne animum eius offenderem cui Pompeius iam armatus armato consulatum triumphumque deferret.

[3] nec vero haec extrema quisquam potest iure reprehendere quod mare non transierim. id enim, etsi erat deliberationis, tamen obire non potui. neque enim suspicari debui, praesertim cum ex ipsius Pompei litteris, idem quod video te existimasse, non dubitarim quin is Domitio subventurus esset, et plane quid rectum et quid faciendum mihi esset diutius cogitare malui.

[4] primum igitur, haec qualia tibi esse videantur, etsi significata sunt a te, tamen accuratius mihi perscribas velim, deinde aliquid etiam in posterum prospicias fingasque quem me esse deceat et ubi me plurimum prodesse rei publicae sentias, ecquae pacifica persona desideretur an in bellatore sint omnia.

[5] atque ego qui omnia officio metior recordor tamen tua consilia; quibus si paruissem, tristitiam illorum temporum non subissem. memini quid mihi tum suaseris per Theophanem, per Culleonem, idque saepe ingemiscens sum recordatus. qua re nunc saltem ad illos calculos revertamur quos tum abiecimus, ut non solum gloriosis consiliis utamur sed etiam paulo salubrioribus. sed nihil praescribo

accurate velim perscribas tuam ad me sententiam.

[6] volo etiam exquiras quam diligentissime poteris (habebis autem per quos possis) quid Lentulus noster, quid Domitius agat, quid acturus sit, quem ad modum nunc se gerant, num quem accusent, num quoi suscenseant — quid dico num quoi? num Pompeio. omnino culpam omnem Pompeius in Domitium confert, quod ipsius litteris cognosci potest quarum exemplum ad te misi. haec igitur videbis et, quod ad te ante scripsi, Demetri Magnetis librum quem ad te misit de concordia velim mihi mittas.

[XIII] Scr. in Formiano K. Mart. a. 705 (49).

CICERO ATTICO SAL.

lippitudinis meae signum tibi sit librari manus et eadem causa brevitatis; etsi nunc quidem quod scriberem nihil erat. omnis exspectatio nostra erat in nuntiis Brundisinis si nactus hic esset Gnaeum nostrum, spes dubia pacis, sin ille ante tramisisset, exitiosi belli metus. sed videsne in quem hominem inciderit res publica, quam acutum, quam vigilantem, quam paratum? si me hercule neminem occiderit nec cuiquam quicquam ademerit, ab iis qui eum maxime timuerant maxime diligetur.

[2] multum mecum municipales homines loquuntur, multum rusticani; nihil prorsus aliud curant nisi agros, nisi villulas, nisi nummulos suos. et vide quam conversa res sit; illum quo antea confidebant metuunt, hunc amant quem timebant. id quantis nostris peccatis vitiisque evenerit non possum sine molestia cogitare. quae autem impendere putarem, scripseram ad te et iam tuas litteras exspectabam.

[XIV] Scr. in Formiammo vi Non. Mart. a. 705 (49).

CICERO ATTICO SAL.

non dubito quin tibi odiosae sint epistulae cotidianae, cum praesertim neque nova de re aliqua certiorem te faciam neque novam denique iam reperiam scribendi ullam sententiam. sed si dedita opera, cum causa nulla esset, tabellarios ad te cum inanibus epistulis mitterem,

facerem inepte; euntibus vero, domesticis praesertim, ut nihil ad te dem litterarum facere non possum et simul, crede mihi, requiesco paulum in his miseriis, cum quasi tecum loquor, cum vero tuas epistulas lego, multo etiam magis. omnino intellego nullum fuisse tempus post has fugas et formidines nostras quod magis debuerit mutum esse a litteris, propterea quod neque Romae quicquam auditur novi nec in his locis quae a Brundisio absunt propius quam tu bidui aut tridui. Brundisi autem omne certamen vertitur huius primi temporis. qua quidem exspectatione torqueor. sed omnia ante Nonas sciemus. eodem enim die video Caesarem a Corfinio post meridiem profectum esse, id est Feralibus, quo Canusio mane Pompeium. eo modo autem ambulat Caesar et iis +diariis+ militum celeritatem incitat ut timeam ne citius ad Brundisium quam opus sit accesserit.

[2] dices, 'quid igitur proficis qui anticipes eius rei molestiam quam triduo sciturus sis?' nihil equidem; sed, ut supra dixi, tecum perlibenter loquor, et simul scito labare meum consilium illud quod satis iam fixum videbatur. non mihi satis idonei sunt auctores ii qui a te probantur. quod enim umquam eorum in re publica forte factum exstitit? aut quis ab iis ullam rem laude dignam desiderat? nec me hercule laudandos existimo qui trans mare belli parandi causa profecti sunt — quamquam haec ferenda non erant — , video enim quantum id bellum et quam pestiferum futurum sit; sed me movet unus vir cuius fugientis comes, rem publicam reciperantis socius videor esse debere. 'totiensne igitur sententiam mutas?' ego tecum tamquam mecum loquor. quis autem est tanta quidem de re quin varie secum ipse disputet? simul et elicere cupio sententiam tuam, si manet, ut firmior sim, si mutata est, ut tibi adsentiar.

[3] omnino ad id de quo dubito pertinet me scire quid Domitius acturus sit, quid noster Lentulus. de Domitio varia audimus +modo esse in Tiburti aut lepidi quo cum lepidus accessisse ad urbem+, quod item falsum video esse. ait enim Lepidus eum nescio quo penetrasse itineribus +occultandi+ sui causa an maris adipiscendi ne is quidem scit. ignorat etiam de filio. addit illud sane molestum, pecuniam Domitio satis grandem quam is Corfini habuerit non esse redditam. de Lentulo autem nihil audivimus. haec velim exquiras ad meque perscribas.

[XV] Scr. in Formiano v Non. Mart. a. 705 (49).

CICERO ATTICO SAL.

A. d. v Nonas Martias epistulas mihi tuas Aegypta reddidit, unam veterem iiii Kal. quam te scribis dedisse Pinario quem non vidimus; in qua exspectas quidnam praemissus agat Vibullius qui omnino non est visus a Caesare (id altera epistula video te scire ita esse), et quem ad modum redeuntem excipiam Caesarem quem omnino vitare cogito, et +authemonis+ fugam intendis commutationemque vitae tuae, quod tibi puto esse faciendum, et ignoras Domitius cum fascibusne sit. quod cum scies, facies ut sciamus. habes ad primam epistulam.

[2] secutae sunt duae pr. Kal. ambae datae quae me convellerunt de pristino statu iam tamen, ut ante ad te scripsi, labantem. nec me movet quod scribis 'Iovi ipsi iniquum.' nam periculum in utriusque iracundia positum est, victoria autem ita incerta ut deterior causa paratior mihi esse videatur. nec me consules movent qui ipsi pluma aut folio facilius moventur. offici me deliberatio cruciat cruciavitque adhuc. cautior certe est mansio, honestior existimatur traiectio. malo interdum multi me non caute quam pauci non honeste fecisse existiment. de Lepido et Tullo quod quaeris, illi vero non dubitant quin Caesari praesto futuri in senatumque venturi sint recentissima tua est epistula KaL data, in qua optas congressum pacemque non desperas. sed ego cum haec scribebam, nec illos congressuros nec, si congressi essent, Pompeium ad ullam condicionem accessurum putabam. quod videris non dubitare, si consules transeant, quid nos facere oporteat, certe transeunt vel, quo modo nunc est, transierunt. sed memento praeter Appium neminem esse fere qui non ius habeat transeundi. nam aut cum imperio sunt ut Pompeius, ut Scipio, Sufenas, Fannius, Voconius, Sestius, ipsi consules quibus more maiorum concessum est vel omnis adire provincias, aut legati sunt eorum. sed nihil decerno; quid placeat tibi et quid prope modum rectum sit intellego. plura scriberem, si ipse possem. sed, ut mihi videor, potero biduo. Balbi Corneli litterarum exemplum quas eodem die accepi quo tuas misi ad te, ut meam vicem doleres, cum me derideri videres.

[XVI] Scr. in Formano iv Non. Mart. a. 705 (49).

CICERO ATTICO SAL.

omnia mihi provisa sunt praeter occultum et tutum iter ad mare superum. hoc enim mari uti non possumus hoc tempore anni. illuc autem quo spectat animus et quo res vocat, qua veniam? cedendum enim est celeriter, ne forte qua re impediar atque adliger. nec vero ille me ducit qui videtur; quem ego hominem apolitikotaton omnium iam ante cognoram, nunc vero etiam astrategetotaton. non me igitur is ducit sed sermo hominum qui ad me a Philotimo scribitur. is enim me ab optimatibus ait conscindi. quibus optimatibus, di boni! qui nunc quo modo occurrunt, quo modo autem se venditant Caesari! municipia vero deum, nec simulant, ut cum de illo aegroto vota faciebant. sed plane quicquid mali hic Pisistratus non fecerit tam gratum erit quam si alium facere prohibuerit. (hunc) propitium sperant, illum iratum putant. quas fieri censes apanteseis ex oppidis, quos honores! ‘metuunt’ inquies. credo, sed me hercule illum magis. huius insidiosa de mentia delectantur, illius iracundiam formidant. iudices de CCCLX qui praecipue Gnaeo nostro delectabantur, ex quibus cotidie aliquem video, nescio quas eius Lucerias horrent. itaque quaero qui sint isti optimates qui me exturbent cum ipsi domi maneant. sed tamen, quicumque sunt, ‘aideomai troas.’ etsi qua spe proficiscar video coniungoque me cum homine magis ad vastandam Italiam quam ad vincendum parato dominumque exspecto. et quidem cum haec scribebam iiii Nonas iam exspectabam aliquid a Brundisio. quid autem ‘aliquid’? quam inde turpiter fugisset, et victor hic qua se referret et quo. quod ubi audissem, si ille Appia veniret, ego Arpinum cogitabam.

LIBER NONUS

[I] Scr. in Formiano prid. Non. Mart a. 705 (49).

CICERO ATTICO SAL.

[1] etsi cum tu has litteras legeres putabam fore ut scirem iam quid Brundisi actum esset (nam Canusio viiii Kal. profectus erat Gnaeus; haec autem scribebam pridie Nonas xiiii die post quam ille Canusio moverat), tamen angebar singularum horarum exspectatione mirabarque nihil adlatum esse ne rumoris quidem; nam erat mirum silentium. sed haec fortasse kenospouda sunt, quae tamen iam sciantur necesse est;

[2] illud molestum me adhuc investigare non posse ubi P. Lentulus noster sit, ubi Domitius. quaero autem, quo facilius scire possim quid acturi sint, iturine ad Pompeium et, si sunt, qua quandove ituri sint. Vrbem quidem iam refertam esse optimatium audio, Sosium et Lupum quos Gnaeus noster ante putabat Brundisium venturos esse quam se ius dicere. hinc vero vulgo vadunt; etiam M'. Lepidus quocum diem conterere solebam cras cogitabat.

[3] nos autem in Formiano morabamur, quo citius audiremus; deinde Arpinum volebamus; inde iter qua maxime apanteton esset ad mare superum remotis sive omnino missis lictoribus. audio enim bonis viris qui et nunc et saepe antea magno praesidio rei publicae fuerunt hanc cunctationem nostram non probari multaque (in) me et severe in conviviis tempestivis quidem disputari. cedamus igitur et, ut boni cives simus, bellum Italiae terra marique inferamus et odia improborum rursus in nos quae iam exstincta erant incendamus et Luccei consilia ac Theophani persequamur.

[4] nam Scinio vel in Syriam proficiscitur sorte vel cum genero honeste vel Caesarem fugit iratum. Marcelli quidem, nisi gladium Caesaris timuissent, manerent. Appius est eodem in timore et inimicitiarum recentium etiam. praeter hunc et C. Cassium reliqui legati, Faustus pro quaestore; ego unus cui utrumvis licet. frater accedit quem socium huius fortunae esse non erat aequum cui magis etiam Caesar irascetur, sed impetrare non possum ut maneat.

dabimus hoc Pompeio quoi debemus. nam me quidem alius nemo movet, non sermo bonorum qui nulli sunt, non causa quae acta timide est, agetur improbe. Vni, uni hoc damus ne id quidem roganti nec suam causam, ut ait, agenti sed publicam. tu quid cogites de transeundo in Epirum scire sane velim.

[II] Scr. in Formiano Non. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] Etsi Nonis Martiis die tuo, ut opinor, exspectabam epistulam a te longiorem, tamen ad eam ipsam brevem quam IIII Nonas hupo ten dialepsin dedisti rescribendum putavi. gaudere ais te mansisse me et scribis in sententia te manere. mihi autem superioribus litteris videbare non dubitare quin cederem ita si et Gnaeus bene comitatus conscendisset et consules transissent. Vtrum hoc tu parum commeministi, an ego non satis intellexi, an mutasti sententiam? sed aut ex epistula quam exspecto perspiciam quid sentias aut alias abs te litteras eliciam. Brundisio nihildum erat adlatum.

[IIa] Scr. in Formiano viii Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] O rem difficilem planeque perditam! quam nihil praetermittis in consilio dando; quam nihil tamen quod tibi ipsi placeat explicas! non esse me una cum Pompeio gaudes ac proponis quam sit turpe me adesse cum quid de illo detrahatur; nefas esse approbare. certe; contra igitur? ‘di’ inquis ‘averruncent!’ quid ergo fiet si in altero scelus est, in altero supplicium? ‘impetrabis’ inquis ‘a Caesare ut tibi abesse liceat et esse otioso.’ supplicandum igitur? miserum. quid si non impetraro? ‘et de triumpho erit’ inquis ‘integrum.’ quid si hoc ipso premar? accipiam? quid foedius? negem? repudiari se totum , magis etiam quam olim in xxviratu, putabit. ac solet, cum se purgat, in me conferre omnem illorum temporum culpam. ita me sibi fuisse inimicum ut ne honorem quidem a se accipere vellem. quanto nunc hoc idem accipiet asperius! tanto scilicet quanto et honos hic illo est amplior et ipse robustior.

[2] nam quod negas te dubitare quin magna in offensa sim apud Pompeium hoc tempore, non video causam cur ita sit hoc quidem tempore. qui enim amisso Corfinio denique certiorem me sui consili fecit, is queretur Brundisium me non venisse cum inter me et Brundisium Caesar esset? deinde etiam scit aparrêsiaston esse in ea causa querelam suam. me putat de municipiorum imbecillitate, de dilectibus, de pace, de urbe, de pecunia, de Piceno occupando plus vidisse quam se. sin cum potuero non venero tum erit inimicus, quod ego non eo vereor ne mihi noceat (quid enim faciet? tis d' esti doulos tou thanein aphrontis ôn;, sed quia ingrati animi crimen horreo. confido igitur adventum nostrum illi, quoquo tempore fuerit, ut scribis, asmeniston fore. nam quod ais, si hic temperatius egerit, consideratius consilium te daturum, qui hic potest se gerere non perdite? <vetant> vita, mores, ante facta, ratio suscepti negoti, socii, vires bonorum aut etiam constantia.

[3] vixdum epistulam tuam legeram cum ad me currens ad illum Postumus Curtius venit nihil nisi classis loquens et exercitus. eripiebat Hispanias, tenebat Asiam, Siciliam, Africam, Sardiniam, confestim in Graeciam persequebatur. eundum igitur est, nec tam ut belli quam ut fugae socii simus. nec enim ferre potero sermones istorum quicumque sunt; non sunt enim certe, ut appellantur, boni. sed tamen id ipsum scire cupio quid loquantur idque ut exquiras meque certiorem facias te vehementer rogo. nos adhuc quid Brundisi actum esset plane nesciebamus. Cum sciemus , tum ex re et ex tempore consilium capiemus sed utemur tuo.

[III] Scr. in Formiano vii Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] Domiti filius transiit Formias viii Idus currens ad matrem Neapolim mihique nuntiari iussit patrem ad urbem esse cum de eo curiose quaesisset servus noster Dionysius. nos autem audieramus eum profectum sive ad Pompeium sive in Hispaniam. id cuius modi sit scire sane velim. nam ad id quod delibero pertinet, si ille certe nusquam discessit, intellegere Gnaeum non esse facilis nobis ex Italia exitus, cum ea tota armis praesidiisque teneatur, hieme

praesertim. nam si commodius anni tempus esset, vel infero mari liceret uti. nunc nihil potest nisi supero tramitti quo iter interclusum est. quaeres igitur et de Domitio et de Lentulo.

[2] A Brundisio nulla adhuc fama venerat, et erat hic dies vii Idus quo die suspicabamur aut pridie (ad) Brundisium venisse Caesarem. nam Kal. Arpis manserat. sed si Postumum audire velles, persecuturus erat Gnaeum; transisse enim iam putabat coniectura tempestatum ac dierum. ego nautas eum non putabam habiturum, ille confidebat et eo magis quod audita navicularíis hominis liberalitas esset. sed tota res Brundisina quo modo habeat se diutius nescire non possum.

[IV] Scr. in Formiano iv Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] ego etsi tam diu requiesco quam diu aut ad te scribo aut tuas litteras lego, tamen et ipse egeo argumento epistularum et tibi idem accidere certo scio. quae enim soluto animo familiariter scribi solent ea temporibus his excluduntur, quae autem sunt horum temporum ea iam contrivimus. sed tamen ne me totum aegritudini dedam, sumpsi mihi quasdam tamquam theseis quae et politikai sunt et temporum horum, ut et abducam animum ab querelis et in eo ipso de quo agitur exercear. eae sunt huius modi:

[2] Ei meneteon en tei patridi turannoumenes autes. Ei panti tropoi turannidos katalusin pragmateuteon, kan mellei dia touto peri ton holon he polis kinduneusein e eulabeteon ton kataluonta me autos airetai. Ei peirateon aregein tei patridi turannoumenei kairoi kai logoi mallon e polemoi. Ei politikon to hesuchazein anachoresanta poi tes patridos turannoumenes e dia pantos iteon kindunou tes eleutherias peri. Ei polemon epakteon tei chorai kai poliorketeon auten turannoumenen. ei kai me dokimazonta ten dia polemou katalusin tes turannidos sunapograpteon homos tois aristois. Ei tois euergetais kai philois sunkinduneuteon en tois politikois kan me dokosin eu bebouleusthai peri ton holon. Ei ho megala ten patrida euergetesas di' auto te touto anekesta pathon kai phthonetheis kinduneuseien an ethelontes huper tes patridos e epheteon autoi heautou pote kai ton

oikeiotaton poieisthai pronoian aphemenoi tas pros tous ischuontas diapoliteias.

[3] in his ego me consultationibus exercens et disserens in utramque partem tum Graece tum Latine et abduco parumper animum a molestiis et ton prourgou ti delibero. sed vereor ne tibi akairos sim. si enim recte ambulavit is qui hanc epistulam tulit, in ipsum tuum diem incidit.

[V] Scr. im Formiano vi Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] Natali die tuo scripsisti epistulam ad me plenam consili summaeque cum benevolentiae tum etiam prudentiae. eam mihi Philotimus postridie quam a te acceperat reddidit. sunt ista quidem quae disputas difficillima, iter ad superum, navigatio infero, discessus Arpinum ne hunc fugisse, mansio Formiis ne obtulisse nos gratulationi videamur, sed miserius nihil quam ea videre quae tamen iam, inquam, videnda erunt.

fuit apud me Postumus, scripsi ad te quam gravis. venit ad me etiam Q. Fufius quo vultu, quo spiritu! properans Brundisium, scelus accusans Pompei, levitatem et stultitiam senatus. haec qui in mea villa non feram, Curtium in curia potero ferre?

[2] age, finge me quamvis eustomachos haec ferentem; quid illa ‘dic, M. TVLLI’? quem habebunt exitum? et omitto causam rei publicae quam ego amissam puto cum vulneribus suis tum medicamentis iis quae parantur, de Pompeio quid agam? quoi plane (quid enim hoc negem?) suscensui. semper enim me causae eventorum magis movent quam ipsa eventa. haec igitur mala (quibus maiora esse quae possunt?) considerans vel potius iudicans eius opera accidisse et culpa inimicior eram huic quam ipsi Caesari. Vt maiores nostri funestiorem diem esse voluerunt Alliensis pugnae quam urbis captae, quod hoc malum ex illo (itaque alter religiosus etiam nunc dies, alter in vulgus ignotus), sic ego decem annorum peccata recordans in quibus inerat ille etiam annus qui nos hoc (non) defendente, ne dicam gravius, adflixerat praesentisque temporis cognoscens temeritatem, ignaviam, neglegentiam suscensebam.

[3] sed ea iam mihi exciderunt; beneficia eiusdem cogito, cogito etiam dignitatem; intellego serius equidem quam vellem propter epistulas sermonesque Balbi, sed video plane nihil aliud agi, nihil actum ab initio, (nisi) ut hunc occideret. ego igitur, sicut ille apud Homerum cui et mater et dea dixisset , autika gar toi epeita meth' Hektora potmos hetoimos, matri ipse respondit,

autika tethnaien, epei ouk ar' emellon hetairoi
kteinomenoi epamunai, —

quid si non hetairoi solum sed etiam euergetei, adde tali viro talem causam agenti? ego vero haec officia mercanda vita puto. optimatibus vero tuis nihil confido, nihil iam ne inservio quidem.

[4] video ut se huic dent, ut daturi sint. quicquam tu illa putas fuisse de valetudine decreta municipiorum prae his de victoria gratulationibus? 'timent' inquies. at ipsi tum se timuisse dicunt. sed videamus quid actum sit Brundisi. ex eo fortasse nea consilia nascentur aliaeque litterae.

[VI] Scr. in Formiano v Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] nos adhuc Brundisio nihil. Roma scripsit Balbus putare iam Lentulum consulem tramisisse nec eum a minore Balbo conventum, quod is hoc iam Canusi audisset; inde ad se eum scripsisse; cohortesque sex quae Albae fuissent ad Curium via Minucia transisse; id Caesarem ad se scripsisse et brevi tempore eum ad urbem futurum. ergo utar tuo consilio neque me Arpinum hoc tempore abdam, etsi, Ciceroni meo togam puram quom dare Arpini vellem, hanc eram ipsam excusationem relicturus ad Caesarem. sed fortasse in eo ipso offendetur, cur non Romae potius. ac tamen si est conveniendus, hic potissimum. tum reliqua videbimus, id est et quo et qua et quando.

[2] Domitius , ut audio, in Cosano est et quidem, ut aiunt, paratus ad navigandum, si in Hispaniam, non probo, si ad Gnaeum, laudo; quovis potius certe quam ut Curtium videat quem ego patronus

aspicere non possum. quid alios? sed, opinor, quiescamus, ne nostram culpam coarguamus qui, dum urbem, id est patriam, amamus dumque rem conventuram putamus, ita nos gessimus ut plane interclusi captique simus.

[3] scripta iam epistula Capua litterae sunt adlatae hoc a exemplo: ‘Pompeius mare transiit cum omnibus militibus quos secum habuit. hic numerus est hominum milia triginta et consules duo et tribuni pl. et senatores qui fuerunt cum eo omnes cum uxoribus et liberis. conscendisse dicitur a. d. iiii Nonas Martias. ex ea die fuere septemtriones venti. Navis quibus usus non est omnis aut praecidisse aut incendisse dicunt.’ de hac re litterae L. Metello tribuno pl. Capuam adlatae sunt a Clodia socru quae ipsa transiit.

[4] ante sollicitus eram et angebar, sicut res scilicet ipsa cogebat, quom consilio explicare nihil possem; nunc autem postquam Pompeius et consules ex Italia exierunt, non angor sed ardeo dolore,

oude moi etor
empedon, all’ alaluktemai.

non sum, inquam, mihi crede, mentis compos; tantum mihi dedecoris admisisse videor. mene non primum cum Pompeio qualicumque consilio usus (est), deinde cum bonis esse quamvis causa temere instituta? praesertim cum ii ipsi quorum ego causa timidius me fortunae committebam, uxor, filia, Cicerones pueri me illud sequi mallent, hoc turpe et me indignum putarent. nam Quintus quidem frater quicquid mihi placeret id rectum se putare aiebat, id animo aequissimo sequebatur.

[5] tuas nunc epistulas a primo lego. hae me paulum recreant. primae monent et rogant ne me proiciam, proximae gaudere te ostendunt me remansisse. eas cum lego, minus mihi turpis videor, sed tam diu dum lego. deinde emergit rursum dolor et aischrou phantasia. quam ob rem obsecro te, mi Tite, eripe mihi hunc dolorem aut minue saltem aut consolatione aut consilio aut quacumque re potes. quid tu autem possis? aut quid homo quisquam? vix iam deus.

[6] equidem illud molior quod tu mones sperasque fieri posse, ut mihi Caesar concedat ut absim cum aliquid in senatu contra Gnaeum agatur. sed timeo ne non impetrem. venit ab eo Furnius. Vt quidem

scias quos sequamur, Q. Titini filium cum Caesare esse nuntiat, sed illum maiores mihi gratias agere quam vellem. quid autem me roget paucis ille quidem verbis sed en dunamei, cognosce ex ipsius epistula. me miserum quod tu non valuisti! una fuissemus; consilium certe non defuisset; ‘sun te du’ erchomeno’ — .

[7] sed acta ne agamus, reliqua paremus. me adhuc haec duo fefellerunt, initio spes compositionis, qua facta volebam uti populari vita, sollicitudine senectutem nostram liberare; deinde bellum crudele et exitiosum suscipi a Pompeio intellegebam. melioris medius fidius civis et viri putabam quovis supplicio adfici quam illi crudelitati non solum praeesse verum etiam interesse. videtur vel mori satius fuisse quam esse cum his. ad haec igitur cogita, mi Attice, vel potius excogita. quemvis eventum fortius feram quam hunc dolorem.

[VIa]Scr. in itinere in m. Mart. a 705 (49).

CAESAR IMP. S. D. CICERONI IMP.

[1] Cum Furnium nostrum tantum vidissem neque loqui neque audire meo commodo potuissem, properarem atque essem in itinere praemissis iam legionibus, praeterire tamen non potui quin et scriberem ad te et illum mitterem gratiasque agerem, etsi hoc et feci saepe et saepius mihi facturus videor; ita de me merens. in primis a te peto, quoniam confido me celeriter ad urbem venturum, ut te ibi videam, ut tuo consilio, gratia, dignitate, ope omnium rerum uti possim. ad propositum revertar; festinationi meae brevitatique litterarum ignosces. reliqua ex Furnio cognosces.

[VII] Scr. in Formiano iii Id. Mart. a. 705(49).

CICERO ATTICO SAL.

[1] scripseram ad te epistulam quam darem iiii Idus. sed eo die is cui dare volueram non est profectus. venit autem eo ipso die ille ‘celeripes’ quem Salvius dixerat. attulit uberrimas tuas litteras; quae mihi quiddam quasi animulae instillarunt; recreatum enim me non queo dicere. sed plane to sunechon effecisti. ego enim non iam id

ago, mihi crede, ut prosperos exitus consequar. sic enim video, nec duobus his vivis nec hoc uno nos umquam rem publicam habituros. ita neque de otio nostro spero iam nec ullam acerbitatem recuso. Vnum illud extimescebam, ne quid turpiter facerem vel dicam iam ne fecissem.

[2] sic ergo habeto, salutaris te mihi litteras misisse neque solum has longiores quibus nihil potest esse explicatius, nihil perfectius, sed etiam illas breviores in quibus hoc mihi iucundissimum fuit, consilium factumque nostrum a Sexto probari, pergratumque mihi tu . . . fecisti; a quo et diligi me et quid rectum sit intellegi scio. longior vero tua epistula non me solum sed meos omnis aegritudine levavit. itaque utar tuo consilio et ero in Formiano, ne aut ad urbem apantesis mea animadvertatur aut, si nec hic nec illic eum videro, devitatum se a me putet.

[3] quod autem suades ut ab eo petam ut mihi concedat ut idem tribuam Pompeio quod ipsi tribuerim, id me iam pridem agere intelleges ex litteris Balbi et Oppi quarum exempla tibi misi. misi etiam Caesaris ad eos sana mente scriptas quo modo in tanta insania. sin mihi Caesar hoc non concedat, video tibi placere illud, me politeuma de pace suscipere; in quo non extimesco periculum (cum enim tot impendeant, cur non honestissimo depecisci velim?) sed vereor ne Pompeio quid oneris imponam, me moi gorgeien kephalen deinoio pelorou intorqueat. mirandum enim in modum Gnaeus noster Sullani regni similitudinem concupivit. eidos soi lego. nihil ille umquam minus obscure tulit. ‘Cum hocne igitur’ inquies ‘esse vis?’ beneficium sequor, mihi crede, non causam, ut in Milone, ut in . . . sed hactenus. ‘causa igitur non bona est?’

[4] immo optima, sed agetur, memento, foedissime. primum consilium est suffocare urbem et Italiam fame, deinde agros vastare, urere, pecuniis locupletum non abstinere. sed cum eadem metuam ab hac parte, si illim beneficium non sit, rectius putem quidvis domi perpeti. sed ita meruisse illum de me puto ut acharistias crimen subire non audeam, quamquam a te eius quoque rei iusta defensio est explicata.

[5] de triumpho tibi adsentior quem quidem totum facile et libenter abiecero. Egregie probo fore ut, dum vagamur, ploos horaios obrepat. ‘si modo’ inquis ‘satis ille erit firmus.’ est firmior etiam quam

putabamus. de isto licet bene speres. promitto tibi, si valebit, tegulam illum in Italia nullam relicturum. ‘Tene igitur socio?’ contra me hercule meum iudicium et contra omnium antiquorum auctoritatem, nec tam ut illa adiuvem quam ut haec ne videam cupio discedere. noli enim putare tolerabilis horum insanias nec unius modi fore. etsi quid te horum fugit, legibus, iudiciis, senatu sublato libidines, audacias, sumptus, egestates tot egentissimorum hominum nec privatas posse res nec rem publicam sustinere? abeamus igitur inde qualibet navigatione; etsi id quidem ut tibi videbitur, sed certe abeamus. sciemus enim, id quod exspectas, quid Brundisi actum sit.

[6] bonis viris quod ais probari quae adhuc fecerimus scirique ab iis (nos) non profectos valde gaudeo, si est nunc ullus gaudendi locus. de Lentulo investigabo diligentius. id mandavi Philotimo, homini forti ac nimium optimati.

[7] extremum est ut tibi argumentum ad scribendum fortasse iam desit. nec enim alia de re nunc ulla scribi potest, et de hac quid iam amplius inveniri potest? sed quoniam et ingenium suppeditat (dico me hercule ut sentio) et amor quo et meum ingenium incitatur, perge, ut facis, et scribe quantum potes. in Epirum quod me non invitas, comitem non molestum, subirascor. sed vale. nam ut tibi ambulandum, ungendum, sic mihi dormiendum. etenim litterae tuae mihi somnum attulerunt

[VIIC] Scr. in itinere circ. Non. Mart

CAESAR OPPIO CORNELIO SAL.

[1] gaudeo me hercule vos significare litteris quam valde probetis ea quae apud Corfinium sunt gesta. consilio vestro utar libenter et hoc libentius quod mea sponte facere constitueram ut quam lenissimum me praeberem et Pompeium darem operam ut reconciliarem. temptemus hoc modo si possimus omnium voluntates reciperare et diuturna victoria uti, quoniam reliqui crudelitate odium effugere non potuerunt neque victoriam diutius tenere praeter unum L. Sullam quem imitaturus non sum. haec nova sit ratio vincendi ut misericordia et liberalitate nos muniamus. id quem ad modum fieri possit non nulla mi in mentem veniunt et multa reperiri possunt. de

his rebus rogo vos ut cogitationem suscipiatis. N. Magium Pompei praefectum deprehendi. [2] scilicet meo instituto usus sum et eum statim missum feci. iam duo praefecti fabrum Pompei in meam potestatem venerunt et a me missi sunt. si volent grati esse, debebunt Pompeium hortari ut malit mihi esse amicus quam iis qui et illi et mihi semper fuerunt inimicissimi, quorum artificiis effectum est ut res publica in hunc statum perveniret.

[VIII] Scr. in Formiano prid. Id. Mart. a. 705 (49).

CICERO ATTICO SAL.

[1] cenantibus ii Idus nobis ac noctu quidem Statius a te epistulam brevem attulit. de L. Torquato quod quaeris, non modo Lucius sed etiam Aulus profectus est, . . . alter multos. de Reatinorum corona quod scribis, moleste fero in agro Sabino sementem fieri proscriptionis. senatores multos esse Romae nos quoque audieramus. ecquid potes dicere cur exierint?

[2] in his locis opinio est coniectura magis quam nuntio aut litteris Caesarem Formiis a. d. xi Kal. Aprilis fore. hic ego vellem habere Homeri illam Minervam simulatam Mentori cui dicerem, Mentor, pos t' ar' io, pos t' ar prosptuxomai auton; nullam rem umquam difficiliorem cogitavi, sed cogito tamen nec ero, ut in malis, imparatus. sed cura ut valeas. puto enim diem tuum heri fuisse.

[IX] Scr. in Formiano xvi K Apr. a. 705(49).

CICERO ATTICO SAL.

[1] tris epistulas tuas accepi postridie Idus. erant autem iiii, iii, pridie Idus datae. igitur antiquissimae cuique primum respondebo. adsentio tibi, ut in Formiano potissimum commorer, etiam de supero mari, plaboque, ut antea ad te scripsi, ecquonam modo possim voluntate eius nullam rei publicae partem attingere. quod laudas quia oblivisci me scripsi ante facta et delicta nostri amici, ego vero ita facio. quin ea ipsa, quae a te commemorantur, secus ab eo in me ipsum facta esse non memini. tanto plus apud me valere benefici gratiam quam iniuriae dolorem volo. faciamus igitur, ut censes, conligamusque nos.

Sophisteuo enim simul ut rus decurro atque in decursu theseis meas commentari non desino. sed sunt quaedam earum perdifficiles ad iudicandum. de optimatibus sit sane ita ut vis; sed nosti illud 'Dionusios en Korinthoi.'

[2] Titini filius apud Caesarem est. quod autem quasi vereri videris ne mihi tua consilia displiceant, me vero nihil delectat aliud nisi consilium et litterae tuae. qua re fac, ut ostendis, ne destiteris ad me quicquid tibi in mentem venerit scribere. mihi nihil potest esse gratius. venio ad alteram nunc epistulam. recte non credis de numero militum; ipso dimidio plus scripsit Clodia. falsum etiam de corruptis navibus. quod consulem laudas, ego quoque animum laudo sed consilium reprehendo; dispersu enim illorum actio de pace sublata est quam quidem ego meditabar. itaque postea Demetri librum de concordia tibi remisi et Philotimo dedi. nec vero dubito quin exitiosum bellum impendeat cuius initium ducetur a fame. et me tamen doleo non interesse huic bello! in quo tanta vis sceleris futura est ut, cum parentis non alere nefarium sit, nostri principes antiquissimam et sanctissimam parentem, patriam, fame necandam putent. atque hoc non opinione timeo sed interfui sermonibus. omnis haec classis Alexandrea, Colchis, Tyro, Sidone, arado, Cypro, Pamphylia, Lycia, Rhodo, Chio, Byzantio, Lesbo, Zmyrna, Mileto, Coo ad intercludendos commeatus Italiae et ad occupandas frumentarias provincias comparatur. at quam veniet iratus! et iis quidem maxime qui eum maxime salvum volebant, quasi relictus ab iis quos reliquit. itaque mihi dubitanti quid me facere par sit, permagnum pondus adfert benevolentia erga illum; qua dempta perire melius esset in patria quam patriam servando evertere. de septemtrione plane ita est. metuo ne vexetur Epirus; sed quem tu locum Graeciae non direptum iri putas? praedicat enim palam et militibus ostendit se largitione ipsa superiorem quam hunc fore. illud me praeclare admones, cum illum videro, ne nimis indigenter et ut cum gravitate potius loquar. plane sic faciendum. Arpinum, cum eum convenero, cogito, ne forte aut absim cum veniet aut cursem huc illuc via deterrima. Bibulum, ut scribis, audio venisse et redisse pridie Idus.

[3] Philotimum, ut ais in epistula tertia, exspectabas. at ille Idibus a me profectus est. eo serius ad tuam illam epistulam quoi ego statim

rescripseram redditae sunt meae litterae. de Domitio, ut scribis, ita opinor esse ut et in Cosano sit et consilium eius ignoretur. iste omnium turpissimus et sordidissimus qui consularia comitia a praetore ait haberi posse est ille idem qui semper in re publica fuit. itaque nimirum hoc illud est quod Caesar scribit in ea epistula cuius exemplum ad te misi, se velle uti ‘consilio’ meo (age, esto; hoc commune est), ‘gratia’ (ineptum id quidem sed, puto, hoc simulat ad quasdam senatorum sententias), ‘dignitate’ (fortasse sententia consulari). illud extremum est, ‘ope omnium rerum.’ id ego suspicari coepi tum ex tuis litteris aut hoc ipsum esse aut non multo secus. nam permagni eius interest rem ad interregnum non venire. id adsequitur, si per praetorem consules creantur. nos autem in libris habemus non modo consules a praetore sed ne praetores quidem creari ius esse idque factum esse numquam; consules eo non esse ius quod maius imperium a minore rogari non sit ius, praetores autem quod ita rogentur ut conlegae consulibus sint quorum est maius imperium. aberit non longe quin hoc a me decerni velit neque sit contentus Galba, Scaevola, Cassio, Antonio, tote moi chanoi eureia chthon.

[4] sed quanta tempestas impendeat vides. qui transierint senatores scribam ad te cum certum habebo. de re frumentaria recte intellegis quae nullo modo administrari sine vectigalibus potest; nec sine causa et eos qui circum illum sunt omnia postulantis et bellum nefarium times. Trebatium nostrum, etsi, ut scribis, nihil bene sperat, tamen videre sane velim. quem fac horteris ut properet; opportune enim ad me ante adventum Caesaris venerit. de Lanuvino, statim ut audivi Phameam mortuum, optavi, si modo esset futura res publica, ut id aliquis emeret meorum neque tamen de te qui maxime meus es cogitavi. sciebam enim te ‘quoto anno’ et ‘quantum in solo’ solere quaerere neque solum Romae sed etiam Deli tuum diagramma videram. verum tamen ego illud, quamquam est bellum, minoris aestimo quam aestimabatur Marcellino consule, cum ego istos hortulos propter domum antiquam quam tum habebam iucundiores mihi fore putabam et minore impensa quam si Tusculanum refecissem. volui HS Q. Egi per + predum ille daret tanti quom+ haberet venale. noluit. sed nunc omnia ista iacere puto propter nummorum caritatem. mihi quidem erit aptissimum vel nobis potius

si tu emeris; sed eius dementias cave contemnas. valde est venustum. quamquam mihi ista omnia iam addicta vastitati videntur.

respondi epistulis tribus sed exspecto alias; nam me adhuc tuae litterae sustentarunt. D. Liberalibus.

[IXa] Scr. Romae vi aut v Id. Mart a. 705 (49).

BALBVS ET OPPIVS S. D. M. CICERONI

[1] nedum hominum humilium, ut nos sumus, sed etiam amplissimorum virorum consilia ex eventu, non ex voluntate a plerisque probari solent. tamen freti tua humanitate quod verissimum nobis videbitur de eo quod ad nos scripsisti tibi consilium dabimus. quod si non fuerit prudens, at certe ab optima fide et optimo animo proficiscetur. nos si id quod nostro iudicio Caesarem facere oportere existimamus, ut, simul Romam venerit, agat de reconciliatione gratiae suae et Pompei, id eum facturum ex ipso cognovissemus, te hortari <non desineremus> ut velles iis rebus interesse, quo facilius et maiore cum dignitate per te qui utrique es coniunctus res tota confieret, aut si ex contrario putaremus Caesarem id non facturum et etiam velle cum Pompeio bellum gerere sciremus, numquam tibi suaderemus contra hominem optime de te meritum arma ferres, sicuti te semper oravimus ne contra Caesarem pugnares.

[2] sed cum etiam nunc quid facturus Caesar sit magis opinari quam scire <possimus>, non possumus nisi hoc, non videri eam tuam esse dignitatem neque fidem omnibus cognitam ut contra alterutrum, cum utrique sis maxime necessarius, arma feras, et hoc non dubitamus quin Caesar pro sua humanitate maxime sit probaturus. nos tamen, si tibi videbitur, ad Caesarem scribemus ut nos certiores faciat quid de hac re acturus sit. A quo si erit nobis rescriptum, statim quae sentiemus ad te scribemus et tibi fidem faciemus nos ea suadere quae nobis videntur tuae dignitati, non Caesaris actioni esse utilissima, et hoc Caesarem pro indulgentia in suos probaturum putamus.

[IXb] Scr. Romae v aut iv Id. Mart a. 705 (49).

BALBVS CICERONI IMP. SAL.

[1] S. V. B. <E.> postea quam litteras communis cum Oppio ad te dedi, ab Caesare epistulam accepi cuius exemplum tibi misi; ex qua perspicere poteris quam cupiat concordiam <suam> et Pompei reconciliare et quam remotus sit ab omni crudelitate; quod eum sentire, ut debeo, valde gaudeo. de te et tua fide et pietate idem me hercule, mi Cicero, sentio quod tu, non posse tuam famam et officium sustinere ut contra eum arma feras a quo tantum beneficium te accepisse praedices.

[2] Caesarem hoc idem probaturum exploratum pro singulari eius humanitate habeo eique cumulatissime satis facturum te certo scio cum nullam partem belli contra eum suscipias neque socius eius adversariis fueris. atque hoc non solum in te, tali et tanto viro, satis habebit, sed etiam mihi ipse sua concessit voluntate ne in iis castris essem quae contra Lentulum aut Pompeium futura essent quorum beneficia maxima haberem, sibique satis esse dixit si togatus urbana officia sibi praestitissem quae etiam illis, si vellem, praestare possem. itaque nunc Romae omnia negotia Lentuli procuro sustineo meumque officium, fidem, pietatem iis praesto. sed me hercule rursus iam abiectam compositionis spem non desperatissimam esse puto, quoniam Caesar est ea mente quam optare debemus. hac re mihi placet, si tibi videtur, te ad eum scribere et ab eo praesidium petere, ut petiisti a Pompeio me quidem adprobante temporibus Milonianis. praestabo, si Caesarem bene novi, eum prius tuae dignitatis quam suae utilitatis rationem habiturum.

[3] haec quam prudenter tibi scribam nescio, sed illud certe scio, me ab singulari amore ac benevolentia quaecumque scribo tibi scribere, quod te (ita incolumi Caesare moriar!) tanti facio ut paucos aeque ac te caros habeam. de hac re cum aliquid constitueris, velim mihi scribas. nam non mediocriter laboro <ut> utrique, ut vis, tuam benevolentiam praestare possis quam me hercule te praestaturum confido. fac valeas.

[X] Scr. in Formiano xvi K Apr. a. 705(49).

CICERO ATTICO SAL.

[1] tris epistulas tuas accepi postridie Idus. erant autem iiii, iii, pridie Idus datae. igitur antiquissimae cuique primum respondebo. adsentio tibi, ut in Formiano potissimum commorer, etiam de supero mari, + plaboque+ , ut antea ad te scripsi, ecquonam modo possim voluntate eius nullam rei publicae partem attingere. quod laudas quia oblivisci me scripsi ante facta et delicta nostri amici, ego vero ita facio. quin ea ipsa, quae a te commemorantur, secus ab eo in me ipsum facta esse non memini. tanto plus apud me valere benefici gratiam quam iniuriae dolorem volo. faciamus igitur, ut censes, conligamusque nos. Sophisteuo enim simul ut rus decurro atque in decursu theseis meas commentari non desino. sed sunt quaedam earum perdifficiles ad iudicandum. de optimatibus sit sane ita ut vis; sed nosti illud 'Dionusios en Korinthoi.'

[2] Titini filius apud Caesarem est. quod autem quasi vereri videris ne mihi tua consilia displiceant, me vero nihil delectat aliud nisi consilium et litterae tuae. qua re fac, ut ostendis, ne destiteris ad me quicquid tibi in mentem venerit scribere. mihi nihil potest esse gratius. venio ad alteram nunc epistulam. recte non credis de numero militum; ipso dimidio plus scripsit Clodia. falsum etiam de corruptis navibus. quod consulem laudas, ego quoque animum laudo sed consilium reprehendo; dispersu enim illorum actio de pace sublata est quam quidem ego meditabar. itaque postea Demetri librum de concordia tibi remisi et Philotimo dedi. nec vero dubito quin exitiosum bellum impendeat cuius initium ducetur a fame. et me tamen doleo non interesse huic bello! in quo tanta vis sceleris futura est ut, cum parentis non alere nefarium sit, nostri principes antiquissimam et sanctissimam parentem, patriam, fame necandam putent. atque hoc non opinione timeo sed interfui sermonibus. omnis haec classis Alexandrea, Colchis, Tyro, Sidone, arado, Cypro, Pamphylia, Lycia, Rhodo, Chio, Byzantio, Lesbo, Zmyrna, Mileto, Coo ad intercludendos commeatus Italiae et ad occupandas frumentarias provincias comparatur. at quam veniet iratus! et iis quidem maxime qui eum maxime salvum volebant, quasi relictus ab iis quos reliquit. itaque mihi dubitanti quid me facere par sit, permagnum pondus adfert benevolentia erga illum; qua dempta perire melius esset in patria quam patriam servando evertere. de septemtrione plane ita est. metuo ne vexetur Epirus; sed quem tu

locum Graeciae non direptum iri putas? praedicat enim palam et militibus ostendit se largitione ipsa superiorem quam hunc fore. illud me praeclare admones, cum illum videro, ne nimis indigenter et ut cum gravitate potius loquar. plane sic faciendum. Arpinum, cum eum convenero, cogito, ne forte aut absim cum veniet aut cursem huc illuc via deterrima. Bibulum, ut scribis, audio venisse et redisse pridie Idus.

[3] Philotimum, ut ais in epistula tertia, exspectabas. at ille Idibus a me profectus est. eo serius ad tuam illam epistulam quoi ego statim rescripseram redditae sunt meae litterae. de Domitio, ut scribis, ita opinor esse ut et in Cosano sit et consilium eius ignoretur. iste omnium turpissimus et sordidissimus qui consularia comitia a praetore ait haberi posse est ille idem qui semper in re publica fuit. itaque nimirum hoc illud est quod Caesar scribit in ea epistula cuius exemplum ad te misi, se velle uti ‘consilio’ meo (age, esto; hoc commune est), ‘gratia’ (ineptum id quidem sed, puto, hoc simulat ad quasdam senatorum sententias), ‘dignitate’ (fortasse sententia consulari). illud extremum est, ‘ope omnium rerum.’ id ego suspicari coepi tum ex tuis litteris aut hoc ipsum esse aut non multo secus. nam permagni eius interest rem ad interregnum non venire. id adsequitur, si per praetorem consules creantur. nos autem in libris habemus non modo consules a praetore sed ne praetores quidem creari ius esse idque factum esse numquam; consules eo non esse ius quod maius imperium a minore rogari non sit ius, praetores autem quod ita rogentur ut conlegae consulibus sint quorum est maius imperium. aberit non longe quin hoc a me decerni velit neque sit contentus Galba, Scaevola, Cassio, Antonio, tote moi chanoi eureia chthon.

[4] sed quanta tempestas impendeat vides. qui transierint senatores scribam ad te cum certum habebo. de re frumentaria recte intellegis quae nullo modo administrari sine vectigalibus potest; nec sine causa et eos qui circum illum sunt omnia postulantis et bellum nefarium times. Trebatium nostrum, etsi, ut scribis, nihil bene sperat, tamen videre sane velim. quem fac horteris ut properet; opportune enim ad me ante adventum Caesaris venerit. de Lanuvino, statim ut audivi Phameam mortuum, optavi, si modo esset futura res publica, ut id aliquis emeret meorum neque tamen de te qui maxime meus es

cogitavi. sciebam enim te ‘quoto anno’ et ‘quantum in solo’ solere quaerere neque solum Romae sed etiam Deli tuum diagramma videram. verum tamen ego illud, quamquam est bellum, minoris aestimo quam aestimabatur Marcellino consule, cum ego istos hortulos propter domum antiquam quam tum habebam iucundiores mihi fore putabam et minore impensa quam si Tusculanum refecissem. volui HS Q. Egi per + predum ille daret tanti quom+ haberet venale. noluit. sed nunc omnia ista iacere puto propter nummorum caritatem. mihi quidem erit aptissimum vel nobis potius si tu emeris; sed eius dementias cave contemnas. valde est venustum. quamquam mihi ista omnia iam addicta vastitati videntur.

respondi epistulis tribus sed exspecto alias; nam me adhuc tuae litterae sustentarunt. D. Liberalibus.

[XI] Scr. in Formiano xiii K. Apr. a. 705(49).

CICERO ATTICO SAL.

[1] Lentulum nostrum scis Puteolis esse? quod cum e viatore quodam esset auditum qui se diceret eum in Appia, cum is paulum lecticam aperuisset, cognosse, etsi vix veri simile (est), misi tamen Puteolos pueros qui pervestigarent et ad eum litteras. inventus est vix in hortis suis (se) occultans litterasque mihi remisit mirifice gratias agens Caesari; de suo autem consilio C. Caesio mandata ad me dedisse. Eum ego hodie exspectabam, id est xiii K. Aprilis.

[2] venit etiam ad me Matius Quinquatribus, homo me hercule, ut mihi visus est, temperatus et prudens; existimatus quidem est semper auctor oti. quam ille hoc non probare mihi quidem visus est, quam illam nekuian, ut tu appellas, timere! huic ego in multo sermone epistulam ad me Caesaris ostendi, eam cuius exemplum ad te antea misi, rogavique ut interpretaretur quid esset quod ille scriberet ‘consilio meo se uti velle, gratia, dignitate, ope rerum omnium.’ respondit se non dubitare quin et opem et gratiam meam ille ad pacificationem quaereret. Vtinam aliquod in hac miseria rei publicae politikon opus efficere et navare mihi liceat! Matius quidem et illum in ea sententia esse confidebat et se auctorem fore pollicebatur. pridie autem apud me Crassipes fuerat qui se pridie Non. Martias Brundisio

profectum atque ibi Pompeium reliquisse dicebat, quod etiam qui viii Idus illinc profecti erant nuntiabant; illa vero omnes in quibus etiam Crassipes qui (pro) prudentia potuit attendere, sermones minacis, inimicos optimatium, municipiorum hostis, meras proscriptiones, meros Sullas; quae Lucceium loqui, quae totam Graeciam, quae vero Theophanem!

[4] et tamen omnis spes salutis in illis est et ego excubo animo nec partem ullam capio quietis et, ut has pestis effugiam, cum dissimillimis nostri esse cupio! quid enim tu illic Scipionem, quid Faustum, quid Libonem praetermissurum sceleris putas quorum creditores convenire dicuntur? quid eos autem, cum vicerint, in civis effecturos? quam vero mikropsuchian Gnaei nostri esse? nuntiant Aegyptum et Arabiam eudaimona et Mesopotamian cogitare, iam Hispaniam abiecisse. monstra narrant; quae falsa esse possunt sed certe et haec perdita sunt et illa non salutaria. tuas litteras iam desidero. post fugam nostram numquam iam tantum earum intervallum fuit. misi ad te exemplum litterarum mearum ad Caesarem quibus me aliquid profecturum puto.

[XIa] Scr. in Formiano x'tv K. Apr. a. 705 (49).

CICERO IMP. S. D. CAESARI IMP.

[1] Vt legi tuas litteras quas a Furnio nostro acceperam quibus mecum agebas ut ad urbem essem, te velle uti 'consilio et dignitate mea' minus sum admiratus; de 'gratia' et de 'ope', quid significares mecum ipse quaerebam, spe tamen deducebar ad eam cogitationem ut te pro tua admirabili ac singulari sapientia de otio, de pace, de concordia civium agi velle arbitrarer, et ad eam rationem existimabam satis aptam esse et naturam et personam meam.

[2] quod si ita est et si qua de Pompeio nostro tuendo et tibi ac rei publicae reconciliando cura te attingit, magis idoneum quam ego sum ad eam causam profecto reperies neminem qui et illi semper et senatui cum primum potui pacis auctor fui nec sumptis armis belli ullam partem attigi iudicavique eo bello te violari contra cuius honorem populi Romani beneficio concessum inimici atque invidi niterentur. sed ut eo tempore non modo ipse fautor dignitatis tuae fui

verum etiam ceteris auctor ad te adiuvandum, sic me nunc Pompei dignitas vehementer movet. aliquot enim sunt anni cum vos duo delegi quos praecipue colerem et quibus essem, sicut sum, amicissimus.

[3] quam ob rem a te peto vel potius omnibus te precibus oro et obtestor ut in tuis maximis curis aliquid impertias temporis huic quoque cogitationi ut tuo beneficio bonus vir, gratus, pius denique esse in maximi benefici memoria possim. quae si tantum ad me ipsum pertinerent, sperarem me a te tamen impetraturum, sed, ut arbitror, et ad tuam fidem et ad rem publicam pertinet me et pacis et utriusque vestrum . . . et ad civium concordiam per te quam accommodatissimum conservari. ego cum antea tibi de Lentulo gratias egissem, cum ei saluti qui mihi fuerat fuisses, tamen lectis eius litteris quas ad me gratissimo animo de tua liberalitate beneficioque misit, +eandem me salutem a te accepisse+ quam ille. in quem si me intellegis esse gratum, cura, obsecro, ut etiam in Pompeium esse possim.

[XII] Scr. in Formiano xiii K. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] legeram tuas litteras xiii K., cum mihi epistula adfertur a Lepta circumvallatum esse Pompeium, ratibus etiam exitus portus teneri. non medius fidius prae lacrimis possum reliqua nec cogitare nec scribere. misi ad te exemplum. miseros nos! cur non omnes fatum illius una exsecuti sumus? ecce autem a Matio et Trebatio eadem, quibus Menturnis obvii Caesaris tabellarii. torqueor infelix, ut iam illum Mucianum exitum exoptem. at quam honesta, at quam expedita tua consilia, quam evigilata tuis cogitationibus, qua itineris, qua navigationis, qua congressus sermonisque cum Caesare! omnia cum honesta tum cauta. in Epirum vero invitatio quam suavis, quam liberalis, quam fraterna!

[2] de Dionysio sum admiratus qui apud me honoratior fuit quam apud Scipionem Panaetius; a quo impurissime haec nostra fortuna despecta est. odi hominem et odero; utinam ulcisci possem! sed illum ulciscentur mores sui.

[3] tu, quaeso, nunc vel maxime quid agendum nobis sit cogita. populi Romani exercitus Cn. Pompeium circumsedet, fossa et vallo saeptum tenet, fuga prohibet; nos vivimus, et stat urbs ista, praetores ius dicunt, aediles ludos parant, viri boni usuras perscribunt, ego ipse sedeo! coner illuc ire ut insanus, implorare fidem municipiorum? boni non sequentur, leves inridebunt, rerum novarum cupidi, victores praesertim et armati , vim et manus adferent.

[4] quid censes igitur? ecquidnam est tui consili + ad+ finis huius miserrimae vitae? nunc doleo, nunc torqueor, cum quoidam aut sapiens videor quod una non ierim aut felix fuisse. mihi contra. numquam enim illius victoriae socius esse volui, calamitatis mallem fuisse. quid ego nunc tuas litteras, quid tuam prudentiam aut benevolentiam implorem? actum est; nulla re iam possum iuvari qui ne quod optem quidem iam habeo nisi ut aliqua inimici misericordia liberemur.

[XIII] Scr. in Formiano ix K Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Ouk est' etumos logos, ut opinor, ille de ratibus. quid enim esset quod Dolabella iis litteris quas iii Idus Martias a Brundisio dedit hanc quasi euemerian Caesaris scriberet, Pompeium in fuga esse eumque primo vento navigaturum? quod valde discrepat ab iis epistulis quarum exempla antea ad te misi. hic quidem mera scelera loquuntur; sed non erat nec recentior auctor nec huius quidem rei melior Dolabella.

[21] tuas xi K. accepi litteras quibus omnia consilia differs in id tempus cum scierimus quid actum sit. et certe ita est, nec interim potest quicquam non modo statui sed ne cogitari quidem. quamquam hae me litterae Dolabellae iubent ad pristinas cogitationes reverti. fuit enim pridie Quinquatrus egregia tempestas; qua ego illum usum puto.

[3] Sunagoge consiliorum tuorum non est a me conlecta ad querelam sed magis ad consolationem meam. nec enim me tam haec mala angebant quam suspicio culpae ac temeritatis meae. eam nullam puto esse, quoniam cum consiliis tuis mea facta et consilia

consentiunt. quod mea praedicatione factum esse scribis magis quam illius merito ut tantum ei debere viderer, est ita. ego illa extuli semper et eo quidem magis ne quid ille superiorum meminisse me putaret. quae si maxime meminissem, tamen illius temporis similitudinem iam sequi deberem. nihil me adiuvit cum posset; sed postea fuit amicus, etiam valde, nec quam ob causam plane scio. ergo ego quoque illi. quin etiam illud par in utroque nostrum, quod ab eisdem inlecti sumus. sed utinam tantum ego ei prodesse potuissem quantum mihi ille potuit! mihi tamen quod fecit gratissimum. nec ego nunc eum iuvare qua re possim scio nec, si possem, cum tam pestiferum bellum pararet, adiuvandum putarem.

[4] tantum offendere animum eius hic manens nolo nec me hercule ista videre quae tu potes iam animo providere, nec interesse istis malis possem. sed eo tardior ad discedendum fui quod difficile est de discessu voluntario sine ulla spe reditus cogitare. nam ego hunc ita paratum video peditatu, equitatu, classibus, auxiliis Gallorum quos Matius elapizen, ut puto, sed certe dicebat . . . peditum, equitum se polliceri sumptu suo annos decem. sed sit hoc lapisma; magnas habet certe copias et habebit non Italiae vectigal sed civium bona. adde confidentiam hominis, adde imbecillitatem bonorum virorum qui quidem, quod illum sibi merito iratum putant, oderunt, ut tu scribis + ludum cc vellem scribis, quisnam hic significasset. sed et iste, quia+ plus ostenderat quam fecit et vulgo illum qui amarunt non amant; municipia vero et rustici Romani illum metuunt, hunc adhuc diligunt. qua re ita paratus est ut, etiam si vincere non possit, quo modo tamen vinci ipse possit non videam. ego autem non tam goeteian huius timeo quam peithananken. ‘Hai gar ton turannon deeseis’ inquit Platon ‘oisth’ hoti memigmenai anankais.’

illa alimena video tibi non probari. quae ne mihi quidem placebant; sed habebam in illis et occultationem et huperesian fidelem. quae si mihi Brundisi suppeterent, mallem; sed ibi occultatio nulla est. verum, ut scribis, cum sciemus.

[6] viris bonis me non nimis excuso. quas enim eos cenas et facere et obire scripsit ad me Sextus, quam lautas, quam tempestivas! sed sint quamvis boni, non sunt meliores quam nos. moverent me, si essent fortiores.

de Lanuvino Phameae erravi; Troianum somniaveram. id ego

volui Q. sed pluris est. istuc tamen cuperem emere, si ullam spem fruendi viderem.

[7] nos quae monstra cotidie legamus intelleges ex illo libello qui in epistulam coniectus est. Lentulus noster Puteolis est , ademonon is, ut Caesius narrat, quid agat. Diatropen Corfiniensem reformidat. Pompeio nunc putat satis factum, beneficio Caesaris movetur, sed tamen movetur magis prospectare.

[8] Tene haec posse ferre? omnia misera sed hoc nihil miserius. Pompeius N. Magium de pace misit et tamen oppugnatur. quod ego non credebam, sed habeo a Balbo litteras quarum ad te exemplum misi. lege, quaeso, et illud infimum caput ipsius Balbi optimi, cui Gnaeus noster locum ubi hortos aedificaret dedit, quem cui nostrum non saepe praetulit? itaque miser torquetur. sed ne bis eadem legas, ad ipsam te epistulam reicio. spem autem pacis habeo nullam. Dolabella suis litteris iii Idus Mart datis merum bellum loquitur. maneamus ergo in illa eadem sententia misera et desperata, quando hoc miserius esse nihil potest.

[XIIIa]Scr. Romae circ. x K. Apr. 705 (49).

BALBVS CICERONI IMP. SAL. DIC.

[1] Caesar nobis litteras perbrevis misit; quarum exemplum subscripsi. brevitate epistulae scire poteris eum valde esse distentum qui tanta de re tam breviter scripserit. si quid praeterea novi fuerit, statim tibi scribam. CAESAR OPPIO CORNELIO SAL. A. d. vii Idus Martias Brundisium veni, ad murum castra posui. Pompeius est Brundisi. misit ad me N. Magium de pace. quae visa sunt respondi. hoc vos statim scire volui. quom in spem venero de compositione aliquid me conficere, statim vos certiores faciam.

[2] quo modo me nunc putas, mi Cicero, torqueri, postquam rursus in spem pacis veni, ne qua res eorum compositionem impediat? namque quod absens facere possum opto. quod si una essem, aliquid fortasse proficere posse mi viderer. nunc exspectatione crucior.

[XIV] Scr. in Formiano viii K. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] miseram ad te viiii K. exemplum epistulae Balbi ad me et Caesaris ad eum. ecce tibi eodem die Capua litteras accepi ab Q. Pedio Caesarem ad se pridie Idus Martias hoc exemplo: Pompeius se oppido tenet. nos ad portas castra habemus. conamur opus magnum et multorum dierum propter altitudinem maris. sed tamen nihil est

quod potius faciamus. ab utroque portus cornu moles iacimus, ut aut illum quam primum traicere quod habet Brundisi copiarum cogamus aut exitu prohibeamus.

[2] Vbi est illa pax de qua Balbus scripserat torqueri se? ecquid acerbius, ecquid crudelius? atque eum loqui quidam authentikos narrabat Cn. Carbonis, M. Bruti se poenas persequi omniumque eorum in quos Sulla crudelis hoc socio fuisset; nihil Curionem se duce facere quod non hic Sulla duce fecisset; + ad ambitionem+ , quibus exsili poena superioribus legibus non fuisset, ab illo patriae proditores de exsilio reductos esse; queri de Milone per vim expulso; neminem tamen se violaturum nisi qui arma contra. haec Baebius quidam a Curione iii id. profectus, homo non infans sed + quis ulli+ non dicat. plane nescio quid agam. illim equidem Gnaeum profectum puto. quicquid est biduo sciemus. A te nihil ne Anteros quidem litterarum; nec mirum. quid enim est quod scribamus? ego tamen nullum diem praetermitto.

[3] scripta epistula litterae mihi ante lucem a Lepta Capua redditae sunt Idib. Mart. Pompeium a Brundisio conscendisse, at Caesarem a. d. vii Kal. Aprilis Capuae fore.

[XV] Scr. in Formiano viii K Apr. a. 70; (49).

CICERO ATTICO SAL.

[1] Cum dedissem ad te litteras ut scires Caesarem Capuae vii Kal. fore, adlatae mihi Capua sunt + et hoc mihi et+ in Albano apud Curionem v K. fore. Eum cum videro, Arpinum pergam. si mihi veniam quam peto dederit, utar illius condicione; si minus, impetrabo aliquid a me ipso. ille, ut ad me scripsit, legiones singulas posuit Brundisi, Tarenti, Siponti. claudere mihi videtur maritimos exitus et tamen ipse Graeciam spectare potius quam Hispanias.

[2] sed haec longius absunt. me nunc et congressus huius stimulat (is vero adest) et primas eius actiones horreo. volet enim, credo, S. C. facere, volet augurum decretum (rapiemur aut absentes vexabimur), vel ut consules roget praetor vel dictatorem dicat; quorum neutrum ius est. etsi, si Sulla potuit efficere ab interrege ut dictator diceretur [et magister equitum], cur hic non possit? nihil expedio nisi ut aut ab

hoc tamquam Q. Mucius aut ab illo tamquam L. Scipio.

[3] Cum tu haec leges, ego illum fortasse convenero. ‘Tetlathi’ ‘Kunteron’ ne illud quidem nostrum proprium. erat enim spes propinqui reditus, erat hominum querela. nunc exire cupimus, qua spe reditus mihi quidem numquam in mentem venit. non modo autem nulla querela est municipalium hominum ac rusticorum sed contra metuunt ut crudelem, iratum. nec tamen mihi quicquam est miserius quam remansisse nec optatius quam evolare non tam ad belli quam ad fugae societatem. + sed tu omnia qui+ consilia differebas in id tempus cum sciremus quae Brundisi acta essent. scimus nempe; haeremus nihilo minus. vix enim spero mihi hunc veniam daturum, etsi multa adfero iusta ad impetrandum. sed tibi omnem illius meumque sermonem omnibus verbis expressum statim mittam.

[4] tu nunc omni amore enitere ut nos cura tua et prudentia iuves. ita subito accurrit ut ne T. Rebilum quidem, ut constitueram, possim videre; omnia nobis imparatis agenda. sed tamen ‘alla men autos,’ ut ait ille, ‘alla de kai daimon hupothesetai.’ quicquid egero continuo scies. mandata Caesaris ad consules et ad Pompeium quae rogas, nulla habeo + et descripta attulit illa e via+ misi ad te ante; e quibus mandata intellegi posse. Philippus Neapoli est, Lentulus Puteolis. de Domitio, ut facis, sciscitare ubi sit, quid cogitet.

[5] quod scribis asperius me quam mei patiantur mores de Dionysio scripsisse, vide quam sim antiquorum hominum. te medius fidius hanc rem gravius putavi laturum esse quam me. nam praeter quam quod te moveri arbitror oportere iniuria quae mihi a quoquam facta sit, praeterea te ipsum quodam modo hic violavit cum in me tam improbus fuit. sed tu id quanti aestimes tuum iudicium est; nec tamen in hoc tibi quicquam oneris impono. ego autem illum male sanum semper putavi, nunc etiam impurum et sceleratum puto nec tamen mihi inimiciorem quam sibi. Philargyro bene curasti. causam certe habuisti et veram et bonam, relictum esse me potius quam reliquisse.

[6] Cum dedissem iam litteras a. d. viii Kal., pueri quos cum Matio et Trebatio miseram epistulam mihi attulerunt hoc exemplo: MATIVS ET TREBATIVS CICERONI IMP. SAL.

Cum Capua exissemus, in itinere audivimus Pompeium Brundisio

a. d. xvi K. Aprilis cum omnibus copiis quas habuerit profectum esse; Caesarem postero die in oppidum introisse , contionatum esse, inde Romam contendisse, velle ante K. esse ad urbem et pauculos dies ibi commorari, deinde in Hispanias proficisci. nobis non alienum visum est , quoniam de adventu Caesaris pro certo habebamus, pueros tuos ad te remittere, ut id tu quam primum scires. mandata tua nobis curae sunt eaque ut tempus postularit agemus. Trebatius sedulo facit ut antecedat. epistula conscripta nuntiatum est nobis Caesarem a. d. viii K. Aprilis Beneventi mansurum, a. d. vii Capuae, a. d. vi Sinuessae. hoc pro certo putamus.

[XVI] Scr. in Formiano vii K. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Cum quod scriberem ad te nihil haberem, tamen ne quem diem intermitterem has dedi litteras. A. d. vi K. Caesarem Sinuessae mansurum nuntiabant. ab eo mihi litterae redditae sunt a. d. vii K. quibus iam ‘opes’ meas, non ut superioribus litteris ‘opem’ exspectat. Cum eius clementiam Corfiniensem illam per litteras conlaudavissem rescripsit hoc exemplo: CAESAR IMP. CICERONI IMP. SAL. DIC.

[2] recte auguraris de me (bene enim tibi cognitus sum) nihil a me abesse longius crudelitate. atque ego cum ex ipsa re magnam capio voluptatem tum meum factum probari abs te triumpho gaudio. neque illud me movet quod ii qui a me dimissi sunt discessisse dicuntur ut mihi rursus bellum inferrent. nihil enim malo quam et me mei similem esse et illos sui.

[3] tu velim mihi ad urbem praesto sis ut tuis consiliis atque opibus, ut consuevi, in omnibus rebus utar. Dolabella tuo nihil scito mihi esse iucundius. hanc adeo habebo gratiam illi; neque enim aliter facere poterit. tanta eius humanitas, is sensus, ea in me est benevolentia.

[XVII] Scr. in Formiano vi K. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Trebatium vi Kal., quo die has litteras dedi, exspectabam. ex eius nuntio Matique litteris meditabor quo modo cum illo loquar. O tempus miserum! nec dubito quin a me contendat ad urbem veniam. senatum enim Kalendis velle se frequentem adesse etiam Formiis proscribi iussit. ergo ei negandum est? sed quid praeripio? statim ad te perscribam omnia. ex illius sermone statuam. Arpinumne mihi eundum sit an quo alio. volo Ciceroni meo togam puram dare, istic puto.

[2] tu, quaeso, cogita quid deinde. nam me hebetem molestiae reddiderunt. A Curio velim scire ecquid ad te scriptum sit de Tirone. ad me enim ipse Tiro ita scripsit ut verear quid agat. qui autem veniunt inde, kindunode nuntiant. sane in magnis curis etiam haec me sollicitant. in hac enim fortuna perutilis eius et opera et fidelitas esset.

[XVIII] Scr. Arpini v K Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Vtrumque ex tuo consilio; nam et oratio fuit ea nostra ut bene potius ille de nobis existimaret quam gratias ageret, et in eo mansimus, ne ad urbem. illa fefellerunt facilem quod putaramus; nihil vidi minus. damnari se nostro iudicio, tardiores fore reliquos, si nos non venerimus, dicere. ego dissimilem illorum esse causam. Cum multa, ‘veni igitur et age de pace.’ ‘meone ‘ inquam ‘arbitratu?’ ‘an tibi’ inquit ‘ego praescribam?’ ‘sic’ inquam ‘agam, senatui non placere in Hispanias iri nec exercitus in Graeciam transportari, multaque , inquam ‘de Gnaeo deplorabo.’ tum ille, ‘ego vero ista dici nolo.’ ‘ita putabam , inquam; ‘sed ego eo nolo adesse quod aut sic mihi dicendum est multaque quae nullo modo possem silere si adessem aut non veniendum.’ summa fuit, ut ille quasi exitum quaerens, ‘ut deliberarem.’ non fuit negandum. ita discessimus. credo igitur hunc me non amare. at ego me amavi, quod mihi iam pridem usu non venit.

[2] reliqua, o di! qui comitatus, quae, ut tu soles dicere, nekuia! in qua erat heros Celer. O rem perditam! O copias desperatas! quid quod Servi filius, quod Titini in iis castris fuerunt quibus Pompeius

circumsederetur! sex legiones; multum vigilat, audet. nullum video finem mali. nunc certe promenda tibi sunt consilia. hoc fuerat extremum.

[3] illa tamen katakleis illius est odiosa quam paene praeterii, si sibi consiliis nostris uti non liceret, usurum quorum posset ad omniaque esse descensurum. ‘vidisti igitur virum, ut scripseras? ingemuisti?’ certe. ‘cedo reliqua.’ quid? continuo ipse in Pedi Norbanum, ego Arpinum; inde — exspecto equidem lalageusan illam tuam. ‘tu malim’ inquies ‘actum ne agas.’ etiam illum ipsum quem sequimur multa fefellerunt

[4] sed ego tuas litteras exspecto. nihil est enim iam ut antea ‘videamus hoc quorsum evadat.’ extremum fuit de congressu nostro; quo quidem non dubito quin istum offenderim. eo maturius agendum est. amabo te, epistulam et politiken! valde tuas litteras nunc exspecto.

[XIX] Scr. Arpini. prid. K. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] ego meo Ciceroni, quoniam Roma caremus, Arpini potissimum togam puram dedi, idque municipibus nostris fuit gratum. etsi omnis et illos et qua iter feci maestos adflictosque vidi. tam tristis et tam atrox est anatheoresis huius ingentis mali. dilectus habentur, in hiberna deducuntur. ea quae etiam cum a bonis viris, cum iusto in bello, cum modeste fiunt, tamen ipsa per se molesta sunt, quam censes acerba nunc esse, cum a perditis in civili nefario bello petulantissime fiant! cave autem putes quemquam hominem in Italia turpem esse qui hinc absit. vidi ipse Formiis universos neque me hercule umquam homines putavi, et noram omnis sed numquam uno loco videram.

[2] pergamus igitur quo placet et nostra omnia relinquamus, proficiscamur ad eum cui gratior noster adventus erit quam si una fuissemus. tum enim eramus in maxima spe, nunc ego quidem in nulla; nec praeter me quisquam Italia cessit nisi qui hunc inimicum sibi putaret. nec me hercule hoc facio rei publicae causa quam funditus deletam puto, sed ne quis me putet ingratum in eum qui me

levavit iis incommodis quibus idem adfecerat, et simul quod ea quae fiunt aut quae certe futura sunt videre non possum. etiam equidem senatus consulta facta quaedam iam puto, utinam in Volcaci sententiam! sed quid refert? est enim una sententia omnium. sed erit immitissimus Servius, qui filium misit ad effligendum Cn. Pompeium aut certe capiendum cum Pontio Titiniano. etsi hic quidem timoris causa, ille vero? sed stomachari desinamus et aliquando sentiamus nihil nobis nisi, id quod minime vellem, spiritum reliquum esse.

[3] nos, quoniam superum mare obsidetur, infero navigabimus et , si Puteolis erit difficile, Crotonem petemus aut Thurios et boni cives amantes patriae mare infestum habebimus. Aliam rationem huius belli gerendi nullam video. in Aegyptum nos abdemus. exercitu pares esse non possumus; pacis fides nulla est.

[4] sed haec satis deplorata sunt. tu velim litteras Cephalioni des de omnibus rebus actis, denique etiam de sermonibus hominum, nisi plane obmutuerunt. ego tuis consiliis usus sum maximeque quod et gravitatem in congressu nostro tenui quam debui et ut ad urbem non accederem perseveravi. quod superest scribe, quaeso, quam accuratissime (iam enim extrema sunt) quid placeat, quid censeas; etsi iam nulla dubitatio est. tamen si quid vel potius quicquid veniet in mentem scribas velim.

LIBER DECIMUS

[I] Scr. in Laterio Quinti fratris iii Non. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] iii Nonas cum in Laterium fratris venissem, accepi litteras (tuas) et paulum respiravi, quod post has ruinas mihi non acciderat. per enim magni aestimo tibi firmitudinem animi nostri et factum nostrum probari. Sexto enim nostro quod scribis probari, ita laetor ut me quasi patris eius, cui semper uni plurimum tribui, iudicio comprobari putem. qui mihi, quod saepe soleo recordari, dixit olim Nonis illis Decembribus, cum ego 'Sexte, quidnam ergo?'

Me man inquit ille *aspoudi ge kai akleios,*
alla mega rhexas ti kai essomenoisi puthesthai.

eius igitur mihi vivit auctoritas et simillimus eius filius eodem est apud me pondere quo fuit ille. quem salvere velim iubeas plurimum.

[2] tu tuum consilium etsi non in longinquum tempus differs (iam enim illum emptum pacificatorem perorasse puto, iam actum aliquid esse in consessu senatorum; (senatum) enim non puto), tamen suspensum (animum) meum detines, sed eo minus quod non dubito quid nobis agendum putes; qui enim Flavio legionem et Siciliam dari scribas et id iam fieri, quae tu scelera partim parari iam et cogitari, partim ex tempore futura censes? ego vero Solonis, popularis tui (et) ut puto etiam mei, legem neglegam, qui capite sanxit si qui in seditione non alterius utrius partis fuisset, (et), nisi si tu aliter censes, et hinc abero et illim. sed alterum mihi est certius, nec praeripiam tamen. exspectabo tuum consilium et eas litteras, nisi alias iam dedisti quas scripsi ut Cephalioni dares.

[3] quod scribis, non quo alicunde audieris, sed te ipsum putare me attractum iri, si de pace agatur, mihi omnino non venit in mentem quae possit actio esse de pace, cum illi certissimum sit, si possit, exspoliare exercitu et provincia Pompeium; nisi forte iste nummarius ei potest persuadere ut, dum oratores eant redeant, quiescat. nihil video quod sperem aut quod iam putem fieri posse. sed tamen

hominis hoc ipsum probi est + magnum sit+ ton politikotaton skemmaton, veniendumne sit in consilium tyranni si is aliqua de re bona deliberaturus sit. qua re si quid eius modi evenerit ut arcessamur (quod equidem non credo. quid enim essem de pace dicturus? dixi, ipse valde repudiavit), sed tamen si quid acciderit, quid censeas mihi faciendum utique scribito. nihil enim mihi adhuc accidit quod maioris consili esset. Trebati, boni viri et civis, verbis te gaudeo delectatum, tuaque ista crebra ekphonesis 'hupereu' me sola adhuc delectavit. Litteras tuas vehementer exspecto; quas quidem credo iam datas esse. tu cum Sexto servasti gravitatem eandem quam mihi praecipis. Celer tuus disertus magis est quam sapiens. de iuvenibus quae ex Tullia audisti vera sunt. Mucianum istud quod scribis non mihi videtur tam re esse triste quam verbo. haec est ale in qua nunc sumus mortis instar. aut enim mihi libere inter malos politeuteon fuit aut vel periculose cum bonis. aut nos temeritatem bonorum sequamur aut audaciam improborum insectemur. Vtrumque periculosum est, at hoc quod agimus turpe nec tamen tutum. istum qui filium Brundisium de pace misit (de pace idem sentio quod tu, simulationem esse apertam, parari autem acerrime bellum), me legatum iri non arbitror, cuius adhuc, ut optavi, mentio facta nulla sit. eo minus habeo necesse scribere aut etiam cogitare quid sim facturus, si acciderit ut leger.

[II] Scr. in Arcano Quinti fratris postr. Non. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] ego cum accepissem tuas litteras Nonis Aprilibus quas Cephalio attulerat, essemque Menturnis postridie mansurus et inde protinus, sustinui me in Arcano fratris, ut, dum aliquid certius adferretur, occultiore in loco essemus agerenturque nihilo minus quae sine nobis agi possunt. Lalageusa iam adest et animus ardet, neque est quicquam, quo et qua.

[2] sed haec nostra erit cura et peritorum. tu tamen quod poteris, ut adhuc fecisti, nos consiliis iuvabis. res sunt inexplicabiles. Fortunae sunt committenda omnia. Sine spe conamur ulla. Melius si quid acciderit, mirabimur. Dionysium nollem ad me profectum; de quo ad

me Tullia mea scripsit. sed et tempus alienum est, et homini non amico nostra incommoda, tanta praesertim, spectaculo esse nollem; cui te meo nomine inimicum esse nolo.

[III] Scr. in Arcano vii Id. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Cum quod scriberem plane nihil haberem, haec autem reliqua essent quae scire cuperem, profectusne esset, quo in statu urbem reliquisset, in ipsa Italia quem cuique regioni aut negotio praefecisset, ecqui essent ad Pompeium et ad consules ex senatus consulto de pace legati, ut igitur haec scirem dedita opera has ad te litteras misi. feceris igitur commode mihique gratum si me de his rebus et si quid erit aliud quod scire opus sit feceris certiorem. ego in Arcano opperior dum ista cognosco.

[IIIa] Scr. in Arcano vii Id. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] A. d. vii Idus alteram tibi eodem die hanc epistulam dictavi et pridie dederam mea manu longiorem. visum te aiunt in regia, nec reprehendo, quippe cum ipse istam reprehensionem non fugerim. sed exspecto tuas litteras neque iam sane video quid exspectem, sed tamen, etiam si nihil erit, id ipsum ad me velim scribas.

[2] Caesar mihi ignoscit per litteras quod non venerim, seseque in optimam partem id accipere dicit.facile patior, quod scribit, secum Titinium et Servium questos esse quia non idem sibi quod mihi remisisset. homines ridiculos! qui cum filios misissent ad Cn. Pompeium circumsedendum, ipsi in senatum venire dubitarint. sed tamen exemplum misi ad te Caesaris litterarum.

[IV] Scr. in Arcano vii Id. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] Cum quod scriberem plane nihil haberem, haec autem reliqua

essent quae scire cuperem, profectusne esset, quo in statu urbem reliquisset, in ipsa Italia quem cuique regioni aut negotio praefecisset, ecqui essent ad Pompeium et ad consules ex senatus consulto de pace legati, ut igitur haec scirem dedita opera has ad te litteras misi. feceris igitur commode mihique gratum si me de his rebus et si quid erit aliud quod scire opus sit feceris certiorem. ego in Arcano opperior dum ista cognosco.

[V] Scr. in Cumano xv K Mai a. 705 (49).

CICERO ATTICO SAL.

[1] de tota mea cogitatione scripsi ad te antea satis, ut mihi visus sum, diligenter. de die nihil sane potest scribi certi praeter hoc, non ante lunam novam.

[2] Curionis sermo postridie eandem habuit fere summam, nisi quod apertius significavit se harum rerum exitum non videre. quod mihi mandas de Quinto regendo, ‘Arkadian’. tamen nihil praetermittam. atque utinam tu — , sed molestior non ero. epistulam ad Vestorium statim detuli, ac valde requirere solebat.

[3] Commodius tecum Vettienus est locutus quam ad me scripserat. sed mirari satis hominis neglegentiam non queo. Cum enim mihi Philotimus dixisset se HS L emere de Canuleio deversorium illud posse, minoris etiam empturum si Vettienum rogassem, rogavi ut, si quid posset, ex ea summa detraheret. promisit. ad me nuper se HS X*X*X emisse; ut scriberem cui vellem addici; diem pecuniae Idus Novembn esse. rescripsi ei stomachosius cum ioco tamen familiari. nunc quoniam agit liberaliter, nihil accuso hominem scripsique ad eum me a te certiorem esse factum. tu de tuo itinere quid et quando cogites velim me certiorem facias. A. d. xv K. Maias.

[VI] Scr. in Cumano medio m. Apr. a. 705 (49).

CICERO ATTICO SAL.

[1] me adhuc nihil praeter tempestatem moratur. astute nihil sum acturus, fiat in Hispania quidlibet: et tamen + recitet et+ . meas

cogitationes omnis explicavi tibi superioribus litteris. Quocirca hae sunt breves, + et tamen+ quia festinabam eramque occupatior.

[2] de Quinto filio fit a me quidem sedulo; sed nosti reliqua. quod dein me mones, et amice et prudenter me mones, sed erunt omnia facilia si ab uno illo cavero. Magnum opus est, mirabilia multa, nihil simplex, nihil sincerum. vellem suscepisses iuvenem regendum; pater enim nimis indulgens, quicquid ego adstrinxi relaxat. si sine illo possem, regerem; quod tu potes. sed ignosco; magnum, inquam, opus est.

[3] Pompeium pro certo habemus per Illyricum proficisci in Galliam. ego nunc qua et quo videbo.

[VII] Scr. in Cumano circ. ix K. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] ego vero Apuliam et Sipontum et tergiversationem istam probo nec tuam rationem eandem esse duco quam meam, non quin in re publica rectum idem sit utrique nostrum, x vii M. TVLLI CICERONIS sed ea non agitur. regnandi contentio est, in qua pulsus est modestior rex et probior et integrior et is, qui nisi vincit, nomen populi Romani deleatur necesse est, sin autem vincit, Sullano more exemploque vincet. ergo hac in contentione neutrum tibi palam sentiendum et tempori serviendum est. mea causa autem alia est, quod beneficio vinctus ingratus esse non possum, nec tamen in acie (me) sed Melitae aut alio in loco simili

[oppidulo] futurum puto. ‘nihil’ inquies ‘iuvas eum in quem ingratus esse non vis?’ immo minus fortasse voluisset. sed de hoc videbimus; exeamus modo. quod ut meliore tempore possimus facit Adriano mari Dolabella, Fretensi Curio.

[2] iniecta autem mihi spes quaedam est velle mecum Ser. Sulpicium conloqui. ad eum misi Philotimum libertum cum litteris. si vir esse volet, praeclara sunodia, sin autem — , erimus nos qui solemus.

[3] Curio mecum vixit iacere Caesarem putans offensione populari Siciliaeque diffidens si Pompeius navigare coepisset. Quintum puerum accepi vehementer. avaritiam video fuisse et spem magni

congiari. Magnum hoc malum est, sed scelus illud quod timueramus spero nullum fuisse. hoc autem vitium puto te existimare non (a) nostra indulgentia sed a natura profectum. quem tamen nos disciplina regemus. de Oppiis Veliensibus quid placeat cum Philotimo videbis Epirum nostram putabimus sed alios cursus videbamur habituri.

[VIII] Scr. in Cumano vi Non. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] et res ipsa monebat et tu ostenderas et ego videbam de iis rebus quas intercipi periculosum esset finem inter nos scribendi fieri tempus esse. sed cum ad me saepe mea Tullia scribat orans ut quid in Hispania geratur exspectem et semper adscribat idem videri tibi idque ipse etiam ex tuis litteris intellexerim, non puto esse alienum me ad te quid de ea re sentiam scribere.

[2] consilium istud tunc esset prudens, ut mihi videtur, si nostras rationes ad Hispaniensem casum accommodaturi essemus; quod fieri . . . necesse est enim aut, id quod maxime velim, pelli istum ab Hispania aut trahi id bellum aut istum, ut confidere videtur, apprehendere Hispanias. si pelletur, quam gratus aut quam honestus tum erit ad Pompeium noster adventus, cum ipsum Curionem ad eum transiturum putem? sin trahitur bellum, quid exspectem aut quam diu? relinquitur ut, si vincimur in Hispania, quiescamus. id ego contra puto. istum enim victorem magis relinquendum puto quam victum et dubitantem magis quam fidentem suis rebus. nam caedem video si vicerit et impetum in privatorum pecunias et exsulum reditum et tabulas novas et turpissimorum honores et regnum non modo Romano homini sed ne Persae quidem cuiquam tolerabile.

[3] Tacita esse poterit indignitas nostra? pati poterunt oculi me cum Gabinio sententiam dicere, et quidem illum rogari prius? praesto esse clientem tuum Clodium, C. Atei Plaguleium, ceteros? sed cur inimicos conligo, qui meos necessarios a me defensos nec videre in curia sine dolore nec versari inter eos sine dedecore potero? quid si ne id quidem est exploratum fore ut mihi liceat? scribunt enim ad me amici eius me illi nullo modo satis fecisse quod in senatum non venerim. tamenne dubitemus an ei nos etiam cum periculo

venditemus, quicum coniuncti ne cum praemio quidem voluimus esse?

[4] deinde hoc vide, non esse iudicium de tota contentione in Hispaniis, nisi forte iis amissis arma Pompeium abiecturum putas, cuius omne consilium Themistocleum est. existimat enim qui mare teneat eum necesse (esse) rerum potiri. itaque numquam id egit ut Hispaniae per se tenerentur, navalis apparatus ei semper antiquissima cura fuit. navigabit igitur, cum erit tempus, maximis classibus et ad Italiam accedet. in qua nos sedentes quid erimus? nam medios esse iam non licebit. classibus adversabimur igitur? quod maius scelus aut tantum denique? quid turpius? + anuival dehic+ in absentis solus tuli scelus, eiusdem cum Pompeio et cum reliquis principibus non feram? quod si iam misso officio periculi ratio habenda est, ab illis est periculum si peccaro, ab hoc si recte fecero, nec ullum in his malis consilium periculo vacuum inveniri potest, ut non sit dubium quin turpiter facere cum periculo fugiamus, quod fugeremus etiam cum salute. + non simul cum Pompeio mare transierimus. omnino (non) potuimus+ . exstat ratio dierum. sed tamen (fateamur enim quod est) ne condimus quidem ut possimus. fefellit ea me res quae fortasse non debuit, sed fefellit. pacem putavi fore. quae si esset iratum mihi Caesarem esse, cum idem amicus esset Pompeio, nolui. senseram enim quam idem essent. hoc verens in hanc tarditatem incidi. sed adsequor omnia si propero, si cunctor amitto.

[6] et tamen, mi Attice, auguria quoque me incitant quadam spe non dubia nec haec collegi nostri ab atto sed illa Platonis de tyrannis. nullo enim modo posse video stare istum diutius quin ipse per se etiam languentibus nobis concidat, quippe qui florentissimus ac novus vi, vii diebus ipsi illi egenti ac perditae multitudini in odium acerbissimum venerit, qui duarum rerum simulationem tam cito amiserit, mansuetudinis in Metello, divitiarum in aerario. iam quibus utatur vel sociis vel ministris? ii provincias, ii rem publicam regent quorum nemo duo menses potuit patrimonium suum gubernare?

[7] non sunt omnia conligenda quae tu acutissime perspicis, sed tamen ea pone ante oculos; iam intelleges id regnum vix semenstre esse posse. quod si me fefellerit, feram, sicut multi clarissimi homines in re publica excellentes tulerunt, nisi forte me Sardanapalli vicem [in suo lectulo] mori malle censueris quam (in) exsilio

Themistocleo. qui cum fuisset, ut ait Thucydides, ton men paronton di' elachistes boules kratistos gnomon, ton de mellonton es pleiston tou genesomenou aristos eikastes, tamen incidit in eos casus quos vitasset si eum nihil fefellisset. etsi is erat ut ait idem, qui to ameinon kai to cheiron en toi aphanei eti heora malista, tamen non vidit nec quo modo Lacedaemoniorum nec quo modo suorum civium invidiam effugeret nec quid Artaxerxi polliceretur. non fuisset illa nox tam acerba Africano sapientissimo viro, non tam dirus ille dies Sullanus callidissimo viro C. Mario, si nihil utrumque eorum fefellisset. nos tamen hoc confirmamus illo augurio quo diximus, nec nos fallit nec aliter accidet. corruat iste necesse est aut per adversarios aut ipse per se qui quidem sibi est adversarius unus acerrimus. id spero vivis nobis fore; quamquam tempus est nos de illa perpetua iam, non de hac exigua vita cogitare. sin quid acciderit maturius, haud sane mea multum interfuerit utrum factum [fiat] videam an futurum esse multo ante viderim. quae cum ita sint, non est committendum ut iis paream quos contra me senatus, ne quid res publica detrimenti acciperet, armavit

[9] tibi sunt omnia commendata, quae commendationis meae pro tuo in nos amore non indigent. nec hercule ego quidem reperio quid scribam; sedeo enim ploudokon. etsi nihil umquam tam fuit scribendum quam nihil mihi umquam ex plurimis tuis iucunditatibus gratius accidisse quam quod meam Tulliam suavissime diligentissimeque coluisti. valde eo ipsa delectata est, ego autem non minus. cuius quidem virtus mirifica. quo modo illa fert publicam cladem, quo modo domesticas tricas! quantus autem animus in discessu nostro! est storge, est summa suntexis. tamen nos recte facere et bene audire vult.

[10] sed hac super re (ne ni)mis, ne meam ipse sumpatheian iam evocem. tu si quid de Hispaniis certius et si quid aliud, dum adsumus, scribes, et ego fortasse discedens dabo ad te aliquid eo etiam magis quod Tullia te non putabat hoc tempore ex Italia. Cum Antonio item est agendum ut cum Curione Melitae me velle esse, huic civili bello nolle interesse. eo velim tam facili uti posse et tam bono in me quam Curione. is ad Misenum vi Nonas venturus aicebatur, id est hodie. sed praemisit mihi odiosas litteras hoc exemplo:

[VIIIa] Scr. circa finem m. Apr. a. 705 (49).

ANTONIVS TRIB. PL. PRO PR. CICERONI IMP. SAL.

[1] Nisi te valde amarem et multo quidem plus quam tu putas, non extimuissem rumorem qui de te prolatus est, cum praesertim falsum esse existimarem. sed quia te nimio plus diligo, non possum dissimulare mihi famam quoque, quamvis sit falsa, magni esse. <te iturum esse> trans mare credere non possum, cum tanti facias Dolabellam <et> Tulliam tuam, feminam lectissimam, tantique ab omnibus nobis fias; quibus me hercule dignitas amplitudoque tua paene carior est quam tibi ipsi. sed tamen non sum arbitratus esse amici non commoveri etiam improborum sermone atque eo feci studiosius quod iudicabam duriores partis mihi impositas esse ab offensione nostra, quae magis a zelotupiai mea quam ab iniuria tua nata est. sic enim volo te tibi persuadere, mihi neminem esse cariorem te excepto Caesare meo, meque illud una iudicare Caesarem maxime in suis M. Ciceronem reponere.

[2] qua re, mi Cicero, te rogo ut tibi omnia integra serves, eius fidem improbes qui tibi ut beneficium daret prius iniuriam fecit, contra ne profugias qui te, etsi non amabit, quod accidere non potest, tamen salvum amplissimumque esse cupiet. dedita opera ad te Calpurnium familiarissimum meum misi, ut mihi magnae curae tuam vitam ac dignitatem esse scires. eodem die a Caesare Philotimus attulit hoc exemplo:

[VIIIb] Scr. ex itinere xv K Maias a. 705 (49).

CAESAR IMP. SAL. D. CICERONI IMP.

[1] etsi te nihil temere, nihil imprudenter facturum iudicaram, tamen permotus hominum fama scribendum ad te existimavi et pro nostra benevolentia petendum ne quo progredereris proclinata iam re quo integra etiam progrediendum tibi non existimasses. namque et amicitiae graviorem iniuriam feceris et tibi minus commode consulueris, si non fortunae obsecutus videberis (omnia enim secundissima nobis, adversissima illis accidisse videntur), nec

causam secutus (eadem enim tum fuit cum ab eorum consiliis abesse iudicasti), sed meum aliquod factum condemnavisse; quo mihi gravius abs te nil accidere potest.

[2] quod ne facias pro iure nostrae amicitiae a te peto. postremo quid viro bono et quieto et bono civi magis convenit quam abesse a civilibus controversiis? quod non nulli cum probarent, periculi causa sequi non potuerunt; tu explorato et vitae meae testimonio et amicitiae iudicio neque tutius neque honestius reperies quicquam quam ab omni contentione abesse. xv Kal. Maias ex itinere.

[IX] Scr. in Cumano v Non. Mai. a. 705 (49)

CICERO ATTICO SAL.

[1] adventus Philotimi (at cuius hominis, quam insulsi et quam saepe pro Pompeio mentientis!) exanimavit omnis qui mecum erant; nam ipse obdurui. dubitabat nostrum nemo quin Caesar itinera repressisset — volare dicitur; Petreius cum Afranio coniunxisset (se) — nihil adfert eius modi. quid quaeris? etiam illud erat persuasum, Pompeium cum magnis copiis iter in Germaniam per Illyricum fecisse; id enim authentikos nuntiabatur. Melitam igitur opinor capessamus, dum quid in Hispania. quod quidem prope modum videor ex Caesaris litteris voluntate facere posse, qui negat neque honestius neque tutius mihi quicquam esse quam ab omni contentione abesse.

[2] dices, ‘Vbi ergo tuus ille animus quem proximis litteris?’ adest et idem est; sed utinam meo solum capite decernerem! lacrimae meorum me interdum molliunt precantium ut de Hispaniis exspectemus. M. Caeli quidem epistulam scriptam miserabiliter, cum hoc idem obsecraret ut exspectarem, ne fortunas meas, ne unicum filium, ne meos omnis tam temere proderem, non sine magno fletu legerunt pueri nostri; etsi meus quidem est fortior eoque ipso vehementius commovet nec quicquam nisi de dignatione laborat. Melitam igitur, deinde quo videbitur.

[3] tu tamen etiam nunc mihi aliquid litterarum et maxime si quid ab Afranio. ego si cum Antonio locutus ero, scribam ad te quid actum sit. ero tamen in credendo, ut mones, cautus; nam occultandi

ratio cum difficilis tum etiam periculosa est. Servium exspecto ad Nonas, et adigit ita Postumia et Servius Flius. quartanam leviorem esse gaudeo. misi ad te Caeli etiam litterarum exemplum.

[IX] Scr. Intimili xv K. Mai. a. 705 (49). = ad fam. 8.16.

CAELIVS CICERONI SAL.

[1] exanimatus tuis litteris, quibus te nihil nisi triste cogitare ostendisti neque id quid esset perscripsisti neque non tamen quale esset quod cogitares aperuisti, has ad te ilico litteras scripsi. per fortunas tuas, Cicero, per liberos te oro et obsecro ne quid gravius de salute et incolumitate tua consulas. nam deos hominesque amicitiamque nostram testificor me tibi praedixisse neque temere monuisse sed, postquam Caesarem convenerim sententiamque eius qualis futura esset parta victoria cognorim, te certiorem fecisse. si existimas eandem rationem fore Caesaris in dimittendis adversariis et condicionibus ferendis, erras; nihil nisi atrox et saevum cogitat atque etiam loquitur; iratus senatui exiit, his intercessionibus plane incitatus est; non me hercules erit deprecationi locus.

[2] qua re si tibi tu, si filius unicus, si domus, si spes tuae reliquae tibi carae sunt, si aliquid apud te nos, si vir optimus gener tuus valemus, quorum fortunam non debes velle conturbare, ut eam causam in quoius victoria salus nostra est odisse aut relinquere cogamur aut impiam cupiditatem contra salutem tuam habeamus — denique illud cogita, quod offensae fuerit in ista cunctatione te subisse. nunc te contra victorem Caesarem facere, quem dubiis rebus laedere noluisti, et ad eos fugatos accedere, quos resistentis sequi nolueris, summae stultitiae est. vide ne, dum pudet te parum optimatem esse, parum diligenter quid optimum sit eligas. quod si totum tibi persuadere non possum, saltem, dum quid de Hispaniis agamus scitur, exspecta; quas tibi nuntio adventu Caesaris fore nostras. quam isti spem habeant amissis Hispaniis nescio; quod porro tuum consilium sit ad desperatos accedere non medius fidius reperio.

[4] hoc quod tu non dicendo mihi significasti Caesar audierat ac, simul atque ‘have’ mihi dixit, statim quid de te audisset exposuit. negavi me scire, sed tamen ab eo petii ut ad te litteras mitteret,

quibus maxime ad remanendum commoveri posses. me secum in Hispaniam ducit; nam nisi ita faceret, ego, prius quam ad urbem accederem, ubicumque esses, ad te percucurrissem et hoc a te praesens contendissem atque omni vi te retinuissem. etiam atque etiam, Cicero, cogita ne te tuosque omnis funditus evertas, ne te sciens prudensque eo demittas unde exitum vides nullum esse. quod si te aut voces optimatium commovent aut non nullorum hominum insolentiam et iactationem ferre non potes, eligas censeo aliquod oppidum vacuum a bello, dum haec decernuntur; quae iam erunt confecta. id si feceris, et ego te sapienter fecisse iudicabo et Caesarem non offendes.

[X] Scr. in Cumano v Non. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] me caecum qui haec ante non viderim! misi ad te epistulam Antoni. ei cum ego saepissime scripsissem nihil me contra Caesaris rationes cogitare, meminisse me generi mei, meminisse amicitiae, potuisse, si aliter sentirem, esse cum Pompeio, me autem, quia cum lictoribus invitus cursarem, abesse velle nec id ipsum certum etiam nunc habere, vide quam ad haec parainetikos:

[2] tuum consilium quam verum est. nam qui se medium esse vult in patria manet, qui proficiscitur aliquid de altera utra parte iudicare videtur. sed ego is non sum qui statuere debeam iure quis proficiscatur necne; partis mihi Caesar has imposuit ne quem omnino discedere ex Italia paterer. qua re parvi refert me probare cogitationem tuam si nihil tamen tibi remittere possum. ad Caesarem mittas censeo et ab eo hoc petas. non dubito quin impetraturus sis, cum praesertim te amicitiae nostrae rationem habiturum esse pollicearis.

[3] habes skutalen Lakoniken. omnino excipiam hominem. erat autem v Nonas venturus vesperi, id est hodie. cras igitur ad me fortasse veniet. temptabo, + audeam+ nihil properare; missurum ad Caesarem. clam agam, cum paucissimis alicubi occultabor, + carti+ hinc istis invitissimis evolabo, atque utinam ad Curionem! Sunes ho toi lego Magnus dolor accessit. efficietur aliquid dignum nobis.

[4] Dusouria tua mihi valde molesta. medere amabo dum est arche. de Massiliensibus gratae tuae mihi litterae. quaeso ut sciam quicquid audieris. Ocellam cuperem, si possem palam, quod a Curione effeceram. hic ego Servium exspecto; rogor enim ab eius uxore et filio et puto opus esse.

[5] hic tamen Cytherida secum lectica aperta portat, alteram uxorem. septem praeterea coniunctae lecticae amicarum sunt (an) amicorum. vide quam turpi leto pereamus et dubita, si potes, quin ille, seu victus seu victor redierit, caedem facturus sit. ego vero vel luntriculo, si navis non erit, eripiam me ex istorum parricidio. sed plura scribam cum illum convenero.

[6] iuvenem nostrum non possum non amare sed ab eo nos non amari plane intellego. nihil ego vidi tam anethopoieton, tam aversum a suis, tam nescio quid cogitans. O vim incredibilem molestiarum! sed erit curae et est ut regatur. mirum est enim ingenium, ethous epimeleteon.

[XI] Scr. in Cumano iv Non. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] obsignata iam epistula superiore non placuit ei dari cui constitueram quod erat alienus. itaque eo die data non est. interim venit Philotimus et mihi a te litteras reddidit. quibus quae de fratre meo scribis, sunt ea quidem parum firma sed habent nihil hupoulon, nihil fallax, nihil non flexibile ad bonitatem, nihil quod non quo velis uno sermone possis perducere; ne multa, omnis suos, etiam quibus irascitur crebrius, tamen caros habet, me quidem se ipso cariorem. quod de puero aliter ad te scripsit et ad matrem de filio, non reprehendo. de Quinto et de sorore quae scribis molesta sunt eoque magis quod ea tempora nostra sunt ut ego iis mederi non possim. nam certe mederer; sed quibus in malis et qua in desperatione rerum simus vides.

[2] illa de ratione nummaria non sunt eius modi (saepe enim audio ex ipso) ut non cupiat tibi praestare et in eo laboret. sed si mihi Q. Axius in hac mea fuga HS X*ΠΙ* non reddit quae dedi eius filio mutua et utitur excusatione temporis, si Lepta, si ceteri, soleo mirari de

nescio quis HS *XX* cum audio ex illo se urgeri. vides enim profecto angustias. curari tamen ea tibi utique iubet. an existimas illum in isto genere lentulum aut restrictum? nemo est minus.

[3] de fratre satis. de eius filio indulsit illi quidem suus pater semper sed non facit indulgentia mendacem aut avarum aut non amantem suorum, ferocem fortasse atque adrogantem et infestum facit. itaque habet haec quoque quae nascuntur ex indulgentia, sed ea sunt tolerabilia (quid enim dicam?) hac iuventute; ea vero, quae mihi quidem qui illum amo sunt his ipsis malis in quis sumus miseriora, non sunt ab obsequio nostro. nam suas radices habent; quas tamen evellerem profecto, si liceret. sed ea tempora sunt ut omnia mihi sint patienda. ego meum facile teneo; nihil est enim eo tractabilius. quoius quidem misericordia languidiora adhuc consilia cepi et quo ille me certiorem vult esse eo magis timeo ne in eum exsistam crudelior.

[4] sed Antonius venit heri vesperi. iam fortasse ad me veniet aut ne id quidem, quoniam scripsit quid fieri vellet. sed scies continuo quid actum sit. nos iam nihil nisi occulte. de pueris quid agam? parvone navigio committam? quid mihi animi in navigando censes fore? recordor enim aestate cum illo Rhodiorum aphraktoi navigans quam fuerim sollicitus; quid duro tempore anni actuariola fore censes? O rem undique miseram! Trebatius erat mecum, vir plane et civis bonus. quae ille monstra, di immortales! etiamne Balbus in senatum venire cogitet? sed ei ipsi cras ad te litteras dabo. Vettienum mihi amicum, ut scribis, ita puto esse. Cum eo, quod apotomos ad me scripserat de nummis curandis, thumikoteron eram iocatus. id tu, si ille aliter acceperit ac debuit, lenies. ‘MONETALI’ autem adscripsi, quod ille ad me ‘PRO COS.’ sed quoniam est homo et nos diligit, ipse quoque a nobis diligatur. vale.

[XII] Scr. in Cumano iii Non. Mai. a. 705(49).

CICERO ATTICO SAL.

[1] quidnam mihi futurum est aut quis me non solum infelicior sed iam etiam turpior? nominatim de me sibi imperatum dicit Antonius nec me tamen ipse adhuc viderat sed hoc Trebatio narravit. quid

agam nunc quoi nihil procedit caduntque ea quae diligentissime sunt cogitata taeterrime? ego enim Curionem nactus omnia me consecutum putavi. is de me ad Hortensium scripserat. Reginus erat totus noster. huic nihil suspicabamur cum .hoc mari negoti fore. quo me nunc vertam? Vndique custodior. sed satis lacrimis.

[2] Paraklepteon igitur et occulte in aliquam onerariam corrependum, non committendum ut etiam compacto prohibiti videamur. Sicilia petenda; quam si erimus nacti, maiora quaedam consequemur. sit modo recte in Hispaniis! quamquam de ipsa Sicilia utinam sit verum! sed adhuc nihil secundi. concursus Siculorum ad Catonem dicitur factus, orasse ut resisteret, omnia pollicitos; commotum illum dilectum habere coepisse. non credo, ut est luculentus auctor. potuisse certe teneri illam provinciam scio. ab Hispaniis autem iam audietur.

[3] hic nos C. Marcellum habemus eadem vere cogitantem aut bene simulantem; quamquam ipsum non videram sed ex familiarissimo eius audiebam. tu, quaeso, si quid habebis novi; ego, si quid moliti erimus, ad te statim scribam. Quintum filium severius adhibebo. Vtinam proficere possim! tu tamen eas epistulas quibus asperius de eo scripsi aliquando concerpito, ne quando quid emanet; ego item tuas.

[4] Servium exspecto nec ab eo quicquam hugies. scies quicquid erit.

[XIIa] Scr. in Cumano prid. Nou. Mai. a. 705(49).

CICERO ATTICO SAL.

[1] Sine dubio errasse nos confitendum est. ‘at semel, at una in re.’ immo omnia quo diligentius cogitata eo facta sunt imprudentius. alla ta men protetuchthai easomen achnumenoi per. in reliquis modo ne ruamus. iubes de profectione me providere. quid provideam? ita patent omnia quae accidere possunt ut, ea si vitem, sedendum sit cum dedecore et dolore, si neglegam, periculum sit ne in manus incidam perditorum. sed vide quantis in miseriis simus. optandum interdum videtur ut aliquam accipiamus ab istis quamvis acerbam iniuriam, ut tyranno in odio fuisse videamur.

[2] quod si nobis is cursus quem speraram pateret, effecissem aliquid profecto, ut tu optas et hortaris, dignum nostra mora. sed mirificae sunt custodiae et quidem ille ipse Curio suspectus. qua re vi aut clam agendum est et si +vi forte ne cum pestate clamaut emistis. in quo si quod sphalma, vides quam turpe sit. trahimur, nec fugiendum si quid violentius.

[3] de Caelio saepe mecum agito nec, si quid habuero tale, a dimittam. Hispanias spero firmas esse. Massiliensium factum cum ipsum per se luculentum est tum mihi argumento est recte esse in Hispaniis. minus enim auderent, si aliter esset et scirent; nam et vicini et diligentes sunt. odium autem recte animadvertis significatum <in> theatro. legiones etiam has quas in Italia assumpsit alienissimas esse video. sed tamen nihil inimicius quam sibi ipse. illud recte times ne ruat. si desperarit, certe ruet. quo magis efficiendum aliquid est, fortuna velim meliore, animo Caeliano. sed primum quidque. quod, qualecumque erit, continuo scies.

[4] nos iuveni, ut rogas, suppeditabimus et Peloponnesum ipsam sustinebimus. est enim indoles, modo aliquod +hoc sit êthos akimoan +. quod si adhuc nullum est, esse tamen potest, aut aretê non est didakton, quod mihi persuaderi non potest.

[XIII] Scr. in Cumano Nou. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] epistula tua gratissima fuit meae Tulliae et me hercule mihi. semper speculam aliquam adferunt tuae litterae. scribes igitur ac si quid ad spem poteris ne dimiseris. tu Antoni leones pertimescas cave. nihil est illo homine iucundius. attende praxin politikou. evocavit litteris e municipiis decem primos et iiiiviros. venerunt ad villam eius mane. primum dormiit ad h. Iii, deinde, cum esset nuntiatum venisse Neapolitanos et Cumanos (his enim est Caesar iratus), postridie redire iussit; lavari se velle et peri koiliolusian ginesthai. hoc here effecit. hodie autem in Aenariam transire constituit (ut) exsulibus reditum polliceretur. sed haec omittamus, de nobis aliquid agamus.

[2] ab Axio accepi litteras. de Tirone gratum. Vettienum diligo. Vestorio reddidi. Servius pr. Nonas Maias Menturnis mansisse

dicitur, hodie in Liternino mansurus apud C. Marcellum. cras igitur nos mature videbit mihique dabit argumentum ad te epistulae. iam enim non reperio quod tibi scribam. illud admiror quod Antonius ad me ne nuntium quidem, cum praesertim me valde observarit. videlicet aliquid atrocius de me imperatum est. Coram negare mihi non vult, quod ego nec rogaturus eram nec, si impetrassem, crediturus. nos tamen aliquid excogitabimus.

[3] tu, quaeso, si quid in Hispaniis. iam enim poterit audiri et omnes ita exspectant ut, si recte fuerit, nihil negoti futurum putent. ego autem nec retentis iis confectam rem puto neque amissis desperatam. Silium et Ocellam et ceteros credo retardatos. te quoque a Curione impediri video. etsi, ut opinor, habes + EKITAONON.

[XIV] Scr. in Cumano viqi Id. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] O vitam miseram maiusque malum tam diu timere quam est illud ipsum quod timetur! Servius, ut antea scripsi, cum venisset Nonis Maus, postridie ad me mane venit. ne diutius te teneam, nullius consili exitum invenimus. numquam vidi hominem perturbatiorem metu; neque hercule quicquam timebat quod non esset timendum; illum sibi iratum, hunc non amicum; horribilem utriusque victoriam cum propter alterius crudelitatem, alterius audaciam, tum propter utriusque difficultatem pecuniariam; quae erui nusquam nisi ex privatorum bonis posset. atque haec ita multis cum lacrimis loquebatur ut ego mirarer eas tam diuturna miseria non exaruisse. mihi quidem etiam lippitudo haec, propter quam non ipse ad te scribo, sine ulla lacrima est sed saepius odiosa est propter vigilias.

[2] quam ob rem quicquid habes ad consolandum conlige et illa scribe non ex doctrina neque ex libris (nam id quidem domi est, sed nescio quo modo imbecillior est medicina quam morbus), haec potius conquire de Hispaniis, de Massilia; quae quidem satis bella Servius adfert; qui etiam de duabus legionibus luculentos auctores esse dicebat. haec igitur si habebis et talia. et quidem paucis diebus aliquid audiri necesse est.

[3] sed redeo ad Servium. distulimus omnino sermonem in

posterum, sed tardus ad exeundum ‘multo se in suo lectulo malle, quicquid foret.’ odiosus scrupulus de fili militia Brundisina. Vnum illud firmissime adseverabat, si damnati restituerentur, in exsilium se iturum. nos autem ad haec ‘et (id) ipsum certo fore et quae iam fierent non esse leviora,’ multaque conligebamus. verum ea non animum eius augebant sed timorem, ut iam celandus magis de nostro consilio quam ad id (adhibendus) videretur. qua re in hoc non multum est. nos a te admoniti de Caelio cogitabimus.

[XV] Scr. in Cumano iv Id. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] Servius cum esset apud me, Cephalio cum tuis litteris vi Idus venit; quae nobis magnam spem attulerunt meliorum rerum de octo cohortibus. etenim eae quoque quae in his locis sunt labare dicuntur. eodem die Funisulanus a te attulit litteras in quibus erat confirmatius idem illud. ei de suo negotio respondi cumulate cum omni tua gratia. adhuc non satis faciebat; debet autem mihi multos nummos nec habetur locuples. nunc ait se daturum; cui expensum tulerit morari; + tabellarius si apud te esse quas satis fecissest dares. quantum sit Eros Philotimi tibi dicet. sed ad maiora redeamus.

[2] quod optas, Caelianum illud maturescit. itaque torqueor utrum ventum exspectem. vexillo opus est; convolabunt. quod suades ut palam, prorsus adsentior itaque me profecturum puto. tuas tamen interim litteras exspecto. Servi consilio nihil expeditur. omnes captiones in omni sententia occurrunt. Vnum C. Marcellum cognovi timidiorem; quem consulem fuisse paenitet. O polles agenneias! qui etiam Antonium confirmasse dicitur ut me impediret, quo ipse, credo, honestius.

[3] Antonius autem vi Idus Capuam profectus est. ad me misit se pudore deterritum ad me non venisse quod me sibi suscensere putaret. Ibitur igitur et ita quidem ut censes, nisi cuius gravioris personae suscipiendae spes erit ante oblata. sed vix erit tam cito. Allienus autem praetor putabat aliquem, si ego non, ex conlegis suis. quivis licet dum modo aliquis.

[4] de sorore laudo. de Quinto puero datur opera; spero esse

meliora. de Quinto fratre scito eum non mediocriter laborare de versura sed adhuc nihil a L. Egnatio expressit. Axius de duodecim milibus pudens! saepe enim ad (me) scripsit ut Gallio quantum is vellet darem. quod si non scripsisset, possemne aliter? et quidem saepe sum pollicitus sed tantum voluit cito. me vero adiuvarent his in angustiis. sed di istos! verum alias. te a quartana liberatum gaudeo itemque Piliam. ego, dum panis et cetera in navem parantur, excurro in Pompeianum. Vettieno velim gratias quod studiosus sit; si quemquam nactus eris qui perferat, litteras des ante quam discedimus.

[XVI] Scr. in Cumano prid. Id. Mai. a. 705 (49).

CICERO ATTICO SAL.

[1] Commodum ad te dederam litteras de pluribus rebus cum ad me bene mane Dionysius fuit. quoi quidem ego non modo placabilem me praebuissem sed totum remisissem, si advenisset qua mente tu ad me scripseras. erat enim sic in tuis litteris quas Arpini acceperam, eum venturum facturumque quod ego vellem. ego volebam autem vel cupiebam potius esse eum nobiscum. quod quia plane, cum in Formianum venisset, praeciderat, asperius ad te de eo scribere solebam. at ille perpauca locutus hanc summam habuit orationis ut sibi ignoscerem; se rebus suis impeditum nobiscum ire non posse. pauca respondi, magnum accepi dolorem, intellexi fortunam ab eo nostram despectam esse. quid quaeris? (fortasse miraberis) in maximis horum temporum doloribus hunc mihi scito esse. velim ut tibi amicus sit. hoc cum tibi opto, opto ut beatus sis; erit enim tam diu.

[2] consilium nostrum spero vacuum periculo fore. nam et dissimulavimus et, ut opinor, (non) acerrime adservabimur. navigatio modo sit qualem opto, cetera, quae quidem consilio provideri poterunt, cavebuntur. tu, dum adsumus, non modo quae scies audierisve sed etiam quae futura providebis scribas velim.

[3] Cato, qui Siciliam tenere nullo negotio potuit (et, si tenuisset, omnes boni ad eum se contulissent), Syracusis profectus est ante diem viii K. Mai., ut ad me Curio scripsit. Vtinam, quod aiunt, Cotta

Sardiniam teneat! est enim rumor. O, si id fuerit, turpem Catonem!

[4] ego ut minuerem suspicionem profectionis aut cogitationis meae, profectus sum in Pompeianum a. d. iii Idus ut ibi essem dum quae ad navigandum opus essent pararentur. Cum ad villam venissem, ventum est ad me: ‘centuriones trium cohortium, quae Pompeiis sunt, me velle postridie convenire’ — haec mecum Ninnius noster,—’velle eos mihi se et oppidum tradere.’ at ego abii postridie a villa ante lucem, ut me omnino illi ne viderent. quid enim erat in tribus cohortibus? quid si plures? quo apparatu? cogitavi eadem illa Caeliana quae legi in epistula tua quam accepi simul et in Cumanum veni eodem die, et [simul] fieri poterat ut temptaremur. omnem igitur suspicionem sustuli.

[5] sed, dum redeo, Hortensius venerat et ad me Terentiam salutatum deverterat. sermone erat usus honorifico erga me. iam eum, ut puto, videbo; misit enim puerum se ad me venire. hoc quidem melius quam conlega noster Antonius, cuius inter lictores lectica mima portatur.

[6] tu quoniam quartana cares et novum morbum removisti sed etiam gravedinem, teque vegetum nobis in Graecia siste et litterarum aliquid interea.

[XVII] Scr. in Cumano xvii K Iun. a. 705(49).

CICERO ATTICO SAL.

[1] Pr. Idus Hortensius ad me venit scripta epistula. + vellem cetera eius+ , quam in me incredibilem ekteneian! qua quidem cogito uti. deinde serapion cum epistula tua. quam prius quam aperuissem, dixi ei te ad me de eo scripsisse antea, ut feceras. deinde epistula + scripta + cumulatissime cetera. et hercule hominem probo; nam et doctum et probum existimo; quin etiam navi eius me et ipso convectore usurum puto.

[2] crebro refricat lippitudo non illa quidem perodiosa sed tamen quae impediat scriptionem meam. valetudinem tuam iam confirmatam esse et a vetere morbo et a novis temptationibus gaudeo.

[3] Ocellam vellem haberemus; videntur enim esse haec paulo

faciliora (futura). nunc quidem aequinoctium nos moratur quod valde perturbatum erat. + id si cras+ erit, utinam idem maneat Hortensius! si quidem, (ut) adhuc erat, liberalius esse nihil potest.

[4] de diplomate admiraris quasi nescio cuius te flagiti insimularim. negas enim te reperire qui mihi id in mentem venerit. ego autem, quia scripseras te proficisci cogitare (etenim audieram nemini aliter licere), eo te habere censebam et quia pueris diploma sumpseras. habes causam opinionis meae. et tamen velim scire quid cogites in primisque si quid etiam nunc novi est. xvii K. Iun.

[XVIII] Scr. in Cumano xiv aut xiii K. Iun. a. 705 (49).

CICERO ATTICO SAL.

[1] Tullia mea peperit xiiii K. Iun. puerum heptameniaion. quod eutokesen gaudeo; quod quidem est natum perimbecillum est. me mirificae tranquillitates adhuc tenuerunt atque maiori impedimento fuerunt quam custodiae quibus adservor. nam illa Hortensiana omnia + fuere infantia ita fiet+ homo nequissimus a Salvio liberto depravatus est. itaque posthac non scribam ad te quid facturus sim sed quid fecerim; omnes enim Korukaiioi videntur subauscultare quae loquor.

[2] tu tamen si quid de Hispaniis sive quid aliud perge, quaeso, scribere nec meas litteras exspectaris, nisi cum quo opto pervenerimus aut si quid ex cursu. sed hoc quoque timide scribo; ita omnia tarda adhuc et spissa. Vt male posuimus initia sic cetera sequuntur.

[3] Formias nunc sequimur; eodem nos fortasse Furiae persequentur. ex Balbi autem sermone quem tecum habuit, non probamus de Melita. dubitas igitur quin nos in hostium numero habeat? scripsi equidem Balbo te ad me et (de) benevolentia scripsisse et de suspicione.

[3] egi gratias; de altero ei me purga. ecquem tu hominem infeliciorem? non loquor plura, ne te quoque excruciem. ipse conficior venisse tempus cum iam nec fortiter nec prudenter quicquam facere possim.

LIBER VNDECIMVS

[I] Scr. in Epiro inter Non. et Id. Ian., ut videtur, a. 706 (48).

CICERO ATTICO SAL.

[1] accepi a te signatum libellum quem Anteros attulerat; ex quo nihil scire potui de nostris domesticis rebus. de quibus acerbissime adflictor quod qui eas dispensavit neque adest istic neque ubi terrarum sit scio. omnem autem spem habeo existimationis privatarumque rerum in tua erga me mihi perspectissima benevolentia. quam si his temporibus miseris et extremis praestiteris, haec pericula quae mihi communia sunt cum ceteris fortius feram; idque ut facias te obtestor atque obsecro.

[2] ego in cistophoro in Asia habeo ad sestertium bis et viciens. huius pecuniae permutatione fidem nostram facile tuebere; quam quidem ego nisi expeditam relinquere me putassem credens ei cui tu scis iam pridem minime credere (me debere), commoratus essem paulisper nec domesticas res impeditas reliquissem. ob eamque causam serius ad te scribo quod sero intellexi quid timendum esset. te etiam atque etiam oro ut me totum tuendum suscipias, ut, si ii salvi erunt quibuscum sum, una cum iis possim incolumis esse salutemque meam benevolentiae tuae acceptam referre.

[II] Scr. in Epiro aliquanto post Non. Febr., ut videtur, a. 706 (48).

CICERO ATTICO SAL.

[1] Litteras tuas accepi pr. Non. Febr. eoque ipso die ex testamento crevi hereditatem. ex multis meis miserrimis curis est una levata si, ut scribis, ista hereditas fidem et famam meam tueri potest; quam quidem intellego te etiam sine hereditate tuis opibus defensurum fuisse.

[2] de dote quod scribis, per omnis deos te obtestor ut totam rem suscipias et illam miseram mea culpa et neglegentia tueare meis opibus si quae sunt, tuis quibus tibi molestum non erit facultatibus.

quoi quidem deesse omnia, quod scribis, obsecro te, noli pati. in quos enim sumptus abeunt fructus praediorum? iam illa HS L*X* quae scribis nemo mihi umquam dixit ex dote esse detracta; numquam enim essem passus. sed haec minima est ex iis iniuriis quas accepi; de quibus ad te dolore et lacrimis scribere prohibeor. ex ea pecunia quae fuit in Asia partem dimidiam fere exegi.

[3] tutius videbatur fore ibi ubi est quam apud publicanos. quod me hortaris ut firmo sim animo, vellem posses aliquid adferre quam ob rem id facere possem. sed si ad ceteras miserias accessit etiam id quod mihi Chrysippus dixit parari (tu nihil significasti) de domo, quis me miserior uno iam fuit? oro, obsecro, ignosce. non possum plura scribere. quanto maerore urgear profecto vides. quod si mihi commune cum ceteris esset qui videntur in eadem causa esse, minor mea culpa videretur et eo tolerabilior esset. nunc nihil est quod consoletur, nisi quid tu efficis, si modo etiam nunc effici potest ut ne qua singulari adficiar calamitate et iniuria.

[4] tardius ad te remisi tabellarium quod potestas mittendi non fuit. A tuis et nummorum accepi HS L*X*X et vestimentorum quod opus fuit. quibus tibi videbitur velim des litteras meo nomine. Nosti meos familiaris. (si) signum requirent aut manum, dices me propter custodias ea vitasse.

[III] Scr. in castris Pompei Id. Iun. a. 706 (48).

CICERO ATTICO SAL.

[1] quid hic agatur scire poteris ex eo qui litteras attulit. quem diutius tenui quia cotidie aliquid novi exspectabamus; neque nunc mittendi tamen ulla causa fuit praeter eam de qua tibi rescribi voluisti, quod ad Kal. Quint. pertinet quid vellem. Vtrumque grave est et tam gravi tempore periculum tantae pecuniae et dubio rerum exitu ista quam scribis abruptio. qua re ut alia sic hoc vel maxime tuae (curae) benevolentiaeque permitto et illius consilio et voluntati; cui miserae consuluissem melius, si tecum olim coram potius quam per litteras de salute nostra fortunisque deliberavissem.

[2] quod negas praecipuum mihi ullum (in communibus) incommodis impendere, etsi ista res (non) nihil habet consolationis,

tamen etiam praecipua multa sunt quae tu profecto vides et gravissima esse et me facillime vitare potuisse. ea tamen erunt minora si, (ut) adhuc factum est, administratione diligentiaque tua levabuntur.

[3] pecunia apud Egnatium est. sit a me ut est. neque enim hoc quod agitur videtur diuturnum esse posse, ut scire iam possim quid maxime opus sit; etsi egeo rebus omnibus, quod is quoque in angustiis est quicum sumus; cui magnam dedimus pecuniam mutuam opinantes nobis constitutis rebus eam rem etiam honori fore. tu ut antea fecisti, velim si qui erunt ad quos aliquid scribendum a me existimes ipse conficias. tuis salutem dic. cura ut valeas. in primis id quod scribis omnibus rebus cura et provide ne quid ei desit de qua scis me miserrimum esse. Idibus Iuniis ex castris.

[IV] Scr. in castris Pompei Id. Quint a. 706 (48).

CICERO ATTICO SAL.

[1] accepi ab Isidoro litteras et postea datas binas. ex proximis cognovi praedia non venisse. videbis ergo ut sustentetur per te. de Frusinati, si modo fruituri sumus, erit mihi res opportuna. meas litteras quod requiris, impedior inopia rerum quas nullas habeo litteris dignas, quippe cui nec quae accidunt nec quae aguntur ullo modo probentur. Vtinam coram tecum olim potius quam per epistulas! hic tua, ut possum, tueor apud hos. cetera Celer. ipse fugi adhuc omne munus eo magis quod ita nihil poterat agi ut mihi et meis rebus aptum esset.

[IVa] Scr. Dyrrhachi inter xvi et xii K Quint a. 706 (48).

CICERO ATTICO SAL.

[1] quid sit gestum novi quaeris. ex Isidoro scire poteris. reliqua non videntur esse difficiliora. tu id velim quod scis me maxime velle cures, ut scribis et facis. me conficit sollicitudo ex qua etiam summa infirmitas corporis. qua levata ero una cum eo qui negotium gerit estque in spe magna. Brutus amicus; in causa versatur acriter. hactenus fuit quod caute a me scribi posset. vale. de pensione altera,

oro te, omni cura considera quid faciendum sit, ut scripsi iis litteris quas Pollex tulit.

[V] Scr. Brundisi pr. Non. Nov. a. 706 (48).

CICERO ATTICO SAL.

[1] quae me causae moverint, quam acerbae, quam graves, quam novae, coegerintque impetu magis quodam animi uti quam cogitatione, non possum ad te sine maximo dolore scribere. fuerunt quidem tantae ut id quod vides effecerint. itaque nec quid ad te scribam de meis rebus nec quid a te petam reperio; rem et summam negoti vides.

equidem ex tuis litteris intellexi et iis quas communiter cum aliis scripsisti et iis quas tuo nomine, quod etiam mea sponte videbam, te subita re quasi debilitatum novas rationes tuendi mei quaerere.

[2] quod scribis placere ut propius accedam iterque per oppida noctu faciam, non sane video quem ad modum id fieri possit. neque enim ita apta habeo deversoria ut tota tempora diurna in iis possim consumere, neque ad id quod quaeris multum interest utrum me homines in oppido videant an in via. sed tamen hoc ipsum sicut alia considerabo quem ad modum commodissime fieri posse videatur.

[3] ego propter incredibilem et animi et corporis molestiam conficere pluris litteras non potui; iis tantum rescripsi a quibus acceperam. tu velim et Basilo et quibus praeterea videbitur, etiam Servilio conscribas, ut tibi videbitur, meo nomine. quod tanto intervallo nihil omnino ad vos scripsi, his litteris profecto intellegis rem mihi desse de qua scribam, non voluntatem.

[4] quod de Vatinio quaeris, neque illius neque cuiusquam mihi praeterea officium desset, si reperire possent qua in re me iuvarent. Quintus aversissimo a me animo Patris fuit. eodem Corcyra filius venit. Inde profectos eos una cum ceteris arbitror.

[VI] Scr. Brundisi iv K. Dec. a. 706 (48).

CICERO ATTICO SALVTEM DICIT.

[1] sollicitum esse te cum de tuis communibusque fortunis tum

maxime de me ac de dolore meo sentio. qui quidem meus dolor non modo non minuitur cum socium sibi adiungit dolorem tuum sed etiam augetur. omnino pro tua prudentia sentis qua consolatione levari maxime possim. probas enim meum consilium negasque mihi quicquam tali tempore potius faciendum fuisse. addis etiam (quod etsi mihi levius est quam tuum iudicium, tamen non est leve) ceteris quoque, id est qui pondus habeant, factum nostrum probari. id si ita putarem, levius dolerem.

[2] ‘crede’ inquis ‘mihi.’ credo equidem sed scio quam cupias minui dolorem meum. me discessisse ab armis numquam paenituit. tanta erat in illis crudelitas, tanta cum barbaris gentibus coniunctio ut non nominatim sed generatim proscriptio esset informata, ut iam omnium iudicio constitutum esset omnium vestrum bona praedam esse illius victoriae. ‘vestrum’ plane dico; numquam enim de te ipso nisi crudelissime cogitatum est. qua re voluntatis me meae numquam paenitebit, consili paenitet. in oppido aliquo mallem resedisse quoad accerserer; minus sermonis subissem, minus accepissem doloris, ipsum hoc me non angeret. Brundisi iacere in omnis partis est molestum. propius accedere, ut suades, quo modo sine lictoribus quos populus dedit possum? qui mihi incolumi adimi non possunt. quos ego non paulisper cum bacillis in turbam conieci ad oppidum accedens ne quis impetus militum fieret. recipio tempore me domo te nunc.

[3] ad Oppium (et Balbum scripsi) [et] quonam iis placeret modo propius accedere ut hac de re considerarent. credo fore auctores. sic enim recipiunt, Caesari non modo de conservanda sed etiam de augenda mea dignitate curae fore, meque hortantur ut magno animo sim, ut omnia summa sperem. ea spondent, confirmant. quae quidem mihi exploratiora essent, si remansissem. sed ingero praeterita; vide, quaeso, igitur ea quae restant et explora cum istis et, si putabis opus esse et si istis placebit, quo magis factum nostrum Caesar probet quasi de suorum sententia factum, adhibeantur Trebonius, Pansa, si qui alii, scribantque ad Caesarem me quicquid fecerim de sua sententia fecisse.

[4] Tulliae meae morbus et imbecillitas corporis me exanimat. quam tibi intellego magnae curae esse, quod est mihi gratissimum.

[5] de Pompei exitu mihi dubium numquam fuit. tanta enim

desperatio rerum eius omnium regum et populorum animos occuparat ut quocumque venisset hoc putarem futurum. non possum eius casum non dolere; hominem enim integrum et castum et gravem cognovi.

[6] de Fannio consoler te? perniciosa loquebatur de mansione tua. L. vero Lentulus Hortensi domum sibi et Caesaris hortos et Baias desponderat. omnino haec eodem modo ex hac parte fiunt, nisi quod illud erat infinitum. omnes enim qui in Italia manserant hostium numero habebantur. sed velim haec aliquando solutiore animo.

Quintum fratrem audio profectum in Asiam ut deprecaretur. de filio nihil audivi; sed quaere ex Diochare Caesaris liberto quem ego non vidi, qui istas Alexandrea litteras attulit. is dicitur vidisse Quintum euntem an iam in Asia. tuas litteras prout res postulat exspecto. quas velim cures quam primum ad me perferendas. iiii K. Decembr.

[VII] Scr. Brundisi iv K. Dec. a. 706 (48).

CICERO ATTICO SALVTEM DICIT.

[1] sollicitum esse te cum de tuis communibusque fortunis tum maxime de me ac de dolore meo sentio. qui quidem meus dolor non modo non minuitur cum socium sibi adiungit dolorem tuum sed etiam augetur. omnino pro tua prudentia sentis qua consolatione levari maxime possim. probas enim meum consilium negasque mihi quicquam tali tempore potius faciendum fuisse. addis etiam (quod etsi mihi levius est quam tuum iudicium, tamen non est leve) ceteris quoque, id est qui pondus habeant, factum nostrum probari. id si ita putarem, levius dolerem.

[2] ‘crede’ inquis ‘mihi.’ credo equidem sed scio quam cupias minui dolorem meum. me discessisse ab armis numquam paenituit. tanta erat in illis crudelitas, tanta cum barbaris gentibus coniunctio ut non nominatim sed generatim proscriptio esset informata, ut iam omnium iudicio constitutum esset omnium vestrum bona praedam esse illius victoriae. ‘vestrum’ plane dico; numquam enim de te ipso nisi crudelissime cogitatum est. qua re voluntatis me meae numquam paenitebit, consili paenitet. in oppido aliquo mallem resedisse quoad

accerserer; minus sermonis subissem, minus accepissem doloris, ipsum hoc me non angeret. Brundisi iacere in omnis partis est molestum. propius accedere, ut suades, quo modo sine lictoribus quos populus dedit possum? qui mihi incolumi adimi non possunt. quos ego non paulisper cum bacillis in turbam conieci ad oppidum accedens ne quis impetus militum fieret. recipio tempore me domo te nunc.

[3] ad Oppium (et Balbum scripsi) [et] quonam iis placeret modo propius accedere ut hac de re considerarent. credo fore auctores. sic enim recipiunt, Caesari non modo de conservanda sed etiam de augenda mea dignitate curae fore, meque hortantur ut magno animo sim, ut omnia summa sperem. ea spondent, confirmant. quae quidem mihi exploratiora essent, si remansissem. sed ingero praeterita; vide, quaeso, igitur ea quae restant et explora cum istis et, si putabis opus esse et si istis placebit, quo magis factum nostrum Caesar probet quasi de suorum sententia factum, adhibeantur Trebonius, Pansa, si qui alii, scribantque ad Caesarem me quicquid fecerim de sua sententia fecisse.

[4] Tulliae meae morbus et imbecillitas corporis me exanimat. quam tibi intellego magnae curae esse, quod est mihi gratissimum.

[5] de Pompei exitu mihi dubium numquam fuit. tanta enim desperatio rerum eius omnium regum et populorum animos occuparat ut quocumque venisset hoc putarem futurum. non possum eius casum non dolere; hominem enim integrum et castum et gravem cognovi.

[6] de Fannio consoler te? perniciosa loquebatur de mansione tua. L. vero Lentulus Hortensi domum sibi et Caesaris hortos et Baias desponderat. omnino haec eodem modo ex hac parte fiunt, nisi quod illud erat infinitum. omnes enim qui in Italia manserant hostium numero habebantur. sed velim haec aliquando solutiore animo.

Quintum fratrem audio profectum in Asiam ut deprecaretur. de filio nihil audivi; sed quaere ex Diochare Caesaris liberto quem ego non vidi, qui istas Alexandrea litteras attulit. is dicitur vidisse Quintum euntem an iam in Asia. tuas litteras prout res postulat exspecto. quas velim cures quam primum ad me perferendas. iiii K. Decembr.

[VIII] Scr. Brundisi xiiii K. Ian. a. 706 (48).

CICERO ATTICO SAL.

[1] quantis curis conficiar etsi profecto vides, tamen cognosces ex Lepta et Trebatio. maximas poenas pendo temeritatis meae quam tu prudentiam mihi videri vis; neque te deterreo quo minus id disputes scribasque ad me quam saepissime. non nihil enim me levant tuae litterae hoc tempore. per eos qui nostra causa volunt valentque apud illum diligentissime contendas opus est, per Balbum et Oppium maxime, ut de me scribant quam diligentissime. oppugnamur enim, ut audio, et a praesentibus quibusdam et per litteras. Iis ita est occurrendum ut rei magnitudo postulat.

[2] Fufius est illic, mihi inimicissimus. Quintus misit filium non solum sui deprecatorem sed etiam accusatorem mei. dictitat se a me apud Caesarem oppugnari, quod refellit Caesar ipse omnesque eius amici. neque vero desistit, ubicumque est, omnia in me maledicta conferre. nihil mihi umquam tam incredibile accidit, nihil in his malis tam acerbum. qui ex ipso audissent cum Sicyone palam multis audientibus loqueretur nefaria quaedam, ad me pertulerunt. Nosti genus, etiam expertus es fortasse. in me id est omne conversum. sed augeo commemorando dolorem et facio etiam tibi. qua re ad illud redeo. cura ut huius rei causa dedita opera mittat aliquem Balbus. ad quos videbitur velim cures litteras meo nomine. vale. xiii Kal. Ian.

[IX] Scr. Brundisi iii Non. Ian. a. 707 (47).

CICERO ATTICO SAL.

[1] ego vero et incaute, ut scribis, et celerius quam oportuit feci nec in ulla sum spe quippe qui exceptionibus edictorum retinear. quae si non essent sedulitate effectae et benivolentie va , liceret mihi abire in solitudines aliquas. nunc ne id quidem licet. quid autem me iuvat quod ante initum tribunatum veni, si ipsum quod veni nihil iuvat? iam quid sperem ab eo qui mihi amicus numquam fuit, cum iam lege etiam sim confectus et oppressus? cotidie iam Balbi ad me litterae languidiores multaeque multorum ad illum fortasse contra me. meo

vitio pereo; nihil mihi mali casus attulit, omnia culpa contracta sunt. ego enim cum genus belli viderem, imparata et infirma omnia contra paratissimos, statueram quid facerem ceperamque consilium non tam forte quam mihi praeter ceteros concedendum.

[2] cessi meis vel potius parui. ex quibus unus qua mente fuerit, is quem tu mihi commendas, cognosces ex ipsius litteris quae ad te et ad alios misit. quas ego numquam aperuissem, nisi res acta sic esset. delatus est ad me fasciculus. solvi, si quid ad me esset litterarum. nihil erat, epistula Vatinio et ligurio altera. iussi ad eos deferri. illi ad me statim ardentes dolore venerunt scelus hominis clamantes; epistulas mihi legerunt plenas omnium in me probrorum. hic ligurius furere, 'se enim scire summo illum in odio fuisse Caesari. illum tamen non modo favisse sed etiam tantam illi pecuniam dedisse honoris mei causa. hoc ego dolore accepto volui scire quid scripsisset ad ceteros; ipsi enim illi putavi perniciosum fore, si eius hoc tantum scelus percrebruisset. cognovi eiusdem generis. ad te misi. quas si putabis illi ipsi utile esse reddi, reddes. nil me laedet. nam quod resignatae sunt, habet, opinor, eius signum Pomponia. hac ille acerbitate initio navigationis cum usus esset, tanto me dolore adfecit ut postea iacuerim, neque nunc tam pro se quam contra me laborare dicitur.

[3] ita omnibus rebus urgeor; quas sustinere vix possum vel plane nullo modo possum. quibus in miseriis una est pro omnibus quod istam miseram patrimonio, fortuna omni spoliatam relinquam. qua re te, (ut) polliceris, videre plane velim. Alium enim cui illam commendem habeo neminem, quoniam matri quoque eadem intellexi esse parata quae mihi. sed si me non offendes, satis tamen habeto commendatam patruumque in ea quantum poteris mitigato.

haec ad te die natali meo scripsi. quo utinam susceptus non essem aut ne quid ex eadem matre postea natum esset! plura scribere fletu prohibeor.

[X] Scr. Brundisi xii K Febn a. 707 (47).

CICERO ATTICO SAL.

[1] ad meas incredibilis aegritudines aliquid novi accedit ex iis quae

de Q. Q. ad me adferuntur. P. Terentius meus necessarius operas in portu et scriptura Asiae pro magistro dedit. is Quintum filium Ephesi vidit vi Idus Decembr. eumque studiose propter amicitiam nostram invitavit; cumque ex eo de me percontaretur, eum sibi ita dixisse narrabat, se mihi esse inimicissimum, volumenque sibi ostendisse orationis quam apud Caesarem contra me esset habiturus. multa a se dicta contra eius amentiam. multa postea Patris simili scelere secum Quintum patrem locutum; cuius furorem ex iis epistulis quas ad te misi perspicere potuisti. haec tibi dolori esse certo scio; me quidem excruciant et eo magis quod mihi cum illis ne querendi quidem locum futurum puto.

[2] de Africanis rebus longe alia nobis ac tu scripseras nuntiantur. nihil enim firmius esse dicunt, nihil paratius. accedit Hispania et alienata Italia, legionum nec vis eadem nec voluntas, urbanae res perditae. quid est ubi acquiescam, nisi quam diu tuas litteras lego? quae essent profecto crebriores, si quid haberes quo putares meam molestiam minui posse. sed tamen te rogo ut ne intermittas scribere ad me quicquid erit eosque qui mihi tam crudeliter inimici sunt, si odisse non potes, accuses tamen, non ut aliquid proficias sed ut tibi me carum esse sentiant. plura ad te scribam, si mihi ad eas litteras quas proxime ad te dedi rescripseris. vale. xii K. Febr.

[XI] Scr. Brundisi viri Id. Mart. a. 707 (47).

CICERO ATTICO SAL.

[1] confectus iam cruciatu maximorum dolorum ne si sit quidem quod ad te debeam scribere facile id exsequi possim, hoc minus, quod res nulla est quae scribenda sit cum praesertim ne spes quidem ulla ostendatur fore melius. ita iam ne tuas quidem litteras exspecto, quamquam semper aliud adferunt quod velim. qua re tu quidem scribito, cum erit quoi des. ego tuis proximis, quas tamen iam pridem accepi, nihil habeo quod rescribam; longo enim intervallo video immutata esse omnia; illa esse firma quae debeant, nos stultitiae nostrae gravissimas poenas pendere.

[2] P. Sallustio curanda sunt HS. x*x*x quae accepi a Cn. Sallustio. velim videas ut sine mora curentur. de ea re scripsi ad Terentiam.

atque hoc ipsum iam prope consumptum est. qua re id quoque velim cum illa videas, ut sit qui utamur. hic fortasse potero sumere, si sciam istic paratum fore; sed, prius quam id scirem, nihil sum ausus sumere. qui sit omnium rerum status noster vides. nihil est mali quod non et sustineam et exspectem. quarum rerum eo gravior est dolor quo culpa maior. ille in Achaia non cessat de nobis detrahere. nihil videlicet tuae litterae profecerunt. vale. viii Idus Mart.

[XII] Scr. Brundisi viii Id. Mart. a. 707 (47).

CICERO ATTICO SAL.

[1] Cephalio mihi a te litteras reddidit a. d. viii Id. Mart. vespere. eo autem die mane tabellarios miseram; quibus ad te dederam litteras. tuis tamen lectis litteris putavi iam aliquid rescribendum esse ea re maxime quod ostendis te pendere animi quamnam rationem sim Caesari adlaturus profectionis meae tum cum ex Italia discesserim. nihil opus est mihi nova ratione. saepe enim ad eum scripsi multisque mandavi me non potuisse, quom cupissem, sermones hominum sustinere, multaque in eam sententiam. nihil enim erat quod minus eum vellem existimare quam me tanta de re non meo consilio usum esse. posteaque quom mihi litterae a Balbo Cornelio minore missae essent illum existimare Quintum fratrem ‘lituum’ meae profectionis fuisse (ita enim scripsit), qui nondum cognossem quae de me Quintus scripsisset ad multos, etsi multa praesens in praesentem acerbe dixerat et fecerat, tamen nihilo minus his verbis ad Caesarem scripsi:

[2] do Quinto fratre meo non minus laboro quam de me ipso, sed eum tibi commendare hoc meo tempore non audeo. illud dumtaxat tamen audebo petere abs te quod potero, ne quid existimes ab illo factum esse quo minus mea in te officia constarent minusve te diligerem potiusque semper illum auctorem nostrae coniunctionis fuisse meique itineris comitem, non ducem. qua re ceteris in rebus tantum ei tribues quantum humanitas tua amicitiaque vestra postulat. ego ei ne quid apud te obsim, id te vehementer etiam atque etiam rogo.

[3] qua re si quis congressus fuerit mihi cum Caesare, etsi non

dubito quin is lenis in illum futurus sit idque iam declaraverit, ego tamen is ero qui semper fui. sed, ut video, multo magis est nobis laborandum de Africa; quam quidem tu scribis confirmari cotidie magis ad condicionis spem quam victoriae. quod utinam ita esset! sed longe aliter esse intellego teque ipsum ita existimare arbitror, aliter autem scribere non fallendi sed confirmandi mei causa, praesertim cum adiungatur ad Africam etiam Hispania.

[4] quod me admones ut scribam ad Antonium et ad ceteros, si quid videbitur tibi opus esse, velim facias id quod saepe fecisti. nihil enim mihi venit in mentem quod scribendum putem. quod me audis erectiorem esse animo, quid putas cum videas accessisse ad superiores aegritudines praeclaras generi actiones? tu tamen velim ne intermittas, quod eius facere poteris, scribere ad me, etiam si rem de qua scribas non habebis. semper enim adferunt aliquid mihi tuae litterae.

Galeonis hereditatem crevi. puto enim cretionem simplicem fuisse, quoniam ad me nulla missa est. viii Idus Martias.

[XIII] Scr. Brundisi circ. med. m. Mart. a. 707 (47).

CICERO ATTICO SAL.

[1] A Murenae liberto nihil adhuc acceperam litterarum. P. Siser reddiderat eas quibus rescribo. de Servi patris litteris quod scribis, item Quintum in Syriam venisse quod ais esse qui nuntient, ne id quidem verum est. quod certiorem te vis fieri quo quisque in me animo sit aut fuerit eorum qui huc venerunt, neminem alieno intellexi. sed quantum id mea intersit existimare te posse certo scio. mihi cum omnia sint intolerabilia ad dolorem, tum maxime quod in eam causam venisse me video ut sola utilia mihi esse videantur quae semper nolui.

P. Lentulum patrem Rhodi esse aiunt, Alexandreae filium, Rhodoque Alexandream C. Cassium profectum esse constat.

[2] Quintus mihi per litteras satis facit multo asperioribus verbis quam cum gravissime accusabat. ait enim se ex litteris tuis intellegere tibi non placere quod ad multos de me asperius scripserit, itaque se paenitere quod animum tuum offenderit; sed se iure fecisse.

deinde perscribit spurcissime quas ob causas fecerit. sed neque hoc tempore nec antea patefecisset odium suum in me, nisi omnibus rebus me esse oppressum videret. atque utinam vel nocturnis, quem ad modum tu scripseras, itineribus propius te accessissem! nunc nec ubi nec quando te sim visurus possum suspicari.

[3] de coheredibus Fufidianis nihil fuit quod ad me scriberes; nam et aequum postulant et quicquid egisses recte esse actum putarem.

[4] de fundo Frusinati redimendo iam pridem intellexisti voluntatem meam. etsi tum meliore loco res erant nostrae neque tam mihi desperatum iri videbatur, tamen in eadem sum voluntate. id quem ad modum fiat tu videbis. et velim, quod poteris, consideres ut sit unde nobis suppeditentur sumptus necessarii. si quas habuimus facultates, eas Pompeio tum cum id videbamur sapienter facere detulimus. itaque tum et a tuo vilico sumpsimus et aliunde mutuati sumus cum Quintus queritur per litteras sibi nos nihil dedisse, qui neque ab illo rogati sumus neque ipsi eam pecuniam aspeximus. sed velim videas quid sit quod confici possit quidque mihi de omnibus des consili; et causam nosti.

[5] plura ne scribam dolore impedior. si quid erit quod ad quos scribendum meo nomine putes, velim ut soles facias, quotiensque habebis quoi des ad me litteras nolim praeter mittas. vale.

[XIV] Scr. Brundisii circ. vi K. Mai. a. 707 (47).

CICERO ATTICO SAL.

[1] non me offendit veritas litterarum tuarum quod me cum communibus tum praecipuis malis oppressum ne incipis quidem, ut solebas, consolari faterisque id fieri iam non posse. nec enim ea sunt quae erant antea cum, ut nihil aliud, comites me et socios habere putabam. omnes enim Achaici deprecatores itemque in Asia quibus non erat ignotum, etiam quibus erat, in Africam dicuntur navigaturi. ita praeter Laelium neminem habeo culpae socium; qui tamen hoc meliore in causa est quod iam est receptus.

[2] de me autem non dubito quin ad Balbum et ad Oppium scripserit; a quibus, si quid esset laetius, certior factus essem, tecum etiam essent locuti. quibuscum tu de hoc ipso conloquare velim et ad

me quid tibi responderint scribas, non quod ab isto salus data quicquam habitura sit firmitudinis, sed tamen aliquid consuli et prospici poterit. etsi omnium conspectum horreo, praesertim hoc genero, tamen in tantis malis quid aliud velim non reperio.

[3] Quintus pergit, ut ad me et Pansa scripsit et Hirtius, isque item Africam petere cum ceteris dicitur. ad Minucium Tarentum scribam et tuas litteras mittam; ad te scribam num quid egerim. HS x*x*x potuisse mirarer, nisi multa de Fufidianis praediis. et advideo tamen exspecto ; quem videre, si ullo modo potest (poscit enim res), pervelim. iam extremum concluditur; ibi facile est, quod quale sit hic gravius existimare. vale.

[XV] Scr. Brundisi prid. Id. Mai. a. 707 (47).

CICERO ATTICO SAL.

[1] quoniam iustas causas adfers quor te hoc tempore videre non possim, quaeso, (cogita) quid sit mihi faciendum. ille enim ita videtur Alexandream tenere ut eum scribere etiam pudeat de illis rebus, hi autem ex Africa iam adfuturi videntur, Achaici, item ex Asia redituri ad eos aut libero aliquo loco commoraturi. quid mihi igitur putas agendum? video difficile esse consilium. sum enim solus aut cum altero cui neque ad illos reditus sit neque ab his ipsis quicquam ad spem ostendatur. sed tamen scire velim quid censeas; idque erat cum aliis cur te, si fieri posset, cuperem videre.

[2] Minucium X*Л* sola curasse scripsi ad te antea. quod superest velim videas ut curetur. Quintus non modo non cum magna prece ad me sed acerbissime scripsit, filius vero mirifico odio. nihil fingi potest mali quo non urgear. omnia tamen sunt faciliora quam peccati dolor qui et maximus est et aeternus. cuius peccati si socios essem habiturus ego quos putavi, tamen esset ea consolatio tenuis. sed habet aliorum omnium ratio exitum, mea nullum. Alii capti, alii interclusi non veniunt in dubium de voluntate, eo minus scilicet cum se expedierint et una esse coeperint. ii autem ipsi qui sua voluntate ad Fufium venerunt nihil possunt nisi timidi existimari. multi autem sunt qui, quocumque modo ad illos se recipere volent, recipientur. quo minus debes mirari non posse me tanto dolori resistere. solius enim

meum peccatum corrigi non potest et fortasse Laeli. sed quid me id levat? nam C. quidem Cassium aiunt consilium Alexandream eundi mutavisse.

[3] haec ad te scribo, non ut quem tuam demere sollicitudinem sed ut cognoscam ecquid tu ad ea adferas quae me conficiunt; ad quae gener accedit et cetera quae fletu reprimor ne scribam. quin etiam Aesopi filius me ex cruciat. prorsus nihil abest quin sim miserrimus. sed ad primum revertor quid putes faciendum, occultene aliquo propius veniendum an mare transeundum. nam hic maneri diutius non potest

[4] (de) Fufidianis qua re nihil potuit confici? genus enim condicionis eius modi fuit in quo non solet esse controversia, cum ea pars quae videtur esse minor licitatione expleri posset. hoc ego non sine causa quaero. suspicor enim coheredes dubiam nostram causam putare et eo rem in integro esse malle. vale. Pr. Idus Maias.

[XVI] Scr. Brundisi. iii Nou. luot. a. 707 (47).

CICERO ATTICO SAL.

[1] non meo vitio fit hoc quidem tempore (ante enim est peccatum) ut me ista epistula nihil consoletur. nam et exigue scripta est et suspiciones magnas habet non esse ab illo; quas animadvertisse te existimo. de obviam itione ita faciam ut suades. neque enim ulla de adventu eius opinio est neque si qui ex Asia veniunt quicquam auditum esse dicunt de pace; cuius ego spe in hanc fraudem incidi. nihil video quod sperandum putem, nunc praesertim cum ea plaga in Asia sit accepta, in Illyrico, in Cassiano negotio, in ipsa Alexandrea, in urbe, (in) Italia. ego vero etiam si rediturus ille est qui adhuc bellum gerere dicitur tamen ante reditum eius negotium confectum iri puto. fuisse ut eam peterem ab illo, et eo minus quod huius consili iam ne socium quidem habeo quemquam. qui in Asia sunt rerum exitum exspectant, Achaici etiam Fufio spem deprecationis adferunt. Horum et timor idem fuit primo qui meus et constitutum; mora Alexandrina causam illorum correxit, meam evertit.

[3] quam ob rem idem a te nunc peto quod superioribus litteris, ut, si quid in perditis rebus dispiceres quod mihi putares faciendum, me

moneres. si recipior ab his, quod vides non fieri, tamen quoad bellum erit quid agam aut ubi sim non reperio; sin iactor, eo minus. itaque tuas litteras exspecto easque ut ad me sine dubitatione scribas rogo.

[4] quod suades ut ad Quintum scribam de his litteris, facerem, si me quicquam istae litterae delectarent. etsi quidam scripsit ad me his verbis, 'ego ut in his malis Patris sum non invitus; essem libentius, si frater tuus ea de te loqueretur quae ego audire vellem.' quod ais illum ad te scribere me sibi nullas litteras remittere, semel ab ipso accepi. ad eas Cephalioni dedi qui multos mensis tempestatibus retentus est. Quintum filium ad me acerbissime scripsisse iam ante ad te scripsi. extremum est quod te orem, si putas rectum esse et a te suscipi posse, cum Camillo communices ut Terentiam moneatis de testamento. tempora monent ut videat ut satis faciat quibus debeat. auditum ex Philotimo est eam scelerate quaedam facere. credibile vix est, sed certe, si quid est quod fieri possit, providendum est. de omnibus rebus velim ad me scribas et maxime quid sentias de ea in qua tuo consilio egeo etiam si nihil excogitas. id enim mihi erit pro desperato. iii Non. Iun.

[XVII] Scr. Brundisi prid. Id. aut Id. Iun. a. 707 (47).

CICERO ATTICO SAL.

[1] properantibus tabellariis alienis hanc epistulam dedi. eo brevior est et quod eram missurus nostros. Tullia mea venit ad me pr. Idus Iunias deque tua erga se observantia benevolentiaque mihi plurima exposuit litterasque reddidit trinas. ego autem ex ipsius virtute, humanitate, pietate non modo eam voluptatem non cepi quam capere ex singulari filia debui sed etiam incredibili sum dolore adfectus tale ingenium in tam misera fortuna versari idque accidere nullo ipsius delicto summa culpa mea. itaque a te neque consolationem iam qua cupere te uti video nec consilium quod capi nullum potest exspecto teque omnia cum superioribus saepe litteris tum proximis temptasse intellego.

[XVIIa] Scr. Brundisi xvii K. Quint. a. 707 (47).

CICERO ATTICO SAL.

[1] ego cum Sallustio Ciceronem ad Caesarem mittere cogitabam; Tulliam autem non videbam esse causam cur diutius mecum tanto in communi maerore retinerem. itaque matri eam, cum primum per ipsam liceret, eram remissurus. Paeto, +que ad modum consolandis scripsisti+, putato ea me scripsisse quae tu ipse intellegis responderi potuisse.

[2] quod Oppium tecum scribis locutum, non abhorret a mea suspicione eius oratio. sed non dubito quin istis persuaderi nullo modo possit ea quae faciant mihi probari posse, quoquo modo loquar. ego tamen utar moderatione qua potero; quamquam quid mea intersit ut eorum odium subeam non intellego.

[3] te iusta causa impediri quo minus ad nos venias video, idque mihi valde molestum est. illum ab Alexandrea discessisse nemo nuntiat constatque ne profectum quidem illim quemquam post Idus Martias nec post Idus Decembr. ab illo datas ullas litteras. ex quo intellegis illud de litteris a. d. v Idus Febr. datis, quod inane esset etiam si verum esset, non verum esse. L. Terentium discessisse ex Africa scimus Paestumque venisse. quid is adferat aut quo modo exierit aut quid in Africa fiat scire velim. dicitur enim per Nasidium emissus esse. id quale sit velim, si inveneris, ad me scribas. de HS X, ut scribis, faciam. vale. xvii Kal. Quintilis.

[XVIII] Scr. Brundisi xii K. Quint a. 707 (47).

CICERO ATTICO SAL.

[1] de illius Alexandrea discessu nihil adhuc rumoris, contraque opinio valde esse impeditum. itaque nec mitto, ut constitueram, Ciceronem et te rogo ut me hinc expedias. quodvis enim supplicium levius est hac permansione. hac de re et ad Antonium scripsi et ad Balbum et ad Oppium. Sive enim bellum in Italia futurum est sive classibus utetur, hic esse me minime convenit; quorum fortasse utrumque erit, alterum certe.

[2] intellexi omnino ex Oppi sermone quem tu mihi scripsisti quae istorum ira esset, sed ut eam flectas te rogo. nihil omnino iam

exspecto nisi miserum, sed hoc perditius in quo nunc sum fieri nihil potest. qua re et cum Antonio loquare velim et cum istis et rem, (ut) poteris, expedias et mihi quam primum de omnibus rebus rescribas. vale. xii Kal. Quintil.

[XIX] Scr. Brundisi xi K Sext a. 707 (47).

CICERO ATTICO SAL.

[1] Cum tuis dare possem litteras non praetermisi, etsi quod scriberem non habebam. tu ad nos et rarius scribis quam solebas et brevius, credo quia nihil habes quod me putes libenter legere aut audire posse. verum tamen velim (si) quid erit, qualecumque erit, scribas. est autem unum quod mihi sit optandum si quid agi de pace possit; quod nulla equidem habeo in spe; sed quia tu leviter interdum significas, cogis me sperare quod optandum vix est.

[2] Philotimus dicitur id. Sext. nihil habeo de illo amplius. tu velim ad ea mihi rescribas quae ad te antea scripsi. mihi tantum temporis satis est dum ut in pessimis rebus aliquid caveam qui nihil umquam cavi. vale. xi Kal. Sextil.

[XX] Scr. Brundisi xvi K. Sept a. 707 (47).

CICERO ATTICO SAL.

[1] xvii K. Septembris venerat die xxviii Seleucea Pieria C. Treboni (libertus) qui se Antiocheae diceret apud Caesarem vidisse Quintum filium cum Hirtio; eos de Quinto quae voluissent impetrasse nullo quidem negotio. quod ego magis gauderem si ista nobis impetrata quicquam ad spem explorati haberent. sed et alia timenda sunt ab aliis (Quintis)que, et ab hoc ipso quae dantur, ut a domino, rursus in eiusdem sunt potestate. etiam Sallustio ignovit.

[2] omnino dicitur nemini negare; quod ipsum est suspectum, notionem eius differri. M. Gallius Q. f. mancipia Sallustio reddidit. is venit ut legiones in Siciliam traduceret. eo protinus iturum Caesarem Patris. quod si faciet ego, quod ante mallem, aliquo propius accedam. tuas litteras ad eas quibus a te proxime consilium petivi vehementer ex specto. vale. xvi Kal. Septembris.

[XXI] Scr. Bruudi'si vi aut v K. Sept a. 707 (47).

CICERO ATTICO SAL.

[1] accepi vi Kal. Sept. litteras a te datas xii Kal. doloremque quem ex Quinti scelere iam pridem acceptum iam abieceram, lecta eius epistula gravissimum cepi. tu etsi non potuisti ullo modo facere ut mihi illam epistulam non mitteres, tamen mallem non esse missam.

ad ea autem quae scribis de testamento, videbis quid et quo modo. de nummis et illa sic scripsit ut ego ad te antea, et nos, si quid opus erit, utemur ex eo de quo scribis.

[2] ille ad Kal. Sept. Athenis non videtur fore. multa eum in Asia dicuntur morari, maxime Pharnaces. legio xii, ad quam primam Sulla venit, lapidibus egisse hominem dicitur. nullam putant se commoturam. illum arbitrabantur protinus Patris in Siciliam. sed si hoc ita est, huc veniat necesse est. ac mallem illum ; aliquo enim modo hinc evasissem. nunc metuo ne sit exspectandum et cum reliquis etiam loci gravitas huic miserrimae perferenda.

[3] quod me mones ut ea quae (agam) ad tempus accommodem, facerem, si res pateretur et si ullo modo fieri posset. sed in tantis nostris peccatis tantisque nostrorum iniuriis nihil est quod aut facere dignum nobis aut simulare possim. Sullana confers; in quibus omnia genere ipso praeclarissima fuerunt, moderatione paulo minus temperata. haec autem eius modi sunt ut obliviscar (mei) multoque malim quod omnibus sit melius (quam) quorum utilitatem meam iunxi. tu ad me tamen velim quam saepissime scribas eoque magis quod praeterea nemo scribit ac, si omnes, tuas tamen maxime exspectarem. quod scribis illum per me Quinto fore placatiorem, scripsi ad te antea eum statim Quinto filio omnia tribuisse, nostri nullam mentionem. vale.

[XXII] Scr. Brundisi circ. K. Sept., ut videtur, a. 707 (47).

CICERO ATTICO SAL.

[1] diligenter mihi fasciculum reddidit Balbi tabellarius. accepi enim a te litteras quibus videris vereri ut epistulas illas acceperim. quas

quidem vellem mihi numquam redditas; auxerunt enim mihi dolorem (nec), si in aliquem incidissent, quicquam novi attulissent. quid enim tam pervulgatum quam illius in me odium et genus hoc litterarum? quod ne Caesar quidem ad istos videtur misisse, quasi qui illius improbitate offenderetur, sed, credo, uti notiora nostra mala essent. nam quod te vereri scribis ne illi obsint eique rei (me vis) mederi, ne rogari quidem se passus est de illo. quod quidem mihi molestum non est; illud molestius, istas impetrationes nostras nihil valere.

[2] Sulla, ut opinor, cras erit hic cum Messalla. currunt ad illum pulsi a militibus qui se negant usquam, nisi acceperint. ergo ille huc veniet, quod non putabant, tarde quidem. itinera enim ita facit ut multos dies in oppidum ponat. Pharnaces autem, quoquo modo aget, adferet moram. quid mihi igitur censes? iam enim corpore vix sustineo gravitatem huius caeli quae mihi languorem adfert in dolore. an his illuc euntibus mandem ut me excusent, ipse accedam propius? quaeso, attende et me, quod adhuc saepe rogatus non fecisti, consilio iuva. scio rem difficilem esse, sed ut (in) malis etiam illud mea magni interest te ut videam. profecto aliquid profecero, si id acciderit. de testamento, ut scribis, animadvertes.

[XXIII] Scr. Brundisi vii Id. Quint a. 707 (47).

CICERO ATTICO SAL.

[1] quod ad te scripseram ut cum Camillo communicares, de eo Camillus mihi scripsit (te) secum locutum. tuas litteras exspectabam; nisi illud quidem mutari, si aliter est et oportet, non video posse. sed cum ab illo accepissem litteras, desideravi tuas (etsi putabam te certiorem factum non esse), modo valeres; scripseras enim te quodam valetudinis genere temptari.

[2] Agusius quidam Rhodo venerat viii Idus Quint. is nuntiabat Quintum filium ad Caesarem profectum iiii Kal. Iun., Philotimum Rhodum pridie eum diem venisse, habere ad me litteras. ipsum Agusium audies. sed tardius iter faciebat. eo feci ut [eo] celeriter eunti darem. quid sit in iis litteris nescio, sed mihi valde Quintus frater gratulatur. equidem in meo tanto peccato nihil ne cogitatione quidem adsequi possum quod mihi tolerabile possit esse.

[3] te oro ut de hac misera cogites et illud de quo ad te proxime scripsi, ut aliquid conficiatur ad inopiam propulsandam, et etiam de ipso testamento. illud quoque vellem antea sed omnia timuimus. Melius quidem in pessimis nihil fuit discidio. aliquid fecissemus ut viri vel tabularum novarum nomine vel nocturnarum expugnationum vel Metellae vel omnium malorum; nec res perisset et videremur aliquid doloris virilis habuisse. memini omnino tuas litteras sed et tempus illud; etsi quidvis praestitit. nunc quidem ipse videtur denuntiare; audimus enim de statua Clodi. generumne nostrum potissimum vel hoc vel tabulas novas? placet mihi igitur et item tibi nuntium remitti. petet fortasse tertiam pensionem. considera igitur tumne cum ab ipso nascetur an prius. ego si ullo modo potuero, vel nocturnis itineribus experiar ut te videam. tu et haec et si quid erit quod intersit mea scire scribas velim. vale.

[XXIV] Scr. Brundisi viii Id. Sext a. 707 (47).

CICERO ATTICO SAL.

[1] quae dudum ad me et quae etiam ad me visat Tulliam de me scripsisti, ea sentio esse vera. eo sum miserior, etsi nihil videbatur addi posse, quod mihi non modo irasci gravissima iniuria accepta sed ne dolere quidem impune licet. qua re istuc feramus. quod cum tulerimus, tamen eadem erunt perpetienda quae tu ne accidant ut caveamus mones. ea enim est a nobis contracta culpa (ut) omni statu omnique populo exitum habitura videatur.

[2] sed ad meam manum redeo, erunt enim haec occultius agenda. vide, quaeso, etiam nunc de testamento, quod tum factum cum illa querere coeperat. non, credo, te commovit; neque enim rogavit ne me quidem. sed quasi ita sit, quoniam in sermonem iam venisti, poteris eam monere ut aliquoi committat cuius extra periculum huius belli fortuna sit. equidem tibi potissimum velim, si idem illa vellet. quam quidem celo miseram me hoc timere. de illo altero scio equidem venire nunc nil posse sed seponi et occultari possunt ut extra ruinam sint eam quae impendet.

[3] nam quod scribis nobis nostra et tua et Terentiae fore parata, tua credo, nostra quae poterunt esse? de Terentia autem (mitto cetera

quae sunt innumerabilia) quid ad hoc addi potest? scripseras ut HS XΙΙ permutarem; tantum esse reliquum de argento. misit illa CCI[c][c] mihi et adscripsit tantum esse reliquum. Cum hoc tam parvum de parvo detraxerit, perspicis quid in maxima re fecerit.

[4] Philotimus non modo nullus venit sed ne per litteras quidem aut per nuntium certiorem facit me quid egerit. Epheso qui veniunt ibi se eum de suis controversiis in ius adeuntem vidisse nuntiant; quae quidem (ita enim veri simile est) in adventum Caesaris fortasse reiciuntur. ita aut nihil puto eum habere quod putet ad me celerius perferendum aut adeo me (in) malis esse despectum ut, etiam si quid habet, id nisi omnibus suis negotiis confectis ad me referre non curet. ex quo magnum equidem capio dolorem sed non tantum quantum videor debere. nihil enim mea minus interesse puto quam quid illinc adferatur. id quam ob rem te intellegere certo scio.

[5] quod me mones de vultu et oratione ad tempus accommodanda, etsi difficile est, tamen imperarem mihi, si mea quicquam interesse putarem. quod scribis litteris putare Africanum negotium confici posse, vellem scriberes cur ita putares; mihi quidem nihil in mentem venit qua re id putem fieri posse. tu tamen velim, si quid erit quod consolationis aliquid habeat, scribas ad me; sin, ut perspicio, nihil erit, scribas id ipsum. ego ad te, si quid audiero citius, scribam. vale. viii Idus Sextil.

[XXV] Scr. Brundisi iii Non. Quint a. 707 (47).

CICERO ATTICO SAL.

[1] facile adsentior tuis litteris quibus exponis pluribus verbis nullum (consistere) consilium quo a te possim iuvari. consolatio certe nulla est quae levare possit dolorem meum. nihil est enim contractum casu (nam id esset ferendum), sed omnia fecimus iis erroribus et miseriis et animi et corporis quibus proximi utinam mederi maluissent! quam ob rem quoniam neque consili tui neque consolationis cuiusquam spes ulla mihi ostenditur, non quaeram haec a te posthac; tantum velim ne intermittas, scribas ad me quicquid veniet tibi in mentem cum habebis cui des et dum erit ad quem des; quod longum non erit.

[2] illum discessisse Alexandria rumor est non firmus ortus ex

Sulpici litteris; quas cuncti postea nuntii confirmarunt. quod verum an falsum sit, quoniam mea nihil interest, utrum malim nescio.

[3] quod ad te iam pridem de testamento scripsi, apud epistulas velim ut possim adversas. ego huius miserrimae facultate confectus conflictor. nihil umquam simile atum puto. quoi si qua re consulere aliquid possum, cupi a te admoneri. video eandem esse difficultatem quam in consilio dando ante. tamen hoc me magis sollicitat quam omnia. in pensione secunda caeci fuimus. aliud mallem; sed praeteriit. te oro, ut in perditis rebus si quid cogi, confici potest quod sit in tuto, ex argento atque satis multa ex supellectile, des operam. iam enim mihi videtur adesse extremum nec ulla fore condicio pacis eaque quae sunt etiam sine adversario peritura.

[4] haec etiam, si videbitur, cum Terentia loquere opportune. non queo omnia scribere. vale. iii Non. Quintil.

LIBER DVO DECIMVS

12.1

Scr. in Arpinati viii K. Dec. a. 708 (46).

CICERO ATTICO SAL.

undecimo die, postquam a te discesseram, hoc litterularum exaravi egrediens e villa ante lucem atque eo die cogitabam in Anagnino, postero autem in Tusculano, ibi unum diem; v Kalend. igitur ad constitutum. atque utinam continuo ad complexum meae Tulliae, ad osculum Atticae possim currere! quod quidem ipsum scribe, quaeso, ad me ut, dum consisto in Tusculano, sciam quid garriat, sin rusticatur, quid scribat ad te; eique interea aut scribes salutem aut nuntiabis itemque Piliae. et tamen etsi continuo congressuri sumus, scribes ad me si quid habebis.

[2] cum complicarem hanc epistulam, noctuabundus ad me venit cum epistula tua tabellarius; qua lecta de Atticae febricula scilicet valde dolui. reliqua quae exspectabam ex tuis litteris cognovi omnia; sed quod scribis ‘igniculum matutinum gerontiko/n ,’ gerontikw/teron est memoriola vacillare. ego enim iiii Kal. Axio dederam, tibi iii, Quinto quo die venissem, id est v Kal. Hoc igitur habebis, novi nihil. quid ergo opus erat epistula? quid, cum coram sumus et garrimus quicquid in buccam? est profecto quiddam le/sxh , quae habet, etiam si nihil subest, conlocutione ipsa suavitatem.

12.2

Scr. Romae ante med. m. Apr. a. 708 (46).

CICERO ATTICO SAL.

hic rumores tamen Murcum perisse naufragio, Asinium delatum vivum in manus militum, L navis delatas Vticam reflatu hoc, Pompeium non comparere nec in Balearibus omnino fuisse, ut Paciaecus adfirmat. sed auctor nullius rei quisquam. habes quae, dum

tu abes, locuti sint. ludi interea Praeneste. ibi Hirtius et isti omnes.

[2] et quidem ludi dies viii. quae cenae, quae deliciae! res interea fortasse transacta est. O miros homines! at Balbus aedificat; ti/ ga\r au)tw=? me/lei; verum si quaeris, homini non recta sed voluptaria quaerenti nonne bebi/wtai ? tu interea dormis. iam explicandum est pro/blhma , si quid acturus es. si quaeris quid putem, ego fructum puto. sed quid multa? iam te videbo et quidem, ut spero, de via recta ad me. simul enim et diem Tyrannioni constituemus et si quid aliud.

12.3

Scr. in Tusculano iii Id. Iun. a. 708 (46).

CICERO ATTICO SAL.

unum te puto minus blandum esse quam me et, si uterque nostrum est aliquando adversus aliquem, inter nos certe numquam sumus. audi igitur me hoc a)gohteu/twj dicentem. ne vivam, mi Attice, si mihi non modo Tusculanum, ubi ceteroqui sum libenter, sed maka/ rwnnhsoi tanti sunt ut sine te sim tot dies. qua re obduretur hoc triduum ut te quoque ponam in eodem pa/qei ; quod ita est profecto. sed velim scire hodiene statim de auctione et quo die venias. ego me interea cum libellis; ac moleste fero Vennoni me historiam non habere. sed tamen ne nihil de re, nomen illud, quod a Caesare, tris habet condiciones, aut emptionem ab hasta (perdere malo, etsi praeter ipsam turpitudinem hoc ipsum puto esse perdere) aut delegationem a mancipe annua die (quis erit cui credam, aut quando iste Metonis annus veniet?) aut Vettieni condicione semissem. Ske/ yai igitur. ac vereor ne iste iam auctionem nullam faciat sed ludis factis)Atu/pw? subsidio currat, ne talis vir a)loghqh=? . sed melh/sei . tu Atticam, quaeso, cura et ei salutem et Piliae Tulliae quoque verbis plurimam.

12.4

Scr. in Tusculano xvii K. Quint a. 708 (46).

CICERO ATTICO SAL.

O gratas tuas mihi iucundasque litteras! quid quaeris? restitutus est mihi dies festus. angebar enim quod Tiro e)nereuqe/steron te sibi esse visum dixerat. addam igitur, ut censes, unum diem

[2] sed de Catone pro/blhma)Arximh/deion est. non adsequor ut scribam quod tui convivae non modo libenter sed etiam aequo animo legere possint; quin etiam si a sententiis eius dictis, si ab omni voluntate consiliisque quae de re publica habuit recedam yilw=j que velim gravitatem constantiamque eius laudare, hoc ipsum tamen istis odiosum a)/kousma sit. sed vere laudari ille vir non potest nisi haec ornata sint, quod ille ea quae nunc sunt et futura viderit et ne fierent contenderit et facta ne videret vitam reliquerit. Horum quid est quod Aledio probare possimus? sed cura, obsecro, ut valeas eamque quam ad omnis res adhibes in primis ad convalescendum adhibe prudentiam.

12.5

Scr. in Tusculano in. m. Quint a. 708 (46).

CICERO ATTICO SAL.

Quintus pater quartum vel potius millesimum nihil sapit qui laetetur Luperco filio et Statio ut cernat duplici dedecore cumulatam domum. addo etiam Philotimum tertium. O stultitiam, nisi mea maior esset, singularem! quod autem os in hanc rem e)/ranon a te! fac non ad ‘diyw=san krh/nhn ‘ sed ad Peirh/nhn eum venisse, ‘a)/mpneuma semno\n)Alfeiou= ‘ in te ‘krh/nh? ,’ ut scribis, haurire in tantis suis praesertim angustiis, poi= tau=ta a)/ra a)poskh/yei; ;

[2] sed ipse viderit. Cato me quidem delectat, sed etiam Bassum Lucilium sua.

12.5a

Scr. in Tusculano prid. K. Iun. a. 709 (45).

CICERO ATTICO SAL.

de Caelio tu quaeres, ut scribis; ego nihil novi. noscenda autem est

natura, non facultas modo. de Hortensio et Verginio tu, si quid dubitabis. etsi quod magis placeat, ego quantum aspicio, non facile inveneris. Cum mustela, quem ad modum scribis, cum venerit Crispus. ad avium scripsi ut ea quae bene nosset de auro Pisoni demonstraret. tibi enim sane adsentior et istud nimium diu duci et omnia nunc undique contrahenda. te quidem nihil agere, nihil cogitare aliud nisi quod ad me pertineat facile perspicio meisque negotiis impediri cupiditatem tuam ad me veniendi. sed mecum esse te puto, non solum quod meam rem agis verum etiam quod videre videor quo modo agas. neque enim ulla hora tui mihi est operis ignota.

12.6

Scr. in Tusculano in interc. post a. 708 (46).

CICERO ATTICO SAL.

de Caelio vide, quaeso, ne quae lacuna sit in auro. ego ista non novi. sed certe in collubo est detrimenti satis. huc aurum si accedit — sed quid loquor? tu videbis. habes Hegesiae genus, quod Varro laudat.

[2] venio ad Tyrannionem. ain tu? verum hoc fuit? sine me? at ego quotiens, cum essem otiosus, sine te tamen nolui? quo modo hoc ergo lues? Vno scilicet si mihi librum miseris; quod ut facias etiam atque etiam rogo. etsi me non magis liber ipse delectabit quam tua admiratio delectavit. amo enim pa/nta filhdei/mona teque istam tam tenuem qewri/an tam valde admiratum esse gaudeo. etsi tua quidem sunt eius modi omnia. scire enim vis; quo uno animus alitur. sed, quaeso, quid ex ista acuta et gravi refertur ad te/loj ?

sed longa oratio est, et tu occupatus es in meo quidem fortasse aliquo negotio. et pro isto asso sole quo tu abusus es in nostro pratulo a te nitidum solem unctumque repetemus. sed ad prima redeo. librum, si me amas, mitte. tuus est enim profecto, quoniam quidem est missus ad te.

Chreme/s, tantumne ab re/ tua est oti/ tibi, ut etiam oratorem legas?

macte virtute! mihi quidem gratum <est> et erit gratius si non

modo in tuis libris sed etiam in aliorum per librarios tuos ‘Aristophanem’ reposueris pro ‘Eupoli.’

[4] Caesar autem mihi inridere visus est ‘quaeso’ illud tuum, quod erat et eu)pine\j et urbanum. ita porro te sine cura esse iussit ut mihi quidem dubitationem omnem tolleret. Atticam doleo <tam> diu; sed quoniam iam sine horrore est, spero esse ut volumus.

12.7

Scr. in Tusculano m. interc. post a. 708 (46).

CICERO ATTICO SAL.

quae desideras omnia scripsi in codicillis eosque Eroti dedi; breviter, sed etiam plura quam quaeris, in iis de Cicerone; cuius quidem cogitationis initium tu mihi attulisti. locutus sum cum eo liberalissime; quod ex ipso velim, si modo tibi erit commodum, sciscitere. sed quid differo? exposui te <ad> me detulisse et quid vellet et quid requireret. velle Hispaniam, requirere liberalitatem. de liberalitate dixi, quantum Publilius, quantum flamen Lentulus filio. de Hispania duo attuli, primum idem quod tibi, me vereri vituperationem. non satis esse si haec arma reliquissemus? etiam contraria? deinde fore ut angeretur cum a fratre familiaritate et omni gratia vinceretur. vellem magis liberalitate uti mea quam sua libertate. sed tamen permisi; tibi enim intellexeram non nimis displicere. ego etiam atque etiam cogitabo teque ut idem facias rogo. magna res est; simplex est manere, illud anceps. verum videbimus.

[2] de Balbo et in codicillis scripseram et ita cogito, simul ac redierit. sin ille tardius, ego tamen triduum, et, quod praeterii, Dolabella etiam mecum.

12.8

Scr. in Tusculano m. interc. post a. 708 (46).

CICERO ATTICO SAL.

de Cicerone multis res placet. Comes est idoneus. sed de prima

pensione ante videamus. adest enim dies et ille currit. scribe, quaeso, quid referat Celer egisse Caesarem cum candidatis, utrum ipse in fenicularium an in Martium campum cogitet. et scire sane velim numquid necesse sit comitiis esse Romae. nam et Piliae satis faciendum est et utique Atticae.

12.9

Scr. Asturae vi K. Sext a. 709 (45).

CICERO ATTICO SAL.

ne ego essem hic libenter atque id cotidie magis, ni esset ea causa quam tibi superioribus litteris scripsi. nihil hac solitudine iucundius, nisi paulum interpellasset Amyntae filius.)\W a)perantologi/aj a)hdou=j ! cetera noli putare amabiliora fieri posse villa, litore, prospectu maris, tumulis his rebus omnibus. sed neque haec digna longioribus litteris nec erat quod scriberem, et somnus urgebat.

12.10

Scr. Asturae v K. Sext. a. 709 (45).

CICERO ATTICO SAL.

male me hercule de Athamante. tuus autem dolor humanus is quidem sed magno opere moderandus. consolationum autem multae viae sed illa rectissima: impetret ratio quod dies impetratura est. Alexin vero curemus, imaginem Tironis, quem aegrum Romam remisi, et, si quid habet collis e)pidh/mion , ad me cum testamento transferamus. tota domus vacat superior, ut scis. hoc puto valde ad rem pertinere.

12.11

Scr. in Tusculano m. interc. post. a. 708 (46).

CICERO ATTICO SAL.

male de Seio. sed omnia humana tolerabilia ducenda. ipsi enim quid

sumus aut quam diu haec curaturi sumus? ea videamus quae ad nos magis pertinent, nec tamen multo, quid agamus de senatu. et ut ne quid praetermittam, Caesonius ad me litteras misit Postumiam Sulpici domum ad se venisse. de Pompei Magni filia tibi rescripsi nihil me hoc tempore cogitare; alteram vero illam quam tu scribis, puto, nosti: nihil vidi foedius. sed adsum. coram igitur. obsignata epistula accepi tuas. Atticae hilaritatem libenter audio. commotiunculis sumpa/sxw .

12.12

Scr. Asturae xvii K. Apr. a. 709 (45).

CICERO ATTICO SAL.

de dote tanto magis perpurga. Balbi regia condicio est delegandi. quoquo modo confice. turpe est rem impeditam iacere. Insula Arpinas habere potest germanam a)poqe/wsin ; sed vereor ne minorem timh\n habere videatur e)ktopismo/j . est igitur animus in hortis; quos tamen inspiciam cum venero.

[2] de Epicuro, ut voles; etsi meqarmo/somai . in posterum genus hoc personarum. incredibile est quam ea quidam requirant. ad antiquos igitur; a)neme/shton ga/r . nihil habeo ad te quod scribam, sed tamen institui cotidie mittere ut eliciam tuas litteras, non quo aliquid ex iis exspectem sed nescio quo modo tamen exspecto. qua re sive habes quid sive nil habes, scribe tamen aliquid teque cura.

12.13

Scr. Asturae Non. Mart. a. 709 (45).

CICERO ATTICO SAL.

commovet me Attica; etsi adsentior Cratero. Bruti litterae scriptae et prudenter et amice multas mihi tamen lacrimas attulerunt. me haec solitudo minus stimulat quam ista celebritas. te unum desidero; sed litteris non difficilius utor quam si domi essem. ardor tamen ille idem urget et manet non me hercule indulgente me sed tamen repugnante.

[2] quod scribis de Appuleio, nihil puto opus esse tua contentione nec Balbo et Oppio; quibus quidem ille receperat mihique etiam iusserat nuntiari se molestum omnino non futurum. sed cura ut excuser morbi causa in dies singulos. laenas hoc receperat. prende C. Septimium, L. Statilium. denique nemo negabit sc iuraturum quem rogaris. quod si erit durius, veniam et ipse perpetuum morbum iurabo. cum enim mihi carendum sit conviviis, malo id lege videri facere quam dolore. Cocceium velim appelles. quod enim dixerat non facit. ego autem volo aliquod emere latibulum et perfugium doloris mei.

12.14

Scr. Asturae viii Id. Mart. a. 709 (45).

CICERO ATTICO SAL.

de me excusando apud Appuleium dederam ad te pridie litteras. nihil esse negoti arbitror. quemcumque appellaris nemo negabit. sed Septimium vide et Laenatem et Statilium; tribus enim opus est. sed mihi laenas totum receperat.

[2] quod scribis a Iunio te appellatum, omnino Cornificius locuples est; sed tamen scire velim quando dicar spopondisse et pro patre anne pro filio. neque eo minus, ut scribis, procuratores Cornifici et Appuleium praediatorem videbis.

[3] quod me ab hoc maerore recreari vis, facis ut omnia; sed me mihi non defuisse tu testis es. nihil enim de maerore minuendo scriptum ab ullo est quod ego non domi tuae legerim. sed omnem consolationem vincit dolor. quin etiam feci quod profecto ante me nemo ut ipse me per litteras consolarer. quem librum ad te mittam, si descripserint librarii. adfirmo tibi nullam consolationem esse talem. totos dies scribo, non quo proficiam quid sed tantisper impedior non equidem satis (vis enim urget), — sed relaxor tamen ad omniaque nitor non ad animum sed ad vultum ipsum, si queam, reficiendum idque faciens interdum mihi peccare videor, interdum peccaturus esse nisi faciam. solitudo aliquid adiuvat, sed multo plus proficeret, si tu tamen interesses. quae mihi una causa est hinc discedendi; nam

pro malis recte habebat. quamquam <id> ipsum doleo. non enim iam in me idem esse poteris. perierunt illa quae amabas.

[4] de Bruti ad me litteris scripsi ad te antea. prudenter scriptae, sed nihil quod me adiuvarent quod ad te scripsit id vellem, ut ipse adesset. certe aliquid, quoniam me tam valde amat, adiuvaret. quod si quid scies, scribas ad me velim, maxime autem Pansa quando. de Attica doleo, credo tamen Cratero. Piliam angi veta. satis est me maerere pro omnibus.

12.15

Scr. Asturae vii Id. Mart a. 709 (45).

CICERO ATTICO SAL.

apud Appuleium, quoniam in perpetuum non placet, in dies ut excuser videbis. in hac solitudine careo omnium conloquio, cumque mane me in silvam abstrusi densam et asperam, non exeo inde ante vesperum. secundum te nihil est mihi amicius solitudine. in ea mihi omnis sermo est cum litteris. eum tamen interpellat fletus; cui repugno quoad possum, sed adhuc pares non sumus. Bruto ut suades, rescribam. eas litteras cras habebis. cum erit cui des, dabis.

12.16

Scr. Asturae vi Id. Mart a. 709 (45).

CICERO ATTICO SAL.

te tuis negotiis relictis nolo ad me venire, ego potius accedam, si diutius impediere. etsi ne discessissem qui dem e conspectu tuo, nisi me plane nihil ulla res adiuvaret. quod si esset aliquod levamen, id esset in te uno, et cum primum ab aliquo poterit esse, a te erit. nunc tamen ipsum sine te esse non possum. sed nec tuae domi probabatur nec meae poteram nec, si propius essem uspiam, tecum tamen essem. idem enim te impediret quo minus mecum esses, quod nunc etiam impedit. mihi nihil adhuc aptius fuit hac solitudine; quam vereor ne Philippus tollat heri enim vesperi venerat. me scriptio et litterae non

leniunt sed obturbant.

12.17

Scr. Asturae iv Id. Mart. a. 709 (45).

CICERO ATTICO SAL.

Marcianus ad me scripsit me excusatum esse apud Appuleium a Laterense, Nasone, Laenate, Torquato, Strabone. iis velim meo nomine reddendas litteras cures gratum mihi eos fecisse. quod pro Cornificio me abhinc amplius annis xxv spopondisse dicit Flavius, etsi reus locuples est et Appuleius praediator liberalis, tamen velim des operam ut investiges ex consponsorum tabulis sitne ita (mihi enim ante aedilitatem meam nihil erat cum Cornificio. potest tamen fieri; sed scire certum velim), et appelles procuratores si tibi videtur. quamquam quid ad me? verum tamen — Pansae profectionem scribes cum scies. Atticam salvere iube et eam cura, obsecro, diligenter. Piliae salutem.

12.18

Scr. Asturae v Id. Mart a. 709 (45).

CICERO ATTICO SAL.

dum recordationes fugio quae quasi morsu quodam dolorem efficiunt, refugio ad te admonendum. quod velim mihi ignoscas, cuicuimodi est. etenim habeo non nullos ex iis quos nunc lectito auctores qui dicant fieri id oportere quod saepe tecum egi et quod a te approbari volo, de fano illo dico, de quo tantum quantum me amas velim cogites. equidem neque de genere dubito (placet enim mihi Cluati) neque de re (statutum est enim), de loco non numquam. velim igitur cogites. ego, quantum his temporibus tam eruditis fieri potuerit, profecto illam consecrabo omni genere monimentorum ab omnium ingeniis sumptorum et Graecorum et Latinorum. quae res forsitan sit refricatura vulnus meum. sed iam quasi voto quodam et promisso me teneri puto, longumque illud tempus cum non ero magis me movet

quam hoc exiguum, quod mihi tamen nimium longum videtur. habeo enim nihil temptatis rebus omnibus in quo acquiescam. nam dum illud tractabam de quo ad te ante scripsi, quasi fovebam dolores meos; nunc omnia respuo nec quicquam habeo tolerabilius quam solitudinem; quam, quod eram veritus, non obturbavit Philippus. nam ut heri me salutavit, statim Romam profectus est.

[2] epistulam quam ad Brutum, ut tibi placuerat, scripsi misi ad te. curabis cum tua perferendam. eius tamen misi ad te exemplum ut, si minus placeret, ne mitteres. domestica quod ais ordine administrari scribes quae sint ea. quaedam enim exspecto. Cocceius vide ne frustretur. nam Libo quod pollicetur, ut Eros scribit, non incertum puto. de sorte mea Sulpicio confido et Egnatio scilicet. de Appuleio quid est quod labores, cum sit excusatio facilis?

[4] tibi ad me venire, ut ostendis, vide ne non sit facile. est enim longum iter discedentemque te, quod celeriter tibi erit fortasse faciendum, non sine magno dolore dimittam. sed omnia ut voles. ego enim quicquid feceris id cum recte tum etiam mea causa factum putabo.

12.18a

Scr. Asturae iii Id. Mart. a. 709 (45).

CICERO ATTICO SAL.

heri cum ex aliorum litteris cognovissem de Antoni adventu, admiratus sum nihil esse in tuis. sed erant pridie fortasse scriptae quam datae. neque ista quidem curo; sed tamen opinor propter praedes suos accucurrisse.

[2] quod scribis Terentiam de obsignatoribus mei testamenti loqui, primum tibi persuade me istaec non curare neque esse quicquam aut parvae curae aut novae loci. sed tamen quid simile? illa eos non adhibuit quos existimavit quaesituros nisi scissent quid esset. num id etiam mihi periculi fuit? sed tamen faciat illa quod ego. dabo meum testamentum legendum cui voluerit; intelleget non potuisse honorificentius a me fieri de nepote quam fecerim. nam quod non advocavi ad obsignandum, primum mihi non venit in mentem,

deinde ea re non venit, quia nihil attinuit. tute scis, si modo meministi, me tibi tum dixisse ut de tuis aliquos adduceres. quid enim opus erat multis? equidem domesticos iusseram. tum tibi placuit ut mitterem ad Silium. inde est natum ut ad Publilium; sed necesse neutrum fuit. hoc tu tractabis ut tibi videbitur.

12.19

Scr. Asturae prid. Id. Mart. a. 709 (45).

CICERO ATTICO SAL.

est hic quidem locus amoenus et in mari ipso qui et Antio et Circeus aspici possit; sed ineunda nobis ratio est quem ad modum in omni mutatione dominorum, quae innumerabiles fieri possunt in infinita posteritate, si modo haec stabunt, illud quasi consecratum remanere possit. equidem iam nihil egeo vectigalibus et parvo contentus esse possum. cogito interdum trans Tiberim hortos aliquos parare et quidem ob hanc causam maxime: nihil enim video quod tam celebre esse possit. sed quos, coram videbimus, ita tamen ut hac aestate fanum absolutum sit. tu tamen cum Apella Chio confice de columnis.

[2] de Cocceio et Libone quae scribis approbo, maxime quod de iudicatu meo. de sponsu si quid perspexeris et tamen quid procuratores Cornifici dicant velim scire, ita ut in ea re te cum tam occupatus sis, non multum operae velim ponere. de Antonio Balbus quoque ad me cum Oppio conscripsit idque tibi placuisse ne perturbarer. illis egi gratias. te tamen, ut iam ante ad te scripsi, scire volo me neque isto nuntio esse perturbatum nec iam ullo perturbatum iri.

[3] Pansa si hodie, ut putabas, profectus est, posthac iam incipito scribere ad me de Bruti adventu quid exspectes, id est quos ad dies. id, si scies ubi iam sit, facile coniectura adsequere.

[4] quod ad Tironem de Terentia scribis, obsecro te, mi Attice, suscipe totum negotium. vides et officium agi meum quoddam cui tu es conscius et, ut non nulli putant, Ciceronis rem. me quidem id multo magis movet quod mihi est et sanctius et antiquius, praesertim cum hoc alterum neque sincerum neque firmum putem fore.

12.20

Scr. Asturae Id. Mart. a. 709 (45).

CICERO ATTICO SAL.

nondum videris perspicere quam me nec Antonius commovent nec quicquam iam eius modi possit commovere. de Terentia autem scripsi ad te eis litteris quas dederam pridie. quod me hortaris idque a ceteris desiderari scribis ut dissimulem me tam graviter dolere, possumne magis quam quom totos dies consumo in litteris? quod etsi non dissimulationis sed potius leniendi et sanandi animi causa facio, tamen si mihi minus proficio simulationi certe facio satis.

[2] minus multa ad te scripsi, quod exspectabam tuas litteras ad eas quas pridie dederam. exspectabam autem maxime de fano, non nihil etiam de Terentia. velim me facias certiorem proximis litteris Cn. Caepio Serviliae Claudi pater vivone patre suo naufragio perierit an mortuo, item Rutilia vivone C. Cotta filio suo mortua sit an mortuo. pertinent ad eum librum quem de luctu minuendo scripsimus.

12.21

Scr. Asturae xvi K. Apr. a. 709 (45).

CICERO ATTICO SAL.

legi Bruti epistulam eamque tibi remisi sane non prudenter rescriptum ad ea quae requisieras. sed ipse viderit. quamquam illud turpiter ignorat. Catonem primum sententiam putat de animadversione dixisse quam omnes ante dixerant praeter Caesarem et, cum ipsius Caesaris tam severa fuerit qui tum praetorio loco dixerit, consularium putat leniores fuisse, Catuli, Servili, Lucullorum, Curionis, Torquati, Lepidi, Gelli, Volcaci, Figuli, Cottae, L. Caesaris, C. Pisonis, M’. Glabrionis, etiam Silani, Murenae designatorum consulum. cur ego in sententiam Catonis? quia verbis luculentioribus et pluribus rem eandem comprehenderat. me autem hic laudat quod rettulerim, non quod patefecerim, quod

<cohortatus> sim, quod denique ante quam consulerem ipse iudicaverim. quae omnia quia Cato laudibus extulerat in caelum perscribendaque censuerat, idcirco in eius sententiam est facta discessio. hic autem se etiam tribuere multum mi putat quod scripserit ‘optimum consulem.’ quis enim ieiunius dixit inimicus? ad cetera vero tibi quem ad modum rescripsit! tantum rogat de senatus consulto ut corrigas. hoc quidem fecisset, etiam si a librano admonitus esset. sed haec iterum ipse viderit.

[2] de hortis quoniam probas, effice aliquid. rationes meas nosti. si vero etiam a Faberio aliquid recedit nihil negoti est. sed etiam sine eo posse videor contendere. venales certe sunt Drusi, fortasse etiam Lamiani et Cassiani. sed coram. de Terentia non possum commodius scribere quam tu scribis. officium sit nobis antiquissimum. si quid nos fefellerit, illius malo me quam mei paenitere.

[4] Oviae C. Lolli curanda sunt HS c. negat Eros posse sine me, credo, quod accipienda aliqua sit et danda aestimatio. vellem tibi dixisset. si enim res est ut mihi scripsit parata nec in eo ipso mentitur, per te confici potuit. id cognoscas et conficias velim.

[5] quod me in forum vocas, eo vocas unde etiam bonis meis rebus fugiebam. quid enim mihi foro sine iudiciis, sine curia, in oculos incurrentibus iis quos animo aequo videre non possum? quod autem a me homines postulare scribis <ut Romae sim neque mihi ut absim concedere> aut quatenus eos mihi concedere, iam pridem scito esse, cum unum te pluris quam omnis illos putem. ne me quidem contemno meoque iudicio multo stare malo quam omnium reliquorum. neque tamen progredior longius quam mihi doctissimi homines concedunt; quorum scripta omnia quaecumque sunt in eam sententiam non legi solum, quod ipsum erat fortis aegroti, accipere medicinam, sed in mea etiam scripta transtuli, quod certe adflicti et fracti animi non fuit. ab his me remediis noli in istam turbam vocare, ne recidam.

12.22

Scr. Asturae xv K. Apr. a. 709 (45).

CICERO ATTICO SAL.

de Terentia quod mihi omne onus imponis, non cognosco tuam in me indulgentiam. ista enim sunt ipsa vulnera quae non possum tractare sine maximo gemitu. moderare igitur, quaeso, ut potes. neque enim a te plus quam potes postulo.

[2] potes autem quid veri sit perspicere tu unus. de Rutilia quoniam videris dubitare, scribes ad me cum scies sed quam primum, et num Clodia D. Bruto consulari filio suo mortuo vixerit. id de Marcello aut certe de Postumia sciri potest, illud autem de M. Cotta aut de Syro aut de satyro.

[3] de hortis etiam atque etiam rogo. omnibus meis eorumque quos scio mihi non defuturos facultatibus (sed potero meis) enitendum mihi est. sunt etiam quae vendere facile possim. sed ut non vendam eique usuram pendam a quo emero non plus annum, possum adsequi quod volo, si tu me adiuvas. paratissimi sunt Drusi; cupit enim vendere. proximos puto Lamiae; sed abest. tu tamen, si quid potes, odorare. ne Silius quidem quicquam utitur et ust usuris facillime sustentabitur. habe tuum negotium nec quid res mea familiaris postulet quam ego non curo sed quid velim et cur velim existima.

12.23

Scr. Asturae xiv K Apr. a. 709 (45).

CICERO ATTICO SAL.

putaram te aliquid novi, quod eius modi fuerat initium litterarum, ‘quamvis non curarem quid in Hispania fieret,’ tamen te scripturum; sed videlicet meis litteris respondisti ut de foro et de curia. sed domus est, ut ais, forum. quid ipsa domo mihi opus est carenti foro? occidimus, occidimus Attice, iam pridem nos quidem, sed nunc fatemur, postea quam unum quo tenebamur amisimus. itaque solitudinem sequor et tamen, si qua me res isto adduxerit, enitar, si quo modo potero (potero autem), ut praeter te nemo dolorem meum sentiat, si ullo modo poterit, ne tu quidem. atque etiam illa causa est non veniendi. meministi quid ex te Aledius quaesierit. qui etiam nunc molesti sunt, quid existimas, si venero?

[2] de Terentia ita cura ut scribis meque hac ad maximas aegritudines accessione non maxima libera. et ut scias me ita dolere ut non iaceam, quibus consulibus Carneades et ea legatio Romam venerit scriptum est in tuo annali. haec nunc quaero quae causa fuerit (de Oropo, opinor, sed certum nescio) et, si ita est, quae controversiae. praeterea, qui eo tempore nobilis Epicureus fuerit Athenisque praefuerit hortis, qui etiam Athenis politikoi\ fuerint inlustres. quae etiam ex Apollodori puto posse inveniri.

[3] de Attica molestum, sed quoniam leviter, recte esse confido. de Gamala dubium non mihi erat. Vnde enim tam felix Ligus pater? nam quid de me dicam, cui ut omnia contingant quae volo, levari non possum? de Drusi hortis, quanti licuisse tu scribis, id ego quoque audieram et, ut opinor, heri ad te scripseram; sed quanti quanti bene emitur quod necesse est. mihi, quoquo modo tu existimas scio enim ego ipse quid de me existimem), levatio quaedam est, si minus doloris at offici debiti. ad Siccam scripsi, quod utitur L. Cotta. si nihil conficietur de Transtiberinis, habet in Ostiensi Cotta celeberrimo loco sed pusillum loci, ad hanc rem tamen plus etiam quam satis. id velim cogites. nec tamen ista pretia hortorum pertimueris. nec mihi iam argento nec veste opus est nec quibusdam amoenis locis; hoc opus est. video etiam a quibus adiuvari possim. sed loquere cum Silio; nihil enim est melius. mandavi etiam Siccae. rescripsit constitutum se cum eo habere. scribet igitur ad me quid egerit, et tu videbis.

12.24

Scr. Asturae xiii K. Apr. a. 709 (45).

CICERO ATTICO SAL.

bene fecit A. Silius qui transegerit. neque enim ei deesse volebam et quid possem timebam. de Ovia confice, ut scribis. de Cicerone tempus esse iam videtur; sed quaero, quod illi opus erit, Athenis permutarine possit an ipsi ferendum sit, de totaque re quem ad modum et quando placeat velim consideres. Publilius iturusne sit in Africam et quando ex Aledio scire poteris. quaeras et ad me scribas

velim.

[2] et ut ad meas ineptias redeam, velim me certiorem facias P. Crassus Venuleiae filius vivone P. Crasso consulari patre suo mortuus sit, ut ego meminisse videor, an postea. item quaero de Regillo Lepidi filio rectene meminerim patre vivo mortuum.

[3] Cispiana explicabis itemque Preciana. de Attica optime. et ei salutem dices et Piliae.

12.25

Scr. Asturae xi K. Apr. a. 709 (45).

CICERO ATTICO SAL.

scripsit ad me diligenter Sicca de Silio seque ad te rem detulisse; quod tu idem scribis. mihi et res et condicio placet sed ita ut numerato malim quam aestimatione. voluptarias enim possessiones nolet Silius; vectigalibus autem ut his possum esse contentus quae habeo, sic vix minoribus. unde ergo numerato? HS DC exprimes ab Hermogene, cum praesertim necesse erit et domi video esse HS DC. reliquae pecuniae vel usuram Silio pendemus, dum a Faberio vel cum aliquo qui Faberio debet repraesentabimus. erit etiam aliquid alicunde. sed totam rem tu gubernabis.

[2] Drusianis vero hortis multo antepono neque sunt umquam comparati. mihi crede, una me causa movet in qua scio me tetufw=sqai . sed, ut facis, obsequere huic errori meo. nam quod scribis ‘e)ggh/rama ,’ actum iam de isto est; alia magis quaero.

12.26

Scr. Asturae xi K. Apr. a. 709 (45).

CICERO ATTICO SAL.

Sicca, ut scribit, etiam si nihil confecerit cum A. Silio, tamen se scribit x Kal. esse venturum. tuis occupationibus ignosco eaeque mihi sunt notae. de voluntate tua ut simul simus vel studio potius et cupiditate non dubito.

[2] de Nicia quod scribis, si ita me haberem ut eius humanitate frui possem, in primis vellem illum mecum habere. sed mihi solitudo et recessus provincia est. quod quia facile ferebat Sicca, eo magis illum desidero. praeterea nosti Niciae nostri imbecillitatem, mollitiam, consuetudinem victus. cur ergo illi molestus esse velim, cum mihi ille iucundus esse non possit? voluntas tamen eius mihi grata est. unam rem ad me scripsisti; de qua decrevi nihil tibi rescribere. spero enim me a te impetrasse ut privares me ista molestia. Piliae et Atticae salutem.

12.27

Scr. Asturae x K. Apr. a. 709 (45).

CICERO ATTICO SAL.

de Siliano negotio, etsi mihi non est ignota condicio, tamen hodie me ex Sicca arbitror omnia cogniturum. Cottae quod negas te nosse, ultra Silianam villam est, quam puto tibi notam esse, villula sordida et valde pusilla, nil agri, ad nullam rem loci satis nisi ad eam quam quaero. sequor celebritatem. sed si perficitur de hortis Sili, hoc est si perficis (est enim totum positum in te), nihil est scilicet quod de Cottae cogitemus.

[2] de Cicerone ut scribis ita faciam; ipsi permittam de tempore. nummorum quantum opus erit ut permutetur tu videbis. ex Aledio quod scribas si quid inveneris scribes. et ego ex tuis animadverto litteris et profecto tu ex meis nihil habere nos quod scribamus: eadem cotidie quae iam iamque ipsa contrita sunt. tamen facere non possum quin cotidie ad te mittam ut tuas accipiam.

[3] de Bruto tamen, si quid habebis. sciri enim iam puto ubi Pansam exspectet. si, ut consuetudo est, in prima provincia, circiter Kal. adfuturus videtur. vellem tardius; valde enim urbem fugio multas ob causas. itaque id ipsum dubito an excusationem aliquam ad illum parem; quod quidem video facile esse sed habemus satis temporis ad cogitandum. Piliae, Atticae salutem.

12.28

Scr. Asturae ix K Apr. a. 709 (45).

CICERO ATTICO SAL.

de Silio nilo plura cognovi ex praesente Sicca quam ex litteris eius. scripserat enim diligenter. si igitur tu illum conveneris, scribes ad me si quid videbitur. de quo putas ad me missum esse, sit missum necne nescio; dictum quidem mihi certe nihil est. tu igitur, ut coepisti, et si quid ita conficies, quod equidem non arbitror fieri posse, ut illi probetur, Ciceronem, si tibi placebit, adhibebis. eius aliquid interest videri illius causa voluisse, mea quidem nihil nisi quod tu scis, quod ego magni aestimo.

[2] quod me ad meam consuetudinem revocas, fuit meum quidem iam pridem rem publicam lugere, quod faciebam, sed mitius; erat enim ubi acquiescerem. nunc plane nec ego victum nec vitam illam colere possum nec in ea re quid aliis videatur mihi puto curandum; mea mihi conscientia pluris est quam omnium sermo. quod me ipse per litteras consolatus sum, non paenitet me quantum profecerim. maerorem minui, dolorem nec potui nec, si possem, vellem.

[3] de Triario bene interpretaris voluntatem meam. tu vero nihil nisi ut illi volent. amo illum mortuum, tutor sum liberis, totam domum diligo. de Castriciano negotio, si Castricius pro mancipiis pecuniam accipere volet eamque ei solvi ut nunc solvitur, certe nihil est commodius. sin autem ita actum est ut ipsa mancipia abduceret, non mihi videtur esse aequum (rogas enim me ut tibi scribam quid mihi videatur); nolo enim negoti Quintum fratrem quicquam habere; quod videor mihi intellexisse tibi videri idem. Publilius, si aequinoctium exspectat, ut scribis Aledium dicere, navigaturus videtur. mihi autem dixerat per Siciliam. utrum et quando velim scire. et velim aliquando, cum erit tuum commodum, Lentulum puerum visas eique de mancipiis quae tibi videbitur attribuas. Piliae, Atticae salutem.

12.29

Scr. Asturae viii K. Apr. a. 709 (45).

CICERO ATTICO SAL.

Silius, ut scribis, hodie. cras igitur vel potius cum poteris scribes, si quid erit cum videris. nec ego Brutum vito nec tamen ab eo levationem ullam exspecto; sed erant causae cur hoc tempore istic esse nollem. quae si manebunt, quaerenda erit excusatio ad Brutum et, ut nunc est, mansurae videntur.

[2] de hortis, quaeso, explica. caput illud est quod scis. sequitur ut etiam mihi ipsi quiddam opus sit; nec enim esse in turba possum nec a vobis abesse. huic meo consilio nihil reperio isto loco aptius et de hac re quid tui consili sit. mihi persuasum est et eo magis quod idem intellexi tibi videri me ab Oppio et Balbo valde diligi. cum bis communices quanto opere et qua re velim hortos; sed id ita posse, si expediatur illud Faberianum; sint ne igitur auctores futuri. si qua etiam iactura facienda sit in repraesentando, quoad possunt adducito; totum enim illud desperatum. denique intelleges ecquid inclinent ad hoc meum consilium adiuvandum. si quid erit, magnum est adiumentum; si minus, quacumque ratione contendamus. vel tu illud ‘e)ggh/rama ,’ quem ad modum scripsisti, vel e)nta/fion putato. de illo Ostiensi nihil est cogitandum. si hoc non adsequimur (a Lamia non puto posse), Damasippi experiendum est.

12.30

Scr. Asturae vi Id. Apr. a. 709 (45).

CICERO ATTICO SAL.

quaero quod ad te scribam, sed nihil est: eadem cotidie. quod Lentulum invisis valde gratum. pueros attribue ei quot et quos videbitur. de Sili voluntate vendendi et de eo, quanti, tu vereri videris primum ne nolit, deinde ne tanti. Sicca aliter; sed tibi adsentior. qua re, ut ei placuit, scripsi ad Egnatium. quod Silius te cum Clodio loqui vult, potes id mea voluntate facere commodiusque est quam quod ille a me petit, me ipsum scribere ad Clodium.

[2] de mancipiis Castricianis commodissimum esse credo transigere Egnatium, quod scribis te ita futurum putare. Cum Ovia,

quaeso, vide ut conficiatur. quoniam, ut scribis, nox erat, in hodierna epistula plura exspecto.

12.31

Scr. Asturae iv. K. Apr. a. 709 (45).

CICERO ATTICO SAL.

Silium mutasse sententiam Sicca mirabatur. equidem magis miror quod, cum in filium causam conferret quae mihi non iniusta videtur (habet enim qualem vult), ais te putare, si addiderimus aliud a quo refugiat, cum ab ipso id fuerit destinatum, venditurum.

[2] quaeris a me quod summum pretium constituam et quantum anteire istos hortos Drusi. accessi numquam; Coponianam villam et veterem <et> non magnam novi, silvam nobilem, fructum autem neutrius, quod tamen puto nos scire oportere. sed mihi utrivis istorum tempore magis meo quam ratione aestimandi sunt. possim autem adsequi necne tu velim cogites. si enim Faberianum venderem, explicare vel repraesentatione non dubitarem de Silianis, si modo adduceretur ut venderet. si venalis non haberet, transirem ad Drusum vel tanti quanti Egnatius illum velle tibi dixit. Magno etiam adiumento nobis Hermogenes potest esse in repraesentando. at tu concede mihi, quaeso, ut eo animo sim quo is debeat esse qui emere cupiat, et tamen ita servio cupiditati et dolori meo ut a te regi velim.

12.32

Scr. Asturae v K. Apr. a. 709 (45).

CICERO ATTICO SAL.

Egnatius mihi scripsit. is si quid tecum Jocutus erit (commodissime enim per eum agi potest) ad me scribes, et id agendum puto. nam cum Silio non video confici posse. Piliae et Atticae salutem. haec ad te mea manu. vide, quaeso, quid agendum sit. Publilia ad me scripsit matrem suam, cum Publilio loqueretur , ad me cum illo venturam et se una, si ego paterer. orat multis et supplicibus verbis ut liceat et ut

sibi rescribam. res quam molesta sit vides. rescripsi mi etiam gravius esse quam tum cum illi dixissem me solum esse velle; qua re nolle me hoc tempore eam ad me venire. putabam si nihil rescripsissem illam cum matre venturam; nunc non puto. apparebat enim illas litteras non esse ipsius. illud autem quod fore video ipsum volo vitare ne illae ad me veniant, et una est vitatio ut ego <avolem>. nollem, sed necesse est. te hoc nunc rogo ut explores ad quam diem hic ita possim esse ut ne opprimar. ages, ut scribis, temperate.

[2] Ciceroni velim hoc proponas, ita tamen, si tibi non iniquum videbitur, ut sumptus huius peregrinationis quibus, si Romae esset domumque conduceret, quod facere cogitabat, facile contentus futurus erat, accommodet ad mercedes Argileti et Aventini, et cum ei proposueris, ipse velim reliqua moderere quem ad modum ex iis mercedibus suppeditemus ei quod opus sit. praestabo nec Bibulum nec Acidinum nec Messallam, quos Athenis futuros audio maiores sumptus facturos quam quod ex eis mercedibus recipietur. itaque velim videas primum conductores qui sint et quanti, deinde ut sint qui ad diem solvant et quid viatici, quid instrumenti satis sit. iumento certe Athenis nihil opus est. quibus autem in via utatur domi sunt plura quam opus erat, quod etiam tu animadvertis.

12.33

Scr. Asturae vii K. Apr. a. 709 (45).

CICERO ATTICO SAL.

ego, ut heri ad te scripsi, si et Silius is fuerit quem tu putas nec Drusus facilem se praebuerit, Damasippum velim adgrediare. is, opinor, ita partis fecit in ripa nescio quotenorum iugerum ut certa pretia constitueret; quae mihi nota non sunt. scribes ad me igitur quicquid egeris.

[2] vehementer me sollicitat Atticae nostrae valetudo ut verear etiam ne quae culpa sit. sed et paedagogi probitas et medici adsiduitas et tota domus in omni genere diligens me rursus id suspicari vetat. cura igitur; plura enim non possum.

12.34

Scr. Asturae iii K. Apr. a. 709 (45).

CICERO ATTICO SAL.

ego hic vel sine Sicca (Tironi enim melius est) facillime possem esse ut in malis sed, quom scribas videndum mihi esse ne opprimar, ex quo intellegam te certum diem illius profectionis non habere, putavi esse commodius me istuc venire; quod idem video tibi placere. cras igitur in Siccae suburbano. Inde, quem ad modum suades, puto me in Ficulensi fore.

[2] quibus de rebus ad me scripsisti, quoniam ipse venio, coram videbimus. tuam quidem et in agendis nostris rebus et in consiliis ineundis mihique dandis in ipsis litteris quas mittis benevolentiam, diligentiam, prudentiam mirifice diligo. tu tamen si quid cum Silio, vel illo ipso die quo ad Siccam venturus ero, certiorem me velim facias, et maxime cuius loci detractionem fieri velit. quod enim scribis ‘extremi,’ vide ne is ipse locus sit cuius causa de tota re, ut scis, est a nobis cogitatum. Hirti epistulam tibi misi et recentem et benevole scriptam.

12.35

Scr. fort. in suburbano Siccae K. vesp. aut mane vi Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

ante quam a te proxime discessi, numquam mihi venit in mentem, quo plus insumptum in monimentum esset quam nescio quid quod lege conceditur, tantundem populo dandum esse. quod non magno opere moveret, nisi nescio quo modo, a)lo/gwj fortasse, nollem illud ullo nomine nisi fani appellari. quod si volumus, vereor ne adsequi non possimus nisi mutato loco. hoc quale sit, quaeso, considera. nam etsi minus urgeor meque ipse prope modum conlegi, tamen indigeo tui consili. itaque te vehementer etiam atque etiam rogo magis quam a me ns aut pateris te rogari ut hanc cogitationem toto pectore

amplectare.

12.36

Scr. Asturae v Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

Fanum fieri volo neque hoc mihi eripi potest. sepulcri similitudinem effugere non tam propter poenam legis studeo quam ut maxime adsequar a)poqe/wsin . quod poteram, si in ipsa villa facerem; sed ut saepe locuti sumus, commutationes dominorum reformido. in agro ubicumque fecero, mihi videor adsequi posse ut posteritas habeat religionem. hae meae tibi ineptiae (fateor enim) ferendae sunt; nam habeo ne me quidem ipsum quicum tam audacter communicem quam tecum. sin tibi res, si locus, si institutum placet, lege, quaeso, legem mihique eam mitte. si quid in mentem veniet quo modo eam effugere possimus, utemur.

[2] ad Brutum si quid scribes, nisi alienum putabis, obiurgato eum quod in Cumano esse noluerit propter eam causam quam tibi dixi. cogitanti enim mihi nihil tam videtur potuisse facere rustice. et si tibi placebit sic agere de fano ut coepimus, velim cohortere et exacuas Cluatium. nam etiam si alio loco placebit, illius nobis opera consilioque utendum puto. tu ad villam fortasse cras.

12.37

Scr. Asturae iv Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

a te heri duas epistulas accepi, alteram pridie datam Hilaro, alteram eodem die tabellario, accepique ab Aegypta liberto eodem die Piliam et Atticam plane belle se habere. quod mihi Bruti litteras, gratum. ad me quoque misit; quae litterae mihi redditae sunt tertio decimo die. eam ipsam ad te epistulam misi et ad eam exemplum mearum litterarum.

[2] de fano, si nihil mihi hortorum invenis, <qui> quidem tibi

inveniendi sunt, si me tanti facis quanti certe facis, valde probo rationem tuam de Tusculano. quamvis prudens ad cogitandum sis, sicut es, tamen nisi magnae curae tibi esset ut ego consequerer id quod magno opere vellem, numquam ea res tibi tam belle in mentem venire potuisset. sed nescio quo pacto celebritatem requiro; itaque hortos mihi conficias necesse est. maxima est in Scapulae celebritas, propinquitas praeterea ubi sis, ne totum diem in villam qua re ante quam discedis, Othonem, si Romae est, convenias pervelim. si nihil erit, etsi tu meam stultitiam consuesti .ferre, eo tamen progrediar uti stomachere. Drusus enim certe vendere vult. si ergo aliud non erit, mea erit culpa nisi emero. qua in re ne labar, quaeso, provide. providendi autem una ratio est si quid de Scapulanis possumus. et velim me certiorem facias quam diu in suburbano sis futurus.

[3] apud Terentiam <tam> gratia opus est nobis tua quam auctoritate. sed facies ut videbitur. scio enim si quid mea intersit tibi maiori curae solere esse quam mihi.

12.37a

Scr. Asturae iii Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

Hirtius ad me scripsit Sex. Pompeium Corduba exisse et fugisse in Hispaniam citeriorem, Gnaeum fugisse nescio quo; neque enim curo. nihil praeterea novi. Litteras Narbone dedit xiiii Kal. Maias. tu mihi de Canini naufragio quasi dubia misisti. scribes igitur si quid erit certius. quod me a maestitia avocas, multum levaris si locum fano dederis. multa mihi eij apoqewsin in mentem veniunt, sed loco valde opus est. qua re etiam Othonem vide.

12.38.1

Scr. Asturae prid. Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

non dubito quin occupatissimus fueris qui ad me nihil litterarum; sed

homo nequam qui tuum commodum non exspectarit, cum ob eam unam causam missus esset. nunc quidem, nisi quid te tenuit, suspicor te esse in suburbano. at ego hic scribendo dies totos nihil equidem levor sed tamen aberro.

[2] Asinius Pollio ad me scripsit de impuro nostro cognato. quod Balbus minor nuper satis plane, Dolabella obscure, hic apertissime. ferrem graviter si novae aegrimoniae locus esset. sed tamen ecquid impurius? O hominem cavendum! quamquam mihi quidem — sed tenendus dolor est. tu, quoniam necesse nihil est, sic scribes ali quid si vacabis.

12.38a

Scr. Asturae Non. Mai. a. 709 (45).

CICERO ATTICO SAL.

quod putas oportere pervideri iam animi mei firmitatem graviusque quosdam scribis de me loqui quam aut te scribere aut Brutum, si qui me fractum esse animo et debilitatum putant sciant quid litterarum et cuius generis conficiam, credo, si modo homines sint, existiment me, sive ita levatus sim ut animum vacuum ad res difficilis scribendas adferam, reprehendendum non esse, sive hanc aberrationem a dolore delegerim quae maxime liberalis sit doctoque homine dignissima, laudari me etiam oportere.

[2] sed cum ego faciam omnia quae facere possim ad me adlevandum, tu effice id quod video te non minus quam me laborare. hoc mihi debere videor neque levari posse nisi solvero aut videro me posse solvere, id est locum qualem volo invenero. heredes Scapulae si istos hortos, ut scribis tibi Othonem dixisse, partibus quattuor factis liceri cogitant, nihil est scilicet emptori loci; sin venibunt, quid fieri possit videbimus. nam ille locus Publicianus qui est Treboni et Cusini erat ad me adlatus. sed scis aream esse. nullo pacto probo. Clodiae sane placent sed non puto esse venalis. de Drusi hortis, quamvis ab iis abhorreas, ut scribis, tamen eo confugiam nisi quid inveneris. aedificatio me non movet. nihil enim aliud aedificabo nisi id quod etiam si illos non habuero. Ku=roj d e mihi sic placuit ut

cetera Antisthenis, hominis acuti magis quam eruditi.

12.39

Scr. Asturae viii Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

tabellarius ad me cum sine litteris tuis venisset, existimavi tibi eam causam non scribendi fuisse quod pridie scripsisses ea ipsa ad quam rescripsi epistula. exspectaram tamen aliquid de litteris Asini Pollionis. sed nimium ex meo otio tuum specto. quamquam tibi remitto, nisi quid necesse erit, necesse ne habeas scribere nisi eris valde otiosus.

[2] de tabellariis facerem quod suades, si essent ullae necessariae litterae, ut erant olim cum tamen brevioribus diebus cotidie respondebant tempori tabellam, et erat aliquid, Silius, Drusus, alia quaedam. nunc nisi Otho exstitisset, quod scriberemus non erat; <id> ipsum dilatum est. tamen adlevor cum loquor tecum absens, multo etiam magis cum tuas litteras lego. sed quoniam et abes (sic enim arbitror) et scribendi necessitas nulla est, conquiescent litterae nisi quid novi exstiterit.

12.40

Scr. Asturae vii Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

qualis futura sit Caesaris vituperatio contra laudationem meam perspexi ex eo libro quem Hirtius ad me misit; in quo conligit vitia Catonis sed cum maximis laudibus meis. itaque misi librum ad Muscam ut tuis librariis daret. volo enim eum divulgari; quod quo facilius fiat imperabis tuis.

[2] Sumbouleutiko\n saepe conor. nihil reperio et quidem mecum habeo et)Aristote/louj et Qeopo/mpou libros pro\j)Ale/candron . sed quid simile? illi et quae ipsis honesta essent scribebant et grata Alexandro. ecquid tu eius modi reperis? mihi quidem nihil in mentem venit. quod scribis te vereri ne et gratia et auctoritas nostra hoc meo maerore minuatur, ego quid homines aut reprehendant aut postulent nescio. ne doleam? qui potest? ne iaceam? quis umquam minus? dum tua me domus levabat, quis a me exclusus? quis venit qui offenderet? Asturam sum a te profectus. legere isti laeti qui me reprehendunt tam multa non possunt quam ego scripsi. quam bene, nihil ad rem, sed genus scribendi id fuit quod nemo abiecto animo facere posset. triginta dies in hortis fui. quis aut congressum meum aut facilitatem sermonis desideravit? nunc ipsum ea lego, ea scribo ut ii qui mecum sunt difficilius otium ferant quam ego laborem.

[3] si quis requirit cur Romae non sim: quia discessus est; cur non sim in iis meis praediolis quae sunt huius temporis: quia frequentiam illam non facile ferrem. ibi sum igitur ubi is qui optimas Baias habebat quotannis hoc tempus consumere solebat. cum Romam venero, nec vultu nec oratione reprehendar. hilaritatem illam qua hanc tristitiam temporum condiebam in perpetuum amisi, constantia et firmitas nec animi nec orationis requiretur.

[4] de hortis Scapulanis hoc videtur effici posse, aliud tua gratia, aliud nostra, ut praeconi subiciantur. id nisi fit, excludemur. sin ad tabulam venimus, vincemus facultates Othonis nostra cupiditate. nam quod ad me de Lentulo scribis, non est in eo . Faberiana modo res certa sit tuque enitare, quod facis, quod volumus consequemur.

[5] quod quaeris quam diu hic: paucos dies. sed certum non habeo. simul ac constituero, ad te scribam, et tu ad me quam diu in suburbano sis futurus. quo die ego ad te haec misi, de Pilia et Attica mihi quoque eadem quae scribis et scribuntur et nuntiantur.

12.41

Scr. Asturae v Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

nihil erat quod scriberem. scire tamen volebam ubi esses; si abes aut afuturus es, quando rediturus esses. facies igitur certiorem. et quod tu scire volebas ego quando ex hoc loco, postridie Idus Lanuvi constitui manere, inde postridie in Tusculano aut Romae. utrum sim facturus eo ipso die scies.

[2] scis quam sit filai/tion sumfora/ , minime in te quidem, sed tamen avide sum adfectus de fano, quod nisi non dico effectum erit sed fieri videro (audebo hoc dicere et tu ut soles accipies), incursabit in te dolor meus non iure ille quidem sed tamen feres hoc ipsum quod scribo ut omnia mea fers ac tulisti. omnis tuas consolationes unam hanc in rem velim conferas. si quaeris quid optem, primum a Scapulae, deinde Clodiae, postea, si Silius nolet, Drusus aget iniuste, Cusini et Treboni. puto tertium esse dominum, Rebilum fuisse certo scio. sin autem tibi Tusculanum placet, ut significasti quibusdam litteris, tibi adsentiar. hoc quidem utique perficies, si me levari vis, quem iam etiam gravius accusas quam patitur tua consuetudo, sed facis summo amore et victus fortasse vitio meo. sed tamen si me levari vis, haec est summa levatio vel, si verum scire vis, una.

[4] Hirti epistulam si legeris, quae mihi quasi pro/plasma videtur eius vituperationis quam Caesar scripsit de Catone, facies me quid tibi visum sit, si tibi erit commodum, certiorem. redeo ad fanum. nisi hac aestate absolutum erit quam vides integram restare, scelere me liberatum non putabo.

12.42

Scr. Asturae vi Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

nullum a te desideravi diem litterarum; videbam enim quae scribis, et tamen suspicabar vel potius intellegebam nihil fuisse quod scriberes;

a. d. vi Idus vero et abesse te putabam et plane videbam nihil te habere. ego tamen ad te fere cotidie mittam; malo enim frustra quam te non habere cui des, si quid forte sit quod putes me scire oportere. itaque accepi vi Idus litteras tuas inanis. quid enim habebas quod scriberes? mi tamen illud quicquid erat non molestum fuit, <ut> nihil aliud, scire me novi te nihil habere. scripsisti tamen nescio quid de Clodia. Vbi ergo ea est aut quando ventura? placet mihi res sic ut secundum

[2] Othonem nihil magis. sed neque hanc vendituram puto (delectatur enim et copiosa est), et illud alterum quam sit difficile te non fugit. sed, obsecro, enitamur ut aliquid ad id quod cupio excogitemus.

[3] ego me hinc postridie <id.> exiturum puto sed aut in Tusculanum aut domum, inde fortasse Arpinum. cum certum sciero, scribam ad te.

12.43

Scr. Asturae iv Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

venerat mihi in mentem monere te ut id ipsum quod facis faceres. putabam enim commodius te idem istud domi agere posse interpellatione sublata. ego postridie Idus, ut scripsi ad te ante, Lanuvi manere constitui, inde aut Romae aut in Tusculano; scies ante utrum quod scies recte illam rem fore levamento, bene facis cum id esse mihi crede perinde ut existimare tu non potes. res indicat quanto opere id cupiam, quom tibi audeam confiteri quem id non ita valde probare arbitrer. sed ferendus tibi in hoc meus error. ferendus? immo vero etiam adiuvandus.

[2] de Othone diffido, fortasse quia cupio. sed tamen maior etiam res est quam facultates nostrae, praesertim adversario et cupido et locuplete et herede. proximum est ut velim Clodiae. sed si ista minus confici possunt, effice quidvis. ego me maiore religione quam quisquam fuit ullius voti obstrictum puto. videbis etiam Trebonianos, etsi absunt domini. sed, ut ad te heri scripsi, considerabis etiam de

Tusculano ne aestas effluat; quod certe non est committendum.

12.44

Scr. Asturae iii Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

et Hirtium aliquid ad te sumpaqw=j de me scripsisse facile patior (fecit enim humane) et te eius epistulam ad me non misisse multo facilius; tu enim etiam humanius. illius librum quem ad me misit de Catone propterea volo divulgari a tuis ut ex istorum vituperatione sit illius maior laudatio.

[2] quod per mustelam agis, habes hominem valde idoneum meique sane studiosum iam inde a Pontiano. perfice igitur aliquid. quid autem aliud nisi ut aditus sit emptori? quod per quemvis heredem potest effici. sed mustelam id perfecturum, si rogaris, puto. mihi vero et locum quem opto ad id quod volumus dederis et praeterea e)ggh/rama . nam illa Sili et Drusi non satis oi)kodespotika\ mihi videntur. quid enim? sedere totos dies in villa? ista igitur malim, primum Othonis, deinde Clodiae. si nihil fiet, aut Druso ludus est suggerendus aut utendum Tusculano.

[3] quod domi te inclusisti ratione fecisti; sed, quaeso, confice et te vacuum redde nobis. ego hinc, ut scripsi antea, postridie Idus Lanuvi, deinde postridie in Tusculano. contudi enim animum et fortasse vici, si modo permansero. scies igitur fortasse cras, summum perendie. sed quid est, quaeso? Philotimus nec Carteiae Pompeium teneri (qua de re litterarum ad Clodium Patavinum missarum exemplum mihi Oppius et Balbus miserant, se id factum arbitrari) bellumque narrat reliquum satis magnum. solet omnino esse Fulviniaster. sed tamen, si quid habes. volo etiam de naufragio Caniniano scire quid sit.

[4] ego hic duo magna sunta/gmata absolvi; nullo enim alio modo a miseria quasi aberrare possum. tu mihi, etiam si nihil erit quod scribas, quod fore ita video, tamen id ipsum scribas velim te nihil habuisse quod scriberes, dum modo ne his verbis.

12.45

Scr. in Tusculano xvi K. Iun. a. 709 (45).

CICERO ATTICO SAL.

de Attica optime.)Akhdi/a tua me movet, etsi scribis nihil esse. in Tusculano eo commodius ero quod et crebrius tuas litteras accipiam et te ipsum non numquam videbo; nam ceteroqui a)nekto/tera erant Asturae. nec haec quae refricant hic me magis angunt; etsi tamen, ubicumque sum, illa sunt mecum. de Caesare vicino scripseram ad te, quia cognoram ex tuis litteris. Eum su/nnaon Quirini malo quam salutis. tu vero pervulga Hirtium. id enim ipsum putaram quod scribis, ut cum ingenium amici nostri probaretur, u(po/qesij vituperandi Catonis inrideretur.

12.46

Scr. Asturae Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

vincam, opinor, animum et Lanuvio pergam in Tusculanum. aut enim mihi in perpetuum fundo illo carendum est (nam dolor idem manebit, tantum modo occultius) aut nescio quid intersit utrum illuc nunc veniam an ad decem annos. neque enim ista maior admonitio quam quibus adsidue conficior et dies et noctes. ‘quid ergo?’ inquies, ‘nihil litterae?’ in hac quidem re vereor ne etiam contra; nam essem fortasse durior. exculto enim animo nihil agreste, nihil inhumanum est.

[2] tu igitur, ut scripsisti, nec id incommodo tuo. vel binae enim poterunt litterae. occurram etiam si necesse erit. ergo id quidem ut poteris.

12.47

Scr. Lanuvi xvii K. Iun. a. 709 (45).

CICERO ATTICO SAL.

de mustela, ut scribis, etsi magnum opus est. eo magis delabor ad Clodiam. quamquam in utroque Faberianum nomen explorandum est. de quo nihil nocuerit si aliquid cum Balbo eris locutus et quidem, ut res est, emere nos velle nec posse sine isto nomine nec audere re incerta. sed quando Clodia Romae futura est et quanti rem aestimas? eo prorsus specto, non quin illud malim sed et magna res est et difficile certamen cum cupido, cum locuplete, cum herede. etsi de cupiditate nemini concedam; ceteris rebus inferiores sumus. sed haec coram.

12.48

Scr. Lanuvi xvi K. Iun. a. 709 (45).

CICERO ATTICO SAL.

Hirti librum, ut facis, divulga. de Philotimo idem et ego arbitrabar. domum tuam pluris video futuram vicino Caesare. tabellarium meum hodie exspectamus. nos de Pilia et Attica certiores faciet. domi te libenter esse facile credo. sed velim scire quid tibi restet aut iamne confeceris. ego te in Tusculano exspecto eoque magis quod Tironi statim te venturum scripsisti et addidisti te putare opus esse.

12.49

Scr. in Tusculano xiv K. Iun. a. 709 (45).

CICERO ATTICO SAL.

sentiebam omnino quantum mihi praesens prodesses sed multo magis post discessum tuum sentio. quam ob rem, ut ante ad te scripsi, aut ego ad te totus aut tu ad me, quod licebit.

[2] heri non multo post quam tu a me discessisti, puto, quidam urbani ut videbantur ad me mandata et litteras attulerunt a C. Mario C. f. C. n. multis verbis ‘agere mecum per cognationem quae mihi secum esset, per eum Marium quem scripsissem, per eloquentiam L. Crassi avi sui ut se defenderem,’ causamque suam mihi perscripsit. rescripsi patrono illi nihil opus esse, quoniam Caesaris propinqui eius

omnis potestas esset, viri optimi et hominis liberalissimi; me tamen ei fauturum. O tempora! fore cum dubitet Curtius consulatum petere! sed haec hactenus.

[3] de Tirone mihi curae est. sed iam sciam quid agat. heri enim misi qui videret; cui etiam ad te litteras dedi. epistulam ad Ciceronem tibi misi. horti quam in diem proscripti sint velim ad me scribas.

12.50

Scr. in Tusculano xv K Iun. a. 709 (45).

CICERO ATTICO SAL.

ut me levarat tuus adventus sic discessus adfiixit. qua re cum poteris, id est cum Sexti auctioni operam dederis, revises nos. vel unus dies mihi erit utilis, quid dicam ‘gratus’? ipse Romam venirem ut una essemus, si satis consultum quadam de re haberem.

12.51

Scr. in Tusculano xiii K. luit. a. 709 (45).

CICERO ATTICO SAL.

Tironem habeo citius quam verebar. venit etiam Nicias, et Valerium hodie audiebam esse venturum. quamvis multi sint, magis tamen ero solus quam si unus esses. sed exspecto te, a Peducaeo utique, tu autem significas aliquid etiam ante. verum id quidem ut poteris.

[2] de Vergilio, ut scribis. hoc tamen velim scire quando auctio. epistulam ad Caesarem mitti video tibi placere. quid quaeris? mihi quoque hoc idem maxime placuit et eo magis quod nihil est in ea nisi optimi civis, sed ita optimi ut tempora; quibus parere omnes politikoi \ praecipiunt. sed scis ita nobis esse visum ut isti ante legerent. tu igitur id curabis. sed nisi plane iis intelleges placere, mittenda non est. id autem utrum illi sentiant anne simulent tu intelleges. mihi simulatio pro repudiatione fuerit. Tou=to de\ mhlw/sh?.

[3] de Caerellia quid tibi placeret Tiro mihi narravit; debere non esse dignitatis meae, perscriptionem tibi placere:

hoc me/tuere, alterum i/n metu non po/nere.

sed et haec et multa alia coram. sustinenda tamen, si tibi videbitur, solutio est nominis Caerelliani dum et de Metone et de Faberio sciamus.

12.52

Scr. in Tusculano xii K. Iun. a. 709 (45).

CICERO ATTICO SAL.

L. Tullium Montanum nosti qui cum Cicerone profectus est. ab eius sororis viro litteras accepi Montanum Planco debere, quod praes pro Flaminio sit, HS x*x*; de ea re nescio quid te a Montano rogatum. sane velim, sive Plancus est rogandus sive qua re potes illum iuvare, iuves. pertinet ad nostrum officium. si res tibi forte notior est quam mihi, aut si Plancum rogandum putas, scribas ad me velim ut quid rei sit et quid rogandum sciam.

[2] de epistula ad Caesarem quid egeris exspecto. de Silio non ita sane laboro. tu mi aut Scapulanos aut Clodianos efficias necesse est. sed nescio quid videris dubitare de Clodia; utrum quando veniat an sintne venales? sed quid est quod audio Spintherem fecisse divortium? de lingua Latina securi es animi. dices, qui talia a conscribis?')Apo/grafa sunt, minore labore fiunt; verba tantum adfero quibus abundo.

12.53

Scr. in Tusculano xi K. Iun. a. 709 (45).

CICERO ATTICO SAL.

ego etsi nihil habeo quod ad te scribam, scribo tamen quia tecum loqui videor. hic nobiscum sunt Nicias et Valerius. hodie tuas litteras exspectabamus matutinas. erunt fortasse alterae posmeridianae, nisi te Epiroticae litterae impedient quas ego non interpello. misi ad te epistulas ad Marcianum et ad Montanum. eas in eundem fasciculum velim addas, nisi forte iam dedisti.

LIBER TERTIVS DECIMVS

13.1

Scr. in Tusculano x K. Iun. a. 709 (45).

CICERO ATTICO SAL.

ad Cicerone ita scripsisti ut neque severius neque temperatius scribi poterit nec magis [quam] quem ad modum ego maxime vellem; prudentissime etiam ad Tullios.

[2] qua re aut ista proficient aut aliud agamus. de pecunia vero video a te omnem diligentiam adhiberi vel potius iam adhibitam esse. quod si efficis, a te hortos habebo. nec vero ullum genus possessionis est quod malim, maxime scilicet ob eam causam quae suscepta est; cuius festinationem mihi tollis, quoniam de aestate polliceris vel potius recipis. deinde etiam ad καταβίωσιν maestitiamque minuendam nihil mihi reperiri potest aptius; cuius rei cupiditas impellit me interdum ut te hortari velim. sed me ipse revoco; non enim dubito quin, quod me valde velle putes, in eo tu me ipsum cupiditate vincas. itaque istuc iam pro facto habeo.

[3] exspecto quid istis placeat de epistula ad Caesarem. Nicias te, ut debet, amat vehementerque tua sui memoria delectatur. ego vero Peducaeum nostrum vehementer diligo; nam et quanti patrem feci, totum in hunc ipsum per se aeque amo atque illum amavi, te vero plurimum qui hoc ab utroque nostrum fieri velis. si hortos inspexeris et si de epistula certiorem me feceris, dederis mihi quod ad te scribam; si minus, scribam tamen aliquid. numquam enim deerit.

13.2a

Scr. in Tusculano vi K. Iun. a. 709 (45).

CICERO ATTICO SAL.

Oppio et Balbo epistulas deferri iubebis, et tamen Pisonem sicubi de auro. Faberius si venerit, videbis ut tantum attribuatur, si modo

attribuetur, quantum debetur. accipies ab Erote. Ariarathes Ariobarzani filius Romam venit.

[2] vult, opinor, regnum aliquod emere a Caesare; nam quo modo nunc est, pedem ubi ponat in suo non habet. omnino eum Sestius noster parochus publicus occupavit; quod quidem facile patior. verum tamen, quod mihi summo beneficio meo magna cum fratribus illius necessitudo est, invito eum per litteras ut apud me deversetur. ad eam rem cum mitterem Alexandrum, has ei dedi litteras.

13.2b

Scr. in Tusculano iv K. Iun. a. 709 (45).

CICERO ATTICO SAL.

cras igitur auctio Peducaei. Cum poteris ergo; etsi impediet fortasse Faberius. sed tamen cum licebit. Dionysius noster graviter queritur et tamen iure a discipulis abesse tam diu. multis verbis scripsit ad me, credo item ad te. mihi quidem videtur etiam diutius afuturus. ac nollem; valde enim hominem desidero. a te litteras exspectabam, nondum scilicet; nam has mane rescribebam.

13.3

Scr. in Tusculano iii K. Iun. a. 709 (45).

CICERO ATTICO SAL.

ego vero ista nomina sic probo ut nihil aliud me moveat nisi quod tu videris dubitare. illud enim non accipio in bonam partem, <quod> ad me refers; qui si ipse negotium meum gererem, nihil gererem nisi consilio tuo. sed tamen intellego magis te id facere diligentia qua semper uteris quam quod dubites de nominibus istis. etenim Caelium non probas, plura non vis. utrumque laudo. his igitur utendum espraes aliquando factus esset in his quidem tabulis. a me igitur omnia. quod dies longior est (teneamus modo quod volumus), puto fore istam etiam a praecone diem, certe ab heredibus.

[2] de Crispo et mustela videbis, et velim scire quae sit pars

duorum. de Bruti adventu eram factus certior. attulerat enim ab eo Aegypta libertus litteras. misi ad te epistulam, quia commode scripta erat.

13.4

Scr. in Tusculano K. Iun. a. 709 (45).

CICERO ATTICO SAL.

habeo munus a te elaboratum decem legatorum: et quidem <de Tuditano idem> puto. nam filius anno post quaestor fuit quam consul Mummius. sed quoniam saepius de nominibus quaeris quid placeat, ego quoque tibi saepius respondeo placere. si quid poteris, cum Pisone conficies; avius enim videtur in officio futurus. velim ante possis, si minus, utique simul simus quom Brutus veniet in Tusculanum. Magni interest mea una nos esse. scies autem qui dies is futurus sit, si puero negotium dederis ut quaerat.

13.5

Scr. in Tusculano iv Non. Iun. a. 709 (45).

CICERO ATTICO SAL.

Sp. Mummium putaram in decem legatis fuisse sed videlicet (etenim eu)/logon) fratri fuisse. fuit enim ad Corinthum. misi tibi Torquatum. conloquere tu quidem cum Silio, ut scribis, et urge. illam diem negabat esse mense Maio, istam non negabat. sed tu ut omnia istuc quoque ages diligenter. de Crispo et mustela scilicet quom quid egeris.

[2] quoniam ad Bruti adventum fore te nobiscum polliceris, satis est, praesertim cum hi tibi dies in magno nostro negotio consumantur.

13.6

Scr. Asturae med. m. Mart., ut videtur, a. 709 (45).

CICERO ATTICO SAL.

de aquae ductu probe fecisti. Columniftum vide ne nullum debeamus; quamquam mihi videor isse <a> Camillo commutatam esse legem.

[2] Pisoni quid est quod honestius respondere possimus quam solitudinem Catonis? nec coheredibus solum Herennianis sed etiam, ut scis (tu enim mecum egisti), de puero Lucullo, quam pecuniam tutor (nam hoc quoque ad rem pertinet) in Achaia sumpserat. sed agit liberaliter, quoniam negat se quicquam facturum contra nostram voluntatem. coram igitur ut scribis, constituemus quem ad modum rem explicemus. quod reliquos coheredes convenisti, plane bene.

[3] quod epistulam meam ad Brutum poscis, non habeo eius exemplum; sed tamen salvum est et ait Tiro te habere oportere et, ut recordor, una cum illius obiurgatoria tibi meam quoque quam ad eum rescripseram misi.

[4] iudiciali molestia ut caream videbis.

13.6a

Scr. in Titsculano prid. Non. Iun. 709 (45).

CICERO ATTICO SAL.

Tuditanum istum proavum Hortensi plane non noram et filium qui tum non potuerat esse legatus fuisse putaram. Mummium fuisse ad Corinthum pro certo habeo. saepe enim hic spurius, qui nuper est , epistulas mihi pronuntiabat versiculis facetis ad familiaris missas a Corintho. sed non dubito quin fratri fuerit legatus non in decem. atque hoc etiam accepi, non solitos maiores nostros eos legare in decem qui essent imperatorum necessarii, ut nos ignari pulcherrimorum institutorum aut neglegentes potius M. Lucullum et L. Murenam et ceteros coniunctissimos ad L. Lucullum misimus. illudque eu)logw/taton , illum fratri in primis eius legatis fuisse. O operam tuam multam qui et haec cures et mea expedias et sis in tuis non multo minus diligens quam in meis!

13.7

Scr. in Tusculano v Id. Iun. a. 709 (45).

CICERO ATTICO SAL.

Sestius apud me fuit et Theopompus pridie. venisse a Caesare narrabat litteras; hoc scribere, sibi certum esse Romae manere causamque eam ascribere quae erat in epistula nostra, ne se absente leges suae neglegerentur sicut esset neglecta sumptuaria (est eu)/ logon idque eram suspicatus sed istis mos gerendus est, nisi placet hanc ipsam sententiam nos persequi), et Lentulum cum Metella certe fecisse divortium. haec omnia tu melius. rescribes igitur quicquid voles, dum modo aliquid. iam enim non reperio quid te rescripturum putem, nisi forte de mustela aut si Silium videris

13.7a

Scr. in Tusculano iv Id. Iun. a. 709 (45).

CICERO ATTICO SAL.

Brutus heri venit in Tusculanum post horam decimam. hodie igitur me videbit ac vellem tum tu adesses. iussi equidem ei nuntiari te, quoad potuisses, exspectasse eius adventum venturumque si audisses meque, ut facio, continuo te certiorem esse facturum.

13.8

Scr. in Tusculano vi Id. Iun. a. 709 (45).

CICERO ATTICO SAL.

plane nihil erat quod ad te scriberem; modo enim discesseras et paulo post triplicis remiseras. velim cures fasciculum ad Vestorium deferendum et aliquoi des negotium qui quaerat. Q. Staberi fundus num quis in Pompeiano Nolanove venalis sit. epitomen Bruti Caelianorum velim mihi mittas et a Philoxeno Panaiti/ou peri\ Pronoi/aj . te Idibus videbo cum tuis.

13.9

Scr. in Tusculano xiv K Quint. a. 709 (45).

CICERO ATTICO SAL.

commodum discesseras heri cum Trebatius venit, paulo post Curtius, hic salutandi causa sed mansit invitatus. Trebatium nobiscum habemus. hodie mane Dolabella. multus sermo ad multum diem. nihil possum dicere e)ktene/steron , nihil filostorgo/teron . ventum est tamen ad Quintum. multa a)/fata , a)dih/ghta , sed unum eius modi quod nisi exercitus sciret, non modo Tironi dictare sed ne ipse quidem auderem scribere. . . . sed hactenus.

Eu)kai/rwj ad me venit, cum haberem Dolabellam, Torquatus humanissimeque Dolabella quibus verbis secum egissem exposuit. Commodum enim egeram diligentissime; quae diligentia grata est visa Torquato.

[2] a te exspecto si quid de Bruto. quamquam Nicias confectum putabat sed divortium non probari. quo etiam magis laboro idem quod tu. si quid est enim offensionis, haec res mederi potest. mihi Arpinum eundum est. nam et opus est constitui a nobis illa praediola et vereor ne exeundi potestas non sit cum Caesar venerit: de cuius adventu eam opinionem Dolabella habet quam tu coniecturam faciebas ex litteris Messallae. cum illuc venero intellexeroque quid negoti sit, tum ad quos dies rediturus sim scribam ad te.

13.10

Scr. in Tusculano inter a. d. xiiii et xi K. Quint. a. 709 (45).

CICERO ATTICO SAL.

minime miror te et graviter ferre de Marcello et plura vereri periculi genera. quis enim hoc timeret quod neque acciderat antea nec videbatur natura ferre ut accidere posset? omnia igitur metuenda. sed illud irapa para’ th’n istori/an , tu praesertim, me reliquum consularem. quid? tibi Servius quid videtur? quamquam hoc nullam ad partem valet scilicet, mihi praesertim qui non minus bene actum

cum illis putem. quid enim sumus aut quid esse possumus? domi an foris? quod nisi mihi hoc venisset in mentem scribere ista nescio quae, quo verterem me non haberem.

[2] ad Dolabellam, ut scribis, ita puto faciendum, koino/tera quaedam et politikw/tera . faciendum certe aliquid est; valde enim desiderat.

[3] Brutus si quid egerit, curabis ut sciam; cui quidem quam primum agendum puto, praesertim si statuit. sermunculum enim omnem aut restinxerit aut sedarit. sunt enim qui loquantur etiam mecum. sed haec ipse optime, praesertim si etiam tecum loquetur. mihi est in animo proficisci xi Kal. Hic enim nihil habeo quod agam, ne hercule illic quidem nec usquam sed tamen aliquid illic. hodie Spintherem exspecto. misit enim Brutus ad me. per litteras purgat Caesarem de interitu Marcelli; in quem ne si insidiis quidem ille interfectus esset caderet ulla suspicio. nunc vero cum de Magio constet, nonne furor eius causam omnem sustinet? plane quid sit non intellego. explanabis igitur. quamquam nihil habeo quod dubitem nisi ipsi Magio quae fuerit causa amentiae; pro quo quidem etiam sponsor sum factus. et nimirum id fuit. solvendo enim non erat. credo eum petisse a Marcello aliquid et illum, aut erat , constantius respondisse.

13.11.

Scr. in Arpinati ix K. Quint a. 709 (45)

CICERO ATTICO SAL.

‘Ou) tau)to\n ei)=doj .’ credebam esse facile; totum est aliud postea quam sum a te diiunctior. sed fuit faciendum ut et constituerem mercedulas praediorum et ne magnum onus observantiae Bruto nostro imponerem. posthac enim poterimus commodius colere inter nos in Tusculano. hoc autem tempore, cum ille me cotidie videre vellet, ego ad illum ire non possem, privabatur omni delectatione Tusculani.

[2] tu igitur si Servilia venerit, si Brutus quid egerit, etiam si constituerit quando obviam, quicquid denique erit quod scire me

oporteat scribes. Pisonem, si poteris, convenies. vides quam maturum sit. sed tamen quod commodo tuo fiat.

13.12

Scr. in Arpinati vhi K. Quint. a. 709 (45).

CICERO ATTICO SAL.

valde me memorderunt epistulae tuae de Attica nostra; eaedem tamen sanaverunt. quod enim te ipse consolabare eisdem litteris, id mihi erat satis firmum ad leniendam aegritudinem.

[2] Ligarianam praeclare vendidisti. posthac quicquid scripsero tibi praeconium deferam. quod ad me de Varrone scribis, scis me antea orationes aut aliquid id genus solitum scribere ut Varronem nusquam possem intexere. postea autem quam haec coepi filologw/tera , iam Varro mihi denuntiaverat magnam sane et gravem prosfw/nhsin . biennium praeteriit cum ille Kallipi/dhj adsiduo cursu cubitum nullum processerit, ego autem me parabam ad id quod ille mihi misisset ut ‘autw=? tw=? me/trw? kai\ lw/i+on ,’ si modo potuissem; nam hoc etiam Hesiodus ascribit, ‘ai)/ ke du/nhai .’ nunc illam peri\ Telw=n su/ntacin sane mihi probatam Bruto, ut tibi placuit, despondimus, idque <tu> eum non nolle mihi scripsisti. ergo illam)Akadhmikh/n , in qua homines nobiles illi quidem sed nullo modo philologi nimis acute loquuntur, ad Varronem transferamus. etenim sunt Antiochia quae iste valde probat. Catulo et Lucullo alibi reponemus, ita tamen si tu hoc probas; deque eo mihi rescribas velim.

[4] de Brinniana auctione accepi a Vestorio litteras. ait sine ulla controversia rem ad me esse conlatam. Romae videlicet aut in Tusculano me fore putaverunt a. d. viii Kal. Quint. dices igitur vel amico tuo S. Vettio coheredi meo vel Labeoni nostro paulum proferant auctionem; me circiter Nonas in Tusculano fore. cum Pisone Erotem habes. de Scapulanis hortis toto pectore cogitemus. dies adest.

13.13-14

Scr. in Arpinati vi K. Quint a. 709 (45).

CICERO ATTICO SAL.

commotus tuis litteris, quod ad me de Varrone scripseras, totam Academiam ab hominibus nobilissimis abstuli, transtuli ad nostrum sodalem et ex duobus libris contuli in quattuor. grandiores sunt omnino quam erant illi sed tamen multa detracta. tu autem mihi pervelim scribas qui intellexeris illum velle; illud vero utique scire cupio quem intellexeris ab eo zhlotupei=sqai nisi forte Brutum. id hercle restabat! sed tamen scire pervelim. libri quidem ita exierunt nisi forte me communis filauti/a decipit, ut in tali genere ne apud Graecos quidem simile quicquam. tu illam iacturam feres aequo animo quod illa quae habes [de academicis] frustra descripta sunt. multo tamen haec erunt splendidiora, breviora, meliora.

[2] nunc autem a)porw= quo me vertam. volo Dolabellae valde desideranti; non reperio quid, et simul ‘ai)de/omai Trw=aj ‘ neque, si aliquid, potero me/myin effugere. aut cessandum igitur aut aliquid excogitandum. sed quid haec levia curamus?

[3] Attica mea, obsecro te, quid agit? quae me valde angit. sed crebro regusto tuas litteras; in his acquiesco. tamen exspecto novas.

[4] Brinni libertus coheres noster scripsit ad me velle, si mihi placeret, coheredes se et Sabinum Albium ad me venire. id ego plane nolo. hereditas tanti non est. et tamen obire auctionis diem facile poterunt (est enim iii Idus), si me in Tusculano postridie Nonas mane convenerint. quod si laxius volent proferre diem, poterunt vel biduum vel triduum vel ut videbitur; nihil enim interest. qua re nisi iam profecti sunt, retinebis homines. de Bruto, si quid egerit, de Caesare, si quid scies, si quid erit praeterea scribes.

13.14-15

Scr. in Arpinati v K Quint. a. 709 (45).

CICERO ATTICO SAL.

illud etiam atque etiam consideres velim, placeatne tibi mitti ad Varronem quod scripsimus. etsi etiam ad te aliquid pertinet. nam

scito te ei dialogo adiunctum esse tertium. opinor igitur consideremus. etsi nomina iam facta sunt; sed vel induci vel mutari possunt.

[2] quid agit, obsecro te, Attica nostra? nam triduo abs te nullas acceperam; nec mirum. nemo enim venerat nec fortasse causa fuerat. itaque ipse quod scriberem non habebam. quo autem die has Valerio dabam exspectabam aliquem meorum. qui si venisset et a te quid attulisset, videbam non defuturum quod scriberem.

13.16

Scr. in Arpinati iv K Quint a. 709 (45).

CICERO ATTICO SAL.

nos cum flumina et solitudinem sequeremur quo facilius sustentare nos possemus, pedem e villa adhuc egressi non sumus; ita magnos et adsiduos imbris habebamus. illam)Akadhmikh\n su/ntacin totam ad Varronem traduximus. primo fuit Catuli, Luculli, Hortensi; deinde quia para\ to\ pre/pon videbatur, quod erat hominibus nota non illa quidem a)paiedeusi/a sed in iis rebus a)triyi/a , simul ac veni ad villam, eosdem illos sermones ad Catonem Brutumque transtuli. ecce tuae litterae de Varrone. nemini visa est aptior Antiochia ratio.

[2] sed tamen velim scribas ad me, primum placeatne tibi aliquid ad illum, deinde, si placebit, hocne potissimum. quid? Servilia iamne venit? Brutus ecquid agit et quando? de Caesare quid auditur? ego ad Nonas, quem ad modum dixi. tu cum Pisone, si quid poteris.

13.17-18

Scr. in Arpinati iii K. Quint a. 709 (45).

CICERO ATTICO SAL.

iv Kal. exspectabam Roma aliquid; non imperassem igitur aliquid tuis . nunc eadem illa, quid Brutus cogitet, aut si aliquid egit, ecquid a Caesare. sed quid ista quae minus curo? Attica nostra quid agat scire cupio. etsi tuae litterae (sed iam nimis veteres sunt) recte

sperare iubent, tamen exspecto recens aliquid.

[2] vides propinquitas quid habeat. nos vero conficiamus hortos. conloqui videbamur in Tusculano cum essem . tanta erat crebritas litterarum. sed id quidem iam erit. ego interea admonitu tuo perfeci sane argutulos libros ad Varronem sed tamen exspecto quid ad ea quae scripsi ad te, primum qui intellexeris eum desiderare a me cum ipse homo polugrafw/tatoj numquam me lacessisset; deinde quem zhlotupei=n <nisi forte Brutum, quem si non> zhlotupei=j multo Hortensium minus aut eos qui de re publica loquuntur. plane hoc mihi explices velim, in primis maneasne in sententia ut mittam ad eum quae scripsi, an nihil necesse putes. sed haec coram.

13.19

Scr. in Arpinati prid. K Quint a. 709 (45).

CICERO ATTICO SAL.

commodum discesserat Hilarus librarius iv Kal., cui dederam litteras ad te, quom venit tabellarius cum tuis litteris pridie datis; in quibus illud mihi gratissimum fuit quod Attica nostra rogat te ne tristis sis, quodque tu a)ki/nduna esse scribis.

[2] Ligarianam, ut video, praeclare auctoritas tua commendavit. scripsit enim ad me Balbus et Oppius mirifice se probare ob eamque causam ad Caesarem eam se oratiunculam misisse. hoc igitur idem tu mihi antea scripseras.

[3] in Varrone ista causa me non moveret ne viderer file/ndocoj (sic enim constitueram neminem includere in dialogos eorum qui viverent); sed quia <scribis> et desiderari a Varrone et magni illum aestimare, eos confeci et absolvi nescio quam bene, sed ita accurate ut nihil posset supra, academicam omnem quaestionem libris quattuor. in eis quae erant contra a)katalhyi/an praeclare conlecta ab Antiocho, Varroni dedi. ad ea ipse respondeo; tu es tertius in sermone nostro. si Cottam et Varronem fecissem inter se disputantis, <ut> a te proximis litteris admoneor, meum kwfo\n pro/swpon esset.

[4] hoc in antiquis personis suaviter fit, ut et Heraclides in multis et nos <in> vi ‘de re publica’ libris fecimus. sunt etiam ‘de oratore’

nostri tres mihi vehementer probati. in eis quoque eae personae sunt ut mihi tacendum fuerit. Crassus enim loquitur, Antonius, Catulus senex, C. Iulius frater Catuli, Cotta, Sulpicius. puero me hic sermo inducitur, ut nullae esse possent partes meae. quae autem his temporibus scripsi)Aristote/leion morem habent in quo ita sermo inducitur ceterorum ut penes ipsum sit principatus. ita confeci quinque libros peri\ telw=n ut Epicurea L. Torquato, Stoica M. Catoni, peripathtika\ M. Pisoni darem.)Azhlotu/phton id fore putaram quod omnes illi decesserant. haec 'academica,' ut scis, cum Catulo, Lucullo, Hortensio contuleram. sane in personas non cadebant; erant enim logikw/tera quam ut illi de iis somniasse umquam viderentur. itaque ut legi tuas de Varrone, tamquam e(/rmaion adripui. aptius esse nihil potuit ad id philosophiae genus quo ille maxime mihi delectari videtur, easque partis ut non sim consecutus ut superior mea causa videatur. sunt enim vehementer piqana\ Antiochia; quae diligenter a me expressa acumen habent Antiochi, nitorem orationis nostrum si modo is est aliquis in nobis. sed tu dandosne putes hos libros Varroni <etiam> atque etiam videbis. mihi quaedam occurrunt; sed ea coram.

13.20.

Scr. in Arpinati vi aut v Non. Quint a. 79 (45).

CICERO ATTICO SAL.

a Caesare litteras accepi consolatorias datas pridie Kal. Maias Hispali. de urbe augenda quid sit promulgatum non intellexi. id scire sane velim. Torquato nostra officia grata esse facile patior eaque augere non desinam.

[2] ad Ligarianam de uxore Tuberonis et privigna neque possum iam addere (est enim pervulgata) neque Tuberonem volo offendere; mirifice est enim filai/tioj . theatrum quidem sane bellum habuisti.

[3] ego etsi hoc loco facillime sustentor tamen te videre cupio. itaque ut constitui adero. fratrem credo a te esse conventum. scire igitur studeo quid egeris.

[4] de fama nihil sane laboro; etsi scripseram ad te tunc stulte 'nihil

melius'; curandum enim non est. atque hoc 'in omni vita sua quemque a recta conscientia traversum unguem non oportet discedere' viden quam filoso/fwj ? an tu nos frustra existimas haec in manibus habere? Dedh=xqai te <eo> nollem, quod nihil erat. redeo enim rursus eodem. quicquamne me putas curare in toto, nisi ut ei ne desim? id ago scilicet ut iudicia videar tenere. Mh\ gar autoi=j — .' vellem tam domestica ferre possem quam ista contemnere. Putas autem me voluisse aliquid quod perfectum non sit? non licet scilicet sententiam suam. sed tamen quae tum acta sunt non possum non probare et tamen non curare pulchre possum, sicuti facio. sed nimium multa de nugis.

13.21

Scr. Asturae iv K. Sext. a. 709 (45).

CICERO ATTICO SAL.

ad Hirtium dederam epistulam sane grandem quam scripseram proxime in Tusculano. huic quam tu mihi misisti rescribam alias.

[2] nunc alia malo. quid possum de Torquato, nisi aliquid a Dolabella? quod simul ac, continuo scietis. exspectabam hodie aut summum cras ab eo tabellarios; qui simul ac venerint, mittentur ad te. A Quinto exspecto. proficiscens enim e Tusculano viii Kal., ut scis, misi ad eum tabellarios.

[3] nunc ad rem ut redeam, 'inhibere' illud tuum, quod valde mihi adriserat, vehementer displicet. est enim verbum totum nauticum. quamquam id quidem sciebam sed arbitrabar sustineri remos cum inhibere essent remiges iussi. id non esse eius modi didici heri cum ad villam nostram navis appelleretur. non enim sustinent sed alio modo remigant. id ab e)poxh=? remotissimum est. qua re facies ut ita sit in libro quem ad modum fuit. dices hoc idem Varroni, si forte mutavit. nec est melius quicquam quam ut Lucilius, 'sustineas currum ut bonus saepe agitator equosque.' semperque Carneades probolh\n pugilis et retentionem aurigae similem facit e)poxh=? . inhibitio autem remigum motum habet et vehementiorem quidem remigationis navem convertentis ad puppim. vides quanto haec

diligentius curem quam aut de rumore aut de Pollione.

[3] de Pansa etiam si quid certius (credo enim palam factum esse), de Critonio, si quid esset certe ne de Metello et Balbino.

13.21a

Scr. in Arpinati prid. K. aut K. Quint. a. 709 (45).

CICERO ATTICO SAL.

dic mihi, placetne tibi primum edere iniussu meo? hoc ne Hermodorus quidem faciebat, is qui Platonis libros solitus est divulgare, ex quo ‘lo/goisin (Ermo/dwroj .’ quid? illud rectumne existimas quoiquam <ante quam> Bruto, cui te auctore prosfwnw= ? scripsit enim Balbus ad me se a te quintum ‘de finibus’ librum descripsisse; in quo non sane multa mutavi sed tamen quaedam. tu autem commode feceris si reliquos continueris, ne et a)dio/rqwta habeat Balbus et e(wla Brutus. sed haec hactenus, ne videar peri\ mikra\ spouda/zein . etsi nunc quidem maxima mihi sunt haec; quid est enim aliud?

Varroni quidem quae scripsi te auctore ita propero mittere ut iam Romam miserim describenda. ea si voles, statim habebis. scripsi enim ad librarios ut fieret tuis, si tu velles, describendi potestas. ea vero continebis quoad ipse te videam; quod diligentissime facere soles cum a me tibi dictum est.

[2] quo modo autem fugit me tibi dicere? mirifice Caerellia studio videlicet philosophiae flagrans describit a tuis istos ipsos ‘de finibus’ habet. ego autem tibi confirmo (possum falli ut homo) a meis eam non habere; numquam enim ab oculis meis afuerunt. tantum porro aberat ut binos scriberent; vix singulos confecerunt. tuorum tamen ego nullum delictum arbitror itemque te volo existimare; a me enim praetermissum est ut dicerem me eos exire nondum velle. Hui, quam diu de nugis! de re enim nihil habeo quod loquar.

[3] de Dolabella tibi adsentior. coheredes, ut scribis, in Tusculano. de Caesaris adventu scripsit ad me Balbus non ante Kal. Sextilis. de Attica optime, quod levius ac lenius et quod fert eu)ko/lwj .

[4] quod autem de illa nostra cogitatione scribis in qua nihil tibi

cedo, ea quae novi valde probo, hominem, domum, facultates. quod caput est, ipsum non novi sed audio laudabilia, de Scrofa etiam proxime. accedit, si quid hoc ad rem, eu)gene/steroj est etiam quam pater. coram igitur et quidem propenso animo ad probandum. accedit enim quod patrem, ut scire te puto plus etiam quam non modo tu sed quam ipse scit, amo idque et merito et iam diu.

13.22

Scr. in Arpinati iv Non. Quint a. 709 (45).

CICERO ATTICO SAL.

de Varrone non sine causa quid tibi placeat tam diligenter exquiro. occurrunt mihi quaedam. sed ea coram. te autem a)smenai/tata intexui faciamque id crebrius. proximis enim tuis litteris primum te id non nolle cognovi.

[2] de Marcello scripserat ad me Cassius antea, ta\ kata\ me/roj Servius. O rem acerbam! ad prima redeo. scripta nostra nusquam malo esse quam apud te, sed ea tum foras dari cum utrique nostrum videbitur. ego et librarios tuos culpa libero neque te accuso et tamen aliud quiddam ad te scripseram, Caerelliam quaedam <habere quae nisi a te> habere non potuerit. Balbo quidem intellegebam sat faciendum fuisse, tantum nolebam aut obsoletum Bruto aut Balbo incohatum dari. Varroni, simul ac te videro, si tibi videbitur, mittam. quid autem dubitarim, cum videro te, scies .

[4] attributos quod appellas valde probe. te de praedio Oviae exerceri moleste fero. de Bruto nostro perodiosum, sed vita fert. mulieres autem vix satis humane quae inimico animo ferant, cum <in> utraque officio pareat. Tullium scribam nihil fuit quod appellares; nam tibi mandassem si fuisset. nihil enim est apud eum positum nomine voti, sed est quiddam apud illum meum. id ego in hanc rem statui conferre. itaque et ego recte tibi dixi ubi esset, et tibi ille recte negavit. sed hoc quoque ipsum continuo adoriamur. Lucum hominibus non sane probo quod est desertior, sed habet eu)logi/an . verum hoc quoque ut censueris, quippe qui omnia. ego, ut constitui, adero, atque utinam tu quoque eodem die! sin quid (multa enim),

utique postridie. etenim coheredes a quis sine te opprimi militia est . alteris iam litteris nihil ad me <de> Attica. sed id quidem in optima spe pono; illud accuso non te sed illam, ne salutem quidem. at tu et illi et Piliae plurimam, nec me tamen irasci indicaris. epistulam Caesaris misi, si minus legisses.

13.23

Scr. in Tusculano vi Id. Quint. a. 709 (45).

CICERO ATTICO SAL.

ante meridianis tuis litteris heri statim rescripsi; nunc respondeo vespertinis. Brutus mallem me arcesseret. et aequius erat, cum illi iter instaret et subitum et longum, et me hercule nunc, cum ita simus adfecti ut non possimus plane simul vivere (intellegis enim profecto in quo maxime posita sit sumbi/wsij), facile patiebar nos potius Romae una esse quam in Tusculano.

[2] libri ad Varronem non morabantur, sunt enim deffecti , ut vidisti; tantum librariorum menda tolluntur. de quibus libris scis me dubitasse, sed tu videris. item quos Bruto mittimus in manibus habent librarii.

[3] mea mandata, scribis, explica. quamquam ista retentione omnis ait uti Trebatius; quid tu istos putas? Nosti domum. qua re confice eu)gagw/gwj . incredibile est quam ego ista non curem. omni tibi adseveratione adfirmo, quod mihi credas velim, mihi maiori offensioni esse quam delectationi possessiunculas meas. magis enim doleo me non habere quoi tradam quam habere qui utar <laetor>. atque illud Trebatius se tibi dixisse narrabat; tu autem veritus es fortasse ne ego invitus audirem. fuit id quidem humanitatis, sed, mihi crede, iam ista non curo. qua re da te in sermonem et perseca et confice et ita cum Polla loquere ut te cum illo Scaeva loqui putes nec existimes eos qui non debita consectari soleant quod debeatur remissuros. de die tantum videto et id ipsum bono modo.

13.24

Scr. in Tusculano v Id. Quint a. 709 (45).

CICERO ATTICO SAL.

quid est quod Hermogenes mihi Clodius Andromenem sibi dixisse se Ciceronem vidisse Corcyrae? ego enim audita tibi putaram. nil igitur ne ei quidem litterarum? an non vidit? facies ergo ut sciam. quid tibi ego de Varrone rescribam? quattuor difqerai sunt in tua potestate. quod egeris id probabo. nec tamen ‘ai)deomai Trw=aj .’ quid enim? sed ipsi quam res illa probaretur magis verebar. sed quoniam tu suscipis, in alteram aurem.

[2] de retentione rescripsi ad tuas accurate scriptas litteras. conficies igitur et quidem sine ulla dubitatione aut retractatione. hoc fieri et oportet et opus est.

13.25

Scr. in Tusculano iv Id. Quint a. 709 (45).

CICERO ATTICO SAL.

de Andromene ut scribis ita putaram. Scisses enim mihique dixisses. tu tamen ita mihi de Bruto scribis ut de te nihil. quando autem illum putas? nam ego Romam pridie Idus. Bruto ita volui scribere (sed quoniam tu te legisse scribis, fui fortasse a)safe/steroj) me ex tuis litteris intellexisse nolle eum me quasi prosequendi sui causa Romam nunc venire. sed, quoniam iam adest meus adventus, fac, quaeso, ne quid eum Idus impediant quo minus suo commodo in Tusculano sit. nec enim ad tabulam eum desideraturus eram (in tali enim negotio cur tu unus non satis es?) sed ad testamentum volebam, quod iam malo alio die ne ob eam causam Romam venisse videar. scripsi igitur ad Brutum iam illud, quod putassem, Idibus nihil opus esse. velim ergo totum hoc ita gubernes ut ne minima quidem re ulla Bruti commodum impediamus.

[3] sed quid est tandem quod perhorrescas quia tuo periculo iubeam libros dari Varroni? etiam nunc si dubitas, fac ut sciamus. nihil est enim illis elegantius. volo Varronem, praesertim cum ille desideret; sed est, ut scis, deino\j a)nh/r: ta/xa ken kai\ a)nai/tion ai)tio/w?to. ita mihi saepe occurrit vultus eius querentis fortasse vel

hoc, meas partis in iis libris copiosius defensas esse quam suas, quod me hercule non esse intelleges, si quando in Epirum veneris. nam nunc Alexionis epistulis cedimus. sed tamen ego non despero probatum iri Varroni et id, quoniam impensam fecimus in macrocolla, facile patior teneri. sed etiam atque etiam dico, tuo periculo fiet. qua re si addubitas, ad Brutum transeamus; est enim is quoque Antiochius. O Academiam volaticam et sui similem! modo huc, modo illuc. sed, quaeso, epistula mea ad Varronem valdene tibi placuit? male mi sit si umquam quicquam tam enitar. ergo ne Tironi quidem dictavi qui totas perioxa\j persequi solet sed Spintharo syllabatim.

13.26

Scr. in Tusculano prid. Id. Mai. a. 709 (45).

CICERO ATTICO SAL.

de Vergili parte valde probo. sic ages igitur. et quidem id erit primum, proximum Clodiae. quod si neutrum, metuo ne turbem et inruam in Drusum. intemperans sum in eius rei cupiditate quam nosti. itaque revolvor identidem in Tusculanum. quidvis enim potius quam ut non hac aestate absolvatur.

[2] ego, ut tempus est nostrum, locum habeo nullum ubi facilius esse possim quam Asturae. sed quia qui mecum sunt, credo, quod maestitiam meam non ferunt, domum properant, etsi poteram remanere, tamen, ut scripsi tibi, proficiscar hinc ne relictus videar. quo autem? Lanuvio conor equidem in Tusculanum. sed faciam te statim certiorem. tu litteras conficies. equidem credibile non est quantum scribam, quin etiam noctibus; nihil enim somni. heri etiam effeci epistulam ad Caesarem; tibi enim placebat. quam non fuit malum scribi, si forte opus esse putares; ut quidem nunc est, nihil sane est necesse mittere. sed id quidem, ut tibi videbitur. mittam tamen ad te exemplum fortasse Lanuvio, nisi forte Romam. sed cras scies.

13.27

Scr. in Tusculano viii K. Iun. a. 709 (45).

CICERO ATTICO SAL.

de epistula ad Caesarem nobis vero semper rectissime placuit ut isti ante legerent. aliter enim fuissemus et in hos inofficiosi et in nosmet ipsos, si illum offensuri fuimus, paene periculosi. isti autem ingenue; mihique gratum quod quid sentirent non reticuerunt, illud vero vel optime quod ita multa mutari volunt ut mihi de integro scribendi causa non sit. quamquam de Parthico bello quid spectare debui nisi quod illum velle arbitrabar? quod enim aliud argumentum epistulae nostrae nisi kolakei/a fuit? an, si ea quae optima putarem suadere voluissem, oratio mihi defuisset? totis igitur litteris nihil opus est. ubi enim e)pi/teugma magnum nullum fieri possit, a)po/teugma vel non magnum molestum futurum sit, quid opus est parakinduneu/ein ? praesertim cum illud occurrat, illum, cum antea nihil scripserim, existimaturum me nisi toto bello confecto nihil scripturum fuisse. atque etiam vereor ne putet me hoc quasi Catonis mei/ligma esse voluisse. quid quaeris? valde me paenitebat nec mihi in hac quidem re quicquam magis ut vellem accidere potuit quam quod spoudh\ nostra non est probata. incidissemus etiam in illos, in eis in cognatum tuum.

[2] sed redeo ad hortos. plane illuc te ire nisi tuo magno commodo nolo; nihil enim urget. quicquid erit, operam <in> Faberio ponamus. de die tamen auctionis, si quid scies. eum qui e Cumano venerat, quod et plane valere Atticam nuntiabat et litteras se habere aiebat, statim ad te misi.

13.28

Scr. in Tusculano Vii. K. Iun. a. 709 (45).

CICERO ATTICO SAL.

hortos quoniam hodie eras inspecturus, quid visum tibi sit cras scilicet. de Faberio autem, cum venerit.

[2] de epistula ad Caesarem, iurato mihi crede, non possum; nec me turpitudo deterret, etsi maxime debebat. quam enim turpis est

adsentatio, cum vivere ipsum turpe sit nobis! sed, ut coepi, non me hoc turpe deterret. ac vellem quidem (essem enim qui esse debebam), sed in mentem nihil venit. nam quae sunt ad Alexandrum hominum eloquentium et doctorum suasiones vides quibus in rebus versentur. adulescentem incensum cupiditate verissimae gloriae, cupientem sibi aliquid consili dari quod ad laudem sempiternam valeret, cohortantur ad decus. non deest oratio; ego quid possum? tamen nescio quid e quercu exsculpseram quod videretur simile simulacri. in eo quia non nulla erant paulo meliora quam ea quae fiunt et facta sunt, reprehenduntur; quod me minime paenitet.

si enim pervenissent istae litterae, mihi crede, nos paeniteret. quid? tu non vides ipsum illum Aristoteli discipulum summo ingenio, summa modestia, postea quam rex appellatus sit, superbum, crudelem, immoderatum fuisse? quid? tu hunc de pompa Quirini contubernalem his nostris moderatis epistulis laetaturum putas? ille vero potius non scripta desideret quam scripta non probet. postremo ut volet. abiit illud quod tum me stimulabat quom tibi dabam pro/ blhma)Arxidh/mou . multo me hercule magis nunc opto casum Ulum quem tum timebam vel quem libebit. nisi quid te aliud impediet, mi optato veneris. Nicias a Dolabella magno opere arcessitus (legi enim litteras) etsi invito me tamen eodem me auctore profectus est.

[4] hoc manu mea. cum quasi alias res quaererem de philologis e Nicia, incidimus in Thalnam. ille de ingenio nihil nimis, modestum et frugi. sed hoc mihi non placuit. se scire aiebat ab eo nuper petitam Cornificiam, Q. filiam, vetulam sane et multarum nuptiarum; non esse probatum mulieribus, quod ita reperirent rem non maiorem d*ccc*. hoc putavi te scire oportere.

13.29

Scr. in Tusculano vi K. Iun. a. 709 (45).

CICERO ATTICO SAL.

de hortis ex tuis litteris cognovi et <ex> Chrysippo. in villa cuius insulsitatem bene noram video nihil aut pauca mutata; balnearia

tamen laudat maiora, de minoribus ait hiberna effici posse. tecta igitur ambulatiuncula addenda est; quam ut tantam faciamus quantam in Tusculano fecimus prope dimidio minoris constabit isto loco. ad id autem quod volumus a)fi/druma nihil aptius videtur quam lucus quem ego noram; sed celebritatem nullam tum habebat, nunc audio maximam. nihil est quod ego malim. in hoc to\n tu=fo/n mou pro\j qew=n tropofo/rhson . reliquum est, si Faberius nobis nomen illud explicat, noli quaerere quanti; Othonem vincas volo. nec tamen insaniturum illum puto; nosse enim mihi hominem videor. ita male autem audio ipsum esse tractatum ut mihi ille emptor non esse videatur. quid enim? pateretur? sed quid argumentor?

[2] si Faberianum explicas, emamus vel magno; si minus, ne parvo quidem possumus. Clodiam igitur. A qua ipsa ob eam causam sperare videor, quod et multo minoris sunt et Dolabellae nomen tam expeditum videtur ut etiam repraesentatione confidam. de hortis satis. cras aut te aut causam; quam quidem <puto> futuram Faberianam. sed si poteris. Ciceronis epistulam tibi remisi.

[3] O te ferreum qui illius periculis non moveris! me quoque accusat. eam tibi epistulam misissem . nam illam alteram de rebus gestis eodem exemplo <puto>. in Cumanum hodie misi tabellarium. ei dedi tuas ad Vestorium quas Pharnaci dederas.

13.30

Scr. in Tusculano post op xxxi v K. Iun. a. 709 (45).

CICERO ATtiCO SAL.

commodum ad te miseram Demean quom Eros ad me venit. sed in eius epistula nihil erat novi nisi auctionem biduum. ab ea igitur, ut scribis, et velim confecto negotio Faberiano; quem quidem negat Eros hodie, cras mane putat. <A> te colendus est; istae autem kolakei=ai ?at non longe absunt a scelere. <te>, ut spero, perendie.

[2] mi, sicunde potes, erues qui decem legati Mummio fuerint. Polybius non nominat. ego memini Albinum consularem et Sp. Mummium; videor audisse ex Hortensio Tuditanum. sed in Libonis annali xiiii annis post praetor est factus Tuditanus quam consul

Mummius. non sane quadrat. volo aliquem Olympiae aut ubi visum politiko\n su/llogon more Dicaearchi familiaris tui.

13.31

Scr. in Tusculano v K. Iun. a. 709 (45).

CICERO ATTICO SAL.

v Kal. mane accepi a Demea litteras pridie datas ex quibus aut hodie aut cras <te> exspectare deberem. sed, ut opinor, idem ego qui exspecto tuum adventum morabor te. non enim puto tam expeditum Faberianum negotium futurum, etiam si est futurum ut <non> habeat aliquid morae.

[2] cum poteris igitur. quoniam etiamnum abes, Dicaearchi quos scribis libros sane velim mi mittas, addas etiam kataba/sewj .

[3] de epistula ad Caesarem kekrika ; atque id ipsum quod isti aiunt illum scribere, se nisi constitutis rebus non iturum in Parthos, idem ego suadebam in illa epistula. utrum liberet facere posse auctore me. hoc enim ille exspectat videlicet neque est facturus quicquam nisi de meo consilio. obsecro abiciamus ista et semiliberi saltem simus; quod adsequemur et tacendo et latendo.

[4] sed adgredere Othonem, ut scribis. confice, mi Attice, istam rem. nihil enim aliud reperio ubi et in foro non sim et tecum esse possim. quanti autem, hoc mihi venit in mentem. C. Albanius proximus est vicinus. is ci[c] iugerum de M. Pilio emit, ut mea memoria est, HS c*x*v. omnia scilicet nunc minoris. sed accedit cupiditas, in qua praeter Othonem non puto nos ullum adversarium habituros. sed eum ipsum tu poteris movere, facilius etiam si canum haberes. O gulam insulsam! pudet me patris. rescribes si quid voles.

13.32

Scr. in Tusculano iv K. Iun. a. 709 (45).

CICERO ATTICO SAL.

alteram a te epistulam cum hodie accepissem, nolui te una mea

contentum. tu vero age, quod scribis, de Faberio. in eo enim totum est positum id quod cogitamus; quae cogitatio si non incidisset, mihi crede, istuc ut cetera non laborarem. quam ob rem, ut facis (istuc enim addi nihil potest), urge, insta, perfice.

[2] Dicaearchi peri\ yuxh=j utrosque velim mittas et kataba/sewj . Tripolitikon non invenio et epistulam eius quam ad Aristoxenum misit. tris eos libros maxime nunc vellem; apti essent ad id quod cogito.

[3] Torquatus Romae est. misi ut tibi daretur. Catulum et Lucullum, ut opinor, antea. his libris nova prohoemia sunt addita quibus eorum uterque laudatur. eas litteras volo habeas et sunt quaedam alia. et quod ad te <de> decem legatis scripsi parum intellexisti, credo, quia dia\ shmei/wn scripseram. de C. Tuditano enim quaerebam quem ex Hortensio audieram fuisse in decem. eum video in Libonis praetorem P. Popilio P. Rupilio <coss.> Annis xiiii ante quam praetor factus est legatus esse potuisset, nisi admodum sero quaestor est factus? quod non arbitror. video enim curulis magistratus eum legitimis annis perfacile cepisse. Postumium autem cuius statuam in Isthmo meminisse te dicis nesciebam fuisse. is autem est qui <cos.> cum <L.> Lucullo fuit; quem tu mihi addidisti sane ad illum su/llogon personam idoneam. videbis igitur, si poteris, ceteros, ut possimus pompeu=sai< kai\ toi=j prosw/poij .

13.33

Scr. in Tusculano iii Non. Iun. a. 709 (45).

CICERO ATTICO SAL.

<O> neglegentiam miram! semelne putas mihi dixisse Balbum et Faberium professionem relatam? qui etiam eorum iussu miserim qui profiteretur. ita enim oportere dicebant. professus est Philotimus libertus. nosti, credo, librarium.

[2] sed scribes et quidem confectum. ad Faberium, ut tibi placet, litteras misi, cum Balbo autem puto te aliquid fecisse H in Capitolio . in Vergilio mihi nulla est duswpi/a . nec enim eius causa sane debeo et, si emero, quid erit quod postulet? sed videbis ne is tum sit in

Africa ut Caelius. de nomine tu videbis cum Cispio; sed si Plancus destinat, tum habet res difficultatem. te ad me venire uterque nostrum cupit; sed ista res nullo modo relinquenda est. Othonem quod speras posse vinci sane bene narras. de aestimatione, ut scribis, cum agere coeperimus; etsi nihil scripsit nisi de modo agri. cum Pisone, si quid poterit. Dicaearchi librum accepi et kataba/sew exspecto.

[3] * * * negotium dederis, reperiet ex eo libro in quo sunt servatus consulta Cn. Cornelio L. <Mummio> coss. de Tuditano autem quod putas, eu)/logon est tum illum, quoniam fuit ad Corinthum (non enim temere dixit Hortensius), aut quaestorem <aut> tribunum mil. fuisse, idque potius credo. tu de Antiocho scire poteris vide etiam, quo anno quaestor aut tribunus mil. fuerit; si neutrum ea de in praefectis an in contubernalibus fuerit, modo fuerit in eo bello.

13.33a

Scr. in Tusculano vii. Id. Quint. a. 709 (45).

CICERO ATTICO SAL.

de Varrone loquebamur: lupus in fabula. venit enim ad me et quidem id temporis ut retinendus esset. sed ego ita egi ut non scinderem paenulam. memini enim tuum ‘et multi erant nosque imparati.’ quid refert? Paulo post C. Capito cum T. Carrinate. Horum ego vix attigi paenulam. tamen remanserunt ceciditque belle. sed casu sermo a Capitone de urbe augenda, a ponte Mulvio Tiberim duci secundum montis Vaticanos, campum Martium coaedificari, illum autem campum Vaticanum fieri quasi Martium campum. ‘quid ais?’ inquam; ‘at ego ad tabulam ut, si recte possem, Scapulanos hortos.’ ‘cave facias’ inquit; ‘nam ista lex perferetur; vult enim Caesar.’ audire me facile passus sum, fieri autem moleste fero. sed tu quid ais? quamquam quid quaero? nosti diligentiam Capitonis in rebus novis perquirendis. non concedit Camillo. facies me igitur certiorem de Idibus. ista enim me res adducebat. eo adiunxeram ceteras quas consequi tamen biduo aut triduo post facile potero.

[2] te tamen in via confici minime volo; quin etiam Dionysio ignosco. de Bruto quod scribis, feci ut ei liberum esset, quod ad me

attineret. scripsi enim ad eum heri Idibus eius opera mihi nihil opus esse.

13.34.1

Scr. Asturae vi K. Sext. a. 709 (45).

CICERO ATTICO SAL.

Asturam veni viii Kal. <vesperi>. vitandi enim caloris causa Lanuvi tris horas acquieveram. tu velim, si grave non erit, efficias ne ante Nonas mihi illuc veniendum sit (id potes per Egnatium maximum), illud in primis, cum Publilio me absente conficias. de quo quae fama sit scribes. id populus curat scilicet! non me hercule arbitror; etenim haec decantata erat fabula. sed complere paginam volui. quid plura? ipse enim adsum, nisi quid tu prorogas. scripsi enim ad te de hortis.

13.35-36

Scr. in Tusculano iii Id. Quint. a. 709 (45).

CICERO ATTICO SAL.

O rem indignam! gentilis tuus urbem auget quam hoc biennio primum vidit et ei parum magna visa est quae etiam ipsum capere potuerit. hac de re igitur exspecto litteras tuas. Varroni scribis te, simul ac venerit.

[2] dati igitur iam sunt nec tibi integrum est, hui, si scias quanto periculo tuo! aut fortasse litterae meae te retardarunt; sed eas nondum legeras cum has proximas scripsisti. scire igitur aveo quo modo res se habeat. de Bruti amore vestraque ambulatione etsi mihi nihil novi adfers sed idem quod saepe, tamen hoc audio libentius quo saepius, eoque mihi iucundius est quod tu eo laetaris certiusque eo est quod a te dicitur.

13.37

Scr. in Tusculano iv Non. Sext. a. 709 (45).

CICERO ATTICO SAL.

has alteras hodie litteras. de Xenonis nomine et de Epiroticis x*xxx* nihil potest fieri nec commodius nec aptius quam ut scribis. id erat locutus mecum eodem modo Balbus minor.

[2] nihil novi sane nisi Hirtium cum Quinto acerrime pro me litigasse; omnibus eum locis furere maximeque in conviviis cum multa de me tum redire ad patrem; nihil autem ab eo <tam> a)ciopi/stwj dici quam alienissimos nos esse a Caesare; fidem nobis habendam non esse, me vero etiam cavendum (fobero\n a)\n h)=n nisi viderem scire regem me animi nihil habere), Ciceronem vero meum vexari; sed id quidem arbitratu suo.

[3] laudationem Porciae gaudeo me ante dedisse Leptae tabellario quam tuas acceperim litteras. eam tu igitur, si me amas, curabis, si modo mittetur, isto modo mittendam Domitio et Bruto.

[4] de gladiatoribus, de ceteris quae scribis a)nemofo/rhta , facies me cotidie certiorem. velim, si tibi videtur, appelles Balbum et Offilium. de auctione proscribenda equidem locutus sum cum Balbo. placebat (puto conscripta habere Offilium omnia; habet et Balbus) sed Balbo placebat propinquum diem et Romae; si Caesar moraretur, posse diem differri. sed is quidem adesse videtur. totum igitur considera; placet enim Vestorio.

13.38

Scr. in Tusculano circ. prid. Non. Sext. a. 709 (45).

CICERO ATTICO SAL.

ante lucem cum scriberem contra Epicureos, de eodem oleo et opera exaravi nescio quid ad te et ante lucem dedi. deinde cum somno repetito simul cum sole experrectus essem, datur mi epistula a sororis tuae filio quam ipsam tibi misi; cuius est principium non sine maxima contumelia. sed fortasse ou)k e)pe/sthsen . est autem sic, ‘ego enim quicquid non belle in te dici potest — .’ posse vult in me multa dici non belle sed ea se negat approbare. hoc quicquam pote impurius? iam cetera leges (misi enim ad te) iudicabisque. Bruti

nostri cotidianis adsiduisque laudibus quas ab eo de nobis haberi permulti mihi renuntiaverunt commotum istum aliquando scripsisse aliquid ad me credo et ad te, idque ut sciam facies. nam ad patrem de me quid scripserit nescio, de matre quam pie! ‘volueram,’ inquit ‘ut quam plurimum tecum essem, conduci mihi domum et id ad te scripseram. neglexisti. ita minus multum una erimus. nam ego istam domum videre non possum; qua de causa scis. hanc autem causam pater odium matris esse dicebat.

[2] nunc me iuva, mi Attice, consilio, ‘po/teron di/ka? tei=xoj u(/yion ,’ id est utrum aperte hominem asperner et respuam, h)\skoliai=j a)pa/taij .’ Vt enim Pindaro sic ‘di/xa moi no/oj a)tre/keian ei)pei=n .’ omnino moribus meis illud aptius sed hoc fortasse temporibus. tu autem quod ipse tibi suaseris idem mihi persuasum putato. equidem vereor maxime ne in Tusculano opprimar. in turba haec essent faciliora. utrum igitur Asturae? quid <si> Caesar subito? iuva me, quaeso, consilio. utar eo quod tu decreveris.

13.39

Scr. in Tusculano Nov. Sext. a. 709 (45).

CICERO ATTICO SAL.

O incredibilem vanitatem! ad patrem ‘domo sibi carendum propter matrem,’ <ad matrem> plenam pietatis. hic autem iam languescit et ait sibi illum iure iratum.

[2] sed utar tuo consilio; ‘skolia\ ‘ enim tibi video placere. Romam, ut censes, veniam sed invitus; valde enim in scribendo haereo. ‘Brutum’ inquis ‘eadem.’ scilicet; sed nisi hoc esset, res me ista non cogeret. nec enim inde venit unde mallem neque diu afuit neque ullam litteram ad me. sed tamen scire aveo qualis ei totius itineris summa fuerit. libros mihi de quibus ad te antea scripsi velim mittas et maxime Fai/drou peri\ Qew= et PELLIDOS .

13.40

Scr. in Tusculano vii aut vi Id. Sext. a. 709 (45).

CICERO ATTICO SAL.

itane? nuntiat Brutus illum ad bonos viros? Eu)aggeli/a . sed ubi eos? nisi forte se suspendit. hic autem ut fultum est. Vbi igitur filte/xnhma illud tuum quod vidi in Parthenone, Ahalam et Brutum? sed quid faciat? illud optime, ‘sed ne is quidem qui omnium flagitiorum auctor bene de nostro.’ at ego verebar ne etiam Brutus eum diligeret;

ita enim significarat iis litteris quas ad me, ‘at vellem aliquid degustasses de fabulis.’ sed coram, ut scribis.

[2] etsi quid mi auctor es? advolone an maneo? equidem et in libris haereo et illum hic excipere nolo; ad quem, ut audio, pater hodie ad Saxa acrimonia. mirum quam inimicus ibat ut ego obiurgarem. sed ego ipse keke/pfwmai . itaque posthac. tu tamen vide quid de adventu meo censeas et ta\ o(/la , cras si perspici potuerint, mane statim ut sciam.

13.41

Scr. in Tusculano vi aut v Id. Sext. a. 709 (45).

CICERO ATTICO SAL.

ego vero Quinto epistulam ad sororem misi. Cum ille quereretur filio cum matre bellum et se ob eam causam domo cessurum filio diceret, dixi illum commodas ad matrem litteras, ad te nullas. ille alterum mirabatur, de te autem suam culpam quod saepe graviter ad filium scripsisset de tua in illum iniuria. quod autem relanguisse se dicit, ego ei tuis litteris lectis skoliai=j a)patai=j significavi me non fore . . . tum enim mentio Canae.

[2] omnino si id consilium placeret, esset necesse; sed, ut scribis, ratio est habenda gravitatis, et utriusque nostrum idem consilium esse debet, etsi in me graviores iniuriae et certe notiores. si vero etiam Brutus aliquid adferet, nulla dubitatio est. sed coram. magna enim res et multae cautionis. cras igitur, nisi quid a te commeatus.

13.42

Scr. in Tusculano ex. m. Dec. a. 709 (45).

CICERO ATTICO SAL.

venit ille ad me kai\ mala kathfh/j . et ego, ‘Su\ de\ dh\ ti/ su/nnouj; ‘ ‘rogas?’ inquit, ‘quoi iter instet et iter ad bellum idque cum periculosum tum etiam turpe!’ ‘quae vis igitur?’ inquam. ‘Aes’ inquit ‘alienum et tamen ne viaticum quidem.’ hoc loco ego sumpsi

quiddam de tua eloquentia; nam tacui. at ille, ‘sed me maxime angit avunculus.’ ‘quidnam?’ inquam. ‘quod mihi’ inquit ‘iratus est.’ ‘cur pateris?’ inquam, ‘malo enim ita dicere quam cur committis?’ ‘non patiar’ inquit, ‘causam enim tollam.’ et ego, ‘rectissime quidem; sed si grave non est, velim scire quid sit causae.’ ‘quia, dum dubitabam quam ducerem, non satis faciebam matri; ita ne illi quidem. nunc nihil mihi tanti est. faciam quod volunt.’ ‘feliciter velim’ inquam ‘teque laudo. sed quando?’ ‘nihil ad me’ inquit ‘de tempore, quoniam rem probo.’ ‘at ego’ inquam ‘censeo prius quam proficiscaris. ita patri quoque morem gesseris.’ ‘faciam’ inquit ‘ut censes.’ hic dialogus sic conclusus est.

[3] sed heus tu, diem meum scis esse iii Nonas Ianuarias; aderis igitur. scripseram iam: ecce tibi orat Lepidus ut veniam. opinor augures velle habere ad templum effandum. eatur; mh\ sko/rdou . videbimus te igitur.

13.43

Scr. in Tusculano prid. Id. Quint. a. 709 (45).

CICERO ATTICO SAL.

ego vero utar prorogatione diei, tuque humanissime fecisti qui me certiorem feceris atque ita ut eo tempore acciperem litteras quo non exspectarem tuque ut ab ludis scriberes. sunt omnino mihi quaedam agenda Romae sed consequemur biduo post.

13.44

Scr. in Tusculano xiii aut xii K. Sext. a. 709 (45).

CICERO ATTICO SAL.

suavis tuas litteras! (etsi acerba pompa. verum tamen scire omnia non acerbum est, vel de Cotta) populum vero praeclarum quod propter malum vicinum ne victoriae quidem ploditur! Brutus apud me fuit; quoi quidem valde placebat me aliquid ad Caesarem. adnueram; sed pompa deterret.

[2] tu tamen ausus es Varroni dare! exspecto quid iudicet. quando autem pelleget? de Attica probo. est quiddam etiam animum levari cum spectatione tum etiam religionis opinione et fama.

[3] Cottam mi velim mittas; Libonem mecum habeo et habueram ante Cascam. Brutus mihi T. Ligari verbis nuntiavit, quod appelletur L. Corfidius in oratione Ligariana, erratum esse meum. sed, ut aiunt, mnhmoniko\n a(ma/rthma . sciebam Corfidium pernecessarium Ligariorum; sed eum video ante esse mortuum. da igitur, quaeso, negotium Pharnaci, Antaeo, Salvio ut id nomen ex omnibus libris tollatur.

13.45

Scr. in Tusculano iii Id. Sext a. 709 (45).

CICERO ATTICO SAL..

fuit apud me Lamia post discessum tuum epistulamque ad me attulit missam sibi a Caesare. quae quamquam ante data erat quam illae Diocharinae, tamen plane declarabat illum ante ludos Romanos esse venturum. in qua extrema scriptum erat ut ad ludos omnia pararet neve committeret ut frustra ipse properasset. prorsus ex his litteris non videbatur esse dubium quin ante eam diem venturus esset, itemque Balbo cum eam epistulam legisset videri Lamia dicebat. dies feriarum mihi additos video sed quam multos fac, si me amas, sciam. de Baebio poteris et de altero vicino Egnatio.

[2] quod me hortaris ut eos dies consumam in philosophia explicanda, currentem tu quidem; sed cum Dolabella vivendum esse istis diebus vides. quod nisi me Torquati causa teneret satis erat dierum ut Puteolos excurrere possem et ad tempus redire.

[3] Lamia quidem a Balbo, ut videbatur, audiverat multos nummos domi esse numeratos quos oporteret quam primum dividi, magnum pondus argenti; auctionem XIII M. TVLLI CICERONIS praeter praedia primo quoque tempore fieri oportere. scribas ad me velim quid tibi placeat. equidem si ex omnibus esset eligendum, nec diligentiorem nec officiosiorem nec me hercule nostri studiosiorem facile delegissem Vestorio, ad quem accuratissimas litteras dedi;

quod idem te fecisse arbitror. mihi quidem hoc satis videtur. tu quid dicis? unum enim pungit ne neglegentiores esse videamur. exspectabo igitur tuas litteras.

13.46

Scr. ia Tusculano prid. Id. Sext. a. 709 (45).

CICERO ATTICO SAL.

Pollex quidem, ut dixerat ad Idus Sextilis, ita mihi Lanuvi pridie Idus praesto fuit, sed plane pollex, non index.

[2] cognosces igitur ex ipso. Balbum conveni — Lepta enim de sua munerum curatione laborans me ad eum perduxerat — in eo autem Lanuvino quod Lepido tradidit. ex eo hoc primum, ‘Paulo ante acceperam eas litteras in quibus magno opere confirmat ante ludos Romanos.’ legi epistulam. multa de meo Catone, quo saepissime legendo se dicit copiosiorem factum, Bruti Catone lecto se sibi visum disertum. <tum> ex eo cognovi cretionem Cluvi Vestorium neglegentem!) liberam cretionem testibus praesentibus sexaginta diebus. metuebam ne ille arcessendus esset. nunc mittendum est ut meo iussu cernat. idem igitur Pollex. etiam de hortis Cluvianis egi cum Balbo. nil liberalius. se enim statim ad Caesarem scripturum, Cluvium autem a T. Hordeonio legare et Terentiae HS i[c][c][c] et sepulcro multisque rebus, nihil a nobis. subaccusa, quaeso, Vestorium. quid minus probandum quam Plotium unguentarium per suos pueros omnia tanto ante Balbo, illum mi ne per meos quidem? de Cossinio doleo; dilexi hominem.

[4] Quinto delegabo si quid aeri meo alieno superabit et emptionibus ex quibus mi etiam aes alienum faciendum puto. de domo Arpini nil scio. Vestorium nil est quod accuses. iam enim obsignata hac epistula noctu tabellarius noster venit et ab eo litteras diligenter scriptas attulit et exemplum testamenti.

3.47

Scr. in Tusculano Id. Sext. a. 709 (45).

CICERO ATTICO SAL.

‘postea quam abs te, Agamemno,’ non ‘ut venirem’ (nam id quoque fecissem nisi Torquatus esset) sed ut scriberem ‘tetigit auris nuntius, extemplo’ instituta omisi; ea quae in manibus habebam abieci, quod iusseras edolavi. tu velim e Pollice cognoscas rationes nostras sumptuarias. turpe est enim nobis illum, qualiscumque est, hoc primo anno egere. post moderabimur diligentius. idem Pollex remittendus ATTICO SAL.

Lepidus ad me heri vesperi litteras misit Antio. nam ibi erat. habet enim domum quam nos vendidimus. rogat magno opere ut sim Kal. in senatu; me et sibi et Caesari vehementer gratum esse facturum. puto equidem nihil esse. dixisset enim tibi fortasse aliquid Oppius, quoniam Balbus est aeger. sed tamen malui venire frustra quam desiderari, si opus esset. moleste ferrem postea. itaque hodie Anti cras ante meridiem domi. tu velim, nisi te impedivisti, apud nos pr. Kal. cum Pilia.

[2] te spero cum Publilio confecisse. equidem Kal. in Tusculanum recurram; me enim absente omnia cum illis transigi malo. Quinti fratris epistulam ad te misi non satis humane illam quidem respondentem meis litteris sed tamen quod tibi satis sit, ut equidem existimo. tu videbis.

13.47a

Scr. Asturae ih. K. SexA a. 709 (45).

CICERO ATTICO SAL.

Lepidus ad me heri vesperi litteras misit Antio. nam ibi erat. habet enim domum quam nos vendidimus. rogat magno opere ut sim Kal. in senatu; me et sibi et Caesari vehementer gratum esse facturum. puto equidem nihil esse. dixisset enim tibi fortasse aliquid Oppius, quoniam Balbus est aeger. sed tamen malui venire frustra quam desiderari, si opus esset. moleste ferrem postea. itaque hodie Anti cras ante meridiem domi. tu velim, nisi te impedivisti, apud nos pr. Kal. cum Pilia.

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13.48

Scr. in Tusculano Non. Sext a. 709 (45).

CICERO ATTICO SAL.

heri nescio quid in strepitu videor exaudisse cum diceres te in Tusculanum venturum. quod utinam! iterum utinam! tuo tamen commodo. Lepta me rogat ut, si quid sibi opus sit, accurram; mortuus enim Babullius. Caesar, opinor, ex uncia etsi nihil adhuc; sed Lepta ex triente. veretur autem ne non liceat tenere hereditatem, a)lo/gwj Omnino, sed veretur tamen. is igitur si accierit, accurram; si minus, <non> ante quam necesse erit. tu Pollicem, cum poteris.

[2] laudationem Porciae tibi misi correctam. adeo properavi ut, si forte aut Domitio filio aut Bruto mitteretur, haec mitteretur. id si tibi erit commodum magno opere cures velim et velim M. Varronis et olli mittas laudationem, olli utique. nam illam legi, volo tamen regustare. quaedam enim vix mihi credo legisse me.

13.49

Scr. in Tusculano circ xiii K. Sept a. 709 (45).

CICERO ATTICO SAL.

Atticae primum salutem (quam equidem ruri esse arbitror; multam igitur salutem) et Piliae. de Tigellio, si quid novi. qui quidem, ut mihi Gallus Fadius scripsit, me/myin a)nafe/rei mihi quandam iniquissimam, me Phameae defuisse cum eius causam recepissem. quam quidem receperam contra pueros Octavios Cn. filios non libenter; sed Phameae causa volebam. erat enim, si meministi, in consulatus petitione per te mihi pollicitus si quid opus esset; quod

ego perinde tuebar ac si usus essem. is ad me venit dixitque iudicem operam dare sibi constituisse eo die ipso quo de Sestio nostro lege Pompeia in consilium iri necesse erat. scis enim dies illorum iudiciorum praestitutos fuisse. respondi non ignorare eum quid ego deberem Sestio. quem vellet alium diem si sumpsisset, me ei non defuturum. ita tum ille discessit iratus. puto me tibi narrasse. non laboravi scilicet nec hominis alieni iniustissimam iracundiam mihi curandam putavi.

[2] Gallo autem narravi, cum proxime Romae fui, quid audissem neque nominavi Balbum minorem. habuit suum negotium Gallus ut scribit. ait illum <dicere> me animi conscientia quod Phamean destituissem de se suspicari. qua re tibi hactenus mando, de illo nostro, si quid poteris, exquiras, de me ne quid labores. est bellum aliquem libenter odisse et quem ad modum <non omnibus dormire, ita> non omnibus servire. etsi me hercule, ut tu intellegis, magis mihi isti serviunt, si observare servire est.

13.50

Scr. in Tusculano circ. xi K. Sept a. 709 (45).

CICERO ATTICO SAL.

admonitus quibusdam tuis litteris ut ad Caesarem uberiores litteras mittere instituerem, cum mihi Balbus nuper in Lanuvino dixisset se et Oppium scripsisse ad Caesarem me legisse libros contra Catonem et vehementer probasse, conscripsi de iis ipsis libris epistulam Caesari quae deferretur ad Dolabellam; sed eius exemplum misi ad Oppium et Balbum scripsique ad eos ut tum deferri ad Dolabellam iuberent meas litteras si ipsi exemplum probassent. ita mihi rescripserunt nihil umquam se legisse melius epistulamque meam iusserunt dari Dolabellae.

[2] Vestorius ad me scripsit ut iuberem mancipio dari servo suo pro mea parte Hetereio cuidam fundum Brinnianum ut ipse ei Puteolis recte mancipio dare posset. Eum servum, si tibi videbitur, ad me mittes; opinor enim ad te etiam scripsisse Vestorium.

[3] de adventu Caesaris idem quod a te mihi scriptum est ab Oppio

et Balbo. miror te nihildum cum Tigellio, velut hoc ipsum, quantum acceperit: prorsus aveo scire nec tamen flocci facio.

[4] quaeris quid cogitem de obviam itione. quid censes nisi Alsium? et quidem ad Murenam de hospitio scripseram, sed opinor cum Matio profectum. Sallustius igitur urgebitur.

[5] scripto iam superiore versiculo Eros mihi dixit sibi Murenam liberalissime respondisse. eo igitur utamur. nam Silius culcitas non habet. dida autem, opinor, hospitibus totam villam concessit.

13.51

Scr. in Tusculano ix K. Sept a. 709 (45).

CICERO ATTICO SAL.

ad Caesarem quam misi epistulam eius exemplum fugit me tum tibi mittere. nec id fuit quod suspicaris, ut me puderet tui ne ridicule micillus , nec me hercule scripsi aliter ac si proj i)/son o(/moio/n que scriberem. bene enim existimo de illis libris, ut tibi coram. itaque scripsi et a)kolakeu/twj et tamen sic ut nihil eum existimem lecturum libentius.

[2] de Attica nunc demum mihi est exploratum; itaque ei de integro gratulare. Tigellium totum mihi et quidem quam primum; nam pendeo animi. narro tibi, Quintus cras; sed ad me an ad te nescio. mi scripsit Romam viii Kal. sed misi qui invitaret. etsi hercle iam Romam veniendum est ne ille ante advolet.

13.52

Scr. in Puteolano xiv K. Ian. a. 709 (45).

CICERO ATTICO SAL.

O hospitem mihi tam gravem a)metame/lhton ! fuit enim periucunde. sed cum secundis Saturnalibus ad Philippum vesperi venisset, villa ita completa a militibus est ut vix triclinium ubi cenaturus ipse Caesar esset vacaret; quippe hominum ci[c] ci[c]. sane sum commotus quid futurum esset postridie; ac mihi Barba Cassius subvenit,

custodes dedit. castra in agro, villa defensa est. ille tertiis Saturnalibus apud Philippum ad h. vii nec quemquam admisit; rationes, opinor, cum Balbo. inde ambulavit in litore. post h. viii in balneum. tum audivit de Mamurra, vultum non mutavit. unctus est, accubuit.)Emetikh\n agebat. itaque et edit et bibit a)dew=j et iucunde, opipare sane et apparate nec id solum sed

bene cocto et
condito sermone bono et, si quaeris, libenter.

[2] praeterea tribus tricliniis accepti oi(peri\ au)to\n valde copiose. libertis minus lautis servisque nihil defuit. nam lautiores eleganter accepi. quid multa? homines visi sumus. hospes tamen non is quoi diceres, ‘amabo te, eodem ad me cum revertere.’ semel satis est. Spoudai=on ou)de\n in sermone, filo/loga multa. quid quaeris? delectatus est et libenter fuit. Puteolis se aiebat unum diem fore, alterum ad Baias. habes hospitium sive e)pistaqmei/an Odiosam mihi, dixi, non molestam. ego paulisper hic, deinde in Tusculanum. Dolabellae villam cum praeteriret, omnis armatorum copia dextra sinistra ad equum nec usquam alibi. hoc ex Nicia.

LIBER QVARTVS DECIMVS

14.1

Scr. in suburbano Mati vii Id. Apr. a. 710 (44).

CICERO ATTICO SAL.

deverti ad illum de quo tecum mane. nihil perditius; explicari rem non posse. ‘etenim si ille tali ingenio exitum non reperiebat, quis nunc reperiet?’ quid quaeris? perisse omnia aiebat (quod haud scio an ita sit; verum ille gaudens) adfirmatque minus diebus xx tumultum Gallicum. in sermonem se post Idus Martias praeterquam Lepido venisse nemini. ad summam non posse istaec sic abire. O prudentem Oppium! qui nihilo minus illum desiderat, sed loquitur nihil quod quemquam bonum offendat. sed haec hactenus.

[2] tu, quaeso, quicquid novi (multa autem exspecto) scribere ne pigrere, in his de Sexto satisne certum, maxime autem de Bruto nostro. de quo quidem ille ad quem deverti, Caesarem solitum dicere, ‘ Magni refert hic quid velit, sed quicquid vult valde vult’; idque eum animadvertisse cum pro Deiotaro Nicaeae dixerit; valde vehementer eum visum et libere dicere; atque etiam (ut enim quidque succurrit libet scribere) proxime, cum Sesti rogatu apud eum fuissem exspectaremque sedens quoad vocarer, dixisse eum, ‘ego dubitem quin summo in odio sim quom M. Cicero sedeat nec suo commodo me convenire possit? atqui si quisquam est facilis, hic est. tamen non dubito quin me male oderit.’ haec et eius modi multa. sed ad propositum. quicquid erit non modo magnum sed etiam parvum scribes. equidem nihil intermittam.

14.2

Scr. in suburbano Mati vi Id. Apr. a. 710 (44).

CICERO ATTICO SAL.

duas a te accepi epistulas heri. ex priore theatrum Publiliumque

cognovi, bona signa consentientis multitudinis. plausus vero L. Cassio datus etiam facetus mihi quidem visus est.

[2] altera epistula de Madaro scripta, apud quem nullum fala/kwma , ut putas. processit enim, sed minus diutius. sermone eius sum retentus. quod autem ad te scripseram obscure fortasse, id eius modi est. aiebat Caesarem secum, quo tempore Sesti rogatu veni ad eum, cum exspectarem sedens, dixisse, ‘ego nunc tam sim stultus ut hunc ipsum facilem hominem putem mihi esse amicum quom tam diu sedens meum commodum exspectet?’ habes igitur fala/krwma inimicissimum oti, id est Bruti.

[4] in Tusculanum hodie, Lanuvi cras, inde Asturae cogitabam. Piliae paratum est hospitium, sed vellem Atticam verum tibi ignosco. quarum utrique salutem.

14.3

Scr. in Tusculano v Id. Apr. a. 710 (44).

CICERO ATTICO SAL.

Tranquillae tuae quidem litterae. quod utinam diutius! nam Matius posse negabat. ecce autem structores nostri ad frumentum profecti, cum inanes redissent, rumorem adferunt magnum Romae domum ad Antonium frumentum omne portari. Paniko\n certe; scripsisses enim. Corumbus Balbi nullus adhuc: est mihi notum nomen; bellus enim esse dicitur architectus.

[2] ad obsignandum tu adhibitus non sine causa videris. volunt enim nos ita putare; nescio cur non animo quoque sentiant. sed quid haec ad nos? odorare tamen Antoni dia/qesin ; quem quidem ego epularum magis arbitror rationem habere quam quicquam mali cogitare. tu si quid pragmatiko\n habes rescribe; sin minus, populi e)pishmasi/an et mimorum dicta perscribito. Piliae et Atticae salutem.

14.4

Scr. Lanuvi iv Id. Apr. a. 710 (44).

CICERO ATTICO SAL.

numquid putas me Lanuvi? ac ego te istic cotidie aliquid novi suspicor. tument negotia. nam cum Matius, quid censes ceteros? equidem doleo, quod numquam in ulla civitate accidit non una cum libertate rem publicam reciperatam. horribile est quae loquantur, quae minitentur. ac vereor Gallica etiam bella, ipse Sextus quo evadat. sed omnia licet concurrant, Idus Martiae consolantur. nostri autem h(/rwej , quod per ipsos confici potuit, gloriosissime et magnificentissime confecerunt; reliquae res opes et copias desiderant, quas nullas habemus. haec ego ad te. tu, si quid novi (nam cotidie aliquid exspecto), confestim ad me et, si novi nihil, nostro more tamen ne patiamur intermitti litterulas. equidem non committam.

14.5

Scr. Asturae it Id. Apr. a. 710 (44).

CICERO ATTICO S. D.

spero tibi iam esse ut volumus, quoniam quidem h)si/thsaj quom leviter commotus esses; sed tamen velim scire quid agas. signa bella quod Calvena moleste fert se suspectum esse Bruto; illa signa non bona si cum signis legiones veniunt <e> Gallia. quid tu illas putas quae fuerunt in Hispania? nonne idem postulaturas? quid, quas Annius transportavit? C. Asinium volui sed mnhmoniko\n a(ma/rthma . A balneatore furmo\j polu/j . nam ista quidem Caesaris libertorum coniuratio facile opprimeretur, si recte saperet Antonius.

[2] O meam stultam verecundiam! qui legari noluerim ante res prolatas ne deserere viderer hunc rerum tumorem; cui certe si possem mederi, desse non deberem. sed vides magistratus, si quidem illi magistratus, vides tamen tyranni satellites <in> imperiis, vides eiusdem exercitus, vides in latere veteranos, quae sunt eu)ri/pista omnia, eos autem qui orbis terrae custodiis non modo saepti verum etiam magni esse debebant tantum modo laudari atque amari sed parietibus contineri. atque illi quoquo modo beati, civitas misera.

[3] sed velim scire quid adventus Octavi, num qui concursus ad eum, num quae newterismou= suspicio. non puto equidem, sed tamen, quicquid est, scire cupio. haec scripsi ad te proficiscens Astura iii Idus.

14.6

Scr. Fundis prid. Id. Apr. a. 710 (44).

CICERO ATTICO S. D.

pridie Idus Fundis accepi tuas litteras cenans. primum igitur melius esse, deinde meliora te nuntiare. odiosa illa enim fuerant, legiones venire. nam de Octavio susque deque. exspecto quid de Mario; quem quidem ego sublatum rebar a Caesare. Antonio conloquium cum heroibus nostris pro re nata non incommodum. sed tamen adhuc me nihil delectat praeter Idus Martias. nam quoniam Fundis sum cum Ligure nostro, discrucior Sextili fundum a verberone Curtilio possideri.

[2] quod cum dico, de toto genere dico. quid enim miserius quam ea nos tueri propter quae illum oderamus? etiamne consules et tribunos pl. in biennium quos ille voluit? nullo modo reperio quem ad modum possim politeu/esqai . nihil enim tam so/loikon quam tyrannoctonos in caelo esse, tyranni facta defendi. sed vides consules, vides reliquos magistratus, si isti magistratus, vides languorem bonorum. exsultant laetitia in municipiis. dici enim non potest quanto opere gaudeant, ut ad me concurrant, ut audire cupiant mea verba de re p. nec ulla interea decreta. sic enim pepoliteu/meqa ut victos metueremus.

haec ad te scripsi apposita secunda mensa; plura et politikw/tera postea, et tu quid agas quidque agatur.

14.7

Scr. in Formiano xvii K. Mai. a. 710 (44).

CICERO ATTICO SAL.

postridie Idus Paulum Caietae vidi. is mihi de Mario et de re publica quaedam sane pessima. A te scilicet nihil; nemo enim meorum. sed Brutum nostrum audio visum sub Lanuvio. Vbi tandem est futurus? nam cum reliqua tum de hoc scire aveo omnia. ego e Formiano exiens xvii Kal. ut inde altero die in Puteolanum scripsi haec.

[2] A Cicerone mihi litterae sane pepinwme/nai et bene longae. cetera autem vel fingi possunt, pi/noj litterarum significat doctiorem. nunc magno opere a te peto, de quo sum nuper tecum locutus, ut videas ne quid ei desit. id cum ad officium nostrum pertinet tum ad existimationem et dignitatem; quod idem intellexi tibi videri. omnino si ego, ut volo, mense Quintili in Graeciam, sunt omnia faciliora; sed cum sint ea tempora ut certi nihil esse possit quid honestum mihi sit, quid liceat, quid expediat, quaeso, da operam ut illum quam honestissime copiosissimeque tueamur.

haec et cetera quae ad nos pertinebunt, ut soles, cogita bis ad meque aut quod ad rem pertineat aut, si nihil erit, quod in buccam venerit scribes.

14.8

Scr. in Sinuessano xvii K. Mai. a. 710 (44).

CICERO ATTICO SAL.

tu me iam rebare, cum scribebas, in actis esse nostris, et ego accepi xvii Kal. in deversoriolo Sinuessano tuas litteras. de Mario probe, etsi doleo L. Crassi nepotem. optime iam etiam Bruto nostro probari Antonium. nam quod Iuniam scribis moderate et amice scriptas litteras attulisse, mihi Paulus dedit ad se a fratre missas; quibus in extremis erat sibi insidias fieri; se id certis auctoribus comperisse. hoc nec mihi placebat et multo illi minus. Reginae fuga mihi non molesta est. Clodia quid egerit scribas ad me velim. de Byzantiis curabis ut cetera et Pelopem ad te arcesses. ego, ut postulas, Baiana negotia chorumque illum de quo scire vis, cum perspexero, tum scribam, ne quid ignores.

[2] quid Galli, quid Hispani, quid Sextus agat vehementer exspecto. ea scilicet tu declarabis qui cetera. nauseolam tibi tuam

causam oti dedisse facile patiebar videbare enim mihi legenti tuas litteras requiesse paulisper. de Bruto semper ad me omnia perscribito, ubi sit, quid cogitet. quem quidem ego spero iam tuto vel solum tota urbe vagari posse. verum tamen — .

14.9

Scr. in Cumano xv K. Mai. a. 710 (44).

CICERO ATTICO SAL.

de re publica multa cognovi ex tuis litteris quas quidem multiiuges accepi uno tempore a Vestori liberto. ad ea autem quae requiris brevi respondebo. primum vehementer me Cluviana delectant. sed quod quaeris quid arcessierim Chrysippum, tabernae mihi duae corruerunt reliquaeque rimas agunt, itaque non solum inquilini sed mures etiam migraverunt. hanc ceteri calamitatem vocant, ego ne incommodum quidem. O Socrate et Socratici viri! numquam vobis gratiam referam. di immortales, quam mihi ista pro nihilo! sed tamen ea ratio aedificandi initur, consiliario quidem et auctore Vestorio, ut hoc damnum quaestuosum sit.

[2] hic turba magna est eritque, ut audio, maior. duo quidem quasi designati consules. O di boni! vivit tyrannis, tyrannus occidit! eius interfecti morte laetamur cuius facta defendimus! itaque quam severe nos M. Curtius accusat ut pudeat vivere, neque iniuria. nam mori miliens praestitit quam haec pati quae mihi videntur habitura etiam vetustatem.

[3] et Balbus hic est multumque mecum. ad quem a vetere litterae datae pridie Kal. Ianuar. cum a se Caecilius circumsederetur et iam teneretur, venisse cum maximis copiis Pacorum Parthum; ita sibi esse eum ereptum multis suis amissis. in qua re accusat Volcacium. ita mihi videtur bellum illud instare. sed Dolabella et Nicias viderint. idem Balbus meliora de Gallia. xxi die litteras habebat Germanos illasque nationes re audita de Caesare legatos misisse ad Aurelium qui est praepositus ab Hirtio, se quod imperatum esset esse facturos. quid quaeris? omnia plena pacis, aliter ac mihi Calvena dixerat.

14.10

Scr. in Cumano xiii K. Mai. a. 710 (44).

CICERO ATTICO SAL.

itane vero? hoc meus et tuus Brutus egit ut Lanuvi esset, ut Trebonius itineribus deviis proficisceretur in provinciam, ut omnia facta, scripta, dicta, promissa, cogitata Caesaris plus valerent quam si ipse viveret? meministine me clamare illo ipso primo Capitolino die <debere> senatum in Capitolium a praetoribus vocari? di immortales, quae tum opera effici potuerunt laetantibus omnibus bonis, etiam sat bonis, fractis latronibus! Liberalia tu accusas. quid fieri EPP. AD ATTICVM XIV. x tum potuit? iam pridem perieramus. meministine te clamare causam perisse si funere elatus esset? at ille etiam in foro combustus laudatusque miserabiliter servique et egentes in tecta nostra cum facibus immissi. quae deinde? ut audeant dicere, ‘tune contra Caesaris nutum?’ haec et talia ferre non possum. itaque ‘gh=n pro\ gh=j ‘ cogito; tua tamen u(phne/mioj .

[2] nausea iamne plane abiit? mihi quidem ex tuis litteris coniectanti ita videbatur. redeo ad Tebassos, Scaevas, Fangones. hos tu existimas confidere se illa habituros stantibus nobis? in quibus plus virtutis putarunt quam experti sunt. pacis isti scilicet amatores et non latrocini auctores. at ego, cum tibi de Curtilio scripsi Sextilianoque fundo, scripsi de Censorino, de Messalla, de Planco, de Postumo, de genere toto. Melius fuit perisse illo interfecto, quod numquam accidisset, quam haec videre.

[3] Octavius Neapolim venit xiiii Kal. Ibi eum Balbus mane postridie eodemque die mecum in Cumano, illum hereditatem aditurum. sed, ut scribis,r(ico/qemin magnam cum Antonio. Buthrotia mihi tua res est, ut debet, eritque curae. quod quaeris, iamne ad centena Cluvianum, adventare videtur. scilicet primo anno L*XXX* detersimus.

[4] Quintus pater ad me gravia de filio, maxime quod matri nunc indulgeat cui antea bene merenti fuerit inimicus. ardentis in eum litteras ad me misit. ille autem quid agat si scis nequedum Roma es profectus, scribas ad me velim et hercule si quid aliud. vehementer

delector tuis litteris.

14.11

Scr. in Cumano xi K. Mai. a. 710 (44).

CICERO ATTICO SAL.

nudius tertius dedi ad te epistulam longiorem; nunc ad ea quae proxime. velim me hercule Asturae Brutus.)Akolasi/an istorum scribis. an censebas aliter? equidem etiam maiora exspecto. quom [equidem] contionem lego ‘de tanto viro, de clarissimo civi,’ ferre non queo. etsi ista iam ad risum. sed memento, sic alitur consuetudo perditarum contionum ut nostri illi non heroes sed di futuri quidem in gloria sempiterna sint, sed non sine invidia, ne sine periculo quidem. verum illis magna consolatio conscientia maximi et clarissimi facti, nobis quae? qui interfecto rege liberi non sumus. sed haec fortuna viderit, quoniam ratio non gubernat.

[2] de Cicerone quae scribis iucunda mihi sunt; velim sint prospera. quod curae tibi est ut ei suppeditetur ad usum et cultum copiose per mihi gratum est, idque ut facias te etiam <atque etiam> rogo. de Buthrotiis et tu recte cogitas et ego non dimitto istam curam. suscipiam omnem etiam actionem quam video cotidie faciliorem. de Cluviano, quoniam in re mea me ipsum diligentia vincis, res ad centena perducitur. ruina rem non fecit deteriorem, haud scio an etiam fructuosiorem. hic mecum Balbus, Hirtius, Pansa. modo venit Octavius et quidem in proximam villam Philippi mihi totus deditus; Lentulus Spinther hodie apud me; cras mane vadit.

14.12

Scr. Puteoli x K. Mai. a. 710 (44).

CICERO ATTICO SAL.

O mi Attice, vereor ne nobis Idus Martiae nihil dederint praeter laetitiam et odi poenam ac doloris. quae mihi istim adferuntur! quae hic video!)\W pra/cewj kalh=j me/n, a)telou=j de/. . scis quam

diligam Siculos et quam illam clientelam honestam iudicem. multa illis Caesar neque me invito, etsi latinitas erat non ferenda. verum tamen — . ecce autem Antonius accepta grandi pecunia fixit legem a dictatore comitiis latam qua Siculi cives Romani; cuius rei vivo illo mentio nulla. quid? Deiotari nostri causa non similis? dignus ille quidem omni regno sed non per Fulviam. sescenta similia. verum illuc <me> refero. tam claram tamque testatam rem tamque iustam Buthrotiam non tenebimus aliqua ex parte? et eo quidem magis quo iste plura? nobiscum hic perhonorifice et peramice Octavius.

[2] quem quidem sui Caesarem salutabant, Philippus non, itaque ne nos quidem; quem nego posse <esse> bonum civem. ita multi circumstant qui quidem nostris mortem minitantur. negant haec ferri posse. quid censes cum Romam puer venerit ubi nostri liberatores tuti esse non possunt? <qui> quidem semper erunt clari, conscientia vero facti sui etiam beati. sed nos, nisi me fallit, iacebimus. itaque exire aveo ‘ubi nec Pelopidarum,’ inquit. haud amo vel hos designatos qui etiam declamare me coegerunt, ut ne apud aquas quidem acquiescere liceret. sed hoc meae nimiae facilitatis. nam id erat quondam quasi necesse, nunc, quoquo modo se res habet, non est item.

[3] quam dudum nihil habeo quod ad te scribam! scribo tamen non ut delectem his litteris sed ut eliciam tuas. tu si quid erit de ceteris, de Bruto utique quicquid. haec conscripsi x Kal. accubans apud Vestorium, hominem remotum a dialecticis, in arithmeticis satis exercitatum.

14.13

Scr. in Cumano vi K. Mai. a. 710 (44).

CICERO ATTICO SAL.

septimo denique die litterae mihi redditae sunt quae erant a te xiii Kal. datae; quibus quaeris atque etiam me ipsum nescire arbitraris utrum magis tumulis prospectuque an ambulatione a(litenei= delecter. est me hercule, ut dicis, utriusque loci tanta amoenitas ut dubitem utra anteponenda sit.

a)ll’ ou) daito\s e)phra/tou e)/rga me/mhlen,
a)lla\ li/hn me/ga ph=ma, diotrefe/s, ei)soro/wntes
dei/dimen: e)n doih=| de\ sawse/men h)\ a)pole/sqai.

[2] quamvis enim tu magna et mihi iucunda scripseris de D. Bruti adventu ad suas legiones in quo spem maximam video, tamen si est bellum civile futurum (quod certe erit si Sextus in armis permanebit, quem permansurum esse certo scio), quid nobis faciendum sit ignoro. neque enim iam licebit quod Caesaris bello licuit neque huc neque illuc. quemcumque enim haec pars perditorum laetatum Caesaris morte putabit (laetitiam autem apertissime tulimus omnes), hunc in hostium numero habebit; quae res ad caedem maximam spectat. restat ut in castra Sexti aut, si forte, Bruti nos conferamus. res odiosa et aliena nostris aetatibus et incerto exitu [belli], et nescio quo pacto tibi ego possum, mihi tu dicere,

te/knon e)mo/n, ou)/ toi de/dotai polemh/ia e)/rga,
a)lla\ su/ g’ i(mero/enta mete/rxeo e)/rga lo/goio

[3] sed haec fors viderit, ea quae talibus in rebus plus quam ratio potest. nos autem id videamus quod in nobis ipsis esse debet, ut quicquid accideret fortiter et sapienter feramus et accidisse hominibus meminerimus, nosque cum multum litterae tum non minimum Idus quoque Martiae consolentur.

[4] suscipe nunc meam deliberationem qua sollicitor. ita multa veniunt in mentem in utramque partem. proficiscor, ut constitueram, legatus in Graeciam: caedis impendentis periculum non nihil vitare videor sed casurus in aliquam vituperationem quod rei publicae defuerim tam gravi tempore. sin autem mansero, fore me quidem video in discrimine sed accidere posse suspicor ut prodesse possim rei publicae. iam illa consilia privata sunt, quod sentio valde esse utile ad confirmationem Ciceronis me illuc venire; nec alia causa profectionis mihi ulla fuit tum cum consilium cepi legari a Caesare. tota igitur hac de re, ut soles, si quid ad me pertinere putas, cogitabis.

[5] redeo nunc ad epistulam tuam. scribis enim esse rumores me ad lacum quod habeo venditurum, minusculam vero villam [utique] Quinto traditurum vel impenso pretio, quo introducatur, ut tibi

Quintus filius dixerit, dotata Aquilia. ego vero de venditione nihil cogito nisi quid quod magis me delectet invenero. Quintus autem de emendo nihil curat hoc tempore. satis enim torquetur debitione dotis in qua mirificas Q. Egnatio gratias agit; a ducenda autem uxore sic abhorret ut libero lectulo neget esse quicquam iucundius. sed haec quoque hactenus.

[6] redeo enim ad miseram seu nullam potius rem publicam. M. Antonius ad me scripsit de restitutione Sex. Clodi; quam honorifice, quod ad me attinet, ex ipsius litteris cognosces (misi enim tibi exemplum), quam dissolute, quam turpiter quamque ita perniciose ut non numquam Caesar desiderandus esse videatur facile existimabis. quae enim Caesar numquam neque fecisset neque passus esset, ea nunc ex falsis eius commentariis proferuntur. ego autem Antonio facillimum me praebui. etenim ille, quoniam semel induxit animum sibi licere quod vellet, fecisset nihilo minus me invito. itaque mearum quoque litterarum misi tibi exemplum.

14.13a

Scr. Romae inter a. d. x et vii K. Mai. a. 710 (44).

ANTONIVS COS. S. D. M. CICERONI.

occupationibus est factum meis et subita tua profectione ne tecum coram de hac re agerem. quam ob causam vereor ne absentia mea levior sit apud te. quod si bonitas tua responderit iudicio meo quod semper habui de te, gaudebo.

[2] a Caesare petii ut Sex. Clodium restitueret; impetravi. erat mihi in animo etiam tum sic uti beneficio eius si tu concessisses. quo magis laboro ut tua voluntate id per me facere nunc <liceat>. quod si duriorem te eius miserae et adflictae fortunae praebes, non contendam ego adversus te, quamquam videor debere tueri commentarium Caesaris. sed me hercule, si humaniter et sapienter et amabiliter in me cogitare vis, facilem profecto te praebebis et voles P. Clodium, in optima spe puerum repositum, existimare non te insectatum esse, cum potueris, amicos paternos.

[3] patere, obsecro, te pro re publica videri gessisse simultatem

cum patre eius, non contempsisse hanc familiam. honestius enim et libentius deponimus inimicitias rei publicae nomine susceptas quam contumaciae. me deinde sine ad hanc opinionem iam nunc dirigere puerum et tenero animo eius persuadere non esse tradendas posteris inimicitias. quamquam tuam fortunam, Cicero, ab omni periculo abesse certum habeo, tamen arbitror malle te quietam senectutem et honorificam potius agere quam sollicitam. postremo meo iure te hoc beneficium rogo; nihil enim non tua causa feci. quod si non impetro, per me Clodio daturus non sum, ut intellegas quanti apud me auctoritas tua sit atque eo te placabiliorem praebeas.

14.13b

Scr. in Cumano vi K. Mai. a. 710 (44).

CICERO ANTONIO COS. S. D.

quod mecum per litteras agis unam ob causam mallem coram egisses. non enim solum ex oratione sed etiam ex vultu et oculis et fronte, ut aiunt, meum erga te amorem perspicere potuisses. nam cum te semper amavi primum tuo studio, post etiam beneficio provocatus, tum his temporibus res publica te mihi ita commendavit ut cariorem habeam neminem.

[2] Litterae vero tuae cum amantissime tum honorificentissime scriptae sic me adfecerunt ut non dare tibi beneficium viderer sed accipere a te ita petente ut inimicum meum, necessarium tuum me invito servare nolles, cum id nullo negotio facere posses. ego vero tibi istuc, mi Antoni, remitto atque ita ut me a te, cum iis verbis scripseris, liberalissime atque honorificentissime tractatum existimem, idque cum totum, quoquo modo se res haberet, tibi dandum putarem, tum do etiam humanitati et naturae meae. nihil enim umquam non modo acerbum in me fuit sed ne paulo quidem tristius aut severius quam necessitas rei publicae postulavit. accedit ut ne in ipsum quidem Clodium meum insigne odium fuerit umquam, semperque ita statui, non esse insectandos inimicorum amicos, praesertim humiliores, nec his praesidiis nosmet ipsos esse spoliandos.

[4] nam de puero Clodio tuas partis esse arbitror ut eius animum tenerum, quem ad modum scribis, iis opinionibus imbuas ut ne quas inimicitias residere in familiis nostris arbitretur. contendi cum P. Clodio cum ego publicam causam, ille suam defenderet. nostras concertationes res publica diiudicavit. si viveret, mihi cum illo nulla contentio iam maneret.

[5] qua re quoniam hoc a me sic petis ut, quae tua potestas est, ea neges te me invito usurum, puero quoque hoc a me dabis, si tibi videbitur, non quo aut aetas nostra ab illius aetate quicquam debeat periculi suspicari aut dignitas mea ullam contentionem extimescat, sed ut nosmet ipsi inter nos coniunctiores simus quam adhuc fuimus. interpellantibus enim his inimicitiis animus tuus mihi magis patuit quam domus. sed haec hactenus.

illud extremum. ego quae te velle quaeque ad te pertinere arbitrabor semper sine ulla dubitatione summo studio faciam. hoc velim tibi penitus persuadeas.

14.14

Scr. in Cumano a. d. v K. Mai. a. 710 (44).

CICERO ATTICO S. D.

‘Iteradum eadem ista mihi.’ coronatus Quintus noster parilibus! [parilibus.] solusne? etsi addis Lamiam quod demiror equidem, sed scire cupio qui fuerint alii; quamquam satis scio nisi improbum neminem. explanabis igitur hoc diligentius. ego autem casu cum dedissem ad te litteras vi Kal. satis multis verbis, tribus fere horis post accepi tuas et magni quidem ponderis. itaque ioca tua plena facetiarum de haeresi Vestoriana et de Pherionum more Puteolano risisse me satis nihil est necesse rescribere. Politikw/tera illa videamus.

[2] ita Brutos Cassiumque defendis quasi eos ego reprehendam; quos satis laudare non possum. rerum ego vitia conlegi, non hominum. sublato enim tyranno tyrannida manere video. nam quae ille facturus non fuit ea fiunt, ut de Clodio de quo mihi exploratum est illum non modo non facturum sed etiam ne passurum quidem

fuisse. sequetur rufio Vestorianus, Victor numquam scriptus, ceteri, quis non? cui servire ipsi non potuimus eius libellis paremus. nam Liberalibus quis potuit in senatum non venire? fac id potuisse aliquo modo; num etiam, cum venissemus, libere potuimus sententiam dicere? nonne omni ratione veterani qui armati aderant cum praesidi nos nihil haberemus defendendi fuerunt? illam sessionem Capitolinam mihi non placuisse tu testis es. quid ergo? ista culpa Brutorum? minime illorum quidem sed aliorum brutorum qui se cautos ac sapientis putant; quibus satis fuit laetari, non nullis etiam gratulari, nullis permanere.

[3] sed praeterita omittamus; istos omni cura praesidioque tueamur et, quem ad modum tu praecipis, contenti Idibus Martiis simus; quae quidem nostris amicis divinis viris aditum ad caelum dederunt, libertatem populo Romano non dederunt. recordare tua. nonne meministi clamare te omnia perisse si ille funere elatus esset? sapienter id quidem. itaque ex eo quae manarint vides.

[4] quae scribis K. Iuniis Antonium de provinciis relaturum, ut et ipse Gallias habeat et utrisque dies prorogetur, licebitne decerni libere? si licuerit, libertatem esse reciperatam laetabor; si non licuerit, quid mihi attulerit ista domini mutatio praeter laetitiam quam oculis cepi iusto interitu tyranni?

[5] rapinas scribis ad Opis fieri; quas nos quoque tum videbamus. ne nos et liberati ab egregiis viris nec liberi sumus. ita laus illorum est, culpa nostra. et hortaris me ut historias scribam, ut conligam tanta eorum scelera a quibus etiam nunc obsidemur! poterone eos ipsos non laudare qui te obsignatorem adhibuerint? nec me hercule me rauducculum movet, sed homines benevolos, qualescumque sunt, grave est insequi contumelia.

[6] sed de omnibus meis consiliis, ut scribis, existimo exploratius nos ad K. Iunias statuere posse. ad quas adero et omni ope atque opera enitar, adiuvante me scilicet auctoritate tua et gratia et summa aequitate causae, ut de Buthrotiis senatus consultum quale scribis fiat. quod me cogitare iubes, cogitabo equidem, etsi tibi dederam superiore epistula cogitandum. tu autem quasi iam reciperata re publica vicinis tuis Massiliensibus sua reddis. haec armis, quae quam firma habeamus ignoro, restitui fortasse possunt, auctoritate non possunt.

[7] epistula brevis quae postea a te scripta est sane mihi fuit iucunda de Bruti ad Antonium et de eiusdem ad te litteris. posse videntur esse meliora quam adhuc fuerunt. sed nobis ubi simus et quo iam nunc nos conferamus providendum est.

14.15

Scr. in Cumano K. Mart a. 710 (44).

CICERO ATTICO SAL.

O mirificum Dolabellam meum! iam enim dico meum; antea, crede mihi, subdubitabam. magnam a)naqew/rhsin res habet, de saxo, in crucem, columnam tollere, locum illum sternendum locare! quid quaeris? heroica. sustulisse mihi videtur simulationem desideri adhuc quae serpebat in dies, et inveterata verebar ne periculosa nostris tyrannoctonis esset.

[2] nunc prorsus adsentior tuis litteris speroque meliora. quamquam istos ferre non possum qui, dum se pacem velle simulant, acta nefaria defendunt. sed non possunt omnia simul. incipit res melius ire quam putaram. nec vero discedam nisi cum tu me id honeste putabis facere posse. Bruto certe meo nullo loco deero idque, etiam si mihi cum illo nihil fuisset, facerem propter eius singularem incredibilemque virtutem.

[3] Piliae nostrae villam totam quaeque in villa sunt trado in Pompeianum ipse proficiscens K. Maus. quam velim Bruto persuadeas ut Asturae sit!

14.16

Scr. in Puteolano sive hortis Cluvianis v Non. Mai. a. 710 (44).

CICERO ATTICO SAL.

v Nonas conscendens ab hortis Cluvianis in phaselum epicopum bas dedi litteras, cum Piliae nostrae villam ad Lucrinum, vilicos, procuratores tradidissem. ipse autem eo die in Paeti nostri tyrotarichum imminebam; perpaucis diebus in Pompeianum, post in

haec Puteolana et Cumana regna renavigare. O loca ceteroqui valde expetenda, interpellantium autem multitudine paene fugienda!

[2]sed ad rem ut veniam, o Dolabellae nostri magnam a)ristei/an ! quanta est a)naqew/rhsij ! equidem laudare eum et hortari non desisto. recte tu omnibus epistulis significas quid de re, quid de viro sentias. mihi quidem videtur Brutus noster iam vel coronam auream per forum ferre posse. quis enim audeat laedere proposita cruce aut saxo, praesertim tantis plausibus, tanta approbatione infimorum?

[3] nunc, mi Attice, me fac ut expedias. cupio, quom Bruto nostro adfatim satis fecerim, excurrere in Graeciam. Magni interest Ciceronis vel mea potius vd me hercule utriusque me intervenire discenti. nam epistula Leonidae quam ad me misisti quid habet, quaeso, in quo magno opere laetemur? numquam ille mihi satis laudari videbitur cum ita laudabitur, 'quo modo nunc est.' non est fidentis hoc testimonium sed potius timentis. Herddi autem mandaram ut mihi kata\ mi/ton scriberet. A quo adhuc nulla littera est. vereor ne nihil habuerit quod mihi, cum cognossem, iucundum putaret fore.

[4] quod ad Xenonem scripsisti, valde mihi gratum est; nihil enim deesse Ciceroni cum ad officium tum ad existimationem meam pertinet. Flammam Flaminium audio Romae esse. ad eum scripsi me tibi mandasse per litteras ut de Montani negotio cum eo loquerere, et velim cures epistulam quam ad eum misi reddendam et ipse, quod commodo tuo fiat, cum eo conloquare. puto, si quid in homine pudoris est, praestaturum eum ne sero cum damno dependatur. de Attica pergratum mihi fecisti quod curasti ante scirem recte esse quam non belle fuisse.

14.17

Scr. in Pompeiano iv Non. Mai. a. 710 (44).

CICERO ATTICO SAL.

in Pompeianum veni v Nonas Maias, cum pridie, ut antea ad te scripsi, Piliam in Cumano conlocavissem. ibi mihi cenanti litterae tuae sunt redditae quas dederas Demetrio liberto pr. Kal.; in quibus

multa sapienter, sed tamen talia, quem ad modum tute scribebas, ut omne consilium in fortuna positum videretur. itaque his de rebus ex tempore et coram.

[2] de Buthrotio negotio utinam quidem Antonium conveniam! multum profecto proficiam. sed non arbitrantur eum a Capua declinaturum; quo quidem metuo ne magno rei publicae malo venerit. quod idem L. Caesari videbatur quem pridie Neapoli adfectum graviter videram. quam ob rem ista nobis ad Kal. Iunias tractanda et perficienda sunt. sed hactenus.

[3] Quintus filius ad patrem acerbissimas litteras misit quae sunt ei redditae cum venissemus in Pompeianum. quarum tamen erat caput Aquiliam novercam non esse laturum. sed hoc tolerabile fortasse, illud vero, se a Caesare habuisse omnia, nihil a patre, reliqua sperare ab Antonio — o perditum hominem! sed melh/sei .

[4] ad Brutum nostrum, ad Cassium, ad Dolabellam epistulas scripsi. earum exempla tibi misi, non ut deliberarem reddendaene essent. plane enim iudico esse reddendas, quod non dubito quin tu idem existimaturus sis.

[5] Ciceroni meo, mi Attice, suppeditabis quantum videbitur meque hoc tibi onus imponere patiere. quae adhuc fecisti mihi sunt gratissima.

[6] Librum meum illum a)ne/kdoton nondum, ut volui, perpolivi; ista vero quae tu contexi vis aliud quoddam separatum volumen exspectant. ego autem, credas mihi velim, minore periculo existimo contra illas nefarias partis vivo tyranno dici potuisse quam mortuo. ille enim nescio quo pacto ferebat me quidem mirabiliter; nunc quacumque nos commovimus, ad Caesaris non modo acta verum etiam cogitata revocamur. de Montano, quoniam Flamma venit, videbis. puto rem meliore loco esse debere.

14.17a

Scr. in Pompeiano v Nou. Mai. a. 710 (44). =ad fam. 9.14.

CICERO DOLABELLAE COS. SVO SAL.

etsi contentus eram, mi Dolabella, tua gloria satisque ex ea magnam

laetitiam voluptatemque capiebam, tamen non possum non confiteri cumulari me maximo gaudio quod vulgo hominum opinio socium me ascribat tuis laudibus. neminem conveni (convenio autem cotidie plurimos. sunt enim permulti optimi viri qui valetudinis causa in haec loca veniant; praeterea ex municipiis frequentes necessarii mei) quin omnes; cum te summis laudibus ad caelum extulerunt, mihi continuo maximas gratias agant. negant enim se dubitare quin tu meis praeceptis et consiliis obtemperans praestantissimum te civem et singularem consulem praebeas.

[2] quibus ego quamquam verissime possum respondere te quae facias tuo iudicio et tua sponte facere nec cuiusquam egere consilio, tamen neque plane adsentior, ne imminuam tuam laudem si omnis a meis consiliis profecta videatur, neque valde nego. sum enim avidior etiam quam satis est gloriae. et tamen non alienum est dignitate tua, quod ipsi Agamemnoni regum regi fuit honestum, habere aliquem in consiliis capiendis Nestorem, mihi vero gloriosum te iuvenem consulem florere laudibus quasi alumnum disciplinae meae.

[3] L. quidem Caesar, cum ad eum aegrotum Neapolim venissem, quamquam erat oppressus totius corporis doloribus, tamen ante quam me plane salutavit, ‘O mi Cicero’ inquit ‘gratulor tibi cum tantum vales apud Dolabellam quantum si ego apud sororis filium valerem, iam salvi esse possemus. Dolabellae vero tuo et gratulor et gratias ago, quem quidem post te consulem solum possumus vere consulem dicere.’ deinde multa de facto ac de re gesta tua; nihil magnificentius, nihil praeclarius actum umquam, nihil rei publicae salutarius. atque haec una vox omnium est.

[4] A te autem peto ut me hanc quasi falsam hereditatem alienae gloriae sinas cernere meque aliqua ex parte in societatem tuarum laudum venire patiare. quamquam, mi Dolabella (haec enim iocatus sum), libentius omnis meas, si modo sunt aliquae meae laudes ad te transfuderim quam aliquam partem exhauserim ex tuis. nam cum te semper tantum dilexerim quantum tu intellegere potuisti, tum his tuis factis sic incensus sum ut nihil umquam in amore fuerit ardentius. nihil est enim, mihi crede, virtute formosius, nihil pulchrius, nihil amabilius.

[5] semper amavi, ut scis, M. Brutum propter eius summum ingenium, suavissimos mores, singularem probitatem atque

constantiam; tamen Idibus Martiis tantum accessit ad amorem ut mirarer locum fuisse augendi in eo quod mihi iam pridem cumulatum etiam videbatur. quis erat qui putaret ad eum amorem quem erga te habebam posse aliquid accedere? tantum accessit ut mihi nunc denique amare videar, antea dilexisse.

[6] qua re quid est quod ego te horter ut dignitati et gloriae servias? proponam tibi claros viros, quod facere solent qui hortantur? neminem habeo clariorem quam te ipsum. te imitere oportet, tecum ipse certes.

[7] ne licet quidem tibi iam tantis rebus gestis non tui similem esse. quod cum ita sit, hortatio non est necessaria, gratulatione magis utendum est. contigit enim tibi, quod haud scio an nemini, ut summa severitas animadversionis non modo non invidiosa sed etiam popularis esset et cum bonis omnibus tum infimo cuique gratissima. hoc si tibi fortuna quadam contigisset, gratularer felicitati tuae, sed contigit magnitudine quom animi tum etiam ingeni atque consili. legi enim contionem tuam. nihil illa sapientius. ita pedetemptim et gradatim tum accessus a te ad causam facti, tum recessus, ut res ipsa maturitatem tibi animadvertendi omnium concessu daret.

[8] liberasti igitur et urbem periculo et civitatem metu neque solum ad tempus maximam utilitatem attulisti sed etiam ad exemplum. quo facto intellegere debes in te positam esse rem publicam tibique non modo tuendos sed etiam ornandos illos viros a quibus initium libertatis profectum est. sed his de rebus coram plura prope diem, ut spero. tu quoniam rem publicam nosque conservas, fac ut diligentissime te ipsum, mi Dolabella, custodias.

14.18

Scr. in Pompeiano vii Id. Mai. a. 710 (44).

CICERO ATTICO SAL.

saepius me iam agitas quod rem gestam Dolabellae nimis in caelum videar efferre. ego autem, quamquam sane probo factum, tamen ut tanto opere laudarem adductus sum tuis et unis et alteris litteris. sed totum se a te abalienavit Dolabella ea de causa qua me quoque sibi

inimicissimum reddidit. O hominem impudentem! Kal. Ian. debuit, adhuc non solvit, praesertim cum se maximo aere alieno Faberi manu liberarit et opem ab ope petierit licet enim iocari, ne me valde conturbatum putes. atque ego ad eum viii Idus litteras dederam bene mane, eodem autem die tuas litteras vesperi acceperam in Pompeiano sane celeriter tertio abs te die. sed, ut ad te eo ipso die scripseram,satis aculeatas ad Dolabellam litteras dedi; quae si nihil profecerint, puto fore ut me praesentem non sustineat

[2] Albianum te confecisse arbitror. de Patulciano nomine, quod mihi suspendiatus est , gratissimum est et simile tuorum omnium. sed ego Erotem ad ista expedienda factum mihi videbar reliquisse; cuius non sine magna culpa vacillarunt. sed cum ipso videro.

[3] de Montano, ut saepe ad te scripsi, erit tibi tota res curae. Servius proficiscens quod desperanter tecum locutus est minime miror neque ei quicquam in desperatione concedo.

[4] Brutus noster, singularis vir, si in senatum non est Kal. Iuniis venturus, quid facturus sit in foro nescio. sed hoc ipse melius. ego ex iis quae parari video non multum Idibus Martiis profectum iudico. itaque de Graecia cotidie magis et magis cogito. nec enim Bruto meo exsilium, ut scribit ipse, meditanti video quid prodesse possim. Leonidae me litterae non satis delectarunt. de Herode tibi adsentior. Saufei legisse vellem. ego ex Pompeiano vi Idus Mai. cogitabam.

14.19

Scr. in Pompeiano vhi Id. Mai. 710 (44).

CICERO ATTICO SAL.

Nonis Maus cum essem in Pompeiano, accepi binas a te litteras, alteras sexto die, alteras quarto. ad superiores igitur prius. quam mihi iucundum opportune tibi Barnaeum litteras reddidisse! tu vero cum Cassio ut cetera. quam commode autem quod id ipsum quod me mones quadriduo ante ad eum scripseram exemplumque mearum litterarum ad te miseram! sed cum ex Dolabellae aritia? (sic enim tu ad me scripseras) magna desperatione adfectus essem, ecce tibi et Bruti et tuae litterae! ille exsilium meditari. nos autem alium portum

propiorem huic aetati videbamus; in quem mallem equidem pervehi florente Bruto nostro constitutaque re publica. sed nunc quidem, ut scribis, non utrumvis. adsentiris enim mihi nostram aetatem a castris, praesertim civilibus, abhorrere.

[2] Antonius ad me tantum de Clodio rescripsit, meam lenitatem et clementiam et sibi esse gratam et mihi voluptati magnae fore. sed Pansa furere videtur de Clodio itemque de Deiotaro et loquitur severe, si velis credere. illud tamen non belle, ut mihi quidem videtur, quod factum Dolabellae vehementer improbat.

[3] de coronatis, cum sororis tuae filius a patre accusatus esset, rescripsit se coronam habuisse honoris Caesaris causa, posuisse luctus gratia; postremo se libenter vituperationem subire quod amaret etiam mortuum Caesarem.

[4] ad Dolabellam, quem ad modum tibi dicis placere, scripsi diligenter. ego etiam ad Siccam; tibi hoc oneris non impono. nolo te illum iratum habere. Servi orationem cognosco; in qua plus timoris video quam consili. sed quoniam perterriti omnes sumus, adsentior Servio. Publilius tecum tricatus est. huc enim Caerellia missa ab istis est legata ad me; cui facile persuasi mihi id quod rogaret ne licere quidem, non modo non lubere. Antonium si videro, accurate agam de Buthroto.

[5] venio ad recentiores litteras; quamquam de Servio iam rescripsi. ‘me facere magnam pra=cin Dolabellae.’ mihi me hercule ita videtur, non potuisse maior tali re talique tempore. sed tamen quicquid ei tribuo, tribuo ex tuis litteris. tibi vero adsentior maiorem pra=cin eius fore si mihi quod debuit dissolverit. Brutus velim sit Asturae.

[6] quod autem laudas me quod nihil ante de profectione constituam quam ista quo evasura sint videro, muto sententiam. neque quicquam tamen ante quam te videro. Atticam meam gratias mihi agere de matre gaudeo; cui quidem ego totam villam cellamque tradidi eamque cogitabam v Idus videre. tu Atticae salutem dices. nos Piliam diligenter tuebimur.

14.20

Scr. in Futeolaizo v Id. Mai a. 7Z0 (44).

CICERO ATTICO SAL.

E Pompeiano navi advectus sum in Luculli nostri hospitium vi Idus hora fere tertia. egressus autem e navi accepi tuas litteras quas tuus tabellarius in Cumanum attulisse dicebatur Nonis Maus datas. A Lucullo postridie eadem fere hora veni in Puteolanum. ibi accepi duas epistulas, alteram Nonis, alteram vii Idus Lanuvio datas.

[2] audi igitur ad omnis. primum, quae de re mea gesta et in solutione et in Albiano negotio, grata. de tuo autem Buthroto, cum in Pompeiano essem, Misenum venit Antonius. Inde ante discessit quam illum venisse audissem, in Samnium A quo vide quid speres. Romae igitur de Buthroto. L. Antoni horribilis contio, Dolabellae praeclara. iam vel sibi habeat nummos, modo numeret Idibus. Tertullae nollem abortum. tam enim Cassii sunt iam quam Bruti serendi. de regina velim atque etiam de Caesare illo. persolvi primae epistulae, venio ad secundam.

[3] de Quintis, Buthroto, cum venero, ut scribis. quod Ciceroni suppeditas, gratum. quod errare me putas qui rem publicam putem pendere <e> Bruto, sic se res habet. aut nulla erit aut ab isto istisve servabitur. quod me hortaris ut scriptam contionem mittam, accipe a me, mi Attice, kaqoliko\n qew/rhma earum rerum in quibus satis exercitati sumus. nemo umquam neque poeta neque orator fuit qui quemquam meliorem quam se arbitraretur. hoc etiam malis contingit; quid tu Bruto putas et ingenioso et erudito? de quo etiam experti sumus nuper in edicto. scripseram rogatu tuo. meum mihi placebat, illi suum. quin etiam cum ipsius precibus paene adductus scripsissem ad eum ‘de optimo genere dicendi,’ non modo mihi sed etiam tibi scripsit sibi illud quod mihi placeret non probari. qua re sine, quaeso, sibi quemque scribere,

Suam quoi/que sponsam, mi/hi meam; suum quoi/que amorem, mi/hi meum.

non scite. hoc enim Atilius, poeta durissimus. atque utinam liceat isti contionari! cui si esse in urbe tuto licebit, vicimus. ducem enim novi belli civilis aut nemo sequetur aut ii sequentur qui facile vincantur.

[4] venio ad tertiam. gratas fuisse meas litteras Bruto et Cassio gaudeo. itaque iis rescripsi. quod Hirtium per me meliorem fieri volunt, do equidem operam et ille optime loquitur sed vivit habitatque cum Balbo qui item bene loquitur. quid credas videris. Dolabellam valde placere tibi video; mihi quidem egregie. Cum Pansa vixi in Pompeiano. is plane mihi probabat se bene sentire et cupere pacem. causam armorum quaeri plane video. edictum Bruti et Cassi probo. quod vis ut suscipiam cogitationem quidnam istis agendum putem, consilia temporum sunt quae in horas commutari vides. Dolabellae et prima illa actio et haec contra Antonium contio mihi profecisse permultum videtur. prorsus ibat res; nunc autem videmur habituri ducem; quod unum municipia bonique desiderant.

[5] Epicuri mentionem facis et audes dicere mh\ politeu/esqai . non te Bruti nostri vulticulus ab ista oratione deterret? Quintus filius, ut scribis, Antoni est dextella. per eum igitur quod volemus facile auferemus. exspecto, si, ut putas, L. Antonius produxit Octavium, qualis contio fuerit.

haec scripsi; statim enim Cassi tabellarius. eram continuo Piliam salutaturus, deinde ad epulas Vestori navicula. Atticae plurimam salutem.

14.21

Scr. in Puteolano v Id. Mafl a. 710 (44).

CICERO ATTICO SAL.

cum paulo ante dedissem ad te Cassi tabellario litteras, v Idus venit noster tabellarius et quidem, portenti simile, sine tuis litteris. sed cito conieci Lanuvi te fuisse. Eros autem festinavit, ut ad me litterae Dolabellae perferrentur non de re mea (nondum enim meas acceperat) sed rescripsit ad eas quarum exemplum tibi miseram sane luculente.

[2] ad me autem, cum Cassi tabellarium dimisissem, statim Balbus. O dei boni, quam facile perspiceres timere otium! et nosti virum quam tectus. sed tamen Antoni consilia narrabat; illum circumire veteranos ut acta Caesaris sancirent idque se facturos es1e iurarent,

ut castra omnes haberent eaque duoviri omnibus mensibus inspicerent. questus est etiam de sua invidia eaque omnis eius oratio fuit ut amare videretur Antonium. quid quaeris? nihil sinceri.

[3] mihi autem non est dubium quin res spectet ad castra. Acta enim illa res est animo virili, consilio puerili. quis enim hoc non vidit, regni heredem relictum? quid autem absurdius? hoc me/tuere, alterum i/n metu non po/nere! quin etiam hoc ipso tempore multa u(poso/loika . Ponti Neapolitanum a matre tyrannoctoni possideri! legendus mihi saepius est 'Cato maior' ad te missus. amariorem enim me senectus facit. stomachor omnia. sed mihi quidem bebi/wtai ; viderint iuvenes. tu mea curabis, ut curas.

[4] haec scripsi seu dictavi apposita secunda mensa apud Vestorium. postridie apud Hirtium cogitabam et quidem pente/loipon . sic hominem traducere ad optimatis paro. Lh=roj polu/j . nemo est istorum qui otium non timeat. qua re talaria videamus. quidvis enim potius quam castra.

Atticae salutem plurimam velim dicas. exspecto Octavi contionem et si quid aliud, maxime autem ecquid Dolabella tinniat an in meo nomine tabulas novas fecerit.

14.22

Scr. in Puteolano prid. Id. Mai. a. 710 (44).

CICERO ATTICO SAL.

certior a Pilia factus mitti ad te Idibus tabellarios statim hoc nescio quid exaravi. primum igitur scire te volui me hinc Arpinum xvi Kalend. Iun. eo igitur mittes si quid erit posthac; quamquam ipse iam iamque adero. cupio enim ante quam Romam venio odorari diligentius quid futurum sit. quamquam vereor ne nihil coniectura aberrem. minime enim obscurum est quid isti moliantur; meus vero discipulus qui hodie apud me cenat valde amat illum quem Brutus noster sauciavit. et si quaeris (perspexi enim plane), timent otium; u(po/qesin autem hanc habent eamque prae se ferunt, clarissimum <virum> interfectum, totam rem publicam illius interitu perturbatam, inrita fore quae ille egisset simul ac desisteremus timere, clementiam

illi malo fuisse, qua si usus non esset, nihil ei tale accidere potuisse.

[2] mihi autem venit in mentem, si Pompeius cum exercitu firmo veniat, quod est eu)/logon , certe fore bellum. haec me species cogitatioque perturbat. neque enim iam quod tibi tum licuit nobis nunc licebit. nam aperte laetati sumus. deinde habent in ore nos ingratos. nullo modo licebit quod tum et tibi licuit et multis. Fainoproswphte/on ergo et i)te/on in castra? miliens mori melius, huic praesertim aetati. itaque me Idus Martiae non tam consolantur quam antea. magnum enim mendum continent. etsi illi iuvenes a)/lloij e)n e)sqloi=j to/nd' a)pwqou=ntai yo/gon sed si tu melius quidpiam speras, quod et plura audis et interes consiliis, scribas ad me velim simulque cogites quid agendum nobis sit super legatione votiva. equidem in his locis moneor a multis ne in senatu Kalendis. dicuntur enim occulte milites ad eam diem comparari et quidem in istos qui mihi videntur utivis tutius quam in senatu fore.

LIBER QVINTVS DECIMVS

15.1

Scr. in Puteolano xvi K. Iun. a. 710 (44).

CICERO ATTICO SAL.

O factum male de Alexione! incredibile est quanta me molestia adfecerit, nec me hercule ex ea parte maxime quod plerique mecum, ‘ad quem igitur te medicum conferes?’ quid mihi iam medico? aut si opus est, tanta inopia est? amorem erga me, humanitatem suavitatemque desidero. etiam illud. quid est quod non pertimescendum sit cum hominem temperantem, summum medicum tantus improviso morbus oppresserit? sed ad haec omnia una consolatio est quod ea condicione nati sumus ut nihil quod homini accidere possit recusare debeamus.

[2] de Antonio iam antea tibi scripsi non esse eum a me conventum. venit enim Misenum cum ego essem in Pompeiano. Inde ante profectus est quam ego eum venisse cognovi. sed casu, cum legerem tuas litteras, Hirtius erat apud me in Puteolano. ei legi et egi. primum quod attinet, nihil mihi concedebat, deinde ad summam arbitrum me statuebat non modo huius rei sed totius consulatus sui. Cum Antonio autem sic agemus ut perspiciat, si in eo negotio nobis satis fecerit, totum me futurum suum. Dolabellam spero domi esse.

[3] redeamus ad nostros. de quibus tu bonam spem te significas habere propter edictorum humanitatem. ego autem perspexi, cum a me xvii Kal. de Puteolano Neapolim Pansae conveniendi causa proficisceretur Hirtius, omnem eius sensum. seduxi enim et ad pacem sum cohortatus. non poterat scilicet negare se velle pacem, sed non minus se nostrorum arma timere quam Antoni, et tamen utrosque non sine causa praesidium habere, se autem utraque arma metuere. quid quaeris? ou)de\n u(gie/j.

[4] de Quinto filio tibi adsentior. patri quidem certe gratissimae bellae tuae litterae fuerunt. Caerelliae vero facile satis feci; nec valde laborare mihi visa est, et si illa, ego certe non laborarem. istam vero

quam tibi molestam scribis esse auditam a te esse omnino demiror. nam quod eam conlaudavi apud amicos audientibus tribus filiis eius et filia tua, to\ e)k tou/tou quid est hoc?

quid est au/tem cur ego pe/rsonatus a/mbulem?

parumne foeda persona est ipsius senectutis? quod Brutus rogat ut ante Kalendas, ad me quoque scripsit et fortasse faciam. sed plane quid velit nescio. quid enim illi adferre consili possum, cum ipse egeam consilio et cum ille suae immortalitati melius quam nostro otio consuluerit? de regina rumor exstinguitur. de Flamma, obsecro te, si quid potes.

15.1a

Scr. in Sinuessano xv K. Iun. a. 710 (44).

CICERO ATTICO SAL.

Heri dederam ad te litteras exiens e Puteolano deverteramque in Cumanum. ibi bene valentem videram Piliam. quin etiam paulo <post> Cumis eam vidi. venerat enim in funus; cui funeri ego quoque operam dedi. Cn. Lucullus familiaris noster matrem efferebat. mansi igitur eo die in Sinuessano atque inde mane postridie Arpinum proficiscens hanc epistulam exaravi.

[2] erat autem nihil novi quod aut scriberem aut ex te quaererem, nisi forte hoc ad rem putas pertinere. Brutus noster misit ad me orationem suam habitam in contione Capitolina petivitque a me ut eam ne ambitiose corrigerem ante quam ederet. est autem oratio scripta elegantissime sententiis, verbis, ut nihil possit ultra. ego tamen si illam causam habuissem, scripsissem ardentius. U(po/qesij vides quae sit <et> persona dicentis. itaque eam corrigere non potui. quo enim in genere Brutus noster esse vult et quod iudicium habet de optimo genere dicendi, id ita consecutus in ea oratione est ut elegantius esse nihil possit; sed ego secutus aliud sum sive hoc recte sive non recte. tu tamen velim eam orationem legas, nisi forte iam legisti, certioremque me facias quid iudices ipse. quamquam vereor ne cognomine tuo lapsus u(perattiko\j sis in iudicando. sed si recordabere Dhmosqe/nouj fulmina, tum intelleges posse et a)ttikw/

tata <et> gravissime dici. sed haec coram. nunc nec sine epistula nec cum inani epistula volui ad te Metrodorum venire.

15.2

Scr. in Vescino xv K. Iun. a. 710 (44).

CICERO ATTICO SAL.

xv Kal. e Sinuessano proficiscens cum dedissem ad te litteras devertissemque acutius in Vescino accepi a tabellario tuas litteras; in quibus nimis multa de Buthroto. non enim tibi ea res maiori curae aut est aut erit quam mihi. sic enim decet te mea curare, tua me. quam ob rem id quidem sic susceptum est mihi ut nihil sim habiturus antiquius.

[2] L. Antonium contionatum esse cognovi tuis litteris et aliis sordide; sed id quale fuerit nescio; nihil enim scripti. de Menedemo probe. Quintus certe ea dictitat quae scribis. consilium meum a te probari quod ea non scribam quae tu a me postularis facile patior, multoque magis id probabis, si orationem eam de qua hodie ad te scripsi legeris. quae de legionibus scribis, ea vera sunt. sed non satis hoc mihi videris tibi persuasisse qui de Buthrotiis nostris per senatum speres confici posse quod puto. tantum enim video, non videmur esse victuri, sed, ut iam nos hoc fallat, de Buthroto te non fallet.

[3] de Octavi contione idem sentio quod tu, ludorumque eius apparatus et Matius ac Postumus mihi procuratores non placent; Saserna conlega dignus. sed isti omnes, quem ad modum sentis, non minus otium timent quam nos arma. Balbum levari invidia per nos velim, sed ne ipse quidem id fieri posse confidit. itaque alia cogitat.

[4] quod prima disputatio Tusculana te confirmat sane gaudeo; neque enim ullum est perfugium aut melius aut paratius. Flamma quod bene loquitur non moleste fero. Tyndaritanorum causa, de qua causa laborat, quae sit ignoro. hos tamen . . . . Pente/loipon movere ista videntur in primis erogatio pecuniae. de Alexione doleo, sed quoniam inciderat in tam gravem morbum, bene actum cum illo arbitror. quos tamen secundos heredes scire velim et diem testamenti.

15.3

Scr. in Arpinati xt K. Iun. a. 710 (44).

CICERO ATTICO SAL.

undecimo Kal. accepi in Arpinati duas epistulas tuas, quibus duabus meis respondisti. Vna erat xv Kal., altera xii data. ad superiorem igitur prius. accurres in Tusculanum, ut scribis; quo me vi Kal. venturum arbitrabar. quod scribis parendum victoribus, non mihi quidem cui sunt multa potiora. nam illa quae recordaris Lentulo et Marcello consulibus acta in aede Apollinis, nec causa eadem est nec simile tempus, praesertim cum Marcellum scribas aliosque discedere. erit igitur nobis coram odorandum et constituendum tutone Romae esse possimus. Novi conventus habitatores sane movent; in magnis enim versamur angustiis. sed sunt ista parvi; quin et maiora contemnimus. calvae testamentum cognovi, hominis turpis ac sordidi; tabula Demonici quod tibi curae est gratum. de malo scripsi iam pridem ad Dolabellam accuratissime, modo redditae litterae sint. eius causa et cupio et debeo.

[2] venio ad propiorem. cognovi de Alexione quae desiderabam. Hirtius est tuus. Antonio, quoniam est, volo peius esse. de Quinto filio, ut scribis, A. M. C. de patre coram agemus. Brutum omni re qua possum cupio iuvare. cuius de oratiuncula idem te quod me sentire video. sed parum intellego quid me velis scribere quasi a Bruto habita oratione, cum ille ediderit. qui tandem convenit? an sic ut in tyrannum iure optimo caesum? multa dicentur, multa scribentur a nobis sed alio modo et tempore. de sella Caesaris bene tribuni; praeclaros etiam xiv ordines! Brutum apud me fuisse gaudeo, modo et libenter fuerit et sat diu.

15.4

Scr. in Arpinati ix K Iun. a. 710 (44).

CICERO ATTICO SAL.

ix K. H. x fere a Q. Fufio venit tabellarius. nescio quid ab eo

litterularum, uti me sibi restituerem; sane insulse, ut solet, nisi forte, quae non ames omnia videntur insulse fieri. scripsi ita ut te probaturum existimo. mihi duas a te epistulas reddidit, unam xi, alteram x ad recentiorem prius et leniorem laudo; si vero etiam Carfulenus, ‘ a)/nw potamw=n .’ Antoni consilia narras turbulenta. atque utinam potius per populum agat quam per senatum! quod quidem ita credo. sed mihi totum eius consilium ad bellum spectare videtur, si quidem D. Bruto provincia eripitur. quoquo modo ego de illius nervis existimo, non videtur fieri posse sine bello. sed non cupio, quoniam cavetur Buthrotiis. rides? aps condoleo non mea potius adsiduitate, diligentia, gratia perfici.

[2] quod scribis te nescire quid nostris faciendum sit, iam pridem me illa a)pori/a sollicitat. itaque stulta iam Iduum Martiarum est consolatio. animis enim usi sumus virilibus, consiliis, mihi crede, puerilibus. excisa enim est arbor, non evulsa. itaque quam fruticetur vides. redeamus igitur, quoniam saepe usurpas, ad Tusculanas disputationes. Saufeium de te celemus; ego numquam indicabo. quod te a Bruto scribis, ut certior fieret quo die in Tusculanum essem venturus, ut ad te ante scripsi, vi Kal., et quidem ibi te quam primum per videre velim. puto enim nobis Lanuvium eundum et quidem non sine multo sermone. sed melh/sei .

[3] redeo ad superiorem. ex qua praetereo illa prima de Buthrotiis; quae ‘mihi sunt inclusa medullis,’ sit modo, ut scribis, locus agendi. de oratione Bruti prorsus contendis quom iterum tam multis verbis agis. egone ut eam causam quam is scripsit? ego scribam non rogatus ab eo? nulla paregxei/rhsij fieri potest contumeliosior. ‘at’ inquis ‘ (Hraklei/deion aliquod.’ non recuso id quidem, sed et componendum argumentum est et scribendi exspectandum tempus maturius. licet enim de me ut libet existimes (velim quidem quam optime), si haec ita manant ut videntur (feres quod dicam), me Idus Martiae non delectant. ille enim numquam revertisset, nos timor confirmare eius acta non coegisset, aut, ut in Saufei eam relinquamque Tusculanas disputationes ad quas tu etiam Vestorium hortaris, ita gratiosi eramus apud illum (quem di mortuum perduint!) ut nostrae aetati, quoniam interfecto domino liberi non sumus, non fuerit dominus ille fugiendus. rubeo, mihi crede, sed iam scripseram; delere nolui.

[4] de Menedemo vellem verum fuisset, de regina velim verum sit.

cetera coram, et maxime quid nostris faciendum sit, quid etiam nobis, si Antonius militibus obsessurus est senatum. hanc epistulam si illius tabellario dedissem, veritus sum ne solveret. itaque misi dedita. erat enim rescribendum tuis.

15.4a

Scr. in Tusculano vi K. Iun. a. 710 (44).

CICERO ATTICO SAL.

quam vellem Bruto studium tuum navare potuisses! ego igitur ad eum litteras. ad Dolabellam Tironem misi cum mandatis et litteris. eum ad te vocabis et si quid habebis quod placeat scribes. ecce autem de traverso L. Caesar ut veniam ad se rogat in nemus aut scribam quo se venire velim; Bruto enim placere se a me conveniri. O rem odiosam et inexplicabilem! puto me ergo iturum et inde Romam, nisi quid mutaro. summatim adhuc ad te; nihildum enim a Balbo. tuas igitur exspecto nec actorum solum sed etiam futurorum.

15.5

Scr. in Tusculano v K. Iun. a. 710 (44).

CICERO ATTICO SAL.

a Bruto tabellarius rediit; attulit et ab eo et Cassio. consilium meum magno opere exquirunt, Brutus quidem utrum de duobus. O rem miseram! plane non habeo quid scribam. itaque silentio puto me usurum, nisi quid aliud tibi videtur; sin tibi quid venit in mentem, scribe, quaeso. Cassius vero vehementer orat ac petit ut Hirtium quam optimum faciam. sanum putas? o(qhsauro\j a)/nqrakej . epistulam tibi misi.

[2] ut tu de provincia Bruti et Cassi per senatus consultum, ita scribit et Balbus et <Oppius>. Hirtius quidem se afuturum (etenim iam in Tusculano est) mihique ut absim vehementer auctor est, et ille quidem periculi causa quod sibi etiam fuisse dicit, ego autem, etiam ut nullum periculum sit, tantum abest ut Antoni suspicionem fugere

nunc curem ne videar eius secundis rebus non delectari, ut mihi causa ea sit cur Romam venire nolim ne illum videam.

[3] Varro autem noster ad me epistulam misit sibi a nescio quo missam (nomen enim delerat); in qua scriptum erat veteranos eos qui reiciantur (nam partem esse dimissam) improbissime loqui, ut magno periculo Romae sint futuri qui ab eorum partibus dissentire videantur. quis porro noster itus, reditus, vultus, incessus inter istos? quod si, ut scribis, L. Antonius in D. Brutum, reliqui in nostros, ego quid faciam aut quo me pacto geram? mihi vero deliberatum est, ut nunc quidem est, abesse ex ea urbe in qua non modo florui cum summa verum etiam servivi cum aliqua dignitate; nec tam statui ex Italia exire, de quo tecum deliberabo, quam istuc non venire.

15.6

Scr. in Tusculano vi K. Iun. vesperi a. 710 (44).

CICERO ATTICO SAL.

cum ad me Brutus noster scripsisset et Cassius, ut Hirtium, qui adhuc bonus fuisset (sciebam, neque eum confidebam fore mea auctoritate meliorem; Antonio est enim fortasse iratior, causae vero amicissimus), tamen ad eum scripsi eique dignitatem Bruti et Cassi commendavi. ille quid mihi rescripsisset scire te volui, si forte idem tu quod ego existimares, istos etiam nunc vereri ne forte ipsi nostri plus animi habeant quam habent
HIRTIVS CICERONI SVO SAL.

[2] rurene iam redierim quaeris. an ego, cum omnes caleant, ignaviter aliquid faciam? etiam ex urbe sum profectus, utilius enim statui abesse. has tibi litteras exiens in Tusculanum scripsi. noli autem me tam strenuum putare ut ad Nonas recurram. nihil enim iam video opus esse nostra cura, quoniam praesidia sunt in tot annos provisa. Brutus et Cassius utinam quam facile a te de me impetrare possunt ita per te exorentur ne quod calidius ineant consilium! cedentis enim haec ais scripsisse — quo aut qua re?

[3] retine, obsecro te, Cicero, illos et noli sinere haec omnia perire,

quae funditus medius fidius rapinis, incendiis, caedibus pervertuntur. tantum si quid timent caveant, nihil praeterea moliantur. non <medius> fidius acerrimis consiliis plus quam etiam inertissimis, dum modo diligentibus, consequentur. haec enim quae fluunt per se diuturna non sunt; in contentione praesentis ad nocendum habent viris. quid speres de illis in Tusculanum ad me scribe.

[4] habes Hirti epistulam. cui rescripsi nil illos calidius cogitare idque confirmavi. hoc qualecumque esset te scire volui.

obsignata iam Balbus ad me Serviliam redisse, confirmare non discessuros. nunc exspecto a te litteras.

15.7

Scr. in Tusculano v aut iv K. Iun. a. 710 (44).

CICERO ATTICO SAL.

gratum quod mihi epistulas; quae quidem me delectarunt, in primis Sexti nostri. dices, 'quia te laudat.' puto me hercule id quoque esse causae, sed tamen etiam ante quam ad eum locum veni, valde mihi placebat cum sensus eius de re publica cum tum scribendi. Servius vero pacificator cum librariolo suo videtur obisse legationem et omnis captiunculas pertimescere. debuerat autem non 'ex iure manum consertum' sed quae sequuntur; tuque scribes.

15.8

Scr. in Tusculano prid. K. Iun. a. 710 (44).

CICERO ATTICO SAL.

post tuum discessum binas a Balbo (nihil novi) itemque ab Hirtio, qui se scribit vehementer offensum esse veteranis. exspectat animus quidnam agam de K. [Mart.]. misi igitur Tironem et cum Tirone pluris quibus singulis, ut quidque accidisset, dares litteras, atque etiam scripsi ad Antonium de legatione, ne, si ad Dolabellam solum scripsissem, iracundus homo commoveretur. quod autem aditus ad eum difficilior esse dicitur, scripsi ad Eutrapelum ut is ei meas

litteras redderet; legatione mihi opus esse. honestior est votiva, sed licet uti utraque.

[2] de te, quaeso, etiam atque etiam vide. velim possis coram; si minus [possis], litteris idem consequemur. Graeceius ad me scripsit C. Cassium sibi scripsisse homines comparari qui armati in Tusculanum mitterentur. id quidem mihi videbatur ; sed cavendum tamen ut ille quae plures videndae. sed aliquid crastinus dies ad cogitandum nobis dare .

15.9

Scr. in Tusculano iv Non. Iun. a. 710 (44).

CICERO ATTICO SAL.

iiiii non. vesperi a Balbo redditae mihi litterae fore Nonis senatum, ut Brutus in Asia, Cassius in Sicilia frumentum emendum et ad urbem mittendum curarent. O rem miseram! primum ullam ab istis, dein, si aliquam, hanc legatoriam provinciam! atque haud scio an melius sit quam ad Eurotam sedere. sed haec casus gubernabit. ait autem eodem tempore decretum iri ut et iis et reliquis praetoriis provinciae decernantur. hoc certe melius quam illa Persikh\ porticus; nolo enim Lacedaemonem longinquo quom Lanuvium existimavit. ‘rides’ inquies ‘in talibus rebus?’ quid faciam? plorando fessus sum.

[2] di immortales! quam me conturbatum tenuit epistulae tuae prior pagina! quid autem iste in domo tua casus armorum? sed hunc quidem nimbum cito transisse laetor. tu quid egeris tua cum tristi tum etiam difficili ad consiliandum legatione vehementer exspecto; est enim inexplicabilis. ita circumsedemur copiis omnibus. me quidem Bruti litterae quas ostendis a te lectas ita perturbarunt ut, quamquam ante egebam consilio, tamen animi dolore sim tardior. sed plura, cum ista cognoro. hoc autem tempore quod scriberem nihil erat, eoque minus quod dubitabam tu bas ipsas litteras essesne accepturus. erat enim incertum visurusne te esset tabellarius. ego tuas litteras vehementer exspecto.

15.10

Scr. in Tusculano Non. Iun. aut postr:die a. 710 (44).

CICERO ATTICO SAL.

O Bruti amanter scriptas litteras! o iniquum tuum tempus qui ad eum ire non possis! ego autem quid scribam? ut beneficio istorum utantur? quid turpius? ut moliantur aliquid? nec audent nec iam possunt. age, quiescant auctoribus nobis; quis incolumitatem praestat? si vero aliquid de Decimo gravius, quae nostris vita, etiam si nemo molestus sit? ludos vero non facere! quid foedius? frumentum imponere! quae est alia Dionis legatio aut quod munus in re publica sordidius? prorsus quidem consilia tali in re ne iis quidem tuta sunt qui dant; sed possim id neglegere proficiens; frustra vero qui ingrediar? matris consilio cum utatur vel etiam precibus, quid me interponam? sed tamen cogitabo quo genere utar litterarum; nam silere non possum. statim igitur mittam vel Antium vel Circeios.

15.11

Scr. in Antiati a. d. vi Id. Iun. a. 710 (44).

CICERO ATTICO SAL.

Antium veni a. d. vi Idus. Bruto iucundus noster adventus. deinde multis audientibus, Servilia, Tertulla, Porcia, quaerere quid placeret. aderat etiam Favonius. ego quod eram meditatus in via suadere ut uteretur Asiatica curatione frumenti; nihil esse iam reliqui quod ageremus nisi ut salvus esset; in eo etiam ipsi rei publicae esse praesidium. quam orationem cum ingressus essem, Cassius intervenit. ego eadem illa repetivi. hoc loco fortibus sane oculis Cassius (Martem spirare diceres) se in Siciliam non iturum. ‘egone ut beneficium accepissem contumeliam?’ ‘quid ergo agis?’ inquam. at ille in Achaiam se iturum. ‘quid tu’ inquam ‘Brute?’ ‘Romam,’ inquit ‘si tibi videtur.’ ‘mihi vero minime; tuto enim non eris.’ ‘quid? si possem esse, placeretne?’ ‘atque ut omnino neque nunc neque ex praetura in provinciam ires; sed auctor non sum ut te urbi committas.’ dicebam ea quae tibi profecto in mentem veniunt cur non esset tuto futurus.

[2] multo inde sermone querebantur atque id quidem Cassius maxime, amissas occasiones Decimumque graviter accusabant. ego negabam oportere praeterita, adsentiebar tamen. quomque ingressus essem dicere quid oportuisset, nec vero quicquam novi sed ea quae cotidie omnes, nec tamen illum locum attingerem, quemquam praeterea oportuisse tangi, sed senatum vocari, populum ardentem studio vehementius incitari, totam suscipi rem publicam, exclamat tua familiaris, 'hoc vero neminem umquam audivi!' ego repressi. sed et Cassius mihi videbatur iturus (etenim Servilia pollicebatur se curaturam ut illa frumenti curatio de senatus consulto tolleretur), et noster cito deiectus est de illo inani sermone velle esse dixerat. constituit igitur ut ludi absente se fierent suo nomine. proficisci autem mihi in Asiam videbatur ab Antio velle. ne multa, nihil me in illo a itinere praeter conscientiam meam delectavit. non enim fuit committendum ut ille ex Italia prius quam a me conis ventus esset discederet. hoc dempto munere amoris atque offici sequebatur, ut mecum ipse, (H deu=r' o(do/j soi ti/ du/natai nu=n, qeopro/pe; prorsus dissolutum offendi navigium vel potius dissipatum. nihil consilio, nihil ratione, nihil ordine. itaque etsi ne antea quidem dubitavi, tamen nunc eo minus evolare hinc idque quam primum, 'ubi nec Pelopidarum facta neque famam audiam.'

[4] et heus tu! ne forte sis nescius, Dolabella me sibi legavit a. d. iii Nonas. id mihi heri vesperi nuntiatum est. votiva ne tibi quidem placebat; etenim erat absurdum, quae si stetisset res publica vovissem, ea me eversa illa vota dissolvere. et habent, opinor, liberae legationes definitum tempus lege Iulia nec facile addi potest. aveo genus legationis ut, cum velis, introire exire liceat; quod nunc mihi additum est. bella est autem huius iuris quinquenni licentia. quamquam >quid de< quinquennio cogitem? contrahi mihi negotium videtur. sed bla/sfhma mittamus.

15.12

Scr. in Antiati v aut iv Id. Iun. a. 710 (44).

CICERO ATTICO SAL.

bene me hercule de Buthroto. at ego Tironem ad Dolabellam cum litteris, quia iusseras, miseram. quid nocet? de nostris autem Antiatibus satis videbar plane scripsisse, ut non dubitares quin essent otiosi futuri usurique beneficio Antoni contumelioso. Cassius frumentariam rem aspernabatur; eam Servilia sublaturam ex senatus consulto se esse dicebat. noster vero kai\ ma/la semnw=j in Asiam, postea quam mihi est adsensus tuto se Romae esse non posse (ludos enim absens facere malebat), statim ait se iturum simul ac ludorum apparatum iis qui curaturi essent tradidisset. navigia conligebat; erat animus in cursu. interea in isdem locis erant futuri.

[2] Brutus quidem se aiebat Asturae. L. quidem Antonius liberaliter litteris sine cura me esse iubet. habeo unum beneficium, alterum fortasse, si in Tusculanum venerit. O negotia non ferenda! quae feruntur tamen. Tw=nde ai)ti/an tw=n Brou/twn tij e)/xei. in Octaviano, ut perspexi, sa tis ingeni, satis animi, videbatur que erga nostros h(/rwaj ita fore ut nos vellemus animatus. sed quid aetati credendum sit, quid nomini, quid hereditati, quid kathxh/sei , magni consili est vitricus quidem nihil censebat; quem Asturae vidimus. sed tamen alendus est et, ut nihil aliud, ab Antonio seiungendus. Marcellus praeclare, si praecipit nostro nostri . cui quidem ille deditus mihi videbatur. Pansae autem et Hirtio non nimis credebat. bona indoles, e)a\n diamei/nh? .

15.13

Scr. in Puteolano viii K Nov. a. 710 (44).

CICERO ATTICO SAL.

viii Kal. duas a te accepi epistulas. respondebo igitur priori prius. adsentior tibi ut nec duces simus nec agmen cogamus, faveamus tamen. orationem tibi misi. eius custodiendae et proferendae arbitrium tuum. sed quando illum diem cum tu edendam putes?

[2] indutias quas scribis non intellego fieri posse. melior est a)nantifwnhsi/a qua me usurum arbitror. quod scribis legiones duas Brundisium venisse, vos omnia prius. scribes igitur quicquid audieris.

[3] Varronis dia/logon exspecto. iam probo (Hraklei/deion , praesertim cum tu tanto opere delectere; sed quale velis velim scire. quod ad te antea atque adeo prius scripsi (sic enim mavis), ad scribendum tibi vere dicere fecisti me alacriorem. ad tuum enim iudicium quod mihi erat notum addidisti Peducaei auctoritatem magnam quidem apud <me> et in primis gravem. enitar igitur ne desideres aut industriam meam aut diligentiam. Vettienum, ut scribis, et Faberium foveo. Clodium nihil arbitror malitiose; quamquam — sed quod egerit. de libertate retinenda, qua certe nihil est dulcius, tibi adsentior. itane Gallo Caninio? <O> hominem nequam! quid enim dicam aliud? cautum Marcellum! me sic, sed non tamen cautissimum.

[4] longiori epistulae superiorique respondi. nunc breviori propiorique quid respondeam nisi eam fuisse dulcissimam? res Hispanienses valde bonae, modo Balbilium incolumem videam, subsidium nostrae senectutis. de Anniano item, quod me valde observat Visellia. sed haec quidem humana. de Bruto te nihil scire dicis, sed Servflia venisse M. Scaptium eumque non qua pompa ad se tamen clam venturum sciturumque me omnia; quae ego statim. interea narrat eadem Bassi servum venisse qui nuntiaret legiones Alexandrinas in armis esse, Bassum arcessi, Cassium exspectari. quid quaeris? videtur res publica ius suum reciperatura. sed ne quid ante. nosti horum exercitationem in latrocinio et amentiam.

[5] Dolabella vir optimus, etsi, cum scribebam secunda mensa apposita, venisse eum ad Baias audiebam, tamen ad me ex Formiano scripsit, quas litteras cum e balineo exissem accepi, sese de attributione omnia summa fecisse. Vettienum accusat (tricatur scilicet ut monetalis), sed ait totum negotium Sestium nostrum suscepisse, optimum quidem illum virum nostrique amantissimum. quaero autem quid tandem Sestius in hac re facere possit quod non quivis nostrum. sed si quid praeter spem erit, facies ut sciam; sin est, ut arbitror, negotium perditum, scribes tamen neque ista res commovebit.

[6] nos hic filosofou=men (quid enim aliud?) et ta\ peri\ tou= kaqh/kontoj magnifice explicamus prosfwnou=men que Ciceroni; qua de re enim potius pater filio? deinde alia. quid quaeris? exstabit opera peregrinationis huius. Varronem hodie aut cras venturum putabant;

ego autem in Pompeianum properabam, non quo hoc loco quicquam pulchrius sed interpellatores illic minus molesti. sed perscribe, quaeso, quae causa sit Myrtili (poenas quidem illum pependisse audivi) et satisne pateat unde corruptus.

[7] haec cum scriberem, tantum quod existimabam ad te orationem esse perlatam. Hui, quam timeo quid existimes! etsi quid ad me? quae non sit foras proditura nisi re publica reciperata. de quo quid sperem non audeo scribere.

15.14

Scr. in Tusculano v K. Quint. a. 710 (44).

CICERO ATTICO SAL.

vi Kalend. accepi a Dolabella litteras. quarum exemplum tibi misi. in quibus erat omnia se fecisse quae tu velles. statim ei rescripsi et multis verbis gratias egi. sed tamen ne miraretur cur idem iterum facerem, hoc causae sumpsi quod ex te ipso coram antea nihil potuissem cognoscere. sed quid multa? litteras hoc exemplo dedi: CICERO DOLABELLAE COS. SVO.

[2] antea cum litteris Attici nostri de tua summa liberalitate summoque erga se beneficio certior factus essem cumque tu ipse etiam ad me scripsisses te fecisse ea quae nos voluissemus, egi tibi gratias per litteras iis verbis ut intellegeres nihil te mihi gratius facere potuisse. postea vero quam ipse Atticus ad me venit in Tusculanum huius unius rei causa tibi ut apud me gratias ageret, cuius eximiam quandam et admirabilem in causa Buthrotia voluntatem et singularem erga se amorem perspexisset, teneri non potui quin tibi apertius illud idem his litteris declararem. ex omnibus enim, mi Dolabella, studiis in me et officiis quae summa sunt hoc scito mihi et amplissimum videri et gratissimum esse quod perfeceris ut Atticus intellegeret quantum ego te, quantum tu me amares.

quod reliquum est, Buthrotiam a et causam et civitatem, quamquam a te constituta est (beneficia autem nostra tueri solemus), tamen velim receptam in fidem tuam a meque etiam atque etiam tibi

commendatam auctoritate et auxilio tuo tectam velis esse. satis erit in perpetuum Buthrotiis praesidi magnaque cura et sollicitudine Atticum et me liberaris, si hoc honoris mei causa susceperis ut eos semper a te defensos velis. quod ut facias te vehementer etiam atque etiam rogo.

[4] his litteris scriptis me ad sunta/ceij dedi; quae quidem vereor ne miniata cerula tua pluribus locis notandae sint. ita sum mete/wroj et magnis cogitationibus impeditus.

15.15

Scr. in Antiati Id. Iun. a. 710 (44).

CICERO ATTICO SAL.

L. Antonio male sit, si quidem Buthrotiis molestus est! ego testimonium composui quod cum voles obsignabitun nummos Arpinatium, si L. Fadius aedilis petet, vel omnis reddito. ego ad te alia epistula scripsi <de> HS C*X* quae Statio curarentur. si ergo petet Fadius, ei volo reddi, praeter Fadium nemini. apud me item puto depositum id scripsi ad Erotem ut redderet.

[2] reginam odi. id me iure facere scit sponsor promissorum eius Ammonius, quae quidem erant filo/loga et dignitatis meae ut vel in contione dicere auderem. Saran autem, praeterquam quod nefarium hominem, cognovi praeterea in me contumacem. semel eum omnino domi meae vidi. cum filofro/nwj ex eo quaererem quid opus esset, Atticum se dixit quaerere. superbiam autem ipsius reginae, cum esset trans Tiberim in hortis, commemorare sine magno dolore non possum. nihil igitur cum istis; nec tam animum me quam stomachum habere arbitrantur.

[3] profectionem meam, ut video, Erotis dispensatio impedit. nam cum ex reliquis quae Nonis Aprilibus fecit abundare debeam, cogor mutuari, quodque ex istis fructuosis rebus receptum est, id ego ad illud fanum sepositum putabam. sed haec Tironi mandavi quem ob eam causam Romam misi; te nolui impeditum impedire.

[4] Cicero noster quo modestior est eo me magis commovet. ad me enim de hac re nihil scripsit ad quem nimirum potissimum

debuit; scripsit hoc autem ad Tironem, sibi post Kalend. Aprilis (sic enim annuum tempus confici) nihil datum esse. tibi pro tua natura semper placuisse teque existimasse id etiam ad dignitatem meam pertinere eum non modo perliberaliter a nobis sed etiam ornate cumulateque tractari. qua re velim cures (nec tibi essem molestus, si per alium hoc agere possem) ut permutetur Athenas quod sit in annuum sumptum ei. scilicet Eros numerabit. eius rei causa Tironem misi. curabis igitur et ad me si quid tibi de eo videbitur scribes.

15.16

Scr. in Antiati iii aut prid. Id. Iun. a. 710 (44).

CICERO ATTICO SAL.

tandem a Cicerone tabellarius et me hercule litterae pepinwme/nwj scriptae, quod ipsum prokoph\n aliquam significat, itemque ceteri praeclara scribunt; Leonides tamen retinet suum illud ‘adhuc,’ summis vero laudibus Herodes. quid quaeris? vel verba mihi dari facile patior in hoc meque libenter praebeo credulum. tu velim, si quid tibi est a Statio scriptum quod pertineat ad me, certiorem me facias.

15.16a

Scr. in Arpinati xiv aut xiii K Iun. a. 710 (44).

CICERO ATTICO SAL.

narro tibi, haec loca venusta sunt, abdita certe et, si quid scribere velis, ab arbitris libera. sed nescio quo modo oi)=koj fi/loj . itaque me referunt pedes in Tusculanum. et tamen haec r(wpografi/a ripulae videtur habitura celerem satietatem. equidem etiam pluvias metuo, si ‘prognostica’ nostra vera sunt; rarae enim r(htoreu/ousin . tu, quaeso, fac sciam ubi Brutum nostrum et quo die videre possim.

15.17.1

Scr. in Antiati postr. Id. Iun. a. 710 (44).

CICERO ATTICO SAL.

duas accepi postridie Idus, alteram eo die datam, alteram Idibus. prius igitur superiori. de <D.> Bruto, cum scies. de consulum ficto timore cognoveram. Sicca enim filosto/rgwj ille quidem sed tumultuosius ad me etiam illam suspicionem pertulit. quid tu autem? ‘ ta\ me\n dido/mena — ,? nullum enim verbum a Siregio . non placet. de Plaetono vicino tuo permoleste tuli quemquam prius audisse quam me. de Syro prudenter. L. Antonium per Marcum fratrem, ut arbitror, facillime deterrebis. Antroni vetui; sed nondum acceperas litteras, ne cuiquam nisi L. Fadio aedili. aliter enim nec caute nec iure fieri potest. quod scribis tibi deesse HS c quae Ciceroni curata sint, velim ab Erote quaeras ubi sit merces insularum. Arabioni de Sittio nihil irascor. ego de itinere nisi explicato L nihil cogito; quod idem tibi videri puto.

[2] habes ad superiorem. nunc audi ad alteram. tu vero facis ut omnia quod Serviliae non dees, id est Bruto. de regina gaudeo te non laborare, teste m etiam tibi probari. Erotis rationes et ex Tirone cognovi et vocavi ipsum. gratissimum quod polliceris Ciceroni nihil defuturum; de quo mirabilia Messalla qui Lanuvio rediens ab illis venit ad me, et me hercule ipsius litterae sic et filosto/rgwj et eu)pinw=j scriptae ut eas vel in acroasi audeam legere. quo magis illi indulgendum puto. de Buciliano Sestium puto non moleste ferre. ego, si Tiro ad me, cogito in Tusculanum. tu vero, quicquid erit quod me scire par sit, statim.

15.18

Scr. in itinere ex Antiati in Tusculanum xvi K. Quint a. 710 (44).

CICERO ATTICO SAL.

xvii Kal. etsi satis videbar scripsisse ad te quid mihi opus esset et quid te facere vellem, si tibi commodum esset, tamen cum profectus essem et in lacu navigarem, Tironem statui ad te esse mittendum, ut iis negotiis quae agerentur interesset, atque etiam scripsi ad

Dolabellam me, si ei videretur, velle proficisci petiique ab eo de mulis vecturae.

[2] ut in his (quoniam intellego te distentissimum esse qua de Buthrotiis qua de Bruto, cuius etiam ludorum sumptuosorum curam et administrationem suspicor ex magna parte ad te pertinere) ut ergo in eius modi re tribues nobis paulum operae; nec enim multum opus est.

mihi res ad caedem et eam quidem propinquam spectare videtur. vides homines, vides arma. prorsus non mihi videor esse tutus. sin tu aliter sentis, velim ad me scribas. domi enim manere, si recte possum, multo malo.

15.19

Scr. in Tusculano inter a. d. xv et xi K. Quint a. 710 (44).

CICERO ATTICO SAL.

quidnam est quod agendum amplius de Buthrotiis <sit>? sat egisse enim te frustra scribis. quid autem se refert Brutus? doleo me hercules te tam esse distentum, quod decem hominibus referendum est acceptum. est illud quidem e)rgw=dej sed a)nekto\n mihique gratissimum. de armis nihil vidi apertius. fugiamus igitur et, ut ais, coram. Theophanes quid velit nescio. scripserat enim ad me. cui rescripsi ut potui. mihi autem scribit venire ad me se velle ut et de suis rebus et quaedam quae ad me pertinerent. tuas litteras exspecto. vide, quaeso, ne quid temere fiat.

[2] Statius scripsit ad me locutum secum esse Q. Ciceronem valde adseveranter se haec ferre non posse; certum sibi esse ad Brutum et Cassium transire. hoc enim vero nunc discere aveo, hoc ego quid sit interpretari non possum. potest aliquid iratus Antonio, potest gloriam iam novam quaerere, potest totum esse sxedi/asma ; et nimirum ita est. sed tamen et ego vereor et pater conturbatus est; scit enim quae ille de hoc, mecum quidem a)/fata Olim. plane quid velit nescio. a Dolabella mandata habebo quae mihi videbuntur, id est nihil. dic mihi, C. Antonius voluitne fieri septemvir? fuit certe dignus. de Menedemo est ut scribis. facies omnia mihi nota.

15.20

Scr. in Tusculano inter xv et xi K. Quint. a. 710 (44).

CICERO ATTICO SAL.

egi gratias Vettieno; nihil enim potuit humanius. Dolabellae mandata sint quaelibet, mihi aliquid, vel quod Niciae nuntiem. quis enim haec, ut scribis, anteno ? nunc dubitare quemquam prudentem quin meus discessus desperationis sit, non legationis? quod ais extrema quaedam iam homines de re publica loqui et eos quidem viros bonos, ego quo die audivi illum tyrannum in contione ‘clarissimum virum’ appellari subdiffidere coepi. postea vero quam tecum Lanuvi vidi nostros tantum spei habere ad vivendum quantum accepissent ab Antonio, desperavi. itaque, mi Attice, (fortiter hoc velim accipias, ut ego scribo), genus illud interitus quo causurus est foedum ducens et quasi denuntiatum nobis ab Antonio ex hac nassa exire constitui non ad fugam sed ad spem mortis melioris. haec omnis culpa Bruti.

[3] Pompeium Carteia receptum scribis; iam igitur contra hunc exercitum. Vtra ergo castra? Media enim tollit Antonius. illa infirma, haec nefaria. properemus igitur. sed iuva me consilio, Brundisione an Puteolis. Brutus quidem subito sed sapienter. Pa/sxw ti . quando enim illum? sed humana ferenda. tu ipse eum videre non potes. di illi mortuo qui umquam Buthrotum! sed acta missa; videamus quae agenda sint.

[4] rationes Erotis, etsi ipsum nondum vidi, tamen et ex litteris eius et ex eo quod Tiro cognovit prope modum cognitas habeo. versuram scribis esse faciendam mensum quinque, id est ad Kal. Nov., HS C*C*; in eam diem cadere nummos qui a Quinto debentur. velim igitur, quoniam Tiro negat tibi placere me eius rei causa Romam venire, si ea te res nihil offendet, videas unde nummi sint, mihi feras expensum. hoc video in praesentia opus esse. reliqua diligentius ex hoc ipso exquiram, in his de mercedibus dotalium praediorum. quae si fideliter Ciceroni curabuntur, quamquam volo laxius, tamen ei prope modum nihil deerit. equidem video mihi quoque opus esse viaticum; sed ei ex praediis ut cadet ita solvetur, mihi autem opus est universo. equidem etsi mihi videtur iste qui

umbras timet ad caedem spectare, tamen nisi explicata solutione non sum discessurus. sitne autem explicata necne tecum cognoscam. hanc putavi mea manu scribendam, itaque feci. de Fadio, ut scribis, utique alii nemini. rescribas velim hodie.

15.21

Scr. in Tusculano x K. Quint. a. 710 (44).

CICERO ATTICO SAL.

narro tibi, Quintus pater exsultat laetitia. scripsit enim filius se idcirco profugere ad Brutum voluisse quod, cum sibi negotium daret Antonius ut eum dictatorem efficeret, praesidium occuparet, id recusasset; recusasse autem se ne patris animum offenderet; ex eo sibi illum hostem. ‘tum me’ inquit ‘conlegi verens ne quid mihi ille iratus tibi noceret. itaque eum placavi. et quidem c*ccc* certa, reliqua in spe.’ scribit autem Statius illum cum patre habitare velle (hoc vero mirum) et id gaudet. ecquem tu illo certiorem nebulonem?

[2])Epoxh\n vestram de re Cani [deliberationis] probo. nihil eram suspicatus de tabulis, a)kerai/wj restitutam arbitrabar. quae differs ut mecum coram exspectabo. tabellarios quoad voles tenebis; es enim occupatus. quod ad Xenonem, probe. quod scribo, cum absolvero. Quinto scripsisti te ad eum litteras. nemo attulerat. Tiro negat iam tibi placere Brundisium et quidem dicere aliquid de militibus. at ego iam destinaram Hydruntem quidem. movebant me tuae quinque horae. hic autem quantus plou=j ! sed videbimus. nullas a te xi Kal. Quippe, quid enim iam novi? Cum primum igitur poteris, venies. ego propero ne ante Sextus, quem adventare aiunt.

15.22

Scr. in Tusculano v K. Quint. mane a. 710 (44).

CICERO ATTICO SAL.

gratulor nobis Quintum filium exisse. molestus non erit. Pansam bene loqui credo. semper enim coniunctum esse cum Hirtio scio;

amicissimum Bruto et Cassio puto, si expediet (sed quando illos videbit?), inimicum Antonio, quando aut cur? quousque ludemur? ego autem scripsi Sextum adventare, non quo iam adesset sed quia certe id ageret ab armisque nullus discederet. certe si pergit, bellum paratum est. hic autem noster Cytherius nisi victorem neminem victurum. quid ad haec Pansa? utrobi erit, si bellum erit? quod videtur fore. sed et haec et alia coram hodie quidem, ut scribis, aut cras.

15.23

Scr. in Tusculano viW aut vii K. Quint a. 710 (44).

CICERO ATTICO SAL.

mirifice torqueor, sine dolore tamen; sed permulta mihi de nostro itinere in utramque partem occurrunt. ‘quousque?’ inquies. quoad erit integrum; erit autem usque dum ad navem. Pansa si tuae rescripserit, et meam tibi et illius epistulam mittam. Silium exspectabam; cui hypomnema compositum, si quid novi. ego litteras misi ad Brutum. cuius de itinere etiam ex te velim si quid scies cognoscere.

15.24

Scr. in Tusculano vi K. Quint mane, ut videtur, a. 710 (44).

CICERO ATTICO SAL.

tabellarius quem ad Brutum miseram ex itinere rediit vii Kal. Ei Servilia dixit eo die Brutum his profectum. sane dolui meas litteras redditas non esse. Silius ad me non venerat. causam composui; eum libellum tibi misi. te quo die exspectem velim scire.

15.25

Scr. in Tusculano iii K Quint a. 710 (44).

CICERO ATTICO SAL.

de meo itinere variae sententiae; multi enim ad me. sed tu incumbe, quaeso, in eam curam. Magna res est. an probas, si ad Kal. Ian. cogitamus? meus animus est aequus, sic tamen ut si nihil offensionis sit. et tu etiam scire quo die Olympia cum mysteria scilicet. Vt tu scires , casus consilium nostri itineris iudicabit. dubitemus igitur. est enim hiberna navigatio odiosa, eoque ex te quaesieram mysteriorum diem. Brutum, ut scribis, visum iri a me puto. ego hinc volo prid. Kal.

15.26

Scr. in Arpinati vi Non. Quint a. 710 (44).

CICERO ATTICO SAL.

de Quinti negotio video <a> te omnia facta. ille tamen dolet dubitans utrum morem gerat Leptae an fidem infirmet filio. inaudivi L. Pisonem velle exire legatum yeudeggra/fw? senatus consulto. velim scire quid sit. tabellarius ille quem tibi dixeram me ad Brutum esse missurum in Anagninum ad me venit ea nocte quae proxima ante Kal. fuit litterasque ad me attulit; in quibus unum alienum summa sua prudentia, idem illud, ut spectem ludos suos. rescripsi scilicet primum me iam profectum, ut <non> integrum sit; deinde a)topw/taton esse me qui Romam omnino post haec arma non accesserim neque id tam periculi mei causa fecerim quam dignitatis subito ad ludos venire. tali enim tempore ludos facere illi honestum est cui necesse est, spectare mihi ut non est necesse sic ne honestum. quidem est. equidem illos celebrari et esse quam gratissimos mirabiliter cupio idque ita futurum esse confido et tecum ago ut iam ab ipsa commissione ad me quem ad modum accipiantur hi ludi, deinde omnia reliquorum ludorum in dies singulos persequare. sed de ludis hactenus.

[2] reliqua pars epistulae est illa quidem in utramque partem, sed tamen non nullos interdum iacit igniculos virilis. quod quale tibi videretur ut posses interpretari, misi ad te exemplum epistulae; quamquam mihi tabellarius noster dixerat tibi quoque se attulisse litteras a Bruto easque ad te e Tusculano esse delatas.

[3] ego itinera sic composueram ut Nonis Quintilibus Puteolis essem; valde enim festino, ita tamen ut quantum homo possit quam cautissime navigem.

[4] M. Aelium cura liberabis; me paucos pedes in extremo fundo et eos quidem subterraneos servitutis putasse aliquid habituros. id me iam iam nolle neque mihi aquam esse tanti. sed ut mihi dicebas, quam lenissime, potius ut cura liberetur quam ut me suscensere aliquid suspicetur. item de illo Tulliano capite libere cum Cascellio loquere. parva res est, sed tu bene attendisti. nimis callide agebatur. ego autem si mihi imposuisset aliquid, quod paene fecit nisi tua malitia adfuisset, animo iniquo tulissem. itaque, ut ut erit, rem impediri malo. octavam partem tuli luminarum medium ad strane memineris cui Caerellia videris mancipio dare ad eam summam quae sub praecone fuit maxima. id opinor esse C*CCLXX*X. .

[5] novi si quid erit atque etiam si quid prospicies quod futurum putes, scribas ad me quam saepissime velim, Varroni, quem ad modum tibi mandavi, memineris excusare tarditatem litterarum mearum. mundus iste cum M. Ennio quid egerit de testamento (curiosus <sum> enim) facias me velim certiorem. ex Arpinati vi non.

15.27

Scr. in Arpinati. v Non. Quint. a. 710 (44).

CICERO ATTICO SAL.

gaudeo id te mihi suadere quod ego mea sponte pridie feceram. nam cum ad te vi Nonas darem, eidem tabellario dedi etiam ad Sestium scriptas pa/nu filosto/rgwj . ille autem, quod Puteolos persequitur, humane, quod queritur, iniuste. non enim ego tam illum exspectare dum de Cosano rediret debui quam ille aut non ire ante quam me vidisset aut citius reverti. sciebat enim me celeriter velle proficisci seseque ad me in Tusculanum scripserat esse venturum.

[2] te, ut a me discesseris, lacrimasse moleste ferebam. quod si me praesente fecisses, consilium totius itineris fortasse mutassem. sed illud praeclare quod te consolata est spes brevi tempore

congrediendi; quae quidem exspectatio me maxime sustentat. meae tibi litterae non deerunt. de Bruto scribam ad te omnia. librum tibi celeriter mittam de gloria.' excudam aliquid (Hraklei/deion quod lateat in thesauris tuis. de Planco memini.

[3] Attica iure queritur. quod me de Bacchi, de statuarum coronis certiorem fecisti, valde gratum; nec quicquam posthac non modo tantum sed ne tantulum quidem praeterieris. et de Herode et mettio meminero et de omnibus quae te velle suspicabor modo. O turpem sororis tuae filium! Cum haec scriberem, adventabat au)th=? boulu/sei cenantibus nobis.

15.28

Scr. in Arpinati v Non. Quint a. 710 (44).

CICERO ATTICO SAL.

ego, ut ad te pridie scripseram, Nonis constitueram venire in Puteolanum. ibi igitur cotidie tuas litteras exspectabo et maxime de ludis; de quibus etiam ad Brutum tibi scribendum est. cuius epistulae quam interpretari ipse vix poteram exemplum pridie tibi miseram. Atticae meae velim me ita excuses ut omnem culpam in te transferas et ei tamen confirmes me immutatum amorem meum mecum abstulisse.

15.29

Scr. in Formiano prid. Non. Quint. a. 710 (44).

CICERO ATTICO SAL.

Bruti ad te epistulam misi. di boni, quanta a)mhxani/a ! cognosces cum legeris. de celebratione ludorum Bruti tibi adsentior. ad M. Aelium nullus tu quidem domum sed sicubi inciderit. de Tulliano semisse M. Axianum adhibebis, ut scribis. quod cum Cosano egisti, optime. quod non solum mea verum etiam tua <re> me expedis, gratum. legationem probari meam gaudeo. quod promittis di faxint! quid enim mihi meis iucundius? sed istam quam tu excipis metuo.

Brutum cum convenero, perscribam omnia. de Planco et Decimo sane velim. Sextum scutum abicere nolebam. de mundo, si quid scies.

[2] rescripsi ad omnia tua; nunc nostra accipe. Quintus filius usque Puteolos (mirus civis, ut tu Favonium Asinium dicas) et quidem duas ob causas,et ut mecum et ut spei/sasqai vult cum Bruto <et> Cassio. sed tu quid ais? scio enim te familiarem esse Othonum. ait hic sibi Iuliam ferre; constitutum enim esse discidium. quaesivit ex me pater qualis esset fama. dixi nihil sane me audisse (nesciebam enim cur quaereret) nisi de ore et patre. sed quorsus?' inquam. at ille filium velle. tum ego, etsi e)bdelutto/mhn , tamen negavi probabilia esse vera. Skopo\j (hoc est enim) huic nostro nihil praebere, illa autem ou) para\ tou=to . ego tamen suspicor hunc, ut solet, alucinari. sed velim quaeras (facile autem potes) et me certiorem.

[3] obsecro te, quid est hoc? signata iam epistula Formiani qui apud me cenabant Plancum se aiebant hunc Buthrotium pridie quam hoc scribebam, id est III non., vidisse demissum, sine phaleris; servulos autem dicere eum et agripetas eiectos a Buthrotiis. macte! sed, amabo te, perscribe mihi totum negotium.

LIBER SEXTVS DECIMVS

16.1

Scr. in Puteolano vi Id. Quint. a. 710 (44).

CICERO ATTICO SAL.

Nonis Quintilibus veni in Puteolanum. postridie iens ad Brutum in Nesidem haec scripsi. sed eo die quo veneram cenanti Eros tuas litteras. itane? NONIS IVLIIS? di hercule istis! sed stomachari totum diem licet. quicquamne turpius quam Bruto IVLIIS? redeo ad meum igitur ‘e)/t’ e)w=men ;’ nihil vidi.

[2] sed quid est, quaeso, quod agripetas Buthroti concisos audio? quid autem Plancus tam cursim (ita enim inaudiebam) diem et noctem? sane cupio scire quid sit.

[3] meam profectionem laudari gaudeo. videndum est ut mansio laudetur. Dymaeos agro pulsos mare infestum habere nil mirum.)En o(moploi/a? Bruti videtur aliquid praesidi esse, sed, opinor, minuta navigia. sed iam sciam et ad te cras.

[4] de Ventidio paniko\n puto. de Sexto pro certo habebatur ad arma. quod si verum est, sine bello civili video serviendum. quid ergo? <ad> Kal. Ian. in Pansa spes? Lh=roj polu\j in vino et in somno istorum.

[5] de c*c*x optime. Ciceronis rationes explicentur. Ovius enim recens. is multa quae vellem, in iis ne hoc quidem malum in mandatis si habunde HS L*XX*I satis esse, adfatim prorsus, sed Xenonem perexigue et gli/sxrwj praebere [id est minutatim]. quod plus permutasti quam ad fructum insularum, id ille annus habeat in quem itineris sumptus accessit. hinc ex Kal. Apr. ad HS L*xx*x accommodetur. nunc enim insulae tantum. videndum enim est quid, cum Romae erit. non enim puto socrum illam ferendam. Pindaro de Cumano negaram.

[6] nunc cuius rei causa tabellarium miserim accipe. Quintus filius mihi pollicetur se Catonem. egit autem et pater et filius ut tibi sponderem sed ita ut tum crederes cum ipse cognosses. huic ego

litteras ipsius arbitratu dabo. eae te ne moverint. has scripsi in eam partem ne me motum putares. di faxint ut faciat ea quae promittit! commune enim gaudium. sed ego — nihil dico amplius. is hinc vii Idus. ait enim attributionem in Idus, se autem urgeri acriter. tu ex meis litteris quo modo respondeas moderabere. plura, cum et Brutum videro et Erotem remittam. Atticae meae excusationem accipio eamque amo plurimum; cui et Piliae salutem.

16.2

Scr. in Puteolano v Id. Quint. a. 710 (44).

CICERO ATTICO SAL.

vi Idus duas epistulas accepi, unam a meo tabellario, alteram <a> Bruti. de Buthrotiis longe alia fama in his locis fuerat, sed cum aliis multis hoc ferendum. Erotem remisi citius quam constitueram, ut esset qui Hortensio et quia et quibus quidem ait se Idibus constituisse. Hortensius vero impudenter. nihil enim debetur ei nisi ex tertia pensione quae est Kal. Sext.; ex qua pensione ipsa maior pars est ei soluta aliquanto ante diem. sed haec Eros videbit Idibus.

de Publilio autem, quod perscribi oportet, moram non puto esse faciendam. sed cum videas quantum de iure nostro decesserimus qui de residuis C*CCC* HS C*C* praesentia solverimus, reliqua rescribamus, loqui cum eo, si tibi videbitur, poteris eum commodum nostrum exspectare debere, cum tanta sit a nobis iactura facta iuris.

[2] sed amabo te, mi Attice, (videsne quam blande?), omnia nostra, quoad eris Romae, ita gerito, regito, gubernato ut nihil a me exspectes. quamquam enim reliqua satis apta sunt ad solvendum, tamen fit saepe ut ii qui debent non respondeant ad tempus. si quid eius modi acciderit, ne quid tibi sit fama mea potius. non modo versura verum etiam venditione, si ita res coget, nos vindicabis.

[3] Bruto tuae litterae gratae erant. fui enim apud illum multas horas in Neside, cum paulo ante tuas litteras accepissem. delectari mihi Tereo videbatur et habere maiorem Accio quam Antonio gratiam. mihi autem <quo> laetiora sunt, eo plus stomachi et molestiae est populum Romanum manus suas non in defendenda re

publica sed in plaudendo consumere. mihi quidem videntur istorum animi incendi etiam ad repraesentandam improbitatem suam. sed tamen

du/m modo doleant a/liquid, doleant qui/dlibet.

[4] consilium meum quod ais cotidie magis laudari non moleste fero exspectabamque si quid de eo ad me scriberes. ego enim in varios sermones incidebam. quin etiam idcirco trahebam ut quam diutissime integrum esset. sed quoniam furcilla extrudimur, Brundisium cogito. facilior enim et exploratior devitatio legionum fore videtur quam piratarum qui apparere dicuntur.

Sestius vi Idus exspectabatur sed non venerat, quod sciam. Cassius cum classicula sua venerat. ego cum eum vidissem, v id. in Pompeianum cogitabam, inde Aeculanum. Nosti reliqua. de Tutia ita putaram.

[5] de Aebutio non credo nec tamen curo plus quam tu. Planco et Oppio scripsi equidem quoniam rogaras, sed, si tibi videbitur, ne necesse habueris reddere. cum enim tua causa fecerint omnia, vereor ne meas litteras supervacaneas arbitrentur. Oppio quidem utique quem tibi amicissimum cognovi. verum ut voles.

[6] tu quoniam scribis hiematurum te in Epiro, feceris mihi gratum si ante eo veneris quam mihi in Italiam te auctore veniendum est. litteras ad me quam saepissime; si de rebus minus necessariis, aliquem nactus; sin autem erit quid maius, domo mittito.

(Hraklei/deion , si Brundisium salvi, adoriemur. ‘de gloria’ misi tibi. custodies igitur, ut soles, sed notentur e)klogai\ quas Salvius bonos auditores nactus in convivio dumtaxat legat. mihi valde placent, mallem tibi. etiam atque etiam vale.

16.3

Scr. in Pompeiano xvi K Sext. a. 710 (44).

CICERO ATTICO SAL.

tu vero sapienter (nunc demum enim rescribo iis litteris quas mihi misisti convento Antonio Tiburi) sapienter igitur quod manus dedisti quodque etiam ultro gratias egisti. certe enim, ut scribis, deseremur

ocius a re publica quam a re familiari. quod vero scribis te <magis et> magis delectare ‘O Tite, si quid,’ auges mihi scribendi alacritatem. quod Erotem non sine munusculo exspectare te dicis, gaudeo non fefellisse eam rem opinionem tuam; sed tamen idem su/ntagma misi ad te retractatius et quidem arxe\tupon ipsum crebris locis inculcatum et refectum. hunc tu tralatum in macrocollum lege arcano convivis tuis sed, si me amas, hilaris et bene acceptis, ne in me stomachum erumpant cum sint tibi irati.

[2] de Cicerone velim ita sit ut audimus. de Xenone coram cognoscam; quamquam nihil ab eo arbitror neque indiligenter neque inliberaliter. de Herode faciam ut mandas et ea quae scribis ex Saufeio et e Xenone cognoscam. de Quinto filio gaudeo tibi meas litteras prius a tabellario meo quam ab ipso redditas; quamquam te nihil fefellisset. verum tamen — . sed exspecto quid ille tecum, quid tu vicissim, nec dubito quin suo more uterque. sed eas litteras Curium mihi spero redditurum. qui quidem etsi per se est amabilis a meque diligitur, tamen accedet magnus cumulus commendationis tuae.

[4] litteris tuis satis responsum est; nunc audi quod, etsi intellego scribi necesse non esse, scribo tamen. multa me movent in discessu, in primis me hercule quod diiungor a te. movet etiam navigationis labor alienus non ab aetate solum nostra verum etiam a dignitate tempusque discessus subabsurdum. relinquimus enim pacem ut ad bellum revertamur, quodque temporis in praediolis nostris et belle aedificatis et satis amoenis consumi potuit in peregrinatione consumimus. consolantur haec: aut proderimus aliquid Ciceroni aut quantum profici possit iudicabimus. deinde tu iam, ut spero et ut promittis, aderis. quod quidem si acciderit, omnia nobis erunt meliora.

[5] maxime autem me angit ratio reliquorum meorum. quae quamquam explicata sunt, tam en, quod et Dolabellae nomen in iis est et <in> attributione mihi nomina ignota, conturbor, nec me ulla res magis angit ex omnibus. itaque non mihi videor errasse quod ad Balbum scripsi apertius ut, si quid tale accidisset ut non concurrerent nomina, subveniret meque tibi etiam mandasse ut, si quid eius modi accidisset, cum <eo> communicares. quod facies, si tibi videbitur, eoque magis, si proficisceris in Epirum.

[6] haec ego conscendens e Pompeiano tribus actuariolis decemscalmis. Brutus erat in Neside etiam nunc, Neapoli Cassius. ecquid amas Deiotarum et non amas Hieram? qui, ut Blesamius venit ad me, cum ei praescriptum esset ne quid sine Sexti nostri sententia ageret, neque ad illum neque ad quemquam nostrum rettulit. Atticam nostram cupio absentem suaviari. ita mi dulcis salus visa est per te missa ab illa. referes igitur ei plurimam itemque Piliae dicas velim.

16.4

Scr. in Puteolano vi Id. Quint. a. 710 (44).

CICERO ATTICO SAL.

ita ut heri tibi narravi vel fortasse hodie (Quintus enim altero die se aiebat), in Nesida viii Idus. ibi Brutus. quam ille doluit de NONIS IVLIIS! mirifice est conturbatus. itaque sese scripturum aiebat ut venationem eam quae postridie ludos Apollinaris futura est proscriberent <in> III IDVS QVINTILIS. Libo intervenit. is Philonem Pompei libertum et Hilarum suum libertum venisse a Sexto cum litteris ad consules sive quo alio nomine sunt. earum exemplum nobis legit, si quid videretur. pauca para\ le/cin , ceteroqui et satis graviter et non contumaciter. tantum addi placuit, quod erat coss. solum, ut esset PRAETT., TRIBB. PL., SENATVI, ne illi non proferrent eas quae ad ipsos missae essent.

[2] Sextum autem nuntiant cum una solum legione fuisse Karthagine eique eo ipso die quo oppidum Baream cepisset nuntiatum esse de Caesare, capto oppido miram laetitiam commutationemque animorum concursumque undique; sed illum ad sex legiones quas in ulteriore reliquisset revertisse. ad ipsum autem Libonem scripsit nihil esse nisi ad larem suum liceret. summa postulatorum ut omnes exercitus dimittantur qui ubique sint. haec fere de Sexto.

[3] de Buthrotiis undique quaerens nihil reperiebam. Alii concisos agripetas, alii Plancum acceptis nummis relictis illis aufugisse. itaque non video sciturum me quid eius sit ni statim aliquid litterarum.

[4] iter illud Brundisium de quo dubitabam sublatum videtur.

legiones enim adventare dicuntur. haec autem navigatio habet quasdam suspiciones periculi. itaque constituebam uti o(moploi/a? . paratiorem enim offendi Brutum quam audiebam. nam et ipse <et> Domitius bona plane habet dicrota suntque navigia praeterea luculenta Sesti, Buciliani, ceterorum. nam Cassi classem quae plane bella est non numero ultra fretum. illud est mihi submolestum quod parum Brutus properare videtur. primum confectorum ludorum nuntios exspectat; deinde, quantum intellego, tarde est navigaturus consistens in locis pluribus. tamen arbitror esse commodius tarde navigare quam omnino non navigare; et si, cum processerimus, exploratiora videbuntur, etesiis utemur.

16.5

Scr. in Puteolano vii Id. Quint a. 710 (44).

CICERO ATTICO SAL.

tuas iam litteras Brutus exspectabat. cui quidem ego [non] novum attuleram de Tereo Acci. ille Brutum putabat. sed tamen rumoris nescio quid adflaverat commissione Graecorum frequentiam non fuisse; quod quidem me minime fefellit; scis enim quid ego de Graecis ludis existimem.

[2] nunc audi quod pluris est quam omnia. Quintus fuit mecum dies compluris et, si ego cuperem, ille vel pluris fuisset; sed quam diu fuit, incredibile est quam me in omni genere delectarit in eoque maxime in quo minime satis faciebat. sic enim commutatus est totus et scriptis meis quibusdam quae in manibus habebam et adsiduitate orationis et praeceptis ut tali animo in rem publicam quali nos volumus futurus sit. hoc cum mihi non modo confirmasset sed etiam persuasisset, egit mecum accurate multis verbis tibi ut sponderem se dignum et te et nobis futurum; neque se postulare ut statim crederes sed, cum ipse perspexisses, tum ut se amares.

quod nisi fidem mihi fecisset iudicassemque hoc quod dico firmum fore, non fecissem id quod dicturus sum. duxi enim mecum adulescentem ad Brutum. sic ei probatum est quod ad te scribo ut ipse crediderit, me sponsorem accipere noluerit eumque laudans

amicissime mentionem tui fecerit, complexus osculatusque dimiserit. quam ob rem etsi magis est quod gratuler tibi quam quod te rogem, tamen etiam rogo ut, si quae minus antea propter infirmitatem aetatis constanter ab eo fieri videbantur, ea iudices illum abiecisse mihique credas multum adlaturam vel plurimum potius ad illius iudicium confirmandum auctoritatem tuam.

[3] Bruto cum saepe iniecissem de o(moploi/a? , non perinde atque ego putaram adripere visus est. existimabam metewro(teron esse, et hercule erat et maxime de ludis. at mihi cum ad villam redissem, Cn. Lucceius qui multum utitur Bruto narravit illum valde morari non tergiversantem sed exspectantem si qui forte casus. itaque dubito an Venusiam tendam et ibi exspectem de legionibus. si aberunt, ut quidam arbitrantur, Hydruntem, si neutrum erit a)sfale/j , eodem revertar. iocari me putas? moriar si quisquam me tenet praeter te. etenim circumspice, sed ante quam erubesco.

[4] O dies in auspicus Lepidi <lepide> descriptos et apte ad consilium reditus nostri! magna r(oph\ ad proficiscendum <in> tuis litteris. atque utinam te illic! sed ut conducere putabis.

[5] Nepotis epistulam exspecto. cupidus ille meorum? qui ea quibus maxime gauriw= legenda non putet. et ais ‘met’ a)mu/mona ‘! tu vero a)mu/mwn , ille quidem a)/mbrotoj . mearum epistularum nulla est sunagwgh/ ; sed habet Tiro instar septuaginta, et quidem sunt a te quaedam sumendae. eas ego oportet perspiciam, corrigam; tum denique edentur.

16.6

Scr. Vibone viii K Sext a. 710 (44).

CICERO ATTICO SAL.

ego adhuc (perveni enim Vibonem ad Siccam) magis commode quam strenue navigavi; remis enim magnam partem, prodromi nulli. illud satis opportune, duo sinus fuerunt quos tramitti oporteret, Paestanus et Vibonensis. utrumque pedibus aequis tramisimus. veni igitur ad Siccam octavo die e Pompeiano, cum unum diem Veliae constitissem; ubi quidem fui sane libenter apud Thalnam nostrum

nec potui accipi, illo absente praesertim, liberalius. viiii Kal. igitur ad Siccam. ibi tamquam domi meae scilicet. itaque obduxi posterum diem. sed putabam, cum Regium venissem, fore ut illic ‘dolixo\n plo/on o(rmai/nontej cogitaremus corbitane Patras an actuariolis ad Leucopetram Tarentinorum atque inde Corcyram et, si oneraria, statimne freto an Syracusis. hac super re scribam ad te Regio.

[2] me hercule, mi Attice, saepe mecum, H(deu=r’ o(do/j soi ti/du/natai; cur ego tecum non sum? cur ocellos Italiae, villulas meas, non video? sed id <satis> superque tecum me non esse, quid fugientem? periculumne? at id nunc quidem, nisi fallor, nullum est. ad ipsum enim revocat me auctoritas tua; scribis enim in caelum ferri profectionem meam sed ita si ante K. Ianuar. redeam; quod quidem certe enitar. malo enim vel cum timore domi esse quam sine timore Athenis tuis. sed tamen perspice quo ista vergant mihique aut scribe aut, quod multo malim, adfer ipse. haec hactenus.

[3] illud velim in bonam partem accipias me agere tecum quod tibi maiori curae sciam esse quam ipsi mihi. nomina mea, per deos, expedi, exsolve. bella reliqua reliqui; sed opus est diligentia coheredibus pro Cluviano Kal. Sextil. persolutum ut sit. Cum Publilio quo modo agendum sit videbis. non debet urgere, quoniam iure non utimur. sed tamen ei quoque satis fieri plane volo. Terentiae vero quid ego dicam? etiam ante diem, si potes. quin si, ut spero, celeriter in Epirum, hoc quod satis dato debeo peto a te ut ante provideas planeque expedias et solutum relinquas.

[4] sed de his satis, metuoque ne tu nimium putes. nunc neglegentiam meam cognosce. ‘de gloria’ librum ad te misi. at in eo prohoemium idem est quod in academico tertio. id evenit ob eam rem quod habeo volumen prohoemiorum. ex eo eligere soleo cum aliquod su/ggrama institui. itaque iam in Tusculano, qui non meminissem me abusum isto prohoemio, conieci id in eum librum quem tibi misi. Cum autem in navi legerem academicos, adgnovi erratum meum. itaque statim novum prohoemium exaravi et tibi misi. tu illud desecabis, hoc adglutinabis. Piliae salutem dices et Atticae, deliciis atque amoribus meis.

16.7

Scr. navigans ad Pompeianum xiv K. Sept. a. 710 (44).

CICERO ATTICO SAL.

viii Idus Sextil. cum a Leucopetra profectus (inde enim tramittebam) stadia circiter ccc processissem, reiectus sum austro vehementi ad eandem Leucopetram. ibi cum ventum exspectarem (erat enim villa Valeri nostri, ut familiariter essem et libenter), Regini quidam illustres homines eo venerunt Roma sane recentes, in iis Bruti nostri hospes qui Brutum Neapoli reliquisset. haec adferebant, edictum Bruti et Cassi, et fore frequentem senatum Kalendis, a Bruto et Cassio litteras missas ad consularis et praetorios ut adessent rogare. summam spem nuntiabant fore ut Antonius cederet, res conveniret, nostri Romam redirent. addebant etiam me desiderari, subaccusari.

[2] quae cum audissem, sine ulla dubitatione abieci consilium profectionis quo me hercule ne antea quidem delectabar. Lectis vero tuis litteris admiratus equidem sum te tam vehementer sententiam commutasse, sed non sine causa arbitrabar. etsi, quamvis non fueris suasor et impulsor profectionis meae, adprobator certe fuisti, dum modo Kal. Ian. Romae essem. ita fiebat ut, dum minus periculi videretur, abessem, in flammam ipsam venirem. sed haec, etiam si non prudenter, tamen a)neme/shta sunt, primum quod de mea sententia acta sunt, deinde etiam si te auctore, quid debet qui consilium dat praestare praeter fidem? illud admirari satis non potui quod scripsisti his verbis, ‘bene igitur tu qui eu)qanasi/an , bene! relinque patriam.’ an ego relinquebam aut tibi tum relinquere videbar? tu id non modo non prohibebas verum etiam adprobabas. graviora quae restant velim sxo/lion aliquod elimes ad me oportuisse te istuc facere.’ itane, mi Attice? defensione eget meum factum, praesertim apud te qui id mirabiliter adprobasti? ego vero istum a)pologismo\n sunta/comai , sed ad eorum aliquem quibus invitis et dissuadentibus profectus sum. etsi quid iam opus est sxoli/w? ? ‘si perseverassem, opus fuisset. ‘at hoc ipsum non constanter.’ nemo doctus umquam (multa autem de hoc genere scripta sunt) mutationem consili inconstantiam dixit esse.

[4] deinceps igitur haec, ‘nam si a Phaedro nostro esses, expedita excusatio esset; nunc quid respondemus?’ ergo id erat meum factum

quod Catoni probare non possim? flagiti scilicet plenum et dedecoris. Vtinam a primo ita tibi esset visum! tu mihi, sicut esse soles, fuisses Cato. [5] extremum illud vel molestissimum, ‘nam Brutus noster silet,’ hoc est, non audet hominem id aetatis monere. aliud nihil habeo quod ex iis a te verbis significari putem, et hercule ita est. nam xvi Kal. Sept. cum venissem Veliam, Brutus audivit; erat enim cum suis navibus apud Haletem fluvium citra Veliam milia passus III. pedibus ad me statim. di immortales, quam valde ille reditu vel potius reversione mea laetatus effudit illa omnia quae tacuerat! ut recordarer illud tuum. ‘nam Brutus noster silet.’ maxime autem dolebat me Kal. Sext in senatu non fuisse.

Pisonem ferebat in caelum; se autem laetari quod effugissem duas maximas vituperationes, unam, quam itinere faciendo me intellegebam suscipere, desperationis ac reictionis rei publicae (flentes mecum vulgo querebantur quibus de meo celeri reditu non probabam), alteram, de qua Brutus et qui una erant (multi autem erant) laetabantur, quod eam vituperationem effugissem me existimari ad Olympia. hoc vero nihil turpius quovis rei publicae tempore sed hoc a)napolo/ghton . ego vero austro gratias miras qui me a tanta infamia averterit.

[6] reversionis has speciosas causas habes iustas illas qui dem et magnas; sed nulla iustior quam quod tu idem aliis litteris, ‘provide, si cui quid debetur, ut sit unde par pari respondeatur. mirifica enim dusxrhsti/a est propter metum armorum.’ in freto medio hanc epistulam legi, ut quid possem providere in mentem mihi non veniret nisi ut praesens me ipse defenderem. sed haec hactenus; reliqua coram.

[7] Antoni edictum legi a Bruto et horum contra scriptum praeclare; sed quid ista edicta valeant aut quo spectent plane non video. nec ego nunc, ut Brutus censebat, istuc ad rem publicam capessendam venio. quid enim fieri potest? num quis Pisoni est adsensus? num rediit ipse postridie? sed abesse hanc aetatem longe a sepulcro negant oportere.

[8] sed obsecro te, quid est quod audivi de Bruto? Piliam peira/zesqai paralu/sei te scripsisse aiebat. valde sum commotus. etsi idem te scribere sperare melius. ita plane velim et ei dicas plurimam salutem et suavissimae Atticae. haec scripsi navigans cum <prope>

Pompeianum accederem xiiii Kal.

16.8

Scr. in Puteolano iv Non. Nov. a. 710 (44).

CICERO ATTICO SAL.

cum sciam quo die venturus sim, faciam ut scias. impedimenta exspectanda sunt quae Anaunia veniunt et familia aegra est. Kal. vesperi litterae mihi ab Octaviano. Magna molitur. veteranos qui <sunt> Casilini et Calatiae perduxit ad suam sententiam. nec mirum, quingenos denarios dat. cogitat reliquas colonias obire. plane hoc spectat ut se duce bellum geratur cum Antonio. itaque video paucis diebus nos in armis fore. quem autem sequamur? vide nomen, vide aetatem. atque a me postulat primum ut clam conloquatur mecum vel Capuae vel non longe a Capua. puerile hoc quidem, si id putat clam fieri posse. docui per litteras id nec opus esse nec fieri posse.

[2] misit ad me Caecinam quendam Volaterranum familiarem suum; qui haec pertulit, Antonium cum legione alaudarum ad urbem pergere, pecunias municipiis imperare, legionem sub signis ducere. consultabat utrum Romam cum ci[c] ci[c] ci[c] veteranorum proficisceretur an Capuam teneret et Antonium venientem excluderet an iret ad tris legiones Macedonicas quae iter secundum mare superum faciunt; quas sperat suas esse. eae congiarium ab Antonio accipere noluerunt, ut hic quidem narrat, et ei convicium grave fecerunt contionantemque reliquerunt. quid quaeris? ducem se profitetur nec nos sibi putat deesse oportere. equidem suasi ut Romam pergeret. videtur enim mihi et plebeculam urbanam et, si fidem fecerit, etiam bonos viros secum habiturus. O Brute, ubi es? quantam eu)kairi/an amittis! non equidem hoc divinavi sed aliquid tale putavi fore. nunc tuum consilium exquiro. Romamne venio an hic maneo an Arpinum (a)sfa/leian habet is locus) fugiam? Romam, ne desideremur si quid actum videbitur. hoc igitur explica. numquam in maiore a)pori/a? fui.

16.9

Scr. in Puteolano prid. Non. Nov. a. 710 (44).

CICERO ATTICO SAL.

binae uno die mihi litterae ab Octaviano, nunc quidem ut Romam statim veniam; velle se rem agere per senatum. cui ego non posse senatum ante K. Ianuar., quod quidem ita credo. ille autem addit ‘consilio tuo.’ quid multa? ille urget, ego autem skh/ptomai . non confido aetati, ignoro quo animo. nil sine Pansa tuo volo. vereor ne valeat Antonius nec a mari discedere libet et metuo ne quae a)ristei/a me absente. Varroni quidem displicet consilium pueri, mihi non. si firmas copias habet, Brutum habere potest, et rem gerit palam. centuriat Capuae, dinumerat. iam iamque video bellum. ad haec rescribe. tabellarium meum Kalend. Roma profectum sine tuis litteris miror.

16.10

Scr. in Sinuessano vi Id. Nov. a. 710 (44).

CICERO ATTICO SAL.

vii id. veni ad me in Sinuessanum. eodem die vulgo loquebantur Antonium mansurum esse Casilini. itaque mutavi consilium; statueram enim recta Appia Romam. facile me ille esset adsecutus. aiunt enim eum Caesariana uti celeritate. verti igitur me a Menturnis Arpinum versus. constitueram ut v Idus aut Aquini manerem aut in Arcano.

[2] nunc, mi Attice, tota mente incumbe in hanc curam; magna enim res est. tria sunt autem, maneamne Arpini an propius accedam an veniam Romam. quod censueris faciam. sed quam primum. avide exspecto tuas litteras. vi Idus mane e Sinuessano.

16.11

Scr. in Puteolano Non. Nov. a. 710 (44).

CICERO ATTICO SAL.

Nonis accepi a te duas epistulas quarum alteram Kal. dederas, alteram pridie. igitur prius ad superiorem. nostrum opus tibi probari laetor; ex quo a)/nqh ipsa posuisti. quae mihi florentiora sunt visa tuo iudicio; cerulas enim tuas miniatulas illas extimescebam. de Sicca ita est ut scribis; <ab> asta ea aegre me tenui. itaque perstringam sine ulla contumelia Siccae aut Septimiae, tantum ut sciant 'pai=dej pai/dwn ' sine fallw=? Luciliano eum ex C. Fadi filia liberos habuisse. atque utinam eum diem videam cum ista oratio ita libere vagetur <ut> etiam in Siccae domum introeat! sed illo tempore opus est quod fuit illis iiiviris. moriar nisi facete! tu vero leges Sexto eiusque iudicium mihi perscribes. 'Ei(=j e)moi\ mu/rioi .' Caleni interventum et Calvenae cavebis.

[2] quod vereris ne a)do/lesxoj mihi tu, quis minus? cui, ut Aristophani Archilochi iambus, sic epistula <tua> longissima quaeque optima videtur. quod me admones, tu vero etiam si reprenderes, non modo facile paterer sed etiam laetarer, quippe cum in reprensione sit prudentia cum eu)menei/a? . ita libenter ea corrigam quae a te animadversa sunt, 'eodem iure quo Rubriana' potius quam 'quo Scipionis,' et de laudibus Dolabellae deruam cumulum. ac tamen est isto loco bella, ut mihi videtur, ei)rwnai/a , quod eum ter contra civis in acie. illud etiam malo 'indignissimum est hunc vivere' quam 'quid indignius?'

[3] Peplografi/an Varronis tibi probari non moleste fero; a quo adhuc (Hraklei/deion illud non abstuli. quod me hortaris ad scribendum, amice tu quidem, sed me scito agere nihil aliud. gravedo tua mihi molesta est. quaeso, adhibe quam soles diligentiam. 'O Tite' tibi prodesse laetor. 'Anagnini' sunt mustela tacia/rxhj et Laco qui plurimum bibit. Librum quem rogas perpoliam et mittam.

[4] haec ad posteriorem. ta\ peri\ tou= kaqh/kontoj quatenus Panaetius, absolvi duobus. illius tres sunt; sed cum initio divisisset ita, tria genera exquirendi offici esse, unum, cum deliberemus honestum an turpe sit, alterum, utile an inutile, tertium, cum haec inter se pugnare videantur, quo modo iudicandum sit, qualis causa Reguli, redire honestum, manere utile, de duobus primis praeclare disseruit, de tertio pollicetur se deinceps sed nihil scripsit. Eum locum Posidonius persecutus <est>. ego autem et eius librum arcessivi et ad Athenodorum Calvum scripsi ut ad me ta\ kefa\laia

mitteret; quae exspecto. quem velim cohortere et roges ut quam primum. in eo est peri\ tou= kata\ peri/stasin kaqh/kontoj . quod de inscriptione quaeris, non dubito quin kaqh=kon ‘officium’ sit, nisi quid tu aliud; sed inscriptio plenior ‘de officiis.’ Prosfwnw= autem Ciceroni filio. visum est non a)noi/keion .

[5] de Myrtilo dilucide. O qualis tu semper istos! itane? in D. Brutum? di istis!

[6] ego me, ut scripseram, in Pompeianum non abdidi primo tempestatibus quibus nil taetrius; deinde ab Octaviano cotidie litterae ut negotium susciperem, Capuam venirem, iterum rem publicam servarem, Romam utique statim. ai)/desqen me\n a)nh/nasqai, dei=san d’ u(pode/xqai. is tamen egit sane strenue et agit. Romam veniet cum manu magna, sed est plane puer. putat senatum statim. quis veniet? si venerit, quis incertis rebus offendet Antonium? Kal. Ianuar. erit fortasse praesidio aut quidem ante depugnabitur. puero municipia mire favent. iter enim faciens in Samnium venit cales, mansit Teani. mirifica a)pa/nthsij et cohortatio. hoc tu putares? ob hoc ego citius Romam quam constitueram. simul et constituero scribam.

[7] etsi nondum stipulationes legeram (nec enim Eros venerat), tamen rem pridie Idus velim conficias. epistulas Catinam, Tauromenium, Syracusas commodius mittere potero si Valerius interpres ad me nomina gratiosorum scripserit. Alii enim sunt alias, nostrique familiares fere demortui. publice tamen scripsi, si uti vellet eis Valerius; aut mihi nomina mitteret.

[8] de Lepidianis feriis Balbus ad me usque ad iii Kal. Exspectabo tuas litteras meque <de> Torquati negotiolo sciturum puto. Quinti litteras ad te misi ut scires quam valde eum amaret quem dolet a te minus amari. Atticae, quoniam, quod optimum in pueris est, hilarula est, meis verbis suavium des volo.

16.12

Scr. in Puteolano vii Id. Nov. a. 710 (44).

CICERO ATTICO SAL.

Oppi epistulae, quia perhumana erat, tibi misi exemplum. de Ocella, dum tu muginaris nec mihi quicquam rescribis, cepi consilium domesticum itaque me pr. Idus arbitror Romae futurum. Commodius est visum frustra me istic t esse, cum id non necesse esset, quam, si opus esset, non adesse, et simul ne intercluderer metuebam. ille enim iam adventare potest. etsi varii rumores multique quos cuperem veros, nihil tamen certi. ego vero, quicquid est, tecum potius quam animi pendeam, cum a te absim, et de te et de me. sed quid tibi dicam? bonum animum. de (Hrakleidei/w? Varronis negotia salsa. me quidem nihil umquam sic delectavit. sed haec et alia maiora coram.

16.13

Scr. Aquini iv Id. Nov. a. 710 (44).

CICERO ATTICO SAL.

O casum mirificum! v Idus cum ante lucem de Sinuessano surrexissem venissemque diluculo ad pontem Tirenum qui est Menturnis, in quo flexus est ad iter Arpinas, obviam mihi fit tabellarius, qui me offendit ‘dolixo\n plo/on o(rmai/nonta .’ at ego statim ‘cedo’ inquam ‘si quid ab Attico.’ nondum legere poteramus; nam et lumina dimiseramus nec satis lucebat. Cum autem luceret, ante scripta epistula ex duabus tuis prior mihi legi coepta est. illa omnium quidem elegantissima. ne sim salvus si aliter scribo ac sentio. nihil legi humanius. itaque veniam quo vocas, modo adiutore te. sed nihil tam a)prosdio/nuson mihi primo videbatur quam ad eas litteras quibus ego a te consilium petieram te mihi ista rescribere.

[2] ecce tibi altera qua hortaris ‘par’ h)nemo/enta Mi/manta, nh/sou e)pi\ Yuri/hj ,’ Appiam scilicet ‘e)p’ a)riste/r’ e)/xonta .’ itaque eo die mansi Aquini. longulum sane iter et via mala. Inde postridie mane proficiscens has litteras dedi.

[3] * * * et quidem, ut a me dimitterem invitissimus fecerunt Erotis litterae. rem tibi Tiro narrabit. tu quid faciendum sit videbis. praeterea possimne propius accedere (malo enim esse in Tusculano aut uspiam in suburbano) an etiam longius discedendum putes crebro

ad me velim scribas. erit autem cotidie cui des.

[4] quod praeterea consulis, quid tibi censeam faciundum difficile est cum absim. verum tamen si pares aeque inter se, quiescendum, sin, latius manabit et quidem ad nos; deinde communiter.

16.13a

Scr. in Arpinati iii Id. Nov. a. 710 (44).

CICERO ATTICO SAL.

avide tuum consilium exspecto. timeo ne absim cum adesse me sit honestius; temere venire non audeo. de Antoni itineribus nescio quid aliter audio atque ut ad te scribebam. omnia igitur velim explices et ad me certa mittas.

[2] de reliquo quid tibi ego dicam? ardeo studio historiae (incredibiliter enim me commovet tua cohortatio) quae quidem nec institui nec effici potest sine tua ope. Coram igitur hoc quidem conferemus. in praesentia mihi velim scribas quibus consulibus C. Fannius M. f. tribunus pl. fuerit. videor mihi audisse P. Africano L. Mummio censoribus. id igitur quaero. tu mihi de iis rebus quae novantur omnia certa, clara. iii Idus ex Arpinati.

16.14

Scr. in Arpinati medio mense Novembri a. 710 (44).

CICERO ATTICO SAL.

nihil erat plane quod scriberem. nam cum Puteolis essem, cotidie aliquid novi de Octaviano, multa etiam falsa de Antonio. ad ea autem quae scripsisti (tris enim acceperam iii Idus a te epistulas), valde tibi adsentior, si multum possit Octavianus, multo firmius acta tyranni comprobatum iri quam in telluris atque id contra Brutum fore. sin autem vincitur, vides intolerabilem Antonium, ut quem velis nescias.

[2] O Sesti tabellarium hominem nequam! postridie Puteolis Romae se dixit fore. quod me mones ut pedetemptim, adsentior; etsi aliter cogitabam. nec me Philippus aut Marcellus movet. Alia enim

eorum ratio <est> et, si non est, tamen videtur. sed in isto iuvene, quamquam animi satis, auctoritatis parum est. tamen vide, si forte in Tusculano recte esse possum, ne id melius sit. ero libentius; nihil enim ignorabo. an hic, cum Antonius venerit?

[3] sed, ut aliud ex alio, mihi non est dubium quin quod Graeci kaqh=kon , nos 'officium.' id autem quid dubitas quin etiam in rem publicam praeclare caderet? nonne dicimus 'consulum officium, senatus officium, imperatoris officium'? praeclare convenit; aut da melius.

[4] male narras de Nepotis filio. valde me hercule moveor et moleste fero. nescieram omnino esse istum puerum. Caninium perdidi, hominem, quod ad me attinet, non ingratum. Athenodorum nihil est quod hortere. misit enim satis bellum u(po/mnhma . gravedini, quaeso, omni ratione subveni. avi tui pronepos scribit ad patris mei nepotem se ex Nonis iis quibus nos magna gessimus aedem Opis explicaturum idque ad populum. videbis igitur et scribes. Sexti iudicium exspecto.

16.15

Scr. in Arpinati ante v Id. Dec. a. 710 (44).

CICERO ATTICO SAL.

noli putare pigritia me facere quod non mea manu scribam, sed me hercule pigritia. nihil enim habeo aliud quod dicam. et tamen in tuis quoque epistulis Alexim videor agnoscere. sed ad rem venio. ego si me non improbissime Dolabella tractasset, dubitassem fortasse utrum remissior essem an summo iure contenderem. nunc vero etiam gaudeo mihi causam oblatam in qua et ipse sentiat et reliqui omnes me ab illo abalienatum, idque prae me feram et quidem me causa facere et rei publicae cui illum oderim, quod, cum eam me auctore defendere coepisset, non modo deseruerit emptus pecunia sed etiam, quantum in ipso fuerit, everterit.

[2] quod autem quaeris quo modo agi placeat, cum dies venerit, primum velim eius modi sit ut non alienum sit me Romae esse; de quo ut de ceteris faciam ut tu censueris. de summa autem agi prorsus

vehementer et severe volo. etsi sponsores appellare videtur habere quandam duswpi/an , tamen hoc quale sit consideres velim. possumus enim, ut sponsores appellemus, procuratorem introducere; neque enim illi litem contestabuntur. quo facto non sum nescius sponsores liberari. sed et illi turpe arbitror eo nomine quod satis dato debeat procuratores eius non dissolvere, et nostrae gravitatis ius nostrum sine summa illius ignominia persequi. de hoc quid placeat rescribas velim; nec dubito quin hoc totum lenius administraturus sis.

[3] redeo ad rem publicam. multa me hercule a te saepe in politikw=? genere prudenter sed his litteris nihil prudentius: 'quamquam enim postea in praesentia belle iste puer retundit Antonium, tamen exitum exspectare debemus.' at quae contio! nam est missa mihi. iurat ita sibi parentis honores consequi liceat et simul dextram intendit ad statuam. Mhde\ swqei/hn u(po/ ge toiou/tou ! sed, ut scribis, certissimum esse video discrimen Cascae nostri tribunatum, de quo quidem ipso dixi Oppio, cum me hortaretur ut adulescentem totamque causam manumque veteranorum complecterer, me nullo modo facere posse, <ni> mihi exploratum esset eum non modo non inimicum tyrannoctonis verum etiam amicum fore.

cum ille diceret ita futurum, 'quid igitur festinamus?' inquam. 'illi enim mea opera ante Kal. Ian. nihil opus est, nos autem eius voluntatem ante Idus Decembr. perspiciemus in Casca.' valde mihi adsensus est. quam ob rem haec quidem hactenus. quod reliquum est, cotidie tabellarios habebis et, ut ego arbitror, etiam quod scribas habebis cotidie. Leptae litterarum exemplum tibi misi ex quo mihi videtur stratu/llac ille deiectus de gradu. sed tu, cum legeris, existimabis.

[4] obsignata iam epistula litteras a te et a Sexto accepi. nihil iucundius litteris Sexti, nihil amabilius. nam tuae breves, priores erant [litterae] uberrimae. tu quidem et prudenter et amice suades ut in his locis potissimum sim, quoad audiamus haec quae commota sunt quorsus evadant.

[5] sed me, mi Attice, non sane hoc quidem tempore movet res publica, non quo aut sit mihi quicquam carius aut esse debeat sed desperatis etiam Hippocrates vetat adhibere medicinam. qua re ista valeant; me res familiaris movet. rem dico? immo vero existimatio.

Cum enim tanta reliqua sint mihi, ne Terentiae quidem adhuc quod solvam expeditum est. Terentiam dico? scis nos pridem iam constituisse Montani nomine HS x*x*v dissolvere. pudentissime hoc Cicero petierat ut fide sua. Liberalissime, ut tibi quoque placuerat, promiseram Erotique dixeram ut sepositum habe ret. non modo sed iniquissimo faenore versuram facere Aurelius coactus est. nam de Terentiae nomine Tiro ad me scripsit te dicere nummos a Dolabella fore. male eum credo intellexisse, si quisquam male intellegit, potius nihil intellexisse. tu enim ad me scripsisti Coccei responsum et isdem paene verbis Eros.

[6] veniendum est igitur vel in ipsam flammam. turpius est enim privatim cadere quam publice. itaque ceteris de rebus quas ad me suavissime scripsisti perturbato animo non potui, ut consueram, rescribere. consenti in hac cura, ubi sum , ut me expediam; quibus autem rebus venit quidem mihi in mentem sed certi constituere nihil possum prius quam te videro. qui minus autem ego istic recte esse possim quam est Marcellus? sed non id agitur neque id maxime curo; quid curem vides. adsum igitur.

16.16

Scr. in Tusculano inter v et prid. Non. Quint a. 710 (44).

CICERO SVO SAL. DIC. ATTICO

iucundissimas tuas legi litteras. ad Plancum scripsi, misi. habes exemplum. Cum Tirone quid sit locutus cognoscam ex ipso.

[2] cum sorore ages attentius, si te occupatione ista relaxaris.

16.16a

Scr. in Tusculano eodem tempore.

M. CICERO L. PLANCO PRAET. DESIG. SAL.

Attici nostri te valde studiosum esse cognovi, mei vero ita cupidum ut me hercule paucos aeque observantis atque amantis me habere existimem. ad paternas enim magnas et veteres et iustas

necessitudines magnam attulit accessionem tua voluntas erga me meaque erga te par atque mutua.

[2] Buthrotia tibi causa ignota non est. egi enim saepe de ea re tecum tibique totam rem demonstravi, quae est acta hoc modo. ut primum Buthrotium agrum proscriptum vidimus, commotus Atticus libellum composuit. Eum mihi dedit ut darem Caesari; eram enim cenaturus apud eum illo die. Eum libellum Caesari dedi. probavit causam, rescripsit Attico aequa eum postulare, admonuit tamen ut pecuniam reliquam Buthrotii ad diem solverent.

[3] Atticus qui civitatem conservatam cuperet pecuniam numeravit de suo. quod cum esset factum, adiimus ad Caesarem, verba fecimus pro Buthrotiis, liberalissimum decretum abstulimus; quod est obsignatum ab amplissimis viris. quae cum essent acta, mirari e quidem solebam pati Caesarem convenire eos qui agrum Buthrotium concupissent, neque solum pati sed etiam ei negotio te praeficere. itaque et ego cum illo locutus sum et saepius quidem, ut etiam accusarer ab eo quod parum constantiae suae confiderem, et M. Messallae et ipsi Attico dixit ut sine cura essent aperteque ostendebat se praesentium animos (erat enim popularis, ut noras) offendere nolle; cum autem mare transissent, curaturum se ut in alium agrum deducerentur.

[4] haec illo vivo. post interitum autem Caesaris, ut primum ex senatus consulto causas consules cognoscere instituerunt, haec quae supra scripsi ad eos delata sunt. probaverunt causam sine ulla dubitatione seque ad te litteras daturos esse dixerunt. ego autem, mi Plance, etsi non dubitabam quin et senatus consultum et lex et consulum decretum ac litterae apud te plurimum auctoritatis haberent teque ipsius Attici causa velle intellexeram, tamen hoc pro coniunctione et benevolentia nostra mihi sumpsi ut id a te peterem quod tua singularis humanitas suavissimique mores a te essent impetraturi. id autem est ut hoc quod te tua sponte facturum esse certo scio honoris nostri causa libenter, prolixe, celeriter facias.

[5] mihi nemo est amicior nec iucundior nec carior Attico; cuius antea res solum familiaris agebatur eaque magna, nunc accessit etiam existimatio, ut quod consecutus est magna et industria et gratia et vivo Caesare et mortuo id te adiuvante obtineat. quod si a te erit impetratum, sic velim existimes me de tua liberalitate ita

interpretaturum ut tuo summo beneficio me adfectum iudicem. ego quae te velle quaeque ad. te pertinere arbitrabor studiose diligenterque curabo. da operam ut valeas.

16.16b

Scr. paulo post eA.

CICERO PLANCO PRAET. DESIG. SAL.

iam antea petivi abs te per litteras ut, cum causa Buthrotiorum probata a consulibus esset quibus et lege et senatus consulto permissum erat ut de Caesaris actis cognoscerent, statuerent, iudicarent, eam rem tu adiuvares Atticumque nostrum cuius te studiosum cognovi et me qui non minus laboro molestia liberares. omnibus enim rebus magna cura, multa opera et labore confectis in te positum est ut nostrae sollicitudinis finem quam primum facere possimus. quamquam intellegimus ea te esse prudentia ut videas, si ea decreta consulum quae de Caesaris actis interposita sunt non serventur, magnam perturbationem rerum fore.

[2] equidem cum multa (quod necesse erat in tanta occupatione) non probentur quae Caesar statuerit, tamen oti pacisque causa acerrime illa soleo defendere. quod tibi idem magno opere faciendum censeo; quamquam haec epistula non suasoris est sed rogatoris. igitur, mi Plance, rogo te et etiam oro, sic medius fidius ut maiore studio magisque ex animo agere non possim, ut totum hoc negotium ita agas, ita tractes, ita conficias ut, quod sine ulla dubitatione apud consules obtinuimus propter summam bonitatem et aequitatem causae, id tu nos obtinuisse non modo facile patiare sed etiam gaudeas. qua quidem voluntate <te> esse erga Atticum saepe praesens et illi ostendisti et vero etiam mihi. quod si feceris, me quem voluntate et paterna necessitudine coniunctum semper habuisti maximo beneficio devinctum habebis idque ut facias te vehementer etiam atque etiam rogo.

16.16c

Scr. eodem tempore quo e B.

CICERO CAPITONI SVO SAL.

numquam putavi fore ut supplex ad te venirem; sed hercule facile patior datum tempus in quo amorem experirer tuum. Atticum quanti faciam scis. amabo te, da mihi et hoc, obliviscere mea causa illum aliquando suo familiari, adversario tuo voluisse consultum, cum illius existimatio ageretur. hoc primum ignoscere est humanitatis tuae; suos enim quisque debet tueri; deinde si me amas (omitte Atticum), Ciceroni tuo quem quanti facias prae te soles ferre totum hoc da ut quod semper existimavi nunc plane intellegam, me a te multum amari.

[2] Buthrotios cum Caesar decreto suo quod ego obsignavi cum multis amplissimis viris liberavisset ostendissetque nobis se, cum agrarii mare transissent, litteras missurum quem in agrum deducerentur, accidit ut subito ille interiret. deinde quem ad modum tu scis (interfuisti enim), cum consules oporteret ex senatus consulto de actis Caesaris cognoscere, res ab iis in Kal. Iun. dilata est. accessit ad senatus consultum lex quae lata est a. d. IIII non. [Iun.], quae lex earum rerum quas Caesar statuisset, decrevisset, egisset, consulibus cognitionem dedit. causa Buthrotiorum delata est ad consules. decretum Caesaris recitatum est et multi praeterea libelli Caesaris prolati. consules de consili sententia decreverunt secundum Buthrotios . . . Plancum dederunt.

[3] nunc, mi Capito, (scio enim quantum semper apud eos quibuscum sis posse soleas, eo plus apud hominem facillimum atque humanissimum Plancum), enitere, elabora vel potius eblandire, effice ut Plancus quem spero optimum esse sit etiam melior opera tua. omnino res huius modi mihi videtur esse ut sine cuiusquam gratia Plancus ipse pro ingenio et prudentia sua non sit dubitaturus quin decretum consulum quorum et lege et senatus consulto cognitio et iudicium fuit conservet, praesertim cum hoc genere cognitionum labefactato acta Caesaris in dubium ventura videantur, quae non modo quorum interest sed etiam ii qui illa non probant oti causa confirmari velint.

[4] quod cum ita sit, tamen interest nostra Plancum hoc animo libenti prolixoque facere; quod certe faciet, si tu nervulos tuos mihi saepe cognitos suavitatemque qua nemo tibi par est adhibueris. quod

ut facias te vehementer rogo.

16.16d

Scr. eodem tempore quo e C.

CICERO C. CVPIENNIO S.

patrem tuum plurimi feci meque ille mirifice et coluit et amavit; nec me hercule umquam mihi dubium fuit quin a te diligerer; ego quidem id facere non destiti. quam ob rem peto a te in maiorem modum ut civitatem Buthrotiam subleves decretumque consulum quod ii secundum Buthrotios fecerunt, cum et lege et senatus consulto statuendi potestatem haberent, des operam ut Plancus noster quam primum confirmet et comprobet. hoc te vehementer, mi Cupienni, etiam atque etiam rogo.

16.16e

Scr. post eB.

CICERO PLANCO PRAET. DES. S.

ignosce mihi quod, cum antea accuratissime de Buthrotiis ad te scripserim, eadem de re saepius scribam. non me hercule, mi Plance, facio quo parum confidam aut liberalitati tuae aut nostrae amicitiae sed, cum tanta res agatur Attici nostri, nunc vero etiam existimatio, ut id quod probavit Caesar nobis testibus et obsignatoribus qui et decretis et responsis Caesaris interfueramus videatur obtinere potuisse, praesertim cum tota potestas eius rei tua sit, ut ea quae consules decreverunt secundum Caesaris decreta et responsa non dicam comprobes sed studiose libenterque comprobes.

[2] id mihi sic erit gratum ut nulla res gratior esse possit. etsi iam sperabam, cum has litteras accepisses, fore ut ea quae superioribus litteris a te petissemus impetrata essent, tamen non faciam finem rogandi quoad nobis nuntiatum erit te id fecisse quod magna cum spe exspectamus. deinde enim confido fore ut alio genere litterarum utamur tibique pro tuo summo beneficio gratias agamus. quod si

acciderit, velim sic existimes, non tibi tam Atticum cuius permagna res agitur quam me qui non minus laboro quam ille obligatum fore.

16.16f

Scr. paulo post e C.

CICERO CAPITONI SAL.

non dubito quin mirere atque etiam stomachere quod tecum de eadem re agam saepius. hominis familiarissimi et mihi omnibus rebus coniunctissimi permagna res agitur, Attici. cognovi ego tua studia in amicos, etiam in te amicorum. multum potes nos apud Plancum iuvare.

[2] novi humanitatem tuam; scio quam sis amicis iucundus. nemo nos in hac causa plus iuvare potest quam tu. et res ita est firma ut debet esse, quam consules de consili sententia decreverunt cum et lege et senatus consulto cognoscerent. tamen omnia posita putamus in Planci tui liberalitate; quem quidem arbitramur cum offici sui et rei publicae causa decretum consulum comprobaturum tum libenter nostra causa esse facturum. adiuvabis igitur, mi Capito. quod ut facias te vehementer etiam atque etiam rogo.

EPISTULAE AD QUINTUM FRATREM (Letters to his brother Quintus)

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LIBER PRIMVS
LIBER SECVNDVS
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LIBER PRIMVS

I. Scr. Romae a. u. c. 694.

MARCUS QUINTO FRATRI SAL.

I. 1. Etsi non dubitabam, quin hanc epistulam multi nuntii, fama denique esset ipsa sua celeritate superatura tuque ante ab aliis auditurus esses annum tertium accessisse desiderio nostro et labori tuo, tamen existimavi a me quoque tibi huius molestiae nuntium perferri oportere: nam superioribus litteris, non unis, sed pluribus, cum iam ab aliis desperata res esset, tamen tibi ego spem maturae decessionis afferebam, non solum ut quam diutissime te iucunda opinione oblectarem, sed etiam quia tanta adhibebatur et a nobis et a praetoribus contentio, ut rem posse confici non diffiderem; 2. nunc, quoniam ita accidit, ut neque praetores suis opibus neque nos nostro studio quidquam proficere possemus, est omnino difficile non graviter id ferre, sed tamen nostros animos maximis in rebus et gerendis et sustinendis exercitatos frangi et debilitari molestia non oportet. Et, quoniam ea molestissime ferre homines debent, quae ipsorum culpa contracta sunt, est quiddam in hac re mihi molestius ferendum quam tibi: factum est enim mea culpa, contra quam tu mecum et proficiscens et per litteras egeras, ut priore anno non succederetur; quod ego, dum saluti sociorum consulo, dum impudentiae nonnullorum negotiatorum resisto, dum nostram gloriam tua virtute augeri expeto, feci non sapienter, praesertim cum id commiserim, ut ille alter annus etiam tertium posset adducere. 3. Quod quoniam peccatum meum esse confiteor, est sapientiae atque humanitatis tuae curare et perficere, ut hoc minus sapienter a me provisum diligentia tua corrigatur. Ac, si te ipse vehementius ad omnes partes bene audiendi excitaris, non ut cum aliis, sed ut tecum iam ipse certes, si omnem tuam mentem, curam, cogitationem ad excellentis in omnibus rebus laudis cupiditatem incitaris, mihi crede, unus annus additus labori tuo multorum annorum laetitiam nobis, immo vero etiam posteris nostris afferet. 4. Quapropter hoc te primum rogo, ne contrahas aut demittas animum neve te obrui,

tamquam fluctu, sic magnitudine negotii sinas, contraque te erigas ac resistas sive etiam ultro occuras negotiis; neque enim eiusmodi partem rei publicae geris, in qua fortuna dominetur, sed in qua plurimum ratio possit et diligentia. Quod si tibi bellum aliquod magnum et periculosum administranti prorogatum imperium viderem, tremerem animo, quod eodem tempore esse intelligerem etiam fortunae potestatem in nos prorogatam: 5. nunc vero ea pars tibi rei publicae commissa est, in qua aut nullam aut perexiguam partem fortuna teneat et quae mihi tota in tua virtute ac moderatione animi posita esse videatur. Nullas, ut opinor, insidias hostium, nullam proelii dimicationem, nullam defectionem sociorum, nullam inopiam stipendii aut rei frumentariae, nullam seditionem exercitus pertimescimus; quae persaepe sapientissimis viris acciderunt, ut, quemadmodum gubernatores optimi vim tempestatis, sic illi fortunae impetum superare non possent. Tibi data est summa pax, summa tranquillitas, ita tamen, ut ea dormientem gubernatorem vel obruere, vigilantem etiam delectare possit; 6. constat enim ea provincia primum ex eo genere sociorum, quod est ex hominum omni genere humanissimum, deinde ex eo genere civium, qui aut, quod publicani sunt, nos summa necessitudine attingunt aut, quod ita negotiantur, ut locupletes sint, nostri consulatus beneficio se incolumes fortunas habere arbitrantur.

II. 7. “At enim inter hos ipsos existunt graves controversiae, multae nascuntur iniuriae, magnae contentiones consequuntur.” — Quasi vero ego id putem, non te aliquantum negotii sustinere. Intelligo permagnum esse negotium et maximi consilii, sed memento consilii me hoc negotium esse magis aliquanto quam fortunae putare; quid est enim negotii continere eos, quibus praesis, si te ipse contineas? id autem sit magnum et difficile ceteris, sicut est difficillimum: tibi et fuit hoc semper facillimum et vero esse debuit, cuius natura talis est, ut etiam sine doctrina videatur moderata esse potuisse, ea autem adhibita doctrina est, quae vel vitiosissimam naturam excolere possit. Tu cum pecuniae, cum voluptatis, cum omnium rerum cupiditati resistes, ut facis, erit, credo, periculum, ne improbum negotiatorem, paullo cupidiorem publicanum comprimere non possis! nam Graeci quidem sic te ita viventem intuebuntur, ut quendam ex annalium memoria aut etiam de caelo divinum hominem

esse in provinciam delapsum putent. 8. Atque haec nunc non ut facias, sed ut te et facere et fecisse gaudeas scribo; praeclarum est enim summo cum imperio fuisse in Asia triennium sic, ut nullum te signum, nulla pictura, nullum vas, nulla vestis, nullum mancipium, nulla forma cuiusquam, nulla condicio pecuniae, quibus rebus abundat ista provincia, ab summa integritate continentiaque deduxerit; 9. quid autem reperiri tam eximium aut tam expetendum potest, quam istam virtutem, moderationem animi, temperantiam non latere in tenebris neque esse abditam, sed in luce Asiae, in oculis clarissimae provinciae atque in auribus omnium gentium ac nationum esse positam? non itineribus tuis perterreri homines, non sumptu exhauriri, non adventu commoveri? esse, quocumque veneris, et publice et privatim maximam laetitiam, cum urbs custodem, non tyrannum, domus hospitem, non expilatorem recepisse videatur?

III. 10. His autem in rebus iam te usus ipse profecto erudivit nequaquam satis esse ipsum has te habere virtutes, sed esse circumspiciendum diligenter, ut in hac custodia provinciae non te unum, sed omnes ministros imperii tui sociis et civibus et rei publicae praestare videare. Quamquam legatos habes eos, qui ipsi per se habituri sint rationem dignitatis suae, de quibus honore et dignitate et aetate praestat Tubero, quem ego arbitror, praesertim cum scribat historiam, multos ex suis annalibus posse deligere, quos velit et possit imitari, Allienus autem noster est cum animo et benevolentia, tum vero etiam imitatione vivendi; nam quid ego de Gratidio dicam? quem certe scio ita laborare de existimatione sua, ut propter amorem in nos fraternum etiam de nostra laboret. 11. Quaestorem habes non tuo iudicio delectum, sed eum, quem sors dedit: hunc oportet et sua sponte esse moderatum et tuis institutis ac praeceptis obtemperare. Quorum si quis forte esset sordidior, ferres eatenus, quoad per se negligeret eas leges, quibus esset astrictus, non ut ea potestate, quam tu ad dignitatem permisisses, ad quaestum uteretur; neque enim mihi sane placet, praesertim cum hi mores tantum iam ad nimiam lenitatem et ad ambitionem incubuerint, scrutari te omnes sordes, excutere unum quemque eorum, sed, quanta sit in quoque fides, tantum cuique committere. Atque inter hos eos, quos tibi comites et adiutores negotiorum publicorum dedit ipsa res publica, dumtaxat

finibus iis praestabis, quos ante praescripsi;

IV. 12. quos vero aut ex domesticis convictionibus aut ex necessariis apparitionibus tecum esse voluisti, qui quasi ex cohorte praetoris appellari solent, horum non modo facta, sed etiam dicta omnia praestanda nobis sunt. Sed habes eos tecum, quos possis recte facientes facile diligere, minus consulentes existimationi tuae facillime coercere: a quibus, rudis cum esses, videtur potuisse tua liberalitas decipi, nam, ut quisque est vir optimus, ita difficillime esse alios improbos suspicatur; nunc vero tertius hic annus habeat integritatem eandem, quam superiores, cautiorem etiam ac diligentiorem. 13. Sint aures tuae, quae id, quod audiunt, existimentur audire, non in quas ficte et simulate quaestus causa insusurretur; sit anulus tuus non ut vas aliquod, sed tamquam ipse tu, non minister alienae voluntatis, sed testis tuae; accensus sit eo numero, quo eum maiores nostri esse voluerunt, qui hoc non in beneficii loco, sed in laboris ac muneris non temere nisi libertis suis deferebant, quibus illi quidem non multo secus ac servis imperabant; sit lictor non * suae, [*three different versions exist in MSS.: lictor non suae, lictor non severitatis suae, lictor non saevitiae suae.*] ed tuae lenitatis apparitor maioraque praeferant fasces illi ac secures dignitatis insignia quam potestatis: toti denique sit provinciae cognitum tibi omnium, quibus praesis, salutem, liberos famam, fortunas esse carissimas. Denique haec opinio sit, non modo iis, qui aliquid acceperint, sed iis etiam, qui dederint, te inimicum, si id cognoveris, futurum: neque vero quisquam dabit, cum erit hoc perspectum, nihil per eos, qui simulant se apud te multum posse, abs te solere impetrari. 14. Nec tamen haec oratio mea est eiusmodi, ut te in tuos aut durum esse nimium aut suspiciosum velim: nam, si quis est eorum, qui tibi biennii spatio numquam in suspicionem avaritiae venerit, ut ego Caesium et Chaerippum et Labeonem et audio et, quia cognovi, existimo, nihil est, quod non et iis et si quis est alius eiusdemmodi et committi et credi rectissime putem; sed, si quis est, in quo iam offenderis, de quo aliquid senseris, huic nihil credideris, nullam partem existimationis tuae commiseris.

V. 15. In provincia vero ipsa si quem es nactus, qui in tuam familiaritatem penitus intrarit, qui nobis ante fuerit ignotus, huic quantum credendum sit, vide: non quin possint multi esse

provinciales viri boni, sed hoc sperare licet, iudicare periculosum est; multis enim simulationum involucris tegitur et quasi velis quibusdam obtenditur unius cuiusque natura: frons, oculi, vultus persaepe mentiuntur, oratio vero saepissime. Quamobrem qui potes reperire ex eo genere hominum, qui pecuniae cupiditate adducti careant iis rebus omnibus, a quibus nos divulsi esse non possumus, te autem, alienum hominem, ament ex animo ac non sui commodi causa simulent? Mihi quidem permagnum videtur, praesertim si iidem homines privatum non fere quemquam, praetores semper omnes amant: quo ex genere si quem forte tui cognosti amantiorem — fieri enim potuit — quam temporis, hunc vero ad tuorum numerum libenter ascribito; sin autem id non perspicies, nullum genus erit in familiaritate cavendum magis, propterea quod et omnes vias pecuniae norunt et omnia pecuniae causa faciunt et, quicum victuri non sunt, eius existimationi consulere non curant. 16. Atque etiam e Graecis ipsis diligenter cavendae sunt quaedam familiaritates praeter hominum perpaucorum, si qui sunt vetere Graecia digni: sic vero fallaces sunt permulti et leves et diuturna servitute ad nimiam assentationem eruditi: quos ego universos adhiberi liberaliter, optimum quemque hospitio amicitiaque coniungi dico oportere; nimiae familiaritates eorum neque tam fideles sunt — non enim audent adversari nostris voluntatibus — , et invident non nostris solum, verum etiam suis.

VI. 17. Iam, qui in eiusmodi rebus, in quibus vereor etiam ne durior sim, cautus esse velim ac diligens, quo me animo in servis esse censes? quos quidem cum omnibus in locis, tum praecipue in provinciis regere debemus; quo de genere multa praecipi possunt, sed hoc et brevissimum est et facillime teneri potest, ut ita se gerant in istis Asiaticis itineribus, ut si iter Appia via faceres, neve interesse quidquam putent, utrum Trallis an Formias venerint. Ac, si quis est ex servis egregie fidelis, sit in domesticis rebus et privatis, quae res ad officium imperii tui atque ad aliquam partem rei publicae pertinebunt, de his rebus ne quid attingat; multa enim, quae recte committi servis fidelibus possunt, tamen sermonis et vituperationis vitandae causa committenda non sunt. 18. Sed nescio quo pacto ad praecipiendi rationem delapsa est oratio mea, cum id mihi propositum initio non fuisset; quid enim ei praecipiam, quem ego, in hoc praesertim genere, intelligam prudentia non esse inferiorem

quam me, usu vero etiam superiorem? sed tamen, si ad ea, quae faceres, auctoritas accederet mea, tibi ipsi illa putavi fore iucundiora. Quare sint haec fundamenta dignitatis tuae: tua primum integritas et continentia, deinde omnium, qui tecum sunt, pudor, delectus in familiaritatibus et provincialium hominum et Graecorum percautus et diligens, familiae gravis et constans disciplina. 19. Quae cum honesta sint in his privatis nostris quotidianisque rationibus, in tanto imperio tam depravatis moribus, tam corruptrice provincia divina videantur necesse est. Haec institutio atque haec disciplina potest sustinere in rebus statuendis et decernendis eam severitatem, qua tu in iis rebus usus es, ex quibus nonnullas simultates cum magna mea laetitia susceptas habemus: nisi forte me Paconii nescio cuius, hominis ne Graeci quidem ac Mysi aut Phrygis potius, querelis moveri putas aut Tuscenii, hominis furiosi ac sordidi, vocibus, cuius tu ex impurissimis faucibus inhonestissimam cupiditatem eripuisti summa cum aequitate.

VII. 20. Haec et cetera plena severitatis, quae statuisti in ista provincia, non facile sine summa integritate sustinuerimus; quare sit summa in iure dicundo severitas, dummodo ea ne varietur gratia, sed conservetur aequabilis; sed tamen parvi refert abs te ipso ius dici aequabiliter et diligenter, nisi idem ab iis fiet, quibus tu eius muneris aliquam partem concesseris. Ac mihi quidem videtur non sane magna varietas esse negotiorum in administranda Asia, sed ea tota iurisdictione maxime sustineri; in qua scientiae, praesertim provincialis, ratio ipsa expedita est: constantia est adhibenda et gravitas, quae resistat non solum gratiae, verum etiam suspicioni. 21. Adiungenda etiam est facilitas in audiendo, lenitas in decernendo, in satisfaciendo ac disputando diligentia. Iis rebus nuper C. Octavius iucundissimus fuit, apud quem proximus lictor quievit, tacuit accensus, quoties quisque voluit dixit et quam voluit diu; quibus ille rebus fortasse nimis lenis videretur, nisi haec lenitas illam severitatem tueretur: cogebantur Sullani homines, quae per vim et metum abstulerant, reddere; qui in magistratibus iniuriose decreverant, eodem ipsis privatis erat iure parendum. Haec illius severitas acerba videretur, nisi multis condimentis humanitatis mitigaretur. 22. Quod si haec lenitas grata Romae est, ubi tanta arrogantia est, tam immoderata libertas, tam infinita hominum

licentia, denique tot magistratus, tot auxilia, tanta vis concionis, tanta senatus auctoritas, quam iucunda tandem praetoris comitas in Asia potest esse! in qua tanta multitudo civium, tanta sociorum, tot urbes, tot civitates unius hominis nutum intuentur, ubi nullum auxilium est, nulla conquestio, nullus senatus, nulla concio: quare permagni hominis est et cum ipsa natura moderati, tum vero etiam doctrina atque optimarum artium studiis eruditi sic se adhibere in tanta potestate, ut nulla alia potestas ab iis, quibus is praesit, desideretur.

VIII. 23. Cyrus ille a Xenophonte non ad historiae fidem scriptus est, sed ad effigiem iusti imperii; cuius summa gravitas ab illo philosopho cum singulari comitate coniungitur: quos quidem libros non sine causa noster ille Africanus de manibus ponere non solebat; nullum est enim praetermissum in iis officium diligentis et moderati imperii, eaque si sic coluit ille, qui privatus futurus numquam fuit, quonam modo retinenda sunt iis, quibus imperium ita datum est, ut redderent, et ab iis legibus datum est, ad quas revertendum est? 24. Ac mihi quidem videntur huc omnia esse referenda iis, qui praesunt aliis, ut ii, qui erunt in eorum imperio, sint quam beatissimi: quod tibi et esse antiqissimum et ab initio fuisse, ut primum Asiam attigisti, constanti fama atque omnium sermone celebratum est. Est autem non modo eius, qui sociis et civibus, sed etiam eius, qui servis, qui mutis pecudibus praesit, eorum, quibus praesit, commodis utilitatique servire; 25. cuius quidem generis constare inter omnes video abs te summam adhiberi diligentiam: nullam aes alienum novum contrahi civitatibus, vetere autem magno et gravi multas abs te esse liberatas; urbes complures dirutas ac paene desertas, in quibus unam Ioniae nobilissimam, alteram Cariae, Samum et Halicarnassum, per te esse recreatas; nullas esse in oppidis seditiones, nullas discordias; provideri abs te, ut civitates optimatium consiliis administrentur; sublata Mysiae latrocinia, caedes multis locis repressas, pacem tota provincia constitutam, neque solum illa itinerum atque agrorum, sed multo etiam plura et maiora oppidorum et fanorum latrocinia esse depulsa; remotam a fama et a fortunis et ab otio locupletium illam acerbissimam ministram praetorum avaritiae, calumniam; sumptus et tributa civitatum ab omnibus, qui earum civitatum fines incolant, tolerari aequaliter; facillimos esse aditus ad te, patere aures tuas querelis omnium, nullius inopiam ac solitudinem

non modo illo populari accessu ac tribunali, sed ne domo quidem et cubiculo esse exclusam tuo; toto denique in imperio nihil acerbum esse, nihil crudele, atque omnia plena clementiae, mansuetudinis, humanitatis.

IX. 26. Quantum vero illud est beneficium tuum, quod iniquo et gravi vectigali aedilicio cum magnis nostris simultatibus Asiam liberasti? Etenim, si unus homo nobilis queritur palam te, quod edixeris, ne ad ludos pecuniae decernerentur, HS. CC. sibi eripuisse, quanta tandem pecunia penderetur, si omnium nomine, quicumque Romae ludos facerent, quod erat iam institutum, erogaretur? Quamquam has querelas hominum nostrorum illo consilio oppressimus, quod in Asia nescio quonam modo, Romae quidem non mediocri cum admiratione laudatur, quod, cum ad templum monumentumque nostrum civitates pecunias decrevissent, cumque id et pro meis magnis meritis et pro tuis maximis beneficiis summa sua voluntate fecissent nominatimque lex exciperet, ut ad templum et monumentum capere liceret, cumque id, quod dabatur, non esset interiturum, sed in ornamentis templi futurum, ut non mihi potius quam populo Romano ac dis immortalibus datum videretur, tamen id, in quo erat dignitas, erat lex, erat eorum, qui faciebant, voluntas, accipiendum non putavi cum aliis de causis, tum etiam ut animo aequiore ferrent ii, quibus nec deberetur nec liceret. 27. Quapropter incumbe toto animo et studio omni in eam rationem, qua adhuc usus es, ut eos, quos tuae fidei potestatique senatus populusque Romanus commisit et credidit, diligas et omni ratione tueare et esse quam beatissimos velis. Quod si te sors Afris aut Hispanis aut Gallis praefecisset, immanibus ac barbaris nationibus, tamen esset humanitatis tuae consulere eorum commodis et utilitati salutique servire: cum vero ei generi hominum praesimus, non modo in quo ipso sit, sed etiam a quo ad alios pervenisse putetur humanitas, certe iis eam potissimum tribuere debemus, a quibus accepimus; 28. non enim me hoc iam dicere pudebit, praesertim in ea vita atque iis rebus gestis, in quibus non potest residere inertiae aut levitatis ulla suspicio, nos ea, quae consecuti sumus iis studiis et artibus esse adeptos, quae sint nobis Graeciae monumentis disciplinisque tradita. Quare praeter communem fidem, quae omnibus debetur, praeterea nos isti hominum generi praecipue debere videmur, ut, quorum

praeceptis sumus eruditi, apud eos ipsos, quod ab iis didicerimus, velimus expromere.

x. 29. Atque ille quidem princeps ingenii et doctrinae Plato tum denique fore beatas res publicas putavit, si aut docti et sapientes homines eas regere coepissent aut ii, qui regerent, omne suum studium in doctrina et sapientia collocassent: hanc coniunctionem videlicet potestatis et sapientiae saluti censuit civitatibus esse posse; quod fortasse aliquando universae rei publicae nostrae, nunc quidem profecto isti provinciae contigit, ut is in eam summam potestatem haberet, cui in doctrina, cui in virtute atque humanitate percipienda plurimum a pueritia studii fuisset et temporis. 30. Quare cura, ut hic annus, qui ad laborem tuum accessit, idem ad salutem Asiae prorogatus esse videatur. Quoniam in te retinendo fuit Asia felicior, quam nos in deducendo, perfice, ut laetitia provinciae desiderium nostrum leniatur; etenim, si in promerendo, ut tibi tanti honores haberentur, quanti haud scio an nemini, fuisti omnium diligentissimus, multo maiorem in iis honoribus tuendis adhibere diligentiam debes. 31. Equidem de isto genere honorum quid sentirem, scripsi ad te ante: semper eos putavi, si vulgares essent, viles, si temporis causa constituerentur, leves; si vero, id quod ita factum est, meritis tuis tribuerentur, existimabam multam tibi in iis honoribus tuendis operam esse ponendam. Quare, quoniam in istis urbibus cum summo imperio et potestate versaris, in quibus tuas virtutes consecratas et in deorum numero collocatas vides, in omnibus rebus, quas statues, quas decernes, quas ages, quid tantis hominum opinionibus, tantis de te iudiciis, tantis honoribus debeas, cogitabis; id autem erit eiusmodi, ut consulas omnibus, ut medeare incommodis hominum, provideas saluti, ut te parentem Asiae et dici et haberi velis.

xi. 32. Atqui huic tuae voluntati ac diligentiae difficultatem magnam afferunt publicani: quibus si adversabimur, ordinem de nobis optime meritum et per nos cum re publica coniunctum et a nobis et a re publica diiungemus; sin autem omnibus in rebus obsequemur, funditus eos perire patiemur, quorum non modo saluti, sed etiam commodis consulere debemus. Haec est una, si vere cogitare volumus, in toto imperio tuo difficultas: nam esse abstinentem, continere omnes cupiditates, suos coercere, iuris

aequabilem tenere rationem, facilem se in rebus cognoscendis, in hominibus audiendis admittendisque praebere praeclarum magis est quam difficile; non est enim positum in labore aliquo, sed in quadam inductione animi et voluntate. 33. Illa causa publicanorum quantam acerbitatem afferat sociis, intelleximus ex civibus, qui nuper in portoriis Italiae tollendis non tam de portorio quam de nonnullis iniuriis portitorum querebantur; quare non ignoro, quid sociis accidat in ultimis terris, cum audierim in Italia querelas civium. Hic te ita versari, ut et publicanis satisfacias, praesertim publicis male redemptis, et socios perire non sinas, divinae cuiusdam virtutis esse videtur, id est tuae. Ac primum Graecis id, quod acerbissimum est, quod sunt vectigales, non ita acerbum videri debet, propterea quod sine imperio populi Romani suis institutis per se ipsi item fuerunt; nomen autem publicani aspernari non possunt, qui pendere ipsi vectigal sine publicano non potuerint, quod iis aequaliter Sulla descripserat; non esse autem leniores in exigendis vectigalibus Graecos quam nostros publicanos hinc intelligi potest, quod Caunii nuper omnesque ex insulis, quae erant a Sulla Rhodiis attributae, confugerunt ad senatum, nobis ut potius vectigal quam Rhodiis penderent. Quare nomen publicani neque ii debent horrere, qui semper vectigales fuerunt, neque ii aspernari, qui per se pendere vectigal non potuerunt, neque ii recusare, qui postulaverunt. 34. Simul et illud Asia cogitet, nullam ab se neque belli externi neque domesticarum discordiarum calamitatem afuturam fuisse, si hoc imperio non teneretur; id autem imperium cum retineri sine vectigalibus nullo modo possit, aequo animo parte aliqua suorum fructuum pacem sibi sempiternam redimat atque otium.

XII. 35. Quod si genus ipsum et nomen publicani non iniquo animo sustinebunt, poterunt iis consilio et prudentia tua reliqua videri mitiora: possunt in pactionibus faciendis non legem spectare censoriam, sed potius commoditatem conficiendi negotii et liberationem molestiae; potes etiam tu id facere, quod et fecisti egregie et facis, ut commemores, quanta sit in publicanis dignitas, quantum nos illi ordini debeamus, ut remoto imperio ac vi potestatis et fascium publicanos cum Graecis gratia atque auctoritate coniungas et ab iis, de quibus optime tu meritus es et qui tibi omnia debent, hoc petas, ut facilitate sua nos eam necessitudinem, quae est nobis cum

publicanis, obtinere et conservare patiantur. 36. Sed quid ego te haec hortor, quae tu non modo facere potes tua sponte sine cuiusquam praeceptis, sed etiam magna iam ex parte perfecisti? non enim desistunt nobis agere quotidie gratias honestissimae et maximae societates; quod quidem mihi idcirco iucundius est, quod idem faciunt Graeci, difficile est autem ea, quae commodis, utilitate et prope natura diversa sunt, voluntate coniungere. At ea quidem, quae supra scripta sunt, non ut te instituerem scripsi — neque enim prudentia tua cuiusquam praecepta desiderat — , sed me in scribendo commemoratio tuae virtutis delectavit: quamquam in his litteris longior fui, quam aut vellem aut quam me putavi fore.

XIII. 37. Unum est, quod tibi ego praecipere non desinam, neque te patiar, quantum erit in me, cum exceptione laudari: omnes enim, qui istinc veniunt, ita de tua virtute, integritate, humanitate commemorant, ut in tuis summis laudibus excipiant unam iracundiam; quod vitium cum in hac privata quotidianaque vita levis esse animi atque infirmi videtur, tum vero nihil est tam deforme, quam ad summum imperium etiam acerbitatem naturae adiungere. Quare illud non suscipiam, ut, quae de iracundia dici solent a doctissimis hominibus, ea nunc tibi exponam, cum et nimis longus esse nolim et ex multorum scriptis ea facile possis cognoscere: illud, quod est epistulae proprium, ut is, ad quem scribitur, de iis rebus, quas ignorat, certior fiat, praetermittendum esse non puto. 38. Sic ad nos omnes fere deferunt, nihil, cum absit iracundia, te fieri posse iucundius, sed, cum te alicuius improbitas perversitasque commoverit, sic te animo incitari, ut ab omnibus tua desideretur humanitas: quare, quoniam in eam rationem vitae nos non tam cupiditas quaedam gloriae quam res ipsa ac fortuna deduxit, ut sempiternus sermo hominum de nobis futurus sit, caveamus, quantum efficere et consequi possumus, ut ne quod in nobis insigne vitium fuisse dicatur. Neque ego nunc hoc contendo, quod fortasse cum in omni natura, tum iam in nostra aetate difficile est, mutare animum et, si quid est penitus insitum moribus, id subito evellere, sed te illud admoneo, ut, si hoc plene vitare non potes, quod ante occupatur animus ab iracundia, quam providere ratio potuit, ne occuparetur, ut te ante compares quotidieque meditere resistendum esse iracundiae, cumque ea maxime animum moveat, tum tibi esse

diligentissime linguam continendam; quae quidem mihi virtus non interdum minor videtur quam omnino non irasci: nam illud est non solum gravitatis, sed nonnumquam etiam lentitudinis; moderari vero et animo et orationi, cum sis iratus, aut etiam tacere et tenere in sua potestate motum animi et dolorem, etsi non est perfectae sapientiae, tamen est non mediocris ingenii. 39. Atque in hoc genere multo te esse iam commodiorem mitioremque nuntiant: nullae tuae vehementiores animi concitationes, nulla maledicta ad nos, nullae contumeliae perferuntur, quae cum abhorrent a litteris atque ab humanitate, tum vero contraria sunt imperio ac dignitati; nam, si implacabiles iracundiae sunt, summa est acerbitas, sin autem exorabiles, summa levitas, quae tamen, ut in malis, acerbitati anteponenda est.

XIV. 40. Sed, quoniam primus annus habuit de hac reprehensione plurimum sermonis, credo propterea, quod tibi hominum iniuriae, quod avaritia, quod insolentia praeter opinionem accidebat et intolerabilis videbatur, secundus autem multo leniore, quod et consuetudo et ratio et, ut ego arbitror, meae quoque litterae te patientiorem lenioremque fecerunt, tertius annus ita debet esse emendatus, ut ne minimam quidem rem quisquam possit ullam reprehendere. 41. Ac iam hoc loco non hortatione neque praeceptis, sed precibus tecum fraternis ago, totum ut animum, curam cogitationemque tuam ponas in omnium laude undique colligenda. Quod si in mediocri statu sermonis ac praedicationis nostrae res essent, nihil abs te eximium, nihil praeter aliorum consuetudinem postularetur: nunc vero propter earum rerum, in quibus versati sumus, splendorem et magnitudinem, nisi summam laudem ex ista provincia assequimur, vix videmur summam vituperationem posse vitare. Ea nostra ratio est, ut omnes boni cum faveant, tum etiam omnem a nobis diligentiam virtutemque et postulent et exspectent, omnes autem improbi, quod cum iis bellum sempiternum suscepimus, vel minima re ad reprehendendum contenti esse videantur: 42. quare, quoniam eiusmodi theatrum totius Asiae virtutibus tuis est datum, celebritate refertissimum, magnitudine amplissimum, iudicio eruditissimum, natura autem ita resonans, ut usque Romam significationes vocesque referantur, contende, quaeso, atque elabora, non modo ut his rebus dignus fuisse, sed etiam ut illa

omnia tuis artibus superasse videare.

XV. 43. Et quoniam mihi casus urbanam in magistratibus administrationem rei publicae, tibi provincialem dedit, si mea pars nemini cedit, fac, ut tua ceteros vincat. Simul et illud cogita, nos non de reliqua et sperata gloria iam laborare, sed de parta dimicare, quae quidem non tam expetenda nobis fuit, quam tuenda est. Ac, si mihi quidquam esset abs te separatum, nihil amplius desiderarem hoc statu, qui mihi iam partus est: nunc vero sic res sese habet, ut, nisi omnia tua facta atque dicta nostris rebus istinc respondeant, ego me tantis meis laboribus tantisque periculis, quorum tu omnium particeps fuisti, nihil consecutum putem. Quod si, ut amplissimum nomen consequeremur, unus praeter ceteros adiuvisti, certe idem, ut id retineamus, praeter ceteros elaborabis. Non est tibi his solis utendum existimationibus ac iudiciis, qui nunc sunt, hominum, sed iis etiam, qui futuri sunt; quamquam illorum erit verius iudicium, obtrectatione et malevolentia liberatum. 44. Denique etiam illud debes cogitare, non te tibi soli gloriam quaerere; quod si esset, tamen non negligeres, praesertim cum amplissimis monumentis consecrare voluisses memoriam nominis tui; sed ea est tibi communicanda mecum, prodenda liberis nostris: in quo cavendum est, ne, si negligentior fueris, non solum tibi parum consuluisse, sed etiam tuis invidisse videaris.

XVI. 45. Atque haec non eo dicuntur, ut te oratio mea dormientem excitasse, sed potius ut currentem incitasse videatur; facies enim perpetuo, quae fecisti, ut omnes aequitatem tuam, temperantiam, severitatem integritatemque laudarent. Sed me quaedam tenet propter singularem amorem infinita in te aviditas gloriae; quamquam illud existimo, cum iam tibi Asia sic, uti uni cuique sua domus, nota esse debeat, cum ad tuam summam prudentiam tantus usus accesserit, nihil esse, quod ad laudem attineat, quod non tu optime perspicias et tibi non sine cuiusquam hortatione in mentem veniat quotidie; sed ego, quia, cum tua lego, te audire, et quia, cum ad te scribo, tecum loqui videor, idcirco et tua longissima quaque epistula maxime delector et ipse in scribendo sum saepe longior. 46. Illud te ad extremum et oro et hortor, ut, tamquam poetae boni et actores industrii solent, sic tu in extrema parte et conclusione muneris ac negotii tui diligentissimus sis, ut hic tertius annus imperii tui

tamquam tertius actus perfectissimus atque ornatissimus fuisse videatur: id facillime facies, si me, cui semper uni magis quam universis placere voluisti, tecum semper esse putabis et omnibus iis rebus, quas dices et facies, interesse. Reliquum est, ut te orem, ut valetudini tuae, si me et tuos omnes valere vis, diligentissime servas. Vale.

III. Scr. mense Novembri (inter VIII. Kal. Nov. et XIII. Kal. Dec.) a.u.c. 695.

MARCUS QUINTO FRATRI SAL.

I. 1. Statius ad me venit a.d. VIII. K. Novembr. Eius adventus, quod ita scripsisti, direptum iri te a tuis, dum is abesset, molestus mihi fuit; quod autem exspectationem sui concursumque eum, qui erat futurus, si una tecum decederet neque antea visus esset, sustulit, id mihi non incommode visum est accidisse; exhaustus est enim sermo hominum et multae emissae iam eiusmodi voces, Žll' a?e¤ tina f«vta m°gan: quae te absente confecta esse laetor. 2. Quod autem idcirco a te missus est, mihi ut se purgaret, id necesse minime fuit; primum enim numquam ille mihi fuit suspectus, neque ego, quae ad te de illo scripsi, scripsi meo iudicio, sed, cum ratio salusque omnium nostrum, qui ad rem publicam accedimus, non veritate solum, sed etiam famam niteretur, sermones ad te aliorum semper, non mea iudicia perscripsi: qui quidem quam frequentes essent et quam graves, adventu suo Statius ipse cognovit; etenim intervenit nonnullorum querelis, quae apud me de illo ipso habebantur, et sentire potuit sermones iniquorum in suum potissimum nomen erumpere. 3. Quod autem me maxime movere solebat, cum audiebam illum plus apud te posse, quam gravitas istius aetatis, imperii, prudentiae postularet — quam multos enim mecum egisse putas, ut se Statio commendarem? quam multa autem ipsum Žsfal«w mecum in sermone ita posuisse: "id mihi non placuit; monui, suasi, deterrui?" quibus in rebus etiamsi fidelitas summa est, quod prorsus credo, quoniam tu ita iudicas, tamen species ipsa tam gratiosi liberti aut servi dignitatem habere nullam potest — . Atque hoc sic habeto — nihil enim nec temere dicere nec astute reticere debeo — ,

materiam omnem sermonem eorum, qui de te detrahere vellent, Statium dedisse: antea tantum intelligi potuisse iratos tuae severitati esse nonnullos, hoc manumisso iratis, quod loquerentur, non defuisse.

II. 4. Nunc respondebo ad eas epistulas, quas mihi reddidit L. Caesius — cui, quoniam ita te velle intelligo, nullo loco deero — ; quarum altera est de Blaudeno Zeuxide, quem scribis certissimum matricidam tibi a me intime commendari. Qua de re et de hoc genere toto, ne forte me in Graecos tam ambitiosum factum esse mirere, pauca cognosce. Ego cum Graecorum querelas nimium valere sentirem propter hominum ingenia ad fallendum parata, quoscumque de te queri audivi, quacumque potui ratione, placavi. Primum Dionysopolitas, qui erant inimicissimi, lenivi, quorum principem Hermippum non solum sermone meo, sed etiam familiaritate devinxi; ego Apamensem Hephaestium, ego levissimum hominem, Megaristum Antandrium, ego Niciam Smyrnaeum, ego nugas maximas omni mea comitate complexus sum, Nymphontem etiam Colophonium: quae feci omnia, non quo me aut hi homines aut tota natio delectaret: pertaesum est levitatis, assentationis, animorum non officiis, sed temporibus servientium. 5. Sed, ut ad Zeuxim revertar, cum is de M. Cascellii sermone secum habito, quae tu scribis, ea ipsa loqueretur, obstiti eius ermoni et hominem in familiaritatem recepi. Tua autem quae fuerit cupiditas tanta, nescio, quod scribis cupisse te, quoniam Smyrnae duos Mysos insuisses in culleum, simile in superiore parte provinciae edere exemplum severitatis tuae et idcirco Zeuxim elicere omni ratione voluisse ultra quem adductum in iudicium fortasse dimitti non oportuerat, conquiri vero et elici blanditiis, ut tu scribis, ad iudicium necesse non fuit, eum praesertim hominem, quem ego et ex suis civibus et ex multis aliis quotidie magis cognosco nobiliorem esse prope quam civitatem suam. 6. “At enim Graecis solis indulgeo.” Quid? L. Caecilium nonne omni ratione placavi? quem hominem! qua ira! quo spiritu! quem denique praeter Tuscenium, cuius causa sanari non potest, non mitigavi? Ecce supra caput homo levis ac sordidus, sed tamen equestri censu, Catienus: etiam is lenietur; cuius tu in patrem quod fuisti asperior, non reprehendo; certo enim scio te fecisse cum causa; sed quid opus fuit eiusmodi litteris, quas ad ipsum misisti? “illum crucem sibi

ipsum constituere, ex qua tu eum ante detraxisses; te curaturum, in furno ut combureretur, plaudente tota provincia." Quid vero? ad C. Fabium nescio quem — nam eam quoque epistulam T. Catienus circumgestat — : "renuntiari tibi Licinium plagiarium cum suo pullo milvino tributa exigere." Deinde rogas Fabium, ut et patrem et filium vivos comburat, si possit; si minus, ad te mittat, uti iudicio comburantur. Eae litterae abs te per iocum missae ad C. Fabium, si modo sunt tuae, cum leguntur, invidiosam atrocitatem verborum habent; 7. ac, si omnium mecum praecepta litterarum repetes, intelliges esse nihil a me nisi orationis acerbitatem et iracundiam et, si forte, raro litterarum missarum indiligentiam reprehensam; quibus quidem in rebus si apud te plus auctoritas mea quam tua sive natura paullo acrior sive quaedam dulcedo iracundiae sive dicendi sal facetiaeque valuissent, nihil sane esset, quod nos poeniteret. Et mediocri me dolore putas affici, cum audiam, qua sit existimatione C. Vergilius, qua tuus vicinus C. Octavius? nam, si te interioribus vicinis tuis, Ciliciensi et Syriaco, anteponis, valde magni facis! atque is dolor est, quod, cum ii, quos nominavi, te innocentia non vincant, vincunt tamen artificio benevolentiae colligendae, qui neque Cyrum Xenophontis neque Agesilaum noverint, quorum regum summo in imperio nemo umquam verbum ullum asperius audivit.

III. 8. Sed, haec a principio tibi praecipiens quantum profecerim, non ignoro: nunc tamen decedens, id quod mihi iam facere videris, relinque, quaeso, quam iucundissimam memoriam tui. Successorem habes perblandum; cetera valde illius adventu tua requirentur. In litteris mittendis, ut saepe ad te scripsi, nimium te exorabilem praebuisti: tolle omnes, si potes, iniquas, tolle inusitatas, tolle contrarias. Statius mihi narravit scriptas ad te solere afferri, ab se legi et, si iniquae essent, fieri te certiorem; antequam vero ipse ad te venisset, nullum delectum litterarum fuisse; ex eo esse volumina selectarum epistularum, quae reprehendi solerent. 9. Hoc de genere nihil te nunc quidem moneo — sero est enim — ac scire potes multa me varie diligenterque monuisse: illud tamen, quod Theopompo mandavi, cum essem admonitus ab ipso, vide, per homines amantes tui, quod est facile, ut haec genera tollantur epistularum, primum iniquarum, deinde contrariarum, tum absurde et inusitate scriptarum, postremo in aliquem contumeliosarum. Atque ego haec tam esse,

quam audio, non puto, et, si sunt occupationibus tuis minus animadversa, nunc perspice et purga. Legi epistulam, quam ipse scripsisse Sulla nomenclator dictus est, non probandam, legi nonnullas iracundas. 10. Sed tempore ipso de epistulis; nam, cum hanc paginam tenerem, L. Flavius, praetor designatus, ad me venit, homo mihi valde familiaris: is mihi, te ad procuratores suos litteras misisse, quae mihi visae sunt iniquissimae, ne quid de bonis, quae L. Octavii Nasonis fuissent, cui L. Flavius heres est, deminuerent, antequam C. Fundanio pecuniam solvissent, itemque misisse ad Apollonidenses, ne de bonis, quae Octavii fuissent, deminui paterentur, priusquam Fundanio debitum solutum esset. Haec mihi veri similia non videntur; sunt enim a prudentia tua remotissima. "Ne deminuat heres?" Quid, si infitiatur? quid, si omnino non debet? quid? praetor solet iudicare deberi? quid? ego Fundanio non cupio? non amicus sum? non misericordia moveor? nemo magis; sed vis iuris eiusmodi est quibusdam in rebus, ut nihil sit loci gratiae. Atque ita mihi dicebat Flavius scriptum in ea epistula, quam tuam esse dicebat, te aut quasi amicis tuis gratias acturum aut quasi inimicis incommodaturum. 11. Quid multa? ferebat graviter id vehementer mecum querebatur orabatque, ut ad te quam diligentissime scriberem: quod facio et te prorsus vehementer etiam atque etiam rogo, ut et procuratoribus Flavii remittas de deminuendo et Apollonidensibus ne quid perscribas, quod contra Flavium sit, amplius: et Flavii causa et scilicet Pompeii facies omnia. Nolo medius fidius ex tua iniuria in illum tibi liberalem me videri, sed te oro, ut tu ipse auctoritatem et monumentum aliquod decreti aut litterarum tuarum relinquas, quod sit ad Flavii rem et ad causam accommodatum; fert enim graviter homo et mei observantissimus et sui iuris dignitatisque retinens se apud te neque amicitia nec iure valuisse, et, ut opinor, Flavii aliquando rem et Pompeius et Caesar tibi commendarunt, et ipse ad te scripserat Flavius et ego certe. Quare, si ulla res est, quam tibi me petente faciendam putes, haec ea sit. Si me amas, cura, elabora, perfice, ut Flavius et tibi et mihi quam maximas gratias agat: hoc te ita rogo, ut maiore studio rogare non possim.

IV. 12. Quod ad me de Hermia scribis, mihi mehercule valde molestum fuit. Litteras ad te parum fraterne scripseram, quas

oratione Diodoti, Luculli liberti, commotus, de pactione statim quod audieram, iracundius scripseram et revocare cupiebam: huic tu epistulae non fraterne scriptae fraterne debes ignoscere. 13. De Censorino, Antonio, Cassiis, Scaevola, te ab iis diligi, ut scribis, vehementer gaudeo. Cetera fuerunt in eadem epistula graviora, quam vellem: Ùryën tën naËn et ‘paj yane?n. Maiora ista; meae obiurgationes fuerunt amoris plenissimae: questus sum nonnulla, sed tamen mediocria et parva potius. Ego te numquam ulla in re dignum minima reprehensione putassem, cum te sanctissime gereres, nisi inimicos multos haberemus. Quae ad te aliqua cum admonitione aut obiurgatione scripsi, scripsi propter diligentiam cautionis meae, in qua et maneo et manebo et, idem ut facias, non desistam rogare. 14. Attalus Hypaepenus mecum egit, ut se ne impedires, quo minus, quod ad Q. Publiceni statuam decretum est, erogaretur: quod ego te et rogo et admoneo, ne talis viri tamque nostri necessarii honorem minui per te aut impediri velis. Praeterea Aesopi, nostri familiaris, Licinius servus tibi notus aufugit: is Athenis apud Patronem Epicureum pro libero fuit: inde in Asiam venit; postea Plato quidam Sardianus, Epicureus, qui Athenis solet esse multum et qui tum Athenis fuerat, cum Licinius eo venisset, cum eum fugitivum esse postea ex Aesopi litteris cognosset, hominem comprehendit et in custodiam Ephesi tradidit, sed, in publicam vel in pistrinum, non satis ex litteris eius intelligere potuimus: tu, quoquo modo est, quoniam Ephesi est, hominem investiges velim summaque diligentia vel tecum deducas. Noli spectare, quanti homo sit; parvi enim pretii est, qui iam nihili est; sed tanto dolore Aesopus est affectus propter servi scelus et audaciam, ut nihil ei gratius facere possis, quam si illum per te recuperarit.

v. 15. Nunc ea cognosce, quae maxime exoptas: rem publicam funditus amisimus, adeo ut C. Cato, adolescens nullius consilli, sed tamen civis Romanus et Cato, vix vivus effugerit, quod, cum Gabinium de ambitu vellet postulare neque praetores diebus aliquot adiri possent vel potestatem sui facerent, in concionem escendit et Pompeium privatum dictatorem appellavit: propius nihil est factum, quam ut occideretur. Ex hoc, qui sit status totius rei publicae, videre potes. 16. Nostrae tamen causae non videntur homines defuturi: mirandum in modum profitentur, offerunt se, pollicentur. Equidem

cum spe sum maxima, tum maiore etiam animo, spe, superiores fore nos, animo, ut in hac re publica ne casum quidem ullum pertimescam. Sed tamen se res sic habet: si diem nobis Clodius dixerit, tota Italia concurret, ut multiplicata gloria discedamus; sin autem vi agere conabitur, spero fore studiis non solum amicorum, sed etiam alienorum ut vi resistamus. Omnes et se et suos amicos clientes, libertos servos, pecunias denique suas pollicentur. Nostra antiqua manus bonorum ardet studio nostri atque amore; si qui antea aut alienores fuerant aut languidiores, nunc horum regum odio se cum bonis coniungunt. Pompeius omnia pollicetur et Caesar, quibus ego ita credo, ut nihil de mea comparatione deminuam. Tribuni pl. designati sunt nobis amici; consules se optimos ostendunt; praetores habemus amicissimos et acerrimos cives Domitium, Nigidium, Memmium, Lentulum; bonos etiam alios, sed hos singulares: quare magnum fac animum habeas et spem bonam; de singulis tamen rebus, quae quotidie gerantur, faciam te crebro certiorem.

III. Scr. Thessalonicae Idibus Iuniis a.u.c. 696.

MARCUS QUINTO FRATRI SALUTEM.

1. mi frater, mi frater, mi frater, tune id veritus es, ne ego iracundia aliqua adductus pueros ad te sine litteris miserim? aut etiam ne te videre noluerim? Ego tibi irascerer? tibi ego possem irasci? Scilicet, tu enim me afflixisti; tui me inimici, tua me invidia, ac non ego te misere perdidi. Meus ille laudatus consulatus mihi te, liberos, patriam, fortunas, tibi velim ne quid eripuerit praeter unum me. Sed certe a te mihi omnia semper honesta et iucunda ceciderunt, a me tibi luctus meae calamitatis, metus tuae, desiderium, maeror, solitudo. "Ego te videre noluerim?" Immo vero me a te videri nolui; non enim vidisses fratrem tuum, non eum, quem reliqueras, non eum, quem noras, non eum, quem flens flentem, prosequentem proficiscens dimiseras, ne vestigium quidem eius nec simulacrum, sed quandam effigiem spirantis mortui. Atque utinam me mortuum prius vidisses aut audisses! utinam te non solum vitae, sed etiam dignitatis meae superstitem reliquissem! 2. Sed testor omnes deos me hac una voce a morte esse revocatum, quod omnes in mea vita partem aliquam tuae vitae repositam esse dicebant: qua in re peccavi sceleratеque feci; nam, si occidissem, mors ipsa meam pietatem amoremque in te facile defenderet: nunc commisi, ut me vivo careres, vivo me aliis indigeres, mea vox in domesticis periculis potissimum occideret, quae saepe alienissimis praesidio fuisset. Nam, quod ad te pueri sine litteris venerunt, quoniam vides non fuisse iracundiam causam, certe pigritia fuit et quaedam infinita vis lacrimarum et dolorum. 3. Haec ipsa me quo fletu putas scripsisse? eodem, quo te legere certe scio. An ego possum aut non cogitare aliquando de te aut umquam sine lacrimis cogitare? cum enim te desidero, fratrem solum desidero? ego vero suavitate prope aequalem, obsequio filium, consilio parentem; quid mihi sine te umquam aut tibi sine me iucundum fuit? Quid, quod eodem tempore desidero filiam? qua pietate, qua modestia, quo ingenio! effigiem oris, sermonis, animi mei. Quid filium venustissimum mihique dulcissimum? quem ego ferus ac ferreus e complexu dimisi meo, sapientiorem puerum quam vellem, sentiebat enim miser iam, quid ageretur. Quid vero tuum filium, imaginem tuam, quem meus Cicero et amabat ut fratrem et iam ut maiorem fratrem verebatur? Quid, quod mulierem miserrimam, fidelissimam coniugem, me prosequi non sum passus, ut esset, quae

reliquias communis calamitatis, communes liberos tueretur? 4. Sed tamen, quoquo modo potui, scripsi et dedi litteras ad te Philogono, liberto tuo, quas credo tibi postea redditas esse, in quibus idem te hortor et rogo, quod pueri tibi verbis meis nuntiarunt, ut Romam protinus pergas et properes: primum enim te praesidio esse volui, si qui essent inimici, quorum crudelitas nondum esset nostra calamitate satiata; deinde congressus nostri lamentationem pertimui; digressum vero non tulissem, atque etiam id ipsum, quod tu scribis, metuebam, ne a me distrahi non posses. His de causis hoc maximum malum, quod te non vidi, quo nihil amantissimis et coniunctissimis fratribus acerbius miserius videtur accidere potuisse, minus acerbum, minus miserum fuit, quam fuisset cum congressio, tum vero digressio nostra. 5. Nunc, si potes id, quod ego, qui tibi semper fortis videbar, non possum, erige te et confirma, si qua subeunda dimicatio erit: spero, si quid mea spes habet auctoritatis, tibi et integritatem tuam et amorem in te civitatis et aliquid etiam misericordiam nostri praesidii laturam; sin eris ab isto periculo vacuus, ages scilicet, si quid agi posse de nobis putabis. De quo scribunt ad me quidem multi multa et se sperare demonstrant; sed ego, quod sperem, non dispicio, cum inimici plurimum valeant, amici partim deseruerint me, partime etiam prodiderint, qui in meo reditu fortasse reprehensionem sui sceleris pertimescunt. Sed, ista qualia sint, tu velim perspicias mihique declares. Ego tamen, quamdiu tibi opus erit, si quid periculi subeundum videbis, vivam: diutius in hac vita esse non possum; neque enim tantum virium habet ulla aut prudentia aut doctrina, ut tantum dolorem possit sustinere. 6. Scio fuisse et honestius moriendi tempus et utilius; sed non hoc solum, multa alia praetermisi, quae si queri velim praeterita, nihil agam, nisi ut augeam dolorem tuum, indicem stultitiam meam. Illud quidem nec faciendum est nec fieri potest, me diutius, quam aut tuum tempus aut firma spes postulabit, in tam misera tamque turpi vita commorari, ut, qui modo fratre fuerim, liberis, coniuge, copiis, genere ipso pecuniae beatissimus, dignitate, auctoritate, existimatione, gratia non inferior, quam qui umquam fuerunt amplissimi, is nunc in hac tam afflicta perditaque fortuna neque me neque meos lugere diutius possim. 7. Quare quid ad me scripsisti de permutatione? quasi vero nunc me non tuae facultates sustineant, qua in re ipsa video miser et sentio quid sceleris

admiserim, cum de visceribus tuis et filii tui satisfacturus sis quibus debes, ego acceptam ex aerario pecuniam tuo nomine frustra dissiparim. Sed tamen et inde Antonio, quantum tu scripseras, et Caepioni tantundem solutum est: mihi ad id, quod cogito, hoc, quod habeo, satis est; sive enim restituimur sive desperamus, nihil amplius opus est. Tu, si forte quid erit molestiae, te ad Crassum et ad Calidium conferas censeo: quantum Hortensio credendum sit, nescio. 8. Me summa simulatione amoris summaque assiduitate quotidiana sceleratissime insidiosissimeque tractavit adiuncto Q. Arrio; quorum ego consiliis, promissis, praeceptis destitutus in hanc calamitatem incidi. Sed haec occultabis, ne quid obsint: illud caveto — et eo puto per Pomponium fovendum tibi esse ipsum Hortensium — , ne ille versus, qui in te erat collatus, cum aedilitatem petebas, de lege Aurelia, falso testimonio confirmetur; nihil enim tam timeo quam ne, cum intelligant homines, quantum misericordiae nobis tuae preces et tua salus allatura sit, oppugnent te vehementius. 9. Messalam tui studiosum esse arbitror; Pompeium etiam simulatorem puto. Sed haec utinam ne experiare! quod precarer deos, nisi meas preces audire desissent; verumtamen precor, ut his infinitis nostris malis contenti sint; in quibus non modo tamen nullius inest peccati infamia, sed omnis dolor est, quod optime factis poena maxima est constituta. 10. Filiam meam et tuam Ciceronemque nostrum quid ego, mi frater, tibi commendem? quin illud maereo, quod tibi non minorem dolorem illorum orbitas afferet quam mihi; sed te incolumi orbi non erunt. Reliqua, ita mihi salus aliqua detur potestasque in patria moriendi, ut me lacrimae non sinunt scribere! etiam Terentiam velim tueare mihique de omnibus rebus rescribas; sis fortis, quoad rei natura patietur. Idibus Iuniis, Thessalonica.

IV. Scr. Thessalonicae mense Sextili a.u.c. 696.

MARCUS QUINTO FRATRI SALUTEM.

1. Amabo te, mi frater, ne, si uno meo facto et tu et mones mei corruistis, improbitati et sceleri meo potius quam imprudentiae miseriaeque assignes: nullum est meum peccatum, nisi quod iis credidi, a quibus nefas putaram esse me decipi, aut etiam, quibus ne

id expedire quidem arbitrabar. Intimus, proximus, familiarissimus quisque aut sibi pertimuit aut mihi invidit: ita mihi nihil misero praeter fidem amicorum cautum meum consilium fuit. 2. Quod si te satis innocentia tua et misericordia hominum vindicat hoc tempore a molestia, perspicis profecto, ecquaenam nobis spes salutis relinquatur: nam me Pomponius et Sestius et Piso noster adhuc Thessalonicae retinuerunt, cum longius discedere propter nescio quos motus vetarent; verum ego magis exitum illorum litteris quam spe certa exspectabam; nam quid sperem potentissimo inimico, dominatione obtrectatorem, infidelibus amicis, plurimis invidis? 3. De novis autem tribunis pl. est ille quidem in me officiosissimus Sestius et, spero, Curius, Milo, Fadius, Fabricius, sed valde adversante Clodio, qui etiam privatus eadem manu poterit conciones concitare; deinde etiam imtercessor parabitur. 4. Haec mihi proficiscenti non proponebantur, sed saepe triduo summa cum gloria dicebar esse rediturus. “Quid tu igitur?” inquies. Quid? multa convenerunt, quae mentem exturbarent meam: subita defectio Pompeii, alienatio consulum, etiam praetorum, timor publicanorum, arma. Lacrimae meorum me ad mortem ire prohibuerunt; quod certe et ad honestatem et ad effugiendos intolerabiles dolores fuit aptissimum. Sed de hoc scripsi ad te in ea epistula, quam Phaethonti dedi. Nunc tu, quoniam in tantum luctum laboremque detrusus es, quantum nemo umquam, si levare potes communem casum misericordia hominum, scilicet incredibile quiddam assequeris; sin plane occidimus — me miserum! — ego omnibus meis exitio fuero, quibus ante dedecori non eram. 5. Sed tu, ut ante ad te scripsi, perspice rem et pertenta et ad me, ut tempora nostra, non ut amor tuus fert, vere perscribe: ego vitam, quoad putabo tua interesse aut ad spem servandam esse, retinebo. Tu nobis amicissimum Sestium cognosces; credo tua causa velle Lentulum, qui erit consul: quamquam sunt facta verbis difficiliora. Tu et quid opus sit et quid sit videbis. Omnino, si tuam solitudinem communemque calamitatem nemo despexerit, aut per te aliquid confici aut nullo modo poterit; sin te quoque inimici vexare coeperint, ne cessaris, non enim gladiis tecum, sed litibus agetur. Verum haec absint velim. Te oro, ut ad me de omnibus rebus rescribas et in me animi aut potius consilii minus putes esse quam antea, amoris vero et officii non minus.

LIBER SECVNDVS

I. Scr. Romae mense Decembri a.u.c. 697.

MARCUS QUINTO FRATRI SALUTEM.

1. Epistulam, quam legisti, mane dederam; sed fecit humaniter Licinius, quod ad me misso senatu vesperi venit, ut, si quid esset actum, ad te, si mihi videretur, perscriberem. Senatus fuit frequentior, quam putaramus esse posse mense Decembri sub dies festos. Consulares nos fuimus et duo consules designati, P. Servilius, M. Lucullus, Lepidus, Volcatius, Glabrio, praetores. Sane frequentes fuimus: omnino ad CC. Commorat exspectationem Lupus: egit causam agri Campani sane accurate; auditus est magno silentio. Materiam rei non ignoras: nihil ex nostris actionibus praetermisit. Fuerunt nonnulli aculei in Caesarem, contumeliae in Gellium, expostulationes cum absente Pompeio. Causa sero perorata sententias se rogaturum negavit, ne quod onus simultatis nobis imponeret: ex superiorem temporum conviciis et ex praesenti silentio, quid senatus sentiret, se intelligere. Dixit Milo. Coepit dimittere. Tum Marcellinus, “noli,” inquit, “ex taciturnitate nostra, Lupe, quid aut probemus hoc tempore aut improbemus, iudicare: ego, quod ad me attinet itemque, arbitror, ceteros, idcirco taceo, quod non existimo, cum Pompeius absit, causam agri Campani agi convenire.” Tum ille se senatum negavit tenere. 2. Racilius surrexit et de iudiciis referre coepit; Marcellinum quidem primum rogavit: is cum graviter de Clodianis incendiis, trucidationibus, lapidationibus questus esset, sententiam dixit, ut ipse iudices per praetorem urbanum sortiretur, iudicum sortitione facta comitia haberentur; qui iudicia impedisset, eum contra rem publicam esse facturum. Approbata valde sententia C. Cato contra dixit et C. Cassius maxima acclamatione senatus, cum comitia iudiciis anteferrent. 3. Philippus assensit Lentulo. Postea Racilius de privatis me primum sententiam rogavit: multa feci verba de toto furore latrocinioque P. Clodii; tamquam reum accusavi multis et secundis admurmurationibus cuncti senatus. Orationem meam collaudavit satis multis verbis, non mehercule indiserte, Vetus

Antistius, isque iudiciorum causam suscepit antiquissimamque se habiturum dixit. Ibatur in eam sententiam: tum Clodius rogatus diem dicendo eximere coepit; furebat a Racilio se contumaciter urbaneque vexatum. Deinde eius operae repente a Graecostasi et gradibus clamorem satis magnum sustulerunt, opinor, in Q. Sextilium et amicos Milonis incitatae: eo metu iniecto repente magna querimonia omnium discessimus. Habes acta unius diei: reliqua, ut arbitror, in mensem Ianuarium reiicientur. De tribunis pl. longe optimum Racilium habemus; videtur etiam Antistius amicus nobis fore; nam Plancius totus noster est. Fac, si me amas, ut considerate diligenterque navies de mense Decembri.

II. Scr. Romae XIV. Kal. Febr. a.u.c. 698.

MARCUS QUINTO FRATRI SALUTEM.

1. Non occupatione — quamquam eram sane impeditus — , sed parvula lippitudine adductus sum, ut dictarem hanc epistulam et non, ut ad te soleo, ipse scriberem. Et primum me tibi excuso in eo ipso, in quo te accuso; me enim nemo adhuc rogavit, num quid in Sardiniam vellem, te puto saepe habere, qui, num quid Romam velis, quaerant. Quod ad me de Lentuli et Sestii nomine scripsisti, locutus sum cum Cincip: quoquo modo res se habet, non est facillima, sed habet profecto quiddam Sardinia appositum ad recordationem praeteritae memoriae; nam, ut ille Gracchus augur, posteaquam in istam provinciam venit, recordatus est, quid sibi in campo Martio comitia consulum habenti contra auspicia accidisset, sic tu mihi videris in Sardinia de forma Numisiana et de nominibus Pomponianis in otio recogitasse. Ego adhuc emi nihil: Culleonis auctio facta est; Tusculano emptor nemo fuit; 2. si condicio valde bona fuerit, fortasse non omittam. De aedificatione tua Cyrum urgere non cesso: spero eum in officio fore; sed omnia sunt tardiora propter furiosae aedilitatis exspectationem; nam comitia sine mora futura videntur: edicta sunt in a.d. XI. Kal. Febr.. Te tamen sollicitum esse nolo: omne genus a nobis cautionis adhibebitur. 3. De rege Alexandrino factum est senatus consultum, cum multitudine eum reduci periculosum rei publicae videri: reliqua cum esset in senatu

contentio, Lentulusne an Pompeius reduceret, obtinere causam Lentulus videbatur. In ea re nos et officio erga Lentulum mirifice et voluntati Pompeii praeclare satisfecimus, sed per obtrectatores Lentuli calumnia extracta res est: consecuti sunt dies comitiales, per quos senatus haberi non poterat. Quid futurum sit latrocinio tribunorum, non divino, sed tamen suspicor per vim rogationem Caninium perlaturum. In ea re Pompeius quid velit, non dispicio: familiares eius quid cupiant, omnes vident; creditores vero regis aperte pecunias suppeditant contra Lentulum. Sine dubio res a Lentulo remota videtur esse, cum magno meo dolore, quamquam multa fecit, quare, si fas esset, iure ei suscensere possemus. 4. Tu, si ista expedisti, velim quam primum bona et certa tempestate conscendas ad meque venias; innumerabiles enim res sunt, in quibus te quotidie in omni genere desiderem. Tui nostrique valent. XIIII. Kal. Februarias.

III. Scr. Romae prid. Id. Febr. a.u.c. 698.

MARCUS QUINTO FRATRI SALUTEM.

1. Scripsi ad te antea superiora; nunc cognosce, postea quae sint acta. A Kal. Febr. legationes in Idus Febr. reiiciebantur; eo die res confecta non est. A. d. IIII. Non. Febr. Milo affuit; ei Pompeius advocatus venit; dixit Marcellus a me rogatus; honeste discessimus; prodicta dies est in VIII. Idus Febr. Interim reiectis legationibus in Idus referebatur de provinciis quaestorum et de ornandis praetoribus; sed res multis querelis de re publica interponendis nulla transacta est. C. Cato legem promulgavit de imperio Lentulo abrogando: vestitum filius mutavit. 2. A. d. VIII. Id. Febr. Milo affuit: dixit Pompeius sive voluit, nam, ut surrexit, operae Clodianae clamorem sustulerunt, idque ei perpetua oratione contigit, non modo ut acclamatione, sed ut convicio et maledictis impediretur. Qui ut peroravit — nam in eo sane fortis fuit: non est deterritus; dixit omnia atque interdum etiam silentio, cum auctoritate peregerat — , sed ut peroravit, surrexit Clodius: ei tantus clamor a nostris — placuerat enim referre gratiam — , ut neque mente nec lingua neque ore consisteret. Ea res acta est, cum hora sexta vix Pompeius perorasset, usque ad horam VIII., cum

omnia maledicta, versus denique obscoenissimi in Clodium et Clodiam dicerentur. Ille furens et exsanguis interrogabat suos in clamore ipso, quis esset, qui plebem fame necaret: respondebant operae: “Pompeius,” quis Alexandream ire cuperet: respondebant: “Pompeius;” quem ire vellent: respondebant: “Crassum” — is aderat tum Miloni animo non amico — . Hora fere nona quasi signo data Clodiani nostros consputare coeperunt; exarsit dolor. Urgere illi, ut loco nos moverent; factus est a nostris impetus, fuga operarum; eiectus de rostris Clodius, ac nos quoque tum fugimus, ne quid in turba. Senatus vocatus in curiam; Pompeius domum; neque ego tamen in senatum, ne aut de tantis rebus tacerem aut in Pompeio defendendo — nam is carpebatur a Bibulo, Curione, Favonio, Servilio filio — animos bonorum virorum offenderem; res in posterum diem dilata est; Clodius in Quirinalia prodixit diem. A. d. VII. Id. Febr. senatus ad Apollinis fuit, ut Pompeius adesset: acta res est graviter a Pompeio; eo die nihil perfectum est. 3. A. d. VI. Id. Febr. ad Apollinis senatus consultum factum est, ea, quae facta essent a. d. VIII. Id. Febr., contra rem publicam esse facta. Eo die Cato vehementer est in Pompeium invectus et eum oratione perpetua tamquam reum accusavit, de me multa me invito cum mea summa laude dixit, cum illius in me perfidiam increparet: auditus est magno silentio malevorum. Respondit ei vehementer Pompeius Crassumque descripsit dixitque aperte se munitiorem ad custodiendam vitam suam fore, quam Africanus fuisset, quem C. Carbo interemisset. 4. Itaque magnae mihi res iam moveri videbantur; nam Pompeius haec intelligit nobiscumque communicat, insidias vitae suae fieri, C. Catonem a Crasso sustentari, Clodio pecuniam suppeditari, utrumque et ab eo et a Curione, Bibulo ceterisque suis obtrectatoribus confirmari, vehementer esse providendum, ne opprimatur concionario illo populo a se prope alienato, nobilitate inimica, non aequo senatu, iuventute improba. Itaque se comparat, homines ex agris arcessit; operas autem suas Clodius confirmat, manus ad Quirinalia paratur. In eo multo sumus superiores ipsius copiis; sed magna manus ex Piceno et Gallia exspectatur, ut etiam Catonis rogationibus de Milone et Lentulo resistamus. 5. A. d. IIII. Idus Febr. Sestius ab indice Cn. Nerio Pupinia de ambitu est postulatus et eodem die a quodam M. Tullio de vi: is erat aeger; domum, ut

debuimus, ad eum statim venimus eique nos totos tradidimus, idque fecimus praeter hominum opinionem, qui nos ei iure suscensere putabant, ut humanissimi gratissimique et ipsi et omnibus videremur, itaque faciemus. Sed idem Nerius index edidit ad allegatos Cn. Lentulum Vatiam et C. Cornelium ista ei eodem die senatus consultum factum est, ut sodalitates decuriatique discederent lexque de iis ferretur, ut, qui non discessissent, ea poena, quae est de vi, tenerentur. 6. A. d. III. Idus Febr. dixi pro Bestia de ambitu apud praetorem Cn. Domitium in foro medio maximo conventu incidique in eum locum in dicendo, cum Sestius multis in templo Castoris vulneribus acceptis subsidio Bestiae servatus esset. Hic proŸxonomhsmhn quiddam eÈxa¤rvw de iis, quae in Sestium apparabantur crimina, et eum ornavi veris laudibus magno assensu omnium: res homini fuit vehementer gratia. Quae tibi eo scribo, quod me de retinenda Sestii gratia litteris saepe monuisti. 7. Pridie Idus Febr. haec scripsi ante lucem: eo die apud Pomponium in eius nuptiis eram coenaturus. Cetera sunt in rebus nostris huiusmodi, ut tu mihi fere diffidenti praedicabas: plena dignitatis et gratiae; quae quidem tua, mi frater, prudentia, patientia, virtute, pietate, suavitate etiam tibi mihique sunt restituta. Domus tibi ad lucum Pisonis Liciniana conducta est; sed, ut spero, paucis mensibus post K. Quinctiles in tuam commigrabis. Tuam in Carinis mundi habitatores Lamiae conduxerunt. A te post illam Olbiensem epistulam nullas litteras accepi: quid agas et ut te oblectes, scire cupio maximeque te ipsum videre quam primum. Cura, mi frater, ut valeas et, quamquam est hiems, tamen Sardiniam istam esse cogites. XV. K. Martias.

IV. Scr. Romae mense Martio a.u.c. 698.

MARCUS QUINTO FRATRI SALUTEM.

1. Sestius noster absolutus est a. d. V. Idus Martias et, quod vehementer interfuit rei publicae nullam videri in eiusmodi causa dissensionem esse, omnibus sententiis absolutus est. Illud, quod tibi curae saepe esse intellexeram, ne cui iniquo relinqueremus vituperandi locum, qui nos ingratos esse diceret, nisi illius perversitatem quibusdam in rebus quam humanissime ferremus, scito

hoc nos in eo iudicio consecutos esse, ut omnium gratissimi iudicaremur: nam defendendo moroso homini cumulatissime satisfecimus et, id quod ille maxime cupiebat, Vatinium, a quo palam oppugnabatur, arbitratu nostro concidimus dis hominibusque plaudentibus; quin etiam Paullus noster, cum testis productus esset in Sestium, confirmavit se nomen Vatinii delaturum, si Macer Licinius cunctaretur, et Macer ab Sestii subselliis surrexit ac se illi non defuturm affirmavit; quid quaeris? homo petulans et audax valde perturbatus debilitatusque discessit. 2. Quintus tuus, puer optimus, eruditur egregie: hoc nunc magis animum adverto, quod Tyrannio docet apud me. Domus utriusque nostrum aedificatur strenue; redemptori tuo dimidium pecuniae curavi: spero nos ante hiemem contubernales fore. De nostra Tullia, tui mehercule amantissima, spero cum Crassipede nos confecisse. Dies erant duo, qui post Latinas habentur religiosi; cetero confectum erat Latiar erat exiturus. ‘Amfilaf¤an autem illam, quam tu soles dicere, bono desidero, sic prorsus, ut advenientem excipiam libenter, latentem etiam nunc non excitem: tribus loci aedifico, reliqua reconcinno; vivo paullo liberalius, quam solebam; opus erat si te haberem, paullisper fabris locum darem. Sed [et] haec, ut spero, brevi inter nos communicabimus. 4. Res autem Romanae sese sic habent: consul est egregius Lentulus non impediente collega, sic, inquam, bonus, ut meliorem non viderim: dies comitiales exemit omnes; nam etiam Latinae instaurantur, nec tamen deerant supplicationes. 5. Ita legibus perniciosissimis obsistitur, maxime Catonis, cui tamen egregie imposuit Milo noster: nam ille vindex gladiatorum et bestiariorum emerat de Cosconio et Pomponio bestiarios, nec sine iis armatis umquam in publico fuerat; hos alere non poterat, itaque vix tenebat; sensit Milo: dedit cuidam non familiari negotium, qui sine suspicione emeret eam familiam a Catone; quae simul atque abducta est, Racilius, qui unus optimus est hoc tempore tribunus pl., rem patefecit eosque homines sibi emptos esse dixit — sic enim placuerat — et tabulam proscripsit, se familiam Catonianam venditurum: in eam tabulam magni risus consequebantur. Hunc igitur Catonem Lentulus a legibus removit et eos, qui de Caesare monstra promulgarunt, quibus intercederet nemo; nam, quod de Pompeio Caninius agit, sane quam refrixit; neque enim res probatur et Pompeius noster in amicitia

P. Lentuli vituperatur et hercule non est idem; nam apud perditissimam illam atque infimam faecem populi propter Milonem suboffendit, et boni multa ab eo desiderant, multa reprehendunt. Marcellinus autem hoc uno mihi quidem non satisfacit, quod eum nimis aspere tractat: quamquam id senatu non invito facit; quo ego me libentius a curia et ab omni parte rei publicae subtraho. 6. In iudiciis ii sumus, qui fuimus: domus celebratur ita, ut cum maxime. Unum accidit imprudentia Milonis incommode, de Sexto Clodio, quem neque hoc tempore neque ab imbecillis accusatoribus mihi placuit accusari: ei tres sententiae deterrimo in consilio defuerunt; itaque hominem populus revocat et retrahatur necesse est, non enim ferunt homines et, quia, cum apud suos diceret, paene damnatus est, vident damnatum. Ea ipsa in re Pompeii offensio nobis obstitit; senatorum enim urna copiose absolvit, equitum adaequavit, tribuni aerarii condemnarunt; sed hoc incommodum consolantur quotidianae damnationes inimicorum, in quibus me perlibente Sevius allisus est, ceteri conciduntur. C. Cato concionatus est comitia haberi non siturum, si sibi a populo dies agendi essent exempti. Appius a Caesare nondum redierat. 7. Tuas mirifice litteras exspecto: atque adhuc clausum mare fuisse scio, sed quosdam venisse tamen Olbia dicebant, qui te unice laudarent plurimique in provincia fieri dicerent: eosdem aiebant nuntiare te prima navigatione transmissurum; id cupio et, quamquam te ipsum scilicet maxime, tamen etiam litteras tuas ante exspecto. Mi frater, vale.

V. Scr. a. d. VI. Idus Apriles a.u.c. 698.

MARCUS QUINTO FRATRI SALUTEM.

1. Dederam ad te litteras antea, quibus erat scriptum Tulliam nostram Crassipedi pr. Non. April. esse desponsam ceteraque de re publica privataque perscripseram. Postea sunt haec acta: Non. Apr. senatus consulto Pompeio pecunia decreta in rem frumentariam ad HS. CCCC; sed eodem die vehementer actum de agro Campano clamore senatus prope concionali: acriorem causam inopia pecuniae faciebat et annonae caritas. 2. Non praetermittam ne illud quidem: M. Furium Flaccum, equitem Romanum, hominem nequam, Capitolini et

Mercuriales de collegio eiecerunt praesentem, ad pedes unius cuiusque iacentem. A. d. VIII. Idus Apriles sponsalia Crassipedi praebui: huic convivio puer optimus, Quintus tuus meusque, quod perleviter commotus fuerat, duit. A. d. VII. Idus Apriles veni ad Quintum eumque vidi plane integrum, multumque is mecum sermonem habuit et perhumanum de discordiis mulierum nostrarum: quid quaeris? nihil festivius; Pomponia autem etiam de te questa est; sed haec coram agemus. 3. A puero ut discessi, in aream tuam veni: res agebatur multis structoribus; Longilium redemptorem cohortatus sum; fidem mihi faciebat se velle nobis placere. Domus erit egregia, magis enim cerni iam poterat, quam quantum ex forma iudicabamus; itemque nostra celeriter aedificabatur. Eo die coenavi apud Crassipedem; coenatus in hortos ad Pompeium lectica latus sum. Luci eum convenire non potueram, quod afuerat; videre autem volebam, quod eram postridie Roma exiturus et quod ille in Sardiniam iter habebat. Hominem conveni et ab eo petivi, ut quam primum te nobis redderet. Statim, dixit; erat autem iturus, ut aiebat, a. d. III. Id. April., ut aut Labrone aut Pisis conscenderet. Tu, mi frater, simul et ille venerit, primam navigationem, dummodo idonea tempestas sit, ne omiseris. 4. A. d. VI. Idus April. ante lucem hanc epistulam conscripsi. Eram[que] in itinere, ut eo die apud T. Titium in Anagnino manerem; postridie autem in Laterio cogitabam, inde, cum in Arpinati quinque dies fuissem, ire in Pompeianum, rediens aspicere Cumanum, ut, quoniam in Nonas Maias Miloni dies prodicta est, pridie Nonas Romae essem teque, mi carissime et suavissime frater, ad eam diem, ut sperabam, viderem. Aedificationem Arcani ad tuum adventum sustentari placebat. Fac, mi frater, ut valeas quam primumque venias.

VI. Scr. Romae mense Maio a.u.c. 698.

MARCUS QUINTO FRATRI SALUTEM.

1. O litteras mihi tuas iucundissimas, exspectatas ac primo quidem cum desiderio, nunc vero etiam cum timore! Atque has scito litteras me solas accepisse post illas, quas tuus nauta attulit Olbia datas. Sed cetera, ut scribis, praesentis sermoni reserventur; hoc tamen non queo

differre: Idibus Maiis senatus frequens divinus fuit in supplicatione Gabinio deneganda. Adiurat Procilius hoc nemini accidisse; foris valde plauditur; mihi cum sua sponte iucundum, tum iucundius, quod me absente; est enim e?lixrin¢w iudicium, sine oppugnatione, sine gratia nostra: eram Antii. 2. Quod Idibus et postridie fuerat dictum de agro Campano actum iri, non est actum: in hac causa mihi aqua haeret. Sed plura, quam constitueram; coram enim. Vale, mi optime et optatissime frater, et advola; idem te pueri nostri rogant. Illud scilicet: coenabis, cum veneris.

VII. Scr. Romae mense Februario a.u.c. 699.

MARCUS QUINTO FRATRI SALUTEM.

1. Placiturum tibi esse librum meum suspicabar: tam valde placuisse, quam scribis, valde gaudeo. Quod me admones de nostra Urania suadesque, ut meminerim Iovis orationem, quae est in extremo illo libro, ego vero memini et illa omnia mihi magis scripsi quam ceteris. 2. Sed tamen postridie, quam tu es profectus, multa nocte cum Vibullio veni ad Pompeium, cumque ego egissem de istis operibus atque inscriptionibus, per mihi benigne respondit: magnam spem attulit; cum Crasso se dixit loqui velle mihique, ut idem facerem, suasit. Crassum consulem ex senatu domum reduxi, suscepit rem dixitque esse, quod Clodius hoc tempore cuperet per se et per Pompeium consequi; putare se, si ego eum non impedirem, posse me adipisci sine contentione, quod vellem; totum ei negotium permisi meque in eius potestate dixi fore; interfuit huic sermoni P. Crassus adolescens, nostri, ut scis, studiosissimus. Illud autem, quod cupit Clodius, est legatio aliqua — si minus per senatum, per populum — libera aut Byzantium aut ad Brogitarum aut utrumque: plena res nummorum; quod ego non nimium laboro, etiamsi minus assequor, quod volo. Pompeius tamen cum Crasso locutus est: videntur negotium suscepisse. Si perficiunt, optime; si minus, ad nostrum Iovem revertamur. 2. A. d. III. Idus Febr. senatus consultum est factum de ambitu in Afranii sententiam, contra quam ego dixeram, cum tu adesses; sed magno cum gemitu senatus consules non sunt persecuti eorum sententias, qui, Afranio cum essent assensi,

addiderunt, ut praetores ita crearentur, ut dies sexaginta privati essent: eo die Catonem plane repudiarunt. Quid multa? tenent omnia, idque ita omnes intelligere volunt.

VIII. Scr. mense Maio a.u.c. 699.

MARCUS QUINTO FRATRI SALUTEM.

1. Tu metuis, ne me interpelles? Primum, si in isto essem, tu scis, quid sit interpellare; an te a te is? mehercule mihi docere videris istius generis humanitatem, qua quidem ego nihil utor abs te. Tu vero ut me et appelles et interpelles et obloquare et colloquare velim; quid enim mihi suavius? non mehercule quisquam mousoptaxtow libentius sua recentia poemata legit, quam ego te audio quacumque de re, publica privata, rustica urbana; sed mea factum est insulsa verecundia, ut te proficiscens non tollerem: opposuisti semel Žnant ¤lexton causam, Ciceronis nostri valetudinem, conticui; iterum Cicerones, quievi. 2. Nunc mihi iucunditatis plena epistula hoc aspersit molestiae, quod videris, ne mihi molestus esses, veritus esse atque etiam nunc vereri. Litigarem tecum, si fas esset; sed mehercule, istuc si umquam suspicatus ero, nihil dicam aliud nisi verebor, ne quando ego tibi, cum sum una, molestus sim. Video te ingemuisse. Sic fit, e?d' ?n aýa ?jhsaw: numquam enim dicam, ?a psaw. Marium autem nostrum in lecticam mehercule coniecissem — non illam regis Ptolemaei Anicianam; memini enim, cum hominem portarem ad Baias Neapoli octophoro Aniciano machaerophoris centum sequentibus, miros risus nos edere, cum ille ignarus sui comitatus repente aperuit lecticam et paene ille timore, ego risu corrui — , hunc, ut dico, certe sustulissem, ut aliquando subtilitatem veteris urbanitatis et humanissimi sermonis attingerem; sed hominem infirmum in villam apertam ac ne rudem quidem etiam nunc invitare nolui. 3. Hoc vero mihi peculiare fuerit, hic etiam isto frui; nam illorum praediorum scito mihi vicinum Marium lumen esse. Apud Anicium videbimus ut paratum sit; nos enim ita philologi sumus, ut vel cum fabris habitare possimus — habemus hanc philosophiam non ab Hymetto, sed ab araxira — , Marius et valetudine est et natura imbecillior. 4. De interpellatione, tantum sumam a vobis temporis ad

scribendum, quantum dabitis. Utinam nihil detis, ut potius vestra iniuria quam ignavia mea cessem! De re publica nimium te laborare doleo et meliorem civem esse quam Philoctetam, qui accepta iniuria ea spectacula quaerebat, quae tibi acerba esse video. Amabo te, advola — consolabor te et omnem abstergebo dolorem — et adduc, si me amas, Marium; sed approperate. Hortus domi est.

IX. Scr. ineunte mense Februario (a. d. III. Id.?) a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Epistulam hanc convicio efflagitarunt codicilli tui; nam res quidem ipsa et is dies, quo tu es profectus, nihil mihi ad scribendum argumenti sane dabat; sed, quemadmodum, coram cum sumus, sermo nobis deesse non solet, sic epistulae nostrae debent interdum alucinari. 2. Tenediorum igitur libertas securi Tenedia praecisa est, cum eos praeter me et Bibulum et Calidium et Favonium nemo defenderet; de te a Magnetibus ab Sipylo mentio est honorifica facta, cum te unum dicerent postulationi L. Sestii Pansae restitisse. Reliquis diebus si quid erit, quod te scire opus sit, aut etiam si nihil erit, tamen scribam quotidie aliquid: pridie Idus neque tibi neque Pomponio deero. 3. Lucretii poemata, ut scribis, ita sunt: multis luminibus ingenii, multae etiam artis; sed, cum veneris, virum te putabo, si Sallustii Empedoclea legeris, hominem non putabo.

X. Scr. Romae Idibus Februariis a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Gaudeo tibi iucundas esse meas litteras, nec tamen habuissem scribendi nunc quidem ullum argumentem, nisi tuas accepissem; nam pridie Idus, cum Appius senatum infrequentem coegisset, tantum fuit frigus, ut populi convicio coactus sit nos dimittere. De Commageno, quod rem totam discusseram, mirifice mihi et per se et per Pomponium blanditur Appius; videt enim, hoc genere dicendi si utar in ceteris, Februarium sterilem futurum. Eumque lusi iocoso satis, neque solum illud extorsi oppidulum, quod erat positum in Euphrati Zeugmate, sed praeterea togam sum eius praetextam, quam erat

adeptus Caesare consule, magno hominum risu cavillatus. 3. “Quod vult,” inquam, “renovari honores eosdem, quo minus togam praetextam quotannis interpolet, decernendum nihil censeo; vos autem, homines nobiles, qui Bostrenum praetextatum non ferebatis, Commagenum feretis?” Genus vides et locum iocandi. Multa dixi in ignobilem regem, quibus totus est explosus; quo genere commotus, ut dixi, Appius totum me amplexatur; nihil est enim facilius quam reliqua discutere; sed non faciam, ut illum offendam, ne imploret fidem Iovis Hospitalis, Graios omnes convocet, per quos mecum in gratiam rediit. 4. Theopompo satisfaciemus. De Caesare fugerat me ad te scribere, video enim, quas tu litteras exspectaris; sed ille scripsit ad Balbum fasciculum illum epistularum, in quo fuerat et mea et Balbi, totum sibi aqua madidum redditum esse, ut ne illud quidem sciat, meam fuisse aliquam epistulam. Sed ex Balbi epistula pauca verba intellexerat, ad quae rescripsit his verbis: “de Cicerone te video quiddam scripsisse, quod ego non intellexi; quantum autem coniectura consequebar, id erat eiusmodi, ut magis optandum quam sperandum putarem.” 5. Itaque postea misi ad Caesarem eodem illo exemplo litteras. Iocum autem illius de sua egestate ne sis aspernatus: ad quem ego rescripsi nihil esse, quod posthac arcae nostrae fiducia conturbaret, lusique in eo genere et familiariter et cum dignitate. Amor autem eius erga nos perfertur omnium nuntiis singularis; litterae quidem ad id, quod exspectas, fere cum tuo reditu iungentur. Reliqua singulorum dierum scribemus ad te, si modo tabellarios tu praebebis: quamquam eiusmodi frigus impendebat, ut summum periculum esset, ne Appio suae aedes urerentur.

XI. Scr. Romae a. d. XVI. Kal. Martias a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Risi “nivem atram,” teque hilari animo esse et prompto ad iocandum valde me iuvat. De Pompeio assentior tibi, vel tu potius mihi; nam, ut scis, iampridem istum canto Caesarem: mihi crede, in sinu est, neque ego discingor. 2. Cognosce nunc Idus: decimus erat Caelio dies; Domitius iudices ad numerum non habuit. Vereor, ne homo teter et ferus, Pola Servius, ad accusationem veniat; nam noster

Caelius valde oppugnatur a gente Clodia. Certi nihil est adhuc, sed veremur. Eodem igitur die Tyriis est senatus datus frequens; frequentes contra Syriaci publicani. Vehementer vexatus Gabinius; exagitati tamen a Domitio publicani, quod eum essent cum equis prosecuti. L. noster Lamia paullo ferocius, cum Domitius dixisset: "vestra culpa haec acciderunt, equites Romani; dissolute enim iudicatis," "nos iudicamus, vox laudatis," inquit. 3. Actum est eo die nihil: nox diremit. Comitialibus diebus, qui Quirinalia sequuntur, Appius interpretatur non impediri se lege Pupia, quo minus habeat senatum, et, quod Gabinia sanctum sit, etiam cogi ex Kal. Febr. usque ad Kal. Martias legatis senatum quotidie dare: ita putantur detrudi comitia in mensem Martium; sed tamen his comitialibus tribuni pl. de Gabinio se acturos esse dicunt. Omnia colligo, ut novi scribam aliquid ad te; sed, ut vides, res me ipsa deficit: 4. itaque ad Callisthenem et ad Philistum redeo, in quibus te video volutatum. Callisthenes quidem vulgare et notum negotium, quemadmodum aliquot Graeci locuti sunt: Siculus ille capitalis, creber, acutus, brevis, paene pusillus Thucydides; sed, utros eius habueris libros — duo enim sunt corpora — an utrosque, nescio. Me magis "de Dionysio" delectat; ipse est enim veterator magnus et perfamiliaris Philisto Dionysius. Sed, quod ascribis, aggrediarisne ad historiam, me auctore potes, et, quoniam tabellarios subministras, hodierni diei res gestas Lupercalibus habebis. Oblecta te cum Cicerone nostro quam bellissime.

XII. Scr. in Cumano vel Pompeiano mense Maio a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Duas adhuc a te accepi epistulas, quarum alteram in ipso discessu nostro, alteram Arimino datam; plures, quas scribis te dedisse, non acceperam. Ego me in Cumano et Pompeiano, praeterquam quod sine te, ceterum satis commode oblectabam et eram in iisdem locis usque ad Kal. Iunias futurus. Scribebam illa, quae dixeram politix, spissum sane opus et operosum; sed, si ex sententia successerit, bene erit opera posita, sin minus, in illud ipsum mare deiiciemus, quod spectantes scribimus, atque aggrediemur alia, quoniam quiescere non

possumus. 2. Tua mandata persequar diligenter et in adiungendis hominibus et in quibusdam non alienandis; maximae mihi vero curae erit, ut Ciceronem tuum nostrumque videam scilicet quotidie, sed inspiciam, quid discat, quam saepissime; et, nisi ille contemnet, etiam magistrum me ei profitebor, cuius rei nonnullam consuetudinem nactus sum in hoc horum dierum otio Cicerone nostro minore producendo. 3. Tu, quemadmodum scribis, quod, etiamsi non scriberes, facere te diligentissime tamen sciebam, facies scilicet, ut mea mandata digeras, persequare, conficias. Ego, cum Romam venero, nullum praetermittam Caesaris tabellarium, cui litteras ad te non dem: his diebus — ignosces — cui darem fuit nemo ante hunc M. Orfium, equitem Romanum, nostrum et pernecessarium et quod est ex municipio Atellano, quod scis esse in fide nostra. Itaque eum tibi commendo in maiorem modum, hominem domi splendidum, gratiosum etiam extra domum; quem fac ut tua liberalitate tibi obliges — est tribunus militum in exercitu vestro — : gratum hominem observantemque cognosces. Trebatium ut valde ames, vehementer te rogo.

XIII. Scr. romae ineunte mense Iunio a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. A. d. IIII. Non. Iunias, quo die Romam veni, accepi tuas litteras, datas Placentia, deinde alteras, postridie datas Blandenonne cum Caesaris litteris, refertis omni officio, diligentia, suavitate. Sunt ista quidem magna vel potius maxima; habent enim vim magnam ad gloriam et ad summam dignitatem; sed, mihi crede, quem nosti, quod in istis rebus ego plurimi aestimo, id iam habeo: te scilicet primum tam inservientem communi dignitati, deinde Caesaris tantum in me amorem, quem omnibus iis honoribus, quos me a se exspectare vult, antepono; litterae vero eius una datae cum tuis, quarum initium est, quam suavis ei tuus adventus fuerit et recordatio veteris amoris, deinde, se effecturum, ut ego in medio dolore ac desiderio tui te, cum a me abesses, potissimum secum esse laetarer, incredibiliter me delectarunt. 2. Quare facis tu quidem fraterne, quod me hortaris, sed mehercule currentem nunc quidem, ut omnia mea studia in istum

unum conferam. Ego vero ardenti [quidem] studio hoc fortasse efficiam, quod saepe viatoribus, cum properant, evenit, ut, si serius, quam voluerint, forte surrexerint, properando etiam citius, quam si de nocte vigilassent, perveniant, quo velint: sic ego, quoniam in isto homine colendo tam indormivi diu te merhercule saepe excitante, cursu corrigam tarditatem cum equis, tum vero — quoniam ut scribis poema ab eo nostrum probari — quadrigis poeticis: modo mihi date Britanniam, quam pingam coloribus tuis, penicillo meo. Sed quid ago? quod mihi tempus, Romae praesertim, ut iste me rogat, manenti, vacuum ostenditur? sed videro; fortasse enim, ut fit, vincet tuus amor omnes difficultates. 3. Trebatium quod ad se miserim, persalse et humaniter etiam gratias mihi agit; negat enim in tanta multitudine eorum, qui una essent, quemquam fuisse, qui vadimonium concipere posset. M. Curtio tribunatum ab eo petivi — nam Domitius se derideri putasset, si esset a me rogatus; hoc enim est eius quotidianum, se ne tribunum militum quidem facere: etiam in senatu lusit Appium collegam propterea isse ad Caesarem, ut aliquem tribunatum auferret — , sed in alterum annum: id et Curtius ita volebat. 4. Tu, quemadmodum me censes oportere esse et in re publica et in mostris inimicitiis, ita et esse et fore auricula infima scito molliorem. 5. Res Romanae se sic habebant: erat nonnulla spes comitiorum, sed incerta; erat aliqua suspicio dictaturae, ne ea quidem certa, summum otium forense, sed senescentis magis civitatis quam acquiescentis, sententia autem nostra in senatu eiusmodi, magis ut alii nobis assentiantur quam nosmet ipsi. ToiaËy’ ž tlÆmvn pÒlemow ?jergzetai.

XIV. Scr. Romae mense Quinctili (VI. Kal. Sext.?) a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Calamo bono et atramento temperato, charta etiam dentata, res agetur; scribis enim te meas litteras superiores vix legere potuisse, in quo nihil eorum, mi frater, fuit, quae putas; neque enim occupatus eram neque perturbatus nec iratus alicui, sed hoc facio semper, ut, quicunque calamus in manus meas venerit, eo sic utar, tamquam bono. 2. Verum attende nunc, mi optime et suavissime frater, ad ea

dum rescribo, quae tu in hac eadem brevi epistula pragmatix«w valde scripsisti. De quo petis ut ad te nihil occultans, nihil dissimulans, nihil tibi indulgens genuine fraterneque rescribam, id est, utrum voles ut dixerimus ad expediendum te, si causa sit, commorere. Si, mi Quinte, parva aliqua res esset, in qua sciscitarere, quid vellem, tamen, cum tibi permissurus essem, ut faceres, quod velles, ego, ipse quid vellem, ostenderem; in hac vero re hoc profecto quaeris, cuiusmodi illum annum, qui sequitur, exspectem: aut plane tranquillum nobis aut certe munitissimum, quod quotidie domus, quod forum, quod theatri significationes declarant; nec laborant, quod mea confidentia copiarum nostrarum: quod Caesaris, quod Pompeii gratiam tenemus, haec me, ut confidam, faciunt; sin aliquis erumpet amentis hominis furor, omnia sunt ad eum frangendum expedita. 3. Haec ita sentio, iudico, ad te explorate scribo: dubitare te non assentatorie, sed fraterne veto. Quare suavitatis equidem nostrae fruendae causa cuperem te ad id tempus venire, quod dixeras, sed illud malo tamen, quod putas magis * * * illa etiam magni aestimo, amfilaf¤an illam tuam et explicationem debitorum tuorum. Illud quidem sic habeto, nihil nobis expeditis, si valebimus, fore fortunatius: parva sunt, quae desunt, pro nostris quidem moribus, et ea sunt ad explicandum expeditissima, modo valeamus. 4. Ambitus redit immanis; numquam fuit par: Idib. Quinct. fenus fuit bessibus ex triente. Coitione Memmi est quo cum Domitio: hanc Scaurus unum vincere; Messala flaccet. Non dico Íperbolix«w: vel HS. centies constituerunt in praerogativa pronuntiare. Res ardet invidia. Tribunicii candidati compromiserunt, HS. quingenis in singulos apud M. Catonem depositis, petere eius arbitratu, ut, qui contra fecisset, ab eo condemnaretur: quae quidem comitia si gratuita fuerint, ut putantur, plus unus Cato potuerit quam omnes leges omnesque iudices.

XV. Scr. Romae exeunte mense Sextili a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Cum a me litteras librarii manu acceperis, ne paullum quidem me otii habuisse iudicato, cum autem mea, paullum: sic enim habeto,

numquam me a causis et iudiciis districtiorem fuisse atque id anni tempore gravissimo et caloribus maximis. Sed haec, quoniam tu ita praescribis, ferenda sunt, neque committendum, ut aut spei aut cogitationi vestrae ego videar defuisse, praesertim cum, si id difficilius fuerit, tamen ex hoc labore magnam gratiam magnamque dignitatem sim collecturus. Itaque, ut tibi placet, damus operam, ne cuius animum offendamus atque ut etiam ab iis ipsis, qui nos cum Caesare tam coniunctos dolent, diligamur, ab aequis vero aut etiam propensis in hanc partem vehementer et colamur et amemur. 2. De ambitu cum atrocissime ageretur in senatu multos dies, quod ita erant progressi candidati consulares, ut non esset ferendum, in senatu non fui: statui ad nullam medicinam rei publicae sine magno praesidio accedere. 3. Quo die haec scripsi, Drusus erat de praevaricatione a tribunis aerariis absolutus, in summa quattuor sententiis, cum senatores et equites damnassent. Ego eodem die post meridiem Vatinium eram defensurus: ea res facilis est. Comitia in mensem Septembrem reiecta sunt. Scauri iudicium statim exercebitur, cui nos non deerimus. Sunde¤pnouw Sofoxl°ouw, quamquam a te actam fabellam video esse festive, nullo modo probavi. 4. Venio nunc ad id, quod nescio an primum esse debuerit: o iucundas mihi tuas de Britannia litteras! Timebam Oceanum, timebam litus insulae: reliqua non equidem contemno, sed plus habent tamen spei quam timoris, magisque sum sollicitus exspectatione ea quam metu. Te vero ÍpÒyesin scribendi egregiam habere video: quos tu situs, quas naturas rerum et locorum, quos mores, quas gentes, quas pugnas, quem vero ipsum imperatorem habes! Ego te libenter, ut rogas, quibus rebus vis, adiuvabo et tibi versus, quos rogas, glaËx’ e?w ‘AyÆnaw, mittam. 5. Sed heus tu, celari videor a te: quomodonam, mi frater, de nostris versibus Caesar? nam primum librum se legisse scripsit ad me ante, et prima sic, ut neget se ne Graeca quidem meliora legisse; reliqua ad quendam locum rayumÒtera — hoc enim utitur verbo — . Dic mihi verum: num aut res eum aut xaraxtØr non delectat? nihil est, quod vereare; ego enim ne pilo quidem minus te amabo. Hac de re filalhy«w et, ut soles scribere, fraterne.

LIBER TERTIVS

I. Scr. mense Septembri (dat. a. d. III. Kal. Oct.) a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

I. 1. Ego ex magnis caloribus — non enim meminimus maiores — in Arpinati summa cum amoenitate, tum salubritate fluminis me refeci ludorum diebus, Philotimo tribulibus commendatis. In Arcano a. d. IIII. Idus Septembres fui: ibi Mescidium cum Philoxeno aquamque, quam ii ducebant non longe a villa, belle sane fluentem vidi, praesertim maxima siccitate, uberioremque aliquanto sese collecturos esse dicebant; apud Herum recte erat. In Maniliano offendi Diphilum Diphilo tardiorem; sed tamen nihil ei restabat praeter balnearia et ambulationem et aviarium. Villa mihi valde placuit, propterea quod summam dignitatem pavimentata porticus habebat, quod mihi nunc denique apparuit, posteaquam et ipsa tota patet et columnae politae sunt. Totum in eo est — quod mihi erit curae — , tectorium ut concinnum sit. Pavimenta recte fieri videbantur; cameras quasdam non probavi mutarique iussi. 2. Quo loco in porticu te scribere aiunt ut atriolum fiat, mihi, ut est, magis placebat; neque enim satis loci videbatur esse atriolo, neque fere solet nisi in iis aedificiis fieri, in quibus est atrium maius, nec habere poterat adiuncta cubicula et eiusmodi membra: nunc hoc vel honestate testudinis vel valde boni aestivum locum obtinebit; tu tamen si aliter sentis, rescribe quam primum. In balneariis assa in alterum apodyterii angulum promovi, propterea quod ita erant posita, ut eorum vaporarium esset subiectum cubiculis. Subgrande cubiculum autem et hibernum altum valde probavi, quod et ampla erant et loco posita, ambulationis uno latere, eo, quod est proximum balneariis. Columnas neque rectas neque e regione Diphilus collocarat: eas scilicet demolietur; aliquando perpendiculo et linea discet uti. Omnino spero paucis mensibus opus Diphili perfectum fore; curat enim diligentissime Caesius, qui tum mecum fuit. II. 3. Ex eo loco recta Vitularia via profecti sumus in Fufidianum fundum, quem tibi proximis nundinis Arpini de Fufido HS. CCCICCC.CIC. emeramus. Ego locum aestate umbrosiorem

vidi numquam; permultis locis aquam profluentem, et eam uberem: quid quaeris? iugera L. prati Caesius irrigaturum facile te arbitrabatur; equidem hoc, quod melius intelligo, affirmo, mirifica suavitate villam habiturum, piscina et salientibus additis, palaestra et silva virdicata. Fundum audio te hunc Bovillanum velle retinere: de eo quid videatur, ipse constitues. Calibus aiebat aqua dempta et eius aquae iure constituto et servitute fundo illi imposita tamen nos pretium servare posse, si vendere vellemus. Mescidium mecum habui: is se ternis nummis in pedem tecum transegisse dicebat, sese autem mensum pedibus aiebat passuum IIICIC. Mihi plus visum est; sed praestabo sumptum nusquam melius posse poni. Cillonem arcessieram Venafro; sed eo ipso die quattuor eius conservos et discipulos Venafri cuniculus oppresserat. 4. Idibus Septembr. in Laterio fui: viam perspexi, quae mihi ita placuit, ut opus publicum videretur esse, praeter CL. passus — sum enim ipse mensus ab eo ponticulo, qui est ad Furinae, Satricum versus — : eo loco pulvis, non glarea iniecta est — id mutabitur — , et ea viae pars valde acclivis est, sed intellexi aliter duci non potuisse, praesertim cum tu neque per Locustae neque per Varronis velles ducere. Velvinum ante suum fundum probe munierat; Locusta non attigerat, quem ego Romae aggrediar et, ut arbitror, commovebo, et simul M. Taurum, quem tibi audio promisisse, qui nunc Romae erat, de aqua per fundum eius ducenda rogabo. 5. Nicephorum, villicum tuum, sane probavi quaesivique ex eo, ecquid ei de illa aedificatiuncula Laterii, de qua mecum locutus es, mandavisses: tum is mihi respondit se ipsum eius operis HS. XVI. conductorem fuisse, sed te postea multa addidisse ad opus, nihil ad pretium; itaque id se omisisse. Mihi mehercule valde placet te illa, ut constitueras, addere; quamquam ea villa, quae nunc est, tamquam philosopha videtur esse, quae obiurget ceterarum villarum insaniam; verumtamen illud additum delectabit. Topiarium laudavi: ita omnia convestivit hedera, qua basim villae, qua intercolumnia ambulationis, ut denique illi palliati topiariam facere videantur et hederam vendere. Iam apoduthriv nihil alsius, nihil muscosius. 6. Habes fere de rebus rusticis: urbanam expolitionem urget ille quidem et Philotimus et Cincius, sed etiam ipse crebro interviso, quod est facile factu; quamobrem ea te cura liberatum volo. III. 7. De Cicerone quod me semper rogas, ignosco

equidem tibi, sed tu quoque mihi velim ignoscas; non enim concedo tibi, plus ut illum ames, quam ipse amo; atque utinam his diebus in Arpinati, quod et ipse cupierat et ego non minus, mecum fuisset! quod ad Pomponiam, si tibi videtur, scribas velim, cum aliquo exibimus, eat nobiscum puerumque educat: clamores efficiam, si eum mecum habuero otiosus, nam Romae respirandi non est locus. Id me scis antea gratis tibi esse pollicitum: quid nunc putas, tanta mihi abs te mercede proposita? Venio nunc ad tuas litteras, quas pluribus epistulis accepi, dum sum in Arpinati; nam mihi uno die tres sunt redditae, et quidem, ut videbantur, eodem abs te datae tempore, una pluribus verbis, in qua primum erat, quod antiquior dies in tuis fuisset ascripta litteris quam in Caesaris: id facit Oppius nonnumquam necessario, ut, cum tabellarios constituerit mitter litterasque a nobis acceperit, aliqua re nova impediatur et necessario serius, quam constituerat, mittat neque nos datis iam epistulis diem commutari curemus. 9. Scribis de Caesaris summo in nos amore: hunc et tu fovebis et nos, quibuscumque poterimus rebus, augebimus. De Pompeio et facio diligenter et faciam, quod mones. Quod tibi mea permissio mansionis tuae grata est, id ego summo meo dolore et desiderio tamen ex parte gaudeo. In Hippodamo et nonnullis aliis arcessendis quid cogites, non intelligo: nemo istorum est, qui non abs te munus fundi suburbani instar exspectet. Trebatium vero meum quod isto admisceas nihil est: ego illum ad Caesarem misi, qui mihi iam satisfecit; si ipsi minus, praestare nihil debeo teque item ab eo vindico et libero. Quod scribis te a Caesare quotidie plus diligi, immortaliter gaudeo; Balbum vero, qui est istius rei, quemadmodum scribis, adiutor, in oculis fero. Trebonium meum a te amari teque ab illo pergaudeo. 10. De tribunatu quod scribis, ego vero nominatim petivi Curtio, et mihi ipse Caesar nominatim Curtio paratum esse rescripsit meamque in rogando verecundiam obiurgavit. Si cui praeterea petiero — id quod etiam Oppio dixi ut ad illum scriberet — , facile patiar mihi negari, quoniam illi, qui mihi molesti sunt, sibi negari a me non facile patiuntur. Ego Curtium, id quod ipsi dixi, non modo rogatione, sed etiam testimonio tuo diligo, quod litteris tuis studium illius in salutem nostram facile perspexi. De Britannicis rebus cognovi ex tuis litteris nihil esse nec quod metuamus nec quod gaudeamus. De publicis negotiis, quae vis ad te Tironem scribere,

negligentius ad te ante scribebam, quod omnia minima maxima ad Caesarem mitti sciebam. IV. 11. Rescripsi epistulae maximae; audi nunc ad minusculam, in qua primum est de Clodii ad Caesarem litteris; in quo Caesaris consilium probo, quod tibi amantissime petenti veniam non dedit, uti ullum ad illam furiam verbum rescriberet. Alterum est, de Calventii Marii oratione quod scribis: miror tibi placere me ad eam rescribere, praesertim cum illam nemo lecturus sit, si ego nihil rescripsero, meam in illum pueri omnes tamquam dictata perdiscant. Libros meos, [omnes] quos exspectas, inchoavi, sed conficere non possum his diebus; orationes efflagitatas pro Scauro et pro Plancio absolvi. Poema ad Caesarem, quod composueram, incidi; tibi, quod rogas, quoniam ipsi fontes iam sitiunt, si quid habebo spatii, scribam. 12. Venio ad tertiam. Valbum quod ais mature Romam bene comitatum esse venturum mecumque assidue usque ad Idus Maias futurum, id mihi pergratum perque iucundum. Quod me in eadem epistula, sicut saepe antea, cohortaris ad ambitionem et ad laborem, faciam equidem, sed quando vivemus? 13. Quarta epistula mihi reddita est Idibus Sept., quam a. d. IIII. Idus Sext. ex Britannia dederas. In ea nihil sane erat novi praeter Erigonam — quam si ab Oppio accepero, scribam ad te, quid sentiam, nec dubito, quin mihi placitura sit — , et, quod paene praeterii, de eo, quem scripsisti de Milonis plausu scripsisse ad Caesarem: ego vero facile patior ita Caesarem existimare, illum quam maximum fuisse plausum; et prorsus ita fuit et tamen ille plausus, qui illi datur, quodam modo nobis videtur dari. 14. Reddita etiam mihi est pervetus epistula, sed sero allata, in qua de aede Telluris et de porticu Catuli me admones: fit utrumque diligenter; ad Telluris quidem etiam tuam statuam locavi. Item de hortis me quod admones, nec fui umquam valde cupidus et nunc domus suppeditat mihi hortorum amoenitatem. Romam cum venissem a. d. XIII. Kal. Octobres, absolutum offendi in aedibus tuis tectum, quod supra conclavia non placuerat tibi esse multorum fastigiorum: id nunc honeste vergit in tectum inferioris porticus. Cicero noster, dum ego absum, non cessavit apud rhetorem: de eius eruditione quod labores, nihil est, quoniam ingenium eius nosti, studium ego video; cetera eius sic suscipio, ut me putem praestare debere. V. 15. Gabinium tres adhuc factiones postulant: L. Lentulus, flaminis filius, qui iam de

maiestate postulavit; Ti. Nero cum bonis subscriptoribus; C. Memmius tribunus pl. cum L. Capitone. Ad urbem accessit a. d. XII. Kal. Octobr.: nihil turpius nec desertius; sed his iudiciis nihil audeo confidere. Quod Cato non valebat, adhuc de pecuniis repetundis non erat postulatus. Pompeius a me valde contendit de reditu in gratiam, sed adhuc nihil profecit nec, si ullam partem libertatis tenebo, proficiet. 16. Tuas litteras vehementer exspecto. Quod scribis te audisse, in candidatorum consularium coitione me interfuisse, id falsum est; eiusmodi enim pactiones in ea coitione factae sunt, quas postea Memmius patefecit, ut nemo bonus interesse debuerit, et simul mihi committendum non fuit, ut iis coitionibus interessem, quibus Messala excluderetur. Cui quidem vehementer satisfacio rebus omnibus, ut arbitror, etiam Memmio; Domitio ipsi multa iam feci, quae voluit quaeque a me petivit; Scaurum beneficio defensionis valde obligavi. Adhuc erat valde incertum, et quando comitia et qui consules futuri essent. 17. Cum hanc iam epistulam complicarem, tabellarii a vobis venerunt a. d. XI. Kal. Septembr. vicesimo die. O me sollicitum! quantum ego dolui in Caesaris suavissimis litteris! Scilicet, quo erant suaviores, eo maiorem dolorem illius ille casus afferebat. Sed ad tuas venio litteras. Primum tuam remansionem etiam atque etiam probo, praesertim cum, ut scribis, cum Caesare communicaris. Oppium miror quidquam cum Publio; mihi enim non placuerat. 18. Quod interiore epistula scribis, me Idibus Septembribus Pompeio legatum iri, id ego non audivi scripsique ad Caesarem neque Vibullium Caesaris mandata de mea mansione ad Pompeium pertulisse nec Oppium. Quo consilio? quamquam Oppium ego tenui, quod priores partes Vibullii erant; cum eo enim coram Caesar egerat, ad Oppium scripserat. Ego vero nullas deut °raw front¤daw habere possum in Caesaris rebus: ille mihi secundum te et liberos nostros ita est, ut sit paene par. Videor id iudicio facere — iam enim debeo — ; sed tamen amore sum incensus. VI. 19. Cum scripsissem haec infima, quae sunt mea manu, venit ad nos Cicero tuus ad coenam, cum Pomponia foris coenaret. Dedit mihi epistulam legendam tuam, quam paullo ante acceperat, Aristophaneo modo valde mehercule et suavem et gravem; qua sum admodum delectatus. Dedit etiam alteram illam mihi, qua iubes eum mihi esse affixum tamquam magistro. Quam illum epistulae illae delectarunt, quam me!

nihil puero illo suavius, nihil nostri amantius. Haec inter coenam Tironi dictavi, ne mirere alia manu esse. 20. Annali pergratae litterae tuae fuerunt, quod et curares de se diligenter et tamen consilio se verissimo iuvares. P. Servilius pater ex litteris, quas sibi a Caesare missas esse dicebat, significat valde te sibi gratum fecisse, quod de sua voluntate erga Caesarem humanissime diligentissimeque locutus esses. 21. Cum Romam ex Arpinati revertissem, dictum mihi est Hippodamum ad te profectum esse. Non possum scribere me miratum esse illum tam inhumaniter fecisse, ut sine meis litteris ad te proficisceretur: illud scribo, mihi molestum fuisse; iam enim diu cogitaveram ex eo, quod tu ad me scripseras, ut, si quid esset, quod ad te diligentius perferri vellem, illi darem, quod mehercule hisce litteris, quas vulgo ad te mitto, nihil fere scribo, quod si in alicuius manus inciderit, moleste ferendum sit. Minucio me et Salvio et Labeoni reservabam: Labeo aut tarde proficiscetur aut hic manebit. 22. Hippodamus ne numquid vellem quidem rogavit. T. Pinarius amabiles ad me de te litteras mittit: se maxime litteris, sermonibus, coenis denique tuis delectari. Is homo semper me delectavit fraterque eius mecum est multum: quare, uti instituisti, complectere adolescentem. VII. 23. Quod multos dies epistulam in manibus habui propter commorationem tabellariorum, ideo multa coniecta sunt aliud alio tempore, velut hoc: T. Anicius mihi saepe iam dixit sese tibi, suburbanum si quod invenisset, non dubitaturum esse emere. In eius sermone ego utrumque soleo admirari, et te de suburbano emendo, cum ad illum scribas, non modo ad me non scribere, sed etiam aliam in sententiam scribere, et, cum ad illum scribas, nihil te recordari de epistulis illis, quas in Tusculano eius tu mihi ostendisti, nihil de praeceptis Epicharmi, gn«yi, p«w llŸ k°xrhtai, totum denique vultum, sermonem, animum eius, quemadmodum coniicio, quasi [dedidicisse.] [Footnote adds this to text. Loeb explains it was added by Wesenberg.] 24. Sed haec tu videris: de suburbano cura ut sciam, quid velis, et simul, ne quid ille turbet, vide. Quid praeterea? quid? Etiam. Gabinius a. d. IIII. Kal. Octobr. noctu in urbem introierat: [et] hodie hora VIII., cum edicto C. Alfii de maiestate eum adesse oporteret, concursu magno et odio universi populi paene afflictus est. Nihil illo turpius; proximus tamen est Piso: itaque mirificum embolium cogito in secundum librorum meorum includere, dicentem

Apollinem in concilio deorum, qualis reditus duorum imperatorum futurus esset, quorum alter exercitum perdidisset, alter vendidisset. 25. Ex Britannia Caesar ad me Kal. Septembr. dedit litteras, quas ego accepi, a. d. IIII. Kal. Octobr., satis commodas de Britannicis rebus, quibus, ne admirer, quod a te nullas acceperim, scribit se sine te fuisse, cum ad mare accesserit. Ad eas ego ei litteras nihil rescripsi, ne gratulandi quidem causa, propter eius luctum. Te oro etiam atque etiam, mi frater, ut valeas.

II. Scr. Romae a. d. V. Idus Octobres a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. A. d. VI. Idus Octobr. Salvius Ostiam vesperi navi profectus erat cum iis rebus, quas tibi domo mitti volueras. Eodem die Gabinium ad populum luculente calefecerat Memmius sic, ut Calidio verbum facere pro eo non licuerit. Postridie autem eius diei, qui erat tum futurus, cum haec scribebam ante lucem, apud Catonem erat divinatio in Gabinium futura inter Memmium et Ti. Neronem et C. et L. Antonios M. f.: putabamus fore, ut Memmio daretur, etsi erat Neronis mira contentio. Quid quaeris? probe premitur, nisi noster Pompeius dis hominibusque invitis negotium everterit. 2. Cognosce nunc hominis audaciam et aliquid in re publica perdita delectare: cum Gabinius, quacumque veniebat, triumphum se postulare dixisset subitoque bonus imperator noctu in urbem hostium plane invasisset, in senatum se non committebat. Interim ipso decimo die, quo eum oportebat hostiarum numerum et militum renuntiare, irrepsit summa infrequentia. Cum vellet exire, a consulibus retentus est, introducti publicani: homo undique atius et cum a me maxime vulneraretur, non tulit et me trementi voce exsulem appellavit. Hic — o di! nihil umquam honorificentius nobis accidit — consurrexit senatus cum clamore ad unum sic, ut ad corpus eius accederet, pari clamore atque impetu publicani. Quid quaeris? omnes, tamquam si tu esses, ita fuerunt. Nihil hominum sermone foris clarius. Ego tamen me teneo ab accusando, vix mehercule, sed tamen teneo, vel quod nolo cum Pompeio pugnare — satis est, quod instat de Milone — , vel quod iudices nullos habemus. ‘ApÒteugma formido, addo etiam

malevolentiam hominum, et timeo, ne illi me accusante aliquid accidat, nec despero rem et sine me et nonnihil per me confici posse. 3. De ambitu postulati sunt omnes, qui consulatum petunt: a Memmio Domitius, a Q. Acutio, bono et erudito adolescente, Memmius, a Q. Pompeio Messala, a Triario Scaurus. Magno res in motu est, propterea quod aut hominum aut legum interitus ostenditur. Opera datur, ut iudicia ne fiant. Res videtur spectare ad interregnum. Consules comitia habere cupiunt; rei nolunt et maxime Memmius, quod Caesaris adventu se sperat futurum consulem, sed mirum in modum iacet. Domitius cum Messala certus esse videbatur; Scaurus refrixerat. Appius sine lege curiata confirmat se Lentulo nostro successurum; qui quidem mirificus illo die, quod paene praeterii, fuit in Gabinium: accusavit maiestatis; nomina data, cum ille verbum nullum. Habes forensia: domi recte est; ipsa domus a redemptoribus tractatur non indiligenter.

III. Scr. Romae mense Octobri (a. d. XII. Kal. Nov.?) a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Occupationum mearum tibi signum sit librarii manus: diem scito esse nullum, quo die non dicam pro reo; ita, quidquid conficio aut cogito, in ambulationis tempus fere confero. Negotia se nostra sic habent: domestica vero, ut volumus: valent pueri, studiose discunt, diligenter docentur, et nos et inter se amant. Expolitiones utriusque nostrum sunt in manibus: sed tua ad perfectum iam res rustica Arcani et Laterii. Praeterea de aqua, de via nihil praetermisi quadam epistula quin enucleate ad te perscriberem. Sed me illa cura sollicitat angitque vehementer, quod dierum iam amplius quinquaginta intervallo nihil a te, nihil a Caesare, nihil ex istis locis non modo litterarum, sed ne rumoris quidem affluxit; me autem iam et mare istuc et terra sollicitat, neque desino, ut fit in amore, ea, quae minime volo, cogitare. Quare non equidem iam te rogo, ut ad me de te, de rebus istis scribas — numquam enim, cum potes, praetermittis — , sec hoc te scire volo, nihil fere umquam me sic exspectasse, ut, cum haec scribebam, tuas litteras. 2. Nunc cognosce ea, quae sunt in re publica: comitiorum quotidie singuli dies tolluntur obnuntiationibus magna

voluntate bonorum omnium: tanta invidia sunt consules propter suspicionem pactorum a candidatis praemiorum. Candidati consulares quattuor omnes rei: causae sunt difficiles, sed enitemur, ut Messala noster salvus sit, quod est etiam cum reliquorum salute coniunctum. Gabinium de ambitu reum fecit P. Sulla subscribente privigno Memmio, fratre Caecilio, Sulla filio; contra dixit L. Torquatus omnibusque libentibus non obtinuit. 3. Quaeris: "quid fiet de Gabinio?" Sciemus de maiestate triduo: quo quidem in iudicio odio premitur omnium generum, maxime testibus caeditur, accusatoribus frigidissimis utitur; consilium varium, quaesitor gravis et firmus Alfius, Pompeius vehemens in iudicibus rogandis. Quid futurum sit, nescio; locum tamen illi in civitate non video. Animum praebeo ad illius perniciem moderatum, ad rerum eventum lenissimum. 4. Habes fere de omnibus rebus; unum illud addam: Cicero tuus nosterque summo studio est Paeonii sui rhetoris, hominis, opinor, valde exercitati et boni; sed nostrum instituendi genus esse paullo eruditius et yetix‰teron non ignoras: quare neque ego impediri Ciceronis iter atque illam disciplinam volo et ipse puer magis illo declamatorio genere duci et delectari videtur, in quo quoniam ipsi quoque fuimus, patimur illum ire nostris itineribus — eodem enim perventurum esse confidimus — , sed tamen, si nobiscum eum rus aliquo eduxerimus, in hanc nostram rationem consuetudinemque inducemus; magna enim nobis a te proposita merces est, quam certe nostra culpa numquam minus assequemur. Quibus in locis et qua spe hiematurus sis, ad me quam diligentissime scribas velim.

IV. Scr. Romae IX. Kal. Nov. a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Gabinius absolutus est. Omnino nihil accusatore Lentulo subscriptoribusque eius infantius, nihil illo consilio sordidius; sed tamen, nisi incredibilis contentio precesque Pompeii, dictaturae etiam rumor plenus timoris fuisset, ipsi Lentulo non respondisset, qui tum, illo accusatore illoque consilio, sententiis condemnatus sit XXXII., cum LXX. tulissent. Est omnino tam gravi fama hoc

iudicium, ut videatur reliquis iudiciis periturus, et maxime de pecuniis repetundis; sed vides nullam esse rem publicam, nullum senatum, nulla iudicia, nullam in ullo nostrum dignitatem. Quid plura de iudicibus? duo praetorii sederunt, Domitius Calvinus: is aperte absolvit, ut omnes viderent; et Cato: is diribitis tabellis de circulo se subduxit et Pompeio primus nuntiavit. 2. Aiunt nonnulli, etiam Sallustius, me oportuisse accusare. His ego iudicibus committerem? quid essem, si me agente esset elapsus? sed me alia moverunt: non putasset sibi Pompeius de illius salute, sed de sua dignitate mecum esse certamen; in urbem introisset; ad inimicitias res venisset; cum Aesernino Samnite Pacideianus comparatus viderer; auriculam fortasse mordicus abstulisset, cum Clodio quidem certe redisset in gratiam. Ego vero meum consilium, si praesertim tu non improbas, vehementer approbo: ille, cum a me singularibus meis studiis ornatus esset cumque ego illi nihil deberem, ille mihi omnia, tamen in re publica me a se dissentientem non tulit — nihil dicam gravius — et minus potens eo tempore, quid in me florentem posset, ostendit; nunc, cum ego ne curem quidem multum posse, res publica certe nihil possit, unus ille omnia possit, cum illo ipso contenderem — sic enim faciendum fuisset — ? non existimo te putare id mihi suscipiendum fuisse. 3. “Alterutrum,” inquit idem Sallustius; “defendisses idque Pompeio contendenti dedisses, etenim vehementer orabat.” Lepidum amicum Sallustium, qui mihi aut inimicitias putet periculosas subeundas fuisse aut infamiam sempiternam! Ego vero hac mediocritate delector, ac mihi illud iucundum est, quod, cum testimonium secundum fidem et religionem gravissime dixissem, reus dixit, si in civitate licuisset sibi esse, mihi se satisfacturum, neque me quidquam interrogavit. 4. De versibus, quos tibi a me scribi vis, deest mihi quidem opera, quae non modo tempus, sed etiam animum vacuum ab omni cura desiderat; sed abest etiam ?nyousiasmÒw, non enim sumus omnino sine cura venientis anni, etsi sumus sine timore. Simul et illud — sine ulla mehercule ironia loquor — : tibi istius generis in scribendo priores partes tribuo quam mihi. 5. De bibliotheca tua Graeca supplenda, libris commutandis, Latinis comparandis, valde velim ista confici, praesertim cum ad meum quoque usum spectent; sed ego, mihi ipsi ista per quem agam, non habeo — neque enim venalia sunt, quae

quidem placeant, et confici nisi per hominem et peritum et diligentem non possunt — , Chrysippo tamen imperabo et cum Tyrannione loquar. De fisco quid egerit Scipio, quaeram; quod videbitur rectum esse, curabo. De Ascanione, tu vero, quod voles, facies; me nihil interpono. De suburbano, quod non properas, laudo, ut habeas, hortor. 6. Haec scripsi a. d. VIIII. Kal. Novembr., quo die ludi committebantur, in Tusculanum proficiscens ducensque mecum Ciceronem meum in ludum discendi, non lusionis, ea re non longius cum vellem, quod Pomptino ad triumphum a. d. III. Nonas Novembr. volebam adesse; etenim erit nescio quid negotioli: nam Cato et Servilius praetores prohibituros se minantur, nec, quid possint, scio — ille enim et Appium consulem secum habebit et praetores et tribunos pl. — , sed minantur tamen, in primisque ‘Arh pn°vw Q. Scaevola. Cura, mi suavissime et carissime frater, ut valeas.

V. & VI. Scr. in Tusculano exeunte mense Oct. aut ineunte Novembri a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Quod quaeris, quid de illis libris egerim, quos, cum essem in Cumano, scribere institui, non cessavi neque cesso, sed saepe iam scribendi totum consilium rationemque mutavi; nam iam duobus factis libris, in quibus novendialibus iis ferris, quae fuerunt Tuditano et Aquilio consulibis, sermo est a me institutus Africano paullo ante mortem et Laelii, Phili, Manilii, P. Rutilii, Q. Tuberonis et Laelii generorum, Fannii et Scaevolae, sermo autem in novem et dies et libros distributus de optimo statu civitatis et de optimo cive — sane texebatur opus luculente hominumque dignitas aliquantum orationi ponderis afferebat — , ii libri cum in Tusculano mihi legerentur audiente Sallustio, admonitus sum ab illo multo maiore auctoritate illis de rebus dici posse, si ipse loquerer de re publica, praesertim cum essem non Heraclides Ponticus, sed consularis et is, qui in maximis versatus in re publica rebus essem; quae tam antiquis hominibus attribuerem, ea visum iri ficta esse; oratorum sermonem in illis nostris libris, qui essent de ratione dicendi, belle a me removisse, ad eos tamen rettulisse, quos ipse vidissem; Aristotelem denique,

quae de re publica et praestanti viro scribat, ipsum loqui. 2. Commovit me, et eo magis, quod maximos motus nostrae civitatis attingere non poteram, quod erant inferiores quam illorum aetas, qui loquebantur; ego autem id ipsum tum eram secutus, ne in nostra tempora incurrens offenderem quempiam. Nunc et id vitabo et loquar ipse tecum, et tamen illa, quae institueram, ad te, si Romam venero, mittam; puto enim te existimaturum a me illos libros non sine aliquo meo stomacho esse relictos. 3. Caesaris amore, quem ad me perscripsit, unice delector; promissis iis, quae ostendit, non valde pendeo: nec sitio honores nec desidero gloriam, magisque eius voluntatis perpetuitatem quam promissorum etiam exspecto; vivo tamen in ea ambitione et labore, quam id, quod non postulo, exspectem. Quod me de versibus faciendis rogas, incredibile est, mi frater, quam egeam tempore, nec sane satis commoveor animo ad ea, quae vis, canenda. ampôeis vero ad ea, quae ipse ego ne cogitando quidem consequor, tu, qui omnes isto eloquendi et exprimendi genere superasti, a me petis? Facerem tamen, ut possem, sed, quod te minime fugit, opus est ad poema quadam animi alacritate, quam plane mihi tempora eripiunt. Abduco me equidem ab omni rei publicae cura dedoque litteris, sed tamen indicabo tibi, quod mehercule in primis te celatum volebam: angor, mi suavissime frater, angor nullam esse rem publicam, nulla iudicia, nostrumque hoc tempus aetatis, quod in illa auctoritate senatoria florere debebat, aut forensi labore iactari aut domesticis litteris sustentari, illud vero, quod a puero adamaram,

Pollon aristeuein kai hupeirochon emmenai allôn

totum occidisse, inimicos a me partim non oppugnatos, partim etiam esse defensos, meum non modo animum, sed ne odium quidem esse liberum, unumque ex omnibus Caesarem esse inventum, qui me tantum, quantum ego vellem, amaret, aut etiam, sicut alii putant, hunc unum esse, qui velit: quorum tamen nihil est eiusmodi, ut ego me non multa consolatione quotidie leniam; sed illa erit consolatio maxima, si una erimus: nunc ad illa vel gravissimum accedit desiderium tui. 5. Gabinius si, ut Pansa putat oportuisse, defendissem, concidissem; qui illum oderunt — ii sunt toti ordines — , propter quem oderunt, me ipsum odisse coepissent. Tenui me, ut puto, egregie, tantum ut facerem, quantum omnes viderunt; et in

omni summa, ut mones, valde me ad otium pacemque converto. 6. De libris, Tyrannio est cessator; Chrysippo dicam, sed res operosa est et hominis perdiligentis: sentio ipse, qui in summo studio nihil assequor. De Latinis vero, quo me vertam, nescio: ita mendose et scribuntur et veneunt; sed tamen, quod fieri poterit, non negligam. Crebrius, ut ante ad te scripsi, Romae est, et qui omnia adnuat, debere tibi valde renuntiant. Ab aerario puto confectum esse, dum absum. 7. Quattuor tragoedias sedecim diebus absolvisse cum scribas, tu quidquam ab alio mutuaris? et kr°ow quaeris, cum Electram et Troadas scripseris? cessator esse noli et illud gnôthi seauton noli putare ad arrogantium minuendam solum esse dictum, verum etiam ut bona nostra norimus. Sed et istas et Erigonam mihi velim mittas. Habes ad duas epistulas proximas.

VII. Scr. in Tusculano mense Novembri a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Romae et maxime et Appia ad Martis mira luvies: Crassipedis ambulatio ablata, horti, tabernae plurimae; magna vis aquae usque ad piscinam publicam. Viget illud Homeri:

êmat' opôrinôi, hote labrotaton cheei hudôr
Zeus, hote dê rh' andressi kotessamenos chalepênêi.

cadit enim in abolutionem Gabinii:

hoi biêi ein agorêi skolias krinôsi themistas,
ek de dikên elasôsi, theôn opin ouk alegontes.

2. Sed haec non curare decrevi. Romam cum venero, quae perspexero, scribam ad te et maxime de dictatura, et ad Labienum et ad Ligurium litteras dabo. Hanc scripsi ante lucem ad lychnuchum ligneolum, qui mihi erat periucundus, quod eum te aiebant, cum esses Sami, curasse faciendum. Vale mi suavissime et optime frater.

VIII. Scr. Romae exeunte mense Novembri a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. Superiori epistulae quod respondeam, nihil est, quae plena stomachi et querelarum est, quo in genere alteram quoque te scribis pridie Labieno dedisse, qui adhuc non venerat; delevit enim mihi omnem molestiam recentior epistula. Tantum te et moneo et rogo, ut in istis molestiis et laboribus et desideriis recordere, consilium nostrum quod fuerit profectionis tuae; non enim commoda quaedam sequebamur parva ac mediocria, quid enim erat, quod discessu nostro emendum putaremus? praesidium firmissimum petebamus ex optimi et potentissimi viri benevolentia ad omnem statum nostrae dignitatis. Plura ponuntur in spe, quam petimus: reliqua ad iacturam reserventur. Quare, si crebro referes animum tuum ad rationem et veteris consilii nostri et spei, facilius istos militiae labores ceteraque, quae te offendunt, feres, et tamen, cum voles, depones, sed eius rei maturitas nequedum venit et tamen iam appropinquat. 2. Etiam illud te admoneo, ne quid ullis litteris committas, quod si prolatum sit, moleste feramus: multa sunt, quae ego nescire malo quam cum aliquo periculo fieri certior. Plura ad te vacuo animo scribam, cum, ut spero, se Cicero meus belle habebit. Tu velim cures, ut sciam, quibus nos dare oporteat eas, quas ad te deinde litteras mittemus, an Labieni; ubi enim isti sint Nervii et quam longe absint, nescio. 3. De virtute et gravitate Caesaris, quam in summo dolore adhibuisset, magnam ex epistula tua accepi voluptatem. Quod me institutum ad illum poema iubes perficere, etsi distentus cum opera, tum animo sumo multo magis, tamen, quoniam ex epistula, quam ad te miseram, cognovit Caesar me aliquid esse exorsum, revertar ad institutum idque perficiam his supplicationum otiosis diebus, quibus Messallam iam nostrum reliquosque molestia levatos vehementer gaudeo, eumque quod certum consulem cum Domitio numeratis, nihil a nostra opinione dissentitis. Ego Messallam Caesari praestabo. Sed Memmius in adventu Caesaris habet spem, in quo illum puto errare; hic quidem friget, Scaurum autem iampridem Pompeius abiecit. 4. Res prolatae; ad interregnum comitia adducta; rumor dictatoris iniucundus bonis, mihi etiam magis, quae loquuntur, sed tota res et timetur et refrigescit. Pompeius plane se negat velle; antea mihi ipse non negabat. Hirrus auctor fore videtur: o di, quam ineptus! quam se

ipse amans sine rivali! Crassum Iunianum, hominem mihi deditum, per me deterruit. Velit nolit, scire difficile est; Hirro tamen agente nolle se non probabit. Aliud hoc tempore de re publica nihil loquebantur; agebatur quidem certe nihil. 5. Serrani Domestici filii funus perluctuosum fuit a. d. VIII. Kal. Decembr.: laudavit pater scripto meo. 6. Nunc de Milone. Pompeius ei nihil tribuit, omnia Guttae dicitque se perfecturum, ut in illum Caesar incumbat: hoc horret Milo, nec iniuria, et, si ille dictator factus sit, paene diffidit. Intercessorem dictaturae si iuverit manu et praesidio suo, Pompeium metuit inimicum; si non iuverit, timet, ne per vim perferatur. Ludos apparat magnificentissimos, sic, inquam, ut nemo sumptuosiores: stulte bis terque non postulatos, vel quia munus magnificum dederat, vel quia facultates non erant, vel quia potuerat magistrum se, non aedilem putare. Omnia fere scripsi. Cura, mi carissime frater, ut valeas.

IX. Scr. Romae mense Decembri a.u.c. 700.

MARCUS QUINTO FRATRI SALUTEM.

1. De Gabinio nihil fuit faciendum istorum, quae a te amantissime cogitata sunt. Tote moi chanoi. Feci summa cum gravitate, ut omnes sentiunt, et summa cum lenitate, quae feci; illum neque ursi neque levavi: testis vehemens fui, praeterea quievi. Exitum iudicii foedum et perniciosum levissime tuli; quod quidem bonum mihi nunc denique redundat, ut iis malis rei publicae licentiaque audacium, qua ante rumpebar, nunc ne movear quidem, nihil est enim perditius his hominibus, his temporibus; 2. itaque, ex re publica quoniam nihil iam voluptatis capi potest, cur stomacher nescio. Litterae me et studia nostra et otium villaeque delectant maximeque pueri nostri. Angit unus Milo; sed velim finem afferat consulatus eius, in quo enitar non minus, quam sum enisus in nostro, tuque istinc, quod facis, adiuvabis. De quo cetera, nisi plane vis eripuerit, recte sunt; de re familiari timeo:

ho de mainetai ouk et' anektôs,

qui ludos HS. CCCC comparet. Cuius in hoc uno inconsiderantiam et ego sustinebo, ut potero, et, tu ut possis, est

tuorum nervorum. 3. De motu temporum venientis anni, nihil te intelligere volueram domestici timoris, sed de communi rei publicae statu, in quo etiamsi nihil procuro, tamen nihil curare vix possum; quam autem te velim cautum esse in scribendo, ex hoc coniicito, quod ego ad te ne haec quidem scribo, quae palam in re publica turbantur, ne cuiusquam animum meae litterae interceptae offendant. Quare domestica cura te levatum volo; in re publica scio quam sollicitus esse soleas. Video Messalam nostrum consulem: si per interregem, sine iudicio; si per dictatorem, tamen sine periculo: odii nihil habet; Hortensii calor multum valebit; Gabinii absolutio lex impunitatis putatur. ‘En par°rgŸ: de dictatore tamen actum adhuc nihil est: Pompeius abest, Appius miscet; Hirrus parat, multi intercessores numerantur; populus non curat, principes nolunt, ego quiesco. 4. De mancipiis quod mihi polliceris, valde te amo, et sum equidem, uti scribis, et Romae et in praediis infrequens, sed cave, amabo, quidquam, quod ad meum commodum attineat, nisi maximo tuo commodo et maxima tua facultate, mi frater, cogitaris. 5. De epistula Vatinii, risi; sed me ab eo ita observari scio, ut eius ista odia non sorbeam solum, sed etiam concoquam. 6. Quod me hortaris, ut absolvam, habeo absolutum suave, mihi quidem uti videtur, ?pow ad Caesarem, sed quaero locupletem tabellarium, ne accidat quod Erigonae tuae, cui soli Caesare imperatore iter ex Gallia tutum non fuit. 7. Quid? si caementum bonum non haberem, deturbem aedificium? quod quidem mihi quotidie magis placet, in primisque inferior porticus et eius conclavia fiunt recte. De Arcano, Caesaris opus est vel mehercule etiam elegantioris alicuius; imagines enim istae et palaestra et piscina et Nilus multorum Philotimorum est, non Diphilorum; sed et ipsi ea adibimus et mittemus et mandabimus. 8. De Felicis testamento tum magis querere, si scias: quas enim tabulas se putavit obsignare, in quibus in unciis firmissimum tenes, eas vero — lapsus est per errorem et suum et Sicurae servi — non obsignavit, quas noluit, eas obsignavit. All’ oimôzetô nos modo valeamus. 9. Ciceronem et ut rogas amo et ut meretur et debeo; dimitto autem a me, et ut a magistris ne abducam et quod mater Porcia non discedit, sine qua edacitatem pueri pertimesco; sed sumus una tamen valde multum. Rescipsi ad omnia. Mi suavissime et optime frater, vale.

EPISTULAE AD BRUTUM (Letters to Brutus)

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LIBER PRIMVS
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LIBER PRIMVS

[I] Scr. eodem die quo ea. 711 (43)

CICERO BRVTO SAL.

L. Clodius, tribunus plebis designatus, valde me diligit vel, ut emphatikôteron dicam, valde me amat. quod cum mihi ita persuasum sit, non dubito (bene enim me nosti) quin illum quoque iudices a me amari. nihil enim mihi minus hominis videtur quam non respondere in amore iis a quibus provocere. is mihi visus est suspicari nec sine magno quidem dolore aliquid a suis vel per suos potius iniquos ad te esse delatum quo tuus animus a se esset alienior. non soleo, mi Brute, quod tibi notum esse arbitror, temere adfirmare de altero; est enim periculosum propter occultas hominum voluntates multiplicisque naturas; sed Clodi animum perspectum habeo, cognitum, iudicatum. multa eius indicia sed ad scribendum non necessaria. volo enim testimonium hoc tibi videri potius quam epistulam. auctus Antoni beneficio est. eius ipsius benefici magna pars a te est. itaque eum salvis nobis vellet salvum. [2] in eum autem locum rem adductam intellegit (est enim, ut scis, minime stultus) ut utrique salvi esse non possint. itaque nos mavult; de te vero amicissime et loquitur et sentit. qua re si quis secus ad te de eo scripsit aut si coram locutus est, peto a te etiam atque etiam mihi ut potius credas, qui et facilius iudicare possum quam ille nescio quis et te plus diligo. Clodium tibi amicissimum existima civemque talem qualis et prudentissimus et fortuna optima esse debet.

[II] Scr. Romae ex. m. Mai. a. 711 (43).

CICERO BRVTO SAL.

scripta et obsignata iam epistula litterae mihi redditae sunt a te plenae rerum novarum, maximeque mirabile Dolabellam quinque cohortis misisse in Chersonesum. adeone copiis abundat ut is qui ex Asia fugere dicebatur Europam appetere conetur? quinque autem cohortibus quidnam se facturum arbitratus est, cum tu +eo+ quinque

legiones, optimum equitatum, maxima auxilia haberes? quas quidem cohortis spero iam tuas esse, quoniam latro ille tam fuit demens. [2] tuum consilium vehementer laudo quod non prius exercitum Apollonia Dyrrhachioque movisti quam de Antoni fuga audisti, Bruti eruptione, populi Romani victoria. itaque quod scribis post ea statuisse te ducere exercitum in Chersonesum nec pati sceleratissimo hosti ludibrio esse imperium populi Romani, facis ex tua dignitate et ex re publica. [3] quod scribis de seditione quae facta est in legione quarta decima fraude C. Antoni (in bonam partem accipies), magis mihi probatur militum severitas quam tua. * * *

[IIa] Scr. Romae xv K. Mai. a. 711 (43).

CICERO BRVTO SAL.

te benevolentiam exercitus equitumque expertum vehementer gaudeo. de Dolabella, ut scribis, si quid habes novi, facies me certiorem; in quo delector me ante providisse, ut tuum iudicium liberum esset cum Dolabella belli gerendi. id valde pertinuit, ut ego tum intellegebam, ad rem publicam, <ut> nunc iudico, ad dignitatem tuam. [2] * * * quod scribis me maximo otio egisse ut insectarer Antonios idque laudas, credo ita videri tibi. sed illam distinctionem tuam nullo pacto probo; scribis enim acrius prohibenda bella civilia esse quam in superatos iracundiam exercendam. vehementer a te, Brute, dissentio nec clementiae tuae concedo, sed salutaris severitas vincit inanem speciem clementiae. quod si clementes esse volumus, numquam deerunt bella civilia. sed de hoc tu videris; de me possum idem quod Plautinus pater in Trinummo:

mihi quidem aetas acta ferme est; tua istuc refert maxime.

[3] opprimemini, mihi crede, Brute, nisi provideritis; neque enim populum semper eundem habebitis neque senatum neque senati ducem. haec ex oraculo Apollinis Pythi edita tibi puta; nihil potest esse venus. xv K. Maias.

[III] Scr. Romae xi K. Mai., ut videtur, a. 711 (43)

CICERO BRVTO SAL.

nostrae res meliore loco videbantur; scripta enim ad te certo scio quae gesta sunt. qualis tibi saepe scripsi consules, tales exstiterunt. Caesaris vero pueri mirifica indoles virtutis est. Vtinam tam facile eum florentem et honoribus et gratia regere ac tenere possimus quam facile adhuc tenuimus! est omnino illud difficilius sed tamen non diffidimus. persuasum est enim adulescenti et maxime per me eius opera nos esse salvos. et certe, nisi is Antonium ab urbe avertisset, perissent omnia. [2] triduo vero aut quadriduo ante hanc rem pulcherrimam timore quodam perculsa civitas tota ad te se cum coniugibus et liberis effundebat eadem recreata a. d. xii Kal. Maias te huc venire quam se ad te ire malebat. quo quidem die magnorum meorum laborum multarumque vigiliarum fructum cepi maximum, si modo est aliquis fructus ex solida veraque gloria. nam tantae multitudinis quantam capit urbs nostra concursus est ad me factus; a qua usque in Capitolium deductus maximo clamore atque plausu in rostris conlocatus sum. nihil est in me inane; neque enim debet; sed tamen omnium ordinum consensus, gratiarum actio gratulatioque me commovet propterea quod popularem me esse in populi salute praeclarum est. [3] sed haec te malo ab aliis. me velim de tuis rebus consiliisque facias diligentissime certiorem illudque consideres ne tua liberalitas dissolutior videatur. sic sentit senatus, sic populus Romanus, nullos umquam hostis digniores omni supplicio fuisse quam eos civis qui hoc bello contra patriam arma ceperunt; quos quidem ego omnibus sententiis ulciscor et persequor: omnibus bonis approbantibus. tu quid de hac re sentias, tui iudici est; ego sic sentio trium fratrum unam et eandem esse causam.

[IIIa] Scr. Romae v Kal. Mai. a. 711 (43).

CICERO BRVTO SAL.

consules duos bonos quidem, sed dumtaxat bonos consules amisimus. Hirtius quidem in ipsa victoria occidit, cum paucis diebus ante magno proelio vicisset. nam Pansa fugerat vulneribus acceptis quae ferre non potuit. reliquias hostium Brutus persequitur et Caesar. hostes autem omnes iudicati qui M. Antoni sectam secuti sunt, idque senatus consultum plerique interpretantur etiam ad tuos sive captivos

sive dediticios pertinere. equidem nihil disserui durius cum nominatim de C. Antonio decernerem, quod ita statueram, a te cognoscere causam eius senatum oportere. V. K. Maias.

[IV] Scr. Dyrrachi iii antprid. id. Mai. a. 711 (43).

BRVTVS CICERONI SAL.

quanta sim laetitia adfectus cognitis rebus Bruti nostri et consulum facilius est tibi existimare quam mihi scribere. Cum alia laudo et gaudeo accidisse, tum quod Bruti eruptio non solum ipsi salutaris fuit sed etiam maximo ad victoriam adiumento. [2] quod scribis mihi trium Antoniorum unam atque eandem causam esse, quid ego sentiam mei iudici esse: statuo nihil nisi hoc, senatus aut populi Romani iudicium esse de iis civibus qui pugnantes non interierint. ‘at hoc ipsum’ inquies ‘inique facis qui hostilis animi in rem publicam homines civis appelles.’ immo iustissime. quod enim nondum senatus censuit nec populus Romanus iussit, id adroganter non praeiudico neque revoco ad arbitrium meum. illud quidem non muto, quod ei quem me occidere res non coegit neque crudeliter quicquam eripui neque dissolute quicquam remisi habuique in mea potestate quoad bellum fuit. multo equidem honestius iudico magisque quod concedere possit res publica miscrorum fortunam non inscctari quam infinite tribucre potentibus quac cupiditatem et adrogantiam incendere possint. [3] qua in re, Cicero, vir optime atque fortissime mihique merito et meo nomine et rei publicae carissime, nimis credere videris spei tuae statimque, ut quisque aliquid recte fecerit, omnia dare ac permittere, quasi non liceat traduci ad mala consilia corruptum largitionibus animum. quae tua est humanitas, aequo animo te moneri patieris, praesertim de communi salute; facies tamen quod tibi visum fuerit; etiam ego, cum me docueris * *

[IVa] Scr. ex castris Id. Mai. a. 711 (43).

BRVTVS CICERONI SAL.

* * * nunc, Cicero, nunc agendum est ne frustra oppressum esse Antonium gavisi simus neu semper primi cuiusque mali excidendi

causa sit ut aliud renascatur illo peius. [2] nihil iam neque opinantibus aut patientibus nobis adversi evenire potest in quo non cum omnium culpa tum praecipue tua futura sit, cuius tantam auctoritatem senatus ac populus Romanus non solum esse patitur sed etiam cupit quanta maxima in libera civitate unius esse potest; quam tu non solum bene sentiendo sed etiam prudenter tueri debes. prudentia porro, quae tibi superest, nulla abs te desideratur nisi modus in tribuendis honoribus. Alia omnia sic adsunt ut eum quolibet antiquorum comparari possint tuae virtutes; unum hoc a grato animo liberalique profectum cautiorem ac moderatiorem liberalitatem desiderat. nihil enim senatus cuiquam dare debet quod male cogitantibus exemplo aut praesidio sit. itaque timeo de consulatu ne Caesar tuus altius se ascendisse putet decretis tuis quam inde, si consul factus sit, sit descensurus. [3] quod si Antonius ab alio relictum regni instrumentum occasionem regnandi habuit, quonam animo fore putas si quis auctore non tyranno interfecto sed ipso senatu putet se imperia quaelibet concupiscere posse? qua re tum et facilitatem et providentiam laudabo tuam cum exploratum habere coepero Caesarem honoribus quos acceperit extraordinariis fore contentum. ‘alienae igitur’ inquies ‘culpae me reum subicies?’ prorsus alienae, si provideri potuit ne exsisteret! quod utinam inspectare possis timorem de illo meum!

[4] his litteris scriptis consulem te factum audivimus. tum vero incipiam proponere mihi rem publicam iustam et iam suis nitentem viribus si istuc videro. filius valet et in Macedoniam cum equitatu praemissus est. Idibus Maiis ex castris.

[V] Scr. Romae iii Non. Mai. a. 711 (43).

CICERO BRVTO SAL.

A. d. V K. Maias cum de iis qui hostes iudicati sunt bello persequendis sententiae dicerentur, dixit Servilius etiam de Ventidio et ut Cassius persequeretur Dolabellam. arbitrarere utile exque re publica esse, persequerere bello Dolabellam; si minus id commodo rei publicae facere posses sive non existimares ex re publica esse, ut in isdem locis exercitum contineres. nihil honorificentius potuit

facere senatus quam ut tuum esset iudicium quid tibi maxime conducere rei publicae videretur. equidem sic sentio, si manum habet, si castra, si ubi consistat uspiam Dolabella, ad finem et ad dignitatem tuam pertinere eum persequi.

[2] de Cassi nostri copiis nihil sciebamus. neque enim ab ipso ullae litterae neque nuntiabatur quicquam quod pro certo haberemus. quanto opere autem intersit opprimi Dolabellam profecto intellegis, cum ut sceleris poenas persolvat tum ne sit quo se latronum duces ex Mutinensi fuga conferant. atque hoc mihi iam ante placuisse potes ex superioribus meis litteris recordari; quamquam tum et fugae portus erat in tuis castris et subsidium salutis in tuo exercitu. quo magis nunc liberati, ut spero, periculis in Dolabella opprimendo occupati esse debemus. sed haec cogitabis diligentius, statues sapienter; facies nos quid constitueris et quid agas, si tibi videbitur, certiores.

[3] Ciceronem nostrum in vestrum conlegium cooptari volo. existimo omnino absentium rationem sacerdotum comitiis posse haberi; nam etiam factum est antea. Gaius enim Marius, cum in Cappadocia esset, lege Domitia factus est augur nec quo minus id postea liceret ulla lex sanxit. est etiam in lege Iulia, quae lex est de sacerdotiis proxima, his verbis: ‘QVI PETET CVIVSVE RATIO HABEBITVR.’ aperte indicat posse rationem haberi etiam non praesentis. hac de re scripsi ad eum, ut tuo iudicio uteretur sicut in rebus omnibus; tibi autem statuendum est de Domitio, de Catone nostro. sed quamvis liceat absentis rationem haberi, tamen omnia sunt praesentibus faciliora. quod si statueris in Asiam tibi eundum, nulla erit ad comitia nostros accersendi facultas.

[4] omnino Pansa vivo celeriora omnia putabamus. statim enim conlegam sibi subrogavisset, deinde ante praetoria sacerdotum comitia fuissent. nunc per auspicia longam moram video. dum enim unus erit patricius magistratus, auspicia ad patres redire non possunt. Magna sane perturbatio. tu tota de re quid sentias velim me facias certiorem. iii Nonas Maias.

[VI] Scr. Romae xiv K. Iun. a. 711 (43).

BRVTVS CICERONI SAL.

noli exspectare dum tibi gratias agam. iam pridem hoc ex nostra necessitudine quae ad summam benevolentiam pervenit sublatum esse debet. filius tuus a me abest; in Macedonia congrediemur. iussus est enim Ambracia ducere equites per Thessaliam. scripsi ad eum ut mihi Heracleam occurreret. Cum eum videro, quoniam nobis permittis, communiter constituemus de reditu eius ad petitionem aut commendationem honoris. [2] tibi Glycona, medicum Pansae, qui sororem Achilleos nostri in matrimonio habet, diligentissime commendo. audimus eum venisse in suspicionem Torquato de morte Pansae custodirique ut parricidam. nihil minus credendum est; quis enim maiorem calamitatem morte Pansae accepit? praeterea est modestus homo et frugi quem ne utilitas quidem videatur impulsura fuisse ad facinus. rogo te et quidem valde rogo (nam Achilleus noster non minus quam aequum est laborat) eripias eum ex custodia conservesque. hoc ego ad meum officium privatarum rerum aeque atque ullam aliam rem pertinere arbitror.

[3] Cum has ad te scriberem litteras, a Satrio, legato C. Treboni, reddita est epistula mihi a Tillio et Deiotaro Dolabellam caesum fugatumque esse. Graecam epistulam tibi misi Cicereii cuiusdam ad Satrium missam.

[4] Flavius noster de controversia quam habet cum Dyrrhachinis hereditariam sumpsit te iudicem. rogo te, Cicero, et Flavius rogat rem conficias. quin ei qui Flavium fecit heredem pecuniam debuerit civitas non est dubium; neque Dyrrhachini infitiantur sed sibi donatum aes alienum a Caesare dicunt. noli pati a necessariis tuis necessario meo iniuriam fieri. xiiii K. Iunias ex castris ad imam Candaviam.

[VII] Scr. in castris circ. ix K. Quint, a. 711 (43).

BRVTVS CICERONI SAL.

L. Bibulus quam carus mihi esse debeat, nemo melius iudicare potest quam tu cuius tantae pro re publica contentiones sollicitudinesque fuerunt. itaque vel ipsius virtus vel nostra necessitudo debet conciliare te illi. quo minus multa mihi scribenda esse arbitror. voluntas enim te movere debet nostra, si modo iusta est aut pro

officio necessario suscipitur. is Pansae locum petere constituit. eam nominationem a te petimus. neque coniunctiori dare beneficium quam nos tibi sumus neque digniorem nominare potes quam Bibulum. [2] de Domitio et Apuleio quid attinet me scribere, cum ipsi per se tibi commendatissimi sint? Apuleium vero tu tua auctoritate sustinere debes. sed Apuleius in sua epistula celebrabitur. Bibulum noli dimittere e sinu tuo, tantum iam virum ex quanto, crede mihi, potest evadere qui vestris paucorum respondeat laudibus.

[VIII] Scr. ex. m. Maio aut in. Iun. a. 711 (43).

CICERO BRVTO SAL.

multos tibi commendabo et commendem necesse est. optimus enim quisque vir et civis maxime sequitur tuum iudicium tibique omnes fortes viri dare operam et studium volunt, nec quisquam est quin ita existimet, meam apud te et auctoritatem et gratiam valere plurimum. [2] sed C. Nasenniun, municipem Suessanum, tibi ita commendo ut neminem diligentius. Cretensi bello Metello imperatore octavum principem duxit, postea in re familiari occupatus fuit, hoc tempore cum rei publicae partibus tum tua excellenti dignitate commotus voluit per te aliquid auctoritatis adsumere. fortem virum, Brute, tibi commendo, frugi hominem et, si quid ad rem pertinet, etiam locupletem. pergratum mihi erit si eum ita tractaris ut merito tuo mihi gratias agere possit.

[IX] Scr. Romae. in. Quint., ...ut videtur a. 711 (43).

CICERO BRVTO SAL.

fungerer eo officio quo tu functus es in meo luctu teque per litteras consolarer, nisi scirem iis remediis quibus meum dolorem tu levasses te in tuo non egere, ac velim facilius quam tunc mihi nunc tibi tute medeare. est autem alienum tanto viro quantus es tu, quod alteri praeceperit id ipsum facere non posse. me quidem cum rationes quas conlegeras tum auctoritas tua a nimio maerore deterruit. Cum enim mollius tibi ferre viderer quam deceret virum praesertim eum qui alios consolari soleret, accusasti me per litteras gravioribus verbis

quam tua consuetudo ferebat. [2] itaque iudicium tuum magni aestimans idque veritus me ipse conlegi et ea quae didiceram, legeram, acceperam, graviora duxi tua auctoritate addita. ac mihi tum, Brute, officio solum erat et naturae, tibi nunc populo et scaenae, ut dicitur, serviendum est. nam cum in te non solum exercitus tui sed omnium civium ac paene gentium coniecti oculi sint, minime decet propter quem fortiores ceteri sumus eum ipsum animo debilitatum videri. quam ob rem accepisti tu quidem dolorem (id enim amisisti cui simile in terris nihil fuit), et est dolendum in tam gravi vulnere ne id ipsum, carere omni sensu doloris, sit miserius quam dolere, sed ut modice ceteris utile est, <ita> tibi necesse est.

[3] scriberem plura nisi ad te haec ipsa nimis multa essent. nos te tuumque exercitum exspectamus; sine quo, ut reliqua ex sententia succedant, vix satis liberi videmur fore. de tota re publica plura scribam et fortasse iam certiora iis litteris quas veteri nostro cogitabam dare.

[X] Scr. Romae med. m. Quint. a. 711 (43).

CICERO BRVTO SAL.

nullas adhuc a te litteras habebamus, ne famam quidem quae declararet te cognita senatus auctoritate in Italiam adducere exercitum; quod ut faceres idque maturares magno opere desiderabat res publica. ingravescit enim in dies intestinum malum, nec extemis hostibus magis quam domesticis laboramus, qui erant omnino ab initio belli sed facilius frangebantur. erectior senatus erat non sententiis solum nostris sed etiam cohortationibus excitatus. erat in senatu satis vehemens et acer Pansa cum in ceteros huius generis tum maxime in socerum, cui consuli non animus ab initio, non fides ad extremum defuit. [2] bellum ad Mutinam gerebatur, nihil ut in Caesare reprehenderes, non nulla in Hirtio. huius belli fortuna

ut in secundis fluxa, ut in adversis bona.

erat victrix res publica caesis Antoni copiis, ipso expulso. Bruti deinde ita multa peccata ut quodam modo victoria excideret e manibus. perterritos, inermis, saucios non sunt nostri duces persecuti, datumque Lepido tempus est in quo levitatem eius saepe perspectam

maioribus in malis experiremur. sunt exercitus boni sed rudes Bruti et Planci, sunt fidelissima et maxima auxilia Gallorum; [3] sed Caesarem meis consiliis adhuc gubernatum, praeclara ipsum indole admirabilique constantia, improbissimis litteris quidam fallacibusque interpretibus ac nuntiis impulerunt in spem certissimam consulatus. quod simul atque sensi, neque ego illum absentem litteris monere destiti nec accusare praesentis eius necessarios qui eius cupiditati suffragari videbantur, nec in senatu sceleratissimorum consiliorum fontis aperire dubitavi. nec vero ulla in re memini aut senatum meliorem aut magistratus; numquam enim in honore extraordinario potentis hominis vel potentissimi potius (quando quidem potentia iam in vi posita est et armis) accidit ut nemo tribunus plebis, nemo alio magistratu, nemo privatus auctor exsisteret. sed in hac constantia atque virtute erat tamen sollicita civitas. inludimur enim, Brute, tum militum deliciis, tum imperatoris insolentia. tantum quisque se in re publica posse postulat quantum habet virium; non ratio, non modus, non lex, non mos, non officium valet, non iudicium non existimatio civium, non posteritatis verecundia. [4] haec ego multo ante prospiciens fugiebam ex Italia tum, cum me vestrorum edictorum fama revocavit; incitavisti vero tu me, Brute, Veliae. quamquam enim dolebiwn in eam me urbem ire quam tu fugeres qui eam liberavisses, quod mihi quoque quondam acciderat periculo simili, casu tristiore, perrexi tamen Romamque perveni nulloque praesidio quatefeci Antonium contraque eius arma nefanda praesidia quae oblata sunt Caesaris consilio et auctoritate firmavi. qui si steterit fide mihique paruerit, satis videmur habituri praesidi; sin autem impiorum consilia plus valuerint quam nostra aut imbecillitas aetatis non potuerit gravitatem rerum sustinere, spes omnis est in te. quam ob rem advola obsecro, atque eam rem publicam, quam virtute atque animi magnitudine magis quam eventis rerum liberavisti, exitu libera. omnis omnium concursus ad te futurus est. hortare idem per litteras Cassium. [5] spes libertatis nusquam nisi in vestrorum castrorum principiis est. firmos omnino et duces habemus ab occidente et exercitus. hoc adulescentis praesidium equidem adhuc firmum esse confido, sed ita multi labefactant ut ne moveatur interdum extimescam. habes totum rei publicae statum, qui quidem tum erat, cum has litteras dabam. velim deinceps meliora sint. sin

aliter fuerit, (quod di omen avertant!) rei publicae vicem dolebo quae immortalis esse debebat; mihi quidem quantulum reliqui est?

[XI] Scr. in castris ex. m. Iun., a. 711 (43).

BRVTVS CICERONI SAL.

veteris Antisti talis animus est in rem publicam ut non dubitem quin et in Caesare et in Antonio se praestaturus fuerit acerrimum propugnatorem communis libertatis, si occasioni potuisset occurrere. nam qui in Achaia congressus lt;cum> Dolabella milites atque equites habente quodvis adire periculum ex insidiis paratissimi ad omnia latronis maluerit quam videri aut coactus esse pecuniam dare aut libenter dedisse homini nequissimo atque improbissimo, is nobis ultro et pollicitus est et dedit HS xx ex sua pecunia et, quod multo carius est, se ipsum obtulit et coniunxit. [2] huic persuadere cupimus, ut imperator in castris remaneret remque publicam defenderet. statuit id sibi * *, quoniam exercitum dimisisset. statim vero rediturum ad nos confirmavit legatione suscepta, nisi praetorum comitia habituri essent consules. nam illi ita sentienti de re publica magno opere auctor fui ne differret tempus petitionis suae. cuius factum omnibus gratum esse debet qui modo iudicarint hunc exercitum esse utilem rei publicae, tibi tanto gratius quanto maiore et animo gloriaque libertatem nostram defendis et dignitate, si contigerit nostris consiliis exitus quem optamus, perfuncturus es. ego etiam, mi Cicero, proprie familiariterque te rogo ut veterem ames velisque esse quam amplissimum; qui etsi nulla re deterreri a proposito potest, tamen excitari tuis laudibus indulgentiaque potent quo magis amplexetur ac tueatur iudicium suum. id mihi gratissimum erit.

[XII] Scr. Romae in. m. Quint, a. 711 (43).

CICERO BRVTO SAL.

etsi daturus eram Messalae Corvino continuo litteras, tamen veterem nostrum ad te sine litteris meis venire nolui. maximo in discrimine res publica, Brute, versatur victoresque rursus decertare cogimur. id accidit M. Lepidi scelere et amentia. quo tempore cum multa propter

eam curam quam pro re publica suscepi graviter ferrem, tum nihil tuli gravius quam me non posse matris tuae precibus cedere, non sororis; nam tibi, quod mihi plurimi est, facile me satis facturum arbitrabar. nullo enim modo poterat causa Lepidi distingui ab Antonio omniumque iudicio etiam durior erat quod, cum honoribus amplissimis a senatu esset Lepidus ornatus tum etiam paucis ante diebus praeclaras litteras ad senatum misisset, repente non solum recepit reliquias hostium sed bellum acerrime terra marique gerit; cuius exitus qui futurus sit incertum est. ita cum rogamur ut misericordiam liberis eius impertiamus, nihil adfertur quo minus summa supplicia, si (quod Iuppiter omen avertat!) pater puerorum vicerit, subeunda nobis sint. [2] nec vero me fugit quam sit acerbum parentum scelera filiorum poenis lui; sed hoc praeclare legibus comparatum est, ut caritas liberorum amiciores parentis rei publicae redderet. itaque Lepidus crudelis in liberos, non is qui Lepidum hostem iudicat. atque ille si armis positis de vi damnatus esset, quo in iudicio certe defensionem non haberet, eandem calamitatem subirent liberi bonis publicatis. quamquam quod tua mater et soror deprecatur pro pueris, id ipsum et multa alia crudeliora nobis omnibus Lepidus, Antonius et reliqui hostes denuntiant. itaque maximam spem hoc tempore habemus in te atque exercitu tuo. Cum ad rei publicae summam tum ad gloriam et dignitatem tuam vehementer pertinet te, ut ante scripsi, in Italiam venire quam primum. eget enim vehementer cum viribus tuis tum etiam consilio res publica. [3] veterem pro eius erga te benevolentia singularique officio libenter ex tuis litteris complexus sum eumque cum tui tum rei publicae studiosissimum amantissimumque cognovi. Ciceronem meum propediem, ut spero, videbo. tecum enim illum [et te] in Italiam celeriter esse venturum confido.

[XIII] Scr. in castris K. Quint, a. 711 (43).

BRVTVS CICERONI SAL.

de M. Lepido vereri me cogit reliquorum timor. qui si eripuerit se nobis, quod velim temere atque iniuriose de illo suspicati sint homines, oro atque obsecro te, Cicero, necessitudinem nostram

tuamque in me benevolentiam obtestans, sororis meae liberos obliviscaris esse Lepidi filios meque iis in patris locum successisse existimes. hoc si a te impetro, nihil profecto dubitabis pro iis suscipere. aliter alii cum suis vivunt; nihil ego possum in sororis meae liberis facere quo possit expleri voluntas mea aut officium. quid vero aut mihi tribuere boni possunt, si modo digni sumus quibus aliquid tribuatur, aut ego matri ac sorori puerisque illis praestaturus sum, si nihil valuerit apud te reliquumque senatum contra patrem Lepidum Brutus avunculus? [2] scribere multa ad te neque possum prae sollicitudine ac stomacho neque debeo. nam si in tanta re tamque necessaria verbis mihi opus est ad te excitandum et confirmandum, nulla spes est facturum te quod volo et quod oportet. qua re noli exspectare longas preces; intuere me ipsum qui hoc a te, vel a Cicerone, coniunctissimo homine, privatim vel a consulari tali viro remota necessitudine privata, debeo impetrare. quid sis facturus velim mihi quam primum rescribas.

[XIV] Kal. Quintilibus ex castris. Scr. Romae v Id. Quint, a. 711 (43).

CICERO BRVTO SAL.

breves litterae tuae — breves dico, immo nullae. tribusne versiculis his temporibus Brutus ad me? nihil scripsisses potius. et requiris meas! quis umquam ad te tuorum sine meis venit? quae autem epistula non pondus habuit? quae si ad te perlatae non sunt, ne domesticas quidem tuas perlatas arbitror. Ciceroni scribis te longiorem daturum epistulam. recte id quidem, sed haec quoque debuit esse plenior. ego autem, cum ad me de Ciceronis abs te discessu scripsisses, statim extrusi tabellarios litterasque ad Ciceronem ut, etiam si in Italiam venisset, ad te rediret; nihil enim mihi iucundius, nihil illi honestius. quamquam aliquotiens ei scripseram sacerdotum comitia mea summa contentione in alterum annum esse reiecta — quod ego cum Ciceronis causa elaboravi tum Domiti, Catonis, Lentuli, Bibulorum; quod ad te etiam scripseram — ; sed videlicet, cum illam pusillam epistulam tuam ad me dabas, nondum erat tibi id notum. [2] qua re omni studio a te, mi Brute,

contendo ut Ciceronem meum ne dimittas tecumque deducas; quod ipsum, si rem publicam cui susceptus es respicis, tibi iam iamque faciendum est. renatum enim bellum est idque non parvum scelere Lepidi. exercitus autem Caesaris, qui erat optimus, non modo nihil prodest sed etiam cogit exercitum tuum flagitari. qui si Italiam attigerit, erit civis nemo quem quidem civem appellari fas sit, qui se non in tua castra conferat. etsi Brutum praeclare cum Planco coniunctum habemus; sed non ignoras quam sint incerti et animi hominum infecti partibus et exitus proeliorum. quin etiam si, ut spero, vicerimus, tamen magnam gubernationem tui consili tuaeque auctoritatis res desiderabit. subveni igitur, per deos, idque quam primum tibique persuade non te Idibus Martiis quibus servitutem a tuis civibus depulisti plus profuisse patriae quam si mature veneris profuturum. v Idus Quintiles.

[XV] Scr. Romae circ. med. in. Quint, a. 711 (43)

CICERO BRVTO SAL.

Messalam habes. quibus igitur litteris tam accurate scriptis adsequi possum, subtilius ut explicem quae gerantur quaeque sint in re publica, quam tibi is exponet qui et optime omnia novit et elegantissime expedire et deferre ad te potest? cave enim existimes, Brute (quamquam non necesse est ea me ad te quae tibi nota sunt scribere; sed tamen tantam omnium laudum excellentiam non queo silentio praeterire), cave putes probitate, constantia, cura, studio rei publicae quicquam illi esse simile, ut eloquentia, qua mirabiliter excellit, vix in eo locum ad laudandum habere videatur; quamquam in hac ipsa sapientia plus apparet; ita gravi iudicio multaque arte se exercuit in verissimo genere dicendi. tanta autem industria est tantumque evigilat in studio ut non maxima ingenio, quod in eo summum est, gratia habenda videatur. [2] sed provehor amore. non enim id propositum est huic epistulae Messalam ut laudem, praesertim ad Brutum cui et virtus illius non minus quam mihi nota est et haec ipsa studia quae laudo notiora. quem cum a me dimittens graviter ferrem, hoc levabar uno, quod ad te tamquam ad alterum me proficiscens et officio fungebatur et laudem maximam sequebatur.

sed haec hactenus.

[3] venio nunc longo sane intervallo ad quandam epistulam, qua mihi multa tribuens unum reprehendebas quod in honoribus decernendis essem nimius et tamquam prodigus. tu hoc; alius fortasse, quod in animadversione poenaque durior, nisi forte utrumque tu. quod si ita est, utriusque rei meum iudicium studeo tibi esse notissimum +neque solum ut Solonis dictum usurpem+ qui et sapientissimus fuit ex septem et legum scriptor solus ex septem. is rem publicam contineri duabus rebus dixit, praemio et poena. est scilicet utriusque rei modus sicut reliquarum et quaedam in utroque genere mediocritas. sed non tanta de re propositum est hoc loco disputare; [4] quid ego autem secutus hoc bello sim in sententiis dicendis aperire non ahenum puto. post interitum Caesaris et vestras memorabilis Idus Mart., Brute, quid ego praetermissum a vobis quantamque impendere rei publicae tempestatem dixerim non es oblitus. Magna pestis erat depulsa per vos, magna populi Romani macula deleta, vobis vero parta divina gloria, sed instrumentum regni delatum ad Lepidum et Antonium; quorum alter inconstantior, alter impurior, uterque pacem metuens, immicus otio. his ardentibus perturbandae rei publicae cupiditate quod opponi posset praesidium non habebamus; erexerat enim se civitas in retinenda libertate consentiens, [5] nos tum nimis acres, vos fortasse sapientius excessistis urbe ea quam liberaratis, Italiae sua vobis studia profitenti remisistis. itaque cum teneri urbem a parricidis viderem nec te in ea nec Cassium tuto esse posse eamque armis oppressam ab Antonio, mihi quoque ipsi esse excedendum putavi; taetrum enim spectaculum oppressa ab impiis civitas opitulandi potestate praecisa. sed animus idem qui semper infixus in patriae caritate discessum ab eius periculis ferre non potuit. itaque in medio Achaico cursu cum etesiarum diebus auster me in Italiam quasi dissuasor mei consili rettulisset, te vidi Veliae doluique vehementer. cedebas enim, Brute, cedebas, quoniam Stoici nostri negant fugere sapientis. [6] Romam ut veni, statim me obtuli Antoni sceleri atque dementiae. quem cum in me incitavissem, consilia imre coepi Brutina plane (vestri enim haec sunt propria sanguinis) rei publicae liberandae. longa sunt, quae restant, praetereunda; sunt enim de me; tantum dico, Caesarem hunc adulescentem, per quem adhuc sumus si verum fateri volumus,

fluxisse ex fonte consiliorum meorum. [7] huic habiti a me honores nulli quidem, Brute, nisi debiti, nulli nisi necessarii. Vt enim primum libertatem revocare coepimus, cum se nondum ne Decimi quidem Bruti divina virtus ita commovisset ut iam id scire possemus, atque omne praesidium esset in puero qui a cervicibus nostris avertisset Antonium, quis honos ei non fuit decernendus? quamquam ego illi tum verborum laudem tribui eamque modicam, decrevi etiam imperium; quod quamquam videbatur illi aetati honorificum, tamen erat exercitum babenti necessarium. quid enim est sine imperio exercitus? statuam Philippus decrevit, celeritatem petitionis primo Servius, post maiorem etiam Servilius. nihil tum nimium videbatur. [8] sed nescio quo modo facilius in timore benigni quam in victoria grati reperiuntur. ego enim, D. Bruto liberato cum laetissimus ille civitati dies inluxisset idemque casu Bruti natalis esset, decrevi ut in fastis ad eum diem Bruti nomen adscriberetur, in eoque sum maiorum exemplum secutus qui hunc honorem mulieri Larentiae tribuerunt, cuius vos pontifices ad aram in Velabro sacrificium facere soletis. quod ego cum dabam Bruto, notam esse in fastis gratissimae victoriae sempiternam volebam. atque illo die cognovi paulo pluris in senatu malevolos esse quam gratos. per eos ipsos dies effudi, si ita vis, honores in mortuos, Hirtium et Pansam, Aquilam etiam. quod quis reprehendet, nisi qui deposito metu praeteriti periculi fuerit oblitus? [9] accedebat ad benefici memoriam gratam ratio illa quae etiam posteris esset salutaris. exstare enim volebam in crudelissimos hostis monimenta odi publici sempiterna. suspicor illud tibi minus probari quod a tuis familiaribus, optimis illis quidem viris sed in re publica rudibus, non probabatur, quod ut ovanti introire Caesari liceret decreverim. ego autem (sed erro fortasse nec tamen is sum ut mea me maxime delectent) nihil mihi videor hoc bello sensisse prudentius. cur autem ita sit aperiendum non est, ne magis videar providus fuisse quam gratus. hoc ipsum nimium; qua re alia videamus. D. Bruto decrevi honores, decrevi L. Planco. praeclara illa quidem ingenia quae gloria invitantur, sed senatus etiam sapiens qui qua quemque re putat, modo honesta, ad rem publicam iuvandam posse adduci hac utitur. at in Lepido reprehendimur; cui cum statuam in rostris statuissemus, idem illam evertimus. nos illum honore studuimus a furore revocare. vicit amentia levissimi hominis nostram

prudentiam; nec tamen tantum in statuenda Lepidi statua factum est mali quantum in evertenda boni.

[10] satis multa de honoribus; nunc de poena pauca dicenda sunt. intellexi enim ex tuis saepe litteris te in iis quos bello devicisti clementiam tuam velle laudari. existimo equidem nihil a te nisi sapienter; sed sceleris poenam praetermittere (id enim est quod vocatur ignoscere), etiam si in ceteris rebus tolerabile est, in hoc bello perniciosum puto. nullum enim bellum civile fuit in nostra re publica omnium quae memoria mea fuerunt, in quo bello non, utracumque pars vicisset, tamen aliqua forma esset futura rei publicae. hoc bello victores quam rem publicam simus habituri non facile adfirmarim, victis certe nulla umquam erit. dixi igitur sententias in Antonium, dixi in Lepidum severas neque tam ulciscendi causa quam ut et in praesenti sceleratos civis timore ab impugnanda patria deterrerem et in posterum documentum statuerem ne quis talem amentiam vellet imitari. [11] quamquam haec quidem sententia non magis mea fuit quam omnium. in qua videtur illud esse crudele, quod ad liberos qui nihil meruerunt poena pervenit. sed id et antiquum est et omnium civitatum, si quidem etiam Themistocli liberi eguerunt; et si iudicio damnatos eadem poena sequitur civis, qui potuimus leniores esse in hostis? quid autem queri quisquam potest de me, qui si vicisset acerbiorem se in me futurum fuisse confiteatur necesse est? habes rationem mearum sententiarum de hoc genere dumtaxat honoris et poenae; nam de ceteris rebus quid senserim quidque censuerim audisse te arbitror.

[12] sed haec quidem non ita necessaria, illud valde necessarium, Brute, te in Italiam cum exercitu venire quam primum. summa est exspectatio tui. quod si Italiam attigeris, ad te concursus fiet omnium. Sive enim vicerimus, qui quidem pulcherrime viceramus nisi Lepidus perdere omnia et perire ipse cum suis concupivisset, tua nobis auctoritate opus est ad conlocandum aliquem civitatis statum; sive etiam nunc certamen reliquum est, maxima spes est cum <in> auctoritate tua tum in exercitus tui viribus. sed propera, per deos! scis quantum sit in temporibus, quantum in celeritate.

[13] sororis tuae filiis quam diligenter consulam spero te ex matris et ex sororis litteris cogniturum. qua in causa maiorem habeo rationem tuae voluntatis quae mihi carissima est quam, ut quibusdam

videor, constantiae meae. sed ego nulla in re malo quam in te amando constans et esse et videri.

[XVI] Scr. Athenis in. Maio a. 711 (a).

BRVTVS CICERONI SAL.

particulam litterularum tuarum, quas misisti Octavio, legi missam ab Attico mihi. studium tuum curaque de salute mea nulla me nova voluptate adfecit. non solum enim usitatum sed etiam cotidianum est aliquid audire de te, quod pro nostra dignitate fideliter atque honorifice dixeris aut feceris. at dolore quantum maximum capere animo possum eadem illa pars epistulae scripta ad Octavium de nobis adfecit. sic enim illi gratias agis de re publica, tam suppliciter ac demisse — quid scribam? pudet condicionis ac fortunae sed tamen scribendum est: commendas nostram salutem illi, quae morte qua non perniciosior? ut prorsus prae te feras non sublatam dominationem sed dominum commutatum esse. verba tua recognosce et aude negare servientis adversus regem istas esse preces. Vnum ais esse quod ab eo postuletur et exspectetur, ut eos civis de quibus viri boni populusque Romanus bene existimet salvos velit. quid si nolit? non erimus? atqui non esse quam esse per illum praestat. [2] ego medius fidius non existimo tam omnis deos aversos esse a salute populi Romani ut Octavius orandus sit pro salute cuiusquam civis, non dicam pro liberatoribus orbis terrarum; iuvat enim magnifice loqui et certe decet adversus ignorantis quid pro quoque timendum aut a quoque petendum sit. hoc tu, Cicero, posse fateris Octavium et illi amicus es? aut, si me carum habes, vis Romae videre, cum ut ibi esse possem commendandus puero illi fuerim? cui quid agis gratias, si ut nos salvos esse velit et patiatur rogandum putas? an hoc pro beneficio habendum est, quod se quam Antonium esse maluerit a quo ista petenda essent? Vindici quidem alienae dominationis, non vicario, ecquis supplicat ut optime meritis de re publica liceat esse salvis? [3] ista vero imbecillitas et desperatio, cuius culpa non magis in te residet quam in omnibus aliis, et Caesarem in cupiditatem regni impulit et Antonio post interitum illius persuasit ut interfecti locum occupare conaretur et nunc puerum istum extulit, ut tu iudicares

precibus esse impetrandam salutem talibus viris misericordiaque unius vix etiam nunc viri tutos fore nos, haud ulla alia re. quod si Romanos nos esse meminissemus, non audacius dominari cuperent postremi homines quam id nos prohiberemus, neque magis inritatus esset Antonius regno Caesaris quam ob eiusdem mortem deterritus. [4] tu quidem consularis et tantorum scelerum vindex, quibus oppressis vereor ne in breve tempus dilata sit abs te pernicies, qui potes intueri quae gesseris, simul et ista vel probare vel ita demisse ac facile pati ut probantis speciem habeas? quod autem tibi cum Antonio privatim odium? nempe quia postulabat haec, salutem ab se peti, precariam nos incolumitatem habere a quibus ipse libertatem accepisset, esse arbitrium suum de re publica, quaerenda esse arma putasti quibus dominari prohiberetur, scilicet ut illo prohibito rogaremus alterum qui se in eius locum reponi pateretur, an ut esset sui iuris ac mancipi res publica? nisi forte non de servitute sed de condicione serviendi recusatum est a nobis. atqui non solum bono domino potuimus Antonio tolerare nostram fortunam sed etiam beneficiis atque honoribus ut participes frui quantis vellemus. quid enim negaret iis quorum patientiam videret maximum dominationis suae praesidium esse? sed nihil tanti fuit quo venderemus fidem nostram et libertatem.

[5] hic ipse puer quem Caesaris nomen incitare videtur in Caesaris interfectores, quanti aestimet, si sit commercio locus, posse nobis auctoribus tantum quantum profecto potent, quoniam vivere et pecunias habere et dici consulares volumus! ceterum <ne> nequiquam perierit ille cuius interitu quid gavisi sumus, si mortuo nihilo minus servituri eramus, nulla cura adhibetur? sed mihi prius omnia di deaeque eripuerint quam illud iudicium, quo non modo heredi eius quem occidi non concesserim quod in illo non tuli, sed ne patri quidem meo, si revivescat, ut patiente me plus legibus ac senatu possit. an hoc tibi persuasum est, fore ceteros ab eo liberos quo invito nobis in ista civitate locus non sit? qui porro id quod petis fleri potest ut impetres? rogas enim velit nos salvos esse. videmur ergo tibi salutem accepturi cum vitam acceperimus? quam, nisi prius dimittimus dignitatem et libertatem, qui possumus accipere? [6] an tu Romae habitare, id putas incolumem esse? res non locus oportet praestet istuc mihi. neque incolumis Caesare vivo fui, nisi postea

quam illud conscivi facinus, neque usquam exsul esse possum, dum servire et pati contumelias peius odero malis omnibus aliis. nonne hoc est in easdem tenebras recidisse, <si> ab eo qui tyranni nomen adscivit sibi, cum in Graecis civitatibus liberi tyrannorum oppressis illis eodem supplicio adficiantur, petitur ut vindices atque oppressores dominationis salvi sint? hanc ego civitatem videre velim aut putem ullam, quae ne traditam quidem atque inculcatam libertatem recipere possit plusque timeat in puero nomen sublati regis quam confidat sibi, cum illum ipsum qui maximas opes habuerit paucorum virtute sublatum videat? me vero posthac ne commendaveris Caesari tuo, ne te quidem ipsum, si me audies. valde care aestimas tot annos quot ista aetas recipit, si propter eam causam puero isti supplicaturus es. [7] deinde quod pulcherrime fecisti ac facis in Antonio vide ne convertatur a laude maximi animi ad opinionem formidinis. nam si Octavius tibi placet, a quo de nostra salute petendum sit, non dominum fugisse sed amiciorem dominum quaesisse videberis. quem quod laudas ob ea quae adhuc fecit plane probo; sunt enim laudanda, si modo contra alienam potentiam non pro sua suscepit eas actiones. Cum vero iudicas tantum illi non modo licere sed etiam a te ipso tribuendum esse ut rogandus sit ne nolit esse nos salvos, nimium magnam mercedem statuis (id enim ipsum illi largiris quod per illum habere videbatur res publica), neque hoc tibi in mentem venit, si Octavius ullis dignus sit honoribus quia cum Antonio bellum gerat, iis qui illud malum exciderint cuius istae reliquiae sunt nihil quo expleri possit eorum meritum tributurum umquam populum Romanum, si omnia simul congesserit. [8] ac vide quanto diligentius homines metuant quam meminerint, quia Antonius vivat atque in armis sit, de Caesare vero quod fieri potuit ac debuit transactum est neque iam revocari in integrum potest. Octavius is est qui quid de nobis iudicaturus sit exspectet populus Romanus; nos ii sumus de quorum salute unus homo rogandus videatur? ego vero, ut istoc revertar, is sum qui non modo non supplicem sed etiam coerceam postulantis ut sibi supplicetur. aut longe a servientibus abero mihique esse iudicabo Romam ubicumque liberum esse licebit, ac vestri miserebor quibus nec aetas neque honores nec virtus aliena dulcedinem vivendi minuere potuerit. [9] mihi quidem ita beatus esse videbor, si modo constanter ac perpetuo placebit hoc consilium ut

relatam putem gratiam pietati meae. quid enim est melius quam memoria recte factorum et libertate contentum neglegere humana? sed certe non succumbam succumbentibus nec vincar ab iis qui se vinci volunt experiarque et temptabo omnia neque desistam abstrahere a servitio civitatem nostram. si secuta fuerit quae debet fortuna, gaudebimus omnes; si minus, ego tamen gaudebo. quibus enim potius haec vita factis aut cogitationibus traducatur quam iis quae pertinuerint ad liberandos civis meos?

[10] te, Cicero, rogo atque hortor ne defetigere neu diffidas, semper in praesentibus malis prohibendis futura quoque explores ne se, nisi ante sit occursum, insinuent. fortem et liberum animum, quo et consul et nunc consularis rem publicam vindicasti, sine constantia et aequabilitate nullum esse putaris. fateor enim duriorem esse condicionem spectatae virtutis quam incognitae. bene facta pro debitis exigimus, quae aliter eveniunt ut decepti ab iis infesto animo reprehendimus. itaque resistere Antonio Ciceronem, etsi maxima laude dignum est, tamen, quia ille consul hunc consularem merito praestare videtur, nemo admiratur; [11] idem Cicero, si flexerit adversus alios iudicium suum quod tanta firmitate ac magnitudine direxit in exturbando Antonio, non modo reliqui temporis gloriam eripuerit sibi sed etiam praeterita evanescere coget. nihil enim per se amplum est nisi in quo iudici ratio exstat. quin neminem magis decet rem publicam amare libertatisque defensorem esse vel ingenio vel rebus gestis vel studio atque efflagitatione omnium. qua re non Octavius est rogandus ut velit nos salvos esse, magis tute te exsuscita, ut eam civitatem in qua maxima gessisti liberam atque honestam fore putes, si modo sint populo duces ad resistendum improborum consiliis.

[XVII] Scr. m. Maio, ut videtur, a. 711 (43).

BRVTVS ATTICO SAL.

scribis mihi mirari Ciceronem quod nihil significem umquam de suis actis. quoniam me flagitas, coactu tuo scribam quae sentio. omnia fecisse Ciceronem optimo animo scio; quid enim mihi exploratius esse potest quam illius animus in rem publicam? sed quaedam mihi videtur — quid dicam? imperite vir omnium prudentissimus an ambitiose fecisse qui valentissimum Antonium suscipere pro re publica non dubitarit inimicum. nescio quid scribam tibi nisi unum, pueri et cupiditatem et licentiam potius esse inritatam quam repressam a Cicerone, tantumque eum tribuere huic indulgentiae ut se maledictis non abstineat iis quidem quae in ipsum dupliciter recidunt, quod et pluris occidit uno seque prius oportet fateatur sicarium quam obiciat Cascae quod obicit et imitatur in Casca Bestiam. an quia non omnibus horis iactamus Idus Martias similiter atque ille Nonas Decembris suas in ore habet, eo meliore condicione Cicero pulcherrimum factum vituperabit quam Bestia et Clodius reprehendere illius consulatum soliti sunt? [2] sustinuisse mihi gloriatur bellum Antoni togatus Cicero noster! quid hoc mihi prodest, si merces Antoni oppressi poscitur in Antoni locum successio et si vindex illius mali auctor exstitit alterius fundamentum et radices habituri altiores, si patiamur? ut iam ista quae facit dominationem an dominum [an Antonium] timentis sint. ego autem gratiam non habeo si quis, dum ne irato serviat, rem ipsam non deprecatur. immo triumphus et stipendium et omnibus decretis hortatio ne eius pudeat concupiscere fortunam cuius nomen susceperit, consularis aut Ciceronis est? [3] quoniam mihi tacere non licuit, leges quae tibi necesse est molesta esse. etenim ipse sentio quanto cum dolore haec ad te scripserim, nec ignoro quid sentias in re publica et quam desperatam quoque sanari putes posse. nec me hercule te, Attice, reprehendo. aetas enim, mores, liberi segnem efficiunt; quod quidem etiam ex Flayio nostro perspexi. [4] sed redeo ad Ciceronem. quid inter Salvidienum et eum interest? quid autem amplius ille decerneret? ‘timet,’ inquis, ‘etiam nunc reliquias belli civilis.’ quisquam ergo ita timet profligatum ut neque potentiam eius qui exercitum victorem habeat neque temeritatem pueri putet extimescendam esse? an hoc ipsum ea re facit, quod illi propter amplitudinem omnia iam ultroque deferenda putat? O magnam

stultitiam timoris, id ipsum quod verearis ita cavere ut, cum vitare fortasse potueris, ultro arcessas et attrahas. nimium timemus mortem et exsilium et paupertatem. haec nimirum videntur Ciceroni ultima esse in malis et, dum habeat a quibus impetret quae velit et a quibus colatur ac laudetur, servitutem, honorificam modo, non aspernatur, si quicquam in extrema ac miserrima contumelia potest honorificum esse. [5] licet ergo patrem appellet Octavius Ciceronem, referat omnia, laudet, gratias agat, tamen illud apparebit verba rebus esse contraria. quid enim tam alienum ab humanis sensibus est quam eum patris habere loco qui ne liberi quidem hominis numero sit? atqui co tendit, id agit, ad eum exitum properat vir optimus ut sit illi Octavius propitius. ego vero iam iis artibus nihil tribuo quibus Ciceronem scio instructissimum esse. quid enim illi prosunt quae pro libertate patriae, de dignitate, quae de morte, exsilio, paupertate scripsit copiosissime? quanto autem magis illa callere videtur Philippus qui privigno minus tribuerit quam Cicero qui alieno tribuat! desinat igitur gloriando etiam insectari dolores nostros. quid enim nostra victum esse Antonium, si victus est ut alii vacaret quod ille obtinuit? [6] tametsi tuae litterae dubia etiam nunc significant. vivat hercule Cicero, qui potest, supplex et obnoxius, si neque aetatis neque honorum neque rerum gestarum pudet; ego certe quin cum ipsa re bellum geram, hoc est cum regno et imperiis extraordinariis et dominatione et potentia quae supra leges se esse velit, nulla erit tam bona condicio serviendi qua deterrear, quamvis sit vir bonus, ut scribis, +Antonius+; quod ego numquam existimavi. sed dominum ne parentem quidem maiores nostri voluerunt esse. te nisi tantum amarem quantum Ciceroni persuasum est diligi ab Octavio, haec ad te non scripsissem. dolet mihi quod tu nunc stomacharis amantissimus cum tuorum omnium tum Ciceronis; sed persuade tibi de voluntate propria mea nihil esse remissum, de iudicio largiter. neque enim impetrari potest quin quale quidque videatur ei talem quisque de illo opinionem habeat.

[7] vellem mihi scripsisses quae condiciones essent Atticae nostrae; potuissem aliquid tibi de meo sensu perscribere. valetudinem Porciae meae tibi curae esse non miror. denique quod petis faciam libenter; nam etiam sorores me rogant. et hominem noro et quid sibi voluerit.

[XVIII] Scr. Romae vi K. Sexi, a. 711 (43).

CICERO BRVTO SAL.

Cum saepe te litteris hortatus essem ut quam primum rei publicae subvenires in Italiamque exercitum adduceres neque id arbitrarer dubitare tuos necessarios, rogatus sum a prudentissima et diligentissima femina, matre tua, cuius omnes curae ad te referuntur et in te consumuntur ut venirem ad se a. d. VIII Kal. Sextilis. quod ego, ut debui, sine mora feci. Cum autem venissem, Casca aderat et Labeo et Scaptius. at illa rettulit quaesivitque quidnam mihi videretur, arcesseremusne te atque id tibi conducere putaremus an tardare et commorari te melius esset. [2] respondi id quod sentiebam, et dignitati et existimationi tuae maxime conducere te primo quoque tempore ferre praesidium labenti et inclinatae paene rei publicae. quid enim abesse censes mali in eo bello, in quo victores exercitus fugientem hostem persequi noluerint et in quo incolumis imperator honoribus amplissimis fortunisque maximis, coniuge, liberis, vobis adfinibus ornatus bellum rei publicae indixerit? quid dicam in tanto senatus populique consensu, cum tantum resideat intra muros mali? [3] maximo autem, cum haec scribebam, adficiebar dolore quod, cum me pro adulescentulo ac paene puero res publica accepisset vadem, vix videbar quod promiseram praestare posse. est autem gravior et difficilior animi et sententiae maximis praesertim in rebus pro altero quam pecuniae obligatio. haec enim solvi potest et est rei familiaris iactura tolerabilis; rei publicae quod spoponderis, quem ad modum solvas, nisi is dependi facile patitur pro quo spoponderis? [4] quamquam et hunc, ut spero, tenebo multis repugnantibus. videtur enim esse indoles, sed flexibilis aetas multique ad depravanduin parati; qui splendore falsi honoris obiecto aciem boni ingeni praestringi posse confidunt. itaque ad reliquos hic quoque labor mihi accessit ut omnis adhibeam machinas ad tenendum adulescentem ne famam subeam temeritatis. quamquam quae temeritas est? magis enim illum pro quo spopondi quam me ipsum obligavi; nec vero paenitere potest rem publicam me pro eo spopondisse, qui fuit in rebus gerendis cum suo ingenio tum mea promissione constantior.

[5] maximus autem, nisi me forte fallit, in re publica nodus est

inopia rei pecuniariae. obdurescunt enim magis cotidie boni viri ad vocem tributi; quod ex centesima conlatum impudenti censu locupletium in duarum legionum praemiis omne consumitur. impendent autem infiniti sumptus cum in hos exercitus quibus nunc defendimur tum vero in tuum. nam Cassius noster videtur posse satis ornatus venire. sed et haec et multa alia coram cupio idque quam primum.

[6] de sororis tuae filiis non exspectavi, Brute, dum scriberes. omnino ipsa tempora (bellum enim ducetur) integram tibi causam reservant. sed ego a principio, cum divinare de belli diuturnitate non possem, ita causam egi puerorum in senatu ut te arbitror e matris litteris potuisse cognoscere; nec vero ulla res erit umquam in qua ego non vel vitae periculo ea dicam eaque faciam quae te velle quaeque ad te pertinere arbitrabor. vi Kal. Sextilis.

LIBER SECVNDVS

[I] Scr. Romae ex. m. Mart. ant in. Apr. a. 711 (43).

CICERO BRVTO SAL.

Cum haec scribebam, res existimabatur in extremum adducta discrimen. tristes enim de Bruto nostro litterae nuntiique adferebantur. me quidem non maxime conturbabant. his enim exercitibus ducibusque quos habemus nullo modo poteram diffidere neque adsentiebar maiori parti hominum. fidem enim consulum non condemnabam quae suspecta vehementer erat; desiderabam non nullis in rebus prudentiam et celeritatem; qua si essent usi, iam pridem rem <publicam> reciperassemus. non enim ignoras quanta momenta sint in re publica temporum et quid intersit idem illud utrum ante an post decernatur, suscipiatur, agatur. omnia quae severe decreta sunt hoc tumultu, si aut quo die dixi sententiam perfecta essent et non in diem ex die dilata aut, quo ex tempore suscepta sunt ut agerentur, non tardata et procrastinata, bellum iam nullum haberemus. [2] omnia, Brute, praestiti rei publicae quae praestare debuit is qui esset <in> eo in quo ego sum gradu senatus populique iudicio conlocatus, nec illa modo quae nimirum sola ab homine sunt postulanda, fidem, vigilantiam, patriae caritatem. ea sunt enim quae nemo est qui non praestare debeat. ego autem ei qui sententiam dicat in principibus de re publica puto etiam prudentiam esse praestandam nec me, cum mihi tantum sumpserim ut gubernacula rei publicae prehenderem, minus putarim reprehendendum si inutiliter aliquid senatui suaserim quam si infideliter.

[3] Acta quae sint quaeque agantur scio perscribi ad te diligenter; ex me autem illud est quod te velim habere cognitum, meum quidem animum in acie esse neque respectum ullum quaerere nisi me utilitas civitatis forte converterit; maioris autem partis animi te Cassiumque respiciunt. quam ob rem ita te para, Brute, ut intellegas aut, si hoc tempore bene res gesta sit, tibi meliorem rem publicam esse faciendam aut, si quid offensum sit, per te esse eandem reciperandam.

[II] Scr. Romae iii Id. Apr. a. 711 (43).

CICERO BRVTO SAL.

Planci animum in rem publicam egregium, legiones, auxilia, copias ex litteris eius quarum exemplum tibi missum arbitror perspicere potuisti. Lepidi, tui necessari, qui secundum fratrem adfinis habet quos oderit proximos, levitatem et inconstantiam animumque semper inimicum rei publicae iam credo tibi ex tuorum litteris esse perspectum. [2] nos exspectatio sollicitat, +quae+ est omnis iam in extremum adducta discrimen. est enim spes omnis in Bruto expediendo, de quo vehementer timebamus. [3] ego hic cum homine furioso satis habeo negoti, Servilio; quem tuli diutius quam dignitas mea patiebatur, sed tuli rei publicae causa, ne darem perditis civibus hominem parum sanum illum quidem sed tamen nobilem quo concurrerent, quod faciunt nihilo minus; sed eum alienandum a re publica non putabam. finem feci eius ferendi. coeperat enim esse tanta insolentia ut neminem liberum duceret. in Planci vero causa exarsit incredibili dolore mecumque per biduum ita contendit et a me ita fractus est ut eum in perpetuum modestiorem sperem fore. atque in hac contentione ipsa, cum maxime res ageretur, a. d. v Idus Aprilis litterae mihi in senatu redditae sunt a Lentulo nostro de Cassio, de legionibus, de Syria. quas statim cum recitavissem, cecidit Servilius, complures praeterea; sunt enim insignes aliquot qui improbissime sentiunt. sed acerbissime tulit Servilius adsensum esse mihi de Planco. Magnum illud monstrum in re publica est, sed quo * * *.

[III] Scr. Dyrrachi K. Apr. a. 711 (43).

BRVTVS CICERONI SAL.

Litteras tuas valde exspecto, quas scripsisti post nuntios nostrarum rerum et de morte Treboni. non enim dubito quin mihi consilium tuum explices. indigno scelere et civem optimum amisimus et provinciae possessione pulsi sumus, quam reciperari facile est neque minus turpe aut flagitiosum erit post reciperari.

[2] Antonius adhuc est nobiscum, sed medius fidius et moveor

hominis precibus et timeo ne illum aliquorum furor excipiat. plane aestuo. quod si scirem quid tibi placeret, sine sollicitudine essem; id enim optimum esse persuasum esset mihi. qua re quam primum fac me certiorem quid tibi placeat. [3] Cassius noster Syriam, legiones Syriacas habet ultro quidem a Murco et a Marcio et ab exercitu ipso arcessitus. ego scripsi ad Tertiam sororem et matrem ne prius ederent hoc quod optime ac felicissime gessit Cassius quam tuum consilium cognovissent tibique visum esset.

[4] legi orationes duas tuas, quarum altera Kal. Ian. usus es, altera de litteris meis, quae habita est abs te contra Calenum. nunc scilicet hoc exspectas dum eas laudem. nescio animi an ingeni tui maior in his libellis laus contineatur; iam concedo ut vel Philippici vocentur, quod tu quadam epistula iocans scripsisti.

[5] duabus rebus egemus, Cicero, pecunia et supplemento; quarum altera potest abs te expediri ut aliqua pars militum istinc mittatur nobis vel secreto consilio adversus Pansam vel actione in senatu, altera quo magis est necessaria neque meo exercitui magis quam reliquorum, hoc magis doleo Asiam nos amisisse; quam sic vexari a Dolabella audio ut iam non videatur crudelissimum eius facinus interfectio Treboni. vetus Antistius me tamen pecunia sublevavit.

[6] Cicero, filius tuus, sic mihi se probat industria, patientia, labore, animi magnitudine, omni denique officio ut prorsus numquam dimittere videatur cogitationem cuius sit filius. qua re quoniam efficere non possum ut pluris facias eum qui tibi est carissimus, illud tribue iudicio meo ut tibi persuadeas non fore illi abutendum gloria tua ut adipiscatur honores paternos. Kalend. Apr. Dyrrhachio.

[IV] Scr. Romae prid. Id. Apr. mane a. 711 (43).

CICERO BRVTO SAL.

Datis mane a. d. in id. April. Scaptio litteris eodem die tuas accepi Kal. April. Dyrrhachio datas vesperi. itaque mane prid. Id. Apr., cum a Scaptio certior factus essem non esse eos profectos quibus pridie dederam et statim ire, hoc paululum exaravi ipsa in turba matutinae salutationis.

[2] de Cassio laetor et rei publicae gratulor, mihi etiam qui

repugnante et irascente Pansa sententiam dixerim ut Dolabellam bello Cassius persequeretur. et quidem audacter dicebam sine nostro senatus consulto iam illud eum bellum gerere. de te etiam dixi tum quae dicenda putavi. haec ad te oratio perferetur, quoniam te video delectari Philippicis nostris.

[3] quod me de Antonio consulis, quoad Bruti exitum cognorimus custodiendum puto. ex iis litteris quas mihi misisti, Dolabella Asiam vexare videtur et in ea se gerere taeterrime. compluribus autem scripsisti Dolabellam a Rhodiis esse exclusum. qui si ad Rhodum accessit, videtur mihi Asiam reliquisse. id si ita est, istic tibi censeo commorandum; sin +eam semel cepit, mihi crede, non erit id. Apr.+ at in Asiam censeo persequendum. nihil mihi videris hoc tempore melius acturus. [4] quod egere te duabus necessariis rebus scribis, supplemento et pecunia, difficile consilium est. non enim mihi occurrunt facultates quibus uti te posse videam praeter illas quas senatus decrevit, ut pecunias a civitatibus mutuas sumeres. de supplemento autem non video quid fleri possit. tantum enim abest ut Pansa de exercitu suo aut dilectu tibi aliquid tribuat, ut etiam moleste ferat tam multos ad te ire voluntarios, quo modo equidem credo, quod iis rebus quae in Italia decernuntur nullas copias nimis magnas esse arbitretur, quo modo autem multi suspicantur, <quod> ne te quidem nimis firmum esse velit; quod ego non suspicor.

[5] quod scribis te ad Tertiam sororem <et matrem> scripsisse ut ne prius ederent ea quae gesta a Cassio essent quam mihi visum esset, video te veritum esse, id quod verendum fuit, ne animi partium Caesaris, quo modo etiam nunc partes appellantur, vehementer commoverentur. sed ante quam tuas litteras accepimus, audita res erat et pervulgata; tui etiam tabellarii ad multos familiaris tuos litteras attulerant. qua re neque supprimenda res erat, praesertim cum id fieri non posset, neque, si posset, non divulgandam potius quam occultandam putaremus.

[6] de Cicerone meo et, si tantum est in eo quantum scribis, tantum scilicet quantum debeo gaudeo et, si quod amas eum eo maiora facis, id ipsum incredibiliter gaudeo a te eum diligi.

[V] Scr. Romae xviii K. Mai. a. 711 (43).

quae litterae tuo nomine recitatae sint id. April. in senatu eodemque tempore Antoni credo ad te scripsisse tuos; quorum ego nemini concedo. sed nihil necesse erat eadem omnis, illud necesse me ad te scribere quid sentirem tota de constitutione huius belli et quo iudicio essem quaque sententia. voluntas mea, Brute, de summa re publica semper eadem fuit quae tua, ratio quibusdam in rebus (non enim omnibus) paulo fortasse vehementior. scis mihi semper placuisse non rege solum sed regno liberari rem publicam; tu lenius immortali omnino cum tua laude; sed quid melius fuerit magno dolore sensimus, magno periculo sentimus. recenti illo tempore tu omnia ad pacem quae oratione confici non poterat, ego omnia ad libertatem quae sine pace nulla est. pacem ipsam bello atque armis effici posse arbitrabar. studia non deerant arma poscentium; quorum repressimus impetum ardoremque restinximus. [2] itaque res in eum locum venerat ut, nisi Caesari Octaviano deus quidam illam mentem dedisset, in potestatem perditissimi hominis et turpissimi M. Antoni veniendum fuerit, quocum vides hoc tempore ipso quod sit quantumque certamen. id profecto nullum esset, nisi tum conservatus esset Antonius. sed haec omitto; res enim a te gesta memorabilis et paene caelestis repellit omnis reprehensiones, quippe quae ne laude quidem satis idonea adfici possit. exstitisti nuper vultu severo; exercitum, copias, legiones idoneas per te brevi tempore comparasti. di immortales! qui ille nuntius, quae illae litterae, quae laetitia senatus, quae alacritas civitatis erat! nihil umquam vidi tam omnium consensione laudatum. erat exspectatio reliquiarum Antoni, quem equitatu legionibusque magna ex parte spoliaras. ea quoque habuit exitum optabilem. nam tuac litterae quae recitatae in senatu sunt et imperatoris et militum virtutem et industriam tuorum, in quibus Ciceronis mei, declarant. quod si tuis placuisset de his litteris referri et nisi in tempus turbuientissimum post discessum Pansae consulis incidissent, honos quoque iustus et debitus dis immortalibus decretus esset. [3] ecce tibi Idib. April. advolat mane Celer Pilius, qui vir, di boni, quam gravis, quam constans, quam bonarum in re publica partium! hic epistulas adfert duas, unam tuo nomine, alteram Antoni; dat Servilio tribuno plebis, ille Cornuto. recitantur in senatu.

‘ANTONIVS PROCOS.’ Magna admiratio, ut si esset recitatum ‘DOLABELLA IMPERATOR’; a quo quidem venerant tabellarii, sed nemo Pili similis qui proferre litteras auderet aut magistratibus reddere. tuae recitantur breves illae quidem sed in Antonium admodum lenes. vehementer admiratus senatus. mihi autem non erat explicatum quid agerem. falsas dicerem? quid si tu eas adprobasses? [4] confirmarem? non erat dignitatis tuae. itaque ille dies silentio. postridie autem cum sermo increbruisset, Piliusque oculos vehementius hominum offendisset, natum omnino est principium a me. de proconsule Antonio multa. Sestius causae non defuit post me, cum quanto suum filium, quanto meum in periculo futurum diceret, si contra proconsulem arma tulissent. Nosti hominem; causae non defuit. dixerunt etiam alii. Labeo vero noster nec signum tuum in epistula nec diem adpositum nec te scripsisse ad tuos, ut soleres. hoc cogere volebat falsas litteras esse et, si quaeris, probabat. [5] nunc tuum est consilium, Brute, de toto genere belli. video te lenitate delectari et eum putare fructum esse maximum praeclare quidem, sed aliis rebus, aliis temporibus locus esse solet debetque clementiae. nunc quid agitur, Brute? templis deorum immortalium imminet hominum egentium et perditorum spes, nec quicquam aliud decernitur hoc bello nisi utrum simus necne. cui parcimus aut quid agimus? hic ergo consulimus quibus victoribus vestigium nostrum nullum relinquetur? nam quid interest inter Dolabellam et quemvis Antoniorum trium? quorum si cui parcimus, duri fuimus in Dolabella. haec ut ita sentiret senatus populusque Romanus, etsi res ipsa cogebat, tamen maxima ex parte nostro consilio atque auctoritate perfectum est. tu si hanc rationem non probas, tuam sententiam defendam, non relinquam meam. neque dissolutum a te quicquam homines exspectant nec crudele. huius rei moderatio facilis est. ut in duces vehemens sis. in milites liberalis.

[6] Ciceronem meum, mi Brute, velim quam plurimum tecum habeas. virtutis disciplinam meliorem reperiet nullam quam contemplationem atque imitationem tui. XVIII Kalend. Maias.

EPISTULAE AD FAMILIARES (Letters to his friends)

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LIBER PRIMVS

Ad P. LentulumI. Scripta est epistula Romae Idibus Ianuariis a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Ego omni officio ac potius pietate erga te ceteris satisfacio omnibus, mihi ipse numquam satisfacio; tanta enim magnitudo est tuorum erga me meritorum, ut, quoniam tu nisi perfecta re de me non conquiesti, ego, quia non idem in tua causa efficio, vitam mihi esse acerbam putem. In causa haec sunt: Ammonius, regis legatus, aperte pecunia nos oppugnat, res agitur per eosdem creditores, per quos, cum tu aderas, agebatur; regis causa si qui sunt qui velint, qui pauci sunt, omnes rem ad Pompeium deferri volunt, senatus religionis calumniam non religione, sed malevolentia et illius regiae largitionis invidia comprobat. Pompeium et hortari et orare et iam liberius accusare et monere, ut magnam infamiam fugiat, non desistimus; sed plane nec precibus nostris nec admonitionibus relinquit locum, nam cum in sermone quotidiano, tum in senatu palam sic egit causam tuam, ut neque eloquentia maiore quisquam nec gravitate nec studio nec contentione agere potuerit, cum summa testificatione tuorum in se officiorum et amoris erga te sui. Marcellinum tibi esse iratum scis: is hac regia causa excepta ceteris in rebus se acerrimum tui defensorem fore ostendit. Quod dat, accipimus: quod instituit referre de religione et saepe iam retulit, ab eo deduci non potest. Res ante Idus acta sic est — nam haec Idibus mane scripsi — : Hortensii et mea et Luculli sententia cedit religioni de exercitu — teneri enim res aliter non potest — , sed ex illo senatus consulto, quod te referente factum est, tibi decernit, ut regem reducas, quod commodo rei publicae facere possis, ut exercitum religio tollat, te auctorem senatus retineat. Crassus tres legatos decernit, nec excludit Pompeium, censet enim etiam ex iis, qui cum imperio sint; Bibulus tres legatos ex iis, qui privati sint. Huic assentiuntur reliqui consulares praeter Servilium, qui omnino reduci negat oportere, et Volcatium, qui Lupo referente Pompeio decernit, et Afranium, qui assentitur Volcatio,

quae res auget suspicionem Pompeii voluntatis [,nam advertebatur Pompeii familiares assentiri VoIcatio]. Laboratur vehementer; inclinata res est: Libonis et Hypsaei non obscura concursatio et contentio omniumque Pompeii familiarium studium in eam opinionem rem adduxerunt, ut Pompeius cupere videatur, cui qui nolunt, iidem tibi, quod eum ornasti, non sunt amici; non in causa auctoritatem eo minorem habemus, quod tibi debemus, gratiam autem nostram exstinguit hominum suspicio, quod Pompeio se gratificari putant. Ut in rebus multo ante, quam profectus es, ab ipso rege et ab intimis ac domesticis Pompeii clam exulceratis, deinde palam a consularibus exagitatis et in summam invidiam adductis, ita versamur: nostram fidem omnes, amorem tui absentis praesentes tui cognoscent; si esset in iis fides, in quibus summa esse debebat, non laboraremus.

II. Scr. Romae a.d. XVI. Kal. Februarias a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Idibus Ianuariis in senatu nihil est confectum, propterea quod dies magna ex parte consumptus est altercatione Lentuli consulis et Caninii tribuni pl. Eo die nos quoque multa verba fecimus maximeque visi sumus senatum commemoratione tuae voluntatis erga illum ordinem permovere. Itaque postridie placuit ut breviter sententiam diceremus; videbatur enim reconciliata nobis voluntas esse senatus, quod cum dicendo, tum singulis appellandis rogandisque perspexeram; itaque, cum sententia prima Bibuli pronuntiata esset, ut tres legati regem reducerent, secunda Hortensii, ut tu sine exercitu reduceres, tertia Volcatii, ut Pompeius reduceret, postulatum est, ut Bibuli sententia divideretur: quatenus de religione dicebat, cui quidem rei iam obsisti non poterat, Bibulo assensum est; de tribus legatis frequentes ierunt in alia omnia. Proxima erat Hortensii sententia, cum Lupus, tribunus pl., quod ipse de Pompeio retulisset, intendere coepit ante se oportere discessionem facere quam consulares. eius orationi vehementer ab omnibus reclamatum est, erat enim et iniqua et nova; consules neque concedebant neque valde repugnabant, diem consumi volebant — id quod est factum — ,

perspiciebant enim in Hortensii sententiam multis partibus plures ituros, quamquam aperte Volcatio assentirentur; multi rogabantur, atque id ipsum consulibus non invitis, nam ei Bibuli sententiam valere cupierant. Hac controversia usque ad noctem ducta senatus dimissus est. Ego eo die casu apud Pompeium coenavi nactusque tempus hoc magis idoneum quam umquam antea, quod post tuum discessum is dies honestissimus nobis fuerat in senatu, ita sum cum illo locutus, ut mihi viderer animum hominis ab omni alia cogitatione ad tuam dignitatem tuendam traducere: quem ego ipsum cum audio, prorsus eum libero omni suspicione cupiditatis; cum autem eius familiares omnium ordinum video, perspicio, id quod iam omnibus est apertum, totam rem istam iam pridem a certis hominibus non invito rege ipso consiliariisque eius esse corruptam. Haec scripsi a.d. XVI. Kal. Februarias ante lucem: eo die senatus erat futurus. Nos in senatu, quemadmodum spero, dignitatem nostram, ut potest in tanta hominum perfidia et iniquitate, retinebimus; quod ad popularem rationem attinet, hoc videmur esse consecuti, ut ne quid agi cum populo aut salvis auspiciis aut salvis legibus aut denique sine vi posset. De his rebus pridie, quam haec scripsi, senatus auctoritas gravissima intercessit, cui cum Cato et Caninius intercessissent, tamen est perscripta; eam ad te missam esse arbitror: de ceteris rebus, quidquid erit actum, scribam ad te et, ut quam rectissime agatur, omni mea cura opera, diligentia gratia providebo.

III. Scr. Romae mense Ianuario a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

A. Trebonio, qui in tua provincia magna negotia et ampla et expedita habet, multos annos utor valde familiariter: is cum antea semper et suo splendore et nostra ceterorumque amicorum commendatione gratiosissimus in provincia fuit, tum hoc tempore propter tuum in me amorem nostramque necessitudinem vehementer confidit his meis litteris se apud te gratiosum fore; quae ne spes eum fallat, vehementer rogo te commendoque tibi eius omnia negotia, libertos procuratores familiam, in primisque ut, quae T. Ampius de eius re decrevit, ea comprobes omnibusque rebus eum ita tractes, ut

intelligat meam commendationem non vulgarem fuisse.

IV. Scr. Romae mense Ianuario (XV. Kal. Febr.) a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

A.d. XVI. Kal. Febr. cum in senatu pulcherrime staremus, quod iam illam sententiam Bibuli de tribus legatis pridie eius diei fregeramus, unumque certamen esset relictum, cum sententia Volcatii, res ab adversariis nostris extracta est variis calumniis; causam enim frequenti senatu non magna varietate magnaque invidia eorum, qui a te causam regiam alio traferebant, obtinebamus. Eo die acerbum habuimus Curionem, Bibulum multo iustiorem, paene etiam amicum; Caninius et Cato negarunt se legem ullam ante comitia esse laturos. Senatus haberi ante Kalendas Februarias per legem Pupiam, id quod scis, non potest, neque mense Februario toto nisi perfectis aut reiectis legationibus. Haec tamen opinio est populi Romani, a tuis invidis atque obtrectatoribus nomen inductum fictae religionis, non tam ut te impediret, quam ut ne quis propter exercitus cupiditatem Alexandream vellet ire. Dignitatis autem tuae nemo est quin existimet habitam esse rationem ab senatu; nemo est enim, qui nesciat, quo minus discessio fieret, per adversarios tuos esse factum: qui nunc populi nomine, re autem vera sceleratissimo latrocinio si quae conabuntur agere, satis mihi provisum est, ut ne quid salvis auspiciis aut legibus aut etiam sine vi agere possent. Ego neque de meo studio neque de nonnullorum iniuria scribendum mihi esse arbitror; quid enim aut me ostentem, qui, si vitam pro tua dignitate profundam, nullam partem videar meritorum tuorum assecutus, aut de aliorum iniuriis querar, quod sine summo dolore facere non possum? Ego tibi a vi, hac praesertim imbecillitate magistratuum, praestare nihil possum: vi excepta possum confirmare te et senatus et populi Romani summo studio amplitudinem tuam retenturum.

Va. Scr. Romae a.d. III. Non. Februar. a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Tametsi mihi nihil fuit optatius, quam ut primum abs te ipso, delude

a ceteris omnibus quam gratissimus erga te esse cognoscerer, tamen afficior summo dolore eiusmodi tempora post tuam profectionem consecuta esse, ut et meam et ceterorum erga te fidem et benevolentiam absens experirere: te videre et sentire eandem fidem esse hominum in tua dignitate, quam ego in mea salute sum expertus, ex tuis litteris intellexi. Nos cum maxime consilio studio, labore gratia de causa regia niteremur, subito exorta est nefaria Catonis promulgatio, quae nostra studia impediret et animos a minore cura ad summum timorem traduceret; sed tamen, in eius modi perturbatione rerum quamquam omnia sunt metuenda, nihil magis quam perfidiam timemus, et Catoni quidem, quoquo modo se res habet, profecto resistemus. De Alexandrina re causaque regia tantum habeo polliceri, me tibi absenti tuisque praesentibus cumulate satisfacturum, sed vereor, ne aut eripiatur causa regia nobis aut deseratur, quorum utrum minus velim, non facile possum existimare; sed, si res coget, est quiddam tertium, quod nec Q. Selicio nec mihi displicebat, ut neque iacere regem pateremur nec nobis repugnantibus ad eum deferri, ad quem prope iam delatum existimatur. A nobis agentur omnia diligenter, ut neque, si quid obtineri poterit, non contendamus nec, si quid non obtinuerimus, repulsi esse videamur: tuae sapientiae magnitudinisque animi est omnem amplitudinem et dignitatem tuam in virtute atque in rebus gestis tuis atque in tua gravitate positam existimare; si quid ex its rebus, quas tibi fortuna largita est, nonnullorum hominum perfidia detraxerit, id maiori illis fraudi quam tibi futurum. A me nullum tempus praetermittitur de tuis rebus et agendi et cogitandi; utor ad omnia Q. Selicio, neque enim prudentiorem quemquam ex tuis neque fide maiore esse iudico neque amantiorem tui.

Vb. Scr. Romae mense Februario (post VI. Idus) a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Hic quae agantur quaeque acta sint, [ea] te et litteris multorum et nuntiis cognosse arbitror; quae autem posita sunt in coniectura quaeque videntur fore, ea puto tibi a me scribi oportere. Posteaquam Pompeius et apud populum a.d. VIII. Idus Februarias, cum pro

Milone diceret, clamore convicioque iactatus est in senatuque a Catone aspere et acerbe nimium magno silentio est accusatus, visus est mihi vehementer esse perturbatus; itaque Alexandrina causa, quae nobis adhuc integra est — nihil enim tibi detraxit senatus nisi id, quod per eandem religionem dari alteri non potest — , videtur ab illo plane esse deposita. Nunc id speramus idque molimur, ut rex, cum intelligat sese, quod cogitabat, ut a Pompeio reducatur, assequi non posse et, nisi per te sit restitutus, desertum se atque abiectum fore, proficiscatur ad te: quod sine ulla dubitatione, si Pompeius paullum mode ostenderit sibi placere, faciet, sed nosti hominis tarditatem et taciturnitatem; nos tamen nihil, quod ad eam rem pertinent, praetermittimus. Ceteris iniuriis, quae propositae sunt a Catone, facile, ut spero, resistemus. Amicum ex consularibus neminem tibi esse video praeter Hortensium et Lucullum; ceteri sunt partim obscurius iniqui, partim non dissimulanter irati: tu fac animo forti magnoque sis speresque fore, ut fracto impetu levissimi hominis tuam pristinam dignitatem et gloriam consequare.

VI. Scr. Romae mense Februario a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Quae gerantur, accipies ex Pollione, qui omnibus negotiis non interfuit solum, sed praefuit. Me in summo dolore, quem [in] tuis rebus capio, maxime scilicet consolatur spes, quod valde suspicor fore, ut infringatur hominum improbitas et consiliis tuorum amicorum et ipsa die, quae debilitat cogitationes et inimicorum et proditorum tuorum; facile secundo loco me consolatur recordatio meorum temporum, quorum imaginem video in rebus tuis, nam, etsi minore in re violatur tua dignitas, quam mea afflicta est, tamen est tanta similitudo, ut sperem te mihi ignoscere, si ea non timuerim, quae ne tu quidem umquam timenda duxisti. Sed praesta te eum, qui mihi a teneris, ut Graeci dicunt, unguiculis es cognitus: illustrabit, mihi crede, tuam amplitudinem hominum iniuria. A me omnia summa in te studia officiaque exspecta: non fallam opinionem tuam.

VII. Scr. Romae mense Martio a.u.c. 698.

M. CICERO S. D. P. LENTULO PROCOS.

Legi tuas litteras, quibus ad me scribis gratum tibi esse, quod crebro certior per me fias de omnibus rebus et meam erga te benevolentiam facile perspicias: quorum alterum mihi, ut te plurimum diligam, facere necesse est, si volo is esse, quem tu me esse voluisti; alterum facio libenter, ut, quoniam intervallo locorum et temporum diiuncti sumus, per litteras tecum quam saepissime colloquar. Quod si rarius fiet, quam tu exspectabis, id erit causae, quod non eius generis meae litterae sunt, ut eas audeam temere committere: quoties mihi certorum hominum potestas erit, quibus recte dem, non praetermittam. Quod scire vis, qua quisque in te fide sit et voluntate, difficile dictu est de singulis: unum illud audeo, quod antea tibi saepe significavi, nunc quoque re perspecta et cognita scribere, vehementer quosdam homines et eos maxime, qui te et maxime debuerunt et plurimum iuvare potuerunt, invidisse dignitati tuae simillimamque in re dissimili tui temporis nunc et nostri quondam fuisse rationem, ut, quos tu rei publicae causa laeseras, palam te oppugnarent, quorum auctoritatem, dignitatem voluntatemque defenderas, non tam memores essent virtutis tuae, quam laudis inimici. Quo quidem tempore, ut perscripsi ad te antea, cognovi Hortensium percupidum tui, studiosum Lucullum, ex magistratibus autem L. Racilium et fide et animo singulari; nam nostra propugnatio ac defensio dignitatis tuae propter magnitudinem beneficii tui fortasse plerisque officii maiorem auctoritatem habere videatur quam sententiae. Praeterea quidem de consularibus nemini possum aut studii erga te aut officii aut amici animi esse testis: etenim Pompeium, qui mecum saepissime non solum a me provocatus, sed etiam sua sponte de te communicare solet, scis temporibus illis non saepe in senatu fuisse; cui quidem litterae tuae, quas proxime miseras, quod facile intellexerim, periucundae fuerunt. Mihi quidem humanitas tua vel summa potius sapientia non iucunda solum, sed etiam admirabilis visa est; virum enim excellentem et tibi tua praestanti in eum liberalitate devinctum nonnihil suspicantem propter aliquorum opinionem suae cupiditatis te ab se abalienatum illa epistola retinuisti, qui mihi cum semper tuae laudi favere visus est, etiam ipso suspiciosissimo tempore Caniniano, tum vero lectis tuis litteris perspectus est a me toto animo de te ac de

tuis ornamentis et commodis cogitare. Quare ea, quae scribam, sic habeto, me cum illo re saepe communicata de illius ad te sententia atque auctoritate scribere: quoniam senatus consultum nullum exstat, quo reductio regis Alexandrini tibi adempta sit, eaque, quae de ea perscripta est auctoritas, cui scis intercessum esse, ut ne quis omnino regem reduceret, tantam vim habet, ut magis iratorum hominum studium quam constantis senatus consilium esse videatur, te perspicere posse, qui Ciliciam Cyprumque teneas, quid efficere et quid consequi possis, et, si res facultatem habitura videatur, ut Alexandream atque Aegyptum tenere possis, esse et tuae et nostri imperii dignitatis Ptolemaide aut aliquo propinquo loco rege collocato te cum classe atque exercitu proficisci Alexandream, ut, eam cum pace praesidiisque firmaris, Ptolemaeus redeat in regnum; ita fore, ut et per te restituatur, quemadmodum senatus initio censuit, et sine multitudine reducatur, quemadmodum homines religiosi Sibyllae placere dixerunt. Sed haec sententia sic et illi et nobis probabatur, ut ex eventu homines de tuo consilio existimaturos videremus: si cecidisset, ut volumus et optamus, omnes te et sapienter et fortiter, si aliquid esset offensum, eosdem illos et cupide et temere fecisse dicturos: quare, quid assequi possis, non tam facile est nobis quam tibi, cuius prope in conspectu Aegyptus est, iudicare; nos quidem hoc sentimus, si exploratum tibi sit posse te illius regni potiri, non esse cunctandum, si dubium sit, non esse conandum. Illud tibi affirmo, si rem istam ex sententia gesseris, fore, ut absens a multis, cum redieris, ab omnibus collaudere, offensionem esse periculosam propter interpositam auctoritatem religionemque video; sed ego te, ut ad certam laudem adhortor, sic a dimicatione deterreo redeoque ad illud, quod initio scripsi, totius facti tui iudicium non tam ex consilio tuo quam ex eventu homines esse facturos. Quod si haec ratio rei gerendae periculosa tibi esse videbitur, placebat illud, ut, si rex amicis tuis, qui per provinciam atque imperium tuum pecunias ei credidissent, fidem suam praestitisset, et auxiliis eum tuis et copiis adiuvares; eam esse naturam et regionem provinciae tuae, ut illius reditum vel adiuvando confirmares vel negligendo impedires. In hac ratione quid res, quid causa, quid tempus ferat, to facillime optimeque perspicies; quid nobis placuisset, ex me potissimum putavi te scire oportere. Quod mihi de nostro statu, de Milonis

familiaritate, de levitate et imbecillitate Clodii gratularis, minime miramur te tuis ut egregium artificem praeclaris operibus laetari: quamquam est incredibilis hominum perversitas — graviore enim verbo uti non libet — , qui nos, quos favendo in communi causa retinere potuerunt, invidendo abalienarunt; quorum malevolentissimis obtrectationibus nos scito de vetere illa nostra diuturnaque sententia prope iam esse depulsos, non nos quidem ut nostrae dignitatis simus obliti, sed ut habeamus rationem aliquando etiam salutis. Poterat utrumque praeclare, si esset fides, si gravitas in hominibus consularibus; sed tanta est in plerisque levitas, ut eos non tam constantia in re publica nostra delectet, quam splendor offendat. Quod eo liberius ad te scribo, quia non solum temporibus his, quae per te sum adeptus, sed iam olim nascenti prope nostrae laudi dignitatique favisti, simulque quod video non, ut antehac putabam, novitati esse invisum meae, in te enim, homine omnium nobilissimo, similia invidorum vitia perspexi, quem tamen illi esse in principibus facile sunt passi, evolare altius certe noluerunt. Gaudeo tuam dissimilem fuisse fortunam, multum enim interest, utrum laus imminuatur, an salus deseratur; me meae tamen ne nimis poeniteret, tua virtute perfectum est, curasti enim, ut plus additum ad memoriam nominis nostri quam demptum de fortuna videretur. Te vero emoneo cum beneficiis tuis, tum amore incitatus meo, ut omnem gloriam, ad quam a pueritia inflammatus fuisti, omni cura atque industria consequare magnitudinemque animi tui, quam ego semper sum admiratus semperque amavi, ne umquam inflectas cuiusquam iniuria. Magna est hominum opinio de te, magna commendatio liberalitatis, magna memoria consulatus tui: haec profecto vides quanto expressiora quantoque illustriora futura sint, cum aliquantum ex provincia atque ex imperio laudis accesserit; quamquam te ita gerere volo, quae per exercitum atque imperium gerenda sunt, ut haec multo ante meditere, huc te pares, haec cogites, ad haec te exerceas sentiasque id, quod quia semper sperasti, non dubito quin adeptus intelligas, te facillime posse obtinere summum atque altissimum gradum civitatis: quae quidem mea cohortatio ne tibi inanis aut sine causa suscepta videatur, illa me ratio movit, ut te ex nostris eventis communibus admonendum putarem, ut considerares, in omni reliqua vita quibus crederes, quos caveres. Quod scribis te velle scire, qui sit

rei publicae status, summa dissensio est, sod contentio dispar; nam, qui plus opibus, armis, potentia valent, profecisse tantum mihi videntur stultitia et inconstantia adversariorum, ut etiam auctoritate iam plus valerent: itaque perpaucis adversantibus omnia, quae ne per populum quidem sine seditione se assequi arbitrabantur, per senatum consecuti sunt; nam et stipendium Caesari decretum est et decem legati et, ne lege Sempronia succederetur, facile perfectum est. Quod eo ad te brevius scribo, quia me status hic rei publicae non delectat; scribo tamen, ut te admoneam, quod ipse litteris omnibus a pueritia deditus experiendo tamen magis quam discendo cognovi, tu tuis rebus integris discas, neque salutis nostrae rationem habendam nobis esse sine dignitate neque dignitatis sine salute. Quod mihi de filia et de Crassipede gratularis, agnosco humanitatem tuam speroque et opto nobis hanc coniunctionem voluptati fore. Lentulum nostrum, eximia spe summae virtutis adolescentem, cum ceteris artibus, quibus studuisti semper ipse, tun in primis imitatione tui fac erudias, nulla enim erit hac praestantior disciplina: quem nos, et quia tuus et quia te dignus est filius et quia nos diligit semperque dilexit, in primis amamus carumque habemus.

VIII. Scr. Romae mense Ianuario a.u.c. 699.

M. CICERO S. D. P. LENTULO PROCOS.

De omnibus rebus, quae ad te pertinent, quid actum, quid constitutum sit, quid Pompeius susceperit, optime ex M. Plaetorio cognosces, qui non solum interfuit his rebus, sed etiam praefuit neque ullum officium erga te hominis amantissimi, prudentissimi, diligentissimi praetermisit. Ex eodem de toto statu rerum communium cognosces; quae quales sint, non facile est scribere: sunt quidem certe in amicorum nostrorum potestate, atque ita, ut nullam mutationem umquam hac hominum aetate habitura res esse videatur. Ego quidem, ut debeo et ut tute mihi praecepisti et ut me pietas utilitasque cogit, me ad eius rationes adiungo, quem tu in meis rationibus tibi esse adiungendum putasti; sed te non praeterit, quam sit difficile sensum in re publica, praesertim rectum et confirmatum, deponere. Verumtamen ipse me conformo ad eius voluntatem, a quo

honeste dissentire non possum, neque id facio, ut forsitan quibusdam videar, simulatione, tantum enim animi inductio et mehercule amor erga Pompeium apud me valet, ut, quae illi utilia sunt et quae ille vult, ea mihi omnia iam et recta et vera videantur, neque, ut ego arbitror, errarent ne adversarii quidem eius, si, cum pares esse non possent, pugnare desisterent. Me quidem etiam illa res consolatur, quod ego is sum, cui vel maxime concedant omnes, ut vel ea defendam, quae Pompeius velit, vel taceam vel etiam, id quod mihi maxime libet, ad nostra me studia referam litterarum: quod profecto faciam, si mihi per eiusdem amicitiam licebit; quae enim proposita fuerant nobis, cum et honoribus amplissimis et laboribus maximis perfuncti essemus, dignitas in sententiis dicendis, libertas in re publica capessenda, ea sublata tota sunt, nec mihi magis quam omnibus, nam aut assentiendum est nulla cum gravitate paucis aut frustra dissentiendum. Haec ego ad te ob eam causam maxime scribo, ut iam de tua quoque ratione meditere. Commutata tota ratio est senatus, iudiciorum, rei totius publicae: otium nobis exoptandum est, quod ii, qui potiuntur rerum, praestaturi videntur, si quidam homines patientius eorum potentiam ferre potuerint; dignitatem quidem illam consularem fortis et constantis senatoris nihil est quod cogitemus: amissa culpa est eorum, qui a senatu et ordinem coniunctissimum et hominem clarissimum abalienarunt. Sed, ut ad ea, quae coniunctiora rebus tuis sunt, revertar, Pompeium tibi valde amicum esse cognovi et eo tu consule, quantum ego perspicio, omnia, quae voles, obtinebis, quibus in rebus me sibi ille affixum habebit neque a me ulla res, quae ad te pertineat, negligetur, neque enim verebor, ne sim ei molestus, cui iucundum erit etiam propter se ipsum, cum me esse gratum videbit. Tu velim tibi ita persuadeas, nullam rem esse minimam, quae ad te pertineat, quae mihi non carior sit quam meae res omnes, idque cum sentiam, sedulitate mihimet ipse satisfacere possum, re quidem ipsa ideo mihi non satisfacio, quod nullam partem tuorum meritorum non modo referenda, sed ne cogitanda quidem gratia consequi possum. Rem te valde bene gessisse rumor erat; exspectabantur litterae tuae, de quibus eramus iam cum Pompeio locuti, quae si erunt allatae, nostrum studium exstabit in conveniendis magistratibus et senatoribus, ceteraque, quae ad te pertinebunt, cum etiam plus contenderimus, quam possumus,

minus tamen faciemus, quam debemus.

IX. Scr. Romae exeunte mense Octobri a.u.c. 700.

M. CICERO S. D. P. LENTULO IMP.

Periucundae mihi fuerunt litterae tuae, quibus intellexi te perspicere meam in te pietatem — quid enim dicam benevolentiam, cum illud ipsum gravissimum et sanctissimum nomen pietatis levius mihi meritis erga me tuis esse videatur? — ; quod autem tibi grata mea erga te studia scribis esse, facis tu quidem abundantia quadam amoris, ut etiam grata sint ea, quae praetermitti sine nefario scelere non possunt, tibi autem multo notior atque illustrior meus in te animus esset, si hoc tempore omni, quo diiuncti fuimus, et una et Romae fuissemus: nam in eo ipso, quod te ostendis esse facturum quodque et in primis potes et ego a te vehementer exspecto, in sententiis senatoriis et in omni actione atque administratione rei publicae floruissemus — de qua ostendam equidem paullo post qui sit meus sensus et status, et rescribam tibi ad ea, quae quaeris — , sed certe et ego te auctore amicissimo ac sapientissimo et tu me consiliario fortasse non imperitissimo, fideli quidem et benevolo certe, usus esses — quamquam tua quidem causa te esse imperatorem provinciamque bene gestis rebus cum exercitu victore obtinere, ut debeo, laetor — , sed certe, qui tibi ex me fructus debentur, eos uberiores et praestantiores praesens capere potuisses; in eis vero ulciscendis, quos tibi partim inimicos esse intelligis propter tuam propugnationem salutis meae, partim invidere propter illius actionis amplitudinem et gloriam, mirificum me tibi comitem praebuissem, quamquam ille perennis inimicus amicorum suorum, qui tuis maximis beneficiis ornatus in te potissimum fractam illam et debilitatam vim suam contulit, nostram vicem ultus est ipse sese, ea est enim conatus, quibus patefactis nullam sibi in posterum non modo dignitatis, sed ne libertatis quidem partem reliquit. Te autem, etsi mallem in meis rebus expertum quam etiam in tuis, tamen in molestia gaudeo eam fidem cognosse hominum non ita magna mercede, quam ego maximo dolore cognoram; de qua ratione tota iam videtur mihi exponendi tempus dari, ut tibi rescribam ad ea, quae quaeris. Certiorem te per litteras scribis esse factum me cum Caesare et cum Appio esse in gratia teque id non reprehendere ascribis; Vatinium autem scire te velle ostendis quibus rebus adductus defenderim et laudarim, quod tibi ut planius exponam, altius paullo rationem consiliorum meorum repetam necesse est. Ego me, Lentule,

initio rerum atque actionum tuarum non solum meis, sed etiam rei publicae restitutum putabam et, quoniam tibi incredibilem quendam amorem et omnia in te ipsum summa ac singularia studia deberem, rei publicae, quae te in me restituendo multum adiuvisset, eum certe me animum merito ipsius debere arbitrabar, quem antea tantummodo communi officio civium, non aliquo erga me singulari beneficio debitum praestitissem. Hac me mente fuisse et senatus ex me te consule audivit et tu in nostris sermonibus collocutionibusque ipsi vidisti. Etsi iam primis temporibus illis multis rebus meus offendebatur animus, cum te agente de reliqua nostra dignitate aut occulta nonnullorum odia aut obscura in me studia cernebam; nam neque de monumentis meis ab iis adiutus es, a quibus debuisti, neque de vi nefaria, qua cum fratre eram domo expulsus, neque hercule in iis ipsis rebus, quae, quamquam erant mihi propter rei familiaris naufragia necessariae, tamen a me minimi putabantur, in meis damnis ex auctoritate senatus sarciendis eam voluntatem, quam exspectaram, praestiterunt: quae cum viderem — neque erant obscura — , non tamen tam acerba mihi haec accidebant, quam erant illa grata, quae fecerant; itaque, quamquam et Pompeio plurimum, te quidem ipso praedicatore ac teste, debebam et eum non solum beneficio, sed amore etiam et perpetuo quodam iudicio meo diligebam, tamen non reputans, quid ille vellet, in omnibus meis sententiis de re publica pristinis permanebam. Ego sedente Cn. Pompeio, cum, ut laudaret P. Sestium, introisset in urbem dixissetque testis Vatinius me fortuna et felicitate C. Caesaris commotum illi amicum esse coepisse, dixi me eam M. Bibuli fortunam, quam ille afflictam putaret, omnium triumphis victoriisque anteferre, dixique eodem teste alio loco eosdem esse, qui Bibulum exire domo prohibuissent, et qui me coegissent: tota vero interrogatio mea nihil habuit nisi reprehensionem illius tribunatus; in quo omnia dicta sunt libertate animoque maximo de vi, de auspiciis, de donatione regnorum, neque vero hac in causa modo, sed constanter saepe in senatu: quin etiam Marcellino et Philippo consulibus Nonis Aprilibus mihi est senatus assensus, ut de agro Campano frequenti senatu Idibus Maiis referretur; num potui magis in arcem illius causae invadere aut magis oblivisci temporum meorum, meminisse actionum? Hac a me sententia dicta magnus animorum motus est

factus cum eorum, quorum oportuit, tum illorum etiam, quorum numquam putaram: nam hoc senatus consulto in meam sententiam facto Pompeius, cum mihi nihil ostendisset se esse offensum, in Sardiniam et in Africam profectus est eoque itinere Lucam ad Caesarem venit; ibi multa de mea sententia questus est Caesar, quippe qui etiam Ravennae Crassum ante vidisset ab eoque in me esset incensus; sane moleste Pompeium id ferre constabat, quod ego, cum audissem ex aliis, maxime ex meo fratre cognovi, quem cum in Sardinia Pompeius paucis post diebus, quam Luca discesserat, convenisset, "te", inquit, "ipsum cupio; nihil opportunius potuit accidere: nisi cum Marco fratre diligenter egeris, dependendum tibi est, quod mihi pro illo spopondisti"; quid multa? questus est graviter: sua merita commemoravit; quid egisset saepissime de actis Caesaris cum ipso meo fratre quidque sibi is de me recepisset, in memoriam redegit seque, quae de mea salute egisset, voluntate Caesaris egisse ipsum meum fratrem testatus est; cuius causam dignitatemque mihi ut commendaret, rogavit, ut eam ne oppugnarem, si nollem aut non possem tueri. Haec cum ad me frater pertulisset et cum tamen Pompeius ad me cum mandatis Vibullium misisset, ut integrum mihi de causa Campana ad suum reditum reservarem, collegi ipse me et cum ipsa quasi re publica collocutus sum, ut mihi tam multa pro se perpesso atque perfuncto concederet, ut officium meum memoremque in bene meritos animum fidemque fratris mei praestarem, eumque, quem bonum civem semper habuisset, bonum virum esse pateretur. In illis autem meis actionibus sententiisque omnibus, quae Pompeium videbantur offendere, certorum hominum, quos iam debes suspicari, sermones perferebantur ad me, qui cum illa sentirent in re publica, quae ego agebam, semperque sensissent, me tamen non satisfacere Pompeio Caesaremque inimicissimum mihi futurum gaudere se aiebant; erat hoc mihi dolendum, sed multo illud magis, quod inimicum meum — meum autem? immo vero legum, iudiciorum, otii, patriae, bonorum omnium — sic amplexabantur, sic in manibus habebant, sic fovebant, sic me praesente osculabantur, non illi quidem ut mihi stomachum facerent, quem ego funditus perdidi, sed certe ut facere se arbitrarentur: hic ego, quantum humano consilio efficere potui, circumspectis rebus meis omnibus rationibusque subductis summam feci cogitationum mearum

omnium, quam tibi, si potero, breviter exponam. Ego, si ab improbis et perditis civibus rem publicam teneri viderem, sicut et meis temporibus scimus et nonnullis aliis accidisse, non modo praemiis, quae apud me minimum valent, sed ne periculis quidem compulsus ullis, quibus tamen moventur etiam fortissimi viri, ad eorum causam me adiungerem, ne si summa quidem eorum in me merita constarent; cum autem in re publica Cn. Pompeius princeps esset vir, is, qui hanc potentiam et gloriam maximis in rem publicam meritis praestantissimisque rebus gestis esset consecutus cuiusque ego dignitatis ab adolescentia fautor, in praetura autem et in consulatu adiutor etiam exstitissem, cumque idem auctoritate et sententia per se, consiliis et studiis tecum me adiuvisset meumque inimicum unum in civitate haberet inimicum, non putavi famam inconstantiae mihi pertimescendam, si quibusdam in sententiis paullum me immutassem meamque voluntatem ad summi viri de meque optime meriti dignitatem aggregassem. In hac sententia complectendus erat mihi Caesar, ut vides, in coniuncta et causa et dignitate: hic multum valuit cum vetus amicitia, quam tu non ignoras mild et Quinto fratri cum Caesare fuisse, tum humanitas eius ac liberalitas brevi tempore et litteris et officiis perspecta nobis et cognita; vehementer etiam res ipsa publica me movit, quae mihi videbatur contentionem, praesertim maximis rebus a Caesare gestis, cam illis viris nolle fieri et, ne fieret, vehementer recusare; gravissime autem me in hanc mentem impulit et Pompeii fides, quam de me Caesari dederat, et fratris mei, quam Pompeio; erant praeterea haec animadvertenda in civitate, quae sunt apud Platonem nostrum scripta divinitus, quales in re publica principes essent, tales reliquos solere esse cives. Tenebam memoria nobis consulibus ea fundamenta iacta iam ex Kalendis Ianuariis confirmandi senatus, ut neminem mirari oporteret Nonis Decembr. tantum vel animi fuisse in illo ordine vel auctoritatis, idemque memineram nobis privatis usque ad Caesarem et Bibulum consules, cum sententiae nostrae magnum in senatu pondus haberent, unum fere sensum fuisse bonorum omnium. Postea, cum tu Hispaniam citeriorem cum imperio obtineres neque res publica consules haberet, sed mercatores provinciarum et seditionum servos ac ministros, iecit quidam casus caput meum quasi certaminis causa in mediam contentionem dissensionemque civilem, quo in discrimine cum

mirificus senatus, incredibilis Italiae totius, singularis omnium bonorum consensus in me tuendo exstitisset, non dicam, quid acciderit — multorum est enim et varia culpa — , tantum dicam brevi, non mihi exercitum, sed duces defuisse. In quo, ut iam sit in iis culpa, qui me non defenderunt, non minor est in iis, qui reliquerunt, et, si accusandi sunt, si qui pertimuerunt, magis etiam reprehendendi, si qui se timere simularunt: illud quidem certe nostrum consilium iure laudandum est, qui meos cives et a me conservatos et me servare cupientes spoliatos ducibus servis armatis obiici noluerim declararique maluerim, quanta vis esse potuisset in consensu bonorum, si iis pro me stante pugnare licuisset, cum afflictum excitare potuissent; quorum quidem animum tu non perspexisti solum, cum de me ageres, sed etiam confirmasti atque tenuisti. Qua in causa — non modo non negabo, sed etiam semper et meminero et praedicabo libenter — usus es quibusdam nobilissimis hominibus fortioribus in me restituendo, quam fuerant iidem in tenendo: qua in sententia si constare voluissent, suam auctoritatem simul cum salute mea recuperassent, recreatis enim bonis viris consulatu tuo et constantissimis atque optimis actionibus tuis excitatis, Cn. Pompeio praesertim ad causam adiuncto, cum etiam Caesar rebus maximis gestis singularibus ornatus et novis honoribus ac iudiciis senatus ad auctoritatem eius ordinis adiungeretur, nulli improbo civi locus ad rem publicam violandam esse potuisset; sed attende, quaeso, quae sint consecuta. Primum illa furia muliebrium religionum, qui non pluris fecerat Bonam deam quam tres sorores, impunitatem est illorum sententiis assecutus, qui, cum tribunus pl. poenas a seditioso civi per bonos viros iudicio persequi vellet, exemplum praeclarissimum in posterum vindicandae seditionis de re publica sustulerunt iidemque postea non meum monumentum — non enim illae manubiae meae, sed operis locatio mea fuerat — , monumentum vero senatus hostili nomine et cruentis inustum litteris esse passi sunt: qui me homines quod salvum esse voluerunt, est mihi gratissimum; sed vellem non solum salutis meae, quemadmodum medici, sed, ut aliptae, etiam virium et coloris rationem habere voluissent: nunc, ut Apelles Veneris caput et summa pectoris politissima arte perfecit, reliquam partem corporis inchoatam reliquit, sic quidam homines in capite meo solum elaborarunt,

reliquum corpus imperfectum ac rude reliquerunt; in quo ego spem fefelli non modo invidorum, sed etiam inimicorum meorum, qui de uno acerrimo et fortissimo viro meoque iudicio omnium magnitudine animi et constantia praestantissimo, Q. Metello L. f., quondam falsam opinionem acceperant, quem post reditum dictitant fracto animo et demisso fuisse; — est vero probandum, qui et summa voluntate cesserit et egregia animi alacritate afuerit neque sane redire curarit, eum ob id ipsum fractum fuisse, in quo cum omnes homines, tum M. illum Scaurum, singularem virum, constantia et gravitate superasset! — ; sed, quod de illo acceperant aut etiam suspicabantur, de me idem cogitabant, abiectiore animo me futurum, cum res publica maiorem etiam mihi animum, quam umquam habuissem, daret, cum declarasset se non potuisse me uno civi carere cumque Metellum unius tribune pl. rogatio, me universa res publica duce senatu comitante Italia, referente consule promulgantibus octo tribunis, comitiis centuriatis cunctis ordinibus hominibus incumbentibus, omnibus denique suis viribus reciperavisset. Neque vero ego mihi postea quidquam assumpsi neque hodie assumo, quod quemquam malevolentissimum iure possit offendere: tantum enitor, ut neque amicis neque etiam alienioribus opera, consilio, labore desim. Hic meae vitae cursus offendit eos fortasse, qui splendorem et speciem huius vitae intuentur, sollicitudinem autem et laborem perspicere non possunt; illud vero non obscure queruntur, in meis sententiis, quibus ornem Caesarean, quasi desciscere me a pristina causa. Ego autem cum illa sequor, quae paullo ante proposui, tum hoc non in postremis, de quo coeperam exponere: non offendes eundem bonorum sensum, Lentule, quem reliquisti, qui confirmatus consulatu nostro, nonnumquam postea interruptus, afflictus ante te consulem, recreatus abs te totus est nunc ab iis, a quibus tuendus fuerat, derelictus, idque non solum fronte atque vultu, quibus simulatio facillime sustinetur, declarant ii, qui tum in nostro illo statu optimates nominabantur, sed etiam sententia saepe iam tabellaque docuerunt; itaque tota iam sapientium civium, qualem me et esse et numerari volo, et sententia et voluntas mutata esse debet, id enim iubet idem ille Plato, quem ego vehementer auctorem sequor, “tantum contendere in re publica, quantum probare tuis civibus posses; vim neque parenti nec patriae afferre oportere.” Atque hanc

quidem ille causam sibi ait non attingendae rei publicae fuisse, quod, cum offendisset populum Atheniensem prope iam desipientem senectute cumque eum nec persuadendo nec cogendo regi posse vidisset, cum persuaderi posse diffideret, cogi fas esse non arbitraretur: mea ratio fuit alia, quod neque desipiente populo nec integra re mihi ad consulendum, capesseremne rem publicam, implicatus tenebar, sed laetatus tamen sum, quod mihi liceret in eadem causa et mihi utilia et cuivis bono recta defendere; huc accessit commemoranda quaedam et divina Caesaris in me fratremque meum liberalitas: qui mihi, quascumque res gereret, tuendus esset, nunc in tanta felicitate tantisque victoriis, etiamsi in nos non is esset, qui est, tamen ornandus videretur; sic enim te existimare velim, cum a vobis, meae salutis auctoribus, discesserim, neminem esse, cuius officiis me tam esse devinctum non solum confitear, sed etiam gaudeam. Quod quoniam tibi eui, facilia sunt ea, quae a me de Vatinio et de Crasso requiris; nam, de Appio quod scribis, sicuti de Caesare, te non reprehendere, gaudeo tibi consilium probari meum. De Vatinio autem, primum reditus intercesserat in gratiam per Pompeium, statim ut ille praetor est factus, cum quidem ego eius petitionem gravissimis in senatu sententiis oppugnassem, neque tam illius laedendi causa quam defendendi atque ornandi Catonis; post autem Caesaris, ut illum defenderem, mira contentio est consecuta. Cur autem laudarim, peto a te, ut id a me neve in hoc reo neve in aliis requiras, ne tibi ego idem reponam, cum veneris — tametsi possum vel absenti, recordare enim, quibus laudationem ex ultimis terris miseris; nec hoc pertimueris, nam a me ipso laudantur et laudabuntur iidem — ; sed tamen defendendi Vatinii fuit etiam ille stimulus, de quo in iudicio, cum illum defenderem, dixi me facere quiddam, quod in Eunucho parasitus suaderet militi: ubi nominabit Phaedriam, tu Pamphilam continuo; si quando illa dicet: “Phaedriam intromittamus commissatum”, tu: “Pamphilam cantatum provocemus”; si laudabit haec illius formam, tu huius contra; denique par pro pari referto, quod eam mordeat. Sic petivi a iudicibus, ut, quoniam quidam nobiles homines et de me optime meriti nimis amarent inimicum meum meque inspectante saepe eum in senatu modo severe seducerent, modo familiariter atque hilare amplexarentur, quoniamque illi haberent suum Publium, darent mihi

ipsi alium Publium, in quo possem illorum animos mediocriter lacessitus leviter repungere; neque solum dixi, sed etiam saepe facio deis hominibusque approbantibus. Habes de Vatinio: nunc cognosce de Crasso. Ego, cum mihi cum illo magna iam gratia esset, quod eius omnes gravissimas iniurias communis concordiae causa voluntaria quadam oblivione contriveram, repentinam eius defensionem Gabinii, quem proximis superioribus diebus acerrime oppugnasset, tamen, si sine ulla mea contumelia suscepisset, tulissem; sed, cum me disputantem, non lacessentem laesisset, exarsi non solum praesenti, credo, iracundia — nam ea tam vehemens fortasse non fuisset — , sed, cum inclusum illud odium multarum eius in me iniuriarum, quod ego effudisse me omne arbitrabar, residuum tamen insciente me fuisset, omne repente apparuit: quo quidem tempore ipso quidam homines, et iidem illi, quos saepe nutu significationeque appello, cum se maximum fructum cepisse dicerent ex libertate mea meque tum denique sibi esse visum rei publicae, qualis fuissem, restitutum cumque ea contentio mihi magnum etiam foris fructum tulisset, gaudere se dicebant mihi et illum inimicum et eos, qui in eadem causa essent, numquam amicos futuros; quorum iniqui sermones cum ad me per homines honestissimos perferrentur cumque Pompeius ita contendisset, ut nihil umquam magis, ut cum Crasso redirem in gratiam, Caesarque per litteras maxima se molestia ex illa contentione affectum ostenderet, habui non temporum solum rationem meorum, sed etiam naturae, Crassusque, ut quasi testata populo Romano esset nostra gratia, paene a meis Laribus in provinciam est profectus — nam, cum mihi condixisset, coenavit apud me in mei generi Crassipedis hortis — , quamobrem eius causam, quod te scribis audisse, magna illius commendatione susceptam defendi in senatu, sicut mea fides postulabat. Accepisti, quibus rebus adductus quamque rem causamque defenderim quique meus in re publica sit pro mea parte capessenda status; de quo sic velim statuas, me haec eadem sensurum fuisse, si mihi integra omnia ac libera fuissent: nam neque pugnandum arbitrarer contra tantas opes neque delendum, etiamsi id fieri posset, summorum civium principatum nec permanendum in una sententia conversis rebus ac bonorum voluntatibus mutatis, sed temporibus assentiendum; numquam enim in praestantibus in re publica gubernanda viris

laudata est in una sententia perpetua permansio, sed, ut in navigando tempestati obsequi artis est, etiamsi portum tenere non queas, cum vero id possis mutata velificatione assequi, stultum est eum tenere cum periculo cursum, quem ceperis, potius quam eo commutato quo velis tamen pervenire, sic, cum omnibus nobis in administranda re publica propositum esse debeat id, quod a me saepissime dictum est, cum dignitate otium, non idem semper dicere, sed idem semper spectare debemus. Quamobrem, ut paullo ante posui, si essent omnia mihi solutissima, tamen in re publica non alius essem, atque nunc sum; cum vero in hunc sensum et alliciar beneficiis hominum et compellar iniuriis, facile patior ea me de re publica sentire ac dicere, quae maxime cum mihi, tum etiam rei publicae rationibus putem conducere, apertius autem haec ago ac saepius, quod et Quintus, frater meus, legatus est Caesaris et nullum meum minimum dictum, non modo factum, pro Caesare intercessit, quod ille non ita illustri gratia exceperit, ut ego eum mihi devinctum putarem: itaque eius omni et gratia, quae summa est, et opibus, quas intelligis esse maximas, sic fruor, ut meis, nec mihi aliter potuisse videor hominum perditorum de me consilia frangere, nisi cum praesidiis iis, quae semper habui, nunc etiam potentium benevolentiam coniunxissem. His ego consiliis, si te praesentem habuissem, ut opinio mea fert, essem usus eisdem — novi enim temperantiam et moderationem naturae tuae, novi animum cum mihi amicissimum, tum nulla in ceteros malevolentia suffusum, contraque cum magnum et excelsum, tum etiam apertum et simplicem; vidi ego quosdam in te tales, quales te eosdem in me videre potuisti: quae me moverunt, movissent eadem te profecto — ; sed, quocumque tempore mihi potestas praesentis tui fuerit, tu eris omnium moderator consiliorum meorum, tibi erit eidem, cui salus mea fuit, etiam dignitas curae: me quidem certe tuarum actionum, sententiarum, voluntatum, rerum denique omnium socium comitemque habebis, neque mihi in omni vita res tam erit ulla proposita, quam ut quotidie vehementius te de me optime meritum esse laetere. Quod rogas, ut mea tibi scripta mittam, quae post discessum tuum scripserim, sunt orationes quaedam, quas Menocrito dabo, neque ita multae, ne pertimescas. Scripsi etiam — nam ab orationibus diiungo me fere referoque ad mansuetiores Musas, quae me nunc maxime, sicut iam a prima adolescentia

delectarunt — scripsi igitur Aristotelio more, quemadmodum quidem volui, tres libros in disputatione ac dialogo “de oratore”, quos arbitror Lentulo tuo fore non inutiles, abhorrent enim a communibus praeceptis atque omnem antiquorum, et Aristoteliam et Isocratiam, rationem oratoriam complectuntur. Scripsi etiam versibus tres libros de temporibus meis, quos iam pridem ad te misissem, si esse edendos putassem — sunt enim testes et erupt sempiterni meritorum erga me tuorum meaeque pietatis — , sed, quia verebar non eos, qui se laesos arbitrarentur — etenim id feci parce et molliter — , sed eos, quos erat infinitum bene de me meritos omnes nominare; quos tamen ipsos libros, si quem, cui recte committam, invenero, curabo ad te perferendos. Atque istam quidem partem vitae consuetudinisque nostrae totam ad te defero: quantum litteris, quantum studiis, veteribus nostris delectationibus, consequi poterimus, id omne ad arbitrium tuum, qui haec semper amasti, libentissime conferemus. Quae ad me de tuis rebus domesticis scribis quaeque mihi commendas, ea tantae mihi curae sunt, ut me nolim admoneri, rogari vero sine magno dolore vix possim. Quod de Quinti fratris negotio scribis, te priore aestate, quod morbo impeditus in Ciliciam non transieris, conficere non potuisse, nunc autem omnia facturum, ut conficias, id scito esse eiusmodi, ut frater meus vere existimet adiuncto isto fundo patrimonium fore suum per te constitutum. Tu me de tuis rebus omnibus et de Lentuli tui nostrique studiis et exercitationibus velim quam familiarissime certiorem et quam saepissime facias existimesque neminem cuiquam neque cariorem neque iucundiorem umquam fuisse, quam te mihi, idque me non modo ut tu sentias, sed ut omnes gentes etiam et posteritas omnis intelligat esse facturum. Appius in sermonibus antea dictitabat, postea dixit etiam in senatu palam sese, si licitum esset legem curiatam ferre, sortiturum esse cum collega provincias, si curiata lex non esset, se comparaturum cum collega tibique successurum: legemque curiatam consuli ferri opus esse, necesse non esse; se, quoniam ex senatus consulto provinciam haberet, lege Cornelia imperium habiturum, quoad in urbem introisset. Ego, quid ad te tuorum quisque necessariorum scribat, nescio; varias esse opiniones intelligo: sunt, qui patent posse te non decedere, quod sine lege curiata tibi succedatur; sunt etiam, qui, si decedas, a te relinqui

posse, qui provinciae praesit: mihi non tam de iure certum est — quamquam ne id quidem valde dubium est — quam illud, ad tuam summam amplitudinem, dignitatem, libertatem, qua te scio libentissime frui solere, pertinere te sine ulla mora provinciam successori concedere, praesertim cum sine suspicione tuae cupiditatis non possis illius cupiditatem refutare; ego utrumque meum puto esse, et, quid sentiam, ostendere et, quod feceris, defendere.

Scripta iam epistola superiore accepi tuas litteras de publicanis, in quibus aequitatem tuam non potui non probare; felicitate a quid vellem consequi potuisses, ne eius ordinis, quem semper ornasti, rem aut voluntatem offenderes. Equidem non desinam tua decreta defendere, sed nosti consuetudinem hominum: scis, quam graviter inimici ipsi illi Q. Scaevolae fuerint; tibi tamen sum auctor, ut, si quibus rebus possis, eum tibi ordinem aut reconcilies aut mitiges: id etsi difficile est, tamen mihi videtur esse prudentiae tuae.

X. Scr. Romae mense Decembri a.u.c. 700.

M. CICERO S. D. L. VALERIO IURISCONSULTO

cur enim tibi hoc non gratificer, nescio, praesertim cum his temporibus audacia pro sapientia liceat uti. Lentulo nostro egi per litteras tuo nomine gratias diligenter; sed tu velim desinas iam nostris litteris uti et nos aliquando revisas et ibi malis esse, ubi aliquo numero sis, quam istic, ubi solus sapere videare; quamquam, qui istinc veniunt, partim te superbum esse dicunt, quod nihil respondeas, partim contumeliosum, quod male respondeas; sed iam cupio tecum coram iocari, quare fac, ut quam primum venias neque in Apuliam tuam accedas, ut possimus salvum venisse gaudere; nam, illo si veneris, tamquam Ulixes cognosces tuorum neminem.

LIBER SECVNDVS

Ad C. Curionem et CeterosI. M. CICERO S. D. CURIONI

Romae; parte priore 53(?)

Quamquam me nomine neglegentiae suspectum tibi esse doleo, tamen non tam mihi molestum fuit accusari abs te officium meum quam iucundum requiri, praesertim cum, in quo accusabar, culpa vacarem, in quo autem desiderare te significabas meas litteras, prae te ferres perspectum mihi quidem sed tamen dulcem et optatum amorem tuum. Equidem neminem praetermisi, quem quidem ad te perventurum putarem, cui litteras non dederim; etenim quis est tam in scribendo impiger quam ego? A te vero bis terve summum et eas perbrevis accepi. Qua re, si iniquus es in me iudex, condemnabo eodem ego te crimine; sin me id facere noles, te mihi aequum praebere debebis.

Sed de litteris hactenus; non enim vereor ne non scribendo te expleam, praesertim si in eo genere studium meum non aspernabere. Ego te afuisse tam diu a nobis et dolui, quod carui fructu iucundissimae consuetudinis, et laetor, quod absens omnia cum maxima dignitate es consecutus quodque in omnibus tuis rebus meis optatis fortuna respondit. Breve est quod me tibi praecipere meus incredibilis in te amor cogit: tanta est exspectatio vel animi vel ingeni tui ut ego te obsecrare obtestarique non dubitem sic ad nos conformatus revertare ut, quam exspectationem tui concitasti, hanc sustinere ac tueri possis. Et quoniam meam tuorum erga me meritorum memoriam nulla umquam delebit oblivio, te rogo ut memineris, quantaecumque tibi accessiones fient et fortunae et dignitatis, eas te non potuisse consequi ni meis puer olim fidelissimis atque amantissimis consiliis paruisses. Qua re hoc animo in nos esse debebis ut aetas nostra iam ingravescens in amore atque in adulescentia tua conquiescat.

II. M. CICERO S. D. CURIONI

Romae; parte priore 53(?)

Gravi teste privatus sum amoris summi erga te mei patre tuo, clarissimo viro; qui cum suis laudibus tum vero te filio superasset omnium fortunam si ei contigisset ut te ante videret quam a vita discederet. Sed spero nostram amicitiam non egere testibus. Tibi patrimonium di fortunent! me certe habebis cui et carus aeque sis et iucundus ac fuisti patri.

III. M. CICERO S. D. CURIONI

Romae; parte priore 53(?)

Rupae studium non defuit declarandorum munerum tuo nomine, sed nec mihi placuit nec cuiquam tuorum quicquam te absente fieri quod tibi, cum venisses, non esset integrum. Equidem [quid] sentiam aut scribam ad te postea pluribus aut, ne ad ea meditere, imparatum te offendam coramque contra istam rationem meam dicam, ut aut te in meam sententiam adducam aut certe testatum apud animum tuum relinquam quid senserim, ut, si quando, quod nolim, displicere tibi tuum consilium coeperit, possis meum recordari. Brevi tamen sic habeto, in eum statum temporum tuum reditum incidere ut iis bonis quae tibi natura, studio, fortuna data sunt facilius omnia quae sunt amplissima in re publica consequi possis quam muneribus. Quorum neque facultatem quisquam admiratur (est enim copiarum, non virtutis) neque quisquam est quin satietate iam defessus sit.

Sed aliter atque ostenderam facio qui ingrediar ad explicandam rationem sententiae meae; qua re omnem hanc disputationem in adventum tuum differo. Summa [te] scito in exspectatione esse eaque a te exspectari quae a summa virtute summoque ingenio exspectanda sunt. Ad quae si es, ut debes, paratus, quod ita esse confido, plurimis maximisque muneribus et nos amicos et civis tuos universos et rem publicam adficies. Illud cognosces profecto, mihi te neque cariorem neque iucundiorem esse quemquam.

IV. M. CICERO S. D. CURIONI

Romae; parte priore 53(?)

Epistularum genera multa esse non ignoras sed unum illud certissimum, cuius causa inventa res ipsa est, ut certiores faceremus absentis si quid esset quod eos scire aut nostra aut ipsorum interesset. Huius generis litteras a me profecto non exspectas. Tuarum enim rerum domesticos habes et scriptores et nuntios, in meis autem rebus nihil est sane novi. Reliqua sunt epistularum genera duo, quae me magno opere delectant, unum familiare et iocosum, alterum severum et grave. Utro me minus deceat uti non intellego. Iocerne tecum per litteras? Civem mehercule non puto esse, qui temporibus his ridere possit. An gravius aliquid scribam? Quid est quod possit graviter a Cicerone scribi ad Curionem nisi de re publica? Atqui in hoc genere haec mea causa est ut [neque ea quae sentio audeam] neque ea quae non sentio velim scribere.

Quam ob rem, quoniam mihi nullum scribendi argumentum relictum est, utar ea clausula qua soleo teque ad studium summae laudis cohortabor. Est enim tibi gravis adversaria constituta et parata incredibilis quaedam exspectatio; quam tu una re facillime vinces, si hoc statueris, quarum laudum gloriam adamaris, quibus artibus eae laudes comparantur, in iis esse laborandum. In hanc sententiam scriberem plura, nisi te tua sponte satis incitatum esse confiderem. Et hoc, quicquid attigi, non feci inflammandi tui causa sed testificandi amoris mei.

V. M. CICERO S. D. C. CURIONI

Romae; parte priore 53(?)

Haec negotia quo modo se habeant, epistula ne [ad te] quidem narrare audeo. Tibi, etsi ubicumque es, ut scripsi ad te ante, in eadem es navi, tamen quod abes gratulor, vel quia non vides ea quae nos vel quod excelso et illustri loco sita est laus tua in plurimorum et sociorum et civium conspectu; quae ad nos nec obscuro nec vario sermone sed et clarissima et una omnium voce perfertur.

Unum illud nescio gratulerne tibi an timeam, quod mirabilis est exspectatio reditus tui; non quo verear ne tua virtus opinioni hominum non respondeat, sed mehercule ne, cum veneris, non habeas iam quod cures; ita sunt omnia debilitata iam [et] prope

exstincta. Sed haec ipsa nescio rectene sint litteris commissa. Quare cetera cognosces ex aliis. Tu tamen, sive habes aliquam spem de re publica sive desperas, ea para, meditare, cogita quae esse in eo civi ac viro debent qui sit rem publicam adflictam et oppressam miseris temporibus ac perditis moribus in veterem dignitatem et libertatem vindicaturus.

VI. M. CICERO S. D. C. CURIONI

Romae; Quint. 53(?)

Nondum erat auditum te ad Italiam adventare cum Sex. Villium, Milonis mei familiarem, cum his ad te litteris misi. Sed tamen, cum appropinquare tuus adventus putaretur et te iam ex Asia Romam versus profectum esse constaret, magnitudo rei fecit ut non vereremur ne nimis cito mitteremus, cum has quam primum ad te perferri litteras magno opere vellemus.

Ego, si mea in te essent officia solum, Curio, tanta quanta magis a te ipso praedicari quam a me ponderari solent, verecundius a te, si quae magna res mihi petenda esset, contenderem. Grave est enim homini pudenti petere aliquid magnum ab eo de quo se bene meritum putet, ne id quod petat exigere magis quam rogare et in mercedis potius quam benefici loco numerare videatur. Sed quia tua in me [vel] nota omnibus vel ipsa novitate meorum temporum clarissima et maxima beneficia exstiterunt estque animi ingenui, cui multum debeas, eidem plurimum velle debere, non dubitavi id a te per litteras petere quod mihi omnium esset maximum maximeque necessarium. Neque enim sum veritus ne sustinere tua in me vel innumerabilia [officia] non possem, cum praesertim confiderem nullam esse gratiam tuam quam non vel capere animus meus in accipiendo vel in remunerando cumulare atque illustrare posset.

Ego omnia mea studia, omnem operam, curam, industriam, cogitationem, mentem denique omnem in Milonis consulatu fixi et locavi statuique in eo me non offici solum fructum sed etiam pietatis laudem debere quaerere. Neque vero cuiquam salutem ac fortunas suas tantae curae fuisse umquam puto quantae mihi sit honos eius, in quo omnia mea posita esse decrevi. Huic te unum tanto adiumento

esse, si volueris, posse intellego ut nihil sit praeterea nobis requirendum. Habemus haec omnia, bonorum studium conciliatum ex tribunatu propter nostram, ut spero te intellegere, causam, vulgi ac multitudinis propter magnificentiam munerum liberalitatemque naturae, iuventutis et gratiosorum in suffragiis studia propter ipsius excellentem in eo genere vel gratiam vel diligentiam, nostram suffragationem, si minus potentem, at probatam tamen et iustam et debitam et propterea fortasse etiam gratiosam. Dux nobis et auctor opus est et eorum ventorum quos proposui moderator quidam et quasi gubernator. Qui si ex omnibus unus optandus esset, quem tecum conferre possemus non haberemus.

Quam ob rem, si me memorem, si gratum, si bonum virum vel ex hoc ipso quod tam vehementer de Milone laborem existimare potes, si dignum denique tuis beneficiis iudicas, hoc a te peto, ut subvenias huic meae sollicitudini et huic meae laudi vel, ut verius dicam, prope saluti tuum studium dices. De ipso T. Annio tantum tibi polliceor, te maioris animi, gravitatis, constantiae benevolentiaeque erga te, si complecti hominem volueris, habiturum esse neminem. Mihi vero tantum decoris, tantum dignitatis adiunxeris ut eundem te facile agnoscam fuisse in laude mea qui fueris in salute.

Ego, ni te videre scirem qua mente haec scriberem, quantum offici sustinerem, quanto opere mihi esset in hac petitione Milonis omni non modo contentione sed etiam dimicatione elaborandum, plura scriberem. nunc tibi omnem rem atque causam meque totum commendo atque trado. unum hoc sic habeto, si a te hanc rem impetraro, me paene plus tibi quam ipsi Miloni debiturum. non enim mihi tam mea salus cara fuit, in qua praecipue sum ab illo adiutus, quam pietas erit in referenda gratia iucunda. eam autem unius tuo studio me adsequi posse confido.

VII. M. CICERO IMP. S. D. C. CURIONI TR. PL.

in castris ad Pindenissum(?); xii Kal. Ian. 51(?)

Sera gratulatio reprehendi non solet, praesertim si nulla neglegentia praetermissa est. Longe enim absum, audio sero. Sed tibi et gratulor et ut sempiternae laudi tibi sit iste tribunatus exopto, teque hortor ut

omnia gubernes et moderere prudentia tua, ne te auferant aliorum consilia. Nemo est qui tibi sapientius suadere possit te ipso; numquam labere si te audies. Non scribo hoc temere. Cui scribam video. Novi animum, novi consilium tuum. Non vereor ne quid timide, ne quid stulte facias si ea defendes quae ipse recta esse senties.

Quod [in] rei publicae tempus non incideris sed veneris (iudicio enim tuo, non casu, in ipsum discrimen rerum contulisti tribunatum tuum), profecto vides. Quanta vis in re publica temporum sit, quanta varietas rerum, quam incerti exitus, quam flexibiles hominum voluntates, quid insidiarum, quid vanitatis in vita, non dubito quin cogites. Sed amabo te, cura et cogitationi — nihil novi, sed illud idem quod initio scripsi. Tecum loquere, [et] te adhibe in consilium, te audi, tibi obtempera. Alteri qui melius consilium dare possit quam tu non facile inveniri potest; tibi vero ipsi certe nemo melius dabit. Di immortales! cur ego absum vel spectator laudum tuarum vel particeps vel socius vel minister consiliorum? Tametsi hoc minime tibi deest; sed tamen efficeret magnitudo et vis amoris mei consilio te ut possem iuvare.

Scribam ad te plura alias; paucis enim diebus eram missurus domesticos tabellarios, ut, quoniam sane feliciter et ex mea sententia rem publicam gessimus, unis litteris totius aestatis res gestas ad senatum perscriberem. De sacerdotio tuo quantam curam adhibuerim quamque difficili in re atque causa cognosces ex iis litteris quas Thrasoni, liberto tuo, dedi.

Te, mi Curio, pro tua incredibili in me benevolentia meaque item in te singulari rogo atque oro ne patiare quicquam mihi ad hanc provincialem molestiam temporis prorogari. Praesens tecum egi, cum te tribunum pl. isto anno fore non putarem, itemque petivi saepe per litteras, sed tum quasi a senatore, nobilissimo tamen adulescente et gratiosissimo, nunc a tribuno pl. et a Curione tribuno, non ut decernatur aliquid novi, quod solet esse difficilius, sed ut ne quid novi decernatur, ut et senati consultum et leges defendas, eaque mihi condicio maneat qua profectus sum. Hoc te vehementer etiam atque etiam rogo.

VIII. M. CICERO PRO COS. S. D. M. CAELIO

Quid? Tu me hoc tibi mandasse existimas ut mihi gladiatorum compositiones, ut vadimonia dilata et Chresti compilationem mitteres et ea quae nobis cum Romae sumus narrare nemo audeat? Vide quantum tibi meo iudicio tribuam (nec mehercule iniuria; πολιτικώτερον enim te adhuc neminem cognovi): ne illa quidem curo mihi scribas quae maximis in rebus rei publicae geruntur cottidie, nisi quid ad me ipsum pertinebit. Scribent alii, multi nuntiabunt, perferet multa etiam ipse rumor. Qua re ego nec praeterita nec praesentia abs te sed, ut ab homine longe in posterum prospiciente, futura exspecto, ut ex tuis litteris, cum formam rei publicae viderim, quale aedificium futurum sit scire possim. Neque tamen adhuc habeo quod te accusem; neque enim fuit quod tu plus providere posses quam quivis nostrum in primisque ego, qui cum Pompeio compluris dies nullis in aliis nisi de re publica sermonibus versatus sum. Quae nec possunt scribi nec scribenda sunt; tantum habeto, civem egregium esse Pompeium et ad omnia quae providenda sunt in re publica et animo et consilio paratum. Qua re da te homini; complectetur, mihi crede. Iam idem illi et boni et mali cives videntur qui nobis videri solent.

Ego, cum Athenis decem ipsos dies fuissem multumque mecum Gallus noster Caninius, proficiscebar inde prid. Non. Quint., cum hoc ad te litterarum dedi. Tibi cum omnia mea commendatissima esse cupio tum nihil magis quam ne tempus nobis provinciae prorogetur. In eo mihi sunt omnia. Quod quando et quo modo et per quos agendum sit, tu optime constitues.

IX. M. CICERO PRO COS. S. D. M. CAELIO AEDILI CURULI DESIGNATO

Primum tibi, ut debeo, gratulor laetorque cum praesenti tum etiam sperata tua dignitate, serius non neglegentia mea sed ignoratione rerum omnium. In iis enim sum locis quo et propter longinquitatem et propter latrocinia tardissime omnia perferuntur. Et cum gratulor tum vero quibus verbis tibi gratias agam non reperio, quod ita factus sis ut dederis nobis, quem ad modum scripseras ad me, quod semper

ridere possemus. Itaque, cum primum audivi, ego ille ipse factus sum (scis quem dicam) egique omnis illos adulescentis quos ille iactitat. Difficile est loqui; te autem contemplans absentem et quasi tecum coram loquerer
‘non edepol quantam rem egeris neque quantum facinus
feceris.. . ‘
quod quia praeter opinionem mihi acciderat, referebam me ad illud:
‘incredibile hoc factum obicitur.’
repente vero incessi ‘omnibus laetitiis [laetus].’ In quo cum obiurgarer quod nimio gaudio paene desiperem, ita me defendebam:
‘ego voluptatem animi nimiam.. . ‘
quid quaeris? Dum illum rideo, paene sum factus ille.

Sed haec pluribus multaque alia et de te et ad te cum primum ero aliquid nactus oti. Te vero, mi Rufe, diligo, quem mihi fortuna dedit amplificatorem dignitatis meae, ultorem non modo inimicorum sed etiam invidorum meorum, ut eos partim scelerum suorum, partim etiam ineptiarum paeniteret.

X. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI DESIGNATO

in castris ad Pindenissum; a. d. xvii Kal. Dec. 51

Tu vide quam ad me litterae non perferantur! non enim possum adduci ut abs te, postea quam aedilis es factus, nullas putem datas, praesertim cum esset tanta res tantae gratulationis, de te quia quod sperabam, de Hillo (balbus enim sum) quod non putaram. Atqui sic habeto, nullam me epistulam accepisse tuam post comitia ista praeclara quae me laetitia extulerunt; ex quo vereor ne idem eveniat in meas litteras. Equidem numquam domum misi unam epistulam quin esset ad te altera, nec mihi est te iucundius quicquam nec carius.

Sed (balbi non sumus) ad rem redeamus. Ut optasti, ita est. Velles enim, ais, tantum modo ut haberem negoti quod esset ad laureolam satis; Parthos times quia diffidis copiis nostris. Ergo ita accidit. Nam Parthico bello nuntiato locorum quibusdam angustiis et natura montium fretus ad Amanum exercitum adduxi satis probe ornatum

auxiliis et quadam auctoritate apud eos qui me non norant nominis nostri. Multum est enim in his locis: ‘hicine est ille qui urbem.. . ? Quem senatus.. . ?’ Nosti cetera. Cum venissem ad Amanum, qui mons mihi cum Bibulo communis est divisus aquarum divertiis, Cassius noster, quod mihi magnae voluptati fuit, feliciter ab Antiochea hostem reiecerat, Bibulus provinciam acceperat.

Interea cum meis copiis omnibus vexavi Amaniensis, hostis sempiternos. Multi occisi, capti, reliqui dissipati. Castella munita improviso adventu capta et incensa. Ita victoria iusta imperator appellatus apud Issum, quo in loco, saepe ut ex te audivi, Clitarchus tibi narravit Dareum ab Alexandro esse superatum, abduxi exercitum ad infestissimam Ciliciae partem. Ibi quintum et vicensimum iam diem aggeribus, vineis, turribus oppugnabam oppidum munitissimum, Pindenissum, tantis opibus tantoque negotio ut mihi ad summam gloriam nihil desit nisi nomen oppidi. Quod si, ut spero, cepero, tum vero litteras publice mittam. Haec ad te in praesentia scripsi ut sperares te adsequi id quod optasses.

Sed ut redeam ad Parthos, haec aestas habuit hunc exitum satis felicem; ea quae sequitur magno est in timore. Qua re, mi Rufe, vigila, primum ut mihi succedatur; sin id erit, ut scribis et ut ego arbitror, spissius, illud quod facile est, ne quid mihi temporis prorogetur. De re publica ex tuis litteris, ut antea tibi scripsi, cum praesentia tum etiam futura magis exspecto. Qua re ut ad me omnia quam diligentissime perscribas te vehementer rogo.

XI. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI

Laodiceae; prid. Non. Apr. 50

Putaresne umquam accidere posse ut mihi verba deessent, neque solum ista vestra oratoria sed haec etiam levia nostratia? Desunt autem propter hanc causam quod mirifice sum sollicitus quidnam de provinciis decernatur. Mirum me desiderium tenet urbis, incredibile meorum atque in primis tui, satietas autem provinciae, vel quia videmur eam famam consecuti ut non tam accessio quaerenda quam fortuna metuenda sit vel quia totum negotium non est dignum viribus nostris, qui maiora onera in re publica sustinere et possim et soleam,

vel quia belli magni timor impendet, quod videmur effugere si ad constitutam diem decedemus.

De pantheris per eos qui venari solent agitur mandatu meo diligenter. Sed mira paucitas est, et eas quae sunt valde aiunt queri quod nihil cuiquam insidiarum in mea provincia nisi sibi fiat. Itaque constituisse dicuntur in Cariam ex nostra provincia decedere. Sed tamen sedulo fit et in primis a Patisco. Quicquid erit, tibi erit; sed quid esset plane nesciebamus. Mihi mehercule magnae curae est aedilitas tua. Ipse dies me admonebat; scripsi enim haec ipsis Megalensibus. Tu velim ad me de omni rei publicae statu quam diligentissime perscribas; ea enim certissima putabo quae ex te cognoro.

XII. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI

in castris ad Pyramum(?); c. v Kal. Quint. 50

Sollicitus equidem eram de rebus urbanis. Ita tumultuosae contiones, ita molestae Quinquatrus adferebantur; nam citeriora nondum audieramus. Sed tamen nihil me magis sollicitabat quam in his molestiis non me, si quae ridenda essent, ridere tecum; sunt enim multa, sed ea non audeo scribere. Illud moleste fero, nihil me adhuc his de rebus habere tuarum litterarum. Qua re, etsi, cum tu haec leges, ego iam annuum munus confecero, tamen obviae mihi velim sint tuae litterae quae me erudiant de omni re publica, ne hospes plane veniam. Hoc melius quam tu facere nemo potest.

Diogenes tuus, homo modestus, a me cum Philone Pessinuntem discessit. Iter habebant [ad] Adiatorigem, quamquam omnia nec benigna nec copiosa cognorant.

Urbem, urbem, mi Rufe, cole et in ista luce vive! omnis peregrinatio, quod ego ab adulescentia iudicavi, obscura et sordida est iis quorum industria Romae potest illustris esse. Quod cum probe scirem, utinam in sententia permansissem! cum una mehercule ambulatiuncula atque uno sermone nostro omnis fructus provinciae non confero. Spero me integritatis laudem consecutum: non erat minor ex contemnenda quam est ex conservata provincia. Spem triumphi inicis: satis gloriose triumpharem, non essem quidem tam

diu in desiderio rerum mihi carissimarum. Sed, ut spero, propediem te videbo. Tu mihi obviam mitte epistulas te dignas.

XIII. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI

Laodiceae; in. Mai. 50

Raras tuas quidem (fortasse enim non perferuntur) sed suavis accipio litteras; vel quas proxime acceperam, quam prudentis, quam multi et offici et consili! etsi omnia sic constitueram mihi agenda ut tu admonebas, tamen confirmantur nostra consilia cum sentimus prudentibus fideliterque suadentibus idem videri.

Ego Appium, ut saepe tecum locutus sum, valde diligo meque ab eo diligi statim coeptum esse ut simultatem deposuimus sensi. Nam et honorificus in me consul fuit et suavis amicus et studiosus studiorum etiam meorum. Mea vero officia ei non defuisse tu es testis, cui iam κωμικὸς μαρτύς, ut opinor, accedit Phania; et mehercule etiam pluris eum feci quod te amari ab eo sensi. Iam me Pompei totum esse scis, Brutum a me amari intellegis. Quid est causae cur mihi non in optatis sit complecti hominem florentem aetate, opibus, honoribus, ingenio, liberis, propinquis, adfinibus, amicis, collegam meum praesertim et in ipsa collegi laude et scientia studiosum mei? Haec eo pluribus scripsi quod [non] nihil significabant tuae litterae subdubitare qua essem erga illum voluntate. Credo te audisse aliquid. Falsum est, mihi crede, si quid audisti. Genus institutorum et rationum mearum dissimilitudinem non nullam habet cum illius administratione provinciae. Ex eo quidam suspicati fortasse sunt animorum contentione, non opinionum dissensione, me ab eo discrepare. Nihil autem feci umquam neque dixi quod contra illius existimationem esse vellem; post hoc negotium autem et temeritatem nostri Dolabellae deprecatorem me pro illius periculo praebeo.

Erat in eadem epistula ‘veternus civitatis.’ Gaudebam sane et congelasse nostrum amicum laetabar otio. Extrema pagella pupugit me tuo chirographo. Quid ais? Caesarem nunc defendit Curio? Quis hoc putaret, praeter me? Nam, ita vivam, putavi. Di immortales, quam ego risum nostrum desidero!

Mihi erat in animo, quoniam iuris dictionem conferam, civitates locupletaram, publicanis etiam superioris lustri reliqua sine sociorum ulla querela conservaram, privatis, summis infimis, fueram iucundus, proficisci in Ciliciam Non. Mai. et, cum prima aestiva attigissem militemque collocassem, decedere ex senatus consulto. Cupio te aedilem videre miroque desiderio me urbs adficit et omnes mei tuque in primis.

XIV. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI

Laodiceae; med. Mart.(?) 50

M. Fabio, viro optimo et homine doctissimo, familiarissime utor mirificeque eum diligo cum propter summum ingenium eius summamque doctrinam tum propter singularem modestiam. Eius negotium sic velim suscipias ut si esset res mea. Novi ego vos magnos patronos; hominem occidat oportet qui vestra opera uti velit. Sed in hoc homine nullam accipio excusationem. Omnia relinques, si me amabis, cum tua opera Fabius uti volet.

Ego res Romanas vehementer exspecto et desidero, in primisque quid agas scire cupio. Nam iam diu propter hiemis magnitudinem nihil novi ad nos adferebatur.

XV. M. CICERO IMP. S. D. M. CAELIO AEDILI CURULI

Sidae; iii aut prid. Non. Sext. 50

Non potuit accuratius agi nec prudentius quam est actum a te cum Curione de supplicatione; et hercule confecta res ex sententia mea est cum celeritate tum quod is qui erat iratus, competitor tuus et idem meus, adsensus est ei qui ornavit res nostras divinis laudibus. Qua re scito me sperare ea quae sequuntur; ad quae tu te para.

Dolabellam a te gaudeo primum laudari, deinde etiam amari. Nam ea quae speras Tulliae meae prudentia temperari posse, scio cui tuae epistulae respondeant. Quid si meam legas quam ego tum ex tuis litteris misi ad Appium? sed quid agas? sic vivitur. Quod actum est di approbent! spero fore iucundum generum nobis, multumque in eo tua nos humanitas adiuvabit.

Res publica me valde sollicitat. Faveo Curioni, Caesarem honestum esse cupio, pro Pompeio emori possum, sed tamen ipsa re publica nihil mihi est carius; in qua tu non valde te iactas. Districtus enim mihi videris esse, quod et bonus civis et bonus amicus es.

Ego de provincia decedens quaestorem Coelium praeposui provinciae. 'Puerum' inquis. At quaestorem, at nobilem adulescentem, at omnium fere exemplo. Neque erat superiore honore usus quem praeficerem. Pomptinus multo ante discesserat, a Quinto fratre impetrari non poterat; quem tamen si reliquissem, dicerent iniqui non me plane post annum, ut senatus voluisset, de provincia decessisse quoniam alterum me reliquissem. Fortasse etiam illud adderent, senatum eos voluisse provinciis praeesse qui antea non praefuissent, fratrem meum triennium Asiae praefuisse. Denique nunc sollicitus non sum; si fratrem reliquissem, omnia timerem. Postremo non tam mea sponte quam potentissimorum duorum exemplo, qui omnis Cassios Antoniosque complexi sunt, hominem adulescentem non tam allicere volui quam alienare nolui. Hoc tu meum consilium laudes necesse est; mutari enim non potest.

De Ocella parum ad me plane scripseras et in actis non erat. Tuae res gestae ita notae sunt ut trans montem Taurum etiam de Matrinio sit auditum. Ego, nisi quid me etesiae morabuntur, celeriter, ut spero, vos videbo.

XVI. M. CICERO IMP. S. D. M. CAELIO

in Cumano; vi vel v Non. Mai. 49

Magno dolore me adfecissent tuae litterae nisi iam et ratio ipsa depulisset omnis molestias et diuturna desperatione rerum obduruisset animus ad dolorem novum. Sed tamen qua re acciderit ut ex meis superioribus litteris id suspicarere quod scribis nescio. Quid enim in illis fuit praeter querelam temporum, quae non meum animum magis sollicitum haberent quam tuum? Nam non eam cognovi aciem ingeni tui quod ipse videam te id ut non putem videre. Illud miror, adduci potuisse te, qui me penitus nosse deberes, ut existimares aut me tam improvidum qui ab excitata fortuna ad inclinatam et prope iacentem desciscerem aut tam inconstantem ut

collectam gratiam florentissimi hominis effunderem a meque ipse deficerem et, quod initio semperque fugi, civili bello interessem.

Quod est igitur meum triste consilium? Ut discederem fortasse in aliquas solitudines. Nosti enim non modo stomachi mei, cuius tu similem quondam habebas, sed etiam oculorum in hominum insolentium indignitate fastidium. Accedit etiam molesta haec pompa lictorum meorum nomenque imperi quo appellor. Eo si onere carerem, quamvis parvis Italiae latebris contentus essem. Sed incurrit haec nostra laurus non solum in oculos sed iam etiam in voculas malevolorum. Quod cum ita esset, nil tamen umquam de profectione nisi vobis approbantibus cogitavi. Sed mea praediola tibi nota sunt; in his mihi necesse est esse, ne amicis molestus sim. Quod autem in maritimis facillime sum, moveo non nullis suspicionem velle me navigare. Quod tamen fortasse non nollem si possem ad otium. Nam ad bellum quidem, qui convenit? Praesertim contra eum cui spero me satis fecisse ab eo cui iam satis fieri nullo modo potest.

Deinde sententiam meam tu facillime perspicere potuisti iam ab illo tempore cum in Cumanum mihi obviam venisti. Non enim te celavi sermonem T. Ampi. Vidisti quam abhorrerem ab urbe relinquenda, cum audissem. Nonne tibi adfirmavi quidvis me potius perpessurum quam ex Italia ad bellum civile exiturum? Quid ergo accidit cur consilium mutarem? Nonne omnia potius ut in sententia permanerem? Credas hoc mihi velim, quod puto te existimare, me ex his miseriis nihil aliud quaerere nisi ut homines aliquando intellegant me nihil maluisse quam pacem, ea desperata nihil tam fugisse quam arma civilia. Huius me constantiae puto fore ut numquam paeniteat. Etenim memini in hoc genere gloriari solitum esse familiarem nostrum Q. Hortensium, quod numquam bello civili interfuisset. Hoc nostra laus erit illustrior quod illi tribuebatur ignaviae, de nobis id existimari posse non arbitror.

Nec me ista terrent quae mihi a te ad timorem fidissime atque amantissime proponuntur. Nulla est enim acerbitas quae non omnibus hac orbis terrarum perturbatione impendere videatur. Quam quidem ego a re publica meis privatis et domesticis incommodis libentissime, vel istis ipsis quae tu me mones ut caveam, redemissem. Filio meo, quem tibi carum esse gaudeo, si erit ulla res publica, satis amplum patrimonium relinquam in memoria nominis

mei; sin autem nulla erit, nihil accidet ei separatim a reliquis civibus. Nam quod rogas ut respiciam generum meum, adulescentem optimum mihique carissimum, an dubitas, qui scias quanti cum illum tum vero Tulliam meam faciam, quin ea me cura vehementissime sollicitet et eo magis quod in communibus miseriis hac tamen oblectabar specula, Dolabellam meum, vel potius nostrum, fore ab iis molestiis quas liberalitate sua contraxerat liberum? Velim quaeras quos ille dies sustinuerit in urbe dum fuit, quam acerbos sibi, quam mihimet ipsi socero non honestos.

Itaque neque ego hunc Hispaniensem casum exspecto, de quo mihi exploratum est ita esse ut tu scribis, neque quicquam astute cogito. Si quando erit civitas, erit profecto nobis locus; sin autem non erit, in easdem solitudines tu ipse, ut arbitror, venies in quibus nos consedisse audies. Sed ego fortasse vaticinor et haec omnia meliores habebunt exitus. Recordor enim desperationes eorum qui senes erant adulescente me. Eos ego fortasse nunc imitor et utor aetatis vitio. Velim ita sit; sed tamen.

Togam praetextam texi Oppio puto te audisse; nam Curtius noster dibaphum cogitat, sed eum infector moratur. Hoc aspersi ut scires me tamen in stomacho solere ridere. [de] Dolabella quod scripsi suadeo videas tamquam si tua res agatur.

Extremum illud erit: nos nihil turbulenter, nihil temere faciemus. Te tamen oramus, quibuscumque erimus in terris, ut nos liberosque nostros ita tueare ut amicitia nostra et tua fides postulabit.

XVII. M. CICERO IMP. S. D. CANINI SALLUSTIO PRO Q

Tarsi; c. xv Kal. Sext. 50

Litteras a te mihi [binas] stator tuus reddidit Tarsi a. d. XVI Kal. Sext. his ego ordine, ut videris velle, respondebo.

De successore meo nihil audivi neque quemquam fore arbitror. Quin ad diem decedam nulla causa est, praesertim sublato metu Parthico. Commoraturum me nusquam sane arbitror. Rhodum Ciceronum causa puerorum accessurum puto, neque id tamen certum. Ad urbem volo quam primum venire; sed tamen iter meum rei publicae et rerum urbanarum ratio gubernabit. Successor tuus non

potest ita maturare ullo modo ut tu me in Asia possis convenire.

De rationibus referendis, non erat incommodum te nullam referre, quam tibi scribis a Bibulo fieri potestatem; sed id vix mihi videris per legem Iuliam facere posse, quam Bibulus certa quadam ratione non servat, tibi magno opere servandam censeo.

Quod scribis Apamea praesidium deduci non oportuisse, videbam item ceteros existimare molesteque ferebam de ea re minus commodos sermones malevolorum fuisse. Sed Parthi transierint necne praeter te video dubitare neminem. Itaque omnia praesidia, quae magna et firma paraveram, commotus hominum non dubio sermone dimisi.

Rationes mei quaestoris nec verum fuit me tibi mittere nec tamen erant confectae. Eas nos Apameae deponere cogitabamus. De praeda mea praeter quaestores urbanos, id est populum Romanum, terruncium nec attigit nec tacturus est quisquam. Laodiceae me praedes accepturum arbitror omnis pecuniae publicae, ut et mihi et populo cautum sit sine vecturae periculo. Quod scribis ad me de drachmum CCCIccc, nihil est quod in isto genere cuiquam possim commodare. Omnis enim pecunia ita tractatur ut praeda a praefectis, quae autem mihi attributa est a quaestore curetur.

Quod quaeris quid existimem de legionibus quae decretae sunt in Syriam, antea dubitabam venturaene essent; nunc mihi non est dubium quin, si antea auditum erit otium esse in Syria, venturae non sint. Marium quidem successorem tarde video esse venturum, propterea quod senatus ita decrevit ut cum legionibus iret.

Uni epistulae respondi; venio ad alteram. Petis a me ut Bibulo te quam diligentissime commendem. In quo mihi voluntas non deest, sed locus esse videtur tecum etulandi. Solus enim tu ex omnibus qui cum Bibulo sunt certiorem me numquam fecisti quam valde Bibuli voluntas a me sine causa abhorreret. Permulti enim ad me detulerunt, cum magnus Antiocheae metus esset et magna spes in me atque in exercitu meo, solitum dicere quidvis se perpeti malle quam videri eguisse auxilio meo. Quod ego officio quaestorio te adductum reticere de praetore tuo non moleste ferebam, quamquam quem ad modum tractarere audiebam. Ille autem, cum ad Thermum de Parthico bello scriberet, ad me litteram numquam misit, ad quem intellegebat eius belli periculum pertinere. Tantum de auguratu fili

sui scripsit ad me; in quo ego misericordia commotus, et quod semper amicissimus Bibulo fui, dedi operam ut ei quam humanissime scriberem. Ille si in omnis est malevolus, quod numquam existimavi, minus offendor in me; sin autem a me est alienior, nihil tibi meae litterae proderunt. Nam ad senatum quas Bibulus litteras misit, in iis, quod mihi cum illo erat commune sibi soli attribuit; se ait curasse ut cum quaestu populi pecunia permutaretur. Quod autem meum erat proprium, ut alariis Transpadanis uti negarem, id etiam populo se remisisse scribit. Quod vero illius erat solius id mecum communicat: 'equitibus auxiliariis' inquit 'cum amplius frumenti postularemus.' Illud vero pusilli animi et in ipsa malevolentia ieiuni atque inanis, quod Ariobarzanem, quia senatus per me regem appellavit mihique commendavit, iste in litteris non regem sed regis Ariobarzanis filium appellat. Hoc animo qui sunt deteriores fiunt rogati. sed tibi morem gessi, litteras ad eum scripsi. quas cum acceperis, facies quod voles.

XVIII. M. CICERO IMP. S. D. Q. THERMO PRO PR.

Laodiceae; in. Mai. 50

Officium meum erga Rhodonem ceteraque mea studia quae tibi ac tuis praestiti tibi, homini gratissimo, grata esse vehementer gaudeo, mihique scito in dies maiori curae esse dignitatem tuam; quae quidem a te ipso integritate et clementia tua sic amplificata est ut nihil addi posse videatur. Sed mihi magis magisque cottidie de rationibus tuis cogitanti placet illud meum consilium quod initio Aristoni nostro, ut ad me venit, ostendi, gravis te suscepturum inimicitias si adulescens potens et nobilis a te ignominia adfectus esset. Et hercule sine dubio erit ignominia. Habes enim neminem honoris gradu superiorem; ille autem, ut omittam nobilitatem, hoc ipso vincit viros optimos hominesque innocentissimos legatos tuos, quod et quaestor est et quaestor tuus. Nocere tibi iratum neminem posse perspicio, sed tamen tris fratris summo loco natos, promptos, non indisertos, te nolo habere iratos, iure praesertim; quos video deinceps tribunos pl. per triennium fore. Tempora autem rei publicae qualia futura sint quis scit? Mihi quidem turbulenta videntur fore.

Cur ego te velim incidere in terrores tribunicios, praesertim cum sine cuiusquam reprehensione quaestoriis legatis quaestorem possis anteferre? Qui si se dignum maioribus suis praebuerit, ut spero et opto, tua laus ex aliqua parte fuerit; sin quid offenderit, sibi totum, nihil tibi offenderit.

Quae mihi veniebant in mentem quae ad te pertinere arbitrabar, quod in Ciliciam proficiscebar, existimavi me ad te oportere scribere. tu quod egeris, id velim di approbent. sed si me audies, vitabis inimicitias et posteritatis otio consules.

XIX. M. TULLIUS M. F. [M. N.] CICERO IMP. S. D. C. COELIO L. F. C. N. CALDO Q

in castris ad Pyramum; c. ix Kal. Quint. 50

Cum optatissimum nuntium accepissem te mihi quaestorem obtigisse, eo iucundiorem mihi eam sortem sperabam fore quo diutius in provincia mecum fuisses. Magni enim videbatur interesse ad eam necessitudinem quam nobis fors tribuisset consuetudinem quoque accedere. Postea, cum mihi nihil neque a te ipso neque ab ullo alio de adventu tuo scriberetur, verebar ne ita caderet, quod etiam nunc vereor, ne, ante quam tu in provinciam venisses, ego de provincia decederem. Accepi autem a te missas litteras in Cilicia, cum essem in castris, a. d. X Kal. Quint., scriptas humanissime, quibus facile et officium et ingenium tuum perspici posset; sed neque unde nec quo die datae essent aut quo tempore te exspectarem significabant, nec is qui attulerat a te acceperat, ut ex eo scirem quo ex loco aut quo tempore essent datae. Quae cum essent incerta, existimavi tamen faciendum esse ut ad te statores meos et lictores cum litteris mitterem. Quas si satis opportuno tempore accepisti, gratissimum mihi feceris si ad me in Ciliciam quam primum veneris. Nam quod ad me Curius, consobrinus tuus, mihi, ut scis, maxime necessarius, quod item C. Vergilius, propinquus tuus, familiarissimus noster, de te accuratissime scripsit, valet id quidem apud me multum, sicuti debet hominum amicissimorum diligens commendatio, sed tuae litterae de tua praesertim dignitate et de nostra coniunctione maximi sunt apud me ponderis. Mihi quaestor optatior obtingere

nemo potuit. Quam ob rem quaecumque a me ornamenta ad te [proficisci poterunt] proficiscentur, ut omnes intellegant a me habitam esse rationem tuae maiorumque tuorum dignitatis. Sed id facilius consequar si ad me in Ciliciam veneris. Quod ego et mea et rei publicae et maxime tua interesse arbitror.

LIBER TERTIVS

Ad Ap. Claudium PulchrumI. Scr. Romae exeunte a.u.c. 702.

CICERO APPIO IMP. S. D.

Si ipsa res publica tibi narrare posset, quomodo sese haberet, non facilius ex ea cognoscere posses, quam ex liberto tuo Phania: ita est homo non modo prudens, verum etiam, quod iuvet, curiosus; quapropter ille tibi omnia explanabit, id enim mihi et ad brevitatem est aptius et ad reliquas res providentius. De mea autem benevolentia erga te, etsi potes ex eodem Phania cognoscere, tamen videnter, etiam aliquae meae partes: sic enim tibi persuade, carissimum te mihi esse cum propter multas suavitates ingenii, officii, humanitatis tuae, tum quod ex tuis litteris et ex multorum sermonibus intelligo omnia, quae a me profecta sunt in te, tibi accidisse gratissima; quod cum ita sit, perficiam profecto, ut longi temporis usuram, qua caruimus intermissa nostra consuetudine, et gratia et crebritate et magnitudine officiorum meorum sarciam, idque me, quoniam tu ita vis, puto non invita Minerva esse facturum, quam quidem ego, si forte de tuis sumpsero, non solum *Pallãda*, sed etiam *ÉAppiãda* nominabo. Cilix, libertus tuus, antea mihi minus fuit notus; sed, ut mihi reddidit a te litteras plenas et amoris et officii, mirifice ipse suo sermone subsecutus est humanitatem litterarum tuarum: iucunda mihi eius oratio fuit, cum de animo tuo, de sermonibus, quos de me haberes quotidie, mini narraret; quid quaeris? biduo factus est mihi familiaris, ita tamen, ut Phaniam valde sim desideraturus, quem cum Romam remittes, quod, ut putabamus, celeriter eras facturus, omnibus ei de rebus, quas agi, quas curari a me voles, mandata des velim. L. Valerium iureconsultum valde tibi commendo, sed ita etiam, si non est iure consultus, melius enim ei cavere volo, quam ipse aliis solet. Valde hominem diligo: est ex meis domesticis atque intimis familiaribus. Omnino tibi agit gratias, sed idem scribit meas litteras maximum apud te pondus habituras: id eum ne fallat, etiam atque etiam rogo.

II. Scr. Romae ineunte a.u.c. 703 (ante Non. Maias).

M. CICERO PROCOS. S. D. APPIO PULCHRO IMP.

Cum et contra voluntatem meam et praetor opinionem accidisset, ut mihi cum imperio in provinciam proficisci necesse esset, in multis et variis molestiis cogitationibusque meis haec una consolatio occurrebat, quod neque tibi amicior, quam ego sum, quisquam posset succedere neque ego ab ullo provinciam accipere, qui mallet eam quam maxime mihi aptam explicatamque tradere; quod si tu quoque eandem de mea voluntate erga te spem habes, ea te profecto numquam fallet. A te maximo opere pro nostra summa coniunctione tuaque singulari humanitate etiam atque etiam quaeso et peto, ut, quibuscumque rebus poteris — poteris autem plurimis — , prospicias et consulas rationibus meis. Vides ex senatus consulto provinciam esse habendam: si eam, quod eius facere potueris, quam expeditissimam mihi tradideris, facilior erit mihi quasi decursus mei temporis. Quid in eo genere efficere possis, tui consilii est: ego te, quod tibi veniet in mentem mea interesse, valde rogo. Pluribus verbis ad te scriberem, si aut tua humanitas longiorem orationem exspectaret aut id fieri nostra amicitia pateretur aut res verba desideraret ac non pro se ipsa loqueretur: hoc velim tibi persuadeas, si rationibus meis provisum a te esse intellexero, magnam te ex eo et perpetuam voluptatem esse capturum.

III. Scr. Brundisii exeunte mense Maio a.u.c. 703.

M. CICERO S. D. AP. PULCHRO.

A. d. XI. Kalendas Iunias Brundisium cum venissem, Q. Fabius Virgilianus, legatus tuus, mihi praesto fuit eaque me ex tuis mandatis monuit, quae non mihi, ad quem pertinebant, sed universo senatui venerant in mentem, praesidio firmiore opus esse ad istam provinciam; censebant enim omnes fere, ut in Italia supplementum meis et Bibuli legionibus scriberetur: id cum Sulpicius consul passurum se negaret, multa nos quidem questi sumus, sed tantus consensus senatus fuit, ut mature proficisceremur, parendum ut

fuerit, itaque fecimus. Nunc, quod a te petii litteris iis, quas Romae tabellariis tuis dedi, velim tibi curae sit, ut, quae successori coniunctissimo et amicissimo commodare potest is, qui provinciam tradit, ut ea pro nostra consociatissima voluntate cura ac diligentia tua complectare, ut omnes intelligant nec me benevolentiori cuiquam succedere nec te amiciori potuisse provinciam tradere. Ex iis litteris, quarum ad me exemplum misisti, quas in senatu recitari voluisti, sic intellexeram, permultos a te milites esse dimissos; sed mihi Fabius idem demonstravit te id cogitasse facere, sed, cum ipse a te discederet, integrum militum numerum fuisse: id si ita est, pergratum mihi feceris, si istas exiguas copias, quas habuisti, quam minime imminueris; qua de re senatus consulta quae facta sunt, ad te missa esse arbitror. Equidem pro eo, quanti te facio, quidquid feceris, approbabo, sed te quoque confido ea facturum, quae mihi intelliges maxime esse accommodata. Ego C. Pomptinum, legatum meum, Brundisii exspectabam eumque ante Kalendas Iunias Brundisium venturum arbitrabar; qui cum venerit, quae primum navigandi nobis facultas data erit, utemur.

IV. Scr. Brundisii Nonis Iuniis a.u.c. 703.

M. CICERO S. D. AP. PULCHRO.

Pridie Nonas Iunias, cum essem Brundisii, litteras tuas accepi, quibus erat scriptum te L. Clodio mandasse, quae illum mecum loqui velles: eum sane exspectabam, ut ea, quae a te afferret, quam primum cognoscerem. Meum studium erga te et officium, tametsi multis iam rebus spero tibi esse cognitum, tamen in iis maxime declarabo, quibus plurimum significare potuero tuam mihi existimationem et dignitatem carissimam esse. Mihi et Q. Fabius Virgilianus et C. Flaccus L. f. et diligentissime M. Octavius Cn. f. demonstravit me a te plurimi fieri; quod egomet multis argumentis iam antea iudicarum maximeque illo libro augurali, quem ad me amantissime scriptum suavissimum misisti. Mea in te omnia summae necessitudinis officia constabunt; nam cum te ipsum, ex quo tempore tu me diligere coepisti, quotidie pluris feci, tum accesserunt etiam coniunctiones necessariorum tuorum — duo enim duarum aetatum plurimi facio,

Cn. Pompeium, filiae tuae socerum, et M. Brutum, generum tuum — collegiique coniunctio, praesertim tam honorifice a te approbata, non mediocre vinculum mihi quidem attulisse videtur ad voluntates nostras copulandas. Sed et, si Clodium convenero, ex illius sermone ad te scribam plura et ipse operam dabo te ut quam primum videam. Quod scribis tibi manendi causam eam fuisse, ut me convenires, id mihi, ne mentiar, est gratum.

V. Scr. Trallibus a. d. VI. Kal. Sext. a.u.c. 703.

M. CICERO S. D. AP. PULCHRO.

Tralles veni a. d. VI. Kal. Sextilis. Ibi mihi praesto fuit L. Lucillius cum litteris mandatisque tuis; quo quidem hominem neminem potuisti nec mihi amiciorem nec, ut arbitror, ad ea cognoscenda, quae scire volebam, aptiorem prudentioremve mittere; ego autem et tuas litteras legi libenter et audivi Lucillium diligenter. Nunc, quoniam et tu ita sentis — scribis enim, quae de nostris officiis ego ad te scripserim, etsi tibi iucunda fuerint, tamen, quoniam ex alto repetita sint, non necessaria te putasse — et re vera confirmata amicitia et perspecta fide commemoratio officiorum supervacanea est, eam partem orationis praetermittam; tibi tamen agam, ut debeo, gratias, animadverti enim et didici ex tuis litteris te omnibus in rebus habuisse rationem, ut mihi consuleres praestitueresque et praeparares quodammodo omnia, quo mea ratio facilior et solutior esse posset. Hoc tuum officium cum mihi gratissimum esse dicam, sequitur illud, ut te existimare velim mihi magnae curae fore atque esse iam, primum ut ipse tu tuique omnes, deinde ut etiam reliqui scire possint me tibi esse amicissimum; quod quibus adhuc non satis est perspectum, ii mihi nolle magis nos hoc amino esse quam non intelligere videntur; sed profecto intelligent, neque enim obscuris personis nec parvis in causis res agetur. Sed haec fieri melius quam dici aut scribi volo. Quod itinerum meorum ratio te nonnullam in dubitationem videtur adducere, visurusne me sis in provincia, ea res sic se habet: Brundisii cum loquerer cum Phania, liberto tuo, veni in eum sermonem, ut dicerem me libenter ad eam partem provinciae primum esse venturum, quo to maxime velle arbitraretur; tunc mihi

ille dixit, quod classe tu velles decedere, per fore accommodatum tibi, si ad illam maritimam partem provinciae navibus accessissem; dixi me esse facturum, itaque fecissem, nisi mihi L. Clodius noster Corcyrae dixisset minime id esse faciendum; te Laodiceae fore ad meum adventum: erat id mihi multo brevius multoque commodius, cum praesertim te ita malle arbitrarer; tua ratio postea est commutata. Nunc quid fieri possit, tu facillime statues; ego tibi meum consilium exponam: pr. Kalendas Sextiles puto me Laodiceae fore; perpaucos dies, dum pecunia accipitur, quae mihi ex publica permutatione debetur, commorabor; deinde iter faciam ad exercitum, ut circiter Idus Sextiles putem me ad Iconium fore. Sed, si quid nunc me fallit in scribendo — procul enim aberam ab re ipsa et a locis — , simul ac progredi coepero, quam celerrime potero et quam creberrimis litteris faciam ut tibi nota sit omnis ratio dierum atque itinerum meorum. Oneris tibi imponere nec audeo quidquam nec debeo; sed, quod commodo tuo fieri possit, utriusque nostrum magni inte*rest, ut te videam ante*, quam decedas: quam facultatem si quis casus eripuerit, mea tamen in te omnia officia constabunt non secus ac si te vidissem; tibi de nostris rebus nihil sum ante mandaturus per litteras, quam desperaro coram me tecum agere posse. Quod te a Scaevola petisse dicis, ut, dum tu abesses, ante adventum meum provincia, praeesset, eum ego Ephesi vidi fuitque mecum familiariter triduum illud, quod ego Ephesi commoratus sum, nec ex eo quidquam audivi, quod sibi a te mandatum diceret. Ac sane vellem potuisset obsequi voluntati tuae; non enim arbitror noluisse.

VI. Scr. in castris ad Iconium pr. Kal. Sept. a. u. c. 703.

M. CICERO S. D. AP. PULCHRO.

Cum meum factum cum tuo comparo, etsi non magis mihi faveo in nostra amicitia tuenda quam tibi, tamen multo magis meo facto delector quam tuo. Ego enim Brundisii quaesivi ex Phania, cuius mihi videbar et fidelitatem erga to perspexisse et nosse locum, quem apud te is teneret, quam in partem provinciae maxime putaret te velle ut in succedendo primum venirem; cum ille mihi respondisset nihil me tibi gratius facere posse, quam si ad Sidam navigassem, etsi

minus dignitatis habebat ille adventus et ad multas res mihi minus erat aptus, tamen ita me dixi esse facturum. Idem ego; cum L. Clodium Corcyrae convenissem, hominem ita tibi coniunctum, ut mihi, cum illo cum loquerer, tecum loqui viderer, dixi ei me ita facturum esse, ut in eam partem, quam Phania rogasset, primum venirem; tunc ille, mihi cum gratias egisset, magno opere a me petivit, ut Laodiceam protinus irem; te in prima provincia velle esse, ut quam primum decederes; quin, nisi ego successor essem, quem tu cuperes videre, te antea, quam tibi successum esset, decessurum fuisse — quod quidem erat consentaneum cum iis litteris, quas ego Romae acceperam, ex quibus perspexisse mihi videbar, quam festinares decedere — ; respondi Clodio me ita esse facturum ac multo quidem libentius, quam si illud esset faciendum, quod promiseram Phaniae: itaque et consilium mutavi et ad te statim mea manu scriptas litteras misi, quas quidem ex tuis litteris intellexi satis mature ad te esse perlatas. Hoc ego meo facto valde detector, nihil enim potuit fieri amantius; considera nunc vicissim tuum: non modo ibi non fuisti, ubi me quam primum videre posses, sed eo discessisti, quo ego te ne persequi quidem possem triginta diebus, qui tibi ad decedendum lege, ut opinor, Cornelia constituti essent, ut tuum factum iis, qui, quo animo inter nos simus, ignorant, alieni hominis, ut levissime dicam, et fugientis congressum, meum vero coniunctissimi et amicissimi esse videatur. Ac mihi tamen, antequam in provinciam veni, redditae sunt a te litterae, quibus etsi te Tarsum proficisci demonstrabas, tamen mihi non dubiam spem mei conveniendi afferebas, cum interea, credo equidem, malevoli homines — late enim patet hoc vitium et est in multis — . sed tamen probabilem materiem nacti sermonis ignari meae constantiae conabantur alienare a te voluntatem meam, qui te forum Tarsi agere, statuere multa, decernere, iudicare dicerent, quam posses iam suspicari tibi esse successum, quae ne ab iis quidem fieri solerent, qui brevi tempore sibi succedi putarent. Horum ego sermone non movebar, quin etiam, credas mihi velim, si quid tu ageres, levari me putabam molestia et ex annua provincia, quae mihi longa videretur, prope iam undecim mensum provinciam factam esse gaudebam, si absenti mihi unius mensis labor detractus esset: illud, vere dicam, me movet, in tanta militum paucitate abesse tres cohortes, quae sint

plenissimae, nec me scire ubi sint; molestissime autem fero, quod, te ubi visurus sim, nescio, eoque ad te tardius scripsi, quod quotidie te ipsum exspectabam, cum interea ne litteras quidem ullas accepi, quae me docerent, quid ageres aut ubi te visurus essem. Itaque virum fortem mihique in primis probatum, D. Antonium, praefectum evocatorum, misi ad te, cui, si tibi videretur, cohortes traderes, ut, dum tempus anni esset idoneum, aliquid negotii gerere possem: in quo, tuo consilio ut me sperarem esse usurum, et amicitia nostra et litterae tuae fecerant, quod ne nunc quidem despero; sed plane, quando aut ubi te visurus sim, nisi ad me scripseris, ne suspicari quidem possum. Ego, ut me tibi amicissimum esse et aequi et iniqui intelligant, curabo: de tuo in me animo iniquis secus existimandi videris nonnihil loci dedisse; id si correxeris, mihi valde gratum erit. Et, ut habere rationem possis, quo loco me salva lege Cornelia convenias, ego in provinciam veni pridie Kalendas Sextiles, iter in Ciliciam facio per Cappadociam, castra movi ab Iconio pridie Kalendas Septembres. Nunc tu et ex diebus et ex ratione itineris, si putabis me esse conveniendum, constitues, quo loco id commodissime fieri possit et quo die.

VII. Scr. Laodiceae circiter Id. Februarias a.u.c. 704.

M. CICERO S. D. AP. PULCHRO.

Pluribus verbis ad te scribam, cum plus otii nactus ero: haec scripsi subito, cum Bruti pueri Laodiceae me convenissent et se Romam properare dixissent; itaque nullas iis praeterquam ad te et ad Brutum dedi litteras. Legati Appiani mihi volumen a te plenum querelae iniquissimae reddiderunt, quod eorum aedificationem litteris meis impedissem; eadem autem epistula petebas, ut eos quam primum, ne in hiemem inciderent, ad facultatem aedificandi liberarem, et simul peracute querebare, quod eos tributa exigere vetarem, priusquam ego re cognita permisissem; genus enim quoddam fuisse impediendi, cum ego cognoscere non possem, nisi cum ad hiemem me ex Cilicia recepissem. Ad omnia accipe et cognosce aequitatem expostulationis tuae: primum, cum ad me aditum esset ab iis, qui dicerent a se intolerabilia tributa exigi, quid habuit iniquitatis me scribere, ne

facerent, antequam ego rem causamque cognossem? Non poteram, credo, ante hiemem; sic enim scribis: quasi vero ad cognoscendum ego ad illos, non illi ad me venire debuerint. “Tam longe?” inquis. Quid? cum dabas iis litteras, per quas mecum agebas, ne eos impedirem, quo minus ante hiemem aedificarent, non eos ad me venturos arbitrabare? tametsi id quidem fecerunt ridicule; quas enim litteras afferebant, ut opus aestate facere possent, eas mihi post brumam reddiderunt. Sed scito et multo plures esse, qui de tributis recusent, quam qui exigi velint, et me tamen, quod te velle existimem, esse facturum. De Appianis hactenus. A Pausania, Lentuli liberto, accenseo meo, audivi, cum diceret te secum esse questum, quod tibi obviam non prodissem. Scilicet contempsi te, nec potest fieri me quidquam superbius! cum puer tuus ad me secunda fere vigilia venisset isque te ante lucem Iconium mihi venturum nuntiasset, incertumque, utra via, cum essent duae, altera Varronem, tuum familiarissimum, altera Q. Leptam, praefectum fabrum meum, tibi obviam misi. Mandavi utrique eorum, ut ante ad me excurrerent, ut tibi obviam prodire possem: currens Lepta venit mihique nuntiavit te iam castra praetergressum esse; confestim Iconium veni; cetera iam tibi nota sunt. An ego tibi obviam non prodirem, primum Ap. Claudio, deinde imperatori, deinde more maiorum, deinde, quod caput est, amico? qui in isto genere multo etiam ambitiosius facere soleam, quam honos meus et dignitas postulat. Sed haec hactenus: illud idem Pausania dicebat te dixisse: “quid? Appius Lentulo, Lentulus Ampio processit obviam, Cicero Appio noluit?” Quaeso, etiamne tu has ineptias, homo mea sententia summa prudentia, multa etiam doctrina, plurimo rerum usu, addo urbanitatem, quae est virtus, ut Stoici rectissime putant? ullam Appietatem aut Lentulitatem valere apud me plus quam ornamenta virtutis existimas? Cum ea consecutus nondum eram, quae sunt hominum opinionibus amplissima, tamen ista vestra nomina numquam sum admiratus; viros eos, qui ea vobis reliquissent, magnos arbitrabar: postea vero quam ita et cepi et gessi maxima imperia, ut mihi nihil neque ad honorem neque ad gloriam acquirendum putarem, superiorem quidem numquam, sed parem vobis me speravi esse factum. Nec mehercule aliter vidi existimare vel Cn. Pompeium, quem omnibus, qui umquam fuerunt, vel P. Lentulum, quem mihi ipsi antepono: tu si aliter existimas, nihil

errabis, si paullo diligentius, ut, quid sit *eugeneia*, quid sit nobilitas, intelligas, Athenodorus, Sandonis filius, quid de his rebus dicat, attenderis. Sed, ut ad rem redeam, me tibi non amicum modo, verum etiam amicissimum existimes velim: profecto omnibus officiis meis efficiam, ut ita esse vere possis iudicare. Tu autem si id agis, ut minus mea causa, dum ego absim, debere videaris, quam ego tua laborarim, libero te ista cura:

par' emoige kai alloi
hoi ke me timêsousi, malista de mêtieta Zeus.

Si autem natura es *philaitios*, illud non perficies quo minus tua causa velim, hoc assequere, ut, quam in partem tu accipias, minus laborem. Haec ad te scripsi liberius fretus conscientia officii mei benevolentiaeque, quam a me certo iudicio susceptam, quoad tu voles, conservabo.

VIII. Scr. in castris in agro Mopsuhestiae a. d. VIII. Idus Octobres a.u.c. 703.

M. CICERO S. D. AP. PULCHRO.

Etsi, quantum ex tuis litteris intelligere potui, videbam te hanc epistulam, cum ad urbem esses, lecturum refrigerato iam levissimo sermone hominum provincialium, tamen, cum tu tam multis verbis ad me de improborum oratione scripsisses, faciendum mihi putavi, ut tuis litteris brevi responderem. Sed prima duo capita epistulae tuae tacita mihi quodammodo relinquenda sunt; nihil enim habent, quod definitum sit aut certum, nisi me vultu et taciturnitate significasse tibi non esse amicum, idque pro tribunali, cum aliquid ageretur, et nonnullis in conviviis intelligi potuisse. Hoc totum nihil esse possum intelligere; sed, cum sit nihil, ne qui dicatur quidem intelligo: illud quidem scio, meos multos et illustres et ex superiore et ex aequo loco sermones habitos cum tua summa laude et cum magna significatione nostrae familiaritatis ad te vere potuisse deferri. Nam, quod ad legatos attinet, quid a me fieri potuit aut elegantius aut iustius, quam ut sumptus egentissimarum civitatum minuerem sine ulla

imminutione dignitatis tuae, praesertim ipsis civitatibus postulantibus? nam mihi totum genus legationum tuo nomine proficiscentium notum non erat. Apameae cum essem, multarum civitatum principes ad me detulerunt sumptus decerni legatis nimis magnos, cum solvendo civitates non essent. Hic ego multa simul cogitavi. Primum te, hominem non solum sapientem, verum etiam, ut nunc loquimur, urbanum, non arbitrabar genere isto legationum delectari, idque me arbitror Synnadis pro tribunali multis verbis disputavisse: primum Ap. Claudium senatui populoque Romano non Midaeensium testimonio — in ea enim civitate mentio facta est — , sed sua sponte esse laudatum; deinde me ita vidisse accidere multis, ut eorum causa legationes Romam venirent, sed iis legationibus non meminisse [me] ullum tempus laudandi ant locum dari; studia mihi eorum placere, quod in te bene merito grati essent, consilium totum videri minime necessarium; si autem vellent declarare in eo officium suum, laudaturum me, si qui suo sumptu functus esset officio, concessurum, si legitimo, non permissurum, si infinito. Quid in me reprehendi potest? nisi quod addis visum esse quibusdam edictum meum quasi consulto ad istas legationes impediendas esse accommodatum. Iam non tam mihi videntur iniuriam facere ii, qui haec disputant, quam si cuius aures ad hanc disputationem patent. Romae composui edictum; nihil addidi, nisi quod, publicani me rogarunt, cum Samum ad me venissent, ut de tuo edicto totidem verbis transferrem in meum. Diligentissime scriptum caput est, quod pertinet ad minuendos sumptus civitatum: quo in capite sunt quaedam nova, salutaria civitatibus, quibus ego magno opere delector; hoc vero, ex quo suspicio nata est me exquisisse aliquid, in quo te offenderem, tralaticium est. Neque enim eram tam desipiens, ut privatae rei causa legari putarem, qui, et tibi non privato et pro re non privata sua, sed publica, non in privato, sed in publico orbis terrae consilio, id est in senatu, ut gratias agerent, mittebantur; neque, cum edixi, ne quis iniussu meo proficisceretur, exclusi eos, qui me in castra et qui trans Taurum persequi non possent; nam id est maxime in tuis litteris irridendum; quid enim erat, quod me persequerentur in castra Taurumve transirent, cum ego Laodicea usque ad Iconium iter ita fecerim, ut me omnium illarum dioecesium, quae cis Taurum sunt, omniumque earum civitatum magistratus legationesque

convenirent? nisi forte postea coeperunt legare, quam ego Taurum transgressus sum: quod certe non ita est; cum enim Laodiceae, cum Apameae, cum Synnadis, cum Philomelii, cum Iconii essem, quibus in oppidis omnibus commoratus sum, omnes iam istius generis legationes erant constitutae. Atque hoc tamen te scire volo, me de isto sumptu legationum ant minuendo ant remittendo decrevisse nihil, nisi quod principes civitatum a me postulassent, ne in venditionem tributorum et illam acerbissimam exactionem, quam tu non ignoras, capitum atque ostiorum inducerentur sumptus minime necessarii; ego autem, cum hoc suscepissem non solum iustitia, sed etiam misericordia adductus, ut levarem miseriis perditas civitates et perditas maxime her magistratus suos, non potui in illo sumptu non necessario negligens esse. Tu, si istiusmodi sermones ad te delati de me sunt, non debuisti credere; si autem hoc genere delectaris, ut, quae tibi in mentem veniant, aliis attribuas, genus sermonis inducis in amicitiam minime liberale. Ego, si in provincia de tua fama detrahere umquam cogitassem, non ad generum tuum neque ad libertum Brundisii neque ad praefectum fabrum Corcyrae, quem in locum me venire velles, rettulissem. Quare potes doctissimis hominibus auctoribus, quorum sunt de amicitia gerenda praeclarissime scripti libri, genus hoc totum orationis tollere: “disputabant; ego contra disserebam: dicebant; ego negabam.” An mihi de te nihil esse dictum umquam putas? ne hoc quidem, quod, cum me Laodiceam venire voluisses, Taurum ipse transisti? quod iisdem diebus meus conventus erat Apameae, Synnadae, Philomelii, tuus Tarsi? Non dicam plura, ne, in quo te obiurgem, id ipsum videar imitari: illud dicam, ut sentio: si ista, quae alios loqui dicis, ipse sentis, tua summa culpa est; sin autem alii tecum haec loquuntur, tua tamen, quod audis, culpa nonnulla est. Mea ratio in tota amicitia nostra constans et gravis reperietur; quod si qui me astutiorem fingit, quid potest esse calidius quam, cum te absentem semper defenderim, cum praesertim mihi usu venturum non arbitrarer, ut ego quoque a te absens defendendus essem, nunc committere, ut tu iure optimo me absentem deserere possis? Unum genus excipio sermonis, in quo persaepe aliquid dicitur, quod te putem nolle dici, si aut legatorum tuorum cuipiam aut praefectorum aut tribunorum militum male dicitur: quod tamen ipsum non mehercule adhuc accidit, me audiente

ut aut gravius diceretur aut in plures, quam mecum Corcyrae Clodius est locutus, cum in eo genere maxime quereretur te aliorum improbitate minus felicem, fuisse. Hos ego sermones, quod et multi sunt et tuam existimationem, ut ego sentio, non offendunt, lacessivi numquam, sed non valde repressi. Si quis est, qui neminem bona fide in gratiam putet redire posse, non nostram is perfidiam coarguit, sed indicat suam, simulque non de me is peius quam de te existimat; sin autem quem mea instituta in provincia non delectant et quadam dissimilitudine institutorum meorum ac tuorum laedi se putat, cum uterque nostrum recte fecerit, sed non idem uterque secutus sit, hunc ego amicum habere non curo. Liberalitas tua, ut hominis nobilissimi, latius in provincia patuit: nostra si angustior est — etsi de tua prolixa beneficaque natura limavit aliquid posterior annus propter quandam tristitiam temporum — , non debent mirari homines, cum et natura semper ad largiendum ex alieno fuerim restrictior et temporibus, quibus alii moventur, iisdem ego movear, me esse acerbum sibi, ut sim dulcis mihi. De rebus urbanis quod me certiorem fecisti, cum per se mihi gratum fuit, tum quod significasti tibi omnia mea mandata curae fore; in quibus unum illud te praecipue rogo ut cures, ne quid mihi ad hoc negotii aut oneris accedat aut temporis, Hortensiumque, nostrum collegam et familiarem, roges, ut, si umquam mea causa quidquam aut sensit aut fecit, de hac quoque sententia bima decedat, qua mihi nihil potest esse inimicius. De nostris rebus quod scire vis, Tarso Nonis Octobribus ad Amanum versus profecti sumus; haec scripsi postridie eius diei, cum castra haberem in agro Mopsuhestiae. Si quid egero, scribam ad te, neque domum umquam ad me litteras mittam, quin adiungam eas, quas tibi reddi velim. De Parthis quod quaeris, fuisse nullos puto; Arabes qua fuerunt admixto Parthico ornatu, dicuntur omnes revertisse; hostem esse in Syria negant ullum. Tu velim ad me quam saepissime et de tuis rebus scribas et de meis et de omni rei publicae statu, de quo sum sollicitus eo magis, quod ex tuis litteris cognovi Pompeium nostrum in Hispaniam iturum.

IX. Scr. Laodiceae mense Februario (inter Idus et VI. Kal. Mart.) a.u.c. 704.

M. CICERO AP. PULCHRO S.

Vix tandem legi litteras dignas Ap. Claudio, plenas humanitatis, officii, diligentiae. Aspectus videlicet urbis tibi tuam pristinam urbanitatem reddidit: nam, quas ex itinere, antequam ex Asia egressus es, ad me litteras misisti, unas de legatis a me prohibitis proficisci, alteras de Appianorum aedificatione impedita, legi perinvitus; itaque conscientia meae constantis erga te voluntatis rescripsi tibi subiratus. Iis vero litteris lectis, quas Philotimo, liberto meo, dedisti, cognovi intellexique in provincia multos fuisse, qui nos, quo animo inter nos sumus, esse nollent, ad urbem vero ut accesseris vel potius ut primum tuos videris, cognosse te ex iis, qua in te absentem fide, qua in omnibus officiis tuendis erga te observantia et constantia fuissem. Itaque quanti illud me aestimare putas, quod est in tuis litteris scriptum, si quid inciderit, quod ad meam dignitatem pertineat, etsi vix fieri possit, tamen te parem mihi gratiam relaturum! tu vero facile facies; nihil est enim, quod studio et benevolentia vel amore potius effici non possit. Ego, etsi et ipse ita iudicabam et fiebam crebro a meis per litteras certior, tamen maximam laetitiam cepi ex tuis litteris de spe minime dubia et plane explorata triumphi tui, neque vero ob eam causam, quo ipse facilius consequerer — nam id quidem *'EpixoÊreion* est — , sed mehercule, quod tua dignitas atque amplitudo mihi est ipsa cara per se: quare, quoniam plures tu habes quam ceteri, quos scias in hanc provinciam proficisci, quod te adeunt fere omnes, si quid velis, gratissimum mihi feceris, si ad me, simulatque adeptus eris, quod et tu confidis et ego opto, litteras miseris. Longi subsellii, ut noster Pompeius appellat, iudicatio et mora si quem tibi item unum alterumve diem abstulerit — quid enim potest amplius? — , tua tamen dignitas suum locum obtinebit; sed, si me diligis, si a me diligi vis, ad me litteras, ut quam primum laetitia afficiar, mittito. Et velim, reliquum quod est promissi ac muneris tui, mihi persolvas: cum ipsam cognitionem iuris augurii consequi cupio, tum mehercule tuis incredibiliter studiis erga me muneribusque delector. Quod autem a me tale quiddam desideras, sane mihi considerandum est, quonam te remunerer potissimum genere; nam profecto non est meum, qui in scribendo, ut soles admirari, tantum industriae ponam, committere, ut negligens in scribendo fuisse videar, praesertim cum id non modo negligentis, sed etiam ingrati animi crimen futurum sit. Verum haec videbimus: illud,

quod polliceris, velim pro tua fide diligentiaque et pro nostra non instituta, sed iam inveterata amicitia cures et enitare, ut supplicatio nobis quam honorificentissime quam primumque decernatur. Omnino serius misi litteras, quam vellem, in quo cum difficultas navigandi fuit odiosa, tum in ipsum discessum senatus incidisse credo meas litteras; sed id feci adductus auctoritate et consilio tuo, idque a me recte factum puto, quod non statim, ut appellatus imperator sim, sed aliis rebus additis aestivisque confectis litteras miserim. Haec igitur tibi erunt curae, quemadmodum ostendis, meque totum et mea et meos commendatos habebis.

X. Scr. Laodiceae mense Maio (inter Kal. et Nonas) a.u.c. 704.

M. CICERO AP. PULCHRO S.

Cum est ad nos allatum de temeritate eorum, qui tibi negotium facesserent, etsi graviter primo nuntio commotus sum, quod nihil tam praeter opinionem meam accidere potuit, tamen, ut me collegi, cetera mihi facillima videbantur, quod et in te ipso maximam spem et in tuis magnam habebam multaque mihi veniebant in mentem, quamobrem istum laborem tibi etiam honori putarem fore; illud plane moleste tuli, quod certissimum et iustissimum triumphum hoc invidorum consilio esse tibi ereptum videbam: quod tu si tanti facies, quanti ego semper iudicavi faciendum esse, facies sapienter et ages victor ex inimicorum dolore triumphum iustissimum; ego enim plane video fore nervis, opibus, sapientia tua, vehementer ut inimicos tuos poeniteat intemperantiae suae. De me tibi sic contestans omnes deos promitto atque confirmo, me pro tua dignitate — malo enim *ita* dicere, quam pro salute — in hac provincia, cui tu praefuisti, rogando deprecatoris, laborando propinqui, auctoritate cari hominis, ut spero, apud civitates, gravitate imperatoris suscepturum officia atque partes. Omnia volo a me et postules et exspectes: vincam meis officiis cogitationes tuas. Q. Servilius perbreves mihi a te litteras reddidit, quae mihi tamen nimis longae visae sunt, iniuriam enim mihi fieri putabam, cum rogabar. Nollem accidisset tempus, in quo perspicere posses, quanti te, quanti Pompeium, quem unum ex omnibus facio, ut debeo, plurimi, quanti Brutum facerem — quamquam in

consuetudine quotidiana perspexisti, sicuti perspicies — ; sed, quoniam accidit, si quid a me praetermissum erit, commissum facinus et admissum dedecus confitebor. Pomptinus, qui a te tractatus est praestanti ac singulari fide, cuius tui beneficii sum ego testis, praestat tibi memoriam benevolentiamque, quam debet: qui cum maximis suis rebus coactus a me invitissimo decessisset, tamen, ut vidit interesse tua, conscendens iam navem Epheso Laodiceam revertit. Talia te cum studia videam habiturum esse innumerabilia, plane dubitare non possum, quin tibi amplitudo ista sollicitudo futura sit; si vero effeceris, ut censor creere, et si ita gesseris censuram, ut et debes et potes, non tibi solum, sed tuis omnibus video in perpetuum summo te praesidio futurum. Illud pugna et enitere, ne quid nobis temporis prorogetur, ut, cum hic tibi satisfecerimus, istic quoque nostram in te benevolentiam navare possimus. Quae de hominum atque ordinum omnium erga te studiis scribis ad me, minime mihi miranda et maxime iucunda acciderunt, eademque ad me perscripta sunt a familiaribus meis: itaque capio magnam voluptatem, cum tibi, cuius mihi amicitia non solum ampla, sed etiam iucunda est, ea tribui, quae debeantur, tum vero remanere etiam nunc in civitate nostra studia prope omnium consensu erga fortes et industrios viros, quae mihi ipsi una semper tributa merces est laborum et vigiliarum mearum; illud vero mihi permirum accidit, tantam temeritatem fuisse in eo adolescente, cuius ego salutem duobus capitis iudiciis summa contentione defendi, ut tuis inimicitiis suscipiendis oblivisceretur patroni omnium fortunarum ac rationum suarum, praesertim cum tu omnibus vel ornamentis vel praesidiis redundares, ipsi, ut levissime dicam, multa deessent. Cuius sermo stultus et puerilis erat iam ante ad me a M. Caelio, familiari nostro, perscriptus; de quo item sermone multa scripta sunt abs te. Ego autem citius cum eo, qui tuas inimicitias suscepisset, veterem coniunctionem diremissem, quam novam conciliassem; neque enim de meo erga te studio dubitare debes, neque id est obscurum cuiquam in provincia nec Romae fuit. Sed tamen significatur in tuis litteris suspicio quaedam et dubitatio tua, de qua alienum tempus est mihi tecum expostulandi, purgandi autem mei necessarium. Ubi enim ego cuiquam legationi fui impedimento, quo minus Romam ad laudem tuam mitteretur? aut in quo potui, si te palam odissem, minus, quod tibi obesset, facere, si

clam, magis aperte inimicus esse? Quod si essem ea perfidia, qua sunt ii, qui in nos haec conferunt, tamen ea stultitia certe non fuissem, ut aut in obscuro odio apertas inimicitias aut, in quo tibi nihil nocerem, summam ostenderem voluntatem nocendi. Ad me adire quosdam memini, nimirum ex Epicteto, qui dicerent nimis magnos sumptus legatis decerni: quibus ego non tam imperavi quam censui sumptus legates quam maxime ad legem Corneliam decernendos, atque in eo ipso me non perseverasse testes sunt rationes civitatum, in quibus, quantum quaeque voluit, legatis tuis datum induxit; te autem quibus mendaciis homines levissimi onerarunt! non modo sublatos sumptus, sed etiam a procuratoribus eorum, qui iam profecti essent, repetitos et ablatos, eamque causam multis omnino non eundi fuisse. Quererer tecum atque expostularem, ni, ut supra scripsi, purgare me tibi hoc tuo tempore quam accusare te mallem idque putarem esse rectius. Itaque nihil de te, quod credideris; de me, quamobrem non debueris credere, pauca dicam: nam, si me virum bonum, si dignum iis studiis eaque doctrina, cui me a pueritia dedi, si satis magni animi, non minimi consilii in maximis rebus perspectum habes, nihil in me non modo perfidiosum et insidiosum et fallax in amicitia, sed ne humile quidem aut ieiunum debes agnoscere; sin autem me astutum et occultum libet fingere, quid est, quod minus cadere in eiusmodi naturam possit quam aut florentissimi hominis aspernari benevolentiam aut eius existimationem oppugnare in provincia, cuius laudem domi defenderis, aut in ea re animum ostendere inimicum, in qua nihil obsis, aut id eligere ad perfidiam, quod ad indicandum odium apertissimum sit, ad nocendum levissimum? Quid erat autem, cur ego in te tam implacabilis essem, cum te ex fratre meo ne tunc quidem, cum tibi prope necesse esset eas agere partes, inimicum mihi fuisse cognossem? Cum vero reditum nostrum in gratiam uterque expetisset, quid in consulatu tuo frustra mecum egisti, quod me aut facere aut sentire voluisses? quid mihi mandasti, cum te Puteolos prosequerer, in quo non exspectationem tuam diligentia mea vicerim? Quod si id est maxime astuti, omnia ad suam utilitatem referre, quid mihi tandem erat utilius, quid commodis meis aptius, quam hominis nobilissimi atque honoratissimi coniunctio, cuius opes ingenium, liberi affines propinqui mihi magno vel ornamento vel

praesidio esse possent? quae tamen ego omnia in expetenda amicitia tua non astutia quadam, sed aliqua potius sapientia secutus sum. Quid? illa vincula, quibus quidem libentissime astringor, quanta sunt! studiorum similitudo, suavitas consuetudinis, delectatio vitae atque victus, sermonis societas, litterae interiores. Atque haec domestica: quid illa tandem popularia? reditus illustris in gratiam, in quo ne per imprudentiam quidem errari potest sine suspicione perfidiae, amplissimi sacerdotii collegium, in quo non modo amicitiam violari apud maiores nostros fas non erat, sed ne cooptari quidem sacerdotem licebat, qui cuiquam ex collegio esset inimicus. Quae ut omittam tam multa atque tanta, quis umquam tanti quemquam fecit aut facere potuit ant debuit, quanti ego Cn. Pompeium, socerum tuae filiae? Etenim, si merita valent, patriam, liberos, salutem, dignitatem, memet ipsum mihi per illum restitutum puto; si consuetudinis iucunditas, quae fuit umquam amicitia consularium in nostra civitate coniunctior? si illa amoris atque officii signa, quid mihi ille non commisit? quid non mecum communicavit? quid de se in senatu, cum ipse abesset, per quemquam agi maluit? quibus ille me rebus non ornatum esse voluit amplissime? qua denique ille facilitate, qua humanitate tulit contentionem meam pro Milone adversante interdum actionibus suis? quo studio providit, ne quae me illius temporis invidia attingeret, cum me consilio, cum auctoritate, cum armis denique texit suis? Quibus quidem temporibus haec in eo gravitas, haec animi altitudo fuit, non modo ut Phrygi alicui aut Lycaoni, quod tu in legatis fecisti, sed ne summorum quidem hominum malevolis de me sermonibus crederet. Huius igitur filius cum sit gener tuus cumque praeter hanc coniunctionem affinitatis, quam sis Cn. Pompeio carus quamque iucundus, intelligam, quo tandem animo in te esse debeo? cum praesertim eas ad me litteras is miserit, quibus, etiamsi tibi, cui sum amicissimus, hostis essem, placarer tamen totumque me ad eius viri ita de me meriti voluntatem nutumque converterem. Sed haec hactenus; pluribus enim etiam fortasse verbis, quam necesse fuit, scripta sunt: nunc ea, quae a me profecta quaeque instituta sunt, cognosce. * * * * atque haec agimus et agemus magis pro dignitate quam pro periculo tuo; te enim, ut spero, propediem censorem audiemus, cuius magistratus officia, quae sunt maximi animi summique consilii, tibi

diligentius et accuratius quam haec, quae nos de te agimus, cogitanda esse censeo.<

XI. Scr. in castris ad Pyramum mense Iunio (post Nonas) a.u.c. 704.

M. CICERO AP. PULCHRO, ut spero, CENSORI S. D.

Cum essem in castris ad fluvium Pyramum, redditae mihi sunt uno tempore a te epistulae duae, quas ad me Q. Servilius Tarso miserat: earum in altera dies erat ascriptus Nonarum Aprilium; in altera, quae mihi recentior videbatur, dies non erat. Respondebo igitur superiori prius, in qua scribis ad me de absolutione maiestatis. De qua etsi permulto ante certior factus eram litteris, nuntiis, fama denique ipsa — nihil enim fuit clarius, non quo quisquam aliter putasset, sed nihil de insignibus ad laudem viris obscure nuntiari solet — , tamen eadem illa laetiora fecerunt mihi tuae litterae, non solum quia planius loquebantur et uberius quam vulgi sermo, sed etiam quia magis videbar tibi gratulari, cum de te ex te ipso audiebam. Complexus igitur sum cogitatione te absentem; epistulam vero osculatus, etiam ipse mihi gratulatus sum; quae enim a cuncto populo, a senatu, a iudicibus ingenio, industriae, virtuti tribuuntur, quia mihi ipse assentor fortasse, cum ea esse in me fingo, mihi quoque ipsi tribui puto. Nec tam gloriosum exitum tui iudicii exstitisse, sed tam pravam inimicorum tuorum mentem fuisse mirabar. “De ambitu vero, quid interest,” inquies, “an de maiestate?” ad rem nihil; alterum enim non attigisti, alteram auxisti; verumtamen ea est maiestas, ut Sulla voluit, ut in quemvis impune declamari liceret, ambitus vero ita apertam vim habet, ut aut accusetur improbe aut defendatur; qui enim facta aut non facta largitio ignorari potest? tuorum autem honorum cursus cui suspectus umquam fuit? Me miserum, qui non affuerim! quos ego risus excitassem! Sed de maiestatis iudicio duo mihi illa ex tuis litteris iucundissima fuerunt: unum, quod te ab ipsa re publica defensum scribis, quae quidem etiam in summa bonorum et fortium civium copia tueri tales viros deberet, nunc vero eo magis, quod tanta penuria est in omni vel honoris vel aetatis gradu, ut tam orba civitas tales tutores complecti debeat; alterum, quod Pompeii et Bruti fidem

benevolentiamque mirifice laudas: laetor virtute et officio cum tuorum necessariorum, meorum amicissimorum, tum alterius omnium saeculorum et gentium principis, alterius iam pridem iuventutis, celeriter, ut spero, civitatis. De mercenariis testibus a suis civitatibus notandis, nisi iam factum aliquid est per Flaccum, fiet a me, cum per Asiam decedam. Nunc ad alteram epistulam venio. Quod ad me quasi formam communium temporum et totius rei publicae misisti expressam, prudentia litterarum tuarum valde mihi est grata — video enim et pericula leviora, quam timebam, et maiora praesidia, si quidem, ut scribis, omnes vires civitatis se ad Pompeii ductum applicaverunt — tuumque simul promptum animum et alacrem perspexi ad defendendam rem publicam, mirificamque cepi voluptatem ex hac tua diligentia, quod in summis tuis occupationibus mihi tamen rei publica statum per te notum esse voluisti: nam augurales libros ad commune utriusque nostrum otium serva; ego enim, a te cum tua promissa per litteras flagitabam, ad urbem te otiosissimum esse arbitrabar, nunc tamen, ut ipse polliceris, pro auguralibus libris orationes tuas confectas omnes exspectabo. D. Tullius, cui mandata ad me dedisti, non convenerat me; nec erat iam quisquam mecum tuorum praeter omnes meos, qui sunt omnes tui. Stomachosiores meas litteras quas dicas esse, non intelligo: bis ad te scripsi me purgans diligenter, te leviter accusans in eo, quod de me cito credidisses: quod genus querelae mihi quidem videbatur esse amici; sin tibi displicet, non utar eo posthac. Sed, si, ut scribis, eae litterae non fuerunt disertae, scito meas non fuisse; ut enim Aristarchus Homeri versum negat, quem non probat, sic tu — libet enim mihi iocari — , quod disertum non erit, ne putaris meum. Vale et in censura — si iam es censor, ut spero — de proavo multum cogitato tuo.

XII. Scr. Sidae a. d. III. Nonas Sextiles a.u.c. 704.

M. CICERO AP. PULCHRO S.

Gratulabor tibi prius — ita enim rerum ordo postulat — , deinde ad me convertar. Ego vero vehementer gratulor de iudicio ambitus, neque id, quod nemini dubium fuit, absolutum esse te, sed illud,

quod, quo melior civis, quo vir clarior, quo fortior amicus es quoque plura virtutis, industriae ornamenta in te sunt, eo mirandum est magis, nullam ne in tabellae quidem latebra fuisse absconditam malevolentiam, quae te impugnare auderet: non horum temporum, non horum hominum atque morum negotium; nihil iam sum pridem admiratus magis. De me autem, suscipe paullisper meas partes et eum te esse finge, qui sum ego: si facile inveneris, quid dicas, noli ignoscere haesitationi meae. Ego vero velim mihi Tulliaeque meae, sicut tu amicissime et suavissime optas, prospere evenire ea, quae me insciente facta sunt a meis; sed ita cecidisse, ut agerentur eo tempore, spero omnino cum aliqua felicitate et opto, verumtamen plus me in hac spe tua sapientia et humanitas consolatur quam opportunitas temporis: itaque, quemadmodum expediam exitum huius institutae orationis, non reperio; neque enim tristius dicere quidquam debeo ea de re, quam tu ipse ominibus optimis rosequeris, neque non me tamen mordet aliquid. In quo unum non vereor, ne tu parum perspicias ea, *quae* gesta sunt, ab aliis esse gesta, quibus ego ita mandaram, ut, cum tam longe afuturus essem, ad me ne referrent, agerent, quod probassent. In hoc autem mihi illud occurrit: “quid tu igitur, si affuisses?” rem probassem, de tempore, nihil te invito, nihil sine consilio egissem tuo. Vides sudare me iamdudum laborantem, quomodo ea tuear, quae mihi tuenda sunt, ut te non offendam: leva me igitur hoc onere; numquam enim mihi videor tractasse causam difficiliorem. Sic habeto tamen: nisi iam tunc omnia negotia cum summa tua dignitate diligentissime confecissem, tametsi nihil videbatur ad meum erga te pristinum studium addi posse, tamen hac mihi affinitate nuntiata non maiore equidem studio, sed acrius, apertius, significantius dignitatem tuam defendissem. Decedenti mihi et iam imperio annuo terminato ante d. III. Nonas Sext., cum ad Sidam navi accederem et mecum Q. Servilius esset, litterae a meis sunt redditae: dixi statim Servilio — etenim videbatur esse commotus — , ut omnia a me maiora exspectaret; quid multa? benevolentior tibi, quam fui, nihilo sum factus, diligentior ad declarandam benevolentiam multo; nam, ut vetus nostra simultas antea stimulabat me, ut caverem, ne cui suspicionem ficte reconciliatae gratiae darem, sic affinitas nova nunc curam mihi affert cavendi, ne quid de summo meo erga te amore detractum esse

videatur.

XIII. Scr. in Asia mense Septembri a.u.c. 704.

M. CICERO AP. PULCHRO S.

Quasi divinarem tali in officio fore mihi aliquando expetendum studium tuum, sic, cum de tuis rebus gestis agebatur, inserviebam honori tuo; dicam tamen vere: plus, quam acceperas, reddidisti; quis enim ad me non perscripsit te non solum auctoritate, oratione, sententia tua, quibus ego a tali viro contentus eram, sed etiam opera consilio, domum veniendo conveniendis meis nullum onus officii cuiquam reliquum fecisse? Haec mihi ampliora multo sunt quam illa ipsa, propter quae haec laborantur; insignia enim virtutis multi etiam sine virtute assecuti sunt, talium virorum tanta studia assequi sola virtus potest. Itaque mihi propono fructum amicitiae nostrae ipsam amicitiam, qua nihil est uberius, praesertim in iis studiis, quibus uterque nostrum devinctus est; nam tibi me profiteor et in re publica socium, de qua idem sentimus, et in quotidiana vita coniunctum, quam his artibus studiisque colimus. Vellem ita fortuna tulisset, ut, quanti ego omnes tuos facio, tanti tu meos facere posses, quod tamen ipsum nescio qua permotus animi divinatione non despero. Sed hoc nihil ad te; nostrum est onus. Illud velim sic habeas, quod intelliges, hac re novata additum potius aliquid ad meum erga te studium, quo nihil videbatur addi posse, quam quidquam esse detractum. Cum haec scribebam, censorem iam te esse sperabam: eo brevior est epistula et, ut adversus magistrum morum, modestior.

LIBER QVARTVS

Ad Ser. Sulpicium et CeterosI. Scr. in Cumano exeunte mense Aprili a.u.c. 705.

M. CICERO S. D. SER. SULPICIO.

C. Trebatius, familiaris meus, ad me scripsit te ex se quaesisse, quibus in locis essem, molesteque te ferre, quod me propter valetudinem tuam, cum ad urbem accessissem, non vidisses, et hoc tempore velle te mecum, si propius accessissem, de officio utriusque nostrum communicare. Utinam, Servi, salvis rebus — sic enim est dicendum — colloqui potuissemus inter nos! profecto aliquid opis occidenti rei publicae tulissemus: cognoram enim iam absens te haec mala multo ante providentem defensorem pacis et in consulatu tuo et post consulatum fuisse; ego autem, cum consilium tuum probarem et idem ipse sentirem, nihil proficiebam, sero enim veneram, solus eram, rudis esse videbar in causa, incideram in hominum pugnandi cupidorum insanias. Nunc, quoniam nihil iam videmur opitulari posse rei publicae, si quid est, in quo nobismet ipsis consulere possimus, non ut aliquid ex pristino statu nostro retineamus, sed ut quam honestissime lugeamus, nemo est omnium, quicum potius mihi quam tecum communicandum putem; nec enim clarissimorum virorum, quorum similes esse debemus, exempla neque doctissimorum, quos semper coluisti, praecepta te fugiunt. Atque ipse antea ad te scripsissem te frustra in senatum sive potius in conventum senatorum esse venturum, ni veritus essem, ne eius animum offenderem, qui a me, ut te imitarer, petebat: cui quidem ego, cum me rogaret, ut adessem in senatu, eadem omnia, quae a te de pace et de Hispaniis dicta sunt, ostendi me esse dicturum. Res vides quomodo se habeat: orbem terrarum imperiis distributis ardere bello; urbem sine legibus, sine iudiciis, sine iure, sine fide relictam direptioni et incendiis: itaque mihi venire in mentem nihil potest non modo, quod sperem, sed vix, iam quod audeam optare; sin autem tibi, homini prudentissimo, videtur utile esse nos colloqui, quamquam longius etiam cogitabam ab urbe discedere, cuius iam

etiam nomen invitus audio, tamen propius accedam, Trebatioque mandavi, ut, si quid tu eum velles ad me mittere, ne recusaret, idque ut facias velim aut si quem tuorum fidelium voles, ad me mittas, ne aut tibi exire ex urbe necesse sit aut mihi accedere. Ego tantum tibi tribuo, quantum mihi fortasse arrogo, ut exploratum habeam, quidquid nos communi sententia statuerimus, id omnes homines probaturos. Vale.

II. Scr. in Cumano exeunte mense Aprili (a. d. III. K. Maias) a.u.c. 705.

M. CICERO S. D. SER. SULPICIO.

A. d. III. Kal. Maias cum essem in Cumano, accepi tuas litteras, quibus lectis cognovi non satis prudenter fecisse Philotimum, qui, cum abs te mandata haberet, ut scribis, de omnibus rebus, ipse ad me non venisset, litteras tuas misisset, quas intellexi breviores fuisse, quod eum perlaturum putasses; sed tamen, postquam tuas litteras legi, Postumia tua me convenit et Servius noster: his placuit, ut tu in Cumanum venires, quod etiam mecum ut ad te scriberem egerunt. Quod meum consilium exquiris, id est tale, ut capere facilius ipse possim quam alteri dare; quid enim est, quod audeam suadere tibi, homini summa auctoritate summaque prudentia? si, quid rectissimum sit, quaerimus, perspicuum est, si, quid maxime expediat, obscurum; sin ii sumus, qui profecto esse debemus, ut nihil arbitremur expedire, nisi quod rectum honestumque sit, non potest esse dubium, quid faciendum nobis sit. Quod existimas meam causam coniunctam esse cum tua, certe similis in utroque nostrum, cum optime sentiremus, error fuit: nam omnia utriusque consilia ad concordiam spectaverunt, qua cum ipsi Caesari nihil esset utilius, gratiam quoque nos inire ab eo defendenda pace arbitrabamur; quantum nos fefellerit et quem in locum res deducta sit, vides. Neque solum ea perspicis, quae geruntur quaeque iam gesta sunt, sed etiam qui cursus rerum, qui exitus futurus sit: ergo aut probare oportet ea, quae fiunt, aut interesse, etiamsi non probes; quorum altera mihi turpis, altera etiam periculosa ratio videtur. Restat, ut discedendum putem; in quo reliqua videtur esse deliberatio, quod consilium in discessu, quae loca sequamur.

Omnino cum miserior res numquam accidit, tum ne deliberatio quidem difficilior; nihil enim constitui potest, quod non incurrat in magnam aliquam difficultatem. Tu, si videbitur, ita censeo facias, ut, si habes iam statutum, quid tibi agendum putes, in quo non sit coniunctum consilium tuum cum meo, supersedeas hoc labore itineris; sin autem est, quod mecum communicare velis, ego te exspectabo. Tu, quod tuo commodo fiat, quam primum velim venias, sicut intellexi et Servio et Postumiae placere. Vale.

III. Scr. Romae exeunte mense Septembri a.u.c. 708.

M. CICERO S. D. SER. SULPICIO.

Vehementer te esse sollicitum et in communibus miseriis praecipuo quodam dolore angi multi ad nos quotidie deferunt; quod quamquam minime miror et meum quodammodo agnosco, doleo tamen te sapientia praeditum prope singulari non tuis bonis delectari potius quam alienis malis laborare. Me quidem, etsi nemini concedo, qui maiorem ex pernicie et peste rei publicae molestiam traxerit, tamen multa iam consolantur maximeque conscientia consiliorum meorum; multo enim ante tamquam ex aliqua specula prospexi tempestatem futuram, neque id solum mea sponte, sed multo etiam magis monente et denuntiante te; etsi enim afui magnam partem consulatus tui, tamen et absens cognoscebam, quae esset tua in hoc pestifero bello cavendo et praedicendo sententia, et ipse affui primis temporibus tui consulatus, cum accuratissime monuisti senatum collectis omnibus bellis civilibus, ut et illa timerent, quae meminissent, et scirent, cum superiores nullo tali exemplo antea in re publica cognito tam crudeles fuissent, quicumque postea rem publicam oppressisset armis, multo intolerabiliorem futurum; nam, quod exemplo fit, id etiam iure fieri putant, sed aliquid atque adeo multa addunt et afferunt de suo. Quare meminisse debes eos, qui auctoritatem et consilium tuum non sint secuti, sua stultitia occidisse, cum tua prudentia salvi esse potuissent. Dices: “quid me ista res consolatur in tantis tenebris et quasi parietinis rei publicae?” Est omnino vix consolabilis dolor — tanta est omnium rerum amissio et desperatio recuperandi — ; sed tamen et Caesar ipse ita de te iudicat et omnes cives sic existimant, quasi

lumen aliquod exstinctis ceteris elucere sanctitatem et prudentiam et dignitatem tuam: haec tibi ad levandas molestias magna esse debent. Quod autem a tuis abes, id eo levius ferendum est, quod eodem tempore a multis et magnis molestiis abes; quas ad te omnes perscriberem, nisi vererer, ne ea cognosceres absens, quae quia non vides, mihi videris meliore esse condicione quam nos, qui videmus. Hactenus existimo nostram consolationem recte adhibitam esse, quoad certior ab homine amicissimo fieres iis de rebus, quibus levari possent molestiae tuae. Reliqua sunt in te ipso neque mihi ignota nec minima solatia, ut quidem ego sentio, multo maxima: quae ego experiens quotidie sic probo, ut ea mihi salutem afferre videantur; te autem ab initio aetatis memoria teneo summe omnium doctrinarum studiosum fuisse omniaque, quae a sapientissimis viris ad bene vivendum tradita essent, summo studio curaque didicisse; quae quidem vel optimis rebus et usui et delectationi esse possent, his vero temporibus habemus aliud nihil, in quo acquiescamus. Nihil faciam insolenter neque te tali vel scientia vel natura praeditum hortabor, ut ad eas te referas artes, quibus a primis temporibus aetatis studium tuum dedisti: tantum dicam, quod te spero approbaturum, me, posteaquam illi arti, cui studueram, nihil esse loci neque in curia neque in foro viderem, omnem meam curam atque operam ad philosophiam contulisse. Tuae scientiae excellenti ac singulari non multo plus quam nostrae relictum est loci; quare non equidem te moneo, sed mihi ita persuasi, te quoque in iisdem versari rebus, quae, etiamsi minus prodessent, animum tamen a sollicitudine abducerent. Servius quidem tuus in omnibus ingenuis artibus in primisque in hac, in qua ego me scripsi acquiescere, ita versatur, ut excellat; a me vero sic diligitur, ut tibi uni concedam, praeterea nemini, mihique ab eo gratia refertur, in quo ille existimat, quod facile appareat, cum me colat et observet, tibi quoque in eo se facere gratissimum.

IV. Scr. Romae exeunte mense Septembri a.u.c. 708.

M. CICERO S. D. SER. SULPICIO.

Accipio excusationem tuam, qua usus es, cur saepius ad me litteras uno exemplo dedisses, sed accipio ex ea parte, quatenus aut

negligentia aut improbitate eorum, qui epistulas accipiant, fieri scribis, ne ad nos perferantur: illam partem excusationis, qua te scribis orationis paupertate — sic enim appellas — iisdem verbis epistulas saepius mittere, nec nosco nec probo, et ego ipse, quem tu per iocum — sic enim accipio — divitias orationis habere dicis, me non esse verborum admodum inopem agnosco — eÞroneÊesthai enim non necesse est — , sed tamen idem — nec hoc eÞroneuÒmenow — facile cedo tuorum scriptorum subtilitati et elegantiae. Consilium tuum, quo te usum scribis hoc Achaicum negotium non recusavisse, cum semper probavissem, tum multo magis probavi lectis tuis proximis litteris; omnes enim causae, quas commemoras, iustissimae sunt tuaque et auctoritate et prudentia dignissimae. Quod aliter cecidisse rem existimas, atque opinatus esses, id tibi nullo modo assentior; sed, quia tanta perturbatio et confusio est rerum, ita perculsa et prostrata foedissimo bello iacent omnia, ut is cuique locus, ubi ipse sit, et sibi quisque miserrimus esse videatur, propterea et tui consilii poenitet te et nos, qui domi sumus, tibi beati videmur, at contra nobis non tu quidem vacuus molestiis, sed prae nobis beatus. Atque hoc ipso melior est tua quam nostra condicio, quod tu, quid doleat, scribere audes, nos ne id quidem tuto possumus, nec id victoris vitio, quo nihil moderatius, sed ipsius victoriae, quae civilibus bellis semper est insolens. Uno te vincimus, quod de Marcelli, collegae tui, salute paullo ante quam tu cognovimus, etiam mehercule quod, quemadmodum ea res ageretur, vidimus: nam sic fac existimes, post has miserias, id est postquam armis disceptari coeptum est de iure publico, nihil esse actum aliud cum dignitate; nam et ipse Caesar accusata acerbitate Marcelli — sic enim appellabat-laudataque honorificentissime et aequitate tua et prudentia repente praeter spem dixit se senatui roganti de Marcello ne hominis quidem causa negaturum; fecerat autem hoc senatus, ut, cum a L. Pisone mentio esset facta de Marcello et C. Marcellus se ad Caesaris pedes abiecisset, cunctus consurgeret et ad Caesarem supplex accederet. Noli quaerere: ita mihi pulcher hic dies visus est, ut speciem aliquam viderer videre quasi reviviscentis rei publicae. Itaque, cum omnes ante me rogati gratias Caesari egissent praeter Volcatium — is enim, si eo loco esset, negavit se facturum fusisse — , ego rogatus mutavi meum consilium; nam statueram non mehercule

inertia, sed desiderio pristinae dignitatis in perpetuum tacere: fregit hoc meum consilium et Caesaris magnitudo animi et senatus officium; itaque pluribus verbis egi Caesari gratias, meque metuo ne etiam in ceteris rebus honesto otio privarim, quod erat unum solacium in malis; sed tamen, quoniam effugi eius offensionem, qui fortasse arbitraretur me hanc rem publicam non putare, si perpetuo tacerem, modice hoc faciam aut etiam intra modum, ut et illius voluntati et meis studiis serviam: nam, etsi a prima aetate me omnis ars et doctrina liberalis et maxime philosophia delectavit, tamen hoc studium quotidie ingravescit, credo et aetatis maturitate ad prudentiam et iis temporum vitiis, ut nulla res alia levare animum molestiis possit; a quo studio te abduci negotiis intelligo ex tuis litteris, sed tamen aliquid iam noctes te adiuvabunt. Servius tuus vel potius noster summa me observantia colit, cuius ego cum omni probitate summaque virtute, tum studiis doctrinaque delector. Is mecum saepe de tua mansione aut decessione communicat: adhuc in hac sum sententia, nihil ut faciamus, nisi quod maxime Caesar velle videatur. Res sunt eiusmodi, ut, si Romae sis, nihil te praeter tuos delectare possit; de reliquis, nihil melius ipso est, ceteri et cetera eiusmodi, ut, si alterum utrum necesse sit, audire ea malis quam videre. Hoc nostrum consilium nobis minime iucundum est, qui te videre cupimus, sed consulimus tibi. Vale.

V. Scr. Athenis mense Aprili a.u.c. 709.

SERVIUS CICERONI S.

Posteaquam mihi renuntiatum est de obitu Tulliae, filiae tuae, sane quam pro eo, ac debui, graviter molesteque tuli communemque eam calamitatem existimavi, qui, si istic affuissem, neque tibi defuissem coramque meum dolorem tibi declarassem. Etsi genus hoc consolationis miserum atque acerbum est, propterea quia, per quos ea confieri debet propinquos ac familiares, ii ipsi pari molestia afficiuntur neque sine lacrimis multis id conari possunt, uti magis ipsi videantur aliorum consolatione indigere quam aliis posse suum officium praestare, tamen, quae in praesentia in mentem mihi venerunt, decrevi brevi ad te perscribere, non quo ea te fugere

existimem, sed quod forsitan dolore impeditus minus ea perspicias. Quid est, quod tanto opere te commoveat tuus dolor intestinus? Cogita, quemadmodum adhuc fortuna nobiscum egerit: ea nobis erepta esse, quae hominibus non minus quam liberi cara esse debent, patriam, honestatem, dignitatem, honores omnes. Hoc uno incommodo addito quid ad dolorem adiungi potuit? aut qui non in illis rebus exercitatus animus callere iam debet atque omnia minoris existimare? An illius vicem, credo, doles? Quoties in eam cogitationem necesse est et tu veneris et nos saepe incidimus, hisce temporibus non pessime cum iis esse actum, quibus sine dolore licitum est mortem cum vita commutare? Quid autem fuit, quod illam hoc tempore ad vivendum magno opere invitare posset? quae res? quae spes? quod animi solatium? Ut cum aliquo adolescente primario coniuncta aetatem gereret? licitum est tibi, credo, pro tua dignitate ex hac iuventute generum deligere, cuius fidei liberos tuos te tuto committere putares. An ut ea liberos ex sese pareret, quos cum florentes videret laetaretur? qui rem a parente traditam per se tenere possent, honores ordinatim petituri essent, in re publica, in amicorum negotiis libertate sua usuri? quid horum fuit, quod non, priusquam datum est, ademptum sit? “At vero malum est liberos amittere.” Malum: nisi hoc peius est, haec sufferre et perpeti. Quae res mihi non mediocrem consolationem attulerit, volo tibi commemorare, si forte eadem res tibi dolorem minuere possit. Ex Asia rediens cum ab Aegina Megaram versus navigarem, coepi regiones circumcirca prospicere: post me erat Aegina, ante me Megara, dextra Piraeeus, sinistra Corinthus, quae oppida quodam tempore florentissima fuerunt, nine prostrata et diruta ante oculos iacent. Coepi egomet mecum sic cogitare: “hem! nos homunculi indignamur, si quis nostrum interiit aut occisus est, quorum vita brevior esse debet, cum uno loco tot oppidum cadavera proiecta iacent? Visne tu te, Servi, cohibere et meminisse hominem te esse natum?” Crede mihi, cogitatione ea non mediocriter sum confirmatus. Hoc idem, si tibi videtur, fac ante oculos tibi proponas: modo uno tempore tot viri clarissimi interierunt, de imperio populi Romani tanta deminutio facta est, omnes provinciae conquassatae sunt; in unius mulierculae animula si iactura facta est, tanto opere commoveris? quae si hoc tempore non diem suum obisset, paucis post annis tamen ei

moriendum fuit, quoniam homo nata fuerat. Etiam tu ab hisce rebus animum ac cogitationem tuam avoca atque ea potius reminiscere, quae digna tua persona sunt: illam, quamdiu ei opus fuerit, vixisse, una cum re publica fuisse, te, patrem suum, praetorem, consulem, augurem vidisse, adolescentibus primariis nuptam fuisse, omnibus bonis prope perfunctam esse; cum res publica occideret, vita excessisse: quid est, quod tu aut illa cum fortuna hoc nomine queri possitis? Denique noli te oblivisci Ciceronem esse et eum, qui aliis consueris praecipere et dare consilium, neque imitari malos medicos, qui in alienis morbis profitentur tenere se medicinae scientiam, ipsi se curare non possunt, sed potius, quae aliis praecipere soles, ea tute tibi subiice atque apud animum propone. Nullus dolor est, quem non longinquitas temporis minuat ac molliat: hoc te exspectare tempus tibi turpe est ac non ei rei sapientia tua te occurrere. Quod si qui etiam inferis sensus est, qui illius in te amor fuit pietasque in omnes suos, hoc certe illa te facere non vult. Da hoc illi mortuae, da ceteris amicis ac familiaribus, qui tuo dolore maerent, da patriae, ut, si qua in re opus sit, opera et consilio tuo uti possit. Denique, quoniam in eam fortunam devenimus, ut etiam huic rei nobis serviendum sit, noli committere, ut quisquam te putet non tam filiam quam rei publicae tempora et aliorum victoriam lugere. Plura me ad te de hac re scribere pudet, ne videar prudentiae tuae diffidere; quare, si hoc unum proposuero, finem faciam scribendi: vidimus aliquoties secundam pulcherrime te ferre fortunam magnamque ex ea re te laudem apisci; fac aliquando intelligamus adversam quoque te aeque ferre posse neque id maius, quam debeat, tibi onus videri, ne ex omnibus virtutibus haec una tibi videatur deesse. Quod ad me attinet, cum te tranquilliorem animo esse cognoro, de iis rebus, quae hic geruntur, quemadmodumque se provincia habeat, certiorem faciam. Vale.

VI. Scr. Asturae mense Aprili a.u.c. 709.

M. CICERO S. D. SER. SULPICIO.

Ego vero, Servi, vellem, ut scribis, in meo gravissimo casu affuisses; quantum enim praesens me adiuvare potueris et consolando et prope

aeque dolendo, facile ex eo intelligo, quod litteris lectis aliquantum acquievi, nam et ea scripsisti, quae levare luctum possent, et in me consolando non mediocrem ipse animi dolorem adhibuisti: Servius tamen tuus omnibus officiis, quae illi tempori tribui potuerunt, declaravit et quanti ipse me faceret et quam suum talem erga me animum tibi gratum putaret fore; cuius officia iucundiora scilicet saepe mihi fuerunt, numquam tamen gratiora. Me autem non oratio tua solum et societas paene aegritudinis, sed etiam auctoritas consolatur; turpe enim esse existimo me non ita ferre casum meum, ut tu, tali sapientia praeditus, ferendum putas; sed opprimor interdum et vix resisto dolori, quod ea me solatia deficiunt, quae ceteris, quorum mihi exempla propono, simili in fortuna non defuerunt: nam et Q. Maximus, qui filium consularem, clarum virum et magnis rebus gestis, amisit, et L. Paullus, qui duo septem diebus, et vester Gallus et M. Cato, qui summo ingenio, summa virtute filium perdidit, iis temporibus fuerunt, ut eorum luctum ipsorum dignitas consolaretur ea, quam ex re publica consequebantur; mihi autem amissis ornamentis iis, quae ipse commemoras quaeque eram maximis laboribus adeptus, unum manebat illud solatium, quod ereptum est: non amicorum negotiis, non rei publicae procuratione impediebantur cogitationes meae, nihil in foro agere libebat, aspicere curiam non poteram, existimabam, id quod erat, omnes me et industriae meae fructus et fortunae perdidisse: sed, cum cogitarem haec mihi tecum et cum quibusdam esse communia, et cum frangerem iam ipse me et cogerem illa ferre toleranter, habebam, quo confugerem, ubi conquiescerem, cuius in sermone et suavitate omnes curas doloresque deponerem: nunc autem hoc tam gravi vulnere etiam illa, quae consanuisse videbantur, recrudescunt; non enim, ut tum me a re publica maestum domus excipiebat, quae levaret, sic nunc domo maerens ad rem publicam confugere possum, ut in eius bonis acquiescam. Itaque et domo absum et foro, quod nec eum dolorem, quem ad re publica capio, domus iam consolari potest nec domesticum res publica. Quo magis te exspecto teque videre quam primum cupio — maior enim levatio mihi afferri nulla potest quam coniunctio consuetudinis sermonumque nostrorum — ; quamquam sperabam tuum adventum — sic enim audiebam — appropinquare. Ego autem cum multis de causis te exopto quam primum videre, tum

etiam, ut ante commentemur inter nos, qua ratione nobis traducendum sit hoc tempus, quod est totum ad unius voluntatem accommodandum et prudentis et liberalis et, ut perspexisse videor, nec a me alieni et tibi amicissimi; quod cum ita sit, magnae tamen est deliberationis, quae ratio sit ineunda nobis non agendi aliquid, sed illius concessu et beneficio quiescendi. Vale.

VII. Scr. Romae (post VII. Kal. Sext.) a.u.c. 708.

M. CICERO S. D. M. MARCELLO.

Etsi eo te adhuc consilio usum intelligo, ut id reprehendere non audeam, non quyin ab eo ipse dissentiam, sed quod ea te sapientia esse iudicem, ut meum consilium non anteponam tuo, tamen et anicitiae nostrae vetustas et tua summa erga me benevolentia, quae mihi iam a pueritia tua cognita est, me hortata est, ut ea scriberem ad te, quae et saluti tuae conducere arbitrarer et non aliena esse ducerem a dignitate. Ego eum te esse, qui horum malorum initia multo ante videris, consulatum magnificentissime atque optime gesseris, praeclare memini; sed idem etiam illa vidi, neque te consilium civilis belli ita gerendi nec copias Cn. Pompeii nec genus exercitus probare semperque summe diffidere, qua in sententia me quoque fuisse memoria tenere te arbitror. Itaque neque tu multum interfuisti rebus gerendis et ego id semper egi, ne interessem; non enim iis rebus pugnabamus, quibus valere poteramus, consilio, auctoritate, causa, quae erant in nobis superiora, sed lacertis et viribus, quibus pares non eramus: victi sumus igitur aut, si vinci dignitas non potest, fracti certe et abiecti; in quo tuum consilium nemo potest non maxime laudare, quod cum spe vincendi simul abiecisti certandi etiam cupiditatem ostendistique sapientam et bonum civem initia velli civilis invitum suscipere, extrema libenter non persequi. Qui non idem consilium, quod tu, secuti sunt, eos video in duo genera esse distractos; aut enim renovare bellum conati sunt, hique se in Africam contulerunt, aut, quemadmodum nos, victori sese crediderunt: medium quoddam tuum consilium fuit, qui hoc fortasse humilis animi duceres, illud pertinacis. Fateor a plerisque vel dicam ab omnibus sapiens tuum consilium, a multis etiam magni ac fortis

animi iudicatum; sed habet ista ratio, ut mihi quidem videtur, quendam modum, praesertim cum nihil tibi deesse arbitrer ad tuas fortunas omnes obtinendas praeter voluntatem; sic enim intellexi, nihil aliud esse, quod dubitationem afferret ei, penes quem est potestas, nisi quod vereretur, ne tu illud beneficium omnino non putares; de quo quid sentiam, nihil attinet dicere, cum appareat, ipse quid fecerim. Sed tamen, si iam ita constituisses, ut abesse perpetuo malles quam ea, quae nolles, videre, tamen id cogitare deberes, ubicumque esses, te fore in eius ipsius, quem fugeres, potestate: qui si facile passurus esset te carentem patria et fortunis tuis quiete et libere vivere, cogitandum tibi tamen esset, Romaene et domi tuae, cuicuimodi res esset, an Mytilenis aut Rhodi malles vivere; sed, cum ita late pateat eius potestas, quem veremur, ut terrarum orbem complexa sit, nonne mavis sine periculo tuae domi esse quam cum periculo alienae? Equidem, etiamsi oppetenda mors esset, domi atque in patria mallem quam in externis atque alienis locis; hoc idem omnes, qui te diligunt, sentiunt, quorum est magna pro tuis maximis clarissimisque virtutibus multitudo. Habemus etiam rationem rei familiaris tuae, quam dissipari nolumus; nam, etsi nullam potest accipere iniuriam, quae futura perpetua sit, propterea quod neque is, qui tenet rem publicam, patietur neque ipsa res publica, tamen impetum praedonum in tuas fortunas fieri nolo, hi autem qui essent, auderem scribere, nisi te intelligere confiderem. Hic te unius sollicitudines, unius etiam multae et assiduae lacrimae, C. Marcelli, fratris optimi, deprecantur: nos cura et dolore proximi sumus, precibus tardiores, quod ius adeundi, cum ipsi deprecatione eguerimus, non habemus, gratia tantum possumus, quantum victi; sed tamen consilio, studio Marcello non desumus. A tuis reliquis non adhibemur; ad omnis parati sumus.

VIII. Scr. Romae (post VII. Kal. Sext.) a.u.c. 708.

M. CICERO S. D. M. MARCELLO.

Neque monere te audeo praestanti prudentia virum nec confirmare maximi animi hominem unumque fortissimum, consolari vero nullo modo; nam, si ea, quae acciderunt, ita fers, ut audio, gratulari magis

virtuti debeo quam consolari dolorem tuum, sin te tanta mala rei publicae frangunt, non ita abundo ingenio, ut te consoler, cum ipse me non possim. Reliquum est igitur, ut tibi me in omni re eum praebeam praestemque et ad omnia, quae tui velint, ita sim praesto, ut me non solum omnia debere tua causa, que possim, sed etiam quae non possim, putem. Illud tamen vel tu me monuisse vel censuisse puta vel propter benevolentiam tacere non potuisse, ut, quod ego facio, tu quoque animum inducas, si sit aliqua res publica, in ea te esse oportere, iudicio hominum reque principem, necessitate cedentem tempori, sin autem nulla sit, hunc tamen aptissimum esse etiam ad exsulandum locum; si enim libertatem sequimur, qui locus hoc dominatu vacat? sin qualemcumque locum, quae est domestica sede iucundior? Sed mihi crede, etiam is, qui omnia tenet, favet ingeniis, nobilitatem vero et dignitates hominum, quantum ei res et ipsius causa concedit, amplectitur. Sed plura, quam statueram; redeo ergo ad unum illud, me tuum esse: fore cum tuis, si modo erunt tui, si minus, me certe in omnibus rebus satis nostrae coniunctioni amorique facturum. Vale.

IX. Scr. Romae (post VII. K. Sext.) a.u.c. 708.

M. CICERO S. D. M. MARCELLO.

Etsi perpaucis ante diebus dederam Q. Mucio litteras ad te pluribus verbis scriptas, quibus declaraveram, quo te animo censerem esse oportere et quid tibi faciendum arbitrarer, tamen, cum Theophilus, libertus tuus, proficisceretur, cuius ego fidem erga te benevolentiamque perspexeramn, sine meis litteris eum ad te venire nolui. Iisdem igitur te rebus etiam atque etiam hortor, quibus superioribus litteris hortatus sum, ut in ea re publica, quaecumque est, quam primum velis esse: multa videbis fortasse, quae nolis, non plura tamen, quam audis quotidie; non est porro tuum uno sensu solum oculorum moveri, cum idem illud auribus percipias — quod etiam maius videri solet — , minus laborare. At tibi ipsi dicendum erit aliquid, quod non sentias, aut faciendum, quod non probes. Primum tempori cedere, id est necessitati parere, semper sapientis est habitum; deinde non habet, ut nunc quidem est, id vitii res: dicere

fortasse, quae sentias, non licet, tacere plane licet; omnia enim delata ad unum sunt: is utitur consilio ne suorum quidem, sed suo; quod non multo secus fieret, si is rem publicam teneret, quem secuti sumus: an, qui in bello, cum omnium nostrum coniunctum esset periculum, suo et certorum hominum minime prudentium consilio uteretur, eum magis communem censemus in victoria futurum fuisse, quam incertis in rebus fuisset? et, qui nec te consule tuum sapientissimum consilium secutus esset nec fratre tuo consulatum ex auctoritate tua gerente vobis auctoribus uti voluerit, nunc omnia tenentem nostras sententias desideraturum censes fuisse? Omnia sunt misera in bellis civilibus — quae maiores nostri ne semel quidem, nostra aetas saepe iam sensit — ; sed miserius nihil quam ipsa victoria, quae, etiamsi ad meliores venit, tamen eos ipsos ferociores impotentioresque reddit, ut, etiamsi natura tales non sint, necessitate esse cogantur; multa enim victori eorum arbitrio, per quos vicit, etiam invito facienda sunt. An tu non videbas mecum simul, quam illa crudelis esset futura victoria? igitur tum quoque careres patria, ne, quae nolles, videres? "Non," inquies, "ego enim ipse tenerem opes et dignitatem meam." At erat tuae virtutis in minimis tuas res ponere, de re publica vehementius laborare. Deinde qui finis istius consilii est? nam adhuc et factum tuum probatur et, ut in tali re, etiam fortuna laudatur: factum, quod et initium belli necessario secutus sis et extrema sapienter persequi nolueris; fortuna, quod honesto otio tenueris et statum et famam dignitatis tuae: nunc vero nec locus tibi ullus dulcior esse debet patria nec eam diligere minus debes, quod deformior est, sed misereri potius nec eam multis claris viris orbatam privare etiam aspectu tuo. Denique, si fuit magni animi non esse supplicem victori, vide, ne superbi sit aspernari eiusdem liberalitatem, et, si sapientis est carere patria, duri non desiderare, et, si re publica non possis frui, stultum est nolle privata. Caput illud est, ut, si ista vita tibi commodior esse videatur, cogitandum tamen sit, ne tutior non sit: magna gladiorum est licentia, sed in externis locis minor etiam ad facinus verecundia. Mihi salus tua tantae curae est, ut Marcello, fratri tuo, aut par aut certe proximus sim; tuum est consulere temporibus et incolumitati et vitae et fortunis tuis.

X. Scr. Romae mense Ianuario a.u.c. 709.

CICERO MARCELLO S.

Etsi nihil erat novi, quod ad te scriberem, magisque litteras tuas iam exspectare incipiebam vel te potius ipsum, tamen, cum Theophilus proficisceretur, non potui nihil ei litterarum dare: cura igitur, ut quam primum venias; venies enim, mihi crede, exspectatus, neque solum nobis, id est, tuis, sed prorsus omnibus; venit enim mihi in mentem subvereri interdum, ne te delectet tarda decessio. Quod si nullum haberes sensum nisi oculorum, prorsus tibi ignoscerem, si quosdam nolles videre, sed, cum leviora non multo essent, quae audirentur, quam quae viderentur, suspicarer autem multum interesse rei familiaris tuae te quam primum venire idque in omnes partes valeret, putavi ea de re te esse admonendum. Sed, quoniam, quid mihi placeret, ostendi, reliqua tu pro tua prudentia considerabis; me tamen velim, quod ad tempus te exspectemus, certiorem facias.

XI. Scr. Mytilenis exeunte anno a.u.c. 708.

MARCELLUS CICERONI S. PLURIMAM.

Valuisse apud me tuam semper auctoritatem cum in omni re tum in hoc maxime negotio potes existimare: cum mihi C. Marcellus, frater amantissimus mei, non solum consilium daret, sed precibus quoque me obsecraret, non prius mihi persuadere potuit, quam tuis est effectum litteris, ut uterer vestro potissimum consilio. Res quemadmodum sit acta, vestrae litterae mihi declarant. Gratulatio tua etsi est mihi probatissima, quod ab optimo fit animo, tamen hoc mihi multo iucundius est et gratius, quod in summa paucitate amicorum, propinquorum ac necessariorum, qui vere meae saluti faverent, te cupidissimum mei singularemque mihi benevolentiam praestitisse cognovi. Reliqua sunt eiusmodi, quibus ego, quoniam haec erant tempora, facile et aequo animo carebam; hoc vero eiusmodi esse statuo, ut sine talium virorum et amicorum benevolentia neque in adversa neque in secunda fortuna quisquam vivere possit: itaque in hoc ego mihi gratulor; tu vero ut intelligas homini amicissimo te tribuisse officium, re tibi praestabo. Vale.

XII. Scr. Athenis pr. Kal. Iunias a.u.c. 709.

SERVIUS CICERONI SAL. PLUR.

Etsi scio non iucundissimum me nuntium vobis allaturum, tamen, quoniam casus et natura in nobis dominantur, visum est faciendum, ut, quoquo modo res se haberet, vos certiores facerem. A. d. X Kal. Iun., cum ab Epidauro Piraeeum navi advectus essem, ibi M. Marcellum, collegam nostrum, conveni eumque diem ibi consumpsi, ut cum eo essem. Postero die, cum ab eo digressus essem eo consilio, ut ab Athenis in Boeotiam irem reliquamque iurisdictionem absolverem, ille, uti aiebat, supra Maleas in Italiam versus navigaturus erat. Post diem tertium eius diei, cum ab Athenis proficisci in animo haberem, circiter hora decima noctis P. Postumius, familiaris eius, ad me venit et mihi nuntiavit M. Marcellum, collegam nostrum, post coenae tempus a P. Magio Cilone, familiari eius, pugione percussum esse et duo vulnera accepisse, unum in stomacho, alterum in capite secundum aurem; sperari tamen eum vivere posse; Magium se ipsum interfecisse postea; se a Marcello ad me missum esse, qui haec nuntiaret et rogaret, uti medicos cogerem. Coegi et e vestigio eo sum profectus prima luce. Cum non longe a Piraeeo abessem, puer Acidini obviam mihi venit cum codicillis, in quibus erat scriptum paullo ante lucem Marcellum diem suum obisse. Ita vir clarissimus ab homine deterrimo acerbissima morte est affectus, et, cui inimici propter dignitatem pepercerant, inventus est amicus, qui ei mortem offerret. Ego tamen ad tabernaculum eius perrexi: inveni duos libertos et pauculos servos; reliquos aiebant profugisse metu perterritos, quod dominus eorum ante tabernaculum interfectus esset. Coactus sum in eadem illa lectica, qua ipse delatus eram, meisque lecticariis in urbem eum referre, ibique pro ea copia, quae Athenis erat, funus ei satis amplum faciendum curavi. Ab Atheniensibus, locum sepulturae intra urbem ut darent, impetrare non potui, quod religione se impediri dicerent, neque tamen id antea cuiquam concesserant: quod proximum fuit, uti in quo vellemus gymnasio eum sepeliremus, nobis permiserunt. Nos in nobilissimo orbis terrarum gymnasio Academiae locum delegimus ibique eum combussimus posteaque curavimus, ut

eidem Athenienses in eodem loco monumentum ei marmoreum faciendum locarent. Ita, quae nostra officia fuerunt pro collegio et pro propinquitate, et vivo et mortuo omnia ei praestitimus. Vale. D. pr. Kal. Iun. Athenis.

XIII. Scr. Romae a.u.c. 708.

M. CICERO S. D. P. FIGULO.

Quaerenti mihi iamdiu, quid ad te potissimum scriberem, non modo certa res nulla, sed ne genus quidem litterarum usitatem veniebat in mentem; unam enim partem et consuetudinem earum epistularum, quibus secundis rebus uti solebamus, tempus eripuerat perfeceratque fortuna, ne quid tale scribere possem aut omnino cogitare: relinquebatur triste quoddam et miserum et his temporibus consentaneum genus litterarum; id quoque deficiebat me, in quo debebat esse aut promissio auxilii alicuis aut consolatio doloris tui. Quod pollicerer, non erat; ipse enim pari fortuna abiectus aliorum opibus casus meos sustentabam saepiusque mihi veniebat in mentem queri, quod ita viverem, quam gaudere, quod viverem; quamquam enim nulla me ipsum privatim pepulit insignis iniuria nec mihi quidquam tali tempore in mentem venit optare, quod non ultro mihi Caesar detulerit, tamen nihilo minus eis conficior curis, ut ipsum, quod maneam in vita, peccare me existimem; careo enim cum familiarissimis multis, quos aut mors eripuit nobis aut distraxit fuga, tum omnibus amicis, quorum benevolentiam nobis conciliarat per me quondam te socio defensa res publica, versorque in eorum naufragiis et bonorum direptionibus, nec audio solum, quod ipsum esset miserum, sed etiam video, quo nihil est acerbius, eorum fortunas dissipari, quibus nos olim adiutoribus illud incendium exstinximus, et, in qua urbe modo gratia, auctoritate, gloria floruimus, in ea nunc iis quidem omnibus caremus, obtinemus ipsius Caesaris summam erga nos humanitatem, sed ea plus non potest quam vis et mutatio omnium rerum atque temporum. Itaque orbus iis rebus omnibus, quibus et natura me et voluntas et consuetudo assuefecerat, cum ceteris, ut quidem videor, tum mihi ipse displiceo; natus enim ad agendum semper aliquid dignum viro nunc non modo agendi

rationem nullam habeo, sed ne cogitandi quidem, et, qui antea aut obscuris hominibus aut etiam sontibus opitulari poteram, nunc P. Nigidio, uni omnium doctissimo et sanctissimo et maxima quondam gratia et mihi certe amicissimo, ne benigne quidem polliceri possum. Ergo hoc ereptum est litterarum genus: reliquum est, ut consoler et afferam rationes, quibus te a molestiis coner abducere. At ea quidem facultas vel tui vel alterius consolandi in te summa est, si umquam in ullo fuit; itaque eam partem, quae ab exquisita quadam ratione et doctrina proficiscitur, non attingam, tibi totam relinquam: quid sit forti et sapienti homine dignum, quid gravitas, quid altitudo animi, quid acta tua vita, quid studia, quid artes, quibus a pueritia floruisti, a te flagitent, tu videbis; ego, quod intelligere et sentire, quia sum Romae et quia curo attendoque, possum, id tibi affirmo, te in istis molestiis, in quibus es hoc tempore, non diutius futurum, in iis autem, in quibus etiam nos sumus, fortasse semper fore. Videor mihi perspicere primum ipsius animum, qui plurimum potest, propensum ad salutem tuam — non scribo hoc temere: quo minus familiaris sum, hoc sum ad investigandum curiosior — : quo facilius, quibus est iratior, respondere tristius possit, hoc est adhuc tardior ad te molestia liberandum; familiares vero eius, et ii quidem, qui illi iucundissimi sunt, mirabiliter de te et loquuntur et sentiunt; accedit eodem vulgi voluntas vel potius consensus omnium; etiam illa, quae minimum nunc quidem potest, sed possit necesse est, res publica, quascumque vires habebit, ab iis ipsis, a quibus tenetur, de te propediem, mihi crede, impetrabit. Redeo igitur ad id, ut iam tibi etiam pollicear aliquid, quod primo omiseram: nam et complectar eius familiarissimos, qui me admodum diligunt multumque mecum sunt, et in ipsius me consuetudinem, quam adhuc meus pudor mihi clausit, insinuabo et certe omnes vias persequar, quibus putabo ad id, quod volumus, pervenire posse; in hoc toto genere plura faciam, quam scribere audeo. Ceteraque, quae tibi a multis prompta esse certo scio, a me sunt paratissima: nihil in re familiari mea est, quod ego meum malim esse quam tuum; hac de re et de hoc genere toto hoc scribo parcius, quod te id, quod ipse confido, sperare malo, te esse usurum tuis. Extremum illud est, ut te orem et obsecrem, animo ut maximo sis nec ea solum memineris, quae ab aliis magnis viris accepisti, sed illa etiam, quae ipse ingenio studioque peperisti; quae

si colliges, et sperabis omnia optime et, quae accident, qualiacumque erunt, sapienter feres. Sed haec tu melius vel optime omnium: ego, quae pertinere ad te intelligam, studiosissime omnia diligentissimeque curabo tuorumque tristissimo meo tempore meritorum erga me memoriam conservabo.

XIV. Scr. Romae (post K. Oct.) a.u.c. 708.

M. CICERO S. D. CN. PLANCIO.

Binas a te accepi litteras Corcyra datas, quarum alteris mihi gratulabare, quod audisses me meam pristinam dignitatem obtinere, alteris dicebas te velle, quae egissem, bene et feliciter evenire. Ego autem, si dignitas est bene de re publica sentire et bonis viris probare, quod sentias, obtineo dignitatem meam; sin autem in eo dignitas est, si, quod sentias, aut re efficere possis aut denique libera oratione defendere, ne vestigium quidem ullum est reliquum nobis dignitatis, agiturque praeclare, si nosmet ipsos regere possumus, ut ea, quae partim iam assunt, partim impendent, moderate feramus, quod est difficile in eiusmodi bello, cuius exitus ex altera parte caedem ostentat, ex altera servitutem: quo in periculo nonnihil me consolatur, cum recordor haec me tum vidisse, cum secundas etiam res nostras, non modo adversas, pertimescebam videbamque, quanto periculo de iure publico disceptaretur armis, quibus si ii vicissent, ad quos ego pacis spe, non belli cupiditate adductus accesseram, tamen intelligebam, et iratorum hominum et cupidorum et insolentium quam crudelis esset futura victoria, sin autem victi essent, quantus interitus esset futurus civium partim amplissimorum, partim etiam optimorum, qui me haec praedicentem atque optime consulentem saluti suae malebant nimium timidum quam satis prudentem existimari. Quod autem mihi de eo, quod egerim, gratularis, te ita velle certo scio; sed ego tam misero tempore nihil novi consilii cepissem, nisi in reditu meo nihilo meliores res domesticas quam rem publicam offendissem; quibus enim pro meis immortalibus beneficiis carissima mea salus et meae fortunae esse debebant, cum propter eorum scelus nihil mihi intra meos parietes tutum, nihil insidiis vacuum viderem, novarum me necessitudinum fidelitate

contra veterum perfidiam muniendum putavi. Sed de nostris rebus satis vel etiam nimium multa: de tuis velim ut eo sis animo, quo debes esse, id est, ut ne quid tibi praecipue timendum putes; si enim status erit aliquis civitatis, quicumque erit, te omnium periculorum video expertem fore; nam alteros tibi iam placatos esse intelligo, alteros numquam iratos fuisse. De mea autem in te voluntate sic velim iudices, me, quibuscumque rebus opus esse intelligam, quamquam videam, qui sim hoc tempore et quid possim, opera tamen et consilio, studio quidem certe, rei, famae, saluti tuae praesto futurum. Tu velim et quid agas et quid acturum te putes facias me quam diligentissime certiorem.

XV. Scr. Romae a.u.c. 708.

M. CICERO S. D. CN. PLANCIO.

Accepi perbreves tuas litteras, quibus id, quod scire cupiebam, cognoscere non potui, cognovi autem id, quod mihi dubium non fuit: nam, quam fortiter ferres communes miserias, non intellexi, quam me amares, facile perspexi; sed hoc scieram, illud si scissem, ad id meas litteras accommodavissem. Sed tamen, etsi antea scripsi, quae existimavi scribi oportere, tamen hoc te tempore breviter commonendum putavi, ne quo in periculo te proprio existimares esse: in magno omnes, sed tamen in communi sumus; quare non debes aut propriam fortunam et praecipuam postulare aut communem recusare. Quapropter eo animo simus inter nos, quo semper fuimus; quod de te sperare, de me praestare possum.

LIBER QVINTVS

Ad Q. Metellum et CeterosI. Scr. in Gallia citeriore a.u.c. 692.

Q. METELLUS Q. F. CELER PROCOS. S. D. M. TULLIO CICERONI.

Si vales, bene est. Existimaram pro mutuo inter nos animo et pro reconciliata gratia nec absentem me a te ludibrio laesum iri nec Metellum fratrem ob dictum capite ac fortunis per te oppugnatum iri; quem si parum pudor ipsius defendebat, debebat vel familiae nostrae dignitas vel meum studium erga vos remque publicam satis sublevare: nunc video illum circumventum, me desertum, a quibus minime conveniebat. Itaque in luctu et squalore sum, qui provinciae, qui exercitui praesum, qui bellum gero: quae quoniam nec ratione nec maiorum nostrorum clementia administrastis, non erit mirandum, si vos poenitebit. Te tam mobili in me meosque esse animo non speraram: me interea nec domesticus dolor nec cuiusquam iniuria ab re publica abducet.

II. Scr. Romae a.u.c. 692.

M. TULLIUS M. F. CICERO Q. METELLO Q. F. CELERI PROCOS. S. D.

Si tu exercitusque valetis, bene est. Scribis ad me te existimasse pro mutuo inter nos animo et pro reconciliata gratia numquam te a me ludibrio laesum iri. Quod cuiusmodi sit, satis intelligere non possum, sed tamen suspicor ad te esse allatum me in senatu, cum disputarem permultos esse, qui rem publicam a me conservatam dolerent, dixisse a te propinquos tuos, quibus negare non potuisses, impetrasse, ut ea, quae statuisses tibi in senatu de mea laude esse dicenda, reticeres. Quod cum dicerem, illud adiunxi, mihi tecum ita dispertitum officium fuisse in rei publicae salute retinenda, ut ego urbem a domesticis insidiis et ab intestino scelere, tu Italiam et ab armatis hostibus et ab occulta coniuratione defenderes, atque hanc nostram tanti et tam praeclari muneris societatem a tuis propinquis

labefactam, qui, cum tu a me rebus amplissimis atque honorificentissimis ornatus esses, timuissent, ne quae mihi pars abs te voluntatis mutuae tribueretur. Hoc in sermone cum a me exponeretur, quae mea exspectatio fuisset orationis tuae quantoque in errore versatus essem, visa est oratio non iuiucunda et mediocris quidam est risus consecutus, non in te, sed magis in errorem meum et quod me abs te cupisse laudari aperte atque ingenue confitebar. Nam hoc non potest in te non honorifice esse dictum, me in clarissimis meis atque amplissimis rebus tamen aliquod testimonium tuae vocis habere voluisse. Quod autem ita scribis, “pro mutuo inter nos animo,” quid tu existimes esse in amicitia mutuum, nescio, equidem hoc arbitror, cum par voluntas accipitur et redditur. Ego si hoc dicam, me tua causa praetermisisse provinciam, tibi ipsi levior videar esse; meae enim rationes ita tulerunt atque eius mei consilii maiorem in dies singulos fructum voluptatemque capio: illud dico, me, ut primum in concione provinciam deposuerim, statim, quemadmodum eam tibi traderem, cogitare coepisse. Nihil dico de sortitione vestra: tantum te suspicari volo, nihil in ea re per collegam meum me insciente esse factum. Recordare cetera: quam cito senatum illo die facta sortitione coegerim, quam multa de te verba fecerim, cum tu ipse mihi dixisti orationem meam non solum in te honorificam, sed etiam in collegas tuos contumeliosam fuisse. Iam illud senatus consultum, quod eo die factum est, ea praescriptione est, ut, dum id exstabit, officium meum in te obscurum esse non possit. Postea vero quam profectus es, velim recordere, quae ego de te in senatu egerim, quae in concionibus dixerim, quas ad te litteras miserim: quae cum omnia collegeris, tu ipse velim iudices, satisne videatur his omnibus rebus tuus adventus, cum proxime Romam venisti, mutue respondisse. Quod scribis de reconciliata gratia nostra, non intelligo, cur reconciliatam esse dicas, quae numquam imminuta est. Quod scribis non oportuisse Metellum fratrem tuum ob dictum a me oppugnari, primum hoc velim existimes, animum mihi istum tuum vehementer probari et fraternam plenam humanitatis ac pietatis voluntatem; deinde, si qua ego in re fratri tuo rei publicae causa restiterim, ut mihi ignoscas — tam enim sum amicus rei publicae, quam qui maxime — ; si vero meam salutem contra illius impetum in me crudelissimum defenderim, satis habeas nihil me etiam tecum de

tui fratris iniuria conqueri: quem ego cum comperissem omnem sui tribunatus conatum in meam perniciem parare atque meditari, egi cum Claudia, uxore tua, et cum vestra sorore Mucia, cuius erga me studium pro Cn. Pompeii necessitudine multis in rebus perspexeram, ut eum ab illa iniuria deterrerent. Atqui ille, quod te audisse credo, pr. Kal. Ianuarias, qua iniuria nemo umquam in infimo magistratu improbissimus civis affectus est, ea me consulem affecit, cum rem publicam conservassem, atque abeuntem magistratu concionis habendae potestate privavit: cuius iniuria mihi tamen honori summo fuit; nam, cum ille mihi nihil, nisi ut iurarem, permitteret, magna voce iuravi verissimum pulcherrimumque ius iurandum, quod populus item magna voce me vere iurasse iuravit. Hac accepta tam insigni iniuria tamen illo ipso die misi ad Metellum communes amicos, qui agerent cum eo, ut de illa mente desisteret: quibus ille respondit sibi non esse integrum; etenim paullo ante in concione dixerat ei, qui in alios animum advertisset indicta causa, dicendi ipsi potestatem fieri non oportere. Hominem gravem et civem egregium! qui, qua poena senatus consensu bonorum omnium eos affecerat, qui urbem incendere et magistratus ac senatum trucidare et bellum maximum conflare voluissent, eadem dignum iudicarit eum, qui curiam caede, urbem incendiis, Italiam bello liberasset. Itaque ego Metello, fratri tuo, praesenti restiti: nam in senatu Kal. Ianuariis sic cum eo de re publica disputavi, ut sentiret sibi cum viro forti et constanti esse pugnandum; a. d. III Non. Ianuar., cum agere coepisset, tertio quoque verbo orationis suae me appellabat, mihi minabatur, neque illi quidquam deliberatius fuit quam me, quacumque ratione posset, non iudicio neque disceptatione, sed vi atque impressione evertere. Huius ego temeritati si virtute atque animo non restitissem, quis esset, qui me in consulatu non casu potius existimaret quam consilio fortem fuisse? Haec si tu Metellum cogitare de me nescisti, debes existimare te maximis de rebus a fratre esse celatum; sin autem aliquid impertivit tibi sui consilii, lenis a te et facilis existimari debeo, qui nihil tecum de iis ipsis rebus expostulem. Et, si intelligis non me dicto Metelli, ut scribis, sed consilio eius animoque in me inimicissimo esse commotum, cognosce nunc humanitatem meam, si humanitas appellanda est in acerbissima iniuria remissio animi ac dissolutio: nulla est a me

umquam sententia dicta in fratrem tuum; quotiescumque aliquid est actum, sedens iis assensi, qui mihi lenissime sentire visi sunt. Addam illud etiam, quod iam ego curare non debui, sed tamen fieri non moleste tuli atque etiam, ut ita fieret, pro mea parte adiuvi, ut senati consulto meus inimicus, quia tuus frater erat, sublevaretur. Quare non ego oppugnavi fratrem tuum, sed fratri tuo repugnavi, nec in te, ut scribis, animo fui mobili, sed ita stabili, ut in mea erga te voluntate etiam desertus ab officiis tuis permanerem. Atque hoc ipso tempore tibi paene minitanti nobis per litteras haec rescribo atque respondeo: ego dolori tuo non solum ignosco, sed summam etiam laudem tribuo — meus enim me sensus, quanta vis fraterni sit amoris, admonet — ; a te peto, ut tu quoque aequum te iudicem dolori meo praebeas: si acerbe, si crudeliter, si sine causa sum a tuis oppugnatus, ut statuas mihi non modo non cedendum, sed etiam tuo atque exercitus tui auxilio in eiusmodi causa utendum fuisse; ego te mihi semper amicum esse volui, me ut tibi amicissimum esse intelligeres, laboravi: maneo in voluntate et, quoad voles tu, permanebo citiusque amore tui fratrem tuum odisse desinam, quam illius odio quidquam de nostra benevolentia detraham.

III. Scr. in Hispania a.u.c. 698.

Q. METELLUS NEPOS S. D. M. CICERONI.

Hominis importunissimi contumeliae, quibus crebris concionibus me onerat, tuis erga me officiis leniuntur et, ut sunt leves ab eiusmodi homine, a me despiciuntur, libenterque commutata persona te mihi fratris loco esse duco. De illo ne meminisse quidem volo, tametsi bis eum invitum servavi. De meis rebus, ne vobis multitudine litterarum molestior essem, ad Lollium perscripsi, de rationibus provinciae quid vellem fieri, ut is vos doceret et commonefaceret. Si poteris, velim pristinam tuam erga me voluntatem conserves.

IV. Scr. Dyrrhacii mense Ianuario a.u.c. 697.

M. CICERO S. D. Q. METELLO COS.

Litterae Quinti fratis et T. Pomponii, necessarii mei, tantum spei

dederant, ut in te non minus auxilii quam in tuo collega mihi constitutum fuerit; itaque ad te litteras statim misi, per quas, ut fortuna postulabat, et gratias tibi egi et de reliquo tempore auxilium petii. Postea mihi non tam meorum litterae quam sermones eorum, qui hac iter faciebant, animum tuum immutatum significabant, quae res fecit, ut tibi litteris obstrepere non auderem. Nunc mihi Quintus frater meus mitissimam tuam orationem, quam in senatu habuisses, perscripsit, qua inductus ad te scribere sum conatus et abs te, quantum tua fert voluntas, peto quaesoque, ut tuos mecum serves potius quam propter arrogantem crudelitatem tuorum me oppugnes. Tu, tuas inimicitias ut rei publicae condonares, te vicisti, alienas ut contra rem publicam confirmes, adduceris? Quod si mihi tua clementia opem tuleris, omnibus in rebus me fore in tua potestate tibi confirmo; si mihi neque magistratus neque senatum neque populum auxiliari propter eam vim, quae me cum re publica vicit, licuerit, vide, ne, cum velis revocare tempus omnium servandorum, cum, qui servetur, non erit, non possis.

V. Scr. Romae a.u.c. 693.

M. CICERO S. D. C. ANTONIO M. F. IMP.

Etsi statueram nullas ad te litteras mittere nisi commendaticias — non quo eas intelligerem satis apud te valere, sed ne iis, qui me rogarent, aliquid de nostra coniunctione imminutum esse ostenderem — , tamen, cum T. Pomponius, hono omnium meorum in te studiorum et officiorum maxime conscius, tui cupidus, nostri amantissimus, ad te proficisceretur, aliquid mihi scribendum putavi, praesertim cum aliter ipsi Pomponio satisfacere non possem. Ego si abs te summa officia desiderem, mirum nemini videri debeat; omnia enim a me in te profecta sunt, quae ad tuum commodium, quae ad honorem, quae ad dignitatem pertinerent: pro his rebus nullam mihi abs te relatam esse gratiam tu es optimus testis, contra etiam esse aliquid abs te profectum ex multis audivi; nam “comperisse” me non audeo dicere, ne forte id ipsum verbum ponam, quod abs te aiunt falso in me solere conferri; sed ea, quae ad me delata sunt, malo te ex Pomponio, cui non minus molesta fuerunt, quam ex meis litteris

cognoscere. Meus in te animus quam singulari officio fuerit, et senatus et populus Romanus testis est: tu quam gratus erga me fueris, ipse existimare potes; quantum mihi debeas, ceteri existiment. Ego quae tua causa antea feci, voluntate sum adductus posteaque constantia; sed reliqua, mihi crede, multo maius meum studium maioremque gravitatem et laborem desiderant; quae ego si non profundere ac perdere videbor, omnibus meis viribus sustinebo; sin autem ingrata esse sentiam, non committam, ut tibi ipsi insanire videar. Ea quae sint et cuiusmodi, poteris ex Pomponio cognoscere. Atque ipsum tibi Pomponium ita commendo, ut, quamquam ipsius causa confido te facturum esse omnia, tamen abs te hoc petam, ut, si quid in te residet amoris erga me, id omne in Pomponii negotio ostendas: hoc mihi nihil gratius facere potes.

VI. Scr. Romae mense Decembri a.u.c. 692.

M. CICERO S. D. P. SESTIO L. F. PROQ.

Cum ad me Decius librarius venisset egissetque mecum, ut operam darem, ne tibi hoc tempore succederetur, quamquam illum hominem frugi et tibi amicum existimabam, tamen, quod memoria tenebam, cuiusmodi ad me litteras antea misisses, non satis credidi homini prudenti, tam valde esse mutatam voluntatem tuam; sed, posteaquam et Cornelia tua Terentiam convenit et ego cum Q. Cornelio locutus sum, adhibui diligentiam, quotiescumque senatus fuit, ut adessem, plurimumque in eo negotii habui, ut Q. Fufium tribunum pl. et ceteros, ad quos tu scripseras, cogerem mihi potius credere quam tuis litteris. Omnino res tota in mensem Ianuarium reiecta erat, sed facile obtinebatur. Ego tua gratulatione commotus, quod ad me pridem scripseras velle te bene evenire, quod de Crasso domum emissem, emi eam ipsam domum HS. XXXV aliquanto post tuam gratulationem; itaque nunc me scito tantum habere aeris alieni, ut cupiam coniurare, si quisquam recipiat, sed partim odio inducti me excludunt et aperte vindicem coniurationis oderunt, partim mihi non credunt et a me insidias metuunt nec putant ei nummos deesse posse, qui ex obsidione feneratores exemerit. Omnino semissibus magna copia est; ego autem meis rebus gestis hoc sum assecutus, ut bonum

nomen existimer. Domum tuam atque aedificationem omnem perspexi et vehementer probavi. Antonium, etsi eius in me officia omnes desiderant, tamen in senatu gravissime ac diligentissime defendi senatumque vehementer oratione mea atque auctoritate commovi. Tu ad me velim litteras crebrius mittas.

VII. Scr. Romae a.u.c. 692.

M. TULLIUS M. F. CICERO S. D. CN. POMPEIO CN. F. MAGNO IMPERATORI.

S. T. E. Q. V. B. E. Ex litteris tuis, quas publice misisti, cepi una cum omnibus incredibilem voluptatem; tantam enim spem otii ostendisti, quantam ego semper omnibus te uno fretus pollicebar; sed hoc scito, tuos veteres hostes, novos amicos vehementer litteris perculsos atque ex magna spe deturbatos iacere. Ad me autem litteras quas misisti, quamquam exiguam significationem tuae erga me voluntatis habebant, tamen mihi scito iucundas fuisse; nulla enim re tam laetari soleo quam meorum officiorum conscientia, quibus si quando non mutue respondetur, apud me plus officii residere facillime patior: illud non dubito, quin, si te mea summa erga te studia parum mihi adiunxerunt, res publica nos inter nos conciliatura coniuncturaque sit. Ac, ne ignores, quid ego in tuis litteris desiderarim, scribam aperte, sicut et mea natura et nostra amicitia postulat: res eas gessi, quarum aliquam in tuis litteris et nostrae necessitudinis et rei publicae causa gratulationem exspectavi, quam ego abs te praetermissam esse arbitror, quod vererere, ne cuius animum offenderes; sed scito ea, quae nos pro salute patriae gessimus, orbis terrae iudicio ac testimonio comprobari, quae, cum veneris, tanto consilio tantaque animi magnitudine a me gesta esse cognosces, ut tibi multo maiori, quam Africanus fuit, me non multo minorem quam Laelium facile et in re publica et in amicitia adiunctum esse patiare.

VIII. Scr. mense Ianuario a.u.c. 700.

M. CICERO S. D. M. LICINIO P. F. CRASSO.

Quantum a. d. (missing date) meum studium exstiterit dignitatis tuae vel tuendae vel etiam augendae, non dubito quin ad te omnes tui scripserint; non enim fuit aut mediocre aut obscurum aut eiusmodi, quod silentio posset praeteriri: nam et cum consulibus et cum multis consularibus tanta contentione decertavi, quanta numquam antea ulla in causa, suscepique mihi perpetuam propugnationem pro omnibus ornamentis tuis veterique nostrae necessitudini iamdiu debitum, sed multa varietate temporum interruptum officium cumulate reddidi. Neque mehercule umquam mihi tui aut colendi aut ornandi voluntas defuit; sed quaedam pestes hominum laude aliena dolentium et te nonnumquam a me alienarunt et me aliquando immutarunt tibi. Sed exstitit tempus optatum mihi magis quam speratum, ut florentissimis tuis rebus mea perspici posset et memoria nostrae voluntatis et amicitiae fides; sum enim consecutus non modo ut domus tua tota, sed ut cuncta civitas me tibi amicissimum esse cognosceret. Itaque et praestantissima omnium feminarum, uxor tua, et eximia pietate, virtute, gratia tui Crassi meis consiliis, monitis, studiis actionibusque nituntur et senatus populusque Romanus intelligit tibi absenti nihil esse tam promptum aut tam paratum quam in omnibus rebus, quae ad te pertineant, operam, curam, diligentiam, auctoritatem meam. Quae sint acta quaeque agantur, domesticorum tibi litteris declarari puto: de me sic existimes ac tibi persuadeas vehementer velim, non me repentina aliqua voluntate aut fortuito ad tuam amplitudinem meis officiis amplectendam incidisse, sed, ut primum forum attigerim, spectasse semper, ut tibi possem quam maxime esse coniunctus; quo quidem ex tempore memoria teneo neque meam tibi observantiam neque mihi tuam summam benevolentiam ac liberalitatem defuisse. Si quae interciderunt non tam re quam suspicione violata, ea, cum fuerint et falsa et inania, sint evulsa ex omni memoria vitaque nostra; is enim tu vir es et eum me esse cupio, ut, quoniam in eadem rei publicae tempora incidimus, coniunctionem amicitiamque nostram utrique nostrum laudi sperem fore. Quamobrem tu, quantum tuo iudicio tribuendum esse nobis putes, statues ipse et, ut spero, statues ex nostra dignitate, ego vero tibi profiteor atque polliceor eximium et singulare meum studium in omni genere officii, quod ad honestatem et gloriam tuam spectet. In quo, etiamsi multi mecum contendent, tamen cum reliquis omnibus, tum Crassis tuis iudicibus omnes facile

superabo; quos quidem ego ambo unice diligo, sed in Marcum benevolentia pari hoc magis sum Publio deditus, quod me, quamquam a pueritia sua semper, tamen hoc tempore maxime sicut alterum parentem et observat et deligit. Has litteras velim existimes foederis habituras esse vim, non epistulae, meque ea, quae tibi promitto ac recipio, sanctissime esse observaturum diligentissimeque esse facturum: quae a me suscepta defensio est te absente dignitatis tuae, in ea iam ego non solum amicitiae nostrae, sed etiam constantiae meae causa permanebo. Quamobrem satis esse hoc tempore arbitratus sum hoc ad te scribere: me, si quid ipse intelligerem aut ad voluntatem aut ad commodum aut ad amplitudinem tuam pertinere, mea sponte id esse facturum; sin autem quidpiam aut a te essem admonitus aut a tuis, effecturum, ut intelligeres nihil neque te scripsisse neque quemquam tuorum frustra ad me detulisse. Quamobrem velim ita et ipse ad me scribas de omnibus, minimis maximis mediocribus, rebus, ut ad hominem amicissimum, et tuis praecipias, ut opera consilio, auctoritate gratia mea sic utantur in omnibus, publicis privatis, forensibus domesticis, tuis amicorum hospitum clientium tuorum, negotiis, ut, quod eius fieri possit, praesentiae tuae desiderium meo labore minuatur.

IX. Scr. in castris Naronae a. d. V Idus Quinctiles a.u.c. 709.

VATINIUS IMP. CICERONI SUO SAL.

S. V. B. E. E. V. Si tuam consuetudinem in patrociniis tuendis servas, P. Vatinius cliens advenit, qui pro se causam dicier vult: non, puto, repudiabis in honore, quem in periculo recepisti. Ego autem quem potius adoptem aut invocem quam illum, quo defendente vincere didici? an verear, ne, qui potentissimorum hominum conspirationem neglexerit pro mea salute, is pro honore meo pusillorum ac malevolorum obtrectationes et invidias non prosternat atque obterat? quare, si me, sicut soles, amas, suscipe me totum atque hoc, quidquid est oneris ac muneris, pro mea dignitate tibi tuendum ac sustinendum puta. Scis meam fortunam nescio quo modo facile obtrectatores invenire, non meo quidem mehercules merito, sed quanti id refert, si tamen fato nescio quo accidit? si qui forte

fuerit, qui nostrae dignitati obesse velit, peto a te, ut tuam consuetudinem et liberalitatem in me absente defendendo mihi praestes. Litteras ad senatum de rebus nostris gestis, quo exemplo miseram, infra tibi perscripsi. Dicitur mihi tuus servus anagnostes fugitivus cum Vardaeis esse; de quo tu mihi nihil mandasti, ego tamen, terra marique ut conquireretur, praemandavi, et profecto tibi illum reperiam, nisi si in Dalmatiam aufugerit, et inde tamen aliquando eruam. Tu nos fac ames. Vale. A. d. V. Idus Quinctiles, ex castris, Narona.

X.a. Scr. in Illyria ineunte a.u.c. 710.

VATINIUS CICERONI SUO SAL.

S. V. B. E. E. Q. V. De Dionysio tuo adhuc nihil extrico, et eo minus, quod me frigus Dalmaticum, quod illinc eiecit, etiam hic refrigeravit; sed tamen non desistam, quin illum aliquando eruam. Sed tamen omnia mihi dura imperas: de Catilio nescio quid ad me scripsisti deprecationis diligentissimae. Apage te cum nostro Sex. Servilio — nam mehercule ego quoque illum amo — ; sed huiuscemodi vos clientes, huiusmodi causas recipitis? hominem unum omnium crudelissimum, qui tot ingenuos, matresfamilias, cives Romanos occidit, abripuit, disperdidit, regiones vastavit? simius, non semissis homo, contra me arma tulit, et eum bello cepi. Sed tamen, mi Cicero, quid facere possum? Omnia mehercule cupio, quae tu mihi imperas; meam animadversionem et supplicium, quo usurus eram in eum, quem cepissem, remitto tibi et condono: quid illis respondere possum, qui ob sua bona direpta, naves expugnatas, fratres, liberos, parentes occisos actiones expostulant? Si mehercules Appii os haberem, in cuius locum suffectus sum, tamen hoc sustinere non possem. Quid ergo est? Faciam omnia sedulo, quae te sciam velle. Defenditur a Q. Volusio, tuo discipulo, si forte ea res poterit adversarios fugare; in eo maxima spes est. Nos, si quid erit istic opus, tu defendes: Caesar adhuc mihi iniuriam facit; de meis supplicationibus et rebus gestis Dalmaticis adhuc non refert, quasi vero non iustissimi triumphi in Dalmatia res gesserim! nam, si hoc exspectandum est, dum totum bellum conficiam, viginti oppida sunt

Dalmatiae antiqua, quae ipsi sibi asciverunt, amplius sexaginta: haec nisi omnia expugno, si mihi supplicationes non decernuntur, longe alia condicione ego sum ac ceteri imperatores.

X.b. Scr. Naronae Nonis Decembribus a.u.c. 709.

Ego post supplicationes mihi decretas in Dalmatiam profectus sum; sex oppida vi oppugnando cepi * * * unum, hoc, quod erat maximum, quater a me iam captum; quattuor enim turres et quattuor muros cepi et arcem eorum totam, ex qua me nives, frigora, imbres detruserunt, indigneque, mi Cicero, oppidum captum et bellum confectum relinquere sum coactus. Quare te rogo, si opus erit, ad Caesarem meam causam agas meque tibi in omnes partes defendendum putes hoc existimans, neminem te tui amantiorem habere. Vale. D. N. Decembr., Narona.

XI. Scr. Romae a.u.c. 709.

M. CICERO VATINIO IMP. SAL.

Grata tibi mea esse officia non miror; cognovi enim te gratissimum omnium, idque numquam destiti praedicare; nec enim tu mihi habuisti mode gratiam, verum etiam cumulatissime rettulisti; quamobrem in reliquis tuis rebus omnibus pari me studio erga te et eadem voluntate cognosces. Quod mihi feminam primariam, Pompeiam, uxorem tuam, commendas, cum Sura nostro statim tuis litteris lectis locutus sum, ut ei meis verbis diceret, ut, quidquid opus esset, mihi denuntiaret; me omnia, quae ea vellet, summo studio curaque facturum: itaque faciam eamque, si opus esse videbitur, ipse conveniam; tu tamen ei velim scribas, ut nullam rem neque tam magnam neque tam parvam putet, quae mihi aut difficilis aut parum me digna videatur: omnia, quae in tuis rebus agam, et non laboriosa mihi et honesta videbuntur. De Dionysio, si me amas, confice: quamcumque ei fidem dederis, praestabo; si vero improbus fuerit, ut est, duces eum captivum in triumpho. Dalmatis di male faciant, qui tibi molesti sunt! sed, ut scribis, brevi capientur et illustrabunt res tuas gestas; semper enim habiti sunt bellicosi.

XII. Scr. in Arpinati mense Aprili (circ. Idus) a.u.c. 698.

M. CICERO S. D. L. LUCCEIO Q. F.

Coram me tecum eadem haec agere saepe conantem deterruit pudor quidam paene subrusticus, quae nunc expromam absens audacius, epistula enim non erubescit. Ardeo cupiditate incredibili neque, ut ego arbitror, reprehendenda, nomen ut nostrum scriptis illustretur et celebretur tuis; quod etsi mihi saepe ostendisti te esse facturum, tamen ignoscas velim huic festinationi meae; genus enim scriptorum tuorum etsi erat semper a me vehementer exspectatum, tamen vicit opinionem meam meque ita vel cepit vel incendit, ut cuperem quam celerrime res nostras monumentis commendari tuis; neque enim me solum commemoratio posteritatis ad spem quandam immortalitatis rapit, sed etiam illa cupiditas, ut vel auctoritate testimonii tui vel indicio benevolentiae vel suavitate ingenii vivi perfruamur. Neque tamen, haec cum scribebam, eram nescius, quantis oneribus premerere susceptarum rerum et iam institutarum; sed, quia videbam Italici belli et civilis historiam iam a te paene esse perfectam, dixeras autem mihi te reliquas res ordiri, deesse mihi nolui, quin te admonerem, ut cogitares, coniunctene malles cum reliquis rebus nostra contexere an, ut multi Graeci fecerunt, Callisthenes Phocium bellum, Timaeus Pyrrhi, Polybius Numantinum, qui omnes a perpetuis suis historiis ea, quae dixi, bella separaverunt, tu quoque item civilem coniurationem ab hostilibus externisque bellis seiungeres. Equidem ad nostram laudem non multum video interesse, sed ad properationem meam quiddam interest non te exspectare, dum ad locum venias, ac statim causam illam totam et tempus arripere, et simul, si uno in argumento unaque in persona mens tua tota versabitur, cerno iam animo, quanto omnia uberiora atque ornatiora futura sint. Neque tamen ignoro, quani impudenter faciam, qui primum tibi tantum oneris imponam — potest enim mihi denegare occupatio tua — , deinde etiam, ut ornes me, postulem. Quid, si illa tibi non tanto opere videntur ornanda? Sed tamen, qui semel verecundiae fines transierit, eum bene et naviter oportet esse impudentem. Itaque te plane etiam atque etiam rogo, ut et ornes ea vehementius etiam, quam fortasse sentis, et in eo leges historiae

negligas gratiamque illam, de qua suavissime quodam in prooemio scripsisti, a qua te flecti non magis potuisse demonstras quam Herculem Xenophontium illum a Voluptate, eam, si me tibi vehementius commendabit, ne aspernere amorique nostro plusculum etiam, quam concedet veritas, largiare. Quod si te adducemus, ut hoc suscipias, erit, ut mihi persuadeo, materies digna facultate et copia tua; a principio enim coniurationis usque ad reditum nostrum videtur mihi modicum quoddam corpus confici posse, in quo et illa poteris uti civilium commutationum scientia vel in explicandis causis rerum novarum vel in remediis incommodorum, cum et reprehendes ea, quae vituperanda duces, et, quae placebunt, exponendis rationibus comprobabis, et, si liberius, ut consuesti, agendum putabis, multorum in nos perfidiam, insidias, proditionem notabis. Multam etiam casus nostri varietatem tibi in scribendo suppeditabunt plenam cuiusdam voluptatis, quae vehementer animos hominum in legendo tuo scripto retinere possit; nihil est enim aptius ad delectationem lectoris quam temporum varietates fortunaeque vicissitudines: quae etsi nobis optabiles in experiendo non fuerunt, in legendo tamen erunt iucundae, habet enim praeteriti doloris secura recordatio delectationem; ceteris vero nulla perfunctis propria molestia, casus autem alienos sine ullo dolore intuentibus etiam ipsa misericordia est iucunda. Quem enim nostrum ille moriens apud Mantineam Epaminondas non cum quadam miseratione delectat? qui tum denique sibi evelli iubet spiculum, posteaquam ei percontanti dictum est clipeum esse salvum, ut etiam in vulneris dolore aequo animo cum laude moreretur. Cuius studium in legendo non erectum Themistocli fuga redituque retinetur? etenim ordo ipse annalium mediocriter nos retinet quasi enumeratione fastorum: at viri saepe excellentis ancipites variique casus habent admirationem exspectationem, laetitiam molestiam, spem timorem; si vero exitu notabili concluduntur, expletur animus iucundissima lectionis voluptate. Quo mihi acciderit optatius, si in hac sententia fueris, ut a continentibus tuis scriptis, in quibus perpetuam rerum gestarum historiam complecteris, secernas hanc quasi fabulam rerum eventorumque nostrorum; habet enim varios actus mutationesque et consiliorum et temporum. Ac non vereor, ne assentatiuncula quadam aucupari tuam gratiam videar, cum hoc demonstrem, me a te

potissimum ornari celebrarique velle; neque enim tu is es, qui, qui sis, nescias et qui non eos magis, qui te non admirentur, invidos quam eos, qui laudent, assentatores arbitrere, neque autem ego sum ita demens, ut me sempiternae gloriae per eum commendari velim, qui non ipse quoque in me commendando propriam ingenii gloriam consequatur. Neque enim Alexander ille gratiae causa ab Apelle potissimum pingi et a Lysippo fingi volebat, sed quod illorum artem cum ipsis, tum etiam sibi gloriae fore putabat. Atque illi artifices corporis simulacra ignotis nota faciebant, quae vel si nulla sint, nihilo sint tamen obscuriores clari viri; nec minus est Spartiates Agesilaus ille perhibendus, qui neque pictam neque fictam imaginem suam passus est esse, quam qui in eo genere laborarunt; unus enim Xenophontis libellus in eo rege laudando facile omnes imagines omnium statuasque superavit. Atque hoc praestantius mihi fuerit et ad laetitiam animi et ad memoriae dignitatem, si in tua scripta pervenero, quam si in ceterorum, quod non ingenium mihi solum suppeditatum fuerit tuum, sicut Timoleonti a Timaeo aut ab Herodoto Themistocli, sed etiam auctoritas clarissimi et spectatissimi viri et in rei publicae maximis gravissimisque causis cogniti atque in primis probati, ut mihi non solum praeconium, quod, cum in Sigeum venisset, Alexander ab Homero Achilli tributum esse dixit, sed etiam grave testimonium impertitum clari hominis magnique videatur; placet enim Hector ille mihi Naevianus, qui non tantum “laudari” se laetatur, sed addit etiam “a laudato viro.” Quod si a te non impetraro, hoc est, si quae te res impedierit — neque enim fas esse arbitror quidquam me rogantem abs te non impetrare — , cogar fortasse facere, quod nonnulli saepe reprehendunt: scribam ipse de me, multorum tamen exemplo et clarorum virorum; sed, quod te non fugit, haec sunt in hoc genere vitia: et verecundius ipsi de sese scribant necesse est, si quid est laudandum, et praetereant, si quid reprehendendum est; accedit etiam, ut minor sit fides, minor auctoritas, multi denique reprehendant et dicant verecundiores esse praecones ludorum gymnicorum, qui cum ceteris coronas imposuerint victoribus eorumque nomina magna voce pronuntiarint, cum ipsi ante ludorum missionem corona donentur, alium praeconem adhibeant, ne sua voce se ipsi victores esse praedicent. Haec nos vitare cupimus et, si recipis causam nostram, vitabimus, idque ut

facias, rogamus. Ac, ne forte mirere, cur, cum mihi saepe ostenderis te accuratissime nostrorum temporum consilia atque eventus litteris mandaturum, a te id nunc tanto opere et tam multis verbis petamus, illa nos cupiditas incendit, de qua initio scripsi, festinationis, quod alacres animo sumus, ut et ceteri viventibus nobis ex libris tuis nos cognoscant et nosmet ipsi vivi gloriola nostra perfruamur. His de rebus quid acturus sis, si tibi non est molestum, rescribas mihi velim; si enim suscipis causam, conficiam commentarios rerum omnium, sin autem differs me in tempus aliud, coram tecum loquar. Tu interea non cessabis et ea, quae habes instituta, perpolies nosque diliges.

XIII. Scr. Asturae mense Aprili a.u.c. 709.

M. CICERO S. D. L. LUCCEIO Q. F.

Quamquam ipsa consolatio litterarum tuarum mihi gratissima est — declarat enim summam benevolentiam coniunctam pari prudentia — , tamen illum fructum ex iis litteris vel maximum cepi, quod te praeclare res humanas contemnentem et optime contra fortunam paratum armatumque cognovi; quam quidem laudem sapientiae statuo esse maximam, non aliunde pendere nec extrinsecus aut bene aut male vivendi suspensas habere rationes. Quae cogitatio cum mihi non omnino excidisset — etenim penitus insederat — , vi tamen tempestatum et concursu calamitatum erat aliquantum labefactata atque convulsa; cui te opitulari et video et id fecisse etiam proximis litteris multumque profecisse sentio. Itaque hoc saepius dicendum tibique non significandum solum, sed etiam declarandum arbitror, nihil mihi esse potuisse tuis litteris gratius. Ad consolandum autem cum illa valent, quae eleganter copioseque collegisti, tum nihil plus quam quod firmitudinem gravitatemque animi tui perspexi, quam non imitari turpissimum existimo. Atque hoc etiam fortiorem me puto quam te ipsum, praeceptorem fortitudinis, quod tu mihi videre spem nonnullam habere haec aliquando futura meliora; casus enim gladiatorii similitudinesque eae, tum rationes in ea disputatione a te collectae vetabant me rei publicae penitus diffidere. Itaque alterum minus mirum, fortiorem te esse, cum aliquid speres, alterum mirum, spe ulla teneri; quid est enim non ita affectum, ut id non deletum

exstinctumque esse fateare? circumspice omnia membra rei publicae, quae notissima sunt tibi: nullum reperies profecto, quod non fractum debilitatumve sit; quae persequerer, si aut melius ea viderem, quam tu vides, aut commemorare possem sine dolore, quamquam tuis monitis praeceptisque omnis est abiiciendus dolor. Ergo et domestica feremus, ut censes, et publica paullo etiam fortius fortasse quam tu ipse, qui praecipis; te enim aliqua spes consolatur, ut scribis, nos erimus etiam in omnium rerum desperatione fortes, ut tu tamen idem et hortaris et praecipis, das enim mihi iucundas recordationes conscientiae nostrae rerumque earum, quas te in primis auctore gessimus, praestitimus enim patriae non minus certe, quam debuimus, plus profecto, quam est ab animo cuiusquam aut consilio hominis postulatum. Ignosces mihi de me ipsi aliquid praedicanti; quarum enim tu rerum cogitatione nos levari aegritudine voluisti, earum etiam commemoratione lenimur. Itaque, ut mones, quantum potero, me ab omnibus molestiis et angoribus abducam tranferamque animum ad ea, quibus secundae res ornantur, adversae adiuvantur, tecumque et ero tantum, quantum patietur utriusque aetas et valetudo, et, si esse una minus poterimus, quam volemus, animorum tamen coniunctione iisdemque studiis ita fruemur, ut numquam non una esse videamur.

XIV. Scr. Romae mense Iunio a.u.c. 709.

L. LUCCEIUS Q. F. S. D. M. TULLIO M. F.

S. V. B. E. V., sicut soleo, paullulo tamen etiam deterius, quam soleo. Te requisivi saepius, ut viderem: Romae quia postea non fuisti, quam a me discesseras, miratus sum; quod idem nunc miror. Non habeo certum, quae te res hinc maxime retrahat: si solitudine delectare, cum scribas et aliquid agas eorum, quorum consuesti, gaudeo neque reprehendo tuum consilium; nam nihil isto potest esse iucundius non modo miseris his temporibus et luctuosis, sed etiam tranquillis et optatis, praesertim vel animo defetigato tuo, qui nunc requirem quaerat ex magnis occupationibus, vel eruditio, qui semper aliquid ex se promat, quod alios delectet, te ipsum laudibus illustret; sin autem, sicut hinc discesseras, lacrimis ac tristitiae te tradidisti,

doleo, quia doles et angere, nec possum te non — si concedis, quod sentimus, ut liberius dicamus — accusare: quid enim? tu solus aperta non videbis, qui propter acumen occultissima perspicis? tu non intelliges duplicari sollicitudines, quas elevare tua te prudentia postulat? Quod si non possumus aliquid proficere suadendo, gratia contendimus et rogando, si quid nostra causa vis, ut istis te molestiis laxes et ad convictum nostrum redeas atque ad consuetudinem vel nostram communem vel tuam solius ac propriam. Cupio non obtundere te, si non delectare nostro studio: cupio deterrere, ne permaneas in incepto. Nunc duae res istae contrariae me conturbant, ex quibus aut in altera mihi velim, si potes, obtemperes aut in altera non offendas. Vale.

XV. Scr. in Antiati mense Iunio a.u.c. 709.

M. CICERO S. D. L. LUCCEIO Q. F.

Omnis amor tuus ex omnibus partibus se ostendit in iis litteris, quas a te proxime accepi, non ille quidem mihi ignotus, sed tamen gratus et optatus; dicerem "iucundus," nisi id verbum in omne tempus perdidissem, neque ob eam unam causam, quam tu suspicaris et in qua me lenissimis et amantissimis verbis utens re graviter accusas, sed quod, illius tanti vulneris quae remedia esse debebant, ea nulla sunt. Quid enim? ad amicosne confugiam? quam multi sunt? habuimus enim fere communes, quorum alii occiderunt, alii nescio quo pacto obduruerunt. Tecum vivere possem equidem et maxime vellem: vetustas, amor, consuetudo, studia paria; quod vinclum, quaeso, deest nostrae coniunctionis? Possumusne igitur esse una? nec mehercule intelligo, quid impediat; sed certe adhuc non fuimus, cum essemus vicini in Tusculano, in Puteolano; nam quid dicam in urbe? in qua, cum forum commune sit, vicinitas non requiritur. Sed casu nescio quo in ea tempora nostra aetas incidit, ut, cum maxime florere nos oporteret, tum vivere etiam puderet; quod enim esse poterat mihi perfugium spoliato et domesticis et forensibus ornamentis atque solatiis? litterae, credo, quibus utor assidue, quid enim aliud facere possum? sed nescio quo modo ipsae illae excludere me a portu et perfugio videntur et quasi exprobrare, quod in ea vita

maneam, in qua nihil insit nisi propagatio miserrimi temporis. Hic tu me ab ea abesse urbe miraris, in qua domus nihil delectare possit, summum sit odium temporum hominum, fori curiae? Itaque sic litteris utor, in quibus consumo omne tempus, non ut ab iis medicinam perpetuam, sed ut exiguam oblivionem doloris petam. Quod si id egissemus ego atque tu, quod ne in mentem quidem nobis veniebat propter quotidianos metus, si omne tempus una fuissemus, neque me valetudo tua offenderet neque te maeror meus. Quod, quantum fieri poterit, consequamur; quid enim est utrique nostrum aptius? propediem te igitur videbo.

XVI. Scr. anno incerto.

M. CICERO S. D. T. TITIO.

Etsi unus ex omnibus minime sum ad te consolandum accommodatus, quod tantum ex tuis molestiis cepi doloris, ut consolatione ipse egerem, tamen, cum longius a summi luctus acerbitate meus abesset dolor quam tuus, statui nostrae necessitudinis esse meaeque in te benevolentiae non tacere tanto in tuo maerore tamdiu, sed adhibere aliquam modicam consolationem, quae levare dolorem tuum posset, si minus sanare potuisset. Est autem consolatio pervulgata quidem illa maxime, quam semper in ore atque in animo habere debemus, homines nos ut esse meminerimus, ea lege natos, ut omnibus telis fortunae proposita sit vita nostra, neque esse recusandum, quo minus ea, qua nati sumus, condicione vivamus, neve tam graviter eos casus feramus, quos nullo consilio vitare possimus, eventisque aliorum memoria repetendis nihil accidisse novi nobis cogitemus; sed neque haec neque ceterae consolationes, quae sunt a sapientissimis viris usurpatae memoriaeque litteris proditae, tantum videntur proficere debere, quantum status ipse nostrae civitatis et haec perturbatio temporum perditorum, cum beatissimi sint, qui liberos non susceperunt, minus autem miseri, qui his temporibus amiserunt, quam si eosdem bona aut denique aliqua re publica perdidissent. Quod si tuum te desiderium movet aut si tuarum rerum cogitatione maeres, non facile exhauriri tibi istum dolorem posse universum puto; sin illa te res cruciat, quae magis

amoris est, ut eorum, qui occiderunt, miserias lugeas, ut ea non dicam, quae saepissime et legi et audivi, nihil mali esse in morte, in qua si resideat sensus, immortalitas illa potius quam mors ducenda sit, sin sit amissus, nulla videri miseria debeat, quae non sentiatur, hoc tamen non dubitans confirmare possum, ea misceri, parari, impendere rei publicae, quae qui reliquerit, nullo modo mihi quidem deceptus esse videatur; quid est enim iam non modo pudori, probitati, virtuti, rectis studiis, bonis artibus, sed omnino libertati ac saluti loci? non mehercule quemquam audivi hoc gravissimo et pestilentissimo anno adolescentulum aut puerum mortuum, qui mihi non a dis immortalibus ereptus ex his miseriis atque ex iniquissima condicione vitae videretur. Quare, si tibi unum hoc detrahi potest, ne quid iis, quos amasti, mali putes contigisse, permultum erit ex maerore tuo deminutum; relinquetur enim simplex illa iam cura doloris tui, quae non cum illis communicabitur, sed ad te ipsum proprie referetur, in qua non est iam gravitatis et sapientiae tuae, quam tu a puero praestitisti, ferre immoderatius casum incommodorum tuorum, qui sit ab eorum, quos dilexeris, miseria maloque seiunctus; etenim eum semper te et privatis in rebus et publicis praestitisti, tuenda tibi ut sit gravitas et constantiae serviendum; nam, quod allatura est ipsa diuturnitas, quae maximos luctus vetustate tollit, id nos praecipere consilio prudentiaque debemus; etenim, si nulla fuit umquam liberis amissis tam imbecillo mulier animo, quae non aliquando lugendi modum fecerit, certe nos, quod est dies allatura, id consilio anteferre debemus neque exspectare temporis medicinam, quam repraesentare ratione possimus. His ego litteris si quid profecissem, existimabam optandum quiddam me esse assecutum, sin minus forte valuissent, officio tamen esse functum viri benevolentissimi atque amicissimi; quem me tibi et fuisse semper existimes velim et futurum esse confidas.

XVII. Scr. Romae eodem fere tempore, quo ep. XVIII (a. 702).

M. CICERO S. D. P. SITTIO P. F.

Non oblivione amicitiae nostrae neque intermissione consuetudinis

meae superioribus temporibus ad te nullas litteras misi, sed quod priora tempora in ruinis rei publicae nostrisque iacuerunt posteriora autem me a scribendo tuis iniustissimis atque acerbissimis incommodis retardarunt. Cum vero et intervallum iam satis longum fuisset et tuam virtutem animique magnitudinem diligentius essem mecum recordatus, non putavi esse alienum institutis meis haec ad te scribere: ego te, P. Sitti, et primis temporibus illis, quibus in invidiam absens et in crimen vocabare, defendi et, cum tui familiarissimi iudico ac periculo tuum crimen coniungeretur, ut potui accuratissime te tuamque causam tutatus sum et proxime recenti adventu meo, cum rem aliter institutam offendissem, ac mihi placuisset, si affuissem, tamen nulla re saluti tuae defui, cumque eo tempore invidia annonae, inimici non solum tui, verum etiam amicorum tuorum, iniquitas totius iudicii multaque alia rei publicae vitia plus quam causa ipsa veritasque valuissent, Publio tuo neque opera neque consilio neque labore neque gratia neque testimonio defui. Quamobrem omnibus officiis amicitiae diligenter a me sancteque servatis ne hoc quidem praetermittendum esse duxi, te ut hortarer rogaremque, ut et hominem te et virum esse meminisses, id est, ut et communem incertumque casum, quem neque vitare quisquam nostrum nec praestare ullo pacto potest, sapienter ferres et dolori fortiter ac fortunae resisteres cogitaresque et in nostra civitate et in ceteris, quae rerum potitae sunt, multis fortissimis atque optimis viris iniustis iudiciis tales casus incidisse. Illud utinam ne vere scriberem, ea te re publica carere, in qua neminem prudentem hominem res ulla delectet! De tuo autem filio, vereor, ne, si nihil ad te scripserim, debitum eius virtuti videar testimonium non dedisse, sin autem omnia, quae sentio, perscripserim, ne refricem meis litteris desiderium ac dolorem tuum; sed tamen prudentissime facies, si illius pietatem, virtutem, industriam, ubicumque eris, tuam esse, tecum esse duces; nec enim minus nostra sunt, quae animo complectimur, quam quae oculis intuemur. Quamobrem et illius eximia virtus summusque in te amor magnae tibi consolationi debet esse et nos ceterique, qui te non ex fortuna, sed ex virtute tua pendimus semperque pendemus, et maxime animi tui conscientia, cum tibi nihil merito accidisse reputabis et illud adiunges, homines sapientes turpitudine, non casu, et delicto suo, non aliorum iniuria

commoveri. Ego et memoria nostrae veteris amicitiae et virtute atque observantia filii tui monitus nullo loco deero neque ad consolandum neque ad levandam fortunam tuam: tu si quid ad me forte scripseris, perficiam, ne te frustra scripsisse arbitrere.

XVIII. Scr. Romae anno u.c. 702.

M. CICERO S. D. T. FADIO.

Etsi egomet, qui te consolari cupio, consolandus ipse sum, propterea quod nullam rem gravius iamdiu tuli quam incommodum tuum, tamen te magno opere non hortor solum, sed etiam pro amore nostro rogo atque oro, te colligas virumque praebeas et, qua condicione omnes homines et quibus temporibus nos nati simus, cogites. Plus tibi virtus tua dedit, quam fortuna abstulit, propterea quod adeptus es, quod non multi homines novi, amisisti, quae plurimi homines nobilissimi. Ea denique videtur condicio impendere legum, iudiciorum, temporum, ut optime actum cum eo videatur esse, qui quam levissima poena ab hac re publica discesserit. Tu vero, qui et fortunas et liberos habeas et nos ceterosque necessitudine et benevolentia tecum coniunctissimos, cumque magnam facultatem sis habiturus nobiscum et cum omnibus tuis vivendi, et cum tuum unum sit iudicium ex tam multis, quod reprehendatur, ut quod una sententia eaque dubia potentiae alicuius condonatum existimetur, omnibus his de causis debes istam molestiam quam levissime ferre. Meus animus erit in te liberosque tuos semper, quem tu esse vis et qui esse debet.

XIX. Scr. in Cumano inter III. Kal. Maias et VI. Non. Maias a.u.c. 705.

CICERO RUFO.

Etsi mihi numquam dubium fuit, quin tibi essem carissimus, tamen quotidie magis id perspicio, exstatque id, quod mihi ostenderas quibusdam litteris, hoc te studiosiorem in me colendo fore, quam in provincia fuisses — etsi meo iudicio nihil ad tuum provinciale officium addi potest — , quo liberius iudicium esse posset tuum. Itaque me et superiores litterae tuae admodum delectaverunt, quibus et exspectatum meum adventum abs te amanter videbam et, cum aliter res cecidisset ac putasses, te meo consilio magno opere esse laetatum, et his proximis litteris magnum cepi fructum et iudicii et officii tui: iudicii, quod intelligo te, id quod omnes fortes ac boni viri facere debent, nihil putare utile esse, nisi quod rectum honestumque sit; officii, quod te mecum, quodcumque cepissem consilii, polliceris fore, quo neque mihi gratius neque, ut ego arbitror, tibi honestius esse quidquam potest. Mihi consilium captum iamdiu est, de quo ad te, non quo celandus esses, nihil scripsi antea, sed quia communicatio consilii tali tempore quasi quaedam admonitio videtur esse officii vel potius efflagitatio ad coeundam societatem vel periculi vel laboris; cum vero ea tua sit voluntas, humanitas, benevolentia erga me, libenter amplector talem animum, sed ita — non enim dimittam pudorem in rogando meum — : si feceris id, quod ostendis, magnam habebo gratiam, si non feceris, ignoscam, et alterum timori, alterum mihi te negare non potuisse arbitrabor; est enim res profecto maxima: quid rectum sit, apparet; quid expediat, obscurum est, ita tamen, ut, si nos ii sumus, qui esse debemus, id est, studio digni ac litteris nostris, dubitare non possimus, quin ea maxime conducant, quae sint rectissima. Quare tu, si simul placebit, statim ad me venies; sin idem placebit atque eodem nec continuo poteris, omnia tibi ut nota sint, faciam. Quidquid statueris, te mihi amicum, sin id, quod opto, etiam amicissimum iudicabo.

XX. Scr. ad urbem medio mense Ianuario a.u.c. 705.

CICERO RUFO.

Quoquo modo potuissem, te convenissem, si eo, quo constitueras, venire voluisses; quare, etsi mei commodi causa commovere me

noluisti, tamen ita existimes velim, me antelaturum fuisse, si ad me misisses, voluntatem tuam commodo meo. Ad ea, quae scripsisti, commodius equidem possem de singulis ad te rebus scribere, si M. Tullius, scriba meus, adesset: a quo mihi exploratum est in rationibus dumtaxat referendis — de ceteris rebus affirmare non possum — nihil eum fecisse scientem, quod esset contra aut rem aut existimationem tuam; dein, si rationum referendarum ius vetus et mos antiquus maneret, me relaturum rationes, nisi tecum pro coniunctione nostrae necessitudinis contulissem confecissemque, non fuisse. Quod igitur fecissem ad urbem, si consuetudo pristina maneret, id, quoniam lege Iulia relinquere rationes in provincia necesse erat easdemque totidem verbis referre ad aerarium, feci in provincia, neque ita feci, ut te ad meum arbitrium adducerem, sed tribui tibi tantum, quantum me tribuisse numquam me poenitebit: totum enim scribam meum, quem tibi video nunc esse suspectum, tibi tradidi; tu ei M. Mindium, fratrem tuum, adiunxisti; rationes confectae me absente sunt tecum, ad quas ego nihil adhibui praeter lectionem; ita accepi librum a meo scriba, ut eundem acceperim a fratre tuo. Si honos is fuit, maiorem tibi habere non potui; si fides, maiorem tibi habui quam paene ipsi mihi; si providendum fuit, ne quid aliter, ac tibi et honestum et utile esset, referretur, non habui, cui potius id negotii darem, quam cui dederam. Illud quidem certe factum est, quod lex iubebat, ut apud duas civitates, Laodiceensem et Apameensem, quae nobis maximae videbantur, quoniam ita necesse erat, rationes confectas collatas deponeremus. Itaque huic loco primum respondeo me, quamquam iustis de causis rationes referre properarim, tamen te exspectaturum fuisse, nisi in provincia relictas rationes pro relatis haberem; quamobrem * * * *. De Volusio quod scribis, non est id rationum; docuerunt enim me periti homines, in iis cum omnium peritissimus, tum mihi amicissimus, C. Camillus, ad Volusium traferri nomen a Valerio non potuisse, praedes Valerianos teneri. Neque id erat HS XXX, ut scribis, sed HS XIX; erat enim curata nobis pecunia Valerii mancipis nomine, ex qua reliquum quod erat, in rationibus rettuli. Sed sic me et liberalitatis fructu privas et diligentiae et, quod minime tamen laboro, mediocris etiam prudentiae: liberalitatis, quod mavis scribae mei beneficio quam meo legatum meum * * praefectumque Q. Leptam maxima calamitate

levatos cum praesertim non deberent esse obligati; diligentiae, quod existimas de tanto officio meo, tanto etiam periculo nec scisse me quidquam nec cogitavisse, scribam, quidquid voluisset, cum id mihi ne recitavisset quidem, retulisse; prudentiae, quod rem a me non insipienter excogitatam ne cogitatam quidem putas. Nam et Volusii liberandi meum fuit consilium et, ut multa tam gravis Valerianis praedibus ipsique T. Mario depelleretur, a me inita ratio est, quam quidem omnes non solum probant, sed etiam laudant, et, si verum scire vis, hoc uni scribae meo intellexi non nimium placere; sed ego putavi esse viri boni, cum populus suum servaret, consulere fortunis tot vel amicorum vel civium. Nam de Lucceio est ita actum, ut auctore Cn. Pompeio ista pecunia in fano poneretur; id ego agnovi meo iussu esse factum: qua pecunia Pompeius est usus, ut ea, quam tu deposueras, Sestius; sed hoc ad te nihil intelligo pertinere: illud me non animadvertisse moleste ferrem, ut ascriberem te in fano pecuniam iussu meo deposuisse, nisi ista pecunia gravissimis esset certissimisque monumentis testata, cui data, quo senatus consulto, quibus tuis, quibus meis litteris P. Sestio tradita esset; quae cum viderem tot vestigiis impressa, ut in iis errari non posset, non ascripsi id, quod tua nihil referebat; ego tamen ascripsisse mallem, quoniam id te video desiderare. Sicut scribis, tibi id esse referendum, item ipse sentio, neque in eo quidquam a meis rationibus discrepabunt tuae; addes enim tu, meo iussu, quod ego, qui non addidi, nec causa est cur negem nec, si causa esset et tu nolles, negarem. Nam de HS. nongentis milibus certe ita relatum est, ut tu sive frater tuus referri voluit; sed, si quid est, quoniam de logaeo parum provisum est, quod ego in rationibus referendis etiam nunc corrigere possim, de eo mihi, quoniam senatus consulto non sum usus, quid per leges liceat, considerandum est: te certe in pecuniae exactae ita efferre ex meis rationibus relatis non oportuit, nisi quid me fallit, sunt enim alii peritiores. Illud cave dubites, quin ego omnia faciam, quae interesse tua aut etiam velle te existimem, si ullo modo facere possim. Quod scribis de beneficiis, scito a me et tribunos militares et praefectos et contubernales dumtaxat meos delatos esse: in quo quidem me ratio fefellit; liberum enim mihi tempus ad eos deferendos existimabam dari, postea certior sum factus triginta diebus deferri necesse esse, quibus rationes rettulissem. Sane moleste tuli non illa beneficia tuae

potius ambitioni reservata esse quam meae, qui ambitione nihil uterer; de centurionibus tamen et de tribunorum militarium contubernalibus res est in integro, genus enim horum beneficiorum definitum lege non erat. Reliquum est de HS. centum milibus, de quibus memini mihi a te Myrina litteras esse allatas, non mei errati, sed tui, in quo peccatum videbatur esse, si modo erat, fratris tui et Tullii; sed, cum id corrigi non posset, quod iam depositis rationibus ex provincia decesseramus, credo me quidem tibi pro animi mei voluntate proque ea spe facultatum, quam tum habebamus, quam humanissime potuerim, rescripsisse, sed neque tum me humanitate litterarum mearum obligatum puto neque me tuam hodie epistulam de HS. centum sic accepisse, ut ii accipiunt, quibus epistulae per haec tempora molestae sunt. Simul illud cogitare debes, me omnem pecuniam, quae ad me salvis legibus pervenisset, Ephesi apud publicanos deposuisse, id fuisse HS. XXII., eam omnem pecuniam Pompeium abstulisse; quod ego sive aequo animo sive iniquo fero, tu de HS. centum aequo animo ferre debes et existimare eo minus ad te vel de tuis cibariis vel de mea liberalitate pervenisse. Quod si mihi expensa ista HS. centum tulisses, tamen, quae tua est suavitas quique in me amor, nolles a me hoc tempore aestimationem accipere; nam, numeratum si cuperem, non erat. Sed haec iocatum me putato, ut ego te existimo; ego tamen, cum Tullius rure redierit, mittam eum ad te, si quid ad rem putabis pertinere. Hanc epistulam cur non scindi velim, causa nulla est.

XXI. Scr. Romae (ante m. Aprilem) a.u.c. 708.

M. CICERO S. D. L. MESCINIO.

Gratae mihi tuae litterae fuerunt, ex quibus intellexi, quod etiam sine litteris arbitrabar, te summa cupiditate affectum esse videndi mei: quod ego ita libenter accipio, ut tamen tibi non concedam; nam tecum esse, ita mihi omnia, quae opto, contingant, ut vehementer velim! etenim, cum esset maior et virorum et civium bonorum et iucundorum hominum et amantium mei copia, tamen erat nemo, quicum essem libentius quam tecum, et pauci, quibuscum essem aeque libenter; hoc vero tempore, cum alii interierint, alii absint, alii

mutati voluntate sint, unum medius fidius tecum diem libentius posuerim quam hoc omne tempus cum plerisque eorum, quibuscum vivo necessario; noli enim existimare mihi non solitudinem iucundiorem esse, qua tamen ipsa uti non licet, quam sermones eorum, qui frequentant domum meam, excepto uno aut summum altero. Itaque utor eodem perfugio, quo tibi utendum censeo, litterulis nostris, praeterea conscientia etiam consiliorum meorum; ego enim is sum, quemadmodum tu facillime potes existimare, qui nihil umquam mea potius quam meorum civium causa fecerim; cui nisi invidisset is, quem tu numquam amasti — me enim amabas — , et ipse beatus esset et omnes boni. Ego sum, qui nullius vim plus valere volui quam honestum otium, idemque, cum illa ipsa arma, quae semper timueram, plus posse sensi quam illum consensum bonorum, quem ego idem effeceram, quavis tuta condicione pacem accipere malui quam viribus cum valentiore pugnare. Sed et haec et multa alia coram brevi tempore licebit. Neque me tamen ulla res alia Romae tenet nisi exspectatio rerum Africanarum — videtur enim mihi res in propinquum adducta discrimen — ; puto autem mea nonnihil interesse — quamquam id ipsum, quid intersit, non sane intelligo — , verumtamen, quidquid illinc nuntiatum sit, non longe abesse a consiliis amicorum; est enim res iam in eum locum adducta, ut, quamquam multum intersit inter eorum causas, qui dimicant, tamen inter victorias non multum interfuturum putem. Sed plane animus, qui dubiis rebus forsitan fuerit infirmior, desperatis confirmatus est multum; quem etiam tuae superiores litterae confirmarunt, quibus intellexi, quam fortiter iniuriam ferres, iuvitque me tibi cum summam humanitatem, tum etiam tuas litteras profuisse; verum enim scribam: teneriore mihi animo videbare, sicut omnes fere, qui vitam ingenuam in beata civitate et in libera viximus; sed, ut illa secunda moderate tulimus, sic hanc non solum adversam, sed funditus eversam fortunam fortiter ferre debemus, ut hoc saltem in maximis malis boni consequamur, ut mortem, quam etiam beati contemnere debebamus, propterea quod nullum sensum esset habitura, nunc sic affecti non modo contemnere debeamus, sed etiam optare. Tu, si me diligis, fruere isto otio tibique persuade praeter culpam ac peccatum, qua semper caruisti et carebis, homini accidere nihil posse, quod sit horribile aut pertimescendum. Ego, si videbitur recte fieri posse, ad

te veniam brevi; si quid acciderit, ut mutandum consilium sit, te certiorem faciam statim: tu ita fac cupidus mei videndi sis, ut istinc te ne moveas tam infirma valetudine, nisi ex me prius quaesieris per litteras, quid te velim facere. Me velim, ut facis, diligas valetudinique tuae et tranquillitati animi servias.

LIBER SEXTVS

Ad A. Torquatum et CeterosI. Scr. Romae a.u.c. 709.

M. CICERO S. D. A. TORQUATO

Etsi ea perturbatio est omnium rerum, ut suae quemque fortunae maxime poeniteat nemoque sit, quin ubivis quam ibi, ubi sit, esse malit, tamen mihi dubium non est, quin hoc tempore bono viro Romae esse miserrimum sit; nam, etsi, quocumque in loco quisque est, idem est ei sensus et eadem acerbitas ex interitu rerum et publicarum et suarum, tamen oculi augent dolorem, qui ea, quae ceteri audiunt, intueri coguntur nec avertere a miseriis cogitationem sinunt: quare, etsi multarum rerum desiderio te angi necesse est, tamen illo dolore, quo maxime te confici audio, quod Romae non sis, animum tuum libera; etsi enim cum magna molestia tuos tuaque desideras, tamen illa quidem, quae requiris, suum statum tenent nec melius, si tu adesses, tenerent nec sunt ullo in proprio periculo, nec debes tu, cum de tuis cogitas, aut praecipuam aliquam fortunam postulare aut communem recusare. De te autem ipso, Torquate, est tuum sic agitare animo, ut non adhibeas in consilium cogitationum tuarum desperationem aut timorem; nec enim is, qui in te adhuc iniustior, quam tua dignitas postulabat, fuit, non magna signa dedit animi erga te mitigati, nec tamen is ipse, a quo salus petitur, habet explicatam aut exploratam rationem salutis suae, cumque omnium bellorum exitus incerti sint, ab altera victoria tibi periculum nullum esse perspicio, quod quidem seiunctum sit ab omnium interitu, ab altera te ipsum numquam timuisse certo scio. Reliquum est, ut te id ipsum, quod ego quasi consolationis loco pono, maxime excruciet, commune periculum rei publicae: cuius tanti mali, quamvis docti viri multa dicant, tamen vereor ne consolatio nulla possit vera reperiri praeter illam, quae tanta est, quantum in cuiusque animo roboris est atque nervorum; si enim bene sentire recteque facere satis est ad bene beateque vivendum, vereor, ne eum, qui se optimorum consiliorum conscientia sustentare possit, miserum esse nefas sit dicere. Nec enim nos arbitror victoriae praemiis ductos patriam olim et liberos et

fortunas reliquisse; sed quoddam nobis officium iustum et pium et debitum rei publicae nostraeque dignitati videbamur sequi, nec, cum id faciebamus, tam eramus amentes, ut explorata nobis esset victoria. Quare, si id evenit, quod ingredientibus nobis in causam propositum fuit accidere posse, non debemus ita cadere animis, quasi aliquid evenerit, quod fieri posse numquam putarimus. Simus igitur ea mente, quam ratio et veritas praescribit, ut nihil in vita nobis praestandum praeter culpam putemus, eaque cum careamus, omnia humana placate et moderate feramus. Atque haec eo pertinet oratio, ut perditis rebus omnibus tamen ipsa virtus se sustentare posse videatur; sed, si est spes aliqua de rebus communibus, ea tu, quicumque status est futurus, carere non debes. Atque haec mihi scribenti veniebat in mentem me esse eum, cuius tu desperationem accusare solitus esses quemque auctoritate tua cunctantem et diffidentem excitare — quo quidem tempore non ego causam nostram, sed consilium improbabam; sero enim nos iis armis adversari videbam, quae multo ante confirmata per nosmet ipsos erant, dolebamque pilis et gladiis, non consiliis neque auctoritatibus nostris de iure publico disceptari; neque ego, ea, quae facta sunt, fore cum dicebam, divinabam futura, sed, quod et fieri posse et exitiosum fore, si evenisset, videbam, id ne accideret timebam, praesertim cum, si mihi alterum utrum de eventu atque exitu rerum promittendum esset, id futurum, quod evenit, exploratius possem promittere; iis enim rebus praestabamus, quae non prodeunt in aciem, usu autem armorum et militum robore inferiores eramus — ; sed tu illum animum nunc adhibe, quaeso, quo me tum esse oportere censebas. Haec eo scripsi, quod mihi Philargyrus tuus omnia de te requirenti fidelissimo animo, ut mihi quidem visus est, narravit te interdum sollicitum solere esse vehementius: quod facere non debes nec dubitare, quin aut aliqua re publica sis futurus, qui esse debes, aut perdita non afflictiore condicione quam ceteri. Hoc vero tempus, quo exanimati omnes et suspensi sumus, hoc moderatiore animo ferre debes, quod et in urbe ea es, ubi nata et alta est ratio ac moderatio vitae, et habes Ser. Sulpicium — quem semper unice dilexisti — , qui te profecto et benevolentia et sapientia consolatur, cuius si essemus et auctoritatem et consilium secuti, togati potius potentiam quam armati victoriam subissemus. Sed haec longiora fortasse

fuerunt, quam necesse fuit; illa, quae maiora sunt, brevius exponam: ego habeo, cui plus quam tibi debeam, neminem — quibus tantum debebam, quantum tu intelligis, eos huius mihi belli casus eripuit — ; qui sim autem hoc tempore, intelligo, sed, quia nemo est tam afflictus, quin, si nihil aliud studeat nisi id, quod agit, possit navare aliquid et efficere, omne meum consilium, operam, studium certe, velim existimes tibi tuisque liberis esse debitum.

II. Scr. Asturae mense Iunio aut Quinctili a.u.c. 709.

M. CICERO S. D. A. TORQUATO

Peto a te, ne me putes oblivione tui rarius ad te scribere, quam solebam, sed aut gravitate valetudinis, qua tamen iam paullum videor levari, aut quod absim ab urbe, ut, qui ad te proficiscantur, scire non possim; quare velim ita statutum habeas, me tui memoriam cum summa benevolentia tenere tuasque omnes res non minori mihi curae quam meas esse. Quod maiore in varietate versata est adhuc tua causa, quam homines aut volebant aut opinabantur, mihi crede, non est pro malis temporum, quod moleste feras; necesse est enim aut armis urgeri rem publicam sempiternis aut iis positis recreari aliquando aut funditus interire: si arma valebunt, nec eos, a quibus reciperis, vereri debes nec eos, quos adiuvisti; si armis aut condicione positis aut defetigatione abiectis aut victoria detractis civitas respiraverit, et dignitate tua frui tibi et fortunis licebit; sin omnino interierint omnia fueritque is exitus, quem vir prudentissimus, M. Antonius, iam tum timebat, cum tantum instare malorum suspicabatur, misera est illa quidem consolatio, tali praesertim civi et viro, sed tamen necessaria, nihil esse praecipue cuiquam dolendum in eo, quod accidat universis. Quae vis insit in his paucis verbis — plura enim committenda epistulae non erant — , si attendes, quod facis, profecto etiam sine meis litteris intelliges te aliquid habere, quod speres, nihil, quod aut hoc aut aliquo rei publicae statu timeas; omnia si intererint, cum superstitem te esse rei publicae ne si liceat quidem velis, ferendam esse fortunam, praesertim quae absit a culpa. Sed haec hactenus: tu velim scribas ad me, quid agas et ubi futurus sis, ut aut quo scribam aut quo veniam

scire possim.

III. Scr. Romae a.u.c. 709.

M. CICERO S. D. A. TORQUATO

Superioribus litteris benevolentia magis adductus, quam quo res ita postularet, fui longior; neque enim confirmatione nostra egebat virtus tua neque erat ea mea causa atque fortuna, ut, cui ipsi omnia deessent, alterum confirmarem. Hoc item tempore brevior esse debeo; sive enim nihil tum opus fuit tam multis verbis, nihilo magis nunc opus est, sive tum opus fuit, illud satis est, praesertim cum accesserit nihil novi: nam, etsi quotidie aliquid audimus earum rerum, quas ad te perferri existimo, summa tamen eadem est et idem exitus; quem ego tam video animo, quam ea, quae oculis cernimus, nec vero quidquam video, quod non idem te videre certo scio; nam, etsi, quem exitum acies habitura sit, divinare nemo potest, tamen et belli exitum video et, si id minus, hoc quidem certe, cum sit necesse alterum utrum vincere, qualis futura sit vel haec vel illa victoria. Idque cum optime perspexi, tum tale video, nihil ut mali videatur futurum, si id ante acciderit, quod vel maximum ad timorem proponitur; ita enim vivere, ut tum sit vivendum, miserrimum est; mori autem nemo sapiens miserum duxit, ne beato quidem. Sed in ea es urbe, in qua haec vel plura et ornatiora parietes ipsi loqui posse videantur. Ego tibi hoc confirmo, etsi levis est consolatio ex miseriis aliorum, nihilo te nunc maiore in discrimine esse quam quemvis aut eorum, qui discesserint, aut eorum, qui remanserint: alteri dimicant, alteri victorem timent. Sed haec consolatio levis est; illa gravior, qua te uti spero, ego certe utor: nec enim, dum ero, angar ulla re, cum omni vacem culpa, et, si non ero, sensu omnino carebo. Sed rursus glaËx’ eÞs ‘AyÆnaw, qui ad te haec. Mihi tu, tui, tua omnia maximae curae sunt et, dum vivam, erunt. Vale.

IV. Scr. Romae a.u.c. 709

M. CICERO S. D. A. TORQUATO

Novi, quod ad te scriberem, nihil erat, et tamen, si quid esset,

sciebam te a tuis certiorem fieri solere; de futuris autem rebus etsi semper difficile est dicere, tamen interdum coniectura possis propius accedere, quam est res eiusmodi, cuius exitus provideri possit. Nunc tantum videmur intelligere, non diuturnum bellum, etsi id ipsum nonnullis videtur secus. Equidem, cum haec scribebam, aliquid iam actum putabam: non quo, sed quod difficilis erat coniectura; nam, cum omnis belli Mars communis et cum semper incerti exitus proeliorum sunt, tum hoc tempore ita magnae utrimque copiae, ita paratae ad depugnandum esse dicuntur, ut, utercumque vicerit, non sit mirum futurum. Ilia in dies singulos magis magisque opinio hominum confirmatur, etiamsi inter causas armorum aliquantum intersit, tamen inter victorias non multum interfuturum: alteros propemodum iam sumus experti; de altero nemo est quin cogitet, quam sit metuendus iratus victor armatus. Hoc loco si videor augere dolorem tuum, quem consolando levare debebam, fateor me communium malorum consolationem nullam invenire praeter illam — quae tamen, si possis eam suscipere, maxima est quaque ego quotidie magis utor — : conscientiam rectae voluntatis maximam consolationem esse rerum incommodarum nec esse ullum magnum malum praeter culpam: a qua quoniam tantum absumus, ut etiam optime senserimus, eventusque magis nostri consilii quam consilium reprehendatur, et quoniam praestitimus, quod debuimus, moderate, quod evenit, feramus. Sed hoc mihi tamen non sumo, ut te consoler de communibus miseriis, quae ad consolandum maioris ingenii et ad ferendum singularis virtutis indigent: illud cuivis facile est docere, cur praecipue tu dolere nihil debeas; eius enim, qui tardior in te levando fuit, quam fore putaramus, non est mihi dubia de tua salute sententia, de illis autem non arbitror te exspectare quid sentiam. Reliquum est, ut te angat, quod absis a tuis tamdiu: res molesta, praesertim ab iis pueris, quibus nihil potest esse festivius; sed, ut ad te scripsi antea, tempus est huiusmodi, ut suam quisque condicionem miserrimam putet et, ubi quisque sit, ibi esse minime velit. Equidem, nos qui Romae sumus, miserrimos esse duco, non solum quod in malis omnibus acerbius est videre quam audire, sed etiam quod ad omnes casus subitorum periculorum magis obiecti sumus, quam si abessemus; etsi me ipsum, consolatorem tuum, non tantum litterae, quibus semper studui, quantum longinquitas temporis mitigavit.

Quanto fuerim dolore, meministi: in quo prima illa consolatio est, vidisse me plus quam ceteros, cum cupiebam quamvis iniqua condicione pacem, quod etsi casu, non divinatione mea factum est, tamen in hac inani prudentiae laude delector; deinde, quod mihi ad consolationem commune tecum est, si iam vocer ad exitum vitae, non ab ea re publica avellar, qua carendum esse doleam, praesertim cum id sine ullo sensu futurum sit; adiuvat etiam aetas et acta iam vita, quae cum cursu suo bene confecto delectat, tum vetat in eo vim timere, quo nos iam natura ipsa paene perduxerit; postremo is vir vel etiam ii viri hoc bello occiderunt, ut impudentia videatur eandem fortunam, si res cogat, recusare. Equidem mihi omnia propono nec ullum est tantum malum, quod non putem impendere; sed, cum plus in metuendo mali sit quam in ipso illo, quod timetur, metuere desino, praesertim cum id impendeat, in quo non modo dolor nullus, verum finis etiam doloris futurus sit. Sed haec satis multa vel plura potius, quam necesse fuit; facit autem non loquacitas mea, sed benevolentia longiores epistulas. Servium discessisse Athenis moleste tuli; non enim dubito, quin magnae tibi levationi solitus sit esse quotidianus congressus et sermo cum familiarissimi hominis, tum optimi et prudentissimi viri. Tu velim te, ut debes et soles, tua virtute sustentes: ego, quae te velle quaeque ad te et ad tuos pertinere arbitrabor, omnia studiose diligenterque curabo; quae cum faciam, benevolentiam tuam erga me imitabor, merita non assequar. Vale.

V. Scr. Romae exeunte anno u. c. 708.

M. CICERO S. D. A CAECINAE

Quotiescumque filium tuum video — video autem fere quotidie — , polliceor ei studium quidem meum et operam sine ulla exceptione aut laboris aut occupationis aut temporis, gratiam autem atque auctoritatem cum hac exceptione, quantum valeam quantumque possim. Liber tuus et lectus est et legitur a me diligenter et custoditur diligentissime. Res et fortunae tuae mihi maximae curae sunt, quae quidem quotidie faciliores mihi et meliores videntur, multisque video magnae esse curae, quorum de studio et de sua spe filium ad te perscripsisse certo scio; iis autem de rebus, quas coniectura consequi

possumus, non mihi sumo, ut plus ipse prospiciam, quam te videre atque intelligere mihi persuaserim, sed tamen, quia fieri potest, ut tu ea perturbatiore animo cogites, puto esse meum, quid sentiam, exponere: ea natura rerum est et is temporum cursus, ut non possit ista aut tibi aut ceteris fortuna esse diuturna neque haerere in tam bona causa et in tam bonis civibus tam acerba iniuria. Quare ad eam spem, quam de omnibus habemus, accedit ea, quam extra ordinem de te ipso habemus non solum propter dignitatem et virtutem tuam — haec enim ornamenta sunt tibi etiam cum aliis communia — , sed etiam propter eximium ingenium summamque eloquentiam, cui mehercules hic, cuius in potestate sumus, multum tribuit. Itaque ne punctum quidem temporis in ista fortuna fuisses, nisi eo ipso bono tuo, quo delectatur, se violatum putasset; quod ipsum lenitur quotidie, significaturque nobis ab iis, qui simul cum eo vivunt, tibi hanc ipsam opinionem ingenii apud illum plurimum profuturam. Quapropter primum fac animo forti atque magno sis — ita enim natus, ita educatus, ita doctus es, ita etiam cognitus, ut tibi id faciendum sit — , deinde spem quoque habeas firmissimam propter eas causas, quas scripsi: a me vero tibi omnia liberisque tuis paratissima esse confidas velim; id enim et vetustas nostri amoris et mea consuetudo in meos et tua multa erga me officia postulant.

VI. Scr. Romae (post VII. K. Sext.) a.u.c. 708.

M. CICERO S. D. A. CAECINAE

Vereor, ne desideres officium meum, quod tibi pro nostra et meritorum multorum et studiorum parium coniunctione deesse non debet, sed tamen vereor, ne litterarum a me officium requiras, quas tibi et iampridem et saepe misissem, nisi quotidie melius exspectans gratulationem quam confirmationem animi tui complecti litteris maluissem. Nunc, ut spero, brevi gratulabimur: itaque in aliud tempus id argumentum epistulae differo; his autem litteris animum tuum, quem minime imbecillum esse et audio et spero, etsi non sapientissimi, at amicissimi hominis auctoritate confirmandum etiam atque etiam puto, nec iis quidem verbis, quibus te consoler ut afflictum et iam omni spe salutis orbatum, sed ut eum, de cuius

incolumitate non plus dubitem, quam te memini dubitare de mea; nam, cum me ex re publica expulissent ii, qui illam cadere posse stante me non putarunt, memini me ex multis hospitibus, qui ad me ex Asia, in qua tu eras, venerant, audire te de glorioso et celeri reditu meo confirmare. Si te ratio quaedam Etruscae disciplinae, quam a patre, nobilissimo atque optimo viro, acceperas, non fefellit, ne nos quidem nostra divinatio fallet, quam cum sapientissimorum virorum monitis atque praeceptis plurimoque, ut tu scis, doctrinae studio, tum magno etiam usu tractandae rei publicae magnaque nostrorum temporum varietate consecuti sumus; cui quidem divinationi hoc plus confidimus, quod ea nos nihil in his tam obscuris rebus tamque perturbatis umquam omnino fefellit. Dicerem, quae ante futura dixissem, ni vererer, ne ex eventis fingere viderer; sed tamen plurimi sunt testes me et initio, ne coniungeret se cum Caesare, monuisse Pompeium et postea, ne se diiungeret: coniunctione frangi senatus opes, diiunctione civile bellum excitari videbam, atque utebar familiarissime Caesare, Pompeium faciebam plurimi, sed erat meum consilium cum fidele Pompeio, tum salutare utrique. Quae praeterea providerim, praetereo; nolo enim hunc de me optime meritum existimare ea me suasisse Pompeio, quibus ille si paruisset, esset hic quidem clarus in toga et princeps, sed tantas opes, quantas nunc habet, non haberet: eundem in Hispaniam censui; quod si fecisset, civile bellum nullum omnino fuisset. Rationem haberi absentis non tam pugnavi ut liceret, quam ut, quoniam ipso consule pugnante populus iusserat, haberetur. Causa orta belli est: quid ego praetermisi aut monitorum aut querelarum, cum vel iniquissimam pacem iustissimo bello anteferrem? Victa est auctoritas mea, non tam a Pompeio — nam is movebatur — , quam ab iis, qui duce Pompeio freti peropportunam et rebus domesticis et cupiditatibus suis illius belli victoriam fore putabant. Susceptum bellum est quiescente me, depulsum ex Italia manente me, quoad potui, sed valuit apud me plus pudor meus quam timor: veritus sum deesse Pompeii saluti, cum ille aliquando non defuisset meae. Itaque vel officio vel fama bonorum vel pudore victus, ut in fabulis Amphiaraus, sic ego prudens et sciens ad pestem ante oculos positam sum profectus; quo in bello nihil adversi accidit non praedicente me. Quare, quoniam, ut augures et astrologi solent, ego quoque augur publicus ex meis superioribus

praedictis constitui apud te auctoritatem angurii et divinationis meae, debebit habere fidem nostra praedictio. Non igitur ex alitis volatu nec e cantu sinistro oscinis, ut in nostra disciplina est, nec ex tripudiis solistimis aut soniviis tibi auguror, sed habeo alia signa, quae observem; quae etsi non sunt certiora illis, minus tamen habent vel obscuritatis vel erroris. Notantur autem mihi ad divinandum signa duplici quadam via, quarum alteram duco e Caesare ipso, alteram e temporum civilium natura atque ratione. In Caesare haec sunt: mitis clemensque natura, qualis exprimitur praeclaro illo libro Querelarum tuarum; accedit, quod mirifice ingeniis excellentibus, quale est tuum, delectatur; praeterea cedit multorum iustis et officio incensis, non inanibus aut ambitiosis, voluntatibus, in quo vehementer eum consentiens Etruria movebit. Cur haec igitur adhuc parum profecerunt? Quia non putat se sustinere causas posse multorum, si tibi, cui iustius videtur irasci posse, concesserit. “Quae est igitur,” inquies, “spes ab irato?” Eodem e fonte se hausturum intelligit laudes suas, e quo sit leviter aspersus. Postremo homo valde est acutus et multum providens: intelligit te, hominem in parte Italiae minime contemnenda facile omnium nobilissimum et in communi re publica cuivis summorum tuae aetatis vel ingenio vel gratia vel fama populi Romani parem, non posse prohiberi re publica diutius; nolet hoc temporis potius esse aliquando beneficium quam iam suum. Dixi de Caesare; nunc dicam de temporum rerumque natura: nemo est tam inimicus ei causae, quam Pompeius animatus melius quam paratus susceperat, qui nos malos cives dicere aut homines improbos audeat; in quo admirari soleo gravitatem et iustitiam et sapientiam Caesaris: numquam nisi honorificentissime Pompeium appellat. “At in eius persona multa fecit asperius.” Armorum ista et victoriae sunt facta, non Caesaris. At nos quemadmodum est complexus! Cassium sibi legavit; Brutum Galliae praefecit, Sulpicium Graeciae; Marcellum, cui maxime suscensebat, cum summa illius dignitate restituit. Quo igitur haec spectant? Rerum hoc natura et civilium temporum non patietur, nec manens nec mutata ratio feret, primum ut non in causa pari eadem sit et condicio et fortuna omnium, deinde ut in eam civitatem boni viri et boni cives nulla ignominia notati non reverbantur, in quam tot nefariorum scelerum condemnati reverterunt. Habes augurium meum, quo, si quid addubitarem, non

potius uterer quam illa consolatione, qua facile fortem virum sustentarem: te, si explorata victoria arma sumpsisses pro re publica — ita enim tum putabas — , non nimis esse laudandum, sin propter incertos exitus eventusque bellorum posse accidere, ut vinceremur, putasses, non debere te ad secundam fortunam bene paratum fuisse, adversam ferre nullo modo posse. Disputarem etiam, quanto solatio tibi conscientia tui facti, quantae delectationi in rebus adversis litterae esse deberent; commemorarem non solum veterum, sed horum etiam recentium vel ducum vel comitum tuorum gravissimos casus; etiam externos multos claros viros nominarem; levat enim dolorem communis quasi legis et humanae conditionis recordatio; exponerem etiam, quemadmodum hic et quanta in turba quantaque in confusione rerum omnium viveremus; necesse est enim minore desiderio perdita re publica carere quam bona. Sed hoc genere nihil opus est: incolumem te cito, ut spero, vel potius, ut perspicio, videbimus. Interea tibi absenti et huic, qui adest, imagini animi et corporis tui, constantissimo atque optimo filio tuo, studium officium, operam laborem meum iampridem et pollicitus sum et detuli, nunc hoc amplius, quod me amicissime quotidie magis Caesar amplecitur, familiares quidem eius, sicuti neminem: apud quem quidquid valebo vel auctoritate vel gratia, valebo tibi; tu cura, ut cum firmitudine te animi, tum etiam spe optima sustentes.

VII. Scr. in Sicilia exeunte anno u.c. 708.

CAECINA CICERONI PLUR. SAL

Quod tibi non tam celeriter liber est redditus, ignosce timori nostro et miserere temporis. Filius, ut audio, pertimuit, neque iniuria, si liber exisset — quoniam non tam interest, quo animo scribatur, quam quo accipiatur — , ne ea res inepte mihi noceret, cum praesertim adhuc stili poenas dem. Qua quidem in re singulari sum fato; nam, cum mendum scripturae litura tollatur, stultitia fama multetur, meus error exsilio corrigitur, cuius summa criminis est, quod armatus adversario male dixi. Nemo nostrum est, ut opinor, quin vota Victoriae suae fecerit, nemo, quin etiam, cum de alia re immolaret, tamen eo quidem ipso tempore, ut quam primum Caesar superaretur, optarit:

hoc si non cogitat, omnibus rebus felix est; si scit et persuasus est, quid irascitur ei, qui aliquid scripsit contra suam voluntatem, cum ignorit omnibus, qui multa deos venerati sunt contra eius salutem? Sed, ut eodem revertar, causa haec fuit timoris: scripsi de te parce medius fidius et timide, non revocans me ipse, sed paene refugiens; genus autem hoc scripturae non modo liberum, sed incitatum atque elatum esse debere quis ignorat? solutum existimatur esse alteri male dicere — tamen cavendum est, ne in petulantiam incidas — ; impeditum se ipsum laudare, ne vitium arrogantiae subsequatur; solum vero liberum alterum laudare, de quo quidquid detrahas, necesse est aut infirmitati aut invidiae assignetur. Ac nescio an tibi gratius opportuniusque acciderit; nam, quod praeclare facere non poteram, primum erat non attingere, secundum beneficium quam parcissime facere. Sed tamen ego quidem me sustinui: multa minui, multa sustuli, complura ne posui quidem; quemadmodum igitur, scalarum gradus si alios tollas, alios incidas, nonnullos male haerentes relinquas, ruinae periculum struas, non ascensum pares, sic tot malis tum victum tum fractum studium scribendi quid dignum auribus aut probabile potest afferre? Cum vero ad ipsius Caesaris nomen veni, toto corpore contremesco, non poenae metu, sed illius iudicii; totum enim Caesarem non novi: quem putas animum esse, ubi secum loquitur? “Hoc probabit: hoc verbum suspiciosum est. Quid, si hoc muto? at vereor, ne peius sit. Age vero, laudo aliquem: non offendo? cum porro offendam, quid, si non vult? armati stilum persequitur: victi et nondum restituti quid faciet?” Auges etiam tu mihi timorem, qui in Oratore tuo caves tibi per Brutum et ad excusationem socium quaeris: ubi hoc omnium patronus facit, quid me, veterem tuum, nunc omnium clientem, sentire oportet? In hac igitur calumnia timoris et caecae suspicionis tormento, cum plurima ad alieni sensus coniecturam, non ad suum iudicium scribantur, quam difficile sit evadere, si minus expertus es, quod te ad omnia summum atque excellens ingenium armavit, nos sentimus. Sed tamen ego filio dixeram, librum tibi legeret et auferret, aut ea condicione daret, si reciperes te correcturum, hoc est, si totum alium faceres. De Asiatico itinere, quamquam summa necessitas premebat, ut imperasti, feci. Te pro me quid horter? vides tempus venisse, quo necesse sit de nobis constitui. Nihil est, mi Cicero, quod filium meum

exspectes: adolescens est; omnia excogitare vel studio vel aetate vel metu non potest. Totum negotium tu sustineas oportet; in te mihi omnis spes est. Tu pro tua prudentia, quibus rebus gaudeat, quibus capiatur Caesar, tenes: a te omnia proficiscantur et per te ad exitum perducantur necesse est; apud ipsum multum, apud eius omnes plurimum potes. Unum tibi si persuaseris, non hoc esse tui muneris, si quid rogatus fueris, ut facias — quamquam id magnum et amplum est — , sed totum tuum esse onus, perficies: nisi forte aut in miseria nimis stulte aut in amicitia nimis impudenter tibi onus impono; sed utrique rei excusationem tuae vitae consuetudo dat, nam, quod ita consuesti pro amicis laborare, non iam sic sperant abs te, sed etiam sic imperant tibi familiares. Quod ad librum attinet, quem tibi filius dabit, peto a te, ne exeat, aut ita corrigas, ne mihi noceat.

VIII. Scr. Romae exeunte anno u.c. 708.

CICERO CAECINAE

Cum esset mecum Largus, homo tui studiosus, locutus Kalendas Ianuarias tibi praefinitas esse, quod omnibus rebus perspexeram, quae Balbus et Oppius absente Caesare egissent, ea solere illi rata esse, egi vehementer cum iis, ut hoc mihi darent, tibi in Sicilia, quoad vellemus, esse uti liceret. Qui mihi consuessent aut libenter polliceri, si quid esset eiusmodi, quod eorum animos non offenderet, aut etiam negare et afferre rationem, cur negarent, huic meae rogationi vel efflagitationi potius non continuo responderunt; eodem die tamen ad me reverterunt; mihi hoc dederunt, ut esses in Sicilia, quoad velles; se praestaturos nihil ex eo te offensionis habiturum. Quoniam, quid tibi permittatur, cognosti, quid mihi placeat, puto te scire oportere. Actis his rebus litterae a te mihi redditae sunt, quibus a me consilium petis, quid sim tibi auctor, in Siciliane ut subsidas an ut ad reliquias Asiaticae negotiationis proficiscare. Haec tua deliberatio non mihi convenire visa est cum oratione Largi; ille enim mecum, quasi tibi non liceret in Sicilia diutius commorari, ita locutus erat, tu autem, quasi concessum sit, ita deliberas. Sed ego, sive hoc sive illud est, in Sicilia censeo commorandum: propinquitas locorum vel ad impetrandum adiuvabit crebris litteris et nuntiis vel ad reditus

celeritatem re aut impetrata, quod spero, aut aliqua ratione confecta; quamobrem censeo magno opere commorandum. T. Furfanio Postumo, familiari meo, legatisque eius, item meis familiaribus, diligentissime te commendabo, cum venerint; erant enim omnes Mutinae: viri sunt optimi et tui similium studiosi et mei necessarii. Quae mihi venient in mentem, quae ad te pertinere arbitrabor, ea mea sponte faciam: si quid ignorabo, de eo admonitus omnium studia vincam. Ego etsi coram de te cum Furfanio ita loquar, ut tibi litteris meis ad eum nihil opus sit, tamen, quoniam tuis placuit te habere meas litteras, quas ei redderes, morem iis gessi: earum litterarum exemplum infra scriptum est.

IX. Scr. Romae exeunte anno u.c. 708.

M. CICERO T. FURFANIO PROCOS. S

Cum A. Caecina tanta mihi familiaritas consuetudoque semper fuit, ut nulla maior esse possit; nam et patre eius, claro homine et forti viro, plurimum sum usus et hunc a puero, quod et spem magnam mihi afferebat summae probitatis summaeque eloquentiae et vivebat mecum coniunctissime non solum amicitiae officiis, sed etiam studiis communibus, sic semper dilexi, nullo ut cum homine coniunctius viverem. Nihil attinet me plura scribere; quam mihi necesse sit eius salutem et fortunas quibuscumque rebus possim tueri, vides. Reliquum est, ut, cum cognorim pluribus rebus, quid tu et de bonorum fortuna et de rei publicae calamitatibus sentires, nihil a te petam, nisi ut ad eam voluntatem, quam tua sponte erga Caecinam habiturus es, tantus cumulus accedat commendatione mea, quanti me a te fieri intelligo: hoc mihi gratius facere nihil potes. Vale.

Xa. Scr. Romae a.u.c. 708.

CICERO TREBIANO S. D

Ego quanti te faciam semperque fecerim quantique me a te fieri intellexerim, sum mihi ipse testis; nam et consilium tuum vel casus potius diutius in armis civilibus commorandi semper mihi magno dolori fuit, et hic eventus, quod tardius, quam est aequum et quam

ego vellem, reciperas fortunam et dignitatem tuam, mihi non minori curae est, quam tibi semper fuerunt casus mei. Itaque et Postumuleno et Sestio et saepissime Attico nostro proximeque Theudae, liberto tuo, totum me patefeci et hoc iis singulis saepe dixi, quacumque re possem, me tibi et liberis tuis satisfacere cupere, idque tu ad tuos velim scribas, haec quidem certe, quae in potestate mea sunt, ut operam consilium, rem fidem meam sibi ad omnes res paratam putent. Si auctoritate et gratia tantum possem, quantum in ea re publica, de qua ita meritus sum, posse deberem, tu quoque is esses, qui fuisti, cum omni gradu amplissimo dignissimus, tum certe ordinis tui facile princeps, sed, quoniam eodem tempore eademque de causa nostrum uterque cecidit, tibi et illa polliceor, quae supra scripsi, quae sunt adhuc mea, et ea, quae praeterea videor mihi ex aliqua parte retinere tamquam ex reliquiis pristinae dignitatis: neque enim ipse Caesar, ut multis rebus intelligere potui, est alienus a nobis et omnes fere familiarissimi eius casu devincti magnis meis veteribus officiis me diligenter observant et colunt. Itaque, si qui mihi erit aditus de tuis fortunis, id est de tua incolumitate, in qua sunt omnia, agendi, quod quidem quotidie magis ex eorum sermonibus adducor ut sperem, agam per me ipse et moliar. Singula persequi non est necesse: universum studium meum et benevolentiam ad te defero. Sed magni mea interest hoc tuos omnes scire, quod tuis litteris fieri potest ut intelligant, omnia Ciceronis patere Trebiano. Hoc eo pertinet, ut nihil existiment esse tam difficile, quod non pro te mihi susceptum iucundum sit futurum.

Xb. Scr. Romae a.u.c. 708.

Antea misissem ad te litteras, si genus scribendi invenirem; tali enim tempore aut consolari amicorum est aut polliceri: consolatione non utebar, quod ex multis audiebam, quam fortiter sapienterque ferres iniuriam temporum quamque te vehementer consolaretur conscientia factorum et consiliorum tuorum; quod quidem si facis, magnum fructum studiorum optimorum capis, in quibus te semper scio esse versatum, idque ut facias etiam atque etiam te hortor. Simul et illud tibi, homini peritissimo rerum et exemplorum et omnis vetustatis, ne ipse quidem rudis, sed in studio minus fortasse, quam vellem, in

rebus atque usu plus etiam, quam vellem, versatus spondeo, tibi istam acerbitatem et iniuriam non diuturnam fore; nam et ipse, qui plurimum potest, quotidie mihi delabi ad aequitatem et ad rerum naturam videtur et ipsa causa ea est, ut iam simul cum re publica, quae in perpetuum iacere non potest, necessario revivescat atque recreetur, quotidieque aliquid fit lenius et liberalius, quam timebamus: quae quoniam in temporum inclinationibus saepe parvis posita sunt, omnia momenta observabimus neque ullum praetermittemus tui iuvandi et levandi locum. Itaque illud alterum, quod dixi, litterarum genus quotidie mihi, ut spero, fiet proclivius, ut etiam polliceri possim: id re quam verbis faciam libentius. Tu velim existimes et plures te amicos habere, quam qui in isto casu sint ac fuerint, quantum quidem ego intelligere potuerim, et me concedere eorum nemini. Fortem fac animum habeas et magnum, quod est in uno te: quae sunt in fortuna, temporibus regentur et consiliis nostris providebuntur.

XI. Scr. Romae a.u.c. 709.

[M.] CICERO S. D. TREBIANO

Dolabellam antea tantummodo diligebam, obligatus ei nihil eram — nec enim acciderat mihi opus esse, et ille mihi debebat, quod non defueram eius periculis — : nunc tanto sum devinctus eius beneficio, quod et antea in re et hoc tempore in salute tua cumulatissime mihi satisfecit, ut nemini plus debeam. Qua in re tibi gratulor ita vehementer, ut te quoque mihi gratulari quam gratias agere malim: alterum omnino non desidero, alterum vere facere poteris. Quod reliquum est, quoniam tibi virtus et dignitas tua reditum ad tuos aperuit, est tuae sapientiae magnitudinisque animi, quid amiseris, oblivisci, quid reciperaris, cogitare: vives cum tuis, vives nobiscum; plus acquisisti dignitatis quam amisisti rei familiaris, quae ipsa tum esset iucundior, si ulla res esset publica. Vestorius, noster familiaris, ad me scripsit te mihi maximas gratias agere: haec praedicatio tua mihi valde grata est eaque te uti facile patior, cum apud alios, tum mehercule apud Syronem, nostrum amicum; quae enim facimus, ea prudentissimo cuique maxime probata esse volumus. Te cupio videre

quam primum.

XII. Scr. Romae a.u.c. 708.

CICERO AMPIO SAL. PLUR

Gratulor tibi, mi Balbe, vereque gratulor nec sum tam stultus, ut te usura falsi gaudii frui velim, deinde frangi repente atque ita cadere, ut nulla res te ad aequitatem animi possit postea extollere. Egi tuam causam apertius, quam mea tempora ferebant; vincebatur enim fortuna ipsa debilitatae gratiae nostrae tui caritate et meo perpetuo erga te amore culto a te diligentissime. Omnia promissa confirmata certa et rata sunt, quae ad reditum et ad salutem tuam pertinent: vidi, cognovi, interfui; etenim omnes Caesaris familiares satis opportune habet implicatos consuetudine et benevolentia sic, ut, cum ab illo discesserint, me habeant proximum. Hoc Pansa, Hirtius, Balbus, Oppius, Matius, Postumus plane ita faciunt, ut me unice diligant: quod si mihi per me efficiundum fuisset, non me poeniteret pro ratione temporum ita esse molitum; sed nihil est a me inservitum temporis causa, veteres mihi necessitudines cum iis omnibus intercedunt, quibuscum ego agere de te non destiti. Principem tamen habuimus Pansam, tui studiosissimum, mei cupidum, qui valeret apud illum non minus auctoritate quam gratia. Cimber autem Tillius mihi plane satisfecit; valent enim apud Caesarem non tam ambitiosae rogationes quam necessariae, quam quia Cimber habebat, plus valuit, quam pro ullo alio valere potuisset. Diploma statim non est datum, quod mirifica est improbitas in quibusdam, qui tulissent acerbius veniam tibi dari, quam illi appellant tubam belli civilis multaque ita dicunt, quasi non gaudeant id bellum incidisse. Quare visum est occultius agendum neque ullo modo divulgandum de te iam esse perfectum; sed id erit perbrevi, nec dubito, quin legente te has litteras confecta iam res futura sit: Pansa quidem mihi, gravis homo et certus, non solum confirmavit, verum etiam recepit perceleriter se ablaturum diploma. Mihi tamen placuit haec ad te perscribi; minus enim te firmum sermo Eppuleiae tuae lacrimaeque Ampiae declarabant, quam significant tuae litterae, atque illae arbitrabantur, quoniam a te abessent ipsae, multo in graviore te cura futurum; quare

magno opere putavi angoris et doloris tui levandi causa pro certis ad te ea, quae essent certa, perscribi. Scis me antea sic solitum esse scribere ad te, magis ut consolarer fortem virum atque sapientem, quam ut exploratam spem salutis ostenderem, nisi eam, quam ab ipsa re publica, cum hic ardor restinctus esset, sperari oportere censerem. Recordare tuas litteras, quibus et magnum animum mihi semper ostendisti et ad omnes casus ferendos constantem ac paratum; quod ego non mirabar, cum recordarer te et a primis temporibus aetatis in re publica esse versatum et tuos magistratus in ipsa discrimina incidisse salutis fortunarumque communium et in hoc ipsum bellum esse ingressum, non solum ut victor beatus, sed etiam ut, si ita accidisset, victus sapiens esses. Deinde, cum studium tuum consumas in virorum fortium factis memoriae prodendis, considerare debes nihil tibi esse committendum, quamobrem eorum, quos laudas, te non simillimum praebeas. Sed haec oratio magis esset apta ad illa tempora, quae iam effugisti: nunc vero tantum te para ad haec nobiscum ferenda, quibus ego si quam medicinam invenirem, tibi quoque eandem traderem; sed est unum perfugium doctrina ac litterae, quibus semper usi sumus, quae secundis rebus delectationem modo habere videbantur, nunc vero etiam salutem. Sed, ut ad initium revertar, cave dubites, quin omnia de salute ac reditu tuo perfecta sint.

XIII. Scr. Romae exeunte a.u.c. 708.

CICERO LIGARIO

Etsi tali tuo tempore me aut consolandi aut iuvandi tui causa scribere ad te aliquid pro nostra amicitia oportebat, tamen adhuc id non feceram, quia neque lenire videbar oratione neque levare posse dolorem tuum; postea vera quam magnam spem habere coepi fore, ut te brevi tempore incolumem haberemus, facere non potui, quin tibi et sententiam et voluntatem declararem meam. Primum igitur scribam, quod intelligo et perspicio, non fore in te Caesarem duriorem; nam et res eum quotidie et dies et opinio hominum et, ut mihi videtur, etiam sua natura mitiorem facit, idque cum de reliquis sentio, tum de te etiam audio ex familiarissimis eius, quibus ego ex eo tempore, quo

primum ex Africa nuntius venit, supplicare una cum fratribus tuis non destiti, quorum quidem et virtute et pietate et amore in te singulari et assidua et perpetua cura salutis tuae tantum proficitur, ut nihil sit, quod non ipsum Caesarem tributurum existimem; sed, si tardius fit, quam volumus, magnis occupationibus eius, a quo omnia petuntur, aditus ad eum difficiliores fuerunt, et simul Africanae causae iratior diutius velle videtur eos habere sollicitos, a quibus se putat diuturnioribus esse molestiis conflictatum, sed hoc ipsum intelligimus eum quotidie remissus et placatius ferre: quare mihi crede — et memoriae manda me tibi id affirmasse — te in istis molestiis diutius non futurum. Quoniam, quid sentirem, exposui, quid velim tua causa, re potius declarabo quam oratione: si tantum possem, quantum in ea re publica, de qua ita sum meritus, ut tu existimas, posse debebam, ne tu quidem in istis incommodis esses; eadem enim causa opes meas fregit, quae tuam salutem in discrimen adduxit; sed tamen, quidquid imago veteris meae dignitatis, quidquid reliquiae gratiae valebunt, studium, consilium, opera, [gratia,] fides mea nullo loco deerit tuis optimis fratribus. Tu fac habeas fortem animum, quem semper habuisti, primum ob eas causas, quas scripsi, deinde quod ea de re publica semper voluisti atque sensisti, ut non modo nunc secunda sperare debeas, sed etiam, si omnia adversa essent, tamen conscientia et factorum et consiliorum tuorum, quaecumque acciderent, fortissimo et maximo animo ferre deberes.

XIV. Scr. Romae a. d. v. Kal. intercal. priores a.u.c. 708.

CICERO LIGARIO

Me scito omnem meum laborem, omnem operam, curam, studium, in tua salute consumere; nam cum te semper maxime dilexi, tum fratrum tuorum, quos aeque atque te summa benevolentia sum complexus, singularis pietas amorque fraternus nullum me patitur officii erga te studiique munus aut tempus praetermittere. Sed, quae faciam fecerimque pro te, ex illorum te litteris quam ex meis malo cognoscere; quid autem sperem aut confidam et exploratum habeam de salute tua, id tibi a me declarari volo: nam, si quisquam est timidus in magnis periculosisque rebus sermperque magis adversos

rerum exitus metuens quam sperans secundos, is ego sum et, si hoc vitium est, eo me non carere confiteor; ego idem tamen, cum a. d. V. Kal. intercalares priores rogatu fratrum tuorum venissem mane ad Caesarem atque omnem adeundi et conveniendi illius indignitatem et molestiam pertulissem, cum fratres et propinqui tui iacerent ad pedes et ego essem locutus, quae causa, quae tuum tempus postulabat, non solum ex oratione Caesaris, quae sane mollis et liberalis fuit, sed etiam ex oculis et vultu, ex multis praeterea signis, quae facilius perspicere potui quam scribere, hac opinione discessi, ut mihi tua salus dubia non esset. Quamobrem fac animo magno fortique sis et, si turbidissima sapienter ferebas, tranquilliora laete feras. Ego tamen tuis rebus sic adero, ut difficillimis, neque Caesari solum, sed etiam amicis eius omnibus, quos mihi amicissimos esse cognavi, pro te, sicut adhuc feci, libentissime supplicabo. Vale.

XV. Scr. paullo post Idus Martias a.u.c. 710.

CICERO BASILO SAL

Tibi gratulor, mihi gaudeo; te amo, tua tueor; a te amari et, quid agas quidque agatur, certior fieri volo.

XVI. Scr. anno incerto (710, post Id. Mart.?)

BITHYNICUS CICERONI SAL

Si mihi tecum non et multae et iustae causae amicitiae privatim essent, repeterm initia amicitiae ex parentibus nostris, quod faciendum iis existimo, qui paternam amicitiam nullis ipsi officiis prosecuti sunt: itaque contentus ero nostra ipsorum amicitia, cuius fiducia peto a te, ut absentem me, quibuscumque in rebus opus fuerit, tueare, si nullum officium tuum apud me intermoriturum existimas. Vale.

XVII. Scr. anno incerto (710, post Id. Mart.?)

CICERO BITHYNICO

Cum ceterarum rerum causa cupio esse aliquando rem publicam constitutam, tum velim mihi credas accedere etiam, id quo magis expetam, promissum tuum, quo in litteris uteris; scribis enim, si ita sit, te mecum esse victurum. Gratissima mihi tua voluntas est, facisque nihil alienum necessitudine nostra iudiciisque patris tui de me summi viri; nam sic habeto, beneficiorum magnitudine eos, qui temporibus valuerunt ut valeant, coniunctiores tecum esse quam me, necessitudine neminem. Quamobrem grata mihi est et memoria tua nostrae coniunctionis et eius etiam augendae voluntas.

XVIII. Scr. Romae mense Ianuario a.u.c. 709.

CICERO LEPTAE

Simulatque accepi a Seleuco tuo litteras, statim quaesivi e Balbo per codicillos, quid esset in lege: rescripsit eos, qui facerent praeconium, vetari esse in decurionibus, qui fecissent, non vetari. Quare bono animo sint et tui et mei familiares; neque enim erat ferendum, cum, qui hodie haruspicinam facerent, in senatum Romae legerentur, eos, qui aliquando praeconium fecissent, in municipiis decuriones esse non licere. De Hispaniis novi nihil: magnum tamen exercitum Pompeium habere constat, nam Caesar ipse ad suos misit exemplum Paciaeci litterarum, in quo erat illas XI. esse legiones; scripserat etima Messalla Q. Salasso P. Curtium fratrem eius iussu Pompeii inspectante exercitu interfectum, quod consensisset cum Hispanis quibusdam, si in oppidum nescio quod Pompeius rei frumentariae causa venisset, eum comprehendere ad Caesaremque deducere. De tuo negotio, quod sponsor es pro Pompeio, si Galba consponsor tuus redierit, homo in re familiari non parum diligens, non desinam cum illo communicare, si quid expediri possit, quod videbatur mihi ille confidere. Oratorem meum tanto opere a te probari vehementer gaudeo; mihi quidem sic persuadeo, me, quidquid habuerim iudicii de dicendo, in illum librum contulisse: qui si est talis, qualem tibi videri scribis, ego quoque aliquid sum; sin aliter, non recuso, quin, quantum de illo libro, tantundem de mei iudicii fama detrahatur. Leptam nostrum cupio delectari iam talibus scriptis: etsi abest maturitas aetatis, tamen personare aures eius

huiusmodi vocibus non est inutile. Me Romae tenuit omnino Tulliae meae partus; sed, cum ea, quemadmodum spero, satis firma sit, teneor tamen, dum a Dolabellae procuratoribus exigam primam pensionem, et mehercule non tam sum peregrinator iam, quam solebam: aedificia mea me delectabant et otium; nunc domus est, quae nulli mearum villarum cedat, otium omni desertissima regione maius. Itaque ne litterae quidem meae impediuntur, in quibus sine ulla interpellatione versor; quare, ut arbitror, prius hic te nos, quam istic tu nos videbis. Lepta suavissimus edicat Hesiodum et habeat in ore tƒw d' *retƒw þdr«ta et cetera.

XIX. Scr. Asturae mense Sextili a.u.c. 709.

CICERO LEPTAE

Maculam officio functum esse gaudeo. Eius Falernum mihi semper idoneum visum est deversorio, si modo tecti satis est ad comitatum nostrum recipiendum; ceteroqui mihi locus non displicet. Nec ea re Petrinum tuum deseram; nam et villa et amoenitas illa commorationis est, non deversorii. De curatione aliqua munerum regiorum cum Oppio locutus sum; nam Balbum, posteaquam tu es profectus, non vidi: tantis pedum doloribus afficitur, ut se conveniri nolit. Omnino de tota re, ut mihi videris, sapientus faceres, si non curares; quod enim eo labore assequi vis, nullo modo assequere; tanta est enim intimorum multitudo, ut ex iis aliquis potius effluat, quam novo sit aditus, praesertim qui nihil afferat praeter operam, in qua ille se dedisse beneficium putabit — si modo id ipsum sciet — , non accepisse. Sed tamen aliquid videbimus, in quo sit species; aliter quidem non modo non appetendum, sed etiam fugiendum puto. Ego me Asturae diutius arbitror commoraturum, quoad ille quandoque veniat. Vale.

XX. Scr. Asturae exeunte mense Sextili a.u.c. 709.

CICERO TORANIO SAL

Dederam triduo ante pueris Cn. Plancii litteras ad te; eo nunc ero brevior teque, ut antea consolabar, hoc tempore monebo. Nihil puto tibi esse utilius quam ibidem opperiri, quoad scire possis, quid tibi agendum sit: nam praeter navigationis longae et hiemalis et minime portuosae periculum, quod vitaveris, ne illud quidem non quantivis, subito, cum certi aliquid audieris, te istim posse proficisci; nihil est praeterea, cur adventibus te offerre gestias; multa praeterea metuo, quae cum Cilone nostro communicavi. Quid multa? loco opportuniore in his malis nullo esse potuisti, ex quo te, quocumque opus erit, facillime et expeditissime conferas: quod si recipiet ille se, ad tempus aderis; sin — quoniam multa accidere possunt — aliqua res eum vel impediet vel morabitur, tu ibi eris, ubi omnia scire possis. Hoc mihi prorsus valde placet; de reliquo, ut te saepe per litteras hortatus sum, ita velim tibi persuadeas, te in hac causa nihil habere, quod tibi timendum sit, praeter communem casum civitatis, qui etsi est gravissimus, tamen ita viximus et id aetatis iam sumus, ut omnia, quae non nostra culpa nobis accidant, fortiter ferre debeamus. Hic tui omnes valent summaque pietate te desiderant et diligunt et colunt: tu cura, ut valeas et te istim ne temere commoveas.

XXI. Scr. Asturae mense Aprili a.u.c. 709.

CICERO TORANIO

Etsi, cum haec ad te scribebam, aut appropinquare exitus huius calamitosissimi belli aut iam aliquid actum et confectum videbatur, tamen quotidie commemorabam te unum in tanto exercitu mihi fuisse assensorem et me tibi solosque nos vidisse, quantum esset in eo bello mali, in quo spe pacis exclusa ipsa victoria futura esset acerbissima, quae aut interitum allatura esset, si victus esses, aut, si vicisses, servitutem. Itaque ego, quem tum fortes illi viri et sapientes, Domitii et Lentuli, timidum esse dicebant — eram plane; timebam enim, ne evenirent ea, quae acciderunt — , idem nunc nihil timeo et ad omnem eventum paratus sum: cum aliquid videbatur caveri posse, tum id negligi dolebam; nunc vero eversis omnibus rebus, cum consilio profici nihil possit, una ratio videtur, quidquid evenerit, ferre

moderate, praesertim cum omnium rerum mors sit extremum et mihi sim conscius me, quoad licuerit, dignitati rei publicae consuluisse et hac amissa salutem retinere voluisse. Haec scripsi, non ut de me ipse dicerem, sed ut tu, qui coniunctissima fuisti mecum et sententia et voluntate, eadem cogitares; magna enim consolatio est, cum recordare, etiamsi secus acciderit, te tamen recte vereque sensisse. Atque utinam liceat aliquando aliquo rei publicae statu nos frui inter nosque conferre sollicitudines nostras, quas pertulimus tum, cum timidi putabamur, quia dicebamus ea futura, quae facta sunt. De tuis rebus nihil esse, quod timeas, praeter universae rei publicae interitum tibi confirmo; de me autem sic velim iudices, quantum ego possim, me tibi, saluti tuae liberisque tuis summo cum studio praesto semper futurum. Vale.

XXII. Scr. Romae ineunte anno u.c. 708.

CICERO DOMITIO

Non ea res me deterruit, quo minus, posteaquam in Italiam venisti, litteras ad te mitterem, quod tu ad me nullas miseras, sed quia nec, quid tibi pollicerer ipse egens rebus omnibus, nec, quid suaderem, cum mihimet ipsi consilium deesset, nec, quid consolationis afferrem in tantis malis, reperiebam. Haec quamquam nihilo meliora sunt nunc atque etiam multo desperatiora, tamen inanes esse meas litteras quam nullas malui. Ego, si te intelligerem plus conatum esse suscipere rei publicae causa muneris, quam quantum praestare potuisses, tamen, quibuscumque rebus possem, ad eamm condicionem te vivendi, quae daretur quaeque esset, hortarer; sed, cum consilii tui bene fortiterque suscepti eum tibi finem statueris, quem ipsa fortuna terminum nostrarum contentionum esse voluisset, oro obtestorque te pro vetere nostra coniunctione ac necessitudine proque summa mea in te benevolentia et tua in me pari, te ut nobis, parenti, coniugi tuisque omnibus, quibus es fuistique semper carissimus, salvum conserves, incolumitati tuae tuorumque, qui ex te pendent, consulas, quae didicisti quaeque ab adolescentia pulcherrime a sapientissimis viris tradita memoria et scientia comprehendisti, iis hoc tempore utare, quos coniunctos summa

benevolentia plurimisque officiis amisisti, eorum desiderium, si non aequo animo, at forti feras. Ego quid possim nescio vel potius me parum posse sentio: illud tamen tibi polliceor, me, quaecumque saluti dignitatique tuae conducere arbitrabor, tanto studio esse facturum, quanto semper tu et studio et officio in meis rebus fuisti; hanc meam voluntatem ad matrem tuam, optimam feminam tuique amantissimam, detuli. Si quid ad me scripseris, ita faciam, ut te velle intellexero; sin autem tu minus scripseris, ego tamen omnia, quae tibi utilia esse arbitrabor, summo studio diligenterque curabo. Vale.

LIBER SEPTIMVS

Ad M. Marium et CeterosI. Scr. Romae a.u.c. 699.

M. CICERO S. D. M. MARIO.

Si te dolor aliqui corporis aut infirmitas valetudinis tuae tenuit, quo minus ad ludos venires, fortunae magis tribuo quam sapientiae tuae; sin haec, quae ceteri mirantur, contemnenda duxisti et, cum per valetudinem posses, venire tamen noluisti, utrumque laetor, et sine dolore corporis te fuisse et animo valuisse, cum ea, quae sine causa mirantur alii, neglexeris, modo ut tibi constiterit fructus otii tui, quo quidem tibi perfrui mirifice licuit, cum esses in ista amoenitate paene solus relictus. Neque tamen dubito, quin tu in illo cubiculo tuo, ex quo tibi Stabianum perforasti et patefecisti Misenum, per eos dies matutina tempora lectiunculis consumpseris, cum illi interea, qui te istic reliquerunt, spectarent communes mimos semisomni. Reliquas vero partes diei tu consumebas iis delectationibus, quas tibi ipse ad arbitrium tuum compararas, nobis autem erant ea perpetienda, quae Sp. Maecius probavisset. Omnino, si quaeris, ludi apparatissimi, sed non tui stomachi; coniecturam enim facio de meo; nam primum honoris causa in scenam redierant ii, quos ego honoris causa de scena decessisse arbitrabar; deliciae vero tuae, noster Aesopus, eiusmodi fuit, ut ei desinere per omnes homines liceret: is iurare cum coepisset, vox eum defecit in illo loco: “si sciens fallo.” Quid tibi ego alia narrem? nosti enim reliquos ludos, qui ne id quidem leporis habuerunt, quod solent mediocres ludi; apparatus enim spectatio tollebat omnem hilaritatem, quo quidem apparatu non dubito quin animo aequissimo carueris; quid enim delectationis habent sexcenti muli in Clytaemnestra aut in Equo Troiano creterrarum tria milia aut armatura varia peditatus et equitatus in aliqua pugna? quae popularem admirationem habuerunt, delectationem tibi nullam attulissent. Quod si tu per eos dies operam dedisti Protogeni tuo, dummodo is tibi quidvis potius quam orationes meas legerit, ne tu haud paullo plus quam quisquam nostrum delectationis habuisti; non enim te puto Graecos aut Oscos ludos desiderasse, praesertim cum

Oscos vel in senatu vestro spectare possis, Graecos ita non ames, ut ne ad villam quidem tuam via Graeca ire soleas. Nam quid ego te athletas putem desiderare, qui gladiatores contempseris? in quibus ipse Pompeius confitetur se et operam et oleum perdidisse. Reliquae sunt venationes binae per dies quinque, magnificae — nemo negat — , sed quae potest homini esse polito delectatio, cum aut homo imbecillus a valentissima bestia laniatur aut praeclara bestia venabulo transverberatur? quae tamen, si videnda sunt, saepe vidisti, neque nos, qui haec spectavimus, quidquam novi vidimus. Extremus elephantorum dies fuit: in quo admiratio magna vulgi atque turbae, delectatio nulla exstitit; quin etiam misericordia quaedam consecuta est atque opinio eiusmodi, esse quandam illi beluae cum genere humano societatem. His ego tamen diebus, ne forte videar tibi non modo beatus, sed liber omnino fuisse, dirupi me paene in iudicio Galli Caninii, familiaris tui. Quod si tam facilem populum haberem, quam Aesopus habuit, libenter mehercule [artem] desinerem tecumque et cum similibus nostri viverem; nam me cum antea taedebat, cum et aetas et ambitio me hortabatur et licebat denique, quem nolebam, non defendere, tum vero hoc tempore vita nulla est; neque enim fructum ullum laboris exspecto et cogor nonnumquam homines non optime de me meritos rogatu eorum, qui bene meriti sunt, defendere. Itaque quaero causas omnes aliquando vivendi arbitratu meo teque et istam rationem otii tui et laudo vehementer et probo, quodque nos minus intervisis, hoc fero animo aequiore, quod, si Romae esses, tamen neque nos lepore tuo neque te — si qui est in me — meo frui liceret propter molestissimas occupationes meas; quibus si me relaxaro — nam, ut plane exsolvam, non postulo — , te ipsum, qui multos annos nihil aliud commentaris, docebo profecto, quid sit humaniter vivere. Tu modo istam imbecillitatem valetudinis tuae sustenta et tuere, ut facis, ut nostras villas obire et mecum simul lecticula concursare possis. Haec ad te pluribus verbis scripsi, quam soleo, non otii abundantia, sed amoris erga te, quod me quadam epistula subinvitaras, si memoria tenes, ut ad te aliquid eiusmodi scriberem, quo minus te praetermisisse ludos poeniteret: quod si assecutus sum, gaudeo; sin minus, hoc me tamen consolor, quod posthac ad ludos venies nosque vises neque in epistulis relinques meis spem aliquam delectationis tuae.

II. Scr. Romae ineunte anno u.c. 703.

M. CICERO S. D. M. MARIO.

Mandatum tuum curabo diligenter; sed homo acutus ei mandasti potissimum, cui expediret illud venire quam plurimo; sed in eo vidisti multum, quod praefinisti, quo ne pluris emerem. Quod si mihi permisisses, qui meus amor in te est, confecissem cum coheredibus; nunc, quoniam tuum pretium novi, illicitatorem potius ponam, quam illud minoris veneat. Sed de ioco satis est: tuum negotium agam, sicuti debeo, diligenter. De Bursa te gaudere certo scio; sed nimis verecunde mihi gratularis; putas enim, ut scribis, propter hominis sordes minus me magnam illam laetitiam putare. Credas mihi velim magis me iudicio hoc quam morte inimici laetatum: primum enim iudicio malo quam gladio, deinde gloria potius amici quam calamitate; in primisque me delectavit tantum studium bonorum in me exstitisse contra incredibilem contentionem clarissimi et potentissimi viri; postremo — vix veri simile fortasse videatur — oderam multo peius hunc quam illum ipsum Clodium; illum enim oppugnaram, hunc defenderam, et ille, cum omnis res publica in meo capite discrimen esset habitura, magnum quiddam spectavit, nec sua sponte, sed eorum auxilio, qui me stante stare non poterant, hic simiolus animi cauas me, in quem inveheretur, delegerat persuaseratque nonnullis invidis meis se in me emissarium semper fore. Quamobrem valde iubeo gaudere te: magna res gesta est. Numquam ulli fortiores cives fuerunt, quam qui ausi sunt eum contra tantas opes eius, a quo ipsi lecti iudices erant, condemnare; quod fecissent numquam, nisi iis dolori meus fuisset dolor. Nos hic in multitudine et crebritate iudiciorum et novis legibus ita distinemur, ut quotidie vota faciamus, ne intercaletur, ut quam primum te videre possimus.

III. Scr. Romae mense Quinctili a.u.c. 708.

M. CICERO S. D. M. MARIO

Persaepe mihi cogitanti de communibus miseriis, in quibus tot annos

versamur et, ut video, versabimur, solet in mentem venire illius temporis, quo proxime fuimus una; quin etiam ipsum diem memoria teneo: nam a. d. IIII. Idus Maias Lentulo et Marcello consulibus, cum in Pompeianum vesperi venissem, tu mihi sollicito animo praesto fuisti; sollicitum autem te habebat cogitatio cum officii, tum etiam periculi mei: si manerem in Italia, verebare, ne officio deessem; si proficiscerer ad bellum, periculum te meum commovebat. Quo tempore vidisti profecto me quoque ita conturbatum, ut non explicarem, quid esset optimum factu; pudori tamen malui famaeque cedere quam salutis meae rationem ducere. Cuius me mei facti poenituit non tam propter periculum meum quam propter vitia multa, quae ibi offendi, quo veneram: primum neque magnas copias neque bellicosas; deinde extra ducem paucosque praeterea — de principibus loquor — reliquos primum in ipso bello rapaces, deinde in oratione ita crudeles, ut ipsam victoriam horrerem; maximum autem aes alienum amplissimorum virorum: quid quaeris? nihil boni praeter causam. Quae cum vidissem, desperans victoriam primum coepi suadere pacem, cuius fueram semper auctor; deinde, cum ab ea sententia Pompeius valde abhorreret, suadere institui, ut bellum duceret: hoc interdum probabat et in ea sententia videbatur fore et fuisset fortasse, nisi quadam ex pugna coepisset suis militibus confidere. Ex eo tempore vir ille summus nullus imperator fuit: signa tirone et collecticio exercitu cum legionibus robustissimis contulit; victus turpissime amissis etiam castris solus fugit. Hunc ego mihi belli finem feci nec putavi, cum integri pares non fuissemus, fractos nos superiores fore: discessi ab eo bello, in quo aut in acie cadendum fuit aut in aliquas insidias incidendum aut deveniendum in victoris manus aut ad Iubam confugiendum aut capiendus tamquam exsilio locus aut consciscenda mors voluntaria; certe nihil fuit praeterea, si te victori nolles aut non auderes committere. Ex omnibus autem iis, quae dixi, incommodis nihil tolerabilius exsilio, praesertim innocenti, ubi nulla adiuncta est turpitudo, addo etiam, cum ea urbe careas, in qua nihil sit, quod videre possis sine dolore: ego cum meis, si quidquam nunc cuiusquam est, etiam in meis esse malui. Quae acciderunt, omnia dixi futura; veni domum, non quo optima vivendi condicio esset, sed tamen, si esset aliqua forma rei publicae, tamquam in patria ut essem, si nulla, tamquam in exsilio. Mortem

mihi cur consciscerem, causa non visa est, cur optarem, multae causae; vetus est enim: ubi non sis, qui fueris, non esse, cur velis vivere. Sed tamen vacare culpa magnum est solatium, praesertim cum habeam duas res, quibus me sustentem, optimarum artium scientiam et maximarum rerum gloriam, quarum altera mihi vivo numquam eripietur, altera ne mortuo quidem. Haec ad te scripsi verbosius et tibi molestus fui, quod te cum mei, tum rei publicae cognovi amantissimum. Notum tibi omne meum consilium esse volui, ut primum scires me numquam voluisse plus quemquam posse quam universam rem publicam, postea autem quam alicuius culpa tantum valeret unus, ut obsisti non posset, me voluisse pacem; amisso exercitu et eo duce, in quo spes fuerat uno, me voluisse etiam reliquis omnibus, postquam non potuerim, mihi ipsi finem fecisse belli; nunc autem, si haec civitas est, civem esse me, si non, exsulem esse non incommodiore loco, quam si Rhodum me aut Mytilenas contulissem. Haec tecum coram malueram; sed, quia longius fiebat, volui per litteras eadem, ut haberes, quid diceres, si quando in vituperatores meos incidisses; sunt enim, qui, cum meus interitus nihil fuerit rei publicae profuturus, criminis loco putent esse, quod vivam, quibus ego certo scio non videri satis multos perisse: qui, si me audissent, quamvis iniqua pace, honeste tamen viverent; armis enim inferiores, non causa fuissent. Habes epistulam verbosiorem fortasse, quam velles; quod tibi ita videri putabo, nisi mihi longiorem remiseris. Ego, si, quae volo, expediero, brevi tempore te, ut spero, videbo.

IV. Scr. in Cumano a.u.c. 708.

M. CICERO S. D. MARIO.

A. d. VIII. Kal. in Cumanum veni cum Libone tuo vel nostro potius; in Pompeianum statim cogito, sed faciam ante te certiorem. Te cum semper valere cupio, tum certe, dum hic sumus; vides enim, quanto post una futuri simus. Quare, si quod constitutum cum podagra habes, fac, ut in alium diem differas. Cura igitur, ut valeas, et me hoc biduo aut triduo exspecta.

V. Scr. Romae mense Martio a.u.c. 700.

CICERO CAESARI IMP. S. D.

Vide, quam mihi persuaserim te me esse alterum non modo in iis rebus, quae ad me ipsum, sed etiam in iis, quae ad meos pertinent: C. Trebatium cogitaram, quocumque exirem, mecum ducere, ut eum meis omnibus studiis, beneficiis quam ornatissimum domum reducerem; sed, posteaquam et Pompeii commoratio diuturnior erat, quam putaram, et mea quaedam tibi non ignota dubitatio aut impedire profectionem meam videbatur aut certe tardare, vide, quid mihi sumpserim: coepi velle ea Trebatium exspectare a te, quae sperasset a me, neque mehercule minus ei prolixe de tua voluntate promisi, quam eram solitus de mea polliceri. Casus vero mirificus quidam intervenit quasi vel testis opinionis meae vel sponsor humanitatis tuae: nam, cum de hoc ipso Trebatio cum Balbo nostro loquerer accuratius domi meae, litterae mihi dantur a te, quibus in extremis scriptum erat: "M. itfiuium, (this word in the text is corrupt: has been conjectured as "Titinium" or "Rufum" — Webmaster) quem mihi commendas, vel regem Galliae faciam, vel hunc Leptae delegabo; si vis, tu ad me alium mitte, quem ornem." Sustulimus manus et ego et Balbus: tanta fuit opportunitas, ut illud nescio quid non fortuitum, sed divinum videretur. Mitto igitur ad te Trebatium atque ita mitto, ut initio mea sponte, post autem invitatu tuo mittendum duxerim. Hunc, mi Caesar, sic velim omni tua comitate complectare, ut omnia, quae per me possis adduci ut in meos conferre velis, in unum hunc conferas; de quo tibi homine hoc spondeo, non illo vetere verbo meo, quod, cum ad te de Milone scripsissem, iure lusisti, sed more Romano, quomodo homine non inepti loquuntur, probiorem hominem, meliorem virum, pudentiorem amicum esse neminem; accedit etiam, quod familiam ducit in iure civili singulari memoria, summa scientia. Huic ego neque tribunatum neque praefecturam neque ullius beneficii certum nomen peto, benevolentiam tuam et liberalitatem peto, neque impedio, quo minus, si tibi ita placuerit, etiam hisce eum ornes gloriolae insignibus; totum denique hominem tibi ita trado, "de manu," ut aiunt, "in manum" tuam istam et victoria et fide praestantem; simus enim putidiusculi;

quam per te vix licet; verum, ut video, licebit. Cura, ut valeas, et me, ut amas, ama.

VI. Scr. Romae mense Maio a.u.c. 700

CICERO S. D. TREBATIO.

In omnibus meis epistulis, quas ad Caesarem aut ad Balbum mitto, legitima quaedam est accessio commendationis tuae, nec ea vulgaris, sed cum aliquo insigni indicio meae erga te benevolentiae. Tu modo ineptias istas et desideria urbis et urbanitatis depone et, quo consilio profectus es, id assiduitate et virtute consequere: hoc tibi tam ignoscemus nos amici, quam ignoverunt Medeae,

quae Corinthum arcem altam habebant matronae opulentae, optimates,

quibus illa manibus gypsatissimis persuasit, ne sibi vitio illae verterent, quod abesset a patria; nam

multi suam rem bene gessere et publicam patria procul:
multi, qui domi aetatem agerent, propterea sunt improbati;

quo in numero tu certe fuisses, nisi te extrusissemus. Sed plura scribemus alias. Tu, qui ceteris cavere didicisti, in Britannia ne ab essedariis decipiaris caveto et, quoniam Medeam coepi agere, illud semper memento:

qui ipse sibi sapiens prodesse non quit, nequidquam sapit.

Cura, ut valeas.

VII. Scr. Romae mense Maio a.u.c. 700.

CICERO TREBATIO.

Ego te commendare non desisto, sed, quid proficiam, ex te scire cupio: spem maximam habeo in Balbo, ad quem de te diligentissime et saepissime scribo. Illud soleo mirari, non me toties accipere tuas litteras, quoties a Quinto mihi fratre afferantur. In Britannia nihil esse audio neque auri neque argenti: id si ita est, essedum aliquod capias suadeo et ad nos quam primum recurras. Sin autem sine Britannia

tamen assequi, quod volumus, possumus, perfice, ut sis in familiaribus Caesaris: multum te in eo frater adiuvabit meus, multum Balbus, sed, mihi crede, tuus pudor et labor plurimum. Imperatorem liberalissimum, aetatem opportunissimam, commendationem certe singularem habes, ut tibi unum timendum sit, ne ipse tibi defuisse videare.

VIII. Scr. Romae mense Iunio a.u.c. 700.

CICERO TREBATIO.

Scripsit ad me Caesar perhumaniter nondum te sibi satis esse familiarem propter occupationes suas, sed certe fore: cui quidem ego rescripsi, quam mihi gratum esset futurum, si quam plurimum in te studii, officii, liberalitatis suae contulisset. Sed ex tuis litteris cognovi praeproperam quandam festinationem tuam et simul sum admiratus, cur tribunatus commoda, dempto praesertim labore militiae, contempseris. Querar cum Vacerra et Manilio; nam Cornelio nihil audeo dicere, cuius tu periculo stultus es, quoniam te ab eo sapere didicisse profiteris. Quin tu urges istam occasionem et facultatem, qua melior numquam reperietur? Quod scribis de illo Preciano iureconsulto, ego te ei non desino commendare; scribit etiam ipse mihi te sibi gratias agere debere: de eo quid sit, cura, ut sciam. Ego vestras Britannicas litteras exspecto.

IX. Scr. Romae mense Sextili a.u.c. 700.

CICERO TREBATIO.

Iamdiu ignoro, quid agas; nihil enim scribis; neque ego ad te his duobus mensibus scripseram: quod cum Quinto fratre meo non eras, quo mitterem aut cui darem, nesciebam. Cupio scire, quid agas et ubi sis hiematurus: equidem velim cum Caesare, sed ad eum propter eius luctum nihil sum ausus scribere; ad Balbum tamen scripsi. Tu tibi deesse noli; serius potious ad nos, dum plenior. Quod huc properes, nihil est, praesertim Battara mortuo; sed tibi consilium non deest. Quid constitueris, cupio scire. Cn. Octavius est an Cn. Cornelius quidam, tuus familiaris, summo genere natus, terrae filius: is me,

quia scit tuum familiarem essed, crebro ad coenam invitat; adhuc non potuit perducere, sed mihi tamen gratum est.

X. Scr. Romae mense Decembri a.u.c. 700

[M.] CICERO S. D. TREBATIO.

Legi tuas litteras, ex quibus intellexi te Caesari nostro valde iureconsultum videri: est, quod gaudeas te in ista loca venisse, ubi aliquid sapere viderere. Quod si in Britanniam quoque profectus esses, profecto nemo in illa tanta insula peritior te fuisset. Verum tamen — rideamus licet; sum enim a te invitatus — subinvideo tibi, ultro te etiam arcessitum ab eo, ad quem ceteri, non propter superbiam eius, sed propter occupationem, aspirare non possunt. Sed tu in ista epistula nihil mihi scripsisti de tuis rebus, quae mehercule mihi non minori curae sunt quam meae. Valde metuo, ne frigeas in hibernis; quamobrem camino luculento utendum censeo, idem Mucio et Manilio placebat, praesertim qui sagis non abundares: quamquam vos nunc istic satis calere audio; quo quidem nuntio valde mehercule de te timueram. Sed tu in re militari multo es cautior quam in advocationibus, qui neque in Oceano natare volueris, studiosissimus homo natandi, neque spectare essedarios, quem antea me andabata quidem defraudare poteramus. Sed iam satis iocati sumus. Ego de te ad Caesarem quam diligenter scripserim, tute scis, quam saepe, ego; sed mehercule iam intermiseram, ne viderer liberalissimi hominis meique amantissimi voluntati erga me diffidere; sed tamen iis litteris, quas proxime dedi, putavi esse hominem commonendum: id feci; quid profecerim, facias me velim certiorem et simul de toto statu tuo consiliisque omnibus; scire enim cupio, quid agas, quid exspectes, quam longum istum tuum discessum a nobis futurum putes: sic enim tibi persuadeas velim, unum mihi esse solatium, quare facilius possim pati te esse sine nobis, si tibi esse id emolumento sciam; sin autem id non est, nihil duobus nobis est stultius: me, qui te non Romam attraham, te, qui non huc advoles; una mehercule nostra vel severa vel iocosa congressio pluris erit quam non modo hostes, sed etiam fratres nostri Aedui. Quare omnibus de rebus fac ut quam primum sciam: aut consolando aut consilio aut re iuvero.

XI. Scr. Romae (ante m. Martium) a.u.c. 701.

CICERO TREBATIO.

Nisi ante Roma profectus esses, nunc eam certe relinqueres; quis enim tot interregnis iureconsultum desiderat? Ego omnibus, unde petitur, hoc consilii dederim, ut a singulis interregibus binas advocationes postulent: satisne tibi videor abs te ius civile didicisse? Sed heus tu, quid agis? ecquid fit? video enim te iam iocari per litteras: haec signa meliora sunt quam in meo Tusculano; sed, quid sit, scire cupio. Consuli quidem te a Caesare scribis; sed ego tibi ab illo consuli mallem: quod si aut fit aut futurum putas, perfer istam militiam et permane; ego enim desiderium tui spe tuorum commodorum consolabor; sin autem ista sunt inaniora, recipe te ad nos; nam aut erit hic aliquid aliquando aut, si minus, una mehercule collocutio nostar pluris erit quam omnes Samarobrive; denique, si cito te rettuleris, sermo nullus erit, si diutius frustra afueris, non modo Laberium, sed etiam sodalem nostrum Valerium pertimesco; mira enim persona induci potest Britannici iureconsulti. Haec ego non rideo, quamvis tu rideas; sed de re severissima tecum, ut soleo, iocor. Remoto ioco tibi hoc amicissimo animo praecipio, ut, si istic mea commendatione tuam dignitatem obtinebis, perferas nostri desiderium, honestatem et facultates tuas augeas, sin autem ista frigebunt, recipias te ad nos. Omnia tamen, quae vis, et tua virtute profecto et nostro summo erga te studio consequere.

XII. Scr. Romae (ante m. Martium) a.u.c. 701.

CICERO TREBATIO.

Mirabar, quid esset, quod tu mihi litteras mittere intermisisses: indicavit mihi Pansa meus Epicureum te esse factum. O castra praeclara! quid tu fecisses, si te Tarentum et non Samarobrivam misissem? iam tum mihi non placebas, cum idem tuebare, quod Zeius familiaris meus. Sed quonam modo ius civile defendes, cum omnia tua causa facias, non civium? Ubi porro illa erit formula fiduciae: VT INTER BONOS BENE AGIER OPORTET? quis enim

bonus est, qui facit nihil nisi sua causa? Quod ius statues COMMVNI DIVIDVNDO, cum commune nihil possit esse apud eos, qui omnia voluptate sua metiuntur? Quomodo autem tibi placebit IOVEM LAPIDEM iurare, cum scias Iovem iratum esse nemini posse? Quid fiet porro populo Ulubrano, si tu statueris politeÊesyai non oportere? Quare, si plane a nobis deficis, moleste fero, sin Pansae assentari commodum est, ignosco: modo scribe aliquando ad nos, quid agas et a nobis quid fieri aut curari velis.

XIII. Scr. Romae IV. Non. Mart. a.u.c. 701.

[M.] CICERO S. D. TREBATIO.

Adeone me iniustum esse existimasti, ut tibi irascerer, quod parum mihi constans et nimium cupidus decedendi viderere, ob eamque causam me arbitrarere litteras ad te iamdiu non misisse? mihi perturbatio animi tui, quam primis litteris perspiciebam, molestiam attulit; neque alia ulla fuit causa intermissionis epistularum, nisi quod, ubi esses, plane nesciebam. Hic tu me etiam insimulas nec satisfactionem meam accipis? Audi, Testa mi: utrum superbiorem te pecunia facit an quod te imperator consulit? moriar, ni, quae tua gloria est, puto te malle a Caesare consuli quam inaurari. Si vero utrumque est, quis te feret praeter me, qui omnia ferre possum? Sed, ut ad rem redeam, te istic invitum non esse vehementer gaudeo et, ut illud erat molestum, sic hoc est iucundum: tantum metuo, ne artificium tuum tibi parum prosit; nam, ut audio, istic

non ex iure manum consertum, sed magis ferro rem repetunt, et tu soles ad vim faciundam adhiberi, neque est, quod illam exceptionem in interdicto pertimescas: QUO TV PRIOR VI HOMINIBUS ARMATIS NON VENERIS; scio enim te non esse procacem in lacessendo. Sed, ut ego quoque te aliquid admoneam de vestris cautionibus, Treviros vites censeo: audio capitales esse; mallem auro, argento, aeri essent. Sed alias iocabimur: tu ad me de istis rebus omnibus scribas velim quam diligentissime. D. IIII. Non. Mart.

XIV. Scr. Romae a.u.c. 701.

CICERO TREBATIO.

Chrysippus Vettius, Cyri architecti libertus, fecit, ut te non immemorem putarem mei; salutem enim verbis tuis mihi nuntiarat: valde iam lautus es, qui gravere litteras ad me dare, homini praesertim prope domestico. Quod si scribere oblitus es, minus multi iam te advocato causa cadent; si nostri oblitus es, dabo operam, ut istuc veniam, antequam plane ex animo tuo effluo: sin aestivorum timor te debilitat, aliquid excogita, ut fecisti de Britannia. Illud quidem perlibenter audivi ex eodem Chrysippo, te esse Caesari familiarem; sed mehercule mallem, id quod erat aequius, de tuis rebus ex tuis litteris quam saepissime cognoscerem: quod certe ita fieret, si tu maluisses benevolentiae quam litium iure perdiscere. Sed haec iocati sumus et tuo more et nonnihil etiam nostro. Te valde amamus nosque a te amari cum volumus, tum etiam confidimus.

XV. Scr. Romae a.u.c. 701.

CICERO TREBATIO.

Quam sint morosi, qui amant, vel ex hoc intelligi potest: moleste ferebam antea te invitum istic esse; pungit me rursus, quod scribis esse te istic libenter; neque enim mea commendatione te non delectari facile patiebar et nunc angor quidquam tibi sine me esse iucundum; sed hoc tamen malo ferre nos desiderium, quam te non ea, quae spero, consequi. Quod vero in C. Matii, suavissimi doctissimique hominis, familiaritatem venisti, non dici potest, quam valde gaudeam; qui fac ut te quam maxime diligat: mihi crede, nihil ex ista provincia potes, quod iucundius sit, deportare. Cura, ut valeas.

XVI. Scr. Romae (m. Novembri) a.u.c. 700.

[M.] CICERO S. D. TREBATIO.

In Equo Troiano scis esse in extremo “sero sapiunt:” tu tamen, mi vetule, non sero. Primas illas rabiosulas sat fatuas dedisti; deinde quod in Britannia non nimis filoy°vron te praebuisti, plane non reprehendo; nunc vero in hibernis intectus mihi videris, itaque te

commovere non curas. Usquequaque sapere oportet: id erit telum acerrimum. Ego si foris coenitarem, Cn. Octavio, familiari tuo, non defuissem; cui tamen dixi, cum me aliquoties invitaret: “oro te, quis tu es?” sed mehercules extra iocum homo bellus est; vellem eum tecum abduxisses. Quid agatis et ecquid in Italiam venturi sitis hac hieme, fac plane sciam. Balbus mihi confirmavit te divitem futurum: id utrum Romano more locutus sit, bene nummatum te futurum, an, quomodo Stoici dicunt, omnes esse divites, qui caelo et terra frui possint, postea videro. Qui istinc veniunt, superbiam tuam accusant, quod negent te percontantibus respondere; sed tamen est, quod gaudeas; constat enim inter omnes neminem te uno Samarobrivae iuris peritiorem esse.

XVII. Scr. Romae mense Sextili a.u.c. 700.

CICERO TREBATIO SAL.

Ex tuis litteris et Quinto fratri gratias egi et te aliquando collaudare possum, quod iam videris certa aliqua in sententia constitisse; nam primorum mensum litteris tuis vehementer commovebar, quod mihi interdum — pace tua dixerim — levis in urbis urbanitatisque desiderio, interdum piger, interdum timidus in labore militari, saepe autem etiam, quod a te alienissimum est, subimpudens videbare; tamquam enim syngrapham ad imperatorem, non epistulam attulisses, sic pecunia ablata domum redire properabas, nec tibi in mentem veniebat eos ipsos, qui cum syngraphis venissent Alexandream, nummum adhuc nullum auferre potuisse. Ego, si mei commodi rationem ducerem, te mecum esse maxime vellem; non enim mediocri afficiebar vel voluptate ex consuetudine nostra vel utilitate ex consilio atque opera tua; sed, cum te ex adolescentia tua in amicitiam et fidem meam contulisses, semper te non modo tuendum mihi, sed etiam augendum atque ornandum putavi. Itaque, quoad opinatus sum me in provinciam exiturum, quae ad te ultro detulerim, meminisse te credo; posteaquam ea mutata ratio est, cum viderem me a Caesare honorificentissime tractari et unice diligi hominisque liberalitatem incredibilem et singularem fidem nossem, sic ei te commendavi et tradidi, ut gravissime diligentissimeque

potui; quod ille ita et accepit et mihi saepe litteris significavit et tibi et verbis et re ostendit mea commendatione sese valde esse commotum. Hunc tu virum nactus, si me aut sapere aliquid aut velle tua causa putas, ne dimiseris, et, si quae te forte res aliquando offenderit, cum ille aut occupatione aut difficultate tardior tibi erit visus, perferto et ultima exspectato, quae ego tibi iucunda et honesta praestabo. Pluribus te hortari non debeo: tantum moneo, neque amicitiae confirmandae clarissimi ac liberalissimi viri neque uberioris provinciae neque aetatis magis idoneum tempus, si hoc amiseris, te esse ullum umquam reperturum. HOC, quemadmodum vos scribere soletis in vestris libris, IDEM Q. CORNELIO VIDEBATVR. In Britanniam te profectum non esse gaudeo, quod et labore caruisti et ego te de rebus illis non audiam. Ubi sis hibernaturus et qua spe aut condicione, perscribas ad me velim.

XVIII. Scr. in Pomptino VI. Idus Apriles a.u.c. 701.

CICERO TREBATIO SAL.

Accepi a te aliquot epistulas uno tempore, quas tu diversis temporibus dederas: in quibus me cetera delectarunt; significabant enim te istam militiam iam firmo animo ferre et esse fortem virum et constantem; quae ego paullisper in te ita desideravi, non imbecillitate animi tui, sed magis ut desiderio nostri te aestuare putarem. Quare perge, ut coepisti; forti animo istam tolera militiam: multa, mihi crede, assequere; ego enim renovabo commendationem, sed tempore. Sic habeto, non tibi maiori esse curae, ut iste tuus a me discessus quam fructuosissimus tibi sit, quam mihi; itaque, quoniam vestrae cautiones infirmae sunt, Graeculam tibi misi cautionem chirographi mei. Tu me velim de ratione Gallici belli certiorem facias; ego enim ignavissimo cuique maximam fidem habeo. Sed, ut ad epistulas tuas redeam, cetera belle; illud miror: quis solet eodem exemplo plures dare, qui sua manu scribit? nam, quod in palimpsesto, laudo equidem parismoniam; sed miror, quid in illa chartula fuerit, quod delere malueris quam haec non scribere, nisi forte tuas formulas; non enim puto te meas epistulas delere, ut reponas tuas. An hoc significas, nihil fieri, frigere te, ne chartam quidem tibi suppeditare? iam ista tua

culpa est, qui verecundiam tecum extuleris et non hic nobiscum reliqueris. Ego te Balbo, cum ad vos proficiscetur, more Romano commendabo: tu, si intervallum longius erit mearum litterarum, ne sis admiratus; eran enim afuturus mense Aprili. Has litteras scripsi in Pomptino, cum ad villam M. Aemilii Philemonis devertissem, ex qua iam audieram fremitum clientium meorum, quos quidem tu mihi conciliasti; nam Ulubris honoris mei causa vim maximam ranunculorum se commosse constabat. Cura, ut valeas. VI. Id. April. de Pomptino. Epistulam tuam, quam accepi ab L. Arruntio, conscidi innocentem; nihil enim habebat, quod non vel in concione recte legi posset; sed et Arruntius ita te mandasse aiebat et tu ascripseras. Verum illud esto: nihil te ad me postea scripsisse demiror, praesertim tam novis rebus.

XIX. Scr. Regii V. Kal. Sextili. a.u.c. 710.

CICERO TREBATIO SAL.

Vide, quanti apud me sis; etsi iure id quidem, non enim te amore vinco; verumtamen, quod praesenti tibi prope subnegaram, non tribueram certe, id absenti debere non potui; itaque, ut primum Velia navigare coepi, institui Topica Aristotela conscribere ab ipsa urbe commonitus amantissima tui: eum librum tibi misi Regio scriptum, quam planissime res illa scribi potuit; sin tibi quaedam videbuntur obscuriora, cogitare debebis nullam artem litteris sine interprete et sine aliqua exercitatione percipi posse. Non longe abieris: num ius civile vestrum ex libris cognosci potest? qui quamquam plurimi sunt, doctorem tamen usumque desiderant: quamquam tu, si attente leges, si saepius, per te omnia consequere ut certe intelligas; ut vero etiam ipsi tibi loci proposita quaestione occurrant, exercitatione consequere, in qua quidem nos te continebimus, si et salvi redierimus et salva ista offenderimus. V. Kal. Sextil. Regio.

XX. Scr. Veliae XIII. Kal. Sextiles a.u.c. 710.

CICERO TREBATIO SAL.

Amabilior mihi Velia fuit, quod te ab ea sensi amari; sed quid ego

dicam te, quem quis non amat? Rufio, medius fidius, tuus ita desiderabatur, ut si esset unus e nobis; sed te ego non reprehendo, qui illum ad aedificationem tuam traduxeris; quamquam enim Velia non est vilior quam Lupercal, tamen istuc malo quam haec omnia. Tu, si me audies, quem soles, has paternas possessiones tenebis — nescio quid enim Velienses verebantur — , neque Heletem, nobilem amnem, relinques nec Papirianam domum deseres: quamquam illa quidem habet totum, a quo etiam advenae teneri solent — quem tamen si excideris, multum prospexeris — ; sed in primis opportunum videtur, his praesertim temporibus, habere perfugium primum eorum urbem, quibus carus sis, deinde tuam domum tuosque agros, eaque remoto, salubri, amoeno loco; idque etiam mea interesse, mi Trebati, arbitror. Sed valebis meaque negotia videbis meque dis iuvantibus ante brumam exspectabis. Ego a Sex. Fadio, Niconis discipulo, librum abstuli N¤xvnow perÐ polufag¤aw : o medicum suavem meque docilem ad hanc disciplinam! sed Bassus noster me de hoc libro celavit; te quidem non videtur. Ventus increbrescit. Cura, ut valeas. XIII. Kal. Sextil. Velia.

XXI. Scr. in Tusculano mense Maio aut Iunio a.u.c. 710.

CICERO TREBATIO SAL.

Silii causam te docui: is postea fuit apud me. Cum ei dicerem tibi videri sponsionem illam nos sine periculo facere posse, SI BONORUM TVRPILIAE POSSESSIONEM Q. CAEPIO PRAETOR EX EDICTO SVO MIHI DEDIT, negare aiebat Servium tabulas testamenti esse eas, quas instituisset is, qui factionem testamenti non habuerit; hoc idem Offilium dicere; tecum se locutum negabat meque rogavit, ut se et causam suam tibi commendarem. Nec vir melior, mi Testa, nec mihi amicior P. Silio quisquam est, te tamen excepto: gratissimum mihi igitur feceris, si ad eum ultro veneris eique pollicitus eris, sed, si me amas, quam primum: hoc te vehementer etiam and etiam rogo.

XXII. Scr. anno incerto

CICERO TREBATIO SAL.

Illuseras heri inter scyphos, quod dixeram controversiam esse, possetne heres, quod futurum antea factum esset, furti recte agere. Itaque, etsi domum bene potus seroque redieram, tamen id caput, ubi haec controversia est, notavi et descriptum tibi misi, ut scires id, quod tu neminem sensisse dicebas, Sex. Aelium, M'. Manilium, M. Brutum sensisse: ego tamen Scaevolae et Testae assentior.

XXIII. Scr. Romae (ante Tulliae obitum et post initium belli civilis, fortasse a.u.c. 708).

M. CICERO S. D. M. FADIO GALLO.

Tantum quod ex Arpinati veneram, cum mihi a te litterae redditae sunt, ab eodemque accepi Avianii litteras, in quibus hoc inerat liberalissimum, nomina se facturum, cum venisset, qua ego vellem die. Fac, quaeso, qui ego sum, esse te: estne aut tui pudoris aut nostri primum rogare de die. deinde plus annua postulare? sed essent, mi Galle, omnia facilia, si et ea mercatus esses, quae ego desiderabam, et ad eam summam, quam volueram; ac tamen ista ipsa, quae te emisse scribis, non solum rata mihi erunt, sed etiam grata; plane enim intelligo te non modo studio, sed etiam amore usum, quae te delectarint, hominem, ut ego semper iudicavi, in omni iudicio elegantissimum, quae me digna putaris, coÎmisse. Sed velim maneat Damasippus in sententia; prorsus enim ex istis emptionibus nullam desidero; tu autem ignarus instituti mei, quanti ego genus omnino signorum omnium non aestimo, tanti ista quattuor aut quinque sumpsisti. Bacchas istas cum Musis Metelli comparas: quid simile? primum ipsas ego Musas numquam tanti putassem, atque id fecissem Musis omnibus approbantibus, sed tamen erant aptum bibliothecae studiisque nostris congruens; Bacchis vero ubi est apud me locus? "At pulchellae sunt." Novi optime et saepe vidi: nominatim tibi signa mihi nota mandasem, si probassem; ea enim signa ego emere soleo, quae ad similitudinem gymnasiorum exornent mihi in palaestra locum. Martis vero signum quo mihi pacis auctori? gaudeo nullum Saturni signum fuisse; haec enim duo signa putarem mihi aes

alienum attulisse. Mercurii mallem aliquod fuisset: felicius, puto, cum Avianio transigere possemus. Quod tibi destinaras trapezophorum, si te delectat, habebis; sin autem sententiam mutasti, ego habebo scilicet. Ista quidem summa ne ego multo libentius emerim deversorium Tarracinae, ne semper hospiti molestus sim. Omnino liberti mei video esse culpam, cui plane res certas mandaram, itemque Iunii, quem puto tibi notum esse Avianii familiarem. Exedria quaedam mihi nova sunt instituta in porticula Tusculani: ea volebam tabellis ornare; etenim, si quid generis istiusmodi me delectat, pictura delectat. Sed tamen, si ista mihi sunt habenda, certiorem velim me facias, ubi sint, quando arcessantur, quo genere vecturae; si enim Damasippus in sententia non manebit, aliquem Pseudodamasippum vel cum iactura reperiemus. Quod ad me de domo scribis iterum, iam id ego proficiscens mandaram meae Tulliae; ea enim ipsa hora acceperam tuas litteras; egeram etiam cum tuo Nicia, quod is utitur, ut scis, familiariter Cassio. Ut redii autem, priusquam tuas legi has proximas litteras, quaesivi de mea Tullia, quid egisset: per Liciniam se egisse dicebat — sed opinor Cassium uti non ita multum sorore — ; eam porro negare se audere, cum vir abesset — est enim profectus in Hispaniam Dexius — , illo et absente et insciente migrare. Est mihi gratissimum tanti a te aestimatam consuetudinem vitae victusque nostri, primum ut eam domum sumeres, ut non modo prope me, sed plane mecum habitare posses, deinde ut migrare tanto opere festines. Sed ne vivam, si tibi concedo, ut eius rei tu cupidior sis, quam ego sum: itaque omnia experiar; video enim, quid mea intersit, quid utriusque nostrum. Si quid egero, faciam, ut scias: tu et ad omnia rescribes et, quando te exspectem, facies me, si tibi videtur, certiorem.

XXIV. Scr. in Tusculano (ineunte m. Oct.?) a.u.c. 709.

M. CICERO S. D. M. FADIO GALLO.

Amoris quidem tui, quoquo me verti, vestigia, vel proxime de Tigellio; sensi enim ex litteris tuis valde te laborasse: amo igitur voluntatem. Sed pauca de re. Cipius, opinor, olim? “non omnibus dormio:” sic ego non omnibus, mi Galle, servio; etsi quae est haec

servitus? olim, cum regnare existimabamur, non tam ab ullis, quam hoc tempore observor a familiarissimis Caesaris omnibus praeter istum: id ego in lucris pono, non ferre hominem pestilentiorem patria sua; eumque addictum iam tum puto esse Calvi Licinii Hipponacteo praeconio. At vide, quid suscenseat: Phameae causam receperam, ipsius quidem causa; erat enim mihi sane familiaris: is ad me venit dixitque iudicem sibi operam dare constituisse eo ipso die, quo de P. Sestio in consilium iri necesse erat; respondi nullo modo me facere posse; quem vellet alium diem si sumpsisset, me ei non defuturum; ille autem, qui sciret se nepotem bellum tibicinem habere et sat bonum unctorem, discessit a me, ut mihi videbatur, iratior. Habes "Sardos venales, alium alio nequiorem;" cognosti meam causam et istius salaconis iniquitatem. Catonem tuum mihi mitte; cupio enim legere: me adhuc non legisse turpe utrique nostrum est.

XXV. Scr. in Tusculano (ineunte m. Octobri?) a.u.c. 709.

M. CICERO S. D. M. FADIO GALLO.

Quod epistulam conscissam doles, noli laborare, salva est: domo petes, cum libebit. Quod autem me mones, valde gratum est, idque ut semper facias rogo; videris enim mihi vereri, nisi istum habuerimus, rideamus g°lvta sardnion. Sed heus tu, manum de tabula; magister adest citius, quam putaramus; vereor, ne in catonium Catoninos. Mi Galle, cave putes quidquam melius quam epistulae tuae partem ab eo loco: "cetera labuntur." Secreto hoc audi, tecum habeto, ne Apellae quidem, liberto tuo, dixeris: praeter duo nos loquitur isto modo nemo; bene malene, videro, sed, quidquid est, nostrum est. Urge igitur nec transversum unguem, quod aiunt, a stilo; is enim est dicendi opifex; atque equidem aliquantum iam etiam noctis assumo.

XXVI. Scr. in Tusculano a.u.c. 697.

CICERO S. D. GALLO.

Cum decimum iam diem graviter ex intestinis laborarem neque iis, qui mea opera uti volebant, me probarem non valere, quia febrim non haberem, fugi in Tusculanum, cum quidem biduum ita ieiunus

fuissem, ut ne aquam quidem gustarem: itaque confectus languore et fame magis tuum officium desideravi, quam a te requiri putavi meum. Ego autem cum omnes morbos reformido, tum in quo Epicurum tuum Stoici male accipiunt, quia dicat straggourixë xaÐ dusenterixë pyh sibi molesta esse, quorum alterum morbum edacitatis esse putant, quorum alterum morbum edacitatis esse putant, alterum etiam turpioris intemperantiae. Sane dusenter¤an pertimueram; sed visa est mihi vel loci mutatio vel animi etiam relaxatio vel ipsa fortasse iam senescentis morbi remissio profuisse. Ac tamen, ne mirere, unde hoc acciderit quomodove commiserim, lex sumptuaria, quae videtur litÒthta attulisse, ea mihi fraudi fuit. Nam, dum volunt isti lauti terra nata, quae lege excepta sunt, in honorem adducere, fungos, heluellas, herbas omnes ita condiunt, ut nihil possit esse suavius: in eas cum incidissem in coena augurali apud Lentulum, tanta me dirroia arripuit, ut hodie primum videatur coepisse consistere. Ita ego, qui me ostreis et muraenis facile abstinebam, a beta et a malva deceptus sum; posthac igitur erimus cautiores. Tu tamen, cum audisses ab Anicio — vidit enim me nauseantem — , non modo mittendi causam iustam habuisti, sed etiam visendi: ego hic cogito commorari, quoad me reficiam, nam et vires et corpus amisi; sed, si morbum depulero, facile, ut spero, illa revocabo.

XXVII. Scr. Romae a.u.c. 708.

M. CICERO S. D. GALLO.

Miror, cur me accuses, cum tibi id facere non liceat; quod si liceret, tamen non debebas. “Ego enim te,” inquis, “in consulatu observaram,” et ais fore, ut te Caesar restituat. Multa tu quidem dicis, sed tibi nemo credit. Tribunatum plebei dicis te mea causa petisse: utinam semper esses tribunus! intercessorem non quaereres. Negas me audere, quod sentiam, dicere: quasi tibi, cum impudenter me rogares, parum fortiter responderim. Haec tibi scripsi, ut isto ipso in genere, in quo aliquid posse vis, te nihil esse cognosceres. Quod si humaniter mecum questus esses, libenter tibi me et facile purgassem; non enim ingrata mihi sunt, quae fecisti, sed, quae scripsisti, molesta.

Me autem, propter quem ceteri liberi sunt, tibi liberum non visum demiror; nam, si falsa fuerunt, quae tu ad me, ut ais, detulisti, quid tibi ego debeo? si vera, tu es optimus testis, quid mihi populus Romanus debeat.

XXVIII. Scr. Romae (post VII. K. Sextil.) a.u.c. 708.

[M.] CICERO S. D. CURIO.

Memini, cum mihi desipere videbare, quod cum istis potius viveres quam nobiscum; erat enim multo domicilium huius urbis, cum quidem haec urbs fuit, aptius humanitati et suavitati tuae quam tota Peloponnesus, nedum Patrae: nunc contra et vidisse mihi multum videris, cum prope desperatis his rebus te in Graeciam contulisti, et hoc tempore non solum sapiens, qui hinc absis, sed etiam beatus; quamquam quis, qui aliquid sapiat, nunc esse beatus potest? Sed, quod tu, cui licebat, pedibus es consecutus, ut ibi esses, "ubi nec Pelopidarum" — nostri cetera — , nos idem propemodum consequimur alia ratione; cum enim salutationi nos dedimus amicorum, quae fit hoc etiam frequentius, quam solebat, quod quasi avem albam videntur bene sentientem civem videre, abdo me in bibliothecam. Itaqua opera efficio tanta, quanta fortasse tu senties; intellexi enim ex tuo sermone quodam, cum meam maestitiam et desperationem accusares domi tuae, discere te ex meis libris animum meum desiderare; sed mehercule et tum rem publicam lugebam, quae non solum suis erga me, sed etiam meis erga se beneficiis erat mihi vita mea carior, et hoc tempore, quamquam me non ratio solum consolatur, quae plurimum debet valere, sed etiam dies, quae stultis quoque mederi solet, tamen doleo ita rem communem esse dilapsam, ut ne spes quidem melius aliquando fore relinquatur. Nec vero nunc quidem culpa in eo est, in cuius potestate omnia sunt — nisi forte id ipsum esse non debuit — , sed alia casu, alia etiam nostra culpa sic acciderunt, ut de praeteritis non sit querendum. Reliquam spem nullam video; quare ad prima redeo: sapienter haec reliquisti, si consilio, feliciter, si casu.

XXIX. Scr. Patris a. d. IIII. Kal. Nov. a.u.c. 709.

CURIUS [M.] CICERONI SUO SAL.

S. v. b. e.; sum enim xrÆsei m¢n tuus, xtÆsei d¢ Attici nostri; ergo fructus est tuus, mancipium illius, quod quidem si inter senes coÎmptionales venale proscripserit, egerit non multum. At illa nostra praedicatio quanti est, nos, quod simus, quod habeamus, quod homines existimemur, id omne abs te habere! Quare, Cicero mi, persevera constanter nos conservare et Sulpicii successori nos de meliore nota commenda, quo facilius tui praeceptis obtemperare [possimus] teque ad ver libentes videre et nostra refigere deportareque tuto possimus. Sed, amice magne, noli hanc epistulam Attico ostendere: sine eum errare et putare me virum bonum esse nec solere duo parietes de eadem fidelia dealbare. Ergo, patrone mi, bene vale Tironemque meum saluta nostris verbis. D. a. d. IIII. K. Nov.

XXX. Scr. Romae ineunte mense Ianuario a.u.c. 710.

CICERO CURIO S. D.

Ego vero iam te nec hortor nec rogo, ut domum redeas; quin hinc ipse evolare cupio et aliquo pervenire, “ubi nec Pelopidarum nomen nec facta audiam.” Incredibile est, quam turpiter mihi facere videar, qui his rebus intersim: ne tu videris multo ante providisse, quid impenderet, tum, cum hinc profugisti. Quamquam haec etiam auditu acerba sunt, tamen audire tolerabilius est quam videre. In campo certe non fuisti, cum hora secunda comitiis quaestoriis institutis sella Q. Maximi, quem illi consulem esse dicebant, posita est, quo mortuo nuntiato sella ablata est, ille autem, qui comitiis tributis esset auspicatus, centuriata habuit, consulem hora septima renuntiavit, qui usque ad Kalendas Ian. esset, quae erant futurae mane postridie: ita Caninio consule scito neminem prandisse; nihil tamen eo consule mali factum est; fuit enim mirifica vigilantia, qui suo toto consulatu somnum non viderit. Haec tibi ridicula videntur; non enim ades; quae si videres, lacrimas non teneres. Quid, si cetera scribam? sunt enim innumerabilia generis eiusdem, quae quidem ego non ferrem, nisi me in philosophiae portum contulissem et nisi haberem socium studiorum meorum Atticum nostrum; cuius quoniam proprium te

esse scribis mancipio et nexo, meum autem usu et fructu, contentus isto sum; id enim est cuiusque proprium, quo quisque fruitur atque utitur. Sed haec alias pluribus. Acilius, qui in Graeciam cum legionibus missus est, maximo meo beneficio est — bis enim est a me iudicio capitis rebus salvis defensus — , et est homo non ingratus meque vehementer observat: ad eum de te diligentissime scripsi eamque epistulam cum hac epistula coniunxi, quam ille quomodo acceperit et quid tibi pollicitus sit, velim ad me scribas.

XXXI. Scr. Romae mense Februario a.u.c. 710.

CICERO CURIO S. D.

Facile perspexi ex tuis litteris, quod semper studui, et me a te plurimi fieri et te intelligere, quam mihi carus esses; quod quoniam uterque nostrum consecutus est, reliquum est, ut officiis certemus inter nos, quibus aequo animo vel vincam te vel vincar abs te. Acilio non fuisse necesse meas dari litteras facile patior; Sulpicii tibi operam intelligo ex tuis litteris non multum opus fuisse propter tuas res ita contractas, ut, quemadmodum scribis, nec caput nec pedes: equidem vellem, uti pedes haberent, ut aliquando redires; vides enim exaruisse iam veterem urbanitatem, ut Pomponius noster suo iure possit dicere: “nisi nos pauci retineamus gloriam antiquam Atticam.” ergo is tibi, nos ei succedimus. Veni igitur, quaeso, ne tamen semen urbanitatis una cum re publica intereat.

XXXII. Scr. anno incerto (in Cilicia a. 703?)

[M.] CICERO S. D. VOLUMNIO.

Quod sine praenomine familiariter, ut debebas, ad me epistulam misisti, primum addubitavi, num a Volumnio senatore esset, quocum mihi est magnus usus; deinde eÈtrapelia litterarum fecit, ut intelligerem tuas esse; quibus in litteris omnia mihi periucunda fuerunt praeter illud, quod parum diligenter possessio salinarum mearum a te procuratore defenditur; ais enim, ut ego discesserim, omnia omnium dicta, in iis etiam Sestiana, in me conferri. Quid? tu id pateris? non me defendis? non resistis? Equidem sperabam ita notata me reliquisse genera dictorum meorum, ut cognosci sua sponte possent; sed, quoniam tanta faex est in urbe, ut nihil tam sit *xÊyhron, quod non alicui venustum esse videatur, pugna, si me amas, nisi acuta *mfibol¤a, nisi elegans ÍperbolÆ, nisi pargramma bellum, nisi ridiculum parë prosdox¤an, nisi cetera, quae sunt a me in secundo libro de Oratore per Antonii personam disputata de ridiculis, |ntexna et arguta apparebunt, ut sacramento contendas mea non esse. Nam, de iudiciis quod quereris, multo laboro minus: trahantur per me pedibus omnes rei; sit vel Selius tam eloquens, ut possit probare se liberum: non laboro. Urbanitatis possessionem, amabo, quibusvis interdictis defendamus; in qua te unum metuo, contemno ceteros. Derideri te putas: nunc demum intelligo te sapere. Sed mehercules extra iocum valde mihi tuae litterae facetae elegantesque visae sunt. Illa, quamvis ridicula essent, sicut erant, mihi tamen risum non moverunt; cupio enim nostrum illum amicum in tribunatu quam plurimum habere gravitatis, idque cum ipsius causa — est mihi, ut scis, in amoribus — , tum mehercule etiam rei publicae, quam quidem, quamvis in me ingrata sit, amare non desinam. Tu, mi Volumni, quoniam et instituisti et mihi vides esse gratum, scribe ad me quam saepissime de rebus urbanis, de re publica: iucundus est mihi sermo litterarum tuarum. Praeterea Dolabellam, quem ego perspicio et iudico cupidissimum esse atque amantissimum mei, cohortare et confirma et redde plane meum, non mehercule, quo quidquam desit; sed, quia valde ei cupio, non videor nimium laborare.

XXXIII. Scr. Romae (post VII. Kal. Sext.) a.u.c. 708.

[M.] CICERO S. D. VOLUMNIO.

Quod declamationibus nostris cares, damni nihil facis; quod Hirtio invideres, nisi eum amares, non erat causa invidendi, nisi forte ipsius eloquentiae magis quam, quod me audiret, invideres; nos enim plane, mi suavissime Volumni, aut nihil sumus aut nobis quidem ipsis displicemus gregalibus illis, quibus te plaudente vigebamus, amissis, ut etiam, si quando aliquid dignum nostro nomine emisimus, ingemescamus, quod haec "pinnigero, non armigero in corpore tela exerceantur," ut ait Philoctetes apud Attium, "abiecta gloria." Sed tamen omnia mihi erunt, si tu veneris, hilariora; quamquam venies, ut ipse intelligis, in maximarum quasi concursum occupationum, quas si, ut volumus, exceperimus, ego vero multam salutem et foro dicam et curiae vivamque tecum multum et cum communibus nostris amatoribus; nam et Cassius tuus et Dolabella noster — vel potius uterque noster — studiis iisdem tenentur et meis aequissimis utuntur auribus. Opus est huc limatulo et polito tuo iudicio et illis interioribus litteris [meis], quibus saepe verecundiorem me in loquendo facis; mihi enim iudicatum est, si modo hoc Caesar aut patietur aut volet, deponere illam iam personam, in qua me saepe illi ipsi probavi, ac me totum in litteras abdere tecumque et cum ceteris earum studiosis honestissimo otio perfrui. Tu vellem ne veritus esses, ne pluribus legerem tuas litteras, si mihi, quemadmodum scribis, longiores forte misisses, ac velim posthac sic statuas, tuas mihi litteras longissimas quasque gratissimas fore.

LIBER OCTAVVS

M. Caelii Epistulae Ad M. Tullium CiceronemI. Scr. Romae mense Maio (post IX Kal. Iun.) a.u.c. 703.

CAELIUS CICERONI SAL.

Quod tibi discedens pollicitus sum me omnes res urbanas diligentissime tibi perscripturum, data opera paravi, qui sic omnia persequeretur, ut verear, ne tibi nimium arguta haec sedulitas vidatur. Tametsi tu scio quam sis curiosus et quam omnibus peregrinantibus gratum sit minimarum quoque rerum, quae domi gerantur, fieri certiores, tamen in hoc te deprecor, ne meum hoc officium arrogantiae condemnes, quod hunc laborem alteri delegavi, non quin mihi suavissimum sit et occupato et ad litteras scribendas, ut tu nosti, pigerrimo tuae memoriae dare operam, sed ipsum volumen, quod tibi misi, facile, ut ego arbitror, me excusat. Nescio cuius otii esset non modo perscribere haec, sed omnino animadvertere; omnia enim sunt ibi senatus consulta edicta, fabulae rumores; quod exemplum si forte minus te delectarit, ne molestiam tibi cum impensa mea exhibeam, fac me certiorem. Si quid in re publica maius actum erit, quod isti operarii minus commode persequi possint, et quemadmodum actum sit et quae existimatio secuta quaeque de eo spes sit, diligenter tibi ipsi perscribemus. Ut nunc est, nulla magno opere exspectatio est: nam et illi rumores de comitiis Transpadanorum Cumarum tenus caluerunt, Romam cum venissem, ne tenuissimam quidem auditionem de ea re accepi; praeterea Marcellus, quod adhuc nihil rettulit de successione provinciarum Galliarum et in Kalendas Iunias, ut mihi ipse dixit, eam distulit relationem, sane quam eos sermones expressit, qui de eo tum fuerant, cum Romae nos essemus. Tu si Pompeium, ut volebas, offendisti, qui tibi visus sit et quam orationem habuerit tecum quamque ostenderit voluntatem — solet enim aliud sentire et loqui neque tantum valere ingenio, ut non appareat, quid cupiat — , fac mihi perscribas. Quod ad Caesarem, crebri et non belli de eo rumores, sed susurratores dumtaxat, veniunt: alius equitem perdidisse, quod, opinor, certe fictum est; alius septimam legionem

vapulasse, ipsum apud Bellovacos circumsederi interclusum ab reliquo exercitu neque adhuc certi quidquam est, neque haec incerta tamen vulgo iactantur, sed inter paucos, quos tu nosti, palam secreto narrantur; at Domitius, cum manus ad os apposuit. Te a. d. VIIII. Kal. Iunias subrostrani — quod illorum capiti sit! — dissiparant perisse: urbe ac foro toto maximus rumor fuit te a Q. Pompeio in itinere occisum. Ego, qui scirem Q. Pompeium Baulis embaeneticam facere et usque eo, ut ego misererer eius, esurire, non sum commotus et, hoc mendacio, si qua pericula tibi impenderent, ut defungeremur, optavi. Plancus quidem tuus Ravennae est, et magno congiario donatus a Caesare nec beatus nec bene instructus est. Tui politici libri omnibus vigent.

II. Scr. Romae mense Iunio a.u.c. 703.

CAELIUS CICERONI SAL.

Certe, inquam, absolutus est — me praesente pronuntiatum est — , et quidem ab omnibus ordinibus et singulis in uno quoque ordine sententiis. “Ride modo,” inquis. Non mehercules: nihil umquam enim tam praeter opinionem, tam quod videretur omnibus indignum, accidit; quin ego, cum pro amicitia validissime faverem ei et me iam ad dolendum praeparassem, postquam factum est, obstupui et mihi visus sum captus esse. Quid alios putas? clamoribus scilicet maximis iudices corripuerunt et ostenderunt plane esse, quod ferri non posset; itaque relictus legi Liciniae maiore esse periculo videtur. Accessit huc, quod postridie eius absolutionem in theatrum Curionis Hortensius introiit, puto, ut suum gaudium gauderemus. Hic tibi

strepitus, fremitus, clamor tonitruum et rudentum sibilus.

Hoc magis animadversum est, quod intactus ab sibilo pervenerat Hortensius ad senectutem; sed tum tam bene, ut in totam vitam cuivis satis esset et poeniteret eum iam vicisse. De re publica quod tibi scribam, nihil habeo: Marcelli impetus resederunt, non inertia, sed, ut mihi videbantur, consilio. De comitiis consularibus incertissima est existimatio: ego incidi in competitorem nobilem et nobilem agentem; nam M. Octavius Cn. f. et C. Hirrus mecum petunt. Hoc ideo scripsi, quod scio te acriter propter Hirrum nuntium nostrorum comitiorum

exspectaturum. Tu tamen simulac me designatum audieris, ut tibi curae sit, quod ad pantheras attinet, rogo. Syngrapham Sittianam tibi commendo. Commentarium rerum urbanarum primum dedi L. Castrinio Paeto, secundum ei, qui has litteras tibi dedit.

III. Scr. Romae mense Iunio a.u.c. 703.

CAELIUS CICERONI SAL.

Estne? vici et tibi saepe, quod me negaras discedens curaturum, litteras mitto? Est, si quidem perferuntur, quas do. Atque hoc ego eo diligentius factito, quod, cum otiosus sum, plane, ubi delectem otiolum meum, non habeo. Tu cum Romae eras, hoc mihi certum ac iucundissimum vacanti negotium erat, tecum id otii tempus consumere, idque non mediocriter desidero, ut mihi non modo ego solus esse, sed Romae te profecto solitudo videatur facta, et, qui, quae mea negligentia est, multos saepe dies ad te, cum hic eras, non accedebam, nunc quotidie non esse te, ad quem cursitem, discrucior. Maxime vero, ut te dies noctesque quaeram, competitor Hirrus curat: quomodo illum putas auguratus tuum competitorem dolere et dissimulare me certiorem quam se candidatum? de quo ut, quem optas, quam primum nuntium accipias, tua medius fidius magis quam mea causa cupio; nam, si fio, forsitan cum locupletiore fiam; sed hoc usque eo suave est, ut, si acciderit, tota vita risus nobis deesse non possit. Est tanti? est mehercules: non multum M. Octavium eorum odia, quae Hirrum premunt, quae permulta sunt, sublevant. Quod ad Philotimi liberti officium et bona Milonis attinet, dedimus operam, ut et Philotimus quam honestissime Miloni absenti eiusque necessariis satisfaceret et secundum eius fidem et sedulitatem existimatio tua conservaretur. Illud nunc a te peto, si eris, ut spero, otiosus, aliquod ad nos, ut intelligamus nos tibi curae esse, sÊntagma conscribas. “Qui tibi istuc,” inquis, “in mentem venit, homini non inepto?” volo aliquod ex tam multis tuis monumentis exstare, quod nostrae amicitiae memoriam posteris quoque prodat. Cuiusmodi velim, puto, quaeris: tu citius, qui omnem nosti disciplinam, quod maxime conveniat, excogitabis, genere tamen, quod et ad nos pertineat et didasxal¤an quandam, ut versetur inter manus, habeat.

IV. Scr. Romae Kalendis Sextilibus a.u.c. 703.

CAELIUS CICERONI SAL.

Invideo tibi: tam multa quotidie, quae mirere, istuc perferuntur: primum illud, absolutum Messalam; deinde eundem condemnatum; C. Marcellum consulem factum; M. Calidium ab repulsa postulatum a Galliis duobus; P. Dolabellam XV. virum factum. Hoc tibi non invideo, caruisse te pulcherrimo spectaculo et Lentuli Cruris repulsi vultum non vidisse. At qua spe, quam certa opinione descenderat! quam ipso diffidente Dolabella! et hercules, nisi nostri equites acutius vidissent, paene concedente adversario superasset. Illud te non arbitror miratum, Servaeum, designatum tribunum pl., condemnatum, in cuius locum C. Curio petit. Sane quam incutit multis, qui eum facilitatemque eius non norunt, magnum metum; sed, ut spero et volo et ut se fert ipse, bonos et senatum malet; totus, ut nunc est, hoc scaturit. Huius autem voluntatis initium et causa est, quod eum non mediocriter Caesar, qui solet infimorum hominum amicitiam sibi qualibet impensa adiungere, valde contempsit; qua in re mihi videtur illud perquam venuste cecidisse, quod a reliquis quoque est animadversum, ut Curio, qui nihil consilio facit, ratione et insidiis usus videretur in evitandis iis consiliis, qui se intenderant adversarios in eius tribunatum: Laelios et Antonios et id genus valentes dico. Has ego tibi litteras eo maiore misi intervallo, quod comitiorum dilationes occupatiorem me habebant et exspectare in dies exitum cogebant, ut confectis omnibus te facerem certiorem. Ad Kalendas Sext. usque exspectavi. Praetoriis morae quaedam inciderunt. Mea porro comitia quem eventum sint habitura, nescio; opinionem quidem, quod ad Hircum attinet, incredibilem aedilium pl. comitiis nacta sunt: nam M. Coelium Vinicianum mentio illa fatua, quam deriseramus olim, et promulgatio de dictatore subito deiecit et deiectum magno clamore insecuta est; inde Hirrum cuncti iam non faciendum flagitare. Spero te celeriter et de nobis, quod sperasti, et de illo, quod vix sperare ausus es, auditurum. De re publica iam novi quidquam exspectare desieramus; sed, cum senatus habitus esset ad Apollinis a. d. XI. Kal. Sext. et referretur de stipendio Cn. Pompeii, mentio facta est de legione ea, quam

expensam tulit C. Caesari Pompeius, quo numero esset, quo appeteretur. Cum Pompeius esse in Gallia, coactus est dicere Pompeius se legionem abducturum, sed non statim sub mentionem et convicium obtrectatorum; inde interrogatus de successione C. Caesaris, de qua, hoc est de provinciis, placitum est, ut quam primum ad urbem reverteretur Cn. Pompeius, ut coram eo de successione provinciarum ageretur; nam Ariminum ad exercitum Pompeius erat iturus, et statim iit. Puto Idibus Sext. de ea re actum iri. Profecto aut transigetur aliquid aut turpiter intercedetur; nam in disputando coniecit illam vocem Cn. Pompeius, omnes oportere senatui dicto audientes esse. Ego tamen sic nihil exspecto, quomodo Paullum, consulem designatum, primum sententiam dicentem. Saepius te admoneo de syngrapha Sittiana — cupio enim te intelligere eam rem ad me valde pertinere — ; item de pantheris, ut Cibyratas arcessas curesque, ut mihi vehantur; praeterea nuntiatum nobis est et pro certo iam habetur regem Alexandrinum mortuum: quid mihi suadeas, quomodo regnum illud se habeat, quis procuret, diligenter mihi perscribas. K. Sext.

V. Scr. Romae mense Sextili (ante Id.) a.u.c. 703.

CAELIUS CICERONI SAL.

Qua tu cura sis, quod ad pacem provinciae tuae finitimarumque regionum attinet, nescio: ego quidem vehementer animi pendeo; nam, si hoc more moderari possemus, ut pro viribus copiarum tuarum belli quoque existeret magnitudo et, quantum gloriae triumphoque opus esset, assequeremur, periculosam et gravem illam dimicationem evitaremus, nihil tam esset optandum: nunc, si Parthus movet aliquid, scio non mediocrem fore contentionem; tuus porro exercitus vix unum saltum tueri potest. Hanc autem nemo ducit rationem, sed omnia desiderantur ab eo, tamquam nihil denegatum sit ei, quo minus quam paratissimus esset, qui publico negotio praepositus est. Accedit huc, quod successionem futuram propter Galliarum controversiam non video. Tametsi hac de re puto te constitutum, quid facturus esses, habere, tamen, quo maturius constitueres, cum hunc eventum providebam, visum est, ut te

facerem certiorem; nosti enim haec tralaticia: de Galliis constituetur; erit, qui intercedat; deinde alius existet, qui, nisi libere liceat de omnibus provinciis decernere senatui, reliquas impediat: sic multum ac diu ludetur, atque ita diu, ut plus biennium in hic tricis moremur. Si quid novi de re publica quod tibi scriberem haberem, usus essem mea consuetudine, ut diligenter, et quid actum esset et quid ex eo futurum sperarem, perscriberem. Sane tamquam in quodam incili iam omnia adhaeserunt. Marcellus idem illud de provinciis urget, neque adhuc frequentem senatum is efficere potuit. Hoc sic praeterito anno Curio tribunus erit et eadem actio de provinciis introibit: quam facile tunc sit omnia impedire et quam hoc Caesari, qui sua causa rem publicam non curent, sperent, non te fallit.

VI. Scr. pr. Nonas Martias a.u.c. 704

CAELIUS CICERONI SAL.

Non dubito, quin perlatum ad te sit Appium a Dolabella reum factum, sane [quam] non ea, qua existimaveram, invidia; neque enim stulte Appius, qui, simulatque Dolabella accessit ad tribunal, introierat in urbem triumphique postulationem abiecerat, quo facto rettudit sermones paratiorque visus est, quam speraverat accusator. Is nunc in te maximam spem habet. Scio tibi eum non esse odio: quam velis eum obligare, in tua manu est. Cum quo si simultas tibi non fuisset, liberius tibi de tota re esset: nunc, si ad illam summam veritatem legitimum ius exegeris, cavendum tibi erit, ne parum simpliciter et candide posuisse inimicitias videaris; in hanc partem porro tutum tibi erit, si quid volueris gratificari, nemo enim necessitudine et amicitia te deterritum ab officio dicet. Illud mihi occurrit, quod inter postulationem et nominis delationem uxor a Dolabella discessit: quid mihi discedens mandaris, memini; quid ego tibi scripserim, te non arbitror oblitum. Non est iam tempus plura narrandi: unum illud monere te possum, si res tibi non displicebit, tamen hoc tempore nihil de tua voluntate ostendas et exspectes, quemadmodum exeat ex hac causa. Denique invidiosum tibi sit, si emanarit; porro, si significatio ulla intercesserit, clarius, quam deceat aut expediat, fiat; neque ille tacere eam rem poterit, quae suae spei

tam opportuna acciderit quaeque in negotio conficiendo tanto illustrior erit, cum praesertim is sit, qui, si perniciosum sciret esse loqui de hac re, vix tamen se contineret. Pompeius dicitur valde pro Appio laborare, ut etiam putent alterum utrum de filiis ad te missurum. Hic nos omnes absolvimus, et hercules consaepta omnia foeda et inhonesta sunt. Consules autem habemus summa diligentia: adhuc senatus consultum nisi de feriis Latinis nullum facere potuerunt. Curioni nostro tribunatus conglaciat; sed dici non potest, quomodo hic omnia iaceant: nisi ego cum tabernariis et aquariis pugnarem, veternus civitatem occupasset. Si Parthi vox nihil calfaciunt, nos hic frigore rigescimus. Tamen, quoquo modo potuit, sine Parthis Bibulus in Amano nescio quid cohorticularum amisit: hoc sic nuntiatum est. Quod tibi supra scripsi Curionem valde frigere, iam calet; nam ferventissime concerpitur; levissime enim, quia de intercalando non obtinuerat, transfugit ad populum et pro Caesare loqui coepit legemque viariam, non dissimilem agrariae Rulli, et alimentariam, quae iubet aediles metiri, iactavit: hoc nondum fecerat, cum priorem partem epistulae scripsi. Amabo te, si quid, quod opus fuerit Appio, facies, ponito me in gratia. De Dolabella integrum tibi reserves, suadeo: et huic rei, de qua loquor, et dignitati tuae aequitatisque opinioni hoc ita facere expedit. Turpe tibi erit pantheras Graecas me non habere.

VII. Scr. Romae Nonis Martiis a.u.c. 704.

CAELIUS CICERONI SAL.

Quam cito tu istinc decedere cupias, nescio; ego quidem eo magis, quo adhuc felicius res gessisti, dum istic eris, de belli Parthici periculo cruciabor, ne hunc risum meum metus aliqui perturbet. Breviores has litteras properanti publicanorum tabellario subito dedi; tuo liberto pluribus verbis scriptas pridie dederam. Res autem novae nullae sane acciderunt, nisi haec vis tibi scribi, quae certe vis: Cornificius adolescens Orestillae filiam sibi despondit; Paulla Valeria, soror Triarii, divortium sine causa, quo die vir e provincia venturus erat, fecit: nuptura est D. Bruto; nondum * * rettuleras. Multa in hoc genere incredibilia te absente acciderunt. Servius Ocella

nemini persuasisset se moechum esse, nisi triduo bis deprehensus esset. Quaeres: “ubi?” ubi hercules ego minime vellem: relinquo tibi, quod ab aliis quaeras; neque enim displicet mihi imperatorem singulos percontari, cum qua sit aliqui deprehensus.

VIII. Scr. Romae ineunte mense Octobri a.u.c. 703.

CAELIUS CICERONI SAL.

Etsi, de re publica quae tibi scribam, habeo, tamen nihil, quod magis gavisurum te putem, habeo quam hoc: scito C. Sempronium Rufum, mel ac delicias tuas, calumniam maximo plausu tulisse. Quaeris: “qua in causa?” M. Tuccium, accusatorem suum, post ludos Romanos reum lege Plotia de vi recit hoc consilio, quod videbat, si extraordinarius reus nemo accessisset, sibi hoc anno causam esse dicendam; dubium porro illi non erat, quid futurum esset. Nemini hoc deferre munusculum maluit quam suo accusatori: itaque sine ullo subscriptore descendit et Tuccium reum fecit. At ego, simulatque audivi, invocatus ad subsellia rei occurro; surgo neque verbum de re facio: totum Sempronium usque eo perago, ut Vestorium quoque interponam et illam fabulam narrem, quemadmodum tibi pro beneficio dederit, si quid iniuria ipsius esset, ut Vestorius teneret. Haec quoque magna nunc contentio forum tenet: M. Servilius postquam, ut coeperat, omnibus in rebus turbarat nec, quod non venderet cuipiam, reliquerat maximaque nobis traditus erat invidia, neque Laterensis praetor postulante Pausania, nobis patronis, QUO EA PECUNIA PERVENISSET, recipere voluit, Q. Pilius, necessarius Attici nostri, de repetundis eum postulavit: magno illico fama surrexit et de damnatione ferventer loqui est coeptum. Quo vento proiicitur Appius minor, ut indicaret pecuniam ex bonis patris pervenisse ad Servilium praevaricationisque causa diceret depositum HS. LXXXI. Admiraris amentiam: immo, si actionem stultissimasque de se, nefarias de patre confessiones audisses. Mittit in consilium eosdem illos, qui lites aestimarant iudices. Cum aequo numero sententiae fuissent, Laterensis leges ignorans pronuntiavit, quid singuli ordines iudicassent, et ad extremum, ut solent, NON REDIGAM. Postquam discessit et pro absoluto Servilius haberi

coeptus est legisque unum et centesimum caput legit, in quo ita erat: QUOD EORVM IVDICVM MAIOR PARS IVDICARIT, ID IVS RATVMQVE ESTO, in tabulas absolutum non rettulit, ordinum iudicia perscripsit; postulante rursus Appio cum L. Lollio transegit et se relaturum dixit. Sic nunc neque absolutus neque damnatus Servilius de repetundis saucius Pilio tradetur; nam de divinatione Appius, cum calumniam iurasset, contendere ausus non est Pilioque cessit, et ipse de pecuniis repetundis a Serviliis est postulatus et praeterea de vi reus a quodam suo emissario, Sex. Tettio, factus. Recte hoc par habet. Quod ad rem publicam pertinet, omnino multis diebus exspectatione Galliarum actum nihil est; aliquando tamen saepe re dilata et graviter acta et plane perspecta Cn. Pompeii voluntate in eam partem, ut eum decedere post Kalendas Martias placeret, senatus consultum, quod tibi misi, factum est auctoritatesque perscriptae.

S. C. AUCTORITATESQ. Pr.[idie] Kal. Octobres in aede Apollinis scrib. affuerunt L. Domitius Cn. f. Fab. Ahenobarbus, Q. Caecilius Q. f. Fab. Metellus Pius Scipio, L. Villius L. F. Pom. Annalis, C. Septimius T. f. Quirina, C. Lucilius C. f. Pup. Hirrus, C. Scribonius C. f. Pop. Curio, L. Ateius L. f. An. Capito, M. Eppius M. f. Ter. Quod M. Marcellus cos. v.[erba] f.[ecit] de provinciis consularibus, d. e. r. i. c., uti L. Paullus C. Marcellus coss., cum magistratum inissent, ex Kal. Mart., quae in suo magistratu futurae essent, de consularibus provinciis ad senatum referrent, neve quid prius ex Kal. Mart. ad senatum referrent, neve quid coniunctim de ea re referretur a consulibus, utique eius rei causa per dies comitiales senatum haberent senatusque cons. facerent, et, cum de ea re ad senatum referretur a consulibus, qui eorum in CCC. iudicibus essent, ses adducere liceret; si quid de ea re ad populum plebemve lato opus esset, uti Ser. Sulpicius M. Marcellus coss., praetores tribunique pl., quibus eorum videretur, ad populum plebemve ferrent; quod ii non tulissent, uti, quicumque deinceps essent, ad populum plebemve ferrent. I.N. [Intercessit nemo.]

Pr. Kal. Octobres in aede Apollinis scrib. affuerunt L. Domitius Cn. f. Fab. Ahenobarbus, Q. Caecilius Q. f. Fab. Metellus Pius Scipio, L. Villius L. f. Pom. Annalis, C. Septimius T. f. Quirina, C. Lucilius C. f. Pup. Hirrus, C. Scribonius C. f. Pop. Curio, L. Ateius

L. f. An. Capito, M. Eppius M. f. Terentina. Quod M. Marcellus cos. v. f. de provinciis, d. e. r. i. c., senatum existimare neminem eorum, qui potestatem habent intercedendi impediendi, moram afferre oportere, quo minus de. r. p. p. r. q. [re publica populi Romani quam primum — per Loeb] ad senatum referri senatique consultum fieri possit: qui impedierit prohibuerit, eum senatum existimare contra rem publicam fecisse; si quis huic s. c. intercesserit, senatui placere auctoritatem perscribi et de ea re ad senatum populumque referri. Huic s. c. intercessit C. Caelius, L. Vinicius, P. Cornelius, C. Vibius Pansa, tribuni pl.

Item senatui placere de militibus, qui in exercitu C. Caesaris sunt, qui eorum stipendia emerita aut causas, quibus de causis missi fieri debeant, habeant, ad hunc ordinem referri, ut eorum ratio habeatur causaeque cognoscantur; si quis huic s. c. intercessisset, senatui placere auctoritatem perscribi et de ea re ad hunc ordinem referri. Huic s. c. intercessit C. Caelius, C. Pansa, tribuni pl.

Itemque senatui placere in Ciliciam provinciam, in VIII reliquas provincias, quas praetorii pro praetore obtin[er]ent, eos, qui praetores fuerunt neque in provincias cum imperio iverunt, quos eorum ex s. c. cum imperio in provincias pro praetore mitti oporteret, eos sortito in provincias mitti placere; si ex eo numero, quos ex s. c. in provincias ire oporteret, ad numerum non essent, qui in eas provincias proficiscerentur, tum, uti quodque collegium primum praetorum fuisset neque in provincias profecti essent, ita sorte in provincias proficiscerentur; si ii ad numerum non essent, tunc deinceps, proximi cuiusque collegii qui praetores fuissent neque in provincias profecti essent, in sortem coniicerentur, quoad is numerus effectus esset, quem ad numerum in provincias mitti oporteret; si quis huic s. c. intercessisset, auctoritas perscriberetur. Huic s. c. intercessit C. Caelius, C. Pansa, tribuni pl.

Illa praeterea Cn. Pompeii sunt animadversa, quae maxime confidentiam attulerunt hominibus, ut diceret se ante Kal. Martias non posse sine iniuria de provinciis Caesaris statuere, post Kal. Martias se non dubitaturum; cum interrogaretur, “si qui tum intercederent,” dixit hoc nihil interesse, utrum Caesar senatui dicto audiens futurus non esset an pararet, qui senatum decernere non pateretur; “quid, si,” inquit alius, “et consul esse et exercitum habere

volet?" at ille quam clementer: "quid, si filius meus fustum mihi impingere volet?" His vocibus, ut existimarent homines Pompeio cum Caesare esse negotium, effecit; itaque iam, ut video, alteram utram ad condicionem descendere vult Caesar, ut aut maneat neque hoc anno sua ratio habeatur aut, si designari poterit, decedat. Curio se contra eum totum parat: quid assequi possit, nescio; illud video, bene sentientem, etsi nihil effecerit, cadere non posse. Me tractat liberaliter Curio et mihi suo munere negotium imposuit; nam, si mihi non dedisset eas, quae ad ludos ei advectae erant Africanae, potuit supersedere; nunc, quoniam dare necesse est, velim tibi curae sit, quod a te semper petii, ut aliquid istinc bestiarum habeamus. Sittianamque syngrapham tibi commendo; libertum Philonem istuc misi et Diogenem Graecum, quibus mandata et litteras ad te dedi: eos tibi et rem, de qua misi, velim curae habeas; nam, quam vehementer ad me pertineat, in iis, quas tibi illi reddent, litteris perscripsi.

IX. Scr. Romae a. d. IV. Non. Septembres a.u.c. 703.

CAELIUS CICERONI SAL.

"Sic tu," inquis, "Hirrum tractasti?" immo, si scias, quam facile, quam ne contentionis quidem minimae fuerit, pudeat te ausum illum umquam esse incedere tamquam tuum competitorem. Post repulsam vero risus facit: civem bonum ludit et contra Caesarem sententias dicit; exspectationem corripit; Curionem prorsus curionem non mediocriter obiurgatus ac repulsa se mutavit. Praeterea, qui numquam in foro apparuerit, non multum in iudiciis versatus sit, agit causas liberales, sed raro post meridiem. De provinciis quod tibi scripseram Idibus Sext. actum iri, interpellavit iudicium Marcelli, consulis designati: in Kal. reiecta res est; ne frequentiam quidem efficere potuerant. Has litteras a. d. IV. Non. Septembres dedi, cum ad eam diem ne profligatum quidem quidquam erat. Ut video, causa haec integra in proximum annum transferetur, et, quantum divino, relinquendus tibi erit, qui provinciam obtineat; nam non expeditur successio, quoniam Galliae, quae habent intercessorum, in eandem condicionem, quam ceterae provinciae, vocantur. Hoc mihi non est dubium; quo tibi magis scripsi, ut ad hunc eventum te parares. Fere

litteris omnibus tibi de pantheris scripsi: turpe tibi erit Patiscum Curioni decem pantheras misisse, te non multis partibus plures; quas ipsas Curio mihi et alias Africanas decem donavit, ne putes illum tantum praedia rustica dare scire. Tu, si modo memoria tenueris et Cibyratas arcessieris itemque in Pamphyliam litteras miseris — nam ibi plures capi aiunt — , quod voles, efficies. Hoc vehementius laboro nunc, quod seorsus a collega puto mihi omnia paranda. Amabo te, impera tibi hoc. Curare soles libenter, ut ego maiorem partem nihil curare: in hoc negotio nulla tua nisi loquendi cura est, hoc est imperandi et mandandi; nam, simulatque erunt captae, qui alant eas et deportent, habes eos, quos ad Sittianam syngrapham misi; puto etiam, si ullam spem mihi litteris ostenderis, me isto missurum alios. M. Feridium, equitem Romanum, amici mei filium, bonum et strenuum adolescentem, qui ad suum negotium istuc venit, tibi commendo et te rogo, ut eum in tuorum numero habeas: agros, quos fructuarios habent civitates, vult tuo beneficio, quod tibi facile et honestum factu sit, immunes esse; gratos et bonos viros tibi obligaris. Nolo te putare Favonium a columnariis praeteritum: optimus quisque eum non fecit. Pompeius tuus aperte non vult Caesarem et provinciam tenere cum exercitu et consulem esse; ipse tamen hanc sententiam dixit, nullum hoc tempore senatus consultum faciendum, Scipio hanc, ut Kal. Martiis de provinciis Galliis, neu quid coniunctim referretur; contristavit haec sententia Balbum Cornelium, et scio eum quaestum esse cum Scipione. Calidus in defensione sua fuit disertissimus, in accusatione satis frigidus.

X. Scr. Romae a. d. XIIII. Kal. Decembres a.u.c. 703.

CAELIUS CICERONI SAL.

Sane quam litteris C. Cassii et Deiotari sumus commoti; nam Cassius cis Euphraten copias Parthorum esse scripsit, Deiotarus profectas per Commagenen in provinciam nostram. Ego quidem praecipuum metum, quod ad te attinebat, habui, qui scirem, quam paratus ab exercitu esses, ne quod hic tumultus dignitati tuae periculum afferret: nam de vita, si paratior ab exercitu esses, timuissem; nunc haec exiguitas copiarum recessum, non dimicationem mihi tuam

praesagiebat; hoc quomodo acciperent homines, quam probabilis necessitas futura esset, vereor etiam nunc, neque prius desinam formidare, quam tetigisse te Italiam audiero. Sed de Parthorum transitu nuntii varios sermones excitarunt: alius enim Pompeium mittendum, alius ab urbe Pompeium non removendum, alius Caesarem cum suo exercitu, alius consules, nemo tamen ex senatus consulto privatos. Consules autem, quia verentur, ne illud senatus consultum fiat, ut paludati exeant et contumeliose praeter eos ad alium res transferatur, omnino senatum haberi nolunt, usque eo, ut parum diligentes in re publica videantur; sed honeste, sive negligentia sive inertia est sive ille, quem proposui, metus, latet sub hac temperantiae existimatione, nolle provinciam. A te litterae non venerunt, et, nisi Deiotari subsecutae essent, in eam opinionem Cassius veniat, quae diripuisset ipse, ut viderentur ab hoste vastata, finxisse bellum et Arabas in provinciam immisisse eosque Parthos esse senatui renuntiasse: quare tibi suadeo, quicumque est istic status rerum, diligenter et caute perscribas, ne aut velificatus alicui dicaris aut aliquid, quod referret scire, reticuisse. Nunc exitus est anni; nam ego has litteras a. d. XIIII. Kal. Decembres scripsi. Plane nihil video ante Kal. Ianuarias agi posse: nosti Marcellum, quam tardus et parum efficax sit, itemque Servius quam cunctator; cuiusmodi putas hos esse aut quam id, quod nolint, conficere posse, qui, quae cupiunt, tamen ita frigide agunt, ut nolle existimentur? Novis magistratibus autem, si Parthicum bellum erit, haec causa primos menses occupabit; sin aut sit aut non erit istic bellum aut tantum erit, ut vos aut successores parvis additis copiis sustinere possint, Curionem video se dupliciter iactaturum: primum, ut aliquid Caesari adimat; inde, ut aliquid Pompeio tribuat, quodvis quamlibet tenue munusculum. Paullus porro non humane de provincia loquitur: huius cupiditati occursurus est Furnius noster; plures suspicari non possum. Haec novi: alia, quae possunt accidere, non cerno. Multa tempus afferre et praeparata mutare scio; sed intra fines hos, quaecumque acciderint, vertentur. Illud addo ad actiones C. Curionis, de agro Campano; de quo negant Caesarem laborare, sed Pompeium valde velle, ne vacuus advenienti Caesari pateat. Quod ad tuum decessum attinet, illud tibi non possum polliceri, me curaturum, ut tibi succedatur; illud certe praestabo, ne amplius prorogetur. Tui consilii

est, si tempus, si senatus coget, si honeste a nobis recusari non poterit, velisne perseverare: mei officii est meminisse, qua obtestatione discedens mihi, ne paterer fieri, mandaris.

XI. Scr. Romae inter Non. Maias et Non. Iunias a.u.c. 704.

CAELIUS CICERONI SAL.

Non diu, sed acriter nos tuae supplicationes torserunt; incideramus enim in difficilem nodum: nam Curio tui cupidissimus, cui omnibus rationibus comitiales dies eripiebantur, negabat se ullo modo pati posse decerni supplicationes, ne, quod furore Paulli adeptus esset boni, sua culpa videretur amisisse et praevaricator causae publicae existimaretur; itaque ad pactionem descendimus, et confirmarunt consules se his supplicationibus in hunc annum non usuros. Plane, quod utriusque consulibus gratias agas, est; Paullo magis certe; nam Marcellus sic respondit ei, se spem in istis supplicationibus non habere, Paullus, se omnino in hunc annum non edicturum. Renuntiatum nobis erat Hirrum diutius dicturum: prehendimus eum, non modo non fecit, sed, cum de hostiis ageretur et posset rem impedire, si, ut numeraretur, postularet, tacuit; tantum Catoni assensus est, qui de te locutus honorifice non decrerat supplicationes; tertius ad hos Favonius accessit. Quare pro cuiusque natura et instituto gratiae sunt agendae: his, quod tantum voluntatem ostenderunt, pro sententia, cum impedire possent, non pugnarunt; Curioni vero, quod de suarum actionum cursu tua causa deflexit. Nam Furnius et Lentulus, ut debuerunt, quasi eorum res esset, una nobiscum circumierunt et laborarunt Balbi quoque Cornelii operam et sedulitatem laudare possum; nam cum Curione vehementer locutus est et eum, si aliter fecisset, iniuriam Caesari facturum dixit, tum eius fidem in suspicionem adduxit. Decrerant quidam, qui * * * neque transigi volebant, Domitii, Scipiones; quibus hac re ad intercessionem evocandam interpellantibus venustissime Curio respondit se eo libentius non intercedere, quod quosdam, qui decernerent, videret confici nolle. Quod ad rem publicam attinet, in unam causam omnis contentio coniecta est, de provinciis: in qua adhuc incubuisse cum senatu Pompeius videtur, ut Caesar Id.

Novembr. decedat; Curio omnia potius subire constituit quam id pati, ceteras suas abiecit actiones. Nostri porro, quos tu bene nosti, ad extremum certamen rem deducere non audent. Scena rei totius haec: Pompeius, tamquam Caesarem non impugnet, sed, quod illi aequum putet, constituat, ait Curionem quaerere discordias, valde autem non vult et plane timet Caesarem consulem designari prius, quam exercitum et provincias tradiderit; accipitur satis male a Curione, et totus eius secundus consulatus exagitatur. Hoc tibi dico: si omnibus rebus prement Curionem, Caesar defendet intercessorem; si — quod videntur — reformidarint, Caesar, quoad volet, manebit. Quam quisque sententiam dixerit, in commentario est rerum urbanarum: ex quo tu, quae digna sunt, selige; multa transi, in primis ludorum explosiones et funerum et ineptiarum ceterarum, plura habet utilia; denique malo in hanc partem errare, ut, quae non desideres, audias quam quidquam, quod opus sit, praetermittatur. Tibi curae fuisse de Sittiano negotio gaudeo; sed, quoniam suspicaris minus certa fide eos esse, quos tibi misi, tamquam procurator, sic agas, rogo.

XII. Scr. Romae mense Septembri a. u. c. 704.

CAELIUS CICERONI SAL.

Pudet me tibi confiteri et queri de Appii, hominis ingratissimi, iniuriis, qui me odisse, quia magna mihi debebat beneficia, coepit et, cum homo avarus, ut ea solveret, sibi imperare non posset, occultum bellum mihi indixit, ita occultum tamen, ut multi mihi renuntiarent et ipse facile animadverterem male eum de me cogitare. Posteaquam vero comperi eum collegium tentasse, deinde aperte cum quibusdam locutum, cum L. Domitio, ut nunc est mihi inimicissimo homine, deliberare, velle hoc munusculum deferre Cn. Pompeio, ipsum ut reprehenderem et ab eo deprecarer iniuriam, quem vitam mihi debere putaram, impetrare a me non potui. Quid ergo est? tamen cum eius aliquot amicis, qui testes erant meorum in illum meritorum, locutus sum. Posteaquam illum ne cui satisfaceret quidem me dignum habere sensi, malui collegiae eius, homini alienissimo et mihi propter amicitiam tuam non aequissimo, me obligare quam illius simiae vultum subire. Id postquam resciit, excanduit et me causam

inimicitiarum quaerere clamitavit, ut, si mihi in pecunia minus satisfecisset, per hanc speciem simultatis eum consectarer. Postea non destitit arcessere Polam Servium accusatorem, inire cum Domitio consilia. Quibus cum parum procederet, ut ulla lege mihi ponerent accusatorem, compellari ea lege me volerunt, qua ipsi dicere non poterant: insolentissimi homines summis Circensibusludis meis postulandum me lege Scantinia curarunt. Vix hoc erat Pola elocutus, cum ego Appium censorem eadem lege postulavi: quod melius caderet, nihil vidi; nam sic est a populo et non infimo quoque approbatum, ut maiorem Appio dolorem fama quam postulatio attulerit. Praeterea coepi sacellum, in domo quod est, ab eo petere. Conturbat me more servi huius, qui tibi litteras attulit; nam acceptis prioribus litteris amplius dies quadraginta mansit. Quid tibi scribam, nesio: scis Domitio comitiorum diem timori esse? te exspecto valde et quam primum videre cupio; a te peto, ut meas iniurias proinde doleas, ut me existimas et dolere et ulcisci tuas solere.

XIII. Scr. Romae inter Non. Maias et Non. Iunias a.u.c. 704.

CAELIUS CICERONI SAL.

Gratulor tibi affinitatem viri medius fidius optimi; nam hoc ego de illo existimo: cetera porro, quibus adhuc ille sibi parum utilis fuit, et aetate iam sunt decussa et consuetudine atque auctoriate tua, pudore Tulliae, si qua restabunt, confido celeriter sublatum iri; non est enim pugnax in vitiis neque hebes ad id, quod melius est, intelligendum. Deinde — quod maximum est — ego illum valde amo. Voles, Cicero, Curionem nostrum lautum intercessionis de porvinciis exitum habuisse: na, cum de intercessione referretur, quae relatio fiebat ex senatus consulto, primaque M. Marcelli sententia pronuntiata esset, qui agendum cum tribunis pl. censebat, frequens senatus in alia omnia iit; stomacho est scilicet Pompeius Magnus nunc ita languenti, ut vix id, quod sibi placeat, reperiat: transierant illuc, rationem esse eius habendam, qui neque exercitum neque provincias traderet. Quemadmodum hoc Pompeius laturus sit, cum cognoro, scribam: quidem rei publicae futurum sit, si aut armis resistat aut non curet, vos senes divites videritis. Q. Hortensius, cum

has litteras scripsi, animam agebat.

XIV. Scr. Romae mense Septembri. a.u.c. 704.

CAELIUS CICERONI SAL.

Tanti non fuit Arsacen capere et Seleuceam expugnare, ut earum rerum, quae hic gestae sunt, spectaculo careres: numquam tibi oculi doluissent, si in repulsa Domitii vultum vidisses. Magna illa comitia fuerunt et plane studia ex partium sensu apparuerunt: perpauci necessitudinem secuti officium praestiterunt. Itaque mihi est Domitius inimicissimus, ut ne familiarem quidem suum quemquam tam oderit quam me, atque eo magis, quod per iniuriam sibi putat ereptum auguratum, cuius ego auctor fuerim. Nunc furit tam gavisos homines suum dolorem unumque me studiosiorem Antonii: nam Cn. Saturninum adolescentem ipse Cn. Domitius reum fecit, sane quam superiore a vita invidiosum; quod iudicium nunc in exspectatione est, etiam in bone spe post Sex. Peducaei absolutionem. De summa re publica saepe tibi scripsi me ad annum pacem non videre, et, quo propius ea contentio, quam fieri necesse est, accedit eo clarius id periculum apparet. Propositum hoc est, de quo, qui rerum potiuntur, sunt dimicaturi, quod Cn. Pompeius constituit non pati C. Caesarem consulem aliter fieri, nisi exercitum et provincias tradiderit, Caesari autem persuasum est se salvum esse non posse, si ab exercitu recesserit; fert illam tamen condicionem, ut ambo exercitus tradant. Sic illi amores et invidiosa coniunctio non ad occultam recidit obtrectationem, sed ad bellum se erumpit. Neque, mearum rerum quid consilii capiam, reperio — quod non dubito quin te quoque haec deliberatio sit perturbatura — ; nam mihi cum hominibus his et gratia et necessitudo; tum causam illam, non homines odi. Illud te non arbitror fugere, quin homines in dissensione domestica debeant, quamdiu civiliter sine armis certetur, honestiorem sequi partem, ubi ad bellum et castra ventum sit, firmiorem, et id melius statuere, quod tutius sit. In hac discordia video Cn. Pompeium senatum quique res iudicant secum habiturum, ad Caesarem omnes, qui cum timore aut mala spe vivant, accessuros; exercitum conferendum non esse. Omnino satis spatii est ad considerandas utriusque copias et

eligendam partem. Prope oblitus sum, quod maxime fuit scribendum: scis Appium censorem hic ostenta facere: de signis et tabulis, de agri modo, de aere alieno acerrime agere? persuasum est ei censuram lomentum aut nitrum esse: errare mihi videtur; nam sordes eluere vult, venas sibi omnes et viscera aperit. Curre, per deos atque homines! et quam primum haec risum veni, legis Scantiniae iudicium apud Drusum fieri, Appium de tabulis et signis agere; crede mihi, est properandum. Curio noster sapienter id, quod remisit de stipendio Pompeii, fecisse existimatur. Ad summam, quaeris, quid putem futurum: si alteruter eorum ad Parthicum bellum non eat, video magnas impendere discordias, quas ferrum et vis iudicabit; uterque et animo et copiis est paratus. Si sine suo periculo fieri posset, magnum et iucundum tibi Fortuna spectaculum parabat.

XV. Scr. exeunte mense Februario a.u.c. 705.

CAELIUS CICERONI SAL.

Ecquando tu hominem ineptiorem quam tuum Cn. Pompeium vidisti, qui tantas turbas, qui tam nugax esset, commorit? ecquem autem Caesare nostro acriorem in rebus gerendis, eodem in victoria temperatiorem aut legisti aut audisti? Quid est? num tibi nostri milites, qui durissimis et frigidissimis locis, teterrima hieme bellum ambulando confecerunt malis orbiculatis esse pasti videntur? “Quid? tam,” inquis, “gloriose omnia?” Immo, si scias, quam sollicitus sim, tum hanc meam gloriam, quae ad me nihil pertinet, non derideas; quae tibi exponere nisi coram non possum, idque celeriter fore spero; nam me, cum expulisset ex Italia Pompeium, constituit ad urbem vocare, id quod iam existimo confectum, nisi si maluit Pompeius Brundisii circumsederi. Peream, si minima causa est properandi isto mihi, quod te videre et omnia intima conferre discupio, habeo autem quam multa. Hui vereor, quod solet fieri, ne, cum te videro, omnia obliviscar. Sed tamen quod ob scelus iter mihi necessarium retro ad Alpes versus incidit? Ideo, quod Intimelii in armis sunt, neque de magna causa: Bellienus, verna Demetrii, qui ibi cum praesidio erat, Domitium quendam, nobilem illic Caesaris hospitem, a contraria factione nummis acceptis comprehendit et strangulavit; civitas ad

arma iit; eo nunc cum cohortibus mihi per nives eundum est. “Usque quaque,” inquis, “se Domitii male dant.” Vellem quidem Venere prognatus tantum animi habuisset in vestro Domitio, quantum Psecade natus in hoc habuit. Ciceroni f. s. d. [filio salutem do.]

XVI. Scr. mense Aprili (circiter Id.) a.u.c. 705.

CAELIUS CICERONI SAL.

Exanimatus tuis litteris, quibus te nihil nisi triste cogitare ostendisti neque, id quid esset, perscripsisti neque non tamen, quale esset, quod cogitares, aperuisti, has ad te illico litteras scripsi. Per fortunas tuas, Cicero, per liberos te oro et obsecro, ne quid gravius de salute et incolumitate tua consulas; nam deos hominesque amicitiamque nostram testificor me tibi praedixisse neque temere monuisse, sed, postquam Caesarem convenerim sententiamque eius, qualis futura esset parta victoria, cognoverim, te certiorem fecisse. Si existimas eandem rationem fore Caesaris in dimittendis adversariis et condicionibus ferendis, erras: nihil nisi atrox et saevum cogitat atque etiam loquitur: iratus senatui exiit, his intercessionibus plane incitatus est; non mehercules erit deprecationi locus. Quare, si tibi tu, si filius unicus, si domus, si spes tuae reliquae tibi carae sunt, si aliquid apud te nos, si vir optimus, gener tuus, valemus, quorum fortunam non debes velle conturbare, ut eam causam, in cuius victoria salus nostra est, odisse aut relinquere cogamur aut impiam cupiditatem contra salutem tuam habeamus — ; denique illud cogita: quod offensae fuerit in ista cunctatione, te subisse; nunc te contra victorem Caesarem facere, quem dubiis rebus laedere noluisti, et ad eod fugatos accedere, quos resistentes sequi nolueris, summae stultitiae est. Vide, ne, dum pudet te parum optimatem esse, parum diligenter, quid optimum sit, eligas. Quod si totum tibi persuadere non possum, saltem, dum, quid de Hispaniis agamus, scitur, exspecta; quas tibi nuntio adventu Caesaris fore nostras. Quam isti spem habeant amissis Hispaniis, nescio; quod porro tuum consilium sit ad desperatos accedere, non medius fidius reperio. Hoc, quod tu non dicendo mihi significasti, Caesar audierat ac, simulatque “Ave” mihi dixit, statim, quid de te audisset, exposuit: negavi me scire, sed

tamen ab eo petii ut ad te litteras mitteret, quibus maxime ad remanendum commoveri posses. Me secum in Hispaniam ducit; nam, nisi ita faceret, ego prius, quam ad urbem accederem, ubicumque esses, ad te percucurrissem et hoc a te praesens contendissem atque omni vi te retinuissem. Etiam atque etiam, Cicero, cogita, ne te tuosque omnes funditus evertas, ne te sciens prudensque eo demittas, unde exitum vides nullum esse. Quod si te aut voces optimatium commovent aut nonnullorum hominum insolentiam et iactationem ferre non potes, eligas censeo aliquod oppidum vacuum a bello, dum ahec decernuntur, quae iam erunt confecta. Id si feceris, et ego te sapienter fecisse iudicabo et Caesarem non offendes.

XVII. Scr. Romae mense Martio a.u.c. 706.

CAELIUS CICERONI SAL.

Ergo me potius in Hispania fuisse tum quam Formiis, cum tu profectus es ad Pompeium! quod utinam aut Appius Claudius in ista parte C. Curio, cuius amicitia me paullatim in hanc perditam causam imposuit; nam mihi sentio bonam mentem iracundia et amore ablatam. Tu porro, cum ad te proficiscens Arimino noctu venissem, dum mihi pacis mandata das ad Caesarem et mirificum civem agis, amici officium neglexisti neque mihi consuluisti. Neque haec dico, quod diffidam huic causae, sed, crede mihi, perire satius est quam hos videre. Quod si timor vestrae crudelitatis non esset, eiecti iampridem hinc essemus; nam hic nunc praeter feneratores paucos nec homo nec ordo quisquam est nisi Pompeianus. Equidem iam effeci, ut maxime plebs et qui antea noster fuit populus vester esset. “Cur hoc?” inquis. Immo reliqua exspectate: vos invitos vincere coegero. Arruntanum me Catonem: vos dormitis, nec haec adhuc mihi videmini intelligere, qua nos pateamus et quam simus imbecilli. Atque hoc nullius praemii spe faciam, sed, quod apud me plurimum solet valere, doloris atque indignitatis causa. Quid istic facitis? proelium exspectatis, quod firmissimum haec? vestras copias non novi: nostri valde depugnare et facile algere et esurire consuerunt.

LIBER NONVS

Ad M. Varronem et CeterosI. Scr. Romae a.u.c. 708 (post Kal. Octobres?).

CICERO VARRONI SAL.

Ex iis litteris, quas Atticus a te missas mihi legit, quid ageres et ubi esses, cognovi; quando autem te visuri essemus, nihil sane ex iisdem litteris potui suspicari. In spem tamen venio appropinquare tuum adventum: qui mihi utinam solatio sit! etsi tot tantisque rebus urgemur, nullam ut allevationem quisquam non stultissimus sperare debeat; sed tamen aut tu potes me aut ego te fortasse aliqua re iuvare; scito enim me, posteaquam in urbem venerim, redisse cum veteribus amicis, id est cum libris nostris, in gratiam; etsi non idcirco eorum usum dimiseram, quod iis suscenserem, sed quod eorum me suppudebat; videbar enim mihi, cum me in res turbulentissimas infidelissimis sociis demisissem, praeceptis illorum non satis paruisse. Ignoscunt mihi, revocant in consuetudinem pristinam teque, quod in ea permanseris, sapientiorem quam me dicunt fuisse. Quamobrem, quoniam placatis iis utor, videor sperare debere, si te viderim, et ea, quae premant, et ea, quae impendeant, me facile transiturum. Quamobrem, sive in Tusculano sive in Cumano ad te placebit sive, quod minime velim, Romae, dummodo simul simus, perficiam profecto, ut id utrique nostrum commodissimum esse videatur.

II. Scr. Romae exeunte mense Aprili a.u.c. 708.

CICERO VARRONI.

Caninius tuus et idem noster, cum ad me pervesperi venisset et se postridie mane ad te iturum esse dixisset, dixi ei me daturum aliquid; mane ut peteret, rogavi: conscripsi epistulam noctu; nec ille ad me rediit: oblitum credidi. Ac tamen eam ipsam tibi epistulam misissem per meos, nisi audissem ex eodem postridie te mane e Tusculano exiturum. At tibi repente paucis post diebus, cum minime

exspectarem, venit ad me Caninius mane; proficisci ad te statim dixit. Etsi erat ßvlow illa epistula, praesertim tantis postea novis rebus allatis, tamen perire lucubrationem meam nolui et eam ipsam Caninio dedi; sed cum eo ut cum homine docto et tui amantissimo locutus ea sum, quae pertulisse illum ad te existimo. Tibi autem idem consilii do, quod mihimet ipsi, ut vitemus oculos hominum, si linguas minus facile possumus; qui enim victoria se efferunt, quasi victos nos intuentur, qui autem victos nostros moleste ferunt, nos dolent vivere. Quaeres fortasse, cur, cum haec in urbe sint, non absim, quemadmodum tu. Tu enim ipse, qui et me et alios prudentia vincis, omnia, credo, vidisti, nihil te omnino fefellit: quis est tam Lynceus, qui in tantis tenebris nihil offendat, nusquam incurrat? Ac mihi quidem iam pridem venit in mentem bellum esse aliquo exire, ut ea, quae agebantur hic quaeque dicebantur, nec viderem nec audirem; sed calumniabar ipse: putabam, qui obviam mihi venisset, ut cuique commodum esset, suspicaturum aut dicturum, etiamsi non suspicaretur: “hic aut metuit et ea re fugit aut aliquid cogitat et habet navem paratam.” Denique, levissime qui suspicaretur et qui fortasse me optime novisset, putaret me idcirco discedere, quod quosdam homines oculi mei ferre non possent. Haec ego suspicans adhuc Romae maneo, et tamen lelhyÒtvw consuetudo diuturna callum iam obduxit stomacho meo. Habes rationem mei consilii; tibi igitur hoc censeo: latendum tantisper ibidem, dum defervescat haec gratulatio, et simul, dum audiamus, quemadmodum negotium confectum sit; confectum enim esse existimo, magni autem intererit, qui fuerit victoris animus, qui exitus rerum, quamquam, quo me coniectura ducat, habeo, sed exspecto tamen. Te vero nolo, nisi ipse rumor iam raucus erit factus, ad Baias venire; erit enim nobis honestius, etiam cum hinc disceserimus, videri venisse in illa loca ploratum potius quam natatum. Sed hoc tu melius; modo nobis stet illud: una vivere in studiis nostris, a quibus antea delectationem modo petebamus, nunc vero etiam salutem; non deesse, si quis adhibere volet, non modo ut architectos, verum etiam ut fabros, ad aedificandam rem publicam, et potius libenter accurrere; si nemo utetur opera, tamen et scribere et legere polite¤aw et, si minus in curia atque in foro, at in litteris et libris, ut doctissimi veteres fecerunt, gubernare rem publicam et de moribus ac legibus quaerere. Mihi haec videntur: tu

quid sis acturus et quid tibi placeat, pergratum erit, si ad me scripseris.

III. Scr. Romae medio mense Aprili a.u.c. 708.

CICERO VARRONI.

Etsi, quid scriberem, non habebam, tamen Caninio ad te eunti non potui nihil dare. Quid ergo potissimum scribam? quod velle te puto, cito me ad te esse venturum; etsi vide, quaeso, satisne rectum sit nos hoc tanto incendio civitatis in istia locis esse: dabimus sermonem iis, qui nesciunt nobis, quocumque in loco simus, eundem cultum, eundem victum esse. "Quid refert? tamen in sermonem incidemus." Valde id, credo, laborandum est, ne, cum omnes in omni genere et scelerum et flagitiorum volutentur, nostra nobiscum aut inter nos cessatio vituperetur. Ego vero neglecta barbarorum inscitia persequar; quamvis enim sint haec misera, quae sunt miserrima, tamen artes nostrae nescio quo modo nunc uberiores fructus ferre videntur, quam olim ferebant, sive quia nulla nunc in re alia acquiescimus, sive quod gravitas morbi facit, ut medicinae egeamus eaque nunc appareat, cuius vim non sentiebamus, cum valebamus. Sed quid ego nunc haec ad te, cuius domi nascuntur, glaËx' eÞw 'AyÆnaw? Nihil scilicet, nisi ut rescriberes aliquid, me exspectares: sic igitur facies.

IV. Scr. in Tusculano mense Iunio a.u.c. 708.

CICERO VARRONI.

PerÐ dunat«n me scito xatë DiÒdvron xr¤nein. Quapropter, si venturus es, scito necesse esse te venire; sin autem non es, *dÊnaton est te venire. Nunc vide, utra te xr¤siw magis delectet, Chrysippi an haec, quam noster Diodotus non concoquebat. Sed de his etiam rebus, otiosi cum erimus, loquemur; hoc etiam xatë XrÊsippon dunatÚn est. De Coctio mihi gratum est; nam id etiam Attico mandaram. Tu si minus ad nos, nos accurremus ad te: si hortum in bibliotheca habes, deerit nihil.

V. Scr. Romae mense Iunio a.u.c. 708.

CICERO VARRONI.

Mihi vero ad Nonas bene maturum videtur fore, neque solum propter rei publicae, sed etiam propter anni tempus; quare istum diem probo, itaque eundem ipse sequar. Consilii nostri, ne si eos quidem, qui id secuti non sunt, non poeniteret, nobis poenitendum putarem; secuti enim sumus non spem, sed officium, reliquimus autem non officium, sed desperationem: ita verecundiores fuimus, quam qui se domo non commoverunt, saniores, quam qui amissis opibus domum non reverterunt. Sed nihil minus fero quam severitatem otiosorum et, quoquo modo se res habet, magis illos vereor, qui in bello occiderunt, quam hos curo, quibus non satisfacimus, quia vivimus. Mihi si spatium fuerit in Tusculanum ante Nonas veniendi, istic te videbo; si minus, persequar in Cumanum et ante te certiorem faciam, ut lavatio parata sit.

VI. Scr. Romae mense Iunio a.u.c. 708.

CICERO VARRONI.

Caninius noster me tuis verbis admonuit, ut scriberem ad te, si quid esset, quod putarem te scire oportere. Est igitur adventus Caesaris scilicet in exspectatione, neque tu id ignoras. Sed tamen, cum ille scripsisset, ut opinor, se in Alsiense venturum, scripserunt ad eum sui, ne id faceret; multos ei molestos fore ipsumque multis; Ostiae videri commodius eum exire posse: id ego non intelligebam quid interesset; sed tamen Hirtius mihi dixit et se ad eum et Balbum et Oppium scripsisse, ut ita faceret, homines, ut cognovi, amantes tui. Hoc ego idcirco nosse te volui, ut scires, hospitium tibi ubi parares, vel potius ut utrubique — quid enim ille facturus sit, incertum est — , et simul ostentavi tibi me istis esse familiarem et consiliis eorum interesse. Quod ego cur nolim, nihil video; non enim est ferre, si quid ferendum est, et probare, si quid non probandum est; etsi, quid non probem, equidem iam nescio, praeter initia rerum; nam haec in voluntate fuerunt. Vidi enim — nam tu aberas — nostros amicos

cupere bellum, hunc autem non tam cupere quam non timere — ergo haec consilii fuerunt, reliqua necessaria — , vincere autem aut hos aut illos necesse esse. Scio te semper mecum in luctu fuisse, cum videremus cum illud ingens malum, alterius utrius exercitus et ducum interitum, tum vero extremum malorum omnium esse civilis belli victoriam: quam quidem ego etiam illorum timebam, ad quos veneramus — crudeliter enim otiosis minabantur, eratque iis et tua invisa voluntas et mea oratio — ; nunc vero, si essent nostri potiti, valde intemperantes fuissent, erant enim nobis perirati, quasi quidquam de nostra salute decrevissemus, quod non idem illis censuissemus, aut quasi utilius rei publicae fuerit eos etiam ad bestiarum auxilium confugere quam vel emori vel cum spe, si non optima, at aliqua tamen vivere. "At in perturbata re publica vivimus." Quis negat? sed hoc viderint ii, qui nulla sibi subsidia ad omnes vitae status paraverunt; huc enim ut venirem, superior longius, quam volui, fluxit oratio: cum enim te semper magnum hominem duxerim, quod his tempestatibus es prope solus in portu fructusque doctrinae percipis eos, qui maximi sunt, ut ea consideres eaque tractes, quorum et usus et delectatio est omnibus istorum et actis et voluptatibus anteponenda. Equidem hos tuos Tusculanenses dies instar esse vitae puto, libenterque omnibus omnes opes concesserim, ut mihi liceat vi nulla interpellante isto modo vivere: quod nos quoque imitamur, ut possumus, et in nostris studiis libentissime conquiescimus; quis enim hoc non dederit nobis, ut, cum opera nostra patria sive non possit uti sive nolit, ad eam vitam revertamur, quam multi docti homines, fortasse non recte, sed tamen multi etiam rei publicae praeponendam putaverunt? Quae igitur studia magnorum hominum sententia vacationem habent quandam publici muneris, iis concedente re publica cur non abutamur? Sed plus facio, quam Caninius mandavit; is enim, si quid ego scirem, rogarat, quod tu nescires, ego tibi ea narro, quae tu melius scis quam ipse, qui narro. Faciam ergo illud, quod rogatus sum, ut eorum, quae temporis huius sint, quae * * * tua audiero, ne quid ignores.

VII. Scr. Romae mense Iunio a.u.c. 708.

CICERO VARRONI.

Coenabam apud Seium, cum utrique nostrum redditae sunt a te litterae. Mihi vero iam maturum videtur; nam, quod antea te calumniatus sum, indicabo malitiam meam: volebam prope alicubi esse te, si quid bonae salutis, sÊn te dÊ’ §rxom°nv; nunc, quoniam confecta sunt omnia, dubitandum non est, quin equis viris: nam, ut audivi de L. Caesare filio, mecum ipse:

quid hic mihi faciet patri?

itaque non desino apud istos, qui nunc dominantur, coenitare. Quid faciam? tempori serviendum est. Sed ridicula missa, praesertim cum sit nihil, quod rideamus:

Africa terribili tremit horrida terra tumultu;

itaque nullum est *poprohgm°non, quod non verear. Sed, quod quaeris, quando, qua, quo, nihil adhuc scimus: istuc ipsum de Baiis, nonnulli dubitant an per Sardiniam veniat; illud enim adhuc praedium suum non inspexit, nec ullum habet deterius, sed tamen non contemnit. Ego omnino magis arbitror per Siciliam Veliam, sed iam sciemus; adventat enim Dolabella: eum puto magistrum fore.

polloÐ mayhtaÐ xre¤ssonew didasxlvn.

Sed tamen, si sciam, quid tu constitueris, meum consilium accommodabo potissimum ad tuum; quare exspecto tuas litteras.

VIII. Scr. in Arpinati pr. Non. Sextil. a.u.c. 709.

CICERO VARRONI.

Etsi munus flagitare, quamvis quis ostenderit, ne populus quidem solet nisi concitatus, tamen ego exspectatione promissi tui moveor, ut admoneam te, non ut flagitem; misi autem ad te quattuor admonitores non nimis verecundos; nosti enim profecto os huius adolescentioris Academiae. Ex ea igitur media excitatos misi, qui metuo ne te forte flagitent; ego autem mandavi, ut rogarent. Exspectabam omnino iamdiu meque sustinebam, ne ad te prius ipse quid scriberem, quam aliquid accepissem, ut possem te remunerari quam simillimo munere; sed, cum tu tardius faceres, id est, ut ego interpretor, diligentius, teneri non potui, quin coniunctionem studiorum amorisque nostri quo possem litterarum genere declararem. Feci igitur sermonem inter nos habitum in Cumano, cum esset una Pomponius: tibi dedi partes

Antiochinas, quas a te probari intellexisse mihi videbar; mihi sumpsi Philonis. Puto fore, ut, cum legeris, mirere nos id locutos esse inter nos, quod numquam locuti sumus; sed nosti morem dialogorum. Posthac autem, mi Varro, quam plurima, si videtur, et de nobis, inter nos: sero fortasse; sed superiorum temporum Fortuna rei publicae causam sustineat, haec ipsi praestare debemus. Atque utinam quietis temporibus atque aliquo, si non bono, at saltem certo statu civitatis haec inter nos studia exercere possemus! quamquam tum quidem vel aliae quaepiam rationes honestas nobis et curas et actiones darent; nunc autem quid est, sine his cur vivere velimus? mihi vero cum his ipsis vix, his autem detractis ne vix quidem. Sed haec coram et saepius. Migrationem et emptionem feliciter evenire volo tuumque in ea re consilum probo. Cura, ut valeas.

IX. Scr. Romae mense Maio a.u.c. 706.

DOLABELLA S. D. CICERONI.

S. v. g. v. et Tullia nostra recte v. Terentia minus belle habuit, sed certum scio iam convaluisse eam; praeterea rectissime sunt apud te omnia. Etsi nullo tempore in suspicionem tibi debui venire partium causa potius quam tua tibi suadere, ut te aut cum Caesare nobiscumque coniungeres aut certe in otium referres, praecipue nunc iam inclinata victoria ne possum quidem in ullam aliam incidere opinionem nisi in eam, qua scilicet te tibi suadere videar, quod pie tacere non possim; tu autem, mi Cicero, si haec accipies, ut, sive probabuntur tibi sive non probabuntur, ab optimo certe animo ac deditissimo tibi et cogitata et scripta esse iudices. Animadvertis Cn. Pompeium nec nominis sui nec rerum gestarum gloria neque etiam regum ac nationum clientelis, quas ostentare crebro solebat, esse tutum, et hoc etiam, quod infimo cuique contingit, illi non posse contingere, ut honeste effugere possit, pulso Italia, amissis Hispaniis, capto exercitu veterano, circumvallato nunc denique, quod nescio an nulli umquam nostro acciderit imperatori. Quamobrem, quid aut ille sperare possit aut tu, animum adverte pro tua prudentia; sic enim facillime, quod tibi utilissimum erit consilii, capies. Illud autem a te peto, ut, si iam ille evitaverit hoc periculum et se abdiderit in

classem, tu tuis rebus consulas et aliquando tibi potius quam cuivis sis amicus: satisfactum est iam a te vel officio vel familiaritati, satisfactum etiam partibus et ei rei publicae, quam tu probabas. Reliquum est, ut, ubi nunc est res publica, ibi simus potius, quam, dum illam veterem sequamur, simus in nulla. Quare velim, mi iucundissime Cicero, si forte Pompeius pulsus his quoque locis rursus alias regiones petere cogatur, ut tu te vel Athenas vel in quamvis quietam recipias civitatem; quod si eris facturus, velim mihi scribas, ut ego, si ullo modo potero, ad te advolem. Quaecumque de tua dignitate ab imperatore erunt impetranda, qua est humanitate Caesar, facillimum erit ab eo tibi ipsi impetrare, et meas tamen preces apud eum non minimum auctoritatis habituras puto. Erit tuae quoque fidei et humanitatis curare, ut is tabellarius, quem ad te misi, reverti possit ad me et a te mihi litteras referat.

X. Scr. Romae exeunte mense Febr. aut ineunte Mario a.u.c. 709.

M. CICERO S. D. P. DOLABELLAE.

Non sum ausus Salvio nostro nihil ad te litterarum dare; nec mehercule habebam, quid scriberem, nisi te a me mirabiliter amari, de quo etiam nihil scribente me te non dubitare certo scio. Omnino mihi magis litterae sunt exspectandae a te, quam a me tibi; nihil enim Romae geritur, quod te putem scire curare, nisi forte scire vis me inter Niciam nostrum et Vidium iudicem esse. Profert alter, opinor, duobus versiculis expensum Niciae; alter, Aristarchus, hos Ùbel¤jei. Ego tamquam criticus antiquus iudicaturus sum, utrum sint toË poihtoË an parembeblhm°noi. Puto te nunc dicere: “oblitusne es igitur fungorum illorum, quos apud Niciam, et ingentium cularum cum sophia septimae?” Quid ergo? tu adeo mihi excussam severitatem veterem putas, ut ne in foro quidem reliquiae pristinae frontis appareant? Sed tamen suavissimum sumbivtØn nostrum praestabo integellum, nec committam, ut, si ego eum condemnaro, tu restituas, ut habeat Bursa Plancus, apud quem litteras discat. Sed quid ago? cum mihi sit incertum, tranquillone sis animo an, ut in bello, in aliqua maiuscula cura negotiove versere, labor longius; cum igitur mihi erit exploratum te libenter esse risurum, scribam ad te

pluribus. Te tamen hoc scire volo, vehementer populum sollicitum fuisse de P. Sullae morte, antequam certum scierit: nunc quaerere desierunt, quo modo perierit; satis putant se scire, quod sciunt. Ego ceteroqui animo aequo fero: unum vereor, ne hasta Caesaris refrixerit.

XI. Scr. Asturae mense Martio a.u.c. 709.

CICERO DOLABELLAE S.

Vel meo ipsius interitu mallem litteras meas desiderares quam eo casu, quo sum gravissime afflictus; quem ferrem certe moderatius, si te haberem; nam et oratio tua prudens et amor erga me singularis multum levaret; sed, quoniam brevi tempore, ut opinio nostra est, te sum visurus, ita me affectum offendes, ut multum a te possim iuvari, non quo ita sim fractus, ut aut hominem me esse oblitus sim aut fortunae succumbendum putem, sed tamen hilaritas illa nostra et suavitas, quae te praeter ceteros delectabat, erepta mihi omnis est; firmitatem tamen et constantiam, si modo fuit aliquando in nobis, eandem cognosces, quam reliquisti. Quod scribis proelia te mea causa sustinere, non tam id laboro, ut, si qui mihi obtrectent, a te refutentur, quam intelligi cupio, quod certe intelligitur, me a te amari. Quod ut facias, te etiam atque etiam rogo ignoscasque brevitati litterarum mearum; nam et celeriter una futuros nos arbitror et nondum sum satis confirmatus ad scribendum.

XII. Scr. in Puteolano mense Decembri a.u.c. 709.

CICERO DOLABELLAE.

Gratulor Baiis nostris, si quidem, ut scribis, salubres repente factae sunt; nisi forte te amant et tibi assentantur et tamdiu, dum tu ades, sunt oblitae sui; quod quidem si ita est, minime miror caelum etiam et terras vim suam, si tibi ita conveniat, dimittere. Oratiunculam pro Deiotaro, quam requirebas, habebam mecum, quod non putaram: itaque eam tibi misi; quam velim sic legas, ut causam tenuem et inopem nec scriptione magno opere dignam; sed ego hospiti veteri et amico munusculum volui mittere levidense crasso filo, cuiusmodi

ipsius oslent esse munera. Tu velim animo sapienti fortique sis, ut tua moderatio et gravitas aliorum infamet iniuriam.

XIII. Scr. Asturae mense Aprili a.u.c. 709.

CICERO DOLABELLAE SAL.

C. Subernius Calenus et meus est familaris et Leptae nostri familiarissimi pernecessarius: is cum vitandi belli causa profectus esset in Hispaniam cum M. Varrone ante bellum, ut in ea provincia esset, in qua nemo nostrum post Afranium superatum bellum ullum fore putarat, incidit in ea ipsa mala, quae summo studio vitaverat; oppressus est enim bello repentino, quod bellum commotum a Scapula ita postea confirmatum est a Pompeio, ut nulla ratione ab illa miseria se eripere posset. Eadem causa fere est M. Planii Heredis, qui est item Calenus, Leptae nostri familiarissimus. Hosce igitur ambos tibi sic commendo, ut maiore cura, studio, sollicitudine animi commendare non possim. Volo ipsorum causa, meque in eo vehementer et amicitia movet et humanitas; Lepta vero cum ita laboret, ut eius fortunae videantur in discrimen venire, non possum ego non aut proxime atque ille aut etiam aeque laborare. Quapropter, etsi saepe expertus sum. quantum me amares, tamen sic velim tibi persuadeas, id me in hac re maxime iudicaturum. Peto igitur a te vel, si pateris, oro, ut homines miseros et fortuna, quam vitare nemo potest, magis quam culpa calamitosos conserves incolumes velisque per te me hoc muneris cum ipsis amicis hominibus, cum municipio Caleno, quocum mihi magna necessitudo est, tum Leptae, quem omnibus antepono, dare. Quod dicturus sum, puto equidem non valde ad rem pertinere, sed tamen nihil obest dicere: res familiaris alteri eorum valde exigua est, alteri vix equestris; quapropter, quoniam iis Caesar vitam sua liberalitate concessit nec est, quod iis praeterea magno opere possit adimi, reditum, si me tantum amas, quantum certe amas, hominibus confice, in quo nihil est praeter viam longam, quam idcirco non fugiunt, ut et vivant cum suis et morantur domi: quod ut enitare contendasque vel potius ut perficias — posse enim te mihi persuasi — , vehementer te etiam atque etiam rogo.

XIV. Scr. in Pompeiano IV. Non. Maias a.u.c. 710.

CICERO DOLABELLAE CONSULI SUO S.

Etsi contentus eram, mi Dolabella, tua gloria satisque ex ea magnam laetitiam voluptatemque capiebam, tamen non possum non confiteri cumulari me maximo gaudio, quod vulgo hominum opinio socium me ascribat tuis laudibus. Neminem conveni — convenio autem quotidie plurimos; sunt enim permulti optimi viri, qui valetudinis causa in haec loca veniant, praeterea ex municipiis frequentes necessarii mei; qui omnes, cum te summis laudibus ad caelum extulerunt, mihi continuo maximas gratias agunt; negant enim se dubitare, quin tu meis praeceptis et consiliis obtemperans praestantissimum te civem in singularem consulem praebeas: quibus ego quamquam verissime possum respondere te, quae facias, tuo iudicio et tua sponte facere nec cuiusquam egere consilio, tamen neque plane assentior, me imminuam tuam laudem, si omnis a meis consiliis profecta videatur, neque valde nego, sum enim avidior etiam, quam satis est, gloriae et tamen non alienum est dignitate tua, quod ipsi Agamemnoni, regum regi, fuit honestum, habere aliquem in consiliis capiendis Nestorem, mihi vero gloriosum te iuvenem consulem florere laudibus quasi alumnum disciplinae meae. L. quidem Caesar, cum ad eum aegrotum Nepolim venissem, quamquam erat oppressus totius corporis doloribus, tamen ante, quam me plane salutavit, “o mi Cicero,” inquit, “gratulor tibi, cum tantum vales apud Dolabellam, quantum si ego apud sororis filium valerem, iam salvi esse possemus; Dolabellae vero tuo et gratulor et gratias ago, quem quidem post te consulem solum possumus vere consulem dicere”; deinde multa de facto ac de re gesta tua: nihil magnificentius, nihil praeclarius actum umquam, nihil rei publicae salutarius; atque haec una vox omnium est. A te autem peto, ut me hanc quasi falsam hereditatem alienae gloriae sinas cernere meque aliqua ex parte in societatem tuarum laudum venire patiare. Quamquam, mi Dolabella — haec enim iocatus sum — libentius omnes meas, si modo sunt aliquae meae laudes, ad te transfuderim, quam aliquam partem exhauserim ex tuis; nam, cum te semper tantum dilexerim, quantum tu intelligere potuisti, tum his tuis factis

sic incensus sum, ut nihil umquam in amore fuerit ardentius; nihil est enim, mihi crede, virtute formosius, nihil pulchrius, nihil amabilius. Semper amavi, ut scis, M. Brutum propter eius summum ingenium, suavissimos mores, singularem probitatem atque constantiam: tamen Idibus Martiis tantum accessit ad amorem, ut mirarer locum fuisse augendi in eo, quod mihi iampridem cumulatum etiam videbatur. Quis erat, qui putaret ad eum amorem, quem erga te habebam, posse aliquid accedere? tantum accessit, ut mihi nunc denique amare videar, antea dilexisse. Quare quid est, quod ego te hortor, ut dignitati et gloriae servias? proponam tibi claros viros, quod facere solent, qui hortantur? neminem habeo clariorem quam te ipsum; te imitere oportet, tecum ipse certes: ne licet quidem tibi iam tantis rebus gestis non tui similem esse. Quod cum ita sit, hortatio non est necessaria, gratulatione magis utendum est; contigit enim tibi, quod haud scio an nemini, ut summa severitas animadversionis non modo non invidiosa, sed etiam popularis esset et cum bonis omnibus, tum infimo cuique gratissima. Hoc si tibi fortuna quadam contigisset, gratularer felicitati tuae; sed contigit magnitudine cum animi, tum etiam ingenii atque consilii; legi enim concionem tuam: nihil illa sapientius; ita pedetentim et gradatim tum accessus a te ad causam facti, tum recessus, ut res ipsa maturitatem tibi animadvertendi omnium concessu daret. Liberasti igitur et urbem periculo et civitatem metu, neque solum ad tempus maximam utilitatem attulisti, sed etiam ad exemplum: quo facto intelligere debes in te positam esse rem publicam tibique non modo tuendos, sed etiam ornandos esse illos viros, a quibus initium libertatis profectum est. Sed his de rebus coram plura propediem, ut spero: tu quoniam rem publicam nosque conseras, fac, ut diligentissime te ipsum, mi Dolabella, custodias.

XV. Scr. Romae post VII. Kal. Sextiles a.u.c. 708.

CICERO PAETO S.

Duabus tuis epistulis respondebo: uni, uam quatriduo ante acceperam a Zetho; alteri, quam attulerat Phileros tabellarius. Ex prioribus tuis litteris intellexi pergratam * * * tibi perspectum esse

gaudeo; sed, mihi crede, non perinde, ut est reapse, ex litteris perspicere potuisti: nam, cum a satis multis — non enim possum aliter dicere — et coli me videam et diligi, nemo est illorum omnium mihi te iucundior; nam, quod me amas, quod id et iampridem et constanter facis, est id quidem magnum atque haud scio an maximum, sed tibi commune cum multis, quod tu ipse tam amandus es tamque dulcis tamque in omni genere iucundus, id est proprie tuum; accedunt non Attici, sed salsiores, quam illi Atticorum, Romani veteres atque urbani sales, ego autem — existimes licet quidlibet — mirifice capior facetiis, maxime nostratibus, praesertim cum eas videam primum oblitas Latio tum, cum in urbem nostram est infusa peregrinitas, nunc vero etiam bracatis et Transalpinis nationibus, ut nullum veteris leporis vestigium appareat. Itaque, te cum video, omnes mihi Granios, omnes Lucilios — vere ut dicam, — Crassos quoque et Laelios videre videor: moriar, si praeter te quemquam reliquum habeo, in quo possim imaginem antiquae et vernaculae festivitatis agnoscere. Ad hos lepores cum amor erga me tantus accedat, miraris me tanta perturbatione valetudinis tuae tam graviter exanimatum fuisse? Quod autem altera epistula purgas te non dissuasorem mihi emptionis Neapolitanae fuisse, sed auctorem moderationis, urbane, neque ego aliter accepi; intellexi tamen idem, quod his intelligo litteris, non existimasse te mihi licere id, quod ego arbitrabar, res has non omnino quidem, sed magnam partem relinquere. Catulum mihi narras et illa tempora: quid simile? ne mihi quidem ipsi tunc placebat diutius abesse ab rei publicae custodia; sedebamus enim in puppi et clavum tenebamus; nunc autem vix est in sentina locus. An minus multa senatus consulta futura putas, si ego sim Neapoli? Romae cum sum et urgeo forum, senatus consulta scribuntur apud amatorem tuum, familiarem meum; et quidem, cum in mentem venit, ponor ad scribendum et ante audio senatus consultum in Armeniam et Syriam esse perlatum, quod in meam sententiam factum esse dicatur, quam omnino mentionem ullam de ea re esse factam. Atque hoc nolim me iocari putes; nam mihi scito iam a regibus ultimis allatas esse litteras, quibus mihi gratias agant, quod se mea sententia reges appellaverim, quos ego non modo reges appellatos, sed omnino natos nesciebam. Quid ergo est? tamen, quamdiu hic erit noster hic praefectus moribus, parebo auctoritati

tuae; cum vero aberit, ad fungos me tuos conferam. Domum si habebo, in denos dies singulos sumptuariae legis dies conferam; sin autem minus invenero, quod placeat, decrevi habitare apud te, scio enim me nihil tibi gratius facere posse. Domum Sullanam desperabam iam, ut tibi proxime scripsi, sed tamen non abieci: tu velim, ut scribis, cum fabris eam perspicias; si enim nihil est in parietibus aut in tecto vitii, cetera mihi probabuntur.

XVI. Scr. in Tusculano mense Quinctili (ante VII. Kal. Sext.) a.u.c. 708.

CICERO PAETO SAL.

Delectarunt me tuae litterae, in quibus primum amavi amorem tuum, qui te ad scribendum incitavit verentem, ne Silius suo nuntio aliquid mihi sollicitudinis attulisset; de quo et tu mihi antea scripseras, bis quidem eodem exemplo, facile ut intelligerem te esse commotum, et ego tibi accurate rescripseram, ut quoquo modo in tali re atque tempore aut liberarem te ista cura aut certe levarem; sed, quoniam proximis quoque litteris ostendis, quantae tibi curae sit ea res, sic, mi Paete, habeto: quidquid arte fieri potuerit — non enim iam satis est consilio pugnare: artificium quoddam excogitandum est — , sed tamen, quidquid elaborari aut effici potuerit ad istorum benevolentiam conciliandam et colligendam, summo studio me consecutum esse, nec frustra, ut arbitror; sic enim color, sic observor ab omnibus iis, qui a Caesare diliguntur, ut ab iis me amari putem; tametsi non facile diiudicatur amor verus et fictus, nisi aliquod incidat eiusmodi tempus, ut, quasi aurum igni, sic benevolentia fidelis periculo aliquo perspici possit, cetera sunt signa communia; sed ego uno utor argumento, quamobrem me ex animo vereque arbitrer diligi, quia et nostra fortuna ea est et illorum, ut simulandi causa non sit. De illo autem, quem penes est omnis potestas, nihil video, quod timeam, nisi quod omnia sunt incerta, cum a iure discessum est, nec praestari quidquam potest, quale futurum sit, quod positum est in alterius voluntate, ne dicam libidine; sed tamen eius ipsius nulla re a me offensus est animus; est enim adhibita in ea re ipsa summa a nobis moderatio; ut enim olim arbitrabar esse meum

libere loqui, cuius opera esset in civitate libertas, sic ea nunc amissa nihil loqui, quod offendat aut illius aut eorum, qui ab illo diliguntur, voluntatem; effugere autem si velim nonnullorum acute aut facete dictorum famam, fama ingenii mihi est abiicienda, quod, si possem, non recusarem; sed tamen ipse Caesar habet peracre iudicium, et, ut Servius, frater tuus, quem litteratissimum fuisse iudico, facile diceret: "hic versus Plauti non est, hic est," quod tritas aures haberet notandis generibus poetarum et consuetudine legendi, sic audio Caesarem, cum volumina iam confecerit *pofyegmtvn, si quod afferatur ad eum pro meo, quod meum non sit, reiicere solere; quod eo nunc magis facit, quia vivunt mecum fere quotidie illius familiares; incidunt autem in sermone vario multa, quae fortasse illis, cum dixi, nec illitterata nec insulsa esse videantur; haec ad illum cum reliquis actis perferuntur — ita enim ipse mandavit — : sic fit, ut, si quid praeterea de me audiat, non audiendum putet. Quamobrem Oenomao tuo nihil utor; etsi posuisti loco versus Attianos; sed quae est "invidia?" aut quid mihi nunc invideri potest? Verum fac esse omnia: sic video philosophis placuisse iis, qui mihi soli videntur vim virtutis tenere, nihil esse sapientis praestare nisi culpam, qua mihi videor dupliciter carere, et quod ea senserim, quae rectissima fuerunt, et quod, cum viderem praesidii non satis esse ad ea obtinenda, viribus certandum cum valentioribus non putarim; ergo in officio boni civis certe non sum reprehendendus. Reliquum est, ne quid stulte, ne quid temere dicam aut faciam contra potentes; id quoque puto esse sapientis; cetera vero, quid quisque me dixisse dicat aut quomodo ille accipiat aut qua fide mecum vivant ii, qui me assidue colunt et observant, praestare non possum. Ita fit, ut et consiliorum superiorum conscientia et praesentis temporis moderatione me consoler et illam Attii similitudinem non [modo] iam ad "invidiam," sed ad fortunam transferam, quam existimo levem et imbecillam ab animo firmo et gravi "tamquam fluctum a saxo frangi" oportere. Etenim, cum plena sint monumenta Graecorum, quemadmodum sapientissimi viri regna tulerint vel Athenis vel Syracusis, cum servientigbus suis civitatibus fuerint ipsi quodammodo liberi, ego me non putem tueri meum statum sic posse, ut neque offendam animum cuiusquam nec frangam dignitatem meam? Nunc venio ad iocationes tuas, quoniam tu secundum Oenomaum Attii, non, ut olim solebat,

Atellanam, sed, ut nunc fit, mimum introduxisti. Quem tu mihi pompilum, quem denarium narras? quam tyrotarichi patinam? facilitate mea ista ferebantur antea; nunc mutata res est: Hirtium ego et Dolabellam dicendi discipulos habeo, coenandi magistros; puto enim te audisse, si forte ad vos omnia perferuntur, illos apud me declamitare, me apud illos coenitare. Tu autem quod mihi bonam copiam eiures, nihil est; tum enim, cum rem augebas, quaesticulus te faciebat attentiorem, nunc, cum tam aequo animo bona perdas, non est, quod eo sis consilio, ut, cum me hospitio recipias, aestimationem te aliquam putes accipere; et tamen haec levior estplaga ab amico quam a debitore. Nec tamen eas coenas quaero, ut magnae reliquiae fiant; quod erit, magnificum sit et lautum. Memini te mihi Phameae coenam narrare: temperius fiat, cetera eodem modo. Quod si perseveras me ad matris tuae coenam revocare, feram id quoque; volo enim videre animum, qui mihi audeat ista, quae scribis, apponere aut etiam polypum miniati Iovis similem. Mihi crede, non audebis: ante meum adventum fama ad te de mea nova lautitia veniet; eam extimesces. Neque est, quod in promulside spei ponas aliquid, quam totam sustuli; solebam enim antea debilitari oleis et lucanicis tuis. Sed quid haec loquimur? liceat modo isto venire. Tu vero — volo enim abstergere animi tui metum — ad tyrotarichum antiquum redi. Ego tibi unum sumptum afferam. quod balneum calfacias oportebit; cetera more nostro: superiora illa lusimus. De villa Seliciana et curasti diligenter et scripsisti facetissime: itaque puto me praetermissurum; salis enim satis est, sannionum parum.

XVII. Scr. Romae mense Sextili (post VII. K. Sext.) a.u.c. 708.

CICERO PAETO.

Ne tu homo ridiculus es, qui, cum Balbus noster apud te fuerit, ex me quaeras, quid de istis municipiis et agris futurum putem, quasi aut ego quidquam sciam, quod iste nesciat, aut, si quid aliquando scio, non ex isto soleam scire. Immo vero, si me amas, tu fac, ut sciam, quid de nobis futurum sit; habuisti enim in tua potestate, ex quo vel ex sobrio vel certe ex ebrio scire posses; sed ego ista, mi Paete, non quaero, primum quia de lucro prope iam quadriennium vivmus, si aut

hoc lucrum est aut haec vita, superstitem rei publicae vivere; deinde quod scire ego quoque mihi videor, quid futurum sit; fiet enim, quodcumque volent, qui valebunt, valebunt autem semper arma. Satis igitur nobis esse debet, quidquid conceditur: hoc si qui pati non potuit, mori debuit. Veientem quidem agrum et Capenatem metiuntur; hoc non longe abest a Tusculano; nihil tamen timeo: fruor, dum licet, opto, ut semper liceat; si id minus contigerit, tamen, quoniam ego, vir fortis idemque philosophus, vivere pulcherrimum duxi, non possum eum non diligere, cuius beneficio id consecutus sum; qui si cupiat esse rem publicam, qualem fortasse et ille vult et omnes optare debemus, quid faciat tamen non habet: ita se cum multis colligavit. Sed longius progredior; scribo enim ad te. Hoc tamen scito, non modo me, qui consiliis non intersum, sed ne ipsum quidem principem scire, quid futurum sit; nos enim illi servimus, ipse temporibus: ita nec ille, quid tempora postulatura sint, nec nos, quid ille cogitet, scire possumus. Haec tibi antea non rescripsi, non quo cessator esse solerem, praesertim in litteris, sed, cum explorati nihil haberem, nec tibi sollicitudinem ex dubitatione mea nec spem ex affirmatione afferre volui. Illud tamen ascribam, quod est verissimum, me his temporibus adhuc de isto periculo nihil audisse: tu tamen pro tua sapientia debebis optare optima, cogitare difficillima, ferre quaecumque erunt.

XVIII. Scr. in Tusculano exeunte mense Quinctili (ante VII. K. Sext.) a.u.c. 708.

CICERO S. D. PAETO.

Cum essem otiosus in Tusculano, propterea quod discipulos obviam miseram, ut eadem me quam maxime conciliarent familiari suo, accepi tuas litteras plenissimas suavitatis, ex quibus intellexi probari tibi meum consilium, quod, ut Dionysius tyrannus, cum Syracusis pulsus esset, Corinthi dicitur ludum aperuisse, sic ego sublatis iudiciis amisso regno forensi ludum quasi habere coeperim. Quid quaeris? me quoque delectat consilium; multa enim consequor: primum, id quod maxime nunc opus est, munio me ad haec tempora. Id cuiusmodi sit, nescio; tantum video, nullius adhuc consilium me

huic anteponere; nisi forte mori melius fuit: in lectulo, fateor, sed non accidit; in acie non fui; ceteri quidem, Pompeius, Lentulus tuus, Scipio, Afranius foede perierunt. “At Cato praeclare.” Iam istuc quidem, cum volemus, licebit; demus modo operam, ne tam necesse nobis sit, quam illi fuit, id quod agimus. Ergo hoc primum. Sequitur illud: ipse melior fio, primum valetudine, quam intermissis exercitationibus amiseram; deinde ipsa illa, si qua fuit in me facultas orationis, nisi me ad has exercitationes rettulissem, exaruisset. Extremum illud est, quod tu nescio an primum putes: plures iam pavones confeci, quam tu pullos columbinos; tu istic te Hateriano iure delectas, ego me hic Hirtiano. Veni igitur, si vir es, et disce a me prolegom°naw, quas quaeris; etsi sus Minervam; sed, quomodo, videro. Si aestimationes tuas vendere non potes neque ollam denariorum implere, Romam tibi remigrandum est: satius est hic cruditate, quam istic fame. Video te bona perdidisse; spero item istic familiares tuos: actum igitur de te est, nisi provides. Potes mulo isto, quem tibi reliquum dicis esse, quoniam cantherium comedisti, Romam pervehi. Sella tibi erit in ludo tamquam hypodidascalo proxima; eam pulvinus sequetur.

XIX. Scr. Romae mense Sextili a.u.c. 708.

CICERO S. D. PAETO.

Tamen a malitia non discedis: tenuiculo apparatu significas Balbum fuisse contentum. Hoc videris dicere, cum reges tam sint continentes, multo magis consulares esse oportere. Nescis me ab illo omnia expiscatum; recta enim a porta domum meam venisse neque hoc admiror, quod non suam potius, sed illud, quod non ad suam; ego autem tribus primis verbis: “quid noster Paetus?” at ille adiurans, nusquam se umquam libentius. Hoc si verbis assecutus es, aures ad te afferam non minus elegantes; sin autem opsonio, peto a te, ne pluris esse balbos quam disertos putes. Me quotidie aliud ex alio impedit; sed, si me expediero, ut in ista loca venire possim, non committam, ut te sero a me certiorem factum putes.

XX. Scr. Romae mense Sextili (post VII. K. Sext.) a.u.c. 708.

CICERO PAETO.

Dupliciter delectatus sum tuis litteris, et quod ipse risi et quod te intellexi iam posse ridere; me autem a te, ut scurram velitem, malis oneratum esse non moleste tuli: illud doleo, in ista loca venire me, ut constitueram, non potuisse; habuisses enim non hospitem, sed contubernalem. At quem virum! non eum, quem tu es solitus promulside conficere: integram famem ad ovum affero, itaque usque ad assum vitulinum opera perducitur. Illa mea, quae solebas antea laudare, "O hominem facilem! O hospitem non gravem!" abierunt: nunc omnem nostram de re publica curam, cogitationem de dicenda in senatu sententia, commentationem causarum abiecimus, in Epicuri nos adversarii nostri castra coniecimus, nec tamen ad hanc insolentiam sed ad illam tuam lautitiam, veterem dico, cum in sumptum habebas, etsi numquam plura praedia habuisti. Proinde te para: cum homine et edaci tibi res est et qui iam aliquid intelligat, Ùcimayeðw autem homines scis quam insolentes sint; dediscendae tibi sunt sportellae et artolagani tui. Nos iam ex artis tantum habemus, ut Verrium tuum et Camillum — qua munditia homines, qua elegantia! — vocare saepius audeamus; sed vide audaciam: etiam Hirtio coenam dedi, sine pavone tamen; in ea coena cocus meus praeter ius fervens nihil non potuit imitari. Haec igitur est nunc vita nostra: mane salutamus domi et bonos viros multos, sed tristes, et hos laetos victores, qui me quidem perofficiose et peramanter observant; ubi salutatio defluxit, litteris me involvo: aut scribo aut lego; veniunt etiam, qui meaudiant quasi doctum hominem, quia paullo sum quam ipsi doctior; inde corpori omne tempus datur. Patriam eluxi iam et gravius et diutius, quam ulla mater unicum filium. Sed cura, si me amas, ut valeas, ne ego te iacente bona tua comedim; statui enim tibi ne aegroto quidem parcere.

XXI. Scr. anno incerto (post a. 82).

CICERO PAETO SAL.

Ain tandem? "Insanire" tibi videris, quod "imitere" verborum meorum, ut scribis, "fulmina?" tum insanires, si consequi non

posses; cum vero etiam vincas, me prius irrideas quam te oportet. Quare nihil tibi opus est illud a Trabea; sed potius *pÒteugma meum. Verumtamen quid tibi ego videor in epistulis? nonne plebeio sermone agere tecum? nec enim semper eodem modo; quid enim simile habet epistula aut iudicio aut concioni? quin ipsa iudicia non solemus omnia tractare uno modo: privatas causas, et eas tenues, agimus subtilius, capitis aut famae scilicet ornatius; epistulas vero quotidianis verbis texere solemus. Sed tamen, mi Paete, qui tibi venit in mentem negare Papirium quemquam umquam nisi plebeium fuisse? fuerunt enim patricii minorum gentium, quorum princeps L. Papirius Mugillanus, qui censor cum L. Sempronio Atratino fuit, cum ante consul cum eodem fuisset, annis post Romam conditam CCCXII; sed tum Papisii dicebamini. Post hunc XIII. sederunt in sella curuli ante L. Papirium Crassum, qui primus Papisius est vocari desitus: is dictator cum L. Papirio Cursore magistro equitum factus est annis post Romam conditam CCCCXV. et quadriennio post consul cum K. Duilio. Hunc secutus est Cursor, homo valde honoratus; deinde L. Maso aedilicius; inde multi Masones. Quorum quidem tu, omnium patriciorum, imagines habeas volo. Deinde Carbones et Turdi insequuntur: hi plebeii fuerunt, quos contemnas censeo; nam praeter hunc C. Carbonem, quem Damasippus occidit, civis e re publica Carbonum nemo fuit. Cognovimus Cn. Carbonem et eius fratrem scurram: quid iis improbius? de hoc amico meo, Rubriae filio, nihil dico. Tres illi fratres fuerunt, C., Cn., M. Carbones: Marcus P. Flacco accusante condemnatus est, fur magnus, ex Sicilia; Gaius accusante L. Crasso cantharidas sumpsisse dicitur: is et tribunus pl. seditiosus et P. Africano vim attulisse existimatus est; hoc vero, qui Lilybaei a Pompeio nostro est interfectus, improbior nemo meo iudicio fuit; iam pater eius accusatus a M. Antonio sutorio atramento absolutus putatur. Quare ad patres censeo revertare; plebeii quam fuerint importuni, vides.

XXII. Scr. anno incerto.

CICERO PAETO.

Amo verecundiam, vel potius libertatem loquendi. Atqui hoc Zenoni

placuit, homini mehercule acuto; etsi Academiae nostrae cum eo magna rixa est; sed, ut dico, placet Stoicis suo quamque rem nomine appellare. Sic enim disserunt: nihil esse obscoenum, nihil turpe dictu; nam, si quod sit in obscoenitate flagitium, id aut in re esse aut in verbo; nihil esse tertium. In re non est. Itaque non modo in comoediis res ipsa narratur — ut ille in Demiurgo:

modo forte

— nosti canticum, meministi Roscium —

ita me destituit nudum. . . .

— totus est sermo verbis tectus, re impudentior — , sed etiam in tragoediis; quid est enim illud

quae mulier una?

quid, inquam est

usurpat duplex cubile?

quid?

huius ferei

hic cubile inire est ausus

quid est?

Virginem me quondam invitam per vim violat Iuppiter.

Bene "violat": atqui idem significat, sed alterum nemo tulisset. Vides igitur, cum eadem res sit, quia verba non sint, nihil videri turpe. Ergo in re non est: multo minus in verbis; si enim, quod verbo significatur, id turpe non est, verbum, quod significat, turpe esse non potest. "Anum" appellas alieno nomine: cur? si turpe est, ne alieno quidem; si non est, suo potius. Caudam antiqui "penem" vocabant, ex quo est propter similitudinem "penicillus;" at hodie "penis" est in obscenis. "At vero Piso ille Frugi in Annalibus suis queritur adolescentes peni deditos esse." Quod tu in epistula appellas suo nomine, ille tectius "penem;" sed, quia multi, factum est tam obscenum quam id verbum, quo tu usus es. Quid, quod vulgo dicitur, "cum nost te voluimus convenire," num obscenum est? Memini in senatu disertum consularem ita eloqui: "hanc culpam maiorem an illam dicam?" potuit obscenius? "Non obscene," inquis; "non enim ita sensit." Non ergo in verbo est; docui autem in re non esse: nusquam igitur est. "Liberis dare operam" quam honeste dicitur!

etiam patres rogant filios; eius operae nomen non audent dicere. Socraten fidibus docuit nobilissimus fidicen; is “Connus” vocitatus est: num id obscenum putas? Cum loquimur “terni,” nihil flagitii dicimus; at, cum “bini,” obscenum est. “Graecis quidem,” inquies. Nihil est ergo in verbo, quoniam et ego Graece scio et tamen tibi dico “bini,” idque tu facis, quasi ego Graece, non Latine, dixerim. “Ruta” et “menta,” recte utrumque: volo mentam pusillam ita appellare, ut “rutulam;” non licet. Belle “tectoriola:” dic ergo etiam “pavimenta” isto modo; non potes. Viden igitur nihil esse nisi ineptias? turpitudinem nec in verbo esse nec in re; itaque nusquam esse. Igitur in verbis honestis obscena ponimus. Quid enim? non honestum verbum est “divisio?” at inest obscenum, cui respondet “intercapedo.” Num haec ergo obscena sunt? Nos autem ridicule: si dicimus “ille patrem strangulavit,” honorem non praefamur; sin de Aurelia aliquid aut Lollia, honos praefandus est. Et quidem iam etiam non obscena verba pro obscenis sunt: “‘battuit,’ inquit, ‘impudenter, ‘depsit’ multo impudentius;” atqui neutrum est obscenum. Stultorum plena sunt omnia: “testes” verbum honestissimum in iudicio, alio loco non nimis; et honesti, “colei Lanuvini,” “Cliternini” non honesti. Quid? ipsa res modo honesta, modo turpis: suppedit, flagitium est; iam erit nudus in balneo, non reprehendes. Habes scholam Stoicam: ž sofÚw eÈyurrhmonÆsei. Quam multa ex uno verbo tuo! Te adversus me omnia audere gratum est: ego servo et servabo — sic enim assuevi — Platonis verecundiam; itaque tectis verbis ea ad te scripsi, quae apertissimis agunt Stoici; sed illi etiam crepitus aiunt aeque liberos ac ructus esse oportere; honorem igitur * * *. Kalendis Martiis. Tu me diliges et valebis.

XXIII. Scr. in Cumano post V. Kal. Intercal. priores a.u.c. 708.

CICERO PAETO.

Heri veni in Cumanum; cras ad te fortasse, sed, cum certum sciam, faciam te paullo ante certiorem; etsi M. Caeparius, cum mihi in silva Gallinaria obviam venisset quaesissemque, quid ageres, dixit te in lecto esse, quod ex pedibus laborares; tuli scilicet moleste, ut debui,

sed tamen constitui ad te venire, ut et viderem te et viserem et coenarem etiam; non enim arbitror cocum etiam te arthriticum habere. Exspecta igitur hospitem cum minime edacem, tum inimicum coenis sumptuosis.

XXIV. Scr. Romae exeunte mense Februario a.u.c. 711.

CICERO PAETO S. D.

Rufum istum, amicum tuum, de quo iterum iam ad me scribis, adiuvarem, quantum possem, etiamsi ab eo laesus essem, cum te tanto opere viderem eius causa laborare; cum vero et ex tuis litteris et ex illius ad me missis intelligam et iudicem magnae curae ei salutem meam fuisse, non possum ei non amicus esse, neque solum tua commendatione, quae apud me, ut debet, valet plurimum, sed etiam voluntate ac iudicio meo. Volo enim te scire, mi Paete, initium mihi suspicionis et cautionis et diligentiae fuisse litteras tuas, quibus litteris congruentes fuerunt aliae postea multorum: nam et Aquini et Fabrateriae consilia sunt inita de me, quae te video inaudisse, et, quasi divinarent, quam iis molestus essem futurus, nihil aliud egerunt, nisi me ut opprimerent; quod ego non suspicans incautior fuissem, nisi a te admonitus essem; quamobrem iste tuus amicus apud me commendatione non eget. Utinam ea fortuna rei publicae sit, ut ille meum gratissimum possit cognoscere! Sed haec hactenus. Te ad coenas itare desisse moleste fero; magna enim te delectatione et voluptate privasti; deinde etiam vereor — licet enim verum dicere — , ne nescio quid illud, quod solebas, dediscas et obliviscare, coenulas facere; nam, si tum, cum habebas, quos imitarere, non multum proficiebas, quid nunc te facturum putem? Spurinna quidem, cum ei rem demonstrassem et vitam tuam superiorem exposuissem, magnum periculum summae rei publicae demonstrabat, nisi ad superiorem consuetudinem tum, cum Favonius flaret, revertisses; hoc tempore ferri posse, si forte tu frigus ferre non posses. Sed mehercule, mi Paete, extra iocum moneo te, quod pertinere ad beate vivendum arbitror, ut cum viris bonis, iucundis, amantibus tui vivas: nihil est aptius vitae, nihil ad beate vivendum accommodatius; nec id ad voluptatem refero, sed ad communitatem vitae atque victus emissionemque animorum, quae maxime sermone efficitur familiari, qui est in conviviis dulcissimus, ut sapientius nostri quam Graeci: illi sumpÒsia aut sÊndeipna, id est compotationes aut concenationes, nos “convivia,” quod tum maxime simul vivitur. Vides, ut te philosophando revocare coner ad coenas. Cura, ut valeas; id foris coenitando facillime consequere. Sed cave, si me amas, existimes me, quod iocosius scribam, abiecisse curam rei publicae. Sic tibi, mi Paete, persuade, me dies et noctes nihil aliud agere, nihil curare, nisi

ut mei cives salvi liberique sint: nullum locum praetermitto monendi, agendi, providendi; hoc denique animo sum, ut, si in hac cura atque administratione vita mihi ponenda sit, praeclare actum mecum putem. Etiam atque etiam vale.

XXV. Scr. Laodiceae mense Februario (post Id.) a.u.c. 704.

CICERO IMP. PAETO.

Summum me ducem litterae tuae reddiderunt: plane nesciebam te tam peritum esse rei militaris; Pyrrhi te libros et Cineae video lectitasse. Itaque obtemperare cogito praeceptis tuis, hoc amplius, navicularum habere aliquid in ora maritima: contra equitem Parthum negant ullam armaturam meliorem inveniri posse. Sed quid ludimus? nescis, quo cum imperatore tibi negotium sit: paide¤an KÊrou, quam contrieram legendo, totam in hoc imperio explicavi. Sed iocabimur alias coram, ut spero, brevi tempore: nunc ades ad imperandum vel ad parendum potius, sic enim antiqui loquebantur. Cum M. Fadio, quod scire te arbitror, mihi summus usus est, valdeque eum diligo cum propter summam probitatem eius ac singularem modestiam, tum quod in iis controversiis, quas habeo cum tuis combibonibus Epicuriis, optima opera eius uti soleo. Is cum ad me Laodiceam venisset mecumque ego eum esse vellem, repente percussus est atrocissimis litteris, in quibus scriptum erat fundum Herculanensem a Q. Fadio fratre proscriptum esse, qui fundus cum eo communis esset. Id M. Fadius pergraviter tulit existimavitque fratrem suum, hominem non sapientem, impulsu inimicorum suorum eo progressum esse. Nunc, si me amas, mi Paete, negotium totum suscipe; molestia Fadium libera. Auctoritate tua nobis opus est et consilio et etiam gratia: noli pati litigare fratres et iudiciis turpibus conflictari; Matonem et Pollionem inimicos habet Fadius. Quid multa? non mehercule tam perscribere possum, quam mihi gratum feceris, si otiosum Fadium reddideris: id ille in te positum esse putat mihique persuadet.

XXVI. Scr. Romae mense Octobri a.u.c. 708.

CICERO PAETO S. D.

Accubueram hora nona, cum ad te harum exemplum in codicillis exaravi. Dices: “ubi?” Apud Volumnium Eutrapelum, et quidem supra me Atticus, infra Verrius, familiares tui. Miraris tam exhilaratam esse servitutem nostram? Quid ergo faciam? — te consulo, qui philosophum audis — . Angar? excruciem me? quid assequar? deinde quem ad finem? “Vivas,” inquis, “in litteris.” An quidquam me aliud egere censes aut possem vivere, nisi in litteris viverem? Sed est earum etiam non satietas, sed quidam modus; a quibus cum discessi, etsi minimum mihi est in coena — quod tu unum zÆthma Dioni philosopho posuisti — , tamen, quid potius faciam, priusquam me dormitum conferam, non reperio. Audi reliqua: infra Eutrapelum Cytheris accubuit. “In eo igitur,” inquis, “convivio Cicero ille,

quem aspectabant, cuius ob os Graii ora obvertebant sua?”

Non mehercule suspicatus sum illam affore; sed tamen ne Aristippus quidem ille Socraticus erubuit, cum esset obiectum habere eum Laida: “habeo,” inquit, “non habeor [a Laide]” — Graece hoc melius; tu, si voles, interpretabere — ; me vero nihil istorum ne iuvenem quidem movit umquam, ne nunc senem: convivio delector; ibi loquor, quod in solum, ut dicitur, et gemitum in risus maximos transfero. An tu id melius, qui etiam philosophum irriseris: cum ille, “si quis quid quaereret,” dixisset, coenam te quaerere a mane dixeris? ille baro te putabat quaesiturum, unum caelum esset an innumerabilia. Quid id ad te? At hercule cena non * * *, tibi praesertim? Sic igitur vivitur: quotidie aliquid legitur aut scribitur; dein, ne amicis nihil tribuamus, epulamur una non modo non contra legem, si ulla nunc lex est, sed etiam intra legem et quidem aliquanto; quare nihil est, quod adventum nostrum extimescas: non multi cibi hospitem accipies, multi ioci.

LIBER DECIMVS

Ad L. Plancum et CeterosI. Scr. Romae post K. Sept. et ante XIV. K. Oct. a.u.c. 710.

CICERO PLANCO.

Et afui proficiscens in Graeciam et postea, quam de medio cursu rei publicae sum voce revocatus, numquam per M. Antonium quietus fui, cuius tanta est, non insolentia — nam id quidem vulgare vitium est — , sed immanitas, non modo ut vocem, sed ne vultum quidem liberum possit ferre cuiusquam. Itaque mihi maximae curae est, non de mea quidem vita, cui satisfeci vel aetate vel factis vel, si quid etiam hoc ad rem pertinet, gloria, sed me patria sollicitat in primisque, mi Plance, exspectatio consulatus tui, quae ita longa est, ut optandum sit, ut possimus ad id tempus rei publicae spiritum ducere; quae potest enim spes esse in ea re publica, in qua hominis impotentissimi atque intemperantissimi armis oppressa sunt omnia et in qua nec senatus nec populus vim habet ullam nec leges ullae sunt nec iudicia nec omnino simulacrum aliquod ac vestigium civitatis? Sed, quoniam acta omnia mitti ad te arbitrabar, nihil erat, quod singulis de rebus scriberem; illud autem erat amoris mei, quem a tua pueritia susceptum non servavi solum, sed etiam auxi, monere te atque hortari, ut in rem publicam omni cogitatione curaque incumberes: quae si ad tuum tempus perducitur, facilis gubernatio est; ut perducatur autem, magnae cum diligentiae est, tum etiam fortunae. Sed et te aliquanto ante, ut spero, habebimus et, praeterquam quod rei publicae consulere debemus, etiam tuae dignitati ita favemus, ut omne nostrum consilium studium, officium operam, laborem diligentiam ad amplitudinem tuam conferamus: ita facillime et rei publicae, quae mihi carissima est, et amicitiae nostrae, quam sanctissime nobis colendam puto, me intelligo satisfacturum. Furnium nostrum tanti a te fieri, quantum ipsius humanitas et dignitas postulat, nec miror et gaudeo teque hoc existimare volo, quidquid in eum iudicii officiique contuleris, id ita me accipere, ut in me ipsum te putem contulisse.

II. Scr. Romae post V. Idus Decembres a.u.c. 710.

CICERO PLANCO SAL.

Meum studium honori tuo pro necessitudine nostra non defuisset, si aut tuto in senatum aut honeste venire potuissem; sed nec sine periculo quisquam libere de re publica sentiens versari potest in summa impunitate gladiorum nec nostrae dignitatis videtur esse ibi sententiam de re publica dicere, ubi me et melius et proprius audiant armati quam senatores. Quapropter in privatis rebus nullum neque officium neque studium meum desiderabis, ne in publicis quidem, si quid erit, in quo me interesse necesse sit, umquam deero, ne cum periculo quidem meo, dignitati tuae; in iis autem rebus, quae nihilo minus, ut ego absim, confici poterunt, peto a te ut me rationem habere velis et salutis et dignitatis meae.

III. Scr. Romae eodem fere tempore, quo ep. II.

CICERO PLANCO SAL.

Cum ipsum Furnium per se vidi libentissime, tum hoc libentius, quod illum audiens te videbar audire; nam et in re militari virtutem et in administranda provincia iustitiam et in omni genere prudentiam mihi tuam exposuit et praeterea mihi non ignotam in consuetudine et familiaritate suavitatem tuam; adiunxit praeterea summam erga se liberalitatem: quae omnia mihi iucunda, hoc extremum etiam gratum fuit. Ego, Plance, necessitudinem constitutam habui cum domo vestra ante aliquanto, quam tu natus es, amorem autem erga te ab ineunte pueritia tua, confirmata iam aetate familiaritatem cum studio meo, tum iudicio tuo constitutam: his de causis mirabiliter faveo dignitati tuae, quam mihi tecum statuo debere esse communem. Omnia summa consecutus es virtute duce, comite fortuna, eaque es adeptus adolescens multis invidentibus, quos ingenio industriaque fregisti: nunc, me amantissimum tui, nemini concedentem, qui tibi vetustate necessitudinis potior possit esse, si audies, omnem tibi reliquae vitae dignitatem ex optimo rei publicae statu acquires. Scis profecto — nihil enim te fugere potuit — fuisse quoddam tempus,

cum homines existimarent te nimis servire temporibus, quod ego quoque existimarem, te si ea, quae patiebare, probare etiam arbitrarer; sed, cum intelligerem, quid sentires, te arbitrabar videre, quid posses. Nunc alia ratio est: omnium rerum tuum iudicium est idque liberum. Consul es designatus, optima aetate, summa eloquentia, maxima orbitate rei publicae virorum talium: incumbe, per deos immortales! in eam curam et cogitationem, quae tibi summam dignitatem et gloriam afferat; unus autem est, hoc praesertim tempore, per tot annos re publica divexata, rei publicae bene gerendae cursus ad gloriam. Haec amore magis impulsus scribenda ad te putavi, quam quo te arbitrarer monitis et praeceptis egere; sciebam enim ex iisdem te haec haurire fontibus, ex quibus ipse hauseram: quare modum faciam. Nunc tantum significandum putavi, ut potius amorem tibi ostenderem meum, quam ostentarem prudentiam. Interea, quae ad dignitatem tuam pertinere arbitrabor, studiose diligenterque curabo.

IV. Scr. in Gallia Transalpina post V. Idus Decembres a.u.c. 710.

PLANCUS CICERONI.

Gratissimae mihi tuae litterae fuerunt, quas ex Furnii sermone te scripsisse animadverti. Ego autem praeteriti temporis excusationem affero, quod te profectum audieram nec multo ante redisse scii, quam ex epistula tua cognovi; nullum enim in te officium, ne minimum quidem, sine maxima culpa videor posse praeterire, in quo tuendo habeo causas plurimas vel paternae necessitudinis vel meae a pueritia observantiae vel tui erge me mutui amoris. Quare, mi Cicero, quod mea tuaque patitur aetas, persuade tibi te unum esse, in quo ego colendo patriam mihi constituerim sanctitatem. Omnia igitur tua consilia mihi non magis prudentiae plena, quae summa est, videntur quam fidelitatis, quam ego ex mea conscientia metior: quare, si aut aliter sentirem, certe admonitio tua me reprimere, aut, si dubitarem, hortatio impellere posset, ut id sequerer, quod tu optimum putares; nunc vero quid est, quod me in aliam partem trahere possit? quaecumque in me bona sunt aut fortunae beneficio tributa aut meo labore parta, etsi a te propter amorem carius sunt aestimata, tamen

vel inimicissimi iudicio tanta sunt, ut praeter bonam famam nihil desiderare videantur. Quare hoc unum tibi persuade, quantum viribus eniti, consilio providere, auctoritate monere potuero, hoc omne rei publicae semper futurum. Non est ignotus mihi sensus tuus: neque, si facultas, optabilis mihi quidem, tui praesentis esset, umquam a tuis consiliis discreparem, nec nunc committam, ut ullum meum factum reprehendere iure possis. Sum in exspectatione omnium rerum, quid in Gallia citeriore, quid in urbe mense Ianuario geratur, ut sciam. Interim maximam hic sollicitudinem curamque sustineo, ne inter aliena vitia hae gentes nostra mala suam putent occasionem. Quod si proinde, ut ipse mereor, mihi successerit, certe et tibi cui maxime cupio, et omnibus viris bonis satisfaciam. Fac valeas meque mutuo diligas.

V. Scr. Romae ante Non. Martias a.u.c. 711.

CICERO PLANCO SAL.

Binas a te accepi litteras eodem exemplo, quod ipsum argumento mihi fuit diligentiae tuae, intellexi enim te laborare, ut ad me mihi exspectatissimae litterae perferrentur. Ex quibus cepi fructum duplicem mihique in comparatione difficilem ad iudicandum, amoremne erga me tuum an animum in rem publicam pluris aestimandum putarem. Est omnino patriae caritas meo quidem iudicio maxima, sed amor voluntatisque coniunctio plus certe habet suavitatis. Itaque commemoratio tua paternae necessitudinis benevolentiaeque eius, quam erga me a pueritia contulisses, ceterarumque rerum, quae ad eam sententiam pertinebant, incredibilem mihi laetitiam attulerat. Rursus declaratio animi tui, quem haberes de re publica quemque habiturus esses, mihi erat iucundissima, eoque maior erat haec laetitia, quod ad illa superiora accedebat. Itaque te non hortor solum, mi Plance, sed plane etiam oro, quod feci iis litteris, quibus tu humanissime respondisti, ut tota mente omnique animi impetu in rem publicam incumbas: nihil est, quod tibi maiori fructui gloriaeque esse possit, nec quidquam ex omnibus rebus humanis est praeclarius aut praestantius quam de re publica bene mereri. Adhuc enim — patitur tua summa humanitas et

sapientia me, quod sentiam, libere dicere — fortuna suffragante videris res maximas consecutus, quod quamquam sine virtute non potuisses, tamen ex maxima parte ea, quae es adeptus, fortunae temporibusque tribuuntur: his temporibus difficillimis rei publicae quidquid subveneris, id erit totum et proprium tuum. Incredibile est omnium civium latronibus exceptis odium in Antonium, magna spes in te et in tuo exercitu, magna exspectatio, cuius, per deos! gratiae gloriaeque cave tempus amittas. Sic moneo ut filium, sic suadeo ut mihi, sic hortor ut et pro patria et amicissimum.

VI. Scr. Romae XIII. Kal. Apriles a.u.c. 711.

CICERO PLANCO.

Quae locutus est Furnius noster de animo tuo in rem publicam, ea gratissima fuerunt senatui, populo Romano probatissima; quae autem recitatae litterae sunt in senatu, nequaquam consentire cum Furnii oratione visae sunt; pacis enim auctor eras, cum collega tuus, vir clarissimus, a foedissimis latronibus obsideretur, qui aut positis armis pacem petere debent aut, si pugnantes eam postulant, victoria pax, non pactione parienda est. Sed, de pace litterae vel Lepidi vel tuae quam in partem acceptae sint, ex viro optimo, fratre tuo, et ex C. Furnio poteris cognoscere. Me autem impulit tui caritas, ut, quamquam nec tibi ipsi consilium deesset et fratris Furniique benevolentia fidelisque prudentia tibi praesto esset futura, vellem tamen meae quoque auctoritatis pro plurimis nostris necessitudinibus praeceptum ad te aliquod pervenire. Crede igitur mihi, Plance, omnes, quos adhuc gradus dignitatis consecutus sis — es autem adeptus amplissimos — , eos honorum vocabula habituros, non dignitatis insignia, nisi te cum libertate populi Romani et cum senatus auctoritate coniunxeris. Seiunge te, quaeso, aliquando ab iis, cum quibus te non tuum iudicium, sed temporum vincla coniunxerunt. Complures in perturbatione rei publicae consulares dicti, quorum nemo consularis habitus est nisi qui animo exstitit in rem publicam consulari. Talem igitur te esse oportet, qui primum te ab impiorum civium tui dissimillimorum societate seiungas, deinde te senatui bonisque omnibus auctorem, principem, ducem praebeas,

postremo ut pacem esse iudices non in armis positis, sed in abiecto armorum et servitutis metu. Haec si et ages et senties, tum eris non modo consul et consularis, sed magnus etiam consul et consularis; sin aliter, tum in istis amplissimis nominibus honorum non modo dignitas nulla erit, sed erit summa deformitas. Haec impulsus benevolentia scripsi paullo severius, quae tu in experiendo ea ratione, quae te digna est, vera esse cognosces. D. XIII. Kal. Apr.

VII. Scr. in Gallia Transalpina mense Martio a.u.c. 711.

PLANCUS CICERONI.

Plura tibi de meis consiliis scriberem rationemque omnium rerum redderem verbosius, quo magis iudicares omnia me rei publicae praestitisse, quae et tua exhortatione excepi et mea affirmatione tibi recepi — non minus enim a te probari quam diligi semper volui, nec te magis in culpa defensorem mihi paravi, quam praedicatorem meritorum meorum esse volui — ; sed breviorem me duae res faciunt: una, quod publicis litteris omnia sum persecutus, altera, quod M. Varisidium, equitem Romanum, familiarem meum, ipsum ad te transire iussi, ex quo omnia cognoscere posses. Non medius fidius mediocri dolore afficiebar, cum alii occupare possessionem laudis viderentur, sed usque mihi temperavi, dum perducerem eo rem, ut dignum aliquid et consulatu meo et vestra exspectatione efficerem; quod spero, si me fortuna non fefellerit, me consecuturum, ut maximo praesidio rei publicae nos fuisse et nunc sentiant homines et in posterum memoria teneant. A te peto, ut dignitati meae suffrageris et, quarum rerum spe ad laudem me vocasti, harum fructu in reliquum facias alacriorem. Non minus posse te quam velle exploratum mihi est. Fac valeas meque mutuo diligas.

VIII. Scr. in Gallia Transalpina mense Martio a.u.c. 711.

PLANCUS IMP. COS. DESIG. S. D. COSS. PR. TR. PL. SENATUI POPULO PLEBIQUE ROMANAE.

Si cui forte videor diutius et hominum exspectationem et spem rei publicae de mea voluntate tenuisse suspensam, huic prius

excusandum me esse arbitror quam de insequenti officio quidquam ulli pollicendum; non enim praeteritam culpam videri volo redemisse, sed optimae mentis cogitata iampridem maturo tempore enuntiare. Non me praeteribat in tanta sollicitudine hominum et tam perturbato statu civitatis fructuosissimam esse professionem bonae voluntatis, magnosque honores ex ea re complures consecutos videbam; sed, cum in eum casum me fortuna demisisset, ut aut celeriter pollicendo magna mihi ipse ad proficiendum impedimenta opponerem aut, si in eo mihi temperavissem, maiores occasiones ad opitulandum haberem, expeditius iter communis salutis quam meae laudis esse volui. Nam quis in ea fortuna, quae mea est, et ab ea vita, quam in me cognitam hominibus arbitror, et cum ea spe, quam in manibus habeo, aut sordidum quidquam pati aut perniciosum concupiscere potest? Sed aliquantum nobis temporis et magni labores et multae impensae opus fuerunt, ut, quae rei publicae bonisque omnibus polliceremur, exitu praestaremus neque ad auxilium patriae nudi cum bona voluntate, sed cum facultatibus accederemus. Confirmandus erat exercitus nobis, magnis saepe praemiis sollicitatus, ut ab re publica potius moderata quam ab uno infinita speraret; confirmandae complures civitates, quae superiore anno largitionibus concessionibusque praemiorum erant obligatae, ut et illa vana putarent et eadem a melioribus auctoribus petenda existimarent; alliciendae etiam voluntates reliquorum, qui finitimis provinciis exercitibusque praesunt, ut potius cum pluribus societatem defendendae libertatis iniremus, quam cum paucioribus funestam orbi terrarum victoriam partiremur. Muniendi vero nosmet ipsi fuimus aucto exercitu auxiliisque multiplicatis, ut, cum praeferremus sensus aperte, tum, etiam invitis quibusdam, sciri, quid defensuri essemus, non esset periculosum. Ita numquam diffitebor multa me, ut ad effectum horum consiliorum pervenirem, et simulasse invitum et dissimulasse cum dolore, quod, praematura denuntiatio boni civis imparati quam periculosa esset, ex casu collegae videbam. Quo nomine etiam C. Furnio legato, viro forti atque strenuo, plura etiam verbo quam scriptura mandata dedimus, ut et tectius ad vos perferrentur et nos essemus tutiores, quibusque rebus et communem salutem muniri et nos armari conveniret praecepimus. Ex quo intelligi potest curam rei publicae summae defendundae iampridem

apud nos excubare. Nunc, cum deum benignitate ab omni re sumus paratiores, non solum bene sperare de nobis homines, sed explorate iudicare volumus: legiones habeo quinque sub signis et sua fide virtuteque rei publicae coniunctissimas et nostra liberalitate nobis obsequentes, provinciam omnium civitatium consensu paratissimam et summa contentione ad officia certantem, equitatus auxiliorumque tantas copias, quantas hae gentes ad defendendam suam salutem libertatemque conficere possunt; ipse ita sum animo paratus vel provinciam tueri vel ire, quo res publica vocet, vel tradere exercitum, auxilia provinciamque, ut vel omnem impetum belli in me convertere non recusem, si modo meo casu aut confirmare patriae salutem aut periculum possim morari. Haec si iam expeditis omnibus rebus tranquilloque statu civitatis polliceor, in damno meae laudis rei publicae commodo laetabor; sin ad societatem integerrimorum et maximorum periculorum accedam, consilia mea aequis iudicibus ab obtrectatione invidorum defendenda commendo. Mihi quidem ipsi fructus meritorum meorum in rei publicae incolumitate satis magnus est paratus; eos vero, qui meam auctoritatem et multo magis vestram fidem secuti nec ulla spe decipi nec ullo metu terreri potuerunt, ut commendatos vobis habeatis, petendum videtur.

IX. Scr. in Gallia Narbonensi exeunte mense Aprili a.u.c. 711.

PLANCUS CICERONI SAL.

Nihil me tibi temere aut te ceteris de me frustra recepisse laetor: certe hoc maius habes testimonium amoris mei, quo maturius tibi quam ceteris consilia mea volui esse nota. In dies vero meritorum meorum fieri accessiones pervidere te spero, cogniturum magis recipio. Quod ad me attinet, mi Cicero — ita ab imminentibus malis res publica me adiuvante liberetur! — sic honores praemiaque vestra suspicio, conferenda certe cum immortalitate, ut sine iis nihil de meo studio perseverantiaque sim remissurus: nisi in multitudine optimorum civium impetus animi mei fuerit singularis et opera praecipua, nihil ad meam dignitatem accedere volo suffragatione vestra. Concupisco autem nihil mihi — contra quod ipse pugno — : et temporis et rei te moderatorem facile patior esse; nihil aut sero aut exigue a patria civi

tributum potest videri. Exercitum a. d. VI. Kal. Maias Rhodanum traieci magnis itineribus. Vienna equites mille via breviore praemisi. Ipse, si ab Lepido non impediar, celeritate satisfaciam; si autem itineri meo se opposuerit, ad tempus consilium capiam. Copias adduco et numero et genere et fidelitate firmissimas. Te, ut diligas me, si mutuo te facturum scis, rogo. Vale.

X. Scr. Romae III. Kal. Apriles a.u.c. 711.

CICERO PLANCO.

Etsi satis ex Furnio nostro cognoram, quae tua voluntas, quod consilium de re publica esset, tamen tuis litteris lectis liquidius de toto sensu tuo iudicavi. Quamobrem, quamquam in uno proelio omnis fortuna rei publicae disceptatur — quod quidem, cum haec legeres, iam decretum arbitrabar fore — , tamen ipsa fama, quae de tua voluntate percrebruit, magnam es laudem consecutus; itaque si consulem Roame habuissemus, declaratum esset ab senatu cum tuis magnis honoribus, quam gratus esset conatus et apparatus tuus: cuius rei non modo non praeteriit tempus, sed ne maturum quidem etiam nunc meo quidem iudicio fuit; is enim denique honos mihi videri solet, qui non propter spem futuri beneficii, sed propter magna merita claris viris defertur et datur. Quare, sit modo aliqua res publica, in qua honos elucere possit, omnibus, mihi crede, amplissimis honoribus abundabis; is autem, qui vere appellari potest honos, non invitamentum ad tempus, sed perpetuae virtutis est praemium. Quamobrem, mi Plance, incumbe toto pectore ad laudem: subveni patriae, opitulare collegae, omnium gentium consensum et incredibilem conspirationem adiuva. Me tuorum consiliorum adiutorem, dignitatis fautorem, omnibus in rebus tibi amicissimum fidelissimumque cognosces; ad eas enim causas, quibus inter nos amore sumus, officiis, vetustate coniuncti, patriae caritas accessit, eaque effecit, ut tuam vitam anteferrem meae. III. K. Apr.

XI. Scr. in Allobrogibus VI. Idus Maias a.u.c. 711.

PLANCUS CICERONI.

Immortales ago tibi gratias agamque, dum vivam; nam relaturum me affirmare non possum; tantis enim tuis officiis non videor mihi respondere posse, nisi forte, ut tu gravissime disertissimeque scripsisti, ita sensurus es, ut me referre gratiam putes, cum memoria tenebo. Si de filii tui dignitate esset actum, amabilius certe nihil facere potuisses. Primae tuae sententiae infinitis cum muneribus, posteriores ad tempus arbitriumque amicorum meorum compositae, oratio assidua et perpetua de me, iurgia cum obtrectatoribus propter me notissima mihi sunt: non mediocris adhibenda mihi est cura, ut rei publicae me civem dignum tuis laudibus praestem, in amicitia tua memorem atque gratum. Quod reliquum est, tuum munus tuere et me, si, quem esse voluisti, eum exitu rebusque cognoscis, defende ac suscipe. Cum Rhodanum copias traiecissem fratremque cum tribus milibus equitum praemisissem, ipse iter ad Mutinam dirigerem, in itinere de proelio facto Brutoque et Mutina obsidione liberatis audivi: animadverti nullum alium receptum Antonium reliquiasque, quae cum eo essent, habere nisi in has partes, duasque ei spes esse propositas, unam Lepidi ipsius, alteram exercitus. Quod quaedam pars exercitus non minus furiosa est quam qui cum Antonio fuerunt, equitatum revocavi; ipse in Allobrogibus constiti, ut proinde ad omnia paratus essem ac res me moneret. Si nudus huc se Antonius conferet, facile mihi videor per me sustinere posse remque publicam ex vestra sententia administrare, quamvis ab exercitu Lepidi recipiatur; si vero copiarum aliquid secum adducet et si decima legio veterana, quae nostra opera revocata cum reliquis est, ad eundem furorem redierit, tamen, ne quid detrimenti fiat, dabitur opera a me, idque me praestaturum spero, dum istinc copiae traiiciantur coniunctaeque nobiscum facilius perditos opprimant. Hoc tibi spondeo, mi Cicero, neque animum nec diligentiam mihi defuturam. Cupio mehercules nullam residuam sollicitudinem esse; sed, si fuerit, nec animo nec benevolentiae nec patientiae cuiusquam pro vobis cedam. Do quidem ego operam, ut etiam Lepidum ad huius rei societatem incitem, omniaque ei obsequia polliceor, si modo rem publicam respicere volet; utor in hac re adiutoribus interpretibusque fratre meo et Laterense et Furnio nostro; non me impedient privatae offensiones, quo minus pro rei publicae salute etiam cum inimicissimo consentiam: quod si nihil profecero, nihilo minus

maximo sum animo et maiore fortasse cum mea gloria vobis satisfaciam. Fac valeas meque mutuo diligas.

XII. Scr. Romae a. d. III. Idus Apriles a.u.c. 711.

CICERO PLANCO.

Etsi rei publicae causa maxime gaudere debeo tantum ei te praesidii, tantum opis attulisse extremis paene temporibus, tamen ita te victorem complectar re publica recuperata, ut magnam partem mihi laetitiae tua dignitas affert, quam et esse iam et futuram amplissimam intelligo; cave enim putes ullas umquam litteras gratiores quam tuas in senatu esse recitatas, idque contigit cum meritorum tuorum in rem publicam eximia quadam magnitudine, tum verborum sententiarumque gravitate. Quod mihi quidem minime novum, qui et te nossem et tuarum litterarum ad me missarum promissa meminissem et haberem a Furnio nostro tua penitus consilia cognita, sed senatui maiora visa sunt, quam erant exspectata, non quo umquam de tua voluntate dubitasset, sed nec, quantum facere posses, nec, quoad progredi velles, exploratum satis habebat. Itaque, cum a. d. VII. Idus Apriles mane mihi tuas litteras M. Varisidius reddidisset easque legissem, incredibili gaudio sum elatus, cumque magna multitudo optimorum virorum et civium me de domo deduceret, feci continuo omnes participes meae voluptatis. Interim ad me venit Munatius noster, ut consuerat: at ego ei litteras tuas, nihildum enim sciebat; nam ad me primum Varisidius, idque sibi a te mandatum esse dicebat. Paullo post idem mihi Munatius eas litteras legendas dedit, quas ipsi miseras, et eas, quas publice. Placuit nobis, ut statim ad M. Cornutum praetorem urbanum litteras deferremus, qui, quod consules aberant, consulare munus sustinebat more maiorum: senatus est continuo convocatus frequensque convenit propter famam atque exspectationem tuarum litterarum. Recitatis litteris oblata religio Cornuto est pullariorum admonitu, non satis diligenter eum auspiciis operam dedisse, idque a nostro collegio comprobatum est; itaque res dilata est in posterum. Eo autem die magna mihi pro tua dignitate contentio cum Servilio, qui cum gratia effecisset, ut sua sententia prima pronuntiaretur, frequens eum senatus reliquit et in alia omnia

discessit, meaeque sententiae, quae secunda pronuntiata erat, cum frequenter assentiretur senatus, rogatu Servilii P. Titius intercessit: res in posterum dilata. Venit paratus Servilius, Iovi ipsi iniquus, cuius in templo res agebatur. Hunc quemadmodum fregerim quantaque contentione Titium intercessorum abiecerim, ex aliorum te litteris malo cognoscere; unum hoc ex meis: senatus gravior, constantior, amicior tuis laudibus esse non potuit, quam tum fuit, nec vero tibi senatus amicior quam cuncta civitas; mirabiliter enim populus Romanus universus et omnium generum ordinumque consensus ad liberandam rem publicam conspiravit. Perge igitur, ut agis, nomenque tuum commenda immortalitati, atque haec omnia, quae habent speciem gloriae collectam inanissimis splendoris insignibus, contemne, brevia, fugacia, caduca existima. Verum decus in virtute positum est, quae maxime illustratur magnis in rem publicam meritis: eam facultatem habes maximam; quam quoniam complexus es, tene: perfice, ut ne minus res publica tibi quam tu rei publicae debeas. Me tuae dignitatis non modo fautorem, sed etiam amplificatorem cognosces: id cum rei publicae, quae mihi vita est mea carior, tum nostrae necessitudini debere me iudico. Atque in his curis, quas contuli ad dignitatem tuam, cepi magnam voluptatem, quod bene cognitam mihi T. Munatii prudentiam et fidem magis etiam perspexi in eius incredibili erga te benevolentia et diligentia. III. Idus Apr.

XIII. Scr. Romae mense Maio (ante Id.) a.u.c. 711.

CICERO PLANCO.

Ut primum mihi potestas data est augendae dignitatis tuae, nihil praetermisi in te ornando, quod positum esset aut in praemio virtutis aut in honore verborum: id ex ipso senatus consulto poteris cognoscere; ita enim est perscriptum, ut a me de scripto dicta sententia est, quam senatus frequens secutus est summo studio magnoque consensu. Ego quamquam ex tuis litteris, quas mihi misisti, perspexeram te magis iudicio bonorum quam insignibus gloriae delectari, tamen considerandum nobis existimavi, etiamsi tu nihil postulares, quantum tibi a re publica deberetur. Tu contexes

extrema cum primis: qui enim Antonium oppresserit, is bellum confecerit; itaque Homerus non Aiacem nec Achillem, sed Ulixem appellavit ptolipÒryion.

XIV. Scr. Romae III. Nonas Maias a.u.c. 711.

CICERO PLANCO SAL.

O gratam famam biduo ante victoriam de subsidio tuo, de studio, de celeritate, de copiis! Atqui etiam hostibus fusis spes omnis est in te; fugisse enim ex proelio Mutinensi dicuntur notissimi latronum duces; est autem non minus gratum extrema delere quam prima depellere. Equidem exspectabam iam tuas litteras, idque cum multis, sperabamque etiam Lepidum rei publicae temporibus admonitum tecum et reip.[ublicae] esse facturum. In illam igitur curam incumbe, mi Plance, ut ne quae scintilla taeterrimi belli relinquatur; quod si erit factum, et rem publicam divino beneficio affeceris et ipse aeternam gloriam consequere. D. III. Non Mai.

XV. Scr. in Allobrogibus mense Maio (pr. aut III. Id.) a.u.c. 711.

PLANCUS CICERONI.

His litteris scriptis, quae postea accidissent, scire te ad rem publicam putavi pertinere. Sedulitas mea, ut spero, et mihi et rei publicae tulit fructum: namque assiduis internuntiis cum Lepido egi, ut omissa omni contentione reconcilataque voluntate nostra communi consilio rei publicae succurreret, se, liberos urbemque pluris quam unum perditum abiectumque latronem putaret obsequioque meo, si ita faceret, ad omnes res abuteretur. Profeci: itaque per Laterensem internuntium fidem mihi dedit se Antonium, si prohibere provincia sua non potuisset, bello persecuturum, me, ut venirem copiasque coniungerem, rogavit, eoque magis, quod et Antonius ab equitatu firmus esse dicebatur et Lepidus ne mediocrem quidem equitatum habebat; nam etiam ex paucitate eius non multis ante diebus decem, qui optimi fuerant, ad me transierunt. Quibus rebus ego cognitis cunctatus non sum: in cursu bonorum consiliorum Lepidum adiuvandum putavi. Adventus meus quid profecturus esset, vidi, vel

quod equitatu meo persequi Antonium atque opprimere equitatum eius possem, vel quod exercitus Lepidi eam partem, quae corrupta est et ab re publica alienata, et corrigere et coercere praesentia mei exercitus possem. Itaque in Isara, flumine maximo, quod in finibus est Allobrogum, ponte uno die facto exercitum a. d. IIII. Idus Maias traduxi. Cum vero mihi nuntiatum esset L. Antonium praemissum cum equitibus et cohortibus ad Forum Iulii venisse, fratrem cum equitum quattuor milibus, ut occurreret ei, misi a. d. V. Idus Maias; ipse maximis itineribus cum quattuor legionibus expeditis et reliquo equitatu subsequar. Si nos mediocris modo fortuna rei publicae adiuverit, et audaciae perditorum et nostrae sollicitudinis hic finem reperiemus; quod si latro praecognito nostro adventu rursus in Italiam se recipere coeperit, Bruti erit officium occurrere ei, cui scio nec consilium nec animum defuturum; ego tamen, si id acciderit, fratrem cum equitatu mittam, qui sequatur, ut Italiam a vastatione defendat. Fac valeas meque mutuo diligas.

XVI. Scr. Romae mense Iunio (circ. Nonas) a.u.c. 711.

CICERO PLANCO.

Nihil post hominum memoriam gloriosius, nihil gratius, ne tempore quidem ipso opportunius accidere vidi quam tuas, Plance, litteras; redditae sunt enim frequenti senatu Cornuto, cum is frigidas sane et inconstantes recitasset litteras Lepidi; sub eas statim recitatae sunt tuae, non sine magnis quidem clamoribus; cum rebus enim ipsis essent et studiis beneficiisque in rem publicam gratissimae, tum erant gravissimis verbis ac sententiis. Flagitare senatus institit Cornutum, ut referret statim de tuis litteris; ille se considerare velle. Cum ei magnum convicium fieret cuncto a senatu, quinque tribuni plebi rettulerunt. Servilius rogatus rem distulit; ego eam sententiam dixi, cui sunt assensi omnes ad unum: ea quae fuerit, ex senatus consulto cognosces. Tu. quamquam consilio non eges vel abundas potius, tamen hoc animo esse debes, ut nihil huc reiicias neve in rebus tam subitis tamque angustis a senatu consilium petendum putes, ipse tibi sis senatus, quocumque te ratio rei publicae ducet, sequare, cures, ut ante factum aliquid a te egregium audiamus, quam futurum

putarimus. Illud tibi promitto, quidquid erit a te factum, id senatum non modo ut fideliter, sed etiam ut sapienter factum comprobaturum.

XVII. Scr. in Allobrogibus mense Maio (post Idus) a.u.c. 711.

PLANCUS CICERONI.

Antonius Id. Maiis ad Forum Iulii cum primis copiis venit; Ventidius bidui spatio abest ab eo; Lepidus ad Forum Voconii castra habet, qui locus a Foro Iulii quattuor et viginti milia passuum abest, ibique me exspectare constituit, quemadmodum ipse mihi scripsit. Quod si omnia mihi integra et ipse et fortuna servarit, recipio vobis celeriter me negotium ex sententia confecturum. Fratrem meum assiduis laboribus concursationibusque confectum graviter se habuisse antea tibi scripsi; sed tamen, cum primum posse ingredi coepit, non magis sibi quam rei publicae se convaluisse existimans ad omnia pericula princeps esse non recusabat; sed ego eum non solum hortatus sum, verum etiam coegi isto proficisci, quod et illa valetudine magis conficere se quam me iuvare posset in castris, et quod acerbissimo interitu consulum rem publicam nudatam tali cive praetore in urbanis officiis indigere existimabam; quod si qui vestrum non probabit, mihi prudentiam in consilio defuisse sciat, non illi erga patriam fidelitatem. Lepidus tandem, quod ego desiderabam, fecit, ut Apellam ad me mitteret, quo obside fidei illius et societatis in re publica administranda uterer. Studium mihi suum L. Gellius de tribus fratribus +Segaviano+ probavit, quo ego interprete novissime ad Lepidum sum usus; amicum eum rei publicae cognosse videor, libenterque ei sum testimonio et omnibus ero, qui bene merentur. Fac valeas meque mutuo diligas dignitatemque meam, si mereor, tuearis, sicut adhuc singulari cum benevolentia fecisti.

XVIII. Scr. in castris XII. Kal. Iunias a.u.c. 711.

PLANCUS CICERONI.

Quid in animo habuerim, cum Laevus Nervaque discesserunt a me, et ex litteris, quas eis dedi, et ex ipsis cognoscere potuisti, qui omnibus rebus consiliisque meis interfuerunt. Accidit mihi, quod homini

prudenti et cupido satisfaciendi rei publicae bonisque omnibus accidere solet, ut consilium sequerer periculosum magis, dum me probarem, quam tutum, quod habere posset obtrectationem. Itaque post discessum legatorum, cum binis continuis litteris et Lepidus me, ut venirem, rogaret, et Laterensis multo etiam magis prope implorans obtestaretur non ullam rem aliam extimescens quam eandem, quae mihi quoque facit timorem, varietatem atque infidelitatem exercitus eius, non dubitandum putavi, quin succurrerem meque communi periculo offerrem; sciebam enim, etsi cautius illud erat consilium, exspectare me ad Isaram, dum Brutus traiiceret exercitum, et cum collega consentiente, sicut milites faciunt, hostibus obviam ire, tamen, si quid Lepidus bene sentiens detrimenti cepisset, hoc omne assignatum iri aut pertinaciae meae aut timori videbam, si aut hominem offensum mihi, coniunctum cum re publica non sublevassem aut ipse a certamine belli tam necessarii me removissem. Itaque potius periclitari volui, si possem mea praesentia et Lepidum tueri et exercitum facere meliorem, quam nimis cautus videri; sollicitiorem certe hominem, non suis contractis, neminem puto fuisse; nam, quae res nullam habebat dubitationem, si exercitus Lepidi abesset, ea nunc magnam affert sollicitudinem magnumque habet casum; mihi enim si contigisset, ut prior occurrerem Antonio, non mehercules horam constitisset: tantum ego et mihi confido et sic perculsas illius copias Ventidiique mulionis castra despicio; sed non possum non exhorrescere, si quid intra cutem subest vulneris, quod prius nocere potest, quam sciri curarique possit. Sed certe, nisi uno loco me tenerem, magnum periculum ipse Lepidus, magnum ea pars exercitus adiret, quae bene de re publica sentit; magnam etiam perditi hostes accessionem sibi fecissent, si quas copias a Lepido abstraxissent: quae si adventus meus represserit, agam gratias fortunae constantiaeque meae, quae ad hanc experientiam me excitavit. Itaque a. d. XII. Kalend. Iun. ab Isara castra movi; pontem tamen, quem in Isara feceram, castellis duobus ad capita positis reliqui praesidiaque ibi firma posui, ut venienti Bruto exercituique eius sine mora transitus esset paratus. Ipse, ut spero, diebus octo, quibus has litteras dabam, cum Lepidi copiis me coniungam.

XIX. Scr. Romae exeunte mense Maio a.u.c. 711.

CICERO PLANCO.

Quamquam gratiarum actionem a te non desiderabam, cum te re ipsa atque animo scirem esse gratissimum, tamen — fatendum est enim — fuit ea mihi periucunda; sic enim vidi, quasi ea, quae oculis cernuntur, me a te amari. Dices: “quid antea?” Semper equidem, sed numquam illustrius. Litterae tuae mirabiliter gratae fuerunt senatui — cum rebus ipsis, quae erant gravissimae et maximae, fortissimi animi summique consilii, tum etiam gravitate sententiarum atque verborum. Sed, mi Plance, incumbe, ut belli extrema perficias: in hoc erit summa et gratia et gloria. Cupio omnia rei publicae causa; sed mehercules in ea conservanda iam defetigatus non multo plus patriae faveo quam tuae gloriae, cuius maximam facultatem tibi di immortales, ut spero, dederunt, quam complectere, obsecro; qui enim Antonium oppresserit, is hoc bellum taeterrimum periculosissimumque confecerit.

XX. Scr. Romae IV. Kal. Iunias a.u.c. 711.

CICERO PLANCO.

Ita erant omnia, quae istim afferebantur, incerta, ut, quid ad te scriberem, non occurreret; modo enim, quae vellemus, de Lepido, modo contra nuntiabantur; de te tamen fama constans, nec decipi posse nec vinci, quorum alterius fortuna partem habet quandam, alterum proprium est prudentiae tuae. Sed accepi litteras a collega tuo, datas Idibus Maiis, in quibus erat te ad se scripsisse a Lepido non recipi Antonium: quod erit certius, si tu ad nos idem scripseris; sed minus audes fortasse propter inanem laetitiam litterarum superiorum. Verum, ut errare, mi Plance, potuisti — quis enim id effugerit? — , sic decipi te non potuisse quis non videt? nunc vero etiam erroris causa sublata est; culpa enim illa “bis ad eundem” vulgari reprehensa proverbio est. Sin, ut scripsisti ad collegam, ita se res habet, omni cura liberati sumus, nec tamen erimus prius, quam ita esse tu nos feceris certiores. Mea quidem, ut ad te saepius scripsi, haec sententia est: qui reliquias huius belli oppresserit, eum totius belli confectorem fore; quem te et opto esse et confido futurum.

Studia mea erga te, quibus certe nulla esse maiora potuerunt, tibi tam grata esse, quam ego putavi fore, minime miror vehementerque laetor: quae quidem tu, si recte istic erit, maiora et graviora cognosces. IIII. Kalendas Iunias.

XXI. Scr. in castris ad Isaram biduo post ep. XV.

PLANCUS CICERONI.

Puderet me inconstantiae mearum litterarum, si non haec ex aliena levitate penderent. Omnia feci, qua re Lepido coniuncto ad rem publicam defendundam minore sollicitudine vestra perditis resisterem: omnia ei et petenti recepi et ultro pollicitus sum scripsique tibi biduo ante confidere me bono Lepido esse usurum communique consilio bellum administraturum; credidi chirographis eius, affirmationi praesentis Laterensis, qui tum apud me erat reconcilaremque me Lepido fidemque haberem orabat. Non licuit diutius bene de eo sperare: illud certe cavi et cavebo, ne mea credulitate rei publicae summa fallatur. Cum Isaram flumen uno die ponte effecto exercitum traduxissem pro magnitudine rei celeritatem adhibens, quod petierat per litteras ipse, ut maturarem venire, praesto mihi fuit stator eius cum litteris, quibus, ne venirem, denuntiabat; se posse per se conficere negotium; interea ad Isaram exspectarem. Indicabo temerarium meum consilium tibi: nihilo minus ire decreram existimans eum socium gloriae vitare; putabam posse me nec de laude ieiuni hominis delibare quidquam et subesse tamen propinquis locis, ut, si durius aliquid esset, succurrere celeriter possem. Ego non malus homo hoc suspicabar: at Laterensis, vir sanctissimus, suo chirographo mittit mihi litteras in iisque desperans de se, de exercitu, de Lepidi fide querensque se destitutum [in quibus] aperte denuntiat, videam, ne fallar; suam fidem solutam esse; rei publicae ne desim. Exemplar eius chirographi Titio misi: ipsa chirographa omnia, et quibus credidi, et ea, quibus fidem non habendam putavi, Laevo Cispio dabo perferenda, qui omnibus iis interfuit rebus. Accessit eo, ut milites eius, cum Lepidus concionaretur, improbi per se, corrupti etiam per eos, qui praesunt, Canidios Rufrenosque et ceteros, quos, cum opus erit, scietis, conclamarent, viri boni, pacem se velle neque

esse cum ullis pugnaturos duobus iam consulibus singularibus amissis, tot civibus pro patria occisis, hostibus denique omnibus iudicatis bonisque publicatis; neque hoc aut vindicarat Lepidus aut sanarat. Huc me venire et duobus exercitibus coniunctis obiicere exercitum fidelissimum, auxilia maxima, principes Galliae, provinciam cunctam summae dementiae et temeritatis esse vidi, mihique, si ita oppressus essem remque publicam mecum prodidissem, mortuo non modo honorem, sed misericordiam quoque defuturam: itaque rediturus sum nec tanta munera perditis hominibus dari posse sinam. Exercitum locis habeam opportunis, provinciam tuear, etiamsi ille exercitus descierit, omniaque integra servem, dabo operam, quoad exercitus huc summittatis parique felicitate rem publicam hic vindicetis; nec depugnare, si occasio tulerit, nec obsideri, si necesse fuerit, nec mori, si casus inciderit, pro vobis paratior fuit quisquam. Quare hortor te, mi Cicero, exercitum huc traiiciendum quam primum cures et matures, priusquam hostes magis corroborentur et nostri perturbentur: in quo si celeritas erit adhibita, res publica in possessione victoriae deletis sceleratis permanebit. Fac valeas meque diligas.

XXII. Scr. Romae mense Iunio (post Id.) a.u.c. 711.

CICERO PLANCO.

In te et in collega omnis spes est dis approbantibus. Concordia vestra, quae senatui declarata litteris vestris est, mirifice et senatus et cuncta civitas delectata est. Quod ad me scripseras de re agraria, si consultus senatus esset, ut quisque honorificentissimam de te sententiam dixisset, eam secutus esset; qui certe ego fuissem; sed, propter tarditatem sententiarum moramque rerum cum ea, quae consulebantur, ad exitum non pervenirent, commodissimum mihi Plancoque fratri visum est uti eo senatus consulto, quod ne nostro arbitratu componeretur, quis fuerit impedimento, arbitror te ex Planci litteris cognovisse. Sed, sive in senatus consulto sive in ceteris rebus desideras aliquid, sic tibi persuade, tantam esse apud omnes bonos tui caritatem, ut nullum genus amplissimae dignitatis excogitari possit, quod tibi non paratum sit. Litteras tuas vehementer exspecto,

et quidem tales, quales maxime opto. Vale.

XXIII. Scr. Cularone in finibus Allobrogum VIII. Idus Iun. a.u.c. 711.

PLANCUS CICERONI.

Numquam mehercules, mi Cicero, me poenitebit maxima pericula pro patria subire, dum, si quid acciderit mihi, a reprehensione temeritatis absim. Confiterer imprudentia me lapsum, si umquam Lepido ex animo credidissem; credulitas enim error est magis quam culpa, et quidem in optimi cuiusque mentem facillime irrepit; sed ego non hoc vitio paene sum deceptus, Lepidum enim pulchre noram. Quid ergo est? pudor me, qui in bello maxime est periculosus, hunc casum coegit subire; nam, nisi uno loco essem, verebar, ne cui obtrectatorum viderer et nimium pertinaciter Lepido offensus et mea patientia etiam alere bellum. Itaque copias prope in conspectum Lepidi Antoniique adduxi quadragintaque milium passuum spatio relicto consedi eo consilio, ut vel celeriter accedere vel salutariter recipere me possem. Adiunxi haec in loco eligendo, flumen oppositum ut haberem, in quo mora transitus esset, Vocontii sub manu ut essent, per quorum loca fideliter mihi pateret iter. Lepidus desperato adventu meo, quem non mediocriter captabat, se cum Antonio coniunxit a. d. IIII. Kal. Iunias, eodemque die ad me castra moverunt; viginti milia passuum cum abessent, res mihi nuntiata est. Dedi operam deum benignitate, ut et celeriter me reciperem et hic discessus nihil fugare simile haberet: non miles ullus, non eques, non quidquam impedimentorum amitteretur aut ab illis ferventibus latronibus interciperetur. Itaque pridie Nonas Iunias omnes copias Isaram traieci pontesque, quos feceram, interrupi, ut et spatium colligendi se homines haberent et ego me interea cum collega coniungerem, quem triduo, cum has dabam litteras, exspectabam. Laterensis nostri et fidem et animum singularem in rem publicam semper fatebor; sed certe nimia eius indulgentia in Lepidum ad haec pericula perspicienda fecit eum minus sagacem; qui quidem cum in fraudem se deductum videret, manus, quas iustius in Lepidi perniciem armasset, sibi afferre conatus est, in quo casu tamen

interpellatus et adhuc vivit et dicitur victurus, sed tamen de hoc parum mihi certum est. Magno cum dolore parricidarum elapsus sum iis; veniebant enim eodem furore in me, quo in patriam, incitati, iracundias autem harum rerum recentes habebant: quod Lepidum castigare non destiteram, ut exstingueret bellum, quod colloquia facta improbabam, quod legatos fide Lepidi missos ad me in conspectum venire vetueram, quod C. Catium Vestinum, tribunum mill., missum ab Antonio ad eum cum litteris exceperam: in quo hanc capio voluptatem, quod certe, quo magis me petiverunt, tanto maiorem iis frustratio dolorem attulit. Tu, mi Cicero, quod adhuc fecisti, idem praesta, ut vigilanter nervoseque nos, qui stamus in acie, subornes. Veniat Caesar cum copiis, quas habet firmissimas, aut, si ipsum aliqua res impedit, exercitus mittatur; cuius ipsius magnum periculum agitur: quidquid aliquando futurum fuit in castris perditorum contra patriam, hoc omne iam convenit; pro urbis vero salute cur non omnibus facultatibus, quas habemus, utamur? Quod si vos istic non defueritis, profecto, quod ad me attinet, omnibus rebus abunde rei publicae satisfaciam. Te quidem, mi Cicero, in dies mehercules habeo cariorem sollicitudinesque meas quotidie magis tua merita exacuunt, ne quid aut ex amore aut ex iudicio tuo perdam. Opto, ut mihi liceat iam praesenti pietate meorum officiorum tua beneficia tibi facere iucundiora. VIII. Idus Iun. Cularone, ex finibus Allobrogum.

XXIV. Scr. in castris V. Kal. Sextiles a.u.c. 711.

PLANCUS IMP. COS. DESIG. S. D. CICERONI.

Facere non possum, quin in singulas res meritaque tua tibi gratias agam, sed mehercules facio cum pudore; neque enim tanta necessitudo, quantam tu mihi tecum esse voluisti, desiderare videtur gratiarum actionem, neque ego libenter pro maximis tuis beneficiis tam vili munere defungor orationis, et malo praesens observantia, indulgentia, assiduitate memorem me tibi probare. Quod si mihi vita contigerit, omnes gratas amicitias atque eitiam pias propinquitates [in tua observantia, indulgentia, assiduitate] vincam; amor enim tuus ac iudicium de me utrum mihi plus dignitatis in perpetuum an voluptatis quotidie sit allaturus, non facile dixerim. De militum commodis fuit tibi curae; quos ego non potentiae meae causa — nihil enim me non salutariter cogitare scis — ornari volui a senatu, se dprimum, quod ita meritos iudicabam, deinde, quod ad omnes casus coniunctiores rei publicae esse volebam, novissime, ut ab omni omnium sollicitatione aversos eos tales vobis praestare possem, quales adhuc fuerunt. Nos adhuc hic omnia integra sustinuimus: quod consilium nostrum, etsi, quanta sit aviditas hominum non sine causa talis victoriae, scio, tamen vobis probari spero; non enim, si quid in his exercitibus sit offensum, magna subsidia res publica habet expedita, quibus subito impetu ac latrocinio parricidarum resistat. Copias vero nostras notas tibi esse arbitror: in castris meis legiones sunt veteranae tres, tironum, vel luculentissima ex omnibus, una; in castris Bruti una veterana legio, altera bima, octo tironum. Ita universus exercitus numero amplissimus est, firmitate exiguus; quantum autem in acie tironi sit committendum, nimium saepe expertum habemus. Ad hoc robur nostrorum exercituum sive Africanus exercitus, qui est veteranus, sive Caesaris accessisset, aequo animo summam rem publicam in discrimen deduceremus; aliquanto autem propius esse quod Caesarem videbamus, nihil destiti eum litteris hortari, neque ille intermisit affirmare se sine mora venire, cum interim aversum illum ab hac cogitatione ad alia consilia video se contulisse. Ego tamen ad eum Furnium nostrum cum mandatis litterisque misi, si quid forte proficere posset. Scis tu, mi Cicero, quod ad Caesaris amorem attinet, societatem mihi esse tecum, vel quod in familiaritate Caesaris vivo illo iam tueri eum et diligere fuit mihi necesse, vel quod ipse, quoad ego nosse potui, moderatissimi atque humanissimi

fuit sensus, vel quod ex tam insigni amicitia mea atque Caesaris hunc filii loco et illius et vestro iudicio substitutum non proinde habere turpe mihi videtur. Sed — quidquid tibi scribo, dolenter mehercule magis quam inimice facio — quod vivit Antonius hodie, quod Lepidus una est, quod exercitus habent non contemnendos, quod sperant, quod audent, omne Caesari acceptum referre possunt. Neque ego superiora repetam; sed, ex eo tempore, quo ipse mihi professus est se venire, si venire voluisset, aut oppressum iam bellum esset aut in adversissimam illis Hispaniam cum detrimento eorum maximo extrusum. Quae mens eum, aut quorum consilia, a tanta gloria, sibi vero etiam necessaria ac salutari, avocarit et ad cogitationem consulatus bimestris summo cum terrore hominum et insulsa cum efflagitatione transtulerit, exputare non possum. Multum in hac re mihi videntur necessarii eius et rei publicae et ipsius causa proficere posse, plurimum, ut puto, tu quoque, cuius ille tanta merita habet, quanta nemo praeter me; numquam enim obliviscar maxima ac plurima me tibi debere. De his rebus ut exigeret cum eo, Furnio mandavi: quod si, quantam debeo, habuero apud eum auctoritatem, plurimum ipsum iuvero. Nos interea duriore condicione bellum sustinemus, quod neque expeditissimam dimicationem putamus neque tamen refugiendo commissuri sumus, ut maius detrimentum res publica accipere possit. Quod si aut Caesar se respexerit aut Africanae legiones celeriter venerint, securos vos ab hac parte reddemus. Tu, ut instituisti, me diligas rogo propieque tuum esse tibi persuadeas. V. Kal. Sext. ex castris.

XXV. Scr. Romae mense Maio (ante Id.) a.u.c. 711.

CICERO S. D. FURNIO.

Si interest, id quod homines arbitrantur, rei publicae te, ut instituisti atque fecisti, navare operam rebusque maximis, quae ad exstinguendas reliquias belli pertinent, interesse, nihil videris melius neque laudabilius neque honestius facere posse istamque operam tuam, navitatem, animum in rem publicam celeritati praeturae anteponenda censeo; nolo enim te ignorare, quantam laudem consecutus sis, mihi crede, proximam Planco, idque ipsius Planci

testimonio, praeterea fama sententiaque omnium. Quamobrem si quid operis tibi etiam nunc restat, id maximo opere censeo persequendum; quid enim honestius aut quid honesto anteponendum? sin autem satisfactum rei publicae putas, celeriter ad comitia, quoniam mature futura sunt, veniendum censeo, dum modo ne quid haec ambitiosa festinatio imminuat eius gloriae, quam consecuti sumus. Multi clarissimi viri, cum rei publicae darent operam, annum petitionis suae non obierunt; quod eo facilius nobis est, quod non est annus hic tibi destinatus, ut, si aedilis fuisses, post biennium tuus annus esset: nunc nihil praetermittere videbere usitati et quasi legitimi temporis ad petendum; videbam autem Planco consule, etsi etiam sine eo rationes expeditas haberes, tamen splendiorem petitionem tuam, si modo ista ex sententia confecta essent. Omnino plura me scribere, cum tuum tantum consilium iudiciumque sit, non ita necesse arbitrabar; sed tamen sententiam meam tibi ignotam esse nolebam, cuius est haec summa, ut omnia te metiri dignitate malim quam ambitione, maioremque fructum ponere in perpetuitate laudis quam in celeritate praeturae. Haec eadem locutus sum domi meae adhibito Quinto, fratre meo, et Caecina et Calvisio, studiosissimis tui, cum Dardanus, libertus tuus, interesset: omnibus probari videbatur oratio mea; sed tu optime iudicabis.

XXVI. Scr. Romae mense Iunio (post Id.) a.u.c. 711.

M. CICERO S. D. C. FURNIO.

Lectis tuis litteris, quibus declarabas aut omittendos Narbonenses aut cum periculo dimicandum, illud magis timui; quod vitatum non moleste fero. Quod de Planci et Bruti concordia scribis, in eo vel maximam spem pono victoriae. De Gallorum studio nos aliquando cognoscemus, ut scribis, cuius id opera maxime excitatum sit; sed iam, mihi crede, cognovimus. Itaque iucudissimis tuis litteris stomachatus sum in extremo; scribis enim, si in Sextilem comitia, cito te, sin iam confecta, citius, ne diutius cum periculo fatuus sis. O mi Furni, quam tu tuam causam non nosti, qui alienas tam facile discas! Tu nunc candidatum te putas et id cogitas, ut aut ad comitia curras aut, si iam confecta, domi tuae sis, ne cum maximo periculo,

ut scribis, stultissimus sis? Non arbitror te ita sentire; omnes enim tuos ad laudem impetus novi: quod si, ut scribis, ita sentis, non magis te quam de te iudicium reprehendo meum. Te adipiscendi magistratus levissimi et divulgatissimi, si ita adipiscare, ut plerique, praepropera festinatio abducet a tantis laudibus, quibus te omnes in caelum iure et vere ferunt? Scilicet ad agitur, utrum hac petitione an proxima praetor fias, non ut ita de re publica mereare, omni honore ut dignissimus iudicere. Utrum nescis, quam alte ascenderis, an pro nihilo id putas? si nescis, tibi ignosco, nos in culpa sumus; sin intelligis, ulla tibi est praetura vel officio, quod pauci, vel gloria, quam omnes sequuntur, dulcior? Hac de re et ego et Calvisius, homo magni iudicii tuique amantissimus, te accusamus quotidie. Comitia tamen, quoniam ex iis pendes, quantum facere possumus, quod multis de causis rei publicae arbitramur conducere, in Ianuarium mensem protrudimus. Vince igitur et vale.

XXVII. Scr. Romae mense Martio (post XIII. K. Apr.) a.u.c. 711.

CICERO LEPIDO SAL.

Quod mihi pro summa mea erga te benevolentia magnae curae est, ut quam amplissima dignitate sis, moleste tuli te senatui gratias non egisse, cum esses ab eo ordine ornatus summis honoribus. Pacis inter cives conciliandae te cupidum esse laetor: eam si a servitute seiunges, consules et rei publicae et dignitati tuae; sin ista pax perditum hominem in possessionem impotentissimi dominatus restitutura est, hoc animo scito omnes esse sanos, ut mortem servituti anteponant. Itaque sapientius meo quidem iiudicio facies, si te in istam pacificationem non interpones, quae neque senatui neque populo nec cuiquam bono probatur. Sed haec audies ex aliis aut certior fies litteris: tu pro tua prudentia, quid optimum factu sit, videbis.

XXVIII. Scr. Romae mense Februario a.u.c 711.

CICERO TREBONIO SAL.

Quam vellem ad illas pulcherrimas epulas me Idibus Martiis

invitasses! reliquiarum nihil haberemus: at nunc cum iis tantum negotii est, ut vestrum illud divinum in rem publicam beneficium nonnullam habeat querelam. Quod vero a te, viro optimo, seductus est tuoque beneficio adhuc vivit haec pestis, interdum, quod mihi vix fas est, tibi subirascor; mihi enim negotii plus reliquisti uni quam praeter me omnibus; ut enim primum post Antonii foedissimum discessum senatus haberi libere potuit, ad illum animum meum reverti pristinum, quem tu cum civi acerrimo, patre tuo, in ore et amore semper habuisti; nam, cum senatum a. d. XIII. Kalendas Ianuarias tribuni pl. vocavissent deque alia re referrent, totam rem publicam sum complexus egique acerrime senatumque iam languentem et defessum ad pristinam virtutem consuetudinemque revocavi magis animi quam ingenii viribus. Hic dies meaque contentio atque actio spem primum populo Romano attulit libertatis recuperandae; nec vero ipse postea tempus ullum intermisi de re publica non cogitandi solum, sed etiam agendi. Quod nisi res urbanas actaque omnia ad te perferri arbitrarer, ipse perscriberem, quamquam eram maximis occupationibus impeditus. Sed illa cognosces ex aliis; a me pauca, et ea summatim: habemus fortem senatum, consulares partim timidos, partim male sentientes; magnum damnum factum est in Servio; L. Caesar optime sentit, sed, quod avunculus est, non acerrimas dicit sententias; consules egregii, praeclarus D. Brutus, egregius puer Caesar, de quo spero equidem reliqua, hoc vero certum habeto, nisi ille veteranos celeriter conscripsisset legionesque duae de exercitu Antonii ad eius se auctoritatem contulissent atque is oppositus esset terror Antonio, nihil Antonium sceleris, nihil crudelitatis praeteriturum fuisse. Haec tibi, etsi audita esse arbitrabar, volui tamen notiora esse. Plura scribam, si plus otii habuero.

XXIX. Scr. anno a.u.c. 711 (paullo ante XI, 22).

CICERO APPIO SAL.

De meo studio erga salutem et incolumitatem tuam credo te cognosse ex litteris tuorum, quibus me cumulatissime satisfecisse certo scio, nec iis concedo, quamquam sunt singulari in te benevolentia, ut te salvum malint quam ego. Illi mihi necesse est concedant, ut tibi plus

quam ipsi hoc tempore prodesse possim; quod quidem nec destiti facere nec desistam et iam in maxima re feci et fundamenta ieci salutis tuae. Tu fac bono animo magnoque sis meque tibi nulla re defuturum esse confidas. Pridie Nonas Quinctiles.

XXX. Scr. in castris ad Mutinam a. d. XVI. Kal. Maias a.u.c. 711.

GALBA CICERONI SAL.

A. d. XVII. Kal. Maias, quo die Pansa in castris Hirtii erat futurus, cum quo ego eram — nam ei obviam processeram milia passuum centum, quo maturius veniret — , Antonius legiones eduxit duas, secundam et quintam tricesimam, et cohortes praetorias duas, unam suam, alteram Silani, et evocatorum partem: ita obviam venit nobis, quod nos quattuor legiones tironum habere solum arbitrabatur; sed noctu, quo tutius venire in castra possemus, legionem Martiam, cui ego praeesse solebam, et duas cohortes praetorias miserat Hirtius nobis. Cum equites Antonii apparuissent, contineri neque legio Martia neque cohortes praetoriae potuerunt; quas sequi coepimus coacti, quoniam retinere eas non potueramus. Antonius ad Forum Gallorum suas copias continebat neque sciri volebat se legiones habere: tantum equitatum et levem armaturam ostendebat. Posteaquam vidit se invito legionem ire Pansa, sequi se duas legiones iussit tironum. Posteaquam angustias paludis et silvarum transiimus, acies est instructa a nobis XII. cohortium; nondum venerant legiones duae: repente Antonius in aciem suas copias de vico produxit et sine mora concurrit. Primo ita pugnatum est, ut acrius non posset ex utraque parte pugnari; etsi dexterius cornu, in quo ego eram cum Martiae legionis cohortibus octo, impetu primo fugaverat legionem XXXV. Antonii, ut amplius passus ultra aciem, quo loco steterat, processerit. Itaque, cum equites nostrum cornu circumire vellent, recipere me coepi et levem armaturam opponere Maurorum equitibus, ne aversos nostros aggrederentur. Interim video me esse inter Antonianos Antoniumque post me esse aliquanto: repente equum immisi ad eam legionem tironum, quae veniebat ex castris, scuto reiecto. Antoniani me insequi; nostri pila coniicere velle: ita

nescio quo fato sum servatus, quod sum cito a nostris cognitus. In ipsa Aemilia, ubi cohors Caesaris praetoria erat, diu pugnatum est. Cornu sinisterius, quod erat infirmius, ubi Martiae legionis duae cohortes erant et cohors praetoria, pedem referre coeperunt, quod ab equitatu circumibantur, quo vel plurimum valet Antonius. Cum omnes se recepissent nostri ordines, recipere me novissimus coepi ad castra; Antonius tamquam victor castra putavit se posse capere: quo cum venit, complures ibi amisit nec egit quidquam. Audita re Hirtius cum cohortibus XX. veteranis redeunti Antonio in sua castra occurrit copiasque eius omnes delevit fugavit eodem die eodemque loco, ubi erat pugnatum, ad Forum Gallorum; Antonius cum equitibus hora noctis quarta se in castra una ad Mutinam recepit; Hirtius in ea castra rediit, unde Pansa exierat, ubi duas legiones reliquerat, quae ab Antonio erant oppugnatae. Sic partem maiorem suarum copiarum Antonius amisit veteranarum; nec id tamen sine aliqua iactura cohortium praetoriarum nostrarum et legionis Martiae fieri potuit. Aquilae duae, signa LX. sunt relata Antonii: res bene gesta est. A. d. XVI. K. Mai. ex castris.

XXXI. Scr. Cordubae XVII. Kal. Apriles a.u.c. 711.

C. ASINIUS POLLIO M. TULLIO CICERONI S. D.

Minime mirum tibi debet videri nihil me scripsisse de re publica, posteaquam itum est ad arma; nam saltus Castulonensis, qui semper tenuit nostros tabellarios, etsi nunc frequentioribus latrociniis infestior factus est, tamen nequaquam tanta in mora est, quanta qui locis omnibus dispositi ab utraque parte scrutantur tabellarios et retinent; itaque, nisi nave perlatae litterae essent, omnino nescirem, quid istic fieret. Nunc vero nactus occasionem, posteaquam navigari coeptum est, cupidissime et quam creberrime potero scribam ad te. Ne movear eius sermonibus, quem tametsi nemo est qui videre velit, tamen nequaquam proinde, ac dignus est, oderunt homines, periculum non est; adeo est enim invisus mihi, ut nihil non acerbum putem, quod commune cum illo sit; natura autem mea et studia trahunt me ad pacis et libertatis cupiditatem. Itaque illud initium civilis belli saepe deflevi; cum vero non liceret mihi nullius partis

esse, quia utrubique magnos inimicos habebam, ea castra fugi, in quibus plane tutum me ab insidiis inimici sciebam non futurum; compulsus eo, quo minime volebam, ne in extremis essem [plane], pericula non dubitanter adii. Caesarem vero, quod me in tanta fortuna modo cognitum vetustissimorum familiarium loco habuit, dilexi summa cum pietate et fide. Quae mea sententia gerere mihi licuit, ita feci, ut optimus quisque maxime probarit; quod iussus sum, eo tempore atque ita feci, ut appareret invito imperatum esse. Cuius facti iniustissima invidia erudire me potuit, quam iucunda libertas et quam misera sub dominatione vita esset. Ita, si id agitur, ut rursus in potestate omnia unius sint, quicumque is est, ei me profiteor inimicum, nec periculum est ullum, quod pro libertate aut refugiam aut deprecer; sed consules neque senatus consulto neque litteris suis praeceperant mihi, quid facerem; unas enim post Idus Martias demum a Pansa litteras accepi, in quibus hortatur me, ut senatui scribam me et exercitum in potestate eius futurum: quod, cum Lepidus concionaretur atque omnibus scriberet se consentire cum Antonio, maxime contrarium fuit; nam quibus commeatibus invito illo per illius provinciam legiones ducerem? aut, si cetera transissem, num etiam Alpes poteram transvolare, quae praesidio illius tenentur? adde huc, quod perferri litterae nulla condicione potuerunt; sexcentis enim locis excutiuntur, deinde etiam retinentur ab Lepido tabellari. Illud me Cordubae pro concione dixisse nemo vocabit in dubium, provinciam me nulli, nisi qui ab senatu missus venisset, traditurum: nam, de legione tricesima tradenda quantas contentiones habuerim, quid ego scribam? qua tradita quanto pro re publica infirmior futurus fuerim, quis ignorat? hac enim legione noli acrius aut pugnacius quidquam putare esse. Quare eum me existima esse, qui primum pacis cupidissimus sim — omnes enim cives plane studeo esse salvos — , deinde qui et me et rem publicam vindicare in libertatem paratus sim. Quod familiarem meum tuorum numero habes, opinione tua mihi gratius est; invideo illi tamen, quod ambulat et iocatur tecum. Quaeres, quanti id aestimem. Si umquam licuerit vivere in otio, experieris; nullum enim vestigium abs te discessurus sum. Illud vehementer admiror, non scripsisse te mihi, manendo in provincia an ducendo exercitum in Italiam rei publicae magis satisfacere possim: ego quidem, etsi mihi tutius ac minus laboriosum est manere, tamen,

quia video tali tempore multo magis legionibus opus esse quam provinciis, quae praesertim reciperari nullo negotio possint, constitui, ut nunc est, cum exercitu proficisci. Deinde ex litteris, quas Pansae misi, cognosces omnia; nam tibi earum exemplar misi. XVII. Kal. April. Corduba.

XXXII. Scr. Cordubae VI. Idus Iunias a.u.c. 711.

C. ASINIUS POLLIO M. TULLIO CICERONI.

Balbus quaestor magna numerata pecunia, magno pondere auri, maiore argenti coacto de publicis exactionibus, ne stipendio quidem militibus reddito duxit se a Gadibus et triduum tempestate retentus ad Calpen Kal. Iuniis traiecit sese in regnum Bogudis plane bene peculiatus. His rumoribus utrum Gades referatur an Romam — ad singulos enim nuntios turpissime consilia mutat — , nondum scio. Sed praeter furta et rapinas et virgis caesos socios haec quoque fecit, ut ipse gloriari solet, eadem, quae C. Caesar: ludis, quos Gadibus fecit, Herennium Gallum histrionem summo ludorum die anulo aureo donatum in XIIII sessum deduxit — tot enim fecerat ordines equestris loci — ; quattuorviratum sibi prorogavit; comitia biennii biduo habuit, hoc est renuntiavit, quos ei visum est; exsules reduxit, non horum temporum, sed illorum, quibus a seditiosis senatus trucidatus aut expulsus est Sex. Varo procos. Illa vero iam ne Caesaris quidem exemplo: quod ludis praetextam de suo itinere ad L. Lentulum procos. sollicitandum posuit, et quidem, cum ageretur, flevit memoria rerum gestarum commotus; gladiatoribus autem Fadium quendam, militem Pompeianum, quia, cum depressus in ludum bis gratis depugnasset, auctorari sese nolebat et ad populum confugerat, primum Gallos equites immisit in populum — coniecti enim lapides sunt in eum, cum abriperetur Fadius — , deinde abstractum defodit in ludo et vivum combussit, cum quidem pransus nudis pedibus, tunica soluta, manibus ad tergum reiectis inambularet et illi misero quiritanti: “c. R. natus sum” responderet: “abi nunc, populi fidem implora”; bestiis vero cives Romanos, in iis circulatorem quendam auctionum, notissimum hominem Hispali, quis deformis erat, obiecit. Cum huiuscemodi portento res mihi fuit.

Sed de illo plura coram; nunc, quod praestat: quid me velitis facere, constituite. Tres legiones firmas habeo, quarum unam, XXVIII, cum ad se initio belli arcessisset Antonius hac pollicitatione, quo die in castra venisset, denarios quingenos singulis militibus daturum, in victoria vero eadem praemia, quae suis legionibus — quorum quis ullam finem aut modum futurum putabit? — , incitatissimam retinui, aegre mehercules, nec retinuissem, si uno loco habuissem, upote cum singulae quaedam cohortes seditionem fecerint. Reliquas quoque legiones non destitit litteris atque infinitis pollicitationibus incitare. Nec vero minus Lepidus ursit me et suis et Antonii litteris, ut legionem XXX mitterem sibi. Itaque, quem exercitum neque vendere ullis praemiis volui nec eorum periculorum metu, quae victoribus illis portendebantur, deminuere, debetis existimare retentum et conservatum rei publicae esse, atque ita credere, me, quodcumque imperassetis, facturum fuisse, si, quod iussistis, feci: nam et provinciam in otio et exercitum in mea potestate tenui; finibus meae provinciae nusquam excessi; militem non modo legionarium, sed ne auxiliarium quidem ullum quoquam misi et, si quos equites discedentes nactus sum, supplicio affeci: quarum rerum fructum satis magnum re publica salva tulisse me putabo: sed, res publica si me satis novisset et maior pars senatus, maiores ex me fructus tulisset. Epistulam, quam Balbo, cum etiam nunc in provincia esset, scripsi, legendam tibi misi; etiam praetextam, si voles legere, Gallum Cornelium, familiarem meum, poscito. VI. Idus Iunias, Corduba.

XXXIII. Scr. in Hispania ulteriore ineunte mense Iunio (ante VI. Id.) a.u.c. 711.

POLLIO CICERONI SAL. PLUR.

S. v. b. e. e. q. v. Quo tardius certior fierem de proeliis apud Mutinam factis, Lepidus effecit, qui meos tabellarios novem dies retinuit; tametsi tantam calamitatem rei publicae quam tardissime audire optandum est, sed illis, qui prodesse nihil possunt neque mederi. Atque utinam eodem senatus consulto, quo Plancum et Lepidum in Italiam arcessistis, me quoque iussissetis venire! profecto non accepisset res publica hoc vulnus: quo si qui laetantur

in praesentia, quia videntur et duces et veterani Caesaris partium interisse, tamen postmodo necesse est doleant, cum vastitatem Italiae respexerint; nam et robur et suboles militum interiit, si quidem, quae nuntiantur, ulla ex parte vera sunt. Neque ego non videbam, quanto usui rei publicae essem futurus, si ad Lepidum venissem; omnem enim cunctationem eius discussissem, praesertim adiutore Planco; sed scribenti ad me eiusmodi litteras, quas leges, [et] concionibus videlicet, quas Narbone habuisse dicitur, similes, palparer necesse erat, si vellem commeatus per provinciam eius iter faciens habere. Praeterea verebar, ne, si, antequam ego incepta perficerem, proelium confectum esset, pium consilium meum raperent in contrariam partem obtrectatores mei propter amicitiam, quae mihi cum Antonio, non maior tamen, quam Planco, fuit. Itaque a Gadibus mense Aprili binis tabellariis in duas naves impositis et tibi et consulibus et Octaviano scripsi, ut me faceretis certiorem, quonam modo plurimum possem prodesse rei publicae; sed, ut rationem ineo, quo die proelium Pansa commisit, eodem a Gadibus naves profectae sunt; nulla enim post hiemem fuit ante eam diem navigatio. Et hercules longe remotus ab omni suspicione futuri civilis tumultus penitus in Lusitania legiones in hibernis collocaram; ita porro festinavit uterque confligere, tamquam nihil peius timerent, quam ne sine maximo rei publicae detrimento bellum componeretur; sed, si properandum fuit, nihil non summi ducis consilio gessisse Hirtium video. Nunc haec mihi scribuntur ex Gallia Lepidi et nuntiantur: Pansae exercitum concisum esse; Pansiam ex vulneribus mortuum; eodem proelio Martiam legionem interisse et L. Fabatum et C. Peducaeum et D. Carfulenum; Hirtino autem proelio et quartam legionem et omnes peraeque Antonii caesas, item Hirtii; quartam vero, cum castra quoque Atnonii cepisset, a quinta legione concisam esse; ibi Hirtium quoque perisse et Pontium Aquilam; dici etiam Octavianum cecidisse — quae si, quo di prohibeant! vera sunt, non mediocriter doleo — ; Antonium turpiter Mutinae obsessionem reliquisse, sed habere equitum V. M., legiones sub signis armatas tres et P. Bagienni unam, inermes bene multos; Ventidium quoque se cum legione VII, VIII, VIIII coniunxisse; si nihil in Lepido spei sit, descensurum ad extrema et non modo nationes, sed etiam servitia concitaturum; Parmam direptam; L. Antonium Alpes occupasse. Quae si vera sunt,

nemini nostrum cessandum est nec exspectandum, quid decernat senatus; res enim cogit huic tanto incendio succurrere omnes, qui aut imperium aut nomen denique populi Romani salvum volunt esse; Brutum enim cohortes XVII et duas non frequentes tironum legiones, quas conscripserat Antonius, habere audio; neque tamen dubito, quin omnes, qui supersint de Hirtii exercitu, confluant ad eum; nam in delectu non multum spei puto esse, praesertim cum nihil sit periculosius quam spatium confirmandi esse Antonio dari. Anni autem tempus libertatem maiorem mihi dat, propterea quia frumenta aut in agris aut in villis sunt. Itaque proximis litteris consilium meum expedietur; nam neque deesse neque superesse rei publicae volo; maxime tamen doleo adeo et longo et infesto itinere ad me veniri, ut die quadragesimo post aut ultra etiam, quam facta sunt, omnia nuntientur.

XXXIV. Scr. in castris ad Pontem Argenteum XI. Kal. Iun. a.u.c. 711.

M. LEPIDUS IMP. ITER. PONT. MAX. S. D. M. TULLIO CICERONI.

S. v. b. e. e. v. Cum audissem Antonium cum suis copiis praemisso L. Antonio cum parte equitatus in provinciam meam venire, cum exercitu meo ab confluente ab Rhodano castra movi ac contra eos venire institui. Itaque continuis itineribus ad Forum Voconii veni et ultra castra ad flumen Argenteum contra Antonianos feci. P. Ventidius suas legiones tres coniunxit cum eo et ultra me castra posuit; habebat antea legionem V et ex reliquis legionibus magnam multitudinem, sed inermorum. Equitatum habet magnum; nam omnis ex proelio integer discessit ita, ut sint amplius equitum milia quinque. Ad me complures milites et equites ab eo transierunt et in dies singulos eius copiae minuuntur: Silanus et Culleo ab eo discesserunt; nos, etsi graviter ab iis alesi eramus, quod contra nostram voluntatem ad Antonium ierant, tamen nostrae humanitatis et necessitudinis causa eorum salutis rationem habuimus, nec tamen eorum opera utimur neque in castris habemus neque ulli negotio praefecimus. Quod ad bellum hoc attinet, nec senatui nec rei publicae

deerimus. Quae postea egerimus, faciam te certiorem.

Etsi omni tempore summa studia officii mutuo inter nos certatim constiterunt pro nostra inter nos familiaritate et proinde diligenter ab utroque conservata sunt, tamen non dubito, in tanto et tam repentino motu rei publicae quin nonnulla de me falsis rumoribus a meis obtrectatoribus me indigna ad te delata sint, quae tuum animum magno opere moverent pro tuo amore in rem publicam. Ea te moderate accepisse neque temere credendum iudicasse a meis procuratoribus certior sum factus; quae mihi, ut debent, gratissima sunt, memini enim et illa superiora, quae abs tua voluntate profecta sunt ad meam dignitatem augendam et ornandam, quae perpetuo in animo meo fixa manebunt. Abs te, mi Cicero, magno opere peto, si meam vitam, studium diligentissime superioribus temporibus in re publica administranda, quae Lepido digna sint, perspecta habes, ut paria aut eo ampliora reliquo tempore exspectes et proinde tua auctoritate me tuendum existimes, quo tibi plura tuo merito debeo. Vale. D. XI. Kalendas Iunias, ex castris, ex Ponte Argenteo.

XXXV. Data est a Ponte Argenteo III. Kal. Iun. a.u.c. 711.

M. LEPIDUS IMP. ITER. PONTIFEX MAX. S. D. SENATUI POPULO PLEBIQUE ROMANAE.

S. v. liberique vestri v. b. e. e. q. v. Deos hominesque testor, patres conscripti, qua mente et quo animo semper in rem publicam fuerim et quam nihil antiquius communi salute ac libertate iudicarim; quod vobis brevi probassem, nisi mihi fortuna proprium consilium extorsisset; nam exercitus cunctus consuetudinem suam in civibus conservandis communique pace seditione facta retinuit meque tantae multitudinis civium Romanorum salutis atque incolumitatis causam suscipere, ut vere dicam, coegit. In qua re ego vos, patres conscripti, oro atque obsecro, ut privatis offensionibus omissis summae rei publicae consulatis neve misericordiam nostram exercitusque nostri in civili dissensione sceleris loco ponatis. Quod si salutis omnium ac dignitatis reationem habueritis, melius et vobis et rei publicae consuletis. D. III. Kal. Iun. a Ponte Argenteo.

LIBER VNDECIMVS

Ad M. Brutum et Ceteros

I. Scr. mense Aprili a.u.c. 710.

D. BRUTUS BRUTO SUO ET CASSIO SAL.

Quo in statu simus, cognoscite: heri vesperi apud me Hirtius fuit; qua mente esset Antonius, demonstravit, pessima scilicet et infidelissima; nam se neque mihi provinciam dare posse aiebat neque arbitrari tuto in urbe esse quemquam nostrum: adeo esse militum concitatos animos et plebis; quod utrumque esse falsum puto vos animadvertere atque illud esse verum, quod Hirtius demonstrabat, timere eum, ne, si mediocre auxilium dignitatis nostrae habuissemus, nullae partes his in re publica relinquerentur. Cum in his angustiis versarer, placitum est mihi, ut postularem legationem liberam mihi reliquisque nostris, ut aliqua causa proficiscendi honesta quaereretur. Hoc se impetraturum pollicitus est, nec tamen impetraturum confido: tanta est hominum insolentia et nostri insectatio; ac, si dederint, quod petimus, tamen paullo post futurum puto ut hostes iudicemur aut aqua et igni nobis interdicatur. “Quid ergo est,” inquis, “tui consili?” Dandus est locus fortunae: cedendum ex Italia, migrandum Rhodum aut aliquo terrarum arbitror. Si melior casus fuerit, revertemur Romam; si mediocris, in exsilio vivemus; si pessimus, ad novissima auxilia descendemus. Succurret fortasse hoc loco alicui vestrum, cur novissimum tempus exspectemus potius, quam nunc aliquid moliamur. Quia, ubi consistamus, non habemus praeter Sex. Pompeium et Bassum Caecilium, qui mihi videntur hoc nuntio de Caesare allato firmiores futuri; satis tempore ad eos accedemus, ubi, quid valeant, scierimus. Pro Cassio et te, si quid me velitis recipere, recipiam; postulat enim hoc Hirtius ut faciam. Rogo vos quam primum mihi rescribatis — nam non dubito, quin de his rebus ante horam quartam Hirtius certiorem me sit facturus — : quem in locum convenire possimus, quo me velitis venire, rescribite. Post novissimum Hirtii sermonem placitum est mihi postulare, ut liceret

nobis Romae esse publico praesidio: quod illos nobis concessuros non puto; magnam enim invidiam iis faciemus. Nihil tamen non postulandum putavi, quod aequum esse statuerem.

II. Scr. Lanuvii mense Maio a.u.c. 710.

BRUTUS ET CASSIUS PRAETORES M. ANTONIO COS.

De tua fide et benevolentia in nos nisi persuasum esset nobis, non conscripsissemus haec tibi; quae profecto, quoniam istum animum habes in optimam partem accipies. Scribitur nobis magnam veteranorum multitudinem Romam convenisse iam et ad Kalendas Iunias futuram multo maiorem: de te si dubitemus aut vereamur, simus nostri dissimiles; sed certe, cum ipsi in tua potestate fuerimus tuoque adducti consilio dimiserimus ex municipiis nostros necessarios, neque solum edicto, sed etiam litteris id fecermius, digni sumus, quos habeas tui consilii participes, in ea praesertim re, quae ad nos pertinet. Quare petimus a te, facias nos certiores tuae voluntatis ni nos: putesne nos tutos fore in tanta frequentia militum veteranorum, quos etiam de reponenda ara cogitare audimus, quod velle et probare vix quisquam posse videtur, qui nos salvos et honestos velit. Nos ab initio spectasse otium nec quidquam aliud libertate communi quaesisse exitus declarat. Fallere nemo nos potest nisi tu, quod certe abest ab tua virtute et fide; sed alius nemo facultatem habet decipiendi nos, tibi enim uni credidimus et crediturі sumus. Maximo timore de nobis afficiuntur amici nostri, quibus etsi tua fides explorata est, tamen illud in mentem venit, multitudinem veteranorum facilius impelli ab aliis quolibet quam a te retineri posse. Rescribas nobis ad omnia rogamus; nam illud valde leve est ac nugatorium, ea re denuntiatum esse veteranis, quod de commodis eorum mense Iunio laturus esses; quem enim impedimento futurum putas, cum de nobis certum sit nos quieturos? Non debemus cuiquam videri nimium cupidi vitae, cum accidere nobis nihil possit sine pernicie et confusione omnium rerum.

III. Scr. prid. Non. Sext. a.u.c. 710.

BRUTUS ET CASSIUS PR. S. D. ANTONIO COS.

S. v. b. e. Litteras tuas legimus simillimas edicti tui, contumeliosas, minaces, minime dignas, quae a te nobis mitterentur. Nos, Antoni, te nulla lacessiimus iniuria neque miraturum credidimus, si praetores et ea dignitate homines aliquid edicto postulassemus a consule; quod si indignaris ausos esse id facere, concede nobis, ut doleamus ne hoc quidem abs te Bruto et Cassio tribui. Nam de delectibus habitis et pecuniis imperatis, exercitibus sollicitatis et nuntiis trans mare missis quod te questum esse negas, nos quidem tibi credimus optimo animo te fecisse, sed tamen neque agnoscimus quidquam eorum et te miramur, cum haec reticueris, non potuisse continere iracundiam tuam, quin nobis de morte Caesaris obiiceres. Illud vero quemadmodum ferundum sit, tute cogita, non licere praetoribus concordiae ac libertatis causa per edictum de suo iure decedere, quin consul arma minetur: quorum fiducia nihil est quod nos terreas; neque enim decet aut convenit nobis periculo ulli submittere animum nostrum neque est Antonio postulandum, ut iis imperet, quorum opera liber est. Nos si alia hortarentur, ut bellum civile suscitare vellemus, litterae tuae nihil proficerent; nulla enim minantis auctoritas apud liberos est; sed pulchre intelligis non posse nos quoquam impelli, et fortasse ea re minaciter agis, ut iudicium nostrum metus videatur. Nos in hac sententia sumus, ut te cupiamus in libera re publica magnum atque honestum esse, vocemus te ad nullas inimicitias, sed tamen pluris nostram libertatem quam tuam amicitiam aestimemus. Tu etiam atque etiam vide, quid suscipias, quid sustinere possis, neque quamdiu vixerit Caesar, sed, quam non diu regnarit, fac cogites. Deos quaesumus, consilia tua rei publicae salutaria sint ac tibi: si minus, ut salva atque honesta re publica tibi quam minimum noceant, optamus. Pridie Nonas Sext.

IV. Scr. in Gallia citeriore exeunte mense Novembri a.u.c. 710.

D. BRUTUS IMP. COS. DESIG. S. D. M. CICERONI.

Si de tua in me voluntate dubitarem, multis a te verbis peterm, ut dignitatem meam tuerere, sed profecto est ita, ut mihi persuasi, me

tibi esse curae. Progressus sum ad Inalpinos cum exercitu, non tam nomen imperatorium captans quam cupiens militibus satisfacere firmosque eos ad tuendas nostras res efficere: quod mihi videor consecutus; nam et liberalitatem nostram et animum sunt experti. Cum omnium bellicosissimis bellum gessi; multa castella cepi, multa vastavi: non sine causa ad senatum litteras misi. Adiuva nos tua sententia; quod cum facies, ex magna parte communi commodo inservieris.

V. Scr. Romae medio mense Decembri a.u.c. 710.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Lupus familiaris noster cum a te venisset cumque Romae quosdam dies commoraretur, ego eram in iis locis, in quibus maxime tuto me esse arbitrabar: eo factum est, ut ad te Lupus sine meis litteris rediret, cum tamen curasset tuas ad me perferendas. Romam autem veni a. d. V. Idus. Dec., nec habui quidquam antiquius, quam ut Pansam statim convenirem, ex quo ea de te cognovi, quae maxime optaram. Quare hortatione tu quidem non eges, si ne in illa quidem re, quae a te gesta est post hominum memoriam maxima, hortatorem desiderasti; illud tamen breviter significandum videtur, populum Romanum omnia a te exspectare atque in te aliquando recuperandae libertatis omnem spem ponere. Tu, si dies noctesque memineris, quod te facere certo scio, quantam rem gesseris, non obliviscere profecto, quantae tibi etiam nunc gerendae sint; si enim iste provinciam nactus erit, cui quidem ego semper amicus fui, antequam illum intellexi non modo aperte, sed etiam libenter cum re publica bellum gerere, spem reliquam nullam video salutis. Quamobrem te obsecro iisdem precibus, quibus senatus populusque Romanus, ut in perpetuum rem publicam dominatu regio liberes, ut principiis consentiant exitus. Tuum est hoc munus, tuae partes; a te hoc civitas vel omnes potius gentes non exspectant solum, sed etiam postulant: quamquam, cum hortatione non egeas, ut supra scripsi, non utar ea pluribus verbis, faciam illud, quod meum est, ut tibi omnia mea officia, studia, curas, cogitationes pollicear, quae ad tuam laudem et gloriam pertinebunt. Quamobrem velim tibi ita persuadeas, me cum rei publicae causa, quae mihi vita

mea est carior, tum quod tibi ipsi faveam tuamque dignitatem amplificari velim, [me] tuis optimis consiliis, amplitudini, gloriae nullo loco defuturum.

VI. Scr. Romae exeunte mense Decembri a.u.c. 710.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Lupus noster cum Romam sexto die Mutina venisset, postridie me mane convenit: tua mihi mandata diligentissime exposuit et litteras reddidit. Quod mihi tuam dignitatem commendas, eodem tempore existimo te mihi meam [dignitatem] commendare, quam mehercule non habeo tua cariorem: quare mihi gratissimum facies, si exploratum habebis tuis laudibus nullo loco nec consilium nec studium meum defuturum. Cum tribuni pl. edixissent, senatus adesset a. d. XIII. Kal. Ian., haberentque in animo de praesidio consulum designatorum referre, quamquam statueram in senatum ante Kal. Ian. non venire, tamen, cum eo die ipso edictum tuum propositum esset, nefas esse dixi aut ita haberi senatum, ut de tuis divinis in rem publicam meritis sileretur — quod factum esset, nisi ego venissem — , aut etiam, si quid de te honorifice diceretur, me non adesse. Itaque in senatum veni mane; quod cum esset animadversum, frequentissimi senatores convenerunt. Quae de te in senatu egerim, quae in concione maxima dixerim, aliorum te litteris malo cognoscere: illud tibi persuadeas velim, me omnia, quae ad tuam dignitatem augendam pertinebunt, quae est per se amplissima, summo semper studio suscepturum et defensurum; quod quamquam intelligo me cum multis esse facturum, tamen appetam huius rei principatum.

VII. Scr. Romae exeunte mense Decembri a.u.c. 710.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Cum adhibuisset domi meae Lupus me et Libonem et Servium, consobrinum tuum, quae mea fuerit sententia, cognosse te ex M. Seio arbitror, qui nostro sermoni interfuit: reliqua, quamquam statim Seium Graeceius est subsecutus, tamen ex Graeceio poteris

cognoscere. Caput autem est hoc, quod te diligentissime percipere et meminisse volam, ut ne in libertate et salute populi Romani conservanda auctoritatem senatus exspectes nondum liberi, ne et tuum factum condomnes — nullo enim publico consilio rem publicam liberavisti, quo etiam est res illa maior et clarior — , et adolescentem vel puerum potius Caesarem iudices temere fecisse, qui tantam causam publicam privato consilio susceperit, denique homines rusticos, sed fortissimos viros civesque optimos, dementes fuisse iudices, primum milites veteranos, commilitones tuos, deinde legionem Martiam, legionem quartam, quae suum consulem hostem iudicaverunt seque ad salutem rei publicae defendendam contulerunt. Voluntas senatus pro auctoritate haberi debet, cum auctoritas impeditur metu. Postremo suscepta tibi causa iam bis est, ut non sit integrum: primum Idibus Martiis, deinde proxime, exercitu novo et copiis comparatis. Quamobrem ad omnia ita paratus, ita animatus debes esse, non ut nihil facias nisi iussus, sed ut ea geras, quae ab omnibus summa cum admiratione laudentur.

VIII. Scr. Romae ineunte mense Ianuario a.u.c. 711.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Eo tempore Polla tua misit, ut ad te si quid vellem darem litterarum, cum, quid scriberem, non habebam; omnia enim erant suspensa propter exspectationem legatorum, qui quid egissent, nihildum nuntiabatur. Haec tamen scribenda existimavi: primum senatum populumque Romanum de te laborare non solum salutis suae causa, sed etiam dignitatis tuae; admirabilis enim est quaedam tui nominis caritas amorque in te singularis omnium civium; ita enim sperant atque confidunt, ut antea rege, sic hoc tempore regno te rem publicam liberaturum. Romae delectus habetur totaque Italia, si hic delectus appellandus est, cum ultro se offerunt omnes: tantus ardor animos hominum occupavit desiderio libertatis odioque diutinae servitutis. De reliquis rebus a te iam exspectare litteras debemus, quid ipse agas, quid noster Hirtius, quid Caesar meus, quos spero brevi tempore societate victoriae tecum copulatos fore. Reliquum est, ut de me id scribam, quod te ex tuorum litteris et spero et malo

cognoscere, me neque deesse ulla in re neque umquam defuturum dignitati tuae.

IX. Scr. in castris Regii III Kal. Maias a.u.c. 711.

D. BRUTUS S. D. M. CICERONI.

Pansa amisso quantum detrimenti res publica acceperit, non te praeterit: nunc auctoritate et prudentia tua prospicias oportet, ne inimici nostri consulibus sublatis sperent se convalescere posse. Ego, ne consistere possit in Italia Antonius, dabo operam: sequar eum confestim; utrumque me praestaturum spero, ne aut Ventidius elabatur aut Antonius in Italia moretur. In primis rogo te, ad hominem ventosissimum, Lepidum, mittas, ne bellum nobis redintegrare possit Antonio sibi coniunctio; nam de Pollione Asinio puto te perspicere, quid tacturus sit. Multae et bonae et firmae sunt legiones Lepidi et Asinii. Neque haec idcirco tibi scribo, quod te non eadem animadvertere sciam, sed quod mihi persuasissimum est Lepidum recte facturum numquam, si forte vobis id de hoc dubium est. Plancum quoque confirmetis oro, quem spero pulso Antonio rei publicae non defuturum. Si se Alpes Antonius traiecerit, constitui praesidium in Alpibus collocare et te de omni re facere certiorem. III. Kal. Maias, ex castris, Regio.

X. Scr. in castris Dertonae III. Non. Maias a.u.c. 711.

D. BRUTUS S. D. M. CICERONI.

Non mihi rem publicam plus debere arbitror, quam me tibi. Gratiorem me esse in te posse, quam isti perversi sint in me, exploratum habes; si tamen hoc temporis videatur dici causa, malle me tuum iudicium quam ex altera parte omnium istorum; tu enim a certo sensu et vero iudicas de nobis; quod isti ne faciant, summa malevolentia et livore impediuntur. Interpellent me, quo minus honoratus sim, dum ne interpellent, quo minus res publica a me commode administrari possit; quae quanto sit in periculo, quam potero brevissime exponam. Primum omnium, quantam perturbationem rerum urbanarum afferat obitus consulum

quantamque cupiditatem hominibus iniiciat vacuitas, non te fugit: satis me multa scripsisse, quae litteris commendari possint, arbitror; scio enim, cui scribam. Revertor nunc ad Antonium, qui ex fuga cum parvulam manum peditum haberet inermium, ergastula solvendo omneque genus hominum arripiendo satis magnum numerum videtur effecisse; huc accessit manus Ventidii, quae trans Appenninum itinere facto difficillimo ad Vada pervenit atque ibi se cum Antonio coniunxit. Est numerus veteranorum et armatorum satis frequens cum Ventidio. Consilia Antonii haec sint necesse est: aut ad Lepidum ut se conferat, si recipitur, aut Appennino Alpibusque se teneat et decursionibus per equites, quos habet multos, vastet ea loca, in quae incurrerit, aut rursus se in Etruriam referat, quod ea pars Italiae sine exercitu est. Quod si me Caesar audisset atque Appenninum transisset, in tantas angustias Antonium compulissem, ut inopia potius quam ferro conficeretur; sed neque Caesari imperari potest nec Caesar exercitui suo, quod utrumque pessimum est. Cum haec talia sint, quo minus, quod ad me pertinebit, homines interpellent, ut supra scripsi, non impedio; haec quemadmodum explicari possint aut, a te cum explicabuntur, ne impediantur, timeo. Alere iam milites non possum. Cum ad rem publicam liberandam accessi, HS. mihi fuit pecuniae … CCCC … amplius. Tantum abest, ut meae rei familiaris liberum sit quidquam, ut omnes iam meos amicos aere alieno obstrinxerim. Septem numerum nunc legionum alo; qua difficultate, tu arbitrare: non, si Varronis thesauros haberem, subsistere sumptui possem. Cum primum de Antonio exploratum habuero, faciam te certiorem. Tu me amabis ita, si hoc idem me in te facere senseris. III. Non. Mai. ex castris, Dertona.

XI. Data est ex castris, ex finibus Statiellensium, prid. Nonas Maias a.u.c. 711.

D. BRUTUS IMP. COS. DESIG. S. D. M. CICERONI.

Eodem exemplo a te mihi litterae redditae sunt, quo pueri mei attulerunt. Tantum me tibi debere existimo, quantum persolvere difficile est. Scripsi tibi, quae hic gererentur. In itinere est Antonius, ad Lepidum proficiscitur; ne de Planco quidem spem adhuc abiecit,

ut ex libellis eius animadverti, qui in me inciderunt, in quibus, quos ad Asinium, quos ad Lepidum, quos ad Plancum mitteret, scribebat. Ego tamen non habui ambiguum et statim ad Plancum misi; et biduo ab Allobrogibus et totius Galliae legatos exspecto, quos confirmatos domum remittam. Tu, quae istic opus erunt administrari, prospicies, ut ex tua voluntate reique publicae commodo fiant. Malevolentiae hominum in me, si poteris, occurres; si non potueris, hoc consolabere, quod me de statu meo nullis contumeliis deterrere possunt. Pr. Non. Mai. ex castris, ex finibus Statiellensium.

XII. Scr. Romae paullo ante XIV. Kal. Iun. a.u.c. 711.

M. CICERO S. D. D. BRUTO IMP. COS. DES.

Tres uno die a te accepi epistulas: unam brevem, quam Flacco Volumnio dederas; duas pleniores, quarum alteram tabellarius T. Vibii attulit, alteram ad me misit Lupus. Ex tuis litteris et ex Graeceii oratione non modo non restinctum bellum, sed etiam inflammatum videtur. Non dubito autem pro tua singulari prudentia, quin perspicias, si aliquid firmitatis nactus sit Antonius, omnia tua illa praeclara in rem publica merita ad nihilum esse ventura; ita enim Romam erat nuntiatum, ita persuasum omnibus, cum paucis inermis, perterritis metu, fracto animo fugisse Antonium. Qui si ita se habet, ut, quemadmodum audiebam de Graeceio, confligi cum eo sine periculo non possit, non ille mihi fugisse a Mutina videtur, sed locum belli gerendi mutasse. Itaque homines alii facti sunt: nonnulli etiam queruntur, quod persecuti non sitis; opprimi potuisse, si celeritas adhibita esset, existimant. Omnino est hoc populi maximeque nostri, in eo potissimum abuti libertate, per quem eam consecutus sit; sed tamen providendum est, ne quae iusta querela esse possit. Res se sic habet: is bellum confecerit, qui Antonium oppresserit; hoc quam vim habeat, te existimare malo, quam me apertius scribere.

XIIIa. Scr. Idibus Iuniis aut paullo post Idus a. 711.

D. BRUTUS IMP. COS. DESIG. S. D. M. CICERONI..

Iam non ago tibi gratias; cui enim re vix referre possum, huic

verbis non patitur res satisfieri: attendere te volo, quae in manibus sunt; qua enim prudentia es, nihil te fugiet, si meas litteras diligenter legeris. Sequi confestim Antonium his de causis, Cicero, non potui: eram sine equitibus, sine iumentis; Hirtium perisse nesciebam; Caesari non credebam, priusquam convenissem et collocutus essem. Hic dies hoc modo abiit. Postero die mane a Pansa sum arcessitus Bononiam: cum in itinere essem, nuntiatum mihi est eum mortuum esse. Recurri ad meas copiolas; sic enim vere eas appellare possum: sunt extenuatissimae et inopia omnium rerum pessime acceptae. Biduo me Antonius antecessit, itinera multo maiora fugiens, quam ego sequens; ille enim iit passim, ego ordinatim. Quacumque iit, ergastula solvit, homines arripuit, constitit nusquam, priusquam ad Vada venit; quem locum volo tibi esse notum: iacet inter Appenninum et Alpes, impeditissimus ad iter faciendum. Cum abessem ab eo milia passuum XXX. et se iam Ventidius coniunxisset, concio eius ad me est allata, in qua petere coepit a militibus, ut se trans Alpes sequerentur; sibi cum M. Lepido convenire. Succlamatum est ei frequenter a militibus Ventidianis — nam suos valde quam paucos habet — , sibi aut in Italia pereundum esse aut vincendum, et orare coeperunt, ut Pollentiam iter facerent. Cum sustinere eos non posset, in posterum diem iter suum contulit. Hac re mihi nuntiata statim quinque cohortes Pollentiam praemisi meumque iter eo contuli: hora ante praesidium meum Pollentiam venit quam Trebellius cum equitibus. Sane quam sum gavisus; in hoc enim victoriam puto consistere * * * *.

In spem venerant, quod neque Planci quattuor legiones omnibus suis copiis pares arbitrabantur neque ex Italia tam celeriter exercitum traiici posse credebant. Quos ipsi adhuc satis arrogatner Allobroges equitatusque omnis, qui eo praemissus erat a nobis, sustinebant, nostroque adventu sustineri facilius posse confidimus. Tamen, si quo etiam casu Isaram se traiecerint, ne quod detrimentum rei publicae iniungant, summa a nobis dabitur opera. Vos magnum animum optimamque spem de summa re publica habere volumus, cum et nos et exercitus nostros singulari concordia coniunctos ad omnia pro vobis videatis paratos; sed tamen nihil de diligentia remittere debetis dareque operam, ut quam paratissimi [et] ab exercitu reliquisque rebus pro vestra salute contra sceleratissimam conspirationem

hostium confligamus; qui quidem eas copias, quas diu simulatione rei publicae comparabant, subito ad patriae periculum converterunt.

XIIIb. Scr. a.u.c. 711.

D. BRUTUS COS. DESIG. M. CICERONI S. D.

Parmenses miserrimos * *.

XIV. Scr. Romae circa X. Kal. Iun. a.u.c. 711.

M. CICERO D. BRUTO COS. DESIG. S. D.

Mirabiliter, mi Brute, laetor, mea consilia measque sententias a te probari de decemviris, de ornando adolescente; sed quid refert? mihi crede, homini non glorioso: plane iam, Brute, frigeo; –rganon enim erat meum senatus; id iam est dissolutum. Tantam spem attulerat exploratae victoriae tua praeclara Mutina eruptio, fuga Antonii conciso exercitu, ut omnium animi relaxati sint meaeque illae vehementes contentiones tamquam sxiamax¤ai esse videantur. Sed, ut ad rem redeam, legionem Martiam et quartam negant, qui illas norunt, ulla condicione ad te posse perduci; pecuniae, quam desideras, ratio potest haberi eaque habebitur. De Bruto arcessendo Caesareque ad Italiae praesidium tenendo valde tibi assentior; sed, ut scribis, habes obtrectatores, quos equidem facillime sustineo, sed impediunt tamen. Ex Africa legiones exspectantur; sed bellum istuc renatum mirantur homines: nihil tam praeter spem umquam; nam die tuo natali victoria nuntiata in multa saecula videbamus rem publicam liberatam, nunc novi timores retexunt superiora. Scripsisti autem ad me iis, quas Idibus Maiis dedisti, modo te accepisse a Planco litteras non recipi Antonium a Lepido. Id si ita est, omnia faciliora; sin aliter, magnum negotium, cuius exitum ne extimescam, tuae partes sunt: ego plus, quam feci, facere non possum; te tamen, id quod spero, omnium maximum et clarissimum videre cupio.

XV. Scr. Romae mense Iunio (post Id.) a.u.c. 711.

M. CICERO D. BRUTO COS. DESIG. S. D.

Etsi mihi tuae litterae iucundissimae sunt, tamen iucundius fuit, quod in summa occupatione tua Planco collegae mandasti, ut te mihi per litteras excusaret; quod fecit ille diligenter. Mihi autem nihil amabilius officio tuo et diligentia. Coniunctio tua cum collega concordiaque vestra, quae litteris communibus declarata est, senatui populoque Romano gratissima accidit. Quod superest, perge, mi Brute, et iam non cum aliis, sed tecum ipse certa. Plura scribere non debeo, praesertim ad te, quo magistro brevitatis uti cogito. Litteras tuas vehementer exspecto et quidem tales, quales maxime opto.

XVI. Scr. mense incerto (exeunte Aprili?) a.u.c. 711.

M. CICERO D. BRUTO COS. DESIG. S. D.

Permagni interest, quo tibi haec tempore epistula reddita sit, utrum cum sollicitudinis aliquid haberes, an cum ab omni molestia vacuus esses: itaque ei praecepi, quem ad te misi, ut tempus observaret epistulae tibi reddendae: nam, quemadmodum coram, qui ad nos intempestive adeunt, molesti saepe sunt, sic epistulae offendunt non loco redditae; si autem, ut spero, nihil te perturbat, nihil impedit, et ille, cui mandavi satis scite et commode tempus ad te cepit adeundi, confido me, quod velim, facile a te impetraturum. L. Lamia praeturam petit. Hoc ego utor uno omnium plurimum: magna vetustas, magna consuetudo intercedit, quodque plurimum valet, nihil mihi eius est familiaritate iucundius. Magno praeterea beneficio eius magnoque merito sum obligatus; nam Clodianis temporibus, cum equestris ordinis princeps esset proque mea salute acerrime propugnaret, a Gabinio consule relegatus est, quod ante id tempus civi Romano Romae contigit nemini. Hoc cum populus Romanus meminit, me ipsum non meminisse turpissimum est. Quapropter persuade tibi, mi Brute, me petere praeturam; quamquam enim Lamia summo splendore, summa gratia est magnificentissimo munere aedilicio, tamen, quasi ea ita non essent, ego suscepi totum negotium. Nunc si me tanti facis, quanti certi facis, quoniam equitum centurias tenes, in quibus regnas, mitte ad Lupum nostrum, ut is nobis eas enturias conficiat. Non tenebo te pluribus; ponam in extremo, quod sentio: nihil est, Brute, cum omnia a te exspectem,

quod mihi gratius facere possis.

XVII. Scr. eodem tempopre, quo ep. XVI, a.u.c. 711.

M. CICERO D. BRUTO S. D.

Lamia uno omnium familiarissime utor; magna eius in me, non dico officia, sed merita, eaque sunt populo Romano notissima: is magnificentissimo munere aedilitatis perfunctus petit praeturam, omnesque intelligunt nec dignitatem ei deesse nec gratiam; sed is ambitus excitari videtur, ut ego omnia pertimescam totamque petitionem Lamiae mihi sustinendam putem. In ea re quantum me possis adiuvare, facile perspicio, nec vero, quantum mea causa velis, dubito. Velim igitur, mi Brute, tibi persuadeas nihil me maiore studio a te petere, nihil te mihi gratius facere posse, quam si omnibus tuis opibus, omni studio Lamiam in petitione iuveris; quod ut facias, vehementer te rogo.

XVIII. Scr. Romae XIIII. Kal. Iun. a.u.c. 711.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Etsi ex mandatis, quae Galbae Volumnioque ad senatum dedisti, quid timendum putares, suspicabamur, tamen timidiora mandata videbantur, quam erat dignum tua populique Romani victoria. Senatus autem, mi Brute, fortis est et habet fortes duces: itaque moleste ferebat se a te, quem omnium quicumque fuissent, fortissimum iudicaret, timidum atque ignavum iudicari. Etenim, cum te incluso spem maximam omnes habuissent in tua virtute florente Antonio, quis erat, qui quidquam timeret profligato illo, te liberato? Nec vero Lepidum timebamus; quis enim esset, qui illum tam furiosum arbitraretur, ut, qui in maximo bello pacem velle se dixisset, is in optatissima pace bellum rei publicae indiceret? Nec dubito, quin tu plus provideas; sed tamen tam recenti gratulatione, quam tuo nomine ad omnia deorum templa fecimus, renovatio timoris magnam molestiam afferebat. Quare velim equidem, id quod spero, ut plane abiectus et fractus sit Antonius; sin aliquid virium forte collegerit, sentiet nec senatui consilium nec populo Romano

virtutem deesse nec rei publicae te vivo imperatorem. XIIII. Kal. Iun.

XIX. Scr. Vercellis XII. Kal. Iun. a.u.c. 711.

D. BRUTUS IMP. COS. DESIG. S. D. M. CICERONI.

Ad senatum quas litteras misi, velim prius perlegas et, si qua tibi videbuntur, commutes. Necessario me scripsisse ipse animadvertes; nam, cum putarem quartam et Martiam legiones mecum futuras, ut Druso Paulloque placuerat vobis assentientibus, minus de reliquis rebus laborandum existimavi, nunc vero, cum sim cum tironibus egentissimis, valde et meam et vestram vicem timeam necesse est. Vicetini me et M. Brutum praecipue observant: his ne quam patiare iniuriam fieri in senatu vernarum causa, a te peto. Causam habent optimam, officium in rem publicam summum, genus hominum adversariorum seditiosum et incertissimum. XII. Kal. Iun. Vercellis.

XX. Scr. Eporediae VIIII. Kal. Iun. a.u.c. 711.

D. BRUTUS S. D. M. CICERONI.

Quod pro me non facio, id pro te facere amor meus in te tuaque officia cogunt, ut timeam; saepe enim mihi cum esset dictum neque a me contemptum, novissime Labeo Segulius, homo sui simillimus, narrat mihi apud Caesarem se fuisse multumque sermonem de te habitum esse; ipsum Caesarem nihil sane de te questum, nisi dictum quod diceret te dixisse, laudandum adolescentem, ornandum, tollendum; se non esse commissurum, ut tolli posset. Hoc ego Labeonem credo illi rettulisse aut finxisse dictum, non ab adolescente prolatum; veteranos vero pessime loqui volebat Labeo me credere et tibi ab iis instare periculum, maximeque indignari, quod in decemviris neque Caesar neque ego habiti essemus atque omnia ad vestrum arbitrium esset collata. Haec cum audissem et iam in itinere essem, committendum non putavi, prius ut Alpes transgrederer, quam, quid istic ageretur, scirem; nam de tuo periculo, crede mihi iactatione verborum et denuntiatione periculi sperare eos te pertimefacto, adolescente impulso posse magna consequi praemia, et totam istam cantilenam ex hoc pendere, ut quam plurimum lucri

faciant. Neque tamen non te cautum esse volo et insidias vitantem; nihil enim tua mihi vita potest esse iucundius neque carius: illud vide, ne timendo magis timere cogare et, quibus rebus potest occurri veteranis, occurras: primum, quod desiderant de decemviris, facias; deinde de praemiis, si tibi videtur, agros eorum militum, qui cum Antonio veterani fuerunt, iis dandos censeas ab utriusque nobis; de lente ac ratione habita pecuniae senatum de ea re constituturum. Quattuor legionibus iis, quibus agros dandos censuistis, video facultatem fore ex agris Sullanis et agro Campano; aequaliter aut sorte agros legionibus assignari puto oportere. Haec me tibi scribere non prudentia mea hortatur, sed amor in te et cupiditas otii, quod sine te consistere non potest. Ego, nisi valde necesse fuerit, ex Italia non excedam; legiones armo, paro; spero me non pessimum exercitum habiturum ad omnes casus et impetus hominum. De exercitu, quem Pansa habuit, legionem mihi Caesar non remittit. Ad has litteras statim mihi rescribe turoumque aliquem mitte, si quid reconditum magis erit meque scire opus esse putaris. VIIII. Kal. Iun. Eporedia.

XXI. Scr. Romae prid. Nonas Iunias a.u.c. 711.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Di isti Segulio male faciant, homini nequissimo omnium, qui sunt, qui fuerunt, qui futuri sunt! quid? tu illum tecum solum aut cum Caesare? qui neminem praetermiserit, quicum loqui poterit, cui non eadem ista dixerit. Te tamen, mi Brute, sic amo, ut debeo, quod istud quidquid esset nugarum me scire voluisti; signum enim magnum amoris dedisti. Nam, quod idem Segulius, veteranos queri, quod tu et Caesar in decemviris non essetis, utinam ne ego quidem essem! quid enim molestius? Sed tamen, cum ego sensissem de iis, qui exercitus haberent, sententiam ferri oportere, iidem illi, qui solent, reclamarunt: itaque excepti etiam estis me vehementer repugnante. Quocirca Segulium negligamus, qui res novas quaerit, non quo veterem comederit — nullam enim habuit — , sed hanc ipsam recentem novam devoravit. Quod autem scribis te, quod pro te ipso non facias, id pro me facere, ut de me timeas aliquid, omni te, vir optime mihique carissime Brute, de me metu libero; ego enim, quae

provideri poterunt, non fallar in iis, quae cautionem non habebunt, de iis non ita valde laboro; sin enim impudens, si plus postulem, quam homini a rerum natura tribui potest. Quod mihi praecipis, ut caveam, ne timendo magis timere cogar, et sapienter et amicissime praecipis; sed velim tibi persuadeas, cum te constet excellere hoc genere virtutis, ut numquam extimescas, numquam perturbere, me huic tuae virtuti proxime accedere; quamobrem nec metuam quidquam et cavebo omnia. Sed vide, ne tua iam, mi Brute, culpa futura sit, si ego quidquam timeam; tuis enim opibus et consulatu tuo, etiamsi timidi essemus, tamen omnem timorem abiiceremus, praesertim cum persuasum omnibus esset mihique maxime a te nos unice diligi. Consiliis tuis, quae scribis de quattuor legionibus deque agris assignandis ab utroque vestrum, vehementer assentior: itaque, cum quidam de collegis nostris agrariam curationem ligurrirent, disturbavi rem totamque vobis integram reservavi. Si quid erit occultius et, ut scribis, magis reconditum, meorum aliquem mittam, quo fidelius ad te litterae perferantur. Pr. Non. Iun.

XXII. Scr. Romae mense Quinctili (paullo ante pr. Non.) a.u.c. 711.

M. CICERO S. D. D. BRUTO.

Cum Appio Claudio C. f. summa mihi necessitudo est multis eius officiis et meis mutuis constituta. Peto a te maiorem in modum vel humanitatis tuae vel mea causa, ut eum auctoritate tua, quae plurimum valet, conservatum velis. Volo te, cum fortissimus vir cognitus sis, etiam clementissimum existimari. Magno tibi erit ornamento nobilissimum adolescentem beneficio tuo esse salvum: cuius quidem causa hoc melior debet esse, quod pietate adductus propter patris restitutionem se cum Antonio coniunxit; quare, etsi minus veram causam habebis, tamen vel probabilem aliquam poteris inducere. Nutus tuus potest hominem summo loco natum, summo ingenio, summa virtute, officiosissimum praeterea et gratissimum, incolumem in civitate retinere: quod ut facias, ita a te peto, ut maiore studio magisve ex animo petere non possim.

XXIII. Scr. Eporediae VIII. Kal. Iunias. a.u.c. 711.

D. BRUTUS S. D. M. CICERONI.

Nos hic valemus recte et, quo melius valeamus, operam dabimus. Lepidus commode nobis sentire videtur: omni timore deposito debemus libere rei publicae consulere. Quod si omnia essent aliena, tamen tribus tantis exercitibus, propriis rei publicae, valentibus magnum animum habere debebas, quem et semper habuisti et nunc fortuna adiuvante augere potes. Quae tibi superioribus litteris mea manu scripsi, terrendi tui causa homines loquumtur: si frenum momorderis, peream, si te omnes, quotquot sunt, conantem loqui ferre poterunt. Ego, tibi ut antea scripsi, dum mihi a te litterae veniant, in Italia morabor. VIII. Kal. Iunias Eporedia.

XXIV. Scr. Romae VIII. Idus Iunias a.u.c. 711.

M. CICERO S. D. D. BRUTO IMP. COS. DESIG.

Narro tibi: antea subirascebar brevitati tuarum litterarum, nunc mihi loquax esse videor; te igitur imitabor. Quam multa quam paucis! te recte valere operamque dare, ut quotidie melius; Lepidum commode sentire; tribus exercitibus quidvis nos oportere confidere. Si timidus essem, tamen ista epistula mihi omnem metum abstersisses; sed, ut mones, frenum momordi, etenim, qui te incluso omnem spem habuerim in te, quid nunc putas? cupio iam vigiliam meam, Brute, tibi tradere, sed ita, ut ne desim constantiae meae. Quod scribis in Italia te moraturum, dum tibi litterae meae veniant, si per hostem licet, non erraris — multa enim Romae — , sin adventu tuo bellum confici potest, nihil tibi sit antiquius. Pecunia expeditissima quae erat, tibi decreta est. Habes amantissimum tui Servium; nos non desumus. VIII. Idus Iunias.

XXV. Scr. Romae XIIII. Kal. Quinctiles a.u.c. 711.

M. CICERO S. D. D. BRUTO.

Exspectanti mihi tuas quotidie litteras Lupus noster subito

denuntiavit, ut ad te scriberem, si quid vellem. Ego autem, etsi, quid scriberem, non habebam — acta enim ad te mitti sciebam, inanem autem sermonem litterarum tibi iniucundum esse audiebam — , brevitatem secutus sum te magistro. Scito igitur in te et in collega spem omnem esse. De Bruto autem nihil adhuc certi; quem ego, quemadmodum praecipis, privatis litteris ad bellum commune vocare non desino: qui utinam iam adesset! intestinum urbis malum, quod est non mediocre, minus timeremus. Sed quid ago? non imitor laxvnismÚn tuum: altera iam pagella procedit. Vince et vale. XIIII. K. Quinctil.

XXVI. Scr. in castris III. Nonas Iunias a.u.c. 711.

D. BRUTUS S. D. M. CICERONI..

In maximo meo dolere hoc solatio utor, quod intelligunt homines non sine causa me timuisse ista, quae acciderunt. Deliberent, utrum traiiciant legiones ex Africa necne et ex Sardinia, et Brutum arcessant necne, et mihi stipendium dent an non decernant: ad senatum litteras misi. Crede mihi, nisi ista omnia ita fiunt, quemadmodum scribo, magnum nos omnes adituros periculum. Rogo te, videte, quibus hominibus negotium detis, qui ad me legiones adducant: et fide opus est et celeritate. III. Non. Iun. ex castris.

XXVII. Scr. in Tusculano V. Kal. Iun. a.u.c. 710.

CICERO MATIO SAL.

Nondum satis constitui, molestiaene plus an voluptatis attulerit mihi Trebatius noster, homo cum plenus officii, tum utriusque nostrum amantissimus: nam, cum in Tusculanum vesperi venissem, postridie ille ad me, nondum satis firmo corpore cum esset, mane venit; quem cum obiurgarem, quod parum valetudini parceret, tum ille, nihil sibi longius fuisse, quam ut me videret. “Numquidnam,” inquam, “novi?” Detulit ad me querelam tuam, de qua priusquam respondeo, pauca proponam. Quantum memoria repetere praeterita possum, nemo est mihi te amicus antiquior; sed vetustas habet aliquid commune cum

multis, amor non habet: dilexi te, quo die cognovi, meque a te diligi iudicavi; tuus deinde discessus isque diuturnus, ambitio nostra et vitae dissimilitudo non est passa voluntates nostras consuetudine conglutinari; tuum tamen erga me animum agnovi multis annis ante bellum civile, cum Caesar esset in Gallia; quod enim vehementer mihi utile esse putabas nec inutile ipsi Caesari, perfecisti, ut ille me diligeret, coleret, haberet in suis. Multa praetereo, quae temporibus illis inter nos familiarissime dicta, scripta, communicata sunt; graviora enim consecuta sunt. Et initio belli civilis, cum Brundisium versus ires ad Caesarem, venisti ad me in Formianum: primum hoc ipsum quanti, praesertim temporibus illis! deinde oblitum me putas consilii, sermonis, humanitatis tuae? quibus rebus interesse memini Trebatium. Nec vero sum oblitus litterarum tuarum, quas ad me misisti, cum Caesari obviam venisses in agro, ut arbitror, Trebulano. Secutum illud tempus est, cum me ad Pompeium proficisci sive pudor meus coegit sive officium sive fortuna: quod officium tuum, quod studium vel in absentem me vel in praesentes meos defuit? quem porro omnes mei et mihi et sibi te amiciorem iudicaverunt? Veni Brundisium: oblitumne me putas, qua celeritate, ut primum audieris, ad me Tarento advolaris? quae tua fuerit assessio, oratio, confirmatio animi mei fracti communium miseriarum metu? Tandem aliquando Romae esse coepimus: quid defuit nostrae familiaritati? in maximis rebus quonam modo gererem me adversus Caesarem, usus tuo consilio sum, in reliquis officio: cui tu tribuisti excepto Caesare praeter me, ut domum ventitares horasque multas saepe suavissimo sermone consumeres? tum, cum etiam, si meministi, ut haec philosophoumena scriberem, tu me impulisti. Post Caesaris reditum quid tibi maiori curae fuit, quam ut essem ego illi quam familiarissimus? quod effeceras. Quorsum igitur haec oratio longior, quam putaram? Quis sum admiratus te, qui haec nosse deberes, quidquam a me commissum, quod esset alienum nostra amicitia, credidisse; nam praeter haec, quae commemoravi, quae testata sunt et illustria, habeo multa occultiora, quae vix verbis exsequi possum. Omnia me tua delectant, sed maxime maxima cum fides in amicitia, consilium, gravitas, constantia, tum lepos, humanitas, litterae. Quapropter — redeo nunc ad querelam — ego te suffragium tulisse in illa lege primum non credidi; deinde, si credidissem, numquam id

sine aliqua iusta causa existimarem te fecisse. Dignitas tua facit, ut animadvertatur, quidquid facias; malevolentia autem hominum, ut nonnulla durius, quam a te facta sint, proferantur: ea tu si non audis, quid dicam, nescio; equidem, si quando audio, tam defendo, quam me scio a te contra iniquos meos solere defendi. Defensio autem est duplex: alia sunt, quae liquido negare soleam, ut de isto ipso suffragio; alia, quae defendam a te pie fieri et humane, ut de curatione ludorum. Sed te, hominem doctissimum, non fugit, si Caesar rex fuerit — quod mihi quidem videtur — , in utramque partem de tuo officio disputari posse, vel in eam, qua ego soleo uti, laudandam esse fidem et humanitatem tuam, qui amicum etiam mortuum diligas, vel in eam, qua nonnulli utuntur, libertatem patriae vitae amici anteponendam. Ex his sermonibus utinam essent delatae ad te disputationes meae! Illa vero duo, quae maxima sunt laudum tuarum, quis aut libentius quam ego commemorat aut saepius? te et non suscipiendi belli civilis gravissimum auctorem fuisse et moderandae victoriae, in quo qui mihi non assentiretur, inveni neminem. Quare habeo gratiam Trebatio, familari nostro, qui mihi dedit causam harum litterarum, quibus nisi credideris, me omnis officii et humanitatis expertem iudicaris; quo nec mihi gravius quidquam potest esse nec a te alienius.

XXVIII. Scr. Roame exeunte mense Maio a.u.c. 710.

MATIUS CICERONI SAL.

Magnam voluptatem ex tuis litteris cepi, quod, quam speraram atque optaram, habere te de me opinionem cognovi; de qua etsi non dubitabam, tamen, quia maximi aestimabam, ut incorrupta maneret, laborabam. Conscius autem mihi eram nihil a me commissum esse, quod boni cuiusquam offenderet animum: eo minus credebam plurimis atque optimis artibus ornato tibi temere quidquam persuaderi potuisse, praesertim in quem mea propensa et perpetua fuisset atque esset benevolentia; quod quoniam, ut volui, scio esse, respondebo criminibus, quibus tu pro me, ut par erat tua singulari bonitate et amicitia nostra, saepe restitisti. Nota enim mihi sunt, quae in me post Caesaris mortem contulerint: vitio mihi dant, quod

mortem hominis necessarii graviter fero atque eum, quem dilexi, perisse indignor; aiunt enim patriam amicitae praeponendam esse, proinde ac si iam vicerint obitum eius rei publicae fuisse utilem. Sed non agam astute: fateor me ad istum gradum sapiente no pervenisse; neque enim Caesarem in dissensione civili sum secutus, sed amicum, quamquam re offendebar, tamen non deserui, neque bellum umquam civile aut etiam causam dissensionis probavi, quam etiam nascentem exstingui summe studui. Itaque in victoria hominis necessarii neque honoris neque pecuniae dulcedine sum captus, quibus praemiis reliqui, minus apud eum quam ego cum possent, immoderate sunt abusi. Atque etiam res familiaris mea lege Caesaris deminuta est, cuius beneficio plerique, qui Caesaris morte laetantur, remanserunt in civitate. Civibus victis ut parceretur, aeque ac pro mea salute laboravi. Possum igitur, qui omnes voluerim incolumes, eum, a quo id impetratum est, perisse non indignari? cum praesertim iidem homines illi et invidiae et exitio fuerint. “Plecteris ergo,” inquiunt, “quoniam factum nostrum improbare audes.” O superbiam inauditam, alios in facinore gloriari, aliis ne dolere quidem impunite licere! At haec etiam servis semper libera fuerunt, ut timerent, gauderent, dolerent suo potius quam alterius arbitrio; quae nunc, ut quidem isti dictitant libertatis auctores, metu nobis extorquere conantur; sed nihil agunt: nullius umquam periculi terroribus ab officio aut ab humanitate desciscam; numquam enim honestam mortem fugiendam, saepe etiam oppetendam putavi. Sed quid mihi suscensent, si id opto, ut poeniteat eos sui facti? cupio enim Caesaris mortem omnibus esse acerbam. “At debeo pro civili parte rem publica velle salvam.” Id quidem me cupere, nisi et ante acta vita et reliqua mea spes tacente me probat, dicendo vincere non postulo. Quare maiorem in modum te rogo, ut rem potiorem oratione ducas mihique, si sentis expedire recte fieri, credas nullam communionem cum improbis esse posse. An, quod adolescens praestiti, cum etiam errare cum excusatione possem, id nunc aetate praecipitata communem commutem ac me ipse retexam? Non faciam neque, quod displiceat, committam, praeterquam quod hominis mihi coniunctissimi ac viri amplissimi doleo gravem casum. Quod si aliter essem animatus, numquam, quod facerem, negarem, ne et in peccando improbus et in dissimulando timidus ac vanus existimarer.

“At ludos, quos Caesaris victoriae Caesar adolescens fecit, curavi.” At id ad privatum officium, non ad statum rei publicae pertinet; quod tamen munus et hominis amicissimi memoriae atque honoribus praestare etiam mortui debui et optimae spei adolescenti ac dignissimo Caesare petenti negare non potui. Veni etiam consulis Antonii domum saepe salutandi causa; ad quem, qui me parum patriae amantem esse existimant, rogandi quidem aliquid aut auferendi causa frequentes ventitare reperies. Sed quae haec ast arrogantia, quod Caesar numquam interpellavit, quin, quibus vellem atque etiam quos ipse non diligebat, tamen iis uterer, eos, qui mihi amicum eripuerunt, carpendo me efficere conari, ne, quos velim, diligam? Sed non vereor, ne aut meae vitae modestia parum valitura sit in posterum contra falsos rumores, aut ne etiam ii, qui me non amant propter meam in Caesarem constantiam, non malint mei quam sui similes amicos habere. Mihi quidem si optata contingent, quod reliquum est vitae, in otio Rhodi degam; sin casus aliquis interpellarit, ita ero Romae, ut recte fieri semper cupiam. Trebatio nostro magnas ago gratias, quod tuum erga me animum simplicem atque amicum aperuit et quod, eum, quem semper libenter dilexi, quo magis iure colere atque observare deberem, fecit. Bene vale et me dilige.

XXIX. Scr. ineunte mense Quinctili a.u.c. 710.

CICERO OPPIO S. D.

Dubitanti mihi — quod scit Atticus noster — de hoc toto consilio profectionis, quod in utramque partem in mentem multa veniebant, magnum pondus accessit ad tollendam dubitationem iudicium et consilium tuum; nam et scripsisti aperte, quid tibi videretur, et Atticus ad me sermonem tuum pertulit. Semper iudicavi in te et in capiendo consilio prudentiam summam esse et in dando fidem, maximeque sum expertus, cum initio civilis belli per litteras te consuluissem, quid mihi faciendum esse censeres, eundumne ad Pompeium an manendum in Italia; suasisti, ut consulerem dignitati meae; ex quo, quid sentires, intellexi et sum admiratus fidem tuam et in consilio dando religionem, quod, cum aliud malle amicissimum

tuum putares, antiquius tibi officium meum quam illius voluntas fuit. Equidem et ante hoc tempus te dilexi et semper me a te diligi sensi: et, cum abessem atque in magnis periculis essem, et me absentem et meos praesentes a te cultos et defensos esse memini et post meum reditum, quam familiariter mecum vixeris, quaeque ego de te et senserim et praedicarim, omnes, qui solent haec animadvertere, testes habemus; gravissimum vero iudicium de mea fide et constantia fecisti, cum post mortem Caesaris totum te ad amicitiam meam contulisti, quod tuum iudicium nisi mea summa benevolentia erga te omnibusque meritis comprobaro, ipse me hominem non putabo. Tu, mi Oppi, conservabis amorem tuum — etsi more magis hoc quidem scribo, quam quo te admonendum putem — meaque omnia tuebere: quae tibi ne ignota essent, Attico mandavi; a me autem, cum paullum otii nacti erimus, uberiores litteras exspectato. Da operam, ut valeas: hoc mihi gratius facere nihil potes.

LIBER DVODECIMVS

Ad C. Cassium et CeterosI. Scr. exeunte mense Maio a.u.c. 710.

CICERO CASSIO SAL.

Finem nullam facio, mihi crede, Cassi, de te et Bruto nostro, id est de tota re publica, cogitandi, cuius omnis spes in vobis est et in D. Bruto; quam quidem iam habeo ipse meliorem, re publica a Dolabella meo praeclarissime gesta; manabat enim illud malum urbanum et ita corroborabatur quotidie, ut ego quidem et urbi et otio diffiderem urbano, sed ita compressum est, ut mihi videamur omne iam ad tempus ab illo dumtaxat sordidissimo periculo tuti futuri. Reliqua magna sunt ac multa, sed posita omnia in vobis: quamquam primum quidque explicemus. Nam, ut adhuc quidem actum est, non regno, sed rege liberati videmur; interfecto enim rege regios omnes nutus tuemur. Neque vero id solum, sed etiam, quae ipse ille, si viveret, non faceret, ea nos quasi cogitata ab illo probamus. Nec eius quidem rei finem video: tabulae figuntur: immunitates dantur; pecuniae maximae describuntur; exsules reducuntur; senatus consulta falsa deferentur: ut tantummodo odium illud hominis impuri et servitutis dolor depulsus esse videatur, res publica iaceat in iis perturbationibus, in quas eam ille coniecit. Haec omnia vobis sunt expedienda, nec hoc cogitandum, satis iam habere rem publicam a vobis: habet illa quidem tantum, quantum numquam mihi in mentem venit optare, sed contenta non est et pro magnitudine et animi et beneficii vestri a vobis magna desiderat. Adhuc ulta suas iniurias est per vos interitu tyranni; nihil amplius: ornamenta vero sua quae reciperavit? ad quod ei mortuo paret, quem vivum ferre non poterat? cuius aera refigere debebamus, eius etiam chirographa defendimus? “At enim ita decrevimus.” Fecimus id quidem temporibus cedentes, quae valent in re publica plurimum; sed immoderate quidam et integrate nostra facilitate abutuntur. Verum haec propediem et multa alia coram: interim velim sic tibi persuadeas, mihi quum rei publicae, quam semper habui carissimam, tum amoris nostri causa maximae curae esse tuam dignitatem. Da operam, ut valeas. Vale.

II. Scr. Romae exeunte mense Septembri a.u.c. 710.

CICERO CASSIO SAL.

Vehementer laetor tibi probari sententiam et orationem meam; qua si saepius uti liceret, nihil esset negotii libertatem et rem publicam reciperare; sed homo amens et perditus multoque nequior quam ille ipse, quem tu nequissimum occisum esse dixisti, caedis initium quaerit, nullamque aliam ob causam me auctorem fuisse Caesaris interficiendi criminatur, nisi ut in me veterani incitentur: quod ego periculum non extimesco, modo vestri facti gloriam cum mea laude communicet. Ita nec Pisoni, qui in eum primus invectus est nullo assentiente, nec mihi, qui idem tricesimo post die feci, nec P. Servilio, qui me est consecutus, tuto in senatum venire licet; caedem enim gladiator quaerit eiusque initium a. d. XIII. Kal. Octobr. a me se facturum putavit, ad quem paratus venerat, quum in villa Metelli complures dies commentatus esset; quae autem in lustris et in vino commentatio potuit esse? itaque omnibus est visus, ut ad te antea scripsi, vomere suo more, non dicere. Quare, quod scribis te confidere auctoritate et eloquentia nostra aliquid profici posse, nonnihil, ut in tantis malis, est profectum; intelligit enim populus Romanus tres esse consulares, qui, quia, quae de re publica bene senserit, libere locuti sint, tuto in senatum venire non possint. Nec est praeterea, quod quidquam exspectes; tuus enim necessarius affinitate nova delectatur: itque iam non est studiosus ludorum infinitoque fratris tui plausu dirumpitur; alter item affinis novis commentariis Caesaris delenitus est. Sed haec tolerabilia: illud non ferendum, quod est, qui vestro anno filium suum consulem futurum putet ob eamque causam se huic latroni deservire prae se ferat. Nam L. Cotta, familiaris meus, fatali quadam desperatione, ut ait, minus in senatum venit; L. Caesar, optimus et fortissimus civis, valetudine impeditur; Ser. Sulpicius et summa auctoritate et optime sentiens non adest; reliquos exceptis designatis ignosce mihi si non numero consulares. Habes auctores consilii publici: qui numerus etiam bonis rebus exiguus esset, quid censes perditis? quare spes est omnis in vobis, qui si idcirco abestis, ut sitis in tuto, ne in vobis quidem: sin aliquid dignum vestra gloria cogitatis, velim salvis nobis; sin id minus, res

tamen publica per vos brevi tempore ius suum reciperabit. Ego tuis neque desum neque deero: qui sive ad me referent sive non referent, mea tibi tamen benevolentia fidesque praestabitur. Vale.

III. Scr. Romae ineunte mense Octobri a.u.c. 710.

CICERO CASSIO SAL.

Auget tuus amicus furorem in dies: primum in statua, quam possit in rostris, inscripsit PARENTI OPTIME MERITO, ut non modo sicarii, sed iam etiam parricidae iudicemini, quid dico, iudicemini? iudicemur potius; vestri enim pulcherrimi facti ille furiosus me principem dicit fuisse. Utinam quidem fuissem! molestus nobis non esset. Sed hoc vestrum est; quod quoniam praeteriit, utinam haberem, quid vobis darem consilii! sed ne mihi quidem ipsi reperio quid faciundum sit; quid enim est, quod contra vim sine vi fieri possit? Consilium omne autem hoc est illorum, ut mortem Caesaris persequantur; itaque ante diem VI. Non. Oct. productus in concionem a Cannutio turpissime ille quidem discessit, sed tamen ea dixit de conservatoribus patriae, quae dici deberent de proditoribus; de me quidem non dubitanter, quin omnia de meo consilio et vos fecissetis et Cannutius faceret. Cetera cuiusmodi sint, ex hoc iudica, quod legato tuo viaticum eripuerunt: quid eos interpretari putas, quum hoc faciunt? ad hostem scilicet portari. O rem miseram! dominum ferre non potuimus, conservo servimus. Et tamen, me quidem favente magis quam sperante, etiam nunc residet spes in virtute tua. Sed ubi sunt copiae? de reliquo malo te ipsum tecum loqui quam nostra dicta cognoscere. Vale.

IV. Scr. Romae mense Februario a.u.c. 711.

CICERO CASSIO SAL.

Vellem Idibus Martiis me ad coenam invitasses: reliquiarum nihil fuisset. Nunc me reliquiae vestrae exercent, et quidem praeter ceteros me: quamquam egregios consules habemus, sed turpissimos consulares, senatum fortem, sed infimo quemque honore fortissimum; populo vero nihil fortius, nihil melius Italiaque

universa. Nihil autem foedius Philippo et Pisone legatis, nihil flagitiosius; qui quum essent missi, ut Antonio ex senatus sententia certas res denuntiarent, quum ille earum rerum nulli paruisset, ultro ab illo ad nos intolerabilia postulata rettulerunt: itaque ad nos concurritur, factique iam in re salutari populares sumus. Sed, tu quid ageres, quid acturus, ubi denique esses, nesciebam: fama nuntiabat te esse in Syria; auctor erat nemo. De Bruto, quo propius est, eo firmiora videntur esse, quae nuntiantur. Dolabella valde vituperabatur ab hominibus non insulsis, quod tibi tam cito succederet, quum tu vixdum XXX dies in Syria fuisses; itaque constabat eum recipi in Syriam non oportere. Summa laus et tua et Bruti est, quod exercitum praeter spem existimamini comparasse. Scriberem plura, si rem causamque nossem: nunc, quae scribo, scribo ex opinione hominum atque fama. Tuas litteras avide exspecto. Vale.

V. Scr. Romae mense Februario a.u.c. 711.

CICERO CASSIO SAL.

Hiemem credo adhuc prohibuisse, quo minus de te certum haberemus, quid ageres maximeque ubi esses; loquebantur omnes tamen — credo, quod volebant — in Syria te esse, habere copias; id autem eo facilius credebatur, quia simile veri videbatur. Brutus quidem noster egregiam laudem est consecutus; res enim tantas gessit tamque inopinatas, ut eae quum per se gratae essent, tum ornatiores propter celeritatem. Quod si tu ea tenes, quae putamus, magnis subsidiis fulta res publica est; a prima enim ora Graeciae usque ad Aegyptum optimorum civium imperiis muniti erimus et copiis: quamquam, nisi me fallebat, res se sic habebat, ut totius belli omne discrimen in D. Bruto positum videretur, qui si, ut sperabamus, erupisset Mutina, nihil belli reliqui fore videbatur. Parvis omnino iam copiis obsidebatur, quod magno praesidio Bononiam tenebat Antonius; erat autem Claternae noster Hirtius, ad Forum Cornelium Caesar, uterque cum firmo exercitu, magnasque Romae Pansa copias ex delectu Italiae comparat. Hiems adhuc rem geri prohibuerat; Hirtius nihil nisi considerate, ut mihi crebris litteris significat, acturus videbatur; praeter Bononiam, Regium Lepidi, Parmam totam

Galliam tenebamus studiosissimam rei publicae; tuos etiam clientes Transpadanos mirifice coniunctos cum causa habebamus; erat firmissimus senatus exceptis consularibus, ex quibus unus L. Caesar firmus est et rectus; Ser. Sulpicii morte magnum praesidium amisimus; reliqui partim inertes, partim improbi; nonnulli invident eorum laudi, quos in re publica probari vident; populi vero Romani totiusque Italiae mira consensio est. Haec erant fere, quae tibi nota esse vellem; nunc autem opto, ut ab istis Orientis partibus virtutis tuae lumen eluceat. Vale.

VI. Scr. Romae mense Aprili (ante XVI. Kal. Maias) a.u.c. 711.

CICERO CASSIO SAL.

Qui status rerum fuerit tum, quum has litteras dedi, scire poteris ex C. Titio Strabone, viro bono et optime de re publica sentiente; nam quid dicam "cupidissimo tui," qui domo et fortunis relictis ad te potissimum profectus sit? itaque eum tibi ne commendo quidem; adventus ipsius ad te satis eum commendabit. Tu velim sic existimes tibique persuadeas, omne perfugium bonorum in te et Bruto esse positum, si, quod nolim, adversi quid evenerit. Res, quum haec scribebam, erat in extremum adducta discrimen; Brutus enim Mutinae vix iam sustinebat: qui si conservatus erit, vicimus; sin — quod di omen avertant! — , omnis omnium cursus est ad vos. Proinde fac animum tantum habeas tantumque apparatum, quanto opus est ad universam rem publicam recuperandam. Vale.

VII. Scr. Romae exeunte mense Martio a.u.c. 711.

CICERO CASSIO SAL.

Quanto studio dignitatem tuam et in senatu et ad populum defenderim, ex tuis te malo quam ex me cognoscere; quae mea sententia in senatu facile valuisset, nisi Pansa vehementer obstitisset. Ea sententia dicta productus sum in concionem ab tribuno pl. M. Servilio: dixi de te, quae potui, tanta contentione, quantum forum est, tanto clamore consensuque populi, ut nihil umquam simile viderim. Id velim mihi ignoscas quod invita socru tua fecerim: mulier timida

verebatur, ne Pansae animus offenderetur. In concione quidem Pansa dixit matrem quoque tuam et fratrem illam a me sententiam noluisse dici; sed me haec non movebant, alia valebant: favebam et rei publicae, cui semper favi, et dignitati ac gloriae tuae. Quod autem et in senatu pluribus verbis disserui et dixi in concione, in eo velim fidem meam liberes; promisi enim et prope confirmavi te non exspectasse nec exspectaturum decreta nostra, sed te ipsum tuo more rem publicam defensurum. Et, quamquam nihildum audieramus, nec ubi esses nec quas copias haberes, tamen sic statuebam, omnes, quae in istis partibus essent opes copiaeque, tuas esse, per teque Asiam provinciam confidebam iam rei publicae reciperatam. Tu fac in augenda gloria te ipse vincas. Vale.

VIII. Scr. Romae mense Iunio (post VIII Id.) a.u.c. 711.

CICERO CASSIO SAL.

Scelus affinis tui Lepidi summamque levitatem et inconstantiam ex actis, quae ad te mitti certo scio, cognosse te arbitror: itaque nos confecto bello, ut arbitrabamur, renovatum bellum gerimus spemque omnem in D. Bruto et Planco habemus, si verum quaeris, in te et in M. Bruto, non solum ad praesens perfugium, si, quod nolim, adversi quid acciderit. Sed etiam ad confirmationem perpetuae libertatis. Nos hic de Dolabella audiebamus, quae vellemus, sed certos auctores non habebamus. Te quidem magnum hominem et praesenti iudicio et reliqui temporis exspectatione scito esse: hoc tibi proposito fac ut ad summa contendas; nihil est tantum, quod non populus Romanus a te perfici atque obtineri posse iudicet. Vale.

IX. Scr. Romae mense Iunio a.u.c. 711.

CICERO CASSIO SAL.

Brevitas tuarum litterarum me quoque breviorem in scribendo facit, et, vere ut dicam, non satis occurrit, quid scribam; nostras enim res in actis perferri ad te certo scio, tuas autem ignoramus; tamquam enim clausa sit Asia, sic nihil perfertur ad nos praeter rumores de oppresso Dolabella, satis illos quidem constantes, sed adhuc sine auctore. Nos,

confectum bellum quum putaremus, repente a Lepido tuo in summam sollicitudinem sumus adducti: itaque tibi persuade maximam rei publicae spem in te et in tuis copiis esse. Firmos omnino exercitus habemus, sed tamen, ut omnia, ut spero, prospere procedant, multum interest te venire; exigua enim spes est rei publicae — nam nullam non libet dicere — , sed, quaecumque est, ea despondetur anno consulatus tui. Vale.

X. Scr. Romae ineunte mense Quinctili a.u.c. 711.

CICERO CASSIO SAL.

Lepidus, tuus affinis, meus familiaris, pr. K. Quinctiles sententiis omnibus hostis a senatu iudicatus est ceterique, qui una cum illo a re publica defecerunt; quibus tamen ad sanitatem redeundi ante K. Sept. potestas facta est. Fortis sane senatus, sed maxime spe subsidii tui. Bellum quidem, quum haec scribebam, sane magnum erat scelere et levitate Lepidi. Nos de Dolabella quotidie, quae volumus, audimus, sed adhuc sine capite, sine auctore, rumore nuntio. Quod quum ita esset, tamen litteris tuis, quas Nonis Maiis ex castris datas acceperamus, ita persuasum erat civitati, ut illum iam oppressum omnes arbitrarentur, te autem in Italiam venire cum exercitu, ut, si haec ex sententia confecta essent, consilio atque auctoritate tua, sin quid forte titubatum, ut fit in bello, exercitu tuo niteremur: quem quidem ego exercitum quibuscumque potuero rebus ornabo; cuius rei tum tempus erit, quum, quid opis rei publicae laturus is exercitus sit aut quid iam tulerit, notum esse coeperit; nam adhuc tantum conatus audiuntur, optimi illi quidem et praeclarissimi, sed gesta res exspectatur, quam quidem aut iam esse aliquam aut appropinquare confido. Tua virtute et magnitudine animi nihil est nobilius; itaque optamus, ut quam primum te in Italia videamus: rem publicam nos habere arbitrabimur, si vos habebimus. Praeclare viceramus, nisi spoliatum, inermem, fugientem Lepidus recepisset Antonium; itaque numquam tanto odio civitati Antonius fuit, quanto est Lepidus; ille enim ex turbulenta re publica, hic ex pace et victoria bellum excitavit. Huic oppositos consules designatos habemus, in quibus est magna illa quidem spes, sed anceps cura propter incertos exitus

proeliorum. Persuade tibi igitur, in te et in Bruto tuo esse omnia, vos exspectari, Brutum quidem iam iamque. Quod si, ut spero, victis hostibus nostris veneritis, tamen auctoritate vestra res publica exsurget et in aliquo statu tolerabili consistet; sunt enim permulta, quibus erit medendum, etiamsi res publica satis esse videbitur sceleribus hostium liberata. Vale.

XI. Scr. in castris Taricheis Nonis Martiis a.u.c. 711.

C. CASSIUS PROCOS. S. D. M. CICERONI.

S. v. b. e. e. q. v. In Syriam me profectum esse scito ad L. Murcum et Q. Crispum imperatores: viri fortes optimique cives, posteaquaqm audierunt, quae Romae gererentur, exercitus mihi tradiderunt ipsique mecum una fortissimo animo rem publicam administrant. Item legionem, quam Q. Caecilius Bassus habuit, ad me venisse scito, quattuorque legiones, quas A. Allienus ex Aegypto eduxit, traditas ab eo mihi esse scito. Nunc te cohortatione non puto indigere, ut nos absentes remque publicam, quantum est in te, defendas: scire te volo firma praesidia vobis senatuique non deesse, ut optima spe et maximo animo rem publicam defendas. Reliqua tecum aget L. Carteius, familiaris meus. Vale. D. Nonis Martiis ex castris Taricheis.

XII. Scr. in castris Nonis Maiis a.u.c. 711.

C. CASSIUS PROCOS. S. D. M. CICERONI SUO.

S. v. b. e. e. q. v. Legi tuas litteras, in quibus mirificum tuum erga me amorem recognovi; videbaris enim non solum favere nobis — id quod et nostra et rei publicae causa semper fecisti — , sed etiam gravem curam suscepisse vehementerque esse de nobis sollicitus. Itaque, quod te primum existimare putabam nos oppressa re publica quiescere non posse, deinde, quum suspicarere nos moliri, quod te sollicitum esse et de salute nostra et de rerum eventu putabam, simul ac legiones accepi, quas A. Allienus eduxerat ex Aegypto, scripsi ad te tabellariosque complures Romam misi; scripsi etiam ad senatum litteras, quas reddi vetui priusuam tibi recitatae essent, si forte mei

obtemperare mihi voluerunt. Quod si litterae perlatae non sunt, non dubito, quin Dolabella, qui nefarie Trebonio occiso Asiam occupavit, tabellarios meos deprehenderit litterasque interceperit. Exercitus omnes, qui in Syria fuerunt, teneo. Habui pollulum morae, dum promissa militibus persolvo: nunc iam sum expeditus. A te peto, ut dignitatem meam commendatam tibi habeas, si me intelligis nullum neque periculum neque laborem patriae denegasse, si contra importunissimos latrones arma cepi te hortante et auctore, si non solum exercitus ad rem publicam libertatemque defendendam comparavi, sed etiam crudelissimis tyrannis eripui, quos si occupasset Dolabella, non solum adventu, sed etiam opinione et exspectatione exercitus sui Antonium confirmasset. Quas ob res milites tuere, si eos mirifice de re publica meritos esse animadvertis, et effice, ne quem poeniteat rem publicam quam spem praedae et rapinarum sequi maluisse. Item Murci et Crispi imperatorum dignitatem, quantum est in te, tuere; nam Bassus misere noluit mihi legionem tradere; quod nisi milites invito eo legatos ad me misissent, clausam Apameam tenuisset, quoad vi esset expugnata. Haec a te peto non solum rei publicae, quae tibi semper fuit carissima, sed etiam amicitiae nostrae nomine, quam confido apud te plurimum posse. Crede mihi hunc exercitum, quem habeo, senatus atque optimi cuiusque esse maximeque tuum, de cuius voluntate assidue audiendo mirifice te diligit carumque habet: qui si intellexerit commoda sua curae tibi esse, debere etiam se tibi omnia putabit. Litteris scriptis audivi Dolabellam in Ciliciam venisse cum suis copiis: proficiscar in Ciliciam. Quid egerim, celeriter ut scias, dabo operam; ac velim, ut meremur de re publica, sic felices simus. Fac valeas meque ames. Nonis Maiis ex castris.

XIII. Data est Cypro a Crommyoacride Idibus Iuniis a.u.c. 711.

C. CASSIUS Q. S. D. M. CICERONI

S. v. b. e. e. v. Quum rei publicae vel salute vel victoria gaudemus, tum instauratione tuarum laudum, quod maximus consularis maximum consulem te ipse vicisti, et laetamur et mirari satis non possumus. Fatale nescio quid tuae virtuti datum, id quod saepe iam

experti sumus; est enim tua toga omnium armis felicior; quae nunc quoque nobis paene victam rem publicam ex manibus hostium eripuit ac reddidit. Nunc ergo vivemus liberi; nunc te, omnium maxime civis et mihi carissime — id quod maximis rei publicae tenebris comperisti — , nunc te habebimus testem nostri et in te et in coniunctissimam tibi rem publicam amoris, et, quae saepe pollicitus es te et taciturum, dum serviremus, et dicturum de me tum, quum mihi profutura essent, nunc illa non ego quidem dici tanto opere desiderabo quam sentiri a te ipso; neque enim omnium iudicio malim me a te commendari quam ipse tuo iudicio digne ac mereor commendatus esse, ut haec novissima nostra facta non subita nec inconvenientia, sed similia illis cogitationibus, quarum tu testis es, fuisse iudices meque ad optimam spem patriae non minimum tibi ipsi producendum putes. Sunt tibi, M. Tulli, liberi propinquique digni quidem te et merito tibi carissimi; esse etiam habent in re publica proxime hos cari, qui studiorum tuorum sunt aemuli, quorum esse cupio tibi copiam; sed tamen non maxima me turba puto excludi, quo minus tibi vacet me excipere et ad omnia, quae velis et probes, producere. Animum tibi nostrum fortasse probavimus; ingenium diutina servitus certe, qualecumque est, minus tamen, quam erat, passa est videri. Nos ex ora maritima Asiae provinciae et ex insulis quas potuimus naves deduximus; delectum remigum magna contumacia civitatium tamen satis celeriter habuimus; secuti sumus classem Dolabellae, cui L. Figulus praeerat, qui spem saepe transitionis praebendo neque umquam non recedendo novissime Corycum se contulit et clauso portu se tenere coepit; nos illa relicta, quod et in castra pervenire satius esse putabamus et sequebatur classis altera, quam anno priore in Bithynia Tillius Cimber compararat, cui Turullius quaestor praeerat, Cyprum petivimus; ibi quae cognovimus, scribere ad vos quam celerrime voluimus. Dolabellam ut Tarsenses, pessimi socii, ita Laodiceni multo amentiores ultro arcessierunt; ex quibus utrisque civitatibus Graecorum militum numero speciem exercitus effecit. Castra habet ante oppidum Laodiceam posita et partem muri demolitus est et castra oppido coniunxit. Cassius noster cum decem legionibus et cohortibus XX auxiliariis et quattuor milium equitatu a milibus passuum viginti castra habet posita PltŸ et existimat se sine proelio

posse vincere; nam iam ternis tetrachmis triticum apud Dolabellam est: nisi quid navibus Laodicenorum supportarit, cito fame pereat necesse est: ne supportare possit, et Cassii classis bene magna, cui praeest Sextilius Rufus, et tres, quas nos adduximus, ego, Turullius, Patiscus, facile praestabunt. Te volo bene sperare et rem publicam, ut vos istic expedistis, ita pro nostra parte celeriter a nobis expediri posse confidere. Vale. D. Idib. Iun. Cypro, a Crommyoacride.

XIV. Scr. Pergae IV. Nonas Iunias a.u.c. 711.

LENTULUS CICERONI SUO S. P. D.

Quum Brutum nostrum convenissem eumque tardius in Asiam venturum animadverterem, in Asiam redii, ut reliquias mei laboris colligerem et pecuniam quam primum Romam mitterem. Interim cognovi in Lycia esse classem Dolabellae ampliusque centum naves onerarias, in quas exercitus eius imponi posset, idque Dolabellam ea mente comparasse, ut, si Syriae spes eum frustrata esset, conscenderet in naves et Italiam peteret seque cum Antoniis et reliquis latronibus coniungeret: cuius rei tanto in timore fui, ut omnibus rebus relictis cum paucioribus et minoribus navibus ad illas ire conatus sim. Quae res, si a Rhodiis non essem interpellatus, fortasse tota sublata esset, tamen magna ex parte profligata est, quoniam quidem classis dissipata est adventus nostri timore, milites ducesque effugerunt, onerariae omnes ad unam a nobis sunt exceptae. Certe — quod maxime timui — videor esse consecutus, ut non possit Dolabella in Italiam pervenire nec suis sociis firmatis durius vobis efficere negotium. Rhodii nos et rem publicam quam valde desperaverint, ex litteris, quas publice misi, cognosces. Et quidem multo parcius scripsi; mirari noli: mira est eorum amentia. Nec moverunt me meae ullae privatim iniuriae umquam: malus animus eorum in nostram salutem, cupiditas partium aliarum, perseverantia in contemptione optimi cuiusque ferenda mihi non fuit. Nec tamen omnes perditos esse puto; sed iidem illi, qui tum fugientem patrem meum, qui L. Lentulum, qui Pompeium, qui ceteros viros clarissimos non receperunt, iidem tamquam aliquo fato et nunc aut magistratum gerunt aut eos, qui sunt in magistratu, in sua habent potestate: itaque

eadem superbia in pravitate utuntur; quorum improbitatem aliquando retundi et non pati impunitate augeri non solum utile est rei publicae nostrae, sed etiam necessarium. De nostra dignitate velim tibi ut semper curae sit et, quocumque tempore occasionem habueris, et in senatu et ceteris rebus laudi nostrae suffragere. Quoniam consulibus decreta est Asia et permissum est iis, ut, dum ipsi venirent, darent negotium, qui Asiam obtineant, rogo te, petas ab iis, ut hanc dignitatem potissimum nobis tribuant et mihi dent negotium, ut Asiam obtineam, dum ipsorum alteruter venit; nam, quod huc properent in magistratu venire aut exercitum mittere, causam non habent; Dolabella enim in Syria est, et, ut tu divina tua mente prospexisti et praedicasti, dum isti veniunt, Cassius eum opprimet; exclusus enim ab Antiochea Dolabella et in oppugnando male acceptus, nulla alia confisus urbe, Laodiceam, quae est in Syria ad mare, se contulit: ibi spero celeriter eum poenas daturum; nam neque, quo refugiat, habet neque diutius ibi poterit tantum exercitum Cassii sustinere: spero etiam confectum esse iam et oppressum Dolabellam. Quare non puto Pansam et Hirtium in consulatu properaturos in provincias exire, sed Romae acturos consulatum: itaque, si ab iis petieris, ut interea nobis procurationem Asiae dent, spero te posse impetrare. Praeterea mihi promiserunt Pansa et Hirtius coram et absenti mihi scripserunt Verrioque nostro Pansa affirmavit se daturum operam, ne in suo consulatu mihi succedatur. Ego porro non medius fidius cupiditate provinciae produci longius spatium mihi volo; nam mihi fuit ista provincia plena laboris, periculi, detrimenti, quae ego ne frustra subierim neve, priusquam reliquias meae diligentiae consequar, decedere cogar, valde laboro; nam, si potuissem, quam exegeram pecuniam, universam mittere, postularem, ut mihi succederetur: nunc, quod Cassio dedi, quod Trebonii morte amisimus, quod etiam crudelitate Dolabellae aut perfidia eorum, qui fidem mihi reique publicae non praestiterunt, id consequi et reficere volo, quod aliter non potest fieri, nisi spatium habuero: id ut per te consequar, velim, ut solet, tibi curae sit. Ego me de re publica puto esse meritum, ut non provinciae istius beneficium exspectare debeam, sed tantum, quantum Cassius et Bruti, non solum illius facti periculique societate, sed etiam huius temporis studio et virtute; primus enim ego leges Antonias fregi, primus equitatum

Dolabellae ad rem publicam traduxi Cassioque tradidi, primus delectus habui pro salute omnium contra coniurationem sceleratissimam, solus Cassio et rei publicae Syriam exercitusque, qui ibi erant, coniunxi, nam, nisi ego tantum pecuniam tantaque praesidia et tam celeriter Cassio dedissem, ne ausus quidem esset ire in Syriam, et nunc non minora pericula rei publicae a Dolabella instarent quam ab Antonio. Atque haec omnia is feci, qui sodalis et familiarissimus Dolabellae eram, coniunctissimus sanguine Antoniis, provinciam quoque illorum beneficio habebam, sed patr¤da §m±n m*llon fil«n omnibus meis bellum primus indixi. Haec etsi adhuc non magno opere mihi tulisse fructum animadverto, tamen non despero nec defetigabor permanere non solum in studio libertatis, sed etiam in labore et periculis. Ac tamen, si etiam aliqua gloria iusta et merita provocabimur senatus et optimi cuiusque officiis, maiore cum auctoritate apud ceteros erimus et eo plus prodesse rei publicae poterimus. Filium tuum, ad Brutum quum veni, videre non potui ideo, quod iam in hiberna cum equitibus erat profectus, sed medius fidius ea esse eum opinione et tua et ipsius et in primis mea causa gaudeo; fratris enim loco mihi est, qui ex te natus teque dignus est. Vale. D. IIII. Non. Iun. Perga.

XV. Scr. Pergae IIII. Nonas Iunias a.u.c. 711.

P. LENTULUS P. F. PRO Q. PRO PR. S. D. COSS. PR. TR. PL. SENATUI POPULO PLEBIQUE ROMANAE.

S. v. l. q. v. v. b. e. e. v. Scelere Dolabellae oppressa Asia in proximam provinciam Macedoniam praesidiaque rei publicae, quae M. Brutus, v. c., tenebat, me contuli et id egi, ut, per quos celerrime possent, Asia provincia vectigaliaque in vestram potestatem redigerentur: quod quum pertimuisset Dolabella vastataque provincia, correptis vectigalibus, praecipue civibus Romanis omnibus crudelissime denudatis ac divenditis celerius Asia excessisset, quam eo praesidium adduci potuisset, diutius morari aut exspectare praesidium non necesse habui et quam primum ad meum officium revertendum mihi esse existimavi, ut et reliqua vectigalia exigerem et quam deposui pecuniam colligerem, quidque ex ea

correptum esset aut quorum id culpa accidisset, cognoscerem quam primum et vos de omni re facerem certiores. Interim quum per insulas in Asiam naviganti mihi nuntiatum esset classem Dolabellae in Lycia esse Rhodiosque naves complures instructas et paratas in aqua habere, cum iis navibus, quas aut mecum adduxeram aut comparaverat Patiscus proq., homo mihi quum familiaritate, tum etiam sensibus in re publica coniunctissimus, Rhodum deverti confisus auctoritate vestra senatusque consulto, quo hostem Dolabellam iudicaratis, foedere quoque, quod cum iis M. Marcello Ser. Sulpicio coss. renovatum erat, quo iuraverant Rhodii eosdem hostes se habituros, quos senatus populusque R: quae res nos vehementer fefellit; tantum enim afuit, ut illorum praesidio nostram firmaremus classem, ut etiam a Rhodiis urbe, portu, statione, quae extra urbem est, commeatu, aqua denique prohiberentur nostri milites, nos vix ipsi singulis cum navigolis reciperemur. Quam indignitatem deminutionemque non solum iuris nostri, sed etiam maiestatis imperiique populi Romani idcirco tulimus, quod interceptis litteris cognoramus Dolabellam, si desperasset de Syria Aegyptoque, quod necesse erat fieri, in naves cum omnibus suis latronibus atque omni pecunia conscendere esse paratum Italiamque petere; idcirco etiam naves onerarias, quarum minor nulla erat duum milium amphorum, contractas in Lycia a classe eius obsideri. Huius rei timore, p. c., percitus iniurias perpeti et cum contumelia etiam nostra omnia prius experiri malui: itaque ad illorum voluntatem introductus in urbem et in senatum eorum quam diligentissime potui causam rei publicae egi periculumque omne, quod instaret, si ille latro cum suis omnibus naves conscendisset, exposui; Rhodios autem tanta in pravitate animadverti, ut omnes firmiores putarent quam bonos, ut hanc concordiam et conspirationem omnium ordinum ad defendendam libertatem propense non crederent esse factam, ut patientiam senatus et optimi cuiusque manere etiam nunc confiderent nec potuisse audere quemquam Dolabellam hostem iudicare, ut denique omnia, quae improbi fingebant, magis vera existimarent, quam quae vere facta erant et a nobis docebantur. Qua mente etiam ante nostrum adventum post Trebonii indignissimam caedem ceteraque tot tamque nefaria facinora binae profectae erant ad Dolabellam legationes eorum, et quidem novo exemplo, contra leges

ipsorum, prohibentibus iis, qui tum magistratus gerebant. Haec sive timore, ut dictitant, de agris, quos in continenti habent, sive furore, sive potentia paucorum, qui et antea pari contumelia viros clarissimos affecerant et nunc maximos magistratus gerentes, nullo exemplo neque nostra ex parte neque nostro praesentium neque imminenti Italiae urbique nostrae periculo, si ille parricida cum suis latronibus navibus ex Asia Syriaque expulsus Italiam petisset, mederi, quum facile possent, voluerunt. Nonnullis etiam ipsi magistratus veniebant in suspicionem detinuisse nos et demorati esse, dum classis Dolabellae certior fieret de adventu nostro; quam suspicionem consecutae res aliquot auxerunt, maxime quod subito ex Lycia Sex. Marius et C. Titius, legati Dolabellae, a classe discesserunt navique longa profugerunt onerariis relictis, in quibus colligendis non minimum temporis laborisque consumpserant. Itaque, quum ab Rhodo cum iis, quas habueramus, navibus in Lyciam venissemus, naves onerarias recepimus dominisque restituimus, iidemque, quod maxime verebamur, ne posset Dolabella cum suis latronibus in Italiam venire, timere desiimus: classem fugientem persecuti sumus usque Sidam, quae extrema regio est provinciae meae. Ibi cognovi partem navium Dolabellae diffugisse, reliquas Syriam Cyprumque petisse: quibus disiectis, quum scirem C. Cassii, singularis civis et ducis, classem maximam fore praesto in Syria, ad meum officium reverti, daboque operam, ut meum studium, diligentiam vobis, p. c., reique publicae praestem, pecuniamque quam maximam potero et quam celerrime cogam omnibusque rationibus ad vos mittam. Si pecurrero provinciam et cognovero, qui nobis et rei publicae fidem praestiterint in conservanda pecunia a me deposita, quique scelere ulrto deferentes pecuniam publicam hoc munere societatem facinorum cum Dolabella inierint, faicma vos certiores. De quibus, si vobis videbitur, si, ut meriti sunt, graviter constitueritis nosque vestra auctoritate firmaveritis, facilius et reliqua exigere vectigalia et exacta servare poterimus. Interea quo commodius vectigalia tueri provinciamque ab iniuria defendere possim, praesidium voluntarium necessariumque comparavi. His litteris scriptis milites circiter XXX, quos Dolabella ex Asia conscripserat, ex Syria fugientes in Pamphyliam venerunt: hi nuntiaverunt Dolabellam Antiocheam, quae in Syria est, venisse; non

receptum conatum esse aliquoties vi introire; repulsum semper esse cum magno suo detrimento itaque c. circiter amissis, aegris relictis noctu Antiochea profugisse Laodiceam versus; ea nocte omnes fere Asiaticos milites ab eo discessisse; ex iis ad octingentos Antiocheam redisse et se iis tradidisse, qui a Cassio relicti urbi illi praeerant, ceteros per Amanum in Ciliciam descendisse, quo ex numero se quoque esse dicebant; Cassium autem cum suis omnibus copiis nuntiatum esse quatridui iter a Laodicea afuisse tum, quum Dolabella eo tenderet; quamobrem opinione celerius confido sceleratissimum latronem poenas daturum. IIII. Non. Iun. Perga.

XVI. Scr. Athenis VIII. Kal. Iun. a.u.c. 710.

TREBONIUS CICERONI SAL.

S. v. b. e. Athenas veni a. d. XI Kal. Iun. atque ibi, quod maxime optabam, vidi filium tuum, deditum optimis studiis summaque modestiae fama: qua ex re quantam voluptatem ceperim, scire potes etiam me tacente; non enim nescis, quanti te faciam et quam pro nostro veterrimo verissimoque amore omnibus tuis etiam minimis commodis, non modo tanto bono gaudeam. Noli putare, mi Cicero, me hoc auribus tuis dare: nihil adolescente tuo atque adeo nostro — nihil enim mihi a te potest esse seiunctum — aut amabilius omnibus iis, qui Athenis sunt, est aut studiosius earum artium, quas tu maxime amas, hoc est optimarum. Itaque tibi, quod vere facere possum, libenter quoque gratulor nec minus etiam nobis, quod eum, quem necesse erat diligere, qualiscumque esset, talem habemus, ut libenter quoque diligamus. Qui quum mihi in sermone iniecisset se velle Asiam visere, non modo invitatus, sed etiam rogatus est a me, ut id potissimum nobis obtinentibus provinciam faceret; cui nos et caritate et amore tuum officium praestaturos non debes dubitare. Illud quoque erit nobis curae, ut Cratippus una cum eo sit, ne putes in Asia feriatum illum ab iis studiis, in quae tua cohortatione incitatur, futurum; nam illum paratum, ut video, et ingressum pleno gradu cohortari non intermittemus, quo in dies longius discendo exercendoque se procedat. Vos quid ageretis in re publica, quum has litteras dabam, non sciebam: audiebam quaedam turbulenta, quae

scilicet cupio esse falsa, ut aliquando otiosa libertate fruamur; quod vel minime mihi adhuc contigit. Ego tamen nactus in navigatione nostra pusillum laxamenti concinnavi tibi munusculum ex instituto meo, et dictum cum magno nostro honore a te dictum conclusi et tibi infra subscripsi: in quibus versiculis si tibi quibusdam verbis eÈyurrhmon°sterow videbor, turpitudo personae eius, in quam liberius invehimur, nos vindicabit; ignosces etiam iracundiae nostrae, quae iusta est in eiusmodi et homines et cives; deinde qui magis hoc Lucilio licuerit assumere libertatis quam nobis? quum, etiamsi odio pari fuerit in eos, quos laesit, tamen certe non magis dignos habuerit, in quos tanta libertate verborum incurreret. Tu, sicut mihi pollicitus es, adiunges me quam primum ad tuos sermones; namque illud non dubito, quin, si quid de interitu Caesaris scribas, non patiaris me minimam partem et rei et amoris tui ferre. Vale et matrem meosque tibi commendatos habe. D. VIII K. Iun. Athenis.

XVII. Scr. Romae (post Quinct.) a.u.c. 708.

CICERO S. D. CORNIFICIO COLLEGAE.

Grata mihi vehementer est memoria nostri tua, quam significasti litteris; quam ut conserves, non quo de tua constantia dubitem, sed quia mos est ita rogandi, rogo. Ex Syria nobis tumultuosiora quaedam nuntiata sunt, quae, quia tibi sunt propiora quam nobis, tua me causa magis movent quam mea. Romae summum otium est, sed ita, ut malis salubre aliquod et honestum negotium: quod spero fore; video id curae esse Caesari. Me scito, dum tu absis, quasi occasionem quandam et licentiam nactum scribere audacius, et cetera quidem fortasse, quae etiam tu concederes, sed proxime scripsi de optimo genere dicendi, in quo saepe suspicatus sum te a iudicio nostro, sic scilicet, ut doctum hominem ab non indocto, paullum dissidere: huic tu libro maxime velim ex animo, si minus, gratiae causa suffragere. Dicam tuis, ut eum, si velint, describant ad teque mittant; puto enim, etiamsi rem minus probabis, tamen in ista solitudine, quidquid a me profectum sit, iucundum tibi fore. Quid mihi existimationem tuam dignitatemque commendas, facis tu quidem omnium more, sed velim sic existimes, me quum amori,

quem inter nos mutuum esse intelligo, plurimum tribuam, tum de summo ingenio et de studiis tuis optimis et de spe amplissimae dignitatis ita iudicare, ut neminem tibi anteponam, comparem paucos.

XVIII. Scr. Romae sub finem a.u.c. 708.

CICERO S. D. CORNIFICIO COLLEGAE.

Quod extremum fuit in ea epistula, quam a te proxime accepi, ad id primum respondebo; animum adverti enim hoc vos magnos oratores facere nonnumquam: epistulas requiris meas; ego autem numquam, quum mihi denuntiatum esset a tuis ire aliquem, non dedi. Quod mihi videor ex tuis litteris intelligere, te nihil commissurum esse temere nec ante, quam scisses, quo iste nescio qui Caecilius Bassus erumperet, quidquam certi constituturum, id ego et speraram prudentia tua fretus et ut confiderem fecerunt tuae gratissimae mihi litterae, idque ut facias quam saepissime, ut et quid tu agas et quid agatur scire possim et etiam quid acturus sis, valde te rogo. Etsi periniquo patiebar animno te a me digredi, tamen eo tempore me consolabar, quod et in summum otium te ire arbitrabar et ab impendentibus magnis negotiis discedere: utrumque contra accidit; istic enim bellum est exortum, hic pax consecuta, sed tamen eiusmodi pax, in qua, si adesses, multa te non delectarent, ea tamen, quae ne ipsum Caesarem quidem delectant; bellorum enim civilium ii semper exitus sunt, ut non ea solum fiant, quae velit victor, sed etiam, ut iis mos gerendus sit, quibus adiutoribus sit parta victoria. Equidem sic iam obdurui, ut ludis Caesaris nostri animo aequissimo viderem T. Plancum, audirem Laberii et Publilii poemata. Nihil mihi tam deesse scito quam quicum haec familiariter docteque rideam: is tu eris, si quam primum veneris; quod ut facias, non mea solum, sed etiam tua interesse arbitror.

XIX. Scr. Romae sub finem a.u.c. 708.

CICERO CORNIFICIO SAL.

Libentissime legi tuas litteras, in quibus iucundissimum mihi fuit,

quod cognovi meas tibi redditas esse; non enim dubitabam, quin eas libenter lecturus esses, verebar, ut redderentur. Bellum, quod est in Syria, Syriamque provinciam tibi tributam esse a Caesare ex tuis litteris cognovi: eam quidem rem tibi volo bene et feliciter evenire; quod ita fore confido fretus et industria et prudentia tua. Sed, de Parthici belli suspicione quod scribis, sane me commovit: quid copiarum haberes, quum ipse coniectura consequi poteram, tum ex tuis litteris cognovi: itaque opto, ne se illa gens moveat hoc tempore, dum ad te legiones eae perducantur, quas audio duci; quod si pares copias ad confligendum non habebis, non te fugiet uti consilio M. Bibuli, qui se oppido munitissimo et copiosissimo tamdiu tenuit, quamdiu in provincia Parthi fuerunt. Sed haec melius ex re et ex tempore constitues: mihi quidem usque curae erit, quid agas, dum, quid egeris, sciero. Litteras ad te numquam habui cui darem, quin dederim: a te, ut idem facias, peto, in primisque ut ita ad tuos scribas, ut me tuum sciant esse.

XX. Scr. Romae anno incerto.

CICERO CORNIFICIO SAL.

Gratae mihi tuae litterae, nisi quos Sinuessanum deversoriolum contempsisti; quam quidem contumeliam villa pusilla iniquo animo feret, nisi in Cumano et Pompeiano reddideris pnta perÐ pntvn. Sic igitur facies meque amabis et scripto aliquo lacesses; ego enim respondere facilius possum quam provocare. Quod si, ut es, cessabis, lacessam, nec tua ignavia etiam mihi inertiam afferet. Plura otiosus; haec, quum essem in senatu, exaravi.

XXI. Scr. mense incerto a.u.c. 710.

CICERO CORNIFICIO SAL.

C. Anicius, familiaris meus, vir omnibus rebus ornatus, negotiorum suorum causa legatus est in Africam legatione libera: eum velim rebus omnibus adiuves operamque des, ut quam commodissime sua negotia conficiat, in primisque, quod ei carissimum est, dignitatem eius tibi commendo, idque a te peto, quod ipse in provincia facere

sum solitus non rogatus, ut omnibus senatoribus lictores darem; quod idem acceperam et id cognoveram a summis viris factitatum. Hoc igitur, mi Cornifici, facies ceterisque rebus omnibus eius dignitati reique, si me amas, consules: erit id mihi gratissimum. Da operam, ut valeas.

XXII. Scr. Romae exeunte mense Decembri a.u.c. 710.

CICERO CORNIFICIO SAL.

Nos hic cum homine gladiatore omnium nequissimo, collega nostro, Antonio, bellum gerimus, sed non pari condicione, contra arma verbis. At etiam de te concionatur, nec impune; nam sentiet, quos lacessierit. Ego autem acta ad te omnia arbitror perscribi ab aliis; a me futura debes cognoscere, quorum quidem non est difficilis coniectura: oppressa omnia sunt, nec habent ducem boni, nostrique tyrannoctoni longe gentium absunt. Pansa et sentit bene et loquitur fortiter; Hirtius noster tardius convalescit. Quid futurum sit, plane nescio; spes tamen una est aliquando populum Romanum maiorum similem fore. Ego certe rei publicae non deero et, quidquid acciderit, a quo mea culpa absit, animo forti feram; illud profecto, quoad potero: tuam famam et dignitatem tuebor. A. d. XIII K. Ian. senatus frequens mihi est assensus quum de ceteris rebus magnis et necessariis, tum de provinciis ab iis, qui obtinerent, retinendis neque cuiquam tradendis, nisi qui ex senatus consulto successisset: hoc ego quum rei publicae casua censui, tum mehercule in primis retinendae dignitatis tuae; quamobrem te amoris nostri causa rogo, rei publicae causa hortor, ut ne cui quidquam iuris in tua provincia esse patiare atque ut omnia referas ad dignitatem, qua nihil esse potest praestantius. Vere tecum agam, ut necessitudo nostra postulat: in Sempronio, si meis litteris obtemperasses, maximam ab omnibus laudem adeptus esses; sed illud et praeteriit et levius est, haec magna res est: fac, ut provinciam retineas in potestate rei publicae. Plura scripsissem, nisi tui festinarent: itaque Chaerippo nostro me velim excuses.

XXIII. Scr. Romae medio mense Octobri a.u.c. 710.

CICERO CORNIFICIO SAL.

Omnem condicionem imperii tui statumque provinciae mihi demonstravit Tratorius. O multa intolerabilia locis omnibus! sed, quo tua maior dignitas, eo, quae tibi acciderunt, minus ferenda; neque enim, quae tu propter magnitudinem et animi et ingenii moderate fers, ea non ulciscenda sunt, etiamsi non sunt dolenda. Sed haec posterius. Rerum urbanarum acta tibi mitti certo scio; quod ni ita putarem, ipse perscriberem, in primisque Caesaris Octaviani conatum; de quo multitudini fictum ab Antonio crimen videtur, ut in pecuniam adolescentis impetum faceret, prudentes autem et boni viri et credunt factum et probant. Quid quaeris? magna spes est in eo: nihil est, quod non existimetur laudis et gloriae causa facturus. Antonius autem, noster familiaris, tanto se odio esse intelligit, ut, quum interfectores suos domi comprehenderit, rem proferre non audeat. A. d. VII Id. Oct. Brundisium erat profectus obviam legionibus Macedonicis quattuor, quas sibi conciliare pecunia cogitabat easque ad urbem adducere et in cervicibus nostris collocare. Habes formam rei publicae, si in castris potest esse res publica; in quo tuam vicem saepe doleo, quod nullam partem per aetatem sanae et salvae rei publicae gustare potuisti. Atque antehac quidem sperare saltem licebat; nunc etiam id ereptum est; quae enim est spes, quum in concione dicere ausus sit Antonius Cannutium apud eos locum sibi quaerere, quibus se salvo locus in civisate esse non posset? Equidem et haec et omnia, quae homini accidere possunt, sic fero, ut philosophiae magnam habeam gratiam, quae me non modo ab sollicitudine abducit, sed etiam contra omnes fortunae impetus armat, tibique idem censeo faciundum nec, a quo culpa absit, quidquam in malis numerandum. Sed haec tu melius. Tratorium nostrum quum semper probassem, tum maxime in tuis rebus summam eius fidem, diligentiam prudentiamque cognovi. Da operam, ut valeas: hoc mihi gratius facere nihil potes.

XXIV. Scr. Romae ineunte mense Ianuario a.u.c. 711.

CICERO CORNIFICIO SAL.

Ego nullum locum praetermitto — nec enim debeo — non modo laudandi tui, sed ne ornandi quidem; sed mea studia erga te et officia malo tibi ex tuorum litteris quam ex meis esse nota. Te tamen hortor, ut omni cura in rem publicam incumbas: hoc est animi, hoc est ingenii tui, hoc eius spei, quam habere debes, amplificandae dignitatis tuae. Sed hac de re alias ad te pluribus; quum enim haec scribebam, in exspectatione erant omnia: nondum legati redierant, quos senatus non ad pacem deprecandam, sed ad denuntiandum bellum miserat, nisi legatorum nutio paruisset. Ego tamen, ut primum occasio data est, meo pristino more rem publicam defendi: me principem senatui populoque Romano professus sum, nec postea, quam suscepi causam libertatis, minimum tempus amisi tuendae salutis libertatisque communis. Sed haec quoque te ex aliis malo. T. Pinarium, familiarissimum meum, tanto tibi studio commendo, ut maiore non possim; cui quum propter omnes virtutes, tum etiam propter studia communia sum amicissimus. Is procurat rationes negotiaque Dionysii nostri, quem et tu multum amas et ego omnium plurimum; ea tibi ego non debeo commendare, sed commendo tamen. Facies igitur, ut ex Pinarii, gratissimi hominis, litteris tuum et erga illum et erga Dionysium studium perspiciamus.

XXV. Scr. Romae sive XIV. Kal. Apriles sive paullo post a.u.c. 711.

CICERO CORNIFICIO SAL.

Liberalibus litteras accepi tuas, quas mihi Cornificius altero vicesimo die, ut dicebat, reddidit: eo die non fuit senatus neque postero. Quinquatribus frequenti senatu causam tuam egi non invita Minerva; etenim eo ipso die senatus decrevit, ut Minerva nostra, custos urbis, quam turbo deiecerat, restitueretur. Pansa tuas litteras recitavit: magna senatus approbatio consecuta est cum summo meo gaudio et offensione Minotauri, id est Calvisii et Tauri; factum de te senatus consultum honorificum. Postulabatur, ut etiam illi notarentur; sed Pansa clementior. Ego, mi Cornifici, quo die primum in spem libertatis ingressus sum et cunctantibus ceteris a. d. XIII K. Ian. fundamenta ieci rei publicae, eo ipso die providi multum atque habui rationem dignitatis tuae; mihi enim est assensus senatus de obtinendis provinciis; nec vero postea destiti labefactare eum, qui summa cum tua iniuria contumeliaque rei publicae provinciam absens obtinebat; itaque crebras vel potius quotidianas compellationes meas non tulit seque in urbem recepit invitus; neque solem spe, sed certa re iam et possessione deturbatus est meo iustissimo honestissimoque convicio. Te tuam dignitatem summa tua virtute tenuisse provinciaeque honoribus amplissimis affectum vehementer gaudeo. Quod te mihi de Sempronio purgas, accipio excusationem; fuit enim illud quoddam graecum tempus servitutis. Ego, tuorum consiliorum auctor dignitatisque fautor, iratus temporibus in Graeciam desperata libertate rapiebar, quum me etesiae quasi boni cives relinquentem rem publicam prosequi noluerunt, austerque adversus maximo flatu me ad tribules tuos Regium rettulit, atque inde ventis remis in patriam omni festinatione properavi postridieque in summa reliquorum servitute liber unus fui. Sic sum in Antonium invectus, ut ille non ferret omnemque suum vinulentum furorem in me unum effunderet meque tum elicere vellet ad caedis causam, tum temptaret insidiis; quem ego ructantem et nauseantem conieci in Caesaris Octaviani plagas; puer enim egregius praesidium sibi primum et nobis, deinde summae rei publicae comparavit; qui nisi fuisset, Antonii reditus a Brundisio pestis patriae fuisset. Quae deinceps acta sint, scire te arbitror. Sed redeamus illuc, unde devertimus: accipio excusationem tuam de Sempronio; neque enim statui quid in tanta perturbatione habere potuisti.

Nunc hic dies aliam vitam affert, alios mores postulat,

ut ait Terentius; quamobrem, mi Quinte, conscende nobiscum, et quidem ad puppim: una navis est iam bonorum omnium, quam quidem nos damus operam ut rectam teneamus; utinam prospero cursu! sed, quicumque venti erunt, ars nostra certe non aberit; quid enim praestare aliud virtus potest? Tu fac ut magno animo sis et excelso cogitesque omnem dignitatem tuam cum re publica coniunctam esse debere.

(Scr. post V Kal. Mai. a. 711.)

P. Lucceium mihi meum commendas, quem, quibuscumque rebus potero, diligenter tuebor. Hirtium quidem et Pansam, collegas nostros, homines in consulatu rei publicae salutares, alieno sane tempore amisimus, re publica Antoniano quidem latrocinio liberata, sed nondum omnino explicata; quam nos, si licebit, more nostro tuebimur, quamquam admodum sumus iam defetigati; sed nulla lassitudo impedire officium et fidem debet. Verum haec hactenus: ab aliis te de me quam a me ipso malo cognoscere. De te audiebamus ea, quae maxime vellemus. De Cn. Minucio, quem tu quibusdam litteris ad caelum laudibus extulisti, rumores duriores erant: id quale sit omninoque quid istic agatur facias me velim certiorem.

XXVI. Scr. mense incerto (post XIII. Kal. Ian.) a.u.c. 710.

CICERO CORNIFICIO SAL.

Q. Turius, qui in Africa negotiatus est, vir bonus et honestus, heredes fecit similes sui, Cn. Saturninum, Sex. Aufidium, C. Anneium, Q. Considium Gallum, L. Servilium Postumum, C. Rubellium: ex eorum oratione intellexi gratiarum actione eos magis egere quam commendatione; tanta enim liberalitate se tua usos praedicabant, ut iis plus a te tributum intelligerem, quam ego te auderem rogare; audebo tamen, scio enim, quantum ponderis mea commendatio sit habitura. Quare a te peto, ut ad eam liberalitatem, qua sine meis litteris usus es, quam maximus his litteris cumulus accedat; caput autem est meae commendationis, ne patiare Erotem Turium, Q. Turii libertum, ut adhuc fecit, hereditatem Turianam avertere ceterisque omnibus rebus habeas eos a me commendatissimos. Magnam ex

eorum splendore et observantia capies voluptatem: quod ut velis, te vehementer etiam atque enim rogo.

XXVII. Scr. mense incerto (post XIII. Kal. Ian.) a.u.c. 710.

CICERO CORNIFICIO SAL.

Sex. Aufidius et observantia, qua me colit, accedit ad proximos et splendore equiti Romano nemini cedit; est autem ita temperatis moderatisque moribus, ut summa severitas summa cum humanitate iungatur: cuius tibi negotia, quae sunt in Africa, ita commendo, ut maiore studio magisve ex animo commendare non possim. Pergratum mihi feceris, si dederis operam, ut is intelligat meas apud te litteras maximum pondus habuisse: hoc te vehementer, mi Cornifici, rogo.

XXVIII. Scr. Romae mense Aprili (ante XVI. K. Maias) a.u.c. 711.

CICERO CORNIFICIO SAL.

Assentior tibi eos, quos scribis Lilybaeo minari, istic poenas dare debuisse, sed metuisti, ut ais, ne nimis liber in ulciscendo viderere; metuisti igitur, ne gravis civis, ne nimis fortis, ne nimis te dignus viderere. Quod societatem rei publicae conservandae tibi mecum a patre acceptam renovas, gratum est, quae societas inter nos semper, mi Cornifici, manebit; gratum etiam illud, quod mihi tuo nomine gratias agendas non putas, nec enim id inter nos facere debemus. Senatus saepius pro dignitate tua appellaretur, si absentibus consulibus umquam nisi ad rem novam cogeretur. Itaque nec de HS. XX nec de HS. DCC quidquam agi nunc per senatum potest; tibi autem ex senatus consulto imperandum mutuumve sumendum censeo. In re publica quid agatur, credo te ex eorum litteris cognoscere, qui ad te acta debent perscribere. Ego sum spe bona; consilio, cura, labore non desum; omnibus inimicis rei publicae esse me acerrimum hostem prae me fero. Res neque nunc difficili loco mihi videtur esse et fuisset facillimo, si culpa a quibusdam afuisset.

XXIX. Scr. Romae mense Aprili (ante XVI. K. Maius) a.u.c. 711.

CICERO CORNIFICIO SAL.

Non modo tibi, cui nostra omnia notissima sunt, sed neminem in populo Romano arbitror esse, cui sit ignota ea familiaritas, quae mihi cum L. Lamia est; etenim magno theatro spectata est tum, quum est ab A. Gabinio consule relegatus, quod libere et fortiter salutem meam defendisset; nec ex eo amor inter nos natus est, sed, quod erat vetus et magnus, propterea nullum periculum pro me adire dubitavit. Ad haec officia vel merita potius iucundissima consuetudo accedit, ut nullo prorsus plus homine delecter. Non puto te iam exspectare, quibus eum tibi verbis commendarim; causa enim tanti amoris intelligis quae verba desideret: iis me omnibus usum putato. Tantum velim existimes, si negotia Lamiae, procuratores, libertos, familiam quibuscumque rebus opus erit defenderis, gratius mihi futurum, quam si ea tua liberalitas pertinuisset ad rem familiarem meam, nec dubito, quin sine mea commendatione, quod tuum est iudicium de hominibus, ipsius Lamiae causa studiose omnia facturus sis: quamquam erat nobis dictum te existimare alicui senatus consulto, quod contra dignitatem tuam fieret, scribendo Lamiam affuisse, qui omnino consulibus illis numquam fuit ad scribendum; deinde omnia tum falsa senatus consulta deferebantur; nisi forte etiam illi Semproniano senatus consulto me censes affuisse, qui ne Romae quidem fui, ut tum de eo ad te scripsi, re recenti. Sed haec hactenus. Te, mi Cornifici, etiam atque etiam rogo, ut omnia Lamiae negotia mea putes esse curesque, ut intelligat hanc commendationem maximo sibi usui fuisse: hoc mihi gratius facere nihil potes. Cura, ut valeas.

XXX. Scr. Romae exeunte mense Maio a.u.c. 711.

CICERO CORNIFICIO SAL.

Itane? praeter litigatores nemo ad te meas litteras? Multae istae quidem; tu enim perfecisti, ut nemo sine litteris meis tibi se commendatum putaret; sed quis umquam tuorum mihi dixit esse, cui

darem, quin dederim? aut quid mihi iucundius quam, quum coram tecum loqui non possim, aut scribere ad te aut tuas legere litteras? illud magis mihi solet esse molestum, tantis me impediri occupationibus, ut ad te scribendi meo arbitratu facultas nulla detur; non enim te epistulis, sed voluminibus lacesserem, quibus quidem me a te provocari oportebat; quamvis enim occupatus sis, otii tamen plus habes; aut, si ne tu quidem vacas, noli impudens esse nec mihi molestiam exhibere et a me litteras crebiores, quum tu mihi raro mittas, flagitare. Nam, quum antea distinebar maximis occupationibus, propterea quod omnibus curis rem publicam mihi tuendam putabam, tum hoc tempore multo distineor vehementius; ut enim gravius aegrotant ii, qui, quum levati morbo viderentur, in eum de integro inciderunt, sic vehementius nos laboramus, qui profligato bello ac paene sublato renovatum bellum gerere cogamur. Sed haec hactenus. Tu tibi, mi Cornifici, fac ut persuadeas non esse me tam imbecillo animo, ne dicam inhumano, ut a te vinci possim aut officiis aut amore. Non dubitabam equidem, verumtamen multo mihi notiorem amorem tuum effecit Chaerippus. O hominem semper illum quidem mihi aptum, nunc vero etiam suavem! vultus mehercule tuos mihi expressit omnes, non solum animum ac verba pertulit; itaque noli vereri, ne tibi suscensuerim, quod eodem exemplo ad me, quo ad ceteros: requisivi equidem proprias ad me unum litteras, sed neque vehementer et amanter. De sumptu, quem te in rem militarem facere et fecisse dicis, nihil sane possum tibi opitulari, propterea quod et orbus est senatus consulibus amissis et incredibiles angustiae pecuniae publicae, quae conquiritur undique, ut optime meritis militibus promissa solvantur, quod quidem fieri sine tributo posse non arbitror. De Attio Dionysio, nihil puto esse, quoniam mihi nihil dixit Tratorius. De P. Lucceio, nihil tibi concedo, quo studiosor eius sis, quam ego sum; est enim nobis necessarius; sed, a magistris quum contenderem de proferendo die, probarunt mihi sese, quo minus id facerent, et compromisso et iure iurando impediri; quare veniendum arbitror Lucceio: quamquam, si meis litteris obtemperavit, quum tu haec leges, illum Roame esse oportebit. Ceteris de rebus maximaeque de pecunia, quum Pansae mortem ignorares, scripsisti, quae per nos ab eo consequi te posse arbitrarere: quae te non fefellissent, si viveret, nam te diligebat; post mortem autem eius quid

fieri posset non videbamus. De Venuleio, Latino, Horatio, valde laudo: illud non nimium probo, quod scribis, quo illi animo aequiore ferrent, te tuis etiam legatis lictores ademisse — honore enim digni cum ignominia dignis non erant comparandi. — , euosque, ex senatus consulto si non decedunt, cognendos, ut decedant, existimo. Haec fere ad eas litteras, quas eodem exemplo binas accepi: de reliquo, velim tibi persuadeas non esse mihi meam dignitatem tua cariorem.

LIBER TERTIVS DECIMVS

Ad C. Memmium et CeterosI. Scr. Athenis ineunte mense Quinctili a.u.c. 703.

M. CICERO S. D. C. MEMMIO.

Etsi non satis mihi constiterat, cum aliquane animi mei molestia an potius libenter te Athenis visurus essem, quod iniuria, quam accepisti, dolore me afficeret, sapientia tua, qua fers iniuriam, laetitia, tamen vidisse te mallem; nam, quod est molestiae, non sane multo levius est, quum te non video, quod esse potuit voluptatis, certe, si vidissem te, plus fuisset. Itaque non dubitabo dare operam, ut te videam, quum id satis commode facere potero: interea, quod per litteras et agi tecum et, ut arbitror, confici potest, agam. Ac te illud primum rogabo, ne quid invitus mea causa facias, sed id, quod mea intelliges multum, tua nullam in partem interesse, ita mihi des, si tibi, ut id libenter facias, ante persuaseris. Cum Patrone Epicurio mihi omnia sunt, nisi quod in philosophia vehementer ab eo dissentio; sed et initio Romae, quum te quoque et tuos omnes observabat, me coluit in primis et nuper, quum ea, quae voluit, de suis commodis et praemiis consecutus est, me habuit suorum defensorum et amicorum fere principem et iam a Phaedro, qui nobis, quum pueri essemus, antequam Philonem cognovimus, valde ut philosophus, postea tamen ut vir bonus et suavis et officiosus probabatur, traditus mihi commendatusque est: is igitur Patro quum ad me Romam litteras misisset, uti te sibi placarem peteremque, ut nescio quid illud Epicuri parietinarum sibi concederes, nihil scripsi ad te ob eam rem, quod aedificationis tuae consilium commendatione mea nolebam impediri; idem, ut veni Athenas, quum, idem ad te scriberem, rogasset, ob eam causam impetravit, quod te abiecisse illam aedificationem constabat inter omnes amicos tuos. Quod si ita est et si iam tua plane nihil interest, velim, si qua offensiuncula facta est animi tui perversitate aliquorum — novi enim gentem illam — , des te ad lenitatem vel propter summam *tuam* humanitatem vel etiam honoris mei causa. Equidem, si, quid ipse sentiam, quaeris, nec cur ille tanto opere

contendat video nec cur tu repugnes, nisi tamen multo minus tibi concedi potest quam illi laborare sine causa; quamquam Patronis et orationem et causam tibi cognitam esse certo scio: honorem, officium, testamentorum ius, Epicuri auctoritatem, Phaedri obtestationem, sedem, domicilium, vestigia summorum hominum sibi tuenda esse dicit. Totam hominis viam rationemque, quam sequitur in philosophia, derideamus licet, si hanc eius contentionem volumus reprehendere; sed mehercules, quoniam illi ceterisque, quos illa delectant, non valde inimici sumus, nescio an ignoscendum sit huic, si tanto opere laborat; in quo etiamsi peccat, magis ineptiis quam improbitate peccat. Sed, ne plura — dicendum enim aliquando est — , Pomponium Atticum sic amo, ut alterum fratrem; nihil est illo mihi nec carius nec iucundius: is — non quo sit ex istis; est enim omni liberali doctrina politissimus, sed valde diligit Patronem, valde Phaedrum amavit — sic a me hoc contendit, homo minime ambitiosus, minime in rogando molestus, ut nihil umquam magis, nec dubitat, quin ego a te nutu hoc consequi possem, etiamsi aedificaturus esses; nunc vero, si audierit te aedificationem deposuisse neque tamen me a te impetrasse, non te in me illiberalem, sed me in se negligentem putabit. Quamobrem peto a te, ut scribas ad tuos posse tua voluntate decretum illud Areopagitarum, quem *Õpomnhmatism*Žn illi vocant, tolli. Sed redeo ad prima: prius velim tibi persuadeas, ut hoc mea causa libenter facias, quam ut facias; sic tamen habeto, si feceris, quod rogo, fore mihi gratissimum. Vale.

II. Scr. anno incerto (704?)

CICERO MEMMIO SAL.

C. Avianio Evandro, qui habitat in tuo sacrario, et ipso multum utor et patrono eius M. Aemilio familiarissime: peto igitur a te in maiorem modum, quod sine tua molestia fiat, ut ei de habitatione commodes; nam propter opera instituta multa multorum subitum est ei demigrare K. Quinctilibus. Impedior verecundia, ne te pluribus verbis rogem; neque tamen dubito, quin, si tua nihil aut non multum intersit, eo sis animo, quo ego essem, si quid tu me rogares: mihi certe gratissimum feceris.

III. Scr. anno incerto (704?)

CICERO MEMMIO SAL.

A. Fufium, unum ex meis intimis, observantissimum studiosissimumque nostri, eruditum hominem et summa humanitate tuaque amicitia dignissimum, velim ita tractes, ut mihi coram recepisti: tam gratum mihi id erit, quam quod gratissimum; ipsum praeterea summo officio et summa observantia tibi in perpetuum devinxeris.

IV. Scr. Romae mense Octobri a.u.c. 709.

M. CICERO S. D. Q. VALERIO Q. F. ORCAE LEGATO PROPR.

Cum municipibus Volaterranis mihi summa necessitudo est; magno enim meo beneficio affecti cumulatissime mihi gratiam rettulerunt; nam nec in honoribus meis *nec in* laboribus umquam defuerunt: cum quibus si mihi nulla causa intercederet, tamen, quod te vehementissime diligo quodque me a te plurimi fieri sentio, et monerem te et hortarer, ut eorum fortunis consuleres, praesertim quum prope praecipuam causam haberent ad ius obtinendum: primum quod Sullani temporis acerbitatem deorum immortalium benignitate subterfugerunt, deinde quod summo studio populi Romani a me in consulatu meo defensi sunt; quum *enim* tribuni plebi legem iniquissimam de eorum agris promulgavissent, facile senatui populoque Romano persuasi, ut eos cives, quibus fortuna pepercisset, salvos esse vellent. Hanc actionem meam C. Caesar primo suo consulatu lege agraria comprobavit agrumque Volaterranum et oppidum omni periculo in perpetuum liberavit, ut mihi dubium non sit, quin is, qui novas necessitudines adiungat, vetera sua beneficia conservari velit. Quamobrem est tuae prudentiae aut sequi eius auctoritatem, cuius sectam atque imperium summa cum tua dignitate secutus es, aut certe illi integram omnem causam reservare; illud vero dubitare non debes, quin tam grave, tam firmum, tam honestum municipium tibi tuo summo beneficio in perpetuum obligari velis.

Sed haec, quae supra scripta sunt, eo spectant, ut et horter et suadeam: reliqua sunt, quae pertinent ad rogandum, ut non solum tua causa tibi consilium me dare putes, sed etiam, quod mihi opus sit, me a te petere et rogare. Gratissimum igitur mihi feceris, si Volaterranos omnibus rebus integros incolumesque esse volueris: eorum ego domicilia, sedes, rem, fortunas, *quae* et a dis immortalibus et a praestantissimis in nostra re publica civibus summo senatus populique Romani studio conservatae sunt, tuae fidei, iustitiae bonitatique commendo. Si pro meis pristinis opibus facultatem mihi res hoc tempore daret, ut ita defendere possem Volaterranos, quemadmodum consuevi tueri meos, nullum officium, nullum denique certamen, in quo illis prodesse possem, praetermitterem; sed, quoniam apud te nihilo minus hoc tempore valere me confido, quam valuerim semper apud *bonos* omnes, pro nostra summa necessitudine parique inter nos et mutua benevolentia abs te peto, ut ita de Volaterranis mereare, ut existiment eum quasi divino consilio isti negotio praepositum esse, apud quem unum nos, eorum perpetui defensores, plurimum valere possemus.

V. Scr. Romae mense Octobri a.u.c. 709.

M. CICERO S. D. Q. VALERIO LEG. PROPR.

Non moleste fero eam necessitudinem, quae mihi tecum est, notam esse quam plurimis, neque tamen ob eam causam — quod tu optime existimare potes — te impedio, quo minus susceptum negotium pro tua fide et diligentia ex voluntate Caesaris, qui tibi rem magnam difficilemque commisit, gerere possis; nam, quum multi a me petant multa, quod de tua erga me voluntate non dubitent, non committo, ut ambitione mea conturbem officium tuum. C. Curtio ab ineunte aetate familiarissime sum usus; eius et Sullani temporis iniustissima calamitate dolui et, quum iis, qui similem iniuriam acceperant, amissis omnibus fortunis reditus tamen in patriam voluntate omnium concedi videretur, adiutor incolumitatis fui: is habet in Volaterrano possessionem, quum in eam tamquam e naufragio reliquias contulisset; hoc autem tempore eum Caesar in senatum legit, quem ordinem ille ista possessione amissa tueri vix potest; gravissimum

autem est, quum superior factus sit ordine, inferiorem esse fortuna, minimeque convenit ex eo agro, qui Caesaris iussu dividatur, eum moveri, qui Caesaris beneficio senator sit. Sed mihi minus libet multa de aequitate rei scribere, ne causa potius apud te valuisse videar quam gratia; quamobrem te in maiorem modum rogo, ut C. Curtii rem meam putes esse: quidquid mea causa faceres, ut, id C. Curtii causa quum feceris, existimes, quod ille per me habuerit, id me habere abs te. Hoc te vehementer etiam atque etiam rogo.

VIa. Scr. Romae a.u.c. 698 (post m. Sept.).

M. CICERO Q. VALERIO Q. F. ORCAE PROCOS.

S. v. b. e. e. v. Credo te memoria tenere me et coram P. Cuspio tecum locutum esse, quum te prosequerer paludatum, et item postea pluribus verbis tecum egisse, ut, quoscumque tibi eius necessarios commendarem, haberes eos in numero meorum necessariorum: id tu pro tua summa erga me benevolentia perpetuaque observantia mihi liberalissime atque humanissime recepisti. Cuspius, homo in omnes suos officiosissimus, mirifice quosdam homines ex ista provincia tuetur et diligit propterea, quod fuit in Africa bis, quum maximis societatis negotiis praeesset; itaque hoc eius officium, quod adhibetur erga illos, ego mea facultate et gratia soleo, quantum possum, adiuvare; quare Cuspianorum omnium commendationis causam hac tibi epistula exponendam putavi, reliquis epistulis tantum faciam ut notam apponam eam, quae mihi tecum convenit, et simul significem de numero esse Cuspii amicorum; sed hanc commendationem, quam his litteris consignare volui, scito esse omnium gravissimam: nam P. Cuspius singulari studio contendit a me, ut tibi quam diligentissime L. Iulium commendarem. Eius ego studio vix videor mihi satisfacere posse, si utar verbis iis, quibus, quum diligentissime quid agimus, uti solemus; nova quaedam postulat et putat me eius generis artificium quoddam tenere: ei ego pollicitus sum me ex intima nostra arte deprompturum mirificum genus commendationis. Id quoniam assequi non possum, tu re velim efficias, ut ille genere mearum litterarum incredibili quiddam profectum arbitretur: id facies, si omnes genus liberalitatis, quod et ab humanitate et a potestate tua

proficisci poterit, non modo re, sed etiam verbis, vultu denique exprompseris; quae quantum in provincia valeant, vellem expertus esse, sed tamen suspicor. Ipsum hominem, quem tibi commendo, perdignum esse tua amicitia, non solum, quia mihi Cuspius dicit, credo — tametsi id satis esse debebat — , sed quia novi eius iudicium in hominibus et amicis deligendis. Harum litterarum vis quanta fuerit, propediem iudicabo tibique, ut confido, gratias agam: ego, quae te velle quaeque ad te pertinere arbitrabor, omnia studiose diligenterque curabo. Cura, ut valeas.

VIb. Scr. Romae a.u.c. 698. ***M. CICERO Q. VALERIO Q. F. ORCAE PROCOS.***

P. Cornelius, qui tibi litteras *has* dedit, est mihi a P. Cuspio commendatus, cuius causa quanto opere cuperem deberemque, profecto ex me facile cognosti. Vehementer te rogo, ut cures, ut ex hac commendatione mihi Cuspius quam maximas quam primum quam saepissime gratias agat. Vale.

VII. Scr. Romae mense Octobri a.u.c. 709.

CICERO CLUVIO SAL.

Quum in Galliam proficiscens pro nostra necessitudine *pro*que tua suuma in me observantia ad me domum venisses, locutus sum tecum de agro vectigali municipii Atellani, qui esset in Gallia, quantoque opere eius municipii causa laborarem, tibi ostendi; post tuam autem profectionem quum et maxima res municipii honestissimi mihique coniunctissimi et summum meum officium ageretur, pro tuo animo in me singulari existimavi me oportere ad te accuratius scribere, etsi non sum nescius, et quae temporum ratio et quae tua potestas sit, tibique negotium datum esse a C. Caesare, non iudicium, praeclare intelligo: quare a te tantum peto, quantum et te facere posse et libenter mea causa facturum esse arbitror. Et primum velim existimes, quod res est, municipii fortunas omnes in isto vectigali consistere, his autem temporibus hoc municipium, maximis oneribus pressum, summis affectum esse difficultatibus. Hoc etsi commune

videtur esse cum multis, tamen mihi crede singulares huic municipio calamitates accidisse, quas idcirco non commemoro, ne de miseriis meorum necessariorum conquerens homines, quos nolo, videar offendere. Itaque, nisi magnam spem haberem C. Caesari nos causam municpii probaturos, non erat causa, cur a te hoc tempore aliquid contenderem; sed, quia confido mihique persuasi illum et dignitatis municipii et aequitatis et etiam voluntatis erga se habiturum esse rationem, ideo a te non dubitavi contendere, ut hanc causam illi integram conservares: quod etsi nihilo minus a te peterem, si nihil audivissem te tale fecisse, tamen maiorem spem impetrandi nactus sum, posteaquam mihi dictum est, hoc idem a te Regienses impetravisse, qui etsi te aliqua necessitudine attingunt, tamen tuus amor in me sperare me cogit te, quod tuis necessariis tribueris, idem esse tributurum meis, praesertim quum ego pro his unis petam, habeam autem, qui simili causa laborent, complures necessarios. Hoc me non sine causa facere neque aliqua levi ambitione commotum a te contendere etsi te existimare arbitror, tamen mihi affirmanti credas velim, me huic municipio debere plurimum, nullum umquam fuisse tempus neque honorum nec laborum meorum, in quo non huius municipii studium in me exstiterit singulare. Quapropter a te etiam atque etiam pro nostra summa coniunctione proque tua in me perpetua et maxima benevolentia maiorem in modum peto atque contendo, ut, quum fortunas agi eius municpii intelligas, quod sit mihi necessitudine, officiis, benevolentia coniunctissimum, id mihi des, quod eris huiusmodi, ut, si a Caesare, quod speramus, impetrarimus, tuo beneficio nos id consecutos esse iudicemus, sin minus, pro eo tamen id habeamus, quoniam a te data sit opera, ut impetraremus. Hoc quum mihi gratissimum feceris, tum viros optimos, homines honestissimos eosdemque gratissimos et tua necessitudine dignissimos summo beneficio in perpetuum tibi tuisque devinxeris.

VIII. Scr. Romae mense Octobri a.u.c. 709.

M. CICERO M. RUTILIO SAL.

Quum et mihi conscius essem, quanti te facerem, et tuam erga me

benevolentiam expertus essem, non dubitavi a te petere, quod mihi petendum esset. P. Sestium quanti faciam, ipse optime scio, quanti autem facere debeam, et tu et omnes homines sciunt: is quum ex aliis te mei studiosissimum esse cognosset, petivit a me, ut ad te quam accuratissime scriberem de re C. Albinii senatoris, cuius ex filia natus est L. Sestius, optimus adolescens, filius P. Sestii. Hoc idcirco scripsi, ut intelligeres non solum me pro P. Sestio laborare debere, sed Sestium etiam pro Albinio. Res autem est haec: a M. Laberio C. Albinius praedia in aestimationem accepit, quae praedia Laberius emerat a Caesare de bonis Plotianis. Ea si dicam non esse e re publica dividi, docere te videar, non rogare; sed tamen, quum Caesar Sullanas venditiones et assignationes ratas esse velit, quo firmiores existimentur suae, si ea praedia dividentur, quae ipse Caesar vendidit, quae tandem in eius venditionibus esse poterit auctoritas? Sed, hoc quale sit, tu pro tua prudentia considerabis. Ego te plane rogo atque ita, ut maiore studio, iustiore de causa, magis ex animo rogare nihil possim, ut Albinio parcas, praedia Laberiana ne attingas. Magna me affeceris non modo laetitia, sed etiam quodammodo gloria, si P. Sestius homini maxime necessario satisfecerit per me, ut ego illi uni plurimum debeo; quod ut facias, te vehementer etiam atque etiam rogo: maius mihi dare beneficium nullum potes: id mihi intelliges esse gratissimum.

IX. Scr. anno incerto.

CICERO CRASSIPEDI SAL.

Quamquam tibi praesens commendavi, ut potui diligentissime, socios Bithyniae teque quum mea commendatione, tum etiam tua sponte intellexi cupere ei societati quibuscumque rebus posses commodare, tamen, quum ii, quorum res agitur, magni sua interesse arbitrarentur me etiam per litteras declarare tibi, qua essem erga ipsos voluntate, non dubitavi haec ad te scribere. Volo enim te existimare me, quum universo ordini publicanorum semper libentissime tribuerim plurimum idque magnis eiud ordinis erga me meritis facere debuerim, tum in primis amicum esse huic Bithynicae societati, quae societas [ordine,] ipso hominum genere pars est maxima civitatis —

constat enim ex ceteris societatibus — , et casu permulti sunt in ea societate valde mihi familiares, in primisque is, cuius praecipuum officium agitur hoc tempore, P. Rupilius P. f. Men., qui est magister in ea societate. Quae quum ita sint, in maiorem modum a te peto, Cn. Pupium, qui est in operis eius societatis, omnibus tuis officiis atque omni liberalitate tueare curesque, ut eius operae, quod tibi facile factu est, quam gratissimae sint sociis, remque et utilitatem sociorum — cuius rei quantam potestatem quaestor habeat, non sum ignarus — per te quam maxime defensam et auctam velis. Id quum mihi gratissimum feceris, tum illud tibi expertus promitto et spondeo, te socios Bithyniae, si iis commodaris, memores esse et gratos cogniturum.

X. Scr. Romae ineunte anno a.u.c. 708.

CICERO BRUTO SAL.

Quum ad te tuus quaestor, M. Varro, proficisceretur, commendatione egere eum non putabam; satis enim commendatum tibi eum arbitrabar ab ipso more maiorum, qui, ut te non fugit, hanc quaesturae coniunctionem liberorum necessitudini proximam voluit esse; sed, quum sibi ita persuasisset ipse, meas de se accurate scriptas litteras maximum apud te pondus habituras, a meque contenderet, ut quam diligentissime scriberem, malui facere, quod meus familiaris tanti sua interesse arbitraretur. Ut igitur debere me facere hoc intelligas, quum primum M. Terentius in forum venit, ad amicitiam se meam contulit; deinde, ut se corroboravit, duae causae accesserunt, quae meam in illum benevolentiam augerent: una, quod versabatur in hoc studio nostro, quo etiam nunc maxime delectamur, et cum ingenio, ut nosti, nec sine industria; deinde, quod mature se contulit in societates publicanorum, quod quidem nollem — maximis enim damnis affectus est — , sed tamen *causa* communis ordinis mihi commendatissimi fecit amicitiam nostram firmiorem; deinde versatus in utrisque subselliis optima et fide et fama iam ante hanc commutationem rei publicae petitioni sese dedit honoremque honestissimum existimavit fructum laboris sui; his autem temporibus a me Brundisio cum litteris et mandatis profectus ad Caesarem est,

qua in re et amorem eius in suscipiendo negotio perspexi et in conficiendo ac renuntiando fidem. Videor mihi, quum separatim de probitate eius et moribus dicturus fuissem, si prius causam, cur eum tanto opere diligerem, tibi exposuissem, in ipsa causa exponenda satis etiam de probitate dixisse; sed tamen separatim promitto in meque recipio fore eum tibi et voluptati et usui: nam et modestum hominem cognosces et pudentem et a cupiditate omni remotissimum, praeterea magni laboris summaeque industriae. Neque ego haec polliceri debeo, quae tibi ipsi, quum bene cognoris, iudicanda sunt; sed tamen in omnibus novis coniunctionibus interest, qualis primus aditus sit et qua commendatione quasi amicitiae fores aperiantur: quod ego his litteris efficere volui; etsi id ipsa per se necessitudo quaesturae effecisse debet; sed tamen nihilo infirmius illud hoc addito. Cura igitur, si me tanti facis, quanti et Varro existimat et ipse sentio, ut quam primum intelligam hanc meam commendationem tantum illi utilitatis attulisse, quantum et ipse sperarit nec ego dubitarim.

XI. Scr. Romae a.u.c. 708.

CICERO BRUTO SAL.

Quia semper animadverti studiose te operam dare, ut ne quid meorum tibi esset ignotum, propterea non dubito, quin scias, non solum cuius municipii sim, sed etiam quam diligenter soleam meos municipes Arpinates tueri: quorum quidem omnia commoda omnesque facultates, quibus et sacra conficere et sarta tecta aedium sacrarum locorumque communium tueri possint, consistunt in iis vectigalibus, quae habent in provincia Gallia; ad ea visenda pecuniasque, quae a colonis debentur, exigendas totamque rem et cognoscendam et administrandam legatos equites Romanos misimus, Q. Fufidium Q. f., M. Faucium M. f., Q. Mamercum Q. f. Peto a te in maiorem modum pro nostra necessitudine, ut tibi ea res curae sit operamque des, ut per te quam commodissime negotium municipii administretur quam primumque conficiatur, ipsosque, quorum nomina scripsi, ut quam honorificentissime pro tua natura et quam liberalissime tractes. Bonos viros ad tuam necessitudinem adiunxeris

municipiumque gratissimum beneficio tuo devinxeris, mihi vero etiam gratius feceris, quod quum semper tueri municipes meos consuevi, tum hic annus praecipue ad meam curam officiumque pertinet: nam constituendi municipii causa hoc anno aedilem filium meum fieri volui et fratris filium et M. Caesium, hominem mihi maxime necessarium — is enim magistratus in nostro municipio nec alius ullus creari solet — ; quos cohonestaris in primisque me, si res publica municipii tuo studio, diligentia bene administrata erit: quod ut facias, te vehementer etiam atque etiam rogo.

XII. Scr. Romae a.u.c. 708.

CICERO BRUTO SAL.

Alia epistula communiter commendavi tibi legatos Arpinatium ut potui diligentissime, hac separatim Q. Fufidium, quocum mihi omnes necessitudines sunt, diligentius commendo, non ut aliquid de illa commendatione deminuam, sed ut ad hanc addam: nam et privignus est M. Caesii, mei maxime et familiaris et necessarii, et fuit in Cilicia mecum tribunus militum, quo in munere ita se tractavit, ut accepisse ab eo beneficium viderer, non dedisse; est praeterea — quod apud te valet plurimum — a nostris studiis non abhorrens. Quare velim eum quam liberalissime complectare operamque des, ut in ea legatione, quam suscepit contra suum commodum secutus auctoritatem meam, quam maxime eius excellat industria; vult enim, id quod optimo cuique natura tributum est, quam maximam laudem quum a nobis, qui eum impulimus, tum a municipio consequi, quod ei continget, si hac mea commendatione tuum erga se studium erit consecutus.

XIII. Scr. Romae a.u.c. 708.

CICERO BRUTO SAL.

L. Castronius Paetus, longe princeps municipii Lucensis, est honestus, gravis, plenus officii, bonus plane vir et quum virtutibus, tum etiam fortuna, si quid hoc ad rem pertinet, ornatus; meus autem est familiarissimus, sic prorsus, ut nostri ordinis observet neminem diligentius; quare ut et meum amicum et tua dignum amicitia tibi

commendo: cui quibuscumque rebus commodaveris, tibi profecto iucundum, mihi certe erit gratum. Vale.

XIV. Scr. Romae a.u.c. 708.

CICERO BRUTO SAL.

L. Titio Strabone, equite Romano in primis honesto et ornato, familiarissime utor; omnia mihi cum eo intercedunt iura summae necessitudinis: huic in tua provincia pecuniam debet P. Cornelius; ea res a Volcatio, qui Romae ius dicit, reiecta in Galliam est. Peto a te hoc diligentius, quam si mea res esset, quo est honestius de amicorum pecunia laborare quam de sua, ut negotium conficiendum cures, ipse suscipias, transigas operamque des, quoad tibi aequum et rectum videbitur, ut quam commodissima condicione libertus Strabonis, qui eius rei causa missus est, negotium conficiat ad nummosque perveniat. Id et mihi gratissimum erit et tu ipse L. Titium cognosces amicitia tua dignissimum. Quod ut tibi curae sit, ut omnia solent esse, quae me velle scis, te vehementer etiam atque etiam rogo.

XV. Scr. Asturae mense Aprili a.u.c. 709.

CICERO CAESARI IMP. SAL.

Precilium tibi commendo unice, tui necessarii, mei familiarissimi, viri optimi filium; quem quum adolescentem ipsum propter eius modestiam, humanitatem, animum et amorem erga me singularem mirifice diligo, tum patrem eius re doctus intellexi et didici mihi fuisse semper amicissimum. Em, hic ille est de tuis, maxime qui irridere atque obiurgare me solitus est, quod me non tecum, praesertim quum abs te honorificentissime invitarer, coniungerem;

Èll' ßmŽn o' pote yumŽn ßn styessin peiyen:

audiebam enim nostros proceres clamitantes:

Ílximow ss', …na t§w se xa cig³nvn eŒ e›pô.
¹w f"to, tŽn d' Íxeow nefflh ßx"luce mflaina.

Sed tamen iidem me consolantur etiam: hominem perustum etiamnum gloria volunt incendere atque ita loquuntur:

mÿ mÂn Èspoude§ ge xa Èxlei´w Èpolo§mhn,
ÈllÂ mfga =fjaw ti xa ßssomfnoisi puyfsyai.

Sed minus iam movent, ut vides. Itaque ab Homeri magniloquentia confero me ad vera praecepta *E»rip§dou:*

mis´ sofistæn, óstiw o»x aÕt" sof³w:

quem versum senex Precilius laudat egregie et ait posse eundem et *ama prossv xai opissv* videre et tamen nihil minus

aÞ¢v Èriste ein xa Õpe§roxon mmenai Íllvn.

Sed, ut redeam ad id, unde coepi, vehementer mihi gratum feceris, si hunc adolescentem humanitate tua, quae est singularis, comprehenderis et ad id, quod ipsorum Preciliorum causa te velle arbitror, addideris cumulum commendationis meae. Genere novo sum litterarum ad te usus, ut intelligeres non vulgarem esse commendationem.

XVI. Scr. Asturae mense Aprili a.u.c. 709.

CICERO CAESARI SAL.

P. Crassum ex omni nobilitate adolescentem dilexi plurimum, et de eo quum ab ineunte eius aetate bene speravissem, tum perbene existimare coepi eximiis iudiciis, quae de eo feceras, cognitis. Eius libertum Apollonium iam tum equidem, quum ille viveret, et magni faciebam et probabam; erat enim et studiosus Crassi et ad eius optima studia vehementer aptus; itaque ab eo admodum diligebatur. Post mortem autem Crassi eo mihi etiam dignior visus est, quem in fidem atque amicitiam meam reciperem, quod eos a se observandos et colendos putabat, quos ille dilexisset et quibus carus fuisset; itaque et ad me in Ciliciam venit multisque in rebus mihi magno usui fuit et fides eius et prudentia, et, ut opinor, tibi in Alexandrino bello, quantum studio et fidelitate consequi potuit, non defuit: quod quum speraret te quoque ita existimare, in Hispaniam ad te maxime ille quidem suo consilio, sed etiam me auctore est profectus. Cui ego

commendationem non sum pollicitus, non quin eam valituram apud te arbitrarer, sed neque egere mihi commendatione videbatur, qui et in bello tecum fuisset et propter memoriam Crassi de tuis unus esset, et, si uti commendationibus vellet, etiam per alios eum videbam id consequi posse: testimonium mei de eo iudicii, quod et ipse magni aestimabat et ego apud te valere eram expertus, ei libenter dedi. Doctum igitur hominem cognovi et studiis optimis deditum, idque a puero: nam domi meae cum Diodoto Stoico, homine meo iudicio eruditissimo, multum a puero fuit; nunc autem, incensus studio rerum tuarum, eas litteris Graecis mandare cupiebat. Posse arbitror: valet ingenio; habet usum; iampridem in eo genere studii litterarumque versatur; satisfacere immortalitati laudum tuarum mirabiliter cupit. Habes opinionis meae testimonium, sed tu hoc facilius multo pro tua singulari prudentia iudicabis. Et tamen, quod negaveram, commendo tibi eum: quidquid ei commodaveris, erit id *mihi* maiorem in modum gratum.

XVII. Scr. Romae a.u.c. 708.

M. CICERO S. D. SER. SULPICIO.

M'. Curius, qui Patris negotiatur, multis et magnis de causis a me diligitur: nam et amicitia pervetus mihi cum eo est, ut primum in forum venit, instituta, et Patris quum aliquoties antea, tum proxime hoc miserrimo bello domus eius tota mihi patuit, qua, si opus fuisset, tam essem usus quam mea; maximum autem mihi vinculum cum eo est quasi sanctioris cuiusdam necessitudinis, quod est Attici nostri familiarissimus eumque unum praeter ceteros observat ac diligit. Quem si tu iam forte cognosti, puto me hoc, quod facio, facere serius; ea est enim humanitate et observantia, ut eum tibi iam ipsum per se commendatum putem; quod tamen si ita est, magno opere a te quaeso, ut ad eam voluntatem, si quam in illum ante has meas litteras contulisti, quam maximus potest mea commendatione cumulus accedat: sin autem propter verecundiam suam minus se tibi obtulit aut nondum eum satis habes cognitum aut quae causa est, cur maioris commendationis indigeat, sic tibi eum commendo, ut neque maiore studio quemquam neque iustioribus de causis commendare possim,

faciamque id, quod debent facere ii, qui religiose et sine ambitione commendant: spondebo enim tibi vel potius spondeo in meque recipio eos esse M'. Curii mores eamque quum probitatem, tum etiam humanitatem, ut eum et amicitia tua et tam accurata commendatione, si tibi sit cognitus, dignum sis existimaturus. Mihi certe gratissimum feceris, si intellexero has litteras tantum, quantum scribens confidebam, apud te pondus habuisse.

XVIII. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Non concedam, ut Attico nostro, quem elatum laetitia vidi, iucundiores tuae suavissime ad eum et humanissime scriptae litterae fuerint quam mihi; nam, etsi utrique nostrum prope aeque gratae erant, tamen ego admirabar magis te, qui, si rogatus aut certe admonitus liberaliter Attico respondisses — quod tamen dubium nobis, quin ita futurum fuerit, non erat — , * * * ultro ad eum scripsisse eique nec opinanti voluntatem tuam tantam per litteras detulisse. De quo non modo rogare te, ut eo studiosius mea quoque causa facias, non debeo — nihil enim cumulatius fieri potest, quam polliceris — , sed ne gratias quidem agere, quod tu et ipsius causa et tua sponte feceris: illud tamen dicam, mihi id, quod fecisti, esse gratissimum; tale enim tuum iudicium de homine eo, quem ego unice diligo, non potest mihi non summe esse iucundum, quod quum ita sit, esse gratum necesse est. Sed tamen, quoniam mihi pro coniunctione nostra vel peccare apud te in scribendo licet, utrumque eorum, quae negavi mihi faciunda esse, faciam: nam et ad id, quod Attici causa te ostendisti esse facturum, tantum velim addas, quantum ex nostro amore accessionis fieri potest, et, quod modo verebar, tibi gratias agere, nunc plane ego teque ita existimare volo, quibuscumque officiis in Epiroticis reliquisque rebus Atticum obstrinxeris, iisdem me tibi obligatum fore.

XIX. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Cum Lysone Patrensi est mihi quidem hospitium vetus, quam ego necessitudinem sancte colendam puto; sed ea causa etiam cum aliis compluribus, familiaritas tanta nullo cum hospite, et ea quum officiis eius multis, tum etiam consuetudine quotidiana sic est aucta, ut nihil sit familiaritate nostra coniunctius. Is quum Romae annum prope ita fuisset, ut mecum viveret, etsi eramus in magna spe te meis litteris commendationeque diligentissime facturum id, quod fecisti, ut eius rem et fortunas absentis tuerere, tamen, quod in unius potestate erant omnia et quod Lyso fuerat in nostra causa nostrisque praesidiis, quotidie aliquid timebamus; effectum tamen est et ipsius splendore et nostro reliquorumque hospitum studio, ut omnia, quae vellemus, a Caesare impetrarentur, quod intelliges ex iis litteris, quas Caesar ad te dedit. Nunc non modo non remittimus tibi aliquid ex nostra commendatione, quasi adepti iam omnia, sed eo vehementius a te contendimus, ut Lysonem in fidem necessitudinemque tuam recipias: cuius dubia fortuna timidius tecum agebamus, verentes ne quid accideret eiusmodi, ut ne tu quidem mederi posses; explorata vero eius incolumitate omnia a te studia summo cura peto. Quae ne singula enumerem, totam tibi domum commendo, in his adolescentem filium eius, quem C. Maenius Gemellus, cliens meus, quum in calamitate exsilii sui Patrensis civis factus esset, Patrensium legibus adoptavit, ut eius ipsius hereditatis ius causamque tueare. Caput illud est, ut Lysonem, quem ego virum optimum gratissimumque cognovi, recipias in necessitudinem tuam; quod si feceris, non dubito, quin in eo diligendo ceterisque postea commendando idem, quod ego, sis iudicii et voluntatis habiturus. Quod quum fieri vehementer studeo, tum etiam illud vereor, ne, si minus cumulate videbere fecisse aliquid eius causa, me ille negligenter scripsisse putet, non te oblitum mei; quanti enim me faceres, quum ex sermonibus quotidianis meis, tum ex epistulis etiam tuis potuit cognoscere.

XX. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Asclapone Patrensi, medico, utor familiariter eiusque quum

consuetudo mihi iucunda fuit, tum ars etiam, quam sum expertus in valetudine meorum; in qua mihi quum ipsa scientia, tum etiam fidelitate benevolentiaque satisfecit. Hunc igitur tibi commendo et a te peto, ut des operam, ut intelligat diligenter me scripsisse de sese meamque commendationem usui magno sibi fuisse: erit id mihi vehementer gratum.

XXI. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

M. Aemilius Avianius ab ineunte adolescentia me observavit semperque dilexit, vir quum bonus, tum perhumanus et in omni genere officii diligentissimus: quem si arbitrarer esse Sicyone et nisi audirem ibi eum etiam nunc, ubi ego reliqui, Cibyrae commorari, nihil esset necesse plura me ad te de eo scribere; perficeret enim ipse profecto suis moribus suaque humanitate, ut sine cuiusquam commendatione diligeretur abs te non minus quam et a me et a ceteris suis familiaribus; sed, quum illum abesse putem, commendo tibi in maiorem modum domum eius, quae est Sicyone, remque familiarem, maxime C. Avianium Hammonium, libertum eius, quem quidem tibi etiam suo nomine commendo; nam quum propterea mihi est probatus, quod est in patronum suum officio et fide singulari, tum etiam in me ipsum magna officia contulit mihique molestissimis temporibus ita fideliter benevoleque praesto fuit, ut si a me manumissus esset. Itaque peto a te, ut eum et in patroni eius negotio sic tueare, ut eius procuratorem, quem tibi commendo, et ipsum suo nomine diligas habeasque in numero tuorum: hominem pudentem et officiosum cognosces et dignum, qui a te diligatur. Vale.

XXII. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

T. Manlium, qui negotiatur Thespiis, vehementer diligo; nam et semper me coluit diligentissimeque observavit et a studiis nostris non abhorret; accedit eo, quod Varro Murena magno opere eius causa vult omnia; qui tamen existimavit, etsi suis litteris, quibus tibi

Manlium commendarat, valde confideret, tamen mea commendatione aliquid accessionis fore. Me quidem quum Manlii familiaritas, tum Varronis studium commovit, ut ad te quam accuratissime scriberem. Gratissimum igitur mihi feceris, si huic commendationi meae tantum tribueris, quantum cui tribuisti plurimum, id est, si T. Manlium quam maxime, quibuscumque rebus honest ac pro tua dignitate poteris, iuveris atque ornaveris, ex ipsiusque praeterea gratissimis et humanissimis moribus confirmo tibi te eum, quem soles fructum a bonorum virorum officiis exspectare, esse capturum.

XXIII. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

L. Cossinio, amico et tribuli meo, valde familiariter utor; nam et inter nosmet ipsos vetus usus intercedit et Atticus noster maiorem etiam mihi cum Cossinio consuetudinem fecit; itaque tota Cossinii domus me diligit in primisque libertus eius, L. Cossinius Anchialus, homo et patrono et patroni necessariis, quo in numero ego sum, probatissimus. Hunc tibi ita commendo, ut, si meus libertus esset eodemque apud me loco esset, quo est apud suum patronum, maiore studio commendare non possem. Quare pergratum mihi feceris, si eum in amicitiam tum receperis atque eum, quod sine molestia tua fiat, si qua in re opus ei fuerit, iuveris: id et mihi vehementer gratum erit et tibi postea iucundum; hominem enim summa probitate, humanitate observantiaque cognosces.

XXIV. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Quum antea capiebam ex officio meo voluptatem, quod memineram, quam tibi diligenter Lysonem, hospitem et familiarem meum, commendassem, tum vero, posteaquam ex litteris eius cognovi tibi eum falso suspectum fuisse, vehementissime laetatus sum me tam diligentem in eo commendando fuisse; ita enim scripsit ad me, sibi meam commendationem maximo adiumento fuisse, quod ad te delatum diceret sese contra dignitatem tuam Romae de te loqui

solitum esse; de quo etsi pro tua facilitate et humanitate purgatum se tibi scribit esse, tamen primum, ut debeo, tibi maximas gratias ago, quod tantum litterae meae potuerunt, ut iis lectis omnem offensionem suspicionis, quam habueras de Lysone, deponeres, deinde credas mihi affirmanti velim me hoc non pro Lysone magis quam pro omnibus scribere, hominem esse neminem, qui umquam mentionem tui sine tua summa laude fecerit, Lyso vero, quum mecum prope quotidie esset unaque viveret, non solum, quia libenter me audire arbitrabatur, sed quia libentius ipse loquebatur, omnia mihi tua et facta et dicta laudabat. Quapropter, etsi a te ita tractatur, ut iam non desideret commendationem meam unisque se litteris meis omnia consecutum putet, tamen a te peto in maiorem modum, ut eum etiam atque etiam tuis officiis, liberalitate complectare. Scriberem ad te, qualis vir esset, ut superioribus litteris feceram, nisi eum iam per se ipsum tibi satis notum esse arbitrarer.

XXV. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Hagesaretus Larisaeus, magnis meis beneficiis ornatus in consulatu meo, memor et gratus fuit meque postea diligentissime coluit: eum tibi magno opere commendo, ut et hospitem et familiarem meum et gratum hominem et virum bonum et principem civitatis suae et tua necessitudine dignissimum. Pergratum mihi feceris, si dederis operam, ut is intelligat hanc meam commendationem magnum apud te pondus habuisse.

XXVI. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

L. Mescinius ea mecum necessitudine coniunctus est, quod mihi quaestor fuit; sed hanc causam, quam ego, ut a maioribus accepi, semper gravem duxi, fecit virtute et humanitate sua iustiorem: itaque eo sic utor, ut nec familiarius ullo nec libentius. Is quamquam confidere videbatur te sua causa, quae honest posses, libenter esse facturum, magnum esse tamen speravit apud te meas quoque litteras

pondus habituras: id quum ipse ita iudicabat, tum pro familiari consuetudine saepe ex me audierat, quam suavis esset inter nos et quanta coniunctio. Peto igitur a te, tanto scilicet studio, quanto intelligis debere me petere pro homine tam mihi necessario et tam familiari, ut eius negotia, quae sunt in Achaia ex eo, quod heres est M. Mindio, fratri suo, qui Elide negotiatus est, explices et expedias quum iure et potestate, quam habes, tum etiam auctoritate et consilio tuo; sic enim praescripsimus iis, quibus ea negotia mandavimus, ut omnibus in rebus, quae in aliquam controversiam vocarentur, te arbitro et, quod commodo tuo fieri posset, te disceptatore uterentur: id ut honoris mei causa suscipias, vehementer te etiam atque etiam rogo. Illud praeterea, si non alienum tua dignitate putabis esse, feceris mihi pergratum, si qui difficiliores erunt, ut rem sine controversia confici nolint, si eos, quoniam cum senatore res est, Romam reieceris; quod quo minore dubitatione facere posses, litteras ad te a M. Lepido consule, non quae te aliquid iuberent — neque enim id tuae dignitatis esse arbitrabamur — , sed quodam modo quasi commendaticias sumpsimus. Scriberem, quam id beneficium bene apud Mescinium positurus esses, nisi et te scire confiderem et mihi peterem; sic enim velim existimes, non minus me de illius re laborare quam ipsum de sua; sed quum illum studeo quam facillime ad suum pervenire, tum illud laboro, ut non minimum hac mea commendatione se consecutum arbitretur.

XXVII. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Licet eodem exemplo saepius tibi huius generis litteras mittam, quum gratias agam, quod meas commendationes tam diligenter observes — quod feci in aliis et faciam, ut video, saepius — , sed tamen non parcam operae et, ut vos soletis in formulis, sic ego in epistulis DE EADEM RE ALIO MODO. C. Avianius igitur Hammonius incredibiles mihi gratias per litteras egit et suo et Aemilii Avianii, patroni sui, nomine: nec liberalius nec honorificentius potuisse tractari nec se praesentem nec rem familiarem absentis patroni sui. Id mihi quum iucundum est eorum

causa, quos tibi ego summa necessitudine et summa coniunctione adductus commendaveram, quod M. Aemilius unus est ex meis familiarissimis atque intimis maxime necessarius, homo et magnis meis beneficiis devinctus et prope omnium, qui mihi debere aliquid videntur, gratissimus, tum multo iucundius te esse in me tali voluntate, ut plus prosis amicis meis, quam ego praesens fortasse prodessem, credo, quod magis ego dubitarem, quid illorum causa facerem, quam tu, quid mea. Sed hoc non dubito quin existimes mihi esse gratum: illud te rogo, ut illos quoque gratos esse homines putes, quod ita esse tibi promitto atque confirmo. Quare velim, quidquid habent negotii, des operam, quod commodo tuo fiat, ut te obtinente Achaiam conficiant. Ego cum tuo Servio iucundissimo coniunctissime vivo magnamque quum ex ingenio eius singularique studio, tum ex virtute et probitate voluptatem capio.

XXVIIIa. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Etsi libenter petere a te soleo, si quid opus est meorum cuipiam, tamen multo libentius gratias tibi ago, quum fecisti aliquid commendatione mea, quod semper facis; incredibile est enim, quas mihi gratias omnes agant, etiam mediocriter a me tibi commendati; quae mihi omnia grata sunt, de L. Mescinio gratissimum; sic enim est mecum locutus, te, ut meas litteras legeris, statim procuratoribus suis pollicitum esse omnia, multo vero plura et maiora fecisse: id igitur — puto enim etiam atque etiam mihi dicendum esse — velim existimes mihi te fecisse gratissimum. Quod quidem hoc vehementius laetor, quod ex ipso Mescinio te video magnam capturum voluptatem; est enim in eo quum virtus et probitas et summum officium summaque observantia, tum studia illa nostra, quibus antea delectabamur, nunc etiam vivimus. Quod reliquum est, velim augeas tua in eum beneficia omnibus rebus, quae te erunt dignae; sunt duo, quae te nominatim rogo: primum, ut, si quid satisdandum erit, AMPLIUS EO NOMINE NON PETI, cures, ut satisdetur fide mea; deinde, quum fere consistat hereditas in iis rebus, quas avertit Oppia, quae uxor Mindii fuit, adiuves ineasque rationem,

quemadmodum ea mulier Romam perducatur: quod si putarit illa fore, ut opinio nostra est, negotium conficiemus. Hoc ut assequamur, te vehementer etiam atque etiam rogo: illud, quod supra scripsi, id * * * in meque recipio, te ea, quae fecisti Mescinii causa quaeque feceris, ita bene collocaturum, ut ipse iudices homini te gratissimo, iucundissimo benigne fecisse; volo enim ad id, quod mea causa fecisti, hoc etiam accedere.

XXVIIIb. Scr. Romae a.u.c. 708.

CICERO SERVIO SAL.

Nec Lacedaemonios dubitare arbitror, quin ipsi sua maiorumque suorum auctoritate satis commendati sint fidei et iustitiae tuae, et ego, qui te optime novissem, non dubitavi, quin tibi notissima et iura et merita populorum essent: itaque, quum a me peteret Philippus Lacedaemonius, ut tibi civitatem commendarem, etsi memineram me ei civitati omnia debere, tamen respondi commendatione Lacedaemonios apud te non egere. Itaque sic velim existimes, me omnes Achaiae civitates arbitrari pro horum temporum pertubatione felices, quod iis tu praesis, eundemque me ita iudicasse, te, quod unus optime nosses non nostra solum, sed etiam Graeciae monumenta omnia, tua sponte amicum Lacedaemoniis et esse et fore. Quare tantum a te peto, ut, quum ea facies Lacedaemoniorum causa, quae tua fides, amplitudo, iustitia postulat, ut iis, si tibi videbitur, significes te non moleste ferre, quod intelligas ea, quae facias, mihi quoque grata esse; pertinet enim ad officium meum eos existimare curae mihi suas res esse: hoc te vehementer etiam atque etiam rogo.

XXIX. Scr. Romae ineunte anno u.c. 708.

CICERO L. PLANCO SAL.

Non dubito, quin scias in iis necessariis, qui tibi a patre relicti sunt, me tibi esse vel coniunctissimum, non iis modo causis, quae speciem habeant magnae coniunctionis, sed iis etiam, quae familiaritate et consuetudine tenentur, quam scis mihi iucundissimam cum patre tuo et summam fuisse; ab his initiis noster in te amor profectus auxit paternam necessitudinem et eo magis, quod intellexi, ut primum per aetatem iudicium facere potueris, quanti quisque tibi faciendus esset, me a te in primis coeptum esse observari, coli, diligi; accedebat non mediocre vinculum quum studiorum, quod ipsum est per se grave, tum eorum studiorum earumque artium, quae per se ipsae eos, qui voluntate eadem sunt, etiam familiaritate devinciunt. Exspectare te arbitror, haec tam longe repetita principia quo spectent: id primum ergo habeto, non sine magna iustaque causa hanc a me commemorationem esse factam. C. Ateio Capitone utor familiarissime. Notae tibi sunt varietates meorum temporum: in omni genere et honorum et laborum meorum et animus et opera et auctoritas et gratia, etiam res familiaris C. Capitonis praesto fuit et paruit et temporibus et fortunae meae. Huius propinquus fuit T. Antistius, qui quum sorte quaestor Macedoniam obtineret neque ei successum esset, Pompeius in eam provinciam cum exercitu venit. Facere Antistius nihil potuit; nam, si potuisset, nihil ei fuisset antiquius quam ad Capitonem, quem ut parentem diligebat, reverti, praesertim *quum* sciret, quanti is Caesarem faceret semperque fecisset; sed oppressus tantum attigit negotii, quantum recusare non potuit. Quum signaretur argentum Apolloniae, non possum dicere eum praefuisse neque possum negare affuisse, sed non plus duobus aut tribus mensibus. Deinde afuit a castris: fugit omne negotium. Hoc mihi ut testi velim credas; meam enim ille maestitiam in illo bello videbat, mecum omnia communicabat. Itaque abdidit se in intimam Macedoniam, quo potuit longissime a castris, non modo ut non praeesset ulli negotio, sed etiam ut ne interesset quidem. Is post proelium se ad hominem necessarium, A. Plautium, in Bithyniam contulit: ibi eum Caesar quum vidisset, nihil aspere, nihil acerbe dixit, Romam iussit venire. Ille in morbum continuo incidit, ex quo non convaluit: aeger Corcyram venit; ibi est mortuus. Testamento, quod Romae Paullo et Marcello consulibus fecerat, heres ex parte

dimidia et tertia est Capito; in sextante sunt ii, quorum pars sine ulla cuiusquam querela publica potest esse — ea est ad HS XXX — ; sed de hoc Caesar viderit. Te, mi Plance, pro paterna necessitudine, pro nostro amore, pro studiis et omni cursu nostro totius vitae simillimo rogo et a te ita peto, ut maiore cura, maiore studio nullam possim, ut hanc rem suscipias, meam putes esse, enitare, contendas, efficias, ut mea commendatione tuo studio, Caesaris beneficio hereditatem propinqui sui C. Capito obtineat. Omnia, quae potui in hac summa tua gratia ac potentia a te impetrare, si petivissem, ultro te ad me detulisse putabo, si hanc rem impetravero. Illud fore tibi adiumento spero, cuius ipse Caesar optimus esse iudex potest: semper Caesarem Capito coluit et dilexit. Sed ipse huius rei testis est; novi hominis memoriam. Itaque nihil te doceo: tantum tibi sumito pro Capitone apud Caesarem, quantum ipsum meminisse senties. Ego, quod in me ipso experiri potui, ad te deferam; in eo quantum sit ponderis, tu videbis: quam partem in re publica causamque defenderim, per quos homines ordinesque steterim quibusque munitus fuerim, non ignoras; hoc mihi velim credas, si quid fecerim hoc ipso in bello minus ex Caesaris voluntate, quod intellexerim scire ipsum Caesarem me invitissimum fecisse, id fecisse aliorum consilio, hortatu, auctoritate; quod fuerim moderatior temperatiorque quam in ea parte quisquam, id me fecisse maxime auctoritate Capitonis, cuius similes si reliquos necessarios habuissem, rei publicae fortasse nonnihil, mihi certe plurimum profuissem. Hanc rem, mi Plance, si effeceris, meam de tua erga me benevolentia spem confirmaveris, ipsum Capitonem, gratissimum, officiosissimum, optimum virum, ad tuam necessitudinem tuo summo beneficio adiunxeris.

XXX. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

L. Manlius est Sosis: is fuit Catinensis, sed est una cum reliquis Neapolitanis civis Romanus factus decurioque Neapoli; erat enim ascriptus in id municipiam ante civitatem sociis et Latinis datam. Eius frater Catinae nuper mortuus est. Nullam omnino arbitramur de ea hereditate controversiam eum habiturum, et est hodie in bonis;

sed, quoniam habet praeterea negotia vetera in Sicilia tua, et hanc hereditatem fraternam *et* omnia eius tibi commendo in primisque ipsum, virum optimum mihique familiarissimum, iis studiis litterarum doctrinaeque praeditum, quibus ego maxime delector. Peto igitur abs te, ut eum, sive aderit sive non venerit in Siciliam, in meis intimis maximeque necessariis scias esse itaque tractes, ut intelligat meam sibi commendationem magno adiumento fuisse.

XXXI. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

C. Flavio, honesto et ornato equite Romano, utor valde familiariter; fuit enim generi mei, C. Pisonis, pernecessarius meque diligentissime observant et ipse et L. Flavius, frater eius. Quapropter velim honoris mei causa, quibus rebus honeste et pro tua dignitate poteris, quam honorificentissime et quam liberalissime C. Flavium tractes: id mihi sic erit gratum, ut gratius esse nihil possit; sed praeterea tibi affirmo — neque id ambitione adductus facio, sed quum familiaritate et necessitudine, tum etiam veritate — te ex C. Flavii officio et observantia et praeterea splendore atque inter suos gratia magnam voluptatem esse capturum. Vale.

XXXII. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSUL SAL.

In Halesina civitate tam lauta tamque nobili coniunctissimos habeo et hospitio et familiaritate M. et C. Clodios Archagathum et Philonem; sed vereor, ne, quia complures tibi praecipue commendo, exaequare videar ambitione quadam commendationes meas; quamquam a te quidem cumulate satisfit et mihi et meis omnibus; sed velim sic existimes, hanc familiam et hos mihi maxime esse coniunctos vetustate, officiis, benevolentia. Quamobrem peto a te in maiorem modum, ut iis omnibus in rebus, quantum tua fides dignitasque patietur, commodes: id si feceris, erit mihi vehementissime gratum.

XXXIII. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

Cn. Otacilio Nasone, equite Romano, utor familiarissime, ita prorsus, ut illius ordinis nullo familiarius; nam et humanitate eius et probitate in consuetudine quotidiana magno opere delector. Nihil iam opus est exspectare te, quibus eum verbis tibi commendem, quo sic utar, ut scipsi. Habet is in provincia tua negotia, quae procurant liberti, Hilarus, Antigonus, Demostratus, quos tibi negotiaque omnia Nasonis non secus commendo, ac si mea essent. Gratissimum mihi feceris, si intellexero hanc commendationem magnum apud te pondus habuisse. Vale.

XXXIV. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

Avitum mihi hospitium est cum Lysone, Lysonis filio, Lilybaetano, valdeque ab eo observor cognovique dignum et patre et avo — est enim nobilissima familia — : quapropter commendo tibi maiorem in modum rem domumque eius magnoque opere abs te peto, cures, ut is intelligat meam commendationem maximo sibi apud te et adiumento et ornamento fuisse.

XXXV. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

C. Avianius Philoxenus antiquus est hospes meus et praeter hospitium valde etiam familiaris, quem Caesar meo beneficio in Novocomenses rettulit; nomen autem Avianii secutus est, quod homine nullo plus est usus quam Flacco Avianio, meo, quemadmodum te scire abitror, familiarissimo: quae ego omnia collegi, ut intelligeres non vulgarem esse commendationem hanc meam. Peto igitur abs te, ut omnibus rebus, quod sine molestia tua facere possis, ei commodes habeasque in numero tuorum perficiasque, ut intelligat has litteras meas magno sibi usi fuisse: erit id mihi maiorem in modum gratum.

XXXVI. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

Cum Demetrio Mega mihi vetustum hospitium est, familiaritas autem tanta, quanta cum Siculo nullo. Ei Dolabella rogatu meo civitatem a Caesare impetravit, qua in re ego interfui; itaque nunc P. Cornelius vocatur; quumque propter quosdam sordidos homines, qui Caesaris beneficia vendebant, tabulam, in qua nomina civitate donatorum incisa essent, revelli iussisset, eidem Dolabellae me audiente Caesar dixit nihil esse, quod de Mega vereretur, beneficium suum in eo manere. Hoc te scire volui, ut eum in civium Romanorum numero haberes, ceterisque in rebus tibi eum ita commendo, ut maiore studio neminem commendarim. Gratissimum mihi feceris, si eum ita tractaris, ut intelligat meam commendationem magno *sibi* ornamento fuisse.

XXXVII. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

Hippiam, Philoxeni filium, Calactinum, hospitem et necessarium meum, tibi commendo in maiorem modum: eius bona, quemadmodum ad me delata res est, publice possidentur aliento nomine contra leges Calactinorum: id si ita est, etiam sine mea commendatione ab aequitate tua res ipsa impetrare debet, ut ei subvenias; quoquo modo autem se res habet, peto a te, ut honoris mei causa eum expedias tantumque ei commodes et in hac re et in ceteris, quantum tua fides dignitasque patietur: id mihi vehementer gratum erit.

XXXVIII. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

L. Bruttius, eques Romanus, adolescens omnibus rebus ornatus, in meis familiarissimis *est* meque observat diligentissime, cuius cum patre magna mihi fuit amicitia iam inde a quaestura mea Siciliensi.

Omnino nunc ipse Bruttius Romae mecum est; sed tamen domum eius et rem familiarem et procuratores tibi sic commendo, ut maiore studio commendare non possim. Gratissimum mihi feceris, si curaris, ut intelligat Bruttius, id quod ei rerepi, hanc meam commendationem sibi magno adiumento fuisse.

XXXIX. Scr. Romae a.u.c. 708.

CICERO ACILIO PROCONSULI SAL.

Cum familia Titurnia necessitudo mihi intercedit vetus, ex qua reliquus est M. Titurnius Rufus, qui mihi omni diligentia atque officio est tuendus; est igitur in tua potestate, ut ille in me satis sibi praesidii putet esse. Quapropter eum tibi commendo in maiorem modum et abs te peto, efficias, ut is commendationem hanc intelligat sibi magno adiumento fuisse: erit *id* mihi vehementer gratum.

XL. Scr. Romae a.u.c. 699.

M. CICERO S. D. Q. ANCHARIO Q. F. PROCOS.

L. et C. Aurelios L. filios, quibus, et ipsis et patre eorum, viro optimo, familiarissime utor, commendo tibi maiorem in modum, adolescentes omnibus optimis artibus ornatos, meos pernecessarios, tua amicitia dignissimos. Si ulla mea apud te commendatio valuit — quod scio, multas plurimum valuisse — , haec ut valeat, rogo. Quod si eos honorifice liberaliterque tractaris, et tibi gratissimos optimosque adolescentes adiunxeris et mihi gratissimum feceris.

XLI. Scr. Romae a.u.c. 695.

CICERO CULLEOLO SAL.

Quae fecisti L. Lucceii causa, scire te plane volo te homini gratissimo commodasse, et quum ipsi, quae fecisti, pergrata sunt, tum Pompeius, quotiescumque me videt — videt autem saepe — , gratias tibi agit singulares; addo etiam illud, quod tibi iucundissimum esse certo scio, me ipsum ex tua erga Lucceium benignitate maxima

voluptate affici. Quod superest, quamquam mihi non est dubium, quin, quum antea nostra causa, nunc iam etiam tunc constantiae gratia mansurus sis in eadem ista liberalitate, tamen abs te vehementer etiam atque etiam peto, ut ea, quae initio ostendisti, deinceps fecisti, ad exitum augeri et cumulari per te velis: id et Lucceio et Pompeio valde gratum fore teque apud eos praeclare positurum confirmo et spondeo. De re publica deque his negotiis cogitationibusque nostris perscripseram ad te diligenter paucis ante diebus easque litteras dederam pueris tuis. Vale.

XLII. Scr. Romae a.u.c. 695.

M. CICERO S. D. L. CULLEOLO PROCOS.

L. Lucceius meus, homo omnium gratissimus, mirificas tibi apud me gratias egit, quum diceret omnia te cumulatissime et liberalissime procuratoribus suis pollicitum esse: quum oratio tua tam ei grata fuerit, quam gratam rem ipsam existimas fore, quum, ut spero, quae pollicitus es, feceris! Omnino ostenderunt Bullidenses sese Lucceio Pompeii arbitratu satisfacturos; sed vehementer opus est nobis et voluntatem et auctoritatem et imperium tuum accedere, quod ut facias, te etiam atque etiam rogo. Illudque mihi gratissimum est, quod ita sciunt Lucceii procuratores et ita Lucceius ipse ex litteris tuis, quas ad eum misisti, intellexit, hominis nullius apud te auctoritatem aut gratiam valere plus quam meam: id ut re experiatur, iterum et saepius te rogo.

XLIII. Scr. Romae a.u.c. 699.

M. CICERO R. GALLIO.

Etsi plurimis rebus spero fore ut perspiciam, quod tamen iampridem perspicio, me a te amari, tamen nunc ea causa tibi datur, in qua facile declarare possis tuam erga me benevolentiam: L. Oppius M. f. Philomelii negotiatur, homo mihi familiaris; eum tibi unice commendo eoque magis, quod quum ipsum diligo, tum quod negotia procurat L. Egnatii Rufi, quo ego uno equite Romano familiarissime utor et qui *quum* consuetudine quotidiana, tum officiis plurimis

maximisque mihi coniunctus est. Oppium igitur praesentem ut diligas, Egnatii absentis rem ut tueare, aeque a te peto, ac si mea negotia essent. Velim memoriae tuae causa des litterarum aliquid, quae tibi in provincia reddantur, sed ita conscribas, ut tum, quum eas leges, facile recordari possis huius meae commendationis diligentiam: hoc te vehementer etiam atque etiam rogo.

XLIV. Scr. Romae a.u.c. 699 (eodem die, quo ep. LXXIV).

CICERO GALLIO SAL.

Etsi ex tuis et ex L. Oppii, familiarissimi *mei*, litteris cognovi te memorem commendationis meae fuisse idque pro tua summa erga me benevolentia proque nostra necessitudine minime sum admiratus, tamen etiam atque etiam tibi L. Oppium praesentem et L. Egnatii, mei familiarissimi, absentis negotia commendo. Tanta mihi cum eo necessitudo est familiaritasque, ut, si mea res esset, non magis laborarem; quapropter gratissimum mihi feceris, si curaris, ut is intelligat me a te tantum amari, quantum ipse existimo: hoc mihi gratius facere nihil potes, idque ut facias vehementer te rogo.

XLV. Scr. Romae a.u.c. 699.

CICERO APPULEIO PROQUAESTORI.

L. Egnatio uno equite Romano [vel] familiarissime utor. Eius Anchialum servum negotiaque, quae habet in Asia, tibi commendo non minore studio, quam si meam rem commendarem; sic enim existimes velim, mihi cum eo non modo quotidianam consuetudinem summam intercedere, sed etiam officia magna et mutua nostra inter nos esse. Quamobrem etiam atque etiam a te peto, ut cures, ut intelligat me ad te satis diligenter scripsisse; nam de tua erga me voluntate non dubitabat: id ut facias, te etiam atque etiam rogo. Vale.

XLVI. Scr. Romae a.u.c. 699.

CICERO APPULEIO SAL.

L. Nostius Zoilus est coheres meus, heres autem patroni sui: ea re utrumque scripsi, ut et mihi cum illo causam amicitiae scires esse et hominem probum existimares, qui patroni iudicio ornatus esset. Eum tibi igitur sic commendo, ut unum ex nostra domo: valde mihi gratum erit, si curaris, ut intelligat hanc commendationem sibi apud te magno adiumento fuisse.

XLVII. Scr. a.u.c. 703.

CICERO SILIO SAL.

Quid ego tibi commendem eum, quem tu ipse diligis? sed tamen, ut scires eum a me non diligi solum, verum etiam amari, ob eam rem tibi haec scribo: omnium tuorum officiorum, quae et multa et magna sunt, mihi gratissimum fuerit, si ita tractaris Egnatium, ut sentiat et se a me et me a te amari; hoc te vehementer etiam atque etiam rogo. Illa nostra scilicet ceciderunt: utamur igitur vulgari consolatione: "quid, si hoc melius?" Sed haec coram: tu fac, quod facis, ut me ames teque amari a me scias.

XLVIII. Scr. anno incerto (post 704).

M. CICERO C. SEXTILIO RUFO QUAESTORI SAL. D.

Omnes tibi commendo Cyprios, sed magis Paphios, quibus tu quaecumque commodaris, erunt mihi gratissima, eoque facio libentius, ut eos tibi commendem, quod et tuae laudi, cuius ego fautor sum, conducere arbitror, quum primus in eam insulam quaestor veneris, ea te instituere, quae sequantur alii, quod, ut spero, facilius consequere, si et P. Lentuli, necessarii tui, legem et ea, quae a me constituta sunt, sequi volueris, quam rem tibi confido magnae laudi fore.

XLIX. Scr. anno incerto

CICERO CURIO PROCOS.

Q. Pompeius Sex. f. multis et veteribus causis necessitudinis mihi

coniunctus est: is, quum antea meis commendationibus et rem et gratiam et auctoritatem suam tueri consuerit, nunc profecto, te provinciam obtinente, meis litteris assequi debet, ut nemini se intelligat commendatiorem umquam fuisse. Quamobrem a te maiorem in modum peto, ut, quum omnes meos aeque ac tuos observare pro necessitudine nostra debeas, hunc in primis ita in tuam fidem recipias, ut ipse intelligat nullam rem sibi maiori usui aut ornamento quam meam commendationem esse potuisse. Vale.

L. Scr. Romae ineunte mense Ianuario a.u.c. 710.

CICERO S. D. ACILIO

Sumpsi hoc mihi pro tua in me observantia, quam penitus perspexi, quamdiu Brundisii fuimus, ut ad te familiariter et quasi pro meo iure scriberem, si quae res esset, de qua valde laborarem. M'. Curius, qui Patris negotiatur, ita mihi familiaris est, ut nihil possit esse coniunctius: multa illius in me officia, multa in illum mea, quodque maximum est, summus inter nos amor et mutuus. Quae quum ita sint, si ullam in amicitia mea spem habes, si ea, quae in me officia et studia Brundisii contulisti, vis mihi etiam gratiora efficere — quamquam sunt gratissima — , si me a tuis omnibus amari vides, hoc mihi da atque largire, ut M'. Curium sartum et tectum, ut aiunt, ab omnique incommodo, detrimento, molestia sincerum integrumque conserves. Et ipse spondeo et omnes hoc tibi tui pro me recipient, ex mea amicitia et ex tuo in me officio maximum te fructum summamque voluptatem esse capturum. Vale.

LI. Scr. anno incerto.

M. CICERO P. CAESIO S. D.

P. Messienum, equitem Romanum omnibus rebus ornatum meumque perfamiliarem, tibi commendo ea commendatione, quae potest esse diligentissima: peto a te et pro nostra et pro paterna amicitia, ut eum in tuam fidem recipias eiusque rem famamque tueare: virum bonum tuaque amicitia dignum tibi adiunxeris mihique gratissimum feceris.

LII. Scr. anno incerto.

CICERO REGI SAL.

A. Licinius Aristoteles Melitensis antiquissimus est hospes meus et praeterea coniunctus magno usu familiaritatis: haec quum ita sint, non dubito, quin tibi satis commendatus sit; etenim ex multis cognosco meam commendationem plurimum apud te valere. Hunc ego a Caesare liberavi; frequens enim fuerat nobiscum, atque etiam diutius in causa est quam nos commoratus, quo melius te de eo existimaturum arbitror; fac igitur, mi Rex, ut intelligat has sibi litteras plurimum profuisse.

LIII. Scr. in Cilicia a.u.c. 703.

CICERO THERMO PROPR. SAL.

L. Genucilio Curvo iampridem utor familiarissime, optimo viro et homine gratissimo. Eum tibi penitus commendo atque trado: primum, ut omnibus in rebus ei commodes, quoad fides tua dignitasque patietur; patietur autem in omnibus, nihil enim abs te umquam, quod sit alienum tuis aut etiam suis moribus, postulabit; praecipue autem tibi commendo negotia eius, quae sunt in Hellesponto, primum, ut obtineat id iuris in agris, quod ei Pariana civitas decrevit et dedit et quod semper obtinuit sine ulla controversia, deinde, si quid habebit cum aliquo Hellespontio controversiae, ut in illam *dio§xhsin* reiicias. Sed non mihi videor, quum tibi totum hominem diligentissime commendarim, singulas ad te eius causas perscribere debere. Summa illa est: quidquid officii, beneficii, honoris in Genucilium contuleris, id te existimabo in me ipsum atque in rem meam contulisse.

LIV. Scr. Laodiceae mense Martio a.u.c. 704.

CICERO THERMO PROPR. SAL.

Quum multa mihi grata sunt, quae tu adductus mea commendatione fecisti, tum in primis, quod M. Marcilium, amici atque interpretis

mei filium, liberalissime tractavisti; venit enim Laodiceam et tibi apud me mihique propter te gratias maximas egit. Quare, quod reliquum est, a te peto, quoniam apud gratos homines beneficium ponis, ut eo libentius iis commodes operamque des, quoad fides tua patietur, ut socrus adolescentis rea ne fiat. Ego quum antea studiose commendabam Marcilium, tum multo nunc studiosius, quod in longa apparitione singularem et prope incredibilem patris Marcilii fidem, abstinentiam modestiamque cognovi.

LV. Scr. in Cilicia exeunte mense Decembri a.u.c. 703.

CICERO THERMO PROPR. SAL.

Etsi mihi videor intellexisse, quum tecum Ephesi de re M. Anneii, legati mei, locutus sum, te ipsius causa vehementer omnia velle, tamen et M. Anneium tanti facio, ut mihi nihil putem praetermittendum, quod illius intersit, et me a te tanti fieri puto, ut non dubitem, quin ad tuam voluntatem magnus cumulus accedat commendationis meae; nam, quum iam diu diligerem M. Anneium deque eo sic existimarem, ut res declarat, qui ultro ei detulerim legationem, quum multis petentibus denegassem, tum vero, posteaquam mecum in bello atque in re militari fuit, tantam in eo virtutem, prudentiam, fidem tantamque erga me benevolentiam cognovi, ut hominem neminem pluris faciam. Eum cum Sardianis habere controversiam scis: causam tibi exposuimus Ephesi, quam tu tamen coram facilius meliusque cognosces. De reliquo mihi mehercule diu dubium fuit, quid ad te potissimum scriberem; ius enim quemadmodum dicas, clarum et magna cum tua laude notum est, nobis autem in hac causa nihil aliud opus est nisi te ius instituto tuo dicere; sed tamen, quum me non fugiat, quanta sit in praetore auctoritas, praesertim ista integritate, gravitate, clementia, qua te esse inter omnes constat, peto abs te pro nostra coniunctissima necessitudine plurimisque officiis paribus ac mutuis, ut voluntate, auctoritate, studio tuo perficias, ut M. Anneius intelligat te et sibi amicum esse, quod non dubitat — saepe enim mecum locutus est — , et multo amiciorem his meis litteris esse factum. In tuo toto imperio atque provincia nihil est, quod mihi gratus facere possis; nam, apud

ipsum, gratissimum hominem atque optimum virum, quam bene positurus sis studium tuum atque officium, dubitare te non existimo.

LVI. Scr. in Cilicia a.u.c. 703.

CICERO THERMO PROPR. SAL.

Cluvius Puteolanus valde me observat valdeque est mihi familiaris: is ita sibi persuadet, quod in tua provincia negotii habeat, nisi te provinciam obtinente meis commendationibus confecerit, id se in perditis et desperatis habiturum; nunc, quoniam mihi ab amico officiosissimo tantum oneris imponitur, ego quoque tibi imponam pro tuis in me summis officiis, ita tamen, ut tibi nolim molestus esse. *Mulase•w* et *'Alabande•w* pecuniam Cluvio debent: dixerat mihi Euthydemus, quum Ephesi essem, se curaturum, ut ecdici Mylasii Romam mitterentur; id factum non est: legatos audio missos esse, sed malo ecdicos, ut aliquid confici possit; quare peto a te, ut et eos et *'Alabande•w* iubeas ecdicos Romam mittere. Praeterea Philocles Alabandensis *Õpoyxaw* Cluvio dedit: eae commissae sunt; velim cures, ut aut de hypothecis decedat easque procuratoribus Cluvii tradat aut pecuniam solvat. Praeterea Hercleotae et Bargylietae, qui item debent, aut pecuniam solvat aut fructibus suis satisfaciant. Caunii praeterea debent, sed aiunt se depositam pecuniam habuisse: id velim cognoscas et, si intellexeris eos neque ex edicto neque ex decreto depositam habuisse, des operam, ut usurae Cluvio instituto tuo conserventur. His de rebus eo magis laboro, quod agitur res Cn. Pompeii etiam, nostri necessarii, et quod is magis etiam mihi laborare videtur quam ipse Cluvius, cui satisfactum esse a nobis valde volo. His de rebus te vehementer etiam atque etiam rogo.

LVII. Scr. Laodiceae mense Martio a.u.c. 704.

CICERO THERMO PROPR. SAL.

Quo magis quotidie ex litteris nuntiisque bellum magnum esse in Syria cognosco, eo vehementius a te pro nostra necessitudine contendo, ut mihi M. Anneium legatum primo quoque tempore remittas; nam eius opera, consilio, scientia rei militaris vel maxime

intelligo me et rem publicam adiuvari posse. Quod nisi tanta res eius ageretur, nec ipse adduci potuisset, ut a me discederet, neque ego, ut eum a me dimitterem. Ego in Ciliciam proficisci cogito circiter K. Mai: ante eam diam M. Anneius ad me redeat oportet. Illud, quod tecum et coram et per litteras diligentissime egi, id et nunc etiam atque etiam rogo, curae tibi sit, ut suum negotium, quod habet cum populo Sardiano, pro causae veritate et pro sua dignitate conficiat. Intellexi ex tua oratione, quum tecum Ephesi locutus sum, te ipsius M. Anneii causa omnia velle; sed tamen sic velim existimes, te mihi nihil gratius facere posse quam si intellexero per te illum suum negotium ex sententia confecisse, idque quam primum ut efficias te etiam atque etiam rogo.

LVIII. Scr. in provincia mense Februario a.u.c. 704.

M. CICERO C. TITIO L. F. RUFO PR. URB. SAL.

L. Custidius est tribulis et municeps et familiaris meus: is causam habet, quam causam ad te deferet. Commendo tibi hominem, sicut tua fides et meus pudor postulat, tantum, ut faciles ad te aditus habeat, quae aequa postulabit, ut libente te impetret sentiatque meam sibi amicitiam, etiam quum longissime absim, prodesse, in primis apud te.

LIX. Scr. Laodiceae mense Februario (eodem die, quo LXVIII) a.u.c. 704.

M. CICERO C. CURTIO PEDUCAEANO PR. SAL.

M. Fadium unice diligo summaque mihi cum eo consuetudo et familiaritas est pervetus. In eius controversiis quid decernas, a te non peto — servabis, ut tua fides et dignitas postulat, edictum et institutum tuum — , sed, ut quum facillimos ad te aditus habeat, quae erunt aequa, libente te impetret, ut meam amicitiam sibi, etiam quum procul absim, prodesse sentiat, praesertim apud te: hoc te vehementer etiam atque etiam rogo.

LX. Scr. Romae anno incerto (698?)

M. CICERO C. MUNATIO C. F. SAL.

L. Livineius Trypho est omnino L. Reguli, familiarissimi mei, libertus, cuius calamitas etiam officiosiorem me facit in illum — nam benevolentior, quam semper fui, esse non possum — ; sed ego libertum eius per se ipsum diligo; summa enim eius erga me officia exstiterunt iis nostris temporibus, quibus facillime benevolentiam hominum et fidem perspicere potui. Eum tibi ita commendo, ut homines grati et memores bene meritos de se commendare debent. Pergratum mihi feceris, si ille intellexerit se, quod pro salute mea multa pericula adierit, saepe hieme summa navigarit, pro tua erga me benevolentia gratum etiam tibi fecisse.

LXI. Scr. in Cilicia a.u.c. 703.

M. CICERO S. D. P. SILIO PROPR.

T. Pinnio familiarissime me usum esse scire te arbitror, quod quidem ille testamento declaravit, qui me quum tutorem, tum etiam secundum heredem instituerit. Eius filio *mei* mire studioso et erudito et modesto pecuniam Nicaeenses grandem debent, ad sestertium octogies, et, ut audio, in primis ei volunt solvere. Pergratum igitur mihi feceris, quoniam non modo reliqui tutores, qui sciunt, quanti me facias, sed etiam puer ipse sibi persuasit te omnia mea causa facturum esse, si dederis operam, quoad tua fides dignitasque patietur, ut quam plurimum pecuniae Pinnio solvatur Nicaeensium nomine.

LXII. Scr. in Cilicia exeunte anno u.c. 703.

M. CICERO S. D. P. SILIO PROPR.

Et in Atilii negotio te amavi — quum enim sero venissem, tamen honestum equitem Romanum beneficio tuo conservavi — , et mehercule semper sic in animo habui, te in meo aere esse propter Lamiae nostri coniunctionem et singularem necessitudinem. Itaque primum tibi ago gratias, quod me omni molestia liberasti; deinde impudentia prosequor, sed idem sarciam — te enim semper sic

colam et tuebor ut quem diligentissime — : Quintum fratrem meum, si me diligis, eo numero cura ut habeas, quo me: ita magnum beneficium tuum magno cumulo auxeris.

LXIII. Scr. Laodiceae mense Februario a.u.c. 704.

M. CICERO S. D. P. SILIO PROPR.

Non putavi fieri posse, ut mihi verba deessent, sed tamen in M. Laenio commendando deerunt; itaque rem tibi exponam paucis verbis, sed tamen, ut plane perspicere possis voluntatem meam. Incredibile est, quanti faciamus et ego et frater meus, qui mihi carissimus est, M. Laenium: id fit quum plurimis eius officiis, tum summa probitate et singulari modestia. Eum ego a me invitissimus dimisi quum propter familiaritatem et consuetudinis suavitatem, tum quod consilio eius fideli ac bono libenter utebar. Sed vereor, ne iam superesse mihi verba putes, quae dixeram defutura: commendo tibi hominem sic, ut intelligis me *eum, de* quo ea supra scripserim, debere commendare, a teque vehementer etiam atque etiam peto, ut, quod habet in tua provincia negotii, expedias, quod tibi videbitur rectum esse, ipse dicas. Hominem facillimum liberalissimumque cognosces; itaque te rogo, ut eum solutum, liberum, confectis eius negotiis per te, quam primum ad me remittas: id mihi fratrique meo gratissimum feceris.

LXIV. Scr. in Cilicia exeunte anno u.c. 703.

M. CICERO S. D. P. SILIO PROPR.

Nero meus mirificas apud me tibi gratias egit, prorsus incredibiles, ut nullum honorem sibi haberi potuisse diceret, qui a te praetermissus esset. Magnum fructum ex ipso capies, nihil est enim illo adolescente gratius; sed mehercule mihi quoque gratissimum fecisti, pluris enim ex omni nobilitate neminem facio. Itaque, si ea feceris, quae ille per me tecum agi voluit, gratissimum mihi feceris: primum de Pausania Alabandensi, sustentes rem, dum Nero veniat — vehementer eius causa cupere eum intellexi; itaque hoc valde te rogo — ; deinde Nysaeos, quos Nero in primis habet necessarios diligentissimeque

tuetur ac defendit, habeas tibi commendatissimos, ut intelligat illa civitas sibi in Neronis patrocinio summum esse praesidium. Strabonem Servilium tibi saepe commendavi; nunc eo facio id impensius, quod eius causam Nero suscepit. Tantum a te petimus, ut *tu* agas eam rem, ne relinquas hominem innocentem ad alicuis tui dissimilis quaestum: id quum gratum mihi erit, tum etiam existimabo te humanitate tua esse usum. Summa huius epistulae haec est, ut ornes omnibus rebus Neronem, sicuti instituisti atque fecisti. Magnum theatrum habet ista provincia, non ut haec nostra, *ad* adolescentis nobilis, ingeniosi, abstinentis commendationem atque gloriam; quare, si te fautore usus erit, sicuti profecto et utetur et usus est, amplissimas clientelas acceptas a maioribus confirmare poterit et beneficiis suis obligare. Hoc in genere si eum adiuveris eo studio, quo ostendisti, apud ipsum praeclarissime posueris, sed mihi etiam gratissimum feceris.

LXV. Scr. in Cilicia exeunte anno u.c. 703.

M. CICERO S. D. P. SILIO PROPR.

Cum P. Terentio Hispone, qui operas in scriptura pro magistro dat, mihi summa familiaritas consuetudoque est, multaque et magna inter nos officia paria et mutua intercedunt: eius summa existimatio agitur in eo, ut pactiones cum civitatibus reliquis conficiat. Non me praeterit nos eam rem Ephesi expertos esse neque ab Ephesiis ullo modo impetrare potuisse; sed, quoniam, quemadmodum omnes existimant et ego intelligo, tua quum summa integritate, tum singulari humanitate et mansuetudine consecutus es, ut libentissimis Graecis nutu, quod velis, consequare, peto a te in maiorem modum, ut honoris mei causa hac laude Hisponem affici velis. Praeterea cum sociis scripturae mihi summa necessitudo est, non solum ob eam causam, quod ea societas universa in mea fide est, sed etiam quod plerisque sociis utor familiarissime. Ita et Hisponem meum per me ornaris et societatem mihi coniunctiorem feceris tuque ipse et ex huius observantia, gratissimi hominis, et ex sociorum gratia, hominum amplissimorum, maximum fructum capies et me summo beneficio affeceris. Sic enim velim existimes, in tota tua provincia

omnique isto imperio nihil esse, quod mihi gratius facere possis.

LXVI. Scr. Romae a.u.c. 708.

M. CICERO P. SERVILIO SAL.

A Caecinam, maxime proprium clientem familiae vestrae, non commendarem tibi, quum scirem, qua fide in tuos, qua clementia in calamitosos soleres esse, nisi me et patris eius, quo sum familiarissime usus, memoria et huius fortuna ita moveret, ut hominis omnibus mecum studiis officiisque coniunctissimi movere debebat: *nunc* a te hoc omni contentione peto, sic, ut maiore cura, maiore animi labore petere non possim, ut ad ea, quae tua sponte sine cuiusquam commendatione faceres in hominem tantum et talem calamitosum, aliquem afferant cumulum meae litterae, quo studiosius eum, quibuscumque rebus possis, iuves. Quod si Romae fuisses, etiam salutem A. Caecinae essemus, ut opinio mea fert, per te consecuti, de qua tamen magnam spem habemus, freti clementia collegae tui: nunc, quoniam tuam iustitiam secutus tutissimum sibi portum provinciam istam duxit esse, etiam atque etiam te rogo atque oro, ut eum et in reliquiis veteris negotiationis colligendis iuves et ceteris rebus tegas atque tueare: hoc mihi gratius facere nihil potes.

LXVII. Scr. Romae a.u.c. 708.

M. CICERO P. SERVILIO PROPR. SAL.

Ex provincia mea Ciliciensi, cui scis *tre•w dioixseiw* Asiaticas attributas fuisse, nullo sum familiarius usus quam Androne, Artemonis filio, Laodicensi, eumque habui in ea civitate quum hospitem, tum vehementer ad meae vitae rationem et consuetudinem accommodatum, quem quidem multo etiam pluris, posteaquam decessi, facere coepi, quod multis rebus expertus sum gratum hominem meique memorem. Itaque eum Romae libentissime vidi; non te enim fugit, qui plurimis in ista provincia benigne fecisti, quam multi grati reperiantur. Haec propterea scipsi, ut et me non sine causa laborare intelligeres et tu ipse eum dignum hospitio tuo iudicares. Feceris igitur mihi gratissimum, si ei declararis, quanti me facias, id

est, si receperis eum in fidem tuam et, quibuscumque rebus honeste ac sine molestia tua poteris, adiuveris: hoc mihi erit vehementer gratum, idque ut facias te etiam atque etiam rogo.

LXVIII. Scr. Romae mense Septembri a.u.c. 708.

M. TULLIUS CICERO P. SERVILIO ISAURICO PROCOS. COLLEGAE SAL. PLURIMAM.

Gratae mihi vehementer tuae litterae fuerunt, ex quibus cognovi cursus navigationem tuarum; significabas enim memoriam tuam nostrae necessitudinis, qua mihi nihil poterat esse iucundius. Quod reliquum est, multo etiam erit gratius, si ad me de re publica, id est de statu provinciae, de institutis tuis, familiariter scribes; quae quamquam ex multis pro tua claritate audiam, tamen libentissime ex tuis litteris cognoscam. Ego ad te, de re publica summa quid sentiam, non saepe scribam propter periculum eiusmodi litterarum; quid agatur autem, scribam saepius. Sperare tamen videor Caesari, collegae nostro, fore curae et esse, ut habeamus aliquam rem publicam, cuius consiliis magni referebat te interesse; sed, si tibi utilius est, id est gloriosius, Asiae praeesse et istam partem rei publicae male affectam tueri, mihi quoque idem, quod tibi et laudi tuae profuturum est, optatius debet esse. Ego, quae ad tuam dignitatem pertinere arbitrabor, summo studio diligentiaque curabo, in primisque tuebor omni observantia clarissimum virum, patrem tuum, quod et pro vetustate necessitudinis et pro beneficiis vestris et pro dignitate ipsius facere debeo.

LXIX. Scr. Romae a.u.c. 708.

M. CICERO P. SERVILIO COLLEGAE SAL. PLURIMAM.

C. Curtius Mithres est ille quidem, ut scis, libertus Postumi, familiarissimi mei, sed me colit et observat aeque atque illum ipsum patronum suum. Apud eum ego sic Ephesi fui, quotiescumque fui, tamquam domi meae, multaque acciderunt, in quibus et benevolentiam eius erga me experirer et fidem. Itaque, si quid aut mihi aut meorum cuipiam in Asia opus est, ad hunc scribere

consuevi, huius quum opera et fide, tum domo et re uti tamquam mea. Haec ad te eo pluribus scripsi, ut intelligeres me non vulgare nec ambitiose, sed ut pro homine intimo ac mihi pernecessario scribere. Peto igitur a te, ut in ea controversia, quam habet de fundo cum quodam Colophonio, et in ceteris rebus, quantum fides tua patietur quantumque tuo commodo poteris, tantum ei honoris mei causa commodes, etsi, ut eius modestiam cognovi, gravis tibi nulla in re erit: si et mea commendatione et sua probitate assecutus erit, ut de se bene existimes, omnia se adeptum arbitrabitur. Ut igitur eum recipias in fidem habeasque in numero tuorum, te vehementer etiam atque etiam rogo: ego, quae te velle quaeque ad te pertinere arbitrabor, omnia studiose diligenterque curabo.

LXX. Scr. Romae a.u.c. 708.

M. CICERO P. SERVILIO COLLEGAE SAL. PLUR.

Quia non est obscura tua in me benevolentia, fit, ut multi per me tibi velint commendari; ego autem tribuo nonnumquam in vulgus, sed plerumque necessariis, ut hoc tempore; nam, cum T. Ampio Balbo mihi summa familiaritas necessitudoque est: eius libertum, T. Ampium Menandrum, hominem frugi et modestum, et patrono et nobis vehementer probatum, tibi commendo maiorem in modum. Vehementer mihi gratum feceris, si, quibuscumque rebus sine tua molestia poteris, ei commodaris: quod ut facias, te vehementer etiam atque etiam rogo.

LXXI. Scr. Romae a.u.c. 708.

M. CICERO S. D. P. SERVILIO COLLEGAE.

Multos tibi commendem necesse est, quoniam omnibus nota nostra necessitudo est tuaque erga me benevolentia; sed tamen, etsi omnium causa, quos commendo, velle debeo, tamen cum omnibus non eadem mihi causa est. T. Agusius et comes meus fuit illo miserrimo tempore et omnium itinerum, navigationum, laborum, periculorum meorum socius, neque hoc tempore discessisset a me, nisi ego ei permisissem: quare sic tibi eum commendo, ut unum de meis domesticis et

maxime necessariis. Pergratum mihi feceris, si eum ita tractaris, ut intelligat hanc commendationem sibi magno usui atque adiumento fuisse.

LXXII. Scr. Romae a.u.c. 708.

M. CICERO P. SERVILIO COLLEGAE SAL.

Caerelliae, necessariae meae, rem, nomina, possessiones Asiaticas commendavi tibi praesens in hortis tuis quam potui diligentissime, tuque mihi pro tua consuetudine proque tuis in me perpetuis maximisque officiis omnia te facturum liberalissime recepisti: meminisse te id spero — scio enim solere — ; sed tamen Caerelliae procuratores scripserunt te propter magnitudinem provinciae multitudinemque negotiorum etiam atque etiam esse commonefaciendum. Peto igitur, ut memineris te omnia, quae tua fides pateretur, mihi cumulate recepisse. Equidem existimo habere te magnam facultatem — sed hoc tui est consilii et iudicii — ex eo senatus consulto, quod in heredes C. Vennonii factum est, Caerelliae commodandi: id senatus consultum tu interpretabere pro tua sapientia; scio enim eius ordinis auctoritatem semper apud te magni fuisse. Quod reliquum est, sic velim existimes, quibuscumque rebus Caerelliae benigne feceris, mihi te gratissimum esse facturum.

LXXIII. Scr. Romae a.u.c. 700.

M. CICERO Q. PHILIPPO PROCOS. SAL.

Gratulor tibi, quod ex provincia salvum te ad tuos recepisti, incolumi fama et re publica. Quod si Romae, te vidissem coramque gratias egissem, quod tibi L. Egnatius, familiarissimus meus, absens, L. Oppius praesens curae fuisset. Cum Antipatro Derbete mihi non solum hospitium, verum etiam summa familiaritas intercedit: ei te vehementer suscensuisse audivi et moleste tuli. De re nihil possum iudicare, nisi illud mihi persuadeo, te, talem virum, nihil temere fecisse; *a* te autem pro vetere nostra necessitudine etiam atque etiam peto, ut eius filios, qui in tua potestate sunt, mihi potissimum condones, nisi quid existimas in ea re violari existimationem tuam:

quod ego si arbitrarer, numquam te rogarem mihique tua fama multo antiquior esset, quam illa necessitudo est; sed mihi ita persuadeo — potest fieri, ut fallar — , eam rem laudi tibi potius quam vituperationi fore. Quid fieri possit et quid mea causa facere possis — nam, quin velis, non dubito — , velim, si tibi grave non erit, certiorem me facias.

LXXIV. Scr. Romae a.u.c. 699.

M. CICERO Q. PHILIPPO PROCOS. SAL.

Etsi non dubito pro tua in me observantia proque nostra necessitudine, quin commendationem meam memoria teneas, tamen etiam atque etiam eundem tibi L. Oppium, familiarem meum, praesentem et L. Egnatii, familiarissimi mei, absentis negotia commendo. Tanta mihi cum eo necessitudo est familiaritasque, ut, si mea res esset, non magis laborarem; quapropter gratissimum mihi feceris, si curaris, ut is intelligat me a te tantum amari, quantum ipse existimo: hoc mihi gratius facere nihil potes, idque ut facias te vehementer rogo.

LXXV. Scr. Romae a.u.c. 701.

M. CICERO T. TITIO T. F. LEG. S. D.

Etsi non dubito, quin apud te mea commendatio prima satis valeat, tamen obsequor homini familiarissimo, C. Avianio Flacco, cuius causa omnia quum cupio, tum mehercule etiam debeo: de quo et praesens tecum egi diligenter, quum tu mihi humanissime respondisti, et scripsi ad te accurate antea, sed putat interesse sua me ad te quam saepissime scribere; quare velim mihi ignoscas, si illius voluntati obtemperans minus videbor meminisse constantiae tuae: a te idem illud peto, ut et de loco, quo deportet frumentum, et de tempore Avianio commodes, quorum utrumque per eundem me obtinuit triennium, dum Pompeius isti negotio praefuit. Summa est, in quo mihi gratissimum facere possis, si curaris, ut Avianius, quoniam se a me amari putat, me a te amari sciat: erit id mihi pergratum.

LXXVI. Scr. anno incerto.

M. CICERO IIII VIRIS ET DECURIONIBUS S. D.

Tantae mihi cum Q. Hippio causae necessitudinis sunt, ut nihil posset esse coniunctius, quam nos inter nos sumus; quod nisi ita esset, uterer mea consuetudine, ut vobis nulla in re molestus essem; etenim vos mihi optimi testes estis, quum mihi persuasum esset nihil esse, quod a vobis impetrare non possem, numquam me tamen gravem vobis esse voluisse. Vehementer igitur vos etiam atque etiam rogo, ut honoris mei causa liberalissime C. Valgium Hippianum tractetis remque cum eo conficiatis, ut, quam possessionem habet in agro Fregellano *a* vobis emptam, eam liberam et immunem habere possit: id si a vobis impetraro, summo me beneficio vestro affectum arbitrabor.

LXXVII. Scr. Romae mense Sextili a.u.c. 709.

M. CICERO S. D. P. SULPICIO IMPERATORI.

Quum his temporibus non sane in senatum ventitarem, tamen, ut tuas litteras legi, non existimavi me salvo iure nostrae veteris amicitiae multorumque inter nos officiorum facere posse, ut honori tuo deessem; itaque affui supplicationemque tibi libenter decrevi, nec reliquo tempore ullo aut rei aut existimationi aut dignitati tuae deero. Atque, hoc ut tui necessarii sciant, hoc me animo erga te esse, velim facias eos per litteras certiores, ut, si quid tibi opus sit, ne dubitent mihi iure suo denuntiare. M. Bolanum, virum bonum et fortem et omnibus rebus ornatum meumque veterem amicum, tibi magno opere commendo. Pergratum mihi feceris, si curaris, ut is intelligat, hanc commendationem sibi magno adiumento fuisse, ipsumque virum optimum gratissimumque cognosces: promitto tibi te ex eius amicitia magnam voluptatem esse capturum. Praeterea a te peto in maiorem modum pro nostra amicitia et pro tuo perpetuo in me studio, ut in hac re etiam elabores: Dionysius, servus meus, qui meam *bibliothecen* multorum nummorum tractavit, quum multos libros surripuisset nec se impune laturum putaret, aufugit. Is est in

provincia tua: eum et M. Bolanus, *meus* familiaris, et multi alii Naronae viderunt, sed, quum se a me manumissum esse diceret, crediderunt. Hunc tu si mihi restituendum curaris, non possum dicere, quam mihi gratum futurum sit: res ipsa parva, sed animi mei dolor magnus est. Ubi sit et quid fieri possit, Bolanus te docebit: ego si hominem per te recuperaro, summo me a te beneficio affectum arbitrabor.

LXXVIII. Scr. Romae ineunte anno u.c. 708.

M. CICERO *A.* ALLIENO SAL.

Democritus Sicyonius non solum hospes meus est, sed etiam, quod non multis contigit, Graecis praesertim, valde familiaris; est enim in eo summa probitas, summa virtus, summa in hospites liberalitas et observantia, meque praeter ceteros et colit et observat et diligit: eum tu non modo suorum civium, verum paene Achaiae principem cognosces. Huic ego tantummodo aditum ad tuam cognitionem patefacio et munio: cognitum per te ipsum, quae tua natura est, dignum tua amicitia atque hospitio iudicabis. Peto igitur a te, ut his litteris lectis recipias eum in tuam fidem, polliceare omnia te facturum mea causa; de reliquo, si, id quod confido fore, dignum eum tua amicitia hospitioque cognoveris, peto, ut eum complectare, diligas, in tuis habeas: erit id mihi maiorem in modum gratum. Vale.

LXXIX. Scr. Romae ineunte anno u.c. 708.

M. CICERO S. D. *A.* ALLIENO PROCOS.

Et te scire arbitror, quanti fecerim C. Avianium Flaccum, et ego ex ipso audiveram, optimo et gratissimo homine, quam a te liberaliter esset tractatus. Eius filios dignissimos illo patre meosque necessarios, quos ego unice diligo, commendo tibi sic, ut maiore studio nullos commendare possim. C. Avianius in Sicilia est; Marcus est nobiscum: ut illius dignitatem praesentis ornes, rem utriusque defendas, te rogo. Hoc mihi gratius in ista provincia facere nihil potes, idque ut facias te vehementer etiam atque etiam rogo.

LIBER QVARTVS DECIMVS

Ad Terentiam UxoremI. Scr. Dyrrhachii a. d. VI. Kal. Decembres a.u.c. 696.

TULLIUS TERENTIAE SUAE, TULLIOLAE SUAE, CICERONI SUO SALUTEM DICIT.

Et litteris multorum et sermone omnium perfertur ad me incredibilem tuam virtutem et fortitudinem esse teque nec animi neque corporis laboribus defatigari. Me miserum! te ista virtute, fide, probitate, humanitate in tantas aerumnas propter me incidisse, Tulliolamque nostram, ex quo patre tantas voluptates capiebat, ex eo tantos percipere luctus! Nam quid ego de Cicerone dicam? qui cum primum sapere coepit, acerbissimos dolores miseriasque percepit. Quae si, tu ut scribis, fato facta putarem, ferrem paullo facilius, sed omnia sunt mea culpa commissa, qui ab iis me amari putabam, qui invidebant, eos non sequebar, qui petebant. Quod si nostris consiliis usi essemus neque apud nos tantum valuisset sermo aut stultorum amicorum aut improborum, beatissimi viveremus: nunc, quoniam sperare nos amici iubent, dabo operam, ne mea valetudo tuo labori desit. Res quanta sit, intelligo, quantoque fuerit facilius manere domi quam redire; sed tamen, si omnes tribunos pl. habemus, si Lentulum tam studiosum, quam videtur, si vero etiam Pompeium et Caesarem, non est desperandum. De familia, quomodo placuisse scribis amicis, faciemus. De loco, nunc quidem iam abiit pestilentia, sed, quamdiu fuit, me non attigit. Plancius, homo officiosissimus, me cupit esse secum et adhuc retinet. Ego volebam loco magis deserto esse in Epiro, quo neque Piso veniret nec milites, sed adhuc Plancius me retinet: sperat posse fieri, ut mecum in Italiam decedat; quem ego diem si videro et si in vestrum complexum venero ac si et vos et me ipsum recuperaro, satis magnum mihi fructum videbor percepisse et vestrae pietatis et meae. Pisonis humanitas, virtus, amor in omnes nos tantus est, ut nihil supra possit: utinam ea res ei voluptati sit! gloriae quidem video fore. De Q. fratre nihil ego te accusavi, sed vos, cum praesertim tam pauci sitis, volui esse quam coniunctissimos.

Quibus me voluisti agere gratias, egi et me a te certiorem factum esse scripsi. Quod ad me, mea Terentia, scribis te vicum vendituram, quid, obsecro te — me miserum! — , quid futurum est? et, si nos premet eadem fortuna, quid puero misero fiet? Non queo reliqua scribere — tanta vis lacrimarum est — , neque te in eundem fletum adducam; tantum scribo: si erunt in officio amici, pecunia non deerit; si non erunt, tu efficere tua pecunia non poteris. Per fortunas miseras nostras, vide, ne puerum perditum perdamus; cui si aliquid erit, ne egeat, mediocri virtute opus est et mediocri fortuna, ut cetera consequatur. Fac valeas et ad me tabellarios mittas, ut sciam, quid agatur et vos quid agatis. Mihi omnino iam brevis exspectatio est. Tulliolae et Ciceroni salutem dic. Valete. D. a d. VI. Kal. Decembr. Dyrrhachio. Dyrrhachium veni, quod et libera civitas est et in me officiosa et proxima Italiae; sed, si offendet me loci celebritas, alio me conferam, ad te scribam.

II. Scr. Thessalonicae a. d. III. Non. Oct. a.u.c. 696.

TULLIUS S. D. TERENTIAE ET TULLIOLAE ET CICERONI SUIS.

Noli putare me ad quemquam longiores epistulas scribere, nisi si quis ad me plura scripsit, cui puto rescribi oportere; nec enim habeo, quod scribam, nec hoc tempore quidquam difficilius facio. Ad te vero et ad nostram Tulliolam non queo sine plurimis lacrimis scribere; vos enim video esse miserrimas, quas ego beatissimas semper esse volui idque praestare debui et, nisi tam timidi fuissemus, praestitissem. Pisonem nostrum merito eius amo plurimum: eum, ut potui, per litteras cohortatus sum gratiasque egi, ut debui. In novis tribunis pl. intelligo spem te habere: id erit firmum, si Pompeii voluntas erit; sed Crassum tamen metuo. A te quidem omnia fieri fortissime et amantissime video, nec miror, sed maereo casum eiusmodi, ut tantis tuis miseriis meae miseriae subleventur: nam ad me P. Valerius, homo officiosus, scripsit, id quod ego maximo cum fletu legi, quemadmodum a Vestae ad tabulam Valeriam ducta esses. Hem, mea lux, meum desiderium, unde omnes opem petere solebant! te nunc, mea Terentia, sic vexari, sic iacere in lacrimis et sordibus, idque fieri

mea culpa, qui ceteros servavi, ut nos periremus! Quod de domo scribis, hoc est de area, ego vero tum denique mihi videbor restitutus, si illa nobis erit restituta; verum haec non sunt in nostra manu: illud doleo, quae impensa facienda est, in eius partem *te* miseram et despoliatam venire. Quod si conficitur negotium, omnia consequemur; sin eadem nos fortuna premet, etiamne reliquias tuas misera proiicies? Obsecro te, mea vita, quod ad sumptum attinet, sine alios, qui possunt, si modo volunt, sustinere, et valetudinem istam infirmam, si me amas, noli vexare; nam mihi ante oculos dies noctesque versaris: omnes labores te excipere video; timeo, ut sustineas. Sed video in te esse omnia; quare, ut id, quod speras et quod agis, consequamur, servi valetudini. Ego, ad quos scribam, nescio, nisi ad eos, qui ad me scribunt, aut [ad eos,] de quibus ad me vos aliquid scribitis. Longius, quoniam ita vobis placet, non discedam; sed velim quam saepissime litteras mittatis, praesertim si quid est firmius, quod speremus. Valete, mea desideria, valete, D. a. d. III. Non. Oct. Thessalonica.

III. Scr. Dyrrhachii pr. Kal. Dec. a.u.c. 696.

TULLIUS S. D. TERENTIAE SUAE ET TULLIAE ET CICERONI.

Accepi ab Aristocrito tres epistulas, quas ego lacrimis prope delevi; conficior enim maerore, mea Terentia, nec *meae* me miseriae magis excruciant quam tuae vestraeque, ego autem hoc miserior sum quam tu, quae es miserrima, quod ipsa calamitas communis est utriusque nostrum, sed culpa mea propria est. Meum fuit officium vel legatione vitare periculum vel diligentia et copiis resistere vel cadere fortiter: hoc miserius, turpius, indignius nobis nihil fuit. Quare cum dolore conficior, tum etiam pudore: pudet enim me uxori meae optimae, suavissimis liberis virtutem et diligentiam non praestitisse; nam mihi ante oculos dies noctesque versatur squalor vester et maeror et infirmitas valetudinis tuae, spes autem salutis pertenuis ostenditur. Inimici sunt multi, invidi paene omnes: eiicere nos magnum fuit, excludere facile est; sed tamen, quamdiu vos eritis in spe, non deficiam, ne omnia mea culpa cecidisse videantur. Ut tuto sim, quod

laboras, id mihi nunc facillimum est, quem etiam inimici volunt vivere in his tantis miseriis; ego tamen faciam, quae praecipis. Amicis, quibus voluisti, egi gratias et eas litteras Dexippo dedi meque de eorum officio scripsi a te certiorem esse factum. Pisonem nostrum mirifico esse studio in nos et officio et ego perspicio et omnes praedicant: di faxint, ut tali genero mihi praesenti tecum simul et cum liberis nostris frui liceat! Nunc spes reliqua est in novis tribunis pl. et in primis quidem diebus; nam, si inveterarit, actum est. Ea re ad te statim Aristocritum misi, ut ad me continuo initia rerum et rationem totius negotii posses scribere, etsi Dexippo quoque ita imperavi, statim ut recurreret, et ad fratrem misi, ut crebro tabellarios mitteret; nam ego eo nomine sum Dyrrhachii hoc tempore, ut quam celerrime, quid agatur, audiam, et sum tuto; civitas enim haec semper a me defensa est. Cum inimici nostri venire dicentur, tum in Epirum ibo. Quod scribis te, si velim, ad me venturam, ego vero, cum sciam magnam partem istius oneris abs te sustineri, te istic esse volo. Si perficitis, quod agitis, me ad vos venire oportet; sin autem — sed nihil opus est reliqua scribere. Ex primis aut summum secundis litteris tuis constituere poterimus, quid nobis faciendum sit: tu modo ad me velim omnia diligentissime perscribas, etsi magis iam rem quam litteras debeo exspectare. Cura, ut valeas et ita tibi persuadeas, mihi te carius nihil esse nec umquam fuisse. Vale, mea Terentia; quam ego videre videor: itaque debilitor lacrimis. Vale. Pr. Kal. Dec.

IV. Scr. Brundisii prid. Kalendas Maias a.u.c. 696.

TULLIUS S. D. TERENTIAE ET TULLIAE ET CICERONI SUIS.

Ego minus saepe do ad vos litteras, quam possum, propterea quod cum omnia mihi tempora sunt misera, tum vero, cum aut scribo ad vos aut vestras lego, conficior lacrimis sic, ut ferre non possim. Quod utinam minus vitae cupidi fuissemus! certe nihil aut non multum in vita mali vidissemus. Quod si nos ad aliquam alicuius commodi aliquando recuperandi spem fortuna reservavit, minus est erratum a nobis; si haec mala fixa sunt, ego vero te quam primum, mea vita, cupio videre et in tuo complexu emori, quoniam neque di, quos tu

castissime coluisti, neque homines, quibus ego semper servivi, nobis gratiam rettulerunt. Nos Brundisii apud M. Laenium Flaccum dies XIII fuimus, virum optimum, qui periculum fortunarum et capitis sui prae mea salute neglexit neque legis improbissimae poena deductus est, quo minus hospitii et amicitiae ius officiumque praestaret: huic utinam aliquando gratiam referre possimus! habebimus quidem semper. Brundisio profecti sumus a. d. II K. Mai.: per Macedoniam Cyzicum petebamus. O me perditum! O afflictum! Quid enim? Rogem te, ut venias? Mulierem aegram, et corpore et animo confectam. Non rogem? Sine te igitur sim? Opinor, sic agam: si est spes nostri reditus, eam confirmes et rem adiuves; sin, ut ego metuo, transactum est, quoquo modo potes ad me fac venias. Unum hoc scito: si te habebo, non mihi videbor plane perisse. Sed quid Tulliola mea fiet? iam id vos videte: mihi deest consilium. Sed certe, quoquo modo se res habebit, illius misellae et matrimonio et famae serviendum est. Quid? Cicero meus quid aget? iste vero sit in sinu semper et complexu meo. Non queo plura iam scribere: impedit maeror. Tu quid egeris, nescio: utrum aliquid teneas an, quod metuo, plane sis spoliata. Pisonem, ut scribis, spero fore semper nostrum. De familia liberanda nihil est quod te moveat: primum tuis ita promissum est, te facturam esse, ut quisque esset meritus; est autem in officio adhuc Orpheus, praeterea magno opere nemo; ceterorum servorum ea causa est, ut, si res a nobis abisset, liberti nostri essent, si obtinere potuissent, sin ad nos pertineret, servirent praeterquam oppido pauci. Sed haec minora sunt. Tu quod me hortaris, ut animo sim magno et spem habeam recuperandae salutis, id velim sit eiusmodi, ut recte sperare possimus. Nunc miser quando tuas iam litteras accipiam? quis ad me perferet? quas ego exspectassem Brundisii, si esset licitum per nautas, qui tempestatem praetermittere noluerunt. Quod reliquum est, sustenta te, mea Terentia, ut potes. Honestissime viximus, floruimus: non vitium nostrum, sed virtus nostra nos afflixit; peccatum est nullum, nisi quod non una animam cum ornamentis amisimus; sed, si hoc fuit liberis nostris gratius, nos vivere, cetera, quamquam ferenda *non* sunt, feramus. Atqui ego, qui te confirmo, ipse me non possum. Clodium Philetaerum, quod valetudine oculorum impediebatur, hominem fidelem, remisi. Sallustius officio vincit omnes. Pescennius est perbenevolus nobis,

quem semper spero tui fore observantem. Sicca dixerat se mecum fore, sed Brundisio discessit. Cura, quoad potes, ut valeas et sic existimes, me vehementius tua miseria quam mea commoveri. Mea Terentia, fidissima atque optima uxor, et mea carissima filiola et spes reliqua nostra, Cicero, valete. Pr. K. Mai. Brundisio.

V. Scr. Athenis a. d. XV. (XVII?) Kal. Novemb. a.u.c. 704.

TULLIUS S. D. TERENTIAE SUAE.

Si tu et Tullia, lux nostra, valetis, ego et suavissimus Cicero valemus. Pr. Idus Oct. Athenas venimus, cum sane adversis ventis usi essemus tardeque et incommode navigassemus. De nave exeuntibus nobis Acastus cum litteris praesto fuit uno et vicesimo die, sane strenue. Accepi tuas litteras, quibus intellexi te vereri, ne superiores mihi redditae non essent: omnes sunt redditae diligentissimeque a te perscripta sunt omnia, idque mihi gratissimum fuit. Neque sum admiratus hanc epistolam, quam Acastus attulit, brevem fuisse; iam enim me ipsum exspectas sive nos ipsos, qui quidem quam primum ad vos venire cupimus, etsi, in quam rem publicam veniamus, intelligo; cognovi enim ex multorum amicorum litteris, quas attulit Acastus, ad arma rem spectare, ut mihi, cum venero, dissimulare non liceat, quid sentiam; sed, quoniam subeunda fortuna est, eo citius dabimus operam ut veniamus, quo facilius de tota re deliberemus. Tu velim, quod commodo valetudinis tuae fiat, quam longissime poteris, obviam nobis prodeas. De hereditate Preciana — quae quidem mihi magno dolori est; valde enim illum amavi — , sed hoc velim cures: si auctio ante meum adventum fiet, ut Pomponius aut, si is minus poterit, Camillus nostrum negotium curet: nos, cum salvi venerimus, reliqua per nos agemus; sin tu iam Roma profecta eris, tamen curabis, ut hoc ita fiat. Nos, si di adiuvabunt, circiter Idus Novembres in Italia speramus fore. Vos, mea suavissima et optatissima Terentia, si nos amatis, curate ut valeatis. Vale. Athenis a. d. XV. Kal. Novemb.

VI. Scr. in castris Pompeii Idibus Quinctilibus a.u.c. 706.

TULLIUS SUIS S. DICIT.

Nec saepe est, cui litteras demus, nec rem habemus ullam, quam scribere velimus. Ex tuis litteris, quas proxime accepi, cognovi praedium nullum venire potuisse; quare videatis velim, quomodo satisfiat ei, cui scitis me satisfieri velle. Quod nostra tibi gratias agit, id ego non miror te mereri, ut ea tibi merito tuo gratias agere possit. Pollicem, si adhuc non est profectus, quam primum fac extrudas. Cura, ut valeas. Idib. Quinct.

VII. Scr. in protu Caietano nave conscensa VII. Id. Iun. a.u.c. 705.

TULLIUS TERENTIAE SUAE SAL. PLURIMAM.

Omnes molestias et sollicitudines, quibus et te miserrimam habui et, id quod mihi molestissimum est, Tulliolam, quae nobis nostra vita dulcior est, deposui et eieci; quid causae autem fuerit, postridie intellexi, quam a vobis discessi: *xolØn êxraton* noctu eieci; statim ita sum levatus, ut mihi deus aliquis medicinam fecisse videatur, cui quidem tu deo, quemadmodum soles, pie et caste satisfacies, id est Apollini et Aesculapio. Navem spero nos valde bonam habere; in eam simulatque conscendi, haec scripsi. Deinde conscribam ad nostros familiares multas epistulas, quibus te et Tulliolam nostram diligentissime commendabo. Cohortarer vos, quo animo fortiore essetis, nisi vos fortiores cognossem quam quemquam virum. Et tamen eiusmodi spero negotia esse, ut et vos istic commodissime sperem esse et me aliquando cum similibus nostri rem publicam defensuros. Tu primum valetudinem tuam velim cures; deinde, si tibi videbitur, villis iis utare, quae longissime aberunt a militibus. Fundo Arpinati bene poteris uti cum familia urbana, si annona carior fuerit. Cicero bellissimus tibi salutem plurimam dicit. Etiam atque etiam vale. D. VII Idus Iun.

VIII. Scr. in castris Pompeii a. d. IV. Non. Iun. a.u.c. 708.

TULLIUS TERENTIAE SUAE SAL.

Si vales, bene est, ego valeo. Valetudinem tuam velim cures diligentissime; nam mihi et scriptum et nuntiatum est te in febrim subito incidisse. Quod celeriter me fecisti de Caesaris litteris certiorem, fecisti mihi gratum. Item posthac, si quid opus erit, si quid acciderit novi, facies, ut sciam. Cura, ut valeas. Vale. D. IIII Non. Iun.

IX. Scr. Brundisii mense Decembri a.u.c. 706.

TULLIUS TERENTIAE SUAE SAL. PLURIMAM.

Ad ceteras meas miserias accessit dolor et Dolabellae valetudine et de Tulliae. Omnino de omnibus rebus nec quid consilii capiam nec quid faciam scio. Tu velim tuam et Tulliae valetudinem cures. Vale.

X. Scr. Brundisii VII. Idus Quinctiles a.u.c. 707.

TULLIUS S. D. TERENTIAE SUAE.

Quid fieri placeret, scripsi ad Pomponium serius quam oportuit: cum eo si locuta eris, intelliges, quid fieri velim; apertius scribi, quoniam ad illum scripseram, necesse non fuit. De ea re et de ceteris rebus quam primum velim nobis litteras mittas. Valetudinem tuam cura diligenter. Vale. VII Idus Quinctiles.

XI. Scr. Brundisii XVII. Kal. Quinctil. a.u.c. 707.

TULLIUS S. D. TERENTIAE SUAE.

S. v. b. e. e. v. Tullia nostra venit ad me pr. Idus Iun.; cuius summa virtute et singulari humanitate graviore etiam sum dolore affectus nostra factum esse negligentia, ut longe alia in fortuna esset, atque eius pietas ac dignitas postulabat. Nobis erat in animo Ciceronem ad Caesarem mittere et cum eo Cn. Sallustium: si profectus erit, faciam te certiorem. Valetudinem tuam cura diligenter. Vale. XVII K. Quinctiles.

XII. Scr. Brundisii prid. Non. Novemb. a.u.c. 706.

TULLIAE TERENTIAE SUAE S. D.

Quod nos in Italiam salvos venisse gaudes, perpetuo gaudeas velim; sed perturbati dolore animi magnisque iniuriis metuo ne id consilii ceperimus, quod non facile explicare possimus. Qaure, quantum potes, adiuva; quid autem possis, mihi in mentem non venit. In viam quod te des hoc tempore, nihil est: et longum est iter et non tutum et non video, quid prodesse possis, si veneris. Vale. D. pr. Non. Nov. Brundisio.

XIII. Scr. Brundisi VI. Idus Quinctiles a.u.c. 707.

TULLIUS S. D. TERENTIAE SUAE.

Quod scripsi ad te proximis litteris de nuntio remittendo, quae sit istius vis hoc tempore et quae concitatio multitudinis, ignoro. Si metuendus iratus est, quiesces; tamen ab illo fortasse nascetur. Totum iudicabis quale sit, et, quod in miserrimis rebus minime miserum putabis, id facies. Vale. VI Id. Quinctiles.

XIV. Scr. Minturnis VIII. Kalendas Februarias a.u.c. 705.

TULLIUS TERENTIAE ET PATER TULLIAE, DUABUS ANIMIS SUIS, ET CICERO MATRI OPTIMAE, SUAVISSIMAE SORORI S. P. D.

Si vos valetis, nos valemus. Vestrum iam consilium est, non solum meum, quid sit vobis faciendum. Si ille Romam modeste venturus *est*, recte in praesentia domi esse potestis; sin homo amens diripiendam urbem daturus est, vereor, ut Dolabella ipse satis nobis prodesse possit. Etiam illud metuo, ne iam intercludamur, ut, cum velitis exire, non liceat. Reliquum est, quod ipsae optime considerabitis, vestri similes feminae sintne Romae; si enim non sunt, videndum est, ut honeste vos esse possitis. Quomodo quidem nunc se res habet, modo ut haec nobis loca tenere liceat, bellissime vel mecum vel in nostris praediis esse poteritis. Etiam illud verendum est, ne brevi tempore fames in urbe sit. His de rebus velim cum Pomponio, cum Camillo, cum quibus vobis videbitur,

consideretis, ad summam animo forti sitis: Labienus rem meliorem fecit; adiuvat etiam Piso, quod ab urbe discedit et sceleris condemnat generum suum. Vos, meae carissimae animae, quam saepissime ad me scribite, et vos quid agatis et quid istic agatur. Quintus pater et filius et Rufus vobis s. d. Valete. VIII Kal. Minturnis.

XV. Scr. Brundisii XII. Kal. Quinctil. a.u.c. 707.

TULLIUS S. D. TERENTIAE.

Si vales, bene est. Constitueramus, ut ad te antea scripseram, obviam Ciceronem Caesari mittere, sed mutavimus consilium, quia de illius adventu nihil audiebamus. De ceteris rebus, etsi nihil erat novi, tamen, quid velimus et quid hoc tempore putemus opus esse, ex Sicca poteris cognoscere. Tulliam adhuc mecum teneo. Valetudinem tuam cura diligenter. Vale. XII K. Quinctiles.

XVI. Scr. Brundisi prid. Nonas Ianuarias a.u.c. 707.

TULLIUS TERENTIAE SUAE S. D.

S. v. b. e. e. v. Etsi eiusmodi tempora nostra sunt, ut nihil habeam, quod aut a te litterarum exspectem aut ipse ad te scribam, tamen nescio quomodo et ipse vestras litteras exspecto et scribo ad vos, cum habeo, qui ferat. Volumnia debuit in te officiosior esse, quam fuit, et id ipsum, quod fecit, potuit diligentius facere et cautius: quamquam alia sunt, quae magis curemus magisque doleamus, quae me ita conficiunt, uti ei voluerunt, qui me de mea sententia detruserunt. Cura, ut valeas. Pr. Non. Ian.

XVII. Scr. Brundisii VI. Kal. Ianuarias a.u.c. 706.

TULLIUS TERENTIAE SUAE S. D.

S. v. b. e. e. v. Si aliquid haberem, quod ad te scriberem, facerem id et pluribus verbis et saepius: nunc, quae sint negotia, vides; ego autem quomodo sim affectus, ex Lepta et Trebatio poteris cognoscere. Tu fac, ut tuam et Tulliae valetudinem cures. Vale.

XVIII. Scr. Formiis XI. Kal. Februarias a.u.c. 705.

TULLIUS TERENTIAE SUAE ET PATER SUAVISSIMAE FILIAE, CICERO MATRI ET SORORI S. D. PLUR.

Considerandum vobis etiam atque etiam, animae meae, diligenter puto, quid faciatis, Romaene sitis an mecum an aliquo tuto loco: id non solum meum consilium est, sed etiam vestrum. Mihi veniunt in mentem haec: Romae vos esse tuto posse per Dolabellam eamque rem posse nobis adiumento esse, si quae vis aut si quae rapinae fieri coeperint; sed rursus illud me movet, quod video omnes bonos abesse Roma et eos mulieres suas secum habere, haec autem regio, in qua ego sum, nostrorum est cum oppidorum, tum etiam praediorum, ut et multum esse mecum et, cum abieritis, commode in nostris praediis esse possitis. Mihi plane non satis constat adhuc, utrum sit melius: vos videte, quid aliae faciant isto loco feminae, et ne, cum velitis, exire non liceat; id velim diligenter etiam atque etiam vobiscum et cum amicis consideretis. Domus ut propugnacula et praesidium habeat, Philotimo dicetis; et velim tabellarios instituatis certos, ut quotidie aliquas a vobis litteras accipiam; maxime autem date operam, ut valeatis, si nos vultis valere. VIII Kal. Formiis.

XIX. Scr. Brundisii IV. Kal. Decembres a.u.c. 706.

TULLIUS TERENTIAE SUAE S. D.

In maximis meis doloribus excruciat me valetudo Tulliae nostrae, de qua nihil est quod ad te plura scribam; tibi enim aeque magnae curae esse certo scio. Quod me proprius vultis accedere, video ita esse faciendum: etiam ante fecissem, sed me multa impediverunt, quae ne nunc quidem expedita sunt. Sed a Pomponio exspecto litteras, quas ad me quam primum perferendas cures velim. Da operam, ut valeas.

XX. Scr. de Venusino Kal. Octobribus a.u.c. 707.

TULLIUS S. D. TERENTIAE SUAE.

In Tusculanum nos venturos putamus aut Nonis aut postridie: ibi ut

sint omnia parata — plures enim fortasse nobiscum erunt et, ut arbitror, diutius ibi commorabimur — ; labrum si in balineo non est, ut sit, item cetera, quae sunt ad victum et ad valetudinem necessaria. Vale. K. Oct. de Venusino.

XXI. Scr. m. Dec. a.u.c. 706.

TULLIUS TERENTIAE SUAE S. D.

S. v. b. e. e. v. Da operam, ut convalescas; quod opus erit, ut res tempusque postulat, provideas atque administres et ad me de omnibus rebus quam saepissime litteras mittas. Vale.

XXII. Scr. Brundisii Kalendis Septembribus a.u.c. 707.

TULLIUS S. D. TERENTIAE SUAE.

S. v. b. e. e. v. Nos quotidie tabellarios nostros exspectamus, qui si venerint, fortasse erimus certiores, quid nobis faciendum sit, faciemusque te statim certiorem. Valetudinem tuam cura diligenter. Vale. K. Septemb.

XXIII. Scr. Brundisii prid. Idus Sextiles a.u.c. 707.

TULLIUS TERENTIAE SUAE S. D.

S. v. b. e. e. v. Redditae mihi tandem sunt a Caesare litterae satis liberales, et ipse opinione celerius venturus esse dicitur; cui utrum obviam procedam, an hic eum exspectem, cum constituero, faciam te certiorem. Tabellarios mihi velim quam primum remittas. Valetudinem tuam cura diligenter. Vale. D. pr. Id. Sext.

XXIV. Scr. Brundisii III. Idus Sextiles a.u.c. 707.

TULLIUS TERENTIAE SUAE S. D.

S. v. b. e. e. v. Nos neque de Caesaris adventu neque de litteris, quas Philotimus habere dicitur, quidquam adhuc certi habemus: si quid erit certi, faciam te statim certiorem. Valetudinam tuam fac ut cures.

Vale. III Idus Sextiles.

LIBER QVINTVS DECIMVS

Ad Senatum et CeterosI. Scr. in Cilicia exeunte mense Septembri (circa X. K. Oct.) a.u.c. 703.

M. TULLIUS M. F. CICERO PROCOS. S. D. COS. PR. TR. PL. SENATUI.

S. v. v. b. e. e. q. v. Etsi non dubie mihi nuntiabatur Parthos transisse Euphratem cum omnibus fere suis copiis, tamen, quod arbitrabar a M. Bibulo procos. certiora de iis rebus ad vos scribi posse, statuebam mihi non necesse esse publice scribere ea, quae de alterius provincia nuntiarentur; postea vero quam certissimis auctoribus, legatis nuntiis litteris, sum certior factus, vel quod tanta res erat vel quod nondum audieramus Bibulum in Syriam venisse vel quia administratio huius belli mihi cum Bibulo paene est communis, quae ad me delata essent, scribenda ad vos putavi. Regis Antiochi Commageni legati primi mihi nuntiarunt Parthorum magnas copias Euphratem transire coepisse; quo nuntio allato, cum essent nonnulli, qui ei regi minorem fidem habendam putarent, statui exspectandum esse, si quid certius afferretur. A. d. XIII Kal. Oct., cum exercitum in Ciliciam ducerem, in finibus Lycaoniae et Cappadociae mihi litterae redditae sunt a Tarcondimoto, qui fidelissimus socius trans Taurum amicissimusque populi Romani existimatur, Pacorum Orodi regis Parthorum filium cum permagno equitatu Parthico transisse Euphratem et castra posuisse Tybae magnumque tumultum esse in provincia Syria excitatum; eodem die ab Iamblicho, phylarcho Arabum, quem homines opinantur bene sentire amicumque esse rei publicae nostrae, litterae de iisdem rebus mihi redditae sunt. His rebus allatis, etsi intelligebam socios infirme animatos esse et novarum rerum exspectatione suspensos, sperabam tamen eos, ad quos iam accesseram quique nostram mansuetudinem integritatemque perspexerant, amiciores populo Romano esse factos, Ciliciam autem firmiorem fore, si aequitatis nostrae particeps facta esset: et ob eam causam et ut opprimerentur ii, qui ex Cilicum gente in armis essent, et ut hostis is, qui esset in Syria, sciret exercitum populi Romani non

modo non *re*cedere iis nuntiis allatis, sed etiam propius accedere, exercitum ad Taurum institui ducere. Sed, si quid apud vos auctoritas mea ponderis habet, in iis praesertim rebus, quas vos audistis, ego paene cerno, magno opere vos et hortor et moneo, ut his provinciis serius vos quidem, quam decuit, sed aliquando tamen consulatis. Nos quemadmodum instructos et quibus praesidiis munitos ad tanti belli opinionem miseritis, non estis ignari: quod ego negotium non stultitia occaecatus, sed verecundia deterritus non recusavi; neque enim umquam ullum periculum tantum putavi, quod subterfugere mallem quam vestrae auctoritati obtemperare. Hoc autem tempore res sese sic habet, ut, nisi exercitum tantum, quantum ad maximum bellum mittere soletis, mature in has provincias miseritis, summum periculum sit, ne amittendae sint omnes eae provinciae, quibus vectigalia populi Romani continentur. Quamobrem autem in hoc provinciali delectu spem habeatis aliquam, causa nulla est: neque multi sunt et diffugiunt, qui sunt, metu oblato et, quod genus hoc militum sit, iudicavit vir fortissimus M. Bibulus in Asia, qui, cum vos ei permisissetis, delectum habere noluerit. Nam sociorum auxilia propter acerbitatem atque iniurias imperii nostri aut ita imbecilla sunt, ut non multum nos iuvare possint, aut ita alienata a nobis, ut neque exspectandum ab iis neque committendum iis quidquam esse videatur. Regis Deiotari et voluntatem et copias, quantaecumque sunt, nostras esse duco; Cappadocia est inanis; reliqui reges tyrannique neque opibus satis firmi nec voluntate sunt. Mihi in hac paucitate militum animus certe non deerit, spero ne consilium quidem. Quid casurum sit, incertum est: utinam saluti nostrae consulere possimus! dignitati certe consulemus.

II. Scr. in itinere ex castris ad Cybistra in Ciliciam mense Septembri (XI. K. Oct.) a.u.c. 703.

M. TULLIUS M. F. CICERO PROCOS. S. D. COS. PR. TR. PL. SENATUI.

S. v. v. *b*. e. e. q. v. Cum pr. K. Sext. in provinciam venissem neque maturius propter itinerum et navigationum difficultatem venire potuissem, maxime convenire officio meo reique publicae conducere

putavi parare ea, quae ad exercitum quaeque ad rem militarem pertinerent; quae cum essent a me cura magis et diligentia quam facultate et copia constituta nuntiique et litterae de bello a Parthis in provinciam Syriam illato quotidie fere afferentur, iter mihi faciendum per Lycaoniam et per Isauros et per Cappadociam arbitratus sum; erat enim magna suspicio, Parthos, si ex Syria egredi atque irrumpere in meam provinciam conarentur, iter eos per Cappadociam, quod ea maxime pateret, esse facturos. Itaque cum exercitu per Cappadociae partem eam, quae cum Cilicia continens est, iter feci castraque ad Cybistra, quod oppidum est ad montem Taurum, locavi, ut Artavasdes, rex Armenius, quocumque animo esset, sciret non procul a suis finibus exercitum populi Romani esse, et Deiotarum, fidelissimum regem atque amicissimum rei publicae nostrae, maxime coniunctum haberem, cuius et consilio et opibus adiuvari posset res publica. Quo cum in loco castra haberem equitatumque in Ciliciam misissem, ut et meus adventus iis civitatibus, quae in ea parte essent, nuntiatus firmiores animos omnium faceret et ego mature, quid ageretur in Syria, scire possem, tempus eius tridui, quod in iis castris morabar, in magno officio et necessario mihi ponendum putavi. Cum enim vestra auctoritas intercessisset, ut ego regem Ariobarzanem Eusebem et Philoromaeum tuerer eiusque regis salutem incolumitatemque regni defenderem, regi regnoque praesidio essem, adiunxissetisque salutem eius regis senatui populoque *Romano* magnae curae esse, quod nullo umquam de rege decretum esset a nostro ordine, existimavi me iudicium vestrum ad regem deferre debere eique praesidium meum et fidem et diligentiam polliceri, ut, quoniam salus ipsius, incolumitas regni mihi commendata esset a vobis, diceret, si quid vellet. Quae cum essem in consilio meo cum rege locutus, initio ille orationis suae vobis maximas, ut debuit, deinde etiam mihi gratias egit, quod ei permagnum et perhonorificum videbatur senatui populoque Romano tantae curae esse salutem suam meque tantam diligentiam adhibere, ut et mea fides et commendationis vestrae auctoritas perspici posset. Atque ille primo, quod mihi maximae laetitiae fuit, ita mecum locutus est, ut nullas insidias neque vitae suae neque regno diceret se aut intelligere fieri aut etiam suspicari. Cum ego ei gratulatus essem idque me gaudere dixissem cohortatus, ut recordaretur casum illum interitus paterni et

vigilanter se tueretur atque admonitu senatus consuleret saluti suae, tum a me discessit in oppidum Cybistra. Postero autem die cum Ariarathe, fratre suo, et cum paternis amicis maioribus natu ad me in castra venit perturbatusque et flens, cum idem et frater faceret et amici, meam fidem, vestram commendationem implorare coepit. Cum admirarer, quid accidisset novi, dixit ad se indicia manifestarum insidiarum esse delata, quae essent ante adventum meum occultata, quod ii, qui ea patefacere possent, propter metum reticuissent; eo autem tempore spe mei praesidii complures ea, quae scirent, audacter ad se detulisse; in iis amantissimum sui, summa pietate praeditum fratrem dicere — ea quae me quoque is audiente dicebat — : se sollicitatum esse, ut regnare vellet; id vivo fratre suo accipere non potuisse; se tamen ante illud tempus eam rem numquam in medium propter periculi metum protulisse. Quae cum esset locutus, monui regem, ut omnem diligentiam ad se conservandum adhiberet, amicosque in patris eius atque iudicio probatos hortatus sum, regis sui vitam docti casu acerbissimo patris eius omni cura custodiaque defenderent. Cum rex a me equitatum cohortesque de exercitu meo postularet, etsi intelligebam vestro senatus consulto non modo posse me id facere, sed etiam debere, tamen, cum res publica postularet propter quotidianos ex Syria nuntios, ut quam primum exercitum ad Ciliciae fines adducerem, cumque mihi rex patefactis iam insidiis non egere exercitu populi Romani, sed posse *se* suis opibus defendere videretur, illum cohortatus sum, ut in sua vita conservanda primum regnare disceret: a quibus perspexisset sibi insidias paratas, in eos uteretur iure regio; poena afficeret eos, quos necesse esset, reliquos metu liberaret; praesidio exercitus mei ad eorum, qui in culpa essent, timorem potius quam ad contentionem uteretur; fore autem, ut omnes, quoniam senatus consultum nossent, intelligerent me regi, si opus esset, ex auctoritate vestra praesidio futurum. Ita confirmato illo ex eo loco castra movi; iter in Ciliciam facere institui, cum hac opinione e Cappadocia discederem, ut consilio vestro, casu incredibili ac paene divino regem, quem vos honorificentissime appellassetis nullo postulante quemque meae fidei commendassetis et cuius salutem magnae vobis curae esse decressetis, meus adventus praesentibus insidiis liberasset: quod ad vos a me scribi non alienum putavi, *ut* intelligeretis ex iis, quae

paene acciderunt, vos multo ante, ne ea acciderent, providisse, eoque vos studiosius feci certiores, quod in rege Ariobarzane ea mihi signa videor virtutis, ingenii, fidei benevolentiaeque erga vos perspexisse, ut non sine causa tantam curam in eius vos salutem diligentiamque videamini contulisse.

III. Scr. in castris ad Iconium III. Kal. Sept. a.u.c. 703.

M. CICERO S. D. M. CATONI.

Cum ad me legati missi ab Antiocho Commageno venissent in castra ad Iconium a. d. III Kal. Sept. iique mihi nuntiasset regis Parthorum filium, quocum esset nupta regis Armeniorum soror, ad Euphratem cum maximis Parthorum copiis multarumque praeterea gentium magna manu venisse Euphratemque iam transire coepisse dicique Armenium regem in Cappadociam impetum esse facturum, putavi pro nostra necessitudine me haec ad te scribere oportere. Publice propter duas causas nihil scripsi, quod et ipsum Commagenum legati dicebant ad senatum statim nuntios litterasque misisse et existimabam M. Bibulum procos. — qui circiter Idus Sext. ab Epheso in Syriam navibus profectus erat — , quod secundos ventos habuisset, iam in provinciam suam pervenisse, cuius litteris omnia certiora perlatum iri ad senatum putabam. Mihi, ut in eiusmodi re tantoque bello, maximae curae est, ut, quae copiis et opibus tenere vix possumus, ea mansuetudine et continentia nostra, sociorum fidelitate tueamur. Tu velim, ut consuesti, nos absentes diligas et defendas.

IV. Scr. in Cilicia mense Dec. (post XII. Kal. Ian.) a.u.c. 703.

M. CICERO IMP. S. D. M. CATONI.

Summa tua auctoritas fecit meumque perpetuum de tua singulari virtute iudicium, ut magni mea interesse putarem et res eas, quas gessissem, tibi notas esse et non ignorari a te, qua aequitate et continentia tuerer socios provinciamque administarem; iis enim a te cognitis arbitrabar facilius me tibi, quae vellem, probaturum. Cum in provinciam pr. K. Sext. venissem et propter anni tempus ad

exercitum mihi confestim esse eundum viderem, biduum Laodiceae fui, deinde Apameae quatriduum, triduum Synnadis, totidem dies Philomelii: quibus in oppidis cum magni conventus fuissent, multas civitates acerbissimis tributis et gravissimis usuris et falso aere alieno liberavi. Cumque ante adventum meum seditione quadam exercitus esset dissipatus, quinque cohortes sine legato, sine tribuno militum, denique etiam sine centurione ullo apud Philomelium consedissent, reliquus exercitus esset in Lycaonia, M. Anneio legato imperavi, ut eas quinque cohortes ad reliquum exercitum duceret coactoque in unum locum exercitu castra in Lycaonia apud Iconium faceret. Quod cum ab illo diligenter esset actum, ego in castra a. d. VII K. Sept. veni, cum interea superioribus diebus ex senatus consulto et evocatorum firmam manum et equitatum sane idoneum et populorum liberorum regumque sociorum auxilia voluntaria comparavissem. Interim, cum exercitu lustrato iter in Ciliciam facere coepissem, *III* K. Sept. legati a rege Commageno ad me missi pertumultuose, neque tamen non vere, Parthos in Syriam transisse nuntiaverunt: quo audito vehementer sum commotus cum de Syria, tum de mea provincia, de reliqua denique Asia. Itaque exercitum mihi ducendum per Cappadociae regionem eam, quae Ciliciam attingeret, putavi; nam, si me in Ciliciam demisissem, Ciliciam quidem ipsam propter montis Amani naturam facile tenuissem — duo sunt enim aditus in Ciliciam ex Syria, quorum uterque parvis praesidiis propter angustias intercludi potest, nec est quidquam Cilicia contra Syriam munitius — , sed me Cappadocia movebat, quae patet a Syria regesque habet finitimos, qui etiamsi sunt clam amici nobis, tamen aperte Parthis inimici esse non audent. Itaque in Cappadocia extrema non longe a Tauro apud oppidum Cybistra castra feci, ut et Ciliciam tuerer et Cappadociam tenens nova finitimorum consilia impedirem. Interea in hoc tanto motu tantaque exspectatione maximi belli rex Deiotarus, cui non sine causa plurimum semper et meo et tuo et senatus iudicio tributum est, vir cum benevolentia et fide erga populum Romanum singulari, tum praestanti magnitudine et animi et consilii, legatos ad me misit se cum omnibus suis copiis in mea castra esse venturum; cuius ego studio officioque commotus egi ei per litteras gratias idque ut maturaret hortatus sum. Cum autem ad Cybistra propter rationem belli quinque dies essem moratus, regem Ariobarzanem, cuius

salutem a senatu te auctore commendatam habebam, praesentibus insidiis necopinantem liberavi, neque solum ei saluti fui, sed etiam curavi, ut cum auctoritate regnaret: Metram et eum, quem tu mihi diligenter commendaras, Athenaeum, importunitate Athenaidis exsilio multatos, *in* maxima apud regem auctoritate gratiaque constitui, cumque magnum bellum in Cappadocia concitaretur, si sacerdos armis se, quod facturus putabatur, defenderet, adolescens et equitatu et peditatu ut pecunia paratus ex toto iis, qui novari aliquid volebant, perfeci, ut e regno ille discederet rexque sine tumultu ac sine armis omni auctoritate aulae communita regnum cum dignitate obtineret. Interea cognovi multorum litteris atque nuntiis magnas Parthorum copias *atque* Arabum ad oppidum Antiocheam accessisse magnumque eorum equitatum, qui in Ciliciam transisset, ab equitum meorum turmis et a cohorte praetoria, quae erat Epiphaneae praesidii causa, occidione occisum. Quare, cum viderem a Cappadocia Parthorum copias aversas non longe a finibus esse Ciliciae, quam potui maximis itineribus ad Amanum exercitum duxi. Quo ut veni, hostem ab Antiochea recessisse, Bibulum Antiocheae esse cognovi; Deiotarum confestim iam ad me venientem cum magno et firmo equitatu et peditatu et cum omnibus suis copiis certiorem feci non videri esse causam, cur abesset a regno, meque ad eum, si quid novi forte accidisset, statim litteras nuntiosque missurum esse; cumque eo animo venissem, ut utrique provinciae, si ita tempus ferret, subvenirem, tum id, quod iam ante statueram vehementer interesse utriusque provinciae, pacare Amanum et perpetuum hostem ex eo monte tollere, agere perrexi; cumque me discedere ab eo monte simulassem et alias partes Ciliciae petere abessemque ab Amano iter unius diei et castra apud Epiphaneam fecissem, a. d. IIII Id. Oct., cum advesperasceret, expedito exercitu ita noctu iter feci, ut a. d. III Id. Oct., cum lucisceret, in Amanum ascenderem, distributisque cohortibus et auxiliis, cum aliis Q. frater legatus mecum simul, aliis C. Pomptinus legatus, reliquis M. Anneius et L. Tullius legati praeessent, plerosque necopinantes oppressimus, qui occisi captique sunt, interclusi fuga, Eranam autem, quae fuit non vici instar, sed urbis, quod erat Amani caput, itemque Sepyram et Commorim, acriter et diu repugnantes Pomptino illam partem Amani tenente, ex antelucano tempore usque ad horam diei X magna multitudine

hostium occisa cepimus castellaque vi capta complura incendimus. His rebus ita gestis castra in radicibus Amani habuimus apud Aras Alexandri quatriduum et in reliquiis Amani delendis agrisque vastandis, quae pars eius montis meae provinciae est, id tempus omne consumpsimus. Confectis his rebus ad oppidum Eleutherocilicum Pindenissum exercitum adduxi, quod cum esset altissimo et munitissimo loco ab iisque incoleretur, qui ne regibus quidem umquam paruissent, cum et fugitivos reciperent et Parthorum adventum acerrime exspectarent, *ad* existimationem imperii pertinere arbitratus sum comprimere eorum audaciam, quo facilius etiam ceterorum animi, qui alieni essent ab imperio nostro, frangerentur: vallo et fossa circumdedi; sex castellis castrisque maximis saepsi; aggere, vineis, turribus oppugnavi ususque tormentis multis, multis sagittariis magno labore meo, sine ulla molestia sumptuve sociorum septimo quinquagesimo die rem confeci, ut omnibus partibus urbis disturbatis aut incensis compulsi in potestatem meam pervenirent. His erant finitimi pari scelere et audacia Tebarani; ab iis Pindenisso capto obsides accepi: exercitum in hiberna dimisi; Q. fratrem negotio praeposui, ut in vicis aut captis aut male pacatis exercitus collocaretur. Nunc velim sic tibi persuadeas, si de iis rebus ad senatum relatum sit, me existimaturum summam mihi laudem tributam, si tu honorem meum sententia tua comprobaris; idque, etsi talibus de rebus gravissimos homines et rogare solere et rogari scio, tamen admonendum potius te a me quam rogandum puto: tu es enim is, qui me tuis sententiis saepissime ornasti, qui oratione, qui praedicatione, qui summis laudibus in senatu, in concionibus ad caelum extulisti, cuius ego semper tanta esse verborum pondera putavi, ut uno verbo tuo cum mea laude coniuncto omnia assequi me arbitrarer; te denique memini, cum cuidam clarissimo atque optimo viro supplicationem non decerneres, dicere te decreturum, si referretur ob eas res, quas is consul in urbe gessisset; tu idem mihi supplicationem decrevisti togato, non, ut multis, re publica bene gesta, sed, ut nemini, re publica conservata; mitto, quod invidiam, quod pericula, quod omnes meas tempestates et subieris et multo etiam magis, si per me licuisset, subire paratissimus fueris, quod denique inimicum meum tuum inimicum putaris, cuius etiam interitum, *ut* facile intelligerem, mihi quantum tribueres, Milonis

causa in senatu defendenda approbaris. A me autem haec sunt *in te* profecta, quae ego in beneficii loco non pono, sed in veri testimonii atque iudicii, ut praestantissimas tuas virtutes non tacitus admirarer — quis enim te id non facit? — , sed in omnibus orationibus, sententiis dicendis causis agendis, omnibus scriptis, Graecis Latinis, omni denique varietate litterarum mearum te *non* modo iis, quos vidissemus, sed iis, de quibus audissemus, omnibus anteferrem. Quaeres fortasse, quid sit, quod ego hoc nescio quid gratulationis et honoris a senatu tanti aestimem. Agam iam tecum familiariter, ut est et studiis et officiis nostris mutuis et summa amicitia dignum et necessitudine etiam paterna: si quisquam fuit umquam remotus et natura et magis etiam, ut mihi quidem sentire videor, ratione atque doctrina ab inani laude et sermonibus vulgi, ego profecto is sum. Testis est consulatus meus, in quo, sicut in reliqua vita, fateor ea me studiose secutum, ex quibus vera gloria nasci posset, ipsam quidem gloriam per se numquam putavi expetendam: itaque et provinciam ornatam et spem non dubiam triumphi neglexi; sacerdotium denique, cum, quemadmodum te existimare arbitror, non difficillime consequi possem, non appetivi; idem post iniuriam acceptam, quam tu rei publicae calamitatem semper appellas, meam non modo non calamitatem, sed etiam gloriam, studui quam ornatissima senatus populique Romani de me iudicia intercedere: itaque et augur postea fieri volui, quod antea neglexeram, et eum honorem, qui a senatu tribui rebus bellicis solet, neglectum a me olim, nunc mihi expetendum puto. Huic meae voluntati, in qua inest aliqua vis desiderii ad sanandum vulnus iniuriae, ut faveas adiutorque sis, quod paullo ante me negaram rogaturum, vehementer te rogo, sed ita, si non ieiunum hoc nescio quid, quod ego gessi, et contemnendum videbitur, sed tale atque tantum, ut multi nequaquam paribus rebus honores summos a senatu consecuti sint. Equidem etiam illud mihi animum advertisse videor — scis enim, quam attente te audire soleam — , te non tam res gestas quam mores, instituta atque vitam imperatorum spectare solere in habendis aut non habendis honoribus; quod si in mea causa considerabis, reperies me exercitu imbecillo contra metum maximi belli firmissimum praesidium habuisse aequitatem et continentiam: his ego subsidiis ea sum consecutus, quae nullis legionibus consequi potuissem, ut ex alienissimis sociis

amicissimos, ex infidelissimis firmissimos redderem animosque novarum rerum exspectatione suspensos ad veteris imperii benevolentiam traducerem. Sed nimis haec multa de me, praesertim ad te, a quo uno omnium sociorum querelae audiuntur: cognosces ex iis, qui meis institutis se recreatos putant, cumque omnes uno prope consensu de me apud te ea, quae mihi optatissima sunt, praedicabunt, tum duae maximae clientelae tuae, Cyprus insula et Cappadociae regnum, tecum de me loquentur, puto etiam regem Deiotarum, qui uni tibi est maxime necessarius. Quae si etiam maiora sunt et in omnibus saeculis pauciores viri reperti sunt, qui suas cupiditates, quam qui hostium copias vincerent, est profecto tuum, cum ad res bellicas haec, quae rariora et difficiliora sunt, genera virtutis adiunxeris, ipsas etiam illas res gestas iustiores esse et maiores putare. Extremum illud est, ut quasi diffidens rogationi meae philosophiam ad te allegem, qua nec mihi carior ulla umquam res in vita fuit nec hominum generi maius a deis munus ullum est datum: haec igitur, quae mihi tecum communis est, societas studiorum atque artium nostrarum, quibus a pueritia dediti ac devincti soli propemodum nos philosophiam veram illam et antiquam, quae quibusdam otii esse ac desidiae videtur, in forum atque in rem publicam atque in ipsam aciem paene deduximus, tecum agit de mea laude, cui negari a Catone fas esse non puto. Quamobrem tibi sic persuadeas velim: si mihi tua sententia tributus honos ex meis litteris fuerit, me sic existimaturum, cum auctoritate tua, tum benenvolentia erga me mihi, quod maxime cupierim, contigisse.

V. Scr. Romae inter Non. Mai. et Non. Iun. a.u.c. 704.

M. CATO S. D. M. CICERONI IMP.

Quod et res publica me et nostra amicitia hortatur, libenter facio, ut tuam virtutem, innocentiam, diligentiam, cognitam in maximis rebus domi togati, armati foris pari industria administrari gaudeam: itaque, quod pro meo iudicio facere potui, ut innocentia consilioque tuo defensam provinciam, servatum Ariobarzanis cum ipso rege regnum, sociorum revocatam ad studium imperii nostri voluntatem sententia mea et decreto laudarem, feci. Supplicationem decretam, si tu, qua in

re nihil fortuito, sed summa tua ratione et continentia rei publicae provisum est, dis immortalibus gratulari nos quam tibi referre acceptum mavis, gaudeo: quod si triumphi praerogativam putas supplicationem et idcirco casum potius quam te laudari mavis, neque supplicationem sequitur semper triumphus et triumpho multo clarius est senatum iudicare potius mansuetudine et innocentia imperatoris provinciam quam vi militum aut benignitate deorum retentam atque conservatam esse, quod ego mea sententia censebam. Atque haec ego idcirco ad te contra consuetudinem meam pluribus scripsi, ut, quod maxime volo, existimes me laborare, ut tibi persuadeam me et voluisse de tua maiestate, quod amplissimum sum arbitratus, et, quod tu maluisti, factum esse gaudere. Vale et nos dilige et instituto itinere severitatem diligentiamque sociis et rei publicae praesta.

VI. Scr. in Cilicia mense Quinctili (III. Non. vel paullo post) a.u.c. 704.

M. CICERO S. D. M. CATONI.

“Laetus sum laudari me,” inquit Hector, opinor apud Naevium, “abs te, pater, a laudato viro;” ea est enim profecto iucunda laus, quae ab iis proficiscitur, qui ipsi in laude vixerunt. Ego vero vel gratulatione litterarum tuarum vel testimoniis sententiae dictae nihil est quod me non assecutum putem, idque mihi cum amplissimum, tum gratissimum est, te libenter amicitiae dedisse, quod liquido veritati dares. Et, si non modo omnes, verum etiam multi Catones essent in civitate nostra, in qua unum exstitisse mirabile est, quem ego currum aut quam lauream cum tua laudatione conferrem? nam ad meum sensum et ad illud sincerum ac subtile iudicium nihil potest esse laudabilius quam ea tua oratio, quae est ad me perscripta a meis necessariis. Sed causam meae voluntatis — non enim dicam cupiditatis — exposui tibi superioribus litteris, quae etiamsi parum iusta tibi visa est, hanc tamen habet rationem, non ut nimis concupiscendus honos, sed tamen, si deferatur a senatu, minime aspernandus esse videatur; spero autem illum ordinem pro meis ob rem publicam susceptis laboribus me non indignum honore, usitato praesertim, existimaturum. Quod si ita erit, tantum ex te peto, quod

amicissime scribis, ut, *cum* tuo iudicio, quod amplissimum esse arbitraris, mihi tribueris, si id, quod maluero, acciderit, gaudeas: sic enim fecisse te et sensisse et scripsisse video, resque ipsa declarat tibi illum honorem nostrum supplicationis iucundum fuisse, quod scribendo affuisti; haec enim senatus consulta non ignoro ab amicissimis eius, cuius de honore agitur, scribi solere. Ego, ut spero, te propediem videbo, atque utinam re publica meliore, quam timeo!

VII. Scr. in castris ad Cybistra Cappadociae inter III. Kal. Sept. et XI. Kal. Oct. a.u.c. 703.

M. CICERO PROCOS. S. D. C. MARCELLO COS. DESIG.

Maxime sum laetitia affectus, cum audivi consulem te factum esse, eumque honorem tibi deos fortunare volo atque a te pro tuo parentisque tui dignitate administrari; nam cum te semper amavi dilexique, cum mei amantissimum cognovi in omni varietate rerum mearum, tum patris tui pluribus beneficiis vel defensus tristibus temporibus vel ornatus secundis et sum totus vester et esse debeo, cum praesertim matris tuae, gravissimae atque optimae feminae, maiora erga salutem dignitatemque meam studia, quam erant a muliere postulanda, perspexerim. Quapropter a te peto in maiorem modum, ut me absentem diligas atque defendas.

VIII. Scr. ibidem eodem mense ac fortasse die eiusdem anni.

M. CICERO PROCOS. S. D. C. MARCELLO COLLEGAE.

Marcellum tuum consulem factum teque ea laetitia affectum esse, quam maxime optasti, mirandum in modum gaudeo, idque cum ipsius causa, tum quod te omnibus secundissimis rebus dignissimum iudico, cuius erga me singularem benevolentiam vel in labore meo vel in honore perspexi, totam denique domum vestram vel salutis vel dignitatis meae studiosissimam cupidissimamque cognovi. Quare gratum mihi feceris, si uxori tuae Iuniae, gravissimae atque optimae feminae, meis verbis eris gratulatus. A te id, quod *con*suesti, peto, me absentem diligas atque defendas.

IX. Scr. ibidem eodem mense ac fortasse die eiusdem anni.

M. CICERO PROCOS. S. D. M. MARCELLO COS.

Te et pietatis in tuos et animi in rem publicam et clarissimi atque optimi consulatus C. Marcello consule facto fructum cepisse vehementer gaudeo. Non dubito, quid praesentes sentiant; nos quidem longinqui et a te ipso missi in ultimas gentes ad caelum mehercule tollimus verissimis ac iustissimis laudibus. Nam, cum te a pueritia tua unice dilexerim tuque me in omni genere semper amplissimum esse et volueris et iudicaris, tum hoc vel tuo facto vel populi Romani de te iudicio multo acrius vehementiusque diligo maximaque laetitia afficior, cum ab hominibus prudentissimis virisque optimis omnibus dictis factis, studiis institutis vel me tui similem esse audio vel te mei. Unum vero si addis ad praeclarissimas res consulatus tui, ut aut mihi succedat quam primum aliquis aut ne quid accedat temporis ad id, quod tu mihi et senatus consulto et lege finisti, omnia me per te consecutum putabo. Cura, ut valeas et me absentem diligas atque defendas. Quae mihi de Parthis nuntiata sunt, quia non putabam a me etiam nunc scribenda esse publice, propterea ne pro familiaritate quidem nostra volui ad te scribere, ne, cum ad consulem scripsissem, publice viderer scripsisse.

X. Scr. in Cilicia mense Ianuario (post XII. Kal. Ian.) a.u.c. 704.

M. CICERO IMP. SAL. D. C. MARCELLO C. F. COS.

Quoniam id accidit, quod mihi maxime fuit optatum, ut omnium Marcellorum, Marcellinorum etiam — mirificus enim generis ac nominis vestri fuit erga me semper animus — , quoniam ergo ita accidit, ut omnium vestrum studio tuus consulatus satisfacere posset, in quem meae res gestae lausque et honos earum potissimum incideret, peto a te id, quod facillimum factu est non aspernante, ut confido, senatu, ut quam honorificentissimum senatus consultum litteris meis recitatis faciundum cures. Si mihi tecum minus esset, quam est cum tuis omnibus, allegarem ad te illos, a quibus intelligis me praecipue diligi. Patris tui beneficia in me sunt amplissima; neque

enim saluti meae neque honori amicior quisquam dici potest; frater tuus quanti me faciat semperque fecerit, esse hominem, qui ignoret, arbitror neminem; domus tua denique tota me semper omnibus summis officiis prosecuta est; neque vero tu in me diligendo cuiquam concessisti tuorum: quare a te peto in maiorem modum, ut me per te quam ornatissimum velis esse meamque et in supplicatione decernenda et in ceteris rebus existimationem satis tibi esse commendatam putes.

XI. Scr. in Cilicia mense Quinctili (III. Non. Sex. vel paullo post) a.u.c. 704.

M. CICERO IMP. S. D. C. MARCELLO COS.

Quantae curae tibi meus honos fuerit et quam idem exstiteris consul in me ornando et amplificando, qui fueras semper cum parentibus tuis et cum tota domo, etsi res ipsa loquebatur, cognovi tamen ex meorum omnium litteris: itaque nihil est tantum, quod ego non tua causa debeam facturusque sim studiose ac libenter; nam magni interest, cui debeas, debere autem nemini malui quam tibi, cui me cum studia communia, beneficia paterna tuaque iam ante coniunxerant, tum accedit mea quidem sententia maximum vinculum, quod ita rem publicam geris atque gessisti, qua mihi carius nihil est, ut, quantum tibi omnes boni debeant, quo minus tantundem ego unus debeam, non recusem. Quamobrem tibi velim ii sint exitus, quos mereris et quos fore confido: ego, si me navigatio non morabitur, quae incurrebat in ipsos etesias, propediem te, ut spero, videbo.

XII. Scr. in castris ad Cybistra Cappadociae eodem die, quo Ep. VII a.u.c. 703.

M. CICERO PROCOS. S. D. L. PAULLO COS. DESIG.

Etsi mihi numquam fuit dubium, quin te populus Romanus pro tuis summis in rem publicam meritis et pro amplissima familiae dignitate summo studio, cunctis suffragiis consulem facturus esset, tamen incredibili laetitia sum affectus, cum id mihi nuntiatum est, eumque

honorem tibi deos fortunare volo a teque ex tua maiorumque tuorum dignitate administrari. Atque utinam praesens illum diem mihi optatissimum videre potuissem proque tuis amplissimis erga me studiis atque beneficiis tibi operam meam studiumque navare! quam mihi facultatem quoniam hic necopinatus et improvisus provinciae casus eripuit, tamen, ut te consulem rem publicam pro tua dignitate gerentem videre possim, magno opere a te peto, ut operam des efficias, ne quid mihi fiat iniuriae neve quid temporis ad meum annum munus accedat; quod si feceris, magnus ad tua pristina erga me studia cumulus accedet.

XIII. Scr. in Cilicia eodem tempore, quo Ep. X a.u.c. 704.

M. CICERO IMP. S. D. L. PAULLO COS.

Maxime mihi fuit optatum Romae esse tecum multas ob causas, sed praecipue, ut et in petendo et in gerendo consulatu meum tibi debitum studium perspicere posses. Ac petitionis quidem tuae ratio mihi semper fuit explorata, sed tamen navare operam volebam; in consulatu vero cupio equidem te minus habere negotii, sed moleste fero me consulem tuum studium adolescentis perspexisse, te meum, cum id aetatis sim, perspicere non posse. Sed ita fato nescio quo contigisse arbitror, ut tibi ad me ornandum semper detur facultas, mihi ad *te* remunerandum nihil suppetat praeter voluntatem: ornasti consulatum, ornasti reditum meum; incidit meum tempus rerum gerendarum in ipsum consulatum tuum. Itaque, cum et tua summa amplitudo et dignitas et meus magnus honos magnaque existimatio postulare videatur, ut a te pluribus verbis contendam ac petam, ut quam honorificentissimum senatus consultum de meis rebus gestis faciendum cures, non audeo vehementer a te contendere, ne aut ipse tuae perpetuae consuetudinis erga me oblitus esse videar aut te oblitum putem. Quare, ut te velle arbitror, ita faciam, atque ab eo, quem omnes gentes sciunt de me optime meritum, breviter petam. Si alii consules essent, ad te potissimum, Paulle, mitterem, ut eos mihi quam amicissimos redderes: nunc, cum tua summa potestas summaque auctoritas notaque omnibus nostra necessitudo sit, vehementer te rogo, ut et quam honorificentissime cures

decernendum de meis rebus gestis et quam celerrime: dignas res esse honore et gratulatione cognosces ex iis litteris, quas ad te et collegam et senatum publice misi. Omniumque mearum reliquarum rerum maximeque existimationis meae procurationem susceptam velim habeas, in primisque tibi curae sit, quod abs te superioribus quoque litteris petivi, ne mihi tempus prorogetur: cupio te consulem videre omniaque, quae spero, cum absens, tum etiam praesens te consule assequi.

XIV. Scr. in Cilicia post III. Id. Oct. a.u.c. 703.

M. CICERO IMP. S. D. C. CASSIO PROQ.

M. Fadium quod mihi amicum tua commendatione das, nullum in eo facio quaestum; multi enim anni sunt, cum ille in aere meo est et a me diligitur propter summam suam humanitatem et observantiam; sed tamen, quod *te* ab eo egregie diligi sensi, multo amicior ei sum factus. Itaque, quamquam *aliquid* profecerunt litterae tuae, tamen aliquanto plus commendationis apud me habuit animus ipsius erga te mihi perspectus et cognitus. Sed de Fadio faciemus studiose, quae rogas; tu multis de causis vellem me convenire potuisses: primum ut te, quem iamdiu plurimi facio, tanto intervallo viderem; deinde ut tibi, quod feci per litteras, possem praesens gratulari; tum ut, quibus de rebus vellemus, tu tuis, ego meis, inter nos communicaremus; postremo ut amicitia nostra, quae summis officiis ab utroque culta est, sed longis intervallis temporum interruptam consuetudinem habuit, confirmaretur vehementius. Id quoniam non accidit, utemur bono litterarum et eadem fere absentes, quae, si coram essemus, consequeremur: unus scilicet animi fructus, qui in te videndo est, percipi litteris non potest; alter gratulationis est is quidem exilior, quam si tibi te ipsum intuens gratularer, sed tamen et feci antea et facio nunc tibique cum pro rerum magnitudine, quas gessisti, tum pro opportunitate temporis gratulor, quod te de provincia decedentem summa laus et summa gratia provinciae prosecuta est; tertium est, ut id, quod de nostris rebus coram communicassemus inter nos, conficiamus idem litteris. Ego ceterarum recenseo — nam et ea, quae reliqui, tranquilla de te erant et hac tua recenti victoria tanta clarum

tuum adventum fore intelligo — ; sed, si quae sunt onera tuorum, si tanta sunt, ut ea sustinere possis, propera — nihil tibi erit lautius, nihil gloriosius — , sin maiora, considera, ne in alienissimum tempus cadat adventus tuus. Huius rei totum consilium tuum est; tu enim scis, quid sustinere possis: si potes, laudabile atque populare est; sin plane non potes, absens hominum sermones facilius sustinebis. De me autem idem tecum his ago litteris, quod superioribus egi, ut omnes tuos nervos in eo contendas, ne quid mihi ad hanc provinciam, quam et senatus et populus annuam esse voluit, temporis prorogetur: hoc a te ita contendo, ut in eo fortunas meas positas putem. Habes Paullum nostrum nostri cupidissimum; est Curio, est Furnius. Sic velim enitare, quasi in eo sint mihi omnia. Extremum illud est de iis, quae proposueram, confirmatio nostrae amicitiae, de qua pluribus verbis nihil opus est: tu puer me appetisti, ego autem semper ornamento te mihi fore duxi; fuisti etiam praesidio tristissimis meis temporibus; accessit post tuum discessum familiaritas mihi cum Bruto tuo maxima. Itaque in vestro ingenio et industria mihi plurimum et suavitatis et dignitatis constitutum puto: id tu ut tuo studio confirmes, te vehementer rogo, litterasque ad me et continuo mittas et, cum Romam veneris, quam saepissime.

XV. Scr. Brundisii (post Kal. Oct.) a.u.c. 707.

M. CICERO S. D. C. CASSIO.

Etsi uterque nostrum spe pacis et odio civilis sanguinis abesse a belli non necessarii pertinacia voluit, tamen, quoniam eius consilii princeps ego fuisse videor, plus fortasse tibi praestare ipse debeo quam a te exspectare: etsi, ut saepe soleo mecum recordari, sermo familiaris meus tecum et item mecum tuus adduxit utrumque nostrum ad id consilium, ut uno proelio putaremus, si non totam causam, at certe nostrum iudicium definiri convenire. Neque quisquam hanc nostram sententiam vere umquam reprehendit praeter eos, qui arbitrabantur melius esse deleri omnino rem publicam quam imminutam et debilitatam manere: ego autem ex interitu eius nullam spem scilicet mihi proponebam, ex reliquiis magnam. Sed ea sunt consecuta, ut magis mirum sit accidere illa potuisse, quam nos non

vidisse ea futura nec, homines cum essemus, divinare potuisse. Equidem fateor meam coniecturam hanc fuisse, ut illo quasi quodam fatali proelio facto et victores communi saluti consule vellent et victi suae; utrumque autem positum esse arbitrabar in celeritate victoris: quae si fuisset, eandem clementiam experta esset Africa, quam cognovit Asia, quam etiam Achaia te, ut opinor, ipso legato ac deprecatore; amissis autem temporibus, quae plurimum valent, praesertim in bellis civilibus, interpositus annus alios induxit, ut victoriam sperarent, alios, ut ipsum vinci contemnerent. Atque horum malorum omnium culpam fortuna sustinet; quis enim aut Alexandrini belli tantam moram huic bello adiunctum iri aut nescio quem istum Pharnacem Asiae terrorem illaturum putaret? Nos tamen in consilio pari casu dissimili usi sumus: tu enim eam partem petisti, ut et consiliis interesses et, quod maxime curam levat, futura animo prospicere posses; ego, qui festinavi, ut Caesarem in Italia viderem — sic enim arbitrabamur — eumque multis honestissimis viris conservatis redeuntem ad pacem currentem, ut aiunt, incitarem, ab illo longissime et absum et afui. Versor autem in genitu Italiae et in urbis miserrimis querelis, quibus aliquid opis fortasse ego pro mea, tu pro tua, pro sua quisque parte ferre potuisset, si auctor affuisset. Quare velim pro tua perpetua erga me benevolentia scribas ad me, quid videas, quid sentias, quid exspectandum, quid agendum nobis existimes. Magni erunt mihi tuae litterae, atque utinam primis illis, quas Luceria miseras, paruissem! sine ulla enim molestia dignitatem meam retinuissem.

XVI. Scr. Romae mense Ianuario a.u.c. 709.

M. CICERO S. D. C. CASSIO.

Puto te [iam] suppudere, quem haec tertia iam epistula ante oppressit, quam tu scidam aut litteram; sed non urgeo; longiores enim exspectabo vel potius exigam. Ego, si semper haberem, cui darem, vel ternas in hora darem; fit enim nescio qui, ut quasi coram adesse videare, cum scribo aliquid ad te, neque id *xat' eÞd‰lvn fantas¤aw*, ut dicunt tui amici novi, qui putant etiam *dianohtixåw fantas¤aw* spectris Catianis excitari — nam, ne te fugiat, Catius Insuber,

Epicureus, qui nuper est mortuus, quae ille Gargettius et iam ante Democritus *eýdvla*, hic spectra nominat — ; his autem spectris etiamsi oculi possunt feriri, quod, cum velis, ipsa accurrunt, animus qui possit, ego non video: doceas tu me oportebit, cum salvus veneris, in meane potestate sit spectrum tuum, ut, simul ac mihi collibitum sit de te cogitare, illud accurrat, neque solum de te, qui mihi haeres in medullis, sed, si insulam Britanniam coepero cogitare, eius *eýdvlon* mihi advolabit ad pectus? Sed haec posterius; tento enim te, quo animo accipias: si enim stomachabere et moleste feres, plura dicemus postulabimusque, ex qua *aþr°sei* VI HOMINIBVS ARMATIS deiectus sis, in eam restituare. In hoc interdicto non solet addi IN HOC ANNO; quare, si iam biennium aut triennium est, cum virtuti nuntium remisisti delenitus illecebris voluptatis, in integro res nobis erit: quamquam quicum loquor? cum uno fortissimo viro, qui, posteaquam forum attigisti, nihil fecisti nisi plenissimum amplissimae dignitatis. In ista ipsa *aþr°sei* metuo ne plus nervorum sit, quam ego putaram, si modo eam tu probas. "Qui id tibi in mentem venit?" inquies. Quia nihil habebam aliud, quod scriberem; de re publica enim nihil scribere possum, nec enim, quod sentio, libet scribere.

XVII. Scr. Romae (exeunte m. Febr. aut ineunte Mart.) a.u.c. 709.

M. CICERO C. CASSIO SAL.

Praeposteros habes tabellarios; etsi me quidem non offendunt; sed tamen, cum a me discedunt, flagitant litteras, cum ad me veniunt, nullas afferunt, atque id ipsum facerent commodius, si mihi aliquid spatii ad scribendum darent, sed petasati veniunt, comites ad portam exspectare dicunt. Ergo ignosces: alteras habebis has breves, sed exspecta *pãnta perÐ pãntvn*; etsi quid ego me tibi purgo, cum tui ad me inanes veniant, ad te cum epistulis revertantur? Nos hic, ut tamen ad te scribam aliquid, P. Sullam patrem mortuum habebamus: alii a latronibus, alii cruditate dicebant; populus non curabat, combustum enim esse constabat. Hoc tu pro tua sapientia feres aequo animo; quamquam *prÒsvpon pÒlevw* amisimus. Caesarem putabant moleste

laturum verentem, ne hasta refrixisset; Mindius Marcellus et Attius pigmentarius valde gaudebant se adversarium perdidisse. De Hispania novi nihil, sed exspectatio valde magna: rumores tristiores, sed *éd°spotoi*. Pansa noster paludatus a. d. III K. [Ian.] profectus est, ut quivis intelligere posset id, quod tu nuper dubitare coepisti, *tÚ xalÚn di' aÍtÚ apretÚn* esse; nam, quod multos miseriis levavit et quod se in his malis hominem praebuit, mirabilis eum virorum bonorum benevolentia prosecuta est. Tu quod adhuc Brundisii moratus es, valde probo et gaudeo, et mehercule puto te sapienter facturum, si *éxenÒspoudow* fueris: nobis quidem, qui te amamus, erit gratum et amabo te, cum dabis posthac aliquid domum litterarum, mei memineris; ego numquam quemquam ad te, cum sciam, sine meis litteris ire patiar. Vale.

XVIII. Scr. Romae ineunte anno u.c. 709.

M. CICERO S. D. C. CASSIO.

Longior epistula fuisset, nisi eo ipso tempore petita esset a me, quam iam iretur ad te; longior autem, si *flÊaron* aliquem habuissem, nam *spoudãjein* sine periculo vix possumus. "Ridere igitur," inquies, "possumus." Non mehercule facillime; verumtamen aliam aberrationem a molestiis nullam habemus. "Ubi igitur," inquies, "philosophia" Tua quidem in culina, mea in palaestra est; pudet enim servire: itaque facio me alias res agere, ne convicium Platonis audiam. De Hispania nihil adhuc certi, nihil omnino novi. Te abesse mea causa moleste fero, tua gaudeo. Sed flagitat tabellarius: valebis igitur meque, ut a puero fecisti, amabis.

XIX. Scr. Brundisii mense Martio a.u.c. 709.

C. CASSIUS S. D. M. CICERONI.

S. v. b. e. Non mehercule in hac mea peregrinatione quidquam libentius facio, quam scribo ad te; videor enim cum praesente loqui et iocari, nec tamen hoc usu venit propter "spectra Catiana," pro quo tibi proxima epistula tot rusticos Stoicos regeram, ut Catium Athenis natum esse dicas. Pansam nostrum secunda voluntate hominum

paludatum ex urbe exisse cum ipsius causa gaudeo, tum mehercule etiam omnium nostrorum; spero enim homines intellecturos, quanto sit omnibus odio crudelitas et quanto amori probitas et clementia, atque ea, quae maxime mali petant et concupiscant, ad bonos pervenire; difficile est enim persuadere hominibus *tÚ xalÚn di' aÍtÚ aþretÚn* esse; *¾donØn* vero et *étaraj¤an* virtute, iustitia, *t³ xal³* parari et verum et probabile est; ipse enim Epicurus, a quo omnes Catii et Amafinii, mali verborum interpretes, proficiscuntur, dicit: *oÈx ¶stin ¾d°vw êneu toË xal«w xaÐ dixa¤vw jfn*. Itaque et Pansa, qui *¾donØn* sequitur, virtutem retinet, et ii, qui a vobis *filÆdonoi* vocantur, sunt *filÒxaloi* et *filod¤xaioi* omnesque virtutes et colunt et retinent. Itaque Sulla, cuius iudicium probare debemus, cum dissentire philosophos videret, non quaesiit, quid bonum esset, omnia bona coemit: cuius ego mortem forti mehercules animo tuli; nec tamen Caesar diutius nos eum desiderare patietur, nam habet damnatos, quos pro illo nobis restituat, nec ipse sectorem desiderabit, cum filium viderit. Nunc, ut ad rem publicam redeam, quid in Hispaniis geratur, rescribe: peream, nisi sollicitus sum ac malo veterem et clementem dominum habere quam novum et crudelem experiri. Scis, Cn. quam sit fatuus; scis, quomodo crudelitatem virtutem putet; scis, quam se semper a nobis derisum putet: vereor, ne nos rustice gladio velit *éntimuxthr¤sai*. Quid fiat, si me diligis, rescribe: hui, quam velim scire, utrum ista sollicito animo an soluto legas! sciam enim eodem tempore, quid me facere oporteat. Ne longior sim, vale meque, ut facis, ama. Si Caesar vicit, celeriter me exspecta.

XX. Scr. mense Maio a.u.c. 710.

M. CICERO S. D. C. TREBONIO.

Oratorem meum — sic enim inscripsi — Sabino tuo commendavi: natio me hominis impulit, ut ei recte putarem; nisi forte candidatorum licentia hic quoque usus hoc subito cognomen arripuit; etsi modestus eius vultus sermoque constans habere quiddam a Curibus videbatur; sed de Sabino satis. Tu, mi Treboni, quoniam ad amorem meum aliquantum [olim] discedens addidisti, quo

tolerabilius feramus igniculum desiderii tui, crebris nos litteris appellato, atque ita, si idem fiet a nobis. Quamquam duae causae sunt, cur tu frequentior in isto officio esse debeas quam nos: primum, quod olim solebant, qui Romae erant, ad provinciales amicos de re publica scribere, nunc tu nobis scribas oportet — res enim publica istic est — ; deinde, quod nos aliis officiis tibi absenti satisfacere possumus, tu nobis nisi litteris non video qua re alia satisfacere possis. Sed cetera scribes ad nos postea; nunc haec primo cupio cognoscere: iter tuum cuiusmodi sit, ubi Brutum nostrum videris, quamdiu simul fueris; deinde, cum processeris longius, de bellicis rebus, de toto negotio, ut existimare possimus, quo statu simus: ego tantum me scire putabo, quantum ex tuis litteris habebo cognitum. Cura, ut valeas meque ames amore illo tuo singulari.

XXI. Scr. Romae post Kal. Oct. (mense Decembri?) a.u.c. 707.

M. CICERO S. D. C. TREBONIO.

Et epistulam tuam legi libenter et librum libentissime; sed tamen in ea voluptate hunc accepi dolorem, quod, cum incendisses cupiditatem meam consuetudinis augendae nostrae — nam ad amorem quidem nihil poterat accedere — , tum discedis a nobis meque tanto desiderio afficis, ut unam mihi consolationem relinquas, fore ut utriusque nostrum absentis desiderium crebris et longis epistulis leniatur: quod ego non modo de me tibi spondere possum, sed de te etiam mihi; nullam enim apud me reliquisti dubitationem, quantum me amares. Nam, ut illa omittam, quae civitate teste fecisti, cum mecum inimicitias communicavisti, cum me concionibus tuis defendisti, cum quaestor in mea atque in publica causa consulum partes suscepisti, cum tribuno plebis quaestor non paruisti, cui tuus praesertim collega pareret, ut haec recentia, quae meminero semper, obliviscar, quae tua sollicitudo de me in armis, quae laetitia in reditu, quae cura, qui dolor, cum ad te curae et dolores mei perferrentur, Brundisium denique te ad me venturum fuisse, nisi subito in Hispaniam missus esses, — ut haec igitur omittam, quae mihi tanti aestimanda sunt, quanti vitam aestimo et salutem meam, liber iste, quem mihi misisti, quantam habet declarationem amoris tui! primum, quod tibi facetum videtur, quidquid ego dixi, quod allis fortasse non item; deinde, quod illa, sive faceta sunt sive secus, fiunt narrante te venustissima; quin etiam, antequam ad me veniatur, risus omnis paene consumitur. Quod si in iis scribendis nihil aliud nisi, quod necesse fuit, de uno me tamdiu cogitavisses, ferreus essem, si te non amarem; cum vero ea, quae scriptura persecutus es, sine summo amore cogitare non potueris, non possum existimare plus quemquam a se ipso uqam me a te amari: cui quidem ego amori utinam ceteris rebus possem! amore certe respondebo, quo tamen ipso tibi confido futurum satis. Nunc ad epistulam venio, cui copiose et suaviter scriptae nihil est quod multa respondeam: primum enim ego illas Calvo litteras misi non plus quam has, quas nunc legis, existimans exituras; aliter enim scribimus, quod eos solos, quibus mittimus, aliter, quod multos lecturos putamus; deinde ingenium eius maioribus extuli laudibus, quam tu id vere potuisse fieri putas, primum quod ita iudicabam: acute movebatur; genus quoddam sequebatur, in quo iudicio lapsus, quo valebat, tamen assequebatur,

quod probaret; multae erant et reconditae litterae, vis non erat: ad eam igitur adhortabar; in excitando autem et in acuendo plurimum valet, si laudes eum, quem cohortere. Habes de Calvo iudicium et consilium meum: consilium, quod hortandi causa laudavi; iudicium, quod de ingenio eius valde existimavi bene. Reliquum est, *ut* tuam profectionem amore prosequar, reditum spe exspectem, absentem memoria colam, omne desiderium litteris mittendis accipiendisque leniam. Tu velim tua in me studia et officia multum tecum recordere; quae cum tibi liceat, mihi nefas sit oblivisci, non modo virum bonum me existimabis, verum etiam te a me amari plurimum iudicabis. Vale.

LIBER SEXTVS DECIMVS

Ad TironemI. Scr. in itinere III. Non. Nov. a.u.c. 704.

TULLIUS TIRONI SUO SAL. PLUR. DIC. ET CICERO MEUS ET FRATER ET FRATRIS F.

Paullo facilius putavi posse me ferre desiderium tui, sed plane non fero et, quamquam magni ad honorem nostrum interest quam primum ad urbem me venire, tamen peccasse mihi videor, qui a te discesserim; sed, quia tua voluntas ea videbatur esse, ut prorsus nisi confirmato corpore nolles navigare, approbavi tuum consilium, neque nunc muto, si tu in eadem es sententia; sin autem, posteaquam cibum cepisti, videris tibi posse me consequi, tuum consilium est. Marionem ad te eo misi, ut aut tecum ad me quam primum veniret aut, si tu morarere, statim ad me rediret. Tu autem tibi hoc persuade: si commodo valetudinis tuae fieri possit, nihil me malle quam te esse mecum; si autem intelliges opus esse te Patris convalescendi causa paullum commorari, nihil me malle quam te valere. Si statim navigas, nos Leucade consequere; sin te confirmare vis, et comites et tempestates et navem idoneam ut habeas, diligenter videbis. Unum illud, mi Tiro, videto, si me amas, ne te Marionis adventus et hae litterae moveant: quod valetudini tuae maxime conducet, si feceris, maxime obtemperaris voluntati meae. Haec pro tuo ingenio considera. Nos ita te desideramus, ut amemus; amor, ut valentem videamus, hortatur, desiderium, ut quam primum: illud igitur potius. Cura ergo potissimum, ut valeas: de tuis innumerabilibus in me officiis erit hoc gratissimum. III Non. Nov.

II. Scr. Alyziae Nonis Novembribus a.u.c. 704.

TULLIUS TIRONI SUO SAL.

Non queo ad te nec libet scribere, quo animo sim affectus: tantum scribo, et tibi et mihi maximae voluptati fore, si te firmum quam primum videro. Tertio die abs te ad Alyziam accesseramus — is locus est citra Leucadem studia CXX — ; Leucade aut te ipsum aut

tuas litteras a Marione putabam me accepturum. Quantum me diligis, tantum fac ut valeas, vel quantum te a me scis diligi. Non. Nov. Alyzia.

III. Scr. Alyziae a. d. VIII. Idus Novembres a.u.c. 704.

TULLIUS ET CICERO TIRONI SUO SAL. DIC. ET Q. PATER ET. FILIUS.

Nos apud Alyziam, ex quo loco tibi litteras ante dederamus, unum diem commorati sumus, quod Quintus nos consecutus non erat: is dies fuit Non. Nov. Inde ante lucem proficiscentes ante diem VIII Idus Nov. has litteras dedimus. Tu, si nos omnes amas et praecipue me, magistrum tuum, confirma te. Ego valde suspenso animo exspecto, primum te scilicet, deinde Marionem cum tuis litteris. Omnes cupimus, ego in primis, quam primum te videre, sed, mi Tiro, valentem; quare nihil properaris: satis cito te videro, si valebis. Utilitatibus tuis possum carere: te valere tua causa primum volo, tum mea, mi Tiro. Vale.

IV. Scr. Leucade VII. Idus Nov. a.u.c. 704.

TULLIUS TIRONI SUO SAL. PLUR. DIC. ET CICERO ET Q. FRATER ET Q. F.

Varie sum affectus tuis litteris: valde priore pagina perturbatus, paullum altera recreatus: quare nunc quidem non dubito, quin, quoad plane valeas, te neque navigationi neque viae committas: satis te mature videro, si plane confirmatum videro. De medico et tu bene existimari scribis et ego sic audio; sed plane curationes eius non probo; ius enim dandum tibi non fuit, quum *xaxostÒmaxow* esses; sed tamen et ad illum scripsi accurate et ad Lysonem. Ad Curium vero, suavissimum hominem et summi officii summaeque humanitatis, multa scripsi, in iis etiam, ut, si tibi videretur, te ad se traferret; Lyso enim noster vereor ne negligentior sit: primum, quia omnes Graeci; deinde quod, quum a me litteras accepisset, mihi nullas remisit; sed eum tu laudas: tu igitur, quid faciendum sit, iudicabis. Illud, mi Tiro, te rogo, sumptu ne parcas ulla in re, quod ad

valetudinem opus sit: scripsi ad Curium, quod dixisses, daret; medico ipsi puto aliquid dandum esse, quo sit studiosior. Innumerabilia tua sunt in me officia, domestica forensia, urbanan provincialia, in re privata in publica, in studiis in litteris nostris: omnia viceris, si, ut spero, te validum videro. Ego puto te bellissime, si recte erit, cum quaestore Mescinio decursurum: non inhumanus est teque, ut mihi visus est, diligit. [Et,] quum valetudini tuae diligentissime consulueris, tum, mi Tiro, consulito navigationi: nulla in re iam te festinare volo; nihil laboro nisi ut salvus sis. Sic habeto, mi Tiro, neminem esse, qui me amet, quin idem te amet: quum tua et mea maxime interest te valere, tum multis est curae. Adhuc, dum mihi nullo loco deesse vis, numquam te confirmare potuisti: nunc te nihil impedit; omnia depone, corpori servi. Quantam diligentiam in valetudinem tuam contuleris, tanti me fieri a te iudicabo. Vale, mi Tiro, vale, vale et salve. Lepta tibi salutem dicit et omnes. Vale. VII Id. Nov. Leucade.

V. Scr. Leucade VII. Idus Novembres a.u.c. 704.

TULLIUS ET CICERO ET Q. Q. TIRONI HUMANISSIMO ET OPTIMO SAL. PLUR. DIC.

Vide, quanta sit in te suavitas: duas horas Thyrrei fuimus; Xenomenes hospes tam te diligit, quam si vixerit tecum; is omnia pollicitus est, quae tibi essent opus; facturum puto. Mihi placebat, si firmior esses, ut te Leucadem deportaret, ubi te plane confirmares: videbis, quid Curio, quid Lysoni, quid medico placeat. Volebam ad te Marionem remittere, quem, quum meliuscule tibi esset, ad me mitteres; sed cogitavi unas litteras Marionem afferre posse, me autem crebras exspectare. Poteris igitur et facies, si me diligis, ut quotidie sit Acastus in portu: multi erunt, quibus recte litteras dare possis, qui ad me libenter perferant; equidem Patras euntem neminem praetermittam. Ego omnem spem tui diligenter curandi in Curio habeo: nihil potest illo fieri humanius, nihil nostri amantius: ei *te* totum trade. Malo te paullo post valentem quam statim imbecillum videre: cura igitur nihil aliud nisi ut valeas; cetera ego curabo. Etiam atque etiam vale. Leucade proficiscens, VII. Id. Nov.

VI. Scr. Actii VII. Idus Novembres a.u.c. 704.

TULLIUS ET CICERO ET Q. Q. TIRONI SAL. PLUR. DICUNT.

Tertiam ad te hanc epistulam scripsi eodem die, magis instituti mei tenendi causa, quia nactus eram, cui darem, quam quo haberem, quod scriberem. Igitur illa: quantum me diligis, tantum adhibe in te diligentiae; ad tua innumerabilia in me officia adde hoc, quod mihi erit gratissimum omnium; quum valetudinis rationem, ut spero, habueris, habeto etiam navigationis; in Italiam euntibus omnibus ad me litteras dabis, ut ego euntem Patras neminem praetermitto; cura te, mi Tiro: quoniam non contigit, ut simul navigares, nihil est, quod festines, nec quod quidquam cures, nisi ut valeas. Etiam atque etiam vale. VII Idus Nov. Actio vesperi.

VII. Scr. Corcyrae XV. Kal. Decembres a.u.c. 704.

TULLIUS ET CICERO S. D. TIRONI SUO.

Septimum iam diem Corcyrae tenebamur, Quintus autem pater et filius Buthroti: solliciti eramus de tua valetudine mirum in modum; nec mirabamur nihil a te litterarum, iis enim ventis istim navigatur, qui si essent, nos Corcyrae non sederemus. Cura igitur te et confirma et, quum commode et per valetudinem et per anni tempus navigare poteris, ad nos amantissimos tui veni: nemo nos amat, qui te non diligit; carus omnibus exspectatusque venies. Cura ut valeas. Etiam atque etiam, Tiro noster, vale. XV Kal. Corcyra.

VIII. Scr. in Campania exeunte mense Ianuario a.u.c. 705.

Q. CICERO TIRONI S. D.

Magnae nobis est sollicitudini valetudo tua; nam, tametsi, qui veniunt, *éx¤nduna m°n, xroni‰tera d¢* nuntiant, tamen in magna consolatione ingens inest sollicitudo, si diutius *a* nobis afuturus est is, cuius usum et suavitatem desiderando sentimus. Ac tamen, quamquam videre te tota cogitatione cupio, tamen te penitus rogo, ne

te tam longae navigationi et viae per hiemem nisi bene firmum committas neve naviges nisi explorate. Vix in ipsis tectis et oppidis frigus infirma valetudine vitatur, nedum in mari et via sit facile abesse ab iniuria temporis.

cËxow d¢ lept³ xrvtÐ polemi‰taton cËxow d¢ lept³ xrvtÐ polemi ‰taton,

inquit Euripides: cui tu quantum credas, nescio; ego certe singulos eius versus singula testimonia puto. Effice, si me diligis, ut valeas et ut ad nos firmus ac valens quam primum venias. Ama nos et vale. Q. f. tibi salutem dicit.

IX. Scr. Brundisii IV. Kal. Dec. a.u.c. 704.

TULLIUS ET CICERO TIRONI SUO SAL. PLUR. DIC.

Nos a te, ut scis, discessimus a. d. IIII Non. Nov. Leucadem venimus a. d. VIII Id. Nov., a. d. VII Actium; ibi propter tempestatem a. d. VI Id. morati sumus. Inde a. d. V Id. Corcyram bellissime navigavimus. Corcyrae fuimus usque *ad* a. d. XVI K. Dec. tempestatibus retenti. A. d. XV K. in portum Corcyraeorum ad Cassiopen stadia CXX processimus; ibi retenti ventis sumus usque ad a. d. VIIII K. — interea, qui cupide profecti sunt, multi naufragia fecerunt — . Nos eo die coenati solvimus; inde austro lenissimo, caelo sereno nocte illa et die postero in Italiam ad Hydruntem ludibundi pervenimus, eodemque vento postridie — id erat a. d. VII K. Dec. — hora IIII Brundisium venimus, eodemque tempore simul nobiscum in oppidum introiit Terentia, quae te facit plurimi. A. d. V K. Dec. servus Cn. Plancii Brundisii tandem aliquando mihi a te exspectatissimas litteras reddidit datas Idibus Nov., quae me molestia valde levarunt, utinam omnino liberassent! sed tamen Asclapo medicus plane confirmat propediem te valentem fore. Nunc quid ego te horter, ut omnem diligentiam adhibeas ad convalescendum? tuam prudentiam, temperantiam, amorem erga me novi; scio te omnia facturum, ut nobiscum quam primum sis; sed tamen ita velim, ut ne quid properes. Symphoniam Lysonis vellem vitasses, ne in quartam hebdomada incideres; sed, quoniam pudori tuo maluisti obsequi quam valetudini, reliqua cura. Curio misi, ut medico honos haberetur

et tibi daret, quod opus esset; me, cui iussisset, curaturum. Equum et mulum Brundisii tibi reliqui. Romae vereor ne ex K. Ian. magni tumultus sint: nos agemus omnia modice. Reliquum est, ut te hoc rogem et a te petam, ne temere naviges — solent nautae festinare quaestus sui causa — , cautus sis, mi Tiro — mare magnum et difficile tibi restat — , si poteris, cum Mescinio — caute is solet navigare — , si minus, cum honesto aliquo homine, cuius auctoritate navicularius moveatur. In hoc omnem diligentiam si adhibueris teque nobis incolumem stiteris, omnia a te habebo. Etiam atque etiam, noster Tiro, vale. Medico, Curio, Lysoni de te scripsi diligentissime. Vale *et* salve.

X. Scr. in Cumano m. Maio a.u.c. 700.

TULLIUS TIRONI SAL.

Ego vero cupio te ad me venire, sed viam timeo: gravissime aegrotasti, inedia et purgationibus et vi ipsius morbi consumptus es; graves solent offensiones esse ex gravibus morbis, si quae culpa commissa est; iam ad id biduum, quod fueris in via, dum in Cumanum venis, accedent continuo ad reditum dies quinque. Ego in Formiano a. d. III K. esse volo: ibi te ut firmum offendam, mi Tiro, effice. Litterulae meae sive nostrae tui desiderio oblanguerunt; hac tamen epistula, quam Acastus attulit, oculos paullum sustulerunt. Pompeius erat apud me, quum haec scribebam, hilare et libenter: ei cupienti audire nostra dixi sine te omnia mea muta esse. Tu Musis nostris para ut operas reddas: nostra ad diem dictam fient; docui enim te, fides *¶tumon* quod haberet. Fac, plane ut valeas. Nos assumus. Vale. XIIII K.

XI. Scr. ad urbem prid. Idus Ianuarias a.u.c. 705.

TULLIUS ET CICERO, TERENTIA, TULLIA, Q. Q. TIRONI SAL. PLURIMAM DIC.

Etsi opportunitatem operae tuae omnibus locis desidero, tamen non tam mea quam tua causa doleo te non valere; sed, quoniam in quartanam conversa vis est morbi — sic enim scribit Curius — ,

spero te diligentia adhibita iam firmiorem fore: modo fac, id quod est humanitatis tuae, ne quid aliud cures hoc tempore, nisi ut quam commodissime convalescas. Non ignoro, quantum ex desiderio labores; sed erunt omnia facilia, si valebis: festinare te nolo, ne nauseae molestiam suscipias aeger et periculose hieme naviges. Ego ad urbem accessi pr. Non. Ian. Obviam mihi sic est proditum, ut nihil possit fieri ornatius; sed incidi in ipsam flammam civilis discordiae vel potius belli, cui quum cuperem mederi et, ut arbitror, possem, cupiditates certorum hominum — nam ex utraque parte sunt, qui pugnare cupiant — impedimento mihi fuerunt. Omnino et ipse Caesar, amicus noster, minaces ad senatum et acerbas litteras miserat et erat adhuc impudens, qui exercitum et provinciam invito senatu teneret, et Curio meus illum incitabat; Antonius quidem noster et Q. Cassius nulla vi expulsi ad Caesarem cum Curione profecti erant, posteaquam senatus consulibus, praetoribus, tribunis pl. et nobis, qui pro coss. sumus, negotium dederat, ut curaremus, ne quid res publica detrimenti caperet: numquam maiore in periculo civitas fuit, numquam improbi cives habuerunt paratiorem ducem. Omnino ex hac quoque parte diligentissime comparatur: id fit auctoritate et studio Pompeii nostri, qui Caesarem sero coepit timere. Nobis inter has turbas senatus tamen frequens flagitavit triumphum; sed Lentulus consul, quo maius suum beneficium faceret, simul atque expedisset, quae essent necessaria de re publica, dixit se relaturum. Nos agimus nihil cupide eoque est nostra pluris auctoritas. Italiae regiones descriptae sunt, quam quisque partem tueretur: nos Capuam sumpsimus. Haec te scire volui. Tu etiam atque etiam cura, ut valeas litterasque ad me mittas, quotiescumque habebis, cui des. Etiam atque etiam vale. D. pr. Idus Ian.

XII. Scr. Capuae IV. Kal. Februarias a.u.c. 705.

TULLIUS S. D. TIRONI SUO.

Quo in discrimine versetur salus mea et bonorum omnium atque unversae rei publicae, ex eo scire potes, quod domos nostras et patriam ipsam vel diripiendam vel inflammandam reliquimus: in eum locum res deducta est, ut, nisi qui deus vel casus aliquis subvenerit,

salvi esse nequeamus. Equidem, ut veni ad urbem, non destiti omnia et sentire et dicere et facere, quae ad concordiam pertinerent; sed mirus invaserat furor non solum improbis, sed etiam iis, qui boni habentur, ut pugnare cuperent me clamante nihil esse bello civili miserius. Itaque, quum Caesar amentia quadam raperetur et oblitus nominis atque honorum suorum Ariminum, Pisaurum, Anconam, Arretium occupavisset, urbem reliquimus: quam sapienter aut quam fortiter, nihil attinet disputari; quo quidem in casu simus, vides. Feruntur omnino condiciones ab illo, ut Pompeius eat in Hispaniam, delectus, qui sunt habiti, et praesidia nostra dimittantur; se ulteriorem Galliam Domitio, citeriorem Considio Noniano — his enim obtigerunt — traditurum; ad consulatus petitionem se venturum, neque se iam velle absente se rationem haberi suam; se praesentem trinum nundinum petiturum. Accepimus condiciones, sed ita, ut removeat praesidia ex iis locis, quae occupavit, ut sine metu de iis ipsis condicionibus Romae senatus haberi possit. Id ille si fecerit, spes est pacis, non honestae — leges enim imponuntur — , sed quidvis est melius quam sic esse, ut sumus; sin autem ille suis condicionibus stare noluerit, bellum paratum est, eiusmodi tamen, quod sustinere ille non possit, praesertim quum a suis condicionibus ipse fugerit, tantummodo ut eum intercludamus, ne ad urbem possit accedere, quod sperabamus fieri posse; delectus enim magnos habebamus putabamusque illum metuere, si ad urbem ire coepisset, ne Gallias amitteret, quas ambas habet inimicissimas praeter Transpadanos, ex Hispaniaque sex legiones et magna auxilia Afranio et Petreio ducibus habet a tergo: videtur, si insaniet, posse opprimi, modo ut urbe salva. Maximam autem plagam accepit, quod is, qui summam auctoritatem in illius exercitu habebat, T. Labienus, socius sceleris esse noluit: reliquit illum et nobiscum *est*, multique idem facturi esse dicuntur. Ego adhuc orae maritimae praesum a Formiis: nullum maius negotium suscipere volui, quo plus apud illum meae litterae cohortationesque ad pacem valerent; sin autem erit bellum, video me castris et certis legionibus praefuturum. Habeo etiam illam molestiam, quod Dolabella noster apud Caesarem est. Haec tibi nota esse volui, quae cave ne te perturbent et impediant valetudinem tuam. Ego A. Varroni, quem quum amantissimum mei cognovi, tum etiam valde tui studiosum, diligentissime te commendavi, ut et

valetudinis tuae rationem haberet et navigationis et totum te susciperet ac tueretur: quem omnia facturum confido; recepit enim et mecum locutus est suavissime. Tu, quoniam eo tempore mecum esse non potuisti, quo ego maxime operam et fidelitatem desideravi tuam, cave festines aut committas, ut aut aeger aut hieme naviges: numquam sero te venisse putabo, si salvus veneris. Adhuc neminem videram, qui te postea vidisset quam M. Volusius, a quo tuas litteras accepi: quod non mirabar; neque enim meas puto ad te litteras tanta hieme perferri. Sed da operam, ut valeas et, si valebis, quum recte navigari poterit, tum naviges. Cicero meus in Formiano erat, Terentia et Tullia Romae. Cura, ut valeas. IIII K. Februar. Capua.

XIII. Scr. a.u.c. 700.

TULLIUS TIRONI SAL.

Omnia a te data mihi putabo, si te valentem videro. Summa cura exspectabam adventum Andrici, quem ad te miseram. Cura, si me diligis, ut valeas et, quum te bene confirmaris, ad nos venias. Vale. IIII Id. Apr.

XIV. Scr. a.u.c. 700.

TULLIUS TIRONI SAL.

Andricus postridie ad me venit, quam exspectaram; itaque habui noctem plenam timoris ac miseriae. Tuis litteris nihilo sum factus certior, quomodo te haberes, sed tamen sum recreatus. Ego omni delectatione litterisque omnibus careo, quas ante, quam te videro, attingere non possum. Medico mercedis quantum poscet promitti iubeto: id scripsi ad Ummium. Audio te animo angi et medicum dicere ex eo te laborare: si me diligis, excita ex somno tuas litteras humanitatemque, propter quam mihi es carissimus; nunc opus est te animo valere, ut corpore possis: id quum tua, tum mea causa facias, a te peto. Acastum retine, quo commodius tibi ministretur. Conserva te mihi: dies promissorum adest, quem etiam repraesentabo, si adveneris. Etiam atque etiam vale. III Idus h. VI.

XV. Scr. pr. Id. Apr. a.u.c. 700.

TULLIUS TIRONI SAL.

Aegypta ad me venit pr. Idus Apr. Is etsi mihi nuntiavit te plane felbri carere et belle habere, tamen, quod negavit te potuisse ad me scribere, curam mihi attulit, et eo magis, quod Hermia, quem eodem die venire opertuerat, non venerat. Incredibili sum sollicitudine de tua valetudine; qua si me liberaris, ego te omni cura liberabo: plura scriberem, si iam putarem libenter te legere posse. Ingenium tuum, quod ego maximi facio, confer ad te mihi tibique conservandum: cura te etiam atque etiam diligenter. Vale.

Scripta iam epistula Hermia venit. Accepi tuam epistulam vacillantibus litterulis; nec mirum, tam gravi morbo. Ego ad te Aegyptam misi, quod nec inhumanus est et te visus est mihi diligere, ut is tecum esset, et cum eo cocum, quo uterere. Vale.

XVI. Scr. a.u.c. 700.

Q. M. FRATRI SAL.

De Tirone, mi Marce, ita te meumque Ciceronem et tuam Tulliolam tuumque filium videam, ut mihi gratissimum fecisti, quod eum, indignum illa fortuna ac nobis amicum quam servum esse maluisti: mihi crede, tuis et illius litteris perlectis exsilui gaudio et tibi et ago gratias et gratulor; si enim mihi Statii fidelitas *et frugalitas* est tantae voluptati, quanti esse in isto haec eadem bona debent additis litteris et sermonibus *et* humanitate, quae sunt iis ipsis commodis potiora! Amo te omnibus equidem de maximis causis, verum etiam propter hanc, vel quod mihi sic, ut debuisti, nuntiasti: te totum in litteris vidi. Sabini pueris et promisi omnia et faciam.

XVII. Scr. a.u.c. 708.

TULLIUS TIRONI SAL.

Video, quid agas: tuas quoque epistulas vis referri in volumina. Sed heus tu, qui *xann* esse meorum scriptorum soles, unde illud tam

êxuron, “valetudini fideliter inserviendo?” unde in istum locum “fideliter” venit? cui verbo domicilium est proprium in officio, migrationes in alienum multae: nam et doctrina et domus et ars et ager etiam fidelis dici potest, ut sit, quomodo Theophrasto placet, verecunda tralatio. Sed haec coram. Demetrius venit ad me quo quidem comitatu *éfwm¤lhsa* satis scis etueum videlicet non potuisti videre; cras aderit: videbis igitur; nam ego hinc perendie mane cogito. Valetudo tua me valde sollicitat, sed inservi et fac omnia: tum te mecum esse, tum mihi cumulatissime satisfacere putato. Cuspio quod operam dedisti, mihi gratum est; valde enim eius causa volo. Vale.

XVIII. Scr. post a.u.c. 707 (708?).

TULLIUS TIRONI SAL.

Quid igitur? non sic oportet? equidem censeo sic; addendum etiam “SUO.” Sed, si placet, invidia vitetur, quam quidem ego saepe contempsi. Tibi *diaforhsin* gaudeo profuisse; si vero etiam Tusculanum, dei boni! quanto mihi illud erit amabilius! Sed, si me amas, quod quidem aut facis aut perbelle simulas, quod tamen in modum procedit, sed, *ut*ut est, indulge valetudini tuae, cui quidem tu adhuc, dum mihi deservis, servisti non satis. Ea quid postulet, non ignoras: *p°cin*, *éxop¤an*, *per¤paton sÊmmetron*, *trðcin*, *eÈlus¤an xoil ¤aw*. Fac bellus revertare: non modo te, sed etiam Tusculanum nostrum plus amem. Paredrum excita, ut hortum ipse conducat: sic olitorem ipsum commovebis. Helico nequissimus HS CIC dabat nullo aprico horto, nullo emissario, nulla maceria, nulla casa: iste nos tanta impensa derideat? Calface hominem, ut ego Mothonem; itaque abutor coronis. De Crabra quid agatur, etsi nunc quidem etiam nimium est aquae, tamen velim scire. Horologium mittam et libros, si erit sudum. Sed tu nullosne tecum libellos? an pangis aliquid Sophocleum? fac opus appareat. A. Ligurius, Caesaris familiaris, mortuus est, bonus homo et nobis amicus. Te quando exspectemus, fac ut sciam. Cura te diligenter. Vale.

XIX. Scr. eodem anno, quo Ep. XVIII.

TULLIUS TIRONI SUO SAL.

Exspecto tuas litteras de multis rebus, te ipsum multo magis. Demetrium redde nostrum et aliud, si quid potes boni. De Aufidiano nomine nihil te hortor; scio tibi curae esse; sed confice et, si ob eam rem moraris, accipio causam, si id te non tenet, advola. Litteras tuas valde exspecto. Vale.

XX. Scr. eodem anno, quo Ep. XVIII.

TULLIUS TIRONI SAL.

Sollicitat, ita vivam, me tua, mi Tiro, valetudo; sed confido, si diligentiam, quam instituisti, adhibueris, cito te firmum fore. Libros compone; indicem, quum Metrodoro libebit, quoniam eius arbitratu vivendum est. Cum olitore, ut videtur. Tu potes Kalendis spectare gladiatores, postridie redire, et ita censeo; verum, ut videbitur. Cura te, si me amas, diligenter. Vale.

XXI. Scr. Athenis exeunte m. Dec. a.u.c. 710.

CICERO F. TIRONI SUO DULCISSIMO SAL.

Quum vehementer tabellarios exspectarem quotidie, aliquando venerunt post diem quadragesimum [et] sextum, quam a vobis discesserant; quorum mihi fuit adventus optatissimus; nam, quum maximam cepissem laetitiam ex humanissimi et carissimi patris epistula, tum vero iucundissimae tuae litterae cumulum mihi gaudii attulerunt. Itaque me iam non poenitebat intercapedinem scribendi fecisse, sed potius laetabar; fructum enim magnum humanitatis tuae capiebam ex silentio mearum litterarum. Vehementer igitur gaudeo te meam sine dubitatione accepisse excusationem. Gratos tibi optatosque esse, qui de me rumores afferuntur, non dubito, mi dulcissime Tiro, praestaboque et enitar, ut in dies magis magisque haec nascens de me duplicetur opinio: quare, quod polliceris, te bucinatorem fore existimationis meae, firmo id constantique animo facias licet; tantum enim mihi dolorem cruciatumque attulerunt errata aetatis meae, ut non solum animus a factis, sed aures quoque a

commemoratione abhorreant: cuius te sollicitudinis et doloris participem fuisse notum exploratumque est mihi; nec id mirum; nam quum omnia mea causa velles mihi successa, tum etiam tua, socium enim te meorum commodorum semper esse volui. Quoniam igitur tum ex me doluisti, nunc ut duplicetur tuum ex me gaudium, praestabo. Cratippo me scito non ut discipulum, sed ut filium esse coniunctissimum; nam quum audio illum libenter, tum etiam propriam eius suavitatem vehementer amplector: sum totos dies cum eo noctisque saepenumero partem; exoro enim, ut mecum quam saepissime coenet. Hac introducta consuetudine saepe inscientibus nobis et coenantibus obrepit sublataque severitate philosophiae humanissime nobiscum iocatur. Quare da operam, ut hunc talem, tam iucundum, tam excellentem virum videas quam primum. Nam quid ego de Bruttio dicam? quem nullo tempore a me patior discedere, cuius quum frugi severaque est vita, tum etiam iucundissima convictio; non est enim seiunctus iocus a *filolag¤ai* et quotidiana *sujhtÆsei*. Huic ego locum in proximo conduxi et, ut possum, ex meis angustiis illius sustento tenuitatem. Praeterea declamitare Graece apud Cassium institui; Latine autem apud Bruttium exerceri volo. Utor familiaribus et quotidianis convictoribus, quos secum Mytilenis Cratippus adduxit, hominibus et doctis et illi probatissimis. Multum etiam mecum est Epicrates, princeps Atheniensium, et Leonides et horum ceteri similes. *Tå m¢n oÔn xay' ¾mçw tãde*. De Gorgia autem quod mihi scribis, erat quidem ille in quotidiana declamatione utilis, sed omnia postposui, dummodo praeceptis patris parerem, *diarrÆdhn* enim scripserat, ut eum dimitterem statim: tergiversari nolui, ne mea nimia *spoudØ* suspicionem ei aliquam importaret, deinde illud etiam mihi sucurrebat, grave esse me de iudicio patris iudicare; tuum tamen studium et consilium gratum acceptumque est mihi. Excusationem angustiarum tui temporis accipio; scio enim, quam soleas esse occupatus. Emisse te praedium vehementer gaudeo feliciterque tibi rem istam evenire cupio — hoc loco me tibi gratulari noli mirari; eodem enim fere loco tu quoque emisse te fecisti me certiorem — . Habes deponendae tibi sunt urbanitates; rusticus Romanus factus es. Quomodo ego mihi nunc ante oculos tuum iucundissimum conspectum propono? videor enim videre ementem te rusticas res, cum villico loquentem, in lacinia

servantem ex mensa secunda semina. Sed, quod ad rem pertinet, me tum tibi defuisse aeque ac tu doleo; sed noli dubitare, mi Tiro, quin te sublevaturus sim, si modo fortuna me, praesertim quum sciam communem nobis emptum esse istum fundum. De mandatis quod tibi curae fuit, est mihi gratum; sed peto a te, ut quam celerrime mihi librarius mittatur, maxime quidem Graecus; multum mihi enim eripitur operae in exscribendis hypomnematis. Tu velim in primis cures, ut valeas, ut una *sumfilologeðn* possimus. Antherum tibi commendo.

XXII. Scr. a.u.c. 708.

TULLIUS TIRONI SUO SAL.

Spero ex tuis litteris tibi melius esse, cupio certe; cui quidem rei omni ratione cura ut inservias et cave suspiceris contra meam voluntatem te facere, quod non sis mecum: mecum es, si te curas; quare malo te valetudini tuae servire quam meis oculis et auribus; etsi enim et audio te et video libenter, tamen hoc multo erit, si valebis, iucundius. Ego hic cesso, quia ipse nihil scribo, lego autem libentissime; tu istic, si quid librarii mea manu non intelligent, monstrabis: una omnino interposito difficilior est, quam ne ipse quidem facile legere soleo, de quadrimo Catone. De triclinio cura, ut facis: Tertia aderit, modo ne Publius rogatus sit. Demetrius iste numquam omnino Phalereus fuit, sed nunc plane Billienus est; itaque te do vicarium: tu eum observabis; etsi — ; verumtamen de illis — : nosti cetera. Sed tamen, si quem cum eo sermonem habueris, scribes ad me, ut mihi nascatur epistulae argumentum et ut tuas quam longissimas litteras legam. Cura, mi Tiro, ut valeas: hoc gratius mihi facere nihil potes. Vale.

XXIII. Scr. Puteolia exeunte mense Aprili a.u.c. 710.

CICERO TIRONI SAL.

Tu vero confice professionem, si potes; etsi haec pecunia ex eo genere est, ut professione non egeat; verumtamen — . Balbus ad me scripsit tanta se *epifora* oppressum, ut loqui non posset. Antonius de

legem quid egerit. Liceat modo rusticari. Ad Bithynicum scripsi. De Servilio tu videris, qui senectutem non contemnis; etsi Atticus noster, quia quondam me commoveri *panixoiw* intellexit, idem semper putat nec videt, quibus praesidiis philosophiae saeptus sim, et hercle, quod timidus ipse est, *yorubopoiei*. Ego tamen Antonii inveteratam sine ulla offensione amicitiam retinere sane volo scribamque ad eum, sed non ante, quam te videro; nec tamen te avoco a syngrapha: *eggion gonu xnhmhw*. Cras exspecto Leptam et n<ostrum> ad cuius rutam puleio mihi tui sermonis utendum est. Vale.

XXIV. Scr. mense Maio a.u.c. 710.

TULLIUS TIRONI SAL.

Etsi mane Harpalum miseram, tamen, quum haberem, cui recte darem litteras, etsi novi nihil erat, iisdem *de* rebus volui ad te saepius scribere, non quin confiderem diligentiae tuae, sed rei me magnitudo movebat. Mihi prora et puppis, ut Graecorum proverbium est, fuit a me tui dimittendi, ut rationes nostras explicares. Ofillio et Aurelio utique satisfiat. A. Flamma, si non potes omne, partem aliquam velim extorqueas, in primisque, ut expedita sit pensio K. Ian. De attributione conficies, de repraesentatione videbis. De domesticis rebus hactenus; de publicis omnia mihi certa: quid Octavius, quid Antonius, quae hominum opinio, quid futurum putes. Ego vix teneor, quin accurram; sed si litteras tuas exspecto. Et scito Balbum tum fuisse Aquini, quum tibi est dictum, et postridie Hirtium: puto utrumque ad aquas; sed quid egerint — . Dolabellae procuratores fac ut admoneantur: appellabis etiam Papiam. Vale.

XXV. Scr. Athenis exeunte a.u.c. 710.

CICERO F. TIRONI SUO SAL.

Etsi iusta et idonea usus es excusatione intermissionis litterarum tuarum, tamen, id ne saepius facias, rogo; nam, etsi de re publica rumoribus et nuntiis certior fio et de sua in me voluntate semper ad me perscribit pater, tamen de quavis minima re scripta a te ad me epistula semper fuit gratissima. Quare quum in primis tuas desiderem

litteras, noli committere, ut excusatione potius expleas officium scribendi quam assiduitate epistularum. Vale.

XXVI. Scr. exeunte a.u.c. 710.

Q. *CICERO* TIRONI SUO SAL. PLUR. DIC.

Verberavi te cogitationis tacito dumtaxat convicio, quod fasciculus alter ad me iam sine tuis litteris perlatus est. Non potes effugere huius culpae poenam te patrono: Marcus est adhibendus, isque diu et multis lucubrationibus commentata oratione vide ut probare possit te non peccasse. Plane te rogo: sicut olim matrem nostram facere memini, quae lagonas etiam inanes obsignabat, ne dicerentur inanes aliquae fuisse, quae furtim essent exsiccatae, sic tu, etiamsi, quod scribas, non habebis, scribito tamen, ne furtum cessationis quaesivisse videaris; valde enim mihi semper et vera et dulcia tuis epistulis nuntiantur. Ama nos et vale.

XXVII. Scr. Romae exeunte a.u.c. 710 (ante III. Kal. Ian.).

Q. CICERO TIRONI SUO SAL. PLURIMAM DICIT.

Mirificam mihi verberationem cessationis epistula dedisti; nam, quae parcius frater perscripserat, verecundia videlicet et properatione, ea tu sine assentatione, ut erant, ad me scripsisti, et maxime de consulibus designatis, quos ego penitus novi libidinum et languoris effeminatissimi animi plenos; qui nisi a guvernaculis recesserint, maximum ab universo naufragio periculum est. Incredibile est, quae ego illos sciam oppositis Gallorum castris in aestivis fecisse, quos ille latro, nisi aliquid firmius fuerit, societate vitiorum deleniet. Res est aut tribuniciis aut privatis consiliis munienda; nam isti duo vix sunt digni, quibus alteri Caesenam, alteri Cossutianarum tabernarum fundamenta credas. Te, ut dixi, fero oculis. Ego vos a. d. III K. videbo tuosque oculos, etiamsi te veniens in medio foro videro, dissuaviabor. Me ama *et* vale.

Poetry

DE CONSULATU SUO (On his consulship)

M. TVLLI CICERONIS DE CONSVLATV SVO FRAGMENTA

De consulatu suo, frg. 2

Principio aetherio flammatus Iuppiter igni
vertitur et totum conlustrat lumine mundum
menteque divina caelum terrasque petessit,
quae penitus sensus hominum vitasque retenta[n]t,
aetheris aeterni saepta atque inclusa cavernis.
Et si stellarum motus cursusque vagantis
nosse velis quae sint signorum in sede locatae,
quae verbo et falsis Graiorum vocibus errant,
re vera certo lapsu spatioque feruntur,
omnia iam cernes divina mente notata.
Nam primum astrorum volucris te consule motus
concursusque gravis stellarum ardore micanti[s]
tu quoque, cum tumulos Albano in monte nivalis
lustrasti et laeto mactasti lacte Latinas,
vidisti et claro tremulos ardore cometas;
multaque misceri nocturna strage putasti,
quod ferme dirum in tempus cecidere Latinae,
cum claram speciem concreto lumine luna
abdidit et subito stellanti nocte perempta est.
Quid vero Phoebi fax, tristis nuntia belli,
quae magnum ad columen flammato ardore volabat,
praecipitis caeli partis obitusque petessens?
Aut cum terribili perculsus fulmine civis
luce serenanti vitalia lumina liquit?
Aut cum se gravido tremefecit corpore tellus?
Iam vero variae nocturno tempore visae
terribiles formae bellum motusque monebant,
multaque per terras vates oracla furenti
pectore fundebant tristis minitantia casus;
atque ea quae lapsu tandem cecidere vetusto,

haec fore perpetuis signis clarisque frequentans
ipse deum genitor caelo terrisque canebat.
Nunc ea Torquato quae quondam et consule Cotta
Lydius ediderat Tyrrhenae gentis haruspex,
omnia fixa tuus glomerans determinat annus.
Nam pater altitonans stellanti nixus Olympo
ipse suos quondam tumulos ac templa petivit
et Capitolinis iniecit sedibus ignis.
Tum species ex aere vetus veneratagque Nattae
concidit, elapsaeque vetusto numine leges,
et divom simulacra peremit fulminis ardor.
Hic silvestris erat Romani nominis altrix,
Martia, quae parvos Mavortis semine natos
uberibus gravidis vitali rore rigabat:
quae tum cum pueris flammato fulminis ictu
concidit atque avolsa pedum vestigia liquit.
Tum quis non, artis scripta ac monumenta volutans,
voces tristificas chartis promebat Etruscis?
Omnes civilem generosa[m] stirpe profectam
vier ingentem Cladem pestemque monebant,
[vol] tum legum exitium constanti voce ferebant,
templa deumque adeo flammis urbemque iubebant
eripere et stragem horribilem caedemque vereri;
atque haec fixa gravi fato ac fundata teneri,
ni prius excelsum ad columen formata decore
sancta Iovis species claros spectaret in ortus:
tum fore ut occultos populus sanctusque senatus
cernere conatus posset, si solis ad ortum
conversa inde patrum sedes populique videret.
Haec tardata diu species multumque morata
consule te tandem celsa est in sede locata,
atque una fixi ac signati temporis hora
Iuppiter excelsa clarabat sceptra columna,
et clades patriae flamma ferroque parata
vocibus Allobrogum patribus populoque patebat.
Rite igitur veteres, quorum monumenta tenetis,
qui populos urbisque modo ac virtute regebant,

rite etiam vestri, quorum pietasque fidesque
praestitit et longe vicit sapientia cunctos,
praecipue coluere vigenti numine divos.
Haec adeo pcnitus cura videre sagaci
otia qui studiis laeti tenuere decoris,
inque Academia umbrifera nitidoque Lyceo
fuderunt claras fecundi pectoris artis.
E quibus ereptum primo iam a flore iuventae
te patria in media virtutum mole locavit.
Tu tamen anxiferas curas requiete relaxans,
quod patriae vacat, id studiis nobisque sacrasti.

De consulatu suo, frg. 6

Cedant arma togae, concedat laurea laudi!

De consulatu suo, frg. 7

O fortunatam natam me consule Romam!

Spurious Works

RHETORICA AD HERENNIUM (To the tribune Publius Sulpicius Rufus)

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LIBER I

I.

1. Etsi [in] negotiis familiaribus inpediti vix satis otium studio suppeditare possumus et id ipsum, quod datur otii, libentius in philosophia consumere consuevimus, tamem tua nos, Gai Herenni, voluntas commovit, ut de ratione dicendi conscriberemus, ne aut tua causa noluisse aut fugisse nos laborem putares. Et eo studiosius hoc negotium suscepimus, quod te non sine causa velle cognoscere rhetoricam intellegebamus: non enim in se parum fructus habet copia dicendi et commoditas orationis, si recta intellegentia et definita animi moderatione gubernetur. Quas ob res illa, quae Graeci scriptores inanis adrogantiae causa sibi adsumpserunt, reliquimus. Nam illi, ne parum multa scisse viderentur, ea conquisierunt, quae nihil adtinebant, ut ars difficilior cognitu putaretur, nos autem ea, quae videbantur ad rationem dicendi pertinere, sumpsimus. Non enim spe quaestus aut gloria commoti venimus ad scribendum, quemadmodum ceteri, sed ut industria nostra tuae morem geramus voluntati. Nunc, ne nimium longa sumatur oratio, de re dicere incipiemus, [sed] si te unum illud monuerimus, artem sine adsiduitate dicendi non multum iuvare, ut intellegas hanc rationem praeceptionis ad exercitationem adcommodari oportere.

II.

1. Oratoris officium est de iis rebus posse dicere, quae res ad usum civilem moribus et legibus constitutae sunt, cum adsensione auditorum, quoad eius fieri poterit.

2. Tria genera sunt causarum, quae recipere debet orator: demonstrativum, deliberativum, iudiciale.

3. Demonstrativum est, quod tribuitur in alicuius certae personae laudem vel vituperationem.

4. Deliberativum est in consultatione, quod habet in se suasionem et dissuasionem.

5. Iudiciale est, quod positum est in controversia et quod habet

accusationem aut petitionem cum defensione.

6. Nunc quas res oratorem habere oporteat, docebimus, deinde quo modo has causas tractari conveniat, ostendemus.

III.

1. Oportet igitur esse in oratore inventionem, dispositionem, elocutionem, memoriam, pronuntiationem.

2. Inventio est excogitatio rerum verarum aut veri similium, quae causam probabilem reddant.

3. Dispositio est ordo et distributio rerum, quae demonstrat, quid quibus locis sit conlocandum.

4. Elocutio est idoneorum verborum et sententiarum ad inventionem adcommodatio.

5. Memoria est firma animi rerum et verborum et dispositionis perceptio.

6. Pronuntiatio est vocis, vultus, gestus moderatio cum venustate.

7. Haec omnia tribus rebus adsequi poterimus: arte, imitatione, exercitatione.

8. Ars est praeceptio, quae dat certam viam rationemque dicendi.

9. Imitatio est, qua inpellimur cum diligenti ratione ut aliquorum similes in dicendo valeamus esse.

10. Exercitatio est adsiduus usus consuetudoque dicendi.

11. Quoniam ergo demonstratum est, quas causas oratorem recipere quasque res habere conveniat, nunc, quemadmodum possit oratio ad rationem oratoris officii adcommodari, dicendum videtur.

IV.

1. INVENTIO in sex partes orationis consumitur: in exordium, narrationem, divisionem, confirmationem, confutationem, conclusionem.

2. Exordium est principium orationis, per quod animus auditoris constituitur ad audiendum.

3. Narratio est rerum gestarum aut proinde ut gestarum expositio.

4. Divisio est, per quam aperimus, quid conveniat, quid in controversia sit, et per quam exponimus, quibus de rebus simus

acturi.

. Confirmatio est nostrorum argumentorum expositio cum adseveratione.

5. Confutatio est contrariorum locorum dissolutio.

6. Conclusio est artificiosus orationis terminus.

7. Nunc, quoniam una cum oratoris officiis, quo res cognitu facilior esset, producti sumus, ut de orationis partibus loqueremur et eas ad inventionis rationem adcommodaremus, de exordio primum dicendum videtur.

V.

1. Causa posita, quo commodius exordiri possimus, genus causae est considerandum. Genera causarum sunt quattuor: honestum, turpe, dubium, humile.

2. Honestum causae genus putatur, cum aut id defendimus, quod ab omnibus defendendum videtur, aut obpugnabimus, quod ab omnibus videtur obpugnari debere ut pro viro forti contra parricidam.

3. Turpe genus intellegitur, cum aut honesta res obpugnatur aut defenditur turpis.

4. Dubium genus est, cum habet in se causa et honestatis et turpitudinis partem.

5. Humile genus est, cum contempta res adfertur.

VI.

1. Cum haec ita sint, conveniet exordiorum rationem ad causae genus adcommodari. Exordiorum duo sunt genera: principium, quod Graece prohemium appellatur, et insinuatio, quae epodos nominatur.

2. Principium est, cum statim auditoris animum nobis idoneum reddimus ad audiendum. Id ita sumitur, ut attentos, ut dociles, ut benivolos auditores habere possimus.

3. Si genus causae dubium habebimus, a benivolentia principium constituemus, ne quid illa turpitudinis pars nobis obesse possit.

4. Sin humile genus erit causae, faciemus attentos.

5. Sin turpe causae genus erit, insinuatione utendum est, de qua posterius dicemus, nisi quid nacti erimus, qua re adversarios

criminando benivolentiam captare possimus.

6. Sin honestum genus causae erit, licebit recte vel uti vel non uti principio. Si uti volemus, aut id oportebit ostendere, qua re causa sit honesta, aut breviter, quibus de rebus simus dicturi, exponere. Sin principio uti nolemus, ab lege, ab scriptura, aut ab aliquo nostrae causae adiumento principium capere oportebit.

VII.

1. Quoniam igitur docilem, benivolum, attentum auditorem habere volumus, quo modo quidque effici possit, aperiemus.

2. Dociles auditores habere poterimus, si summam causae breviter exponemus et si attentos eos faciemus; nam docilis est, qui attente vult audire.

3. Attentos habebimus, si pollicebimur nos de rebus magnis, novis, inusitatis verba facturos aut de iis, quae ad rem publicam pertineant, aut ad eos ipsos, qui audient, aut ad deorum inmortalium religionem; et si rogabimus, ut attente audiant; et si numero exponemus res, quibus de rebus dicturi sumus.

VIII.

1. Benivolos auditores facere quattuor modis possumus: ab nostra, ab adversariorum nostrorum, ab auditorum persona, et ab rebus ipsis.

2. Ab nostra persona benivolentiam contrahemus, si nostrum officium sine adrogantia laudabimus, atque in rem publicam quales fuerimus aut in parentes aut in amicos aut in eos, qui audiunt aliquid referemus, dum haec omnia ad eam ipsam rem, qua de agitur, sint adcommodata. Item si nostra incommoda proferemus, inopiam, solitudinem, calamitatem; et si orabimus, ut nobis sint auxilio et simul ostendemus nos in aliis noluisse spem habere.

3. Ab adversariorum persona benivolentia captabitur, si eos in odium, in invidiam, in contemptionem adducemus.

4. In odium rapiemus, si quid eorum spurce, superbe, perfidiose, crudeliter, confidenter, malitiose, flagitiose factum proferemus.

5. In invidiam trahemus, si vim, si potentiam, si factionem, divitias, incontinentiam, nobilitatem, clientelas, hospitium,

sodalitatem, adfinitates adversariorum proferemus, et his adiumentis magis quam veritati eos confidere aperiemus.

6. In contemptionem adducemus, si inertiam ignaviam, desidiam luxuriam adversariorum proferemus.

7. Ab auditorum persona benivolentia colligitur, si res eorum fortiter, sapienter, mansuete, magnifice iudicatas proferemus; et si, quae de iis existimatio, quae iudicii expectatio sit, aperiemus.

8. Ab rebus ipsis benivolum efficiemus auditorem, si nostram causam laudando extollemus, adversariorum per contemptionem deprimemus.

IX.

1. Deinceps de insinuatione aperiendum est.

2. Tria sunt tempora, quibus principio uti non possumus, quae diligenter sunt consideranda: aut cum turpem causam habemus, hoc est, cum ipsa res animum auditoris a nobis alienat; aut cum animus auditoris persuasus esse videtur ab iis, qui ante contra dixerunt; aut cum defessus est eos audiendo, qui ante dixerunt.

3. Si causa turpitudinem habebit, exordiri poterimus his rationibus: rem, hominem spectari oportere; non placere nobis ipsis, quae facta dicantur ab adversariis, et esse indigna aut nefaria; deinde cum diu rem auxerimus, nihil simile a nobis factum ostendemus; aut aliquorum iudicium de simili causa aut de eadem aut de minore aut de maiore proferemus, deinde ad nostram causam pedetemptim accedemus et similitudinem conferemus. Item si negabimus nos de adversariis aut de aliqua re dicturos, et tamen occulte dicemus interiectione verborum.

X.

1. Si persuasus auditor <fuerit, id est>, si oratio adversariorum fecerit fidem auditoribus - neque enim non facile scire poterimus, quoniam non sumus nescii, quibus rebus fides fieri soleat - ergo si fidem factam putabimus, his nos rebus insinuabimus ad causam: de eo, quod adversarii firmissimum sibi adiumentum putarint, primum nos dicturos pollicebimur; ab adversarii dicto exordiemur, et ab eo

maxime, quod ille nuperrime dixerit; dubitatione utemur quid potissimum dicamus aut quoi loco primum respondeamus, cum admiratione.

2. Si defessi erint audiendo, ab aliqua re, quae risum movere possit, ab apologo, fabula verei simili, imitatione depravata, inversione, ambiguo, suspicione, inrisione, stultitia, exuperatione, collectione, litterarum mutatione, praeter expectationem, similitudine, novitate, historia, versu, ab alicuius interpellatione aut adrisione; <si promiserimus> aliter ac parati fuerimus, nos esse dicturos, nos non eodem modo, ut ceteri soleant, verba facturos; quid alii soleant, quid nos facturi sumus, breviter exponemus.

XI.

1. Inter insinuationem et principium hoc interest. Principium eius modi debet esse, ut statim apertis rationibus, quibus praescripsimus, aut benivolum aut attentum aut docilem faciamus auditorem: at insinuatio eiusmodi debet esse, ut occulte per dissimulationem eadem illa omnia conficiamus, ut ad eandem commoditatem in dicendi opere venire possimus. Verum hae tres utilitates tametsi in tota oratione sunt conparandae, hoc est, ut auditores sese perpetuo nobis adtentos, dociles, benivolos praebeant, tamen id per exordium causae maxime conparandum est. Nunc, ne quando vitioso exordio utamur, quae vitia vitanda sint, docebo.

2. Exordienda causa servandum est, ut lenis sit sermo et usitata verborum consuetudo, ut non adparata videatur oratio esse.

3. Vitiosum exordium est, quod in plures causas potest adcommodari, quod vulgare dicitur.

4. Item vitiosum est, quo nihilo minus adversarius potest uti, quod commune appellatur; item illud, quo adversarius ex contrario poterit uti.

5. Item vitiosum est, quod nimium apparatis conpositum est aut nimium longum est; et quod non ex ipsa causa natum videatur, ut proprie cohaereat cum narratione; et quod neque benivolum neque docilem neque adtentum facit auditorem. De exordio satis erit dictum: deinceps ad narrationem transeamus.

XII.

1. Narrationum tria sunt genera. Unum est, cum exponimus rem gestam et unum quidque trahimus ad utilitatem nostram vincendi causa, quod pertinet ad eas causas, de quibus iudicium futurum est.

2. Alterum genus est narrationis, quod intercurrit nonnumquam <aut> fidei aut criminationis aut transitionis aut alicuius apparationis causa.

3. Tertium genus est id, quod a causa civili remotum est, in quo tamen exerceri convenit, quo commodius illas superiores narrationes in causis tractare possimus.

XIII.

1. Eius narrationis duo sunt genera: unum quod in negotiis, alterum quod in personis positum est.

2. Id, quod in negotiorum expositione positum est, tres habet partes: fabulam, historiam, argumentum.

3. Fabula est, quae neque veras neque veri similes continet res, ut eae sunt, quae tragoedis traditae sunt.

4. Historia est gesta res, sed ab aetatis nostrae memoria remota.

5. Argumentum est ficta res, quae tamen fieri potuit, velut argumenta comoediarum.

6. Illud genus narrationis, quod in personis positum est, debet habere sermonis festivitatem animorum dissimilitudinem, gravitatem lenitatem, spem metum, suspicionem desiderium, dissimulationem, misericordiam rerum varietates fortunae commutationem, insperatum incommodum subitam laetitiam iucundum exitum rerum. Verum haec in exercendo transigentur; illud, quod ad veritatem pertinet, quomodo tractari conveniat, aperiemus.

XIV.

1. Tres res convenit habere narrationem, ut brevis, ut dilucida, ut veri similis sit; quae quoniam fieri oportere scimus, quemadmodum faciamus, cognoscendum est.

2. Rem breviter narrare poterimus, si inde incipiemus narrare,

unde necesse erit; et si non ab ultimo initio repetere volemus; et si summatim, non particulatim narrabimus; et si non ad extremum, sed usque eo, quo opus erit, persequemur; et si transitionibus nullis utemur, et si non deerrabimus ab eo, quod coeperimus exponere; et si exitus rerum ita ponemus, ut ante quoque quae facta sint, scire possint, tametsi nos reticuerimus: quod genus, si dicam me ex provincia redisse, profectum quoque in provinciam intellegatur. Et omnino non modo id, quod obest, sed etiam id, quod neque obest neque adiuvat, satius est praeterire. Et ne bis aut saepius idem dicamus, cavendum est; etiam ne quid, novissime [id] quod [supra] diximus, deinceps dicamus, hoc modo:

Athenis Megaram vesperi advenit Simo:
Ubi advenit Megaram, insidias fecit virgini:
Insidias postquam fec it, vim in loco adtulit.

XV.

1. Rem dilucide narrabimus, si ut quicquid primum gestum erit, ita primum exponemus et rerum ac temporum ordinem conservabimus, ut gestae res erunt aut ut potuisse geri videbuntur: hic erit considerandum, ne quid perturbate, <ne quid contorte,> ne quid nove dicamus; ne quam in aliam rem transeamus; ne ab ultimo repetamus; ne longe persequamur; ne quid, quod ad rem pertineat, praetereamus; et si sequemur ea, quae de brevitate praecepta sunt; nam quo brevior, dilucidior et cognitu facilior narratio fiet.

XVI.

1. Veri similis narratio erit, si, ut mos, ut opinio, et natura postulat, dicemus; si spatia temporum, personarum dignitates, consiliorum rationes, locorum opportunitates constabunt, ne refelli possit aut temporis parum fuisse, aut causam nullam, aut locum idoneum non fuisse, aut homines ipsos facere aut pati non potuisse. Si vera res erit, nihilominus haec omnia narrando conservanda sunt; nam saepe veritas, nisi haec servata sint, fidem non potest facere: sin erunt ficta, eo magis erunt conservanda. De iis rebus caute confingendum est,

quibus in rebus tabulae aut alicuius firma auctoritas videbitur interfuisse.

2. Adhuc quae dicta sunt arbitror mihi constare cum ceteris artis scriptoribus, nisi quia de insinuationibus nova excogitavimus, quod eam soli <nos> praeter ceteros in tria tempora divisimus, ut plane certam viam et perspicuam rationem exordiorum haberemus. Nunc, quod reliquum est - quoniam de rerum inventione disputandum est, in quo singulare consumitur oratoris artificium - dabimus operam, ut nihilominus industrie, quam rei utilitas postulabit, quaesisse videamur * * * si prius pauca de divisione causarum dixerimus.

XVII.

1. Causarum divisio in duas partes distributa est.

2. Primum per narrationem debemus aperire, quid nobis conveniat cum adversariis si ea, quae utilia sunt nobis, convenient, quid in controversiis <relictum sit>, hoc modo:

"Interfectam esse ab Oreste matrem convenit mihi cum adversariis: iure fecerit et licueritne facere, id est in controversia."

3. Item e contrario:

"Agamemnonem esse a Clytemestra occisum confitentur; cum id ita sit, me ulcisci parentem negant oportuisse."

4. Deinde, cum hoc fecerimus, distributione uti debemus. Ea dividitur in duas partes: enumerationem et expositionem.

5. Enumeratione utemur, cum dicemus numero, quot de rebus dicturi sumus. Eam plus quam trium partium numero <esse> non oportet: nam et periculosum est, ne quando plus minusve dicamus; et suspicionem adfert auditori meditationis et artificii: quae res fidem abrogat orationi.

6. Expositio est, cum res, quibus de rebus dicturi sumus, exponimus breviter et absolute.

XVIII.

1. Nunc ad confirmationem <et confutationem> transeamus.

2. Tota spes vincendi ratioque persuadendi posita est in confirmatione et in confutatione. Nam cum adiumenta nostra

exposuerimus contrariaque dissolverimus, absolute nimirum munus oratorium confecerimus. Utrumque igitur facere poterimus, si constitutionem causae cognoverimus.

3. Causarum constitutiones alii quattuor fecerunt: noster doctor tres putavit esse, non ut de illorum quicquam detraheret inventione, sed ut ostenderet, id, quod oportuisset simpliciter ac singulari modo docere, illos distribuisse dupliciter et bipertito.

4. Constitutio est prima deprecatio defensoris cum accusatoris insimulatione coniuncta.

5. Constitutiones itaque, ut ante diximus, tres sunt: coniecturalis, legitima, iuridicialis.

6. Coniecturalis est, cum de facto controversia est, hoc modo:

7. Aiax in silva, postquam resciit, quae fecisset per insaniam, gladio incubuit. Ulixes intervenit: occisum conspicatur, corpore telum cruentum educit. Teucer intervenit: fratrem occisum, inimicum fratris cum gladio cruento videt. Capitis arcessit.

8. Hic coniectura verum quaeritur; de facto erit controversia: ex eo constitutio causae coniecturalis nominatur.

XIX.

1. Legitima est constitutio, cum <in> scripto aut e scripto aliquid controversiae nascitur. Ea dividitur in partes sex: scriptum et sententiam, contrarias leges, ambiguum, definitionem, translationem, ratiocinationem.

2. Ex scripto et sententia controversia nascitur, cum videtur scriptoris voluntas cum scripto ipso dissentire, hoc modo.

. Si lex sit, quae iubeat “eos, qui propter tempestatem navem reliquerint, omnia perdere, eorum navem ceteraque esse, si navis conservata sit, qui remanserunt in navi.” Magnitudine tempestatis omnes perterriti navem reliquerunt - in scapham conscenderunt - praeter unum aegrotum: is propter morbum exire et fugere non potuit. Casu et fortuitu navis in portum incolumis delata est; illam aegrotus possedit. Navem petit ille cuius fuerat.

4. Haec constitutio legitima est ex scripto et sententia.

XX.

1. Ex contrariis legibus controversia constat, cum alia lex iubet aut permittit, alia vetat quippiam fieri, hoc modo:

2. Lex vetat eum, qui de pecuniis repetundis damnatus sit, in contione orationem habere: altera lex iubet, augurem in demortui locum qui petat, in contione nominare. Augur quidam damnatus de pecuniis repetundis in demortui locum nominavit; petitur ab eo multa.

3. Constitutio legitima ex contrariis legibus.

4. Ex ambiguo controversia nascitur, cum res unam sententiam scripta, scriptum duas aut plures sententias significat, hoc modo:

5. Paterfamilias cum filium heredem faceret, testamento vasa argentea uxori legavit [Tullius] “heres meus [Terentiae] uxori meae XXX pondo vasorum argenteorum dato, qua volet.” Post mortem eius vasa pretiosa et caelata magnifice petit mulier. Filius se, qua ipse vellet, in XXX pondo ei debere dicit.

6. Constitutio est legitima ex ambiguo.

XXI.

1. Definitione causa constat, cum in controversia est, quo nomine factum conpelletur. Ea est huiusmodi:

2. Cum Lucius Saturninus legem frumentariam de semissibus et trientibus laturus esset, <Q.> Caepio, qui per id temporis quaestor urbanus erat, docuit senatum aerarium pati non posse largitionem tantam. Senatus decrevit, si eam legem ad populum ferat, adversus rem publicam videri ea facere. Saturninus ferre coepit. Collegae intercedere, ille nihilominus sitellam detulit. Caepio, ut illum, contra intercedentibus collegis, adversus rem publicam vidit ferre, cum viris bonis impetum facit; pontes disturbat, cistas deicit, impedimento est, quo setius feratur: arcessitur Caepio maiestatis.

3. Constitutio legitima ex definitione. Vocabulum enim definitur ipsum cum quaeritur, quid sit minuere maiestatem.

XXII.

1. Ex translatione controversia nascitur, cum aut tempus differendum aut accusatorem mutandum aut iudices mutandos reus dicit. Hac

parte constitutionis Graeci in iudiciis, nos in iure [civili] plerumque utimur [in hac parte nos iuris civilis scientia iuvabit]: in iudiciis tamen nonnihil utimur ut hoc modo:

2. Si quis peculatus accusatur, quod vasa argentea publica de loco privato dicatur sustulisse, possit dicere, cum definitione sit usus quid sit furtum, quid peculatus: secum furti agi, non peculatus oportere.

3. Haec partitio legitimae constitutionis his de causis raro venit in iudicium, quod in privata actione praetoriae exceptiones sunt et causa cadit qui egit, nisi habuit actionem, et in publicis quaestionibus cavetur legibus, ut ante, si reo commodum sit, iudicium de accusatore fiat, utrum illi liceat accusare necne.

XXIII.

1. Ex ratiocinatione controversia constat, cum res sine propria lege venit in iudicium, quae tamen ab aliis legibus similitudine quadam aucupatur. Ea est huiusmodi:

2. Lex: si furiosus existet, adgnatum gentiliumque in eo pecuniaque eius potestas esto. Et lex: qui parentem necasse iudicatus erit, ut is obvolutus et obligatus corio devehatur in profluentem. Et lex: paterfamilias uti super familia pecuniave sua legaverit, ita ius esto. Et lex: si paterfamilias <*intestato moritur, familia*> pecuniaque eius agnatum gentilium esto. Malleolus iudicatus est matrem necasse. Ei damnato statim folliculo lupino os <obvolutum est> et soleae ligneae in pedibus inductae sunt: in carcerem ductus est. Qui defendebant eum, tabulas in carcerem adferunt, testamentum ipso praesente conscribunt, testes recte adfuerunt; de illo supplicium sumitur. Ii, qui heredes erant testamento, hereditatem adeunt. Frater minor Malleoli, qui eum obpugnaverat in eius periculo, suam vocat hereditatem lege agnationis.

3. Hic certa lex in rem nulla adfertur, et tamen multae adferuntur, ex quibus ratiocinatio nascitur, quare potuerit aut non potuerit iure testamentum facere. Constitutio legitima ex ratiocinatione.

4. Cuiusmodi partes essent legitimae constitutionis ostendimus: nunc de iuridiciali constitutione dicamus.

XXIV.

1. Iuridicialis constitutio est, cum factum convenit, sed iure an iniuria factum sit, quaeritur. Eius constitutionis partes duae sunt, quarum una absoluta, altera adsumptiva nominatur.

2. Absoluta est, cum id ipsum, quod factum est, ut aliud nihil foris adsumatur, recte factum esse eam rem dicemus, eiusmodi:

3. Mimus quidam nominatim Accium poetam conpellavit in scaena. Cum eo Accius iniuriarum agit. Hic nihil aliud defendit nisi licere nominari eum, cuius nomine scripta dentur agenda.

4. Adsumptiva pars est, cum per se defensio infirma est, adsumpta extraria re conprobatur. Adsumptivae partes sunt quattuor: concessio, remotio criminis, translatio criminis, conparatio.

5. Concessio est, cum reus postulat ignosci. Ea dividitur in purgationem et deprecationem.

6. Purgatio est, cum consulto negat se reus fecisse. Ea dividitur in inprudentiam, fortunam, necessitatem:

fortunam, ut Caepio ad tribunum plebis de exercitus amissione;

inprudentiam, ut ille, qui de eo servo, qui dominum occiderat, supplicium sumpsit, cui frater esset, antequam tabulas testamenti aperuit, cum is servus testamento manu missus esset;

necessitudinem, ut ille, qui ad diem commeatus non venit, quod flumina vias interclusissent.

7. Deprecatio est, cum et peccasse se et consulto fecisse confitetur, et tamen postulat, ut sui misereantur. Hoc in iudicio fere <non> potest usu venire, nisi quando pro eo dicimus, cuius multa recte facta extant, hoc modo: in loco communi per amplificationem iniciemus:

“quodsi hoc fecisset, tamen ei pro pristinis beneficiis ignosci conveniret, verum nihil postulat ignosci.”

8. Ergo in iudicium non venit: at <in> senatum, ad imperatorem et in consilium talis causa potest venire.

XXV.

1. Ex translatione criminis causa constat, cum fecisse nos non negamus, sed aliorum peccatis coactos fecisse dicimus: ut Orestes, cum se defendit in matrem conferens crimen.

2. Ex remotione criminis causa constat, cum a nobis non crimen,

sed culpam ipsam amovemus et vel in hominem transferimus vel in rem quampiam conferimus.

3. In hominem transfertur, ut si accusetur is, qui Publium Sulpicium se fateatur occidisse, et id iussu consulum defendat et eos dicat non modo imperasse, sed rationem quoque ostendisse, quare id facere liceret.

4. In rem confertur, ut si quis, ex testamento quod facere iussus sit, ex plebis scito vetetur.

5. Ex conparatione causa constat, cum dicimus necesse fuisse alterutrum facere, et id, quod fecerimus, satius fuisse facere. Ea causa huiusmodi est:

6. C. Popilius, cum a Gallis obsideretur neque fugere ullo modo posset, venit cum hostium ducibus in conlocutionem; ita discessit, ut inpedimenta relinqueret, exercitum educeret. Satius esse duxit amittere inpedimenta quam exercitum. <Exercitum> eduxit, inpedimenta reliquit: arcessitur maiestatis.

7. Quae constitutiones et quae constitutionum partes sint, videor ostendisse. Nunc quo modo eas et qua via tractari conveniat demonstrandum est, si prius aperuerimus, quid oporteat ab ambobus in causa destinari, quo ratio omnis totius orationis conferatur.

XXVI.

1. Constitutione igitur reperta statim quaerenda ratio est. <Ratio est> quae causam facit et continet defensionem, hoc modo, ut docendi causa in hac potissimum causa consistamus:

2. Orestes confitetur se occidisse matrem: nisi adtulerit facti rationem, perverterit defensionem. Ergo adfert eam, quae nisi intercederet, ne causa quidem esset. Illa enim, inquit, patrem meum occiderat.

3. Ergo, ut ostendi, ratio ea est, quae continet defensionem, sine qua ne parva quidem dubitatio potest remorari damnationem.

4. Inventa ratione firmamentum quaerendum est, id est, quod continet accusationem, quod adfertur contra rationem defensionis, de qua ante dictum est. Id constituetur hoc modo:

5. Cum usus fuerit Orestes ratione hoc pacto: “Iure occidi: illa enim patrem meum occiderat”, utetur accusator firmamento, hoc

modo: “At non abs te occidi neque indamnatam poenas pendere oportuit.”

6. Ex ratione defensionis et ex firmamento accusationis iudicii quaestio nascatur oportet: eam nos iudicationem, Graecei crinomenom appellant. Ea constituetur ex coniunctione firmamenti et rationis defensione hoc modo:

7. Cum dicat Orestes se patris ulciscendi matrem occidisse, rectumne fuerit sine iudicio a filio Clytemestram occidi.

8. Ergo hac ratione iudicationem reperire convenit: reperta iudicatione omnem rationem totius orationis eo conferri oportebit.

XXVII.

1. In omnibus constitutionibus et partibus constitutionum hac via iudicationes reperientur, praeterquam in coniecturali constitutione: in ea nec ratio qua re fecerit quaeritur, fecisse enim negatur: nec firmamentum exquiritur, quoniam non subest ratio. Quare ex intentione et infitiatione iudicatio constituitur, <hoc> modo:

Intentio: “Occidisti Aiacem.”
Infitiatio: “Non occidi.”
Iudicatio: “Occideritne?”

2. Ratio omnis utriusque orationis, ut ante dictum est, ad hanc iudicationem conferenda est. Si plures erunt constitutiones aut partes constitutionum, iudicationes quoque plures erunt in una causa, sed et omnes simili ratione reperientur.

3. Sedulo dedimus operam, ut breviter et dilucide, quibus de rebus adhuc dicendum fuit, diceremus. Nunc quoniam satis huius voluminis magnitudo crevit, commodius est in altero libro de ceteris rebus deinceps exponere, ne qua propter multitudinem litterarum possit animum tuum defatigatio retardare. Si qua tardius haec, quam studes, absolventur, cum rerum magnitudini tum nostris quoque occupationibus adsignare debebis. Verumtamen maturabimus et, quod negotio deminutum fuerit, exaequabimus industria, ut pro tuo in nos officio, nostro in te studio munus hoc adcumulatissume tuae largiamur voluntati.

LIBER II

I.

1. In primo libro, Herenni, breviter exposuimus, quas causas recipere oratorem oporteret, et in quibus officiis artis elaborare conveniret, et ea officia qua ratione facillime consequi posset. Verum, quod neque de omnibus rebus simul dici poterat et de maximis rebus primum scribendum fuit, quo cetera tibi faciliora cognitu viderentur, ita nobis placitum est, ut ea, quae difficillima essent, potissimum conscriberemus.

2. Causarum tria genera sunt: demonstrativum, deliberativum, iudiciale. Multo difficillimum iudiciale est; ergo id primum absolvimus hoc et priore libro.

3. De oratoris officiis quinque inventio et prima et difficillima est. Ea quoque nobis erit hoc libro propemodum absoluta: parvae partes eius in tertium volumen transferentur.

II.

1. De sex partibus orationis primum scribere incepimus: in primo libro locuti sumus de exordio, narratione, divisione, nec pluribus verbis, quam necesse fuit, nec minus dilucide, quam te velle existimabamus; deinde coniuncte de confirmatione et confutatione dicendum fuit.

2. Quare genera constitutionum et earum partes aperuimus; ex quo simul ostendebatur, quomodo constitutionem et partem constitutionis causa posita reperiri oporteret.

3. Deinde docuimus, iudicationem quemadmodum quaeri conveniret: qua inventa curandum, ut omnis ratio totius orationis ad eam conferatur. Postea admonuimus esse causas conplures, in quas plures constitutiones aut partes constitutionum adcommodarentur.

4. Relicum videbatur esse, ut ostenderemus, quae ratio posset inventiones ad unam quamque constitutionem aut partem constitutionis adcommodare; et item quales argumentationes, quas Graeci epicheremata appellant, sequi, quales veitari oporteret;

quorum utrumque pertinet ad confirmationem et ad confutationem. Deinde ad extremum docuimus, cuiusmodi conclusionibus orationum uti oporteat; qui locus erat extremus de sex partibus orationis.

5. Primum ergo quaeremus, quemadmodum quamque causam tractare conveniat et nimirum <[coniecturalem] eam quae prima> quaeque difficillima est, potissimum consideremus.

III.

1. In causa coniecturali narratio accusatoris suspiciones interiectas et dispersas habere debet, ut nihil actum, nihil dictum, nusquam ventum aut abitum, nihil denique factum sine causa putetur.

2. Defensoris narratio simplicem et dilucidam expositionem debet habere cum adtenuatione suspicionis.

3. Huius constitutionis ratio in sex partes est distributa: probabile, conlationem, signum, argumentum, consecutionem, adprobationem. Horum unum quidquid quid valeat, aperiemus.

4. Probabile est per quod probatur expedisse peccare et ab simili turpitudine hominem numquam afuisse. Id dividitur in causam et in vitam.

5. Causa est ea, quae induxit ad maleficium commodorum <*spe aut incommodorum*> vitatione, cum quaeritur, num quod commodum maleficio appetierit, num honorem, num pecuniam, num dominationem; num aliquam cupiditatem <aut> amoris aut eiusmodi libidinis voluerit explere, aut num quod incommodum vitarit: inimicitias, infamiam, dolorem, supplicium.

IV.

1. Hic accusator in spe commodi cupiditatem ostendet adversarii, in vitatione incommodi formidinem augebit.

2. Defensor autem negabit fuisse causam, si poterit, aut eam vehementer extenuabit; deinde inicum esse dicet omnes, ad quos aliquid emolumenti ex aliqua re pervenerit, in suspicionem maleficii devocari.

V.

1. Deinde vita hominis ex ante factis spectabitur.

2. Primum considerabit accusator, num quando simile quid fecerit. Si id non reperiet, quaeret, num quando venerit in similem suspicionem; et in eo debebit esse occupatus, ut ad eam causam peccati, quam paulo ante exposuerit, vita hominis possit adcommodari, hoc modo: Si dicet pecuniae causa fecisse, ostendat eum semper avarum fuisse, si honoris, ambitiosum; ita poterit animi vitium cum causa <peccati conglutinare. Si non poterit par vitium cum causa> reperire, reperiat dispar. Si non poterit avarum demonstrare, demonstret conruptorem, perfidiosum, si quo modo poterit denique aliquo aut quam plurimis vitiis contaminare [personam]; deinde qui illud fecerit tam nequiter, eundem hunc tam perperam fecisse non esse mirandum. Si vehementer castus et integer existimabitur adversarius, dicet facta, non famam spectarei oportere; illum ante occultasse sua flagitia; se planum facturum ab eo maleficium non abesse.

3. Defensor primum demonstrabit vitam integram, si poterit: id si non poterit, confugiet ad inprudentiam, stultitiam, adulescentiam, vim, persuasionem; quibus de rebus * * * vituperatio eorum, quae extra id crimen erunt, non debeat atsignari. Sin vehementer hominis turpitudine inpedietur et infamia, prius dabit operam, ut falsos rumores dissipatos esse dicat de innocente; et utetur loco communi, rumoribus credi non oportere. Sin nihil eorum fieri potest, utatur extrema defensione: dicat non se de moribus eius apud censores, sed de criminibus adversariorum apud iudices dicere.

VI.

1. Conlatio est, cum accusator id, quod adversarium fecisse criminatur, alii nemini nisi reo bono fuisse demonstrat; aut alium neminem potuisse perficere nisi adversarium; aut eum ipsum aliis rationibus aut non potuisse aut non aeque commode potuisse aut eum fugisse alias rationes commodiores propter cupiditatem.

2. Hoc loco defensor demonstret oportet aut aliis quoque bono fuisse, aut alios quoque id, quod ipse insimuletur, facere potuisse.

3. Signum est, per quod ostenditur idonea perficiendi facultas esse quaesita. Id dividitur in partes sex: locum, tempus, spatium,

occasionem, <spem> perficiendi, spem celandi.

VII.

1. Locus quaeritur, celebris an desertus, semper desertus an tum, cum id factum sit, <fuerit> in eo loco solitudo, sacer an profanus, publicus an privatus fuerit; cuiusmodi loci adtingant, num, qui est passus, perspectus, exauditus esse possit.

2. Horum quid reo, quid accusatori conveniat, perscribere non gravaremur, nisi facile quivis causa posita posset iudicare. Initia enim inventionis ab arte debent proficisci, cetera facile conparabit exercitatio.

3. Tempus ita quaeritur: quid anni, qua hora noctu an interdiu, et qua die, qua noctis hora factum esse dicatur et cur eiusmodi temporibus.

4. Spatium ita considerabitur: satisne longum fuerit ad eam rem <transigendam>, scieritne satis ad id perficiendum spatii futurum: nam parui refert satis spatii fuisse ad id perficiendum, si id ante sciri et ratione provideri non potuit.

5. Occasio quaeritur, idoneane fuerit ad rem adoriendam an alia melior, quae aut praeterita sit aut non expectata.

6. Spes perficiendi ecqua fuerit, spectabitur hoc modo: si, quae supra dicta sunt signa, concurrent, si praeterea <ex> altera parte vires, pecunia, consilium, scientia, apparatio videbitur esse, ex altera parte inbecillitas, inopia, stultitia, inprudentia, inapparatio demonstrabitur fuisse; qua re scire potuerit, utrum diffidendum an confidendum fuerit.

7. Spes celandi quae fuerit quaeritur ex consciis, arbitris, adiutoribus, liberis aut servis aut utrisque.

VIII.

1. Argumentum est, per quod res coarguitur certioribus argumentis et magis firma suspicione. Id dividitur in tempora tria: praeteritum, instans, consequens.

2. In praeterito tempore oportet considerare, ubi fuerit, ubi visus sit, quicum visus sit, num quid appararit, num quem convenerit, num

quid dixerit, num quid habuerit de consciis, de adiutoribus, de adiumentis; num quo in loco praeter consuetudinem fuerit aut alieno tempore.

3. <In> instanti tempore quaeretur, num visus sit, cum faciebat, num qui strepitus, clamor, crepitus exauditus aut denique num quid aliquo sensu perceptum sit, aspectu, auditu, tactu, odoratu, gustatu; nam quivis horum sensus potest conflare suspicionem.

4. In consequenti tempore spectabitur, num quid re transacta relictum sit, quod indicet aut factum esse maleficium aut ab quo factum sit. Factum esse, hoc modo: si tumore et livore decoloratum corpus est mortui, significat eum veneno necatum. A quo factum sit, hoc modo: si telum, si vestimentum, si quid eiusmodi relictum aut si vestigium <rei> repertum fuerit; si cruor in vestimentis: si in eo loco conprehensus aut visus transacto negotio, quo in loco res gesta dicitur.

5. Consecutio est, cum quaeritur, quae signa nocentis et innocentis consequi soleant.

6. Accusator dicet, si poterit, adversarium, cum ad eum ventum sit, erubuisse, expalluisse, titubasse, inconstanter locutum esse, concidisse, pollicitum esse aliquid; quae signa conscientiae sint. Si reus horum nihil fecerit, accusator dicet eum usque adeo praemeditatum fuisse, quid sibi esset usu venturum, ut confidentissime resisteret et responderet; quae signa confidentiae, non innocentiae sint.

7. Defensor, si pertimuerit, magnitudine periculi, non conscientia peccati se commotum esse dicet; si non pertimuerit, fretum innocentia negabit esse commotum.

IX.

1. Adprobatio est, qua utimur ad extremum confirmata suspicione. Ea habet locos proprios atque communes. Proprii sunt ii, quibus nisi accusator nemo potest uti, et ii, quibus nisi defensor. Communes sunt, qui alia in causa ab reo, alia ab accusatore tractantur.

2. In causa coniecturali proprius locus accusatoris est, cum dicit malorum misereri non oportere et cum auget peccati atrocitatem.

3. Defensoris proprius locus est, cum misericordiam captat et cum

accusatorem calumniari criminatur.

4. Communes loci sunt cum accusatoris tum defensoris, abs testibus contra testes, abs quaestionibus contra quaestiones, ab argumentis contra argumenta, ab rumoribus contra rumores.

5. A testibus dicemus secundum auctoritatem et vitam testium et constantiam testimoniorum;

6. contra testes: vitae turpitudinem, testimoniorum inconstantiam; si aut fieri non potuisse dicemus aut non factum esse quod dicant aut scire illos non potuisse aut cupide dicere et argumentari. Haec et ad inprobationem et ad interrogationem testium pertinebunt.

X.

1. A quaestionibus dicemus: cum demonstrabimus maiores veri inveniendi causa tormentis et cruciatu voluisse quaeri et summo dolore homines cogi, ut quicquid sciant dicant; et praeterea confirmatior haec erit disputatio, si, quae dicta erint, argumentando isdem viis, quibus omnis coniectura tractatur, trahemus ad veri similem suspicionem; idemque hoc in testimoniis facere oportebit.

2. Contra quaestiones hoc modo dicemus: primum maiores voluisse certis in rebus interponi quaestiones, cum, quae vere dicerentur, sceirei, quae falso in quaestione pronuntiarentur, refelli possent, hoc modo: Quo in loco quid positum sit, et si quid esset simile, quod videri * * * aut aliquo simili signo percipi posset; deinde dolori credi non oportere, quod alius alio recentior sit in dolore, quod ingeniosior ad eminiscendum, quod denique saepe scire aut suspicari possit, quid quaesitor velit audire; quod cum dixerit, intellegat sibi finem doloris futurum. Haec disputatio conprobabitur, si refellemus, quae in quaestionibus erunt dicta, probabili argumentatione; idque partibus coniecturae, quas ante exposuimus, facere oportebit.

XI.

1. Ab argumentis et signis et ceteris locis, quibus augetur suspicio, dicere hoc modo convenit: Cum multa concurrant argumenta et signa, quae inter se consentiant, rem perspicuam, non suspiciosam

videri oportere. Item plus oportere signis et argumentis credi quam testibus: haec enim eo modo exponi, quo modo re vera sint gesta; testes corrumpi posse vel pretio vel gratia vel metu vel simultate.

2. Contra argumenta et signa et ceteras suspiciones dicemus hoc modo: si demonstrabimus nullam rem esse, quam non suspicionibus quivis possit criminari; deinde unam quamque suspicionem extenuabimus et dabimus operam, ut ostendamus nihilo magis in nos eam quam in alium quempiam convenire; indignum facinus esse sine testibus coniecturam et suspicionem firmamenti satis habere.

XII.

1. A rumoribus dicemus: si negabimus temere famam nasci solere, quin supsit aliquid; et si dicemus causam non fuisse, quare quispiam confingeret et eminisceretur; et praeterea, si ceteri falsi soleant esse, argumentabimur hunc esse verum.

2. Contra rumores dicemus: primum, si docebimus multos esse falsos rumores, et exemplis utemur, de quibus falsa fama fuerit; et aut iniquos nostros aut homines natura malivolos et maledicos confincxisse dicemus; et aliquam aut fictam fabulam in adversarios adferemus, quam dicamus omnibus in ore esse, aut verum rumorem proferemus, qui illis aliquid turpitudinis adferat, neque tamen ei rumori nos fidem habere dicemus, ideo quod quivis unus homo possit quamvis turpem de quolibet rumorem proferre et confictam fabulam dissipare. Verumtamen si rumor vehementer probabilis esse videbitur, argumentando famae fidem poterimus abrogare.

3. Quod et difficillima tractatu est constitutio coniecturalis et in veris causis saepissime tractanda est, eo diligentius omnis eius partis perscrutati sumus, ut ne parvula quidem titubatione aut offensatione impediremur, si ad hanc rationem praeceptionis adsiduitatem exercitationis adcommodassemus. Nunc ad legitimae constitutionis partes transeamus.

XIII.

1. Cum voluntas scriptoris cum scripto dissidere videbitur, si a scripto dicemus, his locis utemur: secundum narrationem primum

scriptoris conlaudatione, deinde scripti recitatione; deinde percontatione, scirentne idonee adversarii id scriptum fuisse in lege aut testamento aut stipulatione aut quolibet scripto, quod ad eam rem pertinebit; deinde conlatione, quid scriptum sit, quid adversarii se fecisse dicant, quid iudicem sequi conveniat: utrum id, quod diligenter perscriptum sit, an id, quod acute sit excogitatum; deinde ea sententia, quae ab adversariis sit excogitata et scripto adtributa, contemnetur et infirmabitur. Deinde quaeretur, quid periculi fuerit, si id voluisset adscribere; aut num non potuerit perscribi. Deinde a nobis sententia reperietur et causa proferetur, quare id scriptor senserit, quod scripserit; et demonstrabitur scriptum illud esse dilucide, breviter, commode, perfecte, cum ratione certa. Deinde exempla proferentur, quae res, cum ab adversariis sententia et voluntas adferretur, ab scripto potius iudicatae sint. Deinde ostendetur, quam periculosum sit ab scripto recedere. Locus communis est contra eum, qui, cum fateatur se contra quod legibus sanctum aut testamento perscriptum sit, fecisse, tamen facti quaerat defensionem.

XIV.

1. Ab sententia sic dicemus: primum laudabimus scriptoris commoditatem atque brevitatem, quod tantum scripserit, quod necesse fuerit; illud quod sine scripto intellegi potuerit, non necessario scribendum putarit. Deinde dicemus calumniatoris esse officium verba et litteras sequi, neclegere voluntatem. Deinde id, quod scriptum sit, aut non posse fieri, aut non lege non more non natura non aequo et bono posse fieri; quae omnia noluisse scriptorem quam rectissime fieri nemo dicet; at ea, quae a nobis facta sint, iustissime facta. Deinde contrariam sententiam aut nullam esse, aut stultam, aut iniustam, aut non posse fieri, aut <non> constare cum superioribus et inferioribus sententiis; aut cum iure communi aut cum aliis legibus communibus aut cum rebus iudicatis dissentire. Deinde exemplorum a voluntate et contra scriptum iudicatorum enumeratione, deinde legum aut stipulationum breviter exscriptarum, in quibus intellegatur scriptorum voluntas, et * * * expositione. Locus communis contra eum, qui scriptum recitet et scriptoris

voluntatem non interpretetur.

XV.

1. Cum duae leges inter se discrepent, videndum est primum, num quae obrogatio aut derogatio sit; deinde utrum leges ita dissentiant, ut altera iubeat, altera vetet, an ita, ut altera cogat, altera permittat. Infirma enim erit eius defensio, qui negabit se fecisse, quod cogeretur, cum altera lex permitteret: plus enim valet sanctio permissione. Item illa defensio tenuis est, cum ostenditur id factum esse, quod ea lex sanciat, cui legi obrogatum aut derogatum sit; id, quod posteriore lege sanctum sit, esse neclectum. Cum haec erunt considerata, statim nostrae legis expositione, recitatione, conlaudatione utemur. Deinde contrariae legis enodabimus voluntatem et eam trahemus ad nostrae causae commodum. Dein de iuridiciali absoluta sumemus rationem iuris et quaeremus partes iuris, utrocum faciant; de qua parte iuridicialis posterius disseremus.

XVI.

1. Si ambiguum esse scriptum putabitur, quod in duas aut plures sententias trahi possit, hoc modo tractandum est: primum, sitne ambiguum, quaerendumst; deinde, quomodo scriptum esset, si id, quod adversarii interpretantur, scriptor fieri voluisset, ostendendum est; deinde id, quod nos interpretemur, et fieri posse, et honeste recte lege more natura bono et aequo fieri posse; quod adversarii interpretentur, ex contrario; nec esse ambigue scriptum, cum intellegatur, utra sententia vera sit.

2. Sunt, qui arbitrentur ad hanc causam tractandam vehementer pertinere cognitionem amphiboliarum eam, quae ab dialecticis proferatur. Nos vero arbitramur non modo nullo adiumento esse, sed potius maximo inpedimento. Omnes enim illi amphibolias aucupantur, eas etiam, quae ex altera parte sententiam nullam possunt interpretari. Itaque et alieni sermonis molesti interpellatores et scripti cum odiosi tum obscuri interpretes sunt; et dum caute et expedite loqui volunt, infantissimi reperiuntur. Ita dum metuunt in dicendo, ne quid ambiguum dicant, nomen suum pronuntiare non

possunt. Verum horum pueriles opiniones rectissimis rationibus, cum voles, refellemus. In praesentiarum hoc intercedere non alienum fuit, ut huius infantiae garrulam disciplinam contemneremus.

XVII.

1. Cum definitione utemur, primum adferemus brevem vocabuli definitionem, hoc modo:

"Maiestatem is minuit, qui ea tollit, ex quibus rebus civitatis amplitudo constat. Quae sunt ea, Q. Caepio? Suffragia, magistratus. Nempe igitur tu et populum suffragio et magistratum consilio privasti, cum pontes disturbasti."

2. Item ex contrario:

"Maiestatem is minuit, qui amplitudinem civitatis detrimento <adficit. Ego non adfeci, sed prohibui detrimento:> aerarium enim conservavi, libidini malorum restiti, maiestatem omnem interire non passus sum."

3. Primum igitur vocabuli sententia breviter et ad utilitatem adcommodate causae describitur; deinde factum nostrum cum verbi descriptione coniungetur; deinde contrariae descriptionis ratio refelletur, si aut falsa erit aut inutilis aut turpis aut iniuriosa: id quod ex iuris partibus sumetur de iuridiciali absoluta, de qua iam loquemur.

XVIII.

1. Quaeritur in translationibus primum, num aliquis eius rei actionem, petitionem aut persecutionem habeat, num alio tempore, num alia lege, num alio quaerente. Haec legibus et moribus, aequo et bono reperientur; de quibus dicetur in iuridiciali absoluta.

2. In causa ratiocinali primum quaeretur, ecquid in rebus maioribus aut minoribus aut dissimilibus similiter scriptum aut iudicatum sit; deinde, utrum ea res similis sit ei rei, qua de agitur, an dissimilis; deinde, utrum consulto de ea re scriptum non sit, quod noluerit cavere, an quod satis cautum putarit propter ceterorum scriptorum similitudinem.

3. De partibus legitimae constitutionis satis dictum est: nunc ad

iuridicialem revertemur.

XIX.

1. Absoluta iuridiciali constitutione utemur, cum ipsam rem, quam nos fecisse confitemur, iure factum dicemus, sine ulla adsumptione extrariae defensionis. In ea convenit quaeri, iurene sit factum. De eo causa posita dicere poterimus, si, ex quibus partibus ius constet, cognoverimus. Constat igitur ex his partibus: natura, lege, consuetudine, iudicato, aequo et bono, pacto.

2. Natura ius est, quod cognationis aut pietatis causa observatur, quo iure parentes a liberis, et a parentibus liberi coluntur.

3. Lege ius est id, quod populi iussu sanctum est quod genus: ut in ius eas, cum voceris.

4. Consuetudine ius est id, quod sine lege aeque, ac si legitimum sit, usitatum est quod genus id quod argentario tuleris expensum, ab socio eius recte petere possis.

5. Iudicatum est id, de quo sententia lata est aut decretum interpositum. Ea saepe diversa sunt, ut aliud alio iudici aut praetori aut consuli aut tribuno plebis placitum sit et fit, ut de eadem re saepe alius aliud decreverit aut iudicarit, quod genus: M. Drusus praetor urbanus, quod cum herede mandati ageretur, iudicium reddidit, Sex. Iulius non reddidit. Item:<C.> Caelius iudex absolvit iniuriarum eum, qui Lucilium poetam in scaena nominatim laeserat, P. Mucius eum, qui L. Accium poetam nominaverat, condemnavit.

XX.

1. Ergo, quia possunt res simili de causa dissimiliter iudicatae proferri, cum id usu venerit, iudicem cum iudice tempus cum tempore, numerum cum numero iudiciorum conferemus.

2. Ex aequo et bono ius constat, quod ad veritatem <et utilitatem> communem videtur pertinere, quod genus ut maior annis LX et cui morbus causa est, cognitorem det. Ex eo vel novum ius constitui convenit ex tempore et ex hominis dignitate.

3. Ex pacto ius est, si quid inter se pepigerunt, si quid inter quos convenit. Pacta sunt, quae legibus observanda sunt, hoc modo: Rem

ubi pagunt, <orato; ni pagunt,> in comitio aut in foro ante meridiem causam coicito. Sunt item pacta, quae sine legibus observantur ex convento quae iure praestare dicuntur. His igitur partibus iniuriam demonstrari, ius confirmari convenit, id quod in absoluta iuridiciali faciundum videtur.

XXI.

1. Cum ex conparatione quaeretur, utrum satius fuerit facere, id, quod reus dicat se fecisse, an id, quod accusator dicat oportuisse fieri, primum quaeri conveniet, utrum fuerit utilius ex contentione, hoc est, utrum honestius, facilius, conducibilius. Deinde oportebit quaeri, ipsumne oportuerit iudicare, utrum fuerit utilius an aliorum fuerit utilius statuendi potestas. Deinde interponetur ab accusatore <suspicio ex constitutione> coniecturali, qua re putetur non <ea> ratione factum esse, quo melius deteriori anteponetur, sed in eo dolo malo negotium gestum de aliqua probabili causa. Ab defensore <contra> refellatur argumentatio coniecturalis, de qua ante dictum est. Deinde quaeretur, potueritne vitari, ne in eum locum veniretur. His sic tractatis accusator utetur loco communi in eum, qui inutile utili praeposuerit, cum statuendi non habuerit potestatem.

XXII.

1. Defensor contra eos, qui aecum censeant rem perniciosam utili praeponi, utetur loco communi per conquestionem: <et> simul quaerat ab accusatoribus, ab iudicibus ipsis, quid facturi essent, si in eo loco fuissent; et tempus, locum, rem, deliberationem suam ponet ante oculos.

2. Translatio criminis est, cum ab reo facti causa in aliorum peccatum transfertur. Primum quaerendum est, iurene in alium crimen transferatur; deinde spectandum est, aeque magnum sit illud peccatum, quod in alium transferatur, atque illud, quod reus suscepisse dicatur; deinde, oportueritne in ea re peccare, in qua alius ante peccarit; deinde, oportueritne iudicium ante fieri; deinde, cum factum iudicium non sit de illo crimine, quod in alium transferatur, oporteatne de ea re iudicium fieri, quae res in iudicium non devenerit.

Locus communis accusatoris contra eum, qui plus censeat vim quam iudicia valere oportere. Et ab adversariis percontabitur accusator, quid futurum sit, si idem ceteri faciant, ut de indemnatis supplicia sumant, quod eos idem fecisse dicant. Quid, si ipse accusator idem facere voluisset? Defensor eorum peccati atrocitatem proferet, in quos crimen transferet; rem, locum, tempus ante oculos ponet, ut ii, qui audient, existiment, aut non potuisse aut [non] inutile fuisse rem in iudicium venire.

XXIII.

1. Concessio est, per quam nobis ignosci postulamus. Ea dividitur <in> purgationem et deprecationem. Purgatio est, cum consulto a nobis factum negamus. Ea dividitur in necessitudinem, fortunam, inprudentiam. De his partibus primum ostendendum est; deinde ad deprecationem revertendum videtur. Primum considerandum est, num culpa ventum sit in necessitudinem [num culpa veniendi necessitudinem fecerit]. Deinde quaerendum est quo modo vis illa vitari potuerit ac levari. Deinde <is, qui> in necessitudinem causam conferet, expertusne sit, quid contra facere aut excogitare posset. Deinde, num quae suspiciones ex coniecturali constitutione trahi possint, quae significent id consulto factum esse, quod necessario cecidisse dicitur. Deinde, si maxime necessitudo quaepiam fuerit, conveniatne eam satis idoneam <causam> putari.

XXIV.

1. <Si autem inprudentia reus se peccasse dicet,> primum quaeretur, utrum potuerit nescire an non potuerit; deinde utrum data sit opera, ut sciretur, an non; deinde, utrum casu nescierit an culpa. Nam qui se propter vinum aut amorem aut iracundiam fugisse rationem dicet, is animi vitio videbitur nescisse, non inprudentia; quare non inprudentia se defendet, sed culpa contaminabit. Deinde coniecturali constitutione quaeretur, utrum scierit an ignoraverit; et considerabitur satisne inprudentia praesidii debeat esse, cum factum esse constet. Cum in fortunam causa confertur et ea re defensor ignosci reo dicet oportere, eadem omnia videntur consideranda, quae de necessitudine

praescripta sunt. Etenim omnes haec tres partes purgationis inter se finitimae sunt, ut in omnes eadem fere possint adcommodari. Loci communis in his causis: accusatoris contra eum, qui cum peccasse confiteatur, tamen oratione iudices demoretur; defensoris, de humanitate, misericordia: voluntatem in omnibus rebus spectari convenire; quae consulto facta non sint, an ea fraudei esse non oportere.

XXV.

1. Deprecatione utemur, cum fatebimur nos peccasse neque id inprudentes, aut fortuito aut necessario fecisse dicemus: et tamen ignosci nobis postulabimus. Hic ignoscendi ratio quaeritur ex his locis: si plura aut maiora officia quam maleficia videbuntur constare; si qua virtus aut nobilitas erit in eo, qui supplicabit; si qua spes erit usui futurum, <si> sine supplicio discesserit; si ipse ille supplex mansuetus et misericors in potestatibus ostendetur fuisse; si ea, quae peccavit, non odio neque crudelitate, sed officio et recto studio commotus fecit; si tali de causa aliis quoque ignotum est; si nihil ab eo periculi nobis futurum videbitur, si eum missum fecerimus; si nulla <aut> a nostris civibus aut ab aliqua civitate vituperatio ex ea re suscipietur.

XXVI.

1. Loci communis: de humanitate, fortuna, misericordia, rerum commutatione. His locis omnibus ex contrario utetur is, qui contra dicet, cum amplificatione et enumeratione peccatorum.

2. Haec causa iudicialis fieri non potest, ut in libro primo ostendimus, sed, quod potest vel ad senatum vel ad consilium venire, non visa est supersedenda.

3. Cum ab nobis crimen removere volemus, aut in rem aut in hominem nostri peccati causam conferemus. Si causa in hominem conferetur, quaerendum erit primum, potueritme tantum, quantum reus demonstrabit, is, in quem causa conferetur: et, quone modo aut honeste aut sine periculo potuerit obsisti; si maxime ita sit, num ea re concedi reo conveniat, quod alieno inductu fecerit. Deinde in

coniecturalem trahetur controversiam et edisseretur, num consulto factum sit. Si causa in rem quandam conferetur, et haec eadem fere et omnia, quae de necessitudine praecepimus, consideranda erunt.

XXVII.

1. Quoniam satis ostendisse videamur, quibus argumentationibus in uno quoque genere causae iudicialis uti conveniret, consequi videtur, ut doceamus, quemadmodum ipsas argumentationes ornate et absolute tractare possimus. Nam fere non difficile invenire, quid sit causae adiumento; difficillimum est inventum expolire et expedite pronuntiare. Haec enim res facit, ut neque diutius, quam satis sit, in eisdem locis commoremur, nec eodem identidem revolvamur, neque incoatam argumentationem relinquamus, neque incommode ad aliam deinceps transeamus. Itaque hac ratione et ipsei meminisse poterimus, quid quoque loco dixerimus, et auditor cum totius causae tum unius cuiusque argumentationis distributionem percipere et meminisse poterit.

XXVIII.

1. Ergo absolutissima et perfectissima est argumentatio ea, quae in quinque partes est distributa: propositionem, rationem, rationis confirmationem, exornationem, conplexionem.

2. Propositio est, per quam ostendimus summatim, quid sit quod probari volumus.

3. Ratio est quae causam demonstrat, verum esse id, quod intendimus, brevi subiectione.

4. Rationis confirmatio est ea, quae pluribus argumentis conroborat breviter expositam rationem.

5. Exornatio est, qua utimur rei honestandae et conlocupletandae causa, confirmata argumentatione.

6. Conplexio est, quae concludit breviter, conligens partes argumentationis.

7. Hisce igitur quinque partibus ut absolutissime utamur, hoc modo tractabimus argumentationem:

“Causam ostendemus Ulixi fuisse, quare interfecerit Aiacen.

Inimicum enim acerrimum de medio tollere volebat, a quo sibi non iniuria summum periculum metuebat.

8. Videbat illo incolumi se incolumem non futurum; sperabat illius morte se salutem sibi conparare; consueverat, se iure non potuerat, iniuria quavis inimico exitium machinari: cui rei mors indigna Palamedi testimonium dat. Ergo et metus periculi hortabatur eum interimere, a quo supplicium verebatur; <et> consuetudo peccandi maleficii suscipiendi removebat dubitationem.

XXIX.

1. Omnes enim cum minima peccata cum causa suscipiunt, tum vero illa, quae multo maxima sunt maleficia, aliquo certo emolumento inducti suscipere conantur. Si multos induxit in peccatum pecuniae spes, si conplures scelere se contaminarunt imperii cupiditate, si multi leve conpendium fraude maxima commutarunt, cui mirum videbitur, istum a maleficio propter acerrimam formidinem non temperasse? Virum fortissimum, integerrimum, inimicitiarum persequentissimum, iniuria lacessitum, ira exsuscitatum homo timidus, nocens, conscius sui peccati, insidiosus * * * inimicum incolumem esse noluit: qui tandem hoc mirum videbitur? Nam cum feras bestias videamus alacres et erectas vadere, ut alteri bestiae noceant, non est incredibile putandum istius quoque animum ferum, crudelem atque inhumanum cupide ad inimici perniciem profectum; praesertim cum in bestiis nullam neque bonam neque malam rationem videamus, in isto plurimas et pessumas rationes semper fuisse intellegamus.

XXX.

1. Si ergo pollicitus sum me daturum causam, qua inductus Ulixes accesserit ad maleficium, et si inimicitiarum acerrimam rationem et periculi metum intercessisse demonstravi, non est dubium quin confiteatur causam maleficii fuisse.”

2. Ergo absolutissima est argumentatio ea, quae ex quinque partibus constat; sed ea non semper necesse est uti. Est cum conplexione supersedendum est, si res brevis est, ut facile memoria

conprehendatur; est cum exornatio praetermittenda est, si parum locuples ad amplificandum et exornandum res videtur esse. Sin et brevis erit argumentatio et res tenuis aut humilis, tum et exornatione et conplexione supersedendum est.

3. In omni argumentatione de duabus partibus postremis haec, quam exposui, ratio est habenda. Ergo amplissima est argumentatio quinquepertita; brevissima est tripertita; mediocris sublata aut exornatione aut conplexione quadripertita.

XXXI.

1. Duo genera sunt vitiosarum argumentationum: unum, quod ab adversario reprehendi potest, id quod pertinet ad causam: alterum, quod tametsi nugatorium est, tamen non indiget reprehensionis. <Quae sint, quae reprehensione confutari conveniat, quae tacite contemni atque vitari sine reprehensione, nis>i exempla subiecero, intellegere dilucide non poteris. Haec cognitio vitiosarum argumentationum duplicem utilitatem adferet. Nam et vitare in argumentatione vitium admonebit et ab aliis non vitatum commode reprehendere docebit.

2. Quoniam igitur ostendimus perfectam et plenam argumentationem ex quinque partibus constare, in una quaque parte argumentationis quae vitia vitanda sunt consideremus, ut et ipsi ab his vitiis recedere, et adversariorum argumentationes hac praeceptione in omnibus partibus temptare et ab aliqua parte labefactare possimus.

XXXII.

1. Expositio vitiosa est, cum ab aliqua aut a maiore parte ad omnes confertur id, quod non necessario est omnibus adtributum; ut si quis hoc modo exponat:

“Omnes, qui in paupertate sunt, malunt maleficio parare divitias, quam officio paupertatem tueri.”

2. Si qui hoc modo exposuerit argumentationem, ut non curet quaerere, qualis ratio aut rationis confirmatio sit, ipsam facile reprehendemus expositionem, cum ostendemus, id, quod in aliquo

paupere inprobo sit, in omnes pauperes falso et iniuria conferri.

XXXIII.

1. Item vitiosa expositio est, cum id, quod raro fit, fieri omnino negatur, hoc modo:

"Nemo potest uno aspectu neque praeteriens in amorem incidere."

2. Nam cum nonnemo devenerit in amorem uno aspectu, et cum ille neminem dixerit, omnino nihil differt raro id fieri, dummodo aliquando fieri aut posse modo fieri intellegatur.

3. Item vitiosa expositio est, cum omnes res ostendemus nos collegisse et aliquam rem idoneam praeterimus, hoc modo:

4. "Quoniam igitur hominem occisum constat esse, necesse est aut a praedonibus aut ab inimicis occisum esse aut abs te, quem ille heredem testamento ex parte faciebat. Praedones in illo loco visi numquam sunt, inimicum nullum habebat: relinquitur, si neque a praedonibus neque ab inimicis occisus est, quod alteri non erant, alteros non habebat, ut abs te sit interemptus."

5. Nam in huiuscemodi expositione reprehensione utemur, si quos praeterquam quos ille conlegerit, potuisse suscipere maleficium ostenderimus: velut in hoc exemplo, cum dixerit necesse esse aut a praedonibus aut ab inimicis aut a nobis occisum esse, dicemus: potuisse vel a familia vel a coheredibus nostris. Cum hoc modo illorum conlectionem disturbaverimus, nobis latiorem locum defendendi reliquerimus. Ergo hoc quoque vitandum est in expositione, ne quando, cum omnia collegisse videamur, aliquam idoneam partem reliquerimus.

XXXIV.

1. Item vitiosa expositio est, quae constat ex falsa enumeratione si aut, cum plura sunt, pauciora dicamus, hoc modo:
"Duae res sunt, iudices, quae omnes ad maleficium inpellant, luxuries et avaritia."

2. "Quid amor?" inquiet quispiam, "Quid ambitio? Quid religio? Quid metus mortis? Quid imperii cupiditas? Quid denique alia

permulta?” Item falsa enumeratio est, cum pauciora sunt et plura dicimus, hoc modo:

“Tres res sunt, quae omnes homines sollicitent, metus, cupiditas, aegritudo.”

3. Satis enim fuerat dixisse metum, cupiditatem, quoniam aegritudinem cum utraque re coniunctam esse necesse est.

4. Item vitiosa expositio est, quae nimium longe repetitur, hoc modo:

“Omnium malorum stultitia est mater atque materies. Ea parit inmensas cupiditates. Inmensae porro cupiditates infinitae, inmoderatae sunt. Haec pariunt <*avaritiam*.> Avaritia porro hominem ad quod vis maleficium impellit. Ergo avaritia inducti adversarii nostri hoc in se facinus admiserunt.”

5. Hic id, quod extremum dictum est, satis fuit exponere, ne Ennium et ceteros poetas imitemur, quibus hoc modo loqui concessum est:

“Utinam ne in nemore Pelio securibus
Caesae accidissent abiegnae ad terram trabes,
Neve inde navis inchoandi exordium
Cepisset, quae nunc nominatur nomine
Argo, quia Argivi in ea delecti viri
Vecti petebant pellem inauratam arietis
Colchis, imperio regis Peliae, per dolum:
Nam numquam <*era*> errans mea <*domo*> efferret pedem.”

6. Nam hic satis erat dicere, si id modo, quod satis esset, curarent poetae:

Utinam ne era errans mea domo efferret pedem.
[Medea animo aegro, amore saevo saucia]

Ergo hac quoque ab ultimo repetitione in expositionibus magnopere supersedendum est. Non enim + reprehensione, sed sicut aliae conplures, * * * sua sponte vitiosa est.

XXXV.

1. Vitiosa ratio est, quae ad expositionem non est adcommodata vel propter infirmitatem vel propter vanitatem. Infirma ratio est, quae non necessario ostendit ita esse, quemadmodum expositum est, velut apud Plautum:

Amicum castigare ob meritam noxiam
Inmune est facinus, verum in aetate utile
Et conducibile.

2. Haec expositio est. Videamus, quae ratio adferatur:

nam ego amicum hodie meum
Concastigabo pro commerita noxia.

3. Ex eo, quod ipse facturus est, non ex eo, quod fieri convenit, utile quid sit, ratiocinatur. Vana ratio est, quae ex falsa causa constat, hoc modo:

"Amor fugiendus non est: nam ex eo verissima nascitur amicitia."

Aut hoc modo:

"Philosophia vitanda est: adfert enim socordiam atque desidiam."

4. Nam hae rationes nisi falsae essent, expositiones quoque earum veras esse confiteremur.

XXXVI.

1. Itemque infirma ratio est, quae non necessariam causam adfert expositionis: velut Pacuvius:

Fortunam insanam esse et caecam et brutam perhibent philosophi
Saxoque instare in globoso praedicant volubili:
Id quo saxum inpulerit Fors, eo cadere Fortunam autumant.
Caecam ob eam rem esse iterant, quia nihil cernat, quo sese adplicet;
Insanam autem <esse> aiunt, quia atrox, incerta instabilisque sit;
Brutam, quia dignum atque indignum nequeat internoscere.
Sunt autem alii philosophi, qui contra Fortunam negant
Ullam misera in aetate esse: Temeritatem esse autumant.
Id magis veri simile esse usus reapse experiundo edocet:
Velut Orestes modo fuit rex, factust mendicus modo.

Naufragio nempe rem ergo id factum, hau Forte aut Fortuna optigit.

2. Nam hic Pacuvius infirma ratione utitur, cum ait verius esse temeritate quam fortuna res geri. Nam utraque opinione philosophorum fieri potuit, ut is, qui rex fuisset, mendicus factus esset.

XXXVII.

1. Item infirma ratio est, cum videtur pro ratione adferri, sed idem dicit, quod in expositione dictum est, hoc modo:

"Magno malo est hominibus avaritia, idcirco quod homines magnis et multis incommodis conflictantur propter inmensam pecuniae cupiditatem."

2. Nam hic aliis verbis idem per rationem dicitur, quod dictum est per expositionem.

3. Item infirma ratio est, quae minus idoneam, quam res postulat, causam subicit expositionis, hoc modo:

"Utilis est sapientia, propterea quod qui sapientes sunt, pietatem colere consuerunt."

Item:

"Utile est amicos veros habere: habeas enim quibuscum iocari possis."

4. Nam in huiusmodi rationibus non universa neque absoluta, sed extenuata <ratione expositio confirmatur.

5. Item infirma> ratio est, quae vel alii expositioni potest adcommodari, ut facit Pacuvius, qui eandem adfert rationem, quare caeca, eandem, quare bruta fortuna dicitur.

XXXVIII.

1. In confirmatione rationis multa et vitanda in nostra et observanda in adversariorum oratione sunt vitia proptereaque diligentius consideranda, quod adcurata confirmatio rationis totam vehementissime conprobat argumentationem.

2. Utuntur igitur studiosei in confirmanda ratione duplici conclusione hoc modo:

Iniuria abs te adficior indigna, pater;
Nam si inprobum esse Chrespontem existimas,
Cur me huic locabas nuptiis? Sin est probus,
Cur talem invitam invitum cogis linquere?

3. Quae hoc modo concludentur, aut ex contrario convertentur aut ex simplici parte reprehendentur.

4. Ex contrario hoc modo:

Nulla te indigna, nata, adficio iniuria.
Si probus est, te locavi; sin est inprobus,
Divortio te liberabo incommodis.

5. Ex simplici parte reprehendetur, sei ex duplici conclusione alterutra pars diluitur, hoc modo:

Nam si inprobum esse Chrespontem existimas,
Cur me huic locabas nuptiis? Duxi probum,
Erravi. Post cognovi, et fugio cognitum."

XXXIX.

1. Ergo reprehensio huiusmodi conclusionis duplex est; auctior illa superior, facilior haec posterior ad excogitandum.

2. Item vitiosa confirmatio est rationis, cum ea re, quae plures res significat, abutimur pro certo unius rei signo, hoc modo:

"Necesse est, quoniam pallet, aegrotasse"; aut

"Necesse est peperisse, quoniam sustinet puerum infantem."

3. Nam haec sua sponte certa signa non habent: sin cetera quoque similia concurrunt, nonnihil illiusmodi signa adaugent suspicionem.

4. Item vitiosum est, quod vel in alium vel <in> eum ipsum, qui dicit - quod in adversarium dicit - potest convenire, hoc modo:

Miseri sunt, si uxores ducunt. At tu duxisti alteram."

5. Item vitiosum est id, quod vulgarem habet defensionem, hoc modo:

"Iracundia deductus peccavit aut adulescentia aut amore."

6. Huiuscemodi enim deprecationes si probabuntur, inpune maxima peccata dilabentur.

7. Item vitiosum est, quom id pro certo sumitur quod inter omnes constat, quod etiam nunc in controversia, hoc modo:

Ehotu, dii, quibus est potestas motus superum atque inferum,
Pacem enim inter sese conciliant, conferunt concordiam.

8. Nam ita pro suo iure hoc exemplo utentem Chrespontem Ennius induxit, quasi iam satis certis rationibus ita esse demonstrasset.

XL.

1. Item vitiosum est, quod iam quasi sero atque acto negotio dici videtur, hoc modo:

"In mentem mihi si venisset, Quiritis, non commisissem, ut in hunc locum res veniret, nam hoc aut hoc fecissem; sed me tum haec ratio fugit."

2. Item vitiosum est, quom id, quod in aperto delicto positum est, tamen aliqua tegitur defensione, hoc modo:

Cum te expetebant omnes, florentissimo
Regno reliqui: nunc desertum ab omnibus
Summo periclo sola <ut> restituam paro.

3. Item vitiosum est, quod in aliam partem ac dictum sit potest accipi. Id est huiusmodi, ut si quis <potens ac factiosus in contione> dixerit:

"Satius est uti regibus, quam uti malis legibus."

4. Nam et hoc, tametsi rei augendae causa potest sine malitia dici, tamen propter potentiam eius, qui dicit, non dicitur sine atroci suspicione.

XLI.

1. Item vitiosum est falsis aut vulgaribus definitionibus uti. Falsae sunt huiusmodi, <ut> si quis dicat iniuriam esse nullam, nisi quae ex pulsatione aut convicio constet. Vulgares sunt, quae nihilominus in aliam rem transferri possunt, ut si quis dicat:

“Quadruplator, ut breviter scribam, capitalis: est enim inprobus et pestifer civis.”

2. Nam nihilo magis quadruplatoris quam furis, quam sicarii aut proditoris attulit definitionem.

3. Item vitiosum est pro argumento sumere, quod in disquisitione positum est; ut si quis quem furti arguat et ita dicat, eum esse hominem inprobum, avarum, fraudulentum: ei rei testimonium esse, quod sibi furtum fecerit.

4. Item vitiosum est controversiam controversia dissolvere, hoc modo:

“Non convenit, censores, istum vobis satis facere, quod ait se non potuisse adesse ita, ut iuratus fuerat. Quid? Si ad exercitum non venisset, idemne tribuno militum diceret?”

5. Hoc ideo vitiosum est, quia non expedita aut iudicata res, sed inpedita et in simili controversia posita exempli loco profertur.

XLII.

1. Item vitiosum est, cum id, de quo summa controversia est, parum expeditur et, quasi transactum sit, relinquitur, hoc modo:

Aperte fatur dictio, sei intellegas:
Tali <dari arma, qualis qui gessit> fuit,
Iubet, potiri si studeamus Pergamum.
Quem ego me profiteor esse: me est aecum frui
Fraternis <armis> mihique adiudicarier,
Vel quod propinquus vel quod virtute aemulus.

2. Item vitiosum est ipsum sibi in sua oratione dissentire et contra atque ante dixerit dicere, hoc modo:

Qua causa accusem hunc?
tum id exputando evolvere:
Nam si veretur, quid eum accuses, qui est probus?
Sin inverecundum animi ingenium possidet,
Quid autem eum accuses, qui id parvi auditum aestimet?

3. Non incommoda ratione videtur sibi ostendisse, quare non

accusaret. Quid postea? Quid ait?

4. Nunc ego te ab summo iam detexam exordio.

XLIII.

1. Item vitiosum est, quod dicitur contra iudicis voluntatem aut eorum, qui audiunt, si aut partes, quibus illi student, aut homines, quos illi caros habent, laedantur aut aliquo eiusmodi vitio laeditur auditoris voluntas.

2. Item vitiosum est non omnis res confirmare, quas pollicitus sis in expositione.

3. Item verendum est, ne de alia re dicatur, cum alia de re controversia sit; inque eiusmodi vitio considerandum est, ne aut ad rem addatur quid aut quippiam de re detrahatur, aut tota causa mutata in aliam causam derivetur; uti apud Pacuvium faciunt Zethus cum Amphione, quorum controversia de musica inducta disputatione in sapientiae rationem et virtutis utilitatem consumitur.

4. Item considerandum est, ne aliud accusatoris criminatio contineat, aliud defensoris purgatio purget, quod saepe consulto multi ab reo faciunt angustiis causae coacti; ut si quis, cum accusetur ambitu magistratum petisse, ab imperatoribus saepe numero apud exercitum * * * donatum esse. Hoc si diligenter in oratione adversariorum observaverimus, saepe deprehendemus eos de ea re quod dicant non habere.

XLIV.

1. Item vitiosum est artem aut scientiam aut studium quodpiam vituperare propter eorum vitia, <*qui*> in eo studio sunt: veluti qui rhetoricam vituperant propter alicuius oratoris vituperandam vitam.

2. Item vitiosum est ex eo, quia perperam factum constet esse, putari ostendi a certo homine factum esse, hoc modo:

“Mortuum deformatum, tumore praeditum, corpore decoloratum constat fuisse: ergo veneno necatus est.”

3. Deinde, si sit usque in eo occupatus, ut multi faciunt, venenum datum, vitio non mediocri conflictetur. Non enim factumne sit quaeritur, sed a quo factum sit.

XLV.

1. Item vitiosum est in conparandis rebus alteram rem efferre, de re altera mentionem non facere aut neglegentius disputare: ut si cum conparetur, utrum satius sit populum frumentum accipere an non accipere, quae commoda sint in altera re vera, curet, enumeret; quae in altera incommoda sint et quae velit depressa, praetereat aut ea, quae minima sint, dicat.

2. Item vitiosum est in rebus conparandis necesse putari alteram rem vituperari, cum alteram laudes: quod genus, si quaeratur, utris maior honor habendus sit, Albensibus an Vestinis Pennensibus, quo rei publicae populi Romani profuerint, et is, qui dicat, alteros laedat. Non enim necesse est, si alteros praeponas, alteros vituperare: fieri enim potest, ut, quom alteros magis laudaris, aliquam alteris partem laudis adtribuas, ne cupide depugnasse contra veritatem puteris.

3. Item vitiosum est de nomine et vocabulo controversiam struere, quam rem consuetudo optime potest iudicare; velut Sulpicius, qui intercesserat, ne exulis, quibus causam dicere non licuisset, reducerentur, idem posterius inmutata voluntate, cum eandem legem ferret, alio se ferre dicebat propter nominum commutationem: nam non exules, sed vi eiectos se reducere aiebat. Proinde quasi id fuisset in controversia, quo illi nomine appellarentur, aut proinde quasi non omnes, quibus aqua et igni interdictum est, exules appellentur. Verum illi fortasse ignoscimus, si cum causa fecit; nos tamen intellegamus vitiosum esse intendere controversiam propter nominum mutationem.

XLVI.

1. Quoniam exornatio constat ex similibus et exemplis et amplificationibus <et rebus iudicatis> et ceteris rebus, quae pertinent ad exaugendam et conlocupletandam argumentationem, quae sint his rebus vitia consideremus.

2. Simile vitiosum est, quod de aliqua parte dissimile est, nec habet parem rationem conparationis, aut sibi ipsi obest qui adfert.

3. Exemplum vitiosum est, si aut falsum est, ut reprehendatur, aut inprobum, ut non sit imitandum, aut maius aut minus, quam res postulat.

4. Res iudicata vitiose proferetur, si aut dissimili de re proferetur, <aut> de ea re, qua de controversia non est, aut inproba, aut eiusmodi, ut aut plures aut magis idoneae res iudicatae ab adversariis proferri possint.

5. Item vitiosum est id, quod adversarii factum esse confiteantur, de eo argumentari et planum facere factum esse; nam id augeri oportet.

6. Item vitiosum est id augere, quod convenit docere, hoc modo: ut si quis quem arguat hominem occidisse et, antequam satis idoneas argumentationes attulerit, augeat peccatum et dicat nihil indignius esse quam hominem occidere. Non enim, utrum indignum sit an non, sed, factumne sit, quaeritur.

7. Conplexio vitiosa est, quae non, quod quique primum dictum est, <primum> conplectitur; et quae non breviter concluditur; et quae non ex enumeratione certum et constans aliquid relinquit, ut intellegatur, quid propositum in argumentatione sit, quid deinde ratione, <quid> rationis confirmatione, quid tota argumentatione demonstratum.

XLVII.

1. Conclusiones, quae apud Graecos epilogi nominantur, tripertitae sunt. Nam constant ex enumeratione, amplificatione, et conmiseratione.

2. Quattuor locis uti possumus <*conclusionibus*: *in*> principio, secundum narrationem, secundum firmissimam argumentationem, in conclusione.

3. Enumeratio est, per quam colligimus et commonemus, quibus de rebus verba fecerimus, breviter, ut renovetur, non redintegretur oratio: et ordine, ut quicquid erit dictum, referemus, ut auditor, si memoriae mandaverit, ad idem, quod ipse meminerit, reducatur. Item curandum est, ne aut ab exordio aut narratione repetatur orationis enumeratio. Ficta enim et dedita opera conparata oratio videbitur

esse artificii significandi, ingenii venditandi, memoriae ostendendae causa. Quapropter initium enumerationis sumendum est a divisione. Deinde ordine breviter exponendae res sunt, quae tractatae erunt in confirmatione et confutatione.

4. Amplificatio est res, quae per locum communem instigationis auditorum causa sumitur. Loci communis ex decem praeceptis commodissume sumentur adaugendi criminis causa.

XLVIII.

1. Primus locus sumitur ab auctoritate, cum commemoramus, quantae curae ea res fuerit diis inmortalibus aut maioribus nostris, regibus, civitatibus, nationibus, hominibus sapientissimis, senatui; item maxime, quo modo de his rebus legibus sanctum sit.

2. Secundus locus est, <*cum*> consideramus, illae res, de quibus criminamur, ad quos pertineant: utrum ad omnes, quod atrocissimum est; an ad superiores, quod genus ii sunt, a quibus auctoritatis locus communis sumitur; an ad pares, hoc est, in isdem partibus animi, corporis, fortunarum positos; an ad inferiores, qui his omnibus rebus antecelluntur.

3. Tertius locus est, quo percontamur, quid sit eventurum, si omnibus idem concedatur; et ea re neglecta ostendemus quid periculorum atque incommodorum consequatur.

4. Quartus locus est, quo demonstratur, si huic sit permissum, multos alacriores ad maleficium futuros, quod adhoc expectatio iudicii remoratur.

5. Quintus locus est, quom ostendimus, si semel aliter iudicatum sit, nullam rem fore, quae incommodo mederi aut erratum iudicum corrigere possit. Quo in loco non incommodum erit uti ceterarum rerum conparatione, ut ostendamus alias res posse aut vetustate sedari aut consilio corrigi, huius rei aut leniendae aut corrigendae nullam rem adiumento futuram.

XLIX.

1. Sextus est locus, quom ostendimus et consulto factum, et dicimus voluntario facinori nullam <esse> excusationem, inprudentiae [et]

iustam deprecationem paratam.

2. Septimus locus est, quo ostendimus taetrum facinus, crudele, nefarium, tyrannicum esse: quod genus iniuria mulierum, aut earum rerum aliquid, quarum rerum causa bella suscipiuntur et cum hostibus de vita dimicatur.

3. Octavus locus est, quo ostendimus non vulgare sed singulare esse maleficium, spurcum, nefarium, inusitatum: quo maturius et atrocius vindicandum est.

4. Nonus locus <est qui> constat ex peccatorum conparatione, quasi cum dicemus maius esse maleficium stuprare ingenuum quam sacrum legere quod alterum propter egestatem, alterum propter intemperantem superbiam fiat.

5. Decimus locus est, per quem omnia, quae in negotio gerundo acta sunt quaeque rem consequi solent, exputamus acriter et criminose et diligenter, ut agi res et geri negotium videatur rerum consequentium enumeratione.

L.

1. Misericordia commovebitur auditoribus, si variam fortunarum commutationem dicemus: si ostendemus, <*in quibus commodis fuerimus*> quibusque incommodis simus, conparatione: si, quae nobis futura sint, nisi causam optinuerimus, enumerabimus et ostendemus: si supplicabimus et nos sub eorum, quorum misericordiam captabimus, potestatem subiciemus: si, quid nostris parentibus, liberis, ceteris necessariis casurum sit propter nostras calamitates, aperiemus, et simul ostendemus illorum nos sollicitudine et miseria, non nostris incommodis dolere: si de clementia, humanitate, misericordia nostra, qua in alios usi sumus, aperiemus: si nos semper aut diu in malis fuisse ostendemus: si nostrum fatum aut fortunam conqueremur: si animum nostrum fortem, patientem incommodorum ostendemus futurum. Conmiserationem brevem esse oportet. Nihil enim lacrima citius arescit.

2. Fere locos obscurissimos totius artificii tractavimus in hoc libro; quapropter huic volumini modus hic sit: reliquas praeceptiones, quoad videbitur, in tertium librum transferemus. Haec si, ut conquisite conscripsimus, ita tu diligenter et nobiscum et sine

nobis considerabis, et nos industriae fructus ex tua conscientia capiemus, et tute nostram diligentiam laudabis, tua perceptione laetabere: tu scientior eris praeceptorum artificii, nos alacriores ad relicum persolvendum. Verum haec futura satis scio; te enim non ignoro. Nos deinceps ad cetera praecepta transeamus, ut, quod libentissime faciamus, tuae rectissime voluntati morem geramus.

LIBER III

I.

1. Ad omnem iudicialem causam quaemadmodum conveniret inventionem rerum adcommodari, satis abundanter arbitror superioribus libris demonstratum. Nunc earum rationem rerum inveniendarum, quae pertinebant ad causas deliberativas <et demonstrativas,> in hunc librum transtulimus, ut omnis inveniundi praeceptio tibi quam primum persolveretur. Reliquae quattuor partes erant artificii. De tribus partibus in hoc libro dictum est: dispositione, pronuntiatione, memoria. De elocutione, quia plura dicenda videbantur, in quarto libro conscribere maluimus, quem, ut arbitror, tibi librum celeriter absolutum mittemus, ne quid tibi rhetoricae artis deesse possit. Interea prima quaeque et nobiscum, <cum> voles, et interdum sine nobis legendo consequere, ne quid inpediare, quin ad hanc utilitatem pariter nobiscum progredi possis. Nunc tu fac attentum te praebeas: nos proficisci ad instituta pergemus.

II.

1. Deliberationes partim sunt eiusmodi, ut quaeratur, utrum potius faciendum sit; partim eiusmodi, ut, quid potissimum faciendum sit, consideretur. Utrum potius, hoc modo: Kartago tollenda an relinquenda videatur. Quid potissimum, hoc pacto: ut si Hannibal consultet, quom ex Italia Kartaginem arcessatur, an in Italia remaneat, an domum redeat, an in Aegyptum profectus occupet Alexandriam.

2. Item deliberationes partim ipsae propter se consultandae sunt, ut si deliberet senatus, captivos ab hostibus redimat, an non; partim propter aliquam extraneam causam veniunt in deliberationem et consultationem, ut si deliberet senatus [bello Italico], solvatne legibus Scipionem, ut eum liceat ante tempus consulem fieri; partim et propter se sunt deliberandae et magis propter extraneam causam veniunt in consultationem, ut si deliberet senatus bello Italico, sociis civitatem det, an non.

3. In quibus causis rei natura faciet deliberationem, omnis oratio ad ipsam rem adcommodabitur; in quibus extranea causa conficiet deliberationem, in his ea ipsa causa erit adaugenda aut deprimenda.

III.

1. Omnem orationem eorum, qui sententiam dicent, finem sibi conveniet utilitatis proponere, ut omnis eorum ad eam totius orationis ratio conferatur.

2. Utilitas in duas partes in civili consultatione dividitur: tutam, honestam.

3. Tuta est, quae conficit instantis aut consequentis periculi vitationem qualibet ratione. Haec tribuitur in vim et dolum, quorum <aut> alterum separatim aut utrumque sumemus coniuncte.

4. Vis decernitur per exercitus, classes, arma, tormenta, evocationes hominum et alias huiusmodi res.

5. Dolus consumitur in pecunia, pollicitatione, dissimulatione, maturatione, mentitione et ceteris rebus de quibus magis idoneo tempore loquemur, si quando de re militari aut de administratione re <*publica*> scribere velimus.

6. Honesta res dividitur in rectum et laudabile.

7. Rectum est, quod cum virtute et officio fit. Id dividitur in prudentiam, iustitiam, fortitudinem, modestiam.

8. Prudentia est calliditas, quae ratione quadam potest dilectum habere bonorum et malorum. Dicitur item prudentia scientia cuiusdam artificii: item appellatur prudentia rerum multarum memoria et usus conplurium negotiorum.

9. Iustitia est aequitas ius uni cuique re tribuens pro dignitate cuiusque.

10. Fortitudo est rerum magnarum adpetitio et rerum humilium contemptio et laboris cum utilitatis ratione perpessio.

11. Modestia est in animo continens moderatio cupiditatem.

IV.

1. Prudentiae partibus utemur in dicendo, si commoda cum incommodis conferemus, cum alterum sequi, vitare alterum

cohortemur; aut si qua in re cohortabimur aliquid, cuius rei aliquam disciplinam [scientiam] poterimus habere, quo modo aut qua quidque ratione fieri oporteat; aut si suadebimus quippiam, cuius rei gestae aut praesentem aut auditam memoriam poterimus habere: qua in re facile id, quod velimus, exemplo allato persuadere possumus.

2. Iustitiae partibus utemur, si aut innocentium aut supplicium misereri dicemus oportere; si ostendemus bene merentibus gratiam referre convenire; si demonstrabimus ulcisci male meritos oportere; si fidem magnopere censebimus conservandam; si leges et mores civitatis egregie dicemus oportere servari; si societates atque amicitias studiose dicemus coli convenire; si, quod ius in parentis, deos, patriam natura conparavit, id religiose colendum demonstrabimus; si hospitia, clientelas, cognationes, adfinitates caste colenda esse dicemus; si nec pretio nec gratia nec periculo nec simultate a via recta ostendemus deduci oportere; si dicemus in omnibus aequabile ius statui convenire. His atque huiusmodi partibus iustitiae si quam rem in contione aut in consilio faciendam censebimus, iustam esse ostendemus, contrariis iniustam. Ita fiet, ut isdem locis et ad suadendum et ad dissuadendum simus conparati.

V.

1. Sin fortitudinis retinendae causa faciendum esse dicemus, ostendemus res magnas et celsas sequi et appeti oportere; et item res humiles et indignas viris fortibus * * * vel viros fortes propterea contemnere oportere nec idoneas dignitate sua iudicare. Item ab nulla re honesta periculi aut laboris magnitudine deduci oportere; antiquiorem mortem turpitudine haberei; nullo dolore cogi, ut ab officio recedatur; nullius pro rei veritate metuere inimicitias; quodlibet pro patria, parentibus, hospitibus, amicis, iis rebus, quas iustitia colere cogit, adire periculum et quemlibet suscipere laborem.

2. Modestiae partibus utemur, si nimias libidines honoris, pecuniae, similium rerum vituperabimus; si unam quamque rem certo naturae termino definiemus; si quoad cuique satis sit, ostendemus, nimium progredi dissuadebimus, modum uni cuique rei statuemus.

VI.

1. Huiusmodi partes sunt <virtutis amplificandae, si suadebimus>, omnibus verbis adtenuandae, si ab his dehortabimur, ut haec adtenuentur quae supra demonstravi. Nam nemo erit, qui censeat a virtute recedendum; verum aut res non eiusmodi dicatur esse, ut virtutem possimus egregiam experiri, aut in contrariis potius rebus quam in his virtus constare, quae ostendantur. Item, si quo pacto poterimus, quam is, qui contra dicet, iustitiam vocabit, nos demonstrabimus ignaviam esse et inertiam, ac pravam liberalitatem; quam prudentiam appellarit, ineptam et garrulam et odiosam scientiam esse dicemus; quam ille modestiam dicet esse, eam nos inertiam et dissolutam neglegentiam esse dicemus; quam ille fortitudinem nominarit, eam nos gladiatoriam et inconsideratam appellabimus temeritatem.

VII.

1. Laudabile est, quod conficit honestam et praesentem et consequentem commemorationem. Hoc nos eo separavimus <a recto, non quod hae quattuor> partes, quae subiciuntur sub vocabulum recti, hanc honestatis commemorationem dare <*non*> soleant; sed quamquam ex recto laudabile nascitur, tamen in dicendo seorsum tractandum est hoc ab illo: neque enim solum laudis causa rectum sequi convenit, sed si laus consequitur, duplicatur rectei adpetendi voluntas. Cum igitur erit demonstratum rectum esse, laudabile esse demonstrabimus aut ab idoneis hominibus - ut si qua res honestiori ordinei placeat, quae a deteriore ordine inprobetur - aut quibus sociis aut omnibus civibus, exteris nationibus, posterisque nostris.

2. Cum huiusmodi divisio sit locorum in consultatione, breviter aperienda erit totius tractatio causae.

3. Exordiri licebit vel a principio vel ab insinuatione vel isdem rationibus, quibus in iudicialei causa.

4. Si cuius rei narratio incidet, eadem ratione narrari oportebit.

VIII.

1. Quoniam in huiusmodi causis finis est utilitas et ea dividitur in rationem tutam atque honestam, <si> utrumque poterimus ostendere, utrumque pollicebimur nos in dicendo demonstraturos esse; si alterum <erimus demonstraturi, simpliciter> quid dicturi sumus, ostendemus. At si nostram rationem tutam esse dicemus, divisione utemur in vim et consilium. Nam quod in docendo rei dilucidae magnificandae causa dolum appellavimus, id in dicendo honestius consilium appellabimus. Si rationem nostrae sententiae rectam esse dicemus et omnes partes rectei incident, quadripertita divisione utemur: si non incident, quot erunt, tot exponemus in dicendo.

2. Confirmatione et confutatione utemur, nostris locis, quos ante ostendimus, confirmandis, contrariis confutandis. Argumentationis artificiose tractandae ratio de secundo libro petetur. Sed si acciderit, ut in consultatione alteri ab tuta ratione, alteri ab honesta sententia sit, ut in deliberatione eorum qui a Poeno circumsessi deliberant, quid agant, <qui> tutam rationem sequi suadebit, his locis utetur: nullam rem utiliorem esse incolumitate; virtutibus uti neminem posse, qui suas rationes in tuto non conlocarit; <ne> deos quidem esse auxilio is, qui se inconsulto in periculum mittant; honestum nihil oportere existimari, quod non salutem pariat.

IX.

1. Qui tutae rei praeponet rationem honestam, his locis utetur: virtutem nullo tempore relinquendam; vel dolorem, si is timeatur, vel mortem, si ea formidetur, dedecore et infamia leviorem esse; considerare, quae sit turpitudo consequtura: at non inmortalitatem neque aeternam incolumitatem consequi, nec esse exploratum illo vitato periculo nullum in aliud periculum venturum; virtutei vel ultra mortem proficisci esse praeclarum; fortitudini fortunam quoque esse adiumento solere; eum tute vivere, qui honeste vivat, non, qui in praesentia incolumis, et eum, qui turpiter vivat, incolumem in perpetuum esse non posse.

2. Conclusionibus fere similibus in his et in iudicialibus causis uti solemus, nisi quod his maxime conducit quam plurima rerum ante gestarum exempla proferre.

X.

1. Nunc ad demonstrativum genus causae transeamus. Quoniam haec causa dividitur in laudem et vituperationem, quibus ex rebus laudem constituerimus, ex contrariis rebus erit vituperatio conparata. Laus igitur potest esse rerum externarum, corporis, animi.

2. Rerum externarum sunt ea, quae casu aut fortuna secunda aut adversa accidere possunt: genus, educatio, divitiae, potestates, gloriae, civitas, amicitae, et quae huiusmodi sunt et quae his contraria.

3. Corporis sunt ea, quae natura corpori adtribuit commoda aut incommoda: velocitas, vires, dignitas, valetudo, et quae contraria sunt.

4. Animi sunt ea, quae consilio et cogitatione nostra constant: prudentia, iustitia, fortitudo, modestia, et quae contraria sunt.

XI.

1. Erit igitur haec confirmatio <et confutatio> nobis in huiusmodi causa.

2. Principium sumitur aut ab nostra aut ab eius, de quo loquemur, aut ab eorum, qui audient, persona aut ab re. Ab nostra, si laudabimus: aut officio facere, quod causa necessitudinis intercedat; aut studio, quod eiusmodi virtute sit, ut omnes commemorare debeant velle, quod rectum sit; aut ex aliorum laude ostendere, qualis ipsius animus sit. Si vituperabimus: aut merito facere, quod ita tractati sumus; aut studio, quod utile putemus esse ab omnibus unicam malitiam atqua nequitiam cognosci; aut quod placeat ostendi, quod nobis placeat, ex aliorum vituperatione. Ab eius persona, de quo loquemur, si laudabimus: vereri nos, ut illius facta verbis consequi possimus; <omnes> homines illius virtutes praedicare oportere; ipsa facta omnium laudatorum eloquentiam anteire. Si vituperabimus, ea, quae videmus contrarie paucis verbis commutatis dici posse, dicemus, ut paulo supra exempli causa demonstratum est.

XII.

1. Ab auditorum persona, <si> laudabimus: quoniam non apud ignotos laudemus, nos monendei causa pauca dicturos; aut si erunt ignoti, ut talem virum velint cognoscere, petemus: quoniam in eodem virtutis studio sint, apud quos laudemus, atque ille, qui laudatur, fuerit aut sit, sperare nos facile iis, quibus velimus, huius facta probaturos. Contraria vituperatio: quoniam norint, pauca de nequitia eius dicturos; quod si ignorent, petemus, uti gnoscant, uti malitiam vitare possint: quoniam dissimiles sint, qui audiant, atque ille, qui vituperatur, sperare eos illius vitam vehementer inprobaturos. Ab rebus ipsis: incertos esse, quid potissimum laudemus; vereri, ne, cum multa dixerimus, plura praetereamus, et quae similes sententias habebunt; quibus sententiis contraria sumuntur a vituperatione.

XIII.

1. Principio tractato aliqua harum, quas ante commemoravimus, ratione, narratio non erit ulla, quae necessario consequatur; sed si qua inciderit, quom aliquod factum eius, de quo loquemur, nobis narrandum sit cum laude aut vituperatione, praeceptio narrandi de primo libro repetetur.

2. Divisione hac utemur: exponemus, quas res laudaturi sumus aut vituperaturi; deinde, ut quaeque, quove tempore res erit gesta, ordine dicemus, ut, quid quamque tute cauteque egerit, intellegatur. Sed exponere oportebit animi virtutes aut vitia; deinde commoda aut incommoda corporis aut rerum externarum, quomodo ab animo tractata sunt, demonstrare. Ordinem hunc adhibere in demonstranda vita debemus: ab externis rebus: genus: in laude, quibus maioribus natus sit; si bono genere, parem aut excelsiorem fuisse; si humili genere, ipsum in suis, non in maiorum virtutibus habuisse praesidium; in vituperatione, si bono genere, dedecori maioribus fuisse; si malo, tamen his ipsis detrimento fuisse. Educatio: in laude, * * * honeste in bonis disciplinis totius pueritiae fuerit; in vituperatione. * * *

XIV.

1. Deinde transire oportet ad corporis commoda: natura si sit dignitas

atque forma, laudei fuisse eam, non quemadmodum ceteris detrimento atque dedecori; si vires atque velocitas egregia, honestis haec exercitationibus et industriis dicemus conparata; si valetudo perpetua, diligentia et temperantia cupiditatum; in vituperatione, si erunt haec corporis commoda, de his usum dicemus, quae casu et natura tamquam quilibet gladiator habuerit; si non erunt, praeter formam omnia ipsius culpa et intemperantia afuisse dicemus. Deinde revertemur ad extraneas res, et in his animi virtutes aut vitia quae fuerint, considerabimus; divitiae an paupertas fuerit, et quae potestates, quae gloriae, quae amicitiae, quae inimicitiae, et quid fortiter inimicitiis gerundis fecerit; cuius causa susceperit inimicitias; qua fide, benivolentia, officio gesserit amicitias; in divitiis qualis aut paupertate cuiusmodi fuerit; quemadmodum habuerit in potestatibus gerundis animum. Si interierit, cuiusmodi <mors eius fuerit, cuiusmodi> res mortem eius sit consecuta.

XV.

1. Ad omnes autem res, in quibus animus hominis maxime consideratur, illae quattuor animi virtutes erunt adcommodandae; ut, si laudemus, aliud iuste, aliud fortiter, aliud modeste, et aliud prudenter factum esse dicamus; si vituperabimus, <*aliud iniuste*,> aliud inmodeste, aliud ignave, aliud stulte factum praedicemus. Perspicuum est iam nimirum ex hac dispositione, quemadmodum sit tractanda tripertita divisio laudis et vituperationis, si illud etiam adsumpserimus, non necesse esse nos omnes has partes in laudem aut in vituperationem transferre, propterea quod saepe <ne> incidunt <quidem, saepe ita tenuiter incidunt,> ut non sint necessaria dictu. Quapropter eas partes, quae firmissimae videbuntur, legere oportebit.

2. Conclusionibus brevibus utemur, <enumeratione ad exitum causae; in ipsa> causa crebras et breves amplificationes interponemus per locos communis.

3. Nec hoc genus causae, eo quod raro accidit in vita, neglegentius commendandum est: neque enim id quod potest accidere, ut faciendum sit aliquando, non oportet velle quam adcommodatissime posse facere; et si separatim haec causa minus saepe tractatur, at in iudicialibus et in deliberativis causis saepe magnae partes versantur

laudis aut vituperationis. Quare in hoc quoque causae genere nonnihil industriae consumendum putemus. Nunc, absoluta a nobis difficillima parte rhetoricae, hoc est inventione perpolita atque omne causae genus adcommodata, tempus est ad ceteras partes proficisci. Deinceps igitur de dispositione dicemus.

XVI.

1. Quoniam DISPOSITIO est, per quam illa, quae invenimus, in ordinem redigimus, ut certo quidquid loco pronuntietur, videndum est, cuiusmodi rationem in disponendo habere conveniat. Genera dispositionum sunt duo: unum ab institutione artis profectum, alterum ad casum temporis adcommodatum.

2. Ex institutione artis disponemus, cum sequemur eam praeceptionem, quam in primo libro exposuimus, hoc est, ut utamur principio, narratione, divisione, confirmatione, confutatione, conclusione; et ut hunc ordinem, quemadmodum praeceptum est ante, in dicendo sequamur. Item ex institutione artis non modo totas causas per orationem, sed singulas quoque argumentationes disponemus, quemadmodum in libro secundo docuimus: in expositionem, rationem, confirmationem rationis, exornationem, conclusionem.

XVII.

1. Haec igitur duplex dispositio est: una per orationes, altera per argumentationes, ab institutione artis profecta.

2. Est autem alia dispositio, quae, cum ab ordine artificioso recedendum est, oratoris iudicio ad tempus adcommodatur; ut si ab narratione dicere incipiamus aut ab aliqua firmissima argumentatione aut litterarum aliquarum recitatione; aut si secundum principium confirmatione utamur, deinde narratione aut si quam eiusmodi permutationem ordinis faciemus; quorum nihil, nisi causa postulat, fieri oportebit. Nam si vehementer aures auditorum optunsae videbuntur atque animi defatigati ab adversariis multitudine verborum, commode poterimus principio supersedere, exordiri causam aut <*a*> narratione aut aliqua firma argumentatione. Deinde,

si commodum erit, quod non semper necesse est, ad principii sententiam reverti licebit. Si causa nostra magnam difficultatem videbitur habere, ut nemo aequo animo principium possit audire, ab narratione cum inceperimus, ad principii sententiam revertemur. Si narratio parum probabilis, exordiemur ab aliqua firma argumentatione. His commutationibus et translationibus saepe uti necesse est, cum ipsa res artificiosam dispositionem artificiose commutare cogit.

XVIII.

1. In confirmatione et confutatione argumentationum dispositiones huiusmodi convenit habere: firmissimas argumentationes in primis et in postremis causae partibus conlocare; mediocris et neque inutiles ad dicendum neque necessarias ad probandum, quae, si separatim ac singulae dicantur, infirmae sint, cum ceteris coniunctae firmae et probabiles fiunt, interponi [in medio conlocari] oportet. Nam et statim re narrata expectat animus auditoris, sei qua re causa confirmari possit - quapropter continuo firmam aliquam oportet inferre argumentationem -: et, reliqua, quoniam nuperrime dictum facile memoriae mandatur, utile est, cum dicere desinamus, recentem aliquam relinquere in animis auditorum bene firmam argumentationem. Haec dispositio locorum, tamquam instructio militum, facillime in dicendo, sicut illa in pugnando, parere poterit victoriam.

XIX.

1. PRONUNTIATIONEM multi maxime utilem oratori dixerunt esse <*et*> ad persuadendum plurimum valere. Nos quidem unum de quinque rebus plurimum posse non facile dixerimus, <nec> egregie magnam esse utilitatem in pronuntiatione audacter confirmaverimus. Nam commodae inventiones et concinnae verborum elocutiones et partium causae artificiosae dispositiones et horum omnium diligens memoria sine pronuntiatione non plus, quam sine his rebus pronuntiatio sola valere poterit. Quare, <*et*> quia nemo de ea re diligenter scripsit - nam omnes vix posse putarunt de voce et vultu et

gestu dilucide scribi, cum eae res ad sensus nostros pertinerent - et quia magnopere <ea pars> a nobis ad dicendum conparanda est, non neglegenter videtur tota res consideranda.

2. Dividitur igitur pronuntiatio in vocis figuram <et> in corporis motum. Figura vocis est ea, quae suum quendam possidet habitum ratione et industria conparatum.

XX.

1. Ea dividitur in tres partes: magnitudinem, firmitudinem, mollitudinem.

2. Magnitudinem vocis maxime conparat natura, nonnihil auget, sed maxime amplificat adcuratio.

3. Firmitudinem vocis maxime conparat *cura*, nonnihil adauget et maxime conservat exercitatio imitationes.

4. Mollitudinem vocis, hoc est, ut eam torquere in dicendo nostro commodo possimus, maxime taciet exercitatio declamationis.

5. Quapropter de magnitudine vocis et firmitudinis parte, quoniam altera natura paritur, altera cura conparatur, nihil nos adtinet commonere, nisi ut ab iis, qui <non> inscii sunt eius artificii, ratio curandae vocis petatur. De ea parte firmitudinis, quae conservatur ratione declamationis, et de mollitudine vocis, quae maxime necessaria est oratori, quoniam ea quoque moderatione declamationis conparatur, dicendum videtur.

XXI.

1. Firmam ergo maxime poterimus in dicendo vocem conservare, si quam maxime sedata et depressa voce principia dicemus. Nam laeditur arteria, si, antequam voce lenei permulsa est, acri clamore completur.

2. Et intervallis longioribus uti convenit: recreatur enim spiritu vox et arteriae reticendo adquiescunt.

3. Et in continuo clamore remittere et ad sermonem transire oportet: commutationes enim faciunt, ut nullo genere vocis effuso in omni voce integri simus.

4. Et acutas vocis exclamationes vitare <debemus>: ictus enim fit

et vulnus arteriae acuta atque attenuata nimis adclamatione, et qui splendor est vocis, consumitur uno clamore universus.

5. Et uno spiritu continenter multa dicere in extrema convenit oratione: fauces enim calefiunt et arteriae conplentur et vox, quae tractata varie est, reducitur in quendam sonum aequabilem atque constantem.

6. Quam saepe rerum naturae gratia quaedam iure debetur! Velut accidit in hac re. Nam quae dicimus ad vocem servandam prodesse, eadem adtinent ad suavitudinem pronuntiationis, ut, quod nostrae voci prosit, idem voluntati auditoris probetur.

XXII.

1. Utile est ad firmitudinem sedata vox in principio. Quid insuavius quam clamor in exordio causae?

2. Intervalla vocem confirmant; eadem sententias concinniores divisione reddunt et auditori spatium cogitandi relinquunt.

3. Conservat vocem continui clamoris remissio: et auditorem quidem varietas maxime delectat, cum sermone animum retinet aut exsuscitat clamore.

4. Acuta exclamatio vocem volnerat; eadem laedit auditorem: habet enim quiddam inliberale et ad muliebrem potius vociferationem quam ad virilem dignitatem in dicendo adcommodatum.

5. In extrema oratione continens vox remedio est voci. Quid? Haec eadem nonne animum vehementissime calefacit auditoris in totius conclusione causae?

6. Quoniam [res] igitur eadem vocis firmitudini et pronuntiationis suavitudini prosunt, de utraque re simul erit in praesentia dictum, de firmitudine, quae visa sunt, de suavitudine, quae coniuncta fuerunt: cetera suo loco paulo post dicemus.

XXIII.

1. Mollitudo igitur vocis, quoniam omnis ad rhetoris praeceptionem pertinet, diligentius nobis consideranda est. Eam dividimus in sermonem, contentionem, amplificationem.

2. Sermo est oratio remissa et finitima cotidianae locutioni.

3. Contentio est oratio acris et ad confirmandum et ad confutandum adcommodata.

4. Amplificatio est oratio, quae aut in iracundiam inducit aut ad misericordiam trahit auditoris animum.

5. Sermo dividitur in partes quattuor: dignitatem, demonstrationem, narrationem, iocationem.

6. Dignitas est oratio cum aliqua gravitate <et vocis remissione.

7. *Demonstratio* est oratio,> quae docet <remissa voce>, quomodo quid fieri potuerit aut non potuerit.

8. Narratio est rerum gestarum aut proinde ut gestarum expositio.

9. Iocatio est oratio, quae ex aliqua re risum pudentem et liberalem potest conparare.

10. Contentio dividitur in continuationem et in distributionem.

11. Continuatio est <orationis enuntiandae adceleratio clamosa.

12. Distributio est in contentione> oratio frequens cum raris et brevibus intervallis acri vociferatione.

XXIV.

1. Amplificatio dividitur in cohortationem et conquestionem.

2. Cohortatio est oratio, quae aliquod peccatum amplificans auditorem ad iracundiam adducit.

3. Conquestio est oratio, quae incommodorum amplificatione animum auditoris ad misericordiam perducit.

4. Quoniam igitur mollitudo vocis in tres partes divisa est, <et> eae partes ipsae sunt in octo partes alias distributae, harum octo partium, quae cuiusque idonea pronuntiatio sit, demonstrandum videtur.

5. Sermo cum est in dignitate, plenis faucibus quam sedatissuma et depressissuma voce <uti> conveniet; ita tamen, ut ne ab oratoria consuetudine ad tragicam transeamus.

6. Cum autem est in demonstratione, voce paulolum attenuata crebris intervallis et divisionibus oportet <uti,> ut in ipsa pronuntiatione eas res, quas demonstrabimus, inserere atque insecare videamur in animis auditorum. Cum autem est sermo in narratione, vocum varietates opus sunt, ut, quo quidque pacto gestum sit, ita

narrare videatur. Strenue quod volumus ostendere factum: celeriuscule dicemus; at aliud otiose: retardabimus. Deinde modo acriter, tum clementer, maeste, hilare in omnes partes commutabimus ut verba item pronuntiationem. Si qua inciderint in narrationem dicta, rogata, responsa, si quae admirationes de quibus nos narrabimus, diligenter animum advertemus, ut omnium personarum sensus atque animos voce exprimamus.

XXV.

1. Sin erit sermo in iocatione, leviter tremibunda voce, cum parva significatione risus, sine ulla suspicione nimiae cachinnationis leniter oportebit ab sermone serio torquere *verba* ad liberalem iocum [vocem].

2. Cum autem contendere oportebit, quoniam id aut per continuationem aut per distributionem faciendumst, in continuatione, adaucto mediocriter sono voci, verbis continuandis vocem quoque augere oportebit et torquere sonum et celeriter cum clamore verba conficere, ut vim volubilem orationis vociferatio consequi possit.

3. In distributione vocis ab imis faucibus exclamationem quam clarissimam adhibere oportet, et quantum spatii in singulas exclamationes sumpserimus, tantum in singula intervalla spatii consumere iubemur.

4. In amplificationibus <*cum*> cohortatione utamur voce attenuatissima, clamore leni, sono aequabili, commutationibus <crebris,> maxima celeritate.

5. In conquestione utemur voce depressa, inclinato sono, crebris intervallis, longis spatiis, magnis commutationibus. De figura vocis satis dictum est: nunc de corporis motu dicendum videtur.

XXVI.

1. Motus est corporis gestus et vultus moderatio quaedam, quae probabiliora reddit ea, quae pronuntiantur. Convenit igitur in vultu pudorem et acrimoniam esse, in gestu nec venustatem conspiciendam nec turpitudinem esse, ne aut histriones aut operarii videamur esse. Ad easdem igitur partes, in quas vox est distributa, motus quoque

corporis ratio videtur esse adcommodanda.

2. Nam si erit sermo cum dignitate, stantis in vestigio levi dexterae motu loqui oportebit, hilaritate, tristitia, mediocritate vultus ad sermonis sententias adcommodata.

3. Sin erit in demonstratione sermo, paulolum corpus a cervicibus demittemus: nam est hoc datum, ut quam proxime tum vultum admoveamus ad auditores, si quam rem docere eos et vehementer instigare velimus.

4. Sin erit in narratione sermo, idem motus poterit idoneus esse, qui paulo ante demonstrabatur in dignitate.

5. Sin in iocatione, vultu quandam debebimus hilaritatem significare sine commutatione gestus.

XXVII.

1. Sin contendemus per continuationem, brachio celeri, mobili vultu, acri aspectu utemur.

2. Sin contentio fiet per distributionem, porrectione perceleri brachii, inambulatione, pedis dexteri rara subplusione, acri et defixo aspectu uti oportet.

3. Sin utemur amplificatione per cohortationem, paulo tardiore et consideratiore gestu conveniet uti, similibus ceteris rebus atque in contentione per continuationem.

4. Sin utemur amplificatione per conquestionem, feminis plangore et capitis ictu, nonnumquam sedato et constanti gestu, maesto et conturbato vultu uti oportebit.

5. Non sum nescius, quantum susceperim negotii, qui motus corporis exprimere verbis et imitari scriptura conatus sim voces. Verum nec hoc confisus sum posse fieri, ut de his rebus satis commode scribi posset, nec, si id fieri non posset, hoc, quod feci, fore inutile putabam, propterea quod hic admonere voluimus, quid oporteret: reliqua trademus exercitationi. Hoc <tamen> scire oportet, pronuntiationem bonam id perficere, ut res ex animo agi videatur.

XXVIII.

1. Nunc ad thesaurum inventorum atque ad omnium partium

rhetoricae custodem, memoriam, transeamus.

2. MEMORIA utrum habeat quiddam artificiosi, an omnis ab natura proficiscatur, aliud dicendi tempus <magis> idoneum dabitur. Nunc proinde atque constet in hac re multum valere artem et praeceptionem, ita de ea re loquemur. Placet enim nobis esse artificium memoriae; quare placeat, alias ostendemus; in praesentia, cuiusmodi sit ea, aperiemus.

3. Sunt igitur duae memoriae: una naturalis, altera artificiosa. Naturalis est ea, quae nostris animis insita est et simul cum cogitatione nata; artificiosa est ea, quam confirmat inductio quaedam et ratio praeceptionis. Sed qua via in ceteris rebus ingenii bonitas imitatur saepe doctrinam, ars porro naturae commoda confirmat et auget, item fit in hac re, ut nonnumquam naturalis memoria, si cui data est egregia, similis sit huic artificiosae, porro haec artificiosa naturae commoda retineat et amplificet ratione doctrinae; quapropter <et> naturalis memoria praeceptione confirmanda est, ut sit egregia, et haec, quae doctrina datur, indiget ingenii.

XXIX.

1. Nec hoc magis aut minus in hac re, quam in ceteris artibus fit, ut ingenio doctrina, praeceptione natura nitescat. Quare et illis, qui natura memores sunt, utilis haec erit institutio, quod tute paulo post poteris intellegere: et si illei, freti ingenio, nostri non indigerent, tamen iusta causa daretur, quare iis, qui minus ingenii habent, adiumento velimus esse. Nunc de artificiosa memoria loquemur.

2. Constat igitur artificiosa memoria locis et imaginibus. Locos appellamus eos, qui breviter, perfecte, insignite aut natura aut manu sunt absoluti, ut eos facile naturali memoria conprehendere et amplecti queamus: <*ut*> aedes, intercolumnium, angulum, fornicem et alia, quae his similia sunt. Imagines sunt formae quaedam et notae et simulacra eius rei, quam meminisse volumus: quod genus equi, leones, aquilae; [memoriam] si volemus habere imagines eorum, locis certis conlocare oportebit.

XXX.

1. Nunc, cuiusmodi locos invenire et quo pacto reperire et in locis imagines constituere oporteat, ostendemus.

2. Quemadmodum igitur qui litteras sciunt, possunt id, quod dictatur, eis scribere et recitare quod scripserunt, item qui nemonica didicerunt, possunt, quod audierunt, in locis conlocare <*et*> ex his memoriter pronuntiare. Nam loci cerae aut cartae simillimi sunt, imagines litteris, dispositio et conlocatio imaginum scripturae, pronuntiatio lectioni.

3. Oportet igitur, si volumus multa meminisse, multos <nos> nobis locos conparare, uti multis locis multas imagines conlocare possimus. Item putamus oportere <ex ordine hos locos habere,> ne quando perturbatione ordinis inpediamur, quo setius, quoto quoquo loco libebit, vel ab superiore vel ab inferiore parte imagines sequi et ea, quae mandata locis erunt, edere possimus: nam ut, si in ordine stantes notos quomplures viderimus, nihil nostra intersit, utrum ab summo an ab imo an ab medio nomina eorum dicere incipiamus, item in locis ex ordine conlocatis eveniet, ut in quamlibebit partem quoque loco lubebit imaginibus commoniti dicere possimus id, quod locis mandaverimus.

XXXI.

1. quare placet et ex ordine locos conparare. Locos, quos sumpserimus, egregie commeditari oportebit, ut perpetuo nobis haerere possint: nam imagines, sicuti litterae delentur, ubi nihil utimur; loci, tamquam cera, remanere debent. Et, ne forte in numero locorum falli possimus, quintum quemque placet notari: quod genus, si in quinto loco manum auream conlocemus, <si> in decumo aliquem notum, cui praenomen sit Decumo; deinde facile erit inceps similis notas quinto quoquo loco conlocare. Item commodius est in derelicta, quam in celebri regione locos conparare, propterea quod frequentia et obambulatio hominum conturbat et infirmat imaginum notas, solitudo conservat integras simulacrorum figuras. Praeterea dissimilis forma atque natura loci conparandi sunt, ut distincti interlucere possint: nam si qui multa intercolumnia sumpserit, conturbabitur similitudine, ut ignoret, quid in quoquo loco conlocarit. Et magnitudine modica et mediocris locos habere oportet: nam et

praeter modum ampli vagas imagines reddunt et nimis angusti saepe non videntur posse capere imaginum conlocationem.

XXXII.

1. Tum nec nimis inlustris nec vehementer obscuros locos habere oportet, ne aut obcaecentur tenebris imagines aut splendore praefulgeant. Intervalla locorum mediocria placet esse, fere paulo plus aut minus pedum tricenum: nam ut aspectus item cogitatio minus valet, sive nimis procul removeris sive vehementer prope admoveris id, quod oportet videri.

2. Sed quamquam facile est ei, qui paulo plura noverit, quamvis multos et idoneos locos conparare, tamen si qui satis idoneos invenire se non putabit, ipse sibi constituat quam volet multos licebit. Cogitatio enim quamvis regionem potest amplecti et in ea situm loci cuiusdam ad suum arbitrium fabricari et architectari. Quare licebit, si hac prompta copia contenti non erimus, nosmet ipsos nobis cogitatione nostra regionem constituere et idoneorum locorum commodissimam distinctionem conparare. De locis satis dictum est; nunc ad imaginum rationem transeamus.

XXXIII.

1. Quoniam ergo rerum similes imagines esse oportet, ex omnibus *rebus* nosmet nobis similitudines eligere debemus. Duplices igitur similitudines esse debent, unae rerum, alterae verborum. Rerum similitudines exprimuntur, cum summatim ipsorum negotiorum imagines conparamus; verborum similitudines constituuntur, cum unius cuiusque nominis et vocabuli memoria imagine notatur.

2. Rei totius memoriam saepe una nota et imagine simplici conprehendimus; hoc modo, ut si accusator dixerit ab reo hominem veneno necatum, et hereditatis causa factum arguerit, et eius rei multos dixerit testes et conscios esse: si hoc primum, ut ad defendendum nobis expeditum <sit,> meminisse volemus, in primo loco rei totius imaginem conformabimus: aegrotum in lecto cubantem faciemus ipsum illum, de quo agetur, si formam eius detinebimus; si eum non, at aliquem aegrotum <*non*> de minimo

loco sumemus, ut cito in mentem venire possit. Et reum ad lectum eius adstituemus, dextera poculum, sinistra tabulas, medico testiculos arietinos tenentem: hoc modo et testium et hereditatis et veneno necati memoriam habere poterimus.

XXXIV.

1. Item deinceps cetera crimina ex ordine in locis ponemus; et, quotienscumque rem meminisse volemus, si formarum dispositione et imaginum diligenti notatione utemur, facile ea, quae volemus, memoria consequemur.

2. Cum verborum similitudines imaginibus exprimere volemus, plus negotii suscipiemus et magis ingenium nostrum exercebimus. Id nos hoc modo facere oportebit: Iam domum itionem reges Atridae parant

3. * * * in loco constituere manus ad caelum tollentem Domitium, cum a Regibus Marciis loris caedatur: hoc erit "Iam domum itionem reges"; in altero loco Aesopum et Cimbrum subornari, ut ad Ephigeniam, in Agamemnonem et Menelaum: hoc erit "Atridae parant." Hoc modo omnia verba erunt expressa. Sed haec imaginum conformatio tum valet, si naturalem memoriam exsuscitaverimus hac notatione, ut versu posito ipsi nobiscum primum transeamus bis aut ter eum versum, deinde tum imaginibus verba exprimamus. Hoc modo naturae subpeditabitur doctrina. Nam utraque altera separata minus erit firma, ita tamen, ut multo plus in doctrina atque arte praesidii sit. Quod docere non gravaremur, nei metueremus, ne, cum ab instituto nostro recessissemus, minus commode servaretur haec dilucida brevitas praeceptionis.

XXXV.

1. Nunc, quoniam solet accidere, ut imagines partim firmae et acres et ad monendum idoneae sint, partim inbecillae et infirmae, quae vix memoriam possint excitare, qua de causa utrumque fiat, considerandum est, ut cognita causa, quas vitemus et quas sequamur imagines, scire possimus.

2. Docet igitur nos ipsa natura, quid oporteat fieri. Nam si quas res

in vita videmus parvas, usitatas, cottidianas, meminisse non solemus propterea quod nulla nova nec admirabili re commovetur animus: at si quid videmus aut audimus egregie turpe aut honestum, inusitatum, magnum, incredibile, ridiculum, id diu meminisse consuevimus. <Itaque quas res ante ora videmus> aut audimus, obliviscimur plerumque; quae acciderunt in pueritia, meminimus optime saepe; nec hoc alia de causa potest accidere, nisi quod usitatae res facile e memoria elabuntur, insignes et novae diutius <*manent* in animo.

XXXVI.

1. Solis> exortus, cursus, occasus nemo admiratur, propterea quia cottidie fiunt; at eclipsis solis mirantur, quia raro accidunt, et solis eclipsis magis mirantur quam lunae, propterea quod hae crebriores sunt. Docet ergo se natura vulgari et usitata re non exsuscitari, novitate et insigni quodam negotio commoveri. Imitetur ars igitur naturam et, quod ea desiderat, id inveniat, quod ostendit, sequatur. Nihil est enim, quod aut natura extremum invenerit aut doctrina primum; sed rerum principia ab ingenio profecta sunt, exitus disciplina conparantur.

XXXVII.

1. Imagines igitur nos in eo genere constituere oportebit, quod genus in memoria diutissime potest haerere. Id accidet, si quam maxime notatas similitudines constituemus; si non multas nec vagas, sed aliquid agentes imagines ponemus; si egregiam pulcritudinem aut unicam turpitudinem eis adtribuemus; si aliquas exornabimus, ut si coronis aut veste purpurea, quo nobis notatior sit similitudo; aut si qua re deformabimus, ut si cruentam aut caeno oblitam aut rubrica delibutam inducamus, quo magis insignita sit forma, aut ridiculas res aliquas imaginibus adtribuamus: nam ea res quoque faciet, ut facilius meminisse valeamus. Nam, quas res <veras> facile meminerimus, easdem fictas et diligenter notatas meminisse non difficile est. Sed illud facere oportebit, ut identidem primos quosque locos imaginum renovandarum causa celeriter animo pervagemus.

XXXVIII.

1. Scio plerosque Graecos, qui de memoria sripserunt, fecisse, ut multorum verborum imagines conscriberent, uti, qui ediscere vellent, paratas haberent, ne quid in quaerendo consumerent operae. Quorum rationem aliquot de causis inprobamus: primum, quod in verborum innumerabili multitudine ridiculumst mille verborum imagines conparare. Quantulum enim poterunt haec valere, cum ex infinita verborum copia modo aliud modo aliud nos verbum meminisse oportebit? Deinde cur volumus ab industria quemquam removere, ut ne quid ipse quaerat, nos illi omnia parata quaesita tradamus? Praeterea similitudine alia alius magis commovetur. Nam ut saepe, formam si quam similem cuipiam dixerimus esse, non omnes habemus adsensores, quod alii videtur aliud, item fit <in> imaginibus, ut, quae nobis diligenter notata sit, ea parum videatur insignis aliis.

XXXIX.

1. Quare sibi quemque suo commodo convenit imagines conparare. Postremo praeceptoris est docere, quemadmodum quaeri quidque conveniat, et unum aliquod aut alterum, non omnia, quae eius generis erunt, exempli causa subicere, quo res possit esse dilucidior: <ut> quom de prohemiis quaerendis disputamus, rationem damus quaerendi, non mille prohemiorum <genera conscribimus, item arbitramur> de imaginibus fieri convenire.

2. Nunc, ne forte verborum memoriam aut nimis difficilem aut parum utilem arbitrere, *rerum* ipsarum memoria contentus sis, quod et utilior *sit* et plus habeat facultatis, admonendus es, quare verborum memoriam <non> inprobemus. Nam putamus oportere eos, qui velint res faciliores sine labore et molestia facere, in rebus difficilioribus esse ante exercitatos. Nec nos hanc verborum memoriam inducimus, <ut versus meminisse possimus,> sed ut hac exercitatione illa rerum memoria, quae pertinet ad utilitatem, confirmetur, ut ab hac difficili consuetudine sine labore ad illam facultatem transire possimus.

XL.

1. Sed cum in omni disciplina infirma est artis praeceptio sine summa adsiduitate exercitationis, tum vero in nemonicis minimum valet doctrina, nisi industria, studio labore, diligentia conprobatur. Quam plurimos locos ut habeas et quam maxime ad praecepta adcommodatos curare poteris; in imaginibus conlocandis exerceri cotidie convenit. Non enim, sicut a ceteris studiis abducimur nonnumquam occupatione, item ab hac re nos potest causa deducere aliqua. Numquam est enim, quin aliquid memoriae tradere velimus et tum maxime, cum aliquo maiore negotio detinemur. Quare, cum sit utile facile meminisse, non te fallit, quod tantopere utile sit, quanto labore sit adpetendum: <quod> poteris existimare utilitate cognita. Pluribus verbis ad eam te hortari non est sententia, ne aut tuo studio diffisi aut minus, quam res postulat, dixisse videamur. De quinta parte rhetoricae deinceps dicemus: tu primas quasque partes in animo frequenta et, quod maxime necesse est, exercitatione confirma.

LIBER IV

I.

1. Quoniam in hoc libro, Herenni, de ELOCUTIONE conscripsimus et, quibus in rebus opus fuit exemplis uti, nostris exemplis usi sumus et id fecimus praeter consuetudinem Graecorum, qui de hac re scripserunt, necessario faciendum est, ut paucis rationem nostri consilii demus. Atque hoc necessitudine facere, non studio, satis erit signi, quod in superioribus libris nihil neque ante rem neque praeter rem locuti sumus. Nunc, si pauca, quae res postulat, dixerimus, tibi id, quod reliquum est artis, ita uti instituimus, persolvemus. Sed facilius nostram rationem intelleges, si prius, quid illi dicant, cognoveris.

2. Compluribus de causis putant oportere, cum ipsi praeceperint, quo pacto oporteat ornare elocutionem, unius cuiusque generis ab oratore aut poeta probato sumptum ponere exemplum.

3. Et primum se id modestia commotos facere dicunt, propterea quod videatur esse ostentatio quaedam non satis habere praecipere de artificio, sed etiam ipsos videri velle artificiose gignere exempla: hoc est, inquiunt, ostentare se, non ostendere artem.

II.

1. Quare pudor in primis est ad eam rem inpedimento, ne, ut nos et solos probare, nos amare <alios contemnere et deridere> videamur. Etenim cum possimus ab Ennio sumere aut a Gracco ponere exemplum, videtur esse adrogantia illa relinquere, ad sua devenire.

2. Praeterea exempla testimoniorum locum optinent. <Id> enim, quod admonuerit et leviter fecerit praeceptio, exemplo sicut testimonio conprobatur. Non igitur ridiculus sit, si quis in lite aut in iudicio domesticis <testimoniis> pugnet? Ut enim testimonium, sic exemplum rei confirmandae causa sumitur. Non ergo oportet hoc nisi a probatissimo sumi, ne quod aliud confirmare debeat, egeat <id> ipsum confirmationis. Etenim necesse est, aut se omnibus anteponant et sua maxime probent, aut <negent optima esse exempla quae a>

probatissimis <oratoribus aut poetis> sumpta sint. Si se omnibus anteponant, <intolerabili adrogantia sunt; si quos sibi praeponant et eorum exempla suis exemplis non putant praestare, non possunt dicere, quare sibi illos anteponant.> Quid? Ipsa auctoritas antiquorum non cum res probabiliores tum hominum studia ad imitandum alacriora reddit? Immo erigit omnium cupiditates et acuit industriam, cum spes iniecta est posse imitando Gracci aut Crassi consequi facultatem.

III.

1. Postremo hoc ipsum summum est artificium res varias et dispares in tot poematis et orationibus sparsas et vage disiectas ita diligenter eligere, ut unum quodque genus exemplorum sub singulos artis locos subicere possis. Hoc si industria solum fieri posset, tamen essemus laudandi, cum talem laborem non fugissemus; nunc sine summo artificio non potest fieri. Quis est enim, qui, non summe cum tenet artem, possit ea, quae iubeat ars, de tanta et tam diffusa scriptura notare et separare? Ceteri, cum legunt orationes bonas aut poemata, probant oratores et poetas neque intellegunt, qua re commoti probent, quod scire non possunt, ubi sit nec quid sit nec quo modo factum sit id, quod eos maxime delectet; <at> is, qui et haec omnia intellegit, et idonea maxime eligit, et omnia in arte maxime scribenda redigit in singulas rationes praeceptionis, necesse est eius rei summus artifex sit. Hoc igitur ipsum maximum artificium est in arte sua posse et alienis exemplis uti.

IV.

1. Haec illi cum dicunt, magis nos auctoritate <sua commovent quam veritate> disputationis. Illud enim veremur, ne cui satis sit ad contrariam rationem probandam, quod ab ea steterint ii, et qui inventores huius artificii fuerint et vestutate iam satis omnibus probati sint. Quodsi, illorum auctoritate remota, res omnes volent cum re conparare, intellegent non omnia concedenda esse antiquitati.

2. Primum igitur, ab eis quod de modestia dicitur, videamus, <ne> nimium pueriliter proferatur. Nam si tacere aut nil scribere modestia

est, cur quicquam scribunt aut locuntur? Sin aliquid suum scribunt, cur, quo setius omnia scribant, inpediuntur modestia? Quasi si quis Olympia cum venerit cursum et steterit, ut mittatur, inpudentis dicat esse illos, qui currere coeperint, ipse intra carcerem stet et naret aliis, quomodo Ladas aut boviscum sisonius cursitarint, sic isti, cum in artis curriculum descenderunt, illos, qui in eo, quod est artificii, elaborent, aiunt facere inmodeste, ipsi aliquem antiquum oratorem aut poetam laudant aut scripturam, sic uti in stadium rhetoricae prodire non audeant.

V.

1. Non ausim dicere, sed tamen vereor, ne, qua in re laudem modestiae venentur, in ea ipsa re sint inpudentes. “Quid enim tibi vis?” aliquis inquiat. “Artem tuam scribis; gignis novas nobis praeceptiones; eas ipse confirmare non potes; ab aliis exempla sumis. Vide ne facias inpudenter, qui tuo nominei velis ex aliorum laboribus libare laudem.” Nam si eorum volumina prenderint antiqui oratores et poetae et suum quisque de libris suis tulerit, nihil istis, quod suum velint, relinquatur.

2. “At exempla, quoniam testimoniorum similia sunt, item convenit ut testimonia ab hominibus probatissimis sumi.” Primum omnium exempla ponuntur nec confirmandi neque testificandi causa, sed demonstrandi. Non enim, cum dicimus esse exornationem, quae verbi causa constet ex similiter desinentibus verbis et sumimus hoc exemplum a Crasso: “quibus possumus et debemus” testimonium conlocamus, sed exemplum. Hoc interest igitur inter testimonium et exemplum: exemplo demonstratur id, quod dicimus, cuiusmodi sit; testimonio, esse illud ita, ut nos dicimus, confirmatur.

VI.

1. Praeterea oportet testimonium <cum re convenire; aliter enim rem non potest confirmare. At id,> quod illi faciunt, quom re non convenit. Quid ita? Quia pollicentur artem scribere, exempla proferunt ab iis plerumque, qui artem nescierunt. Tum quis est, qui possit id, quod de arte scripserit, conprobare, nisi aliquid scribat ex

arte? Contraque faciunt, quam polliceri videntur. Nam cum scribere artem instituunt, videntur dicere se excogitasse, quod alios doceant; cum scribunt, ostendunt nobis, alii quid excogitarint.

2. “<At> hoc ipsum difficile est”, inquiunt, “eligere de multis.” Quid dicitis difficile, utrum laboriosum an artificiosum? Laboriosum non statim praeclarum. Sunt enim multa laboriosa, quae si faciatis, non continuo gloriemini; nisi etiam, si vestra manu fabulas aut orationes totas transscripsissetis, gloriosum putaretis. Sin istud artificiosum egregium dicitis, videte ne insueti rerum maiorum videamini, si vos parva res sicuti magna delectabit. Nam isto modo selegere rudis quidem nemo potest, sed sine summo artificio multi.

VII.

1. Quisquis enim audivit de arte paulo plus, in elocutione praesertim, omnia videre poterit, quae <ex> arte dicentur; facere nemo poterit nisi eruditus. Ita ut, si <Ennii> de tragoediis velis sententias eligere aut de Pacuvianis nuntios, sed quia plane rudis id facere nemo poterit, cum feceris, te litteratissimum putes, ineptus sis, propterea quod id facile faciat quivis mediocriter litteratus, item si, cum de orationibus aut poematis elegeris exempla, quae certis signis artificii notata sunt, quia rudis id nemo facere possit, artificiosissime te fecisse putes, erres, propterea quod isto signo videmus te nonnihil scire, aliis signis multa scire intellegemus. Quod si artificiosum est intellegere, quae sint ex arte scripta, multo est artificiosius ipsum scribere ex arte. Qui enim scribit artificiose, ab aliis <commode scripta facile intellegere poterit; qui eliget facile, non continuo commode ipse scribet. Et, si est maxime artificiosum, alio tempore utantur ea facultate, non tum, cum parere et ipsi gignere et proferre debent. Postremo in eo vim artificii consumant, ut ipsi ab aliis> potius eligendi, quam aliorum boni selectores existimentur. Contra ea, quae ab ils dicuntur, qui dicunt alienis exemplis uti oportere, satis est dictum. Nunc, quae separatim dici possint, consideremus.

2. Dicimus igitur eos id, quod alienis utantur, peccare, cummagis etiam delinquere, quod a multis exempla sumant. Et de eo, quod postea diximus, antea videamus. Si concederem aliena oportere adsumere exempla, vincerem unius oportere, primum quod hoc

contra nulla staret illorum ratio. Licet enim eligerent et probarent quemlibet, qui sibi in omnes res subpeditaret exempla, vel poetam vel oratorem, cuius auctoritate niterentur. Deinde interest magni eius, qui discere vult, utrum omnium omnia an omnia a nemine [aliud alium] putet consequi posse. Si enim putabit posse omnia penes unum consistere, ipse quoque ad omnium nitetur facultatem. Si id desperarit, in paucis se exercebit; ipsis enim contentus erit, nec mirum, cum ipse praeceptor artis omnia penes unum reperire non potuerit. Allatis igitur exemplis a Catone, a Graccis, a Laelio, a Scipione, Galba Porcina, Crasso Antonio, ceteris, item sumptis aliis a poetis et historiarum scriptoribus necesse erit eum, qui discet, putare ab omnibus omnia, ab uno pauca vix potuisse sumi.

VIII.

1. Quare unius alicuius esse similem satis habebit; omnia, quae omnes habuerint, solum habere se posse diffidet. Ergo inutilest ei, qui discere vult, <non> putare unum omnia posse. Igitur nemo in hanc incideret opinionem, si ab uno exempla sumpsissent. Nunc hoc signi est ipsos artis scriptores non putasse unum potuisse in omnibus elocutionis partibus enitere, quoniam neque sua protulerunt neque unius alicuius aut denique duorum, sed ab omnibus oratoribus et poetis exempla sumpserunt. Deinde, si quis velit artem demonstrare nihil prodesse ad dicendum, non male utatur hoc adiumento, quod unius omnis artis partes consequi nemo potuerit. Quod igitur iuvat eorum rationem, qui omnino <non> probent artem, id non ridiculum est ipsum artis scriptorem suo iudicio conprobare? Ergo ab uno sumenda fuisse docuimus exempla, si semper aliunde sumerentur.

IX.

1. Nunc omnino aliunde sumenda non fuisse sic intellegemus. Primum omnium, quod ab artis scriptore adfertur exemplum, id eius artificii debet esse.

2. Ut si quis purpuram aut aliud quippiam vendens dicat: “Sume a me, sed huius exemplum aliunde rogabo tibi quod ostendam”, sic mercem ipsi qui venditant, aliunde exemplum quaeritant aliquod

mercis, acervos se dicunt tritici habere, eorum exemplum pugno non habent, quod ostendant. Si Triptolemus, cum a se hominibus semen gigneretur, ipse ab aliis id hominibus mutuaretur, aut si Prometheus, cum mortalibus ignem dividere vellet, ipse a vicinis cum testo ambulans carbunculos corrogaret, ridiculus videretur: isti magistri, omnium dicendi praeceptores, non videntur sibi ridicule facere, cum id, quod aliis pollicentur, ab aliis quaerunt? Si qui se fontes maximos penitus absconditos aperuisse dicat, et haec sitiens quommaxime loquatur neque habeat, qui sitim sedet, non rideatur? Isti cum non modo dominos se fontium, sed se ipsos fontes esse dicant et omnium rigare debeant ingenia, non putant fore ridiculum, si, cum id polliceantur, arescant ipsi siccitate? Chares ab Lysippo statuas facere non isto modo didicit, ut Lysippus caput ostenderet Myronium, brachia Praxitelae, pectus Polycletium, sed omnia coram magistrum facientem videbat, ceterorum opera vel sua sponte poterat considerare isti credunt eos, qui haec velint discere, alia ratione doceri posse commodius.

X.

1. Praeterea ne possunt quidem ea, quae sumuntur ab aliis, exempla tam esse artem adcommodata, propterea quod in dicendo leviter unus quisque locus plerumque tangitur, ne ars appareat; in praecipiendo expresse conscripta ponere oportet exempla, uti in artis formam convenire possint: et post in dicendo, ne possit ars eminere et ab omnibus videri, facultate oratoris occultatur. Ergo etiam ut magis ars cognoscatur, suis exemplis melius est uti.

2. Postremo haec quoque res nos duxit ad hanc rationem, quod nomina rerum Graeca <quae> convertimus, ea remota sunt a consuetudine. Quae enim res apud nostros non erant, earum rerum nomina non poterant esse usitata. Ergo haec asperiora primo videantur necesse est, id quod fiet rei, non nostra difficultate. Relicum scripturae consumetur in exemplis: haec *tamen* aliena si posuissemus, factum esset, ut, quod commodi esset in hoc libro, id nostrum non esset; quod asperius et inusitatum, id proprie nobis adtribueretur. Ergo hanc quoque incommoditatem fugimus. His de causis, cum artis inventionem Graecorum probassemus, exemplorum

rationem secuti non sumus. Nunc tempus postulat, ut ad elocutionis praecepta transeamus.

3. Bipertita igitur erit nobis elocutionis praeceptio. Primum dicemus, quibus in generibus *ferme* semper omnis oratoria elocutio debeat esse; deinde ostendemus, quas res semper habere debeat.

XI.

1. Sunt igitur tria genera, quae genera nos figuras appellamus, in quibus omnis oratio non vitiosa consumitur: unam gravem, alteram mediocrem, tertiam extenuatam vocamus.

2. Gravis est, quae constat ex verborum gravium levi et ornata constructione.

3. Mediocris est, quae constat ex humiliore neque tamen ex infuma et pervulgatissima verborum dignitate.

4. Attenuata est, quae demissa est usque ad usitatissimam puri consuetudinem sermonis.

5. In gravei consumetur oratio figurae *genere*, si, quae cuiusque rei poterunt ornatissima verba reperiri, sive propria sive extranea, unam quamque rem adcommodabuntur; et si graves sententiae, quae in amplificatione et commiseratione tractantur, eligentur; et si exornationes sententiarum aut verborum, quae gravitatem habebunt, de quibus post dicemus, adhibebuntur. In hoc genere figurae erit hoc exemplum:

XII.

1. “Nam quis est vestrum, iudices, qui satis idoneam possit in eum poenam excogitare, qui prodere hostibus patriam cogitarit? Quod maleficium cum hoc scelere conparari, quod huic maleficio dignum supplicium potest inveniri? In iis, qui violassent ingenuum, matremfamilias constuprassent, volnerassent aliquem aut postremo necassent, maxima supplicia maiores consumpserunt: huic truculentissimo ac nefario facinori singularem poenam non reliquerunt. Atque in aliis maleficiis ad singulos aut ad paucos ex alieno peccato iniuria pervenit: huius sceleris qui sunt adfines, uno consilio universis civibus atrocissimas calamitates machinantur. O

feros animos! O crudeles cogitationes! O derelictos homines ab humanitate! Quid agere ausi sunt aut cogitare possunt? Quo pacto hostis, revulsis maiorum sepulcris, diiectis moenibus, ovantes inruerent in civitatem; quo modo deum templis spoliatis, optimatibus trucidatis, aliis abreptis in servitutem, matribusfamiliis et ingenuis sub hostilem libidinem subiectis urbs acerbissimo concidat incendio conflagrata; qui se non putant id, quod voluerint, ad exitum perduxisse, nisi sanctissimae patriae miserandum scelerati viderint cinerem. Nequeo verbis consequi, iudices, indignitatem rei; sed neglegentius id fero, quia vos mei non egetis. Vester enim vos animus amantissimus rei publicae facile edocet, ut eum, qui fortunas omnium voluerit prodere, praecipitem proturbetis ex ea civitate, quam iste hostium spurcissimorum dominatu nefario voluerit obruere."

XIII.

1. In mediocri figura versabitur oratio, si haec, ut ante dixi, aliquantum demiserimus neque tamen ad infimum descenderimus, sic:

2. "Quibuscum bellum gerimus, iudices, videtis: cum sociis, qui pro nobis pugnare et imperium nostrum nobiscum simul virtute et industria conservare soliti sunt. Ii cum se et opes suas et copiam necessario norunt, tum vero nihilominus propter propinquitatem et omnium rerum societatem, quid omnibus rebus populus Romanus posset, scire <et> existimare poterant. Ii, cum deliberassent nobiscum bellum gerere, quaeso, quae res erat, qua freti bellum suscipere conarentur, cum multo maximam partem sociorum in officio manere intellegerent? Cum sibi non multitudinem militum, non idoneos imperatores, non pecuniam publicam praesto esse viderent? Non denique ullam rem, quae res pertinet ad bellum administrandum? Si cum finitumis de finibus bellum gererent, si totum certamen in uno proelio positum putarent, tamen omnibus rebus instructiores et apparatiores venirent; nedum illi imperium orbis terrae, cui imperio omnes gentes, reges, nationes partim vi, partim voluntate consenserunt, cum aut armis aut liberalitate a populo Romano superati essent, ad se transferre tantulis viribus

conarentur. Quaeret aliquis: Quid? Fregellani non sua sponte conati sunt? Eo quidem isti minus facile conarentur, quod illi quemadmodum discessent videbant. Nam rerum inperiti, qui unius cuiusque rei de rebus ante gestis exempla petere non possunt, ii per inprudentiam facillime deducuntur in fraudem: at ii, qui sciunt, quid aliis acciderit, facile ex aliorum eventis suis rationibus possunt providere. Nulla igitur re inducti, nulla spe freti arma sustulerunt? Quis hoc credet, tantam amentiam quemquam tenuisse, ut imperium populi Romani temptare auderet nullis copiis fretus? Ergo aliquid fuisse necessum est. Quid aliud, nisi id, quod dico, potest esse?”

XIV.

1. In adtenuato figurae genere, id quod ad infumum et cottidianum sermonem demissum est, hoc erit exemplum:

2. “Nam ut forte hic in balineas venit, coepit, postquam perfusus est, defricari; deinde, ubi visum est, ut in alveum descenderet, ecce tibi iste de traverso: “Heus”, inquit, “adolescens, pueri tui modo me pulsarunt; satis facias oportet.” Hic, qui id aetatis ab ignoto praeter consuetudinem appellatus esset, erubuit. Iste clarius eadem et alia dicere coepit. Hic: “Vix; tamen”, inquit, “sine me considerare.” Tum vero iste clamare voce ista, quae perfacile cuivis rubores eicere potest: ita petulans est atque acerba, ne ad solarium quidem, ut mihi videtur, sed pone scaenam et in eiusmodi locis exercitata. Conturbatus est adolescens: nec mirum, cui etiam nunc pedagogi lites ad oriculas versarentur inperito huiusmodi conviciorum. Ubi enim iste vidisset scurram exhausto rubore, qui se putaret nihil habere, quod de existimatione perderet, <ut> omnia sine famae detrimento facere posset?”

XV.

1. Igitur genera figurarum ex ipsis exemplis intellegi poterant. Erat enim et adtenuata verborum constructio quaedam et item alia in gravitate, alia posita in mediocritate.

2. Est autem cavendum, ne, dum haec genera consectemur, in finituma et propinqua vitia veniamus. Nam gravi figurae, quae

laudanda est, propinqua est ea, quae fugienda; quae recte videbitur appellari, si sufflata nominabitur. Nam ita ut corporis bonam habitudinem tumos imitatur saepe, item gravis oratio saepe inperitis videtur ea, quae turget et inflata est, cum aut novis aut priscis verbis aut duriter aliunde translatis aut gravioribus, quam res postulat, aliquid dicitur, hoc modo:

3. “Nam qui perduellionibus venditat patriam, non satis subplicii dederit, si praeceps in Neptunias depultus erit lacunas. Poenite igitur istum, qui montis belli fabricatus est, campos sustulit pacis.”

4. In hoc genus plerique cum declinantur et ab eo, quo profecti sunt, aberrarunt, specie gravitatis falluntur nec perspicere possunt orationis tumorem.

XVI.

1. Qui in mediocre genus orationis profecti sunt, si pervenire eo non potuerunt, errantes perveniunt ad confinii genus eius generis; quod appellamus <dissolutum, quod est sine nervis et articulis; ut hoc modo appellem “fluctuans” eo, quod> fluctuat huc et illuc nec potest confirmate neque viriliter sese expedire. Id est eiusmodi:

2. “Socii nostri cum belligerare nobiscum vellent, profecto ratiocinati essent etiam atque etiam, quid possint facere, si quidem sua sponte facerent et non haberent hinc adiutores multos, malos homines et audaces. Solent enim diu cogitare omnes, qui magna negotia volunt agere.”

3. Non potest huiusmodi sermo tenere adtentum auditorem; diffluit enim totus neque quicquam conprehendens perfectis verbis amplectitur.

4. Qui non possunt in illa facetissima verborum attenuatione commode versari, veniunt ad aridum et exangue genus orationis, quod non alienum est exile nominari, cuiusmodi est hoc:

5. “Nam istic in balineis accessit ad hunc; postea dicit: “Hic tuus servus me pulsavit.” Postea dicit hic illi: “Considerabo.” Post ille convicium fecit et magis magisque praesente multis clamavit.”

6. Frivolus hic quidem iam et inliberalis est sermo: non enim est adeptus id, quod habet attenuata figura, puris et electis verbis conpositam orationem.

7. Omne genus orationis, et grave et mediocre et adtenuatum, dignitate adficiunt exornationes, de quibus post loquemur; quae si rarae disponentur, distinctam, sicuti coloribus, si crebrae conlocabuntur, obliquam reddunt orationem. Sed figuram in dicendo commutare oportet, ut gravem mediocris, mediocrem excipiat attenuata, deinde identidem commutentur, ut facile satietas varietate vitetur.

XVII.

1. Quoniam, quibus in generibus elocutio versari debeat, dictum est, videamus nunc, quas res debeat habere elocutio commoda et perfecta. Quae maxime admodum oratori adcommodata est, tres res in se debet habere: elegantiam, conpositionem, dignitatem.

2. Elegantia est, quae facit, ut *locus* unus quisque pure et aperte dici videatur. Haec tribuitur in Latinitatem, explanationem.

3. Latinitas est, quae sermonem purum conservat, ab omni vitio remotum. Vitia in sermone, quo minus is Latinus sit, duo possunt esse: soloecismus et barbarismus.

4. Soloecismus est, cum in verbis pluribus consequens verbum superius non adcommodatur.

5. Barbarismus est, cum verbis aliquid vitiose efferatur.

6. Haec qua ratione vitare possumus, in arte grammatica dilucide dicemus.

7. Explanatio est, quae reddit apertam et dilucidam orationem. Ea conparatur duabus rebus, usitatis verbis et propriis. Usitata sunt ea, quae versantur in [sermone] consuetudine cotidiana; propria, quae eius rei verba sunt aut esse possunt, qua de loquemur.

XVIII.

1. Conpositio est verborum constructio, quae facit omnes partes orationis aequabiliter perpolitas. Ea conservabitur, si fugiemus crebras vocalium concursiones, quae vastam atque hiantem orationem reddunt, ut haec est:

“Bacae aeneae amoenissime inpendebant”;

et, si vitabimus eiusdem litterae nimiam adsiduitatem, cui vitio

versus hic erit exemplo - nam hic nihil prohibet in vitiis alienis exemplis uti -:

O Tite, tute, Tatei, tibi tanta, tyranne, tulisti,

et hic eiusdem poetae:

quoiquam quicquam quemquam, quemque quisque conveniat, neget;

et si eiusdem verbi adsiduitatem nimiam fugiemus, eiusmodi:

Nam cuius rationis ratio non extet, ei
rationi ratio non est fidem habere - * -;

et, si non utemur continenter similiter cadentibus verbis, hoc modo:

Flentes, plorantes, lacrimantes, obtestantes;

et si verborum transiectionem vitabimus, nisi quae erit concinna, qua de re posterius loquemur; quo in vitio est Caelius adsiduus, ut haec est:

In priore libro has res ad te scriptas, Luci, misimus, Aeli.

2. Item fugere oportet longam verborum continuationem, quae et auditoris aures et oratoris spiritum laedit.

3. His vitiis in conpositione vitatis relicum operae consumendum est in dignitate.

4. Dignitas est, quae reddit ornatam orationem varietate distinguens. Haec in verborum et in sententiarum exornationes dividitur. Verborum exornatio est, quae ipsius sermonis insignita continetur perpolitione. Sententiarum exornatio est, quae non in verbis, sed in ipsis rebus quandam habet dignitatem.

XIX.

1. Repetitio est, cum continenter ab uno atque eodem verbo in rebus similibus et diversis principia sumuntur, hoc modo:

“Vobis istuc adtribuendum est, vobis gratia est habenda, vobis ista res erit honori.”

Item: “Scipio Numantiam sustulit, Scipio Kartaginem delevit, Scipio pacem peperit, Scipio civitatem <*servavit*.”>

Item: “Tu in forum prodire, tu lucem conspicere, tu in horum conspectum venire conaris? Audes verbum facere? Audes quicquam ab istis petere? Audes supplicium deprecari? Quid est, quod possis

defendere? Quid est, quod <audeas postulare? Quid est, quod> tibi concedi putes oportere? Non ius iurandum reliquisti? Non amicos prodidisti? Non parenti manus adtulisti? Non denique in omni dedecore volutatus es?”

2. Haec exornatio cum multum venustatis habet tum gravitatis et acrimoniae plurimum. Quare videtur esse adhibenda et ad ornandam et ad exaugendam orationem.

3. Conversio est, per quam non, ut ante, primum repetimus verbum, sed ad postremum continenter revertimur, hoc modo:

“Poenos populus Romanus iustitia vicit, armis vicit, liberalitate vicit.”

Item: “Ex quo tempore concordia de civitate sublata est, libertas sublata est, fides sublata est, amicitia sublata est,> res publica sublata est.”

Item: “C. Laelius homo novus erat, ingeniosus erat, doctus erat, bonis viris et studiis amicus erat: ergo in civitate primus erat.”

Item: “Nam cum istos, ut absolvant te, rogas, ut peiurent, rogas, ut exeistimationem neglegant, rogas, ut leges populi Romani tuae libidini largiantur, rogas.”

XX.

1. Conplexio est, quae utramque conplectitur exornationem, * * * utamur, quam ante exposuimus, et ut repetatur idem verbum saepius et crebro ad idem postremum revertamur, hoc modo:

2. “Qui sunt, qui foedera saepe ruperunt? Kartaginienses. Qui sunt, <*qui*> crudelissime bellum gesserunt? Kartaginienses. Qui sunt, qui Italiam deformaverunt? Kartaginienses. Qui sunt, qui sibi postulent ignosci? Kartaginienses. Videte ergo, quam conveniat eos inpetrare.”

3. Item: “Quem senatus damnarit, quem populus damnarit, quem omnium exeistimatio damnarit, eum vos sententiis vestris absolvatis?”

4. Traductio est, quae facit, uti, cum idem verbum crebrius ponatur, non modo non offendat animum, sed etiam concinniorem orationem reddat, hoc pacto: “<*Qui*> nihil habet in vita iucundius vita, is cum virtute vitam non potest colere.”

5. Item: “Eum hominem appellas, qui si fuisset homo, numquam tam crudeliter hominis vitam petisset. At erat inimicus. Ergo inimicum sic ulcisci voluit, ut ipse sibi reperiretur inimicus?”

6. Item: “Divitias sine divitis esse: <tu vero virtutem praefer divitiis>; nam si voles divitias cum virtute conparare, vix satis idoneae tibi videbuntur divitiae, quae virtutis pedisequae sint.”

XXI.

1. Ex eodem genere est exornationis, cum idem verbum ponitur modo in hac, modo in altera re, hoc modo:

“Cur eam rem tam studiose curas, quae tibi multas dabit curas?”

Item: “Nam amarei iucundumst, si curetur, ne quid insit amari.”

Item: “Veniam ad vos, si mihi senatus det veniam.”

2. In his quattuor generibus exornationum, quae adhuc propositae sunt, non inopia verborum fit, ut ad idem verbum redeatur saepius; sed inest festivitas, quae facilius auribus diiudicari quam verbis demonstrari potest.

3. Contentio est, cum ex contrariis rebus oratio conficitur, hoc pacto:

“Habet adsentatio iucunda principia, eadem exitus amarissimos adfert.”

Item: “Inimicis te placabilem, amicis inexorabilem praebes.”

Item: “In otio tumultuaris; in tumultu es otiosus; in re frigidissima cales, in ferventissima friges; tacito cum opus est, clamas; ubi loqui convenit, obmutescis; ades, abesse vis; abes, reverti cupis; in pace bellum quaeritas, in bello pacem desideras; in contione de virtute loqueris, in proelio prae ignavia tubae sonitum perferre non potes.”

. Hoc genere sei distingemus orationem, et graves et ornati poterimus esse.

XXII.

1. Exclamatio est, quae conficit significationem doloris aut indignationis alicuius per hominis aut urbis aut loci aut rei cuiuspiam conpellationem, hoc modo:

“Te nunc adloquor, Africane, cuius mortui quoque nomen

splendorei ac decori est civitati. Tui clarissimi nepotes suo sanguine aluerunt inimicorum crudelitatem.”

Item: “Perfidiosae Fregellae, quam facile scelere vestro contabuistis, ut, cuius nitor urbis Italiam nuper inlustravit, eius nunc vix fundamentorum reliquiae maneant.”

Item: “Bonorum insidiatores, latrocinia, vitam innocentissimi cuiusque petistis; tantamne ex iniquitate iudiciorum vestris calumniis adsumpsistis facultatem?”

2. Hac exclamatione si loco utemur, raro, et cum rei magnitudo postulare videbitur, ad quam volemus indignationem animum auditoris adducemus.

3. Interrogatio non omnis gravis est neque concinna, sed haec, quae, cum enumerata sunt ea, quae obsunt causae adversariorum, confirmat superiorem orationem, hoc pacto:

4. “Cum igitur haec omnia faceres, diceres, administrares, utrum <animos sociorum ab re publica removebas et abalienabas, an non? Et utrum> aliquem exornarei oportuit, qui istaec prohiberet ac fieri non sineret, an non?”

XXIII.

1. Ratiocinatio est, per quam ipsi a nobis rationem poscimus, quare quicque dicamus, et crebro nosmet a nobis petimus unius cuiusque propositionis explanationem. Ea est huiusmodi:

2. “Maiores nostri si quam unius peccati mulierem damnabant, simplici iudicio multorum maleficiorum convictam putabant. Quo pacto? Quam inpudicam iudicarant, ea veneficii quoque damnata exeistimabatur. Quid ita? Quia necesse est eam, quae suum corpus addixerit turpissimae cupiditati, timere multos. Quos istos? Virum, parentes, ceteros, ad quos videt sui dedecoris infamiam pertinere. Quid postea? Quos tantopere timeat, eos necesse est, * * * <Quare necesse est?> Quia nulla potest honesta ratio retinere eam, quam magnitudo peccati facit timidam, intemperantia audacem, natura mulieris inconsideratam. Quid? Veneficii damnatam quid putabant? Inpudicam quoque necessario. Quare? Quia nulla facilius ad id maleficium causa, quam turpis amor et intemperans libido commovere potuit; tum cuius mulieris animus esset corruptus, eius

corpus castum esse non putaverunt. Quid? In viris idemne hoc observabant? Minime. Quid ita? Quia viros ad unum quodque maleficium singulae cupiditates inpellunt, mulieris ad omnia maleficia cupiditas una ducit.” Item: “Bene maiores hoc conparaverunt, ut neminem regem, quem armis cepissent, vita privarent. Quid ita? Quia, quam nobis fortuna facultatem dedisset, inicum erat in eorum supplicium consumere, quos eadem fortuna paulo ante in amplissimo statu conlocarat. Quid, quod exercitum contra duxit? Desino meminisse. Quid ita? Quia viri fortis est, qui de victoria contendant, eos hostes putare; qui victi sunt, eos homines iudicare, ut possit bellum fortitudo minuere, pacem humanitas augere. Et ille, si vicisset, non idem fecisset? Non profecto tam sapiens fuisset. Cur igitur ei parcis? Quia talem stultitiam contemnere, non imitari consuevi.”

XXIV.

1. Haec exornatio sermonem vehementer adcommodata est et animum auditoris retineat attentum cum venustate sermonis tum rationum expectatione.

2. Sententia est oratio sumpta de vita, quae aut quid sit aut quid esse oporteat in vita, breviter ostendit, hoc pacto:

“Difficile est primum * * * virtutes revereri, qui semper secunda fortuna sit usus.”

Item: “Liber is est existimandus, qui nulli turpitudini servit.”

Item: “Egens aeque est is, qui non satis habet, et is, cui satis nihil potest esse.”

Item: “Optima vivendi ratio est eligenda; eam iucundam consuetudo reddet.”

3. Huiusmodi sententiae simplices non sunt inprobandae, propterea quod habet brevis expositio, si rationis nullius indiget, magnam delectationem.

4. Sed illud quoque probandum est genus sententiae, quod confirmatur subiectione rationis, hoc pacto:

“Omnes bene vivendi rationes in virtute sunt conlocandae, propterea quod sola virtus in sua potestate est, omnia praeterea subiecta sunt sub fortunae dominationem.”

Item: “Qui fortunis alicuius inducti amicitiam eius secuti sunt, hi, simul ac fortuna dilapsa est, devolant omnes. Cum enim recessit ea res, quae fuit consuetudinis causa, nihil superest, quare possint in amicitia teneri.”

5. Sunt item sententiae, quae dupliciter efferuntur. Hoc modo sine ratione:

6. “Errant, qui in prosperis rebus omnis impetus fortunae se putant fugisse; sapienter cogitant, qui temporibus secundis casus adversos reformidant.”

XXV.

1. Cum ratione, hoc pacto:

“Qui adulescentium peccatis ignosci putant oportere, falluntur, propterea quod aetas illa non est inpedimento bonis studiis. At ii sapienter faciunt, qui adulescentes maxime castigant, ut, quibus virtutibus omnem tueri vitam possint, eas in aetate maturissima velint conparare.”

2. Sententias interponi raro convenit, ut rei actores, non vivendi praeceptores videamur esse: cum ita interponentur, multum adferent ornamenti. * necesse est animi conprobet eam tacitus auditor, cum ad causam videat adcommodari rem certam, ex vita et moribus sumptam.

3. [Contrarium idem fere est, quod contentio.] Contrarium est, quod ex rebus diversis duabus alteram breviter et facile * confirmat, hoc pacto:

4. “Nam, qui suis rationibus inimicus fuerit semper, eum quomodo alienis rebus amicum fore speres?” Item: “Nam, quem in amicitia perfidiosum cognoveris, eum quare putes inimicitias cum fide gerere posse? Aut qui privatus intolerabili superbia fuerit, eum commodum et cognoscentem sui fore in potestate <qui speres> et qui in sermonibus et conventu amicorum verum dixerit numquam, eum sibi in contionibus a mendacio temperaturum?”

5. Item: “Quos ex collibus deiecimus, cum his in campo metuimus dimicare? Qui cum plures erant, paris nobis esse non poterant, hi, postquam pauciores sunt, metuimus, ne sint superiores?”

XXVI.

1. Hoc exornationis genus breviter et continuatis verbis perfectum debet esse, ut * * * cum commodum est auditu propter brevem et absolutam conclusionem tum vero vehementer, id quod opus est oratori, conprobat contraria re et ex eo, quod dubium non est, expedit illud, quod est in dubio, ut dilui non possit aut multo difficillime possit.

2. Membrum orationis appellatur res breviter absoluta sine totius sententiae demonstratione, quae denuo alio membro orationis excipitur, hoc pacto:

"Et inimico proderas"

3. Id est unum, quod appellamus membrum; deinde hoc excipiatur oportet altero:

"Et amicum laedebas."

4. Ex duobus membris suis haec exornatio potest constare; sed commodissima et absolutissima est, quae ex tribus constat, hoc pacto:

"Et inimico proderas et amicum laedebas et tibi non consulebas."

Item: "Nec rei publicae consuluisti nec amicis profuisti nec inimicis restitisti."

5. Articulus dicitur, cum singula verba intervallis distinguentur caesa oratione, hoc modo:

"Acrimonia, voce, voltu <adversarios> perterruisti." Item: "Inimicos invidia, iniuriis, potentia, perfidia sustulisti."

6. Inter huius generis et illius superioris vehementiam hoc interest: illud tardius et rarius venit, hoc crebrius et celerius pervenit. Itaque in illo genere ex remotione brachii et contortione dexterae gladius ad corpus adferri, in hoc autem crebro et celeri corpus vulnere consauciarei videtur.

XXVII.

1. Continuatio est et densa <et continens> frequentatio verborum cum absolutione sententiarum. Ea utemur commodissime tripertito: in sententia, in contrario, in conclusione. In sententia hoc pacto:

2. "Ei non multum potest obesse fortuna, qui sibi firmius in

virtute, quam in casu praesidium conlocavit.”

In contrario hoc modo:

“Nam si qui spei non multum conlocarit in casu, quid est quod ei magnopere casus obesse possit?”

In conclusione hoc pacto:

“Quodsi in eos plurimum fortuna potest, qui suas rationes omnes in casum contulerunt, non sunt omnia committenda fortunae ne magnam nimis in nos habeat dominationem.”

3. In his tribus generibus ad continuationis vim adeo frequentatio necessaria est, ut infirma facultas oratoris videatur, nisi sententiam et contrarium et conclusionem frequentibus efferat verbis; sed alias quoque nonnumquam non alienum est, tametsi necesse non est, eloqui res aliquas per huiusmodi continuationes.

4. Conpar appellatur, quod habet in se membra orationis, de quibus ante diximus, quae constent ex pari fere numero syllabarum. Hoc non denumeratione nostra fiet - nam id quidem puerile est - sed tantum adferet usus et exercitatio facultatis, ut animi quodam sensu par membrum superiori referre possimus, hoc modo:

“In proelio mortem parens obpetebat, domi filius nuptias conparabat: haec omnia gravis casus administrabant.”

Item: “Alii fortuna dedit felicitatem, huic industria virtutem conparavit.”

XXVIII.

1. In hoc genere saepe fieri potest, ut non plane par numerus sit syllabarum et tamen esse videatur, si una aut etiam altera syllaba est alterum brevius, aut si, cum in altero plures sunt, in altero longior aut longiores, plenior aut pleniores syllabae erunt, ut longitudo aut plenitudo harum multitudinem alterius adsequatur et exaequet.

2. Similiter cadens exornatio appellatur, cum in eadem constructione verborum duo aut plura sunt verba, quae similiter isdem casibus efferantur, hoc modo:

“Hominem laudem egentem virtutis, abundantem felicitatis?”

Item: “Huic omnis in pecunia spes est, a sapientia est animus remotus: diligentia conparat divitias, neglegentia corrumpit animum, et tamen, cum ita vivit, neminem prae se ducit hominem.”

3. Similiter desinens est, cum, tametsi casus non insunt in verbis, tamen similes exitus sunt, hoc pacto:

“Turpiter audes facere, nequiter studes dicere; vivis invidiose, delinquis studiose, loqueris odiose.” Item: “Audaciter territas, humiliter placas.”

4. Haec duo genera, quorum alterum in exitum, alterum in casus similitudine versatur, inter se vehementer conveniunt; et ea re, qui his bene utuntur, plerumque simul ea conlocant in isdem partibus orationis. Id hoc modo facere oportet:

“Perditissima ratio est amorem petere, pudorem fugere, diligere formam, neglegere famam.”

5. Hic et ea verba, quae casus habent ad casus similes, et illa, quae non habent, ad similes exitus veniunt.

XXIX.

1. Adnominatio est, cum ad idem verbum et nomen acceditur commutatione vocum aut litterarum, ut ad res dissimiles similia verba adcommodentur. Ea multis et variis rationibus conficitur.

2. Adtenuatione aut conplexione eiusdem litterae sic:

“Hic, qui se magnifice iactat atque ostentat, venit ante, quam Romam venit.”

3. Et ex contrario:

“Hic, quos homines alea vincit, eos ferro statim vincit.”

Productione eiusdem litterae <hoc modo:

Hinc avium dulcedo ducit ad avium.”

Brevitate eiusdem litterae>:

“Hic, tametsi videtur esse honoris cupidus, tantum tamen curiam diligit, quantum Curiam?”

Addendis litteris hoc pacto:

“Hic sibi posset temperare, nisi amorei mallet obtemperare.”

Demendis nunc litteris sic:

+ <“Si> lenones <*vitasset* tamquam leones,> vitae tradidisset se.”

Transferendis litteris sic:

“Videte, iudices, utrum hominei navo <an vano> credere malitis.”

Commutandis hoc modo:

“Dilegere oportet, quem velis diligere.”

4. Hae sunt adnominationes, quae in litterarum brevi commutatione aut productione aut transiectione aut aliquo huiusmodi genere versantur.

XXX.

1. Sunt autem aliae, quae non habent tam propinquam <in> verbis similitudinem et tamen dissimiles non sunt; quibus de generibus unum est huiusmodi:

“Quid veniam, qui sim, quare veniam, quem insimulem, cui prosim, quae postulem, brevi cognoscetis.”

2. Nam hic est in quibusdam verbis quaedam similitudo non tam perfecta, quam illae superiores, sed tamen adhibenda nonnumquam. Alterum genus huiusmodi:

“Demus operam, Quirites, ne omnino patres <*conscripti*> circumscripti putentur.”

3. Haec adnominatio magis accedit ad similitudinem quam superior, sed minus quam illae superiores, propterea quod non solum additae, sed uno tempore demptae quoque litterae sunt.

4. Tertium genus est, quod versatur in casum commutatione aut unius aut plurium nominum.

XXXI.

1. Unius nominis hoc modo:

“Alexander Macedo summo labore animum ad virtutem a pueritia confirmavit. Alexandri virtutes per orbem terrae cum laude et gloria vulgatae sunt. Alexandrum omnes maxime metuerant, idem plurimum dilexerunt. Alexandro si vita data longior esset, trans Oceanum Macedonum transvolassent sarisae.”

2. Hic unum nomen in commutatione casuum volutatum est. Plura nomina casibus conmutatis hoc modo facient adnominationem:

“Tiberium Graccum rem publicam administrantem prohibuit indigna nex diutius in eo commorari. Gaio Gracco similis occisio est oblata, quae virum rei publicae amantissimum subito de sinu civitatis

eripuit. Saturninum fide captum malorum perfidia <*per*> scelus vita privavit. Tuus, o Druse, sanguis domesticos parietes et voltum parentis aspersit. Sulpicio, qui paulo ante omnia concedebant, eum brevi spatio non modo vivere, sed etiam sepelirei prohibuerunt."

XXXII.

1. Haec tria proxima genera exornationum, quorum unum in similiter cadentibus, alterum in similiter desinentibus verbis, tertium in adnominationibus positum est, perraro sumenda sunt, cum in veritate dicimus, propterea quod non haec videntur <reperiri posse sine elaboratione et sumptione operae; eiusmodi autem studia ad delectationem quam ad veritatem videntur> adcommodatiora. Quare fides et gravitas et severitas oratoria minuitur his exornationibus frequenter conlocatis, et non modo tollitur auctoritas dicendi, sed offenditur quoque in eiusmodi oratione, propterea quod est in his lepos et festivitas, non dignitas neque pulcritudo. Quare, quae sunt ampla atque pulcra, diu placere possunt; quae lepida et concinna, cito satietate adficiunt aurium sensum fastidiosissimum. Quomodo igitur, si crebro his generibus utemur, puerili videmur elocutione delectari, item, si raro interseremus has exornationes et in causa tota varie dispergemus, commode luminibus distinctis inlustrabimus orationem.

XXXIII.

1. Subiectio est, cum interrogamus adversarios aut quaerimus ipsi, quid ab illis aut quid contra nos dici possit; dein subicimus id, quod oportet dici aut non oportet, aut nobis adiumento futurum sit aut offuturum sit idem contrario, hoc modo:

2. "Quaero igitur, unde iste tam pecuniosus factus sit. Amplum patrimonium relictum est? At patris bona venierunt. Hereditas aliqua venit? Non potest dici; sed etiam a necessariis omnibus exhereditatus est. Praemium aliquod ex lite aut iudicio cepit? Non modo id non fecit, sed etiam insuper ipse grandi sponsione victus est. Ergo, si his rationibus locupletatus non est, sicut omnes videtis, aut isti domi nascitur aurum, aut, unde non est licitum, pecunias cepit."

3. Item: “Saepe, iudices, animum advorti multos aliqua ex honesta re, quam ne inimici quidem criminari possint, sibi praesidium petere. Quorum nihil potest adversarius facere. Nam utrum ad patris eius virtutem confugiet? At eum vos iurati capite damnastis. An ad suam vitam revertetur? Quam vitam aut ubi honeste tractatam? Nam hic quidem ante oculos vestros quomodo vixerit, scitis omnes. At cognatos suos enumerabit, quibus vos conveniat commoveri. At hi quidem nulli sunt. Amicos proferet. At nemo est, qui sibi non turpe putet istius amicum nominari.” Item: “Credo, inimicum, quem nocentem putabas, in iudicium adduxisti? Non: nam indemnatum necasti. Leges, quae id facere prohibent, veritus? At ne scriptas quidem iudicasti. Cum ipse te veteris amicitiae commonefaceret, commotus es? At nihilominus, sed etiam studiosius occidisti. Quid? Cum tibi pueri ad pedes volutarentur, misericordia motus es? At eorum patrem crudelissime sepultura quoque prohibuisti.”

XXXIV.

1. Multum inest acrimoniae et gravitatis in hac exornatione, propterea quod, cum quaesitum est, quid oporteat, subicitur id non esse factum. Quare facillime fit, ut exaugeatur indignitas negotii. Ex eodem genere, ut ad nostram quoque personam referamus subiectionem, sic:

2. “Nam quid me facere convenit, cum a tanta Gallorum multitudine circumsederer? Dimicarem? At cum parva manu tum prodeiremus: <locum quoque inimicissimum habebamus. Sederem in castris? At neque subsidium, quod expectarem, habebamus, neque erat, qui vitam produceremus.> Castra relinquerem? At obsidebamur. Vitam militum neglegerem? At eos videbar ea accepisse condicione, ut eos, quoad possem, incolumis patriae et parentibus conservarem. Hostium condicionem repudiarem? At salus antiquior est militum quam inpedimentorum.”

3. Eiusmodi consequntur identidem subiectiones, ut ex omnibus ostendi videatur nihil potius, quam quod factumst, faciundum fuisse.

4. Gradatio est, in qua non ante ad consequens verbum descenditur, quam ad superius ascensum est, hoc modo:

“Nam quae reliqua spes manet libertatis, si illis et quod libet, licet;

et quod licet, possunt; et quod possunt, audent; et quod audent, faciunt; et quod faciunt, vobis molestum non est?”

5. Item: “Non sensi hoc, et non suasi; neque suasi, et non ipse facere coepi; neque facere coepi, et non perfeci; neque perfeci, et non probavi.”

Item: “Africano virtutem industria, virtus gloriam, gloria aemulos conparavit.”

Item: “Imperium Graeciae fuit penes Athenienses, Atheniensium potiti sunt Spartiatae, Spartiatas superavere Thebani, Thebanos Macedones vicerunt, qui ad imperium Graeciae brevi tempore adiuncxerunt Asiam bello subactam.”

XXXV.

1. Habet in se quendam leporem superioris cuiusque crebra repetitio verbi, quae propria est huius exornationis.

2. Definitio est, quae rei alicuius proprias amplectitur potestates breviter et absolute, hoc modo:

“Maiestas rei publicae est, in qua continetur dignitas et amplitudo civitatis.”

3. Item: “Iniuriae sunt, quae aut pulsatione corpus <aut> convicio auris aut aliqua turpitudine vitam cuiuspiam violant.”

4. Item: “Non est ista diligentia, set avaritia, ideo quod diligentia est accurata conservatio suorum, avaritia iniuriosa adpetitio alienorum.”

5. Item: “Non est ista fortitudo, sed temeritas, propterea quod fortitudo est contemptio laboris et periculi cum ratione utilitatis et conpensatione commodorum, temeritas est cum inconsiderata dolorum perpessione gladiatoria periculorum susceptio.”

6. Haec ideo commoda putatur exornatio, quod omnem rei cuiuspiam vim et potestatem ita dilucide proponit et <explicat> breviter, ut neque pluribus verbis oportuisse dici videatur neque brevius potuisse dici putetur.

7. Transitio vocatur, quae cum ostendit breviter, quid dictum sit, proponit item brevi, quid consequatur, hoc pacto:

“Modo in patriam cuiusmodi fuerit, habetis: nunc <in> parentes qualis extiterit, considerate.”

Item: “Mea in istum beneficia cognoscitis; nunc, quomodo iste mihi gratiam retulerit, accipite.”

8. Proficit haec aliquantum exornatio ad duas res: nam et quid dixerit commonet et ad reliqum conparat auditorem.

XXXVI.

1. Correctio est, quae tollit id, quod dictum est, et pro eo id, quod magis idoneum videtur, reponit, hoc pacto:

“Quodsi iste suos hospites rogasset, immo innuisset modo, facile hoc perfici posset.”

<Item:> “Nam postquam isti vicerunt atque adeo victi sunt -, eam quomodo victoriam appellem, quae victoribus plus calamitatis quam boni dederit?”

Item: “O virtutis comes invidia, quae bonos sequeris plerumque atque adeo insectaris !”

2. Commovetur hoc genere animus auditoris. Res enim communi verbo elata * tantummodo dicta videtur; ea post ipsius oratoris correctionem magis idonea fit pronuntiatione. “Non igitur satius esset”, dicet aliquis, “ab initio, praesertim cum scribas, ad optimum et lectissimum verbum devenire?” Est, cum non est satius, si commutatio verbi id erit demonstratura, eiusmodi rem esse, ut, cum eam communi verbo appellaris, levius dixisse videaris, cum ad electius verbum accedas, insigniorem rem facias. Quodsi continuo venisses ad id verbum, nec rei nec verbi gratia animadversa esset.

XXXVII.

1. Occultatio est, cum dicimus nos praeterire aut non scire aut nolle dicere id, quod nunc maxime dicimus, hoc modo:

2. “Nam de pueritia quidem tua, quam tu omnium intemperantiae addixisti, dicerem, si hoc tempus idoneum putarem: nunc consulto relinquo; et illud praetereo, quod te <tribuni> rei militaris infrequentem tradiderunt; deinde quod iniuriarum satis fecisti L. Labeoni, nihil ad hanc rem pertinere puto. Horum nihil dico: revertor ad illud, de quo iudicium est.”

3. Item: “Non dico te ab sociis pecunias cepisse; non sum in eo occupatus, quod civitates, regna, domos omnium depeculatus es; furta, rapinas omnes tuas omitto.”

4. Haec utilis est exornatio, si aut ad rem quam non pertineat aliis ostendere, quod occulte admonuisse prodest aut longum est aut ignobile aut planum non potest fieri aut facile potest reprehendi, <ut> utilius sit occulte fecisse suspicionem, quam eiusmodi intendisse orationem, quae redarguatur.

5. Disiunctum est, cum eorum, de quibus dicimus, aut utrumque aut unum quodque certo concluditur verbo, sic:

“Populus Romanus Numantiam delevit, Kartaginem sustulit, Corinthum disiecit, Fregellas evertit. Nihil Numantinis vires corporis auxiliatae sunt, nihil Kartaginiensibus scientia rei militaris adiumento fuit, nihil Corinthis erudita calliditas praesidii tulit, nihil Fregellanis morum et sermonis societas opitulata est.” Item: “Formae dignitas aut morbo deflorescit aut vetustate extinguitur.”

6. Hic utrumque, in superiore exemplo unam quamque rem certo verbo concludi videmus.

XXXVIII.

1. Coniunctio est, cum interpositione verbi et superiores partes orationis conprehenduntur et inferiores, hoc modo:

"Formae dignitas aut morbo deflorescit aut vetustate."

2. Adiunctio est, cum verbum, quo res conprehenditur, non interponimus, sed aut primum aut postremum conlocamus. Primum hoc pacto:

"Deflorescit formae dignitas aut morbo aut vetustate."

Postremum sic:

"Aut morbo aut vetustate formae dignitas deflorescit."

3. Ad festivitatem diiunctio est adposita: quare rarius utemur, ne satietatem pariat; ad brevitatem coniunctio: quare saepius adhibenda est. Hae tres exornationes de simplici genere manant.

4. Conduplicatio est quom ratione amplificationis aut commiserationis eiusdem unius aut plurium verborum iteratio, hoc modo:

"Tumultus, Gai Gracce, tumultus domesticos et intestinos conparas !"

Item: "Commotus non es, cum tibi pedes mater amplexaretur, non es commotus?"

Item: "Nunc audes etiam venire in horum conspectum, proditor patriae? Proditor, inquam, patriae, venire audes in horum conspectum?"

5. Vehementer auditorem commovet eiusdem redintegratio verbi et vulnus maius efficit in contrario causae, quasi aliquod telum saepius perveniat in eandem partem corporis.

6. Interpretatio est, quae non iterans idem redintegrat verbum, sed id commutat, quod positum est, alio verbo, quod idem valeat, hoc modo:

"Rem publicam radicitus evertisti, civitatem funditus deiecisti."

Item: "Patrem nefarie verberasti, parenti manus scelerate attulisti."

7. Necessum est eius, qui audit, animum commoveri, cum gravitas

prioris dicti renovatur interpretatione verborum.

XXXIX.

1. Commutatio est, cum duae sententiae inter se discrepantes ex traiectione ita efferuntur, ut a priore posterior contraria priori profiscatur, hoc modo:

"Esse oportet, ut vivas, non vivere, ut edis."

Item: "Ea re poemata non facio, quia, cuiusmodi volo, non possum, cuiusmodi possum, nolo."

Item: "Quae de illo *dici possunt, non dicuntur, quae dicuntur*, dici non possunt."

Item: "Poëma loquens *pictura*, pictura tacitum poëma debet esse."

Item: "Si stultus es, ea re taceas: non tamen si taceas, <ea re> stultus es."

2. Non potest dici, quin commode fiat, cum contrariae sententiae relatione verba quoque convertantur. Plura subiecimus exempla, ut, quoniam difficile est hoc genus exornationis inventu, dilucidum esset, ut, cum bene esset intellectum, facilius in dicendo inveniretur.

3. Permissio est, cum ostendemus in dicendo nos aliquam rem totam tradere et concedere alicuius voluntati, sic:

4. "Quoniam omnibus rebus ereptis solum mihi superest animus et corpus, haec ipsa, quae mihi de multis sola relicta sunt, vobis et vestrae condono potestati. Vos me vestro quo pacto vobis videbitur utamini atque abutamini licebit; inpunite in me quidlibet statuite; dicite atque innuite: parebo."

5. Hoc genus tametsi alias quoque nonnumquam tractandum est, tamen ad misericordiam commovendam vehementissime est adcommodatum.

XL.

1. Dubitatio est, cum quaerere videatur orator, utrum de duobus potius aut quid de pluribus potissimum dicat, hoc modo:

"Offuit eo tempore plurimum rei publicae consulum sive stultitiam sive malitiam dicere oportet sive utrumque."

Item: "Tu istuc ausus es dicere, homo omnium mortalium -

quonam te digno moribus tuis appellem nomine?”

2. Expeditio est, cum rationibus conpluribus enumeratis quibus aliqua res confici potuerit, ceterae tolluntur, una relinquitur, quam nos intendimus, hoc modo:

3. “Necesse est, cum constet istum fundum nostrum fuisse, ostendas te aut vacuum possedisse, aut usu tuum fecisse, aut emisse, aut hereditati tibi venisse. Vacuum, cum ego adessem, possidere non potuisti; *usu* tuum etiam nunc fecisse non potes; emptio nulla profertur; hereditati tibi me vivo mea pecunia venire non potuit: relinquitur ergo, ut me vi de meo fundo deieceris.”

XLI.

1. Haec exornatio plurimum iuvabit coniecturalis argumentationes. Sed non erit, tamquam in plerisque, ut, cum velimus, ea possimus uti: nam fere non poterimus, nisi nobis ipsa negotii natura dabit facultatem.

2. Dissolutum est, quod, coniunctionibus verborum e medio sublatis, separatis partibus effertur, hoc modo:

“Gere morem parenti, pare cognatis, obsequere amicis, obtempera legibus.”

Item: “Descende in integram defensionem, noli quicquam recusare; da servos in quaestionem, stude verum invenire.”

3. Hoc genus et acrimoniam habet in se et vehementissimum est et ad brevitatem adcommodatum.

4. Praecisio est, cum dictis quibus reliqum, quod coeptum est dici, relinquitur incoatum, sic:

“Mihi tecum par certatio non est, ideo quod populus Romanus me - nolo dicere, ne cui forte adrogans videar: te autem saepe ignominia dignum putavit.”

Item: “Tu istuc audes dicere, qui nuper alienae domi - non ausim dicere, ne, cum te digna dicerem, me indignum quippiam dixisse videar.”

<*Hic*> atrocior tacita suspicio, quam diserta explanatio facta est.

5. Conclusio est, quae brevi argumentatione ex iis, quae ante dicta sunt aut facta, conficit, quid necessario consequatur, hoc modo:

“Quodsi Danais datum erat oraculum non posse capi Troiam sine

Philoctetae sagittis, haec nihil aliud autem fecerunt, nisi Alexandrum perculerunt, hunc extinguere, id nimirum capi fuit Troiam.”

XLII.

1. Restant etiam decem exornationes verborum, quas idcirco non vage dispersimus, sed a superioribus separavimus, quod omnes in uno genere sunt positae. Nam earum omnium hoc proprium est, ut ab usitata verborum potestate recedatur atque in aliam rationem cum quadam venustate oratio conferatur.

2. De quibus exornationibus nominatio est prima, quae nos admonet, ut, cuius rei nomen aut non sit aut satis idoneum non sit, eam nosmet idoneo verbo nominemus aut imitationis <aut significationis causa: imitationis,> hoc modo, ut maiores rudere et mugire et murmurari et sibilare appellarunt; significandae rei causa, sic:

“Postquam iste in rem publicam fecit impetum, fragor civitatis in primis.”

3. Hoc genere raro est utendum, sic *utne* novi verbi adsiduitas odium pariat; sed si commode quis eo utatur et raro, non modo non offendet novitate, sed etiam exornat orationem.

4. Pronominatio est, quae sicuti cognomine quodam extraneo demonstrat id, quod suo nomine non potest appellarei; ut si quis, cum loquatur de Graccis: “At non Africani nepotes”, inquiet, “istiusmodi fuerunt.” Item si quis, de adversario cum dicat: “Videte nunc”, inquit, “iudices, quemadmodum me Plagioxiphus iste tractarit.” Hoc pacto non inornate poterimus, et in laudando et in laedendo, in corpore aut animo aut extraneis rebus dicere sic, uti cognomen quod pro certo nomine collocemus.

XLIII.

1. Denominatio est, quae ab rebus propinquis et finitimis trahit orationem, qua possit intellegi res, quae non suo vocabulo sit appellata.

2. Id a + utventorum conficitur, ut si quis, de Tarpeio loquens, eum Capitolinum nominet,

aut invento, ut si quis pro Libero vinum, pro Cerere frugem appellet,

aut instrumento dominum, ut si quis Macedones appellarit hoc modo: “Non tam cito sarisae Graeciae potitae sunt”, aut idem Gallos significans: “nec tam facile ex Italia materis Transalpina depulsa est”;

aut id, quod fit, ab eo, qui facit, ut si quis, cum bello velit ostendere aliquid quempiam fecisse, dicat: “Mars istuc te facere necessario coegit”;

aut si, quod facit, ab eo, quod fit, ut cum desidiosam artem dicimus, quia desidiosos facit, et frigus pigrum, quia pigros efficit.

3. Ab eo, quod continet, id, quod continetur, hoc modo denominabitur: “Armis Italia non potest vinci nec Graecia disciplinis” - nam hic pro Graecis et Italis, quae continent, notata sunt -

ab eo, quod continetur, <id, quod continet,> ut si quis aurum aut argentum aut ebur nominet, cum divitias velit nominare.

4. Harum <omnium denominationum> magis in praecipiendo divisio, quam in quaerendo difficilis inventio est, ideo quod plena consuetudo est non modo poetarum et oratorum, sed etiam cottidiani sermonis huiusmodi denominationum.

5. Circumitio est oratio rem simplicem adsumpta circumscribens elocutione, hoc pacto:

“Scipionis providentia Kartaginis opes fregit.”

6. Nam hic, nisi ornandi ratio quaedam esset habita, Scipio potuit et Kartago simpliciter appellari.

XLIV.

1. <Transgressio est, quae verborum perturbat ordinem perversione aut transiectione.> Perversione, sic:

“Hoc vobis deos inmortales arbitror dedisse virtute <pro> vestra.”

2. Transiectione, hoc modo:

“Instabilis in istum plurimum fortuna valuit. Omnes invidiose eripuit bene vivendi casus facultates.”

3. Huiusmodi traiectio, quae rem non reddit obscuram, multum proderit ad continuationes, de quibus ante dictum est; in quibus

oportet verba sicuti ad poeticum quendam extruere numerum, ut perfecte et perpolitissime possint esse absolutae.

4. Superlatio est oratio superans veritatem alicuius augendi minuendive causa. Haec sumitur separatim aut cum conparatione. Separatim, sic:

"Quodsi concordiam retinebimus <in civitate,> imperii magnitudinem solis ortu atque occasu metiemur."

5. Cum conparatione aut <*a similitudine aut a*> praestantia superlatio sumitur. A similitudine, sic:

"Corpore niveum <candorem, aspectu igneum> ardorem adsequebatur."

6. A praestantia, hoc modo:

"Cuius ore sermo melle dulcior profluebat."

7. *Ex* eodem genere est hoc:

"Tantus erat in armis splendor, <*ut*> solis fulgor obscurius videretur."

8. Intellectio est, cum res tota parva de parte cognoscitur aut de toto pars. De parte totum sic intellegitur:

"Non illae te nuptiales tibiae eius matrimonii commonebant?"

9. Nam hic omnis sanctimonia nuptiarum uno signo tibiarum intellegitur. <De toto pars,> ut si quis ei, qui vestitum aut ornatum sumptuosum ostentet, dicat:

"Ostentas mihi divitias et locupletes copias iactas."

XLV.

1. Ab uno plura hoc modo intellegentur:

"Poeno fuit Hispanus auxilio, fuit inmanis ille Transalpinus, in Italia quoque nonnemo sensit idem togatus."

2. A pluribus unum sic intellegetur:

"Atrox calamitas pectora maerore pulsabat; itaque anhelans ex imis pulmonibus prae cura spiritus ducebat."

3. Nam in superioribus plures Hispani et Galli et togati, et hic unum pectus et unus pulmo intellegitur; et erit illic deminutus numerus festivitatis, hic adauctus gravitatis gratia.

4. Abusio est, quae verbo simili et propinquo pro certo et proprio abutitur, hoc modo: "Vires hominis breves sunt"; aut: "parva

statura”; aut: “longum in homine consilium”; aut: “oratio magna”; aut: “uti pauco sermone.” Nam hic facile est intellectu finitima verba rerum dissimilium ratione abusionis esse traducta.

5. Translatio est, cum verbum in quandam rem transferetur ex alia re, quod propter similitudinem recte videbitur posse transferri. Ea sumitur rei ante oculos ponendae causa, sic:

“Hic Italiam tumultus expergefecit terrore subito.”

6. Brevitatis causa, sic:

“Recens adventus exercitus extincxit subito civitatem.”

7. Obscenitatis vitandae causa, sic:

“Cuius mater cottidianis nuptiis delectetur.”

8. Augendi causa, sic:

“Nullius maeror et calamitas istius explere inimicitias et nefariam crudelitatem saturare potuit.”

9. Minuendi causa, sic:

“Magno se praedicat auxilio fuisse, quia paululum in rebus difficillimis aspiravit.”

10. Ornandi causa, sic:

“Aliquando rei publicae rationes, quae malitia nocentium exaruerunt, virtute optimatium revirdescent.”

11. Translationem pudentem dicunt esse oportere, ut cum ratione in consimilem rem transeat, ne sine dilectu temere et cupide videatur in dissimilem transcurrisse.

XLVI.

1. Permutatio est oratio aliud verbis aliud sententia demonstrans. Ea dividitur in tres partes: similitudinem, argumentum, contrarium.

2. Per similitudinem sumitur, cum translationes plures frequenter ponuntur a simili oratione ductae, sic:

“Nam cum canes funguntur officiis luporum, quoinam praesidio pecuaria credemus?”

3. Per argumentum tractatur, cum a persona aut loco aut re aliqua similitudo augendi aut minuendi causa ducitur, ut si quis Drusum Graccum Numitoremque obsoletum <*dicat*.>

4. Ex contrario ducitur sic, ut si quis hominem prodigum et luxuriosum inludens parcum et diligentem appellet.

5. Et in hoc postremo, quod ex contrario sumitur et in illo primo, quod a similitudine ducitur, per translationem argumento poterimus uti. Per similitudinem sic:

"Quid ait hic rex atque Agamemnon noster, sive, ut crudelitas est, potius Atreus?"

6. Ex contrario, ut si quem impium, qui patrem verberarit, Aenean vocemus, intemperantem et adulterum Ippolytum nominemus.

7. Haec sunt fere, quae dicenda videbantur de verborum exornationibus. Nunc res ipsa monet, ut deinceps ad sententiarum exornationes transeamus.

XLVII.

1. Distributio est, cum <*in*> plures res aut personas negotia quaedam certa dispertiuntur, hoc modo:

"Qui vestrum, iudices, nomen senatus diligit, hunc oderit necesse est; petulantissime enim semper iste obpugnavit senatum. Qui equestrem locum splendidissimum cupit esse in civitate, is oportet istum maximae poenae dedisse <velit,> ne iste sua turpitudine ordini honestissimo maculae atque dedecori sit. Qui parentis habetis, ostendite istius supplicio vobis homines impios non placere. Quibus liberi sunt, statuite exemplum, quantae poenae sint in civitate hominibus istiusmodi conparatae."

2. Item: "Senatus est officium <consilio civitatem iuvare; magistratus est officium> opera et diligentia consequi senatus voluntatem; populi est officium res optumas et homines idoneos maxime suis sententiis dilegere et probare."

3. Et: "Accusatoris officium est inferre crimina; defensoris diluere et propulsare; testis dicere, quae sciat aut audierit; quaesitoris est unum quemque horum in officio suo continere. Quare, L. Cassi, si testem, praeterquam quod sciat aut audierit, argumentari et coniectura prosequi patieris, ius accusatoris cum iure testimonii commiscebis, testis inprobi cupiditatem confirmabis, reo duplicem defensionem parabis."

4. Est haec exornatio copiosa. Conprehendit enim brevi multa, <et> suum cuique tribuens officium separatim res dividit plures.

XLVIII.

1. Licentia est, cum apud eos, quos aut vereri aut metuere debemus, tamen aliquid pro iure nostro dicimus, quod eos aut quos ii diligunt aliquo in errato vere reprehendere videamur, hoc modo:

"Miramini, Quirites, quod ab omnibus vestrae rationes deserantur? Quod causam vestram nemo suscipiat? Quod se nemo vestri defensorem profiteatur? Adtribuite vestrae culpae, desinite mirari. Quid est enim, quare non omnes istam rem fugere ac vitare debeant? Recordamini, quos habueritis defensores; studia eorum vobis ante oculos proponite; deinde exitus omnium considerate. Tum vobis veniat in mentem, ut vere dicam, neglegentia vestra sive ignavia potius illos omnes ante oculos vestros trucidatos esse, inimicos eorum vestris suffragiis in amplissimum locum pervenisse."

2. Item: "Nam quid fuit, iudices, quare in sententiis ferendis dubitaveritis aut istum hominem nefarium ampliaveritis? Non apertissimae res erant criminei datae? <Non omnes hae testibus conprobatae?> Non contra tenuiter et nugatorie responsum? Hic vos veriti estis, si primo coetu condemnassetis, ne crudeles existimaremini? Dum eam vitatis vituperationem, quae longe a vobis erat afutura, eam invenistis, *ut* timidi atque ignavi putaremini. Maximis privatis et publicis calamitatibus acceptis, cum etiam maiores inpendere videantur, sedetis et oscitamini. Luci noctem, nocte lucem expectatis. Aliquid cottidie acerbi atque incommodi nuntiatur: et iam eum, cuius opera nobis haec accidunt, vos remoramini diutius et alitis ad rei publicae perniciem, retinetis, quoad potestis in civitate?"

XLIX.

1. Eiusmodi licentia si nimium videbitur acrimoniae habere, multis mitigationibus lenietur; nam continuo aliquid huiusmodi licebit inferre: "Hic ego virtutem vestram quaero, sapientiam desidero, veterem consuetudinem requiro", <ut> quod erat commotum licentia, id constituatur laude, ut altera res ab iracundia et molestia removeat, altera res ab errato deterreat. Haec res, sicut in amicitia, item in dicendo, <si loco> fit, maxime facit, ut et illi, qui audient, a culpa

absint, et nos, qui dicimus, ameici ipsorum et veritatis esse videamur.

2. Est autem quoddam genus in dicendo licentiae, quod astutiore ratione conparatur, cum aut ita obiurgamus eos, qui audiunt, quomodo ipsi se cupiunt obiurgari, aut id, quod scimus <facile omnes audituros, dicimus> nos timere, quomodo accipiant, sed tamen veritate commoveri, ut nihilosetius dicamus. Horum amborum generum exempla subiciemus; prioris, huiusmodi:

3. “Nimium, Quirites, animis estis simplicibus et mansuetis; nimium creditis uni cuique. Existimatis unum quemque eniti, ut perficiat, quae vobis pollicitus sit. Erratis et falsa spe frustra iam diu detinemini stultitia vestra, qui, quod erat in vestra potestate, ab aliis petere quam ipsi sumere maluistis.”

4. Posterioris licentiae hoc erit exemplum:

“Mihi cum isto, iudices, fuit amicitia, sed ista tamen amicitia, tametsi vereor quomodo accepturi sitis, tamen dicam, vos <*me*> privastis. Quid ita? Quia ut vobis essem probatus, eum, qui vos obpugnabat, inimicum quam amicum habere malui.”

L.

1. Ergo haec exornatio, cui licentiae nomen est, sicuti demonstravimus, duplici ratione tractabitur: acrimonia, quae si nimium fuerit aspera, mitigabitur laude; et adsimulatione, de qua posterius diximus, quae non indiget mitigationis, propterea quod imitatur licentiam et sua spontest ad animum auditoris adcommodata.

2. Deminutio est, quom aliquid inesse in nobis aut in iis, quos defendimus, aut natura aut fortuna aut industria dicemus egregium, quod, ne qua significetur adrogans ostentatio, deminuitur et adtenuatur oratione, hoc modo:

“Nam hoc pro meo iure, iudices, dico, me labore et industria curasse, ut disciplinam militarem non in postremis tenerem.”

3. Hic si quis dixisset: “Ut optime tenerem”, tametsi vere dixisset, tamen adrogans visus esset. Nunc et ad invidiam vitandam et laudem conparandam satis dictum est.

4. Item: “Utrum igitur avaritiae an egestatis accessit ad maleficium? Avaritiae? At largissimus fuit in amicos; quod signum liberalitatis est, quae contraria est avaritiae. Egestatis? Huic quidem

pater - nolo nimium dicere - non tenuissimum patrimonium reliquit.”

5. Hic quoque vitatum est, ne “magnum” aut “maximum” diceretur. Hoc igitur in nostris aut eorum, quos defendemus, egregiis commodis proferendis observabimus. Nam eiusmodi res et invidiam contrahunt in vita et odium in oratione, si inconsiderate tractes. Quare quemadmodum ratione in vivendo fugitur invidia, sic in dicendo consilio vitatur odium.

LI.

1. Descriptio nominatur, quae rerum consequentium continet perspicuam et dilucidam cum gravitate expositionem, hoc modo:

2. “Quodsi istum, iudices, vestris sententiis liberaveritis, statim, sicut e cavea leo emissus aut aliqua taeterrima belua soluta ex catenis, volitabit et vagabitur in foro, acuens dentes in unius cuiusque fortunas, in omnes amicos atque inimicos, notos atque ignotos incursitans, aliorum famam depeculans, aliorum caput obpugnans, aliorum domum et omnem familiam perfringens, <rem publicam> funditus labefactans. Quare, iudices, eicite eum de civitate, liberate omnes formidine; vobis denique ipsis consulite. Nam si istum inpunitum dimiseritis, in vosmet ipsos, mihi credite, feram et truculentam bestiam, iudices, inmiseritis.”

3. Item: “Nam si de hoc, iudices, gravem sententiam tuleritis, uno iudicio simul multos iugulaveritis: grandis natu parens, cuius spes senectutis omnis in huius adulescentia posita est, quare velit in vita manere, non habebit; fili parvi, privati patris auxilio, ludibrio et despectui paternis inimicis erunt obpositi; tota domus huius indigna concidet calamitate. At inimici, statim sanguinulentam palmam crudelissima victoria potiti, insultabunt in horum miserias. Et superbi a re simul et verbis inveniuntur.”

4. Item: “Nam neminem vestrum fugit, Quirites, urbe capta quae miseriae consequi soleant: arma qui contra tulerunt, statim crudelissime trucidantur; ceteri, qui possunt per aetatem <et> veires laborem ferre, rapiuntur in servitutem, qui non possunt, vita privantur; uno denique atque eodem tempore domus hostili flagrabit incendio, et quos natura aut voluntas necessitudine <et> benivolentia coniuncxit, distrahuntur; liberi partem e gremiis diripiuntur

parentum, partim in sinum iugulantur, partim ante pedes constuprantur. Nemo, iudices, est, qui possit satis rem consequi verbis nec efferre oratione magnitudinem calamitatis.”

5. Hoce genere exornationis vel indignatio vel misericordia potest commoveri, cum res consequentes conprehensae universae perspicua breviter exprimuntur oratione.

LII.

1. Divisio est, quae rem semovens ab re utramque absolvit ratione subiecta, hoc modo:

“Cur ego nunc tibi quicquam obiciam? Si probus es, non meruisti; si inprobus, non commovere.”

2. Item: “Quid nunc ego de meis promeritis praedicem? Si meministis, obtundam; si obliti estis, cum re nihil egerim, quid est quo verbis proficere possim?”

3. Item: “Duae res sunt, quae possunt homines ad turpe conpendium commovere: inopia atque avaritia. Te avarum in fraterna divisione cognovimus; inopem atque egentem nunc videmus. Qui potes igitur ostendere causam maleficii non fuisse?”

4. Inter hanc divisionem et illam, quae de partibus orationis tertia est, de qua in primo libro diximus secundum narrationem, hoc interest: illa dividit per enumerationem aut per expositionem, quibus de rebus in totam orationem disputatio futura sit; haec se statim explicat et brevi duabus aut pluribus partibus subiciens rationes exornat orationem.

5. Frequentatio est, cum res tota causa dispersae coguntur in unum locum, quo gravior aut acrior aut criminosior oratio sit, hoc pacto:

6. “A quo tandem abest iste vitio? Quid est, cur iudicio velitis eum liberare? Suae pudicitiae proditor est, insidiator alienae; cupidus intemperans, petulans superbus; impius in parentes, ingratus in amicos, infestus cognatis; in superiores contumax, in aequos et pares fastidiosus, in inferiores crudelis; denique in omnis intolerabilis.”

LIII.

1. Eiusdem generis est illa frequentatio, quae plurimum

coniecturalibus causis opitulatur, cum suspiciones, quae separatim dictae minutae et infirmae erant, unum in locum coactae rem videntur perspicuam facere, non suspiciosam, hoc pacto:

2. “Nolite igitur, nolite, iudices, ea, quae dixi, separatim spectare; sed omnia colligite et conferte in unum. Si et commodum ad istum ex illius morte veniebat; et vita hominis est turpissima, animus avarissimus, fortunae familiares attenuatissimae; et res ista bono nemini praeter istum fuit; neque alius quisquam aeque commode neque iste aliis commodioribus rationibus facere potuit, neque praeteritum est ab isto quicquam quod opus fuit <ad maleficium neque factum quod opus non fuit;> et cum locus idoneus maxime quaesitus; tum occasio adgrediendi commoda; tempus adeundi opportunissimum; spatium conficiendi longissimum sumptum est; non sine maxima occultandi <et perficiendi> maleficii spe; et praeterea ante, quam occisus homo is est, iste visus est in eo loco, in quo est occisio facta, solus; paulo post in ipso maleficio vox illius, qui occidebatur, audita; deinde post occisionem istum multa nocte domum redisse constat; postero die titubanter et inconstanter de occisione illius locutum; haec partim testimoniis, partim quaestionibus argumentatis omnia conprobantur et rumore populi, quem ex argumentis natum necesse est esse verum: vestrum, iudices, est, ex his in uno loco conlocatis, certam sumere scientiam, non suspicionem maleficii. Nam unum aliquid aut alterum potest in istum casu cecidisse suspiciose; ut omnia inter se a primo ad postremum conveniant, + maleficia necesse est; casu non potest fieri.”

3. Vehemens haec est exornatio et in coniecturali constitutione causae ferme semper necessaria, et in ceteris generibus causarum et in omni oratione adhibenda nonnumquam.

LIV.

1. Expolitio est, cum in eodem loco manemus et aliud atque aliud dicere videmur. Ea dupliciter fit: si aut eandem plane dicemus rem, aut de eadem re.

2. Eandem rem dicemus, non eodem modo - nam id quidem optundere auditorem est, non rem expolire - sed commutate. Commutabimus tripliciter: verbis, pronuntiando, tractando.

3. Verbis commutabimus, cum re semel dicta iterum aut saepius aliis verbis, quae idem valeant, eadem res proferetur, hoc modo:

4. “Nullum tantum est periculum, quod sapiens pro salute patriae vitandum arbitretur. Cum agetur incolumitas perpetua civitatis, qui bonis erit rationibus praeditus, profecto nullum vitae discrimen sibi pro fortunis rei publicae fugiendum putabit et erit in ea sententia semper, ut pro patria studiose quamvis in magnam descendat vitae dimicationem.”

5. Pronuntiando commutabimus, si, cum in sermone, tum in acrimonia, tum in alio atque alio genere vocis atque gestus eadem verbis commutando pronuntiationem quoque vehementius inmutarimus. Hoc neque commodissime scribi potest neque parum est apertum; quare non eget exempli.

LV.

1. Tertium genus est commutationis, quod tractando conficitur, si sententiam traiciemus aut ad sermocinationem aut exsuscitationem.

2. Sermocinatio est - <*de*> qua planius paulo post suo loco dicemus, nunc breviter, quod ad hanc rem satis sit, attingemus -, in qua constituetur alicuius personae oratio adcommodata ad dignitatem, hoc modo, ut, quo facilius res cognosci possit, ne ab eadem sententia recedamus:

3. “Sapiens omnia rei publicae causa suscipienda pericula putabit. Saepe ipse secum loquitur: “Non mihi soli, sed etiam atque adeo multo potius natus sum patriae; vita, quae fato debetur, saluti patriae potissimum solvatur. Aluit haec me; tute atque honeste produxit usque ad hanc aetatem; munivit meas rationes bonis legibus, optumis <moribus, honestissimis> disciplinis. Quid est, quod a me satis ei persolvi possit, unde haec accepi?” Exinde *ut* haec loquetur secum sapiens saepe, in periculis rei publicae nullum ipse periculum fugiet.”

4. Item mutatur res tractando, si traducitur ad exsuscitationem, cum et nos commoti dicere videamur, et auditoris animum commovemus, sic:

5. “Quis est tam tenui cogitatione praeditus, cuius animus tantis angustiis invidiae continetur, qui non hunc hominem studiosissime

laudet et sapientissimum iudicet, qui pro salute patriae, pro incolumitate civitatis, pro rei publicae fortunis quamvis magnum atque atrox periculum studiose suscipiat et libenter subeat?

LVI.

1. Equidem hunc hominem magis cupio satis laudare quam possum; idemque hoc certo scio vobis omnibus usu venire."

2. Eadem res igitur his tribus in dicundo commutabitur rebus: verbis, pronuntiando, tractando; *commutabimus* <*tractando*> dupliciter: sermocinatione <*et exsuscitatione*.>

3. Sed de eadem re cum dicemus, plurimis utemur commutationibus. Nam cum rem simpliciter pronuntiarimus, rationem poterimus subicere; deinde dupliciter vel sine rationibus vel cum rationibus pronuntiare; deinde afferre contrarium - de quibus omnibus diximus in verborum exornationibus -; deinde simile et exemplum - de quo suo loco plura dicemus -; deinde conclusionem, de qua in secundo libro, quae opus fuerunt, diximus, demonstrantes argumentationes quemadmodum concludere oporteat: in hoc libro docuimus, cuiusmodi esset exornatio verborum, cui conclusioni nomen est. Ergo huiusmodi vehementer ornata poterit esse expolitio, quae constabit ex frequentibus exornationibus verborum et sententiarum.

4. Hoc modo igitur septem partibus tractabitur - et ab eiusdem sententiae non recedamus exemplo, ut scire possis, quam facile praeceptione rhetoricae res simplex multiplici ratione tractatur:

LVII.

1. "Sapiens nullum pro re publica periculum vitabit, ideo quod saepe, cum pro re publica perire noluerit, necesse erit cum re publica pereat; et, quoniam omnia sunt commoda <a> patria accepta, nullum incommodum pro patria grave putandum est.

2. Ergo qui fugiunt id periculum quod pro re <*publica*> subeundum est, stulte faciunt: nam neque effugere incommoda possunt et ingrati in civitatem reperiuntur. At, qui patriae pericula suo periculo expetant, hi sapientes putandi sunt, cum et eum, quem

debent, honorem rei publicae reddunt, et pro multis perire malunt, quam cum multis.

3. Etenim vehementer est inicum vitam, quam a natura acceptam propter patriam conservaris, naturae cum cogat reddere, patriae cum roget non dare; et, cum possis cum summa virtute et honore pro patria interire, malle per dedecus et ignaviam <vivere; et cum> pro amicis et parentibus et ceteris necessariis adire <periculum velis,> pro re publica, in qua et haec <et> illud sanctissimum patriae nomen continetur, nolle in discrimen venire.

4. Ita uti contemnendus est, qui in navigio *non* navem quam se mavult incolumem, item vituperandus, qui in re publica discrimine suae plus quam communi saluti consulit. Navi enim fracta multi incolumes evaserunt; ex naufragio patriae salvus nemo potest enatare.

5. Quod mihi bene videtur Decius intellexisse, qui se devovisse dicitur et pro legionibus in hostis immisse medios. Amisit vitam, at non perdidit. Re enim vilissima <certam> et parva maximam redemit. Vitam dedit, accepit patriam; amisit animam, potitus est gloriam, quae cum summa laude prodita vetustate cottidie magis enitescit.

6. Quodsi pro re publica decere accedere periculum et ratione demonstratum est et exemplo conprobatum, ii sapientes sunt existimandi, qui nullum pro salute patriae periculum vitant.”

LVIII.

1. In his igitur generibus expolitio versatur: de qua producti sumus, ut plura diceremus, quod non modo, cum causam dicimus, adiuvat et exornat orationem, sed multo maxime per eam exercemur ad elocutionis facultatem. Quare conveniet extra causam in exercendo rationis adhibere expolitionis, in dicendo uti, cum exornabimus argumentationem, qua de re diximus in libro secundo.

2. Commoratio est, cum in loco firmissimo, a quo tota causa continetur, manetur diutius et eodem saepius reditur. Hac uti maxime convenit et id est oratoris boni maxime proprium. Non enim datur auditori potestas animum de re firmissima demovendi. Huic exemplum satis idoneum subici non potuit, propterea quod hic locus

non est a tota causa separatus sicuti membrum aliquod, sed tamquam sanguis perfusus est per totum corpus orationis.

3. Contentio est, per quam contraria referentur. Ea est in verborum exornationibus, ut ante docuimus, huiusmodi:

“Inimicis te placabilem, amicis inexorabilem praebes.”

In sententiarum huiusmodi:

“Vos huius incommodis lugetis, iste rei publicae calamitate laetatur. Vos vestris fortunis diffiditis, iste solus suis eo magis confidit.”

4. Inter haec duo contentionum genera hoc interest: illud ex verbis celeriter relatis constat; hic sententiae contrariae ex conparatione referantur oportet.

LIX.

1. Similitudo est oratio traducens ad rem quampiam aliquid ex re dispari simile. Ea sumitur aut ornandi causa aut probandi aut apertius dicendi aut ante oculos ponendi. <Et> quomodo quattuor de causis sumitur, item quattuor modis dicitur: per contrarium, per negationem, per conlationem, per brevitatem. Ad unam quamque sumendae causam similitudinis adcommodabimus singulos modos pronuntiandi.

2. Ornandi causa sumitur per contrarium sic:

“Non enim, quemadmodum in palaestra, qui taedas candentes accipit, celerior est in cursu continuo, quam ille, qui tradit, item melior imperator novus, qui accipit exercitum, quam ille, qui decedit; propterea quod defatigatus cursor integro facem, hic peritus imperator inperito exercitum tradit.”

3. Hoc sine similei satis plane et perspicue et probabiliter dici potuit hoc modo: “Dicitur minus bonos imperatores a melioribus exercitus accipere solere”; sed ornandi causa simile sumptum est, ut orationi quaedam dignitas conparetur. Dictum autem est per contrarium. Nam tum similitudo sumitur per contrarium, cum ei rei, quam nos probamus, aliquam rem negamus esse similem. [ut paulo ante, cum de cursoribus adserebatur.]

4. Per negationem dicetur probandi causa hoc modo:

“Neque equus indomitus, quamvis bene natura conpositus sit,

idoneus potest esse ad eas utilitates, quae desiderantur ab equo; neque homo indoctus, quamvis sit ingeniosus, ad virtutem potest pervenire.”

5. Hoc probabilius factum est, quod magis est veri simile non posse virtutem sine doctrina conparari, quoniam quidem ne equus quidem indomitus idoneus possit esse. Ergo sumptum est probandi causa, dictum autem per negationem; id enim perspicuum est de primo similitudinis verbo.

LX.

1. Sumetur et apertius dicendi causa simile - dicitur per brevitatem - hoc modo:

“In amicitia gerenda, sicut in certamine currendi, non ita convenit exerceri, ut, quoad necesse sit, venire possis, sed ut productus studio et viribus ultra facile procurras.”

2. Nam hoc simile est, ut apertius intellegatur mala ratione facere, qui reprehendant eos, qui verbi causa post mortem amici liberos eius custodiant, propterea quod in cursore tantum velocitatis esse oporteat, ut efferatur ultra finem, in amico tantum benivolentiae, ut ultra quam quod amicus sentire possit, procurrat amicitiae studio. Dictum autem simile est per brevitatem. Non enim ita, ut in ceteris rebus, res ab re separata est, sed utraeque res coniuncte et confuse pronuntiatae.

3. Ante oculos ponendi negotii causa sumetur similitudo - dicetur per conlationem - sic:

“Uti citharoedus cum prodierit optime vestitus, palla inaurata inductus, cum clamyde purpurea variis coloribus intexta, et cum corona aurea, magnis fulgentibus gemmis inluminata, citharam tenens exornatissimam auro et ebore distinctam, ipse praeterea forma et specie sit et statura adposita ad dignitatem: si, cum magnam populo commorit iis rebus expectationem, repente, silentio facto, vocem mittat acerbissimam cum turpissimo corporis motu, quo melius ornatus et magis fuerit expectatus, eo magis derisus et contemptus eicitur; item, si quis in excelso loco et in magnis ac locupletibus copiis conlocatus fortunae muneribus et naturae commodis omnibus abundabit, si virtutis et artium, quae virtutis

magistrae sunt, egebit, quo magis ceteris rebus erit copiosus et inlustris et expectatus, eo vehementius derisus et contemptus ex omni conventu bonorum eicietur.”

4. Hoc simile exornatione utriusque rei, alterius inertiae [artificis] alterius stultitiae simili ratione conlata, sub aspectus omnium rem subiecit. Dictum autem est per conlationem, propterea quod proposita similitudine paria sunt omnia relata.

LXI.

1. In similibus observare oportet diligenter, ut, cum rem afferamus similem, cuius rei causa similitudinem adtulerimus, verba ad similitudinem habeamus adcommodata. Id est huiusmodi:

“Ita ut irundines aestivo tempore praesto sunt, frigore pulsae recedunt -”

ex eadem similitudine nunc per translationem verba sumimus:

“item falsi amici sereno vitae tempore praesto sunt; simul atque hiemem fortunae viderunt, devolant omnes.”

2. Sed inventio similium facilis erit, si quis sibi omnes res, animantes et inanimas, mutas et eloquentes, feras et mansuetas, terrestris, caelestis, maritimas, artificio, casu, natura conparatas, usitatas atque inusitatas, frequenter ponere ante oculos poterit et ex his aliquam venari similitudinem, quae aut ornare aut docere aut apertiorem rem facere aut ponere ante oculos possit. Non enim res tota totae rei necesse est similis sit, sed id ipsum, quod conferetur, similitudinem habeat oportet.

LXII.

1. Exemplum est alicuius facti aut dicti praeteriti cum certi auctoris nomine propositio. Id sumitur isdem de causis, quibus similitudo. Rem ornatiorem facit, cum nullius rei nisi dignitatis causa sumitur; apertiorem, cum id, quod sit obscurius, magis dilucidum reddit; probabiliorem, cum magis veri similem facit; ante oculos ponit, cum exprimit omnia perspicue, <*ut*> res prope dicam manu temptari possit. Unius cuiusque generis singula subiecissemus exempla, nisi <et> exemplum quod genus est, in expolitione demonstrassemus et

causas sumendi in similitudine aperuissemus. Quare noluimus neque pauca, quominus intellegeretur, neque re intellecta plura scribere.

2. Imago est formae cum forma cum quadam similitudine conlatio. Haec sumitur aut laudis aut vituperationis causa. Laudis causa, sic:

"Inibat in proelium, corpore tauri validissimi, impetu leonis acerrimi simili."

3. Vituperationis, ut in odium adducat hoc modo:

"Iste, qui cottidie per forum medium tamquam iubatus draco serpit dentibus aduncis, aspectu venenato, spiritu rabido, circum inspectans huc et illuc, si quem reperiat, cui aliquid mali faucibus adflare, ore adtingere, dentibus insecare, lingua aspergere possit."

4. Ut in invidiam adducat, hoc modo:

"Iste, qui divitias suas iactat, sicut Gallus e Phrygia aut hariolus quispiam depressus et oneratus auro clamat et delerat."

5. In contemptionem sic:

"Iste, qui tamquam coclea abscondens retentat sese tacitus, quom domo totus ut comeditur aufertur."

LXIII.

1. Effictio est, cum exprimitur atque effingitur verbis corporis cuiuspiam forma, quoad satis sit ad intellegendum, hoc modo:

"Hunc, iudices, dico, rubrum, brevem, incurvom, canum, subcrispum, caesium, cui sane magna est in mento cicatrix, si quo modo potest vobis in memoriam redire."

2. Habet haec exornatio cum utilitatem, si quem velis demonstrare, tum venustatem, si breviter et dilucide facta est.

3. Notatio est, cum alicuius natura certis describitur signis, quae, sicuti notae quae naturae sunt adtributa; ut si velis non divitem, sed ostentatorem pecuniosi describere:

4. "Iste", inquies, "iudices, qui se dici divitem putabat esse praeclarum, primum nunc videte, quo vultu nos intueatur. Nonne vobis videtur dicere: "* * * dant, si mihi molesti non essetis?" Cum vero sinistra mentum sublevavit, existimat se gemmae nitore et auri splendore aspectus omnium praestringere. - Cum puerum respicit hunc unum, quem ego novi - vos non arbitror -, alio nomine appellat,

deinde alio atque alio. “At eho tu”, inquit, “veni, Sannio, ne quid is barbaris turbent”; ut ignoti, qui audient, unum putent selegi de multis. Ei dicit in aurem, aut ut domi lectuli sternantur, aut ab avunculo rogetur Aethiops qui ad balineas veniat, aut asturconi locus ante ostium suum detur, aut aliquod fragile falsae choragium gloriae conparetur. Deinde exclamat, ut omnes audiant: “Videto, ut diligenter numeretur, si potest, ante noctem.” Puer, qui iam bene *eri* naturam norit: “Tu illo <plures> mittas oportet”, inquit, “si hodie vis transnumerari.” “Age” inquit, “duc tecum Libanum et Sosiam.” “Sane.” Deinde casu veniunt hospites homini, quos iste, dum splendide peregrinatur, <invitat.> Ex ea re homo hercule sane conturbatur; sed tamen a vitio naturae non recedit. “Bene”, inquit, “facitis, cum venitis: sed rectius fecissetis, si ad me domum recta abissetis.” “Id fecissemus”, inquiunt illi, “si domum novissemus.” “At istud quidem facile fuit undelibet invenire. Verum ite mequum.” Secuntur illi. Sermo interea huius consumitur omnis in ostentatione: quaerit, in agris frumenta cuiusmodi sint; negat se, quia villae incensae sint, accedere posse: nec aedificare etiamnunc audere; “tametsi in Tusculano quidem coepi insanire et in isdem fundamentis aedificare.”

LXIV.

1. Dum haec loquitur, venit in aedes quasdam, in quibus sodalicium erat eodem die futurum; quo iste pro notitia domnaedi iam it intro cum hospitibus. “Hic”, inquit, “habito.” Perspicit argentum, quod erat expositum, visit triclinium stratum: probat. Accedit servulus; dicit homini clare, dominum iam venturum, si velit exire. “Itane?” inquit. “Eamus hospitis; frater venit ex Falerno: ego illi obviam pergam; vos huc decuma venitote.” Hospites discedunt. Iste se raptim domum suam conicit; <illi> decuma, quo iusserat, veniunt. Quaerunt hunc; reperiunt, domus cuia sit; in diversorium derisi conferunt sese. Vident hominem posteri die; narrant, expostulant, accusant. Ait iste eos similitudine loci deceptos angiporto toto deerrasse; contra valetudinem suam ad noctem multam expectasse. Sannioni puero negotium dederat, ut vasa, vestimenta, pueros rogaret: servolus non inurbanus satis strenue et concinne conparat.

Iste hospites domum deducit: ait se aedes maximas cuidam amico ad nuptias commodasse. Nuntiat puer argentum repeti: pertimuerat enim, qui commodarat. “Apage <te”,> inquit, “aedes commodavi, familiam dedi: argentum quoque vult? Tametsi hospites habeo, tamen utatur licet, nos Samis delectabimur.” Quid ego, quae deinde efficiat, narem? Eiusmodi est hominis natura, ut quae singulis diebus efficiat gloria atque ostentatione, ea vix annuo sermone enarrare possim.”

LXV.

1. Huiusmodi notationes, quae describunt, quod consentaneum sit unius cuiusque naturae, vehementer habent magnam delectationem: totam enim naturam cuiuspiam ponunt ante oculos, aut gloriosi, ut nos exempli causa coeperamus, aut invidi aut tumidi aut avari, ambitiosi, amatoris, luxuriosi, furis, quadruplatoris; denique cuiusvis studium protrahi potest in medium tali notatione.

2. Sermocinatio est, cum alicui personae sermo adtribuitur et is exponitur cum ratione dignitatis, hoc pacto:

3. “Cum militibus urbs redundaret et omnes timore obpressi domi continerentur, venit iste cum sago, gladio succinctus, tenens iaculum; III adulescentes hominem simili ornatu subsecuntur. Inrupit in aedes subito, deinde magna voce: “Ubi est iste beatus”, inquit, “aedium dominus? Quin mihi praesto fuit? Quid tacetis?” Hic ali omnes stupidi timore obmutuerunt. Uxor illius infelicissimi cum maximo fletu ad istius pedes abiecit sese. “Per te”, inquit, “ea quae tibi dulcissima sunt in vita: miserere nostri, noli extinguere extinctos, fer mansuete fortunam: nos quoque fuimus beati: nosce te esse hominem.” - “Quin illum mihi datis ac vos auribus meis opplorare desinitis? Non abibit.” Illi nuntiatur interea venisse istum et clamore maximo mortem minari. Quod simul ut audivit: “Heus”, inquit, “Gorgia pediseque puerorum, absconde pueros, defende, fac, ut incolumis <ad> adulescentiam <perducas.>“ Vix haec dixerat, cum ecce iste praesto “sedes”, inquit, “audax? Non vox mea tibi vitam ademit? Exple meas inimicitias et iracundiam satura tuo sanguine.” Ille cum magno spiritu verba: “<Metuebam>“, inquit, “ne plane victus essem. Nunc video: iure mecum contendere non vis, ubi

superarei turpissimum et superare pulcherrimum est: interficere vis. Occidar equidem, sed victus non peribo.” “Ut in extremo vitae tempore etiam sententias eloqueris ! Numquam ei, quem vides dominari, vis supplicare?” Tum mulier: “Immo iste quidem rogat et supplicat: sed tu, quaeso, commovere; et tu per deos”, inquit, “hunc examplexare. Dominus est; vicit hic te, vince tu nunc animum.” “Quin desinis”, inquit, “uxor, loqui, quae me digna non sint? Tace et quae curanda sunt, cura. Tu cessas mihi vitam, tibi omnem bene vivendi spem mea morte eripere?” Iste mulierem propulit ab se lamentantem; illi nescio quid incipienti dicere, quod dignum videlicet illius virtute esset, gladium in latere defixit.”

4. Puto in hoc exemplo datos esse uni cuique sermones ad dignitatem adcommodatos; id quod oportet in <*hoc*> genere conservare.

5. Sunt item sermocinationes consequentes hoc genus: “Nam quid putamus illos dicturos, si hoc iudicaritis? Nonne omnes hac utentur oratione?” deinde subicere sermonem.

LXVI.

1. Conformatio est, cum aliqua, quae non adest, persona confingitur quasi adsit, aut cum res muta aut informis fit eloquens, et forma ei et oratio adtribuitur ad dignitatem adcommodata, aut actio quaedam, hoc pacto:

“Quodsi nunc haec urbs invictissima vocem mittat, non hoc pacto loquatur: “Ego illa plurimis tropeis ornata, triumphis ditata certissimis, clarissimis locupletata victoriis, nunc vestris seditionibus, o cives, vexor; quam dolis malitiosa Kartago, viribus probata Numantia, disciplinis erudita Corinthus labefactare non potuit, eam patimini nunc ab homunculis deterrumis proteri atque conculcari?”“

2. Item: “Quodsi nunc Lucius ille Brutus revivescat et hic ante pedes vestros adsit, is non hac utatur oratione: “Ego reges eieci, vos tyrannos introducitis; ego libertatem, quae non erat, peperi, vos partam servare non vultis; ego capitis mei periculo patriam liberavi, vos liberi sine periculo esse non curatis?”“

3. Haec conformatio licet in plures <*res*>, in mutas atque

inanimas transferatur. Proficit plurimum in amplificationis partibus et conmiseratione.

LXVII.

1. Significatio est res, quae plus in suspicione relinquit, quam positum est in oratione. Ea fit per exsuperationem, ambiguum, consequentiam, abscisionem, similitudinem.

2. Per exsuperationem, cum plus est dictum, quam patitur veritas, augendae suspicionis causa, sic:

"Hic de tanto patrimonio tam cito testam, qui sibi petat ignem, non reliquit."

3. Per ambiguum, cum verbum potest in duas pluresve sententias accipi, sed accipitur <tamen> in eam partem, quam vult is, qui dixit; ut de eo si dicas, qui multas hereditates adierit: “Prospice tu, qui plurimum cernis.”

4. Ambigua quemadmodum vitanda sunt, quae obscuram reddunt orationem, item haec consequenda, quae conficiunt huiusmodi significationem. Ea reperientur facile, si noverimus et animum adverterimus verborum ancipites aut multiplices potestates.

5. Per consequentiam significatio fit, cum res, quae sequantur aliquam rem, dicuntur, ex quibus tota res relinquitur in suspicione; ut si salsamentari filio dicas: “Quiesce tu, cuius pater cubitis emungi solebat.”

6. Per abscisionem, si, cum incipimus aliquid dicere, <deinde> praecidamus, et ex eo, quod iam diximus, satis relinquitur suspicionis, sic:

“Qui ista forma et aetate nuper alienae domi - nolo plura dicere.”

7. Per similitudinem, cum aliqua re simili allata nihil amplius dicimus, sed ex ea significamus, quid sentiamus, hoc modo:

“Noli, Saturnine, nimium populi frequentia fretus esse: inulti iacent Gracci.”

8. Haec exornatio plurimum festivitatis habet interdum et dignitatis; sinit enim quiddam tacito oratore ipsum auditorem suspicari.

LXVIII.

1. Brevitas est res ipsis tantummodo verbis necessariis expedita, hoc modo:

“Lemnum praeteriens cepit, inde Thasi praesidium reliquit, post urbem Viminacium sustulit, inde pulsus in Hellespontum statim potitur Abydi.”

2. Item: “Modo consul quondam, is deinde primus erat civitatis; tum proficiscitur in Asiam; deinde hostis <et exul> est dictus; post imperator, et postremo factus est consul.”

3. Habet paucis conprehensa brevitas multarum rerum expeditionem. Quare adhibenda saepe est, cum aut res non egent

longae orationis aut tempus non sinet commorari.

4. Demonstratio est, cum ita verbis res exprimitur, ut geri negotium et res ante oculos esse videatur. Id fieri poterit, si, quae ante et post et in ipsa re facta erunt, conprehendemus aut a rebus consequentibus aut circum instantibus non recedimus, hoc modo:

5. “Quod simul atque Graccus prospexit, fluctuare populum, verentem, ne ipse auctoritate <senatus> commotus sententia desisteret, iubet advocari contionem. Iste interea scelere et malis cogitationibus redundans evolat e templo Iovis: sudans, oculis ardentibus, erecto capillo, contorta toga, cum pluribus aliis ire celerius coepit. Illei praeco faciebat audientiam; hic, subsellium quoddam excors calce premens, dextera pedem defringit et hoc alios iubet idem facere. Cum Graccus deos inciperet precari, cursim isti impetum faciunt et ex aliis ali partibus convolant atque e populo unus: “Fuge, fuge”, inquit, “Tiberi. Non vides? Respice, inquam.” Deinde vaga multitudo, subito timore perterrita, fugere coepit. At iste, spumans ex ore scelus, anhelans ex infimo pectore crudelitatem, contorquet brachium et dubitantei Gracco, quid esset, neque tamen locum, in quo constiterat, relinquenti, percutit tempus. Ille, nulla voce delabans insitam virtutem, concidit tacitus. Iste viri fortissimi miserando sanguine aspersus, quasi facinus praeclarissimum fecisset circum inspectans, et hilare sceleratam gratulantibus manum porrigens, in templum Iovis contulit sese.”

LXIX.

1. Haec exornatio plurimum prodest in amplificanda et conmiseranda re huiusmodi enarrationibus. Statuit enim rem totam et prope ponit ante oculos.

2. Omnes rationes honestandae studiose collegimus elocutionis: in quibus, Herenni, si te diligentius exercueris, et gravitatem et dignitatem et suavitatem habere in dicundo poteris, ut oratorie plane loquaris, ne nuda atque inornata inventio vulgari sermone efferatur. Nunc identidem nosmet ipsi nobis instemus - res enim communis agetur -, ut frequenter et adsidue consequamur artis rationem studio et exercitatione; quod alii cum molestia tribus de causis maxime faciunt: aut si quicum libenter exerceantur non habent, aut si

diffidunt sibi, aut nesciunt, quam viam sequi debeant; quae ab nobis absunt omnes difficultates. Nam et simul libenter exerceamur propter amicitiam, cuius initium cognatio facit, cetera philosophiae ratio confirmabit: et nobis non diffidimus, propterea quod et aliquantum processimus, et alia sunt meliora, quae multo intentius petimus in vita, ut, etiamsi non pervenerimus in dicendo quo volumus, parva pars vitae perfectissimae desideretur; et viam quam sequamur, habemus, propterea quod in his libris nihil praeteritum est rhetoricae praeceptionis. Demonstratum est enim, quomodo res in omnibus generibus causarum invenire oporteat; dictum est, quo pacto eas disponere conveniat; traditum est, qua ratione esset pronuntiandum; praeceptum est, qua via meminisse possemus; demonstratum est, quibus modis perfecta elocutio conpararetur. Qua si sequimur, acute et cito reperiemus, distincte et ordinate disponemus, graviter et venuste pronuntiabimus, firme et perpetue meminerimus, ornate et suaviter eloquemur. Ergo amplius in arte rhetorica nihil est. Haec omnia adipiscemur, si rationes praeceptionis diligentia consequemur exercitationis.

COMMENTARIOLUM PETITIONIS (Essay on running for Consul)

QUINTUS MARCO FRATRI S. D.

I. 1. Etsi tibi omnia suppetunt ea, quae consequi ingenio aut usu homines aut diligentia possunt, tamen amore nostro non sum alienum arbitratus ad te perscribere ea, quae mihi veniebant in mentem dies ac noctes de petitione tua cogitanti, non ut aliquid ex iis novi addisceres, sed ut ea, quae in re dispersa atque infinita viderentur esse, ratione et distributione sub uno aspectu ponerentur. [Quamquam plurimum natura valet, tamen videtur in paucorum mensum negotio posse simulatio naturam vincere.] Civitas quae sit cogita, quid petas, qui sis. 2. Prope quotidie tibi hoc ad forum descendenti meditandum est: "novus sum, consulatum peto, Roma est." Nominis novitatem dicendi gloria maxime sublevabis: semper ea res plurimum dignitatis habuit; non potest, qui dignus habetur patronus consularium, indignus consulatu putari. Quamobrem, quoniam ab hac laude proficisceris et, quidquid es, ex hoc es, ita paratus ad dicendum venito, quasi in singulis causis iudicium de omni ingenio *tuo* futurum sit. 3. Eius facultatus adiumenta, quae tibi scio esse seposita, ut parata ac prompta sint cura — et saepe, quae de Demosthenis studio et exercitatione scripsit Demetrius, recordare —, deinde ut amicorum et multitudo et generea appareant; habes enim ea, quae *non multi homines* novi habuerunt: omnes publicanos, totum fere equestrem ordinem, multa propria municipia, multos abs te defensos homines cuiusque ordinis, aliquot collegia, praeterea studio dicendi conciliatos plurimos adolescentulos, quotidianam amicorum assiduitatem et frequentiam: 4. haec cura ut teneas commendando et rogando et omni ratione efficiendo, ut intelligant, qui debent tua causa, referendae gratiae, qui volunt, obligandi tui tempus sibi aliud nullum fore. Etiam hoc multum videtur adiuvare posse novum hominem: hominum nobilium voluntas et maxime consularium; prodest, quorum in locum ac numerum pervenire velis, ab iis ipsis illo loco ac numero dignum putari. 5. Hi rogandi omnes sunt diligenter et ad eos allegandum est persuadendumque iis nos semper

cum optimatibus de re publica sensisse, minime populares fuisse; si quid locuti populariter videamur, id nos eo consilio fecisse, ut nobis Cn. Pompeium adiungeremus, ut eum, qui plurimum posset, aut amicum in nostra petitione haberemus aut certe non adversarium. 6. Praeterea adolescentes nobiles elabora ut habeas vel ut teneas studiosos [tui], quos habes: multum dignitatis afferent. Plurimos habes: perfice, ut sciant, quantum in iis putes esse. Quod si adduxeris, ut ii, qui non nolunt, cupiant, plurimum proderunt.

II. 7. Ac multum etiam novitatem tuam adiuvat, quod eiusmodi nobiles tecum petunt, ut nemo sit, qui audeat dicere plus illis nobilitatem quam tibi virtutem prodesse oportere. Nam P. Galbam et L. Cassium summo loco natos quis est qui petere consulatum putet *oportere?* vides igitur amplissimis ex familiis homines, quod sine nervis sint, tibi pares non esse. 8. "At Catilina et Antonius molesti sunt." Immo homini navo, industrio, innocenti, diserto, gratioso apud eos, qui res iudicant, optandi competitores ambo a pueritia sicarii, ambo libidinosi, ambo egentes. Eorum alterius bona proscripta vidimus, vocem denique audivimus iurantis se Romae iudicio aequo cum homine Graeco certare non posse, ex senatu eiectum scimus [, optima vero censorum existimatione]; in praetura competitorem habuimus amico Sabidio et Panthera, cum *alios*, ad tabulam quos poneret, non haberet, quo tamen in magistratu amicam, quam domi palam haberet, de machinis emit; in petitione autem consulatus caupones omnes compilare per turpissimam legationem maluit quam adesse et populo Romano supplicare. 9. Alter vero, di boni! quo splendore est? Primum nobilitate eadem. Num maiore re? Non, sed virtute. Quamobrem? Quod inanius umbram suam metuit, hic ne leges quidem, natus in patris egestate, educatus in sororis stupris, corroboratus in caede civium, cuius primus ad rem publicam aditus in equitibus Romanis occidendis fuit — nam illis, quos meminimus, Gallis, qui tum Titiniorum ac Nanniorum ac Tanusiorum capita demetebant, Sulla unum Catilinam praefecerat — , in quibus ille hominem optimum, Q. Caecilium, sororis suae virum, equitem Romanum, nullarum partium, cum semper natura, tum etiam aetate iam quietum, suis manibus occidit.

III. 10. Quid ego nunc dicam petere eum consulatum, qui hominem carissimum populo Romano, M. Marium inspectante populo Romano

vitibus per totam urbem ceciderit, ad bustum egerit, ibi omni cruciatu lacerarit, vivo stanti collum gladio sua dextera secuerit, cum sinistra capillum eius a vertice teneret, caput sua manu tulerit, cum inter digitos eius rivi sanguinis fluerent? qui postea cum histrionibus et cum gladiatoribus ita vixit, ut alteros libidinis, alteros facinoris adiutores haberet, qui nullum in locum tam sanctum ac tam religiosum accessit, in quo non, etiamsi aliis culpa non esset, tamen ex sua nequitia dedecoris suspicionem relinqueret, qui ex curia Curios et Annios, ab atriis Sapalas et Carvilios, ex equestri ordine Pompilios et Vettios sibi amicissimos comparavit, qui tantum habet audaciae, tantum nequitiae, tantum denique in libidine artis et efficacitatis, ut prope in parentum gremiis praetextatos liberos constuprarit? Quid ego nunc tibi de Africa, quid de testium dictis scribam? Nota sunt, et ea tu saepius legito; sed tamen hoc mihi non praetermittendum videtur, quod primum ex eo iudicio tam egens discessit, quam quidem iudices eius ante illud iudicium fuerunt, deinde tam invidiosus, ut aliud in eum iudicium quotidie flagitetur. Hic se sic habet, ut magis timeat, etiamsi quierit, quam ut contemnat, si quid commoverit. 11. Quanto melior tibi fortuna petitionis data est quam nuper homini novo, C. Caelio! ille cum duobus hominibus ita nobilissimis petebat, ut tamen in iis omnia pluris essent quam ipsa nobilitas: summa ingenia, summus pudor, plurima beneficia, summa ratio ac diligentia petendi; ac tamen eorum alterum Caelius, cum multo inferior esset genere, superior nulla re paene, superavit. 12. Quare tibi, si facies ea, quae natura et studia, quibus semper usus es, largiuntur, quae temporis tui ratio desiderat, quae potes, quae debes, non erit difficile certamen cum iis competitoribus, qui nequaquam sunt tam genere insignes quam vitiis nobiles; quis enim reperiri potest tam improbus civis, qui velit uno suffragio duas in rem publicam sicas destringere?

IV. 13. Quoniam, quae subsidia novitatis haberes et habere posses, exposui, nunc de magnitudine petitionis dicendum videtur: consulatum petis, quo honore nemo est quin te dignum arbitretur, sed multi, qui invideant; petis enim homo ex equestri loco summum locum civitatis atque ita summum, ut forti homini, diserto, innocenti multo idem ille honos plus amplitudinis quam ceteris afferat. Noli putare eos, qui sunt eo honore usi, non videre, tu, cum idem sis

adeptus, quid dignitatis habiturus sis; eos vero, qui consularibus familiis nati locum maiorum consecuti non sunt, suspicor tibi, nisi si qui admodum te amant, invidere; etiam novos homines praetorios existimo, nisi qui tuo beneficio vincti sunt, nolle abs te se honore superari. 14. Iam in populo quam multi invidi sint, quam multi consuetudine horum annorum ab hominibus novis alienati, venire tibi in mentem certo scio; esse etiam nonnullos tibi iratos ex iis causis, quas egisti, necesse est. Iam illud tute circumspicito, quod ad Cn. Pompeii gloriam augendam tanto studio te dedidisti, num quos tibi putes ob eam causam esse amicos. 15. Quamobrem, cum et summum locum civitatis petas et videas esse studia, quae tibi adversentur, adhibeas necesse est omnem rationem et curam et laborem et diligentiam.

v. 16. Et petitio magistratuum divisa est in duarum rationum diligentiam, quarum altera in amicorum studiis, altera in populari voluntate ponenda est. Amicorum studia beneficiis et officiis et vetustate et facilitate ac iucunditate naturae parta esse oportet; sed hoc nomen amicorum in petitione latius patet quam in cetera vita; quisquis est enim, qui ostendat aliquid in te voluntatis, qui colat, qui domum ventitet, is in amicorum numero est habendus; sed tamen, qui sunt amici ex causa iustiore cognationis aut affinitatis aut sodalitatis aut alicuius necessitudinis, iis carum et iucundum esse maxime prodest. 17. Deinde, ut quisque est intimus ac maxime domesticus, ut is amet et quam amplissimum esse te cupiat, valde elaborandum est, [tum] ut tribules, ut vicini, ut clientes, ut denique liberti, postremo etiam servi tui; nam fere omnis sermo ad forensem famam a domesticis emanat auctoribus. 18. Denique sunt instituendi cuiusque generis amici: ad speciem homines illustres honore ac nomine, qui etiamsi suffragandi studia non navant, tamen afferunt petitori aliquid dignitatis, ad ius obtinendum magistratus, ex quibus maxime consules, deinde tribuni pl., ad conficiendas centurias homines excellenti gratia. Qui abs te tribum aut centuriam aut aliquod beneficium aut habeant aut sperent, eos prorsus magno opere et compara et confirma; nam per hos annos homines ambitiosi vehementer omni studio atque opera elaborarunt, ut possent a tribulibus suis ea, quae peterent, impetrare: hos tu homines, quibuscumque poteris rationibus, ut ex animo atque ex illa summa

voluntate tui studiosi sint, elaborato. 19. Quod si satis grati homines essent, haec tibi omnia parata esse debebant, sicuti parata esse confido; nam hoc biennio quattuor sodalitates hominum ad ambitionem gratiosissimorum tibi obligasti, M. Fundanii, Q. Gallii, C. Cornelii, C. Orchivii: horum in causis ad te deferendis quid tibi eorum sodales receperint et confirmarint, scio, nam interfui; quare hoc tibi faciendum est, hoc tempore ut ab iis quod debent exigas saepe commonendo, rogando, confirmando, curando ut intelligant nullum tempus aliud se umquam habituros referendae gratiae: profecto homines et spe reliquorum tuorum officiorum et [iam] recentibus beneficiis ad studium navandum excitabuntur. 20. Et omnino, quoniam eo genere amicitiarum petitio tua maxime munita est, quod ex causarum defensionibus adeptus es, fac, ut plane iis omnibus, quos devinctos tenes, descriptum ac dispositum suum cuique munus sit, et, quemadmodum nemini illorum molestus ulla in re umquam fuisti, sic cura, ut intelligant omnia te, quae ab illis tibi deberi putaris, ad hoc tempus reservasse.

VI. 21. Sed, quoniam tribus rebus homines maxime ad benevolentiam atque haec suffragandi studia ducuntur, beneficio, spe, adiunctione animi ac voluntate, animadvertendum est, quemadmodum cuique horum generi sit inserviendum. Minimis beneficiis homines adducuntur, ut satis causae putent esse ad studium suffragationis, nedum ii, quibus saluti fuisti, quos tu habes plurimos, non intelligant, si hoc tuo tempore tibi non satisfecerint, se probatos nemini umquam fore. Quod cum ita sit, tamen rogandi sunt atque etiam in hanc opinionem adducendi, ut, qui adhuc nobis obligati fuerint, iis vicissim nos obligari posse videamur. 22. Qui autem spe tenentur, quod genus hominum multo etiam est diligentius atque officiosius, iis fac ut propositum ac paratum auxilium tuum esse videatur, denique ut spectatorem te suorum officiorum esse intelligant diligentem, ut videre te plane atque animadvertere, quantum a quoque proficiscatur, appareat. 23. Tertium illud genus est studiorum voluntarium, quod agendis gratiis, accommodandis sermonibus ad eas rationes, propter quas quisque studiosus tui esse videbitur, significanda ergo illos pari voluntate, adducenda amicitia in spem familiaritatis et consuetudinis confirmari oportebit. Atque in iis omnibus generibus iudicato et perpendito, quantum quisque

possit, ut scias et quemadmodum cuique inservias et quid a quoque exspectes ac postules. 24. Sunt enim quidam homines in suis vicinitatibus et municipiis gratiosi, sunt diligentes et copiosi, qui etiamsi antea non studuerunt huic gratiae, tamen ex tempore elaborare eius causa, cui debent aut voluit, facile possunt: his hominum generibus sic inserviendum est, ut ipsi intelligant te videre, quid a quoque exspectes, sentire, quid accipias, meminisse, quid acceperis; sunt autem alii, qui aut nihil possunt aut etiam odio sunt tribulibus suis nec habent tantum animi aut facultatis, ut enitantur ex tempore: hos ut internoscas, videto, ne spe in aliquo maiore posita praesidii parum comparetur.

VII. 25. Et, quamquam partis ac fundatis amicitiis fretum ac munitum esse oportet, tamen in ipsa petitione amicitiae permultae ac perutiles comparantur; nam in ceteris molestiis habet hoc tamen petitio commodi, ut possis honeste, quod in cetera vita non queas, quoscumque velis adiungere ad amicitiam, quibuscum si alio tempore agas, ut te utantur, absurde facere videare, in petitione autem nisi id agas et cum multis et diligenter, nullus petitor esse videare. 26. Ego autem tibi hoc confirmo, esse neminem, nisi aliqua necessitudine competitorum alicui tuorum sit adiunctus, a quo non facile, si contenderis, impetrare possis, ut suo beneficio promereatur, se ut ames et sibi ut debeas, modo ut intelligat te magni aestimare ex animo agere, bene se ponere, fore ex eo non brevem et suffragatoriam, sed firmam et perpetuam amicitiam. 27. Nemo erit, mihi crede, in quo modo aliquid sit, qui hoc tempus sibi oblatum amicitiae tecum constituendae praetermittat, praesertim cum tibi hoc casus afferat, ut ii tecum petant, quorum amicitia aut contemnenda aut fugienda sit, et qui hoc, quod ego te hortor, non modo assequi, sed ne incipere quidem possint. 28. Nam qui incipiat Antonius homines adiungere atque invitare ad amicitiam, quos per se suo nomine appellare non possit? mihi quidem nihil stultius videtur quam existimare esse eum studiosum tui, quem non noris. Eximiam quandam gloriam et dignitatem ac rerum gestarum magnitudinem esse oportet in eo, quem homines ignoti nullis suffragantibus honore afficiant; ut quidem homo nequam, iners, sine officio, sine ingenio, cum infamia, nullis amicis hominem plurimorum studio atque omnium bona existimatione munitum praecurrat, sine magna culpa

negligentiae fieri non potest.

VIII. 29. Quamobrem omnes centurias multis et variis amicitiis cura ut confirmatas habeas. Et primum, id quod ante oculos est, senatores equitesque Romanos, ceterorum ordinum navos homines et gratiosos complectere. Multi homines urbani industrii, multi libertini in foro gratiosi navique versantur: quos per te, quos per communes amicos poteris, summa cura, ut cupidi tui sint, elaborato: appetito, allegato, summo beneficio te affici ostendito. 30. Deinde habeto rationem urbis totius: collegiorum omnium, pagorum, vicinitatum: ex iis principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis. Postea totam Italiam fac ut in animo ac memoria tributim descriptam comprehensamque habeas, ne quod municipium, coloniam, praefecturam, locum denique Italiae ne quem esse patiare, in quo non habeas firmamenti quod satis esse possit, 31. perquiras et investiges homines ex omni regione, eosque cognoscas, appetas, confirmes, cures, ut in suis vicinitatibus tibi petant et tua causa quasi candidati sint. Volent te amicum, si tuam a te amicitiam expeti videbunt: id ut intelligant, oratione ea, quae ad eam rationem pertinet, habenda consequere. Homines municipales ac rusticani, si nomine nobis noti sunt, in amicitia esse se arbitrantur; si vero etiam praesidii se aliquid sibi constituere putant, non amittunt occasionem promerendi. Hos ceteri et maxime tui competitores ne norunt quidem: tu et nosti et facile cognosces, sine quo amicitia esse non potest. 32. Neque id tamen satis est, tametsi magnum est, si non consequatur spes utilitatis atque amicitiae, ne nomenclator solum, sed amicus etiam bonus esse videare. Ita cum et hos ipsos, propter suam ambitionem qui apud tribules suos plurimum gratia possunt, [tui] studiosos in centuriis habebis et ceteros, qui apud aliquam partem tribulium propter municipii aut vicinitatis aut collegii rationem valent, cupidos tui constitueris, in optima spe esse debebis. 33. Nam equitum centuriae multo facilius mihi diligentia posse teneri videntur. Primum cognoscito equites; pauci enim sunt: deinde appetito; multo enim facilius illa adolescentulorum ad amicitiam aetas adiungitur, deinde habes tecum ex iuventute optimum quemque et studiosissimum humanitatis, tum autem, quod equester ordo tuus est, sequuntur illi auctoritatem ordinis, si abs te adhibetur ea diligentia, ut non ordinis solum voluntate, sed etiam singulorum

amicitiis eas centurias confirmatas habeas, nam studia adolescentulorum in suffragando, in obeundo, in nuntiando, in assectando mirifice et magna et honesta sunt.

IX. 34. Et, quoniam assectationis mentio facta est, id quoque curandum est, ut quotidiana cuiusque generis et ordinis et aetatis utare frequentia; nam ex ea ipsa copia coniectura fieri poterit, quantum sis in ipso campo virium ac facultatis habiturus. Huius autem rei tres partes sunt: una salutatorum, altera deductorum, tertia assectatorum. 35. In salutatoribus, qui magis vulgares sunt et hac consuetudine, quae nunc est, plures veniunt, hoc efficiendum est, ut hoc ipsum minimum officium eorum tibi gratissimum esse videatur: qui domum tuam venient, iis significato te animadvertere; eorum amicis, qui illis renuntient, ostendito, saepe ipsis dicito. Sic homines saepe, cum obeunt plures competitores et vident unum esse aliquem, qui haec officia maxime animadvertat, ei se dedunt, deserunt ceteros, minutatim ex communibus proprii, ex fucosis firmi suffragatores evadunt. Iam illud teneto diligenter, si eum, qui tibi promiserit, audieris fucum, ut dicitur, facere velle aut senseris, ut te id audisse aut scire dissimules, si qui tibi se purgare volet, quod suspectum esse *se* arbitretur, affirmes te de illius voluntate numquam dubitasse nec debere dubitare; is enim, qui se non putat satisfacere, amicus nullo modo potest esse. Scire autem oportet, quo quisque animo sit, ut, quantum cuique confidas, constituere possis. 36. Iam deductorum officium, quo maius est quam salutatorum, hoc gratius tibi esse significato atque ostendito et, quoad eius fieri poterit, certis temporibus descendito: magnam affert opinionem, magnam dignitatem quotidiana in deducendo frequentia. 37. Tertia est ex hoc genere assidua assectatorum copia: in ea quos voluntarios habebis, curato ut intelligant te sibi in perpetuum summo beneficio obligari; qui autem tibi debent, ab iis plane hoc munus exigito, qui per aetatem ac negotium poterunt, ipsi tecum ut assidui sint, qui ipsi sectari non poterunt, necessarios suos in hoc munere constituant. Valde ego te volo et ad rem pertinere arbitror semper cum multitudine esse. 38. Praeterea magnam afferet laudem et summam dignitatem, si ii tecum erunt, qui a te defensi et qui per te servati ac iudiciis liberati sunt: hoc tu plane ab iis postulato, ut, quoniam nulla impensa per te alii rem, alii honestatem, alii salutem ac fortunas omnes obtinuerint nec

aliud ullum tempus futurum sit, ubi tibi referre gratiam possint, hoc te officio remunerentur.

x. 39. Et, quoniam in amicorum studiis haec omnis ratio versatur, qui locus in hoc genere cavendus sit, praetermittendum non videtur: fraudis atque insidiarum et perfidiae plena sunt omnia. Non est huius temporis perpetua illa de hoc genere disputatio, quibus rebus benevolus et simulator diiudicari possint; tantum est huius temporis admonere: summa tua virtus eosdem homines et simulare tibi se esse amicos et invidere coegit; quamobrem *'Epix‹rmeion* illud teneto: "nervos atque artus esse sapientiae non temere credere." 40. Et, cum tuorum amicorum studia constitueris, tum etiam obtrectatorum atque adversariorum rationes et genera cognoscito. Haec tria sunt: unum, quos laesisti; alterum, qui sine causa non amant; tertium, qui competitorum valde amici sunt. Quos laesisti, cum contra eos pro amico diceres, iis te plane purgato, necessitudines commemorato, in spem adducito, te in eorum rebus, si se in amicitiam *tuam* contulerint, pari studio atque officio futurum. Qui sine causa non amant, eos aut beneficio aut spe aut significando tuo erga illos studio dato operam ut de illa animi pravitate deducas. Quorum voluntas erit abs te propter competitorum amicitias alienior, iis quoque eadem inservito ratione, qua superioribus, et, si probare poteris, te in eos ipsos competitores tuos benevolo esse animo ostendito.

xi. 41. Quoniam de amicitiis constituendis satis dictum est, dicendum est de illa altera parte petitionis, quae in populari ratione versatur; ea desiderat nomenclationem, blanditiam, assiduitatem, benignitatem, rumorem, spem in re publica. 42. Primum id, quod facis, ut homines noris, significa, ut appareat, et auge, ut quotidie melius fiat: nihil mihi tam populare neque tam gratum videtur. Deinde id, quod natura non habes, induc in animum ita simulandum esse, ut natura facere videare: nam comitas tibi non deest ea, quae bono ac suavi homine digna est; sed opus est magno opere blanditia, quae, etiamsi vitiosa est et turpis in cetera vita, tamen in petitione est necessaria; etenim, cum deteriorem aliquem assentando facit, improba est, cum amiciorem, non tam vituperanda, petitori vero necessaria est, cuius et frons et vultus et sermo ad eorum, quoscumque convenerit, sensum et voluntatem commutandus et accommodandus est. 43. Iam assiduitatis nullum est praeceptum,

verbumque ipsum docet, quae res sit. Prodest quidem vehementer nusquam discedere, sed tamen hic fructus est assiduitatis, non solum esse Romae atque in foro, sed assidue petere, saepe eosdem appellare, non committere, ut quisquam possit dicere: quoad eius consequi possis, si abs te non sit rogatum et valde ac diligenter rogatum. 44. Benignitas autem late patet: est in re familiari, quae quamquam ad multitudinem pervenire non potest, tamen ab amicis laudatur, multitudini grata est; est in conviviis, quae fac ut et abs te et ab amicis tuis concelebrentur et passim et tributim; est etiam in opera, quam pervulga et communica, curaque ut aditus ad te diurni nocturnique pateant, neque solum foribus aedium turarum, sed etiam vultu ac fronte, quae est animi ianua, quae si significat voluntatem abditam esse ac retrusam, parvi refert patere ostium, homines enim non modo promitti sibi, praesertim quae a candidato petant, sed etiam large atque honorifice promitti volunt. 45. Quare hoc quidem facile praeceptum est, ut, quod facturus sis, id significes te studiose ac libenter esse facturum; illud difficilius et magis ad tempus quam ad naturam accommodatum tuam, quod facere non possis, ut id * aut iucunde neges: [footnote gives some possible entries: *id aut iucunde neges*, cd. Turn., Pal. or *id iucunde neges*, Erf., edd. vett. or *id iucunde ingenue neges*, cd. Maur. Loeb has *id aut iucunde neges aut etiam non neges*; added by Watt following Purser and Constans.] quorum alterum est tamen boni viri, alterum boni petitoris; nam cum id petitur, quod honeste aut sine detrimento nostro promittere non possumus, quomodo si qui roget, ut contra amicum aliquem causam recipiamus, belle negandum est, ut ostendas necessitudinem, demonstres, quam moleste feras, aliis te rebus exsarturum esse persuadeas.

XII. Audivi hoc dicere quendam de quibusdam oratoribus, ad quos causam suam detulisset, gratiorem sibi orationem fuisse *eius*, qui negasset, quam illius, qui recepisset. Sic homines fronte et oratione magis quam ipso beneficio reque capiuntur. Verum hoc probabile est, illud alterum subdurum tibi, homini Platonico, suadere, sed tamen tempori tuo consulam: quibus enim te propter aliquod officium necessitudinis affuturum negaris, tamen ii possunt abs te placati aequique discedere; quibus autem idcirco negaris, quod te impeditum esse dixeris aut amicorum hominum negotiis aut gravioribus causis

aut ante susceptis, inimici discedunt, omnesque hoc animo sunt, ut sibi te mentiri malint quam negare. 47. C. Cotta, in ambitione artifex, dicere solebat se operam suam, quoad non contra officium rogaretur, polliceri solere omnibus, impertire iis, apud quos optime poni arbitraretur; ideo se nemini negare, quod saepe accideret causa, cur is, cui pollicitus esset, non uteretur, saepe, ut ipse magis esset vacuus, quam putasset; neque posse eius domum compleri, qui tantum modo reciperet, quantum videret se obire posse: casu fieri, ut agantur ea, quae non putaris, illa, quae credideris in manibus esse, ut aliqua de causa non agantur; deinde esse extremum, ut irascatur is, cui mendacium dixeris. 48. Id, si promittas, et incertum est et in diem et in paucioribus; sin autem neges, et certe abalienes et statim et plures, plures enim multo sunt, qui rogant, ut uti liceat opera alterius, quam qui utuntur. Quare satius est ex iis aliquos aliquando in foro tibi irasci quam omnes continuo domi, praesertim cum multo magis irascantur his, qui negent, quam hi, qui videant ea ex causa impeditum, ut facere quod promisit cupiat, si ullo modo possit. 49. Ac, ne videar aberrasse a distributione mea, qui haec in hac populari parte petitionis disputem, hoc sequor, haec omnia non tam ad amicorum studia quam ad popularem famam pertinere. Etsi inest aliquid ex illo genere, benigne respondere, studiose inservire negotiis ac periculis amicorum, tamen hoc loco ea dico, quibus multitudinem capere possis, ut de nocte domus compleatur, ut multi spe tui praesidii teneantur, ut amiciores abs te discedant quam accesserint, ut quam plurimorum aures optimo sermone compleantur.

XIII. 50. Sequitur enim, ut de rumore dicendum sit, cui maxime serviendum est. Sed, quae dicta sunt omni superiore oratione, eadem ad rumorem concelebrandum valent: dicendi laus, studia publicanorum et equestris ordinis, hominum nobilium voluntas, adolescentulorum frequentia, eorum, qui abs te defensi sunt, assiduitas, ex municipiis multitudo eorum, quos tua causa venisse appareat, bene *te* ut homines nosse, comiter appellare, assidue ac diligenter petere, benignum ac liberalem esse et loquantur et existiment, domus ut multa nocte compleatur, omnium generum frequentia assit, satisfiat oratione omnibus, re operaque multis, perficiatur id, quod fieri potest, labore et arte ac diligentia, non ut ad populum ab iis omnibus fama perveniat, sed ut in iis studiis populus

ipse versetur. 51. Iam urbanam illam multitudinem et eorum studia, qui conciones tenent, adeptus es in Pompeio ornando, Manilii causa recipienda, Cornelio defendendo: excitanda nobis sunt, quae adhuc habuit nemo, quin idem splendidoruum hominum voluntates haberet. Efficiendum etiam illud est, ut sciant omnes Cn. Pompeii summam esse erga te voluntatem et vehementer ad illius rationes te id assequi, quod petis, pertinere. 52. Postremo tota petitio cura ut pompae plena sit, ut illustris, ut splendida, ut popularis sit, ut habeat summam speciem ac dignitatem, ut etiam, si quae possit, in competitoribus tuis existat aut sceleris aut libidinis aut largitionis accommodata ad eorum mores infamia. 53. Atque etiam in hac petitione maxime videndum est, ut spes rei publicae bona de te sit et honesta opinio; nec tamen in petendo res publica capessenda est neque in senatu neque in concione, sed haec tibi sunt retinenda, ut senatus te existimet ex eo, quod ita vixeris, defensorem auctoritatis suae fore, equites Romani et viri boni ac locupletes ex vita acta te studiosum otii ac rerum tranquillarum, multitudo ex eo, quod dumtaxat oratione in concionibus ac iudicio popularis fuisti, te a suis commodis non alienum futurum.

XIV. 54. Haec veniebant mihi in mentem de duabus illis commentationibus matutinis, quod tibi quotidie ad forum descendenti meditandum esse dixeram: “novus sum; consulatum peto.” Tertium restat: “Roma est,” civitas ex nationum conventu constituta, in qua multae insidiae, multa fallacia, multa in omni genere vitia versantur, multorum arrogantia, multorum contumacia, multorum malevolentia, multorum superbia, multorum odium ac molestia perferenda est. Video esse magni consilii atque artis in tot hominum cuiusque modi vitiis tantisque versantem vitare offensionem, vitare fabulam, vitare insidias, esse unum hominem accommodatum ad tantam morum ac sermonum ac voluntatum varietatem. 55. Quare etiam atque etiam perge tenere istam viam, quam instituisti: excelle dicendo; hoc et tenentur Romae homines et alliciuntur et ab impediendo ac laedendo repelluntur. Et, quoniam in hoc vel maxime est vitiosa civitas, quod largitione interposita virtutis ac dignitatis oblivisci solet, in hoc fac ut te bene noris, id est, ut intelligas eum esse te, qui iudicii ac periculi metum maximum competitoribus afferre possis; fac, se ut abs te custodiri atque observari sciant: cum diligentiam tuam, cum

auctoritatem vimque dicendi, tum profecto equestris ordinis erga te studium pertimescent. 56. Atque haec ita volo te illis proponere, non ut videare accusationem iam meditari, sed ut hoc terrore facilius hoc ipsum, quod agis, consequare. Et plane sic contende omnibus nervis ac facultatibus, ut adipiscamur, quod petimus. Video nulla esse comitia tam inquinata largitione, quibus non gratis aliquae centuriae renuntient suos magno opere necessarios. 57. Quare, si advigilamus pro rei dignitate et si nostros ad summum studium benevolos excitamus et si hominibus gratiosis studiosisque nostri suum cuique munus describimus et si competitoribus iudicium proponimus, sequestribus metum iniicimus, divisores ratione aliqua coercemus, perfici potest, ut largitio aut nulla fiat aut nihil valeat. 58. Haec sunt, quae putavi non melius scire me quam te, sed facilius his tuis occupationibus colligere unum in locum posse et ad te perscripta mittere: quae tametsi ita sunt scripta, ut non ad omnes, qui honores petant, sed ad te proprie et ad hanc petitionem tuam valeant, tamen tu, si quid mutandum esse videbitur aut omnino tollendum aut si quid erit praeteritum, velim hoc mihi dicas; volo enim hoc commentariolum petitionis haberi omni ratione perfectum.

The Biographies

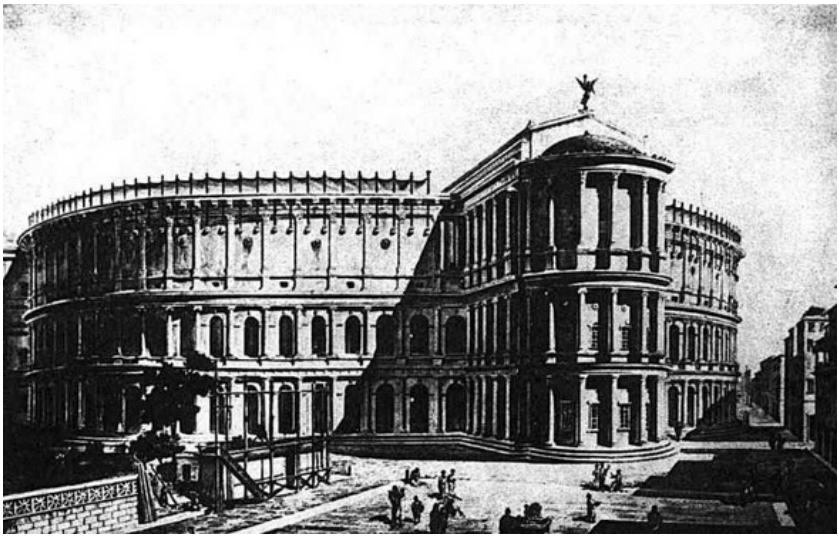

The Theatre of Pompey, Rome. Julius Caesar was assassinated following a conspiracy by approximately 60 Roman senators, who called themselves the Liberators. Led by Gaius Cassius Longinus and Marcus Junius Brutus, they stabbed Caesar to death in a location adjacent to the theatre on the Ides of March (March 15), 44 BC. This event would directly lead to Cicero's murder 18 months later.

Reconstruction of the site of the assassination

The site today

CICERO by Plutarch

Translated by by Bernadotte Perrin

1 1 It is said of Helvia, the mother of Cicero, that she was well born and lived an honourable life; but of his father nothing can be learned that does not go to an extreme. 2 For some say that he was born and reared in a fuller's shop, while others trace the origin of his family to Tullus Attius, an illustrious king of the Volscians, who waged war upon the Romans with great ability. 3 However, the first member of the family who was surnamed Cicero seems to have been worthy of note, and for that reason his posterity did not reject the surname, but were fond of it, although many made it a matter of raillery. 4 For "cicer" is the Latin name for chick-pea, and this ancestor of Cicero, as it would seem, had a faint dent in the end of his nose like the cleft of a chick-pea, from which he acquired his surname. 5 Cicero himself, however, whose Life I now write, when he first entered public life and stood for office and his friends thought he ought to drop or change the name, is said to have replied with spirit that he would strive to make the name of Cicero more illustrious than such names as Scaurus or Catulus.a 6 Moreover, when he was quaestor in Sicily and was dedicating to the gods a piece of silver plate, he had his first two names inscribed thereon, the Marcus and the Tullius, but instead of the third, by way of jest, he ordered the artificer to engrave a chick-pea in due sequence. This, then, is what is told about his name.

2 1 It is said that Cicero was born, without travail or pain on the part of his mother, on the third day of the new Calends, the day on which at the present time the magistrates offer sacrifices and prayers for the health of the emperor. It would seem also that a phantom appeared to his nurse and foretold that her charge would be a great blessing to all the Romans. 2 And although these presages were

thought to be mere dreams and idle fancies, he soon showed them to be true prophecy; for when he was of an age for taking lessons, his natural talent shone out clear and he won name and fame among the boys, so that their fathers used to visit the schools in order to see Cicero with their own eyes and observe the quickness and intelligence in his studies for which he was extolled, though the ruder ones among them were angry at their sons when they saw them walking with Cicero placed in their midst as a mark of honour. 3 And although he showed himself, as Plato thought a nature should do which was fond of learning and fond of wisdom, capable of welcoming all knowledge and incapable of slighting any kind of literature or training, he lent himself with somewhat greater ardour to the art of poetry. And a little poem which he wrote when a boy is still extant, called Pontius Glaucus, and composed in tetrameter verse. 4 Moreover, as he grew older and applied himself with greater versatility to such accomplishments, he got the name of being not only the best orator, but also the best poet among the Romans. 5 His fame for oratory abides to this day, although there have been great innovations in style; but his poetry, since many gifted poets have followed him, has altogether fallen into neglect and disrepute.

3 1 After he had finished the studies of boyhood, he attended the lectures of Philon the Academic, whom, above all the other disciples of Cleitomachus, the Romans admired for his eloquence and loved for his character. 2 At the same time he consorted with Mucius Scaevola, a statesman and leader of the senate, and was helped by him to an acquaintance with the law; and for a little while he also did military service under Sulla in the war against the Marsians. 3 Then, seeing that the commonwealth was hurrying into factions, and from factions into unlimited monarchy, he betook himself to a retired and contemplative life, associated with Greek scholars, and pursued his studies, until Sulla got the mastery and the state appeared to be somewhat settled.

4 About this time Chrysogonus, a freedman of Sulla's, put up at public auction the estate of a man who, as it was said, had been put to death under proscription, and bought it in himself for two thousand drachmas. 5 Then Roscius, the son and heir of the deceased, was indignant and set forth clearly that the estate was worth two

hundred and fifty talents, whereupon Sulla, enraged to have his actions called in question, indicted Roscius for the murder of his father, Chrysogonus having trumped up the evidence. No advocate would help Roscius, but all avoided him through their fear of Sulla's cruelty, and so at last, in his destitution, the young man had recourse to Cicero. Cicero's friends encouraged him to undertake the case, arguing that he would never again have a more brilliant or a more honourable opportunity to win fame. 6 Accordingly, he undertook the defence of Roscius, won his cause, and men admired him for it; but fearing Sulla, he made a journey to Greece, after spreading a report that his health needed attention. For in fact he was spare and lean, and owing to a weakness of the stomach could only with difficulty take a little light food late in the day; his voice, however, was full and strong, but harsh and unmodulated, and since, owing to the vehemence and passion of his oratory, it was always forced into the higher tones, it made men apprehensive for his health.

4 1 On coming to Athens he attended the lectures of Antiochus of Ascalon, and was charmed by his fluency and grace of diction, although he disapproved of his innovations in doctrine. 2 For Antiochus had already fallen away from what was called the New Academy and abandoned the sect of Carneades, either moved thereto by the clear evidence of the sense-perceptions, or, as some say, led by a feeling of ambitious opposition to the disciples of Cleitomachus and Philon to change his views and cultivate in most cases the doctrine of the Stoics. 3 But Cicero loved the systems which Antiochus discarded and devoted himself the rather to them, purposing, in case he was altogether driven out of a public career, to change his home to Athens, away from the forum and the business of the state, and spend his life in the quiet pursuit of philosophy.

4 But word was now brought to him that Sulla was dead, and since his body, strengthened by exercise, was taking on a vigorous habit, while his voice, acquiring modulation, had grown pleasant to the ear, and had been moderated into keeping with the habit of his body; and since, moreover, his friends at Rome earnestly besought him by letter and Antiochus strongly urged him to apply himself to public affairs, he once more sought to prepare for service therein his instrument, as it were, to wit his rhetorical style, and to rouse to action his political

powers, diligently cultivating himself in declamation and taking lessons of the popular rhetoricians. With this end in view he made a voyage to Asia and Rhodes. 5 In Asia, he studied oratory with Xenocles of Adramyttium, Dionysius of Magnesia, and Menippus the Carian; in Rhodes, oratory with Apollonius the son of Milon, and philosophy with Poseidonius. 6 Apollonius, we are told, not understanding the Roman language, requested Cicero to declaim in Greek, with which request Cicero readily complied, thinking that in this way his faults could better be corrected. 7 After he had declaimed, his other hearers were astounded and vied with one another in their praises, but Apollonius was not greatly moved while listening to him, and when he had ceased sat for a long time lost in thought; then, since Cicero was distressed at this, he said: "Thee, indeed, O Cicero, I admire and commend; but Greece I pity for her sad fortune, since I see that even the only glories which were left to us, culture and eloquence, are through thee to belong also to the Romans."

5 1 However, though Cicero, full of hope, was being borne on towards a political career, a certain oracle took the edge from his eager desire. When he inquired, namely, of the god at Delphi how he could become most illustrious, the Pythian priestess enjoined upon him to make his own nature, and not the opinion of the multitude, his guide in life. 2 And so during the first part of his time at Rome he conducted himself with caution, was reluctant to sue for office, and was therefore neglected, being called "Greek" and "Scholar," those names which the low and ignorant classes at Rome were wont to give so readily. 3 But he was naturally ambitious and was urged on by his father and his friends, and so when he gave himself in earnest to the work of an advocate, he did not advance slowly to the primary, but his fame shot forth at once, and he far surpassed those who strove with him for distinction in the forum.

4 But it is said that he too, no less than Demosthenes, was weak in his delivery, and therefore sought with care to imitate now Roscius the comedian, and now Aesop the tragedian. 5 This Aesop, they tell us, was once acting in a theatre the part of Atreus planning to take vengeance on Thyestes, when one of the assistants suddenly ran across the scene, and the actor, losing control of himself in the

intensity of his passion, smote him with his sceptre and laid him dead. 6 Now, Cicero's delivery contributed not a little to his persuasive power. Moreover, of those orators who were given to loud shouting he used to say jestingly that they were led by their weakness to resort to clamour as cripples were to mount upon a horse. And his readiness to indulge in such jests and pleasantry was thought indeed to be a pleasant characteristic of a pleader; but he carried it to excess and so annoyed many and got the reputation of being malicious.

6 1 He was appointed quaestor at a time when grain was scarce, and had the province of Sicily allotted to him, where he annoyed people at first by compelling them to send grain to Rome. But afterwards they found him careful, just, and mild, and honoured him beyond any governor they had ever had. 2 Moreover, when large numbers of young men from Rome, of illustrious and noble families, were accused of lack of discipline and courage in the war and sent up for trial to the praetor of Sicily, Cicero pleaded their cause brilliantly and won the day. 3 While he was journeying to Rome, then, highly elated over these successes, he had a laughable experience, as he tells us. In Campania, namely, he fell in with an eminent man whom he deemed his friend, and asked him what the Romans were saying and thinking about his achievements, supposing that he had filled the whole city with the name and fame of them; 4 but his friend said: "Where, pray, have you been, Cicero, all this while?" At that time, then, as he tells us, he was altogether disheartened, seeing that the story of his doings had sunk into the city as into a bottomless sea, without any visible effect upon his reputation; but afterwards he reasoned with himself and abated much of his ambition, convinced that the fame towards which he was emulously struggling was a thing that knew no bounds and had no tangible limit. 5 However, his excessive delight in the praise of others and his too passionate desire for glory remained with him until the very end, and very often confounded his saner reasonings.

7 1 And now that he was engaging in public life with greater ardour, he considered it a shameful thing that while craftsmen, using vessels and instruments that are lifeless, know the name and place and capacity of every one of them, the statesman, on the contrary, whose instruments for carrying out public measures are men, should

be indifferent and careless about knowing his fellow-citizens. 2 Wherefore he not only accustomed himself to remember their names, but also learned to know the quarter of the city in which every notable person dwelt, where he owned a country-place, what friends he had, and what neighbours; so that whatever road in Italy Cicero travelled, it was easy for him to name and point out the estates and villas of his friends.

3 His property, though sufficient to meet his expenses, was nevertheless small, and therefore men wondered that he would accept neither fees nor gift for his services as advocate, and above all when he undertook the prosecution of Verres. 4 This man, who had been praetor of Sicily, and whom the Sicilians prosecuted for many villainous acts, Cicero convicted, not by speaking, but, in a way, by actually not speaking. 5 For the praetors favoured Verres, and by many obstacles and delays had put off the case until the very last day, since it was clear that a day's time would not be enough for the speeches of the advocates and so the trial would not be finished. But Cicero rose and said there was no need of speeches, and then brought up and examined his witnesses and bade the jurors cast their votes. 6 Nevertheless, many witty sayings of his in connection with this trial are on record. For instance, "verres" is the Roman word for a castrated *porker*; when, accordingly, a freedman named Caecilius, who was suspected of Jewish practices, wanted to thrust aside the Sicilian accusers and denounce Verres himself, Cicero said: "What has a Jew to do with a Verres?" 7 Moreover, Verres had a young son, who had the name of lending himself to base practices. Accordingly, when Cicero was reviled by Verres for effeminacy, "You ought," said he, "to revile your sons at home." 8 And again, the orator Hortensius did not venture to plead the cause of Verres directly, but was persuaded to appear for him at the assessment of the fine, and received an ivory sphinx as his reward; and when Cicero made some oblique reference to him and Hortensius declared that he had no skill in solving riddles, "And yet," said Cicero, "thou hast the Sphinx at thy house."

8 1 When Verres had thus been convicted, Cicero assessed his fine at seven hundred and fifty thousand denarii, and was therefore accused of having been bribed to make the fine a low one. 2 The

Sicilians, however, were grateful to him, and when he was aedile brought him from their island all sorts of live stock and produce; from these he derived no personal profit, but used the generosity of the islanders only to lower the price of provisions.

3 He owned a pleasant country-seat at Arpinum, and had a farm near Naples and another near Pompeii, both small. His wife Terentia brought him besides a dowry of a hundred thousand denarii, and he received a bequest which amounted to ninety thousand. 4 From these he lived, in a generous and at the same time modest manner, with the Greek and Roman men of letters who were his associates. He rarely, if ever, came to table before sunset, not so much on account of business, as because his stomach kept him in poor health. 5 In other ways, too, he was exact and over-scrupulous in the care of his body, so that he actually took a set number of rubbings and walks. By carefully managing his health in this way he kept it free from sickness and able to meet the demands of many great struggles and toils. 6 The house which had been his father's he made over to his brother, and dwelt himself near the Palatine hill, in order that those who came to pay their court to him might not have the trouble of a long walk. And men came to his house every day to pay him court, no fewer than came to Crassus for his wealth or to Pompey because of his influence with the soldiery, and these were the two greatest men among the Romans and the most admired. 7 Nay, Pompey actually paid court to Cicero, and Cicero's political efforts contributed much towards Pompey's power and fame.

9 1 Although many men of importance stood for the praetorship along with Cicero, he was appointed first of them all; and men thought that he managed the cases which came before him with integrity and fairness. 2 It is said, too, that Licinius Macer, a man who had great power in the city on his own account and also enjoyed the help of Crassus, was tried before Cicero for fraud, and that, relying upon his influence and the efforts made in his behalf, he went off home while the jurors were still voting, hastily trimmed his hair and put on a white toga in the belief that he had been acquitted, and was going forth again to the forum; but Crassus met him at the house-door and told him that he had been convicted unanimously, whereupon he turned back, lay down upon his bed, and died. And the

case brought Cicero the reputation of having been a scrupulous presiding officer. 3 Again, there was Vatinius, a man who had a harsh manner and one which showed contempt for the magistrates before whom he pleaded; his neck also was covered with swellings. As this man once stood at Cicero's tribunal and made some request of him, Cicero did not grant it at once, but took a long time for deliberation, whereupon Vatinius said that he himself would not have stuck at the matter had he been praetor. At this Cicero turned upon him and said: "But I have not the neck that you have."

4 Two or three days before his term of office expired, Manilius was brought before him on a charge of fraudulent accounting. This Manilius had the good will and eager support of the people, since it was thought that he was prosecuted on Pompey's account, being a friend of his. 5 On his demanding several days in which to make his defence, Cicero granted him only one, and that the next; and the people were indignant because it was customary for the praetor to grant ten days at least to the accused. 6 And when the tribunes brought Cicero to the rostra and denounced him, he begged for a hearing, and then said that he had always treated defendants, so far as the laws allowed, with clemency and kindness, and thought it an unfortunate thing that Manilius should not have this advantage; wherefore, since only one day was left to his disposal as praetor, he had purposely set this day for the trial, and surely it was not the part of one who wished to help Manilius to defer it to another praetor's term. 7 These words produced a wonderful change in the feelings of the people, and with many expressions of approval they begged Cicero to assume the defence of Manilius. This he willingly consented to do, chiefly for the sake of Pompey, who was absent, and once more mounting the rostra harangued the people anew, vigorously attacking the oligarchical party and those who were jealous of Pompey.

10 1 Yet he was advanced to the consulship no less by the aristocrats than by the common people, and in the interests of the city, both parties seconding his efforts for the following reasons. 2 The change which Sulla had made in the constitution at first appeared absurd, but now it seemed to the majority, owing to lapse of time and their familiarity with it, to afford at last a kind of

settlement which was not to be despised. There were those, however, who sought to agitate and change the existing status for the sake of their own gain, and not for the best interests of the state, while Pompey was still carrying on war with the kings in Pontus and Armenia, and there was no power in Rome which was able to cope with the revolutionaries. 3 These had for their chief a man of bold, enterprising, and versatile character, Lucius Catiline, who, in addition to other great crimes, had once been accused of deflowering his own daughter and of killing his own brother; and fearing prosecution for this murder, he persuaded Sulla to put his brother's name, as though he were still alive, in the list of those who were to be put to death under proscription. 4 Taking this man, then, as their leader, the miscreants gave various pledges to one another, one of which was the sacrifice of a man and the tasting of his flesh. Moreover, Catiline had corrupted a large part of the young men in the city, supplying them continually with amusements, banquets, and amours, and furnishing without stint the money to spend on these things. 5 Besides, all Etruria was roused to revolt, as well as most of Cisalpine Gaul. And Rome was most dangerously disposed towards change on account of the irregularity in the distribution of property, since men of the highest reputation and spirit had beggared themselves on shows, feasts, pursuit of office, and buildings, and riches had streamed into the coffers of low-born and mean men, so that matters needed only a slight impulse to disturb them, and it was in the power of any bold man to overthrow the commonwealth, which of itself was in a diseased condition.

11 However, Catiline wished to obtain first a strong base of operations, and therefore sued for the consulship; and he had bright hopes that he would share the consulship with Caius Antonius, a man who, of himself, would probably not take the lead either for good or for bad, but would add strength to another who took the lead. 2 Most of the better class of citizens were aware of this, and therefore put forward Cicero for the consulship, and as the people readily accepted him, Catiline was defeated, and Cicero and Caius Antonius were elected. 3 And yet Cicero was the only one of the candidates who was the son, not of a senator, but of a knight.

12 1 The schemes of Catiline were still to remain concealed from

the multitude, but great preliminary struggles awaited the consulship of Cicero. 2 For, in the first place, those who were prevented from holding office by the laws of Sulla, and they were neither few nor weak, sued for offices and tried to win the favour of the people, making many charges against the tyranny of Sulla which were just and true, indeed, but disturbing the government at an improper and unseasonable time; and, in the second place, the tribunes were introducing laws to the same purpose, appointing a commission of ten men with unlimited powers, to whom was committed, as supreme masters of all Italy, of all Syria, and of all the territories which Pompey had lately added to the empire, the right to sell the public lands, to try whom they pleased, to send into exile, to settle cities, to take moneys from the public treasury, and to levy and maintain as many soldiers as they wanted. 3 Therefore many of the prominent men also were in favour of the law, and foremost among them Antonius the colleague of Cicero, who expected to be one of the ten. It was thought also that he knew about the conspiracy of Catiline and was not averse to it, owing to the magnitude of his debts; 4 and this was what gave most alarm to the nobles.

This alarm Cicero first sought to allay by getting the province of Macedonia voted to his colleague, while he himself declined the proffered province of Gaul; and by this favour he induced Antonius, like a hired actor, to play the second rôle to him in defence of their country. 5 Then, as soon as Antonius had been caught and was tractable, Cicero opposed himself with more courage to the innovators. Accordingly, he denounced the proposed law in the senate at great length, and so terrified the very promoters of it that they had no reply to make to him. 6 And when they made a second attempt and after full preparation summoned the consuls to appear before the people, Cicero had not the slightest fear, but bidding the senate follow him and leading the way, he not only got the law rejected, but also induced the tribunes to desist from the rest of their measures, so overpowered were they by his eloquence.

13 1 For this man beyond all others showed the Romans how great a charm eloquence adds to the right, and that justice is invincible if it is correctly put in words, and that it behooves the careful statesman always in his acts to choose the right instead of the agreeable, and in

his words to take away all vexatious features from what is advantageous. 2 A proof of the charm of his discourse may be found in an incident of his consulship connected with the public spectacles. In earlier times, it seems, the men of the equestrian order were mingled with the multitudes in the theatres and saw the spectacles along with the people, seated as chance would have it; Marcus Otho was the first to separate in point of honour the knights from the rest of the citizens, which he did when he was praetor, and gave them a particular place of their own at the spectacles, which they still retain. 3 The people took this as a mark of dishonour to themselves, and when Otho appeared in the theatre they hissed him insultingly, while the knights received him with loud applause. The people renewed and increased their hisses, and then the knights their applause. 4 After this they turned upon one another with reviling words, and disorder reigned in the theatre. When Cicero heard of this he came and summoned the people to the temple of Bellona, where he rebuked and exhorted them, whereupon they went back again to the theatre and applauded Otho loudly, and vied with the knights in showing him honour and esteem.

14 1 But Catiline and his fellow-conspirators, who at first were cowed and terrified, began once more to take courage, and assembling themselves together exhorted one another to take matters in hand more boldly before Pompey came back, and he was said to be now returning with his army. 2 It was the old soldiers of Sulla, however, who were most of all urging Catiline on to action. These were to be found in all parts of Italy, but the greatest numbers and the most warlike of them had been scattered among the cities of Etruria, and were again dreaming of robbing and plundering the wealth that lay ready to hand. 3 These men, I say, with Manlius for a leader, one of the men who had served with distinction under Sulla, associated themselves with Catiline and came to Rome to take part in the consular elections. For Catiline was again a candidate for the consulship, and had determined to kill Cicero in the very tumult of the elections. 4 Moreover, even the heavenly powers seemed, by earthquakes and thunderbolts and apparitions, to foreshow what was coming to pass. And there were also human testimonies which were true, indeed, but not sufficient for the conviction of a man of

reputation and great power like Catiline. 5 For this reason Cicero postponed the day of the elections, and summoning Catiline to the senate, examined him concerning what was reported. 6 But Catiline, thinking that there were many in the senate who were desirous of a revolution, and at the same time making a display of himself to the conspirators, gave Cicero the answer of a madman: "What dreadful thing, pray," said he, "am I doing, if, when there are two bodies, one lean and wasted, but with a head, and the other headless, but strong and large, I myself become a head for this?" 7 Since this riddle of Catiline's referred to the senate and the people, Cicero was all the more alarmed, and he wore a breastplate when all the nobles and many of the young men escorted him from his house to the Campus Martius. 8 Moreover, he purposely allowed the spectators to get a glimpse of his breastplate by loosing his tunic from his shoulders, thus showing them his peril. The people were incensed and rallied about him; and finally, when they voted, they rejected Catiline once more, and elected Silanus and Murena consuls.

15 1 Not long after this, when Catiline's soldiers in Etruria were already assembling and forming into companies, and when the day set for their attack was near, there came to the house of Cicero at midnight men who were the leading and most powerful Romans, Marcus Crassus, Marcus Marcellus, and Scipio Metellus; and knocking at the door and summoning the doorkeeper, they bade him wake Cicero and tell him they were there. Their business was what I shall now relate. 2 After Crassus had dined, his doorkeeper handed him some letters which an unknown man had brought; they were addressed to different persons, and one, which had no signature, was for Crassus himself. 3 Crassus read this letter only, and since its contents told him that there was to be much bloodshed caused by Catiline, and advised him to escape secretly from the city, he did not open the rest, but came at once to Cicero, terrified by the danger, and seeking to free himself somewhat from charges that had been made against him on account of his friendship for Catiline.

4 Cicero, accordingly, after deliberation, convened the senate at break of day, and carrying the letters thither gave them to the persons to whom they had been sent, with orders to read them aloud. All the letters alike were found to tell of a plot. 5 And when also Quintus

Arrius, a man of praetorian dignity, brought word of the soldiers who were being mustered into companies in Etruria, and Manlius was reported to be hovering about the cities there with a large force, in constant expectation of some news from Rome, the senate passed a decree that matters should be put in the hands of the consuls, who were to accept the charge and manage as best they knew how for the preservation of the city. Now, the senate is not wont to do this often, but only when it fears some great danger.

16 1 On receiving this power Cicero entrusted matters outside to Quintus Metellus, while he himself kept the city in hand and daily went forth attended by so large a bodyguard that a great part of the forum was occupied when he entered it with his escort. Thereupon Catiline, no longer able to endure the delay, resolved to hasten forth to Manlius and his army, and ordered Marcius and Cethegus to take their swords and go early in the morning to the house of Cicero on pretence of paying him their respects, and there to fall upon him and dispatch him. 2 This scheme Fulvia, a woman of high rank, made known to Cicero, coming to him by night and urging him to be on his guard against Cethegus and his companion. 3 The men came at break of day, and when they were prevented from entering, they were incensed and made an outcry at the door, which made them the more suspected. Then Cicero went forth and summoned the senate to the temple of Jupiter Stesius (or Stator, as the Romans say), which was situated at the beginning of the Via Sacra, as you go up to the Palatine hill. 4 Thither Catiline also came with the rest in order to make his defence; no senator, however, would sit with him, but all moved away from the bench where he was. 5 And when he began to speak he was interrupted by outcries, and at last Cicero rose and ordered him to depart from the city, saying that, since one of them did his work with words and the other with arms, the city-wall must needs lie between them. 6 Catiline, accordingly, left the city at once with three hundred armed followers, assumed the fasces and axes as though he were a magistrate, raised standards, and marched to join Manlius; and since about twenty thousand men altogether had been collected, he marched round to the various cities endeavouring to persuade them to revolt, so that there was now open war, and Antonius was sent off to fight it out.

17 1 The creatures of Catiline who had been left behind in the city were brought together and encouraged by Cornelius Lentulus, surnamed Sura, a man of illustrious birth, but one who had led a low life and for his licentiousness had formerly been expelled from the senate, though now he was serving as praetor for the second time, as is the custom with those who have recovered their senatorial dignity. 2 It is said too that he got his surname of Sura for the following reason. In Sulla's time he was quaestor and lost and wasted large amounts of the public moneys. 3 Sulla was angry at this and demanded an accounting from him in the senate, whereupon Lentulus came forward with a very careless and contemptuous air and said that he would not give an account, but would offer his leg, as boys were accustomed to do when they were playing ball and made a miss. 4 On this account he was surnamed Sura, for "sura" is the Roman word for leg. At another time, too, he was under prosecution and had bribed some of the jurors, and when he was acquitted by only two votes, he said that what he had given to the second juror was wasted money, since it would have sufficed if he had been acquitted by one vote only.

5 Such was the nature of this man who had been stirred up by Catiline, and he was further corrupted by vain hopes held out to him by false prophets and jugglers. These recited forged oracles in verse purporting to come from the Sibylline books, which set forth that three Cornelii were fated to be monarchs in Rome, two of whom had already fulfilled their destiny, namely, Cinna and Sulla, and that now to him, the third and remaining Cornelius, the heavenly powers were come with a proffer of the monarchy, which he must by all means accept, and not ruin his opportunities by delay, like Catiline.

18 1 Accordingly, it was no trifling or insignificant plan which Lentulus was cherishing, nay, it was decided to kill all the senators and as many of the other citizens as they could, to burn down the city itself, and to spare no one except the children of Pompey; these they were to seize and hold in their own custody and keep as hostages for their reconciliation with Pompey; for already there was current a wide-spread and sure report of his coming back from his great expedition. 2 A night had also been fixed for the attempt, a night of the Saturnalia, and swords, tow, and brimstone had been carried to

the house of Cethegus and hidden there. 3 Moreover, they had appointed a hundred men and assigned by lot as many quarters of Rome to each one severally, in order that within a short time many might play the incendiary and the city be everywhere in a blaze. Others, too, were to stop up the aqueducts and kill those who tried to bring water.

4 But while this was going on, there chanced to be staying at Rome two ambassadors of the Allobroges, a nation which at that time was in a particularly evil plight and felt oppressed by the Roman sway. 5 These men Lentulus and his partisans thought would be useful in stirring up Gaul to revolt, and therefore took them into the conspiracy. They also gave them letters to their senate, and letters to Catiline, making the senate promises of freedom and urging Catiline to set the slaves free and march upon Rome. 6 They also sent with them to Catiline a certain Titus of Croton, who was to carry the letters. 7 But the conspirators were unbalanced men who seldom met together without wine and women, while Cicero was following their schemes industriously, with sober judgement and surpassing sagacity; he also had many men outside of their conspiracy who kept watch upon their doings and helped him track them down, and he conferred secretly and confidentially with many who were supposed to belong to the conspiracy; he therefore came to know of their conference with the strangers, and, laying an ambush by night, he seized the man of Croton and his letters with the secret co-operation of the Allobroges.

19 1 At break of day, then, he assembled the senate in the temple of Concord, read the letters aloud, and examined the informers. Silanus Junius also said that certain ones had heard Cethegus declare that three consuls and four praetors were going to be taken off. Piso, too, a man of consular dignity, brought in other reports of a like nature. 2 Moreover, Caius Sulpicius, one of the praetors, on being sent to the house of Cethegus, found in it many missiles and weapons, and a huge quantity of swords and knives, all newly sharpened. 3 And finally, after the senate had voted immunity to the man of Croton on condition that he gave information, Lentulus was convicted, resigned his office (he was then praetor), and laying aside his purple-bordered toga in the senate, assumed in its place a garment suitable to his

predicament. 4 He and his associates, therefore, were handed over to the praetors for custody without fetters.

It was now evening, and the people were waiting about the temple in throngs, when Cicero came forth and told his fellow-citizens what had been done. They then escorted him to the house of a friend and neighbour, since his own was occupied by the women, who were celebrating mysterious rites to a goddess whom the Romans call Bona Dea, and the Greeks, Gynaeceia. 5 Sacrifice is offered to her annually in the house of the consul by his wife or his mother, in the presence of the Vestal Virgins. Cicero, then, having gone into his friend's house, began to deliberate with himself — and he had only very few companions — what he should do with the men. 6 For he shrank from inflicting the extreme penalty, and the one befitting such great crimes, and he hesitated to do it because of the kindliness of his nature, and at the same time that he might not appear to make an excessive use of his power and to trample ruthlessly upon men who were of the highest birth and had powerful friends in the city; and if he treated them with less severity, he was afraid of the peril into which they would bring the state. 7 For if they suffered any milder penalty than death, he was sure they would not be satisfied, but would break out into every extreme of boldness, having added fresh rage to their old villainy: and he himself would be thought unmanly and weak, especially as the multitude already thought him very far from courageous.

20 1 While Cicero was in this perplexity, a sign was given to the women who were sacrificing. The altar, it seems, although the fire was already thought to have gone out, sent forth from the ashes and burnt bark upon it a great bright blaze. 2 The rest of the women were terrified at this, but the sacred virgins bade Terentia the wife of Cicero go with all speed to her husband and tell him to carry out his resolutions in behalf of the country, since the goddess was giving him a great light on this path to safety and glory. 3 So Terentia, who was generally of no mild spirit nor without natural courage, but an ambitious woman, and, as Cicero himself tells us, more inclined to make herself a partner in his political perplexities than to share with him her domestic concerns, gave him this message and incited him against the conspirators; so likewise did Quintus, his brother, and

Publius Nigidius, one of his philosophical companions, of whom he made the most and greatest use in his political undertakings.

4 On the following day the senate discussed the punishment of the conspirators, and Silanus, who was the first to be asked to give his opinion, said that they ought to be taken to prison and there suffer extremest punishment. 5 All the senators acceded to his opinion one after the other, until it came to Caius Caesar, who afterwards became dictator. 6 At this time, however, he was a young man still and at the very beginning of his rise to power, but in his public policy and his hopes he had already entered upon that road by which he changed the Roman state into a monarchy. His designs were still unnoticed by the rest, but to Cicero he had given many grounds for suspicion, and yet no hold which could lead to his conviction, although many were heard to say that he had come near being caught by Cicero, but had eluded him. 7 Some, however, say that Cicero purposely overlooked and neglected the information against him through fear of his friends and his power, since it was clear to every one that the other conspirators would be included in Caesar's acquittal, rather than Caesar in their punishment.

21 1 When, then, it was Caesar's turn to give his opinion, he rose and declared it to be against putting the conspirators to death, but in favor of confiscating their property and removing them to whatever cities of Italy Cicero might deem best, there to be put in fetters and closely guarded until Catiline should be defeated. 2 The proposal of Caesar was merciful and its author a very able speaker, and Cicero added no little weight to it. 3 For when he rose to speak himself, he handled the subject in both ways, now favouring the first proposal and now that of Caesar. All his friends, too, thinking that Caesar's proposal was an advantageous one for Cicero, who would be less subject to censure if he did not put the conspirators to death, chose the second proposal rather, so that Silanus also changed his position and excused himself by saying that even his proposal had not meant death: for "extremest punishment," in the case of a Roman senator, meant the prison. 4 Lutatius Catulus was the first to oppose the opinion which Caesar had given; then Cato followed him, helping by the vehemence of his speech to fix suspicion upon Caesar, and filled the senate with angry resolution, so that a decree of death was passed

upon the conspirators. 5 As regarded the confiscation of their property, however, Caesar made opposition, deeming it wrong that the merciful part of his own proposal should be rejected and the one part that was most severe adopted. And when many of the senators insisted upon it, he invoked the aid of the tribunes, but they would not listen to his appeal; Cicero himself, however, yielded the point, and remitted that part of the vote which called for confiscation.

22 1 Then he went with the senate to fetch the conspirators. These were not all in the same place, but different praetors had different ones under guard. 2 And first he took Lentulus from the Palatine hill and led him along the Via Sacra and through the middle of the forum, the men of highest authority surrounding him as a body-guard, and the people shuddering at what was being done and passing along in silence, and especially the young men, as though they thought they were being initiated with fear and trembling into some ancient mysteries of an aristocratic regime. 3 When Cicero had passed through the forum and reached the prison, he delivered Lentulus to the public executioner with the order to put him to death. Then Cethegus in his turn, and so each one of the others, he brought down to the prison and had him executed. 4 And seeing that many members of the conspiracy were still assembled in the forum in ignorance of what had been done and waiting for night to come, with the idea that the men were still living and might be rescued, he cried to them with a loud voice and said: “They have lived.” For thus the Romans who wish to avoid words of ill omen indicate death.

5 It was now evening, and Cicero went up through the forum to his house, the citizens no longer escorting him on his way with silent decorum, but receiving him with cries and clapping of hands as he passed along, calling him the saviour and founder of his country. And many lights illuminated the streets, since people placed lamps and torches at their doors. 6 The women, too, displayed lights upon the house-tops in honour of the man, and that they might see him going up to his home in great state under escort of the noblest citizens. Most of these had brought to an end great wars and entered the city in triumph, and had added to the Roman dominion no small extent of land and sea; but they now walked along confessing to one another that to many of the commanders and generals of the time the

Roman people were indebted for wealth and spoils and power, but for preservation and safety to Cicero alone, who had freed them from so peculiar and so great a peril. 7 For it was not his preventing their schemes and punishing the schemers which seemed so wonderful, but his quenching the greatest of all revolutions with the fewest possible evils, without sedition and commotion. 8 For most of those who had flocked to the standard of Catiline, as soon as they learned the fate of Lentulus and Cethegus, deserted him and went away; and Catiline, after a conflict with his remaining forces against Antonius, perished himself and his army with him.

23 1 However, there were those who were ready to abuse Cicero for what he had done, and to work him harm, and they had as leaders, among the magistrates-elect, Caesar as praetor, and Metellus and Bestia as tribunes. 2 When these assumed office, Cicero having still a few days of consular authority, they would not permit him to harangue the people, but placing their benches so as to command the rostra, would not suffer or allow him to speak; instead, they ordered him, if he wished, merely to pronounce the oath usual on giving up office, and then come down. Cicero accepted these terms and came forward to pronounce his oath; 3 and when he had obtained silence, he pronounced, not the usual oath, but one of his own and a new one, swearing that in very truth he had saved his country and maintained her supremacy. And all the people confirmed his oath for him. 4 At this Caesar and the tribunes were still more vexed and contrived fresh troubles for Cicero. Among other things, a law was introduced by them for calling Pompey home with his army, in order, forsooth, that he might put down the arbitrary power of Cicero. 5 But Cato, who was tribune at this time, was a great help to Cicero and to the whole state, and opposed the measures of the other tribunes with an authority equal to theirs and a greater good repute. 6 For he easily put a stop to their other projects, and so highly extolled the “arbitrary power” of Cicero in a speech to the people, that they voted him the greatest honours ever conferred and called him the father of his country. For he was the first, as it seems, to receive this title, after Cato had given it to him before the people.

24 1 So at this time Cicero had the greatest power in the state, but he made himself generally odious, not by any base action, but by continually praising and magnifying himself, which made him hateful to many. 2 For there could be no session either of senate or assembly or court of justice in which one was not obliged to hear Catiline and Lentulus endlessly talked about. 3 Nay, he even went so far as to fill his books and writings with these praises of himself; and he made his oratory, which was naturally very pleasant and had the greatest charm, irksome and tedious to his hearers, since this unpleasant practice clung to him like a fatality. 4 But nevertheless, although he cherished so strong an ambition, he was free from envying others, since he was most ungrudging in his encomiums upon his predecessors and contemporaries, as may be gathered from his writings. 5 There are also many sayings of his on record which prove this; for instance, he said of Aristotle that he was a river of liquid gold, and of the dialogues of Plato that Jupiter, were it his nature to use human speech, would thus discourse. 6 Theophrastus, too, he used to call his own special delight. And when he was asked which of the speeches of Demosthenes he thought the best, he replied, “the longest.” And yet some of those who pretend to be imitators of Demosthenes dwell much upon an expression which Cicero used in a letter to one of his friends, to the effect that in some parts of his speeches Demosthenes nods; but of the great and admirable praises which he often bestows upon him, and of the fact that those speeches of his own to which he devoted most labour, namely, the speeches against Antony, were entitled by him Philippics, they say nothing.

7 Moreover, of the men of his own time who were famous for eloquence or learning, there is not one whom he did not make more famous by what he said or wrote in favour of him. For Cratippus the Peripatetic he obtained the Roman citizenship from Caesar, now in power, and he also induced the council of the Areopagus to pass a decree requesting him to remain at Athens and discourse with the young men, and thus be an ornament to the city. 8 Furthermore, there are letters from Cicero to Herodes, and others to his son, in which he urges them to study philosophy with Cratippus. 8 But Gorgias the

rhetorician he censured for leading the young man into pleasures and drinking parties, and banished him from his son's society. This is almost the only one of his Greek letters (there is also a second, addressed to Pelops of Byzantium) which was written in a spirit of anger; and Gorgias he properly rebukes, if, as he was thought to be, he was worthless and intemperate; but towards Pelops he shows a mean and querulous spirit for having neglected to obtain for him certain honorary decrees from the Byzantines.

25 1 These complaints were characteristic of ambition, as well as the fact that he was often led on by the cleverness of his speech to disregard propriety. For instance, he once served as advocate for Munatius, who was no sooner acquitted than he prosecuted a friend of Cicero's, Sabinus, whereupon, it is said, Cicero was so transported with anger as to say: "Was it, pray, on your own merits, Munatius, that you were acquitted, and not because I spread much darkness about the court when before there was light?" 2 And again, he gained great applause by an encomium on Marcus Crassus from the rostra, and then a few days afterwards as publicly reviled him, whereupon Crassus said: "What, did you not stand there yourself a day or two ago and praise me?" "Yea," said Cicero, "exercising my eloquence by way of practice on a bad subject." 3 Again, Crassus once said that no Crassus had lived in Rome to be older than sixty years, and then tried to deny it, exclaiming, "What could have led me to say this?" "You knew," said Cicero, "that the Romans would be delighted to hear it, and by that means you tried to court their favour." 4 And when Crassus expressed his satisfaction with the Stoics because they represented the good man as rich, "Consider," said Cicero, "whether your satisfaction is not rather due to their declaration that all things belong to the wise." Now, Crassus was accused of covetousness. 5 Again, one of the sons of Crassus who was thought to resemble a certain Axius, and on this account had brought his mother's name into scandalous connection with that of Axius, once made a successful speech in the senate, and when Cicero was asked what he thought of him, he answered with the Greek words "Axios Krassou."

26 1 When Crassus was about to set out for Syria, wishing that Cicero should be a friend rather than an enemy, he said to him in a friendly manner that he wished to dine with him; and Cicero readily

received him into his house. 2 But a few days afterwards, when some friends interceded with him for Vatinius, saying that the man sought reconciliation and friendship (for he was an enemy), “It surely cannot be,” said Cicero, “that Vatinius also wishes to dine with me.” Such, then, was his treatment of Crassus. 3 Now, Vatinius himself had swellings on his neck, and once when he was pleading a case Cicero called him a *tumid* orator. Again, after hearing that Vatinius was dead, and then after a little learning for a surety that he was alive, “Wretchedly perish, then,” said Cicero, “the wretch who lied!” 4 And again, Caesar once got a decree passed that the land in Campania should be divided among his soldiers, and many of the senators were dissatisfied, and Lucius Gellius, who was about the oldest of them, declared that it should never be done while he was alive; whereupon Cicero said: “Let us wait, since Gellius does not ask for a long postponement.” 5 There was a certain Octavius, too, who was reputed to be of African descent; to this man, who said at a certain trial that he could not hear Cicero, the orator replied: “And yet your ear is not without a perforation.” 6 And when Metellus Nepos declared that Cicero had brought more men to death as a hostile witness than he had saved from it as an advocate, “Yes,” said Cicero, “I admit that my credibility is greater than my eloquence.” 7 Again, when a certain young man who was accused of having given his father poison in a cake put on bold airs and threatened to cover Cicero with abuse, “That,” said Cicero, “I would rather have from you than a cake.” 8 There was Publius Sextius,b too, who retained Cicero as an advocate in a case, along with others, and then wanted to do all the speaking himself, and would allow no one else a word; when it was clear that he was going to be acquitted by the jurors and the vote was already being given, “Use your opportunity to day, Sextius,” said Cicero, “for to morrow you are going to be a nobody.” 9 Publius Consta, too, who wanted to be a lawyer, but was ignorant and stupid, was once summoned by Cicero as witness in a case; and when he kept saying that he knew nothing, “Perhaps,” said Cicero, “you think you are being questioned on points of law.” Again, in a dispute with Cicero, Metellus Nepos asked repeatedly “Who is your father?” “In your case,” said Cicero, “your mother has made the answer to this question rather difficult.” 10 Now, the mother of Nepos was thought

to be unchaste, and he himself a fickle sort of man. He once suddenly deserted his office of tribune and sailed off to join Pompey in Syria, and then came back from there with even less reason. 11 Moreover, after burying his teacher Philagrus with more than usual ceremony, he set upon his tomb a raven in stone; whereupon Cicero remarked: "In this you have acted more wisely than is your wont, for he taught you to fly rather than to speak." 12 And again, when Marcus Appius prefaced his speech in a case by saying that his friend had begged him to exhibit diligence, eloquence, and fidelity, "And then," said Cicero, "are you so hard-hearted as to exhibit none of those great qualities which your friend demanded?"

27 1 Now, this use of very biting jests against enemies or legal opponents seems to be part of the orator's business; but his indiscriminate attacks for the sake of raising a laugh made many people hate Cicero. And I will give a few instances of this also. 2 Marcus Aquinius, who had two sons-in law in exile, he called Adrastus. 3 Again, Lucius Cotta, who held the office of censor, was very fond of wine, and Cicero, when canvassing for the consulship, was a-thirst, and as his friends stood about him while he drank, said: "You have good reason to fear that the censor will deal harshly with me — for drinking water." 4 And when he met Voconius escorting three very ugly daughters, he cried out: —

"It was against the will of Phoebus that he begat children."

5 Again, when Marcus Gellius, who was thought to be of servile birth, had read letters to the senate in a loud and clear voice, "Do not marvel," said Cicero, "he too is one of those who have cried aloud for their freedom." 6 And when Faustus, the son of the Sulla who was dictator at Rome and placarded many people for death, got into debt, squandered much of his substance, and placarded his household goods for sale, Cicero said he liked this placarding better than his father's.

28 1 As a consequence of this he became odious to many; and besides, the partisans of Clodius combined against him on the following ground. Clodius was a man of noble birth, young in years, but bold and presumptuous in spirit. 2 This man, being in love with

Pompeia, Caesar's wife, got into his house secretly, by assuming the dress and guise of a lute-player; for the women of Rome were celebrating in Caesar's house that mysterious rite which men were not allowed to witness, and no man was there; but being still a beardless youth Clodius hoped without being noticed to slip through to Pompeia along with the women. 3 But since he got in at night and the house was large, he lost his way in the passages; and as he was wandering about, a maid of Aurelia, Caesar's mother, caught sight of him and asked him his name. Being thus compelled to speak, he said that he was looking for an attendant of Pompeia named Abra, whereupon the maid, perceiving that his voice was not that of a woman, raised a cry and called the women together. 4 These shut the doors, searched carefully all about, and found Clodius, who had taken refuge in the chamber of the girl with whom he came into the house. The affair having become noised abroad, Caesar divorced Pompeia and had an action for sacrilege brought against Clodius.

29 1 Now, Cicero was a friend of Clodius, and in the affair of Catiline had found him a most eager co-worker and guardian of his person; but when Clodius replied to the charge against him by insisting that he had not even been in Rome at the time, but had been staying in places at the farthest remove from there, Cicero testified against him, declaring that Clodius had come to his house and consulted him on certain matters; which was true. 2 However, it was thought that Cicero did not give his testimony for the truth's sake, but by way of defence against the charges of his own wife Terentia. 3 For there was enmity between her and Clodius on account of his sister Clodia, whom Terentia thought to be desirous of marrying Cicero and to be contriving this with the aid of a certain Tullus; now, Tullus was a companion and an especial intimate of Cicero, and his constant visits and attentions to Clodia, who lived near by, made Terentia suspicious. 4 So, being a woman of harsh nature, and having sway over Cicero, she incited him to join in the attack upon Clodius and give testimony against him. Moreover, many men of the better class bore witness against Clodius for perjury, recklessness, bribery of the multitude, and debauching of women. And Lucullus actually produced female slaves who testified that Clodius had commerce with his youngest sister when she was living with Lucullus as his

wife. 5 There was also a general belief that Clodius had intercourse with his other two sisters, of whom Tertia was the wife of Marcius Rex, and Clodia of Metellus Celer; the latter was called Quadrantia, because one of her lovers had put copper coins into a purse and sent them to her for silver, and the smallest copper coin was called "quadrans." It was with regard to this sister in particular that Clodius was in evil repute. 6 However, since the people at this time set themselves against those who combined and testified against him, the jurors were frightened and surrounded themselves with a guard, and most of them cast their voting-tablets with the writing on them confused. But nevertheless those who were for acquittal appeared to be in the majority; and some bribery also was said to have been used. 7 This led Catulus to say, when he met the jurors, "It was indeed as a measure of safety that you asked for your guard; you were afraid that someone would take your money away from you." 8 And Cicero, when Clodius told him that as a witness he had found no credit with the jurors, said: "Nay, twenty-five of the jurors gave me credit, for so many voted against you; and thirty of them gave you no credit, for they did not vote to acquit you until they had got your money." 9 Caesar, however, when summoned as a witness, gave no testimony against Clodius, but said that he had put her away because Caesar's wife must be free not only from shameful conduct, but even from shameful report.

30 1 But Clodius, having escaped his peril, and having been chosen tribune, at once began to attack Cicero, arraying and stirring up against him all things and all men alike. 2 He won the favour of the people by benevolent laws, got large provinces voted to each of the consuls (Macedonia to Piso, and Syria to Gabinius), brought many of the poorer class into organized political activity, and kept armed slaves about his person. 3 Now, of the three men who at that time had most power, Crassus was an out-and out foe of Cicero, Pompey was dallying with both, and Caesar was about to set out for Gaul with an army; into Caesar's favour, therefore, Cicero insinuated himself (although Caesar was not a friend, but an object of suspicion owing to the affair of Catiline), and asked to accompany him on his campaign as legate. 4 But no sooner had Caesar granted the request than Clodius, seeing that Cicero was thus escaping his tribunicial

power, pretended to be desirous of a reconciliation, and by laying the chief blame upon Terentia, and always speaking of Cicero in friendly terms and using kindly expressions about him, as one who bore him no hatred or even ill-will, but had moderate complaints to make of him in a friendly way, he altogether took away his fear, so that he declined the office of legate under Caesar and again applied himself to public matters. 5 But at this conduct Caesar was exasperated, and encouraged Clodius against Cicero, and completely alienated Pompey from him, while he himself testified before the people that he did not think it right or lawful that men should be put to death without a trial, as in the case of Lentulus, Cethegus, and their accomplices. 6 For such was the denunciation made against Cicero, and to this he was summoned to make answer. And so, being in peril of prosecution, he changed his attire, and with his hair untrimmed went about supplicating the people. 7 But Clodius met him everywhere in the streets, with a band of bold and insolent men about him, who made many unbridled jests upon Cicero's change of attire, and often pelted him with mud and stones, and so interfered with his supplications to the people.

31 1 However, in the first place, nearly the whole body of knights changed their attire with Cicero, and as many as twenty thousand young men escorted him with their hair untrimmed and joined in his suppliant entreaties to the people; and besides, when the senate had met in order to pass a vote that the people should change their dress in token of public calamity, and the consuls had opposed it, and Clodius was in arms about the senate-house, not a few of the senators ran out, rending their garments and crying aloud. 2 But since this sight awakened neither pity nor any mercy, but Cicero was obliged either to go into exile or to appeal to force and the sword against Clodius, he begged for aid from Pompey, who had purposely got out of the way and was staying at his country seat in the Alban hills. First Cicero sent Piso, his son-in law, to entreat for him; then he went up thither himself also. 3 Pompey, however, on learning of his coming, could not endure to see him, for he felt a strong sense of shame towards the man who had made great struggles in his behalf and had often adopted a political course to please him; but since he was Caesar's son-in law, at his request he proved false to his old

obligations, slipped out by another door, and so ran away from the interview. 4 Thus betrayed by him and left desolate, Cicero fled for refuge to the consuls. Gabinius was always severe with him, but Piso dealt with him more gently, advising him to stand aside and yield to the impetuous assaults of Clodius, to submit to the change in the times, and to become once more a saviour of his country when she was involved in seditions and misfortunes through Clodius.

5 After getting such answer to his appeal, Cicero took counsel with his friends: Lucullus urged him to remain in the city, believing that he would prevail; but others advised him to go into exile, believing that the people would quickly long for him when they were sated with the folly and madness of Clodius. 6 This Cicero decided to do; so he took the statue of Minerva which had long stood in his house, and which he honoured exceedingly, carried it to the capitol, and dedicated it there with the inscription "To Minerva, Guardian of Rome"; then, accepting an escort from his friends, about midnight slipped out of the city, and set out on foot through Lucania, desiring to reach Sicily.

32 1 But as soon as it was known that he had fled, Clodius caused a vote of banishment to be passed upon him, and issued an edict that all men should refuse him fire and water and that no man should give him shelter within five hundred miles of Italy. 2 Now, most men paid not the slightest heed to this edict out of respect for Cicero, and escorted him on his way with every mark of kindness; but at Hipponium, a city of Lucania, which is now called Vibo, Vibius, a Sicilian, who had profited much from Cicero's friendship and pity by being made prefect of engineers during his consulship, would not receive him in his house, but sent him word that he would assign him his country-place for residence; and Caius Vergilius, the praetor of Sicily, who had been on most intimate terms with Cicero, wrote him to keep away from Sicily. 3 Disheartened at this treatment, he set out for Brundisium, and from there tried to cross to Dyrrhachium with a fair breeze, but since he met a counter-wind at sea he came back the next day, and then set sail again. 4 It is said, too, that after he had put in at Dyrrhachium and was about to land, there was an earthquake accompanied by a violent convulsion of the sea. Wherefore the soothsayers conjectured that his exile would not be lasting, since

these were signs of change. 5 But although many people visited him out of goodwill, and the Greek cities vied with one another in sending him deputations, still, he passed his time for the most part in dejection and great grief, looking off towards Italy like a disconsolate lover, while in his spirit he became very petty and mean by reason of his misfortune, and was more humbled than one would have expected in a man who had enjoyed so lofty a discipline as his. 6 And yet he often asked his friends not to call him an orator, but a philosopher, because he had chosen philosophy as an occupation, but used oratory merely as an instrument for attaining the needful ends of a political career. 7 But public opinion has great power to wash away reason, like a dye, from the soul of man, and by force of familiar association to impress the feelings of the vulgar on those who engage in political life, unless one is right well on his guard when he engages himself in things external, and is resolved to participate only in the things themselves, and not in the feelings attendant upon them.

33 1 As for Clodius, after driving Cicero away he burned down his villas, and burned down his house, and erected on its site a temple to Liberty; the rest of his property he offered for sale and had it proclaimed daily, but nobody would buy anything. 2 Being therefore formidable to the patricians, and dragging along with him the people, who indulged in great boldness and effrontery, he assailed Pompey, attacking fiercely some of the arrangements made by him on his expedition. 3 The disgrace which this brought upon Pompey led him to reproach himself for his abandonment of Cicero; and changing front he used every effort to effect Cicero's return, and so did his friends. But since Clodius opposed himself to this, the senate decided to ratify no measure that came up in the mean time and to do no public business, unless Cicero should be permitted to return. 4 During the consulship of Lentulus, however, when the disorder went on increasing, so that tribunes were wounded in the forum and Quintus the brother of Cicero lay unnoticed for dead among the slain, the people began to change their minds, and Annius Milo, one of the tribunes, first ventured to prosecute Clodius for violence, and many joined themselves to Pompey both from the people and from the surrounding cities. 5 With these Pompey came forth, drove Clodius from the forum, and summoned the citizens to the vote. And it is said

that the people never passed any vote with such unanimity. 6 The senate, too, vying with the people, wrote letters of thanks to all the cities which had ministered to Cicero during his exile, and decreed that his house and his villas, which Clodius had destroyed, should be restored at the public cost.

7 Thus Cicero came home in the sixteenth month after his exile; and so great was the joy of the cities and the eagerness of men to meet him that what was said by Cicero afterwards fell short of the truth. 8 He said, namely, that Italy had taken him on her shoulders and carried him into Rome. And there Crassus also, who was his enemy before his exile, now readily met him and was reconciled with him, to gratify his son Publius, as he said, who was an ardent admirer of Cicero.

34 1 After allowing only a short time to pass and watching for an opportunity when Clodius was absent from the city, Cicero went up with a great company to the capitol, and there tore away and destroyed the tablets of the tribunes, in which were the records of their administration. 2 When Clodius brought charges against him for this and Cicero argued that it was illegal for Clodius to pass from the ranks of the patricians into the tribunate, and that therefore none of his acts was valid, Cato was indignant and spoke against Cicero; not that he approved of Clodius, nay, he was actually displeased at his political course, but he set forth that it was a strange and violent measure for the senate to vote the abrogation of so many acts and decrees, among which were those for his own administration in Cyprus and Byzantium. 3 This led to an antagonism between him and Cicero which came to no open manifestation, but made their friendly treatment of one another less marked.

35 1 After this Clodius was killed by Milo; and Milo, being prosecuted for murder, engaged Cicero as his advocate. But the senate was afraid that at the trial of Milo, who was a man of repute and high spirit, there might be a disturbance in the city, and therefore intrusted the superintendence of this and the other trials to Pompey, who was to furnish security for the city and the courts of justice. 2 So Pompey, while it was still night, posted his soldiers on the heights so as to command the forum, and Milo, fearing that Cicero might be disturbed at the unusual sight and conduct his case less successfully,

persuaded him to be brought in a litter to the forum and to wait there quietly until the jurors assembled and the court-room was filled. 3 Now Cicero, as it would seem, was not only without courage under arms, but also felt fear when he began to speak, and in many trials he hardly ceased quivering and trembling after his eloquence had become high and sustained. 4 When he was to plead for Licinius Murena in a case brought against him by Cato, and was ambitious to surpass Hortensius, who had made a successful plea, he took no rest at all during the night before, so that his lack of sleep and his great anxiety did him harm, and he was thought inferior to himself in his plea. 5 And so at this time, when he came out of his litter to plead Milo's cause and saw Pompey stationed on the heights as in a camp, and arms flashing all around the forum, he was confounded and could scarcely begin his speech, for his body quivered and his voice faltered; whereas Milo showed the good courage of a brave man at the trial and had not deigned to let his hair go untrimmed or to change his attire to a dark one; and this seems most of all to have contributed to his condemnation. However, Cicero's behaviour led men to think him devoted to his friends rather than cowardly.

36 1 He became also one of the priests whom the Romans call Augurs, in place of the younger Crassus, who had died among the Parthians. Then the lot gave him Cilicia as his province, with an army of twelve thousand men-at arms and twenty-six hundred horsemen, and he set sail, with instructions to keep Cappadocia friendly and obedient to King Ariobarzanes. 2 This he accomplished and arranged satisfactorily without war, and seeing that the Cilicians, in view of the Parthian disaster to the Romans and the uprising in Syria, were in an agitated state, he pacified them by his mild government. 3 Gifts he would not receive, not even when the kings offered them, and he relieved the provincials from the expense of entertainments; but he himself daily received men of pleasing accomplishments at banquets which were not expensive, although generous. 4 His house, too, had no door-keeper, nor did anyone ever see him lying a-bed, but early in the morning he would stand or walk in front of his chamber and receive those who came to pay him their respects. 5 It is said, moreover, that he never ordered any man to be chastised with rods or to have his raiment torn from him, and that he

never inflicted angry abuse or contumelious punishments. He discovered that much of the public property had been embezzled, and by restoring it he made the cities well-to do, and men who made restitution he maintained in their civil rights without further penalties. 6 He engaged in war, too, and routed the robbers who made their homes on Mount Amanus; and for this he was actually saluted by his soldiers as Imperator. When Caelius the orator asked Cicero to send him panthers from Cilicia for a certain spectacle at Rome, Cicero, pluming himself upon his exploits, wrote to him that there were no panthers in Cilicia; for they had fled to Caria in indignation because they alone were warred upon, while everything else enjoyed peace. 7 On his voyage back from his province he first touched at Rhodes, and then gladly spent some time at Athens in fond remembrance of his old pursuits in that place. Then, after associating with men who were foremost for their learning, and after greeting his old-time friends and intimates, and after receiving from Greece the tokens of admiration that were his due, he returned to Rome, where a violent inflammation, as it were, was already forcing matters on towards the civil war.

37 1 Accordingly, when the senators were voting him a triumph, he said he would more gladly follow in Caesar's triumphal procession if matters could be settled; and privately he gave much advice to Caesar by letter, and much to Pompey in person by way of personal entreaty, trying to mollify and pacify each of them. 2 But when things were past healing, and Caesar was advancing upon the city, and Pompey did not stay there, but abandoned the city in the company of many good men, Cicero did not take part in this flight, and was thought to be attaching himself to Caesar. And it is clear that his judgement drew him strongly in both directions and that he was in distress. 3 For he writes in his letters that he knew not which way he ought to turn, since Pompey had honourable and good grounds for going to war, while Caesar managed matters better and had more ability to save himself and his friends; he therefore knew from whom he should flee, but not to whom he should flee. 4 And when Trebatius, one of the companions of Caesar, wrote him a letter stating that Caesar thought he ought above all things to range himself on his side and share his hopes, but that if he declined to do this by

reason of his age, he ought to go to Greece and take up a quiet life there out of the way of both, Cicero was amazed that Caesar himself did not write, and replied in a passion that he would do nothing unworthy of his political career. Such, then, is the purport of his letters.

38 1 But when Caesar set out for Spain, Cicero at once sailed to Pompey. The rest of Pompey's followers were glad to see him, but when Cato saw him, he privately blamed him much for attaching himself to Pompey. In his own case, Cato said, it was not honourable to abandon the line of public policy which he had chosen from the beginning; but Cicero, though he was of more service to his country and his friends if he remained at home without taking sides and accommodated himself to the issue of events, without any reason and under no compulsion had made himself an enemy of Caesar, and had come thither to share in their great danger.

2 By these words the purpose of Cicero was upset, as well as by the fact that Pompey made no great use of him. But he was himself to blame for this, since he made no denial that he was sorry he had come, made light of Pompey's preparations and showed a lurking displeasure at his plans, and did not refrain from jests and witty remarks about his comrades in arms; nay, although he himself always went about in the camp without a smile and scowling, still he made others laugh in spite of themselves. 3 And it will be well to give a few instances of this also. When Domitius, then, was advancing to a post of command a man who was no soldier, with the remark that he was gentle in his disposition and prudent, "Why, then," said Cicero, "do you not keep him as a guardian of your children?" 4 And when certain ones were praising Theophanes the Lesbian, who was prefect of engineers in the camp, because he had given excellent consolation to the Rhodians on the loss of their fleet, "What a great blessing it is," said Cicero, "to have a Greek as prefect!" 5 Again, when Caesar was successful for the most part and in a way was laying siege to them, Lentulus said he had heard that Caesar's friends were gloomy, to which Cicero replied: "You mean that they are ill-disposed to Caesar." 6 And when a certain Marcius, who had recently come from Italy, spoke of a report which prevailed in Rome that Pompey was besieged, "And then," said Cicero, "did you sail off that

you might see with your own eyes and believe?" 7 Again, after the defeat, when Nonnius said they ought to have good hopes, since seven eagles were left in the camp of Pompey, "Your advice would be good," said Cicero, "if we were at war with jackdaws." 8 And when Labienus, insisting on certain oracles, said that Pompey must prevail, "Yes," said Cicero, "this is the generalship that has now cost us our camp."

39 1 However, after the battle at Pharsalus, in which Cicero took no part because of illness, had been fought, and Pompey was in flight, Cato, who had a considerable army and a large fleet at Dyrrhachium, asked Cicero to take the command in accordance with custom and because of his superior consular rank. 2 But Cicero rejected the command and was altogether averse to sharing in the campaign, whereupon he came near being killed; for the young Pompey and his friends called him a traitor and drew their swords upon him, and that would have been the end of him had not Cato interposed and with difficulty rescued him and sent him away from the camp. 3 So Cicero put in at Brundisium and tarried there, waiting for Caesar, who was delayed by his affairs in Asia and Egypt. 4 But when word was brought that Caesar had landed at Tarentum and was coming round by land from there to Brundisium, Cicero hastened to meet him, being not altogether despondent, but feeling shame to test in the presence of many witnesses the temper of a man who was an enemy and victorious. 5 However, there was no need that he should do or say anything unworthy of himself. For Caesar, when he saw him approaching far in advance of the rest, got down and embraced him and journeyed on for many furlongs conversing with him alone. And after this he continued to show him honour and kindness, so that in his reply to the encomium upon Cato which Cicero wrote he praised Cicero's eloquence and his life, as most of resembling that of Pericles and Theramenes. 6 Now, the discourse of Cicero was entitled "Cato," and that of Caesar "Anti-Cato."

It is said also that when Quintus Ligarius was under prosecution because he had been one of the enemies of Caesar, and Cicero was his advocate, Caesar said to his friends: "What is to prevent our hearing a speech from Cicero after all this while, since Ligarius has long been adjudged a villain and an enemy?" 7 But when Cicero had

begun to speak and was moving his hearers beyond measure, and his speech, as it proceeded, showed varying pathos and amazing grace, Caesar's face often changed colour and it was manifest that all the emotions of his soul were stirred; and at last, when the orator touched upon the struggles at Pharsalus, he was so greatly affected that his body shook and he dropped from his hand some of his documents. At any rate he acquitted Ligarius under compulsion.

40 1 After this, when the government had been changed to a monarchy, Cicero abstained from public affairs and devoted his time to those of the young men who wished to study philosophy, and mainly from his intimacy with these, since they were of the highest birth and standing, he was once more very influential in the state. 2 He made it his business also to compose and translate philosophical dialogues, and to render into Latin the several terms of dialectics and natural philosophy; for he it was, as they say, who first, or principally, provided Latin names for "phantasia," "synkatathesis," "epokhe," and "katalepsis," as well as for "atomon," "ameres," "kenon," and many others like these, contriving partly by metaphors and partly by new and fitting terms to make them intelligible and familiar. 3 His facility in verse-making, too, he employed to divert himself. It is said, indeed, that when he applied himself to such work, he would make five hundred verses in a night.

During this time, then, he lived for the most part at his country-seat in Tusculum, and he used to write to his friends that he was living the life of Laertes, either jesting, as was his wont, or because his ambition filled him with a desire for public activity and made him dissatisfied with the turn things had taken. 4 He rarely went down to the city, and then only to pay court to Caesar, and he was foremost among those who advocated Caesar's honours and were eager to be ever saying something new about him and his measures. Of this sort is what he said about the statues of Pompey. These Caesar ordered to be set up again after they had been thrown down and taken away; and they were set up again. 5 What Cicero said was that by this act of generosity Caesar did indeed set up the statues of Pompey, but firmly planted his own also.

41 1 He purposed, as we are told, to write a comprehensive history of his native country, combining with it many Greek details, and

introducing there all the tales and myths which he had collected; but he was prevented by many public affairs which were contrary to his wishes, and by many private troubles, most of which seem to have been of his own choosing. 2 For in the first place he divorced his wife Terentia because he had been neglected by her during the war, so that he set out in lack of the necessary means for his journey, and even when he came back again to Italy did not find her considerate of him. 3 For she did not come to him herself, although he tarried a long time at Brundisium, and when her daughter, a young girl, made the long journey thither, she supplied her with no fitting escort and with no means; nay, she actually stripped and emptied Cicero's house of all that it contained, besides incurring many large debts. These, indeed, are the most plausible reasons given for the divorce. 4 Terentia, however, denied that these were the reasons, and Cicero himself made her defence a telling one by marrying shortly afterwards a maiden. This he did, as Terentia asserted, out of love for her youthful beauty; but as Tiro, Cicero's freedman, has written, to get means for the payment of his debts. 5 For the girl was very wealthy, and Cicero had been left her trustee and had charge of her property. So since he owed many tens of thousands he was persuaded by his friends and relatives to marry the girl, old as he was, and to get rid of his creditors by using her money. 6 But Antony, who spoke of the marriage in his replies to Cicero's Philippics, says that he cast out of doors the wife with whom he had grown old, and at the same time makes witty jibes upon the stay-at home habits of Cicero, who was, he said, unfit for business or military service. 7 Not long after Cicero's marriage his daughter died in child-birth at the house of Lentulus, to whom she had been married after the death of Piso, her former husband. 8 His friends came together from all quarters to comfort Cicero; but his grief at his misfortune was excessive, so that he actually divorced the wife he had wedded, because she was thought to be pleased at the death of Tullia.

42 1 Such, then, were Cicero's domestic affairs. But in the design that was forming against Caesar he took no part, although he was one of the closest companions of Brutus and was thought to be distressed at the present and to long for the old state of affairs more than anybody else. 2 But the conspirators feared his natural disposition as

being deficient in daring, and his time of life, in which courage fails the strongest natures. 3 And so, when the deed had been accomplished by the partisans of Brutus and Cassius, and the friends of Caesar were combining against the perpetrators of it, and it was feared that the city would again be plunged into civil wars, Antony, as consul, convened the senate and said a few words about concord, while Cicero, after a lengthy speech appropriate to the occasion, persuaded the senate to imitate the Athenians and decree an amnesty for the attack upon Caesar, and to assign provinces to Cassius and Brutus. But none of these things came to pass. 4 For when the people, who of themselves were strongly moved to pity, saw Caesar's body carried through the forum, and when Antony showed them the garments drenched with blood and pierced everywhere with the swords, they went mad with rage and sought for the murderers in the forum, and ran to their houses with fire-brands in order to set them ablaze. 5 For this danger the conspirators were prepared beforehand and so escaped it, but expecting others many and great, they forsook the city.

43 1 At once, then, Antony was highly elated, and all men were fearful that he would make himself sole ruler, and Cicero most fearful of all. For Antony saw that Cicero's power in the state was reviving, and knew that he was attached to Brutus and his party, and was therefore disturbed at his presence in the city. 2 And besides, they had previously been somewhat suspicious of one another because of the marked difference in their lives. 3 Fearing these things Cicero at first was inclined to sail to Syria with Dolabella, as his legate; but the consuls elect to succeed Antony, Hirtius and Pansa, who were good men and admirers of Cicero, begged him not to desert them, and undertook to put down Antony if Cicero would remain at Rome. So Cicero, who neither distrusted nor trusted them altogether, let Dolabella go without him, and after agreeing with Hirtius and Pansa to spend the summer at Athens, and to come back again when they had assumed office, set off by himself. 4 But there was some delay about his voyage, and, as is often the case, new and unexpected reports came from Rome, to the effect that Antony had undergone a wonderful change and was doing and administering everything to please the senate, and that matters needed only

Cicero's presence to assume the best possible complexion; he therefore blamed himself for his excessive caution and turned back again to Rome. 5 And in his first expectations he was not disappointed; for a great crowd of people, moved with joy and longing for him, poured forth to meet him, and almost a day's time was consumed in the friendly greetings given him at the gates and as he entered the city. 6 On the following day, however, when Antony convened the senate and invited him to be present, Cicero did not come, but kept his bed, pretending to be indisposed from fatigue. The truth, however, seemed to be that he was afraid of a plot against him, in consequence of some suspicion and of information that had unexpectedly come to him on the road. 7 But Antony was indignant at the implication and sent soldiers with orders to bring Cicero or burn down his house; but since many opposed this course and entreated him to desist, he did so, after merely taking sureties. 8 And thenceforward they kept up this attitude, quietly ignoring one another and mutually on their guard, until the young Caesar came from Apollonia, assumed the inheritance of the elder Caesar, and engaged in a dispute with Antony concerning the twenty-five million drachmas which Antony was detaining from the estate.

44 1 After this, Philip, who had married the mother, and Marcellus, who had married the sister of the young Caesar, came with the young man to Cicero and made a compact that Cicero should give Caesar the influence derived from his eloquence and political position, both in the senate and before the people, and that Caesar should give Cicero the security to be derived from his wealth and his armed forces. For already the young man had about him many of the soldiers who had served under the elder Caesar. 2 It was thought, too, that there was a stronger reason why Cicero so readily accepted the young man's friendship. 3 For it would appear that while Pompey and Caesar were still living Cicero dreamed that someone invited the sons of the senators to the capitol, on the ground that Jupiter was going to appoint one of their number ruler of Rome; and that the citizens eagerly ran and stationed themselves about the temple, while the youths, in their purple-bordered togas, seated themselves there in silence. 4 Suddenly the door of the temple opened, and one by one the youths rose and walked round past the god, who reviewed them all

and sent them away sorrowing. But when this young Caesar advanced into his presence the god stretched out his hand and said: "O Romans, ye shall have an end of civil wars when this youth has become your ruler." 5 By such a dream as this, they say, Cicero had impressed upon him the appearance of the youth, and retained it distinctly, but did not know him. The next day, however, as he was going down to the Campus Martius, the youths, who had just finished exercising there, were coming away, and the youth of his dream was seen by Cicero for the first time, and Cicero, amazed, inquired who his parents were. 6 Now, his father was Octavius, a man of no great prominence, but his mother was Attia, a daughter of Caesar's sister. For this reason Caesar, who had no children of his own, willed his property and his family name to him. 7 After this, it is said, Cicero took pains to converse with the youth when they met, and the youth welcomed his kind attentions; and indeed it happened that he was born during Cicero's consulship.

45 1 These, then, were the reasons that were mentioned; but it was Cicero's hatred for Antony in the first place, and then his natural craving for honour, that attached him to the young Caesar, since he thought to add Caesar's power to his own political influence. 2 And indeed the young man carried his court to him so far as actually to call him father. At this Brutus was very angry, and in his letters to Atticus attacked Cicero, saying that in paying court to Caesar through fear of Antony he was plainly not obtaining liberty for his country, but wooing a kind master for himself. 3 However, Brutus took up Cicero's son who was studying philosophy at Athens, gave him a command, and achieved many successes through his instrumentality.

4 Cicero's power in the city reached its greatest height at this time, and since he could do what he pleased, he raised a successful faction against Antony, drove him out of the city, and sent out the two consuls, Hirtius and Pansa, to wage war upon him, while he persuaded the senate to vote Caesar the lictors and insignia of a praetor, on the ground that he was fighting in defence of the country. But after Antony had been defeated, and, both consuls having died after the battle, the forces had united under Caesar, 5 the senate became afraid of a young man who had enjoyed such brilliant good fortune, and endeavoured by honours and gifts to call his troops away from him and to circumscribe his power, on the ground that there was no need of defensive armies now that Antony had taken to flight. Under these circumstances Caesar took alarm and secretly sent messages to Cicero begging and urging him to obtain the consulship for them both, but to manage affairs as he himself thought best, after assuming the office, and to direct in all things a youthful colleague who only craved name and fame. 6 And Caesar himself admitted afterwards that it was the fear of having his troops disbanded and the danger of finding himself left alone which led him to make use in an emergency of Cicero's love of power, by inducing him to sue for the consulship with his co-operation and assistance in the canvass.

46 1 Here, indeed, more than at any other time, Cicero was led on and cheated, an old man by a young man. He assisted Caesar in his canvass and induced the senate to favour him. For this he was blamed by his friends at the time, and shortly afterwards he perceived that he had ruined himself and betrayed the liberty of the people. 2 For after the young man had waxed strong and obtained the consulship, he gave Cicero the go-by, and after making friends with Antony and Lepidus and uniting his forces with theirs, he divided the sovereignty with them, like any other piece of property. And a list was made out by them of men who must be put to death, more than two hundred in number. 3 The proscription of Cicero, however, caused most strife in their debates, Antony consenting to no terms unless Cicero should be the first man to be put to death, Lepidus siding with Antony, and Caesar holding out against them both. 4 They held secret meetings by themselves near the city of Bononia for

three days, coming together in a place at some distance from the camps and surrounded by a river. 5 It is said that for the first two days Caesar kept up his struggle to save Cicero, but yielded on the third and gave him up. The terms of their mutual concessions were as follows. Caesar was to abandon Cicero, Lepidus his brother Paulus, and Antony Lucius Caesar, who was his uncle on the mother's side. 6 So far did anger and fury lead them to renounce their human sentiments, or rather, they showed that no wild beast is more savage than man when his passion is supplemented by power.

47 1 While this was going on, Cicero was at his own country-seat in Tusculum, having his brother with him; but when they learned of the proscriptions they determined to remove to Astura, a place of Cicero's on the sea-coast,c and from there to sail to Brutus in Macedonia; for already a report was current that he was in force there. 2 So they were carried along in litters, being worn out with grief; and on the way they would halt, and with their litters placed side by side would lament to one another. 3 But Quintus was the more dejected and began to reflect upon his destitute condition; for he said that he had taken nothing from home, nay, Cicero too had scanty provision for the journey; it was better, then, he said, that Cicero should press on in his flight, but that he himself should get what he wanted from home and then hasten after him. 4 This they decided to do, and after embracing one another and weeping aloud, they parted.

So then Quintus, not many days afterwards, was betrayed by his servants to those who were in search of him, and put to death, together with his son. But Cicero was brought to Astura, and finding a vessel there he embarked at once and coasted along as far as Circaeum, with the wind in his favour. 5 From there his pilots wished to set sail at once, but Cicero, whether it was that he feared the sea, or had not yet altogether given up his trust in Caesar, went ashore and travelled along on foot a hundred furlongs in the direction of Rome. 6 But again losing resolution and changing his mind, he went down to the sea at Astura. And there he spent the night in dreadful and desperate calculations; he actually made up his mind to enter Caesar's house by stealth, to slay himself upon the hearth, and so to fasten upon Caesar an avenging daemon. 7 But a fear of tortures

drove him from this course also; then, revolving in his mind many confused and contradictory purposes, he put himself in the hands of his servants to be taken by sea to Caieta, where he had lands and an agreeable retreat in summer time, when the breath of the Etesian winds is most pleasant.

8 The place has also a temple of Apollo, a little above the sea. From thence a flock of crows flew with loud clamour towards the vessel of Cicero as it was rowed towards land; and alighting on either end of the sail-yard, some cawed, and others pecked at the ends of the ropes, and everybody thought that the omen was bad. 9 Nevertheless Cicero landed, and going to his villa lay down to rest. Then most of the crows perched themselves about the window, cawing tumultuously, but one of them flew down upon the couch where Cicero lay with muffled head, and with its beak, little by little, tried to remove the garment from his face. 10 The servants, on seeing this, rebuked themselves for waiting to be spectators of their master's murder, while wild beasts came to his help and cared for him in his undeserved misfortune, but they themselves did nothing in his defence. So partly by entreaty, and partly by force, they took him and carried him in his litter towards the sea.

48 1 But meantime his assassins came to the villa, Herennius a centurion, and Popillius a tribune, who had once been prosecuted for parricide and defended by Cicero; and they had helpers. 2 After they had broken in the door, which they found closed, Cicero was not to be seen, and the inmates said they knew not where he was. Then, we are told, a youth who had been liberally educated by Cicero, and who was a freedman of Cicero's brother Quintus, Philologus by name, told the tribune that the litter was being carried through the wooded and shady walks towards the sea. 3 The tribune, accordingly, taking a few helpers with him, ran round towards the exit, but Herennius hastened on the run through the walks, and Cicero, perceiving him, ordered the servants to set the litter down where they were. 4 Then he himself, clasping his chin with his left hand, as was his wont, looked steadfastly at his slayers, his head all squalid and unkempt, and his face wasted with anxiety, so that most of those that stood by covered their faces while Herennius was slaying him. 5 For he stretched his neck forth from the litter and was slain, being then in his sixty-fourth

year. 6 Herennius cut off his head, by Antony's command, and his hands — the hands with which he wrote the Philippics. For Cicero himself entitled his speeches against Antony "Philippics," and to this day the documents are called Philippics.

49 1 When Cicero's extremities were brought to Rome, it chanced that Antony was conducting an election, but when he heard of their arrival and saw them, he cried out, "Now let our proscriptions have an end." 2 Then he ordered the head and hands to be placed over the ships' beaks on the rostra, a sight that made the Romans shudder; for they thought they saw there, not the face of Cicero, but an image of the soul of Antony. However, he showed at least one sentiment of fair dealing in the case when he handed over Philologus to Pomponia, the wife of Quintus. 3 And she, having got the man into her power, besides other dreadful punishments which she inflicted upon him, forced him to cut off his own flesh bit by bit and roast it, and then to eat it. 4 This, indeed, is what some of the historians say; but Cicero's own freedman, Tiro, makes no mention at all of the treachery of Philologus.

5 I learn that Caesar, a long time after this, paid a visit to one of his daughter's sons; and the boy, since he had in his hands a book of Cicero's, was terrified and sought to hide it in his gown; but Caesar saw it, and took the book, and read a great part of it as he stood, and then gave it back to the youth, saying: "A learned man, my child, a learned man and a lover of his country." 6 Moreover, as soon as he had finally defeated Antony, and when he was himself consul, he chose Cicero's son as his colleague in the office, and it was in his consulship that the senate took down the statues of Antony, made void the other honours that had been paid him, and decreed besides that no Antony should have the name of Marcus. Thus the heavenly powers devolved upon the family of Cicero the final steps in the punishment of Antony.

LIFE OF CICERO by Anthony Trollope

This biography was published in Trollope's later years in 1880. Due to his poor academic record as a child, he was keen to reinvent himself as a classicist. His intention was to restore Cicero's reputation, which he felt had suffered in the eyes of Victorian historians in comparison to the glories of Caesar. The non-fiction work reflects on Cicero's career as a student, a lawyer, a solider and politician, as well as his private life. Trollope remains a neutral observer throughout and some critics have named the work Trollope's masterpiece.

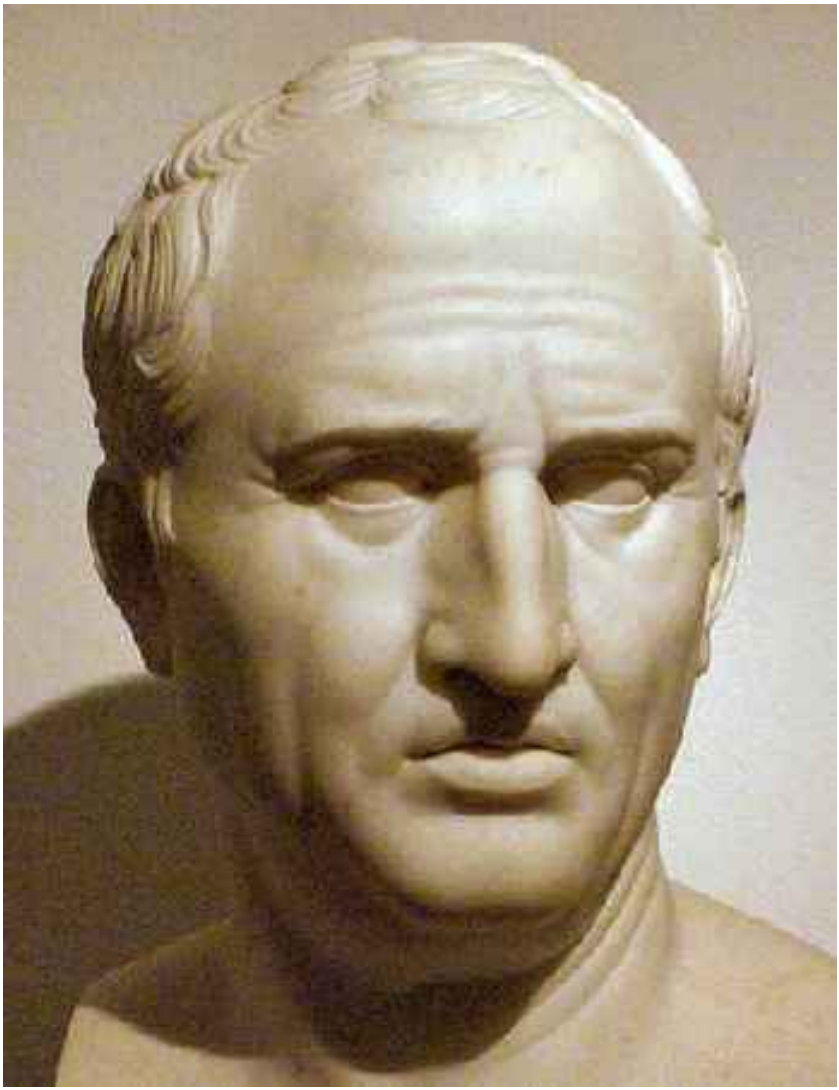

Marcus Tullius Cicero, 106-43 BC

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VOLUME I

CHAPTER I.

INTRODUCTION.

I am conscious of a certain audacity in thus attempting to give a further life of Cicero which I feel I may probably fail in justifying by any new information; and on this account the enterprise, though it has been long considered, has been postponed, so that it may be left for those who come after me to burn or publish, as they may think proper; or, should it appear during my life, I may have become callous, through age, to criticism.

The project of my work was anterior to the life by Mr. Forsyth, and was first suggested to me as I was reviewing the earlier volumes of Dean Merivale's History of the Romans under the Empire. In an article on the Dean's work, prepared for one of the magazines of the day, I inserted an apology for the character of Cicero, which was found to be too long as an episode, and was discarded by me, not without regret. From that time the subject has grown in my estimation till it has reached its present dimensions.

I may say with truth that my book has sprung from love of the man, and from a heartfelt admiration of his virtues and his conduct, as well as of his gifts. I must acknowledge that in discussing his character with men of letters, as I have been prone to do, I have found none quite to agree with me. His intellect they have admitted, and his industry; but his patriotism they have doubted, his sincerity they have disputed, and his courage they have denied. It might have become me to have been silenced by their verdict; but I have rather been instigated to appeal to the public, and to ask them to agree with me against my friends. It is not only that Cicero has touched all matters of interest to men, and has given a new grace to all that he has touched; that as an orator, a rhetorician, an essayist, and a correspondent he was supreme; that as a statesman he was honest, as an advocate fearless, and as a governor pure; that he was a man whose intellectual part always dominated that of the body; that in taste he was excellent, in thought both correct and enterprising, and that in language he was perfect. All this has been already so said of

him by other biographers. Plutarch, who is as familiar to us as though he had been English, and Middleton, who thoroughly loved his subject, and latterly Mr. Forsyth, who has struggled to be honest to him, might have sufficed as telling us so much as that. But there was a humanity in Cicero, a something almost of Christianity, a stepping forward out of the dead intellectualities of Roman life into moral perceptions, into natural affections, into domesticity, philanthropy, and conscious discharge of duty, which do not seem to have been as yet fully appreciated. To have loved his neighbor as himself before the teaching of Christ was much for a man to achieve; and that he did this is what I claim for Cicero, and hope to bring home to the minds of those who can find time for reading yet another added to the constantly increasing volumes about Roman times.

It has been the habit of some latter writers, who have left to Cicero his literary honors, to rob him of those which had been accorded to him as a politician. Macaulay, expressing his surprise at the fecundity of Cicero, and then passing on to the praise of the Philippics as senatorial speeches, says of him that he seems to have been at the head of the "minds of the second order." We cannot judge of the classification without knowing how many of the great men of the world are to be included in the first rank. But Macaulay probably intended to express an opinion that Cicero was inferior because he himself had never dominated others as Marius had done, and Sylla, and Pompey, and Cæsar, and Augustus. But what if Cicero was ambitious for the good of others, while these men had desired power only for themselves?

Dean Merivale says that Cicero was "discreet and decorous," as with a similar sneer another clergyman, Sydney Smith, ridiculed a Tory prime-minister because he was true to his wife. There is nothing so open to the bitterness of a little joke as those humble virtues by which no glitter can be gained, but only the happiness of many preserved. And the Dean declares that Cicero himself was not, except once or twice, and for a "moment only, a real power in the State." Men who usurped authority, such as those I have named, were the "real powers," and it was in opposition to such usurpation that Cicero was always urgent. Mr. Forsyth, who, as I have said, strives to be impartial, tells us that "the chief fault of Cicero's moral

character was a want of sincerity." Absence of sincerity there was not. Deficiency of sincerity there was. Who among men has been free from such blame since history and the lives of men were first written? It will be my object to show that though less than godlike in that gift, by comparison with other men around him he was sincere, as he was also self-denying; which, if the two virtues be well examined, will indicate the same phase of character.

But of all modern writers Mr. Froude has been the hardest to Cicero. His sketch of the life of Cæsar is one prolonged censure on that of Cicero. Our historian, with all that glory of language for which he is so remarkable, has covered the poor orator with obloquy. There is no period in Cicero's life so touching, I think, as that during which he was hesitating 10whether, in the service of the Republic, it did or did not behoove him to join Pompey before the battle of Pharsalia. At this time he wrote to his friend Atticus various letters full of agonizing doubts as to what was demanded from him by his duty to his country, by his friendship for Pompey, by loyalty to his party, and by his own dignity. As to a passage in one of those, Mr. Froude says "that Cicero had lately spoken of Cæsar's continuance in life as a disgrace to the State." "It has been seen also that he had long thought of assassination as the readiest means of ending it," says Mr. Froude. The "It has been seen" refers to a statement made a few pages earlier, in which he translates certain words written by Cicero to Atticus. "He considered it a disgrace to them that Cæsar was alive." That is his translation; and in his indignation he puts other words, as it were, into the mouth of his literary brother of two thousand years before. "Why did not somebody kill him?" The Latin words themselves are added in a note, "Cum vivere ipsum turpe sit nobis." Hot indignation has so carried the translator away that he has missed the very sense of Cicero's language. "When even to draw the breath of life at such a time is a disgrace to us!" That is what Cicero meant. Mr. Froude in a preceding passage gives us another passage from a letter to Atticus, "Cæsar was mortal." So much is an intended translation. Then Mr. Froude tells us how Cicero had "hailed Cæsar's eventual murder with rapture;" and goes on to say, "We read the words with sorrow and yet with pity." But Cicero had never dreamed of Cæsar's murder. The words of the passage are as follows: "Hunc

primum mortalem esse, deinde etiam multis modis extingui posse cogitabam." "I bethought myself in the first place that this man was mortal, and then that there were a hundred ways in which he might be put on one side." All 11the latter authorities have, I believe, supposed the "hunc" or "this man" to be Pompey. I should say that this was proved by the gist of the whole letter — one of the most interesting that was ever written, as telling the workings of a great man's mind at a peculiar crisis of his life — did I not know that former learned editors have supposed Cæsar to have been meant. But whether Cæsar or Pompey, there is nothing in it to do with murder. It is a question — Cicero is saying to his friend — of the stability of the Republic. When a matter so great is considered, how is a man to trouble himself as to an individual who may die any day, or cease from any accident to be of weight? Cicero was speaking of the effect of this or that step on his own part. Am I, he says, for the sake of Pompey to bring down hordes of barbarians on my own country, sacrificing the Republic for the sake of a friend who is here to-day and may be gone to-morrow? Or for the sake of an enemy, if the reader thinks that the "hunc" refers to Cæsar. The argument is the same. Am I to consider an individual when the Republic is at stake? Mr. Froude tells us that he reads "the words with sorrow and yet with pity." So would every one, I think, sympathizing with the patriot's doubts as to his leader, as to his party, and as to his country. Mr. Froude does so because he gathers from them that Cicero is premeditating the murder of Cæsar!

It is natural that a man should be judged out of his own mouth. A man who speaks much, and so speaks that his words shall be listened to and read, will be so judged. But it is not too much to demand that when a man's character is at stake his own words shall be thoroughly sifted before they are used against him.

The writer of the biographical notice in the Encyclopedia Britannica on Cicero, sends down to posterity a statement that in the time of the first triumvirate, when our hero was withstanding the machinations of Cæsar and Pompey against the liberties of Rome, he was open to be bought. The augurship 12would have bought him. "So pitiful," says the biographer, "was the bribe to which he would have sacrificed his honor, his opinions, and the commonwealth!"

With no more sententious language was the character of a great man ever offered up to public scorn. And on what evidence? We should have known nothing of the bribe and the corruption but for a few playful words in a letter from Cicero himself to Atticus. He is writing from one of his villas to his friend in Rome, and asks for the news of the day: Who are to be the new consuls? Who is to have the vacant augurship? Ah, says he, they might have caught even me with that bait; as he said on another occasion that he was so much in debt as to be fit for a rebel; and again, as I shall have to explain just now, that he was like to be called in question under the Cincian law because of a present of books! This was just at the point of his life when he was declining all offers of public service — of public service for which his soul longed — because they were made to him by Cæsar. It was then that the "Vigintiviratus" was refused, which Quintilian mentions to his honor. It was then that he refused to be Cæsar's lieutenant. It was then that he might have been fourth with Cæsar, and Pompey, and Crassus, had he not felt himself bound not to serve against the Republic. And yet the biographer does not hesitate to load him with infamy because of a playful word in a letter half jocose and half pathetic to his friend. If a man's deeds be always honest, surely he should not be accused of dishonesty on the strength of some light word spoken in the confidence of familiar intercourse. The light words are taken to be grave because they meet the modern critic's eye clothed in the majesty of a dead language; and thus it comes to pass that their very meaning is misunderstood.

My friend Mr. Collins speaks, in his charming little volume 13on Cicero, of "quiet evasions" of the Cincian law, and tells us that we are taught by Cicero's letters not to trust Cicero's words when he was in a boasting vein. What has the one thing to do with the other? He names no quiet evasions. Mr. Collins makes a surmise, by which the character of Cicero for honesty is impugned — without evidence. The anonymous biographer altogether misinterprets Cicero. Mr. Froude charges Cicero with anticipation of murder, grounding his charge on words which he has not taken the trouble to understand. Cicero is accused on the strength of his own private letters. It is because we have not the private letters of other persons that they are not so accused. The courtesies of the world exact, I will not say

demand, certain deviations from straightforward expression; and these are made most often in private conversations and in private correspondence. Cicero complies with the ways of the world; but his epistles are no longer private, and he is therefore subjected to charges of falsehood. It is because Cicero's letters, written altogether for privacy, have been found worthy to be made public that such accusations have been made. When the injustice of these critics strikes me, I almost wish that Cicero's letters had not been preserved.

As I have referred to the evidence of those who have, in these latter days, spoken against Cicero, I will endeavor to place before the reader the testimony of his character which 14was given by writers, chiefly of his own nation, who dealt with his name for the hundred and fifty years after his death — from the time of Augustus down to that of Adrian — a period much given to literature, in which the name of a politician and a man of literature would assuredly be much discussed. Readers will see in what language he was spoken of by those who came after him. I trust they will believe that if I knew of testimony on the other side, of records adverse to the man, I would give them. The first passage to which I will allude does not bear Cicero's name; and it may be that I am wrong in assuming honor to Cicero from a passage in poetry, itself so famous, in which no direct allusion is made to himself. But the idea that Virgil in the following lines refers to the manner in which Cicero soothed the multitude who rose to destroy the theatre when the knights took their front seats in accordance with Otho's law, does not originate with me. I give the lines as translated by Dryden, with the original in a note.

"As when in tumults rise the ignoble crowd, Mad are their motions, and their tongues are loud; And stones and brands in rattling volleys fly, And all the rustic arms that fury can supply; If then some grave and pious man appear, They hush their noise, and lend a listening ear; He soothes with sober words their angry mood, And quenches their innate desire of blood."

This, if it be not intended for a portrait of Cicero on that occasion, exactly describes his position and his success. We have a fragment of Cornelius Nepos, the biographer of the 15Augustan age, declaring that at Cicero's death men had to doubt whether literature or the Republic had lost the most. Livy declared of him only, that he would

be the best writer of Latin prose who was most like to Cicero. Velleius Paterculus, who wrote in the time of Tiberius, speaks of Cicero's achievements with the highest honor. "At this period," he says, "lived Marcus Cicero, who owed everything to himself; a man of altogether a new family, as distinguished for ability as he was for the purity of his life." Valerius Maximus quotes him as an example of a forgiving character. Perhaps the warmest praise ever given to him came from the pen of Pliny the elder, from whose address to the memory of Cicero I will quote only a few words, as I shall refer to it more at length when speaking of his consulship. "Hail thou," says Pliny, "who first among men was called the father of your country." Martial, in one of his distichs, tells the traveller that if he have but a book of Cicero's writing he may fancy that he is travelling with Cicero himself. Lucan, in his bombastic verse, declares how Cicero dared to speak of peace in the camp of Pharsalia. The reader may think that Cicero should have said nothing of the kind, but Lucan mentions him with all honor. Not Tacitus, as I think, but some author 16whose essay De Oratoribus was written about the time of Tacitus, and whose work has come to us with the name of Tacitus, has told us of Cicero that he was a master of logic, of ethics, and of physical science. Everybody remembers the passage in Juvenal,

"Sed Roma parentem Roma patrem patriæ Ciceronem libera dixit."

"Rome, even when she was free, declared him to be the father of his country." Even Plutarch, who generally seems to have a touch of jealousy when speaking of Cicero, declares that he verified the prediction of Plato, "That every State would be delivered from its calamities whenever power should fortunately unite with wisdom and justice in one person." The praises of Quintilian as to the man are so mixed with the admiration of the critic for the hero of letters, that I would have omitted to mention them here were it not that they will help to declare what was the general opinion as to Cicero at the time in which it was written. He has been speaking of Demosthenes, and then goes on: "Nor in regard to Cicero do I see that he ever failed in the duty of a good citizen. There is in evidence of this the splendor of his consulship, the rare integrity of his provincial administration, his refusal of office under Cæsar, the firmness of his mind on the

civil wars, giving way neither to hope nor fear, though these sorrows came heavily on him in his old age. On all these occasions he did the best he could for the Republic." Florus, who wrote after the twelve Cæsars, in the time of Trajan and of Adrian, whose rapid summary of Roman events can hardly be called a history, tells us, in a few words, how Catiline's conspiracy was crushed by the authority 17of Cicero and Cato in opposition to that of Cæsar. Then, when he has passed in a few short chapters over all the intervening history of the Roman Empire, he relates, in pathetic words, the death of Cicero. "It was the custom in Rome to put up on the rostra the heads of those who had been slain; but now the city was not able to restrain its tears when the head of Cicero was seen there, upon the spot from which the citizens had so often listened to his words." Such is the testimony given to this man by the writers who may be supposed to have known most of him as having been nearest to his time. They all wrote after him. Sallust, who was certainly his enemy, wrote of him in his lifetime, but never wrote in his dispraise. It is evident that public opinion forbade him to do so. Sallust is never warm in Cicero's praise, as were those subsequent authors whose words I have quoted, and has been made subject to reproach for envy, for having passed too lightly over Cicero's doings and words in his account of Catiline's conspiracy; but what he did say was to Cicero's credit. Men had heard of the danger, and therefore, says Sallust, "They conceived the idea of intrusting the consulship to Cicero. For before that the nobles were envious, and thought that the consulship would be polluted if it were conferred on a *novus homo*, however distinguished. But when danger came, envy and pride had to give way." He afterward declares that Cicero made a speech against Catiline most brilliant, and at the same time useful to the Republic. This was lukewarm praise, but coming from Sallust, who would have censured if he could, it is as eloquent as any eulogy. There is extant a passage attributed to Sallust full of virulent abuse of Cicero, but no one now imagines that Sallust wrote it. It is called 18the Declamation of Sallust against Cicero, and bears intrinsic evidence that it was written in after years. It suited some one to forge pretended invectives between Sallust and Cicero, and is chiefly noteworthy here because it gives to Dio Cassius a foundation for the hardest of hard words he said against the orator.

Dio Cassius was a Greek who wrote in the reign of Alexander Severus, more than two centuries and a half after the death of Cicero, and he no doubt speaks evil enough of our hero. What was the special cause of jealousy on his part cannot probably be now known, but the nature of his hatred may be gathered from the passage in the note, which is so foul-mouthed that it can be only inserted under the veil of his own language. Among other absurdities Dio Cassius says of Cicero that in his latter days he put away a gay young wife, forty years younger than himself, in order that he might enjoy without disturbance the company of another lady who was nearly as much older than himself as his wife was younger.

Now I ask, having brought forward so strong a testimony, not, I will say, as to the character of the man, but of the estimation in which he was held by those who came shortly after 19him in his own country; having shown, as I profess that I have shown, that his name was always treated with singular dignity and respect, not only by the lovers of the old Republic but by the minions of the Empire; having found that no charge was ever made against him either for insincerity or cowardice or dishonesty by those who dealt commonly with his name, am I not justified in saying that they who have in later days accused him should have shown their authority? Their authority they have always found in his own words. It is on his own evidence against himself that they have depended — on his own evidence, or occasionally on their own surmises. When we are told of his cowardice, because those human vacillations of his, humane as well as human, have been laid bare to us as they came quivering out of his bosom on to his fingers! He is a coward to the critics because they have written without giving themselves time to feel the true meaning of his own words. If we had only known his acts and not his words — how he stood up against the judges at the trial of Verres, with what courage he encountered the responsibility of his doings at the time of Catiline, how he joined Pompey in Macedonia from a sense of sheer duty, how he defied Antony when to defy Antony was probable death — then we should not call him a coward! It is out of his own mouth that he is condemned. Then surely his words should be understood. Queen Christina says of him, in one of her maxims, that “Cicero was the only coward that was capable of great actions.”

The Queen of Sweden, whose sentences are never worth very much, has known her history well enough to have learned that Cicero's acts were noble, but has not understood the meaning of words sufficiently to extract from Cicero's own expressions their true bearing. The bravest of us all, if he is in high place, has to doubt much before he can know what true courage will demand of him; and these doubts the man of words will express, if there be given to him an *alter ego* such as Cicero had in Atticus.

20In reference to the biography of Mr Forsyth I must, in justice both to him and to Cicero, quote one passage from the work: "Let those who, like De Quincey, Mommsen, and others, speak disparagingly of Cicero, and are so lavish in praise of Cæsar, recollect that Cæsar never was troubled by a conscience." Here it is that we find that advance almost to Christianity of which I have spoken, and that superiority of mind being which makes Cicero the most fit to be loved of all the Romans.

It is hard for a man, even in regard to his own private purposes, to analyze the meaning of a conscience, if he put out of question all belief in a future life. Why should a man do right if it be not for a reward here or hereafter? Why should anything be right — or wrong? The Stoics tried to get over the difficulty by declaring that if a man could conquer all his personal desires he would become, by doing so, happy, and would therefore have achieved the only end at which a man can rationally aim. The school had many scholars, but probably never a believer. The normal Greek or Roman might be deterred by the law, which means fear of punishment, or by the opinion of his neighbors, which means ignominy. He might recognize the fact that comfort would combine itself with innocence, or disease and want with lust and greed. In this there was little need of a conscience — hardly, perhaps, room for it. But when ambition came, with all the opportunities that chance, audacity, and intellect would give — as it did to Sylla, to Cæsar, and to Augustus — then there was nothing to restrain the men. There was to such a man no right but his power, no wrong but opposition to it. His cruelty or his 21clemency might be more or less, as his conviction of the utility of this or that other weapon for dominating men might be strong with him. Or there might be some variation in the flowing of the blood about his heart

which might make a massacre of citizens a pleasing diversion or a painful process to him; but there was no conscience. With the man of whom we are about to speak conscience was strong. In his sometimes doubtful wanderings after political wisdom — in those mental mazes which have been called insincerity — we shall see him, if we look well into his doings, struggling to find whether, in searching for what was his duty, he should go to this side or to that. Might he best hope a return to that state of things which he thought good for his country by adhering to Cæsar or to Pompey? We see the workings of his conscience, and, as we remember that Scipio's dream of his, we feel sure that he had, in truth, within him a recognition of a future life.

In discussing the character of a man, there is no course of error so fertile as the drawing of a hard and fast line. We are attracted by salient points, and, seeing them clearly, we jump to conclusions, as though there were a light-house on every point by which the nature of the coast would certainly be shown to us. And so it will, if we accept the light only for so much of the shore as it illumines. But to say that a man is insincere because he has vacillated in this or the other difficulty, that he is a coward because he has feared certain dangers, that he is dishonest because he has swerved, that he is a liar because an untrue word has been traced to him, is to suppose that you know all the coast because one jutting headland has been defined to you. He who so expresses himself on a man's character is either ignorant of human nature, or is in search of stones with which to pelt his enemy. "He has lied! He has lied!" How often in our own political contests do we hear the cry with a note of triumph! And if he have, how often has he told the truth? And if he have, how many are entitled by pure innocence in that matter to throw a stone at 22him? And if he have, do we not know how lies will come to the tongue of a man without thought of lying? In his stoutest efforts after the truth a man may so express himself that when afterward he is driven to compare his recent and his former words, he shall hardly be able to say even to himself that he has not lied. It is by the tenor of a man's whole life that we must judge him, whether he be a liar or no.

To expect a man to be the same at sixty as he was at thirty, is to suppose that the sun at noon shall be graced with the colors which

adorn its setting. And there are men whose intellects are set on so fine a pivot that a variation in the breeze of the moment, which coarser minds shall not feel, will carry them round with a rapidity which baffles the common eye. The man who saw his duty clearly on this side in the morning shall, before the evening come, recognize it on the other; and then again, and again, and yet again the vane shall go round. It may be that an instrument shall be too fine for our daily uses. We do not want a clock to strike the minutes, or a glass to tell the momentary changes in the atmosphere. It may be found that for the work of the world, the coarse work — and no work is so coarse, though none is so important, as that which falls commonly into the hands of statesmen — instruments strong in texture, and by reason of their rudeness not liable to sudden impressions, may be the best. That it is which we mean when we declare that a scrupulous man is impractical in politics. But the same man may, at various periods of his life, and on various days at the same period, be scrupulous and unscrupulous, impractical and practical, as the circumstances of the occasion may affect him. At one moment the rule of simple honesty will prevail with him. "Fiat justitia, ruat cœlum." "Si fractus illabatur orbis Impavidum ferient ruinæ." At another he will see the necessity of a compromise for the good of the many. He will tell himself that if the best cannot be done, he must content himself with the next best. He must shake hands with the imperfect, 23as the best way of lifting himself up from a bad way toward a better. In obedience to his very conscience he will temporize, and, finding no other way of achieving good, will do even evil that good may come of it. "Rem si possis recte; si non, quocunque modo rem." In judging of such a character as this, a hard and fast line will certainly lead us astray. In judging of Cicero, such a hard and fast line has too generally been used. He was a man singularly sensitive to all influences. It must be admitted that he was a vane, turning on a pivot finer than those on which statesmen have generally been made to work. He had none of the fixed purpose of Cæsar, or the unflinching principle of Cato. They were men cased in brass, whose feelings nothing could hurt. They suffered from none of those inward flutterings of the heart, doubtful aspirations, human longings, sharp sympathies, dreams of something better than this world, fears of something worse, which make Cicero so like a well-

bred, polished gentleman of the present day. It is because he has so little like a Roman that he is of all the Romans the most attractive.

Still there may be doubt whether, with all the intricacies of his character, his career was such as to justify a further biography at this distance of time. “What’s Hecuba to him, or he to Hecuba?” asks Hamlet, when he finds himself stirred by the passion thrown into the bare recital of an old story by an itinerant player. What is Cicero to us of the nineteenth century that we should care so much for him as to read yet another book? Nevertheless, Hamlet was moved because the tale was well told. There is matter in the earnestness, the pleasantness, the patriotism, and the tragedy of the man’s life to move a reader still — if the story could only be written of him as it is felt! The difficulty lies in that, and not in the nature of the story.

The period of Cicero’s life was the very turning-point of civilization and government in the history of the world. At that period of time the world, as we know it, was Rome. 24Greece had sunk. The Macedonian Empire had been destroyed. The kingdoms of the East — whether conquered, or even when conquering, as was Parthia for awhile — were barbaric, outside the circle of cultivation, and to be brought into it only by the arms and influence of Rome. During Cæsar’s career Gaul was conquered; and Britain, with what was known of Germany, supposed to be partly conquered. The subjugation of Africa and Spain was all but completed. Letters, too, had been or were being introduced. Cicero’s use of language was so perfect that it seems to us to have been almost necessarily the result of a long established art of Latin literature. But, in truth, he is the earliest of the prose writers of his country with whose works we are familiar. Excepting Varro, who was born but ten years before him, no earlier Latin prose writer has left more than a name to us; and the one work by which Varro is at all known, the De Re Rustica, was written after Cicero’s death. Lucretius, whose language we regard as almost archaic, so unlike is it to that of Virgil or Horace, was born eight years after Cicero. In a great degree Cicero formed the Latin language — or produced that manipulation of it which has made it so graceful in prose, and so powerful a vehicle of thought. That which he took from any Latin writer he took from Terence.

And it was then, just then, that there arose in Rome that

unpremeditated change in its form of government which resulted in the self-assumed dictatorship of Cæsar, and the usurpation of the Empire by Augustus. The old Rome had had kings. Then the name and the power became odious — the name to all the citizens, no doubt, but the power simply to the nobility, who grudged the supremacy of one man. The kings were abolished, and an oligarchy was established under the name of a Republic, with its annual magistrates — at first its two Consuls, then its Prætors and others, and occasionally a Dictator, as some current event demanded a concentration of temporary power in a single hand for a certain purpose. 25The Republic was no republic, as we understand the word; nor did it ever become so, though their was always going on a perpetual struggle to transfer the power from the nobles to the people, in which something was always being given or pretended to be given to the outside class. But so little was as yet understood of liberty that, as each plebeian made his way up into high place and became one of the magistrates of the State, he became also one of the oligarchical faction. There was a continued contest, with a certain amount of good faith on each side, on behalf of the so-called Republic — but still a contest for power. This became so continued that a foreign war was at times regarded as a blessing, because it concentrated the energies of the State, which had been split and used by the two sections — by each against the other. It is probably the case that the invasion of the Gauls in earlier days, and, later on, the second Punic war, threatening as they were in their incidents to the power of Rome, provided the Republic with that vitality which kept it so long in existence. Then came Marius, dominant on one side as a tribune of the people, and Sylla, as aristocrat on the other, and the civil wars between them, in which, as one prevailed or the other, Rome was mastered. How Marius died, and Sylla reigned for three bloody, fatal years, is outside the scope of our purpose — except in this, that Cicero saw Sylla's proscriptions, and made his first essay into public life hot with anger at the Dictator's tyranny.

It occurs to us as we read the history of Rome, beginning with the early Consuls and going to the death of Cæsar and of Cicero, and the accomplished despotism of Augustus, that the Republic could not have been saved by any efforts, and was in truth not worth the

saving. We are apt to think, judging from our own idea of liberty, that there was so much of tyranny, so little of real freedom in the Roman form of government, that it was not good enough to deserve our sympathies. But it had been successful. It had made a great people, and had produced a wide-spread civilization. Roman 26citizenship was to those outside the one thing the most worthy to be obtained. That career which led the great Romans up from the state of Quæstor to the Ædile's, Prætor's, and Consul's chair, and thence to the rich reward of provincial government, was held to be the highest then open to the ambition of man. The Kings of Greece, and of the East, and of Africa were supposed to be inferior in their very rank to a Roman Proconsul, and this greatness was carried on with a semblance of liberty, and was compatible with a belief in the majesty of the Roman citizen. When Cicero began his work, Consuls, Prætors, Ædiles, and Quæstors were still chosen by the votes of the citizens. There was bribery, no doubt, and intimidation, and a resort to those dirty arts of canvassing with which we English have been so familiar; but in Cicero's time the male free inhabitants of Rome did generally carry the candidates to whom they attached themselves. The salt of their republican theory was not as yet altogether washed out from their practice.

The love of absolute liberty as it has been cultivated among modern races did not exist in the time of Cicero. The idea never seems to have reached even his bosom, human and humanitarian as were his sympathies, that a man, as man, should be free. Half the inhabitants of Rome were slaves, and the institution was so grafted in the life of the time that it never occurred to a Roman that slaves, as a body, should be manumitted. The slaves themselves, though they were not, as have been the slaves whom we have seen, of a different color and presumed inferior race, do not themselves seem to have entertained any such idea. They were instigated now and again to servile wars, but there was no rising in quest of freedom generally. Nor was it repugnant to the Roman theory of liberty that the people whom they dominated, though not subjected to slavery, should still be outside the pale of civil freedom. That boon was to be reserved for the Roman citizen, and for him only. It had become common to admit to citizenship 27the inhabitants of other towns and further

territories. The glory was kept not altogether for Rome, but for Romans.

Thus, though the government was oligarchical, and the very essence of freedom ignored, there was a something which stood in the name of liberty, and could endear itself to a real patriot. With genuine patriotism Cicero loved his country, and beginning his public life as he did at the close of Sylla's tyranny, he was able to entertain a dream that the old state of things might be restored and the republican form of government maintained. There should still be two Consuls in Rome, whose annual election would guard the State against regal dominion. And there should, at the same time, be such a continuance of power in the hands of the better class — the "optimates," as he called them — as would preserve the city from democracy and revolution. No man ever trusted more entirely to popular opinion than Cicero, or was more anxious for aristocratic authority. But neither in one direction nor the other did he look for personal aggrandizement, beyond that which might come to him in accordance with the law and in subjection to the old form of government.

It is because he was in truth patriotic, because his dreams of a Republic were noble dreams, because he was intent on doing good in public affairs, because he was anxious for the honor of Rome and of Romans, not because he was or was not a "real power in the State" that his memory is still worth recording. Added to this was the intellect and the wit and erudition of the man, which were at any rate supreme. And then, though we can now see that his efforts were doomed to failure by the nature of the circumstances surrounding him, he was so nearly successful, so often on the verge of success, that we are exalted by the romance of his story into the region of personal sympathy. As we are moved by the aspirations and sufferings of a hero in a tragedy, so are we stirred by the efforts, the fortune, and at last the fall of this man. There is a picturesqueness about the life of Cicero which is wanting in the stories 28of Marius or Sylla, of Pompey, or even of Cæsar — a picturesqueness which is produced in great part by these very doubtings which have been counted against him as insincerity.

His hands were clean when the hands of all around him were

defiled by greed. How infinitely Cicero must have risen above his time when he could have clean hands! A man in our days will keep himself clean from leprosy because to be a leper is to be despised by those around him. Advancing wisdom has taught us that such leprosy is bad, and public opinion coerces us. There is something too, we must suppose, in the lessons of Christianity. Or it may be that the man of our day, with all these advantages, does not keep himself clean — that so many go astray that public opinion shall almost seem to tremble in the balance. Even with us this and that abomination becomes allowable because so many do it. With the Romans, in the time of Cicero, greed, feeding itself on usury, rapine, and dishonesty, was so fully the recognized condition of life that its indulgence entailed no disgrace. But Cicero, with eyes within him which saw farther than the eyes of other men, perceived the baseness of the stain. It has been said also of him that he was not altogether free from reproach. It has been suggested that he accepted payment for his services as an advocate, any such payment being illegal. The accusation is founded on the knowledge that other advocates allowed themselves to be paid, and on the belief that Cicero could not have lived as he did without an income from that source. And then there is a story told of him that, though he did much at a certain period of his life to repress the usury, and to excite at the same time the enmity of a powerful friend, he might have done more. As we go on, the stories of these things will be told; but the very nature of the allegations against him prove how high he soared in honesty above the manners of his day. In discussing the character of the men, little is thought of the robberies of Sylla, the borrowings of Cæsar, the money-lending of Brutus, or the accumulated wealth of 29Crassus. To plunder a province, to drive usury to the verge of personal slavery, to accept bribes for perjured judgment, to take illegal fees for services supposed to be gratuitous, was so much the custom of the noble Romans that we hardly hate his dishonest greed when displayed in its ordinary course. But because Cicero's honesty was abnormal, we are first surprised, and then, suspecting little deviations, rise up in wrath against him, because in the midst of Roman profligacy he was not altogether a Puritan in his money matters.

Cicero is known to us in three great capacities: as a statesman, an

advocate, and a man of letters. As the combination of such pursuits is common in our own days, so also was it in his. Cæsar added them all to the great work of his life as a soldier. But it was given to Cicero to take a part in all those political struggles, from the resignation of Sylla to the first rising of the young Octavius, which were made on behalf of the Republic, and were ended by its downfall. His political life contains the story of the conversion of Rome from republican to imperial rule; and Rome was then the world. Could there have been no Augustus, no Nero, and then no Trajan, all Europe would have been different. Cicero's efforts were put forth to prevent the coming of an Augustus or a Nero, or the need of a Trajan; and as we read of them we feel that, had success been possible, he would have succeeded.

As an advocate he was unsurpassed. From him came the feeling — whether it be right or wrong — that a lawyer, in pleading for his client, should give to that client's cause not only all his learning and all his wit, but also all his sympathy. To me it is marvellous, and interesting rather than beautiful, to see how completely Cicero can put off his own identity and assume another's in any cause, whatever it be, of which he has taken the charge. It must, however, be borne in mind that in old Rome the distinction between speeches made in political and in civil or criminal cases was not equally well marked as with us, and also that the reader having the speeches which have 30come down to us, whether of one nature or the other, presented to him in the same volume, is apt to confuse the public and that which may, perhaps, be called the private work of the man. In the speeches best known to us Cicero was working as a public man for public objects, and the ardor, I may say the fury, of his energy in the cause which he was advocating was due to his public aspirations. The orations which have come to us in three sets, some of them published only but never spoken — those against Verres, against Catiline, and the Philippics against Antony — were all of this nature, though the first concerned the conduct of a criminal charge against one individual. Of these I will speak in their turn; but I mention them here in order that I may, if possible, induce the reader to begin his inquiry into Cicero's character as an advocate with a just conception of the objects of the man. He wished, no doubt, to shine, as does the

barrister of to-day: he wished to rise; he wished, if you will, to make his fortune, not by the taking of fees, but by extending himself into higher influence by the authority of his name. No doubt he undertook this and the other case without reference to the truth or honesty of the cause, and, when he did so, used all his energy for the bad, as he did for the good cause. There seems to be special accusation made against him on this head, as though, the very fact that he undertook his work without pay threw upon him the additional obligation of undertaking no cause that was not in itself upright. With us the advocate does this notoriously for his fee. Cicero did it as notoriously in furtherance of some political object of the moment, or in maintenance of a friendship which was politically important. I say nothing against the modern practice. This would not be the place for such an argument. Nor do I say that, by rules of absolute right and wrong, Cicero was right; but he was as right, at any rate, as the modern barrister. And in reaching the high-minded conditions under which he worked, he had only the light of his own genius to guide him. When 31we compare the clothing of the savage race with our own, their beads and woad and straw and fibres with our own petticoats and pantaloons, we acknowledge the progress of civilization and the growth of machinery. It is not a wonderful thing to us that an African prince should not be as perfectly dressed as a young man in Piccadilly. But, when we make a comparison of morals between our own time and a period before Christ, we seem to forget that more should be expected from us than from those who lived two thousand years ago.

There are some of those pleadings, speeches made by Cicero on behalf of or against an accused party, from which we may learn more of Roman life than from any other source left to us. Much we may gather from Terence, much from Horace, something from Juvenal. There is hardly, indeed, a Latin author from which an attentive reader may not pick up some detail of Roman customs. Cicero's letters are themselves very prolific. But the pretty things of the poets are not quite facts, nor are the bitter things of the satirist; and though a man's letters to his friend may be true, such letters as come to us will have been the products of the greater minds, and will have come from a small and special class. I fear that the Newgate Calendar of the day would tell us more of the ways of living then prevailing than the letters of Lady Mary W. Montagu or of Horace Walpole. From the orations against Verres we learn how the people of a province lived under the tyranny inflicted upon them; and from those spoken in defence of Sextus Amerinus and Aulus Cluentius, we gather something of the horrors of Roman life — not in Rome, indeed, but within the limits of Roman citizenship.

It is, however, as a man of letters that Cicero will be held in the highest esteem. It has been his good-fortune to have a great part of what he wrote preserved for future ages. His works have not perished, as have those of his contemporaries, Varro and Hortensius. But this has been due to two causes, which were independent of Fortune. He himself believed in 32their value, and took measures for their protection; and those who lived in his own time, and in the immediately succeeding ages, entertained the same belief and took the same care. Livy said that, to write Latin well, the writer should write it like Cicero; and Quintilian, the first of Latin critics, repeated to us what Livy had asserted. There is a sweetness of language about Cicero which runs into the very sound; so that passages read aright would, by their very cadences, charm the ear of listeners ignorant of the language. Eulogy never was so happy as his. Eulogy, however, is tasteless in comparison with invective. Cicero's abuse is awful. Let the reader curious in such matters turn to the diatribes against Vatinius, one of Cæsar's creatures, and to that against the unfortunate Proconsul Piso; or to his attacks on Gabinius, who was

Consul together with Piso in the year of Cicero's banishment. There are wonderful morsels in the philippics dealing with Antony's private character; but the words which he uses against Gabinius and Piso beat all that I know elsewhere in the science of invective. Junius could not approach him; and even Macaulay, though he has, in certain passages, been very bitter, has not allowed himself the latitude which Roman taste and Roman manners permitted to Cicero.

It may, however, be said that the need of biographical memoirs as to a man of letters is by no means in proportion to the excellence of the work that he has achieved. Alexander is known but little to us, because we know so little of the details of his life. Cæsar is much to us, because we have in truth been made acquainted with him. But Shakspeare, of whose absolute doings we know almost nothing, would not be nearer or dearer had he even had a Boswell to paint his daily portrait. The man of letters is, in truth, ever writing his own biography. What there is in his mind is being declared to the world at large by himself; and if he can so 33write that the world at large shall care to read what is written, no other memoir will, perhaps, be necessary. For myself I have never regretted those details of Shakspeare's life which a Boswell of the time might have given us. But Cicero's personality as a man of letters seems especially to require elucidation. His letters lose their chief charm if the character of the man be not known, and the incidents of his life. His essays on rhetoric — the written lessons which he has left on the art of oratory — are a running commentary on his own career as an orator. Most of his speeches require for their understanding a knowledge of the circumstances of his life. The treatises which we know as his Philosophy — works which have been most wrongly represented by being grouped under that name — can only be read with advantage by the light of his own experience. There are two separate classes of his so-called Philosophy, in describing which the word philosophy, if it be used at all, must be made to bear two different senses. He handles in one set of treatises, not, I think, with his happiest efforts, the teaching of the old Greek schools. Such are the Tusculan Disquisitions, the Academics, and the De Finibus. From reading these, without reference to the idiosyncrasies of the writer, the student would be led to believe that Cicero himself was a

philosopher after that sort. But he was, in truth, the last of men to lend his ears

"To those budge doctors of the stoic fur."

Cicero was a man thoroughly human in all his strength and all his weakness. To sit apart from the world and be happy amid scorn, poverty, and obscurity, with a mess of cabbage and a crust, absolutely contented with abstract virtue, has probably been given to no man; but of none has it been less within the reach than of Cicero. To him ginger was always hot in the mouth, whether it was the spice of politics, or of social delight, or of intellectual enterprise. When in his deep sorrow at the death of his daughter, when for a time the Republic 34was dead to him, and public and private life were equally black, he craved employment. Then he took down his Greek manuscripts and amused himself as best he might by writing this way or that. It was a matter on which his intellect could work and his energies be employed, though the theory of his life was in no way concerned in it. Such was one class of his Philosophy. The other consisted of a code of morals which he created for himself by his own convictions, formed on the world around him, and which displayed itself in essays, such as those De Officiis — on the duties of life; De Senectute, De Amicitia — on old age and friendship, and the like, which were not only intended for use, but are of use to any man or woman who will study them up to this day. There are others, treatises on law and on government and religion, which have all been lumped together, for the misguidance of school-boys, under the name of Cicero's Philosophy. But they, be they of one class or the other, require an understanding of the man's character before they can be enjoyed.

For these reasons I think that there are incidents in the life, the character, and the work of Cicero which ought to make his biography interesting. His story is fraught with energy, with success, with pathos, and with tragedy. And then it is the story of a man human as men are now. No child of Rome ever better loved his country, but no child of Rome was ever so little like a Roman. Arms and battles were to him abominable, as they are to us. But arms and battles were the delight of Romans. He was ridiculed in his own time, and has been ridiculed ever since, for the alliterating twang of the line in which he

declared his feeling:

"Cedant arma togæ; concedat laurea linguæ."

But the thing said was thoroughly good, and the better because the opinion was addressed to men among whom the glory of arms was still in ascendant over the achievements of 35intellectual enterprise. The greatest men have been those who have stepped out from the mass, and gone beyond their time — seeing things, with eyesight almost divine, which have hitherto been hidden from the crowd. Such was Columbus when he made his way across the Western Ocean; such were Galileo and Bacon; such was Pythagoras, if the ideas we have of him be at all true. Such also was Cicero. It is not given to the age in which such men live to know them. Could their age even recognize them, they would not overstep their age as they do. Looking back at him now, we can see how like a Christian was the man — so like, that in essentials we can hardly see the difference. He could love another as himself — as nearly as a man may do; and he taught such love as a doctrine. He believed in the existence of one supreme God. He believed that man would rise again and live forever in some heaven. I am conscious that I cannot much promote this view of Cicero's character by quoting isolated passages from his works — words which taken alone may be interpreted in one sense or another, and which should be read, each with its context, before their due meaning can be understood. But I may perhaps succeed in explaining to a reader what it is that I hope to do in the following pages, and why it is that I undertake a work which must be laborious, and for which many will think that there is no remaining need.

I would not have it thought that, because I have so spoken of Cicero's aspirations and convictions, I intend to put him forth as a faultless personage in history. He was much too 36human to be perfect. Those who love the cold attitude of indifference may sing of Cato as perfect. Cicero was ambitious, and often unscrupulous in his ambition. He was a loving husband and a loving father; but at the end of his life he could quarrel with his old wife irrecoverably, and could idolize his daughter, while he ruined his son by indulgence. He was very great while he spoke of his country, which he did so often; but he was almost as little when he spoke of himself — which he did as often. In money-matters he was honest — for the times in which he

lived, wonderfully honest; but in words he was not always equally trustworthy. He could flatter where he did not love. I admit that it was so, though I will not admit without a protest that the word insincere should be applied to him as describing his character generally. He was so much more sincere than others that the protest is needed. If a man stand but five feet eleven inches in his shoes, shall he be called a pygmy? And yet to declare that he measures full six feet would be untrue.

Cicero was a busybody. Were there anything to do, he wished to do it, let it be what it might. "Cedant arma togæ." If anything was written on his heart, it was that. Yet he loved the idea of leading an army, and panted for a military triumph. Letters and literary life were dear to him, and yet he liked to think that he could live on equal terms with the young bloods of Rome, such as Cœlius. As far as I can judge, he cared nothing for luxurious eating and drinking, and yet he wished to be reckoned among the gormands and gourmets of his times. He was so little like the "budge doctors of the stoic fur," of whom it was his delight to write when he had nothing else to do, that he could not bear any touch of adversity with equanimity. The stoic requires to be hardened against "the slings and arrows of outrageous fortune." It is his profession to be indifferent to the "whips and scorns of time." No man was less hardened, or more subject to suffering from scorns and whips. There be those who think proneness 37to such suffering is unmanly, or that the sufferer should at any rate hide his agony. Cicero did not. Whether of his glory or of his shame, whether of his joy or of his sorrow, whether of his love or of his hatred, whether of his hopes or of his despair, he spoke openly, as he did of all things. It has not been the way of heroes, as we read of them; but it is the way with men as we live with them.

What a man he would have been for London life! How he would have enjoyed his club, picking up the news of the day from all lips, while he seemed to give it to all ears! How popular he would have been at the Carlton, and how men would have listened to him while every great or little crisis was discussed! How supreme he would have sat on the Treasury bench, or how unanswerable, how fatal, how joyous, when attacking the Government from the opposite seats! How crowded would have been his rack with invitations to dinner!

How delighted would have been the middle-aged countesses of the time to hold with him mild intellectual flirtations — and the girls of the period, how proud to get his autograph, how much prouder to have touched the lips of the great orator with theirs! How the pages of the magazines would have run over with little essays from his pen! "Have you seen our Cicero's paper on agriculture? That lucky fellow, Editor —— , got him to do it last month!" "Of course you have read Cicero's article on the soul. The bishops don't know which way to turn." "So the political article in the *Quarterly* is Cicero's?" "Of course you know the art-criticism in the *Times* this year is Tully's doing?" But that would probably be a bounce. And then what letters he would write! With the penny-post instead of travelling messengers at his command, and pen instead of wax and sticks, or perhaps with an instrument-writer and a private secretary, he would have answered all questions and solved all difficulties. He would have so abounded with intellectual fertility that men would not have known whether most to admire his powers of expression or to deprecate his want of reticence.

38There will necessarily be much to be said of Cicero's writings in the following pages, as it is my object to delineate the literary man as well as the politician. In doing this, there arises a difficulty as to the sequence in which his works should be taken. It will hardly suit the purpose in view to speak of them all either chronologically or separately as to their subjects. The speeches and the letters clearly require the former treatment as applying each to the very moment of time at which they were either spoken or written. His treatises, whether on rhetoric or on the Greek philosophy, or on government, or on morals, can best be taken apart as belonging in a very small degree, if at all, to the period in which they were written. I will therefore endeavor to introduce the orations and letters as the periods may suit, and to treat of his essays afterward by themselves.

A few words I must say as to the Roman names I have used in my narrative. There is a difficulty in this respect, because the practice of my boyhood has partially changed itself. Pompey used to be Pompey without a blush. Now with an erudite English writer he is generally Pompeius. The denizens of Africa — the "nigger" world — have had, I think, something to do with this. But with no erudite English

writer is Terence Terentius, or Virgil Virgilius, or Horace Horatius. Were I to speak of Livius, the erudite English listener would think that I alluded to an old author long prior to our dear historian. And though we now talk of Sulla instead of Sylla, we hardly venture on Antonius instead of Antony. Considering all this, I have thought it better to cling to the sounds which have ever been familiar to myself; and as I talk of Virgil and of Horace and Ovid freely and without fear, so shall I speak also of Pompey and of Antony and of Catiline. In regard to Sulla, the change has been so complete that I must allow the old name to have re-established itself altogether.

It has been customary to notify the division of years in the period of which I am about to write by dating from two different 39eras, counting down from the building of Rome, A.U.C., or "anno urbis conditæ," and back from the birth of Christ, which we English mark by the letters b.c., before Christ. In dealing with Cicero, writers (both French and English) have not uncommonly added a third mode of dating, assigning his doings or sayings to the year of his age. There is again a fourth mode, common among the Romans, of indicating the special years by naming the Consuls, or one of them. "O nata mecum consule Manlio," Horace says, when addressing his cask of wine. That was, indeed, the official mode of indicating a date, and may probably be taken as showing how strong the impression in the Roman mind was of the succession of their Consuls. In the following pages I will use generally the date b.c., which, though perhaps less simple than the A.U.C., gives to the mind of the modern reader a clearer idea of the juxtaposition of events. The reader will surely know that Christ was born in the reign of Augustus, and crucified in that of Tiberius; but he will not perhaps know, without the trouble of some calculation, how far removed from the period of Christ was the year 648 A.U.C., in which Cicero was born. To this I will add on the margin the year of Cicero's life. He was nearly sixty-four when he died. I shall, therefore, call that year his sixty-third year.

CHAPTER II.

HIS EDUCATION.

At Arpinum, on the river Liris, a little stream which has been made to sound sweetly in our ears by Horace, in a villa residence near the town, Marcus Tullius Cicero was born, 106 years before Christ, on the 3d of January, according to the calendar then in use. Pompey the Great was born in the same year. Arpinum was a State which had been admitted into Roman citizenship, lying between Rome and Capua, just within that portion of Italy which was till the other day called the Kingdom of Naples. The district from which he came is noted, also, as having given birth to Marius. Cicero was of an equestrian family, which means as much as though we were to say among ourselves that a man had been born a gentleman and nothing more. An "eques" or knight in Cicero's time became so, or might become so, by being in possession of a certain income. The title conferred no nobility. The plebeian, it will be understood, could not become patrician, though he might become noble — as Cicero did. The patrician must have been born so — must have sprung from the purple of certain fixed families. Cicero was born a plebeian, of equestrian 41rank and became ennobled when he was ranked among the senators because of his service among the high magistrates of the Republic. As none of his family had served before him, he was "novus homo," a new man, and therefore not noble till he had achieved nobility himself. A man was noble who could reckon a Consul, a Prætor, or an Ædile among his ancestors. Such was not the case with Cicero. As he filled all these offices, his son was noble — as were his son's sons and grandsons, if such there were.

It was common to Romans to have three names, and our Cicero had three. Marcus, which was similar in its use to the Christian name of one of us, had been that of his grandfather and father, and was handed on to his son. This, called the prænomen, was conferred on the child when a babe with a ceremony not unlike that of our baptism. There was but a limited choice of such names among the Romans, so that an initial letter will generally declare to those

accustomed to the literature that intended. A. stands for Aulus, P. for Publius, M. generally for Marcus, C. for Caius, though there was a Cneus also. The nomen, Tullius, was that of the family. Of this family of Tullius to which Cicero belonged we know no details. Plutarch tells us that of his father nothing was said but in extremes, some declaring that he had been a fuller, and others that he had been descended from a prince who had governed the Volsci. We do not see why he may not have sprung from the prince, and also have been a fuller. There can, however, be no doubt that he was a gentleman, not uneducated himself, with means and the desire to give his children the best education which Rome or Greece afforded. The third name or cognomen, that of Cicero, belonged to a branch of the family of Tullius. This third name had generally its origin, as do so many of our surnames, in some specialty of place, or trade, or chance circumstance. It was said that an ancestor had been called Cicero from "cicer," a vetch, because his nose was marked with the figure of that vegetable. It is 42more probable that the family prospered by the growing and sale of vetches. Be that as it may, the name had been well established before the orator's time. Cicero's mother was one Helvia, of whom we are told that she was well-born and rich. Cicero himself never alludes to her — as neither, if I remember rightly, did Horace to his mother, though he speaks so frequently of his father. Helvia's younger son, Quintus, tells a story of his mother in a letter, which has been, by chance, preserved among those written by our Cicero. She was in the habit of sealing up the empty wine-jars, as well as those which were full, so that a jar emptied on the sly by a guzzling slave might be at once known. This is told in a letter to Tiro, a favorite slave belonging to Marcus, of whom we shall hear often in the course of our work. As the old lady sealed up the jars, though they contained no wine, so must Tiro write letters, though he has nothing to say in them. This kind of argument, taken from the old familiar stories of one's childhood and one's parents, could be only used to a dear and familiar friend. Such was Tiro, though still a slave, to the two brothers. Roman life admitted of such friendships, though the slave was so completely the creature of the master that his life and death were at the master's disposal. This is nearly all that is known of Cicero's father and mother, or of his old home.

There is, however, sufficient evidence that the father paid great attention to the education of his sons — if, in the case of Marcus, any evidence were wanting where the result is so manifest by the work of his life. At a very early age, probably when he was eight — in the year which produced Julius Cæsar — he was sent to Rome, and there was devoted to studies which from the first were intended to fit him for public life. Middleton says that the father lived in Rome with his son, and argues from this that he was a man of large means. But Cicero gives no authority for this. It is more probable that he lived at the house of one Aculeo, who had married his 43mother's sister, and had sons with whom Cicero was educated. Stories are told of his precocious talents and performances such as we are accustomed to hear of many remarkable men — not unfrequently from their own mouths. It is said of him that he was intimate with the two great advocates of the time, Lucius Crassus and Marcus Antonius the orator, the grandfather of Cicero's future enemy, whom we know as Marc Antony. Cicero speaks of them both as though he had seen them and talked much of them in his youth. He tells us anecdotes of them; how they were both accustomed to conceal their knowledge of Greek, fancying that the people in whose eyes they were anxious to shine would think more of them if they seemed to have contented themselves simply with Roman words and Roman thoughts. But the intimacy was probably that which a lad now is apt to feel that he has enjoyed with a great man, if he has seen and heard him, and perhaps been taken by the hand. He himself gives in very plain language an account of his own studies when he was seventeen, eighteen, and nineteen. He speaks of the orators of that day : "When I was above all things anxious to listen to these men, the banishment of Cotta was a great sorrow to me. I was passionately intent on hearing those who were left, daily writing, reading, and making notes. Nor was I content only with practice in the art of speaking. In the following year Varius had to go, condemned by his own enactment; and at this time, in working at the civil law, I gave much of my time to Quintus Scævola, the son of Publius, who, though he took no pupils, by explaining points to those who consulted him, gave great assistance to students. The year after, when Sulla and Pompey were Consuls, I learned what oratory really means by listening to Publius Sulpicius,

who as tribune was daily making harangues. It was then that Philo, the Chief of the Academy, with other leading philosophers of Athens, had been put to 44flight by the war with Mithridates, and had come to Rome. To him I devoted myself entirely, stirred up by a wonderful appetite for acquiring the Greek philosophy. But in that, though the variety of the pursuit and its greatness charmed me altogether, yet it seemed to me that the very essence of judicial conclusion was altogether suppressed. In that year Sulpicius perished, and in the next, three of our greatest orators, Quintus Catulus, Marcus Antonius, and Caius Julius, were cruelly killed." This was the time of the civil war between Marius and Sulla. "In the same year I took lessons from Molo the Rhodian, a great pleader and master of the art." In the next chapter he tells us that he passed his time also with Diodatus the Stoic, who afterward lived with him, and died in his house. Here we have an authentic description of the manner in which Cicero passed his time as a youth at Rome, and one we can reduce probably to absolute truth by lessening the superlatives. Nothing in it, however, is more remarkable than the confession that, while his young intellect rejoiced in the subtle argumentation of the Greek philosophers, his clear common sense quarrelled with their inability to reach any positive conclusion.

But before these days of real study had come upon him he had given himself up to juvenile poetry. He is said to have written a poem called Pontius Glaucus when he was fourteen years old. This was no doubt a translation from the Greek, as were most of the poems that he wrote, and many portions of his prose treatises. Plutarch tells us that the poem was 45extant in his time, and declares that, "in process of time, when he had studied this art with greater application, he was looked upon as the best poet, as well as the greatest orator in Rome." The English translators of Plutarch tell us that their author was an indifferent judge of Latin poetry, and allege as proof of this that he praised Cicero as a poet, a praise which he gave "contrary to the opinion of Juvenal." But Juvenal has given no opinion of Cicero's poetry, having simply quoted one unfortunate line noted for its egotism, and declared that Cicero would never have had his head cut off had his philippics been of the same nature. The evidence of Quintus Mucius Scævola as to Cicero's poetry was

perhaps better, as he had the means, at any rate, of reading it. He believed that the Marius, a poem written by Cicero in praise of his great fellow-townsman, would live to posterity forever. The story of the old man's prophecy comes to us, no doubt, from Cicero himself, and is put into the mouth of his brother; but had it been untrue it would have been contradicted.

The Glaucus was a translation from the Greek done by a boy, probably as a boy's lesson It is not uncommon that such exercises should be treasured by parents, or perhaps by the performer himself, and not impossible that they should be made to reappear afterward as original compositions. Lord Brougham tells us in his autobiography that in his early youth he tried his hand at writing English essays, and even tales of fiction. "I find one of these," he says, "has survived the waste-paper 46basket, and it may amuse my readers to see the sort of composition I was guilty of at the age of thirteen. My tale was entitled 'Memnon, or Human Wisdom,' and is as follows." Then we have a fair translation of Voltaire's romance, "Memnon," or "La Sagesse Humaine." The old lord, when he was collecting his papers for his autobiography, had altogether forgotten his Voltaire, and thought that he had composed the story! Nothing so absurd as that is told of Cicero by himself or on his behalf.

It may be as well to say here what there may be to be said as to Cicero's poetry generally. But little of it remains to us, and by that little it has been admitted that he has not achieved the name of a great poet; but what he did was too great in extent and too good in its nature to be passed over altogether without notice. It has been his fate to be rather ridiculed than read as a maker of verses, and that ridicule has come from two lines which I have already quoted. The longest piece which we have is from the Phænomena of Aratus, which he translated from the Greek when he was eighteen years old, and which describes the heavenly bodies. It is known to us best by the extracts from it given by the author himself in his treatise, De Naturâ Deorum. It must be owned that it is not pleasant reading. But translated poetry seldom is pleasant, and could hardly be made so on such a subject by a boy of eighteen. The Marius was written two years after this, and we have a passage from it, quoted by the author in his De Divinatione, containing some fine lines. It tells the story of

the battle of the eagle and the serpent. Cicero took it, no doubt (not translated it, however), from the passage in the Iliad, lib, xii, 200, which has been rendered by Pope with less than his usual fire, and by Lord Derby with no peculiar charm. Virgil has reproduced the picture with his own peculiar grace of words. His version has been translated by Dryden, but better, perhaps, by Christopher Pitt. Voltaire has translated Cicero's lines with great power, and Shelley has reproduced the 47same idea at much greater length in the first canto of the Revolt of Islam, taking it probably from Cicero, but, if not, from Voltaire. I venture to think that, of the nine versions, Cicero's is the best, and that it is the most melodious piece of Latin poetry we have up to that date. Twenty-seven years afterward, when Lucretius was probably at work on his great poem, Cicero wrote an account of his consulship in verse. Of this we have fifty or sixty lines, in which the author describes the heavenly warnings which were given as to the affairs of his own consular year. The story is not a happy one, but the lines are harmonious. It is often worth our while to inquire how poetry has become such as it is, and how the altered and improved phases of versification have arisen. To trace our melody from Chaucer to Tennyson is matter of interest to us all. Of Cicero as a poet we may say that he found Latin versification rough, and left it smooth and musical. Now, as we go on with the orator's life and prose works, we need not return to his poetry.

The names of many masters have been given to us as those under whom Cicero's education was carried on. Among others he is supposed, at a very early age, to have been confided to Archias. Archias was a Greek, born at Antioch, who devoted himself to letters, and, if we are to believe what Cicero says, when speaking as an advocate, excelled all his rivals of the day. Like many other educated Greeks, he made his way to Rome, and was received as one of the household of Lucullus, with whom he travelled, accompanying him even to the wars. He became a citizen of Rome — so Cicero assures us — and Cicero's tutor. What Cicero owed to him we do not know, but to Cicero Archias owed immortality. His claim to citizenship was disputed; and Cicero, pleading on his behalf, 48made one of those shorter speeches which are perfect in melody, in taste, and in language. There is a passage in which speaking on behalf of

so excellent a professor in the art, he sings the praises of literature generally. I know no words written in praise of books more persuasive or more valuable. “Other recreations,” he says, “do not belong to all seasons nor to all ages, nor to all places. These pursuits nourish our youth and delight our old age. They adorn our prosperity and give a refuge and a solace to our troubles. They charm us at home, and they are not in our way when we are abroad. They go to bed with us. They travel about with us. They accompany us as we escape into the country.” Archias probably did something for him in directing his taste, and has been rewarded thus richly. As to other lessons, we know that he was instructed in law by Scævola, and he has told us that he listened to Crassus and Antony. At sixteen he went through the ceremony of putting off his boy’s dress, the toga prætexta, and appearing in the toga virilis before the Prætor, thus assuming his right to go about a man’s business. At sixteen the work of education was *not* finished — no more than it is with us when a lad at Oxford becomes “of age” at twenty-one; nor was he put beyond his father’s power, the “patria potestas,” from which no age availed to liberate a son; but, nevertheless, it was a very joyful ceremony, and was duly performed by Cicero in the midst of his studies with Scævola.

At eighteen he joined the army. That doctrine of the division of labor which now, with us, runs through and dominates all pursuits, had not as yet been made plain to the minds of men at Rome by the political economists of the day. It was well that a man should know something of many things — that he should especially, if he intended to be a leader of men, be both soldier and orator. To rise to be Consul, having first been Quæstor, Ædile, and Prætor, was the path of 49glory. It had been the special duty of the Consuls of Rome, since the establishment of consular government, to lead the armies of the Republic. A portion of the duty devolved upon the Prætors, as wars became more numerous; and latterly the commanders were attended by Quæstors. The Governors of the provinces, Proconsuls, or Proprætors with proconsular authority, always combined military with civil authority. The art of war was, therefore, a necessary part of the education of a man intended to rise in the service of the State. Cicero, though, in his endeavor to follow his own tastes, he made a

strong effort to keep himself free from such work, and to remain at Rome instead of being sent abroad as a Governor, had at last to go where fighting was in some degree necessary, and, in the saddest phase of his life, appeared in Italy with his lictors, demanding the honors of a triumph. In anticipation of such a career, no doubt under the advice of his friends, he now went out to see, if not a battle, something, at any rate, of war. It has already been said how the citizenship of Rome was conferred on some of the small Italian States around, and not on others. Hence, of course, arose jealousy, which was increased by the feeling on the part of those excluded that they were called to furnish soldiers to Rome, as well as those who were included. Then there was formed a combination of Italian cities, sworn to remedy the injury thus inflicted on them. Their purpose was to fight Rome in order that they might achieve Roman citizenship; and hence arose the first civil war which distracted the Empire. Pompeius Strabo, father of Pompey the Great, was then Consul (b.c. 89), and Cicero was sent out to see the campaign under him. Marius and Sulla, the two Romans who were destined soon to bathe Rome in blood, had not yet quarrelled, though they had been brought to hate each other — Marius by jealousy, and Sulla by rivalry. In this war they both served under the Consuls, and Cicero served with Sulla. We know nothing of his doings in that campaign. There are no tidings even of a misfortune such as 50that which happened to Horace when he went out to fight, and came home from the battle-field "relicta non bene parmula."

Rome trampled on the rebellious cities, and in the end admitted them to citizenship. But probably the most important, certainly the most notorious, result of the Italian war, was the deep antagonism of Marius and Sulla. Sulla had made himself conspicuous by his fortune on the occasion, whereas Marius, who had become the great soldier of the Republic, and had been six times Consul, failed to gather fresh laurels. Rome was falling into that state of anarchy which was the cause of all the glory and all the disgrace of Cicero's life, and was open to the dominion of any soldier whose grasp might be the least scrupulous and the strongest. Marius, after a series of romantic adventures with which we must not connect ourselves here, was triumphant only just before his death, while Sulla went off with his

army, pillaged Athens, plundered Asia Minor generally, and made terms with Mithridates, though he did not conquer him. With the purport, no doubt, of conquering Mithridates, but perhaps with the stronger object of getting him out of Rome, the army had been intrusted to him, with the consent of the Marian faction.

Then came those three years, when Sulla was in the East and Marius dead, of which Cicero speaks as a period of peace, in which a student was able to study in Rome. "Triennium fere fuit urbs sine armis." These must have been the years 86, 85, and 84 before Christ, when Cicero was twenty-one, twenty-two, and twenty-three years old; and it was this period, in truth, of which he speaks, and not of earlier years, when he tells us of his studies with Philo, and Molo, and Diodatus. Precocious as he was in literature, writing one poem — or translating it — when he was fourteen, and another when he was eighteen, he was by no means in a hurry to commence the work of his life. He is said also to have written a treatise on 51military tactics when he was nineteen; which again, no doubt, means that he had exercised himself by translating such an essay from the Greek. This, happily, does not remain. But we have four books, Rhetoricorum ad C. Herennium, and two books De Inventione, attributed to his twentieth and twenty-first years, which are published with his works, and commence the series. Of all that we have from him, they are perhaps the least worth reading; but as they are, or were, among his recognized writings, a word shall be said of them in their proper place.

The success of the education of Cicero probably became a commonplace among Latin school-masters and Latin writers. In the dialogue De Oratoribus, attributed to Tacitus, the story of it is given by Messala when he is praising the orators of the earlier age. "We know well," says Messala, "that book of Cicero which is called Brutus, in the latter part of which he describes to us the beginning and the progress of his own eloquence, and, as it were, the bringing up on which it was founded. He tells us that he had learned civil law under Q. Mutius Scævola; that he had exhausted the realm of philosophy — learning that of the Academy under Philo, and that of the Stoics under Diodatus; that, not content with these treatises, he had travelled through Greece and Asia, so as to embrace the whole

world of art. And thus it had come about that in the works of Cicero no knowledge is wanting — neither of music, nor of grammar, nor any other liberal accomplishment. He understood the subtilty of logic, the purpose of ethics, the effects and causes of things." Then the speaker goes on to explain what may be expected from study such as that. "Thus it is, my good friends — thus, that from the acquirement of many arts, and from a general knowledge of all things, eloquence that is truly admirable is created in its full force; for the power and capacity of an orator need not be hemmed in, as are those of other callings, by certain narrow bounds; but that man is the true orator who is able to speak 52on all subjects with dignity and grace, so as to persuade those who listen, and to delight them, in a manner suited to the nature of the subject in hand and the convenience of the time."

We might fancy that we were reading words from Cicero himself! Then the speaker in this imaginary conversation goes on to tell us how far matters had derogated in his time, pointing out at the same time that the evils which he deplores had shown themselves even before Cicero, but had been put down, as far as the law could put them down, by its interference. He is speaking of those schools of rhetoric in which Greek professors of the art gave lessons for money, which were evil in their nature, and not, as it appears, efficacious even for the purpose in hand. "But now," continues Messala, "our very boys are brought into the schools of those lecturers who are called 'rhetores,' who had sprung up before Cicero, to the displeasure of our ancestors, as is evident from the fact that when Crassus and Domitius were Censors they were ordered to shut up their school of impudence, as Cicero calls it. Our boys, as I was going to say, are taken to these lecture-rooms, in which it is hard to say whether the atmosphere of the place, or the lads they are thrown among, or the nature of the lessons taught, are the most injurious. In the place itself there is neither discipline nor respect. All who go there are equally ignorant. The boys among the boys, the lads among the lads, utter and listen to just what words they please. Their very exercises are, for the most part, useless. Two kinds are in vogue with these 'rhetores,' called 'suasoriæ' and 'controversiæ,'" tending, we may perhaps say, to persuade or to refute. "Of these, the 'suasoriæ,'

as being the lighter and requiring less of experience, are given to the little boys, the ‘controversiæ’ to the bigger lads. But — oh heavens, what they are — what miserable compositions!” Then he tells us the subjects 53selected. Rape, incest, and other horrors are subjected to the lads for their declamation, in order that they may learn to be orators.

Messala then explains that in those latter days — his days, that is — under the rule of despotic princes, truly large subjects are not allowed to be discussed in public — confessing, however, that those large subjects, though they afford fine opportunities to orators, are not beneficial to the State at large. But it was thus, he says, that Cicero became what he was, who would not have grown into favor had he defended only P. Quintius and Archias, and had had nothing to do with Catiline, or Milo, or Verres, or Antony — showing, by-the-way, how great was the reputation of that speech, Pro Milone, with which we shall have to deal farther on.

The treatise becomes somewhat confused, a portion of it having probably been lost. From whose mouth the last words are supposed to come is not apparent. It ends with a rhapsody in favor of imperial government — suitable, indeed, to the time of Domitian, but very unlike Tacitus. While, however, it praises despotism, it declares that only by the evils which despotism had quelled could eloquence be maintained. “Our country, indeed, while it was astray in its government; while it tore itself to pieces by parties and quarrels and discord; while there was no peace in the Forum, no agreement in the Senate, no moderation on the judgment-seat, no reverence for letters, no control among the magistrates, boasted, no doubt, a stronger eloquence.”

From what we are thus told of Cicero, not what we hear from himself, we are able to form an idea of the nature of his education. With his mind fixed from his early days on the ambition of doing something noble with himself, he gave himself up to all kinds of learning. It was Macaulay, I think, who said of him that the idea of conquering the “omne scibile,” — the understanding of all things within the reach of human intellect — was before his eyes as it was before those 54of Bacon. The special preparation which was, in Cicero’s time, employed for students at the bar is also described in

the treatise from which I have quoted — the preparation which is supposed to have been the very opposite of that afforded by the "rhetores." "Among ourselves, the youth who was intended to achieve eloquence in the Forum, when already trained at home and exercised in classical knowledge, was brought by his father or his friends to that orator who might then be considered to be the leading man in the city. It became his daily work to follow that man, to accompany him, to be conversant with all his speeches, whether in the courts of law or at public meetings, so that he might learn, if I might say so, to fight in the very thick of the throng." It was thus that Cicero studied his art. A few lines farther down, the pseudo-Tacitus tells us that Crassus, in his nineteenth year, held a brief against Carbo; that Cæsar did so in his twenty-first against Dolabella; and Pollio, in his twenty-second year, against Cato. In this precocity Cicero did not imitate Crassus, or show an example to the Romans who followed him. He was twenty-six when he pleaded his first cause. Sulla had then succeeded in crushing the Marian faction, and the Sullan proscriptions had taken place, and were nominally over. Sulla had been declared Dictator, and had proclaimed that there should be no more selections for death. The Republic was supposed to be restored. "Recuperata republica * * * tum primum nos ad causas et privatas et publicas adire cœpimus," "The Republic having been restored, I then first applied myself to pleadings, both private and public."

Of Cicero's politics at that time we are enabled to form a 55fair judgment. Marius had been his townsman; Sulla had been his captain. But the one thing dear to him was the Republic — what he thought to be the Republic. He was neither Marian nor Sullan. The turbulence in which so much noble blood had flowed — the "crudelis interitus oratorum," the crushing out of the old legalized form of government — was abominable to him. It was his hope, no doubt his expectation, that these old forms should be restored in all their power. There seemed to be more probability of this — there was more probability of it — on the side of Sulla than the other. On Sulla's side was Pompey, the then rising man, who, being of the same age with Cicero, had already pushed himself into prominence, who was surnamed the Great, and who "triumphed" during these

very two years in which Cicero began his career; who through Cicero's whole life was his bugbear, his stumbling-block, and his mistake. But on that side were the "optimates," the men who, if they did not lead, ought to lead the Republic; those who, if they were not respectable, ought to be so; those who, if they did not love their country, ought to love it. If there was a hope, it was with them. The old state of things — that oligarchy which has been called a Republic — had made Rome what it was; had produced power, civilization, art, and literature. It had enabled such a one as Cicero was himself to aspire to lead, though he had been humbly born, and had come to Rome from an untried provincial family. To him the Republic — as he fancied that it had been, as he fancied that it might be — was all that was good, all that was gracious, all that was beneficent. On Sulla's side lay what chance there was of returning to the old ways. When Sulla was declared Dictator, it was presumed that the Republic was restored. But not on this account should it be supposed that Cicero regarded the proscriptions of Sulla with favor, or that he was otherwise than shocked by the wholesale robberies for which the proscription paved the way. This is a matter with which it will be necessary to deal more fully when we come 56in our next chapter to the first speeches made by Cicero; in the very first of which, as I place them, he attacks the Sullan robberies with an audacity which, when we remember that Sulla was still in power, rescues, at any rate, in regard to this period of his life, the character of the orator from that charge of cowardice which has been imputed to him.

It is necessary here, in this chapter devoted to the education of Cicero, to allude to his two first speeches, because that education was not completed till afterward — so that they may be regarded as experiments, or trials, as it were, of his force and sufficiency. "Not content with these teachers" — teachers who had come to Rome from Greece and Asia—"he had travelled through Greece and Asia, so as to embrace the whole world of art." These words, quoted a few pages back from the treatise attributed to Tacitus, refer to a passage in the Brutus in which Cicero makes a statement to that effect. "When I reached Athens, I passed six months with Antiochus, by far the best known and most erudite of the teachers of the old Academy, and with him, as my great authority and master, I renewed that study

of philosophy which I had never abandoned — which from my boyhood I had followed with always increasing success. At the same time I practised oratory laboriously with Demetrius Syrus, also at Athens, a well-known and by no means incapable master of the art of speaking. After that I wandered over all Asia, and came across the best orators there, with whom I practised, enjoying their willing assistance." There is more of it, which need not be repeated verbatim, giving the names of those who aided him in Asia: Menippus of Stratonice — who, he says, was sweet enough to have belonged himself to Athens — with Dionysius of Magnesia, with Œschilus of Cnidos, and with Xenocles of Adramyttium. Then at Rhodes he came across his old friend Molo, and applied himself again to the teaching of his former master. 57Quintilian explains to us how this was done with a purpose, so that the young orator, when he had made a first attempt with his half-fledged wings in the courts, might go back to his masters for awhile .

He was twenty-eight when he started on this tour. It has been suggested that he did so in fear of the resentment of Sulla, with whose favorites and with whose practices he had dealt very plainly. There is no reason for alleging this, except that Sulla was powerful, that Sulla was blood-thirsty, and that Sulla must have been offended. This kind of argument is often used. It is supposed to be natural, or at least probable, that in a certain position a man should have been a coward or a knave, ungrateful or cruel; and in the presumption thus raised the accusation is brought against him. "Fearing Sulla's resentment," Plutarch says, "he travelled into Greece, and gave out that the recovery of his health was the motive." There is no evidence that such was his reason for travelling; and, as Middleton says in his behalf, it is certain that he "continued for a year after this in Rome without any apprehension of danger." It is best to take a man's own account of his own doings and their causes, unless there be ground for doubting the statement made. It is thus that Cicero himself speaks of his journey: "Now," he says, still in his Brutus , "as you wish to know what I am — not simply what mark I may have on my body from my birth, or with what surroundings of childhood I was brought up — I will include some details which might perhaps seem hardly necessary. At this time I was thin and weak, my neck being long and

narrow — a habit and form of body which is supposed to be adverse to long life; 58and those who loved me thought the more of this, because I had taken to speaking without relaxation, without recreation with all the powers of my voice, and with much muscular action. When my friends and the doctors desired me to give up speaking, I resolved that, rather than abandon my career as an orator, I would face any danger. But when it occurred to me that by lowering my voice, by changing my method of speaking, I might avoid the danger, and at the same time learn to speak with more elegance, I accepted that as a reason for going into Asia, so that I might study how to change my mode of elocution. Thus, when I had been two years at work upon causes, and when my name was already well known in the Forum, I took my departure, and left Rome."

During the six months that he was at Athens he renewed an early acquaintance with one who was destined to become the most faithful, and certainly the best known, of his friends. This was Titus Pomponius, known to the world as that Atticus to whom were addressed something more than half the large body of letters which were written by Cicero, and which have remained for our use. He seems to have lived much with Atticus, who was occupied with similar studies, though with altogether different results. Atticus applied himself to the practices of the Epicurean school, and did in truth become "Epicuri de grege porcus." To enjoy life, to amass a fortune, to keep himself free from all turmoils of war or state, to make the best of the times, whether they were bad or good, without any attempt on his part to mend them — this was the philosophy of Titus Pomponius, who was called Atticus because Athens, full of art and literature, easy, unenergetic, and luxurious, was dear to him. To this philosophy, or rather to this theory of life, Cicero was altogether opposed. He studied 59in all the schools — among the Platonists, the Stoics, even with the Epicureans enough to know their dogmas so that he might criticise them — proclaiming himself to belong to the new Academy, or younger school of Platonists, but in truth drawing no system of morals or rule of life from any of them. To him, and also to Atticus, no doubt, these pursuits afforded an intellectual pastime. Atticus found himself able to justify to himself the bent of his disposition by the name of a philosopher, and therefore became

an Epicurean. Cicero could in no way justify to himself any deviation from the energy of public life, from its utility, from its ambition, from its loves, or from its hatred; and from the Greek philosophers whom he named of this or the other school, received only some assistance in that handling of so-called philosophy which became the chief amusement of his future life. This was well understood by the Latin authors who wrote of Cicero after his own time. Quintilian, speaking of Cicero and Brutus as writers of philosophy, says of the latter, "Suffecit ponderi rerum; seias enim sentire quæ dicit." —"He was equal to the weight of the subject, for you feel that he believes what he writes." He leaves the inference, of course, that Cicero wrote on such matters only for the exercise of his ingenuity, as a school-boy writes.

When at Athens, Cicero was initiated into the Eleusinian mysteries — as to which Mr. Collins, in his little volume on Cicero, in the Ancient Classics for English Readers, says that they "contained under this veil whatever faith in the Invisible and Eternal rested in the mind of an enlightened pagan." In this Mr. Collins is fully justified by what Cicero himself has said although the character thus given to these mysteries is very different from that which was attributed to them by early Christian writers. They were to those pious but somewhat prejudiced theologists mysterious and pagan, and therefore 60horrible. But Cicero declares in his dialogue with Atticus, De Legibus, written when he was fifty-five years old, in the prime of his intellect, that "of all the glories and divine gifts which your Athens has produced for the improvement of men nothing surpasses these mysteries, by which the harshness of our uncivilized life has been softened, and we have been lifted up to humanity; and as they are called 'initia,'" by which aspirants were initiated, "so we have in truth found in them the seeds of a new life. Nor have we received from them only the means of living with satisfaction, but also of dying with a better hope as to the future."

Of what took place with Cicero and Atticus at their introduction to the Eleusinian mysteries we know nothing. But it can hardly be that, with such memories running in his mind after thirty years, expressed in such language to the very friend who had then been his companion, they should not have been accepted by him as indicating

the commencement of some great line of thought. The two doctrines which seem to mark most clearly the difference between the men whom we regard, the one as a pagan and the other as a Christian, are the belief in a future life and the duty of doing well by our neighbors. Here they are both indicated, the former in plain language, and the latter in that assurance of the softening of the barbarity of uncivilized life, "Quibus ex agresti immanique vita exculti ad humanitatem et mitigati sumus."

Of the inner life of Cicero at this moment — how he ate, how he drank, with what accompaniment of slaves he lived, how he was dressed, and how lodged — we know very little; 61but we are told enough to be aware that he could not have travelled, as he did in Greece and Asia, without great expense. His brother Quintus was with him, so that cost, if not double, was greatly increased. Antiochus, Demetrius Syrus, Molo, Menippus, and the others did not give him their services for nothing. These were gentlemen of whom we know that they were anxious to carry their wares to the best market. And then he seems to have been welcomed wherever he went, as though travelling in some sort "en prince." No doubt he had brought with him the best introductions which Rome could afford; but even with them a generous allowance must have been necessary, and this must have come from his father's pocket.

As we go on, a question will arise as to Cicero's income and the sources whence it came. He asserts of himself that he was never paid for his services at the bar. To receive such payment was illegal, but was usual. He claims to have kept himself exempt from whatever meanness there may have been in so receiving such fees — exempt, at any rate, from the fault of having broken the law. He has not been believed. There is no evidence to convict him of falsehood, but he has not been believed, because there have not been found palpable sources of income sufficient for an expenditure so great as that which we know to have been incident to the life he led. But we do not know what were his father's means. Seeing the nature of the education given to the lad, of the manner in which his future life was prepared for him from his earliest days, of the promise made to him from his boyhood of a career in the metropolis if he could make himself fit for it, of the advantages which costly travel afforded him, I think we

have reason to suppose that the old Cicero was an opulent man, and that the house at Arpinum was no humble farm, or fuller's poor establishment.

CHAPTER III.

THE CONDITION OF ROME.

It is far from my intention to write a history of Rome during the Ciceronian period. Were I to attempt such a work, I should have to include the doings of Sertorius in Spain, of Lucullus and Pompey in the East, Cæsar's ten years in Gaul, and the civil wars from the taking of Marseilles to the final battles of Thapsus and Munda. With very many of the great events which the period includes Cicero took but slight concern — so slight that we can hardly fail to be astonished when we find how little he had to say of them — he who ran through all the offices of the State, who was the chosen guardian of certain allied cities, who has left to us so large a mass of correspondence on public subjects, and who was essentially a public man for thirty-four years. But he was a public man who concerned himself personally with Rome rather than with the Roman Empire. Home affairs, and not foreign affairs, were dear to him. To Cæsar's great deeds in Gaul we should have had from him almost no allusion, had not his brother Quintus been among Cæsar's officers, and his young friend Trebatius been confided by himself to Cæsar's care. Of Pharsalia we only learn from him that, in utter despair of heart, he allowed himself to be carried to the war. Of the proconsular governments throughout the Roman Empire we should not learn much from Cicero, were it not that it has been shown to us by the trial of Verres how atrocious might be the conduct of a Roman Governor, and by the narratives of Cicero's own rule in Cilicia, how excellent. The history of the time has been 63written for modern readers by Merivale and Mommsen, with great research and truth as to facts, but, as I think with some strong feeling. Now Mr. Froude has followed with his Cæsar, which might well have been called Anti-Cicero. All these in lauding, and the two latter in deifying, the successful soldier, have, I think, dealt hardly with Cicero, attributing to his utterances more than they mean; doubting his sincerity, but seeing clearly the failure of his political efforts. With the great facts of the Roman Empire as they gradually formed themselves from the

fall of Carthage, when the Empire began, to the establishment of Augustus, when it was consummated, I do not pretend to deal, although by far the most momentous of them were crowded into the life of Cicero. But in order that I may, if possible, show the condition of his mind toward the Republic — that I may explain what it was that he hoped and why he hoped it — I must go back and relate in a few words what it was that Marius and Sulla had done for Rome.

Of both these men all the doings with which history is greatly concerned were comprised within the early years of Cicero's life. Marius, indeed, was nearly fifty years of age when his fellow-townsman was born, and had become a distinguished soldier, and, though born of humble parents, had pushed himself to the Consulate. His quarrel with Sulla had probably commenced, springing from jealousy as to deeds done in the Jugurthine war. But it is not matter of much moment, now that Marius had proved himself to be a good and hardy soldier, excepting in this, that, by making himself a soldier in early life, he enabled himself in his latter years to become the master of Rome.

Sulla, too, was born thirty-two years before Cicero — a patrician of the bluest blood — and having gone, as we say, into 64public life, and having been elected Quæstor, became a soldier by dint of office, as a man with us may become head of the Admiralty. As Quæstor he was sent to join Marius in Africa a few months before Cicero was born. Into his hands, as it happened, not into those of Marius, Jugurtha was surrendered by his father-in-law, Bocchus, who thought thus to curry favor with the Romans. Thence came those internecine feuds, in which, some twenty-five years later, all Rome was lying butchered. The cause of quarrelling between these two men, the jealousies which grew in the heart of the elder, from the renewed successes of the younger, are not much to us now; but the condition to which Rome had been brought, when two such men could scramble for the city, and each cut the throats of the relatives, friends, and presumed allies of the other, has to be inquired into by those who would understand what Rome had been, what it was, and what it was necessarily to become.

When Cicero was of an age to begin to think of these things, and had put on the "toga virilis," and girt himself with a sword to fight

under the father of Pompey for the power of Rome against the Italian allies who were demanding citizenship, the quarrel was in truth rising to its bitterness. Marius and Sulla were on the same side in that war. But Marius had then not only been Consul, but had been six times Consul; and he had beaten the Teutons and the Cimbrians, by whom Romans had feared that all Italy would be occupied. What was not within the power of such a leader of soldiers? and what else but a leader of soldiers could prevail when Italy and Rome, but for such a General, had been at the mercy of barbaric hordes, and when they had been compelled to make that General six times Consul?

Marius seems to have been no politician. He became a soldier and then a General; and because he was great as a soldier and General, the affairs of the State fell into his hands with very little effort. In the old days of Rome military 65power had been needed for defence, and successful defence had of course produced aggressive masterhood and increased territory. When Hannibal, while he was still lingering in Italy, had been circumvented by the appearance of Scipio in Africa and the Romans had tasted the increased magnificence of external conquest, the desire for foreign domination became stronger than that of native rule. From that time arms were in the ascendant rather than policy. Up to that time a Consul had to become a General, because it was his business to look after the welfare of the State. After that time a man became a Consul in order that he might be a General. The toga was made to give way to the sword, and the noise of the Forum to the trumpets. We, looking back now, can see that it must have been so, and we are prone to fancy that a wise man looking forward then might have read the future. In the days of Marius there was probably no man so wise. Cæsar was the first to see it. Cicero would have seen it, but that the idea was so odious to him that he could not acknowledge to himself that it need be so. His life was one struggle against the coming evil — against the time in which brute force was to be made to dominate intellect and civilization. His "cedant arma togæ" was a scream, an impotent scream, against all that Sulla had done or Cæsar was about to do. The mischief had been effected years before his time, and had gone too far ahead to be arrested even by his tongue. Only, in considering these things, let us confess that Cicero saw what was good and what

was evil, though he was mistaken in believing that the good was still within reach.

Marius in his way was a Cæsar — as a soldier, undoubtedly a very efficient Cæsar — having that great gift of ruling his own appetites which enables those who possess it to conquer the appetites of others. It may be doubted whether his quickness in stopping and overcoming the two great hordes from the north, the Teutons and the Cimbrians, was not equal in strategy to anything that Cæsar accomplished in Gaul. It is probable 66that Cæsar learned much of his tactics from studying the manœuvres of Marius. But Marius was only a General. Though he became hot in Roman politics, audacious and confident, knowing how to use and how to disregard various weapons of political power as they had been handed down by tradition and law, the "vetoes" and the auguries, and the official dignities, he used them, or disregarded them, in quest only of power for himself. He was able to perceive how vain was law in such a period as that in which he lived; and that, having risen by force of arms, he must by force of arms keep his place or lose his life. With him, at least, there was no idea of Roman liberty, little probably of Roman glory, except so far as military glory and military power go together.

Sulla was a man endowed with a much keener insight into the political condition of the world around him. To make a dash for power, as a dog might do, and keep it in his clutch as a dog would, was enough for Marius. Sulla could see something of future events. He could understand that, by reducing men around him to a low level, he could make fast his own power over them, and that he could best do this by cutting off the heads of all who stood a little higher than their neighbors. He might thus produce tranquillity, and security to himself and others. Some glimmer of an idea of an Augustan rule was present to him; and with the view of producing it, he re-established many of the usages of the Republic, not reproducing the liberty but the forms of liberty. It seems to have been his idea that a Sullan party might rule the Empire by adherence to these forms. I doubt if Marius had any fixed idea of government. To get the better of his enemies, and then to grind them into powder under his feet, to seize rank and power and riches, and then to enjoy them, to sate his

lust with blood and money and women, at last even with wine, and to feed his revenge by remembering the hard things which he was made to endure during the period of his overthrow — this 67seems to have been enough for Marius. With Sulla there was understanding that the Empire must be ruled, and that the old ways would be best if they could be made compatible with the newly-concentrated power.

The immediate effect upon Rome, either from one or from the other, was nearly the same. In the year 87 b.c. Marius occupied himself in slaughtering the Sullan party — during which, however, Sulla escaped from Rome to the army of which he was selected as General, and proceeded to Athens and the East with the object of conquering Mithridates; for, during these personal contests, the command of this expedition had been the chief bone of contention among them. Marius, who was by age unfitted, desired to obtain it in order that Sulla might not have it. In the next year, 86 b.c., Marius died, being then Consul for the seventh time. Sulla was away in the East, and did not return till 83 b.c. In the interval was that period of peace, fit for study, of which Cicero afterward spoke. "Triennium fere fuit urbs sine armis." Cicero was then twenty-two or twenty-three years old, and must well have understood, from his remembrance of the Marian massacres, what it was to have the city embroiled by arms. It was not that men were fighting, but that they were simply being killed at the pleasure of the slaughterer. Then Sulla came 68back, 83 b.c., when Cicero was twenty-four; and if Marius had scourged the city with rods, he scourged it with scorpions. It was the city, in truth, that was scourged, and not simply the hostile faction. Sulla began by proscribing 520 citizens declaring that he had included in his list all that he remembered, and that those forgotten should be added on another day. The numbers were gradually raised to 4,700! Nor did this merely mean that those named should be caught and killed by some miscalled officers of justice. All the public was armed against the wretched, and any who should protect them were also doomed to death. This, however, might have been comparatively inefficacious to inflict the amount of punishment intended by Sulla. Men generally do not specially desire to imbrue their hands in the blood of other men. Unless strong hatred be at work, the ordinary man, even the ordinary Roman, will hardly rise up

and slaughter another for the sake of the employment. But if lucre be added to blood, then blood can be made to flow copiously. This was what Sulla did. Not only was the victim's life proscribed, but his property was proscribed also; and the man who busied himself in carrying out the great butcher's business assiduously, ardently, and unintermittingly, was rewarded by the property so obtained. Two talents was to be the fee for mere assassination; but the man who knew how to carry on well the work of an informer could earn many talents. It was thus that fortunes were made in the last days of Sulla. It was not only those 520 who were named for killing. They were but the firstlings of the flock — the few victims selected before the real workmen understood how valuable a trade proscription 69and confiscation might be made. Plutarch tells us how a quiet gentleman walking, as was his custom, in the Forum, one who took no part in politics, saw his own name one day on the list. He had an Alban villa, and at once knew that his villa had been his ruin. He had hardly read the list, and had made his exclamation, before he was slaughtered. Such was the massacre of Sulla, coming with an interval of two or three years after those of Marius, between which was the blessed time in which Rome was without arms. In the time of Marius, Cicero was too young, and of no sufficient importance, on account of his birth or parentage, to fear anything. Nor is it probable that Marius would have turned against his townsmen. When Sulla's turn came, Cicero, though not absolutely connected with the Dictator, was, so to say, on his side in politics. In going back even to this period we may use the terms Liberals and Conservatives for describing the two parties. Marius was for the people; that is to say, he was opposed to the rule of the oligarchy, dispersed the Senate, and loved to feel that his own feet were on the necks of the nobility. Of liberty, or rights, or popular institutions he recked nothing; but not the less was he supposed to be on the people's side. Sulla, on the other hand, had been born a patrician, and affected to preserve the old traditions of oligarchic rule; and, indeed, though he took all the power of the State into his own hands, he did restore, and for a time preserve, these old traditions. It must be presumed that there was at his heart something of love for old Rome. The proscriptions began toward the end of the year 82 b.c., and were continued through eight

or nine fearful months — up to the beginning of June, 81 b.c. A day was fixed at which there should be no more slaughtering — no more slaughtering, that is, without special order in each case, and no more confiscation — except such as might be judged necessary by those who had not as yet collected their prey from past victims. Then Sulla, as Dictator, set himself to work to reorganize the old laws. There should still be Consuls and Prætors, 70but with restricted powers, lessened almost down to nothing. It seems hard to gather what was exactly the Dictator's scheme as the future depositary of power when he should himself have left the scene. He did increase the privileges of the Senate; but thinking of the Senate of Rome as he must have thought of it, esteeming those old men as lowly as he must have esteemed them, he could hardly have intended that imperial power should be maintained by dividing it among them. He certainly contemplated no follower to himself, no heir to his power, as Cæsar did. When he had been practically Dictator about three years — though he did not continue the use of the objectionable name — he resigned his rule and walked down, as it were, from his throne into private life. I know nothing in history more remarkable than Sulla's resignation; and yet the writers who have dealt with his name give no explanation of it. Plutarch, his biographer, expresses wonder that he should have been willing to descend to private life, and that he who made so many enemies should have been able to do so with security. Cicero says nothing of it. He had probably left Rome before it occurred, and did not return till after Sulla's death. It seems to have been accepted as being in no especial way remarkable. At his own demand, the plenary power of Dictator had been given to him — power to do all as he liked, without reference either to the Senate or to the people, and with an added proviso that he should keep it as long as he thought fit, and lay it down when it pleased him. He did lay it down, flattering himself, probably, that, as he had done his work, he would walk out from his dictatorship like some Camillus of old. There had been no Dictator in Rome for more than a century and a quarter — not since the time of 71Hannibal's great victories; and the old dictatorships lasted but for a few months or weeks, after which the Dictator, having accomplished the special task, threw up his office. Sulla now affected to do the same; and Rome, after the

interval of three years, accepted the resignation in the old spirit. It was natural to them, though only by tradition, that a Dictator should resign — so natural that it required no special wonder. The salt of the Roman Constitution was gone, but the remembrance of the savor of it was still sweet to the minds of the Romans.

It seems certain that no attempt was made to injure Sulla when he ceased to be nominally at the head of the army, but it is probable that he did not so completely divest himself of power as to be without protection. In the year after his abdication he died, at the age of sixty-one, apparently strong as regards general health, but, if Plutarch's story be true, affected with a terrible cutaneous disease. Modern writers have spoken of Sulla as though they would fain have praised him if they dared, because, in spite of his demoniac cruelty, he recognized the expediency of bringing the affairs of the Republic again into order. Middleton calls him the "only man in history in whom the odium of the most barbarous cruelties was extinguished by the glory of his great acts." Mommsen, laying the blame of the proscriptions on the head of the oligarchy, speaks of Sulla as being either a sword or a pen in the service of the State, as a sword or a pen would be required, and declares that, in regard to the total "absence of political selfishness — although it is true in this respect only — Sulla deserves to be named side by side with Washington." To us at present who are endeavoring to investigate the sources and the nature of Cicero's character, the attributes of this man would be but of little moment, were it 72not that Cicero was probably Cicero because Sulla had been Sulla. Horrid as the proscriptions and confiscations were to Cicero — and his opinion of them was expressed plainly enough when it was dangerous to express them — still it was apparent to him that the cause of order (what we may call the best chance for the Republic) lay with the Senate and with the old traditions and laws of Rome, in the re-establishment of which Sulla had employed himself. Of these institutions Mommsen speaks with a disdain which we now cannot but feel to be justified. "On the Roman oligarchy of this period," he says "no judgment can be passed save one of inexorable and remorseless condemnation; and, like everything connected with it, the Sullan constitution is involved in that condemnation." We have to admit that the salt had gone out

from it, and that there was no longer left any savor by which it could be preserved. But the German historian seems to err somewhat in this, as have also some modern English historians, that they have not sufficiently seen that the men of the day had not the means of knowing all that they, the historians, know. Sulla and his Senate thought that by massacring the Marian faction they had restored everything to an equilibrium. Sulla himself seems to have believed that when the thing was accomplished Rome would go on, and grow in power and prosperity as she had grown, without other reforms than those which he had initiated. There can be no doubt that many of the best in Rome — the best in morals, the best in patriotism, and the best in erudition — did think that, with the old forms, the old virtue would come back. Pompey thought so, and Cicero. Cato thought so, and Brutus. Cæsar, when he came to think about it, thought the reverse. But even now to us, looking back 73with so many things made clear to us, with all the convictions which prolonged success produces, it is doubtful whether some other milder change — some such change as Cicero would have advocated — might not have prevented the tyranny of Augustus, the mysteries of Tiberius, the freaks of Caligula, the folly of Claudius, and the madness of Nero.

It is an uphill task, that of advocating the cause of a man who has failed. The Cæsars of the world are they who make interesting stories. That Cicero failed in the great purpose of his life has to be acknowledged. He had studied the history of his country, and was aware that hitherto the world had produced nothing so great as Roman power; and he knew that Rome had produced true patriotism. Her Consuls, her Censors, her Tribunes, and her Generals had, as a rule, been true to Rome, serving their country, at any rate till of late years, rather than themselves. And he believed that liberty had existed in Rome, though nowhere else. It would be well if we could realize the idea of liberty which Cicero entertained. Liberty was very dear to him — dear to him not only as enjoying it himself, but as a privilege for the enjoyment of others. But it was only the liberty of a few. Half the population of the Roman cities were slaves, and in Cicero's time the freedom of the city, which he regarded as necessary to liberty, belonged only to a small proportion of the

population of Italy. It was the liberty of a small privileged class for which he was anxious. That a Sicilian should be free under a Roman Proconsul, as a Roman citizen was entitled to be, was abhorrent to his doctrine. The idea of cosmopolitan freedom — an idea which exists with us, but is not common to very many even now — had not as yet been born: that care for freedom which springs from a desire to do to others as we would that they should do to us. It required Christ to father that idea; and Cicero, though he was nearer to Christianity than any who had yet existed, had not reached it. But this liberty, though it was but of a few, was so dear to him that he spent his life in an 74endeavor to preserve it. The kings had been expelled from Rome because they had trampled on liberty. Then came the Republic, which we know to have been at its best no more than an oligarchy; but still it was founded on the idea that everything should be done by the votes of the free people. For many years everything was done by the votes of the free people. Under what inducements they had voted is another question. Clients were subject to their patrons, and voted as they were told. We have heard of that even in England, where many of us still think that such a way of voting is far from objectionable. Perhaps compulsion was sometimes used — a sort of "rattening" by which large bodies were driven to the poll to carry this or the other measure. Simple eloquence prevailed with some, and with others flattery. Then corruption became rampant, as was natural, the rich buying the votes of the poor; and votes were bought in various ways — by cheap food as well as by money, by lavish expenditure in games, by promises of land, and other means of bribery more or less overt. This was bad, of course. Every freeman should have given a vote according to his conscience. But in what country — the millennium not having arrived in any — has this been achieved? Though voting in England has not always been pure, we have not wished to do away with the votes of freemen and to submit everything to personal rule. Nor did Cicero.

He knew that much was bad, and had himself seen many things that were very evil. He had lived through the dominations of Marius and Sulla, and had seen the old practices of Roman government brought down to the pretence of traditional forms. But still, so he thought, there was life left in the old forms, if they could be

revivified by patriotism, labor, and intelligence. It was the best that he could imagine for the State — infinitely better than the chance of falling into the bloody hands of one Marius and one Sulla after another. Mommsen tells us that nothing could be more rotten than the 75condition of oligarchical government into which Rome had fallen; and we are inclined to agree with Mommsen, because we have seen what followed. But that Cicero, living and seeing it all as a present spectator, should have hoped better things, should not, I think, cause us to doubt either Cicero's wisdom or his patriotism. I cannot but think that, had I been a Roman of those days, I should have preferred Cicero, with his memories of the past, to Cæsar, with his ambition for the future.

Looking back from our standing-point of to-day, we know how great Rome was — infinitely greater, as far as power is concerned, than anything else which the world has produced. It came to pass that "Urbis et orbis" was not a false boast. Gradually growing from the little nest of robbers established on the banks of the Tiber, the people of Rome learned how to spread their arms over all the known world, and to conquer and rule, while they drew to themselves all that the ingenuity and industry of other people had produced. To do this, there must have been not only courage and persistence, but intelligence, patriotism, and superior excellence in that art of combination of which government consists. But yet, when we look back, it is hard to say when were the palmy days of Rome. When did those virtues shine by which her power was founded? When was that wisdom best exhibited from which came her capacity for ruling? Not in the time of her early kings, whose mythic virtues, if they existed, were concerned but in small matters; for the Rome of the kings claimed a jurisdiction extending as yet but a few miles from the city. And from the time of their expulsion, Rome, though she was rising in power, was rising slowly, and through such difficulties that the reader of history, did he not know the future, would think from time to time that the day of her destruction had come upon her. Not when Brennus was at Rome with his Gauls, a hundred and twenty-five years after the expulsion of the kings, could Rome be said to have been great; nor when, fifty or 76sixty years afterward, the Roman army — the only army which Rome then possessed — had to lay down its arms

in the Caudine Forks and pass under the Samnite yoke. Then, when the Samnite wars were ended, and Rome was mistress in Italy — mistress, after all, of no more than Southern Italy — the Punic wars began. It could hardly have been during that long contest with Carthage, which was carried on for nearly fifty years, that the palmy days of Rome were at their best. Hannibal seems always to be the master. Trebia, Thrasymene and Cannæ, year after year, threaten complete destruction to the State. Then comes the great Scipio; and no doubt, if we must mark an era of Roman greatness, it would be that of the battle of Zama and the submission of Carthage, 201 years before Christ. But with Scipio there springs up the idea of personal ambition; and in the Macedonian and Greek wars that follow, though the arm of Rome is becoming stronger every day, and her shoulders broader, there is already the glamour of her decline in virtue. Her dealings with Antiochus, with Pyrrhus, and with the Achæans, though successful, were hardly glorious. Then came the two Gracchi, and the reader begins to doubt whether the glory of the Republic is not already over. They demanded impossible reforms, by means as illegal as they were impossible, and were both killed in popular riots. The war with Jugurtha followed, in which the Romans were for years unsuccessful, and during which German hordes from the north rushed into Gaul and destroyed an army of 80,000 Romans. This brings us to Marius and to Sulla, of whom we have already spoken, and to that period of Roman politics which the German historian describes as being open to no judgment "save one of inexorable and remorseless condemnation."

But, in truth, the history of every people and every nation will be subject to the same criticism, if it be regarded with the same severity. In all that man has done as yet in the way of government, the seeds of decay are apparent when looked back upon from an age in advance. The period of Queen Elizabeth 77was very great to us; yet by what dangers were we enveloped in her days! But for a storm at sea, we might have been subjected to Spain. By what a system of falsehood and petty tyrannies were we governed through the reigns of James I. and Charles I.! What periods of rottenness and danger there have been since! How little glorious was the reign of Charles II.! how full of danger that of William! how mean those of the four

Georges, with the dishonesty of ministers such as Walpole and Newcastle! And to-day, are there not many who are telling us that we are losing the liberties which our forefathers got for us, and that no judgment can be passed on us "save one of inexorable and remorseless condemnation?" We are a great nation, and the present threatenings are probably vain. Nevertheless, the seeds of decay are no doubt inherent in our policies and our practices — so manifestly inherent that future historians will pronounce upon them with certainty.

But Cicero, not having the advantage of distance, having simply in his mind the knowledge of the greatness which had been achieved, and in his heart a true love for the country which had achieved it, and which was his own, encouraged himself to think that the good might be recovered and the bad eliminated. Marius and Sulla — Pompey also, toward the end of his career, if I can read his character rightly — Cæsar, and of course Augustus, being all destitute of scruple, strove to acquire, each for himself, the power which the weak hands of the Senate were unable to grasp. However much, or however little, the country of itself might have been to any of them, it seemed good to him, whether for the country's sake or for his own, that the rule should be in his own hands. Each had the opportunity, and each used it, or tried to use it. With Cicero there is always present the longing to restore the power to the old constitutional possessors of it. So much is admitted, even by his bitter enemies; and I am sometimes at a loss whether to wonder most that a man of letters, dead two thousand years ago, should have enemies so bitter or a friend so 78keenly in earnest about him as I am. Cicero was aware quite as well as any who lived then, if he did not see the matter clearer even than any others, that there was much that was rotten in the State. Men who had been murderers on behalf of Marius, and then others who had murdered on behalf of Sulla — among whom that Catiline, of whom we have to speak presently, had been one — were not apt to settle themselves down as quiet citizens. The laws had been set aside. Even the law courts had been closed. Sulla had been law, and the closets of his favorites had been the law courts. Senators had been cowed and obedient. The Tribunes had only been mock Tribunes. Rome, when Cicero began his public life, was still trembling. The

Consuls of the day were men chosen at Sulla's command. The army was Sulla's army. The courts were now again opened by Sulla's permission. The day fixed by Sulla when murderers might no longer murder — or, at any rate, should not be paid for murdering — had arrived. There was not, one would say, much hope for good things. But Sulla had reproduced the signs of order, and the best hope lay in that direction. Consuls, Prætors, Quæstors, Ædiles, even Tribunes, were still there. Perhaps it might be given to him, to Cicero, to strengthen the hands of such officers. At any rate, there was no better course open to him by which he could serve his country.

The heaviest accusation brought against Cicero charges him with being insincere to the various men with whom he was brought in contact in carrying out the purpose of his life, and he has also been accused of having changed his purpose. It has been alleged that, having begun life as a democrat, he went over to the aristocracy as soon as he had secured his high office of State. As we go on, it will be my object to show that he was altogether sincere in his purpose, that he never changed his political idea, and that, in these deviations as to men and as to means, whether, for instance, he was ready to serve Cæsar or to oppose him, he was guided, even in the 79insincerity of his utterances, by the sincerity of his purpose. I think that I can remember, even in Great Britain, even in the days of Queen Victoria, men sitting check by jowl on the same Treasury bench who have been very bitter to each other with anything but friendly words. With us fidelity in friendship is, happily, a virtue. In Rome expediency governed everything. All I claim for Cicero is, that he was more sincere than others around him.

CHAPTER IV.

HIS EARLY PLEADINGS. — SEXTUS ROSCIUS AMERINUS. — HIS INCOME.

b.c. 80, *ætat* 27

We now come to the beginning of the work of Cicero's life. This at first consisted in his employment as an advocate, from which he gradually rose into public or political occupation, as so often happens with a successful barrister in our time. We do not know with absolute certainty even in what year Cicero began his pleadings, or in what cause. It may probably have been in 81 b.c., when he was twenty-five, or in his twenty-sixth year. Of the pleadings of which we know the particulars, that in the defence of Sextus Roscius Amerinus, which took place undoubtedly in the year 80 b.c., ætat twenty-seven, was probably the earliest. As to that, we have his speech nearly entire, as we have also one for Publius Quintius, which has generally been printed first among the orator's works. It has, however, I think, been made clear that that spoken for Sextus Roscius came before it. It is certain that there had been others before either of them. In that for Sextus he says that he had never spoken before in any public cause, such as was the accusation in which he was now engaged, from which the inference has to be made that he had been engaged in private causes; and in that for Quintius he 81declares that there was wanting to him in that matter an aid which he had been accustomed to enjoy in others. No doubt he had tried his 'prentice hand in cases of less importance. That of these two the defence of Sextus Roscius came first, is also to be found in his own words. More than once, in pleading for Quintius, he speaks of the proscriptions and confiscations of Sulla as evils then some time past. These were brought nominally to a close in June, 81; but it has been supposed by those who have placed this oration first that it was spoken in that very year. This seems to have been impossible. "I am most unwilling," says he, "to call to mind that subject, the very memory of which should be wiped out from our thoughts." When the tone of the two speeches is compared, it will become evident that that for Sextus

Roscius was spoken the first. It was, as I have said, spoken in his twenty-seventh year, b.c. 80, the year after the proscription lists had been closed, when Sulla was still Dictator, and when the sales of confiscated goods, though no longer legal, were still carried on under assumed authority. As to such violation of Sulla's own enactment, Cicero excuses the Dictator in this very speech, likening him to Great Jove the Thunderer. Even "Jupiter Optimus Maximus," as he is whose nod the heavens, the earth, and seas obey — even he cannot so look after his numerous affairs but that the winds and the storms will be too strong sometimes, or the heat too great, or the cold too bitter. If so, how can we wonder that Sulla, who has to rule the State, to govern, in fact, the world, should not be able himself to see to everything? Jove probably found it convenient not to see many things. Such must certainly have been the case with Sulla.

I will venture, as other biographers have done before, to tell 82the story of Sextus Roscius of Ameria at some length, because it is in itself a tale of powerful romance, mysterious, grim, betraying guilt of the deepest dye, misery most profound, and audacity unparalleled; because, in a word, it is as interesting as any novel that modern fiction has produced; and also, I will tell it, because it lets in a flood of light upon the condition of Rome at the time. Our hair is made to stand on end when we remember that men had to pick their steps in such a State as this, and to live if it were possible, and, if not, then to be ready to die. We come in upon the fag-end of the proscription, and see, not the bloody wreath of Sulla as he triumphed on his Marian foes, not the cruel persecution of the ruler determined to establish his order of things by slaughtering every foe, but the necessary accompaniments of such ruthless deeds — those attendant villanies for which the Jupiter Optimus Maximus of the day had neither ears nor eyes. If in history we can ever get a glimpse at the real life of the people, it is always more interesting than any account of the great facts, however grand.

The Kalends of June had been fixed by Sulla as the day on which the slaughter legalized by the proscriptions should cease. In the September following an old gentleman named Sextus Roscius was murdered in the streets of Rome as he was going home from supper one night, attended by two slaves. By whom he was murdered,

probably more than one or two knew then, but nobody knows now. He was a man of reputation, well acquainted with the Metelluses and Messalas of the day, and passing rich. His name had been down on no proscription list, for he had been a friend of Sulla's friends. He was supposed, when he was murdered, to be worth about six million of sesterces, or something between fifty and sixty thousand pounds of our money. Though there was at that time much money in Rome, this amounted to wealth; and though we cannot say who murdered the man, we may feel sure that he was murdered for his money.

Immediately on his death his chattels were seized and sold — 83or divided, probably, without being sold — including his slaves, in whom, as with every rich Roman, much of his wealth was invested; and his landed estates — his farms, of which he had many — were also divided. As to the actual way in which this was done, we are left much in the dark. Had the name of Sextus Roscius been on one of the lists, even though the list would then have been out of date, we could have understood that it should have been so. Jupiter Optimus Maximus could not see everything, and great advantages were taken. We must only suppose that things were so much out of order that they who had been accustomed to seize upon the goods of the proscribed were able to stretch their hands so as to grasp almost anything that came in their way. They could no longer procure a rich man's name to be put down on the list, but they could pretend that it had been put down. At any rate, certain persons seized and divided the chattels of the murdered man as though he had been proscribed.

Old Roscius, when he was killed, had one son, of whom we are told that he lived always in the country at Ameria, looking after his father's farms, never visiting the capital, which was distant from Ameria something under fifty miles; a rough, uncouth, and probably honest man — one, at any rate, to whom the ways of the city were unknown, and who must have been but partially acquainted with the doings of the time. As we read the story, we feel that very much depends on the character of this man, and we are aware that our only description of him comes from his own advocate. Cicero would probably say much which, though beyond the truth, could not be absolutely refuted, but would state as facts nothing that was absolutely false. Cicero describes him as a middle-aged man, who

84never left his farm, doing his duty well by his father, as whose agent he acted on the land — a simple, unambitious, ignorant man, to whom one's sympathies are due rather than our antipathy, because of his devotion to agriculture. He was now accused of having murdered his father. The accusation was conducted by one Erucius, who in his opening speech — the speech made before that by Cicero — had evidently spoken ill of rural employments. Then Cicero reminds him, and the judges, and the Court how greatly agriculture had been honored in the old days, when Consuls were taken from the ploughs. The imagination, however, of the reader pictures to itself a man who could hardly have been a Consul at any time — one silent, lonely, uncouth, and altogether separate from the pleasant intercourses of life. Erucius had declared of him that he never took part in any festivity. Cicero uses this to show that he was not likely to have been tempted by luxury to violence. Old Roscius had had two sons, of whom he had kept one with him in Rome — the one, probably, whose society had been dearest to him. He, however, had died, and our Roscius — Sextus Roscius Amerinus, as he came to be called when he was made famous by the murder — was left on one of the farms down in the country. The accusation would probably not have been made, had he not been known to be a man sullen, silent, rough, and unpopular — as to whom such a murder might be supposed to be credible.

Why should any accusation have been made unless there was clear evidence as to guilt? That is the first question which presents itself. This son received no benefit from his father's death. He had in fact been absolutely beggared by it — had lost the farm, the farming utensils, every slave in the place, all of which had belonged to his father, and not to himself. They had been taken, and divided; taken by persons called "Sectores," informers or sequestrators, who took possession of and sold — or did not sell — confiscated goods. Such men in this case had pounced down upon the goods of 85the murdered man at once and swallowed them all up, not leaving an acre or a slave to our Roscius. Cicero tells us who divided the spoil among them. There were two other Rosciuses, distant relatives, probably, both named Titus; Titus Roscius Magnus, who sojourned in Rome, and who seems to have exercised the trade of informer and

assassin during the proscriptions, and Titus Roscius Capito, who, when at home, lived at Ameria, but of whom Cicero tells us that he had become an apt pupil of the other during this affair. They had got large shares, but they shared also with one Chrysogonus, the freedman and favorite of Sulla, who did the dirty work for Jupiter Optimus Maximus when Jupiter Optimus Maximus had not time to do it himself. We presume that Chrysogonus had the greater part of the plunder. As to Capito, the apt pupil, we are told again and again that he got three farms for himself.

Again, it is necessary to say that all these facts come from Cicero, who, in accordance with the authorized practice of barristers, would scruple at saying nothing which he found in his instructions. How instructions were conveyed to an advocate in those days we do not quite know. There was no system of attorneys. But the story was probably made out for the "patronus" or advocate by an underling, and in some way prepared for him. That which was thus prepared he exaggerated as the case might seem to require. It has to be understood of Cicero that he possessed great art and, no doubt, great audacity in such exaggeration; in regard to which we should certainly not bear very heavily upon him now, unless we are prepared to bear more heavily upon those who do the same thing in our own enlightened days. But Cicero, even as a young man, knew his business much too well to put forward statements which could be disproved. The accusation came first; then the speech in defence; after that the evidence, which was offered only on the side of the accuser, and which was subject to cross-examination. Cicero would have 86no opportunity of producing evidence. He was thus exempted from the necessity of proving his statements, but was subject to have them all disproved. I think we may take it for granted that the property of the murdered man was divided as he tells us.

If that was so, why should any accusation have been made? Our Sextus seems to have been too much crushed by the dangers of his position to have attempted to get back any part of his father's wealth. He had betaken himself to the protection of a certain noble lady, one Metella, whose family had been his father's friends, and by her and her friends the defence was no doubt managed. "You have my farms," he is made to say by his advocate; "I live on the charity of

another. I abandon everything because I am placid by nature, and because it must be so. My house, which is closed to me, is open to you: I endure it. You have possessed yourself of my whole establishment; I have not one single slave. I suffer all this, and feel that I must suffer it. What do you want more? Why do you persecute me further? In what do you think that I shall hurt you? How do I interfere with you? In what do I oppose you? Is it your wish to kill a man for the sake of plunder? You have your plunder. If for the sake of hatred, what hatred can you feel against him of whose land you have taken possession before you had even known him?" Of all this, which is the advocate's appeal to pity, we may believe as little as we please. Cicero is addressing the judge, and desires only an acquittal. But the argument shows that no overt act in quest of restitution had as yet been made. Nevertheless, Chrysogonus feared such action, and had arranged with the two Tituses that something should be done to prevent it. What are we to think of the condition of a city in which not only could a man be murdered for his wealth walking home from supper — that, indeed, might happen in London 87if there existed the means of getting at the man's money when the man was dead — but in which such a plot could be concerted in order that the robbery might be consummated? "We have murdered the man and taken his money under the false plea that his goods had been confiscated. Friends, we find, are interfering — these Metellas and Metelluses, probably. There is a son who is the natural heir. Let us say that he killed his own father. The courts of law, which have only just been reopened since the dear days of proscription, disorder, and confiscation, will hardly yet be alert enough to acquit a man in opposition to the Dictator's favorite. Let us get him convicted, and, as a parricide, sewed up alive in a bag and thrown into the river" — as some of us have perhaps seen cats drowned, for such was the punishment—"and then he at least will not disturb us." It must have thus been that the plot was arranged.

It was a plot so foul that nothing could be fouler; but not the less was it carried out persistently with the knowledge and the assistance of many. Erucius, the accuser, who seems to have been put forward on the part of Chrysogonus, asserted that the man had caused his father to be murdered because of hatred. The father was going to

disinherit the son, and therefore the son murdered the father. In this there might have been some probability, had there been any evidence of such an intention on the father's part. But there was none. Cicero declares that the father had never thought of disinheriting his son. There had been no quarrel, no hatred. This had been assumed as a reason — falsely. There was in fact no cause for such a deed; nor was it possible that the son should have done it. The father was killed in Rome when, as was evident, the son was fifty miles off. He never left his farm. Erucius, the accuser, had said, and had said truly, that Rome was full of murderers. But who was the 88most likely to have employed such a person: this rough husbandman, who had no intercourse with Rome, who knew no one there, who knew little of Roman ways, who had nothing to get by the murder when committed, or they who had long been concerned with murderers, who knew Rome, and who were now found to have the property in their hands?

The two slaves who had been with the old man when he was killed, surely they might tell something? Here there comes out incidentally the fact that slaves when they were examined as witnesses were tortured, quite as a matter of course, so that their evidence might be extracted. This is spoken of with no horror by Cicero, nor, as far as I can remember, by other Roman writers. It was regarded as an established rule of life that a slave, if brought into a court of law, should be made to tell the truth by such appliances. This was so common that one is tempted to hope, and almost to suppose that the "question" was not ordinarily administered with circumstances of extreme cruelty. We hear, indeed, of slaves having their liberty given them in order that, being free, they may not be forced by torture to tell the truth; but had the cruelty been of the nature described by Scott in "Old Mortality," when the poor preacher's limbs were mangled, I think we should have heard more of it. Nor was the torture always applied, but only when the expected evidence was not otherwise forth-coming. Cicero explains, in the little dialogue given below, how the thing was carried on. "You had better tell the truth now, my friend: Was it so and so?" The slave knows that, if he says it was so, there is the cross for him, or the "little horse;" but that, if he will say the contrary, 89he will save his

joints from racking. And yet the evidence went for what it was worth.

In this case of Roscius there had certainly been two slaves present; but Cicero, who, as counsel for the defence, could call no witnesses, had not the power to bring them into court; nor could slaves have been made to give evidence against their masters. These slaves, who had belonged to the murdered man, were now the property either of Chrysogonus or of the two Tituses. There was no getting at their evidence but by permission of their masters, and this was withheld. Cicero demands that they shall be produced, knowing that the demand will have no effect. "The man here," he says, pointing to the accused, "asks for it, prays for it. What will you do in this case? Why do you refuse?"

By this time the reader is brought to feel that the accused person cannot possibly have been guilty; and if the reader, how much more the hearer? Then Cicero goes on to show who in truth were guilty. "Doubt now if you can, judges, by whom Roscius was killed: whether by him who, by his father's death, is plunged into poverty and trouble — who is forbidden even to investigate the truth — or by those who are afraid of real evidence, who themselves possess the plunder, who live in the midst of murder, and on the proceeds of murder."

Then he addresses one of the Tituses, Titus Magnus, who seems to have been sitting in the court, and who is rebuked for his impudence in doing so: "Who can doubt who was the murderer — you who have got all the plunder, or this man who has lost everything? But if it be added to this that you were a pauper before — that you have been known as a greedy fellow, as a dare-devil, as the avowed enemy of him who has been killed — then need one ask what has brought you to do such a deed as this?"

90He next tells what took place, as far as it was known, immediately after the murder. The man had been killed coming home from supper, in September, after it was dark, say at eight or nine o'clock, and the fact was known in Ameria before dawn. Travelling was not then very quick; but a messenger, one Mallius Glaucia, a man on very close terms with Titus Magnus, was sent down at once in a light gig to travel through the night and take the information to

Titus Capito Why was all this hurry? How did Glaucia hear of the murder so quickly? What cause to travel all through the night? Why was it necessary that Capito should know all about it at once? “I cannot think,” says Cicero, “only that I see that Capito has got three of the farms out of the thirteen which the murdered man owned!” But Capito is to be produced as a witness, and Cicero gives us to understand what sort of cross-examination he will have to undergo.

In all this the reader has to imagine much, and to come to conclusions as to facts of which he has no evidence. When that hurried messenger was sent, there was probably no idea of accusing the son. The two real contrivers of the murder would have been more on their guard had they intended such a course. It had been conceived that when the man was dead and his goods seized, the fear of Sulla’s favorite, the still customary dread of the horrors of the time, would cause the son to shrink from inquiry. Hitherto, when men had been killed and their goods taken, even if the killing and the taking had not been done strictly in accordance with Sulla’s ordinance, it had been found safer to be silent and to endure; but this poor wretch, Sextus, had friends in Rome — friends who were friends of Sulla — of whom Chrysogonus and the Tituses had probably not bethought themselves. When it came to pass that more stir was made than they had expected, then the accusation became necessary.

But, in order to obtain the needed official support and aid, Chrysogonus must be sought. Sulla was then at Volaterra, in Etruria 91perhaps 150 miles north-west from Rome, and with him was his favorite Chrysogonus. In four days from the time of this murder the news was earned thither, and, so Cicero states, by the same messenger — by Glaucia — who had taken it to Ameria. Chrysogonus immediately saw to the selling of the goods, and from this Cicero implies that Chrysogonus and the two Tituses were in partnership.

But it seems that when the fact of the death of old Roscius was known at Ameria — at which place he was an occasional resident himself, and the most conspicuous man in the place — the inhabitants, struck with horror, determined to send a deputation to Sulla. Something of what was being done with their townsman’s property was probably known, and there seems to have been a desire

for justice. Ten townsmen were chosen to go to Sulla, and to beg that he would personally look into the matter. Here, again, we are very much in the dark, because this very Capito, to whom these farms were allotted as his share, was not only chosen to be one of the ten, but actually became their spokesman and their manager. The great object was to keep Sulla himself in the dark, and this Capito managed to do by the aid of Chrysogonus. None of the ten were allowed to see Sulla. They are hoaxed into believing that Chrysogonus himself will look to it, and so they go back to Ameria, having achieved nothing. We are tempted to believe that the deputation was a false deputation, each of whom probably had his little share, so that in this way there might be an appearance of justice. If it was so, Cicero has not chosen to tell that part of the story, having, no doubt, some good advocate's reason for omitting it.

So far the matter had gone with the Tituses, and with Chrysogonus who had got his lion's share. Our poor Roscius, the victim, did at first abandon his property, and allow himself to be awed into silence. We cannot but think that he was a poor creature, and can fancy that he had lived a wretched life during all the murders of the Sullan proscriptions. But in his 92abject misery he had found his way up among the great friends of his family at Rome, and had there been charged with the parricide, because Chrysogonus and the Tituses began to be afraid of what these great friends might do.

This is the story as Cicero has been able to tell it in his speech. Beyond that, we only know that the man was acquitted. Whether he got back part of his father's property there is nothing to inform us. Whether further inquiry was made as to the murder; whether evil befell those two Tituses or Chrysogonus was made to disgorge, there has been no one to inform us. The matter was of little importance in Rome, where murders and organized robberies of the kind were the common incidents of every-day life. History would have meddled with nothing so ordinary had not it happened that the case fell into the hands of a man so great a master of his language that it has been worth the while of ages to perpetuate the speech which he made in the matter. But the story, as a story of Roman life, is interesting, and it gives a slight aid to history in explaining the condition of things which Sulla had produced.

The attack upon Chrysogonus is bold, and cannot but have been offensive to Sulla, though Sulla is by name absolved from immediate blame. Chrysogonus himself, the favorite, he does not spare, saying words so bitter of tone that one would think that the judges — Sulla's judges — would have stopped him, had they been able. "Putting aside Sextus Roscius," he says, "I demand, first of all, why the goods of an esteemed citizen were sold; then, why have the goods been sold of one who had not himself been proscribed, and who had not been killed while defending Sulla's enemies? It is against those only that the law is made. Then I demand why they were sold when the legal day for such sales had passed, and why they were sold for such a trifle." Then he gives us a picture of Chrysogonus 93flaunting down the streets. "You have seen him, judges, how, his locks combed and perfumed, he swims along the Forum" — he, a freedman, with a crowd of Roman citizens at his heels, that all may see that he thinks himself inferior to none—"the only happy man of the day, the only one with any power in his hands."

This trial was, as has been said, a "causa publica," a criminal accusation of such importance as to demand that it should be tried before a full bench of judges. Of these the number would be uncertain, but they were probably above fifty. The Prætor of the day — the Prætor to whom by lot had fallen for that year that peculiar duty — presided, and the judges all sat round him. Their duty seems to have consisted in listening to the pleadings, and then in voting. Each judge could vote "guilty," "acquitted," or "not proven," as they do in Scotland. They were, in fact, jurymen rather than judges. It does not seem that any amount of legal lore was looked for specially in the judges, who at different periods had been taken from various orders of the citizens, but who at this moment, by a special law enacted by Sulla, were selected only from the Senators. We have ample evidence that at this period the judges in Rome were most corrupt. They were tainted by a double corruption: that of standing by their order instead of standing by the public — each man among them feeling that his turn to be accused might come — and that also of taking direct bribes. Cicero on various occasions — on this, for instance, and notably in the trial of Verres, to which we shall come soon — 94felt very strongly that his only means of getting a true

verdict from the majority of judges was to frighten them into temporary honesty by the magnitude of the occasion. If a trial could be slurred through with indifferent advocates, with nothing to create public notice, with no efforts of genius to attract admiration, and a large attendance and consequent sympathy the judgment would, as a matter of course, be bought. In such a case as this of Sextus Roscius, the poor wretch would be condemned, sewed up in his bag, and thrown into the sea, a portion of the plunder would be divided among the judges, and nothing further would be said about it. But if an orator could achieve for himself such a reputation that the world would come and listen to him, if he could so speak that Rome should be made to talk about the trial, then might the judges be frightened into a true verdict. It may be understood, therefore, of what importance it was to obtain the services of a Cicero, or of a Hortensius, who was unrivalled at the Roman bar when Cicero began to plead.

There were three special modes of oratory in which Cicero displayed his powers. He spoke either before the judges — a large body of judges who sat collected round the Prætor, as in the case of Sextus Roscius — or in cases of civil law before a single judge, selected by the Prætor, who sat with an assessor, as in the case of Roscius the actor, which shall be mentioned just now. This was the recognized work of his life, in which he was engaged, at any rate, in his earlier years; or he spoke to the populace, in what was called the Concio, or assembly of the people — speeches made before a crowd called together for a special purpose, as were the second and third orations against Catiline; or in the Senate, in which a political rather than a judicial sentence was sought from the votes of the Senators. There was a fourth mode of address, which in the days of the Emperors became common, when the advocate spoke "ad Principem;" that is, to the Emperor himself, or to some ruler acting for him as sole judge. It was thus that Cicero 95pleaded before Cæsar for Ligarius and for King Deiotarus, in the latter years of his life. In each of these a separate manner and a distinct line had to be adopted, in all of which he seems to have been equally happy, and equally powerful. In judging of his speeches, we are bound to remember that they were not probably uttered with their words arranged as we read

them. Some of those we have were never spoken at all, as was the case with the five last Verrene orations, and with the second, by far the longest of the Philippics. Some, as was specially the case with the defence of Milo, the language of which is perhaps as perfect as that of any oration which has reached us from ancient or modern days, were only spoken in part; so that that which we read bears but small relation to that which was heard. All were probably retouched for publication. That words so perfect in their construction should have flowed from a man's mouth, often with but little preparation, we cannot conceive. But we know from the evidence of the day, and from the character which remained of him through after Roman ages, how great was the immediate effect of his oratory. We can imagine him, in this case of Sextus Roscius, standing out in the open air in the Forum, with the movable furniture of the court around him, the seats on which the judges sat with the Prætor in the midst of them, all Senators in their white robes, with broad purple borders. There too were seated, we may suppose on lower benches, the friends of the accused and the supporters of the accusation, and around, at the back of the orator, was such a crowd as he by the character of his eloquence may have drawn to the spot. Cicero was still a young man; but his name had made itself known and we can imagine that some tidings had got abroad as to 96the bold words which would be spoken in reference to Sulla and Chrysogonus. The scene must have been very different from that of one of our dingy courts, in which the ermine is made splendid only by the purity and learning of the man who wears it. In Rome all exterior gifts were there. Cicero knew how to use them, so that the judges who made so large a part in the pageant should not dare to disgrace themselves because of its publicity. Quintilian gives his pupils much advice as to the way in which they should dress themselves and hold their togas — changing the folds of the garment so as to suit the different parts of the speech — how they should move their arms, and hold their heads, and turn their necks; even how they should comb their hair when they came to stand in public and plead at the bar. All these arts, with many changes, no doubt, as years rolled on, had come down to him from days before Cicero; but he always refers to Cicero as though his were the palmy days of Roman eloquence. We can well believe that

Cicero had studied many of these arts by his twenty-seventh year — that he knew how to hold his toga and how to drop it — how to make the proper angle with his elbow — how to comb his hair, and yet not be a fop — and to add to the glory of his voice all the personal graces which were at his command.

Sextus Roscius Amerinus, with all his misfortunes, injustices, and miseries, is now to us no more than the name of a fable; but to those who know it, the fable is, I think, more attractive than most novels.

97We know that Cicero pleaded other causes before he went to Greece in the year 79 b.c., especially those for Publius Quintius, of which we have his speech, and that for a lady of Arretium, in which he defended her right to be regarded as a free woman of that city. In this speech he again attacked Sulla, the rights of the lady in question having been placed in jeopardy by an enactment made by the Dictator; and again Cicero was successful. This is not extant. Then he started on his travels, as to which I have already spoken. While he was absent Sulla died, and the condition of the Republic during his absence was anything but hopeful. Lepidus was Consul during these two years, than whom no weaker officer ever held rule in Rome — or rebelled against Rome; and Sertorius, who was in truth a great man, was in arms against Rome in Spain, as a rebel, though he was in truth struggling to create a new Roman power, which should be purer than that existing in Italy. What Cicero thought of the condition of his country at this time we have no means of knowing. If he then wrote letters, they have not been preserved. His spoken words speak plainly enough of the condition of the courts of law, and let us know how resolved he was to oppose himself to their iniquities. A young man may devote himself to politics with as much ardor as a senior, but he cannot do so if he be intent on a profession. It is only when his business is so well grasped by him as to sit easily on him, that he is able to undertake the second occupation.

There is a rumor that Cicero, when he returned home from Greece, thought for awhile of giving himself up to philosophy, so that he was called Greek and Sophist in ridicule. It is not, however, to be believed that he ever for a moment abandoned the purpose he had formed for his own career. It will become evident as we go on with his life, that this so-called philosophy of the Greeks was never

to him a matter of more than interesting inquiry. A full, active, human life, in which he might achieve for himself all the charms of high rank, gilded by intelligence, 98erudition, and refined luxury, in which also he might serve his country, his order, and his friends — just such a life as our leading men propose to themselves here, to-day, in our country — this is what Cicero had determined to achieve from his earliest years, and it was not likely that he should be turned from it by the pseudo logic of Greek philosophers. That the logic even of the Academy was false to him we have ample evidence, not only in his life but in his writings. There is a story that, during his travels, he consulted the oracle at Delphi as to his future career, and that on being told that he must look to his own genius and not to the opinion of the world at large, he determined to abandon the honors of the Republic. That he should have talked among the young men of the day of his philosophic investigations till they laughed at him and gave him a nickname, may be probable, but it cannot have been that he ever thought of giving up the bar.

In the year of his return to Rome, when he was thirty, he married Terentia, a noble lady, of whom we are informed that she had a good fortune, and that her sister was one of the Vestal Virgins. Her nobility is inferred from the fact that the virgins were, as a rule, chosen from the noble families, though the law required only that they should be the daughters of free parents, and of persons engaged in no mean pursuits. As to the more important question of Terentia's fortune there has never been a doubt. Plutarch, however, does not make it out to have been very great, assuming a sum which was equal to about £4200 of our money. He tells us at the same time that Cicero's own fortune was less than £4000. But in both of these statements, Plutarch, who was forced to take his facts where he could get them, and was not very 99particular in his authority, probably erred. The early education of Cicero, and the care taken to provide him with all that money could purchase, is, I think, conclusive of his father's wealth; and the mode of life adopted by Cicero shows that at no period did he think it necessary to live as men do live with small incomes.

We shall find, as we go on, that he spent his money freely, as men did at Rome who had the command of large means. We are aware

that he was often in debt. We find that from his letters. But he owed money not as a needy man does, but as one who is speculative, sanguine, and quite confident of his own resources. The management of incomes was not so fixed a thing then as it is with us now. Speculation was even more rampant, and rising men were willing and were able to become indebted for enormous sums, having no security to offer but the promise of their future career. Cæsar's debts during various times of his life were proverbial. He is said to have owed over £300,000 before he reached his first step in the public employment. Cicero rushed into no such danger as this. We know, indeed, that when the time came to him for public expenditure on a great scale, as, for instance, when he was filling the office of Ædile, he kept within bounds, and he did not lavish money which he did not possess. We know also that he refrained, altogether refrained, from the iniquitous habits of making large fortunes which were open to the great politicians of the Republic. To be Quæstor that he might be Ædile, Ædile that he might be Prætor and Consul, and Prætor and Consul that he might rob a province — pillage Sicily, Spain, or Asia, and then at last come back a rich man, rich enough to cope with all his creditors, and to bribe the judges should he be accused for his misdeeds — these were the usual steps to take by enterprising Romans toward power, wealth, and enjoyment. But it will be observed, in this sequence of circumstances, the robbery of the province was essential to success. This was sometimes done after so magnificent a fashion as to 100have become an immortal fact in history. The instance of Verres will be narrated in the next chapter but one. Something of moderation was more general, so that the fleeced provincial might still live, and prefer sufferance to the doubtful chances of recovery. A Proconsul might rob a great deal, and still return with hands apparently clean, bringing with him a score of provincial Deputies to laud his goodness before the citizens at home. But Cicero robbed not at all. Even they who have been most hard upon his name, accusing him of insincerity and sometimes of want of patriotism, because his Roman mode of declaring himself without reserve in his letters has been perpetuated for us by the excellence of their language, even they have acknowledged that he kept his hands studiously clean in the service of his country, when to

have clean hands was so peculiar as to be regarded as absurd.

There were other means in which a noble Roman might make money, and might do so without leaving the city. An orator might be paid for his services as an advocate. Cicero, had such a trade been opened to him, might have made almost any sum to which his imagination could have stretched itself. Such a trade was carried on to a very great extent. It was illegal, such payment having been forbidden by the "Lex Cincia De Muneribus," passed more than a century before Cicero began his pleadings. But the law had become a dead letter in the majority of cases. There can be no doubt that Hortensius, the predecessor and great rival of Cicero, took presents, if not absolute payment. Indeed, the myth of honorary work, which is in itself absurd, was no more practicable in Rome than it has been found to be in England, where every barrister is theoretically presumed to work for nothing. That the "Lex Cincia," as far as the payment of advocates went, was absurd, may be allowed by us all. Services for which no regular payment 101can be exacted will always cost more than those which have a defined price. But Cicero would not break the law. It has been hinted rather than stated that he, like other orators of the day, had his price. He himself tells us that he took nothing; and no instance has been adduced that he had ever done so. He is free enough in accusing Hortensius of having accepted a beautiful statuette, an ivory sphinx of great value. What he knew of Hortensius, Hortensius would have known of him, had it been there to know; and what Hortensius or others had heard would certainly have been told. As far as we can learn, there is no ground for accusing Cicero of taking fees or presents beyond the probability that he would do so. I think we are justified in believing that he did not do so, because those who watched his conduct closely found no opportunity of exposing him. That he was paid by different allied States for undertaking their protection in the Senate, is probable, such having been a custom not illegal. We know that he was specially charged with the affairs of Dyrrachium, and had probably amicable relations with other allied communities. This, however, must have been later in life, when his name was sufficiently high to insure the value of his services, and when he was a Senator.

Noble Romans also — noble as they were, and infinitely superior

to the little cares of trade — were accustomed to traffic very largely in usury. We shall have a terrible example of such baseness on the part of Brutus — that Brutus whom we have been taught to regard as almost on a par with Cato in purity. To lend money to citizens, or more profitably to allied States and cities, at enormous rates of interest, was the ordinary resource of a Roman nobleman in quest of revenue. The allied city, when absolutely eaten to the bone by one noble Roman, who had plundered it as Proconsul or Governor, would escape from its immediate embarrassment by borrowing money from another noble Roman, who would then grind its very bones in exacting his interest and his principal. Cicero, in the 102most perfect of his works — the treatise De Officiis, an essay in which he instructs his son as to the way in which a man should endeavor to live so as to be a gentleman — inveighs both against trade and usury. When he tells us that they are to be accounted mean who buy in order that they may sell, we, with our later lights, do not quite agree with him, although he founds his assertion on an idea which is too often supported by the world's practice, namely, that men cannot do a retail business profitably without lying. The doctrine, however, has always been common that retail trade is not compatible with noble bearing, and was practised by all Romans who aspired to be considered among the upper classes. That other and certainly baser means of making money by usury was, however, only too common. Crassus, the noted rich man of Rome in Cæsar's day, who was one of the first Triumvirate, and who perished ignominiously in Parthia, was known to have gathered much of his wealth by such means. But against this Cicero is as staunchly severe as against shopkeeping. "First of all," he says, "these profits are despicable which incur the hatred of men, such as those of gatherers of custom and lenders of money on usury."

Again, we are entitled to say that Cicero did not condescend to enrich himself by the means which he himself condemns, because, had he done so, the accusations made against him by his contemporaries would have reached our ears. Nor is it probable that a man in addressing his son as to rules of life would have spoken against a method of gathering riches which, 103had he practised it himself, must have been known to his son. His rules were severe as

compared with the habits of the time. His dear friend Atticus did not so govern his conduct, or Brutus, who, when he wrote the De Officiis, was only less dear to him than Atticus. But Cicero himself seems to have done so faithfully. We learn from his letter that he owned house-property in Rome to a considerable extent, having probably thus invested his own money or that of his wife. He inherited also the family house at Arpinum. He makes it a matter for boasting that he had received in the course of his life by legacies nearly £200,000 (twenty million sesterces), in itself a source of great income, and one common with Romans of high position. Of the extent of his income it is impossible to speak, or even make a guess. But we do know that he lived always as a rich man — as one who regards such a condition of life as essentially proper to him; and that though he was often in debt, as was customary with noble Romans, he could always write about his debts in a vein of pleasantry, showing that they were not a heavy burden to him; and we know that he could at all times command for himself villas, books, statues, ornaments, columns, galleries, charming shades, and all the delicious appendages of mingled wealth and intelligence. He was as might be some English marquis, who, though up to his eyes in mortgages, is quite sure that he will never want any of the luxuries befitting a marquis. Though we have no authority to tell us how his condition of life became what it was, it is necessary that we should understand that condition if we are to get a clear insight into his life. Of that condition we have ample evidence. He commenced his career as a youth upon whose behalf nothing was spared, and when he settled himself in Rome, with the purport of winning for himself the highest honors of the Republic, he did so with the means of living like a nobleman.

104But the point on which it is most necessary to insist is this: that while so many — I may almost say all around him in his own order — were unscrupulous as to their means of getting money, he kept his hands clean. The practice then was much as it is now. A gentleman in our days is supposed to have his hands clean; but there has got abroad among us a feeling that, only let a man rise high enough, soil will not stick to him. To rob is base; but if you rob enough, robbery will become heroism, or, at any rate, magnificence. With Cæsar his debts have been accounted happy audacity; his pillage of Gaul and Spain, and of Rome also, have indicated only the success of the great General; his cruelty, which in cold-blooded efficiency has equalled if not exceeded the blood-thirstiness of any other tyrant, has been called clemency. I do not mean to draw a parallel between Cæsar and Cicero. No two men could have been more different in their natures or in their career. But the one has been lauded because he was unscrupulous, and the other has incurred reproach because, at every turn and twist in his life, scruples dominated him. I do not say that he always did what he thought to be right. A man who doubts much can never do that. The thing that was right to him in the thinking became wrong to him in the doing. That from which he has shrunk as evil when it was within his grasp, takes the color of good when it has been beyond his reach. Cicero had not the stuff in him to rule the Rome and the Romans of his period; but he was a man whose hands were free from all stain, either of blood or money; and for so much let him, at any rate, have the credit.

Between the return of Cicero to Rome in 77 b.c. and his election as Quæstor in 75, in which period he married Terentia, 105he made various speeches in different causes, of which only one remains to us, or rather, a small part of one. This is notable as having been spoken in behalf of that Roscius, the great comic actor, whose name has become familiar to us on account of his excellence, almost as have those of Garrick, of Siddons, and of Talma. It was a pleading as to the value of a slave, and the amount of pecuniary responsibility attaching to Roscius on account of the slave, who had been murdered when in his charge. As to the murder, no question is made. The slave was valuable, and the injury done to his master was a matter of

importance. He, having been a slave, could have no stronger a claim for an injury done to himself than would a dog or a horse. The slave, whose name was Panurge — a name which has since been made famous as having been borrowed by Rabelais, probably from this occurrence, and given to his demon of mischief — showed aptitude for acting, and was therefore valuable. Then one Flavius killed him; why or how we do not know; and, having killed him, settled with Roscius for the injury by giving him a small farm. But Roscius had only borrowed or hired the man from one Chærea — or was in partnership with Chærea as to the man — and on that account paid something out of the value of the farm for the loss incurred; but the owner was not satisfied, and after a lapse of time made a further claim. Hence arose the action, in pleading which Cicero was successful. In the fragment we have of the speech there is nothing remarkable except the studied clearness of the language; but it reminds us of the opinion which Cicero had expressed of this actor in the oration which he made for Publius Quintius, who was the brother-in-law of Roscius. "He is such an actor," says Cicero, "that there is none other on the stage worthy to be seen; and such a man that among men he is the last that should have become an actor." The orator's praise of the actor is not of much importance. Had not Roscius 106been great in his profession, his name would not have come down to later ages. Nor is it now matter of great interest that the actor should have been highly praised as a man by his advocate; but it is something for us to know that the stage was generally held in such low repute as to make it seem to be a pity that a good man should have taken himself to such a calling.

In the year 76 b.c. Cicero became father of a daughter, whom we shall know as Tullia — who, as she grew up, became the one person whom he loved best in all the world — and was elected Quæstor. Cicero tells us of himself that in the preceding year he had solicited the Quæstorship, when Cotta was candidate for the Consulship and Hortensius for the Prætorship. There are in the dialogue De Claris Oratoribus — which has had the name of Brutus always given to it — some passages in which the orator tells us more of himself than in any other of his works. I will annex a translation of a small portion because of its intrinsic interest; but I will relegate it to an appendix,

because it is too long either for insertion in the text or for a note.

7

CHAPTER V.

CICERO AS QUÆSTOR.

Cicero was elected Quæstor in his thirtieth year, b.c. 76. He was then nearly thirty-one. His predecessors and rivals at the bar, Cotta and Hortensius, were elected Consul and Prætor, respectively, in the same year. To become Quæstor at the earliest age allowed by the law (at thirty-one, namely) was the ambition of the Roman advocate who purposed to make his fortune by serving the State. To act as Quæstor in his thirty-second year, Ædile in his thirty-seventh, Prætor in his forty-first, and Consul in his forty-fourth year, was to achieve, in the earliest succession allowed by law, all the great offices of trust, power, and future emolument. The great reward of proconsular rapine did not generally come till after the last step, though there were notable instances in which a Proprætor with proconsular authority could make a large fortune, as we shall learn when we come to deal with Verres, and though Ædiles, and even Quæstors, could find pickings. It was therefore a great thing for a man to begin as early as the law would permit, and to lose as few years as possible in reaching the summit. Cicero lost none. As he himself tells us in the passage to which I have referred in the last chapter, and which is to be found in the Appendix, he gained the good-will of men — that is, of free Romans who had the suffrage, and who could therefore vote either for him or against him — by the assiduity of his attention to the cases which he undertook, and by a certain 108brilliancy of speech which was new to them. Putting his hand strenuously to the plough, allowing himself to be diverted by none of those luxuries to which Romans of his day were so wont to give way, he earned his purpose by a resolution to do his very best. He was "Novus Homo" — a man, that is, belonging to a family of which no member had as yet filled high office in the State. Against such there was a strong prejudice with the aristocracy, who did not like to see the good things of the Republic dispersed among an increased number of hands. The power of voting was common to all Roman male citizens; but the power of influencing the electors had passed very much into

the hands of the rich. The admiration which Cicero had determined to elicit would not go very far, unless it could be produced in a very high degree. A Verres could get himself made Prætor; a Lepidus some years since could receive the Consulship; or now an Antony, or almost a Catiline. The candidate would borrow money on the security of his own audacity, and would thus succeed — perhaps with some minor gifts of eloquence, if he could achieve them. With all this, the borrowing and the spending of money, that is, with direct bribery, Cicero would have nothing to do; but of the art of canvassing — that art by which he could at the moment make himself beloved by the citizens who had a vote to give — he was a profound master.

There is a short treatise, De Petitione Consulatus, on canvassing for the Consulship, of which mention may be made here, because all the tricks of the trade were as essential to him, when looking to be Quæstor, as when he afterward desired to be Consul, and because the political doings of his life will hurry us on too quickly in the days of his Consulship to admit of our referring to these lessons. This little piece, of which we have only a fragment, is supposed to have been addressed 109to Cicero by his brother Quintus, giving fraternal advice as to the then coming great occasion. The critics say that it was retouched by the orator himself. The reader who has studied Cicero's style will think that the retouching went to a great extent, or that the two brothers were very like each other in their power of expression.

The first piece of advice was no doubt always in Cicero's mind, not only when he looked for office, but whenever he addressed a meeting of his fellow-citizens. "Bethink yourself what is this Republic; what it is you seek to be in it, and who you are that seek it. As you go down daily to the Forum, turn the answer to this in your mind: 'Novus sum; consulatum peto; Roma est'—'I am a man of an untried family. It is the Consulship that I seek. It is Rome in which I seek it.'" Though the condition of Rome was bad, still to him the Republic was the greatest thing in the world, and to be Consul in that Republic the highest honor which the world could give.

There is nobility in that, but there is very much that is ignoble in the means of canvassing which are advocated. I cannot say that they

are as yet too ignoble for our modern use here in England, but they are too ignoble to be acknowledged by our candidates themselves, or by their brothers on their behalf. Cicero, not having progressed far enough in modern civilization to have studied the beauty of truth, is held to be false and hypocritical. We who know so much more than he did, and have the doctrine of truth at our fingers' ends, are wise enough to declare nothing of our own shortcomings, but to attribute such malpractices only to others. "It is a good thing to be thought worthy of the rank we seek by those who are in possession of it." Make yourself out to be an aristocrat, he means. "Canvass them, and cotton to them. Make them believe that in matters of politics you have always been with the aristocracy, never with the mob;" that if "you have at all spoken a word in public to tickle the people, you have done so for the sake of gaining Pompey." As to this, it is necessary 110to understand Pompey's peculiar popularity at the moment, both with the Liberals and with the Conservatives. "Above all, see that you have with you the 'jeunesse dorée.' They carry so much! There are many with you already. Take care that they shall know how much you think of them."

He is especially desired to make known to the public the iniquities of Catiline, his opponent, as to whom Quintus says that, though he has lately been acquitted in regard to his speculations in Africa, he has had to bribe the judges so highly that he is now as poor as they were before they got their plunder. At every word we read we are tempted to agree with Mommsen that on the Roman oligarchy of the period no judgment can be passed save one, "of inexorable condemnation."

"Remember," says Quintus, "that your candidature is very strong in that kind of friendship which has been created by your pleadings. Take care that each of those friends shall know what special business is allotted to him on the occasion; and as you have not troubled any of them yet, make them understand that you have reserved for the present moment the payment of their debts." This is all very well; but the next direction mingles so much of business with its truth, that no one but Machiavelli or Quintus Cicero could have expressed it in words. "Men," says Quintus, "are induced to struggle for us in these canvassings by three motives — by memory of kindness done, by the

hope of kindness to come, and by community of political conviction. You must see how you are to catch each of these. Small favors will induce a man to canvass for you; and they who owe their safety to your pleadings, for there are many such, are aware that if they do not stand by you now they will be regarded by all the world as sorry fellows. 111 Nevertheless, they should be made to feel that, as they are indebted to you, you will be glad to have an opportunity of becoming indebted to them. But as to those on whom you have a hold only by hope — a class of men very much more numerous, and likely to be very much more active — they are the men whom you should make to understand that your assistance will be always at their command."

How severe, how difficult was the work of canvassing in Rome, we learn from these lessons. It was the very essence of a great Roman's life that he should live in public; and to such an extent was this carried that we wonder how such a man as Cicero found time for the real work of his life. The Roman patron was expected to have a levee every morning early in his own house, and was wont, when he went down into the Forum, to be attended by a crowd of parasites. This had become so much a matter of course that a public man would have felt himself deserted had he been left alone either at home or abroad. Rome was full of idlers — of men who got their bread by the favors of the great, who lounged through their lives — political quidnuncs, who made canvassing a trade — men without a conviction, but who believed in the ascendency of this or the other leader, and were ready to fawn or to fight in the streets, as there might be need. These were the Quirites of the day — men who were in truth fattened on the leavings of the plunder which was extracted from the allies; for it was the case now that a Roman was content to live on the industry of those whom his father had conquered. They would still fight in the legions; but the work of Rome was done by slaves, and the wealth of Rome was robbed from the Provinces. Hence it came about that there was a numerous class, to whom the name "assectatores" was given, who of course became specially prominent at elections. Quintus divides all such followers into three kinds, and gives instructions as to the special treatment to be applied to each. "There are those who come to pay their respects to you at

your own 112 house”—”Salutatores” they were called; “then those who go down with you into the Forum”—”Deductores;” “and after these the third, the class of constant followers”—”Assectatores,” as they were specially named. “As to the first, who are the least in consequence, and who, according to our present ways of living, come in great numbers, you should take care to let them know that their doing even so much as this is much esteemed by you. Let them perceive that you note it when they come, and say as much to their friends, who will repeat your words. Tell themselves often if it be possible. In this way men, when there are many candidates, will observe that there is one who has his eyes open to these courtesies, and they will give themselves heart and soul to him, neglecting all others. And mind you, when you find that a man does but pretend, do not let him perceive that you have perceived it. Should any one wish to excuse himself, thinking that he is suspected of indifference, swear that you have never doubted him, nor had occasion to doubt.

“As to the work of the ‘Deductores,’ who go out with you — as it is much more severe than that of those who merely come to pay their compliments, let them understand that you feel it to be so, and, as far as possible, be ready to go into town with them at fixed hours.” Quintus here means that the “Deductores” are not to be kept waiting for the patron longer than can be helped. “The attendance of a daily crowd in taking you down to the Forum gives a great show of character and dignity.

“Then come the band of followers which accompanies you diligently wherever you go. As to those who do this without special obligation, take care that they should know how much you think of them. From those who owe it to you as a duty, exact it rigorously. See that they who can come themselves do come themselves, and that they who cannot, send others in their places.” What an idea does this give as to the labor of a candidate in Rome! I can imagine it to be worse even than 113the canvassing of an English borough, which to a man of spirit and honor is the most degrading of all existing employments not held to be absolutely disgraceful.

Quintus then goes on from the special management of friends to the general work of canvassing. “It requires the remembering of men’s names”—”nomenclationem,” a happy word we do not possess

—”flattery, diligence, sweetness of temper, good report, and a high standing in the Republic. Let it be seen that you have been at the trouble to remember people, and practise yourself to it so that the power may increase with you. There is nothing so alluring to the citizen as that. If there be a softness which you have not by nature, so affect it that it shall seem to be your own naturally. You have indeed a way with you which is not unbecoming to a good-natured man; but you must caress men — which is in truth vile and sordid at other times, but is absolutely necessary at elections. It is no doubt a mean thing to flatter some low fellow, but when it is necessary to make a friend it can be pardoned. A candidate must do it, whose face and look and tongue should be made to suit those he has to meet. What perseverance means I need not tell you. The word itself explains itself. As a matter of course, you shall not leave the city; but it is not enough for you to stick to your work in Rome and in the Forum. You must seek out the voters and canvass them separately; and take care that no one shall ask from another what it is that you want from him. Let it have been solicited by yourself, and often solicited.” Quintus seems to have understood the business well, and the elder brother no doubt profited by the younger brother’s care.

It was so they did it at Rome. That men should have gone through all this in search of plunder and wealth does not strike us as being marvellous, or even out of place. A vile object justifies vile means. But there were some at Rome who had it in their hearts really to serve their country, and with whom it was at the same time a matter of conscience that, in serving 114their country, they would not dishonestly or dishonorably enrich themselves. There was still a grain of salt left. But even this could not make itself available for useful purpose without having recourse to tricks such as these!

b.c. 75, ætat 32.

In his proper year Cicero became Quæstor, and had assigned to him by lot the duty of looking after the Western Division of Sicily. For Sicily, though but one province as regarded general condition, being under one governor with proconsular authority, retained separate modes of government, or, rather, varied forms of subjection to Rome, especially in matters of taxation, according as it had or had not been conquered from the Carthaginians. Cicero was quartered at

Lilybæum, on the west, whereas the other Quæstor was placed at Syracuse, in the east. There were at that time twenty Quæstors elected annually, some of whom remained in Rome; but most of the number were stationed about the Empire, there being always one as assistant to each Proconsul. When a Consul took the field with an army, he always had a Quæstor with him. This had become the case so generally that the Quæstor became, as it were, something between a private secretary and a senior lieutenant to a governor. The arrangement came to have a certain sanctity attached to it, as though there was something in the connection warmer and closer than that of mere official life; so that a Quæstor has been called a Proconsul's son for the time, and was supposed to feel that reverence and attachment that a son entertains for his father.

But to Cicero, and to young Quæstors in general, the great attraction of the office consisted in the fact that the aspirant 115having once become a Quæstor was a Senator for the rest of his life, unless he should be degraded by misconduct. Gradually it had come to pass that the Senate was replenished by the votes of the people, not directly, but by the admission into the Senate of the popularly elected magistrates. There were in the time of Cicero between 500 and 600 members of this body. The numbers down to the time of Sulla had been increased or made up by direct selection by the old Kings, or by the Censors, or by some Dictator, such as was Sulla; and the same thing was done afterward by Julius Cæsar. The years between Sulla's Dictatorship and that of Cæsar were but thirty — from 79 to 49 b.c. These, however, were the years in which Cicero dreamed that the Republic could be re-established by means of an honest Senate, which Senate was then to be kept alive by the constant infusion of new blood, accruing to it from the entrance of magistrates who had been chosen by the people. Tacitus tells us that it was with this object that Sulla had increased the number of Quæstors. Cicero's hopes — his futile hopes of what an honest Senate might be made to do — still ran high, although at the very time in which he was elected Quæstor he was aware that the judges, then elected from the Senate, were so corrupt that their judgment could not be trusted. Of this popular mode of filling the Senate he speaks afterward in his treatise De Legibus. "From those who have

acted as magistrates the Senate is composed — a measure altogether in the popular interest, as no one can now reach the highest rank" — namely, the Senate—"except by the votes of the people, all power of selecting having been taken away from the Censors." In his pleadings for P. Sextus he makes the same boast as to old times, not with absolute accuracy, as far as we can understand the old constitution, but with the same 116passionate ardor as to the body. "Romans, when they could no longer endure the rule of kings, created annual magistrates, but after such fashion that the Council of the Senate was set over the Republic for its guidance. Senators were chosen for that work by the entire people, and the entrance to that order was opened to the virtue and to the industry of the citizens at large." When defending Cluentius, he expatiates on the glorious privileges of the Roman Senate. "Its high place, its authority, its splendor at home, its name and fame abroad, the purple robe, the ivory chair, the appanage of office, the fasces, the army with its command, the government of the provinces!" On that splendor "apud exteras gentes," he expatiates in one of his attacks upon Verres. From all this will be seen Cicero's idea of the chamber into which he had made his way as soon as he had been chosen Quæstor.

In this matter, which was the pivot on which his whole life turned — the character, namely, of the Roman Senate — it cannot but be observed that he was wont to blow both hot and cold. It was his nature to do so, not from any aptitude for deceit, but because he was sanguine and vacillating — because he now aspired and now despaired. He blew hot and cold in regard to the Senate, because at times he would feel it to be what it was — composed, for the most part, of men who were time-serving and corrupt, willing to sell themselves for a price to any buyer; and then, again, at times he would think of the Senate as endowed with all those privileges which he names, and would dream that under his influence it would become what it should be — such a Senate as he believed it to have been in its old palmy days. His praise of the Senate, his description of what it should be and might be, I have given. 117To the other side of the picture we shall come soon, when I shall have to show how, at the trial of Verres, he declared before the judges themselves how terrible had been the corruption of the judgment-seat in Rome since, by

Sulla's enactment, it had been occupied only by the Senators. One passage I will give now, in order that the reader may see by the juxtaposition of the words that he could denounce the Senate as loudly as he would vaunt its privileges. In the column on the left hand in the note I quote the words with which, in the first pleading against Verres, he declared "that every base and iniquitous thing done on the judgment-seat during the ten years since the power of judging had been transferred to the Senate should be not only denounced by him, but also proved;" and in that on the right I will repeat the noble phrases which he afterward used in the speech for Cluentius when he chose to speak well of the order.

It was on the Senate that they who wished well for Rome must depend — on the Senate, chosen, refreshed, and replenished from among the people; on a body which should be at the same time august and popular — as far removed on the one side from the tyranny of individuals as on the other from the violence of the mob; but on a Senate freed from its corruption and dirt, on a body of noble Romans, fitted by their individual character and high rank to rule and to control their fellow-citizens. This was Cicero's idea, and this the state of things which he endeavored to achieve. No doubt he dreamed that his own eloquence and his own example might do more in producing this than is given to men to achieve by such 118means. No doubt there was conceit in this — conceit and perhaps, vanity. It has to be admitted that Cicero always exaggerated his own powers. But the ambition was great, the purpose noble, and the course of his whole life was such as to bring no disgrace on his aspirations. He did not thunder against the judges for taking bribes, and then plunder a province himself. He did not speak grandly of the duty of a patron to his clients, and then open his hands to illicit payments. He did not call upon the Senate for high duty, and then devote himself to luxury and pleasure. He had a *beau ideal* of the manner in which a Roman Senator should live and work, and he endeavored to work and live up to that ideal. There was no period after his Consulship in which he was not aware of his own failure. Nevertheless, with constant labor, but with intermittent struggles, he went on, till, at the end, in the last fiery year of his existence, he taught himself again to think that even yet there was a chance. How he struggled, and in struggling perished,

we shall see by-and-by.

What Cicero did as Quæstor in Sicily we have no means of knowing. His correspondence does not go back so far. That he was very active, and active for good, we have two testimonies, one of which is serious, convincing, and most important as an episode in his life. The other consists simply of a good story, told by himself of himself; not intended at all for his own glorification, but still carrying with it a certain weight. As to the first: Cicero was Quæstor in Lilybæum in the thirty-second year of his life. In the thirty-seventh year he was elected Ædile, and was then called upon by the Sicilians to attack Verres on their behalf. Verres was said to have carried off from Sicily plunder to the amount of nearly £400,000, 119after a misrule of three years' duration. All Sicily was ruined. Beyond its pecuniary losses, its sufferings had been excruciating; but not till the end had come of a Governor's proconsular authority could the almost hopeless chance of a criminal accusation against the tyrant be attempted. The tyrant would certainly have many friends in Rome. The injured provincials would probably have none of great mark. A man because he had been Quæstor was not, necessarily, one having influence, unless he belonged to some great family. This was not the case with Cicero. But he had made for himself such a character during his year of office that the Sicilians declared that, if they could trust themselves to any man at Rome, it would be to their former Quæstor. It had been a part of his duty to see that the proper supply of corn was collected in the island and sent to Rome. A great portion of the bread eaten in Rome was grown in Sicily, and much of it was supplied in the shape of a tax. It was the hateful practice of Rome to extract the means of living from her colonies, so as to spare her own laborers. To this, hard as it was, the Sicilians were well used. They knew the amount required of them by law, and were glad enough when they could be quit in payment of the dues which the law required; but they were seldom blessed by such moderation on the part of their rulers. To what extent this special tax could be stretched we shall see when we come to the details of the trial of Verres. It is no doubt only from Cicero's own words that we learn that, though he sent to Rome plenteous supplies, he was just to the dealer, liberal to the pawns, and forbearing to the allies generally; and that when he

took his departure they paid him honors hitherto unheard of. But I think we may take it for granted that this statement is true; firstly, because it has never been contradicted; and then from the fact that the Sicilians all came to him in the day of their distress.

120As to the little story to which I have alluded, it has been told so often since Cicero told it himself, that I am almost ashamed to repeat it. It is, however, too emblematic of the man, gives us too close an insight both into his determination to do his duty and to his pride — conceit, if you will — at having done it, to be omitted. In his speech for Plancius he tells us that by chance, coming direct from Sicily after his Quæstorship, he found himself at Puteoli just at the season when the fashion from Rome betook itself to that delightful resort. He was full of what he had done — how he had supplied Rome with corn, but had done so without injury to the Sicilians, how honestly he had dealt with the merchants, and had in truth won golden opinions on all sides — so much so that he thought that when he reached the city the citizens in a mob would be ready to receive him. Then at Puteoli he met two acquaintances. "Ah," says one to him, "when did you leave Rome? What news have you brought?" Cicero, drawing his head up, as we can see him, replied that he had just returned from his province. "Of course, just back from Africa," said the other. "Not so," said Cicero, bridling in anger—"stomachans fastidiose," as he describes it himself—"but from Sicily." Then the other lounger, a fellow who pretended to know everything, put in his word. "Do you not know that our Cicero has been Quæstor at Syracuse?" The reader will remember that he had been Quæstor in the other division of the island, at Lilybæum. "There was no use in thinking any more about it," says Cicero. "I gave up being angry and determined to be like any one else, just one at the waters." Yes, he had been very conceited, and well understood his own fault of character in that respect; but he would not have shown his conceit in that matter had he not resolved to do his duty in a manner uncommon then among Quæstors, and been conscious that he had done it.

121Perhaps there is no more certain way of judging a man than from his own words, if his real words be in our possession. In doing so, we are bound to remember how strong will be the bias of every man's mind in his own favor, and for that reason a judicious reader

will discount a man's praise of himself. But the reader, to get at the truth, if he be indeed judicious, will discount them after a fashion conformable with the nature of the man whose character he is investigating. A reader will not be judicious who imagines that what a man says of his own praises must be false, or that all which can be drawn from his own words in his own dispraise must be true. If a man praise himself for honor, probity, industry, and patriotism, he will at any rate show that these virtues are dear to him, unless the course of his life has proved him to be altogether a hypocrite in such utterances. It has not been presumed that Cicero was a hypocrite in these utterances. He was honest and industrious; he did appreciate honor and love his country. So much is acknowledged; and yet it is supposed that what good he has told us of himself is false. If a man doubt of himself constantly; if in his most private intercourse and closest familiar utterances he admit occasionally his own human weakness; if he find himself to have failed at certain moments, and says so, the very feelings that have produced such confessions are proof that the highest points which have not been attained have been seen and valued. A man will not sorrowfully regret that he has won only a second place, or a third, unless he be alive to the glory of the first. But Cicero's acknowledgments have all been taken as proof against himself. All manner of evil is argued against him from his own words, when an ill meaning can be attached to them; but when he speaks of his great aspirations, he is ridiculed for bombast and vanity. On the strength of some perhaps unconsidered expression, in a letter to Atticus, he is condemned for treachery, whereas the sentences in which he has thoughtfully declared the purposes of his very soul are counted as clap-traps.

122No one has been so frequently condemned out of his mouth as Cicero, and naturally. In these modern days we have contemporary records as to prominent persons. Of the characters of those who lived in long-past ages we generally fail to have any clear idea, because we lack those close chronicles which are necessary for the purpose. What insight have we into the personality of Alexander the Great, or what insight had Plutarch, who wrote about him? As to Samuel Johnson, we seem to know every turn of his mind, having had a Boswell. Alexander had no Boswell. But here is a man belonging to

those past ages of which I speak who was his own Boswell, and after such a fashion that, since letters were invented, no records have ever been written in language more clear or more attractive. It is natural that we should judge out of his own mouth one who left so many more words behind him than did any one else, particularly one who left words so pleasant to read. And all that he wrote was after some fashion about himself. His letters, like all letters, are personal to himself. His speeches are words coming out of his own mouth about affairs in which he was personally engaged and interested. His rhetoric consists of lessons given by himself about his own art, founded on his own experience, and on his own observation of others. His so-called philosophy gives us the workings of his own mind. No one has ever told the world so much about another person as Cicero has told the world about Cicero. Boswell pales before him as a chronicler of minutiæ. It may be a matter of small interest now to the bulk of readers to be intimately acquainted with a Roman who was never one of the world's conquerors. It may be well for those who desire to know simply the facts of the world's history, to dismiss as unnecessary the aspirations of one who lived so long ago. But if it be worth while to discuss the man's character, it must be worth while to learn the truth about it.

"Oh that mine adversary had written a book!" Who does 123not understand the truth of these words! It is always out of a man's mouth that you may most surely condemn him. Cicero wrote many books, and all about himself. He has been honored very highly. Middleton, in the preface to his own biography, which, with all its charms, has become a bye-word for eulogy quotes the opinion of Erasmus, who tells us that he loves the writings of the man "not only for the divine felicity of his style, but for the sanctity of his heart and morals." This was the effect left on the mind of an accurate thinker and most just man. But then also has Cicero been spoken of with the bitterest scorn. From Dio Cassius, who wrote two hundred and twenty years after Christ, down to Mr. Froude, whose Cæsar has just been published, he has had such hard things said of him by men who have judged him out of his own mouth, that the reader does not know how to reconcile what he now reads with the opinion of men of letters who lived and wrote in the century next after his death — with

the testimony of such a man as Erasmus, and with the hearty praises of his biographer, Middleton. The sanctity of his heart and morals! It was thus that Erasmus was struck in reading his works. It is a feeling of that kind, I profess, that has induced me to take this work in hand — a feeling produced altogether by the study of his own words. It has seemed to be that he has loved men so well, has been so anxious for the true, has been so capable of honesty when dishonesty was common among all around him, has been so jealous in the cause of good government, has been so hopeful when there has been but little ground for hope, as to have deserved a reputation for sanctity of heart and morals.

Of the speeches made by Cicero as advocate after his Quæstorship, and before those made in the accusation of Verres, we have the fragment only of the second of two spoken in defence of Marcus Tullius Decula, whom we may suppose to have been distantly connected with his family. He does not avow any relationship. "What," he says, in opening his argument, 124"does it become me, a Tullius, to do for this other Tullius, a man not only my friend, but my namesake?" It was a matter of no great importance, as it was addressed to judges not so called, but to "recuperatores," judges chosen by the Prætor, and who acted in lighter cases.

5

CHAPTER VI.

VERRES.

There are six episodes, or, as I may say, divisions in the life of Cicero to which special interest attaches itself. The first is the accusation against Verres, in which he drove the miscreant howling out of the city. The second is his Consulship, in which he drove Catiline out of the city, and caused certain other conspirators who were joined with the arch rebel to be killed, either legally or illegally. The third was his exile, in which he himself was driven out of Rome. The fourth was a driving out, too, though of a more honorable kind, when he was compelled, much against his will, to undertake the government of a province. The fifth was Cæsar's passing of the Rubicon, the battle of Pharsalia, and his subsequent adherence to Cæsar. The last was his internecine combat with Antony, which produced the Philippics, and that memorable series of letters in which he strove to stir into flames the expiring embers of the Republic. The literary work with which we are acquainted is spread, but spread very unequally, over his whole life. I have already told the story of Sextus Roscius Amerinus, having taken it from his own words. From that time onward he wrote continually; but the fervid stream of his eloquence came forth from him with unrivalled rapidity in the twenty last miserable months of his life.

We have now come to the first of those episodes, and I have to tell the way in which Cicero struggled with Verres, and how he conquered him. In 74 b.c. Verres was Prætor in Rome. At that period of the Republic there were eight Prætors elected 126annually, two of whom remained in the city, whereas the others were employed abroad, generally with the armies of the Empire. In the next year, 73 b.c., Verres went in due course to Sicily with proconsular or proprætorial authority, having the government assigned to him for twelve months. This was usual and constitutional, but it was not unusual, even if unconstitutional, that this period should be prolonged. In the case of Verres it was prolonged, so that he should hold the office for three years. He had gone through the other offices

of the State, having been Quæstor in Asia and Ædile afterward in Rome, to the great misfortune of all who were subjected to his handling, as we shall learn by-and-by. The facts are mentioned here to show that the great offices of the Republic were open to such a man as Verres. They were in fact more open to such a candidate than they would be to one less iniquitous — to an honest man or a scrupulous one, or to one partially honest, or not altogether unscrupulous. If you send a dog into a wood to get truffles, you will endeavor to find one that will tear up as many truffles as possible. A proconsular robber did not rob only for himself; he robbed more or less for all Rome. Verres boasted that with his three years of rule he could bring enough home to bribe all the judges, secure all the best advocates, and live in splendid opulence for the rest of his life. What a dog he was to send into a wood for truffles!

To such a condition as this had Rome fallen when the deputies from Sicily came to complain of their late governor, and to obtain the services of Cicero in seeking for whatever reparation might be possible. Verres had carried on his plunder during the years 73, 72, 71 b.c. During this time Cicero had been engaged sedulously as an advocate in Rome. We know the names of some of the cases in which he was engaged — those, for instance, for Publius Oppius, who, having been Quæstor in Bithynia, was accused by his Proconsul of having endeavored to rob the soldiers of their dues. We are told that the poor province suffered greatly under these two officers, who 127were always quarrelling as to a division of their plunder. In this case the senior officer accused the younger, and the younger, by Cicero's aid, was acquitted. Quintilian more than once refers to the speech made for Oppius. Cicero also defended Varenus, who was charged with having murdered his brother, and one Caius Mustius, of whom we only know that he was a farmer of taxes. He was advocate also for Sthenius, a Sicilian, who was accused before the Tribunes by Verres. We shall hear of Sthenius again among the victims in Sicily. The special charge in this case was that, having been condemned by Verres as Prætor in Sicily, he had run away to Rome, which was illegal. He was, however, acquitted. Of these speeches we have only some short fragments, which have been quoted by authors whose works have come down to us, such as Quintilian; by which we know,

at any rate, that Cicero's writings had been so far carefully preserved, and that they were commonly read in those days. I will translate here the concluding words of a short paper written by M. du Rozoir in reference to Cicero's life at this period: "The assiduity of our orator at the bar had obtained for him a high degree of favor among the people, because they had seen how strictly he had observed that Cincian law which forbade advocates to take either money or presents for then pleadings — which law, however, the advocates of the day generally did not scruple to neglect." It is a good thing to be honest when honesty is in vogue; but to be honest when honesty is out of fashion is magnificent.

In the affair with Verres, there are two matters to interest the reader — indeed, to instruct the reader — if the story were sufficiently well told. The iniquity of Verres is the first — which is of so extravagant a nature as to become farcical by the absurdity of the extent to which he was not afraid to go 128in the furtherance of his avarice and lust. As the victims suffered two thousand years ago, we can allow ourselves to be amused by the inexhaustible fertility of the man's resources and the singular iniquity of his schemes. Then we are brought face to face with the barefaced corruption of the Roman judges — a corruption which, however, became a regular trade, if not ennobled, made, at any rate, aristocratic by the birth, wealth high names, and senatorial rank of the robbers. Sulla, for certain State purposes — which consisted in the maintenance of the oligarchy — had transferred the privileges of sitting on the judgment-seat from the Equites, or Knights, to the Senators. From among the latter a considerable number — thirty, perhaps, or forty, or even fifty — were appointed to sit with the Prætor to hear criminal cases of importance, and by their votes, which were recorded on tablets, the accused person was acquitted or condemned. To be acquitted by the most profuse corruption entailed no disgrace on him who was tried, and often but little on the judges who tried him. In Cicero's time the practice, with all its chances, had come to be well understood. The Provincial Governors, with their Quæstors and lieutenants, were chosen from the high aristocracy, which also supplied the judges. The judges themselves had been employed, or hoped to be employed, in similar lucrative service. The leading advocates belonged to the

same class. If the proconsular thief, when he had made his bag, would divide the spoil with some semblance of equity among his brethren, nothing could be more convenient. The provinces were so large, and the Greek spirit of commercial enterprise which prevailed in them so lively, that there was room for plunder ample, at any rate, for a generation or two. The Republic boasted that, in its love of pure justice, it had provided by certain laws for the protection of its allied subjects against any possible faults of administration on the part of its own officers. If any injury were done to a province, or a city, or even to an individual, the province, or city, or individual could bring its grievance to the ivory chair 129of the Prætor in Rome and demand redress; and there had been cases not a few in which a delinquent officer had been condemned to banishment. Much, indeed, was necessary before the scheme as it was found to exist by Verres could work itself into perfection. Verres felt that in his time everything had been done for security as well as splendor. He would have all the great officers of State on his side. The Sicilians, if he could manage the case as he thought it might be managed, would not have a leg to stand upon. There was many a trick within his power before they could succeed in making good even their standing before the Prætor. It was in this condition of things that Cicero bethought himself that he might at one blow break through the corruption of the judgment-seat, and this he determined to do by subjecting the judges to the light of public opinion. If Verres could be tried under a bushel, as it were, in the dark, as many others had been tried, so that little or nothing should be said about the trial in the city at large, then there would be no danger for the judges. It could only be by shaming them, by making them understand that Rome would become too hot to hold them, that they could be brought to give a verdict against the accused. This it was that Cicero determined to effect, and did effect. And we see throughout the whole pleadings that he was concerned in the matter not only for the Sicilians, or against Verres. Could something be done for the sake of Rome, for the sake of the Republic, to redeem the courts of justice from the obloquy which was attached to them? Might it be possible for a man so to address himself not only to the judgment-seat, but to all Rome, as to do away with this iniquity once and forever? Could he so fill the minds of the

citizens generally with horror at such proceedings as to make them earnest in demanding reform? Hortensius, the great advocate of the day, was not only engaged on behalf of Verres, but he was already chosen as Consul for the next year. Metellus, who was elected Prætor for the next year, was hot in 130defence of Verres. Indeed, there were three Metelluses among the friends of the accused, who had also on his side the Scipio of the day. The aristocracy of Rome was altogether on the side of Verres, as was natural. But if Cicero might succeed at all in this which he meditated, the very greatness of his opponents would help him. When it was known that he was to be pitted against Hortensius as an advocate, and that he intended to defy Hortensius as the coming Consul, then surely Rome would be awake to the occasion; and if Rome could be made to awake herself, then would this beautiful scheme of wealth from provincial plunder be brought to an end.

I will first speak of the work of the judges, and of the attempts made to hinder Cicero in the business he had undertaken. Then I will endeavor to tell something of the story of Verres and his doings. The subject divides itself naturally in this way. There are extant seven so-called orations about Verres, of which the two first apply to the manner in which the case should be brought before the courts. These two were really spoken, and were so effective that Verres — or probably Hortensius, on his behalf — was frightened into silence. Verres pleaded guilty, as we should say, which, in accordance with the usages of the court, he was enabled to do by retiring and going into voluntary banishment. This he did, sooner than stand his ground and listen to the narration of his iniquities as it would be given by Cicero in the full speech — the "perpetua oratio" — which would follow the examination of the witnesses. What the orator said before the examination of the witnesses was very short. He had to husband his time, as it was a part of the grand scheme of Hortensius to get adjournment after adjournment because of certain sacred rites and games, during the celebration of which the courts could not sit. All this was arranged for in the scheme; but Cicero, in order that he might baffle the schemers, got through his preliminary work as quickly as possible, saying all that he had to say about the manner of the trial, about the judges, about the scheme, but dilating 131very

little on the iniquities of the criminal. But having thus succeeded, having gained his cause in a great measure by the unexpected quickness of his operations, then he told his story. Then was made that "perpetua oratio" by which we have learned the extent to which a Roman governor could go on desolating a people who were intrusted to his protection. This full narration is divided into five parts, each devoted to a separate class of iniquity. These were never spoken, though they appear in the form of speeches. They would have been spoken, if required, in answer to the defence made by Hortensius on behalf of Verres after the hearing of the evidence. But the defence broke down altogether, in the fashion thus described by Cicero himself. "In that one hour in which I spoke" — this was the speech which we designate as the Actio Prima contra Verrem, the first pleading made against Verres, to which we shall come just now —"I took away all hope of bribing the judges from the accused — from this brazen-faced, rich, dissolute, and abandoned man. On the first day of the trial, on the mere calling of the names of the witnesses, the people of Rome were able to perceive that if this criminal were absolved, then there could be no chance for the Republic. On the second day his friends and advocates had not only lost all hope of gaining their cause, but all relish for going on with it. The third day so paralyzed the man himself that he had to bethink himself not what sort of reply he could make, but how he could escape the necessity of replying by pretending to be ill." It was in this way that the trial was brought to an end.

But we must go back to the beginning. When an accusation was to be made against some great Roman of the day on account of illegal public misdoings, as was to be made now against Verres, the conduct of the case, which would require probably great labor and expense, and would give scope for the display of oratorical excellence, was regarded as a task in 132which a young aspirant to public favor might obtain honor and by which he might make himself known to the people. It had, therefore, come to pass that there might be two or more accusers anxious to undertake the work, and to show themselves off as solicitous on behalf of injured innocence, or desirous of laboring in the service of the Republic. When this was the case, a court of judges was called upon to decide whether this

man or that other was most fit to perform the work in hand. Such a trial was called "Divinatio," because the judges had to get their lights in the matter as best they could without the assistance of witnesses — by some process of divination — with the aid of the gods, as it might be. Cicero's first speech in the matter of Verres is called In Quintum Cæcilium Divinatio, because one Cæcilius came forward to take the case away from him. Here was a part of the scheme laid by Hortensius. To deal with Cicero in such a matter would no doubt be awkward. His purpose, his diligence, his skill, his eloquence, his honesty were known. There must be a trial. So much was acknowledged; but if the conduct of it could be relegated to a man who was dishonest, or who had no skill, no fitness, no special desire for success, then the little scheme could be carried through in that way. So Cæcilius was put forward as Cicero's competitor, and our first speech is that made by Cicero to prove his own superiority to that of his rival.

Whether Cæcilius was or was not hired to break down in his assumed duty as accuser, we do not know. The biographers have agreed to say that such was the case, grounding their assertion, no doubt, on extreme probability. But I doubt whether there is any evidence as to this. Cicero himself brings this accusation, but not in that direct manner which he would have used had he been able to prove it. The Sicilians, 133at any rate, said that it was so. As to the incompetency of the man, there was probably no doubt, and it might be quite as serviceable to have an incompetent as a dishonest accuser. Cæcilius himself had declared that no one could be so fit as himself for the work. He knew Sicily well, having been born there. He had been Quæstor there with Verres, and had been able to watch the governor's doings. No doubt there was — or had been in more pious days — a feeling that a Quæstor should never turn against the Proconsul under whom he had served, and to whom he had held the position almost of a son. But there was less of that feeling now than heretofore. Verres had quarrelled with his Quæstor. Oppius was called on to defend himself against the Proconsul with whom he had served. No one could know the doings of the governor of a province as well as his own Quæstor; and, therefore, so said Cæcilius, he would be the preferable accuser. As to his hatred of the man, there

could be no doubt as to that. Everybody knew that they had quarrelled. The purpose, no doubt, was to give some colorable excuse to the judges for rescuing Verres, the great paymaster, from the fangs of Cicero.

Cicero's speech on the occasion — which, as speeches went in those days, was very short — is a model of sagacity and courage. He had to plead his own fitness, the unfitness of his adversary, and the wishes in the matter of the Sicilians. This had to be done with no halting phrases. It was not simply his object to convince a body of honest men that, with the view of getting at the truth, he would be the better advocate of the two. We may imagine that there was not a judge there, not a Roman present, who was not well aware of that before the orator began. It was needed that the absurdity of the comparison between them should be declared so loudly 134that the judges would not dare to betray the Sicilians, and to liberate the accused, by choosing the incompetent man. When Cicero rose to speak, there was probably not one of them of his own party, not a Consul, a Prætor, an Ædile, or a Quæstor, not a judge, not a Senator, not a hanger-on about the courts, but was anxious that Verres with his plunder should escape. Their hope of living upon the wealth of the provinces hung upon it. But if he could speak winged words — words that should fly all over Rome, that might fly also among subject nations — then would the judges not dare to carry out this portion of the scheme.

"When," he says, "I had served as Quæstor in Sicily, and had left the province after such a fashion that all the Sicilians had a grateful memory of my authority there, though they had older friends on whom they relied much, they felt that I might be a bulwark to them in their need. These Sicilians, harassed and robbed, have now come to me in public bodies, and have implored me to undertake their defence. 'The time has come,' they say, 'not that I should look after the interest of this or that man, but that I should protect the very life and well-being of the whole province.' I am inclined by my sense of duty, by the faith which I owe them, by my pity for them, by the example of all good Romans before me, by the custom of the Republic, by the old constitution, to undertake this task, not as pertaining to my own interests, but to those of my close friends."

That was his own reason for undertaking the case. Then he reminds the judges of what the Roman people wished — the people who had felt with dismay the injury inflicted upon them by Sulla's withdrawal of all power from the Tribunes, and by the putting the whole authority of the bench into the hands of the Senators. "The Roman people, much as they have been made to suffer, regret nothing of that they have lost so much as the strength and majesty of the old 135judges. It is with the desire of having them back that they demand for the Tribunes their former power. It is this misconduct of the present judges that has caused them to ask for another class of men for the judgment-seat. By the fault and to the shame of the judges of to-day, the Censor's authority, which has hitherto always been regarded as odious and stern, even that is now requested by the people." Then he goes on to show that, if justice is intended, this case will be put into the hands of him whom the Sicilians have themselves chosen. Had the Sicilians said that they were unwilling to trust their affairs to Cæcilius because they had not known him, but were willing to trust him, Cicero, whom they did know, would not even that have been reasonable enough of itself? But the Sicilians had known both of them, had known Cæcilius almost as well as Cicero, and had expressed themselves clearly. Much as they desired to have Cicero, they were as anxious not to have Cæcilius. Even had they held their tongues about this, everybody would have known it; but they had been far from holding their tongues. "Yet you offer yourself to these most unwilling clients," he says, turning to Cæcilius. "Yet you are ready to plead in a cause that does not belong to you! Yet you would defend those who would rather have no defender than such a one as you!" Then he attacks Hortensius, the advocate for Verres. "Let him not think that, if I am to be employed here, the judges can be bribed without infinite danger to all concerned. In undertaking this cause of the Sicilians, I undertake also the cause of the people of Rome at large. It is not only that one wretched sinner should be crushed, which is what the Sicilians want, but that this terrible injustice should be stopped altogether, in compliance with the wishes of the people." When we remember how this was spoken, in the presence of those very judges, in the presence of Hortensius himself, in reliance only on the public opinion which he was to 136create by his own words,

we cannot but acknowledge that it is very fine.

After that he again turns upon Cæcilius. “Learn from me,” he says, “how many things are expected from him who undertakes the accusation of another. If there be one of those qualities in you, I will give up to you all that you ask.” Cæcilius was probably even now in alliance with Verres. He himself, when Quæstor, had robbed the people in the collection of the corn dues, and was unable therefore to include that matter in his accusation. “You can bring no charge against him on this head, lest it be seen that you were a partner with him in the business.” He ridicules him as to his personal insufficiency. “What, Cæcilius! as to those practices of the profession without which an action such as this cannot be carried on, do you think that there is nothing in them? Need there be no skill in the business, no habit of speaking, no familiarity with the Forum, with the judgment-seats, and the laws?” “I know well how difficult the ground is. Let me advise you to look into yourself, and to see whether you are able to do that kind of thing. Have you got voice for it, prudence, memory, wit? Are you able to expose the life of Verres, as it must be done, to divide it into parts and make everything clear? In doing all this, though nature should have assisted you” — as it has not at all, is of course implied—”if from your earliest childhood you had been imbued with letters; if you had learned Greek at Athens instead of at Lilybæum — Latin in Rome instead of in Sicily — still would it not be a task beyond your strength to undertake such a case, so widely thought of, to complete it by your industry, and then to grasp it in your memory; to make it plain by your eloquence, and to support it with voice and strength sufficient? ‘Have I these gifts,’ you will ask. Would that I had! But from my childhood I have done all that I could to attain them.”

137Cicero makes his points so well that I would fain go through the whole speech, were it not that a similar reason might induce me to give abridgments of all his speeches. It may not be that the readers of these orations will always sympathize with the orator in the matter which he has in hand — though his power over words is so great as to carry the reader with him very generally, even at this distance of time — but the neatness with which the weapon is used, the effectiveness of the thrust for the purpose intended, the certainty with

which the nail is hit on the head — never with an expenditure of unnecessary force, but always with the exact strength wanted for the purpose — these are the characteristics of Cicero's speeches which carry the reader on with a delight which he will want to share with others, as a man when he has heard a good story instantly wishes to tell it again. And with Cicero we are charmed by the modernness, by the tone of to-day, which his language takes. The rapid way in which he runs from scorn to pity, from pity to anger, from anger to public zeal, and then instantly to irony and ridicule, implies a lightness of touch which, not unreasonably, surprises us as having endured for so many hundred years. That poetry should remain to us, even lines so vapid as some of those in which Ovid sung of love, seems to be more natural, because verses, though they be light, must have been labored. But these words spoken by Cicero seem almost to ring in our ears as having come to us direct from a man's lips. We see the anger gathering on the brow of Hortensius, followed by a look of acknowledged defeat. We see the startled attention of the judges as they began to feel that in this case they must depart from their intended purpose. We can understand how Cæcilius cowered, and found consolation in being relieved from his task. We can fancy how Verres suffered — Verres whom no shame could have touched — when all his bribes were becoming inefficient under the hands of the orator.

Cicero was chosen for the task, and then the real work began. 138The work as he did it was certainly beyond the strength of any ordinary advocate. It was necessary that he should proceed to Sicily to obtain the evidence which was to be collected over the whole island. He must rate up, too, all the previous details of the life of this robber. He must be thoroughly prepared to meet the schemers on every point. He asked for a hundred and ten days for the purpose of getting up his case, but he took only fifty. We must imagine that, as he became more thoroughly versed in the intrigues of his adversaries, new lights came upon him. Were he to use the whole time allotted to him, or even half the time, and then make such an exposition of the criminal as he would delight to do were he to indulge himself with that "perpetua oratio" of which we hear, then the trial would be protracted till the coming of certain public games, during which the

courts would not sit. There seem to have been three sets of games in his way — a special set for this year, to be given by Pompey, which were to last fifteen days; then the Ludi Romani, which were continued for nine days. Soon after that would come the games in honor of Victory — so soon that an adjournment over them would be obtained as a matter of course. In this way the trial would be thrown over into the next year, when Hortensius and one Metellus would be Consuls, and another Metellus would be the Prætor, controlling the judgment-seats. Glabrio was the Prætor for this present year. In Glabrio Cicero could put some trust. With Hortensius and the two Metelluses in power, Verres would be as good as acquitted. Cicero, therefore, had to be on the alert, so that in this unexpected way, by sacrificing his own grand opportunity for a speech, he might conquer the schemers. We hear how he went to Sicily in a little boat from an unknown port, so as to escape the dangers contrived for him by the friends of Verres. 139If it could be arranged that the clever advocate should be kidnapped by a pirate, what a pleasant way would that be of putting an end to these abominable reforms! Let them get rid of Cicero, if only for a time, and the plunder might still be divided. Against all this he had to provide. When in Sicily he travelled sometimes on foot, for the sake of caution — never with the retinue to which he was entitled as a Roman senator. As a Roman senator he might have demanded free entertainment at any town he entered, at great cost to the town. But from all this he abstained, and hurried back to Rome with his evidence so quickly that he was able to produce it before the judges, so as to save the adjournments which he feared.

Verres retired from the trial, pleading guilty, after hearing the evidence. Of the witnesses and of the manner in which they told the story, we have no account. The second speech which we have — the Divinatio, or speech against Cæcilius, having been the first — is called the Actio Prima contra Verrem—"the first process against Verres." This is almost entirely confined to an exhortation to the judges. Cicero had made up his mind to make no speech about Verres till after the trial should be over. There would not be the requisite time. The evidence he must bring forward. And he would so appall these corrupt judges that they should not dare to acquit the

accused. This Actio Prima contains the words in which he did appall the judges. As we read them, we pity the judges. There were fourteen, whose names we know. That there may have been many more is probable. There was the Prætor Urbanus of the day, Glabrio. With him were Metellus, one of the Prætors for the next year, and Cæsonius, who, with Cicero himself, was Ædile designate. There were three Tribunes of 140the people and two military Tribunes. There was a Servilius, a Catulus, a Marcellus. Whom among these he suspected we can hardly say. Certainly he suspected Metellus. To Servilius he paid an ornate compliment in one of the written orations published after the trial was over, from whence we may suppose that he was well inclined toward him. Of Glabrio he spoke well. The body, as a body, was of such a nature that he found it necessary to appall them. It is thus that he begins: "Not by human wisdom, O ye judges, but by chance, and by the aid, as it were, of the gods themselves, an event has come to pass by which the hatred now felt for your order, and the infamy attached to the judgment seat, may be appeased; for an opinion has gone abroad, disgraceful to the Republic, full of danger to yourselves — which is in the mouths of all men not only here in Rome but through all nations — that by these courts as they are now constituted, a man, if he be only rich enough, will never be condemned, though he be ever so guilty." What an exordium with which to begin a forensic pleading before a bench of judges composed of Prætors, Ædiles, and coming Consuls! And this at a time, too, when men's minds were still full of Sulla's power; when some were thinking that they too might be Sullas; while the idea was still strong that a few nobles ought to rule the Roman Empire for their own advantage and their own luxury! What words to address to a Metellus, a Catulus, and a Marcellus! I have brought before you such a wretch, he goes on to say, that by a just judgment upon him you can recover your favor with the people of Rome, and your credit with other nations. "This is a trial in which you, indeed, will have to judge this man who is accused, but in which also the Roman people will have to judge you. By what is done to him will be determined whether a man who is guilty, and at the same time rich, can possibly be condemned in Rome. If the matter goes amiss here, all men will declare, 141not that better men should be selected out of

your order, which would be impossible, but that another order of citizens must be named from which to select the judges." This short speech was made. The witnesses were examined during nine days; then Hortensius, with hardly a struggle at a reply, gave way, and Verres stood condemned by his own verdict.

When the trial was over, and Verres had consented to go into exile, and to pay whatever fine was demanded, the "perpetua oratio" which Cicero thought good to make on the matter was published to the world. It is written as though it was to have been spoken, with counterfeit tricks of oratory — with some tricks so well done in the first part of it as to have made one think that, when these special words were prepared, he must have intended to speak them. It has been agreed, however, that such was not the case. It consists of a narration of the villainies of Verres, and is divided into what have been called five different speeches, to which the following appellations are given: De Prætura Urbana, in which we are told what Verres did when he was city Prætor, and very many things also which he did before he came to that office, De Jurisdictione Siciliensi, in which is described his conduct as a Roman magistrate on the island; De Re Frumentaria, setting forth the abomination of his exactions in regard to the corn tax; De Signis, detailing the robberies he perpetuated in regard to statues and other ornaments; and De Suppliciis, giving an account of the murders he committed and the tortures he inflicted. A question is sometimes mooted in conversation whether or no the general happiness of the world has been improved by increasing civilization When the reader finds from these stories, as told by a leading Roman of the day, how men were treated under the Roman oligarchy — not only Greek allies but Romans also — I think he will be inclined to answer the question in favour of civilization.

142I can only give a few of the many little histories which have been preserved for us in this Actio Secunda; but perhaps these few may suffice to show how a great Roman officer could demean himself in his government. Of the doings of Verres before he went to Sicily I will select two. It became his duty on one occasion — a job which he seems to have sought for purpose of rapine — to go to Lampsacus, a town in Asia, as lieutenant, or legate, for Dolabella,

who then had command in Asia. Lampsacus was on the Hellespont, an allied town of specially good repute. Here he is put up as a guest, with all the honors of a Roman officer, at the house of a citizen named Janitor. But he heard that another citizen, one Philodamus, had a beautiful daughter — an article with which we must suppose that Janitor was not equally well supplied. Verres, determined to get at the lady, orders that his creature Rubrius shall be quartered at the house of Philodamus. Philodamus, who from his rank was entitled to be burdened only with the presence of leading Romans, grumbles at this; but, having grumbled, consents, and having consented, does the best to make his house comfortable. He gives a great supper, at which the Romans eat and drink, and purposely create a tumult. Verres, we understand, was not there. The intention is that the girl shall be carried away and brought to him. In the middle of their cups the father is desired to produce his daughter; but this he refuses to do. Rubrius then orders the doors to be closed, and proceeds to ransack the house. Philodamus, who will not stand this, fetches his son, and calls his fellow-citizens around him. Rubrius succeeds in pouring boiling water over his host, but in the row the Romans get the worst of it. At last one of Verres's lictors — absolutely a Roman lictor — is killed, and the woman is not carried off. The man at least bore the outward signs of a lictor, but, according to Cicero, was in the pay of Verres as his pimp.

So far Verres fails; and the reader, rejoicing at the courage of the father who could protect his own house even against 143Romans, begins to feel some surprise that this case should have been selected. So far the lieutenant had not done the mischief he had intended, but he soon avenges his failure. He induces Dolabella, his chief, to have Philodamus and his son carried off to Laodicea, and there tried before Nero, the then Proconsul, for killing the sham lictor. They are tried at Laodicea before Nero, Verres himself sitting as one of the judges, and are condemned. Then in the market place of the town, in the presence of each other, the father and son are beheaded — a thing, as Cicero says, very sad for all Asia to behold. All this had been done some years ago; and, nevertheless, Verres had been chosen Prætor, and sent to Sicily to govern the Sicilians.

When Verres was Prætor at Rome — the year before he was sent

to Sicily — it became his duty, or rather privilege, as he found it, to see that a certain temple of Castor in the city was given up in proper condition by the executors of a defunct citizen who had taken a contract for keeping it in repair. This man, whose name had been Junius, left a son, who was a Junius also under age, with a large fortune in charge of various trustees, tutors, as they were called, whose duty it was to protect the heir's interests. Verres, knowing of old that no property was so easily preyed on as that of a minor, sees at once that something may be done with the temple of Castor. The heir took oath, and to the extent of his property he was bound to keep the edifice in good repair. But Verres, when he made an inspection, finds everything to be in more than usually good order. There is not a scratch on the roof of which he can make use. Nothing has been allowed to go astray. Then "one of his dogs" — for he had boasted to his friend Ligur that he always went about with dogs to search out his game for him — suggested that some of the columns were out of the perpendicular. Verres does not know what this means; but the dog explains. All columns are, in fact, by strict measurement, more or less out of the perpendicular, as we are told that all eyes squint a little, though we do not see that they squint. 144But as columns ought to be perpendicular, here was a matter on which he might go to work. He does go to work. The trustees knowing their man — knowing also that in the present condition of Rome it was impossible to escape from an unjust Prætor without paying largely — went to his mistress and endeavored to settle the matter with her. Here we have an amusing picture of the way in which the affairs of the city were carried on in that lady's establishment; how she had her levee, took her bribes, and drove a lucrative trade. Doing, however, no good with her, the trustees settled with an agent to pay Verres two hundred thousand sesterces to drop the affair. This was something under £2000. But Verres repudiated the arrangement with scorn. He could do much better than that with such a temple and such a minor. He puts the repairs up to auction; and refusing a bid from the trustees themselves — the very persons who are the most interested in getting the work done, if there were work to do — has it knocked down to himself for five hundred and sixty thousand sesterces, or about £5000. Then we are told how he had the pretended work done by the

putting up of a rough crane. No real work is done, no new stones are brought, no money is spent. That is the way in which Verres filled his office as Prætor Urbanus; but it does not seem that any public notice is taken of his iniquities as long as he confined himself to little jobs such as this.

Then we come to the affairs of Sicily — and the long list of robberies is commenced by which that province was made desolate. It seems that nothing gave so grand a scope to the greed of a public functionary who was at the same time governor and judge as disputed wills. It was not necessary that any of the persons concerned should dispute the will among 145them. Given the facts that a man had died and left property behind him, then Verres would find means to drag the heir into court, and either frighten him into payment of a bribe or else rob him of his inheritance. Before he left Rome for the province he heard that a large fortune had been left to one Dio on condition that he should put up certain statues in the market-place. It was not uncommon for a man to desire the reputation of adorning his own city, but to choose that the expense should be borne by his heir rather than by himself. Failing to put up the statues, the heir was required to pay a fine to Venus Erycina — to enrich, that is, the worship of that goddess, who had a favorite temple under Mount Eryx. The statues had been duly erected. But, nevertheless, here there was an opening. So Verres goes to work, and in the name of Venus brings an action against Dio. The verdict is given, not in favor of Venus but in favor of Verres.

This manner of paying honor to the gods, and especially to Venus, was common in Sicily. Two sons received a fortune from their father, with a condition that, if some special thing were not done, a fine should be paid to Venus. The man had been dead twenty years ago. But "the dogs" which the Prætor kept were very sharp, and, distant as was the time, found out the clause. Action is taken against the two sons, who indeed gain their case; but they gain it by a bribe so enormous that they are ruined men. There was one Heraclius, the son of Hiero, a nobleman of Syracuse, who received a legacy amounting to 3,000,000 sesterces — we will say £24,000 — from a relative, also a Heraclius. He had, too, a house full of handsome silver plate, silk and hangings, and valuable slaves. A man, "Dives equom, dives

pictai vestis et auri." Verres heard, of course. He had by this time taken some Sicilian dogs into his service, men of Syracuse, and had learned from 146them that there was a clause in the will of the elder Heraclius that certain statues should be put up in the gymnasium of the city. They undertake to bring forward servants of the gymnasium who should say that the statues were never properly erected. Cicero tells us how Verres went to work, now in this court, now in that, breaking all the laws as to Sicilian jurisdiction, but still proceeding under the pretence of law, till he got everything out of the wretch — not only all the legacies from Heraclius, but every shilling, and every article left to the man by his father. There is a pretence of giving some of the money to the town of Syracuse; but for himself he takes all the valuables, the Corinthian vases, the purple hangings, what slaves he chooses. Then everything else is sold by auction. How he divided the spoil with the Syracusans, and then quarrelled with them, and how he lied as to the share taken by himself, will all be found in Cicero's narrative. Heraclius was of course ruined. For the stories of Epicrates and Sopater I must refer the reader to the oration. In that of Sopater there is the peculiarity that Verres managed to get paid by everybody all round.

The story of Sthenius is so interesting that I cannot pass it by. Sthenius was a man of wealth and high standing, living at Therma in Sicily, with whom Verres often took up his abode; for, as governor, he travelled much about the island, always in pursuit of plunder. Sthenius had had his house full of beautiful things. Of all these Verres possessed himself — some by begging, some by demanding, and some by absolute robbery. Sthenius, grieved as he was to find himself pillaged, bore all this. The man was Roman Prætor, and injuries such as these had to be endured. At Therma, however, in the public place of the city, there were some beautiful statues. For these Verres longed, and desired his host to get them for him. Sthenius declared that this was impossible. The statues had, under peculiar circumstances, been recovered by Scipio Africanus from Carthage, and been restored by the Roman General 147to the Sicilians, from whom they had been taken, and had been erected at Therma. There was a peculiarly beautiful figure of Stesichorus, the poet, as an old man bent double, with a book in his hand — a very glorious work of

art; and there was a goat — in bronze probably — as to which Cicero is at the pains of telling us that even he, unskilled as he was in such matters, could see its charms. No one had sharper eyes for such pretty ornaments than Cicero, or a more decided taste for them. But as Hortensius, his rival and opponent in this case, had taken a marble sphinx from Verres, he thought it expedient to show how superior he was to such matters. There was probably something of joke in this, as his predilections would no doubt be known to those he was addressing.

In the matter Sthenius was incorruptible, and not even the Prætor could carry them away without his aid. Cicero, who is very warm in praise of Sthenius, declares that "here at last Verres had found one town, the only one in the world, from which he was unable to carry away something of the public property by force, or stealth, or open command, or favor." The governor was so disgusted with this that he abandoned Sthenius, leaving the house which he had plundered of everything, and betook himself to that of one Agathinus, who had a beautiful daughter, Callidama, who, with her husband, Dorotheus, lived with her father They were enemies of Sthenius, and we are given to understand that Verres ingratiated himself with them partly for the sake of Callidama, who seems very quickly to have been given up to him, and partly that he might instigate them to bring actions against Sthenius. This is done with great success; so that Sthenius is forced to run away, and betake himself, winter as it was, across the seas to Rome. It has already been told that when he was at Rome 148an action was brought against him by Verres for having run away when he was under judgment, in which Cicero defended him, and in which he was acquitted. In the teeth of his acquittal, Verres persecuted the man by every form of law which came to his hands as Prætor, but always in opposition to the law. There is an audacity about the man's proceedings, in his open contempt of the laws which it was his special duty to carry out, making us feel how confident he was that he could carry everything before him in Rome by means of his money. By robbery and concealing his robberies, by selling his judgments in such a way that he should maintain some reticence by ordinary precaution, he might have made much money, as other governors had done. But he resolved that it would pay him

better to rob everywhere openly, and then, when the day of reckoning came, to buy the judges wholesale. As to shame at such doings, there was no such feelings left among Romans.

Before he comes to the story of Sthenius, Cicero makes a grandly ironical appeal to the bench before him: “Yes, O judges, keep this man; keep him in the State! Spare him, preserve him so that he, too, may sit with us as a judge here so that he, too, may, with impartiality, advise us, as a Senator, what may be best for us as to peace and war! Not that we need trouble ourselves as to his senatorial duties. His authority would be nothing. When would he dare, or when would he care, to come among us? Unless it might be in the idle month of February, when would a man so idle, so debauched, show himself in the Senate-house? Let him come and show himself. Let him advise us to attack the Cretans; to pronounce the Greeks of Byzantium free; to declare Ptolemy King. Let him speak and vote as Hortensius may direct. This will have but little effect upon our lives or our property. But beyond 149this there is something we must look to; something that would be distrusted; something that every good man has to fear! If by chance this man should escape out of our hands, he would have to sit there upon that bench and be a judge. He would be called upon to pronounce on the lives of a Roman citizen. He would be the right-hand officer in the army of this man here, of this man who is striving to be the lord and ruler of our judgment-seats. The people of Rome at least refuse this! This at least cannot be endured!”

The third of these narratives tells us how Verres managed in his province that provision of corn for the use of Rome, the collection of which made the possession of Sicily so important to the Romans. He begins with telling his readers — as he does too frequently — how great and peculiar is the task he has undertaken; and he uses an argument of which we cannot but admit the truth, though we doubt whether any modern advocate would dare to put it forward. We must remember, however, that Romans were not accustomed to be shamefaced in praising themselves. What Cicero says of himself all others said also of themselves; only Cicero could say it better than others. He reminds us that he who accuses another of any crime is bound to be especially free from that crime himself. “Would you charge any one as a thief? you must be clear from any suspicion of even desiring another man’s property. Have you brought a man up for malice or cruelty? take care that you be not found hard-hearted.

Have you called a man a seducer or an adulterer? be sure that your own life shows no trace of such vices. Whatever you would punish in another, that you must avoid yourself. A public accuser would be intolerable, or even a caviller, who should inveigh against sins for which he himself is called in question. But in this 150man I find all wickednesses combined. There is no lust, no iniquity, no shamelessness of which his life does not supply with ample evidence." The nature of the difficulty to which Cicero is thus subjected is visible enough. As Verres is all that is bad, so must he, as accuser, be all that is good; which is more, we should say, than any man would choose to declare of himself! But he is equal to the occasion. "In regard to this man, O judges, I lay down for myself the law as I have stated it. I must so live that I must clearly seem to be, and always have been, the very opposite of this man, not only in my words and deeds, but as to that arrogance and impudence which you see in him." Then he shows how opposite he is to Verres at any rate, in impudence! "I am not sorry to see," he goes on to say, "that that life which has always been the life of my own choosing, has now been made a necessity to me by the law which I have laid down for myself." Mr. Pecksniff spoke of himself in the same way, but no one, I think, believed him. Cicero probably was believed. But the most wonderful thing is, that his manner of life justified what he said of himself. When others of his own order were abandoned to lust, iniquity, and shamelessness, he lived in purity, with clean hands, doing good as far as was in his power to those around him. A laugh will be raised at his expense in regard to that assertion of his that, even in the matter of arrogance, his conduct should be the opposite of that of Verres. But this will come because I have failed to interpret accurately the meaning of those words, "oris oculorumque illa contumacia ac superbia quam videtis." Verres, as we can understand, had carried himself during the trial with a bragging, brazen, bold face, determined to show no shame as to his own doings. It is in this, which was a matter of manner and taste, that Cicero declares that he will be the man's opposite as well as in conduct. As to the ordinary boastings, by which it has to be acknowledged 151that Cicero sometimes disgusts his readers, it will be impossible for us to receive a just idea of his character without remembering that it was the

custom of a Roman to boast. We wait to have good things said of us, or are supposed to wait. The Roman said them of himself. The "veni, vidi, vici" was the ordinary mode of expression in those times, and in earlier times among the Greeks. This is distasteful to us; and it will probably be distasteful to those who come after us, two or three hundred years hence, that this or that British statesman should have made himself an Earl or a Knight of the Garter. Now it is thought by many to be proper enough. It will shock men in future days that great peers or rich commoners should have bargained for ribbons and lieutenancies and titles. Now it is the way of the time. Though virtue and vice may be said to remain the same from all time to all time, the latitudes allowed and the deviations encouraged in this or the other age must be considered before the character of a man can be discovered. The boastings of Cicero have been preserved for us. We have to bethink ourselves that his words are 2000 years old. There is such a touch of humanity in them, such a feeling of latter-day civilization and almost of Christianity, that we are apt to condemn what remains in them of paganism, as though they were uttered yesterday. When we come to the coarseness of his attacks, his descriptions of Piso by-and-by, his abuse of Gabinius, and his invectives against Antony; when we read his altered opinions, as shown in the period of Cæsar's dominion, 152his flattery of Cæsar when in power, and his exultations when Cæsar has been killed; when we find that he could be coarse in his language and a bully, and servile — for it has all to be admitted — we have to reflect under what circumstances, under what surroundings, and for what object were used the words which displease us. Speaking before the full court at this trial, he dared to say he knew how to live as a man and to carry himself as a gentleman. As men and gentlemen were then, he was justified.

The description of Verres's rapacity in regard to the corn tax is long and complex, and need hardly be followed at length, unless by those who desire to know how the iniquity of such a one could make the most of an imposition which was in itself very bad, and pile up the burden till the poor province was unable to bear it. There were three kinds of imposition as to corn. The first, called the "decumanum," was simply a tithe.

The producers through the island had to furnish Rome with a tenth of their produce, and it was the Prætor's duty, or rather that of the Quæstor under the Prætor, to see that the tithe was collected. How Verres saw to this himself, and how he treated the Sicilian husbandmen in regard to the tithe, is so told that we are obliged to give the man credit for an infinite fertility of resources. Then there is the "emptum," or corn bought for the use of Rome, of which there were two kinds. A second tithe had to be furnished at a price fixed by the Roman Senate, which price was considered to be below that of its real value, and then 800,000 bushels were purchased, or nominally purchased, at a price which was also fixed by the Senate, but which was nearer to the real value. Three sesterces a bushel for the first and four for the last, were the prices fixed at this time. For making these payments vast sums of money were remitted to Verres, of which the accounts were so kept that it was hard to say whether any found its way into the hands of the farmers who undoubtedly furnished the corn. The third corn tax was the "æstimatum." This consisted of a certain fixed quantity 153which had to be supplied to the Prætor for the use of his governmental establishment — to be supplied either in grain or in money. What such a one as Verres would do with his, the reader may conceive.

All this was of vital importance to Rome. Sicily and Africa were the granaries from which Rome was supplied with its bread. To get supplies from a province was necessary. Rich men have servants in order that they may live at ease themselves. So it was with the Romans to whom the provinces acted as servants. It was necessary to have a sharp agent, some Proconsul or Proprætor; but when there came one so sharp as Verres, all power of recreating supplies would for a time be destroyed. Even Cicero boasted that in a time of great scarcity, he, being then Quæstor in Sicily, had sent extraordinary store of corn over to the city. But he had so done it as to satisfy all who were concerned.

Verres, in his corn dealings with the Sicilians, had a certain friend, companion, and minister — one of his favorite dogs, perhaps we may call him — named Apronius, whom Cicero specially describes. The description I must give, because it is so powerful; because it shows us how one man could in those days speak of

another in open court before all the world; because it affords us an instance of the intensity of hatred which the orator could throw into his words; but I must hide it in the original language, as I could not translate it without offence.

154Then we have a book devoted to the special pillage of statues and other ornaments, which, for the genius displayed in story-telling, is perhaps of all the Verrine orations the most amusing. The Greek people had become in a peculiar way devoted to what we generally call Art. We are much given to the collecting of pictures, china, bronze, and marbles, partly from love of such things, partly from pride in ornamenting our houses so as to excite the admiration of others, partly from a feeling that money so invested is not badly placed with a view to future returns. All these feelings operated with the Greeks to a much greater extent. Investments in consols and railway shares were not open to them. Money they used to lend at usury, no doubt, but with a great chance of losing it. The Greek colonists were industrious, were covetous, and prudent. From this it had come to pass that, as they made their way about the world — to the cities which they established round the Mediterranean — they collected in their new homes great store of ornamental wealth. This was done with much profusion at Syracuse, a Greek city in Sicily, and spread from them over the whole island. The temples of the gods were filled with the works of the great Greek artists, and every man of note had his gallery. That Verres, hog as he is described to have been, had a passion for these things, is manifest to us. He came to his death at last in defence of some favorite images. He had returned to Rome by means of Cæsar's amnesty, and Marc Antony had him murdered because he would not surrender some treasures of art. When we read the De Signis — About Statues — we are led to imagine that the 155search after these things was the chief object of the man throughout his three years of office — as we have before been made to suppose that all his mind and time had been devoted to the cheating of the Sicilians in the matter of corn. But though Verres loved these trinkets, it was not altogether for himself that he sought them. Only one third of his plunder was for himself. Senators, judges, advocates, Consuls, and Prætors could be bribed with articles of *vertu* as well as with money.

There are eleven separate stories told of these robberies. I will give very shortly the details of one or two. There was one Marcus Heius, a rich citizen of Messana, in whose house Verres took great delight. Messana itself was very useful to him, and the Mamertines, as the people of Messana were called were his best friends in all Sicily: for he made Messana the depot of his plunder, and there he caused to be built at the expense of the Government an enormous ship called the *Cybea*, in which his treasures were carried out of the island. He therefore specially favored Messana, and the district of Messana was supposed to have been scourged by him with lighter rods than those used elsewhere in Sicily. But this man Heius had a chapel, very sacred, in which were preserved four specially beautiful images. There was a Cupid by Praxiteles, and a bronze Hercules by Myro, and two Canœphræ by Polycletus. These were treasures which all the world came to see, and which were open to be seen by all the world. These Verres took away, and caused accounts to be forged in which it was made to appear that he had bought them for trifling sums. It seems that some forced assent had been obtained from Heius as to the transaction. Now there was a plan in vogue for making things pleasant for a Proconsul retiring 156from his government, in accordance with which a deputation would proceed from the province to Rome to declare how well and kindly the Proconsul had behaved in his government. The allies, even when they had been, as it were, skinned alive by their governor, were constrained to send their deputations. Deputations were got up in Sicily from Messana and Syracuse, and with the others from Messana came this man Heius. Heius did not wish to tell about his statues; but he was asked questions, and was forced to answer. Cicero informs us how it all took place. “He was a man,” he said — this is what Cicero tells us that Heius said—”who was well esteemed in his own country, and would wish you” — you judges—”to think well of his religious spirit and of his personal dignity. He had come here to praise Verres because he had been required to do so by his fellow-citizens. He, however, had never kept things for sale in his own house; and had he been left to himself, nothing would have induced him to part with the sacred images which had been left to him by his ancestors as the ornaments of his own chapel. Nevertheless, he had come to praise

Verres, and would have held his tongue had it been possible."

Cicero finishes his catalogue by telling us of the manifold robberies committed by Verres in Syracuse, especially from the temples of the gods; and he begins his account of the Syracusan iniquities by drawing a parallel between two Romans whose names were well known in that city: Marcellus, who had besieged it as an enemy and taken it, and Verres, who had been sent to govern it in peace. Marcellus had saved the lives of the Syracusans; Verres had made the Forum to run with their blood. The harbor which had held its own against Marcellus, as we may read in our Livy, had been wilfully opened by Verres to Cilician pirates. This Syracuse which had been so carefully preserved by its Roman conqueror 157the most beautiful of all the Greek cities on the face of the earth — so beautiful that Marcellus had spared to it all its public ornaments — had been stripped bare by Verres. There was the temple of Minerva from which he had taken all the pictures. There were doors to this temple of such beauty that books had been written about them. He stripped the ivory ornaments from them, and the golden balls with which they had been made splendid. He tore off from them the head of the Gorgon and carried it away, leaving them to be rude doors, Goth that he was!

And he took the Sappho from the Prytaneum, the work of Silanion! a thing of such beauty that no other man can have the like of it in his own private house; yet Verres has it — a man hardly fit to carry such a work of art as a burden, not possess it as a treasure of his own. "What, too!" he says, "have you not stolen Pæan from the temple of Æsculapius — a statue so remarkable for its beauty, so well-known for the worship attached to it, that all the world has been wont to visit it? What! has not the image of Aristæus been taken by you from the temple of Bacchus? Have you not even stolen the statue of Jupiter Imperator, so sacred in the eyes of all men — that Jupiter which the Greeks call Ourios? You have not hesitated to rob the temple of Proserpine of the lovely head in Parian marble." Then Cicero speaks of the worship due to all these gods as though he himself believed in their godhead. As he had begun this chapter with the Mamertines of Messana, so he ends it with an address to them. "It is well that you should come, you alone out of all the provinces,

and praise Verres here in Rome. But what can you say for him? Was it not your duty to have built a ship for the Republic? You have built none such, but have constructed a huge private transport-vessel for Verres. Have you not been exempted from your tax on corn? Have you not been exempted in regard to 158naval and military recruits? Have you not been the receptacle of all his stolen goods? They will have to confess, these Mamertines, that many a ship laden with his spoils has left their port, and especially this huge transport-ship which they built for him!"

In the De Suppliciis — the treatise about punishments, as the last division of this process is called — Cicero tells the world how Verres exacted vengeance from those who were opposed to him, and with what horrid cruelty he raged against his enemies. The stories, indeed, are very dreadful. It is harrowing to think that so evil a man should have been invested with powers so great for so bad a purpose. But that which strikes a modern reader most is the sanctity attached to the name of a Roman citizen, and the audacity with which the Roman Proconsul disregarded that sanctity. "Cives Romanus" is Cicero's cry from the beginning to the end. No doubt he is addressing himself to Romans, and seeking popularity, as he always did. But, nevertheless, the demands made upon the outside world at large by the glory of that appellation are astonishing, even when put forward on such an occasion as this. One Gavius escapes from a prison in Syracuse, and, making his way to Messana, foolishly boasts that he would be soon over in Italy, out of the way of Prætor Verres and his cruelties. Verres, unfortunately, is in Messana, and soon hears from some of his friends, the Mamertines, what Gavius was saying. He at once orders Gavius to be flogged in public. "Cives Romanus sum!" exclaims Gavius, no doubt truly. It suits Verres to pretend to disbelieve this, and to declare that the man is a runagate slave. The poor wretch still cries "Cives Romanus!" and trusts alone to that appeal. Whereupon Verres puts up a cross on the sea-shore, and has the man crucified in sight of Italy, so that he shall be able to see the country of which he is so proud. Whether he had done anything to deserve crucifixion, or flogging, or punishment at all, we are not told. The accusation against Verres is not for crucifying the man, but 159for crucifying the Roman. It is on this occasion that Cicero uses

the words which have become proverbial as to the iniquity of this proceeding. During the telling of this story he explains this doctrine, claiming for the Roman citizen, all the world over, some such protection as freemasons are supposed to give each other, whether known or unknown. “Men of straw,” he says, “of no special birth, go about the world. They resort to places they have never seen before, where they know none, and none know them. Here, trusting to their claim solely, they feel themselves to be safe — not only where our magistrates are to be found, who are bound both by law and by opinion, not only among other Roman citizens who speak their language and follow the same customs, but abroad, over the whole world, they find this to be sufficient protection.” Then he goes on to say that if any Prætor may at his will put aside this sanctity, all the provinces, all the kingdoms, all the free states, all the world abroad, will very soon lose the feeling.

But the most remarkable story is that told of a certain pirate captain. Verres had been remiss in regard to the pirates — very cowardly, indeed, if we are to believe Cicero. Piracy in the Mediterranean was at that time a terrible drawback to trade — that piracy that a year or two afterward Pompey was effectual in destroying. A governor in Sicily had, among other special duties, to keep a sharp lookout for the pirates. This Verres omitted so entirely that these scourges of the sea soon learned that they might do almost as they pleased on the Sicilian coasts. But it came to pass that on one day a pirate vessel fell by accident into the hands of the governor’s officers. It was not taken, Cicero says, but was so overladen that it was picked up almost sinking. It was found to be full of 160fine, handsome men, of silver both plated and coined, and precious stuffs. Though not “taken,” it was “found,” and carried into Syracuse. Syracuse is full of the news, and the first demand is that the pirates, according to Roman custom, shall all be killed. But this does not suit Verres. The slave-markets of the Roman Empire are open, and there are men among the pirates whom it will suit him better to sell than to kill. There are six musicians, “symphoniacos homines,” whom he sends as a present to a friend at Rome. But the people of Syracuse are very much in earnest. They are too sharp to be put off with pretences, and they count the number of slaughtered pirates. There are only

some useless, weak, ugly old fellows beheaded from day to day; and being well aware how many men it must have taken to row and manage such a vessel, they demand that the full crew shall be brought to the block. “There is nothing in victory more sweet,” says Cicero, “no evidence more sure, than to see those whom you did fear, but have now got the better of, brought out to tortures or death.” Verres is so much frightened by the resolution of the citizens that he does not dare to neglect their wishes. There are lying in the prisons of Syracuse a lot of prisoners, Roman citizens, of whom he is glad to rid himself. He has them brought out, with their heads wrapped up so that they shall not be known, and has them beheaded instead of the pirates! A great deal is said, too, about the pirate captain — the arch-pirate, as he is called. There seems to have been some money dealings personally between him and Verres, on account of which Verres kept him hidden. At any rate, the arch-pirate was saved. “In such a manner this celebrated victory is managed. The pirate ship is taken, and the chief pirate is allowed to escape. The musicians are sent to Rome. The men who are good-looking and young are taken to the Prætor’s house. As many Roman citizens as will fill their places are carried out 161as public enemies, and are tortured and killed! All the gold and silver and precious stuffs are made a prize of by Verres!”

Such are the accusations brought against this wonderful man — the truth of which has, I think, on the whole been admitted. The picture of Roman life which it displays is wonderful, that such atrocities should have been possible; and equally so of provincial subjection, that such cruelties should have been endured. But in it all the greatest wonder is that there should have risen up a man so determined to take the part of the weak against the strong with no reward before him, apparently with no other prospect than that of making himself odious to the party to which he belonged. Cicero was not a Gracchus, anxious to throw himself into the arms of the people; he was an oligarch by conviction, born to oligarchy, bred to it, convinced that by it alone could the Roman Republic be preserved. But he was convinced also that unless these oligarchs could be made to do their duty the Republic could not stand. Therefore it was that he dared to defy his own brethren, and to make the acquittal of Verres

an impossibility. I should be inclined to think that the day on which Hortensius threw up the sponge, and Verres submitted to banishment and fine, was the happiest in the orator's life.

Verres was made to pay a fine which was very insufficient for his crimes, and then to retire into comfortable exile. From this he returned to Rome when the Roman exiles were amnestied, and was shortly afterward murdered by Antony, as has been told before.

2

CHAPTER VII.

CICERO AS ÆDILE AND PRÆTOR.

b.c. 69, *ætat*. 38.

The year after the trial of Verres was that of Cicero's Ædileship. We know but little of him in the performance of the duties of this office, but we may gather that he performed them to the satisfaction of the people. He did not spend much money for their amusements, although it was the custom of Ædiles to ruin themselves in seeking popularity after this fashion; and yet when, two years afterward, he solicited the Prætorship from the people, he was three times elected as first Prætor in all the comitia — three separate elections having been rendered necessary by certain irregularities and factious difficulties. To all the offices, one after another, he was elected in his first year — the first year possible in accordance with his age — and was elected first in honor, the first as Prætor, and then the first as Consul. This, no doubt, was partly due to his compliance with those rules for canvassing which his brother Quintus is said to have drawn out, and which I have quoted; but it proves also the trust which was felt in him by the people. The candidates, for the most part, were the candidates for the aristocracy. They were put forward with the idea that thus might the aristocratic rule of Rome be best maintained. Their elections were carried on by bribery, and the people were for the most part indifferent to the proceeding. Whether it might be a Verres, or an Antony, or a Hortensius, they took the money that was going. They allowed themselves to be delighted with the games, and they did as they were bid. But every now and then there came up a name which stirred them, 163and they went to the voting pens — ovilia — with a purpose of their own. When such a candidate came forward, he was sure to be first. Such had been Marius, and such had been the great Pompey, and such was Cicero. The two former were men successful in war, who gained the voices of the people by their victories. Cicero gained them by what he did inside the city. He could afford not to run into debt and ruin himself during his Ædileship, as had been common with Ædiles, because he was able to

achieve his popularity in another way. It was the chief duty of the Ædiles to look after the town generally — to see to the temples of the gods, to take care that houses did not tumble down, to look to the cleansing of the streets, and to the supply of water. The markets were under them, and the police, and the recurrent festivals. An active man, with common-sense, such as was Cicero, no doubt did his duty as Ædile well.

He kept up his practice as an advocate during his years of office. We have left to us the part of one speech and the whole of another spoken during this period. The former was in favor of Fonteius, whom the Gauls prosecuted for plundering them as Proprætor, and the latter is a civil case on behalf of Cæcina, addressed to the "Recuperatores," as had been that for Marcus Tullius. The speech for Fonteius is remarkable as being as hard against the provincial Gauls as his speech against Verres had been favorable to the Sicilians. But the Gauls were barbarians, whereas the Sicilians were Greeks. And it should be always remembered that Cicero spoke as an advocate, and that the praise and censure of an advocate require to be taken with many grains of salt. Nothing that these wretched Gauls could say against a Roman citizen ought to be accepted in evidence! "All the Romans," he says, "who have been in the province wish well to Fonteius. Would you rather believe these Gauls — led by what feeling? By the opinion of men! Is the opinion, then, of your enemies of greater weight than that of your fellow-citizens, or is it the greater credibility of the witnesses? Would you prefer, then, unknown 164men to known — dishonest men to honest — foreigners to your own countrymen — greedy men to those who come before you for nothing — men of no religion to those who fear the gods — those who hate the Empire and the name of Rome to allies and citizens who are good and faithful?" In every word of this he begs the question so as to convince us that his own case was weak; and when he makes a final appeal to the pity of the judges we are sure that Fonteius was guilty. He tells the judges that the poor mother of the accused man has no other support than this son, and that there is a sister, one of the virgins devoted to the service of Vesta, who, being a vestal virgin, cannot have sons of her own, and is therefore entitled to have her brother preserved for her. When we read such arguments

as these, we are sure that Fonteius had misused the Gauls. We believe that he was acquitted, because we are told that he bought a house in Rome soon afterward; but we feel that he escaped by the too great influence of his advocate. We are driven to doubt whether the power over words which may be achieved by a man by means of natural gifts, practice, and erudition, may not do evil instead of good. A man with such a tongue as that of Cicero will make the listener believe almost whatever he will; and the advocate is restrained by no horror of falsehood. In his profession alone it is considered honorable to be a bulwark to deception, and to make the worse appear the better cause. Cicero did so when the occasion seemed to him to require it, and has been accused of hypocrisy in consequence. There is a passage in one of the dialogues, De Oratore, which has been continually quoted against him because the word "fibs" has been used with approval. The orator is told how it may become him to garnish his good story with little white lies—"mendaciunculis." The advice does 165not indeed refer to facts, or to evidence, or to arguments. It goes no farther than to suggest that amount of exaggeration which is used by every teller of a good story in order that the story may be good. Such "mendaciuncula" are in the mouth of every diner-out in London, and we may pity the dinner-parties at which they are not used. Reference is made to them now because the use of the word by Cicero, having been misunderstood by some who have treated his name with severity, has been brought forward in proof of his falsehood. You shall tell a story about a very little man, and say that he is only thirty-six inches. You know very well that he is more than four feet high. That will be a "mendaciunculum," according to Cicero. The phrase has been passed on from one enemy to another, till the little fibs of Cicero's recommending have been supposed to be direct lies suggested by him to all advocates, and therefore continually used by him as an advocate. They have been only the garnishing of his drolleries. As an advocate, he was about as false and about as true as an advocate of our own day. That he was not paid, and that our English barristers are paid for the work they do, makes, I think, no difference either in the innocency or the falseness of the practice. I cannot but believe that, hereafter, an improved tone of general feeling will forbid a man of honor to use

arguments which he thinks to be untrue, or to make others believe that which he does not believe himself. Such is not the state of things now in London, nor was it at Rome in Cicero's 166time. There are touches of eloquence in the plea for Fonteius, but the reader will probably agree with me that the orator was well aware that the late governor who was on his trial had misused those unfortunate Gauls.

In the year following that of Cicero's Ædileship were written the first of his epistles which have come to us. He was then not yet thirty-nine years old — b.c. 68 — and during that year and the next seven were written eleven letters, all to Atticus. Those to his other friends — Ad Familiares, as we have been accustomed to call them; Ad Diversos, they are commonly called now — began only with the close of his consular year. How it has come to pass that there have been preserved only those which were written after a period of life at which most men cease to be free correspondents, cannot be said with certainty. It has probably been occasioned by the fact that he caused his letters to be preserved as soon as he himself perceived how great would be their value. Of the nature of their value it is hardly possible to speak too highly. I am not prepared, indeed, to agree with the often quoted assertion of Cornelius Nepos that he who has read his letters to Atticus will not lack much of the history of those days.

A man who should have read them and nothing else, even 167in the days of Augustus, would not have learned much of the preceding age. But if not for the purpose of history, the letters generally have, if read aright, been all but enough for the purpose of biography. With a view to the understanding of the man's character, they have, I think, been enough. From them such a flood of light has been turned upon the writer that all his nobility and all his defects, all his aspirations and all his vacillations, have been made visible. We know how human he was, and how, too, he was only human — how he sighed for great events, and allowed himself to think sometimes that they could be accomplished by small manœuvres — how like a man he could be proud of his work and boast — how like a man he could despair and almost die. But I wish it to be acknowledged, by those who read his letters in order that they may also read his character, that they were, when written, private letters, intended to tell the truth, and that if they are to be believed in reference to his weaknesses,

they are also to be believed in reference to his strength. If they are singularly transparent as to the man — opening, especially to Atticus, the doors of his soul more completely than would even any girl of the nineteenth century when writing to her bosom friend — they must be taken as being more honestly true. To regard the aspirations as hypocritical, and only the meaner effusions of his mind as emblematic of the true man, is both unreasonable and uncharitable. Nor, I think, will that reader grasp the way to see the truth who cannot teach himself what has in Cicero's case, been the effect of daring to tell to his friend an unvarnished tale. When with us some poor thought does make its way across our minds, we do not sit down and write it to another, nor, if we did, would an immortality be awarded to the letter. If one of us were to lose his all — as Cicero lost his all when he was sent into exile — I think it might well be that he should for a time be unmanned; but he would either not write, or, in writing, would hide much of his feelings. On losing his Tullia, some father of to-day 168would keep it all in his heart, would not maunder out his sorrows. Even with our truest love for our friends, some fear is mingled which forbids the use of open words. Whether this be for good or for evil I will not say, but it is so. Cicero, whether he did or did not know that his letters would live, was impeded by no such fear. He said everything that there was within him — being in this, I should say, quite as unlike to other Romans of the day as he was to ourselves. In the collection as it has come to us there are about fifty letters — not from Cicero — written to Cicero by his brother, by Decimus Brutus, by Plancus, and others. It will, I think, be admitted that their tone is quite different from that used by himself. There are none, indeed, from Atticus — none written under terms of such easy friendship as prevailed when many were written by Cicero himself. It will probably be acknowledged that his manner of throwing himself open to his correspondent was peculiar to him. If this be so, he should surely have the advantage as well as the disadvantage of his own mode of utterance. The reader who allows himself to think that the true character of the man is to be read in the little sly things he said to Atticus, but that the nobler ideas were merely put forth to cajole the public, is as unfair to himself as he is to Cicero.

In reading the entire correspondence — the letters from Cicero

either to Atticus or to others — it has to be remembered that in the ordinary arrangement of them made by Grævius they are often incorrectly paced in regard to chronology. In subsequent times efforts have been made to restore them to their proper position, and so they should be read. The letters to Atticus and those Ad Diversos have generally been published separately. For the ordinary purpose of literary pleasure they may perhaps be best read in that way. The tone of 169them is different. The great bulk of the correspondence is political, or quasi-political. The manner is much more familiar, much less severe — though not on that account indicating less seriousness — in those written to Atticus than in the others. With one or two signal exceptions, those to Atticus are better worth reading. The character of the writer may perhaps be best gathered from divided perusal; but for a general understanding of the facts of Cicero's life, the whole correspondence should be taken as it was written. It has been published in this shape as well as in the other, and will be used in this shape in my effort to portray the life of him who wrote them.

b.c. 68, *ætat* 39.

We have three letters written when he was thirty-eight, in the year after his Ædileship. In the first he tells his friend of the death of his cousin, Lucius Cicero, who had travelled with him into Sicily, and alludes to the disagreements which had taken place between Pomponia, the sister of Atticus, and her husband, Quintus Cicero — our Cicero's brother. Marcus, in all that he says of his brother, makes the best of him. That Quintus was a scholar and a man of parts there can be no doubt; one, too, who rose to high office in the Republic. But he was arrogant, of harsh temper, cruel to those dependent on him, and altogether unimbued with the humanity which was the peculiar characteristic of his brother. "When 170I found him to be in the wrong," says Cicero, in his first letter, "I wrote to him as to a brother whom I loved; but as to one younger than myself, and whom I was bound to tell of his fault." As is usual with correspondents, half the letter is taken up with excuses for not writing sooner; then he gives commissions for the purchase of statues for his Tusculan villa, of which we now hear for the first time, and tells his friend how his wife, Terentia, sends her love, though she is suffering from the gout. Tullia also, the dear little Tullia, "deliciæ nostræ," sends her love. In

the next, he says how a certain house which Atticus had intended to purchase had been secured by Fonteius for 130,000 sesterces — something over £1000, taking the sesterce at 2 *d*. This no doubt was part of the plunder which Fonteius had taken from the Gauls. Quintus is getting on better with his wife. Then he tells his friend very abruptly that his father died that year on the eighth day before the kalends of December — on the 24th of November. Some question as to the date of the old man's death had probably been asked. He gives further commissions as to statues, and declares of his Tusculan villa that he is happy only when he is there. In the third letter he promises that he will be ready to pay one Cincius £170 on a certain day, the price probably of more statues, and gives orders to his friend as to the buying of books. "All my prospect of enjoying myself at my ease depends on your goodness." These were the letters he wrote when he had just ceased to be Ædile.

From the next two years five letters remain to us, chiefly noticeable from the continued commissions given by Cicero to Atticus for statues. Statues and more statues are wanted as ornaments for his Tusculanum. Should there be more than 171are needed for that villa, he will begin to decorate another that he has, the Formianum, near Caieta. He wants whatever Atticus may think proper for his "palæstra" and "gymnasium." Atticus has a library or collection of maps for sale, and Cicero engages to buy them, though it seems that he has not at present quite got the money. He reserves, he says, all his little comings-in, "vindemiolas" — what he might make by selling his grapes as a lady in the country might get a little income from her spare butter — in order that he may have books as a resource for his old age. Again, he bids Atticus not to be afraid but what he, Cicero, will be able to buy them some day — which if he can do he will be richer than Crassus, and will envy no one his mansions or his lawns. He also declares that he has betrothed Tullia, then ten years old, to Caius Piso, son of Lucius Piso Frugi. The proposed marriage, which after three years of betrothal was duly solemnized, was considered to be in all respects desirable. Cicero thought very highly of his son-in-law, who was related to Calpurnius Piso, one of the Consuls of that year. So far everything was going well with our orator.

b.c. 67, *ætat* 40

He was then candidate for the Prætorship, and was elected first, as has been already said. It was in that year, too that a law was passed in Rome, at the instance of one Gabinius, a tribune, authorizing Pompey to exterminate the pirates in the Mediterranean, and giving him almost unlimited power for this object. Pompey was not, indeed, named in this law. A single general, one who had been Consul, was to be approved by the Senate, with exclusive command by sea and for fifty miles on shore. He was to select as his own officers a hitherto unheard-of number, all of senatorial rank. It was well understood when the law was worded that Pompey alone could fill the place. The Senate opposed the scheme with all its power, although, seven years before, it had acknowledged the necessity of some measure for extirpating the pirates. But jealousies prevailed, and the Senate was afraid of 172Pompey. Gabinius, however, carried his law by the votes of the people, and Pompey was appointed.

Nothing tells us more clearly the wretched condition of things in Rome at this time than this infliction of pirates, under which their commerce was almost destroyed. Sulla had re-established the outside show of a strong government — a government which was strong enough to enable rich men to live securely in Rome; but he had done nothing to consolidate the Empire. Even Lucullus in the East had only partially succeeded, leaving Mithridates still to be dealt with by Pompey. Of what nature was the government of the provinces under Sulla's aristocracy we learn from the trials of Verres, and of Fonteius, and of Catiline. The Mediterranean swarmed with pirates, who taught themselves to think that they had nothing to fear from the hands of the Romans. Plutarch declares to us — no doubt with fair accuracy, because the description has been admitted by subsequent writers — how great was the horror of these depredations. It is marvellous to us 173now that this should have been allowed — marvellous that pirates should reach such a pitch of importance that Verres had found it worth his while to sacrifice Roman citizens in their place. Pompey went forth with his officers, his fleets, and his money, and cleared the Mediterranean in forty days, as Plutarch says. Floras tells us that not a ship was lost by the Romans, and not a pirate left on the seas.

In the history of Rome at this time we find men of mark whose characters, as we read, become clear to us, or appear to become clear. Of Marius and of Sulla we have a defined idea. Cæsar, with his imperturbable courage, absence of scruples, and assurance of success, comes home to us. Cicero, I think, we certainly may understand. Catiline, Cato, Antony, and Brutus have left their portraits with us. Of Pompey I must acknowledge for myself that I have but a vague conception. His wonderful successes seem to have been produced by so very little power of his own! He was not determined and venomous as was Marius; not cold-blooded and ruthless as was Sulla; certainly not confident as was Cæsar; not humane as was Cicero; not passionate as Catiline; not stoic as was Cato; not reckless as was Antony, nor wedded to the idea of an oligarchy as was Brutus. Success came in his way, and he found it — found it again and again, till fortune seemed to have adopted him. Success lifted him higher and higher, till at last it seemed to him that he must be a Sulla whether he would or no. 174But he could not endure the idea of a rival Sulla. I doubt whether ambition would have prompted him to fight for the empire of the Republic, had he not perceived that that empire would fall into Cæsar's hands did he not grasp it himself. It would have satisfied him to let things go, while the citizens called him "Magnus," and regarded him as the man who could do a great thing if he would, if only no rivalship had been forced upon him. Cæsar did force it on him, and then, as a matter of course, he fell. He must have understood warfare from his youth upward, knowing well the purposes of a Roman legion and of Roman auxiliaries. He had destroyed Sertorius in Spain, a man certainly greater than himself, and had achieved the honor of putting an end to the Servile war when Spartacus, the leader of the slaves and gladiators, had already been killed. He must have appreciated at its utmost the meaning of those words, "Cives Romanus." He was a handsome man, with good health, patient of labor, not given to luxury, reticent, I should say ungenerous, and with a strong touch of vanity; a man able to express but unable to feel friendship; with none of the highest attributes of manhood, but with all the second-rate attributes at their best; a capable, brave man, but one certain to fall crushed beneath the heel of such a man as Cæsar, and as certain to

leave such a one as Cicero in the lurch.

It is necessary that the reader should attempt to realize to himself the personal characteristics of Pompey, as from this time forward Cicero's political life — and his life now became altogether political — was governed by that of Pompey. That this was the case to a great extent is certain — to a sad extent, I think. The two men were of the same age; but Pompey had become a general among soldiers before Cicero had ceased to be a pupil among advocates. As Cicero was making his way toward the front, Pompey was already the first among Romans. 175He had been Consul seven years before his proper time, and had lately, as we have seen, been invested with extraordinary powers in that matter of putting down the pirates. In some sort the mantle of Sulla had fallen upon him. He was the leader of what we may call the conservative party. If, which I doubt, the political governance of men was a matter of interest to him, he would have had them governed by oligarchical forms. Such had been the forms in Rome, in which, though the votes of the people were the source of all power, the votes hardly went further than the selection of this or that oligarch. Pompey no doubt felt the expediency of maintaining the old order of things, in the midst of which he had been born to high rank, and had achieved the topmost place either by fortune or by merit. For any heartfelt conviction as to what might be best for his country or his countrymen, in what way he might most surely use his power for the good of the citizens generally, we must, I think, look in vain to that Pompey whom history has handed down to us. But, of all matters which interested Cicero, the governance of men interested him the most. How should the great Rome of his day rise to greater power than ever, and yet be as poor as in the days of her comparative insignificance? How should Rome be ruled so that Romans might be the masters of the world, in mental gifts as well as bodily strength, in arts as well as in arms — as by valor, so by virtue? He, too, was an oligarch by strongest conviction. His mind could conceive nothing better than Consuls, Prætors, Censors, Tribunes, and the rest of it; with, however, the stipulation that the Consuls and the Prætors should be honest men. The condition was no doubt an impossible one; but this he did not or would not see. Pompey himself was fairly honest. Up to this time he had shown no

egregious lust for personal power. His hands were clean in the midst of so much public plunder. He was the leader of the conservative party. The "Optimates," or "Boni," as Cicero indifferently calls them — meaning, as we should say, the upper classes, who were minded to stand by 176their order — believed in him, though they did not just at that time wish to confide to him the power which the people gave him. The Senate did not want another Sulla; and yet it was Sulla who had reinstated the Senate. The Senate would have hindered Pompey, if it could, from his command against the pirates, and again from his command against Mithridates. But he, nevertheless, was naturally their head, as came to be seen plainly when, seventeen years afterward, Cæsar passed the Rubicon, and Cicero in his heart acknowledged Pompey as his political leader while Pompey lived. This, I think, was the case to a sad extent, as Pompey was incapable of that patriotic enthusiasm which Cicero demanded. As we go on we shall find that the worst episodes in Cicero's political career were created by his doubting adherence to a leader whom he bitterly felt to be untrue to himself, and in whom his trust became weaker and weaker to the end.

Then came Cicero's Prætorship. In the time of Cicero there were eight Prætors, two of whom were employed in the city, and the six others in the provinces. The "Prætor Urbanus" was confined to the city, and was regarded as the first in authority. This was the office filled by Cicero. His duty was to preside among the judges, and to name a judge or judges for special causes.

b.c. 66, *ætat* 41.

Cicero at this time, when he and Pompey were forty or forty-one, believed thoroughly in Pompey. When the great General was still away, winding up the affairs of his maritime war against the pirates, there came up the continually pressing question of the continuation of the Mithridatic war. Lucullus had been absent on that business nearly seven years, and, though he had been at first grandly victorious, had failed at last. His own soldiers, tired of their protracted absence, mutinied against him, and Glabrio, a later Consul, who had been sent to take the command out of his hands, had feared to encounter the difficulty. It was essential that something should be done, and one Manilius, a Tribune, a man of no repute

177himself, but whose name has descended to all posterity in the oration Pro Lege Manilia, proposed to the people that Pompey should have the command. Then Cicero first entered, as we may say, on political life. Though he had been Quæstor and Ædile, and was now Prætor, he had taken a part only in executive administration. He had had his political ideas, and had expressed them very strongly in that matter of the judges, which, in the condition of Rome, was certainly a political question of great moment. But this he had done as an advocate, and had interfered only as a barrister of to-day might do, who, in arguing a case before the judges, should make an attack on some alleged misuse of patronage. Now, for the first time, he made a political harangue, addressing the people in a public meeting from the rostra. This speech is the oration Pro Lego Manilia. This he explains in his first words. Hitherto his addresses had been to the judges — Judices; now it is to the people — Quirites: "Although, Quirites, no sight has ever been so pleasant to me as that of seeing you gathered in crowds — although this spot has always seemed to me the fittest in the world for action and the noblest for speech — nevertheless, not my own will, indeed, but the duties of the profession which I have followed from my earliest years have hitherto hindered me from entering upon this the best path to glory which is open to any good man." It is only necessary for our purpose to say, in reference to the matter in question, that this command was given to Pompey in opposition to the Senate.

As to the speech itself, it requires our attention on two points. It is one of those choice morsels of polished Latinity which have given to Cicero the highest rank among literary men, and have, perhaps, made him the greatest writer of prose which the world has produced. I have sometimes attempted to make a short list of his *chefs d'œuvre* — of his tidbits, as I must say, if I am bound to express myself in English. The list would never allow itself to be short, and so has become almost impossible; but, whenever the attempt has been made, this short oration in its 178integrity has always been included in it. My space hardly permits me to insert specimens of the author's style, but I will give in an appendix two brief extracts as specimens of the beauty of words in Latin. I almost fancy that if properly read they would have a grace about them even to the ears of those to whom

Latin is unknown. I venture to attach to them in parallel columns my own translation, acknowledging in despair how impossible I have found it to catch anything of the rhythm of the author. As to the beauty of the language I shall probably find no opponent. But a serious attack has been made on Cicero's character, because it has been supposed that his excessive praise was lavished on Pompey with a view of securing the great General's assistance in his candidature for the Consulship. Even Middleton repeats this accusation, and only faintly repels it. M. Du Rozoir, the French critic, declares that "in the whole oration there is not a word which was not dictated to Cicero the Prætor by his desire to become Consul, and that his own elevation was in his thoughts all through, and not that of Pompey." The matter would be one to us but of little moment, were it not that Cicero's character for honesty as a politician depends on the truth or falsehood of his belief in Pompey. Pompey had been almost miraculously fortunate up to this period of his life's career. He had done infinitely valuable service to the State. He had already crushed the pirates. There was good ground for believing that in his hands the Roman arms would be more efficacious against Mithridates than in those of any other General. All that Cicero says on this head, whatever might have been his motive for saying it, was at any rate true.

A man desirous of rising in the service of his country of course adheres to his party. That Cicero was wrong in supposing that the Republic, which had in fact already fallen, could be re-established by the strength of any one man, could be bolstered 179up by any leader, has to be admitted; that in trusting to Pompey as a politician he leaned on a frail reed I admit; but I will not admit that in praising the man he was hypocritical or unduly self-seeking. In our own political contests, when a subordinate member of the Cabinet is zealously serviceable to his chief, we do not accuse him of falsehood because by that zeal he has also strengthened his own hands. How shall a patriot do the work of his country unless he be in high place? and how shall he achieve that place except by co-operation with those whom he trusts? They who have blamed Cicero for speaking on behalf of Pompey on this occasion, seem to me to ignore not only the necessities but the very virtues of political life.

One other remarkable oration Cicero made during his Prætorship — that, namely, in defence of Aulus Cluentius Habitus. As it is the longest, so is it the most intricate, and on account of various legal points the most difficult to follow of all his speeches. But there are none perhaps which tell us more of the condition, or perhaps I should say the possibilities, of life among the Romans of that day. The accusation against Roscius Amerinus was accompanied by horrible circumstances. The iniquities of Verres, as a public officer who had the power of blessing or of cursing a whole people, were very terrible; but they do not shock so much as the story here told of private life. That any man should have lived as did Oppianicus, or any woman as did Sassia, seems to prove a state of things worse than anything described by Juvenal a hundred and fifty years later. Cicero was no doubt unscrupulous as an advocate, but he could have gained nothing here by departing from verisimilitude. We must take the picture as given us as true, and acknowledge that, though law processes were common, crimes such as those of this man and of this woman were not only possible, but might be perpetrated with impunity. The story is too long and complicated to be even abridged; but it should be read by those who wish to know 180the condition of life in Italy during the latter days of the Republic.

b.c. 65, ætat 42.

In the year after he was Prætor — in the first of the two years between his Prætorship and Consulship, b.c. 65 — he made a speech in defence of one Caius Cornelius, as to which we hear that the pleadings in the case occupied four days. This, with our interminable "causes célèbres," does not seem much to us, but Cicero's own speech was so long that in publishing it he divided it into two parts. This Cornelius had been Tribune in the year but one before, and was accused of having misused his power when in office. He had incurred the enmity of the aristocracy by attempts made on the popular side to restrain the Senate; especially by the stringency of a law proposed for stopping bribery at elections. Cicero's speeches are not extant. We have only some hardly intelligible fragments of them, which were preserved by Asconius, a commentator on certain of Cicero's orations; but there is ground for supposing that these Cornelian orations were at the time matter of as great moment as those spoken

against Verres, or almost as those spoken against Catiline. Cicero defended Cornelius, who was attacked by the Senate — by the rich men who desired office and the government of provinces. The law proposed for the restriction of bribery at elections no doubt attempted to do more by the severity of its punishment than can be achieved by such means: it was mitigated, but was still admitted by Cicero to be too rigorous. The rancor of the Senate against Cornelius seems to have been due to 181this attempt; but the illegality with which he was charged, and for which he was tried, had reference to another law suggested by him — for restoring to the people the right of pardon which had been usurped by the Senate. Caius Cornelius seems to have been a man honest and eager in his purpose to save the Republic from the greed of the oligarchs, but — as had been the Gracchi — ready in his eagerness to push his own authority too far in his attempt to restrain that of the Senate. A second Tribune, in the interest of the Senate, attempted to exercise an authority which undoubtedly belonged to him, by inhibiting the publication or reading of the proposed law. The person whose duty it was to read it was stopped; then Cornelius pushed aside the inferior officer, and read it himself. There was much violence, and the men who brought the accusation about Cornelius — two brothers named Cominii — had to hide themselves, and saved their lives by escaping over the roofs of the houses.

This took place when Cicero was standing for the Prætorship, and the confusion consequent upon it was so great that it was for awhile impossible to carry on the election. In the year after his Prætorship Cornelius was put upon his trial, and the two speeches were made.

The matter seems to have been one of vital interest in Rome. The contest on the part of the Senate was for all that made public life dear to such a body. Not to bribe — not to be able to lay out money in order that money might be returned ten-fold, a hundred-fold — would be to them to cease to be aristocrats. The struggles made by the Gracchi, by Livius Drusus, by others whose names would only encumber us here, by this Cornelius, were the expiring efforts of those who really desired an honest Republic. Such were the struggles made by Cicero himself; though there was present always to him an idea, with which, in truth, neither the demagogues nor the aristocrats

sympathized, that the reform could be effected, not by depriving the Senate of its power, but by teaching the Senate 182to use it honestly. We can sympathize with the idea, but we are driven to acknowledge that it was futile.

Though we know that this was so, the fragments of the speeches, though they have been made intelligible to us by the "argument" or story of them prefixed by Asconius in his notes, cannot be of interest to readers. They were extant in the time of Quintilian, who speaks of them with the highest praise. Cicero himself selects certain passages out of these speeches as examples of eloquence or rhythm, thus showing the labor with which he composed them, polishing them by the exercise of his ear as well as by that of his intellect. We know from Asconius that this trial was regarded at the time as one of vital interest.

We have two letters from Cicero written in the year after his Prætorship, both to Atticus, the first of which tells us of his probable competition for the Consulship; the second informs his friend that a son is born to him — he being then forty-two years old — and that he is thinking to undertake the defence of Catiline, who was to be accused of peculation as Proprætor in Africa. "Should he be acquitted," says Cicero, "I should hope to have him on my side in the matter of my canvass. If he should be convicted, I shall be able to bear that too." There were to be six or seven candidates, of whom two, of course, would be chosen. It would be much to Cicero "to run," as our phrase goes, with the one who among his competitors 183would be the most likely to succeed. Catiline, in spite of his then notorious character — in the teeth of the evils of his government in Africa — was, from his birth, his connections, and from his ability, supposed to have the best chance. It was open to Cicero to defend Catiline as he had defended Fonteius, and we know from his own words that he thought of doing so. But he did not; nor did Cicero join himself with Catiline in the canvassing. It is probable that the nature of Catiline's character and intentions were now becoming clearer from day to day. Catiline was tried and acquitted, having, it is said, bribed the judges.

CHAPTER VIII.

CICERO AS CONSUL.

Hitherto everything had succeeded with Cicero. His fortune and his fame had gone hand-in-hand. The good-will of the citizens had been accorded to him on all possible occasions. He had risen surely, if not quickly, to the top of his profession, and had so placed himself there as to have torn the wreath from the brow of his predecessor and rival, Hortensius. On no memorable occasion had he been beaten. If now and then he had failed to win a cause in which he was interested, it was as to some matter in which, as he had said to Atticus in speaking of his contemplated defence of Catiline, he was not called on to break his heart if he were beaten. We may imagine that his life had been as happy up to this point as a man's life may be. He had married well. Children had been born to him, who were the source of infinite delight. He had provided himself with houses, marbles, books, and all the intellectual luxuries which well-used wealth could produce. Friends were thick around him. His industry, his ability, and his honesty were acknowledged. The citizens had given him all that it was in their power to give. Now at the earliest possible day, with circumstances of much more than usual honor, he was put in the highest place which his country had to offer, and knew himself to be the one man in whom his country at this moment trusted. Then came the one twelve-month, the apex of his fortunes; and after that, for the twenty years that followed, there fell upon him one misery after another — one trouble on the head of another trouble — so cruelly 185that the reader, knowing the manner of the Romans, almost wonders that he condescended to live.

b.c. 64, *ætat* 43

He was chosen Consul, we are told, not by the votes but by the unanimous acclamation of the citizens. What was the exact manner of doing this we can hardly now understand. The Consuls were elected by ballot, wooden tickets having been distributed to the people for the purpose; but Cicero tells us that no voting tickets were used in his case, but that he was elected by the combined voice of the

whole people. He had stood with six competitors. Of these it is only necessary to mention two, as by them only was Cicero's life affected, and as out of the six, only they seem to have come prominently forward during the canvassing. These were Catiline the conspirator, as we shall have to call him in dealing with his name in the next chapter, and Caius Antonius, one of the sons of Marc Antony, the great orator of the preceding age, and uncle of the Marc Antony with whom we are all so well acquainted, and with whom we shall have so much to do before we get to the end of this work. Cicero was so easily the first that it may be said of him that he walked over the course. Whether this was achieved by the Machiavellian arts which his brother Quintus taught in his treatise De Petitione Consulatus, or was attributable to his general popularity, may be a matter of doubt. As far as we can judge from the signs which remain to us of the public feeling of the period, it seems that he was at this time regarded with singular affection by his countrymen. He had robbed none, and had been cruel to no one. He had already abandoned the profit of provincial government — to which he was by custom entitled after the lapse 186of his year's duty as Prætor — in order that he might remain in Rome among the people. Though one of the Senate himself — and full of the glory of the Senate, as he had declared plainly enough in that passage from one of the Verrine orations which I have quoted — he had generally pleaded on the popular side. Such was his cleverness, that even when on the unpopular side — as he may be supposed to have been when defending Fonteius — he had given a popular aspect to the cause in hand. We cannot doubt, judging from the loud expression of the people's joy at his election, that he had made himself beloved But, nevertheless, he omitted none of those cares which it was expected that a candidate should take. He made his electioneering speech "in toga candida" — in a white robe, as candidates did, and were thence so called. It has not come down to us, nor do we regret it, judging from the extracts which have been collected from the notes which Asconius wrote upon it. It was full of personal abuse of Antony and Catiline, his competitors. Such was the practice of Rome at this time, as it was also with us not very long since. We shall have more than enough of such eloquence before we have done our task. When we come to the language in which Cicero

spoke of Clodius, his enemy, of Piso and Gabinius, the Consuls who allowed him to be banished, and of Marc Antony, his last great opponent — the nephew of the man who was now his colleague — we shall have very much of it. It must again be pleaded that the foul abuse which fell from other lips has not been preserved and that Cicero, therefore, must not be supposed to have been more foul mouthed than his rivals. We can easily imagine that he was more bitter than others, because he had more power to throw into his words the meaning which he intended them to convey.

Antony was chosen as Cicero's colleague. It seems, from such evidence as we are able to get on the subject, that Cicero trusted Antony no better than he did Catiline, but, appreciating the wisdom of the maxim, "divide et impera" — separate your 187enemies and you will get the better of them, which was no doubt known as well then as now — he soon determined to use Antony as his ally against Catiline, who was presumed to reckon Antony among his fellow-conspirators. Sallust puts into the mouth of Catiline a declaration to this effect, and Cicero did use Antony for the purpose. The story of Catiline's conspiracy is so essentially the story of Cicero's Consulship, that I may be justified in hurrying over the other events of his year's rule; but still there is something that must be told. Though Catiline's conduct was under his eye during the whole year, it was not till October that the affairs in which we shall have to interest ourselves commenced.

Of what may have been the nature of the administrative work done by the great Roman officers of State we know very little; perhaps I might better say that we know nothing. Men, in their own diaries, when they keep them, or even in their private letters, are seldom apt to say much of those daily doings which are matter of routine to themselves, and are by them supposed to be as little interesting to others. A Prime-minister with us, were he as prone to reveal himself in correspondence as was Cicero with his friend Atticus, would hardly say when he went to the Treasury Chambers or what he did when he got there. We may imagine that to a Cabinet Minister even a Cabinet Council would, after many sittings, become a matter of course. A leading barrister would hardly leave behind him a record of his work in chambers. It has thus come to pass that,

though we can picture to ourselves a Cicero before the judges, or addressing the people from the rostra, or uttering his opinion in the Senate, we know nothing of him as he sat in his office and did his consular work. We cannot but suppose 188that there must have been an office with many clerks. There must have been heavy daily work. The whole operation of government was under the Consul's charge, and to Cicero, with a Catiline on his hands, this must have been more than usually heavy. How he did it, with what assistance, sitting at what writing-table, dressed in what robes, with what surroundings of archives and red tape, I cannot make manifest to myself. I can imagine that there must have been much of dignity, as there was with all leading Romans, but beyond that I cannot advance even in fancying what was the official life of a Consul.

In the old days the Consul used, as a matter of course, to go out and do the fighting. When there was an enemy here, or an enemy there, the Consul was bound to hurry off with his army, north or south, to different parts of Italy. But gradually this system became impracticable. Distances became too great, as the Empire extended itself beyond the bounds of Italy, to admit of the absence of the Consuls. Wars prolonged themselves through many campaigns, as notably did that which was soon to take place in Gaul under Cæsar. The Consuls remained at home, and Generals were sent out with proconsular authority. This had become so certainly the case, that Cicero on becoming Consul had no fear of being called on to fight the enemies of his country. There was much fighting then in course of being done by Pompey in the East; but this would give but little trouble to the great officers at home, unless it might be in sending out necessary supplies.

The Consul's work, however, was severe enough. We find from his own words, in a letter to Atticus written in the year but one after his Consulship, 61 b.c., that as Consul he made twelve public addresses. Each of them must have been a work of labor, requiring a full mastery over the subject in hand, and an arrangement of words very different in their polished perfection from the generality of parliamentary speeches to which we are accustomed. The getting up of his cases must have taken great time. Letters went slowly and at a heavy cost. 189Writing must have been tedious when that most

common was done with a metal point on soft wax. An advocate who was earnest in a case had to do much for himself. We have heard how Cicero made his way over to Sicily, creeping in a little boat through the dangers prepared for him, in order that he might get up the evidence against Verres. In defending Aulus Cluentius when he was Prætor, Cicero must have found the work to have been immense. In preparing the attack upon Catiline it seems that every witness was brought to himself. There were four Catiline speeches made in the year of his Consulship, but in the same year many others were delivered by him. He mentions, as we shall see just now, twelve various speeches made in the year of his Consulship.

I imagine that the words spoken can in no case have been identical with those which have come to us — which were, as we may say, prepared for the press by Tiro, his slave and secretary. We have evidence as to some of them, especially as to the second Catiline oration, that time did not admit of its being written and learned by heart after the occurrence of the circumstances to which it alludes. It needs must have been extemporary, with such mental preparation as one night may have sufficed to give him. How the words may have been taken down in such a case we do not quite know; but we are aware that short-hand writers were employed, though there can hardly have been a science of stenography perfected as is that with us. The words which we read were probably much polished before they were published, but how far this was done we do not know. What we do know is that the words which 190he spoke moved, convinced, and charmed those who heard them, as do the words we read move, convince and charm us. Of these twelve consular speeches Cicero gives a special account to his friend. “I will send you,” he says, “the speechlings which you require, as well as some others, seeing that those which I have written out at the request of a few young men please you also. It was an advantage to me here to follow the example of that fellow-citizen of yours in those orations which he called his Philippics. In these he brightened himself up, and discarded his ‘nisi prius’ way of speaking, so that he might achieve something more dignified, something more statesman-like. So I have done with these speeches of mine which may be called ‘consulares,’” as having been made not only in his consular year but also with

something of consular dignity. “Of these, one, on the new land laws proposed, was spoken in the Senate on the kalends of January. The second, on the same subject, to the people. The third was respecting Otho’s law. The fourth was in defence of Rabirius. The fifth was in reference to the children of those who had lost their property and their rank under Sulla’s proscription. The sixth was an address to the people, and explained 191why I renounced my provincial government. The seventh drove Catiline out of the city. The eighth was addressed to the people the day after Catiline fled. The ninth was again spoken to the people, on the day on which the Allobroges gave their evidence. Then, again, the tenth was addressed to the Senate on the fifth of December” — also respecting Catiline. “There are also two short supplementary speeches on the Agrarian war. You shall have the whole body of them. As what I write and what I do are equally interesting to you, you will gather from the same documents all my doings and all my sayings.”

It is not to be supposed that in this list are contained all the speeches which he made in his consular year, but those only which he made as Consul — those to which he was desirous of adding something of the dignity of statesmanship, something beyond the weight attached to his pleadings as a lawyer. As an advocate, Consul though he was, he continued to perform his work; from whence we learn that no State dignity was so high as to exempt an established pleader from the duty of defending his friends. Hortensius, when Consul elect, had undertaken to defend Verres. Cicero defended Murena when he was Consul. He defended C. Calpurnius Piso also, who was accused, as were so many, of proconsular extortion; but whether in this year or in the preceding is not, I think, known. Of his 192speech on that occasion we have nothing remaining. Of his pleading for Murena we have, if not the whole, the material part, and, though nobody cares very much for Murena now, the oration is very amusing. It was made toward the end of the year, on the 20th of November, after the second Catiline oration, and before the third, at the very moment in which Cicero was fully occupied with the evidence on which he intended to convict Catiline’s fellow-conspirators. As I read it I am carried away by wonder, rather than admiration, at the energy of the man who could at such a period of

his life give up his time to master the details necessary for the trial of Murena.

Early in the year Cicero had caused a law to be passed — which, after him, was called the Lex Tullia — increasing the stringency of the enactments against bribery on the part of consular candidates. His intention had probably been to hinder Catiline, who was again about to become a candidate. But Murena, who was elected, was supposed to have been caught in the meshes of the net, and also Silanus, the other Consul designate. Cato, the man of stern nature, the great Stoic of the day, was delighted to have an opportunity of proceeding against some one, and not very sorry to attack Murena with weapons provided from the armory of Murena's friend, Cicero. Silanus, however, who happened to be cousin to Cato, was allowed to pass unmolested. Sulpicius, who was one of the disappointed candidates, Cato, and Postumius were the accusers. Hortensius, Crassus, and Cicero were combined together for the defence of Murena. But as we read the single pleading that has come to us, we feel that, unlike those Roman trials generally, this was carried on without any acrimony on either side. I think it must have been that Cato wished 193to have an opportunity of displaying his virtue, but it had been arranged that Murena was to be acquitted. Murena was accused, among other things, of dancing! Greeks might dance, as we hear from Cornelius Nepos, but for a Roman Consul it would be disgraceful in the highest extreme. A lady, indeed, might dance, but not much. Sallust tells us of Sempronia — who was, indeed, a very bad female if all that he says of her be true — that she danced more elegantly than became an honest woman. She was the wife of a Consul. But a male Roman of high standing might not dance at all. Cicero defends his friend by showing how impossible it was — how monstrous the idea. "No man would dance unless drunk or mad." Nevertheless, I imagine that Murena had danced.

Cicero seizes an opportunity of quizzing Cato for his stoicism, and uses it delightfully. Horace was not more happy when, in defence of Aristippus, he declared that any philosopher would turn up his nose at cabbage if he could get himself asked to the tables of rich men. "There was one Zeno," Cicero says, "who laid down laws. No wise man would forgive any fault. No man worthy of the name of

man would allow himself to be pitiful. Wise men are beautiful, even though deformed; rich though penniless; kings though they be slaves. We who are not wise are mere exiles, runagates, enemies of our country, and madmen. Any fault is an unpardonable crime. To kill an old cock, if you do not want it, is as bad as to murder your father!" And these doctrines, he goes on to say, which are used by most of us merely as something 194to talk about, this man Cato absolutely believes, and tries to live by them. I shall have to refer back to this when I speak of Cicero's philosophy more at length; but his common-sense crops up continually in the expressions which he uses for defending the ordinary conditions of a man's life, in opposition to that impossible superiority to mundane things which the philosophers professed to teach their pupils. He turns to Cato and asks him questions, which he answers himself with his own philosophy: "Would you pardon nothing? Well, yes; but not all things. Would you do nothing for friendship? Sometimes, unless duty should stand in the way. Would you never be moved to pity? I would maintain my habit of sincerity, but something must no doubt be allowed to humanity. It is good to stick to your opinion, but only until some better opinion shall have prevailed with you." In all this the humanity of our Cicero, as opposed equally to the impossible virtue of a Cato or the abominable vice of a Verres, is in advance of his age, and reminds us of what Christ has taught us.

But the best morsel in the whole oration is that in which he snubs the lawyers. It must be understood that Cicero did not pride himself on being a lawyer. He was an advocate, and if he wanted law there were those of an inferior grade to whom he could go to get it. In truth, he did understand the law, being a man of deep research, who inquired into everything. As legal points had been raised, he thus addresses Sulpicius, who seems to have affected a knowledge of jurisprudence, who had been a candidate for the Consulship, and who was his own intimate friend: "I must put you out of your conceit," he says; "it was your other gifts, not a knowledge of the laws — your moderation, your wisdom, your justice — which, in my opinion, made you worthy of being loved. I will not say you threw away your time in studying law, but it was not thus you made yourself worthy of the Consulship. 195That power of eloquence, majestic and full of

dignity which has so often availed in raising a man to the Consulship, is able by its words to move the minds of the Senate and the people and the judges. But in such a poor science as that of law what honor can there be? Its details are taken up with mere words and fragments of words. They forget all equity in points of law, and stick to the mere letter." He goes through a presumed scene of chicanery, which, Consul as he was, he must have acted before the judges and the people, no doubt to the extreme delight of them all. At last he says, "Full as I am of business, if you raise my wrath I will make myself a lawyer, and learn it all in three days." From these and many other passages in Cicero's writings and speeches, and also from Quintilian, we learn that a Roman advocate was by no means the same as an English barrister. The science which he was supposed to have learned was simply that of telling his story in effective language. It no doubt came to pass that he had much to do in getting up the details of his story — what we may call the evidence — but he looked elsewhere, to men of another profession, for his law. The "juris consultus" or the "juris peritus" was the lawyer, and as such was regarded as being of much less importance than the "patronus" or advocate, who stood before the whole city and pleaded the cause. In this trial of Murena, who was by trade a soldier, it suited Cicero to belittle lawyers and to extol the army. When he is telling Sulpicius that it was not by being a lawyer that a man could become Consul, he goes on to praise the high dignity of his client's profession. "The greatest glory is achieved by those who excel in battle. All our empire, all our republic, is defended and made strong by them." It was thus that the advocate could speak! This comes from the man who always 196took glory to himself in declaring that the "toga" was superior to helmet and shield. He had already declared that they erred who thought that they were going to get his own private opinion in speeches made in law courts. He knew how to defend his friend Murena, who was a soldier, and in doing so could say very sharp things, though yet in joke, against his friend Sulpicius, the lawyer. But in truth few men understood the Roman law better than did Cicero.

But we must go back to that agrarian law respecting which, as he tells us, four of his consular speeches were made. This had been

brought forward by Rullus, one of the Tribunes, toward the end of the last year. The Tribunes came into office in December, whereas at this period of the Republic the Consuls were in power only on and from January 1st. Cicero, who had been unable to get the particulars of the new law till it had been proclaimed, had but a few days to master its details. It was, to his thinking, altogether revolutionary. We have the words of many of the clauses; and though it is difficult at this distance of time to realize what would have been its effect, I think we are entitled to say that it was intended to subvert all property. Property, speaking of it generally, cannot be destroyed The land remains, and the combined results of man's industry are too numerous, too large, and too lasting to become a wholesale prey to man's anger or madness. Even the elements when out of order can do but little toward perfecting destruction. A deluge is wanted — or that crash of doom which, whether it is to come or not, is believed by the world to be very distant. But it is within human power to destroy possession, and redistribute the goods which industry, avarice, or perhaps injustice has congregated. They who own property are in these days so much stronger than those who have none, that an idea of any such redistribution does not create much alarm among the possessors. The spirit of 197communism does not prevail among people who have learned that it is, in truth, easier to earn than to steal. But with the Romans political economy had naturally not advanced so far as with us. A subversion of property had to a great extent taken place no later than in Sulla's time. How this had been effected the story of the property of Roscius Amerinus has explained to us. Under Sulla's enactments no man with a house, with hoarded money, with a family of slaves, with rich ornaments, was safe. Property had been made to change hands recklessly, ruthlessly, violently, by the illegal application of a law promulgated by a single individual, who, however, had himself been instigated by no other idea than that of re-establishing the political order of things which he approved. Rullus, probably with other motives, was desirous of effecting a subversion which, though equally great, should be made altogether in a different direction. The ostensible purpose was something as follows: as the Roman people had by their valor and wisdom achieved for Rome great victories, and therefore great

wealth, they, as Roman citizens, were entitled to the enjoyment of what they had won; whereas, in fact, the sweets of victory fell to the lot only of a few aristocrats. For the reform of this evil it should be enacted that all public property which had been thus acquired, whether land or chattels, should be sold, and with the proceeds other lands should be bought fit for the use of Roman citizens, and be given to those who would choose to have it. It was specially suggested that the rich country called the Campania — that in which Naples now stands with its adjacent isles — should be bought up and given over to a great Roman colony. For the purpose of carrying out this law ten magistrates should be appointed, with plenipotentiary power both as to buying and selling. There were many underplots in this. No one need sell unless he chose to sell; but at this moment much land was held by no other title than that of Sulla's proscriptions. The present possessors were in daily fear of dispossession, by some new law made 198with the object of restoring their property to those who had been so cruelly robbed. These would be very glad to get any price in hand for land of which their tenure was so doubtful; and these were the men whom the "decemviri," or ten magistrates, would be anxious to assist. We are told that the father-in-law of Rullus himself had made a large acquisition by his use of Sulla's proscriptions. And then there would be the instantaneous selling of the vast districts obtained by conquest and now held by the Roman State. When so much land would be thrown into the market it would be sold very cheap and would be sold to those whom the "decemviri" might choose to favor. We can hardly now hope to unravel all the intended details, but we may be sure that the basis on which property stood would have been altogether changed by the measure. The "decemviri" were to have plenary power for ten years. All the taxes in all the provinces were to be sold, or put up to market. Everything supposed to belong to the Roman State was to be sold in every province, for the sake of collecting together a huge sum of money, which was to be divided in the shape of land among the poorer Romans. Whatever may have been the private intentions of Rullus, whether good or bad, it is evident, even at this distance of time, that a redistribution of property was intended which can only be described as a general subversion.

To this the new Consul opposed himself vehemently, successfully, and, we must needs say, patriotically.

The intense interest which Cicero threw into his work is as manifest in these agrarian orations as in those subsequently made as to the Catiline conspiracy. He ascends in his energy to a dignity of self-praise which induces the reader to feel that a man who could so speak of himself without fear of contradiction had a right to assert the supremacy of his own character and intellect. He condescends, on the other hand, to a virulence of personal abuse against Rullus which, though it is to our taste offensive, is, even to us, persuasive, making us feel that 199such a man should not have undertaken such a work. He is describing the way in which the bill was first introduced: "Our Tribunes at last enter upon their office. The harangue to be made by Rullus is especially expected. He is the projector of the law, and it was expected that he would carry himself with an air of special audacity. When he was only Tribune elect he began to put on a different countenance, to speak with a different voice, to walk with a different step. We all saw how he appeared with soiled raiment, with his person uncared for, and foul with dirt, with his hair and beard uncombed and untrimmed." In Rome men under afflictions, particularly if under accusation, showed themselves in soiled garments so as to attract pity, and the meaning here is that Rullus went about as though under grief at the condition of his poor fellow-citizens, who were distressed by the want of this agrarian law. No description could be more likely to turn an individual into ridicule than this of his taking upon himself to represent in his own person the sorrows of the city. The picture of the man with the self-assumed garments of public woe, as though he were big enough to exhibit the grief of all Rome, could not but be effective. It has been supposed that Cicero was insulting the Tribune because he was dirty. Not so. He was ridiculing Rullus because Rullus had dared to go about in mourning—"sordidatus" — on behalf of his country.

But the tone in which Cicero speaks of himself is magnificent. It is so grand as to make us feel that a Consul of Rome, who had the cares of Rome on his shoulders, was entitled to declare his own greatness to the Senate and to the people. There are the two important orations — that spoken first in the Senate, and then the

speech to the people from which I have already quoted the passage personal to Rullus. In both of them he declares his own idea of a Consul, and of himself as Consul. He has been speaking of the effect of the proposed 200law on the revenues of the State, and then proceeds: “But I pass by what I have to say on that matter and reserve it for the people. I speak now of the danger which menaces our safety and our liberty. For what will there be left to us untouched in the Republic, what will remain of your authority and freedom, when Rullus, and those whom you fear much more than Rullus, with this band of ready knaves, with all the rascaldom of Rome, laden with gold and silver, shall have seized on Capua and all the cities round? To all this, Senators” — Patres conscripti he calls them—”I will oppose what power I have. As long as I am Consul I will not suffer them to carry out their designs against the Republic.

“But you, Rullus, and those who are with you, have been mistaken grievously in supposing that you will be regarded as friends of the people in your attempts to subvert the Republic in opposition to a Consul who is known in very truth to be the people’s friend I call upon you, I invite you to meet me in the assembly. Let us have the people of Rome as a judge between us. Let us look round and see what it is that the people really desire. We shall find that there is nothing so dear to them as peace and quietness and ease. You have handed over the city to me full of anxiety, depressed with fear, disturbed by these projected laws and seditious assemblies.” (It must be remembered that he had only on that very day begun his Consulship) “The wicked you have filled with hope, the good with fear. You have robbed the Forum of loyalty and the Republic of dignity. But now, when in the midst of these troubles of mind and body, when in this great darkness the voice and the authority of the Consul has been heard by the people — when he shall have made it plain that there is no cause 201for fear, that no strange army shall enroll itself, no bands collect themselves; that there shall be no new colonies, no sale of the revenue, no altered empire, no royal ‘decemvirs,’ no second Rome, no other centre of rule but this; that while I am Consul there shall be perfect peace, perfect ease — do you suppose that I shall dread the superior popularity of your new agrarian law? Shall I, do you think, be afraid to hold my own against

you in an assembly of the citizens when I shall have exposed the iniquity of your designs, the fraud of this law, the plots which your Tribunes of the people, popular as they think themselves, have contrived against the Roman people? Shall I fear — I who have determined to be Consul after that fashion in which alone a man may do so in dignity and freedom, reaching to ask nothing for myself which any Tribune could object to have given to me?"

This was to the Senate, but he is bolder still when he addresses the people. He begins by reminding them that it has always been the custom of the great officers of state, who have enjoyed the right of having in their houses the busts and images of their ancestors, in their first speech to the people to join with thanks for the favors done to themselves some records of the noble deeds done by their forefathers. He, however, could do nothing of the kind: he had no such right: none in his family had achieved such dignity. To speak of himself might seem too proud, but to be silent would be ungrateful. Therefore would he restrain himself, but would still say something, so that he might acknowledge what he had received. Then he would leave it for them to judge whether he had deserved what they had done for him.

"It is long ago — almost beyond the memory of us now here 202 — since you last made a new man Consul. That high office the nobles had reserved for themselves, and defended it, as it were, with ramparts. You have secured it for me, so that in future it shall be open to any who may be worthy of it. Nor have you only made me a Consul, much as that is, but you have done so in such a fashion that but few among the old nobles have been so treated, and no new man —'novus ante me nemo.' I have, if you will think of it, been the only new man who has stood for the Consulship in the first year in which it was legal, and who has got it." Then he goes on to remind them, in words which I have quoted before, that they had elected him by their unanimous voices. All this, he says, had been very grateful to him, but he had quite understood that it had been done that he might labor on their behalf. That such labor was severe, he declares. The Consulship itself must be defended. His period of Consulship to any Consul must be a year of grave responsibility, but more so to him than to any other. To him, should he be in doubt, the great nobles

would give no kind advice. To him, should he be overtasked, they would give no assistance. But the first thing he would look for should be their good opinion. To declare now, before the people, that he would exercise his office for the good of the people was his natural duty. But in that place, in which it was difficult to speak after such a fashion, in the Senate itself, on the very first day of his Consulship, he had declared the same thing—"popularem me futurum esse consulem."

The course he had to pursue was noble, but very difficult. He desired, certainly, to be recognized as a friend of the people, but he desired so to befriend them that he might support also at the same time the power of the aristocracy. He still believed, as we cannot believe now, that there was a residuum 203of good in the Senate sufficient to blossom forth into new powers of honest government. When speaking to the oligarchs in the Senate of Rullus and his land law, it was easy enough to carry them with him. That a Consul should oppose a Tribune who was coming forward with a "Lex agraria" in his hands, as the latest disciple of the Gracchi, was not out of the common order of things. Another Consul would either have looked for popularity and increased power of plundering, as Antony might have done, or have stuck to his order, as he would have called it — as might have been the case with the Cottas, Lepiduses and Pisos of preceding years. But Cicero determined to oppose the demagogue Tribune by proving himself to the people to be more of a demagogue than he. He succeeded, and Rullus with his agrarian law was sent back into darkness. I regard the second speech against Rullus as the *ne plus ultra*, the very *beau ideal* of a political harangue to the people on the side of order and good government.

I cannot finish this chapter, in which I have attempted to describe the lesser operations of Cicero's Consulship, without again alluding to the picture drawn by Virgil of a great man quelling the storms of a seditious rising by the gravity of his presence and the weight of his words. The poet surely had in his memory some occasion in which had taken place this great triumph of character and intellect combined. When the knights, during Cicero's Consulship essayed to take their privileged places in the public theatre, in accordance with a law passed by Roscius Otho a few years earlier (b.c. 68), the founder

of the obnoxious law himself entered the building. The people, enraged against a man who had interfered with them and their pleasures, and who had brought them, as it were under new restraints from the aristocracy, arose in a body and began to break everything that came to hand. “Tum pietate gravem!” The Consul was sent for. He called on the people to 204follow him out of the theatre to the Temple of Bellona, and there addressed to them that wonderful oration by which they were sent away not only pacified but in good-humor with Otho himself. “Iste regit dictis animos et pectora mulcet.” I have spoken of Pliny’s eulogy as to the great Consul’s doings of the year. The passage is short and I will translate it: “But, Marcus Tullius, how shall I reconcile it to myself to be silent as to you, or by what special glory shall I best declare your excellence? How better than by referring to the grand testimony given to you by the whole nation, and to the achievements of your Consulship as a specimen of your entire life? At your voice the tribes gave up their agrarian law, which was as the very bread in their mouths. At your persuasion they pardoned Otho his law and bore with good-humor the difference of the seats assigned to them. At your prayer the children of the proscribed forbore from demanding their rights of citizenship. Catiline was put to flight by your skill and eloquence. It was you who silenced M. Antony. Hail, thou who wert first addressed as the father of your country — the first who, in the garb of peace, hast deserved a triumph and won the laurel wreath of eloquence.” This was grand praise to be spoken of a man more than a hundred years after his death, by one who had no peculiar sympathies with him other than those created by literary affinity.

None of Cicero’s letters have come to us from the year of his Consulship.

5

CHAPTER IX

CATILINE.

To wash the blackamoor white has been the favorite task of some modern historians. To find a paradox in character is a relief to the investigating mind which does not care to walk always in the well-tried paths, or to follow the grooves made plain and uninteresting by earlier writers. Tiberius and even Nero have been praised. The memories of our early years have been shocked by instructions to regard Richard III. and Henry VIII. as great and scrupulous kings. The devil may have been painted blacker than he should be, and the minds of just men, who will not accept the verdict of the majority, have been much exercised to put the matter right. We are now told that Catiline was a popular hero; that, though he might have wished to murder Cicero, he was, in accordance with the practice of his days, not much to be blamed for that; and that he was simply the follower of the Gracchi, and the forerunner of Cæsar in his desire to oppose the oligarchy of Rome. In this there is much that is true. Murder was common. He who had seen the Sullan proscriptions, as both Catiline and Cicero had done, might well have learned to feel less scrupulous as to blood than we do in these days. Even Cicero, who of all the Romans was the most humane — even he, no doubt, would have been well contented that Catiline should have been destroyed by the people. Even he was the cause, 206as we shall see just now, of the execution of the leaders of the conspirators whom Catiline left behind him in the city — an execution of which the legality is at any rate very doubtful. But in judging even of bloodshed we have to regard the circumstances of the time in the verdicts we give. Our consciousness of altered manners and of the growth of gentleness force this upon us. We cannot execrate the conspirators who murdered Cæsar as we would do those who might now plot the death of a tyrant; nor can we deal as heavily with the murderers of Cæsar as we would have done then with Catilinarian conspirators in Rome, had Catiline's conspiracy succeeded. And so, too, in acknowledging that Catiline was the outcome of the Gracchi, and to some extent the

preparation for Cæsar, we must again compare him with them, his motives and designs with theirs, before we can allow ourselves to sympathize with him, because there was much in them worthy of praise and honor.

That the Gracchi were seditious no historian has, I think, denied. They were willing to use the usages and laws of the Republic where those usages and laws assisted them, but as willing to act illegally when the usages and laws ran counter to them. In the reforms or changes which they attempted they were undoubtedly rebels; but no reader comes across the tale of the death, first of one and then of the other, without a regret. It has to be owned that they were murdered in tumults which they themselves had occasioned. But they were honest and patriotic. History has declared of them that their efforts were made with the real purport of relieving their fellow-countrymen from what they believed to be the tyranny of oligarchs. The Republic even in their time had become too rotten to be saved; but the world has not the less given them the credit for a desire to do good; and the names of the two 207brothers, rebels as they were, have come down to us with a sweet savor about them. Cæsar, on the other hand, was no doubt of the same political party. He too was opposed to the oligarchs, but it never occurred to him that he could save the Republic by any struggles after freedom. His mind was not given to patriotism of that sort — not to memories, not to associations. Even laws were nothing to him but as they might be useful. To his thinking, probably even in his early days, the state of Rome required a master. Its wealth, its pleasures, its soldiers, its power, were there for any one to take who could take them — for any one to hold who could hold them. Mr. Beesly, the last defender of Catiline, has stated that very little was known in Rome of Cæsar till the time of Catiline's conspiracy, and in that I agree with him. He possessed high family rank, and had been Quæstor and Ædile; but it was only from this year out that his name was much in men's mouths, and that he was learning to look into things. It may be that he had previously been in league with Catiline — that he was in league with him till the time came for the great attempt. The evidence, as far as it goes, seems to show that it was so. Rome had been the prey of many conspiracies. The dominion of Marius and the dominion of Sulla had

been effected by conspiracies. No doubt the opinion was strong with many that both Cæsar and Crassus, the rich man, were concerned with Catiline. But Cæsar was very far-seeing, and, if such connection existed, knew how to withdraw from it when the time was not found to be opportune. But from first to last he always was opposed to the oligarchy. The various steps from the Gracchi to him were as those which had to be made from the Girondists to Napoleon. Catiline, no doubt, was one of the steps, as were Danton and Robespierre steps. The continuation of steps in each case was at first occasioned by the bad government and greed of a few men in power. But as Robespierre was vile and low, whereas Vergniaud was honest and Napoleon great, so was it with Catiline 208between the Gracchi and Cæsar. There is, to my thinking, no excuse for Catiline in the fact that he was a natural step, not even though he were a necessary step, between the Gracchi and Cæsar.

I regard as futile the attempts which are made to rewrite history on the base of moral convictions and philosophical conclusion. History very often has been, and no doubt often again will be, rewritten, with good effect and in the service of truth, on the finding of new facts. Records have been brought to light which have hitherto been buried, and testimonies are compared with testimonies which have not before been seen together. But to imagine that a man may have been good who has lain under the ban of all the historians, all the poets, and all the tellers of anecdotes, and then to declare such goodness simply in accordance with the dictates of a generous heart or a contradictory spirit, is to disturb rather than to assist history. Of Catiline we at least know that he headed a sedition in Rome in the year of Cicero's Consulship; that he left the city suddenly; that he was killed in the neighborhood of Pistoia fighting against the Generals of the Republic, and that he left certain accomplices in Rome who were put to death by an edict of the Senate. So much I think is certain to the most truculent doubter. From his contemporaries, Sallust and Cicero, we have a very strongly expressed opinion of his character. They have left to us denunciations of the man which have made him odious to all after-ages, so that modern poets have made him a stock character, and have dramatized him as a fiend. Voltaire has described him as calling

upon his fellow-conspirators to murder Cicero and Cato, and to burn the city. Ben Jonson makes Catiline kill a slave and mix his blood, to be drained by his friends. “There cannot be a fitter drink to make this sanction in.” The friends of Catiline will say that this shows no evidence against the man. None, certainly; but it is a continued expression of the feeling that has prevailed since Catiline’s time. In his own age Cicero and Sallust, who 209were opposed in all their political views, combined to speak ill of him. In the next, Virgil makes him as suffering his punishment in hell. In the next, Velleius Paterculus speaks of him as the conspirator whom Cicero had banished. Juvenal makes various allusions to him, but all in the same spirit. Juvenal cared nothing for history, but used the names of well-known persons as illustrations of the idea which he was presenting. Valerius Maximus, who wrote commendable little essays about all the virtues and all the vices, which he illustrated with the names of all the vicious and all the virtuous people he knew, is very severe on Catiline. Florus, who wrote two centuries and a half after the conspiracy, gives us of Catiline the same personal story as that told both by Sallust and Cicero: “Debauchery, in the first place; and then the poverty which that had produced; and then the opportunity of the time, because the Roman armies were in distant lands, induced Catiline to conspire for the destruction of his country.” Mommsen, who was certainly biassed by no feeling in favor of Cicero, declares that Catiline in particular was “one of the most nefarious men in that nefarious age. His villanies belong to the criminal records, not to history.” All this is no evidence. Cicero and Sallust may possibly have combined to lie about Catiline. Other Roman writers may have followed them, and modern 210poets and modern historians may have followed the Roman writers. It is possible that the world may have been wrong as to a period of Roman history with which it has thought itself to be well acquainted; but the world now has nothing to go by but the facts as they have come down to it. The writers of the ages since have combined to speak of Cicero with respect and admiration. They have combined, also, to speak of Catiline with abhorrence. They have agreed, also, to treat those other rebels, the Gracchi, after such a fashion that, in spite of their sedition, a sweet savor, as I have said, attaches itself to their names. For myself, I am

contented to take the opinion of the world, and feel assured that I shall do no injustice in speaking of Catiline as all who have written about him hitherto have spoken of him I cannot consent to the building up of a noble patriot out of such materials as we have concerning him.

Two strong points have been made for Catiline in Mr. 211Beesly's defence. His ancestors had been Consuls when the forefathers of patricians of a later date "were clapping their chapped hands and throwing up their sweaty nightcaps." That scorn against the people should be expressed by the aristocrat Casca was well supposed by Shakspeare; but how did a liberal of the present day bring himself to do honor to his hero by such allusions? In truth, however, the glory of 212ancient blood and the disgrace attaching to the signs of labor are ideas seldom relinquished even by democratic minds. A Howard is nowhere lovelier than in America, or a sweaty nightcap less relished. We are then reminded how Catiline died fighting, with the wounds all in front; and are told that the "world has generally a generous word for the memory of a brave man dying for his cause, be that cause what it will; but for Catiline none!" I think there is a mistake in the sentiment expressed here. To die readily when death must come is but a little thing, and is done daily by the poorest of mankind. The Romans could generally do it, and so can the Chinese. A Zulu is quite equal to it, and people lower in civilization than Chinese or Zulus. To encounter death, or the danger of death, for the sake of duty — when the choice is there; but duty and death are preferred to ignominious security, or, better still, to security which shall bring with it self-abasement — that is grand. When I hear that a man "rushed into the field and, foremost fighting, fell," if there have been no adequate occasion, I think him a fool. If it be that he has chosen to hurry on the necessary event, as was Catiline's case, I recognize him as having been endowed with certain physical attributes which are neither glorious nor disgraceful. That Catiline was constitutionally a brave man no one has denied. Rush, the murderer, was one of the bravest men of whom I remember to have heard. What credit is due to Rush is due to Catiline.

What we believe to be the story of Catiline's life is this: In Sulla's time he was engaged, as behooved a great nobleman of ancient

blood, in carrying out the Dictator's proscriptions and in running through whatever means he had. There are fearful stories told of him as to murdering his own son and other relatives; as to which Mr. Beesly is no doubt right in saying that such tales were too lightly told in Rome to deserve implicit confidence. To serve a purpose any one would say anything of any enemy. Very marvellous qualities are attributed to him — as to having been at the same time steeped in luxury and yet able and willing to bear all bodily hardships. He probably had been engaged in murders — as how should a man not have been so who had served under Sulla during the Dictatorship? He had probably allured some young aristocrats into debauchery, when all young aristocrats were so allured. He had probably undergone some extremity of cold and hunger. In reading of these things the reader will know by instinct how much he may believe, and how much he should receive as mythic. That he was a fast young nobleman, brought up to know no scruples, to disregard blood, and to look upon his country as a milch cow from which a young nobleman might be fed with never-ending streams of rich cream in the shape of money to be borrowed, wealth to be snatched, and, above all, foreigners to be plundered, we may take, I think, as proved. In spite of his vices, or by aid of them, he rose in the service of his country. That such a one should become a Prætor and a Governor was natural. He went to Africa with proconsular authority, and of course fleeced the Africans. It was as natural as that a flock of sheep should lose their wool at shearing time. He came back intent, as was natural also, on being a Consul, and of carrying on the game of promotion and of plunder. But there came a spoke in his wheel — the not unusual spoke of an accusation from the province. While under accusation for provincial robbery he could not come forward as a candidate, and thus he was stopped in his career.

It is not possible now to unravel all the personal feuds of 213the time — the ins and outs of family quarrels. Clodius — the Clodius who was afterward Cicero's notorious enemy and the victim of Milo's fury — became the accuser of Catiline on behalf of the Africans. Though Clodius was much the younger, they were men of the same class. It may be possible that Clodius was appointed to the work — as it had been intended that Cæcilius should be appointed at

the prosecution of Verres — in order to assure not the conviction but the acquittal of the guilty man. The historians and biographers say that Clodius was at last bought by a bribe, and that he betrayed the Africans after that fashion. It may be that such bribery was arranged from the first. Our interest in that trial lies in the fact that Cicero no doubt intended, from political motives, to defend Catiline. It has been said that he did do so. As far as we know, he abandoned the intention. We have no trace of his speech, and no allusion in history to an occurrence which would certainly have been mentioned. But there was *no* reason why he should not have done so. He defended Fonteius, and I am quite willing to own that he knew Fonteius to have been a robber. When I look at the practice of our own times, I find that thieves and rebels are defended by honorable advocates, who do not scruple to take their briefs in opposition to their own opinions. It suited Cicero to do the same. If I were detected in a plot for blowing up a Cabinet Council, I do not doubt but that I should get the late attorney-general to defend me.

214But Catiline, though he was acquitted, was balked in his candidature for the Consulship of the next year, b.c. 65. P. Sulla and Autronius were elected — that Sulla to whose subsequent defence I have just referred in this note — but were ejected on the score of bribery, and two others, Torquatus and Cotta, were elected in their place. In this way three men standing on high before their countrymen — one having been debarred from standing for the Consulship, and the other two having been robbed of their prize even when it was within their grasp — not unnaturally became traitors at heart. Almost as naturally they came together and conspired. Why should they have been selected as victims, having only done that which every aristocrat did as a matter of course in following out his recognized profession in living upon the subject nations? Their conduct had probably been the same as that of others, or if more glaring, only so much so as is always the case with vices as they become more common. However, the three men fell, and became the centre of a plot which is known as the first Catiline conspiracy.

The reader must bear in mind that I am now telling the story of Catiline, and going back to a period of two years before Cicero's Consulship, which was b.c. 63. How during 215that year Cicero

successfully defended Murena when Cato endeavored to rob him of his coming Consulship, has been already told. It may be that Murena's hands were no cleaner than those of Sulla and Autronius, and that they lacked only the consular authority and forensic eloquence of the advocate who defended Murena. At this time, when the two appointed Consuls were rejected, Cicero had hardly as yet taken any part in public politics. He had been Quæstor, Ædile, and Prætor, filling those administrative offices to the best of his ability. He had, he says, hardly heard of the first conspiracy. That what he says is true, is, I think, proved by the absence of all allusion to it in his early letters, or in the speeches or fragments of speeches that are extant. But that there was such a conspiracy we cannot doubt, nor that the three men named, Catiline, Sulla, and Autronius, were leaders in it. What would interest us, if only we could have the truth, is whether Cæsar and Crassus were joined in it.

It is necessary again to consider the condition of the Republic. To us a conspiracy to subvert the government under which the conspirer lives seems either a very terrible remedy for great evils, or an attempt to do evil which all good men should oppose. We have the happy conspiracy in which Washington became the military leader, and the French Revolution, which, bloody as it was, succeeded in rescuing Frenchmen from the condition of serfdom. At home we have our own conspiracy against the Stuart royalty, which had also noble results. The Gracchi had attempted to effect something of the same kind at Rome; but the moral condition of the people had become so low that no real love of liberty remained. Conspiracy! oh yes. As long as there was anything to get, of course he who had not got it would conspire 216against him who had. There had been conspiracies for and against Marius, for and against Cinna, for and against Sulla. There was a grasping for plunder, a thirst for power which meant luxury, a greed for blood which grew from the hatred which such rivalry produced. These were the motive causes for conspiracies; not whether Romans should be free but whether a Sulla or a Cotta should be allowed to run riot in a province.

Cæsar at this time had not done much in the Roman world except fall greatly into debt. Knowing, as we do know now, his immense intellectual capacity, we cannot doubt but at the age he had now

reached, thirty-five, b.c. 65, he had considered deeply his prospects in life. There is no reason for supposing that he had conceived the idea of being a great soldier. That came to him by pure accident, some years afterward. To be Quæstor, Prætor, and Consul, and catch what was going, seems to have been the cause to him of having encountered extraordinary debt. That he would have been a Verres, or a Fonteius, or a Catiline, we certainly are not entitled to think. Over whatever people he might have come to reign, and in whatever way he might have procured his kingdom, he would have reigned with a far-seeing eye, fixed upon future results. At this period he was looking out for a way to advance himself. There were three men, all just six years his senior, who had risen or were rising into great repute; they were Pompey, Cicero, and Catiline. There were two who were noted for having clean hands in the midst of all the dirt around; and they were undoubtedly the first Romans of the day. Catiline was determined that he too would be among the first Romans of the day; but his hands had never been clean. Which was the better way for such a one as Cæsar to go?

To have had Pompey under his feet, or Cicero, must have then seemed to Cæsar to be impracticable, though the time came when he did, in different ways, have his feet on both. With Catiline the chance of success might be better. Crassus 217he had already compassed. Crassus was like M. Poirier in the play — a man who, having become rich, then allowed himself the luxury of an ambition. If Cæsar joined the plot we can well understand that Crassus should have gone with him. We have all but sufficient authority for saying that it was so, but authority insufficient for declaring it. That Sallust, in his short account of the first conspiracy, should not have implicated Cæsar was a matter of course, as he wrote altogether in Cæsar's interest. That Cicero should not have mentioned it is also quite intelligible. He did not wish to pull down upon his ears the whole house of the aristocracy. Throughout his career it was his object to maintain the tenor of the law with what smallest breach of it might be possible; but he was wise enough to know that when the laws were being broken on every side he could not catch in his nets all those who broke them. He had to pass over much; to make the best of the state of things as he found them. It is not to be supposed

that a conspirator against the Republic would be horrible to him, as would be to us a traitor against the Crown: there were too many of them for horror. If Cæsar and Crassus could be got to keep themselves quiet, he would be willing enough not to have to add them to his list of enemies. Livy is presumed to have told us that this conspiracy intended to restore the ejected Consuls, and to kill the Consuls who had been established in their place. But the book in which this was written is lost, and we have only the Epitome, or heading of the book, of which we know that it was not written by Livy. Suetonius, who got his story not improbably from Livy, tells us that Cæsar was suspected of having joined this conspiracy with Crassus; and he goes on to say that Cicero, writing subsequently to one Axius, declared that "Cæsar had attempted in his Consulship to accomplish the dominion which he had intended to grasp in his Ædileship" 218the year in question. There is, however, no such letter extant. Asconius, who, as I have said before, wrote in the time of Tiberius, declares that Cicero in his lost oration, "In toga candida," accused Crassus of having been the author of the conspiracy. Such is the information we have; and if we elect to believe that Cæsar was then joined with Catiline, we must be guided by our ideas of probability rather than by evidence. As I have said before, conspiracies had been very rife. To Cæsar it was no doubt becoming manifest that the Republic, with its oligarchs, must fall. Subsequently it did fall, and he was — I will not say the conspirator, nor will I judge the question by saying that he was the traitor; but the man of power who, having the legions of the Republic in his hands, used them against the Republic. I can well understand that he should have joined such a conspiracy as this first of Catiline, and then have backed out of it when he found he could not trust those who were joined with him.

This conspiracy failed. One man omitted to give a signal at one time, and another at another. The Senate was to have been slaughtered; the two Consuls, Cotta and Torquatus, murdered, and the two ex-Consuls, Sulla and Autronius, replaced. Though all the details seem to have been known to the Consuls, Catiline was allowed to go free, nor were any steps taken for the punishment of the conspirators.

The second conspiracy was attempted in the Consulship of Cicero, b.c. 63, two years after the first. Catiline had struggled for the Consulship, and had failed. Again there would be no province, no plunder, no power. This interference, as it must have seemed to him, with his peculiar privileges, had all come from Cicero. Cicero was the busybody who was attempting to stop the order of things 219which had, to his thinking, been specially ordained by all the gods for the sustenance of one so well born, and at the same time so poor, as himself. There was a vulgar meddling about it — all coming from the violent virtue of a Consul whose father had been a nobody at Arpinum — which was well calculated to drive Catiline into madness. So he went to work and got together in Rome a body of men as discontented and almost as nobly born as himself, and in the country north of Rome an army of rebels, and began his operations with very little secrecy. In all the story the most remarkable feature is the openness with which many of the details of the conspiracy were carried on. The existence of the rebel army was known; it was known that Catiline was the leader; the causes of his disaffection were known; his comrades in guilt were known When any special act was intended, such as might be the murder of the Consul or the firing of the city, secret plots were concocted in abundance. But the grand fact of a wide-spread conspiracy could go naked in Rome, and not even a Cicero dare to meddle with it.

b.c. 63, ætat 44

As to this second conspiracy, the conspiracy with which Sallust and Cicero have made us so well acquainted, there is no sufficient ground for asserting that Cæsar was concerned in it. That he was greatly concerned in the treatment of the conspirators there is no doubt. He had probably learned to appreciate the rage, the madness, the impotence of Catiline at their proper worth. He too, I think, must have looked upon Cicero as a meddling, over-virtuous busybody; as did even Pompey when he returned from the East. What practical use could there be in such a man at such a time — in one who really 220believed in honesty, who thought of liberty and the Republic, and imagined that he could set the world right by talking? Such must have been the feeling of Cæsar, who had both experience and foresight to tell him that Rome wanted and must have a master. He

probably had patriotism enough to feel that he, if he could acquire the mastership, would do something beyond robbery — would not satisfy himself with cutting the throats of all his enemies, and feeding his supporters with the property of his opponents. But Cicero was impracticable — unless, indeed, he could be so flattered as to be made useful. It was thus, I think, that Cæsar regarded Cicero, and thus that he induced Pompey to regard him. But now, in the year of his Consulship, Cicero had really talked himself into power, and for this year his virtue must be allowed to have its full way.

He did so much in this year, was so really efficacious in restraining for a time the greed and violence of the aristocracy, that it is not surprising that he was taught to believe in himself. There were, too, enough of others anxious for the Republic to bolster him up in his own belief. There was that Cornelius in whose defence Cicero made the two great speeches which have been unfortunately lost, and there was Cato, and up to this time there was Pompey, as Cicero thought. Cicero, till he found himself candidate for the Consulship, had contented himself with undertaking separate cases, in which, no doubt, politics were concerned, but which were not exclusively political. He had advocated the employment of Pompey in the East, and had defended Cornelius. He was well acquainted with the history of the Republic; but he had probably never asked himself the question whether it was in mortal peril, and if so, whether it might possibly be saved. In his Consulship he did do so; and, seeing less of the Republic than we can see now, told himself that it was possible.

The stories told to us of Catiline's conspiracy by Sallust and by Cicero are so little conflicting that we can trust them both. Trusting them both, we are justified in believing that 221we know the truth. We are here concerned only with the part which Cicero took. Nothing, I think, which Cicero says is contradicted by Sallust, though of much that Cicero certainly did Sallust is silent. Sallust damns him, but only by faint praise. We may, therefore, take the account of the plot as given by Cicero himself as verified: indeed, I am not aware that any of Cicero's facts have been questioned.

Sallust declares that Catiline's attempt was popular in Rome generally. This, I think, must be taken as showing simply that revolution and conspiracy were in themselves popular: that, as a

condition of things around him such as existed in Rome, a plotter of state plots should be able to collect a body of followers, was a thing of course; that there were many citizens who would not work, and who expected to live in luxury on public or private plunder, is certain. When the conspiracy was first announced in the Senate, Catiline had an army collected; but we have no proof that the hearts of the inhabitants of Rome generally were with the conspirators. On the other hand, we have proof, in the unparalleled devotion shown by the citizens to Cicero after the conspiracy was quelled, that their hearts were with him. The populace, fond of change, liked a disturbance; but there is nothing to show that Catiline was ever beloved as had been the Gracchi, and other tribunes of the people who came after them.

Catiline, in the autumn of the year b.c. 63, had arranged the outside circumstances of his conspiracy, knowing that he would, for the third time, be unsuccessful in his canvass for the Consulship. That Cicero with other Senators should be murdered seems to have been their first object, and that then the Consulship should be seized by force. On the 21st of 222October Cicero made his first report to the Senate as to the conspiracy, and called upon Catiline for his answer. It was then that Catiline made his famous reply: “That the Republic had two bodies, of which one was weak and had a bad head” — meaning the aristocracy, with Cicero as its chief—”and the other strong, but without any head,” meaning the people; “but that as for himself, so well had the people deserved of him, that as long as he lived a head should be forth-coming.” Then, at that sitting, the Senate decreed, in the usual formula, “That the Consuls were to take care that the Republic did not suffer. On the 22d of October, the new Consuls, Silanus and Murena, were elected. On the 23d, Catiline was regularly accused of conspiracy by Paulus Lepidus, a young nobleman, in conformity with a law which had been enacted fifty-five years earlier, “de vi publica,” as to violence applied to the State. Two days afterward it was officially reported that Manlius — or Mallius, as he seems to have been generally called — Catiline’s lieutenant, had openly taken up arms in Etruria. The 27th had been fixed by the conspirators for the murder of Cicero and the other Senators. That all this was to be, and was so arranged by Catiline,

had been declared in the Senate by Cicero himself on that day when Catiline told them of the two bodies and the two heads. Cicero, with his intelligence, ingenuity, and industry, had learned every detail. There was one Curius among the conspirators, a fair specimen of the young Roman nobleman of the day, who told it all to his mistress Fulvia, and she carried the information to the Consul. It is all narrated with fair dramatic accuracy in Ben Jonson's dull play, though he has attributed to Cæsar a share in the plot, for doing which he had no authority. Cicero, on that sitting in the Senate, had been specially anxious to make Catiline understand that he knew privately every circumstance of the 223plot. Throughout the whole conspiracy his object was not to take Catiline, but to drive him out of Rome. If the people could be stirred up to kill him in their wrath, that might be well; in that way there might be an end of all the trouble. But if that did not come to pass, then it would be best to make the city unbearable to the conspirators. If they could be driven out, they must either take themselves to foreign parts and be dispersed, or must else fight and assuredly be conquered. Cicero himself was never blood-thirsty, but the necessity was strong upon him of ridding the Republic from these blood-thirsty men.

The scheme for destroying Cicero and the Senators on the 27th of October had proved abortive. On the 6th of the next month a meeting was held in the house of one Marcus Porcius Læca, at which a plot was arranged for the killing of Cicero the next day — for the killing of Cicero alone — he having been by this time found to be the one great obstacle in their path. Two knights were told off for the service, named Vargunteius and Cornelius. These, after the Roman fashion, were to make their way early on the following morning into the Consul's bedroom for the ostensible purpose of paying him their morning compliments, but, when there, they were to slay him. All this, however, was told to Cicero, and the two knights, when they came, were refused admittance. If Cicero had been a man given to fear, as has been said of him, he must have passed a wretched life at this period. As far as I can judge of his words and doings throughout his life, he was not harassed by constitutional timidity. He feared to disgrace his name, to lower his authority, to become small in the eyes of men, to make political mistakes, to do that which might turn

against him. In much of this there was a falling off from that dignity which, if we do not often find it in a man, we can all of us imagine; but of personal dread as to his own skin, as to his own life, there was very little. At this time, when, as he knew well, many men with many weapons in their hands, men 224who were altogether unscrupulous, were in search for his blood he never seems to have trembled.

But all Rome trembled — even according to Sallust. I have already shown how he declares in one part of his narrative that the common people as a body were with Catiline, and have attempted to explain what was meant by that expression. In another, in an earlier chapter, he says "that the State," meaning the city, "was disturbed by all this, and its appearance changed. Instead of the joy and ease which had lately prevailed, the effect of the long peace, a sudden sadness fell upon every one." I quote the passage because that other passage has been taken as proving the popularity of Catiline. There can, I think, be no doubt that the population of Rome was, as a body, afraid of Catiline. The city was to be burnt down, the Consuls and the Senate were to be murdered, debts were to be wiped out, slaves were probably to be encouraged against their masters. The "permota civitas" and the "cuncta plebes," of which Sallust speaks, mean that all the "householders" were disturbed, and that all the "roughs" were eager with revolutionary hopes.

On the 8th of November, the day after that on which the Consul was to have been murdered in his own house, he called a special meeting of the Senate in the temple of Jupiter Stator. The Senate in Cicero's time was convened according to expedience, or perhaps as to the dignity of the occasion, in various temples. Of these none had a higher reputation than that of the special Jupiter who is held to have befriended Romulus in his fight with the Sabines. Here was launched that thunderbolt of eloquence which all English school-boys have known for its "Quousque tandem abutere, Catilina, patientia nostra." Whether it be from the awe which has come down to me from my earliest years, mixed perhaps with something of dread for the great pedagogue who first made the words to sound grandly 225in my ears, or whether true critical judgment has since approved to me the real weight of the words, they certainly do contain for my

intelligence an expression of almost divine indignation. Then there follows a string of questions, which to translate would be vain, which to quote, for those who read the language, is surely unnecessary. It is said to have been a fault with Cicero that in his speeches he runs too much into that vein of wrathful interrogation which undoubtedly palls upon us in English oratory when frequent resort is made to it. It seems to be too easy, and to contain too little of argument. It was this, probably, of which his contemporaries complained when they declared him to be florid, redundant, and Asiatic in his style. This questioning runs through nearly the whole speech, but the reader cannot fail to acknowledge its efficacy in reference to the matter in hand. Catiline was sitting there himself in the Senate, and the questions were for the most part addressed to him. We can see him now, a man of large frame, with bold, glaring eyes, looking in his wrath as though he were hardly able to keep his hands from the Consul's throat, even there in the Senate. Though he knew that this attack was to be made on him, he had stalked into the temple and seated himself in a place of honor, among the benches intended for those who had been Consuls. When there, no one spoke to him, no one saluted him. The consular Senators shrunk away, leaving their places of privilege. Even his brother-conspirators, of whom many were present, did not dare to recognize him. Lentulus was no doubt there, and Cethegus, and two of the Sullan family, and Cassius Longinus, and Autronius, and Læca, and Curius. All of them were or had been conspirators in the same cause. Cæsar was there too, and Crassus. A fellow conspirator with Catiline would probably be a Senator. Cicero knew them all. We cannot say that in this matter Cæsar 226was guilty, but Cicero, no doubt, felt that Cæsar's heart was with Catiline. It was his present task so to thunder with his eloquence that he should turn these bitter enemies into seeming friends — to drive Catiline from out of the midst of them, so that it should seem that he had been expelled by those who were in truth his brother-conspirators; and this it was that he did.

He declared the nature of the plot, and boldly said that, such being the facts, Catiline deserved death. "If," he says, "I should order you to be taken and killed, believe me I should be blamed rather for my delay in doing so than for my cruelty." He spoke throughout as

though all the power were in his own hands, either to strike or to forbear. But it was his object to drive him out and not to kill him. “Go,” he said; “that camp of yours and Mallius, your lieutenant, are too long without you. Take your friends with you. Take them all. Cleanse the city of your presence. When its walls are between you and me then I shall feel myself secure. Among us here you may no longer stir yourself. I will not have it — I will not endure it. If I were to suffer you to be killed, your followers in the conspiracy would remain here; but if you go out, as I desire you, this cesspool of filth will drain itself off from out the city. Do you hesitate to do at my command that which you would fain do yourself? The Consul requires an enemy to depart from the city. Do you ask me whether you are to go into exile? I do not order it; but if you ask my counsel, I advise it.” Exile was the severest punishment known by the Roman law, as applicable to a citizen, and such a punishment it was in the power of no Consul or other officer of state to inflict. Though he had taken upon himself the duty of protecting the Republic, still he could not condemn a citizen. It was to the moral effect of his words that he must trust: “Non jubeo, sed si me consulis, suadeo.” Catiline heard him to the end, and then, muttering a curse, left the Senate, and went out of the city. Sallust tells us that he threatened 227to extinguish, in the midst of the general ruin he would create, the flames prepared for his own destruction. Sallust, however, was not present on the occasion, and the threat probably had been uttered at an earlier period of Catiline’s career. Cicero tells us expressly, in one of his subsequent works, that Catiline was struck dumb.

Of this first Catiline oration Sallust says, that “Marcus Tullius the Consul, either fearing the presence of the man, or stirred to anger, made a brilliant speech, very useful to the Republic.” This, coming from an enemy, is stronger testimony to the truth of the story told by Cicero, than would have been any vehement praise from the pen of a friend.

Catiline met some of his colleagues the same night. They were the very men who as Senators had been present at his confusion, and to them he declared his purpose of going. There was nothing to be done in the city by him. The Consul was not to be reached. Catiline himself was too closely watched for personal action. He would join

the army at Fæsulæ and then return and burn the city. His friends, Lentulus, Cethegus, and the others, were to remain and be ready for fire and slaughter as soon as Catiline with his army should appear before the walls. He went, and Cicero had been so far successful.

But these men, Lentulus, Cethegus, and the other Senators, though they had not dared to sit near Catiline in the Senate, or to speak a word to him, went about their work zealously when evening had come. A report was spread among the people that the Consul had taken upon himself to drive a citizen into exile. Catiline, the ill-used Catiline — Catiline, the friend of the people, had, they said, gone to Marseilles in order that he might escape the fury of the tyrant Consul. In this we see the jealousy of Romans as to the infliction of any punishment 228by an individual officer on a citizen. It was with a full knowledge of what was likely to come that Cicero had ironically declared that he only advised the conspirator to go. The feeling was so strong that on the next morning he found himself compelled to address the people on the subject. Then was uttered the second Catiline oration, which was spoken in the open air to the citizens at large. Here too there are words, among those with which he began his speech, almost as familiar to us as the "Quousque tandem"—"Abiit; excessit; evasit; erupit!" This Catiline, says Cicero, this pest of his country, raging in his madness, I have turned out of the city. If you like it better, I have expelled him by my very words. "He has departed. He has fled. He has gone out from among us. He has broken away!" "I have made this conspiracy plain to you all, as I said I would, unless indeed there may be some one here who does not believe that the friends of Catiline will do the same as Catiline would have done. But there is no time now for soft measures. We have to be strong-handed. There is one thing I will do for these men. Let them too go out, so that Catiline shall not pine for them. I will show them the road. He has gone by the Via Aurelia. If they will hurry they may catch him before night." He implies by this that the story about Marseilles was false. Then he speaks with irony of himself as that violent Consul who could drive citizens into exile by the very breath of his mouth. "Ego vehemens ille consul qui verbo cives in exsilium ejicio." So he goes on, in truth defending himself, but leading them with him to take part in the accusation which he

intends to bring against the chief conspirators who remain in the city. If they too will go, they may go unscathed; if they choose to remain, let them look to themselves.

Through it all we can see there is but one thing that he fears — that he shall be driven by the exigencies of the occasion to take some steps which shall afterward be judged not to have been strictly legal, and which shall put him into the 229power of his enemies when the day of his ascendency shall have passed away. It crops out repeatedly in these speeches. He seems to be aware that some over-strong measure will be forced upon him for which he alone will be held responsible. If he can only avoid that, he will fear nothing else; if he cannot avoid it, he will encounter even that danger. His foresight was wonderfully accurate. The strong hand was used, and the punishment came upon him, not from his enemies but from his friends, almost to the bursting of his heart.

Though the Senate had decreed that the Consuls were to see that the Republic should take no harm, and though it was presumed that extraordinary power was thereby conferred, it is evident that no power was conferred of inflicting punishment. Antony, as Cicero's colleague, was nothing. The authority, the responsibility, the action were, and were intended, to remain with Cicero. He could not legally banish any one. It was only too evident that there must be much slaughter. There was the army of rebels with which it would be necessary to fight. Let them go, these rebels within the city, and either join the army and get themselves killed, or else disappear, whither they would, among the provinces. The object of this second Catiline oration, spoken to the people, was to convince the remaining conspirators that they had better go, and to teach the citizens generally that in giving such counsel he was "banishing" no one. As far as the citizens were concerned he was successful; but he did not induce the friends of Catiline to follow their chief. This took place on the 9th of November. 230After the oration the Senate met again, and declared Catiline and Mallius to be public enemies.

Twenty-four days elapsed before the third speech was spoken — twenty- four days during which Rome must have been in a state of very great fever. Cicero was actively engaged in unravelling the plots the details of which were still being carried on within the city; but nevertheless he made that speech for Murena before the judicial bench of which I gave an account in the last chapter, and also probably another for Piso, of which we have nothing left. We cannot but marvel that he should have been able at such a time to devote his mind to such subjects, and carefully to study all the details of legal cases. It was only on October 21st that Murena had been elected Consul; and yet on the 20th of November Cicero defended him with great skill on a charge of bribery. There is an ease, a playfulness, a softness, a drollery about this speech which appears to be almost incompatible with the stern, absorbing realities and great personal dangers in the midst of which he was placed; but the agility of his mind was such that there appears to have been no difficulty to him in these rapid changes.

On the same day, the 20th of November, when Cicero was defending Murena, the plot was being carried on at the house of a certain Roman lady named Sempronia. It was she of whom Sallust said that she danced better than became an honest woman. If we can believe Sallust, she was steeped in luxury and vice. At her house a most vile project was hatched for introducing into Rome Rome's bitterest foreign foes. There were in the city at this time certain delegates from a people called the Allobroges, who inhabited the lower part of Savoy. The Allobroges were of Gaulish race. They were warlike, angry, and at the present moment peculiarly discontented with Rome. There had been certain injuries, either real or presumed, respecting which these delegates had been sent to the city. There they had been delayed, and fobbed 231off with official replies which gave no satisfaction, and were supposed to be ready to do any evil possible to the Republic. What if they could be got to go back suddenly to their homes, and bring a legion of red-haired Gauls to assist the conspirators in burning down Rome? A deputation from the delegates came to Sempronia's house and there met the conspirators — Lentulus and others. They entered freely into the

project; but having, as was usual with foreign embassies at Rome, a patron or peculiar friend of their own among the aristocracy, one Fabius Sanga by name, they thought it well to consult him. Sanga, as a matter of course, told everything to our astute Consul.

Then the matter was arranged with more than all the craft of a modern inspector of police. The Allobroges were instructed to lend themselves to the device, stipulating, however, that they should have a written signed authority which they could show to their rulers at home. The written signed documents were given to them. With certain conspirators to help them out of the city they were sent upon their way. At a bridge over the Tiber they were stopped by Cicero's emissaries. There was a feigned fight, but no blood was shed; and the ambassadors with their letters were brought home to the Consul.

We are astonished at the marvellous folly of these conspirators, so that we could hardly have believed the story had it not been told alike by Cicero and by Sallust, and had not allusion to the details been common among later writers. The ambassadors 232were taken at the Milvian bridge early on the morning of the 3d of December, and in the course of that day Cicero sent for the leaders of the conspiracy to come to him. Lentulus, who was then Prætor, Cethegus, Gabinius, and Statilius all obeyed the summons. They did not know what had occurred, and probably thought that their best hope of safety lay in compliance. Cæparius was also sent for, but he for the moment escaped — in vain; for before two days were over he had been taken and put to death with the others. Cicero again called the Senate together, and entered the meeting leading the guilty Prætor by the hand. Here the offenders were examined and practically acknowledged their guilt. The proofs against them were so convincing that they could not deny it. There were the signatures of some; arms were found hidden in the house of another. The Senate decreed that the men should be kept in durance till some decision as to their fate should have been pronounced. Each of them was then given in custody to some noble Roman of the day. Lentulus the Prætor was confided to the keeping of a Censor, Cethegus to Cornificius, Statilius to Cæsar, Gabinius to Crassus, and Cæparius, who had not fled very far before he was taken, to one Terentius. We can imagine how willingly would Crassus and Cæsar have let their

men go, had they dared. But Cicero was in the ascendant. Cæsar, whom we can imagine to have understood that the hour had not yet come for putting an end to the effete Republic, and to have perceived also that Catiline was no fit helpmate for him in such a work, must bide his time, and for the moment obey. That he was inclined to favor the conspirators there is no doubt; but at present he could befriend them only in accordance with the law. The Allobroges were rewarded. The Prætors in the city who had assisted Cicero were thanked. To Cicero himself a supplication was decreed. A supplication was, in its origin, a thanksgiving to the gods on account of a victory, but had come to be an honor shown to the General who had gained the victory. 233In this case it was simply a means of adding glory to Cicero, and was peculiar, as hitherto the reward had only been conferred for military service. Remembering that, we can understand what at the time must have been the feeling in Rome as to the benefits conferred by the activity and patriotism of the Consul.

On the evening of the same day, the 3d of December, Cicero again addressed the people, explaining to them what he had done, and what he had before explained in the Senate. This was the third Catiline speech, and for rapid narrative is perhaps surpassed by nothing that he ever spoke. He explains again the motives by which he had been actuated; and in doing so extols the courage, the sagacity, the activity of Catiline, while he ridicules the folly and the fury of the others. Had Catiline remained, he says, we should have been forced to fight with him here in the city; but with Lentulus the sleepy, and Cassius the fat, and Cethegus the mad, it has been comparatively easy to deal. It was on this account that he had got rid of him, knowing that their presence would do no harm. Then he reminds the people of all that the gods have done for them, and addresses them in language which makes one feel that they did believe in their gods. It is one instance, one out of many which history and experience afford us, in which an honest and a good man has endeavored to use for salutary purposes a faith in which he has not himself participated. Does the bishop of to-day, when he calls upon his clergy to 234pray for fine weather, believe that the Almighty will change the ordained seasons, and cause his causes to be inoperative because farmers are anxious for their hay or for their

wheat? But he feels that when men are in trouble it is well that they should hold communion with the powers of heaven. So much also Cicero believed, and therefore spoke as he did on this occasion. As to his own religious views, I shall say something in a future chapter.

Then in a passage most beautiful for its language, though it is hardly in accordance with our idea of the manner in which a man should speak of himself, he explains his own ambition: "For all which, my fellow-countrymen, I ask for no other recompense, no ornament or honor, no monument but that this day may live in your memories. It is within your breasts that I would garner and keep fresh my triumph, my glory, the trophies of my exploits. No silent, voiceless statue, nothing which can be bestowed upon the worthless, can give me delight. Only by your remembrance can my fortunes be nurtured — by your good words, by the records which you shall cause to be written, can they be strengthened and perpetuated. I do think that this day, the memory of which, I trust, may be eternal, will be famous in history because the city has been preserved, and because my Consulship has been glorious." He ends the paragraph by an allusion to Pompey, admitting Pompey to a brotherhood of patriotism and praise. We shall see how Pompey repaid him.

How many things must have been astir in his mind when he spoke those words of Pompey! In the next sentence he tells the people of his own danger. He has taken care of their safety; it is for them to take care of his. But they, these Quirites, these Roman citizens, these masters of the world, by whom everything was supposed to be governed, could take care 235of no one; certainly not of themselves, as certainly not of another. They could only vote, now this way and now that, as somebody might tell them, or more probably as somebody might pay them. Pompey was coming home, and would soon be the favorite. Cicero must have felt that he had deserved much of Pompey, but was by no means sure that the debt of gratitude would be paid.

Now we come to the fourth or last Catiline oration, which was made to the Senate, convened on the 5th of December with the purpose of deciding the fate of the leading conspirators who were held in custody. We learn to what purport were three of the speeches made during this debate — those of Cæsar and of Cato and of

Cicero. The first two are given to us by Sallust, but we can hardly think that we have the exact words. The Cæsarean spirit which induced Sallust to ignore altogether the words of Cicero would have induced him to give his own representation of the other two, even though we were to suppose that he had been able to have them taken down by short-hand writers — Cicero's words, we have no doubt, with such polishing as may have been added to the short-hand writers' notes by Tiro, his slave and secretary. The three are compatible each with the other, and we are entitled to believe that we know the line of argument used by the three orators.

Silanus, one of the Consuls elect, began the debate by counselling death. We may take it for granted that he had been persuaded by Cicero to make this proposition. During the discussion he trembled at the consequences, and declared himself for an adjournment of their decision till they should have dealt with Catiline. Murena, the other Consul elect, and Catulus, the Prince of the Senate, spoke for death. Tiberius Nero, grandfather of Tiberius the Emperor, made that proposition for 236adjournment to which Silanus gave way. Then — or I should rather say in the course of the debate, for we do not know who else may have spoken — Cæsar got up and made his proposition. His purpose was to save the victims, but he knew well that, with such a spirit abroad as that existing in the Senate and the city, he could only do so not by absolving but by condemning. Wicked as these men might be, abominably wicked it was, he said, for the Senate to think of their own dignity rather than of the enormity of the crime. As they could not, he suggested, invent any new punishment adequate to so abominable a crime, it would be better that they should leave the conspirators to be dealt with by the ordinary laws. It was thus that, cunningly, he threw out the idea that as Senators they had no power of death. He did not dare to tell them directly that any danger would menace them, but he exposed the danger skilfully before their eyes. "Their crimes," he says again, "deserve worse than any torture you can inflict. But men generally recollect what comes last. When the punishment is severe, men will remember the severity rather than the crime." He argues all this extremely well. The speech is one of great ingenuity, whether the words be the words of Sallust or of Cæsar. We may doubt, indeed,

whether the general assertion he made as to death had much weight with the Senators when he told them that death to the wicked was a relief, whereas life was a lasting punishment; but when he went on to remind them of the Lex Porcia, by which the power of punishing a Roman citizen, even under the laws, was limited to banishment, unless by a plebiscite of the people generally ordering death, then he was efficacious. He ended by proposing that the goods of the conspirators should be sold, and that the men should be condemned to imprisonment for life, each in some separate town. This would, I believe, have been quite as illegal as the death-sentence, but it would not have been irrevocable. The Senate, or the people, in the next year could have restored to the men their liberty, and 237compensated them for their property. Cicero was determined that the men should die. They had not obeyed him by leaving the city, and he was convinced that while they lived the conspiracy would live also. He fully understood the danger, and resolved to meet it. He replied to Cæsar, and with infinite skill refrained from the expression of any strong opinion, while he led his hearers to the conviction that death was necessary. For himself he had been told of his danger; "but if a man be brave in his duty death cannot be disgraceful to him; to one who had reached the honors of the Consulship it could not be premature; to no wise man could it be a misery." Though his brother, though his wife, though his little boy, and his daughter just married were warning him of his peril, not by all that would he be influenced. "Do you," he says, "Conscript Fathers, look to the safety of the Republic. These are not the Gracchi, nor Saturninus, who are brought to you for judgment — men who broke the laws, indeed, and therefore suffered death, but who still were not unpatriotic. These men had sworn to burn the city, to slay the Senate, to force Catiline upon you as a ruler. The proofs of this are in your own hands. It was for me, as your Consul, to bring the facts before you. Now it is for you, at once, before night, to decide what shall be done. The conspirators are very many; it is not only with these few that you are dealing. On whatever you decide, decide quickly. Cæsar tells you of the Sempronian law — the law, namely, forbidding the death of a Roman citizen — but can he be regarded as a citizen who has been found in arms against the city?" Then there is a fling at Cæsar's

assumed clemency, showing us that Cæsar had already 238endeavored to make capital out of that virtue which he displayed afterward so signally at Alesia and Uxellodunum. Then again he speaks of himself in words so grand that it is impossible but to sympathize with him: “Let Scipio’s name be glorious — he by whose wisdom and valor Hannibal was forced out of Italy. Let Africanus be praised loudly, who destroyed Carthage and Numantia, the two cities which were most hostile to Rome. Let Paulus be regarded as great — he whose triumph that great King Perses adorned. Let Marius be held in undying honor, who twice saved Italy from foreign yoke. Let Pompey be praised above all, whose noble deeds are as wide as the sun’s course. Perhaps among them there may be a spot, too, for me; unless, indeed, to win provinces to which we may take ourselves in exile is more than to guard that city to which the conquerors of provinces may return in safety.” The last words of the orator also are fine: “Therefore, Conscript Fathers, decide wisely and without fear. Your own safety, and that of your wives and children, that of your hearths and altars, the temples of your gods, the homes contained in your city, your liberty, the welfare of Italy and of the whole Republic are at stake. It is for you to decide. In me you have a Consul who will obey your decrees, and will see that they be made to prevail while the breath of life remains to him.” Cato then spoke advocating death, and the Senate decreed that the men should die. Cicero himself led Lentulus down to the vaulted prison below, in which executioners were ready for the work, and the other four men were made to follow. A few minutes afterward, in the gleaming of the evening, when Cicero was being led home by the applauding multitude, he was asked after the fate of the conspirators. He answered them but by one word “Vixerunt” — there is said to have been a superstition with the Romans as to all mention of death —”They have lived their lives.”

As to what was being done outside Rome with the army of conspirators in Etruria, it is not necessary for the biographer 239of Cicero to say much. Catiline fought, and died fighting. The conspiracy was then over. On the 31st of December Cicero retired from his office, and Catiline fell at the battle of Pistoia on the 5th of January following, b.c. 62.

A Roman historian writing in the reign of Tiberius has thought it worth his while to remind us that a great glory was added to Cicero's consular year by the birth of Augustus — him who afterward became Augustus Cæsar. Had a Roman been living now, he might be excused for saying that it was an honor to Augustus to have been born in the year of Cicero's Consulship.

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CHAPTER X.

CICERO AFTER HIS CONSULSHIP.

The idea that the great Consul had done illegally in putting citizens to death was not allowed to lie dormant even for a day. It must be remembered that a decree of the Senate had no power as a law. The laws could be altered, or even a new law made, only by the people. Such was the constitution of the Republic. Further on, when Cicero will appeal as, in fact, on trial for the offence so alleged to have been committed, I shall have to discuss the matter; but the point was raised against him, even in the moment of his triumph, as he was leaving the Consulship. The reiteration of his self-praise had created for him many enemies. It had turned friends against him, and had driven men even of his own party to ask themselves whether all this virtue was to be endured. When a man assumes to be more just than his neighbors there will be many ways found of throwing in a shell against him. It was customary for a Consul when he vacated his office to make some valedictory speech. Cicero was probably expected to take full advantage of the opportunity. From other words which have come from him, on other occasions but on the same subject, it would not be difficult to compose such a speech as he might have spoken. But there were those who were already sick of hearing him say that Rome had been saved by his intelligence and courage. We can imagine what Cæsar might have said among his friends of the expediency of putting down this self-laudatory Consul. As it was, Metellus Nepos, one of the Tribunes, forbade the retiring officer to do more 241than take the oath usual on leaving office, because he had illegally inflicted death upon Roman citizens. Metellus, as Tribune, had the power of stopping any official proceeding. We hear from Cicero himself that he was quite equal to the occasion. He swore, on the spur of the moment, a solemn oath, not in accordance with the form common to Consuls on leaving office, but to the effect that during his Consulship Rome had been saved by his work alone. We have the story only as it is told by Cicero himself, who avers that the people accepted the oath as sworn

with exceeding praise. That it was so we may, I think, take as true. There can be no doubt as to Cicero's popularity at this moment, and hardly a doubt also as to the fact that Metellus was acting in agreement with Cæsar, and also in accord with the understood feelings of Pompey, who was absent with his army in the East. This Tribune had been till lately an officer under Pompey, and went into office together with Cæsar, who in that year became Prætor. This, probably, was the beginning of the party which two years afterward formed the first Triumvirate, b.c. 60. It was certainly now, in the year succeeding the Consulship of Cicero, that Cæsar, as Prætor, began his great career.

b.c. 62, ætat 45.

It becomes manifest to us, as we read the history of the time, that the Dictator of the future was gradually entertaining the idea that the old forms of the Republic were rotten, and that any man who intended to exercise power in Rome or within the Roman Empire must obtain it and keep it by illegal means. He had probably adhered to Catiline's first conspiracy, but only with such moderate adhesion as enabled him to withdraw when he found that his companions were not fit for the work. It is manifest that he sympathized with the 242later conspiracy, though it may be doubted whether he himself had ever been a party to it. When the conspiracy had been crushed by Cicero, he had given his full assent to the crushing of it. We have seen how loudly he condemned the wickedness of the conspirators in his endeavor to save their lives. But, through it all, there was a well-grounded conviction in his mind that Cicero, with all his virtues, was not practical. Not that Cicero was to him the same as Cato, who with his Stoic grandiloquence must, to his thinking, have been altogether useless. Cicero, though too virtuous for supreme rule, too virtuous to seize power and hold it, too virtuous to despise as effete the institutions of the Republic, was still a man so gifted, and capable in so many things, as to be very great as an assistant, if he would only condescend to assist. It is in this light that Cæsar seems to have regarded Cicero as time went on; admiring him, liking him, willing to act with him if it might be possible, but not the less determined to put down all the attempts at patriotic republican virtue in which the orator delighted to indulge. Mr. Forsyth expresses an opinion that

Cæsar, till he crossed the Rubicon after his ten years' fighting in Gaul, had entertained no settled plan of overthrowing the Constitution. Probably not; nor even then. It may be doubted whether Cæsar ever spoke to himself of overthrowing the Constitution. He came gradually to see that power and wealth were to be obtained by violent action, and only by violent action. He had before him the examples of Marius and Sulla, both of whom had enjoyed power and had died in their beds. There was the example, also, of others who, walking unwarily in those perilous times, had been banished as was Verres, or killed as was Catiline. We can easily understand that he, with his great genius, should have acknowledged the need both of courage and caution. Both were exercised when he consented to be absent from Rome, and almost from Italy, during the ten years of the Gallic wars. But this, I think, is certain, that from the time in which his name appears prominent — from 243the period, namely, of the Catiline conspiracy — he had determined not to overthrow the Constitution, but so to carry himself, amid the great affairs of the day, as not to be overthrown himself.

Of what nature was the intercourse between him and Pompey when Pompey was still absent in the East we do not know; but we can hardly doubt that some understanding had begun to exist. Of this Cicero was probably aware. Pompey was the man whom Cicero chose to regard as his party-leader, not having himself been inured to the actual politics of Rome early enough in life to put himself forward as the leader of his party. It had been necessary for him, as a "novus homo," to come forward and work as an advocate, and then as an administrative officer of the State, before he took up with politics. That this was so I have shown by quoting the opening words of his speech Pro Lege Manilia. Proud as he was of the doings of his Consulship, he was still too new to his work to think that thus he could claim to stand first. Nor did his ambition lead him in that direction. He desired personal praise rather than personal power. When in the last Catiline oration to the people he speaks of the great men of the Republic — of the two Scipios, and of Paulus Æmilius and of Marius — he adds the name of Pompey to these names; or gives, rather, to Pompey greater glory than to any of them; "Anteponatur omnibus Pompeius." This was but a few days before

Metellus as Tribune had stopped him in his speech — at the instigation, probably, of Cæsar, and in furtherance of Pompey's views. Pompey and Cæsar could agree, at any rate, in this — that they did not want such a one as Cicero to interfere with them.

All of which Cicero himself perceived. The specially rich province of Macedonia, which would have been his had he chosen to take it on quitting the Consulship, he made over to Antony — no doubt as a bribe, as with us one statesman may resign a special office to another to keep that other from kicking over the traces. Then Gaul became his province, 244as allotted — Cisalpine Gaul, as northern Italy was then called; a province less rich in plunder and pay than Macedonia. But Cicero wanted no province, and had contrived that this should be confided to Metellus Celer, the brother of Nepos, who, having been Prætor when he himself was Consul, was entitled to a government. This too was a political bribe. If courtesy to Cæsar, if provinces given up here and there to Antonys and Metelluses, if flattery lavished on Pompey could avail anything, he could not afford to dispense with such aids. It all availed nothing. From this time forward, for the twenty years which were to run before his death, his life was one always of trouble and doubt, often of despair, and on many occasions of actual misery. The source of this was that Pompey whom, with divine attributes, he had extolled above all other Romans.

The first extant letter written by Cicero after his Consulship was addressed to Pompey. Pompey was still in the East, but had completed his campaigns against Mithridates successfully. Cicero begins by congratulating him, as though to do so were the purpose of his letter. Then he tells the victorious General that there were some in Rome not so well pleased as he was at these victories. It is supposed that he alluded here to Cæsar; but, if so, he probably misunderstood the alliance which was already being formed between Cæsar and Pompey. After that comes the real object of the epistle. He had received letters from Pompey congratulating him in very cold language as to the glories of his Consulship. He had expected much more than that from the friend for whom he had done so much. Still, he thanks his friend, explaining that the satisfaction really necessary to him was the feeling that he had behaved well to his friend. If his

friend were less friendly to him in return, then would the balance of friendship be on his side. If Pompey 245were not bound to him, Cicero, by personal gratitude, still would he be bound by necessary co-operation in the service of the Republic. But, lest Pompey should misunderstand him, he declares that he had expected warmer language in reference to his Consulship, which he believes to have been withheld by Pompey lest offence should be given to some third person. By this he means Cæsar, and those who were now joining themselves to Cæsar. Then he goes on to warn him as to the future: "Nevertheless, when you return, you will find that my actions have been of such a nature that, even though you may loom larger than Scipio, I shall be found worthy to be accepted as your Lælius."

Infinite care had been given to the writing of this letter, and sharp had been the heart-burnings which dictated it. It was only by asserting that he, on his own part, was satisfied with his own fidelity as a friend, that Cicero could express his dissatisfaction at Pompey's coldness. It was only by continuing to lavish upon Pompey such flattery as was contained in the reference to Scipio, in which a touch of subtle irony is mixed with the flattery, that he could explain the nature of the praise which had, he thought, been due to himself. There is something that would have been abject in the nature of these expressions, had it not been Roman in the excess of the adulation. But there is courage in the letter, too, when he tells his correspondent what he believes to have been the cause of the coldness of which he complains: "Quod verere ne cujus animum offenderes"—"Because you fear lest you should give offence to some one." But let me tell you, he goes on to say, that my Consulship has been of such a nature that you, Scipio, as you are, must admit me as your friend.

In these words we find a key to the whole of Cicero's connection 246with the man whom he recognizes as his political leader. He was always dissatisfied with Pompey; always accusing Pompey in his heart of ingratitude and insincerity; frequently speaking to Atticus with bitter truth of the man's selfishness and incapacity, even of his cruelty and want of patriotism; nicknaming him because of his absurdities; declaring of him that he was minded to be a second Sulla; but still clinging to him as the political friend and leader whom he was bound to follow. In their earlier years, when he could have

known personally but little of Pompey, because Pompey was generally absent from Rome, he had taken it into his head to love the man. He had been called "Magnus;" he had been made Consul long before the proper time; he had been successful on behalf of the Republic, and so far patriotic. He had hitherto adhered to the fame of the Republic. At any rate, Cicero had accepted him, and could never afterward bring himself to be disloyal to the leader with whom he had professed to act. But the feeling evinced in this letter was carried on to the end. He had been, he was, he would be, true to his political connection with Pompey; but of Pompey's personal character to himself he had nothing but complaints to make.

b.c. 62, ætat 45.

We have two other letters written by Cicero in this year, the first of which is in answer to one from Metellus Celer to him, also extant. Metellus wrote to complain of the ill-treatment which he thought he had received from Cicero in the Senate, and from the Senate generally. Cicero writes back at much greater length to defend himself, and to prove that he had behaved as a most obliging friend to his correspondent, though he had received a gross affront from his correspondent's brother Nepos. Nepos had prevented him in that matter of the speech. It is hardly necessary to go into the question of this quarrel, except in so far as it may show how the feeling which led to Cicero's exile was growing up among many of the aristocracy in Rome. There was a counterplot going on at the moment — a plot on the behalf of 247the aristocracy for bringing back Pompey to Rome, not only with glory but with power, probably originating in a feeling that Pompey would be a more congenial master than Cicero. It was suggested that as Pompey had been found good in all State emergencies — for putting down the pirates, for instance, and for conquering Mithridates — he would be the man to contend in arms with Catiline. Catiline was killed before the matter could be brought to an issue, but still the conspiracy went on, based on the jealousy which was felt in regard to Cicero. This man, who had declared so often that he had served his country, and who really had crushed the Catilinarians by his industry and readiness, might, after all, be coming forward as another Sulla, and looking to make himself master by dint of his virtues and his eloquence. The hopelessness of

the condition of the Republic may be recognized in the increasing conspiracies which were hatched on every side. Metellus Nepos was sent home from Asia in aid of the conspiracy, and got himself made Tribune, and stopped Cicero's speech. In conjunction with Cæsar, who was Prætor, he proposed his new law for the calling of Pompey to their aid. Then there was a fracas between him and Cæsar on the one side and Cato on the other, in which Cato at last was so far victorious that both Cæsar and Metellus were stopped in the performance of their official duties. Cæsar was soon reinstated, but Metellus Nepos returned to Pompey in the East, and nothing came of the conspiracy. It is only noticed here as evidence of the feeling which existed as to Cicero in Rome, and as explaining the irritation on both sides indicated in the correspondence between Cicero and Metellus Celer, the brother of Nepos, whom Cicero had procured the government of Gaul.

248The third letter from Cicero in this year was to Sextius, who was then acting as Quæstor — or Proquæstor, as Cicero calls him — with Antony as Proconsul in Macedonia. It is specially interesting as telling us that the writer had just completed the purchase of a house in Rome from Crassus for a sum amounting to about £30,000 of our money. There was probably no private mansion in Rome of greater pretension. It had been owned by Livius Drusus, the Tribune — a man of colossal fortune, as we are told by Mommsen — who was murdered at the door of it thirty years before. It afterward passed into the hands of Crassus the rich, and now became the property of Cicero. We shall hear how it was destroyed during his exile, and how fraudulently made over to the gods, and then how restored to Cicero, and how rebuilt at the public expense. The history of the house has been so well written that we know even the names of Cicero's two successors in it, Censorinus and Statilius. It is interesting to know the sort of house which Cicero felt to be suitable to his circumstances, for by that we may guess what his circumstances were. In making this purchase 249he is supposed to have abandoned the family house in which his father had lived next door to the new mansion, and to have given it up to his brother. Hence we may argue that he had conceived himself to have risen in worldly circumstances. Nevertheless, we are informed by himself in this letter to Sextius that

he had to borrow money for the occasion — so much so that, being a man now indebted, he might be supposed to be ripe for any conspiracy. Hence has come to us a story through Aulus Gellius, the compiler of anecdotes, to the effect that Cicero was fain to borrow this money from a client whose cause he undertook in requital for the favor so conferred. Aulus Gellius collected his stories two centuries afterward for the amusement of his children, and has never been regarded as an authority in matters for which confirmation has been wanting. There is no allusion to such borrowing from a client made by any contemporary. In this letter to Sextius, in which he speaks jokingly of his indebtedness, he declares that he has been able to borrow any amount he wanted at six per cent — twelve being the ordinary rate — and gives as a reason for this the position which he has achieved by his services to the State. Very much has been said of the story, as though the purchaser of the house had done something of which he ought to have been ashamed, but this seems to have sprung entirely from the idea that a man who, in the midst of such wealth as prevailed at Rome, had practised so widely and so successfully the invaluable profession of an advocate, must surely have taken money for his services. He himself has asserted that he took none, and all the evidence that we have goes to show that he spoke the truth. Had he taken money, even as a loan, we should have heard of it from nearer witnesses than Aulus Gellius, if, as Aulus Gellius tells us, it had become known at the time. But because he tells his friend that he has borrowed money for the purpose, he is supposed to have borrowed it in a disgraceful manner! It will be found that all the stones most injurious to Cicero's reputation have been produced in the same manner. His own words 250have been misinterpreted — either the purport of them, if spoken in earnest, or their bearing, if spoken in joke — and then accusations have been founded on them.

Another charge of dishonest practice was about this time made against Cicero without a grain of evidence, though indeed the accusations so made, and insisted upon, apparently from a feeling that Cicero cannot surely have been altogether clean when all others were so dirty, are too numerous to receive from each reader's judgment that indignant denial to which each is entitled. The

biographer cannot but fear that when so much mud has been thrown some will stick, and therefore almost hesitates to tell of the mud, believing that no stain of this kind has been in truth deserved.

It seems that Antony, Cicero's colleague in the Consulship, 251who became Proconsul in Macedonia, had undertaken to pay some money to Cicero. Why the money was to be paid we do not know, but there are allusions in Cicero's letters to Atticus to one Teucris (a Trojan woman), and it seems that Antony was designated by the nickname. Teucris is very slow at paying his money, and Cicero is in want of it. But perhaps it will be as well not to push the matter. He, Antony, is to be tried for provincial peculation, and Cicero declares that the case is so bad that he cannot defend his late colleague. Hence have arisen two different suspicions: one that Antony had agreed to make over to Cicero a share of the Macedonian plunder in requital of Cicero's courtesy in giving up the province which had been allotted to himself; the second, that Antony was to pay Cicero for defending him. As to the former, Cicero himself alludes to such a report as being common in Macedonia, and as having been used by Antony himself as an excuse for increased rapine. But this has been felt to be incredible, and has been allowed to fall to the ground because of the second accusation. But in support of that there is no word of evidence, whereas the tenor of the story as told by Cicero himself is against it. Is it likely, would it be possible, that Cicero should have begun his letter to Atticus by complaining that he could not get from Antony money wanted for a peculiar purpose — it was wanted for his new house — and have gone on in the same letter to say that this might be as well, after all, as he did not intend to perform the service for which the money was to be paid? The reader will remember that the accusation is based solely on Cicero's own statement that Antony was negligent in paying to him money 252that had been promised. In all these accusations the evidence against Cicero, such as it is, is brought exclusively from Cicero's own words. Cicero did afterward defend this Antony, as we learn from his speech Pro Domo Suâ; but his change of purpose in that respect has nothing to do with the argument.

b.c. 62, ætat 45.

We have two speeches extant made this year: one on behalf of P.

Sulla, nephew to the Dictator; the other for Archias the Greek scholar and poet, who had been Cicero's tutor and now claimed to be a citizen of Rome. I have already given an extract from this letter, as showing the charm of words with which Cicero could recommend the pursuit of literature to his hearers. The whole oration is a beautiful morsel of Latinity, in which, however, strength of argument is lacking. Cicero declares of Archias that he was so eminent in literature that, if not a Roman citizen, he ought to be made one. The result is not known, but the literary world believes that the citizenship was accorded to him.

The speech on behalf of Sulla was more important, but still not of much importance. This Sulla, as may be remembered, had been chosen as Consul with Autronius, two years before the Consulship of Cicero, and he had then after his election been deposed for bribery, as had also Autronius. L. Aurelius Cotta and L. Manlius Torquatus had been elected in their places. It has also been already explained that the two rejected Consuls had on this account joined Catiline in his first conspiracy.253There can be no doubt that whether as Consuls or as rejected Consuls, and on that account conspirators, their purpose was to use their position as aristocrats for robbing the State. They were of the number of those to whom no other purpose was any longer possible. Then there came Catiline's second conspiracy — the conspiracy which Cicero had crushed — and there naturally rose the question whether from time to time this or the other noble Roman should not be accused of having joined it. Many noble Romans had no doubt joined besides those who had fallen fighting, or who had been executed in the dungeons. Accusations became very rife. One Vettius accused Cæsar, the Prætor; but Cæsar, with that potentiality which was peculiar to him, caused Vettius to be put into prison instead of going to prison himself. Many were convicted and banished; among them Porcius Leca, Vargunteius, Servius Sulla, the brother of him of whom we are now speaking, and Autronius his colleague. In the trial of these men Cicero took no part. He was specially invited by Autronius, who was an old school-fellow, to defend him, but he refused; indeed, he gave evidence against Autronius at the trial. But this Publius Sulla he did defend, and defended successfully. He was joined in the case with

Hortensius, and declared that as to the matter of the former conspiracy he left all that to his learned friend, who was concerned with political matters of that date. He, Cicero, had known nothing about them. The part of the oration which most interests us is that in which he defends himself from the accusations somewhat unwisely made against himself personally by young Torquatus, the son of him who had been raised to the Consulship in the place of P. Sulla. Torquatus had called him a foreigner because he was a "novus 254homo," and had come from the municipality of Arpinum, and had taunted him with being a king, because he had usurped authority over life and death in regard to Lentulus and the other conspirators. He answers this very finely, and does so without an ill-natured word to young Torquatus, whom, from respect to his father, he desires to spare. "Do not," he says, "in future call me a foreigner, lest you be answered with severity, nor a king, lest you be laughed at — unless, indeed, you think it king-like so to live as to be a slave not only to no man but to no evil passion; unless you think it be king-like to despise all lusts, to thirst for neither gold nor silver nor goods, to express yourself freely in the Senate, to think more of services due to the people than of favors won from them, to yield to none, and to stand firm against many. If this be king-like, then I confess that I am a king." Sulla was acquitted, but the impartial reader will not the less feel sure that he had been part and parcel with Catiline in the conspiracy. It is trusted that the impartial reader will also remember how many honest, loyal gentlemen have in our own days undertaken the causes of those whom they have known to be rebels, and have saved those rebels by their ingenuity and eloquence.

At the end of this year, b.c. 62, there occurred a fracas in Rome which was of itself but of little consequence to Rome, and would have been of none to Cicero but that circumstances grew out of it which created for him the bitterest enemy he had yet encountered, and led to his sorest trouble. This was the affair of Clodius and of the mysteries of the Bona Dea, and I should be disposed to say that it was the greatest misfortune of his life, were it not that the wretched results which sprung from it would have been made to spring from some other source had that source not sufficed. I shall have to tell how it came to pass that Cicero was sent into exile by means of the

misconduct of Clodius; but I shall have to show also that the misconduct of Clodius was but the tool which was used by those who were desirous of ridding themselves of the presence of Cicero.

255This Clodius, a young man of noble family and of debauched manners, as was usual with young men of noble families, dressed himself up as a woman, and made his way in among the ladies as they were performing certain religious rites in honor of the Bona Dea, or Goddess Cybele, a matron goddess so chaste in her manners that no male was admitted into her presence. It was specially understood that nothing appertaining to a man was to be seen on the occasion, not even the portrait of one; and it may possibly have been the case that Clodius effected his entrance among the worshipping matrons on this occasion simply because his doing so was an outrage, and therefore exciting. Another reason was alleged. The rites in question were annually held, now in the house of this matron and then of that, and during the occasion the very master of the house was excluded from his own premises. They were now being performed under the auspices of Pompeia, the wife of Julius Cæsar, the daughter of one Quintus Pompeius, and it was alleged that Clodius came among the women worshippers for the sake of carrying on an intrigue with Cæsar's wife. This was highly improbable, as Mr. Forsyth has pointed out to us, and the idea was possibly used simply as an excuse to Cæsar for divorcing a wife of whom he was weary. At any rate, when the scandal got abroad, he did divorce Pompeia, alleging that it did not suit Cæsar to have his wife suspected.

b.c. 61, ætat 46.

The story became known through the city, and early in January Cicero wrote to Atticus, telling him the facts: "You have probably heard that Publius Clodius, the son of Appius, has been taken dressed in a woman's clothes in the house of Caius Cæsar, where sacrifice was being made for the people, and that he escaped by the aid of a female slave. You will be sorry to hear that it has given rise to a great scandal." A few days afterward Cicero speaks of it again to Atticus at greater length, and we learn that the matter had been 256taken up by the magistrates with the view of punishing Clodius. Cicero writes without any strong feeling of his own, explaining to his friend that he had been at first a very Lycurgus in the affair, but that he is now

tamed down. Then there is a third letter in which Cicero is indignant because certain men of whom he disapproves, the Consul Piso among the number are anxious to save this wicked young nobleman from the punishment due to him; whereas others of whom he approves Cato among the number, are desirous of seeing justice done. But it was no affair special to Cicero. Shortly afterward he writes again to Atticus as to the result of the trial — for a trial did take place — and explains to his friend how justice had failed. Atticus had asked him how it had come to pass that he, Cicero, had not exerted himself as he usually did. This letter, though there is matter enough in it of a serious kind, yet jests with the Clodian affair so continually as to make us feel that he attributed no importance to it as regarded himself. He had exerted himself till Hortensius made a mistake as to the selection of the judges. After that he had himself given evidence. An attempt was made to prove an alibi, but Cicero came forward to swear that he had seen Clodius on the very day in question. There had, too, been an exchange of repartee in the Senate between himself and Clodius after the acquittal, of which he gives the details to his correspondent with considerable self-satisfaction. The passage does not enhance our idea of the dignity of the Senate, or of the power of Roman raillery. It was known that Clodius had been saved by the wholesale bribery of a large number of the judges. There had been twenty-five for condemning against thirty-one for acquittal. 257Cicero in the Catiline affair had used a phrase with frequency by which he boasted that he had "found out" this and "found out" that—"comperisse omnia." Clodius, in the discussion before the trial, throws this in his teeth: "Comperisse omnia criminabatur." This gave rise to ill-feeling, and hurt Cicero much worse than the dishonor done to the Bona Dea. As for that, we may say that he and the Senate and the judges cared personally very little, although there was no doubt a feeling that it was wise to awe men's minds by the preservation of religious respect. Cicero had cared but little about the trial; but as he had been able to give evidence he had appeared as a witness, and enmity sprung from the words which were spoken both on one side and on the other. Clodius was acquitted, which concerns us not at all, and concerns Rome very little; but things had so come to pass at the trial that Cicero had been very

bitter, and that Clodius had become his enemy. When a man was wanted, three years afterward, to take the lead in persecuting Cicero, Clodius was ready for the occasion.

While the expediency of putting Clodius on his trial was being discussed, Pompey had returned from the East, and taken up his residence outside the city, because he was awaiting his triumph. The General, to whom it was given to march through the city with triumphal glory, was bound to make his first entrance after his victories with all his triumphal appendages, as though he was at that moment returning from the war with all his warlike spoils around him. The usage had obtained the strength of law, but the General was not on that account debarred from city employment during the interval. The city must be taken out to him instead of his coming into the city. Pompey was so great on his return from his Mithridatic victories that the Senate went out to sit with him in the suburbs, as he could not sit with it within the walls. We find him taking 258part in these Clodian discussions. Cicero at once writes of him to Athens with evident dissatisfaction. When questioned about Clodius, Pompey had answered with the grand air of aristocrat. Crassus on this occasion, between whom and Cicero there was never much friendship, took occasion to belaud the late great Consul on account of his Catiline successes. Pompey, we are told, did not bear this well. Crassus had probably intended to produce some such effect. Then Cicero had spoken in answer to the remarks of Crassus, very glibly, no doubt, and had done his best to "show off" before Pompey, his new listener. More than six years had passed since Pompey could have heard him, and then Cicero's voice had not become potential in the Senate. Cicero had praised Pompey with all the eloquence in his power. "Anteponatur omnibus Pompeius," he had said, in the last Catiline oration to the Senate; and Pompey, though he had not heard the words spoken, knew very well what had been said. Such oratory was never lost upon those whom it most concerned the orator to make acquainted with it. But in return for all this praise, for that Manilian oration which had helped to send him to the East, for continual loyalty, Pompey had replied to Cicero with coldness. He would now let Pompey know what was his standing in Rome. "If ever," he says to Atticus, "I was strong with my grand rhythm, with

my quick rhetorical passages, with enthusiasm, and with logic, I was so now. Oh, the noise that I made on the occasion! You know what my voice can do. I need say no more about it, as surely you must have heard me away there in Epirus." The reader, I trust, will have already a sufficiently vivid idea of Cicero's character to understand the mingling of triumph and badinage, with a spark of disappointment, which is here expressed. "This Pompey, though I have 259been so true to him, has not thought much of me — of me, the great Consul who saved Rome! He has now heard what even Crassus has been forced to say about me. He shall hear me too, me myself, and perhaps he will then know better." It was thus that Cicero's mind was at work while he was turning his loud periods. Pompey was sitting next to him listening, by no means admiring his admirer as that admirer expected to be admired. Cicero had probably said to himself that they two together, Pompey and Cicero, might suffice to preserve the Republic. Pompey, not thinking much of the Republic, was probably telling himself that he wanted no brother near the throne. When of two men the first thinks himself equal to the second, the second will generally feel himself to be superior to the first. Pompey would have liked Cicero better if his periods had not been so round nor his voice so powerful. Not that Pompey was distinctly desirous of any throne. His position at the moment was peculiar. He had brought back his victorious army from the East to Brundisium, and had then disbanded his legions. I will quote here the opening words from one of Mommsen's chapters: "When Pompeius, after having transacted the affairs committed to his charge, again turned his eyes toward home, he found, for the second time, the diadem at his feet." He says farther on, explaining why Pompey did not lift the diadem: "The very peculiar temperament of Pompeius naturally turned once more the scale. He was one of those men who are capable, it may be, of a crime, but not of insubordination." And again: "While in the capital all was preparation for receiving the new monarch, news 260came that Pompeius, when barely landed at Brundisium, had broken up his legions, and with a small escort had entered his journey to the capital. If it is a piece of good-fortune to gain a crown without trouble, fortune never did more for mortal than it did for Pompeius; but on those who lack courage the gods lavish

every favor and every gift in vain." I must say here that, while I acknowledge the German historian's research and knowledge without any reserve, I cannot accept his deductions as to character. I do not believe that Pompey found any diadem at his feet, or thought of any diadem, nor, according to my reading of Roman history, had Marius or had Sulla; nor did Cæsar. The first who thought of that perpetual rule — a rule to be perpetuated during the ruler's life, and to be handed down to his successors — was Augustus. Marius, violent, self-seeking, and uncontrollable, had tumbled into supreme power; and, had he not died, would have held it as long as he could, because it pleased his ambition for the moment. Sulla, with a purpose, had seized it, yet seems never to have got beyond the old Roman idea of a temporary Dictatorship. The old Roman horror of a king was present to these Romans, even after they had become kings. Pompey, no doubt, liked to be first, and when he came back from the East thought that by his deeds he was first, easily first. Whether Consul year after year, as Marius had been, or Dictator, as Sulla had been, or Imperator, with a running command over all the Romans, it was his idea still to adhere to the forms of the Republic. Mommsen, foreseeing — if an historian can be said to foresee the future from his standing-point in the past — that a master was to come for the Roman Empire, and giving all his sympathies to the Cæsarean idea, despises Pompey because Pompey would not pick up the diadem. No such idea ever entered Pompey's head. After a while he "Sullaturized" — was desirous of copying Sulla — to use an excellent word which Cicero coined. When he was successfully opposed by those whom he had thought inferior to himself, when he found 261that Cæsar had got the better of him, and that a stronger body of Romans went with Cæsar than with him, then proscriptions, murder, confiscations, and the seizing of dictatorial power presented themselves to his angry mind, but of permanent despotic power there was, I think, no thought, nor, as far as I can read the records, had such an idea been fixed in Cæsar's bosom. To carry on the old trade of Prætor, Consul, Proconsul, and Imperator, so as to get what he could of power and wealth and dignity in the scramble, was, I think, Cæsar's purpose. The rest grew upon him. As Shakspeare, sitting down to write a play that might serve his theatre, composed some

Lear or Tempest — that has lived and will live forever, because of the genius which was unknown to himself — so did Cæsar, by his genius, find his way to a power which he had not premeditated. A much longer time is necessary for eradicating an idea from men's minds than a fact from their practice. This should be proved to us by our own loyalty to the word "monarch," when nothing can be farther removed from a monarchy than our own commonwealth. From those first breaches in republican practice which the historian Florus dates back to the siege of Numantia, b.c. 133, down far into the reign of Augustus, it took a century and a quarter to make the people understand that there was no longer a republican form of government, and to produce a leader who could himself see that there was room for a despot.

Pompey had his triumph; but the same aristocratic airs which had annoyed Cicero had offended others. He was shorn of his honors. Only two days were allowed for his processions. He was irritated, jealous, and no doubt desirous of making his power felt; but he thought of no diadem. Cæsar 262saw it all; and he thought of that conspiracy which we have since called the First Triumvirate.

b.c. 62, 61. ætat45,46.

The two years to which this chapter has been given were uneventful in Cicero's life, and produced but little of that stock of literature by which he has been made one of mankind's prime favorites. Two discourses were written and published, and probably spoken, which are now lost — that, namely, to the people against Metellus, in which, no doubt, he put forth all that he had intended to say when Metellus stopped him from speaking at the expiration of his Consulship; the second, against Clodius and Curio, in the Senate, in reference to the discreditable Clodian affair. The fragments which we have of this contain those asperities which he retailed afterward in his letter to Atticus, and are not either instructive or amusing. But we learn from these fragments that Clodius was already preparing that scheme for entering the Tribunate by an illegal repudiation of his own family rank, which he afterward carried out, to the great detriment of Cicero's happiness. Of the speeches extant on behalf of Archias and P. Sulla I have spoken already. We know of no others made during this period. We have one letter besides this to Atticus,

addressed to Antony, his former colleague, which, like many of his letters, was written solely for the sake of popularity.

During these years he lived no doubt splendidly as one of the great men of the greatest city in the world. He had his magnificent new mansion in Rome, and his various villas, which were already becoming noted for their elegance and charms of upholstery and scenic beauty. Not only had he climbed to the top of official life himself, but had succeeded in taking his brother Quintus up with him. In the second of the two years, b.c. 61, Quintus had been sent out as Governor or Proprætor to Asia, having then nothing higher to reach than the Consulship, which, however, he never attained. This step in the life of Quintus has become famous by a letter which the 263elder brother wrote to him in the second year of his office, to which reference will be made in the next chapter.

So far all things seemed to have gone well with Cicero. He was high in esteem and authority, powerful, rich, and with many people popular. But the student of his life now begins to see that troubles are enveloping him. He had risen too high not to encounter envy, and had been too loud in his own praise not to make those who envied him very bitter in their malice.

4

CHAPTER XI.

THE TRIUMVIRATE.

Cb.c. 60, ætat 47.

I know of no great fact in history so impalpable, so shadowy, so unreal, as the First Triumvirate. Every school-boy, almost every school-girl, knows that there was a First Triumvirate, and that it was a political combination made by three great Romans of the day, Julius Cæsar, Pompey the Great, and Crassus the Rich, for managing Rome among them. Beyond this they know little, because there is little to know. That it was a conspiracy against the ordained government of the day, as much so as that of Catiline, or Guy Faux, or Napoleon III., they do not know generally, because Cæsar, who, though the youngest of the three, was the mainspring of it, rose by means of it to such a galaxy of glory that all the steps by which he rose to it have been supposed to be magnificent and heroic. But of the method in which this Triumvirate was constructed, who has an idea? How was it first suggested, where, and by whom? What was it that the conspirators combined to do? There was no purpose of wholesale murder like that of Catiline for destroying the Senate, and of Guy Faux for blowing up the House of Lords. There was no plot arranged for silencing a body of legislators like that of Napoleon. In these scrambles that are going on every year for place and power, for provinces and plunder, let us help each other. If we can manage to stick fast by each other, we can get all the power and nearly all the plunder. That, said with a wink by one of the Triumvirate — Cæsar, let us say — and assented to with a nod by Pompey and Crassus, was sufficient 265for the construction of such a conspiracy as that which I presume to have been hatched when the First Triumvirate was formed. Mommsen, who never speaks of a Triumvirate under that name, except in his index, where he has permitted the word to appear for the guidance of persons less well instructed than himself, connects the transaction which we call the First Triumvirate with a former coalition, which he describes as having been made in (b.c. 71) the year before the Consulship of Pompey and Crassus. With that we

need not concern ourselves as we are dealing with the life of Cicero rather than with Roman history, except to say that Cæsar. who was the motive power of the second coalition, could have had no personal hand in that of 71. Though he had spent his early years in "harassing the aristocracy," as Dean Merivale tells us, he had not been of sufficient standing in men's minds to be put on a par with Pompey and Crassus. When this First Triumvirate was formed, as the modern world generally calls it, or the second coalition between the democracy and the great military leaders, as Mommsen with greater, but not with perfect, accuracy describes it, Cæsar no doubt had at his fingers' ends the history of past years. "The idea naturally occurred," says Mommsen, "whether * * * an alliance firmly based on mutual advantage might not be established between the democrats, 266with their ally, Crassus, on the one side, and Pompeius and the great capitalists on the other. For Pompeius such a coalition was certainly a political suicide." The democracy here means Cæsar. Cæsar during his whole life had been learning that no good could come to any one from an effete Senate, or from republican forms which had lost all their salt. Democracy was in vogue with him; not, as I think, from any philanthropic desire for equality; not from any far-seeing view of fraternal citizenship under one great paternal lord — the study of politics had never then reached to that height — but because it was necessary that some one, or perhaps some two or three, should prevail in the coming struggle, and because he felt himself to be more worthy than others. He had no conscience in the matter. Money was to him nothing. Another man's money was the same as his own — or better, if he could get hold of it. That doctrine taught by Cicero that men are "ad justitiam natos" must have been to him simply absurd. Blood was to him nothing. A friend was better than a foe, and a live man than a dead. Blood-thirstiness was a passion unknown to him; but that tenderness which with us creates a horror of blood was equally unknown. Pleasure was sweet to him; but he was man enough to feel that a life of pleasure was contemptible. To pillage a city, to pilfer his all from a rich man, to debauch a friend's wife, to give over a multitude of women and children to slaughter, was as easy to him as to forgive an enemy. But nothing rankled with him, and he could forgive an enemy. Of courage he had that better sort

which can appreciate and calculate danger, and then act as though there were none. Nothing was wrong to him but what was injudicious. He could flatter, cajole, lie, deceive, and rob; nay, would think it folly not to do so 267if to do so were expedient. In this coalition he appears as supporting and supported by the people. Therefore Mommsen speaks of him as "the democrat." Crassus is called the ally of the democrats. It will be enough for us here to know that Crassus had achieved his position in the Senate by his enormous wealth, and that it was because of his wealth, which was essential to Cæsar, that he was admitted into the league. By means of his wealth he had risen to power and had conquered and killed Spartacus, of the honor and glory of which Pompey robbed him. Then he had been made Consul. When Cæsar had gone as Proprætor to Spain, Crassus had found the money. Now Cæsar had come back, and was hand and glove with Crassus. When the division of the spoil came, some years afterward — the spoil won by the Triumvirate — when Cæsar had half perfected his grand achievements in Gaul, and Crassus had as yet been only a second time Consul, he got himself to be sent into Syria, that by conquering the Parthians he might make himself equal to Cæsar. We know how he and his son perished there, each of them probably avoiding the last extremity of misery to a Roman — that of falling into the hands of a barbarian enemy — by destroying himself. Than the life of Crassus nothing could be more contemptible; than the death nothing more pitiable. "For Pompeius," says Mommsen, "such a coalition was certainly a political suicide." As events turned out it became so, because 268Cæsar was the stronger man of the two; but it is intelligible that at that time Pompey should have felt that he could not lord it over the Senate, as he wished to do, without aid from the democratic party. He had no well-defined views, but he wished to be the first man in Rome. He regarded himself as still greatly superior to Cæsar, who as yet had been no more than Prætor, and at this time was being balked of his triumph because he could not at one and the same moment be in the city, as candidate for the Consulship, and out of the city waiting for his triumph. Pompey had triumphed three times, had been Consul at an unnaturally early age with abnormal honors, had been victorious east and west, and was called "Magnus." He did not as yet fear to be overshadowed by

Cæsar. Cicero was his bugbear.

Mommsen I believe to be right in eschewing the word "Triumvirate." I know no mention of it by any Roman writer as applied to this conspiracy, though Tacitus, Suetonius, and Florus call by that name the later coalition of Octavius, Antony, and Lepidus. The Langhornes, in translating Plutarch's life of Crassus, speak of the Triumvirate; but Plutarch himself says that Cæsar combined "an impregnable stronghold" by joining the three men. Paterculus and Suetonius explain very clearly the nature of the compact, but do 269not use the term. There was nothing in the conspiracy entitling it to any official appellation, though, as there were three leading conspirators, that which has been used has been so far appropriate.

b.c. 60, ætat 47.

Cicero was the bugbear to them all. That he might have been one of them, if ready to share the plunder and the power, no reader of the history of the time can doubt. Had he so chosen he might again have been a "real power in the State;" but to become so in the way proposed to him it was necessary that he should join others in a conspiracy against the Republic.

I do not wish it to be supposed that Cicero received the overtures made to him with horror. Conspiracies were too common for horror; and these conspirators were all our Cicero's friends in one sense, though in another they might be his opponents. We may imagine that at first Crassus had nothing to do with the matter, and that Pompey would fain have stood aloof in his jealousy. But Cæsar knew that it was well to have Cicero, if Cicero was to be had. It was not only his eloquence which was marvellously powerful, or his energy which had been shown to be indomitable: there was his character, surpassed by that of no Roman living; if only, in giving them the use of his character, he could be got to disregard the honor and the justice and the patriotism on which his character had been founded. How valuable may character be made, if it can be employed under such conditions! To be believed because of your truth, and yet to lie; to be trusted for your honesty, and yet to cheat; to have credit for patriotism, and yet to sell your country! The temptations to do this are rarely put before a man plainly, in all their naked ugliness. They certainly 270were not so presented to Cicero by Cæsar and his

associates. The bait was held out to him, as it is daily to others, in a form not repellent, with words fitted to deceive and powerful almost to persuade. Give us the advantage of your character, and then by your means we shall be able to save our country. Though our line of action may not be strictly constitutional, if you will look into it you will see that it is expedient. What other course is there? How else shall any wreck of the Republic be preserved? Would you be another Cato, useless and impractical? Join us, and save Rome to some purpose. We can understand that in such way was the lure held out to Cicero, as it has been to many a politician since. But when the politician takes the office offered to him — and the pay, though it be but that of a Lord of the Treasury — he must vote with his party.

That Cicero doubted much whether he would or would not at this time throw in his lot with Cæsar and Pompey is certain. To be of real use — not to be impractical, as was Cato — to save his country and rise honestly in power and glory — not to be too straitlaced, not over-scrupulous — giving and taking a little, so that he might work to good purpose with others in harness — that was his idea of duty as a Roman. To serve in accord with Pompey was the first dream of his political life, and now Pompey was in accord with Cæsar. It was natural that he should doubt — natural that he should express his doubts. Who should receive them but Atticus, that "alter ego?" Cicero doubted whether he should cling to Pompey — as he did in every phase of his political life, till Pompey had perished at the mouth of the Nile. But at last he saw his way clear to honesty, as I think he always did. He tells his friend that Cæsar had sent his confidential messenger, Balbus, to sound him. The present question is whether he shall resist a certain agrarian law of which he does not approve, but which is supported by both Pompey and Cæsar, or retire from the contest and enjoy himself at his country villas, or boldly stay 271at Rome and oppose the law. Cæsar assures him that if he will come over to them, Cæsar will be always true to him and Pompey, and will do his best to bring Crassus into the same frame of mind. Then he reckons up all the good things which would accrue to him: "Closest friendship with Pompey — with Cæsar also, should he wish it; the making up of all quarrels with his enemies; popularity with the people; ease for his old age, which was coming on him. But

that conclusion moves me to which I came in my third book." Then he repeats the lines given in the note below, which he had written, probably this very year, in a poem composed in honor of his own Consulship. The lines are not in themselves grand, but the spirit of them is magnificent: "Stick to the good cause which in your early youth you chose for yourself, and be true to the party you have made your own." "Should I doubt when the muse herself has so written," he says, alluding to the name of Calliope, given to this third book of his. Then he adds a line of Homer, very excellent for the occasion: "No augury for the future can be better for you than that which bids you serve your country." "But," he says, "we will talk of all that when you come to me for the holidays. Your bath shall be ready for you: your sister and mother shall be of the party." And so the doubts are settled.

Now came on the question of the Tribuneship of Clodius, in reference to which I will quote a passage out of Middleton, 272because the phrase which he uses exactly explains the purposes of Cæsar and Pompey.

b.c. 60, ætat 47.

"Clodius, who had been contriving all this while how to revenge himself on Cicero, began now to give an opening to the scheme which he had formed for that purpose. His project was to get himself chosen Tribune, and in that office to drive him out of the city, by the publication of a law which, by some stratagem or other, he hoped to obtrude on the people. But as all Patricians were incapable of the Tribunate, by its original institution so his first step was to make himself a Plebeian by the pretence of an adoption into a Plebeian house, which could not yet be done without the suffrage of the people. This case was wholly new, and contrary to all the forms — wanting every condition, and serving none of the ends which were required in regular adoptions — so that, on the first proposal, it seemed too extravagant to be treated seriously, and would soon have been hissed off with scorn, had it not been concerted and privately supported by persons of much more weight than Clodius. Cæsar was at the bottom of it, and Pompey secretly favored it — not that they intended to ruin Cicero, but to keep him only under the lash — and if they could not draw him into their measures, to make him at least sit

quiet, and let Clodius loose upon him."

This, no doubt, was the intention of the political leaders in Rome at this conjunction of affairs. It had been found impossible to draw Cicero gently into the net, so that he should become one of them. If he would live quietly at his Antian or Tusculan villa, amid his books and writings, he should be treated with all respect; he should be borne with, even though he talked so much of his own Consulate. But if he would interfere with the politics of the day, and would not come into the net, then he must be dealt with. Cæsar seems to have respected Cicero always, and even to have liked him; but he 273was not minded to put up with a "friend" in Rome who from day to day abused all his projects. In defending Antony, the Macedonian Proconsul who was condemned, Cicero made some unpleasant remarks on the then condition of things. Cæsar, we are told, when he heard of this, on the very spur of the moment, caused Clodius to be accepted as a Plebeian.

In all this we are reminded of the absolute truth of Mommsen's verdict on Rome, which I have already quoted more than once: "On the Roman oligarchy of this period no judgment can be passed, save one of inexorable and remorseless condemnation." How had it come to pass that Cæsar had the power of suddenly causing an edict to become law, whether for good or for evil? Cicero's description of what took place is as follows: "About the sixth hour of the day, when I was defending my colleague Antony in court, I took occasion to complain of certain things which were being done in the Republic, and which I thought to be injurious to my poor client. Some dishonest persons carried my words to men in power" — meaning Cæsar and Pompey—"not, indeed, my own words, but words very different from mine. At the ninth hour on that very same day, you, Clodius, were accepted as a Plebeian." Cæsar, having been given to understand that Cicero had been making himself disagreeable, was determined not to put up with it. Suetonius tells the same story with admirable simplicity. Of Suetonius it must be said that, if he had no sympathy for a patriot such as Cicero, neither had he any desire to represent in rosy colors the despotism of a Cæsar. He tells his stories simply as he has heard them. "Cicero," says Suetonius, "having at some trial complained of the state of the times, Cæsar, on the very

same day, at the ninth hour, passed 274Clodius over from the Patrician to the Plebeian rank, in accordance with his own desire." How did it come to pass that Cæsar, who, though Consul at the time, had no recognized power of that nature, was efficacious for any such work as this? Because the Republic had come to the condition which the German historian has described. The conspiracy between Cæsar and his subordinates had not been made for nothing. The reader will require to know why Clodius should have desired degradation, and how it came to pass that this degradation should have been fatal to Cicero. The story has been partly told in the passage from Middleton. A Patrician, in accordance with the constitution, could not be a Tribune of the people. From the commencement of the Tribunate, that office had been reserved for the Plebeians. But a Tribune had a power of introducing laws which exceeded that of any Senator or any other official. "They had acquired the right," we are told in Smith's Dictionary of Greek and Roman Antiquities, "of proposing to the comitia tributa, or to the Senate, measures on nearly all the important affairs of the State;" and as matters stood at this time, no one Tribune could "veto" or put an arbitrary stop to a proposition from another. When such proposition was made, it was simply for the people to decide by their votes whether it should or should not be law. The present object was to have a proposition made and carried suddenly, in reference to Cicero, which should have, at any rate, the effect of stopping his mouth. This could be best done by a Tribune of the people. No other adequate Tribune could be found — no Plebeian so incensed against Cicero as to be willing to do this, possessing at the same time power enough to be elected. Therefore it was that Clodius was so anxious to be degraded.

No Patrician could become a Tribune of the people; but a Patrician might be adopted by a Plebeian, and the adopted child would take the rank of his father — would, in fact, for all legal purposes, be the same as a son. For doing this in any 275case a law had to be passed — or, in other words, the assent of the people must be obtained and registered. But many conditions were necessary. The father intending to adopt must have no living son of his own, and must be past the time of life at which he might naturally hope to have one; and the adopted son must be of a fitting age to personate a son

— at any rate, must be younger than the father; nothing must be done injurious to either family; there must be no trick in it, no looking after other result than that plainly intended. All these conditions were broken. The pretended father, Fonteius, had a family of his own, and was younger than Clodius. The great Claudian family was desecrated, and there was no one so ignorant as not to know that the purpose intended was that of entering the Tribunate by a fraud. It was required by the general law that the Sacred College should report as to the proper observances of the prescribed regulations, but no priest was ever consulted. Yet Clodius was adopted, made a Plebeian, and in the course of the year elected as Tribune.

In reading all this, the reader is mainly struck by the wonderful admixture of lawlessness and law-abiding steadfastness. If Cæsar, who was already becoming a tyrant in his Consulship, chose to make use of this means of silencing Cicero, why not force Clodius into the Tribunate without so false and degrading a ceremony? But if, as was no doubt the case, he was not yet strong enough to ignore the old popular feelings on the subject, how was it that he was able to laugh in his sleeve at the laws, and to come forth at a moment's notice and cause the people to vote, legally or illegally, just as he pleased? It requires no conjurer to tell us the reason. The outside hulls and husks remain when the rich fruit has gone. It was in seeing this, and yet not quite believing that it must be so, that the agony of Cicero's life consisted. There could have been no hope for freedom, no hope for the Republic, when Rome had been governed as it was during the Consulship of Cæsar; but Cicero could still hope, though faintly, and 276still buoy himself up with remembrances of his own year of office.

In carrying on the story of the newly-adopted child to his election as Tribune, I have gone beyond the time of my narration, so that the reader may understand the cause and nature and effect of the anger which Clodius entertained for Cicero. This originated in the bitter words spoken as to the profanation of the Bona Dea, and led to the means for achieving Cicero's exile and other untoward passages of his life. In the year 60 b.c., when Metellus Celer and Afranius were Consuls, Clodius was tried for insulting the Bona Dea, and the since so-called Triumvirate was instituted. It has already been shown that

Cicero, not without many doubts, rejected the first offers which were made to him to join the forces that were so united. He seems to have passed the greater portion of this year in Rome. One letter only was written from the country, to Atticus, from his Tusculan villa, and that is of no special moment. He spent his time in the city, still engaged in the politics of the day; as to which, though he dreaded the coming together of Cæsar and Pompey and Crassus — those "graves principum amicitias" which were to become so detrimental to all who were concerned in them — he foresaw as yet but little of the evil which was to fall upon his own head. He was by no means idle as to literature, though we have but little of what he wrote, and do not regret what we have lost. He composed a memoir of his Consulate in Greek, which he sent to Atticus with an allusion to his own use of the foreign language intended to show that he is quite at ease in that matter. Atticus had sent him a memoir, also written in Greek, on the same subject, and the two packets had crossed each other on the road. He candidly tells Atticus that his attempt seems to be "horridula atque incompta," rough and unpolished; whereas Posidonius, the great Greek critic of Rhodes who had been invited by him, Cicero, to read the memoir, and then himself to treat the same subject, had replied that he was altogether debarred 277from such an attempt by the excellence of his correspondent's performance. He also wrote three books of a poem on his Consulate, and sent them to Atticus; of which we have a fragment of seventy-five lines quoted by himself, and four or five other lines including that unfortunate verse handed down by Quintilian, "O fortunatum natam me consule Romam" — unless, indeed, it be spurious, as is suggested by that excellent critic and whole-hearted friend of the orator's, M. Gueroult. Previous to these he had produced in hexameters, also, a translation of the Prognostics of Aratus. This is the second part of a poem on the heavenly bodies, the first part, the Phænomena, having been turned into Latin verse by him when he was eighteen. Of the Prognostics we have only a few lines preserved by Priscian, and a passage repeated by the author, also in his De Divinatione. I think that Cicero was capable of producing a poem quite worthy of preservation; but in the work of this year the subjects chosen were not alluring.

b.c. 60, ætat 47.

Among his epistles of the year there is one which might of itself have sufficed to bring down his name to posterity. This is a long letter, full of advice, to his brother Quintus, who had gone out in the previous year to govern the province of Asia as Proprætor. We may say that good advice could never have been more wanted, and that better advice could not have been given. It has been suggested that it was written as a companion to that treatise on the duties of a candidate which Quintus composed for his brother's service when standing for his Consulship. But I cannot admit the analogy. The composition attributed to Quintus contained lessons of advice equally suitable to any candidate, sprung from the people, striving to rise to high honors in the State. 278This letter is adapted not only to the special position of Quintus, but to the peculiarities of his character, and its strength lies in this: that while the one brother praises the other, justly praises him, as I believe, for many virtues, so as to make the receipt of it acceptable, it points out faults — faults which will become fatal, if not amended — in language which is not only strong but unanswerable.

The style of this letter is undoubtedly very different from that of Cicero's letters generally — so as to suggest to the reader that it must have been composed expressly for publication whereas the daily correspondence is written "currente calamo," with no other than the immediate idea of amusing, instructing, or perhaps comforting the correspondent. Hence has come the comparison between this and the treatise De Petitione Consulatus. I think that the gravity of the occasion, rather than any regard for posterity, produced the change of style. Cicero found it to be essential to induce his brother to remain at his post, not to throw up his government in disgust, and so to bear himself that he should not make himself absolutely odious to his own staff and to other Romans around him; for Quintus Cicero, though he had been proud and arrogant and ill tempered, had not made himself notorious by the ordinary Roman propensity to plunder his province "What is it that is required of you as a governor?" asks Cicero. "That men should not be frightened by your journeys hither and thither — that they should not be eaten up by your extravagance — that they should not be disturbed by your coming among them — 279that there should be joy at your approach; when each city should think

that its guardian angel, not a cruel master, had come upon it — when each house should feel that it entertained not a robber but a friend. Practice has made you perfect in this. But it is not enough that you should exercise those good offices yourself, but that you should take care that every one of those who come with you should seem to do his best for the inhabitants of the province, for the citizen of Rome, and for the Republic." I wish that I could give the letter entire — both in English, that all readers might know how grand are the precepts taught, and in Latin, that they who understand the language might appreciate the beauty of the words — but I do not dare to fill my pages at such length. A little farther on he gives his idea of the duty of all those who have power over others — even over the dumb animals. "To me it seems that the duty of those in authority over others consists in making those who are under them as happy as the nature of things will allow. Every one knows that you have acted on this principle since you first went to Asia." This, I fear, must be taken as flattery, intended to gild the pill which comes afterward "This is not only his duty who has under him allies and citizens, but is also that of the man who has slaves under his control, and even dumb cattle, that he should study the welfare of all over whom he stands in the position of master!" Let the reader look into this, and ask himself what precepts of Christianity have ever surpassed it.

Then he points out that which he describes as the one great difficulty in the career of a Roman Provincial Governor. The 280collectors of taxes, or "publicani," were of the equestrian order. This business of farming the taxes had been their rich privilege for at any rate more than a century, and as Cicero says, farther on in his letter, it was impossible not to know with what hardship the Greek allies would be treated by them when so many stories were current of their cruelty even in Italy. Were Quintus to take a part against these tax-gatherers, he would make them hostile not only to the Republic but to himself also, and also to his brother Marcus; for they were of the equestrian order, and specially connected with these "publicani" by family ties. He implies, as he goes on, that it will be easier to teach the Greeks to be submissive than the tax-gatherers to be moderate. After all, where would the Greeks of Asia be if they had no Roman master to afford them protection? He leaves the matter in

the hands of his brother, with advice that he should do the best he can on one side and on the other. If possible, let the greed of the "publicani" be restrained; but let the ally be taught to understand that there may be usage in the world worse even than Roman taxation. It would be hardly worth our while to allude to this part of Cicero's advice, did it not give an insight into the mode in which Rome taxed her subject people.

After this he commences that portion of the letter for the sake of which we cannot but believe that the whole was written. "There is one thing," he says, "which I will never cease to din into your ears, because I could not endure to think that, amid the praises which are lavished on you, there should be any matter in which you should be found wanting. All who come to us here" — all who come to Rome from Asia, that is—"when they tell us of your honesty and goodness of heart, tell us also that you fail in temper. It is a vice which, in the daily affairs of private life, betokens a weak and unmanly spirit; but there can be nothing so poor as the exhibition of the littleness of nature in those who have risen to the dignity of command." He will not, he goes on to say, trouble 281his brother with repeating all that the wise men have said on the subject of anger; he is sure that Quintus is well acquainted with all that. But is it not a pity, when all men say that nothing could be pleasanter than Quintus Cicero when in a good-humor, the same Quintus should allow himself to be so provoked that his want of kindly manners should be regretted by all around him? "I cannot assert," he goes on to say, "that when nature has produced a certain condition of mind, and that years as they run on have strengthened it, a man can change all that and pluck out from his very self the habits that have grown within him; yet I must tell you that if you cannot eschew this evil altogether — if you cannot protect yourself against the feeling of anger, yet you should prepare yourself to be ready for it when it comes, so that, when your very soul within you is hot with it, your tongue, at any rate, may be restrained." Then toward the end of the letter there is a fraternal exhortation which is surely very fine: "Since chance has thrown into my way the duties of official life in Rome, and into yours that of administrating provincial government, if I, in the performance of my work, have been second to none, do you see that you in yours may be

equally efficient." How grand, from an elder brother to a younger! "And remember this, that you and I have not to strive after some excellence still unattained, but have to be on our watch to guard that which has been already won. If I should find myself in anything divided from you, I should desire no further advance in life. Unless your deeds and your words go on all-fours with mine, I should feel that I had achieved nothing by all the work and all the dangers which you and I have encountered together." The brother at last was found to be a poor, envious, ill-conditioned creature — intellectually gifted, and capable of borrowing something from his brother's nobler nature; but when struggles came, and political feuds, and the need of looking about to see on which side safety lay, ready to sacrifice his brother for the sake of safety. But up to this time 282Marcus was prepared to believe all good of Quintus; and having made for himself and for the family a great name, was desirous of sharing it with his brother, and, as we shall afterward see, with his brother's son, and with his own. In this he failed. He lived to know that he had failed as regarded his brother and his nephew. It was not, however, added to his misery to live to learn how little his son was to do to maintain the honor of his family.

I find a note scribbled by myself some years ago in a volume in which I had read this epistle, "Probably the most beautiful letter ever written." Reading it again subsequently, I added another note, "The language altogether different from that of his ordinary letters." I do not dissent now either from the enthusiastic praise or the more careful criticism. The letter was from the man's heart — true, affectionate, and full of anxious, brotherly duty — but written in studied language, befitting, as Cicero thought, the need and the dignity of the occasion.

B C 59, ætat 48.

The year following was that of Cæsar's first Consulship, which he held in conjunction with Bibulus, a man who was altogether opposed to him in thought, in character, and in action. So hostile were these two great officers to each other that the one attempted to undo whatever the other did. Bibulus was elected by bribery, on behalf of the Senate, in order that he might be a counterpoise to Cæsar. But Cæsar now was not only Cæsar: he was Cæsar, Pompey, and Crassus

united, with all their dependents, all their clients, all their greedy hangers-on. To give this compact something of the strength of family union, Pompey, who was now nearly fifty years of age, took in marriage Cæsar's daughter Julia, who was a quarter of a century his junior. But Pompey was a man who could endear himself to women, and the opinion seems to be general that had not Julia died in childbirth the friendship between the men would have been more lasting. But for Cæsar's purposes the duration of this year and the next was enough. Bibulus was a laughing-stock, the mere shadow 283of a Consul, when opposed to such an enemy. He tried to use all the old forms of the Republic with the object of stopping Cæsar in his career; but Cæsar only ridiculed him; and Pompey, though we can imagine that he did not laugh much, did as Cæsar would have him. Bibulus was an augur, and observed the heavens when political manœuvres were going on which he wished to stop. This was the old Roman system for using religion as a drag upon progressive movements. No work of state could be carried on if the heavens were declared to be unpropitious; and an augur could always say that the heavens were unpropitious if he pleased. This was the recognized constitutional mode of obstruction, and was quite in accord with the feelings of the people. Pompey alone, or Crassus with him, would certainly have submitted to an augur; but Cæsar was above augurs. Whatever he chose to have carried he carried, with what approach he could to constitutional usage, but with whatever departure from constitutional usage he found to be necessary.

What was the condition of the people of Rome at the time it is difficult to learn from the conflicting statements of historians. That Cicero had till lately been popular we know. We are told that Bibulus was popular when he opposed Cæsar. Of personal popularity up to this time I doubt whether Cæsar had achieved much. Yet we learn that, when Bibulus with Cato and Lucullus endeavored to carry out their constitutional threats, they were dragged and knocked about, and one of them nearly killed. Of the illegality of Cæsar's proceedings there can be no doubt. "The tribunitian veto was interposed; Cæsar contented himself with disregarding it." This is quoted from the German historian, who intends to leave an impression that Cæsar was great and wise in all that he did; and who

tells us also of the “obstinate, weak creature Bibulus,” and of “the dogmatical fool Cato.” I doubt whether there was anything 284of true popular ferment, or that there was any commotion except that which was made by the “roughs” who had attached themselves for pay to Cæsar or to Pompey, or to Crassus, or, as it might be, to Bibulus and the other leaders. The violence did not amount to more than “nearly” killing this man or the other. Some Roman street fights were no doubt more bloody — as for instance that in which, seven years afterward, Clodius was slaughtered by Milo — but the blood was made to flow, not by the people, but by hired bravoes. The Roman citizens of the day were, I think, very quiescent. Neither pride nor misery stirred them much. Cæsar, perceiving this, was aware that he might disregard Bibulus and his auguries so long as he had a band of ruffians around him sufficient for the purposes of the hour. It was in order that he might thus prevail that the coalition had been made with Pompey and Crassus. His colleague Bibulus, seeing how matters were going, retired to his own house, and there went through a farce of consular enactments. Cæsar carried all his purposes, and the people were content to laugh, dividing him into two personages, and talking of Julius and Cæsar as the two Consuls of the year. It was in this way that he procured to be allotted to him by the people his irregular command in Gaul. He was to be Proconsul, not for one year, with perhaps a prolongation for two or three, but for an established period of five. He was to have the great province of Cisalpine Gaul — that is to say, the whole of what we now call Italy, from the foot of the Alps down to a line running from sea to sea just north of Florence. To this Transalpine Gaul was afterward added. The province so named, possessed at the time by the Romans, was called “Narbonensis,” a country comparatively insignificant, running from the Alps to the Pyrenees along the Mediterranean. The Gaul or Gallia of which Cæsar speaks when, in the opening words of his Commentary, he tells us that it was divided into three parts, was altogether beyond the Roman province which was assigned to him. Cæsar, when he undertook his government, can hardly 285have dreamed of subjecting to Roman rule the vast territories which were then known as Gallia, beyond the frontiers of the Empire, and which we now call France.

But he caused himself to be supported by an enormous army. There were stationed three legions on the Italian side of the Alps, and one on the other. These were all to be under his command for five years certain, and amounted to a force of not less than thirty thousand men. “As no troops could constitutionally be stationed in Italy proper, the commander of the legions of Northern Italy and Gaul,” says Mommsen, “dominated at the same time Italy and Rome for the next five years; and he who was master for five years was master for life.”

b.c. 59, ætat 48.

Such was the condition of Rome during the second year of the Triumvirate, in which Cæsar was Consul and prepared the way for the powers which he afterward exercised. Cicero would not come to his call; and therefore, as we are told, Clodius was let loose upon him. As he would not come to Cæsar’s call, it was necessary that he should be suppressed, and Clodius, notwithstanding all constitutional difficulties — nay, impossibilities — was made Tribune of the people. Things had now so far advanced with a Cæsar that a Cicero who would not come to his call must be disposed of after some fashion.

Till we have thought much of it, often of it, till we have looked thoroughly into it, we find ourselves tempted to marvel at Cicero’s blindness. Surely a man so gifted must have known enough of the state of Rome to have been aware that there was no room left for one honest, patriotic, constitutional politician. Was it not plain to him that if, “natus ad justitiam,” he could not bring himself to serve with those who were intent on discarding the Republic, he had better retire among his books, his busts, and his literary luxuries, and leave the government 286of the country to those who understood its people? And we are the more prone to say and to think all this because the man himself continually said it, and continually thought it. In one of the letters written early in the year to Atticus from his villa at Antium he declares very plainly how it is with him; and this, too, in a letter written in good-humor, not in a despondent frame of mind, in which he is able pleasantly to ridicule his enemy Clodius, who it seems had expressed a wish to go on an embassy to Tigranes, King of Armenia. “Do not think,” he says, “that I am complaining of all this because I

myself am desirous of being engaged in public affairs. Even while it was mine to sit at the helm I was tired of the work; but now, when I am in truth driven out of the ship, when the rudder has not been thrown down but seized out of my hands, how should I take a pleasure in looking from the shore at the wrecks which these other pilots have made?" But the study of human nature tells us, and all experience, that men are unable to fathom their own desires, and fail to govern themselves by the wisdom which is at their fingers' ends. The retiring Prime-minister cannot but hanker after the seals and the ribbons and the titles of office, even though his soul be able to rise above considerations of emolument, and there will creep into a man's mind an idea that, though reform of abuses from other sources may be impossible, if he were there once more the evil could at least be mitigated, might possibly be cured. So it was during this period of his life with Cicero. He did believe that political justice exercised by himself, with such assistance as his eloquence would obtain for it, might be efficacious for preserving the Republic, in spite of Cæsar, and of Pompey, and of Crassus. He did not yet believe that these men would consent to such an outrage as his banishment. It 287must have been incredible to him that Pompey should assent to it. When the blow came, it crushed him for the time. But he retricked his beams and struggled on to the end, as we shall see if we follow his life to the close.

Such was the intended purpose of the degradation of Clodius. This, however, was not at once declared. It was said that Clodius as Tribune intended rather to oppose Cæsar than to assist him. He at any rate chose that Cicero should so believe and sent Curio, a young man to whom Cicero was attached, to visit the orator at his villa at Antium and to declare these friendly purposes. According to the story told by Cicero, Clodius was prepared to oppose the Triumvirate; and the other young men of Rome, the *jeunesse dorée*, of which both Curio and Clodius were members, were said to be equally hostile to Cæsar, Pompey, and Crassus, whose doings in opposition to the constitution were already evident enough; so that it suited Cicero to believe that the rising aristocracy of Rome would oppose them. But the aristocracy of Rome, whether old or young, cared for nothing but its fish-ponds and its amusements.

Cicero spent the earlier part of the year out of Rome, among his various villas — at Tusculanum, at Antium, and at Formiæ. The purport of all his letters at this period is the same — to complain of the condition of the Republic, and especially of the treachery of his friend Pompey. Though there be much of despondency in his tone, there is enough also of high spirit to make us feel that his literary aspirations are not out of place, though mingled with his political wailing. The time will soon come when his trust even in literature will fail him for a while.

Early in the year he declares that he would like to accept a 288mission to Egypt, offered to him by Cæsar and Pompey, partly in order that he might for a while be quit of Rome, and partly that Romans might feel how ill they could do without him. He then uses for the first time, as far as I am aware, a line from the Iliad, which is repeated by him again and again, in part or in whole, to signify the restraint which is placed on him by his own high character among his fellow-citizens. "I would go to Egypt on this pleasant excursion, but that I fear what the men of Troy, and the Trojan women, with their wide-sweeping robes, would say of me." And what, he asks, would the men of our party, "the optimates," say? and what would Cato say, whose opinion is more to me than that of them all? And how would history tell the story in future ages? But he would like to go to Egypt, and he will wait and see. Then, after various questions to Atticus, comes that great one as to the augurship, of which so much has been made by Cicero's enemies, "quo quidem uno ego ab istis capi possim." A few lines above he had been speaking of another lure, that of the mission to Egypt. He discusses that with his friend, and then goes on in his half-joking phrase, "but this would have been the real thing to catch me." Nothing caught him. He was steadfast all through, accepting no offer of place from the conspirators by which his integrity or his honor could be soiled. That it was so was well known to history in the time of Quintilian, whose testimony as to the "repudiatus vigintiviratus" — his refusal of a place among the twenty commissioners — has been already quoted. And yet biographers have written of him as of one willing to sell his honor, his opinions, and the commonwealth, for a "pitiful bribe;" not that he did do so, not that he attempted to do it, 289but because in a half-joking letter

to the friend of his bosom he tells his friend which way his tastes lay!

He had been thinking of writing a book on geography, and consulted Atticus on the subject; but in one of his letters he tells his friend that he had abandoned the idea. The subject was too dull; and if he took one side in a dispute that was existing, he would be sure to fall under the lash of the critics on the other. He is enjoying his leisure at Antium, and thinks it a much better place than Rome. If the weather will not let him catch fish, at any rate he can count the waves. In all these letters Cicero asks questions about his money and his private affairs; about the mending of a wall, perhaps, and adds something about his wife or daughter or son. He is going from Antium to Formiæ, but must return to Antium by a certain date because Tullia wants to see the games.

Then again he alludes to Clodius. Pompey had made a compact with Clodius — so at least Cicero had heard — that he, Clodius, if elected for the Tribunate, would do nothing to injure Cicero. The assurance of such a compact had no doubt been spread about for the quieting of Cicero; but no such compact had been intended to be kept, unless Cicero would be amenable, would take some of the good things offered to him, or at any rate hold his peace. But Cicero affects to hope that no such agreement may be kept. He is always nicknaming Pompey, who during his Eastern campaign had taken Jerusalem, and who now parodies the Africanus, the Asiaticus, and the Macedonicus of the Scipios and Metelluses. "If that Hierosolymarian candidate for popularity does not keep his word with me, I shall be delighted. If that be his return for my speeches on his behalf" — the Anteponatur omnibus Pompeius, for instance—"I will play him such a turn of another kind that he shall remember it."

He begins to know what the "Triumvirate" is doing with 290the Republic, but has not yet brought himself to suspect the blow that is to fall on himself. "They are going along very gayly," he says, "and do not make as much noise as one would have expected." If Cato had been more on the alert, things would not have gone so quickly; but the dishonesty of others, who have allowed all the laws to be ignored, has been worse than Cato. If we used to feel that the Senate took too much on itself, what shall we say when that power has been transferred, not to the people, but to three utterly unscrupulous men?

“They can make whom they will Consuls, whom they will Tribunes — so that they may hide the very goitre of Vatinius under a priest’s robe.” For himself, Cicero says, he will be contented to remain with his books, if only Clodius will allow him; if not, he will defend himself. As for his country, he has done more for his country than has even been desired of him; and he thinks it to be better to leave the helm in the hands of pilots, however incompetent, than himself to steer when passengers are so thankless. Then we find that he robs poor Tullia of her promised pleasure at the games, because it will be beneath his dignity to appear at them. He is always very anxious for his friend’s letters, depending on them for news and for amusement. “My messenger will return at once,” he says, in one; “therefore, though you are coming yourself very soon, send me a heavy letter, full not only of news but of your own ideas.” In another: “Cicero the Little sends greeting,” he says, in Greek, “to Titus the Athenian” — that is, to Titus Pomponius Atticus. The Greek letters 291were probably traced by the child at his father’s knee as Cicero held the pen or the stylus. In another letter he declares that there, at Formiæ, Pompey’s name of Magnus is no more esteemed than that of Dives belonging to Crassus. In the next he calls Pompey Sampsiceramus. We learn from Josephus that there was a lady afterward in the East in the time of Vitellius, who was daughter of Sampsigeramus, King of the Emesi. It might probably be a royal family name. In choosing the absurd title, he is again laughing at his party leader. Pompey had probably boasted of his doings with the Sampsiceramus of the day and the priests of Jerusalem. “When this Sampsiceramus of ours finds how ill he is spoken of, he will rush headlong into revolution.” He complains that he can do nothing at Formiæ because of the visitors. No English poet was ever so interviewed by American admirers. They came at all hours, in numbers sufficient to fill a temple, let alone a gentleman’s house. How can he write anything requiring leisure in such a condition as this? Nevertheless he will attempt something. He goes on criticising all that is done in Rome, especially what is done by Pompey, who no doubt was vacillating sadly between Cæsar, to whom he was bound, and Bibulus, the other Consul, to whom he ought to have been bound, as being naturally on the aristocratic side. He cannot for a moment keep his pen from

public matters; nor, on the other hand, can he refrain from declaring that he will apply himself wholly, undividedly, to his literature. “Therefore, oh my Titus, let me settle down to these glorious occupations, and return to that which, if I had been wise, I never should have left.” A day or two afterward, writing from the same place, he asks what Arabarches is saying of him. Arabarches is another name for Pompey — this Arabian chieftain.

In the early summer of this year Cicero returned to Rome, 292probably in time to see Atticus, who was then about to leave the city for his estates in Epirus. We have a letter written by him to his friend on the journey, telling us that Cæsar had made him two distinct offers, evidently with the view of getting rid of him, but in such a manner as would be gratifying to Cicero himself. Cæsar asks him to go with him to Gaul as his lieutenant, or, if that will not suit him, to accept a “free legation for the sake of paying a vow.” This latter was a kind of job by which Roman Senators got themselves sent forth on their private travels with all the appanages of a Senator travelling on public business. We have his argument as to both. Elsewhere he objects to a “libera legatio” as being a job. Here he only points out that, though it enforce his absence from Rome at a time disagreeable to him — just when his brother Quintus would return — it would not give him the protection which he needs. Though he were travelling about the world as a Senator on some pretended embassy, he would still be open to the attacks of Clodius. He would necessarily be absent, or he would not be in enjoyment of his privilege, but by his very absence he would find his position weakened; whereas, as Cæsar’s appointed lieutenant, he need not leave the city at once, and in that position he would be quite safe against all that Clodius or other enemies could do to him. No indictment could be made against a Roman while he was in the employment of the State. It must be remembered, too, on judging of these overtures, that both the one and the other — and indeed all the offers then made to him — were deemed to be highly honorable, as Rome then existed. “The free legation” — the “libera legatio voti causa” — had 293no reference to parties. It was a job, no doubt, and, in the hands of the ordinary Roman aristocrat, likely to be very onerous to the provincials among whom the privileged Senator might

travel; but it entailed no party adhesion. In this case it was intended only to guarantee the absence of a man who might be troublesome in Rome. The other was the offer of genuine work in which politics were not at all concerned. Such a position was accepted by Quintus, our Cicero's brother, and in performance of the duties which fell to him he incurred terrible danger, having been nearly destroyed by the Gauls in his winter quarters among the Nervii. Labienus, who was Cæsar's right-hand man in Gaul, was of the same politics as Cicero — so much so that when Cæsar rebelled against the Republic, Labienus, true to the Republic, would no longer fight on Cæsar's side. It was open to Cicero, without disloyalty, to accept the offer made to him; but with an insight into what was coming, of which he himself was hardly conscious, he could not bring himself to accept offers which in themselves were alluring, but which would seem in future times to have implied on his part an assent to the breaking up of the Republic. Αἰδέομαι Τρῶας καὶ Τρωάδας ἐλκεσιπέπλους. What will be said of me in history by my citizens if I now do simply that which may best suit my own happiness? Had he done so, Pliny and the others would not have spoken of him as they have spoken, and it would not have been worth the while of modern lovers of Cæsarism to write books against the one patriot of his age.

During the remainder of this year, b.c. 59, Cicero was at Rome, and seems gradually to have become aware that a personal attack was to be made upon him. At the close of a long and remarkable letter written to his brother Quintus in November, he explains the state of his own mind, showing us, who have now before us the future which was hidden from him, how greatly mistaken he was as to the results which were to be expected. He had been telling his brother how nearly Cato 294had been murdered for calling Pompey, in public, a Dictator. Then he goes on to describe his own condition. "You may see from this what is the state of the Republic. As far as I am concerned, it seems that friends will not be wanting to defend me. They offer themselves in a wonderful way, and promise assistance. I feel great hope and still greater spirit — hope, which tells me that we shall be victors in the struggle; spirit, which bids me fear no casualty in the present state of public affairs." But the matter stands in this way: "If he" — that is, Clodius—"should indict me in court, all Italy

would come to my defence, so that I should be acquitted with honor. Should he attack me with open violence, I should have, I think, not only my own party but the world at large to stand by me. All men promise me their friends, their clients, their freedmen, their slaves, and even their money. Our old body of aristocrats" — Cato, Bibulus, and the makers of fish-ponds generally—"are wonderfully warm in my cause. If any of these have heretofore been remiss, now they join our party from sheer hatred of these kings" — the Triumvirs. "Pompey promises everything, and so does Cæsar, whom I only trust so far as I can see them." Even the Triumvirs promise him that he will be safe; but his belief in Pompey's honesty is all but gone. "The coming Tribunes are my friends. The Consuls of next year promise well." He was wofully mistaken. "We have excellent Prætors, citizens alive to their duty. Domitius, Nigidius, Memmius, and Lentulus are specially trustworthy. The others are good men. You may therefore pluck up your courage and be confident." From this we perceive that he had already formed the idea that he might perhaps be required to fight for his position as a Roman citizen; and it seems also 295that he understood the cause of the coming conflict. The intention was that he should be driven out of Rome by personal enmity. Nothing is said in any of these letters of the excuse to be used, though he knew well what that excuse was to be. He was to be charged by the Patrician Tribune with having put Roman citizens to death in opposition to the law. But there arises at this time no question whether he had or had not been justified in what he, as Consul, had done to Lentulus and the others. Would Clodius be able to rouse a mob against him? and, if so, would Cæsar assist Clodius? or would Pompey who still loomed to his eyes as the larger of the two men? He had ever been the friend of Pompey, and Pompey had promised him all manner of assistance; but he knew already that Pompey would turn upon him. That Rome should turn upon him — Rome which he had preserved from the torches of Catiline's conspirators — that he could not bring himself to believe!

We must not pass over this long letter to Quintus without observing that through it all the evil condition of the younger brother's mind becomes apparent. The severity of his administration had given offence. His punishments had been cruel. His letters had

been rash, and his language violent. In short, we gather from the brother's testimony that Quintus Cicero was very ill-fitted to be the civil governor of a province.

The only work which we have from Cicero belonging to this year, except his letters, is the speech, or part of the speech, he made for Lucius Valerius Flaccus. Flaccus had been Prætor when Cicero was Consul, and had done good service, in the eyes of his superior officers, in the matter of the Catiline conspiracy. He had then gone to Asia as governor, and, after the Roman manner, had fleeced the province. That this was so there is no doubt. After his return he was accused, was defended by Cicero, and was acquitted. Macrobius tells us that Cicero, by the happiness of a bon-mot, brought the accused off safely, though he was manifestly guilty. He adds also that Cicero took care not to allow the joke to appear in the 296published edition of his speech. There are parts of the speech which have been preserved, and are sufficiently amusing even to us. He is very hard upon the Greeks of Asia, the class from which the witnesses against Flaccus were taken. We know here in England that a spaniel, a wife, and a walnut-tree may be beaten with advantage. Cicero says that in Asia there is a proverb that a Phrygian may be improved in the same way. "Fiat experimentum in corpore vili." It is declared through Asia that you should take a Carian for your experiment. The "last of the Mysians" is the well-known Asiatic term for the lowest type of humanity. Look through all the comedies, you will find the leading slave is a Lydian. Then he turns to these poor Asiatics, and asks them whether any one can be expected to think well of them, when such is their own testimony of themselves! He attacks the Jew, and speaks of the Jewish religion as a superstition worthy in itself of no consideration. Pompey had spared the gold in the Temple of Jerusalem, because he thought it wise to respect the religious prejudices of the people; but the gods themselves had shown, by subjecting the Jews to the Romans, how little the gods had regarded these idolatrous worshippers! Such were the arguments used; and they prevailed with the judges — or jury, we should rather call them — to whom they were addressed.

CHAPTER XII.

HIS EXILE.

We now come to that period of Cicero's life in which, by common consent of all who have hitherto written of him, he is supposed to have shown himself as least worthy of his high name. Middleton, who certainly loved his hero's memory and was always anxious to do him justice, condemns him. "It cannot be denied that in this calamity of his exile he did not behave himself with that firmness which might reasonably be expected from one who had borne so glorious a part in the Republic." Morabin, the French biographer, speaks of the wailings of his grief, of its injustice and its follies. "Cicéron était trop plein de son malheur pour donner entrée à de nouvelles espérances," he says. "Il avait supporté ce malheur avec peu de courage," says another Frenchman, M. Du Rozoir, in introducing us to the speeches which Cicero made on his return. Dean Merivale declares that "he marred the grace of the concession in the eyes of posterity" — alluding to the concession made to popular feeling by his voluntary departure from Rome, as will hereafter be described—"by the unmanly lamentations with which he accompanied it." Mommsen, with a want of insight into character wonderful in an author who has so closely studied the history of the period, speaks of his exile as a punishment inflicted on a "man notoriously timid, and belonging to the class of political weather-cocks." "We now come," says Mr. Forsyth, "to the most melancholy period of Cicero's life, melancholy not so much from its nature and the extent of the misfortunes which overtook him, as from the 298abject prostration of mind into which he was thrown." Mr. Froude, as might be expected, uses language stronger than that of others, and tells us that "he retired to Macedonia to pour out his sorrows and his resentments in lamentations unworthy of a woman." We have to admit that modern historians and biographers have been united in accusing Cicero of want of manliness during his exile. I propose — not, indeed, to wash the blackamoor white — but to show, if I can, that he was as white as others might be expected to

have been in similar circumstances.

We are, I think, somewhat proud of the courage shown by public men of our country who have suffered either justly or unjustly under the laws. Our annals are bloody, and many such have had to meet their death. They have done so generally with becoming manliness. Even though they may have been rebels against the powers of the day, their memories have been made green because they have fallen like brave men. Sir Thomas More, who was no rebel, died well, and crowned a good life by his manner of leaving it. Thomas Cromwell submitted to the axe without a complaint. Lady Jane Grey, when on the scaffold, yielded nothing in manliness to the others. Cranmer and the martyr bishops perished nobly. The Earl of Essex, and Raleigh, and Strafford, and Strafford's master showed no fear when the fatal moment came. In reading the fate of each, we sympathize with the victim because of a certain dignity at the moment of death. But there is, I think, no crisis of life in which it is so easy for a man to carry himself honorably as that in which he has to leave it. "Venit summa dies et ineluctabile tempus." No doubting now can be of avail. No moment is left for the display of conduct beyond this, which requires only decorum and a free use of the pulses to become in some degree glorious. The wretch from the lowest dregs of the people can achieve it with a halter round his neck. Cicero had that moment also to face; and when it came he was as brave as the best Englishman of them all. 299But of those I have named no one had an Atticus to whom it had been the privilege of his life to open his very soul, in language so charming as to make it worth posterity's while to read it, to study it, to sift it, and to criticise it. Wolsey made many plaints in his misery, but they have reached us in such forms of grace that they do not disparage him; but then he too had no Atticus. Shaftesbury and Bolingbroke were dismissed ministers and doomed to live in exile, the latter for many years, and felt, no doubt, strongly their removal from the glare of public life to obscurity. We hear no complaint from them which can justify some future critic in saying that their wails were unworthy of a woman; but neither of them was capable of telling an Atticus the thoughts of his mind as they rose. What other public man ever had an Atticus to whom, in the sorrows which the ingratitude of friends had brought upon him, he could disclose every

throb of his heart?

I think that we are often at a loss, in our efforts at appreciation of character, and in the expressions of our opinion respecting it, to realize the meaning of courage and manliness. That sententious Swedish Queen, one of whose foolish maxims I have quoted, has said that Cicero, though a coward, was capable of great actions, because she did not know what a coward was. To doubt — to tremble with anxiety — to vacillate hither and thither between this course and the other as to which may be the better — to complain within one's own breast that this or that thing has been an injustice — to hesitate within one's self, not quite knowing which way honor may require us to go — to be indignant even at fancied wrongs — to rise in wrath against another, and then, before the hour has passed, to turn that wrath against one's self — that is not to be a coward. To know what duty requires, and then to be deterred by fear of results — that is to be a coward; but the man of many scruples may be the greatest hero of them all. Let the law of things be declared clearly 300so that the doubting mind shall no longer doubt, so that scruples may be laid at rest, so that the sense of justice may be satisfied — and he of whom I speak shall be ready to meet the world in arms against him. There are men, very useful in their way, who shall never doubt at all, but shall be ready, as the bull is ready, to encounter any obstacles that there may be before them. I will not say but that for the coarse purposes of the world they may not be the most efficacious, but I will not admit that they are therefore the bravest. The bull, who has no imagination to tell him what the obstacle may do to him, is not brave. He is brave who, fully understanding the potentiality of the obstacle, shall, for a sufficient purpose, move against it.

This Cicero always did. He braved the murderous anger of Sulla when, as a young man, he thought it well to stop the greed of Sulla's minions. He trusted himself amid the dangers prepared for him, when it was necessary that with extraordinary speed he should get together the evidence needed for the prosecution of Verres. He was firm against all that Catiline attempted for his destruction, and had courage enough for the responsibility when he thought it expedient to doom the friends of Catiline to death. In defending Milo, whether the cause were good or bad, he did not blench. He joined the Republican

army in Macedonia though he distrusted Pompey and his companions. When he thought that there was a hope for the Republic, he sprung at Antony with all the courage of a tigress protecting her young; and when all had failed and was rotten around him, when the Republic had so fallen that he knew it to be gone — then he was able to give his neck to the swordsman with all the apparent indifference of life which was displayed by those countrymen of our own whom I have named.

301But why did he write so piteously when he was driven into exile? Why, at any rate, did he turn upon his chosen friend and scold him, as though that friend had not done enough for friendship? Why did he talk of suicide as though by that he might find the easiest way of escape?

I hold it to be natural that a man should wail to himself under a sense, not simply of misfortune, but of misfortune coming to him from the injustice of others, and specially from the ingratitude of friends. Afflictions which come to us from natural causes, such as sickness and physical pain, or from some chance such as the loss of our money by the breaking of a bank, an heroic man will bear without even inward complainings. But a sense of wrong done to him by friends will stir him, not by the misery inflicted, but because of the injustice; and that which he says to himself he will say to his wife, if his wife be to him a second self, or to his friend, if he have one so dear to him. The testimony by which the writers I have named have been led to treat Cicero so severely has been found in the letters which he wrote during his exile; and of these letters all but one were addressed either to Atticus or to his wife or to his brother. Twenty-seven of them were to Atticus. Before he accepted a voluntary exile, as the best solution of the difficulty in which he was placed — for it was voluntary at first, as will be seen — he applied to the Consul Piso for aid, and for the same purpose visited Pompey. So far he was a suppliant, but this he did in conformity with Roman usage. In asking favor of a man in power there was held to be no disgrace, even though the favor asked were one improper to be granted, which was not the case with Cicero. And he went about the Forum in mourning—"sordidatus" — as was the custom with men on their trial. We cannot doubt that in each of 302these cases he acted with

the advice of his friends. His conduct and his words after his return from exile betray exultation rather than despondency.

It is from the letters which he wrote to Atticus that he has been judged — from words boiling with indignation that such a one as he should have been surrendered by the Rome that he had saved, by those friends to whom he had been so true to be trampled on by such a one as Clodius! When a man has written words intended for the public ear, it is fair that he should bear the brunt of them, be it what it may. He has intended them for public effect, and if they are used against him he should not complain. But here the secret murmurings of the man's soul were sent forth to his choicest friend, with no idea that from them would he be judged by the "historians to come in 600 years," of whose good word he thought so much. "Quid vero historiæ de nobis ad annos DC. prædicarint!" he says, to Atticus. How is it that from them, after 2000 years, the Merivales, Mommsens, and Froudes condemn their great brother in letters whose lightest utterances have been found worthy of so long a life! Is there not an injustice in falling upon a man's private words, words when written intended only for privacy, and making them the basis of an accusation in which an illustrious man shall be arraigned forever as a coward? It is said that he was unjust even to Atticus, accusing even Atticus of lukewarmness. What if he did so — for an hour? Is that an affair of ours? Did Atticus quarrel with him? Let any reader of these words who has lived long enough to have an old friend, ask himself whether there has never been a moment of anger in his heart — of anger of which he has soon learned to recognize the injustice? He may not have written his anger, but then, perhaps, he has not had the pen of a Cicero. Let those who rebuke the unmanliness of Cicero's wailings remember what were his sufferings. The 303story has yet to be told, but I may in rough words describe their nature. Everything was to be taken from him: all that he had — his houses, his books, his pleasant gardens, his busts and pictures, his wide retinue of slaves, and possessions lordly as are those of our dukes and earls. He was driven out from Italy and so driven that no place of delight could be open to him. Sicily, where he had friends, Athens, where he might have lived, were closed against him. He had to look where to live, and did live for a while on money borrowed from his friends. All the

cherished occupations of his life were over for him — the law courts, the Forum, the Senate, and the crowded meetings of Roman citizens hanging on his words. The circumstances of his exile separated him from his wife and children, so that he was alone. All this was assured to him for life, as far as Roman law could assure it. Let us think of the condition of some great and serviceable Englishman in similar circumstances. Let us suppose that Sir Robert Peel had been impeached, and forced by some iniquitous sentence to live beyond the pale of civilization: that the houses at Whitehall Gardens and at Drayton had been confiscated, dismantled, and levelled to the ground, and his rents and revenues made over to his enemies; that everything should have been done to destroy him by the country he had served, except the act of taking away that life which would thus have been made a burden to him. Would not his case have been more piteous, a source of more righteous indignation, than that even of the Mores or Raleighs? He suffered under invectives in the House of Commons, and we sympathized with him; but if some Clodius of the day could have done this to him, should we have thought the worse of him had he opened his wounds to his wife, or to his brother, or to his friend of friends?

Had Cicero put an end to his life in his exile, as he thought of doing, he would have been a second Cato to admiring posterity, and some Lucan with rolling verses would have told us narratives of his valor. The judges of to-day look back to his 304half-formed purposes in this direction as being an added evidence of the weakness of the man; but had he let himself blood and have perished in his bath, he would have been thought to have escaped from life as honorably as did Junius Brutus It is because he dared to live on that we are taught to think so little of him, — because he had antedated Christianity so far as to feel when the moment came that such an escape was, in truth, unmanly. He doubted, and when the deed had not been done he expressed regret that he had allowed himself to live. But he did not do it, — as Cato would have done, or Brutus.

It may be as well here to combat, in as few words as possible, the assertions which have been made that Cicero, having begun life as a democrat, discarded his colors as soon as he had received from the people those honors for which he had sought popularity. They who

have said so have taken their idea from the fact that, in much of his early forensic work, he spoke against the aristocratic party. He attacked Sulla, through his favorite Chrysogonus, in his defence of Roscius Amerinus. He afterward defended a woman of Arretium in the spirit of antagonism to Sulla. His accusation of Verres was made on the same side in politics, and was carried on in opposition to Hortensius and the oligarchs. He defended the Tribune Caius Cornelius. Then, when he became Consul, he devoted himself to the destruction of Catiline, who was joined with many, perhaps with Cæsar's sympathy, in the conspiracy for the overthrow of the Republic. Cæsar soon became the leader of the democracy, — became rather what Mommsen describes as "Democracy" itself; and as Cicero had defended the Senate from Catiline, and had refused to attach himself to Cæsar, he is supposed to have turned from the political ideas of his youth, and to have become a Conservative when Conservative ideas suited his ambition.

I will not accept the excuse put forward on his behalf, that the early speeches were made on the side of democracy because the exigencies of the occasion required him to so devote 305his energies as an advocate. No doubt he was an advocate, as are our barristers of to-day, and, as an advocate, supported this side or that; but we shall be wrong if we suppose that the Roman "patronus" supplied his services under such inducements. With us a man goes into the profession of the law with the intention of making money, and takes the cases right and left, unless there be special circumstances which may debar him from doing so with honor. It is a point of etiquette with him to give his assistance, in turn, as he may be called on; so much so, that leading men are not unfrequently employed on one side simply that they may not be employed on the other side. It should not be urged on the part of Cicero that, so actuated, he defended Amerinus, a case in which he took part against the aristocrats, or defended Publius Sulla, in doing which he appeared on the side of the aristocracy. Such a defence of his conduct would be misleading, and might be confuted. It would be confuted by those who suppose him to have been "notoriously a political trimmer," as Mommsen has called him; or a "deserter," as he was described by Dio Cassius and by the Pseudo-Sallust, by showing that in fact he

took up causes under the influence of strong personal motives such as rarely govern an English barrister. These motives were in many cases partly political; but they operated in such a manner as to give no guide to his political views. In defending Sulla's nephew he was moved, as far as we know, solely by private motives. In defending Amerinus he may be said to have attacked Sulla. His object was to stamp out the still burning embers of Sulla's cruelty; but not the less was he wedded to Sulla's general views as to the restoration of the 306authority of the Senate. In his early speeches, especially in that spoken against Verres, he denounces the corruption of the senatorial judges; but at that very period of his life he again and again expresses his own belief in the glory and majesty of the Senate. In accusing Verres he accused the general corruption of Rome's provincial governors; and as they were always past-Consuls or past-Prætors, and had been the elite of the aristocracy, he may be said so far to have taken the part of a democrat; but he had done so only so far as he had found himself bound by a sense of duty to put a stop to corruption. The venality of the judges and the rapacity of governors had been fit objects for his eloquence; but I deny that he can be fairly charged with having tampered with democracy because he had thus used his eloquence on behalf of the people.

He was no doubt stirred by other political motives less praiseworthy, though submitted to in accordance with the practice and the known usages of Rome. He had undertaken to speak for Catiline when Catiline was accused of corruption on his return from Africa, knowing that Catiline had been guilty. He did not do so; but the intention, for our present purpose, is the same as the doing. To have defended Catiline would have assisted him in his operations as a candidate for the Consulship. Catiline was a bad subject for a defence — as was Fonteius, whom he certainly did defend — and Catiline was a democrat. But Cicero, had he defended Catiline, would not have done so as holding out his hand to democracy. Cicero, when, in the Pro Lege Manilia, he for the first time addressed the people, certainly spoke in opposition to the wishes of the Senate in proposing that Pompey should have the command of the Mithridatic war; but his views were not democratic. It has been said that this was done because Pompey could help him to the

Consulship. To me it seems that he had already declared to himself that among leading men in Rome Pompey was the one to whom the Republic would look with the most security as a bulwark, and that on that account he had resolved to bind 307himself to Pompey in some political marriage. Be that as it may, there was no tampering with democracy in the speech Pro Lege Manilia. Of all the extant orations made by him before his Consulship, the attentive reader will sympathize the least with that of Fonteius. After his scathing onslaught on Verres for provincial plunder, he defended the plunderer of the Gauls, and held up the suffering allies of Rome to ridicule as being hardly entitled to good government. This he did simply as an advocate, without political motive of any kind — in the days in which he was supposed to be currying favor with democracy — governed by private friendship, looking forward, probably, to some friendly office in return, as was customary. It was thus that afterward he defended Antony, his colleague in the Consulship, whom he knew to have been a corrupt governor. Autronius had been a party to Catiline's conspiracy, and Autronius had been Cicero's school-fellow; but Cicero, for some reserved reason with which we are not acquainted, refused to plead for Autronius. There is, I maintain, no ground for suggesting that Cicero had shown by his speeches before his Consulship any party adherence. The declaration which he made after his Consulship, in the speech for Sulla, that up to the time of Catiline's first conspiracy forensic duties had not allowed him to devote himself to party politics, is entitled to belief: we know, indeed, that it was so. As Quæstor, as Ædile, and as Prætor, he did not interfere in the political questions of Rome, except in demanding justice from judges and purity from governors. When he became Consul then he became a politician, and after that there was certainly no vacillation in his views. Critics say that he surrendered himself to Cæsar when Cæsar became master. We shall come to that hereafter; but the accusation with which I am dealing now is that which charges him with having abandoned the democratic memories of his youth as soon as he had enveloped himself with the consular purple. There had been no democratic promises, and there was no change when he became Consul.

308In truth, Cicero's political convictions were the same from the

beginning to the end of his career, with a consistency which is by no means usual in politicians; for though, before his Consulship, he had not taken up politics as a business he had entertained certain political views, as do all men who live in public. From the first to the last we may best describe him by the word we have now in use, as a conservative. The government of Rome had been an oligarchy for many years, though much had been done by the citizens to reduce the thraldom which an oligarchy is sure to exact. To that oligarchy Cicero was bound by all the convictions, by all the practices, and by all the prejudices of his life. When he speaks of a Republic he speaks of a people and of an Empire governed by an oligarchy; he speaks of a power to be kept in the hands of a few — for the benefit of the few, and of the many if it might be — but at any rate in the hands of a few. That those few should be so select as to admit of no new-comers among them, would probably have been a portion of his political creed, had he not been himself a "novus homo." As he was the first of his family to storm the barrier of the fortress, he had been forced to depend much on popular opinion; but not on that account had there been any dealings between him and democracy. That the Empire should be governed according to the old oligarchical forms which had been in use for more than four centuries, and had created the power of Rome — that was his political creed. That Consuls, Censors, and Senators might go on to the end of time with no diminution of their dignity, but with great increase of justice and honor and truth among them — that was his political aspiration. They had made Rome what it was, and he knew and could imagine nothing better; and, odious as an oligarchy is seen to be under the strong light of experience to which prolonged ages has subjected it, the aspiration on his part was noble. He has been wrongly accused of deserting "that democracy with which he had flirted in his youth." There had been no democracy in his youth, 309though there had existed such a condition in the time of the Gracchi. There was none in his youth and none in his age. That which has been wrongly called democracy was conspiracy — not a conspiracy of democrats such as led to our Commonwealth, or to the American Independence, or to the French Revolution; but conspiracy of a few nobles for the better assurance of the plunder, and the power, and the high places of the

Empire. Of any tendency toward democracy no man has been less justly accused than Cicero, unless it might be Cæsar. To Cæsar we must accord the merit of having seen that a continuation of the old oligarchical forms was impracticable This Cicero did not see. He thought that the wounds inflicted by the degeneracy and profligacy of individuals were curable. It is attributed to Cæsar that he conceived the grand idea of establishing general liberty under the sole dominion of one great, and therefore beneficent, ruler. I think he saw no farther than that he, by strategy, management, and courage might become this ruler, whether beneficent or the reverse. But here I think that it becomes the writer, whether he be historian, biographer, or fill whatever meaner position he may in literature, to declare that no beneficence can accompany such a form of government. For all temporary sleekness, for metropolitan comfort and fatness, the bill has to be paid sooner or later in ignorance, poverty, and oppression. With an oligarchy there will be other, perhaps graver, faults; but with an oligarchy there will be salt, though it be among a few. There will be a Cicero now and again — or at least a Cato. From the dead, stagnant level of personal despotism there can be no rising to life till corruption paralyzes the hands of power, and the fabric falls by its own decay Of this no proof can be found in the world's history so manifest as that taught by the Roman Empire.

I think it is made clear by a study of Cicero's life and works, up to the period of his exile, that an adhesion to the old forms of the Roman Government was his guiding principle. 310I am sure that they who follow me to the close of his career will acknowledge that after his exile he lived for this principle, and that he died for it. "Respublica," the Republic, was the one word which to his ear contained a political charm. It was the shibboleth by which men were to be conjured into well-being. The word constitution is nearly as potent with us. But it is essential that the reader of Roman history and Roman biography should understand that the appellation had in it, for all Roman ears, a thoroughly conservative meaning. Among those who at Cicero's period dealt with politics in Rome — all of whom, no doubt, spoke of the Republic as the vessel of State which was to be defended by all persons — there were four classes. These were they who simply desired the plunder of the State — the

Catilines, the Sullas of the day, and the Antonys; men such as Verres had been, and Fonteius, and Autronius. The other three can be best typified each by one man. There was Cæsar, who knew that the Republic was gone, past all hope. There was Cato—"the dogmatical fool Cato" as Mommsen calls him, perhaps with some lack of the historian's dignity — who was true to the Republic, who could not bend an inch, and was thus as detrimental to any hope of reconstruction as a Catiline or a Cæsar. Cicero was of the fourth class, believing in the Republic, intent on saving it, imbued amid all his doubts with a conviction that if the "optimates" or "boni" — the leading men of the party — would be true to themselves, Consuls, Censors, and Senate would still suffice to rule the world; but prepared to give and take with those who were opposed to him. It was his idea that political integrity should keep its own hands clean, but should wink at much dirt in the world at large. Nothing, he saw, could be done by Catonic rigor. We can see now that Ciceronic compromises were, and must have been, equally ineffective. The patient was past cure. But in seeking the truth as to Cicero, we have to perceive that amid all his doubts, frequently in despondency, sometimes overwhelmed by the misery and hopelessness 311of his condition, he did hold fast by this idea to the end. The frequent expressions made to Atticus in opposition to this belief are to be taken as the murmurs of his mind at the moment; as you shall hear a man swear that all is gone, and see him tear his hair, and shall yet know that there is a deep fund of hope within his bosom. It was the ingratitude of his political friends, his "boni" and his "optimates," of Pompey as their head, which tried him the sorest; but he was always forgiving them, forgiving Pompey as the head of them, because he knew that, were he to be severed from them, then the political world must be closed to him altogether.

Of Cicero's strength or Cicero's weakness Pompey seems to have known nothing. He was no judge of men. Cæsar measured him with a great approach to accuracy. Cæsar knew him to be the best Roman of his day; one who, if he could be brought over to serve in Cæsarean ranks, would be invaluable — because of his honesty, his eloquence, and his capability; but he knew him as one who must be silenced if he were not brought to serve on the Cæsarean side. Such a man,

however, might be silenced for a while — taught to perceive that his efforts were vain — and then brought into favor by further overtures, and made of use. Personally he was pleasant to Cæsar, who had taste enough to know that he was a man worthy of all personal dignity. But Cæsar was not, I think, quite accurate in his estimation, having allowed himself to believe at the last that Cicero's energy on behalf of the Republic had been quelled.

B. C. 58, ætat 49

Now we will go back to the story of Cicero's exile. Gradually during the preceding year he had learned that Clodius was preparing to attack him, and to doubt whether he could expect protection from the Triumvirate. That he could be made safe by the justice either of the people or by that of any court before which he could be tried, seems never to have occurred to him. He knew the people and he knew the courts too well. Pompey no doubt might have warded 312off the coming evil; such at least was Cicero's idea. To him Pompey was the greatest political power as yet extant in Rome; but he was beginning to believe that Pompey would be untrue to him. When he had sent to Pompey a long account of the grand doings of his Consulship, Pompey had replied with faintest praises. He had rejected the overtures of the Triumvirate. In the last letter to Atticus in the year before, written in August, he had declared that the Republic was ruined; that they who had brought things to this pass — meaning the Triumvirate — were hostile; but, for himself, he was confident in saying that he was quite safe in the good will of men around him. There is a letter to his brother written in November, the next letter in the collection, in which he says that Pompey and Cæsar promise him everything. With the exception of two letters of introduction, we have nothing from him till he writes to Atticus from the first scene of his exile.

When the new year commenced, Clodius was Tribune of the people, and immediately was active. Piso and Gabinius were Consuls. Piso was kinsman to Piso Frugi, who had married Cicero's daughter, and was expected to befriend Cicero at this crisis. But Clodius procured the allotment of Syria and Macedonia to the two Consuls by the popular vote. They were provinces rich in plunder; and it was matter of importance for a Consul to know that the prey

which should come to him as Proconsul should be worthy of his grasp. They were, therefore, ready to support the Tribune in what he proposed to do. It was necessary to Cicero's enemies that there should be some law by which Cicero might be condemned. It would not be within the power of Clodius, even with the Triumvirate at his back, to drive the man out of Rome and out of Italy, without an 313alleged cause. Though justice had been tabooed, law was still in vogue. Now there was a matter as to which Cicero was open to attack. As Consul he had caused certain Roman citizens to be executed as conspirators, in the teeth of a law which enacted that no Roman citizen should be condemned to die except by a direct vote of the people. It had certainly become a maxim of the constitution of the Republic that a citizen should not be made to suffer death except by the voice of the people. The Valerian, the Porcian, and the Sempronian laws had all been passed to that effect. Now there had been no popular vote as to the execution of Lentulus and the other conspirators, who had been taken red-handed in Rome in the affair of Catiline. Their death had been decreed by the Senate, and the decree of the Senate had been carried out by Cicero; but no decree of the Senate had the power of a law. In spite of that decree the old law was in force; and no appeal to the people had been allowed to Lentulus. But there had grown up in the constitution a practice which had been supposed to override the Valerian and Porcian laws. In certain emergencies the Senate would call upon the Consuls to see that the Republic should suffer no injury, and it had been held that at such moments the Consuls were invested with an authority above all law. Cicero had been thus strengthened when, as Consul, he had struggled with Catiline; but it was an open question, as Cicero himself very well knew. In the year of his Consulship — the very year in which Lentulus and the others had been strangled — he had defended Rabirius, who was then accused of having killed a citizen thirty years before. Rabirius was charged with having slaughtered the Tribune Saturninus by consular authority, the Consuls of the day having been ordered to defend the Republic, as Cicero had been ordered. Rabirius probably had not killed Saturninus, nor did any one now care whether he had done so or not. The trial had been brought about notoriously by the agency of Cæsar, who caused himself to be

selected by the Prætor as one of the 314two judges for the occasion; and Cæsar's object as notoriously was to lessen the authority of the Senate, and to support the democratic interest. Both Cicero and Hortensius defended Rabirius, but he was condemned by Cæsar, and, as we are told, himself only escaped by using that appeal to the people in support of which he had himself been brought to trial. In this, as in so many of the forensic actions of the day, there had been an admixture of violence and law. We must, I think, acknowledge that there was the same leaven of illegality in the proceedings against Lentulus. It had no doubt been the intention of the constitution that a Consul, in the heat of an emergency, should use his personal authority for the protection of the Commonwealth, but it cannot be alleged that there was such an emergency, when the full Senate had had time to debate on the fate of the Catiline criminals. Both from Cæsar's words as reported by Sallust, and from Cicero's as given to us by himself, we are aware that an idea of the illegality of the proceeding was present in the minds of Senators at the moment. But, though law was loved at Rome, all forensic and legislative proceedings were at this time carried on with monstrous illegality. Consuls consulted the heavens falsely; Tribunes used their veto violently; judges accepted bribes openly; the votes of the people were manipulated fraudulently. In the trial and escape of Rabirius, the laws were despised by those who pretended to vindicate them. Clodius had now become a Tribune by the means of certain legal provision, but yet in opposition to all law. In the conduct of the affair against Catiline Cicero seems to have been actuated by pure patriotism, and to have been supported by a fine courage; but he knew that in destroying Lentulus and Cethegus he subjected himself to certain dangers. He had willingly faced these dangers for the sake of the object in view. As long as he 315might remain the darling of the people, as he was at that moment, he would no doubt be safe; but it was not given to any one to be for long the darling of the Roman people. Cicero bad become so by using an eloquence to which the Romans were peculiarly susceptible; but though they loved sweet tongues, long purses went farther with them. Since Cicero's Consulship he had done nothing to offend the people, except to remain occasionally out of their sight; but he had lost the brilliancy

of his popularity, and he was aware that it was so.

In discussing popularity in Rome we have to remember of what elements it was formed. We hear that this or that man was potent at some special time by the assistance coming to him from the popular voice. There was in Rome a vast population of idle men, who had been trained by their city life to look to the fact of their citizenship for their support, and who did, in truth, live on their citizenship. Of "panem et circenses" we have all heard, and know that eleemosynary bread and the public amusements of the day supplied the material and æsthetic wants of many Romans. But men so fed and so amused were sure to need further occupations. They became attached to certain friends, to certain patrons, and to certain parties, and soon learned that a return was expected for the food and for the excitement supplied to them. This they gave by holding themselves in readiness for whatever violence was needed from them, till it became notorious in Rome that a great party man might best attain his political object by fighting for it in the streets. This was the meaning of that saying of Crassus, that a man could not be considered rich till he could keep an army in his own pay. A popular vote obtained and declared by a faction fight in the forum was still a popular vote, and if supported by sufficient violence would be valid. There had been street fighting of the kind when Cicero had defended Caius Cornelius, in the year after his Prætorship; there had been fighting of the kind when Rabirius had been condemned in his Consulship. We shall learn 316by-and-by to what extent such fighting prevailed when Clodius was killed by Milo's body-guard. At the period of which we are now writing, when Clodius was intent on pursuing Cicero to his ruin, it was a question with Cicero himself whether he would not trust to a certain faction in Rome to fight for him, and so to protect him. Though his popularity was on the wane — that general popularity which, we may presume, had been produced by the tone of his voice and the grace of his language — there still remained to him that other popularity which consisted, in truth, of the trained bands employed by the "boni" and the "optimates," and which might be used, if need were, in opposition to trained bands on the other side.

The bill first proposed by Clodius to the people with the object of destroying Cicero did not mention Cicero, nor, in truth, refer to him.

It purported to enact that he who had caused to be executed any Roman citizen not duly condemned to death, should himself be deprived of the privilege of water or fire. This condemned no suggested malefactor to death; but, in accordance with Roman law, made it impossible that any Roman so condemned should live within whatever bounds might be named for this withholding of fire and water. The penalty intended was banishment; but by this enactment no individual would be banished. Cicero, however, at once took the suggestion to himself, and put himself into mourning, as a man accused and about to be brought to his trial. He went about the streets accompanied by crowds armed for his protection; and Clodius also caused himself to be so accompanied. There came thus to be a question which might prevail should there be a general fight. The Senate was, as a body, on Cicero's side, but was quite unable to cope with the Triumvirate. Cæsar no doubt had resolved that Cicero should be made to go, and Cæsar was lord of the Triumvirate. On behalf of Cicero 317there was a large body of the conservative or oligarchical party who were still true to him; and they, too, all went into the usual public mourning, evincing their desire that the accused man should be rescued from his accusers.

The bitterness of Clodius would be surprising did we not know how bitter had been Cicero's tongue. When the affair of the Bona Dea had taken place there was no special enmity between this debauched young man and the great Consul. Cicero, though his own life had ever been clean and well ordered, rather affected the company of fast young men when he found them to be witty as well as clever. This very Clodius had been in his good books till the affair of the Bona Dea. But now the Tribune's hatred was internecine. I have hitherto said nothing, and need say but little, of a certain disreputable lady named Clodia. She was the sister of Clodius and the wife of Metellus Celer. She was accused by public voice in Rome of living in incest with her brother, and of poisoning her husband. Cicero calls her afterward, in his defence of Cælius, "amica omnium." She had the nickname of Quadrantaria given to her, because she frequented the public baths, at which the charge was a farthing. It must be said also of her, either in praise or in dispraise, that she was the Lesbia who inspired the muse of Catullus. It was

rumored in Rome that she had endeavored to set her cap at Cicero. Cicero in his raillery had not spared the lady. To speak publicly the grossest evil of women was not opposed to any idea of gallantry current among the Romans. Our sense of chivalry, as well as decency, is disgusted by the language used by Horace to women who once to him were young and pretty, but have become old and ugly. The venom of Cicero's abuse of Clodia annoys us, and we have to remember that the gentle ideas which we have taken in with our mother's milk had not 318grown into use with the Romans. It is necessary that this woman's name should be mentioned, and it may appear here as she was one of the causes of that hatred which burnt between Clodius and Cicero, till Clodius was killed in a street row.

It has been presumed that Cicero was badly advised in presuming publicly that the new law was intended against himself, and in taking upon himself the outward signs of a man under affliction. "The resolution," says Middleton, "of changing his gown was too hasty and inconsiderate, and helped to precipitate his ruin." He was sensible of his error when too late, and oft reproaches Atticus that, being a stander-by, and less heated with the game than himself, he would suffer him to make such blunders. And he quotes the words written to Atticus: "Here my judgment first failed me, or, indeed, brought me into trouble. We were blind, blind I say, in changing our raiment and in appealing to the populace. * * * I handed myself and all belonging to me over to my enemies, while you were looking on, while you were holding your peace; yes, you, who, if your wit in the matter was no better than mine, were impeded by no personal fears." But the reader should study the entire letter, and study it in the original, for no translator can give its true purport. This the reader must do before he can understand Cicero's state of mind when writing it, or his relation to Atticus; or the thoughts which distracted him when, in accordance with the advice of Atticus, he resolved, while yet uncondemned, to retire into banishment. The censure to which Atticus is subjected throughout this letter is that which a thoughtful, hesitating, scrupulous man is so often disposed to address to himself. After reminding Atticus of the sort of advice which should have been given — the want of which in the first moment of his exile he regrets — and doing this in words of which it is very

difficult now to catch the 319exact flavor, he begs to be pardoned for his reproaches. “You will forgive me this,” he says. “I blame myself more than I do you; but I look to you as a second self, and I make you a sharer with me of my own folly.” I take this letter out of its course, and speak of it as connected with that terrible period of doubt to which it refers, in which he had to decide whether he would remain in Rome and fight it out, or run before his enemies. But in writing the letter afterward his mind was as much disturbed as when he did fly. I am inclined, therefore, to think that Middleton and others may have been wrong in blaming his flight, which they have done, because in his subsequent vacillating moods he blamed himself. How the battle might have gone had he remained, we have no evidence to show; but we do know that though he fled, he returned soon with renewed glory, and altogether overcame the attempt which had been made to destroy him.

In this time of his distress a strong effort was made by the Senate to rescue him. It was proposed to them that they all as a body should go into mourning on his behalf; indeed, the Senate passed a vote to this effect, but were prevented by the two Consuls from carrying it out. As to what he had best do he and his friends were divided. Some recommended that he should remain where he was, and defend himself by street-fighting should it be necessary. In doing this he would acknowledge that law no longer prevailed in Rome — a condition of things to which many had given in their adherence, but with which Cicero would surely have been the last to comply. He himself, in his despair, thought for a time that the old Roman mode of escape would be preferable, and that he might with decorum end his life and his troubles by suicide. Atticus and others dissuaded him from this, and recommended him to fly. Among these Cato and Hortensius have both been named. To this advice he at last yielded, and it may be doubted whether any better could have been given. Lawlessness, which had been rampant in Rome before, had, under the 320Triumvirate, become almost lawful. It was Cæsar’s intention to carry out his will with such compliance with the forms of the Republic as might suit him, but in utter disregard to all such forms when they did not suit him. The banishment of Cicero was one of the last steps taken by Cæsar before he left Rome for his campaigns in

Gaul. He was already in command of the legions, and was just without the city. He had endeavored to buy Cicero, but had failed. Having failed, he had determined to be rid of him. Clodius was but his tool, as were Pompey and the two Consuls. Had Cicero endeavored to support himself by violence in Rome, his contest would, in fact have been with Cæsar.

Cicero, before he went, applied for protection personally to Piso the Consul, and to Pompey. Gabinius, the other Consul, had already declared his purpose to the Senate, but Piso was bound to him by family ties. He himself relates to us in his oration, spoken after his return, against this Piso, the manner of the meeting between him and Rome's chief officer. Piso told him — so at least Cicero declared in the Senate, and we have heard of no contradiction — that Gabinius was so driven by debts as to be unable to hold up his head without a rich province; that he himself, Piso, could only hope to get a province by taking part with Gabinius; that any application to the Consuls was useless, and that every one must look after himself. Concerning his appeal to Pompey two stories have been given to us, neither of which appears to be true. Plutarch says that when Cicero had travelled out from Rome to Pompey's Alban villa, Pompey ran out of the back-door to avoid meeting him. Plutarch cared more for a good story than for accuracy, and is not worthy of much credit as to details unless when corroborated. The other account is based on Cicero's assertion that he did see Pompey on this occasion. Nine or ten years after the meeting he refers to it in a letter to 321Atticus, which leaves no doubt as to the fact. The story founded on that letter declares that Cicero threw himself bodily at his old friend's feet, and that Pompey did not lend a hand to raise him, but told him simply that everything was in Cæsar's hands. This narrative is, I think, due to a misinterpretation of Cicero's words, though it is given by a close translation of them. He is describing Pompey when Cæsar after his Gallic wars had crossed the Rubicon, and the two late Triumvirates — the third having perished miserably in the East — were in arms against each other. "Alter ardet furore et scelere" he says. Cæsar is pressing on unscrupulous in his passion. "Alter is qui nos sibi quondam ad pedes stratos ne sublevabat quidem, qui se nihil contra hujus voluntatem aiebat facere posse." "That other one," he continues — meaning Pompey, and pursuing his picture of the present contrast—"who in days gone by would not even lift me when I lay at his feet, and told me that he could do nothing but as Cæsar wished it." This little supposed detail of biography has been given, no doubt, from an accurate reading of the words; but in it the spirit of

the writer's mind as he wrote it has surely been missed. The prostration of which he spoke, from which Pompey would not raise him, the memory of which was still so bitter to him, was not a prostration of the body. I hold it to have been impossible that Cicero should have assumed such an attitude before Pompey, or that he would so have written to Atticus had he done so. It would have been neither Roman nor Ciceronian, as displayed by Cicero to Pompey. He had gone to his old ally and told him of his trouble, and had no doubt reminded him of those promises of assistance which Pompey had so often made. Then Pompey had refused to help him, and had assured him, with too much truth, that Cæsar's will was everything. Again, we have to remember that in judging of the meaning of words between two such 322correspondents as Cicero and Atticus, we must read between the lines, and interpret the words by creating for ourselves something of the spirit in which they were written and in which they were received. I cannot imagine that, in describing to Atticus what had occurred at that interview nine years after it had taken place, Cicero had intended it to be understood that he had really grovelled in the dust.

Toward the end of March he started from Rome, intending to take refuge among his friends in Sicily. On the same day Clodius brought in a bill directed against Cicero by name and caused it to be carried by the people, "Ut Marco Tullio aqua et igni interdictum sit" — that it should be illegal to supply Cicero with fire and water. The law when passed forbade any one to harbor the criminal within four hundred miles of Rome, and declared the doing so to be a capital offence. It is evident, from the action of those who obeyed the law, and of those who did not, that legal results were not feared so much as the ill-will of those who had driven Cicero to his exile. They who refused him succor did do so not because to give it him would be illegal, but lest Cæsar and Pompey would be offended. It did not last long, and during the short period of his exile he found perhaps more of friendship than of enmity; but he directed his steps in accordance with the bearing of party-spirit. We are told that he was afraid to go to Athens, because at Athens lived that Autronius whom he had refused to defend. Autronius had been convicted of conspiracy and banished, and, having been a Catilinarian conspirator, had been in

truth on Cæsar's side. Nor were geographical facts sufficiently established to tell Cicero what places were and what were not without the forbidden circle. He sojourned first at Vibo, in the extreme south of Italy, intending to pass from thence into Sicily. It was there that he learned that a certain distance had been prescribed; but it seems that he had already heard that the Proconsular Governor of the island would not receive him, fearing Cæsar. Then he came north from Vibo 323to Brundisium, that being the port by which travellers generally went from Italy to the East. He had determined to leave his family in Rome, feeling, probably, that it would be easier for him to find a temporary home for himself than for him and them together. And there were money difficulties in which Atticus helped him. Atticus, always wealthy, had now become a very rich man by the death of an uncle. We do not know of what nature were the money arrangements made by Cicero at the time, but there can be no doubt that the losses by his exile were very great. There was a thorough disruption of his property, for which the subsequent generosity of his country was unable altogether to atone. But this sat lightly on Cicero's heart. Pecuniary losses never weighed heavily with him.

As he journeyed back from Vibo to Brundisium friends were very kind to him, in spite of the law. Toward the end of the speech which he made five years afterward on behalf of his friend C. Plancius he explains the debt of gratitude which he owed to his client, whose kindness to him in his exile had been very great. He commences his story of the goodness of Plancius by describing the generosity of the towns on the road to Brundisium, and the hospitality of his friend Flavius, who had received him at his house in the neighborhood of that town, and had placed him safely on board a ship when at last he resolved to cross over to Dyrrachium. There were many schemes running in his head at this time. At one period he had resolved to pass through Macedonia into Asia, and to remain for a while at Cyzicum. This idea he expresses in a letter to his wife written from Brundisium. Then he goes, wailing no doubt, but in words which to me seem very natural as 324coming from a husband in such a condition: "O me perditum, O me afflictum;" exclamations which it is impossible to translate, as they refer to his wife's separation from

himself rather than to his own personal sufferings. “How am I to ask you to come to me?” he says; “you a woman, ill in health, worn out in body and in spirit. I cannot ask you! Must I then live without you? It must be so, I think. If there be any hope of my return, it is you must look to it, you that must strengthen it; but if, as I fear, the thing is done, then come to me. If I can have you I shall not be altogether destroyed.” No doubt these are wailings; but is a man unmanly because he so wails to the wife of his bosom? Other humans have written prettily about women: it was common for Romans to do so. Catullus desires from Lesbia as many kisses as are the stars of night or the sands of Libya. Horace swears that he would perish for Chloe if Chloe might be left alive. “When I am dying,” says Tibullus to Delia, “may I be gazing at you; may my last grasp hold your hand.” Propertius tells Cynthia that she stands to him in lieu of home and parents, and all the joys of life. “Whether he be sad with his friends or happy, Cynthia does it all.” The language in each case is perfect; but what other Roman was there of whom we have evidence that he spoke to his wife like this? Ovid in his letters from his banishment says much of his love for his wife; but there is no passion expressed in anything that Ovid wrote.

Clodius, as soon as the enactment against Cicero became law, caused it be carried into effect with all its possible cruelties. The criminal’s property was confiscated. The house on the Palatine Hill was destroyed, and the goods were put up to auction, with, as we are told, a great lack of buyers. His choicest treasures were carried away by the Consuls themselves. Piso, who had lived near him in Rome, got for himself and for 325his father-in-law the rich booty from the town house. The country villas were also destroyed, and Gabinius, who had a country house close by Cicero’s Tusculan retreat, took even the very shrubs out of the garden. He tells the story of the greed and enmity of the Consuls in the speech he made after his return, Pro Domo Sua, pleading for the restitution of his household property. “My house on the Palatine was burnt,” he says, “not by any accident, but by arson. In the mean time the Consuls were feasting, and were congratulating themselves among the conspirators, when one boasted that he had been Catiline’s friend, the other that Cethegus had been his cousin.” By this he implies that the conspiracy which during his

Consulship had been so odious to Rome was now, in these days of the Triumvirate, again in favor among Roman aristocrats.

He went across from Brundisium to Dyrrachium, and from thence to Thessalonica, where he was treated with most loving-kindness by Plancius, who was Quæstor in these parts, and who came down to Dyrrachium to meet him, clad in mourning for the occasion. This was the Plancius whom he afterward defended, and indeed he was bound to do so. Plancius seems to have had but little dread of the law, though he was a Roman officer employed in the very province to the government of which the present Consul Piso had already been appointed. Thessalonica was within four hundred miles, and yet Cicero lived there with Plancius for some months.

The letters from Cicero during his exile are to me very touching, though I have been told so often that in having written them he lacked the fortitude of a Roman. Perhaps I am more capable of appreciating natural humanity than Roman fortitude. We remember the story of the Spartan boy who allowed the fox to bite him beneath his frock without crying. I think we may imagine that he refrained from tears in public, before some herd of school-fellows, or a bench of masters, 326or amid the sternness of parental authority; but that he told his sister afterward how he had been tortured, or his mother as he lay against her bosom, or perhaps his chosen chum. Such reticences are made dignified by the occasion, when something has to be won by controlling the expression to which nature uncontrolled would give utterance, but are not in themselves evidence either of sagacity or of courage. Roman fortitude was but a suit of armor to be worn on state occasions. If we come across a warrior with his crested helmet and his sword and his spear, we see, no doubt, an impressive object. If we could find him in his night-shirt, the same man would be there, but those who do not look deeply into things would be apt to despise him because his grand trappings were absent. Chance has given us Cicero in his night-shirt. The linen is of such fine texture that we are delighted with it, but we despise the man because he wore a garment — such as we wear ourselves indeed, though when we wear it nobody is then brought in to look at us.

There is one most touching letter written from Thessalonica to his brother, by whom, after thoughts vacillating this way and that, he

was unwilling to be visited, thinking that a meeting would bring more of pain than of service. “Mi frater, mi frater, mi frater!” he begins. The words in English would hardly give all the pathos. “Did you think that I did not write because I am angry, or that I did not wish to see you? I angry with you! But I could not endure to be seen by you. You would not have seen your brother; not him whom you had left; not him whom you had known; not him whom, weeping as you went away, you had dismissed, weeping himself as he strove to follow you.” Then he heaps blame on his own head, bitterly accusing himself because he had brought his brother to such a pass of sorrow. In this letter he throws great blame upon Hortensius, whom together with Pompey he accuses of 327betraying him. What truth there may have been in this accusation as to Hortensius we have no means of saying. He couples Pompey in the same charge, and as to Pompey’s treatment of him there can be no doubt. Pompey had been untrue to his promises because of his bond with Cæsar. It is probable that Hortensius had failed to put himself forward on Cicero’s behalf with that alacrity which the one advocate had expected from the other. Cicero and Hortensius were friends afterward, but so were Cicero and Pompey. Cicero was forgiving by nature, and also by self-training. It did not suit his purposes to retain his enmities. Had there been a possibility of reconciling Antony to the cause of the “optimates” after the Philippics, he would have availed himself of it.

Cicero at one time intended to go to Buthrotum in Epirus, where Atticus possessed a house and property; but he changed his purpose. He remained at Thessalonica till November, and then returned to Dyrrachium, having all through his exile been kept alive by tidings of steps taken for his recall. There seems very soon to have grown up a feeling in Rome that the city had disgraced itself by banishing such a man; and Cæsar had gone to his provinces. We can well imagine that when he had once left Rome, with all his purposes achieved, having so far quieted the tongue of the strong speaker who might have disturbed them, he would take no further steps to perpetuate the orator’s banishment. Then Pompey and Clodius soon quarrelled. Pompey, without Cæsar to direct him, found the arrogance of the Patrician Tribune insupportable. We hear of wheels within wheels, and stories within stories, in the drama of Roman history as it was

played at this time. Together with Cicero, it had been necessary to Cæsar's projects that Cato also should be got out of Rome; and this had been managed by means of Clodius, who had a bill passed for the honorable employment of Cato on state purposes in Cyprus. Cato had found himself obliged to go. It was as though our Prime-minister had got parliamentary authority for sending a noisy 328member of the Opposition to Asiatic Turkey for six months There was an attempt, or an alleged attempt, of Clodius to have Pompey murdered; and there was street-fighting, so that Pompey was besieged, or pretended to be besieged, in his own house. "We might as well seek to set a charivari to music as to write the history of this political witches' revel," says Mommsen, speaking of the state of Rome when Cæsar was gone, Cicero banished, and Pompey supposed to be in the ascendant. There was, at any rate, quarrelling between Clodius and Pompey, in the course of which Pompey was induced to consent to Cicero's return. Then Clodius took upon himself, in revenge, to turn against the Triumvirate altogether, and to repudiate even Cæsar himself. But it was all a vain hurly-burly, as to which Cæsar, when he heard the details in Gaul, could only have felt how little was to be gained by maintaining his alliance with Pompey. He had achieved his purpose, which he could not have done without the assistance of Crassus, whose wealth, and of Pompey, whose authority, stood highest in Rome; and now, having had his legions voted to him, and his provinces, and his prolonged term of years, he cared nothing for either of them.

There is a little story which must be repeated, as against Cicero, in reference to this period of his exile, because it has been told in all records of his life. Were I to omit the little story, it would seem as though I shunned the records which have been repeated as opposed to his credit. He had written, some time back, a squib in which he had been severe upon the elder Curio; so it is supposed; but it matters little who was the object or what the subject. This had got wind in Rome, as such matters do sometimes, and he now feared that it would do him a mischief with the Curios and the friends of the Curios. 329The authorship was only matter of gossip. Could it not be denied? "As it is written," says Cicero, "in a style inferior to that which is usual to me, can it not be shown not to have been mine?"

Had Cicero possessed all the Christian virtues, as we hope that prelates and pastors possess them in this happy land, he would not have been betrayed into, at any rate, the expression of such a wish. As it is, the enemies of Cicero must make the most of it. His friends, I think, will look upon it leniently.

Continued efforts were made among Cicero's friends at Rome to bring him back, with which he was not altogether contented. He argues the matter repeatedly with Atticus, not always in the best temper. His friends at Rome were, he thought, doing the matter amiss: they would fail, and he would still have to finish his days abroad. Atticus, in his way to Epirus, visits him at Dyrrachium, and he is sure that Atticus would not have left Rome but that the affair was hopeless. The reader of the correspondence is certainly led to the belief that Atticus must have been the most patient of friends; but he feels, at the same time, that Atticus would not have been patient had not Cicero been affectionate and true. The Consuls for the new year were Lentulus and Metellus Nepos. The former was Cicero's declared friend, and the other had already abandoned his enmity. Clodius was no longer Tribune, and Pompey had been brought to yield. The Senate were all but unanimous. But there was still life in Clodius and his party; and day dragged itself after day, and month after month, while Cicero still lingered at Dyrrachium, waiting till a bill should have been passed by the people. Pompey, who was never whole-hearted in anything, had declared that a bill voted by the people would be necessary. The bill at last was voted, on the 14th of August, and Cicero, who knew well what was being done at Rome, passed over from Dyrrachium to Brundisium 330on the same day, having been a year and four months absent from Rome. During the year b.c. 57, up to the time of his return, he wrote but three letters that have come to us — two very short notes to Atticus, in the first of which he declares that he will come over on the authority of a decree of the Senate, without waiting for a law. In the second he falls again into despair, declaring that everything is over. In the third he asks Metellus for his aid, telling the Consul that unless it be given soon the man for whom it is asked will no longer be living to receive it. Metellus did give the aid very cordially.

It has been remarked that Cicero did nothing for literature during

his banishment, either by writing essays or preparing speeches; and it has been implied that the prostration of mind arising from his misfortunes must have been indeed complete, when a man whose general life was made marvellous by its fecundity had been repressed into silence. It should, however, be borne in mind that there could be no inducement for the writing of speeches when there was no opportunity of delivering them. As to his essays, including what we call his Philosophy and his Rhetoric, they who are familiar with his works will remember how apt he was, in all that he produced, to refer to the writings of others. He translates and he quotes, and he makes constant use of the arguments and illustrations of those who have gone before him. He was a man who rarely worked without the use of a library. When I think how impossible it would be for me to repeat this oft-told tale of Cicero's life without a crowd of books within reach of my hand, I can easily understand why Cicero was silent at Thessalonica and Dyrrachium. It has been remarked also by a modern critic that we find "in the letters from exile a carelessness and inaccuracy of expression which contrasts strongly with the style of his happier days." I will not for a moment put my judgment in such a matter in opposition to that of Mr. Tyrrell — but I should myself have been inclined rather to say 331that the style of Cicero's letters varies constantly, being very different when used to Atticus, or to his brother, or to lighter friends such as Poetus and Trebatius; and very different again when business of state was in hand, as are his letters to Decimus Brutus, Cassius Brutus, and Plancus. To be correct in familiar letters is not to charm. A studied negligence is needed to make such work live to posterity — a grace of loose expression which may indeed have been made easy by use, but which is far from easy to the idle and unpractised writer. His sorrow, perhaps, required a style of its own. I have not felt my own untutored perception of the language to be offended by unfitting slovenliness in the expression of his grief.

VOLUME II

CHAPTER I.

HIS RETURN FROM EXILE.

Cicero's life for the next two years was made conspicuous by a series of speeches which were produced by his exile and his return. These are remarkable for the praise lavished on himself, and by the violence with which he attacked his enemies. It must be owned that never was abuse more abusive, or self-praise uttered in language more laudatory. Cicero had now done all that was useful in his public life. The great monuments of his literature are to come. None of these had as yet been written except a small portion of his letters — about a tenth — and of these he thought no more in regard to the public than do any ordinary letter-writers of to-day. Some poems had been produced, and a history of his own Consulship in Greek; but these are unknown to us. He had already become the greatest orator, perhaps, of all time — and we have many of the speeches spoken by him. Some we have — those five, namely, telling the story of Verres — not intended to be spoken, but written for the occasion of the day rather than 8with a view to permanent literature. He had been Quæstor, Ædile, Prætor, and Consul, with singular and undeviating success. He had been honest in the exercise of public functions when to be honest was to be singular. He had bought golden opinions from all sorts of people. He had been true to his country, and useful also — a combination which it was given to no other public man of those days to achieve. Having been Prætor and Consul, he had refused the accustomed rewards, and had abstained from the provinces. His speeches, with but few exceptions, had hitherto been made in favor of honesty. They are declamations against injustice, against bribery, against cruelty, and all on behalf of decent civilized life. Had he died then, he would not have become the hero of literature, the marvel among men of letters whom the reading world admires; but he would have been a great man, and would have saved himself from the bitterness of Cæsarean tongues.

His public work was in truth done. His further service consisted of the government of Cilicia for a year — an employment that was

odious to him, though his performance of it was a blessing to the province. After that there came the vain struggle with Cæsar, the attempt to make the best of Cæsar victorious, the last loud shriek on behalf of the Republic, and then all was over. The fourteen years of life which yet remained to him sufficed for erecting that literary monument of which I have spoken, but his public usefulness was done. To the reader of his biography it will seem that these coming fourteen years will lack much of the grace which adorned the last twenty. The biographer will be driven to make excuses, which he will not do without believing in the truth of them, but doubting much whether he may beget belief in others. He thinks that he can see the man passing from one form to another — his doubting devotion to Pompey, his enforced adherence to Cæsar, his passionate opposition to Antony; but he can still see him true to his country, and ever on the alert against tyranny and on behalf of pure patriotism.

9At the present we have to deal with Cicero in no vacillating spirit, but loudly exultant and loudly censorious. Within the two years following his return he made a series of speeches, in all of which we find the altered tone of his mind. There is no longer that belief in the ultimate success of justice, and ultimate triumph of the Republic, which glowed in his Verrine and Catiline orations. He is forced to descend in his aspirations. It is not whether Rome shall be free, or the bench of justice pure, but whether Cicero shall be avenged and Gabinius punished. It may have been right — it was right — that Cicero should be avenged and Gabinius punished; but it must be admitted that the subjects are less alluring.

His first oration, as generally received, was made to the Senate in honor of his return. The second was addressed to the people on the same subject. The third was spoken to the college of priests, with the view of recovering the ground on which his house had stood, and which Clodius had attempted to alienate forever by dedicating it to a pretended religious purpose. The next, as coming on our list, though not so in time, was addressed again to the Senate concerning official reports made by the public soothsayers as interpreters of occult signs, as to whether certain portents had been sent by the gods to show that Cicero ought not to have back his house. Before this was made he had defended Sextius, who as Tribune had been peculiarly

serviceable in assisting his return. This was before a bench of judges; and separated from this, though made apparently at the same time, is a violent attack upon Vatinius, one of Cæsar's creatures, who was a witness against Sextius. Then there is a seventh, regarding the disposition of the provinces among the Proprætors and Proconsuls, the object of which was to enforce the recall of Piso from Macedonia and Gabinius from Syria, and to win Cæsar's favor by showing that Cæsar should be allowed to keep the two Gauls and Illyricum. To these must be added two others, made within the same period, for Cælius and Balbus. The close friendship between Cicero and the young 10 man Cælius was one of the singular details of the orator's life. Balbus was a Spaniard, attached to Cæsar, and remarkable as having been the first man not an Italian who achieved the honor of the Consulship.

It has been disputed whether the first four of these orations were really the work of Cicero, certain German critics and English scholars having declared them to be "parum Ciceronias" — too little like Cicero. That is the phrase used by Nobbe, who published a valuable edition of all Cicero's works, after the text of Ernesti, in a single volume. Mr. Long, in his introduction to these orations, denounces them in language so strong as to rob them of all chance of absolute acceptance from those who know the accuracy of Mr. Long's scholarship. There may probably have been subsequent interpolations. The first of the four, however, is so closely referred to by Cicero himself in the speech made by him two years subsequently in the defence of Plancius, that the fact of an address to the Senate in the praise of those who had assisted him in his return cannot be doubted; and we are expressly told by the orator that, because of the importance of the occasion, he had written it out before he spoke it. As to the Latinity, it is not within my scope, nor indeed within my power, to express a confident opinion; but as to the matter of the speech, I think that Cicero, in his then frame of mind, might have uttered what is attributed to him. Having said so much, I shall best continue my narrative by dealing with the four speeches as though they were genuine.

b.c. 57, ætat. 50.

11Cicero landed at Brundisium on the 5th of August, the day on

which his recall from exile had been enacted by the people, and there met his daughter Tullia, who had come to welcome him back to Italy on that her birthday. But she had come as a widow, having just lost her first husband, Piso Frugi. At this time she was not more than nineteen years old. Of Tullia's feelings we know nothing from her own expressions, as they have not reached us; but from the warmth of her father's love for her, and by the closeness of their friendship, we are led to imagine that the joy of her life depended more on him than on any of her three husbands. She did not live long with either of them, and died soon after the birth of a child, having been divorced from the third. I take it, there was much of triumph in the meeting, though Piso Frugi had died so lately.

The return of Cicero to Rome was altogether triumphant. It must be remembered that the contemporary accounts we have had of it are altogether from his own pen. They are taken chiefly from the orations I have named above, though subsequent allusions to the glory of his return to Rome are not uncommon in his works. But had his boasting not been true, the contradictions to them would have been made in such a way as to have reached our ears. Plutarch, indeed, declares that Cicero's account of the glory of his return fell short of the truth.

It may be taken for granted that with that feeble monster, the citizen populace of Rome, Cicero had again risen to a popularity equal to that which had been bestowed upon him when he had just driven Catiline out of Rome. Of what nature were the crowds who were thus loud in the praise of their great Consul, and as loud afterward in their rejoicings at the return of the great exile, we must form our own opinion from circumstantial evidence. There was a mass of people, with keen ears taking artistic delight in eloquence and in personal graces, but determined to be idle, and to be fed as well as 12 amused in their idleness; and there were also vast bands of men ready to fight — bands of gladiators they have been called, though it is probable that but few of them had ever been trained to the arena — whose business it was to shout as well as to fight on behalf of their patrons. We shall not be justified in supposing that those who on the two occasions named gave their sweet voices for Cicero were only the well-ordered, though idle, proportion of the people, whereas they who had voted against him in favor of Clodius

had all been assassins, bullies, and swordsmen. We shall probably be nearer the mark if we imagine that the citizens generally were actuated by the prevailing feelings of their leaders at the moment, but were carried into enthusiasm when enabled, without detriment to their interests, to express their feelings for one who was in truth popular with them. When Cicero, after the death of the five conspirators, declared that the men "had lived"—"vixerunt" — his own power was sufficient to insure the people that they would be safe in praising him. When he came back to Rome, Pompey had been urgent for his return, and Cæsar had acceded to it. When the bill was passed for banishing him, the Triumvirate had been against him, and Clodius had been able to hound on his crew. But Milo also had a crew, and Milo was Cicero's friend. As the Clodian crew helped to drive Cicero from Rome, so did Milo's crew help to bring him back again.

Cicero, on reaching Rome, went at once to the Capitol, to the temple of Jupiter, and there returned thanks for the great thing that had been done for him. He was accompanied by a vast procession who from the temple went with him to his brother's house, where he met his wife, and where he resided for a time. His own house in the close neighborhood had been destroyed. He reached Rome on the 4th of September, and on the 5th an opportunity was given to the then hero of the day for expressing his thanks to the Senate for what they had done for him. His intellect had not grown rusty in Macedonia, though he had been idle. On the 5th, Cicero spoke 13 to the Senate; on the 6th, to the people. Before the end of the month he made a much longer speech to the priests in defence of his own property. Out of the full heart the mouth speaks, and his heart was very full of the subject.

His first object was to thank the Senate and the leading members of it for their goodness to him. The glowing language in which this is done goes against the grain with us when we read continuously the events of his life as told by himself. His last grievous words had been expressions of despair addressed to Atticus; now he breaks out into a pæan of triumph. We have to remember that eight months had intervened, and that the time had sufficed to turn darkness into light. "If I cannot thank you as I ought, O Conscript Fathers, for the

undying favors which you have conferred on me, on my brother, and my children, ascribe it, I beseech you, to the greatness of the things you have done for me, and not to the defect of my virtue." Then he praises the two Consuls, naming them, Lentulus and Metellus — Metellus, as the reader will remember, having till lately been his enemy. He lauds the Prætors and the Tribunes, two of the latter members having opposed his return; but he is loudest in praise of Pompey — that "Sampsiceramus," that "Hierosolymarius," that "Arabarches" into whose character he had seen so clearly when writing from Macedonia to Atticus — that "Cn. Pompey who, by his valor, his glory, his achievements, stands conspicuously the first of all nations, of all ages, of all history." We cannot but be angry when we read the words, though we may understand how well he understood that he was impotent to do anything for the Republic unless he could bring such a man as Pompey to act with him. We must remember, too, how impossible it was that one Roman should rise above the falsehood common to Romans. We cannot ourselves always escape even yet from the atmosphere of duplicity in which policy delights. He describes the state of Rome in his absence. "When I was gone, you" — you, the Senate—"could 14 decree nothing for your citizens, or for your allies, or for the dependent kings. The judges could give no judgment; the people could not record their votes; the Senate availed nothing by its authority. You saw only a silent Forum, a speechless Senate-house, a city dumb and deserted." We may suppose that Rome was what Cicero described it to be when he was in exile, and Cæsar had gone to his provinces; but its condition had been the result of the crushing tyranny of the Triumvirate rather than of Cicero's absence.

Lentulus, the present Consul, had been, he says, a second father, almost a god, to him. But he would not have needed the hand of a Consul to raise him from the ground, had he not been wounded by consular hands. Catulus, one of Rome's best citizens, had told him that though Rome had now and again suffered from a bad Consul, she had never before been afflicted by two together. While there was one Consul worthy of the name, Catulus had declared that Cicero would be safe. But there had come two, two together, whose spirits had been so narrow, so low, so depraved, so burdened with greed and

ignorance, “that they had been unable to comprehend, much less to sustain the splendor of the name of Consul. Not Consuls were they, but buyers and sellers of provinces.” These were Piso and Gabinius, of whom the former was now governor of Macedonia, and the latter of Syria. Cicero’s scorn against these men, who as Consuls had permitted his exile, became a passion with him. His subsequent hatred of Antony was not as bitter. He had come there to thank the assembled Senators for their care of him, but he is carried off so violently by his anger that he devotes a considerable portion of his speech to these indignant utterances. The reader does not regret it. Abuse makes better reading than praise, has a stronger vitality, and seems, alas, to come more thoroughly from the heart! Those who think that genuine invective has its charms would ill spare Piso and Gabinius.

He goes back to his eulogy, and names various Prætors and 15 officers who have worked on his behalf. Then he declares that by the view of the present Consul, Lentulus, a decree has been passed in his favor more glorious than has been awarded to any other single Roman citizen — namely that from all Italy those who wished well to their country should be collected together for the purpose of bringing him back from his banishment — him, Cicero. There is much in this in praise of Lentulus, but more in praise of Cicero. Throughout these orations we feel that Cicero is put forward as the hero, whereas Piso and Gabinius are the demons of the piece. “What could I leave as a richer legacy to my posterity,” he goes on to say, opening another clause of his speech, “than that the Senate should have decreed that the citizen who had not come forward in my defence was one regardless of the Republic.” By these boastings, though he was at the moment at the top of the ladder of popularity, he was offending the self-importance of all around him. He was offending especially Pompey, with whom it was his fate to have to act. But that was little to the offence he was giving to those who were to come many centuries after him, who would not look into the matter with sufficient accuracy to find that his vanity deserved forgiveness because of his humanity and desire for progress. “O Lentulus,” he says, at the end of the oration, “since I am restored to the Republic, as with me the Republic is itself restored, I will slacken

nothing in my efforts at liberty; but, if it may be possible, will add something to my energy." In translating a word here and there as I have done, I feel at every expression my incapacity. There is no such thing as good translation. If you wish to drink the water, with its life and vigor in it, you must go to the fountain and drink it there.

16On the day following he made a similar speech to the people — if, indeed, the speech we have was from his mouth or his pen — as to which it has been remarked that in it he made no allusion to Clodius, though he was as bitter as ever against the late Consuls. From this we may gather that, though his audience was delighted to hear him, even in his self-praise, there might have been dispute had he spoken ill of one who had been popular as Tribune. His praise of Pompey was almost more fulsome than that of the day before, and the same may be said of his self-glorification. Of his brother's devotion to him he speaks in touching words, but in words which make us remember how untrue to him afterward was that very brother. There are phrases so magnificent throughout this short piece that they obtain from us, as they are read, forgiveness for the writer's faults. "Sic ulciscar facinorum singula." Let the reader of Latin turn to chapter ix. of the oration and see how the speaker declares that he will avenge himself against the evil-doers whom he has denounced.

Cicero, though he had returned triumphant, had come back ruined in purse, except so far as he could depend on the Senate and the people for reimbursing to him the losses to which he had been subjected. The decree of the Senate had declared that his goods should be returned to him, but the validity of such a promise would depend on the value which might be put upon the goods in question. His house on the Palatine Hill had been razed to the ground; his Tusculan and Formian villas had been destroyed; his books, his pictures, his marble columns, his very trees, had been stolen; but, worst of all, an attempt had been made to deprive him forever of the choicest spot of ground in all the city, the Park Lane of Rome, by devoting the space which had belonged to him to the service of one of the gods. Clodius had caused something of a temple to Liberty to be built there, because ground so consecrated was deemed at Rome, as with us, to be devoted by consecration to the perpetual service of religion. It was with 17 the view of contesting this point that Cicero

made his next speech, Pro Domo Sua, for the recovery of his house, before the Bench of Priests in Rome. It was for the priests to decide this question. The Senate could decree the restitution of property generally, but it was necessary that that spot of ground should be liberated from the thraldom of sacerdotal tenure by sacerdotal interference. These priests were all men of high birth and distinction in the Republic. Nineteen among them were "Consulares," or past-Consuls. Superstitious awe affects more lightly the consciences of priests than the hearts of those who trust the priests for their guidance. Familiarity does breed contempt. Cicero, in making this speech, probably felt that, if he could carry the people with him, the College of Priests would not hold the prey with grasping hands. The nineteen Consulares would care little for the sanctity of the ground if they could be brought to wish well to Cicero. He did his best. He wrote to Atticus concerning it a few days after the speech was made, and declared that if he had ever spoken well on any occasion he had done so then, so deep had been his grief, and so great the importance of the occasion; and he at once informs his friend of the decision of the Bench, and of the ground on which it was based. "If he who declares that he dedicated the ground had not been appointed to that business by the people, nor had been expressly commanded by the people to do it, then that spot of ground can be restored without any breach of religion." Cicero asserts that he was at once congratulated on having gained his cause, the world knowing very well that no such authority had been conferred on Clodius. In the present mood of Rome, all the priests, with the nineteen Consulares, were no doubt willing that Cicero should have back his ground. The Senate had to 18interpret the decision, and on the discussion of the question among them Clodius endeavored to talk against time. When, however, he had spoken for three hours, he allowed himself to be coughed down. It may be seen that in some respects even Roman fortitude has been excelled in our days.

In the first portion of this speech, Pro Domo Sua, Cicero devotes himself to a matter which has no bearing on his house. Concomitant with Cicero's return there had come a famine in Rome. Such a calamity was of frequent occurrence, though I doubt whether their famines ever led to mortality so frightful as that which desolated

Ireland just before the repeal of the Corn Laws. No records, as far as I am aware, have reached us of men perishing in the streets; but scarcity was not uncommon, and on such occasions complaints would become very loud. The feeding of the people was a matter of great difficulty, and subject to various chances. We do not at all know what was the number to be fed, including the free and the slaves, but have been led by surmises to suppose that it was under a million even in the time of Augustus. But even though the number was no more than five hundred thousand at this time, the procuring of food must have been a complicated and difficult matter. It was not produced in the country. It was imported chiefly from Sicily and Africa, and was plentiful or the reverse, not only in accordance with the seasons but as certain officers of state were diligent and honest, or fraudulent and rapacious. We know from one of the Verrine orations the nature of the laws on the subject, but cannot but marvel that, even with the assistance of such laws, the supply could be maintained with any fair proportion to the demand. The people looked to the government for the supply, and when it fell short would make their troubles known with seditious grumblings, which would occasionally assume the guise of insurrection. At this period of Cicero's return food had become scarce and dear; and Clodius, who was now in arms against Pompey as well as against Cicero, caused it to be believed that the strangers flocking into Rome to welcome Cicero had eaten up the food which should have filled the bellies of the people. An idea farther from truth could hardly have been entertained: no chance influx of visitors on such a population could have had the supposed effect. But the idea was spread abroad, and it was necessary that something should be done to quiet the minds of the populace. Pompey had hitherto been the resource in State difficulties. Pompey had scattered the pirates, who seem, however, at this period to have been gathering head again. Pompey had conquered Mithridates. Let Pompey have a commission to find food for Rome. Pompey himself entertained the idea of a commission which should for a time give him almost unlimited power. Cæsar was increasing his legions and becoming dominant in the West. Pompey, who still thought himself the bigger man of the two, felt the necessity of some great step in rivalry of Cæsar. The proposal made on his

behalf was that all the treasure belonging to the State should be placed at his disposal; that he should have an army and a fleet, and should be for five years superior in authority to every Proconsul in his own province. This was the first great struggle made by Pompey to strangle the growing power of Cæsar. It failed altogether. The fear of Cæsar had already become too great in the bosoms of Roman Senators to permit them to attempt to crush him in his absence. But a mitigated law was passed, enjoining Pompey to provide the food required, and conferring upon him certain powers. Cicero was nominated as his first lieutenant, and accepted the position. He never acted, however, giving it up to his brother Quintus. A speech which he made to the people on the passing of the law is not extant; but as there was hot blood about it in Rome, he took the opportunity of justifying the appointment of Pompey in the earlier portion of this oration to the priests. It must be understood that he did not lend his aid toward giving those greater powers which Pompey was anxious to obtain. His trust in Pompey had never been a perfect trust since the first days of the Triumvirate. To Cicero's thinking, both Pompey and Cæsar were conspirators against the Republic. Cæsar was the bolder, and therefore the more dangerous. It might probably come to pass that the services of Pompey would be needed for restraining Cæsar. Pompey naturally belonged to the "optimates," while Cæsar was as naturally a conspirator. But there never again could come a time in which Cicero would willingly intrust Pompey with such power as was given to him nine years before by the Lex Manilia. Nevertheless, he could still say grand things in praise of Pompey. "To Pompey have been intrusted wars without number, wars most dangerous to the State, wars by sea and wars by land, wars extraordinary in their nature. If there be a man who regrets that this has been done, that man must regret the victories which Rome has won." But his abuse of Clodius is infinitely stronger than his praise of Pompey. For the passages in which he alluded to the sister of Clodius I must refer the reader to the speech itself. It is impossible here to translate them or to describe them. And these words were spoken before the College of Priests, of whom nineteen were Consulares! And they were prepared with such care that Cicero specially boasted of them to Atticus, and declares that they should be put into the hands of all young orators.

Montesquieu says that the Roman legislators, in establishing their religion, had no view of using it for the improvement of manners or of morals. The nature of their rites and ceremonies gives us evidence enough that it was so. If further testimony were wanting, it might be found 21in this address, Ad Pontifices. Cicero himself was a man of singularly clean life as a Roman nobleman, but, in abusing his enemy, he was restrained by no sense of what we consider the decency of language.

He argues the question as to his house very well, as he did all questions. He tells the priests that the whole joy of his restoration must depend on their decision. Citizens who had hitherto been made subject to such penalties had been malefactors; whereas, it was acknowledged of him that he had been a benefactor to the city. Clodius had set up on the spot, not a statue of Liberty, but, as was well known to all men, the figure of a Greek prostitute. The priests had not been consulted. The people had not ratified the proposed consecration. Of the necessity of such authority he gives various examples. "And this has been done," he says, "by an impure and impious enemy of all religions — by this man among women, and woman among men — who has gone through the ceremony so hurriedly, so violently, that his mind and his tongue and his voice have been equally inconsistent with each other." "My fortune," he says, as he ends his speech, "all moderate as it is, will suffice for me. The memory of my name will be a patrimony sufficient for my children;" but if his house be so taken from him, so stolen, so falsely dedicated to religion, he cannot live without disgrace. Of course he got back his house; and with his house about £16,000 for its re-erection, and £4000 for the damage done to the Tusculan villa with £2000 for the Formian villa. With these sums he was not contented; and indeed they could hardly have represented fairly the immense injury done to him.

b.c. 56, ætat. 51.

So ended the work of the year of his return. From the following year, besides the speeches, we have twenty-six letters of which nine were written to Lentulus, the late Consul, who had now gone to Cilicia as Proconsul. Lentulus had befriended him, and he found it necessary to show his gratitude by a continued correspondence, and

by a 22 close attendance to the interests of the absent officer. These letters are full of details of Roman politics, too intricate for such a work as this — perhaps I might almost say too uninteresting, as they refer specially to Lentulus himself. In one of them he tells his friend that he has at last been able to secure the friendship of Pompey for him. It was, after all, but a show of friendship. He has supped with Pompey, and says that when he talks to Pompey everything seems to go well: no one can be more gracious than Pompey. But when he sees the friends by whom Pompey is surrounded he knows, as all others know, that the affair is in truth going just as he would not have it. We feel as we read these letters, in which Pompey's name is continually before us, how much Pompey prevailed by his personal appearance, by his power of saying gracious things, and then again by his power of holding his tongue. "You know the slowness of the man," he says to Lentulus, "and his silence." A slow, cautious, hypocritical man, who knew well how to use the allurements of personal manners! These letters to Lentulus are full of flattery.

There are five letters to his brother Quintus, dealing with the politics of the time, especially with the then King of Egypt, who was to be, or was not to be, restored. From all these things, however, I endeavor to abstain as much as possible, as matters not peculiarly affecting the character of Cicero. He gives his brother an account of the doings in the Senate, which is interesting as showing us how that august assembly conducted itself. While Pompey was speaking with much dignity, Clodius and his supporters in vain struggled with shouts and cries to put him down. At noon Pompey sat down, and Clodius got possession of the rostra, and in the middle of a violent tumult remained on his feet for two hours. Then, on Pompey's side, the "optimates" sang indecent songs 23—"versus obscenissimi" — in reference to Clodius and his sister Clodia. Clodius, rising in his anger, demanded, "Who had brought the famine?" "Pompey," shouted the Clodians. "Who wanted to go to Egypt?" demanded Clodius. "Pompey," again shouted his followers. After that, at three o'clock, at a given signal, they began to spit upon their opponents. Then there was a fight, in which each party tried to drive the others out. The "optimates" were getting the best of it, when Cicero thought it as well to run off lest he should be hurt in the tumult. What hope

could there be for an oligarchy when such things occurred in the Senate? Cicero in this letter speaks complacently of resisting force by force in the city. Even Cato, the law-abiding, precise Cato, thought it necessary to fall into the fashion and go about Rome with an armed following. He bought a company of gladiators and circus-men; but was obliged to sell them, as Cicero tells his brother with glee, because he could not afford to feed them.

There are seven letters also to Atticus — always more interesting than any of the others. There is in these the most perfect good-feeling, so that we may know that the complaints made by him in his exile had had no effect of estranging his friend; and we learn from them his real, innermost thoughts, as they are not given even to his brother — as thoughts have surely seldom been confided by one man of action to another. Atticus had complained that he had not been allowed to see a certain letter which Cicero had written to Cæsar. This he had called a παλινωδία, or recantation, and it had been addressed to Cæsar with the view of professing a withdrawal to some extent of his opposition to the Triumvirate. It had been of sufficient moment to be talked about. Atticus had heard of it, and had complained that it had not been sent to him. Cicero puts forward his excuses, and then bursts out with the real truth:

24"Why should I nibble round the unpalatable morsel which has to be swallowed?" The recantation had seemed to himself to be almost base, and he had been ashamed of it. "But," says he, "farewell to all true, upright, honest policy. You could hardly believe what treachery there is in those who ought to be our leading men, and who would be so if there was any truth in them." He does not rely upon those who, if they were true to their party, would enable the party to stand firmly even against Cæsar. Therefore it becomes necessary for him to truckle to Cæsar, not for himself but for his party. Unsupported he cannot stand in open hostility to Cæsar. He truckles. He writes to Cæsar, singing Cæsar's praises. It is for the party rather than for himself, but yet he is ashamed of it.

There is a letter to Lucceius, an historian of the day then much thought of, of whom however our later world has heard nothing. Lucceius is writing chronicles of the time, and Cicero boldly demands to be praised. "Ut ornes mea postulem" —"I ask you to

praise me." But he becomes much bolder than that. "Again and again I beseech you, without any beating about the bush, to speak more highly of me than you perhaps think that I deserve, even though in doing so you abandon all the laws of history." Then he uses beautiful flattery to his correspondent. Alexander had wished to be painted only by Apelles. He desires to be praised by none but Lucceius. Lucceius, we are told, did as he was asked.

b.c. 56, ætat. 51.

I will return to the speeches of the period to which this chapter is devoted, taking that first which he made to the Senate as to the report of the soothsayers respecting certain prodigies. Readers familiar with Livy will remember how frequently, in time of disaster, the anger of Heaven was supposed to have been shown by signs and miracles, indications that the gods were displeased, and that expia 25tions were necessary. The superstition, as is the fate of all superstitions, had frequently been used for most ungodlike purposes. If a man had a political enemy, what could do him better service than to make the populace believe that a house had been crushed by a thunder-bolt, or that a woman had given birth to a pig instead of a child, because Jupiter had been offended by that enemy's devices? By using such a plea the Grecians got into Troy, together with the wooden horse, many years ago. The Scotch worshippers of the Sabbath declared the other day, when the bridge over the Tay was blown away, that the Lord had interposed to prevent travelling on Sunday!

Cicero had not been long back from his exile when the gods began to show their anger. A statue of Juno twisted itself half round; a wolf had been seen in the city; three citizens were struck with lightning; arms were heard to clang, and then wide subterranean noises. Nothing was easier than the preparation and continuing of such portents. For many years 26past the heavens above and the earth beneath had been put into requisition for prodigies. The soothsayers were always well pleased to declare that there had been some neglect of the gods. It is in the nature of things that the superstitious tendencies of mankind shall fall a prey to priestcraft. The quarrels between Cicero and Clodius were as full of life as ever. In this year, Clodius being Ædile, there had come on debates as to a law passed by Cæsar as Consul, in opposition to Bibulus, for the

distribution of lands among the citizens. There was a question as to a certain tax which was to be levied on these lands. The tax-gatherers were supported by Cicero, and denounced by Clodius. Then Clodius and his friends found out that the gods were showering their anger down upon the city because the ground on which Cicero's house had once stood was being desecrated by its re-erection. An appeal was made to the soothsayers. They reported, and Cicero rejoined. The soothsayers had of course been mysterious and doubtful. Cicero first shows that the devotion of his ground to sacred purposes had been an absurdity, and then he declares that the gods are angry, not with him but with Clodius. To say that the gods were not angry at all was more than Cicero dared. The piece, taken as a morsel of declamatory art, is full of vigor, is powerful in invective, and carries us along in full agreement with the orator; but at the conclusion we are led to wish that Cicero could have employed his intellect on higher matters.

There are, however, one or two passages which draw the reader into deep mental inquiry as to the religious feelings of the time. In one, which might have been written by Paley, Cicero declares his belief in the creative power of some god — or 27gods, as he calls them. And we see also the perverse dealings of the Romans with these gods, dealings which were very troublesome — not to be got over except by stratagem. The gods were made use of by one party and the other for dishonest state purposes. When Cicero tells his hearers what the gods intended to signify by making noises in the sky, and other divine voices, we feel sure that he was either hoaxing them who heard him or saying what he knew they would not believe.

b.c. 56, ætat. 51.

Previous to the speech as to the "aruspices," he had defended Sextius — or Sestius, as he is frequently called — on a charge brought against him by Clodius in respect of violence. We at once think of the commonplace from Juvenal:

"Quis tulerit Gracchos de seditione querentes."

But Rome, without remonstrating, put up with any absurdity of that kind. Sextius and Milo and others had been joined together in opposing the election of Clodius as Ædile, and had probably met violence with violence. As surely as an English master of hounds has grooms and whips ready at his command, Milo had a band of bullies

prepared for violence. Clodius himself had brought an action against Milo, who was defended by Pompey in person. The case against Sextius was intrusted to Albinovanus, and Hortensius undertook the defence. Sextius before had been one of the most forward in obtaining the return of Cicero, and had travelled into Gaul to see Cæsar and to procure Cæsar's assent. Cæsar had not then assented; but not the less great had been the favor conferred by Sextius on Cicero. Cicero had been grateful, but it seems that Sextius had thought not sufficiently grateful; hence there had grown up something of a quarrel. But Cicero, when he heard of the proceeding against his old friend, at once offered his assistance. For a Roman to have more than one counsel to plead for him 28was as common as for an Englishman. Cicero was therefore added to Hortensius, and the two great advocates of the day spoke on the same side. We are told that Hortensius managed the evidence, showing, probably, that Clodius struck the first blow. Cicero then addressed the judges with the object of gaining their favor for the accused. In this he was successful, and Sextius was acquitted. As regards Sextius and his quarrel with Clodius, the oration has but little interest for us. There is not, indeed, much about Sextius in it. It is a continuation of the pæan which Cicero was still singing as to his own return, but it is distinguished from his former utterances by finer thought and finer language. The description of public virtue as displayed by Cato has perhaps, in regard to melody of words and grandeur of sentiment, never been beaten. I give the orator's words below in his own language, because in no other way can any idea of the sound be conveyed. There is, too, a definition made very cleverly to suit his own point of view between the conservatives and the liberals of the day. "Optimates" is the name by which the former are known; the latter are called "Populares."

Attached to this speech for Sextius is a declamation against Vatinius, who was one of the witnesses employed by the prosecutor. Instead of examining this witness regularly, he talked 29him down by a separate oration. We have no other instance of such a forensic manœuvre either in Cicero's practice or in our accounts of the doings of other Roman advocates. This has reached us as a separate oration. It is a coarse tirade of abuse against a man whom we believe to have

been bad, but as to whom we feel that we are not justified in supposing that we can get his true character here. He was a creature of Cæsar's, and Cicero was able to say words as to Vatinius which he was unwilling to speak as to Cæsar and his doings. It must be added here that two years later Cicero pleaded for this very Vatinius, at the joint request of Cæsar and Pompey, when Vatinius on leaving the Prætorship was accused of corruption.

b.c. 56, ætat. 51.

The nature of the reward to which the aspiring oligarch of Rome always turned his eyes has been sufficiently explained. He looked to be the governor of a province. At this period of which we are speaking there was no reticence in the matter. Syria, or Macedonia, or Hispania had been the prize, or Sicily, or Sardinia. It was quite understood that an aspiring oligarch went through the dust and danger and expense of political life in order that at last he might fill his coffers with provincial plunder. There were various laws as to which these governments were allotted to the plunderers. Of these we need only allude to the Leges Semproniæ, or laws proposed b.c. 123, by Caius Sempronius Gracchus, for the distribution of those provinces which were to be enjoyed by Proconsuls. There were prætorian provinces and consular provinces, though there was no law making it sure that any province should be either consular or prætorian. But the Senate, without the interference of the people and free from the Tribunes' veto, had the selection of provinces for the Consuls; whereas, for those intended for the Prætors, the people had the right of voting and the Tribunes of the people had a right of putting a veto on the propositions made. Now, in this year there came before the Senate a discussion as to the fate of three Proconsuls — not as to the primary allocation of provinces to 30 them, but on the question whether they should be continued in the government which they held. Piso was in Macedonia, where he was supposed to have disgraced himself and the Empire which he served. Gabinius was in Syria, where it was acknowledged that he had done good service, though his own personal character stood very low. Cæsar was lord in the two Gauls — that is, on both sides of the Alps, in Northern Italy, and in that portion of modern France along the Mediterranean which had been already colonized — and was also governor of Illyricum.

He had already made it manifest to all men that the subjugation of a new empire was his object rather than provincial plunder. Whether we love the memory of Cæsar as of a great man who showed himself fit to rule the world, or turn away from him as from one who set his iron heel on the necks of men, and by doing so retarded for centuries the liberties of mankind, we have to admit that he rose by the light of his own genius altogether above the ambition of his contemporaries. If we prefer, as I do, the humanity of Cicero, we must confess to ourselves the supremacy of Cæsar, and acknowledge ourselves to belong to the beaten cause. "Victrix causa Deis placuit; sed victa Catoni." In discussing the fate of these proconsular officials we feel now the absurdity of mixing together in the same debate the name of Piso and Gabinius with that of Cæsar. Yet such was the subject in dispute when Cicero made his speech, De Provinciis Consularibus, as to the adjudication of the consular provinces.

There was a strong opinion among many Senators that Cæsar should be stopped in his career. I need not here investigate the motives, either great or little, on which this opinion was founded. There was hardly a Senator among them who would not have wished Cæsar to be put down, though there were many who did not dare declare their wishes. There were reasons for peculiar jealousy on the part of the Senate. Cisalpine Gaul had been voted for him by the intervention of the people, and especially by that of the Tribune Vatinius — to Cæsar who was Consularis, whose reward should have been an affair solely for the Senate. Then there had arisen a demand, a most unusual demand, for the other Gaul also. The giving of two provinces to one governor was altogether contrary to the practice of the State; but so was the permanent and acknowledged continuance of a conspiracy such as the Triumvirate unusual. Cæsar himself was very unusual. Then the Senate, feeling that the second province would certainly be obtained, and anxious to preserve some shred of their prerogative, themselves voted the Farther Gaul. As it must be done, let it at any rate be said that they had done it. But as they had sent Cæsar over the Alps so they could recall him, or try to recall him. Therefore, with the question as to Piso and Gabinius, which really meant nothing, came up this also as to Cæsar, which meant a great deal.

But Cæsar had already done great things in Gaul. He had defeated the Helvetians and driven Ariovistus out of the country. He had carried eight legions among the distant Belgæ, and had conquered the Nervii. In this very year he had built a huge fleet, and had destroyed the Veneti, a seafaring people on the coast of the present Brittany. The more powerful he showed himself to be, the more difficult it was to recall him; but also the more desirable in the eyes of many. In the first portion of his speech Cicero handles Piso and Gabinius with his usual invective. There was no considerable party desirous of renewing to them their governments, but Cicero always revelled in the pleasure of abusing them. He devotes by far the longer part of his oration to the merit of Cæsar. As for recalling him, it would be irrational. Who had counted more enemies in Rome than Marius? but did they recall Marius 32when he was fighting for the Republic? Hitherto the Republic had been forced to fear the Gauls. Rome had always been on the defence against them. Now it had been brought about by Cæsar that the limits of the world were the limits of the Roman Empire. The conquest was not yet finished, but surely it should be left to him who had begun it so well. Even though Cæsar were to demand to return himself, thinking that he had done enough for his own glory, it would be for the Senators to restrain him — for the Senate to bid him finish the work that he had in hand. As for himself, continued Cicero, if Cæsar had been his enemy, what of that? Cæsar was not his enemy now. He had told the Senate what offers of employment Cæsar had made him. If he could not forget, yet he would forgive, former injuries.

It is important for the reading of Cicero's character that we should trace the meaning of his utterances about Cæsar from this time up to the day on which Cæsar was killed — his utterances in public, and those which are found in his letters to Atticus and his brother. That there was much of pretence — of falsehood, if a hard word be necessary to suit the severity of those who judge the man hardly — is admitted. How he praised Pompey in public, dispraising him in private, at one and the same moment, has been declared. How he applied for praise, whether deserved or not, has been shown. In excuse, not in defence, of this I allege that the Romans of the day

were habitually false after this fashion. The application to Lucceius proves the habitual falseness not of Cicero only, but of Lucceius also; and the private words written to Atticus, in opposition to the public words with which Atticus was well acquainted, prove the falseness also of Atticus. It was Roman; it was Italian; it was cosmopolitan; it was human. I only wish that it were possible to declare that it is no longer Italian, no longer cosmopolitan, no longer human. To this 33day it is very difficult even for an honorable man to tell the whole truth in the varying circumstances of public life. The establishment of even a theory of truth, with all the advantages which have come to us from Christianity, has been so difficult, hitherto so imperfect, that we ought, I think, to consider well the circumstances before we stigmatize Cicero as specially false. To my reading he seems to have been specially true. When Cæsar won his way up to power, Cicero was courteous to him, flattered him, and, though, never subservient, yet was anxious to comply when compliance was possible. Nevertheless, we know well that the whole scheme of Cæsar's political life was opposed to the scheme entertained by Cicero. It was Cicero's desire to maintain as much as he could of the old form of oligarchical rule under which, as a constitution, the Roman Empire had been created. It was Cæsar's intention to sweep it all away. We can see that now; but Cicero could only see it in part. To his outlook the man had some sense of order, and had all the elements of greatness. He was better, at any rate, than a Verres, a Catiline, a Clodius, a Piso, or a Gabinius. If he thought that by flattery he could bring Cæsar somewhat round, there might be conceit in his so thinking, but there could be no treachery. In doing so he did not abandon his political *beau ideal*. If better times came, or a better man, he would use them. In the mean time he could do more by managing Cæsar than by opposing him. He was far enough from succeeding in the management of Cæsar, but he did do much in keeping his party together. It was in this spirit that he advocated before the Senate the maintenance of Cæsar's authority in the two Gauls. The Senate decreed the withdrawal of Piso and Gabinius, but decided to leave Cæsar where he was. Mommsen deals very hardly with Cicero as to this period of his life. "They used him accordingly as — what he was good for — an advocate." "Cicero himself had to

thank his literary reputation for the respectful treatment which he experienced from Cæsar." The question we have to ask ourselves is whether he did his best to forward that scheme of politics which he thought to be good for the Republic. To me it seems that he did do so. He certainly did nothing with the object of filling his own pockets. I doubt whether as much can be said with perfect truth as to any other Roman of the period, unless it be Cato.

Balbus, for whom Cicero also spoke in this year, was a Spaniard of Cadiz, to whom Pompey had given the citizenship of Rome, who had become one of Cæsar's servants and friends, and whose citizenship was now disputed. Cicero pleaded in favor of the claim, and gained his cause. There were, no doubt, certain laws in accordance with which Balbus was or was not a citizen; but Cicero here says that because Balbus was a good man, therefore there should be no question as to his citizenship. This could hardly be a good legal argument. But we are glad to have the main principles of Roman citizenship laid down for us in this oration. A man cannot belong to more than one State at a time. A man cannot be turned out of his State against his will. A man cannot be forced to remain in his State against his will. This Balbus was acknowledged as a Roman, rose to be one of Cæsar's leading ministers, and was elected Consul of the Empire b.c. 40. Thirty-four years afterward his nephew became Consul. Nearly three centuries after that, a.d. 237, a descendant of Balbus was chosen as Emperor, under the name of Balbinus, and is spoken of by Gibbon with eulogy.

I know no work on Cicero written more pleasantly, or inspired by a higher spirit of justice, than that of Gaston Boissier, of the French Academy, called Cicéron et ses Amis. Among his chapters one is devoted to Cicero's remarkable intimacy with Cælius, which should be read by all who wish to study Cicero. We have now come to the speech which he 35made in this year in defence of Cælius. Cælius had entered public life very early, as the son of a rich citizen who was anxious that his heir should be enabled to shine as well by his father's wealth as by his own intellect. When he was still a boy, according to our ideas of boyhood, he was apprenticed to Cicero, as was customary, in order that he might pick up the crumbs which fell from the great man's table. It was thus that a young man would hear

what was best worth hearing; thus he would become acquainted with those who were best worth knowing; thus that he would learn in public life all that was best worth learning. Cælius heard all, and knew many, and learned much; but he perhaps learned too much at too early an age. He became bright and clever, but unruly and dissipated. Cicero, however, loved him well. He always liked the society of bright young men, and could forgive their morals if their wit were good. Clodius — even Clodius, young Curio, Cælius and afterward Dolabella, were companions with whom he loved to associate. When he was in Cilicia, as Proconsul, this Cælius became almost a second Atticus to him, in the writing of news from Rome.

But Cælius had become one of Clodia's many lovers, and seems for a time to have been the first favorite, to the detriment of poor Catullus. The rich father had, it seems, quarrelled with his son, and Cælius was in want of money. He borrowed it from Clodia, and then, without paying his debt, treated Clodia as she had treated Catullus. The lady tried to get her money back, and when she failed she accused her former lover of an attempt to poison her. This she did so that Cælius was tried for the offence. There were no less than four accusers, or advocates, on her behalf, of whom her brother was one. Cælius was defended by Crassus as well as 36by Cicero, and was acquitted. All these cases combined political views with criminal charges. Cælius was declared to have been a Catilinian conspirator. He was also accused of being in debt, of having quarrelled with his father, of having insulted women, of having beaten a Senator, of having practised bribery, of having committed various murders, and of having perpetrated all social and political excesses to which his enemies could give a name. It was probable that his life had been very irregular, but it was not probably true that he had attempted to poison Clodia.

The speech is very well worth the trouble of reading. It is lively, bright, picturesque, and argumentative; and it tells the reader very much of the manners of Rome at the time. It has been condemned for a passage which, to my taste, is the best in the whole piece. Cicero takes upon himself to palliate the pleasures of youth, and we are told that a man so grave, so pure, so excellent in his own life, should not have condescended to utter sentiments so lax in defence of so

immoral a young friend. I will endeavor to translate a portion of the passage, and I think that any ladies who may read these pages will agree with me in liking Cicero the better for what he said upon the occasion. He has been speaking of the changes which the manners of the world had undergone, not only in Rome but in Greece, since pleasure had been acknowledged even by philosophers to be necessary to life. “They who advocate one constant course of continual labor as the road to fame are left alone in their schools, deserted by their scholars. Nature herself has begotten for us allurements, seduced by which Virtue herself will occasionally become drowsy. Nature herself leads the young into slippery paths, in which not to stumble now and again is hardly possible. Nature has produced for us a variety of pleasures, to which not only youth, but even middle-age, occasionally yields itself. If, therefore, you shall find one who can avert his eyes from all that is beautiful — who is charmed by no sweet smell, by no soft touch,37 by no rich flavor — who can turn a deaf ear to coaxing words — I indeed, and perhaps a few others, may think that the gods have been good to such a one; but I doubt whether the world at large will not think that the gods have made him a sorry fellow.” There is very much more of it, delightfully said, and in the same spirit; but I have given enough to show the nature of the excuse for Cælius which has brought down on Cicero the wrath of the moralists.

CHAPTER II.

CICERO, ÆTAT. 52, 53, 54.

b.c. 55, ætat. 52.

I can best continue my record of Cicero's life for this and the two subsequent years by following his speeches and his letters. It was at this period the main object of his political life to reconcile the existence of a Cæsar with that of a Republic — two poles which could not by any means be brought together. Outside of his political life he carried on his profession as an advocate with all his former energy, with all his former bitterness, with all his old friendly zeal, but never, I think, with his former utility. His life with his friends and his family was prosperous; but that ambition to do some great thing for his country which might make his name more famous than that of other Romans was gradually fading, and, as it went, was leaving regrets and remorse behind which would not allow him to be a happy man. But it was now, when he had reached his fifty-second year, that he in truth began that career in literature which has made him second to no Roman in reputation. There are some early rhetorical essays, which were taken from the Greek, of doubtful authenticity; there are the few lines which are preserved of his poetry; there are the speeches which he wrote as well as spoke for the Rome of the day; and there are his letters, which up to this time had been intended only for his correspondents. All that we have from his pen up to this time has been preserved for us by the light of those great works which he now commenced. In this year, b.c. 55, there appeared the dialogue De Oratore, and in the next the treatise De Republica. It was his failure as a pol 39itician which in truth drove Cicero to the career of literature. As I intend to add to this second volume a few chapters as to his literary productions, I will only mention the dates on which these dialogues and treatises were given to the world as I go on with my work.

In the year b.c. 55, the two of the Triumvirate who had been left in Rome, Pompey and Crassus, were elected Consuls, and provinces were decreed to each of them for five years — to Pompey the two

Spains, and to Crassus that Syria which was to be so fatal to him. All this had been arranged at Lucca, in the north of Italy, whither Cæsar was able to come as being within the bounds of his province, to meet his friends from Rome — or his enemies. All aristocratic Rome went out in crowds to Lucca, so that two hundred Senators might be seen together in the streets of that provincial town. It was nevertheless near enough to Rome to permit the conqueror from Gaul to look closely into the politics of the city. By his permission, if not at his instigation, Pompey and Crassus had been chosen Consuls, and to himself was conceded the government of his own province for five further years — that is, down to year b.c. 49 inclusive. It must now at least have become evident to Cicero that Cæsar intended to rule the Empire.

Though we already have Cicero's letters arranged for us in a chronological sequence which may be held to be fairly correct for biographical purposes, still there is much doubt remaining as to the exact periods at which many of them were written. Abeken, the German biographer, says that this year, b.c. 55, produced twelve letters. In the French edition of Cicero's works published by Panckoucke thirty-five are allotted to it. Mr. Watson, in his selected letters, has not taken one from the year in question. Mr. Tyrrell, who has been my Mentor hitherto in regard to the correspondence, has not, unfortunately, published the result of his labors beyond the year 53 b.c. at the time of my present writing. Some of those who have dealt with Cicero's life and works, and have illustrated them by his letters, have added something to the existing confusion by assuming an accuracy of knowledge in this respect which has not existed. We have no right to quarrel with them for having done so; certainly not with Middleton, as in his time such accuracy was less valued by readers than it is now; and we have the advantage of much light which, though still imperfect, is very bright in comparison with that enjoyed by him. A study of the letters, however, in the sequence now given to them affords an accurate picture of Cicero's mind during the years between the period of his return from exile b.c. 57 and Milo's trial b.c. 52, although the reader may occasionally be misled as to the date of this or the other letter.

With the dates of his speeches, at any rate with the year in which

they were made, we are better acquainted. They are of course much fewer in number, and are easily traced by the known historical circumstances of the time. b.c. 55, he made that attack upon his old enemy, the late Consul Piso, which is perhaps the most egregious piece of abuse extant in any language. Even of this we do not know the precise date, but we may be sure that it was spoken early in the year, because Cicero alludes in it to Pompey's great games which were in preparation, and which were exhibited when Pompey's new theatre was opened in May. Plutarch tells us that they did not take place till the beginning of the following year. Piso on his return from Macedonia attacked Cicero in the Senate in answer 41to all the hard things that had already been said of him, and Cicero, as Middleton says, "made a reply to him on the spot in an invective speech, the severest, perhaps, that ever was spoken by any man, on the person, the parts, the whole life and conduct of Piso, which as long as the Roman name subsists must deliver down a most detestable character of him to all posterity."

We are here asked to imagine that this attack was delivered on the spur of the moment in answer to Piso's attack. I cannot believe that it should have been so, however great may have been the orator's power over thoughts and words. We have had in our own days wonderful instances of ready and indignant reply made instantaneously, but none in which the angry eloquence has risen to such a power as is here displayed. We cannot but suppose that had human intellect ever been perfect enough for such an exertion, it would have soared high enough also to have abstained from it. It may have been that Cicero knew well enough beforehand what the day was about to produce, so as to have prepared his reply. It may well have been that he himself undertook the polishing of his speech before it was given to the public in the words which we now read. We may, I think, take it for granted that Piso did make an attack upon him, and that Cicero answered him at once with words which crushed him, and which are not unfairly represented by those which have come down to us.

The imaginative reader will lose himself in wonder as he pictures to himself the figure of the pretentious Proconsul, with his assumption of confidence, as he was undergoing the castigation

which this great master of obloquy was inflicting upon him, and the figure of the tall, lean orator, with his long neck and keen eyes, with his arms trained to assist his voice, managing his purple bordered toga with a perfect grace, throwing all his heart into his impassioned words as they fell into the ears of the Senators around him without the loss of a syllable. This Lucius Calpurnius Piso Cæsoronius had come from one of the highest families in Rome, and had possessed interest enough to be elected Consul for the year in which Cicero was sent into banishment. He was closely connected with that Piso Frugi to whom Cicero's daughter had been married; and Cicero, when he was threatened by the faction of Clodius — a faction which he did not then believe to be supported by the Triumvirate — had thought that he was made safe, at any rate, from cruel results by consular friendship and consular protection. Piso Cæsoronius had failed him altogether, saying, in answer to Cicero's appeal, that the times were of such a nature that every one must look to himself. The nature of Cicero's rage may be easily conceived. An attempt to describe it has already been made. It was not till after his Consulate that he was ever waked to real anger, and the one object whom he most entirely hated with his whole soul was Lucius Piso.

By the strength of Cicero's eloquence this man has occupied an immortality of meanness. We cannot but believe that he must have in some sort deserved it, or the justice of the world would have vindicated his character. It should, however, be told of him that three years afterward he was chosen Censor, together with Appius Claudius. But it must also be told that, as far as we can judge, both these men were unworthy of the honor. They were the last two Censors elected in Rome before the days of the Empire. It is impossible not to believe that Piso was vile, but impossible also to believe that he was as vile as Cicero represented him. Cæsar was at this time his son-in-law, as he was father to Calphurnia, with whom Shakspeare has made us familiar. I do not know that Cæsar took in bad part the hard things that were said of his father-in-law.

The first part of the speech is lost. The first words we know because they have been quoted by Quintilian, "Oh ye gods immortal, what day is this which has shone upon me at 43last?" We may imagine from this that Cicero intended it to be understood that he

exulted in the coming of his revenge. The following is a fair translation of the opening passage of what remains to us: “Beast that you are, do you not see, do you not perceive, how odious to the men around you is that face of yours?” Then with rapid words he heaps upon the unfortunate man accusations of personal incompetencies. Nobody complains, says Cicero, that that fellow of yesterday, Gabinius, should have been made Consul: we have not been deceived in him. “But your eyes and eyebrows, your forehead, that face of yours, which should be the dumb index of the mind within, have deceived those who have not known you. Few of us only have been aware of your infamous vices, the sloth of your intellect, your dulness, your inability to speak. When was your voice heard in the Forum? when has your counsel been put to the proof? when did you do any service either in peace or war? You have crept into your high place by the mistakes of men, by the regard to the dirty images of your ancestors, to whom you have no resemblance except in their present grimy color. And shall he boast to me,” says the orator, turning from Piso to the audience around, “that he has gone on without a check from one step in the magistracy to another? That is a boast for me to make, for me—”homini novo” — a man without ancestors, on whom the Roman people has showered all its honors. You were made Ædile, you say; the Roman people choose a Piso for their Ædile — not this man from any regard for himself, but because he is a Piso. The Prætorship was conferred not on you but on your ancestors who were known and who were dead! Of you, who are alive no one has known anything. But me — !” Then he continues 44the contrast between himself and Piso; for the speech is as full of his own merits as of the other man’s abominations

So the oration goes on to the end. He asserts, addressing himself to Piso, that if he saw him and Gabinius crucified together, he did not know whether he would be most delighted by the punishment inflicted on their bodies or by the ruin of their reputation. He declares that he has prayed for all evil on Piso and Gabinius, and that the gods have heard him, but it has not been for death, or sickness, or for torment, that he had prayed, but for such evils as have in truth come upon them. Two Consuls sent with large armies into two of the grandest provinces have returned with disgrace. That one — meaning

Piso — has not dared even to send home an account of his doings; and the other — Gabinius — has not had his words credited by the Senate, nor any of his requests granted! He, Cicero, had hardly dared to hope for all this, but the gods had done it for him! The most absurd passage is that in which he tells Piso that, having lost his army — which he had done — he had brought back nothing in safety but that "old impudent face of his." Altogether it is a tirade of abuse very inferior to Cicero's dignity. Le Clerc, the French critic and editor, speaks the truth when he says, "Il faut avouer qu'il manque surtout de modération, et que la gravité d'un orateur consulaire y fait trop souvent place à l'emportement d'un ennemi." It is, however, full of life, and amusing as an expression of honest hatred. The reader when reading it will of course remember that Roman manners allowed a mode of expression among the upper classes which is altogether denied to those among us who hope to be regarded as gentlemen.

The games in Pompey's theatre, to the preparation of which Cicero alludes in his speech against Piso, are described by him with his usual vivacity and humor in a letter written immediately after them to his friend Marius. Pompey's games, with 45which he celebrated his second Consulship, seem to have been divided between the magnificent theatre which he had just built — fragments of which still remain to us — and the "circus maximus." This letter from Cicero is very interesting, as showing the estimation in which these games were held, or were supposed to be held, by a Roman man of letters, and as giving us some description of what was done on the occasion. Marius had not come to Rome to see them, and Cicero writes as though his friend had despised them. Cicero himself, having been in Rome, had of course witnessed them. To have been in Rome and not to have seen them would have been quite out of the question. Not to come to Rome from a distance was an eccentricity. He congratulated Marius for not having come, whether it was that he was ill, or that the whole thing was too despicable: "You in the early morning have been looking out upon your view over the bay while we have been staring at puppets half asleep. Most costly games, but I should say — judging of you by myself — that they would have been quite revolting to you. Poor Æsopus was there acting, but so

unfitted by age that all his friends could not but wish that he had desisted. Why should I tell you of it all? The very costliness of the affair took away all the pleasure. Six hundred mules on the stage in the acting of Clytemnestra, or three thousand golden goblets in The Trojan Horse — what delight could they give you? If your slave Protogenes was reading to you something — so that it were not one of my speeches — you were better off at any rate than we. There were two marvellous slaughterings of beasts which lasted for five days. Nobody denies but that they were very grand. But what pleasure can there be to a man of letters when some 46weak human creature is destroyed by a sturdy beast, or when some lonely animal is pierced through by a hunting-spear. The last day was the day of elephants, in which there could be no delight except to the vulgar crowd. You could not but pity them, feeling that the poor brutes had something in common with humanity." In these combats were killed twenty elephants and two hundred lions. The bad taste and systematical corruption of Rome had reached its acme when this theatre was opened and these games displayed by Pompey.

He tells Atticus, in a letter written about this time, that he is obliged to write to him by the hand of a secretary; from which we gather that such had not been, at any rate, his practice. He is every day in the Forum, making speeches; and he had already composed the dialogues De Oratore, and had sent them to Lentulus. Though he was no longer in office, his time seems to have been as fully occupied as when he was Prætor or Consul.

We have records of at least a dozen speeches, made b.c. 55 and b.c. 54, between that against Piso and the next that is extant, which was delivered in defence of Plancius. He defended Cispius, but Cispius was convicted. He defended Caninius Gallus, of whom we may presume that he was condemned and exiled, because Cicero found him at Athens on his way to Cilicia, Athens being the place to which exiled Roman oligarchs generally betook themselves. In this letter to his young friend Cælius he speaks of the pleasure he had in meeting with Caninius at Athens; but in the letter to Marius which I have quoted he complains of the necessity which has befallen him of defending the man. The heat of the summer of this year he passed in the country, but on his return to the city in November he found

Crassus defending his old enemy Gabinius. 47Gabinius had crept back from his province into the city, and had been received with universal scorn and a shower of accusations. Cicero at first neither accused nor defended him, but, having been called on as a witness, seems to have been unable to refrain from something of the severity with which he had treated Piso. There was at any rate a passage of arms in which Gabinius called him a banished criminal. The Senate then rose as one body to do honor to their late exile. He was, however, afterward driven by the expostulations of Pompey to defend the man. At his first trial Gabinius was acquitted, but was convicted and banished when Cicero defended him. Cicero suffered very greatly in the constraint thus put upon him by Pompey, and refused Pompey till Cæsar's request was added. We can imagine that nothing was more bitter to him than the obligation thus forced upon him. We have nothing of the speech left, but can hardly believe that it was eloquent. From this, however, there rose a reconciliation between Crassus and Cicero, both Cæsar and Pompey having found it to their interest to interfere. As a result of this, early in the next year Cicero defended Crassus in the Senate, when an attempt was made to rob the late Consul of his coveted mission to Syria. Of what he did in this respect he boasts in a letter to Crassus, which, regarded from our point of view, would no doubt be looked upon as base. He despised Crassus, and here takes credit for all the fine things he had said of him; but we have no right to think that Cicero could have been altogether unlike a Roman. He speaks also in the Senate on behalf of the people of Tenedos, who had brought their immunities and privileges into question by some supposed want of faith. All we know of this speech is that it was spoken in vain. He pleaded against an Asiatic 48king, Antiochus of Comagene, who was befriended by Pompey, but Cicero seems to have laughed him out of some of his petty possessions. He spoke for the inhabitants of Reate on some question of water-privilege against the Interamnates. Interamna we now know as Terne, where a modern Pope made a lovely water-fall, and at the same time rectified the water-privileges of the surrounding district. Cicero went down to its pleasant Tempe, as he calls it, and stayed there awhile with one Axius. He returned thence to Rome to undertake some case for Fonteius, and attended the games which

Milo was giving, Milo having been elected Ædile. Here we have a morsel of dramatic criticism on Antiphon the actor and Arbuscula the actress, which reminds one of Pepys. Then he defended Messius, then Drusus, then Scaurus. He mentions all these cases in the same letter, but so slightly that we cannot trouble ourselves with their details. We only feel that he was kept as busy as a London barrister in full practice. He also defended Vatinius — that Vatinius with whose iniquities he had been so indignant at the trial of Sextius. He defended him twice at the instigation of Cæsar; and he does not seem to have suffered in doing so, as he had certainly done when called upon to stand up and plead for his late consular enemy, Gabinius. Valerius Maximus, a dull author, often quoted but seldom read, whose task it was to give instances of all the virtues and vices produced by mankind, refers to these pleadings for Gabinius and Vatinius as instances of an almost divine forgiveness of injury. I think we must seek for the good, if good is to be discovered in the proceeding, in the presumed strength which might be added to the Republic by friendly relations between himself and Cæsar.

b.c. 54, ætat. 53.

In the spring of the year we find Cicero writing to Cæsar in apparently great intimacy. He recommends to Cæsar his 49young friend Trebatius, a lawyer, who was going to Gaul in search of his fortune, and in doing so he refers to a joking promise from Cæsar that he would make another friend, whom he had recommended, King of Gaul; or, if not that, foreman at least to Lepta, his head of the mechanics. Lepta was an officer in trust under Cæsar, with whose name we become familiar in Cicero's correspondence, though I do not remember that Cæsar ever mentions him. "Send me some one else that I may show my friendship," Cæsar had said, knowing well that Cicero was worth any price of the kind. Cicero declares to Cæsar that on hearing this he held up his hands in grateful surprise, and on this account he had sent Trebatius. "Mi Cæsar," he says, writing with all affection; and then he praises Trebatius, assuring Cæsar that he does not recommend the young man loosely, as he had some other young men who were worthless — such as Milo, for instance. This results in much good done to Trebatius, though the young man at first does not like the service with the army. He is a lawyer, and finds

the work in Gaul very rough. Cicero, who is anxious on his behalf, laughs at him and bids him take the good things that come in his way. In subsequent years Trebatius was made known to the world as the legal pundit whom Horace pretends to consult as to the libellous nature of his satires.

In September of this year Cicero pleaded in court for his friend Cn. Plancius, against whom there was brought an accusation that, in canvassing and obtaining the office of Ædile, he had been guilty of bribery. In all these accusations, which come before us as having been either promoted or opposed 50by Cicero, there is not one in which the reader sympathizes more strongly with the person accused than in this. Plancius had shown Cicero during his banishment the affection of a brother, or almost of a son. Plancius had taken him in and provided for him in Macedonia, when to do so was illegal. Cicero now took great delight in returning the favor. The reader of this oration cannot learn from it that Plancius had in truth done anything illegal. The complaint really made against him was that he, filling the comparatively humble position of a knight, had ventured to become the opposing candidate of such a gallant young aristocrat as M. Juventius Laterensis, who was beaten at this election, and now brought this action in revenge. There is no tearing of any enemy to tatters in this oration, but there is much pathos, and, as was usual with Cicero at this period of his life, an inordinate amount of self-praise. There are many details as to the way in which the tribes voted at elections, which the patient and curious student will find instructive, but which will probably be caviare to all who are not patient and curious students. There are a few passages of peculiar force. Addressing himself to the rival of Plancius, he tells Laterensis that, even though the people might have judged badly in selecting Plancius, it was not the less his duty to accept the judgment of the people. Say that the people ought not to have done so; but it should have been sufficient for him that they had done so. Then he laughs with a beautiful irony at the pretensions of the accuser. “Let us suppose that it was so,” he says. “Let no one whose family has not soared above prætorian honors contest any place with one of consular family. Let no mere knight stand against one with prætorian relations.” In such a case there would be no 51need of the people to

vote at all. Farther on he gives his own views as to the honors of the State in language that is very grand. “It has,” he says, “been my first endeavor to deserve the high rank of the State; my second, to have been thought to deserve it. The rank itself has been but the third object of my desires.” Plancius was acquitted — it seems to us quite as a matter of course.

In this perhaps the most difficult period of his existence, when the organized conspiracy of the day had not as yet overturned the landmarks of the constitution, he wrote a long letter to his friend Lentulus, him who had been prominent as Consul in rescuing him from his exile, and who was now Proconsul in Cilicia. Lentulus had probably taxed him, after some friendly fashion, with going over from the “optimates” or Senatorial party to that of the conspirators Pompey, Cæsar, and Crassus. He had been called a deserter for having passed in his earlier years from the popular party to that of the Senate, and now the leading optimates were doubtful of him — whether he was not showing himself too well inclined to do the bidding of the democratic leaders. The one accusation has been as unfair as the other. In this letter he reminds Lentulus that a captain in making a port cannot always sail thither in a straight line, but must tack and haul and use a slant of wind as he can get it. Cicero was always struggling to make way against a head-wind, and was running hither and thither in his attempt, in a manner most perplexing to those who were looking on without knowing the nature of the winds; but his port was always there, clearly visible to him, if he could only reach it. That port was the Old Republic, with its well-worn and once successful institutions. It was not to be “fetched.” The winds had become too perverse, and the entrance had become choked with sand. But he did his best to fetch it; and, though he was driven hither and thither in his endeavors, it should be 52remembered that to lookers-on such must ever be the appearance of those who are forced to tack about in search of their port.

I have before me Mr. Forsyth’s elaborate and very accurate account of this letter. “Now, however,” says the biographer, “the future lay dark before him; and not the most sagacious politician at Rome could have divined the series of events — blundering weakness on the one side and unscrupulous ambition on the other —

which led to the Dictatorship of Cæsar and the overthrow of the constitution." Nothing can be more true. Cicero was probably the most sagacious politician in Rome; and he, though he did understand much of the weakness — and, it should be added, of the greed — of his own party, did not foresee the point which Cæsar was destined to reach, and which was now probably fixed before Cæsar's own eyes. But I cannot agree with Mr. Forsyth in the result at which he had arrived when he quoted a passage from one of the notes affixed by Melmoth to his translation of this letter: "It was fear alone that determined his resolution; and having once already suffered in the cause of liberty, he did not find himself to be disposed to be twice its martyr." I should not have thought these words worthy of refutation had they not been backed by Mr. Forsyth. How did Cicero show his fear? Had he feared — as indeed there was cause enough, when it was difficult for a leading man to keep his throat uncut amid the violence of the times, or a house over his head — might he not have made himself safe by accepting Cæsar's offers? A Proconsul out of Rome was safe enough, but he would not be a Proconsul out of Rome till he could avoid it no longer. When the day of danger came, he joined Pompey's army against Cæsar, doubting, not for his life but for his character, as to what might be the best for the Republic. He did not fear when Cæsar was dead and only Antony remained. When the hour came in which his throat had to be cut, he did not fear. When a man has shown such a power of action in the face of danger as Cicero displayed at forty-four in his Consulship, and again at sixty-four in his prolonged struggle with Antony, it is contrary to nature that he should have been a coward at fifty-four.

And all the evidence of the period is opposed to this theory of cowardice. There was nothing special for him to fear when Cæsar was in Gaul, and Crassus about to start for Syria, and Pompey for his provinces. Such was the condition of Rome, social and political, that all was uncertain and all was dangerous. But men had become used to danger, and were anxious only, in the general scramble, to get what plunder might be going. Unlimited plunder was at Cicero's command — provinces, magistracies, abnormal lieutenancies — but he took nothing. He even told his friend in joke that he would have liked to be an augur, and the critics have thereupon concluded that he

was ready to sell his country for a trifle. But he took nothing when all others were helping themselves.

The letter to Lentulus is well worth studying, if only as evidence of the thoughtfulness with which he weighed every point affecting his own character. He did wish to stand well with the "optimates," of whom Lentulus was one. He did wish to stand well with Cæsar, and with Pompey, who at this time was Cæsar's jackal. He did find the difficulty of running with the hare and hunting with the hounds. He must have surely learned at last to hate all compromise. But he had fallen on hard times, and the task before him was impossible. If, however, his hands were clean when those of others were dirty, and his motives patriotic while those of others were selfish, so much ought to be said for him.

In the same year he defended Rabirius Postumus, and in doing so carried on the purpose which he had been instigated to undertake by Cæsar in defending Gabinius. This Rabirius was the nephew of him whom ten years before Cicero had defended when accused of having killed Saturninus. He was a knight, and, as was customary with the Equites, had long been engaged in the pursuit of trade, making money by lending money, and such like. He had, it seems, been a successful man, but, in an evil time for himself, had come across King Ptolemy Auletes when there was a question of restoring that wretched sovereign to the throne of Egypt. As Cicero was not himself much exercised in this matter, I have not referred to the king and his affairs, wishing as far as possible to avoid questions which concern the history of Rome rather than the life of Cicero; but the affairs of this banished king continually come up in the records of this time. Pompey had befriended Auletes, and Gabinius, when Proconsul in Syria, had succeeded in restoring the king to his throne — no doubt in obedience to Pompey, though not in obedience to the Senate. Auletes, when in Rome, had required large sums of money — suppliant kings when in the city needed money to buy venal Senators — and Rabirius had supplied him. The profits to be made from suppliant kings when in want of money were generally very great, but this king seems so have got hold of all the money which Rabirius possessed, so that the knight-banker found himself obliged to become one of the king's suite when the king went back to take

possession of his kingdom. In no other way could he hang on to the vast debt that was owing to him. In Egypt he found himself compelled to undergo various indignities. He became no better than a head-servant among the king's servants. One of the charges brought against him was that he, a Roman knight, had allowed himself to be clothed in the half-feminine garb of an Oriental attendant upon a king. It was also brought against him as part of the accusation that he had bribed, or had endeavored to bribe, a certain Senator. The crime nominally laid to the charge of Rabirius was "de repetundis" — for extorting money in the position of a magistrate. The money alluded to had been, in truth, extorted by Gabinius from Ptolemy Auletes as the price paid for his restoration, and had come in great part probably from out of the pocket of Rabirius himself. Gabinius had been condemned, and ordered to repay the money. He had none to repay, and the claim, by some clause in the law to that effect was transferred to Rabirius as his agent. Rabirius was accused as though he had extorted the money — which he had in fact lost, but the spirit of the accusation lay in the idea that he, a Roman knight, had basely subjected himself to an Egyptian king. That Rabirius had been base and sordid there can be no doubt. That he was ruined by his transaction with Auletes is equally certain. It is supposed that he was convicted. He was afterward employed by Cæsar, who, when in power, may have recalled him from banishment. There are many passages in the oration to which I would fain refer the reader had I space to do so. I will name only one in which Cicero endeavors to ingratiate himself with his audience by referring to the old established Roman hatred of kings: "Who is there among us who, though he may not have tried them himself, does not know the ways of kings? 'Listen to me here!' 'Obey my word at once!' 'Speak a word more than you are told, and you'll see what you'll get!' 'Do that a second time, and you die!' We should read of such things and look at them from a distance, not only for our pleasure, but that we may know of what we have to be aware, and what we ought to avoid."

There is a letter written in this year to Curio, another young friend such as Cælius, of whom I have spoken. Curio also was clever, dissipated, extravagant, and unscrupulous. But at this period of his

life he was attached to Cicero, who was not indifferent to the services which might accrue to him from friends who might be violent and unscrupulous on the right side.

b.c. 53, ætat. 54.

This letter was written to secure Curio's services for another friend not quite so young, but equally attached, and perhaps of all the Romans of the time the most unscrupulous and the most violent. This friend was Milo, who was about to stand for the Consulship of the fol 56lowing year. Curio was on his road from Asia Minor, where he had been Quæstor, and is invited by Cicero in language peculiarly pressing to be the leader of Milo's party on the occasion. We cannot but imagine that the winds which Curio was called upon to govern were the tornadoes and squalls which were to be made to rage in the streets of Rome to the great discomfiture of Milo's enemies during his canvass. To such a state had Rome come, that for the first six months of this year there were no Consuls, an election being found to be impossible. Milo had been the great opponent of Clodius in the city rows which had taken place previous to the exile of Cicero. The two men are called by Mommsen the Achilles and the Hector of the streets. Cicero was of course on Milo's side, as Milo was an enemy to Clodius. In this matter his feeling was so strong that he declares to Curio that he does not think that the welfare and fortunes of one man were ever so dear to another as now were those of Milo to him. Milo's success is the only object of interest he has in the world. This is interesting to us now as a prelude to the great trial which was to take place in the next year, when Milo, instead of being elected Consul, was convicted of murder.

In the two previous years Cæsar had made two invasions into Britain, in the latter of which Quintus Cicero had accompanied him. Cicero in various letters alludes to this undertaking, but barely gives it the importance which we, as Britons, think should have been attached to so tremendous an enterprise. There might perhaps be some danger, he thought, in crossing the seas, and encountering the rocky shores of the island, but there was nothing to be got worth the getting. He tells Atticus that he can hardly expect any slaves skilled either 57in music or letters, and he suggests to Trebatius that, as he will certainly find neither gold nor slaves, he had better put himself

into a British chariot and come back in it as soon as possible. In this year Cæsar reduced the remaining tribes of Gaul, and crossed the Rhine a second time. It was his sixth year in Gaul, and men had learned to know what was his nature. Cicero had discovered his greatness, as also Pompey must have done, to his great dismay; and he had himself discovered what he was himself; but two accidents occurred in this year which were perhaps as important in Roman history as the continuance of Cæsar's success. Julia, Cæsar's daughter and Pompey's wife, died in childbed. She seems to have been loved by all, and had been idolized from the time of the marriage by her uxorious husband, who was more than twenty-four years her senior. She certainly had been a strong bond of union between Cæsar and Pompey; so much so that we are surprised that such a feeling should have been so powerful among the Romans of the time. "Concordiæ pignus," a "pledge of friendship," she is called by Paterculus, who tells us in the same sentence that the Triumvirate had no other bond to hold it together. Whether the friendship might have remained valid had Julia lived we cannot say; but she died, and the two friends became enemies. From the moment of Julia's death there was no Triumvirate.

The other accident was equally fatal to the bond of union which had bound the three men together. Late in the year, after his Consulship, b.c. 54, Crassus had gone to his Syrian government with the double intention of increasing his wealth and rivalling the military glories of Cæsar and Pompey. In the following year he became an easy victim to Eastern deceit, and was destroyed by the Parthians, with his son and the greater part of the Roman army which had been intrusted to 58him. We are told that Crassus at last destroyed himself. I doubt, however, whether there was enough of patriotism alive among Romans at the time to create the feeling which so great a loss and so great a shame should have occasioned. As far as we can learn, the destruction of Crassus and his legions did not occasion so much thought in Rome as the breaking up of the Triumvirate.

Cicero's daughter Tullia was now a second time without a husband. She was the widow of her first husband Piso; had then, b.c. 56, married Crassipes, and had been divorced. Of him we have heard

nothing, except that he was divorced. A doubt has been thrown on the fact whether she was in truth ever married to Crassipes. We learn from letters, both to his brother and to Atticus, that Cicero was contented with the match, when it was made, and did his best to give the lady a rich dowry.

In this year Cicero was elected into the College of Augurs, to fill the vacancy made by the death of young Crassus, who had been killed with his father in Parthia. The reader will remember that he had in a joking manner expressed a desire for the office. He now obtained it without any difficulty, and certainly without any sacrifice of his principle. It had formerly been the privilege of the augurs to fill up the vacancies in their own college, but the right had been transferred to the people. It was now conferred upon Cicero without serious opposition.

CHAPTER III.

MILO.

b.c. 52, ætat. 55.

The preceding year came to an end without any consular election. It was for the election expected to have taken place that the services of Curio had been so ardently bespoken by Cicero on behalf of Milo. In order to impede the election Clodius accused Milo of being in debt, and Cicero defended him. What was the nature of the accusation we do not exactly know. “An inquiry into Milo’s debts!” Such was the name given to the pleadings as found with the fragments which have come to us. In these, which are short and not specially interesting, there is hardly a word as to Milo’s debts; but much abuse of Clodius, with some praise of Cicero himself, and some praise also of Pompey, who was so soon to take up arms against Cicero, not metaphorically, but in grim reality of sword and buckler, in this matter of his further defence of Milo. We cannot believe that Milo’s debts stood in the way of his election, but we know that at last he was not elected. Early in the year Clodius was killed, and then, at the suggestion of Bibulus — whom the reader will remember as the colleague of Cæsar in the Consulship when Cæsar reduced his colleague to ridiculous impotence by his violence — Pompey was elected as sole Consul, an honor which befell no other Roman. The condition of Rome must have 60been very low when such a one as Bibulus thought that no order was possible except by putting absolute power into the hands of him who had so lately been the partner of Cæsar in the conspiracy which had not even yet been altogether brought to an end. That Bibulus acted under constraint is no doubt true. It would be of little matter now from what cause he acted, were it not that his having taken a part in this utter disruption of the Roman form of government is one proof the more that there was no longer any hope for the Republic.

But the story of the killing of Clodius must be told at some length, because it affords the best-drawn picture that we can get of the sort of violence with which Roman affairs had to be managed; and also

because it gave rise to one of the choicest morsels of forensic eloquence that have ever been prepared by the intellect and skill of an advocate. It is well known that the speech to which I refer was not spoken, and could not have been spoken, in the form in which it has reached us. We do not know what part of it was spoken and what was omitted; but we do know that the Pro Milone exists for us, and that it lives among the glories of language as a published oration. I find, on looking through the Institutio Oratoria of Quintilian, that in his estimation the Pro Milone was the first in favor of all our author's orations—"facile princeps," if we may collect the critic's ideas on the subject from the number of references made and examples taken. Quintilian's work consists of lessons on oratory, which he supports by quotations from the great orators, both Greek and Latin, with whose speeches he has made himself familiar. Cicero was to him the chief of orators; so much so that we may almost say that Quintilian's Institutio is rather a lecture in honor of Cicero than a general lesson. With the Roman school-master's method of teaching for the benefit of the Roman youth of the day we have no concern at present, but we can gather from the references made by him the estimation in which various orations were held by others, as well as by him, in his day. The Pro Cluentio, which is twice as long as the Pro Milone, and which has never, I think, been a favorite with modern readers, is quoted very frequently by Quintilian. It is the second in the list. Quintilian makes eighteen references to it; but the Pro Milone is brought to the reader's notice thirty-seven times. Quintilian was certainly a good critic; and he understood how to recommend himself to his own followers by quoting excellences which had already been acknowledged as the best which Roman literature had afforded.

Those who have gone before me in writing the life of Cicero have, in telling their story as to Milo, very properly gone to Asconius for their details. As I must do so too, I shall probably not diverge far from them. Asconius wrote as early as in the reign of Claudius, and had in his possession the annals of the time which have not come to us. Among other writings he could refer to those books of Livy which have since been lost. He seems to have done his work as commentator with no glow of affection and with no touch of animosity, either on one side or on the other. There can be no reason

for doubting the impartiality of Asconius as to Milo's trial, and every reason for trusting his knowledge of the facts.

b.c. 52, ætat. 55.

When the year began, no Consuls had been chosen, and an interrex became necessary — one interrex after another — to make the election of Consuls possible in accordance with the forms of the constitution. These men remained in office each for five days, and it was customary that an election which had been delayed should be completed within the days of the second or third interrex. There were three candidates, Milo, Hypsæus, and Q. Metellus Scipio, by all of whom bribery and violence were used with open and unblushing profligacy. Cicero was wedded to Milo's cause, as we have seen from his letter to Curio, but it does not appear that he himself took any active part in the canvass. The duties to be done required rather the services of a Curio. Pompey, on the other hand, was nearly as warmly engaged in favor of Hypsæus and Scipio, though in the turn which affairs took he seems to have been willing enough to accept the office himself when it came in his way. Milo and Clodius had often fought in the streets of Rome, each ruffian attended by a band of armed combatants, so that in audacity, as Asconius says, they were equal.

On the 20th of January Milo was returning to Rome from Lanuvium, where he had been engaged, as chief magistrate of the town, in nominating a friend for the municipality. He was in a carriage with his wife Fausta, and with a friend, and was followed, as was his wont, by a large band of armed men, among whom were two noted gladiators, Eudamus and Birria. At Bovillæ, near the temple of the Bona Dea, his cortege was met by Clodius on horseback, who had with him some friends, and thirty slaves armed with swords. Milo's attendants were nearly ten times as numerous. It is not supposed by Asconius that either of the two men expected the meeting, which may be presumed to have been fortuitous. Milo and Clodius passed each other without words or blows — scowling, no doubt; but the two gladiators who were at the end of the file of Milo's men began to quarrel with certain of the followers of Clodius. Clodius interfered, and was stabbed in the shoulder by Birria; then he was carried to a neighboring tavern while the fight was in progress.

Milo, having heard that his enemy was there concealed — thinking that he would be greatly relieved in his career by the death of such a foe, and that the risk should be run though the consequences might be grave — caused Clodius to be dragged out from the tavern and slaughtered. On what grounds Asconius has attributed these probable thoughts to Milo we do not know. That the order was given the jury believed, or at any rate affected to believe.

Up to this moment Milo was no more guilty than Clodius, and neither of them, probably, guilty of more than their usual violence. Partisans on the two sides endeavored to show that each had prepared an ambush for the other, but there is no evidence that it was so. There is no evidence existing now as to this dragging out of Clodius that he might be murdered; but we know what was the general opinion of Rome at the time and we may conclude that it was right. The order probably was given by Milo — as it would have been given by Clodius in similar circumstances — at the spur of the moment, when Milo allowed his passion to get the better of his judgment.

The thirty servants of Clodius were either killed or had run away and hidden themselves, when a certain Senator, S. Tedius, coming that way, found the dead body on the road, and carrying it into the city on a litter deposited it in the dead man's house. Before nightfall the death of Clodius was known through the city, and the body was surrounded by a crowd of citizens of the lower order and of slaves. With them was Fulvia, the widow, exposing the dead man's wounds and exciting the people to sympathy. On the morrow there was an increased crowd, among whom were Senators and Tribunes, and the body was carried out into the Forum, and the people were harangued by the Tribunes as to the horror of the deed that had been done. From thence the body was borne into the neighboring Senate-house by the crowd, under the leading of Sextus Clodius, a cousin of the dead man. Here it was burnt with a great fire fed with the desks and benches, and even with the books and archives which were stored there. Not only was the Senate-house destroyed by the flames, but a temple also that was close to it. Milo's house was attacked, and was defended by arms. We are made to understand that all Rome was in a state of violence and anarchy. The Consuls' fasces had been put away in one of the temples — that of Venus Libitina: these the

people seized and carried to the house of Pompey, declaring that he should be Dictator, and he alone 64Consul, mingling anarchy with a marvellous reverence for legal forms.

But there arose in the city a feeling of great anger at the burning of the Senate-house, which for a while seemed to extinguish the sympathy for Clodius, so that Milo, who was supposed to have taken himself off, came back to Rome and renewed his canvass, distributing bribes to all the citizens—"millia assuum" — perhaps something over ten pounds to every man. Both he and Cælius harangued the people, and declared that Clodius had begun the fray. But no Consuls could be elected while the city was in such a state, and Pompey, having been desired to protect the Republic in the usual form, collected troops from all Italy. Preparations were made for trying Milo, and the friends of each party demanded that the slaves of the other party should be put to the torture and examined as witnesses; but every possible impediment and legal quibble was used by the advocates on either side. Hortensius, who was engaged for Milo, declared that Milo's slaves had all been made free men and could not be touched. Stories were told backward and forward of the cruelty and violence on each side. Milo made an offer to Pompey to abandon his canvass in favor of Hypsæus, if Pompey would accept this as a compromise. Pompey answered, with the assumed dignity that was common to him, that he was not the Roman people, and that it was not for him to interfere.

It was then that Pompey was created sole Consul at the instigation of Bibulus. He immediately caused a new law to be passed for the management of the trial which was coming on, and when he was opposed in this by Cælius, declared that if necessary he would carry his purpose by force of arms. Pretending to be afraid of Milo's violence, he remained at home, and on one occasion dismissed the Senate. Afterward, when Milo entered the Senate, he was accused by a Senator present of having come thither with arms hidden beneath his toga; whereupon he lifted his toga and showed that there were none. Asconius tells us that upon this Cicero declared that all the other charges made against the accused were equally false. This is the first word of Cicero's known to us in the matter.

Two or three men declared that because they had been present at

the death of Clodius they had been kidnapped and kept close prisoners by Milo; and the story, whether true or false, did Milo much harm. It seems that Milo became again very odious to the people, and that their hatred was for the time extended to Cicero as Milo's friend and proposed advocate. Pompey seems to have shared the feeling, and to have declared that violence was contemplated against himself. "But such was Cicero's constancy," says Asconius, "that neither the alienation of the people nor the suspicions of Pompey, no fear of what might befall himself at the trial, no dread of the arms which were used openly against Milo, could hinder him from going on with the defence, although it was within his power to avoid the quarrel with the people and to renew his friendship for Pompey by abstaining from it." Domitius Ænobarbus was chosen as President, and the others elected as judges were, we are told, equally good men. Milo was accused both of violence and bribery, but was able to arrange that the former case should be tried first. The method of the trial is explained. Fifty-one judges or jurymen were at last chosen. Schola was the first witness examined, and he exaggerated as best he could the horror of the murder. When Marcellus, as advocate for Milo, began to examine Schola, the people were so violent that the President was forced to protect Marcellus by taking him within the barrier of the judges' seats. Milo also was obliged to demand protection within the court. Pompey, then sitting at the Treasury, and frightened by the clamor, declared that he himself would come down with troops on the next day. After the hearing of the evidence the Tribune Munatius Plancus harangued the people, and begged them to come in great numbers on the morrow so that Milo might not be allowed to escape. On the following day, which was the 11th of April, all the taverns were shut. Pompey filled the Forum and every approach to it with his soldiers. He himself remained seated at the Treasury as before, surrounded by a picked body of men. At the trial on this day, when three of the advocates against Milo had spoken — Appius, Marc Antony, and Valerius Nepos — Cicero stood up to defend the criminal. Brutus had prepared an oration declaring that the killing of Clodius was in itself a good deed, and praiseworthy on behalf of the Republic; but to this speech Cicero refused his consent, arguing that a man could not legally be killed simply because his

death was to be desired, and Brutus's speech was not spoken. Witnesses had declared that Milo had lain in wait for Clodius. This Cicero alleged to be false, contending that Clodius had lain in wait for Milo, and he endeavored to make this point and no other. "But it is proved," says Asconius, "that neither of the men had any design of violence on that day; that they met by chance, and that the killing of Clodius had come from the quarrelling of the slaves. It was well known that each had often threatened the death of the other. Milo's slaves had no doubt been much more numerous than those of Clodius when the meeting took place; but those of Clodius had been very much better prepared for fighting. When Cicero began to address the judges, the partisans of Clodius could not be induced to abstain from riot even by fear of the soldiery; so that he was unable to speak with his accustomed firmness."

Such is the account as given by Asconius, who goes on to tell us that out of the fifty-one judges thirty-eight condemned Milo and only thirteen were for acquitting him. Milo, therefore, was condemned, and had to retire at once into exile at Marseilles.

It seems to have been acknowledged by the judges that Clodius had not been wounded at first by any connivance on the part of Milo; but they thought that Milo did direct that Clodius should be killed during the fight which the slaves had commenced among themselves. As far as we can take any interest in the matter we must suppose that it was so; but we are forced to agree with Brutus that the killing of Clodius was in itself a good deed done — and we have to acknowledge at the same time that the killing of Milo would have been as good. Though we may doubt as to the manner in which Clodius was killed, there are points in the matter as to which we may be quite assured. Milo was condemned, not for killing Clodius, but because he was opposed at the moment to the line of politics which Pompey thought would be most conducive to his own interests. Milo was condemned, and the death of the wretched Clodius avenged, because Pompey had desired Hypsæus to be Consul and Milo had dared to stand in his way. An audience was refused to Cicero, not from any sympathy with Clodius, but because it suited Pompey that Milo should be condemned. Could Cicero have spoken the words which afterward were published, the jury might have hesitated and

the criminal might have been acquitted. Cæsar was absent, and Pompey found himself again lifted into supreme power — for a moment. Though no one in Rome had insulted Pompey as Clodius had done, though no one had so fought for Pompey as Cicero had done, still it suited Pompey to avenge Clodius and to punish Cicero for having taken Milo's part in regard to the consulship. Milo, after his condemnation for the death of Clodius, was condemned in three subsequent trials, one following the other almost instantly, for bribery, for secret conspiracy, and again for violence in the city. He was absent, but there was no difficulty in obtaining his conviction. When he was gone one Saufeius, a friend of his, who had been with him during the tumult, was put upon his trial for his share in the death of Clodius. He at any rate was known to have been guilty in the matter. He had been leader of the party who attacked the tavern, had killed the tavern-keeper, and had dragged out Clodius to execution. But Saufeius was twice acquitted. Had there been any hope of law-abiding tranquillity in Rome, it might have been well that Clodius should be killed and Milo banished. As it was, neither the death of the one nor the banishment of the other could avail anything. The pity of it was — the pity — that such a one as Cicero, a man with such intellect, such ambition, such sympathies, and such patriotism, should have been brought to fight on such an arena.

b.c. 52, ætat. 55.

We have in this story a graphic and most astounding picture of the Rome of the day. No Consuls had been or could be elected, and the system by which "interreges" had been enabled to superintend the election of their successors in lieu of the Consuls of the expiring year had broken down. Pompey had been made sole Consul in an informal manner, and had taken upon himself all the authority of a Dictator in levying troops. Power in Rome seems at the moment to have been shared between him and bands of gladiators, but he too had succeeded in arming himself, and as the Clodian faction was on his side, he was for a while supreme. For law by this time he could have but little reverence, having been partner with Cæsar in the so-called Triumvirate for the last eight years. But yet he had no aptitude for throwing the law altogether on one side, and making such a coup-de-main as was now and again within his power. Beyond Pompey there

was at this time no power in Rome, except that of the gladiators, and the owners of the gladiators, who were each intent on making plunder out of the Empire. There were certain men, such as were Bibulus and Cato, who considered themselves to be "optimates" — leading citizens who believed in the Republic, and were no doubt anxious to maintain the established order of things — as we may imagine the dukes and earls are anxious in these days of ours. But they were impotent and bad men of business, and as a body were too closely wedded to their "fish ponds" — by which Cicero means their general luxuries and extravagances. In the bosoms of these men there was no doubt an eager desire to perpetuate a Republic which had done so much for them, and a courage sufficient for the doing of some great deed, if the great deed would come in their way. They went to Pharsalia, and Cato marched across the deserts of Libya. They slew Cæsar, and did some gallant fighting afterward; but they were like a rope of sand, and had among them no fitting leader and no high purpose.

Outside of these was Cicero, who certainly was not a fitting leader when fighting was necessary, and who as to politics in general was fitted rather by noble aspirations than supported by fixed purposes. We are driven to wonder that there should have been, at such a period and among such a people, aspirations so noble joined with so much vanity of expression. Among Romans he stands the highest, because of all Romans he was the least Roman. He had begun with high resolves, and had acted up to them. Among all the Quæstors, Ædiles, Prætors, and Consuls Rome had known, none had been better, none honester, none more patriotic. There had come up suddenly in those days a man imbued with the unwonted idea that it behooved him to do his duty to the State according to the best of his lights — no Cincinnatus, no Decius, no Camillus, no Scipio, no pretentious follower of those half-mythic heroes, no demigod struggling to walk across the stage of life enveloped in his toga and resolved to impose on all eyes by the assumption of a divine dignity, but one who at every turn was conscious of his human duty, and anxious to do it to the best of his human ability. He did it; and we have to acknowledge that the conceit of doing it overpowered him. He mistook the feeling of people around him, thinking that they too

would be carried away by their admiration of his conduct. Up to the day on which he descended from his Consul's seat duty was paramount with him. Then gradually there came upon him the conviction that duty, though it had been paramount with him, did not weigh so very much with others. He had been lavish in his worship of Pompey, thinking that Pompey, whom he had believed in his youth to be the best of citizens, would of all men be the truest to the Republic. Pompey had deceived him, but he could not suddenly give up his idol. Gradually we see that there fell upon him a dread that the great Roman Republic was not the perfect institution which he had fancied. In his early days Chrysogonus had been base, and Verres, and Oppianicus, and Catiline; but still, to his idea, the body of the Roman Republic had been sound. But when he had gone out from his Consulship, with resolves strung too high that he would remain at Rome, despising provinces and plunder, and be as it were a special providence to the Republic, gradually he fell from his high purpose, finding that there were no Romans such as he had conceived them to be. Then he fell away and became the man who could condescend to waste his unequalled intellect in attacking Piso, in praising himself, and in defending Milo. The glory of his active life was over when his Consulship was done — the glory was over, with the exception of that to come from his final struggle with Antony — but the work by which his immortality was to be achieved was yet before him. I think that after defending Milo he must have acknowledged to himself that all partisan fighting in Rome was mean, ignoble, and hollow. With the Senate-house and its archives burnt as a funeral pile for Clodius, and the Forum in which he had to plead lined with soldiers who stopped him by their clang of arms instead of protecting him in his speech, it must have been acknowledged by Cicero that the old Republic was dead, past all hope of resurrection. He had said so often to Atticus; but men say words in the despondency of the moment which they do not wish to have accepted as their established conviction. In such humor Cicero had written to his friend; but now it must have occurred to him that his petulant expressions were becoming only too true. When instigating Curio to canvass for Milo, and defending Milo as though it had been a good thing for a Roman nobleman to travel in the neighborhood of the city with an army at

his heels, he must have ceased to believe even in himself as a Roman statesman.

In the oration which we possess — which we must teach our 71selves to regard as altogether different from that which Cicero had been able to pronounce among Pompey's soldiers and the Clodian rabble — the reader is astonished by the magnificence of the language in which a case so bad in itself could be enveloped, and is made to feel that had he been on the jury, and had such an address been made to him, he would certainly have voted for an acquittal. The guilt or innocence of Milo as to the murder really turned on the point whether he did or did not direct that Clodius should be dragged out of the tavern and slain; but here in this oration three points are put forward, in each of which it was within the scope of the orator to make the jury believe that Clodius had in truth prepared an ambuscade, that Clodius was of all Romans the worst, and that Milo was loyal and true, and, in spite of a certain fierceness of disposition, a good citizen at heart. We agree with Milo, who declared, when banished, that he would never have been able to enjoy the fish of Marseilles had Cicero spoken in the Forum the speech which he afterward composed.

"I would not remind you," he says, "of Milo's Tribuneship, nor of all his service to the State, unless I could make plain to you as daylight the ambush which on that day was laid for him by his enemy. I will not pray you to forgive a crime simply because Milo has been a good citizen; nor, because the death of Clodius has been a blessing to us all, will I therefore ask you to regard it as a deed worthy of praise. But if the fact of the ambush be absolutely made evident, then I beseech you at any rate to grant that a man may lawfully defend himself from the arrogance and from the arms of his enemies." From this may be seen the nature of the arguments used. For the language the reader must turn to the original. That it will be worth his while to do so he has the evidence of all critics — especially that of Milo when he was eating sardines in his exile, and of Quintilian when he was preparing his lessons on 72rhetoric. It seems that Cicero had been twitted with using something of a dominating tyranny in the Senate — which would hardly have been true, as the prevailing influence of the moment was that of Pompey

— but he throws aside the insinuation very grandly. “Call it tyranny if you please — if you think it that, rather than some little authority which has grown from my services to the State, or some favor among good men because of my rank. Call it what you will, while I am able to use it for the defence of the good against the violence of the evil-minded.” Then he describes the fashion in which these two men travelled on the occasion — the fashion of travelling as it suited him to describe it. “If you did not hear the details of the story, but could see simply a picture of all that occurred, would it not appear which of them had planned the attack, which of them was ignorant of all evil? One of them was seated in his carriage, clad in his cloak, and with his wife beside him. His garments, his clients, his companions all show how little prepared he was for fighting. Then, as to the other, why was he leaving his country-house so suddenly? Why should he do this so late in the evening? Why did he travel so slowly at this time of the year? He was going, he says, to Pompey’s villa. Not that he might see Pompey, because he knew that Pompey was at Alsium. Did he want to see the villa? He had been there a thousand times. Why all this delay, and turning backward and forward? Because he would not leave the spot till Milo had come up. And now compare this ruffian’s mode of travelling with that of Milo. It has been the constant custom with Clodius to have his wife with him, but now she was not there. He has always been in a carriage, but now he was on horseback. His young Greek sybarites have ever been with him, even when he went as far as Tuscany; on this occasion there were no such trifles in his company. Milo, with whom such companions were not 73usual, had his wife’s singing-boys with him and a bevy of female slaves. Clodius, who usually never moved without a crowd of prostitutes at his heels, now had no one with him but men picked for this work in hand.” What a picture we have here of the manner in which noble Romans were wont to move about the city and the suburbs! We may imagine that the singing-boys of Milo’s wife were quite as bad as the Greek attendants in whom Clodius usually rejoiced. Then he asks a question as to Pompey full of beautiful irony. If Pompey could bring back Clodius from the dead — Pompey, who is so fond of him; Pompey, who is so powerful, so fortunate, so capable of all things; Pompey, who would be so glad to

do it because of his love for the man — do you not know that on behalf of the Republic he would leave him down among the ghosts where he is? There is a delightful touch of satire in this when we remember how odious Clodius had been to Pompey in days not long gone by, and how insolent.

The oration is ended by histrionic effects in language which would have been marvellous had they ever been spoken, but which seem to be incredible to us when we know that they were arranged for publication when the affair was over. “O me wretched! O me unhappy!” But these attempts at translation are all vain. The student who wishes to understand what may be the effect of Latin words thrown into this choicest form should read the Milo.

We have very few letters from Cicero in this year — four only, I think, and they are of no special moment. In one of them he recommends Avianus to Titus Titius, a lieutenant then serving under Pompey. In this he is very anxious to 74induce Titius to let Avianus know all the good things that Cicero had said of him. In our times we sometimes send our letters of introduction open by the hands of the person introduced, so that he may himself read his own praise; but the Romans did not scruple to ask that this favor might be done for them. “Do me this favor, Titius, of being kind to Avianus; but do me also the greater favor of letting Avianus know that I have asked you.” What Cicero did to Titius other noble Romans did in their communications with their friends in the provinces. In another letter to Marius he expresses his great joy at the condemnation of that Munatius Plancus who had been Tribune when Clodius was killed. Plancus had harangued the people, exciting them against Milo and against Cicero, and had led to the burning of the Senate-house and of the temple next door. For this Plancus could not be accused during his year of office, but he had been put upon his trial when that year was over. Pompey had done his best to save him, but in vain; and Cicero rejoices not only that the Tribune who had opposed him should be punished, but that Pompey should have been beaten, which he attributes altogether to the favor shown toward himself by the jury. He is aroused to true exultation that there should have been men on the bench who, having been chosen by Pompey in order that they might acquit this man, had dared to condemn him. Cicero had

himself spoken against Plancus on the occasion. Sextus Clodius, who had been foremost among the rioters, was also condemned.

b.c. 52, ætat. 55.

This was the year in which Cæsar was so nearly conquered by the Gauls at Gergovia, and in which Vercingetorix, having shut himself up in Alesia, was overcome at last by the cruel strategy of the Romans. The brave Gaul, who had done his best to defend his country and had carried 75himself to the last with a fine gallantry, was kept by his conqueror six years in chains and then strangled amid the glories of that conqueror's triumph, a signal instance of the mercy which has been attributed to Cæsar as his special virtue. In this year, too, Cicero's dialogues with Atticus, De Legibus, were written. He seems to have disturbed his labors in the Forum with no other work.

CHAPTER IV.

CILICIA.

b.c. 51, ætat. 56.

We cannot but think that at this time the return of Cæsar was greatly feared at Rome by the party in the State to which Cicero belonged; and this party must now be understood as including Pompey. Pompey had been nominally Proconsul in Spain since the year of his second Consulship, conjointly with Crassus, b.c. 55, but had remained in Rome and had taken upon himself the management of Roman affairs, considering himself to be the master of the irregular powers which the Triumvirate had created; and of this party was also Cicero, with Cato, Bibulus, Brutus, and all those who were proud to call themselves "optimates." They were now presumed to be desirous to maintain the old republican form of government, and were anxious with more or less sincerity according to the character of the men. Cato and Brutus were thoroughly in earnest, not seeing, however, that the old form might be utterly devoid of the old spirit. Pompey was disposed to take the same direction, thinking that all must be well in Rome as long as he was possessed of high office, grand names, and the appanages of Dictatorship. Cicero, too, was anxious, loyally anxious, but anxious without confidence. Something might perhaps be saved if these optimates could be aroused to some idea of their duty by the exercise of eloquence such as his own.

I will quote a few words from Mr. Froude's Cæsar: "If Cæsar came to Rome as Consul, the Senate knew too well what it might expect;" and then he adds, "Cicero had for some time seen what was coming." As to these assertions I quite agree with Mr. Froude; but I think that he has read wrongly both the history of the time and the character of the man when he goes on to state that "Cicero preferred characteristically to be out of the way at the moment when he expected that the storm should break, and had accepted the government of Cilicia and Cyprus." All the known details of Cicero's life up to the period of his government of Cilicia, during his government, and after his return from that province, prove that he

was characteristically wedded to a life in Rome. This he declared by his distaste to that employment and his impatience of return while he was absent. Nothing, I should say, could be more certain than that he went to Cilicia in obedience to new legal enactments which he could not avoid, but which, as they acted upon himself, were odious to him. Mr. Froude tells us that he held the government but for two years. The period of these provincial governments had of late much varied. The acknowledged legal duration was for one year. They had been stretched by the governing party to three, as in the case of Verres in Sicily; to five, as with Pompey for his Spanish government; to ten for Cæsar in Gaul. This had been done with the view of increasing the opportunities for plunder and power, but had been efficacious of good in enabling governors to carry out work for which one year would not have sufficed. It may be a question whether Cicero as Proconsul in Cilicia deserved blame for curtailing the period of his services to the Empire, or praise for abstaining from plunder and power; but the fact is that he remained in his province not two years but exactly one; and that he escaped from it with all the alacrity which we may presume to be expected by a prisoner when the bars 78of his jail have been opened for him. Whether we blame him or praise him, we can hardly refrain from feeling that his impatience was grotesque. There certainly was no desire on Cicero's part either to go to Cilicia or to remain there, and of all his feelings that which prompted him never to be far absent from Rome was the most characteristic of the man.

Among various laws which Pompey had caused to be passed in the previous year, b.c. 52, and which had been enacted with views personal to himself and his own political views, had been one "de jure magistratuum" — as to the way in which the magistrates of the Empire should be selected. Among other clauses it contained one which declared that no Prætor and no Consul should succeed to a province till he had been five years out of office. It would be useless here to point out how absolutely subversive of the old system of the Republic this new law would have been, had the new law and the old system attempted to live together. The Proprætor would have been forced to abandon his aspirations either for the province or for the Consulship, and no consular governor would have been eligible for a

province till after his fiftieth year. But at this time Pompey was both consul and governor, and Cæsar was governor for ten years with special exemption from another clause in the war which would otherwise have forbidden him to stand again for the Consulship during his absence. The law was wanted probably only for the moment; but it had the effect of forcing Cicero out of Rome. As there would naturally come from it a dearth of candidates for the provinces it was further decreed by the Senate that the ex-Prætors and ex-Consuls who had not yet served as governors should now go forth and undertake the duties of government. In compliance with 79this order, and probably as a specially intended consequence of it, Cicero was compelled to go to Cilicia. Mr. Froude has said that "he preferred characteristically to be out of the way." I have here given what I think to be the more probable cause of his undertaking the government of Cilicia.

b.c. 51, ætat. 56.

In April of this year Cicero before he started wrote the first of a series of letters which he addressed to Appius Claudius, who was his predecessor in the province. This Appius was the brother of the Publius Clodius whom we have known for the last two or three years as Cicero's pest and persecutor; but he addresses Appius as though they were dear friends: "Since it has come to pass, in opposition to all my wishes and to my expectations, that I must take in hand the government of a province, I have this one consolation in my various troubles — that no better friend to yourself than I am could follow you, and that I could take up the government from the hands of none more disposed to make the business pleasant to me than you will be." And then he goes on: "You perceive that, in accordance with the decree of the Senate, the province has to be occupied." His next letter on the subject was written to Atticus while he was still in Italy, but when he had started on his journey. "In your farewell to me," he says, "I have seen the nature of your love to me. I know well what is my own for you. It must, then, be your peculiar care to see lest by any new arrangement this parting of ours should be prolonged beyond one year." Then he goes on to tell the story of a scene that had occurred at Arcanum, a house belonging to his brother Quintus, at which he had stopped on the road for a family farewell. Pomponia

was there, the wife of Quintus and the sister to Atticus. There were a few words between the husband and the wife as to the giving of the invitation for the occasion, in which the lady behaved with much Christian perversity of 80temper. “Alas,” says Quintus to his brother, “you see what it is that I have to suffer every day!” Knowing as we all do how great were the powers of the Roman paterfamilias, and how little woman’s rights had been ventilated in those days, we should have thought that an ex-Prætor might have managed his home more comfortably; but ladies, no doubt, have had the capacity to make themselves disagreeable in all ages.

I doubt whether we have any testimony whatever as to Cicero’s provincial government, except that which comes from himself and which is confined to the letters written by him at the time. Nevertheless, we have a clear record of his doings, so full and satisfactory are the letters which he then wrote. The truth of his account of himself has never been questioned. He draws a picture of his own integrity, his own humanity, and his own power of administration which is the more astonishing, because we cannot but compare it with the pictures which we have from the same hand of the rapacity, the cruelty, and the tyranny of other governors. We have gone on learning from his speeches and his letters that these were habitual plunderers, tyrants, and malefactors, till we are taught to acknowledge that, in the low condition to which Roman nature had fallen, it was useless to expect any other conduct from a Roman governor; and then he gives us the account of how a man did govern, when, as by a miracle, a governor had been found honest, clear-headed, sympathetic, and benevolent. That man was himself; and he gives this account of himself, as it were, without a blush! He tells the story of himself, not as though it was remarkable! That other governors should grind the bones of their subjects to make bread of them, and draw 81the blood from their veins for drink; but that Cicero should not condescend to take even the normal tribute when willingly offered, seems to Cicero to have been only what the world had a right to expect from him! A wonderful testimony is this as to the man’s character; but surely the universal belief in his own account of his own governorship is more wonderful. “The conduct of Cicero in his command was meritorious,” says De Quincey. “His

short career as Proconsul in Cilicia had procured for him well-merited honor," says Dean Merivale. "He had managed his province well; no one ever suspected Cicero of being corrupt or unjust," says Mr. Froude, who had, however, said (some pages before) that Cicero was "thinking as usual of himself first, and his duty afterward." Dio Cassius, who is never tired of telling disagreeable stories of Cicero's life, says not a word of his Cilician government, from which we may, at any rate, argue that no stories detrimental to Cicero as a Proconsul had come in the way of Dio Cassius. I have confirmed what I have said as to this episode in Cicero's life by the corroborating testimony of writers who have not been generally favorable in their views of his character. Nevertheless, we have no testimony but his own as to what Cicero did in Cilicia.

It has never occurred to any reader of Cicero's letters to doubt a line in which he has spoken directly of his own conduct. His letters have often been used against himself, but in a different manner. He has been judged to give true testimony against himself, but not false testimony in his own favor. His own record has been taken sometimes as meaning what it has not meant — and sometimes as implying much more that the writer intended. A word which has required for its elucidation an insight into the humor of the man has been read amiss, or some trembling admissions to a friend of 82shortcoming in the purpose of the moment has been presumed to refer to a continuity of weakness. He has been injured, not by having his own words as to himself discredited, but by having them too well credited where they have been misunderstood. It is at any rate the fact that his own account of his own proconsular doings has been accepted in full, and that the present reader may be encouraged to believe what extracts I may give to him by the fact that all other readers before him have believed them.

From his villa at Cumæ on his journey he wrote to Atticus in high spirits. Hortensius had been to see him — his old rival, his old predecessor in the glory of the Forum — Hortensius, whom he was fated never to see again. His only request to Hortensius had been that he should assist in taking care that he, Cicero, should not be required to stay above one year in his province. Atticus is to help him also; and another friend, Furnius, who may probably be the Tribune for the

next year, has been canvassed for the same object. In a further letter from Beneventum he alludes to a third marriage for his daughter Tullia, but seems to be aware that, as he is leaving Italy, he cannot interfere in that matter himself. He writes again from Venusia, saying that he purports to see Pompey at Tarentum before he starts, and gives special instructions to Atticus as to the payment of a debt which is due by him to Cæsar. He has borrowed money of Cæsar, and is specially anxious that the debt should be settled. In another letter from Tarentum he presses the same matter. He is anxious to be relieved from the obligation.

83From Athens he wrote again to his friend a letter which is chiefly remarkable as telling us something of the quarrel between Marcus Claudius Marcellus, who was one of the Consuls for the year, and Cæsar, who was still absent in Gaul. This Marcellus, and others of his family who succeeded him in his office, were hotly opposed to Cæsar, belonging to that party of the State to which Cicero was attached, and to which Pompey was returning. It seems to have been the desire of the Consul not only to injure but to insult Cæsar. He had endeavored to get a decree of the Senate for recalling Cæsar at once, but had succeeded only in having his proposition postponed for consideration in the following year — when Cæsar would naturally return. But to show how little was his regard to Cæsar, he caused to be flogged in Rome a citizen from 84one of those towns of Cisalpine Gaul to which Cæsar had assumed to give the privilege of Roman citizenship. The man was present as a delegate from his town, Novocomum — the present Como — in furtherance of the colony's claims, and the Consul had the man flogged to show thereby that he was not a Roman. Marcellus was punished for his insolence by banishment, inflicted by Cæsar when Cæsar was powerful. We shall learn before long how Cicero made an oration in his favor; but, in the letter written from Athens, he blames Marcellus much for flogging the man. "Fight in my behalf," he says, in the course of this letter; "for if my government be prolonged, I shall fail and become mean." The idea of absence from Rome is intolerable to him. From Athens also he wrote to his young friend Cælius, from whom he had requested information as to what was going on in Rome. But Cælius has to be again instructed as to the

nature of the subjects which are to be regarded as interesting. “What! — do you think that I have asked you to send me stories of gladiators, law-court adjournments, and the pilferings of Christus — trash that no one would think of mentioning to me if I were in Rome?” But he does not finish his letter to Cælius without begging Cælius to assist in bringing about his speedy recall. Cælius troubles him much afterward by renewed requests for Cilician panthers wanted for Ædilian shows. Cicero becomes very sea-sick on his journey, and then reaches Ephesus, in Asia Minor, dating his arrival there on the five hundred and sixtieth 85day from the battle of Bovilla, showing how much the contest as to Milo still clung to his thoughts. Ephesus was not in his province, but at Ephesus all the magistrates came out to do him honor, as though he had come among them as their governor. “Now has arrived,” he says, “the time to justify all those declarations which I have made as to my own conduct; but I trust I can practise the lessons which I have learned from you.” Atticus, in his full admiration of his friend’s character, had doubtless said much to encourage and to instigate the virtue which it was Cicero’s purpose to employ. We have none of the words ever written by Atticus to Cicero, but we have light enough to show us that the one friend was keenly alive to the honor of the other, and thoroughly appreciated its beauty. “Do not let me be more than a year away,” he exclaims; “do not let even another month be added. Then there is a letter from Cælius praying for panthers. In passing through the province of Asia to his own province, he declares that the people everywhere receive him well. “My coming,” he says, “has cost no man a shilling.” His whole staff has now joined him except one Tullius, whom he speaks of as a friend of Atticus, but afterward tells us he had come to him from Titinius. Then he again enjoins Atticus to have that money paid to Cæsar. From Tralles, still in the province of Asia, he writes to Appius, the outgoing governor, a letter full of courtesies, and expressing an anxious desire for a meeting. He had offered before to go by any route which might suit Appius, but Appius, as appears afterward, was anxious for anything rather than to encounter the new governor within the province he was leaving.

On 31st July he reached Laodicea, within his own boundaries, having started on his journey on 10th May, and found all 86people

glad to see him; but the little details of his office harass him sadly. “The action of my mind, which you know so well, cannot find space enough. All work worthy of my industry is at an end. I have to preside at Laodicea while some Plotius is giving judgment at Rome. * * * And then am I not regretting at every moment the life of Rome — the Forum, the city itself, my own house? Am I not always regretting you? I will endeavor to bear it for a year; but if it be prolonged, then it will be all over with me. * * * You ask me how I am getting on. I am spending a fortune in carrying out this grand advice of yours. I like it hugely; but when the time comes for paying you your debts I shall have to renew the bill. * * * To make me do such work as this is putting a saddle upon a cow” — cutting a block with a razor, as we should say—”clearly I am not made for it; but I will bear it, so that it be only for one year.”

From Laodicea, a town in Phrygia, he went west to Synnada. His province, known as Cilicia, contained the districts named on the map of Asia Minor as Phrygia, Pisidia, Pamphylia, part of Cappadocia, Cilicia, and the island of Cyprus. He soon found that his predecessors had ruined the people. “Know that I have come into a province utterly and forever destroyed,” he says to Atticus. “We hear only of taxes that cannot be paid, of men’s chattels sold on all sides, of the groans from the cities, of lamentations, of horrors such as some wild beast might have produced rather than a human being. There is no room for question. Every man is tired of his life; and yet some relief is given now, because of me, and by my officers, and by my lieutenants. No expense is imposed on any one. We do not take even the hay which is allowed by the Julian law — not even the wood. Four beds to lie on is all we accept, and a roof over our heads. In many places not even that, for we live in our tents. Enormous crowds therefore come to us, and return, as it were, to life through the justice and moderation of your 87Cicero. Appius, when he knew that I was come, ran away to Tarsus, the farthest point of the province.” What a picture we have here of the state of a Roman dependency under a normal Roman governor, and of the good which a man could do who was able to abstain from plunder! In his next letter his pride expresses itself so loudly that we have to remember that this man, after all, is writing only his own secret thoughts to his

bosom friend. “If I can get away from this quickly, the honors which will accrue to me from my justice will be all the greater, as happened to Scævola, who was governor in Asia only for nine months.” Then again he declares how Appius had escaped into the farthest corner of the province — to Tarsus — when he knew that Cicero was coming.

He writes again to Appius, complaining. “When I compare my conduct to yours,” he says, “I own that I much prefer my own.” He had taken every pains to meet Appius in a manner convenient to him, but had been deceived on every side. Appius had, in a way unusual among Roman governors, carried on his authority in remote parts of the province, although he had known of his successor’s arrival. Cicero assures him that he is quite indifferent to this. If Appius will relieve him of one month’s labor out of the twelve he will be delighted. But why has Appius taken away three of the fullest cohorts, seeing that in the entire province the number of soldiers left has been so small? But he assures Appius that, as he makes his journey, neither good nor bad shall hear evil spoken by him of his predecessor. “But as for you, you seem to have given to the dishonest reasons for thinking badly of me.” Then he describes the exact course he means to take in his further journey, thus giving Appius full facility for avoiding him.

From Cybistra, in Cappadocia, he writes official letters to Caius Marcellus, who had been just chosen Consul, the brother of Marcus the existing Consul; to an older Caius Marcellus, who was their father, a colleague of his own in the College of Augurs, and to Marcus the existing Consul, with his congratulations, also to Æmilius Paulus, who had also been elected Consul for the next year. He writes, also, a despatch to the Consuls, to the Prætors, to the Tribunes, and to the Senate, giving them a statement as to affairs in the province. These are interesting, rather as showing the way in which these things were done, than by their own details. When he reaches Cilicia proper he writes them another despatch, telling them that the Parthians had come across the Euphrates. He writes as Wellington may have done from Torres Vedras. He bids them look after the safety of their Eastern dominions. Though they are too late in doing this, yet better now than never. “You know,” he says, “with what sort of an army you have supported me here; and you know also

that I have undertaken this duty not in blind folly, but because in respect for the Republic I have not liked to refuse. * * * As for our allies here in the province, because our rule here has been so severe and injurious, they are either too weak to help us, or so embittered against us that we dare not trust them."

Then there is a long letter to Appius, respecting the embassy which was to be sent from the province to Rome, to carry the praises of the departing governor and declare his excellence as a Proconsul! This was quite the usual thing to do! The worse the governor the more necessary the embassy; and such was the terror inspired even by a departing Roman, and such the servility of the allies — even of those who were about to escape from him — that these embassies were a matter of course. There had been a Sicilian embassy to praise Verres. Appius had complained as though Cicero had impeded this legation by restricting the amount to be allowed for its expenses. He rebukes Appius for bringing the charge against him.

89The series of letters written this year by Cælius to Cicero is very interesting as giving us a specimen of continued correspondence other than Ciceronian. We have among the eight hundred and eighty-five letters ten or twelve from Brutus, if those attributed to him were really written by him; ten or twelve from Decimus Brutus, and an equal number from Plancus; but these were written in the stirring moments of the last struggle, and are official or military rather than familiar. We have a few from Quintus, but not of special interest unless we are to consider that treatise on the duties of a candidate as a letter. But these from Cælius to his older friend are genuine and natural as those from Cicero himself. There are seventeen. They are scattered over three or four years, but most of them refer to the period of Cicero's provincial government.

The marvel to me is that Cælius should have adopted a style so near akin to that of his master in literature. Scholars who have studied the words can probably tell us of deficiencies in language; but the easy, graphic tone is to my ear Ciceronian. Tiro, who was slave, secretary, freedman, and then literary executor, may have had the handling of these letters, and have done something toward producing their literary excellence. The subjects selected were not always good, and must occasionally have produced in Cicero's own

mind a repetition of the reprimand which he once expressed as to the gladiatorial shows and law-court adjournments; but Cælius does communicate much of the political news from Rome. In one letter, written in October of this year, he declares what the Senate has decreed as to the recall of Cæsar from Gaul, and gives the words of the enactments made, with the names subscribed to them of the promoters — and also the names of the Tribunes who had endeavored to oppose them. The purport of these decrees I have mentioned before. The object was to recall Cæsar, and the effect was to postpone any such recall till it 90would mean nothing; but Cælius specially declares that the intention of recalling Cæsar was agreeable to Pompey, whereby we may know that the pact of the Triumvirate was already at an end. In another letter he speaks of the coming of the Parthians, and of Cicero's inability to fight with them because of the inadequate number of soldiers intrusted to him. Had there been a real Roman army, then Cælius would have been afraid, he says, for his friend's life. As it is, he fears only for his reputation, lest men should speak ill of him for not fighting, when to fight was beyond his power. The language here is so pretty that I am tempted to think that Tiro must have had a hand in it. At Rome, we must remember, the tidings as to Crassus were as yet uncertain. We cannot, however, doubt that Cælius was in truth attached to Cicero.

But Cicero was forced to fight, not altogether unwillingly — not with the Parthians, but with tribes which were revolting from Roman authority because of the Parthian success. "It has turned out as you wished it," he says to Cælius—"a job just sufficient to give me a small coronet of laurel." Hearing that men had risen in the Taurus range of mountains, which divided his province from that of Syria, in which Bibulus was now governor, he had taken such an army as he was able to collect to the Amanus, a mountain belonging to that range, and was now writing from his camp at Pindenissum, a place beyond his own province. Joking at his own soldiering, he tells Cælius that he had astonished those around him by his prowess. "Is this he whom we used to know in the city? Is this our talkative Senator? You can understand the things they said. * * * When I got to the Amanus I was glad enough to find our friend Cassius had beaten back the real Parthians from Antioch." But Cicero claims to

have done some gallant things: “I have harassed those men of Amanus who are always troubling us. Many I have killed; some I have taken; the rest are 91dispersed. I came suddenly upon their strongholds, and have got possession of them. I was called ‘Imperator’ at the river Issus.” It is hardly necessary to explain, yet once again, that this title belonged properly to no commander till it had been accorded to him by his own soldiers on the field of battle. He reminds Cælius that it was on the Issus that Alexander had conquered Darius. Then he had sat down before Pindenissum with all the machinery of a siege — with the turrets, covered ways, and ramparts. He had not as yet quite taken the town. When he had done so, he would send home his official account of it all; but the Parthians may yet come, and there may be danger. “Therefore, O my Rufus” — he was Cælius Rufus—”see that I am not left here, lest, as you suspect, things should go badly with me.” There is a mixture in all this of earnestness and of drollery, of boasting and of laughing at what he was doing, which is inimitable in its reality. His next letter is to his other young friend, Curio, who has just been elected Tribune. He gives much advice to Curio, who certainly always needed it. He carries on the joke when he tells Atticus that the “people of Pindenissum have surrendered.” “Who the mischief are these Pindenissians? you will say. I have not even heard the name before. What would you have? I cannot make an Ætolia out of Cilicia. With such an army as this do you expect me to do things like a Macedonicus? * * * I had my camp on the Issus, where Alexander had his — a better soldier no doubt than you or I. I really have made a name for myself in Syria. Then up comes Bibulus, determined to 92be as good as I am; but he loses his whole cohort.” The failure made by Bibulus at soldiering is quite as much to him as his own success. Then he goes back to Laodicea, leaving the army in winter-quarters, under the command of his brother Quintus.

But his heart is truly in other matters, and he bursts out, in the same letter, with enthusiastic praise of the line of conduct which Atticus has laid down for him: “But that which is more to me than anything is that I should live so that even that fellow Cato cannot find fault with me. May I die, if it could be done better. Nor do I take praise for it as though I was doing something distasteful; I never was

so happy as in practising this moderation. The thing itself is better to me even than the reputation of it. What would you have me say? It was worth my while to be enabled thus to try myself, so that I might know myself as to what I could do."

Then there is a long letter to Cato in which he repeats the story of his grand doings at Pindenissum. The reader will be sure that a letter to Cato cannot be sincere and pleasant as are those to Atticus and Cælius. "If there be one man far removed from the vulgar love of praise, it is I," he says to Cato. He tells Cato that they two are alike in all things. They two only have succeeded in carrying the true ancient philosophy into the practice of the Forum. Never surely were two men more unlike than the stiff-necked Cato and the versatile Cicero.

b.c. 50, ætat. 57.

Lucius Æmilius Paullus and C. Clodius Marcellus were Consuls for the next year. Cicero writes to both of them with tenders of friendship; but from both of them he asks that they should take care to have a decree of the Senate passed praising his doings in Cilicia. With us, too, a 93returning governor is anxious enough for a good word from the Prime-minister; but he does not ask for it so openly. The next letter from Cælius tells him that Appius has been accused as to malpractices in his government, and that Pompey is in favor of Appius. Curio has gone over to Cæsar. But the important subject is the last handled: "It will be mean in you if I should have no Greek panthers." The next refers to the marriages and divorces of certain ladies, and ends with an anecdote told as to a gentleman with just such ill-natured wit as is common in London. No one could have suspected Ocella of looking after his neighbor's wife unless he had been detected thrice in the fact.

From Laodicea he answers a querulous letter which his predecessor had written, complaining, among other things, that Cicero had failed to show him personal respect. He proves that he had not done so, and then rises to a strain of indignation. "Do you think that your grand old names will affect me who, even before I had become great in the service of my country, knew how to distinguish between titles and the men who bore them?"

The next letter to Appius is full of flattery, and asking for favors,

but it begins with a sharp reproof. “Now at last I have received an epistle worthy of Appius Claudius. The sight of Rome has restored you to your good-humor. Those I got from you in your journey were such that I could not read them without displeasure.”

In February Cicero wrote a letter to Atticus which is, I think, more expressive in describing the mind of the man than any other which we have from him. In it is commenced the telling of a story respecting Brutus — the Brutus we all know so well — and one Scaptius, of whom no one would have heard but for this story, which, as it deeply affects the character of Cicero, must occupy a page or two in our narrative; but I 94must first refer to his own account of his own government as again given here. Nothing was ever so wonderful to the inhabitants of a province as that they should not have been put to a shilling of expense since he had entered it. Not a penny had been taken on his own behalf or on that of the Republic by any belonging to him, except on one day by one Tullius, and by him indeed under cover of the law. This dirty fellow was a follower with whom Titinius had furnished him. When he was passing from Tarsus back into the centre of his province wondering crowds came out to him, the people not understanding how it had been that no letters had been sent to them exacting money, and that none of his staff had been quartered on them. In former years during the winter months they had groaned under exactions. Municipalities with money at their command had paid large sums to save themselves from the quartering of soldiers on them. The island of Cyprus, which on a former occasion had been made to pay nearly £50,000 on this head, had been asked for nothing by him. He had refused to have any honors paid to him in return for this conduct. He had prohibited the erection of statues, shrines, and bronze chariots in his name — compliments to Roman generals which had become common. The harvest that year was bad; but so fully convinced were the people of his honest dealing, that they who had saved up corn — the regraters — brought it freely into market at his coming. As some scourge from hell must have been the presence of such governors as Appius and his predecessors among a people timid but industrious like these Asiatic Greeks. Like an unknown, unexpected blessing, direct from heaven, must have been the coming of a Cicero.

Now I will tell the story of Brutus and Scaptius and their 95money — premising that it has been told by Mr. Forsyth with great accuracy and studied fairness. Indeed, there is not a line in Mr. Forsyth's volume which is not governed by a spirit of justice. He, having thought that Cicero had been too highly praised by Middleton, and too harshly handled by subsequent critics, has apparently written his book with the object of setting right these exaggerations. But in his comments on this matter of Brutus and Scaptius he seems to me not to have considered the difference in that standard of honor and honesty which governs himself, and that which prevailed in the time of Cicero. Not seeing, as I think, how impossible it was for a Roman governor to have achieved that impartiality of justice with which a long course of fortunate training has imbued an English judge, he accuses Cicero of "trifling with equity." The marvel to me is that one man such as Cicero — a man single in his purpose — should have been able to raise his own ideas of justice so high above the level prevailing with the best of those around him. It had become the nature of a Roman aristocrat to pillage an ally till hardly the skin should be left to cover the man's bones. Out of this nature Cicero elevated himself completely. In his own conduct he was free altogether from stain. The question here arose how far he could dare to go on offending the instincts, the habits, the nature, of other noble Romans, in protecting from their rapacity the poor subjects who were temporarily beneath his charge. It is easy for a judge to stand indifferent between a great man and a little when the feelings of the world around him are in favor of such impartiality; but it must have been hard enough to do so when such conduct seemed to the noblest Romans of the day to be monstrous, fanatical, and pretentious.

In this case Brutus, our old friend whom all English readers have so much admired because he dared to tell his brother-in-law Cassius that he was

"Much condemned to have an itching palm,"

96appears before us in the guise of an usurious money-lender. It would be hard in the history of usury to come across the well-ascertained details of a more grasping, griping usurer. His practice had been of the kind which we may have been accustomed to hear

rebuked with the scathing indignation of our just judges. But yet Brutus was accounted one of the noblest Romans of the day, only second, if second, to Cato in general virtue and philosophy. In this trade of money-lending the Roman nobleman had found no more lucrative business than that of dealing with the municipalities of the allies. The cities were peopled by a money-making, commercial race, but they were subjected to the grinding impositions of their governors. Under this affliction they were constantly driven to borrow money, and found the capitalists who supplied it among the class by whom they were persecuted and pillaged. A Brutus lent the money which an Appius exacted — and did not scruple to do so at forty-eight per cent., although twelve per cent. per annum, or one per cent. per month, was the rate of interest permitted by law.

But a noble Roman such as Brutus did not carry on his business of this nature altogether in his own name. Brutus dealt with the municipality of Salamis in the island of Cyprus, and there had two agents, named Scaptius and Matinius, whom he specially recommended to Cicero as creditors of the city of Salamis, praying Cicero, as governor of the province, to assist these men in obtaining the payment of their debts. This was quite usual, but it was only late in the transaction that Cicero became aware that the man really looking for his money was the noble Roman who gave the recommendation. Cicero's letter tells us that Scaptius came to him, and that he promised that for Brutus's sake he would take care that the people of Salamis should pay their debt. Scaptius thanked him, and asked for an official position in Salamis which would have given him the power of compelling the payment by force. Cicero refused, explaining that he had determined to give no such offices in his province to persons engaged in trade. He had refused such requests already — even to Pompey and to Torquatus. Appius had given the same man a military command in Salamis — no doubt also at the instance of Brutus — and the people of Salamis had been grievously harassed. Cicero had heard of this, and had recalled the man from Cyprus. Of this Scaptius had complained bitterly, and at last he and delegates from Salamis who were willing to pay their debt, if they could only do it without too great extortion, went together to Cicero who was then at Tarsus, in the most remote part of his province. Here

he was called upon to adjudicate in the matter, Scaptius trusting to the influence which Brutus would naturally have with his friend the governor, and the men of Salamis to the reputation for justice which Cicero had already created for himself in Cilicia. The reader must also be made to understand that Cicero had been entreated by Atticus to oblige Brutus, who was specially the friend of Atticus. He must remember also that this narrative is sent by Cicero to Atticus, who exhorted his correspondent, even with tears in his eyes, to be true to his honor in the government of his province. He is appealing from Atticus to Atticus. I am bound to oblige you — but how can I do so in opposition to your own lessons? That is his argument to Atticus.

Then there arises a question as to the amount of money due. The principal is not in dispute, but the interest. The money has been manifestly lent on an understanding that four per cent. 98per month, or forty-eight per cent. per annum, should be charged on it. But there has been a law passed that higher interest than one per cent. per month, or twelve per cent. per annum, shall not be legal. There has, however, been a counter decree made in regard to these very Salaminians, and made apparently at the instigation of Brutus, saying that any contract with them shall be held in force, notwithstanding the law. But Cicero again has made a decree that he will authorize no exaction above twelve per cent. in his province. The exact condition of the legal claim is less clear to me than to Mr. Forsyth, who has the advantage of being a lawyer. Be that as it may, Cicero decides that twelve per cent. shall be exacted, and orders the Salaminians to pay the amount. To his request they demur, but at last agree to obey, alleging that they are enabled to do so by Cicero's own forbearance to them, Cicero having declined to accept the presents which had been offered to him from the island. They will therefore pay this money in some sort, as they say, out of the governor's own pocket.

But when the sum is fixed, Scaptius, finding that he cannot get it over-reckoned after some fraudulent scheme of his own, declines to receive it. If with the assistance of a friendly governor he cannot do better than that for himself and his employer, things must be going badly with Roman noblemen. But the delegates are now very anxious to pay this money, and offer to deposit it. Scaptius begs that the affair shall go no farther at present, no doubt thinking that he may drive a

better bargain with some less rigid future governor. The delegates request to be allowed to place their money as paid in some temple, by doing which they would acquit themselves of all responsibility; but Cicero begs them to abstain. “Impetravi ab Salaminiis ut silerent,” he says. “I shall be grieved, 99indeed, that Brutus should be angry with me,” he writes; “but much more grieved that Brutus should have proved himself to be such as I shall have found him.”

Then comes the passage in his letter on the strength of which Mr. Forsyth has condemned Cicero, not without abstract truth in his condemnation: “They, indeed, have consented” — that is the Salaminians—”but what will befall them if some such governor as Paulus should come here? And all this I have done for the sake of Brutus!” Æmilius Paulus was the Consul, and might probably have Cilicia as a province, and would no doubt give over the Salaminians to Brutus and his myrmidons without any compunction. In strictness — with that assurance in the power of law by means of which our judges are enabled to see that their righteous decisions shall be carried out without detriment to themselves — Cicero should have caused the delegates from Salamis instantly to have deposited their money in the temple. Instead of doing so, he had only declared the amount due according to his idea of justice — in opposition to all Romans, even to Atticus — and had then consented to leave the matter, as for some further appeal. Do we not know how impossible it is for a man to abide strictly by the right, when the strict right is so much in advance of all around him as to appear to other eyes than his own as straitlaced, unpractical, fantastic, and almost inhuman? Brutus wanted his money sorely, and Brutus was becoming a great political power on the same side with Pompey, and Cato, and the other “optimates.” Even Atticus was interfering for Brutus. What other Roman governor of whom we have heard would have made a question on the subject? Appius had lent a guard of horse-soldiers to this Scaptius with which he had outraged all humanity in Cyprus — had caused the councillors of the city to be shut up till they would come to obedience, in doing which he had starved five of them to death! Nothing had come of this, such being the way with the Romans in their provinces. Yet Cicero, who had come among these poor wretches as an unheard-of blessing from heaven, is held up to

scorn because he "trifled with equity!" Equity with us runs glibly on all fours. With Appius in Cilicia it was utterly unknown. What are we to say of the man who, by the strength of his own conscience and by the splendor of his own intellect, could advance so far out of the darkness of his own age, and bring himself so near to the light of ours!

Let us think for a moment of our own Francis Bacon, a man more like to Cicero than any other that I can remember in history. They were both great lawyers, both statesmen, both men affecting the *omne scibile*, and coming nearer to it than perhaps any other whom we can name; both patriots, true to their conceived idea of government, each having risen from obscure position to great power, to wealth, and to rank; each from his own education and his nature prone to compromise, intimate with human nature, not over-scrupulous either as to others or as to himself. They were men intellectually above those around them, to a height of which neither of them was himself aware. To flattery, to admiration, to friendship, and to love each of them was peculiarly susceptible. But one failed to see that it behooved him, because of his greatness, to abstain from taking what smaller men were grasping; while the other swore to himself from his very outset that he would abstain — and kept the oath which he had sworn. I am one who would fain forgive Bacon for doing what I believe that others did around him; but if I can find a man who never robbed, though all others around him did — in whose heart the "auri sacra fames" had been absolutely quenched, while the men with whom he had to live were sickening and dying with an unnatural craving — then I seem to have recognized a hero.

Another complaint is made against Cicero as to Ariobarzanes, the King of Cappadocia, and is founded, as are all complaints against Cicero, on Cicero's own telling of the story in question. Why there should have been complaint in this matter I have not been able to discover. Ariobarzanes was one of those Eastern kings who became milch cows to the Roman nobles, and who, in their efforts to satisfy the Roman nobles, could only fleece then own subjects. The power of this king to raise money seems to have been limited to about £8000 a month. Out of this he offered a part to Cicero as the Proconsul who was immediately over him. This Cicero declined, but

pressed the king to pay the money to the extortionate Brutus, who was a creditor, and who endeavored to get this money through Cicero. But Pompey also was a creditor, and Pompey's name was more dreadful to the king than that of Brutus. Pompey, therefore, got it all, though we are told that it was not enough to pay him his interest; but Pompey, getting it all, was graciously pleased to be satisfied "Cnæus noster clementer id fert." "Our Cicero puts up with that, and asks no questions about the capital," says Cicero, ironically. Pompey was too wise to kill the goose that laid such golden eggs. Nevertheless, we are told that Cicero, in this case, abused his proconsular authority in favor of Brutus. Cicero effected nothing for Brutus; but, when there was a certain 102amount of plunder to be divided among the Romans, refused any share for himself. Pompey got it all, but not by Cicero's aid.

There is another long letter, in which Cicero again, for the third time, tells the story of Brutus and Scaptius. I mention it, as he continues to describe his own mode of doing his work. He has been at Laodicea from February to May, deciding questions that had been there brought before him from all parts of his province except Cilicia proper. The cities which had been ground down by debt have been enabled to free themselves, and then to live under their own laws. This he has done by taking nothing from them for his own expenses — not a farthing. It is marvellous to see how the municipalities have sprung again into life under this treatment. "He has been enabled by this to carry on justice without obstruction and without severity. Everybody has been allowed approach to him — a custom which has been unknown in the provinces. There has been no back-stairs influence. He has walked openly in his own courts, as he used to do when a candidate at home. All this has been grateful to the people, and much esteemed; nor has it been too laborious to himself, as he had learned the way of it in his former life." It was thus that Cicero governed Cilicia.

There are further letters to Appius and Cælius, written from various parts of the province, which cannot fail to displease us because we feel that Cicero is endeavoring to curry favor. He wishes to stand well with those who might otherwise turn against him on his reappearance in Rome. He is afraid lest Appius should be his enemy and lest Pompey should not be his friend. The practice of justice and of virtue would, he knew, have much less effect in Rome than the friendship and enmity of such men. But to Atticus he bursts out into honest passion against Brutus. Brutus had recommended to him one Gavius, whom, 103to oblige Brutus, he appointed to some office. Gavius was greedy, and insolent when his greed was not satisfied. "You have made me a prefect," said Gavius; "where am I to go for my rations?" Cicero tells him that as he has done no work he will get no pay; whereupon Gavius, quite unaccustomed to such treatment, goes off in a huff. "If Brutus can be stirred by the anger of such a knave as this," he says to Atticus, "you may love him, if you will, yourself; you will not find me a rival for his friendship." Brutus, however, became a favorite with Cicero, because he had devoted

himself to literature. In judging these two men we should not lean too heavily on Brutus, because he did no worse than his neighbors. But then, how are we to judge of Cicero?

In the latter months of his government there began a new trouble, in which it is difficult to sympathize with him, because we are unable to produce in our own minds a Roman's estimation of Roman things. With true spirit he had laughed at his own military doings at Pindenissum; but not the less on that account was he anxious to enjoy the glories of a triumph, and to be dragged through the city on a chariot, with military trophies around him, as from time immemorial the Roman conquerors had been dragged when they returned from their victories.

For the old barbaric conquerors this had been fine enough. A display of armor — of helmets, of shields, and of swords — a concourse of chariots, of trumpets, and of slaves, of victims kept for the Tarpeian rock, the spoils and rapine of battle, the self-asserting glory of the big fighting hero, the pride of bloodshed, and the boasting over fallen cities, had been fit for men who had in their hearts conceived nothing greater than military renown. Our sympathies go along with a Camillus or a Scipio steeped in the blood of Rome's enemies. A Marius, a Pompey, and again a few years afterward a Cæsar, were in 104their places as they were dragged along the Via Sacra up to the Capitol amid the plaudits of the city, in commemoration of their achievements in arms; but it could not be so with Cicero. "Concedat laurea linguæ" had been the watchword of his life. "Let the ready tongue and the fertile brain be held in higher honor than the strong right arm." That had been the doctrine which he had practised successfully. To him it had been given to know that the lawyer's gown was raiment worthier of a man than the soldier's breastplate. How, then, could it be that he should ask for so small a thing as a triumph in reward for so small a deed as that done at Pindenissum? But it had become the way with all Proconsuls who of late years had been sent forth from Rome into the provinces. Men to whose provincial government a few cohorts were attached aspired to be called "Imperator" by their soldiers after mock battles, and thought that, as others had followed up their sham victories with sham triumphs, it should be given to them to do the same. If Bibulus

triumphed it would be a disgrace to Cicero not to triumph. We measure our expected rewards not by our own merits but by the good things which have been conceded to others. To have returned from Pindenissum and not to be allowed the glory of trumpets would be a disgrace, in accordance with the theory then prevailing in Rome on such matters; therefore Cicero demanded a triumph.

In such a matter it was in accordance with custom that the General should send an immediate account of his victorious doings, demand a "supplication," and have the triumph to be decreed to him or not after his return home. A supplication was in form a thanksgiving to the gods for the great favor shown by them to the State, but in fact took the guise of public praise bestowed upon the man by whose hands the good had been done. It was usually a reward for military success, but in the affair of Catiline a supplication had been decreed to Cicero for saving the city, though the service rendered had been of a civil nature. Cicero now applied for a sup 105plication, and obtained it. Cato opposed it, and wrote a letter to Cicero explaining his motives — upon high republican principles. Cicero might have endured this more easily had not Cato voted for a supplication in honor of Bibulus, whose military achievements had, as Cicero thought, been less than his own. One Hirrus opposed it also, but in silence, having intended to allege that the numbers slain by Cicero in his battles were not sufficient to justify a supplication. We learn that, according to strict rule, two thousand dead men should have been left on the field. Cicero's victims had probably been much fewer; nevertheless the supplication was granted, and Cicero presumed that the triumph would follow as a matter of course. Alas, there came grievous causes to interfere with the triumph!

Of all that went on at Rome Cælius continued to send Cicero accounts. The Triumvirate was now over. Cælius says that Pompey will not attack Cæsar openly, but that he does all he can to prevent Cæsar from being elected Consul before he shall have given up his province and his army. For details Cælius refers him to a Commentarium — a word which has been translated as meaning "newspaper" in this passage — by Melmoth. I think that there is no authority for this idea, and that the commentary was simply the compilation of Cælius, as were the commentaries we so well know

the compilation of Cæsar. The Acta Diurna were published by authority, and formed an official gazette. These no doubt reached Cicero, but were very different in their nature from the private record of things which he obtained from his friend.

There are passages in Greek, in two letters written about this time to Atticus, which refer to the matter from which probably arose his quarrel with his wife, and her divorce. He makes no direct allusion to his wife, but only to a freedman of hers, Philotomus. When Milo was convicted, his goods 106were confiscated and sold as a part of his punishment. Philotomus is supposed to have been a purchaser, and to have made money out of the transaction — taking advantage of his position to acquire cheap bargains — as should not have been done by any one connected with Cicero, who had been Milo's friend. The cause of Cicero's quarrel with his wife has never been absolutely known, but it is supposed to have arisen from her want of loyalty to him in regard to money. She probably employed this freedman in filling her pockets at the expense of her husband's character.

b.c. 50, ætat. 57.

In his own letters he tells of preparations made for his return, and allusions are made as to his expected triumph. He is grateful to Cælius as to what has been done as to the supplication, and expresses his confidence that all the rest will follow. He is so determined to hurry away that he will not wait for the nomination of a successor, and resolves to put the government into the hands of any one of his officers who may be least unfit to hold it. His brother Quintus was his lieutenant, but if he left Quintus people would say of him that in doing so he was still keeping the emoluments in his own hands. At last he determines to intrust it to a young Quæstor named C. Cælius — no close connection of his friend Cælius, as Cicero finds himself obliged to apologize for the selection to his friend. "Young, you will say. No doubt; but he had been elected Quæstor, and is of noble birth." So he gives over the province to the young man, having no one else fitter.

Cicero tells us afterward, when at Athens on his way home, that he had considerable trouble with his own people on withholding certain plunder which was regarded by them as their perquisite. He had boasted much of their conduct — having taken exception to one

Tullius, who had demanded only a little 107hay and a little wood. But now there came to be pickings — savings out of his own proconsular expenses — to part with which at the last moment was too hard upon them. “How difficult is virtue,” he exclaims; “how doubly difficult to pretend to act up to it when it is not felt!” There had been a certain sum saved which he had been proud to think that he would return to the treasury. But the satellites were all in arms: “Ingemuit nostra cohors.” Nevertheless, he disregarded the “cohort,” and paid the money into the treasury.

As to the sum thus saved, there has been a dispute which has given rise to some most amusing literary vituperation. The care with which MSS. have been read now enables us to suppose that it was ten hundred thousand sesterces — thus expressed, “H.S.X.” — amounting to something over £8000. We hear elsewhere, as will be mentioned again, that Cicero realized out of his own legitimate allowance in Cilicia a profit of about £18,000; and we may imagine that the “cohort” should think itself aggrieved in losing £8000 which they expected to have divided among them. Middleton has made a mistake, having supposed the X to be CIↃ or M — a thousand instead of ten — and quotes the sum saved as having amounted to eight hundred thousand instead of eight thousand pounds. We who have had so much done for us by intervening research, and are but ill entitled to those excuses for error which may fairly be put forward on Middleton’s behalf, should be slow indeed in blaming him for an occasional mistake, seeing how he has relieved our labors by infinite toil on his part; but De Quincey, who has been very rancorous against Cicero, has risen to a fury of wrath in his denunciation of Cicero’s great biographer. “Conyers Middleton,” he says, “is a name that cannot be mentioned without an expression of disgust.” The cause of this was that Middleton, a beneficed clergyman of the Church of England, and a Cambridge man, differed from other 108Cambridge clergymen on controversial points and church questions. Bentley was his great opponent — and as Bentley was a stout fighter, so was Middleton. Middleton, on the whole, got the worst of it, because Bentley was the stronger combatant; but he seems to have stood in good repute all his life, and when advanced in years was appointed Professor of Natural History. He is known to us,

however, only as the biographer of Cicero. Of this book, Monk, the biographer of Middleton's great opponent, Bentley, declares that, "for elegance, purity, and ease, Middleton's style yields to none in the English language." De Quincey says of it that, by "weeding away from it whatever is colloquial, you would strip it of all that is characteristic" — meaning, I suppose, that the work altogether wants dignity of composition. This charge is, to my thinking, so absolutely contrary to the fact, that it needs only to be named to be confuted by the opinion of all who have read the work. De Quincey pounces upon the above-named error with profoundest satisfaction, and tells us a pleasant little story about an old woman who thought that four million people had been once collected at Caernarvon. Middleton had found the figure wrongly deciphered and wrongly copied for him, and had translated it as he found it, without much thought. De Quincey thinks that the error is sufficient to throw over all faith in the book: "It is in the light of an evidence against Middleton's good-sense and thoughtfulness that I regard it as capital." That is De Quincey's estimate of Middleton as a biographer. I regard him as a laborer who spared himself no trouble, who was enabled by his nature to throw himself with enthusiasm into his subject, who knew his work as a writer of English, and who, by a combination of erudition, intelligence, and industry, has left us one of those books of which it may truly be said that no English library should be without it.

The last letter written by Cicero in Asia was sent to Atticus from Ephesus the day before he started — on the last day, namely, of September. He had been delayed by winds and by want 109 of vessels large enough to carry him and his suite. News here reached him from Rome — news which was not true in its details, but true enough in its spirit. In a letter to Atticus he speaks of "miros terrores Cæsarianos" —"dreadful reports as to outrages by Cæsar;" that he would by no means dismiss his army; that he had with him the Prætors elect, one of the Tribunes, and even one of the Consuls; and that Pompey had resolved to leave the city. Such were the first tidings presaging Pharsalia. Then he adds a word about his triumph. "Tell me what you think about this triumph, which my friends desire me to seek. I should not care about it if Bibulus were not also asking

for a triumph — Bibulus, who never put a foot outside his own doors as long as there was an enemy in Syria!" Thus Cicero had to suffer untold misery because Bibulus was asking for a triumph!

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CHAPTER V.

THE WAR BETWEEN CÆSAR AND POMPEY.

What official arrangements were made for Proconsuls in regard to money, when in command of a province, we do not know. The amounts allowed were no doubt splendid, but it was not to them that the Roman governor looked as the source of that fortune which he expected to amass. The means of plunder were infinite, but of plunder always subject to the danger of an accusation. We remember how Verres calculated that he could divide his spoil into three sufficient parts — one for the lawyers, one for the judges, so as to insure his acquittal, and then one for himself. This plundering was common — so common as to have become almost a matter of course; but it was illegal, and subjected some unfortunate culprits to exile, and to the disgorging of a part of what they had taken. No accusation was made against Cicero. As to others there were constantly threats, if no more than threats. Cicero was not even threatened. But he had saved out of his legitimate expenses a sum equal to £18,000 of our money — from which we may learn how noble were the appanages of a Roman governor. The expenses of all his staff passed through his own hands, and many of those of his army. Any saving effected would therefore be to his own personal advantage. On this money he counted much when his affairs were in trouble, as he was going to join Pompey at Pharsalia in the following year. He then begged Atticus to arrange his matters for him, telling him that the sum was at his call in Asia, 111but he never saw it again: Pompey borrowed it — or took it; and when Pompey had been killed the money was of course gone.

His brother Quintus was with him in Cilicia, but of his brother's doings there he says little or nothing. We have no letters from him during the period to his wife or daughter. The latter was married to her third husband, Dolabella, during his absence, with no opposition from Cicero, but not in accordance with his advice. He had purposed to accept a proposition for her hand made to him by Tiberius Nero, the young Roman nobleman who afterward married that Livia whom

Augustus took away from him even when she was pregnant, in order that he might marry her himself, and who thus became the father of the Emperor Tiberius. It is worthy of remark at the same time that the Emperor Tiberius married the granddaughter of Atticus. Cicero when in Cilicia had wished that Nero should be chosen; but the family at home was taken by the fashion and manners of Dolabella, and gave the young widow to him as her third husband when she was yet only twenty-five. This marriage, like the others, was unfortunate. Dolabella, though fashionable, nobly born, agreeable, and probably handsome, was thoroughly worthless. He was a Roman nobleman of the type then common — heartless, extravagant, and greedy. His country, his party, his politics were subservient, not to ambition or love of power, but simply to a desire for plunder. Cicero tried hard to love him, partly for his daughter's sake, more perhaps from the necessity which he felt for supporting himself by the power and strength of the aristocratic party to which Dolabella belonged.

I cannot bring him back to Rome, and all that he suffered there, without declaring that much of his correspondence during his government, especially during the latter months of it, and the period of his journey home, is very distressing. I have told the story of his own doings, I think, honestly, and how he himself abstained, and compelled those belonging to him to do so; 112 how he strove to ameliorate the condition of those under his rule; how he fully appreciated the duty of doing well by others, so soon to be recognized by all Christians. Such humanity on the part of a Roman at such a period is to me marvellous, beautiful, almost divine; but, in eschewing Roman greed and Roman cruelty, he was unable to eschew Roman insincerity. I have sometimes thought that to have done so it must have been necessary for him altogether to leave public life. Why not? my readers will say. But in our days, when a man has mixed himself for many years with all that is doing in public, how hard it is for him to withdraw, even though, in withdrawing he fears no violence, no punishment, no exile, no confiscation. The arguments, the prayers, the reproaches of those around him draw him back; and the arguments, the reproaches from within are more powerful even than those from his friends. To be added to these is the scorn, perhaps the ridicule, of his opponents.

Such are the difficulties in the way of the modern politician who thinks that he has resolved to retire; but the Roman ex-Consul, ex-Prætor, ex-Governor had entered upon a mode of warfare in which his all, his life, his property, his choice of country, his wife, his children, were open to the ready attacks of his eager enemies. To have deserved well would be nothing, unless he could keep a party round him bound by mutual interests to declare that he had deserved well. A rich man, who desired to live comfortably beyond the struggle of public life, had to abstain, as Atticus had done, from increasing the sores, from hurting the ambition, from crushing the hopes of aspirants. Such a man might be safe, but he could not be useful; such, at any rate, had not been Cicero's life. In his earlier days, till he was Consul, he had kept himself free from political interference in doing the work of his life; but since that time he had necessarily put himself into competition with many men, and had made many enemies by the courage of his opinions. He had found even those he had most trusted opposed to him. He had aroused the jealousy not only of the Cæsars and the Crassuses and the Pisos, but also of the Pompeys and Catos and Brutuses. Whom was he not compelled to fear? And yet he could not escape to his books; nor, in truth, did he wish it. He had made for himself a nature which he could not now control.

He had not been long in Cilicia before he knew well how cruel, how dishonest, how greedy, how thoroughly Roman had been the conduct of his predecessor Appius. His letters to Atticus are full of the truths which he had to tell on that matter. His conduct, too, with regard to Appius was mainly right. As far as in him lay he endeavored to remedy the evils which the unjust Proconsul had done, and to stop what further evil was still being done. He did not hesitate to offend Appius when it was necessary to do so by his interference. But Appius was a great nobleman, one of the "optimates," a man with a strong party at his back in Rome. Appius knew well that Cicero's good word was absolutely necessary to save him from the ruin of a successful accusation. Cicero knew also that the support of Appius would be of infinite service to him in his Roman politics. Knowing this, he wrote to Appius letters full of flattery — full of falsehood, if the plain word can serve our purpose better. Dolabella,

the new son-in-law, had taken upon himself, for some reason as to which it can hardly be worth our while to inquire, to accuse Appius of malversation in his province. That Appius deserved condemnation there can be no doubt; but in these accusations the contests generally took place not as to the proof of the guilt, but as to the prestige and power of the accuser and the accused. Appius was tried twice on different charges, and was twice acquitted; but the fact that his son-in-law should be the accuser was fraught with danger to Cicero. He thought it necessary for the hopes which he then entertained to make Appius understand that his son-in-law was not acting in concert with him, and that he was desirous that Appius should receive all the praise which would have been due to a good governor. So great was the influ 114ence of Appius at Rome that he was not only acquitted, but shortly afterward elected Censor. The office of Censor was in some respects the highest in Rome. The Censors were elected only once in four years, remaining in office for eighteen months. The idea was that powers so arbitrary as these should be in existence only for a year and a half out of each four years. Questions of morals were considered by them. Should a Senator be held to have lived as did not befit a Senator, a Censor could depose him. As Appius was elected Censor immediately after his acquittal, together with that Piso whom Cicero had so hated, it may be understood that his influence was very great. It was great enough to produce from Cicero letters which were flattering and false. The man who had been able to live with a humanity, a moderation, and an honesty befitting a Christian, had not risen to that appreciation of the beauty of truth which an exercise of Christianity is supposed to exact.

"Sed quid agas? Sic vivitur!" —"What would you have me do? It is thus we live now!" This he exclaims in a letter to Cælius, written a short time before he left the province. "What would you say if you read my last letter to Appius?" You would open your eyes if you knew how I have flattered Appius — that was his meaning. "Sic vivitur!"—"It is so we live now." When I read this I feel compelled to ask whether there was an opportunity for any other way of living. Had he seen the baseness of lying as an English Christian gentleman is expected to see it, and had adhered to truth at the cost of being a martyr, his conduct would have been high though we might have

known less of it; but, looking at all the circumstances of the period, have we a right to think that he could have done so?

From Athens on his way home Cicero wrote to his wife, 115joining Tullia's name with hers. "Lux nostra," he calls his daughter; "the very apple of my eye!" He had already heard from various friends that civil war was expected. He will have to declare himself on his arrival — that is, to take one side or the other — and the sooner he does so the better. There is some money to be looked for — a legacy which had been left to him. He gives express directions as to the persons to be employed respecting this, omitting the name of that Philotomus as to whose honesty he is afraid. He calls his wife "suavissima et optatissima Terentia," but he does not write to her with the true love which was expressed by his letters when in exile. From Athens, also, where he seems to have stayed nearly two months, he wrote in December. He is easy, he says, about his triumph unless Cæsar should interfere — but he does not care much about his triumph now. He is beginning to feel the wearisomeness of the triumph; and indeed it was a time in which the utter hollowness of triumphal pretensions must have made the idea odious to him. But to have withdrawn would have been to have declared his own fears, his own doubts, his own inferiority to the two men who were becoming declared as the rival candidates for Roman power. We may imagine that at such a time he would gladly have gone in quiet to his Roman mansion or to one of his villas, ridding himself forever of the trouble of his lictors, his fasces, and all the paraphernalia of imperatorial dignity; but a man cannot rid himself of such appanages without showing that he has found it necessary to do so. It was the theory of a triumph that the victorious Imperator should come home hot (as it were) from the battle-field, with all his martial satellites around him, and have himself carried at once through Rome. It was barbaric and grand, as I have said before, but it required the martial satellites. Tradition had become law, and the Imperator intending to triumph could not dismiss his military followers till the ceremony was over. In this way Cicero was sadly hampered by his lictors when, on his landing at Brundisium, he found that Italy was already preparing for her great civil war.

b.c. 50, ætat. 57.

Early in this year it had been again proposed in the Senate that Cæsar should give up his command. At this time the two Consuls, L. Æmilius Paulus and C. Claudius Marcellus, were opposed to Cæsar, as was also Curio, who had been one of Cicero's young friends, and was now Tribune. But two of these Cæsar managed to buy by the payment of enormous bribes. Curio was the more important of the two, and required the larger bribe. The story comes to us from Appian, but the modern reader will find it efficiently told by Mommsen. The Consul had fifteen hundred talents, or about £500,000! The sum named as that given by Cæsar to Curio was something greater, because he was so deeply in debt! Bribes to the amount of above a million of money, such as money is to us now, bestowed upon two men for their support in the Senate! It was worth a man's while to be a Consul or a Tribune in those days. But the money was well earned — plunder, no doubt, extracted from Gaul. The Senate decided that both Pompey and Cæsar should be required to abandon their commands — or rather they adopted a proposal to that effect without any absolute decree. But this sufficed for Cæsar, who was only anxious to be relieved from the necessity of obeying any order from the Senate by the knowledge that Pompey also was ordered, and also was disobedient. Then it was — in the summer of this year — that the two commanders were desired by the Senate to surrender each of them a legion, or about three thousand men, under the pretence that the forces were wanted for the Parthian war. The historians tell us that Pompey had lent a legion to Cæsar, thus giving us an indication of the singular terms on which legions were held by the 117proconsular officers who commanded them. Cæsar nobly sends up to Rome two legions, the one as having been ordered to be restored by himself, and the other as belonging to Pompey. He felt, no doubt, that a show of nobleness in this respect would do him better service than the withholding of the soldiers. The men were stationed at Capua, instead of being sent to the East, and no doubt drifted back into Cæsar's hands. The men who had served under Cæsar would not willingly find themselves transferred to Pompey.

Cæsar in the summer came across the Alps into Cisalpine Gaul, which as yet had not been legally taken from him, and in the autumn sat himself down at Ravenna, which was still within his province. It

was there that he had to meditate the crossing of the Rubicon and the manifestation of absolute rebellion. Matters were in this condition when Cicero returned to Italy, and heard the corroboration of the news as to the civil war which had reached him at Athens.

In a letter written from Athens, earlier than the one last quoted, Cicero declared to Atticus that it would become him better to be conquered with Pompey than to conquer with Cæsar. The opinion here given may be taken as his guiding principle in politics till Pompey was no more. Through all the doubts and vacillations which encumbered him, this was the rule not only of his mind but of his heart. To him there was no Triumvirate: the word had never been mentioned to his ears. Had Pompey remained free from Cæsar it would have been better. The two men had come together, and Crassus had joined them. It was better for him to remain with them and keep them right, than to stand away, angry and astray, as Cato had done. The question how far Cæsar was justified in the position which he had taken up by certain alleged injuries, affected Cicero less than it has done subsequent 118inquirers. Had an attempt been made to recall Cæsar illegally? Was he subjected to wrong by having his command taken away from him before the period had passed for which the people had given it? Was he refused indulgences to which the greatness of his services entitled him — such as permission to sue for the Consulship while absent from Rome — while that, and more than that, had been granted to Pompey? All these questions were no doubt hot in debate at the time, but could hardly have affected much the judgment of Cicero, and did not at all affect his conduct. Nor, I think, should they influence the opinions of those who now attempt to judge the conduct of Cæsar. Things had gone beyond the domain of law, and had fallen altogether into that of potentialities. Decrees of the Senate or votes of the people were alike used as excuses. Cæsar, from the beginning of his career, had shown his determination to sweep away as cobwebs the obligations which the law imposed upon him. It is surely vain to look for excuses for a man's conduct to the practice of that injustice against him which he has long practised against others. Shall we forgive a house-breaker because the tools which he has himself invented are used at last upon his own door? The modern lovers of Cæsar and of Cæsarism

generally do not seek to wash their hero white after that fashion. To them it is enough that the man has been able to trample upon the laws with impunity, and to be a law not only to himself but to all the world around him. There are some of us who think that such a man, let him be ever so great — let him be ever so just, if the infirmities of human nature permit justice to dwell in the breast of such a man — will in the end do more harm than good. But they who sit at the feet of the great commanders admire them as having been law-breaking, not law-abiding. To say that Cæsar was justified in the armed position which he took in Northern Italy in the autumn of this year, is to rob him of his praise. I do not suppose that he had meditated any special line of policy during the years of hard work in Gaul, but I think that he was determined not to relinquish his power, and that he was ready for any violence by which he might preserve it.

If such was Cicero's idea of this man — if such the troubled outlook which he took into the circumstances of the Empire — he thought probably but little of the legality of Cæsar's recall. What would the Consuls do, what would Curio do, what would Pompey do, and what Cæsar? It was of this that he thought. Had law-abiding then been possible, he would have been desirous to abide by the law. Some nearest approach to the law would be the best. Cæsar had ignored all laws, except so far as he could use them for his own purposes. Pompey, in conspiring with Cæsar, had followed Cæsar's lead; but was desirous of using the law against Cæsar when Cæsar outstripped him in lawlessness. But to Cicero there was still some hope of restraining Pompey. Pompey, too, had been a conspirator, but not so notorious a conspirator as Cæsar. With Pompey there would be some bond to the Republic; with Cæsar there could be none; therefore it was better for him to fall with Pompey than to rise with Cæsar. That was his conviction till Pompey had altogether fallen.

His journey homeward is made remarkable by letters to Tiro, his slave and secretary. Tiro was taken ill, and Cicero was obliged to leave him at Patræ, in Greece. Whence he had come to Cicero we do not know, or when; but he had not probably fallen under his master's peculiar notice before the days of the Cilician government, as we find that on his arrival at Brundisium he writes to Atticus respecting him

as a person whom Atticus had not much known. But his affection for Tiro is very warm, and his little solicitudes for the man whom he leaves are charming. He is to be careful as to what boat he takes, and under what captain he sails. He is not to hurry. 120The doctor is to be consulted and well paid. Cicero himself writes various letters to various persons, in order to secure that attention which Tiro could not have insured unless so assisted.

Early in January Cicero reached the city, but could not enter it because of his still unsettled triumph, and Cæsar crossed the little river which divided his province from the Roman territory. The 4th of January is the date given for the former small event. For the latter I have seen no precise day named. I presume that it was after the 6th, as on that day the Senate appointed Domitian as his successor in his province. On this being done, the two Tribunes, Antony and Cassius, hurried off to Cæsar, and Cæsar then probably crossed the stream. Cicero was appointed to a command in Campania — that of raising levies, the duties of which were not officially repugnant to his triumph.

His doings during the whole of this time were but little to his credit; but who is there whose doings were to his credit at that period? The effect had been to take all power out of his hand. Cæsar had given him up. Pompey could not do so, but we can imagine how willing Pompey would have been that he should have remained in Cilicia. He had been sent there, out of the way, but had hurried home again. If he would only have remained and plundered! If he would only have remained there and have been honest — so that he would be out of the way! But here he was — back in Italy, an honest, upright man! No one so utterly unlike the usual Roman, so lost amid the self-seekers of Rome, so unnecessarily clean-handed, could be found! Cato was honest, foolishly honest for his time; but with Cato it was not so difficult to deal as with Cicero. We can imagine Cato wrapping himself up in his robe and being savagely unreasonable. Cicero was all alive to what was going on in the world, but still was honest! In the mean time he remained in the neighborhood of Naples, writing to his wife and daughter, writing to Tiro, writing to Atticus, and telling us all those details which we now seem to know so well — because he has told us. In one of his letters to Atticus at this time

he is sadly in earnest. He will die with Pompey in Italy, but what can he do by leaving it? He has his "lictors" with him still. Oh, those dreadful lictors! His friendship for Cnæus! His fear of having to join himself with the coming tyrant! "Oh that you would assist me with your counsel!" He writes again, and describes the condition of Pompey — of Pompey who had been Magnus. "See how prostrate he is. He has neither courage, counsel, men, nor industry! Put aside those things; look at his flight from the city, his cowardly harangues in the towns, his ignorance of his own strength and that of his enemy! * * * Cæsar in pursuit of Pompey! Oh, sad! * * * Will he kill him?" he exclaims. Then, still to Atticus, he defends himself. He will die for Pompey, but he does not believe that he can do any good either to Pompey or to the Republic by a base flight. Then there is another cause for staying in Italy as to which he cannot write. This was Terentia's conduct. At the end of one of his letters he tells Atticus that with the same lamp by which he had written would he burn that which Atticus had sent to him. In another he speaks of a Greek tutor who has deserted him, a certain Dionysius, and he boils over with anger. His letters to Atticus about the Greek tutor are amusing at this distance of time, because they show his eagerness. "I never knew anything more ungrateful; and there is nothing worse than ingratitude."

He heaps his scorn upon Pompey: "It is true, indeed, that I said that it was better to be conquered with him than to conquer with those others. I would indeed. But of what Pompey was it that I so spoke? Was it of this one who flies he knows not what, nor whom, nor whither he will fly?" He writes again the same day: "Pompey had fostered Cæsar, and then had feared him. He had left the city; he had lost Picenum by his own fault, he had betaken himself to Apulia! Then he went into Greece, leaving us in the dark as to his plans!" He excuses a letter of his own to Cæsar. He had written to Cæsar in terms which might be pleasing to the great man. He had told Cæsar of Cæsar's admirable wisdom. Was it not better so? He was willing that his letter should be read aloud to all the people, if only those of Pompey might also be read aloud. Then follow copies of a correspondence between him and Pompey. In the last he declares that "when he had written from Canusium he had not dreamed that

Pompey was about to cross the sea. He had known that Pompey had intended to treat for peace — for peace even under unjust conditions — but he had never thought that Pompey was meditating a retreat out of Italy." He argues well and stoutly, and does take us along with him. Pompey had been beaten back from point to point, never once rallying himself against Cæsar. He had failed, and had slipped away, leaving a man here and there to stand up for the Republic. Pompey was willing to risk nothing for Rome. It had come to pass at last that he was being taught Cæsarism by Cæsar, and when he died was more imperial than his master.

At this time Cicero's eyes were bad. "Mihi molestior lippitudo erat etiam quam ante fuerat." And again, "Lippitudinis meæ signum tibi sit librarii manus." But we may doubt whether any great men have lived so long with so little to tease them as to their health. And yet the amount of work he got through was great. He must have so arranged his affairs as to have made the most he could of his hours, and have carried in his memory information on all subjects. When we remember the size of the books which he read, their unwieldy shapes, their unfitness for such work as that of ours, there seems to have been a continuation of study such as we cannot endure. Throughout his life his hours were early, but they 123must also have been late. Of his letters we have not a half, of his speeches not a half, of his treatises not more than a half. When he was abroad during his exile, or in Cilicia during his government, he could not have had his books with him. That Cæsar should have been Cæsar, or Pompey Pompey, does not seem to me a matter so difficult as that Cicero should have been Cicero. Then comes that letter of which I spoke in my first chapter, in which he recapitulates the Getæ, the Armenians, and the men of Colchis. "Shall I, the savior of the city, assist to bring down upon that city those hordes of foreign men? Shall I deliver it up to famine and to destruction for the sake of one man who is no more than mortal?" It was Pompey as to whom he then asked the question. For Pompey's sake am I to let in these crowds? We have been told, indeed, by Mr. Froude that the man was Cæsar, and that Cicero wrote thus anxiously with the special object of arranging his death!

"Now, if ever, think what we shall do," he says. "A Roman army

sits round Pompey and makes him a prisoner within valley and rampart — and shall we live? The city stands; the Prætors give the law, the Ædiles keep up the games, good men look to their principal and their interest. Shall I remain sitting here? Shall I rush hither and thither madly, and implore the credit of the towns? Men of substance will not follow me. The revolutionists will arrest me. Is there any end to this misery? People will point at me and say, 'How wise he was not to go with him.' I was not wise. Of his victory I never wished to be the comrade — yet now I do of his sorrow."

b.c. 49, ætat. 58.

Pompey had crossed the sea from Brundisium, and Cæsar had retreated across Italy to Capua. As he was journeying he saw Cicero, and asked him to go to Rome. This Cicero refused, and Cæsar passed on. "I must then use other counsels," said Cæsar, thus leaving him for the 124last time before the coming battle. Cicero went on to Arpinum, and there heard the nightingales. From that moment he resolved. He had not thought it possible that when the moment came he should have been able to prevail against Cæsar's advice; but he had done so. He had feared that Cæsar would overcome him; but when the moment came he was strong against even Cæsar. He gave his boy his toga, or, as we should say, made a man of him. He was going after Pompey, not for the sake of Pompey, not for the sake of the Republic, but for loyalty. He was going because Atticus had told him to go. But as he is going there came fresh ground for grief. He writes to Atticus about the two boys, his son and nephew. The one is good by nature, and has not yet gone astray. The other, the elder and his nephew, has been encouraged by this uncle's indulgence, and has openly adopted evil ways. In other words, he has become Cæsarian — for a reward. The young Quintus has shown himself to be very false. Cicero is so bound together with his family in their public life that this falling off of one of them makes him unhappy. Then Curio comes the way, and there is a most interesting conversation. It seems that Curio, who is fond of Cicero, tells him everything; but Cicero, who doubts him, lets him pass on. Then Cælius writes to him. Cælius implores him, for the sake of his children, to bear in mind what he is doing. He tells him much of Cæsar's anger, and asks him if he cannot become Cæsarian; at any rate to betake himself to some

retreat till the storm shall pass by and quieter days should come. But Cælius, though it had suited Cicero to know him intimately, had not read the greatness of the man's mind. He did not understand in the least the difficulty which pervaded Cicero. To Cælius it was play — play in which a man might be beaten, or banished, or slaughtered; but it was a game in which men were fighting each for himself. That there 125should be a duty in the matter, beyond that, was inexplicable to Cælius. And his children, too — his anger against young Quintus and his forgiveness of Marcus! He thinks that Quintus had been purchased by a large bribe on Cæsar's side, and is thankful that it is no worse with him. What can have been worse to a young man than to have been open to such payment? Antony is frequently on the scene, and already disgusts us by the vain frivolity and impudence of his life. And then Cicero's eyes afflict him, and he cannot see. Servius Sulpicius comes to him weeping. For Servius, who is timid and lachrymose, everything has gone astray. And then there is that Dionysius who had plainly told him that he desired to follow some richer or some readier master. At the last comes the news of his Tullia's child's birth. She is brought to bed of a son. He cannot, however, wait to see how the son thrives. From the midst of enemies, and with spies around him, he starts. There is one last letter written to his wife and daughter from on board the ship at Caieta, sending them many loves and many careful messages, and then he is off.

It was now the 11th of June, the third day before the ides, b.c. 49, and we hear nothing special of the events of his journey. When he reached the camp, which he did in safety, he was not well received there. He had given his all to place himself along with Pompey in the republican quarters, and when there the republicans were unwilling to welcome him. Pompey would have preferred that he should have remained away, so as to be able to say hereafter that he had not come.

Of what occurred to Cicero during the great battle which led to the solution of the Roman question we know little or nothing. We hear that Cicero was absent, sick at Dyrrachium, but there are none of those tirades of abuse with which such an absence might have been greeted. We hear, indeed, from other sources, very full accounts

of the fighting — how Cæsar was nearly conquered, how Pompey might have prevailed had he had the sense to take the good which came in his way, how he failed to take it, how he was beaten, and how, in the very presence of his wife, he was murdered at last at the mouth of the Nile by the combined energies of a Roman and a Greek.

We can imagine how the fate of the world was decided on the Pharsalus where the two armies met, and the victory remained with Cæsar. Then there were weepings and gnashings of teeth, and there were the congratulations and self-applause of the victors. In all Cicero's letters there is not a word of it. There was terrible suffering before it began, and there is the sense of injured innocence on his return, but nowhere do we find any record of what took place. There is no mourning for Pompey, no turning to Cæsar as the conqueror. Petra has been lost, and Pharsalia has been won, but there is no sign.

b.c. 48, ætat. 59.

Cicero, we know, spent the time at Dyrrachium close to which the battle of Petra was fought, and went from thence to Corcyra. There invitation was made to him, as the senior consular officer present, to take the command of the beaten army, but that he declined. We are informed that he was nearly killed in the scuffle which took place. We can imagine that it was so — that in the confusion and turmoil which followed he should have been somewhat roughly told that it behooved him to take the lead and to come forth as the new commander; that there should be a time at last in which no moment should be allowed him for doubt, but that he should doubt, and, after more or less of reticence, pass on. Young Pompey would have it so. What name would be so good to bind together the opponents of Cæsar as that of Cicero? But Cicero would not be led. It seems that he was petulant and out of sorts at the time; that he had been led into the difficulty of the situation by his desire to be true to Pompey, and that he was only able to escape from it now that Pompey was gone. We can well imagine that there should be no man less able to fight against Cæsar, though there was none whose name might be so serviceable to use as that of Cicero. At any rate, as far as we are concerned, there was silence on the subject on his part. He wrote not a word to any of the friends whom Pompey had left behind him, but returned to Italy dispirited, silent, and unhappy. He had indeed met

many men since the battle of the Pharsalus, but to none of whom we are conversant had he expressed his thoughts regarding that great campaign.

Here we part from Pompey, who ran from the fighting-ground of Macedonia to meet his doom in the roads of Alexandria. Never had man risen so high in his youth to be extinguished so ingloriously in his age. He was born in the same year with Cicero, but had come up quicker into the management of the world's affairs, so as to have received something from his equals of that which was due to age. Habit had given him that ease of manners which enabled him to take from those who should have been his compeers the deference which was due not to his age but to his experience. When Cicero was entering the world, taking up the cudgels to fight against Sulla, Pompey had already won his spurs, in spite of Sulla but by means of Sulla. Men in these modern days learn, as they grow old in public life, to carry themselves with indifference among the backslidings of the world. In reading the life of Cicero, we see that it was so then. When defending Amerinus, we find the same character of man as was he who afterward took Milo's part. There is the same readiness, the same ingenuity, and the same high indignation; but there is not the same indifference as to results. With Amerinus it is as though all the world depended on it; with Milo he felt it to be sufficient to make the outside world believe it. When Pompey triumphed, 70 b.c., and was made Consul for the second time, he was already old in glory — when Cicero had not as yet spoken those two orations against Verres which had made the speaking of another impossible. Pompey, we may say, had never been young. Cicero was never old. There was no moment in his life in which Cicero was not able to laugh with the Curios and the Cæliuses behind the back of the great man. There was no moment in which Pompey could have done so. He who has stepped from his cradle on to the world's high places has lost the view of those things which are only to be seen by idle and luxurious young men of the day. Cicero did not live for many years beyond Pompey, but I doubt whether he did not know infinitely more of men. To Pompey it had been given to rule them; but to Cicero to live with them.

CHAPTER VI.

AFTER THE BATTLE.

b.c. 48, ætat. 59.

In the autumn of this year Cicero had himself landed at Brundisium. He remained nearly a year at Brundisium, and it is melancholy to think how sad and how long must have been the days with him. He had no country when he reached the nearest Italian port; it was all Cæsar's, and Cæsar was his enemy. There had been a struggle for the masterdom between two men, and of the two the one had beaten with whom Cicero had not ranged himself. He had known how it would be. All the Getæ, and the men of Colchis, and the Armenians, all the lovers of the fish-ponds and those who preferred the delicacies of Baiæ to the work of the Forum, all who had been taught to think that there were provinces in order that they might plunder, men who never dreamed of a country but to sell it, all those whom Cæsar was determined either to drive out of Italy or keep there in obedience to himself, had been brought together in vain. We already know, when we begin to read the story, how it will be with them and with Cæsar. On Cæsar's side there is an ecstasy of hope carried to the very brink of certainty; on the other is that fainting spirit of despair which no battalions can assuage. We hear of no Scæva and of no Crastinus on Pompey's side. Men change their nature under such leading as was that of Cæsar. The inferior men become heroic by contact with the hero; but such heroes when they come are like great gouts of blood dabbled down upon a fair cloth. Who that has eyes to see can look back upon the career of such a one and not 130 feel an agony of pain as the stern man passes on without a ruffled face, after ordering the right hands of those who had fought at Uxellodunum to be chopped off at the wrist, in order that men might know what was the penalty of fighting for their country?

There are men — or have been, from time to time, in all ages of the world — let loose, as it were, by the hand of God to stop the iniquities of the people, but in truth the natural product of those iniquities. They have come and done their work, and have died,

leaving behind them the foul smell of destruction. An Augustus followed Cæsar, and him Tiberius, and so on to a Nero. It was necessary that men should suffer much before they were brought back to own their condition. But they who can see a Cicero struggling to avoid the evil that was coming — not for himself but for the world around him — and can lend their tongues, their pens, their ready wits to ridicule his efforts, can hardly have been touched by the supremacy of human suffering.

It must have been a sorry time with him at Brundisium. He had to stay there waiting till Cæsar's pleasure had been made known to him, and Cæsar was thinking of other things. Cæsar was away in Egypt and the East, encountering perils at Alexandria which, if all be true that we have heard, imply that he had lived to be past fear. Grant that a man has to live as Cæsar did, and it will be well that he should be past fear. At any rate he did not think of Cicero, or thinking of him felt that he was one who must be left to brood in silence over the choice he had made. Cicero did brood — not exactly in silence — over the things that fate had done for him and for his country. For himself, he was living in Italy, and yet could not venture to betake himself to one of the eighteen villas which, as Middleton tells us, he had studded about the country for his pastime. There were those at Tusculum, Antium, Astura, Arpinum — at Formiæ, at Cumæ, at Puteoli, and at Pompeii. Those who tell us of Cicero's poverty are surely wandering, carried away by their erroneous notions of what were a Roman nobleman's ideas as to money. At no period of his life do we find Cicero not doing what he was minded to do for want of money, and at no period is there a hint that he had allowed himself in any respect to break the law. It has been argued that he must have been driven to take fees and bribes and indirect payments, because he says that he wanted money. It was natural that he should occasionally want money, and yet be in the main indifferent. The incoming of a regular revenue was not understood as it is with us. A man here and there might attend to his money, as did Atticus. Cicero did not; and therefore, when in want of it, he had to apply to a friend for relief. But he always applies as one who knows well that the trouble is not enduring. Is it credible that a man so circumstanced should have remained with those various sources of extravagance which it would

have been easy for him to have avoided or lessened? We are led to the conviction that at no time was it expedient to him to abandon his villas, though in the hurry-scurry of Roman affairs it did now and again become necessary for him to apply to Atticus for accommodation. Let us think what must have been Cæsar's demands for money. Of these we hear nothing, because he was too wise to have an Atticus to whom he wrote everything, or too wary to write letters upon business which should be treasured for the curiosity of after-ages.

To be hopeful and then tremulous; to be eager after success and then desponding; to have believed readily every good and then, as readily, evil; to have relied implicitly on a man's faith, and then to have turned round and declared how he had been deceived; to have been very angry and then to have forgiven — this seems to have been Cicero's nature. Verres, Catiline, Clodius, Piso, and Vatinius seem to have caused his wrath; but was there one of them against whom, though he did not forgive him, his anger did not die out? Then, at last, he was moved to an internecine fight with Antony. Is there any one who has read the story which we are going to tell who will not 132 agree with us that, if after Mutina Octavius had thought fit to repudiate Antony and to follow Cicero's counsels, Antony would not have been spared?

Nothing angers me so much in describing Cicero as the assertion that he was a coward. It has sprung from a wrong idea of what constitutes cowardice. He did not care to fight; but are all men cowards who do not care to fight when work can be so much better done by talking? He saw that fighting was the work fit for men of common clay, or felt it if he did not see it. When men rise to such a pitch as that which he filled, and Cæsar and Pompey, and some few others around them, their greatest danger does not consist in fighting. A man's tongue makes enemies more bitter than his sword. But Cicero, when the time came, never shirked his foe. Whether it was Verres or Catiline, or Clodius or Antony, he was always there, ready to take that foe by the throat, and ready to offer his own in return. At moments such as that there was none of the fear which stands aghast at the wrath of the injured one, and makes the man who is a coward quail before the eyes of him who is brave.

His friendship for Pompey is perhaps, of all the strong feelings of his life, the one most requiring excuse, and the most difficult to excuse. For myself I can see why it was so; but I cannot do that without acknowledging in it something which derogated from his greatness. Had he risen above Pompey, he would have been great indeed; for I look upon it as certain that he did see that Pompey was as untrue to the Republic as Cæsar. He saw it occasionally, but it was not borne in upon him at all times that Pompey was false. Cæsar was not false. Cæsar was an open foe. I doubt whether Pompey ever saw enough to be open. He never realized to himself more than men. He never rose to measures — much less to the reason for them. When Cæsar had talked him over, and had induced him to form the Triumvirate, Pompey's politics were gone. Cicero never blanched. Whether, full of new hopes, he attacked Chrysogonus with all the energy of one to whom his injured countrymen were dear, or, with the settled purpose of his life, he accused Verres in the teeth of the coming Consul Hortensius; whether in driving out Catiline, or in defending Milo; whether, even, in standing up before Cæsar for Marcellus, or in his final onslaught upon Antony, his purpose was still the same. As time passed on he took to himself coarser weapons, and went down into the arena and fought the beasts at Ephesus. Alas, it is so with mankind! Who can strive to do good and not fight beasts? And who can fight them but after some fashion of their own? He was fighting beasts at Ephesus when he was defending Milo. He was an oligarch, but he wanted the oligarchy round him to be true and honest! It was impossible. These men would not be just, and yet he must use them. Milo and Cælius and Curio were his friends. He knew them to be bad, but he could not throw off from him all that were bad men. If by these means he could win his way to something that might be good, he would pardon their evil. As we make our way on to the end of his life we find that his character becomes tarnished, and that his high feelings are blunted by the party which he takes and the men with whom he associates.

He did not, indeed, fall away altogether. The magistracy offered to him, the lieutenancy offered to him, the "free legation" offered to him, the last appeal made to him that he would go to Rome and speak a few words — or that he would stay away and remain neutral

— did not move him. He did not turn conspirator and then fight for the prize, as Pompey had done. But he had, for so many years, clung to Pompey as the leader of a party; had had it so dinned into his ears that all must depend on Pompey; had found himself so bound up with the man who, when appealed to as to his banishment, had sullenly told him he could only do as Cæsar would have him; whom he had felt to be mean enough to be stigmatized as Sampsiceramus, him of Jerusalem, the hero of Arabia; whom he knew to be desirous of doing with his enemies as Sulla had done with his — that, in spite of it all, he clung to him still!

134I cannot but blame Cicero for this, but yet I can excuse it. It is hard to have to change your leader after middle life, and Cicero could only have changed his by becoming a leader himself. We can see how hopeless it was. Would it not have been mean had he allowed those men to go and fight in Macedonia without him? Who would have believed in him had he seemed to be so false? Not Cato, not Brutus, not Bibulus, not Scipio, not Marcellus. Such men were the leaders of the party of which he had been one. Would they not say that he had remained away because he was Cæsar's man? He must follow either Cæsar or Pompey. He knew that Pompey was beaten. There are things which a man knows, but he cannot bring himself to say so even to himself. He went out to fight on the side already conquered; and when the thing was done he came home with his heart sad, and lived at Brundisium, mourning his lot.

From thence he wrote to Atticus, saying that he hardly saw the advantage of complying with advice which had been given to him that he should travel incognito to Rome. But it is the special reason given which strikes us as being so unlike the arguments which would prevail to-day: "Nor have I resting-places on the way sufficiently convenient for me to pass the entire daytime within them." The "diversorium" was a place by the roadside which was always ready should the owner desire to come that way. It must be understood that he travelled with attendants, and carried his food with him, or sent it on before. We see at every turn how much money could do; but we see also how little money had done for the general comfort of the people. Brundisium is above three hundred miles from Rome, and the journey is the same which Horace took afterward, going from the

city. Much had then been done to make travelling comfortable, or at any rate cheaper than it had been four-and-twenty years before. But now 135the journey was not made. He reminds Atticus in the letter that if he had not written through so long an interval it was not because there had been a dearth of subjects. It had been no doubt prudent for a man to be silent when so many eyes and so many ears were on the watch. He writes again some days later, and assures Atticus that Cæsar thinks well of his "lictors!" Oh those eternal lictors! "But what have I to do with lictors," he says, "who am almost ordered to leave the shores of Italy?" And then Cæsar had sent angry messages. Cato and Metellus had been said to have come home. Cæsar did not choose that this should be so, and had ordered them away. It was clearly manifest to every man alive now that Cæsar was the actual master of Italy.

During the whole of this winter he is on terms with Terentia, but he writes to her in the coldest strain. There are many letters to Terentia, more in number than we have ever known before, but they are all of the same order. I translate one here to show the nature of his correspondence: "If you are well, I am so also. The times are such that I expect to hear nothing from yourself, and on my part have nothing to write. Nevertheless, I look for your letters, and I write to you when a messenger is going to start. Voluminia ought to have understood her duty to you, and should have done what she did do better. There are other things, however, which I care for more, and grieve for more bitterly — as those have wished who have driven me from my own opinion." Again he writes to Atticus, deploring that he should have been born — so great are his troubles — or, at any rate, that one should have been born after him from the same mother. His brother has addressed him in anger — his brother, who has desired to make his own affairs straight with Cæsar, and to swim down the stream pleasantly with other noble Romans of the time. I can imagine that with Quintus Cicero there was nothing much higher than the 136wealth which the day produced. I can fancy that he was possessed of intellect, and that when it was fair sailing with our Consul it was all well with Quintus Cicero; but I can see also that, when Cæsar prevailed, it was occasionally a matter of doubt with Quintus whether his brother should not be abandoned among other

things which were obtrusive and vain. He could not quite do it. His brother compelled him into propriety, and carried him along within the lines of the oligarchy. Then Cæsar fell, and Quintus saw that the matter was right; but Cæsar, though he fell, did not altogether fall, and therefore Quintus after all turned out to be in the wrong. I fancy that I can see how things went ill with Quintus.

b.c. 47, ætat. 60.

Cæsar, after the battle of the Pharsalia, had followed Pompey, but had failed to catch him. When he came upon the scene in the roadstead at Alexandria, the murder had been effected. He then disembarked, and there, as circumstances turned out, was doomed to fight another campaign in which he nearly lost his life. It is not a part of my plan to write the life of Cæsar, nor to meddle with it further than I am driven to do in seeking after the sources of Cicero's troubles and aspiration; but the story must be told in a few words. Cæsar went from Alexandria into Asia, and, flashing across Syria, beat Pharnaces, and then wrote his famous "Veni, vidi, vici," if those words were ever written. Surely he could not have written them and sent them home! Even the subservience of the age would not have endured words so boastful, nor would the glory of Cæsar have so tarnished itself. He hurried back to Italy, and quelled the mutiny of his men by a masterpiece of stage-acting. Simply by addressing them as "Quirites," instead of "Milites," he appalled them into obedience. On this journey into Italy he came across Cicero. If he could be cruel without a pang — to the arranging the starvation of a townful of women, because they as well as the men must eat — he could be magnificent in his treatment of a Cicero. He had hunted to the death his late colleague in the Triumvirate, and had felt no remorse; though there seems to have been a moment when in Egypt the countenance of him who had so long been his superior had touched him. He had not ordered Pompey's death. On no occasion had he wilfully put to death a Roman whose name was great enough to leave a mark behind. He had followed the convictions of his countrymen, who had ever spared themselves. To him a thousand Gauls, or men of Eastern origin, were as nothing to a single Roman nobleman. Whether there can be said to have been clemency in such a course it is useless now to dispute. To Cæsar it was at any rate policy as well. If by clemency

he meant that state of mind in which it is an evil to sacrifice the life of men to a spirit of revenge, Cæsar was clement. He had moreover that feeling which induces him who wins to make common cause — in little things — with those who lose. We can see Cæsar getting down from his chariot when Cicero came to meet him, and, throwing his arms round his neck, walking off with him in pleasant conversation; and we can fancy him talking to Cicero pleasantly of the greatness which, in times yet to come, pursuits such as his would show in comparison with those of Cæsar's. "Cedant arma togæ; concedat laurea linguæ," we can hear Cæsar say, with an irony expressed in no tone of his voice, but still vibrating to the core of his heart, as he thought so much of his own undoubted military supremacy, and absolutely nothing of his now undoubted literary excellence.

b.c. 47, ætat. 60.

But to go back a little; we shall find Cicero still waiting at Brundisium during August and September. In the former of these months he reminds Atticus that "he cannot at present sell anything, but that he can put by something so that it may be in safety when the ruin shall fall upon him." From this may be deduced a state of things very different to that above described, but not contradicting it. I gather from this unintelligible letter, written, as he tells us, for 138the most part in his own handwriting, that he was at the present moment under some forfeiture of the law to Cæsar. It may well be that, as one adjudged to be a rebel to his country, his property should not be salable. If that were so, Cæsar in some of these bland moments must have revoked the sentence — and at such a time all sentences were within Cæsar's control — because we know that on his return Cicero's villas were again within his own power. But he is in sad trouble now about his wife. He has written to her to send him twelve thousand sesterces, which he had as it were in a bag, and she sends him ten, saying that no more is left. If she would deduct something from so small a sum, what would she do if it were larger? Then follow two letters for his wife — a mere word in each — not a sign of affection nor of complaint in either of them. In the first he tells her she shall be informed when Cæsar is coming — in the latter, that he is coming. When he has resolved whether to go and meet him or to

remain where he is till Cæsar shall have come upon him, he will again write. Then there are three to Atticus, and two more to Terentia. In the first he tells him that Cæsar is expected. Some ten or twelve days afterward he is still full of grief as to his brother Quintus, whose conduct has been shameful. Cæsar he knows is near at hand, but he almost hopes that he will not come to Brundisium. In the third, as indeed he has in various others, he complains bitterly of the heat: it is of such a nature that it adds to his grief. Shall he send word to Cæsar that he will wait upon him nearer to Rome? He is evidently in a sad condition. Quintus, it must be remembered, had been in Gaul with Cæsar, and had seen the rising sun. On his return to Italy he had not force enough to declare a political conviction, and to go over to Cæsar boldly. He had indeed become lieutenant to his brother when in Cilicia, having left Cæsar for the purpose. He afterward went with his brother to the Phar 139salus, assuring the elder Cicero that they two would still be of the same party. Then the great catastrophe had come, when Cicero returned from that wretched campaign to Brundisium, and remained there in despair as at some penal settlement. Quintus followed Cæsar into Asia with his son, and there pleaded his own cause with him at the expense of his brother. Of Cæsar we must all admit that, though indifferent to the shedding of blood, arrogant, without principle in money and without heart in love, he was magnificent, and that he injured none from vindictive motives. He passed on, leaving Quintus Cicero, who as a soldier had been true to him, without, as we can fancy, many words. Cicero afterward interceded for his brother who had reviled him, and Quintus will ever after have to bear the stain of his treachery. Then came the two letters for his wife, with just a line in each. If her messenger should arrive, he will send her word back as to what she is to do. After an interval of nearly a month, there is the other — ordering, in perfectly restored good-humor, that the baths shall be ready at the Tusculan villa: "Let the baths be all ready, and everything fit for the use of guests; there will probably be many of them." It is evident that Cæsar has passed on in a good-humor, and has left behind him glad tidings, such as should ever brighten the feet of the conqueror.

It is singular that, with a correspondence such as that of Cicero's,

of which, at least through the latter two or three years of his life, every letter of his to his chief friend has been preserved, there should have been nothing left to us from that friend himself. It must have been the case, as Middleton suggests, that Atticus, when Cicero was dead, had the handling of the entire MS., and had withdrawn his own; either that, or else Cicero and Atticus mutually agreed to the destruction of their joint labors, and Atticus had been untrue to his agreement, 140knowing well the value of the documents he preserved. That there is no letter from a woman — not even a line to Cicero from his dear daughter — is much to be regretted. And yet there are letters — many from Cælius, who is thus brought forward as almost a second and a younger Atticus — and from various Romans of the day. When we come to the latter days of his life, in which he had taken upon himself the task of writing to Plancus and others as to their supposed duty to the State, they become numerous. There are ten such from Plancus, and nine from Decimus Brutus; and there is a whole mass of correspondence with Marcus Brutus — to be taken for what it is worth. With a view to history, they are doubtless worth much; but as throwing light on Cicero's character, except as to the vigor that was in the man to the last, they are not of great value. How is it that a correspondence, which is for its main purpose so full, should have fallen so short in many of its details? There is no word, no allusion derogatory to Atticus in these letters, which have come to us from Cælius and others. We have Atticus left to us for our judgment, free from the confession of his own faults, and free also from the insinuations of others. Of whom would we wish that the familiar letters of another about ourselves should be published? Would those objectionable epithets as to Pompey have been allowed to hold their ground had Pompey lived and had they been in his possession?

But, in reading histories and biographies, we always accept with a bias in favor of the person described the anecdotes of those who talk of them. We know that the ready wit of the surrounding world has taken up these affairs of the moment and turned them into ridicule — then as they do now. We discount the "Hierosolymarius." We do not quite believe that Bibulus never left the house while an enemy was to be seen; but we think that a man may be expected to tell the truth of

himself; at any rate, to tell no untruth against himself. We think that Cicero of all men may be left to do so — Cicero, who so well understood the use of words, and could use them in his own defence so deftly. I maintain that it has been that very deftness which has done him all the harm. Not one of those letters of the last years would have been written as it is now had Cicero thought, when writing it, that from it would his conduct have been judged after two thousand years. "No," will say my readers, "that is their value; they would not have otherwise been true, as they are. We should not then have learned his secrets." I reply, "It is a hard bargain to make: others do not make such bargains on the same terms. But be sure, at any rate, that you read them aright: be certain that you make the necessary allowances. Do not accuse him of falsehood because he unsays on a Tuesday the words he said on the Monday. Bear in mind on his behalf all the temporary ill that humanity is heir to. Could you, living at Brundisium during the summer months, 'when you were scarcely able to endure the weight of the sun,' have had all your intellects about you, and have been able always to choose your words?" No, indeed! These letters, if truth is to be expected from them, have to be read with all the subtle distinctions necessary for understanding the frame of mind in which they were written. His anger boils over here, and he is hot. Here tenderness has mastered him, and the love of old days. He is weak in body just now, and worn out in spirit; he is hopeless, almost to the brink of despair; he is bright with wit, he is full of irony, he is purposely enigmatic — all of which require an Atticus who knew him and the people among whom he had lived, and the times in which the events took place, for their special reading. Who is there can read them now so as accurately to decipher every intended detail? Then comes some critic who will not even attempt to read them — who rushes through them by the light of some foregone conclusion, and missing the point at which the writer subtly aims, tells us of some purpose of which he was altogether 142innocent! Because he jokes about the augurship, we are told how miserably base he was, and how ready to sell his country!

During the whole of the last year he must have been tortured by various turns of mind. Had he done well in joining himself to

Pompey? and having done so, had he done well in severing himself, immediately on Pompey's death, from the Pompeians? Looking at the matter as from a stand-point quite removed from it, we are inclined to say that he had done well in both. He could not without treachery have gone over to Cæsar when Cæsar had come to the gate of Italy, and, as it were with a blast of his trumpet, had demanded the Consulship, a triumph, the use of his legions, and the continuance of his military power. "Let Pompey put down his, and I will put down mine," he had said. Had Pompey put down his, Pompey and Cicero, Cato and Brutus, and Bibulus would all have had to walk at the heels of Cæsar. When Pompey declared that he would contest the point, he declared for them all. Cicero was bound to go to Pharsalia. But when, by Pompey's incompetence, Cæsar was the victor; when Pompey had fallen at the Nile, and all the lovers of the fish-ponds, and the intractable oligarchs, and the cutthroats of the Empire, such as young Pompey had become, had scattered themselves far and wide, some to Asia, some to Illyricum, some to Spain, and more to Africa — as a herd of deer shall be seen to do when a vast hound has appeared among them, with his jaws already dripping with blood — was Cicero then to take his part with any of them? I hold that he did what dignity required, and courage also. He went back to Italy, and there he waited till the conqueror should come.

It must have been very bitter. Never to have become great has nothing in it of bitterness for a noble spirit. What matters it to the unknown man whether a Cæsar or a Pompey is at the top of all things? Or if it does matter — as indeed that question of his governance does matter to every man who has a soul within him to be turned this way or that — which way he is turned, though there may be inner regrets that Cæsar should become the tyrant, perhaps keener regrets, if the truth were all seen, that Pompey's hands should be untrammelled, who sees them? I can walk down to my club with my brow unclouded, or, unless I be stirred to foolish wrath by the pride of some one equally vain, can enjoy myself amid the festivities of the hour. It is but a little affair to me. If it come in my way to do a thing, I will do my best, and there is an end of it. The sense of responsibility is not there, nor the grievous weight of having tried but failed to govern mankind. But to have clung to high places; to have

sat in the highest seat of all with infinite honor; to have been called by others, and, worse still, to have called myself, the savior of my country; to have believed in myself that I was sufficient, that I alone could do it, that I could bring back, by my own justice and integrity, my erring countrymen to their former simplicity — and then to have found myself fixed in a little town, just in Italy, waiting for the great conqueror, who though my friend in things social was opposed to me body and soul as to rules of life — that, I say, must have been beyond the bitterness of death.

During this year he had made himself acquainted with the details of that affair, whatever it might be, which led to his divorce soon after his return to Rome. He had lived about thirty years with his wife, and the matter could not but have been to him the cause of great unhappiness. Terentia was not only the mother of his children, but she had been to him also the witness of his rise in life and the companion of his fall. He was one who would naturally learn to love those with whom he was conversant. He seems to have projected himself out of his own time into those modes of thought which have come to us with Christianity, and such a separation from this woman after an intercourse of so many years must have been very grievous to him. All married Romans underwent divorce quite as a matter of course. There were many reasons.144 A young wife is more agreeable to the man's taste than one who is old. A rich wife is more serviceable than a poor. A new wife is a novelty. A strange wife is an excitement. A little wife is a relief to one overburdened with the flesh; a buxom wife to him who has become tired of the pure spirit. Xanthippe asks too much, while Griselda is too tranquil. And then, as a man came up in the world, causes for divorce grew without even the trouble of having to search for faults. Cæsar required that his wife should not be ill spoken of, and therefore divorced her. Pompey cemented the Triumvirate with a divorce. We cannot but imagine that, when men had so much the best of it in the affairs of life, a woman had always the worst of it in these enforced separations. But as the wind is tempered to the shorn lamb, so were divorces made acceptable to Roman ladies. No woman was disgraced by a divorce, and they who gave over their husbands at the caprice of a moment to other embraces would usually find consolation. Terentia when

divorced from Cicero was at least fifty, and we are told she had the extreme honor of having married Sallust after her break with Cicero. They say that she married twice again after Sallust's death, and that having lived nearly through the reign of Augustus, she died at length at the age of a hundred and three. Divorce at any rate did not kill her. But we cannot conceive but that so sudden a disruption of all the ties of life must have been grievous to Cicero. We shall find him in the next chapter marrying a young ward, and then, too, divorcing her; but here we have only to deal with the torments Terentia inflicted on him. What those torments were we do not know, and shall never learn unless by chance the lost letters of Atticus should come to light. But the general idea has been that the lady had, in league with a freedman and steward in her service, been guilty of fraud against her husband. I do not know that we have much cause to lament the means of ascertaining the truth. It is sad to find that the great men with whose name we are occupied have been made subject to those "whips and scorns of time" which we thought to be peculiar to ourselves, because they have stung us. Terentia, Cicero's wife two thousand years ago, sent him word that he had but £100 left in his box at home, when he himself knew well that there must be something more. That would have gone for nothing had there not been other things before that, many other things. So, in spite of his ordering at her hands the baths and various matters to be got ready for his friends at his Tusculum, a very short time after his return there he had divorced her.

During this last year he had been engaged on what has since been found to be the real work of his life. He had already written much, but had written as one who had been anxious to fill up vacant spaces of time as they came in his way. From this time forth he wrote as does one who has reconciled himself to the fact that there are no more days to be lost if he intends, before the sun be set, to accomplish an appointed task. He had already compiled the De Oratore, the De Republica, and the De Legibus. Out of the many treatises which we have from Cicero's hands, these are they which are known as the works of his earlier years. He commenced the year with an inquiry, De Optimo Genere Oratorum, which he intended as a preface to the translations which he made of the great speeches of

Æschines and Demosthenes, De Corona. These translations are lost, though the preface remains. He then translated, or rather paraphrased the Timæus of Plato, of which a large proportion has come down to us, and the Protagoras, of which we have lost all but a sentence or two. We have his Oratoriæ Partitiones, in which, in a dialogue between himself and his son, he repeats the lessons on oratory which he has given to the young man. It is a recapitulation, in short, of all that had been said on a subject which has since been made common, and which owed its origin to the work of much earlier years. It is but dull reading, but I can imagine that even in these days it may be useful to a young lawyer. There is a cynical morsel among these precepts which is worth 146 observing, "Cito enim arescit lachryma præsertim in alienis malis;" and another grandly simple, "Nihil enim est aliud eloquentia nisi copiose loquens sapientia." Can we fancy anything more biting than the idea that the tears caused by the ills of another soon grow dry on the orator's cheek, or more wise than that which tells us that eloquence is no more than wisdom speaking eloquently? Then he wrote the six Paradoxes addressed to Brutus — or rather he then gave them to the world, for they were surely written at an earlier date. They are short treatises on trite subjects, put into beautiful language, so as to arrest the attention of all readers by the unreasonableness of their reasoning. The most remarkable is the third, in which he endeavored to show that a man cannot be wise unless he be all-wise, a doctrine which he altogether overturns in his De Amicitia, written but four years afterward. Cicero knew well what was true, and wrote his paradox in order to give a zest to the subject. In the fourth and the sixth are attacks upon Clodius and Crassus, and are here republished in what would have been the very worst taste amid the politeness of our modern times. A man now may hate and say so while his foe is still alive and strong; but with the Romans he might continue to hate, and might republish the words which he had written, eight years after the death of his victim.

I know nothing of Cicero's which so much puts us in mind of the struggles of the modern authors to make the most of every word that has come from them, as do these paradoxes. They remind us of some writer of leading articles who gets together a small bundle of essays and then gives them to the world. Each of them has done well at its

time, but that has not sufficed for his ambition; therefore they are dragged out into the light and put forward with a separate claim for attention, as though they could stand well on their own legs. But they cannot stand alone, and they fall from having been put into a position other than that for which they were intended when written.

7

CHAPTER VII.

MARCELLUS, LIGARIUS, AND DEIOTARUS.

b.c. 46, ætat. 61.

The battle of Thapsus, in Africa, took place in the spring of this year, and Cato destroyed himself with true stoical tranquillity, determined not to live under Cæsar's rule. If we may believe the story which, probably, Hirtius has given us, in his account of the civil war in Africa, and which has come down to us together with Cæsar's Commentaries, Cato left his last instructions to some of his officers, and then took his sword into his bed with him and stabbed himself. Cicero, who, in his dream of Scipio, has given his readers such excellent advice in regard to suicide, has understood that Cato must be allowed the praise of acting up to his own principles. He would die rather than behold the face of the tyrant who had enslaved him. To Cato it was nothing that he should leave to others the burden of living under Cæsar; but to himself the idea of a superior caused an unendurable affront. The "Catonis nobile letum" has reconciled itself to the poets of all ages. Men, indeed, have refused to see that he fled from a danger which he felt to be too much for him, and that in doing so he had lacked something of the courage of a man. Many other Romans of the time did the same thing, but to none has been given all the honor which has been allowed to Cato.

148Cicero felt as others have done, and allowed all his little jealousies to die away. It was but a short time before that Cato had voted against the decree of the Senate giving Cicero his "supplication." Cicero had then been much annoyed; but now Cato had died fighting for the Republic, and was to be forgiven all personal offences. Cicero wrote a eulogy of Cato which was known by the name of Cato, and was much discussed at Rome at the time. It has now been lost. He sent it to Cæsar, having been bold enough to say in it whatever occurred to him should be said in Cato's praise. We may imagine that, had it not pleased him to be generous — had he not been governed by that feeling of "De mortuis nil nisi bonum," which is now common to us all — he might have said much that was

not good. Cato had endeavored to live up to the austerest rules of the Stoics — a mode of living altogether antagonistic to Cicero's views. But we know that he praised Cato to the full — and we know also that Cæsar nobly took the praise in good part, as coming from Cicero, and answered it in an Anti-Cato, in which he stated his reasons for differing from Cicero. We can understand how Cæsar should have shown that the rigid Stoic was not a man likely to be of service to his country.

There came up at this period a question which made itself popular among the "optimates" of Rome, as to the return of Marcellus. The man of Como, whom Marcellus had flogged, will be remembered — the Roman citizen who had first been made a citizen by Cæsar. This is mentioned now not as the cause of Cæsar's enmity, who did not care much probably for his citizen, but as showing the spirit of the man. He, Marcellus, had been Consul four years since, b.c. 51, and had then endeavored to procure Cæsar's recall from his province. He was one of the "optimates," an oligarch altogether opposed to Cæsar, a Roman nobleman of fairly good repute, who had never bent to Cæsar, but had believed thoroughly in his order, and had thought, till the day of Pharsalia came, that the 149 Consuls and the Senate would rule forever. The day of Pharsalia did come, and Marcellus went into voluntary banishment in Mitylene. After Pharsalia, Cæsar's clemency began to make itself known. There was a pardon for almost every Roman who had fought against him, and would accept it. No spark of anger burnt in Cæsar's bosom, except against one or two, of whom Marcellus was one. He was too wise to be angry with men whose services he might require. It was Cæsar's wish not to drive out the good men but to induce them to remain in Rome, living by the grace of his favor. Marcellus had many friends, and it seems that a public effort was made to obtain for him permission to come back to Rome. We must imagine that Cæsar had hitherto refused, probably with the idea of making his final concession the more valuable. At last the united Senators determined to implore his grace, and the Consulares rose one after another in their places, and all, with one exception, asked that Marcellus might be allowed to return. Cicero, however, had remained silent to the last. There must have been, I think, some plot to get Cicero on to his legs. He had gone to meet

Cæsar at Brundisium when he came back from the East, had returned to Rome under his auspices, and had lived in pleasant friendship with Cæsar's friends. Pardon seems to have been accorded to Cicero without an effort. As far as he was concerned, that hostile journey to Dyrrachium — for he did not travel farther toward the camp — counted for nothing with Cæsar. He was allowed to live in peace, at Rome or at his villas, as he might please, so long as Cæsar might rule. The idea seems to have been that he should gradually become absorbed among Cæsar's followers. But hitherto he had remained silent. It was now six years since his voice had been heard in Rome. He had spoken for Milo — or had intended to speak — and, in the same affair, for Munatius Plancus, and for Saufeius, b.c. 52. He had then 150been in his fifty-fifth year, and it might well be that six years of silence at such a period of his life would not be broken. It was manifestly his intention not to speak again, at any rate in the Senate; though the threats made by him as to his total retirement should not be taken as meaning much. Such threats from statesmen depend generally on the wishes of other men. But he held his place in the Senate, and occasionally attended the debates. When this affair of Marcellus came on, and all the Senators of consular rank — excepting only Volcatius and Cicero — had risen, and had implored Cæsar in a few words to condescend to be generous; when Claudius Marcellus had knelt at Cæsar's feet to ask for his brother's liberty, and Cæsar himself, after reminding them of the bitterness of the man, had still declared that he could not refuse the prayers of the Senate, then Cicero, as though driven by the magnanimity of the conqueror, rose from his place, and poured forth his thanks in the speech which is still extant.

That used to be the story till there came the German critic Wolf, who at the beginning of this century told us that Cicero did not utter the words attributed to him, and could not have uttered them. According to Wolf, it would be doing Cicero an egregious wrong to suppose him capable of having used such words, which are not Latin, and which were probably written by some ignoramus in the time of Tiberius. Such a verdict might have been taken as fatal — for Wolf's scholarship and powers of criticism are acknowledged — in spite of La Harpe, the French scholar and critic, who has named the

Marcellus as a thing of excellence, comparing it with the eulogistic speeches of Isocrates. The praise of La Harpe was previous to the condemnation of Wolf, and we might have been willing to accede to the German as being the later and probably the more accurate. Mr. Long, the British editor of the Orations — Mr. Long, who has so loudly condemned the four speeches supposed to have been made after Cicero's return from exile — gives us no certain guidance. Mr. Long, at any 151 rate, has not been so disgusted by the Tiberian Latin as to feel himself bound to repudiate it. If he can read the Pro Marcello, so can I, and so, my reader, might you do probably without detriment. But these differences among the great philologic critics tend to make us, who are so infinitely less learned, better contented with our own lot. I, who had read the Pro Marcello without stumbling over its halting Latinity, should have felt myself crushed when I afterward came across Wolf's denunciations, had I not been somewhat comforted by La Harpe. But when I found that Mr. Long, in his introduction to the piece, though he discusses Wolf's doctrine, still gives to the orator the advantage, as it may be, of his "imprimatur," I felt that I might go on, and not be ashamed of myself.

This is the story that has now to be told of the speech Pro Marcello. At the time the matter ended very tragically. As soon as Cæsar had yielded, Cicero wrote to Marcellus giving him strong reasons for coming home. Marcellus answered him, saying that it was impossible. He thanks Cicero shortly; but, with kindly dignity, he declines. "With the comforts of the city I can well dispense," he says. Then Cicero urges him again and again, using excellent arguments for his return — which at length prevail. In the spring of the next year Marcellus, on his way back to Rome, is at Athens. There Servius Sulpicius spends a day with him; but, just as Sulpicius is about to pass on, there comes a slave to him who tells him that Marcellus has been murdered. His friend Magius Chilo had stabbed him overnight, and had then destroyed himself. It was said that Chilo had asked Marcellus to pay his debts for him, and that Marcellus had refused. It seems to be more 152probable that Chilo had his own reasons for not choosing that his friend should return to Rome.

Looking back at my own notes on the speech — it would make

with us but a ten minutes' after-dinner speech — I see that it is said "that it is chiefly remarkable for the beauty of the language, and the abjectness of the praise of Cæsar." This was before I had heard of Wolf. As to the praise, I doubt whether it should be called abject, regard being had to the feelings of the moment in which it was delivered. Cicero had risen to thank Cæsar — on whose breath the recall of Marcellus depended — for his unexpected courtesy. In England we should not have thanked Cæsar as Cicero did: "O Cæsar, there is no flood of eloquence, no power of the tongue or of the pen, no richness of words, which may emblazon, or even dimly tell the story of your great deeds." Such language is unusual with us — as it would also be unusual to abuse our Pisos and our Vatiniuses, as did Cicero. It was the Southerner and the Roman who spoke to Southerners and to Romans. But, undoubtedly, there was present to the mind of Cicero the idea of saying words which Cæsar might receive with pleasure. He was dictator, emperor, lord of all things — king. Cicero should have remained away, as Marcellus had done, were he not prepared to speak after this fashion. He had long held aloof from speech. At length the time had come when he was, as it were, caught in a trap, and compelled to be eloquent.

b.c. 46, ætat. 61.

The silence had been broken, and in the course of the autumn he spoke on behalf of Ligarius, beseeching the conqueror to be again merciful. This case was by no means similar to that of Marcellus, who was exiled by no direct forfeiture of his right to live in Italy, but who had expatriated himself. In this case Ligarius had been banished with others; but it seems that the punishment had been inflicted on him, not from the special ill-will of Cæsar, but from 153the malice of certain enemies who, together with Ligarius, had found themselves among Pompey's followers when Cæsar crossed the Rubicon. Ligarius had at this time been left as acting governor in Africa. In the confusion of the times an unfortunate Pompeian named Varus had arrived in Africa, and to him, as being superior in rank, Ligarius had given up the government. Varus had then gone, leaving Ligarius still acting, and one Tubero had come with his son, and had demanded the office. Ligarius had refused to give it up, and the two Tuberos had departed, leaving the province in anger, and had fought at the

Pharsalus. After the battle they made their peace with Cæsar, and in the scramble that ensued Ligarius was banished. Now the case was brought into the courts, in which Cæsar sat as judge. The younger Tubero accused Ligarius, and Cicero defended him. It seems that, having been enticed to open his mouth on behalf of Marcellus, he found himself launched again into public life. But how great was the difference from his old life! It is not to the Judices, or Patres Conscripti, or to the Quirites that he now addresses himself, determined by the strength of his eloquence to overcome the opposition of stubborn minds, but to Cæsar, whom he has to vanquish simply by praise. Once again he does the same thing when pleading for Deiotarus, the King of Galatia, and it is impossible to deny, as we read the phrases, that the orator sinks in our esteem. It is not so much that we judge him to be small, as that he has ceased to be great. He begins his speech for Ligarius by saying, "My kinsman Tubero has brought before you, O Cæsar, a new crime, and one not heard of up to this day — that Ligarius has been in Africa." The commencement would have been happy enough if it had not been addressed to Cæsar; for he was addressing a judge not appointed by any form, but self-assumed — a judge by military conquest. We cannot imagine how Cæsar found time to sit there, with his legions round him 154still under arms, and Spain not wholly conquered. But he did do so, and allowed himself to be persuaded to the side of mercy. Ligarius came back to Rome, and was one of those who plunged their daggers into him. But I cannot think that he should have been hindered by this trial and by Cæsar's mercy from taking such a step, if by nothing else. Brutus and Cassius also stabbed him. The question to be decided is whether, on public grounds, these men were justified in killing him — a question as to which I should be premature in expressing an opinion here.

There are some beautiful passages in this oration. "Who is there, I ask," he says, "who alleges Ligarius to have been in fault because he was in Africa? He does so who himself was most anxious to be there, and now complains that he was refused admittance by Ligarius, he who was in arms against Cæsar. What was your sword doing, Tubero, in that Pharsalian army? Whom did you seek to kill then? What was the meaning of your weapon? What was it that you desired

so eagerly, with those eyes and hands, with that passion in your heart? I press him too much; the young man seems to be disturbed. I will speak of myself, then, for I also was in that army." This was in Cæsar's presence, and no doubt told with Cæsar. We were all together in the same cause — you, and I, and Ligarius. Why should you and I be pardoned and not Ligarius? The oration is for the most part simply eulogistic. At any rate it was successful, and became at Rome, for the time, extremely popular. He writes about it early in the following year to Atticus, who has urged him to put something into it, before it was published, to mitigate the feeling against Tubero. Cicero says in his reply to Atticus that the copies have already been given to the public, and that, indeed, he is not anxious on Tubero's behalf.

Early in this year he had divorced Terentia, and seems at 155once to have married Publilia. Publilia had been his ward, and is supposed to have had a fortune of her own. He explains his own motives very clearly in a letter to his friend Plancius. In these wretched times he would have formed no new engagement, unless his own affairs had been as sad for him as were those of the Republic; but when he found that they to whom his prosperity should have been of the greatest concern were plotting against him within his own walls, he was forced to strengthen himself against the perfidy of his old inmates by placing his trust in new. It must have been very bad with him when he had recourse to such a step as this. Shortly after this letter just quoted had been written, he divorced Publilia also — we are told because Publilia had treated Tullia with disrespect. We have no details on the subject, but we can well understand the pride of the young woman who declined to hear the constant praise of her step-daughter, and thought herself to be quite as good as Tullia. At any rate, she was sent away quickly from her new home, having remained there only long enough to have made not the most creditable episode in Cicero's life.

At this time Dolabella, who assumed the Consulship upon Cæsar's death, and Hirtius, who became Consul during the next year, used to attend upon Cicero and take lessons in elocution. So at least the story has been told, from a letter written in this year to his friend Pœtus; but I should imagine that the lessons were not much in

earnest. “Why do you talk to me of your tunny-fish, your pilot-fish, and your cheese and sardines? Hirtius and Dolabella preside over my banquets, and I teach them in return to make speeches.” From this we may learn that Cæsar’s friends were most anxious to be also Cicero’s friends. It may be said that Dolabella was his son-in-law; but Dolabella was at this moment on the eve of being divorced. It was in spite of his marriage that Dolabella still 156clung to Cicero. All Cæsar’s friends in Rome did the same; so that I am disposed to think that for this year, just till Tullia’s death, he was falling, not into a happy state, but to the passive contentment of those who submit themselves to be ruled over by a single master. He had struggled all his life, and now finding that he must yield, he thought that he might as well do so gracefully. It was so much easier to listen to the State secrets of Balbus, and hear from Oppius how the money was spent, and then to dine with Hirtius or Dolabella, than to sit ever scowling at home, as Cato would have done had Cato lived. But with his feelings about the Republic at heart, how sad it must have been! Cato was gone, and Pompey, and Bibulus; and Marcellus was either gone or just about to go. Old age was creeping on. It was better to write philosophy, in friendship with Cæsar’s friends, than to be banished again whither he could not write it at all. Much, no doubt, he did in preparation for all those treatises which the next eighteen months were to bring forth.

Cæsar, just at the end of the year, had been again called to Spain, b.c. 46, to quell the last throbbings of the Pompeians, and then to fight the final battle of Munda. It would seem odd to us that so little should have been said about such an event by Cicero, and that the little should depend on the education of his son, were it not that if we look at our own private letters, written to-day to our friends, we find the same omission of great things. To Cicero the doings of his son were of more immediate moment than the doings of Cæsar. The boy had been anxious to enlist for the Spanish war. Quintus, his cousin, had gone, and young Marcus was anxious to flutter his feathers beneath the eyes of royalty. At his age it was nothing to him that he had been taken to Pharsalia and made to bear arms on the opposite side. Cæsar had become Cæsar since he had learned to form his opinion on politics, and on Cæsar’s side all things seemed to be

bright and prosperous. The lad was anxious to get away from his new step-mother, and asked his father for the means to go with the army to Spain. It appears by Cicero's letter to Atticus on the subject that, in discussing the matter with his son, he did yield. These Roman fathers, in whose hands we are told were the very lives of their sons, seem to have been much like Christian fathers of modern days in their indulgences. The lad was now nineteen years old, and does not appear to have been willing, at the first parental attempt, to give up his military appanages and that swagger of the young officer which is so dear to the would-be military mind. Cicero tells him that if he joined the army he would find his cousin treated with greater favor than himself. Young Quintus was older, and had been already able to do something to push himself with Cæsar's friends. "Sed tamen permisi"—"Nevertheless, I told him he might go," said Cicero, sadly. But he did not go. He was allured, probably, by the promise of a separate establishment at Athens, whither he was sent to study with Cratippus. We find another proof of Cicero's wealth in the costliness of his son's household at Athens, as premeditated by the father. He is to live as do the sons of other great noblemen. He even names the young noblemen with whom he is to live. Bibulus was of the Calpurnian "gens," Acidinus of the Manlian, and Messala of the Valerian, and these are the men whom Cicero, the "novus homo" from Arpinum, selects as those who shall not live at a greater cost than his son. "He will not, however, at Athens want a horse." Why not? Why should not a young man so furnished want a horse at Athens? "There are plenty here at home for the road," says Cicero. So young Cicero is furnished, and sent forth to learn philosophy and Greek. But no one has essayed to tell us why he should not want the horse. Young Cicero when at Athens did not do well. He writes home in the coming year, to Tiro, two letters which have been preserved for us, and which seem to give us but a bad account, at any rate, of his sincerity. "The errors 158of his youth," he says, "have afflicted him grievously." Not only is his mind shocked, but his ears cannot bear to hear of his own iniquity. "And now," he says, "I will give you a double joy, to compensate all the anxiety I have occasioned you. Know that I live with Cratippus, my master, more like a son than a pupil. I spend all my days with him, and very often

part of the night." But he seems to have had some wit. Tiro has been made a freedman, and has bought a farm for himself. Young Marcus — from whom Tiro has asked for some assistance which Marcus cannot give him — jokes with him as to his country life, telling him that he sees him saving the apple-pips at dessert. Of the subsequent facts of the life of young Marcus we do not know much. He did not suffer in the proscriptions of Antony and Augustus, as did his father and uncle and his cousin. He did live to be chosen as Consul with Augustus, and had the reputation of a great drinker. For this latter assertion we have only the authority of Pliny the elder, who tells us an absurd story, among the wonders of drinking which he adduces. Middleton says a word or two on behalf of the young Cicero, which are as well worthy of credit as anything else that has been told. One last glance at him which we can credit is given in that letter to Tiro, and that we admit seems to us to be hypocritical.

b.c. 45, ætat. 62.

In the spring of the year Cicero lost his daughter Tullia. We have first a letter of his to Lepta, a man with whom he had become intimate, saying that he had been kept in Rome by Tullia's confinement, and that now he is still detained, though her health is sufficiently confirmed, by the expectation of obtaining from Dolabella's agents the first repayment of her dowry. The repayment of the divorced lady's marriage portion was a thing of every-day occurrence in Rome, when she was allowed to take away as much as she had brought with her. Cicero, however, failed to get back Tullia's 159dowry. But he writes in good spirits. He does not think that he cares to travel any more. He has a house at Rome better than any of his villas in the country, and greater rest than in the most desert region. His studies are now never interrupted. He thinks it probable that Lepta will have to come to him before he can be induced to go to Lepta. In the mean time let the young Lepta take care and read his Hesiod.

Then he writes in the spring to Atticus a letter from Antium, and we first hear that Tullia is dead. She had seemed to recover from childbirth; but her strength did not suffice, and she was no more. A boy had been born, and was left alive. In subsequent letters we find that Cicero gives instructions concerning him, and speaks of

providing for him in his will. But of the child we hear nothing more, and must surmise that he also died. Of Tullia's death we have no further particulars; but we may well imagine that the troubles of the world had been very heavy on her. The little stranger was being born at the moment of her divorce from her third husband. She was about thirty-two years of age, and it seems that Cicero had taken consolation in her misfortunes from the expected pleasure of her companionship. She was now dead, and he was left alone.

She had died in February, and we know nothing of the first outbreak of his sorrow. It appears that he at first buried himself for a while in a villa belonging to Atticus, near Rome, and that he then retreated to his own at Astura. From thence, and afterward from Antium, there are a large number of letters, all dealing with the same subject. He declares himself to be inconsolable; but he does take consolation from two matters — from his books on philosophy, and from an idea which occurs to him that he will perpetuate the name of Tullia forever by the erection of a monument that shall be as nearly immortal as stones and bricks can make it.

160His letters to Atticus at this time are tedious to the general reader, because he reiterates so often his instructions as to the purchase of the garden near Rome in which the monument is to be built; but they are at the same time touching and natural. "Nothing has been written," he says, "for the lessening of grief which I have not read at your house; but my sorrow breaks through it all." Then he tells Atticus that he too has endeavored to console himself by writing a treatise on Consolation. "Whole days I write; not that it does any good." In that he was wrong. He could find no cure for his grief; but he did know that continued occupation would relieve him, and therefore he occupied himself continually. "Totos dies scribo." By doing so, he did contrive not to break his heart. In a subsequent letter he says, "Reading and writing do not soften it, but they deaden it."

On the Appian Way, a short distance out of Rome, the traveller is shown a picturesque ancient building, of enormous strength, called the Mole of Cæcilia Metella. It is a castle in size, but is believed to have been the tomb erected to the memory of Cæcilia, the daughter of Metellus Creticus, and the wife of Crassus the rich. History knows of her nothing more, and authentic history hardly knows so much of

the stupendous monument. There it stands, however, and is supposed to be proof of what might be done for a Roman lady in the way of perpetuating her memory. She was, at any rate, older than Tullia, having been the wife of a man older than Tullia's father. If it be the case that this monument be of the date named, it proves to us, at least, that the notion of erecting such monuments was then prevalent. Some idea of a similar kind — of a monument equally stupendous, and that should last as long — seems to have taken a firm hold of Cicero's mind. He has read all the authors he could find on the subject, and they agree that it shall be done in the fashion he points out. 161He does not, he says, consult Atticus on that matter, nor on the architecture, for he has already settled on the design of one Cluatius. What he wants Atticus to do for him now is to assist him in buying the spot on which it shall be built. Many gardens near Rome are named. If Drusus makes a difficulty, Atticus must see Damasippus. Then there are those which belong to Sica and to Silius! But at last the matter dies away, and even the gardens are not bought. We are led to imagine that Atticus has been opposed to the monument from first to last, and that the immense cost of constructing such a temple as Cicero had contemplated is proved to him to be injudicious. There is a charming letter written to him at this time by his friend Sulpicius, showing the great feeling entertained for him. But, as I have said before, I doubt whether that or any other phrases of consolation were of service to him. It was necessary for him to wait and bear it, and the more work that he did when he was bearing it, the easier it was borne. Lucceius and Torquatus wrote to him on the same subject, and we have his answers.

b.c. 45, ætat. 62.

In September Cæsar returned from Spain, having at last conquered the Republic. All hope for liberty was now gone. Atticus had instigated Cicero to write something to Cæsar as to his victories — something that should be complimentary, and at the same time friendly and familiar; but Cicero had replied that it was impossible. "When I feel," he said, "that to draw the breath of life is in itself base, how base would be my assent to what has been done! But it is not only that. There are not words in which such a letter ever can be written. Do you not know that Aristotle, when he addressed himself

to Alexander, wrote to a youth who had been modest; but then, when he had once heard himself called king, he became proud, cruel, and unrestrained? How, then, shall I now write in terms which shall suffice for his pride to 162the man who has been equalled to Romulus?" It was true; Cæsar had now returned inflated with such pride that Brutus, and Cassius, and Casca could no longer endure him. He came back, and triumphed over the five lands in which he had conquered not the enemies of Rome, but Rome itself. He triumphed nominally over the Gauls, the Egyptians, the Asiatics of Pontus, over the Africans, and the Spaniards; but his triumph was, in truth, over the Republic. There appears from Suetonius to have been five separate triumphal processions, each at the interval of a few days. Amid the glory of the first Vercingetorix was strangled. To the glory of the third was added — as Suetonius tells us — these words, "Veni, vidi, vici," displayed on a banner. This I think more likely than that he had written them on an official despatch. We are told that the people of Rome refused to show any pleasure, and that even his own soldiers had enough in them of the Roman spirit to feel resentment at his assumption of the attributes of a king. Cicero makes but little mention of these gala doings in his letters. He did not see them, but wrote back word to Atticus, who had described it all. "An absurd pomp," he says, alluding to the carriage of the image of Cæsar together with that of the gods; and he applauds the people who would not clap their hands, even in approval of the Goddess of Victory, because she had shown herself in such bad company. There are, however, but three lines on the subject, showing how little there is in that statement of Cornelius Nepos that he who had read Cicero's letters carefully wanted but little more to be well informed of the history of the day.

Cæsar was not a man likely to be turned away from his purpose of ruling well by personal pride — less likely, we should say, than any self-made despot dealt with in history. He did make efforts to be as he was before. He endeavored to live on terms of friendship with his old friends; but the spirit of 163pride which had taken hold of him was too much for him. Power had got possession of him, and he could not stand against it. It was sad to see the way in which it compelled him to make himself a prey to the conspirators, were it not

that we learn from history how impossible it is that a man should raise himself above the control of his fellow-men without suffering.

b.c. 45, ætat. 62.

During these days Cicero kept himself in the country, giving himself up to his philosophical writings, and indulging in grief for Tullia. Efforts were repeatedly made to bring him to Rome, and he tells Atticus in irony that if he is wanted there simply as an augur, the augurs have nothing to do with the opening of temples. In the same letter he speaks of an interview he has just had with his nephew Quintus, who had come to him in his disgrace. He wants to go to the Parthian war, but he has not money to support him. Then Cicero uses, as he says, the eloquence of Atticus, and holds his tongue. We can imagine how very unpleasant the interview must have been. Cicero, however, decides that he will go up to the city, so that he may have Atticus with him on his birthday. This letter was written toward the close of the year, and Cicero's birthday was the 3d of January.

He then goes to Rome, and undertakes to plead the cause of Deiotarus, the King of Galatia, before Cæsar. This very old man had years ago become allied with Pompey, and, as far as we can judge, been singularly true to his idea of Roman power. He had seen Pompey in all his glory when Pompey had come to fight Mithridates. The Tetrarchs in Asia Minor, of whom this Deiotarus was one, had a hard part to play when the Romans came among them. They were forced to comply, either with their natural tendency to resist their oppressors, or else were obliged to fleece their subjects in order to satisfy the cupidity of the invaders. We remember Ariobarzanes, who 164sent his subjects in gangs to Rome to be sold as slaves in order to pay Pompey the interest on his debt. Deiotarus had similarly found his best protection in being loyal to Pompey, and had in return been made King of Armenia by a decree of the Roman Senate. He joined Pompey at the Pharsalus, and, when the battle was over, returned to his own country to look for further forces wherewith to aid the Republic. Unfortunately for him, Cæsar was the conqueror, and Deiotarus found himself obliged to assist the conqueror with his troops. Cæsar seems never to have forgiven him his friendship for Pompey. He was not a Roman, and was unworthy of forgiveness.

Cæsar took away from him the kingdom of Armenia, but left him still titular King of Galatia. But this enmity was known in the king's own court, and among his own family. His own daughter's son, one Castor, became desirous of ruining his grandfather, and brought a charge against the king. Cæsar had been the king's compelled guest in his journey in quest of Pharnaces, and had passed quickly on. Now, when the war was over and Cæsar had returned from his five conquered nations, Castor came forward with his accusation. Deiotarus, according to his grandson, had endeavored to murder Cæsar while Cæsar was staying with him. At this distance of time and place we cannot presume to know accurately what the circumstances were; but it appears to have been below the dignity of Cæsar to listen to such a charge. He did do so, however, and heard more than one speech on the subject delivered in favor of the accused. Brutus spoke on behalf of the aged king, and spoke in vain. Cicero did not speak in vain, for Cæsar decided that he would pronounce no verdict till he had himself been again in the East, and had there made further inquiries. He never returned to the East; but the old king lived to fight once more, and again on the losing side. He was true to the party he had taken, and ranged himself with Brutus and Cassius at the field of Philippi.

The case was tried, if tried it can be called, in Cæsar's pri 165vate house, in which the audience cannot have been numerous. Cæsar seems to have admitted Cicero to say what could be said for his friend, rather than as an advocate to plead for his client, so that no one should accuse him, Cæsar, of cruelty in condemning the criminal. The speech must have occupied twenty minutes in the delivery, and we are again at a loss to conceive how Cæsar should have found the time to listen to it. Cicero declares that he feels the difficulty of pleading in so unusual a place — within the domestic walls of a man's private house, and without any of those accustomed supports to oratory which are to be found in a crowded law court. "But," he says, "I rest in peace when I look into your eyes and behold your countenance." The speech is full of flattery, but it is turned so adroitly that we almost forgive it.

There is a passage in which Cicero compliments the victor on his well-known mercy in his victories — from which we may see how

much Cæsar thought of the character he had achieved for himself in this particular. “Of you alone, O Cæsar, is it boasted that no one has fallen under your hands but they who have died with arms in their hands.” All who had been taken had been pardoned. No man had been put to death when the absolute fighting was brought to an end. Cæsar had given quarter to all. It is the modern, generous way of fighting. When our country is invaded, and we drive back the invaders, we do not, if victorious, slaughter their chief men. Much less, when we invade a country, do we kill or mutilate all those who have endeavored to protect their own homes. Cæsar has evidently much to boast, and among the Italians he has caused it to be believed. It suited Cicero to assert it in Cæsar’s ears. Cæsar wished to be told of his own clemency among the men of his own country. But because 166Cæsar boasted, and Cicero was complaisant, posterity is not to run away with the boast, and call it true. For all that is great in Cæsar’s character I am willing to give him credit; but not for mercy; not for any of those divine gifts the loveliness of which was only beginning to be perceived in those days by some few who were in advance of their time. It was still the maxim of Rome that a “supplicatio” should be granted only when two thousand of the enemy should have been left on the field. We have something still left of the pagan cruelty about us when we send triumphant words of the numbers slain on the field of battle. We cannot but remember that Cæsar had killed the whole Senate of the Veneti, a nation dwelling on the coast of Brittany, and had sold all the people as slaves, because they had detained the messengers he had sent to them during his wars in Gaul. “Gravius vindicandum statuit” —”He had thought it necessary to punish them somewhat severely.” Therefore he had killed the entire Senate, and enslaved the entire people. This is only one of the instances of wholesale horrible cruelty which he committed throughout his war in Gaul — of cruelty so frightful that we shudder as we think of the sufferings of past ages. The ages have gone their way, and the sufferings are lessened by increased humanity. But we cannot allow Cicero’s compliment to pass idly by. The “nemo nisi armatus” referred to Italians, and to Italians, we may take it, of the upper rank — among whom, for the sake of dramatic effect, Deiotarus was placed for the occasion.

This was the last of Cicero's casual speeches. It was now near the end of the year, and on the ides of March following it was fated that Cæsar should die. After which there was a lull in the storm for a while, and then Cicero broke out into 167that which I have called his final scream of liberty. There came the Philippics — and then the end. This speech of which I have given record as spoken Pro Rege Deiotaro was the last delivered by him for a private purpose. Forty-two he has spoken hitherto, of which something of the story has been told; the Philippics of which I have got to speak are fourteen in number, making the total number of speeches which we possess to be fifty-six. But of those spoken by him we have not a half, and of those which we possess some have been declared by the great critics to be absolutely spurious. The great critics have perhaps been too hard upon them: they have all been polished. Cicero himself was so anxious for his future fame that he led the way in preparing them for the press. Quintilian tells us that Tiro adapted them. Others again have come after him and have retouched them, sometimes, no doubt, making them smoother, and striking out morsels which would naturally become unintelligible to later readers. We know what he himself did to the Milo. Others subsequently may have received rougher usage, but still from loving hands. Bits have been lost, and other bits interpolated, and in this way have come to us the speeches which we possess. But we know enough of the history of the times, and are sufficient judges of the language, to accept them as upon the whole authentic. The great critic, when he comes upon a passage against which his very soul recoils, on the score of its halting Latinity, rises up in his wrath and tears the oration to tatters, till he will have none of it. One set of objectionable words he encounters after another, till the whole seems to him to be damnable, and the oration is condemned. It has been well to allude to this, because in dealing with these orations it is necessary to point out that every word cannot be accepted as having been spoken as we find it printed. Taken collectively, we may accept them as a stupendous monument of human eloquence and human perseverance.

b.c. 45, ætat. 62.

Late in the year, on the 12th before the calends of January, or the 21st of December, there took place a little party at Puteoli, the

account of which interests us. Cicero entertained Cæsar at supper. Though the date is given as above, and though December had originally been intended to signify, as it does with us, a winter month, the year, from want of proper knowledge, had run itself out of order, and the period was now that of October. The amendment of the calendar, which was made under Cæsar's auspices, had not as yet been brought into use, and we must understand that October, the most delightful month of the year, was the period in question. Cicero was staying at his Puteolan villa, not far from Baiæ, close upon the sea-shore — the corner of the world most loved by all the great Romans of the day for their retreat in autumn. Puteoli, we may imagine, was as pleasant as Baiæ, but less fashionable, and, if all that we hear be true, less immoral. Here Cicero had one of his villas, and here, a few months before his death, Cæsar came to visit him. He gives, in a very few lines to Atticus, a graphic account of the entertainment. Cæsar had sent on word to say that he was coming, so that Cicero was prepared for him. But the lord of all the world had already made himself so evidently the lord, that Cicero could not entertain him without certain of those inner quakings of the heart which are common to us now when some great magnate may come across our path and demand hospitality for a moment. Cicero jokes at his own solicitude, but nevertheless we know that he has felt it when, on the next morning, he sent Atticus an account of it. His guest has been a burden to him indeed, but still he does not regret it, for the guest behaved himself so pleasantly! We must remark that Cicero did not ostensibly shake in his shoes before him. Cicero had been Consul, and has had to lead the Senate when Cæsar was probably anxious to escape himself as an undetected conspirator. Cæsar has grown since, but only by degrees. He has not become, as Augustus did, "facile princeps." He is aware of his own power, but aware also that it becomes him to ignore his own knowledge. And Cicero is also aware of it, but conscious at the same time of a nominal equality. Cæsar is now Dictator, has been Consul four times, and will be Consul again when the new year comes on. But other Romans have been Dictator and Consul. All of which Cæsar feels on the occasion, and shows that he feels it. Cicero feels it also, and endeavors, not quite successfully, to hide it.

Cæsar has come accompanied by troops. Cicero names two thousand men — probably at random. When Cicero hears that they have come into the neighborhood, he is terribly put about till one Barba Cassius, a lieutenant in Cæsar's employment, comes and reassures him. A camp is made for the men outside in the fields, and a guard is put on to protect the villa. On the following day, about one o'clock, Cæsar comes. He is shut up at the house of one Philippus, and will admit no one. He is supposed to be transacting accounts with Balbus. We can imagine how Cicero's cooks were boiling and stewing at the time. Then the great man walked down upon the sea-shore. Rome was the only recognized nation in the world. The others were provinces of Rome, and the rest were outlying barbaric people, hardly as yet fit to be Roman provinces. And he was now lord of Rome. Did he think of this as he walked on the shore of Puteoli — or of the ceremony he was about to encounter before he ate his dinner? He did not walk long, for at two o'clock he bathed, and heard "that story about Mamurra" without moving a muscle. Turn to your Catullus, the 57th Epigram, and read what Cæsar had read to him on this occasion, without showing by his face the slightest feeling. It is short enough, but I cannot quote it even in a note, even in Latin. Who told Cæsar of the foul words, and why were they read to him on this occasion? He thought but little about them, for he forgave the author and asked him afterward to supper. This was at the bath, we may suppose. He then took his siesta, and after that "ἐμετικὴν agebat." How the Romans went through the daily process and lived, is to us a marvel. I think we may say that Cicero did not practise it. Cæsar, on this occasion, ate and drank plenteously and with pleasure. It was all well arranged, and the conversation was good of its kind, witty and pleasant. Cæsar's couch seems to have been in the midst, and around him lay supping, at other tables, his freedmen, and the rest of his suite. It was all very well; but still, says Cicero, he was not such a guest as you would welcome back — not one to whom you would say, "Come again, I beg, when you return this way." Once is enough. There were no politics talked — nothing of serious matters. Cæsar had begun to find now that no use could be made of Cicero for politics. He had tried that, and had given it up. Philology was the subject — the science of literature and languages. Cæsar could talk

literature as well as Cicero, and turned the conversation in that direction. Cicero was apt, and took the desired part, and so the afternoon passed pleasantly, but still with a little feeling that he was glad when his guest was gone.

Cæsar declared, as he went, that he would spend one day at Puteoli and another at Baiæ. Dolabella had a villa down in those parts, and Cicero knows that Cæsar, as he passed by Dolabella's house, rode in the midst of soldiers — in state, as we should say — but that he had not done this anywhere else. He had already promised Dolabella the Consulship.

Was Cicero mean in his conduct toward Cæsar? Up to this moment there had been nothing mean, except that Roman flattery which was simply Roman good manners. He had opposed him at Pharsalia — or rather in Macedonia. He had 171gone across the water — not to fight, for he was no fighting man — but to show on which side he had placed himself. He had done this, not believing in Pompey, but still convinced that it was his duty to let all men know that he was against Cæsar. He had resisted every attempt which Cæsar had made to purchase his services. Neither with Pompey nor with Cæsar did he agree. But with the former — though he feared that a second Sulla would arise should he be victorious — there was some touch of the old Republic. Something might have been done then to carry on the government upon the old lines. Cæsar had shown his intention to be lord of all, and with that Cicero could hold no sympathy. Cæsar had seen his position, and had respected it. He would have nothing done to drive such a man from Rome. Under these circumstances Cicero consented to live at Rome, or in the neighborhood, and became a man of letters. It must be remembered that up to the ides of March he had heard of no conspiracy. The two men, Cæsar and Cicero, had agreed to differ, and had talked of philology when they met. There has been, I think, as yet, nothing mean in his conduct.

2

CHAPTER VIII.

CÆSAR'S DEATH.

b.c. 44, ætat. 63.

After the dinner-party at Puteoli, described in the last chapter, Cicero came up to Rome, and was engaged in literary pursuits. Cæsar was now master and lord of everything. In January Cicero wrote to his friend Curio, and told him with disgust of the tomfooleries which were being carried on at the election of Quæstors. An empty chair had been put down, and was declared to be the Consul's chair. Then it was taken away, and another chair was placed, and another Consul was declared. It wanted then but a few hours to the end of the consular year — but not the less was Caninius, the new Consul, appointed, "who would not sleep during his Consulship," which lasted but from mid-day to the evening. "If you saw all this you would not fail to weep," says Cicero! After this he seems to have recovered from his sorrow. We have a correspondence with Pœtus which always typifies hilarity of spirits. There is a discussion, of which we have but the one side, on "double entendre" and plain speaking. Pœtus had advocated the propriety of calling a spade a spade, and Cicero shows him the inexpediency. Then we come suddenly upon his letter to Atticus, written on the 7th of April, three weeks after the fall of Cæsar.

Mommsen endeavors to explain the intention of Cæsar in the adoption of the names by which he chose to be called, and in his acceptance of those which, without his choosing, were im 173posed upon him. He has done it perhaps with too great precision, but he leaves upon our minds a correct idea of the resolution which Cæsar had made to be King, Emperor, Dictator, or what not, before he started for Macedonia, b.c. 49, and the disinclination which moved him at once to proclaim himself a tyrant. Dictator was the title which he first assumed, as being temporary, Roman, and in a certain degree usual. He was Dictator for an indefinite period, annually, for ten years, and, when he died, had been designated Dictator for life. He had already been, for the last two years, named "Imperator" for life;

but that title — which I think to have had a military sound in men's ears, though it may, as Mommsen says, imply also civil rule — was not enough to convey to men all that it was necessary that they should understand. Till the moment of his triumph had come, and that "Veni, vidi, vici" had been flaunted in the eyes of Rome — till Cæsar, though he had been ashamed to call himself a king, had consented to be associated with the gods — Brutus, Cassius, and those others, sixty in number we are told, who became the conspirators, had hardly realized the fact that the Republic was altogether at an end. A bitter time had come upon them; but it was softened by the personal urbanity of the victor. But now, gradually, the truth was declaring itself, and the conspiracy was formed. I am inclined to think that Shakspeare has been right in his conception of the plot. "I do fear the people choose Cæsar for their king," says Brutus. "I had as lief not be, as live to be in awe of such a thing as I myself," says Cassius. It had come home to them at length that Cæsar was to be king, and therefore they conspired.

It would be a difficult task in the present era to recommend to my readers the murderers of Cæsar as honest, loyal politi 174cians, who did for their country, in its emergency, the best that the circumstances would allow. The feeling of the world in regard to murder has so changed during the last two thousand years, that men, hindered by their sense of what is at present odious, refuse to throw themselves back into the condition of things a knowledge of which can have come to them only from books. They measure events individually by the present scale, and refuse to see that Brutus should be judged by us now in reference to the judgment that was formed of it then. In an age in which it was considered wise and fitting to destroy the nobles of a barbarous community which had defended itself, and to sell all others as slaves, so that the perpetrator simply recorded the act he had done as though necessary, can it have been a base thing to kill a tyrant? Was it considered base by other Romans of the day? Was that plea ever made even by Cæsar's friends, or was it not acknowledged by them all that "Brutus was an honorable man," even when they had collected themselves sufficiently to look upon him as an enemy? It appears abundantly in Cicero's letters that no one dreamed of regarding them as we regard assassins now, or

spoke of Cæsar's death as we look upon assassination. "Shall we defend the deeds of him at whose death we are rejoiced?" he says: and again, he deplores the feeling of regret which was growing in Rome on account of Cæsar's death, "lest it should be dangerous to those who have slain the tyrant for us." We find that Quintilian, among his stock lessons in oratory, constantly refers to the old established rule that a man did a good deed who had killed a tyrant — a lesson which he had taken from the Greek teachers. We are, therefore, bound to accept this murder as a thing praiseworthy according to the light of the age in which it was done, and to recognize the fact that it was so regarded by the men of the day.

We are told now that Cicero "hated" Cæsar. There was 175no such hatred as the word implies. And we are told of "assassins," with an intention to bring down on the perpetrators of the deed the odium they would have deserved had the deed been done to-day; but the word has, I think, been misused. A king was abominable to Roman ears, and was especially distasteful to men like Cicero, Brutus, and the other "optimates" who claimed to be peers. To be "primus inter pares" had been Cicero's ambition — to be the leading oligarch of the day. Cæsar had gradually mounted higher and still higher, but always leaving some hope — infinitesimally small at last — that he might be induced to submit himself to the Republic. Sulla had submitted. Personally there was no hatred; but that hope had almost vanished, and therefore, judging as a Roman, when the deed was done, Cicero believed it to have been a glorious deed. There can be no doubt on that subject. The passages in which he praises it are too numerous for direct quotation; but there they are, interspersed through the letters and the Philippics. There was no doubt of his approval. The "assassination" of Cæsar, if that is to be the word used, was to his idea a glorious act done on behalf of humanity. The all-powerful tyrant who had usurped dominion over his country had been made away with, and again they might fall back upon the law. He had filched the army. He had run through various provinces, and had enriched himself with their wealth. He was above all law; he was worse than a Marius or a Sulla, who confessed themselves, by their open violence, to be temporary evils. Cæsar was creating himself king for all time. No law had established him. No plebiscite of the

nation had endowed him with kingly power. With his life in his hands, he had dared to do it, and was almost successful. It is of no purpose to say that he was right and Cicero was wrong in their views as to the government of so mean a people as the Romans had become. Cicero's form of government, under men who were not Ciceros, had been wrong, and had led to a state of things in which a tyrant might for the time be the lesser evil; but 176 not on that account was Cicero wrong to applaud the deed which removed Cæsar. Middleton in his life (vol. ii, p. 435) gives us the opinion of Suetonius on this subject, and tells us that the best and wisest men in Rome supposed Cæsar to have been justly killed. Mr. Forsyth generously abstains from blaming the deed, as to which he leaves his readers to form their own opinion. Abeken expresses no opinion concerning its morality, nor does Morabin. It is the critics of Cicero's works who have condemned him without thinking much, perhaps, of the judgment they have given.

But Cicero was not in the conspiracy, nor had he even contemplated Cæsar's death. Assertions to the contrary have been made both lately and in former years, but without foundation. I have already alluded to some of these, and have shown that phrases in his letters have been misinterpreted. A passage was quoted by M. Du Rozoir — Ad Att., lib. x., 8—"I don't think that he can endure longer than six months. He must fall, even if we do nothing." How often might it be said that the murder of an English minister had been intended if the utterings of such words be taken as a testimony! He quotes again — Ad Att., lib. xiii., 40—"What good news could Brutus hear of Cæsar, unless that he hung himself?" This is to be taken as meditating Cæsar's death, and is quoted by a French critic, after two thousand years, in proof of Cicero's fatal ill-will! The whole tenor of Cicero's letters proves that he had never entertained the idea of Cæsar's destruction.

How long before the time the conspiracy may have been in existence we have no means of knowing; but we feel that Cicero was not a man likely to be taken into the plot. He would have dissuaded Brutus and Cassius. Judging from what we know of his character, we think that he would have distrusted its success. Though he rejoiced in it after it was done, 177he would have been wretched while burdened

with the secret. At any rate, we have the fact that he was not so burdened. The sight of Cæsar's slaughter, when he saw it, must have struck him with infinite surprise, but we have no knowledge of what his feelings may have been when the crowd had gathered round the doomed man. Cicero has left us no description of the moment in which Cæsar is supposed to have gathered his toga over his face so that he might fall with dignity. It certainly is the case that when you take your facts from the chance correspondence of a man you lose something of the most touching episodes of the day. The writer passes these things by, as having been surely handled elsewhere. It is always so with Cicero. The trial of Milo, the passing of the Rubicon, the battle of the Pharsalus, and the murder of Pompey are, with the death of Cæsar, alike unnoticed. "I have paid him a visit as to whom we spoke this morning. Nothing could be more forlorn." It is thus the next letter begins, after Cæsar's death, and the person he refers to is Matius, Cæsar's friend; but in three weeks the world had become used to Cæsar's death. The scene had passed away, and the inhabitants of Rome were already becoming accustomed to his absence. But there can be no doubt as to Cicero's presence at Cæsar's fall. He says so clearly to Atticus. Morabin throws a doubt upon it. The story goes that Brutus, descending from the platform on which Cæsar had been seated, and brandishing the bloody dagger in his hand, appealed to Cicero. Morabin says that there is no proof of this, and alleges that Brutus did it for stage effect. But he cannot have seen the letter above quoted, or seeing it, must have misunderstood it.

It soon became evident to the conspirators that they had scotched the snake, and not killed it. Cassius and others had 178desired that Antony also should be killed, and with him Lepidus. That Antony would be dangerous they were sure. But Marcus Brutus and Decimus overruled their counsels. Marcus had declared that the "blood of the tyrant was all that the people required." The people required nothing of the kind. They were desirous only of ease and quiet, and were anxious to follow either side which might be able to lead them and had something to give away. But Antony had been spared; and though cowed at the moment by the death of Cæsar, and by the assumption of a certain dignified forbearance on the part of the

conspirators, was soon ready again to fight the battle for the Cæsareans. It is singular to see how completely he was cowed, and how quickly he recovered himself.

Mommsen finishes his history with a loud pæan in praise of Cæsar, but does not tell us of his death. His readers, had they nothing else to inform them, might be led to suppose that he had gone direct to heaven, or at any rate had vanished from the world, as soon as he had made the Empire perfect. He seems to have thought that had he described the work of the daggers in the Senate-house he would have acknowledged the mortality of his godlike hero. We have no right to complain of his omissions. For research, for labor, and for accuracy he has produced a work almost without parallel. That he should have seen how great was Cæsar because he accomplished so much, and that he should have thought Cicero to be small because, burdened with scruples of justice, he did so little, is in the idiosyncrasy of the man. A Cæsar was wanted, impervious to clemency, to justice, to moderation — a man who could work with any tools. "Men had forgotten what honesty was. A person who refused a bribe was regarded not as an upright man but as a personal foe." Cæsar took money, and gave bribes, when he had the money to pay them, without a scruple. It would be absurd to talk about him as dishonest. He was 179above honesty. He was "supra grammaticam." It is well that some one should have arisen to sing the praises of such a man — some two or three in these latter days. To me the character of the man is unpleasant to contemplate, unimpressionable, very far from divine. There is none of the human softness necessary for love; none of the human weakness needed for sympathy.

On the 15th of March Cæsar fell. When the murder had been effected, Brutus and the others concerned in it went out among the people expecting to be greeted as saviors of their country. Brutus did address the populace, and was well received; but some bad feeling seems to have been aroused by hard expressions as to Cæsar's memory coming from one of the Prætors. For the people, though they regarded Cæsar as a tyrant, and expressed themselves as gratified when told that the would-be king had been slaughtered, still did not endure to hear ill spoken of him. He had understood that it behooved a tyrant to be generous, and appealed among them always

with full hands — not having been scrupulous as to his mode of filling them. Then the conspirators, frightened at menacing words from the crowd, betook themselves to the Capitol. Why they should have gone to the Capitol as to a sanctuary I do not think that we know. The Capitol is that hill to a portion of which access is now had by the steps of the church of the Ara Cœli in front, and from the Forum in the rear. On one side was the fall from the Tarpeian rock down which malefactors were flung. On the top of it was the temple to Jupiter, standing on the site of the present church. And it was here that Brutus and Cassius and the other conspirators sought for safety on the evening of the day on which Cæsar had been killed. Here they remained for the two following days, till on the 18th they ventured down into the city. On the 17th Dolabella claimed to be Consul, in compliance with Cæsar's promise, and on the same day the Senate, moved by Antony, decreed a public funeral to Cæsar. We may imagine that the 180 decree was made by them with fainting hearts. There were many fainting hearts in Rome during those days, for it became very soon apparent that the conspirators had carried their plot no farther than the death of Cæsar.

Brutus, as far as the public service was concerned, was an unpractical, useless man. We know nothing of public work done by him to much purpose. He was filled with high ideas as to his own position among the oligarchs, and with especial notions as to what was due by Rome to men of his name. He had a fierce conception of his own rights — among which to be Prætor, and Consul, and Governor of a province were among the number. But he had taken early in life to literature and philosophy, and eschewed the crowd of "Fish-ponders," such as were Antony and Dolabella, men prone to indulge the luxury of their own senses. His idea of liberty seems to have been much the same as Cicero's — the liberty to live as one of the first men in Rome; but it was not accompanied, as it was with Cicero, by an innate desire to do good to those around him. To maintain the Prætors, Consuls, and Governors so that each man high in position should win his way to them as he might be able to obtain the voices of the people, and not to leave them to be bestowed at the call of one man who had thrust himself higher than all — that seems to have been his *beau ideal* of Roman government. It was Cicero's

also — with the addition that when he had achieved his high place he should serve the people honestly. Brutus had killed Cæsar, but had spared Antony, thinking that all things would fall into their accustomed places when the tyrant should be no more. But he found that Cæsar had been tyrant long enough to create a lust for tyranny; and that though he might suffice to kill a king, he had no aptitude for ruling a people.

It was now that those scenes took place which Shakspeare has described with such accuracy — the public funeral, Antony's oration, and the rising of the people against the conspirators. Antony, when he found that no plan had been devised for car 181rying on the government, and that the men were struck by amazement at the deed they had themselves done, collected his thoughts and did his best to put himself in Cæsar's place. Cicero had pleaded in the Senate for a general amnesty, and had carried it as far as the voice of the Senate could do so. But the amnesty only intended that men should pretend to think that all should be forgotten and forgiven. There was no forgiving, as there could be no forgetting. Then Cæsar's will was brought forth. They could not surely dispute his will or destroy it. In this way Antony got hold of the dead man's papers, and with the aid of the dead man's private secretary or amanuensis, one Fabricius, began a series of most unblushing forgeries. He procured, or said that he procured, a decree to be passed confirming by law all Cæsar's written purposes. Such a decree he could use to any extent to which he could carry with him the sympathies of the people. He did use it to a great extent, and seems at this period to have contemplated the assumption of dictatorial power in his own hands. Antony was nearly being one of the greatest rascals the world has known. The desire was there, and so was the intellect, had it not been weighted by personal luxury and indulgence.

Now young Octavius came upon the scene. He was the great-nephew of Cæsar, whose sister Julia had married one Marcus Atius. Their daughter Atia had married Caius Octavius, and of that marriage Augustus was the child. When Octavius, the father, died, Atia, the widow, married Marcius Philippus, who was Consul b.c. 56. Cæsar, having no nearer heir, took charge of the boy, and had, for the last years of his life, treated him as his son, though he had not adopted

him. At this period the youth had been sent to Apollonia, on the other side of the Adriatic, in Macedonia, to study with Apollodorus, a Greek tutor, and was there when he heard of Cæsar's death. He was informed that Cæsar had made him his heir and at once crossed over into Italy with his friend Agrippa. On the way up to Rome he met Cicero at one of his southern villas, and in the presence of the great orator behaved himself with becoming respect. He was then not twenty years old, but in the present difficulty of his position conducted himself with a caution most unlike a boy. He had only come, he said for what his great-uncle had left him; and when he found that Antony had spent the money, does not appear to have expressed himself immediately in anger. He went on to Rome, where he found that Antony and Dolabella and Marcus Brutus and Decimus Brutus and Cassius were scrambling for the provinces and the legions. Some of the soldiers came to him, asking him to avenge his uncle's death; but he was too prudent as yet to declare any purpose of revenge.

Not long after Cæsar's death Cicero left Rome, and spent the ensuing month travelling about among his different villas. On the 14th of April he writes to Atticus, declaring that whatever evil might befall him he would find comfort in the ides of March. In the same letter he calls Brutus and the others "our heroes," and begs his friend to send him news — or if not news, then a letter without news. In the next he again calls them his heroes, but adds that he can take no pleasure in anything but in the deed that had been done. Men are still praising the work of Cæsar, and he laments that they should he so inconsistent. "Though they laud those who had destroyed Cæsar, at the same time they praise his deeds." In the same letter he tells Atticus that the people in all the villages are full of joy. "It cannot be told how eager they are — how they run out to meet me, and to hear my accounts of what was done. But the Senate passes no decree!" He speaks of going into Greece to see his son — whom he never lived to see again — telling him of letters from the lad from Athens, which, he thinks, however, may be hypocritical, though he is comforted by finding their language to be clear. He has recovered his good-humor, and can be jocose. One Cluvius has left him a prop 183erty at Puteoli, and the house has tumbled down; but he has sent for

Chrysippus, an architect. But what are houses falling to him? He can thank Socrates and all his followers that they have taught him to disregard such worldly things. Nevertheless, he has deemed it expedient to take the advice of a certain friend as to turning the tumble-down house into profitable shape. A little later he expresses his great disgust that Cæsar, in the public speeches in Rome, should be spoken of as that "great and most excellent man." And yet he had said, but a few months since, in his oration for King Deiotarus, in the presence of Cæsar, "that he looked only into his eyes, only into his face — that he regarded only him." The flattery and the indignant reprobation do, in truth, come very near upon each other, and induce us to ask whether the fact of having to live in the presence of royalty be not injurious to the moral man. Could any of us have refused to speak to Cæsar with adulation — any of us whom circumstances compelled to speak to him? Power had made Cæsar desirous of a mode of address hardly becoming a man to give or a man to receive. Does not the etiquette of to-day require from us certain courtesies of conversation, which I would call abject were it not that etiquette requires them? Nevertheless, making the best allowance that I can for Cicero, the difference of his language within a month or two is very painful. In the letter above quoted Octavius comes to him, and we can see how willing was the young aspirant to flatter him.

He sees already that, in spite of the promised amnesty, there must be internecine feud. "I shall have to go into the camp with young Sextus" — Sextus Pompeius—"or perhaps with Brutus, a prospect at my years most odious." Then he quotes two lines of Homer, altering a word: "To you, my child, is not given the glory of war; eloquence, charming eloquence, must be the weapon with which you will fight." We hear of his 184contemplated journey into Greece, under the protection of a free legation. He was going for the sake of his son; but would not people say that he went to avoid the present danger? and might it not be the case that he should be of service if he remained? We see that the old state of doubt is again falling upon him. Αἰδέομαι Τρῶας. Otherwise he could go and make himself safe in Athens. There is a correspondence between him and Antony, of which he sends copies to Atticus. Antony writes to him, begging him to allow Sextus Clodius to return from his banishment. This Sextus

had been condemned because of the riot on the death of his uncle in Milo's affair, and Antony wishes to have him back. Cicero replies that he will certainly accede to Antony's views. It had always been a law with him, he says, not to maintain a feeling of hatred against his humbler enemies. But in both these letters we see the subtilty and caution of the writers. Antony could have brought back Sextus without Cicero, and Cicero knew that he could do so. Cicero had no power over the law. But it suited Antony to write courteously a letter which might elicit an uncivil reply. Cicero, however, knew better, and answered it civilly.

He writes to Tiro telling him that he has not the slightest intention of quarrelling with his old friend Antony, and will write to Antony, but not till he shall have seen him, Tiro; showing on what terms of friendship he stands with his former slave, for Tiro had by this time been manumitted. He writes to Tiro quite as he might have written to a younger Atticus, and speaks to him of Atticus with all the familiarity of confirmed friendship. There must have been something very sweet in the nature of the intercourse which bound such a man as Cicero to such another as Tiro.

Atticus applies to him, desiring him to use his influence respecting a certain question of importance as to Buthrotum. 185Buthrotum was a town in Epirus opposite to the island of Corcyra, in which Atticus had an important interest. The lands about the place were to be divided, and to be distributed to Roman soldiers — much, as we may suppose to the injury of Atticus. He has earnestly begged the interference of Cicero for the protection of the Buthrotians, and Cicero tells him that he wishes he could have seen Antony on the subject, but that Antony is too much busied looking after the soldiers in the Campagna. Cicero fails to have the wishes of Atticus carried out, and shortly the subject becomes lost in the general confusion. But the discussion shows of how much importance at the present moment Cicero's interference with Antony is considered. It shows also that up to this period, a few months previous to the envenomed hatred of the second Philippic, Antony and Cicero were presumed to be on terms of intimate friendship.

The worship of Cæsar had been commenced in Rome, and an altar had been set up to him in the Forum as to a god. Had Cæsar, when he

perished, been said to have usurped the sovereign authority, his body would have been thrown out as unworthy of noble treatment. Such treatment the custom of the Republic required. It had been allowed to be buried, and had been honored, not disgraced. Now, on the spot where the funeral pile had been made, the altar was erected, and crowds of men clamored round it, worshipping. That this was the work of Antony we cannot doubt. But Dolabella, Cicero's repudiated son-in-law, who in furtherance of a promise from Cæsar had seized the Consulship, was jealous of Antony and caused the altar to be thrown down and the worshippers to be dispersed. Many were killed in the struggle — for, though the Republic was so jealous of the lives of the citizens as not to allow a criminal to be executed without an expression of the voice of the entire people, any number might fall in a street tumult, and but little would be thought about it. Dolabella destroyed the altar, and Cicero was profuse in his thanks. For though Tullia had been divorced, and had since died, there was no cause for a quarrel. Divorces were so common that no family odium was necessarily created. Cicero was at this moment most anxious to get back from Dolabella his daughter's dowry. It was never repaid. Indeed, a time was quickly coming in which such payments were out of the question, and Dolabella soon took a side altogether opposed to the Republic — for which he cared nothing. He was bought by Antony, having been ready to be bought by any one. He went to Syria as governor before the end of the year, and at Smyrna, on his road, he committed one of those acts of horror on Trebonius, an adverse governor, in which the Romans of the day would revel when liberated from control. Cassius came to avenge his friend Trebonius, and Dolabella, finding himself worsted, destroyed himself. He had not progressed so far in corruption as Verres, because time had not permitted it — but that was the direction in which he was travelling. At the present moment, however, no praise was too fervid to be bestowed upon him by Cicero's pen. That turning of Cæsar into a god was opposed to every feeling of his heart, both, as to men and as to gods.

A little farther on we find him complaining of the state of things very grievously: "That we should have feared this thing, and not have feared the other!" — meaning Cæsar and Antony. He declares

that he must often read, for his own consolation, his treatise on old age, then just written and addressed to Atticus. “Old age is making me bitter,” he says; “I am annoyed at everything. But my life has been lived. Let the young look to the future.” We here meet the name of Cærellia in a letter to his friend. She had probably been sent to make up the quarrel between him and his young wife Publilia. Nothing came of it, and it is mentioned only because Cærellia’s name has been joined so often with that of 187Cicero by subsequent writers. In the whole course of his correspondence with Atticus I do not remember it to occur, except in one or two letters at this period. I imagine that some story respecting the lady was handed down, and was published by Dio Cassius when the Greek historian found that it served his purpose to abuse Cicero.

On June 22nd he sent news to Atticus of his nephew. Young Quintus had written home to his father to declare his repentance. He had been in receipt of money from Antony, and had done Antony’s dirty work. He had been “Antoni dextella”—”Antony’s right hand” — according to Cicero, and had quarrelled absolutely with his father and his uncle. He now expresses his sorrow, and declares that he would come himself at once, but that there might be danger to his father. And there is money to be expected if he will only wait. “Did you ever hear of a worse knave?” Cicero adds. Probably not; but yet he was able to convince his father and his uncle, and some time afterward absolutely offered to prosecute Antony for stealing the public money out of the treasury. He thought, as did some others, that the course of things was going against Antony. As a consequence of this he was named in the proscriptions, and killed, with his father. In the same letter Cicero consults Atticus as to the best mode of going to Greece. Brundisium is the usual way, but he has been told by Tiro that there are soldiers in the town. He is now at Arpinum, on his journey, and receives a letter from Brutus inviting him back to Rome, to see the games given by Brutus. He is annoyed to think that Brutus should expect this. “These shows are now only honorable to him who is bound to give them,” he says; “I am not bound to see them, and to be present would be dishonorable.” Then comes his parting with Atticus, showing a demonstrative tenderness foreign to the sternness of our northern nature. “That you should

have 188wept when you had parted from me, has grieved me greatly. Had you done it in my presence, I should not have gone at all." "Nonis Juliis!" he exclaims. The name of July had already come into use — the name which has been in use ever since — the name of the man who had now been destroyed! The idea distresses him. "Shall Brutus talk of July?" It seems that some advertisement had been published as to his games in which the month was so called.

Writing from one of his villas in the south, he tells Atticus that his nephew has again been with him, and has repented him of all his sins. I think that Cicero never wrote anything vainer than this: "He has been so changed," he says, "by reading some of my writings which I happened to have by me, and by my words and precepts, that he is just such a citizen as I would have him." Could it be that he should suppose that one whom he had a few days since described as the biggest knave he knew should be so changed by a few words well written and well pronounced? Young Quintus must in truth have been a clever knave. In the same letter Cicero tells us that Tiro had collected about seventy of his letters with a view to publication. We have at present over seven hundred written before that day.

Just as he is starting he gives his friend a very wide commission: "By your love for me, do manage my matters for me. I have left enough to pay everything that I owe. But it will happen, as it often does, that they who owe me will not be punctual. If anything of that kind should happen, only think of my character. Put me right before the world by borrowing, or even by selling, if it be necessary." This is not the language of a man in distress, but of one anxious that none should lose a shilling by him. He again thinks of starting from Brundisium, and promises, when he has arrived there, instantly to begin a new work. He has sent his De Gloria to 189Atticus; a treatise which we have lost. We should be glad to know how he treated this most difficult subject. We are astonished at his fecundity and readiness. He was now nearly sixty-three, and, as he travels about the country, he takes with him all the adjuncts necessary for the writing of treatises such as he composed at this period of his life! His Topica, containing Aristotelian instructions as to a lawyer's work, he put together on board ship, immediately after this, for the benefit of Trebatius, to whom it had been promised.

July had come, and at last he resolved to sail from Pompeii and to coast round to Sicily. He lands for a night at Velia, where he finds Brutus, with whom he has an interview. Then he writes a letter to Trebatius, who had there a charming villa, bought no doubt with Gallic spoils. He is reminded of his promise, and going on to Rhegium writes his Topica, which he sends to Trebatius from that place. Thence he went across to Syracuse, but was afraid to stay there, fearing that his motions might be watched, and that Antony would think that he had objects of State in his journey. He had already been told that some attributed his going to a desire to be present at the Olympian games; but the first notion seems to have been that he had given the Republic up as lost, and was seeking safety elsewhere. From this we are made to perceive how closely his motions were watched, and how much men thought of them. From Syracuse he started for Athens — which place, however, he was doomed never to see again. He was carried back to Leucopetra on the continent; and though he made another effort, he was, he says, again brought back. There, at the villa of his friend Valerius, he learned tidings which induced him to change his purpose, and hurry off to Rome. Brutus and Cassius had published a decree of the Senate, calling all the Senators, and especially the Consulares, to Rome. There was reason to suppose that Antony was willing to relax his pretensions. They had strenuously demanded his attendance, and whispers were heard that he had fled from the difficulties of 190 the times. "When I heard this, I at once abandoned my journey, with which, indeed, I had never been well pleased." Then he enters into a long disquisition with Atticus as to the advice which had been given to him, both by Atticus and by Brutus, and he says some hard words to Atticus. But he leaves an impression on the reader's mind that Brutus had so disturbed him by what had passed between them at Velia, that from that moment his doubts as to going, which had been always strong, had overmastered him. It was not the winds at Leucopetra that hindered his journey, but the taunting words which Brutus had spoken. It was suggested to him that he was deserting his country. The reproach had been felt by him to be heavy, for he had promised to Atticus that he would return by the first of January; yet he could not but feel that there was something in it of truth. The very

months during which he would be absent would be the months of danger. Indeed, looking out upon the political horizon then, it seemed as though the nearest months, those they were then passing, would be the most dangerous. If Antony could be got rid of, be made to leave Italy, there might be something for an honest Senator to do — a man with consular authority — a something which might not jeopardize his life. When men now call a politician of those days a coward for wishing to avoid the heat of the battle, they hardly think what it is for an old man to leave his retreat and rush into the Forum, and there encounter such a one as Antony, and such soldiers as were his soldiers. Cicero, who had been brave enough in the emergencies of his career, and had gone about his work sometimes regardless of his life, no doubt thought of all this. It would be pleasant to him again to see his son, and to look upon the rough doings of Rome from amid the safety of Athens; but when his countrymen told him that he had not as yet done enough — when Brutus, with his cold, bitter words, rebuked him for going — then his thoughts turned round on the quick pivot on which they were balanced, and he hurried back to the fight.

He travelled at once up to Rome, which he reached on the last of August, and there received a message from Antony demanding his presence in the Senate on the next day. He had been greeted on his journey once again by the enthusiastic welcome of his countrymen, who looked to receive some especial advantage from his honesty and patriotism. Once again he was made proud by the clamors of a trusting people. But he had not come to Rome to be Antony's puppet. Antony had some measure to bring before the Senate in honor of Cæsar which it would not suit Cicero to support or to oppose. He sent to say that he was tired after his journey and would not come. Upon this the critics deal hardly with him, and call him a coward. "With an incredible pusillanimity," says M. Du Rozoir, "Cicero excused himself, alleging his health and the fatigue of his voyage." "He pretended that he was too tired to be present," says Mr Long. It appears to me that they who have read Cicero's works with the greatest care have become so enveloped by the power of his words as to expect from them an unnatural weight. If a politician of to-day, finding that it did not suit him to appear in the House of Commons

on a certain evening, and that it would best become him to allow a debate to pass without his presence, were to make such an excuse, would he be treated after the same fashion? Pusillanimity, and pretence, in regard to those Philippics in which he seems to have courted death by every harsh word that he uttered! The reader who has begun to think so must change his mind, and be prepared, as he progresses, to find quite another fault with Cicero. Impetuous, self-confident, rash; throwing down the gage with internecine fury; striving to crush with his words the man who had the command of the legions of Rome; sticking at nothing which could inflict a blow; forcing men by his descriptions to such contempt of Antony that they should be induced to leave the stronger party, lest they too should incur something of the wrath of the orator — that they will find to be the line which Cicero adopted, and the demeanor he put on during the next twelve months! He thundered with his Philippics through Rome, addressing now the Senate and now the people with a hardihood which you may condemn as being unbecoming one so old, who should have been taught equanimity by experience; but pusillanimity and pretence will not be the offences you will bring against him.

Antony, not finding that Cicero had come at his call, declared in the Senate that he would send his workmen to dig him out from his house. Cicero alludes to this on the next day without passion. Antony was not present, and in this speech he expresses no bitterness of anger. It should hardly have been named one of the Philippics, which title might well have been commenced with the second. The name, it should be understood, has been adopted from a jocular allusion by Cicero to the Philippics of Demosthenes, made in a letter to Brutus. We have at least the reply of Brutus, if indeed the letter be genuine, which is much to be doubted. But he had no purpose of affixing his name to them. For many years afterward they were called Antonianæ, and the first general use of the term by which we know them has probably been comparatively modern. The one name does as well as another, but it is odd that speeches from Demosthenes should have given a name to others so well known as these made by Cicero against Antony. Plutarch, however, mentions the name, saying that it had been given to the speeches by Cicero himself.

193In this, the first, he is ironically reticent as to Antony's violence and unpatriotic conduct. Antony was not present, and Cicero tells his hearers with a pleasant joke that to Antony it may be allowed to be absent on the score of ill-health, though the indulgence had been refused to him. Antony is his friend, and why had Antony treated him so roughly? Was it unusual for Senators to be absent? Was Hannibal at the gate, or were they dealing for peace with Pyrrhus, as was the case when they brought the old blind Appius down to the House? Then he comes to the question of the hour, which was, nominally, the sanctioning as law those acts of Cæsar's which he had decreed by his own will before his death. When a tyrant usurps power for a while and is then deposed, no more difficult question can be debated. Is it not better to take the law as he leaves it, even though the law has become a law illegally, than encounter all the confusion of retrograde action? Nothing could have been more iniquitous than some of Sulla's laws, but Cicero had opposed their abrogation. But here the question was one not of Cæsar's laws, but of decrees subsequently made by Antony and palmed off upon the people as having been found among Cæsar's papers. Soon after Cæsar's death a decision had been obtained by Antony in favor of Cæsar's laws or acts, and hence had come these impudent forgeries under the guise of which Antony could cause what writings he chose to be made public. "I think that Cæsar's acts should be maintained," says Cicero, "not as being in themselves good, for that no one can assert. I wish that Antony were present here without his usual friends," he adds, alluding to his armed satellites. "He would tell us after what manner he would maintain those acts of Cæsar's. Are they to be found in notes and scraps and small documents brought forward by one witness, or not brought forward at all but only told to us? And shall those which he engraved in bronze, and which he wished to be known as the will of the people and as perpetual laws — shall they go for nothing?" Here was the point in dispute. The decree had been voted soon after Cæsar's death, giving the sanction of the Senate to his laws. For peace this had been done, as the best way out of the difficulty which oppressed the State. But it was intolerable that, under this sanction, Antony should have the power of bringing forth new edicts day after day, while the very laws which

Cæsar had passed were not maintained. “What better law was there, or more often demanded in the best days of the Republic, than that law,” passed by Cæsar, “under which the provinces were to be held by the Prætors only for one year, and by the Consuls for not more than two? But this law is abolished. So it is thus that Cæsar’s acts are to be maintained?” Antony, no doubt, and his friends, having an eye to the fruition of the provinces, had found among Cæsar’s papers — or said they had found — some writing to suit their purpose. All things to be desired were to be found among Cæsar’s papers. “The banished are brought back from banishment, the right of citizenship is given not only to individuals but to whole nations and provinces, exceptions from taxations are granted, by the dead man’s voice.” Antony had begun, probably, with some one or two more modest forgeries, and had gone on, strengthened in impudence by his own success, till Cæsar dead was like to be worse to them than Cæsar living. The whole speech is dignified, patriotic, and bold, asserting with truth that which he believed to be right, but never carried into invective or dealing with expressions of anger. It is very short, but I know no speech of his more closely to its purpose. I can see him now, with his toga round him, as he utters the final words: “I have lived perhaps long enough — both as to length of years and the glory I have won. What little may be added, shall be, not for myself, but for you and for the Republic.” The words thus spoken became absolutely true.

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CHAPTER IX.

THE PHILIPPICS.

b.c. 44, ætat. 63.

Cicero was soon driven by the violence of Antony's conduct to relinquish the idea of moderate language, and was ready enough to pick up the gauntlet thrown down for him. From this moment to the last scene of his life it was all the fury of battle and the shout of victory, and then the scream of despair. Antony, when he read Cicero's speech, the first Philippic, the language of which was no doubt instantly sent to him, seems to have understood at once that he must either vanquish Cicero or be vanquished by him. He appreciated to the letter the ironically cautious language in which his conduct was exposed. He had not chosen to listen to Cicero, but was most anxious to get Cicero to listen to him. Those "advocates" of whom Cicero had spoken would be around him, and at a nod, or perhaps without a nod, would do to Cicero as Brutus and Cassius had done to Cæsar. The last meeting of the Senate had been on the 2d of September. When it was over, Antony, we are told, went down to his villa at Tivoli, and there devoted himself for above a fortnight to the getting up of a speech by which he might silence, or at any rate answer Cicero. Nor did he leave himself to his own devices, but took to himself a master of eloquence who might teach him when to make use of his arms, where to stamp his feet, and in what way to throw his toga about with a graceful passion. He was about forty at this time, and in the full flower of his manhood, 196yet, for such a purpose, he did not suppose himself to know all that lessons would teach him in the art of invective. There he remained, mouthing out his phrases in the presence of his preceptor, till he had learned by heart all that the preceptor knew. Then he summoned Cicero to meet him in the Senate on the 19th. This Cicero was desirous of doing, but was prevented by his friends, who were afraid of the "advocates." There is extant a letter from Cicero to Cassius in which he states it to be well known in Rome that Antony had declared that he, Cicero, had been the author of Cæsar's death, in order that Cæsar's old

soldiers might slay him. There were other Senators, he says, who did not dare to show themselves in the Senate-house — Piso, and Servilius, and Cotta. Antony came down and made his practised oration against Cicero. The words of his speech have not been preserved, but Cicero has told us the manner of it, and some of the phrases which he used. The authority is not very good, but we may imagine from the results that his story is not far from the truth. From first to last it was one violent tirade of abuse which he seemed to vomit forth from his jaws, rather than to "speak after the manner of a Roman Consular." Such is Cicero's description.

It has been said of Antony that we hear of him only from his enemies. He left behind him no friend to speak for him, and we have heard of him certainly from one enemy; but the tidings are of a nature to force upon us belief in the evil which Cicero spoke of him. Had he been a man of decent habits of life, and of an honest purpose, would Cicero have dared to say to the Romans respecting him the words which he produced, not only in the second Philippic, which was unspoken, but also in the twelve which followed? The record of him, as far as it goes, is altogether bad. Plutarch tells us that he was handsome, and a good soldier, but altogether vicious. Plutarch is not a biographer whose word is to be taken as to details, but he is 197generally correct in his estimate of character. Tacitus tells us but little about him as direct history, but mentions him ever in the same tone. Tacitus knew the feeling of Rome regarding him. Paterculus speaks specially of his fraud, and breaks out into strong repudiation of the murder of Cicero. Valerius Maximus, in his anecdotes, mentions him slightingly, as an evil man is spoken of who has forced himself into notice. Virgil has stamped his name with everlasting ignominy. "Sequiturque nefas Egyptia conjux." I can think of no Roman writer who has named him with honor. He was a Roman of the day — what Rome had made him — brave, greedy, treacherous, and unpatriotic.

Cicero again was absent from the Senate, but was in Rome when Antony attacked him. We learn from a letter to Cornificius that Antony left the city shortly afterward, and went down to Brundisium to look after the legions which had come across from Macedonia, with which Cicero asserts that he intends to tyrannize over them all

in Rome. He then tells his correspondent that young Octavius has just been discovered in 198an attempt to have Antony murdered, but that Antony, having found the murderer in his house, had not dared to complain. He seems to think that Octavius had been right! The state of things was such that men were used to murder; but this story was probably not true. He passes on to declare in the next sentence that he receives such consolation from philosophy as to be able to bear all the ills of fortune. He himself goes to Puteoli, and there he writes the second Philippic. It is supposed to be the most violent piece of invective ever produced by human ingenuity and human anger. The readers of it must, however, remember that it was not made to be spoken — was not even written, as far as we are aware, to be shown to Antony, or to be published to the world. We do not even know that Antony ever saw it. There has been an idea prevalent that Antony's anger was caused by it, and that Cicero owed to it his death; but the surmise is based on probability — not at all on evidence. Cicero, when he heard what Antony had said of him, appears to have written all the evil he could say of his enemy, in order that he might send it to Atticus. It contained rather what he could have published than what he did intend to publish. He does, indeed, suggest, in the letter which accompanied the treatise when sent to Atticus, in some only half-intelligible words, that he hopes the time may come when the speech "shall find its way freely even into Sica's house;" but we gather even from that his intention that it should have no absolutely public circulation. He had struggled to be as severe as he knew how, but had done it, as it were, with a halter round his neck; and for Antony's anger — the anger which afterward produced the proscription — there came to be cause enough beyond this. Before that day he had endeavored to stir up the whole Empire against Antony, and had all but succeeded.

It has been alleged that Cicero again shows his cowardice 199by writing and not speaking his oration, and also by writing it only for private distribution. If he were a coward, why did he write it at all? If he were a coward, why did he hurry into this contest with Antony? If he be blamed because his Philippic was anonymous, how do the anonymous writers of to-day escape? If because he wrote it, and did not speak it, what shall be said of the party writers of to-day? He was

a coward, say his accusers, because he avoided a danger. Have they thought of the danger which he did run when they bring those charges against him? of what was the nature of the fight? Do they remember how many Romans in public life had been murdered during the last dozen years? We are well aware how far custom goes, and that men became used to the fear of violent death. Cicero was now habituated to that fear, and was willing to face it. But not on that account are we to imagine that, with his eyes open, he was to be supposed always ready to rush into immediate destruction. To write a scurrilous attack, such as the second Philippic, is a bad exercise for the ingenuity of a great man; but so is any anonymous satire. It is so in regard to our own times, which have received the benefit of all antecedent civilization. Cicero, being in the midst of those heartless Romans, is expected to have the polished manners and high feelings of a modern politician! I have hardly a right to be angry with his critics because by his life he went so near to justify the expectation.

He begins by asking his supposed hearers how it has come to pass that during the last twenty years the Republic had had no enemy who was not also his enemy. "And you, Antony, whom I have never injured by a word, why is it that, more brazen-faced than Catiline, more fierce than Clodius, you should attack me with your maledictions? Will your enmity against me be a recommendation for you to every evil citizen in Rome? * * * Why does not Antony come down among us to-day?" he says, as though he were in the Senate and Antony were away. "He gives a birthday fête in his garden: to whom, I wonder? 200 I will name no one. To Phormio, perhaps, or Gnatho, or Ballion? Oh, incredible baseness; lust and impudence not to be borne!" These were the vile knaves of the Roman comedy — the Nyms, Pistols, and Bobadils. "Your Consulship no doubt will be salutary; but mine did only evil! You talk of my verses," he says — Antony having twitted him with the "cedant arma togæ." "I will only say that you do not understand them or any other. Clodius was killed by my counsels — was he? What would men have said had they seen him running from you through the Forum — you with your drawn sword, and him escaping up the stairs of the bookseller's shop? * * * It was by my advice that Cæsar was killed! I fear, O conscript fathers, lest I should seem to have employed some false witness to

flatter me with praises which do not belong to me. Who has ever heard me mentioned as having been conversant with that glorious affair? Among those who did do the deed, whose name has been hidden — or, indeed, is not most widely known? Some had been inclined to boast that they were there, though they were absent; but not one who was present has ever endeavored to conceal his name."

"You deny that I have had legacies? I wish it were true, for then my friends might still be living. But where have you learned that, seeing that I have inherited twenty million sesterces? I am happier in this than you. No one but a friend has made me his heir. Lucius Rubrius Cassinas, whom you never even saw, has named you." He here refers to a man over whose property Antony was supposed to have obtained control fraudulently. "Did he know of you whether you were a white man or a negro? * * * Would you mind telling me what height Turselius stood?" Here he names another of whose 201property Antony is supposed to have obtained possession illegally. "I believe all you know of him is what farms he had. * * * Do you bear in mind," he says, "that you were a bankrupt as soon as you had become a man? Do you remember your early friendship with Curio, and the injuries you did his father?" Here it is impossible to translate literally, but after speaking as he had done very openly, he goes on: "But I must omit the iniquities of your private life. There are things I cannot repeat here. You are safe, because the deeds you have done are too bad to be mentioned. But let us look at the affairs of your public life. I will just go through them;" which he does, laying bare as he well knew how to do, every past act. "When you had been made Quæstor you flew at once to Cæsar. You knew that he was the only refuge for poverty, debt, wickedness, and vice. Then, when you had gorged upon his generosity and your plunderings — which indeed you spent faster than you got it — you betook yourself instantly to the Tribunate. * * * It is you, Antony, you who supplied Cæsar with an excuse for invading his country." Cæsar had declared at the Rubicon that the Tribunate had been violated in the person of Antony. "I will say nothing here against Cæsar, though nothing can excuse a man for taking up arms against his country. But of you it has to be confessed that you were the cause. * * * He has been a very Helen to us Trojans. * * * He has brought back many a wretched

exile, but has forgotten altogether his own uncle" — Cicero's colleague in the Consulship, who had been banished for plundering his province. "We have seen this Tribune of the people carried through the town on a British war-chariot. His lictors with their laurels went before him. In the midst, on an open litter, was carried an actress. When you come back from Thessaly with your legions to Brundisium you did not kill me! Oh, what a kindness! * * * You with those jaws of yours, with that huge chest, with that body like a gladiator, drank so much wine at Hippea's marriage that in the sight of all Rome you were forced 202 to vomit. * * * When he had seized Pompey's property he rejoiced like some stage-actor who in a play is as poor as Poverty, and then suddenly becomes rich. All his wine, the great weight of silver, the costly furniture and rich dresses, in a few days where were they all? A Charybdis do I call him? He swallowed them all like an entire ocean!" Then he accuses him of cowardice and cruelty in the Pharsalian wars, and compares him most injuriously with Dolabella. "Do you remember how Dolabella fought for you in Spain, when you were getting drunk at Narbo? And how did you get back from Narbo? He has asked as to my return to the city. I have explained to you, O conscript fathers, how I had intended to be here in January, so as to be of some service to the Republic. You inquire how I got back. In daylight — not in the dark, as you did; with Roman shoes on and a Roman toga — not in barbaric boots and an old cloak. * * * When Cæsar returned from Spain you again pushed yourself into his intimacy — not a brave man, we should say, but still strong enough for his purposes. Cæsar did always this — that if there were a man ruined, steeped in debt, up to his ears in poverty — a base, needy, bold man — that was the man whom he could receive into his friendship." This as to Cæsar was undoubtedly true. "Recommended in this way, you were told to declare yourself Consul." Then he describes the way in which he endeavored to prevent the nomination of Dolabella to the same office. Cæsar had said that Dolabella should be Consul, but when Cæsar was dead this did not suit Antony. When the tribes had been called in their centuries to vote, Antony, not understanding what form of words he ought to have used as augur to stop the ceremony, had blundered. "Would you not call him a very Lælius?" says Cicero. Lælius had

made for himself a name among augurs for excellence.

"Miserable that you are, you throw yourself at Cæsar's feet asking only permission to be his slave. You sought for yourself that state of slavery which it has ever been easy for you 203 to endure. Had you any command from the Roman people to ask the same for them? Oh, that eloquence of yours; when naked you stood up to harangue the people! Who ever saw a fouler deed than that, or one more worthy scourges?" "Has Tarquin suffered for this; have Spurius Cassius, Melius, and Marcus Manlius suffered, that after many ages a king should be set up in Rome by Marc Antony?" With abuse of a similar kind he goes on to the end of his declamation, when he again professes himself ready to die at his post in defence of the Republic. That he now made up his mind so to die, should it become necessary, we may take for granted, but we cannot bring ourselves to approve of the storm of abuse under which he attempted to drown the memory and name of his antagonist. So virulent a torrent of words, all seeming, as we read them, to have been poured out in rapid utterances by the keen energy of the moment, astonish us, when we reflect that it was the work of his quiet moments. That he should have prepared such a task in the seclusion of his closet is marvellous. It has about it the very ring of sudden passion; but it must be acknowledged that it is not palatable. It is more Roman and less English than anything we have from Cicero — except his abuse of Piso, with whom he was again now half reconciled.

But it was solely on behalf of his country that he did it. He had grieved when Cæsar had usurped the functions of the government; but in his grief he had respected Cæsar, and had felt that he might best carry on the contest by submission. But, when Cæsar was dead, and Antony was playing tyrant, his very soul rebelled. Then he sat down to prepare his first instalment of keen personal abuse, adding word to word and phrase to phrase till he had built up this unsavory monument of vituperation. It is by this that Antony is now known to the world. Plutarch makes no special mention of the second Philippic. In his life of Antony he does not allude to these orations at all, but in that of Cicero he tells us how Antony had ordered that right hand to be brought to him with which Cicero had written his Philippics.

The “young Octavius” of Shakespeare had now taken the name of Octavianus — Caius Julius Cæsar Octavianus — and had quarrelled to the knife with Antony. He had assumed that he had been adopted by Cæsar, and now demanded all the treasures his uncle had collected as his own. Antony, who had already stolen them, declared that they belonged to the State. At any rate there was cause enough for quarrelling among them, and they were enemies. Each seems to have brought charges of murder against the other, and each was anxious to obtain possession of the soldiery. Seen as we see now the period in Rome of which we are writing — every safeguard of the Republic gone, all law trampled under foot, Consuls, Prætors, and Tribunes not elected but forced upon the State, all things in disorder, the provinces becoming the open prey of the greediest plunderer — it is apparent enough that there could be no longer any hope for a Cicero. The marvel is that the every-day affairs of life should have been carried on with any reference to the law. When we are told that Antony stole Cæsar’s treasures and paid his debts with them, we are inclined to ask why he had paid his debts at all. But Cicero did hope. In his whole life there is nothing more remarkable than the final vitality with which he endeavored to withstand the coming deluge of military despotism. Nor in all history is there anything more wonderful than the capacity of power to re-establish itself, as is shown by the orderly Empire of Augustus growing out of the disorder left by Cæsar. One is reminded by it of the impotency of a reckless heir to bring to absolute ruin the princely property of a great nobleman brought together by the skill of many careful progenitors. A thing will grow to be so big as to be all but indestructible. It is like that tower of Cæcilia Metella against which the storms of twenty centuries have beaten in vain. Looking at the state of the Roman Empire when Cicero died, 205 who would not declare its doom? But it did “retrick its beams,” not so much by the hand of one man, Augustus, as by the force of the concrete power collected within it —”Quod non imber edax non aquilo impotens Possit diruere.” Cicero with patriotic gallantry thought that even yet there might be a chance for the old Republic — thought that by his eloquence, by his vehemence of words, he could turn men from fraud to truth, and from the lust of plundering a province to a desire to preserve their

country. Of Antony now he despaired, but he still hoped that his words might act upon this young Cæsar's heart. The youth was as callous as though he had already ruled a province for three years. No Roman was ever more cautious, more wise, more heartless, more able to pick his way through blood to a throne, than the young Augustus. Cicero fears Octavian — as we must now call him — and knows that he can only be restrained by the keeping of power out of his hands. Writing to Atticus from Arpinum, he says, "I agree altogether with you. If Octavian gets power into his hands he will insist upon the tyrant's decrees much more thoroughly than he did when the Senate sat in the temple of Tellus. Everything then will be done in opposition to Brutus. But if he be conquered, then see how intolerable would be the dominion of Antony." In the same letter he speaks of the De Officiis, which he has just written. In his next and last epistle to his old friend he congratulates himself on having been able at last to quarrel with Dolabella. Dolabella had turned upon him in the end, bought by Antony's money. He then returns to the subject of Octavian, and his doubts as to his loyalty. He has been asked to pledge himself to Octavian, but has declined till he shall see how the young man will behave when Casea becomes candidate for the Tribunate. If he show himself to be Casea's enemy, Casea having been one of the conspirators, Cicero will know that he is not to be trusted. Then he falls 206into a despairing mood, and declares that there is no hope. "Even Hippocrates was unwilling to bestow medicine on those to whom it could avail nothing." But he will go to Rome, into the very jaws of the danger. "It is less base for such as I am to fall publicly than privately." With these words, almost the last written by him to Atticus, this correspondence is brought to an end: the most affectionate, the most trusting, and the most open ever published to the world as having come from one man to another. No letters more useful to the elucidation of character were ever written; but when read for that purpose they should be read with care, and should hardly be quoted till they have been understood.

b.c. 44, aetat. 63.

The struggles for the provinces were open and acknowledged. Under Cæsar, Decimus Brutus had been nominated for Cisalpine Gaul, Marcus Brutus for Macedonia, and Cassius for Syria. It will be

observed that these three men were the most prominent among the conspirators. Since that time Antony and Dolabella had obtained votes of the people to alter the arrangement. Antony was to go to Macedonia, and Dolabella to Syria. This was again changed when Antony found that Decimus had left Rome to take up his command. He sent his brother Caius to Macedonia, and himself claimed to be Governor of Cisalpine Gaul. Hence there were two Roman governors for each province; and in each case each governor was determined to fight for the possession. Antony hurried out of Rome before the end of the year with the purpose of hindering Decimus from the occupation of the north of Italy, and Cicero went up to Rome, determined to take a part in the struggle which was imminent. The Senate had been summoned for the 19th of December, and attended in great numbers. Then it was that he spoke the third Philippic, and in the evening of the same day he spoke the fourth to the people. It should be understood that none of these speeches were heard by Antony. Cicero had at this time become the acknowledged chief of the Republican party, having drifted into the position which Pompey had so long filled. Many of Cæsar's friends, frightened by his death, or rather cowed by the absence of his genius, had found it safer to retreat from the Cæsarean party, of which the Antonys, with Dolabella, the cutthroats and gladiators of the empire, had the command. Hirtius and Pansa, with Balbus and Oppius, were among them. They, at this moment, were powerful in Rome. The legions were divided — some with Antony, some with Octavian, and some with Decimus Brutus. The greater number were with Antony, whom they hated for his cruelty; but were with him because the mantle of Cæsar's power had fallen on to his shoulders. It was felt by Cicero that if he could induce Octavian to act with him the Republic might be again established. He would surely have influence enough to keep the lad from hankering after his great uncle's pernicious power. He was aware that the dominion did in fact belong to the owner of the soldiers, but he thought that he could control this boy-officer, and thus have his legions at the command of the Republic.

The Senate had been called together, nominally for the purpose of desiring the Consuls of the year to provide a guard for its own safety. Cicero makes it an occasion for perpetuating the feeling against

Antony, which had already become strong in Rome. He breaks out into praise of Octavian, whom he calls "this young Cæsar — almost a boy;" tells them what divine things the boy had already done, and how he had drawn away from the rebels those two indomitable legions, the Martia and the Fourth. Then he proceeds to abuse Antony. Tarquinius, the man whose name was most odious to Romans, had been unendurable as a tyrant, though himself not a bad man; but Antony's only object is to sell the Empire, and to spend the price. Antony had convoked the Senate for November, threatening the Senators with awful punishments should they absent themselves; but, when the day came, Antony, the Consul, had himself fled. He not only pours out the vials of his wrath but of his ridicule upon Antony's head, and quotes his bungling words. He gives instances of his imprudence, and his impotence, and of his greed. Then he again praises the young Cæsar, and the two Consuls for the next year, and the two legions, and Decimus Brutus, who is about to fight the battle of the Republic for them in the north of Italy, and votes that the necessary guard be supplied. In the same evening he addresses the people in his fourth Philippic. He again praises the lad and the two legions, and again abuses Antony. No one can say after this day that he hid his anger, or was silent from fear. He congratulates the Romans on their patriotism — vain congratulations — and encourages them to make new efforts. He bids them rejoice that they have a hero such as Decimus Brutus to protect their liberties, and, almost, that they have such an enemy as Antony to conquer. It seems that his words, few as they were — perhaps because they were so few — took hold of the people's imaginations; so that they shouted to him that he had on that day a second time saved his country, as he reminds them afterward.

From this time forward we are without those intimate and friendly letters which we have had with us as our guide through the last twenty-one years of Cicero's life. For though we have a large body of correspondence written during the last year of his life, which are genuine, they are written in altogether a different style from those which have gone before. They are for the most part urgent appeals to those of his political friends to whom he can look for support in his views — often to those to whom he looked in vain. They are

passionate prayers for the performance of a public duty, and as such are altogether to the writer's credit. His letters to Plancus are beautiful in their patriotism, as are also those to Decimus Brutus. When we think of his age, of his zeal, of his earnestness, and of the dangers which he ran, we hardly know how sufficiently to admire the public spirit with which at such a crisis he had taken on himself to lead the party. But our guide to his inner feelings is gone. There are no further letters to tell us of every doubt at his heart. We think of him as of some stalwart commander left at home to arrange the affairs of the war, while the less experienced men were sent to the van.

There is also a book of letters published as having passed between Cicero and Junius Brutus. The critics have generally united in condemning them as spurious. They are at, any rate, if genuine, cold and formal in their language.

b.c. 43, ætat. 64.

Antony had proceeded into Cisalpine Gaul to drive out of the province the Consul named by the people to govern it. The nomination of Decimus had in truth been Cæsar's nomination; but the right of Decimus to rule was at any rate better than that of any other claimant. He had been appointed in accordance with the power then in existence, and his appointment had been confirmed by the decree of the Senate sanctioning all Cæsar's acts. It was, after all, a question of simple power, for Cæsar had overridden every legal form. It became necessary, however, that they who were in power in Rome should decide. The Consuls Hirtius and Pansa had been Cæsar's friends, and had also been the friends of Antony. They had not the trust in Antony which Cæsar had inspired; but they were anxious to befriend him — or rather not to break with him. When the Senate met, they called on one Fufius Calenus — who was Antony's friend and Pansa's father-in-law — first to offer his opinion. He had been one of Cæsar's Consuls, appointed for a month or two, and was now chosen for the honorable part of first spokesman, as being a Consular Senator. He was for making terms with Antony, and suggested that a deputation of three Senators should be sent to him with a message calling upon him to retire. The object probably was to give Antony time, or rather to give Octavian time, to join with

Antony if it suited him. Others spoke in the same sense, and then Cicero was desired to give his opinion. This was the fifth Philippic. He is all for war with Antony — or rather he will not call it war, but a public breach of the peace which Antony has made. He begins mildly enough, but warms with his subject as he goes on: "Should they send ambassadors to a traitor to his country? * * * Let him return from Mutina." I keep the old Latin name, which is preserved for us in that of Modena. "Let him cease to contend with Decimus. Let him depart out of Gaul. It is not fit that we should send to implore him to do so. We should by force compel him. * * * We are not sending messengers to Hannibal, who, if Hannibal would not obey, might be desired to go on to Carthage. Whither shall the men go if Antony refuses to obey them?" But it is of no use. With eloquent words he praises Octavian and the two legions and Decimus. He praises even the coward Lepidus, who was in command of legions, and was now Governor of Gaul beyond the Alps and of Northern Spain, and proposes that the people should put up to him a gilt statue on horseback — so important was it to obtain, if possible, his services. Alas! it was impossible that such a man should be moved by patriotic motives. Lepidus was soon to go with the winning side, and became one of the second triumvirate with Antony and Octavian.

Cicero's eloquence was on this occasion futile. At this sitting the Senate came to no decision, but on the third day afterward they decreed that the Senators, Servius Sulpicius, Lucius Piso, and Lucius Philippus, should be sent to Antony. The honors which he had demanded for Lepidus and the others were granted, but he was outvoted in regard to the ambassadors. On the 4th of January Cicero again addressed the people in the Forum. His task was very difficult. He wished to give no offence to the Senate, and yet was anxious to stir the citizens and to excite them to a desire for immediate war. The Senate, he told them, had not behaved disgracefully, but had — temporized. The war, unfortunately, must be delayed for those twenty days necessary for the going and coming of the ambassadors. The ambassadors could do nothing. But still they must wait. In the mean time he will not be idle. For them, the Roman people, he will work and watch with all his experience, with diligence almost above

his strength, to repay them for their faith in him. When Cæsar was with them they had had no choice but obedience — so much the times were out of joint. If they submit themselves to be slaves now, it will be their own fault. Then in general language he pronounces an opinion — which was the general Roman feeling of the day: "It is not permitted to the Roman people to become slaves — that people whom the immortal gods have willed to rule all nations of the earth." So he ended the sixth Philippic, which, like the fourth, was addressed to the people. All the others were spoken in the Senate.

He writes to Decimus at Mutina about this time a letter full of hope — of hope which we can see to be genuine. "Recruits are being raised in all Italy — if that can be called recruiting which is in truth a spontaneous rushing into arms of the entire population." He expects letters telling him what "our Hirtius" is doing, and what "my young Cæsar." Hirtius and Pansa, the Consuls of the year, though they had been Cæsar's party, and made Consuls by Cæsar, were forced to fight for the Republic. They had been on friendly terms with Cicero, and they doubted Antony. Hirtius had now followed the army, and Pansa was about to do so. They both fell in the battle that was fought at Mutina, and no one can now accuse them of want of loyalty. But "my Cæsar," on whose behalf Cicero made so many sweet speeches, for whose glory he was so careful, whose early republican principles he was so anxious to direct, made his terms with Antony on the first occasion. At that time Cicero wrote to Plancus, Consul elect for the next year, and places before his eyes a picture of all that he can do 212for the Republic. "Lay yourself out — yes, I pray you, by the immortal gods — for that which will bring you to the height of glory and renown."

At the end of January or beginning of February he again addressed the Senate on the subject of the embassy — a matter altogether foreign from that which it had been convoked to discuss. To Cicero's mind there was no other subject at the present moment fit to occupy the thoughts of a Roman Senator. "We have met together to settle something about the Appian Way, and something about the coinage. The mind revolts from such little cares, torn by greater matters." The ambassadors are expected back — two of them at least, for Sulpicius had died on his road. He cautions the Senate

against receiving with quiet composure such an answer as Antony will probably send them. “Why do I — I who am a man of peace — refuse peace? Because it is base, because it is full of danger — because peace is impossible.” Then he proceeds to explain that it is so. “What a disgrace would it be that Antony, after so many robberies, after bringing back banished comrades, after selling the taxes of the State, putting up kingdoms to auction, shall rise up on the consular bench and address a free Senate! * * * Can you have an assured peace while there is an Antony in the State — or many Antonys? Or how can you be at peace with one who hates you as does he; or how can he be at peace with those who hate him as do you? * * * You have such an opportunity,” he says at last, “as never fell to the lot of any. You are able, with all senatorial dignity, with all the zeal of the knights, with all the favor of the Roman people, now to make the Republic free from fear and danger, once and forever.” Then he thus ends his speech, “About those things which have been brought before us, I agree with Servilius.” That is the seventh Philippic.

In February the ambassadors returned, but returned laden 213with bad tidings. Servius Sulpicius, who was to have been their chief spokesman, died just as they reached Antony. The other two immediately began to treat with him, so as to become the bearers back to Rome of conditions proposed by him. This was exactly what they had been told not to do. They had carried the orders of the Senate to their rebellious officer, and then admitted the authority of that rebel by bringing back his propositions. They were not even allowed to go into Mutina so as to see Decimus; but they were, in truth, only too well in accord with the majority of the Senate, whose hearts were with Antony. Anything to those lovers of their fish-ponds was more desirable than a return to the loyalty of the Republic. The Deputies were received by the Senate, who discussed their embassy, and on the next day they met again, when Cicero pronounced his eighth Philippic. Why he did not speak on the previous day I do not know. Middleton is somewhat confused in his account. Morabin says that Cicero was not able to obtain a hearing when the Deputies were received. The Senate did on that occasion come to a decision; against which act of pusillanimity Cicero on the following day expressed

himself very vehemently. They had decided that this was not to be called a war, but rather a tumult, and seem to have hesitated in denouncing Antony as a public enemy. The Senate was convoked on the next day to decide the terms of the amnesty to be accorded to the soldiers who had followed Antony, when Cicero, again throwing aside the minor matter, burst upon them in his wrath. He had hitherto inveighed against Antony; now his anger is addressed to the Senate. "Lucius Cæsar," he said, "has told us that he is Antony's uncle, and must vote as such. Are you all uncles to Antony?" Then he goes on to show that war is the only name by which this rebellion can be described. "Has not Hirtius, who has gone away, sick as he is, called it a war? Has not young Cæsar, young as he is, prompted to it by no one, undertaken it as a war?" He repeats the words of a letter from Hirtius which could only have been used in war: "I have taken Claterna. Their cavalry has been put to flight. A battle has been fought. So many men have been killed. This is what you call peace!" Then he speaks of other civil wars, which he says have grown from difference of opinion—"except that last between Pompey and Cæsar, as to which I will not speak. I have been ignorant of its cause, and have hated its ending." But in this war all men are of one opinion who are worthy of the name of Romans. "We are fighting for the temples of our gods, for our walls, our homes, for the abode of the Roman people, for their Penates, their altars, their hearths for the graves of ancestors — and we are fighting only against Antony. * * * Fufius Calenus tells us of peace — as though I of all men did not know that peace was a blessing. But tell me, Calenus, is slavery peace?" He is very angry with Calenus. Although he has called him his friend, he was in great wrath against him. "I am fighting for Decimus and you for Antony. I wish to preserve a Roman city; you wish to see it battered to the ground. Can you deny this, you who are creating all means of delays by which Decimus may be weakened and Antony made strong?"

"I had consoled myself with this," he says, "that when these ambassadors had been sent and had returned despised, and had told the Senate that not only had Antony refused to leave Gaul but was besieging Mutina, and would not let them even see Decimus — that then, in our passion and our rage, we should have gone forth with our

arms, and our horses, and our men, and at once have rescued our General. But we — since we have seen the audacity, the insolence, and the pride of Antony — we have become only more cowardly than before." Then he gives his opinion about the amnesty: "Let any of those who are now with Antony, but shall leave him before the ides of March and pass to the armies of the Consuls, or of Decimus, or of young Cæsar, be held to be free from reproach. If one should quit their ranks through their own will, let them be rewarded and honored as Hirtius and Pansa, our Consuls, may think proper."215 This was the eighth Philippic, and is perhaps the finest of them all. It does not contain the bitter invective of the second, but there is in it a true feeling of patriotic earnestness. The ninth also is very eloquent, though it is rather a pæan sung on behalf of his friend Sulpicius, who in bad health had encountered the danger of the journey, and had died in the effort, than one of these Philippics which are supposed to have been written and spoken with the view of demolishing Antony. It is a specimen of those funereal orations delivered on behalf of a citizen who had died in the service of his country which used to be common among the Romans.

The tenth is in praise of Marcus Junius Brutus. Were I to attempt to explain the situation of Brutus in Macedonia, and to say how he had come to fill it, I should be carried away from my purpose as to Cicero's life, and should be endeavoring to write the history of the time. My object is simply to illustrate the life of Cicero by such facts as we know. In the confusion which existed at the time, Brutus had obtained some advantages in Macedonia, and had recovered for himself the legions of which Caius Antonius had been in possession, and who was now a prisoner in his hands. At this time young Marcus Cicero was his lieutenant, and it is told us how one of those legions had put themselves under his command. Brutus had at any rate written home letters to the Senate early in March, and Pansa had called the Senate together to receive them.

Again he attacks Fufius Calenus, Pansa's father-in-law, who was the only man in the Senate bold enough to stand up against him; though there were doubtless many of those foot Senators — men who traversed the house backward and forward to give their votes — who were anxious to oppose him. He thanks Pansa for calling them

so quickly, seeing that when they had parted yesterday they had not expected to be again so soon convoked. We may gather from this the existence of a practice of sending messengers round to the Senators' houses to call them together. He praises Brutus for his courage and his patience. It is his object to convince his hearers, and through them the Romans of the day, that the cause of Antony is hopeless. Let us rise up and crush him. Let us all rise, and we shall certainly crush him. There is nothing so likely to attain success as a belief that the success has been already attained. "From all sides men are running together to put out the flames which he has lighted. Our veterans, following the example of young Cæsar, have repudiated Antony and his attempts. The 'Legio Martia' has blunted the edge of his rage, and the 'Legio Quarta' has attacked him. Deserted by his own troops, he has broken through into Gaul, which he has found to be hostile to him with its arms and opposed to him in spirit. The armies of Hirtius and of young Cæsar are upon his trail; and now Pansa's levies have raised the heart of the city and of all Italy. He alone is our enemy, although he has along with him his brother Lucius, whom we all regret so dearly, whose loss we have hardly been able to endure! What wild beast do you know more abominable than that, or more monstrous — who seems to have been created lest Marc Antony himself should be of all things the most vile?" He concludes by proposing the thanks of the Senate to Brutus, and a resolution that Quintus Hortensius, who had held the province of Macedonia against Caius Antonius, should be left there in command. The two propositions were carried.

As we read this, all appears to be prospering on behalf of the Republic; but if we turn to the suspected correspondence between Brutus and Cicero, we find a different state of things. And these letters, though we altogether doubt their authenticity — for their language is cold, formal, and un-Ciceronian — still were probably written by one who had access to those which Cicero had himself penned: "As to what you write about wanting men and money, it is very difficult to give you advice. I do not see how you are to raise any except by borrowing it from the municipalities" — in Macedonia — 217"according to the decree of the Senate. As to men, I do not know what to propose. Pansa is so far from sparing men from his

army, that he begrudges those who go to you as volunteers. Some think that he wishes you to be less strong than you are — which, however, I do not suspect myself." A letter might fall into the hands of persons not intended to read it, and Cicero was forced to be on his guard in communicating his suspicions — Cicero or the pseudo-Cicero. In the next Brutus is rebuked for having left Antony live when Cæsar was slain. "Had not some god inspired Octavian," he says, "we should have been altogether in the power of Antony, that base and abominable man. And you see how terrible is our contest with him." And he tries to awaken him to the necessity of severity. "I see how much you delight in clemency. That is very well. But there is another place, another time, for clemency. The question for us is whether we shall any longer exist or be put out of the world." These, which are intended to represent his private fears, deal with the affairs of the day in a tone altogether different from that of his public speeches. Doubt, anxiety, occasionally almost despair, are expressed in them. But not the less does he thunder on in the Senate, aware that to attain success he must appear to have obtained it.

The eleventh Philippic was occasioned by the news which had arrived in Rome of the death of Trebonius. Trebonius had been surprised in Smyrna by a stratagem as to which alone no disgrace would have fallen on Dolabella, had he not followed up his success by killing Trebonius. How far the bloody cruelty, of which we have the account in Cicero's words, was in truth executed, it is now impossible to say. The Greek historian Appian gives us none of these horrors, but simply intimates that Trebonius, having been taken in the snare, had his head cut off. That Cicero believed the story 218is probable. It is told against his son-in-law, of whom he had hitherto spoken favorably. He would not have spoken against the man except on conviction. Dolabella was immediately declared an enemy to the Republic. Cicero inveighs against him with all his force, and says that such as Dolabella is, he had been made by the cruelty of Antony. But he goes on to philosophize, and declare how much more miserable than Trebonius was Dolabella himself, who is so base that from his childhood those things had been a delight to him which have been held as disgraceful by other children. Then he turns to the question which is in dispute, whether Brutus should be left in command of Macedonia, and Cassius of Syria — Cassius was now on his way to avenge the death of Trebonius — or whether other noble Romans, Publius Servilius, for instance, or that Hirtius and Pansa, the two Consuls, when they can be spared from Italy, shall be sent there. It is necessary here to read between the lines. The going of the Consuls would mean the withdrawing of the troops from Italy, and would leave Rome open to the Cæsarean faction. At present Decimus and Cicero, and whoever else there might be loyal to the Republic, had to fight by the assistance of other forces than their own. Hirtius and Pansa were constrained to take the part of the Republic by Cicero's eloquence, and by the action of those Senators who felt themselves compelled to obey Cicero. But they did not object to send the Consuls away, and the Consular legions, under the plea of saving the provinces. This they were willing enough to do — with the real object of delivering Italy over to those who were Cicero's enemies but were not theirs. All this Cicero understood, and, in conducting the contest, had to be on his guard, not only

against the soldiers of Antony but against the Senators also, who were supposed to be his own friends, but whose hearts were intent on having back some Cæsar to preserve for them their privileges.

Cicero in this matter talked some nonsense. “By what right, by what law,” he asks, “shall Cassius go to Syria? By that law which Jupiter sanctioned when he ordained that all things good for the Republic should be just and legal.” For neither had Brutus a right to establish himself in Macedonia as Proconsul nor Cassius in Syria. This reference to Jupiter was a begging of the question with a vengeance. But it was perhaps necessary, in a time of such confusion, to assume some pretext of legality, let it be ever so poor. Nothing could now be done in true obedience to the laws. The Triumvirate, with Cæsar at its head, had finally trodden down all law; and yet every one was clamoring for legal rights! Then he sings the praises of Cassius, but declares that he does not dare to give him credit in that place for the greatest deed he had done. He means, of course, the murder of Cæsar.

Paterculus tells us that all these things were decreed by the Senate. But he is wrong. The decree of the Senate went against Cicero, and on the next day, amid much tumult, he addressed himself to the people on the subject. This he did in opposition to Pansa, who endeavored to hinder him from speaking in the Forum, and to Servilia, the mother-in-law of Cassius, who was afraid lest her son-in-law should encounter the anger of the Consuls. He went so far as to tell the people that Cassius would not obey the Senate, but would take upon himself, on such an emergency, to act as best he could for the Republic. There was no moment in this stirring year, none, I think, during Cicero’s life, in which he behaved with greater courage than now in appealing from the Senate to the people, and in the hardihood with which he declared that the Senate’s decree should be held as going for nothing. Before the time came in which it could be carried out both Hirtius and Pansa were dead. They had fallen in relieving Decimus at Mutina. 220His address on this occasion to the people was not made public, and has not been preserved.

Then there came up the question of a second embassy, to which Cicero at first acceded. He was induced to do so, as he says, by news which had arrived of altered circumstances on Antony’s part.

Calenus and Piso had given the Senate to understand that Antony was desirous of peace. Cicero had therefore assented, and had agreed to be one of the deputation. The twelfth Philippic was spoken with the object of showing that no such embassy should be sent. Cicero's condition at this period was most peculiar and most perilous. The Senate would not altogether oppose his efforts, but they hated them. They feared that, if Antony should succeed, they who had opposed Antony would be ruined. Those among them who were the boldest openly reproached Cicero with the danger which they were made to incur in fighting his battles. To be rid of Cicero was their desire and their difficulty. He had agreed to go on this embassy — who can say for what motives? To him it would be a mission of especial peril. It was one from which he could hardly hope ever to come back alive. It may be that he had agreed to go with his life in his hand, and to let them know that he at any rate had been willing to die for the Republic. It may be that he had heard of some altered circumstances. But he changed his mind and resolved that he would not go, unless driven forth by the Senate. There seems to have been a manifest attempt to get him out of Rome and send him where he might have his throat cut. But he declined; and this is the speech in which he did so. "It is impossible," says the French critic, speaking of the twelfth Philippic, "to surround the word 'I fear' with more imposing oratorical arguments." It has not occurred to him that Cicero 221may have thought that he might even yet do something better with the lees and dregs of his life than throw them away by thus falling into a trap. Nothing is so common to men as to fear to die — and nothing more necessary, or men would soon cease to live. To fear death more than ignominy is the disgrace — a truth which the French critic does not seem to have recognized when he twits the memory of Cicero with his scornful sneer, "J'ai peur." Did it occur to the French critic to ask himself for what purpose should Cicero go to Antony's camp, where he would probably be murdered, and by so doing favor the views of his own enemies in Rome? The deputation was not sent; but in lieu of the deputation Pansa, the remaining Consul, led his legions out of Rome at the beginning of April.

b.c. 43, ætat. 64.

Lepidus, who was Proconsul in Gaul and Northern Spain, wrote a

letter at this time to the Senate recommending them to make peace with Antony. Cicero in his thirteenth Philippic shows how futile such a peace would be. That Lepidus was a vain, inconstant man, looking simply to his own advantage in the side which he might choose, is now understood; but when this letter was received he was supposed to have much weight in Rome. He had, however, given some offence to the Senate, not having acknowledged all the honors which had been paid to him. The advice had been rejected, and Cicero shows how unfit the man was to give it. This, however, he still does with complimentary phrases, though from a letter written by him to Lepidus about this time the nature of his feeling toward the man is declared: "You would have done better, in my judgment, if you had left alone this attempt at making peace, which approves itself neither to the Senate nor to the people, not to any good man." When we remember the ordinary terms of Roman letter-writing, we must acknowledge that this was a plain and not very civil attempt to silence Lepidus. He then goes on in the Philippic to read a letter which Antony had sent to Hirtius and to young Cæsar, and which they had sent on to the Senate. The letter is sufficiently bold and abusive — throwing it in their teeth that they would rather punish the murderer of Trebonius than those of Cæsar. Cicero does this with some wit, but we feel compelled to observe that as much is to be said on the one side as on the other. Brutus, Cassius, with Trebonius and others, had killed Cæsar. Dolabella, perhaps with circumstances of great cruelty, had killed Trebonius. Cicero had again and again expressed his sorrow that Antony had been spared when Cæsar was killed. We have to go back before the first slaughter to resolve who was right and who was wrong, and even afterward can only take the doings of each in that direction as part of the internecine feud. Experience has since explained to us the results of introducing bloodshed into such quarrels. The laws which recognize war are and were acknowledged. But when A kills B because he thinks B to have done evil, A can no longer complain of murder. And Cicero's criticism is somewhat puerile. "And thou, boy," Antony had said in addressing Octavian—"Et te, puer!" "You shall find him to be a man by-and-by," says Cicero. Antony's Latin is not Ciceronian. "Utrum sit elegantius," he asks, putting some further question about Cæsar

and Trebonius. “As if there could be anything elegant in this war,” demands Cicero. He goes through the letter in the same way, turning Antony into ridicule in a manner which must have riveted in the heart of Fulvia, Antony’s wife, who was in Rome, her desire to have that bitter-speaking tongue torn out of his mouth. Such was the thirteenth Philippic.

On the 21st of April was spoken the fourteenth and the last. Pansa early in the month had left Rome, and marched toward Mutina with the intention of relieving Decimus. Antony, who was then besieging Mutina after such a fashion as to prevent all egress or ingress, and had all but brought Decimus to starvation, finding himself about to be besieged, put his troops into motion, and attacked those who were attacking him. Then was fought the battle in which Antony was beaten, and Pansa, one of the Consuls, so wounded that he perished soon afterward. Antony retreated to his camp, but was again attacked by Hirtius and Octavian, and by Decimus, who sallied out of the town. He was routed, and fled, but Hirtius was killed in the battle. Suetonius tells us that in his time a rumor was abroad that Augustus, then Octavian, had himself killed Hirtius with his own hands in the fight — Hirtius having been his fellow-general, and fighting on the same side; and that he had paid Glyco, Pansa’s doctor, to poison him while dressing his wounds. Tacitus had already made the story known. It is worth repeating here only as showing the sort of conduct which a grave historian and a worthy biographer were not ashamed to attribute to the favorite Emperor of Rome.

It was on the receipt of the news in Rome of the first battle, but before the second had been fought, that the last Philippic was spoken. Pansa was not known to have been mortally wounded, nor Hirtius killed, nor was it known that Decimus had been relieved; but it was understood that Antony had received a check. Servilius had proposed a supplication, and had suggested that they should put away their saga and go back to their usual attire. The “sagum” was a common military cloak, which the early Romans wore instead of the toga when they went out to war. In later days, when the definition between a soldier and a civilian became more complete, they who were left at home wore the sagum, in token of their military feelings, when the Republic was fighting its battles near Rome. I do not

suppose that when Crassus was in Parthia, or Cæsar in Gaul, the sagum was worn. It was not exactly known when 224the distant battles were being fought. But Cicero had taken care that the sagum should be properly worn, and had even put it on himself — to do which as a Consular was not required of him. Servilius now proposed that they should leave off their cloaks, having obtained a victory; but Cicero would not permit it. Decimus, he says, has not been relieved, and they had taken to their cloaks as showing their determination to succor their General in his distress. And he is discontented with the language used: "You have not even yet called Antony a 'public enemy.'" Then he again lashes out against the horror of Antony's proceedings: "He is waging war, a war too dreadful to be spoken of, against four Roman Consuls" — he means Hirtius and Pansa, who were already Consuls, and in truth already dead, and Decimus and Plancus, who were designated as Consuls for the next year. Plancus, however, joined his legions afterward with those of Antony, and insisted in establishing the Second Triumvirate. "Rushing from one scene of slaughter to another, he causes wherever he goes misery, desolation, bloodshed, and agony." The language is so fine that it is worth our while to see the words. "Is he not responsible for the horrors of Dolabella? What he would do in Rome, were it not for the protection of Jupiter, may be seen from the miseries which his brother has inflicted on those poor men of Parma — that Lucius, whom all men hate, and the gods too would hate, if they hated as they ought. In what city was Hannibal as cruel as Antony at Parma; and shall we not call him an enemy?" Servilius had asked for a supplication, but had only asked for one of moderate length. And Servilius had not called the generals Imperatores. Who should be so called but they who have been valiant, and lucky, and successful? Cicero forgets the meaning of the title, and that even Bibulus had been called Imperator in Syria. Here he runs off 225from his subject, and at some length praises himself. It seems that Rome was in a tumult at the time, and that Antony's enemies did all they could to support him, and also to turn his head. He had been carried into the Senate-house in triumph, and had been thanked by the whole city. After lauding the different generals, and calling them all Imperatores, he desires the Senate to decree them a supplication for fifty days.

Fifty days are to be devoted to thanksgiving to the gods, though it had already been declared how very little they have done for which to be thankful, as Decimus had not yet been liberated.

Fifty days are granted for the battle of Mutina, which as yet was supposed to have been but half fought. When we hear the term "supplicatio" first mentioned in Livy one day was granted. It had grown to twenty when the gods were thanked for the victory over Vercingetorix. Now for this half-finished affair fifty was hardly enough. When the time was over, Antony and Lepidus had joined their forces triumphantly. Pansa and Hirtius were dead, and Decimus Brutus had fled, and had probably been murdered. Nothing increases so out of proportion to the occasion as the granting of honors. Stars, when they fall in showers, pale their brilliancy, and turn at last to no more than a cloud of dust. Honors are soon robbed of all their honor when once the first step downward has been taken. The decree was passed, and Cicero finished his last speech on so poor an occasion. But though the thing itself then done be small and trivial to us now, it was completed in magnificent language. The passage of which I give the first words below is very fine in the original, though it does not well bear translation. Thus he ended his fourteenth Philippic, and the silver tongue which had charmed Rome so often was silent forever.

We at least have no record of any further speech; nor, as 226I think, did he again take the labor of putting into words which should thrill through all who heard them, not the thoughts but the passionate feelings of the moment.

I will venture to quote from a contemporary his praise of the Philippics. Mr. Forsyth says: "Nothing can exceed the beauty of the language, the rhythmical flow of the periods, and the harmony of the style. The structure of the Latin language, which enables the speaker or writer to collocate his words, not, as in English, merely according to the order of thought, but in the manner best calculated to produce effect, too often baffles the powers of the translator who seeks to give the force of the passage without altering the arrangement. Often again, as is the case with all attempts to present the thoughts of the ancient in a modern dress, a periphrasis must be used to explain the meaning of an idea which was instantly caught by the Greek or Roman ear. Many allusions which flashed like lightning upon the

minds of the Senators must be explained in a parenthesis, and many a home-thrust and caustic sarcasm are now deprived of their sting, which pierced sharply at the moment of their utterance some twenty centuries ago.

"But with all such disadvantages I hope that even the English reader will be able to recognize in these speeches something of the grandeur of the old Roman eloquence. The noble passages in which Cicero strove to force his countrymen for very shame to emulate the heroic virtues of their forefathers, and urged them to brave every danger and welcome death rather than slavery in the last struggle for freedom, are radiant with a glory which not even a translation can destroy. And it is impossible not to admire the genius of the orator whose words did more than armies toward recovering the lost liberty of Rome."

His words did more than armies, but neither could do anything lasting for the Republic. What was one honest man among so many? We remember Mommsen's verdict: "On the Roman oligarchy of this period no judgment can be passed save one of inexorable and remorseless condemnation." The farther we see into the facts of Roman history in our endeavors to read the life of Cicero, the more apparent becomes its truth. But Cicero, though he saw far toward it, never altogether acknowledged it. In this consists the charm of his character, though at the same time the weakness of his political aspirations; his weakness — because he was vain enough to imagine that he could talk men back from their fish-ponds; its charm — because he was able through it all to believe in honesty. The more hopeless became the cause, the sweeter, the more impassioned, the more divine, became his language. He tuned his notes to still higher pitches of melody, and thought that thus he could bring back public virtue. Often in these Philippics the matter is small enough. The men he has to praise are so little; and Antony does not loom large enough in history to have merited from Cicero so great a meed of vituperation! Nor is the abuse all true, in attributing to him motives so low. But Cicero was true through it all, anxious, all on fire with anxiety to induce those who heard him to send men to fight the battles to which he knew them, in their hearts, to be opposed.

The courage, the persistency, and the skill shown, in the attempt

were marvellous. They could not have succeeded, but they seem almost to have done so. I have said that he was one honest man among many. Brutus was honest in his patriotism, and Cassius, and all the conspirators. I do not doubt that Cæsar was killed from a true desire to restore the Roman Republic. They desired to restore a thing that was in itself evil — the evils of which had induced Cæsar to see that he might make himself its master. But Cicero had conceived a Republic in his own mind — not Utopian, altogether human and rational — a Republic which he believed to have been that of Scipio, of Marcellus, and Lælius: a Republic which should do nothing for him but require his assistance, in which the people should vote, and the oligarchs rule in accordance with the es 228tablished laws. Peace and ease, prosperity and protection, it would be for the Rome of his dream to bestow upon the provinces. Law and order, education and intelligence, it would be for her rulers to bestow upon Rome. In desiring this, he was the one honest man among many. In accordance with that theory he had lived, and I claim for him that he had never departed from it. In his latter days, when the final struggle came, when there had arisen for him the chance of Cæsar's death, when Antony was his chief enemy, when he found himself in Rome with authority sufficient to control legions, when the young Cæsar had not shown — probably had not made — his plans, when Lepidus and Plancus and Pollio might still prove themselves at last true men, he was once again alive with his dream. There might yet be again a Scipio, or a Cicero as good as Scipio, in the Republic; one who might have lived as gloriously, and die — not amid the jealousies but with the love of his countrymen.

It was not to be. Looking back at it now, we wonder that he should have dared to hope for it. But it is to the presence within gallant bosoms of hope still springing, though almost forlorn, of hope which has in its existence been marvellous, that the world is indebted for the most beneficial enterprises. It was not given to Cicero to stem the tide and to prevent the evil coming of the Cæsars; but still the nature of the life he had led, the dreams of a pure Republic, those aspirations after liberty have not altogether perished. We have at any rate the record of the great endeavors which he made.

Nothing can have been worse managed than the victory at Mutina.

The two Consuls were both killed; but that, it may be said, was the chance of war. Antony with all his cavalry was allowed to escape eastward toward the Cottian Alps. Decimus Brutus seems to have shown himself deficient in all the qualities of a General, except that power of endurance which can hold a town with little or no provision. He wrote to Cicero saying that he would follow Antony. He makes a promise that Antony shall not be allowed to remain in Italy. He beseeches Cicero to write to that "windy fellow Lepidus," to prevent him from joining the enemy. Lepidus will never do what is right unless made to do so by Cicero. As to Plancus, Decimus has his doubts, but he thinks that Plancus will be true to the Republic now that Antony is beaten. In his next letter he speaks of the great confusion which has come among them from the death of the two Consuls. He declares also how great has been Antony's energy in already recruiting his army. He has opened all the prisons and workhouses, and taken the men he found there. Ventidius has joined him with his army, and he still fears Lepidus. And young Cæsar, who is supposed to be on their side, will obey no one, and can make none obey him. He, Decimus, cannot feed his men. He has spent all his own money and his friends'. How is he to support seven legions? On the next day he writes again, and is still afraid of Plancus and of Lepidus and of Pollio. And he bids Cicero look after his good name: "Stop the evil tongues of men if you can." A few days afterward Cicero writes him a letter which he can hardly have liked to receive. What business had Brutus to think the senate cowardly? Who can be afraid of Antony conquered who did not fear him in his strength? How should Lepidus doubt now when victory had declared for the Republic? Though Antony may have collected together the scrapings of the jails, Decimus is not to forget that he, Decimus, has the whole Roman people at his back.

Cicero was probably right to encourage the General, and to endeavor to fill him with hope. To make a man victorious you should teach him to believe in victory. But Decimus knew the nature of the troops around him, and was aware that every soldier was so imbued with an idea of the power of Cæsar that, though Cæsar was dead, they could fight with only 230half a heart against soldiers who had been in his armies. The name and authority and high office of the two

Consuls had done something with them, and young Cæsar had been with the Consuls. But both the Consuls had been killed — which was in itself ominous — and Antony was still full of hope, and young Cæsar was not there, and Decimus was unpopular with the men. It was of no use that Cicero should write with lofty ideas and speak of the spirit of the Senate. Antony had received a severe check, but the feeling of military rule which Cæsar had engendered was still there, and soldiers who would obey their officers were not going to submit themselves to "votes of the people." Cicero in the mean time had his letters passing daily between himself and the camps, thinking to make up by the energy of his pen for the weakness of his party. Lepidus sends him an account of his movements on the Rhone, declaring how he was anxious to surround Antony. Lepidus was already meditating his surrender. "I ask from you, my Cicero, that if you have seen with what zeal I have in former times served the Republic, you should look for conduct equal to it, or surpassing it for the future; and, that you should think me the more worthy of your protection, the higher are my deserts." He was already, when writing that letter, in treaty with Antony. Plancus writes to him at the same time apologizing for his conduct in joining Lepidus. It was a service of great danger for him, Plancus, but it was necessary for Lepidus that this should be done. We are inclined to doubt them all, knowing whither they were tending. Lepidus was false from the beginning. Plancus doubled for a while, and then yielded himself.

The reader, I think, will have had no hope for Cicero and the Republic since the two Consuls were killed; but as he comes upon the letters which passed between Cicero and the armies he will have been altogether disheartened.

1

CHAPTER X.

CICERO'S DEATH.

b.c. 43, ætat. 64.

What other letters from Cicero we possess were written almost exclusively with the view of keeping the army together, and continuing the contest against Antony. There are among them a few introductory letters of little or no interest. And these military despatches, though of importance as showing the eager nature of the man, seem, as we read them, to be foreign to his nature. He does not understand war, and devotes himself to instigating men to defend the Republic, of whom we suspect that they were not in the least affected by the words they received from him. The correspondence as to this period of his life consists of his letters to the Generals, and of theirs to him. There are nearly as many of the one as of the other, and the reader is often inclined to doubt whether Cicero be writing to Plancus or Plancus to Cicero. He remained at Rome, and we can only imagine him as busy among the official workshops of the State, writing letters, scraping together money for the troops, struggling in vain to raise levies, amid a crowd of hopeless, doubting, disheartened Senators, whom he still kept together by his eloquence as Republicans, though each was eager to escape.

But who can be made Consuls in the place of Pansa and Hirtius? Octavian, who had not left Italy after the battle of Mutina, was determined to be one; but the Senate, probably under the guidance of Cicero, for a time would not have him. There was a rumor that Cicero had been elected — or is said to have been such a rumor. Our authority for it comes from that correspondence with Marcus Brutus on the authenticity of which we do not trust, and the date of which we do not know. "When I had already written my letter, I heard that you had been made Consul. When that is done I shall believe that we shall have a true Republic, and one supported by its own strength." But probably neither was the rumor true, nor the fact that there was such a rumor. It was not thus that Octavian meant to play his part. He had been passed over by Cicero when a General against Antony was

needed. Decimus had been used, and Hirtius and Pansa had been employed as though they had been themselves strong as were the Consuls of old. So they were to Cicero — in whose ears the very name of Consul had in it a resonance of the magnificence of Rome. Octavian thought that Pansa and Hirtius were but Cæsar's creatures, who at Cæsar's death had turned against him. But even they had been preferred to him. In those days he was very quick to learn. He had been with the army, and with Cæsar's soldiers, and was soon instructed in the steps which it was wise that he should take. He put aside, as with a sweep of his hand, all the legal impediments to his holding the Consulship. Talk to him of age! He had already heard that word "boy" too often. He would show them what a boy would do. He would let them understand that there need be no necessity for him to canvass, to sue for the Consulship cap in hand, to have morning levees and to know men's names — as had been done by Cicero. His uncle had not gone through those forms when he had wanted the Consulship. Octavian sent a military order by a band of officers, who, marching into the Senate, demanded the office. When the old men hesitated, one Cornelius, a centurion, showed them his sword, and declared that by means of that should his General be elected Consul. The Greek biographers and historians, Plutarch, Dio, and Appian, say that he was minded 233to make Cicero his fellow-Consul, promising to be guided by him in everything; but it could hardly have been so, with the feelings which were then hot against Cicero in Octavian's bosom. Dio Cassius is worthy of little credit as to this period, and Appian less so, unless when supported by Latin authority. And we find that Plutarch inserts stories with that freedom which writers use who do not suppose that others coming after them will have wider sources of information than their own. Octavian marched into Rome with his legions, and had himself chosen Consul in conjunction with Quintius Pedius, who had also been one of the coheirs to Cæsar's will. This happened in September. Previous to this Cicero had sent to Africa for troops; but the troops when they came all took part with the young Cæsar.

A story is told which appears to have been true, and to have assisted in creating that enmity which at last induced Octavian to assent to Cicero's death. He was told that Cicero had said that "the

young man was to be praised, and rewarded, and elevated!" The last word, "tollendum," has a double meaning; might be elevated to the skies — or to the "gallows." In English, if meaning the latter, we should say that such a man must be "put out of the way." Decimus Brutus told this to Cicero as having been repeated by Sigulius, and Cicero answers him, heaping all maledictions upon Sigulius. But he does not deny the words, or their intention — and though he is angry, he is angry half in joke. He had probably allowed himself to use the witticism, meaning little or nothing — choosing the phrase without a moment's thought, because it contained a double meaning. No one can conceive that he meant to imply that young Cæsar should be murdered. "Let us reward him, but for the moment let us be rid of him." And then, too, he had in the same sentence called him a boy. As far as evidence 234goes, we know that the words were spoken. We can trust the letter from Decimus to Cicero, and the answer from Cicero to Decimus. And we know that, a short time afterward, Octavian, sitting in the island near Bologna with Antony, consented that Cicero's name should be inserted in the fatal list as one of those doomed to be murdered.

In the mean time Lepidus had taken his troops over to Antony, and Pollio joined them soon afterward with his from Spain. After that it was hardly to be expected that Plancus should hesitate. There has always been a doubt whether Plancus should or should not be regarded as a traitor. He held out longer than the others, and is supposed to have been true in those assurances which he made to Cicero of Republican fervor. Why was he bound to obey Cicero, who was then at Rome, sending out his orders without official authority? While the Consuls had been alive he could obey the Consuls; and at the Consuls' death he could for a while follow the spirit of their instructions. But as that spirit died away he found himself without orders other than Cicero's. In this condition was it not better for him to go with the other Generals of the Empire rather than to perish with a falling party? In addition to this it will happen at such a time that the soldiers themselves have a will of their own. With them the name of Cæsar was still powerful, and to their thinking Antony was fighting on dead Cæsar's side. When we read the history of this year, the fact becomes clear that out of Rome Cæsar's name was more

powerful than Cicero's eloquence. Governed by such circumstances, driven by events which he could not control, Plancus has the merit of having been the last among the doubtful Generals to desert the cause which Cicero had at heart. Cassius and Brutus in the East were still collecting legions for the battle of Philippi. With that we shall have no trouble here. In the West, Plancus found himself bound to follow the others, and to join Antony and Lepidus in spite of the protestations he had made. To those who read Cicero's letters of this year the question must often arise whether Plancus was a true man. I have made his excuse to the reader with all that I can say in his favor. The memory of the man is, however, unpleasant to me.

Decimus, when he found himself thus alone, endeavored to force his way with his army along the northern shore of the Adriatic, so as to join Marcus Brutus in Macedonia. To him, as one of those who had slain Cæsar, no power was left of deserting. He was doomed unless he was victorious. He was deserted by his soldiers, who left him in batches, and at last was taken alive, when wandering through the country, and sent (dead) to Antony. Marcus Brutus and Cassius seem to have turned a deaf ear to all Cicero's entreaties that they should come to his rescue. Cicero in his last known letter — which however was written as far back as in July — is very eager with Cassius: "Only attempts are heard of your army, very great in themselves, but we expect to hear of deeds. * * * Nothing can be grander or more noble than yourself, and therefore it is that we are longing for you here in Rome. * * * Believe me that everything depends on you and Brutus — that we are waiting for both of you. For Brutus we are waiting constantly." This was after Lepidus had gone, but while Plancus was supposed to be as yet true — or rather, not yet false. He did, no doubt, write letters to Brutus urging him in the same way. Alas, alas! it was his final effort made for the Republic.

In September Octavian marched into Rome as a conqueror, at the head of those troops from Africa which had been sent as a last resource to help the Republicans. Then we may imagine that Cicero recognized the fact that there was left nothing further for which to struggle. The Republic was done, his dream was over, and he could only die. Brutus and Cassius might still carry on the contest; but

Rome had now fallen a second time, in spite of his efforts, and all hope must have 236fled from him. When Cæsar had conquered at Pharsalia, and on his return from the East had graciously met him at Brundisium, and had generously accorded to him permission to live under the shadow of his throne, the time for him must have been full of bitterness. But he had not then quite realized the meaning of a tyrant's throne. He had not seen how willingly the people would submit themselves, how little they cared about their liberty; nor had he as yet learned the nature of military despotism. Rome had lived through Sulla's time, and the Republic had been again established. It might live through Cæsar's period of command. When Cæsar had come to him and supped with him, as a prince with one of his subjects, his misery had been great. Still there was a hope, though he knew not from whence. Those other younger men had felt as he had felt — and Cæsar had fallen. To his eyes it was as though some god had interfered to restore to him, a Roman, his ancient form of government. Cæsar was now dead, and all would be right — only that Antony was left alive. There was need for another struggle before Consuls, Prætors, and Ædiles could be elected in due order; and when he found that the struggle was to be made under his auspices, he girded up his loins and was again happy. No man can be unhappy who is pouring out his indignation in torrents, and is drinking in the applause of his audience. Every hard word hurled at Antony, and every note of praise heard in return, was evidence to him of his own power. He did believe, while the Philippics were going on, that he was stirring up a mighty power to arouse itself and claim its proper dominion over the world. There were moments between in which he may have been faint-hearted — in which he may have doubted as to young Cæsar — in which he feared that Pansa might escape from him, or that Decimus would fall before relief could reach him; but action lent a pleasantness and a grace to it all. It is sweet to fight with the hope of victory. But now, when young Cæsar had marched into Rome with his legions, and was doubtless 237 prepared to join himself to Antony, there was no longer anything for Cicero to do in this world.

It is said, but not as I think on good authority, that Cicero went out to meet Cæsar — and if to meet him, then also to congratulate

him. Appian tells us that in the Senate Cicero hastened to congratulate Cæsar, assuring him how anxious he had been to secure the Consulship for him, and how active. Cæsar smiled, and said that Cicero had perhaps been a little late in his friendship. Dio Cassius only remarks that Cæsar was created Consul by the people in the regular way, two Consuls having been chosen; and adds that the matter was one of great glory to Cæsar, seeing that he had obtained the Consulship at an unusually early age. But, as I have said above, their testimony for many reasons is to be doubted. Each wrote in the interest of the Cæsars, and, in dealing with the period before the Empire, seems only to have been anxious to make out some connected story which should suit the Emperor's views. Young Cæsar left Rome still with the avowed purpose of proceeding against Antony as against one declared by the Senate to be an enemy; but the purpose was only avowed. Messengers followed him on the road, informing him that the ban had been removed, and he was then at liberty to meet his friend on friendly terms. Antony had sent word to him that it was not so much his duty as young Cæsar's to avenge the death of his uncle, and that unless he would assist him, he, Antony, would take his legions and join Brutus and Cassius. I prefer to believe with Mr. Forsyth that Cicero had retired with his brother Quintus to one of his villas. Plutarch tells us that he went to his Tusculan retreat, and that on receiving news of the proscriptions he determined to remove to Astura, on the sea-side, in order that he might be ready to escape into Macedonia. Octavian, in the mean time, having caused a law to be passed 238by Pedius condemning all the conspirators to death, went northward to meet Antony and Lepidus at Bononia, the Bologna of to-day. Here it was necessary that the terms of the compact should be settled by which the spoils of the world should be divided among them; and here they met, these three men, on a small river island, remote from the world — where, as it is supposed, each might think himself secure from the other. Antony and Lepidus were men old in craft — Antony in middle life, and Lepidus somewhat older. Cæsar was just twenty-one; but from all that we have been able to gather as to that meeting, he was fully able to hold his own with his elders. What each claimed as his share in the Empire is not so much matter of history as the blood which

each demanded. Paterculus says that the death-warrants which were then signed were all arranged in opposition to Cæsar. But Paterculus wrote as the servant of Tiberius, and had been the servant of Augustus. It was his object to tell the story as much in favor of Augustus as it could be told. It is said that, debating among themselves the murders which each desired for his own security, young Cæsar, on the third day only, gave up Cicero to the vengeance of Antony. It may have been so. It is impossible that we should have a record of what took place from day to day on that island. But we do know that there Cicero's death was pronounced, and to that doom young Cæsar assented. It did not occur to them, as it would have done to Julius Cæsar at such a time, that it would be better that they should show their mercy than their hatred. This proscription was made by hatred and not by fear. It was not Brutus and Cassius against whom it was directed — the common enemies of the three Triumviri. Sulla had attempted to stamp out a whole faction, and so far succeeded as to strike dumb with awe the remainder. But here the bargain of death 239was made by each against the other's friends. "Your brother shall go," said Antony to Lepidus. "If so, your uncle also," said Lepidus to Antony. So the one gave up his brother and the other his uncle, to indulge the private spleen of his partner; and Cicero must go to appease both. As it happened, though Cicero's fate was spoken, the two others escaped their doom. "Nothing so bad was done in those days," says Paterculus, "that Cæsar should have been compelled to doom any one to death, or that such a one as Cicero should have been doomed by any." Middleton thinks, and perhaps with fair reason, that Cæsar's objection was feigned, and that his delay was made for show. A slight change in quoting the above passage, unintentionally made, favors his view; "Or that Cicero should have been proscribed by him," he says, turning "ullo" into "illo." The meaning of the passage seems to be, that it was sad that Cæsar should have been forced to yield, or that any one should have been there to force him. As far as Cæsar is concerned, it is palliative rather than condemnatory. Suetonius, indeed, declares that though Augustus for a time resisted the proscription, having once taken it in hand he pursued it more bloodily than the others. It is said that the list when completed contained the names of three hundred Senators

and two thousand Knights; but their fate was for a time postponed, and most of them ultimately escaped. We have no word of their deaths, as would have been the case had they all fallen. Seventeen were named for instant execution, and against these their doom went forth. We can understand that Cicero's name should have been the first on the list.

We are told that when the news reached Rome the whole city was struck with horror. During the speaking of the Phil 240ippics the Republican party had been strong and Cicero had been held in favor. The soldiers had still clung to the memory of Cæsar; but the men of mark in the city, those who were indolent and rich and luxurious, the "fish-ponders" generally, had thought that, now Cæsar was dead, and especially as Antony had left Rome, their safest course would be to join the Republic. They had done so, and had found their mistake. Young Cæsar had first come to Rome and they had been willing enough to receive him, but now he had met Antony and Lepidus, and the bloody days of Sulla were to come back upon them. All Rome was in such a tumult of horror and dismay that Pedius, the new Consul, was frightened out of his life by the clamor. The story goes that he ran about the town trying to give comfort, assuring one and another that he had not been included in the lists, till, as the result of it all, he himself, when the morning came, died from the exertion and excitement.

There is extant a letter addressed to Octavian — supposed to have been written by Cicero, and sometimes printed among his works — which, if written by him, must have been composed about this time. It no doubt was a forgery, and probably of a much later date; but it serves to show what were the feelings presumed to have been in Cicero's bosom at the time. It is full of abuse of Antony, and of young Cæsar. I can well imagine that such might have been Cicero's thoughts as he remembered the praise with which he had laden the young man's name; how he had decreed to him most unusual honors and voted statues for him. It had all been done in order that the Republic might be preserved, but had all been done in vain. It must have distressed him sorely at this time as he reflected how much eulogy he had wasted. To be sneered at by the boy when he came back to Rome to assume the Consulship, and to be told, with a laugh,

that he had been a little late in his welcome! And to hear that the boy had decreed his death in conjunction with Antony and Lepidus! This was all that Rome could do for him at the end — for him who had so loved her,241 suffered so much for her, and been so valiant on her behalf! Are you not a little late to welcome me as one of my friends? the boy had said when Cicero had bowed and smiled to him. Then the next tidings that reached him contained news that he was condemned! Was this the youth of whom he had declared, since the year began, that "he knew well all the boy's sentiments; that nothing was dearer to the lad than the Republic, nothing more reverent than the dignity of the Senate?" Was it for this that he had bade the Senate "fear nothing" as to young Octavian, "but always still look for better and greater things?" Was it for this that he had pledged his faith for him with such confident words—"I promise for him, I become his surety, I engage myself, conscript fathers, that Caius Cæsar will always be such a citizen as he has shown himself to-day?" And thus the young man had redeemed his tutor's pledges on his behalf! "A little late to welcome me, eh?" his pupil had said to him, and had agreed that he should be murdered. But, as I have said, the story of that speech rests on doubtful authority.

Had not Cicero too rejoiced at the uncle's murder? And having done so, was he not bound to endure the enmity he had provoked? He had not indeed killed Cæsar, or been aware that he was to be killed; but still it must be said of him that, having expressed his satisfaction at what had been done, he had identified himself with those who had killed him, and must share their fate. The slaying of a tyrant was almost by law enjoined upon Romans — was at any rate regarded as a virtue rather than a crime. There of course arises the question, who is to decide whether a man be a tyrant? and the idea being radically wrong, becomes enveloped in difficulty out of which there is no escape. But there remains as a fact the existence of the feeling which was at the time held to have justified Brutus — and also Cicero. A man has to inquire of his own heart with what amount of criminality he can accuse the Cicero of the day, 242or the young Augustus. Can any one say that Cicero was base to have rejoiced that Cæsar had been killed? Can any one not regard with horror the young Consul, as he sat there in the privacy of the island, with

Antony on one side and Lepidus on the other, and then in the first days of his youth, with the down just coming on his cheeks, sending forth his edict for slaughtering the old friend of the Republic?

b.c. 43, ætat. 64.

It is supposed that Cicero left Rome in company with his brother Quintus, and that at first they went to Tusculum. There was no bar to their escaping from Italy had they so chosen, and probably such was their intention as soon as tidings reached them of the proscription. It is pleasant to think that they should again have become friends before they died. In truth, Marcus the elder was responsible for his brother's fate. Quintus had foreseen the sun rising in the political horizon, and had made his adorations accordingly. He, with others of his class, had shown himself ready to bow down before Cæsar. With his brother's assent he had become Cæsar's lieutenant in Gaul, such employment being in conformity with the practice of the Republic. When Cæsar had returned, and the question as to power arose at once between Cæsar and Pompey, Quintus, who had then been with his brother in Cilicia, was restrained by the influence of Marcus; but after Pharsalia the influence of Marcus was on the wane. We remember how young Quintus had broken away and had joined Cæsar's party. He had sunk so low that he had become "Antony's right hand." In that direction lay money, luxury, and all those good things which the government of the day had to offer. Cicero was so much in Cæsar's eyes, that Cæsar despised the elder and the younger Quintus for deserting their great relative, and would hardly have them. The influence of the brother and the uncle sat heavily on them. The shame of being Cæsarean while he was Pompeian, the shame of siding with Antony while he sided with the Republic, had been too great for them. While he was speaking his Philippics they could not but be enthusiastic on the same side. And now, when he was proscribed, they were both proscribed with him. As the story goes, Quintus returned from Tusculum to Rome to seek provision for their journey to Macedonia, there met his son, and they both died gallantly. Antony's hirelings came upon the two together, or nearly together, and, finding the son first, put him to the torture, so to learn from him the place of his father's concealment; then the father, hearing his son's screams, rushed out to his aid, and the two perished

together. But this story also comes to us from Greek sources, and must be taken for what it is worth.

Marcus, alone in his litter, travelled through the country to his sea-side villa at Astura. Then he went on to Formiæ, sick with doubt, not knowing whether to stay and die, or encounter the winter sea in such boat as was provided for him. Should he seek the uncomfortable refuge of Brutus's army? We can remember his bitter exclamations as to the miseries of camp life. He did go on board; but was brought back by the winds, and his servants could not persuade him to make another attempt. Plutarch tells us that he was minded to go to Rome, to force his way into young Cæsar's house and there to stab himself, but that he was deterred from this melodramatic death by the fear of torture. The story only shows how great had been the attention given to every detail of his last moments, and what the people in Rome had learned to say of them. The same remark applies to Plutarch's tale as to the presuming crows who pecked at the cordage of his sails when his boat was turned to go back to the land, and afterward with their beaks strove to drag the bedclothes from off him when he lay waiting his fate the night before the murderers came to him.

He was being carried down from his villa at Formiæ to the sea-side when Antony's emissaries came upon him in his litter. There seem to have been two of them — both soldiers and officers in the pay of Antony — Popilius Lænas and Herennius. They 244overtook him in the wood, through which paths ran from the villa down to the sea-shore. On arriving at the house they had not found Cicero, but were put upon his track by a freedman who had belonged to Quintus, named Philologus. He could hardly have done a kinder act than to show the men the way how they might quickly release Cicero from his agony. They went down to the end of the wood, and there met the slaves bearing the litter. The men were willing to fight for their master; but Cicero, bidding them put down the chair, stretched out his neck and received his death-blow. Antony had given special orders to his servants. They were to bring Cicero's head and his hands — the hands which had written the Philippics, and the tongue which had spoken them — and his order was obeyed to the letter. Cicero was nearly sixty-four when he died, his birthday being on the 3d of January following. It would be hardly worth our while to delay

ourselves for a moment with the horrors of Antony's canduct, and those of his wife Fulvia — Fulvia the widow of Clodius and the wife of Antony — were it not that we may see what were the manners to which a great Roman lady had descended in those days in which the Republic was brought to an end. On the rostra was stuck up the head and the hands as a spectacle to the people, while Fulvia specially avenged herself by piercing the tongue with her bodkin. That is the story of Cicero's death as it has been generally told.

We are told also that Rome heard the news and saw the sight with ill-suppressed lamentation. We can easily believe that it should have been so. I have endeavored, as I have gone on with my work, to compare him to an Englishman of the present day; but there is no comparing English eloquence to his, or the ravished ears of a Roman audience to the pleasure taken in listening to our great orators. The world has become too impatient for oratory, and then our Northern senses cannot appreciate the melody of sounds as did the finer 245organs of the Roman people. We require truth, and justice, and common-sense from those who address us, and get much more out of our public speeches than did the old Italians. We have taught ourselves to speak so that we may be believed — or have come near to it. A Roman audience did not much care, I fancy, whether the words spoken were true. But it was indispensable that they should be sweet — and sweet they always were. Sweet words were spoken to them, with their cadences all measured, with their rhythm all perfect; but no words had ever been so sweet as those of Cicero. I even, with my obtuse ears, can find myself sometimes lifted by them into a world of melody, little as I know of their pronunciation and their tone. And with the upper classes — those who read, his literature had become almost as divine as his speech. He had come to be the one man who could express himself in perfect language. As in the next age the Eclogues of Virgil and the Odes of Horace became dear to all the educated classes because of the charm of their expression, so in their time, I fancy, had become the language of Cicero. It is not surprising that men should have wept when they saw that ghaatly face staring at them from the rostra, and the protruding tongue and the outstretched hands. The marvel is that, seeing it, they should still have borne with Antony.

That which Cicero has produced in literature is, as a rule, admitted to be excellent; but his character as a man has been held to be tarnished by three faults — dishonesty, cowardice, and insincerity. As to the first, I have denied it altogether, and my denial is now submitted to the reader for his judgment It seems to have been brought against him not in order to make him appear guilty, but because it bas appeared to be impossible that, when others were so deeply in fault, he should have been innocent. That he should have asked for nothing, that he should have taken no illicit rewards, that he should not have submitted to be feed, but that he should have kept his hands clean while all around him were grasping at everything — taking money, selling their aid for stipulated payments, 246grinding miserable creditors has been too much for believe. I will not take my readers back over the cases brought against him, but will ask them to ask themselves whether there is one supported by evidence fit to go before a jury. The accusations have been made by men clean-handed themselves; but to them it has appeared unreasonable to believe that a Roman oligarch of those days should be an honest gentleman.

As to his cowardice, I feel more doubt as to my power of carrying my readers with me, though no doubt as to Cicero's courage. Cowardice in a man is abominable. But what is cowardice? and what courage? It is a matter in which so many errors are made! Tinsel is so apt to shine like gold and dazzle the sight! In one of the earlier chapters of this book, when speaking of Catiline, I have referred to the remarks of a contemporary writer: "The world has generally a generous word for the memory of a brave man dying for his cause!" "All wounded in front," is quoted by this author from Sallust. "Not a man taken alive! Catiline himself gasping out his life ringed around with corpses of his friends." That is given as a picture of a brave man dying for his cause, who should excite our admiration even though his cause were bad. In the previous lines we have an intended portrait of Cicero, who, "thinking, no doubt, that he had done a good day's work for his patrons, declined to run himself into more danger." Here is one story told of courage, and another of fear. Let us pause for a moment and regard the facts. Catiline, when hunted to the last gasp, faced his enemy and died fighting like a man — or a bull. Who is there cannot do so much as that? For a shilling or eighteen-pence a

day we can get an army of brave men who will face an enemy — and die, if death should come. It is not a great thing, nor a rare, for a man in battle not to run away. With regard to Cicero the allegation is that he would not be allowed to be bribed to accuse Cæsar, and thus incur danger. The accusation which is thus brought against 247 him is borrowed from Sallust, and is no doubt false; but I take it in the spirit in which it is made. Cicero feared to accuse Cæsar, lest he should find himself enveloped, through Cæsar's means, in fresh danger. Grant that he did so. Was he wrong at such a moment to save his life for the Republic — and for himself? His object was to banish Catiline, and not to catch in his net every existing conspirator. He could stop the conspiracy by securing a few, and might drive many into arms by endeavoring to encircle all. Was this cowardice? During all those days he had to live with his life in his hands, passing about among conspirators who he knew were sworn to kill him, and in the midst of his danger he could walk and talk and think like a man. It was the same when he went down into the court to plead for Milo, with the gladiators of Clodius and the soldiery of Pompey equally adverse to him. It was the same when he uttered Philippic after Philippic in the presence of Antony's friends. True courage, to my thinking, consists not in facing an unavoidable danger. Any man worthy of the name can do that. The felon that will be hung to-morrow shall walk up to the scaffold and seem ready to surrender the life he cannot save. But he who, with the blood running hot through his veins, with a full desire of life at his heart, with high aspirations as to the future, with everything around him to make him happy — love and friendship and pleasant work — when he can willingly imperil all because duty requires it, he is brave. Of such a nature was Cicero's courage.

As to the third charge — that of insincerity — I would ask of my readers to bethink themselves how few men are sincere now? How near have we approached to the beauty of truth, with all Christ's teaching to guide us? Not by any means close, though we are nearer to it than the Romans were in Cicero's days. At any rate we have learned to love it dearly, though we may not practise it entirely. He also had learned to love it, but not yet to practise it quite so well as we do. When it shall be said of men truly that they are thoroughly

sincere, then the millennium will have come. We flatter, and love to be flattered. Cicero flattered men, and loved it better. We are fond of praise, and all but ask for it. Cicero was fond of it, and did ask for it. But when truth was demanded from him, truth was there.

Was Cicero sincere to his party, was he sincere to his friends, was he sincere to his family, was he sincere to his dependents? Did he offer to help and not help? Did he ever desert his ship, when he had engaged himself to serve? I think not. He would ask one man to praise him to another — and that is not sincere. He would apply for eulogy to the historian of his day — and that is not sincere. He would speak ill or well of a man before the judge, according as he was his client or his adversary — and that perhaps is not sincere. But I know few in history on whose positive sincerity in a cause his adherents could rest with greater security. Look at his whole life with Pompey — as to which we see his little insincerities of the moment because we have his letters to Atticus; but he was true to his political idea of a Pompey long after that Pompey had faded from his dreams. For twenty years we have every thought of his heart; and because the feelings of one moment vary from those of another, we call him insincere. What if we had Pompey's thoughts and Cæsar's, would they be less so? Could Cæsar have told us all his feelings? Cicero was insincere: I cannot say otherwise. But he was so much more sincere than other Romans as to make me feel that, when writing his life, I have been dealing with the character of one who might have been a modern gentleman.

9

CHAPTER XI.

CICERO'S RHETORIC.

It is well known that Cicero's works are divided into four main parts. There are the Rhetoric, the Orations, the Epistles, and the Philosophy. There is a fifth part, indeed — the Poetry; but of that there is not much, and of the little we have but little is esteemed. There are not many, I fear, who think that Cicero has deserved well of his country by his poetry. His prose works have been divided as I have stated them. Of these, two portions have been dealt with already — as far as I am able to deal with them. Of the Orations and Epistles I have spoken as I have gone on with my task, because the matter there treated has been available for the purposes of biography: the other two, the Rhetoric and the Philosophy, have been distinct from the author's life. They might have been good or bad, and his life would have been still the same; therefore it is necessary to divide them from his life, and to speak of them separately. They are the work of his silent chamber, as the others were the enthusiastic outpourings of his daily spirit, or the elaborated arguments of his public career. Who has left behind him so widely spread a breadth of literature? Who has made so many efforts, and has so well succeeded in them all? I do not know that it has ever been given to any one man to run up and down the strings of knowledge, and touch them all as though each had been his peculiar study, as Cicero has done.

250His rhetoric has been always made to come first, because, upon the whole, it was first written. It may be as well here to give a list of his main works, with their dates — premising, however, that we by no means in that way get over the difficulty as to time, even in cases as to which we are sure of our facts. A treatise may have been commenced and then put by, or may have been written some time previously to publication. Or it may be, as were those which are called the Academica, that it was remodelled, and altered in its shape and form. The Academica were written at the instance of Atticus. We now have the altered edition of a fragment of the first book, and the original of the second book. In this manner there have come

discrepancies which nearly break the heart of him who would fain make his list clear. But here, on the whole, is presented to the reader with fair accuracy a list of the works of Cicero, independent of that continual but ever-changing current of his thought which came welling out from him daily in his speeches and his letters. Again, however, we must remember that here are omitted all those which are either wholly lost or have come to us only in fragments too abruptly broken for the purposes of continuous study. Of these I will not even attempt to give the names, though when we remember some of the subjects — the De Gloria, the De Re Militari — he could not go into the army for a month or two without writing a book about it — the De Auguriis, the De Philosophia, the De Suis Temporibus, the De Suis Consiliis, the De Jure Civili, and the De Universo, we may well ask ourselves what were the subjects on which he did not write. In addition to these, much that has come to us has been extracted, as it were unwillingly, from palimpsests, and is, from that and from other causes, fragmentary. We have indeed only fragments of the essays De Republica, De Legibus, De Natura Deorum, De Divinatione, and De Fato, in addition to the Academica.

The list of the works of which it is my purpose to give some shortest possible account in the following chapters is as follows: 251

Titles of the Works
Nature of the Work.
Those as to
Rhetoric
are marked
*

” ”
Philosophy
”
†

” ”
The Moral Essays
”
‡

The date of Publication

Rheticorum ad. C. Herennium.
Four books, giving lessons in Rhetoric; supposed to have been written, not by Cicero, but by one Cornificius.*
b.c.
87, 86.
Ætat.
20, 21.

De Inventione.
Four books, giving lessons in Rhetoric, supposed to have been translated from the Greek. Two out of four have come to us.*

De Oratore.
Three dialogues, in three books — supposed to have been held under a plane-tree, in the garden at Tusculum belonging to Crassus, forty years before — in which are laid down instructions for the making of an orator.*
b.c. 55.
Ætat. 52.

De Republica.
Six political discussions — supposed to have been held seventy-five years before the date at which they were written — on the best mode of governance. We have but a fragment of them.‡
b.c. 53.
Ætat. 54.

De Legibus.
Three out of six books as to the best laws for governing the Republic. They are carried on between Atticus, Quintus, and Marcus. They are supposed to have been written b.c. 52 (ætat. 55 but were not published till after his death.‡
b.c. 52.

Ætat. 55.

De Optimo Genere Oratorum.

A preface to the translation of the speeches of Æschines and of Demosthenes for and against Ctesiphon — in the matter of the Golden Crown.*

b.c. 45.

Ætat. 61.

De Partitione Oratoria.

Instructions by questions and answers, supposed to have been previously given to his son in Greek, on the art of speaking in public.*

b.c. 46.

Ætat. 61.

The Academica.

Treatises, in which he deals with the various phases of Philosophy taught by the Academy. It has been altered, and we have only a part of the first book of the altered portion and the second part of the treatise before it was altered. In its altered form it is addressed to Varro.†

b.c. 45.

Ætat. 62.

De Finibus Bonorum et Malorum.

A treatise in five books, in the form of dialogues, as to the results to be looked for in inquiries as to what is good and what is evil. It is addressed to Brutus.†

b.c. 45.

Ætat. 62.

Brutus: or, De Claris Oratoribus.

A treatise on the most perfect orators of past times. It is addressed to Brutus, and has, in a peculiar manner, been always called by his name.*

b.c. 45.

Ætat. 62.

Orator.

A treatise, addressed to Brutus, to show what the perfect orator should be.*

b.c. 45.

Ætat. 62.

Tusculanæ Disputationes.

Or the Tusculan Inquiries, supposed to have been held with certain friends in his Tusculan villa, as to contempt of Death and Pain and Sorrow, as to conquering the Passions, and the happiness to be derived from Virtue. They are addressed to Brutus.*

b.c. 45.

Ætat. 62.

252De Natura Deorum.

Three books addressed to Brutus. Velleius, Balbus, and Cotta discuss the relative merits of the Epicurean, Stoic, and Academic Schools.†

b.c. 44.

Ætat. 63.

Divinatione.

He discusses with his brother Quintus the property of the gods to "divine," or rather to enable men to read prophecies. It is a continuation of a former work.†

b.c. 44.

Ætat. 63.

De Fato.

The part only of a book on Destiny.†

b.c. 44.

Ætat. 63.

The Topica.

A so-called translation from Aristotle. It is addressed to Trebatius.*

b.c. 44.
Ætat. 63.

De Senectute.
A treatise on Old Age, addressed to Atticus, and called Cato Major.‡
b.c. 44.
Ætat. 63.

De Amicitia.
A treatise on Friendship, addressed also to Atticus, and called Lælius.‡
b.c. 44.
Ætat. 63.

De Officiis.
To his son. Treating of the Moral Duties of Life. Containing three books —
I. On Honesty
II. On Expediency
III. Comparing Honesty and Expediency.
b.c. 44.
Ætat. 63.

It is to be observed from this list that for thirty years of his life Cicero was silent in regard to literature — for those thirty years in which the best fruits of a man's exertion are expected from him. Indeed, we may say that for the first fifty-two years of his life he wrote nothing but letters and speeches. Of the two treatises with which the list is headed, the first, in all probability, did not come from his pen, and the second is no more than a lad's translation from a Greek author. As to the work of translation, it must be understood that the Greek and Latin languages did not stand in reference to each other as they do now to modern readers. We translate in order that the pearls hidden under a foreign language may be conveyed to those who do not read it, and admit, when we are so concerned, that none can truly drink the fresh water from a fountain so handled. The

Romans, in translating from the Greek, thinking nothing of literary excellence, felt that they were bringing Greek thought into a form of language in which it could be thus made useful. There was no value for the words, but only for the thing to be found in it. Thence it has come that no acknowledgment is made. We moderns confess that we are translating, and hardly assume for ourselves a third-rate literary place. When, on the other hand, we find the unexpressed thought floating about the world, we take it, and we make it our own when we put it into a book. The originality is regarded as being in the language, not in the thought. But to the Roman, when he found the thought floating about the world in the Greek character, it was free for him to adopt it and to make it his own. Cicero, had he done in these days with this treatise as I have suggested, would have been guilty of gross plagiarism, but there was nothing of the kind known then. This must be continually remembered in reading his essays. You will find large portions of them taken from the Greek without acknowledgment. Often it shall be so, because it suits him to contradict an assertion or to show that it has been allowed to lead to false conclusions. This general liberty of translation has been so frequently taken by the Latin poets — by Virgil and Horace, let us say, as being those best known — that they have been regarded by some as no more than translations. To them to have been translators of Homer, or of Pindar and Stesichorus, and to have put into Latin language ideas which were noble, was a work as worthy of praise as that of inventing. And it must be added that the forms they have used have been perfect in their kind. There has been no need to them for close translation. They have found the idea, and their object has been to present it to their readers in the best possible language. He who has worked amid the bonds of modern translation well knows how different it has been with him. There is not much in the treatise De Inventione to arrest us. We should say, from reading it, that the matter it contains is too good for the production of a youth of twenty-one, but that the language in which it is written is not peculiarly fine. The writer intended to continue it — or wrote as 254 though he did — and therefore we may imagine that it has come to us from some larger source. It is full of standing cases, or examples of the law courts, which are brought up to show the way in which these things

are handled. We can imagine that a Roman youth should be practised in such matters, but we cannot imagine that the same youth should have thought of them all, and remembered them all, and should have been able to describe them.

The following is an example: “A certain man on his journey encountered a traveller going to make a purchase, having with him a sum of money. They chatted along the road together, and, as happens on such occasions, they became intimate. They went to the same inn, where they supped, and said that they would sleep together. Having supped they went to bed; when the landlord — for this was told after it had all been found out, and he had been taken for another offence — having perceived that one man had money, in the middle of the night, knowing how sound they would sleep from fatigue, crept up to them, and having taken out of its scabbard the sword of him that was without the money as it lay by his side, he killed the other man, put back the sword, and then went to his bed. But he whose sword had been used rose long before daylight and called loudly to his companion. Finding that the man slumbered too heavily to be stirred, he took himself and his sword and the other things he had brought away with him and started alone. But the landlord soon raised the hue-and-cry, ‘A man has been killed!’ and, with some of the guests, followed him who had gone off. They took the man on the road, and dragged his sword out of its sheath, which they found all bloody. They carried him back to the city, and he was accused.” In this cause there is the declaration of the crime alleged, “You killed the man.” There is the defence, “I did not kill him.” Thence arises the issue. The question to be judged is one of conjecture. “Did he kill him?” We may 255judge from the story that the case was not one which had occurred in life, but had been made up. The truculent landlord creeping in and finding that everything was as he wished it; and the moneyless man going off in the dark, leaving his dead bedfellow behind him — as the landlord had intended that he should — form all the incidents of a stock piece for rehearsal rather than the occurrence of a true murder. The same may be said of other examples adduced, here as afterward, by Quintilian. They are well-known cases, and had probably been handed down from one student to another. They tell us more of the manners of the people than of the

rudiments of their law.

From this may be seen the nature of the work. From thence we skip over thirty years and come at once to b.c. 55. The days of the Triumvirate had come, and the quarrel with Clodius — of Cicero's exile and his return, together with the speeches which he had made, in the agony of his anger, against his enemies. And all this had taken place since those halcyon days in which he had risen, on the voices of his countrymen, to be Quæstor, Ædile, Prætor, and Consul. He had first succeeded as a public man, and then, having been found too honest, he had failed. There can be no doubt that he had failed because he had been too honest. I must have told the story of his political life badly if I have not shown that Cæsar had retired from the assault because Cicero was Consul, but had retired only as a man does who steps back in order that his next spring forward may be made with more avail. He chose well the time for his next attack, and Cicero was driven to decide between three things — he must be Cæsarean, or must be quiet, or he must go. He would not be Cæsarean, he certainly could not be quiet, and he went. The immediate effect of his banishment was on him so great that he could not employ himself. But he returned to Rome, and, with too evident a reliance on a short-lived popularity, he endeavored to replace himself in men's eyes; but it must have been clear to him that he had struggled in vain. Then he looked back upon his art, his oratory, and told himself that, as the life of a man of action was no longer open to him, he could make for himself a greater career as a man of letters. He could do so. He has done so. But I doubt whether he had ever a confirmed purpose as to the future. Had some grand Consular career been open to him — had it been given to him to do by means of the law what Cæsar did by ignoring the law — this life of him would not have been written. There would, at any rate, have been no need of these last chapters to show how indomitable was the energy and how excellent the skill of him who could write such books, because — he had nothing else to do.

The De Oratore is a work in three divisions, addressed to his brother Quintus, in which it has undoubtedly been Cicero's object to convince the world that an orator's employment is the highest of all those given to a man to follow; and this he does by showing that, in

all the matters which an orator is called upon to touch, there is nothing which he cannot adorn by the possession of some virtue or some knowledge. To us, in these days, he seems to put the cart before the horse, and to fail from the very beginning, by reason of the fact that the orator, in his eloquence, need never tell the truth. It is in the power of man so to praise — constancy, let us say — as to make it appear of all things the best. But he who sings the praise of it may be the most inconstant of mankind, and may know that he is deceiving his hearers as to his own opinions — at any rate, as to his own practice. The virtue should come first, and then the speech respecting it. Cicero seems to imply that, if the speech be there, the virtue may be assumed.

But it has to be acknowledged, in this and in all his discourses as to the perfect orator, that it is here as it has been in all the inquirers after the τὸ καλόν. We must recognize the 257fact that the Romans have adopted a form of inquiry from the Greeks, and, having described a more than human perfection, have instigated men to work up toward it by letting it be known how high will be the excellence, should it ever be attained. It is so in the De Oratore, as to which we must begin by believing that the speech-maker wanted is a man not to be found in any House of Commons. No Conservative and no Liberal need fear that he will be put out of court by the coming of this perfectly eloquent man. But this Cicero of whom we are speaking has been he who has been most often quoted for his perfections. The running after an impossible hero throws a damp over the whole search. When no one can expect to find the thing sought for, who can seek diligently? By degrees the ambitious student becomes aware that it is impossible, and is then carried on by a desire to see how he is to win a second or a third place, if so much may be accorded to him. In his inquiries he will find that the Cicero, if he look to Quintilian or Tacitus — or the Crassus, if he look to Cicero — is so set before him as the true model; and with that he may be content.

The De Oratore is by far the longest of his works on rhetoric, and, as I think, the pleasantest to read. It was followed, after ten years, by the Brutus, or De Claris Oratoribus, and then by the Orator. But in all of them he charms us rather by his example than instructs us by his

precepts. He will never make us believe, for instance, that a man who talks well will on that account be better than a man who thinks well; but he does make us believe that a man who talks as Cicero knew how to do must have been well worth hearing, and also that to read his words, when listening to them is no longer possible, is a great delight. Having done that, he has no doubt carried his object. He was too much a man of the world to have an impracticable theory on which to expend himself. Oratory had come uppermost with him, and had indeed made itself, with the Romans, the only pursuit to be held in rivalry with that of fighting. Literature had not as yet assumed its place. It needed Cicero himself to do that for her. It required the writing of such an essay as this to show, by the fact of its existence, that Cicero the writer stood quite as high as Cicero the orator. And then the written words remain when the sounds have died away. We believe that Cicero spoke divinely. We can form for ourselves some idea of the rhythm of his periods. Of the words in which Cicero spoke of himself as a speaker we have the entire charm.

Boccaccio, when he takes his queen into a grassy meadow and seats her in the midst of her ladies, and makes her and them and their admirers tell their stories, seems to have given rise to the ideas which Cicero has used when introducing his Roman orators lying under a plane-tree in the garden of Tusculum, and there discussing rhetoric; so much nearer to us appear the times of Cicero, with all the light that has been thrown upon them by their own importance, than does the middle of the fourteenth century in the same country. But the practice in this as in all matters of social life was borrowed from the Greeks, or perhaps rather the pretence of the practice. We can hardly believe that Romans of an advanced age would so have arranged themselves for the sake of conversation. It was a manner of bringing men together which had its attraction for the mind's eye; and Cicero, whose keen imagination represented to him the pleasantness of the picture, has used the 259 form of narrative with great effect. He causes Crassus and Antony to meet in the garden of Crassus at Tusculum, and thither he brings, on the first day, old Mucius Scævola the augur, and Sulpicius and Cotta, two rising orators of the period. On the second day Scævola is supposed to be too fatigued to renew the intellectual contest, and he retires; but one Cæsar comes in

with Quintus Lutatius Catulus, and the conversation is renewed. Crassus and Antony carry it on in chief, but Crassus has the leading voice. Cæsar, who must have been the wag among barristers of his day, undertakes to give examples of that Attic salt by which the profundity of the law courts is supposed to have been relieved. The third conversation takes place on the afternoon of the second day, when they had refreshed themselves with sleep; though Crassus, we are specially told, had given himself up to the charms of no mid-day siesta. His mind had been full of the greatness of the task before him, but he will show neither fatigue nor anxiety. The art, the apparent ease with which it is all done, the grace without languor, the energy without exertion, are admirable. It is as though, they were sitting by running water, or listening to the music of some grand organ. They remove themselves to a wood a little farther from the house, and there they listen to the eloquence of Crassus. Cotta and Sulpicius only hear and assent, or imply a modified dissent in doubting words.

It is Crassus who insists that the orator shall be omniscient, and Antony who is supposed to contest the point with him. But they differ in the sweetest language; and each, though he holds his own, does it with a deference that is more convincing than any assertion. It may be as well, perhaps, to let it be understood that Crassus and Cæsar are only related by distant family ties — or perhaps only by ties of adoption — to the two of the First Triumvirate whose names they bear; whereas Antony was the grandfather of that Cleopatra's lover against whom the Philippics were hurled.

260No one, as I have said before, will read these conversations for the sake of the argument they contain; but they are, and will be, studied as containing, in the most appropriate language, a thousand sayings respecting the art of speech. "No power of speaking well can belong to any but to him who knows the subjects on which he has to speak;" a fact which seems so clear that no one need be troubled with stating it, were it not that men sin against it every day. "How great the undertaking to put yourself forward among a crowd of men as being the fittest of all there to be heard on some great subject!" "Though all men shall gnash their teeth, I will declare that the little book of the twelve tables surpasses in authority and usefulness all the treatises of all the philosophers." Here speaks the Cicero of the

Forum, and not that Cicero who amused himself among the philosophers. “Let him keep his books of philosophy for some Tusculum idleness such as is this of ours, lest, when he shall have to speak of justice, he must go to Plato and borrow from him, who, when he had to express him in these things, created in his books some new Utopia.” For in truth, though Cicero deals much, as we shall see by-and-by, with the philosophers, and has written whole treatises for the sake of bringing Greek modes of thought among the Romans, he loved the affairs of the world too well to trust them to philosophy. There has been some talk of old age, and Antony, before the evening has come, declares his view. “So far do I differ from you,” he says, “that not only do I not think that any relief in age is to be found in the crowd of them who may come to me for advice, but I look to its solitude as a harbor. You indeed may fear it, but to me it will be most welcome.”

Then Cicero begins the second book with a renewal of the assertion as to oratory generally, not putting the words into 261the mouth of any of his party, but declaring it as his own belief: “This is the purpose of this present treatise, and of the present time, to declare that no one has been able to excel in eloquence, not merely without capacity for speaking, but also without acquired knowledge of all kinds.” But Antony professes himself of another opinion: “How can that be when Crassus and I often plead opposite causes, and when one of us can only say the truth? Or how can it be possible, when each of us must take the cause as it comes to him?” Then, again, he bursts into praise of the historian, as though in opposition to Crassus: “How worthy of an orator’s eulogy is the writing of history, whether greatest in the flood of its narrative or in its variety! I do not know that we have ever treated it separately, but it is there always before our eyes. For who does not know that the first law of the historian is that he must not dare to say what is false: the next, that he must not dare to suppress what is true.” We wonder, when Cicero was writing this, whether he remembered his request to Lucceius, made now two years ago. He gives a piece of advice to young advocates, apologizing, indeed, for thinking it necessary; but he has found it to be necessary, and he gives it: “Let me teach this to them all; when they intend to plead, let them first study their causes.” It is not only

here that we find that the advice which is useful now was wanted then. “Read your cases!” The admonition was wanted in Rome as it has been since in London.

But the great mistake of the whole doctrine creeps out at every page as we go on, and disproves the idea on which the De Oratore is founded. All Cicero’s treatises on the subject, and Quintilian’s, and those of the pseudo-Tacitus, and of the first Greek from which they have come, fall to the ground as soon as we are told that it must be the purport of the orator to turn the mind of those who hear him either to the right or to the left, in accordance with the drift of the cause. The mind rejects the idea that it can be the part of a perfect man to make another believe that which he believes to be false. If it be necessary that an orator should do so, then must the orator be imperfect. We have the same lesson taught throughout. It is the great gift of the orator, says Antony, to turn the judge’s mind so that he shall hate or love, shall fear or hope, shall rejoice or grieve, or desire to pity or desire to punish. No doubt it is a great power. All that is said as to eloquence is true. It may be necessary that to obtain the use of it you shall educate yourself with more precision than for any other purpose. But there will be the danger that they who have fitted the dagger to the hand will use it. It cannot be right to make another man believe that which you think to be false.

In the use of raillery in eloquence the Roman seems to have been very backward; so much so that it is only by the examples given of it by themselves as examples that we learn that it existed. They can appall us by the cruelty which they denounce. They can melt us by their appeals to our pity. They can terrify; they can horrify; they can fill us with fear or hope, with anger, with despair, or with rage; but they cannot cause us to laugh. Their attempts at a joke amuse us because we recognize the attempt. Here Cæsar is put forward to give us the benefit of his wit. We are lost in surprise when we find how miserable are his jokes, and take a pride in finding that in one line we are the masters of the Romans. I will give an instance, and I pick it out as the best among those selected by Cicero. Nasica goes to call upon Ennius, and is informed by the maid-servant that her master is not at home. Ennius returns the visit, and Nasica halloos out from the window that he is not within. “Not within!” says Ennius; “don’t I

know your voice?" Upon which Nasica replies, "You are an impudent fellow! I had the grace to believe your maid, and now you will not believe me myself." How this got into a law-case we do not know; it is told, however, just as I have told it. But there are enough of them here to make a small Joe Miller; and yet, in the midst of language that is almost divine in its expressions, they are given as having been worthy of all attention.

The third book is commenced by the finest passage in the whole treatise. Cicero remembers that Crassus is dead, and then tells the story of his death. And Antony is dead, and the Cæsars. The last three had fallen in the Marian massacres. There is but little now in the circumstances of their death to excite our tears. Who knows aught of that Crassus, or of that Antony, or of those Cæsars? But Cicero so tells it in his pretended narrative as almost to make us weep. The day was coming when a greater than either of them was to die the same death as Antony, by the order of another Antony — to have his tongue pierced, and his bloody head thrust aloft upon the rostra. But no Roman has dared to tell us of it as Cicero has told the story of those others. Augustus had done his work too well, and it was much during his reign that Romans who could make themselves heard should dare to hold their tongues.

It would be useless in me here to attempt to give any notion of the laws as to speech which Cicero lays down. For myself I do not take them as laws, feeling that the interval of time has been too great to permit laws to remain as such. No orator could, I feel sure, form himself on Cicero's ideas. But the sweetness of the language is so great as to convince us that he, at any rate, knew how to use language as no one has done since: "But there is a building up of words, and a turning of them round, and a nice rendering. There is the opposing and the loosening. There is the avoiding, the holding back, the sudden exclamation, and the dropping of the voice; and the taking an argument from the case at large and bringing it to bear on a single point; and the proof and the propositions together. And there is the leave given; and then a doubting, and an expression of surprise. There is the counting up, the setting right; the utter destruction, the continuation, the breaking off, the pretence, the answer made to one's self, the change of names, the disjoining and rejoining of things —

the relation, the retreat, and the curtailing." Who can translate all these things when Quintilian himself has been fain to acknowledge that he has attempted and has failed to handle them in fitting language?

And then at last there comes that most lovely end to these most charming discourses: "His autem de rebus sol me ille admonuit, ut brevior essem, qui ipse jam præcipitans, me quoque hac præcipitem pæne evolvere coegit." These words are so charming in their rhythm that I will not rob them of their beauty by a translation. The setting sun requires me also to go to rest: that is their simple meaning. At the end of the book he introduces a compliment to Hortensius, who during his life had been his great rival, and who was still living when the De Oratore was written.

b.c. 52, ætat. 55.

The next on the list is the De Optimo Genere Oratorum — a preliminary treatise written as a preface to a translation made by himself on the speeches of Æschines and Demosthenes against Ctesiphon in the matter of the Golden Crown. We have not the translations; but we have his reasons for translating them — namely, that he might enable readers only of Latin to judge how far Æschines and Demosthenes had deserved, either of them, the title of "Optimus orator." For they had spoken against each other with the most 265bitter abuse, and each spokesman was struggling for the suppression of the other. Each was speaking with the knowledge that, if vanquished, he would have to pay heavily in his person and his pocket. He gives the palm to neither; but he tells his readers that the Attic mode of speaking is gone — of which, indeed, the glory is known, but the nature unknown. But he explains that he has not translated the two pieces verbatim, as an interpreter, but in the spirit, as an orator, using the same figures, the same forms, the same strength of ideas. We have to acknowledge that we do not see how in this way he can have done aught toward answering the question De Optimo Genere Oratorum; but he may perhaps have done something to prove that he himself, in his oratory, had preserved the best known Grecian forms.

The De Partitione Oratoria Dialogus follows, of which we have already spoken, written when he was an old man, and was in the

sixty-first year of his life. It was the year in which he had divorced Terentia, and had been made thoroughly wretched in private and in public affairs. But he was not on that account disabled from preparing for his son these instructions, in the form of questions and answers, on the art of speaking.

We next come to the Brutus; or, De Claris Oratoribus, a dialogue supposed to have been held between Brutus, Atticus, and Cicero himself. It is a continuation of the three books De Oratore. He there describes what is essential to the character of the optimus orator. He here looks after the special man, going back over the results of past ages, and bringing before the reader's eyes all Greek and Roman orators, till he comes down to Cicero. I cannot but say that the feeling is left with the reader that the orator optimus has been reached at last in Cicero's mind.

We must remark, in the first place, that he has chosen for his friend, to whom to address his piece, one whom he has only known late in life. It was when he went to Cilicia as governor, when he was fifty-six years old, that he was thrown by Atticus into close relations with Brutus. Now he has, next to Atticus, become his most chosen friend. His three next treatises, the Orator, the Tusculan Disquisitions, and the De Natura Deorum, have all been graced, or intended to be graced, by the name of Brutus. And yet, from what we know, we can hardly imagine two men less likely to be brought together by their political ambition. The one compromising, putting up with the bad rather than with a worse, knowing that things were evil, and contented to accept those that were the least so; the other strict, uncompromising, and one who had learned lessons which had taught him that there was no choice among things that were bad! And Brutus, too, had told Cicero that his lessons in oratory were not to his taste. There was a something about Cicero which enabled him to endure such rebukes while there was aught worthy of praise in the man who rebuked him; and it was to this something that his devotion was paid. We know that Brutus was rapacious after money with all the greed of a Roman nobleman, and we know also that Cicero was not. Cicero could keep his hands clean with thousands around him, and with thousands going into the pockets of other men. He could see the vice of Brutus, but he did not hate it. He must have borne,

too, with something from Atticus of the same kind. The truth seems to me that to Cicero there was no horror as to greediness, except to greed in himself. He could hate it for himself and yet tolerate it in others, as a man may card-playing, or rackets, or the turf. But he must have known that Brutus had made himself the owner of all good gifts in learning, and took him to his heart in consequence. In no other way can I explain to myself the feeling of subservience to Brutus which Cicero so generally expresses: it exists in none other of his relations of life. Political subservience there is to Pompey; but he can laugh at Pompey, and did not dedicate to him his treatises De Republica, or De Legibus. To Appius Claudius he was very courteous. He thought badly of Appius, but hardly worse than he ought to have done of Brutus.267 Of Cælius he was fond, of Curio, of Trebatius. To Pætus he was attached, to Sulpicius and Marcellus. But to none of them did he ever show that deference which he did to Brutus. I could have understood this feeling as evinced in the political letters at the end of his life, and have explained it to myself by saying that the "ipsissima verba" have not probably come to us. But I cannot say that the name of Brutus does not stand there, written in imperishable letters on the title-pages of his most chosen pieces. If this be so, Brutus has owed more to his learning than the respect of Cicero. All ages since have felt it, and Shakespeare has told us that "Brutus is an honorable man."

There is a dispute as to the period of the authorship of this treatise. Cicero in it tells us of Cato and of Marcellus, and therefore we must suppose that it was written when they were alive. Indeed, he so compares Cæsar and Marcellus as he could not have done had they not both been alive. But Cato and Marcellus died b.c. 46, and how then could the treatise have been written in b.c. 45? It should, however, be remembered that a written paper may be altered and rewritten, and that the date of authorship and that of publication cannot be exactly the same. But the time is of but little matter to those who can take delight in the discourse. He begins by telling us how he had grieved when, on his return from Cilicia, he had heard that Hortensius was dead. Hortensius had brought him into the College of Augurs, and had there stood to him in the place of a parent. And he had lamented Hortensius also on behalf of Rome.

Hortensius had gone. Then he goes on to say that, as he was thinking of these things while walking in his portico, Brutus had come to him and Pomponius Atticus. He says how pleasantly they greeted each other; and then gradually they go on, till Atticus asks him to renew the story he had before been telling. “In truth, Pomponius,” he says, “I remember it right well, for then it was that I heard Deiotarus, that truest and best of kings, defended by our Brutus here,” Deiotarus was that Eastern king whose defence by Cicero himself I have mentioned when speaking of his pleadings before Cæsar. Then he rushes off into his subject, and discusses at length his favorite idea. It must still be remembered that neither here are to be traced any positive line of lessons in oratory. There is no beginning, no middle, and no end to this treatise. Cicero runs on, charming us rather by his language than by his lessons. He says of Eloquence that “she is the companion of peace, and the associate of ease.” He tells us of Cato, that he had read a hundred and fifty of his speeches, and had “found them all replete with bright words and with great matter; * * * and yet no one in his days read Cato’s speeches!” This, of course, was Cato the elder. Then we hear how Demosthenes said that in oratory action was everything: it was the first thing, the second, and the third. “For there is nothing like it to penetrate into the minds of the audience — to teach them, to turn them, and to form them, till the orator shall be made to appear exactly that which he wishes to be thought. * * * The man who listens to one who is an orator believes what he hears; he thinks everything to be true, he approves of all.” No doubt! In his power of describing the orator and his work Cicero is perfect; but he does not describe the man doing that which he is bound to do by his duty.

He tells us that nothing is worse than half a dozen advocates — which certainly is true. Further on he comes to Cæsar, and praises him very highly. But here Brutus is made to speak, and tells us how he has read the Commentaries, and found them to be “bare in their beauty, perfect in symmetry, but unadorned, and deprived of all outside garniture.” They are all that he has told us, nor could they have been described in truer words. Then he names Hortensius, and speaks of him in language which is graceful and graphic; but he reserves his 269greatest strength for himself, and at last, declaring

that he will say nothing in his own praise, bursts out into a string of eulogy, which he is able to conceal beneath dubious phrases, so as to show that he himself has acquired such a mastery over his art as to have made himself, in truth, the best orator of them all.

Perhaps the chief charm of this essay is to be found in the lightness of the touch. It is never heavy, never severe, rarely melancholic. If read without reference to other works, it would leave on the reader's mind the impression that though now and again there had come upon him the memory of a friend who had gone, and some remembrance of changes in the State to which, as an old man, he could not give his assent; nevertheless, it was written by a happy man, by one who was contented among his books, and was pleased to be reminded that things had gone well with him. He writes throughout as one who had no great sorrow at his heart. No one would have thought that in this very year he was perplexed in his private affairs, even to the putting away of his wife; that Cæsar had made good his ground, and, having been Dictator last year, had for the third time become Consul; that he knew himself to be living, as a favor, by Cæsar's pleasure. Cicero seems to have written his Brutus as one might write who was well at ease. Let a man have taught himself aught, and have acquired the love of letters, it is easy for him then, we might say, to carry on his work. What is it to him that politicians are cutting each other's throats around him? He has not gone into that arena and fought and bled there, nor need he do so. Though things may have gone contrary to his views, he has no cause for anger, none for personal disappointment, none for personal shame; but with Cicero, on every morning as he rose he must have remembered Pompey and have thought of Cæsar. And though Cæsar was courteous to him, the courtesy of a ruler is hard to be borne by him who himself has ruled. Cæsar was 270Consul; and Cicero, who remembered how majestically he had walked when a few years since he was Consul by the real votes of the people, how he had been applauded for doing his duty to the people, how he had been punished for stretching the laws on the people's behalf, how he had refused everything for the people, must have had bitter feelings in his heart when he sat down to write this conversation with Brutus and with Atticus. Yet it has all the cheerfulness which might have been

expected from a happy mind. But we must remark that at its close — in its very final words — he does allude with sad melancholy to the state of affairs, and that then it breaks off abruptly. Even in the middle of a sentence it is brought to a close, and the reader is left to imagine that something has been lost, or that more might have been added.

The last of these works is the Orator. We have passed in review the De Oratore, and the Brutus; or, De Claris Oratoribus. We have now to consider that which is commonly believed to be the most finished piece of the three. Such seems to have become the general idea of those scholars who have spoken and written on the subject. He himself says that there are in all five books. There are the three De Oratore; the fourth is called the Brutus, and the fifth the Orator. In some MSS. this work has a second title, De Optimo Genere Dicendi — as though the five books should run on in a sequence, the first three being on oratory in general, the fourth as to famous orators, while the last concluding work is on the best mode of oratory. Readers who may wish to carry these in their minds must exclude for the moment from their memory the few pages which he wrote as a preface to the translations from Æschines and Demosthenes. The purport is to show how that hitherto unknown hero of romance may be produced — the perfect orator.

Here as elsewhere we shall find the greatest interest lies in a certain discursive treatment of his subject, which enables 271him to run hither and thither, while he always pleases us, whatever attitude he may assume, whatever he may say, and in whatever guise he may speak to us. But here, in the last book, there does seem to be some kind of method in his discourse. He distinguishes three styles of eloquence — the simple, the moderate, and the sublime, and explains that the orator has three duties to perform. He must learn what on any subject he has to say; he must place his arguments in order, and he must know how to express them. He explains what action should achieve for the orator, and teaches that eloquence depends wholly on elocution. He tells us that the philosophers, the historians, and the poets have never risen to his ideas of eloquence; but that he alone does so who can, amid the heat and work of the Forum, turn men's minds as he wishes. Then he teaches us how each of the three styles

should be treated — the simple, the moderate, and the sublime — and shows us how to vary them. He informs us what laws we should preserve in each, what ornaments, what form, and what metaphors. He then considers the words we should use, and makes us understand how necessary it is to attend to the minutest variety of sound. In this matter we have to acknowledge that he, as a Roman, had to deal with instruments for listening infinitely finer than are our British ears; and I am not sure that we can follow him with rapture into all the mysteries of the Pœon, the Dochmius, and the Dichoreus. What he says of rhythm we are willing to take to be true, and we wonder at the elaborate study given to it; but I doubt whether we here do not read of it as a thing beyond us, by descending into which we should be removing ourselves farther from the more wholesome pursuits of our lives.

There are, again, delightful morsels here. He tells us, for instance, that he who has created a beautiful thing must have beauty in his soul, — a charming idea, as to which we do not stop 272to inquire whether it be true or not. He gives us a most excellent caution against storing up good sayings, and using them from the storehouse of our memory: "Let him avoid these studied things, not made of the moment, but brought from the closet." Then he rises into a grand description of the perfect orator: "But that third man is he, rich, abundant, dignified, and instructed, in whom there is a divine strength. This is he whose fulness and culture of speech the nations have admired, and whose eloquence has been allowed to prevail over the people. * * * Then will the orator make himself felt more abundantly. Then will he rule their minds and turn their hearts. Then will he do with them as he would wish."

But in the teeth of all this it did not please Brutus himself. “When I wrote to him,” he said to Atticus, “in obedience to his wishes, ‘De Optimo Genere Dicendi,’ he sent word, both to you and me, that that which pleased me did not satisfy him.” “Let every man kiss his own wife,” says Cicero in his letter in the next words to those we have quoted; and we cannot but love the man for being able to joke when he is telling of the rebuff he has received. It must have been an additional pang to him, that he for whom he had written his book should receive it with stern rebuke.

At last we come to the Topica; the last instructions which Cicero gives on the subject of oratory. The Romans seem to have esteemed much the lessons which are here conveyed, but for us it has but little attraction. He himself declares it to have been a translation from Aristotle, but declares also that the translation has been made from memory. He has been at sea, he says, in the first chapter, and has there performed his task, and has sent it as soon as it has been done. There is something in this which is unintelligible to us. He has translated 273a treatise of Aristotle from memory — that is, without having the original before him — and has done this at sea, on his intended journey to Greece! I do not believe that Cicero has been false in so writing. The work has been done for his young friend Trebatius, who had often asked it, and was much too clever when he had received it not to recognize its worth. But Cicero has, in accordance with his memory, reduced to his own form Aristotle’s idea as to “invention” in logic. Aristotle’s work is, I am informed, in eight books: here is a bagatelle in twenty-five pages. There is an audacity in the performance — especially in the doing it on board ship; but we must remember that he had spent his life in achieving a knowledge of these things, and was able to write down with all the rapidity of a practised professor the doctrines on the matter which he wished to teach Trebatius.

This later essay is a recapitulation of the different sources to which an orator, whether as lawyer, advocate, philosopher, or statesman, may look for his arguments. That they should have been of any great use to Trebatius, in the course of his long life as attorney-general about the court of Augustus, I cannot believe. I do

not know that he rose to special mark as an orator, though he was well known as a counsellor; nor do I think that oratory, or the powers of persuasion, can be so brought to book as to be made to submit itself to formal rules. And here they are given to us in the form of a catalogue. It is for modern readers perhaps the least interesting of all Cicero's works.

There is left upon us after reading these treatises a general idea of the immense amount of attention which, in the Roman educated world, was paid to the science of speaking. To bring his arguments to bear at the proper moment — to catch the ideas that are likely to be rising in the minds of men — to know when the sympathies may be expected and when demanded, when the 274feelings may be trusted and when they have been too blunted to be of service — to perceive from an instinctive outlook into those before him when he may be soft, when hard, when obdurate and when melting — this was the business of a Roman orator. And this was to be achieved only by a careful study of the characters of men. It depended in no wise on virtue, on morals, or on truth, though very much on education. How he might please the multitude — this was everything to him. It was all in all to him to do just that which here in our prosaic world in London we have been told that men ought not to attempt. They do attempt it, but they fail — through the innate honesty which there is in the hearts of men. In Italy, in Cicero's time, they attempted it, and did not fail. But we can see what were the results.

The attention which Roman orators paid to their voices was as serious, and demanded the same restraint, as the occupations of the present athlete. We are inclined to doubt whether too much of life is not devoted to the purpose. It could not be done but by a people so greedy of admiration as to feel that all other things should be abandoned by those who desire to excel. The actor of to-day will do it, but it is his business to act; and if he so applies himself to his profession as to succeed, he has achieved his object. But oratory in the law court, as in Parliament, or in addressing the public, is only the means of imbuing the minds of others with the ideas which the speaker wishes to implant there. To have those ideas, and to have the desire to teach them to others, is more to him than the power of well expressing them. To know the law is better than to talk of knowing

it. But with the Romans so great was the desire to shine that the reality was lost in its appearance; and so prone were the people to indulge in the delight of their senses that they would sacrifice a thing for a sound, and preferred lies in perfect language to truth in halting syllables. This feeling had sunk deep into Cicero's heart when he was a youth, and has given to his character the only stain which it has. He would be patriotic: to love his country was the first duty of a Roman. He would be honest: so much was indispensable to his personal dignity. But he must so charm his countrymen with his voice as to make them feel while they listened to him that some god addressed them. In this way he became permeated by the love of praise, till it was death to him not to be before the lamps.

The "perfect orator" is, we may say, a person neither desired nor desirable. We, who are the multitude of the world, and have been born to hold our tongues and use our brains, would not put up with him were he to show himself. But it was not so in Cicero's time; and this was the way he took to sing the praises of his own profession and to magnify his own glory. He speaks of that profession in language so excellent as to make us who read his words believe that there was more in it than it did in truth hold. But there was much in it, and the more so as the performers reacted upon their audience. The delicacy of the powers of expression had become so great, that the powers of listening and distinguishing had become great also. As the instruments became fine, so did the ears which were to receive their music. Cicero, and Quintilian after him, tell us this. The latter, in speaking of the nature of the voice, gives us a string of epithets which it would be hopeless to attempt to translate: "Nam est et candida, et fusca, et plena, et exilis, et levis, et aspera, et contracta, et fusa, et dura, et flexibilis, et clara, et obtusa; spiritus etiam longior, breviorque." And the remarkable thing was, that every Roman who listened would understand what the orator intended, and would know too, and would tell him of it, if by error he had fallen into some cadence which was not exactly right. To the modes of raising the voice, which are usually divided into three — the high or treble, the low or bass, and that which is between the two, the contralto and tenor — many others are added. There are the eager and the soft, the higher and the lower notes, the quicker and the slower. It seems little

to us, who know that we can speak or whisper, hammer our words together, or drawl them out. But then every listener was critically alive to the fact whether the speaker before him did or did not perform his task as it should be done. No wonder that Cicero demanded who was the optimus orator. Then the strength of body had to be matured, lest the voice should fall to "a sick, womanly weakness, like that of an eunuch." This must be provided by exercise, by anointing, by continence, by the easy digestion of the food — which means moderation; and the jaws must be free, so that the words must not strike each other. And as to the action of the orator, Cicero tells us that it should speak as loudly and as plainly as do the words themselves. In all this we find that Quintilian only follows his master too closely. The hands, the shoulders, the sides, the stamping of the foot, the single step or many steps — every motion of the body, agreeing with the words from his mouth, are all described. He attributes this to Antony — but only because, as he thinks of it, some movement of Antony's has recurred to his memory.

To make the men who heard him believe in him was the one gift which Cicero valued; not to make them know him to be true, but to believe him to be so. This it was, in Cicero's time, to be the optimus orator.

Since Cicero's time there has been some progress in the general conduct of men. They are less greedy, less cruel, less selfish — greedy, cruel, and selfish though they still are. The progress which the best among us have made Cicero in fact achieved; but he had not acquired that theoretic aversion to a lie which is the first feeling in the bosom of a modern gentleman; therefore it was that he still busied himself with finding the optimus orator.

CHAPTER XII.

CICERO'S PHILOSOPHY.

It will have been observed that in the list given in the previous chapter the works commonly published as Cicero's Philosophy have been divided. Some are called his Philosophy and some his Moral Essays. It seems to be absurd to put forward to the world his Tusculan Inquiries, written with the declared object of showing that death and pain were not evils, together with a moral essay, such as that De Officiis, in which he tells us what it may become a man of the world to do. It is as though we bound up Lord Chesterfield's letters in a volume with Hume's essays, and called them the philosophy of the eighteenth century. It might be true, but it would certainly be absurd. There might be those who regard the letters as philosophical, and those who would so speak of the essays; but their meaning would be diametrically opposite. It is so with Cicero, whose treatises have been lumped together under this name with the view of bringing them under one appellation. It had been found necessary to divide his works and to describe them. The happy man who first thought to put the De Natura Deorum and the De Amicitia into boards together, and to present them to the world under the name of his philosophy, perhaps found the only title that could unite the two. But he has done very much to mislead the world, and to teach readers to believe that Cicero was in truth one who endeavored to live in accordance with the doctrine of any special school of philosophy.

He was too honest, too wise, too civilized, too modern for that. He knew, no one better, that the pleasure of the world was pleasant, and that the ills are the reverse. When his wife betrayed him, he grieved. When his daughter died, he sorrowed. When his foe was strong against him, he hated him. He avoided pain when it came near him, and did his best to have everything comfortable around him. He was so far an Epicurean, as we all are. He did not despise death, or pain, or grief. He was a modern-minded man — if I make myself understood — of robust tendencies, moral, healthy, and enduring; but he was anything but a philosopher in his life. Let us remember the

way in which he laughs at the idea of bringing philosophy into real life in the De Oratore. He is speaking of the manner in which the lawyers would have had to behave themselves in the law courts if philosophy had been allowed to prevail: “No man could have grieved aloud. No patron would have wept. No one would have sorrowed. There would have been no calling of the Republic to witness; not a man would have dared to stamp his foot, lest it should have been told to the Stoics.” “You should keep the books of the philosophers for your Tusculan ease,” he had said in the preceding chapter; and he speaks, in the same page, of “Plato’s fabulous State.”

Then why, it may be asked, did he write so many essays on philosophy — enough to have consumed the energies of many laborious years? There can be no doubt that he did write the Philosophy, though we have ample reason to know that it was not his philosophy. All those treatises, beginning with the Academica — written when he was sixty-two, two years only before his death, and carried on during twelve months with indomitable energy — the De Finibus, the Tusculan Disputations, the De Natura Deorum, the De Divinatione, and the De Fato — were composed during the time named. To those who have regarded Cicero as a philosopher — as one who has devoted his life to the pursuits of philosophy — does it not appear odd that he should have deferred his writing on the subject and postponed 279his convictions till now? At this special period of his life why should he have rushed into them at once, and should so have done it as to be able to leave them aside at another period? Why has all this been done within less than two years? Let any man look to the last year of his life, when the Philippics were coming hot from his brain and eager from his mouth, and ask himself how much of Greek philosophy he finds in them. Out of all the sixty-four years of his life he devoted one to this philosophy, and that not the last, but the penultimate; and so lived during all these years, even including that one, as to show how little hold philosophy had upon his conduct. Αἰδεομαι Τρῶας. Was that Greek philosophy? or the eager exclamation of a human spirit, in its weakness and in its strength, fearing the breath of his fellow-men, and yet knowing that the truth would ultimately be expressed by it?

Nor is the reason for this far to seek, though the character which

could avail itself of such a reason requires a deep insight. To him literature had been everything. We have seen with what attention he had studied oratory — rhetoric rather — so as to have at his fingers'-ends the names of those who had ever shone in it, and the doctrines they had taught. We know how well read he was in Homer and the Greek tragedians; how he knew by heart his Ennius, his Nævius, his Pacuvius, and the others who had written in his own tongue. As he was acquainted with the poets and rhetoricians, so also was he acquainted with those writers who have handled philosophy. His incredible versatility was never at fault. He knew them all from the beginning, and could interest himself in their doctrines. He had been in the schools at Athens, and had learned it all. In one sense he believed in it. There was a great battle of words carried on, and in regard to that battle he put his faith in this set or in the other. But had he ever been asked by what philosophical process he would rule the world, he would have smiled. Then he would have declared himself not to be an Academician, but a Republican.

280It was with him a game of play, ornamented with all the learning of past ages. He had found the schools full of it at Athens, and had taken his part in their teaching. It had been pleasant to him to call himself a disciple of Plato, and to hold himself aloof from the straitness of the Stoics, and from the mundane theories of the followers of Epicurus. It had been well for him also to take an interest in that play. But to suppose that Cicero, the modern Cicero, the Cicero of the world — Cicero the polished gentleman, Cicero the soft hearted, Cicero the hater, Cicero the lover, Cicero the human — was a believer in Greek philosophy — that he had taken to himself and fed upon those shreds and tatters and dry sticks — that he had ever satisfied himself with such a mode of living as they could promise to him — is indeed to mistake the man. His soul was quiveringly alive to all those instincts which now govern us. Go among our politicians, and you shall find this man and the other, who, in after-dinner talk, shall call himself an Epicurean, or shall think himself to be an Academician. He has carried away something of the learning of his college days, and remembers enough of his school exercises for that; but when he has to make a speech for or against Protection, then you will find out where lies his philosophy.

And so it was with Cicero during this the penultimate year of his life. He poured forth during this period such an amount of learning on the subject, that when men took it up after the lapse of centuries they labelled it all as his philosophy. When he could no longer talk politics, nor act them — when the Forum was no longer open to him, nor the meetings of the people or of the Senate — when he could no longer make himself heard on behalf of the State — then he took to discussions on Carneades. And his discussions are wonderful. How could he lay his mind to work when his daughter was dead, and write in beautiful language four such treatises as came from his pen while he was thinking of the temple which was to be built to her memory? It is a marvel that at such a period, at such an age, he should have been equal to the labor. But it was thus that he amused himself, consoled himself, distracted himself. It is hard to believe that, in the sad evening of his life, such a power should have remained with him; but easier, I think, than to imagine that in that year of his life he had suddenly become philosophical.

In describing the Academica, the first of these works in point of time, it is necessary to explain that by reason of an alteration in his plan of publishing, made by Cicero after he had sent the first copy to Atticus, and by the accident that the second part has been preserved of the former copy and the first part of the second, a confusion has arisen. Cicero had felt that he might have done better by his friends than to bring Hortensius, Catulus, and Lucullus discussing Greek philosophy before the public. They were, none of them, men who when alive had interested themselves in the matter. He therefore rewrote the essays, or altered them, and again sent them forth to his friend Varro. Time has been so far kind to them as to have preserved portions of the first book as altered, and the second of the four which constituted the first edition. It is that which has been called Lucullus. The Catulus had come first, but has been lost. Hortensius and Cicero were the last two. We may perceive, therefore, into what a length of development he carried his purpose. It must be of course understood that he dictated these exercises, and assisted himself by the use of all mechanical means at his disposal. The men who worked for him were slaves, and these slaves were always willing to keep in their own hands the good things which came to them by the exercise of

their own intelligence and adroitness. He could not multiply his own hands or brain, but he could multiply all that might assist them. He begins by telling Varro that he has long since desired to illustrate in Latin letters the philosophy which Socrates had commended, and he asks Varro why he, who was so much given to writing, had not as yet written about any of these things. As Varro boasted afterward that he was the author of four hundred and ninety books, there seems to be a touch of irony in this. Be that as it may, Varro is made to take up the gauntlet and to rush away at once amid the philosophers. But here on the threshold, as it were, of his inquiries, we have Cicero's own reasons given in plain language: "But now, hit hard by the heavy blow of fortune, and freed as I am from looking after the State, I seek from philosophy relief from my pain." He thinks that he may in this way perhaps best serve the public, or even "if it be not so, what else is there that he may find to do?" As he goes on, however, we find that what he writes is about the philosophers rather than philosophy.

Then we come to the Lucullus. It seems odd that the man whose name has come down to us as a by-word for luxury, and who is laden with the reproach of overeating, should be thus brought forward as a philosopher. It was perhaps the subsequent feeling on Cicero's part that such might be the opinion of men which induced him to alter his form — in vain, as far as we are concerned. But Lucullus had lived with Antiochus, a Greek philosopher, who had certain views of his own, and he is made to defend them through this book.

Here as elsewhere it is not the subject which delights us so much as the manner in which he handles certain points almost outside the subject: "How many things do those exercised in music know which escape us! Ah, there is Antiope, they say; that is Andromache." What can be truer, or less likely, we may suppose, to meet us in a treatise on philosophy, and, therefore, more welcome? He is speaking of evidence: "It is necessary that the mind shall yield to what is clear, whether it wish it or no, as the dish in a balance must give way when a weight is put upon it. * * * You may snore, if you will, as well as sleep," says Carneades; "what good will it do you?" And 283then he gives the guesses of some of the old philosophers as to the infinite. Thales has said that water is the source of everything. Anaximander would not agree to this, for he thought that all had come from space.

Anaximenes had affirmed that it was air. Anaxagoras had remarked that matter was infinite. Xenophanes had declared that everything was one whole, and that it was a god, everlasting, eternal, never born and never dying, but round in his shape! Parmenides thought that it was fire that moved the earth. Leucippus believed it to be "plenum et inane." What "full and empty" may mean I cannot tell; but Democritus could, for he believed in it — though in other matters he went a little farther! Empedocles sticks to the old four elements. Heraclitus is all for fire. Melissus imagines that whatever exists is infinite and immutable, and ever has been and ever will be. Plato thinks that the world has always existed, while the Pythagoreans attribute everything to mathematics. "Your wise man," continues Cicero, "will know one whom to choose out of all these. Let the others, who have been repudiated, retire."

"They are all concealed, these things — hidden in thick darkness, so that no human eye can have power enough to look up into the heavens or down on to the earth. We do not know our own bodies, or the nature or strength of their component parts. The doctors themselves, who have opened them and looked at them, are ignorant. The Empirics declare that they know nothing; because, as soon as looked at, they may change. * * * Hicetas, the Syracusan, as Theophrastus tells us, thinks that the heavens and the sun and the moon and the stars all stand still, and that nothing in all the world moves but the earth. Now what do you, followers of Epicurus, say to this?" I need not carry the conversation on any farther to show that Cicero is ridiculing the whole thing. This Hicetas, the Syracusan, seems to have been nearer the mark than the others, according 284to the existing lights, which had not shone out as yet in Cicero's days. "But what was the meaning of it all? Who knows anything about it? How is a man to live by listening to such trash as this?" It is thus that Cicero means to be understood. I will agree that Cicero does not often speak out so clearly as he does here, turning the whole thing into ridicule. He does generally find it well to say something in praise of these philosophers. He does not quite declare the fact that nothing is to be made of them; or, rather, there is existing in it all an under feeling that, were he to do so, he would destroy his character and rob himself of his amusement. But we remember always his

character of a philosopher, as attributed to Cato, in his speech during his Consulship for Murena. I have told the story when giving an account of the speech. “He who cuts the throat of an old cock when there is no need, has sinned as deeply as the parricide when breaking his father’s neck,” says Cicero, laughing at the Stoics. There he speaks out the feelings of his heart — there, and often elsewhere in his orations. Here, in his Academica, he is eloquent on the same side. We cannot but rejoice at the plainness of his words; but it has to be acknowledged that we do not often find him so loudly betraying himself when dealing with the old discussions of the Greek philosophers.

Very quickly after his Academica, in b.c. 45, came the five books, De Finibus Bonorum et Malorum, written as though with the object of settling the whole controversy, and declaring whether the truth lay with the Epicureans, the Stoics, or the Academics. What, at last, is the good thing, and what the evil thing, and how shall we gain the one and avoid the other? If he will tell us this, he will have proved himself to be a philosopher to some purpose. But he does nothing of the kind. At the end of the fifth book we find Atticus, who was an Epicurean, declaring to Quintus Cicero that he held his 285own opinion just as firmly as ever, although he had been delighted to hear how well the Academician Piso had talked in Latin. He had hitherto considered that these were things which would not sound well unless in the Greek language.

It is again in the form of a dialogue, and, like all his writings at this time, is addressed to Brutus. It is in five books. The first two are supposed to have been held at Cumæ, between Cicero, Torquatus, and Triarius. Here, after a prelude in favor of philosophy and Latin together, Torquatus is allowed to make the best excuse he can for Epicurus. The prelude contains much good sense; for, whether he be right or not in what he says, it is good for every man to hold his own language in respect. “I have always thought and said that the Latin language is not poor as it is supposed to be, but even richer than the Greek.” “Let us learn,” says Torquatus, who has happened to call upon him at Cumæ with Triarius, a grave and learned youth, as we are told, “since we have found you at your house, why it is that you do not approve of Epicurus — he who, alive, seems to have freed the

minds of men from error, and to have taught them everything which could tend to make them happy." Then Torquatus goes to work and delivers a most amusing discourse on the wisdom of Democritus and his great disciple. The words fly about with delightful power, so as to leave upon our minds an idea that Torquatus is persuading his audience; for it is Cicero's peculiar gift, in whosesoever mouth he puts his words, to make him argue as though he were the victor. We feel sure that, had he in his hand held a theory contrary to that of Torquatus, had he in truth cared about it, he could not have made Torquatus speak so well. But the speaker comes to an end, and assures his hearers that his only object had been to hear — as he had never heard before — what Cicero's own opinion might be on the matter.

286The second book is a continuation of the same meeting. The word is taken up by Cicero, and he refutes Torquatus. It seems to us, however, that poor Epicurus is but badly treated — as has been generally the case in the prose works which have come down to us. We have, indeed, the poem of Lucretius, and it is admitted that it contains fine passages. But I was always told when young that the writing of it had led him to commit suicide — a deed on his part which seems to have been painted in black colors, though Cato and Brutus, the Stoics, did the same thing very gloriously. The Epicureans are held to be sensualists, because they have used the word "pleasure" instead of "happiness," and Cicero is hard upon them. He tells a story of the dying moments of Epicurus, quoting a letter written on his death-bed. "While I am writing," he says, "I am living my last hour, and the happiest. I have so bad a pain in my stomach that nothing can be worse. But I am compensated for it all by the joy I feel as I think of my philosophical discourses." Cicero then goes on to declare that, though the saying is very noble, it is unnecessary; he should not, in truth, have required compensation. But whenever an opinion is enunciated, the reader feels it to be unnecessary. He does not want opinion. He is satisfied with the language in which Cicero writes about the opinions of others, and with the amusing manner in which he deals with things of themselves heavy and severe.

In the third book he, some time afterward, discusses the Stoic

doctrine with Cato at the Tusculan villa of Lucullus, near to his own. He had walked over, and finding Cato there by chance, had immediately gone to work to demolish Cato's philosophical doctrines. He tells us what a glutton Cato was over his books, taking them even into the Senate with him. Cicero asks for certain volumes of Aristotle, and Cato answers him that he would fain put into his hand those of Zeno's school. 287We can see how easily Cato falls into the trap. He takes up his parable, and preaches his sermon, but he does it with a marvellous enthusiasm, so that we cannot understand that the man who wrote it intended to demolish it all in the next few pages. I will translate his last words of Cato's appeal to the world at large: "I have been carried farther than my intention. But in truth the admirable order of the system, and the incredible symmetry of it, has led him on. By the gods, do you not wonder at it? In nature there is nothing so close packed, nor in art so well fitted. The latter always agrees with the former — that which follows with that which has gone before. Not a stone in it all can be moved from its place. If you touch but one letter it falls to the ground. How severe, how magnificent, how dignified stands out the person of the wise man, who, when his reason shall have taught him that virtue is the only good, of a necessity must be happy! He shall be more justly called king than Tarquin, who could rule neither himself nor others; more rightly Dictator than Sulla, the owner of the three vices, luxury, avarice, and cruelty; more rightly rich than Crassus, who, had he not in truth been poor, would never have crossed the Euphrates in quest of war. All things are justly his who knows how to use them justly. You may call him beautiful whose soul is more lovely than his body. He is free who is slave to no desire. He is unconquered for whose mind you can forge no chains; you need not wait with him for the last day to pronounce him happy. If this be so, then the good man is also the happy man. What can be better worth our study than philosophy, or what more heavenly than virtue?" All of this was written by Cicero in most elaborate language, with a finish of words polished down to the last syllable, because he had nothing else wherewith to satisfy the cravings of his intellect.

The fourth book is a continuation of the argument "Which 288when he had said he (made) an end. — But I (began)." With no

other introduction Cicero goes to work and demolishes every word that Cato had said. He is very courteous, so that Cato cannot but admit that he is answered becomingly; but, to use a common phrase, he does not leave him a leg to stand upon. Although during the previous book Cato has talked so well that the reader will think that there must be something in it, he soon is made to perceive that the Stoic budge is altogether shoddy.

The fifth and last book, De Finibus, is supposed to recount a dialogue held at Athens, or, rather, gives the circumstances of a discourse pretended to have been delivered there by Pupius Piso to the two Ciceros, and to their cousin Lucius, on the merits of the old Academy and the Aristotelian Peripatetics; for Plato's philosophy had got itself split into two. There was the old and the new, and we may perhaps doubt to which Cicero devoted himself. He certainly was not an Epicurean, and he certainly was not a Stoic. He delighted to speak of himself as a lover of Plato. But in some matters he seems to have followed Aristotle, who had diverged from Plato, and he seems also to have clung to Carneades, who had become master of the new Academy. But, in truth, to ascertain the special doctrine of such a man on such a subject is vain. As we read these works we lose ourselves in admiration of his memory; we are astonished at the industry which he exhibits; we are delighted by his perspicuity; and feel ourselves relieved amid the crowd of names and theories by flashes of his wit; but there comes home to us, as a result, the singular fact of a man playing with these theories as the most interesting sport the world had produced, but not believing the least in any of them. It was not that he disbelieved; and perhaps among them all the tenets of the new Academy were those which reconciled themselves the best to his common-sense. But they were all nothing to him but an amusement.

289In this book there are some exquisite bits. He says, speaking of Athens, that, "Go where you will through the city, you place your footsteps on the vestiges of history." He says of a certain Demetrius, whom he describes as writing books without readers in Egypt, "that this culture of his mind was to him, as it were, the food by which his humanity was kept alive." And then he falls into the praise of our love for our neighbors, and introduces us to that true philosophy

which was the real guide of his life. “Among things which are honest,” he says, “there is nothing which shines so brightly and so widely as that brotherhood between men, that agreement as to what may be useful to all, and that general love for the human race. It comes from our original condition, in which children are loved by their parents; and then binding together the family, it spreads itself abroad among relations, connections, friends, and neighbors. Then it includes citizens and those who are our allies. At last it takes in the whole human race, and that feeling of the soul arises which, giving every man his own, and defending by equal laws the rights of each, is called justice.” It matters little how may have been introduced this great secret which Christ afterward taught, and for which we look in vain through the writings of all the philosophers. It comes here simply from Cicero himself in the midst of his remarks on the new Academy, but it gives the lesson which had governed his life: “I will do unto others as I would they should do unto me.” In this is contained the rudiments of that religion which has served to soften the hearts of us all. It is of you I must think, and not of myself. Hitherto the schools had taught how a man should make himself happy, whether by pleasure, whether by virtue, or whether by something between the two. It seems that it had never as yet occurred to a man to think of another except as a part of 290the world around him. Then there had come a teacher who, while fumbling among the old Greek lessons which had professed to tell mankind what each should do for himself, brings forth this, as it were, in preparation for the true doctrine that was to come: “Ipsa caritas generis humani!”—”That love of the human race!” I trust I may be able to show, before I have finished my work, that this was Cicero’s true philosophy. All the rest is merely with him a play of words.

Our next work contains the five books of the Tusculan Disputations, addressed to Brutus: Tusculanarum Disputationum, ad M. Brutum, libri i., ii., iii., iv., and v. That is the name that has at last been decided by the critics and annotators as having been probably given to them by Cicero. They are supposed to have been written to console himself in his grief for the death of Tullia. I have great doubt whether consolation in sorrow is to be found in philosophy, but I have none as to the finding it in writing philosophy. Here, I may add,

that the poor generally suffer less in their sorrow than the rich, because they are called upon to work for their bread. The man who must make his pair of shoes between sunrise and the moment at which he can find relief from his weary stool, has not time to think that his wife has left him, and that he is desolate in the world. Pulling those weary threads, getting that leather into its proper shape, seeing that his stitches be all taut, so that he do not lose his place among the shoemakers, so fills his time that he has not a moment for a tear. And it is the same if you go from the lowest occupation to the highest. Writing Greek philosophy does as well as the making of shoes. The nature of the occupation depends on the mind, but its utility on the disposition. It was Cicero's nature to write. Will any one believe that he might not as well have consoled himself with one of his treatises on oratory? But philosophy was then to his hands. It seems to have cropped up in his latter years, after he had become intimate with Brutus. When life was again one turmoil of political fever it was dropped.

In the five of the Books of the Tusculan Disputations, still addressed to Brutus, he contends: 1. That death is no evil; 2. That pain is none; 3. That sorrow may be abolished; 4. That the passions may be conquered; 5. That virtue will suffice to make a man happy. These are the doctrines of the Stoics; but Cicero does not in these books defend any school especially. He leans heavily on Epicurus, and gives all praise to Socrates and to Plato; but he is comparatively free: "Nullius adductus jurare in verba magistri," as Horace afterward said, probably ridiculing Cicero. "I live for the day. Whatever strikes my mind as probable, that I say. In this way I alone am free."

Let us take his dogmas and go through them one by one, comparing each with his own life. This, it may be said, is a crucial test to which but few philosophers would be willing to accede; but if it shall be found that he never even dreamed of squaring his conduct with his professions, then we may admit that he employed his time in writing these things because it did not suit him to make his pair of shoes.

Was there ever a man who lived with a greater fear of death before his eyes — not with the fear of a coward, but with the

assurance that it would withdraw him from his utility, and banish him from the scenes of a world in sympathy with which every pulse of his heart was beating? Even after Tullia was dead the Republic had come again for him, and something might be done to stir up these fainéant nobles! What could a dead man do for his country? Look back at Cicero's life, and see how seldom he has put forward the plea of old age to save him from his share of the work of attack. Was this the man to console himself with the idea that death was no evil? And did he despise pain, or make any attempt at show 292ing his disregard of it? You can hardly answer this question by looking for a man's indifference when undergoing it. It would be to require too much from philosophy to suppose that it could console itself in agony by reasoning. It would not be fair to insist on arguing with Cato in the gout. The clemency of human nature refuses to deal with philosophy in the hard straits to which it may be brought by the malevolence of evil. But when you find a man peculiarly on the alert to avoid the recurrence of pain, when you find a man with a strong premeditated antipathy to a condition as to which he pretends an indifference, then you may fairly assert that his indifference is only a matter of argument. And this was always Cicero's condition. He knew that he must at any rate lose the time passed by him under physical annoyance. His health was good, and by continued care remained so to the end; but he was always endeavoring to avoid sea-sickness. He was careful as to his baths, careful as to his eyes, very careful as to his diet. Was there ever a man of whom it might be said with less truth that he was indifferent as to pain?

The third position is that sorrow may be abolished. Read his letters to Atticus about his daughter Tullia, written at the very moment he was proving this. He was a heart-broken, sorrow-stricken man. It will not help us now to consider whether in this he showed strength or weakness. There will be doubt about it, whether he gained or lost more by that deep devotion to another creature which made his life a misery to him because that other one had gone; whether, too, he might not have better hidden his sorrow than have shown it even to his friend. But with him, at any rate, it was there. He can talk over it, weep over it, almost laugh over it; but if there be a thing that he cannot do, it is to treat it after the manner of a Stoic.

His passions should be conquered. Look back at every period of his life, and see whether he has ever attempted it.293 He has always been indignant, or triumphant, or miserable, or rejoicing. Remember the incidents of his life before and after his Consulship — the day of his election and the day of his banishment — and ask the philosophers why he had not controlled his passion. I shall be told, perhaps, that here was a man over whom, in spite of his philosophy, his passion had the masterhood. But what attempt did he ever make? Has he shown himself to us to be a man with a leaning toward such attempts? Has he not revelled in his passions, feeling them to be just, righteous, honest, and becoming a man? Has he regretted them? Did they occasion him remorse? Will any one tell me that such a one has lived with the conviction that he might conquer the evils of the world by controlling his passions? That virtue will make men happy he might probably have granted, if asked; but he would have conceded the point with a subterfuge. The commonest Christian of the day will say as much; but he will say it in a different meaning from that intended by the philosophers, who had declared, as a rule of life, that virtue would suffice to make them happy. To be good to your neighbors will make you happy in the manner described by Cicero in the fifth book, De Finibus. Love those who come near you. Be good to your fellow-creatures. Think, when dealing with each of them, what his feelings may be. Melt to a woman in her sorrow. Lend a man the assistance of your shoulder. Be patient with age. Be tender with children. Let others drink of your cup and eat of your loaf. Where the wind cuts, there lend your cloak. That virtue will make you happy. But that is not the virtue of which he spoke when he laid down his doctrine. That was not the virtue with which Brutus was strong when he was skinning those poor wretches of Salamis. Such was the virtue with which the heart of Cicero glowed when he saw the tradesmen of the Cilician town come out into the market-place with their corn.

Cicero begins the second book of the Tusculans by telling us 294 that Neoptolemus liked to do a little philosophy now and then, but never too much at a time. With himself the matter was different: “In what else is there that I can do better?” Then he takes the bit between his teeth and rushes away with it. The reader feels that he would not

stop him if he could. He does little, indeed, for philosophy; but so much for literature that he would be a bold man who would want to have him otherwise employed.

He wrote three treatises, De Natura Deorum. Had he declared that he would write three treatises to show the ideas which different men had taken up about the gods he would be nearer to the truth. We have an idea of what was Cicero's real notion of that "dominans in nobis deus" — that god which reigns within us — and which he declares in Scipio's dream to have forbidden us to commit suicide. Nothing can be farther removed from that idea than the gods of which he tells us, either in the first book, in which the gods of Epicurus are set forth; in the second, in which the Stoics are defended; or the third, in which the gods, in accordance with the Academy, are maintained; not but that, either for the one or for the other, the man who speaks up for that sect does not say the best that is to be said. Velleius is eloquent for the Epicureans, Balbus for the Stoics, and Cotta for the Academy. And in that which each says there is to be found a germ of truth — though indeed Cicero makes his Epicurean as absurd as he well can do. But he does not leave a trace behind of that belief in another man's belief which an energetic preacher is sure to create. The language is excellent, the stories are charming, the arguments as used against each other are courteous, clever, and such that on the spur of the moment a man cannot very well reply to them; but they leave on the mind of the reader a sad feeling of the lack of reality.

In the beginning he again repeats his reasons for writing on 295such subjects so late in life. "Being sick with ease, and having found the condition of the Republic to be such that it has to be ruled by one man, I have thought it good, for the sake of the Republic, to write about philosophy in a language that shall be understood by all our citizens, believing it to be a matter of great import to the glory of the State that things of such weight should be set forth in the Latin tongue;" not that the philosophy should be set forth, but what the different teachers said about it. His definition of eternity — or rather the want of definition — is singular: "There has been from all time an eternity which no measurement of time can describe. Its duration cannot be understood — that there should have been a time before time existed." Then there comes an idea of the Godhead, escaping

from him in the midst of his philosophy, modern, human, and truly Ciceronian: “Lo, it comes to pass that this god, of whom we are sure in our minds, and of whom we hold the very footprints on our souls, can never appear to us.”

By-and-by we come to a passage in which we cannot but imagine that Cicero does express something of the feeling of his heart, as for a moment he seems to lose his courtesy in abusing the Epicureans: “Therefore do not waste your salt, of which your people are much in want, in laughing at us. Indeed, if you will listen to me, you will not try to do so; it does not become you; it is not given to you; you have not the power. I do not say this to you,” he says, addressing Velleius, “for your manners have been polished, and you possess the courtesy of our people; but I am thinking of you all as a body, and chiefly of him who is the father of your rules — a man without science, without letters — one who insults all, without critical ability, without weight, without wit.” Cicero, I think, must have felt some genuine dislike for Epicurus when he spoke of him in such terms as these.

296Then, alas! there is commenced a passage in which are inserted many translated verses of the Greek poet Aratus. Cicero when a lad had taken in hand the Phænomena of Aratus, and here he finds a place in which can be introduced some of his lines. Aratus had devoted himself to the singing of the stars, and has produced for us many of the names with which we are still familiar: “The Twins;” “The Bull;” “The Great Bear;” “Cassiopeia;” “The Waterman;” “The Scorpion;” these and many others are made to come forward in hexameters — and by Cicero in Latin, as by Aratus in their Greek guise. We may suppose that the poem as translated had fallen dead — but here it is brought to life and is introduced into what is intended as at least a rationalistic account of the gods and their nature. Nothing less effective can be imagined than the repetition of uninteresting verses in such a place; for the reader, who has had Epicurus just handled for him, is driven to remember that their images are at any rate as false as the scheme of Epicurus, and is made to conclude that Balbus does not believe in his own argument. It has been sometimes said of Cicero that he is too long. The lines have probably been placed here as a joke, though they are inserted at such a length as to carry the reader away altogether into another

world.

Farther on he devotes himself to anatomical research, which, for that age, shows an accurate knowledge. But what has it to do with the nature of the gods? “When the belly which is placed under the stomach becomes the receptacle of meat and drink, the lungs and the heart draw in the air for the stomach. The stomach, which is wonderfully arranged, consists chiefly of nerves. * * * The lungs are light and porous, and like a sponge — just fit for drawing in the breath. They blow themselves out and draw themselves in, so that thus may be easily received that sustenance most necessary to animal life.”

The third book is but a fragment, but it begins well with 297pleasant raillery against Epicurus. Cotta declares that he had felt no difficulty with Epicurus. Epicurus and his allies had found little to say as to the immortal gods. His gods had possessed arms and legs, but had not been able to move them. But from Balbus, the Stoic, they had heard much which, though not true, was nevertheless truthlike. In all these discourses it seems that the poor Epicureans are treated with but a moderate amount of mercy. But Cotta continues, and tells many stories of the gods. He is interrupted in his tale, for the sad hand of destruction has fallen upon the MS., and his arguments have come to us unfinished. “It is better,” he says, “not to give wine to the sick at all, because you may injure them by the application. In the same way I do not know whether it would not be better to refuse that gift of reason, that sharpness and quickness of thought, to men in general, than to bestow it upon them so often to their own destruction.” It is thus that is discussed the nature of the gods in this work of Cicero, which is indeed a discussion on the different schools of philosophy, each in the position which it had reached in his time.

The De Natura Deorum is followed by two books, De Divinatione, and by the fragment of one, De Fato. Divination is the science of predicting events. By “Fatum” Cicero means destiny, or that which has been fixed beforehand. The three books together may be taken as religious discourses, and his purport seems to have been to show that it might be the duty of the State to foster observances, and even to punish their non-observance — for the benefit of the whole — even though they might not be in themselves true. He is

here together with his brother, or with those whom, like his brother, he may suppose to have emancipated themselves from superstition — and tells him or them that though they do not believe they should feign belief. If the augurs declare by the flight of 298birds that such a thing should be done, let it be done, although he who has to act in the matter has no belief in the birds. If they declare that a matter has been fixed by fate, let it be as though it were fixed, whether fixed or no. He repudiates the belief as unreasonable or childish, but recommends that men should live as though they believed. In such a theory as this put thus before the reader, there will seem to be dissimulation. I cannot deny that it is so, though most anxious to assert the honesty of Cicero. I can only say that such dissimulation did prevail then, and that it does prevail now. If any be great enough to condemn the hierarchs of all the churches, he may do so, and may include Cicero with the Archbishop of Canterbury. I am not. It seems necessary to make allowance for the advancing intelligence of men, and unwise to place yourself so far ahead as to shut yourself out from that common pale of mankind. I distrust the self-confidence of him who thinks that he can deduce from one acknowledged error a whole scheme of falsehood. I will take our Protestant Church of England religion and will ask some thoughtful man his belief as to its changing doctrines, and will endeavor to do so without shocking the feelings of any. When did Sabbatarian observances begin to be required by the Word of God, and when again did they cease to be so? If it were worth the while of those who have thought about the subject to answer my question, the replies would be various. It has never begun! It has never wavered! And there would be the intermediate replies of those who acknowledge that the feeling of the country is altering and has altered. In the midst of this, how many a father of a family is there who goes to church for the sake of example? Does not the Church admit prayers for change of weather? Ask the clergyman on his way from church what he is doing with his own haystack, and his answer will let you know whether he believes in his own prayers. He has lent all the sanctity of his voice to the expression of words which had been written when the ignorance of men as to the works of nature was greater; or written yesterday because the ignorance of man has demanded it. Or they who have

demanded it have not perhaps been ignorant themselves, but have thought it well to subserve the superstition of the multitude. I am not saying this as against the religious observances of to-day, but as showing that such is still the condition of men as to require the defence which Cicero also required when he wrote as follows: “Former ages erred in much which we know to have been changed by practice, by doctrine, or by time. But the custom, the religion, the discipline, the laws of the augurs and the authority of the college, are retained, in obedience to the opinion of the people, and to the great good of the State. Our Consuls, Claudius and Junius, were worthy of all punishment when they put to sea in opposition to the auspices; for men must obey religion, nor can the customs of our country be set aside so easily.” No stronger motive for adhering to religious observances can be put forward than the opinion of the people and the good of the State. There will be they who aver that truth is great and should be allowed to prevail. Though broken worlds should fall in disorder round their heads, they would stand firm amid the ruins. But they who are likely to be made responsible will not cause worlds to be broken.

Such, I think, was the reasoning within Cicero's mind when he wrote these treatises. In the first he encounters his brother Quintus at his Tusculan villa, and there listens to him discoursing in favor of religion. Quintus is altogether on the side of the gods and the auspices. He is, as we may say, a gentleman of the old school, and is thoroughly conservative. In this way he has an opportunity given him of showing the antiquity of his belief. "Stare super vias antiquas," is the motto of Quintus Cicero. Then he proceeds to show the two kinds of divination which have been in use. There is the one which he calls 300"Ars," and which we perhaps may call experience. The soothsayer predicts in accordance with his knowledge of what has gone before. He is asked to say, for instance, whether a ship shall put to sea on a Friday. He knows — or thinks that he knows, or in his ignorance declares that he thinks that he knows — that ships that have put to sea on Friday have generally gone to the bottom. He therefore predicts against the going to sea. Although the ship should put forth on the intended day, and should make a prosperous voyage, the prophet has not been proved to be false. That can only be done by showing that ships that have gone to sea on Friday have generally been subject to no greater danger than others — a process which requires the close observations of science to make good. That is Art. Then there is the prediction which comes from a mind disturbed — one who dreams, let us say, or prophesies when in a fit — as the Sibyl, or Epimenides of Crete, who lived one hundred and fifty-seven years, but slept during sixty-four of them. Quintus explains as to these that the god does not desire mankind to understand them, but only to use them.

He tells us many amusing details as to prophetic dreams and the doings of soothsayers and wise men. The book so becomes chatty and full of anecdotes, and interspersed with many pieces of poetry — some by others and some by Cicero. Here are given those lines as to the battle of the eagle and the dragon which I have ventured to call the best amid the nine versions brought forward.

We cannot but sympathize with him in the reason which he prefixes to the second book of this treatise: "I often ask myself and turn in my mind how best I may serve the largest number of my

fellow-citizens, lest there should come a time in which I should seem to have ceased to be anxious for the State; and nothing better has occurred to me than that I should make known the way of studying the best arts — which 301indeed I think I have now done in various books." Then he recapitulates them. There is the opening work on philosophy which he had dedicated to Hortensius, now lost. Then in the four books of the Academics he had put forward his ideas as to that school which he believed to be the least arrogant and the truest — meaning the new Academy. After that, as he had felt all philosophy to be based on the search after good and evil, he had examined that matter. The Tusculan Inquiries had followed, in which he had set forth, in five books, the five great rules of living well. Having finished this, he had written his three books on the nature of the gods, and was now in the act of completing it, and would complete it, by his present inquiries. We cannot but sympathize with him because we know that, though he was not quite in earnest in all this, he was as near it as a man can be who teaches that which he does not quite believe himself. Brutus believed it, and Cato, and that Velleius, and that Balbus, and that Cotta. Or if perchance any of them did not, they lived, and talked, and read, and were as erudite about it, as though they did. The example was good, and the precepts were the best to be had. Amid it all he chose the best doctrine, and he was undoubtedly doing good to his countrymen in thus representing to them in their native language the learning by which they might best be softened.

"Græcia capta ferum victorem cepit, et artes, Intulit agresti Latio."

Here, too, he explains his own conduct in a beautiful passage. "My fellow-citizens," says he, "will pardon me, or perhaps will rather thank me, for that when the Republic fell into the pow 302er of one man I neither hid myself nor did I desert them; nor did I idly weep, or carry myself as though angry with the man or with the times; nor yet, forsooth, so flattering the good fortune of another, that I should have to be ashamed of what I had done myself. For I had learned this lesson from the philosophy of Plato — that there are certain changes in public affairs. They will be governed now by the leaders of the State, then by the people, sometimes by a single man." This is very wise, but he goes to work and altogether destroys his

brother's argument. He knows that he is preaching only to a few — in such a manner as to make his preaching safe. His language is very pleasing, always civil, always courteous; but not the less does he turn the arguments of his brother into ridicule. And we feel that he is not so much laughing at his brother as at the gods themselves — they are so clearly wooden gods — though he is aware how necessary it is for the good of the State that they shall be received. He declares that, in accordance with the theory of his brother — meaning thereby the Stoics—"it is necessary that they, the gods, should spy into every cottage along the road, so that they may look after the affairs of men." It is playful, argumentative, and satirical. At last he proposes to leave the subject. Socrates would also do so, never asking for the adhesion of any one, but leaving the full purport of his words to sink into the minds of his audience. Quintus says that he quite agrees to this, and so the discourse De Divinatione is brought to an end.

Of his book on fate we have only a fragment, or the middle part of it. It is the desire of Cicero to show that, in the sequence of affairs which men call Life, it matters little whether there be a Destiny or not. Things will run on, and will be changed, or apparently be changed, by the action of men. What is it to us whether this or that event has been decreed while we live, and while each follows his own devices? All this, however, 303is a little tedious, taken at the end of so long a course of philosophy; and we rise at last from the perusal with a feeling of thankfulness that all these books of Chrysippus of which he tells us, are not still existent to be investigated.

Such is the end of those works which I admit to have been philosophical, and of which it seems he understood that they were the work of about eighteen months. They were all written after Cæsar's triumph — when it was no longer in the power of any Roman to declare his opinion either in the Senate or in the Forum. Cæsar had put down all opposition, and was made supreme over everything — till his death. The De Fato was written, indeed, after he had fallen, but before things had so far shaped themselves as to make it necessary that Cicero should return to public life. So, indeed, were the three last moral essays, which I shall notice in the next chapter; but in truth he had them always in his heart. It was only necessary

that he should send them forth to scribes, leaving either to himself or to some faithful Tiro the subsequent duty of rearrangement. But what a head there was there to contain it all!

4

CHAPTER XIII.

CICERO'S MORAL ESSAYS.

We have now to deal with the moral essays of this almost inexhaustible contributor to the world's literature, and we shall then have named perhaps a quarter of all that he wrote. I have seen somewhere a calculation that only a tenth of his works remain to us, dug out, as it were, from the buried ruins of literature by the care of sedulous and eager scholars. I make a more modest estimate of his powers. Judging from what we know to have been lost, and from the absence of any effort to keep the greater portion of his letters, I think that I do not exaggerate his writing. Who can say but that as time goes on some future Petrarch or some future Mai may discover writings hitherto unknown, concealed in convent boxes, or more mysteriously hidden beneath the labors of Middle-Age monks? It was but in 1822 that the De Republica was brought to light — so much of it at least as we still possess; and for more than thirty years afterward Cardinal Mai continued to reproduce, from time to time, collections of Greek and Latin writings hitherto unheard of by classical readers. Let us hope, however, that the zeal of the learned may stop short of that displayed by Simon Du Bos, or we may have whole treatises of Cicero of which he himself was guiltless.

305I can hardly content myself with classifying the De Republica and the De Legibus under the same name with these essays of Cicero, which are undoubtedly moral in their nature. But it may pass, perhaps, without that distinct contradiction which had to be made as to the enveloping the De Officiis in the garb of philosophy. It has been the combining of the true and false in one set, and handing them down to the world as Cicero's philosophy, which has done the mischief. The works reviewed in the last chapter contained disputations on the Greek philosophy which Cicero thought might be well handled in the Latin language for the benefit of his countrymen. It would be well for them to know what Epicurus taught, or Zeno, and how they differed from Socrates and Plato, and this he told them. Now in these moral essays he gives them his own philosophy — if

that may be called philosophy which is intended to teach men how to live well. There are six books on government, called the De Republica, and three on law; and there are the three treatises on old age and friendship, each in one book, and that on the duty of man to man, in three.

There is a common error in the world as to the meaning of the word republic. It has come to have a sweet savor in the nostrils of men, or a most evil scent, according to their politics. But there is, in truth, the Republic of Russia, as there is that of the United States, and that of England. Cicero, in using it as the name of his work, simply means "the government;" and the treatise under that head contains an account of the Roman Empire, and is historical rather than argumentative and scientific. He himself was an oligarch, and had been brought up amid a condition of things in which that most deleterious form of government recommended itself to him as containing all that had been good and magnificent in the Roman Empire. The great men of Rome, whom the empire had 306demanded for its construction, had come up each for the work of a year; and, when succeeding, had perhaps been elected for a second. By the expulsion of their kings, the class from whom these men had been chosen showed their personal desire for honor, and the marvel is that through so many centuries those oligarchs should have flourished. The reader, unless he be strongly impregnated with democratic feelings, when he begins to read Roman history finds himself wedded to the cause of these oligarchs. They have done the big deeds, and the opposition comes to them from vulgar hands. Let me ask any man who remembers the reading of his Livy whether it was not so with him. But it was in truth the democratic element opposed to these leaders, and the battles they won from time to time within the walls of the city, which produced the safety of Rome and enabled the government to go on. Then by degrees the people became enervated and the leaders became corrupt, and by masterhood over foreign people and external subjects slaves were multiplied, and the work appertaining to every man could be done by another man's hand. Then the evils of oligarchy began. Plunder, rapine, and luxury took the place of duty performed. A Verres ruled where a Marcellus had conquered. Cicero, who saw the difference

plainly enough in regard to the individuals, did not perceive that this evil had grown according to its nature. That state of affairs was produced which Mommsen has described to us as having been without remedy. But Cicero did not see it. He had his eyes on the greatness of the past — and on himself — and would not awake to the fact that the glory was gone from Rome. He was in this state of mind when he wrote his De Republica, nine years before the time in which he commenced his philosophical discussions. Then he still hoped. Cæsar was away in Gaul, and Pompey maintained at Rome the ghost of the old Republic. He could still open his mouth and talk boldly of freedom. He had not been as yet driven to find consolation amid that play of words which constitutes the Greek philosophy.

307I must remind the readers again that the De Republica is a fragment: the first part is wanting. We find him telling us the story of the elder Cato, in order that we may understand how good it is that we should not relax in our public work as long as our health will sustain us. Then he gives instances to show that the truly good citizen will not be deterred by the example of men who have suffered for their country, and among the number he names himself. But he soon introduces the form of dialogue which he afterward continues, and brings especially the younger Scipio and Lælius upon the scene. The lessons which are given to us are supposed to come from the virtue of the titular grandson of the greater Scipio who out-manœvred Hannibal. He continues to tell story after story out of the Roman chronicles, and at last assures us that that form of government is the best in which the monarchical element is tempered by the authority of the leading citizens, and kept alive by the voices of the people. Is it only because I am an Englishman that he seems to me to describe that form of government which was to come in England?

The second book also begins with the praises of Cato. Scipio then commences with Romulus, and tells the history of Rome's kings. Tarquin is banished, and the Consulate established. He tells us, by no means with approbation, how the Tribunate was established, and then, alas! there comes a break in the MS.

In the third we have, as a beginning, a fragment handed down to us by Augustine, in which Cicero complains of the injustice of

Nature in having sent man into the world, as might a step-mother, naked, weak, infirm, with soul anxious, timid, and without force, but still having within it something of divine fire not wholly destroyed. Then, after a while, through many "lacunæ," Scipio, Lælius, and one Philus fall into a discourse as to justice. There is a remarkable passage, from which we learn that the Romans practised protection with a rigor exceeding that of modern nations. They would not even permit their transalpine allies to plant their olives and vineyards, lest their produce should make their way across Italy — whereby they raised the prices against themselves terribly of oil and wine. "There is a kind of slavery which is unjust," says one, "when those men have to serve others who might 'properly belong to themselves.' But when they only are made to be slaves who—" We may perceive that the speaker went on to say that they who were born slaves might properly be kept in that position. But it is evidently intended to be understood that there exists a class who are slaves by right. Carneades, the later master of the new Academy, has now joined them, and teaches a doctrine which would not make him popular in this country. "If you should know," he says, "that an adder lay hid just where one were about to sit down whose death would be a benefit to you, you would do wrong unless you were to tell him of it. But you would do it with impunity, as no one could prove that you knew it." From this may be seen the nature of the discourses on justice.

The next two books are but broken fragments, treating of morals and manners. In the sixth we come to that dream of Scipio which has become so famous in the world of literature that I do not know whether I can do better than translate it, and add it on as an appendix to the end of my volume. It is in itself so beautiful in parts that I think that all readers will thank me. (See appendix to this chapter). At the same time it has to be admitted that it is in parts fantastic, and might almost be called childish, were it not that we remember, when reading it, at what distance of time it was written, and with what difficulty Cicero strove to master subjects which science has made familiar to us. The music of the spheres must have been heard in his imagination before he could have told us of 309it, as he has done in language which seems to be poetic now as it was then — and

because poetic, therefore not absurd. The length of the year's period is an extravagance. You may call your space of time by what name you will; it is long or short in proportion to man's life. He tells us that we may not hope that our fame shall be heard of on the other side of the Ganges, or that our voices shall come down through many years. I myself read this dream of Scipio in a volume found in Australia, and read it two thousand years after it was written. He could judge of this world's future only by the past. But when he tells us of the soul's immortality, and of the heaven to be won by a life of virtue, of the duty upon us to remain here where God has placed us, and of the insufficiency of fame to fill the cravings of the human heart, then we have to own that we have come very near to that divine teaching which he was not permitted to hear.

Two years afterward, about the time that Milo was killing Clodius, he wrote his treatise in three books, De Legibus. It is, we are told, a copy from Plato. As is the Topica a copy from Aristotle, written on board ship from memory, so may this be called a copy. The idea was given to him, and many of the thoughts which he has worked up in his own manner. It is a dialogue between him and Atticus and his brother Quintus, and treats rather of the nature and origin of law, and how law should be made to prevail, than of laws as they had been as yet constructed for the governance of man. All that is said in the first book may be found scattered through his philosophic treatises. There are some pretty morsels, as when Atticus tells us that he will for the nonce allow Cicero's arguments to pass, because the music of the birds and the waters will prevent his fellow-Epicureans from hearing and being led away by mistaken doctrine. Now and again he enunciates a great doctrine, as when he declares that "there is nothing better than that men should understand that they are born to be just, and that justice is not a matter of opinion, but is inherent in nature." He constantly opposes the idea of pleasure, recurring to the doctrine of his Greek philosophy. It was not by them, however, that he had learned to feel that a man's final duty here on earth is his duty to other men.

In the second book he inculcates the observance of religious ceremonies in direct opposition to that which he afterward tells us in his treatise De Divinatione. But in this, De Legibus, we may presume

that he intends to give instructions for the guidance of the public, whereas in the other he is communicating to a few chosen friends those esoteric doctrines which it would be dangerous to give to the world at large. There is a charming passage, in which we are told not to devote the rich things of the earth to the gods. Gold and silver will create impure desire. Ivory, taken from the body of an animal, is a gift not simple enough for a god. Metals, such as iron, are for war rather than for worship. An image, if it is to be used, let it be made of one bit of wood, or one block of stone. If cloth is given, let it not be more than a woman can make in a month. Let there be no bright colors. White is best for the gods; and so on. Here we have the wisdom of Plato, or of those from whom Plato had borrowed it, teaching us a lesson against which subsequent ages have rebelled. It is not only that a god cannot want our gold and silver, but that a man does want them. That rule as to the woman's morsel of cloth was given in some old assembly, lest her husband or her brother should lose the advantage of her labor. It was seen what superstition would do in collecting the wealth of the world round the shrines of the gods. How many a man has since learned to regret the lost labor of his household; and yet what god has been the better? There may be a question of æsthetics, indeed, with which Cicero does not meddle.

311In the third book he descends to practical and at the same time political questions. There had been no matter contested so vehemently among Romans as that of the establishment and maintenance of the Tribunate. Cicero defends its utility, giving, with considerable wit, the task of attacking it to his brother Quintus. Quintus, indeed, is very violent in his onslaught. What can be more "pestiferous," or more prone to sedition? Then Cicero puts him down. "O Quintus," he says, "you see clearly the vices of the Tribunate! but can there be anything more unjust than, in discussing a matter, to remember all its evils and to forget all its merits? You might say the same of the Consuls; for the very possession of power is an evil in itself. But without that evil you cannot have the good which the institution contains. The power of the Tribunes is too great, you say. Who denies it? But the violence of the people, always cruel and immodest, is less so under their own leader than if no leader had been given them. The leader will measure his danger; but

the people itself know no such measurement." He afterward takes up the question of the ballot, and is against it on principle. "Let the people vote as they will," he says, "but let their votes be known to their betters." It is, alas, useless now to discuss the matter here in England! We have been so impetuous in our wish to avoid the evil of bribery — which was quickly going — that we have rushed into that of dissimulation, which can only be made to go by revolutionary changes. When men vote by tens of thousands the ballot will be safe, but no man will then care for the ballot. It is, however, strange to see how familiar men were under the Roman Empire with matters which are perplexing us to-day.

We now come to the three purely moral essays, the last written of his works, except the Philippics and certain of his letters, and the Topica. Indeed, when you reach the last year or two of his life, it becomes difficult to assign their exact 312places to each. He mentions one as written, and then another; but at last this latter appears before the former. They were all composed in the same year, the year before his death — the most active year of his life, as far as his written works are concerned — and I shall here treat De Senectute first, then De Amicitia, and the De Officiis last, believing them to have been published in that order.

The De Senectute is an essay written in defence of old age, generally called Cato Major. It is supposed to have been spoken by the old Censor, 149 b.c., and to have been listened to by Scipio and Lælius. This was the same Scipio who had the dream — who, in truth, was not a Scipio at all, but a son of Paulus Æmilius, whom we remember in history as the younger Africanus. Cato rushes at once into his subject, and proves to us his point by insisting on all those commonplace arguments which were probably as well known before his time as they have been since. All men wish for old age, but none rejoice when it has come. The answer is that no man really wishes for old age, but simply wishes for a long life, of which old age is the necessary ending. It creeps on us so quickly! But in truth it does not creep quicker on youth than does youth on infancy; but the years seem to fly fast because not marked by distinct changes. It is the part of a wise man to see that each portion of his five-act poem shall be well performed. Cato goes on with his lesson, and tells us perhaps all

that could be said on behalf of old age at that period of the world's history. It was written by an old man to an old man; for it is addressed to Atticus, who was now sixty-seven, and of course deals much in commonplaces. But it is full of noble thoughts, and is pleasant, and told in the easiest language; and it leaves upon the reader a sweet savor of the dignity of age. Let the old man feel that it is not for him to attempt the pranks of youth, and he will already have saved himself from much of the evil which Time can do to him. I am ready for you, and you cannot hurt me. "Let not the old man assume the strength of the young, as a young man does not that of the bull or the elephant. * * * But still there is something to be regretted by an orator, for to talk well requires not only intellect but all the powers of the body. The melodious voice, however, remains, which — and you see my years — I have not yet lost. The voice of an old man should always be tranquil and contained." He tells a story of Massinissa, who was then supposed to be ninety. He was stiff in his joints, and therefore when he went a journey had himself put upon a horse, and never left it, or started on foot and never mounted. "We must resist old age, my Lælius. We must compensate our shortness by our diligence, my Scipio. As we fight against disease, so let us contend with old age. * * * Why age should be avaricious I could never tell. Can there be anything more absurd than to demand so great a preparation for so small a journey?" He tells them that he knew their fathers, and that "he believes they are still alive — that, though they have gone from this earth, they are still leading that life which can only be considered worthy of the name."

The De Amicitia is called Lælius. It is put into the mouth of Lælius, and is supposed to be a discourse on friendship held by him in the presence of his two sons-in-law, Caius Fannius and Mucius Scævola, a few days after the death of Scipio his friend. Not Damon and Pythias were more renowned for their friendship than Scipio and Lælius. He discusses what is friendship, and why it is contracted; among whom friendship should exist; what should be its laws and duties; and, lastly, by what means it should be preserved.

Cicero begins by telling the story of his own youth; how he had been placed under the charge of Scævola the augur, and how, having changed his toga, he never left the old man's side till he died; and he

recalls how once, sitting with him in 314a circle with friends, Scævola fell into that mode of conversation which was usual with him, and told him how once Lælius had discoursed to them on friendship. It is from first to last fresh and green and cooling, as is the freshness of the early summer grass to men who live in cities. The reader feels, as he goes on with it, that he who had such thoughts and aspirations could never have been altogether unhappy. Coming at the end of his life, in the telling the stories of which we have had to depend so much on his letters to Atticus, it reminds me of the love that existed between them. He has sometimes been querulous with his Atticus. He has complained of bad advice, of deficient care, of halting friendship — in reading which accusations we have, all of us, declared him to be wrong. But Atticus understood him. He knew that the privileges and the burden must go together, and told himself how much more than sufficient were the privileges to compensate the burden. When we make our histories on the bases of such loving letters, we should surely open them with careful hands, and deal with them in sympathy with their spirit. In writing this treatise De Amicitia especially for the eyes of Atticus, how constantly the heart must have gone back to all that had passed between them — how confident he must have been of the truth of his friend! He who, after nearly half a century of friendship, could thus write to his friend on friendship cannot have been an unhappy man.

"Should a new friendship spring up," he tells us, "let it not be repressed. You shall still gather fruit from young trees; but do not let it take the place of the old. Age and custom will have given the old fruit a flavor of its own. Who is there that would ride a new horse in preference to one tried — one who knows your hand?"

I regard the De Officiis as one of the most perfect treatises on morals which the world possesses, whether for the truth of 315the lessons given, for their universality, or for the beauty and lightness of the language. It is on a subject generally heavy, but is treated with so much art and grace as to make it a delight to have read it, and an important part of education to know it. It is addressed to his son, and is as good now as when it was written. There is not a precept taught in it which is not modern as well as ancient, and which is not fit alike for Christians and Pagans. A system of morality, we might have said,

should be one which would suit all men alike. We are bound to acknowledge that this will suit only gentlemen, because he who shall live in accordance with it must be worthy of that name. The "honestum" means much more in Latin than it does in English. Neither "honor" nor "honesty" will give the rendering — not that honor or that honesty which we know. Modern honor flies so high that it leaves honesty sometimes too nearly out of sight; while honesty, though a sterling virtue, ignores those sentiments on which honor is based. "Honestum" includes it all; and Cicero has raised his lessons to such a standard as to comprise it all. But he so teaches that listeners delight to hear. He never preaches. He does not fulminate his doctrine at you, bidding you beware of backslidings and of punishments; but he leads you with him along the grassy path, till you seem to have found out for yourself what is good — you and he together, and together to have learned that which is manly, graceful, honest, and decorous.

In Cicero's essays is to be found always a perfect withdrawal of himself from the circumstances of the world around him; so that the reader shall be made to suppose that, in the evening of his life, having reached at last, by means of work done for the State, a time of blessed rest, he gives forth the wisdom of his age, surrounded by all that a tranquil world can bestow upon him. Look back through the treatises written during the last two years, and each shall appear to have been prepared in some quiet and undisturbed period of his life; but we know that the last polish given by his own hands to these three books De Officiis was added amid the heat and turmoils of the Philippics. It is so singular, this power of adapting his mind to whatever pursuit he will, that we are taught almost to think that there must have been two Ciceros, and that the one was eager in personal conflict with Antony, while the other was seated in the garden of some Italian villa meditating words by obeying which all men might be ennobled.

In the dialectical disputations of the Greek philosophers he had picked up a mode of dividing his subject into numbers which is hardly fitted for a discourse so free and open as is this. We are therefore somewhat offended when we are told that virtue is generally divided "into three headings." If it be so, and if it be

necessary that we should know it, it should, I think, be conveyed to us without this attempt at logical completeness. It is impossible to call this a fault. Accuracy must, indeed, be in all writers a virtue. But feeling myself to be occasionally wounded by this numbering, I mention it. In the De Officiis he divides the entire matter into three parts, and to each part he devotes a book. In the first he considers whether a thing is fit to be done or left undone — that is, whether it be "honestum" or "turpe;" in the second, whether it be expedient, that is "utile," or the reverse; and in the third he compares the "honestum" and the "utile," and tells us what to choose and what to avoid.

The duty due by a citizen to his country takes with him a place somewhat higher than we accord to it. "Parents are dear, children are dear to us, so are relations and friends; but our country embraces it all, for what good man would not die so that he might serve it? How detestable, then, is the barbarity of those who wound their country at every turn, and have been and are occupied in its destruction." He gives us some excellent advice as to our games, which might be read with 317advantage, perhaps, by those who row in our university races. But at the end of it he tells us that the hunting-field affords an honest and fitting recreation. I have said that he was modern in his views — but not altogether modern. He defends the suicide of Cato. "To them," he says, speaking of Cato's companions in Africa, "it might not have been forgiven. Their life was softer and their manners easier. But to Cato nature had given an invincible gravity of manners which he had strengthened with all the severity of his will. He had always remained steadfast in the purpose that he would never stand face to face with the tyrant of his country." There was something terribly grand in Cato's character, which loses nothing in coming to us from the lips of Cicero. So much Cicero allows to the stern nature of the man's character. Let us look back and we shall find that we make the same allowance. This is not, in truth, a lesson which he gives us, but an apology which he makes.

Read his advice given in the following line for the outward demeanor of a gentleman: "There are two kinds of beauty. The one is loveliness, which is a woman's gift. But dignity belongs to the man. Let all ornament be removed from the person not worthy of a man to

wear — and all fault in gesture and in motion which is like to it. The manners of the wrestling-ground and of the stage are sometimes odious; but let us see the actor or the wrestler walking simple and upright, and we praise him. Let him use a befitting neatness, not verging toward the effeminate, but just avoiding a rustic harshness. The same measure is to be taken with your clothes as with other matters in which a middle course is best."

318Then he tells his son what pursuits are to be regarded as sordid. "Those sources of gain are to be regarded as mean in the pursuit of which men are apt to be offended, as are the business of tax-gathers and usurers. All those are to be regarded as illiberal to which men bring their work but not their art." As for instance, the painter of a picture shall be held to follow a liberal occupation — but not so the picture dealer. "They are sordid who buy from merchants that they may sell again: they have to lie like the mischief or they cannot make their living. All mere workmen are engaged in ignoble employment: what of grandeur can the mere workshop produce? Least of all can those trades be said to be good which administer only to our pleasures — such as fish-mongers, butchers, cooks, and poulterers." He adds at the end of his list that of all employment none is better than agriculture, or more worthy of the care of a freeman. In all of this it is necessary that we should receive what he says with some little allowance for the difference in time; but there is nothing, if we look closely into it, in which we cannot see the source of noble ideas, 319and the reason for many notions which are now departing from us — whether for good or evil who shall say?

In the beginning of the second book he apologizes for his love of philosophy, as he calls it, saying that he knew how it had been misliked among those round him. "But when the Republic," he says, "had ceased to be — that Republic which had been all my care — my employment ceased both in the Forum and the Senate. But when my mind absolutely refused to be inactive, I thought that I might best live down the misery of the time if I devoted myself to philosophy." From this we may see how his mind had worked when the old occupation of his life was gone. "Nihil agere autem quum animus non posset!" How piteous was his position, and yet how proud! There was nothing for him to do — but there was nothing because

hitherto there had been so much that he had always done.

He tells his son plainly how an honest man must live. To be ashamed of nothing, he must do nothing of which he will be ashamed. But for him there is this difficulty: “If any one on his entrance into the world has had laid upon him the greatness of a name won by his father, let us say — as, my Cicero, has perhaps happened to you — the eyes of all men will be cast upon him, and inquiry will be made as to his mode of life. He will be so placed under the meridian sun that no word spoken or deed done by him shall be hidden. * * * He must live up to the glory to which he has been born.” He gives to his son much advice about the bar. “But the greatest praise,” he says, “comes from defending a man accused; and especially so when you shall assist one who is surrounded and ill-treated by the power of some great man. This happened to me more than once in my youth, when, for instance, I defended Roscius Amerinus against Sulla’s power. The speech is with us extant still.” He tells us much as to the possession of money, and the means of insuring it in a well- 320governed state. “Take care that you allow no debts to the injury of the Republic. You must guard against this at all hazards — but never by taking from the rich and giving it to the poor. Nothing is so requisite to the State as public credit — which cannot exist unless debtors be made to pay what they owe. There was nothing to which I looked more carefully than this when I was Consul. Horse and foot, they tried their best; but I opposed them, and freed the Republic from the threatened evil. Never were debts more easily or more quickly collected. When men knew that they could not ignore their creditors, then they paid. But he who was then the conquered is the conqueror now. He has effected what he contemplated — even though it be not now necessary for him.” From this passage it seems that these books must have been first written before Cæsar’s death. Cæsar, at the time of Catiline’s conspiracy, had endeavored to annul all debts — that is, to establish “new tables” according to the Roman idiom — but had failed by Cicero’s efforts. He had since affected it, although he might have held his power without seeking for the assistance of such debtors. Who could that be but Cæsar? In the beginning of the third book there is another passage declaring the same thing: “I have not strength enough for

silent solitude, and therefore give myself up to my pen. In the short time since the Republic has been overturned I have written more than in all my former years." That, again, he could not have written after Cæsar had fallen. We are left, indeed, to judge, from the whole nature of the discourse, that it was written at the period in which the wrongs done by Cæsar to Rome — wrongs at any rate as they appeared to Cicero — were just culminating in that regal pride of action which led to his slaughter. It was written then, but was published a few months afterward.

CHAPTER XIV.

CICERO'S RELIGION.

I should hardly have thought it necessary to devote a chapter of my book to the religion of a pagan, had I not, while studying Cicero's life, found that I was not dealing with a pagan's mind. The mind of the Roman who so lived as to cause his life to be written in after-times was at this period, in most instances, nearly a blank as to any ideas of a God. Horace is one who in his writing speaks much of himself. Ovid does so still more constantly. They are both full of allusions to "the gods." They are both aware that it is a good thing to speak with respect of the national worship, and that the orders of the Emperor will be best obeyed by believers. "Dis te minorem quod geris, imperas," says Horace, when, in obedience probably to Augustus, he tells his fellow-citizens that they are forgetting their duties in their unwillingness to pay for the repairs of the temples. "Superi, quorum sumus omnia," says Ovid, thinking it well to show in one of his writings, which he sent home from his banishment, that he still entertained the fashionable creed. But they did not believe. It was at that time the fashion to pretend a light belief, in order that those below might live as though they believed, and might induce an absolute belief in the women and the children. It was not well that the temple of the gods should fall into ruins. It was not well that the augurs, who were gentlemen of high family, should go for nothing. Cæsar himself was the high-priest, and thought much of the position, but he certainly was bound by no priestcraft. A religious belief was not expected from a gentleman. Religious ceremonies had gradually sunk so low in the world's esteem that the Roman nobility had come to think of their gods as things to swear by, or things to amuse them, or things from which, if times were bad with them, some doubtful assistance might perchance come. In dealing with ordinary pagans of those days religion may be laid altogether on one side. I remember no passage in Livy or Tacitus indicating a religious belief.

But with Cicero my mind is full of such; and they are of a nature to make me feel that had he lived a hundred years later I should have

suspected him of some hidden knowledge of Christ's teachings. M. Renan has reminded us of Cicero's dislike to the Jews. He could not learn from the Jews — though the Jew, indeed, had much that he could teach him. The religion which he required was far from the selfishness of either Jew or Roman. He believed in eternity, in the immortality of the soul, in virtue for the sake of its reward hereafter, in the omnipotence of God, the performance of his duty to his neighbors, in conscience, and in honesty. "Certum esse in cælo definitum locum, ubi beati ævo sempiterno fruantur." "There is certainly a place in heaven where the blessed shall enjoy eternal life." Can St. Paul have expressed with more clearness his belief as to a heaven? Earlier in his career he expresses in language less definite, but still sufficiently clear, his ideas as to another world: "An vero tam parvi animi videamur esse omnes, qui in republica, atque in his vitæ periculis laboribusque versamur, ut, quum, usque ad extremum spatium, nullum tranquillum atque otiosum spiritum duxerimus, vobiscum simul moritura omnia arbitremur?" "Are we all of us so poor in spirit as to think that after toiling for our country and ourselves — though we have not had one moment 323of ease here upon earth — when we die all things shall die with us?" And when he did go it should be to that glory for which virtue shall have trained him. "Neque te sermonibus vulgi dederis, nec in præmis humanis spem posueris rerum tuarum; suis te oportet illecebris ipsa virtus trahat ad verum decus." "You shall put your hope neither in man's opinion nor in human rewards; but Virtue itself by her own charms shall lead you the way to true glory." He thus tells us his idea of God's omnipotence: "Quam vim animum esse dicunt mundi, eamdemque esse mentem sapientiamque perfectam; quem Deum appellant." "This force they call the soul of the world, and, looking on it as perfect in intelligence and wisdom, they name it their God." And again he says, speaking of God's care, "Quis enim potest — quam existimet a deo se curari — non et dies, et noctes divinum numen horrere?" "Who is there, when he thinks that a God is taking care of him, shall not live day and night in awe of his divine majesty?" As to man's duty to his neighbor, a subject as to which Pagans before and even after the time of Cicero seem to have had but vague ideas, the treatise De Officiis is full of it, as indeed is the

whole course of his life. “Omne officium, quod ad conjunctionem hominum et ad societatem tuendam valet, anteponendum est illi officio, quod cognitione et scientia continetur.” “All duty which tends to protect the society of man with men is to be preferred to that of which science is the simple object.” His belief in a conscience is shown in the law he lays down against suicide: “Vetat enim dominans ille in nobis deus, injussu hinc nos suo demigrare.” “That God within us forbids us to depart hence without his permission.” As to justice, I need give no quotation from his works as proof of that virtue which all his works have been written to uphold.

324This pagan had his ideas of God’s governance of men, and of man’s required obedience to his God, so specially implanted in his heart, that he who undertakes to write his life should not pass it by unnoticed. To us our religion has come as a thing to believe, though taking too often the form of a stern duty. We have had it from our fathers and our mothers; and though it has been given to us by perhaps indifferent hands, still it has been given. It has been there with all its written laws, a thing to live by — if we choose. Rich and poor, the majority of us know at any rate the Lord’s Prayer, and most of us have repeated it regularly during our lives. There are not many of us who have not learned that they are deterred by something beyond the law from stealing, from murder, from committing adultery. All Rome and all Romans knew nothing of any such obligation, unless it might be that some few, like Cicero, found it out from the recesses of their own souls. He found it out, certainly. “Suis te oportet illecebris ipsa virtus trahat ad verum decus.” “Virtue itself by its own charms shall lead you the way to true glory.” The words to us seem to be quite commonplace. There is not a curate who might not put them into a sermon. But in Cicero’s time they were new, and hitherto untaught. There was the old Greek philosopher’s idea that the τὸ καλόν — the thing of beauty — was to be found in virtue, and that it would make a man altogether happy if he got a hold of it. But there was no God connected with it, no future life, no prospect sufficient to redeem a man from the fear of death. It was leather and prunella, that, from first to last. The man had to die and go, melancholy, across the Styx. But Cicero was the first to tell his brother Romans of an intelligible heaven. “Certum esse in cœlo

definitum locum ubi beati ævo sempiterno fruantur." "There is certainly a place in heaven where the blessed shall enjoy eternal life." And then how nearly he had realized that doctrine which tells us that we should do unto others as we would they should do unto us — the very 325 pith and marrow and inside meaning of Christ's teaching, by adapting which we have become human, by neglecting which we revert to paganism. When we look back upon the world without this law, we see nothing good in it, in spite of individual greatness and national honor. But Cicero had found it.—"That brotherhood between men, that agreement as to what may be useful to all, and that general love for the human race!" It is all contained in these few words, but if anything be wanted to explain at length our duty to our neighbors it will be found there on reference to this passage. How different has been the world before that law was given to us and since! Even the existence of that law, though it be not obeyed, has softened the hearts of men.

If, as some think, it be the purport of Christ's religion to teach men to live after a godlike fashion rather than to worship God after a peculiar form, then may we be allowed to say that Cicero was almost a Christian, even before the coming of Christ. If, as some think, an eternity of improved existence for all is to be looked for by the disciples of Christ, rather than a heaven of glory for the few and for the many, a hell that never shall be mitigated, then had Cicero anticipated much of Christ's doctrine. That he should have approached the mystical portion of our religion it would of course be absurd to suppose. But a belief in that mystical part is not essential for forming the conduct of men. The divine birth, and the doctrine of the Trinity, and the Lord's Supper, are not necessary to teach a man to live with his brother men on terms of forbearance and brotherly love. You shall live with a man from year's end to year's end, and shall not know his creed unless he tell you, or that you see him performing the acts of his worship; but you cannot live with him, and not know whether he live in accordance with Christ's teaching. And so it was with Cicero. Read his works through from the beginning to the end, and you shall feel 326that you are living with a man whom you might accompany across the village green to church, should he be kind enough to stay with you over the Sunday. The urbanity, the

softness, the humanity, the sweetness are all there. But you shall not find it to be so with Cæsar, or Lucretius, or with Virgil. When you read his philosophical treatises it is as though you were discussing with some latter-day scholar the theories of Plato or of Epicurus. He does not talk of them as though he believed in them for his soul's guidance, nor do you expect it. All the interest that you have in the conversation would be lost were you to find such faith as that. You would avoid the man, as a pagan. The Stoic doctrine would so shock you, when brought out for real wear, as to make you feel yourself in the company of some mad Atheist — with a man for whose welfare, early or late in life, church bells had never been rung. But with a man who has his Plato simply by heart you can spend the long summer day in sweet conversation. So it is with Cicero. You lie down with him looking out upon the sea at Comæ, or sit with him beneath the plane-tree of Crassus, and listen while he tells you of this doctrine and the other. So Arcesilas may be supposed to have said, and so Carneades laid down the law. It was that and no more. But when he tells you of the place assigned to you in heaven, and how you are to win it, then he is in earnest.

We care in general but little for any teacher of religion who has not struggled to live up to his own teaching. Cicero has told us of his ideas of the Godhead, and has given us his theory as to those deeds by which a man may hope to achieve the heaven in which that God will reward with everlasting life those who have deserved such bliss. Love of country comes first with him. It behooves, at any rate, a man to be true to his country from first to last. And honesty and honor come next — that "honestum" which carries him to something beyond the mere integrity of the well-conducted tradesmen. Then family affection; then friendship; and then that constant love for our fellow-creatures which teaches us to do unto others as we would they should do unto us. Running through these there are a dozen smaller virtues, but each so mingled with the other as to have failed in obtaining a separate place — dignity, manliness, truth, mercy, long-suffering, forgiveness, and humanity.

Try him by these all round and see how he will come out of the fire. He so loved his country that we may say that he lived for it entirely; that from the first moment in which he began to study as a

boy in Rome the great profession of an advocate, to the last in which he gave his throat to his murderers, there was not a moment in which his heart did not throb for it.

In the defence of Amerinus and in the prosecution of Verres, his object was to stop the proscriptions, to shame the bench, and to punish the plunderers of the provinces. In driving out Catiline the same strong feeling governed him. It was the same in Cilicia. The same patriotism drove him to follow Pompey to the seat of war. The same filled him with almost youthful energy when the final battle for the Republic came. It has been said of him that he began life as a Liberal in attacking Sulla, and that afterward he became a Conservative when he gained the Consulship; that he opposed Cæsar, and then flattered him, and then rejoiced at his death. I think that they who have so accused him have hardly striven to read his character amidst the changes of the time. A Conservative he was always; but he wished to see that the things around him were worth conserving. He was always opposed to Cæsar, whose genius and whose spirit were opposed to his own. But in order that something of the Republic might be preserved, it became necessary to bear with Cæsar. For himself he would take nothing from Cæsar, except permission to breathe Italian air. He flattered him, as was the Roman custom. He had to do that, or his presence would have been impossible — and he could always do something by his presence. As far as love of country went, which among virtues stood the first with him, he was pure and great. There was not a moment in his career in which the feel 328ing was not in his heart — mixed indeed with personal ambition, as must be necessary, for how shall a man show his love for his country except by his desire to stand high in its counsels? To be called "Pater Patriæ" by Cato was to his ears the sweetest music he had ever heard.

Let us compare his honesty with that of the times in which he lived. All the high rewards of the State were at his command, and he might so have taken them as to have been safer, firmer, more powerful, by taking them; but he took nothing. No gorgeous wealth from a Roman province stuck to his hands. We think of our Cavendishes, our Howards, and our Stanleys, and feel that there is nothing in such honesty as this. But the Cavendishes, the Howards,

and the Stanleys of those days robbed with unblushing pertinacity. Cæsar robbed so much that he put himself above all question of honesty. Where did he, who had been so greatly in debt before he went to Spain, get the million with which he bribed his adherents? Cicero neither bought nor sold. Twenty little stories have been told of him, not one with a grain of enduring truth to justify one of them. He borrowed, and he always paid; he lent, but was not always repaid. With such a voice to sell as his, a voice which carried with it the verdict of either guilt or innocence, what payments would it not have been worth the while of a Roman nobleman to make to him? No such payments, as far as we can tell, were ever made. He took a present of books from his friend Pœtus, and asked another friend what "Cincius" would say to it? Men struggling to find him out, and not understanding his little joke, have said, "Lo! he has been paid for his work. He defended Pœtus, and Pœtus gave him books." "Did he defend Pœtus?" you ask. "We surmise so, because he gave him books," they reply. I say that at any rate the fault should be brought home against him before it is implied from chance passages in his own letters.

Cicero's affection for his family gives us an entirely unfamiliar insight into Roman manners. There is a softness, a ten 329derness, an eagerness about it, such as would give a grace to the life of some English nobleman who had his heart garnered up for him at home, though his spirit was at work for his country. But we do not expect this from the Pompeys and Cæsars and Catos of Rome, perhaps because we do not know them as we know Cicero. It is odd, however, that we should have no word of love for his boys, as to Pompey; no word of love for his daughter, as to Cæsar. But Cicero's love for his wife, his brother, his son, his nephew, especially for his daughter, was unbounded. All offences on their part he could forgive, till there came his wife's supposed dishonesty, which was not to be forgiven. The ribaldry of Dio Cassius has polluted the story of his regard for Tullia; but in truth we know nothing sweeter in the records of great men, nothing which touches us more, than the profundity of his grief. His readiness to forgive his brother and to forgive his nephew, his anxiety to take them back to his affections, his inability to live without them, tell of his tenderness.

His friendship for Atticus was of the same calibre. It was of that nature that it could not only bear hard words but could occasionally give them without fear of a breach. Can any man read the records of this long affection without wishing that he might be blessed with such a friendship? As to that love of our fellow-creatures which comes not from personal liking for them, but from that kindness of heart toward all mankind which has been the fruit to us of Christ's teaching, that desire to do unto others as they should do unto us, his whole life is an example. When Quæstor in Sicily, his chief duty was to send home corn. He did send it home, but so that he hurt none of those in Sicily by whom it was supplied. In his letter to his brother as to his government of Asia Minor, the lessons which he teaches are to the same effect. When he was in Cilicia, it was the same from first to last. He would not take a penny from the poor provincials — not even what he might have taken by law. "Non modo non fænum, sed ne 330 ligna quidem!" Where did he get the idea that it was a good thing not to torment the poor wretches that were subjected to his power? Why was it that he took such an un-Roman pleasure in making the people happy?

Cicero, no doubt, was a pagan, and in accordance with the rules prevailing in such matters it would be necessary to describe him of that religion, if his religion be brought under discussion. But he has not written as pagans wrote, nor did he act as they acted. The educated intelligence of the Roman world had come to repudiate their gods, and to create for itself a belief — in nothing. It was easier for a thoughtful man, and pleasanter for a thoughtless, to believe in nothing, than in Jupiter and Juno, in Venus and in Mars. But when there came a man of intellect so excellent as to find, when rejecting the gods of his country, that there existed for him the necessity of a real God, and to recognize it as a fact that the intercourse of man with man demanded it, we must not, in recording the facts of his life, pass over his religion as though it were simple chance. Christ came to us, and we do not need another teacher. Christ came to us so perfected in manhood as to be free from blemish. Cicero did not come at all as a teacher. He never recognized the possibility of teaching men a religion, or probably the necessity. But he did see the way to so much of the truth as to perceive that there was a heaven;

that the way to it must be found in good deeds here on earth; and that the good deeds required of him would be kindness to others. Therefore I have written this final chapter on his religion.

CICERO by W. Lucas Collins

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CICERO

I have to acknowledge my obligations to Mr. Forsyth's well-known 'Life of Cicero', especially as a guide to the biographical materials which abound in his Orations and Letters. Mr. Long's scholarly volumes have also been found useful. For the translations, such as they are, I am responsible. If I could have met with any which seemed to me more satisfactory, I would gladly have adopted them.

CHAPTER I. EARLY LIFE AND EDUCATION.

When we speak, in the language of our title-page, of the 'Ancient Classics', we must remember that the word 'ancient' is to be taken with a considerable difference, in one sense. Ancient all the Greek and Roman authors are, as dated comparatively with our modern era. But as to the antique character of their writings, there is often a difference which is not merely one of date. The poetry of Homer and Hesiod is ancient, as having been sung and written when the society in which the authors lived, and to which they addressed themselves, was in its comparative infancy. The chronicles of Herodotus are ancient, partly from their subject-matter and partly from their primitive style. But in this sense there are ancient authors belonging to every nation which has a literature of its own. Viewed in this light, the history of Thucydides, the letters and orations of Cicero, are not ancient at all. Bede, and Chaucer, and Matthew of Paris, and Froissart, are far more redolent of antiquity. The several books which make up what we call the Bible are all ancient, no doubt; but even between the Chronicles of the Kings of Israel and the Epistles of St. Paul there is a far wider real interval than the mere lapse of centuries.

In one respect, the times of Cicero, in spite of their complicated politics, should have more interest for a modern reader than most of what is called Ancient History. Forget the date but for a moment, and there is scarcely anything ancient about them. The scenes and actors are modern — terribly modern; far more so than the middle ages of Christendom. Between the times of our own Plantagenets and Georges, for instance, there is a far wider gap, in all but years, than between the consulships of Caesar and Napoleon. The habits of life, the ways of thinking, the family affections, the tastes of the Romans of Cicero's day, were in many respects wonderfully like our own; the political jealousies and rivalries have repeated themselves again and again in the last two or three centuries of Europe: their code of political honour and morality, debased as it was, was not much lower than that which was held by some great statesmen a generation or two before us. Let us be thankful if the most frightful of their vices were the exclusive shame of paganism.

It was in an old but humble country-house, neat the town of Arpinum, under the Volscian hills, that Marcus Tullius Cicero was born, one hundred and six years before the Christian era. The family was of ancient ‘equestrian’ dignity, but as none of its members had hitherto borne any office of state, it did not rank as ‘noble’. His grandfather and his father had borne the same three names — the last an inheritance from some forgotten ancestor, who had either been successful in the cultivation of vetches (*cicer*), or, as less complimentary traditions said, had a wart of that shape upon his nose. The grandfather was still living when the little Cicero was born; a stout old conservative, who had successfully resisted the attempt to introduce vote by ballot into his native town, and hated the Greeks (who were just then coming into fashion) as heartily as his English representative, fifty years ago, might have hated a Frenchman. “The more Greek a man knew”, he protested, “the greater rascal he turned out”. The father was a man of quiet habits, taking no part even in local politics, given to books, and to the enlargement and improvement of the old family house, which, up to his time, seems not to have been more than a modest grange. The situation (on a small island formed by the little river Fibrenus) was beautiful and romantic; and the love for it, which grew up with the young Cicero as a child, he never lost in the busy days of his manhood. It was in his eyes, he said, what Ithaca was to Ulysses,

“A rough, wild nurse-land, but whose crops are men”.

[Footnote 1: The *Equites* were originally those who served in the Roman cavalry; but latterly all citizens came to be reckoned in the class who had a certain property qualification, and who could prove free descent up to their grandfather.]

[Footnote 2: Now known as Il Fiume della Posta. Fragments of Cicero’s villa are thought to have been discovered built into the walls of the deserted convent of San Dominico. The ruin known as ‘Cicero’s Tower’ has probably no connection with him.]

There was an aptness in the quotation; for at Arpinum, a few years before, was born that Caius Marius, seven times consul of Rome, who had at least the virtue of manhood in him, if he had few besides.

But the quiet country gentleman was ambitious for his son. Cicero’s father, like Horace’s, determined to give him the best

education in his power; and of course the best education was to be found in Rome, and the best teachers there were Greeks. So to Rome young Marcus was taken in due time, with his younger brother Quintus. They lodged with their uncle-in-law, Aculeo, a lawyer of some distinction, who had a house in rather a fashionable quarter of the city, and moved in good society; and the two boys attended the Greek lectures with their town cousins. Greek was as necessary a part of a Roman gentleman's education in those days as Latin and French are with us now; like Latin, it was the key to literature (for the Romans had as yet, it must be remembered, nothing worth calling literature of their own); and, like French, it was the language of refinement and the play of polished society. Let us hope that by this time the good old grandfather was gathered peacefully into his urn; it might have broken his heart to have seen how enthusiastically his grandson Marcus threw himself into this newfangled study; and one of those letters of his riper years, stuffed full of Greek terms and phrases even to affectation, would have drawn anything but blessings from the old gentleman if he had lived to hear them read.

Young Cicero went through the regular curriculum — grammar, rhetoric, and the Greek poets and historians. Like many other youthful geniuses, he wrote a good deal of poetry of his own, which his friends, as was natural, thought very highly of at the time, and of which he himself retained the same good opinion to the end of his life, as would have been natural to few men except Cicero. But his more important studies began after he had assumed the 'white gown' which marked the emergence of the young Roman from boyhood into more responsible life — at sixteen years of age. He then entered on a special education for the bar. It could scarcely be called a profession, for an advocate's practice at Rome was gratuitous; but it was the best training for public life; — it was the ready means, to an able and eloquent man, of gaining that popular influence which would secure his election in due course to the great magistracies which formed the successive steps to political power. The mode of studying law at Rome bore a very considerable resemblance to the preparation for the English bar. Our modern law-student purchases his admission to the chambers of some special pleader or conveyancer, where he is supposed to learn his future business by

copying precedents and answering cases, and he also attends the public lectures at the Inns of Court. So at Rome the young aspirant was to be found (but at a much earlier hour than would suit the Temple or Lincoln's Inn) in the open hall of some great jurist's House, listening to his opinions given to the throng of clients who crowded there every morning; while his more zealous pupils would accompany him in his stroll in the Forum, and attend his pleadings in the courts or his speeches on the Rostra, either taking down upon their tablets, or storing in their memories, his *dicta* upon legal questions. In such wise Cicero became the pupil of Mucius Scaevola, whose house was called "the oracle of Rome" — scarcely ever leaving his side, as he himself expresses it; and after that great lawyer's death, attaching himself in much the same way to a younger cousin of the same name and scarcely less reputation. Besides this, to arm himself at all points for his proposed career, he read logic with Diodotus the Stoic, studied the action of Esop and Roscius — then the stars of the Roman stage — declaimed aloud like Demosthenes in private, made copious notes, practised translation in order to form a written style, and read hard day and night. He trained severely as an intellectual athlete; and if none of his contemporaries attained such splendid success, perhaps none worked so hard for it. He made use, too, of certain special advantages which were open to him — little appreciated, or at least seldom acknowledged, by the men of his day — the society and conversation of elegant and accomplished women. In Scaevola's domestic circle, where the mother, the daughters, and the grand-daughters successively seem to have been such charming talkers that language found new graces from their lips, the young advocate learnt some of his not least valuable lessons. "It makes no little difference", said he in his riper years, "what style of expression one becomes familiar with in the associations of daily life". It was another point of resemblance between the age of Cicero and the times in which we live — the influence of the "queens of society", whether for good or evil.

[Footnote 1: These *dicta*, or 'opinions', of the great jurists, acquired a sort of legal validity in the Roman law-courts, like 'cases' with us.]

But no man could be completely educated for a public career at

Rome until he had been a soldier. By what must seem to us a mistake in the Republican system — a mistake which we have seen made more than once in the late American war — high political offices were necessarily combined with military command. The highest minister of state, consul or praetor, however hopelessly civilian in tastes and antecedents, might be sent to conduct a campaign in Italy or abroad at a few hours' notice. If a man was a heaven-born general, all went well; if not, he had usually a chance of learning in the school of defeat. It was desirable, at all events, that he should have seen what war was in his youth. Young Cicero served his first campaign, at the age of eighteen, under the father of a man whom he was to know only too well in after life — Pompey the Great — and in the division of the army which was commanded by Sylla as lieutenant-general. He bore arms only for a year or two, and probably saw no very arduous service, or we should certainly have beard of it from himself; and he never was in camp again until he took the chief command, thirty-seven years afterwards, as pro-consul in Cilicia. He was at Rome, leading a quiet student-life — happily for himself, too young to be forced or tempted into an active part — during the bloody feuds between Sylla and the younger Marius.

He seems to have made his first appearance as an advocate when he was about twenty-five, in some suit of which we know nothing. Two years afterwards he undertook his first defence of a prisoner on a capital charge, and secured by his eloquence the acquittal of Sextus Roscius on an accusation of having murdered his father. The charge appears to have been a mere conspiracy, wholly unsupported by evidence; but the accuser was a favourite with Sylla, whose power was all but absolute; and the innocence of the accused was a very insufficient protection before a Roman jury of those days. What kind of considerations, besides the merits of the case and the rhetoric of counsel, did usually sway these tribunals, we shall see hereafter. In consequence of this decided success, briefs came in upon the young pleader almost too quickly. Like many other successful orators, he had to combat some natural deficiencies; he had inherited from his father a somewhat delicate constitution; his lungs were not powerful, and his voice required careful management; and the loud declamation and vehement action which he had adopted from his models — and

which were necessary conditions of success in the large arena in which a Roman advocate had to plead — he found very hard work. He left Rome for a while, and retired for rest and change to Athens.

The six months which he spent there, though busy and studious, must have been very pleasant ones. To one like Cicero, Athens was at once classic and holy ground. It combined all those associations and attractions which we might now expect to find in a visit to the capitals of Greece and of Italy, and a pilgrimage to Jerusalem. Poetry, rhetoric, philosophy, religion — all, to his eyes, had their cradle there. It was the home of all that was literature to him; and there, too, were the great Eleusinian mysteries — which are mysteries still, but which contained under their veil whatever faith in the Invisible and Eternal rested in the mind of an enlightened pagan. There can be little doubt but that Cicero took this opportunity of initiation. His brother Quintus and one of his cousins were with him at Athens; and in that city he also renewed his acquaintance with an old school-fellow, Titus Pomponius, who lived so long in the city, and became so thoroughly Athenian in his tastes and habits, that he is better known to us, as he was to his contemporaries, by the surname of Atticus, which was given him half in jest, than by his more sonorous Roman name. It is to the accidental circumstance of Atticus remaining so long a voluntary exile from Rome, and to the correspondence which was maintained between the two friends, with occasional intervals, for something like four-and-twenty years, that we are indebted for a more thorough insight into the character of Cicero than we have as to any other of the great minds of antiquity; nearly four hundred of his letters to Atticus, written in all the familiar confidence of private friendship by a man by no means reticent as to his personal feelings, having been preserved to us. Atticus's replies are lost; it is said that he was prudent enough, after his friend's unhappy death, to reclaim and destroy them. They would perhaps have told us, in his case, not very much that we care to know beyond what we know already. Rich, luxurious, with elegant tastes and easy morality — a true Epicurean, as he boasted himself to be — Atticus had nevertheless a kind heart and an open hand. He has generally been called selfish, somewhat unfairly; at least his selfishness never took the form of indifference or unkindness to others. In one sense he

was a truer philosopher than Cicero: for he seems to have acted through life on that maxim of Socrates which his friend professed to approve, but certainly never followed, — that "a wise man kept out of public business". His vocation was certainly not patriotism; but the worldly wisdom which kept well with men of all political colours, and eschewed the wretched intrigues and bloody feuds of Rome, stands out in no unfavourable contrast with the conduct of many of her *soi-disant* patriots. If he declined to take a side himself, men of all parties resorted to him in their adversity; and the man who befriended the younger Marius in his exile, protected the widow of Antony, gave shelter on his estates to the victims of the triumvirate's proscription, and was always ready to offer his friend Cicero both his house and his purse whenever the political horizon clouded round him, — this man was surely as good a citizen as the noisiest clamourer for "liberty" in the Forum, or the readiest hand with the dagger. He kept his life and his property safe through all those years of peril and proscription, with less sacrifice of principle than many who had made louder professions, and died — by a singular act of voluntary starvation, to make short work with an incurable disease — at a ripe old age; a godless Epicurean, no doubt, but not the worst of them.

We must return to Cicero, and deal somewhat briefly with the next few years of his life. He extended his foreign tour for two years, visiting the chief cities of Asia Minor, remaining for a short time at Rhodes to take lessons once more from his old tutor Molo the rhetorician, and everywhere availing himself of the lectures of the most renowned Greek professors, to correct and improve his own style of composition and delivery. Soon after his return to Rome, he married. Of the character of his wife Terentia very different views have been taken. She appears to have written to him very kindly during his long forced absences. Her letters have not reached us; but in all her husband's replies she is mentioned in terms of apparently the most sincere affection. He calls her repeatedly his "darling"—"the delight of his eyes"—"the best of mothers;" yet he procured a divorce from her, for no distinctly assigned reason, after a married life of thirty years, during which we find no trace of any serious domestic unhappiness. The imputations on her honour made

by Plutarch, and repeated by others, seem utterly without foundation; and Cicero's own share in the transaction is not improved by the fact of his taking another wife as soon as possible — a ward of his own, an almost girl, with whom he did not live a year before a second divorce released him. Terentia is said also to have had an imperious temper; but the only ground for this assertion seems to have been that she quarrelled occasionally with her sister-in-law Pomponia, sister of Atticus and wife of Quintus Cicero; and since Pomponia, by her own brother's account, showed her temper very disagreeably to her husband, the feud between the ladies was more likely to have been her fault than Terentia's. But the very low notion of the marriage relations entertained by both the later Greeks and Romans helps to throw some light upon a proceeding which would otherwise seem very mysterious. Terentia, as is pretty plain from the hints in her husband's letters, was not a good manager in money matters; there is room for suspicion that she was not even an honest one in his absence, and was "making a purse" for herself; she had thus failed in one of the only two qualifications which, according to Demosthenes — an authority who ranked very high in Cicero's eyes — were essential in a wife, to be "a faithful house-guardian" and "a fruitful mother". She did not die of a broken heart; she lived to be 104, and, according to Dio Cassius, to have three more husbands. Divorces were easy enough at Rome, and had the lady been a rich widow, there might be nothing so improbable in this latter part of the story, though she was fifty years old at the date of this first divorce.

[Footnote 1: Cato, who is the favourite impersonation of all the moral virtues of his age, divorced his wife — to oblige a friend!]

CHAPTER II. PUBLIC CAREER. — IMPEACHMENT OF VERRES.

Increasing reputation as a brilliant and successful pleader, and the social influence which this brought with it, secured the rapid succession of Cicero to the highest public offices. Soon after his marriage he was elected Quaestor — the first step on the official ladder — which, as he already possessed the necessary property qualification, gave him a seat in the Senate for life. The Aedileship and Praetorship followed subsequently, each as early, in point of age, as it could legally be held. His practice as an advocate suffered no interruption, except that his Quaestorship involved his spending a year in Sicily. The Praetor who was appointed to the government of that province had under him two quaestors, who were a kind of comptrollers of the exchequer; and Cicero was appointed to the western district, having his headquarters at Lilybaeum. In the administration of his office there he showed himself a thorough man of business. There was a dearth of corn at Rome that year, and Sicily was the great granary of the empire. The energetic measures which the new Quaestor took fully met the emergency. He was liberal to the tenants of the State, courteous and accessible to all, upright in his administration, and, above all, he kept his hands clean from bribes and peculation. The provincials were as much astonished as delighted: for Rome was not in the habit of sending them such officers. They invented honours for him such as had never been bestowed on any minister before.

[Footnote 1: The Quaestors (of whom there were at this time twenty) acted under the Senate as State treasurers. The Consul or other officer who commanded in chief during a campaign would be accompanied by one of them as paymaster-general.

The Aediles, who were four in number, had the care of all public buildings, markets, roads, and the State property generally. They had also the superintendence of the national festivals and public games.

The duties of the Praetors, of whom there were eight, were principally judicial. The two seniors, called the ‘City’ and ‘Foreign’ respectively, corresponded roughly to our Home and Foreign

Secretaries. These were all gradual steps to the office of Consul.]

[Footnote 2: The provinces of Rome, in their relation to the mother-state of Italy, may be best compared with our own government of India, or such of our crown colonies as have no representative assembly. They had each their governor or lieutenant-governor, who must have been an ex-minister of Rome: a man who had been Consul went out with the rank of "pro-consul", — one who had been Praetor with the rank of "pro-praetor". These held office for one or two years, and had the power of life and death within their respective jurisdictions. They had under them one or more officers who bore the title of Quaestor, who collected the taxes and had the general management of the revenues of the province. The provinces at this time were Sicily, Sardinia with Corsica, Spain and Gaul (each in two divisions); Greece, divided into Macedonia and Achaia (the Morea); Asia, Syria, Cilicia, Bithynia, Cyprus, and Africa in four divisions. Others were added afterwards, under the Empire.]

No wonder the young official's head (he was not much over thirty) was somewhat turned. "I thought", he said, in one of his speeches afterwards — introducing with a quiet humour, and with all a practised orator's skill, one of those personal anecdotes which relieve a long speech—"I thought in my heart, at the time, that the people at Rome must be talking of nothing but my quaestorship". And he goes on to tell his audience how he was undeceived.

"The people of Sicily had devised for me unprecedented honours. So I left the island in a state of great elation, thinking that the Roman people would at once offer me everything without my seeking. But when I was leaving my province, and on my road home, I happened to land at Puteoli just at the time when a good many of our most fashionable people are accustomed to resort to that neighbourhood. I very nearly collapsed, gentlemen, when a man asked me what day I had left Rome, and whether there was any news stirring? When I made answer that I was returning from my province—'Oh! yes, to be sure', said he; 'Africa, I believe?' 'No', said I to him, considerably annoyed and disgusted; 'from Sicily'. Then somebody else, with the air of a man who knew all about it, said to him—'What! don't you know that he was Quaestor at *Syracuse*?' [It was at Lilybaeum — quite a different district.] No need to make a long story of it; I

swallowed my indignation, and made as though I, like the rest, had come there for the waters. But I am not sure, gentlemen, whether that scene did not do me more good than if everybody then and there had publicly congratulated me. For after I had thus found out that the people of Rome have somewhat deaf ears, but very keen and sharp eyes, I left off cogitating what people would hear about me; I took care that thenceforth they should see me before them every day: I lived in their sight, I stuck close to the Forum; the porter at my gate refused no man admittance — my very sleep was never allowed to be a plea against an audience".

[Footnote 1: Defence of Plancius, c. 26, 27.]

Did we not say that Cicero was modern, not ancient? Have we not here the original of that Cambridge senior wrangler, who, happening to enter a London theatre at the same moment with the king, bowed all round with a gratified embarrassment, thinking that the audience rose and cheered at *him*?

It was while he held the office of Aedile that he made his first appearance as public prosecutor, and brought to justice the most important criminal of the day. Verres, late Praetor in Sicily, was charged with high crimes and misdemeanours in his government. The grand scale of his offences, and the absorbing interest of the trial, have led to his case being quoted as an obvious parallel to that of Warren Hastings, though with much injustice to the latter, so far as it may seem to imply any comparison of moral character. This Verres, the corrupt son of a corrupt father, had during his three years' rule heaped on the unhappy province every evil which tyranny and rapacity could inflict. He had found it prosperous and contented: he left it exhausted and smarting under its wrongs. He met his impeachment now with considerable confidence. The gains of his first year of office were sufficient, he said, for himself; the second had been for his friends; the third produced more than enough to bribe a jury.

The trials at Rome took place in the Forum — the open space, of nearly five acres, lying between the Capitoline and Palatine hills. It was the city market-place, but it was also the place where the population assembled for any public meeting, political or other — where the idle citizen strolled to meet his friends and hear the gossip

of the day, and where the man of business made his appointments. Courts for the administration of justice — magnificent halls, called *basilicae* — had by this time been erected on the north and south sides, and in these the ordinary trials took place; but for state trials the open Forum was itself the court. One end of the wide area was raised on a somewhat higher level — a kind of daïs on a large scale — and was separated from the rest by the Rostra, a sort of stage from which the orators spoke. It was here that the trials were held. A temporary tribunal for the presiding officer, with accommodation for counsel, witnesses, and jury, was erected in the open air; and the scene may perhaps best be pictured by imagining the principal square in some large town fitted up with open hustings on a large scale for an old-fashioned county election, by no means omitting the intense popular excitement and mob violence appropriate to such occasions. Temples of the gods and other public buildings overlooked the area, and the steps of these, on any occasion of great excitement, would be crowded by those who were anxious to see at least, if they could not hear.

Verres, as a state criminal, would be tried before a special commission, and by a jury composed at this time entirely from the senatorial order, chosen by lot (with a limited right of challenge reserved to both parties) from a panel made out every year by the praetor. This magistrate, who was a kind of minister of justice, usually presided on such occasions, occupying the curule chair, which was one of the well-known privileges of high office at Rome. But his office was rather that of the modern chairman who keeps order at a public meeting than that of a judge. Judge, in our sense of the word, there was none; the jury were the judges both of law and fact. They were, in short, the recognised assessors of the praetor, in whose hands the administration of justice was supposed to lie. The law, too, was of a highly flexible character, and the appeals of the advocates were rather to the passions and feelings of the jurors than to the legal points of the case. Cicero himself attached comparatively little weight to this branch of his profession;—"Busy as I am", he says in one of his speeches, "I could make myself lawyer enough in three days". The jurors gave each their vote by ballot,—'guilty', 'not guilty', or (as in the Scotch courts) 'not proven', — and the majority

carried the verdict.

But such trials as that of Verres were much more like an impeachment before the House of Commons than a calm judicial inquiry. The men who would have to try a defendant of his class would be, in very few cases, honest and impartial weighers of the evidence. Their large number (varying from fifty to seventy) weakened the sense of individual responsibility, and laid them more open to the appeal of the advocates to their political passions. Most of them would come into court prejudiced in some degree by the interests of party; many would be hot partisans. Cicero, in his treatise on 'Oratory', explains clearly for the pleader's guidance the nature of the tribunals to which he had to appeal. "Men are influenced in their verdicts much more by prejudice or favour, or greed of gain, or anger, or indignation, or pleasure, or hope or fear, or by misapprehension, or by some excitement of their feelings, than either by the facts of the case, or by established precedents, or by any rules or principles whatever either of law or equity".

Verres was supported by some of the most powerful families at Rome. Peculation on the part of governors of provinces had become almost a recognised principle: many of those who held offices of state either had done, or were waiting their turn to do, much the same as the present defendant; and every effort had been made by his friends either to put off the trial indefinitely, or to turn it into a sham by procuring the appointment of a private friend and creature of his own as public prosecutor. On the other hand, the Sicilian families, whom he had wronged and outraged, had their share of influence also at Rome, and there was a growing impatience of the insolence and rapacity of the old governing houses, of whose worst qualities the ex-governor of Sicily was a fair type. There were many reasons which would lead Cicero to take up such a cause energetically. It was a great opening for him in what we may call his profession: his former connection with the government of Sicily gave him a personal interest in the cause of the province; and, above all, the prosecution of a state offender of such importance was a lift at once into the foremost ranks of political life. He spared no pains to get up his case thoroughly. He went all over the island collecting evidence; and his old popularity there did him good service in the work.

There was, indeed, evidence enough against the late governor. The reckless gratification of his avarice and his passions had seldom satisfied him, without the addition of some bitter insult to the sufferers. But there was even a more atrocious feature in the case, of which Cicero did not fail to make good use in his appeal to a Roman jury. Many of the unhappy victims had the Roman franchise. The torture of an unfortunate Sicilian might be turned into a jest by a clever advocate for the defence, and regarded by a philosophic jury with less than the cold compassion with which we regard the sufferings of the lower animals; but "to scourge a man that was a Roman and uncondemned", even in the far-off province of Judea, was a thought which, a century later, made the officers of the great Empire, at its pitch of power, tremble before a wandering teacher who bore the despised name of Christian. No one can possibly tell the tale so well as Cicero himself; and the passage from his speech for the prosecution is an admirable specimen both of his power of pathetic narrative and scathing denunciation, "How shall I speak of Publius Gavius, a citizen of Consa? With what powers of voice, with what force of language, with what sufficient indignation of soul, can I tell the tale? Indignation, at least, will not fail me: the more must I strive that in this my pleading the other requisites may be made to meet the gravity of the subject, the intensity of my feeling. For the accusation is such that, when it was first laid before me, I did not think to make use of it; though I knew it to be perfectly true, I did not think it would be credible. — How shall I now proceed? — when I have already been speaking for so many hours on one subject — his atrocious cruelty; when I have exhausted upon other points well-nigh all the powers of language such as alone is suited to that man's crimes; — when I have taken no precaution to secure your attention by any variety in my charges against him, — in what fashion can I now speak on a charge of this importance? I think there is one way — one course, and only one, left for me to take. I will place the facts before you; and they have in themselves such weight, that no eloquence — I will not say of mine, for I have none — but of any man's, is needed to excite your feelings.

"This Gavius of Consa, of whom I speak, had been among the crowds of Roman citizens who had been thrown into prison under

that man. Somehow he had made his escape out of the Quarries, and had got to Messana; and when he saw Italy and the towers of Rhegium now so close to him, and out of the horror and shadow of death felt himself breathe with a new life as he scented once more the fresh air of liberty and the laws, he began to talk at Messana, and to complain that he, a Roman citizen, had been put in irons — that he was going straight to Rome — that he would be ready there for Verres on his arrival.

[Footnote 1: This was one of the state prisons at Syracuse, so called, said to have been constructed by the tyrant Dionysius. They were the quarries from which the stone was dug for building the city, and had been converted to their present purpose. Cicero, who no doubt had seen the one in question, describes it as sunk to an immense depth in the solid rock. There was no roof; and the unhappy prisoners were exposed there "to the sun by day and to the rain and frosts by night". In these places the survivors of the unfortunate Athenian expedition against Syracuse were confined, and died in great numbers.]

"The wretched man little knew that he might as well have talked in this fashion in the governor's palace before his very face, as at Messana. For, as I told you before, this city he had selected for himself as the accomplice in his crimes, the receiver of his stolen goods, the confidant of all his wickedness. So Gavius is brought at once before the city magistrates; and, as it so chanced, on that very day Verres himself came to Messana. The case is reported to him; that there is a certain Roman citizen who complained of having been put into the Quarries at Syracuse; that as he was just going on board ship, and was uttering threats — really too atrocious — against Verres, they had detained him, and kept him in custody, that the governor himself might decide about him as should seem to him good. Verres thanks the gentlemen, and extols their goodwill and zeal for his interests. He himself, burning with rage and malice, comes down to the court. His eyes flashed fire; cruelty was written on every line of his face. All present watched anxiously to see to what lengths he meant to go, or what steps he would take; when suddenly he ordered the prisoner to be dragged forth, and to be stripped and bound in the open forum, and the rods to be got ready at

once. The unhappy man cried out that he was a Roman citizen — that he had the municipal franchise of Consa — that he had served in a campaign with Lucius Pretius, a distinguished Roman knight, now engaged in business at Panormus, from whom Verres might ascertain the truth of his statement. Then that man replies that he has discovered that he, Gavius, has been sent into Sicily as a spy by the ringleaders of the runaway slaves; of which charge there was neither witness nor trace of any kind, or even suspicion in any man's mind. Then he ordered the man to be scourged severely all over his body. Yes — a Roman citizen was cut to pieces with rods in the open forum at Messana, gentlemen; and as the punishment went on, no word, no groan of the wretched man, in all his anguish, was heard amid the sound of the lashes, but this cry,—'I am a Roman citizen!' By such protest of citizenship he thought he could at least save himself from anything like blows — could escape the indignity of personal torture. But not only did he fail in thus deprecating the insult of the lash, but when he redoubled his entreaties and his appeal to the name of Rome, a cross — yes, I say, a cross — was ordered for that most unfortunate and ill-fated man, who had never yet beheld such an abuse of a governor's power.

"O name of liberty, sweet to our ears! O rights of citizenship, in which we glory! O laws of Porcius and Sempronius! O privilege of the tribune, long and sorely regretted, and at last restored to the people of Rome! Has it all come to this, that a Roman citizen in a province of the Roman people — in a federal town — is to be bound and beaten with rods in the forum by a man who only holds those rods and axes — those awful emblems — by grace of that same people of Rome? What shall I say of the fact that fire, and red-hot plates, and other tortures were applied? Even if his agonised entreaties and pitiable cries did not check you, were you not moved by the tears and groans which burst from the Roman citizens who were present at the scene? Did you dare to drag to the cross any man who claimed to be a citizen of Rome? — I did not intend, gentlemen, in my former pleading, to press this case so strongly — I did not indeed; for you saw yourselves how the public feeling was already embittered against the defendant by indignation, and hate, and dread of a common peril".

He then proceeds to prove by witnesses the facts of the case and the falsehood of the charge against Gavius of having been a spy. “However”, he goes on to say, addressing himself now to Verres, “we will grant, if you please, that your suspicions on this point, if false, were honestly entertained”.

“You did not know who the man was; you suspected him of being a spy. I do not ask the grounds of your suspicion. I impeach you on your own evidence. He said he was a Roman citizen. Had you yourself, Verres, been seized and led out to execution, in Persia, say, or in the farthest Indies, what other cry or protest could you raise but that you were a Roman citizen? And if you, a stranger there among strangers, in the hands of barbarians, amongst men who dwell in the farthest and remotest regions of the earth, would have found protection in the name of your city, known and renowned in every nation under heaven, could the victim whom you were dragging to the cross, be he who he might — and you did not know who he was — when he declared he was a citizen of Rome, could he obtain from you, a Roman magistrate, by the mere mention and claim of citizenship, not only no reprieve, but not even a brief respite from death?

“Men of neither rank nor wealth, of humble birth and station, sail the seas; they touch at some spot they never saw before, where they are neither personally known to those whom they visit, nor can always find any to vouch for their nationality. But in this single fact of their citizenship they feel they shall be safe, not only with our own governors, who are held in check by the terror of the laws and of public opinion — not only among those who share that citizenship of Rome, and who are united with them by community of language, of laws, and of many things besides — but go where they may, this, they think, will be their safe guard. Take away this confidence, destroy this safeguard for our Roman citizens — once establish the principle that there is no protection in the words, ‘I am a citizen of Rome’ — that praetor or other magistrate may with impunity sentence to what punishment he will a man who says he is a Roman citizen, merely because somebody does not know it for a fact; and at once, by admitting such a defence, you are shutting up against our Roman citizens all our provinces, all foreign states, despotic or

independent — all the whole world, in short, which has ever lain open to our national enterprise beyond all".

He turns again to Verres.

"But why talk of Gavius? as though it were Gavius on whom you were wreaking a private vengeance, instead of rather waging war against the very name and rights of Roman citizenship. You showed yourself an enemy, I say, not to the individual man, but to the common cause of liberty. For what meant it that, when the authorities of Messana, according to their usual custom, would have erected the cross behind their city on the Pompeian road, you ordered it to be set up on the side that looked toward the Strait? Nay, and added this — which you cannot deny, which you said openly in the hearing of all — that you chose that spot for this reason, that as he had called himself a Roman citizen, he might be able, from his cross of punishment, to see in the distance his country and his home! And so, gentlemen, that cross was the only one, since Messana was a city, that was ever erected on that spot. A point which commanded a view of Italy was chosen by the defendant for the express reason that the dying sufferer, in his last agony and torment, might see how the rights of the slave and the freeman were separated by that narrow streak of sea; that Italy might look upon a son of hers suffering the capital penalty reserved for slaves alone.

"It is a crime to put a citizen of Rome in bonds; it is an atrocity to scourge him; to put him to death is well-nigh parricide; what shall I say it is to crucify him? — Language has no word by which I may designate such an enormity. Yet with all this yon man was not content. 'Let him look', said he, 'towards his country; let him die in full sight of freedom and the laws'. It was not Gavius; it was not a single victim, unknown to fame, a mere individual Roman citizen; it was the common cause of liberty, the common rights of citizenship, which you there outraged and put to a shameful death".

But in order to judge of the thrilling effect of such passages upon a Roman jury, they must be read in the grand periods of the oration itself, to which no translation into a language so different in idiom and rhythm as English is from Latin can possibly do justice. The fruitless appeal made by the unhappy citizen to the outraged majesty of Rome, and the indignant demand for vengeance which the great

orator founds upon it — proclaiming the recognised principle that, in every quarter of the world, the humblest wanderer who could say he was a Roman citizen should find protection in the name — will be always remembered as having supplied Lord Palmerston with one of his most telling illustrations. But this great speech of Cicero's — perhaps the most magnificent piece of declamation in any language — though written and preserved to us was never spoken. The whole of the pleadings in the case, which extend to some length, were composed for the occasion, no doubt, in substance, and we have to thank Cicero for publishing them afterwards in full. But Verres only waited to hear the brief opening speech of his prosecutor; he did not dare to challenge a verdict, but allowing judgment to go by default, withdrew to Marseilles soon after the trial opened. He lived there, undisturbed in the enjoyment of his plunder, long enough to see the fall and assassination of his great accuser, but only (as it is said) to share his fate soon afterwards as one of the victims of Antony's proscription. Of his guilt there can be no question; his fear to face a court in which he had many friends is sufficient presumptive evidence of it; but we must hesitate in assuming the deepness of its dye from the terrible invectives of Cicero. No sensible person will form an opinion upon the real merits of a case, even in an English court of justice now, entirely from the speech of the counsel for the prosecution. And if we were to go back a century or two, to the state trials of those days, we know that to form our estimate of a prisoner's guilt from such data only would be doing him a gross injustice. We have only to remember the exclamation of Warren Hastings himself, whose trial, as has been said, has so many points of resemblance with that of Verres, when Burke sat down after the torrent of eloquence which he had hurled against the accused in his opening speech for the prosecution;—"I thought myself for the moment", said Hastings, "the guiltiest man in England".

The result of this trial was to raise Cicero at once to the leadership — if so modern an expression may be used — of the Roman bar. Up to this time the position had been held by Hortensius, the counsel for Verres, whom Cicero himself calls "the king of the courts". He was eight years the senior of Cicero in age, and many more professionally, for he is said to have made his first public speech at

nineteen. He had the advantage of the most extraordinary memory, a musical voice, and a rich flow of language: but Cicero more than implies that he was not above bribing a jury. It was not more disgraceful in those days than bribing a voter in our own. The two men were very unlike in one respect; Hortensius was a fop and an exquisite (he is said to have brought an action against a colleague for disarranging the folds of his gown), while Cicero's vanity was quite of another kind. After Verres's trial, the two advocates were frequently engaged together in the same cause and on the same side: but Hortensius seems quietly to have abdicated his forensic sovereignty before the rising fame of his younger rival. They became, ostensibly at least, personal friends. What jealousy there was between them, strange to say, seems always to have been on the side of Cicero, who could not be convinced of the friendly feeling which, on Hortensius's part, there seems no reason to doubt. After his rival's death, however, Cicero did full justice to his merits and his eloquence, and even inscribed to his memory a treatise on 'Glory', which has been lost.

CHAPTER III. THE CONSULSHIP AND CATILINE.

There was no check as yet in Cicero's career. It had been a steady course of fame and success, honestly earned and well deserved; and it was soon to culminate in that great civil triumph which earned for him the proud title of *Pater Patriae* — the Father of his Country. It was a phrase which the orator himself had invented; and it is possible that, with all his natural self-complacency, he might have felt a little uncomfortable under the compliment, when he remembered on whom he had originally bestowed it — upon that Caius Marius, whose death in his bed at a good old age, after being seven times consul, he afterwards uses as an argument, in the mouth of one of his imaginary disputants, against the existence of an overruling Providence. In the prime of his manhood he reached the great object of a Roman's ambition — he became virtually Prime Minister of the republic: for he was elected, by acclamation rather than by vote, the first of the two consuls for the year, and his colleague, Caius Antonius (who had beaten the third candidate, the notorious Catiline, by a few votes only) was a man who valued his office chiefly for its opportunities of peculation, and whom Cicero knew how to manage. It is true that this high dignity — so jealous were the old republican principles of individual power — would last only for a year; but that year was to be a most eventful one, both for Cicero and for Rome. The terrible days of Marius and Sylla had passed, only to leave behind a taste for blood and licence amongst the corrupt aristocracy and turbulent commons. There were men amongst the younger nobles quite ready to risk their lives in the struggle for absolute power; and the mob was ready to follow whatever leader was bold enough to bid highest for their support.

It is impossible here to do much more than glance at the well-known story of Catiline's conspiracy. It was the attempt of an able and desperate man to make himself and his partisans masters of Rome by a bloody revolution. Catiline was a member of a noble but impoverished family, who had borne arms under Sylla, and had served an early apprenticeship in bloodshed under that unscrupulous leader. Cicero has described his character in terms which probably

are not unfair, because the portrait was drawn by him, in the course of his defence of a young friend who had been too much connected with Catiline, for the distinct purpose of showing the popular qualities which had dazzled and attracted so many of the youth of Rome.

"He had about him very many of, I can hardly say the visible tokens, but the adumbrations of the highest qualities. There was in his character that which tempted him to indulge the worst passions, but also that which spurred him to energy and hard work. Licentious appetites burnt fiercely within him, but there was also a strong love of active military service. I believe that there never lived on earth such a monster of inconsistency, — such a compound of opposite tastes and passions brought into conflict with each other. Who at one time was a greater favourite with our most illustrious men? Who was a closer intimate with our very basest? Who could be more greedy of money than he was? Who could lavish it more profusely? There were these marvellous qualities in the man, — he made friends so universally, he retained them by his obliging ways, he was ready to share what he had with them all, to help them at their need with his money, his influence, his personal exertions — not stopping short of the most audacious crime, if there was need of it. He could change his very nature, and rule himself by circumstances, and turn and bend in any direction. He lived soberly with the serious, he was a boon companion with the gay; grave with the elders, merry with the young; reckless among the desperate, profligate with the depraved. With a nature so complex and many-sided, he not only collected round him wicked and desperate characters from all quarters of the world, but he also attracted many brave and good men by his simulation of virtue. It would have been impossible for him to have organised that atrocious attack upon the Commonwealth, unless that fierce outgrowth of depraved passions had rested on some under-stratum of agreeable qualities and powers of endurance".

Born in the same year with Cicero, his unsuccessful rival for the consulship, and hating him with the implacable hatred with which a bad, ambitious, and able man hates an opponent who is his superior in ability and popularity as well as character, Catiline seems to have felt, as his revolutionary plot ripened, that between the new consul

and himself the fates of Rome must choose. He had gathered round him a band of profligate young nobles, deep in debt like himself, and of needy and unscrupulous adventurers of all classes. He had partisans who were collecting and drilling troops for him in several parts of Italy. The programme was assassination, abolition of debts, confiscation of property: so little of novelty is there in revolutionary principles. The first plan had been to murder the consuls of the year before, and seize the government. It had failed through his own impatience. He now hired assassins against Cicero, choosing the opportunity of the election of the incoming consuls, which always took place some time before their entrance on office. But the plot was discovered, and the election was put off. When it did take place, Cicero appeared in the meeting, wearing somewhat ostentatiously a corslet of bright steel, to show that he knew his danger; and Catiline's partisans found the place of meeting already occupied by a strong force of the younger citizens of the middle class, who had armed themselves for the consul's protection. The election passed off quietly, and Catiline was again rejected. A second time he tried assassination, and it failed — so watchful and well informed was the intended victim. And now Cicero, perhaps, was roused to a consciousness that one or other must fall; for in the unusually determined measures which he took in the suppression of the conspiracy, the mixture of personal alarm with patriotic indignation is very perceptible. By a fortunate chance, the whole plan of the conspirators was betrayed. Rebel camps had been formed not only in Italy, but in Spain and Mauritania: Rome was to be set on fire, the slaves to be armed, criminals let loose, the friends of order to be put out of the way. The consul called a meeting of the senate in the temple of Jupiter Stator, a strong position on the Palatine Hill, and denounced the plot in all its details, naming even the very day fixed for the outbreak. The arch-conspirator had the audacity to be present, and Cicero addressed him personally in the eloquent invective which has come to us as his "First Oration against Catiline". His object was to drive his enemy from the city to the camp of his partisans, and thus to bring matters at once to a crisis for which he now felt himself prepared. This daily state of public insecurity and personal danger had lasted too long, he said:

“Therefore, let these conspirators at once take their side; let them separate themselves from honest citizens, and gather themselves together somewhere else; let them put a wall between us, as I have often said. Let us have them no longer thus plotting the assassination of a consul in his own house, overawing our courts of justice with armed bands, besieging the senate-house with drawn swords, collecting their incendiary stores to burn our city. Let us at last be able to read plainly in every Roman’s face whether he be loyal to his country or no. I may promise you this, gentlemen of the Senate — there shall be no lack of diligence on the part of your consuls; there will be, I trust, no lack of dignity and firmness on your own, of spirit amongst the Roman knights, of unanimity amongst all honest men, but that when Catiline has once gone from us, everything will be not only discovered and brought into the light of day, but also crushed, — ay, and punished. Under such auspices, I bid you, Catiline. go forth to wage your impious and unhallowed war. — go, to the salvation of the state, to your own overthrow and destruction, to the ruin of all who have joined you in your great wickedness and treason. And thou, great Jupiter, whose worship Romulus founded here coeval with our city; — whom we call truly the ‘Stay’ of our capital and our empire; thou wilt protect thine own altars and the temples of thy kindred gods, the walls and roof-trees of our homes, the lives and fortunes of our citizens, from yon man and his accomplices. These enemies of all good men, invaders of their country, plunderers of Italy, linked together in a mutual bond of crime and an alliance of villany, thou wilt surely, visit with an everlasting punishment, living and dead’”.

[Footnote 1: ‘Stator’.]

Catiline’s courage did not fail him. He had been sitting alone — for, all the other senators had shrunk away from the bench of which he had taken possession. He rose, and in reply to Cicero, in a forced tone of humility protested his innocence. He tried also another point. Was he, — a man of ancient and noble family; — to be hastily condemned by his fellow-nobles on the word of this ‘foreigner’, as he contemptuously called Cicero — this *parvenu* from Arpinum? But the appeal failed; his voice was drowned in the cries of ‘traitor’ which arose on all sides, and with threats and curses, vowing that

since he was driven to desperation he would involve all Rome in his ruin, he rushed out of the Senate-house. At dead of night he left the city, and joined the insurgent camp at Faesulae.

When the thunders of Cicero's eloquence had driven Catiline from the Senate-house, and forced him to join his fellow-traitors, and so put himself in the position of levying open war against the state, it remained to deal with those influential conspirators who had been detected and seized within the city walls. In three subsequent speeches in the Senate he justified the course he had taken in allowing Catiline to escape, exposed further particulars of the conspiracy, and urged the adoption of strong measures to crush it out within the city. Even now, not all Cicero's eloquence, nor all the efforts of our imagination to realise, as men realised it then, the imminence of the public danger, can reconcile the summary process adopted by the consul with our English notions of calm and deliberate justice. Of the guilt of the men there was no doubt; most of them even admitted it. But there was no formal trial; and a few hours after a vote of death had been passed upon them in a hesitating Senate, Lentulus and Cethegus, two members of that august body, with three of their companions in guilt, were brought from their separate places of confinement, with some degree of secrecy (as appears from different writers), carried down into the gloomy prison-vaults of the Tullianum, and there quietly strangled, by the sole authority of the consul. Unquestionably they deserved death, if ever political criminals deserved it: the lives and liberties of good citizens were in danger; it was necessary to strike deep and strike swiftly at a conspiracy which extended no man knew how widely, and in which men like Julius Caesar and Crassus were strongly suspected of being engaged. The consuls had been armed with extra-constitutional powers, conveyed by special resolution of the Senate in the comprehensive formula that they "were to look to it that the state suffered no damage". Still, without going so far as to call this unexampled proceeding, as the German critic Mommsen does, "an act of the most brutal tyranny", it is easy to understand how Mr. Forsyth, bringing a calm and dispassionate legal judgment to bear upon the case, finds it impossible to reconcile it with our ideas of dignified and even-handed justice. It was the hasty instinct of self-

preservation, the act of a weak government uncertain of its very friends, under the influence of terror — a terror for which, no doubt, there were abundant grounds. When Cicero stood on the prison steps, where he had waited to receive the report of those who were making sure work with the prisoners within, and announced their fate to the assembled crowd below in the single word "*Vixerunt*" (a euphemism which we can only weakly translate into "They have lived their life"), no doubt he felt that he and the republic held theirs from that moment by a firmer tenure; no doubt very many of those who heard him felt that they could breathe again, now that the grasp of Catiline's assassins was, for the moment at all events, off their throats; and the crowd who followed the consul home were sincere enough when they hailed such a vigorous avenger as the 'Father of his Country'. But none the less it was that which politicians have called worse than a crime — it was a political blunder; and Cicero came to find it so in after years; though — partly from his immense self-appreciation, and partly from an honest determination to stand by his act and deed in all its consequences — he never suffered the shadow of such a confession to appear in his most intimate correspondence. He claimed for himself ever afterwards the sole glory of having saved the state by such prompt and decided action; and in this he was fully borne out by the facts: justifiable or unjustifiable, the act was his; and there were burning hearts at Rome which dared not speak out against the popular consul, but set it down to his sole account against the day of retribution.

[Footnote 1: A state dungeon, said to have been built in the reign of Servius Tullius. It was twelve feet under ground. Executions often took place there, and the bodies of the criminals were afterwards thrown down the Gemonian steps (which were close at hand) into the Forum, for the people to see.]

[Footnote 2: Life of Cicero, .]

For the present, however, all went successfully. The boldness of the consul's measures cowed the disaffected, and confirmed the timid and wavering. His colleague Antonius — himself by no means to be depended on at this crisis, having but lately formed a coalition with Catiline as against Cicero in the election for consuls — had, by judicious management, been got away from Rome to take the

command against the rebel army in Etruria. He did not, indeed, engage in the campaign actively in person, having just now a fit of the gout, either real or pretended; but his lieutenant-general was an old soldier who cared chiefly for his duty, and Catiline's band — reckless and desperate men who had gathered to his camp from all motives and from all quarters — were at length brought to bay, and died fighting hard to the last. Scarcely a man of them, except the slaves and robbers who had swelled their ranks, either escaped or was made prisoner. Catiline's body — easily recognised by his remarkable height — was found, still breathing, lying far in advance of his followers, surrounded by the dead bodies of the Roman legionaries — for the loss on the side of the Republic had been very severe. The last that remained to him of the many noble qualities which had marked his earlier years was a desperate personal courage.

For the month that yet remained of his consulship, Cicero was the foremost man in Rome — and, as a consequence, in the whole world. Nobles and commons vied in doing honour to the saviour of the state. Catulus and Cato — men from whose lips words of honour came with a double weight — saluted him publicly by that memorable title of *Pater Patriae*; and not only the capital, but most of the provincial towns of Italy, voted him some public testimony of his unrivalled services. No man had a more profound appreciation of those services than the great orator himself. It is possible that other men have felt quite as vain of their own exploits, and on far less grounds; but surely no man ever paraded his self-complacency like Cicero. His vanity was indeed a thing to marvel at rather than to smile at, because it was the vanity of so able a man. Other great men have been either too really great to entertain the feeling, or have been wise enough to keep it to themselves. But to Cicero it must have been one of the enjoyments of his life. He harped upon his consulship in season and out of season, in his letters, in his judicial pleadings, in his public speeches (and we may be sure in his conversation), until one would think his friends must have hated the subject even more than his enemies. He wrote accounts of it in prose and verse, in Latin and Greek — and, no doubt, only limited them to those languages because they were the only ones he knew. The well-known line which provoked the ridicule of critics like Juvenal and

Quintilian, because of the unlucky jingle peculiarly unpleasant to a Roman ear:

"O fortunatam natam me consule Romam!"

expresses the sentiment which — rhyme or no rhyme, reason or no reason — he was continually repeating in some form or other to himself and to every one who would listen.

His consulship closed in glory; but on his very last day of office there was a warning voice raised amidst the triumph, which might have opened his eyes — perhaps it did — to the troubles which were to come. He stood up in the Rostra to make the usual address to the people on laying down his authority. Metellus Nepos had been newly elected one of the tribunes: it was his office to guard jealously all the rights and privileges of the Roman commons. Influenced, it is said, by Caesar — possibly himself an undiscovered partisan of Catiline — he dealt a blow at the retiring consul under cover of a discharge of duty. As Cicero was about to speak, he interposed a tribune's 'veto'; no man should be heard, he said, who *had put Roman citizens to death without a trial*. There was consternation in the Forum. Cicero could not dispute what was a perfectly legal exercise of the tribune's power; only, in a few emphatic words which he seized the opportunity of adding to the usual formal oath on quitting office, he protested that his act had saved Rome. The people shouted in answer, "Thou hast said true!" and Cicero went home a private citizen, but with that hearty tribute from his grateful countrymen ringing pleasantly in his ears. But the bitter words of Metellus were yet to be echoed by his enemies again and again, until that fickle popular voice took them up, and howled them after the once popular consul.

Let us follow him for a while into private life; a pleasanter companionship for us, we confess, than the unstable glories of the political arena at Rome. In his family and social relations, the great orator wins from us an amount of personal interest and sympathy which he fails sometimes to command in his career as a statesman. At forty-five years of age he has become a very wealthy man — has bought for something like £30,000 a noble mansion on the Palatine Hill; and besides the old-fashioned family seat near Arpinum — now become his own by his father's death — he has built, or enlarged, or bought as they stood, villas at Antium, at Formiae, at Pompeii, at

Cumae, at Puteoli, and at half-a-dozen other places, besides the one favourite spot of all, which was to him almost what Abbotsford was to Scott, the home which it was the delight of his life to embellish — his country-house among the pleasant hills of Tusculum. It had once belonged to Sulla, and was about twelve miles from Rome. In that beloved building and its arrangements he indulged, as an ample purse allowed him, not only a highly-cultivated taste, but in some respects almost a whimsical fancy. "A mere cottage", he himself terms it in one place; but this was when he was deprecating accusations of extravagance which were brought against him, and we all understand something of the pride which in such matters "apes humility". He would have it on the plan of the Academia at Athens, with its *palaestra* and open colonnade, where, as he tells us, he could walk and discuss politics or philosophy with his friends. Greek taste and design were as fashionable among the Romans of that day as the Louis Quatorze style was with our grandfathers. But its grand feature was a library, and its most valued furniture was books. Without books, he said, a house was but a body without a soul. He entertained for these treasures not only the calm love of a reader, but the passion of a bibliophile; he was particular about his bindings, and admired the gay colours of the covers in which the precious manuscripts were kept as well as the more intellectual beauties within. He had clever Greek slaves employed from time to time in making copies of all such works as were not to be readily purchased. He could walk across, too, as he tells us, to his neighbour's, the young Lucullus, a kind of ward of his, and borrow from the library of that splendid mansion any book he wanted. His friend Atticus collected for him everywhere — manuscripts, paintings, statuary; though for sculpture he professes not to care much, except for such subjects as might form appropriate decorations for his *palaestra* and his library. Very pleasant must have been the days spent together by the two friends — so alike in their private tastes and habits, so far apart in their chosen course of life — when they met there in the brief holidays which Cicero stole from the law-courts and the Forum, and sauntered in the shady walks, or lounged in the cool library, in that home of lettered ease, where the busy lawyer and politician declared that he forgot for a while all the toils and vexations of public life.

[Footnote 1: Near the modern town of Frascati. But there is no certainty as to the site of Cicero's villa.]

He had his little annoyances, however, even in these happy hours of retirement. Morning calls were an infliction to which a country gentleman was liable in ancient Italy as in modern England. A man like Cicero was very good company, and somewhat of a lion besides; and country neighbours, wherever he set up his rest, insisted on bestowing their tediousness on him. His villa at Formiae, his favourite residence next to Tusculum, was, he protested, more like a public hall. Most of his visitors, indeed, had the consideration not to trouble him after ten or eleven in the forenoon (fashionable calls in those days began uncomfortably early); but there were one or two, especially his next-door neighbour, Arrius, and a friend's friend, named Sebosus, who were in and out at all hours: the former had an unfortunate taste for philosophical discussion, and was postponing his return to Rome (he was good enough to say) from day to day in order to enjoy these long mornings in Cicero's conversation. Such are the doleful complaints in two or three of the letters to Atticus; but, like all such complaints, they were probably only half in earnest: popularity, even at a watering-place, was not very unpleasant, and the writer doubtless knew how to practise the social philosophy which he recommends to others, and took his place cheerfully and pleasantly in the society which he found about him — not despising his honest neighbours because they had not all adorned a consulship or saved a state.

There were times when Cicero fancied that this rural life, with all its refinements of wealth and taste and literary leisure, was better worth living than the public life of the capital. His friends and his books, he said, were the company most congenial to him; "politics might go to the dogs;" to count the waves as they rolled on the beach was happiness; he "had rather be mayor of Antium than consul at Rome"; "rather sit in his own library with Atticus in their favourite seat under the bust of Aristotle than in the curule chair". It is true that these longings for retirement usually followed some political defeat or mortification; that his natural sphere, the only life in which he could be really happy, was in the keen excitement of party warfare — the glorious battle-field of the Senate and the Forum. The true

key-note of his mind is to be found in these words to his friend Coelius: “Cling to the city, my friend, and live in her light: all employment abroad, as I have felt from my earliest manhood, is obscure and petty for those who have abilities to make them famous at Rome”. Yet the other strain had nothing in it of affectation, or hypocrisy: it was the schoolboy escaped from work, thoroughly enjoying his holiday, and fancying that nothing would be so delightful as to have holidays always. In this, again, there was a similarity between Cicero’s taste and that of Horace. The poet loved his Sabine farm and all its rural delights — after his fashion; and perhaps thought honestly that he loved it more than he really did. Above all, he loved to write about it. With that fancy, half-real, perhaps, and half-affected, for pastoral simplicity, which has always marked a state of over-luxurious civilisation, he protests to himself that there is nothing like the country. But perhaps Horace discharges a sly jest at himself, in a sort of aside to his readers, in the person of Alphius, the rich city money-lender, who is made to utter that pretty apostrophe to rural happiness:

”Happy the man, in busy schemes unskilled,
Who, living simply, like our sires of old,
Tills the few acres which his father tilled,
Vexed by no thoughts of usury or gold”.
Martin’s ‘Horace’

And who, after thus expatiating for some stanzas on the charms of the country, calls in all his money one week in order to settle there, and puts it all out again (no doubt at higher interest) the week after. “*O rus, quando to aspiciam*!” has been the cry of public men before and since Cicero’s day, to whom, as to the great Roman, banishment from political life, and condemnation to perpetual leisure, would have been a sentence that would have crushed their very souls.

He was very happy at this time in his family. His wife and he loved one another with an honest affection; anything more would have been out of the natural course of things in Roman society at any date, and even so much as this was become a notable exception in these later days. It is paying a high honour to the character of Cicero

and his household — and from all evidence that has come down to us it may be paid with truth — that even in those evil times it might have presented the original of what Virgil drew as almost a fancy picture, or one to be realised only in some happy retirement into which the civilised vices of the capital had never penetrated —

”Where loving children climb to reach a kiss —
A home of chaste delights and wedded bliss.”

His little daughter, Tullia, or Tulliola, which was her pet name (the Roman diminutives being formed somewhat more elegantly than ours, by adding a syllable instead of cutting short), was the delight of his heart in his earlier letters to Atticus he is constantly making some affectionate mention of her — sending her love, or some playful message which his friend would understand. She had been happily married (though she was then but thirteen at the most) the year before his consulship; but the affectionate intercourse between father and daughter was never interrupted until her early death. His only son, Marcus, born after a considerable interval, who succeeded to Tullia’s place as a household pet, is made also occasionally to send some childish word of remembrance to his father’s old friend:

“Cicero the Little sends his compliments to Titus the Athenian”—”Cicero the Philosopher salutes Titus the Politician.” These messages are written in Greek at the end of the letters. Abeken thinks that in the originals they might have been added in the little Cicero’s own hand, “to show that he had begun Greek;” “a conjecture”, says Mr. Merivale, “too pleasant not to be readily admitted”. The boy gave his father some trouble in after life. He served with some credit as an officer of cavalry under Pompey in Greece, or at least got into no trouble there. Some years after, he wished to take service in Spain, under Caesar, against the sons of Pompey; but the father did not approve of this change of side. He persuaded him to go to Athens to study instead, allowing him what both Atticus and himself thought a very liberal income — not sufficient, however, for him to keep a horse, which Cicero held to be an unnecessary luxury. Probably the young cavalry officer might not have been of the same opinion; at any rate, he got into more trouble

among the philosophers than he did in the army. He spent a great deal more than his allowance, and one of the professors, whose lectures he attended, had the credit of helping him to spend it. The young man must have shared the kindly disposition of his father. He wrote a confidential letter to Tiro, the old family servant, showing very good feeling, and promising reformation. It is doubtful how far the promise was kept. He rose, however, subsequently to place and power under Augustus, but died without issue; and, so far at least as history knows them, the line of the Ciceros was extinct. It had flashed into fame with the great orator, and died out with him.

[Footnote 1: "Interia dulces pendent circum oscula nati; Casta pudicitiam servat domus". — Georg. ii. 524.]

[Footnote 2: See 'Letters to Atticus', ii. 9, 12; Merivale's translation of Abeken's 'Cicero in Seinen Briefen', .]

All Cicero's biographers have found considerable difficulty in tracing, at all satisfactorily, the sources of the magnificent fortune which must have been required to keep up, and to embellish in accordance with so luxurious a taste, so many residences in all parts of the country. True, these expenses often led Cicero into debt and difficulties; but what he borrowed from his friends he seems always to have repaid, so that the money must have come in from some quarter or other. His patrimony at Arpinum would not appear to have been large; he got only some £3000 or £4000 dowry with Terentia; and we find no hint of his making money by any commercial speculations, as some Roman gentlemen did. On the other hand, it is the barest justice to him to say that his hands were clean from those ill-gotten gains which made the fortunes of many of the wealthiest public men at Rome, who were criminals in only a less degree than Verres — peculation, extortion, and downright robbery in the unfortunate provinces which they were sent out to govern. Such opportunities lay as ready to his grasp as to other men's, but he steadily eschewed them. His declining the tempting prize of a provincial government, which was his right on the expiration of his praetorship, may fairly be attributed to his having in view the higher object of the consulship, to secure which, by an early and persistent canvass, he felt it necessary to remain in Rome. But he again waived the right when his consulship was over; and when, some years

afterwards, he went unwillingly as pro-consul to Cilicia, his administration there, as before in his lower office in Sicily, was marked by a probity and honesty quite exceptional in a Roman governor. His emoluments, confined strictly within the legal bounds, would be only moderate, and, whatever they were, came too late in his life to be any explanation of his earlier expenditure. He received many valuable legacies, at different times, from personal friends or grateful clients who died childless (be it remembered how the barrenness of the marriage union had become then, at Rome, as it is said to be in some countries now, the reproach of a sensual and effete aristocracy); he boasts himself, in one of his 'Philippics', that he had received from this source above £170,000. Mr. Forsyth also notices the large presents that were made by foreign kings and states to conciliate the support and advocacy of the leading men at Rome —"we can hardly call them bribes, for in many cases the relation of patron and client was avowedly established between a foreign state and some influential Roman: and it became his duty, as of course it was his interest, to defend it in the Senate and before the people". In this way, he thinks, Cicero held "retainers" from Dyrrachium; and, he might have added, from Sicily. The great orator's own boast was, that he never took anything for his services as an advocate; and, indeed, such payments were forbidden by law. But with all respect for Cicero's material honesty, one learns from his letters, unfortunately, not to put implicit confidence in him when he is in a boasting vein; and he might not look upon voluntary gifts, after a cause was decided, in the light of payment. Paetus, one of his clients, gave him a valuable library of books; and one cannot believe that this was a solitary instance of the quiet evasion of the Cincian law, or that there were not other transactions of the same nature which never found their way into any letter of Cicero's that was likely to come down to us.

[Footnote 1: The principle passed, like so many others, from the old Roman law into our own, so that to this very day, a barrister's fees, being considered in the nature of an *honorarium*, or voluntary present made to him for his services, are not recoverable by law.]

CHAPTER IV. HIS EXILE AND RETURN.

We must return to Rome. Cicero had never left it but for his short occasional holiday. Though no longer in office, the ex-consul was still one of the foremost public men, and his late dignity gave him important precedence in the Senate. He was soon to be brought into contact, and more or less into opposition, with the two great chiefs of parties in whose feuds he became at length so fatally involved. Pompey and Caesar were both gradually becoming formidable, and both had ambitious plans of their own, totally inconsistent with any remnant of republican liberty — plans which Cicero more or less suspected, and of that suspicion they were probably both aware. Both, by their successful campaigns, had not only acquired fame and honours, but a far more dangerous influence — an influence which was to overwhelm all others hereafter — in the affection of their legions. Pompey was still absent in Spain, but soon to return from his long war against Mithridates, to enjoy the most splendid triumph ever seen at Rome, and to take the lead of the oligarchical party just so long and so far as they would help him to the power he coveted. The enemies whom Cicero had made by his strong measures in the matter of the Catilinarian conspiracy now took advantage of Pompey's name and popularity to make an attack upon him. The tribune Metellus, constant to his old party watchword, moved in the Senate that the successful general, upon whom all expectations were centred, should be recalled to Rome with his army "to restore the violated constitution". All knew against whom the motion was aimed, and what the violation of the constitution meant; it was the putting citizens to death without a trial. The measure was not passed, though Caesar, jealous of Cicero even more than of Pompey, lent himself to the attempt.

But the blow fell on Cicero at last from a very different quarter, and from the mere private grudge of a determined and unprincipled man. Publius Clodius, a young man of noble family, once a friend and supporter of Cicero against Catiline, but who had already made himself notorious for the most abandoned profligacy, was detected, in a woman's dress, at the celebration of the rites of the Bona Dea —

a kind of religious freemasonry amongst the Roman ladies, the mysteries of which are very little known, and probably would in any case be best left without explanation. But for a man to have been present at them was a sacrilege hitherto unheard of, and which was held to lay the whole city under the just wrath of the offended goddess. The celebration had been held in the house of Caesar, as praetor, under the presidency of his wife Pompeia; and it was said that the object of the young profligate was an intrigue with that lady. The circumstances are not favourable to the suspicion; but Caesar divorced her forthwith, with the often-quoted remark that "Caesar's wife must not be even suspected". For this crime — unpardonable even in that corrupt society, when crimes of far deeper dye passed almost unreproved — Clodius was, after some delay, brought to public trial. The defence set up was an *alibi*, and Cicero came forward as a witness to disprove it: he had met and spoken with Clodius in Rome that very evening. The evidence was clear enough, but the jury had been tampered with by Clodius and his friends; liberal bribery, and other corrupting influences of even a more disgraceful kind, had been successfully brought to bear upon the majority of them, and he escaped conviction by a few votes. But he never forgave the part which Cicero had taken against him; and from that time forth the latter found a new, unscrupulous, indefatigable enemy, of whose services his old opponents gladly availed themselves. Cicero himself for some time underrated this new danger. He lost no opportunity of taunting the unconvicted criminal in the bitterest terms in the Senate, and of exchanging with him — very much to the detriment of his own character and dignity, in our modern eyes — the coarsest jests when they met in the street. But the temptation to a jest, of whatever kind, was always irresistible to Cicero: it was a weakness for which he more than once paid dearly, for they were remembered against him when be had forgotten them. Meanwhile Clodius — a sort of milder Catiline, not without many popular qualities — had got himself elected tribune; degrading himself formally from his own order of nobles for that purpose, since the tribune must be a man of the commons. The powers of the office were formidable for all purposes of obstruction and attack; Clodius had taken pains to ingratiate himself with all classes; and the consuls

of the year were men of infamous character, for whom he had, found a successful means of bribery by the promise of getting a special law passed to secure them the choice of the richest provincial governments — those coveted fields of plunder — of which they would otherwise have had to take their chance by lot. When all was ripe for his revenge, he brought before the people in full assembly the following bill of pains and penalties:—"Be it enacted, that whoever has put to death a Roman citizen uncondemned in due form of trial, shall be interdicted from fire and water". Such was the legal form of words which implied banishment from Rome, outlawry, and social excommunication. Every man knew against whom the motion was levelled. It was carried — carried in spite of the indignation of all honest men in Rome, in spite of all Cicero's humiliating efforts to obtain its rejection.

It was in vain that he put on mourning, as was the custom with those who were impeached of public crimes, and went about the streets thus silently imploring the pity of his fellow-citizens. In vain the whole of his own equestrian order, and in fact, as he declares, "all honest men" (it was his favourite term for men of his own party); adopted the same dress to show their sympathy, and twenty thousand youths of good family — all in mourning — accompanied him through the city. The Senate even met and passed a resolution that their whole house should put on mourning too. But Gabinius, one of the consuls, at once called a public meeting, and warned the people not to make the mistake of thinking that the Senate was Rome.

In vain, also, was any personal appeal which Cicero could make to the only two men who might have had influence enough to sway the popular vote. He was ostensibly on good terms both with Pompey and Caesar; in fact, he made it his policy so to be. He foresaw that on their future course would probably depend the fate of Rome, and he persuaded himself, perhaps honestly, that he could make them "better citizens". But he trusted neither; and both saw in him an obstacle to their own ambition. Caesar now looked on coldly, not altogether sorry at the turn which affairs had taken, and faintly suggested that perhaps some "milder measure" might serve to meet the case. From Pompey Cicero had a right to look for some active support; indeed, such had been promised in case of need. He threw himself at his feet

with prayers and tears, but even this last humiliation was in vain; and he anticipated the execution of that disgraceful edict by a voluntary withdrawal into exile. Piso, one of the consuls, had satirically suggested that thus he might "save Rome" a second time. His property was at once confiscated; his villas at Tusculum and at Formiae were plundered and laid waste, the consuls claiming the lion's share of the spoil; and Clodius, with his armed mob, set fire to the noble house on the Palatine, razed it to the ground, and erected on the site a temple to — *Liberty*!

Cicero had friends who strongly urged him to defy the edict; to remain at Rome, and call on all good citizens to arm in his defence. Modern historians very generally have assumed that, if he could have made up his mind to such a course, it would probably have been successful. He was to rely, we suppose, upon those "twenty thousand Roman youths " — rather a broken reed to trust to (remembering what those young gallants were), with Caesar against him, now at the head of his legions just outside the gates of Rome. He himself seriously contemplated suicide, and consulted his friends as to the propriety of such a step in the gravest and most business-like manner; though, with our modern notions on the subject, such a consultation has more of the ludicrous than the sublime. The sensible and practical Atticus convinced him that such a solution of his difficulties would be the greatest possible mistake — a mistake, moreover, which could never be rectified.

But almost any course would have become him better than that which he chose. Had he remained and faced Clodius and his bravos manfully — or had he turned his back upon Rome for ever, and shaken the dust off his feet against the ungrateful city, and become a noble pensioner upon Atticus at Buthrotum — he would have died a greater man. He wandered from place to place sheltered by friends whose unselfish loyalty marks their names with honour in that false and evil generation — Sica, and Flaccus, and Plancius — bemoaning himself like a woman,—"too blinded with tears to write", "loathing the light of day". Atticus thought he was going mad. It is not pleasant to dwell upon this miserable weakness of a great mind, which Cicero's most eager eulogists admit, and which his detractors have not failed to make the most of. Nor is it easy to find excuse for him,

but we will give him all the benefit of Mr. Forsyth's defence:

"Seldom has misfortune so crushed a noble spirit, and never, perhaps, has the 'bitter bread of banishment' seemed more bitter to any one than to him. We must remember that the love of country was a passion with the ancients to a degree which it is now difficult to realise, and exile from it even for a time was felt to be an intolerable evil. The nearest approach to such a feeling was perhaps that of some favourite under an European monarchy, when, frowned upon by his sovereign, he was hurled from place and power, and banished from the court. The change to Cicero was indeed tremendous. Not only was he an exile from Rome, the scene of all his hopes, his glories, his triumphs, but he was under the ban of an outlaw. If found within a certain distance from the capital, he must die, and it was death to any one to give him food or shelter. His property was destroyed, his family was penniless, and the people whom he had so faithfully served were the authors of his ruin. All this may be urged in his behalf, but still it would have been only consistent with Roman fortitude to have shown that he possessed something of the spirit of the fallen archangel".

[Footnote 1: Forsyth's Life of Cicero, .]

His exile lasted nearly a year and a half. Long before that time there had come a reaction in his favour. The new consuls were well disposed towards him; Clodius's insolence had already disgusted Pompey; Caesar was absent with his legions in Gaul; his own friends, who had all along been active in his favour (though in his querulous mood he accused them of apathy) took advantage of the change, his generous rival Hortensius being amongst the most active; and all the frantic violence of Clodius and his party served only to delay for a while the return which they could not prevent. A motion for his recall was carried at last by an immense majority.

Cicero had one remarkable ally on that occasion. On one of the days when the Senate was known to be discussing his recall, the 'Andromache' of Ennius was being played in the theatre. The popular actor Esop, whose name has come down to us in conjunction with that of Roscius, was playing the principal character. The great orator had been his pupil, and was evidently regarded by him as a personal friend. With all the force of his consummate art, he threw

into Andromache's lament for her absent father his own feelings for Cicero. The words in the part were strikingly appropriate, and he did not hesitate to insert a phrase or two of his own when he came to speak of the man

"Who with a constant mind upheld the state,
Stood on the people's side in perilous times,
Ne'er reeked of his own life, nor spared himself".

So significant and empathetic were his tone and gesture as he addressed himself pointedly to his Roman audience, that they recalled him, and, amid a storm of plaudits, made him repeat the passage. He added to it the words — which were not set down for him —

"Best of all friends in direst strait of war!"

and the applause was redoubled. The actor drew courage from his success. When, as the play went on, he came to speak the words —

"And you — you let him live a banished man —
See him driven forth and hunted from your gates!"

he pointed to the nobles, knights, and commons, as they sat in their respective seats in the crowded rows before him, his own voice broke with grief, and the tears even more than the applause of the whole audience bore witness alike to their feelings towards the exile, and the dramatic power of the actor. "He pleaded my cause before the Roman people", says Cicero (for it is he that tells the story), "with far more weight of eloquence than I could have pleaded for myself".

[Footnote 1: Defence of Sestius, c. 56, &c.]

He had been visited with a remarkable dream, while staying with one of his friends in Italy, during the earlier days of his exile, which he now recalled with some interest. He tells us this story also himself, though he puts it into the mouth of another speaker, in his dialogue on "Divination". If few were so fond of introducing personal anecdotes into every place where he could find room for them, fewer still could tell them so well.

“I had lain awake a great part of the night, and at last towards dawn had begun to sleep soundly and heavily. I had given orders to my attendant that, in this case, though we had to start that very morning, strict silence should be kept, and that I was on no account to be disturbed; when about seven o’clock I awoke, and told him my dream. I thought I was wandering alone in some solitary place, when Caius Marius appeared to me, with his fasces bound with laurel, and asked why I was so sad? And when I answered that I had been driven from my country, he caught my hand, bade me be of good cheer, and put me under the guidance of his own lictor to lead me to his monument; there, he said, I should find my deliverance”.

So indeed it had turned out. The temple dedicated to Honour and Virtue, in which the Senate sat when they passed the first resolution for Cicero’s recall, was known as the “Monument of Marius”. There is no need to doubt the perfect good faith of the story which he tells, and it may be set down as one of the earliest authenticated instances of a dream coming true. But if dreams are fashioned out of our waking imaginations, it is easy to believe that the fortunes of his great townsman Marius, and the scenes in the Senate at Rome, were continually present to the exile’s thoughts.

His return was a triumphal progress. He landed at Brundusium on his daughter’s birthday. She had only just lost her husband Piso, who had gallantly maintained her father’s cause throughout, but she was the first to welcome him with tears of joy which overmastered her sorrow. He was careful to lose no chance of making his return impressive. He took his way to Rome with the slow march of a conqueror. The journey which Horace made easily in twelve days, occupied Cicero twenty-four. But he chose not the shortest but the most public route, through Naples, Capua, Minturnae, Terracina, and Aricia.

Let him tell the story of his own reception. If he tells it (as he does more than once) with an undisguised pride, it is a pride with which it is impossible not to sympathise. He boasted afterwards that he had been “carried back to Rome on the shoulders of Italy;” and Plutarch says it was a boast he had good right to make.

“Who does not know what my return home was like? How the people of Brundusium held out to me, as I might say, the right hand

of welcome on behalf of all my native land? From thence to Rome my progress was like a march of all Italy. There was no district, no town, corporation, or colony, from which a public deputation was not sent to congratulate me. Why need I speak of my arrival at each place? how the people crowded the streets in the towns; how they flocked in from the country — fathers of families with wives and children? How can I describe those days, when all kept holiday, as though it were some high festival of the immortal gods, in joy for my safe return? That single day was to me like immortality; when I returned to my own city, when I saw the Senate and the population of all ranks come forth to greet me, when Rome herself looked as though she had wrenched herself from her foundations to rush to embrace her preserver. For she received me in such sort, that not only all sexes, ages, and callings, men and women, of every rank and degree, but even the very walls, the houses, the temples, seemed to share the universal joy".

The Senate in a body came out to receive him on the Appian road; a gilded chariot waited for him at the city gates; the lower class of citizens crowded the steps of the temples to see him as he passed; and so he rode, escorted by troops of friends, more than a conqueror, to the Capitol.

His exultation was naturally as intense as his despair had been. He made two of his most florid speeches (if indeed they be his, which is doubtful), one in the Senate and another to the people assembled in the Forum, in which he congratulated himself on his return, and Rome on having regained her most illustrious citizen. It is a curious note of the temper and logical capacities of the mob, in all ages of the world alike, that within a few hours of their applauding to the echo this speech of Cicero's, Clodius succeeded in exciting them to a serious riot by appealing to the ruinous price of corn as one of the results of the exile's return.

For nearly four years more, though unable to shake Cicero's recovered position in the state — for he was now supported by Pompey — Clodius and his partisans, backed by a strong force of trained gladiators in their pay, kept Rome in a state of anarchy which is almost inexplicable. It was more than suspected that Crassus, now utterly estranged from Pompey, supplied out of his enormous wealth

the means of keeping on foot this lawless agitation. Elections were overawed, meetings of the Senate interrupted, assassinations threatened and attempted. Already men began to look to military rule, and to think a good cause none the worse for being backed by "strong battalions". Things were fast tending to the point where Pompey and Caesar, trusty allies as yet in profession and appearance, deadly rivals at heart, hoped to step in with their veteran legions. Even Cicero, the man of peace and constitutional statesman, felt comfort in the thought that this final argument could be resorted to by his own party. But Clodius's mob-government, at any rate, was to be put an end to somewhat suddenly. Milo, now one of the candidates for the consulship, a man of determined and unscrupulous character, had turned his own weapons against him, and maintained an opposition patrol of hired gladiators and wild-beast fighters. The Senate quite approved, if they did not openly sanction, this irregular championship of their order. The two parties walked the streets of Rome like the Capulets and Montagues at Verona; and it was said that Milo had been heard to swear that he would rid the city of Clodius if he ever got the chance. It came at last, in a casual meeting on the Appian road, near Bovillae. A scuffle began between their retainers, and Clodius was killed — his friends said, murdered. The excitement at Rome was intense: the dead body was carried and laid publicly on the Rostra. Riots ensued; Milo was obliged to fly, and renounce his hopes of power; and the Senate, intimidated, named Pompey — not indeed "Dictator", for the name had become almost as hateful as that of King — but sole consul, for the safety of the state.

Cicero had resumed his practice as an advocate, and was now called upon to defend Milo. But Pompey, either from some private grudge, or in order to win favour with the populace, determined that Milo should be convicted. The jury were overawed by his presence in person at the trial, and by the occupation by armed soldiers of all the avenues of the court under colour of keeping order. It was really as great an outrage upon the free administration of justice as the presence of a regiment of soldiers at the entrance to Westminster Hall would be at a modern trial for high treason or sedition. Cicero affected to see in Pompey's legionaries nothing more than the

maintainers of the peace of the city. But he knew better; and the fine passage in the opening of his speech for the defence, as it has come down to us, is at once a magnificent piece of irony, and a vindication of the rights of counsel.

"Although I am conscious, gentlemen, that it is a disgrace to me to show fear when I stand here to plead in behalf of one of the bravest of men; — and especially does such weakness ill become me, that when Milo himself is far more anxious about the safety of the state than about his own, I should be unable to bring to his defence the like magnanimous spirit; — yet this strange scene and strangely constituted court does terrify my eyes, for, turn them where I will, I look in vain for the ancient customs of the Forum, and the old style of public trials. For your tribunal to-day is girt with no such audience as was wont; this is no ordinary crowd that hems us in. Yon guards whom you see on duty in front of all the temples, though set to prevent violence, yet still do a sort of violence to the pleader; since in the Forum and the count of justice, though the military force which surrounds us be wholesome and needful, yet we cannot even be thus freed from apprehension without looking with some apprehension on the means. And if I thought they were set there in hostile array against Milo, I would yield to circumstances, gentlemen, and feel there was no room for the pleader amidst such a display of weapons. But I am encouraged by the advice of a man of great wisdom and justice — of Pompey, who surely would not think it compatible with that justice, after committing a prisoner to the verdict of a jury, then to hand him over to the swords of his soldiers; nor consonant with his wisdom to arm the violent passions of a mob with the authority of the state. Therefore those weapons, those officers and men, proclaim to us not peril but protection; they encourage us to be not only undisturbed but confident; they promise me not only support in pleading for the defence, but silence for it to be listened to. As to the rest of the audience, so far as it is composed of peaceful citizens, all, I know, are on our side; nor is there any single man among all those crowds whom you see occupying every point from which a glimpse of this court can be gained, looking on in anxious expectation of the result of this trial, who, while he approves the boldness of the defendant, does not also feel that the fate of himself, his children, and

his country, hangs upon the issue of to-day".

After an elaborate argument to prove that the slaying of Clodius by Milo was in self-defence, or, at the worst, that it was a fate which he well deserved as a public enemy, he closes his speech with a peroration, the pathos of which has always been admired:

"I would it had been the will of heaven — if I may say so with all reverence for my country, for I fear lest my duty to my client may make me say what is disloyal towards her — I would that Publius Clodius were not only alive, but that he were praetor, consul, dictator even, before my eyes had seen this sight! But what says Milo? He speaks like a brave man, and a man whom it is your duty to protect —'Not so — by no means', says he. 'Clodius has met the doom he well deserved: I am ready, if it must be so, to meet that which I do not deserve'. … But I must stop; I can no longer speak for tears; and tears are an argument which he would scorn for his defence. I entreat you, I adjure you, ye who sit here in judgment, that in your verdict you dare to give utterance to what I know you feel".

But the appeal was in vain, or rather, as far as we can ascertain, was never made, — at least in such powerful terms as those in which we read it. The great advocate was wholly unmanned by the scene before him, grew nervous, and broke down utterly in his speech for the defence. This presence of a military force under the orders of Pompey — the man in whom he saw, as he hoped, the good genius of Rome — overawed and disturbed him. The speech which we read is almost certainly not that which he delivered, but, as in the previous case of Verres, the finished and elaborate composition of his calmer hours. Milo was convicted by a large majority; in fact, there can be little doubt but that he was legally guilty, however political expediency might, in the eyes of Cicero and his party, have justified his deed. Cato sat on the jury, and did all he could to insure an acquittal, showing openly his voting-paper to his fellow jurors, with that scorn of the "liberty of silence" which he shared with Cicero.

Milo escaped any worse penalty by at once going into voluntary banishment at Marseilles. But he showed more practical philosophy than his advocate; for when he read the speech in his exile, he is said to have declared that "it was fortunate for him it was not spoken, or he should never have known the flavour of the red mullet of

Marseilles".

The removal of Clodius was a deliverance upon which Cicero never ceased to congratulate himself. That "battle of Bovillae", as he terms it, became an era in his mental records of only less significance than his consulship. His own public life continued to be honourable and successful. He was elected into the College of Augurs, an honour which he had long coveted; and he was appointed to the government of Cilicia. This latter was a greatness literally "thrust upon him", and which he would gladly have declined, for it took him away in these eventful days from his beloved Rome; and to these grand opportunities for enriching himself he was, as has been said, honourably indifferent. The appointment to a distant province was, in fact, to a man like Cicero, little better than an honourable form of exile: it was like conferring on a man who had been, and might hope one day to be again, Prime Minister of England, the governor-generalship of Bombay.

One consolation he found on reaching his new government — that even in the farthest wilds of Cilicia there were people who had heard of "the consul who saved Rome". And again the astonished provincials marvelled at a governor who looked upon them as having rights of their own, and neither robbed nor ill-used them. He made a little war, too, upon some troublesome hill-tribes (intrusting the command chiefly to his brother Quintus, who had served with distinction under Caesar in Gaul), and gained a victory which his legions thought of sufficient importance to salute him with the honoured title of "imperator". Such military honours are especially flattering to men who, like Cicero, are naturally and essentially civilians; and to Cicero's vanity they were doubly delightful. Unluckily they led him to entertain hopes of the further glory of a triumph; and this, but for the revolution which followed, he might possibly have obtained. As it was, the only result was his parading about with him everywhere, from town to town, for months after his return, the lictors with laurelled fasces, which betokened that a triumph was claimed — a pompous incumbrance, which became, as he confessed, a grand subject for evil-disposed jesters, and a considerable inconvenience to himself.

CHAPTER V. CICERO AND CAESAR.

The future master of Rome was now coming home, after nearly ten years' absence, at the head of the victorious legions with which he had struck terror into the Germans, overrun all Spain, left his mark upon Britain, and "pacified" Gaul. But Cicero, in common with most of the senatorial party, failed to see in Julius Caesar the great man that he was. He hesitated a little — Caesar would gladly have had his support, and made him fair offers; but when the Rubicon was crossed, he threw in his lot with Pompey. He was certainly influenced in part by personal attachment: Pompey seems to have exercised a degree of fascination over his weakness. He knew Pompey's indecision of character, and confessed that Caesar was "a prodigy of energy;" but though the former showed little liking for him, he clung to him nevertheless. He foreboded that, let the contest end which way it would, "the result would certainly be a despotism". He foresaw that Pompey's real designs were as dangerous to the liberties of Rome as any of which Caesar could be suspected. "*Sullaturit animus*", he says of him in one of his letters, coining a verb to put his idea strongly—"he wants to be like Sulla". And it was no more than the truth. He found out afterwards, as he tells Atticus, that proscription-lists of all Caesar's adherents had been prepared by Pompey and his partisans, and that his old friend's name figured as one of the victims. Only this makes it possible to forgive him for the little feeling that he showed when he heard of Pompey's own miserable end.

Cicero's conduct and motives at this eventful crisis have been discussed over and over again. It may be questioned whether at this date we are in any position to pass more than a very cautious and general judgment upon them. We want all the "state papers" and political correspondence of the day — not Cicero's letters only, but those of Caesar and Pompey and Lentulus, and much information besides that was never trusted to pen or paper — in order to lay down with any accuracy the course which a really unselfish patriot could have taken. But there seems little reason to accuse Cicero of double-dealing or trimming in the worst sense. His policy was

unquestionably, from first to last, a policy of expedients. But expediency is, and must be more or less, the watchword of a statesman. If he would practically serve his country, he must do to some extent what Cicero professed to do — make friends with those in power. "*Sic vivitur*"—"So goes the world;" "*Tempori serviendum est*"—"We must bend to circumstances" — these are not the noblest mottoes, but they are acted upon continually by the most respectable men in public and private life, who do not open their hearts to their friends so unreservedly as Cicero does to his friend Atticus. It seemed to him a choice between Pompey and Caesar; and he probably hoped to be able so far to influence the former, as to preserve some shadow of a constitution for Rome. What he saw in those "dregs of a Republic", as he himself calls it, that was worth preserving; — how any honest despotism could seem to him more to be dreaded than that prostituted liberty, — this is harder to comprehend. The remark of Abeken seems to go very near the truth —"His devotion to the commonwealth was grounded not so much upon his conviction of its actual merits, as of its fitness for the display of his own abilities".

[Footnote 1: "Faex Romuli".]

But that commonwealth was past saving even in name. Within two months of his having been declared a public enemy, all Italy was at Caesar's feet. Before another year was past, the battle of Pharsalia had been fought, and the great Pompey lay a headless corpse on the sea-shore in Egypt. It was suggested to Cicero, who had hitherto remained constant to the fortunes of his party, and was then in their camp at Dyrrachium, that he should take the chief command, but he had the sense to decline; and though men called him "traitor", and drew their swords upon him, he withdrew from a cause which he saw was lost, and returned to Italy, though not to Rome.

The meeting between him and Caesar, which came at last, set at rest any personal apprehensions from that quarter. Cicero does not appear to have made any dishonourable submission, and the conqueror's behaviour was nobly forgetful of the past. They gradually became on almost friendly terms. The orator paid the Dictator compliments in the Senate, and found that, in private society, his favourite jokes were repeated to the great man, and were

highly appreciated. With such little successes he was obliged now to be content. He had again taken up his residence in Rome; but his political occupation was gone, and his active mind had leisure to employ itself in some of his literary works.

It was at this time that the blow fell upon him which prostrated him for the time, as his exile had done, and under which he claims our far more natural sympathy. His dear daughter Tullia — again married, but unhappily, and just divorced — died at his Tusculan villa. Their loving intercourse had undergone no change from her childhood, and his grief was for a while inconsolable. He shut himself up for thirty days. The letters of condolence from well-meaning friends were to him — as they so often are — as the speeches of the three comforters to Job. He turned in vain, as he pathetically says, to philosophy for consolation.

It was at this time that he wrote two of his philosophical treatises, known to us as 'The True Ends of Life', and the 'Tusculan Disputations', of which more will be said hereafter. In this latter, which he named from his favourite country-house, he addressed himself to the subjects which suited best with his own sorrowful mood under his recent bereavement. How men might learn to shake off the terrors of death — nay, to look upon it rather as a release from pain and evil; how pain, mental and bodily, may best be borne; how we may moderate our passions; and, lastly, whether the practice of virtue be not all-sufficient for our happiness.

[Footnote 1: 'De Finibus Bonorum et Malorum' — a title hard to translate.]

A philosopher does not always find in himself a ready pupil. It was hardly so in Cicero's case. His arguments were incontrovertible; but he found them fail him sadly in their practical application to life. He never could shake off from himself that dread of death which he felt in a degree unusually vivid for a Roman. He sought his own happiness afterwards, as he had done before, rather in the exciting struggle of public life than in the special cultivation of any form of virtue; and he did not even find the remedy for his present domestic sorrow in any of those general moral reflections which philosophy, Christian as well as pagan, is so ready to produce upon such occasions; which are all so undeniable, and all so utterly unendurable

to the mourner.

Cicero found his consolation, or that diversion of thought which so mercifully serves the purpose of consolation, where most men of active minds like his seek for it and find it — in hard work. The literary effort of writing and completing the works which have been just mentioned probably did more to soothe his mind than all the arguments which they contained. He resumed his practice as an advocate so far as to plead a cause before Caesar, now ruling as Dictator at Rome — the last cause, as events happened, that he was ever to plead. It was a cause of no great importance — a defence of Deiotarus, titulary king of Armenia, who was accused of having entertained designs against the life of Caesar while entertaining him as a guest in his palace. The Dictator reserved his judgment until he should have made his campaign against the Parthians. That more convenient season never came: for before the spring campaign could open, the fatal "Ides of March" cut short Caesar's triumphs and his life.

CHAPTER VI. CICERO AND ANTONY.

It remained for Cicero yet to take a part in one more great national struggle — the last for Rome and for himself. No doubt there was some grandeur in the cause which he once more so vigorously espoused — the recovery of the liberties of Rome. But all the thunders of Cicero's eloquence, and all the admiration of modern historians and poets, fail to enlist our hearty sympathies with the assassins of Caesar. That "consecration of the dagger" to the cause of liberty has been the fruitful parent of too much evil ever since to make its use anything but hateful. That Cicero was among the actual conspirators is probably not true, though his enemies strongly asserted it. But at least he gloried in the deed when done, and was eager to claim all the honours of a tyrannicide. Nay, he went farther than the actual conspirators, in words at least; it is curious to find him so careful to disclaim complicity in the act. "Would that you had invited me to that banquet on the Ides of March! there would then have been no leavings from the feast", — he writes to Cassius. He would have had their daggers turned on Antony, at all events, as well as on Caesar. He wishes that "the gods may damn Caesar after he is dead;" professing on this occasion a belief in a future retribution, on which at other times he was sceptical. It is but right to remember all this, when the popular tide turned, and he himself came to be denounced to political vengeance. The levity with which he continually speaks of the assassination of Caesar — a man who had never treated *him*, at any rate, with anything but a noble forbearance — is a blot on Cicero's character which his warmest apologists admit.

The bloody deed in the Capitol was done — a deed which was to turn out almost what Goethe called it—"the most absurd that ever was committed". The great Dictator who lay there alone, a "bleeding piece of earth", deserted by the very men who had sought of late to crown him, was perhaps Rome's fittest master; certainly not the worst of the many with whom a personal ambition took the place of principle. Three slaves took up the dead body of their master, and carried it home to his house. Poor wretches! they knew nothing about

liberty or the constitution; they had little to hope, and probably little to fear; they had only a humble duty to do, and did it. But when we read of them, and of that freedman who, not long before, sat by the dead body of Pompey till he could scrape together wreck from the shore to light some sort of poor funeral-pile, we return with a shudder of disgust to those "noble Romans" who occupy at this time the foreground of history.

Caesar had been removed, but it is plain that Brutus and Cassius and their party had neither the ability nor the energy to make any real use of their bloody triumph. Cicero soon lost all hope of seeing in them the liberators of his country, or of being able to guide himself the revolution which he hoped he had seen begun. "We have been freed", he writes to Atticus, "but we are not free". "We have struck down the tyrant, but the tyranny survives". Antony, in fact, had taken the place of Caesar as master of Rome — a change in all respects for the worse. He had surrounded himself with guards; had obtained authority from the Senate to carry out all decrees and orders left by the late Dictator; and when he could not find, amongst Caesar's memoranda, materials to serve his purpose, he did not hesitate to forge them. Cicero had no power, and might be in personal danger, for Antony knew his sentiments as to state matters generally, and more particularly towards himself. Rome was no longer any place for him, and he soon left it — this time a voluntary exile. He wandered from place to place, and tried as before to find interest and consolation in philosophy. It was now that he wrote his charming essays on 'Friendship' and on 'Old Age', and completed his work 'On the Nature of the Gods', and that on 'Divination'. His treatise 'De Officiis' (a kind of pagan 'Whole Duty of Man') is also of this date, as well as some smaller philosophical works which have been lost. He professed himself hopeless of his country's future, and disgusted with political life, and spoke of going to end his days at Athens.

But, as before and always, his heart was in the Forum at Rome. Political life was really the only atmosphere in which he felt himself breathe vigorously. Unquestionably he had also an earnest patriotism, which would have drawn him back to his country's side at any time when he believed that she had need of his help. He was

told that he was needed there now; that there was a prospect of matters going better for the cause of liberty; that Antony was coming to terms of some kind with the party of Brutus, — and he returned.

For a short while these latter days brought with them a gleam of triumph almost as bright as that which had marked the overthrow of Catiline's conspiracy. Again, on his arrival at Rome, crowds rushed to meet him with compliments and congratulations, as they had done some thirteen years before. And in so far as his last days were spent in resisting to the utmost the basest of all Rome's bad men, they were to him greater than any triumph. Thenceforth it was a fight to the death between him and Antony; so long as Antony lived, there could be no liberty for Rome. Cicero left it to his enemy to make the first attack. It soon came. Two days after his return, Antony spoke vehemently in the Senate against him, on the occasion of moving a resolution to the effect that divine honours should be paid to Caesar. Cicero had purposely stayed away, pleading fatigue after his journey; really, because such a proposition was odious to him. Antony denounced him as a coward and a traitor, and threatened to send men to pull down his house about his head — that house which had once before been pulled down, and rebuilt for him by his remorseful fellow-citizens. Cicero went down to the Senate the following day, and there delivered a well-prepared speech, the first of those fourteen which are known to us as his 'Philippics' — a name which he seems first to have given to them in jest, in remembrance of those which his favourite model Demosthenes had delivered at Athens against Philip of Macedon. He defended his own conduct, reviewed in strong but moderate terms the whole policy of Antony, and warned him — still ostensibly as a friend — against the fate of Caesar. The speaker was not unconscious what his own might possibly be.

"I have already, senators, reaped fruit enough from my return home, in that I have had the opportunity to speak words which, whatever may betide, will remain in evidence of my constancy in my duty, and you have listened to me with much kindness and attention. And this privilege I will use so often as I may without peril to you and to myself; when I cannot, I will be careful of myself, not so much for my own sake as for the sake of my country. For me, the life that I have lived seems already well-nigh long enough, whether I

look at my years or my honours; what little span may yet be added to it should be your gain and the state's far more than my own".

Antony was not in the house when Cicero spoke; he had gone down to his villa at Tibur. There he remained for a fortnight, brooding over his reply — taking lessons, it was said, from professors in the art of rhetorical self-defence. At last he came to Rome and answered his opponent. His speech has not reached us; but we know that it contained the old charges of having put Roman citizens to death without trial in the case of the abettors of Catiline, and of having instigated Milo to the assassination of Clodias. Antony added a new charge — that of complicity with the murderers of Caesar. Above all, he laughed at Cicero's old attempts as a poet; a mode of attack which, if not so alarming, was at least as irritating as the rest. Cicero was not present — he dreaded personal violence; for Antony, like Pompey at the trial of Milo, had planted an armed guard of his own men outside and inside the Senate-house. Before Cicero had nerved himself to reply, Antony had left Rome to put himself at the head of his legions, and the two never met again.

The reply, when it came, was the terrible second Philippic; never spoken, however, but only handed about in manuscript to admiring friends. There is little doubt, as Mr. Long observes, that Antony had also some friend kind enough to send him a copy; and if we may trust the Roman poet Juvenal, who is at least as likely to have been well informed upon the subject as any modern historian, this composition eventually cost the orator his life. It is not difficult to understand the bitter vindictiveness of Antony. Cicero had been not merely a political opponent; he had attacked his private character (which presented abundant grounds for such attack) with all the venom of his eloquence. He had said, indeed, in the first of these powerful orations, that he had never taken this line.

"If I have abused his private life and character, I have no right to complain if he is my enemy: but if I have only followed my usual custom, which I have ever maintained in public life, — I mean, if I have only spoken my opinion on public questions freely, — then, in the first place, I protest against his being angry with me at all: or, if this be too much to expect, I demand that he should be angry with me only as with a fellow-citizen".

If there had been any sort of reticence on this point hitherto on the part of Cicero, he made up for it in this second speech. Nothing can equal its bitter personality, except perhaps its rhetorical power. He begins the attack by declaring that he will not tell all he knows—"in order that, if we have to do battle again hereafter, I may come always fresh-armed to the attack; an advantage which the multiplicity of that man's crimes and vices gives me in large measure". Then he proceeds:

"Would you like us, then, to examine into your course of life from boyhood? I conclude you would. Do you remember that before you put on the robe of manhood, you were a bankrupt? That was my father's fault, you will say. I grant it — it is a defence that speaks volumes for your feelings as a son. It was your own shamelessness, however, that made you take your seat in the stalls of honourable knights, whereas by law there is a fixed place for bankrupts, even when they have become so by fortune's fault, and not their own. You put on the robe which was to mark your manhood, — on your person it became the flaunting gear of a harlot".

It is not desirable to follow the orator through some of his accusations; when he had to lash a man whom he held to be a criminal, he did not much care where or how he struck. He even breaks off himself — after saying a good deal.

"There are some things, which even a decent enemy hesitates to speak of…. Mark, then, his subsequent course of life, which I will trace as rapidly as I can. For though these things are better known to you than even to me, yet I ask you to hear me with attention — as indeed you do; for it is right that in such cases men's feelings should be roused not merely by the knowledge of the facts, but by calling them back to their remembrance; though we must dash at once, I believe, into the middle of his history, lest we should be too long in getting to the end".

The peroration is noble and dignified, in the orator's best style. He still supposes himself addressing his enemy. He has warned Antony that Caesar's fate may be his: and he is not unconscious of the peril in which his own life may stand.

"But do you look to yourself — I will tell you how it stands with me. I defended the Commonwealth when I was young — I will not

desert it now I am old. I despised the swords of Catiline — I am not likely to tremble before yours. Nay, I shall lay my life down gladly, if the liberty of Rome can be secured by my death, so that this suffering nation may at last bring to the birth that which it his long been breeding. If, twenty years ago, I declared in this house that death could never be said to have come before its time to a man who had been consul of Rome, with how much more truth, at my age, may I say it now! To me indeed, gentlemen of the Senate, death may well be a thing to be even desired, when I have done what I have done and reaped the honours I have reaped. Only two wishes I have, — the one, that at my death I may leave the Roman people free — the immortal gods can give me no greater boon than this; the other, that every citizen may meet with such reward as his conduct towards the state may have deserved".

[Footnote 1: *I.e.*, the making away with Antony.]

The publication of this unspoken speech raised for the time an enthusiasm against Antony, whom Cicero now openly declared to be an enemy to the state. He hurled against him Philippic after Philippic. The appeal at the end of that which comes the sixth in order is eloquent enough.

"The time is come at last, fellow-citizens; somewhat too late, indeed, for the dignity of the people of Rome, but at least the crisis is so ripe, that it cannot now be deferred an instant longer. We have had one calamity sent upon us, as I may say, by fate, which we bore with — in such sort as it might be borne. If another befalls us now, it will be one of our own choosing. That this Roman people should serve any master, when the gods above have willed us to be the masters of the world, is a crime in the sight of heaven. The question hangs now on its last issue. The struggle is for our liberties. You must either conquer, Romans, — and this, assuredly, with such patriotism and such unanimity as I see here, you must do, or you must endure anything and everything rather than be slaves. Other nations may endure the yoke of slavery, but the birthright of the people of Rome is liberty".

Antony had left Rome, and thrown himself, like Catiline, into the arms of his soldiers, in his province of Cisalpine Gaul. There he maintained himself in defiance of the Senate, who at last, urged by

Cicero, declared him a public enemy. Caesar Octavianus (great-nephew of Julius) offered his services to the state, and with some hesitation they were accepted. The last struggle was begun. Intelligence soon arrived that Antony had been defeated at Mutina by the two last consuls of the Republic, Hirtius and Pansa. The news was dashed, indeed, afterwards by the further announcement that both consuls had died of their wounds. But it was in the height of the first exultation that Cicero addressed to the Senate his fourteenth Philippic — the last oration which he was ever to make. For the moment, he found himself once more the foremost man at Rome. Crowds of roaring patriots had surrounded his house that morning, escorted him in triumph up to the Capitol, and back to his own house, as they had done in the days of his early glory. Young Caesar, who had paid him much personal deference, was professing himself a patriot; the Commonwealth was safe again — and Cicero almost thought that he again himself had saved it.

But Rome now belonged to those who had the legions. It had come to that: and when Antony succeeded in joining interests with Octavianus (afterwards miscalled Augustus)—"the boy", as both Cicero and Antony called him — a boy in years as yet, but premature in craft and falsehood — who had come "to claim his inheritance", and succeeded in rousing in the old veterans of his uncle the desire to take vengeance a on his murderers, the fate of the Republic and of Cicero was sealed.

It was on a little eyot formed by the river Reno, near Bologna, that Antony, young Caesar, and Lepidus (the nominal third in what is known as the Second Triumvirate) met to arrange among themselves the division of power, and what they held to be necessary, to the securing it for the future — the proscription of their several enemies. No private affections or interests were to be allowed to interfere with this merciless arrangement. If Lepidus would give up his brother, Antony would surrender an obnoxious uncle. Octavianus made a cheaper sacrifice in Cicero, whom Antony, we may be sure, with those terrible Philippics ringing in his ears, demanded with an eager vengeance. All was soon amicably settled; the proscription-lists were made out, and the Triumvirate occupied Rome.

Cicero and his brother — whose name was known to be also on

the fatal roll — heard of it while they were together at the Tusculan villa. Both took immediate measures to escape. But Quintus had to return to Rome to get money for their flight, and, as it would appear, to fetch his son. The emissaries of the Triumvirate were sent to search the house: the father had hid himself, but the son was seized, and refusing to give any information, was put to the torture. His father heard his cries of agony, came forth from his hiding-place, and asked only to be put to death first. The son in his turn made the same request, and the assassins were so far merciful that they killed both at once.

Cicero himself might yet have escaped, but for some thing of his old indecision. He had gone on board a small vessel with the intention of joining Brutus in Macedonia, when he suddenly changed his mind, and insisted on being put on shore again. He wandered about, half-resolving (for the third) time on suicide. He would go to Rome, stab himself on the altar-hearth in young Caesar's house, and call down the vengeance of heaven upon the traitor. The accounts of these last hours of his life are, unfortunately, somewhat contradictory, and none of the authorities to be entirely depended on; Abeken has made a careful attempt to harmonise them, which it will be best here to follow.

Urged by the prayers of his slaves, the faithful adherents of a kind master, he once more embarked, and once more (Appian says, from sea-sickness, which he never could endure) landed near Caieta, where be had a seaside villa. Either there, or, as other accounts say, at his house at Formiae, he laid himself down to pass the night, and wait for death. "Let me die", said he, "in my own country, which I have so often saved". But again the faithful slaves aroused him, forced him into a litter, and hurried him down through the woods to the sea-shore — for the assassins were in hot pursuit of him. They found his house shut up; but some traitor showed them a short cut by which to overtake the fugitive. As he lay reading (it is said), even during these anxious moments, a play of his favourite Euripides, every line of whom he used to declare contained some maxim worth remembering, he heard their steps approaching, and ordered the litter to be set down. He looked out, and recognised at the head of the party an officer named Laenas, whom he had once successfully

defended on a capital charge; but he saw no gratitude or mercy in the face, though there were others of the band who covered their eyes for pity, when they saw the dishevelled grey hair and pale worn features of the great Roman (he was within a month of sixty-four). He turned from Laenas to the centurion, one Herennius, and said, “Strike, old soldier, if you understand your trade!” At the third blow — by one or other of those officers, for both claimed the evil honour — his head was severed. They carried it straight to Antony, where he sat on the seat of justice in the Forum, and demanded the offered reward. The triumvir, in his joy, paid it some ten times over. He sent the bloody trophy to his wife; and the Roman Jezebel spat in the dead face, and ran her bodkin through the tongue which had spoken those bold and bitter truths against her false husband. The great orator fulfilled, almost in the very letter, the words which, treating of the liberty of the pleader, he had put into the mouth of Crassus—”You must cut out this tongue, if you would check my free speech: nay, even then, my very breathing should protest against your lust for power”. The head, by Antony’s order, was then nailed upon the Rostra, to speak there, more eloquently than ever the living lips had spoken, of the dead liberty of Rome.

CHAPTER VII. CHARACTER AS A POLITICIAN AND AN ORATOR.

Cicero shared very largely in the feeling which is common to all men of ambition and energy, — a desire to stand well not only with their own generation, but with posterity. It is a feeling natural to every man who knows that his name and acts must necessarily become historical. If it is more than usually patent in Cicero's case, it is only because in his letters to Atticus we have more than usual access to the inmost heart of the writer; for surely such a thoroughly confidential correspondence has never been published before or since. "What will history say of me six hundred years hence?" he asks, unbosoming himself in this sort to his friend. More than thrice the six hundred years have passed, and, in Cicero's case, history has hardly yet made up its mind. He has been lauded and abused, from his own times down to the present, in terms as extravagant as are to be found in the most passionate of his own orations; both his accusers and his champions have caught the trick of his rhetorical exaggeration more easily than his eloquence. Modern German critics like Drumann and Mommsen have attacked him with hardly less bitterness, though with more decency, than the historian Dio Cassius, who lived so near his own times. Bishop Middleton, on the other hand, in those pleasant and comprehensive volumes which are still to this day the great storehouse of materials for Cicero's biography, is as blind to his faults as though he were himself delivering a panegyric in the Rostra at Rome. Perhaps it is the partiality of the learned bishop's view which has produced a reaction in the minds of sceptical German scholars, and of some modern writers of our own. It is impossible not to sympathise in some degree with that Athenian who was tired of always hearing Aristides extolled as "the Just;" and there was certainly a strong temptation to critics to pick holes in a man's character who was perpetually, during his lifetime and for eighteen centuries after his death, having a trumpet sounded before him to announce him as the prince of patriots as well as philosophers; worthy indeed, as Erasmus thought, to be canonised as a saint of the Catholic Church, but for the single drawback of his not

having been a Christian.

On one point some of his eulogists seem manifestly unfair. They say that the circumstances under which we form our judgment of the man are exceptional in this — that we happen to possess in his case all this mass of private and confidential letters (there are nearly eight hundred of his own which have come down to us), giving us an insight into his private motives, his secret jealousies, and hopes, and fears, and ambitions, of which in the case of other men we have no such revelation. It is quite true; but his advocates forget that it is from the very same pages which reveal his weaknesses, that they draw their real knowledge of many of those characteristics which they most admire — his sincere love for his country, his kindness of heart, his amiability in all his domestic relations. It is true that we cannot look into the private letters of Caesar, or Pompey, or Brutus, as we can into Cicero's; but it is not so certain that if we could, our estimate of their characters would be lowered. We might discover, in their cases as in his, many traces of what seems insincerity, timidity, a desire to sail with the stream; we might find that the views which they expressed in public were not always those which they entertained in private; but we might also find an inner current of kindness, and benevolence, and tenderness of heart, for which the world gives them little credit. One enthusiastic advocate, Wieland, goes so far as to wish that this kind of evidence could, in the case of such a man as Cicero, have been "cooked", to use a modern phrase: that we could have had only a judicious selection from this too truthful mass, of correspondence; that his secretary, Tiro, or some judicious friend, had destroyed the whole packet of letters in which the great Roman bemoaned himself, during his exile from Rome, to his wife, to his brother, and to Atticus. The partisan method of writing history, though often practised, has seldom been so boldly professed.

But it cannot be denied, that if we know too much of Cicero to judge him merely by his public life, as we are obliged to do with so many heroes of history, we also know far too little of those stormy times in which he lived, to pronounce too strongly upon his behaviour in such difficult circumstances. The true relations between the various parties at Rome, as we have tried to sketch them, are

confessedly puzzling even to the careful student. And without a thorough understanding of these, it is impossible to decide, with any hope of fairness, upon Cicero's conduct as a patriot and a politician. His character was full of conflicting elements, like the times in which he lived, and was necessarily in a great degree moulded by them. The egotism which shows itself so plainly alike in his public speeches and in his private writings, more than once made him personal enemies, and brought him into trouble, though it was combined with great kindness of heart and consideration for others. He saw the right clearly, and desired to follow it, but his good intentions were too often frustrated by a want of firmness and decision. His desire to keep well with men of all parties, so long as it seemed possible (and this not so much from the desire of self-aggrandisement, as from a hope through their aid to serve the commonwealth) laid him open on more than one occasion to the charge of insincerity.

There is one comprehensive quality which may be said to lave been wanting in his nature, which clouded his many excellences, led him continually into false positions, and even in his delightful letters excites in the reader, from time to time, an impatient feeling of contempt. He wanted manliness. It was a quality which was fast dying out, in his day, among even the best of the luxurious and corrupt aristocracy of Rome. It was perhaps but little missed in his character by those of his contemporaries who knew and loved him best. But without that quality, to an English mind, it is hard to recognise in any man, however brilliant and amiable, the true philosopher or hero.

The views which this great Roman politician held upon the vexed question of the ballot did not differ materially from those of his worthy grandfather before-mentioned. The ballot was popular at Rome, — for many reasons, some of them not the most creditable to the characters of the voters; and because it was popular, Cicero speaks of it occasionally, in his forensic speeches, with a cautious praise; but of his real estimate of it there can be no kind of doubt. "I am of the same opinion now", he writes to his brother, "that ever I was; there is nothing like the open suffrage of the lips". So in one of his speeches, he uses even stronger language: "The ballot", he says, "enables men to open their faces, and to cover up their thoughts; it

gives them licence to promise whatever they are asked, and at the same time to do whatever they please". Mr. Grote once quoted a phrase of Cicero's, applied to the voting-papers of his day, as a testimony in favour of this mode of secret suffrage — grand words, and wholly untranslatable into anything like corresponding English —"*Tabella vindex tacitae libertatis*"—"the tablet which secures the liberty of silence". But knowing so well as Cicero did what was the ordinary character of Roman jurors and Roman voters, and how often this "liberty of silence" was a liberty to take a bribe and to vote the other way, one can almost fancy that we see upon his lips, as he utters the sounding phrase, that playful curve of irony which is said to have been their characteristic expression. Mr. Grote forgot, too, as was well pointed out by a writer in the 'Quarterly Review', that in the very next sentence the orator is proud to boast that he himself was not so elected to office, but "by the living voices" of his fellow-citizens.

[Footnote 1: See .]

[Footnote 2: No bust, coin, or gem is known which bears any genuine likeness of Cicero. There are several existing which purport to be such, but all are more or less apocryphal.]

[Footnote 3: Quart. Rev., lxi. 522.]

The character of his eloquence may be understood in some degree by the few extracts which have been given from his public speeches; always remembering how many of its charms are necessarily lost by losing the actual language in which his thoughts were clothed. We have lost perhaps nearly as much in another way, in that we can only read the great orator instead of listening to him. Yet it is possible, after all, that this loss to us is not so great as it might seem. Some of his best speeches, as we know — those, for instance, against Verres and in defence of Milo — were written in the closet, and never spoken at all; and most of the others were reshaped and polished for publication. Nor is it certain that his declamation, which some of his Roman rivals found fault with as savouring too much of the florid Oriental type, would have been agreeable to our colder English taste. He looked upon gesture and action as essential elements of the orator's power, and had studied them carefully from the artists of the theatre. There can be no doubt that we have his own views on this

point in the words which he has put into the mouth of his "Brutus", in the treatise on oratory which bears that name. He protests against the "Attic coldness" of style which, he says, would soon empty the benches of their occupants. He would have the action and bearing of the speaker to be such that even the distant spectator, too far off to hear, should "know that there was a Roscius on the stage". He would have found a French audience in this respect more sympathetic than an English one. His own highly nervous temperament would certainly tend to excited action. The speaker, who, as we are told, "shuddered visibly over his whole body when he first began to speak", was almost sure, as he warmed to his work, to throw himself into it with a passionate energy.

[Footnote 1: Our speakers certainly fall into the other extreme. The British orator's style of gesticulation may still be recognised, *mutatis mutandis*, in Addison's humorous sketch of a century ago: "You may see many a smart rhetorician turning his hat in his hands, moulding it into several different cocks, examining sometimes the lining and sometimes the button, during the whole course of his harangue. A deaf man would think that he was cheapening a beaver, when he is talking perhaps of the fate of the British nation".]

He has put on record his own ideas of the qualifications and the duties of the public speaker, whether in the Senate or at the bar, in three continuous treatises on the subject, entitled respectively, 'On Oratory', 'Brutus', and 'The Orator', as well as in some other works of which we have only fragments remaining. With the first of these works, which he inscribed to his brother, he was himself exceedingly well satisfied, and it perhaps remains still the ablest, as it was the first, attempt to reduce eloquence to a science. The second is a critical sketch of the great orators of Rome: and in the third we have Cicero's view of what the perfect orator should be. His ideal is a high one, and a true one; that he should not be the mere rhetorician, any more than the mere technical lawyer or keen partisan, but the man of perfect education and perfect taste, who can speak on all subjects, out of the fulness of his mind, "with variety and copiousness".

Although, as has been already said, he appears to have attached but little value to a knowledge of the technicalities of law, in other respects his preparation for his work was of the most careful kind; if

we may assume, as we probably may, that it is his own experience which, in his treatise on Oratory, he puts into the mouth of Marcus Antonius, one of his greatest predecessors at the Roman bar.

"It is my habit to have every client explain to me personally his own case; to allow no one else to be present, that so he may speak more freely. Then I take the opponent's side, while I make him plead his own cause, and bring forward whatever arguments he can think of. Then, when he is gone, I take upon myself, with as much impartiality as I can, three different characters — my own, my opponent's, and that of the jury. Whatever point seems likely to help the case rather than injure it, this I decide must be brought forward; when I see that anything is likely to do more harm than good, I reject and throw it aside altogether. So I gain this, — that I think over first what I mean to say, and speak afterwards; while a good many pleaders, relying on their abilities, try to do both at once".

[Footnote 1: De Oratore, II. 24, 72.]

He reads a useful lesson to young and zealous advocates in the same treatise — that sometimes it may be wise not to touch at all in reply upon a point which makes against your client, and to which you have no real answer; and that it is even more important to say nothing which may injure your case, than to omit something which might possibly serve it. A maxim which some modern barristers (and some preachers also) might do well to bear in mind.

Yet he did not scorn to use what may almost be called the tricks of his art, if he thought they would help to secure him a verdict. The outward and visible appeal to the feelings seems to have been as effective in the Roman forum as with a British jury. Cicero would have his client stand by his side dressed in mourning, with hair dishevelled, and in tears, when he meant to make a pathetic appeal to the compassion of the jurors; or a family group would be arranged, as circumstances allowed, — the wife and children, the mother and sisters, or the aged father, if presentable, would be introduced in open court to create a sensation at the right moment. He had tears apparently as ready at his command as an eloquent and well-known English Attorney-General. Nay, the tears seem to have been marked down, as it were, upon his brief. "My feelings prevent my saying more", he declares in his defence of Publius Sylla. "I weep while I

make the appeal"—"I cannot go on for tears" — he repeats towards the close of that fine oration in behalf of Milo — the speech that never was spoken. Such phrases remind us of the story told of a French preacher, whose manuscripts were found to have marginal stage directions: "Here take out your handkerchief;"—"here cry — if possible". But such were held to be the legitimate adjuncts of Roman oratory, and it is quite possible to conceive that the advocate, like more than one modern tragedian who could be named, entered so thoroughly into the spirit of the part that the tears flowed quite naturally.

A far less legitimate weapon of oratory — offensive and not defensive — was the bitter and coarse personality in which he so frequently indulged. Its use was held perfectly lawful in the Roman forum, whether in political debate or in judicial pleadings, and it was sure to be highly relished by a mixed audience. There is no reason to suppose that Cicero had recourse to it in any unusual degree; but employ it he did, and most unscrupulously. It was not only private character that he attacked, as in the case of Antony and Clodius, but even personal defects or peculiarities were made the subject of bitter ridicule. He did not hesitate to season his harangue by a sarcasm on the cast in the prosecutor's eye, or the wen on the defendant's neck, and to direct the attention of the court to these points, as though they were corroborative evidence of a moral deformity. The most conspicuous instance of this practice of his is in the invective which he launched in the Senate against Piso, who had made a speech reflecting upon him. Referring to Cicero's exile, he had made that sore subject doubly sore by declaring that it was not Cicero's unpopularity, so much as his unfortunate propensity to bad verse, which had been the cause of it. A jingling line of his to the effect that

"The gown wins grander triumphs than the sword"

had been thought to be pointed against the recent victories of Pompey, and to have provoked him to use his influence to get rid of the author. But this annotation of Cicero's poetry had not been Piso's only offence. He had been consul at the time of the exile, and had given vent, it may be remembered, to the witticism that the "saviour of Rome" might save the city a second time by his absence. Cicero was not the man to forget it. The beginning of his attack on Piso is

lost, but there is quite enough remaining. Piso was of a swarthy complexion, approaching probably to the negro type. “Beast” — is the term by which Cicero addresses him. “Beast! there is no mistaking the evidence of that slave-like hue, those bristly cheeks, those discoloured fangs. Your eyes, your brows, your face, your whole aspect, are the tacit index to your soul”.

[Footnote 1: “Cedant arma togae, concedat laurea linguae”.]

[Footnote 2: Such flowers of eloquence are not encouraged at the modern bar. But they were common enough, even in the English law-courts, in former times. Mr. Attorney-General Coke’s language to Raleigh at his trial—”Thou viper!” — comes quite up to Cicero’s. Perhaps the Irish House of Parliament, while it existed, furnished the choicest modern specimens of this style of oratory. Mr. O’Flanagan, in his ‘Lives of the Lord Chancellors of Ireland’, tells us that a member for Galway, attacking an opponent when he knew that his sister was present during the debate, denounced the whole family —”from the toothless old hag that is now grinning in the gallery, to the white-livered scoundrel that is shivering on the floor”.]

It is not possible, within the compass of these pages, to give even the briefest account of more than a few of the many causes (they are twenty-four in number) in which the speeches made by Cicero, either for the prosecution or the defence, have been preserved to us. Some of them have more attraction for the English reader than others, either from the facts of the case being more interesting or more easily understood, or from their affording more opportunity for the display of the speaker’s powers.

Mr. Fox had an intense admiration for the speech in defence of Caelius. The opinion of one who was no mean orator himself, on his great Roman predecessor, may be worth quoting:

“Argumentative contention is not what he excels in; and he is never, I think, so happy as when he has an opportunity of exhibiting a mixture of philosophy and pleasantry, and especially when he can interpose anecdotes and references to the authority of the eminent characters in the history of his own country. No man appears, indeed, to have had such a real respect for authority as he; and therefore when he speaks on that subject he is always natural and earnest”.

[Footnote 1: Letter to G. Wakefield — Correspondence, .]

There is anecdote and pleasantry enough in this particular oration; but the scandals of Roman society of that day, into which the defence of Caelius was obliged to enter, are not the most edifying subject for any readers. Caelius was a young man of "equestrian" rank, who had been a kind of ward of Cicero's, and must have given him a good deal of trouble by his profligate habits, if the guardianship was anything more than nominal. But in this particular case the accusation brought against him — of trying to murder an ambassador from Egypt by means of hired assassins, and then to poison the lady who had lent him the money to bribe them with — was probably untrue. Clodia, the lady in question, was the worthy sister of the notorious Clodius, and bore as evil a reputation as it was possible for a woman to bear in the corrupt society of Rome — which is saying a great deal. She is the real mover in the case, though another enemy of Caelius, the son of a man whom he had himself brought to trial for bribery, was the ostensible prosecutor. Cicero, therefore, throughout the whole of his speech, aims the bitter shafts of his wit and eloquence at Clodia. His brilliant invectives against this lady, who was, as he pointedly said, "not only noble but notorious", are not desirable to quote. But the opening of the speech is in the advocate's best style. The trial, it seems, took place on a public holiday, when it was not usual to take any cause unless it were of pressing importance.

"If any spectator be here present, gentlemen, who knows nothing of our laws, our courts of justice, or our national customs, he will not fail to wonder what can be the atrocious nature of this case, that on a day of national festival and public holiday like this, when all other business in the Forum is suspended, this single trial should be going on; and he will entertain no doubt but that the accused is charged with a crime of such enormity, that if it were not at once taken cognisance of, the constitution itself would be in peril. And if he heard that there was a law which enjoined that in the case of seditious and disloyal citizens who should take up arms to attack the Senate-house, or use violence against the magistrates, or levy war against the commonwealth, inquisition into the matter should be made at once, on the very day; — he would not find fault with such a law: he would only ask the nature of the charge. But when he heard

that it was no such atrocious crime, no treasonable attempt, no violent outrage, which formed the subject of this trial, but that a young man of brilliant abilities, hard-working in public life, and of popular character, was here accused by the son of a man whom he had himself once prosecuted, and was still prosecuting, and that all a bad woman's wealth and influence was being used against him, — he might take no exception to the filial zeal of Atratinus; but he would surely say that woman's infamous revenge should be baffled and punished…. I can excuse Atratinus; as to the other parties, they deserve neither excuse nor forbearance".

It was a strange story, the case for the prosecution, especially as regarded the alleged attempt to poison Clodia. The poison was given to a friend of Caelius, he was to give it to some slaves of Clodia whom he was to meet at certain baths frequented by her, and they were in some way to administer it. But the slaves betrayed the secret; and the lady employed certain gay and profligate young men, who were hangers-on of her own, to conceal themselves somewhere in the baths, and pounce upon Caelius's emissary with the poison in his possession. But this scheme was said to have failed. Clodia's detectives had rushed from their place of concealment too soon, and the bearer of the poison escaped. The counsel for the prisoner makes a great point of this.

"Why, 'tis the catastrophe of a stage-play — nay, of a burlesque; when no more artistic solution of the plot can be invented, the hero escapes, the bell rings, and — the curtain falls! For I ask why, when Licinius was there trembling, hesitating, retreating, trying to escape — why that lady's body-guard let him go out of their hands? Were they afraid lest, so many against one, such stout champions against a single helpless man, frightened as he was and fierce as they were, they could not master him? I should like exceedingly to see them, those curled and scented youths, the bosom-friends of this rich and noble lady; those stout men-at-arms who were posted by their she-captain in this ambuscade in the baths. And I should like to ask them how they hid themselves, and where? A bath? — why, it must rather have been a Trojan horse, which bore within its womb this band of invincible heroes who went to war for a woman! I would make them answer this question, — why they, being so many and so brave, did

not either seize this slight stripling, whom you see before you, where he stood, or overtake him when he fled? They will hardly be able to explain themselves, I fancy, if they get into that witness-box, however clever and witty they may be at the banquet, — nay, even eloquent occasionally, no doubt, over their wine. But the air of a court of justice is somewhat different from that of the banquet-hall; the benches of this court are not like the couches of a supper-table; the array of this jury presents a different spectacle from a company of revellers; nay, the broad glare of sunshine is harder to face than the glitter of the lamps. If they venture into it, I shall have to strip them of their pretty conceits and fools' gear. But, if they will be ruled by me, they will betake themselves to another trade, win favour in another quarter, flaunt themselves elsewhere than in this court. Let them carry their brave looks to their lady there; let them lord it at her expense, cling to her, lie at her feet, be her slaves; only let them make no attempt upon the life and honour of an innocent man".

The satellites of Clodia could scarcely have felt comfortable under this withering fire of sarcasm. The speaker concluded with an apology — much required — for his client's faults, as those of a young man, and a promise on his behalf — on the faith of an advocate — that he would behave better for the future. He wound up the whole with a point of sensational rhetoric which was common, as has been said, to the Roman bar as to our own — an appeal to the jurymen as fathers. He pointed to the aged father of the defendant, leaning in the most approved attitude upon the shoulder of his son. Either this, or the want of evidence, or the eloquence of the pleader, had its due effect. Caelius was triumphantly acquitted; and it is a proof that the young man was not wholly graceless, that he rose afterwards to high public office, and never forgot his obligations to his eloquent counsel, to whom he continued a stanch friend. He must have had good abilities, for he was honoured with frequent letters from Cicero when the latter was governor of Cilicia. He kept up some of his extravagant tastes; for when he was Aedile (which involved the taking upon him the expense of certain gladiatorial and wild-beast exhibitions), he wrote to beg his friend to send him out of his province some panthers for his show. Cicero complied with the request, and took the opportunity, so characteristic of him, of lauding

his own administration of Cilicia, and making a kind of pun at the same time. “I have given orders to the hunters to see about the panthers; but panthers are very scarce, and the few there are complain, people say, that in the whole province there are no traps laid for anybody but for them”. Catching and skinning the unfortunate provincials, which had been a favourite sport with governors like Verres, had been quite done away with in Cilicia, we are to understand, under Cicero’s rule.

His defence of Ligarius, who was impeached of treason against the state in the person of Caesar, as having borne arms against him in his African campaign, has also been deservedly admired. There was some courage in Cicero’s undertaking his defence; as a known partisan of Pompey, he was treading on dangerous and delicate ground. Caesar was dictator at the time; and the case seems to have been tried before him as the sole judicial authority, without pretence of the intervention of anything like a jury. The defence — if defence it may be called — is a remarkable instance of the common appeal, not to the merits of the case, but to the feelings of the court. After making out what case he could for his client, the advocate as it were throws up his brief, and rests upon the clemency of the judge. Caesar himself, it must be remembered, had begun public life, like Cicero, as a pleader: and, in the opinion of some competent judges, such as Tacitus and Quintilian, had bid fair to be a close rival.

“I have pleaded many causes, Caesar — some, indeed, in association with yourself, while your public career spared you to the courts; but surely I never yet used language of this sort,—’Pardon him, sirs, he has offended: he has made a false step: he did not think to do it; he never will again’. This is language we use to a father. To the court it must be,—’He did not do it: he never contemplated it: the evidence is false; the charge is fabricated’. If you tell me you sit but as the judge of the fact in this case, Caesar, — if you ask me where and when he served against you, — I am silent; I will not now dwell on the extenuating circumstances, which even before a judicial tribunal might have their weight. We take this course before a judge, but I am here pleading to a father. ‘I have erred — I have done wrong, I am sorry: I take refuge in your clemency; I ask forgiveness for my fault; I pray you, pardon me’…. There is nothing so popular,

believe me, sir, as kindness; of all your many virtues none wins men's admiration and their love like mercy. In nothing do men reach so near the gods, as when they can give life and safety to mankind. Fortune has given you nothing more glorious than the power, your own nature can supply nothing more noble than the will, to spare and pardon wherever you can. The case perhaps demands a longer advocacy — your gracious disposition feels it too long already. So I make an end, preferring for my cause that you should argue with your own heart, than that I or any other should argue with you. I will urge nothing more than this, — the grace which you shall extend to my client in his absence, will be felt as a boon by all here present".

The great conqueror was, it is said, visibly affected by the appeal, and
Ligarius was pardoned.

CHAPTER VIII. MINOR CHARACTERISTICS.

Not content with his triumphs in prose, Cicero had always an ambition — to be a poet. Of his attempts in this way we have only some imperfect fragments, scattered here and there through his other works, too scanty to form any judgment upon. His poetical ability is apt to be unfairly measured by two lines which his opponents were very fond of quoting and laughing at, and which for that reason have become the best known. But it is obvious that if Wordsworth or Tennyson were to be judged solely by a line or two picked out by an unfavourable reviewer — say from 'Peter Bell' or from the early version of the 'Miller's Daughter' — posterity would have a very mistaken appreciation of their merits. Plutarch and the younger Pliny, who had seen more of Cicero's poetry than we have, thought highly of it. So he did himself; but so it was his nature to think of most of his own performances; and such an estimate is common to other authors besides Cicero, though few announce it so openly. Montaigne takes him to task for this, with more wit, perhaps, than fairness. "It is no great fault to write poor verses; but it is a fault not to be able to see how unworthy such poor verses were of his reputation". Voltaire, on the other hand, who was perhaps as good a judge, thought there was "nothing more beautiful" than some of the fragments of his poem on 'Marius', who was the ideal hero of his youth. Perhaps the very fact, however, of none of his poems having been preserved, is some argument that such poetic gift as he had was rather facility than genius. He wrote, besides this poem on 'Marius', a 'History of my Consulship', and a 'History of my Own Times', in verse, and some translations from Homer.

He had no notion of what other men called relaxation: he found his own relaxation in a change of work. He excuses himself in one of his orations for this strange taste, as it would seem to the indolent and luxurious Roman nobles with whom he was so unequally yoked.

"Who after all shall blame me, or who has any right to be angry with me, if the time which is not grudged to others for managing their private business, for attending public games and festivals, for pleasures of any other kind, — nay, even for very rest of mind and

body, — the time which others give to convivial meetings, to the gaming-table, to the tennis-court, — this much I take for myself, for the resumption of my favourite studies?"

In this indefatigable appetite for work of all kinds, he reminds us of no modern politician so much as of Sir George Cornewall Lewis; yet he would not have altogether agreed with him in thinking that life would be very tolerable if it were not for its amusements. He was, as we have seen, of a naturally social disposition. "I like a dinner-party", he says in a letter to one of his friends; "where I can say just what comes uppermost, and turn my sighs and sorrows into a hearty laugh. I doubt whether you are much better yourself, when you can laugh as you did even at a philosopher. When the man asked —'Whether anybody wanted to know anything?' you said you had been wanting to know all day when it would be dinner-time. The fellow expected you to say you wanted to know how many worlds there were, or something of that kind".

[Footnote 1: These professional philosophers, at literary dinner-parties, offered to discuss and answer any question propounded by the company.]

He is said to have been a great laugher. Indeed, he confesses honestly that the sense of humour was very powerful with him—"I am wonderfully taken by anything comic", he writes to one of his friends. He reckons humour also as a useful ally to the orator. "A happy jest or facetious turn is not only pleasant, but also highly useful occasionally;" but he adds that this is an accomplishment which must come naturally, and cannot be taught under any possible system. There is at least sufficient evidence that he was much given to making jokes, and some of them which have come down to us would imply that a Roman audience was not very critical on this point. There is an air of gravity about all courts of justice which probably makes a very faint amount of jocularity hailed as a relief. Even in an English law-court, a joke from the bar, much more from the bench, does not need to be of any remarkable brilliancy in order to be secure of raising a laugh; and we may fairly suppose that the same was the case at Rome. Cicero's jokes were frequently nothing more than puns, which it would be impossible, even if it were worth while, to reproduce to an English ear. Perhaps the best, or at all

events the most intelligible, is his retort to Hortensius during the trial of Verres. The latter was said to have feed his counsel out of his Sicilian spoils — especially, there was a figure of a sphinx, of some artistic value, which had found its way from the house of the ex-governor into that of Hortensius. Cicero was putting a witness through a cross-examination of which his opponent could not see the bearing. “I do not understand all this”, said Hortensius; “I am no hand at solving riddles”. “That is strange, too”, rejoined Cicero, “when you have a sphinx at home”. In the same trial he condescended, in the midst of that burning eloquence of which we have spoken, to make two puns on the defendant’s name. The word “*Verres*” had two meanings in the old Latin tongue: it signified a “boar-pig”, and also a “broom” or “sweeping-brush”. One of Verres’s friends, who either was or had the reputation of being a Jew, had tried to get the management of the prosecution out of Cicero’s hands. “What has a Jew to do with *pork*?” asked the orator. Speaking, in the course of the same trial, of the way in which the governor had made “requisitions” of all the most valuable works of art throughout the island, “the broom”, said he, “swept clean”. He did not disdain the comic element in poetry more than in prose; for we find in Quinitilian a quotation from a punning epigram in some collection of such trifles which in his time bore Cicero’s name. Tiro is said to have collected and published three volumes of his master’s good things after his death; but if they were not better than those which have come down to us, as contained in his other writings, there has been no great loss to literature in Tiro’s ‘Ciceroniana’. He knew one secret at least of a successful humourist in society: for it is to him that we owe the first authoritative enunciation of a rule which is universally admitted—”that a jest never has so good an effect as when it is uttered with a serious countenance”.

[Footnote 1: De Orat. II. 54.]

[Footnote 2: ‘Libellus Jocularis’, Quint. viii. 6.]

Cicero had a wonderful admiration for the Greeks. “I am not ashamed to confess”, he writes to his brother, “especially since my life and career have been such that no suspicion of indolence or want of energy can rest upon me, that all my own attainments are due to those studies and those accomplishments which have been handed

down to us in the literary treasures and the philosophical systems of the Greeks". It was no mere rhetorical outburst, when in his defence of Valerius Flaccus, accused like Verres, whether truly or falsely, of corrupt administration in his province, he thus introduced the deputation from Athens and Lacedaemon who appeared as witnesses to the character of his client.

"Athenians are here to-day, amongst whom civilisation, learning, religion, agriculture, public law and justice, had their birth, and whence they have been disseminated over all the world: for the possession of whose city, on account of its exceeding beauty, even gods are said to have contended: which is of such antiquity, that she is said to have bred her citizens within herself, and the same soil is termed at once their mother, their nurse, and their country: whose importance and influence is such that the name of Greece, though it has lost much of its weight and power, still holds its place by virtue of the renown of this single city".

He had forgotten, perhaps, as an orator is allowed to forget, that in the very same speech, when his object was to discredit the accusers of his client, he had said, what was very commonly said of the Greeks at Rome, that they were a nation of liars. There were excellent men among them, he allowed — thinking at the moment of the counter-evidence which he had ready for the defendant — but he goes on to make this sweeping declaration:

"I will say this of the whole race of the Greeks: I grant them literary genius, I grant them skill in various accomplishments, I do not deny them elegance in conversation, acuteness of intellect, fluent oratory; to any other high qualities they may claim I make no objection: but the sacred obligation that lies upon a witness to speak the truth is what that nation has never regarded".

[Footnote 1: Defence of Val. Flaccus, c. 4.]

There was a certain proverb, he went on to say, "Lend me your evidence", implying—"and you shall have mine when you want it;" a Greek proverb, of course, and men knew these three words of Greek who knew no Greek besides. What he loved in the Greeks, then, was rather the grandeur of their literature and the charm of their social qualities (a strict regard for truth is, unhappily, no indispensable ingredient in this last); he had no respect whatever for

their national character. The orator was influenced, perhaps, most of all by his intense reverence for the Athenian Demosthenes, whom, as a master in his art, he imitated and well-nigh worshipped. The appreciation of his own powers which every able man has, and of which Cicero had at least his share, fades into humility when he comes to speak of his great model. “Absolutely perfect”, he calls him in one place; and again in another, “What I have attempted, Demosthenes has achieved”. Yet he felt also at times, when the fervour of genius was strong within him, that there was an ideal of eloquence enshrined in his own inmost mind, “which I can *feel*”, he says, “but which I never knew to exist in any man”.

He could not only write Greek as a scholar, but seems to have spoken it with considerable ease and fluency; for on one occasion he made a speech in that language, a condescension which some of his friends thought derogatory to the dignity of a Roman.

From the Greeks he learnt to appreciate art. How far his taste was really cultivated in this respect is difficult for us to judge. Some passages in his letters to Atticus might lead us to suspect that, as Disraeli concludes, he was rather a collector than a real lover of art. His appeals to his friend to buy up for him everything and anything, and his surrender of himself entirely to Atticus’s judgment in such purchases, do not bespeak a highly critical taste. In a letter to another friend, he seems to say that he only bought statuary as “furniture” for the gymnasium at his country-seat; and he complains that four figures of Bacchanals, which this friend had just bought for him, had cost more than he would care to give for all the statues that ever were made. On the other hand, when he comes to deal with Verres’s wholesale plunder of paintings and statues in Sicily, he talks about the several works with considerable enthusiasm. Either he really understood his subject, or, like an able advocate, he had thoroughly got up his brief. But the art-notices which are scattered through his works show a considerable acquaintance with the artist-world of his day. He tells us, in his own admirable style, the story of Zeuxis, and the selection which he made from all the beauties of Crotona, in order to combine their several points of perfection in his portrait of Helen; he refers more than once, and always in language which implies an appreciation of the artist, to the works of Phidias,

especially that which is said to have cost him his life — the shield of Minerva; and he discusses, though it is but by way of illustration, the comparative points of merit in the statues of Calamis, and Myron, and Polycletus, and in the paintings of the earlier schools of Zeuxis, Polygnotus, and Timanthes, with their four primitive colours, as compared with the more finished schools of Protogenes and Apelles.

CHAPTER IX. CICERO'S CORRESPONDENCE.

I. ATTICUS.

It seems wonderful how, in the midst of all his work, Cicero found time to keep up such a voluminous correspondence. Something like eight hundred of his letters still remain to us, and there were whole volumes of them long preserved which are now lost, to say nothing of the very many which may never have been thought worth preserving. The secret lay in his wonderful energy and activity. We find him writing letters before day-break, during the service of his meals, on his journeys, and dictating them to an amanuensis as he walked up and down to take needful exercise.

[Footnote 1: Collections of his letters to Caesar, Brutus, Cornelius Nepos the historian, Hirtius, Pansa, and to his son, are known to have existed.]

His correspondents were of almost all varieties of position and character, from Caesar and Pompey, the great men of the day, down to his domestic servant and secretary, Tiro. Amongst them were rich and ease-loving Epicureans like Atticus and Paetus, and even men of pleasure like Caelius: grave Stoics like Cato, eager patriots like Brutus and Cassius, authors such as Cornelius Nepos and Lucceius the historians, Varro the grammarian, and Metius the poet; men who dabbled with literature in a gentleman-like way, like Hirtius and Appius, and the accomplished literary critic and patron of the day — himself of no mean reputation as poet, orator, and historian — Caius Asinius Pollio. Cicero's versatile powers found no difficulty in suiting the contents of his own letters to the various tastes and interests of his friends. Sometimes he sends to his correspondent what was in fact a political journal of the day — rather one-sided, it must be confessed, as all political journals are, but furnishing us with items of intelligence which throw light, as nothing else can, on the history of those latter days of the Republic. Sometimes he jots down the mere gossip of his last dinner-party; sometimes he notices the speculations of the last new theorist in philosophy, or discusses with a literary friend some philological question — the latter being a

study in which he was very fond of dabbling, though with little success, for the science of language was as yet unknown.

His chief correspondent, as has been said, was his old school-fellow and constant friend through life, Pomponius Atticus. The letters addressed to him which still remain to us cover a period of twenty-four years, with a few occasional interruptions, and the correspondence only ceased with Cicero's death. The Athenianised Roman, though he had deliberately withdrawn himself from the distracting factions of his native city, which he seldom revisited, kept on the best terms with the leaders of all parties, and seems to have taken a very lively interest, though merely in the character of a looker-on, in the political events which crowded so fast upon each other during the fifty years of his voluntary expatriation. Cicero's letters were to him what an English newspaper would be now to an English gentleman who for his own reasons preferred to reside in Paris, without forswearing his national interests and sympathies. At times, when Cicero was more at leisure, and when messengers were handy (for we have to remember that there was nothing like our modern post), Cicero would despatch one of these letters to Atticus daily. We have nearly four hundred of them in all. They are continually garnished, even to the point of affectation, with Greek quotations and phrases, partly perhaps in compliment to his friend's Athenian tastes, and partly from the writer's own passion for the language.

So much reference has been made to them throughout the previous biographical sketch, — for they supply us with some of the most important materials for Cicero's life and times, — that it may be sufficient to give in this place two or three of the shorter as specimens of the collection. One which describes a visit which he received from Julius Caesar, already dictator, in his country-house near Puteoli, is interesting, as affording a glimpse behind the scenes in those momentous days when no one knew exactly whether the great captain was to turn out a patriot or a conspirator against the liberties of Rome.

"To think that I should have had such a tremendous visitor! But never mind; for all went off very pleasantly. But when he arrived at Philippus's house on the evening of the second day of the Saturnalia,

the place was so full of soldiers that they could hardly find a spare table for Caesar himself to dine at. There were two thousand men. Really I was in a state of perplexity as to what was to be done next day: but Barba Cassius came to my aid, — he supplied me with a guard. They pitched their tents in the grounds, and the house was protected. He stayed with Philippus until one o'clock on the third day of the Saturnalia, and would see no one. Going over accounts, I suppose, with Balbus. Then he walked on the sea-shore. After two he had a bath: then he listened to some verses on Mamurra, without moving a muscle of his countenance: then dressed, and sat down to dinner. He had taken a precautionary emetic, and therefore ate and drank heartily and unrestrainedly. We had, I assure you, a very good dinner, and well served; and not only that, but

'The feast of reason and the flow of soul'

besides. His suite were abundantly supplied at three other tables: the freedmen of lower rank, and even the slaves, were well taken care of. The higher class had really an elegant entertainment. Well, no need to make a long story; we found we were both 'flesh and blood'. Still he is not the kind of guest to whom you would say —'Now do, pray, take us in your way on your return'. Once is enough. We had no conversation on business, but a good deal of literary talk. In short, he seemed to be much pleased, and to enjoy himself. He said he should stay one day at Puteoli, and another at Baiae. So here you have an account of this visit, or rather quartering of troops upon me, which I disliked the thoughts of, but which really, as I have said, gave me no annoyance. I shall stay here a little longer, then go to my house at Tusculum. When Caesar passed Dolabella's villa, all the troops formed up on the right and left of his horse, which they did nowhere else. I heard that from Nicias".

[Footnote 1: This was close to Cicero's villa, on the coast.]

[Footnote 2: Literally, "he got himself oiled". The emetic was a disgusting practice of Roman *bon vivants* who were afraid of indigestion.]

[Footnote 3: The verse which Cicero quotes from Lucilius is fairly equivalent to this.]

[Footnote 4: Probably by way of salute; or possibly as a precaution.]

In the following, he is anticipating a visit from his friend, and from the lady to whom he is betrothed.

"I had a delightful visit from Cincius on the 30th of January, before daylight. For he told me that you were in Italy, and that he was going to send off some messengers to you, and would not let them go without a letter from me. Not that I have much to write about (especially when you are all but here), except to assure you that I am anticipating your arrival with the greatest delight. Therefore fly to me, to show your own affection, and to see what affection I bear you. Other matters when we meet. I have written this in a hurry. As soon as ever you arrive, bring all your people to my house. You will gratify me very much by coming. You will see how wonderfully well Tyrrannio has arranged my books, the remains of which are much better than I had thought. And I should be very glad if you could send me a couple of your library clerks whom Tyrrannio could make use of as binders, and to help him in other ways; and tell them to bring some parchment to make indices — syllabuses, I believe you Greeks call them. But this only if quite convenient to you. But, at any rate, be sure you come yourself, if you can make any stay in our parts, and bring Pilia with you, for that is but fair, and Tullia wishes it much. Upon my word you have bought a very fine place. I hear that your gladiators fight capitally. If you had cared to hire them out, you might have cleared your expenses at these two last public shows. But we can talk about this hereafter. Be sure to come; and do your best about the clerks, if you love me".

The Roman gentleman of elegant and accomplished tastes, keeping a troop of private gladiators, and thinking of hiring them out, to our notions, is a curious combination of character; but the taste was not essentially more brutal than the prize-ring and the cock-fights of the last century.

II. PAETUS.

Another of Cicero's favourite correspondents was Papirius Paetus, who seems to have lived at home at ease, and taken little part in the political tumults of his day. Like Atticus, he was an Epicurean, and thought more of the pleasures of life than of its cares and duties. Yet

Cicero evidently took great pleasure in his society, and his letters to him are written in the same familiar and genial tone as those to his old school-fellow. Some of them throw a pleasant light upon the social habits of the day. Cicero had had some friends staying with him at his country-seat at Tusculum, to whom, he says, he had been giving lessons in oratory. Dolabella, his son-in-law, and Hirtius, the future consul, were among them. "They are my scholars in declamation, and I am theirs in dinner-eating; for I conclude you have heard (you seem to hear everything) that they come to me to declaim, and I go to them for dinners. 'Tis all very well for you to swear that you cannot entertain me in such grand fashion as I am used to, but it is of use…. Better be victimised by your friend than by your debtors, as you have been. After all, I don't require such a banquet as leaves a great waste behind it; a little will do, only handsomely served and well cooked. I remember your telling me about a dinner of Phamea's — well, it need not be such a late affair as that, nor so grand in other respects; nay, if you persist in giving me one of your mother's old family dinners, I can stand even that. My new reputation for good living has reached you, I find, before my arrival, and you are alarmed at it; but, pray, put no trust in your ante-courses — I have given up that altogether. I used to spoil my appetite, I remember, upon your oil and sliced sausages…. One expense I really shall put you to; I must have my warm bath. My other habits, I assure you, are quite unaltered; all the rest is joke".

Paetus seems to answer him with the same good-humoured badinage. Balbus, the governor of Africa, had been to see him, he says, and *he* had been content with such humble fare as he feared Cicero might despise. So much, at least, we may gather from Cicero's answer.

"Satirical as ever, I see. You say Balbus was content with very modest fare. You seem to insinuate that when grandees are so moderate, much more ought a poor ex-consul like myself so to be. You don't know that I fished it all out of your visitor himself, for he came straight to my house on his landing. The very first words I said to him were, 'How did you get on with our friend Paetus?' He swore he had never been better entertained. If this referred to the charms of your conversation, remember, I shall be quite as appreciative a

listener as Balbus; but if it meant the good things on the table, I must beg you will not treat us men of eloquence worse than you do a 'Lisper'".

[Footnote 1: One of Cicero's puns. Balbus means 'Lisper'.]

They carry on this banter through several letters. Cicero regrets that he has been unable as yet to pay his threatened visit, when his friend would have seen what advances he had made in gastronomic science. He was able now to eat through the whole bill of fare —"from the eggs to the *roti*".

"I [Stoic that used to be] have gone over with my whole forces into the camp of Epicurus. You will have to do with a man who can eat, and who knows what's what. You know how conceited we late learners are, as the proverb says. You will have to unlearn those little 'plain dinners' and makeshifts of yours. We have made such advances in the art, that we have been venturing to invite, more than once, your friends Verrius and Camillus (what elegant and fastidious gentlemen they are!). But see how audacious we are getting! I have even given Hirtius a dinner — but without a peacock. My cook could imitate nothing in his entertainments except the hot soup".

Then he hears that his friend is in bed with the gout.

"I am extremely sorry to hear it, as in duty bound; still, I am quite determined to come, that I may see you, and pay my visit, — yes, and have my dinner: for I suppose your cook has not got the gout as well".

Such were the playful epistles of a busy man. But even in some of these lightest effusions we see the cares of the statesman showing through. Here is a portion of a later letter to the same friend.

"I am very much concerned to hear you have given up going out to dinner; for it is depriving yourself of a great source of enjoyment and gratification. Then, again, I am afraid — for it is as well to speak honestly — lest you should unlearn certain old habits of yours, and forget to give your own little dinners. For if formerly, when you had good examples to imitate, you were still not much of a proficient in that way, how can I suppose you will get on now? Spurina, indeed, when I mentioned the thing to him, and explained your previous habits, proved to demonstration that there would be danger to the highest interests of the state if you did not return to your old ways in

the spring. But indeed, my good Paetus, I advise you, joking apart, to associate with good fellows, and pleasant fellows, and men who are fond of you. There is nothing better worth having in life, nothing that makes life more happy…. See how I employ philosophy to reconcile you to dinner-parties. Take care of your health; and that you will best do by going out to dinner…. But don't imagine, as you love me, that because I write jestingly I have thrown off all anxiety about public affairs. Be assured, my dear Paetus, that I seek nothing and care for nothing, night or day, but how my country may be kept safe and free. I omit no opportunity of advising, planning, or acting. I feel in my heart that if in securing this I have to lay down my life, I shall have ended it well and honourably".

III. HIS BROTHER QUINTUS.

Between Marcus Cicero and his younger brother Quintus there existed a very sincere and cordial affection — somewhat warmer, perhaps, on the side of the elder, inasmuch as his wealth and position enabled him rather to confer than to receive kindnesses; the rule in such cases being (so cynical philosophers tell us) that the affection is lessened rather than increased by the feeling of obligation. He almost adopted the younger Quintus, his nephew, and had him educated with his own son; and the two cousins received their earlier training together in one or other of Marcus Cicero's country-houses under a clever Greek freedman of his, who was an excellent scholar, and — what was less usual amongst his countrymen, unless Cicero's estimate of them does them great injustice — a very honest man, but, as the two boys complained, terribly passionate. Cicero himself, however, was the head tutor — an office for which, as he modestly writes, his Greek studies fully qualified him. Quintus Cicero behaved ill to his brother after the battle of Pharsalia, making what seem to have been very unjust accusations against him in order to pay court to Caesar; but they soon became friends again.

Twenty-nine of the elder Cicero's letters to his brother remain, written in terms of remarkable kindness and affection, which go far to vindicate the Roman character from a charge which has sometimes been brought against it of coldness in these family relationships. Few

modern brothers, probably, would write to each other in such terms as these:

"Afraid lest your letters bother me? I wish you would bother me, and re-bother me, and talk to me and at me; for what can give me more pleasure? I swear that no muse-stricken rhymester ever reads his own last poem with more delight than I do what you write to me about matters public or private, town or country. Here now is a letter from you full of pleasant matter, but with this dash of the disagreeable in it, that you have been afraid — nay, are even now afraid — of being troublesome to me. I could quarrel with you about it, if that were not a sin. But if I have reason to suspect anything of that sort again, I can only say that I shall always be afraid lest, when we are together, I may be troublesome to you".

Or take, again, the pathetic apology which he makes for having avoided an interview with Quintus in those first days of his exile when he was so thoroughly unmanned:

"My brother, my brother, my brother! Did you really fear that I was angry, because I sent off the slaves without any letter to you? And did you even think that I was unwilling to see you? I angry with you? Could I possibly be angry with you?… When I miss you, it is not a brother only that I miss. To me you have always been the pleasantest of companions, a son in dutiful affection, a father in counsel. What pleasure ever had I without you, or you without me?"

Quintus had accompanied Caesar on his expedition into Britain as one of his lieutenants, and seems to have written home to his brother some notices of the country; to which the latter, towards the end of his reply, makes this allusion:

"How delighted I was to get your letter from Britain! I had been afraid of the voyage across, afraid of the rock-bound coast of the island. The other dangers of such a campaign I do not mean to despise, but in these there is more to hope than to fear, and I have been rather anxiously expecting the result than in any real alarm about it. I see you have a capital subject to write about. What novel scenery, what natural curiosities and remarkable places, what strange tribes and strange customs, what a campaign, and what a commander you have to describe! I will willingly help you in the points you request, and I will send you the verses you ask for — though it is

sending ‘an owl to Athens’, I know”.

[Footnote 1: A Greek proverb, equivalent to our ‘coals to Newcastle’.]

In another letter he says, “Only give me Britain to paint with your colours and my own pencil”. But either the Britons of those days did not, after all, seem to afford sufficient interest for poem or history, or for some other reason this joint literary undertaking, which seems once to have been contemplated, was never carried out, and we have missed what would beyond doubt have been a highly interesting volume of Sketches in Britain by the brothers Cicero.

Quintus was a poet, as well as his brother — nay, a better poet, in the latter’s estimation, or at least he was polite enough to say so more than once. In quantity, at least, if not in quality, the younger must have been a formidable rival, for he wrote, as appears from one of these letters, four tragedies in fifteen days — possibly translations only from the Greek.

One of the most remarkable of all Cicero’s letters, and perhaps that which does him most credit both as a man and a statesman, is one which he wrote to his brother, who was at the time governor of Asia. Indeed, it is much more than a letter; it is rather a grave and carefully weighed paper of instructions on the duties of such a position. It is full of sound practical sense, and lofty principles of statesmanship — very different from the principles which too commonly ruled the conduct of Roman governors abroad. The province which had fallen to the lot of Quintus Cicero was one of the richest belonging to the Empire, and which presented the greatest temptations and the greatest facilities for the abuse of power to selfish purposes. Though called Asia, it consisted only of the late kingdom of Pergamus, and had come under the dominion of Rome, not by conquest, as was the case with most of the provinces, but by way of legacy from Attalus, the last of its kings; who, after murdering most of his own relations, had named the Roman people as his heirs. The seat of government was at Ephesus. The population was of a very mixed character, consisting partly of true Asiatics, and partly of Asiatic Greeks, the descendants of the old colonists, and containing also a large Roman element — merchants who were there for purposes of trade, many of them bankers and money-lenders, and

speculators who farmed the imperial taxes, and were by no means scrupulous in the matter of fleecing the provincials. These latter — the 'Publicani', as they were termed — might prove very dangerous enemies to any too zealous reformer. If the Roman governor there really wished to do his duty, what with the combined servility and double-dealing of the Orientals, the proverbial lying of the Greeks, and the grasping injustice of the Roman officials, he had a very difficult part to play. How Quintus had been playing it is not quite clear. His brother, in this admirable letter, assumes that he had done all that was right, and urges him to maintain the same course. But the advice would hardly have been needed if all had gone well hitherto.

"You will find little trouble in holding your subordinates in check, if you can but keep a check upon yourself. So long as you resist gain, and pleasure, and all other temptations, as I am sure you do, I cannot fancy there will be any danger of your not being able to check a dishonest merchant or an extortionate collector. For even the Greeks, when they see you living thus, will look upon you as some hero from their old annals, or some supernatural being from heaven, come down into their province.

"I write thus, not to urge you so to act, but that you may congratulate yourself upon having so acted, now and heretofore. For it is a glorious thing for a man to have held a government for three years in Asia, in such sort that neither statue, nor painting, nor work of art of any kind, nor any temptations of wealth or beauty (in all which temptations your province abounds) could draw you from the strictest integrity and self-control: that your official progresses should have been no cause of dread to the inhabitants, that none should be impoverished by your requisitions, none terrified at the news of your approach; — but that you should have brought with you, wherever you came, the most hearty rejoicings, public and private, inasmuch as every town saw in you a protector and not a tyrant — every family received you as a guest, not as a plunderer.

"But in these points, as experience has by this time taught you, it is not enough for you to have these virtues yourself, but you must look to it carefully, that in this guardianship of the province not you alone, but every officer under you, discharges his duty to our subjects, to our fellow-citizens, and to the state…. If any of your

subordinates seem grasping for his own interest, you may venture to bear with him so long as he merely neglects the rules by which he ought to be personally bound; never so far as to allow him to abuse for his own gain the power with which you have intrusted him to maintain the dignity of his office. For I do not think it well, especially since the customs of official life incline so much of late to laxity and corrupt influence, that you should scrutinise too closely every abuse, or criticise too strictly every one of your officers, but rather place trust in each in proportion as you feel confidence in his integrity.

"For those whom the state has assigned you as companions and assistants in public business, you are answerable only within the limits I have just laid down; but for those whom you have chosen to associate with yourself as members of your private establishment and personal suite, you will be held responsible not only for all they do, but for all they say….

"Your ears should be supposed to hear only what you publicly listen to, not to be open to every secret and false whisper for the sake of private gain. Your official seal should be not as a mere common tool, but as though it were yourself; not the instrument of other men's wills, but the evidence of your own. Your officers should be the agents of your clemency, not of their own caprice; and the rods and axes which they bear should be the emblems of your dignity, not merely of your power. In short, the whole province should feel that the persons, the families, the reputation, and the fortunes of all over whom you rule, are held by you very precious. Let it be well understood that you will hold that man as much your enemy who gives a bribe, if it comes to your knowledge, as the man who receives it. But no one will offer bribes, if this be once made clear, that those who pretend to have influence of this kind with you have no power, after all, to gain any favour for others at your hands.

* * * * *

"Let such, then, be the foundations of your dignity; — first, integrity and self-control on your own part; a becoming behaviour on the part of all about you; a very careful and circumspect selection of your intimates, whether Greeks or provincials; a grave and firm discipline maintained throughout your household. For if such conduct befits us

in our private and everyday relations, it becomes well-nigh godlike in a government of such extent, in a state of morals so depraved, and in a province which presents so many temptations. Such a line of conduct and such rules will alone enable you to uphold that severity in your decisions and decrees which you have employed in some cases, and by which we have incurred (and I cannot regret it) the jealousy of certain interested parties…. You may safely use the utmost strictness in the administration of justice, so long as it is not capricious or partial, but maintained at the same level for all. Yet it will be of little use that your own decisions be just and carefully weighed, unless the same course be pursued by all to whom you delegate any portion of your judicial authority. Such firmness and dignity must be employed as may not only be above partiality, but above the suspicion of it. To this must be added readiness to give audience, calmness in deciding, care in weighing the merits of the case and in satisfying the claims of the parties".

Yet he advises that justice should be tempered with leniency.

"If such moderation be popular at Rome, where there is so much self-assertion, such unbridled freedom, so much licence allowed to all men; — where there are so many courts of appeal open, so many means of help, where the people have so much power and the Senate so much authority; how grateful beyond measure will moderation be in the governor of Asia, a province where all that vast number of our fellow-citizens and subjects, all those numerous states and cities, hang upon one man's nod! where there is no appeal to the tribune, no remedy at law, no Senate, no popular assembly. Wherefore it should be the aim of a great man, and one noble by nature and trained by education and liberal studies, so to behave himself in the exercise of that absolute power, as that they over whom he presides should never have cause to wish for any authority other than his".

IV. TIRO.

Of all Cicero's correspondence, his letters to Tiro supply the most convincing evidence of his natural kindness of heart. Tiro was a slave; but this must be taken with some explanation. The slaves in a household like Cicero's would vary in position from the lowest

menial to the important major-domo and the confidential secretary. Tiro was of this higher class. He had probably been born and brought up in the service, like Eliezer in the household of Abraham, and had become, like him, the trusted agent of his master and the friend of the whole family. He was evidently a person of considerable ability and accomplishments, acting as literary amanuensis, and indeed in some sort as a domestic critic, to his busy master. He had accompanied him to his government in Cilicia, and on the return home had been taken ill, and obliged to be left behind at Patrae. And this is Cicero's affectionate letter to him, written from Leucas (Santa Maura) the day afterwards:

"I thought I could have borne the separation from you better, but it is plainly impossible; and although it is of great importance to the honours which I am expecting that I should get to Rome as soon as possible, yet I feel I made a great mistake in leaving you behind. But as it seemed to be your wish not to make the voyage until your health was restored, I approved your decision. Nor do I think otherwise now, if you are still of the same opinion. But if hereafter, when you are able to eat as usual, you think you can follow me here, it is for you to decide. I sent Mario to you, telling him either to join me with you as soon as possible, or, if you are delayed, to come back here at once. But be assured of this, that if it can be so without risk to your health, there is nothing I wish so much as to have you with me. Only, if you feel it necessary for your recovery to stay a little longer at Patrae, there is nothing I wish so much as for you to get well. If you sail at once, you will catch us at Leucas. But if you want to get well first, take care to secure pleasant companions, fine weather, and a good ship. Mind this, my good Tiro, if you love me — let neither Mario's visit nor this letter hurry you. By doing what is best for your own health, you will be best obeying my directions. Consider these points with your usual good sense. I miss you very much; but then I love you, and my affection makes me wish to see you well, just as my want of you makes me long to see you as soon as possible. But the first point is the most important. Above all, therefore, take care to get well: of all your innumerable services to me, this will be the most acceptable".

[Footnote 1: The triumph for the victory gained under his nominal

command over the hill-tribes in Cilicia, during his governorship of that province ().]

Cicero writes to him continually during his own journey homewards with the most thoughtful kindness, begs that he will be cautious as to what vessel he sails in, and recommends specially one very careful captain. He has left a horse and a mule ready for him when he lands at Brundusium. Then he hears that Tiro had been foolish enough to go to a concert, or something of the kind, before he was strong, for which he mildly reproves him. He has written to the physician to spare no care or pains, and to charge, apparently, what he pleases. Several of his letters to his friend Atticus, at this date, speak in the most anxious and affectionate terms of the serious illness of this faithful servant. Just as he and his party are starting from Leucas, they send a note "from Cicero and his son, and Quintus the elder and younger, to their best and kindest Tiro". Then from Rome comes a letter in the name of the whole family, wife and daughter included:

"Marcus Tullius Cicero, and Cicero the younger, and Terentia, and Tullia, and Brother Quintus, and Quintus's Son, to Tiro send greeting.

"Although I miss your able and willing service every moment, still it is not on my own account so much as yours that I am sorry you are not well. But as your illness has now taken the form of a quartan fever (for so Curius writes), I hope, if you take care of yourself, you will soon be stronger. Only be sure, if you have any kindness for me, not to trouble yourself about anything else just now, except how to get well as soon as may be. I am quite aware how much you regret not being with me; but everything will go right if you get well. I would not have you hurry, or undergo the annoyance of sea-sickness while you are weak, or risk a sea-voyage in winter". Then he tells him all the news from Rome; how there had been quite an ovation on his arrival there; how Caesar was (he thought) growing dangerous to the state; and how his own coveted "triumph" was still postponed. "All this", he says, "I thought you would like to know". Then he concludes: "Over and over again, I beg you to take care to get well, and to send me a letter whenever you have an opportunity. Farewell, again and again".

Tiro got well, and outlived his kind master, who, very soon after this, presented him with his freedom. It is to him that we are said to be indebted for the preservation and publication of Cicero's correspondence. He wrote, also, a biography of him, which Plutarch had seen, and of which he probably made use in his own 'Life of Cicero', but which has not come down to us.

There was another of his household for whom Cicero had the same affection. This was Sositheus, also a slave, but a man, like Tiro, of some considerable education, whom he employed as his reader. His death affected Cicero quite as the loss of a friend. Indeed, his anxiety is such, that his Roman dignity is almost ashamed of it. "I grieve", he says, "more than I ought for a mere slave". Just as one might now apologise for making too much fuss about a favourite dog; for the slave was looked upon in scarcely a higher light in civilised Rome. They spoke of him in the neuter gender, as a chattel; and it was gravely discussed, in case of danger in a storm at sea, which it would be right first to cast overboard to lighten the ship, a valuable horse or an indifferent slave. Hortensius, the rival advocate who has been mentioned, a man of more luxurious habits and less kindly spirit than Cicero, who was said to feed the pet lampreys in his stews much better than he did his slaves, and to have shed tears at the death of one of these ugly favourites, would have probably laughed at Cicero's concern for Sositheus and Tiro.

But indeed every glimpse of this kind which Cicero's correspondence affords us gives token of a kindly heart, and makes us long to know something more. Some have suspected him of a want of filial affection, owing to a somewhat abrupt and curt announcement in a letter to Atticus of his father's death; and his stanch defenders propose to adopt, with Madvig, the reading, *discessit*—"left us", instead of *decessit*—"died". There really seems no occasion. Unless Atticus knew the father intimately, there was no need to dilate upon the old man's death; and Cicero mentions subsequently, in terms quite as brief, the marriage of his daughter and the birth of his son — events in which we are assured he felt deeply interested. If any further explanation of this seeming coldness be required, the following remarks of Mr. Forsyth are apposite and true:

“The truth is, that what we call *sentiment* was almost unknown to the ancient Romans, in whose writings it would be as vain to look for it as to look for traces of Gothic architecture amongst classic ruins. And this is something more than a mere illustration. It suggests a reason for the absence. Romance and sentiment came from the dark forests of the North, when Scandinavia and Germany poured forth their hordes to subdue and people the Roman Empire. The life of a citizen of the Republic of Rome was essentially a public life. The love of country was there carried to an extravagant length, and was paramount to, and almost swallowed up, the private and social affections. The state was everything, the individual comparatively nothing. In one of the letters of the Emperor Marcus Aurelius to Fronto, there is a passage in which he says that the Roman language had no word corresponding with the Greek [Greek: philostorgia], — the affectionate love for parents and children. Upon this Niebuhr remarks that the feeling was ‘not a Roman one; but Cicero possessed it in a degree which few Romans could comprehend, and hence he was laughed at for the grief which he felt at the death of his daughter Tullia’”.

CHAPTER X. ESSAYS ON ‘OLD AGE’ AND ‘FRIENDSHIP’

The treatise on ‘Old Age’, which is thrown into the form of a dialogue, is said to have been suggested by the opening of Plato’s ‘Republic’, in which Cephalus touches so pleasantly on the enjoyments peculiar to that time of life. So far as light and graceful treatment of his subject goes, the Roman essayist at least does not fall short of his model. Montaigne said of it, that “it made one long to grow old”; but Montaigne was a Frenchman, and such sentiment was quite in his way. The dialogue, whether it produce this effect on many readers or not, is very pleasant reading: and when we remember that the author wrote it when he was exactly in his grand climacteric, and addressed it to his friend Atticus, who was within a year of the same age, we get that element of personal interest which makes all writings of the kind more attractive. The argument in defence of the paradox that it is a good thing to grow old, proceeds upon the only possible ground, the theory of compensations. It is put into the mouth of Cato the Censor, who had died about a century before, and who is introduced as giving a kind of lecture on the subject to his young friends Scipio and Laelius, in his eighty-fourth year. He was certainly a remarkable example in his own case of its being possible to grow old gracefully and usefully, if, as he tells us, he was at that age still able to take part in the debates in the Senate, was busy collecting materials for the early history of Rome, had quite lately begun the study of Greek, could enjoy a country dinner-party, and had been thinking of taking lessons in playing on the lyre.

[Footnote 1: “Il donne l’appetit de vieiller”.]

He states four reasons why old age is so commonly considered miserable. First, it unfits us for active employment; secondly, it weakens the bodily strength; thirdly, it deprives us of nearly all pleasures; fourthly and lastly, it is drawing near death. As to the first, the old senator argues very fairly that very much of the more important business of life is not only transacted by old men, but in point of fact, as is confessed by the very name and composition of the Roman Senate, it is thought safest to intrust it to the elders in the

state. The pilot at the helm may not be able to climb the mast and run up and down the deck like the younger sailor, but he steers none the worse for being old. He quotes some well-known examples of this from Roman annals; examples which might be matched by obvious instances in modern English history. The defence which he makes of old age against the second charge — loss of muscular vigour — is rather more of the nature of special pleading. He says little more than that mere muscular strength, after all, is not much wanted for our happiness: that there are always comparative degrees of strength; and that an old man need no more make himself unhappy because he has not the strength of a young man, than the latter does because he has not the strength of a bull or an elephant. It was very well for the great wrestler Milo to be able to carry an ox round the arena on his shoulders; but, on the whole, a man does not often want to walk about with a bullock on his back. The old are said, too, to lose their memory. Cato thinks they can remember pretty well all that they care to remember. They are not apt to forget who owes them money; and "I never knew an old man forget", he says, "where he had buried his gold". Then as to the pleasures of the senses, which age undoubtedly diminishes our power of enjoying. "This", says Cato, "is really a privilege, not a deprivation; to be delivered from the yoke of such tyrants as our passions — to feel that we have 'got our discharge' from such a warfare — is a blessing for which men ought rather to be grateful to their advancing years". And the respect and authority which is by general consent conceded to old age, is a pleasure more than equivalent to the vanished pleasures of youth.

There is one consideration which the author has not placed amongst his four chief disadvantages of growing old, — which, however, he did not forget, for he notices it incidentally in the dialogue, — the feeling that we are growing less agreeable to our friends, that our company is less sought after, and that we are, in short, becoming rather ciphers in society. This, in a condition of high civilisation, is really perhaps felt by most of us as the hardest to bear of all the ills to which old age is liable. We should not care so much about the younger generation rising up and making us look old, if we did not feel that they are "pushing us from our stools". Cato admits that he had heard some old men complain that "they were now

neglected by those who had once courted their society", and he quotes a passage from the comic poet Caecilius

"This is the bitterest pang in growing old, —
To feel that we grow hateful to our fellows".

But he dismisses the question briefly in his own case by observing with some complacency that he does not think his young friends find *his* company disagreeable — an assertion which Scipio and Laelius, who occasionally take part in the dialogue, are far too well bred to contradict. He remarks also, sensibly enough, that though some old persons are no doubt considered disagreeable company, this is in great measure their own fault: that testiness and ill-nature (qualities which, as he observes, do not usually improve with age) are always disagreeable, and that such persons attributed to their advancing years what was in truth the consequence of their unamiable tempers. It is not all wine which turns sour with age, nor yet all tempers; much depends on the original quality. The old Censor lays down some maxims which, like the preceding, have served as texts for a good many modern writers, and may be found expanded, diluted, or strengthened, in the essays of Addison and Johnson, and in many of their followers of less repute. "I never could assent", says Cato, "to that ancient and much-bepraised proverb, — that 'you must become an old man early, if you wish to be an old man long'". Yet it was a maxim which was very much acted upon by modern Englishmen a generation or two back. It was then thought almost a moral duty to retire into old age, and to assume all its disabilities as well as its privileges, after sixty years or even earlier. At present the world sides with Cato, and rushes perhaps into the other extreme; for any line at which old age now begins would be hard to trace either in dress or deportment. "We must resist old age, and fight against it as a disease". Strong words from the old Roman; but, undoubtedly, so long as we stop short of the attempt to affect juvenility, Cato is right. We should keep ourselves as young as possible. He speaks shrewd sense, again, when he says—"As I like to see a young man who has something old about him, so I like to see an old man in whom there remains something of the youth: and he who follows this maxim may

become an old man in body, but never in heart". "What a blessing it is", says Southey, "to have a boy's heart!" Do we not all know these charming old people, to whom the young take almost as heartily as to their own equals in age, who are the favourite consultees in all amusements, the confidants in all troubles?

Cato is made to place a great part of his own enjoyment, in these latter years of his, in the cultivation of his farm and garden (he had written, we must remember, a treatise 'De Re Rustica', — a kind of Roman 'Book of the Farm', which we have still remaining). He is enthusiastic in his description of the pleasures of a country gentleman's life, and, like a good farmer, as no doubt he was, becomes eloquent upon the grand subject of manures. Gardening is a pursuit which he holds in equal honour — that "purest of human pleasures", as Bacon calls it. On the subject of the country life generally he confesses an inclination to become garrulous — the one failing which he admits may be fairly laid to the charge of old age. The picture of the way of living of a Roman gentleman-farmer, as he draws it, must have presented a strong contrast with the artificial city-life of Rome.

"Where the master of the house is a good and careful manager, his wine-cellar, his oil-stores, his larder, are always well stocked; there is a fulness throughout the whole establishment; pigs, kids, lambs, poultry, milk, cheese, honey, — all are in abundance. The produce of the garden is always equal, as our country-folk say, to a double course. And all these good things acquire a second relish from the voluntary labours of fowling and the chase. What need to dwell upon the charm of the green fields, the well-ordered plantations, the beauty of the vineyards and olive-groves? In short, nothing can be more luxuriant in produce, or more delightful to the eye, than a well-cultivated estate; and, to the enjoyment of this, old age is so far from being any hindrance, that it rather invites and allures us to such pursuits".

He has no patience with what has been called the despondency of old age — the feeling, natural enough at that time of life, but not desirable to be encouraged, that there is no longer any room for hope or promise in the future which gives so much of its interest to the present. He will not listen to the poet when he says again —

“He plants the tree that shall not see the fruit”

The answer which he would make has been often put into other and more elaborate language, but has a simple grandeur of its own. “If any should ask the aged cultivator for whom he plants, let him not hesitate to make this reply,—’For the immortal gods, who, as they willed me to inherit these possessions from my forefathers, so would have me hand them on to those that shall come after’”.

The old Roman had not the horror of country society which so many civilised Englishmen either have or affect. “I like a talk”, he says, “over a cup of wine”. “Even when I am down at my Sabine estate, I daily make one at a party of my country neighbours, and we prolong our conversation very frequently far into the night”. The words are put into Cato’s mouth, but the voice is the well-known voice of Cicero. We find him here, as in his letters, persuading himself into the belief that the secret of happiness is to be found in the retirement of the country. And his genial and social nature beams through it all. We are reminded of his half-serious complaints to Atticus of his importunate visitors at Formiae, the dinner-parties which he was, as we say now, “obliged to go to”, and which he so evidently enjoyed.

[Footnote 1: “A clergyman was complaining of the want of society in the country where he lived, and said, ‘They talk of *runts*’ (i.e., young cows). ‘Sir’, said Mr. Salusbury, ‘Mr. Johnson would learn to talk of runts;’ meaning that I was a man who would make the most of my situation, whatever it was”. — Boswell’s Life. Cicero was like Dr. Johnson.]

He is careful, however, to remind his readers that old age, to be really either happy or venerable, must not be the old age of the mere voluptuary or the debauchee; that the grey head, in order to be, even in his pagan sense, “a crown of glory”, must have been “found in the way of righteousness”. Shakespeare might have learned from Cicero in these points the moral which he puts into the mouth of his Adam —

”Therefore mine age is as a lusty winter,
Frosty but kindly”.

It is a miserable old age, says the Roman, which is obliged to appeal to its grey hairs as its only claim to the respect of its juniors. “Neither hoar hairs nor wrinkles can arrogate reverence as their right. It is the life whose opening years have been honourably spent which reaps the reward of reverence at its close”.

In discussing the last of the evils which accompany old age, the near approach of death, Cicero rises to something higher than his usual level. His Cato will not have death to be an evil at all; it is to him the escaping from “the prison of the body”, — the “getting the sight of land at last after a long voyage, and coming into port”. Nay, he does not admit that death is death. “I have never been able to persuade myself”; he says, quoting the words of Cyrus in Xenophon, “that our spirits were alive while they were in these mortal bodies, and died only when they departed out of them; or that the spirit then only becomes void of sense when it escapes from a senseless body; but that rather when freed from all admixture of corporality, it is pure and uncontaminated, then it most truly has sense”. “I am fully persuaded”, he says to his young listeners, “that your two fathers, my old and dearly-loved friends, are living now, and living that life which only is worthy to be so called”. And he winds up the dialogue with the very beautiful apostrophe, one of the last utterances of the philosopher’s heart, well known, yet not too well known to be here quoted:

“It likes me not to mourn over departing life, as many men, and men of learning, have done. Nor can I regret that I have lived, since I have so lived that I may trust I was not born in vain; and I depart out of life as out of a temporary lodging, not as out of my home. For nature has given it to us as an inn to tarry at by the way, not as a place to abide in. O glorious day! when I shall set out to join that blessed company and assembly of disembodied spirits, and quit this crowd and rabble of life! For I shall go my way, not only to those great men of whom I spoke, but to my own son Cato, than whom was never better man born, nor more full of dutiful affection; whose body I laid on the funeral pile — an office he should rather have done for me. But his spirit has never left me; it still looks fondly back upon me, though it has gone assuredly into those abodes where he knew that I myself should follow. And this my great loss I seemed to bear

with calmness; not that I bore it undisturbed, but that I still consoled myself with the thought that the separation between us could not be for long. And if I err in this — in that I believe the spirits of men to be immortal — I err willingly; nor would I have this mistaken belief of mine uprooted so long as I shall live. But if, after I am dead, I shall have no consciousness, as some curious philosophers assert, then I am not afraid of dead philosophers laughing at my mistake".

[Footnote 1: Burke touches the same key in speaking of his son; "I live in an inverted order. They who ought to have succeeded me have gone before me: they who should have been to me as posterity are in the place of ancestors".]

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The essay on 'Friendship' is dedicated by the author to Atticus — an appropriate recognition, as he says, of the long and intimate friendship which had existed between themselves. It is thrown, like the other, into the form of a dialogue. The principal speaker here is one of the listeners in the former case — Laelius, surnamed the Wise — who is introduced as receiving a visit from his two sons-in-law, Fannius and Scaevola (the great lawyer before mentioned), soon after the sudden death of his great friend, the younger Scipio Africanus. Laelius takes the occasion, at the request of the young men, to give them his views and opinions on the subject of Friendship generally. This essay is perhaps more original than that upon 'Old Age', but certainly is not so attractive to a modern reader. Its great merit is the grace and polish of the language; but the arguments brought forward to prove what an excellent thing it is for a man to have good friends, and plenty of them, in this world, and the rules for his behaviour towards them, seem to us somewhat trite and commonplace, whatever might have been their effect upon a Roman reader.

Cicero is indebted to the Greek philosophers for the main outlines of his theory of friendship, though his acquaintance with the works of Plato and Aristotle was probably exceedingly superficial. He holds, with them, that man is a social animal; that "we are so constituted by nature that there must be some degree of association between us all, growing closer in proportion as we are brought into more intimate relations one with another". So that the social bond is a matter of instinct, not of calculation; not a cold commercial

contract of profit and loss, of giving and receiving, but the fulfilment of one of the yearnings of our nature. Here he is in full accordance with the teaching of Aristotle, who, of all the various kinds of friendship to which he allows the common name, pronounces that which is founded merely upon interest — upon mutual interchange, by tacit agreement, of certain benefits — to be the least worthy of such a designation. Friendship is defined by Cicero to be "the perfect accord upon all questions, religious and social, together with mutual goodwill and affection". This "perfect accord", it must be confessed, is a very large requirement. He follows his Greek masters again in holding that true friendship can exist only amongst the good; that, in fact, all friendship must assume that there is something good and lovable in the person towards whom the feeling is entertained it may occasionally be a mistaken assumption; the good quality we think we see in our friend may have no existence save in our own partial imagination; but the existence of the counterfeit is an incontestable evidence of the true original. And the greatest attraction, and therefore the truest friendships, will always be of the good towards the good.

He admits, however, the notorious fact, that good persons are sometimes disagreeable; and he confesses that we have a right to seek in our friends amiability as well as moral excellence. "Sweetness", he says — anticipating, as all these ancients so provokingly do, some of our most modern popular philosophers —"sweetness, both in language and in manner, is a very powerful attraction in the formation of friendships". He is by no means of the same opinion as Sisyphus in Lord Lytton's 'Tale of Miletus' —

"Now, then, I know thou really art my friend, —
None but true friends choose such unpleasant words".

He admits that it is the office of a friend to tell unpleasant truths sometimes; but there should be a certain amount of this indispensable "sweetness" to temper the bitterness of the advice. There are some friends who are continually reminding you of what they have done for you—"a disgusting set of people verily they are", says our author. And there are others who are always thinking themselves slighted;

“in which case there is generally something of which they are conscious in themselves, as laying them open to contemptuous treatment”.

Cicero’s own character displays itself in this short treatise. Here, as everywhere, he is the politician. He shows a true appreciation of the duties and the qualifications of a true friend; but his own thoughts are running upon political friendships. Just as when, in many of his letters, he talks about “all honest men”, he means “our party”; so here, when he talks of friends, he cannot help showing that it was of the essence of friendship, in his view, to hold the same political opinions, and that one great use of friends was that a man should not be isolated, as he had sometimes feared he was, in his political course. When he puts forward the old instances of Coriolanus and Gracchus, and discusses the question whether their “friends” were or were not bound to aid them in their treasonable designs against the state, he was surely thinking of the factions of his own times, and the troublesome brotherhoods which had gathered round Catiline and Clodius. Be this as it may, the advice which he makes Laelius give to his younger relatives is good for all ages, modern or ancient: “There is nothing in this world more valuable than friendship”. “Next to the immediate blessing and providence of Almighty God”, Lord Clarendon was often heard to say, “I owe all the little I know, and the little good that is in me, to the friendships and conversation I have still been used to, of the most excellent men in their several kinds that lived in that age”.

CHAPTER XI. CICERO'S PHILOSOPHY.

'THE TRUE ENDS OF LIFE'.

Philosophy was to the Roman what religion is to me. It professed to answer, so far as it might be answered Pilate's question, "What is truth?" or to teach men, as Cicero described it, "the knowledge of things human and divine". Hence the philosopher invests his subject with all attributes of dignity. To him Philosophy brings all blessings in her train. She is the guide of life, the medicine for his sorrows, "the fountain-head of all perfect eloquence — the mother of all good deeds and good words". He invokes with affectionate reverence the great name of Socrates — the sage who had "first drawn wisdom down from heaven".

[Footnote 1: 'De Finibus Bonorum et Malorum'.]

No man ever approached his subject more richly laden with philosophic lore than Cicero. Snatching every leisure moment that he could from a busy life, he devotes it to the study of the great minds of former ages. Indeed, he held this study to be the duty of the perfect orator; a knowledge of the human mind was one of his essential qualifications. Nor could he conceive of real eloquence without it; for his definition of eloquence is, "wisdom speaking fluently". But such studies were also suited to his own natural tastes. And as years passed on, and he grew weary of civil discords and was harassed by domestic troubles, the great orator turns his back upon the noisy city, and takes his parchments of Plato and Aristotle to be the friends of his councils and the companions of his solitude, seeking by their light to discover Truth, which Democritus had declared to be buried in the depths of the sea.

[Footnote 1: "Copiose loquens sapientia".]

Yet, after all, he professes to do little more than translate. So conscious is he that it is to Greece that Rome is indebted for all her literature, and so conscious, also, on the part of his countrymen, of what he terms "an arrogant disdain for everything national", that he apologises to his readers for writing for the million in their mother-tongue. Yet he is not content, as he says, to be "a mere interpreter".

He thought that by an eclectic process — adopting and rearranging such of the doctrines of his Greek masters as approved themselves to his own judgment — he might make his own work a substitute for theirs. His ambition is to achieve what he might well regard as the hardest of tasks — a popular treatise on philosophy; and he has certainly succeeded. He makes no pretence to originality; all he can do is, as he expresses it, "to array Plato in a Latin dress", and "present this stranger from beyond the seas with the freedom of his native, city". And so this treatise on the Ends of Life — a grave question even to the most careless thinker — is, from the nature of the case, both dramatic and rhetorical. Representatives of the two great schools of philosophy — the Stoics and Epicureans — plead and counter-plead in his pages, each in their turn; and their arguments are based on principles broad and universal enough to be valid even now. For now, as then, men are inevitably separated into two classes — amiable men of ease, who guide their conduct by the rudder-strings of pleasure — who for the most part "leave the world" (as has been finely said) "in the world's debt, having consumed much and produced nothing"; or, on the other hand, zealous men of duty,

"Who scorn delights and live laborious days",

and act according to the dictates of their honour or their conscience. In practice, if not in theory, a man must be either Stoic or Epicurean.

[Footnote 1: Lord Derby.]

Each school, in this dialogue, is allowed to plead its own cause. "Listen" (says the Epicurean) "to the voice of nature that bids you pursue pleasure, and do not be misled by that vulgar conception of pleasure as mere sensual enjoyment; our opponents misrepresent us when they say that we advocate this as the highest good; we hold, on the contrary, that men often obtain the greatest pleasure by neglecting this baser kind. Your highest instances of martyrdom — of Decii devoting themselves for their country, of consuls putting their sons to death to preserve discipline — are not disinterested acts of sacrifice, but the choice of a present pain in order to procure a future pleasure. Vice is but ignorance of real enjoyment. Temperance alone can bring peace of mind; and the wicked, even if they escape public censure, 'are racked night and day by the anxieties sent upon

them by the immortal gods'. We do not, in this, contradict your Stoic; we, too, affirm that only the wise man is really happy. Happiness is as impossible for a mind distracted by passions, as for a city divided by contending factions. The terrors of death haunt the guilty wretch, 'who finds out too late that he has devoted himself to money or power or glory to no purpose'. But the wise man's life is unalloyed happiness. Rejoicing in a clear conscience, 'he remembers the past with gratitude, enjoys the blessings of the present, and disregards the future'. Thus the moral to be drawn is that which Horace (himself, as he expresses it, 'one of the litter of Epicurus') impresses on his fair friend Leuconöe:

'Strain your wine, and prove your wisdom; life is short;
should hope be more?
In the moment of our talking envious time has slipped away.
Seize the present, trust to-morrow e'en as little as you may'".

Passing on to the second book of the treatise, we hear the advocate of the counter-doctrine. Why, exclaims the Stoic, introduce Pleasure to the councils of Virtue? Why uphold a theory so dangerous in practice? Your Epicurean soon turns Epicure, and a class of men start up who have never seen the sun rise or set, who squander fortunes on cooks and perfumers, on costly plate and gorgeous rooms, and ransack sea and land for delicacies to supply their feasts. Epicurus gives his disciples a dangerous discretion in their choice. There is no harm in luxury (he tells us) provided it be free from inordinate desires. But who is to fix the limit to such vague concessions?

Nay, more, he degrades men to the level of the brute creation. In his view, there is nothing admirable beyond this pleasure — no sensation or emotion of the mind, no soundness or health of body. And what is this pleasure which he makes of such high account? How short-lived while it lasts! how ignoble when we recall it afterwards! But even the common feeling and sentiments of men condemn so selfish a doctrine. We are naturally led to uphold truth and abhor deceit, to admire Regulus in his tortures, and to despise a lifetime of inglorious ease. And then follows a passage which echoes

the stirring lines of Scott —

”Sound, sound the clarion, fill the fife!
To all the sensual world proclaim,
One crowded hour of glorious life
Is worth an age without a name”.

Do not then (concludes the Stoic) take good words in your mouth, and prate before applauding citizens of honour, duty, and so forth, while you make your private lives a mere selfish calculation of expediency. We were surely born for nobler ends than this, and none who is worthy the name of a man would subscribe to doctrines which destroy all honour and all chivalry. The heroes of old time won their immortality not by weighing pleasures and pains in the balance, but by being prodigal of their lives, doing and enduring all things for the sake of their fellow-men.

The opening scene in the third book is as lively and dramatic as (what was no doubt the writer’s model) the introduction of a Platonic dialogue. Cicero has walked across from his Tusculan villa to borrow some manuscripts from the well-stocked library of his young friend Lucullus — a youth whose high promise was sadly cut short, for he was killed at Philippi, when he was not more than twenty-three. There, “gorging himself with books”, Cicero finds Marcus Cato — a Stoic of the Stoics — who expounds in a high tone the principles of his sect.

[Footnote 1: See .]

Honour he declares to be the rule, and “life according to nature” the end of man’s existence. And wrong and injustice are more really contrary to this nature than either death, or poverty, or bodily suffering, or any other outward evil. Stoics and Peripatetics are agreed at least on one point — that bodily pleasures fade into nothing before the splendours of virtue, and that to compare the two is like holding a candle against the sunlight, or setting a drop of brine against the waves of the ocean. Your Epicurean would have each man live in selfish isolation, engrossed in his private pleasures and pursuits. We, on the other hand, maintain that “Divine Providence has appointed the world to be a common city for men and gods”, and

each one of us to be a part of this vast social system. And thus every man has his lot and place in life, and should take for his guidance those golden rules of ancient times—"Obey God; know thyself; shun excess". Then, rising to enthusiasm, the philosopher concludes: "Who cannot but admire the incredible beauty of such a system of morality? What character in history or in fiction can be grander or more consistent than the 'wise man' of the Stoics? All the riches and glory of the world are his, for he alone can make a right use of all things. He is 'free', though he be bound by chains; 'rich', though in the midst of poverty; 'beautiful', for the mind is fairer than the body; 'a king', for, unlike the tyrants of the world, he is lord of himself; 'happy', for he has no need of Solon's warning to 'wait till the end', since a life virtuously spent is a perpetual happiness".

[Footnote 1: So Bishop Butler, in the preface to his Sermons upon 'Human Nature', says they were "intended to explain what is meant by the nature of man, when it is said that virtue consists in following, and vice in deviating from it".]

In the fourth book, Cicero himself proceeds to vindicate the wisdom of the ancients — the old Academic school of Socrates and his pupils — against what he considers the novelties of Stoicism. All that the Stoics have said has been said a hundred times before by Plato and Aristotle, but in nobler language. They merely "pick out the thorns" and "lay bare the bones" of previous systems, using newfangled terms and misty arguments with a "vainglorious parade". Their fine talk about citizens of the world and the ideal wise man is rather poetry than philosophy. They rightly connect happiness with virtue, and virtue with wisdom; but so did Aristotle some centuries before them.

But their great fault (says Cicero) is, that they ignore the practical side of life. So broad is the line which they draw between the "wise" and "foolish", that they would deny to Plato himself the possession of wisdom. They take no account of the thousand circumstances which go to form our happiness. To a spiritual being, virtue *might* be the chief good; but in actual life our physical is closely bound up with our mental enjoyment, and pain is one of those stern facts before which all theories are powerless. Again, by their fondness for paradox, they reduce all offences to the same dead level. It is, in their

eyes, as impious to beat a slave as to beat a parent: because, as they say, "nothing can be *more* virtuous than virtue, — nothing *more* vicious than vice". And lastly, this stubbornness of opinion affects their personal character. They too often degenerate into austere critics and bitter partisans, and go far to banish from among us love, friendship, gratitude, and all the fair humanities of life.

The fifth book carries us back some twenty years, when we find Cicero once more at Athens, taking his afternoon walk among the deserted groves of the Academy. With him are his brother Quintus, his cousin Lucius, and his friends Piso and Atticus. The scene, with its historic associations, irresistibly carries their minds back to those illustrious spirits who had once made the place their own. Among these trees Plato himself had walked; under the shadow of that Porch Zeno had lectured to his disciples; yonder Quintus points out the "white peak of Colonus", described by Sophocles in "those sweetest lines;" while glistening on the horizon were the waves of the Phaleric harbour, which Demosthenes, Cicero's own great prototype, had outvoiced with the thunder of his declamation. So countless, indeed, are the memories of the past called up by the genius of the place, that (as one of the friends remarks) "wherever we plant our feet, we tread upon some history". Then Piso, speaking at Cicero's request, begs his friends to turn from the degenerate thinkers of their own day to those giants of philosophy, from whose writings all liberal learning, all history, and all elegance of language may be derived. More than all, they should turn to the leader of the Peripatetics, Aristotle, who seemed (like Lord Bacon after him) to have taken all knowledge as his portion. From these, if from no other source, we may learn the secret of a happy life. But first we must settle what this 'chief good' is — this end and object of our efforts — and not be carried to and fro, like ships without a steersman, by every blast of doctrine.

[Footnote 1: The Stoics took their name from the 'stoa', or portico in the Academy, where they *sat* at lecture, as the Peripatetics (the school of Aristotle) from the little knot of listeners who followed their master as he *walked*. Epicurus's school were known as the philosophers of 'the Garden', from the place where he taught. The 'Old Academy' were the disciples of Plato; the 'New Academy' (to whose tenets Cicero inclined) revived the great principle of Socrates

— of affirming nothing.]

If Epicurus was wrong in placing Happiness

"In corporal pleasure and in careless ease",

no less wrong are they who say that "honour" requires pleasure to be added to it, since they thus make honour itself dishonourable. And again, to say with others that happiness is tranquillity of mind, is simply to beg the question.

Putting, then, all such theories aside, we bring the argument to a practical issue. Self-preservation is the first great principle of nature; and so strong is this instinctive love of life both among men and animals, that we see even the iron-hearted Stoic shrink from the actual pangs of a voluntary death. Then comes the question, What *is* this nature that is so precious to each of us? Clearly it is compounded of body and mind, each with many virtues of its own; but as the mind should rule the body, so reason, as the dominant faculty, should rule the mind. Virtue itself is only "the perfection of this reason", and, call it what you will, genius or intellect is something divine.

Furthermore, there is in man a gradual progress of reason, growing with his growth until it has reached perfection. Even in the infant there are "as it were sparks of virtue" — half-unconscious principles of love and gratitude; and these germs bear fruit, as the child develops into the man. We have also an instinct which attracts us towards the pursuit of wisdom; such is the true meaning of the Sirens' voices in the Odyssey, says the philosopher, quoting from the poet of all time:

"Turn thy swift keel and listen to our lay;
Since never pilgrim to these regions came,
But heard our sweet voice ere he sailed away,
And in his joy passed on, with ampler mind".

It is wisdom, not pleasure, which they offer. Hence it is that men devote their days and nights to literature, without a thought of any gain that may accrue from it; and philosophers paint the serene delights of a life of contemplation in the islands of the blest.

[Footnote 1: Odyss. xii. 185 (Worsley).]

Again, our minds can never rest. "Desire for action grows with

us;" and in action of some sort, be it politics or science, life (if it is to be life at all) must be passed by each of us. Even the gambler must ply the dice-box, and the man of pleasure seek excitement in society. But in the true life of action, still the ruling principle should be honour.

Such, in brief, is Piso's (or rather Cicero's) vindication of the old masters of philosophy. Before they leave the place, Cicero fires a parting shot at the Stoic paradox that the 'wise man' is always happy. How. he pertinently asks, can one in sickness and poverty, blind, or childless, in exile or in torture, be possibly called happy, except by a monstrous perversion of language?

[Footnote 1: In a little treatise called "Paradoxes", Cicero discusses six of these scholastic quibbles of the Stoics.]

Here, somewhat abruptly, the dialogue closes; and Cicero pronounces no judgment of his own, but leaves the great question almost as perplexed as when he started the discussion. But, of the two antagonistic theories, he leans rather to the Stoic than to the Epicurean. Self-sacrifice and honour seem, to his view, to present a higher ideal than pleasure or expediency.

II. 'ACADEMIC QUESTIONS'.

Fragments of two editions of this work have come down to us; for almost before the first copy had reached the hands of his friend Atticus, to whom it was sent, Cicero had rewritten the whole on an enlarged scale. The first book (as we have it now) is dedicated to Varro, a noble patron of art and literature. In his villa at Cumae were spacious porticoes and gardens, and a library with galleries and cabinets open to all comers. Here, on a terrace looking seawards, Cicero, Atticus, and Varro himself pass a long afternoon in discussing the relative merits of the old and new Academies; and hence we get the title of the work. Varro takes the lion's share of the first dialogue, and shows how from the "vast and varied genius of Plato" both Academics and Peripatetics drew all their philosophy, whether it related to morals, to nature, or to logic. Stoicism receives a passing notice, as also does what Varro considers the heresy of Theophrastus, who strips virtue of all its beauty, by denying that

happiness depends upon it.

The second book is dedicated to another illustrious name, the elder Lucullus, not long deceased — half-statesman, half-dilettante, “with almost as divine a memory for facts”, says Cicero, with something of envy, “as Hortensius had for words”. This time it is at his villa, near Tusculum, amidst scenery perhaps even now the loveliest of all Italian landscapes, that the philosophic dialogue takes place. Lucullus condemns the scepticism of the New Academy — those reactionists against the dogmatism of past times, who disbelieve their very eyesight. If (he says) we reject the testimony of the senses, there is neither body, nor truth, nor argument, nor anything certain left us. These perpetual doubters destroy every ground of our belief.

Cicero ingeniously defends this scepticism, which was, in fact, the bent of his own mind. After all, what is our eyesight worth? The ship sailing across the bay yonder seems to move, but to the sailors it is the shore that recedes from their view. Even the sun, “which mathematicians affirm to be eighteen times larger than the earth, looks but a foot in diameter”. And as it is with these things, so it is with all knowledge. Bold indeed must be the man who can define the point at which belief passes into certainty. Even the “fine frenzy” of the poet, his pictures of gods and heroes, are as lifelike to himself and to his hearers as though he actually saw them:

”See how Apollo, fair-haired god,
Draws in and bends his golden bow,
While on the left fair Dian waves her torch”.

No — we are sure of nothing; and we are happy if, like Socrates, we only know this — that we know nothing. Then, as if in irony, or partly influenced perhaps by the advocate’s love of arguing the case both ways, Cicero demolishes that grand argument of design which elsewhere he so carefully constructs, and reasons in the very language of materialism—”You assert that all the universe could not have been so ingeniously made without some godlike wisdom, the majesty of which you trace down even to the perfection of bees and ants. Why, then, did the Deity, when he made everything for the sake

of man, make such a variety (for instance) of venomous reptiles? Your divine soul is a fiction; it is better to imagine that creation is the result of the laws of nature, and so release the Deity from a great deal of hard work, and me from fear; for which of us, when he thinks that he is an object of divine care, can help feeling an awe of the divine power day and night? But we do not understand even our own bodies; how, then, can we have an eyesight so piercing as to penetrate the mysteries of heaven and earth?"

[Footnote 1: See .]

The treatise, however, is but a disappointing fragment, and the argument is incomplete.

III. THE 'TUSCULAN DISPUTATIONS'.

The scene of this dialogue is Cicero's villa at Tusculum. There, in his long gallery, he walks and discusses with his friends the vexed questions of morality. Was death an evil? Was the soul immortal? How could a man best bear pain and the other miseries of life? Was virtue any guarantee for happiness?

Then, as now, death was the great problem of humanity—"to die and go we know not where". The old belief in Elysium and Tartarus had died away; as Cicero himself boldly puts it in another place, such things were no longer even old wives' fables. Either death brought an absolute unconsciousness, or the soul soared into space. "*Lex non poena mors*"—"Death is a law, not a penalty" — was the ancient saying. It was, as it were, the close of a banquet or the fall of the curtain. "While we are, death is not; when death has come, we are not".

Cicero brings forward the testimony of past ages to prove that death is not a mere annihilation. Man cannot perish utterly. Heroes are deified; and the spirits of the dead return to us in visions of the night. Somehow or other (he says) there clings to our minds a certain presage of future ages; and so we plant, that our children may reap; we toil, that others may enter into our labours; and it is this life after death, the desire to live in men's mouths for ever, which inspires the patriot and the martyr. Fame to the Roman, even more than to us, was "the last infirmity of noble minds". It was so in a special degree

to Cicero. The instinctive sense of immortality, he argues, is strong within us; and as, in the words of the English poet,

"Our birth is but a sleep and a forgetting",

so also in death, the Roman said, though in other words:

"Our souls have sight of that immortal sea
Which brought us hither".

Believe not then, says Cicero, those old wives' tales, those poetic legends, the terrors of a material hell, of the joys of a sensual paradise. Rather hold with Plato that the soul is an eternal principle of life, which has neither beginning nor end of existence; for if it were not so, heaven and earth would be overset, and all nature would stand at gaze. "Men say they cannot conceive or comprehend what the soul can be, distinct from the body. As if, forsooth, they could comprehend what it is, when it is *in* the body, — its conformation, its magnitude, or its position there…. To me, when I consider the nature of the soul, there is far more difficulty and obscurity in forming a conception of what the soul is while in the body, — in a dwelling where it seems so little at home, — than of what it will be when it has escaped into the free atmosphere of heaven, which seems its natural abode". And as the poet seems to us inspired, as the gifts of memory and eloquence seem divine, so is the soul itself, in its simple essence, a god dwelling in the breast of each of us. What else can be this power which enables us to recollect the past, to foresee the future, to understand the present?

[Footnote 1: I. c. 22.]

There follows a passage on the argument from design which anticipates that fine saying of Voltaire—"Si Dieu n'existait pas, il faudrait l'inventer; mais toute la nature crie qu'il existe". "The heavens", says even the heathen philosopher, "declare the glory of God". Look on the sun and the stars; look on the alternation of the seasons, and the changes of day and night; look again at the earth bringing forth her fruits for the use of men; the multitude of cattle; and man himself, made as it were to contemplate and adore the heavens and the gods. Look on all these things, and doubt not that there is some Being, though you see him not, who has created and

presides over the world.

"Imitate, therefore, the end of Socrates; who, with the fatal cup in his hands, spoke with the serenity of one not forced to die, but, as it were, ascending into heaven; for he thought that the souls of men, when they left the body, went by different roads; those polluted by vice and unclean living took a road wide of that which led to the assembly of the gods; while those who had kept themselves pure, and on earth had taken a divine life as their model, found it easy to return to those beings from whence they came". Or learn a lesson from the swans, who, with a prophetic instinct, leave this world with joy and singing. Yet do not anticipate the time of death, "for the Deity forbids us to depart hence without his summons; but, on just cause given (as to Socrates and Cato), gladly should we exchange our darkness for that light, and, like men not breaking prison but released by the law, leave our chains with joy, as having been discharged by God".

The feeling of these ancients with regard to suicide, we must here remember, was very different from our own. There was no distinct idea of the sanctity of life; no social stigma and consequent suffering were brought on the family of the suicide. Stoic and Epicurean philosophers alike upheld it as a lawful remedy against the pangs of disease, the dotage of old age, or the caprices of a tyrant. Every man might, they contended, choose his own route on the last great journey, and sleep well, when he grew wearied out with life's fitful fever. The door was always open (said Epictetus) when the play palled on the senses. You should quit the stage with dignity, nor drain the flask to the dregs. Some philosophers, it is true, protested against it as a mere device of cowardice to avoid pain, and as a failure in our duties as good citizens. Cicero, in one of his latest works, again quotes with approval the opinion of Pythagoras, that "no man should abandon his post in life without the orders of the Great Commander". But at Rome suicide had been glorified by a long roll of illustrious names, and the protest was made in vain.

But why, continues Cicero, why add to the miseries of life by brooding over death? Is life to any of us such unmixed pleasure even while it lasts? Which of us can tell whether he be taken away from good or from evil? As our birth is but "a sleep and a forgetting", so

our death may be but a second sleep, as lasting as Endymion's. Why then call it wretched, even if we die before our natural time? Nature has lent us life, without fixing the day of payment; and uncertainty is one of the conditions of its tenure. Compare our longest life with eternity, and it is as short-lived as that of those ephemeral insects whose life is measured by a summer day; and "who, when the sun sets, have reached old age".

Let us, then, base our happiness on strength of mind, on a contempt of earthly pleasures, and on the strict observance of virtue. Let us recall the last noble words of Socrates to his judges. "The death", said he, "to which you condemn me, I count a gain rather than a loss. Either it is a dreamless sleep that knows no waking, or it carries me where I may converse with the spirits of the illustrious dead. *I* go to death, *you* to life; but which of us is going the better way, God only knows".

No man, then, dies too soon who has run a course of perfect virtue; for glory follows like a shadow in the wake of such a life. Welcome death, therefore, as a blessed deliverance from evil, sent by the special favour of the gods, who thus bring us safely across a sea of troubles to an eternal haven.

The second topic which Cicero and his friends discuss is, the endurance of pain. Is it an unmixed evil? Can anything console the sufferer? Cicero at once condemns the sophistry of Epicurus. The wise man cannot pretend indifference to pain; it is enough that he endure it with courage, since, beyond all question, it is sharp, bitter, and hard to bear. And what is this courage? Partly excitement, partly the impulse of honour or of shame, partly the habituation which steels the endurance of the gladiator. Keep, therefore — this is the conclusion — stern restraint over the feminine elements of your soul, and learn not only to despise the attacks of pain, but also

"The slings and arrows of outrageous fortune".

From physical, the discussion naturally passes to mental, suffering. For grief, as well as for pain, he prescribes the remedy of the Stoics — *aequanimitas*—"a calm serenity of mind". The wise man, ever serene and composed, is moved neither by pain or sorrow, by fear or desire. He is equally undisturbed by the malice of enemies or the inconstancy of fortune. But what consolation can we bring to

ease the pain of the Epicurean? “Put a nosegay to his nostrils — burn perfumes before him — crown him with roses and woodbine”! But perfumes and garlands can do little in such case; pleasures may divert, but they can scarcely console.

Again, the Cyrenaics bring at the best but Job’s comfort. No man will bear his misfortunes the more lightly by bethinking himself that they are unavoidable — that others have suffered before him — that pain is part and parcel of the ills which flesh is heir to. Why grieve at all? Why feed your misfortune by dwelling on it? Plunge rather into active life and forget it, remembering that excessive lamentation over the trivial accidents of humanity is alike unmanly and unnecessary. And as it is with grief, so it is with envy, lust, anger, and those other “perturbations of the mind” which the Stoic Zeno rightly declares to be “repugnant to reason and nature”. From such disquietudes it is the wise man who is free.

The fifth and last book discusses the great question, Is virtue of itself sufficient to make life happy? The bold conclusion is, that it is sufficient. Cicero is not content with the timid qualifications adopted by the school of the Peripatetics, who say one moment that external advantages and worldly prosperity are nothing, and then again admit that, though man may be happy without them, he is happier with them, — which is making the real happiness imperfect after all. Men differ in their views of life. As in the great Olympic games, the throng are attracted, some by desire of gain, some by the crown of wild olive, some merely by the spectacle; so, in the race of life, we are all slaves to some ruling idea, it may be glory, or money, or wisdom. But they alone can be pronounced happy whose minds are like some tranquil sea—”alarmed by no fears, wasted by no griefs, inflamed by no lusts, enervated by no relaxing pleasures, — and such serenity virtue alone can produce”.

These ‘Disputations’ have always been highly admired. But their popularity was greater in times when Cicero’s Greek originals were less read or understood. Erasmus carried his admiration of this treatise to enthusiasm. “I cannot doubt”, he says, “but that the mind from which such teaching flowed was inspired in some sort by divinity”.

IV. THE TREATISE ‘ON MORAL DUTIES’.

The treatise ‘De Officiis’, known as Cicero’s ‘Offices, to which we pass next, is addressed by the author to his son, while studying at Athens under Cratippus; possibly in imitation of Aristotle, who inscribed his Ethics to his son Nicomachus. It is a treatise on the duties of a gentleman—”the noblest present”, says a modern writer, “ever made by parent to a child”. Written in a far higher tone than Lord Chesterfield’s letters, though treating of the same subject, it proposes and answers multifarious questions which must occur continually to the modern Christian as well as to the ancient philosopher. “What makes an action right or wrong? What is a duty? What is expediency? How shall I learn to choose between my principles and my interests? And lastly (a point of casuistry which must sometimes perplex the strictest conscience), of two ‘things honest’, which is most so?”

[Footnote 1: Kelsall.]

[Footnote 2: The English “Honesty” and “Honour” alike fail to convey the full force of the Latin *honestus*. The word expresses a progress of thought from comeliness and grace of person to a noble and graceful character — all whose works are done in honesty and honour.]

The key-note of his discourse throughout is Honour; and the word seems to carry with it that magic force which Burke attributed to chivalry—”the unbought grace of life — the nurse of heroic sentiment and manly enterprise”. *Noblesse oblige*, — and there is no state of life, says Cicero, without its obligations. In their due discharge consists all the nobility, and in their neglect all the disgrace, of character. There should be no selfish devotion to private interests. We are born not for ourselves only, but for our kindred and fatherland. We owe duties not only to those who have benefited but to those who have wronged us. We should render to all their due; and justice is due even to the lowest of mankind: what, for instance (he says with a hardness which jars upon our better feelings), can be lower than a slave? Honour is that “unbought grace” which adds a lustre to every action. In society it produces courtesy of manners; in business, under the form of truth, it establishes public credit. Again,

as equity, it smooths the harsh features of the law. In war it produces that moderation and good faith between contending armies which are the surest basis of a lasting peace. And so in honour are centred the elements of all the virtues — wisdom and justice, fortitude and temperance; and "if", he says, reproducing the noble words of Plato, as applied by him to Wisdom, "this 'Honour' could but be seen in her full beauty by mortal eyes, the whole world would fall in love with her".

Such is the general spirit of this treatise, of which only the briefest sketch can be given in these pages.

Cicero bases honour on our inherent excellence of nature, paying the same noble tribute to humanity as Kant some centuries after: "On earth there is nothing great but man; in man there is nothing great but mind". Truth is a law of our nature. Man is only "lower than the angels"; and to him belong prerogatives which mark him off from the brute creation — the faculties of reason and discernment, the sense of beauty, and the love of law and order. And from this arises that fellow — feeling which, in one sense, "makes the whole world kin" — the spirit of Terence's famous line, which Cicero notices (applauded on its recitation, as Augustin tells us, by the cheers of the entire audience in the theatre) —

"Homo sum — humani nihil a me alienum puto:"

for (he continues) "all men by nature love one another, and desire an intercourse of words and action". Hence spring the family affections, friendship, and social ties; hence also that general love of combination, which forms a striking feature of the present age, resulting in clubs, trades-unions, companies, and generally in what Mr. Carlyle terms "swarmery".

[Footnote 1: "I am a man — I hold that nothing which concerns mankind can be matter of unconcern to me".]

Next to truth, justice is the great duty of mankind. Cicero at once condemns "communism" in matters of property. Ancient immemorial seizure, conquest, or compact, may give a title; but "no man can say that he has anything his own by a right of nature". Injustice springs from avarice or ambition, the thirst of riches or of empire, and is the more dangerous as it appears in the more exalted spirits, causing a dissolution of all ties and obligations. And here he

takes occasion to instance “that late most shameless attempt of Caesar’s to make himself master of Rome”.

There is, besides, an injustice of omission. You may wrong your neighbour by seeing him wronged without interfering. Cicero takes the opportunity of protesting strongly against the selfish policy of those lovers of ease and peace, who, “from a desire of furthering their own interests, or else from a churlish temper, profess that they mind nobody’s business but their own, in order that they may seem to be men of strict integrity and to injure none”, and thus shrink from taking their part in “the fellowship of life”. He would have had small patience with our modern doctrine of non-intervention and neutrality in nations any more than in men. Such conduct arises (he says) from the false logic with which men cheat their conscience; arguing reversely, that whatever is the best policy is — honesty.

There are two ways, it must be remembered, in which one man may injure another — force and fraud; but as the lion is a nobler creature than the fox, so open violence seems less odious than secret villany. No character is so justly hateful as

”A rogue in grain,
Veneered with sanctimonious theory”.

Nations have their obligations as well as individuals, and war has its laws as well as peace. The struggle should be carried on in a generous temper, and not in the spirit of extermination, when “it has sometimes seemed a question between two hostile nations, not which should remain a conqueror, but which should remain a nation at all”.

No mean part of justice consists in liberality, and this, too, has its duties. It is an important question, how, and when, and to whom, we should give? It is possible to be generous at another person’s expense: it is possible to injure the recipient by mistimed liberality; or to ruin one’s fortune by open house and prodigal hospitality. A great man’s bounty (as he says in another place) should be a common sanctuary for the needy. “To ransom captives and enrich the meaner folk is a nobler form of generosity than providing wild beasts or shows of gladiators to amuse the mob”. Charity should begin at home; for relations and friends hold the first place in our affections;

but the circle of our good deeds is not to be narrowed by the ties of blood, or sect, or party, and “our country comprehends the endearments of all”. We should act in the spirit of the ancient law —”Thou shalt keep no man from the running stream, or from lighting his torch at thy hearth”. Our liberality should be really liberal, — like that charity which Jeremy Taylor describes as “friendship to all the world”.

Another component principle of this honour is courage, or “greatness of soul”, which (continues Cicero) has been well defined by the Stoics as “a virtue contending for justice and honesty”; and its noblest form is a generous contempt for ordinary objects of ambition, not “from a vain or fantastic humour, but from solid principles of reason”. The lowest and commoner form of courage is the mere animal virtue of the fighting-cock.

But a character should not only be excellent, — it should be graceful. In gesture and deportment men should strive to acquire that dignified grace of manners “which adds as it were a lustre to our lives”. They should avoid affectation and eccentricity; “not to care a farthing what people think of us is a sign not so much of pride as of immodesty”. The want of tact — the saying and doing things at the wrong time and place — produces the same discord in society as a false note in music; and harmony of character is of more consequence than harmony of sounds. There is a grace in words as well as in conduct: we should avoid unseasonable jests, “and not lard our talk with Greek quotations”.

[Footnote 1: This last precept Cicero must have considered did not apply to letter-writing, otherwise he was a notorious offender against his own rule.]

In the path of life, each should follow the bent of his own genius, so far as it is innocent —

”Honour and shame from no condition rise;
Act well your part — there all the honour lies”.

Nothing is so difficult (says Cicero) as the choice of a profession, inasmuch as “the choice has commonly to be made when the judgment is weakest”. Some tread in their father’s steps, others beat

out a fresh line of their own; and (he adds, perhaps not without a personal reference) this is generally the case with those born of mean parents, who propose to carve their own way in the world. But the *parvenu* of Arpinum — the 'new man', as aristocratic jealousy always loved to call him — is by no means insensible to the true honours of ancestry. "The noblest inheritance", he says, "that can ever be left by a father to his son, far excelling that of lands and houses, is the fame of his virtues and glorious actions"; and saddest of all sights is that of a noble house dragged through the mire by some degenerate descendant, so as to be a by-word among the populace,—"which may" (he concludes) "be justly said of but too many in our times".

The Roman's view of the comparative dignity of professions and occupations is interesting, because his prejudices (if they be prejudices) have so long maintained their ground amongst us moderns. Tax-gatherers and usurers are as unpopular now as ever — the latter very deservedly so. Retail trade is despicable, we are told, and "all mechanics are by their profession mean". Especially such trades as minister to mere appetite or luxury — butchers, fishmongers, and cooks; perfumers, dancers, and suchlike. But medicine, architecture, education, farming, and even wholesale business, especially importation and exportation, are the professions of a gentleman. "But if the merchant, satisfied with his profits, shall leave the seas and from the harbour step into a landed estate, such a man seems justly deserving of praise". We seem to be reading the verdict of modern English society delivered by anticipation two thousand years ago.

The section ends with earnest advice to all, that they should put their principles into practice. "The deepest knowledge of nature is but a poor and imperfect business", unless it proceeds into action. As justice consists in no abstract theory, but in upholding society among men, — as "greatness of soul itself, if it be isolated from the duties of social life, is but a kind of uncouth churlishness", — so it is each citizen's duty to leave his philosophic seclusion of a cloister, and take his place in public life, if the times demand it, "though he be able to number the stars and measure out the world".

The same practical vein is continued in the next book. What, after

all, are a man's real interests? what line of conduct will best advance the main end of his life? Generally, men make the fatal mistake of assuming that honour must always clash with their interests, while in reality, says Cicero, "they would obtain their ends best, not by knavery and underhand dealing, but by justice and integrity". The right is identical with the expedient. "The way to secure the favour of the gods is by upright dealing; and next to the gods, nothing contributes so much to men's happiness as men themselves". It is labour and co-operation which have given us all the goods which we possess.

Since, then, man is the best friend to man, and also his most formidable enemy, an important question to be discussed is the secret of influence and popularity — the art of winning men's affections. For to govern by bribes or by force is not really to govern at all; and no obedience based on fear can be lasting—"no force of power can bear up long against a current of public hate". Adventurers who ride rough-shod over law (he is thinking again of Caesar) have but a short-lived reign; and "liberty, when she has been chained up a while, bites harder when let loose than if she had never been chained at all". Most happy was that just and moderate government of Rome in earlier times, when she was "the port and refuge for princes and nations in their hour of need". Three requisites go to form that popular character which has a just influence over others; we must win men's love, we must deserve their confidence, and we must inspire them with an admiration for our abilities. The shortest and most direct road to real influence is that which Socrates recommends —"for a man to be that which he wishes men to take him for".

[Footnote 1: It is curious to note how, throughout the whole of this argument, Cicero, whether consciously or unconsciously, works upon the principle that the highest life is the political life, and that the highest object a man can set before him is the obtaining, by legitimate means, influence and authority amongst his fellow-citizens.]

[Footnote 2:

"Not being less but more than all
The gentleness he seemed to be".

— Tennyson: ‘In Memoriam’.]

Then follow some maxims which show how thoroughly conservative was the policy of our philosopher. The security of property he holds to be the security of the state. There must be no playing with vested rights, no unequal taxation, no attempt to bring all things to a level, no cancelling of debts and redistribution of land (he is thinking of the baits held out by Catiline), none of those traditional devices for winning favour with the people, which tend to destroy that social concord and unity which make a common wealth. “What reason is there”, he asks, “why, when I have bought, built, repaired, and laid out much money, another shall come and enjoy the fruits of it?”

And as a man should be careful of the interests of the social body, so he should be of his own. But Cicero feels that in descending to such questions he is somewhat losing sight of his dignity as a moralist. “You will find all this thoroughly discussed”, he says to his son, “in Xenophon’s Economics — a book which, when I was just your age, I translated from the Greek into Latin”. [One wonders whether young Marcus took the hint.] “And if you want instruction in money matters, there are gentlemen sitting on the Exchange who will teach you much better than the philosophers”.

The last book opens with a saying of the elder Cato's, which Cicero much admires, though he says modestly that he was never able in his own case quite to realise it—"I am never less idle than when I am idle, and never less alone than when alone". Retirement and solitude are excellent things, Cicero always declares; generally contriving at the same time to make it plain, as he does here, that his own heart is in the world of public life. But at least it gives him time for writing. He "has written more in this short time, since the fall of the Commonwealth, than in all the years during which it stood".

He here resolves the question, If honour and interest seem to clash, which is to give way? Or rather, it has been resolved already; if the right be always the expedient, the opposition is seeming, not real. He puts a great many questions of casuistry, but it all amounts to this: the good man keeps his oath, "though it were to his own hindrance". But it is never to his hindrance; for a violation of his conscience would be the greatest hindrance of all.

In this treatise, more than in any of his other philosophical works, Cicero inclines to the teaching of the Stoics. In the others, he is rather the seeker after truth than the maintainer of a system. His is the critical eclecticism of the 'New Academy' — the spirit so prevalent in our own day, which fights against the shackles of dogmatism. And with all his respect for the nobler side of Stoicism, he is fully alive to its defects; though it was not given to him to see, as Milton saw after him, the point wherein that great system really failed — the "philosophic pride" which was the besetting sin of all disciples in the school, from Cato to Seneca:

"Ignorant of themselves, of God much more,

* * * * *

Much of the soul they talk, but all awry;
And in themselves seek virtue, and to themselves
All glory arrogate, — to God give none;
Rather accuse Him under usual names,
Fortune, or Fate, as one regardless quite
Of mortal things".

[Footnote 1: Paradise Regained.]

Yet, in spite of this, such men were as the salt of the earth in a corrupt age; and as we find, throughout the more modern pages of history, great preachers denouncing wickedness in high places, — Bourdaloue and Massillon pouring their eloquence into the heedless ears of Louis XIV, and his courtiers — Sherlock and Tillotson declaiming from the pulpit in such stirring accents that "even the indolent Charles roused himself to listen, and the fastidious Buckingham forgot to sneer" — so, too, do we find these "monks of heathendom", as the Stoics have been not unfairly called, protesting in their day against that selfish profligacy which was fast sapping all morality in the Roman empire. No doubt (as Mr. Lecky takes care to tell us), their high principles were not always consistent with their practice (alas! whose are?); Cato may have ill-used his slaves, Sallust may have been rapacious, and Seneca wanting in personal courage. Yet it was surely something to have set up a noble ideal, though they might not attain to it themselves, and in "that hideous carnival of vice" to have kept themselves, so far as they might, unspotted from the world. Certain it is that no other ancient sect ever came so near the light of revelation. Passages from Seneca, from Epictetus, from Marcus Aurelius, sound even now like fragments of the inspired writings. The Unknown God, whom they ignorantly worshipped as the Soul or Reason of the World, is — in spite of Milton's strictures — the beginning and the end of their philosophy. Let us listen for a moment to their language. "Prayer should be only for the good". "Men should act according to the spirit, and not according to the letter of their faith". "Wouldest thou propitiate the gods? Be good: he has worshipped them sufficiently who has imitated them". It was from a Stoic poet, Aratus, that St. Paul quoted the great truth which was the rational argument against idolatry—"For we are also His offspring, and" (so the original passage concludes) "we alone possess a voice, which is the image of reason". It is in another poet of the same school that we find what are perhaps the noblest lines in all Latin poetry. Persius concludes his Satire on the common hypocrisy of those prayers and offerings to the gods which were but a service of the lips and hands, in words of which an English rendering may give the sense but not the beauty: "Nay, then, let us offer to the gods that

which the debauched sons of great Messala can never bring on their broad chargers, — a soul wherein the laws of God and man are blended, — a heart pure to its inmost depths, — a breast ingrained with a noble sense of honour. Let me but bring these with me to the altar, and I care not though my offering be a handful of corn". With these grand words, fit precursors of a purer creed to come, we may take our leave of the Stoics, remarking how thoroughly, even in their majestic egotism, they represented the moral force of the nation among whom they flourished; a nation, says a modern preacher, "whose legendary and historic heroes could thrust their hand into the flame, and see it consumed without a nerve shrinking; or come from captivity on parole, advise their countrymen against a peace, and then go back to torture and certain death; or devote themselves by solemn self-sacrifice like the Decii. The world must bow before such men; for, unconsciously, here was a form of the spirit of the Cross-self-surrender, unconquerable fidelity to duty, sacrifice for others".

[Footnote 1: Macaulay.]

[Footnote 2: F.W. Robertson, Sermons, i. 218.]

Portions of three treatises by Cicero upon Political Philosophy have come down to us: 1. I De Republica'; a dialogue on Government, founded chiefly on the 'Republic' of Plato: 2. 'De Legibus'; a discussion on Law in the abstract, and on national systems of legislation 3. 'De Jure Civili'; of which last only a few fragments exist. His historical works have all perished.

CHAPTER XII. CICERO'S RELIGION.

It is difficult to separate Cicero's religion from his philosophy. In both he was a sceptic, but in the better sense of the word. His search after truth was in no sneering or incredulous spirit, but in that of a reverent inquirer. We must remember, in justice to him, that an earnest-minded man in his day could hardly take higher ground than that of the sceptic. The old polytheism was dying out in everything but in name, and there was nothing to take its place.

His religious belief, so far as we can gather it, was rather negative than positive. In the speculative treatise which he has left us, 'On the Nature of the Gods', he examines all the current creeds of the day, but leaves his own quite undefined.

The treatise takes the form, like the rest, of an imaginary conversation. This is supposed to have taken place at the house of Aurelius Cotta, then Pontifex Maximus — an office which answered nearly to that of Minister of religion. The other speakers are Balbus, Velleius, and Cicero himself, — who acts, however, rather in the character of moderator than of disputant. The debate is still, as in the more strictly philosophical dialogues, between the different schools. Velleius first sets forth the doctrine of his master Epicurus; speaking about the gods, says one of his opponents, with as much apparent intimate knowledge "as if he had just come straight down from heaven". All the speculations of previous philosophers — which he reviews one after the other — are, he assures the company, palpable errors. The popular mythology is a mere collection of fables. Plato and the Stoics, with their Soul of the world and their pervading Providence, are entirely wrong; the disciples of Epicurus alone are right. There are gods; that much, the universal belief of mankind in all ages sufficiently establishes. But that they should be the laborious beings which the common systems of theology would make them, — that they should employ themselves in the manufacture of worlds, — is manifestly absurd. Some of this argument is ingenious. "What should induce the Deity to perform the functions of an Aedile, to light up and decorate the world? If it was to supply better accommodation for himself, then he must have dwelt of choice, up to

that time, in the darkness of a dungeon. If such improvements gave him pleasure, why should he have chosen to be without them so long?"

No — the gods are immortal and happy beings; and these very attributes imply that they should be wholly free from the cares of business — exempt from labour, as from pain and death. They are in human form, but of an ethereal and subtile essence, incapable of our passions or desires. Happy in their own perfect wisdom and virtue, they

"Sit beside their nectar, careless of mankind".

Cotta — speaking in behalf of the New Academy — controverts these views. Be these your gods, Epicurus, as well say there are no gods at all. What reverence, what love, or what fear can men have of beings who neither wish them, nor can work them, good or ill? Is idleness the divinest life? "Why, 'tis the very heaven of schoolboys; yet the schoolboys, on their holiday, employ themselves in games". Nay, he concludes, what the Stoic Posidonius said of your master Epicurus is true—"He believed there were no gods, and what he said about their nature he said only to avoid popular odium". He could not believe that the Deity has the outward shape of a man, without any solid essence; that he has all the members of a man, without the power to use them; that he is a shadowy transparent being, who shows no favour and confers no benefits on any, cares for nothing and does nothing; this is to allow his existence of the gods in word, but to deny it in fact.

Velleius compliments his opponent on his clever argument, but desires that Balbus would state his views upon the question. The Stoic consents; and, at some length, proceeds to prove (what neither disputant has at all denied) the existence of Divine beings of some kind. Universal belief, well-authenticated instances of their appearance to men, and of the fulfilment of prophecies and omens, are all evidences of their existence. He dwells much, too, on the argument from design, of which so much use has been made by modern theologians. He furnishes Paley with the idea for his well-known illustration of the man who finds a watch; "when we see a dial or a water-clock, we believe that the hour is shown thereon by art, and not by chance". He gives also an illustration from the poet

Attius, which from a poetical imagination has since become an historical incident; the shepherds who see the ship Argo approaching take the new monster for a thing of life, as the Mexicans regarded the ships of Cortes. Much more, he argues, does the harmonious order of the world bespeak an intelligence within. But his conclusion is that the Universe itself is the Deity; or that the Deity is the animating Spirit of the Universe; and that the popular mythology, which gives one god to the Earth, one to the Sea, one to Fire, and so on, is in fact a distorted version of this truth. The very form of the universe — the sphere — is the most perfect of all forms, and therefore suited to embody the Divine.

[Footnote 1: De Nat. Deor. ii. 34. Paley's Nat. Theol. ch. i.]

Then Cotta — who though, as Pontifex, he is a national priest by vocation, is of that sect in philosophy which makes doubt its creed — resumes his objections. He is no better satisfied with the tenets of the Stoics than with those of the Epicureans. He believes that there are gods; but, coming to the discussion as a dispassionate and philosophical observer, he finds such proofs as are offered of their existence insufficient. But this third book is fragmentary, and the continuity of Cotta's argument is broken by considerable gaps in all the manuscripts. There is a curious tradition, that these portions were carefully torn out by the early Christians, because they might prove too formidable weapons in the hands of unbelievers. Cotta professes throughout only to raise his objections in the hope that they may be refuted; but his whole reasoning is destructive of any belief in an overruling Providence. He confesses himself puzzled by that insoluble mystery — the existence of Evil in a world created and ruled by a beneficent Power. The gods have given man reason, it is said; but man abuses the gift to evil ends. "This is the fault", you say, "of men, not of the gods. As though the physician should complain of the virulence of the disease, or the pilot of the fury of the tempest! Though these are but mortal men, even in them it would seem ridiculous. Who would have asked your help, we should answer, if these difficulties had not arisen? May we not argue still more strongly in the case of the gods? The fault, you say, lies in the vices of men. But you should have given men such a rational faculty as would exclude the possibility of such crimes". He sees, as David did,

“the ungodly in prosperity”. The laws of Heaven are mocked, crimes are committed, and “the thunders of Olympian Jove are silent”. He quotes, as it would always be easy to quote, examples of this from all history: the most telling and original, perhaps, is the retort of Diagoras, who was called the Atheist, when they showed him in the temple at Samothrace the votive tablets (as they may be seen in some foreign churches now) offered by those shipwrecked seamen who had been saved from drowning. “Lo, thou that deniest a Providence, behold here how many have been saved by prayer to the gods!” “Yea”, was his reply; “but where are those commemorated who were drowned?”

The Dialogue ends with no resolution of the difficulties, and no conclusion as to the points in question. Cicero, who is the narrator of the imaginary conference, gives it as his opinion that the arguments of the Stoic seemed to him to have “the greater probability”. It was the great tenet of the school which he most affected, that probability was the nearest approach that man could make to speculative truth. “We are not among those”, he says, “to whom there seems to be no such thing as truth; but we say that all truths have some falsehoods attached to them which have so strong a resemblance to truth, that in such cases there is no certain note of distinction which can determine our judgment and assent. The consequence of which is that there are many things probable; and although they are not subjects of actual perception to our senses, yet they have so grand and glorious an aspect that a wise man governs his life thereby”. It remained for one of our ablest and most philosophical Christian writers to prove that in such matters probability was practically equivalent to demonstration. Cicero’s own form of scepticism in religious matters is perhaps very nearly expressed in the striking anecdote which he puts, in this dialogue, into the mouth of the Epicurean.

[Footnote 1: De Nat. Deor. i. 5.]

[Footnote 2: “To us, probability is the very guide of life”. — Introd. to
Butler’s Analogy.]

“If you ask me what the Deity is, or what his nature and attributes

are, I should follow the example of Simonides, who, when the tyrant Hiero proposed to him the same question, asked a day to consider of it. When the king, on the next day, required from him the answer, Simonides requested two days more; and when he went on continually asking double the time, instead of giving any answer, Hiero in amazement demanded of him the reason. 'Because', replied he, 'the longer I meditate on the question, the more obscure does it appear'".

[Footnote 1: De Nat. Deor. i. 22.]

The position of Cicero as a statesman, and also as a member of the College of Augurs, no doubt checked any strong expression of opinion on his part as to the forms of popular worship and many particulars of popular belief. In the treatise which he intended as in some sort a sequel to this Dialogue on the 'Nature of the Gods' — that upon 'Divination' — he states the arguments for and against the national belief in omens, auguries, dreams, and such intimations of the Divine will. He puts the defence of the system in the mouth of his brother Quintus, and takes himself the destructive side of the argument: but whether this was meant to give his own real views on the subject, we cannot be so certain. The course of argument employed on both sides would rather lead to the conclusion that the writer's opinion was very much that which Johnson delivered as to the reality of ghosts—"All argument is against it, but all belief is for it".

[Footnote 1: There is a third treatise, 'De Fato', apparently a continuation of the series, of which only a portion has reached us. It is a discussion of the difficult questions of Fate and Free-will.]

With regard to the great questions of the soul's immortality, and a state of future rewards and punishments, it would be quite possible to gather from Cicero's writings passages expressive of entirely contradictory views. The bent of his mind, as has been sufficiently shown, was towards doubt, and still more towards discussion; and possibly his opinions were not so entirely in a state of flux as the remains of his writings seem to show. In a future state of some kind he must certainly have believed — that is, with such belief as he would have considered the subject-matter to admit of — as a strong probability. In a speculative fragment which has come down to us,

known as ‘Scipio’s Dream’, we seem to have the creed of the man rather than the speculations of the philosopher. Scipio Africanus the elder appears in a dream to the younger who bore his name (his grandson by adoption). He shows him a vision of heaven; bids him listen to the music of the spheres, which, as they move in their order, “by a modulation of high and low sounds”, give forth that harmony which men have in some poor sort reduced to notation. He bids him look down upon the earth, contracted to a mere speck in the distance, and draws a lesson of the poverty of all mere earthly fame and glory. “For all those who have preserved, or aided, or benefited their country, there is a fixed and definite place in heaven, where they shall be happy in the enjoyment of everlasting life”. But “the souls of those who have given themselves up to the pleasures of sense, and made themselves, as it were, the servants of these, — who at the bidding of the lusts which wait upon pleasure have violated the laws of gods and men, — they, when they escape from the body, flit still around the earth, and never attain to these abodes but after many ages of wandering”. We may gather that his creed admitted a Valhalla for the hero and the patriot, and a long process of expiation for the wicked.

There is a curious passage preserved by St. Augustin from that one of Cicero’s works which he most admired — the lost treatise on ‘Glory’ — which seems to show that so far from being a materialist, he held the body to be a sort of purgatory for the soul.

“The mistakes and the sufferings of human life make me think sometimes that those ancient seers, or Interpreters of the secrets of heaven and the counsels of the Divine mind, had some glimpse of the truth, when they said that men are born in order to suffer the penalty for some sins committed in a former life; and that the idea is true which we find in Aristotle, that we are suffering some such punishment as theirs of old, who fell into the hands of those Etruscan bandits, and were put to death with a studied cruelty; their living bodies being tied to dead bodies, face to face, in closest possible conjunction: that so our souls are coupled to our bodies, united like the living with the dead”.

But whatever might have been the theological side, if one may so express it, of Cicero’s religion, the moral aphorisms which meet us

here and there in his works have often in them a teaching which comes near the tone of Christian ethics. The words of Petrarch are hardly too strong—"You would fancy sometimes it was not a Pagan philosopher but a Christian apostle who was speaking". These are but a few out of many which might be quoted: "Strive ever for the truth, and so reckon as that not thou art mortal, but only this thy body, for thou art not that which this outward form of thine shows forth, but each man's mind, that is the real man — not the shape which can be traced with the finger". "Yea, rather, they live who have escaped from the bonds of their flesh as from a prison-house". "Follow after justice and duty; such a life is the path to heaven, and into yon assembly of those who have once lived, and now, released from the body, dwell in that place". Where, in any other heathen writer, shall we find such noble words as those which close the apostrophe in the Tusculans?—"One single day well spent, and in accordance with thy precepts, were better to be chosen than an immortality of sin!" He is addressing himself, it is true, to Philosophy; but his Philosophy is here little less than the Wisdom of Scripture: and the spiritual aspiration is the same — only uttered under greater difficulties — as that of the Psalmist when he exclaims, "One day in thy courts is better than a thousand!" We may or may not adopt Erasmus's view of his inspiration — or rather, inspiration is a word which has more than one definition, and this would depend upon which definition we take; but we may well sympathise with the old scholar when he says—"I feel a better man for reading Cicero".

ROMAN LIFE IN THE DAYS OF CICERO by Alfred John Church

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TO

OCTAVIUS OGLE

IN REMEMBRANCE OF

A LONG FRIENDSHIP

THIS BOOK IS DEDICATED.

PREFACE.

This book does not claim to be a life of Cicero or a history of the last days of the Roman Republic. Still less does it pretend to come into comparison with such a work as Bekker's *Gallus*, in which on a slender thread of narrative is hung a vast amount of facts relating to the social life of the Romans. I have tried to group round the central figure of Cicero various sketches of men and manners, and so to give my readers some idea of what life actually was in Rome, and the provinces of Rome, during the first six decades — to speak roughly — of the first century B.C. I speak of Cicero as the "central figure," not as judging him to be the most important man of the time, but because it is from him, from his speeches and letters, that we chiefly derive the information of which I have here made use. Hence it follows that I give, not indeed a life of the great orator, but a sketch of his personality and career. I have been obliged also to trespass on the domain of history: speaking of Cicero, I was obliged to speak also of Caesar and of Pompey, of Cato and of Antony, and to give a narrative, which I have striven to make as brief as possible, of their military achievements and political action. I must apologize for seeming to speak dogmatically on some questions which have been much disputed. It would have been obviously inconsistent with the character of the book to give the opposing arguments; and my only course was to state simply conclusions which I had done my best to make correct.

I have to acknowledge my obligations to Marquardt's *Privat-Leben der Romer*, Mr. Capes' *University Life in Ancient Athens*, and Mr. Watson's *Select Letters of Cicero*, I have also made frequent use of Mr. Anthony Trollope's *Life of Cicero*, a work full of sound sense, though curiously deficient in scholarship.

The publishers and myself hope that the illustrations, giving as there is good reason to believe they do the veritable likenesses of some of the chief actors in the scenes described, will have a special interest. It is not till we come down to comparatively recent times that we find art again lending the same aid to the understanding of history.

Some apology should perhaps be made for retaining the popular title of one of the illustrations. The learned are, we believe, agreed that the statue known as the "Dying Gladiator" does not represent a gladiator at all. Yet it seemed pedantic, in view of Byron's famous description, to let it appear under any other name.

ALFRED CHURCH.

HADLEY GREEN *October* 8, 1883.

CHAPTER I. A ROMAN BOY.

A Roman father's first duty to his boy, after lifting him up in his arms in token that he was a true son of the house, was to furnish him with a first name out of the scanty list (just seventeen) to which his choice was limited. This naming was done on the eighth day after birth, and was accompanied with some religious ceremonies, and with a feast to which kinsfolk were invited. Thus named he was enrolled in some family or state register. The next care was to protect him from the malignant influence of the evil eye by hanging round his neck a gilded *bulla*, a round plate of metal. (The *bulla* was of leather if he was not of gentle birth.) This he wore till he assumed the dress of manhood. Then he laid it aside, possibly to assume it once more, if he attained the crowning honor to which a Roman could aspire, and was drawn in triumph up the slope of the Capitol. He was nursed by his mother, or, in any case, by a free-born woman. It was his mother that had exclusive charge of him for the first seven years of his life, and had much to say to the ordering of his life afterwards. For Roman mothers were not shut up like their sisters in Greece, but played no small part in affairs — witness the histories or legends (for it matters not for this purpose whether they are fact or fiction) of the Sabine wives, of Tullia, who stirred up her husband to seize a throne, or Veturia, who turned her son Coriolanus from his purpose of besieging Rome. At seven began the education which was to make him a citizen and a soldier. Swimming, riding, throwing the javelin developed his strength of body. He learned at the same time to be frugal, temperate in eating and drinking, modest and seemly in behavior, reverent to his elders, obedient to authority at home and abroad, and above all, pious towards the gods. If it was the duty of the father to act as priest in some temple of the State (for the priests were not a class apart from their fellow-citizens), or to conduct the worship in some chapel of the family, the lad would act as *camillus* or acolyte. When the clients, the dependents of the house, trooped into the hall in the early morning hours to pay their respects to their patron, or to ask his advice and assistance in their affairs, the lad would stand by his father's chair and make acquaintance with his

humble friends. When the hall was thrown open, and high festival was held, he would be present and hear the talk on public affairs or on past times. He would listen to and sometimes take part in the songs which celebrated great heroes. When the body of some famous soldier or statesman was carried outside the walls to be buried or burned, he would be taken to hear the oration pronounced over the bier.

At one time it was the custom, if we may believe a quaint story which one of the Roman writers tells us, for the senators to introduce their young sons to the sittings of their assembly, very much in the same way as the boys of Westminster School are admitted to hear the debates in the Houses of Parliament. The story professes to show how it was that one of the families of the race of Papirius came to bear the name of *Praetextatus*, i.e., clad in the *praetexta* (the garb of boyhood), and it runs thus:—"It was the custom in the early days of the Roman State that the senators should bring their young sons into the Senate to the end that they might learn in their early days how great affairs of the commonwealth were managed. And that no harm should ensue to the city, it was strictly enjoined upon the lads that they should not say aught of the things which they had heard within the House. It happened on a day that the Senate, after long debate upon a certain matter, adjourned the thing to the morrow. Hereupon the son of a certain senator, named Papirius, was much importuned by his mother to tell the matter which had been thus painfully debated. And when the lad, remembering the command which had been laid upon him that he should be silent about such matters, refused to tell it, the woman besought him to speak more urgently, till at the last, being worn out by her importunities, he contrived this thing. 'The Senate,' he said, 'debated whether something might not be done whereby there should be more harmony in families than is now seen to be; and whether, should it be judged expedient to make any change, this should be to order that a husband should have many wives, or a wife should have more husbands than one.' Then the woman, being much disturbed by the thing which she had heard, hastened to all the matrons of her acquaintance, and stirred them up not to suffer any such thing. Thus it came to pass that the Senate, meeting the next day, were astonished beyond measure to see a great

multitude of women gathered together at the doors, who besought them not to make any change; or, if any, certainly not to permit that a man should have more wives than one. Then the young Papirius told the story how his mother had questioned him, and how he had devised this story to escape from her importunity. Thereupon the Senate, judging that all boys might not have the same constancy and wit, and that the State might suffer damage from the revealing of things that had best be kept secret, made this law, that no sons of a senator should thereafter come into the House, save only this young Papirius, but that he should have the right to come so long as he should wear the *praetexta*."

While this general education was going on, the lad was receiving some definite teaching. He learned of course to read, to write, and to cypher. The elder Cato used to write in large characters for the benefit of his sons portions of history, probably composed by himself or by his contemporary Fabius, surnamed the "Painter" (the author of a chronicle of Italy from the landing of Aeneas down to the end of the Second Punic War). He was tempted to learn by playthings, which ingeniously combined instruction and amusement. Ivory letters — probably in earlier times a less costly material was used — were put into his hands, just as they are put into the hands of children now-a-days, that he might learn how to form words. As soon as reading was acquired, he began to learn by heart. "When we were boys," Cicero represents himself as saying to his brother Quintus, in one of his Dialogues, "we used to learn the 'Twelve Tables.'" The "Twelve Tables" were the laws which Appius of evil fame and his colleagues the decemvirs had arranged in a code. "No one," he goes on to say, "learns them now." Books had become far more common in the forty years which had passed between Cicero's boyhood and the time at which he is supposed to be speaking; and the tedious lesson of his early days had given place to something more varied and interesting.

Writing the boy learned by following with the pen (a sharp-pointed *stylus* of metal), forms of letters which had been engraved on tablets of wood. At first his hand was held and guided by the teacher. This was judged by the experienced to be a better plan than allowing him to shape letters for himself on the wax-covered tablet. Of course

parchment and paper were far too expensive materials to be used for exercises and copies. As books were rare and costly, dictation became a matter of much importance. The boy wrote, in part at least, his own schoolbooks. Horace remembers with a shudder what he had himself written at the dictation of his schoolmaster, who was accustomed to enforce good writing and spelling with many blows. He never could reconcile himself to the early poets whose verse had furnished the matter of these lessons.

Our Roman boy must have found arithmetic a more troublesome thing than the figures now in use (for which we cannot be too thankful to the Arabs their inventors) have made it. It is difficult to imagine how any thing like a long sum in multiplication or division could have been done with the Roman numerals, so cumbrous were they. The number, for instance, which we represent by the figures 89 would require for its expression no less than *nine* figures, LXXXVIIII. The boy was helped by using the fingers, the left hand being used to signify numbers below a hundred, and the right numbers above it. Sometimes his teacher would have a counting-board, on which units, tens, and hundreds would be represented by variously colored balls. The sums which he did were mostly of a practical kind. Here is the sample that Horace gives of an arithmetic lesson. "The Roman boys are taught to divide the penny by long calculations. 'If from five ounces be subtracted one, what is the remainder?' At once you can answer, 'A third of a penny.' 'Good, you will be able to take care of your money. If an ounce be added what does it make?' 'The half of a penny.'"

While he was acquiring this knowledge he was also learning a language, the one language besides his own which to a Roman was worth knowing — Greek. Very possibly he had begun to pick it up in the nursery, where a Greek slave girl was to be found, just as the French *bonne* or the German nursery-governess is among our own wealthier families. He certainly began to acquire it when he reached the age at which his regular education was commenced. Cato the Elder, though he made it a practice to teach his own sons, had nevertheless a Greek slave who was capable of undertaking the work, and who actually did teach, to the profit of his very frugal master, the sons of other nobles. Aemilius, the conqueror of Macedonia, who

was a few years younger than Cato, had as a tutor a Greek of some distinction. While preparing the procession of his triumph he had sent to Athens for a scene-painter, as we should call him, who might make pictures of conquered towns wherewith to illustrate his victories. He added to the commission a stipulation that the artist should also be qualified to take the place of tutor. By good fortune the Athenians happened to have in stock, so to speak, exactly the man he wanted, one Metrodorus. Cicero had a Greek teacher in his own family, not for his son indeed, who was not born till later, but for his own benefit. This was one Diodotus, a Stoic philosopher. Cicero had been his pupil in his boyhood, and gave him a home till the day of his death, "I learned many things from him, logic especially." In old age he lost his sight. "Yet," says his pupil, "he devoted himself to study even more diligently than before; he had books read to him night and day. These were studies which he could pursue without his eyes; but he also, and this seems almost incredible, taught geometry without them, instructing his learners whence and whither the line was to be drawn, and of what kind it was to be." It is interesting to know that when the old man died he left his benefactor about nine thousand pounds.

Of course only wealthy Romans could command for their sons the services of such teachers as Diodotus; but any well-to-do-household contained a slave who had more or less acquaintance with Greek. In Cicero's time a century and more of conquests on the part of Rome over Greek and Greek-speaking communities had brought into Italian families a vast number of slaves who knew the Greek language, and something, often a good deal, of Greek literature. One of these would probably be set apart as the boy's attendant; from him he would learn to speak and read a language, a knowledge of which was at least as common at Rome as is a knowledge of French among English gentlemen.

If the Roman boy of whom we are speaking belonged to a very wealthy and distinguished family, he would probably receive his education at home. Commonly he would go to school. There were schools, girls' schools as well as boys' schools, at Rome in the days of the wicked Appius Claudius. The schoolmaster appears among the Etruscans in the story of Camillus, when the traitor, who offers to

hand over to the Roman general the sons of the chief citizen of Falerii, is at his command scourged back into the town by his scholars. We find him again in the same story in the Latin town of Tusculum, where it is mentioned as one of the signs of a time of profound peace (Camillus had hurriedly marched against the town on a false report of its having revolted), that the hum of scholars at their lessons was heard in the market-place. At Rome, as time went on, and the Forum became more and more busy and noisy, the schools were removed to more suitable localities. Their appliances for teaching were improved and increased. Possibly maps were added, certainly reading books. Homer was read, and, as we have seen, the old Latin play-writers, and, afterwards, Virgil. Horace threatens the book which willfully insists on going out into the world with this fate, that old age will find it in a far-off suburb teaching boys their letters. Some hundred years afterwards the prophecy was fulfilled. Juvenal tells us how the schoolboys stood each with a lamp in one hand and a well-thumbed Horace or sooty Virgil in the other. Quintilian, writing about the same time, goes into detail, as becomes an old schoolmaster. "It is an admirable practice that the boy's reading should begin with Homer and Virgil. The tragic writers also are useful; and there is much benefit to be got from the lyric poets also. But here you must make a selection not of authors only, but a part of authors." It is curious to find him banishing altogether a book that is, or certainly was, more extensively used in our schools than any other classic, the Heroides of Ovid.

These, and such as these, then, are the books which our Roman boy would have to read. Composition would not be forgotten. "Let him take," says the author just quoted, "the fables of Aesop and tell them in simple language, never rising above the ordinary level. Then let him pass on to a style less plain; then, again, to bolder paraphrases, sometimes shortening, sometimes amplifying the original, but always following his sense." He also suggests the writing of themes and characters. One example he gives is this, "Was Crates the philosopher right when, having met an ignorant boy, he administered a beating to his teacher?" Many subjects of these themes have been preserved. Hannibal was naturally one often chosen. His passage of the Alps, and the question whether he should

have advanced on the city immediately after the battle of Cannae, were frequently discussed. Cicero mentions a subject of the speculative kind. “It is forbidden to a stranger to mount the wall. A. mounts the wall, but only to help the citizens in repelling their enemies. Has A. broken the law?”

To make these studies more interesting to the Roman boy, his schoolmaster called in the aid of emulation. “I feel sure,” says Quintilian, “that the practice which I remember to have been employed by my own teachers was any thing but useless. They were accustomed to divide the boys into classes, and they set us to speak in the order of our powers; every one taking his turn according to his proficiency. Our performances were duly estimated; and prodigious were the struggles which we had for victory. To be the head of one’s class was considered the most glorious thing conceivable. But the decision was not made once for all. The next month brought the vanquished an opportunity of renewing the contest. He who had been victorious in the first encounter was not led by success to relax his efforts, and a feeling of vexation impelled the vanquished to do away with the disgrace of defeat. This practice, I am sure, supplied a keener stimulus to learning than did all the exhortations of our teachers, the care of our tutors, and the wishes of our parents.” Nor did the schoolmaster trust to emulation alone. The third choice of the famous Winchester line, “Either learn, or go: there is yet another choice — to be flogged,” was liberally employed. Horace celebrates his old schoolmaster as a “man of many blows,” and another distinguished pupil of this teacher, the Busby or Keate of antiquity, has specified the weapons which he employed, the ferule and the thong. The thong is the familiar “tawse” of schools north of the Border. The ferule was a name given both to the bamboo and to the yellow cane, which grew plentifully both in the islands of the Greek Archipelago and in Southern Italy, as notably at Cannae in Apulia, where it gave a name to the scene of the great battle. The *virga* was also used, a rod commonly of birch, a tree the educational use of which had been already discovered. The walls of Pompeii indeed show that the practice of Eton is truly classical down to its details.

As to the advantage of the practice opinions were divided. One enthusiastic advocate goes so far as to say that the Greek word for a

cane signifies by derivation, “the sharpener of the young” (*narthex, nearous thegein*), but the best authorities were against it. Seneca is indignant with the savage who will “butcher” a young learner because he hesitates at a word — a venial fault indeed, one would think, when we remember what must have been the aspect of a Roman book, written as it was in capitals, almost without stops, and with little or no distinction between the words. And Quintilian is equally decided, though he allows that flogging was an “institution.”

As to holidays the practice of the Roman schools probably resembled that which prevails in the Scotch Universities, though with a less magnificent length of vacation. Every one had a holiday on the “days of Saturn” (a festival beginning on the seventeenth of December), and the schoolboys had one of their own on the “days of Minerva,” which fell in the latter half of March; but the “long vacation” was in the summer. Horace speaks of lads carrying their fees to school on the fifteenth of the month for eight months in the year (if this interpretation of a doubtful passage is correct). Perhaps as this was a country school the holidays were made longer than usual, to let the scholars take their part in the harvest, which as including the vintage would not be over till somewhat late in the autumn. We find Martial, however, imploring a schoolmaster to remember that the heat of July was not favorable to learning, and suggesting that he should abdicate his seat till the fifteenth of October brought a season more convenient for study. Rome indeed was probably deserted in the later summer and autumn by the wealthier class, who were doubtless disposed to agree in the poet’s remark, a remark to which the idlest schoolboy will forgive its Latin for the sake of its admirable sentiment:

“Aestate pueri si valent satis discunt.” “In summer boys learn enough, if they keep their health.”

Something, perhaps, may be said of the teachers, into whose hands the boys of Rome were committed. We have a little book, of not more than twoscore pages in all, which gives us “lives of illustrious schoolmasters;” and from which we may glean a few facts. The first business of a schoolmaster was to teach grammar, and grammar Rome owed, as she owed most of her knowledge, to a Greek, a certain Crates, who coming as ambassador from one of the

kings of Asia Minor, broke his leg while walking in the ill-paved streets of Rome, and occupied his leisure by giving lectures at his house. Most of the early teachers were Greeks. Catulus bought a Greek slave for somewhat more than fifteen hundred pounds, and giving him his freedom set him up as a schoolmaster; another of the same nation received a salary of between three and four hundred pounds, his patron taking and probably making a considerable profit out of the pupils' fees. Orbilius, the man of blows, was probably of Greek descent. He had been first a beadle, then a trumpeter, then a trooper in his youth, and came to Rome in the year in which Cicero was consul. He seems to have been as severe on the parents of his pupils as he was in another way on the lads themselves, for he wrote a book in which he exposed their meanness and ingratitude. His troubles, however, did not prevent him living to the great age of one hundred and three. The author of the little book about schoolmasters had seen his statue in his native town. It was a marble figure, in a sitting posture, with two writing desks beside it. The favorite authors of Orbilius, who was of the old-fashioned school, were, as has been said, the early dramatists. Caecilius, a younger man, to whom Atticus the friend and correspondent of Cicero gave his freedom, lectured on Virgil, with whom, as he was intimate with one of Virgil's associates, he probably had some acquaintance. A certain Flaccus had the credit of having first invented prizes. He used to pit lads of equal age against each other, supplying not only a subject on which to write, but a prize for the victor. This was commonly some handsome or rare old book. Augustus made him tutor to his grandsons, giving him a salary of eight hundred pounds per annum. Twenty years later, a fashionable schoolmaster is said to have made between three and four thousands.

These schoolmasters were also sometimes teachers of eloquence, lecturing to men. One Gnipho, for instance, is mentioned among them, as having held his classes in the house of Julius Caesar (Caesar was left an orphan at fifteen); and afterwards, when his distinguished pupil was grown up, in his own. But Cicero, when he was praetor, and at the very height of his fame, is said to have attended his lectures. This was the year in which he delivered the very finest of his non-political speeches, his defence of Cluentius. He must have

been a very clever teacher from whom so great an orator hoped to learn something.

These teachers of eloquence were what we may call the "Professors" of Rome. A lad had commonly "finished his education" when he put on the "man's gown;" but if he thought of political life, of becoming a statesman, and taking office in the commonwealth, he had much yet to learn. He had to make himself a lawyer and an orator. Law he learned by attaching himself, by becoming the pupil, as we should say, of some great man that was famed for his knowledge. Cicero relates to us his own experience: "My father introduced me to the Augur Scaevola; and the result was that, as far as possible and permissible, I never left the old man's side. Thus I committed to memory many a learned argument of his, many a terse and clever maxim, while I sought to add to my own knowledge from his stores of special learning. When the Augur died I betook myself to the Pontiff of the same name and family." Elsewhere we have a picture of this second Scaevola and his pupils. "Though he did not undertake to give instruction to any one, yet he practically taught those who were anxious to listen to him by allowing them to hear his answers to those who consulted him." These consultations took place either in the Forum or at his own house. In the Forum the great lawyer indicated that clients were at liberty to approach by walking across the open space from corner to corner. The train of young Romans would then follow his steps, just as the students follow the physician or the surgeon through the wards of a hospital. When he gave audience at home they would stand by his chair. It must be remembered that the great man took no payment either from client or from pupil.

But the young Roman had not only to learn law, he must also learn how to speak-learn, as far as such a thing can be learned, how to be eloquent. What we in this country call the career of the public man was there called the career of the orator. With us it is much a matter of chance whether a man can speak or not. We have had statesmen who wielded all the power that one man ever can wield in this country who had no sort of eloquence. We have had others who had this gift in the highest degree, but never reached even one of the lower offices in the government. Sometimes a young politician will

go to a professional teacher to get cured of some defect or trick of speech; but that such teaching is part of the necessary training of a statesman is an idea quite strange to us. A Roman received it as a matter of course. Of course, like other things at Rome, it made its way but slowly. Just before the middle of the second century b.c. the Senate resolved: "Seeing that mention has been made of certain philosophers and rhetoricians, let Pomponius the praetor see to it, as he shall hold it to be for the public good, and for his own honor, that none such be found at Rome." Early in the first century the censors issued an edict forbidding certain Latin rhetoricians to teach. One of these censors was the great orator Crassus, greatest of all the predecessors of Cicero. Cicero puts into his mouth an apology for this proceeding: "I was not actuated by any hostility to learning or culture. These Latin rhetoricians were mere ignorant pretenders, inefficient imitators of their Greek rivals, from whom the Roman youth were not likely to learn any thing but impudence." In spite of the censors, however, and in spite of the fashionable belief in Rome that what was Greek must be far better than what was of native growth, the Latin teachers rose into favor. "I remember," says Cicero, "when we were boys, one Lucius Plotinus, who was the first to teach eloquence in Latin; how, when the studious youth of the capital crowded to hear him it vexed me much, that I was not permitted to attend him. I was checked, however, by the opinion of learned men, who held that in this matter the abilities of the young were more profitably nourished by exercises in Greek." We are reminded of our own Doctor Johnson, who declared that he would not disgrace the walls of Westminster Abbey by an epitaph in English.

The chief part of the instruction which these teachers gave was to propose imaginary cases involving some legal difficulty for their pupils to discuss. One or two of these cases may be given.

One day in summer a party of young men from Rome made an excursion to Ostia, and coming down to the seashore found there some fishermen who were about to draw in a net. With these they made a bargain that they should have the draught for a certain sum. The money was paid. When the net was drawn up no fish were found in it, but a hamper sewn with thread of gold. The buyers allege this to

be theirs as the draught of the net. The fishermen claim it as not being fish. To whom did it belong?

Certain slave-dealers, landing a cargo of slaves at Brundisium, and having with them a very beautiful boy of great value, fearing lest the custom-house officers should lay hands upon him, put upon him the *bulla* and the purple-edged robe that free-born lads were wont to wear. The deceit was not discovered. But when they came to Rome, and the matter was talked of, it was maintained that the boy was really free, seeing that it was his master who of his own free will had given him the token of freedom.

I shall conclude this chapter with a very pretty picture, which a Roman poet draws of the life which he led with his teacher in the days when he was first entering upon manhood. "When first my timid steps lost the guardianship of the purple stripe, and the *bulla* of the boy was hung up for offering to the quaint household gods; when flattering comrades came about me, and I might cast my eyes without rebuke over the whole busy street under the shelter of the yet unsullied gown; in the days when the path is doubtful, and the wanderer knowing naught of life comes with bewildered soul to the many-branching roads — then I made myself your adopted child. You took at once into the bosom of another Socrates my tender years; your rule, applied with skillful disguise, straightens each perverse habit; nature is molded by reason, and struggles to be subdued, and assumes under your hands its plastic lineaments. Ay, well I mind how I would wear away long summer suns with you, and pluck with you the bloom of night's first hours. One work we had, one certain time for rest, and at one modest table unbent from sterner thoughts."

It accords with this charming picture to be told that the pupil, dying in youth, left his property to his old tutor, and that the latter handed it over to the kinsfolk of the deceased, keeping for himself the books only.

CHAPTER II. A ROMAN UNDERGRADUATE.

In the last chapter we had no particular "Roman Boy" in view; but our "Roman Undergraduate" will be a real person, Cicero's son. It will be interesting to trace the notices which we find of him in his father's letters and books. "You will be glad to hear," he writes in one of his earliest letters to Atticus, "that a little son has been born to me, and that Terentia is doing well." From time to time we hear of him, and always spoken of in terms of the tenderest affection. He is his "honey-sweet Cicero," his "little philosopher." When the father is in exile the son's name is put on the address of his letters along with those of his mother and sister. His prospects are the subject of most anxious thought. Terentia, who had a considerable fortune of her own, proposes to sell an estate. "Pray think," he writes, "what will happen to us. If the same ill fortune shall continue to pursue us, what will happen to our unhappy boy? I cannot write any more. My tears fairly overpower me; I should be sorry to make you as sad as myself. I will say so much. If my friends do their duty by me, I shall not want for money; if they do not, your means will not save me. I do implore you, by all our troubles, do not ruin the poor lad. Indeed he is ruined enough already. If he has only something to keep him from want, then modest merit and moderate good fortune will give him all he wants."

Appointed to the government of Cilicia, Cicero takes his son with him into the province. When he starts on his campaign against the mountain tribes, the boy and his cousin, young Quintus, are sent to the court of Deiotarus, one of the native princes of Galatia. "The young Ciceros," he writes to Atticus, "are with Deiotarus. If need be, they will be taken to Rhodes." Atticus, it may be mentioned, was uncle to Quintus, and might be anxious about him. The need was probably the case of the old prince himself marching to Cicero's help. This he had promised to do, but the campaign was finished without him. This was in the year 51 B.C., and Marcus was nearly fourteen years old, his cousin being his senior by about two years. "They are very fond of each other," writes Cicero; "they learn, they amuse themselves together, but one wants the rein, the other the

spur." (Doubtless the latter is the writer's son.) "I am very fond of Dionysius their teacher: the lads say that he is apt to get furiously angry. But a more learned and more blameless man there does not live." A year or so afterwards he seems to have thought less favorably of him. "I let him go reluctantly when I thought of him as the tutor of the two lads, but quite willingly as an ungrateful fellow." In B.C. 49, when the lad was about half through his sixteenth year, Cicero "gave him his *toga*." To take the *toga*, that is to exchange the gown of the boy with its stripe of purple for the plain white gown of the citizen, marked the beginning of independence (though indeed a Roman's son was even in mature manhood under his father's control). The ceremony took place at Arpinum, much to the delight of the inhabitants, who felt of course the greatest pride and interest in their famous fellow-townsman. But it was a sad time. "There and every where as I journeyed I saw sorrow and dismay. The prospect of this vast trouble is sad indeed." The "vast trouble" was the civil war between Caesar and Pompey. This indeed had already broken out. While Cicero was entertaining his kinsfolk and friends at Arpinum, Pompey was preparing to fly from Italy. The war was probably not an unmixed evil to a lad who was just beginning to think himself a man. He hastened across the Adriatic to join his father's friend, and was appointed to the command of a squadron of auxiliary cavalry. His maneuvers were probably assisted by some veteran subordinate; but his I seat on horseback, his skill with the javelin, and his general soldierly qualities were highly praised both by his chief and by his comrades. After the defeat at Pharsalia he waited with his father at Brundisium till a kind letter from Caesar assured him of pardon. In B.C. 46 he was made aedile at Arpinum, his cousin being appointed at the same time. The next year he would have gladly resumed his military career. Fighting was going on in Spain, where the sons of Pompey were holding out against the forces of Caesar; and the young Cicero, who was probably not very particular on which side he drew his sword, was ready to take service against the son of his old general. Neither the cause nor the career pleased the father, and the son's wish was overruled, just as an English lad has sometimes to give up the unremunerative profession of arms, when there is a living in the family, or an opening in a bank, or a promising connection

with a firm of solicitors. It was settled that he should take up his residence at Athens, which was then the university of Rome, not indeed exactly in the sense in which Oxford and Cambridge are the universities of England, but still a place of liberal culture, where the sons of wealthy Roman families were accustomed to complete their education. Four-and-twenty years before the father had paid a long visit to the city, partly for study's sake. "In those days," he writes, "I was emaciated and feeble to a degree; my neck was long and thin; a habit of body and a figure that are thought to indicate much danger to life, if aggravated by a laborious profession and constant straining of the voice. My friends thought the more of this, because in those days I was accustomed to deliver all my speeches without any relaxation of effort, without any variety, at the very top of my voice, and with most abundant gesticulation. At first, when friends and physicians advised me to abandon advocacy for a while, I felt that I would sooner run any risk than relinquish the hope of oratorical distinction. Afterwards I reflected that by learning to moderate and regulate my voice, and changing my style of speaking, I might both avert the danger that threatened my health and also acquire a more self-controlled manner. It was a resolve to break through the habits I had formed that induced me to travel to the East. I had practiced for two years, and my name had become well known when I left Rome. Coming to Athens I spent six months with Antiochus, the most distinguished and learned philosopher of the Old Academy, than whom there was no wiser or more famous teacher. At the same time I practiced myself diligently under the care of Demetrius Syrus, an old and not undistinguished master of eloquence." To Athens, then, Cicero always looked back with affection. He hears, for instance, that Appius is going to build a portico at Eleusis. "Will you think me a fool," he writes to Atticus, "if I do the same at the Academy? 'I think so,' you will say. But I love Athens, the very place, much; and I shall be glad to have some memorial of me there."

The new undergraduate, as we should call him, was to have a liberal allowance. "He shall have as much as Publilius, as much as Lentulus the Flamen, allow their sons." It would be interesting to know the amount, but unhappily this cannot be recovered. All that we know is that the richest young men in Rome were not to have

more. “I will guarantee,” writes this liberal father, “that none of the three young men [whom he names] who, I hear, will be at Athens at the same time shall live at more expense than he will be able to do on those rents.” These “rents” were the incomings from certain properties at Rome. “Only,” he adds, “I do not think he will want a horse.”

We know something of the university buildings, so to speak, which the young Cicero found at Athens. “To seek for truth among the groves of Academus” is the phrase by which a more famous contemporary, the poet Horace, describes his studies at Athens. He probably uses it generally to express philosophical pursuits; taken strictly it would mean that he attached himself to the sage whose pride it was to be the successor of Plato. Academus was a local hero, connected with the legend of Theseus and Helen. Near his grove, or sacred inclosure, which adjoined the road to Eleusis, Plato had bought a garden. It was but a small spot, purchased for a sum which maybe represented by about three or four hundred pounds of our money, but it had been enlarged by the liberality of successive benefactors. This then was one famous lecture-room. Another was the Lyceum. Here Aristotle had taught, and after Aristotle, Theophrastus, and after him, a long succession of thinkers of the same school. A third institution of the same kind was the garden in which Epicurus had assembled his disciples, and which he bequeathed to trustees for their benefit and the benefit of their successors for all time.

To a Roman of the nobler sort these gardens and buildings must have been as holy places. It was with these rather than with the temples of gods that he connected what there was of goodness and purity in his life. To worship Jupiter or Romulus did not make him a better man, though it might be his necessary duty as a citizen; his real religion, as we understand it, was his reverence for Plato or Zeno. Athens to him was not only what Athens, but what the Holy Land is to us. Cicero describes something of this feeling in the following passage: “We had been listening to Antiochus (a teacher of the Academics) in the school called the Ptolemaeus, where he was wont to lecture. Marcus Piso was with me, and my brother Quintus, and Atticus, and Lucius Cicero, by relationship a cousin, in affection a

brother. We agreed among ourselves to finish our afternoon walk in the Academy, chiefly because that place was sure not to be crowded at that hour. At the proper time we met at Piso's house; thence, occupied with varied talk, we traversed the six furlongs that lie between the Double Gate and the Academy; and entering the walls which can give such good reason for their fame, found there the solitude which we sought. 'Is it,' said Piso, 'by some natural instinct or through some delusion that when we see the very spots where famous men have lived we are far more touched than when we hear of the things that they have done, or read something that they have written? It is thus that I am affected at this moment. I think of Plato, who was, we are told, the first who lectured in this place; his little garden which lies there close at hand seems not only to remind me of him, but actually to bring him up before my eyes. Here spake Speusippus, here Xenocrates, here his disciple Polemo — to Polemo indeed belonged this seat which we have before us.'" This was the Polemo who had been converted, as we should say, when, bursting in after a night of revel upon a lecture in which Xenocrates was discoursing of temperance, he listened to such purpose that from that moment he became a changed man. Then Atticus describes how he found the same charms of association in the garden which had belonged to his own master, Epicurus; while Quintus Cicero supplies what we should call the classical element by speaking of Sophocles and the grove of Colonus, still musical, it seems, with the same song of the nightingale which had charmed the ear of the poet more than three centuries before.

One or other, perhaps more than one, of these famous places the young Cicero frequented. He probably witnessed, he possibly took part (for strangers were admitted to membership) in, the celebrations with which the college of Athenian youths (Ephebi) commemorated the glories of their city, the procession to the tombs of those who died at Marathon, and the boat-races in the Bay of Salamis. That he gave his father some trouble is only too certain. His private tutor in rhetoric, as we should call him, was a certain Gorgias, a man of ability, and a writer of some note, but a worthless and profligate fellow. Cicero peremptorily ordered his son to dismiss him; and the young man seems to have obeyed and reformed. We may hope at

least that the repentance which he expresses for his misdoings in a letter to Tiro, his father's freedman, was genuine. This is his picture of his life in the days of repentance and soberness: "I am on terms of the closest intimacy with Cratippus, living with him more as a son than as a pupil. Not only do I hear his lectures with delight, but I am greatly taken with the geniality which is peculiar to the man. I spend whole days with him, and often no small part of the night; for I beg him to dine with me as often as he can. This has become so habitual with him that he often looks in upon us at dinner when we are not expecting him; he lays aside the sternness of the philosopher and jokes with us in the pleasantest fashion. As for Bruttius, he never leaves me; frugal and strict as is his life, he is yet a most delightful companion. For we do not entirely banish mirth from our daily studies in philology. I have hired a lodging for him close by; and do my best to help his poverty out of my own narrow means. I have begun to practice Greek declamation with Cassius, and wish to have a Latin course with Bruttius. My friends and daily companions are the pupils whom Cratippus brought with him from Mitylene, well-read men, of whom he highly approves. I also see much of Epicrates, who is the first man at Athens." After some pleasant words to Tiro, who had bought a farm, and whom he expects to find turned into a farmer, bringing stores, holding consultations with his bailiff, and putting by fruit-seeds in his pocket from dessert, he says, "I should be glad if you would send me as quickly as possible a copyist, a Greek by preference. I have to spend much pains on writing out my notes."

A short time before one of Cicero's friends had sent a satisfactory report of the young man's behavior to his father. "I found your son devoted to the most laudable studies and enjoying an excellent reputation for steadiness. Don't fancy, my dear Cicero, that I say this to please you; there is not in Athens a more lovable young man than your son, nor one more devoted to those high pursuits in which you would have him interested."

Among the contemporaries of the young Cicero was, as has been said, the poet Horace. His had been a more studious boyhood. He had not been taken away from his books to serve as a cavalry officer under Pompey. In him accordingly we see the regular course of the

studies of a Roman lad. “It was my lot,” he says, “to be bred up at Rome, and to be taught how much the wrath of Achilles harmed the Greeks. In other words, he had read his Homer, just as an English boy reads him at Eton or Harrow. “Kind Athens,” he goes on, “added a little more learning, to the end that I might be able to distinguish right from wrong, and to seek for truth amongst the groves of Academus.” And just in the same way the English youth goes on to read philosophy at Oxford.

The studies of the two young men were interrupted by the same cause, the civil war which followed the death of Caesar. They took service with Brutus, both having the same rank, that of military tribune, a command answering more or less nearly to that of colonel in our own army. It was, however, mainly an ornamental rank, being bestowed sometimes by favor of the general in command, sometimes by a popular vote. The young Cicero indeed had already served, and he now distinguished himself greatly, winning some considerable successes in the command of the cavalry which Brutus afterwards gave him. When the hopes of the party were crushed at Phillippi, he joined the younger Pompey in Sicily; but took an opportunity of an amnesty which was offered four years afterwards to return to Rome. Here he must have found his old fellow-student, who had also reconciled himself to the victorious party. He was made one of the college of augurs, and also a commissioner of the mint, and in B.C. 30 he had the honour of sharing the consulship with Augustus himself. It was to him that the dispatch announcing the final defeat and death of Antony was delivered; and it fell to him to execute the decree which ordered the destruction of all the statues of the fallen chief. “Then,” says Plutarch, “by the ordering of heaven the punishment of Antony was inflicted at last by the house of Cicero.” His time of office ended, he went as Governor to Asia, or, according to some accounts, to Syria; and thus disappears from our view.

Pliny the Elder tells us that he was a drunkard, sarcastically observing that he sought to avenge himself on Antony by robbing him of the reputation which he had before enjoyed of being the hardest drinker of the time. As the story which he tells of the younger Cicero being able to swallow twelve pints of wine at a draught is clearly incredible, perhaps we may disbelieve the whole, and with it

the other anecdote, that he threw a cup at the head of Marcus Agrippa, son-in-law to the Emperor, and after him the greatest man in Rome.

CHAPTER III. IN THE DAYS OF THE DICTATOR.

In November 82 B.C., Cornelius Sulla became absolute master of Rome. It is not part of my purpose to give a history of this man. He was a great soldier who had won victories in Africa and Asia over the enemies of Rome, and in Italy itself over the "allies," as they were called, that is the Italian nations, who at various times had made treaties with Rome, and who in the early part of the first century B.C. rebelled against her, thinking that they were robbed of the rights and privileges which belonged to them. And he was the leader of the party of the nobles, just as Marius was the leader of the party of the people. Once before he had made himself supreme in the capital; and then he had used his power with moderation. But he was called away to carry on the war in Asia against Mithridates, the great King of Pontus; and his enemies had got the upper hand, and had used the opportunity most cruelly. A terrible list of victims, called the "proscription," because it was posted up in the forum, was prepared. Fifty senators and a thousand knights (peers and gentlemen we should call them) were put to death, almost all of them without any kind of trial. Sulla himself was outlawed. But he had an army which he had led to victory and had enriched with prize-money, and which was entirely devoted to him; and he was not inclined to let his enemies triumph. He hastened back to Italy, and landed in the spring of 83. In the November of the following year, just outside the walls of Rome, was fought the final battle of the war.

The opposing army was absolutely destroyed and Sulla had every thing at his mercy. He waited for a few days outside the city till the Senate had passed a decree giving him absolute power to change the laws, to fill the offices of State, and to deal with the lives and properties of citizens as it might please him. This done, he entered Rome. Then came another proscription. The chief of his enemies, Marius. was gone. He had died, tormented it was said by remorse, seventeen days after he had reached the crowning glory, promised him in his youth by an oracle, and had been made consul for the seventh time. The conqueror had to content himself with the same vengeance that Charles II. in our own country exacted from the

remains of Cromwell. The ashes of Marius were taken out of his tomb on the Flaminian Way, the great North Road of Rome, and were thrown into the Anio. But many of his friends and partisans survived, and these were slaughtered without mercy. Eighty names were put on the fatal list on the first day, two hundred and twenty on the second, and as many more on the third. With the deaths of many of these victims politics had nothing to do. Sulla allowed his friends and favorites to put into the list the names of men against whom they happened to bear a grudge, or whose property they coveted. No one knew who might be the next to fall. Even Sulla's own partisans were alarmed. A young senator, Caius Metellus, one of a family which was strongly attached to Sulla and with which he was connected by marriage, had the courage to ask him in public when there would be an end to this terrible state of things. "We do not beg you," he said, "to remit the punishment of those whom you have made up your mind to remove; we do beg you to do away with the anxiety of those whom you have resolved to spare." "I am not yet certain," answered Sulla, "whom I shall spare." "Then at least," said Metellus, "you can tell us whom you mean to punish." "That I will do," replied the tyrant. It was indeed a terrible time that followed, Plutarch thus describes it: "He denounced against any who might shelter or save the life of a proscribed person the punishment of death for his humanity. He made no exemption for mother, or son, or parent. The murderers received a payment of two talents (about £470) for each victim; it was paid to a slave who killed his master, to a son who killed his father. The most monstrous thing of all, it was thought, was that the sons and grandsons of the proscribed were declared to be legally infamous and that their property was confiscated. Nor was it only in Rome but in all the cities of Italy that the proscription was carried out. There was not a single temple, not a house but was polluted with blood. Husbands were slaughtered in the arms of their wives, and sons in the arms of their mothers. And the number of those who fell victims to anger and hatred was but small in comparison with the number who were put out of the way for the sake of their property. The murderers might well have said: 'His fine mansion has been the death of this man; or his gardens, or his baths.' Quintus Aurelius, a peaceable citizen, who had had only this share in

the late civil troubles, that he had felt for the misfortunes of others, coming into the forum, read the list of the proscribed and found in it his own name. ‘Unfortunate that I am,’ he said, ‘it is my farm at Alba that has been my ruin;’ and he had not gone many steps before he was cut down by a man that was following him. Lucius Catiline’s conduct was especially wicked. He had murdered his own brother. This was before the proscription began. He went to Sulla and begged that the name might be put in the list as if the man were still alive; and it was so put. His gratitude to Sulla was shown by his killing one Marius, who belonged to the opposite faction, and bringing his head to Sulla as he sat in the forum. (This Marius was a kinsman of the great democratic leader, and was one of the most popular men in Rome.) This done, he washed his hands in the holy water-basin of the temple of Apollo.”

Forty senators and sixteen hundred knights, and more than as many men of obscure station, are said to have perished. At last, on the first of June, 81, the list was closed. Still the reign of terror was not yet at an end, as the strange story which I shall now relate will amply prove. To look into the details of a particular case makes us better able to imagine what it really was to live at Rome in the days of the Dictator than to read many pages of general description. The story is all the more impressive because the events happened after order had been restored and things were supposed to be proceeding in their regular course.

The proscription came to an end, as has been said, in the early summer of 81. In the autumn of the same year a certain Sextus Roscius was murdered in the streets of Rome as he was returning home from dinner. Roscius was a native of Ameria, a little town of Etruria, between fifty and sixty miles north of Rome. He was a wealthy man, possessed, it would seem, of some taste and culture, and an intimate friend of some of the noblest families at Rome. In politics he belonged to the party of Sulla, to which indeed in its less prosperous days he had rendered good service. Since its restoration to power he had lived much at Rome, evidently considering himself, as indeed he had the right to do, to be perfectly safe from any danger of proscription. But he was wealthy, and he had among his own kinsfolk enemies who desired and who would profit by his death.

One of these, a certain Titus Roscius, surnamed Magnus, was at the time of the murder residing at Rome; the other, who was known as Capito, was at home at Ameria. The murder was committed about seven o'clock in the evening. A messenger immediately left Rome with the news, and made such haste to Ameria that he reached the place before dawn the next day. Strangely enough he went to the house not of the murdered man's son, who was living at Ameria in charge of his farms, but of the hostile kinsman Capito. Three days afterwards Capito and Magnus made their way to the camp of Sulla (he was besieging Volaterrae, another Etrurian town). They had an interview with one Chrysogonus, a Greek freedman of the Dictator, and explained to him how rich a prey they could secure if he would only help them. The deceased, it seems, had left a large sum of money and thirteen valuable farms, nearly all of them running down to the Tiber. And the son, the lawful heir, could easily be got out of the way. Roscius was a well-known and a popular man, yet no outcry had followed his disappearance. With the son, a simple farmer, ignorant of affairs, and wholly unknown to Rome, it would be easy to deal. Ultimately the three entered into alliance. The proscription was to be revived, so to speak, to take in this particular case, and the name of Roscius was included in the list of the condemned. All his wealth was treated as the property of the proscribed, and was sold by auction. It was purchased by Chrysogonus. The real value was between fifty and sixty thousand pounds. The price paid was something less than eighteen pounds. Three of the finest farms were at once handed over to Capito as his share of the spoil. Magnus acted as the agent of Chrysogonus for the remainder. He took possession of the house in which Roscius the younger was living, laid his hands on all its contents, among which was a considerable sum of money, and drove out the unfortunate young man in an absolutely penniless condition.

These proceedings excited great indignation at Ameria. The local senate passed a resolution to the effect that the committee of ten should proceed to Sulla's camp and put him in possession of the facts, with the object of removing the name of the father from the list of the proscribed, and reinstating the son in his inheritance. The ten proceeded accordingly to the camp, but Chrysogonus cajoled and

over-reached them. It was represented to them by persons of high position that there was no need to trouble Sulla with the affair. The name should be removed from the list; the property should be restored. Capito, who was one of the ten, added his personal assurance to the same effect, and the deputation, satisfied that their object had been attained, returned to Ameria. There was of course no intention of fulfilling the promises thus made. The first idea of the trio was to deal with the son as they had dealt with the father. Some hint of this purpose was conveyed to him, and he fled to Rome, where he was hospitably entertained by Caecilia, a wealthy lady of the family of Metellus, and therefore related to Sulla's wife, who indeed bore the same name. As he was now safe from violence, it was resolved to take the audacious step of accusing him of the murder of his father. Outrageous as it seems, the plan held out some promise of success. The accused was a man of singularly reserved character, rough and boorish in manner, and with no thoughts beyond the rustic occupations to which his life was devoted. His father, on the other hand, had been a man of genial temper, who spent much of his time among the polished circles of the Capitol. If there was no positive estrangement between them, there was a great discrepancy of tastes, and probably very little intercourse. This it would be easy to exaggerate into something like a plausible charge, especially under the circumstances of the case. It was beyond doubt that many murders closely resembling the murder of Roscius had been committed during the past year, committed some of them by sons. This was the first time that an alleged culprit was brought to trial, and it was probable that the jury would be inclined to severity. In any case, and whatever the evidence, it was hoped that the verdict would not be such as to imply the guilt of a favorite of Sulla. He was the person who would profit most by the condemnation of the accused, and it was hoped that he would take the necessary means to secure it.

The friends of the father were satisfied of the innocence of the son, and they exerted themselves to secure for him an efficient defense. Sulla was so much dreaded that none of the more conspicuous orators of the time were willing to undertake the task. Cicero, however, had the courage which they wanted; and his speech, probably little altered from the form in which he delivered it,

remains.

It was a horrible crime of which his client was accused, and the punishment the most awful known to the Roman law. The face of the guilty man was covered with a wolf's skin, as being one who was not worthy to see the light; shoes of wood were put upon his feet that they might not touch the earth. He was then thrust into a sack of leather, and with him four animals which were supposed to symbolize all that was most hideous and depraved — the dog, a common object of contempt; the cock, proverbial for its want of all filial affection; the poisonous viper; and the ape, which was the base imitation of man. In this strange company he was thrown into the nearest river or sea.

Cicero begins by explaining why he had undertaken a case which his elders and betters had declined. It was not because he was bolder, but because he was more insignificant than they, and could speak with impunity when they could not choose but be silent. He then gives the facts in detail, the murder of Roscius, the seizure of his property, the fruitless deputation to Sulla, the flight of the son to Rome, and the audacious resolve of his enemies to indict him for parricide. They had murdered his father, they had robbed him of his patrimony, and now they accused him — of what crime? Surely of nothing else than the crime of having escaped their attack. The thing reminded him of the story of Fimbria and Scaevola. Fimbria, an absolute madman, as was allowed by all who were not mad themselves, got some ruffian to stab Scaevola at the funeral of Marius. He was stabbed but not killed. When Fimbria found that he was likely to live, he indicted him. For what do you indict a man so blameless? asked some one. For what? for not allowing himself to be stabbed to the heart. This is exactly why the confederates have indicted Roscius. His crime has been of escaping from their hands. "Roscius killed his father," you say. "A young man, I suppose, led away by worthless companions." Not so; he is more than forty years of age. "Extravagance and debt drove him to it." No; you say yourself that he never goes to an entertainment, and he certainly owes nothing. "Well," you say, "his father disliked him." Why did he dislike him? "That," you reply, "I cannot say; but he certainly kept one son with him, and left this Roscius to look after his farms."

Surely this is a strange punishment, to give him the charge of so fine an estate. “But,” you repeat, “he kept his other with him.” “Now listen to me,” cries Cicero, turning with savage sarcasm to the prosecutor, “Providence never allowed you to know who your father was. Still you have read books. Do you remember in Caecilius’ play how the father had two sons, and kept one with him and left the other in the country? and do you remember that the one who lived with him was not really his son, the other was true-born, and yet it was the true-born who lived in the country? And is it such a disgrace to live in the country? It is well that you did not live in old times when they took a Dictator from the plow; when the men who made Rome what it is cultivated their own land, but did not covet the land of others. ‘Ah! but,’ you say, ‘the father intended to disinherit him.’ Why? ‘I cannot say.’ Did he disinherit him? ‘No, he did not.’ Who stopped him? ‘Well, he was thinking of it.’ To whom did he say so? ‘To no one.’ Surely,” cries Cicero, “this is to abuse the laws and justice and your dignity in the basest and most wanton way, to make charges which he not only cannot but does not even attempt to establish.”

Shortly after comes a lively description of the prosecutor’s demeanor. “It was really worth while, if you observed, gentlemen, the man’s utter indifference as he was conducting his case. I take it that when he saw who was sitting on these benches, he asked whether such an one or such an one was engaged for the defense. Of me he never thought, for I had never spoken before in a criminal case. When he found that none of the usual speakers were concerned in it, he became so careless that when the humor took him, he sat down, then walked about, sometimes called a servant, to give him orders, I suppose, for dinner, and certainly treated this court in which you are sitting as if it were an absolute solitude. At last he brought his speech to an end. I rose to reply. He could be seen to breathe again that it was I and no one else. I noticed, gentlemen, that he continued to laugh and be inattentive till I mentioned Chrysogonus. As soon as I got to him my friend roused himself and was evidently astonished. I saw what had touched him, and repeated the name a second time, and a third. From that time men have never ceased to run briskly backwards and forwards, to tell Chrysogonus, I suppose, that there was some one in the country who ventured to oppose his

pleasure, that the case was being pleaded otherwise than as he imagined it would be; that the sham sale of goods was being exposed, the confederacy grievously handled, his popularity and power disregarded, that the people were giving their whole attention to the cause, and that the common opinion was that the transaction generally was disgraceful.

"Then," continued the speaker, "this charge of parricide, so monstrous is the crime, must have the very strongest evidence to support it. There was a case at Tarracina of a man being found murdered in the chamber where he was sleeping, his two sons, both young men, being in the same room. No one could be found, either slave or free man, who seemed likely to have done the deed; and as the two sons, grown up as they were, declared that they knew nothing about it, they were indicted for parricide. What could be so suspicious? Suspicious, do I say? Nay, worse. That neither knew any thing about it? That any one had ventured into that chamber at the very time when there were in it two young men who would certainly perceive and defeat the attempt? Yet, because it was proved to the jury that the young men had been found fast asleep, with the door wide open, they were acquitted. It was thought incredible that men who had just committed so monstrous a crime could possibly sleep. Why, Solon, the wisest of all legislators, drawing up his code of laws, provided no punishment for this crime; and when he was asked the reason replied that he believed that no one would ever commit it. To provide a punishment would be to suggest rather than prevent. Our own ancestors provided indeed a punishment, but it was of the strangest kind, showing how strange, how monstrous they thought the crime. And what evidence do you bring forward? The man was not at Rome. That is proved. There-fore he must have done it, if he did it at all, by the hands of others. Who were these others? Were they free men or slaves? If they were free men where did they come from, where live? How did he hire them? Where is the proof? You haven't a shred of evidence, and yet you accuse him of parricide. And if they were slaves, where, again I ask, are they? There *were* two slaves who saw the deed; but they belonged to the confederate not to the accused. Why do you not produce them? Purely because they would prove your guilt.

“It is there indeed that we find the real truth of the matter. It was the maxim of a famous lawyer, Ask: *who profited by the deed*? I ask it now. It was Magnus who profited. He was poor before, and now he is rich. And then he was in Rome at the time of the murder; and he was familiar with assassins. Remember too the strange speed with which he sent the news to Ameria, and sent it, not to the son, as one might expect, but to Capito his accomplice; for that he was an accomplice is evident enough. What else could he be when he so cheated the deputation that went to Sulla at Volaterrae?”

Cicero then turned to Chrysogonus, and attacked him with a boldness which is surprising, when we remember how high he stood in the favor of the absolute master of Rome, “See how he comes down from his fine mansion on the Palatine. Yes, and he has for his own enjoyment a delightful retreat in the suburbs, and many an estate besides, and not one of them but is both handsome and conveniently near. His house is crowded with ware of Corinth and Delos, among them that famous self-acting cooking apparatus, which he lately bought at a price so high that the passers-by, when they heard the clerk call out the highest bid, supposed that it must be a farm which was being sold. And what quantities, think you, he has of embossed plate, and coverlets of purple, and pictures, and statues, and colored marbles! Such quantities, I tell you, as scarce could be piled together in one mansion in a time of tumult and rapine from many wealthy establishments. And his household — why should I describe how many it numbers, and how varied are its accomplishments? I do not speak of ordinary domestics, the cook, the baker, the litter-bearer. Why, for the mere enjoyment of his ears he has such a multitude of men that the whole neighborhood echoes again with the daily music of singers, and harp-players, and flute-players, and with the uproar of his nightly banquets. What daily expenses, what extravagance, as you well know, gentlemen, there must be in such a life as this! how costly must be these banquets! Creditable banquets, indeed, held in such a house — a house, do I say, and not a manufactory of wickedness, a place of entertainment for every kind of crime? And as for the man himself — you see, gentlemen, how he bustles every where about the forum, with his hair fashionably arranged and dripping with perfumes; what a crowd of citizens, yes, of citizens,

follow him; you see how he looks down upon every one, thinks no one can be compared to himself, fancies himself the one rich and powerful man in Rome?”

The jury seems to have caught the contagion of courage from the advocate. They acquitted the accused. It is not known whether he ever recovered his property. But as Sulla retired from power in the following year, and died the year after, we may hope that the favorites and the villains whom he had sheltered were compelled to disgorge some at least of their gains.

CHAPTER IV. A ROMAN MAGISTRATE.

Of all the base creatures who found a profit in the massacres and plunderings which Sulla commanded or permitted, not one was baser than Caius Verres. The crimes that he committed would be beyond our belief if it were not for the fact that he never denied them. He betrayed his friends, he perverted justice, he plundered a temple with as little scruple as he plundered a private house, he murdered a citizen as boldly as he murdered a foreigner; in fact, he was the most audacious, the most cruel, the most shameless of men. And yet he rose to high office at home and abroad, and had it not been for the courage, sagacity, and eloquence of one man, he might have risen to the very highest. What Roman citizens had sometimes, and Roman subjects, it is to be feared, very often to endure may be seen from the picture which we are enabled to draw of a *Roman magistrate*.

Roman politicians began public life as quaestors. (A quaestor was an official who managed money matters for higher magistrates. Every governor of a province had one or more quaestors under him. They were elected at Rome, and their posts were assigned to them by lot.) Verres was quaestor in Gaul and embezzled the public money; he was quaestor in Cilicia with Dolabella, a like-minded governor, and diligently used his opportunity. This time it was not money only, but works of art, on which he laid his hands; and in these the great cities, whether in Asia or in Europe, were still rich. The most audacious, perhaps, of these robberies was perpetrated in the island of Delos. Delos was known all over the world as the island of Apollo. The legend was that it was the birthplace of the god. None of his shrines was more frequented or more famous. Verres was indifferent to such considerations. He stripped the temple of its finest statues, and loaded a merchant ship which he had hired with the booty. But this time he was not lucky enough to secure it. The islanders, though they had discovered the theft, did not, indeed, venture to complain. They thought it was the doing of the governor, and a governor, though his proceedings might be impeached after his term of office, was not a person with whom it was safe to remonstrate. But a terrible storm suddenly burst upon the island. The

governor's departure was delayed. To set sail in such weather was out of the question. The sea was indeed so high that the town became scarcely habitable. Then Verres' ship was wrecked, and the statues were found cast upon the shore. The governor ordered them to be replaced in the temple, and the storm subsided as suddenly as it had arisen.

On his return to Rome Dolabella was impeached for extortion. With characteristic baseness Verres gave evidence against him, evidence so convincing as to cause a verdict of guilty. But he thus secured his own gains, and these he used so profusely in the purchase of votes that two or three years afterwards he was elected praetor. The praetors performed various functions which were assigned to them by lot. Chance, or it may possibly have been contrivance, gave to Verres the most considerable of them all. He was made "Praetor of the City;" that is, a judge before whom a certain class of very important causes were tried. Of course he showed himself scandalously unjust. One instance of his proceedings may suffice.

A certain Junius had made a contract for keeping the temple of Castor in repair. When Verres came into office he had died, leaving a son under age. There had been some neglect, due probably to the troubles of the times, in seeing that the contracts had been duly executed, and the Senate passed a resolution that Verres and one of his fellow-praetors should see to the matter. The temple of Castor came under review like the others, and Verres, knowing that the original contractor was dead, inquired who was the responsible person. When he heard of the son under age he recognized at once a golden opportunity. It was one of the maxims which he had laid down for his own guidance, and which he had even been wont to give out for the benefit of his friends, that much profit might be made out of the property of wards. It had been arranged that the guardian of the young Junius should take the contract into his own hands, and, as the temple was in excellent repair, there was no difficulty in the way. Verres summoned the guardian to appear before him. "Is there any thing," he asked, "that your ward has not made good, and which we ought to require of him?" "No," said he, "every thing is quite right; all the statues and offerings are there, and the fabric is in excellent repair." From the praetor's point of view this was not

satisfactory; and he determined on a personal visit. Accordingly he went to the temple, and inspected it. The ceiling was excellent; the whole building in the best repair. “What is to be done?” he asked of one of his satellites. “Well,” said the man, “there is nothing for you to meddle with here, except possibly to require that the columns should be restored to the perpendicular.” “Restored to the perpendicular? what do you mean?” said Verres, who knew nothing of architecture. It was explained to him that it very seldom happened that a column was absolutely true to the perpendicular. “Very good,” said Verres; “we will have the columns made perpendicular.” Notice accordingly was sent to the lad’s guardians. Disturbed at the prospect of indefinite loss to their ward’s property, they sought an interview with Verres. One of the noble family of Marcellus waited upon him, and remonstrated against the iniquity of the proceeding. The remonstrance was in vain. The praetor showed no signs of relenting. There yet remained one way, a way only too well known to all who had to deal with him, of obtaining their object. Application must be made to his mistress (a Greek freedwoman of the name of Chelidon or “The Swallow”). If she could be induced to take an interest in the case something might yet be done. Degrading as such a course must have been to men of rank and honor, they resolved, in the interest of their ward, to take it. They went to Chelidon’s house. It was thronged with people who were seeking favors from the praetor. Some were begging for decisions in their favor; some for fresh trials of their cases. “I want possession,” cried one. “He must not take the property from me,” said another. “Don’t let him pronounce judgment against me,” cried a third. “The property must be assigned to me,” was the demand of a fourth. Some were counting out money; others signing bonds. The deputation, after waiting awhile, were admitted to the presence. Their spokesman explained the case, begged for Chelidon’s assistance, and promised a substantial consideration. The lady was very gracious. She would willingly do what she could, and would talk to the praetor about it. The deputation must come again the next day and hear how she had succeeded. They came again, but found that nothing could be done. Verres felt sure that a large sum of money was to be got out of the proceeding, and resolutely refused any compromise.

They next made an offer of about two thousand pounds. This again was rejected. Verres resolved that he would put up the contract to auction, and did his best that the guardians should have no notice of it. Here, however, he failed. They attended the auction and made a bid. Of course the lowest bidder ought to have been accepted, so long as he gave security for doing the work well. But Verres refused to accept it. He knocked down the contract to himself at a price of more than five thousand pounds, and this though there were persons willing to do it for less than a sixth of that sum. As a matter of fact very little was done. Four of the columns were pulled down and built up again with the same stones. Others were whitewashed; some had the old cement taken out and fresh put in. The highest estimate for all that could possibly be wanted was less than eight hundred pounds.

[Footnote 1: "Pointed," I suppose.]

His year of office ended, Verres was sent as governor to Sicily. By rights he should have remained there twelve months only, but his successor was detained by the Servile war in Italy, and his stay was thus extended to nearly three years, three years into which he crowded an incredible number of cruelties and robberies. Sicily was perhaps the wealthiest of all the provinces. Its fertile wheat-fields yielded harvests which, now that agriculture had begun to decay in Italy, provided no small part of the daily bread of Rome. In its cities, founded most of them several centuries before by colonists from Greece, were accumulated the riches of many generations. On the whole it had been lightly treated by its Roman conquerors. Some of its states had early discerned which would be the winning side, and by making their peace in time had secured their privileges and possessions. Others had been allowed to surrender themselves on favorable terms. This wealth had now been increasing without serious disturbance for more than a hundred years. The houses of the richer class were full of the rich tapestries of the East, of gold and silver plate cunningly chased or embossed, of statues and pictures wrought by the hands of the most famous artists of Greece. The temples were adorned with costly offerings and with images that were known all over the civilized world. The Sicilians were probably prepared to pay something for the privilege of being governed by Rome. And indeed the privilege was not without its value. The days

of freedom indeed were over; but the turbulence, the incessant strife, the bitter struggles between neighbors and parties were also at an end. Men were left to accumulate wealth and to enjoy it without hindrance. Any moderate demands they were willing enough to meet. They did not complain, for instance, or at least did not complain aloud, that they were compelled to supply their rulers with a fixed quantity of corn at prices lower than could have been obtained in the open market. And they would probably have been ready to secure the good will of a governor who fancied himself a connoisseur in art with handsome presents from their museums and picture galleries. But the exactions of Verres exceeded all bounds both of custom and of endurance. The story of how he dealt with the wheat-growers of the province is too tedious and complicated to be told in this place. Let it suffice to say that he enriched himself and his greedy troop of followers at the cost of absolute ruin both to the cultivators of the soil and to the Roman capitalists who farmed this part of the public revenue. As to the way in which he laid his hands on the possessions of temples and of private citizens, his doings were emphatically summed up by his prosecutor when he came, as we shall afterwards see, to be put upon his trial. “I affirm that in the whole of Sicily, wealthy and old-established province as it is, in all those towns, in all those wealthy homes, there was not a single piece of silver plate, a single article of Corinthian or Delian ware, a single jewel or pearl, a single article of gold or ivory, a single picture, whether on panel or on canvas, which he did not hunt up and examine, and, if it pleased his fancy, abstract. This is a great thing to say, you think. Well, mark how I say it. It is not for the sake of rhetorical exaggeration that I make this sweeping assertion, that I declare that this fellow did not leave a single article of the kind in the whole province. I speak not in the language of the professional accuser but in plain Latin. Nay, I will put it more clearly still: in no single private house, in no town; in no place, profane or even sacred; in the hands of no Sicilian, of no citizen of Rome, did he leave a single article, public or private property, of things profane or things religious, which came under his eyes or touched his fancy.”

Some of the more remarkable of these acts of spoliation it may be worth while to relate. A certain Heius, who was at once the

wealthiest and most popular citizen of Messana, had a private chapel of great antiquity in his house, and in it four statues of the very greatest value. There was a Cupid by Praxiteles, a replica of a famous work which attracted visitors to the uninteresting little town of Thespiae in Boeotia; a Hercules from the chisel of Myro; and two bronze figures, "Basket-bearers," as they were called, because represented as carrying sacred vessels in baskets on their heads. These were the work of Polyclitus. The Cupid had been brought to Rome to ornament the forum on some great occasion, and had been carefully restored to its place. The chapel and its contents was the great sight of the town. No one passed through without inspecting it. It was naturally, therefore, one of the first things that Verres saw, Messana being on his route to the capital of his province. He did not actually take the statues, he bought them; but the price that he paid was so ridiculously low that purchase was only another name for robbery. Something near sixty pounds was given for the four. If we recall the prices that would be paid now-a-days for a couple of statues by Michael Angelo and two of the masterpieces of Raphael and Correggio, we may imagine what a monstrous fiction this sale must have been, all the more monstrous because the owner was a wealthy man, who had no temptation to sell, and who was known to value his possessions not only as works of art but as adding dignity to his hereditary worship.

A wealthy inhabitant of Tyndaris invited the governor to dinner. He was a Roman citizen and imagined that he might venture on a display which a provincial might have considered to be dangerous. Among the plate on the table was a silver dish adorned with some very fine medallions. It struck the fancy of the guest, who promptly had it removed, and who considered himself to be a marvel of moderation when he sent it back with the medallions abstracted.

His secretary happened one day to receive a letter which bore a noteworthy impression on the composition of chalk which the Greeks used for sealing. It attracted the attention of Verres, who inquired from what place it had come. Hearing that it had been sent from Agrigentum, he communicated to his agents in that town his desire that the seal-ring should be at once secured for him. And this was done. The unlucky possessor, another Roman citizen, by the

way, had his ring actually drawn from his finger.

A still more audacious proceeding was to rob, not this time a mere Sicilian provincial or a simple Roman citizen, but one of the tributary kings, the heir of the great house of Antiochus, which not many years before had matched itself with the power of Rome. Two of the young princes had visited Rome, intending to prosecute their claims to the throne of Egypt, which, they contended, had come to them through their mother. The times were not favorable to the suit, and they returned to their country, one of them, Antiochus, probably the elder, choosing to take Sicily on his way. He naturally visited Syracuse, where Verres was residing, and Verres at once recognized a golden opportunity. The first thing was to send the visitor a handsome supply of wine, olive-oil, and wheat. The next was to invite him to dinner. The dining-room and table were richly furnished, the silver plate being particularly splendid. Antiochus was highly delighted with the entertainment, and lost no time in returning the compliment. The dinner to which he invited the governor was set out with a splendor to which Verres had nothing to compare. There was silver plate in abundance, and there were also cups of gold, these last adorned with magnificent gems.

Conspicuous among the ornaments of the table was a drinking vessel, all in one piece, probably of amethyst, and with a handle of gold. Verres expressed himself delighted with what he saw. He handled every vessel and was loud in its praises. The simple-minded King, on the other hand, heard the compliment with pride. Next day came a message. Would the King lend some of the more beautiful cups to his excellency? He wished to show them to his own artists. A special request was made for the amethyst cup. All was sent without a suspicion of danger.

But the King had still in his possession something that especially excited the Roman's cupidity. This was a candelabrum of gold richly adorned with jewels. It had been intended for an offering to the tutelary deity of Rome, Jupiter of the Capitol. But the temple, which had been burned to the ground in the civil wars, had not yet been rebuilt, and the princes, anxious that their gift should not be seen before it was publicly presented, resolved to carry it back with them to Syria. Verres, however, had got, no one knew how, some inkling

of the matter, and he begged Antiochus to let him have a sight of it. The young prince, who, so far from being suspicious, was hardly sufficiently cautious, had it carefully wrapped up, and sent it to the governor's palace. When he had minutely inspected it, the messengers prepared to carry it back. Verres, however, had not seen enough of it. It clearly deserved more than one examination. Would they leave it with him for a time? They left it, suspecting nothing.

Antiochus, on his part, had no apprehensions. When some days had passed and the candelabrum was not returned, he sent to ask for it. The governor begged the messenger to come again the next day. It seemed a strange request; still the man came again and was again unsuccessful. The King himself then waited on the governor and begged him to return it. Verres hinted, or rather said plainly, that he should very much like it as a present. "This is impossible," replied the prince, "the honor due to Jupiter and public opinion forbid it. All the world knows that the offering is to be made, and I cannot go back from my word." Verres perceived that soft words would be useless, and took at once another line. The King, he said, must leave Sicily before nightfall. The public safety demanded it. He had heard of a piratical expedition which was on its way from Syria to the province, and that his departure was necessary. Antiochus had no choice but to obey; but before he went he publicly protested in the market-place of Syracuse against the wrong that had been done. His other valuables, the gold and the jewels, he did not so much regret; but it was monstrous that he should be robbed of the gift that he destined for the altar of the tutelary god of Rome.

The Sicilian cities were not better able to protect their possessions than were private individuals. Segesta was a town that had early ranged itself on the side of the Romans, with whom its people had a legendary relationship. (The story was that Aeneas on his way to Italy had left there some of his followers, who were unwilling any longer to endure the hardships of the journey.) In early days it had been destroyed by the Carthaginians, who had carried off all its most valuable possessions, the most precious being a statue of Diana, a work of great beauty and invested with a peculiar sacredness. When Carthage fell, Scipio its conqueror restored the spoils which had been carried off from the cities of Sicily. Among other things Agrigentum

had recovered its famous bull of brass, in which the tyrant Phalaris had burned, it was said, his victims. Segesta was no less fortunate than its neighbors, and got back its Diana. It was set on a pedestal on which was inscribed the name of Scipio, and became one of the most notable sights of the island. It was of a colossal size, but the sculptor had contrived to preserve the semblance of maidenly grace and modesty. Verres saw and coveted it. He demanded it of the authorities of the town and was met with a refusal. It was easy for the governor to make them suffer for their obstinacy. All their imposts were doubled and more than doubled. Heavy requisitions for men and money and corn were made upon them. A still more hateful burden, that of attending the court and progresses of the governor was imposed on their principal citizens. This was a contest which they could not hope to wage with success. Segesta resolved that the statue should be given up. It was accordingly carried away from the town, all the women of the town, married and unmarried, following it on its journey, showering perfumes and flowers upon it, and burning incense before it, till it had passed beyond the borders of their territory.

If Segesta had its Diana, Tyndaris had its Mercury; and this also Verres was resolved to add to his collection. He issued his orders to Sopater, chief magistrate of the place, that the statue was to betaken to Messana. (Messana being conveniently near to Italy was the place in which he stored his plunder.) Sopater refusing was threatened with the heaviest penalties if it was not done without delay, and judged it best to bring the matter before the local senate. The proposition was received with shouts of disapproval. Verres paid a second visit to the town and at once inquired what had been done about the statue. He was told that it was impossible. The senate had decreed the penalty of death against any one that touched it. Apart from that, it would be an act of the grossest impiety. “Impiety?” he burst out upon the unlucky magistrates; “penalty of death! senate! what senate? As for you, Sopater, you shall not escape. Give me up the statue or you shall be flogged to death.” Sopater again referred the matter to his townsmen and implored them with tears to give way. The meeting separated in great tumult without giving him any answer. Summoned again to the governor’s presence, he repeated that nothing could be

done. But Verres had still resources in store. He ordered the lictors to strip the man, the chief magistrate, be it remembered, of an important town, and to set him, naked as he was, astride on one of the equestrian statues that adorned the market-place. It was winter; the weather was bitterly cold, with heavy rain. The pain caused by the naked limbs being thus brought into close contact with the bronze of the statue was intense. So frightful was his suffering that his fellow-townsmen could not bear to see it. They turned with loud cries upon the senate and compelled them to vote that the coveted statue should be given up to the governor. So Verres got his Mercury.

We have a curious picture of the man as he made his progresses from town to town in his search for treasures of art. "As soon as it was spring — and he knew that it was spring not from the rising of any constellation or the blowing of any wind, but simply because he saw the roses — then indeed he bestirred himself. So enduring, so untiring was he that no one ever saw him upon horseback. No — he was carried in a litter with eight bearers. His cushion was of the finest linen of Malta, and it was stuffed with roses. There was one wreath of roses upon his head, and another round his neck, made of the finest thread, of the smallest mesh, and this, too, was full of roses. He was carried in this litter straight to his chamber; and there he gave his audiences."

When spring had passed into summer even such exertions were too much for him. He could not even endure to remain in his official residence, the old palace of the kings of Syracuse. A number of tents were pitched for him at the entrance of the harbor to catch the cool breezes from the sea. There he spent his days and nights, surrounded by troops of the vilest companions, and let the province take care of itself.

Such a governor was not likely to keep his province free from the pirates who, issuing from their fastnesses on the Cilician coast and elsewhere, kept the seaboard cities of the Mediterranean in constant terror. One success, and one only, he seems to have gained over them. His fleet was lucky enough to come upon a pirate ship, which was so overladen with spoil that it could neither escape nor defend itself. News was at once carried to Verres, who roused himself from his feasting to issue strict orders that no one was to meddle with the

prize. It was towed into Syracuse, and he hastened to examine his booty. The general feeling was one of delight that a crew of merciless villains had been captured and were about to pay the penalty of their crimes. Verres had far more practical views. Justice might deal as she pleased with the old and useless; the young and able bodied, and all who happened to be handicraftsmen, were too valuable to be given up. His secretaries, his retinue, his son had their share of the prize; six, who happened to be singers, were sent as a present to a friend at Rome. As to the pirate captain himself, no one knew what had become of him. It was a favorite amusement in Sicily to watch the sufferings of a pirate, if the government had had the luck but to catch one, while he was being slowly tortured to death. The people of Syracuse, to whom the pirate captain was only too well known, watched eagerly for the day when he was to be brought out to suffer. They kept an account of those who were brought out to execution, and reckoned them against the number of the crew, which it had been easy to conjecture from the size of the ship. Verres had to correct the deficiency as best he could. He had the audacity to fill the places of the prisoners whom he had sold or given away with Roman citizens, whom on various false pretenses he had thrown into prison. The pirate captain himself was suffered to escape on the payment, it was believed, of a very large sum of money.

But Verres had not yet done with the pirates. It was necessary that some show, at least, of coping with them should be made. There was a fleet, and the fleet must put to sea. A citizen of Syracuse, who had no sort of qualification for the task, but whom Verres was anxious to get out of the way, was appointed to the command. The governor paid it the unwonted attention of coming out of his tent to see it pass. His very dress, as he stood upon the shore, was a scandal to all beholders. His sandals, his purple cloak, his tunic, or under-garment, reaching to his ankles, were thought wholly unsuitable to the dignity of a Roman magistrate. The fleet, as might be expected, was scandalously ill equipped. Its men for the most part existed, as the phrase is, only “on paper.” There was the proper complement of names, but of names only. The praetor drew from the treasury the pay for these imaginary soldiers and marines, and diverted it into his own pocket. And the ships were as ill provisioned as they were ill

manned. After they had been something less than five days at sea they put into the harbor of Pachynus. The crews were driven to satisfy their hunger on the roots of the dwarf palm, which grew, and indeed still grows, in abundance on that spot. Cleomenes meanwhile was following the example of his patron. He had his tent pitched on the shore, and sat in it drinking from morning to night. While he was thus employed tidings were brought that the pirate fleet was approaching. He was ill prepared for an engagement. His hope had been to complete the manning of his ships from the garrison of the fort. But Verres had dealt with the fort as he had dealt with the fleet. The soldiers were as imaginary as the sailors. Still a man of courage would have fought. His own ship was fairly well manned, and was of a commanding size, quite able to overpower the light vessels of the pirates; and such a crew as there was was eager to fight. But Cleomenes was as cowardly as he was incompetent. He ordered the mast of his ship to be hoisted, the sails to be set, and the cable cut, and made off with all speed. The rest of his fleet could do nothing but follow his example. The pirates gave chase, and captured two of the ships as they fled. Cleomenes reached the port of Helorus, stranded his ship, and left it to its fate. His colleagues did the same. The pirate chief found them thus deserted and burned them. He had then the audacity to sail into the inner harbor of Syracuse, a place into which, we are told, only one hostile fleet, the ill-fated Athenian expedition, three centuries and a half before, had ever penetrated. The rage of the inhabitants at this spectacle exceeded all bounds, and Verres felt that a victim must be sacrificed. He was, of course, himself the chief culprit. Next in guilt to him was Cleomenes. But Cleomenes was spared for the same scandalous reason which had caused his appointment to the command. The other captains, who might indeed have shown more courage, but who were comparatively blameless, were ordered to execution. It seemed all the more necessary to remove them because they could have given inconvenient testimony as to the inefficient condition of the ships.

The cruelty of Verres was indeed as conspicuous as his avarice. Of this, as of his other vices, it would not suit the purpose of this book to speak in detail. One conspicuous example will suffice. A certain Gavius had given offense, how we know not, and had been

confined in the disused stone quarries which served for the public prison of Syracuse. From these he contrived to escape, and made his way to Messana. Unluckily for himself, he did not know that Messana was the one place in Sicily where it would not be safe to speak against the governor. Just as he was about to embark for Italy he was heard to complain of the treatment which he had received, and was arrested and brought before the chief magistrate of the town. Verres happened to come to the town the same day, and heard what had happened. He ordered the man to be stripped and flogged in the market-place. Gavius pleaded that he was a Roman citizen and offered proof of his claim. Verres refused to listen, and enraged by the repetition of the plea, actually ordered the man to be crucified. "And set up," he said to his lictors, "set up the cross by the straits. He is a Roman citizen, he says, and he will at least be able to have a view of his native country." We know from the history of St. Paul what a genuine privilege and protection this citizenship was. And Cicero exactly expresses the feeling on the subject in his famous words. "It is a crime to put a Roman citizen in irons; it is positive wickedness to inflict stripes upon him; it is close upon parricide to put him to death; as to crucifying him there is no word for it." And on this crowning act of audacity Verres had the recklessness to venture.

After holding office for three years Verres came back to Rome. The people of Messana, his only friends in the islands, had built a merchantman for him, and he loaded it with his spoils. He came back with a light heart. He knew indeed that the Sicilians would impeach him. His wrong-doings had been too gross, too insolent, for him to escape altogether. But he was confident that he had the means in his hands for securing an acquittal. The men that were to judge him were men of his own order. The senators still retained the privilege which Sulla had given them. They, and they alone, furnished the juries before whom such causes were tried. Of these senators not a few had a fellow-feeling for a provincial governor accused of extortion and wrong. Some had plundered provinces in the past; others hoped to do so in the future. Many insignificant men who could not hope to obtain such promotion were notoriously open to bribes. And some who would have scorned to receive money, or were too wealthy to be

influenced by it, were not insensible to the charms of other gifts — to a fine statue or a splendid picture judiciously bestowed. A few, even more scrupulous, who would not accept such presents for their own halls or gardens, were glad to have such splendid ornaments for the games which they exhibited to the people. Verres came back amply provided with these means of securing his safety. He openly avowed — for indeed he was as frank as he was unscrupulous — that he had trebled his extortions in order that, after leaving a sufficiency for himself, he might have wherewith to win the favor of his judges. It soon became evident to him that he would need these and all other help, if he was to escape. The Sicilians engaged Cicero to plead their cause. He had been quaestor in a division of the province for a year six years before, and had won golden opinions by his moderation and integrity. And Cicero was a power in the courts of the law, all the greater because he had never yet prosecuted, but had kept himself to what was held the more honorable task of defending persons accused. Verres secured Hortensius. He too was a great orator; Cicero had chosen him as the model which he would imitate, and speaks of him as having been a splendid and energetic speaker, full of life both in diction and action. At that time, perhaps, his reputation stood higher than that of Cicero himself. It was something to have retained so powerful an advocate; it would be still more if it could be contrived that the prosecutor should be a less formidable person. And there was a chance of contriving this. A certain Caecilius was induced to come forward, and claim for himself, against Cicero, the duty of prosecuting the late governor of Sicily. He too had been a quaestor in the province, and he had quarreled, or he pretended that he had quarreled, with Verres. The first thing there had to be argued before the court, which, like our own, consisted of a presiding judge and a jury, was the question, who was to prosecute, Cicero or Caecilius, or the two together. Cicero made a great speech, in which he established his own claim. He was the choice of the provincials; the honesty of his rival was doubtful, while it was quite certain that he was incompetent. The court decided in his favor, and he was allowed one hundred and ten days to collect evidence. Verres had another device in store. This time a member of the Senate came forward and claimed to prosecute Verres for misdoings in the

province of Achaia in Greece. He wanted one hundred and eight days only for collecting evidence. If this claim should be allowed, the second prosecution would be taken first; of course it was not intended to be serious, and would end in an acquittal. Meanwhile all the available time would have been spent, and the Sicilian affair would have to be postponed till the next year. It was on postponement indeed that Verres rested his hopes. In July Hortensius was elected consul for the following year, and if the trial could only be put off till he had entered upon office, nothing was to be feared. Verres was openly congratulated in the streets of Rome on his good fortune. "I have good news for you," cried a friend; "the election has taken place and you are acquitted." Another friend had been chosen praetor, and would be the new presiding judge. Consul and praetor between them would have the appointment of the new jurors, and would take care that they should be such as the accused desired. At the same time the new governor of Sicily would be also a friend, and he would throw judicious obstacles in the way of the attendance of witnesses. The sham prosecution came to nothing. The prosecutor never left Italy. Cicero, on the other hand, employed the greatest diligence. Accompanied by his cousin Lucius he visited all the chief cities of Sicily, and collected from them an enormous mass of evidence. In this work he only spent fifty out of the hundred and ten days allotted to him, and was ready to begin long before he was expected.

[Footnote 2: So Horace compliments a friend on being "the illustrious safeguard of the sad accused."]

Verres had still one hope left; and this, strangely enough, sprang out of the very number and enormity of his crimes. The mass of evidence was so great that the trial might be expected to last for a long time. If it could only be protracted into the next year, when his friends would be in office, he might still hope to escape. And indeed there was but little time left. The trial began on the fifth of August. In the middle of the month Pompey was to exhibit some games. Then would come the games called "The Games of Rome," and after this others again, filling up much of the three months of September, October, and November. Cicero anticipated this difficulty. He made a short speech (it could not have lasted more than two hours in

delivering), in which he stated the case in outline. He made a strong appeal to the jury. They were themselves on their trial. The eyes of all the world were on them. If they did not do justice on so notorious a criminal they would never be trusted any more. It would be seen that the senators were not fit to administer the law. The law itself was on its trial. The provincials openly declared that if Verres was acquitted, the law under which their governors were liable to be accused had better be repealed. If no fear of a prosecution were hanging over them, they would be content with as much plunder as would satisfy their own wants. They would not need to extort as much more wherewith to bribe their judges. Then he called his witnesses. A marvelous array they were. "From the foot of Mount Taurus, from the shores of the Black Sea, from many cities of the Grecian mainland, from many islands of the Aegean, from every city and market-town of Sicily, deputations thronged to Rome. In the porticoes, and on the steps of the temples, in the area of the Forum, in the colonnade that surrounded it, on the housetops and on the overlooking declivities, were stationed dense and eager crowds of impoverished heirs and their guardians, bankrupt tax-farmers and corn merchants, fathers bewailing their children carried off to the praetor's harem, children mourning for their parents dead in the praetor's dungeons, Greek nobles whose descent was traced to Cecrops or Eurysthenes, or to the great Ionian and Minyan houses, and Phoenicians, whose ancestors had been priests of the Tyrian Melcarth, or claimed kindred with the Zidonian Jah." Nine days were spent in hearing this mass of evidence. Hortensius was utterly overpowered by it. He had no opportunity for displaying his eloquence, or making a pathetic appeal for a noble oppressed by the hatred of the democracy. After a few feeble attempts at cross-examination, he practically abandoned the case. The defendant himself perceived that his position was hopeless. Before the nine days, with their terrible impeachment, had come to an end he fled from Rome.

[Footnote 3: Article in "Dictionary of Classical Biography and Mythology," by William Bodham Donne.]

The jury returned an unanimous verdict of guilty, and the prisoner was condemned to banishment and to pay a fine. The place of banishment (which he was apparently allowed to select outside certain limits) was Marseilles. The amount of the fine we do not know. It certainly was not enough to impoverish him.

Much of the money, and many of the works of art which he had stolen were left to him. These latter, by a singularly just retribution, proved his ruin in the end. After the death of Cicero, Antony permitted the exiles to return. Verres came with them, bringing back his treasures of art, and was put to death because they excited the cupidity of the masters of Rome.

CHAPTER V. A GREAT ROMAN CAUSE.

There were various courts at Rome for persons accused of various crimes. One judge, for instance, used to try charges of poisoning; another, charges of murder; and, just as is the case among us, each judge had a jury, who gave their verdict on the evidence which they had heard. But this verdict was not, as with us, the verdict of the whole jury, given only if all can be induced to agree, but of the majority. Each juryman wrote his opinion on a little tablet of wood, putting A. (*absolvo*, "I acquit") if he thought the accused innocent, K. (*condemno*, "I condemn") if he thought him guilty, and N.L. (*non liquet*, "It is not clear") if the case seemed suspicious, though there was not enough evidence to convict.

In the year 66 B.C. a very strange trial took place in the Court of Poison Cases. A certain Cluentius was accused of having poisoned his step-father, Oppianicus, and various other persons. Cicero, who was praetor that year (the praetor was the magistrate next in rank to the consul), defended Cluentius, and told his client's whole story.

Cluentius and his step-father were both natives of Larinum, a town in Apulia, where there was a famous temple of Mars. A dispute about the property of this temple caused an open quarrel between the two men, who had indeed been enemies for some years. Oppianicus took up the case of some slaves, who were called *Servants of Mars*, declaring that they were not slaves at all, but Roman citizens. This he did, it would seem, because he desired to annoy his fellow-townsmen, with whom he was very unpopular. The people of Larinum, who were very much interested in all that concerned the splendor of their temple services, resisted the claim, and asked Cluentius to plead their case. Cluentius consented. While the cause was going on, it occurred to Oppianicus to get rid of his opponent by poison. He employed an agent, and the agent put the matter into the hands of his freedman, a certain Scamander. Scamander tried to accomplish his object by bribing the slave of the physician who was attending Cluentius. The physician was a needy Greek, and his slave had probably hard and scanty fare; but he was an honest man, and as clever as he was honest. He pretended to accept the offer, and

arranged for a meeting. This done, he told the whole matter to his master the physician, and the physician told it again to his patient. Cluentius arranged that certain friends should be present in concealment at the interview between the slave and his tempter. The villain came, and was seized with the poison and a packet of money, sealed with his master's seal, upon him.

Cluentius, who had put up with many provocations from his mother's husband, now felt that his life was in danger, and determined to defend himself. He indicted Scamander for an attempt to poison. The man was found guilty. Scamander's patron (as they used to call a freedman's old master) was next brought to trial, and with the same result. Last of all Oppianicus, the chief criminal, was attacked. Scamander's trial had warned him of his danger, and he had labored to bring about the man's acquittal. One vote, and one only, he had contrived to secure. And to the giver of this vote, a needy and unprincipled member of the Senate, he now had recourse. He went, of course, with a large sum in his hand — something about five thousand six hundred pounds of our money. With this the senator — Staienus by name — was to bribe sixteen out of the thirty-two jurymen. They were to have three hundred and fifty pounds apiece for their votes, and Staienus was to have as much for his own vote (which would give a majority), and something over for his trouble. Staienus conceived the happy idea of appropriating the whole, and he managed it in this way. He accosted a fellow-juror, whom he knew to be as unprincipled as himself. "Bulbus," he said, "you will help me in taking care that we sha'n't serve our country for nothing." "You may count on me," said the man. Staienus went on, "The defendant has promised three hundred and fifty pounds to every juror who will vote 'Not Guilty.' You know who will take the money. Secure them, and come again to me." Nine days after, Bulbus came with beaming face to Staienus. "I have got the sixteen in the matter you know of; and now, where is the money?" "He has played me false," replied the other; "the money is not forthcoming. As for myself, I shall certainly vote 'Guilty.'"

The trial came to an end, and the verdict was to be given. The defendant claimed that it should be given by word of mouth, being anxious to know who had earned their money. Staienus and Bulbus

were the first to vote. To the surprise of all, they voted "Guilty." Rumors too of foul play had spread about. The two circumstances caused some of the more respectable jurors to hesitate. In the end *five* voted for acquittal, *ten* said "Not Proven," and seventeen "Guilty." Oppianicus suffered nothing worse than banishment, a banishment which did not prevent him from living in Italy, and even in the neighborhood of Rome. The Romans, though they shed blood like water in their civil strife, were singularly lenient in their punishments. Not long afterwards he died.

His widow saw in his death an opportunity of gratifying the unnatural hatred which she had long felt for her son Cluentius. She would accuse him of poisoning his step-father. Her first attempt failed completely. She subjected three slaves to torture, one of them her own, another belonged to the younger Oppianicus, a third the property of the physician who had attended the deceased in his last illness. But the cruelties and tortures extorted no confession from the men. At last the friends whom she had summoned to be present at the inquiry compelled her to desist. Three years afterwards she renewed the attempt. She had taken one of the three tortured slaves into high favor, and had established him as a physician at Larinum. The man committed an audacious robbery in his mistress's house, breaking open a chest and abstracting from it a quantity of silver coin and five pounds weight of gold. At the same time he murdered two of his fellow-slaves, and threw their bodies into the fish-pond. Suspicion fell upon the missing slaves. But when the chest came to be closely examined, the opening was found to be of a very curious kind. A friend remembered that he had lately seen among the miscellaneous articles at an auction a circular saw which would have made just such an opening. It was found that this saw had been bought by the physician. He was now charged with the crime. Thereupon a young lad who had been his accomplice came forward and told the story. The bodies were found in the fish-pond. The guilty slave was tortured. He confessed the deed, and he also confessed, his mistress declared, that he had given poison to Oppianicus at the instance of Cluentius. No opportunity was given for further inquiry. His confession made, the man was immediately executed. Under strong compulsion from his step-mother, the younger Oppianicus now took

up the case, and indicted Cluentius for murder. The evidence was very weak, little or nothing beyond the very doubtful confession spoken of above; but then there was a very violent prejudice against the accused. There had been a suspicion — perhaps more than a suspicion — of foul play in the trial which had ended in the condemnation of Oppianicus. The defendant, men said, might have attempted to bribe the jury, but the plaintiff had certainly done so. It would be a fine thing if he were to be punished even by finding him guilty of a crime which he had not committed.

In defending his client, Cicero relied as much upon the terrible list of crimes which had been proved against the dead Oppianicus as upon any thing else. Terrible indeed it was, as a few specimens from the catalogue will prove.

Among the wealthier inhabitants of Larinum was a certain Dinaea, a childless widow. She had lost her eldest son in the Social War (the war carried on between Rome and her Italian allies), and had seen two others die of disease. Her only daughter, who had been married to Oppianicus, was also dead. Now came the unexpected news that her eldest son was still alive. He had been sold into slavery, and was still working among a gang of laborers on a farm in Gaul. The poor woman called her kinsfolk together and implored them to undertake the task of recovering him. At the same time she made a will, leaving the bulk of her property to her daughter's son, the younger Oppianicus, but providing for the missing man a legacy of between three and four thousand pounds. The elder Oppianicus was not disposed to see so large a sum go out of the family. Dinaea fell ill, and he brought her his own physician. The patient refused the man's services; they had been fatal, she said, to all her kinsfolk. Oppianicus then contrived to introduce to her a traveling quack from Ancona. He had bribed the man with about seventeen pounds of our money to administer a deadly drug. The fee was large, and the fellow was expected to take some pains with the business; but he was in a hurry; he had many markets to visit; and he gave a single dose which there was no need to repeat.

Meanwhile Dinaea's kinsfolk had sent two agents to make inquiries for the missing son. But Oppianicus had been beforehand with them. He had bribed the man who had brought the first news,

had learned where he was to be found, and had caused him to be assassinated. The agents wrote to their employers at Larinum, saying that the object of their search could not be found, Oppianicus having undoubtedly tampered with the person from whom information was to be obtained. This letter excited great indignation at Larinum; and one of the family publicly declared in the market-place that he should hold Oppianicus (who happened to be present) responsible if any harm should be found to have happened to the missing man. A few days afterwards the agents themselves returned. They had found the man, but he was dead. Oppianicus dared not face the burst of rage which this news excited, and fled from Larinum. But he was not at the end of his resources. The Civil War between Sulla and the party of Marius (for Marius himself was now dead) was raging, and Oppianicus fled to the camp of Metellus Pius, one of Sulla's lieutenants. There he represented himself as one who had suffered for the party. Metellus had himself fought in the Social War, and fought against the side to which the murdered prisoner belonged. It was therefore easy to persuade him that the man had deserved his fate, and that his friends were unworthy persons and dangerous to the commonwealth. Oppianicus returned to Larinum with an armed force, deposed the magistrates whom the towns-people had chosen, produced Sulla's mandate for the appointment of himself and three of his creatures in their stead, as well as for the execution of four persons particularly obnoxious to him. These four were, the man who had publicly threatened him, two of his kinsfolk, and one of the instruments of his own villainies, whom he now found it convenient to get out of the way.

The story of the crimes of Oppianicus, of which only a small part has been given, having been finished, Cicero related the true circumstances of his death. After his banishment he had wandered about for a while shunned by all his acquaintances. Then he had taken up his quarters in a farmhouse in the Falernian country. From these he was driven away by a quarrel with the farmer, and removed to a small lodging which he had hired outside the walls of Rome. Not long afterwards he fell from his horse, and received a severe injury in his side. His health was already weak, fever came on, he was carried into the city and died after a few days' illness.

Besides the charge of poisoning Oppianicus there were others that had to be briefly dealt with. One only of these needs to be mentioned. Cluentius, it was said, had put poison into a cup of honey wine, with the intention of giving it to the younger Oppianicus. The occasion, it was allowed, was the young man's wedding-breakfast, to which, as was the custom at Larinum, a large company had been invited. The prosecutor affirmed that one of the bridegroom's friends had intercepted the cup on its way, drunk off its contents, and instantly expired. The answer to this was complete. The young man had not instantly expired. On the contrary, he had died after an illness of several days, and this illness had had a different cause. He was already out of health when he came to the breakfast, and he had made himself worse by eating and drinking too freely, "as," says the orator, "young men will do." He then called a witness to whom no one could object, the father of the deceased. "The least suspicion of the guilt of Cluentius would have brought him as a witness against him. Instead of doing this he gives him his support. Read," said Cicero to the clerk, "read his evidence. And you, sir," turning to the father, "stand up a while, if you please, and submit to the pain of hearing what I am obliged to relate. I will say no more about the case. Your conduct has been admirable; you would not allow your own sorrow to involve an innocent man in the deplorable calamity of a false accusation."

Then came the story of the cruel and shameful plot which the mother had contrived against her son. Nothing would content this wicked woman but that she must herself journey to Rome to give all the help that she could to the prosecution. "And what a journey this was!" cried Cicero. "I live near some of the towns near which she passed, and I have heard from many witnesses what happened. Vast crowds came to see her. Men, ay, and women too, groaned aloud as she passed by. Groaned at what? Why, that from the distant town of Larinum, from the very shore of the Upper Sea, a woman was coming with a great retinue and heavy money-bags, coming with the single object of bringing about the ruin of a son who was being tried for his life. In all those crowds there was not a man who did not think that every spot on which she set her foot needed to be purified, that the very earth, which is the mother of us all, was defiled by the

presence of a mother so abominably wicked. There was not a single town in which she was allowed to stay; there was not an inn of all the many upon that road where the host did not shun the contagion of her presence. And indeed she preferred to trust herself to solitude and to darkness rather than to any city or hostelry. And now," said Cicero, turning to the woman, who was probably sitting in court, "does she think that we do not all know her schemes, her intrigues, her purposes from day to day? Truly we know exactly to whom she has gone, to whom she has promised money, whose integrity she has endeavored to corrupt with her bribes. Nay, more: we have heard all about the things which she supposes to be a secret, her nightly sacrifice, her wicked prayers, her abominable vows."

He then turned to the son, whom he would have the jury believe was as admirable as the mother was vile. He had certainly brought together a wonderful array of witnesses to, character. From Larinum every grown-up man that had the strength to make the journey had come to Rome to support their fellow-townsman. The town was left to the care of women and children. With these witnesses had come, bringing a resolution of the local senate full of the praises of the accused, a deputation of the senators. Cicero turned to the deputation and begged them to stand up while the resolution was being read. They stood up and burst into tears, which indeed are much more common among the people of the south than among us, and of which no one sees any reason to be ashamed. "You see these tears, gentlemen," cried the orator to the jury. "You may be sure, from seeing them, that every member of the senate was in tears also when they passed this resolution." Nor was it only Larinum, but all the chief Samnite towns that had sent their most respected citizens to give their evidence for Cluentius. "Few," said Cicero, "I think, are loved by me as much as he is loved by all these friends."

Cluentius was acquitted. Cicero is said to have boasted afterwards that he had blinded the eyes of the jury. Probably his client had bribed the jury in the trial of his step-father. That was certainly the common belief, which indeed went so far as to fix the precise sum which he paid. "How many miles is your farm from Rome?" was asked of one of the witnesses at a trial connected with the case. "Less than fifty-three," he replied. "Exactly the sum," was the general cry

from the spectators. The point of the joke is in the fact that the same word stood in Latin for the *thousand* paces which made a mile and the *thousand* coins by which sums of money were commonly reckoned. Oppianicus had paid forty thousand for an acquittal, and Cluentius outbid him with fifty thousand ("less than fifty-three") to secure a verdict of guilty. But whatever we may think of the guilt or innocence of Cluentius, there can be no doubt that the cause in which Cicero defended him was one of the most interesting ever tried in Rome.

CHAPTER VI. COUNTRY LIFE.

A Roman of even moderate wealth — for Cicero was far from being one of the richest men of his time — commonly possessed more country-houses than belong even to the wealthiest of English nobles. One such house at least Cicero inherited from his father. It was about three miles from Arpinum, a little town in that hill country of the Sabines which was the proverbial seat of a temperate and frugal race, and which Cicero describes in Homeric phrase as

"Rough but a kindly nurse of men."

In his grandfather's time it had been a plain farmhouse, of the kind that had satisfied the simpler manners of former days — the days when Consuls and Dictators were content, their time of office ended, to plow their own fields and reap their own harvests. Cicero was born within its walls, for the primitive fashion of family life still prevailed, and the married son continued to live in his father's house. After the old man's death, when the old-fashioned frugality gave way to a more sumptuous manner of life, the house was greatly enlarged, one of the additions being a library, a room of which the grandfather, who thought that his contemporaries were like Syrian slaves, "the more Greek they knew the greater knaves they were," had never felt the want; but in which his son, especially in his later days, spent most of his time. The garden and grounds were especially delightful, the most charming spot of all being an island formed by the little stream Fibrenus. A description put into the mouth of Quintus, the younger son of the house, thus depicts it: "I have never seen a more pleasant spot. Fibrenus here divides his stream into two of equal size, and so washes either side. Flowing rapidly by he joins his waters again, having compassed just as much ground as makes a convenient place for our literary discussions. This done he hurries on, just as if the providing of such a spot had been his only office and function, to fall into the Liris. Then, like one adopted into a noble family, he loses his own obscurer name. The Liris indeed he makes much colder. A colder stream than this indeed I never touched, though I have seen many. I can scarce bear to dip my foot in it. You remember how Plato makes Socrates dip his foot in Ilissus." Atticus

too is loud in his praises. “This, you know, is my first time of coming here, and I feel that I cannot admire it enough. As to the splendid villas which one often sees, with their marble pavements and gilded ceilings, I despise them. And their water-courses, to which they give the fine names of Nile or Euripus, who would not laugh at them when he sees your streams? When we want rest and delight for the mind it is to nature that we must come. Once I used to wonder — for I never thought that there was any thing but rocks and hills in the place — that you took such pleasure in the spot. But now I marvel that when you are away from Rome you care to be any where but here.” “Well,” replied Cicero, “when I get away from town for several days at a time, I do prefer this place; but this I can seldom do. And indeed I love it, not only because it is so pleasant, so healthy a resort, but also because it is my native land, mine and my father’s too, and because I live here among the associations of those that have gone before me.”

Other homes he purchased at various times of his life, as his means permitted. The situation of one of them, at Formiae near Cape Caista, was particularly agreeable to him, for he loved the sea; it amused him as it had amused, he tells us, the noble friends, Scipio and Laelius, before him, to pick up pebbles on the shore. But this part of the coast was a fashionable resort. Chance visitors were common; and there were many neighbors, some of whom were far too liberal of their visits. He writes to Atticus on one occasion from his Formian villa: “As to composition, to which you are always urging me, it is absolutely impossible. It is a public-hall that I have here, not a country-house, such a crowd of people is there at Formiae. As to most of them nothing need be said. After ten o’clock they cease to trouble me. But my nearest neighbor is Arrius. The man absolutely lives with me, says that he has given up the idea of going to Rome because he wants to talk philosophy with me. And then, on the other side, there is Sebosus, Catulus’ friend, as you will remember. Now what am I to do? I would certainly be off to Arpinum if I did not expect to see you here.” In the next letter he repeats the complaints: “Just as I am sitting down to write in comes our friend Sebosus. I had not time to give an inward groan, when Arrius says, ‘Good morning.’ And this is going away from Rome! I

will certainly be off to

‘My native hills, the cradle of my race.’”

Still, doubtless, there was a sweetness, the sweetness of being famous and sought after, even in these annoyances. He never ceased to pay occasional visits to Formiae. It was a favorite resort of his family; and it was there that he spent the last days of his life.

But the country-house which he loved best of all was his villa at Tusculum, a Latin town lying on the slope of Mount Algidus, at such a height above the sea as would make a notable hill in England. Here had lived in an earlier generation Crassus, the orator after whose model the young Cicero had formed his own eloquence; and Catulus, who shared with Marius the glory of saving Rome from the barbarians; and Caesar, an elder kinsman of the Dictator. Cicero’s own house had belonged to Sulla, and its walls were adorned with frescoes of that great soldier’s victories. For neighbors he had the wealthy Lucullus, and the still more wealthy Crassus, one of the three who ruled Rome when it could no longer rule itself, and, for a time at least, Quintus, his brother. “This,” he writes to his friend Atticus, “is the one spot in which I can get some rest from all my toils and troubles.”

[Footnote 4: 2200 feet.]

Though Cicero often speaks of this house of his, he nowhere describes its general arrangements. We shall probably be not far wrong if we borrow our idea of this from the letter in which the younger Pliny tells a friend about one of his own country seats.

“The courtyard in front is plain without being mean. From this you pass into a small but cheerful space inclosed by colonnades in the shape of the letter D. Between these there is a passage into an inner covered court, and out of this again into a handsome hall, which has on every side folding doors or windows equally large. On the left hand of this hall lies a large drawing-room, and beyond that a second of a smaller size, which has one window to the rising and another to the setting sun. Adjoining this is another room of a semicircular shape, the windows of which are so arranged as to get the sun all through the day: in the walls are bookcases containing a collection of authors who cannot be read too often. Out of this is a bedroom which can be warmed with hot air. The rest of this side of

the house is appropriated to the use of the slaves and freedmen; yet most of the rooms are good enough to put my guests into. In the opposite wing is a most elegant bedroom, another which can be used both as bedroom and sitting-room, and a third which has an ante-room of its own, and is so high as to be cool in summer, and with walls so thick that it is warm in winter. Then comes the bath with its cooling room, its hot room, and its dressing chamber. And not far from this again the tennis court, which gets the warmth of the afternoon sun, and a tower which commands an extensive view of the country round. Then there is a granary and a store-room."

This was probably a larger villa than Cicero's, though it was itself smaller than another which Pliny describes. We must make an allowance for the increase in wealth and luxury which a century and a half had brought. Still we may get some idea from it of Cicero's country-house, one point of resemblance certainly being that there was but one floor.

What Cicero says about his "Tusculanum" chiefly refers to its furnishing and decoration, and is to be found for the most part in his letters to Atticus. Atticus lived for many years in Athens and had therefore opportunities of buying works of art and books which did not fall in the way of the busy lawyer and statesman of Rome. But the room which in Cicero's eyes was specially important was one which we may call the lecture-room, and he is delighted when his friend was able to procure some appropriate ornaments for it. "Your *Hermathena*" he writes (the *Hermathena* was a composite statue, or rather a double bust upon a pedestal, with the heads of Hermes and Athene, the Roman Mercury and Minerva) "pleases me greatly. It stands so prettily that the whole lecture-room looks like a votive chapel of the deity. I am greatly obliged to you." He returns to the subject in another letter. Atticus had probably purchased for him another bust of the same kind. "What you write about the *Hermathena* pleases me greatly. It is a most appropriate ornament for my own little 'seat of learning.' Hermes is suitable every where, and Minerva is the special emblem of a lecture-room. I should be glad if you would, as you suggest, find as many more ornaments of the same kind for the place. As for the statues that you sent me before, I have not seen them. They are at my house at Formiae, whither I am just

now thinking of going. I shall remove them all to my place at Tusculum. If ever I shall find myself with more than enough for this I shall begin to ornament the other. Pray keep your books. Don't give up the hope that I may be able to make them mine. If I can only do this I shall be richer than Crassus." And, again, "If you can find any lecture-room ornaments do not neglect to secure them. My Tusculum house is so delightful to me that it is only when I get there that I seem to be satisfied with myself." In another letter we hear something about the prices. He has paid about one hundred and eighty pounds for some statues from Megara which his friend had purchased for him. At the same time he thanks him by anticipation for some busts of Hermes, in which the pedestals were of marble from Pentelicus, and the heads of bronze. They had not come to hand when he next writes: "I am looking for them," he says, "most anxiously;" and he again urges diligence in looking for such things. "You may trust the length of my purse. This is my special fancy." Shortly after Atticus has found another kind of statue, double busts of Hermes and Hercules, the god of strength; and Cicero is urgent to have them for his lecture-room. All the same he does not forget the books, for which he is keeping his odds and ends of income, his "little vintages," as he calls them — possibly the money received from a small vineyard attached to his pleasure-grounds. Of books, however, he had an ample supply close at home, of which he could make as much use as he pleased, the splendid library which Lucullus had collected. "When I was at my house in Tusculum," he writes in one of his treatises, "happening to want to make use of some books in the library of the young Lucullus, I went to his villa, to take them out myself, as my custom was. Coming there I found Cato (Cato was the lad's uncle and guardian), of whom, however, then I knew nothing, sitting in the library absolutely surrounded with books of the Stoic writers on philosophy."

When Cicero was banished, the house at Tusculum shared the fate of the rest of his property. The building was destroyed. The furniture, and with it the books and works of art so diligently collected, were stolen or sold. Cicero thought, and was probably right in thinking, that the Senate dealt very meanly with him when they voted him something between four and five thousand pounds as compensation

for his loss in this respect. For his house at Formiae they gave him half as much. We hear of his rebuilding the house. He had advertised the contract, he tells us in the same letter in which he complains of the insufficient compensation. Some of his valuables he recovered, but we hear no more of collecting. He had lost heart for it, as men will when such a disaster has happened to them. He was growing older too, and the times were growing more and more troublous. Possibly money was not so plentiful with him as it had been in earlier days. But we have one noble monument of the man connected with the second of his two Tusculum houses. He makes it the scene of the "Discussions of Tusculum," one of the last of the treatises in the writing of which he found consolation for private and public sorrows. He describes himself as resorting in the afternoon to his "Academy," and there discussing how the wise man may rise superior to the fear of death, to pain and to sorrow, how he may rule his passions, and find contentment in virtue alone. "If it seems," he says, summing up the first of these discussions, "if it seems the clear bidding of God that we should quit this life [he seems to be speaking of suicide, which appeared to a Roman to be, under certain circumstances, a laudable act], let us obey gladly and thankfully. Let us consider that we are being loosed from prison, and released from chains, that we may either find our way back to a home that is at once everlasting and manifestly our own, or at least be quit forever of all sensation and trouble. If no such bidding come to us, let us at least cherish such a temper that we may look on that day so dreadful to others as full of blessing to us; and let us look on nothing that is ordered for us either by the everlasting gods or by nature, our common mother, as an evil. It is not by some random chance that we have been created. There is beyond all doubt some mighty Power which watches over the race of man, which does not produce a creature whose doom it is, after having exhausted all other woes, to fall at last into the unending woe of death. Rather let us believe that we have in death a haven and refuge prepared for us. I would that we might sail thither with widespread sails; if not, if contrary winds shall blow us back, still we must needs reach, though it may be somewhat late, the haven where we would be. And as for the fate which is the fate of all, how can it be the unhappiness of one?"

CHAPTER VII. A GREAT CONSPIRACY.

Sergius Catiline belonged to an ancient family which had fallen into poverty. In the evil days of Sulla, when the nobles recovered the power which they had lost, and plundered and murdered their adversaries, he had shown himself as cruel and as wicked as any of his fellows. Like many others he had satisfied grudges of his own under pretense of serving his party, and had actually killed his brother-in-law with his own hand. These evil deeds and his private character, which was of the very worst, did not hinder him from rising to high offices in the State. He was made first aedile, then praetor, then governor of Africa, a province covering the region which now bears the names of Tripoli and Tunis. At the end of his year of government he returned to Rome, intending to become a candidate for the consulship. In this he met with a great disappointment. He was indicted for misgovernment in his province, and as the law did not permit any one who had such a charge hanging over him to stand for any public office, he was compelled to retire. But he soon found, or fancied that he had found, an opportunity of revenging himself. The two new consuls were found guilty of bribery, and were compelled to resign. One of them, enraged at his disgrace, made common cause with Catiline. A plot, in which not a few powerful citizens were afterwards suspected with more or less reason of having joined, was formed. It was arranged that the consuls should be assassinated on the first day of the new year; the day, that is, on which they were to enter on their office. But a rumor of some impending danger got about; on the appointed day the new consuls appeared with a sufficient escort, and the conspirators agreed to postpone the execution of their scheme till an early day in February. This time the secret was better kept, but the impatience of Catiline hindered the plot from being carried out. It had been arranged that he should take his place in front of the senate-house, and give to the hired band of assassins the signal to begin. This signal he gave before the whole number was assembled. The few that were present had not the courage to act, and the opportunity was lost.

The trial for misgovernment ended in an acquittal, purchased, it

was said, by large bribes given to the jurymen and even to the prosecutor, a certain Clodius, of whom we shall hear again, and shall find to have been not one whit better than Catiline himself. A second trial, this time for misdeeds committed in the days of Sulla, ended in the same way. Catiline now resolved on following another course of action. He would take up the character of a friend of the people. He had the advantage of being a noble, for men thought that he was honest when they saw him thus turn against his own order, and, as it seemed, against his own interests. And indeed there was much that he could say, and say with perfect truth, against the nobles. They were corrupt and profligate beyond all bearing. They sat on juries and gave false verdicts for money. They went out to govern provinces, showed themselves horribly cruel and greedy, and then came home to be acquitted by men who had done or hoped to do the very same things themselves. People listened to Catiline when he spoke against such doings, without remembering that he was just as bad himself. He had too, just the reputation for strength and courage that was likely to make him popular. He had never been a soldier, but he was known to be very brave, and he had a remarkable power of enduring cold and hunger and hardships of every kind. On the strength of the favor which he thus gained, he stood again for the consulship. In anticipation of being elected, he gathered a number of men about him, unsuccessful and discontented like himself, and unfolded his plans. All debts were to be wiped out, and wealthy citizens were to be put to death and their property to be divided. It was hoped that the consuls at home, and two at least of the armies in the provinces, would support the movement. The first failure was that Catiline was not elected consul, Cicero being chosen unanimously, with Antonius, who had a small majority over Catiline, for his colleague. Enraged at his want of success, the latter now proceeded to greater lengths than ever. He actually raised troops in various parts of Italy, but especially in Etruria, which one Manlius, an old officer in Sulla's army, commanded. He then again became a candidate for the consulship, resolving first to get rid of Cicero, who, he found, met and thwarted him at every turn. Happily for Rome these designs were discovered through the weakness of one of his associates. This man told the secret to a lady, with whom he was in love, and the

lady, dismayed at the boldness and wickedness of the plan, communicated all she knew to Cicero.

Not knowing that he was thus betrayed, Catiline set about ridding himself of his great antagonist. Nor did the task seem difficult. The hours both of business and of pleasure in Rome were what we should think inconveniently early. Thus a Roman noble or statesman would receive in the first hours of the morning the calls of ceremony or friendship which it is our custom to pay in the afternoon. It would sometimes happen that early visitors would find the great man not yet risen. In these cases he would often receive them in bed. This was probably the habit of Cicero, a courteous, kindly man, always anxious to be popular, and therefore easy of access. On this habit the conspirators counted. Two of their number, one of them a knight, the other a senator, presented themselves at his door shortly after sunrise on the seventh of November. They reckoned on finding him, not in the great hall of his mansion, surrounded by friends and dependents, but in his bed-chamber. But the consul had received warning of their coming, and they were refused admittance. The next day he called a meeting of the Senate in the temple of Jupiter the Stayer, which was supposed to be the safest place where they could assemble.

To this meeting Catiline, a member in right of having filled high offices of state, himself ventured to come. A tall, stalwart man, manifestly of great power of body and mind, but with a face pale and wasted by excess, and his eyes haggard and bloodshot, he sat alone in the midst of a crowded house. No man had greeted him when he entered, and when he took his place on the benches allotted to senators who had filled the office of consul, all shrank from him. Then Cicero rose in his place. He turned directly and addressed his adversary. “How long, Catiline,” he cried, “will you abuse our patience?” How had he dared to come to that meeting? Was it not enough for him to know how all the city was on its guard against him; how his fellow-senators shrank from him as men shrink from a pestilence? If he was still alive, he owed it to the forbearance of those against whom he plotted; and this forbearance would last so long, and so long only, as to allow every one to be convinced of his guilt. For the present, he was suffered to live, but to live guarded and watched and incapable of mischief. Then the speaker related every

detail of the conspiracy. He knew not only every thing that the accomplices had intended to do, but the very days that had been fixed for doing it. Overwhelmed by this knowledge of his plans, Catiline scarcely attempted a defense. He said in a humble voice, “Do not think, Fathers, that I, a noble of Rome, I who have done myself, whose ancestors have done much good to this city, wish to see it in ruins, while this consul, a mere lodger in the place, would save it.” He would have said more, but the whole assembly burst into cries of “Traitor! Traitor!” and drowned his voice. “My enemies,” he cried, “are driving me to destruction. But look! if you set my house on fire, I will put it out with a general ruin.” And he rushed out of the Senate.

Nothing, he saw, could be done in Rome; every point was guarded against him. Late that same night he left the city, committing the management of affairs to Cethegus and Lentulus, and promising to return before long with an army at his back. Halting awhile on his road, he wrote letters to some of the chief senators, in which he declared that for the sake of the public peace he should give up the struggle with his enemies and quietly retire to Marseilles. What he really did was to make his way to the camp of Manlius, where he assumed the usual state of a regular military command. The Senate, on hearing of these doings, declared him to be an outlaw. The consuls were to raise an army; Antonius was to march against the enemy, and Cicero to protect the city.

Meanwhile the conspirators left behind in Rome had been busy. One of the tribes of Gaul had sent deputies to the Capitol to obtain redress for injuries of which they complained. The men had effected little or nothing. The Senate neglected them. The help of officials could only be purchased by heavy bribes. They were now heavily in debt both on their own account and on account of their state, and Lentulus conceived the idea of taking advantage of their needs. One of his freedmen, who had been a trader in Gaul, could speak the language, and knew several of the deputies, opened negotiations with them by his patron’s desire. They told him the tale of their wrongs. They could see, they said, no way out of their difficulties. “Behave like men,” he answered, “and I will show you a way.” He then revealed to them the existence of the conspiracy, explained its objects, and enlarged upon the hopes of success. While he and his

friends were busy at Rome, they were to return to Gaul and rouse their fellow-tribesmen to revolt. There was something tempting in the offer, and the deputies doubted long whether they should not accept it. In the end prudence prevailed. To join the conspiracy and to rebel would be to run a terrible risk for very doubtful advantages. On the other hand they might make sure of a speedy reward by telling all they knew to the authorities. This was the course on which they resolved, and they went without loss of time to a Roman noble who was the hereditary "patron" of their tribe. The patron in his turn communicated the intelligence to Cicero. Cicero's instructions were that the deputies should pretend to agree to the proposals which had been made to them, and should ask for a written agreement which they might show to their countrymen at home. An agreement was drawn up, signed by Lentulus and two of his fellow-conspirators, and handed over to the Gauls, who now made preparations to return to their country. Cicero himself tells us in the speech which he delivered next day in the Forum the story of what followed.

"I summoned to my presence two of the praetors on whose courage I knew I could rely, put the whole matter before them, and unfolded my own plans. As it grew dusk they made their way unobserved to the Mulvian Bridge, and posted themselves with their attendants (they had some trusty followers of their own, and I had sent a number of picked swordsmen from my own body-guard), in two divisions in houses on either side of the bridge. About two o'clock in the morning the Gauls and their train, which was very numerous, began to cross the bridge. Our men charged them; swords were drawn on both sides; but before any blood was shed the praetors appeared on the scene, and all was quiet. The Gauls handed over to them the letters which they had upon them with their seals unbroken. These and the deputies themselves were brought to my house. The day was now beginning to dawn. Immediately I sent for the four men whom I knew to be the principal conspirators. They came suspecting nothing, Lentulus, who had been up late the night before writing the letters, being the last to present himself. Some distinguished persons who had assembled at my house wished me to open the letters before laying them before the Senate. If their contents were not what I suspected I should be blamed for having

given a great deal of trouble to no purpose. I refused in so important a matter to act on my own responsibility. No one, I was sure, would accuse me of being too careful when the safety of Rome was at stake. I called a meeting of the Senate, and took care that the attendance should be very large. Meanwhile, at the suggestion of the Gauls, I sent a praetor to the house of Cethegus to seize all the weapons that he could find. He brought away a great number of daggers and swords.

"The Senate being now assembled, I brought Vulturcius, one of the conspirators, into the House, promised him a public pardon, and bade him tell all he knew without fear. As soon as the man could speak, for he was terribly frightened, he said, 'I was taking a letter and a message from Lentulus to Catiline. Catiline was instructed to bring his forces up to the walls of the city. They meanwhile would set it on fire in various quarters, as had been arranged, and begin a general massacre. He was to intercept the fugitives, and thus effect a junction with his friends within the walls.' I next brought the Gauls into the House. Their story was as follows. 'Lentulus and two of his companions gave us letters to our nation. We were instructed to send our cavalry into Italy with all speed. They would find a force of infantry. Lentulus told us how he had learned from Sibylline books that he was that "third Cornelius" who was the fated ruler of Rome. The two that had gone before him were Cicero and Sulla. The year too was the one which was destined to see the ruin of the city, for it was the tenth after the acquittal of the Vestal Virgins, the twentieth after the burning of the Capitol. After this Cethegus and the others had a dispute about the time for setting the city on fire. Lentulus and others wished to have it done on the feast of Saturn (December 17th). Cethegus thought that this was putting it off too long.' I then had the letter brought in. First I showed Cethegus his seal. He acknowledged it. I cut the string. I read the letter. It was written in his own handwriting and was to this effect: he assured the Senate and people of the Gauls that he would do what he had promised to their deputies, and begged them on the other hand to perform what their deputies had undertaken. Cethegus, who had accounted for the weapons found in his house by declaring that he had always been a connoisseur in such things, was overwhelmed by hearing his letter read, and said

nothing.

"Manlius next acknowledged his seal and handwriting. A letter from him much to the same effect was read. He confessed his guilt. I then showed Lentulus his letter, and asked him, 'Do you acknowledge the seal?' 'I do,' he answered. 'Yes,' said I, 'it is a well-known device, the likeness of a great patriot, your grandfather. The mere sight of it ought to have kept you from such a crime as this.' His letter was then read. I then asked him whether he had any explanation to give. 'I have nothing to say,' was his first answer. After a while he rose and put some questions to the Gauls. They answered him without any hesitation, and asked him in reply whether he had not spoken to them about the Sibylline books. What followed was the strangest proof of the power of conscience. He might have denied every thing, but he did what no one expected, he confessed; all his abilities, all his power of speech deserted him. Vulturcius then begged that the letter which he was carrying from Lentulus to Catiline should be brought in and opened. Lentulus was greatly agitated; still he acknowledged the seal and the handwriting to be his. The letter, which was unsigned, was in these words: *You will know who I am by the messenger whom I send to you. Bear yourself as a man. Think of the position in which you now are, and consider what you must now do. Collect all the help you can, even though it be of the meanest kind.* In a word, the case was made out against them all not only by the seals, the letters, the handwritings, but by the faces of the men, their downcast look, their silence. Their confusion, their stealthy looks at each other were enough, if there had been no other proof, to convict them."

Lentulus was compelled to resign his office of praetor. He and the other conspirators were handed over to certain of the chief citizens, who were bound to keep them in safe custody and to produce them when they were called for.

The lower orders of the capital, to whom Catiline and his companions had made liberal promises, and who regarded his plans, or what were supposed to be his plans, with considerable favor, were greatly moved by Cicero's account of what had been discovered. No one could expect to profit by conflagration and massacre; and they were disposed to take sides with the party of order. Still there were

elements of danger, as there always are in great cities. It was known that a determined effort would be made by the clients of Lentulus, whose family was one of the noblest and wealthiest in Rome, to rescue him from custody. At the same time several of the most powerful nobles were strongly suspected of favoring the revolutionists. Crassus, in particular, the wealthiest man in Rome, was openly charged with complicity. A certain Tarquinius was brought before the Senate, having been, it was said, arrested when actually on his way to Catiline. Charged to tell all he knew, he gave the same account as had been given by other witnesses of the preparations for fire and massacre, and added that he was the bearer of a special message from Crassus to Catiline, to the effect that he was not to be alarmed by the arrest of Lentulus and the others; only he must march upon the city without delay, and so rescue the prisoners and restore the courage of those who were still at large. The charge seemed incredible to most of those who heard it. Crassus had too much at stake to risk himself in such perilous ventures. Those who believed it were afraid to press it against so powerful a citizen; and there were many who were under too great obligations to the accused to allow it, whatever its truth or falsehood, to be insisted upon. The Senate resolved that the charge was false, and that its author should be kept in custody till he disclosed at whose suggestion he had come forward. Crassus himself believed that the consul had himself contrived the whole business, with the object of making it impossible for him to take the part of the accused. “He complained to me,” says Sallust the historian, “of the great insult which had thus been put upon him by Cicero.”.

Under these circumstances Cicero determined to act with vigor. On the fifth of December he called a meeting of the Senate, and put it to the House what should be done with the prisoners in custody. The consul elect gave his opinion that they should be put to death. Caesar, when his turn came to speak, rose and addressed the Senate. He did not seek to defend the accused. They deserved any punishment. Because that was so, let them be dealt with according to law. And the law was that no Roman citizen could suffer death except by a general decree of the people. If any other course should be taken, men would afterwards remember not their crimes but the

severity with which they had been treated. Cato followed, giving his voice for the punishment of death; and Cicero took the same side. The Senate, without dividing, voted that the prisoners were traitors, and must pay the usual penalty.

The consul still feared that a rescue might be attempted. He directed the officials to make all necessary preparations, and himself conducted Lentulus to prison, the other criminals being put into the charge of the praetors. The prison itself was strongly guarded. In this building, which was situated under the eastern side of the Capitoline Hill, was a pit twelve feet deep, said to have been constructed by King Tullius. It had stone walls and a vaulted stone roof; it was quite dark, and the stench and filth of the place were hideous. Lentulus was hurried into this noisome den, where the executioners strangled him. His accomplices suffered the same fate. The consul was escorted to his house by an enthusiastic crowd. When he was asked how it had fared with the condemned, he answered with the significant words "THEY HAVE LIVED."

The chief conspirator died in a less ignoble fashion. He had contrived to collect about twelve thousand men; but only a fourth part of these were regularly armed; the rest carried hunting spears, pikes, sharpened stakes, any weapon that came to hand. At first he avoided an engagement, hoping to hear news of something accomplished for his cause by the friends whom he had left behind him in Rome. When the news of what had happened on the fifth of December reached him, he saw that his position was desperate. Many who had joined the ranks took the first opportunity of deserting; with those that remained faithful he made a hurried march to the north-west, hoping to make his way across the Apennines into Hither Gaul. But he found a force ready to bar his way, while Antonius, with the army from Rome, was pressing him from the south. Nothing remained for him but to give battle. Early in the year 62 B.C. the armies met. The rebel leader showed himself that day at his best. No soldier could have been braver, no general more skillful. But the forces arrayed against him were overpowering. When he saw that all was lost, he rushed into the thickest of the fight, and fell pierced with wounds. He was found afterwards far in advance of his men, still breathing and with the same haughty expression on his face which

had distinguished him in life. And such was the contagious force of his example that not a single free man of all his followers was taken alive either in the battle or in the pursuit that followed it. Such was the end of a GREAT CONSPIRACY.

CHAPTER VIII. CAESAR.

At eight-and-twenty, Caesar, who not thirty years later was to die master of Rome, was chiefly known as a fop and a spendthrift. “In all his schemes and all his policy,” said Cicero, “I discern the temper of a tyrant; but then when I see how carefully his hair is arranged, how delicately with a single finger he scratches his head, I cannot conceive him likely to entertain so monstrous a design as overthrowing the liberties of Rome.” As for his debts they were enormous. He had contrived to spend his own fortune and the fortune of his wife; and he was more than three hundred thousand pounds in debt. This was before he had held any public office; and office, when he came to hold it, certainly did not improve his position. He was appointed one of the guardians of the Appian Way (the great road that led southward from Rome, and was the route for travelers to Greece and the East). He spent a great sum of money in repairs. His next office of aedile was still more expensive. Expensive it always was, for the aedile, besides keeping the temples and other public buildings in repair (the special business signified by his name), had the management of the public games. An allowance was made to him for his expenses from the treasury, but he was expected, just as the Lord Mayor of London is expected, to spend a good deal of his own money. Caesar far outdid all his predecessors. At one of the shows which he exhibited, three hundred and twenty pairs of gladiators fought in the arena; and a gladiator, with his armor and weapons, and the long training which he had to undergo before he could fight in public, was a very expensive slave. The six hundred and forty would cost, first and last, not less than a hundred pounds apiece, and many of them, perhaps a third of the whole number, would be killed in the course of the day. Nor was he content with the expenses which were more or less necessary. He exhibited a great show of wild beasts in memory of his father, who had died nearly twenty years before. The whole furniture of the theater, down to the very stage, was made on this occasion of solid silver.

For all this seeming folly, there were those who discerned thoughts and designs of no common kind. Extravagant expenditure

was of course an usual way of winning popular favors. A Roman noble bought office after office till he reached one that entitled him to be sent to govern a province. In the plunder of the province he expected to find what would repay him all that he had spent and leave a handsome sum remaining. Caesar looked to this end, but he looked also to something more. He would be the champion of the people, and the people would make him the greatest man at Rome. This had been the part played by Marius before him; and he determined to play it again. The name of Marius had been in ill repute since the victory of his great rival, Sulla, and Caesar determined to restore it to honor. He caused statues of this great man to be secretly made, on which were inscribed the names of the victories by which he had delivered Rome from the barbarians. On the morning of the show these were seen, splendid with gilding, upon the height of the Capitol. The first feeling was a general astonishment at the young magistrate's audacity. Then the populace broke out into expressions of enthusiastic delight; many even wept for joy to see again the likeness of their old favorite; all declared that Caesar was his worthy successor. The nobles were filled with anger and fear. Catulus, who was their leader, accused Caesar in the Senate. "This man," he said, "is no longer digging mines against his country, he is bringing battering-rams against it." The Senate, however, was afraid or unwilling to act. As for the people, it soon gave the young man a remarkable proof of its favor. What may be called the High Priesthood became vacant. It was an honor commonly given to some aged man who had won victories abroad and borne high honors at home. Such competitors there were on this occasion, Catulus being one of them. But Caesar, though far below the age at which such offices were commonly held, determined to enter the lists. He refused the heavy bribe by which Catulus sought to induce him to withdraw from the contest, saying that he would raise a greater sum to bring it to a successful end. Indeed, he staked all on the struggle. When on the day of election he was leaving his house, his mother followed him to the door with tears in her eyes. He turned and kissed her, "Mother," he said, "to-day you will see your son either High Priest or an exile."

The fact was that Caesar had always shown signs of courage and

ambition, and had always been confident of his future greatness. Now that his position in the country was assured men began to remember these stories of his youth. In the days when Sulla was master of Rome, Caesar had been one of the very few who had ventured to resist the great man's will. Marius, the leader of the party, was his uncle, and he had himself married the daughter of Cunia, another of the popular leaders. This wife Sulla ordered him to divorce, but he flatly refused. For some time his life was in danger; but Sulla was induced to spare it, remarking, however, to friends who interceded for him, on the ground that he was still but a boy, "You have not a grain of sense, if you do not see that in this boy there is the material for many Mariuses." The young Caesar found it safer to leave Italy for a time. While traveling in the neighborhood of Asia Minor he fell into the hands of the pirates, who were at that time the terror of all the Eastern Mediterranean. His first proceeding was to ask them how much they wanted for his ransom. "Twenty talents," (about five thousand pounds) was their answer. "What folly!" he said, "you don't know whom you have got hold of. You shall have fifty." Messengers were sent to fetch the money, and Caesar, who was left with a friend and a couple of slaves, made the best of the situation. If he wanted to go to sleep he would send a message commanding his captors to be silent. He joined their sports, read poems and speeches to them, and roundly abused them as ignorant barbarians if they failed to applaud. But his most telling joke was threatening to hang them. The men laughed at the free-spoken lad, but were not long in finding that he was in most serious earnest. In about five weeks' time the money arrived and Caesar was released. He immediately went to Miletus, equipped a squadron, and returning to the scene of his captivity, found and captured the greater part of the band. Leaving his prisoners in safe custody at Pergamus, he made his way to the governor of the province, who had in his hands the power of life and death. But the governor, after the manner of his kind, had views of his own. The pirates were rich and could afford to pay handsomely for their lives. He would consider the case, he said. This was not at all to Caesar's mind. He hastened back to Pergamus, and, taking the law into his own hands, crucified all the prisoners.

This was the cool and resolute man in whom the people saw their

best friend and the nobles their worst enemy. These last seemed to see a chance of ruining him when the conspiracy of Catiline was discovered and crushed. He was accused, especially by Cato, of having been an accomplice; and when he left the Senate after the debate in which he had argued against putting the arrested conspirators to death, he was mobbed by the gentlemen who formed Cicero's body-guard, and was even in danger of his life. But the formal charge was never pressed; indeed it was manifestly false, for Caesar was too sure of the favor of the people to have need of conspiring to win it. The next year he was made praetor, and after his term of office was ended, governor of Further Spain. The old trouble of debt still pressed upon him, and he could not leave Rome till he had satisfied the most pressing of his creditors. This he did by help of Crassus, the richest man in Rome, who stood security for nearly two hundred thousand pounds. To this time belong two anecdotes which, whether true or no, are curiously characteristic of his character. He was passing, on the way to his province, a town that had a particularly mean and poverty-stricken look. One of his companions remarked, "I dare say there are struggles for office even here, and jealousies and parties." "Yes," said Caesar; "and indeed, for myself, I would sooner be the first man here than the second in Rome." Arrived at his journey's end, he took the opportunity of a leisure hour to read the life of Alexander. He sat awhile lost in thought, then burst into tears. His friends inquired the cause. "The cause?" he replied. "Is it not cause enough that at my age Alexander had conquered half the world, while I have done nothing?" Something, however, he contrived to do in Spain. He extended the dominion of Rome as far as the Atlantic, settled the affairs of the provincials to their satisfaction, and contrived at the same time to make money enough to pay his debts. Returning to Rome when his year of command was ended, he found himself in a difficulty. He wished to have the honor of a triumph (a triumph was a procession in which a victorious general rode in a chariot to the Capitol, preceded and followed by the spoils and prisoners taken in his campaigns), and he also wished to become a candidate for the consulship. But a general who desired a triumph had to wait outside the gates of the city till it was voted to him, while a candidate for the consulship must lose no

time in beginning to canvass the people. Caesar, having to make his choice between the two, preferred power to show. He stood for the consulship, and was triumphantly elected.

Once consul he made that famous Coalition which is commonly called the First Triumvirate. Pompey was the most famous soldier of the day, and Crassus, as has been said before, the richest man. These two had been enemies, and Caesar reconciled them; and then the three together agreed to divide power and the prizes of power between them. Caesar would have willingly made Cicero a fourth, but he refused, not, perhaps, without some hesitation. He did more; he ventured to say some things which were not more agreeable because they were true of the new state of things. This the three masters of Rome were not willing to endure, and they determined that this troublesome orator should be put out of the way. They had a ready means of doing it. A certain Clodius, of whom we shall hear more hereafter, felt a very bitter hatred against Cicero, and by way of putting himself in a position to injure him, and to attain other objects of his own, sought to be made tribune. But there was a great obstacle in the way. The tribunes were tribunes of the *plebs*, that is, of the commons, whose interests they were supposed specially to protect; while Clodius was a noble — indeed, a noble of nobles — belonging as he did to that great Claudian House which was one of the oldest and proudest of Roman families. The only thing to be done was to be adopted by some plebeian. But here, again, there were difficulties. The law provided that an adoption should be real, that the adopter should be childless and old enough to be the father of his adopted son. The consent of the priests was also necessary. This consent was never asked, and indeed never could have been given, for the father was a married man, had children of his own, and was not less than fifteen years, younger than his new son. Indeed the bill for making the adoption legal had been before the people for more than a year without making any progress. The Three now took it up to punish Cicero for his presumption in opposing them; and under its new promoters it was passed in a single day, being proposed at noon made law by three o'clock in the afternoon What mischief Clodius was thus enabled to work against Cicero we shall hear in the next chapter but one.

His consulship ended, Caesar received a substantial prize for his services, the government of the province of Gaul for five years. Before he left Italy to take up his command, he had the satisfaction of seeing Cicero driven into banishment. That done, he crossed the Alps. The next nine years (for his government was prolonged for another period when the first came to an end) he was engaged in almost incessant war, though still finding time to manage the politics of Rome. The campaigns which ended in making Gaul from the Alps to the British Channel, and from the Atlantic to the Rhine, a Roman possession, it is not within my purpose to describe. Nevertheless, it may be interesting to say a few words about his dealings with our own island. In his first expedition, in the summer of 55 B.C., he did little more than effect a landing on the coast, and this not without considerable loss. In the next, made early in the following year, he employed a force of more than forty thousand men, conveyed in a flotilla of eight hundred ships. This time the Britons did not venture to oppose his landing; and when they met him in the field, as he marched inward, they were invariably defeated. They then changed their tactics and retired before him, laying waste the country as they went. He crossed the Thames some little way to the westward of where London now stands, received the submission of one native tribe, and finally concluded a peace with the native leader Cassivelaunus, who gave hostages and promised tribute. The general result of ten years' fighting was to add a great province to the empire at the cost of a horrible amount of bloodshed, of the lives, as some say, of two millions of men, women, and children (for Caesar, though not positively cruel, was absolutely careless of suffering), and to leave the conqueror master of the Roman world. The coalition indeed was broken up, for Crassus had perished in the East, carrying on a foolish and unprovoked war with the Parthians, and Pompey had come to fear and hate his remaining rival. But Caesar was now strong enough to do without friends, and to crush enemies. The Senate vainly commanded him to disperse his army by a certain day, on pain of being considered an enemy of the country. He continued to advance till he came to the boundaries of Italy, a little river, whose name, the Rubicon, was then made famous forever, which separated Cisalpine Gaul from Umbria. To cross this was practically to declare

war, and even the resolute Caesar hesitated awhile. He thought his course over by himself; he even consulted his friends. He professed himself pained at the thought of the war of which his act would be the beginning, and of how posterity would judge his conduct. Then with the famous words, "The die is cast," he plunged into the stream. Pompey fled from Rome and from Italy. Caesar did not waste an hour in pursuing his success. First making Italy wholly his own, he marched into Spain, which was Pompey's stronghold, and secured it. Thence he returned to Rome, and from Rome again made his way into Macedonia, where Pompey had collected his forces. The decisive battle was fought at Pharsalia in Thessaly; for though the remnants of Pompey's party held out, the issue of the war was never doubtful after that day.

Returning to Rome (for of his proceedings in Egypt and elsewhere there is no need to speak), he used his victory with as much mercy as he had shown energy in winning it. To Cicero he showed not only nothing of malice, but the greatest courtesy and kindness. He had written to him from Egypt, telling him that he was to keep all his dignities and honors; and he had gone out of his way to arrange an interview with him, and he even condescended to enter into a friendly controversy. Cicero had written a little treatise about his friend Cato; and as Cato had been the consistent adversary of Caesar, and had killed himself rather than fall into the hands of the master of Rome, it required no little good nature in Caesar to take it in good part. He contented himself with writing an answer, to which he gave the title of *Anti-Cato*, and in which, while he showed how useless and unpractical the policy of Cato had been, he paid the highest compliments to the genius and integrity of the man. He even conferred upon Cicero the distinguished honor of a visit; which the host thus describes in a letter to Atticus. "What a formidable guest I have had! Still, I am not sorry; for all went off very well. On December 8th he came to Philippus' house in the evening. (Philippus was his brother-in-law.) The villa was so crammed with troops that there was scarcely a chamber where the great man himself could dine. I suppose there were two thousand men. I was really anxious what might happen next day. But Barba Cassius came to my help, and gave me a guard. The camp was pitched in the park; the house

was strictly guarded. On the 19th he was closeted with Philippus till one o'clock in the afternoon. No one was admitted. He was going over accounts with Balbus, I fancy. After this he took a stroll on the shore. Then came the bath. He heard the epigram to Mamurra, (a most scurrilous epigram by Catullus), and betrayed no annoyance. He dressed for dinner and sat down. As he was under a course of medicine, he ate and drank without apprehension and in the pleasantest humor. The entertainment was sumptuous and elaborate; and not only this, but well cooked and seasoned with good talk. The great man's attendants also were most abundantly entertained in three other rooms. The inferior freedmen and the slaves had nothing to complain of; the superior kind had an even elegant reception. Not to say more, I showed myself a genial host. Still he was not the kind of guest to whom we would say, 'My very dear sir, you will come again, I hope, when you are this way next time.' There was nothing of importance in our conversation, but much literary talk. What do you want to know? He was gratified and seemed pleased to be with me. He told me that he should be one day at Baiae, and another at Puteoli."

Within three months this remarkable career came to a sudden and violent end. There were some enemies whom all Caesar's clemency and kindness had not conciliated. Some hated him for private reasons of their own, some had a genuine belief that if he could be put out of the way, Rome might yet again be a free country. The people too, who had been perfectly ready to submit to the reality of power, grew suspicious of some of its outward signs. The name of King had been hateful at Rome since the last bearer of it, Tarquin the Proud, had been driven out nearly seven centuries before. There were now injudicious friends, or, it may be, judicious enemies, who were anxious that Caesar should assume it. The prophecy was quoted from the books of the Sibyl, that Rome might conquer the Parthians if she put herself under the command of a king; otherwise she must fail. On the strength of this Caesar was saluted by the title of King as he was returning one day from Alba to the Capitol. The populace made their indignation manifest, and he replied, "I am no king, only Caesar;" but it was observed that he passed on with a gloomy air. He bore himself haughtily in the Senate, not rising to acknowledge the

compliments paid to him. At the festival of the Lupercalia, as he sat looking on at the sports in a gilded chair and clad in a triumphal robe, Antony offered him a crown wreathed with bay leaves. Some applause followed; it was not general, however, but manifestly got up for the occasion. Caesar put the crown away, and the shout that followed could not be misunderstood. It was offered again, and a few applauded as before, while a second rejection drew forth the same hearty approval. His statues were found with crowns upon them. These two tribunes removed, and at the same time ordered the imprisonment of the men who had just saluted him as king. The people were delighted, but Caesar had them degraded from their office. The general dissatisfaction thus caused induced the conspirators to proceed. Warnings, some of which we may suppose to have come from those who were in the secret, were not wanting. By these he was wrought upon so much that he had resolved not to stir from his house on the day which he understood was to be fatal to him; but Decimus Brutus, who was in the plot, dissuaded him from his purpose. The scene that followed may be told once again in the words in which Plutarch describes it: "Artemidoros, of Cnidus, a teacher of Greek, who had thus come to be intimate with some of the associates of Brutus, had become acquainted to a great extent with what was in progress, and had drawn up a statement of the information which he had to give. Seeing that Caesar gave the papers presented to him to the slaves with him, he came up close and said, 'Caesar, read this alone and that quickly: it contains matters that nearly concern yourself.' Caesar took it, and would have read it, but was hindered by the crowd of persons that thronged to salute him. Keeping it in his hand, he passed into the House. In the place to which the Senate had been summoned stood a statue of Pompey. Cassius is said to have looked at it and silently invoked the dead man's help, and this though he was inclined to the skeptical tenets of Epicurus. Meanwhile Antony, who was firmly attached to Caesar and a man of great strength, was purposely kept in conversation outside the senate-house by Decimus Brutus. As Caesar entered, the Senate rose to greet him. Some of the associates of Brutus stood behind his chair; others approached him in front, seemingly joining their entreaties to those which Cimber Tullius was addressing to him on

behalf of his brother. He sat down and rejected the petition with a gesture of disapproval at their urgency. Tullius then seized his toga with both hands and dragged it from his neck. This was the signal for attack. Casca struck him first on the neck. The wound was not fatal, nor even serious, so agitated was the striker at dealing the first blow in so terrible a deed. Caesar turned upon him, seized the dagger, and held it fast, crying at the same time in Latin, 'Casca, thou villain, what art thou about?' while Casca cried in Greek to his brother, 'Brother, help!' Those senators who were not privy to the plot were overcome with horror. They could neither cry nor help: they dared not even speak. The conspirators were standing round Caesar each with a drawn sword in his hand; whithersoever he turned his eyes he saw a weapon ready to strike, and he struggled like a wild beast among the hunters. They had agreed that every one should take a part in the murder, and Brutus, friend as he was, could not hold back. The rest, some say, he struggled with, throwing himself hither and thither, and crying aloud; but as soon as he saw Brutus with a drawn sword in his hand, he wrapped his head in his toga and ceased to resist, falling, whether by chance or by compulsion from the assassins, at the pedestal of Pompey's statue. He is said to have received three-and-twenty wounds. Many of his assailants struck each other as they aimed repeated blows at his body." His funeral was a remarkable proof of his popularity. The pit in which the body was to be burned was erected in the Field of Mars. In the Forum was erected a gilded model of the temple of Mother Venus. (Caesar claimed descent through Aeneas from this goddess.) Within this shrine was a couch of ivory, with coverlets of gold and purple, and at its head a trophy with the robe which he had worn when he was assassinated. High officers of state, past and present, carried the couch into the Forum. Some had the idea of burning it in the chapel of Jupiter in the Capitol, some in Pompey's Hall (where he was killed). Of a sudden two men, wearing swords at their side, and each carrying two javelins, came forward and set light to it with waxen torches which they held in their hands. The crowd of bystanders hastily piled up a heap of dry brush-wood, throwing on it the hustings, the benches, and any thing that had been brought as a present. The flute players and actors threw off the triumphal robes in which they were clad, rent

them, and threw them upon the flames, and the veterans added the decorations with which they had come to attend the funeral, while mothers threw in the ornaments of their children.

The doors of the building in which the murder was perpetrated were blocked up so that it never could be entered again. The day (the 15th of March) was declared to be accursed. No public business was ever to be done upon it.

These proceedings probably represented the popular feeling about the deed, for Caesar, in addition to the genius which every one must have recognized, had just the qualities which make men popular. He had no scruples, but then he had no meannesses. He incurred enormous debts with but a faint chance of paying them — no chance, we may say, except by the robbery of others. He laid his hands upon what he wanted, taking for instance three thousand pounds weight of gold from the treasury of the Capitol and leaving gilded brass in its stead; and he plundered the unhappy Gauls without remorse. But then he was as free in giving as he was unscrupulous in taking. He had the personal courage, too, which is one of the most attractive of all qualities. Again and again in battle he turned defeat into victory. He would lay hold of the fugitives as they ran, seize them by the throat, and get them by main force face to face with the foe. Crossing the Hellespont after the battle of Pharsalia in a small boat, he met two of the enemy's ships. Without hesitation he discovered himself, called upon them to surrender, and was obeyed. At Alexandria he was surprised by a sudden sally of the besieged, and had to leap into the harbor. He swam two hundred paces to the nearest ship, lifting a manuscript in his left hand to keep it out of the water, and holding his military cloak in his teeth, for he would not have the enemy boast of securing any spoil from his person.

He allowed nothing to stand in his way. If it suited his policy to massacre a whole tribe, men, women, and children, he gave the order without hesitation, just as he recorded it afterwards in his history without a trace of remorse or regret. If a rival stood in his way he had him removed, and was quite indifferent as to how the removal was effected. But his object gained, or wherever there was no object in question, he could be the kindest and gentlest of men. A friend with whom he was traveling was seized with sudden illness. Caesar gave

up at once to him the only chamber in the little inn, and himself spent the night in the open air. His enemies he pardoned with singular facility, and would even make the first advances. Political rivals, once rendered harmless, were admitted to his friendship, and even promoted to honor; writers who had assailed him with the coarsest abuse he invited to his table.

Of the outward man this picture has reached us: “He is said to have been remarkably tall, with a light complexion and well-shaped limbs. His face was a little too full; his eyes black and brilliant. His health was excellent, but towards the latter end of his life he was subject to fainting fits and to frightful dreams at night. On two occasions also, when some public business was being transacted, he had epileptic fits. He was very careful of his personal appearance, had his hair and beard scrupulously cut and shaven. He was excessively annoyed at the disfigurement of baldness, which he found was made the subject of many lampoons. It had become his habit, therefore, to bring up his scanty locks over his head; and of all the honors decreed to him by the Senate and people, none was more welcome to him than that which gave him the right of continually wearing a garland of bay.”

He was wonderfully skillful in the use of arms, an excellent swimmer, and extraordinarily hardy. On the march he would sometimes ride, but more commonly walk, keeping his head uncovered both in rain and sunshine. He traveled with marvelous expedition, traversing a hundred miles in a day for several days together; if he came to a river he would swim it, or sometimes cross it on bladders. Thus he would often anticipate his own messengers. For all this he had a keen appreciation of pleasure, and was costly and even luxurious in his personal habits. He is said, for instance, to have carried with him a tesselated pavement to be laid down in his tent throughout his campaign in Gaul.

CHAPTER IX. POMPEY.

At an age when Caesar was still idling away his time, Pompey had achieved honors such as the veteran generals of Rome were accustomed to regard as the highest to which they could aspire. He had only just left, if indeed he had left, school, when his father took him to serve under him in the war against the Italian allies of Rome. He was not more than nineteen when he distinguished himself by behaving in circumstances of great difficulty and danger with extraordinary prudence and courage. The elder Pompey, Strabo "the squint-eyed," as his contemporaries called him, after their strange fashion of giving nicknames from personal defects, and as he was content to call himself, was an able general, but hated for his cruelty and avarice. The leaders of the opposite faction saw an opportunity of getting rid of a dangerous enemy and of bringing over to their own side the forces which he commanded. Their plan was to assassinate the son as he slept, to burn the father in his tent, and at the same time to stir up a mutiny among the troops. The secret, however, was not kept. A letter describing the plot was brought to the young Pompey as he sat at dinner with the ringleader. The lad showed no sign of disturbance, but drank more freely than usual, and pledged his false friend with especial heartiness. He then rose, and after putting an extra guard on his father's tent, composed himself to sleep, but not in his bed. The assassins stabbed the coverlet with repeated blows, and then ran to rouse the soldiers to revolt. The camp was immediately in an uproar, and the elder Pompey, though he had been preserved by his son's precautions, dared not attempt to quell it. The younger man was equal to the occasion. Throwing himself on his face in front of the gate of the camp, he declared that if his comrades were determined to desert to the enemy, they must pass over his dead body. His entreaties prevailed, and a reconciliation was effected between the general and his troops.

Not many weeks after this incident the father died, struck, it was said, by lightning, and Pompey became his own master. It was not long before he found an opportunity of gaining still higher distinction. The civil war still continued to rage, and few did better

service to the party of the aristocrats than Pompey. Others were content to seek their personal safety in Sulla's camp; Pompey was resolved himself to do something for the cause. He made his way to Picenum, where his family estates we e situated and where his own influence was great, and raised three legions (nearly twenty thousand men), with all their commissariat and transport complete, and hurried to the assistance of Sulla. Three of the hostile generals sought to intercept him. He fell with his whole force on one of them, and crushed him, carrying off, besides his victory, the personal distinction of having slain in single combat the champion of the opposing force. The towns by which he passed eagerly hailed him as their deliverer. A second commander who ventured to encounter him found himself deserted by his army and was barely able to escape; a third was totally routed. Sulla received his young partisan, who was not more than twenty-three years of age, with distinguished honors, even rising from his seat and uncovering at his approach.

During the next two years his reputation continued to increase. He won victories in Gaul, in Sicily, and in Africa. As he was returning to Rome after the last of these campaigns, the great Dictator himself headed the crowd that went forth to meet him, and saluted him as Pompey the Great, a title which he continued to use as his family name. But there was a further honor which the young general was anxious to obtain, but Sulla was unwilling to grant, the supreme glory of a triumph. "No one," he said, "who was not or had not been consul, or at least praetor, could triumph. The first of the Scipios, who had won Spain from the Carthaginians, had not asked for this honor because he wanted this qualification. Was it to be given to a beardless youth, too young even to sit in the Senate?" But the beardless youth insisted. He even had the audacity to hint that the future belonged not to Sulla but to himself. "More men," he said, "worship the rising than the setting sun." Sulla did not happen to catch the words, but he saw the emotion they aroused in the assembly, and asked that they should be repeated to him. His astonishment permitted him to say nothing more than "Let him triumph! Let him triumph." And triumph he did, to the disgust of his older rivals, whom he intended, but that the streets were not broad enough to allow of the display, still further to affront by harnessing

elephants instead of horses to his chariot.

[Footnote 5: *Pompeius* was the name of his house (*gens). Strabo* had been the name of his family (*familia*). This he seems to have disused, assuming *Magnus* in its stead.]

Two years afterwards he met an antagonist more formidable than any he had yet encountered. Sertorius, the champion at once of the party of the people and of the native tribes of Spain, was holding out against the government of Rome. The veteran leader professed a great contempt for his young adversary, "I should whip the boy," he said, "if I were not afraid of the old woman" (meaning Pompey's colleague). But he took good care not to underrate him in practice, and put forth all his skill in dealing with him. Pompey's first campaign against him was disastrous; the successes of the second were checkered by some serious defeats. For five years the struggle continued, and seemed little likely to come to an end, when Sertorius was assassinated by his second in command, Perpenna. Perpenna was unable to wield the power which he had thus acquired, and was defeated and taken prisoner by Pompey. He endeavored to save his life by producing the correspondence of Sertorius. This implicated some of the most distinguished men in Rome, who had held secret communications with the rebel leader and had even invited him over into Italy. With admirable wisdom Pompey, while he ordered the instant execution of the traitor, burned the letters unread.

Returning to Italy he was followed by his usual good fortune. That country had been suffering cruelly from a revolt of the slaves, which the Roman generals had been strangely slow in suppressing. Roused to activity by the tidings of Pompey's approach, Crassus, who was in supreme command, attacked and defeated the insurgent army. A considerable body, however, contrived to escape, and it was this with which Pompey happened to fall in, and which he completely destroyed. "Crassus defeated the enemy," he was thus enabled to boast, "but I pulled up the war by the roots." No honors were too great for a man at once so skillful and so fortunate (for the Romans had always a great belief in a general's good fortune). On the 31st of December, B.C. 71, being still a simple gentleman — that is, having held no civil office in the State — he triumphed for the second time, and on the following day, being then some years below

the legal age, and having held none of the offices by which it was usual to mount to the highest dignity in the commonwealth, he entered on his first consul ship, Crassus being his colleague.

Still he had not yet reached the height of his glory. During the years that followed his consulship, the pirates who infested the Mediterranean had become intolerable. Issuing, not as was the case in after times, from the harbors of Northern Africa, but from fastnesses in the southern coast of Asia Minor, they plundered the more civilized regions of the West, and made it highly dangerous to traverse the seas either for pleasure or for gain. It was impossible to transport the armies of Rome to the provinces except in the winter, when the pirates had retired to their strongholds. Even Italy itself was not safe. The harbor of Caieta with its shipping, was burned under the very eye of the praetor. From Misenum the pirates carried off the children of the admiral who had the year before led an expedition against them. They even ventured not only to blockade Ostia, the harbor of Rome, and almost within sight of the city, but to capture the fleet that was stationed there. They were especially insulting to Roman citizens. If a prisoner claimed to be such — and the claim generally insured protection — they would pretend the greatest penitence and alarm, falling on their knees before him, and entreating his pardon. Then they would put shoes on his feet, and robe him in a citizen's garb. Such a mistake, they would say, must not happen again. The end of their jest was to make him "walk the plank," and with the sarcastic permission to depart unharmed, they let down a ladder into the sea, and compelled him to descend, under penalty of being still more summarily thrown overboard. Men's eyes began to be turned on Pompey, as the leader who had been prosperous in all his undertakings. In 67 B.C. a law was proposed appointing a commander (who, however, was not named), who should have absolute power for three years over the sea as far as the Pillars of Hercules (the Straits of Gibraltar), and the coast for fifty miles inland, and who should be furnished with two hundred ships, as many soldiers and sailors as he wanted, and more than a million pounds in money. The nobles were furious in their opposition, and prepared to prevent by force the passing of this law. The proposer narrowly escaped with his life, and Pompey himself was threatened.

“If you will be another Romulus, like Romulus you shall die” (one form of the legend of Rome’s first king represented him as having been torn to pieces by the senators.) But all resistance was unavailing. The new command was created, and of course bestowed upon Pompey. The price of corn, which had risen to a famine height in Rome, fell immediately the appointment was made. The result, indeed, amply justified the choice. The new general made short work of the task that had been set him. Not satisfied with the force put under his command, he collected five hundred ships and one hundred and twenty thousand men. With these he swept the pirates from the seas and stormed their strongholds, and all in less than three months. Twenty thousand prisoners fell into his hands. With unusual humanity he spared their lives, and thinking that man was the creature of circumstances, determined to change their manner of life. They were to be removed from the sea, should cease to be sailors, and become farmers. It is possible that the old man of Corycus, whose skill in gardening Virgil celebrates in one of his Georgics, was one of the pirates whom the judicious mercy of Pompey changed into a useful citizen.

A still greater success remained to be won. For more than twenty years war, occasionally intercepted by periods of doubtful peace, had been carried on between Rome and Mithridates, king of Pontus. This prince, though reduced more than once to the greatest extremities, had contrived with extraordinary skill and courage to retrieve his fortunes, and now in 67 B.C. was in possession of the greater part of his original dominion. Lucullus, a general of the greatest ability, was in command of the forces of Rome, but he had lost the confidence of his troops, and affairs were at a standstill. Pompey’s friends proposed that the supreme command should be transferred to him, and the law, which Cicero supported in what is perhaps the most perfect of his political speeches, was passed. Pompey at once proceeded to the East. For four years Mithridates held out, but with little hope of ultimate success or even of escape. In 64, after vainly attempting to poison himself, such was the power of the antidotes by which he had fortified himself against domestic treachery (for so the story runs), he perished by the sword of one of his mercenaries. For two years more Pompey was busied in settling the affairs of the East. At last, in 61,

he returned to Rome to enjoy a third triumph, and that the most splendid which the city had ever witnessed. It lasted for two days, but still the time was too short for the display of the spoils of victory. The names of no less than fifteen conquered nations were carried in procession. A thousand forts, nine hundred cities, had been taken, and the chief of them were presented by means of pictures to the eyes of the people. The revenue of the State had been almost doubled by these conquests. Ninety thousand talents in gold and silver coin were paid into the treasury, nor was this at the expense of the soldiers, whose prize money was so large that the smallest share amounted to fifty pounds. Never before was such a sight seen in the world, and if Pompey had died when it was finished, he would have been proclaimed the most fortunate of mankind.

[Footnote 6: The Pro Lege Manilia. The law was proposed by one Manilius, a tribune of the people.]

Certainly he was never so great again as he was that day. When with Caesar and Crassus he divided all the power of the State, he was only the second, and by far the second, of the three. His influence, his prestige, his popularity declined year by year. The good fortune which had followed him without ceasing from his earliest years now seemed to desert him. Even the shows, the most magnificent ever seen in the city, with which he entertained the people at the dedication of his theater (built at his own expense for the public benefit) were not wholly a success. Here is a letter of Cicero about them to his friend Marius; interesting as giving both a description of the scene and as an account of the writer's own feelings about it. "If it was some bodily pain or weakness of health that kept you from coming to the games, I must attribute your absence to fortune rather than to a judicious choice. But if you thought the things which most men admire contemptible, and so, though health permitted, would not come, then I am doubly glad; glad both that you were free from illness and that you were so vigorous in mind as to despise the sights which others so unreasonably admire…. Generally the shows were most splendid, but not to your taste, if I may judge of yours by my own. First, the veteran actors who for their own honor had retired from the stage, returned to it to do honor to Pompey. Your favorite, my dear friend Aesopus, acquitted himself so poorly as to make us

all feel that he had best retire. When he came to the oath —

'And if of purpose set I break my faith,'

his voice failed him. What need to tell you more? You know all about the other shows; they had not even the charm which moderate shows commonly have. The ostentation with which they were furnished forth took away all their gayety. What charm is there in having six hundred mules in the *Clytemnestra* or three thousand supernumeraries in the *Trojan Horse,* or cavalry and infantry in foreign equipment in some battle-piece. The populace admired all this; but it would have given you no kind of pleasure. After this came a sort of wild-beast fights, lasting for five days. They were splendid: no man denies it. But what man of culture can feel any pleasure when some poor fellow is torn in pieces by some powerful animal, or when some noble animal is run through with a hunting spear. If these things are worth seeing, you have seen them before. And I, who was actually present, saw nothing new. The last day was given up to the elephants. Great was the astonishment of the crowd at the sight; but of pleasure there was nothing. Nay, there was some feeling of compassion, some sense that this animal has a certain kinship with man." The elder Pliny tells us that two hundred lions were killed on this occasion, and that the pity felt for the elephants rose to the height of absolute rage. So lamentable was the spectacle of their despair, so pitifully did they implore the mercy of the audience, "that the whole multitude rose in tears and called down upon Pompey the curses which soon descended on him."

And then Pompey's young wife, Julia, Caesar's daughter, died. She had been a bond of union between the two men, and the hope of peace was sensibly lessened by her loss. Perhaps the first rupture would have come any how; when it did come it found Pompey quite unprepared for the conflict. He seemed indeed to be a match for his rival, but his strength collapsed almost at a touch. "I have but to stamp with my foot," he said on one occasion, "and soldiers will spring up;" yet when Caesar declared war by crossing the Rubicon, he fled without a struggle. In little more than a year and a half all was over. The battle of Pharsalia was fought on the 9th of August, and on September the 29th the man who had triumphed over three continents lay a naked, headless corpse on the shore of Egypt.

CHAPTER X. EXILE.

The suppression of the "Great Conspiracy" was certainly the most glorious achievement of Cicero's life. Honors such as had never before been bestowed on a citizen of Rome were heaped upon him. Men of the highest rank spoke of him both in the Senate and before the people as the "Father of his fatherland." A public thanksgiving, such as was ordered when great victories had been won, was offered in his name. Italy was even more enthusiastic than the capital. The chief towns voted him such honors as they could bestow; Capua in particular erected to him a gilded statue, and gave him the title of Patron of the city.

Still there were signs of trouble in the future. It was the duty of the consul on quitting office to swear that he had discharged his duty with fidelity, and it was usual for him at the same time to make a speech in which he narrated the events of his consulship. Cicero was preparing to speak when one of the new tribunes intervened. "A man," he cried, "who has put citizens to death without hearing them in their defense is not worthy to speak. He must do nothing more than take the oath." Cicero was ready with his answer. Raising his voice he said, "I swear that I, and I alone, have saved this commonwealth and this city." The assembly shouted their approval; and when the ceremony was concluded the whole multitude escorted the ex-consul to his house. The time was not come for his enemies to attack him; but that he had enemies was manifest.

With one dangerous man he had the misfortune to come into collision in the year that followed his consulship. This was the Clodius of whom we have heard something in the preceding chapter. The two men had hitherto been on fairly good terms. Clodius, as we have seen, belonged to one of the noblest families in Rome, was a man of some ability and wit, and could make himself agreeable when he was pleased to do so. But events for which Cicero was not in the least to blame brought about a life-long enmity between them. Toward the close of the year Clodius had been guilty of an act of scandalous impiety, intruding himself, disguised as a woman, into some peculiarly sacred rites which the matrons of Rome were

accustomed to perform in honor of the "Good Goddess." He had powerful friends, and an attempt was made to screen him, which Cicero, who was genuinely indignant at the fellow's wickedness, seems to have resisted. In the end he was put upon his trial, though it was before a jury which had been specially packed for the occasion. His defense was an *alibi*, an attempt, that is, to prove that he was elsewhere on the night when he was alleged to have misconducted himself at Rome. He brought forward witnesses who swore that they had seen him at the very time at Interamna, a town in Umbria, and a place which was distant at least two days' journey from Rome. To rebut this evidence Cicero was brought forward by the prosecution. As he stepped forward the partisans of the accused set up a howl of disapproval. But the jury paid him the high compliment of rising from their seats, and the uproar ceased. He deposed that Clodius had been at his house on the morning of the day in question.

Clodius was acquitted. If evidence had any thing to do with the result, it was the conduct of Caesar that saved him. It was in his house that the alleged intrusion had taken place, and he had satisfied himself by a private examination of its inmates that the charge was true. But now he professed to know nothing at all about the matter. Probably the really potent influence in the case was the money which Crassus liberally distributed among the jurors. The fact of the money was indeed notorious. Some of the jury had pretended that they were in fear of their lives, and had asked for a guard. "A guard!" said Catulus, to one of them, "what did you want a guard for? that the money should not be taken from you?"

But Clodius, though he had escaped, never forgave the man whose evidence had been given against him. Cicero too felt that there as war to the knife between them. On the first meeting of the Senate after the conclusion of the trial he made a pointed attack upon his old acquaintance. "Lentulus," he said, "was twice acquitted, and Catiline twice, and now this third malefactor has been let loose on the commonwealth by his judges. But, Clodius, do not misunderstand what has happened. It is for the prison, not for the city, that your judges have kept you; not to keep you in the country, but to deprive you of the privilege of exile was what they intended. Be of good cheer, then, Fathers. No new evil has come upon us, but we have

found out the evil that exists. One villain has been put upon his trial, and the result has taught us that there are more villains than one."

Clodius attempted to banter his antagonist. "You are a fine gentleman," he said; "you have been at Baiae" (Baiae was a fashionable watering-place on the Campanian coast). "Well," said Cicero, "that is better than to have been at the 'matrons' worship.'" And the attack and repartee went on. "You have bought a fine house." (Cicero had spent a large sum of money on a house on the Palatine, and was known to have somewhat crippled his means by doing so.) "With you the buying has been of jurymen." "They gave you no credit though you spoke on oath." "Yes; five-and-twenty gave me credit" (five-and-twenty of the jury had voted for a verdict of guilty; two-and-thirty for acquittal), "but your thirty-two gave you none, for they would have their money down." The Senate shouted applause, and Clodius sat down silent and confounded.

How Clodius contrived to secure for himself the office of tribune, the vantage ground from which he hoped to work his revenge, has been already told in the sketch of Caesar. Caesar indeed was really responsible for all that was done. It was he who made it possible for Clodius to act; and he allowed him "to act when he could have stopped him by the lifting of his finger. He was determined to prove to Cicero that he was master. But he never showed himself after the first interference in the matter of the adoption. He simply allowed Clodius to work his will without hindrance.

Clodius proceeded with considerable skill. He proposed various laws, which were so popular that Cicero, though knowing that they would be turned against himself, did not venture to oppose them. Then came a proposal directly leveled at him. "Any man who shall have put to death a Roman citizen uncondemned and without a trial is forbidden fire and water." (This was the form of a sentence of exile. No one was allowed under penalty of death to furnish the condemned with fire and water within a certain distance of Rome.) Cicero at once assumed the squalid dress with which it was the custom for accused persons to endeavor to arouse the compassion of their fellow-citizens. Twenty thousand of the upper classes supported him by their presence. The Senate itself, on the motion of one of the tribunes, went into this strange kind of mourning on his account.

The consuls of the year were Gabinus and Piso. The first was notoriously hostile, of the second Cicero hoped to make a friend, the more so as he was a kinsman of his daughter's husband. He gives a lively picture of an interview with him. "It was nearly eleven o'clock in the morning when we went to him. He came out of a dirty hovel to meet us, with his slippers on, and his head muffled up. His breath smelt most odiously of wine; but he excused himself on the score of his health, which compelled him, he said, to use medicines in which wine was employed." His answer to the petition of his visitors (for Cicero was accompanied by his son-in-law) was at least commendably frank. "My colleague Gabinius is in absolute poverty, and does not know where to turn. Without a province he must be ruined. A province he hopes to get by the help of Clodius, but it must be by my acting with him. I must humor his wishes, just as you, Cicero, humored your colleague when you were consul. But indeed there is no reason why you should seek the consul's protection. Every one must look out for himself."

In default of the consuls there was still some hope that Pompey might be induced to interfere, and Cicero sought an interview with him. Plutarch says that he slipped out by a back door to avoid seeing him; but Cicero's own account is that the interview was granted. "When I threw myself at his feet" (he means I suppose, humiliated himself by asking such a favor), "he could not lift me from the ground. He could do nothing, he said, against the will of Caesar."

Cicero had now to choose between two courses. He might stay and do his best with the help of his friends, to resist the passing of the law. But this would have ended, it was well known, in something like an open battle in the streets of Rome. Clodius and his partisans were ready to carry their proposal by force of arms, and would yield to nothing but superior strength. It was possible, even probable, that in such a conflict Cicero would be victorious. But he shrank from the trial, not from cowardice, for he had courage enough when occasion demanded, not even from unwillingness to risk the lives of his friends, though this weighed somewhat with him, but chiefly because he hated to confess that freedom was becoming impossible in Rome, and that the strong hand of a master was wanted to give any kind of security to life and property. The other course was to anticipate the

sentence and to go into voluntary exile. This was the course which his most powerful friends pressed upon him, and this was the course which he chose. He left Rome, intending to go to Sicily, where he knew that he should find the heartiest of welcomes.

Immediately on his departure Clodius formally proposed his banishment. “Let it be enacted,” so ran the proposition, “that, seeing that Marcus Tullius Cicero has put Roman citizens to death without trial, forging thereto the authority of the Senate, that he be forbidden fire and water; that no one harbor or receive him on pain of death; and that whosoever shall move, shall vote, or take any steps for the recalling of him, be dealt with as a public enemy.” The bill was passed, the distance within which it was to operate being fixed at four hundred miles. The houses of the banished man were razed to the ground, the site of the mansion on the. Palatine, being dedicated to Liberty. His property was partly plundered, partly sold by auction.

Cicero meanwhile had hurried to the south of Italy. He found shelter for a while at the farm of a friend near Vibo in Brutii (now the Abruzzi), but found it necessary to leave this place because it was within the prescribed limits. Sicily was forbidden to him by its governor, who, though a personal friend, was unwilling to displease the party in power. Athens, which for many reasons he would have liked to choose for his place of exile, was unsafe. He had bitter enemies there, men who had been mixed up in Catiline’s conspiracy. The place, too, was within the distance, and though this was not very strictly insisted upon — as a matter of fact, he did spend the greater part of his banishment inside the prescribed limit — it might at any moment be made a means of annoyance. Atticus invited him to take up his residence at his seat at Buthrotum in Epirus (now Albania). But the proposal did not commend itself to his taste. It was out of the way, and would be very dreary without the presence of its master, who was still at Rome, and apparently intended to remain there. After staying for about a fortnight at a friend’s house near Dyrrachium — the town itself, where he was once very popular, for fear of bringing some trouble upon it, he refused to enter — he crossed over to Greece, and ultimately settled himself at Thessalonica.

Long afterward he tells us of a singular dream which seems to

have given him some little comfort at this time. “I had lain awake for the greater part of the night, but fell into a heavy slumber toward morning. I was at the point of starting, but my host would not allow me to be waked. At seven o’clock, however, I rose, and then told my friend this dream. I seemed to myself to be wandering disconsolately in some lonely place when the great Marius met me. His lictors were with him, their *fasces* wreathed with bays. ‘Why are you so sad?’ he asked me. ‘I have been wrongly banished from my country,’ I answered. He then took my hand, and turning to the nearest lictor, bade him lead me to his own Memorial Hall. ‘There,’ he said, ‘you will be safe.’” His friend declared that this dream portended a speedy and honorable return. Curiously enough it was in the Hall of Marius that the decree repealing the sentence of banishment was actually proposed and passed.

For the most part he was miserably unhappy and depressed. In letter after letter he poured out to Atticus his fears, his complaints, and his wants. Why had he listened to the bad advice of his friends? He had wished to stay at Rome and fight out the quarrel. Why had Hortensius advised him to retire from the struggle? It must have been jealousy, jealousy of one whom he knew to be a more successful advocate than himself. Why had Atticus hindered his purposes when he thought of putting an end to all his trouble by killing himself? Why were all his friends, why was Atticus himself, so lukewarm in his cause? In one letter he artfully reproaches himself for his neglect of his friends in times past as the cause of their present indifference. But the reproach is of course really leveled at them.

“If ever,” he writes in one letter, “fortune shall restore me to my country and to you, I will certainly take care that of all my friends; none shall be more rejoiced than you. All my duty to you, a duty which I must own in time past was sadly wanting, shall be so faithfully discharged that you will feel that I have been restored to you quite as much as I shall have been restored to my brother and to my children. For whatever I have wronged you, and indeed because I have wronged you, pardon me; for I have wronged myself far worse. I do not write this as not knowing that you feel the very greatest trouble on my account; but if you were and had been under the obligation to love me, as much as you actually do love me and have

loved me, you never would have allowed me to lack the wise advice which you have so abundantly at your command." This is perhaps a little obscure, as it is certainly somewhat subtle; but Cicero means that Atticus had not interested himself in his affairs as much as he would have felt bound to do, if he (Cicero) had been less remiss in the duties of friendship.

To another correspondent, his wife Terentia, he poured out his heart yet more freely. "Don't think," he writes in one of his letters to her, "that I write longer letters to others than to you, except indeed I have received some long communication which I feel I must answer. Indeed I have nothing to write; and in these days I find it the most difficult of duties. Writing to you and to my dearest Tullia I never can do without floods of tears. I see you are utterly miserable, and I wanted you to be completely happy. I might have made you so. I could have made you had I been less timid…. My heart's delight, my deepest regret is to think that you, to whom all used to look for help, should now be involved in such sorrow, such distress! and that I should be to blame, I who saved others only to ruin myself and mine!… As for expenditure, let others, who can if they will, undertake it. And if you love me, don't distress your health, which is already, I know, feeble. All night, all day I think of you. I see that you are undertaking all imaginable labors on my behalf; I only fear that you will not be able to endure them. I am aware that all depends upon you. If we are to succeed in what you wish and are now trying to compass, take care of your health." In another he writes: "Unhappy that I am! to think that one so virtuous, so loyal, so honest, so kind, should be so afflicted, and all on my account. And my dearest Tullia, too, that she should be so unhappy about a father in whom she once found so much happiness. And what shall I say about my dear little Cicero? That he should feel the bitterest sorrow and trouble as soon as he began to feel any thing! If all this was really, as you write, the work of fate, I could endure it a little more easily; but it was all brought about by my fault, thinking that I was loved by men who really were jealous of me, and keeping aloof from others who were really on my side."

This is, perhaps, a good opportunity of saying something about the lady herself. Who she was we do not certainly know. There was a

family of the name in Rome, the most notable of whom perhaps was the Terentius Varro whose rashness brought upon his country the terrible disaster of the defeat of Cannae. She had a half-sister, probably older than herself, of the name of Fabia, who was a vestal virgin. She brought her husband, to whom she was married about 78 B.C., a fair dowry, about three thousand five hundred pounds. We have seen how affectionately Cicero writes to her during his exile. She is his darling, his only hope; the mere thought of her makes his eyes overflow with tears. And she seems to have deserved all his praise and affection, exerting herself to the utmost to help him, and ready to impoverish herself to find him the means that he needed. Four letters of this period have been preserved. There are twenty others belonging to the years 50-47 B.C. The earlier of these are sufficiently affectionate. When he is about to return to Rome from his province (Cilicia), she is still the most amiable, the dearest of women. Then we begin to see signs of coolness, yet nothing that would strike us did we not know what was afterwards to happen. He excuses the rarity of his letters. There is no one by whom to send them. If there were, he was willing to write. The greetings became formal, the superlatives "dearest," "fondest," "best," are dropped. "You are glad," he writes after the battle of Pharsalia had dashed his hopes, "that I have got back safe to Italy; I hope that you may continue to be glad." "Don't think of coming," he goes on, "it is a long journey and not very safe; and I don't see what good you would do if you should come." In another letter he gives directions about getting ready his house at Tusculum for the reception of guests. The letter is dated on the first of October, and he and his friends would come probably to stay several days, on the seventh. If there was not a tub in the bath-room, one must be provided. The greeting is of the briefest and most formal. Meanwhile we know from what he writes to Atticus that he was greatly dissatisfied with the lady's conduct. Money matters were at the bottom of their quarrel. She was careless, he thinks, and extravagant. Though he was a rich man, yet he was often in need of ready money, and Terentia could not be relied upon to help him. His vexation takes form in a letter to Atticus. "As to Terentia — there are other things without number of which I don't speak — what can be worse than this? You wrote to her to send me

bills for one hundred and eight pounds; for there was so much money left in hand. She sent me just ninety pounds, and added a note that this was all. If she was capable of abstracting such a trifle from so small a sum, don't you see what she would have done in matters of real importance?" The quarrel ended in a divorce, a thing far more common than, happily, it is among ourselves, but still a painful and discreditable end to an union which had lasted for more than five-and-twenty years. Terentia long survived her husband, dying in extreme old age (as much, it was said, as a hundred and three years), far on in the reign of Augustus; and after a considerable experience of matrimony, if it be true that she married three or even, according to some accounts, four other husbands.

[Footnote 7: Another of the same name was an eminent man of letters of
Cicero's own time.]

Terentia's daughter, Tullia, had a short and unhappy life. She was born, it would seem, about 79 B.C., and married when fifteen or sixteen to a young Roman noble, Piso Frugi by name. "The best, the most loyal of men," Cicero calls him. He died in 57 B.C., and Rome lost, if his father-in-law's praises of him may be trusted, an orator of the very highest promise. "I never knew any one who surpassed my son-in-law, Piso, in zeal, in industry, and, I may fairly say, in ability." The next year she married a certain Crassipes, a very shadowy person indeed. We know nothing of what manner of man he was, or what became of him. But in 50 B.C. Tullia was free to marry again. Her third venture was of her own or her mother's contriving. Her father was at his government in Cilicia, and he hears of the affair with surprise. "Believe me," he writes to Atticus, "nothing could have been less expected by me. Tiberius Nero had made proposals to me, and I had sent friends to discuss the matter with the ladies. But when they got to Rome the betrothal had taken place. This, I hope, will be a better match. I fancy the ladies were very much pleased with the young gentleman's complaisance and courtesy, but do not look for the thorns." The "thorns," however, were there. A friend who kept Cicero acquainted with the news of Rome, told him as

much, though he wraps up his meaning in the usual polite phrases. “I congratulate you,” he writes, “on your alliance with one who is, I really believe, a worthy fellow. I do indeed think this of him. If there have been some things in which he has not done justice to himself, these are now past and gone; any traces that may be left will soon, I am sure, disappear, thanks to your good influence and to his respect for Tullia. He is not offensive in his errors, and does not seem slow to appreciate better things.” Tullia, however, was not more successful than other wives in reforming her husband. Her marriage seems to have been unhappy almost from the beginning. It was brought to an end by a divorce after about three years. Shortly afterward Tullia, who could have been little more than thirty, died, to the inconsolable grief of her father. “My grief,” he writes to Atticus, “passes all consolation. Yet I have done what certainly no one ever did before, written a treatise for my own consolation. (I will send you the book if the copyists have finished it.) And indeed there is nothing like it. I write day after day, and all day long; not that I can get any good from it, but it occupies me a little, not much indeed; the violence of my grief is too much for me. Still I am soothed, and do my best to compose, not my feelings, indeed, but, if I can, my face.” And again: “Next to your company nothing is more agreeable to me than solitude. Then all my converse is with books; yet this is interrupted by tears; these I resist as well as I can; but at present I fail.” At one time he thought of finding comfort in unusual honors to the dead. He would build a shrine of which Tullia should be the deity. “I am determined,” he writes, “on building the shrine. From this purpose I cannot be turned … Unless the building be finished this summer, I shall hold myself guilty.” He fixes upon a design. He begs Atticus, in one of his letters, to buy some columns of marble of Chios for the building. He discusses the question of the site. Some gardens near Rome strike him as a convenient place. It must be conveniently near if it is to attract worshipers. “I would sooner sell or mortgage, or live on little, than be disappointed.” Then he thought that he would build it on the grounds of his villa. In the end he did not build it at all. Perhaps the best memorial of Tullia is the beautiful letter in which one of Cicero’s friends seeks to console him for his loss. “She had lived,” he says, “as long as life was worth living, as

long as the republic stood." One passage, though it has often been quoted before, I must give. "I wish to tell you of something which brought me no small consolation, hoping that it may also somewhat diminish your sorrow. On my way back from Asia, as I was sailing from Aeigina to Megara, I began to contemplate the places that lay around me. Behind me was Aegina, before me Megara; on my right hand the Piraeus, on my left hand Corinth; towns all of them that were once at the very height of prosperity, but now lie ruined and desolate before our eyes. I began thus to reflect: 'Strange! do we, poor creatures of a day, bear it ill if one of us perish of disease, or are slain with the sword, we whose life is bound to be short, while the dead bodies of so many lie here inclosed within so small a compass?"

But I am anticipating. When Cicero was in exile the republic had yet some years to live; and there were hopes that it might survive altogether. The exile's prospects, too, began to brighten. Caesar had reached for the present the height of his ambition, and was busy with his province of Gaul. Pompey had quarreled with Clodius, whom he found to be utterly unmanageable. And Cicero's friend, one Milo, of whom I shall have to say more hereafter, being the most active of them all, never ceased to agitate for his recall. It would be tedious to recall all the vicissitudes of the struggle. As early as May the Senate passed a resolution repealing the decree of banishment, the news of it having caused an outburst of joy in the city. Accius' drama of "Telamon" was being acted at the time, and the audience applauded each senator as he entered the Senate, and rose from their places to greet the consul as he came in. But the enthusiasm rose to its height when the actor who was playing the part of Telamon (whose banishment from his country formed part of the action of the drama) declaimed with significant emphasis the following lines —

What! he — the man who still with steadfast heart
Strove for his country, who in perilous days
Spared neither life nor fortune, and bestowed
Most help when most she needed; who surpassed
In wit all other men. Father of Gods,
His house — yea, *his*! — I saw devoured by fire;

And ye, ungrateful, foolish, without thought
Of all wherein he served you, could endure
To see him banished; yea, and to this hour
Suffer that he prolong an exile's day.

Still obstacle after obstacle was interposed, and it was not till the fourth of August that the decree passed through all its stages and became finally law. Cicero, who had been waiting at the point of Greece nearest to Italy, to take the earliest opportunity of returning, had been informed by his friends that he might now safely embark. He sailed accordingly on the very day when the decree was passed, and reached Brundisium on the morrow. It happened to be the day on which the foundation of the colony was celebrated, and also the birthday of Tullia, who had come so far to meet her father. The coincidence was observed by the towns-people with delight. On the eighth the welcome news came from Rome, and Cicero set out for the capital. "All along my road the cities of Italy kept the day of my arrival as a holiday; the ways were crowded with the deputations which were sent from all parts to congratulate me. When I approached the city, my coming was honored by such a concourse of men, such a heartiness of congratulation as are past believing. The way from the gates, the ascent of the Capitol, the return to my home made such a spectacle that in the very height of my joy I could not but be sorry that a people so grateful had yet been so unhappy, so cruelly oppressed." "That day," he said emphatically, "that day was as good as immortality to me."

CHAPTER XI. A BRAWL AND ITS CONSEQUENCES.

Clodius, who had taken the lead in driving Cicero into exile, was of course furious at his return, and continued to show him an unceasing hostility. His first care was to hinder the restoration of his property. He had contrived to involve part at least of this in a considerable difficulty. Cicero's house on the Palatine Hill had been pulled down and the area dedicated — so at least Clodius alleged — to the Goddess of Liberty. If this was true, it was sacred forever; it could not be restored. The question was, Was it true? This question was referred to the Pontiffs as judges of such matters. Cicero argued the case before them, and they pronounced in his favor. It was now for the Senate to act. A motion was made that the site should be restored. Clodius opposed it, talking for three hours, till the anger of his audience compelled him to bring his speech to an end. One of the tribunes in his interest put his veto on the motion, but was frightened into withdrawing it. But Clodius was not at the end of his resources. A set of armed ruffians under his command drove out the workmen who were rebuilding the house. A few days afterwards he made an attack on Cicero himself. He was wounded in the struggle which followed, and might, says Cicero, have been killed, "but," he adds, "I am tired of surgery."

Pompey was another object of his hatred, for he knew perfectly well that without his consent his great enemy would not have been restored. Cicero gives a lively picture of a scene in the Senate, in which this hatred was vigorously expressed. "Pompey spoke, or rather wished to speak; for, as soon as he rose, Clodius' hired ruffians shouted at him. All through his speech it was the same; he was interrupted not only by shouts but by abuse and curses. When he came to an end — and it must be allowed that he showed courage; nothing frightened him: he said his say and sometimes even obtained silence — then Clodius rose. He was met with such an uproar from our side (for we had determined to give him back as good as he had given) that he could not collect his thoughts, control his speech, or command his countenance. This went on from three o'clock, when

Pompey had only just finished his speech, till five. Meanwhile every kind of abuse, even to ribald verses, were shouted out against Clodius and his sister. Pale with fury he turned to his followers, and in the midst of the uproar asked them, 'Who is it that is killing the people with hunger?' 'Pompey,' they answered. 'Who wants to go to Alexandria?' 'Pompey,' they answered again. 'And whom do *you* want to go?' 'Crassus,' they said. About six o'clock the party of Clodius began, at some given signal, it seemed, to spit at our side. Our rage now burst out. They tried to drive us from our place, and we made a charge. The partisans of Clodius fled. He was thrust down from the hustings. I then made my escape, lest any thing worse should happen."

A third enemy, and one whom Clodius was destined to find more dangerous than either Cicero or Pompey, was Annius Milo. Milo was on the mother's side of an old Latin family. The name by which he was commonly known was probably a nickname given him, it may be, in joking allusion to the Milo of Crotona, the famous wrestler, who carried an ox on his shoulders and ate it in a single day. For Milo was a great fighting man, a well-born gladiator, one who was for cutting all political knots with the sword. He was ambitious, and aspired to the consulship; but the dignity was scarcely within his reach. His family was not of the highest; he was deeply in debt; he had neither eloquence nor ability. His best chance, therefore, was to attach himself to some powerful friend whose gratitude he might earn. Just such a friend he seemed to find in Cicero. He saw the great orator's fortunes were very low, but they would probably rise again, and he would be grateful to those who helped him in his adversity. Hence Milo's exertions to bring him back from banishment and hence the quarrel with Clodius. The two men had their bands of hired, or rather purchased, ruffians about the city, and came into frequent collisions. Each indicted the other for murderous assault. Each publicly declared that he should take the earliest chance of putting his I enemy to death. What was probably a chance collision brought matters to a crisis.

On the twentieth of January Milo left Rome to pay a visit to Lanuvium, a Latin town on the Appian road, and about fifteen miles south of Rome. It was a small town, much decayed from the old days

when its revolt against Rome was thought to be a thing worth recording; but it contained one of the most famous temples of Italy, the dwelling of Juno the Preserver, whose image, in its goat-skin robe, its quaint, turned-up shoes, with spear in one hand and small shield in the other, had a peculiar sacredness. Milo was a native of the place, and its dictator; and it was his duty on this occasion to nominate the chief priest of the temple. He had been at a meeting of the Senate in the morning, and had remained till the close of the sitting. Returning home he had changed his dress and shoes, waited a while, as men have to wait, says Cicero, while his wife was getting ready, and then started. He traveled in a carriage his wife and a friend. Several maid-servants and a troop of singing boys belonging to his wife followed. Much was made of this great retinue of women and boys, as proving that Milo had no intention when he started of coming to blows with his great enemy. But he had also with him a number of armed slaves and several gladiators, among whom were two famous masters of their art. He had traveled about ten miles when he met Clodius, who had been delivering an address to the town council of Aricia, another Latin town, nearer to the capital than Lanuvium, and was now returning to Rome. He was on horseback, contrary to his usual custom, which was to use a carriage, and he had with him thirty slaves armed with swords. No person of distinction thought of traveling without such attendants.

The two men passed each other, but Milo's gladiators fell out with the slaves of Clodius. Clodius rode back and accosted the aggressors in a threatening manner. One of the gladiators replied by wounding him in the shoulder with his sword. A number of Milo's slaves hastened back to assist their comrades. The party of Clodius was overpowered, and Clodius himself, exhausted by his wound, took refuge in a roadside tavern, which probably marked the first stage out of Rome. Milo, thinking that now he had gone so far he might go a little further and rid himself of his enemy forever, ordered his slaves to drag Clodius from his refuge and finish him. This was promptly done. Cicero indeed declared that the slaves did it without orders, and in the belief that their master had been killed. But Rome believed the other story. The corpse of the dead man lay for some time upon the road uncared for, for all his attendants had either fallen in the

struggle or had crept into hiding-places. Then a Roman gentleman on his way to the city ordered it to be put into his litter and taken to Rome, where it arrived just before nightfall. It was laid out in state in the hall of his mansion, and his widow stood by showing the wounds to the sympathizing crowd which thronged to see his remains. Next day the excitement increased. Two of the tribunes suggested that the body should be carried into the market-place, and placed on the hustings from which the speaker commonly addressed the people. Then it was resolved, at the suggestion of another Clodius, a notary, and a client of the family, to do it a signal honor. "Thou shalt not bury or burn a man within the city" was one of the oldest of Roman laws. Clodius, the favorite of the people, should be an exception. His body was carried into the Hall of Hostilius, the usual meeting-place of the Senate. The benches, the tables, the platform from which the orators spoke, the wooden tablets on which the clerks wrote their notes, were collected to make a funeral pile on which the corpse was to be consumed. The hall caught fire, and was burned to the ground; another large building adjoining it, the Hall of Porcius, narrowly escaped the same fate. The mob attacked several houses, that of Milo among them, and was with difficulty repulsed.

It had been expected that Milo would voluntarily go into exile; but the burning of the senate-house caused a strong reaction of feeling of which he took advantage. He returned to Rome, and provided to canvass for the consulship, making a present in money (which may be reckoned at five-and-twenty shillings) to every voter. The city was in a continual uproar; though the time for the new consuls to enter on their office was long past, they had not even been elected, nor was there any prospect, such was the violence of the rival candidates, of their being so. At last the Senate had recourse to the only man who seemed able to deal with the situation, and appointed Pompey sole consul. Pompey proposed to institute for the trial of Milo's case a special court with a special form of procedure. The limits of the time which it was to occupy were strictly laid down. Three days were to be given to the examination of witnesses, one to the speeches of counsel, the prosecution being allowed two hours only, the defense three. After a vain resistance on the part of Milo's friends, the proposal was carried, Pompey threatening to use force if necessary.

Popular feeling now set very strongly against the accused. Pompey proclaimed that he went in fear of his life from his violence; refused to appear in the Senate lest he should be assassinated, and even left his house to live in his gardens, which could be more effectually guarded by soldiers. In the Senate Milo was accused of having arms under his clothing, a charge which he had to disprove by lifting up his under garment. Next a freedman came forward, and declared that he and four others had actually seen the murder of Clodius, and that having mentioned the fact, they had been seized and shut up for two months in Milo's counting-house. Finally a sheriff's officer, if we may so call him, deposed that another important witness, one of Milo's slaves, had been forcibly taken out of his hands by the partisans of the accused.

On the eighth of April the trial was begun. The first witness called was a friend who had been with Clodius on the day of his death. His evidence made the case look very dark against Milo, and the counsel who was to cross-examine him on behalf of the accused was received with such angry cries that he had to take refuge on the bench with the presiding judge. Milo was obliged to ask for the same protection.

Pompey resolved that better order should be kept for the future, and occupied all the approaches to the court with troops. The rest of the witnesses were heard and cross-examined without interruption. April 11th was the last day of the trial. Three speeches were delivered for the prosecution; for the defense one only, and that by Cicero. It had been suggested that he should take the bold line of arguing that Clodius was a traitor, and that the citizen who slew him had deserved well of his country. But he judged it better to follow another course, and to show that Clodius had been the aggressor, having deliberately laid an ambush for Milo, of whose meditated journey to Lanuvium he was of course aware. Unfortunately for his client the case broke down. Milo had evidently left Rome and the conflict had happened much earlier than was said, because the body of the murdered man had reached the capital not later than five o'clock in the afternoon. This disproved the assertion that Clodius had loitered on his way back to Rome till the growing darkness gave him an opportunity of attacking his adversaries. Then it came out that Milo had had in his retinue, besides the women and boys, a number

of fighting men. Finally there was the damning fact, established, it would seem, by competent witnesses, that Clodius had been dragged from his hiding-place and put to death. Cicero too lost his presence of mind. The sight of the city, in which all the shops were shut in expectation of a riot, the presence of the soldiers in court, and the clamor of a mob furiously hostile to the accused and his advocate, confounded him, and he spoke feebly and hesitatingly. The admirable oration which has come down to us, and professes to have been delivered on this occasion, was really written afterwards. The jury, which was allowed by common consent to have been one of the best ever assembled, gave a verdict of guilty. Milo went into banishment at Marseilles — a punishment which he seems to have borne very easily, if it is true that when Cicero excused himself for the want of courage which had marred the effect of his defense, he answered, "It was all for the best; if you had spoken better I should never have tasted these admirable Marseilles mullets."

Naturally he tired of the mullets before long. When Caesar had made himself master of Rome, he hoped to be recalled from banishment. But Caesar did not want him, and preferred to have him where he was. Enraged at this treatment, he came over to Italy and attempted to raise an insurrection in favor of Pompey. The troops whom he endeavored to corrupt refused to follow him. He retreated with his few followers into the extreme south of the peninsula, and was there killed.

CHAPTER XII. CATO, BRUTUS, AND PORCIA.

"From his earliest years," so runs the character that has come down to us of Cato, "he was resolute to obstinacy. Flattery met with a rough repulse, and threats with resistance. He never laughed, and his smile was of the slightest. Not easily provoked, his anger, once roused, was implacable. He learned but slowly, but never forgot a thing once acquired; he was obedient to his teachers, but wanted to know the reason of every thing." The stories told of his boyhood bear out this character. Here is one of them. His tutor took him to Sulla's house. It was in the evil days of the Proscription, and there were signs of the bloody work that was going on. "Why does no one kill this man?" he asked his teacher. "Because, my son, they fear him more than they hate him," was the answer. "Why then," was the rejoinder, "have you not given me a sword that I may set my country free?" The tutor, as it may be supposed, carried him off in haste.

Like most young Romans he began life as a soldier, and won golden opinions not only by his courage, which indeed was common enough in a nation that conquered the world, but by his temperance and diligent performance of duty. His time of service ended, he set out on his travels, accepting an invitation from the tributary king of Galatia, who happened to be an old friend of the family, to visit him. We get an interesting little picture of a Roman of the upper class on a tour. "At dawn he would send on a baker and a cook to the place which he intended to visit. These would enter the town in a most unpretending fashion, and if their master did not happen to have a friend or acquaintance in the place, would betake themselves to an inn, and there prepare for their master's accommodation without troubling any one. It was only when there was no inn that they went to the magistrates and asked for entertainment; and they were always content with what was assigned. Often they met with but scanty welcome and attention, not enforcing their demands with the customary threats, so that Cato on his arrival found nothing prepared. Nor did their master create a more favorable impression, sitting as he did quietly on his luggage, and seeming to accept the situation. Sometimes, however, he would send for the town authorities and say,

“You had best give up these mean ways, my inhospitable friends; you won’t find that all your visitors are Catos.” Once at least he found himself, as he thought, magnificently received. Approaching Antioch, he found the road lined on either side with troops of spectators. The men stood in one company, the boys in another. Every body was in holiday dress. Some — these were the magistrates and priests — wore white robes and garlands of flowers. Cato, supposing that all these preparations were intended for himself, was annoyed that his servants had not prevented them. But he was soon undeceived. An old man ran out from the crowd, and without so much as greeting the new comer, cried, “Where did you leave Demetrius? When will he come?” Demetrius was Pompey’s freedman, and had some of his master’s greatness reflected on him. Cato could only turn away muttering, “Wretched place!”

Returning to Rome he went through the usual course of honors, always discharging his duties with the utmost zeal and integrity, and probably, as long as he filled a subordinate place, with great success. It was when statesmanship was wanted that he began to fail.

In the affair of the conspiracy of Catiline Cato stood firmly by Cicero, supporting the proposition to put the conspirators to death in a powerful speech, the only speech of all that he made that was preserved. This preservation was due to the forethought of Cicero, who put the fastest writers whom he could find to relieve each other in taking down the oration. This, it is interesting to be told, was the beginning of shorthand.

Cato, like Cicero, loved and believed in the republic; but he was much more uncompromising, more honest perhaps we may say, but certainly less discreet in putting his principles into action. He set himself to oppose the accumulation of power in the hands of Pompey and Caesar; but he lacked both dignity and prudence, and he accomplished nothing. When, for instance, Caesar, returning from Spain, petitioned the Senate for permission to become a candidate for the consulship without entering the city — to enter the city would have been to abandon his hopes of a triumph — Cato condescended to use the arts of obstruction in opposing him. He spoke till sunset against the proposition, and it failed by sheer lapse of time. Yet the opposition was fruitless. Caesar of course abandoned the empty

honor, and secured the reality, all the more certainly because people felt that he had been hardly used. And so he continued to act, always seeking to do right, but always choosing the very worst way of doing it; anxious to serve his country, but always contriving to injure it. Even in that which, we may say, best became him in his life, in the leaving of it (if we accept for the moment the Roman view of the morality of suicide), he was not doing his best for Rome. Had he been willing to live (for Caesar was ready to spare him, as he was always ready to spare enemies who could not harm him), there was yet good for him to do; in his hasty impatience of what he disapproved, he preferred to deprive his country of its most honest citizen.

We must not omit a picture so characteristic of Roman life as the story of his last hours. The last army of the republic had been destroyed at Thapsus, and Caesar was undisputed master of the world. Cato vainly endeavored to stir up the people of Utica, a town near Carthage, in which he had taken up his quarters; when they refused, he resolved to put an end to his life. A kinsman of Caesar, who was preparing to intercede with the conqueror for the lives of the vanquished leaders, begged Cato's help in revising his speech. "For you," he said, "I should think it no shame to clasp his hands and fall at his knees." "Were I willing to take my life at his hands," replied Cato, "I should go alone to ask it. But I refuse to live by the favor of a tyrant. Still, as there are three hundred others for whom you are to intercede, let us see what can be done with the speech." This business finished, he took an affectionate leave of his friend, commending to his good offices his son and his friends. On his son he laid a strict injunction not to meddle with public life. Such a part as was worthy of the name of Cato no man could take again; to take any other would be shameful. Then followed the bath, and after the bath, dinner, to which he had invited a number of friends, magistrates of the town. He sat at the meal, instead of reclining. This had been his custom ever since the fated day of Pharsalia. After dinner, over the wine, there was much learned talk, and this not other than cheerful in tone. But when the conversation happened to turn on one of the favorite maxims of the Stoics, "Only the good man is free; the bad are slaves," Cato expressed himself with an energy and even a

fierceness that made the company suspect some terrible resolve. The melancholy silence that ensued warned the speaker that he had betrayed himself, and he hastened to remove the suspicion by talking on other topics. After dinner he took his customary walk, gave the necessary orders to the officers on guard, and then sought his chamber. Here he took up the Phaedo, the famous dialogue in which Socrates, on the day when he is to drink the poison, discusses the immortality of the soul. He had almost finished the book, when, chancing to turn his eyes upwards, he perceived that his sword had been removed. His son had removed it while he sat at dinner. He called a slave and asked, "Who has taken my sword?" As the man said nothing, he resumed his book; but in the course of a few minutes, finding that search was not being made, he asked for the sword again. Another interval followed; and still it was not forthcoming. His anger was now roused. He vehemently reproached the slaves, and even struck one of them with his fist, which he injured by the blow. "My son and my slaves," he said, "are betraying me to the enemy." He would listen to no entreaties, "Am I a madman," he said, "that I am stripped of my arms? Are you going to bind my hands and give me up to Caesar? As for the sword I can do without it; I need but hold my breath or dash my head against the wall. It is idle to think that you can keep a man of my years alive against his will." It was felt to be impossible to persist in the face of this determination, and a young slave-boy brought back the sword. Cato felt the weapon, and finding that the blade was straight and the edge perfect, said, "Now I am my own master." He then read the Phaedo again from beginning to end, and afterwards fell into so profound a sleep that persons standing outside the chamber heard his breathing. About midnight he sent for his physician and one of his freedmen. The freedman was commissioned to inquire whether his friends had set sail. The physician he asked to bind up his wounded hand, a request which his attendants heard with delight, as it seemed to indicate a resolve to live. He again sent to inquire about his friends and expressed his regret at the rough weather which they seemed likely to have. The birds were now beginning to twitter at the approach of dawn, and he fell into a short sleep. The freedman now returned with news that the harbor was quiet. When he found himself

again alone, he stabbed himself with the sword, but the blow, dealt as it was by the wounded hand, was not fatal. He fell fainting on the couch, knocking down a counting board which stood near, and groaning. His son with others rushed into the chamber, and the physician, finding that the wound was not mortal, proceeded to bind it up. Cato, recovering his consciousness, thrust the attendants aside, and tearing open the wound, expired.

If the end of Cato's life was its noblest part it is still more true that the fame of Brutus rests on one memorable deed. He was known, indeed, as a young man of promise, with whose education special pains had been taken, and who had a genuine love for letters and learning. He was free, it would seem, from some of the vices of his age, but he had serious faults. Indeed the one transaction of his earlier life with which we happen to be well acquainted is very little to his credit. And this, again, is so characteristic of one side of Roman life that it should be told in some detail.

Brutus had married the daughter of a certain Appius Claudius, a kinsman of the notorious Clodius, and had accompanied his father-in-law to his province, Cilicia. He took the opportunity of increasing his means by lending money to the provincials. Lending money, it must be remembered, was not thought a discreditable occupation even for the very noblest. To lend money upon interest was, indeed, the only way of making an investment, besides the buying of land, that was available to the Roman capitalist. But Brutus was more than a money-lender, he was an usurer; that is, he sought to extract an extravagantly high rate of interest from his debtors. And this greed brought him into collision with Cicero.

A certain Scaptius had been agent for Brutus in lending money to the town of Salamis in Cyprus. Under the government of Claudius, Scaptius had had every thing his own way. He had been appointed to a command in the town, had some cavalry at his disposal, and extorted from the inhabitants what terms he pleased, shutting up, it is told us, the Senate in their council-room till five of them perished of hunger. Cicero heard of this monstrous deed as he was on his way to his province; he peremptorily refused the request of Scaptius for a renewal of his command, saying that he had resolved not to grant such posts to any person engaged in trading or money-lending. Still,

for Brutus' sake — and it was not for some time that it came out that Brutus was the principal — he would take care that the money should be paid. This the town was ready to do; but then came in the question of interest. An edict had been published that this should never exceed twelve per cent., or one per cent, monthly, that being the customary way of payment. But Scaptius pleaded his bond, which provided for four per cent, monthly, and pleaded also a special edict that regulations restraining interest were not to apply to Salamis. The town protested that they could not pay if such terms were exacted — terms which would double the principal. They could not, they said, have met even the smaller claim, if it had not been for the liberality of the governor, who had declined the customary presents. Brutus was much vexed.

"Even when he asks me a favor," writes Cicero to Atticus, "there is always something arrogant and churlish: still he moves laughter more than anger."

When the civil war broke out between Caesar and Pompey, it was expected that Brutus would attach himself to the former. Pompey, who had put his father to death, he had no reason to love. But if he was unscrupulous in some things, in politics he had principles which he would not abandon, the strongest of these, perhaps, being that the side of which Cato approved was the side of the right. Pompey received his new adherent with astonishment and delight, rising from his chair to greet him. He spent most of his time in camp in study, being ingrossed on the very eve of the battle in making an epitome of Polybius, the Greek historian of the Second Punic War. He passed through the disastrous day of Pharsalia unhurt, Caesar having given special orders that his life was to be spared. After the battle, the conqueror not only pardoned him but treated him with the greatest kindness, a kindness for which, for a time at least, he seems not to have been ungrateful. But there were influences at work which he could not resist. There was his friendship with Cassius, who had a passionate hatred against usurpers, the remembrance of how Cato had died sooner than submit himself to Caesar, and, not least, the association of his name, which he was not permitted to forget. The statue of the old patriot who had driven out the Tarquins was covered with such inscriptions as, "Brutus, would thou wert alive!" and

Brutus' own chair of office — he was praetor at the time — was found covered with papers on which were scribbled, "Brutus, thou sleepest," or, "A true Brutus art thou," and the like. How he slew Caesar I have told already; how he killed himself in despair after the second battle of Philippi may be read elsewhere.

Porcia, the daughter of Cato, was left a widow in 48 B.C., and married three years afterwards her cousin Brutus, who divorced his first wife Claudia in order to marry her. She inherited both the literary tastes and the opinions of her father, and she thought herself aggrieved when her husband seemed unwilling to confide his plans to her. Plutarch thus tells her story, his authority seeming to be a little biography which one of her sons by her first husband afterwards wrote of his step-father. "She wounded herself in the thigh with a knife such as barbers use for cutting the nails. The wound was deep, the loss of blood great, and the pain and fever that followed acute. Her husband was in the greatest distress, when his wife thus addressed him: 'Brutus, it was a daughter of Cato who became your wife, not merely to share your bed and board, but to be the partner of your adversity and your prosperity. *You* give me no cause to complain, but what proof can I give you of my affection if I may not bear with you your secret troubles. Women, I know, are weak creatures, ill fitted to keep secrets. Yet a good training and honest company may do much, and this, as Cato's daughter and wife to Brutus, I have had.' She then showed him the wound, and told him that she had inflicted it upon herself to prove her courage and constancy." For all this resolution she had something of a woman's weakness. When her husband had left the house on the day fixed for the assassination, she could not conceal her agitation. She eagerly inquired of all who entered how Brutus fared, and at last fainted in the hall of her house. In the midst of the business of the senate-house Brutus heard that his wife was dying.

Porcia was not with her husband during the campaigns that ended at Philippi, but remained in Rome. She is said to have killed herself by swallowing the live coals from a brazier, when her friends kept from her all the means of self-destruction. This story is scarcely credible; possibly it means that she suffocated herself with the fumes of charcoal. That she should commit suicide suited all the traditions

of her life.

CHAPTER XIII. A GOVERNOR IN HIS PROVINCE.

It was usual for a Roman statesman, after filling the office of praetor or consul, to undertake for a year or more the government of one of the provinces. These appointments were indeed the prizes of the profession of politics. The new governor had a magnificent outfit from the treasury. We hear of as much as one hundred and fifty thousand pounds having been allowed for this purpose. Out of this something might easily be economized. Indeed we hear of one governor who left the whole of his allowance put out at interest in Rome. And in the province itself splendid gains might be, and indeed commonly were, got. Even Cicero, who, if we may trust his own account of his proceedings, was exceptionally just, and not only just, but even generous in his dealings with the provincials, made, as we have seen, the very handsome profit of twenty thousand pounds out of a year of office. Verres, who, on the other hand, was exceptionally rapacious, made three hundred and fifty thousand pounds in three years, besides collecting works of art of incalculable value. But the honors and profits to which most of his contemporaries looked forward with eagerness did not attract Cicero. He did not care to be absent from the center of political life, and felt himself to be at once superior to and unfitted for the pettier affairs of a provincial government.

He had successfully avoided the appointment after his praetorship and again after his consulship. But the time came when it was forced upon him. Pompey in his third consulship had procured the passing of a law by which it was provided that all senators who had filled the office of praetor or consul should cast lots for the vacant provinces. Cicero had to take his chance with the rest, and the ballot gave him Cilicia. This was in B.C. 51, and Cicero was in his fifty-sixth year.

Cilicia was a province of considerable extent, including, as it did, the south-eastern portion of Asia Minor, together with the island of Cyprus. The position of its governor was made more anxious by the neighborhood of Rome's most formidable neighbors, the Parthians, who but two years before had cut to pieces the army of Crassus. Two legions, numbering twelve thousand troops besides auxiliaries, were

stationed in the province, having attached to them between two and three thousand cavalry.

Cicero started to take up his appointment on May 1st, accompanied by his brother, who, having served with distinction under Caesar in Gaul, had resigned his command to act as lieutenant in Cilicia. At Cumae he received a levee of visitors — a "little Rome," he says. Hortensius was among them, and this though in very feeble health (he died before Cicero's return). "He asked me for my instructions. Every thing else I left with him in general terms, but I begged him especially not to allow as far as in him lay, the government of my province to be continued to me into another year." On the 17th of the month he reached Tarentum, where he spent three days with Pompey. He found him "ready to defend the State from the dangers that we dread." The shadows of the civil war, which was to break out in the year after Cicero's return, were already gathering. At Brundisium, the port of embarkation for the East, he was detained partly by indisposition, partly by having to wait for one of his officials for nearly a fortnight. He reached Actium, in north-western Greece, on the 15th of June. He would have liked to proceed thence by land, being, as he tells us, a bad sailor, and having in view the rounding of the formidable promontory Leucate; but there was a difficulty about his retinue, without which he could not maintain the state which became a governor *en route* for his province. Eleven more days brought him to Athens. "So far," he writes from this place, "no expenditure of public or private money has been made on me or any of my retinue. I have convinced all my people that they must do their best for my character. So far all has gone admirably. The thing has been noticed, and is greatly praised by the Greeks." "Athens," he writes again, "delighted me much; the city with all its beauty, the great affection felt for you" (he is writing, it will be remembered, to Atticus, an old resident), "and the good feeling towards myself, much more, too, its philosophical studies." He was able before he left to do the people a service, rescuing from the hands of the builder the house of Epicurus, which the council of Areopagus, with as little feeling for antiquity as a modern town council, had doomed. Then he went on his way, grumbling at the hardships of a sea voyage in July, at the violence of the winds, at the smallness of

the local vessels. He reached Ephesus on July 22nd, without being sea-sick, as he is careful to tell us, and found a vast number of persons who had come to pay their respects to him. All this was pleasant enough, but he was peculiarly anxious to get back to Rome. Rome indeed to the ordinary Roman was — a few singular lovers of the country, as Virgil and Horace, excepted — as Paris is to the Parisian. "Make it absolutely certain," he writes to Atticus, "that I am to be in office for a year only; that there is not to be even an intercalated month." From Ephesus he journeys, complaining of the hot and dusty roads, to Tralles, and from Tralles, one of the cities of his province, to Laodicea, which he reached July 31st, exactly three months after starting. The distance, directly measured, may be reckoned at something less than a thousand miles.

[Footnote 8: Forty-seven days was reckoned a very short time for accomplishing the journey.]

He seems to have found the province in a deplorable condition. "I staid," he writes, "three days at Laodicea, three again at Apamca, and as many at Synnas, and heard nothing except complaints that they could not pay the poll-tax imposed upon them, that every one's property was sold; heard, I say, nothing but complaints and groans, and monstrous deeds which seemed to suit not a man but some horrid wild beast. Still it is some alleviation to these unhappy towns that they are put to no expense for me or for any of my followers. I will not receive the fodder which is my legal due, nor even the wood. Sometimes I have accepted four beds and a roof over my head; often not even this, preferring to lodge in a tent. The consequence of all this is an incredible concourse of people from town and country anxious to see me. Good heavens! my very approach seems to make them revive, so completely do the justice, moderation, and clemency of your friend surpass all expectation." It must be allowed that Cicero was not unaccustomed to sound his own praises.

Usury was one of the chief causes of this widespread distress; and usury, as we have seen, was practiced even by Romans of good repute. We have seen an "honorable man," such as Brutus, exacting an interest of nearly fifty per cent. Pompey was receiving, at what rate of interest we do not know, the enormous sum of nearly one hundred thousand pounds per annum from the tributary king of

Cappadocia, and this was less than he was entitled to. Other debtors of this impecunious king could get nothing; every thing went into Pompey's purse, and the whole country was drained of coin to the very uttermost. In the end, however, Cicero did manage to get twenty thousand pounds for Brutus, who was also one of the king's creditors. We cannot but wonder, if such things went on under a governor who was really doing his best to be moderate and just, what was the condition of the provincials under ordinary rulers.

While Cicero was busy with the condition of his province; his attention was distracted by what we may call a Parthian "scare." The whole army of this people was said to have crossed the Euphrates under the command of Pacorus, the king's son. The governor of Syria had not yet arrived. The second in command had shut himself up with all his troops in Antioch. Cicero marched into Cappadocia, which bordered the least defensible side of Cilicia, and took up a position at the foot of Mount Taurus. Next came news that Antioch was besieged. On hearing this he broke up his camp, crossed the Taurus range by forced marches, and occupied the passes into Syria. The Parthians raised the siege of Antioch, and suffered considerably at the hands of Cassius during their retreat.

Though Cicero never crossed swords with the Parthians, he found or contrived an opportunity of distinguishing himself as a soldier. The independent mountaineers of the border were attacked and defeated; Cicero was saluted as "Imperator" on the field of battle by his soldiers, and had the satisfaction of occupying for some days the position which Alexander the Great had taken up before the battle of Issus. "And he," says Cicero, who always relates his military achievements with something like a smile on his face, "was a somewhat better general than either you or I." He next turned his arms against the Free Cilicians, investing in regular form with trenches, earthworks, catapults, and all the regular machinery of a siege, their stronghold Pindenissum. At the end of forty-seven days the place surrendered. Cicero gave the plunder of the place to his host, reserving the horses only for public purposes. A considerable sum was realized by the sale of slaves. "Who in the world are these Pindenissi? who are they?" you will say. "I never heard the name." "Well, what can I do? I can't make Cilicia another Aetolia, or

another Macedonia." The campaign was concluded about the middle of December, and the governor, handing over the army to his brother, made his way to Laodicea. From this place he writes to Atticus in language that seems to us self-glorious and boastful, but still has a ring of honesty about it. "I left Tarsus for Asia (the Roman province so called) on June 5th, followed by such admiration as I cannot express from the cities of Cilicia, and especially from the people of Tarsus. When I had crossed the Taurus there was a marvelous eagerness to see me in Asia as far as my districts extended. During six months of my government they had not received a single requisition from me, had not had a single person quartered upon them. Year after year before my time this part of the year had been turned to profit in this way. The wealthy cities used to pay large sums of money not to have to find winter quarters for the soldiers. Cyprus paid more than £48,000 on this account; and from this island — I say it without exaggeration and in sober truth — not a single coin was levied while I was in power. In return for these benefits, benefits at which they are simply astonished. I will not allow any but verbal honors to be voted to me. Statues, temples, chariots of bronze, I forbid. In nothing do I make myself a trouble to the cities, though it is possible I do so to you, while I thus proclaim my own praises. Bear with me, if you love me. This is the rule which you would have had me follow. My journey through Asia had such results that even the famine — and than famine there is no more deplorable calamity — which then prevailed in the country (there had been no harvest) was an event for me to desire; for wherever I journeyed, without force, without the help of law, without reproaches, but my simple influence and expostulations, I prevailed upon the Greeks and Roman citizens, who had secreted the corn, to engage to convey a large quantity to the various tribes." He writes again: "I see that you are pleased with my moderation and self-restraint. You would be much more pleased if you were here. At the sessions which I held at Laodicea for all my districts, excepting Cilicia, from February 15th to May 1st, I effected a really marvelous work. Many cities were entirely freed from their debts, many greatly relieved, and all of them enjoying their own laws and courts, and so obtaining self-government received new life. There were two ways in which I gave

them the opportunity of either throwing off or greatly lightening the burden of debt. First: they have been put to no expense under my rule — I do not exaggerate; I positively say that they have not to spend a farthing. Then again: the cities had been atrociously robbed by their own Greek magistrates. I myself questioned the men who had borne office during the last ten years. They confessed and, without being publicly disgraced, made restitution. In other respects my government, without being wanting in address, is marked by clemency and courtesy. There is none of the difficulty, so usual in the provinces, of approaching me; no introduction by a chamberlain. Before dawn I am on foot in my house, as I used to be in old days when I was a candidate for office. This is a great matter here and a popular, and to myself, from my old practice in it, has not yet been troublesome."

He had other less serious cares. One Caelius, who was good enough to keep him informed of what was happening at Rome, and whom we find filling his letters with an amusing mixture of politics, scandal, and gossip, makes a modest request for some panthers, which the governor of so wild a country would doubtless have no difficulty in procuring for him. He was a candidate for the office of aedile, and wanted the beasts for the show which he would have to exhibit. Cicero must not forget to look after them as soon as he hears of the election. "In nearly all my letters I have written to you about the panthers. It will be discreditable to you, that Patiscus should have sent to Curio ten panthers, and you not many times more. These ten Curio gave me, and ten others from Africa. If you will only remember to send for hunters from Cibyra, and also send letters to Pamphylia (for there, I understand, more are taken than elsewhere), you will succeed. I do beseech you look after this matter. You have only to give the orders. I have provided people to keep and transport the animals when once taken." The governor would not hear of imposing the charge of capturing the panthers on the hunters of the province. Still he would do his best to oblige his friend. "The matter of the panthers is being diligently attended to by the persons who are accustomed to hunt them; but there is a strange scarcity of them, and the few that there are complain grievously, saying that they are the only creatures in my province that are persecuted."

From Laodicea Cicero returned to Tarsus, the capital of his province, wound up the affairs of his government, appointed an acting governor, and started homewards early in August. On his way he paid a visit to Rhodes, wishing to show to his son and nephew (they had accompanied him to his government) the famous school of eloquence in which he had himself studied. Here he heard with much regret of the death of Hortensius. He had seen the great orator's son at Laodicea, where he was amusing himself in the disreputable company of some gladiators, and had asked him to dinner for his father's sake, he says. His stay at Rhodes was probably of some duration, for he did not reach Ephesus till the first of October. A tedious passage of fourteen days brought him to Athens. On his journey westwards Tiro, his confidential servant, was seized with illness, and had to be left behind at Patrae. Tiro was a slave, though afterwards set free by his master; but he was a man of great and varied accomplishments, and Cicero writes to him as he might to the very dearest of his friends. There is nothing stranger in all that we know of "Roman Life" than the presence in it of such men as Tiro. Nor is there any thing, we might even venture to say, quite like it elsewhere in the whole history of the world. Now and then, in the days when slavery still existed in the Southern States of America, mulatto and quadroon slaves might have been found who in point of appearance and accomplishments were scarcely different from their owners. But there was always a taint, or what was reckoned as a taint, of negro blood in the men and women so situated. In Rome it must have been common to see men, possibly better born (for Greek might even be counted better than Roman descent), and probably better educated than their masters, who had absolutely no rights as human beings, and could be tortured or killed just as cruelty or caprice might suggest. To Tiro, man of culture and acute intellect as he was, there must have been an unspeakable bitterness in the thought of servitude, even under a master so kindly and affectionate as Cicero. One shudders to think what the feelings of such a man must have been when he was the chattel of a Verres, a Clodius, or a Catiline. It is pleasant to turn away from the thought, which is the very darkest perhaps in the repulsive subject of Roman slavery, to observe the sympathy and tenderness which Cicero shows to the sick

man from whom he has been reluctantly compelled to part. The letters to Tiro fill one of the sixteen books of "Letters to Friends." They are twenty-seven in number, or rather twenty-six, as the sixteenth of the series contains the congratulations and thanks which Quintus Cicero addresses to his brother on receiving the news that Tiro has received his freedom. "As to Tiro," he writes, "I protest, as I wish to see you, my dear Marcus, and my own son, and yours, and my dear Tullia, that you have done a thing that pleased me exceedingly in making a man who certainly was far above his mean condition a friend rather than a servant. Believe me, when I read your letters and his, I fairly leaped for joy; I both thank and congratulate you. If the fidelity of my Statius gives me so much pleasure, how valuable in Tiro must be this same good quality with the additional and even superior advantages of culture, wit, and politeness? I have many very good reasons for loving you; and now there is this that you have told me, as indeed you were bound to tell me, this excellent piece of news. I saw all your heart in your letter."

[Footnote 9: See page 277.]

Cicero's letters to the invalid are at first very frequent. One is dated on the third, another on the fifth, and a third on the seventh of November; and on the eighth of the month there are no fewer than three, the first of them apparently in answer to a letter from Tiro. "I am variously affected by your letter — much troubled by the first page, a little comforted by the second. The result is that I now say, without hesitation, till you are quite strong, do not trust yourself to travel either by land of sea. I shall see you as soon as I wish if I see you quite restored." He goes on to criticise the doctor's prescriptions. Soup was not the right thing to give to a dyspeptic patient. Tiro is not to spare any expense. Another fee to the doctor might make him more attentive. In another letter he regrets that the invalid had felt himself compelled to accept an invitation to a concert, and tells him that he had left a horse and mule for him at Brundisium. Then, after a brief notice of public affairs, he returns to the question of the voyage. "I must again ask you not to be rash in your traveling. Sailors, I observe, make too much haste to increase their profits. Be cautious, my dear Tiro. You have a wide and dangerous sea to traverse. If you can, come with Mescinius. He is wont to be careful in his voyages. If

not with him, come with a person of distinction, who will have influence with the captain." In another letter he tells Tiro that he must revive his love of letters and learning. The physician thought that his mind was ill at ease; for this the best remedy was occupation. In another he writes: "I have received your letter with its shaky handwriting; no wonder, indeed, seeing how serious has been your illness. I send you Aegypta (probably a superior slave) to wait upon you, and a cook with him." Cicero could not have shown more affectionate care of a sick son.

Tiro is said to have written a life of his master. And we certainly owe to his care the preservation of his correspondence. His weak health did not prevent him from living to the age of a hundred and three.

Cicero pursued his homeward journey by slow stages, and it was not till November 25th that he reached Italy. His mind was distracted between two anxieties — the danger of civil war, which he perceived to be daily growing more imminent, and an anxious desire to have his military successes over the Cilician mountaineers rewarded by the distinction of a triumph. The honor of a public thanksgiving had already been voted to him; Cato, who opposed it on principle, having given him offense by so doing. A triumph was less easy to obtain, and indeed it seems to show a certain weakness in Cicero that he should have sought to obtain it for exploits of so very moderate a kind. However, he landed at Brundisium as a formal claimant for the honor. His lictors had their fasces (bundles of rods inclosing an ax) wreathed with bay leaves, as was the custom with the victorious general who hoped to obtain this distinction. Pompey, with whom he had a long interview, encouraged him to hope for it, and promised his support. It was not till January 4th that he reached the capital. The look of affairs was growing darker and darker, but he still clung to the hopes of a triumph, and would not dismiss his lictors with their ornaments, though he was heartily wearied of their company. Things went so far that a proposition was actually made in the Senate that the triumph should be granted; but the matter was postponed at the suggestion of one of the consuls, anxious, Cicero thinks, to make his own services more appreciated when the time should come. Before the end of January he seems to have given up his hopes. In a few

more days he was fairly embarked on the tide of civil war.

CHAPTER XIV. ATTICUS.

The name of Atticus has been mentioned more than once in the preceding chapters as a correspondent of Cicero. We have indeed more than five hundred letters addressed to him, extending over a period of almost five-and-twenty years. There are frequent intervals of silence — not a single letter, for instance, belongs to the year of the consulship, the reason being that both the correspondents were in Rome. Sometimes, especially in the later years, they follow each other very closely. The last was written about a year before Cicero's death.

Atticus was one of those rare characters who contrive to live at peace with all men. The times were troublous beyond all measure; he had wealth and position; he kept up close friendship with men who were in the very thickest of the fight; he was ever ready with his sympathy and help for those who were vanquished; and yet he contrived to arouse no enmities; and after a life-long peace, interrupted only by one or two temporary alarms, died in a good old age.

Atticus was of what we should call a gentleman's family, and belonged by inheritance to the democratic party. But he early resolved to stand aloof from politics, and took an effectual means of carrying out his purpose by taking up his residence at Athens. With characteristic prudence he transferred the greater part of his property to investments in Greece. At Athens he became exceedingly popular. He lent money at easy rates to the municipality, and made liberal distributions of corn, giving as much as a bushel and a half to every needy citizen. He spoke Greek and Latin with equal ease and eloquence; and had, we are told, an unsurpassed gift for reciting poetry. Sulla, who, for all his savagery, had a cultivated taste, was charmed with the young man, and would have taken him in his train. "I beseech you," replied Atticus, "don't take me to fight against those in whose company, but that I left Italy, I might be fighting against you." After a residence of twenty-three years he returned to Rome, in the very year of Cicero's consulship. At Rome he stood as much aloof from the turmoil of civil strife as he had stood at Athens. Office

of every kind he steadily refused; he was under no obligations to any man, and therefore was not thought ungrateful by any. The partisans of Caesar and of Pompey were content to receive help from his purse, and to see him resolutely neutral. He refused to join in a project of presenting what we should call a testimonial to the murderers of Caesar on behalf of the order of the knights; but he did not hesitate to relieve the necessities of the most conspicuous of them with a present of between three and four thousand pounds. When Antony was outlawed he protected his family; and Antony in return secured his life and property amidst the horrors of the second Proscription.

His biographer, Cornelius Nepos, has much to say of his moderation and temperate habits of life. He had no sumptuous country-house in the suburbs or at the sea-coast, but two farm-houses. He possessed, however, what seems to have been a very fine house (perhaps we should call it "castle," for Cicero speaks of it as a place capable of defense) in Epirus. It contained among other things a gallery of statues. A love of letters was one of his chief characteristics. His guests were not entertained with the performances of hired singers, but with readings from authors of repute. He had collected, indeed, a very large library. All his slaves, down to the very meanest, were well educated, and he employed them to make copies.

Atticus married somewhat late in life. His only daughter was the first wife of Agrippa, the minister of Augustus, and his grand-daughter was married to Tiberius. Both of these ladies were divorced to make room for a consort of higher rank, who, curiously enough, was in both cases Julia, the infamous daughter of Augustus. Both, we may well believe, were regretted by their husbands.

Atticus died at the age of seventy-seven. He was afflicted with a disease which he believed to be incurable, and shortened his days by voluntary starvation.

It was to this correspondent, then, that Cicero confided for about a quarter of a century his cares and his wants. The two had been schoolfellows, and had probably renewed their acquaintance when Cicero visited Greece in search of health. Afterwards there came to be a family connection between them, Atticus' sister, Pomponia,

marrying Cicero's younger brother, Quintus, not much, we gather from the letters, to the happiness of either of them. Cicero could not have had a better confidant. He was full of sympathy, and ready with his help; and he was at the same time sagacious and prudent in no common degree, an excellent man of business, and, thanks to the admirable coolness which enabled him to stand outside the turmoil of politics, an equally excellent adviser in politics.

One frequent subject of Cicero's letters to his friend is money. I may perhaps express the relation between the two by saying that Atticus was Cicero's banker, though the phrase must not be taken too literally. He did not habitually receive and pay money on Cicero's account, but he did so on occasions; and he was constantly in the habit of making advances, though probably without interest, when temporary embarrassments, not infrequent, as we may gather from the letters, called for them. Atticus was himself a wealthy man. Like his contemporaries generally, he made an income by money-lending, and possibly, for the point is not quite clear, by letting out gladiators for hire. His biographer happens to give us the precise figure of his property. His words do not indeed expressly state whether the sum that he mentions means capital or income. I am inclined to think that it is the latter. If this be so, he had in early life an income of something less than eighteen thousand pounds, and afterwards nearly ninety thousand pounds.

I may take this occasion to say something about Cicero's property, a matter which is, in its way, a rather perplexing question. In the case of a famous advocate among ourselves there would be no difficulty in understanding that he should have acquired a great fortune. But the Roman law strictly forbade an advocate to receive any payment from his clients. The practice of old times, when the great noble pleaded for the life or property of his humbler defendants, and was repaid by their attachment and support, still existed in theory. It exists indeed to this day, and accounts for the fact that a barrister among ourselves has no *legal* means of recovering his fees. But a practice of paying counsel had begun to grow up. Some of Cicero's contemporaries certainly received a large remuneration for their services. Cicero himself always claims to have kept his hands clean in this respect, and as his enemies never brought

any charge of this kind against him, his statement may very well be accepted. We have, then, to look for other sources of income. His patrimony was considerable. It included, as we have seen, an estate at Arpinum and a house in Rome. And then he had numerous legacies. This is a source of income which is almost strange to our modern ways of acting and thinking. It seldom happens among us that a man of property leaves any thing outside the circle of his family. Sometimes an intimate friend will receive a legacy. But instances of money bequeathed to a statesman in recognition of his services, or a literary man in recognition of his eminence, are exceedingly rare. In Rome they were very common. Cicero declares, giving it as a proof of the way in which he had been appreciated by his fellow-citizens, that he had received two hundred thousand pounds in legacies. This was in the last year of his life. This does something to help us out of our difficulty. Only we must remember that it could hardly have been till somewhat late in his career that these recognitions of his services to the State and to his friends began to fall in. He made about twenty thousand pounds out of his year's government of his province, but it is probable that this money was lost. Then, again, he was elected into the College of Augurs (this was in his fifty-fourth year). These religious colleges were very rich. Their banquets were proverbial for their splendor. Whether the individual members derived any benefit from their revenues we do not know. We often find him complaining of debt; but he always speaks of it as a temporary inconvenience rather than as a permanent burden. It does not oppress him; he can always find spirits enough to laugh at it. When he buys his great town mansion on the Palatine Hill (it had belonged to the wealthy Crassus), for thirty thousand pounds, he says, "I now owe so much that I should be glad to conspire if any body would accept me as an accomplice." But this is not the way in which a man who did not see his way out of his difficulties would speak.

Domestic affairs furnish a frequent topic. He gives accounts of the health of his wife he announces the birth of his children. In after years he sends the news when his daughter is betrothed and when she is married, and tells of the doings and prospects of his son. He has also a good deal to say about his brother's household, which, as I

have said before, was not very happy. Here is a scene of their domestic life. “When I reached Arpinum, my brother came to me. First we had much talk about you; afterwards we came to the subject which you and I had discussed at Tusculum. I never saw any thing so gentle, so kind as my brother was in speaking of your sister. If there had been any ground for their disagreement, there was nothing to notice. So much for that day. On the morrow we left for Arpinum. Quintus had to remain in the Retreat; I was going to stay at Aquinum. Still we lunched at the Retreat (you know the place). When we arrived Quintus said in the politest way, ‘Pomponia, ask the ladies in; I will call the servants,’ Nothing could — so at least I thought — have been more pleasantly said, not only as far as words go, but in tone and look. However, she answered before us all, ‘I am myself but a stranger here.’ This, I fancy, was because Statius had gone on in advance to see after the lunch. ‘See,’ said Quintus, ‘this is what I have to put up with every day.’ Perhaps you will say, ‘What was there in this?’ It was really serious, so serious as to disturb me much, so unreasonably, so angrily did she speak and look. I did not show it, but I was greatly vexed. We all sat down to table, all, that is, but her. However, Quintus sent her something from the table. She refused it Not to make a long story of it, no one could have been more gentle than my brother, and no one more exasperating than your sister — in my judgment at least, and I pass by many other things which offended me more than they did Quintus. I went on to Aquinum.” (The lady’s behavior was all the more blameworthy because her husband was on his way to a remote province.) “Quintus remained at the Retreat. The next day he joined me at Arpinum. Your sister, he told me, would have nothing to do with him, and up to the moment of her departure was just in the same mood in which I had seen her.”

Another specimen of letters touching on a more agreeable topic may interest my readers. It is a hearty invitation.

“To my delight, Cincius” (he was Atticus’ agent)” came to me between daylight on January 30th, with the news that you were in Italy. He was sending, he said, messengers to you, I did not like them to go without a letter from me, not that I had any thing to write to you, especially when you were so close, but that I wished you to

understand with what delight I anticipate your coming … The day you arrive come to my house with all your party. You will find that Tyrannio" (a Greek man of letters) "has arranged my books marvelously well. What remains of them is much more satisfactory than I thought. I should be glad if you would send me two of your library clerks, for Tullius to employ as binders and helpers in general; give some orders too to take some parchment for indices. All this, however, if it suits your convenience. Any how, come yourself and bring Pilia with you. That is but right. Tullia too wishes it."

[Footnote 10: They had suffered with the rest of Cicero's property at the time of his exile.]

[Footnote 11: Pilia was the lady to whom Atticus was engaged]

CHAPTER XV. ANTONY AND AUGUSTUS.

There were some things in which Mark Antony resembled Caesar. At the time it seemed probable that he would play the same part, and even climb to the same height of power. He failed in the end because he wanted the power of managing others, and, still more, of controlling himself. He came of a good stock. His grandfather had been one of the greatest orators of his day, his father was a kindly, generous man, his mother a kinswoman of Caesar, a matron of the best Roman type. But he seemed little likely to do credit to his belongings. His riotous life became conspicuous even in a city where extravagance and vice were only too common, and his debts, though not so enormous as Caesar's, were greater, says Plutarch, than became his youth, for they amounted to about fifty thousand pounds. He was taken away from these dissipations by military service in the East, and he rapidly acquired considerable reputation as a soldier. Here is the picture that Plutarch draws of him: There was something noble and dignified in his appearance. His handsome beard, his broad forehead, his aquiline nose, gave him a manly look that resembled the familiar statues and pictures of Hercules. There was indeed a legend that the Antonii were descended from a son of Hercules; and this he was anxious to support by his appearance and dress. Whenever he appeared in public he had his tunic gired up to the hip, carried a great sword at his side, and wore a rough cloak of Cilician hair. The habits too that seemed vulgar to others — his boastfulness, his coarse humor, his drinking bouts, the way he had of eating in public, taking his meals as he stood from the soldiers' tables — had an astonishing effect in making him popular with the soldiers. His bounty too, the help which he gave with a liberal hand to comrades and friends, made his way to power easy. On one occasion he directed that a present of three thousand pounds should be given to a friend. His steward, aghast at the magnitude of the sum, thought to bring it home to his master's mind by putting the actual coin on a table. "What is this?" said Antony, as he happened to pass by. "The money you bade me pay over," was the man's reply. "Why, I had thought it would be ten times as much as this. This is but a trifle. Add

to it as much more."

When the civil war broke out, Antony joined the party of Caesar, who, knowing his popularity with the troops, made him his second in command. He did good service at Pharsalia, and while his chief went on to Egypt, returned to Rome as his representative. There were afterwards differences between the two; Caesar was offended at the open scandal of Antony's manners and found him a troublesome adherent; Antony conceived himself to be insufficiently rewarded for his services, especially when he was called upon to pay for Pompey's confiscated property, which he had bought. Their close alliance, however, had been renewed before Caesar's death. That event made him the first man in Rome. The chief instrument of his power was a strange one; the Senate, seeing that the people of Rome gloved and admired the dead man, passed a resolution that all the wishes which Caesar had left in writing should have the force of law — and Antony had the custody of his papers. People laughed, and called the documents "Letters from the Styx." There was the gravest suspicion that many of them were forged. But for a time they were a very powerful machinery for effecting his purpose.

Then came a check. Caesar's nephew and heir, Octavius, arrived at Rome. Born in the year of Cicero's consulship, he was little more than nineteen; but in prudence, statecraft, and knowledge of the world he was fully grown. In his twelfth year he had delivered the funeral oration over his grandmother Julia. After winning some distinction as a soldier in Spain, he had returned at his uncle's bidding to Apollonia, a town of the eastern coast of the Adriatic, where he studied letters and philosophy under Greek teachers. Here he had received the title of "Master of the Horse," an honor which gave him the rank next to the Dictator himself. He came to Rome with the purpose, as he declared, of claiming his inheritance and avenging his uncle's death. But he knew how to abide his time. He kept on terms with Antony, who had usurped his position and appropriated his inheritance, and he was friendly, if not with the actual murderers of Caesar, yet certainly with Cicero, who made no secret of having approved their deed.

For Cicero also had now returned to public life. For some time past, both before Caesar's death and after it, he had devoted himself

to literature. Now there seemed to him a chance that something might yet be done for the republic, and he returned to Rome, which he reached on the last day of August. The next day there was a meeting of the Senate, at which Antony was to propose certain honors to Caesar. Cicero, wearied, or affecting to be wearied, by his journey, was absent, and was fiercely attacked by Antony, who threatened to send workmen to dig him out of his house.

[Footnote 12: To the years 46-44 belong nearly all his treatises on rhetoric and philosophy.]

The next day Cicero was in his place, Antony being absent, and made a dignified defense of his conduct, and criticised with some severity the proceedings of his assailant. Still so far there was no irreconcilable breach between the two men. "Change your course," says the orator, "I beseech you: think of those who have gone before, and so steer the course of the Commonwealth that your countrymen may rejoice that you were born. Without this no man can be happy or famous." He still believed, or professed to believe, that Antony was capable of patriotism. If he had any hopes of peace, these were soon to be crushed. After a fortnight or more spent in preparation, assisted, we are told, by a professional teacher of eloquence, Antony came down to the Senate and delivered a savage invective against Cicero. The object of his attack was again absent. He had wished to attend the meeting, but his friends hindered him, fearing, not without reason, actual violence from the armed attendants whom Antony was accustomed to bring into the senate-house.

The attack was answered in the famous oration which is called the second Philippic. If I could transcribe this speech (which, for other reasons besides its length, I cannot do) it would give us a strange picture of "Roman Life." It is almost incredible that a man so shameless and so vile should have been the greatest power in a state still nominally free. I shall give one extract from it. Cicero has been speaking of Antony's purchase of Pompey's confiscated property. "He was wild with joy, like a character in a farce; a beggar one day, a millionaire the next. But, as some writer says, 'Ill gotten, ill kept.' It is beyond belief, it is an absolute miracle, how he squandered this vast property — in a few months do I say? — no, in a few days. There was a great cellar of wine, a very great quantity of excellent

plate, costly stuffs, plenty of elegant and even splendid furniture, just as one might expect in a man who was affluent without being luxurious. And of all this within a few days there was left nothing. Was there ever a Charybdis so devouring? A Charybdis, do I say? no — if there ever was such a thing, it was but a single animal. Good heavens! I can scarcely believe that the whole ocean could have swallowed up so quickly possessions so numerous, so scattered, and lying at places so distant. Nothing was locked up, nothing sealed, nothing catalogued. Whole store-rooms were made a present of to the vilest creatures. Actors and actresses of burlesque were busy each with plunder of their own. The mansion was full of dice players and drunkards. There was drinking from morning to night, and that in many places. His losses at dice (for even he is not always lucky) kept mounting up. In the chambers of slaves you might see on the beds the purple coverlets which had belonged to the great Pompey. No wonder that all this wealth was spent so quickly. Reckless men so abandoned might well have speedily devoured, not only the patrimony of a single citizen, however ample — and ample it was — but whole cities and kingdoms."

[Footnote 13: The orations against Antony — there are fourteen of them — are called "Philippics," a name transferred to them from, the great speeches in which Demosthenes attacked Philip of Macedon. The name seems to have been in common use in Juvenal's time (*circa* 110 A.D.)]

The speech was never delivered but circulated in writing. Toward the end of 44, Antony, who found the army deserting him for the young Octavius, left Rome, and hastened into northern Italy, to attack Decimus Brutus. Brutus was not strong enough to venture on a battle with him, and shut himself up in Mutina. Cicero continued to take the leading part in affairs at Rome, delivering the third and fourth Philippics in December, 44, and the ten others during the five months of the following year. The fourteenth was spoken in the Senate, when the fortunes of the falling republic seem to have revived. A great battle had been fought at Mutina, in which Antony had been completely defeated; and Cicero proposed thanks to the commanders and troops, and honors to those who had fallen.

The joy with which these tidings had been received was but very

brief. Of the three generals named in the vote of thanks the two who had been loyal to the republic were dead; the third, the young Octavius, had found the opportunity for which he had been waiting of betraying it. The soldiers were ready to do his bidding, and he resolved to seize by their help the inheritance of power which his uncle had left him. Antony had fled across the Alps, and had been received by Lepidus, who was in command of a large army in that province, Lepidus resolved to play the part which Crassus had played sixteen years before. He brought about a reconciliation between Octavius and Antony, as Crassus had reconciled Pompey and Caesar, and was himself admitted as a third into their alliance. Thus was formed the Second Triumvirate.

The three chiefs who had agreed to divide the Roman world between them met on a little island near Bononia (the modern Bonogna) and discussed their plans. Three days were given to their consultations, the chief subject being the catalogue of enemies, public and private, who were to be destroyed. Each had a list of his own; and on Antony's the first name was Cicero. Lepidus assented, as he was ready to assent to all the demands of his more resolute colleagues; but the young Octavius is said to have long resisted, and to have given way only on the last day. A list of between two and three thousand names of senators and knights was drawn up. Seventeen were singled out for instant execution, and among these seventeen was Cicero. He was staying at his home in Tusculum with his brother Quintus when the news reached him. His first impulse was to make for the sea-coast. If he could reach Macedonia, where Brutus had a powerful army, he would, for a time at least, be safe. The two brothers started. But Quintus had little or nothing with him, and was obliged to go home to fetch some money. Cicero, who was himself but ill provided, pursued his journey alone. Reaching the coast, he embarked. When it came to the point of leaving Italy his resolution failed him. He had always felt the greatest aversion for camp life. He had had an odious experience of it when Pompey was struggling with Caesar for the mastery. He would sooner die, he thought, than make trial of it again. He landed, and traveled twelve miles towards Rome. Some afterwards said that he still cherished hopes of being protected by Antony; others that it was his purpose to

make his way into the house of Octavius and kill himself on his hearth, cursing him with his last breath, but that he was deterred by the fear of being seized and tortured. Any how, he turned back, and allowed his slaves to take him to Capua. The plan of taking refuge with Brutus was probably urged upon him by his companions, who felt that this gave the only chance of their own escape. Again he embarked, and again he landed. Plutarch tells a strange story of a flock of ravens that settled on the yardarms of his ship while he was on board, and on the windows of the villa in which he passed the night. One bird, he says, flew upon his couch and pecked at the cloak in which he had wrapped himself. His slaves reproached themselves at allowing a master, whom the very animals were thus seeking to help, to perish before their eyes. Almost by main force they put him into his litter and carried him toward the coast. Antony's soldiers now reached the villa, the officer in command being an old client whom Cicero had successfully defended on a charge of murder. They found the doors shut and burst them open. The inmates denied all knowledge of their master's movements, till a young Greek, one of his brother's freedmen, whom Cicero had taken a pleasure in teaching, showed the officer the litter which was being carried through the shrubbery of the villa to the sea. Taking with him some of his men, he hastened to follow. Cicero, hearing their steps, bade the bearers set the litter on the ground. He looked out, and stroking his chin with his left hand, as his habit was, looked steadfastly at the murderers. His face was pale and worn with care. The officer struck him on the neck with his sword, some of the rough soldiers turning away while the deed was done. The head and hands were cut off by order of Antony, and nailed up in the Forum.

Many years afterwards the Emperor Augustus (the Octavius of this chapter), coming unexpectedly upon one of his grandsons, saw the lad seek to hide in his robe a volume which he had been reading. He took it, and found it to be one of the treatises of Cicero. He returned it with words which I would here repeat; "He was a good man and a lover of his country."

THE END

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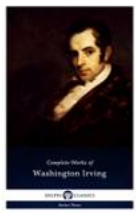

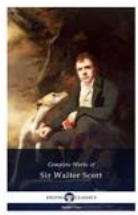

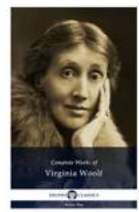

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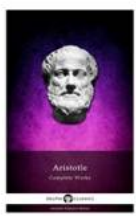

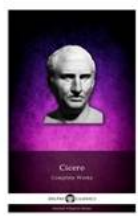

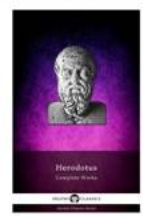

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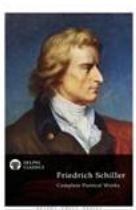

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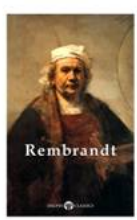

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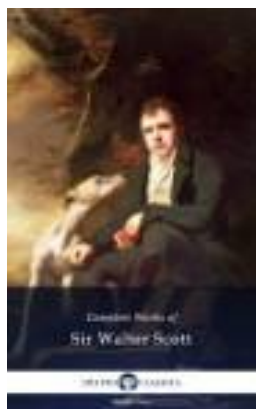

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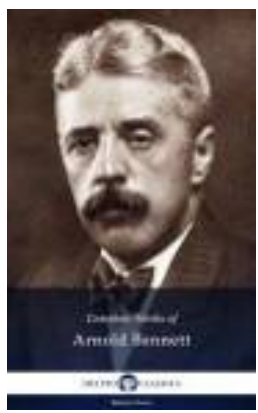

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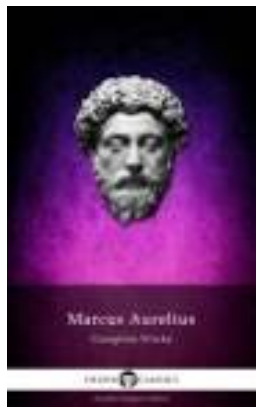

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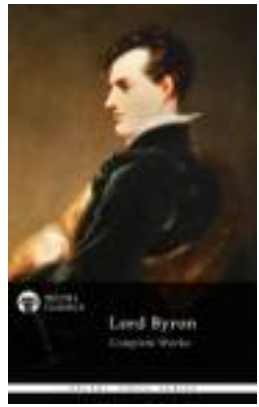

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Ancient remains at Formia, a Roman city halfway between Rome and Naples. Cicero was doggedly hunted by the Triumvirate after being proscribed. He was caught on December 7, 43 BC leaving his villa in Formiae in a litter going to the coast, where he had hoped to take a ship to Macedonia.

When his murderers (a centurion and a tribune) arrived, Cicero's own slaves said they had not seen him, but he was given away by Philologus, a freed slave of his brother Quintus Cicero. Cicero's last words are said to have been, "There is nothing proper about what you are doing, soldier, but do try to kill me properly."

Cicero bowed to his captors, leaning his head out of the litter in a gladiatorial gesture to ease the task. By baring his neck and throat to the soldiers, he was indicating that he wouldn't resist. According to Plutarch, Herennius first slew him, then cut off his head. On Antony's instructions his hands, which had penned the Philippics against Antony, were cut off as well; these were nailed along with his head on the Rostra in the Forum Romanum.

The gulf of Gaeta, as seen from Formia, today